



The Bar Council

Meeting of the Bar Council

Minutes of meeting: Saturday 13 November 2021, at 10am, via MS Teams

Present

Derek Sweeting QC	Chair of the Bar	DSQC
Mark Fenhalls QC	Vice Chair	MFQC
Nicholas Vineall QC	Vice Chair Elect	NVQC
Lorinda Long	Treasurer	LL
Malcolm Cree CBE	CEO	MC
Baroness Blackstone	Chair, Bar Standards Board	BB
Andrew Mitchell QC	Vice Chair, Bar Standards Board	AMQC
The Rt Hon Alex Chalk QC MP	Solicitor General	SG
Lucinda Orr	Co-Chair, Bar Representation Committee	LO
Steven Thompson QC	Chair, International Committee	STQC
Caroline Goodwin QC	Co-Chair, Legal Services Committee	CGQC
Schona Jolly QC	Chair, Bar Human Rights Committee	SJQC
Stephen Cragg QC	Co-Vice Chair, BHRC	SCQC
Desmond Browne QC	President, Council of the Inns of Court	DBQC
Guy Fetherstonhaugh QC	Treasurer, Inner Temple	GFQC
Greg Dorey	Sub Treasurer, Inner Temple	GD
Anne Sharp CBE	Under-Treasurer, Lincoln's Inn	AS
Andrew Hochhauser QC	Treasurer, Middle Temple	AHQC
The Rt Hon Sir Peter Gross	Vice-Treasurer, Gray's Inn	SPG
Brigadier Tony Harking	Under-Treasurer, Gray's Inn	TH

Members in attendance (listed alphabetically)

Shazia Akhtar; Stuart Alford QC; Simon Anderson; Elaine Banton; Michael Bellis; Minka Braun; Carl Brewin; Kirsty Brimelow QC; Ian Brookes-Howells; Alexandria Carr; Mark Chaloner; Sydney Chawatama; Ben Close; Richard Cole; Barbara Connolly QC; James Corbet Burcher; Melissa Coutino; Tim Devlin; Layla Ferguson; Emily Formby QC; Andrew Granville Stafford; Birgitte Hagem; Amanda Hardy QC; Michael Harwood; Neil Hawes QC; Michael Hayton QC; Max Hill QC; Michelle Heeley QC; Isabel Hitching QC; Harriet Holmes; Sarah Holmes Willis; Elizabeth Houghton; Shobana Iyer; Sean Jones QC; Susan

THE BAR COUNCIL

www.barcouncil.org.uk

289-293 High Holborn, London WC1V 7HZ DX: 240 LDE Tel: 020 7242 0082 Fax: 020 7831 9217

Jones; Joanne Kane; James Keeley; Stephen Kenny QC; Donal Lawler; Edite Ligere; Ted Loveday; Kate Lumsdon QC; Martyn McLeish; Athena Markides; Martyn McLeish; Tim Manley; Eleanor Mawrey; Christina Michalos QC; Andrew Morgan; David O'Mahony; Francesca O'Neill; Francesca Perselli; Alison Pickup; Amber Qureshi; Jonathan Rees QC; Ryan Richter; Robert Rhodes QC; Albert Sampson (alternate for Faith Julian); Natasha Shotunde; Jo Sidhu QC; Joe Smouha QC; Kate Spence; Jessica Stephens QC; Heidi Stonecliffe QC; Philip Stott; Jason Sugarman QC; John-Paul Swoboda; Ben Symons; David Taylor; Jacqueline Thomas QC; Linda Turnbull; Anton Van Dellen

In attendance:

	Piran Dhillon-Starkings	Adviser to the Chair	PDS
	Carolyn Entwistle	Director of Services	CE
	Andrew McQuarrie	Communications Officer	AMcQ
	Phil Robertson	Director of Policy	PR
	Natalie Zara	Head of Governance	NZ
	Mark Neale	Director General, BSB	MN
	Wilf White	Director of Communications, BSB	WW
	Peerce McManus	Assistant Private Secretary to the Law Officers	PMcM
Minutes	Yvonne Treacy	Executive Officer	YT

Apologies were received from

Dr Mirza Ahmad; Nicholas Bacon QC; Philip Bennetts QC; Kate Brunner QC; Laura Gould; James Kitching; Oliver May; Louise McCullough; Charlotte Pope-Williams; Simon Regis; Lisa Roberts QC; Gordon Stables; Leanne Targett-Parker

The Chair commenced the meeting by saying that this would be his last Bar Council meeting as his term as Chair was coming to an end. He also wanted to welcome a number of guests including the Treasurers and Under Treasurers of the Four Inns of Court, who would be speaking to Bar Council members later in the meeting, and also the recently appointed Solicitor General, Alex Chalk QC MP, although he was not attending in an official speaking role.

The Chair reminded Bar Council members that the Attorney General attended the last meeting and said that the attendance of the Law Officers at Bar Council meetings was a chance for the profession to hear from government but also an opportunity to provide feedback and have a voice. With that in mind the Chair said that he would welcome the opportunity to meet with the new Lord Chancellor who is speaking about the legal profession so it would be good to talk to the legal profession too. In response the SG said thank you for inviting him to his first Bar Council meeting and he would ensure that this was fed back and escalated accordingly. He also took the opportunity to thank the Chair for the service he has provided the profession over the last 12 months as chair of the Bar Council

which was robust and exacting but in the right spirit and he looks forward to working with the new Chair next year.

1. Conflicts of Interest

None were declared.

2. Minutes of the last meeting and matters arising

The minutes from the meetings of 18 September 2021 were approved.

3. Statement by the Chair

The Chair highlighted the following issues from his report as follows:

i) Thank you

The Chair noted that this would be the last Bar Council meeting for other members and not just him, some of whom had sat on Council much longer than him. He therefore thanked all of those listed in his statement who would be retiring from Council for their many years of service and to state that it has been a privilege to work with them on the Bar Council, General Management Committee and other committees. The Bar Council depends upon the willingness of members of the profession to give up their time, which many of you do freely out of a desire to assist the profession and enhance access to justice.

The Chair also paid tribute to the Bar Council staff for their dedication and expertise. It has been an extraordinary year – coming out of a pandemic, facing a blizzard of new legislation and resuming work as normal. Despite these pressures they have risen to the challenge and continue to serve the Bar Council well.

Finally, he paid particular thanks to the CEO and senior office holders – MC, MFQC, NVQC and LL, for their help and support during his year as Chair for which he is extremely grateful.

ii) Bar Council 2022 Subscriber Elections

The 2022 subscriber elections had now been held and he was pleased to report that a group of new and diverse members had now joined Council most of whom will be starting in the new year. It was the first year that the BC had used video recording for nominee statements and the results have shown a high correlation between recording a video and getting elected. He would therefore encourage everyone who is thinking of standing next year to do this as it is effective and not difficult or onerous to do and helpful to those who are voting.

iii) Bar Council Race Summit

Following on from Part 1 Roundtable discussions, the Bar Council hosted the second part of its Race Summit 2021 on 5 November at Middle Temple and also live streamed. At that event the Bar Council launched its Race at the Bar Snapshot report with key recommendations: 1. Setting Targets and evaluation of programmes; 2. Monitoring progress and 3. Taking Action. The report includes 23 specific actions for Bar-based stakeholders chambers and others to consider. He would encourage Bar Council members to read the report and think about implementing the recommendations for themselves, their chambers and the organisations they represent on the BC.

iv) Legislation

As mentioned in the statement the amount of legislation being undertaken has been intense and there is no let up for the foreseeable future. However, two pieces of legislation are expected imminently:

- Criminal Legal Aid Review (CLAR): It is thought that the report will go to the panel around 18 November and then it is expected to be published around beginning / middle of December. Once published the BC is looking to follow it up with a webinar in December where the BC will present to the profession what the implications are for the Bar and the future of publicly funded criminal work.
- Human Rights Act - report by Sir Peter Gross: This has been delivered to government but not yet published. It is known that human rights are a particular interest of the new Lord Chancellor, so we wait to see what reforms are proposed arising from the report.

v) Annual Bar and Young Bar Conference

This starts next week - Wednesday to Saturday - and the BC expects a good attendance, but you are encouraged to register and attend if you are currently undecided. It is a particularly strong programme this year with something for everyone.

4. BSB Report

Baroness Blackstone thanked the Chair for promoting good relations between the Bar Council and the Bar Standards Board during the year and said how much she had enjoyed working with him.

With regards to the BSB report she reported that it would be very brief this month and that she hoped that it could be taken as read that members of the BC were fully meeting their transparency rules. BC members were therefore welcome to ask any questions they may

have about the BSB's proposed strategy for the next three years. They published their consultation document last month and deliberately kept it very short. They wanted to concentrate on some key questions:

- i) They have focused on the pandemic; pressures on public funding; technology; training; bullying, discrimination, and harassment; the long-term sustainability of an ageing profession; and the need for greater public legal education as the key risks and opportunities facing the Bar. BB asked whether there was anything there that they would add or omit?
- ii) They have set out a vision for the BSB that "we will ensure that the Bar and the BSB deliver diversity and high standards and promote the public interest". Does BC agree that that's the right vision for their regulator?
- iii) They have listed some key priorities beyond their core operational work in enforcing standards of professional conduct and setting and overseeing training for the Bar. These include:
 - ensuring that there is an adequate supply of new barristers,
 - promoting the diversity of the Bar,
 - educating the public as to how best to get the legal help they need, and
 - ensuring that barristers can use new technology and promoting best practice in the way that chambers oversee issues, including standards and diversity. The excellent recent Bar Council race summit and associated report underlined, for example, the need to generalise good practice in chambers in support of the recruitment, retention, and progression of barristers from minority backgrounds: the BSB and BC should work together to further this agenda.
- iv) Does the BC think these are the right priorities or is there anything here that the BC would add or omit?
- v) They also see the need to develop their own capacity as your regulator. They need to be able to deal with their core functions more swiftly and efficiently, to engage better with their stakeholders, to support their research programme, and to recruit and retain the right staff. Does the BC agree with these aims or again is there anything the BC want to add or omit?
- vi) They ask two very general questions:
 - Are there areas where the BSB can work better with the BC or with others to achieve their aims? And
 - Can the BC see any risk or opportunities in their plans in terms of promoting equality, diversity, and inclusion?

- vii) Finally, the BSB look forward to hearing the BC views today although the deadline is 10 December if anyone wants to come back to them later.

The Chair thanked BB for her report and then invited Nick Vineall QC, Vice-Chair Elect and Chair of the Bar's regulatory review working group, to respond to the BSB report and to summarise on behalf of the BC, the BC's observations relating to the BSB consultation on their proposed strategy for the next three years.

NVQC commenced by stating that it is the Bar Council's intention to formally respond in writing to the consultation but there were five main points they would like to make at the meeting as follows.

First, and very importantly, it should be noted that there is a great deal in the BSB consultation that the BC agrees with and whilst there are areas where the BC and the BSB will differ it should not detract from the fact that there is much which is agreed upon.

Second, relates to the BSB's statement of vision and the relationship between the Bar and its clients which says, "we will ensure that the Bar and the BSB deliver diversity and high standards and promote the public interest". The BC agrees that this is an appropriate statement to make. However, it is then followed with the following statement which the BC has an issue with, "We want to see a market for barristers' services where barristers provide a range of good value legal services which are well understood by, and accessible to, consumers." The issue here for the BC is that the barrister's profession is a referral profession and does not provide services directly to the consumer. The BC appreciates that the BSB is aware of this important distinction but queries whether the Legal Services Board understand the significance and the implications. This may be an issue of wording but an important one which the BC needs to make, nonetheless.

The third point made by NVQC relates to good governance and proportionality. There ought to be a greater reflection that regulation, which is costly, should be directed towards where there are problems and where regulatory intervention will help.

Fourth, which was touched on in BB's report, is that the BC considers that there should be greater focus on the BSB's core regulatory activities. For example, the BSB has 16 key performance indicators, six of which are more than 10 per cent below target; 80 per cent of investigations have to wait up to six months for a decision; and only 33 per cent of investigations are dealt with within 25 weeks. The BC consider therefore that the BSB should focus on its core activities by doing less but doing them better.

Lastly, an issue which the BC is concerned about, is possible mission creep. The BSB consultation refers to enabling the benefits and mitigating the risks of innovation and technology, and in particular stating "being ready to regulate the use of technology where necessary to protect the public interest." The BC feels that this is really an issue for the

judiciary and the profession to consider and adapt to as appropriate with the regulator following and not leading).

BB thanked NVQC for his comments and responded to the points he made by saying:

- i) The BSB is fully aware that the Bar is a referral profession and barristers do not have a direct relationship with consumers / clients and it is a point they make regularly to other stakeholders including the LSB.
- ii) The BSB has spent a lot of time developing the budget to ensure that it got it right and that the staff increases are primarily for the purpose of meeting their KPIs.
- iii) Improving their KPIs, particularly in relation to decreasing the time it takes to resolve complaints, is a priority for the BSB.
- iv) In response to mission creep, the BSB will not interfere in areas where others are more effective, but they wish to reserve the right to have the opportunity to look into areas should they feel the need to do so.

MN went on to say that many of the issues they have raised should be dealt with collaboratively with the profession. For example, the BSB and the BC are both concerned about diversity and as such the BSB endorses the recommendations of the BC's recent race report as part of their strategy going forward to improve diversity within the profession. With regards to the BSB's KPIs, it is accepted that the BSB are well short of where they would like to be in terms of timeliness, but their productivity has increased in terms of producing more reports and investigations and this should not be overlooked.

The Chair invited members of the BC to ask a question or raise an issue.

TD said that he would be responding to the BSB consultation but wished to make the point that during his time on the BC, he and his fellow BC members have done their best to try and ensure that the profession has a great and glorious future, is sustainable and that people want to join it. However, this year has seen a lot of barristers leave the profession, particularly at the junior criminal bar, because they cannot make ends meet as the fees are pathetically low. Unless the BC makes a serious effort to improve the terms and conditions of the criminal Bar it is going to cease to exist. For its survival it has to be a profession people want to join knowing that they can make a decent living. Otherwise, we will continue to lose members after three to five years in practice.

FON echoed what TD said but added that the crisis at the junior criminal Bar appeared to be affecting women in particular who have worked hard to become qualified, get pupillage and tenancy and build a practice. However, as they get to the nine-to-15-year call mark they find their practices are not delivering what they hoped or expected and are thus leaving. Whilst she applauds what the BSB is seeking to achieve regarding diversity and retention she would much prefer to see the BSB focus on protecting the Bar that exists at the moment and to improve outcomes for junior practitioners before moving on to laudable but more lofty ambitions. A recent report about gender discrepancies in pay at the Bar revealed that

70% of the Bar is male and that they take home 83% of the money. Going forward this is not acceptable and she would like to see the BSB focusing on this.

STQC made the point that some of the tasks placed upon chambers in terms of improving the quality of training and meeting standards can be particularly onerous and often fall to the junior end of the profession. For example, the process of qualifying as an AETO and the administrative burden it puts on chambers, even if they have the best practice policies in place, can make it less attractive to be an AETO and may even possibly be counterproductive.

KBQC asked whether the BSB's public legal education focus can be extended to politicians to address false comments and misreporting. She cited the recent example of where the Lord Chancellor said that lawyers advise their clients to wait until they get to trial before pleading guilty and that this was a widespread practice.

In response to the comments above, BB said that i) The BSB is extremely sympathetic to the problems of the criminal Bar and are well aware of how difficult it is for junior criminal barristers. However, solving the issues was not within their remit and goes beyond what they can do and concerns are therefore best directed at the Ministry of Justice. ii) If the BSB is putting in place administrative procedures which are unnecessarily burdensome they would like to know and would therefore welcome feedback in order to make any necessary adjustments. iii) If politicians are misunderstanding how the legal system works it is for the BC to take this up with individuals direct.

Finally, MN clarified that the statistics FON referred to above had been published by the BSB and that it was in response to these that they have proposed their latest strategy approach.

5. Statement by the Chief Executive

Malcolm Cree congratulated Monisha Shah who has been appointed as the new Chair of the Queens Counsel Appointments Selection Panel. Monisha will take over from Sir Alex Allan who steps down at the end of the year. MC thanked Sir Alex on behalf of the profession for his sterling work over the last few years.

With regards to the previous discussion, MC said that the data sharing agreement that the BC has with the MoJ and the CPS is valuable. It gives the BC access to earnings data from public funds for the Criminal Bar and allows further analysis regarding pay gaps in relation to race and gender. He would encourage members to read it. The data compendium that goes with the CLAR is available on the review's website and also the bar council report on the BC website.

Finally, MC said a huge thank you to the Chair and for his kind words earlier about BC staff, which are very much appreciated. He has greatly enjoyed working with and for the Chair this year.

6. Treasurer's Report

Lorinda Long thanked the Chair for his support and the finance team in what has been another difficult and challenging year. She also thanked Robin Allen QC for his support and encouragement during her first term as Treasurer and on her subsequent return. In terms of the Treasurer's Report, she asked for the following to be noted:

i) Pension scheme: The BC is still in discussions with the pension trustees about making changes to the investment strategy but there has been little progress to date. The triennial evaluations is due in the next few months following which we have to the end of December 2022 to come to an agreement with the trustees.

ii) Budget: The draft budget was discussed and examined at a joint finance committee meeting. Because of the IGRs, the BSB now draws up its own budget and the BC has limited powers to challenge it. The BSB has sought a hefty increase in staff which means a big increase in costs and thus a possible uplift in the PCF. We are therefore in the process of preparing a PCF consultation which will be published shortly. We would encourage you and your constituents to read the consultation and to respond accordingly as your feedback is very important.

iii) Forecasting: On a positive note, the BC is slightly ahead of where it is expected to be at this time of the financial year and thus in a relatively good financial position. Current forecasts are likely to show that the surplus will increase by £384k.

7. Legal Services Committee Report

CGQC said that has been a busy period for the LSC. Its main focus has been in relation to how IT is used in the courts and getting everything back up and running, particularly in the criminal courts which is a major concern. To this end the LSC committee has worked closely with the Chair and Vice Chair of the BC and a number of others who work in this field. However, the backlog appears to be increasing and, as discussed by others earlier, we may be heading towards a perfect storm which will affect both criminal and civil practitioners, to a lesser degree family practitioners. The committee is also anxious to see the CLAR report and understand the extent to which it will impact upon the work of the LSC.

The Chair thanked CGQC for her report and noted that the LSC has two important panels which report to it – the ADR panel and the IT panel. The work in both these areas has increased and, together with their parent committee the LSC, they provide an excellent resource. The Chair said that he would encourage anyone to contact the LSC should they need any assistance.

8. International Committee Report

STQC referred to the following matters included in the International Committee report which was the first IC report for 17 months.

With regards to Covid, the effect of the pandemic on international events has been particularly severe and impacted upon travel to parts of the world they would have liked to have visited.

A big topic over the last 18 months has been Brexit when at Christmas 2019 the Bar lost the right to appear in EU courts and has been seeking to address this and recover much of what it had before through bilateral agreements. The government has been keen on encouraging the profession to develop its international profile and the BC has been the beneficiary of an MoJ grant, details of which can be found in the IC report. The Future Relationship Working Group is now the International Trade Working Group, essentially to take forward the bilateral agreements and build relations.

Another development is the establishment of LegalUK. The Bar Council is a member of this group of legal sector stakeholders which is seeking to develop a coordinated marketing campaign (with, it hopes, the promise of HMG funding) to promote the UK as a legal market internationally. Further details can be found in the IC report.

As regards to the issue of China and Hong Kong and the sanctions placed on chambers by the PRC government, STQC gave credit to the Chair for ensuring that this was kept in the international public eye and for encouraging international bar associations to support the BC in challenging this unjustified attack on lawyers doing their job.

With regards to Afghanistan, Mrs Justice McGowan has been instrumental in orchestrating assistance to allow those members of the legal profession to exit the country. The Chair has worked with many at the BC to support this process.

Looking at future initiatives, STQC referred to the following:

- Rule of Law Lecture: This year's speaker will be H.E. Anthony Tomas Aquinas Carmona, former ICC Judge and past-President of Trinidad and Tobago. Details are still being confirmed but likely to take place mid-December 2021.
- Common Law in Europe conference: The BC is still planning to hold an in-person event bringing together the common law professions now scheduled for the end of April in Cyprus. A tendering process for conference organisers is underway

Finally, STQC thanked the Chair for all he has done to promote international work during his year in office and the huge efforts he has put in on behalf of those who work in the international sphere.

KBQC asked whether there was a move towards rule of law issues concerning the environment. STQC replied that it was certainly an emerging topic which he had seen on the programme of international conferences, and he would raise it with the IC at their next meeting. The Chair said it was an interesting question as attributing legal personalities to nature was at the cutting edge of legal debate at the moment.

MC asked whether any work had been done with the committee that works on technology about the rule of law and AI. She sits on a number of international and Council of Europe committees where such issues are being considered. She wondered whether links were being made and offered to assist if necessary. STQC thanked MC for her offer and said he would get back to her. The Chair said that he was going to Dubai soon as part of a trade mission and would be talking about legal tech and AI and would therefore welcome any additional information MC was able to send him.

9. The Inns Subvention – the Inns and their work

The Chair introduced the representatives of the Inns to discuss their work and the subvention as follows:

(i) Guy Fetherstonhaugh QC - Treasurer, Inner Temple

GFQC commenced by saying that when he was on the Bar Council his sense was that the general perception among members was that the Bar Council did much of the work in representing the profession, the Inns kept much to themselves and the relationship between the two not all that it could be. However, now that the boot is on the other foot, he feels that this perception is also felt by some members of the Inns, who have no real understanding of what the BC does. He would therefore suggest that the Inns representatives on the BC ought to have a bigger role – in conveying the views of the Inns to the BC and reporting back in order to understand better what the other does. Fortunately, Inner Temple is well served by its Bar Council members who are outstanding in their role. However, more generally the BC and the Inns should work together more to ensure they are on board with the same things.

With regards to the subvention Inner Temple is glad to provide financial assistance but would like two assurances to ensure that the subvention is continued:

- The money provided is well spent and used wisely, and
- The Bar Council acknowledges the financial contribution of the Inns regarding its outreach activities.

(ii) Anne Sharp CBE - Under-Treasurer, Lincoln's Inn

AS thanked the Chair for the invitation to address the Bar Council today and observed that the large number of participants in the meeting illustrated how the BC brings people together.

AS said that she agreed with GFQC, adding that it was important that a wider audience understood the range of activities undertaken by the Inns which reflected shared concerns with the BC around diversity and development of the profession. The Inns' generous scholarships were well known - it should not be forgotten that these were targeted where most needed and allowed many to enter the profession who would otherwise be unable to. Other relevant Lincoln's Inn activities included:

- Supporting mini pupillage schemes.
- Working with sixth form students from disadvantaged areas.
- Delivering the Neuberger prize, an annual award for undergraduate students who are about to start their final year of a qualifying law degree at non-Russell Group universities.

While the Inn-focused on reaching and supporting its members, the Bar Council could target complementary initiatives across the profession, tackling issues such as culture and practice in chambers which were largely outside the remit of the Inns and where they would have limited impact.

(iii) Andrew Hochhauser QC - Treasurer, Middle Temple

AHQC commenced by thanking the Chair for his sterling service as Chair of the BC this year which has been appreciated by many. He also made the point that Middle Temple is well represented on the BC by Isabel Hitching QC, Joe Smouha QC and Louise McCullough which enables the Middle Temple perspective to be heard. When looking at the work of the Inns he felt it was important to have regard to the range of education and equality and diversity initiatives they undertake. At Middle Temple they offer a wide range of initiatives, largely provided by volunteers, including:

- Supporting the education of approximately 600 students.
- 100 qualifying sessions each year with presentations from eminent guest speakers.
- Weekend training courses at Cumberland Lodge.
- Two-week pupillage training courses.
- New practitioners programmes
- Treasurer's Lectures.
- Awarded £1.3m in scholarships this year which included 350 interviews.
- Strong social mobility programmes including the Middle Temple Access to the Bar Awards aimed at students from non-traditional backgrounds and which provides

two funded weeks of work experience every summer for up to thirty undergraduates from disadvantaged backgrounds. One week is spent marshalling (i.e., shadowing a judge in court) and the other week in Chambers with a barrister.

- Outreach work with schools.
- Continuing to develop equality and diversity initiatives which include LGBT and women's forums, promotion of Black History Month and working groups which support the employed bar.

In conclusion he said that Middle Temple was happy to continue supporting the activities of the BC through the subvention they pay. However, the current economic situation is a challenge as they have their own rising costs to consider. Therefore, there is a need to consider what can be done about sharing resources, saving costs, avoiding duplication, and doing what we can to bring the profession together and encourage people to join it.

(iv) Sir Peter Gross - Vice-Treasurer, Gray's Inn

SPG said it was a great pleasure to be invited to address the BC meeting today. He commenced by saying that the Inns and the BC are independent and have different functions, but which overlap in some areas. However public interest and the profession are best served when the Inns and the BC work together. This is noticeable when viewed from an international legal perspective where the Inns, the courts and the BC structures are much envied in the international legal world as we enjoy enviable relations between the Bar and the Bench.

The Inns and BC share a common interest in outreach, diversity, social mobility and access inclusion and both want the best talent from the widest pool. At Gray's they are keen to ensure that their focus is on action and not just words. For example, they have extended their social mobility programmes which now include Newham Collegiate Sixth Form Centre and the Joseph Chamberlain Sixth Form College in Birmingham, which seek to promote a career at the Bar for those who might traditionally feel it was out of reach. Gray's has also promoted through our links with the City, to the provision of pupillages at law firms to make up for the shortage of pupillages at the self-employed Bar. Scholarships are awarded on merit but also based on need and are means tested. They are frank with students in providing realistic information about prospects and the competitiveness of the profession whilst also providing encouragement and support.

To achieve these and other initiatives, SPG echoed what others had said earlier, that this can only be done if the Inns are financially sound, and their money is used wisely. Along with the other Inns they support the BC generously and gladly, but their resources are limited so appreciate assurances that their funding is used well, and support is acknowledged.

Although not formally listed on the agenda, the Chair invited DBQC, President of the Council of the Inns' of Court and present at the meeting, to say a few words. DBQC thanked the Chair for the opportunity to speak and said he would like to touch on an issue which

GFQC had mentioned earlier regarding the importance of the Inns' financial support and the payment of the subvention. The funding of the Bar Disciplinary Tribunal, which is operated under a memorandum of understanding with the BSB, should not be overlooked. Without the Inns contribution it would mean an additional half a million pound added to the PCF.

The Chair thanked DBQC for raising this and said that it had come up often in discussion with the BSB recently and that it was indeed correct to say that without the Inns support, the service is one that the BC would have to pay a significant amount of money. It is therefore with great thanks to the Inns that the PCF is not increased with the profession bearing the cost.

Following the presentations, the Chair thanked the representatives of the Inns and said it was a pleasure to have them attending his last BC meeting as Chair. For the benefit of those unfamiliar with the term subvention he explained that it was the name given to the financial contribution the Inns made towards supporting the BC. However, the Inns also support the BC by providing resources such as free accommodation for BC meetings and events. The support of the Inns financially and otherwise is much appreciated.

The Chair went on to say that it should also be mentioned the huge amount of work that the Inns undertake on their own projects which compliments the work the BC does and vice versa. The Inns have experience and expertise of providing scholarships which is beyond the remit of the BC, but it is important to work together to avoid duplication. Working this way enhances what each body does best.

Finally, MFQC used the opportunity to thank the Inns on behalf of the Bar for their contribution to the Bar Benevolent Association and the benevolent fund which proved a lifeline for many during the early days of the pandemic.

10. Bar Human Rights Committee Report

SJQC presented the report on behalf of the Bar Human Rights Committee.

SJQC reported that over the past two years it has been a frustrating time to be involved in international work as BHRC has effectively been grounded, due to the pandemic, which has impacted upon their trial observation unit, events, training and ability to travel more generally, resulting in them reviewing and adapting their working models, some of which are likely to remain in place post pandemic. For example, whilst they did do one remote observation in Colombia which KBQC undertook on their behalf, and for which they are grateful, they have been looking at other methods of trial observation in countries they have been engaged with such as Hong Kong, Turkey, and Egypt, which involves working in partnership with lawyers on the ground who report back on what is happening.

BHRC has also not been able to have physical training and events in the way they used to but have managed to adapt like everyone else and convert to online training and events. The considerable disadvantage of the online forum in international human rights work is that it is difficult to have private conversations online where confidentiality may be critical. However, our online events have allowed us to attract more high-profile expert speakers, are reaching a very wide audience, and are achieving greater engagement with other international organisations and bodies than we would have been able to do with physical events in the UK. For example, the recent BHRC series of lectures entitled “Edge of Law” – a regional approach to confronting key legal challenges addressing issues such as forced labour, sanctions, data security, and judicial independence on which BHRC is partnering with the ABA International Rule of Law Initiative and which has attracted FCDO funding.

i) Xinjiang: Their work in Xinjiang remains a critical focus including supporting those subject to sanctions. SJQC said that working as a human rights lawyer or defender anywhere in the world is now incredibly volatile and the kind of attack that they are under is often unprecedented. It is therefore important for the Bar to have voices that are respected around the world, in government and the legal profession and that this work continues. The effect of sanctions has been chilling on the human rights community as a whole. BHRC has had to act carefully in order to protect those involved.

ii) Afghanistan: The BHRC along with the BC was heavily contacted by judges, lawyers and human rights defenders over the summer and autumn wanting help. SJQC herself is still being contacted by judges, although this now includes male judges. Options now are limited and dialogue with the government has tailed off. However, she was pleased to announce the launch of a new pro bono initiative with Advocate whereby they are able to provide urgent assistance, through volunteers, to a number of vulnerable individuals in relation to the ongoing situation in Afghanistan. She wanted to express her gratitude to Advocate and also the members of the Bar who are doing so much pro bono work.

iii) Hong Kong. As a result of the breakdown in human rights and civil society in Hong Kong many members of the Hong Kong Bar have relocated to London. BHRC will continue to work in this area where they can as well as supporting those seeking to restart their practices in the UK.

Finally, SJQC said that she has come to the end of her three-year term as Chair of the BHRC and that it has been an enormous privilege to lead BHRC, albeit in somewhat difficult circumstances, due to the pandemic, in the last year or so. She has been immensely grateful to the Chair throughout this year for his support and for the support from the BC.

KBQC added her thanks and congratulations to SJQC and the BHRC on their work. As a former chair of BHRC she knows how hard everybody works, doing it all pro bono, having to respond to different crisis as they hit, but ultimately continuing to make a positive impact

on people's lives. She wanted to acknowledge the fantastic work of the BHRC and to SJQC as Chair.

In response the Chair said that he continues to be amazed at the work the BHRC does and that in the present environment it carries a certain amount of risk and that there is a lot that can't be said openly. He has been aware of some of the pressures that SJQC and the committee has been under this year and how they have dealt with them magnificently. He congratulated SJQC on her term as Chair and said that it has been a joy working with her.

11. Bar Representation Committee Report

LO reported on behalf of the BRC and commenced by saying that the report covers much of what the committee has done over the last year and that the BRC's three distinct areas of responsibility are: the Services portfolio, Events portfolio and the Training portfolio. She also expressed her thanks to Michael Collett QC, her Co-Chair, William Dean, Vice Chair, and BC staff for their continued support. Highlights from the report were as follows:

i) The new Appointments Services has replaced the Mediation and Arbitration Service. It was subject to a complete overhaul and has generated income of c.£2,000 for the BC.

ii) The percentage of Bar Representation Fee subscribers went down slightly last year (most likely due to the pandemic). However, as the fee was increased from £100 to £150, the BC income actually increased.

iii) The Business Partnership Portfolio has also suffered as a result of the pandemic, with the loss of some brands, such as TM Lewin, who have gone into administration. However, the team is working hard at developing new business partnerships, with some new prospects likely to be signed in the coming weeks.

iv) The BRC continue to support the Professional Users ('ID Card') Access Scheme and are currently providing over 4,600 practitioners and pupil barristers with active ID Cards. The Scheme is now running in all 330 viable courts. However, there are a number of court and tribunal buildings which require a higher level of security clearance which are not covered under the Scheme. The committee is looking to develop a business case where it is possible to pay an additional fee for security clearance checks for individuals, to allow access into these courts.

v) Last year saw a huge increase in the number of applications for the Pupillage Gateway - 3,301 applicants for 406 places. It is encouraging that so many wish to come to the Bar but discouraging that there is still such a bottleneck. Next year the BRC will be looking to review the service and consider options, including taking the service completely in-house.

vi) Next weekend is the Annual Bar and Young Bar Conference, and Council members are encouraged to attend if possible. There is a great line up of speakers and also a range of events in the evenings on the days preceding.

vii) The BRC is looking at Governance Research which will be important for the Bar going forward. They will look at what can be offered to Chambers to ensure that their Governance procedures are properly in place.

viii) The provision of static online training, where it is not trainer led, but a series of pre-recorded webinars and talking heads, has taken off really well and more training is being developed.

The Chair thanked LO for her report and wished to pay his own tribute to the work that the BRC does. It is incredibly important for the functioning of the BC and is very much involved in what is seen as the public face of the BC. The committee and the BC team do a fantastic job which is often high pressured, particularly at this time of the year. He also thanked them for rising to the challenge in delivering on the recent Race Summit events.

12. Any Other Business

i) Appreciations

- CM referred to the section in the Chairs Statement which thanked the following Council Members who were stepping down this year: Robin Allen QC, Eleanor Mawrey, Tim Devlin, Athena Markides and Philip Bennetts QC. She said anyone who had been a member of the BC for any length of time could not fail to be aware of the work and great contribution by them individually. On behalf of herself and fellow Council Members, she wished to formally record thanks and gratitude to them for their contribution to the BC. This was duly noted.
- AM thanked JK for her tremendous work on the YBC throughout a difficult year. She has worked extremely hard to ensure that the young bar voice is properly represented all the key issues such as criminal fees. The Chair echoed what AM said and would also be paying further thanks to JK and the YBC in his address at the annual conference.

ii) MS Teams Chat

CMQC asked whether it was possible to have a formal position on the status of the MS Teams Chat during BC meetings. There is often a substantive discussion in the Chat which gets overlooked. The Chair replied that we are somewhat still feeling our way with the Chat and how it is used and recorded and is something we are looking into. NZ responded by saying that the Chat discussions are preserved and circulated internally accordingly.

iii) Public legal education

CMQC asked whether the BC should push back on the BSB comment earlier in the meeting that the education of politicians and addressing inaccurate statements of the legal profession, as highlighted by KBQC, was not a matter for them to take forward. It is discouraging for the future of the Bar, and the promotion of a diverse profession, if it is denigrated in this way. Should this not also be part of the BSB role?

The Chair agreed that such inaccuracies by politicians was extremely unhelpful, particularly if used as political propaganda. However, he was less convinced that it was a matter for the BSB as the BC want to ensure that the regulator is focused on what they should be doing rather than give reasons for them to expand their remit into other areas.

In response KBQC suggested that there was potentially scope within the BSB remit, if one referred to their report about providing information to the public, to encompass mythbusting. This would include addressing misinformation from politicians and others and might even have more impact if seen to be coming from a body which is more neutral.

iv) Vice Chair tribute to the Chair

MFQC said that DSQC has had an extraordinary year, taking on the chairmanship of the BC shortly after the first covid vaccines became available but still during a pandemic, dealing with the changing world we have all had to get used to, and assessing what it all means for the profession. He managed to cram a years' worth of in person meetings into the last three months including welcoming a new Lord Chancellor, Attorney General and Solicitor General in one short afternoon – an example of diary organisation he should be proud of.

He has worked incredibly hard for the BC and the profession and been an example to all of us. There have been a number of situations where he has made a significance difference, as demonstrated by the comments in the Teams Chat, some of which was often behind the scenes and some of which can't be talked about as mentioned earlier. Examples include his support of the Race Working Group and making the framework for the launch event and publication of the report happen; taking up the cause of the publicly funded criminal bar and promoting data that demonstrated the evidential truth to what was previously anecdotal and thus closing down the debate; and showing outstanding leadership in difficult circumstances, particularly regarding China, Afghanistan and Hong Kong.

His engagement and communication with the profession, forward thinking and planning have been outstanding as demonstrated when travelling around the country visiting circuits and chambers and liaising with the Inns and SBAs; ensuring that he and the Vice Chair Elect were brought into discussions and projects at an early stage which have long term implications for the profession such as regulation.

Finally, the BC have loved working with him. He set them challenges but had been patient throughout and on their behalf MFQC wished to thank the Chair for all he has done. It has been a challenging year with many demands but he has maintained his sense of humour. The Bar Council would have liked to thank him in person and wish him well but covid took away that opportunity unfortunately. Thank you on behalf of all of us. It has been an outstanding year. We are very grateful for everything you have done for the profession.

The Chair thanked everyone for their kind words and support throughout the year and that it has been a privilege to work with them. He said that he thought leadership was about service and he was grateful for the opportunity to do that this year.

13 Details of Upcoming Meetings

- i) Inaugural Address – Tuesday 7 December 2021, 6pm, Gray's Inn
- ii) Bar Council meeting - Saturday 29 January 2022, 10am, venue TBC