



Representing the Bar

Annual Report 2011/12



The Bar Council
Integrity. Excellence. Justice.





Introduction from the Chairman of the Bar

It is important for the Bar Council to be accountable and transparent. I am pleased to report that the three-year Strategic Business Plan (SBP), prepared in 2011 to monitor the Bar Council's representative activity, is now being implemented, alongside closer control of expenditure and the budget process. As a result, we are in a much better position to measure results against expenditure, with a tighter focus on our activities.

This new publication accompanies the Annual Report and Accounts of the Bar Council. It details the activities which the Bar Council has undertaken on behalf of the Bar from 1 April 2011 to 31 March 2012 (including projects which started in the reporting period but were delivered after), the ways in which the Bar Council has carried out these activities, and how it has performed against the aims outlined in its SBP.

I continue to refer to my inaugural address to the Bar Council in December 2011, which had one clear message: 'invest in the future'. By that, I meant that we must marshal, effectively and efficiently, the resources which we have available to us. This is all the more important in the context of continuing pressure on fees and the increasing costs of regulation.

Communication with the outside world is absolutely vital. We need a continuous dialogue with our stakeholders. To be able to invest in the future of the Bar, we need to talk with the profession and to listen to what they are saying. To do that, we need to put the appropriate mechanisms in place.





Significantly, our budget and expenditure over the reporting period included investment in a new core database and a new website. Both are providing us with new ways of targeting different parts of the profession quickly and efficiently, and providing dynamic new platforms through which to communicate more effectively.

The Bar Council is operating in a challenging environment. Publicly-funded practitioners are under huge pressure, both in terms of remuneration and regulation. On fees and on QASA, the Bar Council continues to make the Bar's case strongly and vocally.

The Bar Council is working hard on the Bar's behalf. That is why the revenue recouped from the voluntary Members' Services Fee (MSF) is so important. It funds, in the Bar's interests, the core representative activities which cannot be funded through the Practising Certificate Fee (PCF). We depend on that income to ensure we can continue forcefully to speak up for the profession and support the Bar in its practice.

No matter where you are in the profession, we are here to represent you and we are committed to making a positive difference. One of our principal aims is to ensure that the profession, the public and others have confidence in the Bar Council – and confidence in our governance. We are developing Key Performance Indicators, have monitored our progress and prepared this report back to the profession.

This report sets out the strategic aims of the SBP, with a clear indication of how the Bar Council has performed against them. The aims include:

- Promoting the Bar's views on matters affecting the profession and the administration of justice
- Enhancing our communications with the profession and external stakeholders, and
- Developing and promoting the Bar's services and its values at home and overseas.

Hundreds of members of the Bar contribute to the work of the Bar Council, and we are indebted to them. We always welcome the Bar's feedback on our aims, activities, achievements and areas in which you think we can do better.

I want to thank all those who have taken part, and continue to take part, in focus groups around the country, and to the members of the executive who ran them. The feedback has proved invaluable in helping us to determine our priorities for the future.

Finally, I would like to thank my Vice-Chairman, Maura McGowan QC, who has provided tireless support throughout the course of this year. I would also like to thank the staff of the Bar Council and in particular Charlotte Hudson, in my private office, for her constant patience and good humour.

Michael Todd QC
Chairman of the Bar



About the Bar Council

The Bar Council represents and, through the independent Bar Standards Board (BSB) regulates, over 15,000 barristers in self-employed and employed practice. The Bar Council promotes:

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

In its representative capacity, the Bar Council executive provides support to the Chairman's office as well as a number of representative committees, sub-committees and working groups. The executive supports the Bar Council's work by:

- Communicating regularly with the profession about key matters affecting its interests
- Influencing the development of public policy and legislation affecting the provision of specialist advocacy and advisory services and, more widely, in the profession's and the public interest
- Developing and promoting the work (and the values) of the Bar at home and abroad, to governments, legislatures, the media and other stakeholders, and
- Working to improve entry to the profession (with the aim of ensuring that the Bar is open to all with the requisite ability), to provide rewarding careers and to sustain the long-term future of the Bar.

In this report, we set out our key strategic aims and report on our progress in achieving our objectives.

Strategic Aims: Representation and Promotion

1 Develop and promote the specialist advocacy and advisory services of barristers and the values which underpin the Bar at home and overseas. Enhance the quality and frequency of communications within the organisation, with the profession and external stakeholders.

The Bar is operating in a very challenging economic environment. The difficult fiscal conditions in which many of the self-employed Bar practise are likely to continue for the foreseeable future. The publicly-funded Bar has faced the most significant challenges to its existence to date, with fees for some criminal practitioners cut by up to 40 per cent.

Fee cuts made during the last few months of the Labour administration were compounded by further cuts by the Coalition Government for both criminal and civil practitioners. The privately-funded Bar, on the other hand, is weathering the current economic uncertainty much better, judging by the performance of the commercial and chancery Bar.



Access to the Bar's services

Modernisation and innovation are two important elements of the Bar Council's approach to developing the work of the Bar. Over 5,000 barristers in England and Wales have now completed public access training, for which there is continual demand. Towards the end of the 2010 financial year, the Bar Council piloted its first Public Access Training Course. Since then, over 1,150 barristers have been trained across England and Wales. In autumn 2011, the Bar Council's training portfolio was expanded to include with 'Public Access for Clerks' and 'Public Access: Understanding Money Laundering and the Proceeds of Crime Act'.

Providing barristers with the training to offer direct access services has allowed many practitioners to market themselves to a wider potential client base. In undertaking this training, practitioners continue to invest in their futures and in the future delivery of legal services to the many who might not otherwise be able to afford representation.

The Bar Council's **Access to the Bar Committee** (ABC) works to promote direct access to businesses and the public. Its activities have included engaging with local authorities to encourage them, where appropriate, to instruct the Bar directly for advisory and advocacy services, which can be cost-effective and more efficient.

The Bar Council is in the process of establishing a third-party escrow service for barristers and their clients, to hold money required in ongoing legal proceedings. This service has been developed to ensure that barristers do not breach a requirement which prevents them from holding client money and provides clients with added security. This new service will support the BSB's entity regulation model and will facilitate public access work.

We are continuing to pursue rule changes which will enable the Bar to offer its services on a more extensive basis.



International business development and promoting the rule of law overseas

An increasingly important way for the Bar to diversify its practice is through international work. Overseas exports of UK legal services have been valued recently at more than £2.8 bn, to which the Bar makes an important contribution.¹

To promote knowledge of the Bar internationally, the Bar Council, through its **International Committee**, has focused on a number of initiatives, including:

- Undertaking business development missions to Singapore, South Korea and the Cayman Islands, and leading the Bar delegation at the first English Law Week in Moscow
- Participating in international legal forums in St Petersburg, Chicago and New York
- Demonstrating international aspirations at major legal conferences, such as the International Bar Association (IBA) Annual Conference, through speaking opportunities
- Producing three international publications, including 'Barristers in the international legal market', generating advertising income, which has helped to fund the promotion of the Bar overseas
- Developing seminars with the United Arab Emirates' Ministry of Justice on the delivery of government legal services and professional ethics
- Hosting training schemes, such as the Bar Council Training Scheme for Chinese lawyers, which replaces the Lord Chancellor's Training Scheme, for which funding has ceased, and initiating a new exchange scheme with Russia's Ministry of Justice
- Helping to launch the British Pakistani Lawyers' Association, which seeks to strengthen links between the two jurisdictions
- Awarding 22 grants (double the 2010 figure) to young barristers seeking to attend legal events overseas as part of the International CPD Grant Programme
- Holding seminars in Manchester and London to assist the publicly-funded Bar in developing an international practice, and
- Becoming a Tier 5 sponsor, enabling us to sponsor visas for non-European Economic Area national lawyers to visit the UK to undertake pupillages and mini-pupillages.

¹ www.thecityuk.com/legal-services-2011



To promote the rule of law overseas, the Bar Council has built on its series of annual International Rule of Law Lectures with its fifth event in December 2011, addressed by UN Under-Secretary General for Legal Affairs, Patricia O'Brien, who spoke on the current

challenges faced by the UN in defending the rule of law around the world. It has also continued to support the International Law Lecture of the United Nations Association Westminster Branch.

A look ahead

Upcoming international activities include:

- Building on relations with the American Bar Association and its sections, developing the solid foundation laid down in New York in 2012
- Working to improve relations with the Brazilian business community in the run-up to the 2014 World Cup and 2016 Olympics, and
- Launching an exchange scheme for young lawyers from South Korea.

Communications

A Strategic Communications Plan was developed and implemented in early 2012 after approval by the Bar Council's General Management Committee. This Plan is closely linked to the SBP and has been designed to ensure that the Bar Council has a clear and consistent approach to communication, both internally and with stakeholders.

The Bar Council launched a new website in February 2012, following an extensive period of consultation, to deliver relevant, stimulating and timely content to the Bar and to wider audiences. The website is one of many channels through which the Bar Council communicates with the profession and reaches out to the wider world.



Communications (continued)

To promote the Bar as providers of high quality services in international dispute resolution, the Bar Council worked in partnership with TheCityUK and the Law Society to develop the 'Unlocking Disputes' campaign, which was launched at the Rolls Building in October 2011. The Bar Council has since worked closely with Mansion House, UK Trade & Investment and the Ministry of Justice to embed the campaign

in the overseas missions of the Lord Mayor of London and the Justice Ministers. The campaign clearly communicates that London is the venue of choice for commercial dispute resolution, providing a major concentration of specialist expertise from lawyers, arbitrators, experts and other support services, all with international links.

A look ahead

The Bar Council is planning a number of initiatives to strengthen dialogue with key stakeholders, alongside its constant focus to enhance the image of barristers and the profession generally.

These include a Bar Council blog, a 'Tweet the Chairman' session, and a focus on the Bar's Corporate Social Responsibility initiatives.

Media relations

The Bar Council Press Office, brought in-house in 2010, continues to deal with a steady stream of media enquiries. It has developed strong relationships with key media contacts.

Significant media relations achievements over the past year include:

- Broadsheet, tabloid and broadcast coverage of the 'Manifesto for Family Justice', a campaigning publication on the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Bill, produced in conjunction with a number of not-for-profit organisations

- Significant coverage of Max Hill QC's speech to the Criminal Bar Association's annual dinner, including an article in *The Guardian* and an interview on BBC Radio 4's 'Today' show
- A feature on BBC One's 'The One Show' focusing on women at the Bar, on which the Bar Council worked closely with the show's producers to ensure positive messaging
- A significant piece in the *Financial Times* about the true financial situation of the criminal Bar, the result of close work between the journalist concerned and the Communications Team, and
- Opinion pieces in *The Guardian*, *The Times*, and *The Sunday Times* in response to negative messaging about the Bar, in the latter case, in respect of allegations about an individual barrister's cross-examination of the family of Milly Dowler.

2 Promote the Bar's views on matters affecting the profession and the administration of justice, including the future of the publicly-funded Bar, law reform and maintenance of the rule of law, with Government, relevant EU institutions, professional bodies, international Bar associations and other organisations with common interests.

Lobbying

The Bar Council works hard, in the public interest, to engage with Parliament and the Government on legislation and other issues which impact on the administration of justice.

As well as lobbying on a number of significant policy issues and managing the Bar Council's attendance at the political party conferences, the Bar Council convened and provided the secretariat support for

the Bar Council's Working Group on the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO), now an Act of Parliament. The Working Group was arguably one of the most influential lobbies against the Bill: it proposed and drafted many of the amendments on which the Government was defeated in the House of Lords. Several of these defeats led to wholesale or partial concessions when the Bill returned to the House of Commons.



Lobbying (continued)

Post-LASPO, the Bar Council will continue to work to promote and improve access to justice, in the public interest, the profession's interest and in the national interest.

The Bar Council is currently engaged in the following legislation and policy issues, including:

- The Crime and Courts Bill 2012
- The Justice and Security Bill 2012, and
- Legal professional privilege (the right to private communication between lawyer and client).

The Bar Council jointly (with the Law Society) services the All-Party Parliamentary Group (APPG) for Legal and Constitutional Affairs, chaired by Lord Hunt of Wirral. Three meetings of the APPG took place over the reporting period, covering Lord Justice Jackson's proposals for the reform of civil litigation funding, the LASPO Bill and legal professional privilege.

The Bar Council also supports the work of the APPG for Legal Aid, chaired by Yvonne Fovargue MP.

A look ahead

The Bar Council will participate in the autumn Liberal Democrat, Conservative and Labour Party Conferences in 2012, and is producing a comprehensive briefing for delegates on its key functions, activities and policy

concerns. During the course of the conferences, the Chairman of the Bar will meet informally with a number of Parliamentarians and address fringe events on relevant topics.

Law reform

In 2011/12, the Bar Council, through its **Law Reform Committee** (LRC) and other committees and Specialist Bar Associations (SBAs), responded to more than 40 consultations from the Government, the Law

Commission and others. It also responded to EU consultations, through the LRC in conjunction with the **EU Law Committee**.



The Bar Council's LRC has also:

- Organised an annual essay competition aimed at pupils and those studying for the Bar
- Held a lecture annually for the past decade - 2011's lecture 'The role of the Bar and the Bench in the management of cases involving children' was delivered by the Rt Hon Sir Nicholas Wall and attracted around 250 members of the Bar and judiciary, and
- Commenced a series of debates on topical issues in conjunction with SBAs – its first debate was held jointly with the Family Law Bar Association on pre-nuptial agreements.

Effective relations with EU institutions

In 2010 the Government estimated that 'around 50 per cent of UK legislation, with a significant economic impact, originates from EU legislation'.² In some Member States that figure rises to over 80 per cent. The reach of EU law continues to expand and has an increasing impact far beyond the traditional EU law subjects.

There are many immeasurable influential factors too, such as the influence of EU law on national law and policy, or the reach of EU soft-law measures. On any view, the EU is the source of much of the law in force in the UK today.

Through the Bar Council's Brussels Office and the **EU Law Committee**, the Bar Council is actively participating in, and helping to shape, the many

important debates in EU institutions.

The Bar Council has been engaging with the European Commission on proposals for implementing European Contract Law for over ten years. There is a concern that this would have a highly detrimental effect on the place of England and Wales as a preferred jurisdiction for contract law, and the Bar Council has challenged assertions that the proposals would have a positive effect on consumers. We are also very concerned that the European Commission's proposals would damage the international competitiveness of the City of London. A small practitioner working group from the Bar Council's EU Law Committee has been responding to a stream of consultations, including that of the Ministry of Justice on the Commission's latest plans to introduce a Common European Sales Law. The Bar Council will continue to input the Bar's expertise to the EU

² www.parliament.uk/briefing-papers/RP10-62.pdf

Changes to legal services

During the reporting period, the Bar Council's **Legal Services Committee** coordinated responses to 10 consultations from the Government and others on matters which impact upon the administration of justice, and rights of audience for non-barristers, including:

- The judicial appointments process
- The standard of proof in disciplinary proceedings

- Enhancing consumer protection and reducing regulatory restrictions, and
- Fees in the High Court and Court of Appeal.

The Bar Council responded to several other consultations, including that of the Ministry of Justice on judicial diversity, the Legal Services Board (LSB) Triennial Review and the LSB Draft Strategic and Business Plan.

3 Enhance the existence and unity of the Bar, employed and self-employed, privately or publicly-funded, in the face of external change, by effective liaison with all stakeholders, particularly the Inns of Court.

In January 2012, the Bar Council published Barristers' Working Lives, the first in a series of biennial surveys of the Bar. The survey gave practising barristers the opportunity to describe their current work situation and future career plans, as well as their views about their working life and the profession.

In addition to organising the Young Bar Conference, the **Young Barristers' Committee** (YBC) published the Young Bar Magazine in September 2011, which was distributed to nearly 6,000 young barristers, pupils and BPTC students across England and Wales.

A look ahead

In 2012/13, the Bar Council will continue to organise conferences, and will aim to issue quarterly newsletters, for the employed Bar. For the young Bar, the Bar Council will continue to engage in the debate on unfunded pupillages and related issues and aims to

organise a 'Buddy Scheme' with the Law Society of Zimbabwe, and, jointly with the Junior Law Division of the Law Society and the London Young Lawyers' Group, the annual International Weekend.



Strategic Aims: Products and Services

4 Provide services to individual members of the Bar, Specialist Bar Associations (SBAs) and Circuits, including fees collection, publications and conferences, as well as access to appropriate products and services at discounted prices through the Member Services Department.

Services to SBAs, South Eastern Circuit and Institute of Barristers' Clerks

The Bar Council continued to meet its obligations under service agreements with the Criminal Bar Association (CBA), Employment Bar Association (EBA), Family Law Bar Association (FLBA), Technology and Construction Law Bar Association (TecBar), South Eastern Circuit (SEC) and Institute of Barristers' Clerks (IBC). Each client in their annual review reported

100 per cent satisfaction with the service provided. These agreements achieve revenue for the Bar Council which is equal to the direct costs of providing the services. The SBAs, SEC and IBC have not been charged for indirect costs, such as office space, lighting, power or operational costs.

Efficient fees collection service

In 2011, the four members of the Bar Council's Fees Collection Unit received complaints from barristers regarding 2,315 fee notes unpaid by solicitors, representing £5.2m in unpaid fees. In the same year, £2.5m was recovered.

A significant recent development has been the approval, by the Legal Services Board, of amendments to the BSB Code of Conduct to the effect that, instead of the 'Cab Rank Rule' applying to the non-contractual terms of work which have been in place since 1988,

it will apply only to new standard contractual terms or the terms which barristers advertise themselves as their normal terms of engagement. Furthermore, the Withdrawal of Credit Scheme is to be replaced by an advisory List of Defaulting Solicitors, enabling barristers to choose whether or not to accept instructions from such named solicitors. The Cab Rank Rule requires barristers, when offered a proper fee, to accept instructions in any field in which they practise, regardless of their views on the client or the client's case.



Efficient fees collection service (continued)

Over the reporting period, the Bar Council's **Remuneration Committee** (RC), which includes Circuit and SBA representation, responded to 1,000 queries on

a variety of issues, including criminal graduated fees, Conditional Fee Agreements and taxation queries.

A look ahead

The effects of the LASPO Act mean that the Bar Council's RC will be working hard to ensure that suitable guidance and advice is available to all barristers when reforms are implemented in April 2013, including guidance on Damages-based Agreements (contingency fees), which will be widely available to members of the Bar for the first time.

In addition, the RC will produce its sixth edition of a Taxation and Retirement Benefits Handbook, and continue to engage with the Legal Services Commission to seek to improve the LSC's payment processing times.

Member services

The products and services procured by the Member Services Department offer value for money, are competitive in the market and are carefully selected with the interests of the Bar in mind.

In the reporting period, seven new relationships were introduced, including a new insurance policy (Management Liability), which was developed with a leading set of chambers, and discounts from BMW and

Mini. Commercial revenue grew by around 15 per cent between 2010 and 2011 and, while affinity partners working in financial services continued to find it difficult to reach their income targets, there were positive signs of growth year-on-year, suggesting a slow but solid recovery. With 600 benefits now available, the Member Services Department will focus on promoting these to the Bar in the year ahead.

Conferences

Overseen by the **Bar Conference Committee (BCC)**, the 2011 Annual Bar Conference reached new heights of commercial success, with increased delegate numbers and controlled costs. Loyal delegates' attendance fees were frozen again and a record number of exhibitors ensured that ticket prices did not rise significantly. The Employed Bar Conference in March 2012 attracted around 100 delegates from the Bar, businesses, local and central Government and the regulatory environment. The Conference focused on the impact of the changing legal and regulatory landscape on the work of the employed Bar.

Speakers included the Director of Public Prosecutions, Keir Starmer QC, and his principal legal adviser, Alison Levitt QC.

The theme of the Young Bar Conference, in October 2011, was 'Diversity in times of adversity' and was open to barristers under 10 years' Call, pupils and BPTC students.

The Bar Council co-hosted the World Bar Conference with Inner Temple in July 2012. It welcomed around 350 lawyers from overseas jurisdictions, including South Africa, Bangladesh and Zimbabwe, for a weekend of speeches, networking and seminars.

A look ahead

The 2012 Annual Bar Conference will take place on 10 November 2012. Chaired by Alison Padfield, its theme of 'The Modern Bar: Accessible, Adaptable and Relevant' builds on 2011's Conference by examining

social mobility and ways of modernising the Bar. The keynote speakers will be The Rt Hon Lady Justice Rafferty DBE and the Attorney General.



5 Provide guidance to barristers, including on ethical issues, equality and diversity, practice management and the development and use of information technology.

Immediately following this reporting period, in April 2012, the Bar Council published its equality objectives, along with an Equality and Diversity Action Plan.

The Equality and Diversity Helpline received an increase in queries following the publication of the new Code of Conduct equality rules by the Bar Standards Board. The Helpline responds, on average, to 3,000 queries a year from barristers, practice managers, clerks and BPTC students. Briefings and training sessions have been provided to raise awareness of, and guide chambers on, equality and diversity code rules and regulations.

In addition, the Bar Council's **Equality and Diversity Committee** is planning a series of information events on all Circuits to assist chambers in implementing the Code of Conduct equality rules, which came into force in September.

The Bar Council's Ethical Enquiries Helpline dealt with 6,628 enquiries over the financial year 2011/12 – that is around 550 calls per month. Almost 700 hours of staff members' time were devoted to dealing with these enquiries. The Bar Council conducted a survey of this service amongst barristers in April 2011, which found that over 70 per cent of callers were 'very satisfied' or 'satisfied' with the service.

6 Develop and provide high quality training and training materials for all barristers to equip them to respond to changes in legal practice.

The Advocacy Training Council (ATC) has been placed on a more secure financial footing. The Bar Council continues to support its aims and objectives and takes

an active interest in its progress. A number of members of the Bar provide their services freely to support the ATC's work.



Training

Through its **Training for the Bar Committee** (TfBC), the Bar Council has focused its careers activities over the past year on:

- The Speak Up for Others Scheme, which enables approximately 500 barristers to reach out to sixth formers in around 400 state schools in England and Wales every year
- Careers days for Year 12 state school students around the country, in which students are given an opportunity to meet members of the Bar, consider case studies, construct arguments and make pleas in mitigation. In 2011, events were held in Leeds, Cardiff, Birmingham, London and Newcastle, reaching approximately 400 students
- Providing information to prospective barristers at 20 University Law Fairs in the 2011 season
- Overseeing the Pupil Advice Line: a helpline for pupils in need of confidential advice or support during their pupillage, and
- Responding to relevant consultations, such as the Equality, Diversity and Social Mobility paper recently issued by the Legal Education and Training Review, and the Bar Transfer Test.

Towards the end of 2010, the Bar Council piloted its first Public Access Training Course on the basis of which a full programme of courses has been designed and delivered up and down the country – see further at page 5.

The Bar Council has joined forces with ADR Group to provide a Family Mediation Training course aimed specifically at barristers. Since its launch in January 2011, three ‘open’ courses and two in-house courses have been run.

A look ahead

The Bar Council is exploring new course titles for release in 2012/13, covering subjects such as practice management and recruitment techniques.

A new brochure, entitled ‘A career as a barrister’, will be launched in autumn 2012, replacing the careers guide *It’s Your Call*. It will provide information on:

- The skills and qualities required to become a barrister
- The training route students will need to take, and
- Case studies of prospective and practising barristers.



Strategic Aims: Accountability

7 Ensure that the profession, the public and others have confidence in the Bar Council's representative organisation and in its governance. Identify performance standards, monitor progress and report transparently.

The Bar Council initiated a review of its structure in early 2012. Interim recommendations are being finalised. Further work will build on these recommendations to ensure that the Bar Council

remains relevant, cost-effective and efficient in meeting the needs of the Bar and in responding to the challenges of its operating environment.

Strategic Business Plan and budget process

In 2011, the Bar Council approved a three-year Strategic Business Plan (SBP) for its representative (and Approval Regulator) activity, which is now being implemented. The SBP has ensured that the Bar Council is in a much better position to measure results against expenditure, and that the Bar Council brings a tighter focus to its activities. Each representative committee is now required to prepare an annual Business Plan

with reference to the overarching SBP and to account for its performance with reference to the Bar Council's strategic aims and objectives.

When Bar Council departments submit their annual budget bids, they are now required to be made with express reference to their Business Plans and to the Bar Council's SBP.



8 Value our staff and raise our resources responsibly. Deploy resources and staff efficiently and effectively and account for our spending decisions.

Staff development

The Bar Council last year commissioned the Hay Group to carry out a pay review and recommend a pay banding structure. The report, which identified the Bar Council as being an upper quartile payer, was presented in February and was followed by a four-month evaluation and (where applicable) appeal process.

The recommendations and associated outcomes are being progressively addressed over the next two years. The Bar Council now has a fair and transparent

framework for managing pay and addressing any irregularities.

The next step, in late 2012, will be to improve the present link between the Bar Council's performance management system and reward.

The Bar Council continues to invest in staff training and has had particular success with the recent pilot management development programme.

9 In its role as the Approved Regulator (AR), support the Bar Standards Board (BSB) in providing effective, independent regulation of the profession.

The Bar Council takes its role as AR seriously. It engages with the BSB's activities and consultations, consistently with our statutory obligations. The Bar Council attends BSB Board meetings and there are regular Chairmen's meetings with the BSB.

Under its chair, Baroness Deech, the BSB is careful to guard its independence, which the Bar Council recognises and respects.



Strategic Aims: Values

10 Work for the efficient and cost-effective administration of justice and ensure access to justice on terms that endeavour to be fair both to the public and to practitioners.

In addition to public access work, the Bar Council has been exploring the feasibility of Contingent Legal Aid Funds (CLAF). The Bar Council commissioned an independent study,³ which found that the CLAF concept has merit and should be taken forward as one of a number of sources of potential funding for

civil litigation in order to increase access to justice. The report concluded that the viability of any CLAF can only be assessed financially when the reforms to Conditional Fee Agreements (CFAs), being introduced in April 2012, have had time to work in practice.

Corporate Social Responsibility and pro bono

The Bar Council is looking to provide a focal point for the varied Corporate Social Responsibility (CSR) activities of barristers and sets of chambers, as well as expanding the number of initiatives with which we are currently engaged.

The Bar Council continues financially to support the excellent work of the Bar Pro Bono Unit and Free

Representation Unit, both of which are flourishing in their new premises. The pro bono work to which many barristers commit their time with huge enthusiasm remains a credit to the profession and the Bar Council is currently exploring ways of ensuring that the Bar's pro bono community can continue to thrive on a more financially sustainable basis.

³www.barcouncil.org.uk/media-centre/news-and-press-releases/2011/december/bar-council-calls-on-government-to-support-principle-of-contingent-legal-aid-fund/



11 Promote the highest standards of practice and ethical behaviour.

The **Professional Practice Committee** (PPC) meets regularly to keep under review rules and guidance governing practice as a barrister and to provide ethical guidance to the profession. The Bar Council's Ethical Enquiries helpline dealt with 6,628 enquiries over the financial year 2011/12, around 550 calls per month. Read more on page 16.

Over the last year, referral fees have been a major source of queries from members of the Bar. The Committee issued guidance on this issue in November 2011 and subsequently circulated the guidance to all heads of chambers. The Committee has continued with its review of all guidance published by the Bar Council.

A look ahead

The Bar Council will provide a response to a consultation paper on the proposed Quality Assurance Scheme for Advocates (QASA). The consultation has been launched by the Bar Standards Board, in conjunction with the Solicitors' Regulation

Authority and ILEX Professional Standards. This is the final consultation before the scheme is due to launch in January 2013. The Bar Council will continue to press for a scheme that is in the public interest.

12 Encourage access to, and diversity within, the profession, so that it is open to all of ability, regardless of their background.

The Bar Council is committed to ensuring that the Bar can attract and retain the brightest and best individuals from all parts of society, irrespective of background. It is

also working, with the Inns, Circuits and SBAs, to improve the diversity of the profession and the judiciary.



Social mobility and diversity

This year, the Chairman of the Bar appointed Taryn Lee QC to chair the Bar Council's newly formed **Social Mobility Committee**, which is reviewing the Bar's existing programme of initiatives, co-ordinating with other organisations' outreach work, and seeking to ensure consistency of evaluation. The Bar Council also created the position of Social Mobility Policy Officer in December 2011.

Fair Access to Professional Careers: a progress report by the Independent Reviewer on Social Mobility and Child Poverty, published in May 2012, recognised the Bar Council's work to make the recruitment processes more transparent, through the forthcoming 'Fair Recruitment Guide'. The Bar's work to increase awareness and understanding of the profession, and to improve skills amongst young people from less-advantaged backgrounds, was also mentioned.

To encourage access to the profession, the Bar Council has coordinated or been involved in:

- The Bar Placement week, run in conjunction with the Social Mobility Foundation, which provides a programme of training and shadowing in chambers for high achieving sixth formers from less advantaged backgrounds
- The Government's Business Compact on Social Mobility, to which the Bar Council is a signatory
- The Bar National Mock Trial Competition, now in its 22nd year, organised by the Citizenship Foundation in partnership with the Bar Council, which allows state school students between 15 and 18 years of age to gain practical experience of the workings of the legal system
- The Professions for Good (P4G) Social Mobility Toolkit, which the Bar Council will promote with relevant guidance for the profession, and
- The Government's Gateways to the Professions Collaborative Forum.

In seeking to improve the diversity of the Bar as a whole (for example, retaining more women in practice), the Bar Council's **Equality and Diversity Committee** has:

- Hosted seminars to assist women taking career breaks in returning to practice
- Represented the Bar on the Judicial Appointments Commission's Judicial Diversity Forum
- Held information events with Circuit Diversity Mentors to explain the judicial and silk appointment processes and to encourage applications, and
- Co-ordinated its work with other groups at the Bar to assist barristers with caring responsibility, including drawing up and consulting on an emergency childcare scheme.



What next for the Bar?

The Bar is constantly evolving to meet the demands of today's consumers of legal services; whether defendants in criminal proceedings, individual litigants, public authorities or private corporations. The Bar prides itself on its ability to offer the highest quality of service in a cost-effective way, whilst adapting to changing circumstances.

The Bar Council will continue to offer guidance to practitioners seeking to invest in the future and prepare for change. These are likely to include potentially far-reaching changes to the procurement of publicly-funded criminal and, at a later stage, family work.

The Bar Council continues to explore options for change in the delivery of the Bar's services to ensure that its high quality advisory and advocacy capabilities and skills are accessible to the public and meet the needs of today's clients.

Under the current Chairmanship of Michael Todd QC and the Vice-Chairman, Maura McGowan QC, the Bar Council is committed to working with our stakeholders to improve access to justice and to promote the work of the Bar. It is in the public interest, and in the profession's interest, that there should be a strong, independent Bar fit for the future. We shall stand up for 'Justice for All' and fight for the Bar.

Further information

Please visit the Bar Council's website for further information on its activities, structure and committees:

www.barcouncil.org.uk

Follow us on  @thebarcouncil.

To discuss any aspect of the Bar Council's representational work, please contact:

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For press enquiries, call the Press Office on 020 7222 2525.



Elected Officers

Michael Todd QC
Chairman of the Bar

Maura McGowan QC
Vice-Chairman of the Bar

Stephen Collier
Treasurer

Representation and Policy staff at the Bar Council

Representation and Policy Director's Office

Mark Hatcher,
Director of Representation and Policy

Simon Garrod
*Deputy Director of Representation
and Policy*

David Coventon
Administration Manager

Brussels Office
Evanna Fruitof
Consultant

Chairman's Office
Charlotte Hudson
Sandra Sidey

Communications

Toby Craig (*Head*)
Harriet Deane
Sarah Hunt
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Member Services

Paul Mosson (*Head*)
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Carol Harris
Sophia Kakabadse
Lois Rolfe

Professional Affairs

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Marisa Booker
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Alex McHenry
Wendy McLaughlin
Alex Straker
James Woolf

Remuneration and Policy

Adrian Vincent (*Head*)
Sarah-Jane Bennett
Caroline Isherwood
Mark Stratton

*While not individually named
we should acknowledge the
contribution made by our
Central Services colleagues.*



BREWSTER

Integrity. Excellence. Justice.

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

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

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

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