

## ANNUAL REVIEW 2018



THE BARRISTERS' BENEVOLENT ASSOCIATION REPORT AND ACCOUNTS 2018

#### Vision and Mission Statement

We exist to support, help and comfort those members of the Bar in England and Wales and their families and dependants who are in need, in distress or in difficulties. During the recent past we have helped barristers and their families in every circuit, often saving not only dignity but careers.

Our staff are experienced, kind and practical: our Association is a last safety net for those struck down, their partners and children, where there is no income, no capital, no family back up.

Registered Charity No. 1106768

Company No. 5284271

Registered Office 14 Gray's Inn Square, London WC1R 5JP OFFICERS OF THE ASSOCIATION

Chairman

Terence Mowschenson, QC

Honorary Treasurers
David Phillips, QC
Raymond Cox QC

Honorary Secretary Sara Hargreaves

Company Secretary
Janet South

Chief Executive Nicky Young

Deputy Chief Executive Annette Bennett

TRUSTEES OF THE ASSOCIATION

The Rt.Hon. The Lord Saville of Newdigate

The Hon Mrs Justice Andrews

Shabeena Azhar

Master David Cook

Master Roger Eastman

Teertha Gupta QC

Graeme Halkerston

Susan Hewitt

His Honour Judge John

Hillen

The Hon Mrs Justice Laing

Alexander Learmonth

Angus McCullough QC

Daniel Stilitz QC

Christopher Stephenson

Jonathan Tod

Daniel Toledano QC

#### **ADVISORS**

Stockbrokers
Investec Wealth &
Investment Ltd
No.30 Gresham Street
London EC2V 7QN

Solicitors Withers LLP 16 Old Bailey, London EC4M 7EG

#### **Bankers**

National Westminster Bank plc PO Box 10720, 217 Strand, London WC2R 1AL

#### **Auditors**

MHA MacIntyre Hudson New Bridge Street House, 30 - 34 New Bridge Street, London EC4V 6BJ

Insolvency Practitioners Griffins LLP Tavistock House South, Tavistock Square, London WC1H 9LG

IT Advice & Support NECL Consulting Ltd 3 Kendrick Place London W1U 6HD

#### CIRCUIT REPRESENTATIVES

We are extremely grateful to everyone who contributes their time and energy to support us. In addition to the Officers and Committee listed on the inside cover, we have a strong team of Circuit Representatives. These Representatives are our prime link with the profession outside London and they play an important role in promoting awareness of or availability to help and in encouraging fundraising.

The Midland Circuit Leader: Michael Duck QC

The Northern Circuit

Leader: Michael Hayton QC

The North Eastern Circuit Leader: Nigel Sangster QC

The South Eastern Circuit Leader: Mark Fenhalls QC

The Wales and Chester Circuit Leader: Paul Hopkins QC

The Western Circuit Leader: Bill Mousley QC

### Chairman's Statement HELP US, HELP OTHERS

Terence Mowschenson QC Chairman During the past year we received slightly fewer requests for assistance although the number remained similar to many previous years. There does not appear to be any significant underlying trend. We received 24 new applications, a decrease by three on the previous year and of these we were able to help 23. We held two sub-committee meetings. As well as these new cases, there were 22 renewals, a decrease of 4 from 2017.

Happily, our income from donations has slightly increased following generous legacies and a small increase in donations: we must continue to review how we can continue this increase in future. Administrative expenditure is well controlled but continued fluctuations in the investment market continue to affect the value of our reserves and income from interest.

We maintain our strict policy of securing all loans wherever possible and monitor these at least at each annual review in case the beneficiary's circumstances have changed. We are anxious to help but our resources are limited and where equity exists we believe securing our loans is in everyone's best interests.

None of this could be achieved without the continued loyal and indispensable support of many volunteers: in particular those who serve on our Board and the Circuit Representatives who visit applicants and beneficiaries who are unable to travel to London. Also invaluable are the supporters who undertake various fundraising activities for us – running, playing golf and the like – to whom we are equally grateful. We have a very small team of paid staff whose friendly and helpful contact on the phone or through e-mail is much appreciated by those who are touch with us.

As I said earlier, addressing the need to build our donated income is important and one way is to encourage everyone to include us in their Will once family needs have been secured. Your gift will mean someone less fortunate than you can be helped and that, should the unthinkable ever affect you or your family, we will still be around to help.



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## Grant

## Loan

Where an IVA or bankruptcy is the only answer then we can smooth the way with professional advice as well as practical and moral support.

The terminally ill have been enabled to spend their last days at home, their carers supported and occasionally given a last short break away for a family to make the most of their time together.

We help to fund specialist nursing, equipment, heating and food allowances, therapy which falls outside the NHS, some drugs or other medically approved necessities. Extras which can make an important difference to someone's life include specialist computer equipment, telephones, televisions, special chairs, wheelchair access, baths... Financial support can include regular grants to top up pensions, and single families can get help with school uniforms, new clothes, a bus pass or a birthday treat. Children are given a birthday and Christmas gift but the BBA does not normally

contribute to school fees. Each case is considered individually and on its own merits: the range of our assistance is limited only by the needs of our beneficiaries and our ability to pay.

If you are unfortunate enough to experience bad luck we will be here to help, whether you have supported us or not.

We hope you will bear us in mind, and help if you can.



### Case Studies HELP IS APPRECIATED

I am a barrister of 26 years call. A few years ago I had a fall at home which led to compound fractures in both arms which required pinning and a long period of recuperation. I was never able to use my hand to write properly after this accident. After another break of my ankle after an innocuous trip, I was diagnosed with severe Osteoporosis. The consultant said I had the bones of an 80 year old, when I was then only 55. I struggled on with my practice, finding the most aspects much more difficult than prior to the breakage of my arms. Last year I was knocked over by a dog which resulted in a compound fracture of my hip. This has led to further surgery and me taking a lengthy break from my practice and consequently a complete absence of income. I reluctantly approached the BBA, never having had to ask for help from anyone before, and they agreed to provide me with some short-term funding to fill the gap until I was able to receive Universal Credit. At the same time my boiler had a terminal failure, so that I was trying to recover without any heat. Again the BBA have been superb and agreed to provide me with a secured loan to cover the cost of having a new boiler installed. The BBA's assistance has enabled me to start to make a recovery from my broken hip with a hope that I may be able to recommence my practice, although that seems a distant prospect at the moment.

#### Many thanks to the BBA.

I found this incredibly difficult to write and only managed to do so as I very much wanted people to understand how kindness and support can go such a long way to changing and saving lives and giving hope.

I found myself in a desperate situation with nowhere to turn and the BBA helped me to turn my life around and consequently the lives of my dependent children. It is safe to say that I may not have been around to write this today, if it had not been for the kindness compassion and help of the BBA and the barristers who support the work of the BBA.

Due to a combination of long term chronic physical illness and mental health issues I found myself unable to practice at the Independent Bar and I therefore went to work at the employed Bar. Being an employed Barrister meant I could better manage my medical conditions whilst continuing to work and support my family financially. Unfortunately, due to funding cuts I became redundant in 2013 and found it impossible to return to the Bar or obtain full time employment. After redundancy I tried the route of Direct Access work having completed the Direct Access course,

but I was unable to earn enough income to sustain myself and my dependants. The effect of losing a regular income had a profound negative impact upon my now escalating debts, day to day living situation and our mortgage fell into arrears. I managed to find self-employed work which allowed me to manage my illnesses and still continue to work, however the availability of work was not consistent and was insufficient to pay my mortgage regularly or the debts which accrued. We fell into more serious arrears and repossession proceedings were commenced. We managed to avoid repossession with family help but the impact of redundancy and these proceedings impacted on my health and left me desperately lacking in physical and mental resilience. My Physical health, anxiety and depression deteriorated. Over the years that followed life became an unrelenting unbearable battle of keeping our heads, as a family, above water and I began to lose hope and believe that my family would be better off without me. The only thing that kept me going was the rational thought that I needed to be around to do whatever I could as a mother to provide a stable home for my children. As our circumstances worsened and in order to keep the wolf from the door my husband and I went without basics and relied upon the charity of family and close friends in order to prioritise paying our mortgage which was in arrears, trying desperately to stay one step ahead of further repossession proceedings. I continued to work whenever I could even when desperately ill but when work became slow matters worsened. At this stage we had started to sell anything we could in order to keep making mortgage payments and to avoid becoming more than 3 months in arrears which would mean repossession of our home. With two dependent





school age children, one of whom was studying for final year examinations, avoiding repossession and providing a home that was secure and stable was my only focus. I had previously considered applying to the BBA when invoices were paid late and repossession was threatened but in my depressed isolated and lonely state I believed that I was undeserving of help and felt ashamed of my inability to work full time and provide for my family. I pulled my socks up even further and tried even harder. Thankfully we managed to stay one step ahead of repossession at that time as I managed to get work stacking shelves in addition to my self-employed work and I tried to stay focused on my aim to provide my children with a stable home. I applied for any work that I could do bearing in mind the limitations of my now worsening chronic physical illness but matters reached crisis point once again. The family computer broke and we could not afford to replace it. I was unable to carry out my work or make applications and we were unable to survive on the limited income we had. Our financial situation spiralled out of my control rapidly and we were once again threatened with repossession after we became more than 3 months in arrears. In desperation I applied to the BBA for help. I did not know what else to do or where to turn.

The BBA responded quickly to help me and my family with compassion, concern and kindness. I will be forever grateful to them for their compassion, kindness, concern and their help It has changed my life and that of my family, particularly my children. They listened without judgement and gave me hope when I felt hopeless. They provided me with financial assistance in order to buy a new computer so that I could continue to work and earn on a self-employed basis. I was able to make applications for work that I could do from home which would not impact negatively on my physical and mental health and which could financially support my family and pay our mortgage regularly. With the help and support of the BBA the repossession of our home was avoided and with their support I found hope that I could turn things around.

Though life continues to be a challenge, and always will be due to the impact of my complicated health needs upon my life, the kindness, compassion and financial assistance of the BBA has provided me with hope and help at a time when I was sorely in need and with nowhere to turn. My mental health is much improved and I have self-employed work at present which pays the mortgage and the bills so that I can provide a roof over my children heads. I am and will always be forever grateful to the BBA for this and to those who support the work of the BBA.

# ADVERTS FOR CHAMBERS & INNS

The members of The Barristers'
Benevolent Association committee
invite you to advertise in the Annual
Review in return for a suggested
minimum donation of £250.

If you would like to advertise, please contact the BBA office:-

Telephone 020 7242 4761 020 7242 4764

Email nicky@the-bba.com

# 1GC Family Law

## is proud to be supporting The Barristers' Benevolent Association

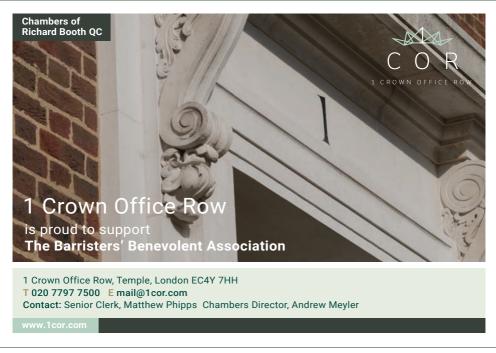
One of the foremost family law barristers' chambers in the country providing expert advice and legal representation in all areas of family law.

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Janet Bazley QC 10 Lincoln's Inn Fields Email clerks@1gc.com

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## EVENTS at Middle Temple

From the impressive splendour of the Elizabethan Hall to the elegant and intimate bench apartments, Middle Temple has a variety of unique spaces to suit any event.

Visit our website for more information or contact a member of our dedicated events team

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Matrix is proud to support
The Barristers' Benevolent Association

Practice Director: Jason Housden E: jasonhousden@matrixlaw.co.uk

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#### **Directors' Report 2018**

THE BOARD OF DIRECTORS HAS PLEASURE IN PRESENTING ITS REPORT AND THE SUMMARY FINANCIAL STATEMENTS FOR THE YEAR ENDED 31st DECEMBER 2018.

The financial statements have been prepared in accordance with the accounting policies set out therein and comply with current statutory requirements, the Memorandum and Articles of Association, and the Statement of Recommended Practice – Accounting and Reporting by Charities (SORP 2015) (FRS 102).

#### **CONSTITUTION**

The Barristers' Benevolent Association was originally founded on 10th January 1873. It is now a charitable company limited by guarantee which was incorporated in England and Wales on 11th November 2004, number 5284271. The company gained charitable status on 15th November 2004, registration number 1106768. The company was established under a Memorandum of Association which sets out the objects and powers of the charitable company and is governed under its Articles of Association. In the event of the company being wound up members are required to pay an amount not exceeding £1.

#### **OBJECTIVES**

The objects of the Association are to provide financial and other assistance and support to needy and deserving members of the English Bar who are or have been in practice in England and Wales, their spouses, former spouses and dependants. Assistance is given without geographical restriction or any need to pay fees.

#### **POLICY**

To achieve these objects the Committee has followed the following policies:

- a. to encourage members of the Bar and the judiciary to contribute by way of donations and gift aid, and
- to create and maintain an adequate capital base generating investment income to augment the gifted income of the Association.

#### MANAGEMENT

The Charity is governed by a Board whose members are the Trustees for the purposes of charity law and the Directors for the purpose of company law. Those who served during the year and up to the date of this report are set out on page two.

#### RISK MANAGEMENT

The major risks to which the charity is exposed are identified annually and reported on. Systems to mitigate such risks have been and will be established.

### HOW OUR ACTIVITIES DELIVER PUBLIC BENEFIT

The Charity seeks to reach every practising barrister every year to ensure they are aware of the potential assistance available from the Association and to seek their financial support. This is primarily achieved through e-book circulation via our website. We also attend relevant conferences and seek publicity in professional magazines. Our web site includes information for both donors and potential beneficiaries and has a downloadable application form. We also have a small team of volunteer Circuit Representatives who are able to make visits locally and publicise our work.

Help is tailored to each individual case. Wherever possible we seek to enable the beneficiary to solve their problem and continue in or return to a position where he or she can earn a living but where this is impossible, or not to be recommended, we can offer secured or unsecured loans or make grants. Sometimes help is needed urgently to tide people through an emergency, other times the need is longer-term. Assistance is

given without geographical restriction or any need to pay fees and with due regard to public benefit guidance published by the Charity Commission.

Grants range from small amounts of cash, regular food vouchers, payment of specific bills such as TV licences, car tax, telephone bills or the purchase of equipment or medicine not available from the NHS. We do not undertake to pay school fees for children other than the occasional cases where the student is coming up to an important examination or there is some other compelling circumstance.

Our aim is to enable the beneficiary to resume control of his or her own life but we set no limit on the duration of our support. Nevertheless we are also committed to looking after those who cannot achieve that.

#### ACHIEVEMENTS AND PERFORMANCE

In 2018 there were 24 new cases, a decrease of 3 on the previous year. Of these we were able to help 23 and 1 was not accepted. 2 sub-committee meetings were held. The refusal was for an application which fell outside our immediate remit. Where we refuse support because we considered the application was made too soon, we encourage the applicant to reapply should their situation worsen.

In addition to the new cases, there were also 22 renewals (4 less than the previous year) and 32 reports considered, 28 less than 2017.

In these cases, the most common reason for refusing help was because the applicant did not meet our criteria. As mentioned above and not referring specifically to the 2015, 2016, 2017 and 2018 cases, the most common reason for refusing help at any time (although leaving the door open for subsequent applications) is possession of adequate personal equity reserves which should be used first-thus not meeting the criterion 'needy'. In very rare cases someone could be considered needy but

not 'deserving' having been culpable in bringing about their own problems.

Initial enquiries – by phone, email, letter or personally-are handled immediately and the aim is to have our application form completed and processed in time for the next available Committee meeting, although this does not rule out more immediate help if this is essential.

Every case is reviewed annually on the anniversary of its initial presentation to the Committee and renewals of support have to be accompanied by another completed application form. Outstanding loans are reviewed annually at the beginning of the year.

#### SECURED LOANS

Where the Directors authorise loans these are wherever possible secured on the applicants' available equity and this applies in the majority of cases. This has been encouraged by the steadily worsening economic background so that an increasing proportion of help is now by secured loan rather than as a grant. A thorough review of all outstanding unsecured loans has been carried out. Where the debt is many years old and, despite attempts to contact the debtor there has been no significant repayment, the debt has been written out of our accounts. This does not mean that attempts to secure repayment have been abandoned and every effort will continue to be made to recover these debts.

#### PLANS FOR THE FUTURE

The Directors will continue to seek out opportunities to publicise the work of the Charity and to seek financial support from those in a position to help.

The Directors will continue to monitor response times for receiving and processing applications, the prompt and accurate payment of all benefits and the proper acknowledgement of contributions.

SUMMARISED FINANCIAL STATEMENTS

## STATEMENT OF FINANCIAL ACTIVITIES (Including Income and Expenditure Account) FOR THE YEAR ENDED 31 DECEMBER 2018

τ	Unrestricted funds 2018	Total funds 2018	Total funds 2017
	£	£	£
Income from:			
Donations and legacies	304,268	304,268	275,565
Trading activities	-	-	1,776
Investments	247,691	247,691	217,699
Other income	6,900	6,900	6,623
Total income	558,859	558,859	501,663
Expenditure on:			
Raising funds	35,615	35,615	35,168
Charitable activities	578,776	578,776	677,326
Total expenditure	614,391	614,391	712,494
Net expenditure before investment gains / (losses)	(55,532)	(55,532)	(210,831)
Net gains (losses) on investments	(423,975)	(423,975)	467,054
Net income/(expenditure)	(479,507)	(479,507)	256,223
Net movement in funds	(479,507)	(479,507)	256,223
Reconciliation of funds:			
Total funds brought forward	11,578,458	11,578,458	11,322,235
Total funds carried forward	11,098,951	11,098,951	11,578,458

#### Balance Sheet as at 31 December 2018

		2018		2017
	£	£	£	£
Fixed assets Tangible assets Investments		231,654 6,269,823		234,958 6,944,203
	-	6,501,477		7,179,161
Current assets Programme related Investments Concessionary loans Debtors Cash at bank and in hand	3,799,767 47,711 766,709		3,700,459 61,347 648,601	
	4,624,187		4,410,407	
Creditors: amounts falling due within one year	(26,713)		(11,110)	
Net current assets		4,597,474		4,399,297
Net assets		11,098,951		11,578,458
Charity Funds				
Unrestricted funds		11,098,951		11,578,458
Total funds	_	11,098,951		11,578,458
	_			

The Charity's financial statements have been prepared in accordance with the provisions applicable to companies subject to the small companies regime.

The statutory financial statements were approved and authorised for issue by the Committee Members on 12th June 2019 and signed on their behalf, by:

Terence Mowschenson QC	Sara Hargreaves
Chairman	Honorary Treasurer

#### TRUSTEES' STATEMENT

These summarised accounts have been extracted from the full annual financial statements (prepared in accordance with the Companies Act 2006), which were approved by the Committee Members on 12th June 2019. The full annual financial statements have been audited and the auditors' opinion was unqualified. The full annual report and financial statements have been submitted to the Charity Commission and Registrar of Companies. These summarised accounts may not contain sufficient information to allow for a full understanding of the financial affairs of the Charity. For further information the full financial statements, the auditors report on those financial statements and the Trustees' annual report should be consulted. Copies of these may be obtained from the BBA office.

Terence Mowschenson QC Committee Member 12th June 2019

## RUN FOR US AND HELP A FELLOW BARRISTER IN NEED

#### THE BRITISH 10K LONDON RUN

This event usually takes place on the second Sunday of July at 9.30am. Please check the website for full details.



The BBA relies on donations and support from barristers. By taking part in the British 10k London Run you could help make a difference. The run is through the heart of central London on roads closed to traffic and passing many of the capital's truly world class landmarks.

Register direct with virginsport online:uk.virginsport.com/event/asics-london.10k-2019

Alternatively, you could take part in our DonateAnHour scheme

**THANK YOU** 



#### The Appeal

THE BBA RELIES ON GENEROUS VOLUNTARY DONATIONS FROM INDIVIDUAL MEMBERS, CHAMBERS AND OTHERS ASSOCIATED WITH THE PROFESSION. THERE ARE MANY WAYS IN WHICH YOU CAN HELP:

#### SUPPORT, DONATE OR RUN FOR US

You can support the BBA in a number of ways. We rely on donations from barristers for our funds.

We suggest that each barrister donates a sum equivalent to one hour of their charging rate annually or a standing order for a regular donation can be set up, see our Bankers Order Form. Don't forget to gift aid.

If you are feeling energetic why not consider participating in The British 10k London Run which takes place each July. Now organised by Virgin Sport, registration is direct via their website.



#### BEOUESTS AND LEGACIES

Making a bequest is a convenient way of supporting us after your death and such gifts form an important part of our income - meaning that your generosity and caring continues well into the future.





#### LISTED SHARES

Tax relief is now available for companies and individuals on the gift of listed shares to a charity. This new tax relief is in addition to the existing relief for gifts of shares, securities and other assets to charity when calculating capital gains.



#### **GIFT AID**

All donations to charity by UK taxpayers can be treated as Gift Aid and BBA can reclaim 25p tax paid on every £1.00 you donate. Higher rate tax relief is available to donors.



#### **JUSTGIVING.COM**

Visit our page on justgiving.com and use it to support your own efforts on our behalf.



#### Thank you

People are generous in all sorts of ways, and whatever the size of the donation, or however it was raised, we are always equally grateful.

Once again we have received donations from the four Inns, the Band Trust, Gray's Inn Benchers' Ladies' Association and The Chancery Bar Association People have also given us their fees for speaking at dinners, royalties on publications and proceeds from the sale of wigs and gowns. Money is raised by the 10k London runners and the Bar Golf Club.

THANK YOU TO THE CHAMBERS OF WILLIAM CLEGG QC 2 BEDFORD ROW WHO HAD A RAFFLE AT CHRISTMAS RAISING OVER £300 WHICH THEY DONATED TO THE BBA TOGETHER WITH A CHAMBERS DONATION FOR £4,000.



Each year we receive a number of anonymous donations plus regular donations from some whom we don't have email details for. If this is you, please supply us with your contact details so that we can acknowledge receipt and send you our thanks. Many thanks to everyone who has donated to us in the last year.

#### How you can help

Can you guarantee that neither you nor a fellow colleague will ever need our help?

Applications are on the increase and the demands on our funds are ever increasing. Only the profession can help its own charity. Please give as generously as you can.

A standing order is the best way of helping the BBA to meet the needs of those we support. Please complete the Banker's Order form over leaf and mail it to the address below.

We also welcome Charity Aid Foundation Vouchers and cheques.

Alternatively please send us a cheque, payable to the Barristers' Benevolent Association, confirming that you are a UK taxpayer, so that it is tax-efficient for both you and BBA under the Gift Aid Scheme.

#### Thank you

The Barristers' Benevolent Association, 14 Gray's Inn Square, London WC1R 5JP

Registered Charity No. 1106768

#### **Bankers Order Form**

## THIS FORM SHOULD BE RETURNED INTACT AFTER COMPLETION TO THE BBA AT 14 GRAY'S INN SQUARE, LONDON WC1R 5JP

Name and	l address in fu	11:
Title:	Initial(s):	Surname:
Address:		
		Post Code:
donations	I make from	owing donations I have made in the past 4 years and/all the date of this declaration, unless I notify you otherwise, as infirm that I pay UK tax. *(Delete if appropriate)
To the Ma	nager:	Bank plc
Address:		
		Post Code:
Code 60-80		ers' Benevolent Association at National Westminster Bank plc (Sort tts, Temple Bar Legal Centre (A/c No. 15565173)
followed b	y the sum of £	
on the 1st	day of	in 201
and therea	fter annually	until I notify you otherwise.
Please deb	it my account	No.
Sort Code:		
Signature		
Date:		
Office use: No. Bank use: Please speci		mber when making payment





# CAN YOU AFFORD TO GIVE ONE HOUR OF YOUR TIME TO HELP A FRIEND OR COLLEAGUE?

We believe that almost every member of the practising Bar can afford to donate at least a sum equivalent to one hour of their charging rate without feeling a real difference.

## ONE HOUR IS NOT TOO LITTLE but please give more if you can afford it

Donate on the phone using your credit or debit card, send us a cheque or you may donate through www.justgiving.com



The Barristers' Benevolent Association, 14 Gray's Inn Square, London WC1R 5JP

Tel: 020 7242 4761 e-mail: nicky@the-bba.com www.the-bba.com Registered Charity No. 1106768