

PLAN FOR WORKING AT EAST LONDON SITTING AT WESTFERRY, BROMLEY AND CROYDON UNTIL THE END OF APRIL AS AT 25TH MARCH 2020

This is a work in progress. It is not a blueprint that will provide the answer to everything. Over the coming weeks we will encounter problems that we have not thought of and we will have to amend to meet the circumstances. This then is the plan.

1. Each Judge still needs to take ownership of and ultimate responsibility for the cases in his/her list. For cases listed before the Magistrates, the legal advisors hold responsibility for those cases and in keeping with this principal the cases should not be transferred or reallocated to a DJ during this period.
2. There are exceptions to the above rule, which at the time of writing appear to be as follows (there may be more):
 - a. FHDRAs;
 - b. Non mol return dates;
 - c. Ex parte non mols;
 - d. Other urgents which need to be allocated and will be allocated in the normal way.

The way in which we intend to deal with these cases will be set out further below.

3. From Monday 30th March until Friday 1st May 2020, ELFC will be offering a scaled down service at Westferry. Unless agreed by the Judge in front of whom the case is listed, the default position during this time will be that the court will only be hearing urgent cases and those urgent cases will be heard remotely.
4. There will be no East London work listed separately at the RCJ.
5. Every Judge will look through his/her list and adjourn cases out at his/her discretion during this period as we try to ready ourselves for more scaled up remote hearings in circumstances (as now) in which we have limited IT capability and training. It will be the responsibility of every Judge to ensure that cases are adjourned with a further remote hearing diarised or a mention listed for the file to be reviewed and within no more than 28 days.
6. Between 30th March and 17th April, there will be a skeleton staff and two Judges – a DJ and a CJ (from an agreed rota) in the building during court hours. The main tasks of the on-duty Judges will be as follows:
 - a. To triage urgents and consider whether they can first be heard by Judges WFH and if so who;
 - b. In default of a hearing before a WFH Judge, hear the case;
 - c. To look through upcoming FHDRA lists to determine which, if any, are capable of a remote hearing and list, and adjourn those which are not in accordance with current policy

For this reason, on duty Judges should not, if at all possible, have pre-listed work on the days when acting in this role. The occasional hearing might be unavoidable but this should be the exception.

7. WFH Judges (those not on the rota) will make themselves available for work at home where they will carry out their own listed remote hearings and any further work sent to them by the on-duty Judge.
8. From today, Judges and legal advisors are asked NOT to change the dates of hearings which they consider they can hear remotely. Judges must remember that whilst changing a date seems easy, this requires an order and a notice to be sent out by staff in circumstances (as now) where there are simply insufficient staff to action these things.
9. FHDRAs listed before DJs will be subject to ongoing review by the on-duty DJ who will decide at least 48 hours working days before whether any of the listed cases can realistically be managed by a remote hearing and will arrange that listing before a WFH Judge. It is expected that legal advisors will carry out the same exercise for FHDRAs listed before Magistrates.
10. The non-mol return date lists will be listed before a WFH Judge (to be rotated between all Judges) with no more than 3 listed in the morning and 2 in the afternoon (30 mins each).
11. Nothing in this document prevents a Judge from attending the court building to hear a case between now and 1st May, remotely or in any other way, subject always to the current Guidance issued by the SPJ and President and bearing in mind the PHE guidance as to social distancing, advice against non-essential travel and depleted staff resources.
12. It is the current intention, subject always to PHE guidance and guidance from the senior judiciary, In the two weeks commencing 20th April that there will be a scaling up of judicial and staff presence during which the Judges and the staff will consider the adjourned case files and listing going forwards.