

BSB Regulatory Framework for Entities.

Mandatory Criteria

<u>Question Number</u>	<u>Question Description</u>	<u>High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>	<u>Comments</u>
Entity Members	Are all the owners of the applicant authorised persons?	• No		• Yes	*Have relevant practising certificates been checked? (Year of call, areas of practice, currently valid, Rights of Audience etc.)*
Entity Members.	Has the applicant provided the name and address of at least one manager or employee who is an authorised individual in respect of each reserved legal activity it wishes to provide?	• No. The applicant does not have an authorised individual to undertake each reserved legal activity.		• Yes. The applicant does have an authorised individual to undertake each reserved legal activity.	<p>*Consider responses under each of the following headings:</p> <p>1. Administration of Oaths; 2. Conduct of Litigation; 3. Exercise Rights of Audience; 4. Probate Activities; 5. Reserved Instrument Activities*</p> <p>*Have relevant practising certificates been checked? (Year of call, areas of practice, currently valid, Rights of Audience etc.)*</p> <p>*Have you cross-checked with Business Plan and CV to ensure there is an authorised individual to do each activity?*</p>
A1.	If the applicant is an LLP, is it incorporated and registered in England and Wales, Scotland or Northern Ireland under LLP Act 2000?	• No.	• Incorporation in progress.	• Yes. • Not applicable	*Has Companies House been checked?*

A1.	If the applicant is a Company, is it: i. incorporated in England and Wales, Scotland or Northern Ireland under Parts 1 and 2 of the Companies Act 2006; or ii. incorporated in an Establishment Directive state and registered as an overseas company under part 34 of the Companies Act 2006; or iii. incorporated and registered in an Establishment Directive state as a <i>societas Europea</i> ?	• No.	• Incorporation in progress.	• Yes. • Not applicable	*Has Companies House been checked?*
A1.	If the applicant is a Company, is it registered in England or Wales?	•No.		• Yes. • Not applicable.	*Has Companies House been checked?*
A1.	Will the applicant have a practising address in England or Wales at all times?	• No.		• Yes.	*Check whether practising address is different/the same to correspondence address*
A3.	Does the applicant propose having any beneficial owners, non-authorized owners or managers' parent companies?	• Yes		• No	
A12.	Will all owners and managers be authorised individuals?	• No.		• Yes.	
A17.	Has the applicant confirmed that it will always have in place individuals appointed to act as a HOLP (who must also be a manager) and a HOFA or take immediate steps to replace the HOLP or HOFA as required by the Handbook?	• No.		• Yes.	
A18.	Has the applicant confirmed that it will not directly or indirectly hold client money in	• No.		• Yes.	

	accordance with rule C73 of the BSB Handbook or have someone else hold client money on behalf of the entity other than in those circumstances permitted by rule C74 of the Handbook?				
A20.	Will the applicant entity have appropriate professional indemnity insurance in place?	• No.		• Yes.	<p>*Has applicant - (a) been advised to approach an insurer; or (b) indicated that approaches have been made to an insurer?*</p> <p>*Capture details of which insurer has been approached if applicable*</p> <p>*EVIDENCE MUST BE PROVIDED WITHIN 21 DAYS OF AUTHORISATION*</p>
C13.	Has the applicant HOLP ever been disqualified from being appointed to act as a HOLP or a HOFA, or from being a manager of or employed by a licensed or authorised body by the BSB or another approved regulator pursuant to its or their powers under section 99 of the Legal Services Act 2007 or otherwise as a result of regulatory arrangements?		• Proceedings are pending.	• No.	<p>*Areas to Consider:</p> <p>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome*</p>
C13.	Has the applicant HOFA ever been disqualified from being appointed to act as a HOLP or a HOFA, or from being a manager of or employed by a licensed or authorised body by the BSB or another approved regulator pursuant to its or their powers under section 99 of the Legal Services Act 2007 or otherwise as a result of regulatory arrangements?		• Proceedings are pending.	• No.	<p>*Areas to Consider:</p> <p>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome*</p>

Form A Criteria

<u>Question Number</u>	<u>Question Description</u>	<u>High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>	<u>Comments</u>
A2.	Will the applicant be sharing premises?	<ul style="list-style-type: none"> • Yes. 		<ul style="list-style-type: none"> • No. 	<p>*Make a record here if sharing with Chambers*</p>
A2.	If premises are shared, how does the applicant intend to protect client confidentiality?	<ul style="list-style-type: none"> • Significant or serious concerns are raised about confidentiality. • Applicant cannot describe robust, formal processes in place to manage confidential information. 	<ul style="list-style-type: none"> • Some confidentiality issues are raised and / or some steps to protect confidentiality are outlined but procedures lack formality. 	<ul style="list-style-type: none"> • No concerns are raised about confidentiality. Clearly articulated procedures that ensure confidential information is protected. • Not applicable. 	<p>*Examples of measures to protect may include:</p> <p>Lockable places to store information; data security procedures; segregation of premises; control over papers</p>
A4.	Has the applicant entity and/or any managers, entered into a voluntary arrangement under the Insolvency Act 1986, or been otherwise wound up or put into administration in the circumstances of insolvency?	<ul style="list-style-type: none"> • All / some managers. • Proceedings are pending. 	<ul style="list-style-type: none"> • All / some managers. • Proceedings are pending. 	<ul style="list-style-type: none"> • No. 	<p>*Areas to consider are:</p> <p>1. Dates; 2. Facts; 3. Current Status; 4. Decisions and Outcome, (including Capacity (Personal / Professional)); 5. CCJs; 6. Time To Pay*</p>

					Has Insolvency Register (Law Gazette) been checked?
A5.	Has, or is, the applicant entity been previously regulated by a regulator other than the BSB?	<ul style="list-style-type: none"> • Authorisation held but then revoked. • Authorisation held with another regulator and no plans to terminate. 	<ul style="list-style-type: none"> • Yes • The entity will end authorisation at such point that it is authorised by the BSB. 	<ul style="list-style-type: none"> • No authorisation is currently or been held with any other approved regulator. 	<ul style="list-style-type: none"> *Areas to consider are: 1. Name of the Regulator; 2. Date of Commencement; 3. Dates of Termination of Regulatory Supervision; 4. Reasons for Termination*
A6.	Have any authorised and non-authorised individuals, who are owners, managers or employees of the applicant, been subject to any ongoing, pending or previous investigation by the Legal Ombudsman or any statutory, regulatory or governing body?	<ul style="list-style-type: none"> • Yes. • Proceedings pending. 	<ul style="list-style-type: none"> • Yes. • Proceedings pending. 	<ul style="list-style-type: none"> • No. 	<ul style="list-style-type: none"> *Areas to consider are: 1. Dates; 2. Facts; 3. Position held in Entity; 4. Body; 5. Current Status; 6. Decision and Outcome* *Has the LeO Drillable Bar Report been checked?*
A7.	Have any authorised and non-authorised individuals, who are owners, managers or employees, been disqualified (or suspended) from acting in such a capacity or subject to any ongoing, pending or previous investigation by the Legal Ombudsman or any statutory, regulatory or governing body?	<ul style="list-style-type: none"> • Yes. • Proceedings pending. 	<ul style="list-style-type: none"> • Yes. • Proceedings pending. 	<ul style="list-style-type: none"> • No. 	<ul style="list-style-type: none"> *Areas to consider are: 1. Dates; 2. Facts; 3. Position held in Entity; 4. Body; 5. Current Status; 6. Decision and Outcome* *Has the LeO Drillable Bar Report been checked?*
A8.	Does the applicant have any associates or associations as defined in the BSB Handbook?	<ul style="list-style-type: none"> • Yes. • Significant or serious concerns are 	<ul style="list-style-type: none"> • Yes. • Some concerns are raised by the 	<ul style="list-style-type: none"> • No. • Yes - No or minor concerns are raised by 	<ul style="list-style-type: none"> *Areas to consider are: 1. Relationship between Applicant and Associate/Association; 2. Any Reserved or Unreserved Legal Services proposed; 3.

		raised by the association and / or associate.	association and / or associate.	the association and / or associate.	Whether Regulated or Licensed; 4. Whether Application made to other Regulator or Licensing Authority*
A9.	Will the applicant provide services that are not reserved legal activities? (i.e. early advice on criminal investigations and proceedings?)	<ul style="list-style-type: none"> • Yes. <p>Significant or serious concerns raised by the type or amount of legal services to be provided.</p>	<ul style="list-style-type: none"> • Yes. <p>Significant or serious concerns raised by the type or amount of legal services to be provided.</p>	<ul style="list-style-type: none"> • No. <p>• No or minor concerns raised by the type or amount of legal services to be provided.</p>	<p>*Areas to consider are:</p> <p>1. Type of Service; 2. Amount of Service; 3. Impact of Service*</p>
A10.	Will the applicant provide services other than legal services? (i.e. administration?)	<ul style="list-style-type: none"> • Yes. <p>• Significant or serious concerns raised by the type or amount of services to be provided.</p>	<ul style="list-style-type: none"> • Yes. <p>• Some concerns raised by the type or amount of services to be provided.</p>	<ul style="list-style-type: none"> • No. <p>• No or minor concerns raised by the type or amount of services to be provided.</p>	<p>*Areas to consider are:</p> <p>1. Type of Service; 2. Amount of Service; 3. Impact of Service*</p>
A11.	What are the applicant entity's proposed three main areas of work?				
A12.	Is the applicant applying, or intending to apply, for authorisation to conduct litigation?				
A13.	How many owners will the applicant have?	<ul style="list-style-type: none"> • Not all owners are authorised individuals. 	<ul style="list-style-type: none"> • Less than 50% of owners are entitled to exercise rights of audience 	<ul style="list-style-type: none"> • All owners are authorised individuals (i.e. practising barristers). 	

			before every court in relation to all proceedings.	<ul style="list-style-type: none"> • Some owners are practising barristers. • 50% or more of owners are entitled to exercise rights of audience before every court in relation to all proceedings. 	
A14.	Excluding owners, how many managers will the applicant entity have?	<ul style="list-style-type: none"> • Not all managers are authorised individuals. 	<ul style="list-style-type: none"> • Less than 50% of managers are entitled to exercise rights of audience before every court in relation to all proceedings. 	<ul style="list-style-type: none"> • All managers are authorised individuals (i.e. practising barristers). • All managers are practising barristers. • 50% or more of managers are entitled to exercise rights of audience before every court in relation all proceedings. 	
A15.	Excluding owners and managers, how many employees will the applicant have?	<ul style="list-style-type: none"> • None or < 10% of the employees are 	<ul style="list-style-type: none"> • Between 11 and 74% of the employees are 	<ul style="list-style-type: none"> • All or > 75% of employees are authorised individuals. 	

		authorised individuals.	authorised individuals.	• Not applicable.	
A16.	How many employees will be supervised by each manager?	• Each manager supervises more than 10 employees.	• Each manager supervises 5-10 employees.	• Each manager supervises 1-4 employees. • Not applicable.	
A19.	Does the applicant intend to use a third party escrow provider?	• Applicant will use a third party payment service but has given little additional detail.	• Applicant will use a 3rd party escrow payment service and has clearly stated that it will be in compliance with rule C74 of the BSB Handbook.	• No.	
A21.	Has the applicant (entity) ever been refused professional indemnity insurance?	• Yes.		• No.	*Areas to consider are: 1. Dates; 2. Facts; 3. Current Status; 4. Decisions and Outcome*
A22.	If the applicant (entity) is already providing reserved legal activities, does it have professional indemnity cover in place?	• No.		• Yes.	
A23.	With respect to all reserved and unreserved legal activity within the last five years, were any insurance claims, including claims that were within the policy excess, made against the applicant entity?	• Yes. • Yes. There are significant concerns regarding the	• Yes. • Yes. There are some concerns regarding the	• No. There are no concerns regarding the history of claims. • Yes, though there are no concerns regarding the	*Areas to consider are: 1. Dates; 2. Facts; 3. Nature of the Claims; 4. Amount; Outcome*

		history of claims.	history of claims.	history of claims.	
A24.	With respect to all reserved and unreserved legal activity within the last five years, were any insurance claims, including claims that were within the policy excess, made against any owners or managers?	<ul style="list-style-type: none"> • Yes. • There are significant concerns regarding the history of claims. 	<ul style="list-style-type: none"> • Yes. • There are some concerns regarding the history of claims. 	<ul style="list-style-type: none"> • No. • Yes, though there are no concerns regarding the history of claims. 	<p>*Areas to consider are:</p> <p>1. Dates; 2. Facts; 3. Nature of the Claims; 4. Amount; Outcome*</p>

Form B criteria

<u>Question Number</u>	<u>Question Description</u>	<u>High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>	<u>Comments</u>
B1.	Does the applicant's business model meet our Entity Regulation Policy Statement?	<ul style="list-style-type: none"> Proposed model significantly deviates from the policy statement requirement. 	<ul style="list-style-type: none"> Proposed model meets some criteria / requirements but there are some aspects of concern. 	<ul style="list-style-type: none"> Policy statement criteria is met or is significantly met. 	<p>*Areas to consider are:</p> <p>1. Purpose and Strategy; 2. Infrastructure and Policies; 3. Legal Services offered; 4. Accounting and Financial Projections; 5. Software Packages and Website; 6. Location and Security; 7. Insurance; 8. Marketing Opportunities*</p>
B2.	How would the applicant, if authorised, impact on access to justice?	<ul style="list-style-type: none"> Application does not address access to justice. 	<ul style="list-style-type: none"> Application only partly addresses access to justice. 	<ul style="list-style-type: none"> Access to justice is fully addressed. 	<p>*Areas to consider are:</p> <p>1. Pro-bono; 2. Range of Languages; 3. Cater for Disabilities; 4. Specialist services; 5. Improving access to services; 6. Greater range of services; 7. Lower Prices; 8. Extended opening-hours*</p>
B3.	Are the applicant's governance arrangements adequate to safeguard the regulatory objectives of the LSA or the policy objectives of the BSB as set out in the Entity Regulation Policy Statement?	<ul style="list-style-type: none"> No or inadequate arrangements in place. No or limited evidence of oversight or controls. 	<ul style="list-style-type: none"> Arrangements are in place but there are some inadequacies. Structure indicates some controls and oversight. 	<ul style="list-style-type: none"> No or minor issues identified. Appropriate structures in place for size and complexity of applicant. 	<p>*Areas to consider are:</p> <p>1. Governance; 2. Committee Structures; 3. Schemes of Delegation; 4. Decision-Making*</p>
B4.	Will the operational support and infrastructure that the applicant will have in place ensure that it will run efficiently and effectively?	<ul style="list-style-type: none"> No or inadequate arrangements in place. 	<ul style="list-style-type: none"> Arrangements are in place but there are some inadequacies. 	<ul style="list-style-type: none"> No or minor issues identified. 	<p>*Areas to consider (as provided) are:</p> <p>1. Corporate and Management Structure; 2. Staff Organisational Chart; 3. External Service Providers; 4. Human Resources; 5.</p>

		<ul style="list-style-type: none"> Operational support and infrastructure inadequate to ensure that business runs efficiently and effectively. 		<ul style="list-style-type: none"> Appropriate structures in place for size and complexity of applicant. 	<p>Case Management and Administrative Systems; 6. IT and Organisational chart*</p>
B5.	How will the applicant identify key risks?	<ul style="list-style-type: none"> No mechanism in place or mechanism appears wholly inadequate. 	<ul style="list-style-type: none"> Mechanism is in place but needs improvement, e.g. ineffective risk rating policy / procedure. 	<ul style="list-style-type: none"> Suitable mechanisms are in place. 	
		<ul style="list-style-type: none"> No process or clarity about responsibility for identifying risks or description is poorly articulated, suggesting lack of a framework. 	<ul style="list-style-type: none"> Some evidence of risk identification but description suggests that the framework lacks formality and maturity, e.g. there may not be ongoing monitoring in place. 	<ul style="list-style-type: none"> Clear framework and specific responsibility (individuals and/or committees named) for identifying risk are clearly articulated. 	
		<ul style="list-style-type: none"> Applicant's current approach means that it is 		<ul style="list-style-type: none"> Risk policies and processes in place. Risk register. 	

		likely that key risks may not be identified.		<ul style="list-style-type: none"> • Risk reports are prepared and risk is actively monitored and managed. 	
B6.	What key risks has the applicant identified and how will they be controlled and managed?	<ul style="list-style-type: none"> • No risks identified or description is poorly articulated. 	<ul style="list-style-type: none"> • Some risks identified but unclear how risks are managed. 	<ul style="list-style-type: none"> • The response focuses on a few key risks that have been formally identified. 	
		<ul style="list-style-type: none"> • No mention of strategic risks. 	<ul style="list-style-type: none"> • Risks are mainly operational risks with limited or no focus on strategic risks. 	<ul style="list-style-type: none"> • Applicant can explain how the key risks are managed. E.g. names of individuals or job titles with responsibility, reference to policies, active monitoring of risk. 	
				<ul style="list-style-type: none"> • Strategic as well as operational risks identified and managed. 	

B7.	Does the applicant foresee any changes in external factors over the next twelve months in the environment in which it will operate? If so, what changes are anticipated and how is the applicant preparing for them?	<ul style="list-style-type: none"> External factors are identified but there are no plans in place for management or control. 	<ul style="list-style-type: none"> Some external factors are identified, some awareness of risks but do not appear to be well managed or limited analysis or information as to how they are being managed. 	<ul style="list-style-type: none"> No external factors are identified with well-articulated reasons. 	
		<ul style="list-style-type: none"> No or obvious external factors are not identified. 	<ul style="list-style-type: none"> Good identification of risks and how they will be managed but major changes planned so residual risk is still elevated. 	<ul style="list-style-type: none"> Good identification of key risks and how they are being managed. 	
		<ul style="list-style-type: none"> Poor assessment of risk environment. 		<ul style="list-style-type: none"> Business plan, development strategy or a development lead is in place (or proposed.) 	
B8.	Is the applicant planning any other significant changes over the next twelve months? If so, what are these changes and how is the applicant preparing for them?	<ul style="list-style-type: none"> Significant changes are planned but poor articulation of risk and how 	<ul style="list-style-type: none"> Some changes are planned and there is some evidence of preparation. 	<ul style="list-style-type: none"> Stable environment; no major changes planned. 	

		changes will be managed.	<ul style="list-style-type: none"> Major changes planned and good identification of risks and how they will be managed but residual risk is still elevated due to scale of change. 	<ul style="list-style-type: none"> Some changes planned and clear articulation of how they will be managed. 	
B9.	How will the applicant ensure that it has the necessary legal competence to meet the expectations of its business model?	<ul style="list-style-type: none"> Little or no evidence that the entity has the necessary competence to meet expectations of the business model. 	<ul style="list-style-type: none"> Some evidence that the entity has the necessary competence to meet expectations of the business model. 	<ul style="list-style-type: none"> Clear evidence that the entity has the necessary competence to expectations of the business model. 	
		<ul style="list-style-type: none"> CVs indicates a general lack of competence in proposed area of practice across entity 	<ul style="list-style-type: none"> CVs indicate some gaps in the competence of the proposed areas of practice across entity 	<ul style="list-style-type: none"> CVs have no or few gaps in the competence of the proposed areas of practice across the entity. 	
		<ul style="list-style-type: none"> Few members of entity have required authorisation to carry out proposed reserved activities for the 	<ul style="list-style-type: none"> Some members of entity have required authorisation to carry out proposed reserved 	<ul style="list-style-type: none"> There is are significant number of members of the entity who have the required authorisation to carry out the 	

		size of the entity.	activities relative to size of entity. Indicating reliance on a few individuals.	proposed reserved activities relative to size of entity.	
B10.	What arrangements has the applicant in place for ensuring compliance with the BSB's regulatory arrangements, in particular, delivery of the Core Duties and Outcomes as specified in the BSB Handbook?	<ul style="list-style-type: none"> No or little indication that employees of entity will be well supported or supervised in the provision of legal services (reserved or unreserved). 	<ul style="list-style-type: none"> Support for employees in the provision of legal services. However some gaps in this support. 	<ul style="list-style-type: none"> There is a high level of support and supervision for employees involved in the provision of legal services (reserved and unreserved) 	
			<ul style="list-style-type: none"> A mixture of high and low risk features. 	<ul style="list-style-type: none"> Reassurance that CPD records are managed well. 	
		<ul style="list-style-type: none"> There are no or little arrangements in place. 	<ul style="list-style-type: none"> Some arrangements are in place. 	<ul style="list-style-type: none"> Suitable arrangements are in place for ensuring compliance with the BSBs regulatory arrangements, delivery of CD's and outcomes. 	
		<ul style="list-style-type: none"> No gap analysis done. 	<ul style="list-style-type: none"> Gap analysis done and key gaps identified for further work by Applicant. 	<ul style="list-style-type: none"> Gap analysis done and no gaps or a few gaps with clear plans for how 	

				they are being addressed.	
B11.	How will the applicant identify and manage conflicts of interest?	<ul style="list-style-type: none"> • Applicant cannot describe robust, formal processes in place to manage conflicts of interest. 	<ul style="list-style-type: none"> • Some steps outlined but procedures lack formality. 	<ul style="list-style-type: none"> • Clearly articulated procedures that ensure that conflicts of interest don't happen. 	
B12.	How will the applicant protect confidential information?	<ul style="list-style-type: none"> • Applicant has not made explicit reference to the steps that will be taken to ensure confidential information is protected 	<ul style="list-style-type: none"> • Applicant has made reference to steps taken to ensure confidential information is protected but steps are not detailed or still present risks. 	<ul style="list-style-type: none"> • Examples may include: <ul style="list-style-type: none"> - Diary management. - Searching case management system - Double checking by clerks - Lockable places for barristers to store information - Control over papers leaving in hard copy and on electronic devices. • Applicant has made full and explicit references to the steps taken 	

				to ensure that confidential information is protected.	
B13.	What key information security risks has the applicant identified and how will they be controlled and managed?	<ul style="list-style-type: none"> • Poor awareness of threat environment. 	<ul style="list-style-type: none"> • Some risks identified but unclear how they are managed. 	<ul style="list-style-type: none"> • Key risks are identified and applicant can clearly explain how they are managed. 	<ul style="list-style-type: none"> * Areas to consider include: 'Off-the-shelf' market standard systems; Interfaces with 3rd parties / points of vulnerability; Remote access; Cloud storage / uncertainty about where it is located.
		<ul style="list-style-type: none"> • No risks identified or description is poorly articulated. 	<ul style="list-style-type: none"> • A combination of high and low risk features. 		
B14.	What arrangements have been made for registration with the Information Commissioner's Office under the Data Protection Act?	<ul style="list-style-type: none"> • No arrangements are in place for registration. 		<ul style="list-style-type: none"> • Entity has already registered or arrangements are in place for registration. 	<ul style="list-style-type: none"> *Check whether owner / managers are registered with ICO*
		<ul style="list-style-type: none"> • Entity is unclear about its responsibilities. 		<ul style="list-style-type: none"> • Entity is clear about who needs to register. 	
B15.	Can the applicant confirm that it will not in future knowingly appoint any individual disqualified from acting as such by the BSB or by any other approved regulator without the prior approval of the BSB and compliance with such conditions as the BSB may impose?	<ul style="list-style-type: none"> • No. 		<ul style="list-style-type: none"> • Yes. 	

B16.	Can the applicant confirm that it will ask any managers or employees to disclose before their appointment whether they are disqualified from acting as such (whether by the BSB or by any other approved regulator) and that its appointment process will include checking such disclosures against the records maintained by relevant approved regulators?	<ul style="list-style-type: none"> • No. 		<ul style="list-style-type: none"> • Yes. 	
B17.	How will the applicant assure the standards of the services provided to clients?	<ul style="list-style-type: none"> • No or inadequate procedures are in place to assure standards of services provided to clients. 	<ul style="list-style-type: none"> • Some procedures are in place to assure standards of services to clients. 	<ul style="list-style-type: none"> • Suitable procedures are in place to assure standards of services to clients. 	<p>*Have you cross-referenced with LeO complaints data?*</p> <p>*Areas to consider include Complaints process, client care, collection of feedback.*</p>
<ul style="list-style-type: none"> • Entity has no policies, processes or key indicators of what high standards are expected of employees and how employees would (or would not) achieve these. 		<ul style="list-style-type: none"> • Policies in place but processes and indicators for monitoring unclear. 	<ul style="list-style-type: none"> • Applicant can evidence the standards it expects from its barristers and oversight arrangements are in place in Applicant. 		
<ul style="list-style-type: none"> • No terms of services provided. 		<ul style="list-style-type: none"> • Documentation unclear or requires improvements. 			

B18.	How does the applicant intend to receive its instructions?	<ul style="list-style-type: none"> • Applicant receives instructions only or substantially from lay clients and does not have prior history of dealing with a lay client focused practice. 	<ul style="list-style-type: none"> • Applicant proposes to receive instructions from an equal mixture of lay and professional clients. 	<ul style="list-style-type: none"> • Applicant receives instructions from professional clients only 	<p style="text-align: center;">*Areas to consider are: 1. Staff Structure; 2. CVS; 3. Proposed Services*</p> <p>*Have you checked the entity has appropriate public access rights?*</p> <p>* None of these areas is by definition high / low risk - note and consider in overall context.</p>
		<ul style="list-style-type: none"> • Applicant receives instructions from both lay and professional clients and has gaps in legal competence in dealing with lay clients or is heavily reliant on a few members in dealing lay clients. 	<ul style="list-style-type: none"> • Applicant has gaps in the processes for dealing with lay clients. 	<ul style="list-style-type: none"> • Applicant has substantial prior history with dealing with lay clients 	
		<ul style="list-style-type: none"> • Applicant does not have appropriate processes for dealing with lay clients. 		<ul style="list-style-type: none"> • Applicant has robust processes in place for taking instructions from professional and lay clients. 	

B19.	Does the applicant have an Equality and Diversity Officer in place?	• No.		• Yes.	
B19.	Does the applicant have a Diversity Data Officer in place?	• No.		• Yes.	
B20.	What arrangements will the applicant have in place to ensure that it meets regulatory, legal, equality and diversity requirements?	• No or very few arrangements are in place to ensure that the applicant meets regulatory, legal, equality or diversity requirements.	• Some arrangements are in place to ensure that the applicant meets regulatory, legal, equality or diversity requirements.	• Arrangements are in place to ensure that the applicant meets regulatory, legal, equality or diversity requirements.	
		• Gap analysis done with significant gaps highlighted and a lack of clear plan to address them.	• Some actions with regard to an Equality Action Plan identified but there is no clear plan or processes in place	• Equality Action Plan in place and being implemented.	
		• Lack of monitoring activities to evidence action needed. No Equality action plan.		• Key priorities and plan to achieve them are clearly articulated.	
				Not applicable	
B21.	Is the applicant currently an Approved Training Organisation?	• No.	• Yes. There are some concerns about	• No.	
		• Yes. There are significant or serious		• Yes. There are no concerns about the	

		concerns about the training provider	the training provider.	training provider. • Applicant is not proposing to become a training provider.	
B22.	What are the key financial risks the applicant entity will face if it is authorised as an entity? How are these risks identified?	• Significant risks are identified.	• Some risks are identified.	• No risks or risks are low.	*Areas to consider are: 1. Cash-flow; 2. Types of Fees; 3. Fee Collection Cycle (CFA, Legal Aid etc.)*
B23.	What key financial controls will the applicant have in place to mitigate financial risks?	• No controls are in place to mitigate financial risks.	• Some controls are put in place to mitigate financial risks.	• Good controls are put in place to mitigate financial risks. • Good evidence of robust processes to manage and control finances. • Methodology reflects the type of business.	*Areas to consider include: 1. Budgets prepared and monitored; 2. Segregation of duties; 3. Controls over cash; 4. IT controls.*
B24.	Will the applicant undertake work that brings it within the Money Laundering Regulations 2007?	• Work streams fall within the Money Laundering Regulations and there are no or little evidence of procedures to ensure that the	• Work streams fall within MLR and some procedures are in place to ensure that the entity complies with MLR.	• No work streams that fall in MLR. • Work streams fall within the MLR and procedures are in place to	

		entity complies with the MLR.		ensure the entity complies with the MLR.	
B25.	Has the applicant provided its financial plans for the next three years?	<ul style="list-style-type: none"> • Applicant has not provided an overview of the financial planning for the next three years. 	<ul style="list-style-type: none"> • Applicant has provided some overview of the financial planning over the next three years. 	<ul style="list-style-type: none"> • Applicant has provided full overview of the financial planning over the next three years. 	<p style="text-align: center;">*Areas to consider are - 1. Nature and Quality of Information Provided; 2. Cash-flow; 3. Funding; 4. Financial Projections; 5. Key Assumptions; 6. Substantial Changes (e.g. expansion)*</p>
Supt. Docs.	Does the applicant have Business Continuity and Disaster Recovery plans in place?	<ul style="list-style-type: none"> • No plans. 	<ul style="list-style-type: none"> • Plans made but not tested. 	<ul style="list-style-type: none"> • Plans made and tested, and thoroughly incorporate for the size of the entity. 	

		<ul style="list-style-type: none"> • Plan does not address entity closure/winding up. 	<ul style="list-style-type: none"> • Plans missing some elements of expected provisions. 	<ul style="list-style-type: none"> • Such plans should include: <ul style="list-style-type: none"> - Closing/winding up procedures. - Disaster recovery/access to building, files/data storage. - Emergency procedures. - Procedures in absence of HOLP/HOFA. - Security prevention/theft. - Handover if unable to continue business due to sickness etc. (particularly for single person entities). 	
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Form C Criteria

<u>Question Number</u>	<u>Question Description</u>	<u>High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>	<u>Comments</u>
Head of Legal Practice					
C2.	Has the applicant HOLP ever been disqualified from being a director or a member of a Limited Liability Partnership?	• Yes.	• Proceedings are pending.	• No.	*Has Companies House been checked?*
C3.	Has the applicant HOLP ever been removed from the office of charity trustee or trustee for a charity by an order within the terms of s 72(1)(d) of the Charities Act 1993?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C4.	Is the applicant HOLP an undischarged bankrupt?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C5.	Has the applicant HOLP ever been adjudged bankrupt and been discharged?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C6.	Has the applicant HOLP ever entered into an individual voluntary arrangement under the Insolvency Act 1986?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*

C7.	Is or has the applicant HOLP ever been a manager of any authorised body or BSB authorised body which has entered into a voluntary arrangement under the Insolvency Act 1986?	• Yes.	• Proceedings are pending.	• No.	<p><u>*Areas to consider:</u></p> <p><u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>
C8.	Is or has the applicant HOLP ever been a director of a company or a member of an LLP which has been: <ul style="list-style-type: none"> • the subject of a winding up order, or administration order or administrative receivership; or • has entered in to a voluntary arrangement under the Insolvency Act 1986? 	• Yes.	• Proceedings are pending.	• No.	<p><u>*Areas to consider:</u></p> <p><u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>
C9.	Is or has the applicant HOLP ever been the subject of outstanding judgements involving the payment of money?	• Yes.	• Proceedings are pending.	• No.	<p><u>*Areas to consider:</u></p> <p><u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>
C10.	Has the applicant HOLP ever been considered to lack capacity (within the meaning of the Mental Capacity Act 2005) and powers were exercised under s 15-20 or s48 of that Act?	• Yes.	• Proceedings are pending.	• No.	<p><u>*Areas to consider:</u></p> <p><u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>
C11.	Is the applicant HOLP currently charged with an indictable offence, or has the applicant HOLP ever been convicted of an indictable offence, any dishonesty offence or any offence under the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006?	• Yes.	• Proceedings are pending.	• No.	<p><u>*Areas to consider:</u></p> <p><u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>

C13.	Has the applicant HOLP ever been the subject of an equivalent circumstance in another jurisdiction to those questions listed above?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C14.	Has the applicant HOLP ever had an investigation or disciplinary proceeding pending against him or her and / or professional conduct findings against them, either under the disciplinary scheme for barristers or otherwise?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C15.	Has the applicant HOLP ever been involved in other conduct which calls into question his or her honesty, integrity or respect for the law?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C16.	Is there any other information that could reasonably be expected to have a bearing on the applicant HOLP being a fit and proper person to undertake his or her responsibilities as a HOLP?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
Head of Finance and Administration					
C2.	Has the applicant HOFA ever been disqualified from being a director or a member of a Limited Liability Partnership?	• Yes.	• Proceedings are pending.	• No.	<u>*Has Companies House been checked?*</u> <u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>

C3.	Has the applicant HOFA ever been removed from the office of charity trustee or trustee for a charity by an order within the terms of s 72(1)(d) of the Charities Act 1993?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C4.	Is the applicant HOLP an undischarged bankrupt?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C5.	Has the applicant HOFA ever been adjudged bankrupt and been discharged?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C6.	Has the applicant HOFA ever entered into an individual voluntary arrangement under the Insolvency Act 1986?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C7.	Is or has the applicant HOFA ever been a manager of any authorised body or BSB authorised body which has entered into a voluntary arrangement under the Insolvency Act 1986?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C8.	Is or has the applicant HOFA ever been a director of a company or a member of an LLP which has been • the subject of a winding up order, or administration order or administrative receivership; or • has entered in to a voluntary arrangement under the Insolvency Act 1986?	• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u>
C9.		• Yes.	• Proceedings are pending.	• No.	<u>*Areas to consider:</u>

	Is or has the applicant HOFA ever been the subject of an outstanding judgements involving the payment of money?				1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C10.	Has the applicant HOFA ever been considered to lack capacity (within the meaning of the Mental Capacity Act 2005) and powers were exercised under s 15-20 or s48 of that Act?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C11.	Is the applicant HOFA currently charged with an indictable offence, or has the applicant HOFA ever been convicted of an indictable offence, any dishonesty offence or any offence under the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C13.	Has the applicant HOFA ever been the subject of an equivalent circumstance in another jurisdiction to those questions listed above?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C14.	Has the applicant HOFA ever had an investigation or disciplinary proceeding pending against him or her and / or professional conduct findings against them, either under the disciplinary scheme for barristers or otherwise?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*
C15.	Has the applicant HOFA ever been involved in other conduct which calls into question his or her honesty, integrity or respect for the law?	• Yes.	• Proceedings are pending.	• No.	*Areas to consider: 1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*

C16.	Is there any other information that could reasonably be expected to have a bearing on the applicant HOFA being a fit and proper person to undertake his or her responsibilities as a HOFA, offence or any offence under the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006?	• Yes.	• Proceedings are pending.	• No.	<p style="text-align: center;"><u>*Areas to consider:</u> <u>1. Dates; 2. Facts; 3. Current status; 4. Decision; 5. Outcome.*</u></p>
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Form E criteria

<u>Question Number</u>	<u>Question Description</u>	<u>High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>	<u>Comments</u>
E1.	Has the BSB or other approved regulator already authorised an individual (s) in the applicant entity to conduct litigation and to give guidance?	• No.	• Consider whether BSB or other regulator, numbers of individuals authorised to conduct guidance, number of individuals not authorised but going to assist.	• Yes.	
E1.	Are there an adequate number of persons in the applicant entity authorised to conduct litigation who can provide guidance to persons authorised to conduct litigation but who are of less than 3 years' standing?				
E2.	How many managers or employees in the applicant entity will assist in the conduct of litigation?				
E3.	In what areas of practice does the applicant entity intend to conduct litigation?				
E4.		• Yes.	• Yes.	• No.	

	Does the applicant entity intend to deal directly with public access clients?	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has adequate knowledge of how to deal with lay clients. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has adequate knowledge of how to deal with lay clients. 	<ul style="list-style-type: none"> • Yes and clear evidence that the applicant entity has adequate knowledge of how to deal with lay clients. 	<p>*Consider Public Access Training Courses undertaken*</p>
E5.	Does the applicant entity have adequate knowledge of civil and / or criminal litigation procedures to enable it to conduct litigation competently?	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has adequate knowledge of civil and / or criminal litigation procedures to enable it to conduct litigation competently. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has adequate knowledge of civil and / or criminal litigation procedures to enable it to conduct litigation competently. 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity has adequate knowledge of civil and / or criminal litigation procedures to enable it to conduct litigation competently. 	<p>*Areas to consider are:</p> <p>1. Number of Individuals Authorised to Conduct Litigation; 2. Training Courses; 3. Relevant Experience; 4. Prior Knowledge*</p>
E6.	Does the applicant entity have a documented procedure for diary management which includes a) Meeting key deadlines and dates, including those set by the court for the submission of document; and b) Procedures for the giving, monitoring and discharging of undertakings?	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has a documented procedure for diary management. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has a documented procedure for diary management. 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity has a documented procedure for diary management. 	
E7.	Does the applicant entity have procedures for dealing with absences from practice which include:	<ul style="list-style-type: none"> • Little or no evidence that the applicant 	<ul style="list-style-type: none"> • Some evidence that the applicant 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity 	

	<p>a) Details of delegated responsibility to check and provide timely responses to all correspondence received;</p> <p>b) Procedures for keeping clients and other parties involved in the litigation updated of any developments; and</p> <p>c) Procedures for maintaining any necessary or emergency contact with absent staff; and</p> <p>d) Procedures for obtaining cover for the practice, such as hiring a locum.</p>	entity has procedures for dealing with absences from practice.	entity has procedures for dealing with absences from practice.	has procedures for dealing with absences from practice.	
E8.	<p>Does the applicant have Business Continuity and Disaster Recovery plans in place? Does the applicant entity have case management and recording systems which should normally include</p> <p>a) Litigation strategy for a matter on the “matter file” and a detailed plan where appropriate</p> <p>b) Issuing and acknowledging proceedings;</p> <p>c) Track allocation (for civil litigation) and case management;</p> <p>d) Disclosure;</p> <p>e) Processes to check files for inactivity;</p> <p>f) Use of appropriate software and databases.</p>	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has case management and recording systems. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has case management and recording systems. 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity has case management and recording systems. 	
E9.	<p>Does the applicant entity have in place filing systems which should normally include:</p> <p>a) Listing of open and closed matters, identifying all matters for a single client and linked files where relevant;</p> <p>b) Identifying and obtaining any documents related to the matter;</p> <p>c) Arrangements for securely storing files;</p>	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has in place filing systems. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has in place filing systems. 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity has in place filing systems. 	

	d) Arrangements for archiving and / or destroying.				
E10.	Does the applicant entity have arrangements in place to train support staff that are involved in assisting with the conduct of litigation who are not themselves authorised and to supervise their work?	<ul style="list-style-type: none"> • Little or no evidence that the applicant entity has arrangements in place to train support staff that are involved in assisting with the conduct of litigation who are not themselves authorised and to supervise their work. 	<ul style="list-style-type: none"> • Some evidence that the applicant entity has arrangements in place to train support staff that are involved in assisting with the conduct of litigation who are not themselves authorised and to supervise their work. 	<ul style="list-style-type: none"> • Clear evidence that the applicant entity has arrangements in place to train support staff that are involved in assisting with the conduct of litigation who are not themselves authorised and to supervise their work. 	
E11.	Will the applicant entity have appropriate insurance in place?	<ul style="list-style-type: none"> • No. • Applicant entity has given no details of if or whether it will have insurance in place. 		<ul style="list-style-type: none"> • Yes. • Applicant entity has provided details of valid insurance policy. 	