



The Bar Council's

Annual Report

2020/21



The Bar Council



About the Bar Council of England and Wales

The Bar Council represents more than 17,000 practising barristers in England and Wales, in addition to tens of thousands of non-practising barristers globally.

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

Last year, I ended my foreword thus:

'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.'

I hope that this report shows the Bar Council has done everything we could do, within the limitations of limited resources, to achieve that aim, and much more besides.

We have worked closely with the Circuit Leaders, Specialist Bar Associations, the Inns

of Court and others to make sure that the Bar was working together to develop responses to events as they unfolded and feed evidence into decision makers. The officers of the Bar, particularly last year's Chair, Amanda Pinto QC, and this year's Chair, Derek Sweeting QC, have worked tirelessly to help the Bar weather the storm of the pandemic, whilst still ensuring that other vital work continued. They have been enthusiastically supported by hundreds of volunteer barristers who give their time freely and ensure that the Bar of England and Wales is heard in government, in society and internationally. The small team at the Bar Council has never been busier or more productive, despite working remotely for most of the time: I have been greatly impressed.

You will see in the body of the report that our profile, in government, parliament, the media, 'think tanks' and with the profession has increased very significantly. We want to maintain that profile and the influence it enables. I should also mention that we are working very closely with many international Bars and Bar associations, particularly the '4 Bars' (Ireland, Northern Ireland, Scotland, England and Wales), with whom we frequently have common cause.

Having recognised immediately, in March last year, the potential threat to the practising certificate fee (PCF) income in March 2021, we cut costs and used government schemes to avoid any danger of needing to raise fees this year. Although we did see a drop in PCF income, it was not as bad as it could have been, and other income held up. We will maintain pressure on cost but there are pressures in the other direction.

The report does not seek to cover all our activity but does highlight some of the key work in support of our strategic objectives.

Malcolm Cree CBE

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Backing the Bar through the pandemic

If ever there was a time for a profession to rely on its representative body to step up and act on behalf of its members, it was during the pandemic.

Having set up a Covid-19 Working Group almost overnight to co-ordinate the flow of information, the Bar Council quickly set up a prominent 'hub' on the website to pull together all the information barristers would need, including financial support updates, the latest court guidance from HMCTS, IT updates for remote working for chambers and court hearings, and much more. The coronavirus web pages on the Bar Council's website continue to be regularly updated.

Through regular channels of communication with government departments, ministers, advisers and senior members of the judiciary, and by increasing pressure on decision-makers via a prominent media campaign, the Bar Council was able to secure a number of concessions for the Bar during the pandemic, including:

- Critical/key worker status for barristers, which was essential for the self-employed Bar to maintain their practices.
- The pausing of jury trials when the courts became too unsafe to continue (the Bar Council was the first organisation to call for this).
- Key concessions on the payment of legal aid during the pandemic.
- Assurances over court safety and under what circumstances it was appropriate to appear in court remotely or in person.
- Split payments over six months of the Practising Certificate Fee which was due in

full by the end of March 2020 and would have left many barristers in immediate financial difficulty.

- Split payments of professional indemnity insurance premiums to Bar Mutual.
- Government funding to tackle the growing backlog of cases in the criminal courts.

To provide further support for members of the Bar, the Bar Council also opted to administer the testing process for barristers with Covid symptoms. We opposed knee-jerk plans such as jury-less criminal trials and Covid Operating Hours, which would have required many barristers and other court users to work out of hours in court, adversely impacting diversity and those with caring responsibilities.

All these efforts and achievements were communicated successfully to the profession, with over 250 messages sent directly to the Bar in 2020, more than 6,000 pieces of press coverage (300% higher than the previous year), as well as a 550%+ increase in broadcast media coverage, most of which was Covid-related in 2020. The Bar Council's social media channels saw higher engagement during the pandemic, with the majority of content focused on the Bar Council's efforts to help barristers navigate Covid-19. As a result, our social media channels have grown considerably.

The Bar Council strengthened ties with government departments and other agencies to ensure the profession's views were heard throughout the pandemic. To feed into those discussions, the Bar Council regularly surveyed its members specifically about the impact of Covid-19 on their individual practices, the wider Bar and the justice system. This proved critical in providing evidence for key discussions with the Lord Chancellor, Attorney General, Ministry of Justice and wider government, as well as other key stakeholders.

All of this was achieved in addition to the ongoing work of the Bar Council as the representative body for barristers.





Meeting 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 as a matter of public interest.

In pursuing this strategic aim in 2020/21, the Bar Council:

- Led calls for greater investment in the justice system in the face of a growing backlog of cases in the courts.
- Participated in Justice Week 2021 with the Law Society and the Chartered Institute of Legal Executives to build public support and understanding for the rule of law and justice.
- Provided financial and communications support to the charities Advocate, Bar Human Rights Committee, Free Representation Unit and Young Citizens.
- Defended the rights of lawyers and judges to do their legitimate work unencumbered by government threats and persecution in the following jurisdictions: Hong Kong SAR, Samoa, Poland, Zimbabwe, Turkey and Afghanistan.
- Called for improved pay for publicly-funded barristers and investment in the courts as part of the Bar Council's Spending Review submission and submissions to the Criminal Legal Aid Review.

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:

- Responded to 4,581 ethical queries (written and telephone) from the Bar through the Bar Council's Ethical Enquiries Service, supported by the Ethics Committee. All 57 guidance documents located on the Bar Council Ethics Hub were reviewed and updated where necessary.
- Helped to guide barristers through the pandemic by listening to the concerns and challenges of the Bar through five separate surveys of the Bar in April 2020, July 2020 and December 2020, and chambers in April 2020 and June 2020.
- Launched a new programme of work to better understand the experience of pupillage including the first pupillage survey in January 2021.
- Continued to support HMCTS's Professional User Access Scheme, which was rolled out to all 330 viable courts in 2020 and is regularly used by more than 4,100 barristers.
- Completed the second year of development work to the Pupillage Gateway, which included the launch of an updated microsite and the overhaul of the backend of the site for AETOs, which was stripped of unnecessary features and redesigned to maximise usability.
- Ran a series of legal aid billing seminars – family, criminal and civil – for barristers and clerks to assist them in billing legal aid fees.



- Hosted a seminar, ADR in a post-Covid world: navigating the new landscape, which provided great insight for the Bar on a growing area of practice.
- Created the Bar Council's Sustainability Network with Achill Management, providing a range of services and support for chambers, Inns and others, to help the transition to a more sustainable way of working. More than 30 chambers have already signed up.
- Continued to provide bespoke support and assistance to pupils (a helpline, guidance and policy interventions on training). The Bar Council also made important representations to Bar Standards Board (BSB) over online exams during the summer of 2020.
- Set up a new Race Working Group in June 2020 to tackle racial inequalities at the Bar, with a particular focus on addressing injustices faced by Black barristers and students.
- Produced a framework for action on race in chambers, a positive action guide, a race discussion guide and advice on race terminology. The Bar Council also signed up to support the Black Talent Charter and the 10,000 Black Interns programme.
- Developed a programme aimed at improving the retention and progression of women and other under-represented groups at the Bar. Highlights include an Income Monitoring Toolkit: Sex.
- Continued to promote and support Talk to Spot (anonymous reporting) as part of a suite of measures to tackle harassment, discrimination and bullying at the Bar.
- Endeavoured to provide support to new practitioners, especially during the pandemic, through the Bar Council's Young Barristers' Committee's Inside Guide to Life at the Bar, online support and online events aimed at addressing the networking gap.
- Monitored the impact of the pandemic on barristers in employment, with regular surveys to better understand the specific experiences of the employed Bar.
- Celebrated talent at the employed Bar through the Bar Council's Employed Bar Awards 2020.
- Collaborated with the Commonwealth Lawyers Association in presenting three regional online seminars with Bar leaders from Africa, Asia and the Caribbean, sharing best practice around common concerns during the pandemic.

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 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 2020/21, the Bar Council:

- Added 10 more Social Mobility Advocates (bringing the total to 31) to our award-winning #IAmTheBar social mobility campaign. These stories continue to inspire those considering a career at the Bar through social and digital media and the press. In 2020, the Bar Council also launched its spin-off Becoming the Bar campaign, which saw pupils and new barristers share their journeys to the Bar.



- Reviewed and launched the Bar Council's Appointments Service, which is designed to enable the Bar Council's members to ask the Chair of the Bar to appoint a barrister, to act as an arbitrator, mediator or expert.
- Launched the Bar Complaints Advisory Service, giving barristers who are the subject of disciplinary or complaints proceedings the opportunity to obtain pro bono advice and assistance from fellow members of the Bar.
- Established a new Bar Council Leadership Programme to provide a unique opportunity for 36 barristers to gain the confidence, skills and insights to shape the future culture of the Bar.
- Continued to promote the Bar overseas despite the Covid-19 pandemic through a series of virtual international summits and events, including the Bar Council/COMBAR Commercial Courts seminar, English Law Day Colombia and Mexico Law Week. The Bar Council continued to ensure the Bar was well represented in the government-led GREAT campaign's online trade mission in West Africa.
- Boosted the visibility of the Bar via the media, positioning barristers from different backgrounds and practice areas in key media outlets. The Bar Council also promoted wider diversity and inclusion at the Bar through specific communications projects around International Women's Day, Black History Month and Pride.
- Maintained the important partnership with the Council of the Inns of Court to promote careers at the Bar.

Representing the Bar

By representing the Bar in 2020/21, 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:

- Secured representation on behalf of the Bar on the main BEIS Professional and Business Services Council to help the UK professional services sector succeed.
- Continued to establish relations with cross-party MPs and Peers in Parliament, securing more than 60 mentions in both Houses.
- Worked closely with Bar Council committees to provide briefings for Parliamentarians on a range of Bills, including tabling amendments.
- Responded to a number of key consultations of importance, including the Legal Services Board's (LSB) call for evidence on Ongoing Competence, Competition and Markets Authority's (CMA) Review of the legal services market study, and the discussion paper, the Independent Review of Administrative Law call for evidence, and many more. The Bar Council also engaged with the Law Commission on many of its law reform projects, acting as a sounding board for its proposals.
- Established a Bar Council Regulatory Review Working Group, which contributes to consultation responses and seeks to



advise the Chair of the Bar on regulatory matters.

- Delivered the Bar Council's Law Reform Lecture, with more than 150 people logging on to hear former Supreme Court judge Lord Carnwath talk about his insights into judicial review.
- Built strong relationships with government in relation to ongoing international trade negotiations, voicing our key asks for the Bar in relation to the UK's negotiations with Australia, New Zealand, Japan and the US.
- Gained a £100k grant from the Ministry of Justice to develop barristers practice rights in relation to jurisdictions and international tribunals.

reach wider public audiences and increase its influence on key issues, including the backlog of cases in the courts and the need for extra funding for the justice system.

Over the last year the Bar Council featured as a leading commentator in The Sun, Daily Mail, Daily Telegraph, Daily Mirror, Metro, Daily Express, CityAM, Financial Times, Evening Standard, The Guardian, The Independent, and several thousand other media outlets.

- Boosted the Bar Council's presence on social media and increased following and engagement rates on all platforms.
Twitter – 54,300+ followers
LinkedIn – 12,700 followers
Facebook – 3,500+ followers
Instagram – 3,880+ followers
YouTube – 1,000 followers.
- Marketed and delivered successful flagship events, including the Annual Bar and Young Bar Conference and the most popular Bar Council Pupillage Fair to date, with the highest number of students and exhibitors in its five-year history. Both events were hosted entirely online for the first time.
- Through the Bar Council Modernisation Working Group, made a number of reforms to make it easier for Bar Council members to attend Bar Council meetings and improve diversity. Reforms include: the implementation of a proxy system for all members of the Bar Council, the introduction of a mechanism to allow for electronic voting outside of Bar Council meetings, the adoption of gender neutral wording in the constitutional documents and restrictions on the amount of time a barrister may serve as a committee Chair.
- Oversaw the subscriber elections for the Bar Council 2021 and the officer elections for the Bar Council Officers 2021.
- Continued to lead the Bar through major campaigns, including seeking further

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 2020/21:

- Strengthened links across Whitehall, including with the Department of Business, Enterprise, Innovation and Skills; the Department of International Trade; the Foreign Commonwealth and Development Office and the Treasury.
- Established a series of critical meetings between backbench MPs, Circuit Leaders and Specialist Bar Associations to develop ties between the Bar and Westminster.
- Maintained its visibility as a leading voice on current issues affecting the Bar and the justice system in the mainstream and legal media. The Bar Council used the media to



funding for the justice system, improving social mobility at the Bar, and efforts to modernise the Bar to make it a more representative profession.

- Held the 14th annual Bar Council Rule of Law Lecture online, with Canadian ICC judge, Kimberly Prost, speaking on “Advancing the Rule of Law on the International Stage”.

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:

- Implemented changes that arose due to the LSB's new Internal Governance Rules, working with the BSB to ensure that all the necessary changes to the Constitution and Standing Orders were made.
- With the BSB, rolled out training on the Protocol of Regulatory Independence and Provision of Information for all Bar Council and BSB 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.

70% of practising certificate fees go to the regulators BSB, LSB and Legal Ombudsman, and the 30% proportion that helps fund the Bar Council covers only 64% 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).

Aware of the financial strain on the profession due to the pandemic, the Bar Council took several cost-saving measures in 2020/21 to ensure it could continue to meet its strategic aims, without adding to the burden on the profession through PCF.

How we have reduced expenditure in 2020/21:

- Furloughed 18 of our 37 employees (49%);
- Implemented a 12-month pay and six-month recruitment freeze;
- Asked our Chair, Vice-Chair and Chief Executive to take a temporary 20% pay cut;
- Reviewed business plans for 2020/21 to cut certain areas of work, saving money and staff time; and
- Secured a CBILS loan to ensure sustainable cashflow.

Further details of the organisation's finances can be found in the 2020/21 Financial Statement.



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 social media channels – [Twitter](#), [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