

The Bar Council's

Annual Report

2021/22



The Bar Council

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About the Bar Council of England and Wales

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

We promote the Bar's specialist advocacy and advisory services, access to justice for all, the highest standards 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

At home and abroad the last year has been one of enormous challenge. From the false starts coming out of the pandemic to the invasion of Ukraine, 2021/22 has been a difficult time for everyone. I am proud of the many ways in which Bar Council staff, officers, and the barristers who support our work, have responded to ensure we have done everything possible to pursue our strategic aims and to support, represent, and promote the Bar.

Decades of underfunding of the justice system, coupled with the impact of the pandemic, are taking their toll, and the Bar Council has been at the forefront of campaigning for greater investment in the system and for access to justice. I pay tribute to the officers of the Bar, particularly last year's Chair, Derek Sweeting KC (now The Honourable Mr Justice Sweeting), and this year's Chair, Mark Fenhalls KC, for their tireless work advocating for the justice system and the profession, whether in Westminster or Whitehall, internationally, or through the media. Unfortunately, the fight for adequate legal aid for defence advocates continues; every barrister who diversifies away from criminal work is a serious loss to the criminal justice system, especially given the scale of the backlog.

Our work is enabled by the hundreds of volunteers who give their time and expertise to our committees, working groups, panels and Council and through the dedication of the small team of permanent staff at High Holborn.

We also work closely in partnership with the Circuit Leaders, Specialist Bar Associations, the Inns of Court, The Law Society and CILEX, international Bar associations, the '4 Bars' (Ireland, Northern Ireland, and the Faculty in Scotland), and others across the



sector to deliver an informed and united front in the face of the many and varied challenges experienced by the Bar. I am particularly grateful to the Inns for their continued financial support to our education and training work.

In February, the Russian invasion of Ukraine shocked the country, and, in the face of horror, it has been humbling to see the response of British citizens wanting to help. We received over 200 offers of accommodation and support from barristers in England and Wales and have been working to match Ukrainian lawyers using the Homes for Ukraine scheme, demonstrating the global connection of the profession.

As you will read in this report, this year we've made significant progress in our work on retention in the profession (other than at the publicly funded criminal Bar), with a particular focus on supporting wellbeing and tackling inequalities. These issues won't be addressed overnight so our work is focused on long-term actions that will bring about meaningful culture change. The way the profession has responded to the Race at the Bar report is pleasing. We're grateful to the many partners and networks who help to deliver these projects.

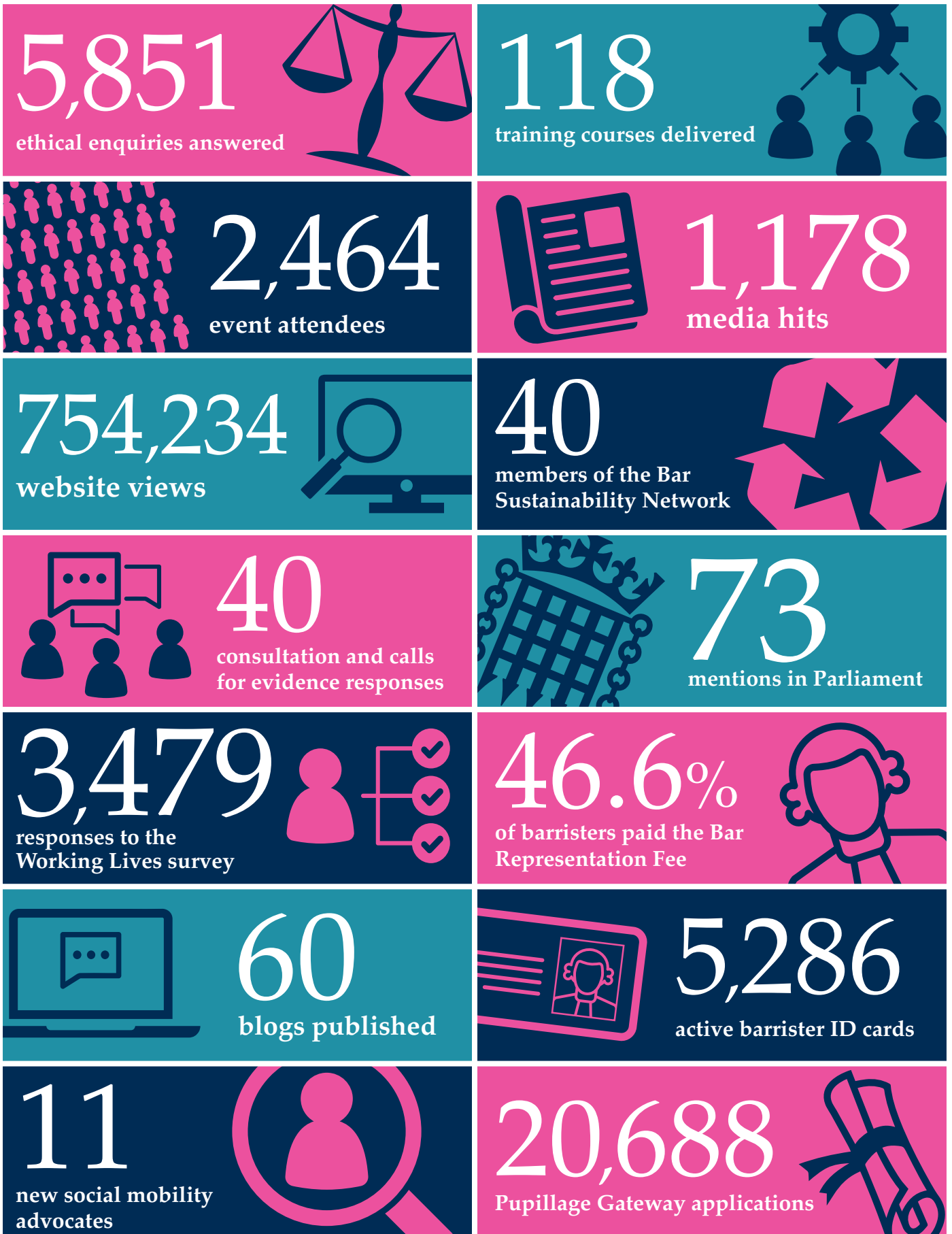
Cyber security has also been at the forefront of our priorities following attacks on several chambers and law firms ahead of the malicious attack on the General Council of the Bar. Although outside the timeframe of this annual report, I want to apologise to all those who were unable to access our services and information earlier this year. I am pleased to report that no data was lost or compromised in the attack thanks to the quick response of our team.

Despite the many challenges of the past year, I hope you will see from this report that the Bar Council has achieved a significant amount on behalf of the Bar.

Malcolm Cree CBE



Our year in numbers





Meeting our strategic aims in 2021/22

Championing the rule of law and access to justice for all

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

In pursuing this strategic aim in 2021/22, the Bar Council:

- Continued to lead calls for greater investment across the justice system amid concern at the growing backlog of court cases.
- Delivered a programme of online activity for Justice Week 2021 with the Law Society and Chartered Institute of Legal Executives on the theme of justice during Covid-19.
- Pressed for the scope of legal aid eligibility in the Legal Aid Means Test Review consultation to include those most in need, particularly victims and survivors of domestic abuse, single parents, disabled people, immigrants, and children.
- Provided significant input to the Criminal

Legal Aid Independent Review, including to the data compendium which provided the evidence for urgent reform and investment.

- Joined with the Bars of the British Isles and Republic of Ireland in condemning the Russian invasion of Ukraine; and robustly defended the rule of law and the rights of lawyers and judges in the face sanctions in China and the Taliban regime in Afghanistan.
- Engaged with Her Majesty's Courts and Tribunals Service (HMCTS) on the ongoing court reform programme, making representations on barristers' experiences of the Common Platform and Video Hearing Service prototype, amongst other aspects.
- Launched the Barrister Demographics Dashboard to provide statistics about the Bar directly to the public to improve understanding of the profession.
- Provided financial and communications support to Advocate, the Bar Human Rights Committee, the Free Representation Unit and Young Citizens.
- Attracted over 50 entries to the Law Reform Essay Competition and awarded four prizes to applicants.

Supporting barristers

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

Over the last year, the Bar Council:

- Reported on the findings of the Barristers' Working Lives survey – our biennial survey of the profession – highlighting key issues of concern from the impact of the pandemic and an early evaluation of remote justice

to levels of bullying, discrimination and harassment at the Bar.

- Responded to 5,285 calls and 566 emails to the ethical enquiries service, providing timely advice and support on issues from the implications of the Russian invasion of Ukraine to the Criminal Bar Association's action. The Working Lives survey found that the Bar Council's ethical services are the most widely used Bar Council service.
- Continued to provide advice and support on ways of working through the pandemic and organised a Bar Leaders Roundtable on the impacts of Covid-19.
- Launched the landmark Race at the Bar report through the Race Working Group, which provided categorical and granular evidence that career outcomes for barristers from minority ethnic groups are not equitable. Following the report, we produced an action plan for the Bar Council and resources for the profession, including the race discrimination discussion guide.
- Hosted the two-part Bar Council Race Summit to explore the issues surrounding the recruitment, promotion, and retention of Black and ethnic minority practitioners. The £5,724 raised through the event was donated to support four race-based initiatives at the Bar.
- Supported 24 extended internships across England and Wales through the 10,000 Black Interns Scheme.
- Published the Barrister Wellbeing Analysis report and developed the Barrister Wellbeing Index and wellbeing action plan to promote good practice and support across the Bar, including online mental health training sessions.
- Continued to promote and deliver support through Talk to Spot (anonymous reporting tool) within our wider work on tackling bullying, harassment and discrimination.

- Delivered a comprehensive programme of 118 training courses attended by 1,409 people, and 12 events bringing together 2,464 attendees.
- Processed 20,688 applications through the Pupillage Gateway through advertisements from 202 Authorised Education and Training Organisations.
- Delivered a programme of reporting on pupillage opportunities and experiences through the first Pupillage Gateway report and second annual survey of pupils.
- Raised awareness of disability at the Bar through a panel event, a session at the Pupillage Fair and an article in Counsel, and published guidance on making reasonable adjustments at work.
- Set up new working groups on social mobility and bullying and harassment.
- Developed 'Fair Allocation of Work' training, building on our sex and race monitoring toolkits, to address issues relating to retention and earnings gaps in the profession.
- Provided support to new practitioners by publishing the Life at the Young Bar report through the Young Barristers' Committee which was viewed over 1,000 times on the website. Updated the Inside Guide to the Bar – a comprehensive overview for those just entering the profession. This work informs our advocacy work on behalf of the Young Bar to improve retention.
- Ran a series of legal aid billing seminars with expert representatives from the Legal Aid Agency, publicly funded chambers and solicitors' firms.
- Recruited 40 members to the Bar Sustainability Network within its first year, providing a range of services and support for chambers, Inns and others to help transition to a more sustainable way of working.

- Created the cyber security questionnaire with the Law Society to support the legal professions in enhancing cybersecurity arrangements between law firms and chambers and delivered timely communications on cyber security and awareness.
- Published new guidance on returning instructions in criminal cases. Reviewed and updated 36 other guidance documents.
- Provided 5,286 barristers with ID cards through the HMCTS Professional Users Access Scheme – the highest number of users since the Scheme launched in 2019.

Promoting the Bar

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

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

In promoting the Bar in 2021/22, the Bar Council:

- Secured a £100,000 grant from the Ministry of Justice to develop greater access for the Bar in priority jurisdictions around the world through mutual recognition agreements and memoranda of understanding and by developing international dispute resolution centres. The Bar Council also took part in the UK

Government-led GREAT Legal Services mission to the UAE, including organising a UAE-English Law Day.

- Designed and delivered training on legal mechanisms and the rule of law to 12 UK senior diplomats through a new contract with the Foreign, Commonwealth and Development Office.
- Continued to represent the interests of the profession to European Bars and Institutions through our Brussels consultant.
- Managed the Bar Council's Appointments Service and the Bar Complaints Advisory Service.
- Launched a new version of the Direct Access Portal (DAP) to offer public access practitioners a much-improved interface. One sixth of Bar Representation Fee (BRF) subscribers cite the DAP as their reason for paying the BRF.
- Boosted the visibility and profile of the Bar through the media, social media, and our website – giving a platform to diverse members of the profession to generate debate on current issues through our blog. Our most popular content included guest blogs on restricting jury trials, the wearing of the court hijab, action by the criminal Bar, and stammering.
- Welcomed 11 new social mobility advocates through the award-winning #IAMTheBar campaign to promote access to the profession.
- Set up a matching scheme for barristers to host Ukrainian lawyers and others through the Government's Homes for Ukraine Scheme. Around 200 barristers throughout England and Wales offered sponsorship and accommodation through the scheme.
- Established the Climate Crisis Working Group to support barristers in achieving Net Zero and identifying how law reform may also help.
- Continued to work in partnership with the

Council of the Inns of Court to promote careers at the Bar.

Representing the Bar

By representing the Bar in 2021/22, the Bar Council set out to raise awareness and understanding of the importance of independent, specialist advisory and advocacy services to the rule of law.

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

In representing the Bar, the Bar Council:

- Continued to strengthen relationships within Parliament and Whitehall through regular briefings and meetings with MPs and Peers from all parties, Ministers, and civil servants. The Bar Council secured 73 mentions in Parliamentary debates.
- Responded to a range of key consultations and calls for evidence including:
 - Legal practice: a Legal Services Board consultation on a draft statement of policy on empowering consumers; the Bar Standards Board (BSB) consultation on amendments to its Minimum Terms of Cover; the Ministry of Justice call for evidence on dispute resolution in England and Wales; the BTAS consultation on sanctions; and the Civil Justice Council consultation on pre-action protocols.
 - Civil legal aid: the inquiry into NHS litigation reform and the call for evidence into immigration legal aid fees and the online system.
 - Law reform: the Law Commission pre-consultation discussions for the review of evidence in sexual offence prosecutions.

- Human Rights Act reform
- Treasury: anti-money laundering and counter terrorist financing; draft economic crime legislative proposals.
- Lobbied on critical issues in key pieces of legislation including: Police, Crime, Sentencing and Courts Bill, Judicial Review and Courts Bill, Professional Qualifications Bill, and Nationality and Borders Bill.
- Engaged with the UK Government to contribute key legal asks within the negotiations for new free trade agreements.
- Helped to secure, through the Employed Barristers' Committee, a change to allow employed barristers to become members of the Wales and Chester Circuit.
- Hosted the Bar Council Law Reform Lecture on the subject of law reform and climate change, attracting 232 attendees to hear two speakers: Lord Carnwath of Notting Hill and Inger Andersen, Executive Director of the UN Environment Programme.
- Secured hybrid membership of the Council of Bars and Law Societies of Europe.

leading voice on the rule of law, access to justice, and other issues affecting the Bar. The Bar Council used the media to raise awareness of the impact of the pandemic on the justice system, the need for greater investment, and equality and diversity at the Bar. We achieved over 1,000 mentions in national, regional and sector media, including BBC Radio 4, The Times, the Daily Telegraph, the Guardian, Daily Mail, Daily Star and the Evening Standard.

- Added thousands of followers across our social media accounts and boosted our engagement:
 - Twitter – 1,839 new followers and 4.4 million impressions
 - Facebook – our posts reached 7,466 people
 - Instagram – our account reached 10,250 people
- Improved the nomination process for the elections to the Bar Council by providing candidates with a statement template and the opportunity to record a video to increase engagement and provide a more level playing field.
- Took the Bar Council out on Circuit and held the March 2022 meeting in Birmingham with support from the Circuit Leader.
- Successfully delivered the Bar Council's flagship events the Annual Bar and Young Bar Conference (in a hybrid format) and the Pupillage Fair, receiving positive feedback from speakers, delegates, and exhibitors.
- Increased income generated through the Bar Representation Fee (BRF) for the second consecutive year to ensure the Bar Council can deliver on behalf of the profession.
- Provided leadership for the Bar through campaigns on funding for legal aid, access to justice, race at the Bar, and social mobility.
- Held the 15th annual Bar Council Rule of Law lecture online, with HE Anthony

Strengthening the Bar Council

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

In seeking to achieve this objective, the Bar Council in 2021/22:

- Continued to build relationships across Government beyond the Ministry of Justice, in order to represent the Bar on wider issues of interest, including on trade, business, and finance.
- Maintained visibility across the media as a

Carmona, former ICJ judge and former President of Trinidad and Tobago, speaking on 'Judicial activism – its relevance and efficacy to the rule of law.'

Enabling regulation

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

Over the last financial year, the Bar Council:

- Represented the profession on regulatory issues: the applicability of quality indicators and digital comparison tools, the information that is publicly made available to potential clients, rules for altering regulatory arrangements, the remit of the Legal Service Board, and the Legal Ombudsman Scheme rules.
- Delegated the power to enter into contracts relating to regulatory functions to the BSB and tightened up other rules relating to financial arrangements for the General Council of the Bar.
- Continued to roll out training on the Internal Governance Rules to all new members of staff.

Value for money

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

71% of practising certificate fees go to the BSB, LSB and Legal Ombudsman, and the 29%

proportion that helps fund the Bar Council covers only 62% of the income needed to effectively support the Bar. The remaining funds are generated by Bar Council services, training and events portfolios, generous contributions from the Inns of Court and the Bar Representation Fee (BRF).

In January 2022, the Bar Council secured a new business partnership with cybersecurity risk management providers, Mitigo Cybersecurity, bringing in new revenue to support Bar Council activities, alongside a number of other successful business partnerships.

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

Further details of the organisation's finances can be found in the 2021/22 Financial Statement.



The Bar Council

Further information

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

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

www.barcouncil.org.uk

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