

ADVICE FOR CHAMBERS ON PRECAUTIONS FOR COVID-19 – BULLETIN 1

THE COVID-19 WORKING GROUP

The Bar Council, the Legal Practice Management Association ('LPMA') and the Institute of Barristers' Clerks ('IBC') has set up the informal Covid-19 Working Group ('C19WG'), which aims to:

Identify the authoritative sources of information and guidance relating to the Covid-19 epidemic in the UK and impacting upon the Bar; and

Establish liaison and communications with appropriate agencies and organisations

in order to provide advice on best practice to chambers and employers.

The C19WG will provide this advice in a series of information bulletins, of which this is the first¹. Further bulletins will seek to provide more detailed advice on specific subjects, include comment on suggestions from readers, and reflect changes to Government advice. If you wish to provide any comment for consideration by the C19WG, please email C19WG@BarCouncil.org.uk².

This document relates mainly to self-employed barristers and chambers, including sole practitioners. Employed barristers may nevertheless find much of it of relevance and interest, although they should in the first instance seek advice and instruction from their employer.

The C19WG consists of:

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Adrian Vincent, Bar Council Head of Policy: Legal Practice & Remuneration

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Liz Dux, LPMA Executive Committee member and Chambers Director Littleton Chambers

Robin Jackson, LPMA Co-Chair and Chair of the Covid-19 Working Group

Tony McDaid, IBC Executive Committee member and Chief Executive No5 Barristers Chambers

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CHAMBERS' GOVERNANCE AND FINANCE

Governance

Chambers should be establishing now plans and procedures for coping with a Covid-19 epidemic in the UK. Plans need to be incremental, envisaging contingencies in which protection measures are increased, and the planning process needs to be dynamic, in that the plans themselves can be revised to meet new developments.

¹ **Important Notice:** this document has been prepared by the Covid-19 Working Group established informally by the Bar Council, LPMA and IBC in order to assist barristers and chambers on matters relating to the current coronavirus epidemic. It is not "guidance" for the purposes of the BSB Handbook I6.4, nor does it comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council, LPMA nor IBC nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it.

² Please note that whilst the C19WG inbox will be monitored daily, it is not intended to be used to provide member of the Bar and chambers professional with advice or guidance. Instead, all comments and suggestions will be circulated amongst C19WG members for discussion and, where appropriate, addressed in future bulletins.

The principal source for advice (and, potentially, legislation) is the Government. There will be many potential sources for information, but care must be taken to ensure these are accurate and authoritative.

The underlying principle should be one of precaution, whilst avoiding panic and overreaction, in order to help delay the spread of the virus and mitigate the effects on the business.

Chambers will want to appoint a number of staff (more than one) to monitor Government and other appropriate sources of advice and provide guidance to Chambers' decision-making body. Depending upon the existing governance structure in Chambers, it may be necessary to amend this specifically to enable rapid, even immediate, decision-making in matters relating to the Covid-19 epidemic. (This could, for example, include authorising named individuals to compel people (visitors, contractors, staff and barristers) to leave Chambers, if it is thought they represent a health risk, or to prohibit meetings taking place in Chambers.) Alternatives should also be nominated for anyone involved the decision-making body, in the event of the sickness or absence of any individual.

Various communication means between members of the decision-making body should be tested to ensure they are effective.

Chambers should also review its Business Continuity plans and adapt them to meet the specific challenges of the Covid-19 epidemic, which may require arrangements for a substantial degree of homeworking, options for working in Chambers in shifts (for example, to enable parents to share childcare responsibilities at home in the event of school closures), and, especially its arrangements for rapid communication with all members and staff. There are several relatively cheap commercial applications available for this, and the following are two known to the C19WG as very simple, fast and effective ways of getting in touch with every member and employee by sending a single message, for example, to let them know not to travel to chambers or to self-isolate: [Esendex](#); and [TextAnywhere](#).

Finance

It is likely that the epidemic will result in financial challenges both for individual members of Chambers and for Chambers itself, including any limited company established to provide services to Chambers, lease its premises and employ its staff. It is critical that Chambers conducts immediately detailed cash-flow and budget analyses.

The Government is currently commenting in general terms about protection for small businesses, but the detail has yet to be announced. There already exists scope for making arrangements for delayed or incremental payments of tax liabilities under the "Time to Pay" scheme and it is hoped that further measures will be announced by the Chancellor of the Exchequer in the Budget on Wednesday. Chambers should monitor Government announcements on these anticipated measures, take action accordingly and inform individual members.

Other than tax and National Insurance contributions, much expenditure will be a contractual obligation, with items of major regular expenditure including the payment of staff salaries, pension contributions and other benefits, property rent and equipment-lease instalments. It is essential that Chambers can meet these obligations or reach agreement to postpone those they can. Where cash flow is assessed to be a potential problem, Chambers should consider approaching their banks to see what loan and overdraft facilities might be available; these may well require guarantees from individual barristers, so Chambers may want to identify now those members who would be prepared to provide such guarantees. Chambers might also consider approaching their landlord and other major suppliers to discuss possible arrangements.

Individual members of Chambers must carry out now similar predictions of income and expenditure. Members must be aware of their responsibilities in meeting the financial liabilities of Chambers and will need to consult Chambers at once if they envisage any possibility of their being unable to meet them. They should also consider approaching their bankers and accountants.

Members should be aware of the Barristers' Benevolent Association (BBA), which exists to help past and present practising members of the Bar and their families and dependants who are in need, in distress or in difficulties. Although the BBA cannot offer specific advice, its staff can point people towards those who can, particularly in cases of financial need. In appropriate cases the BBA is able to offer financial help, as a grant or a secured or unsecured loan. Further information about the BBA can be found [here](#).

The Bar Council will be seeking to understand and then communicate any government plans to assist SMEs and the self-employed cope with the financial consequences.

ADVICE

Government Advice

The main site for all Government advice is:

<https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>

This provides links to other pages and should be brought to the attention of all members and staff, who should all be required to read at least the following:

FCO Travel Advice <https://www.gov.uk/guidance/travel-advice-novel-coronavirus>

NHS Advice and FAQs <https://www.nhs.uk/conditions/coronavirus-covid-19/>

There is also a link to the Guidance for Employers and Businesses, be read by anyone in a line-management or supervisory role:

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/guidance-for-employers-and-businesses-on-covid-19> This guidance includes:

1. Background and scope of guidance
2. Information about the virus
3. Signs and symptoms of COVID-19
4. How COVID-19 is spread
5. Preventing spread of infection
6. How long the virus can survive
7. Guidance on facemasks
8. What to do if an employee or a member of the public becomes unwell and believe they have been exposed to COVID-19
9. Returning from travel overseas to affected areas
10. What to do if a member of staff or the public with suspected COVID-19 has recently been in your workplace
11. What to do if a member of staff or the public with confirmed COVID-19 has recently been in your workplace
12. When individuals in the workplace have had contact with a confirmed case of COVID-19
13. Certifying absence from work
14. Advice for staff returning from travel anywhere else in the world within the last 14 days
15. Handling post, packages or food from affected areas
16. Cleaning offices and public spaces where there are suspected or confirmed cases of COVID-19
17. Rubbish disposal, including tissues

MOJ and Government Agency Advice

The Bar Council is consulting the MOJ and related agencies (HMCTS and LAA) for guidance, which will be amplified in further bulletins. This could include subjects such as:

The increased use of video/audio conferencing for hearings and pre-trial conferences and meetings;

The possible adjournment or cancellation of hearings (whether precautionary or due to sick staff, judges, jurors, witnesses, etc);

Measures to ensure that current guide-times continue to be met for authorising, assessing and paying claims for Legal Aid;

The means of effective communication of arrangements and urgent changes.

Law Society Advice

The Bar Council will be consulting the Law Society to identify the advice it is providing to solicitors.

Regulatory

The C19WG will liaise with the Bar Standards Board (BSB) over regulatory issues. These could include:

Members' ongoing compliance with the Core Duties and the BSB Handbook;

Extension of pupillage periods;

Should BPTC/BTT exams be postponed, the treatment of those already selected but, as a result of the postponement, not yet qualified for pupillage starting in 2020;

Difficulties in complying with BSB deadlines for regulatory returns that emerge owing to sickness absence of Chambers' key personnel.

Inns of Court/Training Providers

The C19WG will liaise with the Inns of Court and training providers regarding arrangements for collective training/qualification sessions for Bar students, pupils and newly qualified barristers

Other Sources

The C19WG will suggest any other sources of advice it thinks appropriate.

WELLBEING

It is very possible that the impact of the Covid-19 epidemic will place a considerable amount of stress on many barristers and chambers professionals. Everyone should be alert to the signs of potential mental ill health in themselves and others and be aware of possible avenues of support. Barristers and chambers professionals should be reminded of the [Assistance Programme \('AP'\)](#) offered by the Bar Council, the IBC and the LPMA, in partnership with Health Assured.

The AP provides a confidential telephone support and counselling service, as well as a wide range of wellbeing fact sheets, videos, self-help programmes, interactive tools and educational resources. These complement existing wellbeing resources which can be found through the [Wellbeing at the Bar](#) online hub.

CHAMBERS' PROCEDURES AND ROUTINE

Chambers should now be establishing and communicating procedures and changes in routine for dealing with the Covid-19 epidemic, drawing upon the advice listed above, with specific attention to the travel advice and the advice to employers and businesses. It may not be necessary to implement all procedures at this stage, but it is important to plan for them now. The following subjects should be covered; the list is not exclusive and should be developed as the situation demands.

Self-Isolation

Conduct risk-assessments of more vulnerable barristers and staff, for example those who are pregnant, aged 60+ or have immunodeficiency issues or a history of respiratory illness, in order to consider advising about precautionary self-isolation.

Advice on when and how to do it (from the NHS site);

Arrangements for return to work, either after precautionary self-isolation or after infection;

Caring for sick dependants.

Sick Leave and Sick Pay

Statutory and contractual obligations;

Qualification for sick leave and sick pay when self-isolating in accordance with Government guidelines.

Confirmation that qualification for sick leave and pay for the purposes of *precautionary* self-isolation should not mean that the individual cannot work when in isolation, which is different from existing sick leave provisions;

Reviewing any employment-contract limits on the duration of sick pay;

Implications for staff who ignore FCO advice and travel to restricted countries;

Arrangements for staff prevented from returning to UK owing to newly imposed restrictions.

Impact on probation periods.

Working from Home

Assessing or requiring staff to self-assess the arrangements necessary for homeworking;

Putting technical arrangements in place now;

Security of information when homeworking;

Reimbursement of any costs of homeworking;

Leave and homeworking arrangement for those caring for children, should schools/nurseries be shut;

Arrangements for those who cannot work from home, owing to home circumstances or the nature of their job.

Events in Chambers and Attendance at External Events

Chambers should be considering the precautions required for conducting events and the possibility of cancelling/postponing them; in the case of cancellation or postponement, this must include arrangements for communicating decisions and may have financial implications. Events may include, but are not limited to:

Meetings, both internal and external, including recruitment interviews;

Large conferences or seminars in chambers and attendance by barristers and chambers professionals at similar external events;

Mini-pupillage and work-experience sessions;

Social events.

The C19WG makes the following suggestion specifically regarding arrangements for forthcoming pupillage interviews:

Authorised Education and Training Organisations (AETOs) should take as flexible an approach as possible but would ultimately need to use their discretion when deciding whether to ask candidates to travel to their offices for a face-to-face interview;

Where possible, AETOs should offer interviews via telephone or video conference (particularly in the case of first round interviews which tend to be shorter in nature and therefore less involved);

AETOs who do offer interviews via telephone or video conference should consider using the same method for all candidates, so as to ensure that applicants are treated equally and can be assessed comparatively.

Routine

Chambers should consider every aspect of its routine operation and be prepared to implement escalating precautionary measures. Areas for consideration include:

Requiring all members and staff to confirm that they are and will remain compliant with the FCO travel advice and, to their knowledge, have not been in contact with anyone who has tested positive or is awaiting test results for Covid-19;

Requiring all visitors to Chambers to confirm that they are at that point compliant with the FCO travel advice and, to their knowledge, have not been in contact with anyone who has tested positive or is awaiting test results for Covid-19;

Having reception staff complete the registration of guests, rather than asking guests to use stationery themselves;

Requiring all people entering and leaving Chambers to wash their hands, either in washrooms or using hand-sanitisers provided;

Maintaining a record of anyone being in Chambers;

Maintaining a record of the travel plans of members and staff;

Reducing the number of deliveries to Chambers. Staff signing for receipt of deliveries;

The frequency of cleaning doors, entry-phones/bells, lift-buttons and meeting rooms and shared equipment – for example, stationery, phones, computer keyboards and mice;

The preparation of communal food and refreshments, including handling of crockery, cutlery and utensils;

Discussions with contractors on their procedures – and consider postponing works;

Identifying and maintaining a supply of resources:

Sourcing sanitiser and other cleaning agents;

Tissues, wipes, bins and liners;

Hand-drying – single-use paper or fabric towels or air-drying, not multi-use towels or roller-towels.

Planning for the decontamination of rooms in the event of a confirmed case in Chambers.