

Regulatory Update

Monthly update from the Bar Standards Board

July 2016

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BSB statement following the EU referendum result

On 24 June 2016, BSB Director General, Dr Vanessa Davies said:

"The eventual implications of the Brexit vote for barristers, their clients and our role as the Bar's regulator are, as yet, unclear. We will be monitoring developments keenly and will make further comment if and when necessary.

There is no immediate impact on anyone currently practising as a barrister in England and Wales or registered with us as a European lawyer...[Read more on the website.](#)

Blog: Monthly message from our Chair Sir Andrew Burns KCMG

We recently published our *Women at the Bar Report*, which includes the results of [a survey conducted earlier in January](#) with women at the practising Bar about their experience [of our Equality Rules](#). The report looked at a number of areas where women can face unfair treatment, including harassment, discrimination, work allocation, flexible working and returning from maternity leave. The responses show that many women are reluctant to report unfair treatment if they experience it. It also identifies instances of perceived non-compliance, poor implementation of policies and unsatisfactory levels of awareness of the Equality Rules.

We received more than 1,300 responses and, while there is evidence of good practice and progress in several areas, we were disappointed with some of the findings. Our Equality Rules were introduced partly to support the progression and retention of women at the Bar and we want to ensure that all women are treated fairly. We intend to work with Heads of Chambers to ensure that the Bar complies with our Equality Rules and our Supervision department is reviewing their approach to equality and diversity issues during supervision visits to chambers. Ahead of September, the department is currently refining the questions to be asked during interactions with chambers and are equipping themselves with good practice examples to enable chambers to comply with and

Bar Standards Board welcomes CMA report into legal services

implement the rules. We have written to all Heads of Chambers to ensure that all self-employed barristers are complying with our requirements; you can view the full letter in the August issue of Counsel Magazine.

We aim to support you in implementing your equality policies because we want to see a positive culture change. We hope that you [read our report](#) with interest and work with us to help to make the Bar a fairer place for women to work.

Changes to barristers' CPD: BSB consultation about the rule changes is open

[As previously announced](#), a new Continuing Professional Development (CPD) regime for barristers on the Established Practitioner Programme will be in place from January 2017.

To prepare for the new CPD regime, we have [published a consultation](#) seeking views on the proposed changes to the rules and regulations governing the new scheme. We have previously consulted on the proposed nature and structure of the new CPD regime which has now been finalised. This new consultation concerns the rules that will appear in the BSB Handbook and provides the formal regulatory framework for the new CPD scheme. The consultation seeks comments on the way in which these rules are drafted.

The new CPD arrangements will mean that established barristers...[Read more on our website](#).

Alternative Business Structures and opportunities for the Bar and the wider legal profession

On 15 October we will be running a workshop about Alternative Business Structures (ABSs) at the Annual Bar and Young Bar Conference in London. Our Director of Supervision and Authorisation Oliver Hanmer is moderating this event with speakers to be confirmed. The workshop runs between 3:30pm and 4:40pm.

In October, we aim to commence the authorisation of ABSs. This builds on our entity regulation regime which has been in effect for the last 18 months. ABSs will provide lawyers and non-lawyers with an opportunity to develop innovative and competitive models for the delivery of legal services which will be able to broaden choice for members of the public...[Read more on our website](#).

We have welcomed the interim report from the Competition and Markets Authority (CMA). We look forward to working with the CMA as they seek to improve competition in the provision of legal services.

We agree with the CMA that individuals and small businesses would benefit from better information about the quality and price of legal services. We share the CMA's aim to promote competition in the provision of legal services. We are already working to improve the information which legal customers receive through the client care letters...[Read more on our website](#).

Recruitment of Lay Members of the Bar Standards Board

We are now recruiting for lay Members to join our Board. The new members will provide visible leadership of the BSB at a critical time in the Bar's history.

The Board is made up of 15 people, eight of whom are not barristers; a lay majority.

The new members will be appointed by an Independent Appointments Panel for a three year fixed term, starting 1 January 2016. This can be renewed once for up to a further three years.

The closing date for applications is Friday

Promoting race equality in the legal profession

On 23 June in conjunction with the Law Society, The Bar Council and the Solicitors Regulation Authority (SRA), we held an event focusing on promoting race equality in the legal profession.

Following a welcome by Robert Bourne, Vice President of the Law Society, Professor Lisa Webley from the University of Westminster focused on identifying knowledge gaps in the Black and Minority Ethnic (BAME) experience. She presented some statistics on the demographics of law students.

Dr Omar Khan, Director of the Runnymede Trust, followed this by looking at what we can learn from other sectors working towards equality and inclusion. He also listed ways in which the legal profession can promote race equality including by monitoring, using targets, through leadership, and with diverse panels...[Read more on our website.](#)

Legal Pride 2016

We took part in London Pride on 25 June. We participated to promote equality and diversity for all. The event came at a particularly important time for groups within the LGBT+ community in light of the events in Orlando last month. We would like to thank the Solicitors Regulation Authority for inviting us to join them on an open-top Routemaster bus in the Pride Parade.



As part of our equality and diversity commitments, we are increasing engagement with LGBT communities to support the development and implementation of our access to justice and engagement programmes. These programmes aim to increase positive outcomes for people within the profession and those accessing services. Read more about [equality and diversity](#) on our website.

BSB Handbook Explained – What to do if you are subject to a bankruptcy order?

Did you know that you should notify us if you are subject to a bankruptcy order or enter into an Individual Voluntary Arrangement (IVA)? All barristers, whether practising or not, are required under Rule

19 August 2016...[Read more on our website.](#)

Prosecutor Panel Recruitment

Our Professional Conduct Committee maintains a [panel of prosecuting barristers](#) to represent us at Disciplinary Tribunals and other related hearings, including appeals before the High Court and it is currently looking to replenish its panel.

We announce the appointment of a new Chair and lay members of the Independent Appointments Panel

The new Chair is Stephen Redmond. The two new members are Jacqui Francis and Bronwen Curtis CBE...[Read more on our website.](#)

Are you a barrister undertaking advocacy within the youth courts?

Then we would love to hear from you! We recently [announced our](#)

C65.6 of the Code of Conduct in the BSB Handbook to report promptly to the Bar Standards Board if:

- Bankruptcy proceedings or directors disqualification proceedings are initiated against him or her
- A Bankruptcy order or directors disqualification order is made against him or her
- He or she enters into an IVA with his or her creditors

Entering into an IVA or being subject to a bankruptcy order is not in itself a disciplinary matter or a bar to practising; however, failure to promptly report these circumstances to us, or failure to keep us updated after reporting, may give rise to disciplinary proceedings.

If you are subject to a bankruptcy order or enter into an IVA, you should email our Supervision Department at Supervision@BarStandardsBoard.org.uk and provide the date of the bankruptcy order or IVA and brief details of the circumstances leading to the bankruptcy or IVA.

[approach to addressing concerns identified in independent research](#) about the standards of advocacy in proceedings involving youths. Our next step is to define the competencies expected of advocates in cases involving youths. We will be holding workshops in July and August to gather views from the profession and others within the youth justice sector on what those competencies are.

Do you agree with our risk themes? Share your experiences with us to support or challenge them.



“What evidence base do you have for this risk?” asked a selection of delegates at our symposium to launch the our [Strategic Plan](#) and [Risk Outlook](#). The risk in question was commercial pressures, featured in the third theme of our Outlook. The question was justified. We, the regulator, have planned and prioritised our resources for the next three years in response to this theme; it is only right that we can justify why it is so important.

Your insights and experiences can be some of the most useful evidence we can collect. Your suggestions of where to look can help us better target our efforts. Likewise, if our conclusions are erroneous, tell us. If your experiences are not reflected, share them...[Read more on our website](#).



Have we got correct details of your primary practice address?

Please ensure that you have informed us of your correct primary practice address in accordance with rS69 of our Handbook. If your practice address changes, you must inform our Records Department within 28 days.

Give us your feedback

If you have any thoughts about how we can improve the Regulatory Update or what content you would like to read, please email contactus@barstandardsboard.org.uk.



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You are one of the BSB's key stakeholders.

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