



Message from the Chair

Spring is almost upon us and what a busy first two months of the year has been for BACFI, in addition to the three events we have held (of which more details are in this Newsletter), your General Committee and your Chair have been very busy on your behalf.

As Chair I have attended several meetings, including my first meeting of the year on the 31st January 2020 of the Bar Council, which is made up of over 120 representatives and forms the governing body of the Bar Council. It was very interesting meeting barristers from different practice areas, listening to the issues across our profession of which most of us in corporate life may not be involved with such as criminal and family law. Topics discussed included the increases in the budget for criminal justice, accessibility to Bar Council meetings, Justice Week and a report from the Bar Standards Board. Other events I attended included:

- On the 15th January Lorinda Long and I had a meeting with the Bar Standards Board's equality and access to justice team, where we discussed possible initiatives to help develop the BSB's strategy in this area. As a result of this meeting, there will be a further meeting with BSB and BACFI's General Committee to discuss ways both organisations can work together on equality and diversity. Watch this space for further developments.
- I attended "100 Years of Women at the Bar" church service at the Temple Church on 16th January 2020 to celebrate the first woman, Helena Normanton, who dined at Middle Temple as a bar student. The service was appropriately conducted by the Right Reverend Sarah Mullally, the first woman to be Bishop of London.
- The Society of English and American Lawyers (or SEAL) held their Annual New Year Reception, at the Carlton Club, London on 23rd January. SEAL exists as a forum for English and American lawyers to meet and exchange matters of common interest and concern. We have a number of our members who are also members of SEAL and as a result we are developing a close relationship with this organisation and will be organising a number of joint events as detailed in this newsletter.
- Lincoln's Inn with the Judicial Appointments Commission (JAC) held a seminar on "A 21st Century Senior Judiciary: Encouraging BAME Applicants". This session looked at how the senior judiciary could increase the number of black, Asian and minority ethnic members (BAME). It was chaired by the first Asian Court of Appeal judge, the Right Honourable Lord Justice Rabiner Singh with a very eminent panel comprised of the Rt. Hon Lady Justice Simler, Mr Justice Pushpinder Saini, Her Honour Judge Mensah and His Honour Judge Singh. They discussed their experiences applying for and achieving judicial office. There were about 80 people in the audience and a lively discussion followed the main talks of the panel. If any members of BACFI would like to consider taking up a judicial appointment then please do visit <https://judicialappointments.digital/>. The only way we can increase the diversity of the judiciary is by increasing the talent pool it recruits from, and in-house barristers have the skills to be excellent judges. BACFI is working with the JAC to organise another seminar, so please look out for future events coming up.

- It was a great pleasure to attend the BACFI President's Lunch on 7th January, kindly hosted by our President, the Right Honourable Baroness Hale at the Athenaeum Club. It was wonderful to have an opportunity to meet Vice Presidents, past Chairs and committee members at this annual social event.

I am pleased to announce that the General Committee has agreed its objectives for the coming year. The overall theme will be "Opportunities for all – lets be a beacon for equality, diversity and inclusivity in the Bar".

- We will work with the Bar Council, BSB and Inns of Court ("Bar Institutions") to raise awareness of equality and inclusion at the Employed Bar, unregistered barristers and those barristers working in business in different capacities;

- Will work closely with the Bar Institutions to raise the awareness of the Employed Bar, unregistered barristers and those barristers working in business in different capacities. This includes responding to relevant proposals and consultations issued by the Bar Institutions;

- Work with the Bar Institutions to look at how we could develop and established commercial in-house pupillages in commerce, finance and industry ("CFI") to increase opportunities for student barristers;

- Will continue to produce good quality and relevant events and seminars for our members;

- Will reach out to Barristers working in CFI through the Bar Institutions and other communications channels to increase our membership;

Will engage better with members to understand the requirements and needs of the membership including their well-being;

- Will inform members of what BACFI can do for them and support them with any general professional problems and issues; and,

- To get more members involved with the work of BACFI. We hope from this this we will identify potential new committee members for the future.

The Committee has also reviewed and refreshed the Business Plan and this will be published on the website soon.

It is also good to see that Gray's Inn, Inner Temple and Middle Temple have all set-up employed bar working groups with the aim of the Inns becoming more engaged with the employed bar. If you have not already participated in your Inn's working group and activities for the employed bar, I would encourage you to do so.

As you can see it's been a very busy start to the New Year, and with some fantastic events planned, I think spring will be an exciting season for BACFI.

I look forward to meeting you at our coming events.

Best wishes

Ian Brookes-Howells

BACFI's 55th Anniversary Dinner

Our anniversary dinner will take place at the House of Lords on Friday 25th September 2020. This will be a black tie event and Baroness Hale will be guest of honour. Further details to follow shortly but 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.

BACFI members on Bar Council and BSB Committees

Bar Council

Ian Brookes-Howells, Lucinda Orr (elected), Lorinda Long (elected), Alexandria Carr, Grant Warnsby (Treasurer), Charlotte Pope-Williams (elected), Efe Avan-Nomayo (elected)

General Management Committee

Grant Warnsby, Ian Brookes-Howells, Alexandria Carr, Lucinda Orr

Employed Bar Committee

Lucinda Orr, James Kitching, Sara George, Patrick Rappo, Grant Warnsby, Charlotte Pope-Williams, Efe Avan-Nomayo, Mike Jones QC

Audit Committee

Alexandria Carr

Finance Committee Chair

Grant Warnsby

Finance Committee

Lorinda Long

Bar Representation Committee

Lucinda Orr, James Kitching, Lorinda Long

European Law Committee

Alexandria Carr

Law Reform Committee

Efe Avan-Nomayo

Susskind Challenge Working Group

Amanda Williams

Bar Council Brexit Working Group

Alex Carr

Wellbeing at the Bar Group

Rebecca Dix, Efe Avan-Nomayo

BACFI seminar 29 January:

GDPR: Decisions, decisions... and their implications for businesses

Our 2020 events kicked off with Ian Beeby, of 10 King's Bench Walk, presenting "GDPR: Decisions, decisions... and their implications for businesses" on 29th January at Fried Frank's offices. The event was very well attended by both long-standing BACFI members and many new members. Introduced by James Kitching, Partner at Fried Frank, Ian Beeby spoke about how we were now getting decisions from the different Data Protection regulators across the EU and decided cases, giving us an insight as to how regulators are acting and the Courts in different countries are interpreting GDPR in each state. It was interesting to note that in some countries such as Sweden, their regulator was taking a much more proactive stance in compliance rather than waiting for complaints to come through. We are also seeing the level of fines being imposed, helping us to quantify what the real costs of non-compliance and data breach could likely be. The flesh is finally being put on the bare bones of the regulations!

Ian Brookes-Howells, Chair of BACFI, gave thanks to Ian and also to Fried Frank for their hospitality in providing the venue and refreshments. Drinks and networking followed and the general opinion was that it was an excellent event. Ian's slides can be found here <http://www.bacfi.org/files/GDPR%20-%20Implications%20for%20businesses.pdf>.

BSB Handbook

An updated version of the Handbook came into force on 3rd February 2020 and can be found on the BSB website: <https://www.barstandardsboard.org.uk/the-bsb-handbook.html>.

Middle Temple Advocacy Trainers – volunteers required

Middle Temple runs advocacy training courses for those newly qualified and intending to practise at the Employed Bar. They are currently looking for more trainers to help deliver the courses. You do not necessarily have to be a Middle Templar to do this but you do need a degree of seniority and be used to the high level activities of in house legal advisers such as advising Boards.

If you are interested in finding out more please contact Sandra who will put you in touch with Middle Temple.

BACFI Vice Presidents Harry Mitchell QC and Bernard Kelly QC

We are sorry to report that Harry Mitchell QC passed away after a short illness on 20th December and Bernard Kelly QC passed away suddenly on 11th February. Both were great supporters of BACFI over many years and enjoyed their Vice President status along with meeting up with friends and colleagues at our social events.

Harry studied at Cambridge for BA, Modern Languages Tripos Part I and Law Tripos Part II in 1953. He was Assistant District Commissioner and Magistrate in Sierra Leone between 1954 and 1959. He then became Company Secretary to a subsidiary of Turner & Newall in India 1960-64. Called to the Bar by Gray's Inn 1968, his career included being Legal Manager/Executive Director at Hawker Siddeley Aviation Limited from 1966 to 1976 and then Company Secretary of Wellcome plc/The Wellcome Foundation Limited from 1976 to 1992. He was a BACFI Committee member from 1976 to 1992 and Chairman of BACFI from 1984 to 1985. He became a BACFI Vice President 1985 and was appointed Queen's Counsel in 1987. He became a part time Immigration Judge in 1992 until 2002 and an honorary Legal Adviser at Migration Watch from 2002.

Bernard was called by Gray's Inn in 1957. Bernard practised as a barrister and solicitor in British Columbia, Canada, after working for I.C.I.. He then joined the Legal Department of Mobil Oil Company Ltd. in London, becoming Legal Adviser and, later, a director of M.O.C.L. and associated companies until 1994. He served as Chairman of BACFI from 1985 to 1986. He was appointed an honorary QC in 1991, and served as a part time Chairman of Employment Tribunals for ten years from 1994.

BACFI subscription renewals

Subscriptions were due on 1st March. If you haven't paid yet, Sandra would be very pleased to receive either a cheque or payment by bank transfer. The cost remains at £70 for Ordinary and Associate membership and £20 for student and retired membership.

BACFI Seminar 12 February: IR35 Changes: The Death of the “Gig economy”?

Recent changes being brought about by HM Treasury to the rules of personal taxation for contractors and other freelancers, shifting the responsibility and liability for calculation of personal tax status of contractors to company they are working for, was the topic of our seminar on the 12th February. Our speakers were Andrew Webster, IR35 Director, Workr Group, Joseph Brown, Accountant, Cubicstone Tax and Fudia Smartt, Employment Lawyer, Partner from Spencer West. The impact of these tax changes which will affect many of our members, both hirers of contractors, and those members who are contractors. The event attracted over fifty people and we had to turn away another twenty! Our speakers gave a talk on what the changes are to Rule IR35, what companies hiring contractors need to do, what contractors need to do and the issues affecting contractors.

The seminar looked at the conflict between the legal and tax definition of an employee and consequences if you get it wrong? The impact particularly on individual contractors has been huge as the many more of them will be caught within IR35, meaning that they will pay tax as if a permanent employee on PAYE but without the security of permanent employment, and could cut earnings by at least 35%. This is also having an effect on the interim job market with demand for contractors dramatically falling at the moment. This seminar was well received and we have demand for a follow up seminar in June to see what the aftermath will be when these new rules take effect on 6th April. A big thank you our sponsors Workr Group <https://workrgroup.com/>, who provide accountancy and other business services to contractors and small businesses, and thanks also to Patrick Rappo and DLA Piper for providing the meeting venue.

Slides can be found here: <http://www.bacfi.org/files/IR35%20Changes.pdf>.

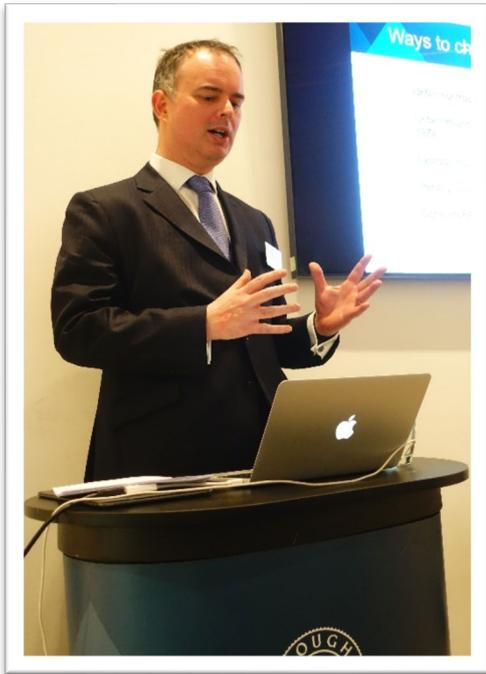
Special offer from Workr Group for BACFI members

Workr Group is a specialist provider of accounting, personal tax and payroll services for anyone working outside of full-time employment. They help companies manage the risks and costs of working with contractors and interim workers, while providing individuals with services and benefits that help them get more out of their contract work. Workr won the large Umbrella of the year in 2019's Contracting Awards and has established a specialist division that provides guidance on IR35 legislation.

For BACFI members, Workr Group is delighted to offer a 15% discount on their IR35 assessment consultations, normally priced at £149.99 (exc VAT), and a 10% discount on its Umbrella service. Please call them on 0208 10 60000 and press 1 to speak to their Accounting team and tell them you are a member of BACFI.



BACFI Seminar: 26th February



On 26th February, a seminar was held at Gough Square Chambers on the subject of “*Challenges to contracts on the basis of “fairness”: Routes of challenge and common issues*”. The seminar was chaired by Iain Macdonald and our speaker was Simon Popplewell, both members of the Chambers. Simon provided an interesting review of the regulations and case law in the practise of consumer finance and commercial contract interpretation, including some very useful tips for our members who work in this area of the law. We had a good attendance from members and guests, including some first-time attendees who remarked that they were impressed by the discussion; and the evening was rounded-off with drinks and networking. We would like to express our appreciation to all concerned at Gough Square Chambers for hosting a very enjoyable event. The slides can be found here: <http://www.bacfi.org/files/Unfairness%20in%20contracts.pdf>.

Authorisation to Practise renewal – a word from Advocate

The last (but not least) page of practising certificate renewals through MyBar encourages barristers to support the Bar’s charity by donating £35 to [Advocate](#) (formerly known as the Bar Pro Bono Unit). All you need to do is **not** untick the box!



We would love it if you could support us – the contributions Advocate receives through this adds up to **40% of our funding**. Without your generosity, we would not exist.

This year, please help us make our online application form and reviewer's portal a reality, develop initiatives that will enable us to reach vulnerable applicants who are isolated by being outside major cities, complete our [case study](#) project to get pro bono work recognised more widely in the media and recruit more [volunteer barristers](#).

This opportunity to donate is kindly made available by the Bar Council and Bar Standards Board.



“I’m late, I’m late for a very important date ...”

“I’m late, I’m late for a very important date. No time to say hello, good-bye, I’m late, I’m late, I’m late I’m late and when I wave, I lose the time I save.....”

.....so exclaimed the ‘White Rabbit’ from the World of Alice in Wonderland!

After just meeting your last tax deadline in (31st) January another one looms....perhaps you increasingly feel like the ‘White Rabbit’ rushing from deadline to deadline; indeed, it can feel like a scene from Alice’s Wonderland as time rushes bywe seem to be bounding from event to event - Brexit one minute, elections the next, then COVID-19 and so the slogans reign.....‘Let’s get Brexit done!’ ‘Catch it, bin it, kill it.....wash your hands’ and don’t forget to ‘vampire sneeze’ (i.e. into your elbow!)

What about ***‘Use it or Lose it’***?

As the tax year-end approaches on the 5th April 2020 this is usually a good time to consider tax planning to maximise the use of your individual allowances, reliefs and exemptions for the current tax year. Some of these will be lost if not used before the 5th.

For those people who currently pay income tax at the higher rate (40%) and additional rate (45%), tax planning is vital as a means of minimising tax payable and so maximising net income, capital gains and wealth.

And of course, we also potentially have an earlier effective deadline for tax year-end planning, as a range of measures could be announced in the **11 March 2020 Budget** (some of which may be operative immediately) which could impact on such planning:

Pensions - the risk of a major pension tax reform, potentially reducing higher rate tax relief, is greater now than for some while. The Chancellor will have to address the issue of pensions tax relief in his Budget because of problems with senior NHS staff and annual allowance tax charges. The Government may do something radical on pensions, such as abolishing the annual allowance and introducing a flat rate of tax relief on contributions.

We continue to audit our clients’ pension schemes and assets so that we can ensure they are utilising their available annual and carried forward allowances; it is important they ***take a little time out, just like the ‘White Rabbit’ to metaphorically ‘wave’*** and to ask or take advice thereby ensuring that they don’t breach their Tapered and Money Purchase annual allowance(s) and simultaneously to not ignore the often missed opportunities to pension plan for family members and to secure valuable tax relief; alongside of course other meaningful strategic planning.

Capital gains tax - Some announcement on entrepreneurs’ relief is quite likely, as the Conservative manifesto promised a “review and reform” of the relief. The new Government might also look to introduce Labour/Liberal Democrat policy proposals, such as taxing capital gains at the same rates as income.

Here are some more phrases for you - consideration should be given to: Bed-and-ISA, Bed-and-SIPP, Bed-and-spouse, Bed-and-something similar or the options surrounding CGT deferral.

Inheritance tax - Last year’s Office of Tax Simplification (OTS) papers on measures to simplify inheritance tax (IHT) are likely to result in announcements in the March Budget, such as changes to the annual exemptions and the rules governing the interaction of IHT and capital gains tax (CGT) reliefs for business assets.

As well as last-minute tax planning for the tax year ending 5 April 2020 (2019/20), now is also a good time to put in place strategies to minimise tax throughout 2020/21.

We are considering with our clients the main planning opportunities open to UK resident individuals for the tax year 2019/20, which ends on 5 April 2020, and as we look to strategies and disciplines which could be put in place to minimise tax in 2020/21.

In advance of the tax year end, individuals who wish to transfer wealth on to the next generation should consider making full use of their £3,000 annual exemption. If this was not fully used in the last tax year (2018/19), it can be used now provided the donor first fully uses their annual exemption for this tax year (2019/20). So, for somebody who has made no gifts, they can make gifts of £6,000 within their annual exemptions now.

An all-party parliamentary group (APPG) of MPs recently recommended that all the existing lifetime gift exemptions, such as small gifts and normal expenditure, should be scrapped and replaced by a single annual gifts allowance, which the APPG suggested would be set at £30,000. The Office of Tax Simplification (OTS) also recently produced a report on the simplification of IHT in which they proposed a figure of £25,000.

While tax planning is an important part of financial planning, it is not the only part. It is essential, therefore, that any tax planning strategy that is being considered also makes commercial sense.

So, **before you get subsumed into the 'Wonderland' of tax and deadlines** and turn into the **'Mad Hatter'** why don't you give **Marque Wealth Management** the opportunity to take you through their year-end audit.

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.

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 Quay: 020 7516 2225 / 07764 963 701 www.marquewealth.co.uk

The Partner Practice is an Appointed Representative of and represents only St. James's Place Wealth Management plc (which is authorised and regulated by the Financial Conduct Authority) for the purpose of advising solely on the Group's wealth management products and services, more details of which are set out on the Group's website www.sjp.co.uk/products. The title 'Partner Practice' is the marketing term used to describe St. James's Place representatives.

BACFI Committee members 2020

Chair:	Ian Brookes-Howells
Senior Vice-Chair:	Patrick Rappo
Junior Vice-Chairs:	Grant Warnsby, Laurence Fry
Hon. Treasurer:	James Kitching
General Committee:	Rebecca Dix
	Hussain Khan
	Sonia Hayes
	Ryan Porter
	Stephen Potts
	Lorinda Long
	Gaynor Wood
	Alex Carr

BACFI Inn Representatives

Gray's Inn

Tricia Howse triciaghowse@gmail.com

Helen Fletcher Rogers hfr Rogers@dial.pipex.com

Lucinda Orr Lucindaorr@hotmail.co.uk

Patrick Rappo Patrick.Rappo@dlapiper.com

Middle Temple

Christiane Valansot Christiane@valansot.com

Bart Kavanagh, Amanda-Jane Field, Michel Reznik
Naraindra Maharaj

Lincoln's Inn

Simon Broomfield simon.broomfield@gmail.com

Hussain Khan hussain@khan.cc

Grant Warnsby grant.warnsby@uk.bp.com

Inner Temple

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

Employed Bar Awards 2020

The Bar Council's Employed Bar Awards are a unique opportunity to celebrate and showcase the wealth and breadth of talent at the employed Bar, and to recognise the vital contributions that employed barristers make across the legal profession.

Deadline extended: Friday 13 March

Don't miss out on the chance to nominate an outstanding employed barrister colleague (or indeed put yourself forward for the Bar Council's Employed Bar Awards).

This year's award categories include:

Outstanding Employed Barrister in the Public Sector

Outstanding Employed Barrister in a Law Firm

Outstanding Employed Barrister in Commerce, Finance or Industry

Outstanding Employed Barrister in an NGO

Outstanding Employed Barrister in the Armed Forces

Legal Team of the Year

Employed Barrister of the Year

[Read the awards criteria and nominate](#)

[View the list of 2017 and 2018 winners](#)

Talk to Spot

Did you know that the Bar Council has introduced [Talk to Spot](#) – online recording and reporting for inappropriate behaviour? This is in response to both research and reports of harassment, bullying and other types of inappropriate behaviour.

- 21% of employed barristers reported experiencing harassment or bullying (versus 12% of the self-employed bar)
- 16% of employed barristers said they had experienced discrimination (versus 13% of the self-employed bar)
- 30% of the employed bar reported observing harassment and bullying (versus 17% of the self-employed bar)
- 20% of employed bar reported observing discrimination in their workplace (versus 15% of self-employed bar)

Working Lives 2017

Stark differences between the employed and self-employed bars suggest these problems are particularly marked at the Employed Bar, and worryingly all these numbers were up on previous surveys. It's time to get a grip on these issues and we need your help in better understanding what's happening and where (do take part in Working Lives 2020 to help us).

[Talk to Spot](#) aims to help those who feel uncomfortable calling a helpline. At its most basic level it involves making a confidential record (which only you see) enabling you to keep a contemporaneous record of an incident. You can always decide later if you want to make a complaint. Better still, use the platform to let Bar Council know what has happened to you (you can remain anonymous) – the more information we have the more we can work to tackle these behaviours through awareness raising and training.

FACT... since [Talk to Spot](#) was launched more than half of reports have involved judges and solicitors

FORTHCOMING EVENTS

29 April: Wine Tasting at Bedales at Leadenhall Market in conjunction with SEAL

14 May “Brexit and IP – The Story So far” at Hardwicke Chambers in conjunction with SEAL

10 June: Employed Bar Garden Party at Middle Temple

24 June: “IR35: The Aftermath” at DLA Piper

1 July: Judicial Appointments seminar at DLA Piper

25 September: BACFI’s 55th Anniversary Dinner at the House of Lords

14 October: Ethics event at Middle Temple

21 October: Student event in conjunction with City Law School

25 November: AGM

2 December: Denning Lecture at the Athenaeum

For more information about any of our events, opportunities to sponsor them or to purchase tickets please contact Sandra at secretary@bacfi.org

Contact BACFI:

PO Box 4532, Edlesborough, Dunstable, Bedfordshire LU6 9EF

Tel: 07507237218

secretary@bacfi.org

www.bacfi.org

REPRESENTATION, EDUCATION AND SUPPORT FOR EMPLOYED BARRISTERS