



## **Updated Covid-19 Guidance for Pupils and Pupil Supervisors**

### **Introduction**

The purpose of this guidance is to provide a support framework to pupils and pupil supervisors in this unprecedented and difficult time in the criminal courts.

Covid-19 presents a constantly changing landscape for practitioners of all levels. The CBA encourage practitioners and pupils to consider and follow Government and Public Health England guidance. Any divergence between this guidance and Government/PHE advice practitioners and pupils should use their own judgement and follow Government/PHE guidance.

The CBA has sought to communicate guidance for pupils and junior practitioners through Monday Messages. Updates will continue to be disseminated through MMs.

Any pupil who is experiencing difficulties is encouraged to contact the CBA. Contact will be treated in confidence. Contact details can be found on our websites or below. The Bar Council, Young Barrister's Committee and Circuit Leaders also provide a valuable support system for pupils and can be contacted for assistance.

### **Attending Court**

Criminal second six pupils can ordinarily expect to be in court every day. It is important that Chambers recognise the risks and difficulties attached to pupils physically attending court in the current circumstances.

This includes the physical attendance at Magistrates' Court and often the requirement to advise a lay client in conditions which prevent social distancing. Other considerations include the need to commute, often by public transport.

HMCTS provide regular updates to their [Covid-19 page](#). Please regularly review this page.

Steps should be taken to avoid a pupils' physical attendance at court where it is unnecessary for them to do so. It is difficult to envisage circumstances in which it is currently necessary for pupils to attend court. For hearings such as custodial first appearances, where the following guidance can be complied with, and chambers are satisfied that it is appropriate and the particular pupil is willing, then attendance may occur.

We stress that pupils should not be placed under any kind of pressure, either direct or indirect, to attend courts.

If attendance at court is necessary chambers, clerks and pupils should work with the Courts to:

- Ensure that only those conference rooms with glass partitions are used for consultations, or that glass docks within the Court rooms are utilised.
- Encourage video-link rooms to be used by those detained under escort. (This should be achievable given that there will now be fewer defendants overall in custody).
- Encourage that where Government WIFI reaches into the cells area, video-conferencing or a telephone line should be supplied by the gaolers from the cells.

In the event that the above is not possible, and a judgement is made that it not safe to continue to act or attend court it is advisable pupils consult with their pupil supervisors and make clear contemporaneous notes of your reasoning and notify the Court and instructing solicitors accordingly.

This guidance mirrors the the national protocol as drafted by the Criminal Law Solicitors' Association and London Criminal Courts Solicitors' Association.

If any issues are experienced at court they should be flagged. This allows individual concerns to be reviewed by HMCTS and resolutions actioned. Please report issues, only with notification of these issues can they be resolved. Report by email: [C19WG@barcouncil.org.uk](mailto:C19WG@barcouncil.org.uk)

Chambers should make their own risk assessments as to whether attendance at court is appropriate in accordance with their duties under the relevant health and safety legislation. Pupils should raise concerns with their pupil supervisor in the first instance. The CBA, YBC, Bar Council and Circuit Leaders are contactable in cases where difficulties arise.

There may also be a local or court specific protocol in place. We encourage everyone to review their Circuit website which may be a good point of reference for those resources.

### **Payment and Finance**

This is an unprecedented situation which will be of grave concern to all at the Bar. Chambers will likely be concerned with their finances. Of all members of the Bar, pupils are perhaps the most financially vulnerable. In light of that it is hoped that all reasonable and practicable steps will be taken to support pupils financially.

Chambers may in particular give active consideration to guaranteeing income for third six pupils, either by continuing arrangements that are already in place or making new temporary arrangements to secure their financial position. Ultimately this is a decision for each individual Chambers.

Chambers will be aware that they are obliged to fund pupils during a period of illness.

## **Training**

We would encourage chambers to continue to provide advocacy training throughout this period. Where resources allow this would be beneficial to pupils who may experience less court time than normal. We suggest that any training should be undertaken remotely.

## **Contact Details**

Below are some helpful contact details for pupils:

### Bar Council/YBC

Bar Council Pupil Help Line: 020 7611 1415  
Email: [PupilHelpline@BarCouncil.org.uk](mailto:PupilHelpline@BarCouncil.org.uk).

### Criminal Bar Association

Young Bar Representative: John McNamara  
Email: [johnmcnamara@5sah.co.uk](mailto:johnmcnamara@5sah.co.uk)

**CRIMINAL BAR ASSOCIATION**

**22 April 2020**