



The Bar Council

**The General Council of the Bar of England and Wales
Practising Certificate Fee (PCF) Application and Budget
Submission 2022/23**

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

	Description	Page
Contents		
I. Summary and Overview	Proposed PCF Fee 2022/22 2023 PCF Collection forecasts	2-10
II. Developing the overall budget and application	Setting and Managing Budgets 2022/23, Budgetary Control Programme Activity Financial and PCF Outlook Reserves BSB Budget Bar Council Budget Application of permitted purposes	10-24
III. Consultation on PCF	Consultation Process. Consultation paper link, which includes the BSB 'Case for Strengthening the Bar Standards Board' and subsequent correspondence	25-30
IV. Permitted Purposes	Allocation of PCF to Permitted Purposes Operating Budgets BSB and Bar Council Allocation of PCF to non-Regulatory Permitted Purpose activities	31-38
V. Transparency of PCF information to fee-paying members		39
VI. Regulatory and Equality Impact assessment	Equalities Impact Assessment	39
VII. Other supporting information	Financial Risk & Mitigation	40
VIII. Contact details	Next Steps	41
ANNEX 1	EIA	
ANNEX 2	Additional Financial Information	

I. Summary and Overview

Introduction

1. For the purpose of this submission the following terms will be used:
 - a. The General Council of the Bar (GCB): the approved regulator and single legal entity
 - b. The Bar Standards Board (BSB): the delegated regulatory body
 - c. The Bar Council (BC): the representative body
2. PCF income supports the GCB's approved regulator's role as set out by LSA 2007 s51 and funds the 'permitted purposes' set out in section 51(4). The whole of the BSB's work as the delegated regulatory body is classed as permitted purposes. The BSB's business plans are developed in line with the BSB proposed Strategy for the next three years 2022/23 – 2025/26: <https://www.barstandardsboard.org.uk/uploads/assets/be75433d-8d46-4c27-b578cd490f49a95c/BSB-Strategy-consultation-Oct2021.pdf>
3. The Bar Council undertakes many activities that are classed as permitted purpose activities, and these can be funded from PCF income. Great care is taken during the business planning and budgeting process to correctly identify those activities that may be funded through the PCF and those that must be funded from other income such as the voluntary Bar Representation Fee (BRF). The Bar Council annual business plans are developed to meet the strategic objectives set out in the Bar Council's Strategic Plan 2019 -2024: <https://www.barcouncil.org.uk/uploads/assets/86520690-7ab5-4cb1-93e63c26bc300c9f/Bar-Council-Strategic-Plan-2019-24.pdf>

A pre-application discussion was held with the LSB on 13 October 2021.

Expectations from the last year's decision notice.

4. Detailed forecasts have been included for income and expenditure up to 2025/26 (table 17).
5. This year the PCF consultation lasted for 6 ½ weeks. The consultation has been available on the Bar Council websites. The BSB Regulatory Update and Bar Talk (Bar Council) have been received by over 17,000 registered barristers with details of how to access the full consultation. More details in Section 3.

The proportion of PCF allocated to the BSB, Bar Council, LSB/OLC and DB pension scheme has been clearly shown in this year's application and PCF consultation.

Value for Money. The GCB ensures value for money through its purchasing and procurement policies. These set out the appropriate controls and governance for routine purchasing and procurement exercises and ensure that Value for Money is a consideration at each stage of the process. Most in year procurement is included in the budget cycle to ensure it aligns with the strategic objectives and permitted purposes. All contracts above £250k are notified to the joint Finance Committee. Planned programme expenditure within the Bar Council and BSB requires a business case demonstrating how the proposed work meets the strategic objectives (aligned with

permitted purposes), the planned benefits and how those benefits will be measured. Depending on the size of the prospective programmes they are approved by relevant SMT or Board.

Joint programmes are approved by the Information Management Programme Board (IMPB). This is a joint Bar Council and BSB executive Board for programmes resourced through the Shared Services teams.

Proposed Practising Certificate Fees 2022/23

6. This year it is intended to increase the annual PCF. Without applying measures to spread the increase over time, the planned expenditure for 2022/23, particularly by the BSB, would require an across-the-board increase of 9%. However, we are proposing to limit this to an overall 4.5% increase in the PCF. We plan to achieve this by spreading the burden across the profession, with no change to earnings Band 1 and that the increase be limited to 3% for Bands 2 to 5. Bands 6, 7 and 8 will be revised, resulting in each of those bands being split. The lower half of each of these bands will have a 3% increase and for the higher end of each of those Bands the increase will be limited to 9%.

Table 1: Income Bands and fees for 2022/23

Income Band	Range	Current Fee	Proposed Fees
Band 1	£0 - £30,000	100	100
Band 2	£30,001 - £60,000	246	253
Band 3	£60,001 - £90,000	494	509
Band 4	£90,001 - £150,000	899	926
Band 5	£150,001 - £240,000	1,365	1,406
Band 6/1	£240,001 - £350,000	1,850	1,906
Band 6/2	£350,001 - £500,000	1,850	2,017
Band 7/1	£500,001 - £750,000	2,500	2,575
Band 7/2	£750,001 - £1,000,000	2,500	2,725
Band 8/1	£1,000,001 - £1,500,000	3,000	3,090
Band 8/2	£1,500,001 and over	3,000	3,270

7. The 2022/23 GCB PCF funds three activities:

- The s51 permitted purposes operating and capital costs of the Bar Council and BSB;
- The LSB/OLC recharges for 2022/23, and
- Funding for the defined benefit pension scheme deficit recovery plan.

8. By applying the changes above, the PCF collection for 2022/23 is forecast to be £16.84M in the spring 2022 collection. The Bar Council has kept its share of the PCF in line with previous years (approximately 25%). However, the share of the fee attributable to the Bar Standards Board has increased to 61%. The primary driver for the increase is a substantial increase in staff, deemed necessary by the BSB to meet its regulatory commitments. Our forecasts of PCF income for 2022/23 show that without an increase in PCF there will be a substantial shortfall in the amount needed to cover the planned increase in recurrent expenditure.

9. Last year in preparation for what we expected to be a difficult year and a likely fall in PCF income in March 2021, we took early action to curb expenditure through a pay freeze and cuts to senior salaries, along with the furloughing of staff at the Bar Council and Resources Group (shared services). This, together with reduced expenditure due to cancelled events, travel savings and additional regulatory income allowed the GCB to generate a greater one-off surplus (to budget) than would have been possible in a pre-Covid year.

10. In addition to this surplus we were able to obtain a £5m Coronavirus Business Interruption Loan Scheme (CBILS) loan, backed by the UK Government, which was received on 31 March 2021.

11. In the event, the PCF collection for 2021/22 did not match our worst-case forecasts, though due to the inherent uncertainty caused by the pandemic, it is possible that the depression of PCF income may be felt over a longer period than initially anticipated.

12. The self-employed Bar, which makes up 80% of the profession, declare their PCF income bands based on a cash receipts basis. Therefore, it is likely that the economic effect of the 2020 lockdowns will still be reflected in the PCF collection for 2022/23. Without any increase in PCF in 2022/23 our projections show PCF income would be £16.1m, an increase from £15.3m this year, reflecting an increase in the number of barristers and barristers moving up through the income bands (demographic changes).

13. If the proposed increase in costs were to be covered in one year this would lead to an increase in PCF of 9%. However, we propose using the reserves to limit the increase in PCF to 4.5%. This will mean the GCB as a whole would have a balanced budget. However, the BSB would still run a deficit budget for a number of years with the difference being supplemented by reserves until it achieves a balanced budget. The proposed 4.5% increase in PCF means the expected PCF for 2022 /23 will be £16.84m. A further increase in 2023/24 will almost certainly be required.

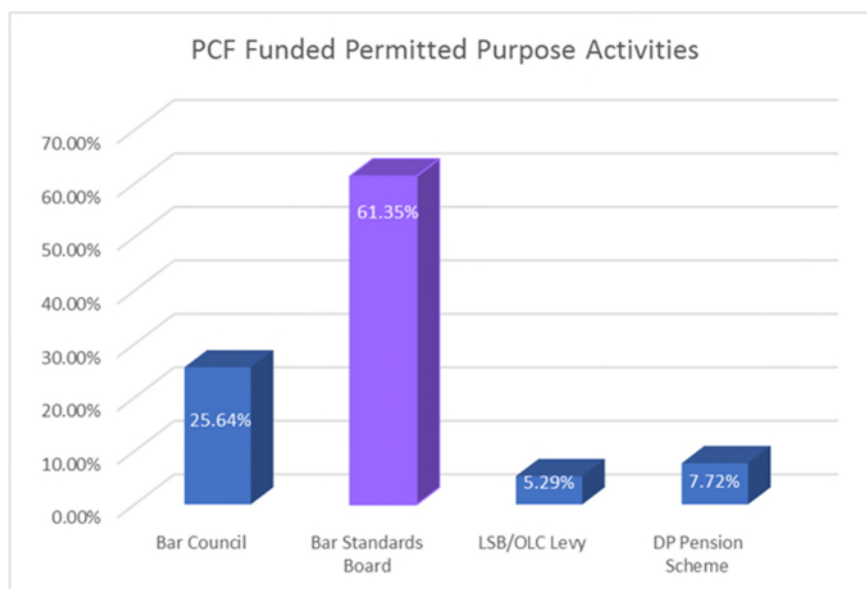
14. In order to assist the profession in its time of need the Bar Council and BSB agreed that where a barrister had delegated payment of the PCF to their chambers, the PCF could be staged (two payments, 6 months apart). This has happened for the last two years and will be used one final time for the 2022/23 Authorisation to Practise (AtP) process and allow Chambers paying in “bulk” to pay in two instalments with a minimum 50% first instalment due by 31 March and the balance due by 30 September.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 2: Split of PCF funds

£000's	<i>PCF Funded Permitted Purpose Activities</i>	<i>PCF Funded LSB/OLC Levy</i>	<i>Legacy DB Pension Scheme</i>	<i>Total PCF</i>	
2022/23 Proposed	Bar Council	4,319 25.64%	263 1.56%	383 2.27%	4,965 29.47%
	Bar Standards Board	10,336 61.35%	629 3.73%	917 5.44%	11,882 70.53%
Total	14,655	892	1,300	16,847	

Table 3: Split of PCF funds between Bar Council, BSB, LSB/OLC levy and DB pension scheme



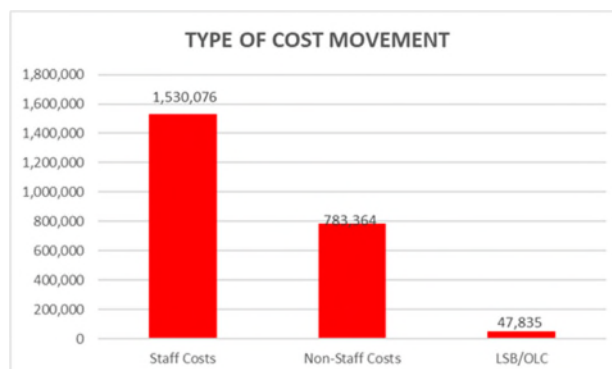
The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 4: Proposed Expenditure for 2022 /2023

General Council of the Bar

Expenditure	21/22	22/23	Change	% Change	
	£000's	£000's	£000's		
Staff Costs					
Bar Council	2,793	3,028	235	8%	↑
Resources Group	1,827	2,019	192	10%	↑
BSB	4,957	6,060	1,103	22%	↑
	9,577	11,107	1,530	16%	
Non Staff Costs					
Bar Council	1,403	1,529	127	9%	↑
Resources Group	4,113	4,628	515	13%	↑
BSB	2,032	2,173	141	7%	↑
	7,548	8,331	783	10%	
Non Operating Expenditure					
DB Pension Fee	1,300	1,300	0	0%	↔
LSB/OLC Costs	844	892	48	6%	↑
	2,144	2,192	48	2%	
	19,268	21,630	2,361	12%	↑

Table 5



15. If the GCB did not increase PCF and just used the reserves to cover the increase in recurrent costs this would inevitably lead to a much greater increase in PCF in the future. As the proposed cost increases are recurrent the GCB must be able to cover these in the long term. The proposal put forward is the best way to mitigate the increases by using reserves without substantially weakening the financial position, while balancing the need to cover long term recurrent costs.

16. The GCB is able to use its reserves in this way due to work it undertook in 2021 /2022 to cut costs and obtain a CBILS loan. Without these actions the GCB would have no other option than to pass on the full amount of the cost increases (9%) in one year rather than the current proposal.

Table 6

Planned Permitted Purpose Spend - 2022-2023			
	Bar Council	Bar Standards Board	Total
	£000s	£000s	£000s
Funded from anticipated PCF Collection	4,319	10,336	14,655
Funded from Other Permitted Purpose Income	249	2,099	2,348
Funded from Permitted Purpose Reserves	-	486	486
Total Planned Permitted Purpose Activities	4,568	12,921	17,489
Non-Permitted Purpose Spend	1,948		1,948
Total Budgeted Operating Expenditure			19,437

Key Features of the GCB intended budget

17. PCF income will be used to fund Bar Council and BSB activities as shown in table 25 (s51Report).

18. The proposal is for GCB staff and non-staff expenditure (operating costs) to increase against the previous year by 14%¹. The previous year's budget showed operating expenditure of £17,124k. This will increase by £2,313k in 2022/23 to £19,437k. The £2,313k net is broken down as follows:

19. The Bar Council has a net increase in operating costs of £362k (£235k staff and £127k non-staff). This is a 9% increase in operating costs (staff costs increase by 8% and non-staff costs by 9%). There is a decrease in RPS capital expenditure of £122k to £281k (£79k decrease in direct projects and a £43k drop in indirect projects).

20. BSB has a net increase in operating costs of £1,244k (£1,103k staff and £141k non-staff). This is an 18% increase in operating costs (staff costs increase by 22% and non-staff costs by 7%) and an increase in total capital expenditure of £122k to £718k (£226k increase in direct

¹ 12% if the DP pension contribution and LSB/OLC levy is included.

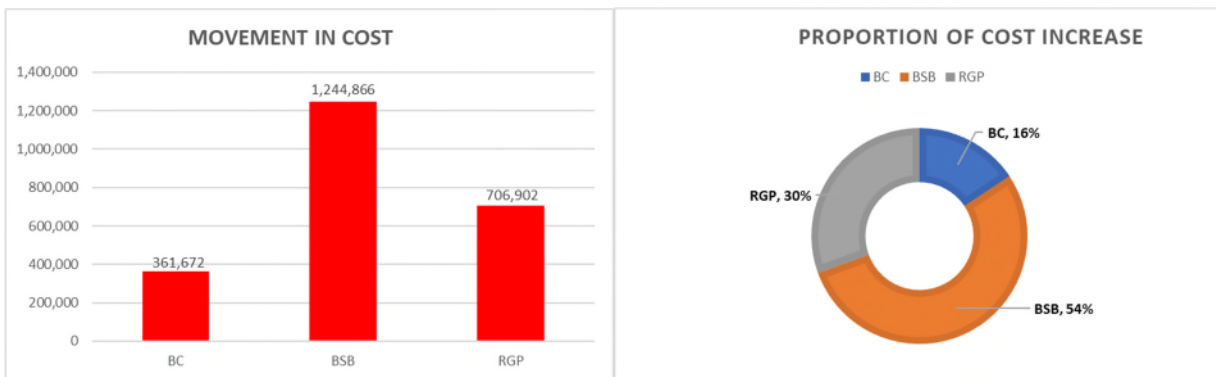
The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

projects and a decrease of £104k on indirect projects). Please refer to the BSB section for detail on the additional non-staff costs.

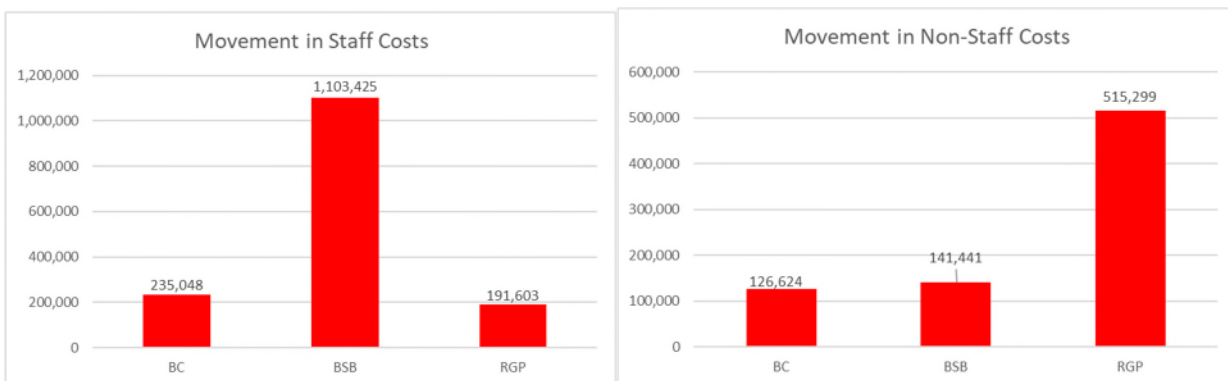
21. Resources Group has a net operating cost increase of £707k (£192k increase in staff costs; non-staff cost increases in IS of £35k, Finance and HR corporate overhead of £216k, depreciation of £227k, and facilities £37k). The CBILS loan interest payments will commence in 2022/23 contributing to the increase in corporate overhead costs. The 2021/22 capital programme has contributed to the increased depreciation. Overall, this is a 12% increase in operating costs, (staff costs increase by 10% and non-staff costs by 13%).

22. The capital budget for 2022/23 remains capped at £1M.

Tables 7 & 8

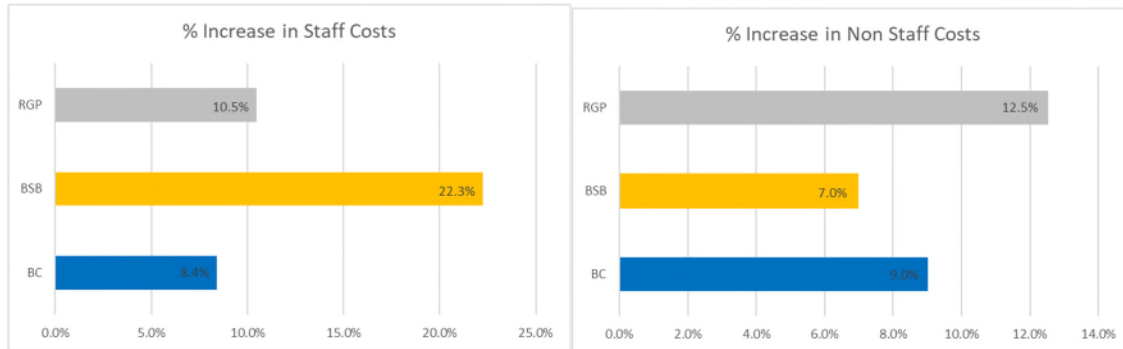


Tables 9 & 10



The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Tables 11 & 12



Capital Expenditure

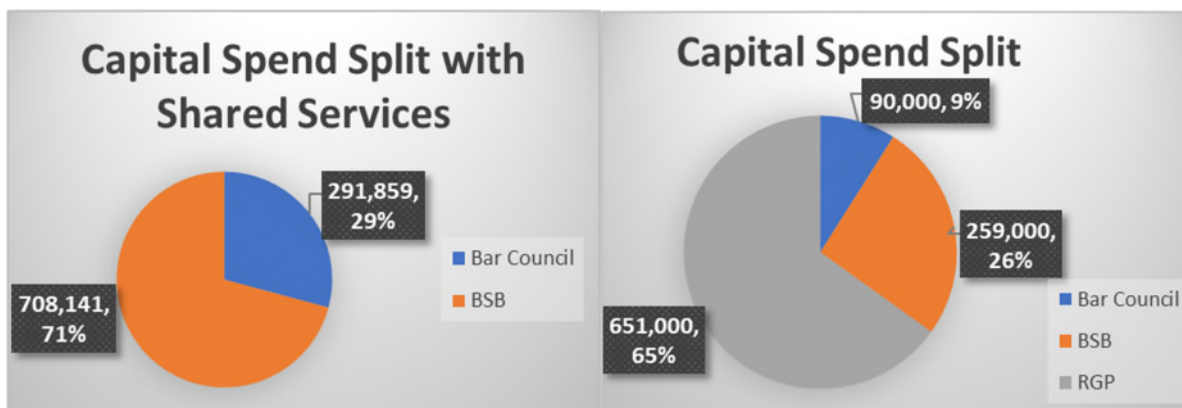
Table 13

General Council of The Bar Capital Spend

	Budget 2022-2023			2022/23	2021/22	Variance
	Bar Council	BSB	RGP	GCB	GCB	
	£	£	£	£	£	
Total Direct Projects	90,000	259,000		349,000	224,390	(124,610)
Indirect Expenditure			651,000	651,000	775,610	124,610
Shared Services Capital Projects recharge	201,859	449,141	(651,000)			0
Total Projects	291,859	708,141	0	1,000,000	1,000,000	0

23. The overall capital expenditure for the GCB remains at £1m. The shared services capital projects mainly relate to hardware updates, implementation of 'Sharepoint' and enhancements to existing systems. Details of changes in the direct expenditure is shown under the relevant parts of this document.

Table 14 & 15



2021 PCF collection forecasts

24. We forecast that we will collect and use PCF of £16.8M as outlined in Table 16 below.

Table 16

	2022/23 Average PCF	Number of Barristers As At 1-4-21	
2022/23 Forecast	996.06	16,914	16,847,433
		Total Forecast Collection	£16,847,433
	Breakdown of Usage	2021/22 Budget	2022/23 Budget
	BC & BSB PCF Funded Costs	£12,297,108	£13,655,477
	Capital Costs	£877,066	£1,000,000
	LSB/OLC Levy	£844,121	£891,956
	Defined Benefit Pension Scheme	£1,300,000	£1,300,000
		£15,318,295	£16,847,433
	Contingency	£0	£0

II. Developing the overall budget and application

Setting and Managing Budgets 2022/23

25. The following section describes the steps in the Bar Council budget setting process and includes the independent process followed by the BSB. These steps are consistent with the revised Internal Governance Rules (IGR).

Building the high-level budget

26. It is the Chief Executive's responsibility, as Accounting Officer, to ensure that an annual budget is drawn up for the GCB for each financial year. This responsibility is discharged through the Director-General of the BSB and other Directors, supported by the GCB Director of Finance, who provides a shared service to the BC and BSB.

27. Annual expenditure is driven by BSB and Bar Council objectives as articulated in their respective strategic and business plans.

28. The BSB budget was prepared independently to align with the strategic aims set out in the BSB's strategic priorities for the three-year period starting April 2022, although this plan is still out for consultation.

29. Budget options were scrutinised by the BSB Strategic, Planning and Resources Committee and the budget was approved by the BSB Board.

30. On 27 October 2021, the joint GCB Finance Committee agreed the parameters of an overall high-level budget that met the regulatory needs and the combined organisational financial commitments in the medium term. It did not 'approve' the budget, because that is a matter for the Officers of the Bar, the General Management Committee (with delegated authority from the elected Bar Council), and submission to the LSB.

Next steps in budget setting

31. Detailed cost centre budgets that fit within the agreed high-level financial parameters will be set by relevant managers.

32. The BSB maintains a continuous review of their own financial needs and will present any revisions to the BSB budget for approval by the BSB's own committees and Board.

33. The combined BSB and Bar Council budget package will be brought to the joint GCB Finance Committee for review. The joint Finance Committee may refer any part of the budget to relevant parties for further consideration.

34. The planning process concludes with scrutiny of detailed budgets by the Chief Executive, BSB Director General and Directors.

Budgetary control

35. The budgetary control measures are implemented and monitored by the GCB Director of Finance, scrutinised by the Director General of the BSB, the BSB SPR committee, the Chief Executive, the Bar Council Treasurer, joint GCB Audit Committee and joint GCB Finance Committee, and other members of the Bar Council and BSB Executive. The joint GCB Finance Committee exercises overall budget monitoring. The Chief Executive, Director-General and Directors have responsibility for the control of funds within their budgetary allocations and for the financial control and formal approval of expenditure.

36. Each budget holder has responsibility for monitoring costs and delivery of non-PCF income and expenditure, keeping their respective line manager fully informed of current spending and, in advance, of any future commitments or proposed activity likely to lead to budget allocations being exceeded. All purchase orders and liability to incur expenditure must be made within approved levels of delegated authority and in accordance with approved policies.

Programme of Activity

Proportion of activity that is for Permitted Purposes								
Functional Area	Permitted Purposes Gross Cost (£m)	51(4)(a)	51(4)(b)	51(4)(c)	51(4)(e)	51(4)(f)	(Max 100%)	Not in Scope of PP
Levies								
Legal Services Board	0.374		100%				100%	
Legal Ombudsman	0.518		100%				100%	
GCB DB Pension Scheme	1.300	100%					100%	
Bar Standards Board								
All Activities	12.921	100%					100%	
Bar Council								
Policy Directorate	0.668	100%					100%	
Equality, Diversity & CSR	0.522	90%					90%	10%
EU Law	0.210			40%		60%	100%	
International	0.412					80%	80%	20%
Law Reform, Regulatory & Ethics	0.254	60%		25%	10%	5%	100%	
Remuneration & Legal Practice	0.336	45%		45%		5%	95%	5%
Communications	0.473	15%		30%	15%	15%	75%	25%
Corporate	1.710	45%		15%	15%	15%	90%	10%
Total Gross P&L Expenditure	19.698							

The Bar Council

37. The Bar Council provides a broad range of services to barristers. The PCF supports these activities under a number of the permitted purposes as follows:

Permitted purpose 51a - the regulation, accreditation, education and training of applicable persons

38. A significant proportion of the Bar Council's work is allocated to this permitted purpose. A notable example of our work in this area is diversity and inclusion, in particular promoting equality, diversity and inclusion (including social mobility) in the profession. Specific programmes cover (i) access, (ii) retention and (iii) progression at the Bar. Another significant area of work relates to the education, training, and provision of leadership to the profession on the regulatory environment in which barristers and chambers operate, including raising awareness of key regulatory developments. Our work on providing practical advice and support on practice management falls under this permitted purpose, including drafting practice management guidance for the Bar and arranging practice management seminars on both new areas of interest and updates on existing matters. Similarly, policy work relating to remuneration and legal practice, including issues focused on access to justice and the administration of justice, fall under this permitted purpose.

39. In addition to the policy work outlined above, our policy work in relation to the Bar's ethical standards and obligations, which includes management and provision of the Ethical Enquiries Service, also falls under this permitted purpose.

Permitted Purpose 51c - participation in law reform and related legislative process law reform, rem/legal practice and permitted purpose 51e - the promotion of the protection by law of human rights and fundamental freedoms law reform

40. Our work allocated to these permitted purposes covers a broad range of issues including civil, family, and criminal justice and a variety of areas of law including employment, immigration, human rights, and judicial review. Aspects of our research work are allocated to this permitted purpose so that we may inform the legislative and law reform process from a firm evidence base. We also include a proportion of our European work under this purpose which continues to be of great relevance despite the UK's departure from the European Union.

41. Law reform mainly relates to monitoring and responding to consultations that impact on the administration of justice. This includes working on matters covering a broad range of legislative matters, contributing to the Law Commission's programmes of law reform and raising awareness of current law reform issues through the likes of our annual law reform lecture.

Permitted purpose 51d - the provision of applicable persons of legal services or reserved legal services, immigration advice or immigration services to the public free of charge

42. We support Advocate (formerly the Bar Pro Bono Unit) which provides a vital service to people who would otherwise have no access to justice.

Permitted purpose 51f - promotion of relations between the approved regulator and national or international bodies, governments or the legal professions of other jurisdictions

43. We carry out a wide range of international engagement liaising with national, regional and global level organisations. We also work closely with the legal professions and, as appropriate, governments of other jurisdictions across the world. A key aspect of our work under this permitted purpose is to support and promote the rule of law internationally.

The Bar Standards Board²

Permitted purpose 51(a) - The regulation, accreditation, education and training of applicable persons

44. The BSB is currently in the processes of finalising its new three-year strategic plan. The budget has been proposed on the basis of the priorities set out in its recent strategy consultation. The priority themes identified were:

- Providing consumers with confidence in using the services of barristers;
- Maintaining and improving access to justice;
- Enabling the benefits and mitigating the risks of innovation and technology;
- Promoting best practice in chambers' oversight of standards and diversity.

45. Alongside this, the BSB has undertaken a root and branch review of its capacity and capability, having concluded that it was insufficiently resourced to undertake all of the above work to the desired standard.

² This section (paragraphs 44 to 50) was written solely by the BSB

46. The vast majority of the BSB's expenditure goes on the first of these priorities, which includes our core regulatory operations, flowing from our regulatory arrangements under section 21 of the Legal Services Act 2007. This includes our work to oversee the education and training of barristers, our authorisation of barristers and entities to undertake reserved legal activities, our supervision and enforcement functions, and our anti-money laundering work. This core work is the primary way in which we promote the public interest and the other regulatory objectives and the BSB is not currently meeting its KPIs in these operational areas. Considerable work has already been undertaken to improve our efficiency and the new budget reflects the need to provide greater resilience to deliver our core regulatory functions to time and to quality, while developing our people and ensuring their well-being. We are confident that we can further increase productivity over the next three years through further process improvements and through continuing investment in technology. This will be the focus of the Regulatory Operations Review which will get under way in 2022/23. We will also begin a review of the enforcement section of our Handbook over the course of the next strategic plan.

47. The need to improve our performance against our KPIs for this core regulatory work was strongly supported by those who responded to our strategy consultation and to the Bar Council's PCF consultation even if consultees did not acknowledge that this would require extra investment. Opinion was more divided about our other policy priorities with strong support from the Legal Services Consumer Panel but with the Bar Council and COIC concerned about mission creep and duplication of work done by them.

48. In addition to our core regulatory operations, we intend to:

- a. strengthen our policy and research capability to evaluate our regulatory interventions effectively and to participate in partnership working (this impacts all priority areas);
- b. improve our engagement with consumers and our delivery of public legal education (priority 2);
- c. enhance our capacity to engage proactively with barristers, chambers and the profession to define and to promote good practice across the Bar, particularly in administering chambers to ensure diversity and high standards (priority 4).

49. The BSB will undertake a number of projects which will further promote the regulatory objectives, in addition to completing work that began in previous years. For example, we will:

- a. Reinstate the paused review of the Code of Conduct (priority 1);
- b. Continue our work on assuring competence (priority 1);
- c. Continue our work to implement the CMA recommendations to promote consumer choice and price transparency (priority 2);
- d. Improve our capacity to consider the implications of technology and innovation in the sector and engage with developments that may be relevant to the Bar (priority 3);
- e. Refresh our work with the profession to promote better practice in promoting diversity and inclusion (priority 4).

50. We will also continue to implement the well-led action plan agreed with the LSB and ensure that the regulatory objectives are at the forefront of all decisions made by our Board. We will also:

- a. Continue our work to define the culture, values and behaviours essential to BSB's effectiveness as an independent regulator;
- b. Review the IGR settlement, and in particular the case for incorporating BSB with a view to streamlining governance, underpinning operational freedom and reinforcing our independent identity; and
- c. Pursue opportunities to improve our efficiency.

PCF Outlook beyond 2022/23

51. Table 17 provides a summary of the financial outlook beyond 2022/23 with indicative income and expenditure forecasts to 2025/26. The PCF forecasts include a minimum uplift of 3% which will be needed to maintain a healthy financial position and mitigate the inflationary effects on our recurrent costs. At this stage we cannot say if the required increase will be covered by the natural growth of the PCF due to increases in the number of barristers and their movement through the income bands or if this will require an increase in the PCF rates. Any necessary changes in the PCF rates will be considered on an annual basis.

52. We shall continue to plan budgets and set the level of the PCF on a year-by-year basis in the light of the circumstances at the time and having regard to barristers' earnings / incomes. This will enable the GCB to cover the costs of regulatory and other 'permitted purposes'; and to manage the cash flow; and to re-build our liquid reserves.

52. These forecasts show the level of income and expenditure necessary for the GCB to meet its current financial commitments. The forecasts contain initial assumptions on income and cost savings. These assumptions will be revisited at the end of the 2022/23 AtP process to assess if any additional measures are needed. The Inns' contribution is uncertain and has to be bid for each year. The BRF income is a voluntary subscription for barristers, and it is currently a minimum of £150 per person / per annum. The BRF income is expected to decrease as the fee will no longer provide access to Certificates of Good Standing from April 2022.

54. We expect the organisation to have a P&L breakeven in 2022 / 2023 and generate surpluses from 2024/25 onwards. As for the individual entities the Bar Council will generate surpluses while the BSB budget will remain in deficit until 2028/2029. The cash position will return to a surplus when the final loan repayments are made in 2026/2027.

Table 17

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

2022/23 High level budget and indicative outyear proposition for GCB

Values in £000's

	2020/21 Actuals	2021/22 Forecast	2022/23 Budget	2023/24 Indicative Fcst	2024/25 Indicative Fcst	2025/26 Indicative Fcst
PCF	15,747	15,342	16,847	17,353	17,873	18,410
BRF	1,278	1,283	1,190	1,300	1,300	1,300
Contribution from Inns	250	214	214	214	214	214
Other Bar Council Income	842	891	1,065	918	929	939
BSB Fees and Charges	2,637	1,862	1,540	1,587	1,637	1,689
Other Income	489	152	793	831	872	915
Total Income	21,243	19,744	21,649	22,203	22,825	23,467
Operating Spend	9,543	10,788	12,791	13,342	13,739	14,148
Overheads	5,552	5,976	6,547	6,631	6,735	6,822
Other Spend	1,442	2,192	2,192	2,192	2,192	2,192
Interest Expense	0	0	99	78	57	57
Total Spend	16,537	18,956	21,629	22,243	22,723	23,219
Net Surplus/(Loss)	4,706	788	20	(40)	102	248
	22.2%	4.0%	0.1%	-0.2%	0.4%	1.1%

*Forecast as at 20th October 2021

Reserves

55. The joint Finance Committee revised the Reserves Policy at its meeting on 23 November 2021.

56. The target range for the Permitted Purposes Reserve should be £3m - £6m. This is based on the estimated operating costs for a minimum period of 3 months and a maximum 6 months. The target range will be reviewed annually by the Finance Committee.

57. As the GCB is the legal entity it is impractical to hold separate reserves for the Bar Council and BSB. There is a separate permitted purposes reserve for S51 purposes. The BSB has full access to this for its regulatory needs.

58. The Free Cash Reserve: the value of unrestricted cash available for spending will always be less than the amount of total equity (which can often be misleading). The Free Cash Reserve is a calculated amount representing:

Free Cash Reserve (Total Assets - Fixed Assets - Loans - Pension) – Current Liabilities

59. The GCB distinguishes between permitted purposes reserves and other general reserves and reports those reserves in the annual audited financial accounts: the permitted purposes reserves arise from the surplus or loss on any BSB regulatory activity (whether funded by PCF or not) and Approved Regulator / representative body permitted purposes activity as included in the s51 report included in our accounts.

60. Movements in and between reserves are reported in the primary statements of the financial accounts, are audited independently and are subject to review by the joint Finance Committee and joint Audit Committee for financial and process integrity respectively. The approved accounts are available on the Bar Council website.

61. Extract from the Financial Statements y/e 31 March 2021

Table 18

Allocation of General Reserves				
	Permitted purpose £000's	*Legal challenges £000's	Other General Reserves £000's	Total General Reserves £000's
Balance at 1 April 2019	(1,222)	252	4,079	3,109
Surplus	2,429	-	218	2,647
Transfer to Pension Reserve	(1,000)	-	-	(1,000)
Transfer to Legal Challenges Reserve	(100)	100	-	-
Transfer for legal costs	78	(78)	-	-
Balance 31 March 2020	<u>185</u>	<u>274</u>	<u>4,297</u>	<u>4,756</u>
Surplus	3,941	-	656	4,597
Transfer to Pension Reserve	(1,150)	-	-	(1,150)
Transfer to Legal Challenges Reserve	(100)	100	-	-
Transfer for legal costs	74	(74)	-	-
Acquisition of NCI	-	-	(28)	(28)
Balance 31 March 2021	<u><u>2,950</u></u>	<u><u>300</u></u>	<u><u>4,925</u></u>	<u><u>8,175</u></u>

*Legal Challenges is a designated Permitted Purpose reserve created to hold and provide visibility of the costs of BSB defending against legal challenges following the cessation of uneconomic third-party insurance cover in 2020.

62. Our forecasts show the Permitted Purpose reserves will be within the target range from 2022 /2023 onwards.

63. The free cash reserve will also be within the target range from 2022 /2023 onwards.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 19

Indicative GCB Reserves & Free Cash Reserve : 2020/21 to 2027/28								
	2020/21 Actuals	2021/22 Forecast	2022/23 Budget	2023/24 Indicative Fcst	2024/25 Indicative Fcst	2025/26 Indicative Fcst	2026/27 Indicative Fcst	2027/28 Indicative Fcst
Net Surplus/(Loss)	4,706	788	20	(40)	102	248	399	545
Equity								
Adj. Total Comprehensive Income Transferre	3,419	788	20	(40)	102	248	399	545
General Reserves B/f	4,297	4,925	5,161	5,167	5,155	5,186	5,260	5,380
Permitted Purpose Reserve B/f	185	2,950	3,502	3,516	3,488	3,559	3,733	4,012
Legal Challenges Reserve B/f	274	300	300	300	300	300	300	300
Total Equity	8,175	8,963	8,983	8,943	9,045	9,293	9,692	10,237
Free Cash Reserves	3,820	4,512	5,383	5,653	6,064	6,675	7,331	8,185

64. These forecasts will be revisited during next year's budgeting process, when the joint Finance Committee will consider the appropriate target range of reserves needed and the timeline for achieving it.

BSB Budget

65. The BSB budget has been developed in alignment with the proposed BSB Strategic Priorities 2022-2025: <https://www.barstandardsboard.org.uk/uploads/assets/be75433d-8d46-4c27-b578cd490f49a95c/BSB-Strategy-consultation-Oct2021.pdf>

66. The total BSB budget includes the costs of the services (finance, IT and facilities) which the BSB shares with GCB. This is shown in Table 20.

Direct Costs

67. The BSB Board approved the 2022/23 budget bid and agreed that it is consistent with the proposed BSB strategy for 2022-2025. The budget proposals were scrutinised in detail by the BSB SPR Committee. The subsequent regulatory budgets were presented to the Joint Finance Committee on 27 October 2021.

68. The costs of the BSB, excluding shared services, will be £8.233M, an increase on the 2020/21 budget of £1.244M (2021/22 was £6.989M), £1.103M staff and £141k non-staff. This is an 18% increase in operating costs.

69. The BSB has identified the need for additional resources. This is explained in the consultation documentation.

Table 20

BSB 2022/23 Budget Summary					
	2021/22 Budget	2021/22 Forecast*	2021/22 Budget v Forecast Variance	2022/23 Budget	2022/23 Budget v 2021/22 Budget Variance
	£000's	£000's	£000's	£000's	£000's
Income					
PCF	10,804	10,821	17	11,896	1,092
Fees and Charges	1,778	1,862	84	1,540	(238)
Share Corporate Income	107	107	0	559	452
Subtotal Funding	12,689	12,790	101	13,995	1,306
Costs					
Governance, Exec, Support & Communication	1,525	1,600	(75)	1,904	(379)
Strategy and Policy	982	973	9	1,230	(248)
Regulatory Operations	2,913	2,684	229	3,409	(496)
Legal Enforcement	1,569	1,514	55	1,690	(121)
Subtotal Spend	6,989	6,771	218	8,233	(1,244)
Shared Overheads	4,189	4,215	(26)	4,688	(499)
Total Operating Spend	11,178	10,986	192	12,921	(1,743)
DB Pension Fee	917	917	0	917	0
LSB Charge	595	629	(34)	629	(34)
Non Operating cost	1,512	1,546	(34)	1,546	(34)
Total Cost	12,690	12,532	158	14,467	(1,777)
Net Surplus/(Loss)	(1)	258	259	(472)	(471)

*Forecast as at 29th October 2021

70. The BSB expects to raise £1.54M (£1.77M revised budget in 2021/22) in non-PCF income from other regulatory fees. The income is expected to fall as the fees charged to Authorised Education Training Organisations (AETO's) are being revised. The charges are based on the number of students on courses. Student numbers have been uncertain due to the introduction of Future Bar Training and the effects of Covid, and Brexit. The aim of the revision of the charges is to improve fairness and cost recovery.

2021/22 BSB in Year Movements

71. Forecast income is expected to be higher due to additional PCF collected above forecast of £17k and greater regulatory income due to authorisations/entity regulation income exceeding budget by £84k.

72. Forecast Operating Costs are expected to be lower than budgeted due to savings in the Legal Enforcement Department of £55k, Strategy and Policy department of £9k and in Regulatory Operations of £229k (due to delays in Exam question writing due to the pandemic). This was offset by additional shared services costs of £26k due to recruitment of posts due to staff turnover and temp staff cover. The proportion of the LSB increase allocated to the BSB is £34k. This leaves a net saving in costs of £158k.

73. These figures need to be treated with caution as we still have a number of months before year end in March 2022.

BSB Forecasts to 2025/26

74. The BSB is currently consulting on its strategy for 2022-25. The forecasts are broadly based on the proposed strategy. Detailed forecasts beyond 2022/23 will be subject to revision depending on the regulatory and economic landscape post Covid.

BSB Capital Expenditure

Table 21

	2022/23	2021/22	Variance
BSB Capital Spend	BSB		
Capital Projects	£	£	£
Total Direct Projects	259,000	32,880	(226,120)
Indirect Expenditure			
Shared Services Capital Projects	449,141	535,113	85,972
Shared Services Capital Projects Recharge			
Total Projects	708,141	567,993	(140,148)

75. BSB direct capital expenditure has risen by £226k. The main projects are pupillage registration, case management, ethics project, and handbook review.

Shared Services

76. Resources Group provides the shared services for the Bar Council and BSB, comprising IS, PMO, FM, HR (payroll), Finance and the Records team. These teams provide the back-office services to enable the regulatory and representation arms to function efficiently. The high-level plans for the functions shared between Bar Council and BSB have been identified. These plans include the costs of staffing, operations and capital expenditure in support of the strategic plans for both organisations.

77. Resources Group is proposing an increase in operating expenditure on the 2021/22 budget of £707k (13%). £515k of this relates to non-staff costs:

- a. £216k net increase in corporate overheads (£271k increase in finance overheads offset by savings in HR of £54k). The increase in corporate costs is largely due to the commencement of interest payments on the CBILS loan and the additional tax that would have to be paid on the investment fund.

- b. £34k additional IS costs to reflect inflationary increases and additional licensing costs to support the increase in FTEs.
- c. £37k increase in facilities costs to reflect a 3% inflationary increase on property costs.
- d. £227k additional depreciation costs to reflect capital programmes in 2021/22.

78. The increased charge to the BSB amounts to £499k. The BSB is recharged a proportion of the Resources Group costs based on the split of permitted purpose costs between the Bar Council and BSB.

Bar Council budget 2022/23

79. The budgets of GCB fund the Representation, Policy and Services (RPS) representative body, include the functions of the Approved Regulator, and a share of the shared services costs for the business. These budgets are set in conjunction with the business planning process and align with the Bar Council Strategic Plan.

<https://www.barcouncil.org.uk/uploads/assets/86520690-7ab5-4cb1-93e63c26bc300c9f/Bar-Council-Strategic-Plan-2019-24.pdf>

80. Total income for the Bar Council will increase by £671k to £7.65M (£6.98M 2021/22). The Services function will raise £2.25M (£2.21M in 2021/22 budget). BRF forecast income has been budgeted to reduce by £110k. This reduction is due to the Certificate of Good Standing becoming a regulatory function and no longer being a benefit provided through BRF. This is based on the prudent assumption that Barristers who obtained a Certificate of Good Standing in 2021/22 through their BRF will no longer subscribe to the BRF in 2022/23. The net combined RPS income is forecast to increase by £155k. Services income is expected to increase by £198k due to an increase in business partners and training and events., whilst Representation and Policy income is expected to decrease by £42k.

81. The surpluses from these activities are used both to reduce the PCF burden and to enable the Bar Council to undertake activities outside of the permitted purposes.

82. A further £0.21M is received from the Inns of Court for specific representation activity.

83. The direct cost of the Bar Council will increase by £363k to £4.5M (Table 7) (£4.1M in 2021/22 final budget). BC staff costs will increase by 235k (an 8% increase). This includes an increase of 3.5% that has been built into salary budgets to cover salary inflation, recruitment and other staff costs (£72k). There will be an additional 2.6 FTE's (£111k), although this includes filling an existing vacancy and the reallocation of the HR Manager to the Executive budget from the Resources Group budget, as a result of the BSB setting up their own HR function. It also accounts for the announced increase in employers' National Insurance (£36k). Non-staff costs are expected to increase by £126k (9%). The Services portfolio is expected to increase expenditure by £153k due to an increase in training and events (more than offset by increased income). Representation and Policy costs will reduce by £27k.

84. The 2022/23 budget proposals for the Bar Council are shown in Table 22.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 22

Bar Council 2022/23 Budget Summary					
	2021/22 Budget	2021/22 Forecast*	2021/22 Budget v Forecast Variance	2022/23 Budget	2022/23 Budget v 2021/22 Budget Variance
	£000's	£000's	£000's	£000's	£000's
Income					
Income	2021/22 Budget	2021/22 Forecast*		2022/23 Budget	Variance to Budget
PCF	4,514	4,521	7	4,951	437
Representation Income	214	214	0	214	0
Services to the Profession	2,210	2,174	(36)	2,255	45
Share Corporate Income	45	45	0	234	189
Subtotal Funding	6,983	6,954	(29)	7,654	671
Costs					
Representation Direct Costs	3,350	3,218	132	3,558	(208)
Shared Overheads	1,336	1,344	(8)	1,530	(194)
Total Representation	4,686	4,562	124	5,088	(402)
Costs of Services	845	800	45	1,000	(155)
Shared Overheads	415	416	(1)	428	(13)
Total Services	1,260	1,216	44	1,428	(168)
Direct Bar Council Costs	4,195	4,018	177	4,558	(363)
Shared Overheads	1,751	1,760	(9)	1,958	(207)
DB Pension Fee	383	383	0	383	0
LSB Charge	249	263	(14)	263	(14)
Non Operating cost	632	646	(14)	646	(14)
Total Cost	6,578	6,424	154	7,162	(584)
Net Surplus/(Loss)	405	530	125	492	87

*Forecast as at 11th November 2020

85. Services to the profession (income) includes income from the voluntary Bar Representation Fee (BRF) and income from training and events provided to the profession.

2021/22 Bar Council in-Year Movements

86. Forecast income is expected to be £36k lower due to events being cancelled, mitigated by additional PCF income.

87. Forecast operating costs for Services and Representation are lower (savings of £45k and £132k respectively) due to cancelled and rescheduling of events. There were additional shared services costs of £9k due to recruitment of posts due to staff turnover and temp staff cover. The proportion of the LSB increase allocated to the Bar Council is £14k. This leaves a net saving in costs of £154k.

88. These figures need to be treated with caution as we still have number of months before the year end in March 2022.

Bar Council Capital Expenditure

Table 23

	2022/23	2021/22	Variance
Bar Council Capital Spend	Bar Council		
Capital Projects	£	£	£
Total Direct Projects	90,000	191,510	101,510
Indirect Expenditure			
Shared Services Capital Projects	201,859	240,497	38,638
Total Projects	291,859	432,007	140,148

89. The Bar Council direct capital expenditure has fallen by £101k. The main projects are, pupillage gateway, and online training.

Application of PCF to permitted purposes

90. When preparing the Bar Council budget, we have apportioned the total costs of the various functions between permitted purposes and other expenditure according to descriptions summarised in Table 27. The value of this apportionment is shown in Table 24 below.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 24

Analysis of Representative costs between Permitted and Other Purposes							
	2022/23 Budget			Total Costs	Max Permitted Purposes ("P.P.")	Permitted Purposes Activities	Other Purposes
	Direct Costs	Support Costs	Contribution				
	£000	£000		£000		£000	£000
Analysis of Representative Permitted Purposes Costs							
Approved Regulator: Corp.	1,140	522		1,662	90%	1,496	166
Donations	214	-		214	100%	214	-
Approved Regulator Subtotal	1,354	522	-	1,876		1,710	166
Representation:							
<i>Equality, Diversity & CSR</i>	398	182		580	90%	522	58
<i>Policy Directorate</i>	458	210		668	100%	668	-
<i>EU Law</i>	144	66		210	100%	210	-
<i>International</i>	353	162		515	80%	412	103
<i>Law Reform & Regulatory & Ethics</i>	174	80		254	100%	254	-
<i>Remuneration & Legal Practice</i>	243	111		354	95%	336	18
<i>Communications</i>	434	197		631	75%	473	158
Subtotal Representation	2,204	1,008	-	3,212		2,875	337
Total	3,558	1,530		5,088		4,585	503
<i>2021/22 Budget</i>	<i>3,254</i>	<i>1,511</i>		<i>4,765</i>		<i>4,301</i>	<i>464</i>

91. Support Costs represents the share of Resources Group (overhead costs) detailed in table 25 in section IV below.

III. Consultation on the PCF

Consultation Process

92. The Joint Finance Committee (on the 27 October 2021) reviewed the proposal for an increase in the PCF fee level to meet the anticipated expenditure in 2022/23. The proposal to increase the PCF fee level and the proposed budget for 2022/23 was put before the profession between 30 November and 14 January 2022. The full consultation document, including an exchange of letters between the Bar Council in its representative role, and the BSB, under IGR Rule 3, is at the link below:

<https://www.barcouncil.org.uk/uploads/assets/41888f44-91de-4a12-82a40eafc5ecbf01/General-Council-of-the-Bar-Budget-and-PCF-Consultation.pdf>

93. We followed a similar approach in this consultation to that used in previous years:

- The BSB sent out its Regulatory Update on 13 December 2021 inviting comments from registered and unregistered barristers. The following statistics relate to the December Regulatory Update:
 - 17,480 emails were sent out to the Registered (i.e., practising) Bar
 - 7,235 Registered Bar emails were confirmed as being opened - a 42% open rate
 - 675 emails were sent out to the unregistered (i.e. non-practising) Bar
 - 298 unregistered Bar emails were confirmed as being opened - a 44.48% open rate
 - there were 480 page views (391 unique) to the Regulatory Update webpage between 1 December 2021 and 7 January 2022. <https://www.barstandardsboard.org.uk/for-barristers/regulatory-updates.html>

94. Additionally, the consultation document has been available on the BSB's website at <https://www.barstandardsboard.org.uk/news-publications/consultations.html> and there have been 242 page views on the consultation webpage between 1 December 2021 and 7 January 2022 (189 unique views).

- The BSB posted the consultation link to its 27,158 Twitter, its 8,163 LinkedIn and its 1,520 Facebook followers on 10 December 2021 and 14 December 2021 and put a notice on MyBar, with a link to the consultation, in December 2021.
 - 10 December 2021: on Twitter the PCF consultation post received 1,434 impressions, 26 engagements, 9 detail expands, 6 link clicks, 2 likes, 2 profile clicks, 2 retweets, 5 media engagements and a 1.8% engagement rate. On LinkedIn the PCF post received 213 impressions, 8 clicks, a 3.76% click through rate and engagement rate. On Facebook the PCF post reached 58 people.
 - 14 December 2021: on Twitter the PCF post received 492 impressions, 3 engagements, 3 link clicks and a 0.6% engagement rate. On LinkedIn the PCF post received 206 impressions, 3 clicks, a 1.46% click through rate, 1 reaction, and a 1.94% engagement rate. On Facebook the post reached 83 people, 2 likes and 2 link clicks.

95. The Bar Council separately included a link to the consultation and messaging inviting responses to it in three editions of the Bar Council's fortnightly e-newsletter, BarTalk in the 2, 6, 15, 17 December editions. The links were placed prominently in the newsletter (top two spots) to increase engagement.

- Each edition of BarTalk was sent to more than 17,700 recipients (including the whole of the practising Bar), with over 50% of recipients reading the newsletter and, in total 276 people downloaded the consultation from the newsletter.

96. The PCF fee level and budget proposal for 2021/22 was widely disseminated to the legal press; with the Law Society Gazette and Legal Futures covering the story. The new Chair of the Bar referenced it in his inaugural speech in early December.

97. Chairs of Specialist Bar Associations, Circuit Leaders and Chairs of the Bar Council's committees were also encouraged asked to respond.

98. Traffic to the consultation on the Bar Council's website was high, with 424 views of the consultation from when it was posted on the website.

99. We engaged with a diverse range of barristers in representative groups including:

- Northern Circuit
- North Eastern Circuit
- Western Circuit
- South Eastern Circuit
- Wales and Chester Circuit
- Midland Circuit
- Middle Temple
- Inner Temple
- Lincoln's Inn
- Gray's Inn
- Bar Council General Management Committee
- Bar Council Race Working Group
- Bar Council Young Barristers' Committee
- Bar Council Equality, Diversity and Social Mobility Committee
- Bar Council International Committee
- Bar Council Employed Barristers' Committee
- Bar Council IT Panel
- Bar Council Remuneration Committee
- Bar Council Law Reform Committee
- Bar Council Ethics Committee
- Bar Council European Committee
- Bar Council Legal Services Committee
- Bar Council Bar Services Committee
- Bar Council Pro Bono and Social Responsibility Committee
- Bar Council Information Technology Panel
- Bar Council Alternative Dispute Resolution Panel
- Bar Council Direct Access Panel
- Bar Council Regulatory Review Working Group
- Bar Council Future Relations Working Group (now International Trade Working Group)
- Bar Council Money Laundering Working Group
- Bar Council Race Working Group
- Chancery Bar Association
- Bar Association for Commerce, Finance and Industry (BACFI)

- London Common Law and Commercial Bar Association
- Criminal Bar Association
- Family Law Bar Association
- Property Bar Association
- Professional Negligence Bar Association
- Intellectual Property Bar Association
- Employment Law Bar Association
- Bar Association for Local Government and the Public Service
- Revenue Bar Association
- Admiralty Bar Association
- Northern Chancery Bar Association
- Midland Chancery and Commercial Bar Association
- Planning and Environmental Bar Association
- Bar European Group
- Technology and Construction Bar Association
- Northern Circuit Commercial Bar Association
- Commercial Bar Association
- Personal Injuries Bar Association
- Public Access Bar Association
- FDA
- Administrative Law Bar Association
- Court of Protection Bar Association

Consultation Responses

100. Formal written responses

- In addition to all the feedback we received on our consultation through events, focus groups and online engagement, we received 107 formal email responses representing 8,037 barristers, including many from Bar Council Committees with broad representation, Specialist Bar Associations, 5 out of 6 Circuits, chambers and individual self-employed and employed barristers.

101. Summary of consultation responses - budget and practising certificate fee

- The overwhelming majority of the feedback was negative amounting to 7,946 barristers. There were 91 individual barristers accepting of the budget and PCF increase, but certainly not with enthusiasm.

102. The following anonymised extracts are representative of the general themes conveyed by those against the increase:

- “I see no justification for the significant staff cost increases proposed”.
- “It is of real concern that the BSB has not seen the need to have a fully explained and costed proposal...Such a fundamental failure calls into question the reliance that can be placed on the “justification” and figures produced and the ability of the BSB to manage and operate the proposed increased resources.”
- “A fully costed business case, including consideration of other options and
- taking into account the possibility of postponing other less urgent work to reduce costs, has not been produced or, if it has, it has not been published.”

- “The business case for increased expenditure and recruitment by the BSB is not made out. The BSB is not meeting its KPIs and should be expected to do so on the basis presently mandated before seeking to expand its operations.”
- “The BSB has failed to produce a thorough, convincing business case for the rapid and extraordinary increase in BSB staff numbers; the exceptional increase in staff numbers is not reasonable or proportionate. The concomitant substantial increase in PCF is similarly not reasonable or proportionate.”
- “As regards the increase in workload relating to complaints made against barristers, we note the observations made to the Bar Council that up to 30% of overall casework related to unregulated barristers. This is not made clear in the Proposal, nor does it address whether and how steps could be taken to reduce the cost of this to the regulated profession. Therefore, we cannot support the proposal for an increased headcount consequential to the increased caseload at the BSB.”
- “The BSB seems to spend about 30% of its time in dealing with issues presented by unregistered barristers (of which there are about 70,000). This work is, in effect, funded by those of us who are regulated.”
- “It is troubling to learn that 30% of the BSB’s “Reports” (about barristers’ conduct) seem to be generated by 70,000 unregistered barristers. A significant amount of the BSB’s activities seem to relate to “Authorisations and Waivers” in relation to the various academic and practicing requirements of the bar – the fees charged by the BSB for these dispensations are expressed on its website to be cost-based, so presumably should not be funded through the PCF.”
- “The BSB concedes to spending about 30% of its time in dealing with issues presented by unregulated barristers, which has to be funded by those of us who are regulated. It is quite apparent that rather than taxing the regulated barristers more, the issue of unregulated barristers taking up a third of BSB time needs to be addressed urgently.”
- “I am concerned to read that the BSB spends about 30% of its time dealing with issues presenting by unregulated barristers. There is an inherent unfairness to the regulated profession in having to in effect fund this.
- “This is a substantial and (as far as I can recall) unprecedented increase in the budget and the PCF at a most unwelcome time when fees and receipts are suffering constant downward pressures.”
- “I think such an increase is absolutely impossible to justify in the present climate – after a two-year pandemic when many barristers are struggling, including as a result of long-term cuts to public funding.”
- “Increases in professional fees at this point will not only have a direct financial impact on members but they will also undoubtedly send out the wrong message. That message will be that when we were in trouble and our livelihoods were in jeopardy there was no help but as soon as we are starting to get back on our feet we are being asked for greater contributions to deal with those who fall foul of the rules. That seems like a difficult sell.”
- “The BSB must think again and with caution. The profession requires a strong regulator yes, but also one that listens. The time now is to listen and reconsider the budget call that has been unreasonably made. We call upon the BSB to reconsider the budget in the light of the professions real concerns.”
- “On the information available it appears that the primary reason for the increase is a 40% increase in staff over the last few years. Given the way in which Chambers have had to cut back during the course of the pandemic and in light of the difficulties at the criminal bar this seems an inexplicable increase.”
- “The proposed increase comes at a time when the funding of the publicly funded Bar is itself falling, so an increase in outgoings is even more oppressive in such circumstances.”

- “There needs to be a more equitable distribution of the burden of funding the Bar Council/BSB.”
- “I think the increase in budget of over 14% sought by the BSB is entirely unwarranted. Part of the justification for the increase is the BSB's desire to promote diversity. It is difficult to see how this falls within its regulatory remit, but even if it did, increasing fees in this way is likely to have precisely the opposite effect to that intended.”
- “I'm not sure the BSB (or the GCB, for that matter) really has a full grasp of how badly some parts of the profession are faring at the moment. The BSB refers to its staff being overworked and lacking work/life balance. The criminal Bar in particular is at breaking point.”
- “The publicly funded Bar has had little support from any quarter during the pandemic. Practitioners are reducing their outgoing to match a reduction in the possibility of work in the 2020 lockdown, with ongoing limitations upon the listing of trials and reduced fees generally (at least in real terms). Our governing bodies should do likewise.”
- “The proposal is framed as a necessary response to financial pressure, but in reality, it appears to be largely due to a deliberate strategic choice to increase staffing levels and costs substantially. That is very difficult to understand at a time when the individuals regulated have seen significant reductions in income, and do not have the luxury of simply asking their customers to pay more.”
- “To meet arguments about inefficiency by simply raising staff levels and pay levels at a time when everyone else is and will be under considerable financial pressure is inappropriate.”
- “I also share the unease felt by many about what can best be described as “mission creep” on the part of the BSB. For example, I see that the BSB wishes to do more work to “include the continuing challenges of promoting diversity, sustaining high standards and improving access and transparency for consumers.” The BSB is a regulatory not a promotional body.”
- “I consulted with all the members of my chambers who unanimously were against any increase in the PCF. The general consensus emerged that the Bar Council and the CBA (and for that matter the Circuits and the Inns) have been able to run their finances in difficult times at a sensible level for the last three years making substantial savings and suitable adjustments (giving up expensive offices but retaining key personnel). In contrast they noted that the BSB continues to expand.”
- “The BSB has not shown any adequate case for the hiring of yet further staff at the Bar's expense. There is no reason to believe that the supposed increase in complaints is a permanent trend. Instead, the BSB should carry out a fundamental re-examination of the way in which it exercises its regulatory functions.”
- “The tendency of the BSB to grow ever larger has resulted in a lack of focus and disconnection from the practicing Bar. Its growth has actually been counterproductive.”
- “It does seem to us that the BSB is perhaps trying to expand beyond its remit. It is not obvious why numerous reports about the same incident should justify very significant extra BSB work if adequate triaging was in place.”
- “With respect, the BSB should concentrate on getting the basics right before seeking to spend vast sums of the profession's money on expanding its remit unnecessarily.”
- “Reading the monthly e-mail updates from the BSB it appears to me that the BSB has fallen into the trap of regulatory overreach...Regrettably, I think there is regulation for regulations' sake, which is contrary to the economic wellbeing of every industry or profession where this has been tried in the past.”
- To me, the increased number of BSB employees in the past few years is solid evidence of this overreach - little has happened to the Bar itself or the court/tribunal system in which we operate in that period, so the change is in the Regulator not the regulated.

- “The budget should reflect the times we live in. It should be far more efficient and should recognise the fact that the level of dissatisfaction at the bar has never been higher.”
- “I would support a focus on core tasks done well at more efficient cost”. The BSB must refocus its efforts...as a light touch regulator of the profession at this difficult time and I am sorry to say... reign in some of what may only be seen as vanity projects.”
- “I think that the BSB could and should make better use of the money that is already supplied to them and should look to tailor their activities to focus on areas within the formal remit of the BSB with an eye to proportionate regulation.”

103. The following anonymised extracts are representative of the general themes conveyed by those who accept the need for an increase:

- “Reluctantly I agree as it would appear there are limited options otherwise. I endorse the decision to request further detail from the BSB as to their budget increases as I am not sure that the increase in budget is fully justified.”
- “We do agree but we are concerned that an increase across the board and taking the lower earners into the equation will adversely affect those who are struggling.”

Summary of how we have taken responses into account

104. The responses across the profession are overwhelmingly against this increase in budget. The following extract from the responses echoes the GCB, as the representative body, sentiments on the matter:

“The BSB must think again and with caution. The profession requires a strong regulator yes, but also one that listens. The time now is to listen and reconsider the budget call that has been unreasonably made. We call upon the BSB to reconsider the budget in the light of the professions real concerns.”

IV. Permitted Purposes

Allocation of PCF to Permitted Purposes

105. Table 25 below shows the allocation of PCF to regulatory and representative permitted purpose activities.

106. The split of PCF is based on the forecast permitted purpose costs as shown in Table 9 (s51 report) below. The proportions have remained steady over the years: the decrease in the absolute amount of PCF forecast is due to the Covid pandemic.

107. All BSB activity is for permitted purposes. In 2022/23, the level of PCF income applied to BSB activities rises to £11.89M from £10.8M in 2021/22 (an increase of £1M.).

108. In 2022/23, the level of PCF income applied to Bar Council representative permitted purpose activities rises to £4.95M (up £437k, on 2021/22). Further details of the functional split of representative permitted purposes are shown in tables 24 and 25. The allocation of PCF to permitted purposes shown in table 25 is based on the proportion of permitted purpose spend in the regulation and representative bodies.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Table 25

s51 Report on 2022/23 - Allocation of PCF to Permitted Purposes

	Regulation (BSB)	Representation	Services	Revenue Total	Capital Spend	Capital Spend	Total Funding & Spend
Total costs breakdown by source	0.6982	0.3018					
Direct Costs	8,233	3,558	1,000	12,791			12,791
Share of Resources Group	4,688	1,530	428	6,646			6,646
Project Spend	0	0		0	910	90	1,000
LSB/OLC	629	263		892			892
DB Pension Scheme	917	383		1,300			1,300
Total Spend - Funding Required	14,467	5,734	1,428	21,629	910	90	22,629
Analysed between Type:	Regulatory Permitted Purposes	Other Permitted Purposes	Other Purposes		Other Permitted Purposes	Other Purposes	
Permitted Purposes	14,467	5,231	503	1,428	19,698	910	20,608
Not Permitted Purposes			503		1,931	90	2,021
	100%	91%	9%		21,629		22,629
Funded by:							
PCF	11,896	4,951	0	0	16,847	0	16,847
Direct Income							
Regulatory Fees & Charges	1,540				1,540		1,540
Services To Members				2,255	2,255		2,255
Other Contributions		214			214		214
Other Administrative Income	559	0	234		793		793
Subtotal Direct Income	2,099	214	234	2,255	4,802	0	4,802
Cross Subsidy from Services to Members	0	467	360	(827)	0	0	0
Total Funding	13,995	5,632	594	1,428	21,649	0	21,649
Net Surplus/(Loss)	(472)	401	91	0	20		20
Surplus/(Loss) Analysed between source:							
Permitted Purposes	(472)	401			(71)	0	(71)
Not Permitted Purposes			91	0	91	0	91
							20
Cashflow : Add / Deduct							
Permitted Purposes-Depreciation	894	272			1,166		
Not Permitted Purposes-Depreciation			20	82	102		
Permitted Purposes-CBILS Loan Capital Repayments	(670)	(287)			(957)		
Cash Inflow/(Outflow) Analysed between source:							
Permitted Purposes	(248)	386			138	910	(772)
Not Permitted Purposes			111	82	193	90	103
Net Cash Outflow							(669)

PCF Application: 2022/23 operating budgets for GCB (Bar Council and BSB)

109. The operating budget proposals for the organisation as a whole are summarised below.

Budget Summary

110. The General Council of the Bar's 2022/23 operating expenditure is expected to increase by £2,313k (14%) compared to the 2021/22 budget. Total GCB costs increase by 12% (£2,361k).

Expenditure

111. The reasons for the increase in costs are detailed in each of the business areas but comprise:

- Staff costs have increased by £1,530k, 16% increase on the 2021/22 budget due to additional FTE's (see the BSB section, and out of cycle salary increases due to market pressures and historic commitments. This also includes the 3.5% contingency for staff pay rises, recruitment and out of cycle increases).
- Non-staff costs have increased by £783k, an 10% increase on the 2020/21 budget.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

- LSB / OLC costs have increased by £48k a 5.7% increase on the 2020/21 budget.

Table 26

BSB+BC 2022/23 Budget Summary					
	2021/22 Budget	2021/22 Forecast*	2021/22 Budget v Forecast Variance	2022/23 Budget	2022/23 Budget v 2021/22 Budget Variance
	£000's	£000's	£000's	£000's	£000's
Income					
PCF- BSB	10,804	10,821	17	11,896	1,092
PCF- BC	4,514	4,521	7	4,951	437
BSB Fees and Charges	1,778	1,862	84	1,540	(238)
BC Representation Income	214	214	0	214	0
BC Services to the Profession	2,210	2,174	(36)	2,255	45
Corporate Income	152	152	0	793	641
Total income	19,672	19,744	72	21,649	1,977
BC Total costs	6,578	6,424	154	7,162	(584)
BSB Total costs	12,690	12,532	158	14,467	(1,777)
Total cost	19,268	18,956	312	21,629	(2,361)
Net Surplus/(Loss)	404	788	384	20	(384)

*Forecast as at 29th October 2021

A further breakdown of costs is shown in APPENDIX 5

2021/22 GCB in Year Movements

112. The year end forecast GCB surplus has increased from the budgeted amount (£404k) to £788k an increase of £384k. The increase in the surplus is due to the following:

a. Total income has increased by £72k this is due to late PCF renewals £24k, additional regulatory income £84k mitigation a reduction in income from the profession for the Bar Council of £36k.

b. Cost savings from the Bar Council and BSB amount to £312k (Bar Council £154k and BSB £158k).

These figures need to be treated with caution as we still have number of months before the actual year end in March 2022.

Allocation of PCF to non-regulatory Permitted Purposes activities

Introduction

113. We have reviewed the representative activities of the Bar Council to determine the extent to which they fall within the Permitted Purposes described by section 51 of the LSA 07 and so may be funded by PCF. The rationale set out here has been considered in the budget setting process.

Outcomes

114. The Bar Council representative function supports the Permitted Purposes including s51 (4) a), c), d), e) and f). As well as work delivered by Bar Council staff, barrister led committees and working groups in specialist areas are supported by our staff working through five core teams. These activities are grouped by one of five themes and described on pages 33-37.

115. A proportion of the staffing resource within the representation teams supports non-Permitted Purposes activity and is funded independently. Table 27 shows the proportion of team resources applied to each Permitted Purpose and Table 24 shows the value of the relevant budget proposals analysed between Permitted and other purposes. Direct costs for activities of the services function that are completely outside of Permitted Purposes are budgeted for separately and analysis of this is outside the scope of this paper.

116. The Bar Council has again chosen to restrict the amount of PCF that we are prepared to seek for representation purposes and so has funded some Permitted Purposes activity, that otherwise may be funded by PCF, by other means. These means include surpluses from commercial activity and the Bar Representation Fee. The value of these is shown as other income or as a cross subsidy in Table 25.

Description of Representative Activity by Function

Equality, Diversity, Inclusion, Education & Training and Social Mobility

117. This work of the Diversity & Inclusion and Corporate Social Responsibility team covers:
- a. Matters to do with the 'training' and 'education' of barristers and those wishing to become barristers (section 51(4)(a));
 - b. Promoting the objectives of the Equality Act 2010, to which the Bar Council as an approved regulator is subject, including:
 - 'advance equality of opportunity between people from different groups' (section 51(4)(a)(ii));
 - 'eliminate unlawful discrimination and other conduct prohibited by the Equality Act'; and
 - c. Promoting equality, diversity and inclusion (including social mobility) in the profession. Specific programmes cover (i) access, (ii) retention and (iii) progression. Programmes include but are not limited to Bar Placement Schemes throughout England & Wales (with social mobility charity partners); e-mentoring, careers outreach, pupillage specific projects and supporting barristers' work with schools and universities, for example Young Citizens' Bar Mock Trials.

- d. We have developed a detailed programme of work focused on race at the Bar. Both developing and embedding that work, which falls squarely within the objectives of the Equality Act, will involve a considerable but necessary amount of work. Our work will ensure that (i) our existing D&I work programme incorporates race across the board and (ii) specific workstreams relating to race at the Bar are further developed. In terms of training, we are investing time rolling out a Race Awareness Training product to supplement existing E&D awareness training.
- e. The team is also responsible for leading on all work in relation to the Young Bar and the Employed Bar: a broad and growing remit.

Outside of permitted purposes:

118. Up to 10% of the time of the team is allocated towards supporting Pro Bono activity, Wellbeing, Silk and Judicial Mentoring, an annual Young Bar social event, the biennial Employed Bar Awards and other small projects.

European Activities (Brussels)

119. The Bar Council maintains effective two-way communication between the institutions of the European Union and the Bar Council. This work is led by the Bar Council's Brussels Consultant and EU Law Committee. All activities are within Permitted Purposes. The focus of our activity continues to relate to the UK's departure from the EU and maintaining constructive dialogues with the EU. 60% of our Brussels work, falling under section 51 (4) (f), enables the Bar Council to:

- a. Capture the output of the EU institutions which have a bearing on the reform and development of the law in England and Wales, the administration of justice in England and Wales and the consumer as well as the public interest;
- b. Draw attention to EU-wide consultation exercises and related initiatives; and
- c. Communicate the views of the Bar of England and Wales on a wide range of legal matters affecting the development of EU law and justice including matters of family law, criminal law, administration of estates, contract law and intellectual property. This work continues in earnest following the UK's departure from the EU from the perspective of an important third country. The UK has long contributed to and indeed led the development of many aspects of EU law and will continue to influence developments as a key third country and through expert stakeholders like the Bar Council from 2021 onwards.

120. Our work relating to the UK's departure from the EU all falls within section 51(4)(c): (law reform and related legislative process) and encompasses working with government and other interested parties on changes to domestic legislation as a result of the UK leaving the EU. This crucial public-interest work accounts for the remaining 40% of our European activities.

International

121. The International Team exists to:

- a. Advise the Bar Council on international developments of relevance to the Bar, to promote the interests of the Bar to international organisations and other legal professions and to lead the support and promotion of the international rule of law. It also acts to maximise international business opportunities for the Bar.

- b. Provide policy expertise and intelligence to the organisation across the range of international interests of the Bar including trade (this is particularly the case post-departure from the EU), rule of law (this continues to create a considerable amount of work in light of the impact of Covid-19 on the rule of law) and international issues.
- c. Ensure that the Bar and the Bar Council's positions are effectively put forward in international organisations (e.g. the Council of Bars and Law Societies of Europe (CCBE) and the International Bar Association).
- d. Support the development of the international rule of law by interesting and engaging the profession in relevant activities (e.g. through lectures and other educational means) and by providing Bar expertise to Bar associations and other lawyers' organisations overseas (e.g. by taking part in capacity building and other training projects abroad, whether alone or with partners like the Royal Commonwealth Society or UK government).
- e. One member of the International team currently spends a significant amount of time working on matters related to the UK's departure from the EU which also come within section 51(4)(c) as described above and 51(4)(f), for example supporting the government's Professional Business Services Council and DTI Trade Advisory Group for Professional Advisory Services.

Outside of permitted purposes:

122. On occasion but clearly less so due to the ongoing pandemic, the International Team's activity has an ancillary purpose to create opportunities for business development including initiating international business development projects, overseas marketing missions to changing jurisdictions, organisation of or attending business conferences, promotional publications or networking events with incoming delegations of foreign lawyers. These activities generate fees which pay for the incremental costs arising and may also subsidise the Permitted Purposes activity. However, due to Covid-19 much of this work has been put on hold since inward and outward travel is advised against, and we are spending more time working on projects related to the rule of law and the UK's departure from the EU. Therefore, up to 10% of the resources of the international function this year are funded by other sources.

Law Reform, Regulatory and Ethics Issues

123. The Regulatory Issues, Law Reform and Ethics team is responsible for engaging with the legal sector regulators on issues affecting the profession. The main areas of work include the following, all of which fall within the Permitted Purposes:

- a. Education and provision of leadership to the profession on key regulatory changes. These include communication with the Legal Services Board, Bar Standards Board and other key stakeholders including the Competition and Markets Authority, the monitoring of changes to the regulatory environment for barristers, chambers and other business models and educational work on practical issues on establishing entities and Alternative Business Structures. This work falls under section 51 (4) (a).
- b. Practical Advice and support on practice management, including drafting practice management guidance for the Bar and arranging practice management seminars on both new areas of interest and updates on existing matters. This work falls under section 51 (4) (a) (ii).

- c. Monitor and respond to consultations that impact on the administration of justice. This includes coordination of Law Reform Committee (LRC) led responses to consultations on a broad range of legislative matters, coordination of law reform related working groups which influence legislation, contributions of the LRC to the Law Commission's programmes of law reform, raising awareness of current law reform issues through the annual law reform lecture delivered to some 200 law students, barristers and judges and fostering an interest in law reform amongst law students and aspiring barristers through LRC's annual law reform essay competition. This work falls under section 51 (4) (c), 51 (4) (e) and 51 (4) (f).
- d. This team also leads on policy related to the Bar's ethical standards and obligations, which includes management and provision of the Ethical Enquiries Service. This work falls under section 51 (4) (a) (i).

Remuneration and Legal Practice

124. The Remuneration and Legal Practice team leads on policy relating to remuneration and legal practice, including issues focused on access to justice and the administration of justice. This includes, for example HMCTS' broad court reform programme and the justice system's response to the Covid 19 pandemic. The team's work falls under sections 51 (4) (a), 51 (4) (a) (i), 51 (4) (a) (ii), 51 (4) (c) and 51 (4) (f).

125. This team also works to further the interests of all barristers to ensure that they are paid fairly for the work that they do. It also works to help enable access to justice, through legal aid or other funding arrangements, for example, investigating the viability of novel approaches to legal aid funding and engaging with the Ministry of Justice on fee schemes. The team also focuses on family and civil justice, including the promotion of access to justice in these areas of public interest. Particularly in relation to civil, the team continues to work and advise on the ongoing impacts of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Outside of permitted purposes:

126. Some limited activities are considered as falling outside of Permitted Purposes, including work related to Alternative Dispute Resolution.

Research function

127. Our research function is fully up and running and is helping the Bar Council to both identify research needs and to gather robust data and evidence. The research function is central to much of our work and allows us to produce evidence-based policy positions and papers. Examples of projects the research function is involved in include research in relation to litigants in person, the Bar Council's Working Lives Survey, research supporting law reform work, research to assist with our practice management work, aspects of the court reform programme and supporting our regulatory issues work.

Communications Function

128. The work of the Communications function includes:

- a. Activities on behalf of the Approved Regulator function and complementary to the BSB regulatory communications function.
- b. Support for the public and consumer interest including the promotion of standards and good practice, publicising practical guidance, promoting entry to the Bar, advocating

greater social responsibility by the Bar (working in conjunction with the Inns of Court and government in relation to the 'social mobility agenda'), publicising training events and pro bono work and supporting the promotion of events such as the Schools Mock Trial competition.

Outside of Permitted Purposes:

129. Some activities undertaken like the lobbying of government, opinion-formers and others in the interests of both the Bar and the public interest. Other activities include marketing certain services to members of the profession and chambers. For that reason, 25% of the activities and resources are funded independently of PCF.

Corporate Function

130. This consists of the leadership and support of the Approved Regulator and the representative function. About 10% of this activity is consistent with the management of commercial business activity and so is outside Permitted Purposes and funded independently.

Application of PCF to permitted purposes

131. When preparing the Bar Council budget, we have apportioned the total costs of the various functions between permitted and other purposes according to the descriptions summarised in Table 27.

Table 27

Proportion of representational activity that is for Permitted Purposes								
Representative Function Area	Regulation, accreditation, education & training of authorised persons	Maintaining and Raising of professional standards	Practical Advice and support on practice management	Law Reform and related legislative process	Promoting the protection by law of Human Rights and fundamental freedoms	Promotion of relations between AR and national, international bodies, governments or legal reps	Permitted Purposes Subtotal	Not in scope of pp
	51(4)(a)	51(4)(i)	51(4)(a)(ii)	51(4)(c)	51(4)(e)	51(4)(f)	(Max 100%)	Other
<i>Equality, Diversity & CSR</i>	30%	30%	30%				90%	10%
<i>EU Law</i>				40%		60%	100%	
<i>International</i>						80%	80%	20%
<i>Law Reform, Regulatory & Ethics</i>	25%	20%	15%	25%	10%	5%	100%	
<i>Remuneration & Legal Practice</i>	15%	15%	15%	45%		5%	95%	5%
<i>Communications</i>	15%			30%	15%	15%	75%	25%
<i>Corporate</i>	15%	15%	15%	15%	15%	15%	90%	10%

V. Transparency of PCF information to fee-paying members

Consultation:

132. We have been as open and transparent as possible with the profession. The full consultation document, including an exchange of letters between the Bar Council in its representative role, and the BSB, under IGR Rule 3, is at the link below:

<https://www.barcouncil.org.uk/uploads/assets/41888f44-91de-4a12-82a40eafc5ecbf01/General-Council-of-the-Bar-Budget-and-PCF-Consultation.pdf>

PCF Application: LSB and OLC recharges 2022/23

133. The forecast charges for 2022/23 are £892k, £48k higher than in 2021/22 (£844k). No significant changes to PCF levels are required to meet this target.

PCF Application: Defined Benefit Pension Scheme (DB scheme)

134. In 2017, GCB raised the PCF by 12% to generate an additional £1.3M annually to make annual payments towards the agreed DB scheme deficit recovery plan and build a fund that would eliminate the scheme altogether in the long term. The first collections in 2017 raised £1.3M and the first recovery plan payments were made as expected.

135. No changes to PCF arrangements in respect of the DB scheme are to be made for 2022/23. The DB scheme recovery plan is formally reviewed every three years with the latest review being in September 2021. We have not yet received the draft valuation. When the draft valuation is received, we will have until December 31 2022 to agree the valuation with the Pension Trustees and the terms and timing of pension contributions needed for the expected recovery plan.

136. The GCB continues to treat and account for these funds separately from PCF collected for other permitted purposes. The movements and operation of the designated fund, the DB Pension Reserve, will be audited as part of the independent annual audit and published as part of the annual accounts.

VI. Regulatory and Equality Impact assessment

Equalities Impact Assessment

137. We aim to follow better regulation principles when setting the PCF:

- Our decision-making is open and transparent
- Stakeholders can contribute throughout the policy making process
- Actions are based on evidence and understanding of the impacts
- Regulatory burdens on the profession are kept to a minimum

138. The impact of the proposed PCF increase on protected characteristics and equality have been considered. An Equality Impact Assessment has been conducted by the Head of Policy E&D at the Bar Council. The EIA has been updated for 2022/23 and is shown in ANNEX 1. The aim of the EIA is to ensure that the GCB approach to the PCF does not have a disproportionate / adverse impact on those with protected characteristics.

- a. In order to mitigate the impact of the PCF increase there will be no increase in PCF for Band 1. It will remain at £100. Band 1 contains people newly joining the profession and those returning from maternity / paternity. Band 1 contains those earning from £0 to £30k. This band contains the highest proportion of women, ethnic minorities, disabled and those aged 25-34 years old.
- b. It is not anticipated that there will be any negative effects from these changes to PCF.

139. There is an element of economic fairness in the PCF bands in that it recognises the wide gap in earnings across the Bar and of the pressures faced by those at the publicly funded Bar, compared to those on the higher bands.

The Equality Impact Assessment has been reviewed and confirmed in light of the consultation responses.

Income band	Range	Baseline PCF	Revised PCF	Increase	PCF rate compared with baseline
Band 1	£0 - £30,000	£ 100	£100	£0	0%
Band 2	£30,001 - £60,000	£ 246	£253	£7	3%
Band 3	£60,001-£90,000	£ 494	£509	£15	3%
Band 4	£90,001 - £150,000	£ 899	£926	£27	3%
Band 5	£150,001-£240,000	£ 1,365	£1,406	£41	3%
Band 6/1	£240,001-£350,000	£ 1,850	£1,906	£56	3%
Band 6/2	£350,001 - £500,000	£ 1,850	£2,017	£167	9%
Band 7/1	£500,001 - £750,000	£ 2,500	£2,575	£75	3%
Band 7/2	£750,001 - £1,000,000	£ 2,500	£2,725	£225	9%
Band 8/1	£1,000,001 - £1,500,000	£ 3,000	£3,090	£90	3%
Band 8/2	£1,500,001 and over	£ 3,000	£3,270	£270	9%

All barristers on the lowest pay (under £30k) have been protected from an increase. For barristers earning less than £350k the increase in PCF has been brought down through mitigating actions from the GCB to a 3% increase.

VII. Other supporting information

Financial Risk & Mitigation Steps

140. The main budgetary risks are:

- a. PCF collection levels uncertainty due to Covid
- b. Uncertainty of non-PCF income due to Covid and the uplift in PCF
- c. Effect of the downturn in the economy and political uncertainty (Brexit) on inflation, tax rates and costs.

Financial risk mitigation

141. GCB maintains financial reserves to fund working capital, investments and to provide a financial damper to smooth or cushion adverse financial issues. GCB operates a reserves policy to maintain sufficient cash reserves for these purposes.

142. If the GCB did not increase PCF and just used the reserves to cover the increase in recurrent costs this would inevitably lead to a much greater increase in PCF in future years. The PCF proposal put forward will mitigate the increase to the profession by using reserves, without substantially weakening the overall financial position. The GCB is able to use its reserves

in this way due to work it undertook in 2021 /22 to cut costs and obtain a CBILS loan. Without these actions the GCB would have no other option than to pass on the full amount of the cost increases in one year (9%) rather than the current proposal

VIII. Contact details

Next steps and communication with the Bar

143. The annual AtP renewal period for practising certificates opens in February and closes at the end of March. Barristers needing a practising certificate are required to apply for one and pay the PCF. The Bar Council and BSB have a joint plan in place to communicate with Barristers, chambers and employer administrators to ensure that they have the information they need about the AtP process.

144. The communication plan is underway and will continue through post, email and social media channels up to and beyond the opening of the AtP process in February / March 2022.

Malcolm Cree

**Chief Executive
General Council of the Bar of England and Wales**

21 January 2022

ANNEX 1: EQUALITY IMPACT ANALYSIS



The Bar Council

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

EQUALITY IMPACT ANALYSIS (EQIA)

Date of Assessment	<ul style="list-style-type: none"> 14/12/21 																																																
Assessor Name & Job Title	<ul style="list-style-type: none"> Richard Cullen (Director of Finance) / Sam Mercer (Head of Policy: E&D and CSR). 																																																
Name of Policy/Function to be Assessed	<ul style="list-style-type: none"> PCF 2022-23 																																																
Aim/Purpose of Policy	<p>2. This year there will be an increase to the annual PCF. In order to deliver a 4.5% increase in forecast PCF income. We are proposing that that there be no change to band 1 and that the increase be limited to 3% for bands 2 to 5.</p> <p>3. Bands 6, 7 and 8 will be revised resulting in each of those bands being split. The lower half of each of these bands will have a 3% increase and for the higher end of each of those bands the increase will be limited to 9%.</p> <table border="1"> <thead> <tr> <th>Income Band</th> <th>Range</th> <th>Current Fee</th> <th>Proposed Fees</th> </tr> </thead> <tbody> <tr> <td>Band 1</td> <td>£0 - £30,000</td> <td>100</td> <td>100</td> </tr> <tr> <td>Band 2</td> <td>£30,001 - £60,000</td> <td>246</td> <td>253</td> </tr> <tr> <td>Band 3</td> <td>£60,001 - £90,000</td> <td>494</td> <td>509</td> </tr> <tr> <td>Band 4</td> <td>£90,001 - £150,000</td> <td>899</td> <td>926</td> </tr> <tr> <td>Band 5</td> <td>£150,001 - £240,000</td> <td>1,365</td> <td>1,406</td> </tr> <tr> <td>Band 6/1</td> <td>£240,001 - £350,000</td> <td>1,850</td> <td>1,906</td> </tr> <tr> <td>Band 6/2</td> <td>£350,001 - £500,000</td> <td>1,850</td> <td>2,017</td> </tr> <tr> <td>Band 7/1</td> <td>£500,001 - £750,000</td> <td>2,500</td> <td>2,575</td> </tr> <tr> <td>Band 7/2</td> <td>£750,001 - £1,000,000</td> <td>2,500</td> <td>2,725</td> </tr> <tr> <td>Band 8/1</td> <td>£1,000,001 - £1,500,000</td> <td>3,000</td> <td>3,090</td> </tr> <tr> <td>Band 8/2</td> <td>£1,500,001 and over</td> <td>3,000</td> <td>3,270</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The PCF is charged annually as part of the Authorisation to Practice process. On an annual basis barristers confirm they are fit to practise and pay an annual practising fee (PCF) The fee provides the necessary funds for permitted purposes provided by the regulatory body (BSB) and the representative body (Bar Council) 	Income Band	Range	Current Fee	Proposed Fees	Band 1	£0 - £30,000	100	100	Band 2	£30,001 - £60,000	246	253	Band 3	£60,001 - £90,000	494	509	Band 4	£90,001 - £150,000	899	926	Band 5	£150,001 - £240,000	1,365	1,406	Band 6/1	£240,001 - £350,000	1,850	1,906	Band 6/2	£350,001 - £500,000	1,850	2,017	Band 7/1	£500,001 - £750,000	2,500	2,575	Band 7/2	£750,001 - £1,000,000	2,500	2,725	Band 8/1	£1,000,001 - £1,500,000	3,000	3,090	Band 8/2	£1,500,001 and over	3,000	3,270
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	<ul style="list-style-type: none"> • <i>It benefits the legal profession and society as a whole to have an appropriately funded regulator and representative body ensuring standards are improved and maintained and the benefits and needs of the profession are articulated to the wider society.</i> • <i>The intention is that barristers pay an annual fee based on ability to pay.</i>
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1. Evidence

What evidence will you use to assess impact on equality?
<ul style="list-style-type: none"> • <i>We have completed an in-depth analysis of barristers with protected characteristics across the different income bands.</i> • <i>There will be no increase for Band 1. It will remain at £100. Band 1 contains people newly joining the profession and those returning from maternity / paternity. Band 1 contains those earning from £0 to £30k. This band contains the highest proportion of women, ethnic minorities, disabled and the highest proportion of those aged 25-34 years old</i> • <i>Bands 2 to 5 will see a 3% increase in PCF. This covers barristers with an income of £30k- £240k</i> • <i>Bands 6, 7 and 8 (barristers with income greater than £240k) have been revised resulting in each of those bands being split. The lower half of the revised split bands will have a 3% increase and for the higher end of each of those bands the increase will be limited to 9%.</i> • <i>Those barristers that will receive a 9% increase are predominantly: male, white, non disabled and greater than 45 years in age.</i>

2. Impact on Equality

<p>Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).</p> <ul style="list-style-type: none"> • <i>All groups will be able to access the PCF in the normal way. Will people from all groups be able to access the service; will there be any barriers for certain groups?</i> • <i>Policy based on ability to pay and should not discriminate unlawfully or provide any indirect discrimination.</i> • <i>The changes shield those in income band 1 (income less than £30k) from any change in the PCF fee.</i> 	
Race	<ul style="list-style-type: none"> • <i>As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area.</i> • <i>Band 1 – no change – has the highest proportion of barristers from an ethnic minority background</i>

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Gender	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area. Band 1 – no change – has the highest proportion of women
Disability	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area. Band 1 – no change – has the highest proportion of barristers with a disability
Age	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area. Band 1 – no change – has the highest proportion of young barristers [<25, 25-34]
Sexual Orientation	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area.
Religion/Belief	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area.
Gender Reassignment	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area.
Pregnancy/ Maternity	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area.
Marriage and Civil Partnership	<ul style="list-style-type: none"> Not applicable
Other Identified Groups	<ul style="list-style-type: none"> As there is no significant change to the policy of PCF based on ability to pay there is not expected to be any negative impact in this area

How does the policy advance equality of opportunity?

The policy further promotes payment of the PCF based on ability to pay

How does the policy promote good relations between different groups?

It is generally thought that those who earn more (and have benefited from a well regulated profession) should bear a greater burden for supporting the profession than those who earn less or are at the start of their careers.

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)		
a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	X
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	
d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	
Reason for decision: <i>It is not anticipated that there will be any negative effects from these changes to PCF. An analysis of the data post AtP will be undertaken to assess the validity of this assumption.</i>		

4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.

The General Council of the Bar
2022/23 PCF submission and Bar Council & BSB budget

Action Required	Desired Outcome	Person Responsible	Timescale
<i>Analysis of the AtP results for impact on equality</i>	<i>Evidence to support the assumptions</i>	<i>Paul Martyn / Richard Cullen</i>	<i>Post AtP end of March 2022</i>

ANNEX 2 Additional Financial Information:

Table 13 - BC & BSB Budgets - 2021/2022 v 2022/2023					
	2021/22 Budget	Final 2022/23 Budget	Draft	Variance	Variance %
	£000's	£000's		£000's	
Income					
PCF Income	10,804	11,896		1,092	10%
PCF- BC	4,514	4,951		437	10%
BSB Fees and Charges	1,778	1,540		(238)	(13)%
BC Representation Income	214	214		0	0%
BC Services to the Profession	2,210	2,255		45	2%
Corporate Income	152	793		641	422%
Total income	19,672	21,649		1,977	10%
Staff Related Expenditure					
BC Staff costs	2,793	3,028		(235)	(8)%
BSB Staff costs	4,957	6,060		(1,103)	(22)%
Allocation of Shared Services	1,827	2,019		(192)	(11)%
Total Staff Related Expenditure	9,577	11,107		(1,530)	(16)%
Non-Staff Expenditure					
BC Non-Staff costs	1,402	1,529		(127)	(9)%
BSB Non-Staff costs	2,032	2,173		(141)	(7)%
Allocation of Shared Services	4,113	4,628		(515)	(13)%
Non-Staff Expenditure	7,547	8,330		(783)	(10)%
Total expenditure	17,124	19,437		(2,313)	(14)%
DB Pension Fee	1,300	1,300		0	0%
LSB Charge	844	892		(48)	(6)%
Total costs	19,268	21,629		(2,361)	(11)%
Net Surplus/(Loss)	404	20		(384)	(95)%