

Annual Report 2020



The Bar Council

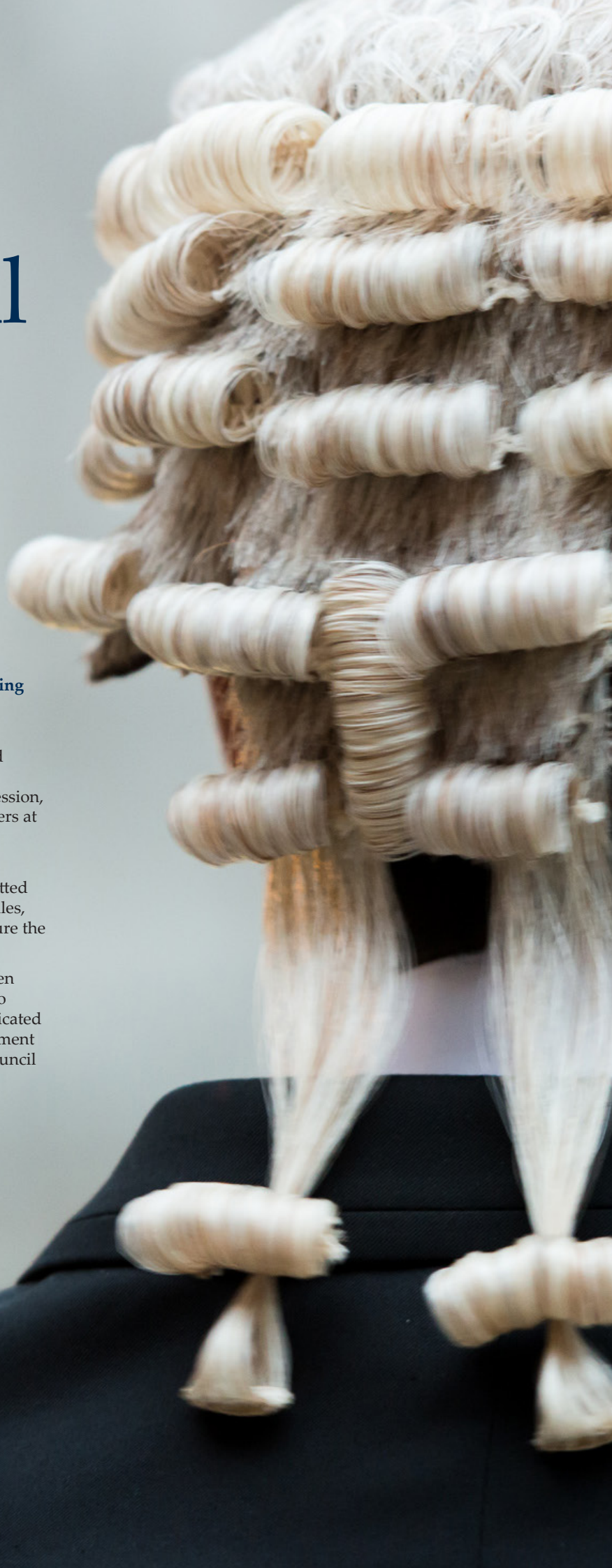
About the Bar Council of England and Wales

The Bar Council represents approximately 17,000 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 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, who work in conjunction with the organisation's small but dedicated staff team. 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.



CEO Foreword

Although this report covers the year to the end of March 2020, events in the last month of the financial year have clearly overshadowed everything.

At the beginning of 2020 we had, fortuitously, updated every aspect of our business continuity plan. We implemented it on 18 March and achieved 100% home working within 24 hours, with very few problems. This was, ironically, only two weeks after completing the total refurbishment of the office and release of one floor, enabled by greater home working.

It had been a busy year, but the focus shifted immediately to supporting the Bar through the Covid-19 crisis. With the courts closed, work for many at the Bar dried up and the health emergency rapidly became a financial one for many individuals and chambers. The Bar Council recognises that, against this backdrop, we must minimise the financial demand we make on the Bar and, to that end, we have made savings and used the furlough scheme wherever possible.

This report highlights some of the achievements and activity during the last year: it is far from exhaustive. I continue to be most impressed by the dedication and ability of the small team of 35 staff who work tirelessly in support of the profession and the public interest, and the selfless generosity of some 400 barristers who give their time and expertise to help address the multifarious issues faced by the justice system and legal services. All of that work is consummately enabled by a small professional services team that works for both the Bar Council and Bar Standards Board, ensuring maximum efficiency.

Annual reports necessarily look backwards, with a certainty that can reassure us that our efforts have not been in vain. With the uncertainty of the immediate and longer-term future, I am determined that what we are doing now and will do over the months and years ahead is relentlessly focussed on supporting a strong and independent Bar, and with it, a society and an economy that is taking a battering.





Contents

Supporting the Bar
through the pandemic5

Achieving our strategic aims:

Championing the Rule of Law
and Access to Justice for all6

Representing the Bar7

Supporting Barristers8

Promoting the Bar9

Strengthening the Bar Council10

Enabling Regulation11

Finances12

Supporting the Bar through the pandemic

As we came to the end of the 2019/20 business year in March, the world, including the Bar and the courts, was hit by the sudden implications of the Covid-19 lockdown.

The Bar Council immediately prioritised guiding and supporting the Bar through this unpredictable, chaotic time. It was all hands on deck as guidance from the judiciary, courts and other organisations emerged, sometimes causing confusion and concern amongst members of the profession.

In addition, the Bar Council, along with the independent regulator, the Bar Standards Board (BSB) agreed to introduce a split-payment of the practicing certificate fees process for Authorisation to Practise, to help ease the financial strain on the Bar.

Thanks to the rapid efforts of the Bar Council staff and current Chair of the Bar, Amanda Pinto QC, all of whom were working remotely, along with the joint Bar Council, LPMA and IBC Covid-19 Working Group, the Bar Council was able to compile, consolidate and update key advice and information for the profession.

As well as regular communications directly to the Bar via the organisation's press and social media channels, the Bar Council created an online hub of the latest information required by barristers to navigate the unexpected: remote hearings, testing for Covid-19, safety measures in court, legal aid payments, accessing government loans and other means of financial support, and more.

Alongside this crucial period of work, the Bar Council strengthened its communications channels in Whitehall and Westminster, as well as with other legal professional bodies, to ensure the concerns and challenges being faced by the Bar and the justice system during the pandemic were heard and, in many cases, factored into plans by the Government to deal with the fallout from the crisis.

The Bar Council continues to support the Bar and give the profession its voice during the Covid-19 crisis.

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 2019/20, the Bar Council:

- Secured particularly extensive mainstream national and regional media coverage of our Small Change for Justice report, which formed a key part of our work to influence the public and decision-makers on the plight of the justice system.
- Produced a manifesto, Urgent Action Required, for the 2019 General Election.
- Produced an important budget submission on justice spending to the Treasury, with some of our recommendations being taken forward or implemented.
- Gave oral evidence to different Parliamentary Select Committees and submitted written evidence to a number of Select Committee inquiries, as well as working closely with Bar Council committees to brief MPs and Peers on legislation going through Parliament following the Queen's Speech.
- Worked alongside the Law Society, Chartered Institute of Legal Executives and other bodies to boost young people's support and understanding of the justice system in England and Wales as part of Justice Week.
- Contributed to the government's programme of law reform, with the Bar Council's Law Reform Committee responding to 11 consultations with a view to making the law more clear, accessible and fit for purpose. Potential areas of reform included automated vehicles, surrogacy, immigration, confidentiality clauses, redundancy protection and sexual harassment in the workplace. The committee also scrutinised and commented on the Coronavirus Bill in March of this year.
- Defended the independence of lawyers and judges through open letters and media work in relation to threats to the rule of law in Turkey, Poland, Hungary, Hong Kong, Samoa and India.
- Gave financial and communications support to the charities Advocate, Bar Human Rights Committee, Free Representation Unit and Young Citizens.

Representing the Bar

In pursuing this aim in 2019/20, 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:

- Represented the interests of the whole Bar and UK legal services in our future relationship with the EU, promoting and defending the future role of the UK in international legal

markets, and ensuring the interests of the profession were taken into consideration during the negotiation and planning processes.

- Alongside the Criminal Bar Association (CBA), Bar Council's Young Barristers' Committee (YBC) and Circuit Leaders, negotiated with the Ministry of Justice on the Criminal Legal Aid Review (CLAR), securing a number of early concessions for the Bar, worth £17-24M per annum.
- Built a strong relationship with the Crown Prosecution Service (CPS) that truly recognised prosecutors for the vital public service they provide. Working closely with the CBA, Circuit Leaders and YBC, we achieved a package of measures which increased remuneration for self-employed barristers prosecuting for the CPS.
- Developed stronger links with the Legal Aid Agency and worked to ensure that barristers are paid more fairly and promptly for their vital work.
- Engaged with HM Courts and Tribunals Service (HMCTS) on all aspects of the court reform programme and robustly represented the views of barristers.
- Successfully made representations against the Legal Ombudsman's proposal to increase its budget by 20% by responding to its Corporate Strategy 2020-23. The Legal Services Board subsequently rejected the Ombudsman's budget proposal and awarded it an increase in line with inflation instead, keeping in check one of the regulatory costs borne by barristers. This is one of seven regulatory consultations the Bar Council responded to in 2019/20.

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.

Over the last year, the Bar Council:

- Supported barristers and chambers on professional ethics through the Bar Council's Ethics Hub website and Ethical Enquiries Service. The Bar Council's Ethics Committee and Direct Access Panel checked and updated over 50 guidance documents that are available on the Ethics Hub. Instant support for barristers with ethical queries was given daily via the Bar Council's Ethical Enquiries telephone service as well as by email. Nearly 700 email queries were responded to over the course of the year, with a notable increase in queries in March as the Covid-19 crisis impacted barristers' practices.
- Kept the Bar informed during the Covid-19 pandemic by increasing the flow of communications to the profession via BarTalk, the Bar Council's fortnightly e-newsletter, and through regular updates from the Chair of the Bar on the latest developments affecting the profession. BarTalk readership increased to approximately 60% of the profession using the newsletter as a way to keep abreast of the changing developments during the crisis, whilst messages from the Chair of the Bar also reached 60-plus% readership as barristers looked to the Bar Council for guidance on how to manage their practices under the pandemic restrictions. The Bar Council's efforts were recognised publicly and privately by the media and members of the Bar for our clear and rapid Covid-19 communications as the pandemic began.

- Developed a stronger understanding of Bar data, so as to present stronger, evidence-based policy asks, particularly since Covid-19 took hold, with the Bar Council regularly surveying the profession about the impact the pandemic was having on their practices.
- Reviewed and developed the Pupillage Gateway to make it a stronger platform for advertising and applying for pupillage, a project which forms part of a three-year development plan for the recruitment portal.
- Continued to work with HMCTS on the popular Bar Council digital ID Card Scheme, which allows members of the Bar to use their Bar Council digital court ID app to access court buildings without the need for a full security search each time. Almost 100 courts and over 3,000 barristers now benefit from the initiative. Launched the Talk to Spot reporting platform, an online tool for the Bar to confidentially report inappropriate behaviour.
- Initiated the Bar Council's Accelerator Programme as part of the 100 years of women in law celebration and recognising the need to focus on the next 100 years. This long-term programme of work is focusing on diversity across the Bar, including the fair allocation of work at the Bar and supporting young barristers in their first seven years of practice. This was assisted by a grant from Queen's Council Appointments.
- Launched the 'judgcraft' course designed to support barristers interested in securing a judicial appointment as part of the sector-wide Pre-Application Judicial Education programme. The course has already proved a success, with alumni securing appointments.

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 is recognised nationally and internationally. The Bar Council highlights opportunities for broadening areas of practice and for 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.

In promoting the Bar in 2019/20, the Bar Council:

- Rebranded and modernised its Barristers in the International Legal Market brochure.
- Promoted the Bar and the jurisdiction of England and Wales through law weeks/days in Mexico City, Bogota, Moscow, St Petersburg, Astana, Nicosia and Warsaw, at the International Bar Association and Commonwealth Lawyers Conferences as well as through our exchange programmes with China and Latin America.
- Increased the visibility of the public access Bar via the Bar Council's Direct Access Portal, which is now 100% owned by the Bar Council and will be developed further over the coming year. In 2019/20, over 200,000 members of the public searched for a barrister on the portal.

Strengthening the Bar Council

- Added 10 more Social Mobility Advocates to our award-winning #IAmTheBar social mobility campaign (bringing the total to 21 barristers) whose stories reached 100,000 impressions on Twitter alone, and which featured in national and regional media. We ran a Twitter Q&A with the Advocates and they participated in outreach to prospective barristers at universities and through our own careers' schemes.
- Boosted the visibility of the Bar via the media, positioning barristers from different backgrounds and practice areas in key media outlets. We also promoted wider diversity and inclusion at the Bar through specific communications projects around International Women's Day and Black History Month, and attendance at Pride events.

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.

In seeking to achieve this objective, the Bar Council in 2019/20:

- Launched a new Bar Council website, as well as cleansed and shut down out-dated Bar Council online platforms, increasing the visibility of key initiatives to the Bar and other audiences, whilst making the user navigation experience of the website easier.
- Developed new links with think tanks, including the Institute for Government, which referenced the Bar Council in one of its influential reports.
- Increased the visibility of the Bar Council in the broadcast media, by featuring on popular media outlets such as BBC Radio 4's Today Programme, Sky News, BBC News, ITV, LBC, Heart and regional radio stations including BBC Wiltshire, BBC Wales and BBC Radio Gloucestershire, to raise key points on justice and matters affecting the Bar. The Bar Council appeared on 164 television and radio programmes in 2019/20, compared to 25 in 2018/19.
- Commented on current issues in the national print media. The Bar Council reached wider public audiences than ever before, speaking directly to the public through several exclusives in The Sun and regularly appearing in national publications, including the Daily Mail, Daily Telegraph, Daily Mirror, Metro, Daily Express, CityAM, Financial Times, Evening Standard, The Guardian, The Independent, and hundreds of regional media outlets.
- Boosted the Bar Council's presence on social media and increased our following and engagement rates on all platforms. Our Tweets gained 3.9 million impressions (number of times Tweets have been seen) over the year.
- Increased social media popularity (as of August 2020):
Twitter: 49K following
Facebook: 2933 followers
Linkedin: 8100 followers
Instagram: 2920 followers
Youtube: 746 subscribers.
- Marketed and delivered successful flagship events, including the Annual Bar and Young Bar Conference and the most successful Bar Council Pupillage Fair to date, with the highest number of students and exhibitors in its five-year history, giving each event a distinctive high-quality visual identity.

Enabling regulation

- Rebranded Bar Council print and online material to develop a fresh and consistent Bar Council brand fit for the future.
- Launched new targeted emails and newsletters to efficiently communicate our work to specific audiences, including the What's On listings and Chambers Professionals' Update.
- Expanded the Bar Council's training and events portfolio to include annual complaints handling and legal aid billing seminars, GDPR training, and business development training for chambers professionals and members of the Bar. The entire portfolio was moved online within a few weeks of the move to home working.
- Marked 125 years of the Bar Council with a special, joint event with the City of London Corporation.
- Held a Bar Council meeting in Cardiff and introduced online voting for Bar Council elections for the first time.

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:

- Worked to ensure that the Bar is regulated effectively and proportionately and pushed back where boundaries are crossed.
- Constructively implemented changes to the working relationship between the Bar Council and BSB under the Internal Governance Rules.
- Ensured relevant training, as well as guides on the Bar Council's Ethics & Practice Hub were updated, to help barristers comply with new regulations.

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 2019/20 Financial Statement [Click Here](#)

Further information

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

- Visit our website www.barcouncil.org.uk.
- Follow our [Twitter](#) account, and other social media channels – [Facebook](#), [LinkedIn](#), [Instagram](#) and [YouTube](#).
- [Subscribe to BarTalk](#), our fortnightly e-newsletter, which provides information on all matters relating to the profession, and other updates on specific areas of interest.



The Bar Council