

## **Regulatory Update July 2019**

### **[Tessa's blog for the email content of this month's Regulatory Update]**

On 1 July, we published new transparency rules in a revised edition of the [BSB Handbook](#). The new rules came into force on that date and are designed to improve the information available to the public before they engage the services of a barrister.

If you are a self-employed barrister, the rules require you (or your chambers or BSB-regulated entity) to publish specified information about your services, including which types of legal service you provide, your most commonly used pricing models (such as fixed fee or hourly rate) and details of your clients' rights of redress. If you are a Public Access barrister providing certain types of services, you are also required to publish additional price and service information.

You can read more about these new rules on our website including a list of the types of Public Access services covered by the additional transparency rules. Their introduction follows recommendations from the Competition and Markets Authority that legal regulators should introduce new requirements in this area. We consulted widely about the development of the rules for barristers during 2017 and 2018. You now have until January 2020 to be fully compliant with them, after which, we will start checking on compliance. Our focus will initially be on ensuring compliance rather than pursuing disciplinary sanctions.

We have also [published guidance](#) to help you comply with them.

Also this month, we published the fifth annual edition of our statistical information on student performance on the Bar Professional Training Course (BPTC). It includes information about students who enrolled in the 2017-18 academic year, as well as those who enrolled in the preceding two academic years. As has previously been the case, this year's report shows that training for the Bar remains highly competitive. You can read more about this in the online version of Regulatory Update.

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You can also read the following articles in our website version of this month's Regulatory Update:

- "Legally Disabled?" project launches barristers' questionnaire

### **[Articles for the online version of Regulatory Update]**

#### **Latest edition of BSB Handbook introduces new Bar transparency rules**

On 1 July, we published new transparency rules in a [revised edition of our Handbook](#). The new rules came into force on that date. They are designed to improve the information available to the public before they engage the services of a barrister.

The rules follow recommendations from the Competition and Markets Authority that legal regulators should introduce new requirements in this area. The rules relate to information about the areas of law in which you practise, the legal services you provide, what those services cost, and your client's right to redress.

If you are a self-employed barrister, the rules require you (or your chambers or BSB-regulated entity) to:

- state that professional, licensed access and/or lay clients (as appropriate) may contact you to obtain a quotation for legal services;
- provide contact details;
- state your most commonly used pricing models, such as fixed fees or hourly rates;
- state the areas of practice in which you most commonly provide legal services;
- describe your most commonly provided legal services;
- provide information about the factors which might influence the timescales of your most commonly provided legal services;
- display text on website homepages indicating you are regulated by the Bar Standards Board;
- display information about complaints procedures, 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.

There are also additional transparency rules with which you must comply in relation to the provision of the following services if you do so as a Public Access barrister:

- Employment Tribunal cases (advice and representation for employers and employees);
- Financial disputes arising out of divorce;
- Immigration appeals (First-tier Tribunal);
- Inheritance Act advice;
- Licensing applications in relation to business premises;
- Personal injury claims;
- Summary only motoring offences (advice and representation for defendants); and
- Winding-up petitions.

If you provide these services as a Public Access barrister, in certain circumstances listed in the [BSB's price transparency policy statement](#), you will be required by the rules to:

- state any pricing model(s) which you use, such as whether you charge fixed fees or hourly rates;
- state your indicative fees and the circumstances in which they may vary;
- state whether your fees include VAT (where applicable);
- state any likely additional costs or give a typical range of costs if only an estimate is possible; and
- describe the relevant Public Access services you provide, including a concise statement of the key stages and an indicative timescale for those key stages.

You have until January 2020 to be fully compliant with the new rules, after which, we will start checking compliance. Our initial focus will be on ensuring compliance rather than pursuing disciplinary sanctions.

Online [guidance](#) is available to help you comply with the new rules. The new edition of the BSB Handbook is also [available online](#).

And finally, more information about the new rules is available on our [website](#).

### **New report shows that training to become a barrister remains highly competitive**

This month, we published the fifth annual edition of our statistical information on student performance on the Bar Professional Training Course (BPTC) ([insert link](#)). As has previously been the case, this year's report shows that training for the Bar remains highly competitive.

This new and updated analysis includes information about students who enrolled in the 2017-18 academic year, as well as those who enrolled on the BPTC in the preceding two academic years. It also includes statistics on students enrolled on the BPTC between 2013-14 and 2017-18 who started pupillage following graduation from the course. This provides a wider timeframe in which to see the proportion of graduates who gain pupillage within the five-year window allowed, following completion of the course.

Key findings from the report are:

- 1,619 students enrolled on the BPTC in 2017-18, an increase of 196 students compared to 2016-17. This is the largest year on year increase in enrolment seen since the BPTC started in 2011;
- almost half of students (47%) who enrolled on the BPTC in 2017-18 were overseas (non-UK/EU) domiciled, increasing from 43 per cent in 2016-17;
- the percentage of female BPTC students has increased from 52 per cent in 2011-12 to 56 per cent in 2017-18 and of those who provided information on their ethnicity the percentage of UK/EU domiciled Black Asian and Minority Ethnic (BAME) students has risen to 37 per cent, around six percentage points higher than in 2012-13;

- nearly a third (31%) of UK/EU domiciled students who enrolled on the BPTC in 2017-18 had gained a first-class degree prior to enrolling on the course, up from around 20% when the BPTC was first introduced in 2011;
- just over 75 per cent of full-time UK/EU domiciled students that enrolled in 2017-18 had passed the BPTC as of January 2019 with the remaining mostly yet to complete the course. Around 12 per cent received an “Outstanding” overall grade, around 53 per cent received a “Very Competent” grade, and around 11 per cent received a “Competent” grade;
- of the UK/EU domiciled BPTC graduates, around 42% of those who enrolled on the course from 2013 to 2017 had started pupillage by March 2019. This figure increases to around 45 per cent when looking at those enrolled from 2013 to 2016 only, as it can take a while for more recent graduates to gain pupillage;
- of UK/EU-domiciled BPTC graduates who enrolled from 2013 to 2017 and went on to secure pupillage, 51 per cent were female; and
- when controlling for first degree class and BPTC grade, UK/EU BPTC graduates from BAME backgrounds who enrolled on the course from 2013 to 2017 were less likely to have commenced pupillage than those from white backgrounds. For example, of UK/EU domiciled BPTC graduates with an upper-second class degree and “Very Competent” overall BPTC grade, 44 per cent of them from white backgrounds had commenced pupillage, compared to around 23 per cent of the BAME cohort with the same degree class and BPTC grade.

### **"Legally Disabled?" project launches barristers' questionnaire**

*Are you a disabled person, or someone with a long-term medical condition working in, aspiring to work in (eg in training), or retired from the legal profession?*

The "Legally Disabled?" research project aims to produce the first large scale evidence base on the career experiences of disabled people across the legal profession in England and Wales. Funded by the National Lottery, this is an independent research project headed by Professor Debbie Foster of Cardiff Business School, Cardiff University and has been produced in partnership with Dr Natasha Hirst (independent researcher) and disabled people from the Lawyers with Disabilities Division of The Law Society.

The "Legally Disabled?" team are pleased to launch the next stage of the research with a questionnaire for disabled people training for or working as barristers. This also includes those who have since left these roles in the profession. The Bar Standards Board is not involved in this research but it is part of our statutory objectives to promote diversity at the Bar and we have been asked by the researchers to make you aware of their research.

This questionnaire will build on and quantify evidence obtained from one to one interviews over the last few months. The researchers would welcome the involvement of barristers in order to strengthen the evidence and findings of the research by capturing the experiences of a wide range of disabled people in the legal profession. Time is very short, however, and the researchers are hoping that barristers will complete the [barristers' survey online](#) before 15 July 2019.

We are told that that it will take approximately 20 to 25 minutes to complete the questionnaire and that it can also be saved part way and finished off later. You also have the option to skip questions or answer 'not applicable' as appropriate to you.

More information is available on the [Legally Disabled website](#).

If you have any queries or require the questionnaire in a word document or other accessible format please get in touch with Dr Natasha Hirst via [HirstN2@cardiff.ac.uk](mailto:HirstN2@cardiff.ac.uk)

Please note that both researchers are part-time on the project and will respond as soon as possible to any queries. For more information about the project please visit [www.legallydisabled.com](http://www.legallydisabled.com)

### **Have we got correct details of your practice address?**

Please ensure that you have given us your correct practice address in accordance with rS69 of our Handbook. If your practice address changes, you must tell our Records Department within 28 days.

### **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).