



The Bar Council

GMC04 – CMWG

## General Management Committee

30 October 2023

### CHAMBERS MANAGEMENT WORKING GROUP RECOMMENDATIONS

1. The recommendations of the Chambers Management Working Group, in priority order and with reference to the likely impact on Bar Council resources, are that:

#### High priority, low impact

- i. The Bar Representation Committee establishes a Chambers Management Panel to support the Bar Council's implementation of the Chambers Management Working Group's recommendations, working with other Bar Council Committees, Panels and Working Groups as appropriate, within the next three months.
- ii. The Communications and Marketing Team publishes and promotes to all Heads of Chambers, members of the Legal Practice Management Association and Institute of Barristers' Clerks, the Chambers Policies and Procedures List devised by the Chambers Management Working Group before the end of the current financial year (2023/24). It is further recommended that the publication of the List is supported by a blog post drafted by the Director of Services and Joint Chairs of the Chambers Management Panel, explaining the work that the Bar Council is doing in this area.

#### High priority, high impact

- iii. Under the direction of the Chambers Management Panel, the Bar Council produces a comprehensive set of template policies and procedures and additional practical guidance designed to cover the gaps in the Chambers

Policies and Procedures List. It is recommended that the template policies be grouped into the following document suites, in priority order, and the Bar Council endeavours to produce up to two suites per annum:

- a) Grievance Policy and Procedure, Disciplinary Policy and Procedure, Dignity at Work Policy, Transitioning at Work Policy, Acceptable Behaviour Policy, Whistleblowing Policy.
  - b) Business Continuity Planning Template and Guidance, Cybersecurity Policy, Acceptable Use (Email and Internet Usage) Policy, Risk Register.
  - c) Complaints Policy, Confidentiality and Conflicts of Interest Policy.
  - d) Pupillage Policy, Financial Support for Pupil Barristers Policy.
  - e) Contracts of Employment, Employee Performance Review Policy and Procedure, Flexible Working Policy for Employees, Maternity, Paternity, Parental Leave and Adoption Policy for Employees, Absence Policy for Employees, Staff Overtime Policy, Travel and Expenses Policy for Employees.
  - f) Anti Bribery and Corruption Policy, Anti-Money Laundering and Terrorist Financing Policy, and Anti-Slavery and Human Trafficking Policy.
- iv. In relation to 1(iii) above, it is further recommended that the Bar Council's Services Department considers the ways in which the organisation may be able to benefit commercially from the production of the document suites and, in doing so, offer its members a more comprehensive support package. By way of example, this could include the addition of relevant consultants to the business partnership portfolio, the expansion of the existing bespoke advice service, or the delivery of subject matters specific events.
- v. Before the end of the 2024/25 financial year and under the direction of the Chambers Management Panel, the Bar Council uses the historic Practice Management for the Bar Handbook as a framework to produce an Insider Guide to Chambers Management for barristers in senior leadership positions, including Heads of Chambers, to improve their understanding of

the role and its requirements. So far as is reasonably practicable, it is recommended that the Bar Council finances the production of the Guide through paid content provided by relevant businesses.

- vi. If the Insider Guide to Chambers Management (see 1(v) above) deals with the establishment of chambers' constitutions or articles of association, and committees, in broad terms, it is further recommended that the Bar Council uses its existing research in this area to finalise and publish a comprehensive Chambers Governance Principles Guide in the following financial year (2025/26).
- vii. Before the end of the 2024/25 financial year, the Bar Council reviews, rebrands, and relaunches the Ethics and Practice Hub, with a view to ensuring that: (a) the purpose of the website is clear; (b) the layout is easily navigable; (c) the relevance of the content to the Bar Standards Board Handbook, Bar Qualification Manual and relevant legislation is apparent; and (d) the site effectively signposts and cross-refers to related resources of both the Bar Council and external organisations that are relevant to the profession. For avoidance of doubt, the Director of Communications and Marketing is expected to act as the Project Lead and, for its progress, the General Council of the Bar of England and Wales' IM Programme Board will need to approve an associated business case.
- viii. In relation to 1(vii) above, the Chambers Management Working Group strongly endorses a review and relaunch of the Bar Council website before the end of the same, or following, financial year.

High priority, medium impact

- ix. The Bar Council's Regulatory Working Group uses the feedback gathered from key stakeholders throughout the operation of the Chambers Management Working Group to shape the Bar Council's response to the Bar Standards Board's forthcoming consultation, which we expect to be launched before the end of the year (December 2023).
- x. If the Bar Standards Board's consultation (see 1(ix) above) does not cover one or more of: (a) authorisation and supervision (including the Regulatory Returns process); (b) the introduction of an outcomes focused regulatory framework; and/or (c) pupillage recruitment and training (including the Authorised Education and Training Organisation application process), it is

further recommended that the relevant Bar Council Committee, Panel, or Working Group work with the Chambers Management Panel to formulate a suitable set of proposals to the Bar Standards Board, to be sent under the Protocol for Ensuring Regulatory Independence and The Provision of Assurance before the end of the current financial year (2023/24).

Medium priority, medium impact

- xi. The Chambers Management Panel works with the Bar Council's Ethical Enquiries and Equality and Diversity Helpline Leads and the Communications and Marketing Team to formulate a successful proposal for the implementation of an email-based Chambers Management Enquiry Service designed to support self-employed members that hold leadership positions in their respective businesses, to be launched before the end of the current financial year (2023/24).

Low priority, low impact

- xii. The Bar Council's Training and Events Team uses the next available Complaints Handling Seminar to provide guidance to chambers on dealing with Subject Access Requests as part of the complaints handling process.

Low priority, high impact

- xiii. The Bar Council's Services Team investigates the possible creation of a commercial Bar Jobs Board and/or Mini Pupillage Gateway, with a view to making any appropriate recommendations to the Bar Representation Committee before the end of the 2025/26 financial year and implementing the relevant service(s) before the end of the 2026/27 financial year.

- 2. There are also several Bar Council activities that are relevant to chambers management and were highlighted through the Chambers Management Working Group's research. Whilst these activities do not therefore need to form part of the Working Group's recommendations, it formally endorses the continuation and/or implementation of them. The relevant activities are as follows:

- i. The production of information and guidance that will enable barristers to limit the risks of a successful cyber-attack, including advice on threat

identification and mitigation. This is a priority area of work that falls under the remit of the Bar Council's Legal Services Committee and is further supported by the organisation's business partnership with Mitigo Group and the ongoing work of the organisation's Training and Events Team.

- ii. Delivering 'soft skill' training for junior members designed to improve their networking skills, maximise client relationships, and manage their respective practises from an administrative perspective. As part of its Young Bar Engagement Strategy, the Bar Council will be introducing two free, annual events in the New Year for pupil barristers and newly qualified practitioners that will cover these developmental areas.
- iii. Supporting wellbeing at the Bar and promoting the relevant resources, including the Assistance Programme offered by the Bar Council, Legal Practice Management Association, and Institute of Barristers' Clerks, to the organisations' members. This is a priority area of work that falls under the remit of the Bar Council's Equality, Diversity and Social Mobility Committee, which has recently launched a new Wellbeing at the Bar video and undertaken an extensive marketing campaign relating to the Bar Council's wellbeing resources, including the relaunch of the Bar Council's Wellbeing Certificates. From October 2023 onwards and as part of its Young Bar Engagement Strategy, the Bar Council will be sending all new pupil barristers a Z Card containing a comprehensive summary of Bar Council services, including its helplines, Talk to Spot, and the Assistance Programme.
- iv. The development of guidance for chambers relating to the 'post-pandemic' working environment, designed to help sets enable collegiality, informal learning and development, and good mental wellbeing amongst the members of their respective workforces. This is a priority area for the Bar Council's Young Barristers' Committee, who are about to embark on a project designed to investigate the impact of the remote working on chambers culture, with the intention of developing content and resources to address the issues arising. See also 2(ii) and (iii) above.
- v. The production of training and resources designed to assist barristers with managing their personal finances. This area of work falls under the Remit of the Remuneration Committee, who produce the Bar Council's Taxation Handbook which is made available to all members through the Ethics and Practice Hub and is supplemented by the financial guidance contained in

the Young Barristers' Committee's Insider Guide to Life at the Bar. It is also a topic that features regularly in the Bar Council's event programmes and, as with soft skills training and wellbeing resources, will be highlighted through the Young Bar Engagement Strategy.

- vi. Making representations to HMCTS regarding the significant issues relating to Courtserve, the listings process, and other connected procedures, which heavily impact upon the ability of clerks to manage their members' diaries effectively and detract from their prioritisation of activities relating to chambers management. These issues are addressed on an ongoing basis by the Chair and Vice Chair of the Bar, Director of Policy, and Legal Services Committee, and will continue to form part of the organisation's strategic priorities.