



Representing the Bar

Annual Report 2013/14



The Bar Council
Integrity. Excellence. Justice.





Introduction from the Chairman of the Bar Council

This is the Bar Council's third annual report. It sets out the work done by the Bar Council for the benefit of the Bar and in the wider public interest in the year from 1 April 2013 to 31 March 2014. The independent Bar Standards Board (BSB) publishes its own annual report. The Bar Council's Financial Statements for 2013/14 are published separately on our website, but this report contains a brief summary of the sources of our income and what money is spent on.

The year 2013/14 was dominated by the Government's proposals to cut legal aid. The Government published Consultation Papers in April and September 2013 and a response to the consultation in February 2014. The Government's proposals were contrary to the public interest and met with considerable opposition.

The Bar Council responded fully to both consultations and led the discussions with the Government which resulted in the announcement on 27 March 2014 that there would be no cuts to the Advocates' Graduated Fee Scheme before July 2015 and that there would be a review of that scheme in the light, inter alia, of the review commissioned by the Government and conducted by Sir Bill Jeffrey into the market for criminal advocacy services. Sir Bill published his report on 7 May 2014 and the debate continues as to the future of the criminal Bar, with the Lord Chancellor saying that "It is very important that the independent criminal Bar has a good future."

The Bar Council subsequently also led the discussions which resulted in the Government putting in place new arrangements under which self-employed barristers have been instructed to represent defendants in a number of Very High Cost Cases (VHCCs). No advocates had been willing to act in these cases for the reduced fees introduced by the Government in December 2013.

The Bar Council continues to lead discussions with the Government on a longer-term alternative to the VHCC scheme and on the long-term future of criminal advocacy,



including the review of the Advocates' Graduated Fee Scheme.

Meanwhile, throughout 2013/14 the Bar Council continued to represent the Bar, to provide services to the Bar and to promote the interests of the Bar and the public interest in the various ways outlined in this report.

The Bar Council is constantly seeking to operate more efficiently and to maximise value for money for its subscribing members. The recruitment of a new Chief Executive, Stephen Crowne, in 2013 was an important step in this direction, as he has been able to introduce organisational changes which improve the efficiency of the Bar Council. Another significant step came at the beginning of 2014, when the Bar Council gave up four floors of space, which will result in anticipated savings of about £4m in expenditure over the next five years.

Managing the change to a much smaller office space was a major project, which was well managed and successfully implemented.

The work of the Bar Council depends on the expertise, dedication and hard work of our staff, for which we are very grateful. We are also grateful to all of those members of the Bar who give so freely of their time and effort to serving on the Bar Council or its committees or contributing in a myriad of other ways to the work of the Bar Council. Particular mention must be made of: Maura McGowan QC, who as Chairman in 2013 bore

the brunt of responding to the Government's legal aid proposals; Stephen Collier, who as Treasurer since 2012 has done so much to improve the control of the Bar Council's finances; and Alistair MacDonald QC, who as Vice-Chairman in 2014 has been a constant source of support.

Nicholas Lavender

Nicholas Lavender QC
Chairman of the Bar Council



Introduction from the Chief Executive

Since I joined the Bar Council as Chief Executive in June 2013 I have given priority to ensuring that the Bar Council has a clear sense of direction, and the capacity it needs to meet the challenges of the future. Fundamental to that is our new Strategic Plan for 2014-17, which sets clear aims and objectives, and which will govern all that we do.

We developed the Plan over the course of 2013/14, building on our previous strategic plan and drawing on views from across the profession and the organisation itself. Next year, our annual report will show the progress we have made in the first year of the new Plan. This year's report is in some respects a report on transition as we gear up to deliver the new Plan.

Of course this year has seen some difficult, impressive and ultimately fruitful work across the Bar Council and beyond, facing the challenge of cuts to legal aid budgets. We have been very conscious of the financial pressures facing a significant part of the Bar, so were determined to set a budget for 2014/15 with no cash increase to the level of Practising Certificate Fee (PCF) charged to the profession.

I am very pleased that we were able to do so, largely by challenging ourselves hard about priorities and looking for greater efficiency and impact across our services. And I am even more pleased to report that, for 2013/14, income was up 11.3%, expenditure was reduced by 5% and we contributed £278k to our reserves. The section on Bar Council resources (pages 27 to 30) sets out the financial picture in more detail.

We also took a very important step last year to modernise the way that the Bar Council is funded. In September 2013 the Bar Council agreed in principle to altering the basis on which the PCF is charged to the profession, looking at income rather than seniority.



Following a number of years of discussion and consultation, there was a significant majority in the profession in favour of this change. I believe that this is the right step to take given the pressures that the Bar now faces. The new system will be implemented for 2015/16.

We are committed to continuing to look for savings internally. As the Chairman notes in his report, we took advantage of lease breaks to reduce very significantly our office space, whilst maintaining and in some respects enhancing the facilities available to staff and committee members.

I have been impressed by the commitment and expertise shown throughout the organisation. A key part of my job is to ensure that we build on these to deliver greater impact. So to support our new Strategic Plan we have developed a new staff performance management system that will recognise success and identify areas for improvement. We want to build and sustain a culture of excellence, reward achievement, and encourage and support all staff in their efforts to develop their own skills and competence.

We are undertaking a major overhaul of our Resources Group, which provide the essential underpinning for both the Representation, Policy and Services and the Regulatory Groups of the Bar Council. There have been some notable achievements – not least the office space reduction – and important investments in, for example, information technology and our project management expertise, which will help deliver greater efficiency and effectiveness across our programmes and activities in future.

Towards the end of the year, we began a review of the structure of staffing for our Representation, Policy and Services functions. The aims were to:

- Ensure that the activities we engage in directly relate to and are in fulfilment of our stated strategic and business objectives
- Bring together and manage on a more coherent basis the services we provide for the profession, both income-generating and other
- Market both the individual services and the Bar Council as a whole more effectively to the profession
- Develop a more flexible policy operation that allows us better to deploy our policy expertise to meet the Council's strategic priorities, and
- Meet longer-term challenges effectively.

The new staffing structure was put in place on 1 September 2014. It will ensure that we are able to meet the challenge of being an outward-facing organisation with a deep understanding of the needs and priorities of the membership. This is essential if we are to represent the profession even more effectively and provide the services that they need.

No doubt we will face increasing challenges ahead, not least in balancing the need to keep the PCF as low as possible with meeting our statutory obligation to ensure that the BSB has the resources they require. However, I believe that the changes we have set in train will deliver a better organisation, more effective service to members and even greater impact in future.

I would like to pay tribute to both our staff and to the very many barristers who contribute so generously of their time in working in our committees. We are fortunate indeed to have so much expertise on tap, and we are committed to developing the way we work to ensure that we make the very best use of that.

Finally, I would like to thank the Officers for the leadership they have provided, to the organisation as well as to the profession at large. They have helped to make the challenges of my early months in my role both manageable and enjoyable. The Bar Council is fortunate indeed to have leaders of their calibre.



Stephen Crowne
Chief Executive of the Bar Council

About the Bar Council

The Bar Council represents and, through the independent Bar Standards Board (BSB) regulates, over 15,500 barristers in self-employed and employed practice. The Bar Council promotes:

- The Bar's high quality specialist advocacy and advisory services
- Fair access to justice for all
- The highest standards of ethics, equality and diversity across the profession, and
- The development of business opportunities for barristers at home and abroad.

In its representative capacity, the Bar Council Executive provides support to the Chairman's Office and a number of representative committees, sub-committees and working groups. The Executive supports the Bar Council's work by:

- Communicating regularly with the profession about key matters affecting its interests
- Influencing the development of public policy and legislation affecting the provision of specialist advocacy and advisory services and, more widely, in the profession's and the public interest
- Developing and promoting the work (and the values) of the Bar at home and abroad, to governments, legislatures, the media and other stakeholders, and
- Working to improve entry to the profession (with the aim of ensuring that the Bar is open to all with the requisite ability), to provide rewarding careers and to sustain the long-term future of the Bar.

For more information on the Bar Council's structure and representational work, please visit www.barcouncil.org.uk.



In this report, we set out the key strategic aims for 2013/14, and report on our progress in achieving our objectives.

Strategic Aims – Representation and Promotion

1 Develop and promote the specialist advocacy and advisory services of barristers and the values which underpin the Bar at home and overseas. Enhance quality and frequency of communications within the organisation, with the profession and external stakeholders.

The environment in which the Bar operates becomes more challenging and competitive as each year passes. The Bar has had a number of storms to weather. At this point last year, the profession could only anticipate how far Government proposals would affect its practice and survival rate.

A year after the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) removed legal aid altogether from many family and civil law disputes in April 2013, we are seeing the extent to which these changes have affected not only barristers' earnings, but individual litigants and access to the justice system as a whole.

Criminal legal aid cuts are making publicly-funded advocacy less viable as a profession. This will

undoubtedly have an adverse impact on the efforts which the Bar has been making, for many years, to improve the diversity of the profession, and therefore in time of the judiciary.

Many skilled and experienced advocates are likely to leave publicly-funded criminal work, and the loss of skilled and experienced advocates will lead to prolonged trials, more appeals and the risk of miscarriages of justice. As Lord Faulks QC, a Minister of State at the Ministry of Justice (MoJ), said in 2013 of the criminal justice system: "Its reputation, hard-won as it is, is now at serious risk." Read more about the Bar Council's work in this area on pages 9, 11 and 22.

The privately-funded Bar has an important role to play in supporting the criminal Bar. It is not immune from the effects of the legal aid cuts – there is, after all, the risk of these harming the international reputation of our legal system, with the privately-funded Bar playing a vital role in attracting investment into the UK from all over the world. The Bar Council was instrumental in bringing the Bar together at its 'One Bar, One Voice – United for Justice' meeting on 8 February 2014 to discuss the effects of legal aid cuts on the Bar, the justice system and the public interest. Read more about this on page 9.

The outlook looks more positive, and with the Global Law Summit taking place in February 2015, there is a major opportunity to showcase the high quality expertise of the Bar in a global market.



Access to the Bar

During the last financial year the Bar Council, through its **Access to the Bar Committee** (ABC) and the Member Services Board, has worked with the BSB, whilst respecting its independence, to implement and provide training for the new public access rules which came into effect in October 2013.

The **ABC** has also:

- Held seminars on ‘knotty problems in public access’, and a debate on the future of public access as a result of the changes to the BSB Handbook
- Interviewed small business owners to produce four short online videos to raise awareness of the benefits of public access, and
- Updated its guidance to reflect the changes to the BSB Handbook.

See page 9 to find out how these changes affect the training requirements for barristers, and the Public Access Courses provided by the Bar Council.

A look ahead

In the current financial year, the **ABC** is working to develop best practice for public access barristers.

BARCO

BARCO, a third-party escrow account to manage the financial relationship between the Bar and its clients, became fully operational in April 2013. BARCO¹ protects consumers and is seen as a positive step forward in the provision of legal services. It demands clear agreements about fees and maintains its own records of the agreements entered into by all parties.

As the Bar is prohibited from handling client money itself, the service has proved to be an invaluable tool for many of its clients, allowing the Bar to acquire new business which it would not otherwise be able to secure. BARCO has also been supporting barristers with Conditional Fee Agreement instructions, helping to ensure that the client has a clear understanding of the fee structure.

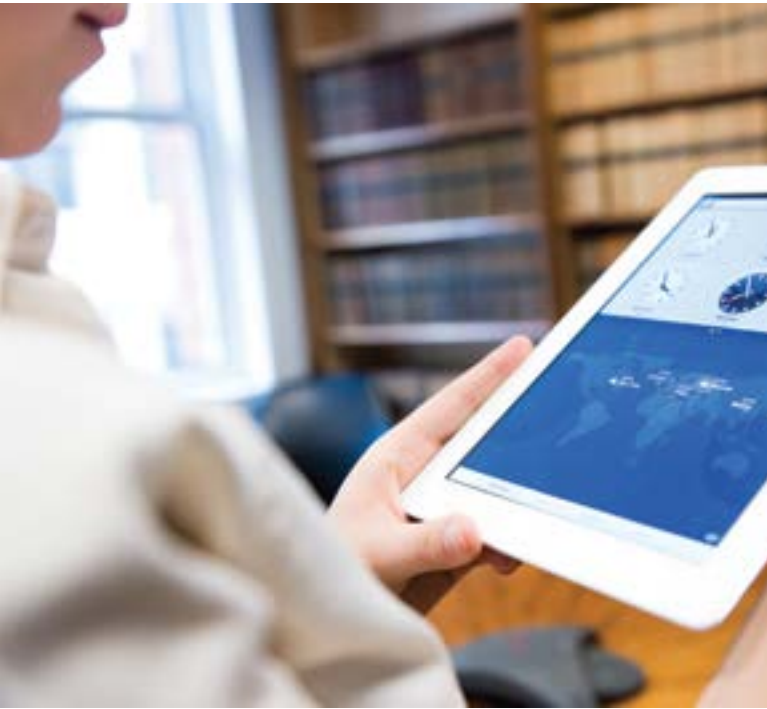
International business development and promoting the Rule of Law overseas

In the last financial year, the Bar Council continued to seek out opportunities for its members in a growing international legal market. The value of the Bar’s exports of legal services was £232m in 2013, up from £229m in 2012, £200m in 2011 and £165m in 2010.²

Through its **International Committee** (IC), the Bar Council raised awareness of the profession’s international expertise, and helped to develop the Rule of Law internationally, by:

- Providing training on the BSB’s International Practice Rules for the profession to facilitate growth of the Bar’s international work
- Visiting South Korea (and China) in September 2013 to consolidate the Bar Council’s relationship with the Korean Bar Association, signing a Memorandum of Understanding
- Co-organising the second English Law Week in Moscow in November 2013
- Sending a delegation of barristers, led by the Chairman of the Bar, to Brazil as part of a programme supported by UK Trade & Investment (UKTI), building on a Memorandum of Understanding signed with the Brazilian Bar earlier in 2013

¹ www.barcouncil.org.uk/BARCO ² Source: Bar Mutual Indemnity Fund



- Providing representation at international conferences, such as the International Bar Association (IBA) Conference in Boston 2013, and assisting the Bar in developing international practices
- Assisting 21 barristers under seven years' Call to attend international conferences through its International CPD Grant Programme, which had increased support from the Bar Council Scholarships Trust and subsidies from Specialist Bar Associations and Circuits
- Arranging events in London and Manchester to help members of the publicly-funded Bar to develop an international practice
- Showcasing the Bar to over 50 international Bar leaders at events organised for the annual Opening of the Legal Year

- Running the Bar Council China Training Scheme, now in its 24th year
- Setting up a group of SBA representatives and other specialists to support the Rule of Law internationally, looking to develop training projects in Oman (the first mission took place in January 2014), Cambodia and Bahrain (Foreign and Commonwealth Office funding is being explored), and
- Arranging the Annual Rule of Law Lecture: the Bar Council's seventh lecture was delivered by the Chief Justice of Canada, Beverley McLachlin, on the open court principle in the 21st century in January 2014.

A look ahead

The Bar Council and the Law Society, in partnership with the Ordem dos Advogados do Brasil (OAB), will launch a new Brazilian-British Lawyers' Exchange Programme this November, with a group of young Brazilian lawyers participating in a four-week programme in London. A group of barristers and solicitors will head to Brazil in April/May 2015 for the return leg of the scheme.

The 2014 Rule of Law lecture is scheduled for 2 December. The speaker will be Awn Shawkat Al-Khasawneh, former prime minister of Jordan and former judge of the International Court of Justice.

Over the past year

A second Russian-British Young Lawyers' Exchange Programme took place in May this year. In June, the second phase of the Bar Council Korean Lawyers' Exchange Scheme took place, with six young barristers being placed in top Korean firms. Another group of Korean lawyers is expected in 2015.

A joint Rule of Law lecture with the Faculty of Advocates took place in Edinburgh in August.



Global Law Summit

The Global Law Summit will be held in London on 23 – 25 February 2015, in the year of the 800th anniversary of the sealing of Magna Carta. The Bar Council is a partner of the event along with the Law Society, the Corporation of London, the British Council, TheCityUK, UK Trade & Investment, the Judiciary and the Ministry of Justice.

The objectives of the Summit are to:

- Celebrate judicial traditions and the fundamental importance of impartiality, integrity and fairness
- Champion the Rule of Law as the cornerstone of a fair and just society
- Offer a platform for thought-leadership and cutting-edge debate, and
- Facilitate business networks and access to key industry decision makers.

The four themes of the Summit are: driving economic growth through the Rule of Law; law at the heart of 21st century business; Magna Carta principles and modern world solutions; and law as the foundation of a strong and prosperous society. For more information, visit: www.globallawsummit.org.uk.

Communications

The Communications Team works to promote a profession which is relevant, maintains high standards and operates in the public interest. A significant amount of the team's resources were devoted to proactive and reactive media engagement relating to the Government's 'Transforming Legal Aid' consultations. The team also worked on a number of other initiatives, including:

- **'One Bar, One Voice – United for Justice'** – a panel event, open to the public, which brought the whole Bar and others together to address concerns about access to justice, quality of the justice system, and the harmful effects of the cuts to legal aid on our legal system and its international reputation
- **Corporate Social Responsibility** – producing 'The Bar in Society – Barristers Making a Difference'³ in November 2013. The publication outlined the valuable contribution which many barristers make to the communities in which they work and live, and the Corporate Social Responsibility initiatives of the Bar Council, and
- **Global Law Summit** – as a partner of the event the Bar Council's Communications Team provided dedicated marketing communications support for the launch of the initiative from September 2013 to March 2014.

³ www.barcouncil.org.uk/media-centre/publications/2013/november/the-bar-in-society-barristers-making-a-difference

The Communications Team also produced the 'Representing the Bar' annual report and the Party Conference Briefing, and worked with other teams at the Bar Council to produce key marketing communications materials for representative and commercial purposes.

Over the past year

At the time of writing this report, the Bar Council has completed the Heart of the City's Newcomer Programme, a one-year scheme supported by the City of London.

Media relations

The Bar Council Press Office, run by the Communications Team, continues to deal with a constant stream of media enquiries about the profession and issues related to the administration of justice. Some of the key media campaigns carried out over the last financial year included:

- **Campaign for legal aid** – the Bar Council carried out a sustained strategic campaign to communicate the Bar's position on the cuts to legal aid, its core messages in response to the Ministry of Justice's 'Transforming Legal Aid: Next Steps' consultation and on VHCCs. Significant coverage across print (broadsheet and tabloid), broadcast and social media was achieved, following proactive media engagement from the Bar Council, working with the Criminal Bar Association and the Circuit Leaders, and
- **Supporting litigants-in-person** – the Communications Team worked with a number of Specialist Bar Associations and with the support of AdviceNow to produce 'A Guide to Representing Yourself in Court', published on 1 April 2013. Requests for copies from Citizens Advice Bureaux and members of the public continue, with the Press Office also dealing with media enquiries from broadcast and print media on the subject of litigants-in-person and the impact of LASPO.



2 Promote the Bar's views on matters affecting the profession and the administration of justice, including the future of the publicly-funded Bar, law reform and maintenance of the Rule of Law, with the Government, relevant EU institutions, professional bodies, international Bar associations and other organisations with common interests.

Lobbying

A key aspect of the Bar Council's work is engaging with Parliament and the Government on legislation and other issues which impact on the administration of justice. The Bar Council is currently monitoring and actively communicating its position on the Criminal Justice and Courts Bill (in particular, in relation to judicial review) and the Serious Crime Bill, among other measures.

In addition to attending the political party conferences and lobbying on many important policy issues, the Bar Council, jointly with the Law Society, services the All-Party Parliamentary Group (APPG) for Legal and Constitutional Affairs, chaired by Lord Hunt of Wirral. Three APPG meetings took place over the reporting period – the AGM, and sessions on legal aid and judicial review.

A look ahead

The Bar Council will be attending the 2014 autumn party conferences and producing a Party Conference Briefing for delegates on the Bar's public policy concerns, its contribution to the administration of justice, and its role in modern society. During the course of the conferences, the Chairman of the Bar Council will meet a number of Parliamentarians and address fringe events on relevant topics.

The Bar Council also takes an active interest in the APPG for Legal Aid, chaired by Karl Turner MP, and in the APPG for Victims and Witnesses of Crime, chaired by Sarah Champion MP.

Criminal Justice Reform Group

The Bar Council established the Criminal Justice System and Legal Aid Reform project in April 2014 to enable the Bar Council to provide a co-ordinated and consistent approach to the multiplicity of reform proposals for the criminal justice system and criminal legal aid.

A core part of the project is the Criminal Justice Reform Group (CJRG), led by HH Geoffrey Rivlin QC. The CJRG has representatives from the Circuits, the young Bar, the Criminal Bar Association (CBA) and the Family Law Bar Association (FLBA). It will consider and formulate proposals for the future of the criminal justice system and the role of barristers in that system, having regard to the interests of justice and the current state of public finances.

The CJRG has divided its work into a number of sub-groups focused on four main policy areas: business models, the needs of the most junior practitioners, the recommendations made in Sir Bill Jeffrey's review of advocacy (May 2014), and the Leveson Review of the criminal justice system.

⁴ www.barcouncil.org.uk/for-the-bar/consultations/responses-to-external-consultations

Law reform

In 2013/14, the Bar Council, through its **Law Reform Committee** (LRC), other committees and SBAs, responded to more than 30 consultations from the Government, the Law Commission and others.⁴ The LRC's membership covers many areas of law, which ensures a representative response. The LRC also responds to EU consultations in conjunction with the **EU Law Committee**.

The LRC has also:

- Assisted in formulating the Bar Council's response to Part 4 of the Criminal Justice and Courts Bill, regarding judicial review, and to the Ministry of Justice's consultations on 'Judicial Review: proposals for further reform'
- Responded to the Law Commission's consultation on the 12th programme of law reform, and suggested four topics for the programme, with two being taken forward by the Commission
- Held the 13th Annual Law Reform Lecture to raise awareness of law reform issues – 2013's lecture was delivered by the Rt Hon. Lord Judge on the evidence of child victims, and
- Organised the 12th Annual Law Reform Essay Competition, sponsored by the Bar Council Scholarship Trust. The competition attracts increasingly high quality entries.

A look ahead

This year's Annual Law Reform Lecture will be delivered by Professor Sir Francis Jacobs on 18 November 2014. The topic will be 'The European Courts and the UK – What future? A New Role for English Courts'.

Effective relations with EU institutions

Maintaining and enhancing the Bar's relationships with EU institutions and other influential bodies in a challenging economic and political environment is at the forefront of the **EU Law Committee's** representational activities.

The two-year Balance of Competences Review, led by the Foreign and Commonwealth Office, is almost at a close. This, together with the outcome of negotiations on the UK's 2014 opt-out of criminal justice measures, will influence the debate on the wider UK/EU relationship and decisions to be taken in the coming years. The **EU Law Committee** has so far coordinated seven formal responses on behalf of the Bar Council.

As part of its consideration of the form and content of the future EU Justice Policy, the Commission organised a high-level Assises de la Justice Conference in Brussels in November 2013. The Chairman of the Bar was one of only two practitioners to address the conference, as a member of the criminal law panel.

The Bar, in conjunction with other members of the legal profession, had successfully lobbied for the exclusion of certain categories of legal services from the full impact of the general framework directive of the new EU Public Procurement regime. Importantly, this allowed publicly-funded advocacy to fall outside the strict rules – a crucial result for the Bar.

As well as lobbying on significant issues, the **EU Law Committee** also organised a seminar, aimed at students and young members of the Bar, which explored career opportunities in the EU and international sphere.

Changes to legal services

The Bar Council's **Legal Services Committee** (LSC) considers matters affecting the administration of justice, rights of audience for non-barristers and other matters affecting the interests of the Bar. In the last financial year, the LSC has responded to the Judicial Appointments Commission's consultation on the application of the equal merit provision, the **Professional Practice Committee's** draft guidance on devilling, and the Ministry of Justice's consultation on 'Court fees: proposals for reform', as well as liaising extensively with SBAs and other Bar Council committees.

The LSC has also:

- Monitored the progress of the *O'Brien* proceedings, as the outcome will affect a considerable number of barristers who serve (or who aspire to serve) as fee-paid judges; guidance has been provided to the Bar about the possible impact of the decision on practitioners, and
- Set up a working group to provide practical assistance to barristers about the different ways in which they can practise, and the new opportunities which will be available to them once the BSB is authorised by the Legal Services Board (LSB) to regulate entities.



3 Enhance the existence and unity of the Bar, employed and self-employed, privately or publicly funded, in the face of external change, by effective liaison with all stakeholders, particularly the Inns of Court.

The key achievements of the **Employed Barristers' Committee** (EBC) over the past year have included:

- A well-attended conference in March 2014 which featured sessions on bribery and corruption, whistleblowing, cross border litigation, and legal professional privilege, among others. Speakers included Sir Michael Wright, Sir Edward Garnier QC MP and Alun Milford, General Counsel at the Serious Fraud Office
- The development, with the **LSC** and the **Equality and Diversity Committee**, of a Bar Mentoring Service for silk and judicial appointments. The Service, currently in its pilot year, has successfully paired mentors and mentees (see also page 16), and
- Organising seminars on 'Dual Capacity: the Ethics of Dual Practice' and on the 'Future of Economic Crime and Asset Recovery'.

The Bar Council's **Young Barristers' Committee** (YBC) represents the interests of barristers under seven years' Call. As well as organising the Young Bar Conference in the autumn (see page 16), the **YBC**:

- Responded to the Ministry of Justice's 'Transforming Legal Aid: Next Steps' and 'Judicial Review: proposals for further reform' consultations
- Represented the young Bar internationally at events such as the IBA Conference
- Organised a seminar in collaboration with the Bar Council's Remuneration Taxation Panel on the new income tax accounting introduced by the Finance Act 2013, and
- Published the annual Young Bar magazine, containing articles on a range of issues, including changes to the Practising Certificate Fee, international relations and the mood at the Young Bar.⁵



A look ahead

This year's YBC magazine will focus on the theme of 'Justice in Jeopardy', featuring an article about Janis Sharp (the mother of Gary McKinnon, who fought against extradition of her son to the US), and the Young Bar Conference on 18 October will involve the Rt. Hon. Lord Judge and the Director of Public Prosecutions (DPP), Alison Saunders CB, as keynote speakers.

⁵ www.barcouncil.org.uk/media/229312/ybc_magazine_2013.pdf

Strategic Aims – Products and Services

4 Provide services to individual members of the Bar, Specialist Bar Associations (SBAs) and Circuits, including fees collection, publications and conferences, as well as access to appropriate products and services at discounted prices through the Member Services Department.

Services to Specialist Bar Associations, South Eastern Circuit and Institute of Barristers' Clerks

The Bar Council provides association management services under service agreements with the Employment Law Bar Association, Family Law Bar Association, Technology and Construction Law Bar Association, South Eastern Circuit and Institute of Barristers' Clerks. These agreements earn revenue for the Bar Council which is equal to the direct costs of providing the services. The organisations concerned have not been charged for the indirect costs incurred by the Bar Council, such as office space, lighting, power or operational costs.

Efficient Fees Collection service

During the last financial year, the Bar Council started work on improving the efficiency of its Fees Collection service (where a solicitor has failed to pay a barrister for work done) and Joint Tribunal service (to resolve disputes between solicitors and barristers over fees).

Applications are now submitted electronically by email, replacing the need to submit a hard copy application in duplicate. All applications are processed

through a new workflow function generated by the in-house Document Management System to enable each application to be progressed in an efficient, timely manner.

To access the forms and the guidance, visit www.barcouncil.org.uk/for-the-bar/fees-collection.

A look ahead

The Bar Council is considering the provision of a paid service to assist barristers in obtaining payment of sums due under Judgment Orders.

Bar Representation Fee

In November 2013, the General Management Committee of the Bar Council approved a proposal to rename the Members' Services Fee (MSF) as the Bar Representation Fee (BRF), following feedback which indicated that many barristers thought the MSF only helped to fund a range of commercial products and services. The name change helped clarify what this voluntary fee provides. To find out more about what the BRF covers, visit: www.barcouncil.org.uk/for-the-bar/bar-representation-fee-and-funding.

Chambers' pension scheme

Auto-enrolment pension obligations affect all employers in the UK and the Bar Council's Services team has been working in partnership with Close Brothers to find a solution for chambers. As a result, the Chambers' Pensions Scheme has been created. The Services team and Close Brothers held a number of seminars in London, Birmingham, Newcastle, Manchester, Leeds and Bristol throughout March 2014 to provide more information to the Bar about this service.

Conferences

The 28th Annual Bar Conference was held on Saturday 2 November 2013. The theme, 'Tomorrow's Bar: Engaged in the Future', brought together different circuits and areas of practice for a busy day of debate at a new venue, the Westminster Park Plaza. There was a very positive response to the change of venue and to the event itself from delegates and sponsors.

The main event in the young Bar's calendar is the annual Young Bar Conference, which took place in October 2013. The Conference, with the theme, 'United We Stand', was attended by over 150 practitioners. Speakers included Lord Justice Moses and Oliver Heald QC MP (then Solicitor General), and there was a workshop session on professional ethics and advocacy.

Over the past year

The 'Getting paid: practical advice – Remuneration Conference 2014' was held in July this year. This Conference provided an important opportunity for the profession to learn about key remuneration issues and to receive practical advice about getting paid for work done in publicly as well as privately-funded practice.

Bar Nursery at Smithfield House

The Bar Nursery at Smithfield House, a service developed by Services in partnership with the Bar Nursery Committee (BNC), opened in April 2013. It was launched with an existing provider, Smithfield House Children's Nursery (located close to the Old Bailey). The opening was widely acclaimed by the legal community and media.

It is open to children aged from eight weeks to five years between 07:00 and 19:00, five days a week. The long opening hours are designed to help those whose practice involves extensive travel to appear in courts all over the country.

The nursery offers flexible full-time and part-time day childcare packages, and also, importantly, emergency packages to cater for those who face unexpected problems with their existing childcare or who are listed at short notice in court in central London. The nursery offers pre-negotiated special rates for all members of the Bar, as well as chambers' staff and Bar Council employees. The choice of location reflected the largest geographical demand for this type of service.

Bar Mentoring Service

The LSC has been working with the EBC and the Equality and Diversity Committee (EDC) to develop a mentoring service for all members of the profession to help them advance their careers at the Bar. The aim is to provide different types of mentoring assistance, with the initial focus on those wishing to apply for silk and judicial appointments.

The Bar Mentoring Service⁶ is available to the whole Bar, irrespective of practice area, or employed or self-employed status. Currently in its pilot year, the Service will be carefully monitored throughout 2014.

⁶ www.barcouncil.org.uk/for-the-bar/bar-mentoring-service/

5 Provide guidance to barristers, including on ethical issues, equality and diversity, practice management and the development and use of information technology.

The Bar Council's **Ethical Enquiries Helpline** dealt with 6,137 enquiries over 2013/14, which is around 511 calls and 50 hours of staff time each month.

In seeking to improve diversity of the Bar as a whole, the Bar Council's Equality and Diversity Team and its **EDC** have:

- Reviewed all monitoring data on the profession to identify trends and determine Equality and Diversity priorities for the Bar (in order to comply with the Bar Council's Public Sector Equality Duty)
- Provided an Equality and Diversity Support Helpline for the profession, which receives up to 20 calls a month on issues such as harassment and victimisation, dealing with complaints, and how to implement the BSB's rule on monitoring unassigned work and flexible working
- Held 10 'Introduction to Equality and Diversity' Toolkit training sessions, attended by 150 members of the Bar
- Worked with the Judicial Appointments Commission on its 'Barriers to Application' research, and
- Launched an Equality and Diversity Officer (EDO) Network to support more than 400 EDOs, Diversity Data Officers, practice managers and clerks with responsibility for Equality and Diversity in sharing good practice between chambers.

A look ahead

The Bar Council plans to:

- Deliver a report which explores barriers to a career at the Bar for women
- Deliver, in partnership with the Inns, Circuits and SBAs, a 'Wellbeing at the Bar' programme to support chambers and barristers in managing stress and wellbeing, and
- Support members of the profession by challenging the accessibility of courts for disabled practitioners (working with the EDC's Disability Sub-Group).



6 Develop and provide high quality training and training materials for all barristers to equip them to respond to changes in legal practice.

Training

The Bar Council, through its **Training for the Bar Committee** (TfBC), has focused its efforts over the past financial year on the following initiatives:

- The enhancement of the Pupillage Gateway, an online application system for pupillage applications managed by the Bar Council via JobsGoPublic. Work has taken place over the past year to improve the users' experience of the system, with candidates as well as Approved Training Organisations reporting satisfaction with the service

- The 'Speak up for Others' Scheme, which enables around 500 barristers to speak to sixth formers in 400 state schools in England and Wales each year. The Bar Council has produced an updated briefing pack and will start to use a new database to match schools with barristers more easily, taking into account location, practice area and, where applicable, ethnicity
- Five careers days for Year 12 state school students, which provided an opportunity for them to meet local barristers and take part in legal workshops
- Overseeing the Pupils' Helpline, which provides confidential advice and support to those undertaking pupillage
- Providing advice and information, using the Bar Council's 'Your Career as a Barrister' publication, to prospective barristers at 20 university law fairs, and
- Working with the **Social Mobility Committee** to provide Bar Placement Weeks in London and Birmingham.



A look ahead

The TfBC is in advanced discussions with Barclays about the launch of a Bar Loans Scheme, following HSBC's decision to withdraw its Professional Studies Loan product in 2013.

The Bar Council will continue to respond to the outcomes of the Legal Education Training Review, communicating with the BSB on education and training policy matters.

Bar Council training courses

Responding to the BSB's changes to training requirements for public access, the Services team developed revised Public Access Courses to meet stricter regulatory standards. Those courses were launched on the official change date set by the BSB in October 2013 and were designed for all who were new to public access, including those under three years' Call. There is a 'top-up' course for those who had previously undertaken public access training.⁷ Since October, more than 600 barristers have attended the full course and more than 850 have attended the top-up course.

The new BSB Handbook was introduced in January 2014 to replace the Code of Conduct. Changes in the Handbook mean that self-employed and employed barristers are now permitted to conduct litigation. Each barrister needs to complete an application form and one of the key factors being considered by the BSB is training in, and experience of, litigation. The Bar Council, through its Services team, has been providing a one-day training course to prepare practitioners for this development in their practice. Since the launch of the first course at the end of February this year, the Bar Council has delivered 14 courses.

Strategic Aims – Accountability

7 Ensure that the profession, the public and others have confidence in the Bar Council's representative organisation and in its governance. Identify performance standards, monitor progress and report transparently.

The Chief Executive of the Bar Council oversees operations of the Bar Council's various policy-making committees and supports the Bar Council in the development of its strategy and the fulfilment of its Approved Regulator role. Please refer to the 'Introduction from the Chief Executive' on page 3 to find out more about the work which has been undertaken in 2013/14, and about the introduction of the new Strategic Plan 2014 – 2017.

Budget process

When Bar Council departments submit their annual budget bids, they are required to make express reference to their business plans and to the Bar Council's Strategic Plan to ensure there is a sound business case for future expenditure.

⁷ www.barcouncil.org.uk/for-the-bar/member-services-training-courses

Monitoring progress at the Bar

The Bar Council, jointly with the BSB, produced two research reports on the Bar: the Bar Barometer, an annual research report providing statistics and trends in the barristers' profession, and the Biennial Survey, which provides a snapshot of aspects of barristers' working lives over the two years from 2011 to 2013, with survey questions covering employment status, practice area, working hours, earnings, career aspirations, and views about the profession. Download both publications here: www.barcouncil.org.uk/about-the-bar/facts-and-figures/publications.

Corporate Social Responsibility and pro bono

The Bar Council continues to promote a range of Corporate Social Responsibility (CSR) activities both as an organisation and on behalf of the profession, launching 'The Bar in Society - Barristers making a Difference' in November 2013 (see page 9 to read more).

Many barristers continue to commit their time to support the commendable work of the Bar Pro Bono Unit and the Free Representation Unit. The Bar Council supports the work of these organisations financially, and looks into ways of helping the Bar's pro bono community to thrive on a more financially sustainable basis.

The Bar Council is the primary funder of the Bar National Mock Trial Competition, which is organised by the Citizenship Foundation. The competition, now in its 24th year, provides practical experience of the workings of the legal system for state school students between 15 and 18 years of age, offering positive insights into the criminal justice system.

Over the past year

The Bar Council won an Award for Environmental Excellence from Carbon Smart, on behalf of Paper Round, the Bar Council's principal recycling contractor. From May 2013 to the end of April 2014, the total amount recycled by the Bar Council was almost 45,000kg, with a CO₂ saving of 62,720 kg: a saving of 534 trees.



8 Value our staff and raise our resources responsibly. Deploy resources and staff efficiently and effectively and account for our spending decisions.

Staff development

In March, the Bar Council launched a new Performance Management Review system. This established a core competency framework, clearer objective setting, newly-defined performance ratings and a greater investment in learning and development for staff.

Staff members are given support in identifying training that can be used to develop and improve their performance and skills in line with the organisation's objectives.

The Bar Council has committed to undertake a number of employee engagement projects, including a staff survey, which will help the Bar Council to measure its progress and development over the last 12 months, and to create a new staff committee.

A look ahead

The Bar Council has committed to deliver a new reward structure for staff by June 2015. This will be linked to the competency framework and will enable the Bar Council to recruit, retain and reward its staff in line with external benchmark standards.

9 In its role as the Approved Regulator, support the BSB in providing effective, independent regulation of the profession.

The Bar Council continues to perform its dual role of representing the profession and, as Approved Regulator, seeking to ensure that the BSB is able to carry out its regulatory functions with complete independence.

Representatives of the Bar Council regularly attend BSB Board meetings, and the Chairmen of the Bar Council and BSB, and the Chief Executive of the Bar Council, hold regular and constructive meetings. All of these interactions are governed by a new protocol designed to ensure appropriate regulatory independence.

Strategic Aims – Values

10 Work for the efficient and cost-effective administration of justice and ensure access to justice on terms that endeavour to be fair both to the public and to practitioners.

The Bar Council has been actively involved with key stakeholders on remuneration issues, through its **Remuneration Committee (RC)**. This has included lobbying the Government on legal aid and civil litigation funding reforms, as well as representing the Bar's interests at stakeholder forums where remuneration issues are raised and resolved. Specifically, the Bar Council has been:

- Lobbying the Government on legal aid funding reforms by: briefing members of both Houses of Parliament in relation to the removal of funding for 'borderline' judicial review cases; the introduction of a residence test; providing written and oral evidence before parliamentary committees considering new legislation; and examining the impact of LASPO on civil legal aid, and
- Lobbying the Government on civil litigation funding reforms, including urging the Government to amend the current form of the regulations provided for Damages-Based Agreements (DBAs), and seeking clarification of how transitional issues with Conditional Fee Agreements (CFAs), which were created by the implementation of the Jackson reforms, should be dealt with in practice.

Criminal legal aid

The Bar Council's response to the Ministry of Justice's 'Transforming Legal Aid: Next Steps' consultation⁸ demonstrated that from 2007 to 2013 criminal legal aid fees had been cut by 21% in cash terms, equating to 37% in real terms. Despite this, the Government cut fees for advocates in the most serious criminal cases, Very High Cost Cases (VHCCs), by a further 30%, causing barristers to terminate their contacts to undertake such cases.

After intense lobbying by the Bar Council, the CBA and others, an agreement with the Government was announced on 27 March 2014,⁹ deferring the implementation of cuts pending the outcome of several reviews including the long-term future of criminal advocacy. The Government have also agreed to undertake a review of the Advocates' Graduated Fee Scheme (AGFS) and a possible replacement of VHCCs.

RC also:

- Published contractual terms which can be used for civil (non-family) publicly-funded work. These terms were drafted to ensure that members of the Bar undertaking this work could have a contractual right to enforce payment, as the standard contractual terms exclude publicly-funded work

⁸ www.barcouncil.org.uk/media/236264/bar_council_response_to_the_transforming_legal_aid_next_steps_final.pdf

⁹ https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/user_uploads/advocacy-note.pdf

- Continued to publish its monthly 'Remuneration Update', providing an easily-digestible summary of key concerns impacting the Bar: subscribers have quadrupled since March 2013, and
- Lobbied the Government to apply the Late Payment of Commercial Debts (Interest) Act 1998 to non-contractual arrangements between the Bar and their instructing clients, including the Government.

Over the past year

In September, the Bar Council published the results of research undertaken to look at the impact of key provisions of the LASPO Act one year after their implementation. The results covered the impact of civil legal aid reforms, the Jackson reforms on access to justice and on the Bar, and included recommendations for action.

11

Promote the highest standards of practice and ethical behaviour.

The **Ethics Committee (EC)** publishes documents to assist barristers on matters of professional conduct and ethics. The committee oversees the Ethical Enquiries Helpline – see page 17 – and responds to consultations and other requests regarding matters which impact on the rules in the Handbook.

Key achievements over the last year include:

- Successfully managing the transition from advising the profession on the old Code of Conduct to the new BSB Handbook, which came into force on 6 January 2014
- Continuing a dialogue with the BSB on the Handbook – the Committee has recently raised two issues with the BSB under the new protocol to ensure regulatory independence
- Working on behalf of the Bar Council, with the Law Society and CILEx, to produce guidance on litigants-in-person, and
- Producing documents on mini-pupils.



12 Encourage access to, and diversity within, the profession, so that it is open to all of ability, regardless of their background.

The Bar Council is committed to ensuring that the Bar can attract and retain the brightest and best individuals from all parts of society, irrespective of background.

Social mobility

The Bar Council's **Social Mobility Committee** (SMC) has coordinated or been involved in the following initiatives to encourage access to the profession:

- Commissioned and published an analysis of candidates obtaining pupillage through the Pupillage Gateway to improve understanding of the key success factors in navigating the pupillage process
- Produced a joint research project with the BSB to improve understanding about the information needs of prospective participants in the Bar Professional Training Course (BPTC) in order to tailor the Bar Council's careers information
- Updated the Bar Council's 'Fair Recruitment Guide' to include guidance on the open and transparent provision of mini-pupillages and internships
- Contributed towards the Bar Barometer publication and Pupillage Gateway online application system to ensure that the data about the socio-economic background of practitioners, and those entering the profession, is appropriately captured and stored
- Expanded the Bar Placement weeks from London to Birmingham, Leeds and Manchester. The programme offers high-achieving Year 12 students from low-income backgrounds an insight to life at the Bar, and

- Continued its support of the Bar National Mock Trials Competition, run by the Citizenship Foundation. Now in its 24th year, over 2,000 students in Years 10 to 13 take on the roles of witnesses and advocates supported by volunteer barrister mentors.

The Bar Council continues to take an active interest in the progress of the Advocacy Training Council (ATC), with many members of the Bar providing their services pro bono to support the ATC's important work.

A look ahead

The Bar Council is working with the Inns of Court to produce guidance for BPTC students on the various financial support opportunities available.

It will also launch an e-mentoring service (part of the Bar Mentoring Service – see page 16) for students who take part in the Bar Council's schools' initiatives (such as Bar Placement Week) so that they can easily access guidance on a career at the Bar. Students will be paired with junior barristers, who will help them navigate the path to becoming a barrister via a specialist online platform.



What next for the Bar and the Bar Council?

Earlier this year, representatives from across the whole Bar came together at the Bar Council's 'One Bar, One Voice – United for Justice' event. This demonstrated the strength of working together as a single profession to fight for the survival of the Bar, and how such an approach is so important, now more than ever before, in helping the profession to be prepared for the next round of challenges ahead.

As we approach the 800th anniversary of Magna Carta in 2015, we are reminded of the importance of the Rule of Law as the cornerstone of a fair and just society.

The Bar Council is committed to ensuring access to justice and to promoting the Bar's expertise as integral to a high quality justice system. Led by the Chairman, Nicholas Lavender QC, and the Chairman-Elect, Alistair MacDonald QC, the Bar Council will continue to support the Bar through testing times, and identify ways of helping the profession to adapt to the future.





Bar Council resources

This section reports on the resources of the whole Bar Council, including the BSB.

In 2013/14, we met our budgetary targets for income and expenditure. Our reserves are at the level needed to provide a solid foundation for future investment and to meet future liabilities.

In seeking to improve the value of our service to the profession, we have:

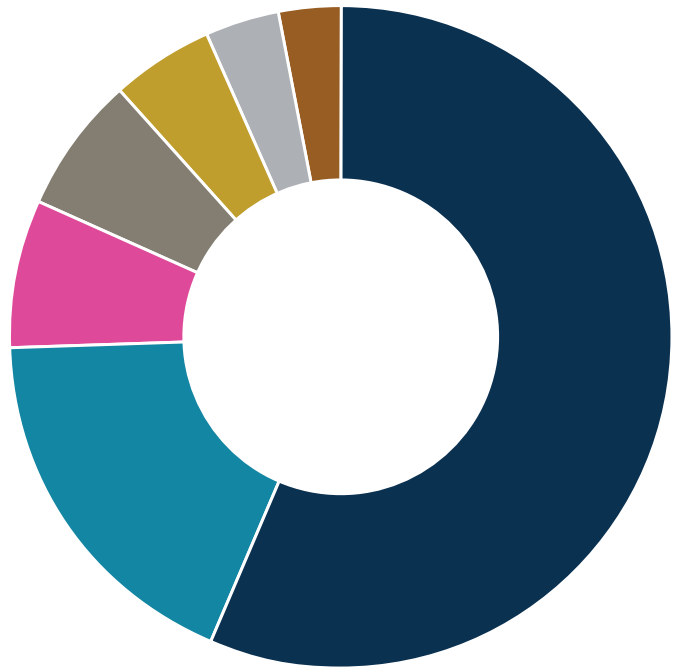
- Kept the practitioner Practising Certificate Fee (PCF) for 2014/15 renewals at the same levels as 2013/14
- Absorbed the cost of staff pensions into our everyday operating budget, and
- Invested £1.5m to reduce office space, which will save £4m over the next five years.

In 2015/16, we will move to a simpler and fairer income based PCF model and will aim to collect no more from the PCF than we did in 2013/14 and 2014/15.

Where does our money come from?

In 2013/14, our total income was £16.7m, of which £9.9m was from the PCF and a separate levy on barristers to meet pensions' costs; £3.0m from fees and charges to students, companies and the profession; and £1.2m from the voluntary Member Services Fee (MSF) now renamed as the Bar Representation Fee (BRF). We received a further £1.1m from the Inns of Court. In addition, we collected £0.8m to support the operations of the Legal Services Board (LSB) and the Office for Legal Complaints (OLC).

Figure 1: Sources of funding for Bar Council 2013/14



Our total income was £1.7m higher than in 2012/13, an increase of 11%. Our operating income, the part which funds the Bar Council's regulatory and representative operations, rose by £2m (14.8%). The increases in PCF fee levels agreed for 2013/14 generated £1.3m more income. A further £0.5m came from the pensions levy. We generated a £0.5m increase from improved footfall in our conference and training event activities. The

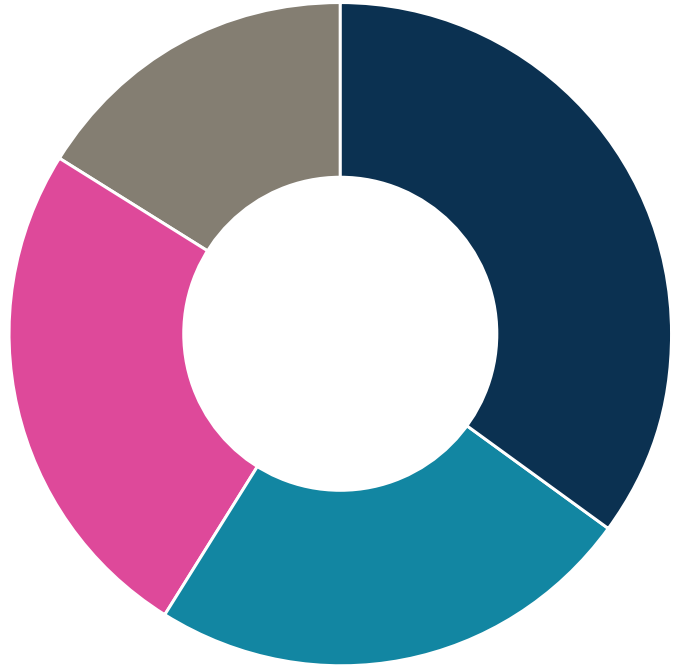
introduction of the Bar Course Aptitude Test added a further £0.2m. Subventions from the Inns of Court were reduced by £0.3m as part of the agreed phasing out of this support. Non-operating income was reduced by £0.3m, including the funds which the Bar Council collects on behalf of the LSB and OLC (down £0.1m) and the financial effect of actuarial adjustments to our defined benefits pension scheme (down £0.2m).

What do we spend the money on?

Figure 5 shows how our funding is applied between the operation of the BSB (£8.9m, including £3.6m of central costs), and the representation and policy activities of the Bar Council (£6.3m, including £2.5m of central costs).

Figure 2: Split of business operations 2013/14

- BSB (direct costs), £5.3m, 35%
- BSB support, £3.6m, 24%
- Representation, Policy and Services activities (direct costs), £3.8m, 25%
- Representation, Policy and Services support, £2.5m, 16%



The funds raised from the PCF may only be used for regulation and the so-called 'permitted purposes' set out in the Legal Services Act.

- 63% of the total PCF and pensions levy (£6.2m) was used to fund BSB activities, equivalent to £399 per barrister
- 37% of the total PCF and pensions levy (£3.7m) was used to fund representation and policy activities which fall within the definition of 'permitted purposes', equivalent to £235 per barrister, and

- 41% of non-BSB activities were funded by income earned from services to members, chambers or the public. This included £1.2m from the discretionary Membership Services Fee (now renamed the Bar Representation Fee) and £1.4m from training events, conferences and affiliation services.

In 2013/14, a total of 155 remunerated Officers and staff were employed by the Bar Council (including the Bar Standards Board). Figure 3 below sets out the number in each salary band. The total cost of employment was £8,529,000.

Figure 3: Number of Officers and staff by salary band

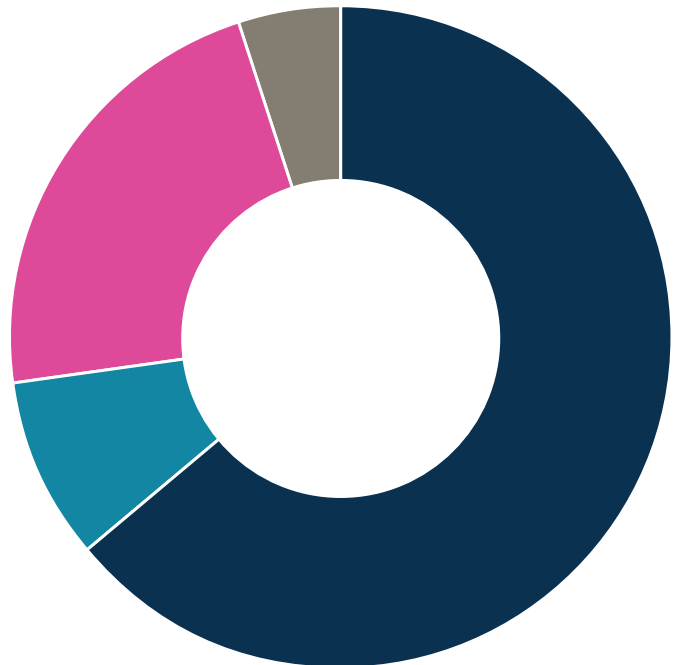
Salary band	Up to £19,999	£20,000-£39,999	£40,000-£59,999	£60,000-£79,999	£80,000-£99,999	£100,000-£119,999	£120,000-£139,999	£140,000-£159,000	£160,000-£179,999
Number of staff employed in this band	19	87	31	12	3	0	1	0	2

What do the finances look like for 2014/15?

There has been no increase in PCF rates for 2014/15 and there will be no pensions levy in 2014/15, so the total required from the profession in 2014/15 is reduced by 4% compared with 2013/14. We have achieved this by controlling expenditure, reducing overheads and increasing income from our services to the Bar. The proportion of PCF allocated in support of representative and regulatory activity is comparable to that in 2013/14.

Figure 4: Bar Council Funding 2014/15

- Practising Certificate Fee, £9.4m, £606 per barrister, 64%
- Bar Representation Fee, £1.3m, 9%
- Fees and charges for services, £3.2m, 22%
- Inns' Subvention, £0.8m, 5%





Further information

Please visit the Bar Council's website for further information on its activities, structure and committees:
www.barcouncil.org.uk.

Follow us on Twitter [@thebarcouncil](https://twitter.com/thebarcouncil) and visit our LinkedIn page:
www.linkedin.com/company/general-council-of-the-bar

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Lavender QC
*Chairman of the
Bar Council*

Alistair
MacDonald QC
*Chairman-Elect
of the Bar*

Chantal-Aimée
Doerries QC
*Vice-Chairman Elect
of the Bar*

Stephen Collier
Treasurer

Chief Executive of the Bar Council

Stephen Crowne

Representation, Policy and Services staff at the Bar Council (as at 1 September 2014)

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*Special Adviser to the
Chairman of the Bar*

Paul Mosson
*Director of Operations
for Representation, Policy
and Services*

Executive Office
Charlotte Hudson (*Head*)
Izabela Pawlak

Brussels Office
Evanna Fruithof
Consultant

Communications
Aleks Krajcer
Jennifer Duncan
Luke Robins-Grace

**Legal Affairs &
Practice and Ethics**
Sarah-Jane Bennett (*Head*)

**Regulatory Issues
and Law Reform**
Sarah Richardson (*Head*)
Natalie Darby

**Remuneration and
Employed Bar**
Adrian Vincent (*Head*)
Jess Campbell

**Equality and Diversity
and CSR**
Sam Mercer (*Head*)*
Alex Bloom*
Zoe Kowalski*

International Relations
Christian Wisskirchen (*Head*)
Chika Muorah

**Commercial Services
and Development**
Lois Rolfe (*Head*)

Training and Events
Kush Kanja
Jade Aldis
Faye Kelleher
Katie Sewell*
Marissa Dineen*
Bianca Lee*

**Marketing and
Business Development**
Darren Moss

Fees Collection
Christine Power
Wendy Dowson*
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BARCO
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**Association Management
Services Coordinators**
Natasha White-Foy
Asha Rodel

* Part-time members of staff

While not individually named, we acknowledge the contribution made by our Central Services colleagues.



Integrity. Excellence. Justice.

The Bar Council represents barristers in England and Wales.
It promotes:

- The Bar's high quality specialist advocacy and advisory services
- Fair access to justice for all
- The highest standards of ethics, equality and diversity across the profession, and
- The development of business opportunities for barristers at home and abroad.

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