

## ANGELA RAFFERTY QC - MANIFESTO

I was brought up in Northern Ireland, the eldest of 7, in the Troubles. I came to university in England on a full grant with a bad attitude. I received a first class education paid for by the state and have a strong desire to ensure that I give something back and make a difference.

My career at the Criminal Bar has been exhilarating and terrifying. No one would have predicted that I would progress well, especially after 2 years away having my children. It speaks volumes for the opportunities the Bar can offer. I have been in Silk for just over a year and remember like yesterday what life as a junior is like. In the last two years I have found that I can get things done working with a committee chaired by HHJ Rook QC devising a course that will teach all advocates how to deal with vulnerability in the Criminal Justice system.

The country has voted to leave the European Union. We enter a period of great uncertainty. The government should bear in mind what has recently been said by an important committee of MPs i.e. “a functioning criminal justice system is at the core of a functioning civil society” (Public Accounts Committee May 2016). A functioning civil society is more important now than ever.

I am determined that our profession will survive and flourish. In the statement below I want to demonstrate to you that I know what the issues facing us are and show you in as much detail as I can the plans and schemes I have to address them. I know when to negotiate. But I also know when to fight.

### FEES

The Junior bar is not fairly paid. Urgent reform of graduated fees is required. That means more money but also a fairer distribution. Junior representatives are heavily involved in negotiating these reforms right now. We will have to carefully consider together what our next steps should be. We are highly likely to have a new Lord Chancellor to contend with.

## NEGOTIATIONS WITH GOVERNMENT

At the end of May, the report of the Public Accounts Committee hit the headlines. It confirmed what we already knew, that “the criminal justice system is close to breaking point”. The MOJ, HMCTS and the CPS all made representations to this committee. No representative of the Criminal Bar did. Imagine what we could have told it and how this would have affected its already damning conclusions. We need to engage with the committees who take our cause forward to the government.

Similarly, in 2015 the Criminal Justice Board was set up. It’s blurb states that its members “span the criminal justice system, allowing the board to have a complete overview of upcoming reforms”. It includes representatives from the judiciary and the DPP. The CBA has no representative on the board. It must.

If elected Vice Chair of the CBA I will;

- Focus on where power lies and target the parliamentary and governmental structures where discussions and decisions are made about funding. We must lobby, campaign, negotiate, pressurize and remind Government of its own findings. We, like any other profession, should not have to work for free, for a pittance or in an atmosphere of enormous financial uncertainty. We must change our mindset, which is currently focused on avoiding more cuts. Instead we should positively aim to restore and improve our funding structure by demonstrating our value to the Criminal Justice System.
- Ensure that all negotiations about fee structures are open, inclusive, realistic, fair and take account of the concerns of the vast majority of our members.
- Continue to work with the Circuits, Bar Council and solicitors and include them in a unified opposition to any further financial assault.

## OTHER FINANCIAL MATTERS

Warned lists must go – some progress has been made by the leadership of the CBA. As more and more work becomes ‘front loaded’ barristers are entitled to know they will do the case for which they have prepared.

Disclosure is unpaid and yet in many cases it is essential to analyze it in detail. Special preparation claims for both sides are uncertain and haphazard. The CBA must effectively pressure the MOJ and CPS in negotiations about this in order for us to get properly paid for essential work.

Large numbers of us know that the LAA is not paying in a consistent and systematic way in cases involving electronic evidence. There appears to be mistrust of advocates’ claims and the bureaucracy is wearing us down. All systems of payments in the digital age should be clear and we should know what we are going to be paid before we do the work. Under my leadership the CBA will only accept a payment system that reflects the realities of the new digital age. We can bring collective pressure on the LAA to achieve this.

## RECRUITMENT AND EARLY PRACTICE

I am a product of social mobility and would not be writing this to you without the benefit of grants and scholarships. The Criminal Bar has and must always choose its numbers from the widest pool of society. Talk to any pupil and you will hear why they have come: because they want to see a just system and find the work fascinating.

We must attract the best young barristers from all backgrounds and communities and from across the country. This will keep us strong and diverse for the future. We have to do this not just by financial incentive (where we may struggle...) but by demonstrating that what we do is of great value and purpose.

Having said that it costs a lot to train as a barrister and to live in the early years of practice. At present the financial risks are dire for those considering a career with us. We must consider in great detail the difficulties faced by our most junior members and work out ways we can help.

If elected Vice Chair I will;

- Liaise and work with the Bar Council, Inns and other bodies who operate schemes to inspire, recruit and fund young barristers and to treat them fairly when they arrive.
- Consult directly with the very Junior Bar as to the real challenges faced and how to overcome them. This must be done in an organized way.
- Lobby to implement widely the recommendations in the Rivlin Report in relation to the very junior bar to ensure effective representation on Chambers management committees, help with practice building and offer advice how to approach the daily work of the criminal barrister. I still remember having no idea how to submit a bill. That has now changed.

#### RETENTION AND PROGRESSION

Our fees are so unattractive and our listing practices so inflexible that it can be very difficult for mothers and fathers with young children to take parental leave and then successfully return. I have experienced this personally. This is a terrible waste of real talent and flies in the face of all our efforts to make our profession more inclusive.

We also fail to retain barristers in the early years of practice and many leave for more stable and secure employment environments

Career progression, especially for women, is a big issue. The number of women applying for Silk in crime is not high.

If elected Vice Chair I will:

- Liaise with the Bar Councils Equality and Diversity Committee to ensure that those who take time off know what help is available in relation to benefits, literature and entitlements and also obtain assistance in practice building on return.
- Continue to support the Bar Council and put career progression at the forefront of the agenda. “Upward mentoring” of the Senior Bar by the Junior can vividly demonstrate issues facing juniors when advancing their careers. Juniors can also see what progress can be made if they stick it out.
- Engage with the QC appointments selection panel, the Bar Council and Chambers in ensuring that those considering Silk in crime are given advice and assistance on readiness for Silk, filling in the applications form and the interview process without the need to pay expensive consultants.

### WELLBEING

A survey by the Bar Council of 2014 showed that 2 in 3 barristers consider showing stress as a sign of weakness. It found that psychological wellbeing within the profession at large is rarely talked about.

We deal with traumatic and stressful evidence constantly. Sometimes we forget that the graphic nature of some of our work would shock, traumatise and distress those who came across it just once. Juries are often excused for life after horrific cases. Police officers receive mandatory counselling. We just plough on year after year.

Many of us are struggling with debt, illness and family problems. We overwork and we struggle to cope when work drops off. I am committed to ensuring we look after ourselves and others.

It is my objective to ensure that wellbeing and psychological health is at the forefront of the association's agenda from now. We will work with the Bar Council and may survey our members (in confidence). We don't want to go soft but we do want to prevent losing people to the pressures of the job.

### EDUCATION

The CBA has a proud history of educating its members. On a recent weekend in May I spoke to over 300 members of the CBA who came to a conference on a Saturday. We pay for our own training and do it on our own time.

As Course director for the Rook Committee I have worked in a multi-disciplinary, pro bono team for two years culminating in a presentation to the Lord Chancellor and national roll out of the programme this year. The commitment and insight of the barristers who helped in this process, from the most Junior to the Silks, was amazing.

I would like to continue this work and to ensure that we continue to hold informative and important conferences and educational events in all areas of the Country.

We are a profession with common ideals as well as common challenges. We enjoy each other's company at work and socially. We understand that the issues we face are best approached in a coherent and cohesive way, especially in a fast changing economic and political landscape.

AND FINALLY

Is it time for some constructive Bar politics with a desire to make a real difference to our junior members? Could we engage in our debates and dialogue with vehemence but also with good humour and respect? Could we unite together to ensure a better future? Is it possible we could proceed with positivity even when facing uncertainty and lack of cash? Can we look out for each other whilst still providing excellent, committed advocacy and advice?

If you think we could then please vote for me.