

CURRENT GUIDANCE

Transparency Standards Guidance – Section 1

Mandatory rules on price, service and redress transparency for everyone

By “everyone”, we mean all self-employed barristers, chambers and BSB entities, but not employed barristers.

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Summary

All websites must:

- State that professional, licensed access and/or lay clients (as appropriate) may contact the barrister, chambers or BSB entity to obtain a quotation for legal services;
- Provide contact details;
- State the barrister, chambers or BSB entity's most commonly used pricing models for legal services, such a fixed fee or hourly rate;
- State the areas of practice in which the barrister, chambers or BSB entity most commonly provides legal services;
- State and provide a description of the barrister, chambers or BSB entity's most commonly provided legal services;
- Provide information about the factors which might influence the timescales of a case;
- Display the appropriate *"regulated by the Bar Standards Board"* text on the homepage;
- Display information about the complaints procedure, any right to complain to the Legal Ombudsman (LeO), how to complain to the LeO, and any time limits for making a complaint;
- Link to the [decision data](#) on the LeO's website; and
- Link to the [Barristers' Register page](#) on the BSB's website.

The required information must be sufficiently accessible and prominent on websites, accurate and up to date and readily available in hard copy format (an example can be found at Annex A). All professional e-mail and letterheads must also display the appropriate *"regulated by the Bar Standards Board"* text.

Price transparency – mandatory rules for everyone

1) Websites must state that professional, licensed access and/or lay clients (as appropriate) may contact the barrister, chambers or BSB entity to obtain a quotation for legal services, and provide contact details. After sufficient information has been provided, quotations must be provided within a reasonable time period, and in clear and readily understandable terms.

This will ensure consumers are aware that they can contact you to obtain quotations, and know how to do so.

Professional clients include solicitors and other practising lawyers who are able to instruct barristers.

Licensed access clients are able to instruct barristers either because they hold licence issued by the BSB, or are a member of a professional body which has been recognised by the BSB. For more information, see the BSB's [Licensed Access Recognition Regulations](#).

Your chambers may not have any self-employed barristers undertaking Public Access work, or you may be a BSB entity which does not supply legal services directly to the public. In this case, it is best practice to state that lay clients may not contact you directly to obtain quotations, as solicitors will do this.

After sufficient information has been provided, quotations must be provided within a reasonable time period, and in clear and readily understandable terms. The test for “sufficient information being provided” is whether the consumer has provided sufficient information such that you can quote a meaningful range for the legal services in question. If you are able to quote a meaningful range, you must do so within a reasonable time period and not incur unnecessary delay by asking to read further papers – the aim is to help consumers to “shop around” for legal services. A “reasonable time period” will normally

mean within 14 days, although depending on consumer need/urgency quotations may need to be provided sooner.

You should not charge for providing quotations and, when quoting a meaningful range, you can state that you would need to read further papers to quote a more precise figure and advise whether you would be able to provide the legal services in question. It is open to you to accept instructions and charge a fee for reading further papers and advising whether you can act, but in many cases it is best practice not to do so.

If you are not able to provide the legal services in question, you will need to explain this clearly to the consumer within a reasonable time period. It is also best practice to refer then such consumers to directories of legal services providers such as [Chambers and Partners](#), the [Legal 500](#) and the Bar Council's [Direct Access Portal](#).

You must also keep consumers' data safe and secure, and handle it according to the General Data Protection Regulation (GDPR). The Bar Council's GDPR Toolkit is available on their website: <https://www.barcouncil.org.uk/supporting-the-bar/bar-council-training-courses/gdpr-toolkit/>.

2) Websites must state the barrister, chambers or BSB entity's most commonly used pricing models for legal services. Where different models are typically used for different legal services, this must be explained.

This will ensure consumers are aware of the different pricing models that are available, and in what circumstances. Commonly used pricing models include brief fees and refreshers, fixed fees and hourly rates. However, the BSB takes no view on the most appropriate pricing models for different legal services.

If your clients are less experienced and less expert consumers, and/or instruct you on a Public Access basis, it may be particularly useful for you to explain the pricing models you

commonly use. A list of commonly used pricing models, along with an explanation for each one, can be found at Annex L.

If you are also open to using other types of pricing models, you can state this. For example:

“Barristers in chambers also accept instructions under conditional fee agreements (“no win, no fee” agreements) in certain circumstances. For more information, please contact the clerks on XX (or e-mail XX).”

The mandatory rules on price transparency are a minimum standard which everyone must meet. However, we encourage you to go beyond this – see the additional best practice on price transparency in section 3.

Service transparency – mandatory rules for everyone

1) Websites must state the areas of practice in which the barrister, chambers or BSB entity most commonly provides legal services, in a way which enables consumers to sufficiently understand their expertise.

This should enable consumers to understand the areas of practice in which you specialise at a glance. For example:

“Barristers in chambers practise in criminal, immigration and licensing law.”

Chambers, sole practitioners and BSB entities must provide this level of practice area information as a minimum. Chambers can also provide practice area information for each individual self-employed barrister, as many do already.

Barristers will already declare their areas of practice when applying to the Bar Mutual Indemnity Fund (BMIF) for professional indemnity insurance. You can use the same

terminology that BMIF use for areas of practice. This can be found on their website: <https://www.barmutual.co.uk/downloads/>.

2) Websites must state and provide a description of the barrister, chambers or BSB entity’s most commonly provided legal services, in a way which enables consumers to sufficiently understand their expertise.

This will ensure consumers have a basic knowledge of your most commonly provided legal services, and sufficiently understand your expertise. For example:

“Barristers in chambers specialise in criminal work. Our barristers advise and represent clients facing criminal charges in the Magistrates’ or Crown Courts. Our barristers also act for clients in the High Court and Court of Appeal, and for the Crown Prosecution Service.”

Chambers, sole practitioners and BSB entities must provide this level of information as a minimum. Chambers can also provide information for each individual self-employed barrister, as many do already.

3) Websites must provide information about the factors which might influence the timescales of a case.

For example, you can include information about how the following might influence the timescales of a case:

- Your availability;
- The availability of the client or relevant third parties;
- The complexity of the case;
- The amount of papers you need to review;
- The need for additional information or documents;
- The approach taken by the other side;

- Third parties intervening in the case; and
- Court waiting times.

This will help consumers to understand what they can expect from a case and from you, and manage those expectations. The information will be particularly useful if your clients are less experienced and less expert consumers, and/or instruct you on a Public Access basis.

However, we recognise that the information will be indicative only and in many cases, specific to your practice area. We are therefore not prescribing that websites must provide standardised information about the factors which might influence the timescales of a case. Instead, you will need to provide this information in a way which is relevant to your practice.

We appreciate that the Bar will already be providing much of this information about their services on their websites. The mandatory rules on service transparency are a minimum standard which everyone must meet. However, we encourage you to go beyond this – see the additional best practice on service transparency in section 3.

Redress transparency – mandatory rules for everyone

1) Websites must display the following text on the homepage:

- **For sole practitioners, “regulated by the Bar Standards Board”**
- **For chambers, “barristers regulated by the Bar Standards Board”**
- **For BSB entities, “authorised and regulated by the Bar Standards Board”**

This will ensure consumers are aware that you are regulated by the BSB. They will have confidence that the Bar is a properly regulated profession.

This text must be displayed on the homepage of your website as a minimum. However, it is best practice to display this text on all pages of your website.

2) Websites must display information about your complaints procedure, any right to complain to the Legal Ombudsman (LeO), how to complain to the LeO and any time limits for making a complaint.

The BSB Handbook already requires you to display information about your complaints procedure on your website. You now must also display information about any right to complain to the LeO, how to complain to the LeO and any time limits for making a complaint. This will ensure consumers know about the LeO and how to complain to them.

You must state on your website that:

- Clients can complain to the LeO if they are unhappy with the final response to their complaint, or if their complaint has not been dealt with in eight weeks; and
- Clients who have a right to complain to the LeO are individuals and, broadly speaking, small businesses and charities.

The full list of who has a right to complain to the LeO is available on their website: <http://www.legalombudsman.org.uk/?faqs=who-can-use-our-service>. You can provide this link on your website for reference.

You must also display information on your website about how to complain to the LeO. You should summarise the key information, rather than simply providing a link to the LeO's website. For example:

“You can write to the Legal Ombudsman at:

*Legal Ombudsman
PO Box 6806,
Wolverhampton.
WV1 9WJ.*

Telephone number: 0300 555 0333.

Email: enquiries@legalombudsman.org.uk.

More information about the Legal Ombudsman is available on their website:

<http://www.legalombudsman.org.uk/>.”

Finally, you must display information on your website about any time limits for making a complaint to the LeO. For example:

*“You must complain to the Legal Ombudsman **either** within six years of your barrister’s actions/failure to act, **or** no later than three years after you should reasonably have known there were grounds to complain.*

You must also complain to the Legal Ombudsman within six months of receiving your barrister’s final response to your complaint.”

3) Websites must link to the decision data on the LeO’s website.

The link to the decision data on the LeO’s website is <http://www.legalombudsman.org.uk/raising-standards/data-and-decisions/#ombudsman-decision-data>.

You should explain that the decision data on the LeO’s website shows providers which received an ombudsman’s decision in the previous calendar year. In each case, the data shows whether the LeO required the provider to give the consumer a remedy.

Linking to this page will allow consumers to see whether a barrister was required to provide any remedies in the previous calendar year. This will help consumers to make informed decisions about whom to instruct.

4) Websites must link to the Barristers' Register page on the BSB's website.

The link to the Barristers' Register page on the BSB's website is <https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers'-register/>.

You should explain that the BSB's Barristers' Register shows (1) who has a current practising certificate, and (2) whether a barrister has any disciplinary findings, which are published on the Barristers' Register in accordance with our [policy](#).

The Barristers' Register page also links to the BSB's Entities' Register. If you are a BSB entity, you should explain that the BSB's Entities' Register shows which entities are currently authorised by the BSB.

Linking to this page will allow consumers to see whether a barrister (1) has a current practising certificate and (2) has any disciplinary findings. This will help consumers to make informed decisions about whom to instruct.

The mandatory rules on redress transparency are a minimum standard which everyone must meet. However, we encourage you to go beyond this – see the additional best practice on redress transparency in section 3.

Further mandatory rules for everyone

1) All professional e-mail and letterheads must state:

- For self-employed barristers, ***“regulated by the Bar Standards Board”***
- For BSB entities, their managers and employees, ***“authorised and regulated by the Bar Standards Board”***

This will ensure consumers, professional clients and others are aware that you are regulated by the BSB. Consumers will have confidence that the Bar is a properly regulated profession. Professional clients and others will also be able to find information about the BSB and our regulatory standards.

“Professional e-mail and letterheads” includes fee notes and invoices.

2) You must tell us your website address(es).

Self-employed barristers must tell us their chambers’ website address(es) during the Authorisation to Practise process for 2019-20, which will take place in February – March 2019. The process is completed using the [MyBar](#) portal.

You may operate multiple websites as part of your practice. For example, you may operate a separate website for your Public Access practice. In this case, you must tell us each website address on MyBar.

BSB entities must also tell us their website addresses during the entity renewal process for 2019-2020, which will take place in February – March 2019.

We will then verify your website address(es).

3) You must tell us about changes to your website address(es) within 28 days.

Self-employed barristers must do this using the [MyBar](#) portal.

You may operate multiple websites as part of your practice. For example, you may operate a separate website for your Public Access practice. In this case, you must still tell us about website address changes on MyBar.

BSB entities must tell us about website address changes by contacting the Entity Authorisation Team.

We will then verify your new website address(es).

4) To comply with the transparency rules, you must ensure the required information is sufficiently accessible and prominent on your website.

This means that in most cases, the required information should either be on the homepage, or one or two clicks away from the homepage (one way to achieve this is to have a 'quick links' page). The information should also be in a standard size font. For example, Arial 12. This will ensure the information is easy for consumers to find.

In some cases, you may take the view that it is appropriate for the required information to be further away from the homepage. However, you will need to be able to justify this. You should also consider whether the required information remains accessible for people with disabilities – see the additional best practice on website accessibility in section 3.

The appropriate “regulated by the Bar Standards Board” text must also be displayed on the homepage – see the mandatory rules on redress transparency above.

5) To comply with the transparency rules, you must ensure your website content is not misleading to clients and prospective clients. You must also review your website content at least annually to ensure it is accurate and complies with the transparency rules.

You must of course ensure your website content is not misleading to clients and prospective clients. For example, stating a price which you would not charge in any circumstances would obviously be misleading and would breach the BSB Handbook.

Reviewing your website content at least annually to ensure it is accurate and complies with the transparency rules will allow you to update price, service and redress information if necessary. You can review your website content more often than this, but it must be done at least annually. Checklists to help you with this can be found in section 4.

It is recommended that you keep copies of checklists. This will allow you to demonstrate to the BSB that you have done these reviews.

You can also use analytics software to help you with reviewing your website content. This will allow you to monitor traffic to each of your website pages to see what is attracting interest, and help you to see where you may wish to make changes (while still complying with the transparency rules).

If you use analytics software, you must seek your website users' consent to monitor which website pages they are visiting. This is part of your obligation to handle consumers' data according to the General Data Protection Regulation (GDPR). The Bar Council's GDPR Toolkit is available on their website: <https://www.barcouncil.org.uk/supporting-the-bar/bar-council-training-courses/gdpr-toolkit/>.