

GMB J25 Judicial Branch - Speaking Up for JOHs



GMB Judicial Branch J25 – Initial Submission to Security Review

1. This submission is made by GMB judicial branch in advance of the 15th April 2025 meeting arranged with Yip J, who is conducting the review. It may be shared with GMB J25 members.
2. We are grateful to Yip J for agreeing to meet us.
3. We hope that this submission is helpful, and gives an overview of our concerns. Further examples will be provided at the meeting, particularly regarding family law judges and coroners.
4. The extent of judges' concerns about security is shown in the 2024 UK Judicial Attitudes Survey Tables 6.1 to 6.6, pages 47- 50 https://www.judiciary.uk/wp-content/uploads/2025/02/Published_2024JAS_EnglandWales_UKTribunals.pdf

Introduction – MOJ Obligations under HASAW 1974

5. Judicial security needs to comply with health and safety law – itself based on tried and tested approaches. As HSE confirms, protecting workers from assault at work is a fundamental duty of any employer <https://www.hse.gov.uk/violence/employer/the-law.htm> . These risks are to be mitigated just like any other.
6. The Health and Safety at Work Act 1974 and associated regulations require proper risk assessments communicated to workers with appropriate measures to reduce and mitigate risk <https://www.hse.gov.uk/involvement/riskassessments.htm> .
7. Workers, including JOHs, must be properly consulted <https://www.hse.gov.uk/pubns/indg232.pdf>
8. MoJ failures to comply with its legal obligations towards JOHs exposes them to unnecessary security risks as well as risking consequences for MoJ in civil and criminal proceedings.
9. GMB's role is to push for improvement in MoJ practice based on members' experiences on the ground, as well as secure compensation for members if the worst happens.

10. Examples below explain how MoJ's current procedures often do not work and can endanger JOHs.
11. Many are drawn from one region in the Social Security and Child Support Tribunal. This is not because the situation there is particularly different from other courts and tribunals; it just happens that a judge there has health and safety training from a previous career and has been systematically reporting issues to the regional centre as they encounter them.
12. This submission concludes with proposed improvements to the MoJ's approach

Milton Keynes Incident

13. The precise details of what happened in Milton Keynes have not been widely publicised. We understand that a judge was attacked and hospitalised after being attacked by a family litigant who had shown himself to be a danger in previous hearings. A radiator had been left unsecured in the hearing room and was used to hit him on the head.
14. If the risk assessment approach mentioned above had been properly followed, further security measures would have been put in place once it had become clear from previous hearings how antagonistic the attacker was to judges. He was later dealt with for preceding incidents in further contempt proceedings, so it was clear he had given cause for concern.
15. Risk mitigation measures should have been discussed with the hearing judge, including securing or removing the radiator. MoJ's failure did not assess and mitigate risk properly, endangering the judge.

Social Security Tribunal (Mainly)

16. It is not clear that an assault in a Social Security Tribunal could be punished under contempt legislation in the same way as one in a court under the Contempt of Court Act 1981. The Upper Tribunal's powers to punish contempt are focussed on failure of witnesses to attend or documents produced. – see section 25(2) of the Tribunals, Courts and Enforcement Act 2007. This affects the ability to deter by punishment.
17. Tribunals consist of a judge and frequently a medical and a disability expert. The disability expert is often disabled themselves, sometimes with mobility or sight issues.
18. Members have expressed concern about encountering appellants on their way home using public transport and where they live.
19. Some venues belong to SSCS, but often courts are used. In SSCS venues the public/ DWP sit on one side of a large table and JOHs on the other.
20. Contrary to health and safety law as explained above, MoJ risk assessments are not communicated to JOHs, assuming that they are being carried out - we do not know. Main risk mitigations appear to be:

- a. Security guards
- b. Search at the entrance, normally by wand.
- c. Initial chat by clerk before appellant enters room
- d. Notification to JOHs if DWP has assessed appellant to be a risk to DWP staff by a note on session sheet
- e. Stable-type door between public and JOH side in a few SSCS venues - normally there are no obstacles
- f. Panic button normally under judge's desk
- g. JOH exit which is further away from public side - exit bolts from far side.
- h. Some, but not all venues have staff car parks which JOHs can use.
- i. A form can be completed to report security incidents
- j. (There is little security or health and safety training for JOHs)

21. Some of the failings are so fundamental that we wonder if MOJ risk assessors lack adequate training or are being overruled, assuming that risk assessments are being carried out and updated.

22. Particular concerns/ issues are listed below.

Search at the entrance, normally by wand (sometimes scanner).

23. These rely on guards' vigilance. We do not know how/ if vigilance is tested. In airports this happens by mystery shoppers attempting to smuggle items.

24. Occasionally items slip through. A knife was produced in a SSCS hearing a few years ago.

25. Bullets were found in Sheffield Magistrates Court, used as a SSCS venue, in early February 2025. There appear to have been communication issues with the police as one panel working in the sub-basement hearing suite had been told to stay by the court manager but later encountered police who were surprised they were still in the building.

Notification to JOHs if DWP has assessed appellant to be a risk to DWP staff

26. Since digital bundles have been introduced, notifications from the DWP of appellants presenting a risk are rarely drawn to JOHs attention.

27. This may well be because there is no automated system for doing so; instead, the system relies on vigilance of busy administrative staff. A failure will usually not be identified if an incident does not occur.

Panic button normally under judge's desk

- 28. JOHs often do not know how often /if buttons are tested.
- 29. Different designs are used in different venues.
- 30. Increasingly recently, the console is left on top of the table, so that pushing it will be visible.

JOH exit

- 31. Sometimes in SSCS venues, the exit is no further from the public side. This includes a recently opened venue. An attacker with the advantage of surprise could reach it before the JOH(s). This appears to have happened in the Milton Keynes County Court incident.
- 32. It has even happened that an exit has been locked without the JOHs knowing.
- 33. Today, a hearing room exit was found with the knob to turn the latch on the wrong side of the door. It could not be locked after exit. Presumably it had been risk assessed and found to be satisfactory.
- 34. Rarely, if ever, is account taken of adjustments to enable disabled JOHs to escape safely, for example if they have mobility or sight issues. A few use wheelchairs. Other JOHs would also be endangered by having to delay locking the door.

Some, but not all venues have staff car parks

- 35. JOHs often use the same building exit as the public.
- 36. At some venues JOHs have to use the public same car parks as appellants. Wheelchair-using JOHs can feel particularly vulnerable.
- 37. A Crown Court JOH, working without a secure car park has expressed concern that judges have to walk across public areas to their cars and may come across defendants they have just been dealing with.

A form can be completed to report security incidents

- 38. The incident form is complex, and appears to be focussed on courts rather than tribunals. Fee-paid judges in particular will not know some of the colleagues to be informed or their email addresses. For fee-paid judges, the procedure will have to be completed in their own time.
- 39. There is no procedure to report risks/ procedural shortcomings such as those mentioned above. If the MOJ complied with its legal obligation to display Health and Safety at Work posters, the contact would appear on the poster <https://www.hse.gov.uk/simple-health-safety/display.htm> .

Hostile Media Coverage

- 40. Judges can be vilified in the press, particularly after decisions in sensitive cases such as those involving constitutional issues, child protection and immigration.

41. Like other public figures, this exposes them to abuse, threats or attack. Jo Cox MP was murdered. The Presiding Judge in the French Rassemblement Nationale embezzlement case is under police protection.
42. JOHs are not routinely warned of hostile media coverage, even though MOJ has a Press Office.

A Better Approach to Security

43. The MOJ should comply with the law in properly assessing and mitigating security risks to JOHs, such as those mentioned above. It must also communicate effectively with JOHs and train them.
44. It should involve GMB as the judicial trade union, which can contribute the experiences and concerns of its members 'on the ground', as well as the expertise of its officials and health and safety specialists.

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GMB

10th April 2025