



The Bar Council

Bar Council note for vulnerable barristers

This document aims to help vulnerable barristers who need the court to accommodate their specific Covid-19 related issues, in respect of a hearing in which they are instructed to represent a party.

The SPJ has said that “the pandemic does not prevent the court handling issues relating to a barrister’s personal circumstances with sensitivity, understanding and care”, a message she will reiterate to the judges regularly.

In the first instance, senior judges have recommended that these sensitive issues are generally better dealt with and agreed informally between counsel before they are presented to the court.

Should you wish to make a formal representation, any information provided to the court:

1. Must include the consent of the barrister’s professional/lay client (on the basis that the barrister is instructed to ask the court to take that information into account in deciding case management issues in that client’s case).
2. Can only be taken into account if it is shared with the other parties (subject to any appropriate confidentiality provisions).

Should you fall into one (or more) of the following categories, you may wish to request an accommodation:

- Shielding as clinically extremely vulnerable
- Physically or mentally disabled for the purposes of the Equality Act 2010
- Staying at home as clinically vulnerable
- Part of the same household as someone who is shielding as clinically extremely vulnerable
- Member of the Black, Asian or Minority Ethnic community
- Caring responsibilities arising out of the Covid-19 crisis.

Accommodations you wish to be considered may include:

- A remote hearing
- A short adjournment (up to 3 months)
- An adjournment (longer than 3 months).