

# The Board Room Brief



## Message from the Chair

Dear Members,

Welcome to the Summer edition of the Board Room Brief and hope you are all getting chance to enjoy some of the glorious weather of late!

The themes this month are wellness, events, getting involved in your Inn and barriers to practise. Rebecca Dix has been doing wonderful work in mental health and wellness with the Bar Council, so please read her article below with useful tips and information on how to keep sane in these stressful times. We have also had some very topical and interesting events the past month, so if you have not been able to attend live, please find on our website event recordings. BACFI members have continued work with all the Inns to get them to engage with their employed barrister members. I do encourage you to see what is going on in your Inn. Both Inner and Middle have got some interesting events for the employed bar coming up. If you would like to learn more, why don't you contact your fellow BACFI members who are on the various Inn employed bar working groups?

The Bar Council meetings under the chairmanship of Derek Sweeting QC, have discussed lobbying the Government on such matters as capacity in the courts with the Covid backlog of cases and issues of having sufficient resources for the courts. The Criminal Bar is really suffering financially, and this is having a knock on effect on pupillages. In March the Chinese government sparked anger among lawyers after imposing sanctions against Essex Court Chambers – a commercial set based in London. The sanctions came after four members gave a legal opinion relating to issues arising from alleged human rights violations against the Uyghur population. The Bar Council has been at the forefront to get these sanctions removed, garnered the support of all four Bars of the UK and Ireland, as well as the Government. The Bar Council has also just completed its first Leadership Programme for young barristers, of which our own Charlotte Pope-Williams took part.

The Professional Standards Group have met and completed an analysis of the barriers for employed barristers to practise. We are in discussions with the Bar Council and the Employed Bar Committee to work together to get the BSB to improve the rules of conduct for employed barristers and to remove unnecessary restrictions which put us at a disadvantage to both the self-employed bar and solicitors. These includes issues caused when an employed barrister changes their employment status if they become: self-employed, a contractor contracting through their own personal service company or employed by an umbrella company, or unemployed, when you may have to become unregistered. Difficulties of doing pro-bono work, ethics, gaining Direct Access rights and the Three Year Rule. We are also supporting the EBC and Inns in making it easier to take pupil barristers on and QC appointments. We hope to update you all with progress in the near future.

I do hope Covid restrictions will soon ease so that you can all get out and enjoy the Summer.

And remember – get back to your Inns!

With very best wishes,

*Ian*

Ian Brookes-Howells, Chair

## PAST EVENTS

### “The Taxman Cometh...Property - a tax treat or a tax trap?": 29 April

We were delighted to welcome Mark Quaye, Director of Marque Wealth Management and John Woolley, Joint MD of Technical Connections to talk us through how to become more tax efficient regarding second properties, especially buy to lets. They presented various options which are available to decrease the amount of income tax, Capital Gains Tax and Inheritance Tax which may be liable to be paid. The slides and the recording are available on the Past Events page of the BACFI website. If you would like to contact Mark and John to discuss this or any other any financial management issues please email: [Mark.Quaye@sjpp.co.uk](mailto:Mark.Quaye@sjpp.co.uk).

### Demystifying the Employed Bar: 13 May

Over 60 delegates, including BACFI's newest Vice President, **Lady Rose**, attended this panel event which was organised jointly with the Young Barristers' Committee and the Employed Barristers' Committee of the Bar Council. **Ian Brookes-Howells**, BACFI Chair, opened proceedings outlining the various options available by being employed and gave his account of his career path so far as a barrister working in various large companies such as BT and Lloyds Bank. Ian was followed by **Charlotte Pope-Williams** who gave some useful tips on how make the most of opportunities which come along and spoke on what she does on a day to day basis working at Pinsent Masons. **Patrick Rappo** again outlined how he has moved from self-employed practice to the SFO and then into international law firms and is now a Partner at DLA Piper. **Gaynor Wood** stressed how her persistence paid off in securing pupillage and gave us an insight into how she had become a General Counsel of an international company and what this means. Senior Crown Prosecutor, **André Nwadiakwa-Jonathan** gave his account of his very different journey by way of his interest in international humanitarian issues and spoke about his pupillage at the CPS and how he has moved through various departments in his time there. **Michael Harwood** of the Government Legal Department had again moved through various Government departments, learning areas of law as he went along and is now advising a Government enquiry. **Sahar Farooqi** has recently set up a Chambers type business within DAC Beachcroft but had previously spent many years as a self-employed barrister. He outlined the benefits of being employed and gave a quick overview of how his business model works within a law firm.

One delegate sent the following "I am emailing to say how fantastic I thought this event was. Thank you so much for arranging it. I have probably attended about 100 online careers talks in the past 12 months (I took on the role of Director of Employability at Hertfordshire Law School last summer) and I can honestly say this captured the best of all events. It was really well organised, and the speakers were incredible – so interesting, engaging and candid. The messages to students were extremely understanding and encouraging, and I hope they felt as inspired as I felt impressed and grateful".

Thanks to all the speakers for providing such an informative session. The recording can be found on the Past Events page of the website along with the slides.

### “Withdrawal and The Trade Marks Act 1994 - The Breaking Developments: 17 May

On Monday 17<sup>th</sup> May BACFI members were invited to a webinar organised by Hunters LLP and Professor Mark Engelman. This session followed on from our webinar in May last year on Brexit and IP. Entitled "Withdrawal and The Trade Marks Act 1994 - The Breaking Developments", Mark spoke on the impact of the Court of Appeal Judgment in *Tunein Inc v Warner* on The Trade Marks Act 1994 and the Judgement on 2(1) of the European Union (Withdrawal) Act 2018 including its effect on pre-Brexit CJEU judgments, its effect on post-Brexit CJEU judgments and its implications for the Trade Marks Act 1994 along with how we deal with the domestic provisions of the Act. He was followed by Gregor Kleinknecht, Partner, Hunters Law LLP who covered the implications of Brexit for Trade Mark Protection, the most important legal changes after the end of the transition period and the effects on trade mark litigation. Mr Simon Carter, Director, Simon Carter Ltd gave insight into how he deals with the day-to-day practicalities of Brexit within the fashion clothing and accessories industry and Dr Chris Hayes, Legal Counsel & Vice President Intellectual Property, GW Pharmaceuticals Plc spoke on the implications for IP portfolio management within the Pharmaceutical Industry.

Thank you to Hunters LLP for inviting members along to the insightful session.

## Inclusion and Diversity at the Bar: 19 May

We were very pleased to welcome the Director General of the Bar Standards Board, **Mark Neale** to speak on the BSB's Reverse Mentoring Scheme and his experiences from being a mentee on this scheme. The scheme has been piloted this year with mentors being young students or barristers from non-white backgrounds and mentees being senior barristers from traditional backgrounds. **Agatha Rockson**, a mentor and BACFI member, gave her account of how much she has enjoyed being part of this and what it has meant to her mentee too. She encouraged everyone to get involved as it has provided so many opportunities for her. **Srishti Suresh** provided an overview of what Bridging the Bar does and the programmes it has set up such as a mini-pupillage scheme.

A lively discussion followed covering such topics as support offered for returning to work after having children and social mobility issues along with a suggestion that the BSB's scheme should be widened to include other issues alongside those of race.

The recording of the webinar can be found on the **Past Events** page of the website.

The BSB are continuing with the scheme and further details can be found here: <https://www.barstandardsboard.org.uk/resources/bsb-race-equality-taskforce-launches-reverse-mentoring-scheme.html>

<https://www.barstandardsboard.org.uk/about-us/equality-and-diversity/race-equality-taskforce/race-equality-taskforce-reverse-mentoring-scheme.html>

Bridging the Bar's programme details can be found here: <https://bridgingthebar.org/our-programmes/>.

## GIR 100 Women in Investigations 2021



Rebecca Dix, a long standing committee member of BACFI, has been featured in the GIR 100 Women in Investigations 2021. In the article Rebecca highlights her change in career from a successful practice at the Bar, at 2 Bedford Row, to the Employed Bar highlighting her experience of working overseas as an Attorney in the Turks and Caicos Islands in a multi- million dollar bribery and corruption investigation that marked the catalyst for the change to the Employed sector.

In 2017, after working with a Top Tier defence law firm, “poacher turned gamekeeper” Rebecca now works at the Serious Fraud Office as the Associate General Counsel (Crime) providing legal oversight, advice and strategic support to case teams and General Counsel, Sara Lawson QC. In 2020 Rebecca's team was awarded the Employed Bar Legal Team of Year for securing the world's largest global Deferred Prosecution Agreement for €991 billion [Airbus SE].

In the article Rebecca highlights the importance of proactively managing your wellbeing at work and promotes the work of the Bar Council's Wellbeing Committee and the SFO's Wellbeing committees at work that promote Tea and

Talk sessions. Encouraging readers to look at the **Wellbeing** site.

Diversity at work is encouraged and Rebecca recommends that one tip is to encourage chambers clerks to provide instructing solicitors with a diverse choice of barristers for new instructions.

In her closing remarks on developments in the investigations field, Rebecca notes that the new Economic Crime Court is due to be completed in 2025 that will see for the first time cases in cybercrime, fraud and economic crime under one roof.

## **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:** An Employed Bar Conference is currently being planned for later in the year but in the meantime an Employed Bar webinar is taking place on 16<sup>th</sup> June at 5pm. Entitled "Law and the Media", BBC Legal Correspondent, Master Clive Coleman will be considering the way in which the law is explained to viewers and listeners, and how complex legal issues can and must be brought alive to the public that they affect. He will also reflect on some of the key moments and cases he has covered including the 2019 Supreme Court prorogation case and also on how his years as a barrister prepared him for the world of broadcasting. Finally he will discuss his career as a playwright and writer for television and film. This free event is open to Middle Temple members and their guests. Further details can be found here: <https://www.middletemple.org.uk/civicrm/event/info?reset=1&id=40772>.

BACFI Members on the MTEBSG: Ian Brookes-Howells and Laurence Fry

**Inner Temple:** An event for 24 June has been organised by the Temple Employed Bar Forum and took place at Inner Temple - **One Bar: Experiences of Employed Barristers**. Speakers: Sara Lawson QC (General Council, Serious Fraud Office) James Kitching (Partner, Fried Frank) Simon Regis (Deputy Director, Culture, Sport and Gambling Team, DCMS Legal Advisers, Government Legal Department) Sarah Williams (Legal Director, Payne Hicks Beach). Topics include: Managing the transition from the self-employed Bar to the employed Bar at various professional stages, Interconnections between the employed and self-employed Bar, One Bar – How the Inn can help and support members and how the Employed Bar can help with the retention of women.

BACFI Members on the ITEBWG: Rebecca Dix and James Kitching.

**Gray's Inn:** BACFI members on the Employed Bar Working Group: Patrick Rappo, Gaynor Wood and Sara George.

## **BACFI Fellowship award – nominations are open**

The BACFI Fellowship is a lifetime achievement award presented by BACFI in recognition of outstanding achievement in supporting the professional development of employed barristers and other unregistered barristers working in commerce, finance and industry. The award is the highest honour that BACFI can bestow and winners receive an engraved trophy. The first recipient of this award was Helen Fletcher Rogers who received it in an online presentation at our 55th anniversary celebration last year. The General Committee is now welcoming nominations of a BACFI member for the second award. To nominate someone please email Sandra with their name and up to 500 words as to why you think that they deserve to receive the award. The judging panel will include the BACFI chair, Ian, committee member Ryan Porter and Vice Presidents Ros Wright and Lucinda Orr. The award will be given at the Denning Lecture on 8th December. Closing date for nominations is 31st October 2021.

## BACFI member Akbar Khan appointed as House of Lords Commissioner for Standards.

The Commissioners for Standards is responsible for the independent and impartial investigation of alleged breaches of the House of Lords Code of Conduct, including bullying, harassment and sexual misconduct.

Martin Jelly and Akbar Khan will take over from the current Commissioner for Standards, Lucy Scott-Moncrieff, on 1 June and 1<sup>st</sup> July, respectively.

Akbar Khan is a barrister, BACFI member and a qualified investigator for bullying, harassment and misconduct. He has worked as Head of International Law at the British Embassy, The Hague, representing British legal interests before the UN International Courts and Tribunals, and as Secretary-General of the Commonwealth Parliamentary Association.

He currently serves as a statutory Legally Qualified Chairperson for several police regulatory misconduct bodies and the first Head of Judiciary for the International Rugby League (IRL).

## Wellness for Law training

BACFI committee member Rebecca Dix completed the mental health training course delivered by Wellness for Law earlier this month. This course comes highly recommended and is a thought provoking 2 hour virtual session led by the course provider, to help understand the different layers of mental health and how to spot the warning signs in yourself and others. Rebecca is the well-being champion for BACFI, as their representative on the Well Being at the Bar Committee, and at the Serious Fraud Office where she works as Associate General Counsel. Rebecca recommends that colleagues at the Employed Bar look into securing a place on this course to help support those at work and understand better how to manage wellbeing in others. The course caters for all levels within the industry. Please get in touch if you would like to know more or contact Wellness for Law directly to secure a booking for the next event [www.wellnessforlawuk.org](http://www.wellnessforlawuk.org).

"Wellness for Law is a 'not for profit' organisation supporting lawyers with bespoke education and training to maintain and optimize their health and wellbeing. The Organisation was established by Rachel Spearing, a Barrister in practice, and is managed and overseen by an Advisory Board of Professionals. Rachel Co-Founded the 'Wellbeing at The Bar' programme with the General Council of the Bar and led the working group for 5 years.

Wellness for Law has a community of legal practitioners, academics and clinicians, who are committed to sharing research, information, and best practice. Collaborating to promote wellbeing throughout legal education and continuing professional development in practice, a yearly Forum shares the research and initiatives being undertaken by the profession. The Mental Health Training Course has been specifically designed, peer reviewed and accredited to assist those practicing at the Bar and staff working within chambers and organisations to support the profession" (quoted from Wellness for Law).

## BACFI's 55<sup>th</sup> Anniversary Dinner

**This event has now been postponed until 23<sup>rd</sup> September 2022.** This will be a black-tie event and Baroness Hale will be guest of honour. Further details to follow nearer the time, however, 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.

***"A man there was, though some did count him mad, the more he cast away, the more he had." – John Bunyan - 1678***

As a nation we have always given generously, and our charitable sector is among the most developed in the world. It is well reported that the ***economic impacts of the CV-19 pandemic*** have not only ravaged our various commercial enterprises, but it has also wreaked havoc and brought lasting ***damage to our charity sector*** too.

Many of our clients have been moved to try to support their various charities during these challenging times, whilst they seek to keep their own financial affairs afloat. In these straitened times there is an opportunity for our clients to have real strategic intent in their financial planning reviews.

John Bunyan (*The Pilgrim's Progress*) - whilst not the first philanthropic person to highlight the virtue of giving - he was pipped to the post by a biblical Proverb, which states: ***"The one showing favour to the lowly is lending to (God), And He will repay him for what he does."*** – he did however almost stumble in his above quote/observation upon a ***multiplier principle*** that is invoked when a pattern of consistent giving is established.

***Multiplied the impact*** - Many will be aware that there are significant tax advantages available on charitable gifts, whether these are made during your lifetime or via your Will. Charities can ***reclaim 25% tax from HM Revenue & Customs (HMRC)*** if you sign a Gift Aid declaration and you are resident in the UK for tax purposes and you pay enough UK tax to cover the reclaimed amount. You can claim further tax relief via Self-Assessment if you are a higher or additional rate taxpayer.

Some are less aware that you can also give during your life and/or leave a ***legacy through your Will and these gifts to charity are exempt from Inheritance Tax (IHT)***. Furthermore, you can lighten the burden of IHT on the rest of your remnant estate. Any estate which leaves at least 10% of its taxable wealth to a charitable cause has, since 6 April 2012, been eligible for a rate of ***IHT reduced from 40% down to 36%***. Tax benefits are also available on gifts of shares, land, buildings, and personal property.

If you pay taxes outside of the UK, you can use an offshore account to structure your charitable giving.

***Setting up your own trust*** – Fewer still are aware they can establish a charitable trust in their own names relatively straightforwardly i.e. it is not just for the rich and wealthy à la Mr Bill Gates or Mr Warren Buffet. A charitable trust is a registered charity, which ***can be set up by anyone*** who has decided that they want to contribute some of their assets or income for charitable causes. The trust can be established as a company or unincorporated association. While this can be a relatively straightforward process, the ***set-up costs can be considerable***.

Legal advice is required from the start of the process and the trust must be registered with the Charity Commission for England and Wales, the Scottish Charity Register, or the Department for Communities in Northern Ireland.

Care in the selection of trustees who are prepared to ***give up their time to run and administer the trust*** in accordance with the relevant charity law will clearly be a factor; indeed, the ***appointment of an accountant*** to publish a formal annual report and accounts and to oversee who will run the trust in the event of your death can also bring with it onerous costs and complications.

Alternatively, an easier route to establishing a charitable trust can be through the ***Charitable Aid Foundation (CAF)***, which is quite a safe and cost-effective solution. CAF manages the set-up, registration, and ongoing administration process.

As the donor, you decide on an investment strategy for the trust assets, although this does need to comply with CAF's investment policy. (If you wish to invest with St. James's Place, their range of unit trusts qualify.) You manage all decisions on how these funds are distributed and CAF will be able to advise you and ensure compliance with UK charity law. CAF can advise you on a strategy and, if you wish, on your choice of organisations to support. You retain the freedom to choose a range of charities from the UK or abroad, with their expert support.

You can also be safe in the knowledge that the CAF Charitable Trust is discreet and can keep the details of your giving out of the public domain. The level of your involvement, or that of others, is up to you.

A **letter of wishes can be left on your death** to advise the trustees how you wish your charitable trust to be administered. A charitable trust can involve other individuals in the decision-making and donation process. It is an excellent way to **involve children and other family members** in your philanthropic journey, helping to ensure that, in the event of your death, another generation can take on the trusteeship and management of the trust.

**An example** - A 45-year-old fund manager, married with two children, usually **gave £25,000 a year of his net income to two children's charities** on which he claimed Gift Aid and income tax relief. He wanted to spread his donations across more charities and establish a **longer-term strategy for his gifting**. He had explored charitable trusts but was deterred by the set-up cost via his solicitor (£7,000 + VAT) and the administration requirements and fees. He was delighted to hear about the **St. James's Place Philanthropy & Charitable Giving Service** and the opportunity to establish a Charitable Trust with a **minimum gift of £10,000 (with the only cost being the annual administration fee of 1.2%, or £120)**. A more tax-efficient way for him to give to charity was identified, which also mitigated his IHT and Capital Gains Tax (CGT). It was proposed he **designated one of his private equity portfolios as a charitable trust**, since gifts to charity are exempt from CGT and IHT, and he continued to claim income tax relief. His decision to donate shares meant that he could use the CAF's Premier Service, which requires a minimum gift of £25,000. This was significantly more cost-effective than using a solicitor and managing the administration himself. He assigned one of his equity portfolios – worth £500,000 (**IHT saving £500,000 x 40% = £200,000**) and showing a gain of £200,000 (**CGT saving £200,000 x 20% = £40,000**) – into a Charitable Trust.

The benefits of this approach include £25,000 of surplus income each year which is no longer required for charitable gifting and can now be used for more tax efficient IHT planning for his children. He can now better determine where he wants to focus his donations. The private equity portfolio continues to provide a sustainable tax efficient annual income for his chosen **charities who much prefer the regular reliable cashflow** rather than ad-hoc 'recession-permitting' gifts.

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?

Contact Mark Quaye: 020 7516 2225 / 07764 963 701 [www.marquewealth.co.uk](http://www.marquewealth.co.uk)

The levels and bases of taxation and reliefs from taxation can change at any time and are dependent on individual circumstances.

The value of an investment with St. James's Place will be directly linked to the performance of the funds you select, and the value can therefore go down as well as up. You may get back less than you invested.

## Dates for your diary

- 15<sup>th</sup> July: “Firming” up the Bar on MS Teams - How law firms are now investing in chambers’ style set ups and what it could mean for you. Speakers: Sahar Farooqi and Jonathan Robinshaw, Partners at DAC Beachcroft LLP and joint heads of 8 DAC Beachcroft Buildings.
- 21<sup>st</sup> October: Student evening with City Law School on MS Teams. Speakers will include Lady Rose, Sharon Blackman (Citi Group), Sonia Hayes (assistant Coroner), Patrick Rappo (DLA Piper), Dan Byrne (AA Thornton and Deputy District Judge) and Thomas Keane (soon to be Pupil at No5 Chambers).
- 3<sup>rd</sup> November: Inclusion and Diversity seminar with the EBC on MS Teams – Simon Regis, Employed Barrister of the Year 2020 will be speaking
- 24<sup>th</sup> November: AGM – on MS Teams
- 8<sup>th</sup> December: Denning Lecture at the Athenaeum or on MS Teams. Speaker: Sara Lawson QC, General Counsel at the Serious Fraud Office. Sponsored by Marque Wealth Management.

## 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

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### Ethics Committee

Brian Cahill

### Education and Training Committee

James Hampson

## 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

### Gray's Inn

Tricia Howse [triciaghowse@gmail.com](mailto:triciaghowse@gmail.com)  
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### Middle Temple

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Bart Kavanagh, Amanda-Jane Field,  
Naraindra Maharaj

### Lincoln's Inn

Simon Broomfield [simon.broomfield@gmail.com](mailto:simon.broomfield@gmail.com)  
Grant Warnsby

### Inner Temple

Alexandria Carr, James Kitching, Ayah Elmaazi,  
Elaine Ngai, Rebecca Dix

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