# Are you willing to work like this for the next 20 years?

The leadership of the CBA are honourable and have the best interests of the membership at heart. But that does not mean that accepting what they have managed to secure to date is in the best interests of the profession.

We are being offered less than what we demanded, and far less than what we deserve:

* £12.5m up front, composed of:
  + £8m to replace some of what is lost in PPE under the new scheme; and
  + £4.5m “focussed on juniors” to give some small boosts to some fees.
* £2.5m in April 2019 to provide a 1% increase on all fees.

What does this mean?

* The money up front approximately replaces, with some small immediate increase, the amount cut in the transition to the new scheme.
* A 1% increase in April 2019 is against the background of RPI inflation at 2.2%: it is a 1.2% cut in real terms.
* No index linking in future. This means that due to inflation every year in real terms our fees will be worth less.
* Still no payments for considering unused material, drafting applications, and everything else that keeps us up at night working for free.
* No improvements to prosecution fees.
* Cuts continue elsewhere in the justice system, including to solicitors under the LGFS.
* Quality of life issues go unresolved: the court estate gets worse, warned lists remain, and any proposed extensions of court hours continue.

It is over 20 years since the creation of the AGFS. In that time we have not had a pay rise. Instead we have had cut after cut, on top of fees being eroded by inflation. Our fees’ purchasing power is eroded year after year, and will continue to be. Are you willing to work like this for the next 20 years? Will our fees be worth anything by then? Without index-linking, voting “yes” means voting for year-on-year real-terms pay cuts for your working life. That is not a deal worth taking. It is mere tinkering around the edges of a broken system.

The MoJ may say that index linking is not possible in the context of continuing austerity and a public sector pay cap. By now, we all know that austerity is a political choice, and exceptions can be made to it on a governmental whim. If the MoJ doesn’t have the budget to pay for us (despite having untold millions to waste on consultants, restructurings, and absurd pilot programmes) then they must go to the Treasury and demand it. Their court system will become considerably more expensive – and dysfunctional – once we fully withdraw our labour.

In any event though, we are not civil servants, subject to a public sector pay cap. We are independent contractors. The likes of G4S, Serco, or Capita don’t accept pay caps. So why should we? When inflation eats away at their fees, they renegotiate them. The government must now renegotiate with us.

We must also be clear that this dispute is not just about our fees. It is about the whole of the justice system. Our responsibility is not just to ourselves, but to the whole of the system. The MoJ wants to buy us off, hoping that we will ignore the crumbling court estate, the continuing cuts to solicitors, and the failures of the CPS. We have a responsibility to stop this happening.

Some may say that we should vote “yes”, bank the scraps we have begged from the MoJ, and consider action again at a later date. Even if that is realistic, it means taking action again in 2 or 3 years’ time, in the hope that we will be more fortunate then. We know that the MoJ doesn’t listen to reason, only to a show of unity and strength: we will have to go through all of this disruption again. It is surely far better to retain the advantage we have now, and press it home. When the government finally made some concessions in the CBA’s negotiations, it was 24 hours before the start of “no returns”. This is no coincidence. **They are scared**. Even without 100% unity, a critical mass of barristers can bring the courts to a complete halt. If we continue this action, we will succeed.

Send the leaders of our profession back into negotiations with a mandate: let them tell the MoJ that they put a deal to their membership who rejected it, that their membership demand better, and that their membership are willing to fight for it.

Let them tell the MoJ that their members won’t work like this for the next 20 years.

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