



BAR COUNCIL NEWS UPDATE – FRIDAY 16 NOVEMBER 2018

Disclosure

[Politics Home](#) – Politics Home reports that Andrew Walker QC, Chair of the Bar, has responded to the publication of the Attorney General’s Review of the Efficiency and Effectiveness of Disclosure in the Criminal Justice System.

He said: “We will be considering the proposals in detail, but we welcome the focus on practical steps, changes to culture and looking at the system as a whole.”

One recommendation is to incentivise early preparation and engagement between prosecution and defence, and that criminal legal aid needs to provide payment for this.

Andrew Walker QC said: “The review recognises that changes will need to be made to the criminal legal aid fee schemes if early preparation and engagement is to happen and be effective. Fees for that work, at proper rates, will be essential. But this will also require the Crown Prosecution Service (‘CPS’) to be funded properly, so that it can employ the necessary staff. We note the absence of any such recommendation.

“If this review is to lead to real change which ensures that we deliver fair trials and just outcomes, then it is also essential that the experience and views of the legal profession are taken properly into account, so we welcome the decision to include Bar representatives on the Criminal Justice Board’s (‘CJB’) working group on disclosure.”

Welsh language

Police Specials, Police UK – Further media coverage appears, this time in the police media, on the Bar Council’s submission to the Lord Chancellor’s Standing Committee on Welsh language requirements for police interviews in Wales.

Standards imposed by the Welsh Language Commissioner include a duty to provide a simultaneous translation service if an interview cannot be conducted in Welsh. Chief constables in Wales have complained this requirement is 'unreasonable and disproportionate'.

Rejecting those arguments, the Bar Council's Law Reform Committee have said simultaneous translation does not contravene the PACE and is less disruptive to interviews than the stop-start nature of consecutive translation.

Tribunal fees

[HR Review](#) – Further coverage of the Bar Council's warning to ministers for suggesting that fees for employment tribunals could be reinstated, warning that increasing costs while cutting legal aid would undermine people's rights.

Chair of the Bar, Andrew Walker QC, said: "People in need of justice have enough hurdles to overcome already. Many of those who need employment tribunals have been unfairly dismissed or discriminated against. It is disappointing that the Government is yet again spending time working out how to charge them to bring such claims, particularly in the absence of legal aid for most of these claims. This can only serve to undermine yet further the rights of those with legitimate grievances against their employer."

HR Review reports that research published last week from Professor Martin Chalkley reveals that as taxpayer financing has declined, the MoJ has become increasingly reliant on other sources of income, with a substantial part of the burden falling on those paying fees to use courts and tribunals. Between 2008 and 2018, overall justice funding fell by 27 per cent in real terms. That 27 per cent fall was reduced to 20 per cent by a huge increase in income from other sources: a 58 per cent increase in cash terms, 34 per cent in real terms. That has included an increase of 27 per cent in aggregate court fees.

LASPO

[Politics Home](#) – Further coverage appears of the Bar Council's warnings over the expected review of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO).

Politics home reports that Andrew Walker QC, Chair of the Bar, says the review itself cannot and must not gloss over what barristers and other legal professionals, the judiciary and the public are seeing happening in our courts. A Bar Council short film highlighting the impact of LASPO is also published by Politics Home.

Wellbeing

[New Law Journal](#) – NLJ reports that a new partnership has been announced between the Bar Council and Health Assured to offer a new Employee Assistance Programme (EAP) to the entire self-employed bar.

The new programme, funded by Bar Mutual Indemnity Fund, will offer confidential telephone support and counselling services to barristers, as well as a wide range of wellbeing fact sheets, videos and self-help programmes. Available from yesterday, the scheme builds on a similar programme launched last year by the Criminal Bar Association (CBA) but extends coverage to the whole of the self-employed bar.

It's not just barristers who can call on the additional wellbeing support. The Bar Council today confirmed the EAP will be available to members of the Institute of Barristers' Clerks (IBC) and the Legal Practice Management Association (LPMA).

Asia Bibi

[Politics Home](#) - In response to reports that Asia Bibi's lawyer, Saif Ul Malook, has received death threats and been granted temporary asylum in the Netherlands, legal leaders in England and Wales have made the following statements.

Andrew Walker QC, Chair of the Bar, said: "No lawyer, in any jurisdiction, should fear intimidation or violence for doing their job. When a lawyer feels at risk for representing a client, the client's right to access to justice and a fair trial is denied and the rule of law itself is threatened. It is the duty of every government to ensure the safety of its lawyers."

Kirsty Brimelow QC, Chair of the Bar Human Rights Committee, said: "Pakistan has an international legal duty to protect its lawyers. The UN Basic Principles on the Role of Lawyers underline the Government's duty to ensure that lawyers be able to perform their professional functions without intimidation, hindrance, harassment or improper interference. We look to Pakistan to publicly support Saif Ul Malook and to implement measures to enable his return to his home and country."

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"No lawyer should fear intimidation or violence for doing their job": Chair of the Bar, Andrew Walker QC, and Chair of the Bar Human Rights Committee [@Kirsty_Brimelow](#) issue statements on the lawyer of Asia Bibi politicshome.com/news/uk/home-a ...
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Barristers step in over death threats to Asia Bibi's lawyer

In response to reports that Asia Bibi's lawyer, Saif UI Malook, has received death threats and been granted temporary asylum in the Netherlands, legal leaders in England and Wales have ma...

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Andrew Walker QC, Chair of the Bar, warns
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Are employment tribunal fees set to return?

The Ministry of Justice has confirmed it may reintroduce fees for employment tribunal claims.

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