

# BAR STANDARDS BOARD

REGULATING BARRISTERS

## Regulatory Update – August 2015 edition

### **2014-15 BSB Annual Report**

We have published our 2014-2015 Annual Report

[https://www.barstandardsboard.org.uk/media/1683024/bsb\\_annual\\_report\\_2014-15\\_approved\\_for\\_publication.pdf](https://www.barstandardsboard.org.uk/media/1683024/bsb_annual_report_2014-15_approved_for_publication.pdf) on our website. The report outlines the significant progress we have made towards our strategic aims

<https://www.barstandardsboard.org.uk/about-bar-standards-board/what-we-do/our-strategic-aims/>.

Our key achievements during 2014-15 included:

- putting the BSB Handbook into practice across the Bar, and barristers becoming more aware of their obligations within it;
- receiving applications from the first BSB-authorized entities who were on the verge of becoming authorised by 31 March 2015;
- establishing an outreach programme with consumers via regular engagement with legal consumer representative organisations;
- launching the Future Bar Training programme;
- enabling barristers to apply for authorisation to conduct litigation;
- starting the Review of Youth Court advocacy;
- beginning to monitor high-impact, high-risk chambers;
- introducing a new policy development framework;
- beginning work in earnest to develop a regulatory risk index;
- effective results being delivered by the Bar Tribunals and Adjudication Service contractual arrangements;
- conducting a monitoring project at barristers' chambers, focusing on the implementation of the Equality Rules of the Code of Conduct for the Bar; and
- we were able to keep steady our overall regulatory costs.

Read more about our achievements in our press release

<https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/the-bsb-publishes-annual-report-for-2014-15/>

### **New Entity Authorisation Application Portal launched**

In July, we launched our new Entity Authorisation Application Portal

<https://entityapplications.barstandardsboard.org.uk/login?ReturnUrl=%2f> for entity applications.

We have been accepting entity applications since 1 January 2015, but the new portal will make the application process easier.

Applicant entities must complete a number of forms as part of the authorisation process and are asked to provide information about the type of work they will undertake, as well as how they will manage risk.

If you would like to discuss the authorisation process or any other related matter, please get in touch with us by email at [entityregulation@barstandardsboard.org.uk](mailto:entityregulation@barstandardsboard.org.uk) or telephone on **020 7092 6801**.

### **Entity authorisation**

There have been **140** applicants since entity regulation was launched, more than 80% of which are from single-person entities. **44** full applications have been received since, with **25** entities now authorised to conduct legal services.

Applications are 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/> area of our website, which includes details on how to apply <https://www.barstandardsboard.org.uk/regulatory-requirements/for-prospective-entities/entity-authorisation-application-process/>.

### **Blog: Monthly message from our Chair Sir Andrew Burns KCMG**

Having recently published our Annual Report 2014-15, you will notice that we have remained firmly on track with our focus on risk-based regulation. We’ve been doing a lot of work on what we think the risks are in relation to barristers – risks that impact the public and the interests of justice.

We began 2014/15 having just launched the new BSB Handbook and with a fledgling Supervision team raring to become the embodiment of our new risk-based approach to regulating barristers; providing support and advice to members of the self-employed Bar in their chambers. This has meant encouraging chambers to have open and honest discussion with us during Supervisory visits, so that we can be better placed to help the profession to comply with our rules and expectations. A profession used to a regulator with a very prescriptive rule book and a reputation for strong enforcement action if things did go wrong, was unsure what to expect. However, we have found that chambers have embraced the opportunity to work with us to provide the best service possible in the public interest.

I look forward to meeting key members of the Bar at the BSB’s Let’s Consider Risk function in early October where I will start a dialogue between the profession and the regulator about the risks to barristers, the regulatory objectives and the public and how best to manage them. I’m keen to hear your thoughts.

### **BSB Handbook Explained – New Guidance for barristers supervising immigration advisers**

Are you currently acting as a supervisor for the purposes of immigration advice and services, or thinking about doing so? If so, we have recently issued new guidance to help you. While it was previously prohibited, since the introduction of the new Handbook in January 2014, barristers have been permitted to act as supervisors for immigration advisers.

The new guidance sets out what we expect from barristers acting in this capacity, and covers a barrister’s obligations to the lay client and under the Handbook when acting as a supervisor.

The new guidance can be found on our website

[https://www.barstandardsboard.org.uk/media/1670900/guidance\\_for\\_barristers\\_supervising\\_immigration\\_advisers.pdf](https://www.barstandardsboard.org.uk/media/1670900/guidance_for_barristers_supervising_immigration_advisers.pdf)

The latest version of the BSB Handbook <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/the-handbook-publication/> is published on our website. We update this from time to time so if you have added the link as a favourite or republished it elsewhere, please link to the Handbook landing page as above rather than the pdf attachment to ensure that you are always referencing the most current version.

### **Update on LeO complaint handling rules**

The Legal Ombudsman (LeO) is in the process of applying to become the certified body for the new EU Alternative Dispute Resolution (ADR) Directive. The ADR Directive will lead to changes to the time limits within which complaints can be brought to the Legal Ombudsman and the signposting information that barristers have to provide. Guidance on this work can be found on LeO's website. <http://www.legalombudsman.org.uk/legal-ombudsman-applies-for-eu-adr-certification/>

### **Reminder for chambers to update their senior staff records**

We are currently updating the records we hold for each chambers. We want to ensure that we have the most accurate information about chambers and the best ways to contact you. We are therefore asking all chambers to complete the Update form [https://www.barstandardsboard.org.uk/media/1675231/updating\\_chambers\\_information.docx](https://www.barstandardsboard.org.uk/media/1675231/updating_chambers_information.docx) on our website. The form is short, and asks basic questions about chambers, such as:

- the staff and members in chambers
- your BSB Regulatory Contact
- your website address

Once you have completed the form, please email your form to [records@barcouncil.org.uk](mailto:records@barcouncil.org.uk).

Alternatively, you can also post it to us at:

Records Office  
The General Council of the Bar  
289-293 High Holborn, London  
WC1V 7HZ  
DX 240 LDE

We appreciate that you may have provided these details to us before. However, in our experience, records can become out of date fairly quickly. Please help us to ensure that we have up-to-date information about the profession.

### **Important reminder – Public Access Training: 4 October 2015 deadline. Two months to go!**

Were you registered to undertake Public Access work prior to October 2013? If so, you must complete top-up training by 4 October 2015 or cease to undertake Public Access work. See the Public Access Rules C119 - C131 of the Code of Conduct in the BSB Handbook.

More information on the training providers (including their contact details) is available on our website <https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/public-access/>

### **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.

### **Take part in our survey – Quality Mark Scheme for CPD Providers**

We want your views

[http://barconsult.objective.co.uk/portal/bsb/cpd\\_provider\\_quality\\_mark\\_scheme\\_survey\\_for\\_barristers](http://barconsult.objective.co.uk/portal/bsb/cpd_provider_quality_mark_scheme_survey_for_barristers) on the validity of our proposed Quality Mark Scheme for Continuing Professional Development (CPD) Providers before 25 September. The scheme is due to start in January 2017.

This important research will help us to find out if you would benefit from such a scheme – and the key elements we need to build into its design.

We are keen to develop a Quality Mark Scheme that acts as a valuable tool from which you may source relevant, high quality CPD training. So we have created a short survey for all practising barristers.

We believe the survey will help us to understand:

- how you select your CPD training; and
- what factors influence your decisions in relation to CPD.

The survey is separate from our open consultation on the overarching CPD reform. But it is important to consider the Quality Mark Scheme proposal in the context of the proposed new CPD requirements.

The proposals are part of our Future Bar Training programme

[https://www.barstandardsboard.org.uk/media/1650565/future\\_bar\\_training\\_programme\\_update\\_february\\_2015\\_pdf\\_va499362.pdf](https://www.barstandardsboard.org.uk/media/1650565/future_bar_training_programme_update_february_2015_pdf_va499362.pdf)

Read about the proposed changes to the CPD requirements in our open consultation [https://www.barstandardsboard.org.uk/media/1668707/cpd\\_consultation\\_2015.pdf](https://www.barstandardsboard.org.uk/media/1668707/cpd_consultation_2015.pdf) (ending 2 September).

Thank you in advance for taking the time to complete this survey

[http://barconsult.objective.co.uk/portal/bsb/cpd\\_provider\\_quality\\_mark\\_scheme\\_survey\\_for\\_barristers](http://barconsult.objective.co.uk/portal/bsb/cpd_provider_quality_mark_scheme_survey_for_barristers) Please respond by 5.00pm on Friday 25 September 2015.

### **Register for our Future Bar Training Consultation webinar: 16 September 1pm to 2pm**

Can future barristers achieve their career aspirations by a number of different, more flexible ways?

Join us in a webinar to explore our Future Bar Training Consultation

<https://www.barstandardsboard.org.uk/about-bar-standards-board/consultations/open-consultations/>

**Dr Vanessa Davies**, Director General of the Bar Standards Board, and our Committee Chair, **Professor Andrew Sanders**, Head of the School of Law, Politics and Sociology at the University of Sussex, will outline key messages and answer your questions.

We have put forward possible new approaches – a number of which could be radical.

Which ones do you prefer? Do you have ideas of your own? Everything is exploratory at this stage – but we need you to play your part.

Register for our free 60 minute webinar to:

- explore the strengths and weaknesses of the current system of Bar training;
- find out more about the range of possible new approaches;
- ask questions about the consultation in a live Q&A session.

You can read the full consultation document <https://www.barstandardsboard.org.uk/about-bar-standards-board/consultations/open-consultations/> or a summary of the consultation [https://www.barstandardsboard.org.uk/media/1676712/fbt\\_triple\\_consultation\\_executive\\_summary.pdf](https://www.barstandardsboard.org.uk/media/1676712/fbt_triple_consultation_executive_summary.pdf) on our website.

Please help us by sharing your experience and expertise.

We look forward to a lively and productive debate!

Visit this web page to register: <http://view6.workcast.net/register?pak=2981599846904555>

### **We want your views on reforms to the disciplinary tribunal system**

We are still seeking views on proposals to reform the disciplinary tribunal system. The Disciplinary Tribunal Regulations (found at Part 5B of our Handbook) set out the powers and functions of Disciplinary Tribunals whenever there is evidence that a barrister (or a BSB- authorised entity) has breached the BSB Handbook.

Our Professional Conduct Department has recently undertaken a review of the Disciplinary Tribunal Regulations, and produced a revised set of Regulations.

We have published a consultation paper, [https://www.barstandardsboard.org.uk/media/1675088/150706 - dtr\\_review - consultation - consultation paper - final.pdf](https://www.barstandardsboard.org.uk/media/1675088/150706_-_dtr_review_-_consultation_-_consultation_paper_-_final.pdf) calling for responses before 12 October. The paper summarises and explains the proposed revisions, along with the revised Regulations. In addition, we are holding a series of workshops for anyone interested in feeding back their views on the proposed changes in an open forum. The workshops will be held at our Offices <https://www.barstandardsboard.org.uk/header-items/contact-us/find-us/> on:

- Monday 21 September at 5.30pm; and/or
- Thursday 1 October at 5.30pm.

To contribute to the consultation or to register your interest in attending one of the workshops, contact Siân Mayhew [SMayhew@BarStandardsBoard.org.uk](mailto:SMayhew@BarStandardsBoard.org.uk). Responses can also be provided by phone with prior arrangement (please call 020 7611 1444). You can read more about the consultation in our press release. <https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/bar-regulator-consults-on-reforms-to-the-disciplinary-tribunal-system/>

### **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](mailto:contactus@barstandardsboard.org.uk).

*Please let us know ([records@barcouncil.org.uk](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).*