

Annual Report 20¹⁶₁₇

The Bar Council

Integrity. Excellence. Justice.



Bar Council Annual Report April 2016 – March 2017

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Bar Council Strategic Aims 2014-17

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Introduction from the Chair of the Bar, Andrew Langdon QC

A test for an organisation like the Bar Council is how it reacts to a period of change and uncertainty for the profession and those we represent. 2016-17 will surely go down as a year of upheaval. The EU Referendum outcome, continued pressures on public funding, and the reform programme driven by Her Majesty's Courts & Tribunals Service (HMCTS) each directly affect our profession, the wider legal sector, and the delivery of justice in our society. The challenges thrown up by this upheaval have enabled the Bar Council to show its members its true value.

It has reacted in the short space of 12 months by positioning itself towards the forefront of constitutional, economic and social change.

In response to the Brexit Referendum outcome, the Bar Council's Brexit Working Group has produced three editions of The Brexit Papers. These have gained currency as concise summaries from leading experts on the impact of withdrawing from the EU in 24 different sectors. The Bar Council has ensured that this valuable work is visible to key policy-makers in government who are at the forefront of Brexit negotiations. The Papers have shaped discussion and focussed the minds of those who have suffered a welter of other publications, upon the essence of the key considerations.

Whereas in 2016/17, Brexit has dominated the wider political scene, for the Bar and the Bar Council a court reform programme more profound in its implications than any such programme since the 19th century, has begun to unfurl. The Bar's unique position makes our contribution to shaping this reform vital to its success. Much of the proposed reform is overdue and hence welcome; some is much more contentious. In a variety of ways, including through 'Professional Engagement Groups' we have sought to help and where necessary educate those planning the reforms. By way of example, plans for 'flexible operating hours' in the courts and moves towards online justice have consequences for professional and judicial diversity and the quality and extent of access to justice. The Bar Council has listened to its members in shaping the way it responds and so the voice of the profession is heard in Westminster, Whitehall and the media. These are ongoing campaigns which the Bar Council is leading on.

The Bar Council also took the lead when the media attacked the judges following the High Court Article 50 ruling. The Council led the calls for the then Lord Chancellor to discharge her constitutional responsibility. What followed was a major communications campaign by the Bar Council which led the news agenda, with my predecessor, Chantal-Aimee Doerries QC appearing across broadcast news channels and leading news headlines. That the Bar Council responded as swiftly and as effectively as it did is, I hope, a source of some pride to the profession.

We then turned our attentions to a longer-term goal: providing public education to schools concerning the rule of law and the constitutional issues at stake as exemplified by this episode. In conjunction with the Citizenship Foundation, educational materials were sent to

every school in the country exploring and explaining the importance of the independence of the judiciary in a functioning democracy.

Aside from the more public-facing activity of the Bar Council, we've focused on supporting working barristers, whose contribution to the delivery of justice in our society is often overlooked. In 2016/17 alone we have launched the Wellbeing at the Bar Portal, aimed at providing support for the Bar and those who work with barristers in identifying and dealing with wellbeing and mental health issues. We are also continuing to provide a rich variety of training and development for barristers and chambers.

One of our flagship services, the Bar Council's Ethical Enquiries Service continues to offer daily advice and support to barristers who meet a whole range of challenges in discharging their professional duties. This year we have answered approximately 6,550 individual queries and continued to publish guidance on a range of ethical subjects and scenarios frequently encountered by practitioners. In addition, the Young Barristers' Committee's Young Bar Hub and Toolkit provides advice to those in the early stages of life at the Bar to help those that are new to the profession develop their practice.

At the start of my year as Chair, I, along with Andrew Walker QC, Chair-Elect of the Bar, and senior members of Bar Council staff toured the circuits, meeting with barristers and listening to their feedback and concerns. The Bar Council would be ineffective if it didn't gage the views of the individual members of the profession. These visits gave us several positive steers enabling us to prioritise our efforts in supporting the profession.

This year we have endeavoured to listen to barristers at the core of the profession on the key issues affecting them, including the Advocates' Graduated Fee Scheme (AGFS), Fixed Recoverable Cost reform, the future training of the Bar and much more. While there may never be consensus on every topic, the Bar needs a strong and coherent voice which, where necessary, speaks truth to power and which explains to policy-makers what the consequences of their decision will be – not just for the profession but for those we strive to serve.

One of the privileges of the Chair is to see at close quarters the effort by committed staff and volunteers who enable the Bar Council to deliver for its members and in the interests of justice, countless persuasive and authoritative consultation responses to those who shape our professional lives. Those that consult us often adopt our thoughts and adapt their recommendations accordingly. If the Bar Council did not do this work, the burden of this heavy responsibility of ensuring the Bar's voice is heard would be inadequately discharged. Much of it receives little fanfare but is vital to the health of our profession. Seeing off bad ideas and ushering in good ones is a key part of what the Bar Council works at on behalf of its members, on a daily basis.

The work the Bar Council does promoting the profession overseas has long been essential to our international reputation and an increasing proportion of the Bar is developing an international practice. Our international effort is also recognised as a significant contribution to the rule of law world-wide. In the last year, the program of such work was targeted and effective in an impressive array of differing jurisdictions.

This, the 2016/17 annual report, gives some further insight into what it is the Bar Council has been doing and what is in the pipeline to meet the challenges ahead. I am confident that you will see, as I do, the value of this work.

**Andrew Langdon QC, Chair of the Bar
September 2017**

Introduction from the Chief Executive, Malcolm Cree

I am delighted to present this report for the first time as Chief Executive. It sets out how the Bar Council performed in meeting its strategic aims in 2016/17, in its capacity as the representative body for the Bar.

My first three months have been spent developing an understanding of the profession, largely by visiting sets of chambers and attending court; getting to know the Bar Council and Bar Standards Board (BSB) staff and what they do; meeting all our key external interlocutors; assessing the health of the organisation and future challenges; developing the next strategic plan and, of course, throwing myself into the day to day 'battle rhythm' and current issues.

I am most grateful for the warm reception I have been given by everyone I've met and for the time and commitment you, the profession, have given. I am honoured to be serving noble profession and look forward to meeting many more of you. I am also most impressed by the time many of you give to support the Bar Council and to conduct pro bono work.

My first impression of the Bar Council is that it is punching well above its weight and serving the Bar most effectively. There is critical work that goes on unseen (e.g. the ethics hotline and regular meetings with the Ministry of Justice) but when the Bar Council goes public, it does so impressively: the Brexit papers, the Manifesto for Justice and the Chair's open letter to Lord Justice Fulford about court operating hours, for example. The team is diverse, committed and resourceful.

The organisation has clearly made steady progress under my predecessor and previous Officers in areas such as corporate governance, risk management, communications and engagement and information management. There are further improvements and efficiencies in the pipeline. Although, there is more to do and some areas of business have been through choppy waters, I have inherited an organisation that is heading in the right direction and I am grateful to my predecessor, Stephen Crowne.

The Chair has highlighted the many policy areas where we have achieved, or sought to achieve, progress over the period of the report: I will not repeat them. Suffice to say that a year of considerable change and uncertainty for the nation has had a significant impact on the workload of our staff, Committees and the Officers. It was a year when everyone had to rise to the challenge, supporting the values and aims of the profession ever more vigorously. Having now met many of the people we seek to influence, I believe that the reputation of the Bar Council has been enhanced as a result. I hope that the same can be said of our reputation with the Bar too!

Over the year, the Bar Council continued to strengthen its support to barristers. Apart from the Ethical Enquiries Service, the Wellbeing at the Bar portal was launched and a variety of training courses for barristers and chambers continued. We changed our ways of working

to become a leaner, more agile and flexible organisation, reducing our office footprint in the process.

The Bar Council-backed Direct Access Portal has gone from strength to strength in 2016-17. Its popularity has exceeded expectations with more than 100,000 members of the public and small businesses searching for a barrister on the portal, with numbers rising all the time.

Looking ahead, we are exploring ways of becoming more efficient; developing a significantly improved approach to our commercial activities and maximising the opportunities presented by an unavoidable office move in 18 months' time, whilst acting now to minimise or remove the risks.

We are developing a new Strategic Plan for the next five years, which will link our aims, objectives and values directly to activity and will be used to prioritise expenditure.

I am seeking to improve management practices, performance management and financial accountability. We are becoming more sophisticated in how we communicate with members through digital channels: BarTalk is now our main communication route. A new portal for barristers to renew the Practising Certificate Fee (PCF) and pay the Bar Representation Fee (BRF) membership fee, with access to bespoke content that suits your practice, will go live later this year. There will also be a new online ethics hub. We will also aim to provide guidance and support to barristers and chambers in applying the new General Data Protection Regulations, and the Bar Directory will go online.

I have already developed a good working relationship with Vanessa Davies, Director General of the BSB, and we are both determined to ensure that your money is spent wisely and efficiently, for independent regulation and for representation. The bulk of your PCF is spent on regulation, so this is an important commitment from the BSB.

Much of the representational and member services work I have highlighted above is funded by the BRF, so a big thank you to those who contribute (and a gentle nudge to those who do not).

Malcolm Cree CBE, Chief Executive of the Bar Council
September 2017

Aim 1: Influencing policy

To be a powerful influence on the development and implementation of Government policy in order to secure the highest standards of justice, equity, integrity, access and efficiency in our justice system.

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INTRODUCTION

The Bar Council has continued to act as a powerful influence on the development and implementation of Government policy, aiming to secure the highest standards of justice, equity, integrity, access and efficiency in our justice system.

This work, carried out largely by the Policy and Communications teams and the office of the Chair of the Bar, included:

- Briefing parliamentarians and drafting amendments to the Prisons and Courts Bill to protect the quality and standard of justice
- Positioning the Bar Council as a lead commentator on the implications of Brexit and supporting the civil service, Government Ministers, parliamentarians and the media in understanding the complex legal and policy issues arising
- Campaigning with charities and other legal professional organisations to protect legally privileged communications from state surveillance
- Commissioning academic research on the effects of LASPO and the impact of paid McKenzie Friends
- Working with the Ministry of Justice and the Inns of Court College of Advocacy to develop training for advocates dealing with vulnerable witnesses

COURT REFORM

The Government's consultation, [Transforming our Justice System](#), published in September 2016, outlined an ambitious programme of court reform, including plans for more civil and criminal proceedings to take place online, and for increased use of telephone and video hearings.

The Bar Council engaged critically and constructively with the reform programme – largely through Her Majesty's Courts and Tribunals Service (HMCTS) Professional Engagement Groups (PEGs) - and has been clear that its participation in HMCTS' strategy does not imply endorsement of the programme overall or of any specific proposal. The Bar Council's work with the PEGs has provided a continuing opportunity to ask questions and raise concerns about a range of major policy initiatives as well as to monitor and influence this important and wide-ranging agenda.

Bar Council representatives, including the Chair and Vice-Chair of the Bar and the Chairs of the Legal Services Committee and Young Barristers' Committee, have also attended HMCTS workshops and helped to find research participants to test systems such as the forthcoming online divorce and lower-value civil money claims services.

The Bar Council briefed parliamentarians on the Prisons and Courts Bill and the implications of online guilty pleas, as well as proposed amendments which were debated during the Commons committee stage of the Bill.

"It is our view that the physical courtroom should always be the default forum for criminal litigation. The consequences of any diminution in parties' ability to follow proceedings or understand each other are serious."

- *Bar Council Second Reading briefing on the Prisons and Courts Bill*

BREXIT

Since the referendum result in June 2016, the Bar Council Brexit Working Group has played a leading role in evaluating the legal and constitutional implications of Brexit and has produced a raft of much-needed guidance for Government and the media on behalf of the profession and in the public interest.

The working group has also acted as a point of coordination for Brexit work carried out by the International and EU Law Committees.

"Government, Parliament and a wide range of media have used the specialist knowledge and expertise of the Bar through the Bar Council, which has successfully positioned the Brexit Working Group as a lead commentator on Brexit."

- *Chair of the Bar Council Brexit Working Group, Hugh Mercer QC*

Top of the working group's agenda has been securing movement for lawyers within Europe and other jurisdictions where barristers have benefitted from European trade agreements. It is vital for legal and associated professional services, as well as to businesses across a range of sectors, that legal professionals throughout the EU are able to continue to provide advice and legal representation to their clients.

In support of this objective, the Bar Council is represented on the Mutual Market Access Group (MMAG) which reports to the Professional and Business Services Council of the Department for Business, Enterprise, Innovation and Skills (BEIS). Included in the MMAG's terms of reference is the need to explore the development of Mutual Recognition of Qualification Agreements (MRAs) and to submit market access negotiation requests to the Government on behalf of the professional and business services sector.

The Brexit Papers

A key output of the Brexit Working Group is the collection of [Brexit Papers](#) which offer Government, parliamentarians, the media and the public a concise and informative assessment of the legal challenges posed by leaving the EU. Now 24 in number, the papers cover issues ranging from the importance of the EU market for legal services, the role of the CJEU and the enforcement of judgments, to fisheries, agriculture and consumer law.

The Brexit Papers have been read at the highest levels of government across a range of departments, and have secured extensive coverage in both mainstream and specialist print, online and broadcast media.

Since the publication of the Brexit Papers, a number of the critical issues raised have been taken up by Parliament and Government, including addressing the question of mutual recognition of judgments.

The Justice Select Committee report on [Implications of Brexit for the Justice System](#) highlighted the importance of mutual recognition and enforcement of judgments for businesses and commerce, as well as for families and the vulnerable individuals impacted by such judgments. The Government spokesperson on justice, Lord Keen, has since also indicated support for this position.

“There is a mutual interest between the United Kingdom and the European Union in maintaining the ability to recognise choice of law and jurisdiction, and the ability to recognise the enforcement of judgments.”

- Government spokesperson on justice, Lord Keen of Elie, [Hansard](#), 28 June 2017

Looking ahead

In addition to extensive coverage in mainstream press, the Brexit Papers also attracted attention from sector-specific media, including [Farming UK](#). Chair of the Brexit Working Group, Hugh Mercer QC, also appeared on BBC Radio 4 Farming Today to discuss the impact of Brexit on farming and agriculture.

Stakeholders and networks

In addition to representation on the Mutual Market Access Group, the Bar Council also takes part in the following groups and committees:

- The Brexit Law Committee:
 - Reports to Government and other interested parties on the consequences of Brexit for the UK legal system
 - Develops strategies for enhancing the use of UK law and legal services after Brexit, and
 - Provides a forum for considering and reporting on legal and commercial issues.
- Ministry of Justice Legal Services Working Group
 - Coordinates the promotion of international legal services and leads on cross-sector projects
- TheCityUK Legal Services Group
- CCBE Brexit Task Force

Other highlights

- [Hugh Mercer QC, Chair of Brexit Working Group giving evidence to the House of Lords EU Justice Sub-Committee on civil justice cooperation](#)
- [Andrew Langdon QC, Chair of the Bar, giving evidence to the House of Commons Justice Select Committee on the implications of Brexit for the justice system](#)
- The Chair and Vice-Chair of the Bar, and Chair of the Brexit Working Group have attended regular meetings of the BEIS Professional Services Council
- The Brexit Working Group has received positive feedback from senior members of the civil service on the Brexit Papers; the papers are read at the highest levels of Government and are essential reading for civil servants in key areas

- The Bar Council hosted a series of roundtable meetings with civil servants from a range of Government departments offering an in-depth analysis of the issues covered in the Brexit Papers
- Chair of the Brexit Working Group Hugh Mercer QC spoke at the meeting of the All Party Parliamentary Group on Legal and Constitutional Affairs on what Brexit will mean for businesses and consumers

The Bar Council does not seek to influence the Government's decision to leave or remain in the European Union, on which the Bar Council maintained, and continues to maintain, a politically neutral position.

ACCESS TO JUSTICE

The Bar Council continued to impress upon Government the importance of honouring its commitment to carrying out a full review of the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) on access to justice, particularly for the poorest and most vulnerable in society.

“We know that successive cuts to legal aid and substantial increases in court fees have restricted access to legal representation for the most vulnerable in society. What we don't know is the extent of the problems now faced, and no assessment has been carried out of how these cuts have impacted the individuals and communities affected.

“Future reform, including the greater use of technology throughout HMCTS, has the potential to improve our justice system for ordinary citizens, but before implementing further reform, we must have a clear understanding as to the current state of our justice system, and the extent to which the problems we face have been caused by past reforms - in particular, the cuts to social welfare and family legal aid and the increased court fees.”

- Chair of the Bar 2016, Chantal-Aimée Doerries QC, [October 2016](#)

In January 2017, the [Government committed](#) to producing a full post-implementation review by April 2018.

Court reform

The Bar Council argued that the Government's plans should not limit access to, or the quality of, justice.

“It is our view that the physical courtroom should always be the default forum for criminal litigation. The consequences of any diminution in parties' ability to follow proceedings or understand each other are serious”.

- Bar Council Second Reading briefing on the Prisons and Courts Bill

Court fees

Responding to the publication of County Court statistics in 2016, the Bar Council highlighted the impact that court fees were having on access to justice for small businesses.

“Small businesses seeking debt owed to them by customers (who are often other businesses they supply) can turn to CCJs as a last resort to get the money owed to them. However, by increasing court fees, the Government has cut off those small businesses’ only real and last hope of getting that money, which is vital given how important cash flow is to SMEs. They are being priced out of court.”

– Chair of the Bar 2016, Chantal-Aimée Doerries QC, [Financial Times](#), August 2016

London Legal Walk

The Bar Council took part in the May 2016 London Legal Walk, with Bar Council and BSB staff raising a record £1,427.26. The money goes to the London Legal Support Trust, which works to assist law centres and legal advice agencies in London and the South East by providing them with grant funding, alongside other forms of support.

Looking ahead

The Value of Justice

The Bar Council’s publication, [‘The Value of Justice’](#) was published in advance of the General Election 2017 and warned that continued cuts to legal aid, (including LASPO, which removed entire areas of law from within scope), mean that the UK is in danger of developing a two-tier system of justice.

The loss of nearly £1bn legal aid support has effectively disenfranchised a whole sector of society from obtaining access to justice. Government should reintroduce legal aid to assist vulnerable citizens who are currently left to fend for themselves.

– *The Value of Justice*, The Bar Council

LASPO research

In 2017 the Bar Council commissioned research from Dr Anna Lindley of SOAS University of London to investigate the impact of legal aid cuts introduced by LASPO on immigrants held in detention. The research will feed into the Bar Council’s work on the quality of decision-making by public authorities.

FLEXIBLE OPERATING HOURS

In 2017, the Government proposed a pilot to extend court sitting hours as part of the broader programme of court reform. The Government chose, however, not to consult on these plans before they were announced. Bar Council representatives nevertheless raised the point, through the PEGs, that extending court sitting hours in the way described would have a serious and adverse effect on those with caring responsibilities, which still fall disproportionately on women barristers.

Looking ahead

The Chair of the Bar, Andrew Langdon QC, has [written](#) and spoken publically about the impact that the changes to sitting hours will have on equality at the Bar, and has received positive feedback from the profession.

"Childcare responsibilities still fall disproportionately to women, many of whom do not return to the profession after having children. It is hard to see how these plans sit with the Government's commitment to improving diversity in the profession and the judiciary."

- Chair of the Bar, Andrew Langdon QC, 28 May 2017

ADVOCATES' GRADUATED FEE SCHEME

Early 2017 saw the publication of the Government's consultation on the Advocates' Graduated Fee scheme (AGFS), the legal aid fee scheme for Crown Court defence advocacy.

The proposals were the result of several years' work and constructive dialogue between the Ministry of Justice and the Bar Council, the Criminal Bar Association, the Circuits and the Young Bar.

Features of the proposed scheme include:

- Fees based on the seriousness and complexity of the work done
- Restoration of separate payments for Plea and Trial Preparation Hearings (PTPH), sentencing and mentions
- Restoration of payment for the second day of every trial
- Payment of £300 for trials which become ineffective
- No more arguments over the service of material as evidence
- A near four-fold increase in offence categories to capture the seriousness and complexity of cases
- Restoration of career progression - earnings increase as the work becomes more challenging, and
- Encouragement for advocates with the necessary skills to take on more complex cases.

The Bar Council's [response](#) to the consultation identified further refinements to the scheme, and made the point that whilst having supported and contributed to a restructuring of the scheme, the Bar Council considers the rates proposed to be inadequate.

As the Chair of the Bar, Andrew Langdon QC, commented at the time of the consultation, the proposals go a considerable way towards restoring career progression at the criminal Bar.

He added that the suggested scheme is a fairer way of rewarding advocates for their work in the criminal publicly-funded sphere, and removes a number of perverse incentives arising from years of piecemeal cuts.

The Bar Council encouraged all those affected by the proposals to engage with the consultation and published [analysis](#) by Professor Martin Chalkley, one of the key architects of the newly proposed schemes.

“Research commissioned by the Bar Council in October 2013 found that between 2007 and 2013, AGFS fees reduced by 21% in cash terms equating to 37% in real terms. Another four years of inflation since 2013 means that those figures will be even worse today. This is an unsustainable situation and needs urgently rectifying.”

- Bar Council [response](#) to the [Reforming the Advocates' Graduated Fee Scheme](#) consultation paper

LEGAL PROFESSIONAL PRIVILEGE

Investigatory Powers Bill

The Bar Council led a multi-stakeholder campaign targeting Government, Parliament and the media to amend provisions of the Investigatory Powers Bill in order to limit state surveillance of legally privileged communications.

The position presented by the Bar Council, Law Society, CILEx, The Bar of Northern Ireland, Faculty of Advocates, Liberty and Justice, was that legally privileged material should never deliberately be targeted and should be destroyed if obtained inadvertently.

Having engaged with the Government extensively during pre-legislative scrutiny, the Bar Council's Surveillance and Privacy Working Group worked with MPs and Peers from across all the main parties to draft and support amendments to the Bill in both Commons and Lords committees.

The Bar Council also produced a 'Speak in Safety' event chaired by Joanna Cherry QC MP with the National Union of Journalists, the Law Society, and the All Party Parliamentary Groups on Legal and Constitutional Affairs and on the Rule of Law. Speakers included David Anderson QC (then the Government reviewer of terrorism legislation) and former Director of GCHQ, Sir David Omand. The aim of the event was to draw attention to the

implications of the surveillance provisions that the Government sought to enact through the Bill.

Whilst the Government was not willing to accept the Bar's position that legally privileged material should never be targeted, the campaign resulted in a threshold test whereby such communications could be targeted only in exceptional and compelling circumstances, and where there is a threat to life, limb or national security.

Looking ahead

In April 2017, after the Investigatory Powers Act had received Royal Assent, the Bar Council [responded](#) to the Government's consultation on codes of practice where, amongst other things, it recommended legal training for those who authorise surveillance warrants, and sought recognition that certain communications data can be subject to legal privilege.

The Bar Council awaits the Government response, and the publication of further codes of practice relating to the Act.

Draft Finance Bill

In January 2017, the Bar Council [wrote](#) to Her Majesty's Revenue & Customs (HMRC) setting out amendments to the anti-money laundering and tax avoidance enabler provisions of the draft Finance Bill 2017, to prevent barristers from being unfairly penalised for maintaining legal professional privilege or advising on the law.

Looking ahead

These parts were dropped in the final version of the Finance Act 2017, although their re-introduction to Parliament is anticipated and the Bar Council will again engage constructively with the Government to ensure that legal privilege is not undermined.

PAID MCKENZIE FRIENDS

In June 2016, the Bar Council's response to the Lord Chief Justice's consultation on the courts' approach to paid McKenzie Friends asserted the view that McKenzie Friends, who typically are neither properly trained, regulated, nor insured, should not be allowed to hold themselves out to often unsuspecting and vulnerable members of the public to provide legal services for reward.

In 2017, the Bar Council commissioned independent researchers at Cardiff and Bristol Universities to undertake a new qualitative study on the role of paid McKenzie Friends in the family courts. A mixed picture emerged of the level of service that consumers can expect of paid McKenzie Friends, including some very poor practice. Other important findings were that they were fewer in number than anticipated and mostly operated outside the courtroom, often calling in Public Access qualified barristers to undertake advocacy work.

This suggests that the impact of a ban on remuneration for their court support work would be limited.

VULNERABLE WITNESSES

In mid-2016, the Bar Council assumed responsibility for coordinating the delivery of specialist training for criminal advocates dealing with vulnerable witnesses. This followed the Ministry of Justice's 2014 announcement that all publicly-funded criminal advocates appearing in serious sexual offence cases should undertake the training by the end of 2018. The Chair of the Bar chairs the working group responsible for ensuring the quality of training and reporting progress to the Ministry of Justice.

The 60 lead facilitators needed to roll out the training to the Bar, the Law Society and the Crown Prosecution Service (CPS) were all successfully trained and in place by the end of 2016. Training of facilitators (which for the Bar is coordinated through the Circuits and Inns of Court) was well underway by Spring 2017. The 'Advocacy and the Vulnerable' courses will soon be widely available to all members of the criminal Bar, and the Bar Council is well on course to deliver on this commitment.

PARLIAMENTARY SELECT COMMITTEES

- [Oral evidence](#) to the House of Lords EU Justice Sub-Committee on civil justice cooperation, Hugh Mercer QC, Chair of the Brexit Working Group
- [Oral](#) and [written](#) evidence to the House of Commons Justice Select Committee on the implications of Brexit for the justice system, Andrew Langdon QC, Chair of the Bar Council
- [Oral](#) and [written](#) evidence to the House of Commons Foreign Affairs Select Committee on the implications of leaving the EU for the UK's role in the world, Professor Derrick Wyatt QC, Brick Court Chambers, Emeritus Professor of Law, University of Oxford, Hugo Leith, Barrister, Brick Court Chambers on behalf of Bar Council
- [Oral evidence](#) to the House of Lords Constitution Committee inquiry on the legislative process, Vice-Chair Elect of the Bar Andrew Walker QC
- In July 2016, the Bar Council [submitted](#) a formal response, at the request of the House of Commons Justice Select Committee, to the question: 'What is the financial value that EU lawyers bring to this country, in particular to the City of London?'

OTHER CONSULTATIONS

Civil litigation costs

In 2016-17 the Bar Council continued to engage with Lord Justice Jackson's review of fixed recoverable costs. The Bar Council undertook two consultations of Specialist Bar Associations (SBAs) about the experiences of their members, and in January made a [submission](#) to the consultation.

Whiplash

In early 2017, the Bar Council [responded](#) to the Government's 'whiplash' consultation and urged the Government not to increase the small claims limit.

Aim 2: Supporting the Bar

To provide leadership to equip the whole Bar to meet current and future challenges, and to help barristers to maintain and enhance the quality of their work, adapt to changing circumstances and operate more efficiently and effectively.

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- Pupillage Gateway

INTRODUCTION

The Bar Council has continued to provide leadership to equip the whole Bar to meet current and future challenges, maintaining and enhancing the quality of the Bar's work and assisting the Bar in adapting to changing circumstances and operating more efficiently and effectively.

This work ranges from practical assistance such as supporting barristers with childcare responsibilities to managing the Direct Access Portal for members who take direct instructions. It also includes work to ensure the profession is accessible to as diverse a range of applicants as possible.

ETHICAL ENQUIRIES SERVICE

In 2016-17, the Bar Council Ethical Enquiries Service responded to around 6,000 telephone enquiries and over 550 emails from barristers who needed help to identify, interpret and comply with their professional obligations in the Bar Standards Board (BSB) Handbook.

Provided by the Bar Council Policy Team with oversight from the Bar Council Ethics Committee, the service gives barristers access to guidance on a range of issues, including when to return instructions, how to manage conflicts of interest, and the ethical duties that arise from new ways of working, such as practising in a dual capacity or undertaking a secondment.

The Bar Council also publishes over [200 ethical guide documents](#) on its website; these are regularly reviewed and updated by the Ethics Committee. New guidance in 2016-7 covered subjects including duties to the court in criminal appeals, acting as an expert witness in foreign jurisdictions, and advertising and website profiles.

In 2016-17, the Bar Council made improvements to the service by changing the way calls and emails are categorised in order to take account of new and more frequently arising issues. Among other improvements made to the service, the team now specifically measures the number of queries on reporting serious misconduct, misleading the court, and being a sole practitioner.

The Bar Council has also made changes to the way in which staff capacity is managed to ensure that callers are always able to get through to a member of the team, even during busy times.

Looking ahead

In 2017, the Bar Council Communications Team produced a [short film](#) to promote the work of the Ethical Enquiries Service.

TRAINING AND EVENTS

The training programme developed by the Bar Council Training and Events team is designed to support the Bar in developing new ways of working to enhance individual barristers' practices. Training sessions are also designed to promote good practice in chambers and to provide training to barristers looking to enhance their continued professional development.

The 2016-17 schedule included training sessions and seminars on issues ranging from public access and litigation to arbitration and mediation, as well as fair recruitment and selection.

Key figures for 2016-17

- 240 barristers and 75 clerks trained in Public Access
- 150 barristers and chambers employees trained in fair recruitment and selection
- 128 barristers training in litigation
- 61 practice managers and chambers staff trained in the fair allocation of work

Other training sessions included:

- [Arbitration in Children cases](#)
- [Mediation Advocacy Training Day](#)
- [Panel Discussion and Q&A on the proposed new AGFS Scheme](#)
- [Family Career Breaks Seminar](#)
- [Practical Ethics in Family Law Seminar](#)
- [BSB-authorised bodies: lessons learned two years on](#)

WELLBEING AT THE BAR

"Until a couple of years ago, wellbeing and mental health were not talked about by the profession. It was seen as a sign of weakness, though we all knew it was an issue. Thanks to the Bar Council survey in 2014, the subsequent report and efforts right across the Bar to raise this as an issue of high importance which can impact on our performance as barristers, wellbeing and mental health now loom large on the Bar's and the wider legal sector's agenda."

- Rachel Spearing, barrister and co-founder of the Wellbeing at the Bar initiative

In October 2016, the Bar Council launched the Wellbeing at the Bar Portal, a website to provide support and best practice to barristers, clerks and chambers on wellbeing and mental health issues.

The portal is the product of collaboration between the Bar Council, the Inns of Court and the Institute of Barristers' Clerks.

Since launch (and to the end of March 2017), the website has had 74,286 'visits' and has generated positive feedback from members of the profession.

The portal hosts information on wellbeing events, real-life stories from professionals sharing their experiences, sample chambers' wellbeing policies and activities, and useful contact numbers for those needing advice or help on wellbeing or mental health matters.

The launch of the Wellbeing at the Bar Portal came after a Bar Council survey in 2014 which received over 2,500 responses from the profession. The survey results and subsequent [report](#) highlighted the challenges some members of the Bar were facing in their work with regard to mental health.

In 2017, the Bar Council has developed the portal to provide further tools to support the profession in relation to wellbeing.

In addition, the Bar Council:

- Produced a vicarious trauma training workshop with the Family Law Bar Association, the Criminal Bar Association and the South Eastern Circuit in early September
- Ran a Wellbeing Session at the Annual Bar & Young Bar Conference (October 2016), and
- Focused on Wellbeing at an Equality and Diversity Officers' Network event in January 2017, with guest speakers including solicitors who work with chambers, to discuss wellbeing and managing mental health in chambers.

"Every piece of content on the Wellbeing at the Bar portal is about sharing best practice for dealing with the stresses and strains of practice and ensuring that support is available to all to meet the challenges of life at the Bar. The website provides information and skills to help barristers and those they work with to stay well."

- Chair of the Bar 2016, Chantal-Aimée Doerries QC

YOUNG BAR

The Young Barristers' Committee (YBC) comprises elected members of the Bar Council (employed and self-employed barristers) of up to seven years in practice. The YBC currently has over 20 members, specialising in civil, criminal and regulatory work, from both within and outside London.

Young Bar Hub & Toolkit

Following its launch in 2015, the [Young Bar Hub](#) and [Toolkit](#) continued throughout 2016-17 to provide the young Bar with the latest opportunities and events, advice on building and sustaining a successful practice, and information on managing wellbeing.

The Toolkit is written and continuously updated by members of the YBC, with input from fellow barristers, pupil supervisors and clerks, and from Bar Council staff. It is designed for barristers, including pupils, in the early years of practice.

The Toolkit features five sections, with relevant sub-sections:

- [Building and managing a practice: The self-employed Bar](#)
- [Financial affairs, accounting and tax for the self-employed Bar](#)
- [The employed Bar](#)
- [Wellbeing and work/life balance, and](#)
- [Pupillage and how to get it](#)

In 2016-17, the YBC hosted four seminars in London and on Circuit where members of the young Bar heard from senior professionals including, among others, the Vice-Chair of the

Bar, the Chairman of the Institute of Barristers' Clerks, and the Chair of the Employed Barristers' Committee.

The seminars were:

- Building and managing a practice for the self-employed Bar
- Life at the Employed Bar as a Young Barrister
- Financial affairs, accounting and taxation issues for the junior self-employed Bar
- Wellbeing & work/life balance

In 2016, the [Young Bar Hub](#) launched a blog platform as a means of actively engaging with the young Bar on topical issues affecting practice, and sharing the reality of life at the junior Bar through its '[Day in the life of](#)' series.

The website has received positive feedback since its launch, and as of December 2016, the Young Bar Hub and Toolkit had over 40,000 views. Back links to the Young Bar Hub and Toolkit are now featured on all four of the Inns' websites, and updates are shared with members via [Twitter](#) on a regular basis.

AGFS consultation

The YBC announced its [support](#) for the Bar Council's response to the Government AGFS consultation through the Young Bar Hub, which also hosts its own [consultation response](#).

International Weekend

The YBC organised the [International Weekend](#) 2016 with the Law Society's Junior Lawyers' Division, the European Young Bar Association, and the London Young Lawyers' Group. The event was geared towards young practitioners interested in international law looking to build their network of contacts and diversify their practices. Opened by the Chair of the Bar, Andrew Langdon QC, the event attracted lawyers from Europe, America and China and provided a valuable opportunity for young barristers in England and Wales to meet solicitors and other practitioners from around the world.

Young Bar Workshop

In the summer of 2016, the YBC organised its annual workshop, 'The Specialist Advocate'. Over 90 delegates attended, including Chinese lawyers from the Bar Council's China Training Scheme. Delegates were addressed by Lady Justice Black and Chair of the Bar, Andrew Langdon QC, and concluded with a plenary question and answer session chaired by Sir John Goldring.

Anglo Dutch Exchange

In October 2016, four delegates from the YBC attended the 50th [Anglo-Dutch Exchange](#). This bi-annual exchange programme was spread over three locations: Amsterdam, The Hague and Rotterdam, and allowed members of the young Bar unique insights and connections to legal professionals in another jurisdiction.

ANNUAL BAR AND YOUNG BAR CONFERENCE 2016

The 2016 Annual Bar and Young Bar Conference focused on opportunities in international markets to highlight how global growth can be used to the advantage of the English and Welsh Bar.

Combining both the Young Bar and the Bar conferences in a single day, this event is the platform that brings together all members of the Bar community to learn, network and share ideas in order to ensure continued development and success at the Bar.

For 2016, the Bar Council developed an event app to allow delegates to network by exchanging contact details, download the event programme, register their CPD for sessions, and be notified of conference updates.

For the second year running, discounts were offered to members from outside the South Eastern Circuit, resulting in 12 per cent more barristers attending from areas other than London.

A discount was also available for employed barristers who cannot reclaim VAT, increasing attendance from this group by 9 per cent.

DIRECT ACCESS PORTAL

The [Direct Access Portal \(DAP\)](#) was launched in October 2015. Free for consumers, it puts them directly in touch with a barrister, mediator or arbitrator. The Bar Council has encouraged barristers to sign up to the portal and has developed relationships with third parties, such as the Federation of Small Businesses and Citizens Advice, who play a key role in informing the public and business community of the benefits of direct access.

The Bar Council actively promoted the DAP in 2016-17 both in the media and at events including the Business Show, the Northern Business Exhibition and LegalEx.

An ever-increasing number of barristers are accepting work as a direct result of the DAP which has become a 'go-to' site for members of the public searching for a barrister. The public searched for a barrister on the DAP approximately 110,000 times between April 2016 and March 2017.

The DAP is attracting both new and return customers, with 68.7 per cent visiting the site for the first time and the remainder (31.3 per cent) being repeat visitors.

The top 10 areas of law searched on the DAP are:

- Property
- Employment
- EU
- Landlord and Tenant
- Professional Negligence
- Commercial

- Administrative
- Wills/Inheritance
- Land
- Personal Injury

“We came to think of Direct Access as a way to tap into barristers’ services as and when we needed them, for fixed costs and rapid response. It ticked all of the boxes we needed as clients, and removed the ambiguities.”

- Daniel J ShenSmith, former direct access client and now of ShenSmith Barristers

BARCO

BARCO is the Bar Council’s third party escrow account that provides barristers and their clients, as well as solicitors, with a secure, regulator-approved method of making payments and transferring funds. Equally important is the protection it affords to the consumer.

Throughout 2016-17 the popularity of BARCO continued to grow rapidly with a 117 per cent increase in the number of new cases as against 2015/16.

BSB-regulated entities are a major factor in the growth, as well as solicitors’ firms who have successfully applied to the Solicitors Regulation Authority (SRA) for a waiver to use BARCO. The SRA has, this year, approved all solicitors to use Third Party Managed Accounts, of which BARCO is one, and this change will be implemented during the latter part of 2018.

DEBT RECOVERY

In February 2017, the Bar Council launched a [debt recovery panel](#) to help barristers with payments owed to them by professional clients. Two law firms that specialise in this area – Thrings LLP and Veale Wasbrough Vizards (VWV) LLP - were initially appointed to the new panel, with more expected to sign up.

Both firms have demonstrated an understanding of the demands of the Bar and the delicacy required when seeking to recover fees from the professional client, in particular the sensitivities around preserving long-term commercial relationships. The Bar Council has no involvement in the cases. Its role is limited to promoting the availability of the panel.

The panel provides different payment options, with firms working on a no-win, no-fee basis as well as at fixed up front rates, giving barristers the choice, depending on their individual preference and circumstances.

"The debt recovery panel will be an essential service for many barristers. As most of us are self-employed, income is essential to our livelihoods. Balanced against that is the need to maintain long-term commercial relationships with our professional clients. With that in mind, the law firms on the panel are adept at handling the sensitivities around debt recovery and are able to handle the recovery of fees owed to barristers delicately."

- *Chair of the Bar, Andrew Langdon QC*

CIRCUIT VISITS

The Chair of the Bar, Andrew Langdon QC, undertook an extensive programme of visits to the Circuits after he took office in January 2017. By the end of March 2017, he had visited chambers in Cardiff, Swansea, Manchester, Liverpool, Plymouth, Exeter, St Albans, Nottingham, Birmingham, Hull, Sheffield, York, and Leeds.

Between April and December 2016, the then-Chair, Chantal-Aimée Doerries QC, visited Teesside, Newcastle, Cardiff and Swansea.

Visits normally include meetings with several chambers and the local court, allowing the Chair and Bar Council staff to listen to members of the judiciary and a range of practitioners and chambers staff about key issues confronting them in their professional lives and to consider how the Bar Council's services can be improved.

Circuit visits are a vital mechanism through which the Chair can hear first-hand the views of those on the circuits and discuss how the Bar Council can address the needs of the profession. Further visits are planned for the remainder of the year.

BAR NURSERY

The Bar Council has set up two Bar Nurseries, both open from 7am to 7pm five days a week, offering flexible childcare facilities for children aged eight weeks to five years with special rates available for all members of the Bar, as well as chambers staff and Bar Council employees.

With two locations - one near Leeds city centre and one in central London near to the Old Bailey - the nurseries continue to provide flexible full-time and part-time day childcare packages and emergency packages to cater for those who face unexpected problems with their existing childcare, or who are listed at short-notice in court. The Leeds nursery also runs an out of school club.

ALTERNATIVE DISPUTE RESOLUTION PANEL

In 2016-17, the Bar Council Alternative Dispute Resolution (ADR) Panel hosted a series of seminars including 'Documents in Mediation' and 'Advocacy in Mediation', designed to equip the profession with the skills necessary to advocate and represent parties in a mediation.

The panel also hosted an '[Arbitration in Children Cases](#)' seminar (which was recorded and [shared online](#)) to raise the profile of arbitration within the profession as an alternative to litigation. It allows parties in family disputes the opportunity to appoint an arbitrator of their choice to deliver a binding written determination.

Speakers included President of the Family Division, Sir James Munby, Janet Bazley QC, His Honour John Altman, and Philip Marshall QC, Chairman of the Family Law Bar Association (FLBA).

ALTERNATIVE BUSINESS STRUCTURES

The Bar Standards Board has been regulating licensed bodies, also known as Alternative Business Structures (ABSs), since April 2017. An ABS is an entity that is owned and managed jointly by authorised and non-authorised persons (lawyers and non-lawyers).

This year, the Bar Council updated its [guidance](#) for practitioners who are considering setting up an entity regulated by the Bar Standards Board, including a new section focusing on ABSs.

BAR REPRESENTATION FEE

For work that cannot be funded by the Practising Certificate Fee (PCF), the Bar Council continues to seek a voluntary contribution from barristers, known as the Bar Representation Fee (BRF). The BRF is £100 per year or £8.40 a month by direct debit, and can be paid during the annual Authorisation to Practice process, or at any other time in the year.

The BRF helps to pay for vital Bar Council initiatives which support the profession, such as the Bar Mentoring Service, and public affairs and campaign work with Government and the media on issues such as access to justice and court reform (see Objective 1 for more information on the Bar Council's public affairs and policy work). The BRF also supports the Young Bar and international development work and gives Direct Access qualified barristers membership of the Direct Access Portal.

Without the financial contributions made by the Bar through the BRF, the Bar Council would not be able to represent the interests of the Bar, its employees, or support the public interest in ensuring the high-quality administration of justice.

Paying the BRF provides additional personal benefits for members. These include:

- A one-year free subscription to the monthly Counsel magazine (normally £96 per year)
- Unlimited copies of Certificates of Good Standing (otherwise £100 per certificate)
- Discounts on Bar Council events, including training events and the Annual Bar and Young Bar Conference, and
- Access to Xexec, an online portal, offering discounts on a range of over 500 retail products and services.

BRF payments in 2016-17 were 7 per cent higher than in 2015-16, with a 1.2 per cent increase in renewals and a 33 per cent increase in new subscribers. This success is due in part to better overall communication with members of the Bar, such as through BarTalk and social media, and also as a result of a targeted marketing campaign to highlight the value of the work the Bar Council does on behalf of the profession and in the public interest.

A number of additional changes were made in 2017 in preparation for the financial year 2017-18, including the introduction of the student BRF priced at £24 a year.

PUPILLAGE FAIR 2016

This year's Bar Council Pupillage Fair attracted over 50 exhibitors, including Specialist Bar Associations (SBAs), universities and chambers, and was attended by over 600 students. Free to attend, the Fair continues to act as the most popular nexus for students preparing to apply for pupillage and for chambers looking to meet a diverse range of applicants.

With a range of free workshops on offer throughout the day, as well as access to senior and junior practitioners, SBAs, recruiters and training providers, the Bar Council Pupillage Fair provides students with the information, advice and guidance they need to reach an informed decision about a career at the Bar.

As part of the Bar Council's suite of student advisory and support services, the Fair supports decision-making at the academic, vocational and professional stages of barristers' training, and gives students the opportunity to:

- Learn about all areas of the Bar and ask questions of those in the best position to provide advice
- Take part in a CV clinic with a practising barrister
- Speak to representatives from the different SBAs
- Discuss options with others who have been through pupillage, and
- Learn more about the Pupillage Gateway.

Feedback

From chambers:

"We believe that chambers should be promoted to the largest number of students possible."

"It's an affordable fair which seems to be growing in popularity and is an essential part of our pupillage plan."

From students

"I loved the CV clinic. It was a fantastic opportunity to have a short one-to-one session and receive feedback on my CV from a practising barrister."

"The Mature Students session was excellent — it made me feel like coming to the law as a secondary career is not as hopeless as I'd been led to believe. (And that becoming a pupil in my thirties won't be deemed positively ancient!)"

"The funding talk was invaluable. I had not been aware that the Inns provided scholarships and this could be hugely beneficial to me in the future."

"Pupillage dos and don'ts was great. Good to get it from the perspective of those who have gone through the Gateway recently."

PUPILLAGE GATEWAY

The Pupillage Gateway is the online application system for pupillage, operated by the Bar Council. All pupillage vacancies are advertised on the Pupillage Gateway, which provides students and chambers with a fair application platform and transparent structure for making and accepting offers of pupillage.

Changes made in 2016-17 mean that the Gateway now has a wider range of search criteria, the ability to store more data from previous applications, and a longer time period in which to prepare applications. The Gateway also allows students greater latitude to tailor their applications to individual chambers.

The timetable for 2016-17 was changed so that students now know if they have been successful in their pupillage applications before committing to the Bar Professional Training Course and the significant fees involved. This change was prompted by concerns that the previous timetable disadvantaged able but less well-off students.

Looking ahead

The recruitment cycle for 2016-17 finished in May 2017 with 89 chambers using the Gateway.

The Bar Council will be checking with those who used the Gateway in both recruitment cycles about their experiences of the new timetable, and to see how the process can be improved.

Further details about how the Gateway functions can be found in the [Applicant User Guide \(PDF\)](#) and the timetable is available [here](#).

OTHER CONSULTATION RESPONSES AND GUIDANCE

The Bar Council responded to consultations and produced guidance documents throughout 2016-17 on behalf and in support of its members. These included, among others:

In September 2016, the Bar Council issued an [assistance document](#) for barristers in civil fast-track trial fee cases to help ensure that they avoid the risk of paying a referral fee in breach of the BSB Handbook or mislead the court as to their fees.

In January 2017, the Bar Council published an [assistance document](#) for unregistered barristers who may be, or may be considering acting as a solicitor's agent to help them ensure that they operate within the regulations.

In September 2016, the Bar Council [responded](#) to the SRA consultation on accounts rules. The SRA was proposing changes to the rules such that if a solicitor's firm went into insolvency whilst holding fees owed to a barrister, those fees would no longer be adequately protected. The Bar Council responded to the consultation giving detailed reasons against the proposed change. The SRA's decision is awaited.

Aims 3 & 4: Stewardship of the Rule of Law, our system of justice, and the Bar

Objective 3 - To secure a sustainable role for the Bar as a key player in the maintenance of the rule of law and the efficient administration of justice, as well as being the leading provider of high quality, value for money advocacy and specialist advice, and of candidates for the judiciary of the future.

Objective 4 - To promote the work of the Bar in the interests of the Bar, the wider economy and society at large.

CONTENTS

- Role of the Lord Chancellor
- International
- Brexit
- Communications
- Pro-Bono
- Public legal education

INTRODUCTION

The Bar Council has continued to promote the Bar as a leading champion of the rule of law and a steward of our system of justice, and to promote the work of the Bar, both at home and internationally, as a specialist advocacy service in the interests of our members, the wider economy and society at large.

ROLE OF THE LORD CHANCELLOR

“It is the judiciary’s role to ensure the rule of law underpins our democratic system. Without it fulfilling this vital role, the people would have very limited scope to hold the Government in power to account.”

- Chantal-Aimée Doerries QC, Chair of the Bar 2016

In late 2016 and into 2017, the Bar Council took the lead in defending the independence of the judiciary when judges were branded as ‘Enemies of the People’ in the wake of the High Court ruling in the Article 50 litigation. The Bar Council immediately passed a resolution to condemn the attacks and called on the Lord Chancellor to make a public statement in response.

The resolution read:

“The Bar Council of England and Wales condemns the serious and unjustified attacks on the judiciary arising out of the Article 50 litigation. It regrets the lack of public statement by the Lord Chancellor condemning these attacks and calls upon the Lord Chancellor to do so as a matter of urgency. A strong independent judiciary is essential to a functioning democracy and to upholding the rule of law.”

- *Bar Council resolution, 5 November 2016*

The Chair of the Bar (at the time) Chantal-Aimée Doerries QC appeared on broadcast media including BBC News, Sky News, BBC Radio, Channel 4 News and Channel 5 News to name a few, as the Bar Council’s stance led the news agenda. The Bar Council’s intervention attracted widespread support from the Bar and extensive media coverage throughout the following week.

The then-Lord Chancellor subsequently expressed her support for the independence of the judiciary.

INTERNATIONAL

The work of the Bar Council International Team focuses on promoting the Bar to international markets, supporting the rule of law internationally and encouraging the use of English law in international jurisdictions.

Rule of law

As part of its work to promote the rule of law in 2016-17, the Bar Council:

- Organised the [10th Annual International Rule of Law lecture](#), delivered by Baroness Françoise Tulkens, former Vice-President of the European Court of Human Rights, and celebrated the anniversary of the lecture by publishing a book of the first 10 lectures, and
- Took part in a high level Foreign and Commonwealth Office sponsored event in Beijing on the theme: “Legal and Judicial Co-operation on the Belt and Road”. The visit by the Chair of the Bar included a one-day conference at Renmin University, a networking event with the Bar Council Training Scheme alumni and a side visit with the Chinese equivalent of the Justice Minister, which was televised. The visit also provided a good opportunity to promote England and Wales and the services that the Bar can provide to Chinese lawyers and clients.

Additionally, the Bar Council continued to speak out whenever and wherever rule of law crises occurred. In 2016-17 the Bar Council wrote [five letters](#) to highlight concern over:

- The arbitrary arrest and trial of lawyer, Nkongho Felix Agbor-Balla in the Republic of Cameroon
- Ongoing human rights violations and attacks on the legal profession in Turkey
- The abduction of Bangladeshi lawyer, Mir Ahmed Bin Quasem
- The killing of 70 people, mainly lawyers and journalists, in Pakistan, and
- The mass arrest of judges in Turkey.

International relationships and business development

To promote the Bar of England and Wales to new clients and to build relationships with members of legal professions in international jurisdictions, in 2016-17 the Bar Council:

- Undertook a business development mission to South Korea, China and Hong Kong to strengthen ties with Asia's legal sector
- Held the fourth [Russian Law Week](#) in London. The conference, organised in partnership with the Law Society and the Russian Bars, was attended by some 170 Russian, CIS and UK lawyers. For the first time, chambers hosted a series of roundtable discussions for participants
- Held the first English-Cypriot Law Day in Nicosia, Cyprus, attended by over 100 Cypriot lawyers and around 20 barristers from England & Wales
- Hosted 12 Chinese lawyers from some of China's leading law firms in Beijing, Shanghai, Guangzhou and Changzhou as part of the [26th Bar Council China Training Scheme](#) (BCTS). The BCTS aims to give Chinese lawyers an understanding of the English legal system, the way barristers operate and how to instruct them, whilst at the same time building their legal skills and knowledge required for international practice. The chambers selected to host the lawyers gained a unique insight into the Chinese legal market.
- Delivered a three-week training scheme for young Russian and Ukrainian lawyers. The programme aims to raise participants' understanding and awareness of how the English, Russian and Ukrainian legal systems operate, how the legal profession in the host country functions, and how to work most effectively with colleagues from the other jurisdiction
- Jointly with Inner Temple and the Royal Commonwealth Society, the Bar Council hosted a half-day conference to brief around 30 High Commissioners on the legal system of England and Wales, showcasing the role of barristers and the international legal services they provide, and

- Awarded, via the [Bar Scholarship Trust](#), 24 grants to assist barristers of seven years' practice and under to participate in international legal events of their choice to contribute towards their professional development.

Looking ahead

Brazil

In June 2017, the Chair of the Bar led a delegation of barristers to [Brazil](#) for the Bar Council's third business development mission to the country. The programme included meetings and roundtable discussions with local law firms and legal associations, as well as seminars for the local Bars, in which barristers addressed audiences on international arbitration, fraud and regulation. A group of four barristers and two solicitors joined the delegation for the events in Sao Paulo before spending two weeks in leading law firms in Sao Paulo and Rio de Janeiro as part of the British-Brazilian Exchange Programme.

Cyprus

Following the success of last year's seminar in [Cyprus](#), the Bar Council's International Committee, in partnership with the Cyprus Bar Association, are organising their second English-Cypriot Law Day in Limassol.

Opening of the Legal Year

In September 2017, the Bar Council will host over 60 international Bar leaders for the Opening of the Legal Year activities. The programme, hosted jointly with the Law Society, will feature roundtable discussions on technological innovation to increase access to justice, diversity in the legal profession and judiciary, and international trade in legal services and the rule of law.

English Law Week

The fourth [English Law Week](#) will be held in November 2017 and, for the first time, will take place in two Russian cities: Moscow and St Petersburg.

International Rule of Law Lecture

Dr Shirin Ebadi, who was awarded the 2003 Nobel Peace Prize for her efforts to promote human rights - in particular the rights of women, children, and political prisoners in Iran - will deliver the 11th [International Rule of Law Lecture](#) on 9 November 2017.

BREXIT

Since the referendum result in June 2016 the Bar Council Brexit Working Group has played a leading role in evaluating the legal and constitutional implications of Brexit and producing much-needed guidance for Government and the media on behalf of the profession and in the public interest.

For more information about the Bar Council's work on Brexit, please read the Brexit section in Aim 1.

COMMUNICATIONS

"We've upped the ante on communications in the last year so the Bar and the Bar Council are now much more visible to the public and policymakers. We are right across all the main social media channels and our Twitter followers in the last few years have nearly doubled. The Bar Council's fortnightly e-newsletter for the Bar, BarTalk, has really taken off this year. Our members are much more aware of what we do for them."

- Steve Rudaini, Director of Communications & Marketing at the Bar Council

Media coverage

The media continue to play a vital role in the Bar Council's communications strategy. In 2016-17, the Communications & Marketing team secured more than 6,000 pieces of media coverage in the year, compared to 1,500 the previous year. By raising the Bar Council's profile on key issues, such as the independence of the judiciary following the Article 50 High Court case, the Bar Council has become a more prominent organisation and commentator on justice-related affairs.

Highlights included leading the headlines on most mainstream news television programmes, including Channel 4 News, ITN, BBC News, front page lead stories in [The Observer](#) and commentary on BBC Radio.

BarTalk

The Bar Council's official members' e-newsletter has grown from strength to strength in 2016-17. Readership is almost double the industry average of 21 per cent, and in 2016-17, the Bar Council published several special editions of BarTalk in addition to the regular fortnightly version. Those special editions included editions on the Young Bar, Brexit, and Practice & Ethics, as well as a Women at the Bar edition to mark International Women's Day.

BarTalk has grown in popularity outside the Bar, with more than 400 new subscribers, including students, chambers' chief executives, practice managers and clerks.

Social media

The Bar Council's social media platforms have grown in popularity in 2016-17.

- [Twitter](#) – 34,000 following the Bar Council
- [LinkedIn](#) – 2300 following the Bar Council
- [Facebook](#) – more than 1,200 supporters
- [Instagram](#) – more than 800 followers
- [YouTube](#) – 19,842 views of videos on the Bar Council YouTube Channel. 179 active subscribers. Videos published in 2016-17 include a range of topics – [Brexit](#), [International Women's Day](#), [Wellbeing at the Bar](#).

In addition, [BARCO](#) and the [Direct Access Portal](#) channels have seen growing popularity in the last year.

Blogs

The Bar Council's blog platform has grown throughout 2016-17 and provides an opportunity for barristers and those who work with the Bar to share important information on key issues affecting the profession and our justice system.

PRO BONO

Many barristers devote their time to pro bono work, whether by providing legal advice or representation for free to those in need, or by volunteering their skills in another capacity, such as giving careers advice in schools, acting as a trustee, or even coaching a team of students for a mock trial competition.

To demonstrate the varied and important work barristers do on a pro bono basis, in 2016 the Bar Council developed the [Bar Pro Bono Hub](#) in conjunction with the Bar Pro Bono Board.

The Pro Bono Hub lists details of projects for barristers wishing to get involved.

Every year, the Bar Council sponsors the Bar Pro Bono Unit's [annual award](#), which is presented at the Annual Bar & Young Bar Conference.

PUBLIC LEGAL EDUCATION

In early 2017, the Bar Council, in partnership with the Citizenship Foundation, [developed](#) a series of Key Stage 4 citizenship lesson resources. The lessons explored the role of democratic decision-making in the UK, and the importance of an independent judiciary in our constitution.

The resources were launched shortly after the Supreme Court ruling in the Article 50

litigation, and were produced partly as a response to the reaction to the High Court ruling, after which the three judges in the case were branded 'Enemies of the People'. The resources were disseminated to all schools in England and Wales.

The Bar Council's work in this area generated positive feedback from the profession and extensive [media coverage](#).

"These lessons will help students to understand why judges are involved in deciding questions such as who should trigger Article 50. Not everybody will agree with their ruling, but young people should be able to think critically about government and the judiciary, and we want to give them the right tools and information so that they can do it properly."

- Sam Mercer, Bar Council Head of Equality and Diversity

In addition, the Bar Council's commitment to promoting public legal education includes:

- Bar Council representation on the advisory board for the All Party Parliamentary Group on Public Legal Education
- Support for the Citizenship Foundation's Bar Mock Trials competition
- Continued support of the Citizenship Foundation's PLE quality mark, and
- Sponsoring of the Institute of Ideas' UK-wide school debating competition.

Looking ahead

The plan for 2017-18 is to develop further school resources in partnership with the Young Barristers' Committee and to produce a suite of products available on the Bar Council's website for barristers to use when speaking in schools.

Aim 5: Equality, Diversity, Social Mobility

To promote equality and diversity across the Bar.

The Bar Council's vision is a profession representative of all, and for all.

CONTENTS

- Overview: Gender, diversity and social mobility at the Bar
- Mentoring
- Equality and diversity training
- Equality helpline
- Supporting carers
- Women at the Bar
- Judicial diversity
- Social mobility
- Careers days
- Law Fairs
- Bar Placement Week
- Bar Mock Trials
- Pupillage Fair
- Public sector equality duty

OVERVIEW: GENDER, DIVERSITY AND SOCIAL MOBILITY AT THE BAR

Gender

Women are now called to the Bar in equal proportion to men, but women between 10-15 years' call are leaving the profession in far greater numbers. Women are also more likely to work in publicly funded areas of practice which are notoriously poorly remunerated. In addition, these practice areas have inflexible court sitting hours, which creates a particular challenge for those with family and caring responsibilities. Though there are many male practitioners with such responsibilities, the current position is that primary carers are overwhelmingly women.

Women's retention impacts adversely on their progression. Only around 14% of QCs are women and they are under-represented in the senior judiciary.

Ethnicity

The Bar is on track for the number of Black and Minority Ethnic (BME) barristers to be proportionate to the rest of the population of England & Wales, but there continues to be a disparity between the total percentage of BME barristers across the profession (12.2%), and the percentage of BME QCs (6.4%). This suggests an issue in relation to the progression of BME practitioners at the Bar.¹

¹ http://www.barcouncil.org.uk/media/546689/bsb_report_on_diversity_at_the_bar_2016.pdf

Social Mobility

The proportion of barristers who attended fee paying schools is 44%, compared with only 7% of the population. This disparity is less pronounced in barristers under the age of 30, indicating that a state school education is much less of a barrier than it used to be. However, there is still a need for greater socio-economic diversity at the Bar if it is to reflect the communities it serves and offer opportunity to talented individuals irrespective of background.

"Although the position is changing for the better, women still account for a very small number of members of the senior judiciary, and they make up only 13% of all QCs. The judiciary and the legal profession from which it is drawn should reflect the communities they seek to serve, and that is why the Bar Council is committed to doing all it can to support women at the Bar at all stages in their professional careers at the Bar. We need to aim for a profession of all, and for all."

- Chantal-Aimée Doerries QC

Promoting equality, diversity and social mobility

Throughout 2016-17, the Bar Council has continued to promote greater equality and diversity and social mobility in the profession through the work of the Equality, Diversity and Social Mobility (EDSM) Committee and dedicated Policy team staff.

This work includes programmes addressing:

ACCESS	To widen access, particularly to those from under-represented groups including lower socioeconomic backgrounds
RETENTION	To improve retention, particularly of women and those with a disability (including mental health)
PROGRESSION	To support progression, of under-represented groups (particularly of women and ethnic minorities)

Mentoring

The Bar Council's Bar Mentoring Service is made up of three different mentoring schemes designed to meet different needs within the profession

The three schemes operating in 2016-17 were:

- [e-Mentoring Scheme](#) (access) informs and supports students in Years 12 and 13 and first year undergraduate students from diverse backgrounds who have an interest in pursuing a career at the Bar
- Introduced in 2016, the [Maternity Mentoring Scheme](#) (retention) supports barristers who are either contemplating a career break, are currently on parental leave, or are returning to practice, and

- [Silk & Judicial Appointments Scheme](#) (progression) supports established barristers who are seeking judicial appointment or considering applying for Silk.

As well as launching the Maternity Mentoring Scheme, which has now matched 29 barristers with mentors, in 2016-17 the Bar Council developed further resources to support the facilitation and management of the Silk and Judicial scheme. Positive feedback has been received to date.

The Bar Council also developed new guidance and additional support for the e-Mentoring scheme.

In addition, in 2017 the Bar Council will be piloting two new mentoring and coaching support products:

- Mentoring training, which is a course to promote and equip current mentors or those contemplating becoming mentors in chambers, SBAs and the Inns, and
- Career Coaching, following recommendations made in the [Snapshot](#) gender research in 2015.

Mentor Pairs / Scheme Status

Date	Silk & Judicial Mentoring			e-Mentoring			Maternity Mentoring			General Mentoring		
	Mentor	Mentee	Matches	Mentor	Mentee	Matches	Mentor	Mentee	Matches	Mentor	Mentee	Matches
11/16	23	18	18	41	19	10	15	10	6	-	3	-
02/17	24	19	19	50	26	26	20	12	11	-	3	1
04/17	24	22	20	51	31	31	24	13	12	-	4	1

EQUALITY AND DIVERSITY TRAINING

In 2016-17, the Bar Council continued to offer a range of [training sessions](#) for chambers on equality and diversity including 11 'Introduction to E&D' training sessions, five bespoke sessions for chambers, five 'Advanced E&D' courses, and one bespoke course in Nottingham at the request of a Circuit based chambers. The team also delivered training for Bar Council committee members in March 2017.

The introductory sessions are designed for barristers, chambers' Equality and Diversity Officers, practice managers and clerks. The sessions aim to develop a greater understanding of diversity issues through a series of practical case studies and include summary of the legal and regulatory duties. These sessions are free to clerks and other chambers staff and to barristers who pay the Bar Representation Fee.

EQUALITY AND DIVERSITY HELPLINE

The Bar Council continues to offer a confidential [equality and diversity helpline](#) to all pupils, members of the Bar, and chambers staff. The line provides practical support and guidance for barristers and chambers facing equality and diversity challenges.

The range of issues on which the helpline can provide support includes: implementing the Equality and Diversity Code and chambers' maternity and parental leave guidelines; dealing with harassment from another member of Chambers or staff; reasonable adjustments and making chambers and services accessible to people with disabilities; workforce monitoring and the fair allocation of work.

SUPPORTING FAMILY CARERS

In 2016-17, the Bar Council continued to push for more equal family policies at the Bar with the aim of supporting barristers with caring responsibilities, and to retain more women in the profession.

A [survey](#) of the profession in 2013 revealed that 57% of women at the Bar with children were primary carers compared to just 4% of men². In 2015 a series of Bar Council focus groups³ with women in the profession found that factors such as a) having a partner who acts as a primary carer and b) working in chambers that support those with family caring responsibilities can play a significant role in helping women to stay in the profession.

Shared Parental Leave

In February 2017, the Bar Council gave public backing to Bar Standards Board proposals to allow self-employed barristers access to equal parental leave entitlements provided by chambers, regardless of how their partners use theirs.

The rule change (agreed by the BSB in May 2017) will allow barristers to share parenting, by allowing them to take whatever leave they want up to a whole year, without having to compromise the other parent's ability to also take a whole year of parental leave.

Responses to the consultation led the BSB to conclude that the changes would help the Bar to retain those with parental responsibilities by making it easier for self-employed barristers to combine work and family life, and could help with efforts to encourage more gender diversity within the profession, especially at the senior end.

Family career breaks seminar

In March 2017, the Bar Council produced a seminar for barristers, clerks, Equality and Diversity Officers, and other chambers staff on family career breaks. The aims of the seminar were to: advise on how to navigate chambers' policies; explore ways of managing leaving

² Barristers' Working Lives: A Second Biennial Survey of the Bar 2013

³ http://www.barcouncil.org.uk/media/379529/snapshot_-_the_experience_of_self_employed_women_at_the_bar.pdf

and returning to work; and support best practice in chambers and compliance with BSB rules.

Maternity mentoring

In 2016, the Bar Council introduced a [Maternity Mentoring Scheme](#) to support barristers who are either contemplating a career break, are currently on parental leave, or are returning to practice.

WOMEN AT THE BAR

In addition to seminars, retention and progression mentoring, and policy work on parental leave, in 2016-17, the Bar Council also:

- Hosted the Association of Women Barristers' annual pupillage clinic, to support aspiring barristers with their pupillage applications, and
- Produced a [short film](#) for International Women's Day featuring female juniors and silks calling on women at the Bar to reflect on how they had been supported by others. Women were encouraged to #payitforward by persuading talented colleagues to take the next step in their careers, be that branching in to a new practice area or applying for silk or judicial appointment.

JUDICIAL DIVERSITY

It has long been self-evident that gender equality and ethnic diversity in the judiciary need to be improved if it is to reflect the communities it serves. The pool of talent from which the judiciary is drawn is made up largely of members of the Bar, and as such the Bar Council plays a central role in initiatives to improve the gender equality and ethnic diversity of judges.

In 2016-17, the Bar Council secured the go-ahead from the Judicial Diversity Forum (made up of the Judicial Appointments Commission, the Judicial Office, the Ministry of Justice, and Law Society, CILEx and the Bar Council) to take a proposal for pre application judicial education to the next costings stage. Such training, which could be targeted at groups that are under-represented, has the capacity to increase the quality of applications and improve the diversity of appointees.

In addition to the silk and judicial mentoring programme, the Bar Council Equality and Diversity Committee led on providing comment and analysis to the media and other audiences on judicial equality and diversity throughout the year.

The Bar Council also:

- Co-sponsored judicial diversity outreach events in Newcastle in March 2-17 with the Law Society and CILEx, and
- Wrote to the JAC expressing concerns over the impact on diversity of the technological problems and timing (half term) of the current Recorder Competition.

SOCIAL MOBILITY: WORKING WITH STUDENTS

One of the Bar Council's key objectives when working with students is to improve social mobility and promote the Bar as a profession based on merit for all, of all, regardless of background.

It is important that all students – especially those without personal or family connections to the Bar or the legal profession – are supported so they are clear at an early stage about what they need to do to prepare themselves for the highly competitive process of becoming a barrister.

CAREER DAYS

In 2016-17, the Bar Council produced two careers days in Cardiff and Manchester, for sixth formers considering a career at the Bar. The Bar Council liaised with schools' outreach officers to target students from less advantaged and diverse backgrounds.

The Career Days give students the opportunity to learn first-hand from practising barristers about life at the Bar and to hear from university academics about what to expect from a law degree and how to prepare a strong application. Students undertake a practical exercise based on a plea in mitigation, to give them a flavour for the legal issues and tasks barristers undertake. They also have the chance to talk with barristers about how to negotiate pathways to the profession. Further careers days are planned for 2017-18, including one in London.

LAW FAIRS

As part of the Bar Council's social mobility and outreach work, the Bar Council attended 13 law fairs throughout 2016-17 in partnership with the Inns of Court and the Commercial Bar Association (COMBAR). The majority of the universities attended have a high rate of students from lower socio-economic backgrounds.

Law fairs are an excellent opportunity to communicate the challenges and rewards of a career at the Bar to a diverse range of students and to demystify what it means to be a barrister for those who may know little about the profession. The fairs give individual students from low-participation backgrounds the chance to talk with practicing barristers

and representatives of the Bar, who can help them to plot their route in to the profession and provide information on the necessary qualifications and funding options.

The Universities attended in 2016-17 were:

- Brighton
- Cardiff
- City University London
- Exeter
- Liverpool
- Manchester
- Northumbria
- Southampton
- UEA Norwich
- University of Bristol
- Warwick
- York

BAR PLACEMENT WEEK

Bar Placement Week is an award-winning programme that places sixth form students from under-represented backgrounds with practising barristers, affording them the opportunity to make contacts in the profession and gain first-hand insight into life at the Bar.

Having been extended in 2015/16 to cover Liverpool and Bristol, Bar Placement week also engages students from London, Manchester, Leeds and Birmingham. This year, for the first time, students from Bristol and Liverpool took part in the placement week in London. In addition to completing work experience in chambers, students attended a talk by a panel of barristers at Middle Temple, visited the Supreme Court or Old Bailey and took part in an advocacy training session run by the Advocacy Training Council at Gray's Inn.

Following a review in 2016, the Bar Council now works with the Sutton Trust in addition to its original partner, the Social Mobility Foundation, so that the scheme benefits a greater number of students from disadvantaged backgrounds. At the same time, and following feedback from Chambers, the selection criteria was changed to better target students with a genuine interest in learning more about a career at the Bar, with 80 students taking part in 2016-17 compared with 90 in the previous reporting year.

BAR MOCK TRIALS

The Bar Council has continued to sponsor the Citizenship Foundation's Bar Mock Trials Competition. The 25th annual Bar Mock Trials competition took place at the Old Bailey in April 2016, attended by then Chair of the Bar Chantal Aimée-Doerries QC.

Each year, over 2,000 state-educated students aged between 15 and 18 years old work in teams to defend and prosecute two mock criminal cases. Students take on the roles of barristers, witnesses, court staff and jurors and their performances are assessed by real judges and senior practising barristers. In preparation for the competition, each team is mentored by a practising barrister or advocate.

Since the competition began, the Bar Mock Trials have reached over 40,000 young people with voluntary support from over 400 barristers or advocates and 90 judges each year, from across England, Scotland, Wales and Northern Ireland.

“For many students, this mock trial competition is their first, positive contact with the legal system that governs their lives. The competition helps students to understand the purpose of law and the impact it has on people and helps to make the justice system relevant to them.”

– Tom Franklin, CEO, The Citizenship Foundation

“One student told me that the Bar Mock Trials Competition was the first time she had seen people expressing disagreement without shouting at each other. Students learn vital skills by taking part in the competition that often have nothing to do with the law.”

- Chantal-Aimée Doerries QC, Chair of the Bar 2016

PUPILLAGE FAIR

This year’s Bar Council Pupillage Fair attracted over 50 exhibitors, including SBAs, universities and chambers, and was attended by over 600 students. Free to students, the Pupillage Fair remains the most popular event for students preparing to apply for pupillage and for chambers looking to meet a diverse range of applicants.

[Link to Objective 2 for more information](#)

PUBLIC SECTOR EQUALITY DUTY

As the approved regulator of barristers, the Bar Council is committed to meeting in full the general public equality duty. This requires public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic (in relation to age, disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief and marriage and civil partnership) and other individuals.

In accordance with the Specific Duties Regulations 2011, the Bar Council publishes equality data on the profession and its own staff. This includes:

- [Data on the profile of the profession, and](#)
- [Data on the profile of Bar Council staff.](#)

[The Bar Standards Board](#), the independent body through which the Bar Council carries out its regulatory functions, has also published equality data evidence and developed objectives relating to its public functions. To access these reports please [click here](#).

Aim 6: Promoting independent regulation

To promote and support the effective, independent regulation of the Bar through the BSB to ensure the highest standards of professional practice and to protect the public interest.

CONTENTS

- Introduction
- Regulation
- Consultation on legal services

INTRODUCTION

The Bar Council has continued to promote the effective, independent regulation of the Bar through the independent Bar Standards Board, ensuring the highest standards of professional practice.

INDEPENDENT REGULATION

The 'Approved Regulator' of the Bar is the Bar Council. In accordance with the Legal Services Act 2007, the Bar Council is obliged by law to separate its regulatory and representative functions, which it does by delegating responsibility for regulating the Bar to the independent Bar Standards Board (BSB).

The BSB has its own independent Board and staff, and regulates barristers called to the Bar in England and Wales.

Training and support

The Bar Council provides support through the Ethical Enquiries Service to barristers who need help to identify, interpret and comply with their professional obligations as set out in the BSB Handbook.

Additionally, the Bar Council offers training sessions and publishes comprehensive [Practice & Ethics Guides](#).

See Objective 2 for more information on the Ethical Enquiries Service

Communications protocol

The Bar Council and the BSB comply with a communications protocol that supports regulatory independence and is reviewed at regular intervals. Guidance on the protocol is available for all staff, and new staff are advised of the protocol and the guidance as part of their induction training.

In addition, the Chair's Committee, chaired alternately by the Chair of the Bar, and the Chair of the BSB, meets on a monthly basis. It is responsible for keeping under review all aspects of the relationship between the Bar Council and the BSB.

CONSULTATION ON LEGAL SERVICES

2016-17 was a busy time for the Regulatory team, which responded to a number of consultations impacting the profession. The largest of these was the Competition and Markets Authority Market (CMA) Study of the legal services sector. Launched in January 2016, the market study looked at the following three themes:

- Theme 1: Whether consumers can access and act on information about legal services so that they can make informed purchasing decisions and thereby drive competition for the supply of legal services
- Theme 2: Whether information failures result in consumer protection issues that are not being adequately addressed through existing regulations and/or redress mechanisms, and
- Theme 3: Whether regulations and the regulatory framework go beyond what is necessary to protect consumers and weaken or distort competition for the supply of legal services.

The Bar Council met with the CMA on a number of occasions to discuss the scope of the market study and to answer their questions about the Bar.

A Bar working group was established to assist the Bar Council in responding to the Statement of Scope and additional questions submitted by the CMA, some of which related to reserved legal activities. The working group also developed a response to the CMA interim report.

The Bar Council's responses to the CMA are available below:

- [Bar Council response to the Competition and Markets Authority Legal Services Market Study](#)
- [Bar Council response to the Competition and Markets Authority follow-up questions on the legal market study](#)
- [Bar Council response to the Competition and Markets Authority \(CMA\) Legal Services Market Study Interim Report](#)

Aim 7: Working with the Inns of Court

To work with the Council of the Inns of Court (COIC) and with each of the Inns to support their work in educating and training barristers, in maintaining the ethos and values of the Bar and helping them in their dealings with government, regulators and other external audiences.

The Bar Council worked with the Inns of Court and the College of Advocacy throughout 2016 to begin the roll-out of Advocacy and the Vulnerable Witness training to all barristers who deal with vulnerable witnesses.

In striving to improve the flexibility, accessibility and affordability of Bar training, whilst maintaining high standards and making the Bar a realistic career for anyone with the required skill and ability, we worked closely with the Council of the Inns of Court (COIC) to suggest an additional route to authorisation. This was ultimately included in the Bar Standards Board's consultation on Future Bar Training, and was overwhelmingly supported by the Bar.

We continued to liaise with the Inns of Court on our respective international activities and delivered aspects of our international programme jointly; for example by hosting a training session with Inner Temple and the Royal Commonwealth Society for High Commissioners about the Bar and the English and Welsh legal systems.

Aim 8: Improving the effectiveness of the Bar Council

To improve the effectiveness and the efficiency of the Bar Council to ensure that we can achieve these challenging aims.

CONTENTS

- Membership system and portal
- Technology and security
- Appointments protocol
- Worksmart
- Risk register
- Operation Management Board

MEMBERSHIP SYSTEM AND PORTAL

During the course of 2016, the Bar Council made significant progress towards delivering a new information management system that will provide members of the Bar with an integrated one-stop point of communication with the Bar Council.

The new portal and membership system will allow barristers to pay for Practising Certificate Fees (PCF), renew their Bar Council membership through the Bar Representation Fee (BRF), and access other services, as well as update their professional status and personal information held by the Bar Council and Bar Standards Board (BSB). The portal will also allow members of the Bar to customise the content they receive from the Bar Council and the BSB.

Development of the programme is on track and the Bar Council is expecting to launch the new portal and membership system at the end of November 2017.

TECHNOLOGY AND SECURITY

Throughout 2016-17, the Bar Council made a number of technological changes to deliver a more versatile and secure platform that will cater for the flexible working arrangements and a future office move.

Cyber security has also been tightened to avoid breaches and to ensure that all our systems and applications are secure and only accessible by authorised individuals. Moreover, the Bar Council has been making improvements in information governance and is taking the necessary steps to ensure the organisation is compliant with the General Data Protection Regulation (GDPR) by May 2018.

APPOINTMENTS PROTOCOL

An appointments protocol was introduced in March and updated in May 2016. It sets out the process when the Bar Council is invited or wishes to nominate, appoint or re-appoint individuals to take up positions in external organisations; for example, as trustees or council members. Administered by the Bar Council's Head of Governance, the protocol aims to ensure that appointments are fair, transparent, based on merit, and not unlimited in terms of time. All positions are advertised widely to the profession, in order to attract a strong and diverse array of candidates. The Chair of the Bar convenes a selection panel to choose a preferred candidate for approval by the General Management Committee (GMC).

During 2016/17, a number of appointments were made under the Protocol, including the following positions:

- Advisory Panel Member for the Institute of Advanced Legal Studies' Legal Records at Risk Project
- ICBET Trustee, and
- An ICLR Bar Council Representative

Nominated persons are asked to report to Bar Council on an annual basis.

WORKSMART

A new way of working was introduced at the Bar Council in 2016 called Work Smart. The aim of the initiative was to introduce smarter working practices for Bar Council and BSB employees. The aim was to create less permanent desk space and flexible working spaces, allowing the organisation to become more agile with the ability to move to a smaller office space in future. Other benefits of the initiative included: Improved work-life balance for staff through flexible working, optimal use of existing office space and reducing the organisation's carbon footprint. Additional benefits have been a more collaborative and innovative office environment.

RISK REGISTER

The need to identify high-level risks to the organisation emerged from Audit Committee meetings held following a Bar Council's risk review exercise in 2014/15. The Representation, Policy and Services and Resources Groups both undertook to develop a risk register to capture and track organisational risks.

A new register was produced in April 2016, focusing on the key, high-level risks that could potentially cause a threat to the operational ability of the Bar Council. Risks are categorised according to their likelihood and impact, and rated as 'low', 'medium' or 'high'.

A Risk Management Group meets monthly to review the risk register which is presented at each Audit Committee meeting. The register is reported twice yearly to the Bar Council, and

Bar Council Officers attend bi-annual Risk Management Group meetings. To ensure that the register is fully embedded in Bar Council processes and understood by all staff, it is also discussed twice yearly at the internal Operational Management Board (OMB) meetings.

OPERATIONAL MANAGEMENT BOARD

The Operational Management Board (OMB) comprises senior managers from across the Representation, Policy and Services and Resources Group directorates. It meets on a monthly basis to review the progress of business activities listed in the annual business plan, and to discuss any operational management issues affecting either or both of the directorates. The business plan is used to report to the General Management Committee on a quarterly basis.

Chaired by the Chief Executive, the OMB plays a pivotal role in ensuring that business activities are delivered on time and within budget. It is the body to which proposals for new work streams or working groups must be sent, and it tracks the detailed business planning process.

Finances

The Bar Council and the regulator, the Bar Standards Board (BSB), share Practising Certificate Fee (PCF) income, but have their own independent sources of income upon which they depend.

In 2016-17, Bar Council's total funding (excluding the BSB) was £5.3m, 1.1 per cent higher than 2015-16.

This comprised of:

- PCF: £3.24m*
- Charges for services: £1.1m
- Bar Representation Fee (BRF): £0.95m

*The total PCF income of £10.9m (minus £0.7m levy for the Legal Services Board and the Legal Ombudsman) was divided between Bar Council (32 per cent) and BSB (68 per cent).

The cost of the PCF for each barrister for 2016-17 was £641. Of that, £202 went to the Bar Council (£205 for 2015-16) and £439 to the BSB (£427 for 2015-16).

These figures relate to the PCF collected in March 2016 for the 2016-17 financial year. The PCF collected in March 2017, which includes the 12% fee rise associated with the defined pension scheme funding, will be reported in 2018.

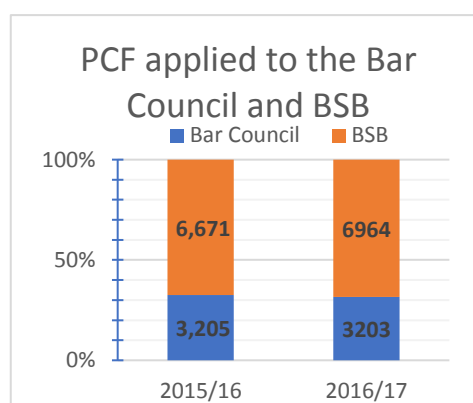
The Bar Council's other funding includes:

Bar Representation Fee (BRF)

Income from the BRF was up 10 per cent in 2016-17 compared with 2015-16. BRF funding is used to extend and increase the Bar Council's vital work in representing the Bar's interests, as well promoting the Bar Council's wider strategic aims.

Services to the profession

Income from services to the profession was £1.1m, down 2.1 per cent on 2015-16. This income is used to support the Bar Council's representative activities.



	2015/16	2016/17
Bar Council	£205	£202
BSB	£427	£439

BSB

Total BSB funding for 2016-17 was £8.4m, down 3 per cent on 2015-16. The BSB's non-PCF funding, which is only applied to its regulatory work, includes:

- Inns Subvention of £0.25m, and
- Income from regulatory fees and charges of £1.2m

Number of Bar Council and BSB employees per salary band in 2016-17:

Salary Band	Up to £20,000	£20,000 to £40,000	£40,000 to £60,000	£60,000 to £80,000	£80,000 to £100,000	£100,000 to £120,000	£120,000 to £140,000	£140,000 to £160,000	£160,000 to £180,000
No. of employees	7	85	36	9	6	0	1	0	1

Contact and further information

▶ LOCATION

The Bar Council
289-293 High Holborn
London
WC1V 7HZ

▶ WEB & SOCIAL MEDIA

www.barcouncil.org.uk

Twitter: [@thebarcouncil](https://twitter.com/thebarcouncil)

Facebook: [@thebarcouncil](https://www.facebook.com/thebarcouncil)

Instagram: [@thebarcouncil](https://www.instagram.com/thebarcouncil)

CONTACT

Luke Robins-Grace
Senior Communications Adviser
lrobin-grace@barcouncil.org.uk
0207 630 4689