



JUDICIARY OF
ENGLAND AND WALES

MR JUSTICE HAYDEN
VICE PRESIDENT OF THE COURT OF PROTECTION

Dear Colleagues,

By any standard and on any scale, last week was an extremely challenging one. That the Court of Protection is working effectively a week later is entirely due to the enormous commitment of court staff, practitioners and Judges. I am aware that each of you will have faced a barrage of information, not all of it consistent and some of it not easily applicable to your own Court Centre. I think, however, that there is clarity about the Court's approach to cases generally and our preparedness to utilise all the options available to hear cases remotely.

For the remainder of the term I am sitting on the Northern Circuit. Next week consists entirely of Court of Protection cases. I am also easily accessible to deal with any urgent medical (or other) applications.

I am pleased to be able to say that the core group (to be known as the HIVE Group), foreshadowed in my last guidance document, has now been established. It consists of the following members:

The Vice President
The Senior Judge, HHJ Hilder
Sarah Castle, the Official Solicitor
Vikram Sachdeva QC
Lorraine Cavanagh QC
Alex Ruck Keene
Kate Edwards
Mary Macgregor, Office of Public Guardian
Joan Goulbourn, Senior Policy Advisor, Ministry of Justice

It is my intention that the group will meet (remotely) at regular intervals throughout the present public health crisis. The objective will be to continue to refine our approach to dealing with the Court's business and to seek to ensure that it runs as smoothly as possible.

It is important that I draw to your attention that when advocates, litigants, witnesses etc do attend at court, the following should be absolutely clear:

1. Separation (2m) of people in the queue to get in to the court building;
2. Separation (2m) of queue for security;
3. Separation (2m) between security guards and people coming in to court;
4. Separation (2m) of advocates and all parties in court, at all times. This is to include the waiting area before coming in to court.

In order that there is a direct chain of responsibility, I would request the Regional Lead Judges to be vigilant to monitor and enforce compliance with the above. Court managers should be instructed to inform the lead judges if there are breaches of these fundamental and obvious safeguards designed to protect all of us.

The situation has been changing quite rapidly and there are indications that there may be more draconian measures in the future. Please be assured that both I and the Senior Judge will be endeavouring to respond to any developments as quickly as possible.

Finally, the President of the Court, Sir Andrew McFarlane, was not able (in light of the present circumstances) to proceed with his planned surgery. Predictably, he is back in harness and fully up to speed with everything that has been set up.

23 March 2020