



## BAR COUNCIL NEWS UPDATE – FRIDAY 18 JANUARY 2019

### Equality and diversity

**Legal Futures** - The Bar Council may work with the Law Society to influence solicitors and clients as part of a campaign to ensure a fairer allocation of briefs to women barristers.

Sam Mercer, its head of equality & diversity and CSR, also suggested that chambers are not always as supportive of equality policies for women barristers in practice as they may initially appear.

Writing in the Bar Council's 100<sup>th</sup> edition of BarTalk, themed on 'Women at the Bar – The Next 100 Years' and on the Bar Council website, Ms Mercer praised chambers' staff, clerks, equality & diversity officers and others "who devote huge amounts of time and energy to getting policies on subjects like flexible working, shared parental leave, harassment, fair recruitment and monitoring of unassigned work right".

Last month, the Bar Council called on the Bar Standards Board to [review the rules on fair allocation of work](#).

Ms Mercer said the Bar Council needed to continue as well with its focus on bullying and harassment, "encouraging and supporting individuals who come forward".

She concluded: "Success and change isn't going to be achieved overnight and our work programme will extend beyond 2019, but if we get it right we believe everyone – both men and women – will benefit."

### Data protection

**The Guardian** – Millions of EU citizens could find it difficult to assert their right to remain in the UK after [Brexit](#) under Home Office rules denying them access to their personal records, the high court has been told.

The case has been brought by the London law firm Leigh Day on behalf of the Open Rights Group, which campaigns on digital issues, and the3million, a group representing EU citizens living in Britain.

They are challenging a section of the Data Protection Act 2018 that contains a new exemption permitting Home Office “data controllers” to restrict access to personal data if it would be likely to prejudice “effective immigration control”.

No evidence has been presented by the Home Office explaining why it has been necessary to introduce the restrictions on access to immigration files, the court was told.

Holly Stout, counsel for the Home Office, said the exemption was permissible under EU law.

Following the Windrush scandal, human rights groups, leading Labour MPs, the Joint Council for the Welfare of Immigrants, the Law Society and **the Bar Council** all opposed its introduction.

## Brexit

[Legal Cheek](#), [The Brief](#) – Robert Buckland MP, the current Solicitor General, has stated he believes a free vote on any possible Brexit deal “should be a way through this” current confusion.

Buckland’s comments come as MPs must grapple with the extraordinary position they now find themselves in.

They could do worse than consult the chair of the Bar Council’s Brexit Working Group, Hugh Mercer QC, who on Wednesday [posted his refreshingly optimistic summary of where things stand](#). The [Essex Court Chambers](#)’ barrister said:

“[T]he door is now more open to a range of other options beyond the Prime Minister’s ‘deal or no deal’. Those options include substituting the Political Declaration for a Canada plus style arrangement, a Norway plus deal with the UK becoming an EFTA member or, conceivably, in light of the CJEU Wightman ruling, unilateral revocation of the Article 50 notice itself. Those options have different implementation risks with knock on effects for certainty as any new proposals will need to pass a majority in Parliament and some will also need negotiation and ratification with the EU27 and/or the EEA members.”

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2 2

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