



The Bar Council

## Meeting of the Bar Council

Minutes of meeting: Saturday 21 November 2020, Remote dial-in via Microsoft Teams

### Present

|                           |                          |        |
|---------------------------|--------------------------|--------|
| Amanda Pinto QC           | Chair of the Bar         | APQC   |
| Derek Sweeting QC         | Chair Elect              | DSQC   |
| Malcolm Cree CBE          | Chief Executive          | MC     |
| Grant Warnsby             | Treasurer                | GW     |
| Michael Ellis QC MP       | The Solicitor General    | The SG |
| Baroness Tessa Blackstone | Chair of the BSB         | BTB    |
| Mark Neale                | Director General of BSB  | MN     |
| Rebecca Wilkie            | Advocate                 | RW     |
| Shyam Popat               | Advocate                 | SP     |
| David Abbott              | Free Representation Unit | DA     |
| Rhodri Thompson QC        | EU Law Cmte              | RTQC   |
| Shona Jolly QC            | Bar Human Rights Cmte    | SJQC   |
| Lucinda Orr               | Bar Representation Cmte  | LO     |

### Bar Council Members in attendance (listed alphabetically)

Dr Mirza Ahmad; Robin Allen QC; Colin Andress; Efe Avan-Nomayo; Nick Bacon QC; Elaine Banton; William Boyce QC; Minka Braun; Carl Brewin; Ian Brookes-Howells; Charles Burton; Sydney Chawatama; Ivor Collett; Catherine Collins; James Corbet Burcher; Tim Devlin; Katherine Duncan; Mark Fenhalls QC; Harry Gates (alternative for Barbara Mills QC); John Goss; Andrew Granville Stafford; Barry Harwood; Michael Harwood; Neil Hawes QC; Michael Hayton QC; Isabel Hitching QC; Sarah Holmes-Willis; Matthew Howarth; Susan Jones; David Joseph QC; Faith Julian; Joanne Kane; James Kitching; Rachel Langdale QC; Cyrus Larizadeh QC; Lorinda Long; Athena Markides; Gurprit Mattu; Eleanor Mawrey; Louise McCullough; Martyn McLeigh; Andrew Morgan; Clive Moys; James Mulholland QC; Grace Ong; Lucinda Orr; Alison Padfield QC; Francesca Perselli; Alison Pickup; Michael Polak; Rehana Popal; Charlotte Pope-Williams; Jonathan Rees QC; Jacqueline Reid; Robert Rhodes QC; Ryan Richter; Lisa Roberts QC; Natasha Shotunde; Joe Smouha QC; Kate Spence; Gordon Stables; Daniel Sternberg; Heidi Stonecliffe; Philip Stott; David Taylor; Leanne Targett Parker; Jacqueline Thomas QC; Steven Thompson QC; Sonia

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THE BAR COUNCIL

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Tolaney QC; Andrew Twigger QC; Anton van Dellen; Emma Walker; Colin West QC; Richard Wright QC

### **In attendance**

Stuart Alford QC; Simon Anderson; Lorna Badham; Michael Bellis; Mark Chaloner; Emma Heath; Timothy Manley; Oliver May; Jason Sugarman QC

Joe Barry; Martyn Berkin; Simone Bowman; James Dean; Hilda Ephraim-Adejumo; Dr Gerd Grimberger; Laura Hoyano; Roshnee Mansingh; John McCaughran; James Melvin; Giles Neafcy; Julia Needham; Charlotte Olivier; David Owusu-Yianoma; Mark Rushton; Nathan Scott; Paula Sofowora; Alessandra Williams

|                         |                               |     |
|-------------------------|-------------------------------|-----|
| Samuel Chivers          | Attorney General Office       | SC  |
| Piran Dhillon-Starkings | Advisor to the Chair          | PDS |
| Carolyn Entwistle       | Head of Services to the Bar   | CE  |
| James Geoghegan         | Training & Events Coordinator | JG  |
| Phil Robertson          | Director of Policy            | PR  |
| Natalie Zara            | Head of Governance            | NZ  |

**Minutes** Samantha Anderson Executive Officer SA

### **Apologies were received from**

Jonathan Goulding; Amanda Hardy QC; DPP Max Hill QC; Christina Michalos QC; Linda Turnbull

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## **1. Minutes of the last meeting and matters arising**

APQC gave thanks to members for considering the minutes in advance of the meeting. No comments were received by SA. The minutes from the meetings of 12<sup>th</sup> and 23<sup>rd</sup> September were approved.

## **2. Solicitor General**

On behalf of the Attorney General, the Solicitor General and the whole of government, the SG gave thanks to APQC for the excellent leadership shown over the last 12 months, recognising how challenging this year has been. The positive and constructive relationship that APQC has built with so many has been crucial in ensuring the voice of the profession is heard and understood across government. Attendance at the Bar Council meetings has been an important part of that and has enable the AG and SG to hear, first-hand, the dedication and tireless effort that APQC and the Bar Council has contributed to the profession. The collaborative relationship that APQC has shown has been first rate, particularly in light of the Covid pandemic, these close working relationships that have maintained across the whole system are significant. The SG looks forward to continuing the relationship and working with DSQC in 2021.

APQC gave thanks to the SG and AG for coming to the Bar Council meetings as well as for the various meetings that have taken place over this particularly busy year.

### 3. Statement by the Chair

APQC extended a warm welcome to old and new BC members, as well as many members of the Bar to the first meeting of the Bar Council held within an Annual Bar Conference.

This year, APQC wanted to emphasise the need for the Bar and the Bar Council to adapt to and be ready for the future, all the better to serve the public; to accomplish that, we had to do three, interconnected things:

1. To give greater access to justice we had to develop and increase our competitive edge domestically and globally;
2. To bring the widest pool of talent into the profession, to enable everyone to have the best career they can;
3. To change the structures at the Bar Council to make our work easier to contribute to, attracting even more talented barristers to help.

And then came Covid which has undoubtedly both hindered and helped in those ambitions. It has certainly shone a light on much that we wanted and needed to achieve.

In the 10 weeks since the last meeting, the landscape for justice has palpably changed. January-March were taken up with CLAR, Brexit and getting the government to change their policy on sitting days, the spring and summer, with the chaotic reactions to the pandemic and efforts (regretfully unsuccessful) to get the government to support our youngest, most vulnerable barristers, and trying to limit the fallout from the 'specific and limited' ways that the government invited Parliament to break international law, more recently the Bar Council's energies have been focussed on practical aspects of justice.

APQC is proud of the profession for adapting and committing themselves to driving justice forward. Courts are mainly open – in crime, the latest figure is 275 court rooms available for jury trials. S28 hearings can be heard in all court centres from Monday. APQC understands that there are sufficient court rooms in most other jurisdictions but, we continue to press for more staff, more judges, better listing and improved and more technology, because the backlogs are growing in almost all areas. Not just from the fallout when courts were closed and few, if any cases could be heard, but also from the growing number of new cases.

We are still having to deal with attacks on lawyers, the Internal Market Bill, and responding to several weighty consultations and calls for evidence. APQC gave thanks to everyone involved in the Bar Council responses. The work we do is valuable to those that receive it externally – these responses may not say what they want us to, but we are informative and committed to get our points across.

We have another Bar Council survey coming out and everyone was urged to respond; this will be vital in informing how the Bar Council understands how barristers across England and Wales are coping with life after 8 months of Covid. There is nothing like good evidence to let you see the picture, however uncomfortable. Starkly, we know women aren't doing as well as they should be because we have the BMIF data, we know that ethnic minority barristers are not getting the changes they should because of the BSB data. It is vital we get

your response to best inform us of what is going on in your practice, so we can improve life at the Bar for everyone.

APQC thanked everyone for their efforts to modernise the Bar – without the help of many, not least this Council, we would not have achieved even the small steps we have:

1. We changed the Bar Council constitution so voting could be done online, and proxies/alternates could be sent. Before the pandemic struck, we had already thought about how to hold BC meetings remotely. We have limited the terms that committee chairs, the Chair and VC of the Bar can serve, with the aim of ensuring more people can contribute and drive new ideas for the future. If there aren't enough spaces at the table for new people's voices to join, we sometimes must give up our seat. This is what you have voted to happen, and APQC believes this will benefit us all in the long run.
2. This year, we started the Accelerator Project to promote ways to support career advancement – it includes fair allocation of work, fair recruitment and fair opportunity in practice.
3. We set up the Race Working Group in the summer which is already doing sterling practical work to help our profession stamp out racism and racial inequality.
4. We have announced the latest cohort of #IAmTheBar social mobility advocates who are fabulous ambassadors for the profession.
5. The Bar Council Leadership Programme is well underway; APQC has spoken at two sessions and it is a fantastic programme which she hopes will have a lasting place in the Bar Council's work and will help instil changes that the profession will benefit from for years to come.

Amanda invited some SBA chairs and Circuit Leaders to provide a brief report:

CLQC of the FLBA: The FLBA and Bar Council has a special relationship. Since the very start APQC and CLQC have worked closely with APQC attending the very first FLBA committee meeting of the year. We look forward to working with DSQC who will be joining our December meeting. In March this year, we asked members not to attend court as it wasn't safe to do so. We trained a number of SBAs, including the ChBA in online remote working and at the same time, we helped set up with MacDonald J the Remote Family Court which has enabled the Family Bar to continue working from the start of the Pandemic. Though not always a good substitute for in-person attendance, it has enabled justice to be done. We have improved cash flow for members thanks to the LAA and secured special Covid funding for cases which needed to be heard remotely or determined by email. We have helped ensure that our courts are safe to work in and thank Susan Acland-Hood and Kevin Sadler of HMCTS and their team for their extraordinary work. The FLBA has also worked closely with the MOJ on court safety and CVP. It is now very much, business as usual. A significant FLBA Scholarship Fund has been set up to ensure students can become pupils. Barbara Mills QC's term with the FLBA ends this year, but we will continue to work

with her on equality and diversity in her new role as Chair of the Race and Bar Working Group.

JMQC of the CBA: The CBA has been and will continue to work toward one goal; to get Treasury to invest in an under-funded criminal justice system. 206 court rooms are being used and we are working with HMCTS on safety goals. We are looking at more nightingale courts in the short term which are massively important. Long term, we have CLAR2 which has been delayed but we need the MOJ to move quickly on this; we have waited too long for a proper and fair remuneration system; the criminal bar has lost 30-40% of its remuneration which has impacts on diversity and the very essence of justice itself. The CPS have had cuts of £1 billion in the last decade and the criminal bar has the lowest charging rates since records began. It will take time to get back on its feet, but the CBA is doing all it can.

ATQC of the ChBA: The top three things that the Chancery Bar Association has been working on this year were highlighted:

1. Despite delays caused by the pandemic, the Step into Law and Programme with the national charity Achievement for All has been launched this week. It is a social mobility project which involves 90 Chancery barristers mentoring 90 children from age 11 upwards in the Kingsford Community School in Newham. It is an international school with a large percentage of students for whom English is a second language. This is part of our drive to increase diversity at the Chancery Bar and hope it will be a transformative initiative for both children and volunteers.
2. We recognise the Chancery Bar has a much lower representation from ethnic minority backgrounds than some other areas of practice and we have stepped up our work to increase diversity. On 26 October, we held a very successful virtual Race and Ethnicity careers event (over 100 attendees) aimed at those at an early stage of their training with the hope of demystifying the Chancery Bar. Additionally, we are taking part in the Bar Council Race Working Group. We have also set up a cross-SBA sub-committee on Black Inclusion, along with ComBar and TechBar.
3. We continue to provide our flagship CLIPS scheme which involves volunteers providing pro bono representation for litigants-in-person every day in the Applications court in the Chancery division. There was a short break when lockdown first occurred, but the scheme is now continuing remotely. Since the CLIPS scheme began, we have helped over 800 litigants-in-person and have involved over 550 different barristers over 1750 court days.

IBH of BACFI: This year, BACFI is celebrating 55 years of representation, education and support. Our members come from lots of different organisations, with many being in-house lawyers for companies, others who are partners in solicitor firms and there are many members in the SFO. This year, the focus has been on equality and diversity and we have done things to try to open up the committee to better representation from different groups. We have had a successful year of events to help members, in varying topics. We have

worked closely with Bar Council and tried to support members in the self-employed bar as well as the employed bar. Covid is impacting the employed bar and we are seeing a number of redundancies. The flagship event, the Denning Lecture by Michael Sosso, Senior Vice President at BP, is on 2<sup>nd</sup> December at 6pm which will focus on forced evolution and how Covid has modernised the profession. Everyone is welcome. IBH thanked APQC for her support adding that BACFI enjoyed hosting her at their online drinks.

STQC of Combar: Combar has been working hard to improve access to and the diversity of the Commercial Bar, looking at entry level as well as progression. In that regard the equality and diversity committee has undertaken a number of key initiatives on gender and social mobility, and a new race and ethnic minorities committee has been established with further initiatives underway. In addition, Combar has just launched its first ever mentoring scheme, which will offer support to all of its members (at all levels) in relation to the many different issues that they face in career progression and wellbeing. Combar has also set up a junior advocacy group to help ensure that junior have the advocacy opportunities and training they need to become the silks of the future. A meeting has been set up with Mrs Justice Cockerill to see if guidance can be given by the senior judiciary to help ensure such opportunities. More generally Combar has sought to involve more juniors and a diverse pool of individuals more generally in the running of Combar's affairs and many initiatives. The tremendous work done by the Executive and various sub-committees over the last year is reported in the AGM report on Combar's website.

LRQC for the Northern Circuit: The focus has not been on business development, rather crisis management for this year. Whilst the first couple of months were enjoyable, this quickly changed on 23 March when the courts closed. APQC, Caroline Goodwin QC and the Circuit Leaders worked hard together to get the courts reopened and functioning in a safe way, including visits to the courts when they were still closed, so reports could be fed back of the efforts that were being made to enable their reopening. A hardship fund on circuit has been introduced to help with people's incomes, especially those in the publicly funded bar whose income has decimated. The information on the circuit website as well as twitter is available to all; you don't have to be a member to access the information. We have done what we can to keep everyone informed as much as possible, though it is difficult to get those in senior leadership – eg HMCTS and MoJ to communicate what they are doing. Black Lives Matter gained significant traction and the circuit responded in a way that we hope will be helpful to all on circuit. An EDSM representative is on the committee now and we set up a Race Working Group – thanks were extended to Elaine Banton and Sam Mercer for their help and support. The Bar Council has been a great support this year.

RWQC of the North Eastern Circuit: Being the Circuit Leader has been a full-time job this year with the Covid-19 engagement. Positively, our members look at us as their first line of support. The Women's Forum has produced a report on Extended Operating Hours and the Diversity group has set up a scholarship to promote access to the profession. The Henry Scott QC fund has continued to provide financial support to pupils and the most junior

tenants. Our new practitioner and pupillage training has gone online. The circuit has produced its own technology guides on CVP and remote hearings. Meetings are now being held online, including weekly HofC meetings, as well as messes, the first of which was attended by 180 households. The financial team has been pushing information out to HofCs and clerks. And, the RASSO course has been shared with all circuits to continue RASSO cases. The circuit has lost two members due to Covid; it has been a difficult year. The pace has been relentless, but we have risen to the challenge. Not all of the Circuit Leaders have had the opportunity to speak at this meeting, but we have greatly enjoyed the support and fellowship of one another, as well as that from APQC, DSQC and the Bar Council staff. We look forward to the challenges of 2021.

APQC added that the NEC Women's Forum has been consulted by HMCTS, which demonstrates how important these groups are and how important that representation is, nationwide.

#### **4. BSB Report**

BTB hopes that everyone will have read the recent BSB study on [Bullying, Discrimination and Harassment at the Bar](#) and is confident that the BSB can count on everyone's support. The BSB hopes to public a statement at the end of next week on anti-racism.

BTB also highlighted a publication on [income disparities at the Bar](#), between ethnicities and gender. The Bar Council has done a study of the gender pay gap. We must do more on discrimination and the lack of progression for some groups.

BTB also reported that she is extremely pleased to have been reappointed as Chair of the Bar Standards Board. APQC offered her congratulations. BTB thanked APQC for the work she has done this year.

#### **5. Statement by the Chief Executive**

MC reminded members of the Bar Council consultation on PCF; thankfully, there is no change proposed. We need to submit to the LSB in December, so any responses to the consultation will be welcomed.

The team continues to work mainly from home. The autumn is always a very busy period and MC has been delighted how effectively the team has continued to work.

MC thanked all those at the Bar, as well as the LPMA and IBC, whose ability and generosity with their time, enable the Bar Council to have a voice and impact far greater than would otherwise be possible.

MC recorded his own and the team's sincere thanks to Amanda and Grant for their staunch support.

## 6. Treasurer's Report

GW shared a presentation on short, medium and long-term actions and strategies, to ensure the GCB has the financial resources and capability. The short term is about the current year actions; medium term is about maintaining those actions/focus; long term is about building on those interventions to ensure long term financial resilience.

The first draft budget for 2020/21 anticipates a PCF income of £15.4million and a surplus that year of £700k. We took the decision in March to split the bulk payment of the PCF between April and October. The report for the 2020/21 PCF shows receipts of £15.7million which is 2% above expectations. The BRF has surpassed the budget as well and stands at £1.4million – thanks were extended to all.

The cost structure of the GCB is not easily changed in the short-term; half of the costs are staff costs and the other half have largely fixed elements. Various in-year interventions have achieved significant cost savings, this has been difficult to achieve. We are anticipating a surplus of £2million for the current year, most importantly, this represents £1.4million of additional cash.

The PCF consultation period has been launched. The 2021/22 budget shows a PCF of c£12million, which is £3.5-4million (25%) down against 2020/21. JMQC highlighted the fall in income for the criminal bar earlier in the meeting. There is, therefore, a predicted loss of £3.2million which translates to up to £4million of cash out of the business.

This is why we have applied for the £5million CBILS as the loan smooths the impact and provides breathing room for the GCB as the profession, and general economy, recovers. The loan has been agreed in principle by our bank and we are currently working through the documentation.

We expect a small loss in 2022/23 and a negative cash flow.

There needs to be laser-like focus upon 1) aligning the expenditures with our income; 2) our reserves, in particular, cash; 3) manage the risks we face (e.g. the defined benefit pension fund).

APQC thanked GW: as Treasurer, you have been heavily involved with the finance team, giving your time freely and generously, helping Malcolm improve the team, always offering constructive questioning to ensure the financials stay on track. You have led on negotiations with the pension trustees, setting us up better for the future and you were instrumental in organising the bank loan application. You have taken the time to explain completely inexplicable accounting/charity/audit issues to those of us who ought to know more than we do, with patience, good grace and humour. You have either made us so confused we have no questions or explained it so well that we all understand. You will be sorely missed and deserve the rest; we wish you all the best. You will be a hard act to follow for Lorinda.

GW added that it has been an honour and pleasure to serve as your treasurer and whilst he won't miss the Saturday morning meetings, he will miss the coffee conversations before and



after. It was a privilege to work with Richard Atkins QC last year and Amanda this year. Under Amanda's Chairship, if we embrace change, we can become more diverse, being more able to represent the population we serve. We will all benefit from Amanda's work for many years to come. To the unsung heroes of the Bar Council team; GW has been personally, the dedication and passion of everyone in the team, who inspire the profession and a leader who creates this. Thanks to Malcolm, who has been a great support; to Richard Cullen and Mark Ennals and the talented team they have; to Natalie, Samantha and Ros, GW knows he hasn't always been in the right place at the right time for them, but tried as much as he could. It is critical in these times that we have a treasurer who can rise to challenges and Lorinda will be great, she has all the qualities required.

## **7. Advocate Report**

RW thanked the Bar Council for their ongoing funding as without it, Advocate would not exist. Thanks, were also extended to all the people who have given up their time to carry out pro bono work.

SP highlighted that the work of Advocate has significantly increased since the last report was given to Bar Council in 2019. So far, this year has seen a 20% increase in the number of applications received and this number is expected to increase. And, like many pro bono organisations, we are seeing an increase in Employment, Family and Housing cases. Relisted hearings are coming in thick and fast with shorter notice periods to our applicants.

This year, Advocate has seen a massive increase in the number of volunteers signing up to the panel (74% increase in the number of panel members compared to the whole of last year). And, by July, we had already surpassed the number of pieces of work undertaken through us, and at the end of October, this was a 53% increase compared to the whole of 2019.

Whilst the statistics sound amazing, lockdown has been challenging for Advocate, our volunteers and also our applicants.

Lockdown restrictions are making it even more challenging to help the most vulnerable of our applicants. With libraries and CABs forced to close due to government guidelines, applicants without access to the internet are really struggling to get access to legal help they desperately need. Frequently, we hear from applicants with complex legal cases who have hundreds of pages of court documents but due to a lack of funds and access to resources, they are unable to provide us with the documents; they cannot afford to post or scan them and these are their only copies.

From one case we have managed to adjourn recently, the barrister who assisted the applicant has said "I am incredibly grateful for the opportunity to assist someone so desperately in need of help".

We know the next year is going to be tough for everyone but working together with you all and adapting our services, we hope to ensure we can continue to help the most vulnerable in our communities.

RW highlighted that 2021 will bring the 25<sup>th</sup> anniversary of Advocate and we want to deepen the relationship with the Bar and celebrate the contributions it has made. Working in collaboration with you all, pro bono will form part of wider discussions rather than be a standalone item. We had had events with the FLBA and one with PBA. Additionally, we have events in the pipeline with the Inns and we will be approaching all other SBAs. These interactions will help us improve the level of volunteering and enable us to listen to feedback on how we can improve our service. We want to be able to celebrate our involvement outside of the profession as well and we have had a lot of coverage within news platforms. Our aim is to embed pro bono work with pupils and young barristers, through to QC appointments, judicial appointments – a combination of altruism and career development.

APQC added that pro bono is no substitute for government funding or having access to justice as a right that you can exercise but what a fantastic job Advocate does. The most amazing array of people were up for pro bono awards; the final award ceremony is in the middle of the conference later today when the Young Barrister Award and Lifetime Achievement for Pro Bono Award will be announced. Thanks, were extended to RW and SP.

## **8. Free Representation Unit (FRU) Report**

DA confirmed that he is happy for the supportive relationship between Bar Council and the FRU.

The most challenging part of this year has been a result of Covid-19 and we have had to adapt our service and move to remote training and representation. The number of referred cases has reduced for FRU, as a product of those who come from third-party organisations, who have not been able to function as normal during this time.

Many hearings this year were postponed or dealt with in other ways, and we are representing people in telephone hearings, video hearings and some face-to-face hearings. We aim to build up capacity in the next period so we can find new ways to move forward.

We anticipate a fall in income for the FRU and we have tried to diversify our income source which has been of benefit to us. People have been generous this year, however we do go into 2021 with trepidation.

Our priorities for 2021 are to complete the governance changes which will allow us to operate more efficiently; our lease runs out in March on the current premise we occupy so we will be looking for a new office space; we hope to increase capacity to address the significant anticipated increase in demand – we are already facing huge backlogs and delays and we expect to see a huge demand in those who need our services.

Thanks were extended to Amanda, Malcolm and others in the Bar Council for the continued support; the FRU couldn't function without you and the moral support provided and the help to create connections in the wider profession.

## **9. EU Law Committee Report**

RTQC gave thanks to APQC, RPAQC and DSQC for their support from the top, and to Christian Wisskirchen, Evanna Fruithof, Piran Dhillon-Starkings and Nikita Feifel. It is humbling to hear what everyone has been doing and the challenges we all face. The EU Law committee has been facing a different type of challenge.

On liaison work, the committee has been in contact with the MOJ and BEIS, and also Parliament on various topics. The Future Relationship Working Group also works on various topics. Through the CCBE, Christian and Hugh Mercer QC have touched on the Lugano Convention and mutual recognition of legal qualifications. We have also briefed MPs and members of the HL in relation to the Internal Market Bill and there are a range of issues relevant to the position after 1<sup>st</sup> January for EU Law as a whole – all difficult and important to the Bar. In relation to the political situation, conclusion to the negotiations will be reached in the next week or so.

Volunteers to become new members were asked to come forward and RTQC noted and agreed with APQC's remarks on the need for committees to become more diverse and to allow younger members to build reputations through the committee.

The ongoing work of the committee is to respond to EU Law initiatives over a wide range of issues, including consumer protection and environmental law, IP, competition law and telecoms. Whatever the outcome of the negotiations, EU Law will still have an influence on UK Law.

APQC added that it is hard to imagine the difficulty the EU Law committee has, to ensure the voice of the profession is heard, when the government is saying things that isn't helpful to us.

TD asked, what is the future of Hugh Mercer QC's initiative and the EU Law Committee; when TD was Chair of the committee, he was concerned with the future of the committee and asked if they can rationalise the initiatives? RTQC has raised this with APQC and DSQC and the general view is that everything is so uncertain that this issue will need to be addressed in the first 6 months or so of 2021 rather than now, as we just don't know what will happen. There is a proposal to consider consolidating the FRWG and EULC committee and this is probably on DSQC's to do list. APQC confirmed that it has been under consideration and we are taking stock. We cannot underestimate the real value we have had from the EU Law Committee's focus and Evanna's position in Brussels. DSQC clarified that a lot of thought has gone into this and it would be the wrong time and would send the wrong message to have the committee suddenly disappear – there will be a lot of important work to be done next year. APQC confirmed the CCBE as a collection of the European Bars has significant influence in the EU generally and our Bar's position needs to change, and

this is something that we are represented on by Hugh. These relationships and committees are important to influence, and we don't want to dissipate this. RTQC added that practitioners would have concerns regarding free movement and the treatment of data if they have cases abroad and under quick timelines.

Via the Chat function on Teams, RTQC was asked by Giles Neafcy "is your perception of EU executive attitudes and funding stream planning such that even if a political party wished to campaign to bring us back into the EU at the next election, that would not be a runner? Or do you think we could re-join?" RTQC confirmed that he had recently given a talk in which he had described the changes that he had witnessed over the last 30 years, and considered that further major changes might well happen again over the next 30 years but he would not make any predictions on the next 5 years.

## **10. Bar Human Rights Committee Report**

SJQC gave thanks to APQC, Bar Council and the International Committee – the BHRC has received so much support over this difficult year. International work is the entire work of the committee. APQC's support has been welcomed over this year as well as GW and MC who helped the committee to obtain funding for a second member of staff.

Although we haven't been able to do the trial observation work, which is a big part of what we do, we have continued with other parts of our work and in particular, the work in China and Hong Kong. The situation in HK has been dire and deteriorating on a weekly basis, with allegations about crimes in Xinjiang. The committee has taken time to produce a high-level paper for our own government and other democratic governments. The paper has been very influential and has been valuable to our colleagues in HK.

The Rule of Law crisis expanded under the cover of Covid-19 and has continued to grow; the demand for our work has and continues to grow considerably.

SJQC thanked the VCs and members of the committee as well as those who have given their time pro bono. APQC noted that it has been another fantastic year for the BHRC under SJQC's leadership.

## **11. Bar Representation Committee Report**

LO reported that the BRC covers a wide range of activities, which are broken down into Services, Training and Events. It probably is most useful to view the work of the BRC as the "commercial arm" of the Bar.

LO urged members to pay the BRF as the percentage of payers has dropped to below 50% (although the increase of the BRF from £100 to £150 per annum has meant that the income from the BRC has increased by circa £125k).

MCQC and LO took over as Co-Chairs of the BRC at the start of 2020, and have been supported in the committee by a number of Chambers professionals - Chambers Directors; Senior Clerks; and CEOs, as well as barristers, both employed and self-employed.

The Covid Working Group has been phenomenal – thanks were extended to Robin Jackson (previously BRC vice chair in 2019) for Chairing the working group at the beginning of the pandemic, and also to CE who Chairs it now.

The Bar Complaints Advisory Scheme has been revised over the summer and since its relaunch in the autumn, has now helped 4 barristers. The Mediation and Arbitration Scheme is in the process of being revised and a paper will be circulated to the GMC in December for their approval. The aim is to ensure fairer allocation of appointments and to secure the scheme for the future.

Covid-19 as both hindered and helped Bar Council events this year. We initially had to return £20k for events that were booked to occur in person and had to be cancelled - but we have since managed to bring in a considerable income stream from online training and events. The Pupillage Fair was a great success, attended by around 1,500 students worldwide, and with a further 450 volunteers helping on the day. A huge positive that can be taken from the pandemic is that with online offerings we can break through to people from a wider pool and reach far more widely than we have been able to previously.

APQC added that the committee does incredible work across different strands. The reach that Training and Events has had, by putting the facilities online has shown that we can create a positive from a negative. The Annual Bar Conference, which has been going on since Wednesday has been very well attended and it is proving to be a great conference.

## **12. Any Other Business**

Giles Neafcy raised questions to APQC about entity regulation policy and the public sector equality duty, via email. These are being dealt with outside of the meeting and by the relevant committee(s).

APQC said goodbye to some Bar Council colleagues, who like her, are leaving at the end of this year. Names were not listed, but personal thanks were extended – all have helped APQC and the Bar Council to get through the year, often on a number of committees as well as involvement in the Bar Council discussions more generally. This involvement has been especially valuable during the pandemic. Some of you have given a huge amount over many years and your contribution will be sorely missed. Thanks were also extended to all chairs, co-chairs and vice-Chairs of the Bar Council committees and working groups; APQC couldn't have asked for more dedication, hard work and availability from you all; without you, we simply would not have been able to sustain the collaborative involvement we have with government departments, our regulators and our legal sector colleagues and Inns.

APQC gave thanks also to KD and JK of the YBC, to circuit leaders and chairs of the numerous SBAs, who have all worked so hard this year. As well as to DSQC who has been of great support. The Bar Council staff were also thanked; APQC can't say how much she will miss everyone as she has had such a brilliant time and knows that the dozens of calls she has each day with the team are going to leave a big gap. It has been the most incredible privilege, honour and delight.

DSQC spoke about APQC.

We all know that throughout this year, Amanda has been a prominent and forceful public voice for the profession, and some has not been quite so visible. There have been scores of meetings and events every week, far more than would ever have been the case in what we refer to as a 'normal year'. At a time of great emergency and difficulty for the Bar, her straight-talking approach laced with great personal charm won friends and admirers and, more importantly, gave us a seat at the table and influence. We may not have always got what we hoped for, but the course that the government, HMCTS and the MOJ were taking or contemplating has been altered, often decisively. From the relatively small number of meetings that I have been able to attend, it was clear to me that Amanda was regarded as the authentic and authoritative voice of our profession. Any attempt by a minister or official to commiserate with Amanda on the basis that her year has been blighted by Covid has always and immediately been met with the response that she could not have wished for a better opportunity to make a difference as Chair and she nearly always said that she is having a 'fabulous year'. Her morale and good humour have never faltered publicly and if they ever have in private, you wouldn't know it. That approach has been infectious within the team at the Bar Council and more widely; a tribute to her leadership. The many meetings have not all been with the great and the good. Amanda has been as ready to talk to a junior member of the Bar with a problem as she has been to pick up the phone to the Lord Chancellor. To have someone in her position, who so clearly cares about individuals, has been a huge strength. It would be an understatement to say that Amanda has worked tirelessly on behalf of the Bar; on many occasions, it has been tiring for us all just to keep up – her pace of work is in direct proportion to her commitment and drive. Covid has not meant that Amanda abandoned her ambition to bring about necessary and lasting change; the steps taken to modernise the way we work, to improve diversity and social mobility and to set in motion the work now being done by the Race Working Group will be a lasting legacy and one I'm sure she will be most proud of. It has been a pleasure and a privilege to be Amanda's vice-Chair and I want to thank you on behalf of all of us. It has been a great year and we have all enjoyed working with you, we are immensely grateful for all you have done for us and for the profession.

### **13. Details of Upcoming Meetings**

Inaugural Address of the 2021 Chair, Monday 14<sup>th</sup> December at 17.30