

**Mr Eric McQueen**  
Chief Executive  
SCTS  
Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD



**Allan Sampson**  
National Officer for Scotland  
FDA  
46 Moray Place,  
Edinburgh. EH3 6BH  
Tel: 0131 226 4078  
[allan@fda.org.uk](mailto:allan@fda.org.uk)

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## **FDA concerns**

Dear Mr McQueen,

I am writing on behalf of the FDA, the recognised trade union for prosecutors in the Crown Office and Procurator Fiscal Service.

Firstly we would like to say we welcome the announcement to restrict court hearings to essential court business only. This will of course assist with reducing the spread of the Covid19 virus and prioritise the health and safety of our members, the public and all court users. We have also now seen the announcement regarding the closure of some courts and transfer of business to Sheriffdom hubs.

Notwithstanding this most recent announcement, it is right for us to bring to your attention the reports from our members of poor hygiene facilities in some courts in recent weeks, notably a lack of hand sanitiser or other cleaning materials. There has also been an inconsistent approach to social distancing, and in some places a complete lack of any distancing rules being observed. We note the recent guidance states that there will be "robust social distancing". We would be grateful for your clarification over how this will be enforced in practice?

We also note that those accused appearing from custody who are displaying symptoms of Covid19 will attend via video link. This does not of course address the situation of an accused, not yet displaying symptoms, but positive for the Covid19 virus. How will this risk be managed?

Even in ordinary times these would be serious health and safety breaches, in the current circumstances they could be catastrophic. You will no doubt have read the press reports of some courts being described as 'petri dishes' for the virus. It not only endangers staff, but risks large scale infection across the courts service which would result in it being unable to operate at all.

We are therefore calling for an urgent risk assessment of all courts that are continuing to operate to confirm that they are safe to work in. We would also request confirmation of the measures that will be in place to ensure the social [spatial] distancing will be observed in all courts.

Our members are dedicated to ensuring that justice continues to function but this must not come at the cost of their own safety.

Yours sincerely

**Allan Sampson**  
FDA National Officer for Scotland