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Thursday 19th March 2020

Chief Executive of The Parole Board
Head of the Public Protection Casework Section
HMP Governors and Directors

Dear Sir/Madam,

REMOTE ATTENDANCE AT HEARINGS IN PRISONS

We write on behalf of our representative bodies in respect of practical arrangements for prisoners' legal representatives (advocates) at forthcoming parole board hearings.

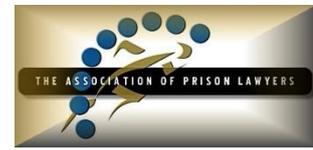
As you will know, government advice has been issued and reiterated to encourage greater use of home and remote working to minimise the risk of the spread of Coronavirus. Advocates are obviously committed to ensuring that their clients' hearings can go ahead and are not avoidably delayed.

Advocates will continue to attend prisons for hearings when they can but in the event that they need to self-isolate, we would hope that the Parole Board, Prison Governors and Directors and the Ministry of Justice will be willing to make all efforts to enable advocates to attend remotely to represent their clients.

Our members have experience of this working very well in the past on occasions where weather conditions have restricted travel and therefore know that it is possible.

In practice, it will require careful case management including consideration of:

1. Private pre-hearing telephone or videolink consultations between prisoner and legal representative in the lead up to the hearing and in the hour before the hearing starts. They will be legally privileged communications so must not be monitored or recorded.
2. Arrangements for legal representatives to attend by video link (or failing that by telephone link) when needed.



3. There may be occasions when the hearing will need to be stopped to provide an opportunity for private consultation and arrangements will need to be in place for this. As above, such consultations must be private and not monitored or recorded.

While the Parole Board has already indicated that it will consider requests for remote attendance on a case by case basis, it is essential that arrangements can be put in place by the prison to facilitate this for the period in which the Coronavirus restrictions persist.

We appreciate that this is not ideal, but we are confident that it is achievable. We hope you will appreciate that this request is made due to the extraordinary circumstances we find ourselves in and the desire to ensure that important hearings for clients can go ahead and enable the pressure on the prison system, already under huge strain, to be eased where possible.

We appreciate that it will be advisable for applications for remote attendance to indicate that the prisoner is aware of and consents to the application.

We note that the government's communications relating to the Coronavirus Emergency Bill includes the following aims:

"...expand availability of video and audio link in court proceedings. This would include magistrates' court hearings taking place by phone or by video, should an individual appeal restriction of movement due to quarantine measures. This will ensure that an appeal takes place but will not require a person to break quarantine in order to attend in person. It will also enable the expansion of the availability of video and audio link in various criminal proceedings, including full video and audio hearings in certain circumstances, and public participation in relation to these and other court and tribunal proceedings conducted by audio and video. The measures will enable a wider range of proceedings to be carried out by video, so that courts can continue to function and remain open to the public, without the need for participants to attend in person. This will give judges more options for avoiding adjournments and keeping business moving through the courts to help reduce delays in the administration of justice and alleviate the impact on families, victims, witnesses and defendants"

This is evidently potentially applicable to parole (and potentially prison discipline) hearings.

We would be very grateful to hear from you as soon as possible.

Yours sincerely,

Andrew SPERLING on behalf of

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Practitioners Group**

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