

# BAR STANDARDS BOARD

REGULATING BARRISTERS

## Regulatory Update – September 2015 edition

### News

#### **New board members for the BSB**

We have announced the appointment of three new board members.

The new board members are:

- Judith Farbey QC;
- Naomi Ellenbogen QC; and
- Aidan Christie QC.

Our Board is made up of 15 people, eight of whom are not barristers; a lay majority. The new appointments fill current or imminent vacancies, and help us ensure we have expert input from the profession into our independent public interest regulation. Information about all of our Board members is available on our website:

<https://www.barstandardsboard.org.uk/about-bar-standards-board/how-we-do-it/our-board/>

Our Chair Sir Andrew Burns said: "These three new appointments will add expertise, dedication, energy and experience to the existing board. I look forward to forming a happy and productive working relationship with them, particularly at a time when we are considering the BSB's strategic plan for the next five years."

The incoming board members were selected from a wide field of strong candidates by an independent panel, chaired by Dr Kenneth Fleming.

Speaking about the appointments Dr Fleming said: "The panel interviewed a variety of engaged and experienced candidates in a competitive and fair selection process. We are delighted that Judith, Naomi and Aidan have accepted our respective offers of the roles."

You can read more about them in our press release:

<https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/new-board-members-for-the-bar-standards-board,-the-regulator-is-proud-to-announce/>

#### **Changes to the Cab Rank Rule**

We have published new guidance on the Cab Rank Rule

[https://www.barstandardsboard.org.uk/media/1691033/cab\\_rank\\_rule\\_guidance\\_september\\_2015.pdf](https://www.barstandardsboard.org.uk/media/1691033/cab_rank_rule_guidance_september_2015.pdf) for when you are instructed by a professional client who is not a solicitor. The purpose of the guidance is to ensure that all "authorised persons" can instruct barristers under the Cab Rank Rule on the same terms.

We have also updated the Cab Rank Rule, in the Handbook at rC30.7.b. The exemption from the Cab Rank Rule no longer refers to the Bar Council's List of Defaulting Solicitors. Instead, you are now entitled to refuse instructions if you reasonably believe that a

professional client represents “an unacceptable credit risk”. The supporting guidance has been revised to include examples of when you might conclude that a professional client represents “an unacceptable credit risk”.

### **BPTC Handbook 2015/16 published**

We have published the Bar Professional Training Course (BPTC) Handbook for 2015/16 on our website:

[https://www.barstandardsboard.org.uk/media/1689434/bar\\_professional\\_training\\_course\\_and\\_covers\\_sept\\_15\\_revised.pdf](https://www.barstandardsboard.org.uk/media/1689434/bar_professional_training_course_and_covers_sept_15_revised.pdf). The Handbook provides course specification requirements including content and curriculum, regulations, the framework for the assurance, maintenance and enhancement of BPTC standards through specified quality assurance procedures, and guidance for 2015/16. The BSB sets training and assessment requirements to ensure that those who are awarded the title of barrister and authorised to practise have demonstrated the necessary professional competence to be admitted to the Bar of England and Wales. The Handbook is the official reference document for the BPTC, which must be adhered to by all BPTC Providers.

This Handbook is revised and updated periodically in order to ensure currency, and to provide additional guidance and clarification as necessary. Indicative booklists, for example, are also updated from time to time. The 2015/16 edition contains completely refreshed Civil and Criminal Litigation syllabi. The most up-to-date version of the BPTC Handbook <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-professional-training-course/how-to-apply-for-the-bptc/> is always that which is located on our website.

*You and your regulator*

### **Blog: Monthly message from our Chair Sir Andrew Burns KCMG on the Bar Conference**

The thirtieth Annual Bar Conference and Young Bar Conference 2015 is fast approaching. This year's theme is *The Advocate: Our role in the balance between the state and the citizen*. What does this mean for our role as the regulator?

Well, the BSB regulates the profession in the public interest, so we have a significant role in ensuring the profession maintains the highest possible standards in accordance with the regulatory objectives of the *Legal Services Act 2007* and *The BSB Handbook*, to protect the consumers of legal services. Putting consumers at the heart of what we do means this year's Conference theme is particularly relevant for us.

I will be moderating a session from 11.00am to 12.30pm on some of the key requirements of the Handbook. This will include your duty to report serious misconduct by yourself or another barrister. It will also be an opportunity for us to explain what is required by the equality and diversity rules and how chambers must comply. This won't be a “talk at you” session though, and there will be plenty of opportunity for you to share your experiences. We are keen for you to share good practice with your colleagues.

I look forward to seeing you at the Conference on Saturday, 17 October at Westminster Park Plaza, London. Be sure to book your place here: [http://thebarcouncil.sym-online.com/BC\\_YBC2015/book.htm](http://thebarcouncil.sym-online.com/BC_YBC2015/book.htm)

### **BSB Handbook Explained – revised guidance on reporting serious misconduct of others**

Updated guidance on reporting the serious misconduct of others is available on our website: <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/code-guidance/>. This has recently been revised to include a section on “when discrimination becomes serious misconduct”.

### **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.

### **Important reminder – Public Access training deadline**

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.

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/>

*Your views matter*

### **Did you love pupillage or loathe the BPTC?**

Or perhaps you have a different tale to tell. Join our webinar on 16 September: <http://view6.workcast.net/register?pak=2981599846904555> from 1pm to 2pm to find out more about our Future Bar Training Consultation:

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

We are looking at strengths and weaknesses in the academic, vocational and pupillage stages of Bar training (currently fulfilled by a qualifying law degree, BPTC and pupillage, respectively).

Take a look at our full consultation <https://www.barstandardsboard.org.uk/about-bar-standards-board/consultations/open-consultations/> or the summary [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. What do you think about the possible approaches we have put forward? Do you have ideas of your own? Then let us know.

[Register now.](#)

### **Considering establishing an Alternative Business Structure (ABS)?**

We have launched a survey to gauge the level of interest in becoming a BSB-regulated ABS and what those ABS might look like.

The survey will only take a few minutes to complete, so if this is something you are considering please do take the time to complete it. Your response will help us to design our authorisation processes and ensure that applications will go smoothly. All replies will be treated in the strictest confidence and analysis will be carried out in a way that ensures no individual information or comments can be identified.

Take the survey: <http://view6.workcast.net/register?pak=2981599846904555>

An ABS is a type of entity permitted under The Legal Services Act 2007 which has a mix of lawyer and non-lawyer owners and managers. We applied to the Legal Services Board in April to become a Licensing Authority of ABSs.

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

We are still seeking views on proposals to reform the disciplinary tribunal system.

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 on proposed changes to the Disciplinary Tribunal Regulations (Part 5B of the Handbook). The paper summarises and explains the proposed revisions and includes 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 Natalie Zara via [NZara@BarStandardsBoard.org.uk](mailto:NZara@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/>

### **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)

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 5pm on Friday 25 September 2015.

### **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 (<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).*