



The Bar Council



The Bar Council's

Annual Report

2022/23

About the Bar Council of England and Wales

The Bar Council represents more than 17,000 practising barristers in England and Wales.

We promote the Bar's specialist advocacy and advisory services, fair access to justice for all, the highest standards of ethics, equality and diversity across the profession, and the development of business opportunities for barristers at home and abroad.

Our range of services, member benefits, online advice, and practical guidance supports the profession and those who seek to join it. We are committed to widening access to the profession to attract the best and brightest across England and Wales to help secure the future of the Bar.

The Bar Council's representative work is largely undertaken by committees comprising barristers and chambers professionals, who work in conjunction with the organisation's small but dedicated staff team. Their work is overseen by the General Management Committee and the Bar Council. The Bar Council officers (Chair, Vice Chair, and Treasurer) are elected by Bar Council members in May and serve for one calendar year (January to December).

This report covers the year 1 April 2022 to 31 March 2023.



CEO foreword

The past year has been shaped by people coming together to overcome challenges and navigate choppy waters. The nation united in its response to the war in Ukraine and in mourning the death of Her Majesty Queen Elizabeth II. The Bar came through the uncertainties of the criminal Bar action and worked tirelessly to cope with ongoing court backlogs and chronic underfunding, set against the political and economic turmoil of the changes in government.

Each of these moments highlighted the extraordinary resilience of the Bar and

the people who work to sustain it. The Bar Council has been at the forefront of representing and championing barristers throughout, and I am proud of the Bar Council staff, officers, and volunteer barristers who played a vital role in ensuring the profession has been well supported in a turbulent year.

Despite the challenges I am pleased to report that we have continued to deliver for the profession – from the return of the in-person Pupillage Fair and launching new ethical guidance and wellbeing resources, to shaping legislation and publishing new reports championing the employed Bar and exposing the state of the justice system. There has been so much more in between, as you will read in the following pages.

All of this work is enhanced by the wider ecosystem of the Bar – the circuit leaders, specialist Bar associations, Inns of Court, international Bar associations, and the '4 Bars' of Ireland, Scotland and Northern Ireland – as well as our colleagues in the Law Society and CILEX. I am particularly grateful to the generous support of the Inns in funding much of our education, training, and outreach work to promote a strong and diverse Bar for the future.

I pay tribute to last year's Chair, Mark Fenhalls KC, and this year's Chair, Nick Vineall KC. They have given a consistently strong voice to the profession in advocating for greater investment in the justice system, and greater respect for those who work within it. And they have proudly represented the Bar of England and Wales on the international stage as we opened up new business opportunities in Africa, Asia, and South America.

There is no doubt that the criminal Bar action put enormous strain on the individuals involved and the pressure was felt across the Bar. Working with the Criminal Bar Association, the Bar Council used its expertise

to build the robust evidence base that helped secure the increase in fees announced in October. There is a lot more work to do, but this important first step helped the profession to move forward.

Surprisingly, this year also saw the national media turn its attention to regulatory issues when the cab rank rule hit the headlines. The Bar Council continues to hold the Bar Standards Board (BSB) to account for the way it handles complaints and cases – for the benefit of both barristers and the public. We welcomed the appointment of Kathryn Stone OBE as Chair of the BSB Board in August 2022, and the subsequent publication of a plan to improve performance.

Working with the BSB we managed our own crisis when we were the subject of a cyber attack in March 2022, putting enormous strain on our systems. Thanks to the swift actions of our staff no data was compromised, and we were able to successfully complete the authorisation to practise process. The cyber threat will never go away, but following a full review of our systems and processes we are now implementing an action plan to further strengthen our resilience.

In February our staff adopted new Bar Council values of: respect, inclusion, commitment, collaboration, and excellence. As you read through this report, I hope you will see how these values inform the work we do and shape the way we support aspiring barristers and all practising barristers in England and Wales.

Malcolm Cree CBE

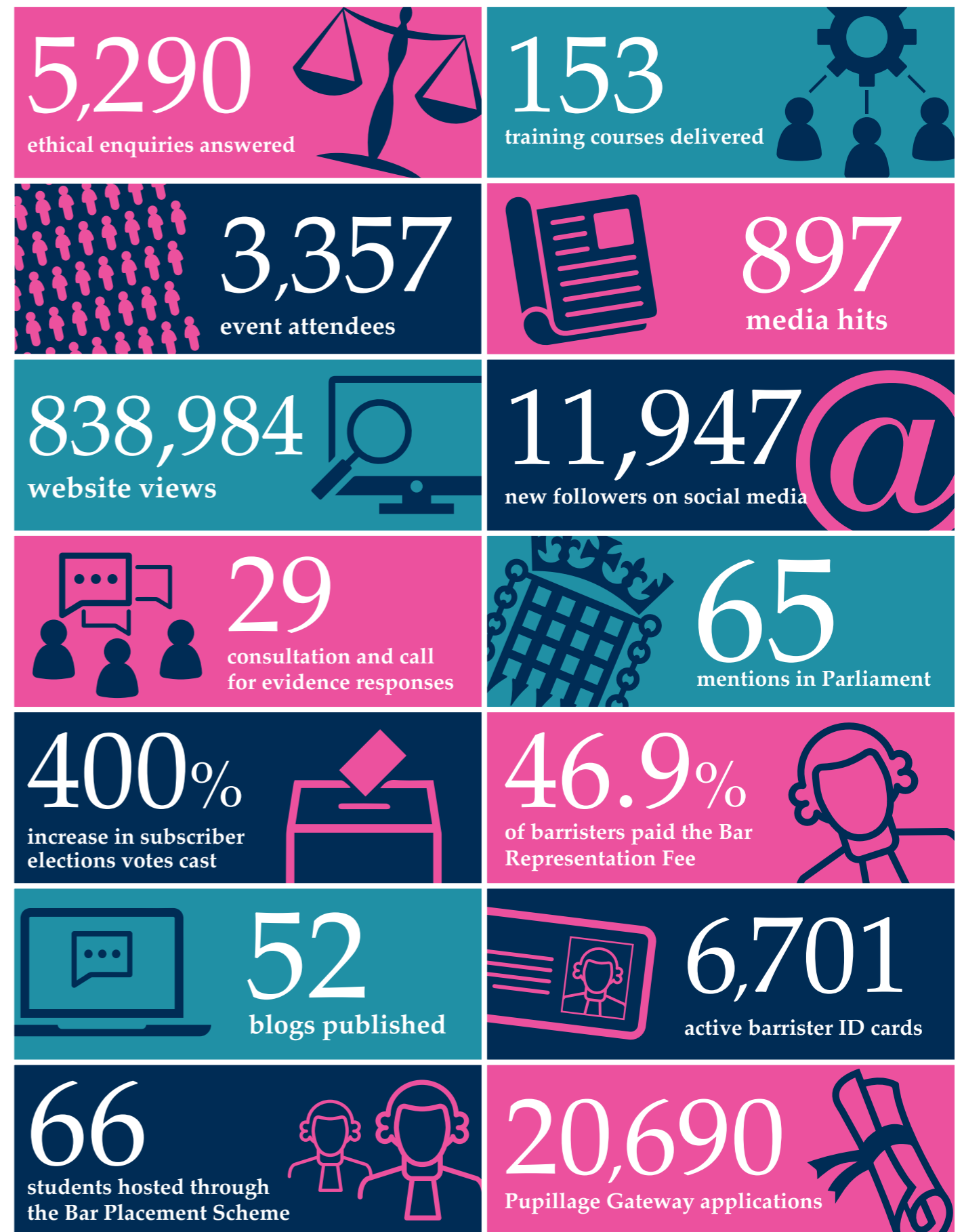
Contents

Our year in numbers5

Meeting our strategic aims in 2022/23:

- Championing the rule of law and access to justice for all.....6
- Supporting barristers7
- Promoting the Bar9
- Representing the Bar11
- Strengthening the Bar Council.....12
- Enabling regulation.....13
- Value for money13

Our year in numbers: 2022/23



Meeting our strategic aims in 2022/23

Championing the rule of law and access to justice for all

The independent Bar plays a crucial role in upholding and realising the constitutional principles of government accountability under law and vindication of legal rights through the courts. As the Bar's professional body, we are ideally placed to draw on barristers' expertise and dedication to lead on these issues, in the public interest.

In pursuing this strategic aim in 2022/23, the Bar Council:

- Led calls for greater investment across the justice system amid ongoing concerns over court backlogs.
- Launched the [Access to Justice dashboard](#) – an interactive map of key access to justice indicators at local, regional, and constituency levels.
- Used our Justice Week 2022 programme to inform '[Access Denied: The State of the Justice System in England and Wales in 2022](#)' our report setting out the scale of the challenges in the justice system today, drawn from the powerful testimony of barristers and others.
- Successfully called for the Ministry of Justice to undertake a review of civil legal aid, which began in January 2023. We have established subject-specific groups of expert barristers to feed into the review.

- Applied for permission to intervene in the case of *James Churchill v Merthyr Tydfil County Borough Council*; this is expected to result in a landmark judgment in the area of compulsory mediation.
- Worked with the Family Law Bar Association to lobby for greater investment in qualified legal representatives to support victims of domestic abuse in the family and civil courts.
- Robustly defended the rule of law and the rights of lawyers and judges in statements and interventions in Iran, Sri Lanka, and Fiji, in close liaison with the Bar Human Rights Committee.
- Promoted and explained the cab rank rule through the national media, highlighting its importance to access to justice and the rule of law.
- Matched 46 Ukrainian lawyers and their family members with barristers living in England and Wales through the Bar Council's Homes for Ukraine Scheme, and piloted a new programme for Afghan refugees to undertake work experience with Maitland Chambers.
- Held the 16th annual International Rule of Law lecture with keynote speaker Salieu Taal, President of The Gambia Bar Association, who spoke on 'Transitional justice in Gambia after dictatorship – from truth seeking to justice'.
- Provided financial and communications support to Advocate, the Bar Human Rights Committee, the Free Representation Unit, and Young Citizens.
- Attracted over 60 entries to the Law Reform Essay Competition and awarded a total of £9,500 to six prize winners.

Supporting barristers

Supporting members of the Bar is a priority for the Bar Council and is at the core of why the Bar Council exists. It seeks to provide this support in a number of ways.

Over the last year, the Bar Council:

- Responded to 4,773 calls and 517 emails to the [ethical enquiries service](#), providing timely advice and support on issues including returning instructions, remuneration, confidentiality and disclosure, and independence.
- Issued new ethical guidance documents on whistleblowing as an employed barrister and recordings of court hearings and conferences, and significantly updated guidance on provision of documents to journalists. We reviewed over 30 other pieces of guidance and there were over 60,000 visits to our [Ethics and Practice Hub](#).
- Worked with the Criminal Bar Association (CBA) to secure increased investment in criminal legal aid fees (both defence and prosecution) through engagement with the independent review, the provision of detailed data and evidence, and making a strong case to the Ministry of Justice. We continue to engage with the Criminal Legal Aid Advisory Board to press for sustainable funding.
- Provided administrative support to the CBA Hardship Fund for barristers during and after the criminal Bar action and signposted a range of financial and wellbeing support for junior practitioners.
- Revised the Wellbeing at the Bar certificates of recognition with new criteria; 33 chambers applied in the first application window. Supported a pilot study on

kindness at the Bar and secured further funding from the Bar Mutual Indemnity Fund to deliver the 24-hour Assistance Programme.

- Continued to deliver support through helplines and Talk to Spot, which saw an increase in reports to 5-10 per month. Held a panel session on bullying and harassment at the Annual Bar and Young Bar Conference.
- Delivered direct support and bespoke advice to chambers on fair allocation of work using our updated income monitoring toolkits.
- Reported on progress on the actions and activity to tackle race inequality across the Bar following our 2021 'Race at the Bar' report. Ninety percent of chambers surveyed have adopted one or more of the report's recommendations.
- Delivered race awareness training to 1,044 people through 66 sessions and updated our existing equality and diversity training products.
- Co-ordinated the Steering Group to deliver the pilot year of Bar-based internships as part of the 10,000 Black Interns programme, offering 24 internships with multiple placements across 74 chambers.
- Held an online disability inclusion seminar providing guidance to barristers and chambers on supporting disabled people, in collaboration with the Legal Practice Managers' Association (LPMA) and Institute of Barristers' Clerks (IBC).
- Published a [report on the diversity of government legal panels](#) and engaged with the Crown Prosecution Service and Government Legal Department on good practice to promote greater diversity.
- Launched new guides on menopause and on implementing and evaluating equality, diversity and inclusion activity. Published

a new guide on mentoring with mentoring support cards – a practical tool to enhance mentoring conversations.

- Secured agreement from the Bar Standards Board (BSB) to a new approach to parental leave discounts in the Practising Certificate Fee, and updated our guidance on parental leave and family career breaks.
- Published the '[Life at the employed Bar](#)' report setting out nine recommendations to promote, champion, and support employed barristers. This will inform the future work of the Employed Barristers' Committee.
- Delivered a comprehensive programme of 53 open training courses attended by 542 barristers and chambers professionals, 100 bespoke training courses for chambers, and 16 events bringing together 3,357 attendees.
- Ran two online seminars on ethical dilemmas at the criminal Bar and civil Bar with advice on how to apply the provisions of the BSB Handbook.
- Ran three legal aid billing seminars (crime, family, and civil) with expert representatives from the Legal Aid Agency and publicly funded practice.
- Made strong representations to HM Courts and Tribunals Service (HMCTS) to improve the Common Platform computer system which did not allow a barrister to grant another barrister access to a case. HMCTS agreed to fast track the necessary changes.
- Established the Chambers Management Working Group to review the information and services currently available to assist barristers and chambers professionals in the effective management of chambers, including in terms of regulatory and legislative compliance.
- Launched a new version of the [Pupillage Gateway](#) platform in October 2022 to improve the application process for both applicants and recruiters, and facilitate

the adoption of transparent, inclusive, and progressive application processes.

- Processed 20,690 applications from 2,979 candidates through the Pupillage Gateway, in response to 214 advertisements from Authorised Education and Training Organisations for 638 pupil vacancies.
- Delivered a range of advice sessions at the Pupillage Fair including insights into different specialisms, unconventional routes to the Bar, disability, and practising on circuit.
- Provided 6,701 barristers with ID cards through the [HMCTS Professional Users Access Scheme](#) – the highest number of users since the Scheme launched in 2019.
- Re-established the [Young Bar international grants programme](#) to support early career barristers to take part in overseas initiatives.



Promoting the Bar

A central element of the Bar Council's purpose is to promote the Bar by making sure that the profession's unique excellence in advocacy and specialist advisory services are recognised nationally and internationally.

The Bar Council highlights opportunities for broadening areas of practice and for personal and professional development. This widens career opportunities at the Bar by ensuring aspiring barristers have ready access to information, options and routes to the Bar, and raises awareness of the Bar's contribution to society.

In promoting the Bar in 2022/23, the Bar Council:

- Opened up new international opportunities through Memorandums of Understanding with the Bar Association of Guyana, the Bar Association of Sri Lanka, the Ghana Bar Association, the Law Society of Kenya, and the Tanganyika Law Society under the Ministry of Justice-funded International Market Access Project.
- Delivered an international business development seminar designed to help members improve their understanding of building and establishing an international practice.
- Published the International Arbitration brochure, featuring advertisements from 14 chambers, which was launched at the Common Law in Cyprus Conference in June 2022.
- Organised the Bar's first business development visit to Africa, with networking events and seminars in Kenya and Tanzania.



- Took a delegation to Sri Lanka to deliver advocacy training and engage with the new International Dispute Resolution Centre.
- Hosted delegates from across Europe (through the Young Barristers' Committee) as part of the European Young Bar Association's International Weekend, to share knowledge and culture.
- Celebrated the breadth of talent at the employed Bar through the Bar Council's Employed Bar Awards hosted at the Gray's Inn employed Bar dinner with over 150 attendees.
- Promoted judicial pathways for the employed Bar through a dedicated seminar hosted jointly by the Inner Temple, the Judicial Appointments Commission, and the Employed Barristers' Committee.
- Continued to represent the interests of the profession to European Bars and Institutions through our Brussels consultant.
- Amplified diverse voices from across the Bar on a range of subjects through the media, social media, and our website. Our most popular blog content included guest blogs on tips for pupillage (with over 4,000 views), the impact of restricting jury trials on the delivery of justice, and sanctions and the cab rank rule.
- Appointed nine barristers to act as paid arbitrators or expert determinators through

the **Bar Council's Appointments Service**.

- Continued to manage the **Direct Access Portal (DAP)**, through which 375 barristers receive between them over 800 enquiries from prospective clients each month.
- Held our first in-person Pupillage Fair since 2019, which attracted a record number of 92 exhibitors and 466 barrister volunteers and received excellent feedback from 1,452 online and 714 in-person attendees.
- Provided 66 placements through 28 chambers for Year 12/13 students through the **Bar Placement Scheme** social mobility programme, with advocacy training delivered with the Inns of Court College of Advocacy.
- Worked in partnership with the Council of the Inns of Court to promote careers at the Bar, including attendance at nine careers and law fairs and delivering the Barristers in schools programme.
- Provided sponsorship to the Young Citizens Bar Mock Trials engaging 1,989 young people.
- Highlighted the Bar's role in tackling the climate emergency through the Climate Crisis Working Group's participation in COP27 and by growing the **Bar Sustainability Network** to 40 chambers.

Representing the Bar

By representing the Bar in 2022/23, the Bar Council set out to raise awareness and understanding of the importance of independent, specialist advisory and advocacy services to the rule of law.

The Bar Council sought views from the Bar on key policy issues, working with Bar Council committees to develop proposals to government on all aspects of policy regarding law reform and legislative process.

In representing the Bar, the Bar Council:

- Continued to strengthen and develop relationships with parliamentarians and civil servants and engaged with new ministers and law officers to ensure continuity on issues of interest to the Bar.
- Robustly defended the profession and the independence of the Bar in the face of political attacks in the media.
- Hosted a Justice Week 2022 parliamentary reception and dinners with members of the House of Lords. Held meetings with MPs and Peers from all parties and took part in party conference panel sessions highlighting the Bar's essential role in access to justice.
- Secured 65 mentions in parliamentary debates, plus Bar Council mentions in key select committee reports including on open justice, fraud, court reform, and court capacity.
- Provided expert input and briefings for parliamentary debates and scrutiny committees on key pieces of legislation: Retained EU Law Bill; Economic Crime and Corporate Transparency Bill; National Security Bill; Bill of Rights Bill; Illegal Migration Bill; and Judicial Review and Courts Bill. Gave oral evidence to committees

on retained EU law, legal aid, the draft Victims Bill, scrutiny of international treaties, and fraud.

- Responded to 29 consultations and calls for evidence on a range of issues including:
 - The Ministry of Justice consultations on: increasing the use of mediation in the civil justice system; the Legal Aid Means Test Review; the 'help with fees' remission; immigration legal aid fees and the online system; and early resolution of private family law arrangements.
 - The Civil Justice Council Working Group consultation on Civil Costs.
 - The Inquiry into NHS Litigation Reform.
 - BSB consultations on amendments to the BSB's Minimum Terms of Cover and BSB's social media guidance and approach to the regulation of non-professional conduct.
 - The Public Accounts Committee and National Audit Office work on the court reform programme.
- Resisted calls for lawyers to act as so-called 'gatekeepers' and defended the importance of the cab rank rule in the independence of the profession.
- Convened groups of barrister experts to feed into the Civil Legal Aid Review on each of the areas of law covered: claims against public authorities; clinical negligence; community care; debt; discrimination; education; family; housing; immigration and asylum; mental health; public health; and welfare benefits.
- Gave a stronger voice to the junior Bar through the Young Barristers' Committee's work in building strong links with its counterparts in specialist Bar associations and with Bar community organisations, such as FREEBAR and the Black Barristers' Network. Taken forward the key recommendations of the '**Life at the Young Bar**' report, including advocating for better working conditions for junior practitioners.

Strengthening the Bar Council

To achieve our strategic objectives, the Bar Council needs to be influential, capable, organisationally sustainable and held in high regard by the profession, government and partners.

In seeking to achieve this objective, the Bar Council in 2022/23:

- Increased income generated through the [Bar Representation Fee \(BRF\)](#) for the third consecutive year and undertook evaluation of the reasons why members subscribe to the BRF to ensure the Bar Council can deliver on behalf of the profession.
- Refreshed our values, following consultation with staff, to: respect, inclusion, commitment, collaboration, and excellence. These values are being embedded into day-to-day work across the organisation.
- Proactively engaged with the media to position the Bar Council as a leading voice on the rule of law, access to justice, and issues of importance to the Bar. We achieved nearly 900 mentions in the media including two front page articles on the cab rank rule in the *Daily Mail*. We secured coverage in *The Times*, *Daily Telegraph*, *Daily Mail*, *Guardian*, and *Evening Standard* on a range of issues including regulatory reform, criminal and civil legal aid, bullying and harassment, social mobility, Retained EU Law, the Bill of Rights Bill, and legal reforms, such as strategic lawsuits against public participation (SLAPPs) and cameras in court.
- Announced the 2023 Chair of the Bar with a *Counsel* front cover feature and broadcast interview by leading legal commentator Joshua Rozenberg. The Chair was also interviewed for the 'Double Jeopardy' law and politics podcast.

- Added 11,947 new followers and secured 199,055 engagements across all social media channels: X (Twitter), LinkedIn, Facebook, and Instagram. Our top performing post was a joint statement with the Law Society calling on the Prime Minister to stop political attacks on legal professionals.
- Boosted our communications around the annual subscriber elections resulting in a 400% increase in votes compared to the previous year.
- Improved governance procedures with a new process for co-opting members onto representative committees to ensure good balance of skills and experience, a new procedure for dealing with allegations of misconduct by members of the Bar Council, and by opening up Bar Council meetings to all subscribers with prior written request.
- Introduced a cycle of updates from the circuits at Bar Council meetings.
- Carefully and quickly managed the cyber attack that affected the Bar Council's systems at the end of March 2022 to ensure that no data was lost or compromised, and implemented a thorough lessons learned review to strengthen and improve systems for the future.
- Successfully delivered the Bar Council's flagship Annual Bar and Young Bar Conference, in a hybrid format, and established a Bar Conference Strategy Working Group to review the Bar Council's future approach to ensure that members' requirements for the event are met.
- Launched a new version of the Bar Council's [member benefits portal](#) for BRF subscribers, which now includes access to online wellbeing resources alongside money saving offers at over 600 retailers.
- Re-launched our dedicated email newsletters for the young Bar (reaching over 1,300 recipients) and employed Bar (reaching over 4,000).

Enabling regulation

The Bar Council enables the effective regulation of the profession through the BSB, which is independent from the Bar Council, to ensure the highest standards of professional practice and to protect the public interest.

Over the last financial year, the Bar Council:

- Represented the views of the profession on regulatory issues. Shaped the rules and policies that affect barristers' practice by making representations to the Legal Ombudsman, Office for Professional Body Anti-Money Laundering Supervision, and Legal Services Board (LSB), covering topics such as ongoing competence, the Legal Ombudsman's scheme rules, and the activities of the regulator and oversight regulator.
- Made the case for ensuring that regulatory interventions are only undertaken when they are necessary and that they are targeted, proportionate and cost effective, and that the regulation of professionals is not used where legislation is the most appropriate solution, for example in relation to SLAPPs.
- Continued to roll out training on the Internal Governance Rules to all new members of staff.

Value for money

The Bar Council and the BSB share Practising Certificate Fee (PCF) income but have additional sources of income upon which they depend.

71% of Practising Certificate Fees goes to the BSB, LSB and Legal Ombudsman, and the 29% proportion that helps fund the Bar Council covers only 65% of the income needed to effectively support the Bar. The remaining funds are generated by Bar Council services, the training and events portfolio, generous contributions from the Inns of Court and the Bar Representation Fee (BRF).

Revenue generated through training and events, services, and partnerships is invested into organisational activities that are designed to support and represent the Bar's interests and priorities.

In the face of high inflation, the General Council of the Bar kept the increases to the PCF to a minimum through the use of reserves and the release of funds previously earmarked for the pension deficit recovery plan. However, that means the increase will need to be spread over a number of years in future. There is a continual review of activity across the organisation to ensure cost efficiencies and value for money.

Further details of the organisation's finances can be found in the [2022/23 Financial Statement](#) on the Bar Council website.



The Bar Council

Further information

Find out more about what the Bar Council does
and stay in touch:

- Visit our website www.barcouncil.org.uk.
- Follow our social media channels – X (Twitter), Facebook, LinkedIn and Instagram.
- Subscribe to **BarTalk**: our fortnightly email newsletter providing information and updates on areas of interest to the Bar.

www.barcouncil.org.uk

