Response to the Bar Council Consultation by the South Eastern Circuit

1. This is a response on behalf of the South Eastern Circuit ("SEC") to the Bar Council's Consultation on Practising Certificate Fees and Budget 2026/7.

2. The SEC is the largest of the six geographical Circuits that make up the Bar of England and Wales and represents over 2,000 employed and self-employed members of the Bar with experience in all areas of practice. The SEC stretches from Canterbury and Lewes in the South to Norwich in the North and from Ipswich in the East to Reading and Oxford in the West. It is a representative, educational and social organisation.

3. The majority of the membership of the SEC are practitioners practising in legal aid work, though it also includes practitioners across specialisms that are privately funded. Most members of the SEC practise from a "chambers" set-up. A significant number of chambers are run by members of the profession alongside their practice (rather than by staff). They employ the minimum number of staff required to run their business effectively.

Approach to the consultation

4. The SEC has considered the 2026/27 Budget and Practising Certificate Fees (PCF) Proposal November 2025 – Consultation paper, and subsequent email sent out by the Bar Council to all its members on 24.11.25.

Bar Council

5. In responding to the consultation in the way we have this is not intended to undermine our support for the work that the Bar Council undertake on behalf of members.

Bar Standards Board

6. The Circuit recognise the BSB are the regulatory body and require funding, however we would observe that 74% is a greater proportion of the PCF than members expect them to receive. It is also noted that this has increased to this amount over previous years.

Responses to questions

1. **Do you agree with the General Council of the Bar's proposal to increase the practising certificate fee (PCF) for 2026/27 as detailed in the consultation document? Please give reasons for your answer.**

The SEC does not agree with the proposal to increase the practising certificate fee for 2026/7 as detailed in the consultation document for the reasons set out following the response to Q2.

2. **Do you agree that the PCF for 2026/27 represents value for money? And why?**

The SEC does not agree that the PCF for 2026/7 represents value for money.

It is acknowledged within the consultation paper that the PCF income is expected to increase by 8.8%, of which there is predicted to be a 4.8% increase in the PCF from demographic increase alone. A further 4% increase through the levying of barristers is unnecessary, especially against the background of consistent PCF increases in recent years cited at para 13 of the consultation: "5% increase in 2023, 9.5% in 2024 and 8.5% increase last year." It is of note that the higher increases were due to the BSB and a reform programme.

One justification put forward for the 4% increase in PCF is stated to be inflation. It should be noted that the Bar themselves are not the recipient of an increase in their fees in line with inflation. The most recent rate for UK inflation (CPI) was 3.2% in November 2025, down from 3.6% in October, with forecasts suggesting a continued fall in 2026. In the light of the lower than predicted CPI and predictions of its continued fall, the 4% increase cannot be justified.

The consultation cites as justification for increased costs for the BSB in 2025/26 and 2026/27 a 'bedding in' of reforms with efficiency gains beginning to be seen in 2027/28 onwards. These lengthy timescales for implementing efficiency reforms are unacceptable but not unexpected by the BSB.

It is also noted that the budget proposes a significant increase in staffing costs, including for the BSB alone a total of £154k. There is no detail provided on what basis the decision has been made to increase salaries again but there is in addition £60,000 included for victim support services in sexual harassment cases. Whilst it is recognised how important it is that victims are supported in these types of cases, we question how many cases arise that would justify such a large expense at the cost to the Bar and what alternatives have been considered.

Outsourcing is also used by the BSB, we ask what consideration has been given to utilising in-house staff to carry out the work to ensure that costs are kept to a minimum.

Within the consultation is also a figure of £80k for updating the website of the BSB. We question whether this is a necessary expense. Any expense should meet the absolutely necessary test when there is a cost impact upon the Bar.

Where the BSB is concerned, whilst we recognise the importance of, and need for, diversity at the Bar it appears that a large proportion of the budget is allocated to process applications of those from overseas, requests for waivers and dealing with unregulated barristers. We ask what attempts have been made to streamline the process and make it less staff intensive, thereby reducing costs or to consider the costs for such applications being increased.

We observe that the BSB is expected to have a surplus budget. One presumes that there is also surplus from the last financial year. Therefore could the BSB not subsume the % increase or part of it, therefore leading to either no increase in PCF or a reduced one to that proposed?

The SEC has concerns as to the 74% going to the BSB who appear, at times, not to perform effectively and efficiently in their main function as the regulatory body when dealing with complaints against members of the Bar.

3. **Are you adversely impacted by the proposed 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 so, please tell us why and how we could better meet your needs. Do you agree with our initial Equality Impact Analysis (EIA) of the practising fee, which we have provided with this consultation (Annex A)?**

It is the SEC's view that members are adversely impacted by the proposed level of the practising fee due to a protected characteristic under the Equality Act 2010 in addition to members' individual practising arrangements. As indicated above, a significant number of SEC members practise in areas of law which are funded by legal aid, most notably Family and Crime, and would be disproportionately impacted by the proposals. These are also areas where there is most diversity in terms of women, ethnic minorities, those with caring responsibilities and those with neurodiversity. Furthermore, whilst the BSB's "Diversity at the Bar Report 2024' does not interrogate the data collected in such a way to evidence this, it is available to the Bar Council, and it is understood that these are also areas where barristers are more likely to come from disadvantaged

backgrounds. The increase in the PCF is likely to disproportionately impact these barristers.

No justified consideration has been given to those leaving the profession who generally tend to be the junior members in those legal aid areas and the attrition of female barristers is still occurring far more than it should. If these factors were considered, we wonder whether the % increase is absolutely necessary.

In addition, there has been no consideration in the consultation of the impact of the Legal Aid Agency cyber security incident on practitioners in Family and Crime. This impacted Family practitioners significantly, many not receiving income for some substantial time. This outage had been ongoing between May to December, and the system is now only just being restored and so real payments are now only just being made.

4. **Do you agree with the proposed changes to the entities fees as detailed in Annex B of the consultation paper? And why?**

No observations

5. **Do you have any other comments regarding PCF or the General Council of the Bar budget for 2026/27?**

None

South Eastern Circuit