

## Regulatory Update February 2019

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

In this month's Regulatory Update, you can read more about the draft transparency rules which my Board and I agreed at our meeting last month. The new rules aim to improve the information available to the public before they engage the services of a barrister. They relate to the areas of law in which barristers practise, the legal services provided by barristers, what those services cost, and a client's right to redress. Subject to Legal Services Board approval, the new rules will come into force in May 2019, with compliance spot-checking by us starting from 2020.

Earlier this month, we published our annual report on diversity at the Bar. It showed that diversity improved steadily during 2018 but that further progress is still needed. You can read more about this on our website.

January marked the start of a new Continuing Professional Development (CPD) cycle. If you have not done so already, you may wish to start planning your learning objectives and CPD activity for the coming year. Information on CPD is available [on our website](#). CPD is the primary way in which we are able to assure the public of the competence of barristers.

We are currently seeking new barrister members for our Advisory Panel of Experts. and, later this month, our next recruitment round for barrister Board members will begin. If you think you might be able to help us, do please apply. More details on the Board member recruitment next month.

Lastly, we and the Bar Council would like to remind you that the 2019 Authorisation to Practise (AtP) period will begin later this month.

AtP is the annual process by which you must renew your practising certificate by paying your Practising Certificate Fee (PCF) and making a number of obligatory regulatory declarations to us about your practice. It is also when we ask you to provide the data which we use to monitor the diversity of the profession. Although this aspect of AtP is optional, I would encourage you to answer these questions as having accurate data across the whole profession is very important. It informs our annual diversity reporting mentioned above and our whole regulatory approach to promoting equality and diversity at the Bar.

The Records team will contact you directly when AtP is open. Please check that the email address which you have registered on [MyBar](#) is accurate and up-to-date. More information about this year's AtP [is / will be] available on [our website](#).

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Also available in this month's online edition of Regulatory Update:

- Updated guidance for chambers on equality monitoring.
- More about this year's Authorisation to Practise process

- Requirement to complete a Forensic Accountancy Course during pupillage or the first three years of practice to cease from 1 March 2019.
- Please help us assess the impact of the changes we introduced in 2017 to the CPD scheme for barristers of more than three years' standing. Take part in our research.

**[RU articles to appear only on the website – ie not in the email]**

### **New transparency rules agreed for the Bar**

At our Board meeting at the end of January, we agreed new rules to improve transparency standards for barristers' clients. Subject to Legal Services Board (LSB) approval, the new rules will come into force in May 2019, with compliance spot-checking by the regulator starting from 2020.

Responding to Competition and Markets Authority (CMA) recommendations to introduce new requirements in this area, we [consulted on a draft set of rules during the autumn](#).

The new transparency standards are designed to improve the information available to the public before they engage the services of a barrister. They relate to information about the areas of law in which barristers practise, the legal services provided by barristers, what those services cost, and a client's right to redress.

Having carefully considered responses to our recent consultation from bodies representing both barristers and consumers, we agreed a number of changes to the draft rules intended to provide greater clarity for those having to comply with them. In addition, following a number of comments by specialist Bar associations, we have revised our requirements for certain services provided by Public Access barristers to be subject to additional price transparency rules.

We are confident that, subject to final approval by the LSB, these new rules will improve the information available to the public to allow them to engage the right barrister for their circumstances, whilst not burdening the profession with unnecessary new requirements. We will keep the new requirements under review. We would like to thank everyone who has contributed to our work in this area by sharing their views on these matters and we look forward to working closely with the profession to implement the new rules.

We plan to issue detailed guidance for the profession before the rules come into force.

The new draft rules are available.

### **More about this year's Authorisation to Practise process**

The 2019 [Authorisation to Practise \(AtP\)](#) period will start at the end of February. The Records team will be in contact with you when AtP opens.

This year, you should be aware that new fee levels have been introduced following the Bar Council's and BSB's [2019 PCF and Budget Consultation](#). These changes include:

- the lowest band being reduced from £123 to £100 and;
- the introduction of two new bands for individuals earning over £500k and £1m annually.

The full income and fee bands are as follows:

Band	Income Band	2019/20 Fees
1	£0 - £30,000	<b>£100</b>
2	£30,001 - £60,000	<b>£246</b>
3	£60,001- £90,000	<b>£494</b>
4	£90,001 - £150,000	<b>£899</b>
5	£150,001 - £240,000	<b>£1,365</b>
6	£240,001 - £500,000	<b>£1,850</b>
7	£500,000 - £1,000,000	<b>£2,500</b>
8	£1,000,000 and above	<b>£3,000</b>

The fee period that the self-employed Bar should use when making their declaration has been changed to be the last full calendar year (ie 1 January 2018 to 31 December 2018). This is the same reporting period that is currently used for insurance arrangements with the Bar Mutual Indemnity Fund (BMIF).

The 1.5% discount for block payments for five or more barristers is being removed. However, the block payment scheme is still highly recommended as it is a convenient way for chambers and organisations to ensure that all of their barristers have a valid practising certificate in place.

Please ensure that you have your correct log in credentials to hand. You must use the email address that is linked to your MyBar account and ensure that you have the correct password. Owing to the large number of emails and calls received during this time, it may not be possible for Records to provide it.

### **Diversity at the Bar improved steadily during 2018 but further progress is needed**

Earlier this month, we published our annual report on diversity at the Bar. The report shows that progress was made in 2018 with regard to both diversity at the Bar and to the disclosure rates of barristers providing data.

While the diversity of barristers is improving, the report shows that more needs to be done to improve diversity within the profession. Some of the key findings include:

- at 62.0 per cent, men still outnumber women at 37.4 per cent at the practising Bar. The percentage of women at the Bar overall increased by 0.4 percentage points during the last year;
- the percentage of Black and Minority Ethnic (BAME) practising barristers has increased by 0.3 percentage points compared to December 2017. 13 per cent of the practising Bar is now BAME;
- male QCs still outnumber female QCs, but the percentage of female QCs increased from 14.8 per cent in December 2017 to 15.8 per cent in December 2018;
- the percentage of BAME QCs has increased by 0.6 percentage points year on year with 7.8% being BAME and 87.9% being white; and
- the gender and ethnic diversity of pupil barristers is roughly in line with the population of England and Wales, with 50.4 per cent of pupils being female and 16.3 per cent being BAME.

Response rates amongst barristers disclosing their diversity information continue to increase across all categories except for gender which is already at 99.94 per cent. The response rate for many characteristics is still below 50 per cent, however, so we urge all barristers to complete the diversity data questions when renewing their practising certificates for the year ahead. This will enable us to act on accurate evidence to improve diversity.

We have a statutory responsibility to monitor and promote equality and diversity both as an employer and as the regulator of barristers in England and Wales.

### **Updated guidance for chambers on equality monitoring.**

We have updated our supporting information on the BSB equality rules to include gender identity in the Equal Opportunities form. We hope the new guidance will enable us to improve the collection of data relating to the diversity of the profession. Regardless of a person's background the provision of diversity data is optional, confidential and anonymous.

### **BSB seeks new members for its Advisory Pool of Experts (APEX)**

We are currently recruiting new barrister members to our Advisory Pool of Experts (APEX).

We use APEX for advice and support, to help us develop policy and to make regulatory decisions. APEX is made up of a diverse group of people, from a wide range of backgrounds, who are experts in their respective fields.

We are looking for new barrister members with expertise in:

- Family law (x3);
- Civil law (x3);
- Chancery law (x3);

- Criminal law (x2, general and specific expertise in handling sexual offences cases);
- Employment law (x2);
- Discrimination law (x2)

We are also seeking to recruit an individual (who may or may not be legally qualified) to provide specialist advice on exemptions and waivers relating to qualification requirements.

You can find out more about APEX and our current vacancies [here](#).

**Requirement to complete a Forensic Accountancy Course during pupillage or the first three years of practice to cease from 1 March 2019.**

In [May 2018](#), we agreed to a number of policy changes as part of our wide-ranging Future Bar Training programme. One of the agreed changes was to remove the requirement to complete a Forensic Accountancy Course during pupillage or the first three years of practice as a barrister. This requirement will cease on 1 March 2019.

The change came about at the recommendation of the Curriculum and Assessment Review group, which considered all aspects of a prospective barrister's training journey in the context of the [Professional Statement](#). The Professional Statement describes the knowledge, skills and attributes that all barristers should have on 'day one' of practice. The key outcomes of the Forensic Accounting course do not have a clear alignment with the Professional Statement competences.

Those already registered on the Forensic Accountancy Course will still have the opportunity to benefit from, and complete, the course as BPP will provide continued support until 28 February 2020. The standard access period is 12 months starting from the date you enrolled onto the programme with BPP. If your enrolment to the programme has expired, please contact BPP to discuss this matter further.

**Please help us assess the impact of the changes we introduced in 2017 to the CPD scheme for barristers of more than three years' standing. Take part in our research.**

In 2017, the BSB introduced a new Continuing Professional Development (CPD) scheme for barristers of more than three years' standing. At that time, we also committed to carrying out a period of further research to assess the impact of these changes.

We have commissioned IRN, an independent research company, to explore barristers' views and experiences of the new CPD scheme. The research will involve an online survey, discussion groups and in-depth interviews with barristers, starting from the 18<sup>th</sup> February.

If you would like to take part in this research and would like to share your views on CPD, please contact IRN by:

- emailing [dmort@irn-research.com](mailto:dmort@irn-research.com) or;

- calling 07905 239599

Any information you provide to IRN will be used confidentially and reported anonymously and will be used only for the purposes of this research.

**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).