**25.01.19 Vulnerable defendants project Meeting – Lavendar Hill MC**

Alison Aedy - Operations Manager – Bromley MC

Steph Gibson – prisons and custody team – (in Kevin Buxton’s place)

Andy? – Police admin for london

Andrew – Mags Court manager South

Frances Searle – MC manager North

Theresa Hendrickx – LCCSA rep

**AA** CP, Police, prisons and court. Defence community not involved, as they were not seen to be a problem. Now there is a problem (perceived) with ‘stacking’ cases – I explained the reasons for this – no court lists, no access to supervisors (e.g. at Westminser MC) no papers, limited access to interview rooms, touting.

**Current plan**:

HCMC and WMC now coordinate the lists for all the courts. Expectations are to target the work to particular courts.

List callers to attend cells when they arrive. Look at board and ID vulnerable clients and reps attending.

Check duty solicitors have arrived – all duty solicitors should sign the signing in board at 9.30am.

SERCO are now making calls to solicitors to see if own solicitors attending. If not, will be allocated to the DS.

Inform DS of who is there needing assistance.

Check ID of DS – 9.30am – should check in with SERCO or list callers

Full Libra list will be provided to list caller. DS to be advised which order the court will call the cases.

Defendants with own solicitors – list callers make calls to own solicitors.

IDPC bundle should be obtained and should get ready to be called into court.

We accept there is a terrible issue with IDPC – if not received within 30 mins of request – CPS will supply with hard copy or email.

Want DSs only to deal with 2 people at a time.

Serco are being asked to give means forms for self reps

Giving SERCO the decision making process will not help the court – agreed – they have a contract and are not court staff.

DS are dealing with all cases at one go – wait for that one duty solicitor to deal with all. I explain difficulties with rooms, others not giving up rooms, gaolers do not want to get involved.

Needs more time – further time to be allocated, trying best to get courts to start on time. Try to go into the court at 9.45am.

List caller to remain in contact with SERCO and keeping court informed. List caller to notify SERCO which courts are ready.

Flexibility to help.

**TH**

We would love the courts to work like this, but they do not:

1. DSs given no list of cases in any court

1. No access to the supervisors in cells (this is terrible problem at Westminster MCso no information about who is vulnerable. Cells will say have own solicitor and no one attends
2. Police may not have flagged person up as vulnerable - those who do not reveal Mental ill health or do not acknowledge it
3. Court rooms do not open til 10 - so there is no one to speak to. CPS often ‘hide’
4. CPS reluctant to discuss cases or help to get papers
5. Currently cannot get papers til 11 or later, if at all
6. While we would like to speak to all custody cases before the court starts, it is difficult to advise without any papers and difficult to start the job without any idea of what the case is.
7. Rooms not available for interview – e.g. 8 rooms at Westminster - 30 plus custody cases
8. Gaolers do not give priority to Duty Solicitors - have to wait til rooms become available
9. At Westminster do not speak to supervisors - gaolers who staff the cells are simply ‘door openers’
10. Need to liaise with MH teams – this takes time
11. Once have papers, need to gain trust if person needs a solicitor – may be the second or third person they have had to speak to
12. Once have some instructions, need to make contact with family for bail
13. Where have not spoken to client til have papers may not know they are vulnerable and need assessment
14. Communication with clients often very difficult where there are vulnerabilities
15. List callers call cases into court when not ready – cannot get messages up to court from the cells or vice versa.
16. These are priority but the most complex, so they may take far longer to prepare than those with non-vulnerable clients

17. First appearance - Take instructions on papers once they have been obtained, advise on plea, complete the PET form - may take hour or more if need an interpreter. Will have to contact the family/social workers/potential bail addresses. And then wait for MHT to prep a report. Ther is little point calling the case until we are ready or we get bulldozed into dealing with it when not ready.

18. We are not simply processing - enormous amount to be done before go into court with client

19. Particular problems with youths:

 1. Often cannot speak to CPS before court ns certainly not once court has started.

 2. YOT do not gather information early on in the day – no sense of urgency

 3. Arrested on the ‘wrong day’ – there is no national YOT system, and there are no printers at some courts, so cannot get papers at all

 4. Social workers don’t attend when they are meant to

 5. List callers call the list, and they are shut in the court rooms or doing other jobs – listing cases, getting files, organizing video links - so even if want case called early, often will not do so

 6. Bail and custody cases listed in the same court room

20. Police have been sending prisoner to court and telling the solicitor to one court and then sending client to another court. Police admin will send to email custody sergeants about this

**Possible solutions:**

1. National agreement – LA and list caller, clerk and defence should be **in court** at 9.45am – list callers should be in the court rooms then. I say this is difficult if there are no papers

2. Duty solicitors should see the risk assessment – it is provided for other agencies. Prison send the PER but not the full risk assessment – this needs to change

3. Police are creating an E-version of the PER – tick boxes – risk assessment forms not automatically included - police say they can get these included in CPS papers

4. Vulnerability Juvenile Detention Certificate – Police say not mandatory to include with the case file. Can ask for all the information from the CPS – should be on their file. Now there is a duty to ensure that alternative accommodation is arranged – LA Care, SERCO would not be aware where they would be. Duty to attend the next day as remanded. This needs to be addressed. VJDC will be on the CPS file.

5. There are plans to change custody system at Police Station shortly, change the forms to be filled in, so that there is more information on the custody system –

6. Sharing of MHT worker information – separate report is sent to L and D MHT at the court

7. YOT should have access to Libra and Courts Door (IDPC) – though many seem not to – probation need training in obtaning IDPC and need to know how to produce a court list.

8. More work in the mornings – DS need to turn up at 9.30am and communicate with legal advisors.

**Liaison going forward**

1. Next meeting March 22nd 2019 at Wimbledon MC 9.30am – all should be here for that meeting.

2. **Court users meetings** – at individual courts were stopped 2 years ago - decision by SPJ at the time – new SPJ took a different view on it – could attend joint performance meetings.

Performance meetings – HMCTS PECS also attend. Usually in the daytime – 11am. Would give opportunity to communicate concerns to the court.

3. **Liaison groups** – give them the information of what is not happening.

**Agreed:**

**AA - had an email on Monday**

Jon re the emails. Bruce Reed sent an inappropriate email. I agree I will speak to JB and then get back to her, but we cannot police our members.

**Media officer** – Advocate to be sent to all clerks and DJs/DDJs

(Jane Stowe – works with SERCO teams – will feedback)

**Francis Searle** also in charge of youth courts for north and south London – will be having similar meetings

Theresa Hendrickx

25.01.19