



The Bar Council

# Annual Report 2019

# Chief Executive's introduction

I am pleased to present this report, which records the Bar Council's progress against the strategic objectives set out in our new [Strategic Plan 2019-2024](#).

It has been another exceptionally busy year for the Bar Council's staff and the 400 or so barristers who support our work, pro bono, through committees, working groups, panels and the Council itself. The profession's commitment to supporting this work is hugely impressive, as is the work of my team. We are a small representative body which punches well above our weight.

We have been engaged in every important policy area affecting the justice system. I believe this report shows that we make a considerable difference, in the interests of the profession but also, and very importantly to us all, in the public interest. The two are not, thankfully, in conflict because the Bar provides a vital public service, in which I am proud to play a modest part.

The key areas of our work range from lobbying Government for improvements to the Criminal Justice System, to engaging with the massive task of court reform, developing the international work of the Bar and much more, set against an uncertain political and economic background. We have continued to work closely with the Specialist Bar Associations and the Circuits and, together, we have had some notable successes. As I write, the Chancellor of the Exchequer is announcing more money for Justice: the MoJ, Home Office and CPS. The relentless efforts we made last year, and this, to communicate concern for the future of our justice system is paying off. Justice has rarely been so high up the political and media agenda and I think the Bar's perseverance has made a major contribution. So much of what we do happens out of sight, but the relationships we build with key officials, ministers and parliamentarians, and the evidence we deploy, are crucial to success over time. I believe that those relationships and our ability to produce and use business intelligence are stronger than ever. I was very pleased that we could celebrate our achievements at an event at Guildhall in the City of London to mark the 125th anniversary of the Bar Council and its contribution to our national life.

Internally, my Senior Management Team and I have been striving to achieve our strategic aim of 'strengthening the Bar Council', by concentrating on efficiency and effectiveness. Our support functions are stronger, particularly finance and information management, we have reversed the decline in voluntary contributions and boosted the volume and quality of the training, events and services we offer to the Bar. Our new Chambers Management Package has been well received. Income, other than that derived from the practising fee, is increasing.



Towards the end of the reporting period we signed new leases on our offices and started essential refurbishment. Once complete we will reduce our footprint and cut future costs.

In relation to governance, we are facing challenges from changes to the Internal Governance Rules, set by the Legal Services Board, which direct the way we interact with the Bar's independent regulator, the Bar Standards Board (BSB). This is something that will run through the remainder of this year and beyond. We were, however, very successful in pushing back against the most draconian proposals for change, with pro bono legal advice.

I would like to thank the Officers of the Bar and all those barristers who support the Bar Council, as well, of course, my team, for an excellent year.

**Malcolm Cree CBE**

**Chief Executive of the Bar Council of England & Wales**

# About the Bar Council of England and Wales

The Bar Council represents some 16,700 practising barristers in England and Wales, in addition to tens of thousands of non-practising barristers globally.

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

Our range of services, member benefits, online advice and practical guidance supports to the profession. We are committed to attracting the best and brightest across England and Wales, regardless of background, gender or ethnicity, to help secure the future of the Bar.

The Bar Council's representative work is largely undertaken by committees comprising barrister and lay members. Their work is overseen by the General Management Committee.

The Bar Council officers are elected by Bar Council members in May and serve for one calendar year. The executive, led by the Chief Executive and Directors, supports the work of the Bar Council committees.

## Our aims

In the context of the political, economic, social, technological, cultural and legal challenges and opportunities which the UK and its legal services face, the Bar Council seeks to achieve specific and measurable progress against the aims and strategic objectives set out in its [five-year Strategic Plan](#). In doing so, the Bar Council works closely with the profession, government and our many stakeholders.

**Our vision:** One Bar: strong, independent, influential and diverse.

**Our mission:** To champion: the rule of law and access to justice for all in England and Wales; the Bar's high-quality specialist advocacy and advisory services; the highest standards of conduct, skills, ethics; equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.

**Our role:** The Bar Council is the lead professional body for all practising barristers in England and Wales. In pursuing our vision and mission we represent, support and promote a strong and independent Bar and enable the independent regulation of the profession, in the public interest.

**Our values:** In seeking to fulfil our strategic objectives, the Bar Council embodies the following values:

- **Respect:** respect for all, including respecting the rights of the poorest and most vulnerable in our society and seeking to ensure they have the means to achieve equality before the law; respecting others within the profession and those aspiring to join.
- **Fairness:** promoting equal access to justice for all and seeking to ensure that the increasing diversity of our society is reflected in the diversity of all who serve justice.
- **Integrity:** trusted by the government, judiciary, clients, wider society and other professions, founded on the highest levels of professional integrity.
- **Excellence:** an independent Bar of specialist advocates and advisors seeking to excel.
- **Efficiency:** The Bar Council, as well as the regulator, the Bar Standards Board, will operate as effectively and efficiently as possible in support of their respective strategic aims and objectives and work to assist barristers (employed and self-employed), chambers, and entities to be more efficient.

## Our finances

The Bar Council and the Bar's independent regulator, the BSB, share Practising Certificate Fee (PCF) income, but have additional sources of income upon which they depend. Further details of the organisation's finances can be found in the [2018/19 Financial Statement](#)



# Achieving our strategic aims

## 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, the Bar Council is ideally placed to draw on barristers' expertise and dedication to lead on these issues, in the public interest.

In pursuing this strategic aim in 2018/19, the Bar Council:

- Ensured vital public interest arguments continued to be considered in the Ministry of Justice's ambitious court reform programme. The Bar Council's main aim in this endeavour is to ensure that the rule of law is upheld and citizens can access justice.
- Through its [LASPO: 5 years on campaign](#), contributed to the post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, highlighting where the government's cuts have gone too far and where access to justice is being impeded.
- Jointly launched the inaugural [Justice Week](#) with the Law Society and the Chartered Institute of Legal Executives (CILEx) to promote the value of justice and the rule of law to audiences beyond the legal community.
- Played a leading role in developing the Council of Europe Convention on the Profession of Lawyers, the first binding international treaty aimed at protecting the core values of the legal profession in the public interest.
- The Bar Council continued to speak out whenever and wherever rule of law crises occur, including where lawyers are hindered from representing their clients, or the independence of the judiciary comes under threat in other jurisdictions. In 2018/19, [the Bar Council intervened in](#), among others, Turkey, China and Poland.
- On the domestic front, the Bar Council met with key decision-makers at the political party conferences in 2018 to further [highlight the importance of access to justice](#).

## Representing the Bar

In pursuing this aim in 2018/19, 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:

- Responded to [36 consultations](#) on a broad range of subjects to represent the Bar's views, ranging from LASPO, to the Commission on Justice in Wales, to DEFRA's post-Brexit environmental proposals, to the BSB's Future Bar Training consultations.
- Secured a place for the Bar at the influential Criminal Justice Board, representing the views of the Bar directly to the Lord Chancellor, the Home Secretary, the Director of Public Prosecutions, the Attorney General, the Metropolitan Police Commissioner and senior members of the judiciary.
- Represented the interests of the Bar in all aspects of the wide-ranging court reform programme, including key projects such as the Flexible Operating Hours pilot, video hearings, online civil money claims and scheduling and listing.
- [Brexit](#): The Bar Council expressed the views of the Bar directly to key decision-

## Case study: Annual Bar and Young Bar Conference 2018

The Bar Council's Annual Bar and Young Bar Conference was a major success in 2018. In addition to becoming financially self-sustainable (paying for itself through sponsorship and ticket sales, whilst reducing costs), the main event in the Bar's calendar saw major names from Westminster and the bench flock to the lectern to give keynote speeches. The then Lord Chancellor, David Gauke, used the conference to announce additional funding for the Advocates' Graduated Fee Scheme (AGFS), the Attorney General, Geoffrey Cox QC MP delivered a key speech covering Brexit and the importance of the Bar, while Shadow Attorney General, Baroness Chakrabarti CBE PC, warned of risks to access to justice and gender equality in the legal profession. Other key speakers included outgoing Justice of the Supreme Court Lord Sumption, as well as Lord Justice Hickinbottom and Her Honour Judge Molyneux MBE. The media were out in force and honed in on 2018 Chair of the Bar Andrew Walker QC's [speech on legal aid cuts](#).

The conference has been running for more than 30 years and brings the profession together to learn from each other's experience, gain practical insight into key issues at the modern Bar, and celebrate our achievements. The [2019 conference](#) will continue that trend.

makers, right up to the Secretary of State for Exiting the EU. In addition, the Bar Council conducted negotiations with the Belgian Bars and the Irish Bar about simplified access to each other's professional titles. In relation to the latter the Bar Council ensured that barristers can now obtain the Irish barrister title without having to complete pupillage.

- Represented the criminal Bar's views on various groups established to review disclosure, ensuring that the Bar's voice was heard and that proposals being developed take account of practitioners' practical experience of working in the criminal justice system.
- Worked alongside the Criminal Bar Association in talks with the Ministry of Justice over legal aid pay rates for criminal practitioners.
- The Bar was represented at the first round of UK-US Trade in Legal Services talks in Washington during the Autumn of 2018. In the context of an intended Free Trade Agreement between the UK and the US, the UK government organised talks on further liberalisation in the trade of legal services. All UK bars and law societies were represented.

## Supporting barristers

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

### Case study: Flexible Operating Hours

HM Courts & Tribunals Service's (HMCTS) plan to have courts sitting earlier in the morning and later in the evening presented the Bar with a whole host of problems. The Bar Council worked closely with the Family Law Bar Association (FLBA) and Personal Injury Bar Association (PIBA) throughout the year to unequivocally communicate the Bar's views about courts sitting for longer hours. The Bar was deeply concerned about the implications of early starts and late finishes not only for members of the Bar but also court staff and the judiciary. HMCTS' original plans included pilots in criminal, civil and family but after tireless lobbying by the Bar Council about the serious difficulties with courts sitting for longer in crime, HMCTS backed down and agreed to cancel that aspect of the pilot. The Bar Council now monitors the civil and family pilots very closely and will be robust in its feedback to HMCTS. No barrister's practice should be negatively impacted by a scheme which the Bar Council considers to be flawed.



Over the last year, the Bar Council supported barristers and chambers by:

- Providing ethical advice through the [Ethical Enquiries Service](#), which includes a hotline and email service, run by the Bar Council's policy experts, to barristers at all stages of their careers and in all areas of practice. The Bar Council's Ethics & Practice Hub continues to grow and gives barristers instant access to online support and guidance on ethical and practice related questions.
- Successfully delivering three practice management seminars to clerks, practice managers and heads of chambers.
- Putting on a surplus-making Annual Bar and Young Bar Conference in November 2018, bringing together the profession, the press and policy-makers, including the then Lord Chancellor, Attorney General, Shadow Attorney General and many more leading names.
- Organising the annual series of Circuit visits for the Chair of the Bar to hear directly from barristers and chambers.
- Introducing a digital ID card 'app' system in conjunction with HM Courts & Tribunals Service (HMCTS) to help barristers gain smoother access through court security procedures in England and Wales. The system will be introduced in all but a few courts by Easter 2020.

## Case study: Magistrates' Court fees

For barristers undertaking defence work in the Magistrates Court there is no set legal aid fee. A single fee is paid to the solicitor for the case, out of which the solicitor pays the barrister. For some years a Protocol had been in place between the Bar Council and the London Criminal Courts Solicitors Association (LCCSA) setting out minimum rates for the barrister and a commitment to prompt payment. However, a survey undertaken by the Bar Council's Young Barristers' Committee (YBC) revealed that 35 per cent of barristers doing Magistrates Court work had to wait on average in excess of six months to receive their fees from the solicitor, and 50 per cent had undertaken a Magistrates' Court case for which they understood they would never be paid. The Bar Council therefore engaged with the LCCSA to update the Protocol and for the [new Protocol](#) to be circulated to their members and promoted. Agreement was reached in 2019 and the new Protocol was published in May 2019. The situation will be monitored closely.

- Through the [Wellbeing at the Bar](#) initiative, strengthening wellbeing and mental health support for barristers, including the launch of an Assistance Programme to help barristers, clerks and other chambers professionals deal with personal and professional problems; the growth of the Wellbeing at the Bar Certificate of Recognition programme with 50-plus chambers and other organisations now awarded a certificate for their commitment to wellbeing. In addition, by introducing Wellness for Law’s Mental Health Training for chambers and regular updates and development of resources on bullying, the Bar Council has continued to expand the help available to the Bar.
- Designing and implementing programmes to help the profession become more diverse, including Court Sitting Hours Protocol, guides and support on harassment and bullying, as well as contributing to the recently launched Pre-Application Judicial Education programme as part of the [Bar Council’s Judicial Careers](#) initiative.

## Promoting the Bar

A central element of the Bar Council’s purpose is to promote the Bar by making sure

### Case study: Crown Court defence fees

Throughout 2018/19, the Bar Council engaged with the Ministry of Justice on Crown Court defence legal aid fees - the Advocates Graduated Fee Scheme (AGFS). The old fee system relied principally on counting the number of pages of served prosecution evidence to calculate the advocates’ fee. However, in an age of increasing use of electronic evidence, mobile phone downloads, Excel spreadsheets and CCTV, the old method of relying entirely on counting the number of pages of paper was not considered to be the best proxy for assessing the complexity of a case. After a period of consultation, the Ministry of Justice amended the fee scheme, by introducing more categories of case. The differentiation by case category became the main proxy for case complexity, rather than number of pages. The new fee scheme structure was introduced from 1 April 2018, however, after lobbying from the Bar Council and Criminal Bar Association (CBA), those fees were increased on 31 December 2018. The calculation of how much the increase in funding amounted to depends upon which year’s basket of cases it is compared against. However, it was estimated by the Ministry to be an increase of 10 per cent. This did not make up for the fact that barristers’ legal aid fees for these cases had fallen by about 40 per cent in real terms since 2007, but it was a step in the right direction. These remain serious problem with the AGFS and the Bar Council and CBA has continued to negotiate with Whitehall and ensured an uplift in prosecution fees as well as full reviews of both prosecution and defence fees.

that the profession's unique excellence in advocacy and specialist advisory services is recognised nationally and internationally.

The Bar Council highlights opportunities for broadening areas of practice, business and personal development, widening career opportunities at the Bar by ensuring aspiring barristers have ready access to information, options and routes to the Bar, and raising awareness of the Bar's contribution to society, including its pro bono work.

In promoting the Bar in 2018/19, the Bar Council:

- Raised the profile of social mobility in the legal profession with the most successful Bar Council campaign in recent history – 'I am the Bar' which secured high engagement levels on social media, in the press and also won a LexisNexis Legal PR Award. The on-going campaign ran alongside the Bar Council's social mobility outreach programmes, including the successful Bar Placement Week which now takes place throughout England and Wales.
- Provided insights about careers at the Bar in conjunction with the Council of the Inns of Court and Specialist Bar Associations at law fairs, reaching thousands of students.
- Ran a [social media campaign on International Women's Day 2019](#), highlighting examples of positive influence from groups, individuals and students working to [#BalanceTheBar](#), 100 years after women were granted the right to vote. Initiatives including the Western Circuit Women's Forum, Association of Women Barristers, Midland Circuit Women's Forum, Behind the Gown, Female Advocates' Breakfasts and more were showcased.
- Hosted the annual Pupillage Fair which is now the go-to fair for anyone considering a career at the Bar, irrespective of practice area or geographical location.
- Launched a full review of the Pupillage Gateway in March 2019, with a view to improve the recruitment platform for chambers and applicants.
- Organised and delivered the annual Summer Reception. In 2019 the theme was 'social mobility' and acted as the launch pad for the Bar Council's award-winning 'I am the Bar' campaign.



**WOMEN  
AT THE BAR**  
**THE NEXT  
100 YEARS**



The Bar Council

- Led the first Bar Council business development visit to Mexico for a conference in Mexico City organised with the Law Society of England and Wales and the three main Mexican Bar associations. More than 140 Mexican lawyers came to the conference, which was supported by the UK government's Legal Services are GREAT initiative.



- Looked to strengthen the Bar's international reach through a number of events and trade missions, including a Polish Bar event with the Warsaw Bar Association to discuss the legal implications of Brexit; London International Disputes Week; Opening of the Legal Year; International Bar Association Annual Conference in Rome, which provided bilateral meetings with bar associations from Brazil, Colombia, South Korea, Zambia, Nigeria and the Inter Pacific Bar Association to develop Bar Council projects.

## Case study: Income growth and keeping costs down

In 2018, the Bar Council improved income growth within its representative areas of work while keeping costs low. The income for training was increased by 12 per cent with support from new training courses and events seeing a boost of eight per cent. The 2018 Bar Conference, the most successful to date, the Employed Bar Awards, the Young Bar Workshop and the Pupillage Fair have all contributed to reaching a modest surplus. Additionally, commercial partnerships were renewed and revitalised along with new signed contracts, resulting in a two per cent increase of income following years of decline. Overall, income growth was raised to £90,000 which totals 16 per cent of the Bar Council's commercial income.

## Case study: An award-winning campaign

In Summer 2018, the Bar Council launched its award-winning campaign 'I am the Bar', designed to profile the experiences of those who have succeeded at the Bar from non-traditional backgrounds. The objective was to raise awareness of social mobility and support fair access to the Bar while highlighting the various initiatives in place. With the focus on online activity, a soft launch at the Bar Council Summer Reception paved the way for the campaign. The official launch resulted in a boom of online engagement on social platforms, especially Twitter. Through the hashtag #IAMTheBar, the campaign's launch received over 77,000 impressions, making it over 25 times the average number of impressions Bar Council's Tweets usually receive. The most common online activity came through barristers tweeting the stories of their unconventional journeys to the Bar, which also garnered press coverage, whilst students engaged with the insights and support of social mobility being provided. Since then, the Bar Council has run panel sessions and live-streamed events to get the message out even further. As a result, 'I am the Bar' won the 2019 Lexis Nexis Legal Award in the Legal PR/Media Communications category for its progress in raising awareness of the importance of social mobility at the Bar.

## Enabling regulation

As the Approved Regulator, the Bar Council enables the effective, independent regulation of the profession through the BSB, to ensure the highest standards of professional practice and to protect the public interest.

Over the last financial year, the Bar Council met this strategic aim by:

- Engaging with the BSB's consultations regarding its new transparency rules and informing the Bar about what the new rules mean for practitioners and chambers.
- Responding to regulatory consultations, for example on the Legal Services Board's (LSB) business plan.
- Maintaining a regular dialogue with the BSB to ensure that the profession's voice is heard, whilst always respecting the independence of the regulator.
- Developing board to board relations with the LSB to help the oversight regulator to understand the nuances of the Bar and that a 'one size fits all' approach to regulation of legal services is not the most efficient way to regulate the sector.

## Strengthening the Bar Council

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

The Bar Council achieved this in 2018/19 by:

- Campaigning on key issues which are important to the profession and beyond, such as social mobility, gender equality and justice.
- Winning a LexisNexis Legal Award for the 'I am the Bar' social mobility campaign.

Winners of

# LexisNexis

Legal Awards 2019





## Case study: Court ID 'app'

In the summer of 2018, the Bar Council developed a smartphone identification system exclusively for barristers to help them get into court without having to go through onerous security searches. The new 'app' was part of HMCTS' Professional Entry Scheme pilot, which has since been rolled out to 25 Crown Courts so far. The scheme will continue to be rolled out to Crown Courts, followed by civil and family courts, some tribunals and magistrates' courts.

The Bar Council stepped in and developed the app after barristers trying to enter courts in England and Wales were held up from representing their clients due to airport-style searches and security measures.

By working with HMCTS, the Bar Council has ensured that, to date, 1689 barristers have downloaded the app, which is exclusively for barristers, and are now able to gain access more easily to the courts under the scheme.

- Providing training to chambers throughout England and Wales on a variety of equality and diversity matters.
- Launching a review of the Bar Representation Fee, the voluntary subscription that funds much of the Bar Council's work, in September 2018, to seek to increase subscription numbers and improve income and engagement with the Bar.
- Introducing a much-needed research post in the organisation to ensure that Bar Council policy, strategy, decision-making and priorities stem from a robust evidence base.
- Undertaking a full pricing and costing review of all our representative activities with a view to improve income and cost saving. This led to the Bar Council's escrow account, BARCO, being shut down as a loss-making, high risk service in March 2019. BARCO had served its purpose and other providers are now available.
- Launching the Chambers Management package – "The Package" - in January 2019 following extensive research with the Bar and chambers professionals to ensure they are well equipped to handle regulation and best practice, from GDPR and anti-money-laundering to business development.

- Undertaking a root and branch review of all operational processes and systems with a view to identifying gaps and putting controls in place to make for a more efficient organisation.
- Designing and implementing guidance for the Bar Council's committee members to provide greater clarity over their roles on committee.
- Producing materials aimed at attracting candidates from a range of backgrounds to stand in the Bar Council elections.
- Increasing Bar Council engagement with members of the Bar through a range of communications channels. In 2018/19, the Bar Council's popular fortnightly e-newsletter, BarTalk, saw its readership climb to almost three times the industry average.
- Increasing the media's coverage of the Bar Council's work by 14 per cent compared to the previous year, as well as easily breaching the 1000 media mentions barrier. Articles on the Bar Council's campaigns, law reform consultation responses, and defence of the rule of law and the justice system fuelled most of the media's coverage of the Bar Council.
- Continuing to provide Parliamentary briefings to peers and MPs on legislation going through Parliament including the Courts and Tribunals Bill.
- Through the Brexit Papers and giving evidence in Parliament, clarity to government on legal issues associated with Brexit.

## Case study: BarTalk

BarTalk, the Bar Council's fortnightly e-newsletter to the Bar, saw a surge in popularity in 2018/19, which it continues to maintain.

Launched in 2015 as a way of informing the profession of the work the Bar Council carries out on behalf of the Bar and to highlight what support is available to barristers, BarTalk was read by more barristers than ever in 2018/19, with a readership rate of almost 60 per cent. The industry average is 21 per cent.

Subscriptions to receive BarTalk from outside the Bar also grew rapidly in 2018/19 as BarTalk's popularity gained traction. Today, over 1,000 non-barristers, including chambers professionals, solicitors, academics, members of the judiciary, journalists, pupils and students have signed up.



# Further information

There are several ways in which you can find out more about what the Bar Council does and stay in touch:

- Use the hyperlinks throughout this report, which will provide more detail about our campaigns, lobbying activities and support services.
- Visit our website [www.barcouncil.org.uk](http://www.barcouncil.org.uk), follow our [Twitter](#) account, and other social media channels – [Facebook](#), [LinkedIn](#), [Instagram](#) and [YouTube](#).
- Subscribe to [BarTalk](#), our fortnightly newsletter which provides information on all matters relating to the profession, and other updates on specific areas of interest.

