

TANA ADKIN QC

**MANIFESTO FOR CBA VICE CHAIR**

I was brought up in a poor area of South London and after watching the Crown Court TV series in black and white in the 70s I decided I wanted to be a barrister. I was fortunate to go to a good State School and then have a free University education which was available back then. With assistance from my Inn, I was Called to the Bar in 1992. My criminal practice very quickly was predominantly sexual offences and continued to be so with increasingly serious and violent offences. I was appointed a QC in 2017. I have not forgotten the difficulties I faced as a pupil, a Junior and as a senior Junior, amplified each time I took maternity leave for each of my five children. I have not forgotten the long hours and lack of fees at the hardest times I faced personally. I have learned to be organised, resourceful and resilient. After all this time I remain determined to help those who receive the least sympathy and care in our society and to ensure fair treatment for all. Justice is not a gimmick, it is fundamental to our society which now faces the most significant crisis since the Second World War.

A couple of years ago I was asked to join the CBA Executive and last year I shadowed Chris Henley QC on the Criminal Legal Aid Review Panel. I saw for myself how the Ministry of Justice engages in discussions and negotiations over fees. Whilst we may not like the world of number-crunching and media driven politics it is a world we must understand and engage with in order to effect change.

I hope that you will read the next few paragraphs that set out my views on issues that need to be addressed and what I propose to do in order for our profession to survive what will probably be the most turbulent period in our history.

## **COVID-19 AND OUR JURY SYSTEM**

Restricting court sitting days to allow the backlog of cases to grow combined with the police use of “Remand Under Investigation” (“RUI”) created a perfect storm before we were hit with Covid 19. It is scandalous that the government should contemplate changes to the jury system to compensate for a backlog of its own making. The Consultation suggesting a two-tier system of RUI and bail to address delays in investigations by police indicates it was a mistake.

Despite the fact that we have been forced to work harder and harder for less and less the public need us to ensure justice is fair and available for all. Whilst our society is in crisis we need to protect the interests of the most vulnerable in our society.

If elected Vice Chair I will:

- Work with James Mulholland QC to protect our fundamental right to trial by jury;
- Engage with government to put forward to provide solutions during the Co-vid19 pandemic that are practicable and supported by the Criminal Bar;
- Work to ensure safe working practices in the courts.

## **BLACK LIVES MATTER**

The Black Lives Matter Movement has called upon everyone to consider attitudes to racism. We are directly involved in racism in our criminal justice system. Black citizens are more likely to be stopped, searched, arrested, charged, are over-represented in our prison population and more likely to be sentenced to imprisonment than white citizens. This is not right.

It is not enough to be scandalized by racism, we must as individuals and as a profession ensure fair and equal treatment. We must address overt and sub-conscious racism.

If elected Vice Chair I will:

- Find the best way to monitor and influence change in how black citizens are treated across the criminal justice system;
- Enlist agencies to assist the CBA giving a voice to young black citizens involved in our criminal justice system;
- Identify ways to address discrimination in our courts.

## **EQUALITY AND DIVERSITY IN OUR PROFESSION**

The BSB report in December 2019 provided encouragement we are moving towards greater equality and diversity but we must do more. Representation reflective of society must be our goal.

Retention and career progression becomes increasingly difficult with such poor fees. Those from ordinary backgrounds like myself or with families are often forced out after years of study, financial commitment and dedication. What a waste of resources. As we face plans extended hours and weekend working we must demand greater funding. Barristers already work out of hours and weekends. The move to digital working brought no additional funding for the increased workload. We must take control of our working hours as well as fees to survive as a profession.

Career progression from Junior to Silk has financial implications in the application process and in the changes in practice. Many do not take the leap due to financial constraints when they are the finest advocates we have.

If elected Vice Chair of the CBA, I will:

- Address extended hours or weekend working by reviewing what is expected for the fees being offered. We must be paid and Listing must ensure no one is discriminated against;
- Continue engagement with the Heads of Chambers, Inns and Bar Council to promote equality and diversity of entrants into the profession. I have been involved with the OLPAS for many years but we need a review and funding for pupillage must be addressed;
- Continue to address retention. I sit on the Bar Retention Panel sub-Committee of the Equality, Diversity and Social Mobility Committee of the Bar Council. I am aware of the problems faced by those less affluent, female or from BAME backgrounds. Aside from increased fees we need to do more;
- Encourage members of the Bar to engage in Mentoring schemes. My Mentoring role as a Parental Leave Mentor gave great insight into current problems and allowed me to be a voice at Committee level.

## **FEES AND NEGOTIATIONS WITH GOVERNMENT**

Attempts to persuade government to properly fund the Criminal Bar, particular at Junior level have been met with excuses and delay. Every tactic and negotiation tool known to intelligent and civilised professionals has been employed and there is now recognition that the CBA is a vital stakeholder in the administration of justice. But old ideas still persist including "Barristers can call on the bank of mum and dad if they are short of money". This is astonishing given our

moves towards greater diversity. Holding on to old stereotypes with respect to finance for the Bar restricts rather than enables us to become properly reflective of the society we serve. The loss of young men and women from the Bar for financial reasons has not been addressed at all. We should not be made to suffer for the excesses of the past and those who feel it is their duty to enter our profession should not have to question how they will be able to cope.

If elected Vice Chair of the CBA, I will:

- Focus on campaigning, lobbying and pressurizing Parliament and government on funding. I will draw attention to their own findings and our efforts to deliver justice during the pandemic to restore funding for the Criminal Bar. We have demonstrated our value to the public during this crisis and will continue to do so;
- Continue to work with the Circuits, Bar Council and the Law Society to maintain a unified position on funding;
- As we move past CLARP1 towards CLARP2 I will ensure any progress is sustained and there is no longer just a re-distribution of an ever decreasing budget. There must be a clear and fair system of payment by the LAA and payment must reflect the new digital working that the HMCTS is advancing.
- I will support our Chair by attending every meeting in order to maintain a consistent approach to fee negotiation.

## **JUNIOR BAR AND WELL-BEING**

It costs an individual heavily to train as a barrister and in early years of practice. The financial risks, stress and exhaustion whilst nothing new at the Bar have never been so pervasive and demoralising. The lack of respect from some Judges is a final insult. For the Junior Bar now expected to deal with Co-Vid 19 Magistrates and Judges should be well aware of the lack of

resources both mentally and financially that the Bar has. The CBA provides mechanisms for reporting examples of poor treatment and poor practice and the Bar Council have established “Talk to Spot”. We must monitor our treatment and provide evidence to tackle unfair practices and bullying.

If elected Vice Chair of the CBA, I will:

- With the Chair and CBA Officers work with the Young Bar Association to promote the Junior Bar. The Junior Bar are our greatest asset;
- Try to achieve a better understanding at Parliamentary and government level of the pressures faced by the Junior Bar in order to improve fees and conditions;
- I will continue to encourage the “calling out” of judicial bullying and ensure that the Junior Bar’s voice is heard;
- Consider and develop a strategy for funding of pupillages in publicly funded work in Chambers.

## **THE FUTURE OF THE CRIMINAL BAR – RETENTION, PROGRESSION AND EDUCATION**

The progress towards an equal and diverse profession will only be improved by increased funding that is needed now. Without increased fees, Chambers cannot afford to take on more pupils from a wider pool and talented barristers will continue to leave. The government must know this affects more reflective numbers of silks and judiciary in the future.

The Public Accounts Committee (“PAC”) in November asked the MoJ and HMCTS to demonstrate its programme of change was delivering fair access to justice as it has no data on the effects of the reform programme, had not appreciated accessibility when closing courts and had

not engaged properly with court users. The PAC was concerned that the most vulnerable in our society might be deprived of access to justice.

**FINALLY ...**

We are not beaten yet. There are mounting concerns for a fair and effective justice system that works for everyone in a society which is now in crisis. We play a vital part. I do not doubt that we will be called upon to work harder when we have little if any reserves left and goodwill has all but gone. Our previous Chair, Angela Rafferty QC said that to restore and improve our funding structure we needed to demonstrate our value to the Criminal Justice System. Now we demonstrate our value.

If you elect me as Vice Chair I shall do everything in my power to ensure that justice for all, especially for the most vulnerable, is preserved and that funding of the Criminal Bar is addressed.

**TANA ADKIN Q.C.**

**3<sup>rd</sup> July 2020**