

CPD Pilot Results April 2016

1. In January 2015 the BSB initiated a pilot with a range of practitioners to test a prototype of the new scheme and how it works in practice. The pilot ran in parallel with the consultation. There were 76 participants in the pilot covering a range of practice areas, levels of seniority and employment contexts. The objectives of the pilot were to:
 - Test how the above features work in practice;
 - Explore how we can help the profession to understand the new requirements;
 - Explore the most efficient and effective way to regulate within the new scheme.
2. The pilot took place between January 2015 and March 2016. The pilot involved the submission of a planning statement, a feedback loop, a series of structured surveys to participants through the CPD year and a final assessment of all CPD records in order to gather feedback and inform our refinement of the scheme.
3. The information we gathered from this pilot was used in conjunction with responses from this consultation on the new scheme in order to refine our approach and the associated rules, requirements and guidance for practitioners.

Assessment of the Pilot

4. To date 76 barristers have submitted their planning statements. These planning statements have been assessed. Feedback is currently being provided to every barrister about their planning statement and to provide continuous feedback and guidance throughout the process.
5. Barristers have also been encouraged to provide feedback to us about the pilot. So far the feedback has been positive about the principles underpinning the new scheme.
6. The barrister participants and the assessment process gave enough feedback to begin refining a formal framework for assessing barristers' planning statements. This has allowed us to determine that the majority of barristers involved in the pilot have completed the planning statement successfully, either in full accordance with our proposed regulations and guidance or requiring some feedback on how their planning could be improved.
7. The assessment process has also allowed us to identify those barristers that have not completed the planning statement in accordance with the proposed regulations. We have been able to provide specific feedback and note why an assessment of 'non-compliance' would be reached.
8. In line with the aims of the pilot, assessing the planning statements has already provided valuable feedback about how the real scheme would work in practice. It has

shown us what areas of the guidance barristers understand and what areas they are struggling with.

9. Participants were asked to submit their records via a very simple online portal that allowed the assessment team to extract the record cards into an excel spreadsheet. Although lacking much of the functionality that will eventually be necessary this method was still quicker than relying on submitting via email or hard copy and then transcribing the information onto a spreadsheet.
10. 69 of 76 have been fully assessed. Of these 61 are fully compliant while 8 will be asked for further information about the courses they have completed.
11. The pilot participants completed an average of 28 CPD hours. This is more than double current requirements. However barrister participants recorded significantly higher levels of activities that would not currently be counted as CPD. Principally this includes reading and over 4 hours of writing and editing. It also includes claiming more preparation time than would currently be calculated.
12. Calculating the hours completed from the perspective of the current CPD regime requirements, pilot participants completed an average of 10 CPD hours.
13. The most frequently undertaken activities were; seminars, conferences, mock trials listening to podcasts, self-study (reading of weekly updates, websites books, articles, case law) and practice management improvement (E&D development, financial and billing skills).
14. The level of planning was fairly wide. Most barristers set at least some specific learning objectives with the majority of objectives being quite general in nature.
15. Learning objectives were generally achieved. However it was the Reflection stage that has been very encouraging and particularly completed to a high standard. Barristers explained in detail the choices they made and why, and where learning objectives weren't achieved what would be done to address this.
16. In a few instances where barristers have recorded very few hours for example it was demonstrated how these CPD activities met the learning objectives and were very relevant. This is encouraging as it indicates barristers will spend time focusing on useful relevant CPD rather than simply making up the hours.
17. Assessment of the pilot participants has been time consuming as it has meant assessing more information and making comparative judgements of activities against learning objectives.
18. An online portal will be very useful for streamlining the process. This includes the planning and recording process for barristers and the assessment process for the BSB. This will save time and resources for the regulator and the profession.

Conclusions from the pilot

19. As a whole pilot respondents engaged with the process in the manner in which it is intended. The planning phase was completed, learning objectives were set, relevant CPD activities were completed and useful reflections were made. In this regard the first objective was met in that it demonstrated the new scheme can work in practice.

20. In particular barristers made use of the additional flexibility afforded to them by undertaking atypical CPD activities, but without reducing the number of hours undertaken. Indeed total hours spent on CPD activities was higher than the current average. The number of hours spent on CPD activities that would normally count towards CPD was only slightly under the current requirements. This indicates that barristers will not simply stop doing CPD if the hours' requirement is removed.
21. There were no instances of barristers recording they had attended courses that they in fact hadn't. This may be reflective of the fact that there is little incentive now to attend irrelevant CPD activities.
22. Areas for improvement primarily focused on planning the learning objectives. The learning objectives set were fairly generic in many cases. This is to be expected for two reasons. First this is a new process so it is not unexpected that barristers will be unsure as to what learning objectives to articulate. Secondly a certain level of generic learning objectives is probably necessary. For example all barristers are likely to have a basic objective of keeping up to date with their practice areas.
23. However the BSB can do more to help the profession understand the new requirements. This will include preparing updated guidance that will provide examples of specific relevant learning objectives.
24. A principal area of improvement that the pilot highlighted was the assessment process. While the assessments could be carried out they were quite time consuming and resource intensive.
25. The first step to improving this process would be ensuring that barristers know exactly the information that we require from them when recording their CPD plans and activities. For example we will need a clear indication of how many hours each activity lasted who the provider was and when it was completed. Generally it is not helpful for barristers to leave blank spaces on the record form.
26. Having the Plan and Record Card in an electronic format is almost essential to ensure the assessment team can extract the records they wish to sample, view the relevant data and then make an assessment. This online portal will save barristers time as it will combine the process of recording and submitting their CPD records and will allow barristers to upload evidence of the activities completed.
27. As it is important that the finalised online portal has the desired level of functionality it is worth deferring development of this portal so that it sits with the rest of the Information Management systems that are being developed, and can be scoped with the experience and demands of users to the fore. This may mean that while the CPD process goes live in 2017 the necessary finalised electronic portal is developed for the subsequent year
28. The assessment process is more time consuming for the assessor. It requires an individual approach to every barrister in paying attention to the learning objectives completed, the reflection recorded and the activities completed. This will certainly require additional training for assessors and a clear understanding of the training needs of the profession as well as enough knowledge to make a judgement regarding whether the content of a course is likely to have assisted the achievements of the learning objectives recorded.

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