

## Coronavirus (COVID-19) Rule Changes & Practice Directions

### To all Tribunal Judges and Members

I am very grateful to all judges and panel members for continuing to provide an essential service during the present pandemic.

I have proposed emergency Rule changes and am issuing Practice Directions which will permit the maximum use of paper determinations and remote hearings in the Unified Tribunals. They will suspend medical examinations and site inspections. They will permit judges to sit alone to make final decisions. Judges sitting alone will be able to obtain the advice of specialist members, where that is necessary and practicable. The changes are now with Government. There may also be some legislative change and we are liaising closely with Government about that. These will all be sent to you and published on the internet and judicial intranet.

In the employment jurisdictions judges and members will receive comprehensive guidance from their Presidents which covers all of the matters listed below at 1-10. Employment Judges should accordingly only follow the administrative advice which is set out below.

The directions and administrative instructions that will make remote working possible are being agreed between Chamber and Tribunal Presidents and HMCTS. You will be sent instructions that relate to you. Instructions will include the use of BT MeetMe teleconferencing and Skype for Business and arrangements in your chamber for the distribution of work and papers and the recording of proceedings. Please continue to work normally until you receive an instruction to change.

Every judge now has a responsibility to do the following:

- Make sure that your leadership judge has your mobile telephone number. The leadership judge should share it with the relevant HMCTS person(s).
- Take your work computer home and keep it charged
- Enable Skype for business and make sure you know how to use it before you work remotely
- Log on and read the intranet advice from the Judicial Office every day after 3.30 pm: this will tell you about Public Health England and Government instructions to members of the public
- Read your emails on ejudiciary which will give you the administrative instructions for the receipt of work (electronically or from hub centres) and the arrangements for your own remote working

The following principles will apply during the pandemic and until you are notified differently:

1. Mental health compulsory admission and detention cases, detention and bail in immigration and asylum cases and vulnerable financial cases (e.g. benefit and asylum support appeals and business critical cases) will be determined first.
2. Rules and Practice Directions will be changed to give priority to paper determinations or, where necessary, remote hearings (by telephone, Skype, video, or online where the technology is available), in each case by a judge sitting alone.
3. Judges sitting alone will be able to obtain the advice of specialist members without the need to empanel a Tribunal.

4. If a Tribunal panel is necessary, the judge and specialist members may sit separately and remotely from each other and from the parties.
5. Remote hearings will be recorded as will the advice of any specialist member. The advice of any specialist member is to be provided to the parties, for example by a judge reading his or her note of the same.
6. Until any rule change is implemented public hearings will be facilitated by a recording or transcript which can be directed by the tribunal on request.
7. Chamber Presidents will have the power to put into effect a triage scheme for any jurisdiction that can provide early neutral evaluation on the papers by a judge alone which can take effect as a consent order 14 days after it is issued unless a party objects in which case a remote hearing will be provided.
8. All judges and specialist members will be temporarily cross-assigned to all unified tribunal jurisdictions, provided the judge or member and the receiving Chamber President consent.
9. In the Employment Tribunals where the Rules and Practice Directions are not the responsibility of the Lord Chancellor and myself, Practice Guidance will be issued by the Presidents.
10. In all other Chambers, Presidents will issue Practice Statements or Guidance where that is necessary to give effect to the Practice Directions that I am issuing.

I will ask all judicial office holders through their leadership judges to think creatively about how they work. Your President may ask you to consider staggering your attendance at a HMCTS building where that is possible so that some of our colleagues are working from home on any given day or week. If there is a shortage in administrative staff, then we may be able to identify with HMCTS key buildings where staff can be centralised and work collected or distributed. This will need to be adaptable to respond to ever changing circumstances.

There is no overseas travel for the foreseeable future and no new conferences or group training. All meetings after today will be by remote using Skype for business.

Thank you to each of you for your professionalism and for the many offers of help we have received. We will do our utmost to adapt what we do to continue to provide for the rule of law during the pandemic. Please look after yourselves and your families and friends.

**Sir Ernest Ryder**  
Senior President of Tribunals