

The Board Room Brief



Message from the Chair

Dear Members,

I cannot believe that we are already into our third month of 2021 and BACFI has been busy with events and meetings. We have continued with our extremely popular online webinars, details of which are included in this edition of the Board Room Brief. I have had some very interesting “virtual” meetings over the last few months including with Derek Sweeting QC, Chair of the Bar of England and Wales. Derek continues the support from his predecessor of the employed bar as part of the “One Bar”. I met with Emma Walker, chair of the Employed Barristers’ Committee of the Bar Council. She and I agreed with continuing our close relationship between the EBC and BACFI, and continuing with shared events such as the Diversity and Inclusion series of webinars. Christine Agnew QC, leader of the South Eastern Circuit also made a direct approach, saying that the SE Circuit very much supported employed barristers in London and the Southeast, and very much welcomed BACFI members in the area to join the Circuit and she is keen to organise some joint events. It is all very encouraging that employed barristers are getting recognition and support from the self-employed bar.

The General Committee of BACFI is looking again at some of the professional issues, or as I refer to it, “barriers for career development” for the employed bar. We have reformed a professional issues working group to look at such matters as offering pupillages, changes of employment status, three year rule, direct access, and QC appointments etc. Once we have agreed an action plan, we shall be re-engaging with the Bar Council, EBC and Bar Standards Board. **What do you think are the top issues for the employed bar?** If you are interested in joining this working group or have any specific points to make, please email Sandra at secretary@bacfi.org.

We are also looking at how we can support students and the young bar. Charlotte Pope-Williams is a member of the Young Barristers’ Committee (YBC), EBC and our General Committee, and we shall be working with the YBC and EBC on an event in May. We will be holding a webinar for young barristers and students entitled “Demystifying the Employed Bar”. We have a panel of practising employed barristers from the public sector, private sector and solicitors’ firms speaking at this event.

Finally, I wanted to mention Advocate, the Bar Council’s own pro bono charity which provides free representation for litigants and claimants in legal cases. When you renew your practising certificate this year please do tick the box to donate to this very worthwhile cause.

With very best wishes,

Ian

Ian Brookes-Howells, Chair

Inclusion & Diversity: Reflections of a FTSE100 ex-General Counsel

BACFI / Bar Council Employed Barristers' Committee webinar 27th January.

Our 2021 events kicked off with the first of our series of three inclusion and diversity seminars being held in conjunction with the Employed Barristers' Committee. Helen Mahy CBE, an Equality and Human Rights Commissioner and Bencher at Middle Temple was the speaker. In 2015 she was awarded a CBE for services to business, particularly relating to diversity in the workplace.

Helen outlined her own journey which started when she joined a new company, National Grid plc, as the Group General Counsel, and wanted to make sure that her team would be encouraged to work to the best of their ability. To do this she implemented flexible working patterns, such as working from home some of the time (long before Covid-19!), flexible hours of work such as starting later, working later, allowing for a half day off, part time hours and whatever else fitted in to the lifestyle of those working with her. She believed that if they were all happy with what they were doing and what was expected of them, they would perform at their best. She concluded that inclusion is paramount, and diversity will then follow. Since then Helen has continued with her work on inclusion and diversity by being appointed a Commissioner of the Human Rights & Equality Commission and is involved in social mobility.

The recording of the session is available on the website: http://www.bacfi.org/Equality_Diversity.htm

BACFI webinar: IR35 : Defunct, Delivered or Deferred? 4th February

Following our 2020 seminar on IR35 changes and with the new rules now due to take effect on 6th April, we presented this update to on what the rules are and how to stay within them. We were very pleased to welcome back our speakers from 2020, Andrew Webster (IR35 Director, Workr Group), Joseph Brown (Accountant, Cubicstone Tax) and Fudia Smartt (Employment Lawyer, Partner from Spencer West). They talked through how to try to avoid being caught in IR35 if you are a contractor and self-employed. The general feeling was that the Government should postpone this again due to everything that is currently happening but as some extra funding is urgently required for the Treasury at this time, the changes will go ahead as planned.

We would like to thank Mark Quaye (Director, Marque Wealth Management) for sponsoring this event.

The recording and slides are available on the website: http://www.bacfi.org/IR35_Update.htm

Around the Inns: Employed Bar Groups at the Inns

We are very keen to get members back to their Inns and get more involved in the amazing activities of these historic institutions. Middle Temple, Inner Temple and Gray's Inn have set up Employed Bar Groups with the intention of making sure that the Employed Bar and their views are heard, along with providing specific training and events for employed practitioners. Several of the BACFI committee members are involved with their respective Inn's group. If you would like to get involved with your Inn please contact the BACFI members named below through Sandra.

Middle Temple

The MT Employed Working Group has now been made a permanent steering group of the Inn. Middle Temple are continuing to organise a second series of webinars for the employed bar which began on the 3rd March with a talk by Jonathan Jones, former Treasury Solicitor and Permanent Secretary, discussing and reflecting on his career advising the most senior levels of government, the challenges posed by Brexit, being a lawyer in the public service, and more. Details of future events will be posted at <https://www.middletemple.org.uk/events>.

Gray's Inn and Inner Temple

No further updates presently.

Lincoln's Inn

The Inn has set up a working group looking at how Employed Barristers could be encouraged to apply to become Benchers and will be seeking the views of some of their employed members on how best to do this.

Congratulations!

We would like to congratulate Lucinda Orr on recently being elected as a Bencher at Gray's Inn and Rebecca Dix and James Kitching for being elected as Benchers at Inner Temple.

Benchers provide the governance of each of the separate Inns of Court. They are primarily comprised of Judges, QCs and Barristers, self-employed and employed, and are individuals of significant standing and/or who have made a major contribution to the work and life of their Inn. The name comes from when the most senior barristers were permitted to sit on the bench at moots. This class of barristers became known as "Benchers" or "Masters of the Bench".

Currently, after being successfully elected, a Bencher receives "voice and vote" meaning that they can both speak at the highest level of meetings of Benchers and also vote and receive papers on matters that need to be decided by the Inn.

Benchers, as part of the decision making structure of the Inns of Court, will be involved in the governance of the Inn (which includes all issues related to the Inn including education, training, the library, finances, admittance of student members, election of other Benchers, dining and social occasions and other issues, such as advertising). The Inns hold regular meetings for Benchers throughout the year.

BACFI has several members who are Benchers of Gray's Inn, Patricia Howse CBE, BACFI Vice President, Patrick Rappo, BACFI Senior Vice Chairman and Gaynor Wood, BACFI Committee Member who are now joined by Lucinda Orr, another of our Vice Presidents.



Lucinda Orr says of her recent appointment, "It really was quite unexpected to be elected a Bencher of Gray's Inn in December 2020, as I was right in the middle of my term as the Chairman of the Gray's Inn Barristers' Committee(!). However, I was of course delighted and humbled to be asked to join the Bench. Having served for several years on the Management Committee of Gray's, I am acutely aware of the myriad roles the Inn plays – as educator, residential and commercial landlord, and community hub through its beautiful gardens, dining in Hall, the Bridge Bar, Music and Miscellany, the Chapel, and much, much more....I hold Gray's in the very deepest affection for the financial help it gave me at the start of my career, the education, and the gift of lifelong friendships – and am thrilled to join centuries of stewardship and play whatever part I can in helping the Inn thrive for (hopefully!) many, many more years to come".



Newly elected Bencher at Inner Temple, James Kitching, BACFI Honorary Treasurer, says of his appointment, "It is an immense privilege to be able to contribute to the life of the Inn and the development of the next generation of talented barristers. I learn a great deal from the Inn's rich mix of lectures, seminars and events, in particular about the practice and perspectives of others. If I, in turn, can provide some small insight into the life of an employed barrister and the opportunities it affords then hopefully that is of benefit".

Rebecca Dix, BACFI committee member and representative at the Bar Council Wellbeing at the Bar Committee, says of her appointment, "Having been called to the Bar in 2004, it didn't occur to me that I should be thinking about becoming a Bencher. It wasn't until I started to gather my supporting information for my application that I began to realise just how many ventures I had been involved in throughout my professional career to promote the accessibility and sustainability of a career at the Bar across various committees and in particular at my Inn. I have always enjoyed attending events to speak to prospective students, school children and delivering training but little did I realise that in fact all of this



would stand me in good stead for my application. Since moving over to the employed bar, after having spent 10 years at Chambers, I have been actively seeking out opportunities to promote a 'one bar' ethos and my work within both BACFI and now as a Bencher at my Inn will be invaluable in continuing with that mission. Thank you to all those who supported me during my application process and in particular BACFI for putting together the document on applying to become a Bencher that is such a great introduction for prospective applicants".

Masters of the Bench at Middle Temple include BACFI Vice Presidents Christiane Valansot, Ros Wright QC and Austin Allison.

Employed Benchers at Lincoln's Inn include BACFI Vice President Stephen Collier.

If you are interested in applying to become a Bencher at your Inn, updated details of the process required by each of the Inns can be found on our website.

BACFI's 55th Anniversary Dinner

This event has now been postponed until September 2022 and the date will be circulated as soon as it is confirmed. This will be a black-tie event and Baroness Hale will be guest of honour. Further details to follow nearer the time Sandra is happy to reserve spaces now. It is expected that the cost will be around £120 per person which will include a drinks reception and three course dinner with wine. Places are strictly limited to 120 and guests are very welcome.

Dates for your diary

- | | |
|----------------|---|
| 25th March: | "The Only Way is Ethics" – webinar with Dr Alan Brener of UCL Centre for Ethics and Law and Charlotte Pope-Williams |
| 29th April: | "The Taxman Cometh...Property - a tax treat or tax trap?" speakers Mark Quaye and John Woolley on MS Teams |
| 13th May: | "Demystifying the Employed Bar" – a panel event in conjunction with the Young Barristers' Committee and Employed Barristers' Committee of the Bar Council on MS Teams |
| 19th May: | Inclusion and Diversity seminar with the EBC on MS Teams – The BSB's Reverse Mentoring Scheme and Bridging the Bar |
| 23rd October: | Student evening with City Law School on MS Teams |
| 3rd November: | Inclusion and Diversity seminar with the EBC on MS Teams – Simon Regis, Employed Barrister of the Year 2020 will be speaking |
| 24th November: | AGM – on MS Teams |
| 8th December: | Denning Lecture at the Athenaeum (to be confirmed) |

BACFI members on Bar Council and BSB Committees 2021

Bar Council

Ian Brookes-Howells, Lucinda Orr (elected), Lorinda Long (Treasurer), Alexandria Carr, Charlotte Pope-Williams (elected), James Kitching (elected)

General Management Committee

Lorinda Long, Ian Brookes-Howells, Alexandria Carr, Lucinda Orr

Employed Bar Committee

Lucinda Orr, James Kitching, Sara George, Patrick Rappo, Charlotte Pope-Williams, Mike Jones QC, Samuel Main

Young Bar Committee

Charlotte Pope-Williams

Wellbeing at the Bar Group

Rebecca Dix

Finance Committee

Lorinda Long

Bar Representation Committee

Lucinda Orr, James Kitching, Lorinda Long,

Race Working Group

Sharon Blackman

Audit Committee and European

Committee
Alex Carr

Susskind Challenge Working

Group
Amanda Williams

Ethics Committee

Brian Cahill

Education and Training

Committee
James Hampson

Wellbeing and stress management

With over 100 barristers registered to virtually attend the Bar Council's wellbeing event on 24 February 2021, our committee member, Rebecca Dix as Vice Chair of the Bar Council's committee, shared some tips on how to maintain a healthy way of life and work space.

Rebecca joined the panel, hosted by the Chair, Theo Huckle QC, and leaders in their fields of Crime, Family and Chancery law. The 2 hour session provided an opportunity for the panel to remind barristers, clerks and pupils of the resources available within chambers, the employed bar and the Bar Council Well Being website that provides a plethora of resources that are available for all members of the public to read.

As Deputy General Counsel at the Serious Fraud Office, Rebecca, referred to the Employee Assistance Programme, a source of support that is available at every employed practice. If you haven't already looked into this resource please make it your priority to remind yourself of what your company can provide you and those that you manage. Mental Health Allies and dedicated working groups are also established features of employed practice.

Here are some tips on how to ensure you provide an opportunity for employees to '*take some time out*':

- Coffee roulette: arrange randomly chosen coffee dates with people across the office; this could be just once a week or once a month but it provides a great way of taking some time to get to know new people and make a cup of tea/coffee while you do it. I tend to book out 30min-1 hour to do this every few weeks.
- Engage with your wellbeing groups, at the SFO we organise a monthly tea and talk session for a wider group, again it often ends up being with people that you don't ordinarily get a chance to socialise with at work.
- Organise a virtual quiz or murder mystery.
- Virtual step challenge [note 10,000 steps should be the minimum one person walks a day]
- Create/invest in an online stress tool kit tailored to your industry.

Next month will be Stress Awareness month so in advance of that, why not take the time to ‘test your stress’ and consider the recommended ways to manage it. There are a number of these questionnaires on the internet and this is just one of many, [Individual Stress Test - The Stress Management Society](#)

The message from Rebecca’s talk was to:

1. Try to identify your warning signs of stress.
[That could be irritability, trouble sleeping, poor nutrition.]
2. Test your stress with a stress tool kit.
[This will provide some ideas on how to manage stress.]
3. Take action.
[Be kind to yourself, this will take time aim for 80/20 success.]

The Bar Council website can be found here: <https://www.barcouncil.org.uk/support-for-barristers/wellbeing-personal-career-support/wellbeing-at-the-bar.html> for more resources and blogs on various areas of managing wellbeing. This event will be posted on the website soon. [Mental Health & Wellbeing - Wellbeing at the Bar](#)



"I donate to Advocate because I believe in equal access to justice for all, Advocate provides that access to justice for people who cannot afford legal representation."

Ian Brookes-Howells, Chair of BACFI

Please support access to justice through Advocate, the Bar’s pro bono charity

The last page of the practising certificate renewal form presents an opportunity to donate to Advocate (formerly the Bar Pro Bono Unit). We can never be a substitute for legal aid, but through us barristers provide a lifeline for many vulnerable applicants who desperately need help and would otherwise navigate the court process alone.

We know that 2020 was a very tough year for many at the Bar, but to the extent you can, please support your national pro bono charity. The impact of your donation is vital because it makes up **nearly 50%** of our funding.

Last year, through our core casework alone, we helped people over 1,400 times. Thanks to donations from this initiative, we could reunite families, compensate victims of unfair dismissal, secure asylum for desperate refugees, reclaim lost benefits and tackle many more injustices.

We were created by the Bar and we are sustained by the Bar. Please help Advocate work with barristers to provide life-changing support to those in greatest need.

Thank you.



The online Bar Directory and knowledge sharing site

The Bar Directory provides one of the most comprehensive listings of legal professionals.

Just under 9000 are now active on the site.

Just by activating your profile (which only takes one click below), you are already ensuring you are included in the **250,000** directory searches carried out last year.

The partnership with the Bar Council is coming to an end on 31 March. Make sure you activate your profile by this date to ensure you are listed. From 1st April, your unclaimed profile will be deleted from the site and you won't be listed in any directory searches.

There is no cost involved and it only takes a couple of minutes so don't delay activating your profile to make sure you get your free listing.

If you have any questions about Juriosity, including how it can benefit you or your organisation, get in touch with a member of our team on <mailto:info@juriosity.com>



BACFI Subscriptions

Subscription payments were due on 1st March. If you pay by standing order you should have received an email acknowledging receipt. If you do not pay by standing order you should have received a reminder email along with our bank details. If you haven't paid yet, Sandra would be very happy to receive your payment, preferably by bank transfer but you can send a cheque to the PO Box address if necessary. The cost remains the same at £70 for Ordinary membership and £20 for both retired and student categories.

Lady Justice Vivien Rose

Congratulations to Lady Justice (Vivien) Rose who has just been appointed to the Supreme Court. Her career as a barrister (Gray's Inn) was largely in the GLS working as a legal adviser at HM Treasury, the Ministry of Defence, and on secondment to the Office of Counsel to the Speaker of the House of Commons. She was appointed a chair of the Competition Appeal Tribunal in 2005 and a recorder in 2009. Lady Vivien gave our Denning Lecture in 2018.

“For a man’s home is his castle...” – Judge Edward Coke – 1644

Sir Edward Coke was a most eminent jurist of the Elizabethan and Jacobean age - barrister, judge, politician; he highlighted so very well - in his arguments for the supremacy of common law - this peculiarly British relationship we have with property.

He was of course in fact referencing to the human right to privacy but at the same time this quote strikes a chord with a deep sensibility we have within British culture. Indeed, others too have sought to tap into this sensibility - Prime Minister Margaret Thatcher ‘lit the blue touchpaper’ in the 1980’s with the sale of public sector housing stock through the then government’s **‘Right to Buy’ scheme**; fuelled by easier credit and borrowing facilities Britain has had a fascination with the intrinsic value of property investments for many, many decades.

Recent taxation changes have sought to rein in the inflationary demand for property and at the same time benefit the government’s financial coffers through targeted taxation. The March 2021 Budget has continued to use legislation to stimulate and control the demand for property.

Stamp Duty Land Tax holiday extension – the holiday from the standard rate of SDLT on the first £500,000 of a residential property purchase will continue until 30 June 2021. Then from 1 July 2021 the SDLT residential nil rate band will reduce to £250,000 until 30th September 2021 and thereafter will return to £125,000.

Mortgage Guarantee Scheme – to increase the availability of high loan to value mortgage products i.e., the government will provide a guarantee to lenders for lending between 91% - 95% (LTV’s less than £600,000).

Corporation Tax increases – from April 2023 company structures holding property where profits exceed £250,000 are **facing a 25% tax rate**. For profits between £50,000 to £250,000 there will be a sliding scale of between 19% and 25%.

Clients as well as yourself may be asking the following:

- Are you concerned about the changes in recent years regarding buy-to-let legislation?
- Are your property investments working effectively for you?
- Have you given thought to the most tax efficient structure (e.g. personally, company or trust) in which to hold your investment properties?
- Do you have a plan in place to ensure that your property investments meet your objectives, not only for your current lifestyle but will continue to do so for the longer-term?
- Have you considered the **impacts of Capital Gains Tax and Inheritance Tax** on your property investments?

Whatever the reasons you have for investing in property, structuring your investments in a tax efficient manner is critical to helping maximise your returns in the short and longer term when you come to consider retirement, disposal, or inheritance. Most property investors would benefit from professional guidance on how to structure their property investment in the most tax efficient way.

Proper advice will involve:

- Guidance on structuring your residential investment property in a tax efficient manner, taking account of any other financial assets, liabilities, and your long-term objectives for the property i.e. whether to hold: Personally / in a company / in a partnership / in a Trust.
- The impact on your tax situation i.e. Income tax / Capital Gains tax / Inheritance tax.
- The tax costs and challenges of moving from personal to company holdings where relevant.

- Advice on the development of a longer-term residential property investment strategy where relevant e.g. the effects of borrowing on returns.
- Advice on maintaining the tax efficiency of the property investment over the longer term.
- Advice on disposal of residential property investments in a tax efficient manner.
- Assistance in the provision of a statement of rental accounts if required.

This is an area that we will discuss further with BACFI members on the **29th April at 18:00** in the Webinar, ***“The Taxman Cometh...Property – a tax treat or a tax trap?”*** together with my colleague **John Woolley (LLB, CTA (Fellow), TEP, FCII barrister – Technical Connections.**

Please feel free to let the BACFI Secretary know that you would like to attend, it could have a profound effect on your planning; several clients who have engaged in this process have acknowledged their inertia and admitted to not being aware of the impacts of the legislative changes over the years nor the options available to them. They are now experiencing increased tax efficiency and better control in their planning.

Why don't you give **Marque Wealth Management** a call and/or the opportunity of providing you and your clients with a no obligation financial review?

Together with our specialists (and their costs) we can assist with – setting up a Special Purpose Vehicle / establishing of trusts or special legal structures / Landlords insurance / Mortgages, finance (and advice).

There will be separate charges payable by you in respect of any such advice or products.

You should carefully consider your insurance requirements.

Your home may be repossessed if you do not keep up repayments on your mortgage.

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Marque Wealth Management welcomes the opportunity to extend our services to all members of BACFI no matter their current wealth status for a no obligation personal financial review and this extends to access to our Business advisory specialists and Entrepreneur service.

Contact Mark Quaye: 020 7516 2225 / 07764 963 701 www.marquewealth.co.uk

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BACFI Committee members 2021

Chair:	Ian Brookes-Howells
Senior Vice-Chair:	Patrick Rappo
Junior Vice-Chairs:	Grant Warnsby, Laurence Fry
Hon. Treasurer:	James Kitching
General Committee:	Rebecca Dix
	Ryan Porter
	Stephen Potts
	Lorinda Long
	Gaynor Wood
	Alex Carr
	Daniel Byrne
	Sharon Blackman
	Charlotte Pope-Williams
	Sara George
	Sonia Hayes

BACFI Inn Representatives

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BARRISTERS FOR OVER 55 YEARS**