

BAR STANDARDS BOARD

REGULATING BARRISTERS

Regulatory Update March 2015

Future Bar Training – help us shape the future of legal education and training for the Bar

Future Bar Training (FBT) is our programme for change in education and training.

On 20 February we published a pamphlet, (https://www.barstandardsboard.org.uk/media/1650565/future_bar_training_programme_update_february_2015_pdf__va499362_.pdf) which described how legal education and training might change as a result of the FBT programme. In it, we detailed how changing the ways in which we regulate can make education and training for the Bar more consistent, innovative and flexible, while also removing unnecessary barriers which currently prevent many prospective barristers from accessing the profession.

We will be providing regular updates on FBT progress, as well as letting you know when there are opportunities to give us your views and opinions.

In the meantime, we thought it would be helpful to provide you with a brief summary of what is happening as part of the FBT programme.

The Professional Statement

We are developing a Professional Statement which will describe the knowledge, skills and attributes that all barristers should have on their first day of practice. The Statement will be used to define our training requirements; providing a clear, objective point of reference for the capabilities a barrister must be able to demonstrate before we first authorise them, and therefore indicating what must be delivered through education and training prior to practice.

Academic requirements

Using the Professional Statement, we will establish what is required from the academic stage of training. We will continue to require candidates for the Bar gain an appropriate foundation in legal knowledge, but we expect to place more emphasis on principles, concepts, the ability to think and research independently, and the other skills of a lawyer.

Our early work on the Professional Statement indicates that certain capabilities of a barrister, reliably demonstrated at a high level by degree qualification, are important in underpinning their skills in practice. But we need to be clear what those capabilities are – and to see if there are alternative means of acquiring them.

Vocational requirements

The vocational requirements of training for the Bar are currently fulfilled by the BPTC, the cost of which (in London) is in excess of £17,500. We aim to minimise the risk that our own requirements might add to that cost. For example, we can make sure our own regulations do not constrain the training market unnecessarily, and give training providers greater flexibility to innovate.

We also want to change our approach to overseeing vocational training requirements, and expect to focus on two areas:

- strengthening assessment of candidates' knowledge and understanding, so we can be less involved in these aspects of training delivery; and
- focusing more on standards of skills training, including advocacy.

Taken together, we see the opportunity for our vocational training requirements to be set in a way that gives freedom and flexibility for both candidates and training providers.

Pupillage

We think there is a good case for us to place less emphasis on prescribing the structure of pupillage. By referring to the Professional Statement, we expect to place more emphasis on a barrister's knowledge and skills upon authorisation. And to safeguard high standards, we anticipate developing a clearer role for pupillage training organisations.

Continuing Professional Development (CPD)

We are giving barristers greater responsibility for their own professional development and aim to introduce a new CPD scheme in 2017. Rather than completing a mandatory number of CPD hours, barristers will be required to assess their own development needs, across all aspects of their practice.

Get involved

We will post details of how to participate in FBT consultations, workshops and focus groups on the Get involved (<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-bar-training/get-involved/>) page of our website.

To read more about our Future Bar Training programme, please visit our website (https://www.barstandardsboard.org.uk/media/1650565/future_bar_training_programme_update_february_2015_pdf_va499362.pdf).

If you have a question about the FBT programme, please email futurebartraining@barstandardsboard.org.uk.

Supervision Returns for High Impact Chambers

In April 2014, all chambers were asked to complete an Impact Audit Survey. This survey sought to measure the potential impact of a range of risks should they materialise at a chambers. Based on the answers given to the Impact Audit Survey, each chambers was grouped into one of three categories according to impact: Low, Medium and High.

All High impact chambers were asked to complete a Supervision Return questionnaire by mid-September 2014. The questionnaire asked a series of open questions about the administration of chambers and how regulatory compliance is achieved. The Supervision Department has now assessed almost all High Impact Chambers and informed them of their level of risk. Those Chambers who have yet to receive their results will be hearing from the Supervision Department very shortly. Medium Impact Chambers will receive a Supervision Return later this year.

If you were expecting to hear about your Supervision Return and you have yet to do so, please check with your Regulatory Contact in Chambers or get in touch with us by email: supervision@barstandardsboard.org.uk.

Thank you to all of those who participated for the time and effort which they put in to completing the Returns. If you'd like to find out more about the role which Supervision plays at the BSB, please consult the Supervision pages of our website:
[\(https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/supervision/\)](https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/supervision/).

Get involved – current consultations

The BSB is keen to hear your views on a consultation that we are currently holding. **“No Further Action”**.

We want to tidy up the regulations in relation to complaint handling by removing the power of our Professional Conduct Committee (PCC) to take "No Further Action" (NFA) decisions. In our consultation paper (https://www.barstandardsboard.org.uk/media/1647662/150211_-_nfa_-_consultation_paper_-_final_pdf.pdf), we set out our case that the terms of the new Handbook have made the use of the power to take NFA almost redundant and incompatible with the definition of professional misconduct.

We suggest that removing the power will tidy up the complaints regulations and remove any uncertainty in how the PCC's powers are applied. **The consultation closes on Friday 10 April 2015. To respond, visit our website**
https://www.barstandardsboard.org.uk/media/1647662/150211_-_nfa_-_consultation_paper_-_final_pdf.pdf.

Update on entity applications

There have been 71 applicants since entity regulation was launched at the beginning of January, more than 80% of which are from single-person entities. 14 full applications have been received since, and are currently undergoing assessment.

We intend to issue authorisation decisions from early April. Applications are being considered on a “first come, first served” basis so we would advise prospective BSB-regulated entities to get in touch with us quickly, and fully submit their applications as soon as possible.

For further information on becoming authorised as an entity, please visit the “For Prospective Entities” (<https://www.barstandardsboard.org.uk/regulatory-requirements/for-prospective-entities/entity-authorisation-application-process/>) section of our website, which includes details on how to apply (<https://www.barstandardsboard.org.uk/regulatory-requirements/for-prospective-entities/entity-authorisation-application-process/>).

Message from our Chair Sir Andrew Burns KCMG

In my short time here at the BSB I have come across a number of exciting projects. I hope you are already aware of our Future Bar Training programme, for example – our vision for the future of legal education and training.

You can read more details in our recent programme update (https://www.barstandardsboard.org.uk/media/1650565/future_bar_training_programme_update_february_2015_pdf_va499362.pdf) and press release (<https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/put-barristers-back-in-charge-of-pupillage,-says-bar-training-regulator/>). I would like to emphasise from the outset that we need your help – we simply cannot do it without you. Coming from a non-legal background, I find it fascinating to learn about how candidates prepare for the diverse activities they will encounter in their career as a barrister. It is vitally

important to have a robust training regime that protects standards and prepares candidates for life at the Bar.

One of our most important programme activities involves developing a professional statement to describe the knowledge and skills that all newly-qualified barristers should possess on their first day in practice.

Of course, attracting the best talent from all walks of life is essential to the future health of any profession – and so we are trying to find ways of being more flexible, innovative and creative so we can open opportunities to candidates from the widest range of backgrounds. From looking at the possibility of reducing the high cost of the Bar Professional Training Course (BPTC) (currently up to £17,500 per year) to the vulnerability of pupils – the programme has certainly opened my eyes to the task we have ahead of us.

That's why we want you to be involved – this is your opportunity to help us shape the future of Bar Training.

Come to one of our Future Bar Training workshops in April on the future of BPTC and pupillage. You will see them advertised shortly on the Get involved section of our website.

Events: Future Bar Training Focus Groups – Bar Professional Training Course and Pupillage

In April 2015, we will be holding a series of focus groups across England and Wales. We invite you to join us.

To make sure we consider the views of a wide range of stakeholders, we will be seeking input from qualified barristers, pupil supervisors, Bar Professional Training Course (BPTC) tutors, current BPTC students, recent BPTC graduates and current pupils. We will confirm dates and locations of the focus groups shortly.

If you would like to register your interest in attending a focus group, or have a query about the Future Bar Training programme, please email futurebartraining@barstandardsboard.org.uk.

We will also post details of how to participate in this and other FBT consultations on the Get Involved (<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-bar-training/get-involved/>) page of our website.

Reminder about the need to complete Authorisation to Practise

We would like to remind barristers, to complete the Authorisation to Practise (ATP) process **before 31 March**. We have useful information on our website to help you with ATP (<https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/practising-certificate/201516-authorisation-to-practise-regime/>).

Please be aware that the method for calculating the Practising Certificate fee has changed for 2015/16; the fee is now determined via earnings rather than year of Call. Visit our website to renew your Practising Certificate online.

(<https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/practising-certificate/201516-authorisation-to-practise-regime/>)

We would also like to remind second six pupils that your provisional Practising Certificate will expire 30 days after you complete your second six. In order to practise as a barrister, you must then obtain a full Practising Certificate by completing the ATP process. We have useful information on our website to help you with ATP including guidance on practising certificates for pupils and newly qualified barristers (https://www.barstandardsboard.org.uk/media/1607385/guidance_on_practising_certificates_for_pupils_and_newly_qualified_barristers_july_2014_final.doc).



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.

Have we got correct details of your primary practice address?

We would like to remind all barristers to ensure that you have informed us of your correct primary practice address in accordance with rS69 of our Handbook. If your practice address changes, please inform our Records Department within 28 days.

Please let us know (<mailto:records@barcouncil.org.uk>) about any changes to your contact and practising details so that we can work together to maintain accurate records as per the requirements set out within our Handbook (rC64.1).