

## Coming to Scottish Courts and Tribunals Service buildings during COVID-19

### What you need to know and what you need to do

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All court and tribunal buildings are open. The range of business that will be dealt with on our premises may vary during the pandemic – based on the public health advice in place at the time.

To ensure that a safe environment can be maintained for all those using our buildings access is restricted to those with a direct involvement in proceedings and journalists. Public counters are closed. Members of the public must not attend unless they have been permitted to by a court or tribunal official.

From 9 August the Scottish Government lifted the legal requirement for physical distancing but stressed the continuing importance of maintaining a safe distance – especially in indoor and crowded spaces. In order to continue protecting all users, judiciary and staff our buildings are observing one metre physical distancing – with the exception of remote jury centres, where existing arrangements will remain in place.

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We ask for your assistance to minimise the risk of infection to those attending our buildings. We all need to take responsibility for keeping ourselves and others in the building safe. Please follow this guidance and any instructions given to you by court or tribunal staff.

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#### 1. Safety in court and tribunal buildings

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Throughout the pandemic we have ensured that our buildings comply with Public Health Scotland's [COVID-19 – Guidance for non-healthcare settings](#).

#### **RISK ASSESSMENT**

Detailed risk assessments have been carried out in all of our buildings. These have led to a range of additional health and safety measures being put in place. The risk assessments have been developed in consultation with PCS, the Union representing SCTS staff, and are based on a comprehensive [risk assessment framework](#).

Our strategic priorities throughout the coronavirus pandemic have been to:

- Support the public health response to the outbreak – protecting the life and safety of all staff, court and tribunal users;
- Maintain all essential business so far as possible – ensuring cases are not lost;
- Minimise accumulation of case backlogs so far as possible – to facilitate the most effective recovery.

The additional measures we have put in place across our premises are designed to reduce the risk of infection. We all need to act sensibly and responsibly to support these measures.

We now operate one metre (1m) physical distancing across our buildings. Other safety arrangements you may find in our buildings include:

- managing entry and exit to the building and rooms, directing the flow of people, one-way systems, floor markings and tape to indicate boundaries;
- marking seats and areas as being out of use or restricted;
- restricting occupancy of rooms and galleries that may be unsuitable for use at this time – providing advice on arrangements that apply;
- using ‘one-in, one-out’ systems for lift entry and exit;
- promoting single occupancy of toilet facilities;
- clear signage and advisory posters on hygiene, occupancy levels etc.

If you require further information in relation to any of these measures or have any queries about the arrangements in a building, please speak to a member of staff.

**DO NOT ENTER ANY SCTS BUILDING IF YOU HAVE ANY COVID-19 SYMPTOMS OR HAVE BEEN ASKED TO SELF-ISOLATE.**

## **TESTING – BEFORE YOU COME TO COURT**

From 26 April the Scottish Government have made twice-weekly lateral flow testing available to everyone in Scotland – in order to help identify asymptomatic COVID cases and improve the overall public health response. Tests are available to order online and to collect at COVID test centres (further information on how to access and use these tests is available on the [Scottish Government website](#)).

These tests provide an additional tool to establish if a person has COVID-19 but is not displaying any symptoms. We strongly encourage all staff and service users attending our premises to use these tests – to support the public health response and reduce the risk of cases on the premises.

## **ON ARRIVAL**

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Currently, our buildings are closed to members of the public. For those required to attend, on arrival, the following arrangements in place are:

- SCTS has introduced a GDPR-secure contact tracing system [Safe2Go](#) for all buildings. Ensure that you scan the QR code, enter your details and check in when you arrive. Remember to check out when you leave.
- You should keep at least a 1m gap between yourself and others at all times while queueing, upon entering and whilst in the building. This may mean waiting outside until you are called to enter.

- You should follow any instructions given to you by SCTS staff.
- Where security officers are present, they may carry out a 'hands off' bag search, keeping 1m away. You will need to open your bag and place items in a tray, so that security officers can check you're not carrying any items you're not allowed to take in, such as sharp objects or work tools. You may be asked to empty the items in a tray and step back. Trays are cleaned between users.
- If you do not agree to the search, you will be asked to leave the building.

## Hand Hygiene

- Good hand hygiene remains one of the key protections against COVID-19 infection. We have ensured that good hand-washing and sanitising facilities are available at all premises.
- Frequent handwashing is essential and we will ensure that handwashing facilities are easily available. If any supplies are running low, please bring this to the attention of a member of staff.
- Additionally we have provided hand sanitiser in waiting areas, inside courts and hearing rooms and in other places where it may be difficult to wash your hands. If you prefer you are welcome to bring your own. You may be asked to demonstrate that it is not harmful by applying some to your hands.

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## 2. FACE COVERINGS

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**Everyone must wear a face covering on SCTS premises.** You will not need to wear a face covering if, under government guidance, you are exempt from doing so in other locations (such as in shops or on public transport).

You must wear your face covering when entering and leaving the building, while moving from one part of the building to another, or while waiting in communal areas such as reception points, witness rooms or outside a court or hearing room. This is **in addition** to observing the 1m physical distancing arrangements in place.

Whilst disposable face coverings will be available we ask that you bring a face covering with you, for use whilst in the building.

You should keep your face covering on during court proceedings (e.g. when in well of the court or public areas, even when seated) unless you are required to speak (e.g. as questioning counsel or witness). This requirement includes the accused, subject to certain considerations around identification, set out below.

Participants in proceedings may continue to wear face coverings when speaking if they wish to, but may be required by the judge or sheriff to remove them if there are issues of audibility or visibility. The presiding judge or sheriff will wear a face covering on entering or leaving the court, but may remove it when seated, in order to conduct the proceedings. Jurors observing proceedings from remote jury centres are not required to remove their face coverings while seated in the jury centre, but may do so if they wish to.

**Identification:** It may be considered that a requirement for an accused to remove his/her face covering purely for the means of identification is potentially prejudicial. Judges/sheriffs will therefore ask Crown and defence if identification is necessary. If so, the accused can be asked to remove a face covering before the relevant witness enters the court room. Once identification has been dealt with, the accused can be instructed to put their face covering back on.

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### **3. Cleanliness and hygiene measures in SCTS Buildings**

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#### **What are the arrangements for cleaning in SCTS buildings?**

An enhanced daily cleaning regime is in place across the SCTS estate to ensure that cleaning standards required during the pandemic are met across all our premises.

Our regular cleaning standard has been enhanced to ensure it complies with both the British Institute of Cleaning Science standard and the Health Protection Scotland (HPS) requirements for combatting risk of transmission of COVID-19, set out in the HPS “COVID-19 – Guidance for Non-Healthcare Settings”. All cleaning agents used on SCTS premises at this time contain both active detergent and disinfectant properties – in order to ensure that our daily cleaning regime meets the levels required for “environmental decontamination” set out in the HPS guidance. By cleaning to this standard we can ensure that our facilities are kept safe on a daily basis.

In addition to these enhanced daily cleaning measures:

- our day cleaners carry out regular cleaning of frequently touched surfaces such as doors, railings and lift panels;
- sanitising wipes will be made available close to vending machines, lift controls, and other shared areas;
- toilets/washrooms are regularly cleaned and have adequate supplies of soap.

Any concerns in relation to cleaning or supplies should be raised with any member of staff so they can be rectified.

#### **What are the arrangements for deep cleaning following a suspected or confirmed case in courtrooms and buildings?**

We carry out appropriate cleaning within all relevant parts of a building if we have a confirmed case, in line with Public Health Scotland guidance. We will close any building, or part of a building, where we have any safety concerns – and only re-open it when we are satisfied that those concerns have been addressed.

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#### 4. Questions about coming to a court or tribunal

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##### **What happens if someone who has symptoms of coronavirus, or someone who has been instructed to self-isolate, is asked to come to a court or tribunal?**

In line with public health guidance individuals must not attend a court or tribunal if they have symptoms of coronavirus, or if they have been instructed to self-isolate in line with the public health advice in place at the time. Let the court or tribunal know if this is the case.

##### **What should someone do if they are asked to attend a court or tribunal but they are classed as being extremely vulnerable or clinically vulnerable to coronavirus?**

Where an individual is shielding because they have a health condition that makes them extremely vulnerable to coronavirus, they should let the court or tribunal know ahead of their hearing date. This may allow for alternative arrangements to be made. Similarly, those individuals that are clinically vulnerable – such as those over the age of 70, or those that are pregnant or with certain health conditions – should also let the court or tribunal know. Alternative arrangements may be possible.

##### **What happens if someone attending a court or tribunal displays symptoms of coronavirus?**

If an individual appears to have symptoms of coronavirus, they will not be allowed to enter the court or tribunal building. If they develop symptoms whilst on the premises clear instructions are in place to safely isolate the individual until medical assistance can be secured, if appropriate, or arrangements can be made for them to travel home safely – where they should follow advice from NHS Inform, including arranging to be tested.

##### **Should I be concerned about handling documents or case papers?**

Where possible the exchange of documents will be made via electronic means to reduce handling. In the court environment, it is not always possible to eliminate the handling and sharing of papers. Whilst the available evidence indicates that the risk of transmission from paper is low, care should be exercised when passing any papers from one person to another – in particular to ensure that the 1 metre distance is not breached in so doing. Particular attention should be paid to hand hygiene when you are handling papers. In common with other touch points you should avoid touching your face until you have washed or sanitised your hands.

##### **Should I be concerned about using court rooms or a witness stand – these are used by more than one person?**

Court rooms and witness stands are cleaned as part of our enhanced cleaning regime described above. It will not always be possible for these to be fully cleaned between each use – which is the case for a range of touch point areas in all buildings and public transport. For this reason (and in line with Public Health Guidance) we encourage the following hand hygiene regime when using these areas

- everyone should wash or sanitise their hands before entering the court room.
- You should try to avoid touching hard surfaces where it is not necessary to do so.
- You should sanitise your hands immediately after leaving the court room.
- Anti-bacterial wipes are be available.
- Where possible additional cleaning of these areas will take place during the day (e.g. at lunch time).

**Why are you not carrying out temperature checks on people before they enter SCTS premises?**

Advice published by the [MHRA](#) makes clear that there is “little scientific evidence to support temperature screening as a reliable method for detection of COVID-19”.

**How will shared equipment be sanitised between users?**

We will make sure personal sanitising wipes are available for items such as TV remote controls, keypads for doors and any shared equipment to ensure they can be wiped before and after use. In common with other touch points you should avoid touching your face until you have washed or sanitised your hands

**How is physical distancing maintained in toilet facilities?**

This will vary depending on the building and the number and size of the toilet/washroom facilities, but arrangements might include restricting the number of individuals allowed to use facilities at any one time e.g. one-in, one-out. Signage will indicate the arrangements and maximum capacity in place for each facility.

**I need to self-isolate after returning from travel?**

If you have recently returned from a country where you are required to quarantine you should not attend a court or tribunal building before the required period and any associated testing is complete. Depending on who has asked you to attend, you should contact them for advice. That could be the Crown Office and Procurator Fiscal Service, your solicitor or the court or tribunal directly.

**5. Supporting accused persons at court**

**CLIENT CONSULTATIONS ON COURT PREMISES**

Minimising face to face meetings within court buildings reduces the risk of transmission. Where possible consultations should take place outwith the court estate. However it is acknowledged there may be occasions where it is not possible to consult or take instructions on a particular matter in advance of the day of a court hearing. Where client instruction or consultation is required during a court hearing an adjournment can be sought. Where it is required prior to a court hearing we will do our best during this period to facilitate local arrangements, using currently unoccupied accommodation.

**How do solicitors confer with a client in the custody suite?**

This will depend on the building. Where possible, we will provide facilities so that legal professionals can communicate remotely (by secure phone or other secure device)

with the accused in the custody suite. We will encourage the use of the secure custodial interview room which has physical segregation available.

In custody areas, we have worked with GeoAmey and the Scottish Prison Service monitors to ensure that safe working arrangements are in place. GeoAmey will ensure that visits are conducted safely and practically within the confines of the custody suite. Sanitising products are available for individual use in these areas.

Where a client has COVID-19, or is suspected of having COVID-19, arrangements will be made for appearance via video link. Arrangements to allow solicitors to represent their clients remotely can be put in place on request.

See [Attendance by Electronic Means for Custody Cases](#).

Accused persons who are in Prison will, wherever possible, appear in court via video link.

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## **6. Arrangements for witnesses at court**

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We are working with those who cite witnesses to ensure they are only asked to come to court on days when they are needed. COPFS has advice for witnesses on their [website](#) and if you are appearing as a defence or civil witness you should seek instruction from the solicitor who asked you to attend.

Witnesses will only be asked to attend if no other alternative method of giving evidence is considered suitable. If you do need to attend, you will be shown to a waiting area that facilitates 1m physical distancing. Drinking water will be available but there will be no catering facilities at the majority of locations. Please bring anything that you think you might need e.g. light refreshments and reading material.

We are programming business to ensure that only a safe number of people are asked to attend at a given time, aligning to the physical space available in courts and waiting areas. We will sometimes give specific time slots and stagger arrival times to help keep the number of witnesses down at any one time.

### **Are witnesses allowed to bring anyone with them?**

We know many witnesses may feel anxious about giving evidence – but it is important to minimise both the number of people travelling to and attending court at this time. Only court participants and supporters of vulnerable witnesses, children and those with a disability will be given access to the courtroom. Numbers are restricted because of the need for physical distancing. Please speak with the person who is liaising with you to attend court. Family members in serious criminal jury cases may be given access where this can be safely accommodated in public galleries but this must be arranged with the court in advance.

### **How will a witness swear an oath or make an affirmation?**

The presiding judge or sheriff will ask the witness to swear an oath or affirm according to their religious beliefs and certain holy books will be available.

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## 7. Arrangements for jurors

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During the pandemic jurors are asked to attend a remote jury centre – which has been specifically designed to allow jury trials to continue in a COVID-safe manner. Jurors will be provided with the relevant information and guidance on their attendance in advance of the case in which they are involved.

Further information for jurors can be found at <https://www.scotcourts.gov.uk/coming-to-court/jurors> and in the leaflet [Jury Trials – Your Safety is Our Priority](#).

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## 8. Ventilation in SCTS buildings

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### **What kind of ventilation is being used in court and tribunal buildings? Is air conditioning safe to use in court and tribunal buildings?**

Pre-opening checks were carried out on all our ventilation systems to ensure they are working correctly. All SCTS premises that have mechanical ventilation systems have had their re-circulation and/or thermal wheel systems disabled so that they are currently operating on full fresh air only. The installed systems were sized on seating and occupancy capacity that exceeds the numbers in courts at the moment and can therefore supply sufficient fresh air.

Ensuring that our building ventilation system air handling units are circulating 100% clean fresh air at this point in time is a key safety measure, but it makes it more difficult to regulate temperature – so please consider clothing to suit a range of temperatures. You may be aware of the sound of the fans in quiet areas. Desk fans and air cooling units may be used in ventilated environments in order to provide additional cooling or airflow where appropriate – their use is managed in line with the relevant guidance.

Should we encounter a prolonged period of sub-zero temperatures resulting in us being unable to meet our minimum thermal comfort levels the official guidance permits the re-use of thermal wheels and introduction of some recirculation to achieve comfort conditions. This has not been required to date and we will endeavour to ensure this is only used as a method of last resort.

In venues and rooms where ventilation systems are not installed we will ensure windows and doors are opened appropriately to promote air circulation.

We have ensured that the arrangements in our buildings meet the standards set out in the Scottish Government's Coronavirus (COVID-19): ventilation guidance.

### **Will the arrangements you have in place be effective if users are inside the same room for several hours at a time?**

The combination of physical distancing and effective ventilation we have in place will minimise risk. Where appropriate, we are scheduling cases to time slots, to manage the length of time users will be within the building.

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## 9. Food and drink

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### **Is food and drink available in court and tribunal buildings?**

A number of our cafes and canteens remain closed at this time. We recommend you bring sufficient food and bottled water with you for your visit. You'll be able to take bottled water into the court or hearing room.

Water dispensers and food and drink vending machines may still be in operation in certain buildings. We will clean these frequently and sanitising wipes are available, but you should wash your hands after use.

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## 10. Business Proceeding Remotely and online

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### **FINES CAN BE PAID BY PHONE OR ONLINE.**

This guidance is for those physically attending our buildings. The use of remote, telephone and virtual hearings has been significantly expanded throughout the pandemic, in order to reduce the footfall in buildings, free up space for cases that must be managed in person and maintain service across a range of business areas that can be supported without the need for physical hearings – including the vast majority of civil and tribunal business. Specific guidance for virtual court participants is available here:

<https://www.scotcourts.gov.uk/coming-to-court/virtual-courts>

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## 11. If you have a concern

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If you see something that's not right, please tell a member of staff as soon as possible so that they can take appropriate action. We all want the court environment to be as safe as possible – by working together and observing the FACTS guidance we can make sure that it is.

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