



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

BTAS Hearings during the Coronavirus Pandemic

Procedures for those Attending

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Version 2.3 – September 2020

The Bar Tribunals & Adjudication Service

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Background

1. BTAS is the body responsible for administering hearings in accordance as set out in the [Bar Standards Board's Handbook](#), and in the [Inns' Conduct Committee Rules](#).
2. Following the introduction of 'lockdown' measures in the UK at the start of the Coronavirus pandemic, BTAS hearings have been conducted online (where possible) or postponed. As the lockdown measures have gradually eased, it is now considered possible to restart *some* hearings with participants attending in person, if this is considered necessary by a Directions Judge or the appointed Panel.
3. A thorough risk assessment has been undertaken in line with the Health and Safety Executive's guidance (which is available on request), and this has been used to inform the procedures set out in this document.
4. This document may be revised from time-to-time to reflect further easing of lockdown measures.
5. BTAS reserves the right to rescind this document with immediate effect and halt all face-to-face hearings for such time as it considers appropriate if, following consultation with the Bar Standards Board, the BTAS Registrar regards it as necessary to ensure the safety of those attending BTAS hearings and/or its staff.

Key Principles

6. **Interim Arrangements** - These are interim procedures intended to allow a limited number of face-to-face hearings to take place during the Coronavirus pandemic, in such a way as to minimise the risk of infection by the virus to all those involved in hearings at BTAS. It must be very clearly understood by all involved that this does not represent a return to 'business as usual'.
7. **Government Guidance** - All aspects of the hearings process must take place in absolute accordance with the current HM Government guidance on social distancing, mask wearing, additional hygiene and all such similar provisions (available at: <https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance>). These BTAS procedures are entirely subordinate to current government advice.
8. **Remote Hearings Wherever possible** – Wherever possible hearings should be delivered entirely remotely, until such time as these procedures are withdrawn.
9. **Remote Attendance Wherever Possible** - Wherever possible, even for those hearings that are taking place face-to-face, consideration should be given to delivering as many elements of them (such as the receiving of witness evidence) remotely as is possible to reduce the numbers attending the hearing.

10. **Self-Isolating and Quarantining** - No individual should physically attend a hearing if they should be self-isolating or quarantining in accordance with HM Government advice.
11. **Normally Two Per Party** - Numbers physically present at the hearing will be restricted. In addition to the Panel and, where appropriate, a Clerk, normally a maximum of **two individuals** from any party will be permitted access to the hearing venue (e.g. the Respondent and their Representative, and the BSB Case Officer and their Representative). Where required, arrangements will be made to enable other members of the party (in addition to the two physically present at the hearing) to take part remotely.
12. **Individual Responsibility** - BTAS must rely on individuals attending its hearings to take all possible action(s) during their journeys to the hearing venue, and then follow these *Procedures* in full on and after arrival to minimise the risk of cross-infection.
13. **Public and Press Remote Access** - Members of the public and press will not be allowed to physically attend hearings and should request remote access at least two working days before the hearing (please email Margaret.hilson@tbtas.org.uk)
14. **Video Stream** - A video stream to enable interested parties (including the public and press) to follow proceedings can be provided if at least two working days notice is provided to BTAS, (please email Margaret.hilson@tbtas.org.uk).
15. **Emergencies** - In an emergency (fire, medical situation etc) individuals do not have to observe social distancing rules if it would be unsafe to do so. Those who are appropriately trained in First Aid, the use of Automatic External Defibrillators or EvacChairs (etc), may still provide assistance to others but should pay particular attention to sanitation measures immediately afterwards including washing hands.

Prior to a BTAS Hearing

16. **This Policy/Procedure** - BTAS will send copies of these '*BTAS Hearings during the Coronavirus Pandemic*' procedures to panel members, the clerk and the parties at the same time it sends its initial letter (enclosing the convening order or appointment letter, etc, depending on the type of hearing) to them.
17. **10 Days Prior Parties Must** - At least 10 working days before a hearing the parties must notify BTAS:
 - a. **Attendees** - of the number of individuals they expect to be physically present and/or attending remotely, (including all witnesses and interpreters etc). BTAS reserves the right to limit physical attendance (ensuring that both parties may always have two persons physically present), and/or change the hearing venue as necessary to ensure safe occupancy levels are not exceeded;

- b. **Timetable** - of the timetable, agreed between the parties, for the hearing. This must include timings (accurate to within 30 minutes) for when each witness will start and stop giving evidence, to prevent them spending longer than necessary in the hearing venue;
 - c. **Holy Books** - for each witness, whether they will be bringing their own holy book to swear their evidence, or require BTAS to provide a single-use affirmation card for their use;
 - d. **Papers** - whether they intend to circulate any additional papers by hard copy or electronic means. *Case files ('bundles') must be disseminated electronically or, if in hard copy, with sufficient time so that they may be stored for 72 hours by the recipient before being opened and referred to. If an individual subsequently requires other documents to be circulated to other attendees, this must be done electronically via BTAS in advance. In exceptional circumstances on the day of the hearing, where a document was previously unavailable, this may be circulated only if the panel confirms it is necessary. In all such cases an electronic copy of the document must be sent to the BTAS Administrator who will arrange for sufficient copies to be printed. These copies will be disseminated by individuals wearing face masks and disposable gloves.*
18. **10 Days Prior – Access Requirements** - At least 10 working days beforehand, individuals physically attending a hearing who have special access requirements (for example an individual with disabilities who requires someone to physically assist them with tasks) should contact BTAS (by emailing Margaret.hilson@tbtas.org.uk) so that any necessary arrangements can be put in place.
19. **10 Days Prior – Shielding** - At least 10 working days beforehand, individuals who are shielding in accordance with HM Government advice because they have been advised that they are clinically vulnerable, should inform BTAS before physically attending (by emailing Margaret.hilson@tbtas.org.uk) so that suitable arrangements can be considered.
20. **5 Days Prior – Attendees Confirm Adherence to Policy** - At least 5 working days before the start of a hearing all those physically attending are required to confirm in writing that they have read and will adhere to these '*BTAS Hearings during the Coronavirus Pandemic*' procedures:
- a. BTAS is responsible for ensuring this is done by panel members, clerks and any other attendees arranged by BTAS (including stenographers etc if necessary).
 - b. Each party is responsible for ensuring this is done by all individuals they have arranged to attend (including any witnesses or interpreters etc), and a representative of each party must confirm to BTAS in writing that this has been satisfactorily completed by all their attendees.
21. **1 Day Prior – Contact Details** - At least one working day in advance, individuals physically attending hearings will be required to provide their full name and contact details to BTAS (by emailing Margaret.hilson@tbtas.org.uk) so that records may be kept of attendance at the hearing venue for 'track and trace' purposes.
22. **Cleaning** - The venue for the hearing will be thoroughly cleaned prior to the commencement of each day of the hearing.

On the Day of a BTAS Hearing

23. **Symptom Free** - All those physically attending a hearing **must** have been free from any of the possible symptoms of Coronavirus (as defined by HM Government and detailed at: <https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance>) for at least 14 days before the commencement of the hearing.
24. **Phone on Arrival** - To avoid overcrowding on arrival, those physically attending hearings at the Tribunal Suite should notify BTAS of their arrival by calling **020 3432 7350**. Individuals should avoid using the intercom/buzzer as this cannot be kept clean. (Other entry procedures will be advised if alternative hearing venues are used).
25. **Wait – Sanitise – Allocated Room** - Individuals may be asked to briefly wait outside the venue until it is safe for them to enter (and must socially distance while doing so). When invited into the venue, individuals will be required to immediately sanitise their hands, before being directed to their designated room. Individuals should proceed to their allocated room promptly and avoid lingering in communal areas.
26. **Communal Areas** - For hearings taking place at the BTAS Tribunal Suite, social distancing should be maintained in the communal areas (corridors, stairs and lift) at 9 Gray’s Inn Square wherever possible.
27. **Hygiene** - All those physically attending the hearing will be required to adopt enhanced hygiene measures including frequent washing or sanitising of their hands, and avoid touching their face, in line with HM Government advice. Hand sanitiser will be available throughout the hearing venue. Hands must be sanitised or thoroughly washed:
 - a. on entry to the hearing venue;
 - b. every time an individual enters a different room;
 - c. on entering and leaving the toilets.
28. **Social Distancing** - All those physically attending a hearing must be able to be accommodated at the venue in accordance with HM Government advice on social distancing.
29. **Face to Face Contact** - Face-to-face contact between those attending hearings must be for essential reasons only and respect HM Government social distancing guidance:

- a. individuals should remain at least 2 metres away from each other. Only when this is not possible, individuals must remain at least 1 metre away from each other and communicate behind a plastic screen provided and/or use a face covering;
 - b. there should be no physical contact between individuals (no shaking hands, etc);
 - c. informal or social communications must be conducted outside the hearing venue;
 - d. individuals must not pass notes or papers to one another;
 - e. confidential or privileged discussions should be conducted by digital means or in a separate room where social distancing guidance can be adhered to. If party-to-party (counsel-to-counsel) discussions are required, the BTAS Administrator may be able to offer a suitable room for this on request. Please note that there is continuous recording in the hearing room, and so this is not suitable for private conversations.
30. **Face Coverings** - The use of face coverings is encouraged but not mandatory at BTAS hearing venues. During hearings, individuals may be asked to take their face covering off temporarily by the Panel if this is required to ensure comprehension and/or the quality of the digital recording, or to facilitate communication with someone who relies on lip reading, facial expressions or whose hearing is impaired. Free masks will be available at the hearing venue.
31. **Own Refreshments Only** - Refreshments or water will not be made available at the hearing venue. Those physically attending the tribunal are advised to bring their own refreshments and bottles of water, and must either take used containers away with them or place them in the bins provided. Used cups or water bottles (etc) must *not* be left on surfaces for others to have to remove.
32. **Waste** - It is the responsibility of all those physically attending the Tribunal to dispose of their waste responsibly. Confidential waste should be placed in the bag provided in the communal area. All other waste should either be taken away by the individual or placed in a bin.
33. **Coats and Bags** - The cloakrooms and coat hooks must not be used, to avoid contact between individuals' belongings. Those attending should keep any coats or bags on or by their designated seats in the retiring rooms.
34. **Air Conditioning** - Air-conditioning systems will not be used, to minimise the recirculation of air. Windows and doors will be opened at the hearing venue wherever possible to maximise ventilation. The door to the room in which the hearing is taking place, unless it is being held in private, will remain open at all times. Should the venue become uncomfortably warm, Hearing Panels should consider having frequent breaks during proceedings to allow the room to cool and attendees to get fresh air.
35. **Accidental Crowding** - BTAS recognizes that, due to the layout of the Tribunal Suite, the potential for 'accidental' crowding in communal areas exists (for example, one individual exiting a toilet while another is in the corridor leading to them). Individuals are asked to be aware of this and act promptly to ensure appropriate social distancing is maintained as soon as possible. Under no

circumstances should individuals attempt to pass each other in the corridors at BTAS, and all individuals must ensure that they remain at least 1 metre away from others at all times.

36. **Let the BTAS Team Know of Difficulties** - All those physically attending hearings should remain alert and help ensure others attending fully follow the required procedures by immediately drawing any possible breaches to their and BTAS's attention.
37. **Minimal Movement** - Those physically attending the hearing should minimise their movements around the hearing venue. All those attending should remain in the room they have been allocated until notified by the BTAS Administrator and/or the Clerk that they are required to move to another room. Movements around the hearing venue will be coordinated and staggered to ensure communal areas do not become over-crowded.
38. **Seating Arrangements** - All seating in the hearing venue will be set out in such a way as to maximise social distancing (and will be, where appropriate, supported by the use of plastic screens). For that reason furniture should not be moved, and individuals should avoid switching between chairs unless required to do so.
39. **Document Storage** - BTAS will continue to provide secure document storage during the course of a hearing (after which all documents must be removed by the person(s) using this facility). In all instances access to the storage must be requested from BTAS, who will unlock and open the doors, and close them once the person has put their papers in storage. Individuals using the facility *must* ensure all their papers are clearly labelled with their name and the date they were last touched, to minimise the risk of confusion and accidental contact. The storage facility can only be used for papers or books (no bags, coats or wheelie-cases etc), and the individual using the facility is responsible for removing the papers at the end of the hearing.
40. **Rooms Closed** - Non-essential rooms at the hearing venue will be closed except to BTAS staff. At the Tribunal Suite, the kitchen, and the photocopying room will be closed to all non-staff members.
41. **Minimal BTAS Staff** - On days when hearings are taking place at 9 Gray's Inn Square, BTAS will close its first-floor offices to all non-essential members of its staff to minimise occupancy levels at the Tribunal Suite.
42. **Signage** - Signs requiring social distancing, and promoting regular and thorough handwashing, in accordance with HM Government advice will be displayed prominently throughout the hearing venue. Signs confirming COVID19 compliance (as required by HM Government) will be displayed prominently in communal areas;
43. **Hearing Layouts** - BTAS will produce seating plans of every hearing venue to ensure this can be achieved, and for the same reason furniture must not be moved during the hearing to ensure these measures are not compromised. Indicative layouts for hearings taking place at the BTAS Tribunal Suite (9 Gray's Inn Square) are provided at Annex A.

After a BTAS Hearing

44. **Notify BTAS of Symptoms** - All individuals who physically attended a hearing **must** immediately notify BTAS if they develop any of the possible symptoms of Coronavirus (as defined by HM Government and detailed at: <https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance>) within 14 days of the last day of the hearing. BTAS will contact all those who may have come into contact with the infection and make this information available, as required, to the Government's 'track and trace' system.
45. **Deep Cleaning** - Should BTAS subsequently become aware that an infectious individual attended a hearing, no further hearings will be held at that venue until a deep-clean has been carried out.

Additional Procedures for Panel Members

46. **Contact with others** – Outside of the hearing room Panel members should only have face to face contact with the clerk and BTAS staff members, to reduce their wider risk of infection. There should be no face to face contact with the parties, witnesses or others who may be present in the building
47. **Retiring Room** - Seating in the retiring and hearing rooms will be in accordance with social distancing guidance. Where individuals cannot remain at least 2 metres apart, seating will be spaced at least 1 metre apart with plastic screens placed between panel members. Panel members may choose to wear masks in accordance with paragraph 30 above.
48. **Movement** - Panel members should move between their retiring room and the hearing room after confirmation from the Clerk or BTAS Administrator that it is appropriate for them to do so (to avoid over-crowding in the communal areas).
49. **Enter Hearing in Order** - Panel members should enter the hearing room in the order that they are seated (as advised by the Clerk), to avoid individuals having to pass by close to one another.
50. **Documentation** - To minimise the risk of cross-infection panel members should not handle copies of the same document:
 - a. All existing 'communal' copies of the BSB Handbook, BTAS Sanctions Guidance, relevant authorities and other documents normally available in the retiring room at the hearing venue will be removed. BTAS will ensure sufficient paper copies are available for each member of the panel (plus any other documents requested) which will be provided in an envelope with their name on it. These will be prepared at least 72 hours in advance and then placed in the retiring room by a BTAS member of staff wearing disposable gloves and a face mask, and will not thereafter be handled by another individual. After the conclusion of a hearing these documents will be collected and stored, untouched, for 72 hours, after which they will be reused at other hearings in the same way.

- b. Separate copies of all documents that are required to be signed by the Panel Members (confirming the findings, decisions and (where appropriate) sanctions agreed) will be provided to each individual and then collated for record-keeping purposes.

51. **Failure to Comply** - Panel Members should be aware that deliberate or repeated failure to follow these *Procedures* may result in their appointments with BTAS being terminated in accordance with paragraph's 35 and 36 of the [Appointments Protocol](#).

Additional Procedures for the Parties

52. **Movement** - Respondents, applicants and students of an Inn, BSB Case officers and their representatives should move between their designated retiring room and the hearing room only when invited to do so by the Clerk or BTAS Administrator.

53. **Failure to Comply** - Individuals should be aware that deliberate or repeated failure to follow these *Procedures* is liable to result in their right of physical attendance at the hearing venue being immediately removed, and further action taken where appropriate.

Additional Procedures for Clerks

54. **Face Masks** - Clerks are encouraged to wear face-masks whilst at the hearing venue, and must do so when escorting witnesses or others around the venue.

55. **Communal Areas** - Clerks, with the support of the BTAS Administrator, must seek to avoid any overcrowding of communal areas by advising the panel, parties and witnesses etc when they should move between their retiring rooms and the hearing room. They should 'stagger' such movements to one party at a time, with the panel only being asked to enter the hearing room after both parties are in their designated seats. The clerk should ensure the members of the panel should be the first to leave the hearing room during any breaks or at the end of proceedings.

56. **Failure to Comply** - Clerks should be aware that any deliberate or repeated failure to follow these *Procedures* may result in their appointments with BTAS being terminated in accordance with paragraph's 35 and 36 of the [Appointments Protocol](#).

Additional Procedures for Witnesses

57. **Arrival and Waiting** - Witnesses will only be granted access to the hearing venue 30 minutes before they are due to commence giving evidence. On arrival the witness will be asked to remain in a waiting room, prior to being called to give evidence. When there are multiple witnesses at a hearing, witnesses will be asked to take any belongings (coats, bags etc) with them into the hearing room. A member of BTAS staff will then disinfect 'high-touch' surfaces in the witness waiting room before its re-use. Every witness will be allocated a separate chair in the waiting room which, after use, will be marked 'do not use' for the remainder of the day and/or until the room is cleaned. Where appropriate BTAS will provide a number of separate witness waiting rooms. The seat/table from which the witness gives evidence in the hearing room must also be disinfected by the BTAS Administrator before it can be used again, even if this requires a very brief pause in proceedings.
58. **Holy Books** - All BTAS' holy books will be removed from the hearing rooms. Witnesses should be given the option by the parties of affirming their evidence (reading aloud from a one-use-only affirmation statement document, which will be removed and destroyed after use) or bringing their own holy book to give evidence upon.
59. **Failure to Comply** - Witnesses should be aware that deliberate or repeated failure to follow these *Procedures* is liable to result in their right of physical attendance at the hearing venue being immediately removed, and further action taken where appropriate.

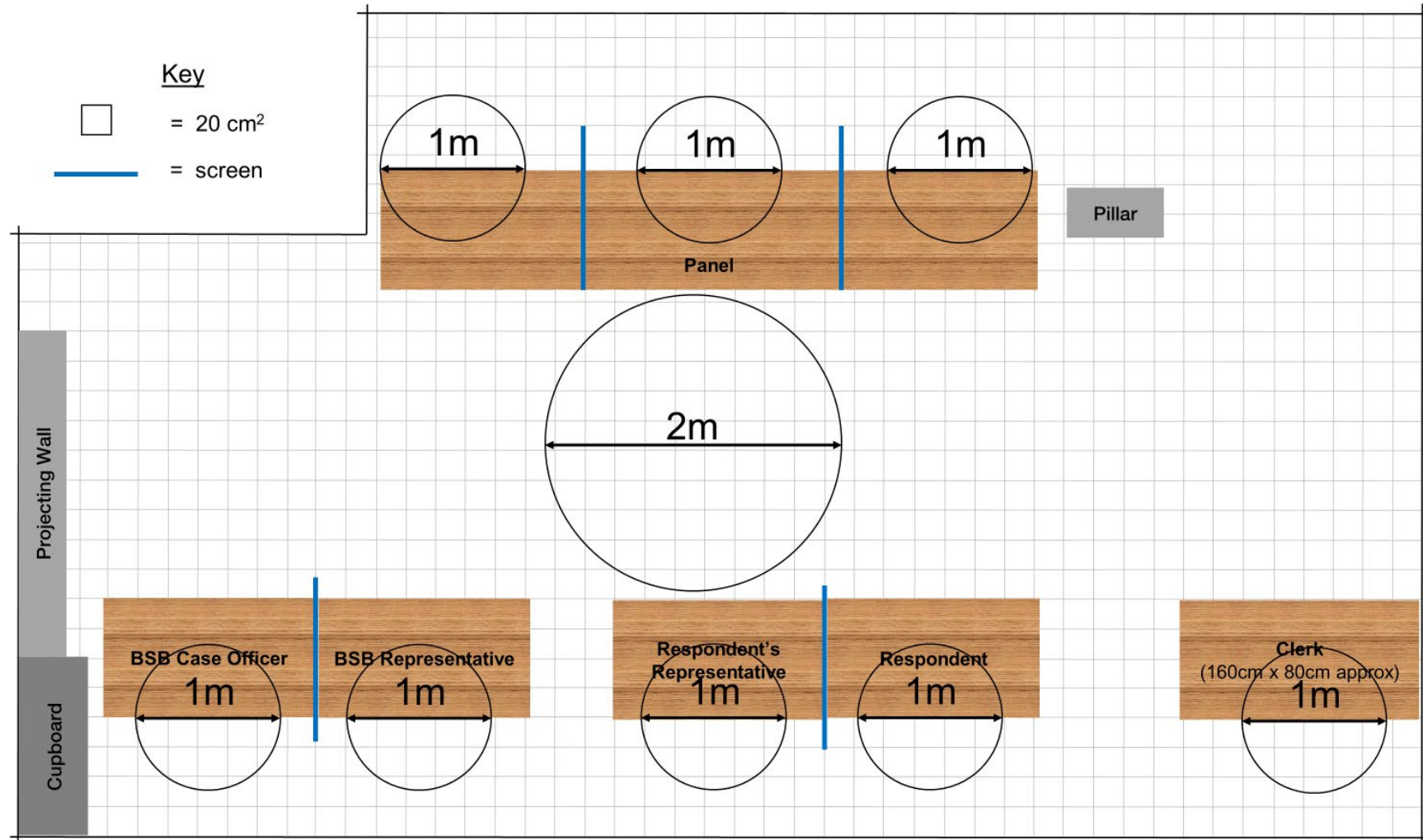
Additional Procedures Applicable to BTAS Staff During a Hearing

60. **Staff Offices** - Any office(s) used by BTAS staff at the hearing venue will be 'out of bounds' to others attending the hearing to provide a 'safe space' for staff. At the BTAS Tribunal Suite, this includes the administrative office, plus the kitchen area and photocopier/server room.
61. **Interactions with Others** - BTAS staff must ensure all interactions with others are limited to the shortest time possible and adhere to social distancing guidance. BTAS staff must also avoid any non-essential access to rooms used by the panel, parties or witnesses on the day of the hearing (and/or until the rooms have been cleaned).
62. **Documents** - BTAS staff should receive and disseminate documents electronically wherever possible. Where documents are received hard copy, they should (if possible) be left untouched for 72 hours, and where not possible a face covering and disposable gloves should be worn when handling them. Any documents disseminated or received on the day of a hearing should be handled with disposable gloves and while wearing a face covering. Gloves should be disposed of after use.
63. **Refreshments** - Refreshments will no longer be offered to attendees, who will also be instructed to responsibly dispose of all their waste.

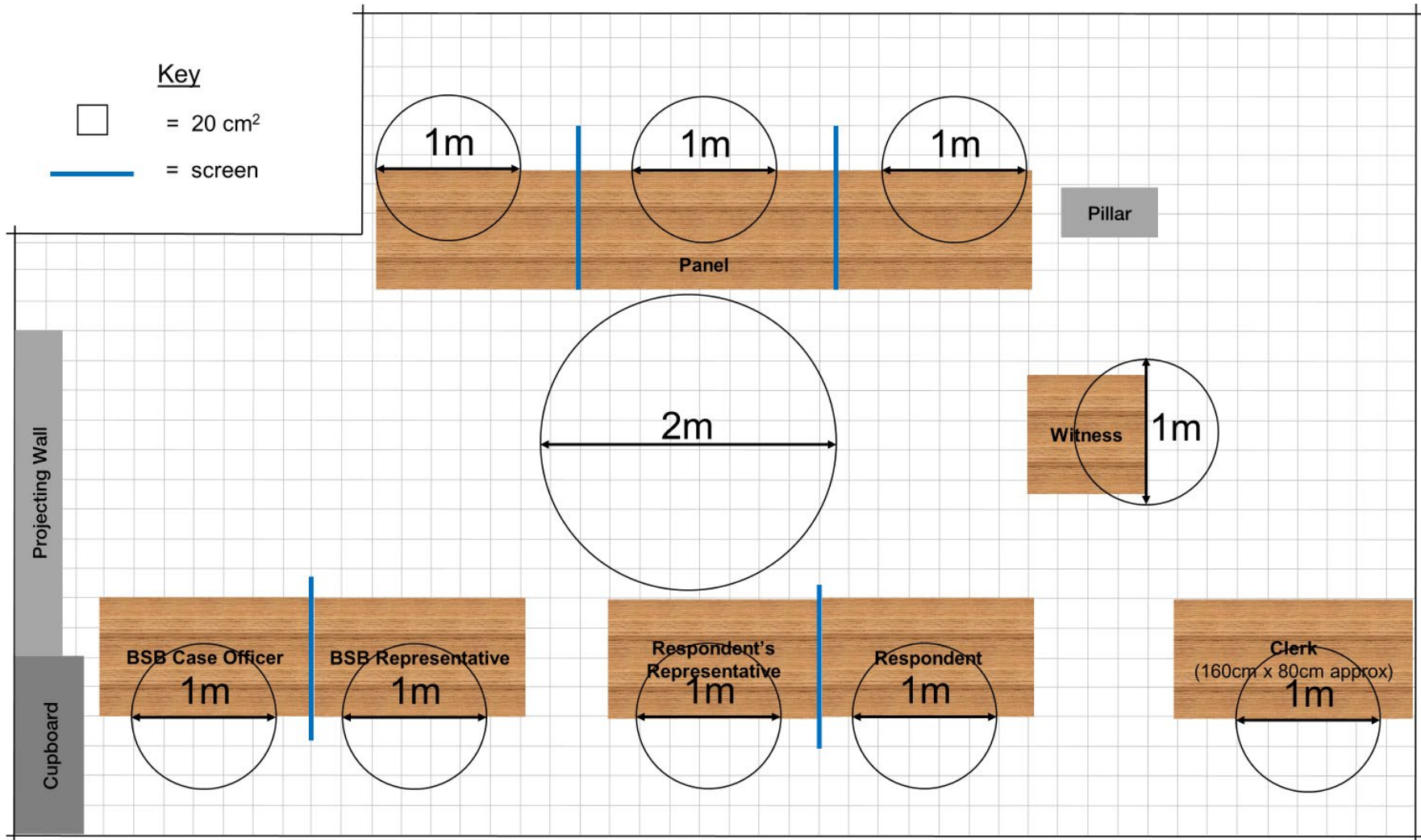
64. **Cleaning Wipes and Protective Equipment** - BTAS staff will be provided with disposable cleaning wipes and should ensure they are wearing a face covering and gloves while undertaking cleaning tasks.
65. **Recording Equipment** - BTAS staff should ensure the recording equipment is turned on prior to any individuals entering the hearing room. It should then be left on until the hearing has finished for the day and all attendees have left the hearing room. No other individuals should attempt to touch the recording equipment.
66. **Stenographers** - If required, a stenographer should ensure any equipment etc is placed in the hearing room before any other individuals enter, and is then removed only once they have left. The stenographer is required to observe social distancing guidelines whilst present in the hearing.
67. **Failure to Comply** - Members of staff should be aware that any deliberate or repeated failure to follow these *Procedures* may lead to disciplinary action being taken against them.

Annex A - Layouts for Hearings at the BTAS Tribunal Suite:

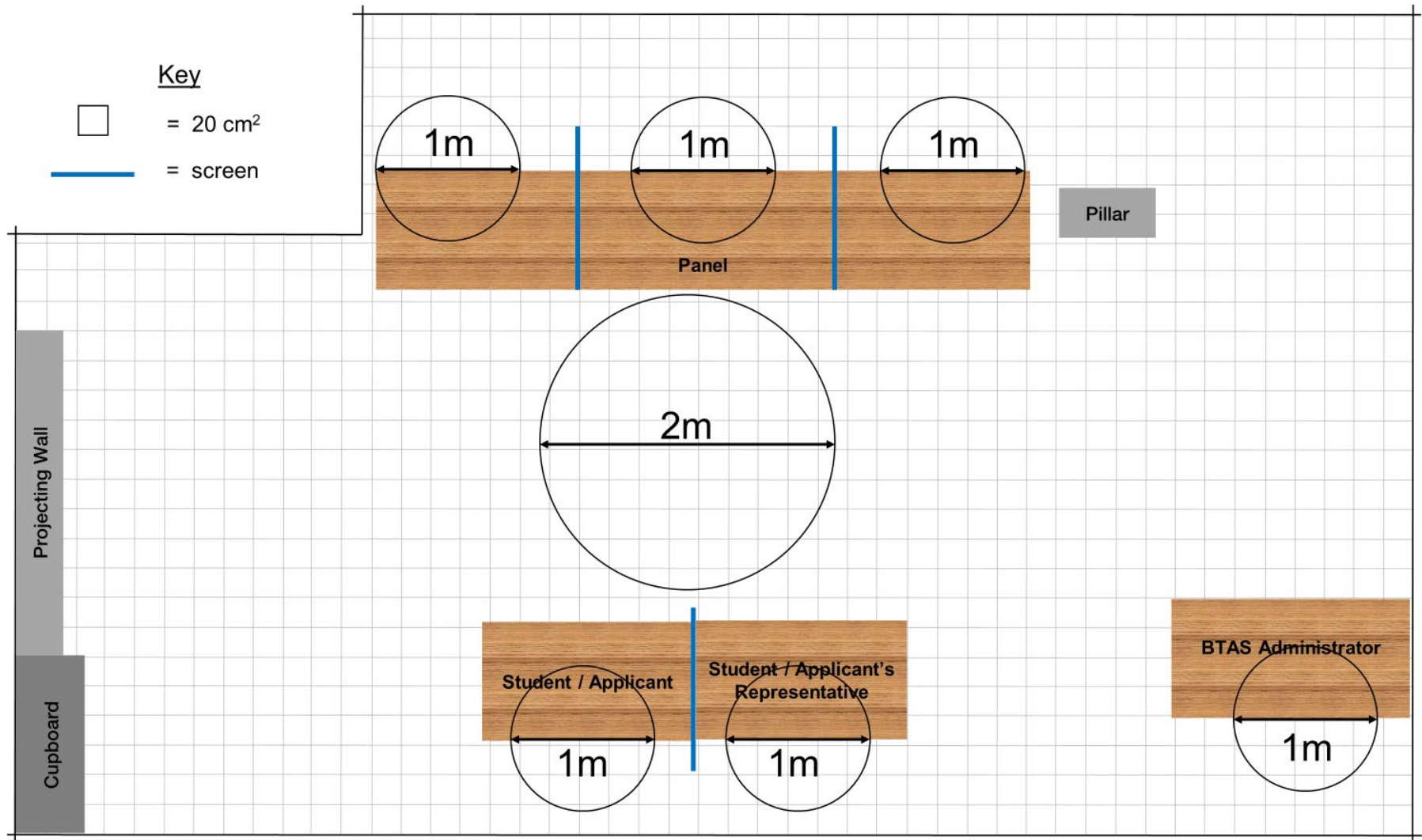
3 Person Tribunal, FTP, ISP or AAAS Hearing in BTAS Tribunal Room 1 (*without witnesses*)



3 Person Tribunal, FTP, ISP or AAAS Hearing in BTAS Tribunal Room 1 (with witnesses)

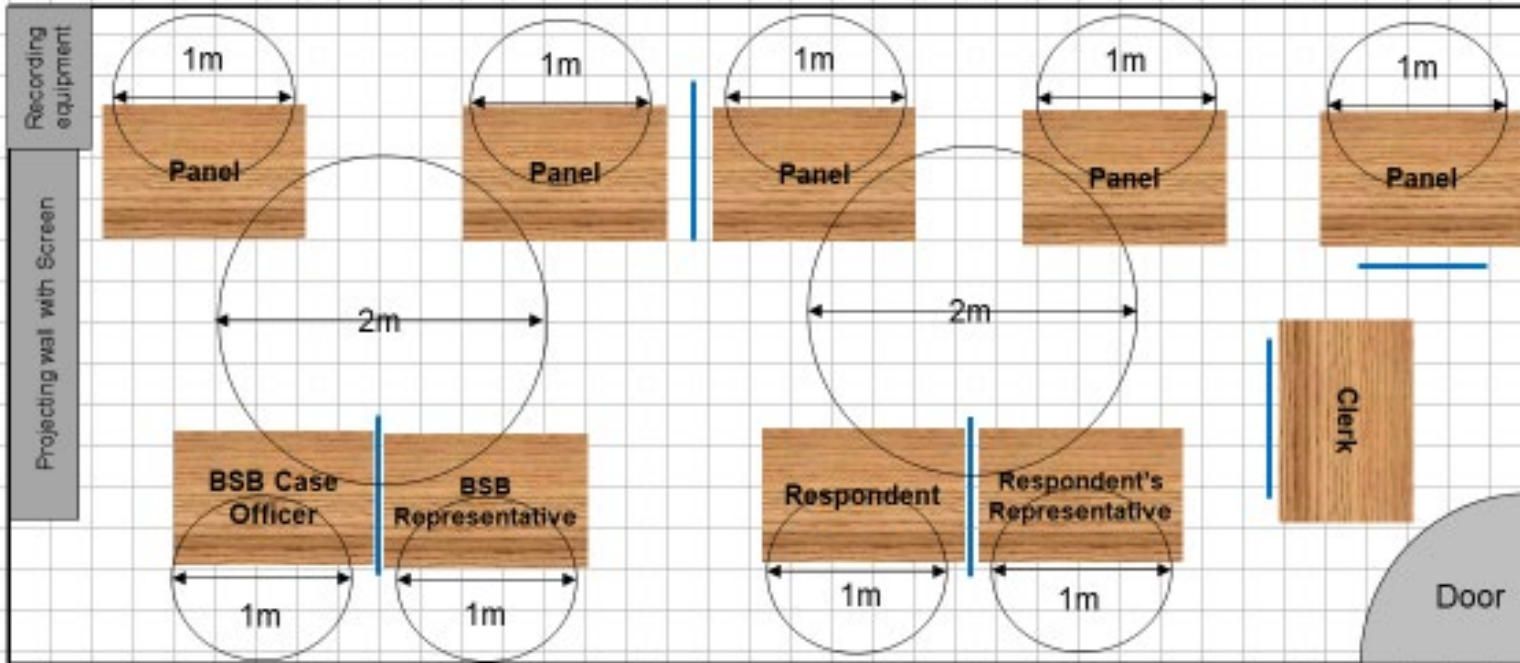


3 Person Inns' Conduct Committee Hearing in BTAS Tribunal Room 1





5 Person Tribunal in BTAS Tribunal Room 2 (without witness)

Key
□ = 25 cm²
— = screen



5 Person Tribunal in BTAS Tribunal Room 2 (with witness)

Key

-  = 25 cm²
-  = screen

