The Bar Council

# Getting the most out of a practice review: A guide for barristers and clerks

Practice review falls outside of regulation and is an entirely voluntary exercise. That said, in our experience, chambers that prioritise practice reviews will benefit from improved talent attraction, retention and progression, whilst barristers benefit in terms of career development and wellbeing.

This guide sets out the principles of practice review and suggests practical ways to get the most out of a review process. It includes a useful template for discussions, which can be adapted to suit individual needs.

We would like to thank the Institute of Barristers' Clerks (IBC) and the Legal Practice Management Association (LPMA) for their input into this guide.

Institute of Barristers' Clerks

The Legal Practice Management Association

# Contents

**Introduction** ..... 2
**Making the time** ..... 3
**Frequency** ..... 3
**Getting started** ..... 4
**Preparing for a practice review** ..... 5
**During the practice review** ..... 7
**Coming back from a break** ..... 8
**Setting targets or goals** ..... 9
**A silk path** ..... 9
**Keeping on track** ..... 10
**What happens if nothing changes?** ..... 13
**More resources** ..... 13
**Annex 1 – Sample practice review record template** ..... 16

# Introduction

A practice review is a regular opportunity for clerks or practice managers and self-employed barristers to get together and discuss a barrister's practice in detail.

For clerks or practice managers it is an opportunity to find out what support a barrister might need to ensure their practice is developing in the right direction and to help a barrister develop the knowledge and experience they need to ensure their practice is thriving.

The focus of practice reviews inevitably varies over a barrister's career. At the start of their career barristers benefit from close attention to help them build a sustainable practice in an appropriate practice area. Barristers planning and returning from maternity or parental leave need support to protect their practice from periods of absence, and to return perhaps with different working patterns and/or additional priorities. Barristers looking towards silk or judicial appointments can be supported in prioritising the right kind of work and identifying referees, and those who are seeking to change practice area or focus need a knowledgeable and supportive team around them.

For barristers, practice reviews are a chance to step back and look at where they and their practice are heading, and to get support to develop or manage their workload. Practice reviews are also an opportunity to benefit from the experience and expertise of clerks and practice managers, who understand the business of developing and sustaining a successful practice much better than many barristers. They know where the work is, what it pays and what a client wants - valuable knowledge at any time. Ultimately, practice reviews are an opportunity to set short, medium and long-term goals, and agree a plan for achieving those goals.

### Employed barristers

Employed barristers are more likely to experience management by a line manager than through practice reviews. In our Life at the employed Bar report (2023), management of career progression was identified as a key benefit to employed barristers, with regular reviews and a structured career path cited as helpful.

Employed barristers sometimes express frustration that their employers do not always recognise the different skill sets of barristers and solicitors, which might happen more in organisations that do not employ many barristers. These frustrations can be addressed in management reviews, where there is space to share with your manager any progression ambitions and concerns.

## Making the time

A practice review may seem like a luxury most do not have time for, especially when everyone is incredibly busy and there is important work to be done. But regular, effective practice reviews are vital to ensuring barristers get the practice they want and stay on track. They can make a real difference in building and sustaining a career at the Bar.

### Tip for barristers

Practice reviews might be an investment of time and attention, but when done well and regularly, they can be vital in helping you plan your practice.

## Frequency

At first, a newly qualified barrister should expect to have a practice review every quarter. This will ensure practices are well supported in those first few years. Then twice a year is often sufficient, and, for some very established practices, annual reviews suffice. However, there is nothing to stop a barrister, clerk or practice manager arranging reviews more frequently or ad hoc if something comes up which warrants detailed discussion.

### Remember

Neither barristers nor clerks should wait for a practice review to raise urgent or pressing issues. It is good practice instead to have regular dialogue during which issues of concern can be dealt with as they come up.

# Getting started

When a barrister is in their first few years of practice, regular reviews are essential. This is the time barristers need most help with the practicalities of a self-employed practice, and practice reviews are an opportunity to ensure they are getting the support they need including:

- Setting up essential systems – time management, billing, client management.
- Help with financial management, tax and pensions.
- Insurance.
- Data protection.

New barristers are unlikely to know everything about the practice areas they are operating in, and building a foundation of experience, an effective network, and a growing list of clients is crucial. Practice reviews can support with discussions about:

- Developing advocacy experience.
- Expectations about allocated and unallocated work and how to build a practice.
- Marketing.
- Billing and creating accurate estimates[1]
- Led work opportunities – close attention should be paid to ensuring all young barristers get access to led work opportunities, which are vital for building experience and exposure.
- Mentoring.

It is important to have honest conversations about earnings and how a barrister's practice is doing – benchmarked against a comparator group – throughout a barrister's career. And it is never too early to start those conversations. Barristers at this early stage need to be given information to understand:

- Whether their practice is where it should be – has it got off to a good start and on a good trajectory?
- What their earnings have been over the last period and how they compare to others, and where you would expect them to be.

[1] See our Billing good practice guide https://www.barcouncilethics.co.uk/documents/billing-good-practice-guide/

- The impact of decisions they may have taken, or are considering, about specialisation and their preferred practice area on their future earnings potential.

The Insider Guide to Life at the Bar provides the information new practitioners might find helpful at the start of their careers.

## Preparing for a practice review

**Clerks or practice managers** should gather the following information and build a picture of the barristers' practice to share with them at the review:

- Detailed 'work done' reports for the preceding three years (or less for new barristers).
- A breakdown of the top five or ten instructing solicitors and the type of work done.
- Detailed 'payments received' reports for the preceding three years (or less for new barristers).
- Current aged debt.
- Detailed practice analysis for the preceding three years (or less for new barristers).
- Marketing and business development activities undertaken.
- Review of website profile to ensure it is up to date.
- An 'opportunity report' showing:
  - Allocated work
  - Unallocated work where the barrister was listed
  - Work offered
  - Work accepted or declined, and the reason given
  - Led work
- Comparator cohort – it's useful for barristers, especially at the start of their career, or when they have returned after a period of leave, to know if their practice is on track, if they are where you would expect them to be or if they are behind their peers. This information can be anonymised, or can be a comparison to a hypothetical comparator, but should be used to support the barrister to understand how they are doing and whether they need do something different (see page 9 of the Bar Council's Monitoring Work Distribution for an example of this).
- Feedback from clients, clerks, leaders, others within chambers.
- Notes from any previous practice review meetings.

**Barristers** should come to the practice review prepared with:

- Information about the marketing they have carried out since the last review.
- Thoughts about what their key targets will be over the coming period.
- Their continuing professional development (CPD) record and plan for CPD over the next 12 months, including thoughts on any support chambers could offer.

## Tips for barristers

Barristers should make sure they have looked at the information mentioned in the above points in advance of the meeting and be prepared with questions and issues for the discussion. It is useful to think about target setting and personal or professional goals, and what the next few months and years look like.

## Tips for clerks and practice managers

Practice reviews are an opportunity to explore slightly longer-term plans. Barristers can be supported to think ahead and ensure their practice is where it needs to be to take the next step in their career.

Throughout the earlier years of practice, led work can be important for building a barrister's confidence, experience and reputation. Practice reviews are an opportunity to discuss led work – is the barrister getting led opportunities? Have leaders and clients given any feedback that could give the barrister insight into areas they need to develop? If so, consider if you can give this to the barrister in a constructive way. It is important not to ignore this aspect of a barrister's practice – if they are not getting the type of work that will help them progress, the review is an opportunity to reflect on this and make a plan for how you can work together to increase it.

For some practice areas, government panels, inquiries or secondments can be helpful sources of work and experience. Practice reviews are an opportunity to discuss this and explore what support might help the barrister move up to the next level and share opportunities, such as specific interventions or support for under-represented groups. For example, the Treasury Counsel Pathway is targeted at barristers from groups who are currently under-represented on the Treasury Panel – information about this and other initiatives is useful to share.

# During the practice review

Every practice review will be different depending on the set, practice area and career stage. The discussion will inevitably focus on areas of concern for the clerk, practice manager or barrister, but this should not be the main or sole focus of the review, so it is worthwhile using a template to ensure all of the important areas are covered (see annex 1 – practice review record template).

Practice reviews should focus on:

- The work done – the scope of the work, how the practice is developing, and any feedback from clients or solicitors.
- Work allocation – how work has come into the barrister, an analysis of allocated and unallocated work opportunities, and reflection on what is working and any gaps.
- Practice development – including future opportunities, specialisation or diversification, marketing opportunities, panel applications or progression, change in practice, focus or priorities, and progression plans, including silk and judicial appointments.
- Financial – income - actual and expected, an analysis of earnings against a comparator cohort, aged debts, financial goals
- Chambers life – the systems, diary management, any problems with billing or practical challenges with rooms etc. Consideration of joining chambers' committees, internal or external networks, or supporting pupillage – all of which can help with career development.
- Continuing professional development (CPD) – agreeing a workable plan that meets the requirements of the chosen practice area(s) or ambitions for development or progression.
- Wellbeing – a check-in on how things are going, support for work/life balance, future plans, including any anticipated leave. If the barrister is working flexibly, or has caring responsibilities, exploring how this is working and whether any additional support is needed.

Practice reviews are a good time to raise any issues with the type of work being offered, working hours, geographical restrictions or changes which will have an impact on a practice. They are a chance to reflect on what's working, where more support is needed and to set goals and priorities.

Barristers should think about their practice over at least the next six to 12 months and be open about any plans they have.

# Coming back from a break

Barristers who are planning to take, or are returning from, maternity, parental, or other extended leave require focused clerking.

In advance of a period of leave, a practice review should include discussion about getting the practice ready for the break. This includes:

- Financial review – making sure billing and invoices are completed, and aged debt monitored and chased.
- Managing clients – when, what and how does the barrister want to let clients know?
- Covering cases – making sure arrangements are in place to cover cases that aren't concluded before leave, along with provisional plans for return.
- Keeping in touch and continuing to work – some barristers choose to keep their practice ticking over while they are on leave, others prefer to take a complete break.

While a barrister is on leave and before they return, a practice review should be part of their keeping in touch activities. This discussion should include:

- Planning for return – thinking about what the first few weeks and months look like in terms of workload, location, availability.
- Flexible working.
- Communication with clients.

When a barrister returns to practice after an extended period of leave, they will likely need very focused support. A practice review should be organised in the first week and cover:

- Diary management over the next couple of months – what needs to be considered when agreeing to work?
- What their re-established practice looks like – is the barrister expecting to pick up where they left off (this should be possible and supported), or will their practice look different now they have returned, and if so, how?
- Financial targets – agree some achievable and ambitious targets based on their previous earnings. This should prevent anyone being complacent about what a successful return looks like.
- Consider positive action – it may be that a returning barrister needs extra support to re-build their practice, and positive action measures, including supporting them to get unallocated work, may be appropriate.

- Marketing and client management – how do they want to re-build relationships with clients and how can clerks or practice managers support this?

In 2023 the Bar Council published updated guides for barristers taking parental leave, and for chambers managing maternity and parental leave.

## Setting targets or goals

Try to set at least one or two targets or goals to be achieved during the next six months (i.e. between practice reviews) – this might be about developing relationships and getting work from a new client or solicitor, increasing revenue by x%, agreeing new rates or prioritising higher paid work, gaining more advocacy experience, having more non-working days in the diary, getting involved in a marketing initiative or working on increasing their profile.

Targets and goals should be agreed together, and a plan put in place to achieve them. These should be recorded, and it should be made clear who is who is taking the action forward. These can then be reviewed at the next meeting.

### Tips for clerks

Setting and reviewing targets is part of the practice review, but there are other benefits to regular check-ins and staying in touch with members. It might be that a practice review is a good opportunity to talk and make sure everything's on track. **But be careful not to be lulled into a false sense that everything is ok, just because no one's complaining**. The data will tell you if there is an issue and whether someone is on track or needs more support.

## A silk path

Clerks and practice managers are in a good position to identify and support barristers who could be ready and/or planning to apply for silk within the next few years.

This support could include:

- Building confidence in the barrister that they can apply, including by sharing experiences of others who have succeeded.

- Identifying gaps in experience and work opportunities which would support an application and deciding on a joint action plan to get that experience and the right types of case.
- Helping to gather references and other information.
- Proposing mentoring, either inside chambers or through a Specialist Bar Association (SBA), circuit, Inn or through the Bar Council.

Despite equal numbers of men and women entering the profession for more than 20 years, fewer than 20 per cent of KCs are women. The reasons for this disparity are complex, but there are things that can be done to improve the situation.

Analysis of silk applications shows women apply later than men, and research suggests qualified women are less likely than their male counterparts to believe their practice is ready for progression to KC. This has been found in other professions, where women are less likely to apply for promotions that they are qualified for until they are supported to do so by a senior colleague. Clerks and practice managers should therefore be alert to these differences and take account of them, if relevant, in the practice review.

### Supporting disabled barristers

It is important to keep in touch with disabled barristers, who may need different support to sustain and progress their practice. Practice reviews are an opportunity to:

- Review access and reasonable adjustments – are the adjustments in place effective? Have their needs changed, or is any other change needed?
- Are the right considerations being made in terms of diary management, travel arrangements and access?
- Are there any barriers external to chambers which the barrister needs support to tackle?

Remember that needs can change over time and adjustments require regular review. It is also important to keep in mind that disabled barristers are most likely to know what they need and will be experts by experience. Be open to challenge, be aware that ongoing discrimination and lack of access can make the working lives of disabled barristers very difficult, and chambers need to do everything in their power to support them.

For more information contact the Bar Council's equality and diversity team via email: equality@barcouncil.org.uk

There is an option to organise an interim or mini review between meetings, especially if more support is needed or there is a lot of work to do to set up agreed targets or goals.

At times of transition – for example, before or after a period of parental or sick leave, when developing a new practice area, or on the path to progression – more frequent reviews are essential and will enable the barrister and clerk or practice manager to stay on top of agreed actions.

### Institute for Barristers' Clerks: tips for barristers

Here, clerks share their experience to help barristers get the most out of their practice reviews:

- Clerks and practice managers are experts in the market you are operating in, so use their knowledge to build and sustain your practice.
- Communication is key to a successful relationship between barrister and clerk, so do not wait until your practice review meeting to discuss any urgent or pressing matters.
- Be clear about your aspirations for the forthcoming year and open to suggestions from your clerk(s) about how that can be achieved.
- Spend time in advance of your practice review meeting looking at the legal directories (i.e. *Chambers and Partners* and *Legal 500*) to see which solicitors' firms are ranked in your target areas.
- Ask your clerks if chambers has a relationship with those firms and which initiatives you might be able to become involved in. If there isn't one already in place, offer to start one (and ask for support if needed).

# Wellbeing

It is important to check in on a barrister's wellbeing at their practice review, in part because they may be reluctant to talk about any difficulties they are having in the course of a normal day, and because creating a culture where wellbeing is supported and discussed sends the message that mental health is taken seriously.

The Bar Council's Barristers' Working Lives 2021 survey found that there are four factors which can contribute to a barrister's wellbeing:

- **Psychological wellbeing** – the extent to which an individual agrees they are currently experiencing a positive mood.
- **Perfectionism** – the extent which an individual is critical of themselves or their work.
- **Workload management** – an individual's sense of being able to manage the pressures or demand arising from work.
- **Supportive work environment** – a sense of being valued and being supported in a social, as well as a developmental, sense.

All of these factors may be discussed and explored in more detail during a practice review. Workload management, in particular, should be discussed as this is something that practice managers and clerks have an opportunity to influence and provide support on.

### Tips for clerks

If someone is stressed then they may just want to offload a bit, and the act of speaking to you is all the support they need. But it is important to be aware that you are not there to act as a counsellor, merely as a support and guide.

If you consider a barrister has more serious problems, you should refer them to your chambers wellbeing lead, equality and diversity officer, or head of chambers. Counselling support is also available free of charge through the assistance programme via Wellbeing at the Bar.

### Menopause

It is reported that one in four women experience serious menopause symptoms, and most experience some symptoms. Chambers can do a lot to support barristers during their menopause, including offering greater flexibility, providing mentoring, and by making minor changes to someone's work environment. The Bar Council has published a guide to supporting members and colleagues experiencing menopause symptoms.

There is more information on the Wellbeing at the Bar website or you can call the equality and diversity team at the Bar Council on 020 7611 1426 for further support.

## What happens if nothing changes?

Practice reviews should be an effective way of supporting a barrister to build and sustain their practice. But, if you are having the same conversation about the same challenges in multiple reviews with no improvements, whether you are the practice manager/clerk or barrister, you could consider:

- Asking a colleague to come to the next review – a fresh perspective might be helpful.
- Thinking about what the underlying problems might be – and alternative approaches to tackling them.
- Whether you have enough, or the right, information to properly understand the issues.
- Seeking support from a mentor.

## More resources

**Bar Council Ethics and Practice Hub**

A range of information and guidance to support chambers monitoring is available on the Bar Council Ethics and Practice Hub, including:

- Guidance on workforce monitoring (an essential first step to ensuring the data is available)
- Monitoring earnings and distribution of work.
- Framework for taking action on race equality
- Guide to race terminology
- GDPR: Guide for barristers and chambers

- Mentoring guide

**The Bar Council's equality and diversity helpline**

The **confidential helpline** is available Monday to Friday, 09:15-17:15. Call the team on 020 7611 1426.

The Bar Council provides confidential advice about any discrimination, bullying or harassment issue to any member of the profession, including pupils and Bar students.

For chambers, we provide advice on:

- Implementing all aspects of the equality and diversity rules in the BSB Handbook.
- Making reasonable adjustments and making chambers and barristers' services accessible to disabled people.
- Handling complaints and supporting members and staff.

**Please note that we are unable to provide legal advice.**

For barristers and chambers staff in distress, we offer an assistance programme. This service is available 24/7.

**Recording and reporting inappropriate behaviours**

The Bar Council's Talk to Spot is a platform for anyone working in and around the Bar to anonymously seek help from the Commissioner for Conduct to report inappropriate behaviours. Talk to Spot is easy to use, secure, and confidential. Talk to Spot can be used if something happens to you or if you witness an incident.

When you use Talk to Spot, a member of the team will make contact with you and provide advice – they will contact you via the platform so you can remain anonymous.

**The equality and diversity network**

The Bar Council manages an equality and diversity officer (EDO) network which:

- Supports and assists EDOs and data diversity officers (DDOs) in carrying out their roles.
- Shares good equality and diversity practice between chambers.
- Identifies and addresses emerging equality and diversity issues at the Bar.

Membership is free, and you are eligible to join if you are an EDO, DDO, a clerk or practice manager in chambers. Email equality@barcouncil.org.uk for more information.

**The Bar Council guides on equality and diversity**

The equality and diversity committee regularly produces specific guides with policy templates to support the profession on equality and diversity matters. All guides can be found on the Bar Council Ethics and Practice Hub.

See the Bar Council website for more information about the work of the equality and diversity team.

The BSB's Supporting Information: BSB Handbook Equality Rules is also useful for reference on what is required to comply with equality and diversity rules and work allocation monitoring.

# Annex 1 – Sample practice review record template

Note: some of this information will be inputted in advance of the practice review, some during the discussion, and some after the review.

| | |
|---|---|
| **Name** | |
| **Year of Call / Post qualified experience (PQE)** | |
| **Group / areas of practice** | |

| | |
|---|---|
| **Name of clerk/practice manager** | |
| **Date of review meeting** | |

**Work done:**

| |
|---|
| |

**Fees billed (year to date / last three years):**

| |
|---|
| |

**Aged debt:**

**Hourly rate:**

**Comparator cohort analysis:**

**Theme 1: work over the last six to 12 months**

Reflection on what has gone well, and where things could have been better over the last period (since the last review). Prompt questions can include:

- What were your top three cases this year?
- How do you feel about the volume of work and quality of work you have had in the last 12 months?
- Is there anything that could be improved?

Tip: Share any feedback from clients, colleagues or other people the barrister works with.

**Theme 2: structure of practice**

Take a step back and look at the structure and focus of the practice. Are there things that could be improved?

- If you practise in more than one area of law, describe how you would ideally like to see the split.
- Is there a new area you would like to develop experience in?
- How can we work together to achieve this?

**Theme 3: financial**

Get into the detail here. Barristers need to know how well their practice is doing, how their practice compares to chambers' expectations and/or their comparator group and what they can expect in the next period. If there is a problem with aged debt – a plan needs to be made for that. If they are falling behind their colleagues – they should know and be supported to increase revenue. Questions can include:

- Are you happy with the level of remuneration you received in the review period?
- How much would you like to see it increase in the next 12 months?
- What is happening now to achieve an increase in remuneration? What are your options?
- Do you have any longer-term plans which will impact on your earnings that we need to start planning for?

**Theme 4: the next six to 12 months**

This is a chance to discuss future plans and set some goals. Prompts can include:

- What are your goals for the next six to 12 months?
- What is happening now which will support you in achieving your goals?
- What support can chambers/clerking team/practice managers give?
- Marketing and client relationship development – plans and options.

**Theme 5: continuing professional development**

What is your training plan for the next 12 months?

- Do you need any support from chambers?

This is an opportunity to support a barrister. Discussion should focus on:

- What does your practice need in light of your future plans?
- Is there expertise in chambers to support?

**Theme 6: progression**

Do you have any aspirations towards any of the following appointments?

- Judicial appointments
- King's Counsel
- Government panel(s)
- Any other appointment(s)

This is an opportunity to support a barrister take their practice to the next stage. It takes time to prepare for progression so barristers should be encouraged to think about this at least five years in advance. Discussion should focus on:

- What does your practice need to look like to be eligible for the appointment?

- Is there expertise in chambers to provide mentoring, support or shared experiences? If not, can that be found outside chambers?
- What sort of cases or referees are needed to qualify? How can clerks or practice managers support that?

**Theme 7: life in chambers**

This is an opportunity to discuss how the barrister is working within chambers and can cover:

- Clerking and practice management
- Flexible working and diary management
- Work distribution and access to marketing opportunities
- Chambers management – participation in committees, pupillage or recruitment
- Accommodation and IT support

**Theme 8: wellbeing**

Wellbeing should be on the agenda of every practice review. It is wise to start with open questions, for example:

- How are you?
- Is your work and caseload manageable?

For specific groups:

  - For new barristers you might want to ask about how they are finding life in chambers – do they feel well supported, feel included, are they juggling responsibilities well?
  - For disabled barristers, is the appropriate support and/or adjustments in place? Are these effective in ensuring they can sustain and grow their practice?
  - For pregnant barristers or parental/other leave returners, you could ask about work/life balance and what support is needed.
  - Menopause might be having a significant impact on a barrister's work so being mindful of this and open to a conversation is important.

Be prepared to follow up any wellbeing discussion with signposting to more support.

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**Other themes**

There may be other themes which need to be covered, and these can be added into a general 'anything else' box either in advance of the meeting or while it's happening. Ensuring there is enough time to get to through all the areas is important – effective practice reviews can't be rushed.

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**Objectives for next 12 months**

Once you have discussed the themes and identified areas for more support, focus, and/or improvement it can be useful to capture those targets, goals and actions. This can then be used as an ongoing reminder, and to check progress at the next review.

Targets should be set for the short and medium term – what needs to happen in the next year and what does the next three to five years look like?

| Objective | Action for barrister | Action for clerk/practice manager | Date for completion/ milestones |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |

**Objectives for next three to five years**

| Objective | Action for barrister | Action for clerk/practice manager | Date for completion/ milestones |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |

**Agreed target level of income and how to achieve**

| | Amount | How to achieve |
|---|---|---|
| 12 months | | |
| 3-5 years | | |

**Agreed target work volume and how to achieve**

| | Amount | How to achieve |
|---|---|---|
| 12 months | | |
| 3-5 years | | |

**Summary: agreed action points from practice review**

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|---|
| |