



# Annual Report 2016



The Bar Council  
*Integrity. Excellence. Justice.*





# Introduction from the Chairman of the Bar

The Bar Council represents all barristers, including, for example, whether in crime or civil, employed or self-employed, in London or elsewhere and irrespective of call or age. Much of our work as a representative body is aimed at ensuring that barristers are able to practise and to practise successfully, and at working towards a profession that is genuinely able to be a profession for all, and of all. For all meaning that it is accessible to all who need representation, and of all meaning that it is open as a profession to those with talent and drive, and is able to be a truly diverse profession. These aims have become all the more difficult with the drastic legal aid cuts of the last few years. This has made the work of the Bar Council all the more important.

This fifth annual report of the Bar Council identifies the work carried out by the Bar Council in 2015/2016, which is for the benefit of the profession and the wider public interest. Financial Statements for the Bar Council for the period 1 April 2015 to 31 March 2016 are published separately on our website. The profession's independent regulator, the Bar Standards Board (BSB), publishes its own annual report.

The announcement on 20 February 2016 by the Prime Minister that there would be a referendum on 23 June

2016 on the United Kingdom's membership of the European Union has turned out to be one of the most significant events during this period. The referendum led to the Bar Council publishing in 2016 a full, fact-based analysis of the legal and constitutional implications of Britain either leaving the European Union or staying within it under the New Settlement. We also hosted an open debate in Lincoln's Inn. This activity has proven to be a useful building block for the work which is now being carried out post referendum.

However, before the EU referendum dominated the public debate, the Bar Council was active on a number of other fronts during 2015/2016. This report identifies the breadth of our work and engagement and it would be invidious to identify only some. The work ranges from running an ethics telephone hotline for barristers which answered some 5,500 calls in 2015/2016 alone, to responding to some 50 consultations on behalf of the profession and from running an award-winning outreach programme to working on a Wellbeing Portal for the profession. While much of our work is domestic focused, we also represent the profession on the international stage. We continue to actively promote the Bar overseas and to ensure that the Bar continues to be well represented in international dispute resolution.

The Bar Council has a long history of campaigning and lobbying on important issues affecting our justice system. This year was no exception. By way of example, during this period the Bar Council:

- Actively campaigned for the Government to abolish the criminal courts charge, which the Government announced it would do in December 2015.
- Continued to lobby against two-tier contracting for solicitors, and in January 2016 the Government announced it was abandoning this proposed contract regime.
- Increased its campaign against enhanced court fees and tribunal charges, as well as, consistently making the case against paid McKenzie Friends.
- Engaged with Lord Justice Briggs' Civil Courts Structure Review including the proposals for an online court. We supported the Government's substantial investment in IT, but flagged our concerns about the proposed online court. At all stages we emphasised the need to recognise that the radical legal aid cuts and lack of investment are at the heart of many of the inefficiencies and challenges in the system.
- Committed significant time and resources on remuneration issues affecting the Bar. These included continuing to work with the Criminal Bar Association and the Circuits to produce a redesigned Advocates' Graduated Fee Scheme, and on the civil side responding to proposals for fixed fees.
- Actively campaigned for the protection of legal professional privilege in the Investigatory Powers Bill.

The achievements of the Bar Council depend on the commitment, expertise and hard work of the Bar Council staff. On behalf of the profession I would like to thank them for their engagement. The achievements also depend on the significant pro bono commitment of many members of the Bar who generously participate on committees and working groups as well as in other ways, supporting our efforts. In 2016, the 20th anniversary of the Bar Pro Bono Unit, I set up a permanent committee of the Bar Council to support and promote the substantial pro bono efforts of the Bar. In addition to the time and expertise given freely by members to support the Bar Council's work, and indeed the work of other organisations, these efforts include funding the Bar Pro Bono Unit and contributing to the costs of the Free Representation Unit among others, as well as, representing and advising many individuals on a pro bono basis.

Finally, I would like to thank Alistair MacDonald QC, the Chairman in 2015; Lorinda Long, the Treasurer; and Andrew Langdon QC the Vice-Chairman in 2016. Their support, together with that of the Executive Office, has been invaluable.

Chantal-Aimée Doerries QC  
*Chairman of the Bar*



# Introduction from the Chief Executive

This is my third annual report as Chief Executive of the Bar Council. It shows an organisation firmly committed to improving our effectiveness and impact. I am particularly appreciative of the continuing outstanding commitment of practising barristers to our day to day work. We are fortunate indeed that we can call on so many talented individuals. This really does allow us to punch well above our weight across a very wide range of issues, ensuring that the Bar Council is heard as an influential voice around the globe.

I believe that we have a great deal to be proud of in 2015/16. I am particularly pleased with improvements to our external communications - notably BarTalk. Led by successive Chairmen, we have devoted great efforts to engaging with all parts of the Bar in all parts of the jurisdiction. I think we have an increasingly strong 'one Bar' voice which makes us much more influential and effective as a profession.

In 2015/16 we faced particular challenges in matching expenditure to income. We have learned the lessons from this, and have significantly improved our controls and procedures to ensure that we are clearer about risks to income, and what we should do to reduce expenditure if those risks materialise.

We have developed a clear three-year financial plan, which we shared with the Legal Services Board (LSB) as part of our application to make a small increase in Practising Certificate Fee rates for 2016.

A key part of that plan is to realise the benefits of increased efficiency which will result from two significant investment programmes: the Information Management Programme, which will transform the way we use data, information and intelligence; and 'Work Smart,' a systematic approach to modernising our approach to flexible working practices that will allow us to further reduce our accommodation needs so we can afford new accommodation when our current lease runs out in 2019.

We had intended to begin the process of producing a new three-year Strategic Plan early in 2016. However, given the uncertainty resulting from the Government's announcement in November 2015 that it intended to consult on whether the front line legal services regulators should be completely separated from the representative bodies, we decided to defer this and to extend the life of our current Strategic Plan for a further year.

However, I would like to take this opportunity to invite all of our members, and other stakeholders, to let us have your views on the issues and concerns that we should be attending to in the years ahead, and what our strategic aims should be for the future. It is vital that we should be able to focus our limited resources on the key issues of concern to the profession.

The Government's intention to consult adds to the uncertainties and risks that we have to manage. We have introduced much stronger risk management processes, including contingency planning. We are working with the Inns of Court and others in thinking about the future. In the meantime, we continue to work closely with the Bar Standards Board (BSB) to ensure that the BSB has full operational independence, and that everyone involved observes the protocol that we have in place that allows us to demonstrate this in practice.

Finally, I would like to thank the Officers for their continuing outstanding leadership, and the Bar Council executive team for their professionalism and commitment. I am very pleased that we have continued to grow a culture of openness and personal accountability, and a willingness to embrace change designed to



improve us as an organisation. We are putting in place a 'Leadership Charter' which is relevant to all staff, and which sets out the values and behaviours that we want to see right across the organisation. I am confident that the Bar will see an increasingly confident, vibrant and effective Bar Council in the years ahead.

Stephen Crowne  
*Chief Executive of the Bar Council*



## About the Bar Council

The Bar Council represents around 15,700 practising barristers in England and Wales, in addition to tens of thousands of non-practising barristers globally. It promotes the Bar's high quality specialist advocacy and advisory services, fair access to justice for all, the highest standards of ethics, equality and diversity across the profession, and the development of business opportunities for barristers at home and abroad.

We represent the Bar community and promote its role at the heart of the justice system in England and Wales. Our range of services, member benefits, online advice and practical guidance for all types of barristers

provides support to the profession. We are committed to attracting the best and brightest minds 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 undertaken by committees comprising barrister and lay members. This 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. The [executive](#), led by the Chief Executive and [Directors](#), supports the work of the Bar Council [committees](#).

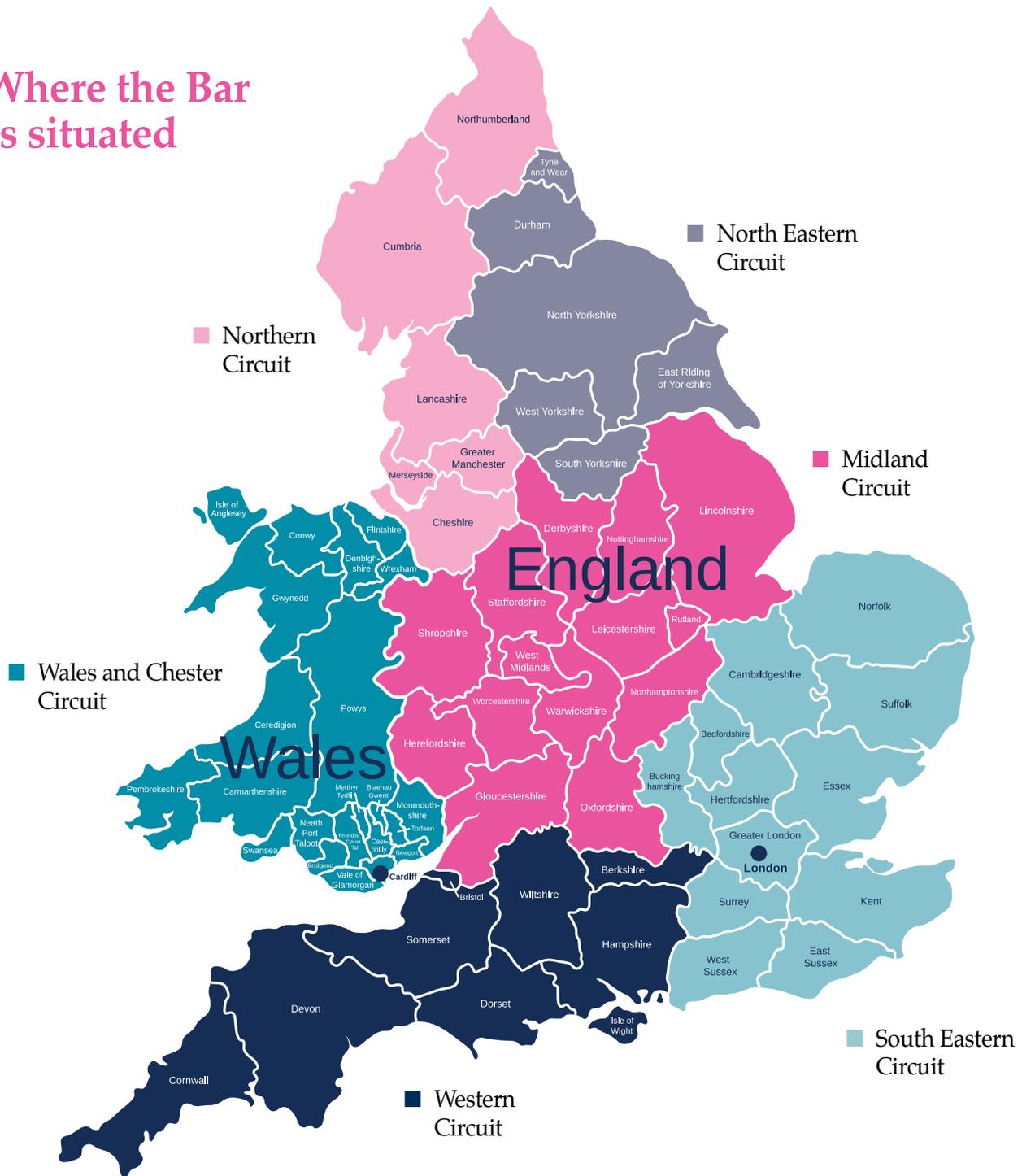


## Committees, Boards and their Chairs

- Bar Pro Bono Board – Chantal-Aimée Doerries QC and Alison Padfield
- Bar Representation Board – Richard Atkins QC and Fiona Jackson
- Education and Training Committee – Guy Fetherstonhaugh QC
- Employed Barristers' Committee – Michael Jennings
- Equality & Diversity and Social Mobility – Robin Allen QC
- Ethics Committee – Andrew Walker QC
- EU Law Committee – Gordon Nardell QC
- International Committee – Amanda Pinto QC
- Law Reform Committee – Fergus Randolph QC
- Legal Services Committee – Derek Sweeting QC
- Remuneration Committee – Alexandra Healy QC and Susan Jacklin QC
- Young Barristers' Committee – Louise Nye



# Where the Bar is situated



## The Bar in numbers

15,734  
Practising barristers

80%

Self-employed

18%

Employed

2%

Dual capacity

36%

Women



64%

Men

# 600<sup>\*</sup>

Barristers have volunteered to inspire young people to enter the profession through Bar Council

# 1 in 3

Public access registered

# 52%

Pay the £30 pro bono contribution

# 60%

of barristers pay the Bar Representation Fee





## Achievements during 2015/16

**Aim 1:** To be a powerful influence on the development and implementation of Government policy in order to secure the highest standards of justice, equity, integrity, access and efficiency in our justice system.

In 2015/16, the Bar Council undertook numerous public affairs campaigns successfully to lobby on issues in the public interest to ensure the effective administration of justice, and promote the Bar to Government and parliamentarians.

Submissions were made to abolish the [criminal courts charge](#), and to influence the campaign to oppose [two-tier contracting](#) for solicitors.

The Bar Council also continued its campaigns regarding [access to justice](#), and received praise from MPs in the lead-up to the General Election for its [A Manifesto for Justice](#).

We also produced a [publication](#) to assist newly-elected MPs to understand the role of barristers better and the unique way in which the Bar serves the public interest.

In 2016, Chairman Chantal-Aimée Doerries QC gave evidence to the [Justice Select Committee](#) on enhanced court fees and tribunal charges where she warned MPs of the risks to the UK's attractiveness as a destination for dispute resolution and outlined the implications of restricting access to justice.

The Chairman also gave evidence to the Labour Party's [Bach Commission on Access to Justice](#), and to the Liberal Democrats in response to their [call for evidence](#). The Bar Council briefed MPs and Peers in advance of [parliamentary debates](#) on the Legal Aid, Sentencing and Punishment of Offenders Act and access to justice.



## Criminal advocacy

The Ministry of Justice published its [consultation on preserving and enhancing the quality of criminal advocacy](#) in October 2015. It sought responses in relation to: a ban on referral fees; the introduction of a panel for defence advocates; and client choice of advocate.

The Bar Council called for [banning referral fees](#) (and false administration fees) and improving client choice, as being in the interests of justice. The introduction of a defence advocacy panel scheme, along the same lines as that run by the Crown Prosecution Service for the prosecution, was supported by the Bar Council as an efficient and sensible way to ensure that public money is spent in the interests of justice by the provision of advocates of the highest possible quality.

## McKenzie Friends

The Bar Council consistently made the case against paid [McKenzie Friends](#), highlighting that they are often untrained and uninsured, and the risks associated with unregulated legal services.

### A look ahead

The Bar Council has commissioned independent research on McKenzie Friends, which will look at the type of work they undertake, how they handle court work, and the client experience.

“Without quality advocacy in the criminal courts the risk of injustice is greater. The liberty, and reputation, of any individual who finds themselves in court depends on a high quality advocate making their case effectively, and testing the case against them rigorously. That is why my department has been so grateful to the Bar Council, circuit leaders and others for their work to help inform our review of advocacy quality.” **Michael Gove, Lord Chancellor 2015/16**



## Investigatory Powers Bill

The Chairman of the Bar Council's Surveillance and Privacy Group gave [evidence](#) to the Joint Committee on the Draft Investigatory Powers Bill and strongly made the case for measures to protect the client's right to confidentiality. The Bar Council also submitted [written evidence](#) to the Bill Committee and engaged ministers and Home Office officials on the importance of protecting legal privilege.

*"The Bar Council's point, which is a good one, is that once legal privilege is properly understood it becomes clear that legally privileged material should not be targeted." Sir Keir Starmer QC MP on the Bar Council's representations regarding the Investigatory Powers Bill.*

### A look ahead

Since April 2016, the Bar Council has continued to support MPs and Peers in their scrutiny of the Investigatory Powers Bill, to build support for provisions in the Bill to protect the client's right to legal privilege. It hosted with the Law Society and National Union of Journalists, the ['Speak in Safety'](#) event in Parliament to draw attention to the lack of protections in the Investigatory Powers Bill for those seeking confidential legal advice, and for sources and whistle-blowers speaking with journalists.

In advance of the EU Referendum, the Bar Council brought together senior politicians including Dominic Grieve QC, Lord Howard QC and Joanna Cherry QC to debate the legal implications of Brexit.

In June, the Chairman gave [evidence](#) to the Justice Committee's evidence session on legal services regulation, where she warned MPs that a single regulator would not be in the public interest.



## Civil Courts Structure Review

The Bar Council has been fully engaged with the review of the civil courts by Lord Justice Briggs, announced in 2015, and the substantial changes it is considering, particularly a move towards online courts. We communicated our [concerns](#) about the risk of embedding two-tier justice, and the importance of identifying where a lack of investment and resources is the true cause of inefficiency in the system. The Bar Council has called for proper piloting and oversight of any such large-scale changes in order to preserve the reputation of our courts.

## Criminal Remuneration

In October 2015, the Bar Council's Advocates' Graduated Fee Scheme (AGFS) Working Group published [proposals for a redesigned fee scheme](#) for criminal defence Crown Court legal aid work. In December 2015, the Bar Council and the Ministry of Justice jointly [published a report](#) looking at the composition and remuneration of junior barristers under the AGFS. The report provided evidence that the Bar Council's proposed scheme was needed.

"One of our roles is to assist barristers to understand the sometimes complex area of their own taxation requirements. To that end we produced a new edition of the Bar Council's Taxation and Retirement Benefits Guidance, which is now available, for free, on the Bar Council website." Richard Vallat, Chair of the Remuneration Committee's Taxation Panel.

## Contingent Legal Aid Fund

The Bar Council, the Chartered Institute of Legal Executives and the Law Society joined forces to set up a Joint Working Group to examine the viability of a Contingent Legal Aid Fund (CLAF) and make recommendations by the end of 2016. The Working Group, chaired by Justin Fenwick QC, will recommend the type of changes that would be needed to make a CLAF viable, and how a CLAF could be established, and operated. The viability of a CLAF will be considered carefully in the current context including the Civil Courts Structure Review.



## Law reform

The Bar Council plays an active role in law reform and regularly works with other bodies, such as the Law Commission, in seeking to improve laws in England and Wales in the public interest.

The Bar Council also holds an annual [Law Reform Lecture](#) in October and runs the [Law Reform Essay Competition](#).

### A look ahead

The 13th Programme of law reform was published in July 2016. The Law Commission is asking for feedback on 12 areas that may benefit from reform, and is calling for new ideas on law reform. The Bar Council will respond to both parts of the consultation, which will inform the Commission's work from 2017 to 2020.

## Consultations

In 2015/16, we [responded to 50 consultations](#) published by a range of organisations including the Bar Standards Board, Legal Services Board, Home Office, European Commission and Ministry of Justice.

**Aim 2:** To provide leadership to equip the whole Bar to meet current and future challenges; and to help barristers to maintain and enhance the quality of their work, adapt to changing circumstances and operate more efficiently and effectively.

“It has been a pleasure to work at Bar Council this year. As a young barrister myself, I’m encouraged by the dedication and commitment that I witness every day in the Bar Council office. Whether it is ethical advice, consultation drafting or diversity monitoring, my colleagues clearly care about the barristers whom they represent.” **Alex Cisneros, Policy Analyst, CSR & Equality and Diversity at the Bar Council.**

The Bar Council continues to champion the need for greater transparency in the changing legal services market, including direct access. It focuses on improving retention at the Bar, especially that of women and those with a disability, and assists the Bar in complying with the equality and diversity rules set by the BSB with helpful best practice guides for barristers and chambers.

### Communication with the Bar

Two-way communication with the Bar is of utmost importance and to ensure this develops and continues, a number of initiatives were introduced during the financial year – for example, the launch of ambassador schemes – one for barristers and one for chambers staff – to create a new channel of communication between chambers and the Bar Council.

 See Aim 4 for more on how we communicate with the Bar.

## Circuit visits

The Chairman of the Bar, Chantal-Aimée Doerries QC, undertook an extensive programme of visits to the Circuits after she took office in January 2016. By the end of March 2016, she had visited chambers in Birmingham, Brighton, Bristol, Hove, Leeds, Manchester, Middlesbrough, Newcastle, Nottingham and Winchester (with visits to Swansea and Cardiff in April 2016). Visits to the Circuits have proved invaluable. They help the Chairman and the Bar Council staff learn first-hand what are the key issues confronting the profession. They also enable the Chairman to explain what the Bar Council is doing to address the profession's needs and to hear from practitioners and chambers staff how the Bar Council's services can be improved. Further visits are planned for the remainder of the year.

## Direct access

The [Direct Access Portal](#) was launched in October 2015. Free for consumers, it puts them directly in touch with a barrister, mediator or arbitrator.

The Bar Council has encouraged barristers to sign up to the portal, and has developed relationships with third parties such as the Federation of Small Businesses and Citizens Advice, who have a role to play in informing the public and business community of the benefits of direct access. This involvement has demonstrated the DAP as being a go-to tool for the public in their search for a barrister with the site receiving 16,000 hits per month (as at June 2016), and an ever-increasing number of barristers accepting work as a direct result of the site.

"We came to think of Direct Access as a way to tap into barristers' services as and when we needed them, for fixed costs and rapid response. It ticked all of the boxes we needed as clients, and removed the ambiguities."  
Daniel J ShenSmith, ShenSmith Barristers



## BARCO

During the financial year, more sets of chambers signed up to [BARCO](#), as did solicitors' firms and multi-disciplinary practices. BARCO is the Bar Council's innovative and third-party escrow account that enhances competition within the legal sector and protects the interests of clients, whether they be consumers or corporates.

BARCO is growing in popularity with the Bar and more widely, making it a more viable option for those seeking the secure nature of an escrow account.

### A look ahead

In June 2016, the SRA launched [a consultation](#) which included the proposal to allow the use of Third Party Managed Accounts, which – if approved – will allow solicitors to use BARCO without having to obtain a waiver.

## Bar Pro Bono Board

On becoming Chairman of the Bar for 2016, Chantal-Aimée Doerries QC, announced the creation of a Bar Council [Pro Bono Board](#). The Board's current focus is on developing case histories which demonstrate the value of the Bar's pro bono activity, its range and depth, and the scale of activity undertaken by the profession.



## Ethical Enquiries Service

The Bar Council provides an [Ethical Enquiries Service](#) to assist barristers in helping them identify, interpret and comply with their professional obligations in the [BSB Handbook](#). The Bar Council responded to hundreds of email enquiries and nearly 5,500 telephone enquiries in 2015/16, on a range of issues.

## Bar Representation Fee

For work that cannot be funded by the Practising Certificate Fee, the Bar Council continues to seek a voluntary contribution, known as the [Bar Representation Fee](#) (BRF). The BRF is £100 per year, and can be paid during the annual Authorisation to Practice process, or at any other time in the year. The BRF can also now be paid monthly by Direct Debit at less than £8.40 a month.

The BRF helps to pay for vital Bar Council initiatives which are aimed at supporting the interests of the Bar, such as the Bar Mentoring Service, the lobbying and campaigning of government and the media on behalf of the profession on issues such as legal aid, the criminal courts charge, legal professional privilege and increased

court fees. The BRF also supports the Young Bar and international development work. Furthermore, it gives Direct Access qualified barristers membership of the Direct Access Portal (see more on page 16).

Without the financial contributions made by the Bar through payment of the BRF, the Bar Council would simply not be able to represent the interests of the Bar, its employees, or support the public interest in ensuring the high quality administration of justice.

Paying the BRF provides personal benefits for members. These include:

- A one-year free subscription to the monthly Counsel magazine (normally £96 per year)
- Unlimited copies of Certificates of Good Standing (otherwise £100 per Certificate), and
- Discounts on Bar Council events, including the Annual Bar and Young Bar Conference.

“The reasons I pay the BRF essentially fall into two categories. The first is self-interest. The Bar Council does so much to advance and protect the practices of young barristers, from the ethics hotline to promoting the Bar abroad, that I feel that it is in my own self-interest to pay the BRF. The second is that I think the Bar Council plays a positive role in society. Its promotion of the rule of law generally, and of a profession of independent barristers specifically, both to government and wider society, is invaluable.”  
**Duncan McCombe, Maitland Chambers.**

## Contracting research

In 2015, the BSB started to [regulate entities](#). As a result, the Bar Council engaged with more than 30 chambers to understand if and how the Bar was contracting for work, with a focus on contracts with business, local authorities and the Legal Aid Agency (LAA) for civil and family work, and what the Bar Council could do better to support barristers.

The research resulted in a set of proposed recommendations for the Bar such as requesting the LAA to permit payment to barrister-led entities and Alternative Business Structures for civil legal aid work. We also updated the [entities guidance](#) to incorporate information on practical issues such as billing.

### A look ahead: Alternative Business Structures

The Legal Services Board has recommended to the Lord Chancellor that the BSB be permitted to regulate Alternative Business Structures (ABSs) and it is expected that the BSB should be in a position to begin authorising ABSs in the Autumn. The Bar Council plans to update its entities guidance to include practical information for barristers considering establishing an ABS and offer a web-based training session.



**Aim 3:** To secure a sustainable role for the Bar as a key player in the maintenance of the Rule of Law and the efficient administration of justice as well as being the leading provider of high quality, value for money advocacy and specialist advice, and of candidates for the judiciary of the future.

### **Professional development and training**

The Bar Council is committed to encouraging potential barristers and new entrants to the Bar to develop areas of practice which are most closely suited to their capabilities and skills.

### **Becoming a barrister**

The Bar Council undertakes a number of initiatives to provide students with information, experience, advice and guidance that they need in order to reach an informed decision about a career at the Bar. In December 2015, we launched the [Mini-Pupillage hub](#) on our website to centralise the provision of these placements and widen the pool of students who can benefit from this type of experience. In 2016, we revised the careers section to create a one-stop shop for anyone thinking about a career at the Bar. These are just two initiatives that the Bar Council has undertaken to increase awareness of life at the Bar. Find out more about other initiatives [on our website](#).



### **Pupillage Gateway and Fair**

The [Pupillage Gateway](#) is a flexible and cost-effective way for chambers and Authorised Training Organisations to advertise pupillages and manage applications. The number of chambers which signed up to use the Pupillage Gateway increased to 98 from 92 the previous year, and there were over 15,000 applications made through the site by students.

The Bar Council ran a consultation in 2015 on whether to move the Pupillage Gateway window from April to August, to January to April (as of January 2017). The majority of chambers supported the move and the response from students was overwhelmingly positive.

The change means that pupillage applicants will know the outcome of their applications before they commit to the expensive Bar Professional Training Course and pupillage interviews will no longer risk clashes with exams.

For the first time in 2015, the Bar Council ran a Pupillage Fair, in association with the Chancery Bar Association. This event added to our suite of pupillage assistance (see Pupillage Gateway, above) and also provided a cost-effective opportunity to all pupillage advertisers.

Fifty-five chambers exhibited and over 1,000 students registered to attend and feedback was very positive.





## Young Bar Hub and Toolkit

To assist junior practitioners, a toolkit and an [online hub](#) were developed by the Young Barristers' Committee, with input from fellow barristers, solicitors, pupil supervisors, clerks, and Bar Council staff. The hub, a forum for information-sharing and discussion on all practical aspects of life in the early years of practice, has had nearly 20,000 views. It will continue to be developed over time to meet young barristers' changing and differing needs.

 See more about Wellbeing at the Bar on page 28

## Annual Bar and Young Bar Conference

For the first time the Annual Bar and Young Bar conferences were combined in a single day. In the previous financial year, circuit discounts were offered to encourage higher attendance, and over 100 took advantage of this in 2015. A discount was also introduced this year to assist employed barristers who could not reclaim VAT. Delegate numbers increased by 30% on 2014.

*"These events are fundamental for barristers but also students. But exceptionally important for any students with pupillage interviews looming as the Conference provides an honest insight into where the legal profession is going over the coming year."*  
**Blogger Rebecca Morgan on the 2015 Annual Bar and Young Bar Conference**



## Aim 4: To promote the work of the Bar in the interests of the Bar, the wider economy and society at large.

### International opportunities

During 2015/16, the Bar Council:

- Undertook a business development mission to [Kazakhstan](#), seen as a priority jurisdiction because it generates a significant number of high value international litigation and arbitration cases
- Celebrated the 25th Anniversary of the [China Training Scheme](#) in July 2015 with receptions involving the scheme alumni and current participants. The scheme has produced 329 alumni – many of whom are now in significant positions in all parts of the Chinese legal system
- Signed a Memorandum of Understanding with the China International Economic and Trade Arbitration Commission

- Held the third [English Law Week](#) in Moscow
- Signed a Memorandum of Understanding with the British Counsel, and
- Awarded, via the Bar Scholarship Trust, [20 grants](#) to assist barristers of seven years' Call and under to participate in international legal events of their choice which contribute to their professional development.

“The importance of accessing international work cannot be overstated. Moreover, the Bar is changing very quickly and, consequently, it is vital that advantage is taken of the very high esteem in which the English and Welsh Bar is currently held in the international sphere before that advantage is possibly lost.” **Nicholas Craig, International Committee**



### A look ahead

In April 2016, the Chairman of the Bar and the Bar Council's International team led a trade mission to Seoul, Shanghai and Hong Kong to strengthen ties with Asia's legal sector. Four young barristers on the Bar Council/Korean Bar Association exchange programme joined for the Seoul leg of the visit.

Later this year, the Bar Council will continue to organise jointly with the Law Society the Opening of the Legal Year and related two-day programme of events. Last year over 60 Bar leaders attended from around the world.

The fourth [Russian Law Week](#) will take place this November, which is organised by the Bar Council in partnership with the Law Society and the Russian Federal Chamber of Lawyers, among others.

## Media relations and outreach work

### BarTalk

Since it was launched in 2015, BarTalk, the fortnightly e-newsletter to update the Bar on the work of the Bar Council, has a readership well above the legal services industry average (based on data from our distribution service). More than 200 extra subscribers have signed up in the last year, including clerks, chambers chief executives, law graduates and politicians. Looking ahead, we will publish special editions of BarTalk to supplement the fortnightly editions.



## **Social media**

The Bar Council's social media presence spread in 2015/16: our [Twitter](#) feed acquired 27,000 followers, and has already passed the 28,000 mark since April; the Bar Council's [Facebook](#) and [LinkedIn](#) platforms grew in popularity, and an [Instagram](#) account was launched to illustrate the Bar Council's work through photographs. The Bar Council's [YouTube Channel](#) is also proving popular with more than 8,000 views of the 13 videos which have been posted.

## **Direct Access campaign**

The Bar Council ran an informative campaign aimed at the public, and small and medium-sized businesses about the benefits of using direct access barristers. This campaign coincided with the Bar Council's partnership with, and launch of, the Direct Access Portal (see more on page 16). As well as an online communications campaign, The Bar Council secured media coverage in large regional media outlets, as well as key business publications, including the Federation of Small Businesses' (FSB) First Voice magazine, which reaches all FSB members. The Bar Council showcased the

benefits of using direct access barristers at the FSB's and Citizens Advice conferences last year.

## **Press coverage**

Raising the profile of the Bar and the campaigns it leads in the interests of the profession and the public interest is a key part of the Communications Team's work.

In 2015/16, the Bar Council maintained a continuous presence in the media on a range of issues, including fighting cuts to legal aid, challenging increases in court fees, opposing the criminal courts charge, and warning of the risks of litigants-in-persons using paid McKenzie Friends, as well as the on-going campaign to seek protection for legal professional privilege.

As well as appearing in the Financial Times, The Times, The Guardian, Independent, legal and business media, the Chairman of the Bar, Chantal-Aimée Doerries QC, wrote [an article in City A.M.](#) in early 2016 highlighting the Bar's importance to the City and the wider economy.

The Bar Council and Chairman of the Bar secured more than 1,200 mentions in the media in 2015/16.



"It's a cliché, but no two days are the same at the Bar Council. We are either dealing with the press, informing our members via BarTalk, our members' e-newsletter, of Bar Council's work, or lobbying politicians, managing the Bar Council's many social media channels, or meeting with the Chairman to discuss the issues of the day. The work is varied and there is never a dull moment."

**Steve Rudaini, Head of Communications at the Bar Council**

## Blogs

In 2015, the Bar Council launched a [blog page](#) to publish comments by the Chairman of the Bar and other office holders at the Bar Council. This grew in momentum throughout the year with guest bloggers, which included barristers from a range of practice areas, and prominent names from beyond the Bar, including the Attorney General, Jeremy Wright QC MP, and the President of the American Bar Association.



## Aim 5: To promote equality and diversity across the Bar.

The Bar Council's vision is a profession representative of all, and for all. It has a number of ongoing support services, such as Equality and Diversity training – with the first Advanced E&D Training session having been launched in May 2015 – and an [Equality and Diversity Helpline](#). In 2015/16, the Bar Council also held events for mature students and career changers, and for students with disabilities who were applying for pupillage. In addition, we support various external initiatives, such as the PRIDE March.

### Women at the Bar

In 2015, the Bar Council published [Snapshot: The experience of self-employed women at the Bar](#), alongside another publication, [Momentum Measures: Creating a diverse profession](#), which provided analysis of data on equality and diversity at the Bar.

### Managing Sexual Harassment Guide

The Bar Council took further steps to ensure chambers are aware of how properly to handle any allegation of harassment by producing a guide in March 2016. This forms part of the response to the above-mentioned research, which highlighted instances of unacceptable behaviour experienced by some barristers.

The [Tackling Sexual Harassment: Information for Chambers](#) guide defines sexual harassment clearly and comprehensively, and outlines barristers' duties and regulatory requirements with a range of useful factual scenarios and a model policy describing best practice.

#### A look ahead

In July 2016, the BSB published a report entitled 'Women at the Bar'. The Bar Council [responded to the findings of the report](#), outlining the work that it is doing to support women in the profession.



## Parental support

The Bar Council launched the [Bar Nursery in Leeds](#) in January 2016, to add to its existing relationship with Smithfield House Nursery in London. In 2015, we launched a series of [Family Career Breaks Seminars](#) to assist those returning to work.

### A look ahead

Following concerns of the potential loss of talent at the Bar owing to insufficient family friendly policies at the Bar, the Bar Council recently launched a new [flexible working guide](#) for chambers, which includes proposals for possible rent reductions for those barristers seeking to work reduced hours or away from chambers because of care responsibilities.

## Wellbeing at the Bar

Our Wellbeing research, conducted across 2,500 barristers in late 2014, revealed that two out of three respondents felt showing signs of stress amounted to weakness. In 2015, the Bar Council created a working group of representatives of the Bar Council, the Inns of Court, Specialist Bar Associations, the Circuits and the Institute of Barristers' Clerks. The Group will drive wellbeing support materials for barristers and those working with barristers.

The objectives of the Wellbeing at the Bar programme are to: provide members of the profession with the information and skills they need to stay well; support members of the profession as they deal with difficulties that arise in so far as they affect a barrister's professional life; and provide assistance to those with responsibility (or taking on a supporting role) for those in difficulty or crisis.

In March 2016, a [Wellbeing Task Force](#) was set up by the Bar Council, Judicial Office, the Law Society, CILEX and LawCare, and looking ahead, the Bar Council will launch its own online Wellbeing Portal in autumn 2016.



## Bar Placement Week

The [award-winning](#) outreach programme, the [Bar Placement Week](#), was extended to Liverpool and Bristol in 2015/16. The Week, run by the Bar Council, is a unique programme designed to give talented sixth-form students from under-represented backgrounds an insight into life as a barrister.

Having successfully run the Week in London for eight years, it has been recently extended to Manchester, Leeds and Birmingham. Extending access to the profession is a stated priority for the Bar Council and this is just one of many initiatives that is run in partnership with leading charities to realise that goal.

## Bar Mentoring Scheme

In July 2015, an [e-mentoring scheme](#) for Year 12 and 13 students was launched, which built on the original schemes available from the [Bar Mentoring Service](#).

### A look ahead

A new [Maternity Mentoring Scheme](#) was launched in July by the Bar Council to help barristers with children to return to work. With concerns that the Bar is losing top talent, especially amongst women, because of a lack of adequate provision for barristers who are parents, the Bar Council has added the new initiative to its [existing support programmes for women](#) and parents. Although the name suggests otherwise, Maternity Mentoring will be available to all parents/carers at the Bar, irrespective of gender. The Bar Council will pilot the scheme for a year.

The following mentoring schemes are also run, independently of the Bar Council: [Chancery Bar Association Mentoring Scheme](#), [Western Circuit Women's Forum](#) and [Doughty Street Chambers](#).

# 447,299

Visits to the Bar Council website

# 64%

New website visits

# 1.2m

Web page views



# 71

Chambers use  
BARCO

# 17

Countries in which  
BARCO is used

# 1,200

Mentions of the Bar Council  
and the Chairman in the media

# 5,500

Telephone queries dealt with  
by the Ethical Enquiries Team

# 24

Law fairs held



# 27,000

Twitter followers

# 50

Responses to consultations  
submitted

## Aim 6: To promote and support the effective, independent regulation of the Bar through the BSB to ensure the highest standards of professional practice and to protect the public interest.

The 'Approved Regulator' of the Bar is the Bar Council, but it is obliged by law to separate its regulatory function from its representative function, which it does by delegating responsibility for regulating the Bar to the independent [Bar Standards Board](#) (BSB).

The BSB has its own independent Board and staff, and regulates barristers Called to the Bar in England and Wales in the public interest. The Bar Council provides support to the profession by providing the [Ethical Enquiries Service](#) as well as offering training sessions and issuing [Practice & Ethics](#) guides.

 See page 18 for how this service was used in 2015/16.

The Bar Council and the BSB comply with a communications [protocol](#) that supports regulatory independence and which is reviewed at regular intervals. During 2015/16, staff received further

training to ensure they had a good working knowledge of the protocol and its principles.

### Consultation on legal services

In December 2015, the Treasury announced that it intended to launch a consultation by spring 2016 on removing barriers to entry for alternative business models in legal services, and on making legal service regulators completely separate from their representative bodies. The stated aim of the announced consultation was to “create a fairer, more balanced regulatory regime for England and Wales that encourages competition”.

No consultation on regulatory independence has yet been published but a working group has been set up to prepare the Bar Council's position on these important matters.



**Aim 7:** To work with the Council of the Inns of Court (COIC) and with each of the Inns to support their work in educating and training barristers, in maintaining the ethos and values of the Bar and helping them in their dealings with Government, regulators and other external audiences.

In early 2015, the Council of the Inns of Court (COIC) Strategy Group approved plans by the Inns to set up an Advocacy College to support and improve the quality and effectiveness of training provided by the Circuits, SBAs, ourselves and others. The Bar Council strongly supports this development, and also the emerging thinking about how the Bar Professional Training Course can be made less costly, more flexible and more accessible to a wider range of candidates. We are also working very closely with COIC on delivering the Bar's commitment to providing training for all barristers who deal with vulnerable witnesses.





## **Aim 8: To improve the effectiveness and the efficiency of the Bar Council to ensure that we can achieve these challenging aims.**

This year we have adapted our annual report to show progress on the eight Aims of the [Strategic Plan](#). We have endeavoured to make it a more engaging and concise report for the Bar, our main audience, and provided it as an online-only format.

### **Information Management Programme**

The Bar Council has been undertaking several programmes internally to improve its efficiency and effectiveness. The Information Management Programme, launched in 2015, is a very significant investment into ensuring that we have data and systems that are fit for purpose to assist us in delivering the best service we can to the Bar. The investment includes many deliverables such as new software for the Finance department, as well as the ability to produce management information reports, which can help to identify the best services for particular areas of the profession, depending on their needs.

### **Appointments protocol**

A protocol was introduced in March 2016 to set out the process for when the Bar Council is invited or wishes to nominate, appoint or re-appoint individuals to take up positions in external organisations, for example as trustees or council members. Administered by the Bar Council's Head of Governance, the protocol aims to ensure that appointments are fair, transparent, open and based on merit, and that appointments are not unlimited in terms of time. All positions are advertised widely to the profession, in order to attract a strong and diverse field of candidates, and the Chairman convenes a selection panel to choose a preferred candidate for approval by the General Management Committee.

### **Work Smart**

The Bar Council, in 2015/16, began to explore a more business-focused, modern approach to working



flexibly, and has since begun to roll out its Work Smart programme, which is aimed at delivering more efficiency and effectiveness in work organisation, service delivery and organisational agility, as well as benefits for employees of the Bar Council and BSB.

## Risk Register

The new Bar Council Risk Register, which identifies high level risks to the organisation, was formally introduced in April 2016 following a series of meetings and discussions with senior staff and guidance from our auditors, Haysmacintyre.

## Ethical Enquiries Service

The Bar Council formalised an internal protocol to outline the processes to be followed when dealing with verbal and written ethical enquiries. The protocol is designed to ensure that consistent advice is given to callers, that the team proactively explores opportunities to better serve users of the service, and to help the service exceed callers' needs and expectations through the provision of competent and straightforward practical advice and guidance.



[See more about the Ethical Enquiries Service on page 16.](#)



# Our finances

## Resources

In 2015/16 the operations of the Bar Council, including the BSB, were funded from income of £13.9m (compared to £14.3m in 2014/15), comprising:

- Practising Certificate Fees: £9.9m
- Regulatory fees and charges: £1.4m
- Charges for Services: £1.1m
- Bar Representation Fees: £0.9m, and
- Subvention from the Inns of Court: £0.6m.

In addition, the Bar Council collected a levy of £0.9m to contribute to the funding of the Legal Services Board and Legal Ombudsman.

Total expenditure by the BSB was £8.7m (up 3.6% from £8.4m in 2014/15). The Representation, Policy and Services activities of the Bar Council cost £5.8m, (down 1.6% from £5.9m in 2014/15).

## Practising Certificate Fees

Income from compulsory Practising Certificate Fees (PCF), which all barristers must pay to practise, funds activity which falls within the definition of 'permitted purposes' as set out in s51 of the Legal Services Act 2007. In 2015, Bar Council changed the methodology for raising this charge so that the amount paid is related to an individual barrister's earnings. The total amount of PCF collected rose from £9.5m in 2014/15 to £9.9m in 2015/16, an increase of 4%, as a consequence of the change in methodology.

In 2015/16, £6.7m (68%) of income from PCF was allocated to the BSB, an average of £425 per barrister, up 13.5% from £5.9m in 2014-15. £3.2m (32%) was allocated towards Bar Council's other permitted purposes, an average of £204 per barrister, down 11% from £3.6m in 2014/15.

## Regulatory Fees and Charges

The BSB charges for a number of regulatory services and activities. Income from regulatory fees and charges is ring-fenced to the BSB. The BSB received £1.4m from this source in 2015-16, down 12.5% from £1.6m in 2014/15.



## Services

The Services team provides added value services such as training and events for the Bar, and promotes the benefits of the BRF. The intention is that these activities generate a surplus to reinvest in supporting the Bar Council's representative activities. £1.1m income from this source was down 15.4% from £1.3m in 2014/15.

## Bar Representation Fee

The Bar Representation Fee (BRF), a voluntary fee of £100 per annum (see page 18 for more information), funds the Bar Council's vital work in representing the Bar's interests as well promoting the Bar Council's wider strategic aims. It does not subsidise the commercial

activity of the Bar Council, which is a valuable source of additional income that funds campaigns and support for the Bar. £0.87m income from this source was down 13% from £1m in 2014/15.

## Subvention from the Inns of Court

The annual subvention from the Inns of Court has been reducing in recent years and is planned to be phased out by 2017/18. £0.6m income from this source was down 25% from £0.8m in 2014/15.

Full details of the Bar Council's financial activities for 2015/16 can be found in the Bar Council Financial Statement which is published on the Bar Council website: [www.BarCouncil.org.uk](http://www.BarCouncil.org.uk).

## Number of Bar Council and Bar Standards Board employees per salary band in 2015/16

Salary band	Up to £20,000	£20,000-£40,000	£40,000-£60,000	£60,000-£80,000	£80,000-£100,000	£100,000-£120,000	£120,000-£140,000	£140,000-£160,000	£160,000 plus
Number of employees	8	105	36	9	6	0	1	0	2

## More information

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

- Use the links throughout this report, which will provide more detail of our campaigns, lobbying activities and support services.
- Visit our website, including our [Campaigns](#) page, follow our [Twitter](#) account, and other social media channels.
- Bookmark [this page](#), which outlines what the Bar Council is doing each month.
- Subscribe to BarTalk, our fortnightly newsletter which provides information on all matters relating to the profession, and other updates on specific areas of interest – [register here](#).
- Provide feedback on this report, our strategic aims and what you think of what the Bar Council does by emailing [Press@BarCouncil.org.uk](mailto:Press@BarCouncil.org.uk).

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# *Integrity. Excellence. Justice.*

The Bar Council represents barristers in England and Wales.  
It promotes:

- The Bar's high quality specialist advocacy and advisory services
- Fair access to justice for all
- The highest standards of ethics, equality and diversity across the profession, and
- The development of business opportunities for barristers at home and abroad.

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*The General Council of the Bar is the Approved Regulator of the Bar of England and Wales.  
It discharges its regulatory functions through the independent Bar Standards Board.*