



the union of choice for senior managers
and professionals in public service

Lord Burnett
Lord Chief Justice of England and Wales
Via email

13 July 2020

Dear Lord Burnett,

I represent members of the FDA union working as prosecutors in the Crown Prosecution Service.

We have received a number of disturbing reports from our members about the approach taken by members of the judiciary to applications to appear in court remotely. Reported conduct includes requesting inappropriate personal details from advocates who are shielding due to Covid-19, advising advocates that they should be attending in person because “we are all back” and accusing CPS prosecutors of “working to rule” for making an application.

CPS staff are civil servants and as such they are covered by Civil Service guidance which states that “all employees should work from home unless it is essential for them to be in the workplace”. Similarly, the government’s latest Covid-19 plan, issued in May, continues to advise that:

“For the foreseeable future, workers should continue to work from home rather than their normal physical workplace, wherever possible. This will help minimise the number of social contacts across the country and therefore keep transmissions as low as possible.”

Taking this into account we do not believe that there is any need for prosecutors to be forced to justify why they wish to appear via live link. Their wish to follow both their employer’s guidance and the official government guidelines should be sufficient to meet the ‘interests of justice’ test.

The use of Cloud Video Platform has worked well during the crisis and we believe that this should be the default means by which advocates appears in court for the foreseeable future.

We recognise that attendance at court is a judicial function and that there will be a limited number of cases where physical attendance is necessary. Such cases should be the exception rather than the rule, and we believe that the emphasis should be on justifying physical attendance where necessary rather than our members having to justify their remote attendance. Such an approach would be conducive to the interests of both justice and to public health.

We would like to request a statement from the Judicial Office recommending the approach set out above and would welcome the opportunity to discuss these issues with you further.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Littlewood', written over a horizontal line.

Steven Littlewood
FDA National Officer