**UNISON**

**RESPONSE TO HMPPS PROPOSALS FOR COVID19 RECOVERY PROGRAMME IN COURTS**

1. **Introduction**

UNISON makes the following comments in relation to the programme to re-open courts and re-start NPS work on court premises. Our over-riding interest in the consultation is to ensure that our members’ health, safety and welfare is prioritised at all times.

1. **Synopsis**

This response is split into the following sections:

* Reviewing the court work model post-covid19
* Risk Assessment
* Health and Safety Measures

1. **Reviewing the Court Work Model Post-Covid19**

* NPS should undertake a review of the court duty officer, and other court roles, to assess what lessons can be learned from the alternative working arrangements which courts staff have necessarily undertaken during the covid 19 pandemic.
* This review should focus on short, medium and long-term outcomes and should be undertaken in association with the recognised trade unions
* There should be no assumption of an immediate return to business as usual
* Since the Covid19 pandemic, court duty officers have successfully dealt with cases without being present in the court room. Technology such as the cloud platform, Skype and Teams means there is a question of whether court duty officers need to be physically present in court at all times?
* Written instructions for defendants in a pamphlet could assist the NPS and defendant. This would give details of next steps, e.g. who to contact, and could be handed over by usher or court clerk to solicitor or defendant saving further face to face contact.
* If videolinks are set up, NPS staff could work remotely from NPS offices or home. If dedicated rooms are set up at court for Skype or Teams interviews, NPS staff could interview defendants directly from court remotely.
* If telephone lines in court are provided, defendants and solicitors could call the hotline to speak to NPS court duty officers who could complete PSRs if necessary by telephone, or pass on information regarding the next steps required for the defendant(s).
* If defendants are currently on an order to NPS, or CRC, updates to the court should be obtained and sent to court duty officers in advance of their hearings.
* Telephone numbers of all court duty officers on duty each day could be given to court reception for defence solicitors in order to discuss cases etc. This will free up the need for face to face contacts.

1. **Risk Assessment**

* There is a requirement under the Management of Health and Safety at Work Regulations 1999 for two employers sharing the same premises to: *‘Ensure co-operation and co-ordination between employers and the self-employed sharing a workplace.’*
* In addition, the regulations require employers sharing a workplace to co-operate & share information and be jointly responsible.
* This will therefore require the NPS and HMCTs to share their respective risk assessments and control measures prior to any return to work in courts and for these risk assessments to be shared with the recognised trade unions in good time prior to the re-opening.
* So far, NPS has not shared any HMCTs risk assessments with the NPS trade unions which is a requirement under the Regulations
* Sharing the joint risk assessments with the unions is for the purpose of allowing discussion between the NPS and the trade unions on the nature of the risks to staff presented by the re-opening of court premises and for agreement to take place in a timely fashion on measures to remove or mitigate those risks.

1. **Health and Safety Measures**

Pending the sharing of respective NPS and HMCTs covid19 risk assessments of the court working environment with the NPS trade unions, UNISON believes that the following should be the default position as regards health and safety measures for our members working in courts:

* Where social distancing cannot be maintained 100% of the time by our members who are working in courts, the same provision as applies in NPS offices and APs should be the default position, namely that fluid resistant surgical masks and disposable gloves should be made available to all NPS court staff with a presumption that these should be worn at all times on court premises.
* NPS should request that HMCTS make it a blanket policy that NPS staff:
  + do not need to be frisked before entering a court building
  + should be provided with the necessary security fobs to enter court buildings through staff, rather than public, entrances
  + or be waved through by security.
* All interviewing rooms should be fitted with physical barriers/Perspex screens to ensure that NPS staff are protected from spitting/coughing etc
* Rooms in courts which are too small to allow social distancing or with inadequate ventilation should no longer be used by NPS staff
* All public areas of the court (lifts, stairwells, corridors, toilets) must be the subject of rigorous risk assessment

1. **Conclusion**

UNISON is concerned that the necessary collaboration between NPS and HMCTS on health, safety and welfare in relation to court re-opening and covid19 is not yet properly established. The absence yet of sight of HMCTS risk assessments of the court environment is worrying and raises questions over the degree to which the NPS is complying with the Management Regs in relation to courts re-opening.

This response has set out some proposals for strategic work to take place on what the new ‘normal’ will look like in courts post covid19. In addition, it asks for some specific safeguards to be put in place over and above the control measures in the consultation document for staff re-entering the court working environment.

UNISON suggests, finally, that one of the courts to re-open is used as an in detail pilot and the unions invited to work closely with NPS over staff health, safety and welfare issues.