

BAR STANDARDS BOARD

REGULATING BARRISTERS

APPLICATION FOR A REVIEW BY THE BAR STANDARDS BOARD OF A DECISION TAKEN BY THE BAR STANDARDS BOARD, AN INN OF COURT, OR THE INNS' CONDUCT COMMITTEE

CRITERIA AND GUIDELINES

1 General

- 1.1 In these Notes, the Bar Standards Board is referred to as "the BSB". The BSB Handbook is referred to as "The Handbook". The Bar Qualification Rules, which constitute Section 4B of the Handbook, are referred to as "BQR".
- 1.2 These Notes set out the criteria and guidelines which the BSB applies in considering applications and should be read carefully and in conjunction with the Handbook.

2 Reviews and Appeals

- 2.1 The BQR provides for a review by the BSB of the following:
 - i) A decision of the Inns' Conduct Committee ("ICC") on the admission and/or conduct of a student
 - ii) A decision by an Inn that a student is not entitled to be called to the Bar
 - iii) A decision by the BSB on authorisation or withdrawal of authorisation of an Authorised Education and Training Organisation (AETO)
 - iv) A refusal by the BSB to register a pupillage or to issue a provisional or full qualification certificate
 - v) A decision by the BSB on waivers of, or exemptions from, training requirements
 - vi) A decision by the BSB on approval or refusal of a prospective a pupil supervisor

- 2.2 In addition, the BSB will, on request, review any of the following decisions:
- i) A decision by the BSB as to whether to waive any of the Practising Requirements of the Code of Conduct
 - ii) A decision by the BSB as to whether to waive or grant an extension of time for completion of a barrister's CPD Requirements
 - iii) A decision by the BSB on an application for approval as a licensed access client
 - iv) A decision by the BSB as to whether to waive the Pupillage Funding and Advertising Requirements
 - v) A decision by the BSB on an application for authorisation to conduct litigation
- 2.3 Any request for a review must be made on the designated application form and accompanied by the relevant application fee within one month of notification of the relevant decision. All requests will be acknowledged in writing within seven days of receipt.
- 2.4 Rule Q35 of the Handbook stipulates that where provision is made under Part 4.B4 of the Handbook for a review by the BSB, any such request for review must be accompanied by:
- i) a copy of any notice of the decision and the reasons for it received by the person requesting the review (ie the applicant); and
 - ii) any further representations and evidence which the applicant wishes the BSB to take into account;
 - iii) payment of such fee or fees as may be prescribed; and
 - iv) in the case of a review of a decision of an Inn or the ICC, copies of all documents submitted or received by the applicant which were before the Inn or the ICC.
- 2.5 The Independent Decision-making Body ("IDB") deals with reviews of decisions as if the application was being dealt with afresh. An IDB Panel shall be entitled to have regard to the original decision, and to affirm the decision under review or

substitute any other decision which could have been made on the original application (rQ37.1).

- 2.6 All review requests are dealt with by an IDB Panel on the documents, only.
- 2.7 Applications for review are normally determined within 10 weeks of receipt. Should it not be possible to deal with a review within this timescale, the applicant will be notified.
- 2.8 All enquiries about reviews whether proposed or pending should be addressed to the BSB.
- 2.9 Where an IDB Panel has determined a review of a decision, there is no procedure under the BQR for an appeal to the Bar Standards Board from such determination. An IDB Panel may undertake a further review but is not obliged to do so. Any person dissatisfied with a determination of an IDB Panel is advised to take independent legal or other appropriate advice.
- 2.10 Rule Q39 provides that where the BQR provide for a review by the BSB of a decision, no appeal may be made to the High Court unless such a review has taken place.
- 2.11 Rule Q40 provides that subject to Rule Q39, a person or organisation who is adversely affected by a decision of the BSB may appeal to the High Court, in accordance with the Civil Procedure Rules.

3 How applications are dealt with

- 3.1 Applications must be made on the current designated application form, available from the BSB's website, and accompanied by the application fee.
- 3.2 Please return the completed application form with accompanying documentation and payment of the application fee to authorisations@barstandardsboard.org.uk. If you are unable to submit your application by email, please contact us for further guidance.
- 3.3 Applicants who may have particular difficulties in following the standard application procedure or need reasonable adjustments related to a disability may contact the BSB to discuss how these needs can be met.

- 3.4 All applications contain a declaration that the applicant has read, understood and complied with these Criteria and Guidelines.
- 3.5 The declaration must be completed with a hand-written signature. If you have no access to scan and print the application form - please write out the declaration from the application form by hand, sign it, take a photo of the document and email that to us as evidence of your handwritten signature.
- 3.6 An applicant must ensure that all supporting evidence is sent with the application form. **We will accept copies of academic transcripts or professional confirmations emailed directly from the awarding body/regulator. If you are unable to provide documents by this method, please submit scans of your personal copies.** We may contact the awarding body/regulator of any scanned documents provided directly by you to verify their content.
- 3.7 An application will not be treated as “complete” until the application form, required supporting documentation and application fee have been received. The BSB may request further information or documentation be supplied in support of an application, but applicants should note that it is the primary responsibility of the applicant to provide all relevant information and supporting evidence.
- Applicants should exercise judgement when selecting supporting evidence and ensure that only documentation relevant to the criteria set out in this document is supplied.
 - It is usually **not** appropriate to supply examples of work with an application. Any applicant who does supply such examples should ensure that documents that refer to third parties (eg clients) are suitably redacted so as to ensure anonymity. Any application that is supported by unredacted material will be returned to the applicant.
- 3.8 The BSB will take into account all the circumstances of the particular application and will apply the guidelines set out in these Notes and the general outcome of the BQR set out at oQ1.

- 3.9 The BSB will treat all applications and any supporting documentation provided in the strictest confidence.
- 3.10 All enquiries about applications whether proposed or pending should be addressed to the BSB.

4 Application Fees

- 4.1 Our preferred method of payment is **bank transfer** (BACS), the details for which are on our [website](#).

If you are unable to pay by BACS, you may make payment by **credit/debit card**. Once you have received an email acknowledgement that your application has been logged, please call the Authorisations Team on 020 7611 1444 to make a card payment.

- 4.2 Details of our Fee Waiver policy are available on the BSB [website](#).

Online Resources

BSB website: www.barstandardsboard.org.uk

Applications forms and guidance notes:

<https://www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html>

Authorisation Team Service Update Page:

www.barstandardsboard.org.uk/about-us/how-we-regulate/the-decisions-we-take/authorisations-decisions/authorisations-team-service-update.html

For further information, please contact the Authorisations Team on authorisations@barstandardsboard.org.uk or 020 7611 1444