



JUDICIARY OF
ENGLAND AND WALES

THE HONOURABLE MR JUSTICE HAYDEN
VICE PRESIDENT OF THE COURT OF PROTECTION

Visits to P by Judges and Legal Advisors.

I am aware that Judicial Office Holders should be following the existing Public Health England (PHE) guidance in relation to coronavirus (COVID-19), and that it does not presently discourage visits by judges to those in residential settings unless a judge is symptomatic or has recently returned from a relevant affected country. This week it has been necessary for two judges of the Court of Protection to self-isolate. One had returned from Northern Italy and the other was symptomatic. It may be that the latter had been in contact with the former.

The present COVID-19 pandemic presents unprecedented difficulties for everybody. The Court of Protection, however, faces particular challenges. Many of the individuals subject to the proceedings are highly vulnerable to this virus. For this reason, I think it is prudent to indicate that visits should only be made to P where that it is assessed as **absolutely necessary**. Alternative arrangements should always be considered first, such as telephone, facetime and skype conferencing. I appreciate that these alternatives will not be capable of being utilised with as much efficiency as may be the case in other areas of the law, given that we will inevitably be dealing with people where questions of capacity arise in every case. Nonetheless, judges and practitioners can, I am aware, sometimes be very creative in utilising technology. Visits to care homes are to be **strongly discouraged**.

Where the judge hearing the case considers that P would be disadvantaged in the litigation by the absence of a visit, I think it would be helpful, in the present circumstances, for the judge to discuss the matter with the Regional Lead Judge before taking any decision. The Senior Judge, HHJ Carolyn Hilder, and I will make ourselves available to assist and advise where it is thought that might be helpful.

I recognise that this guidance may have significant ramifications. It has been necessary to issue it quickly and with limited consultation. I have done so because I consider that this is an important matter that requires to be addressed with some urgency. The guidance has been seen by the Official Solicitor and has her active support.

Keep informed about guidance to the judiciary via <https://intranet.judiciary.uk/practical-matters/coronavirus-covid-19/>. This page is reviewed daily to ensure it contains the most up to date information. Please check it on a daily basis.