



BAR COUNCIL NEWS UPDATE – FRIDAY 15 MARCH 2019

Mental Capacity Act

[New Law Journal](#) - Further reports appear that the Bar Council has called for the Mental Capacity Act 2005 code of practice to be updated to address human rights, covert medication and social care issues.

In January, the Ministry of Justice issued a call for evidence as part of [its consultation](#) on revising the Act's code of practice. In its response, published this week, the Bar Council says the code, while 'very impressive in its clear, user-friendly language', is 'overdue an update'.

It says the code does not cover covert medication despite recent case law clarifying that this is a serious interference with an individual's right to respect for private life under Article 8. The Bar Council also calls for the code to include a chapter on human rights, and brands the current chapter on protections for individuals as 'out of date'.

Careers and diversity

Black Solicitors' Network BAME Careers Guide (print) – In the Spring 2019 edition, Benjamin Burns, a previous Education and Training Policy Analyst at the Bar Council, talks about the range of work going on to support diversity at the Bar, as listed on the Bar Council's website under www.barcouncil.org.uk/careers.

The same edition includes an interview with #IAMTheBar Social Mobility Advocate Tunde Okewale MBE.

Criminal legal aid review

[Law Gazette](#) - Three months after announcing that it was embarking on a wider review of criminal legal aid fees, the Ministry of Justice has today provided further details of the review's scope and remit, as well as who it is working with.

The ministry says it wants to reform the fee schemes so that they fairly reflect, and pay for, work done, support market sustainability, limit 'perverse' incentives, and ensure proportionate administrative burdens on everyone.

The review will be overseen by a cross-agency Criminal Legal Aid Review Programme Board, chaired by the ministry's director of access to justice. The board is being advised by a Defence Practitioner Advisory Panel comprising of representatives from 14 bodies, including the Law Society, **Bar Council**, Criminal Bar Association, Solicitors' Association of Higher Court Advocates, Criminal Law Solicitors' Association, London Criminal Courts Solicitors' Association, Legal Aid Practitioners Group, Young Legal Aid Lawyers and the Big Firms' Group.

CPS fees

[Law Gazette](#), [The Times \(The Brief\)](#) - As the criminal Bar continues to highlight examples of inadequate legal aid fees for 'preparation heavy' cases, a trade union for senior civil servants says it has secured a 10% pay rise for Crown prosecutors.

A CPS spokesman told The Brief yesterday: "The average award under this package is around 5.5 per cent over two years – very much in line with other public sector arrangements."

The Bar Council, the body that represents barristers in England and Wales, said that it was "pleased to see that extra money has been found to improve the pay of CPS lawyers".

Richard Atkins, QC, the council's chair, added: "This, however, is in stark contrast to the failure to increase the levels of pay for the self-employed members of the Bar who provide an essential public service prosecuting the vast majority of serious cases tried in the crown court.

"The pay scheme under which self-employed barristers are remunerated has had no increases since its inception in 2001, and has therefore been eroded by inflation, and actually suffered a 5 per cent cut in 2012. This needs to be addressed by the CPS as a matter of urgency. There can be no justification for one part of the system to receive a pay increase whilst another part is ignored. The Bar Council looks to the Director of Public Prosecutions to address this iniquity as a matter of urgency."

LASPO

Legal Action (print) publishes the legal sector's reaction to the LASPO report.

Post-implementation review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has been lowkey. While the minor changes to the scheme announced by the government were welcomed by practitioners, concerns were expressed that the government is delaying action to counter the worst impacts of LASPO.

In a press release, Richard Atkins QC, chair of the Bar Council, typified the views of many legal aid lawyers in describing the review as a 'wasted opportunity' with the report offering 'little of substance to ease the impact of LASPO on vulnerable individuals seeking justice'.

AML

Legal Futures - Nearly half of legal regulators do not undertake enough supervision of anti-money laundering (AML) efforts, according to the organisation set up to scrutinise them.

The Office for Professional Body Anti-Money Laundering Supervision (OPBAS) said it was due either to lack of resources, structure or focus at senior levels. The Law Society, **Bar Council** and Chartered Institute of Legal Executives were also visited by OPBAS, but as they delegate their regulatory responsibilities, they were not assessed on their risk-based approach, supervision or enforcement.

BAR COUNCIL TWEETS @ <https://twitter.com/thebarcouncil>





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The Bar Council's social mobility campaign #Iamthebar wins #LLA2019 Legal PR/Media Comms Award. The brains behind the campaign, Shiryn Sayani and Benjamin Burns (pictured) pick up the award for the Bar Council



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In response to the news that CPS lawyers are to receive a 10 per cent pay increase, Chair of the @thebarcouncil Richard Atkins QC, said:

"The Bar Council is pleased to see that extra money has been found to improve the pay of Crown Prosecution Service lawyers. This, however, is in stark contrast to the failure to increase the levels of pay for the self-employed members of the Bar who provide an essential public service prosecuting the vast majority of the serious cases tried in the Crown Court. The pay scheme under which self-employed barristers are remunerated has had no increases since its inception in 2001 (and has therefore been eroded by inflation) and actually suffered a five per cent cut in 2012. This needs to be addressed by the CPS as a matter of urgency. There can be no justification for one part of the system to receive a pay increase whilst another part is ignored. The Bar Council looks to the Director of Public Prosecutions to address this iniquity as a matter of urgency."

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Doughty Street's Court of Protection Team led @thebarcouncil's response to Mental Capacity Act: Code Call for Evidence. More details here: doughtystreet.co.uk/news/doughty-s...

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