

Thank you for completing the consultation. Your responses are included in this email for your reference.

Page 1

First name

Gaynor

Surname

Wood

Email address

1(a) Do you agree with the General Council of the Bar's proposal to increase the practising certificate fee (PCF) for 2024/25 as detailed in the consultation document? (1 = strongly disagree, 10 = strongly agree)

2

1(b) Please give reasons for your answer to 1(a):

Response on behalf of the Bar Association for Commerce Finance and Industry (BACFI): BACFI appreciates the efforts of the GCB to limit the impact of the increase in the PCF from 13.5% to 9.5% using its permitted reserves.

The proposal to increase the 2024/25 budget and consequently the PCF is driven primarily by increases in the BSB (71% of the total increase in operating costs). The consultation paper explains that the BSB is bearing additional costs, for example for BTAS and the enforcement review, which we understand must be met. We also appreciate BSB is making strides in meeting the LSB's performance standards.

A significant part of BSB's funding requirements relate to staff costs. Whilst a small increase in salaries in line with inflation would be justifiable, significant uplifts and expansions are difficult to understand at a time when cost of living is high for all, including practitioners.

The consultation presents increased costs as inevitable, with the only question being how they are met. We do not see enough evidence in the consultation of the BSB making efforts to drive its costs down. For example, has BSB scaled back lower priority activities, or explored outsourcing options, or juniorised staffing, etc? Whilst we are sympathetic to the BSB's need to meet increased costs, we find it difficult to endorse the proposed increase in PCF without understanding what is being done to challenge and reduce those costs.

2(a) Do you agree that the PCF for 2024/25 represents value for money? (1 = strongly disagree, 10 = strongly agree)

2

2(b) Please give reasons for your answer to 2(a):

Response on behalf of the Bar Association for Commerce Finance and Industry (BACFI): At the employed bar, costs of the PCF are often met by the employer. Sometimes the individual barrister may need to explain and justify the PCF to an employer, who may have the option of employing other legal professionals, especially solicitors. To anyone making a cursory comparison, it would be difficult to understand why the PCF is so much higher for barristers, in band 3 upwards, than it is for solicitors who paid a flat fee of £337 for 2023/24. Even where an employer is happy to meet the costs, this is not a 'free' benefit for the employed barrister, because it leaves less in the employer's budget for salaries and other staff benefits. For those reasons, value for money is of concern to employed barristers.

We are not convinced that the PCF will represent value for money, particularly for those in income bands 3 and above. The split of the PCF that the BSB receives is quite significant and they have not, in our view, provided a full enough business case to justify the increase.

3(a) Are you adversely impacted by the level of the practising fee due to a protected characteristic under the Equality Act 2010 (such as age, disability, or sex) or due to your individual practising arrangements? If you answer yes or don't know, please provide more detail under 3(b).

Don't know

3(b) If you answered yes or don't know to 3(a) please provide more information and, if possible, tell us how we could better meet your needs:

This response is on behalf of the Bar Association for Commerce Finance and Industry (BACFI) which represents a broad range of employed barristers. We are not able to confirm whether individual employed barristers are impacted due to such protected characteristics or practising arrangements but cannot exclude the possibility.

3(c) Do you agree with our initial Equality Impact Analysis (EIA) of the practising certificate fee, which is provided at Annex B of the consultation paper?

Don't know

3(d) Please give reasons for your answer to 3(c):

See above response to Question 3(b).

4. Do you have any other comments regarding PCF or the General Council of the Bar budget for 2024/25?

No.