

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Future Bar Training Consultation: The Professional Statement

Introduction

1. This consultation paper is an essential component of the Future Bar Training (FBT) programme.
2. FBT is our programme for change in education and training. We hope that by changing how we regulate, we can:
 - make education and training for the Bar more consistent, innovative and flexible;
 - remove unnecessary barriers to entry to the profession.
3. We are developing a Professional Statement which will describe the knowledge, skills and attributes that all barristers should aim to have at the point of being issued a full practising certificate. It will:
 - a. provide a clear and objective point of reference for the regulation of training for the Bar and the development of training pathways;
 - b. provide a baseline for more detailed training specifications, education standards and establishing routes to authorisation;
 - c. provide a starting point for development of Threshold Standards to be expected from any barrister at the point of being issued a full practising certificate.
4. The purpose of this consultation is to seek views on the draft we have produced. A copy of the Professional Statement is attached in Appendix A.
5. The Professional Statement will guide providers of education, training and pupillage in what outcomes they should seek to deliver and will serve as a means for the BSB and barristers to judge whether provision is fit for purpose. Once this consultation process is complete and the Professional Statement is in its final format, we intend to use it to develop Threshold Standards (where appropriate).
6. We have reviewed the proposals set out in this consultation paper to make sure they meet the outcomes specified by the Legal Services Board (LSB) in their Statutory Guidance on Education and Training, dated 4 March 2014.
7. This consultation document describes how we have developed the Professional Statement, and invites comments on its content.

The Professional Statement – barristers at point of authorisation

What is the Professional Statement?

8. It is crucial that the Professional Statement captures the knowledge, skills and attributes that a barrister should aim to have on entry to the profession.
9. The Professional Statement focuses on what a barrister should *be able to* do, rather than what they must do; the BSB Handbook (which includes the Code of Conduct) deals with the latter.

Who is the Professional Statement for?

10. **The BSB:** The Professional Statement sets out the parameters of competent practice that will assist the regulator in maintaining standards of both of those entering practice and providers of education and training.
11. **Those involved in the design and delivery of education and training for the Bar:** The Professional Statement will be used to inform the development of education and training materials and pathways. The Statement will be used as a basis for the development of Threshold Standards, upon which learning outcomes will be based.
12. **Aspiring barristers:** The Professional Statement describes the knowledge, skills and attributes which should be developed in order for them to qualify as a barrister. This will help aspiring barristers make informed decisions about their future development.
13. **Practising barristers:** The Professional Statement describes the essential knowledge, skills and attributes that they should expect of themselves and their peers. The Professional Statement will not replace the Code of Conduct, and all barristers must continue to comply with the regulations set out in the BSB Handbook, which will remain the sole reference point for all disciplinary matters.
14. **Consumers:** The Professional Statement may be used to inform an understanding of the barrister's role and the service they can expect to receive. Complaints will continue to be dealt with under the Code of Conduct.

What are Threshold Standards?

15. Within the framework of the Professional Statement, Threshold Standards will be developed to set out the level to which all barristers will be expected to perform on entry to the profession, and against which they can be assessed as they seek to become fully qualified. Whilst the Professional Statement defines what barristers should be able to do, the Threshold Standards will define what they must be able to do at the point of being issued a full practising certificate.

The Threshold Standards will give educators and trainers sufficient information to enable them to define learning outcomes, create pathways, learning opportunities and assessments that will enable diligent prospective barristers to demonstrate they have reached the standards required for them to be issued a full practising certificate. It will also inform those seeking to enter the profession what they will need to achieve. We will

develop the Threshold Standards in collaboration with experts and specialists in education and training, drawn from the Bar and academia.

The Professional Statement will therefore provide the framework within which Threshold Standards can be calibrated. The wording may appear aspirational in some instances, especially in the areas of skills and behaviours. However, when supplemented with a definition of Threshold Standards, the expectations of a barrister from the point of being issued a full practising certificate will be made clear.

16. For illustrative purposes, the table below provides examples of thresholds already available in relation to advocacy skills.

Column A is an excerpt from the Professional Statement. It broadly describes the general requirement (in this example, relating to *oral* advocacy) of all barristers. It is generic and there is no indication of how these requirements might change depending on, for example, the level of seniority, length of service, or technical ability of a barrister. The Threshold Standards which will be developed will provide this detail *only* for barristers at the point of being issued a full practising certificate.

Column B describes the standard required at the ‘threshold’ of completing pupillage. It is taken from the Advocacy Training Council’s “Dutton Criteria”. This is therefore indicative of advocacy requirements for the early stages of a career at the Bar.

Column C describes the standard required at the ‘threshold’ of being made a Queen’s Counsel. It is taken from the Queen’s Counsel Appointments’ competency framework. This is therefore indicative of advocacy requirements of a well-progressed career at the Bar.

Please note that, when developing Threshold Standards for the Professional Statement, we will *only* focus on one threshold: the point at which barristers are issued a full practising certificate. The examples, below, are for illustrative purposes only.

A	B	C
<p align="center">BSB’s Professional Statement</p>	<p align="center">The Advocacy Training Council’s “<u>Dutton Criteria</u>”</p>	<p align="center">QCA’s <u>competency framework</u></p>
<p>“Barristers will:</p> <p>1.11 Have fluent oral advocacy skills.”</p>	<p>“They must prepare thoroughly and present their cases in a manner which is clear, well organised, efficient and persuasive.”</p>	<p>“Develops and advances client's case to secure the best outcome for the client by gaining a rapid, incisive overview of complex material, identifying the best course of action, communicating the case persuasively, and rapidly assimilating the implications of new evidence and argument and responding appropriately.”</p>

The evidence base for the Professional Statement

17. Research was undertaken to make sure that the Professional Statement is based on empirical evidence of barristers' key activities and attributes. The research took the following forms:

17.1. Qualitative – method

We held five focus group workshops:

- London (two);
- Manchester;
- Birmingham;
- Bristol.

Sessions were facilitated by Adam Pacifico¹, and introduced and observed by Simon Thornton-Wood, Director of Education at the BSB. These were attended by a good cross-section of the profession in terms of age, gender, seniority and areas of practice. At each session there was also at least one member of the group who was a legal educator.

Breakdown of numbers:

Date	Location	Number of attendees
13 November 2014	London	6
19 November 2014	London	8
26 November 2014	Manchester	6
27 November 2014	Birmingham	6
10 December 2014	Bristol	12

The process:

- a. At each location, attendees were asked to consider the following areas, one at a time:
 - ethics, professionalism and judgement;
 - technical legal practice;
 - practice management;

¹ Adam qualified as a barrister in 1991. He is an accomplished public speaker having trained over 30,000 people in recent years nationally and internationally. Between 1994 and 1999, Adam took a career break and became a serving police officer with the Metropolitan Police, where he spent three years on the pro-active covert drugs team.

On returning to the private sector Adam held a number of roles including Head of Compliance for the College of Law of England and Wales, and Director and board member of BPP Professional Development.

Adam was appointed an accredited advocacy trainer for Inner Temple in 2005, a Crown Court Advocacy Assessor for the CPS in 2008, and in 2009 a member of the Covert Policing Ethics Committee based at New Scotland Yard. In 2011 Adam was the joint winner of the Law Society's Excellence in Training Award for 'Project Immerse'.

- working with others.
- b. We asked attendees to write their individual thoughts on what knowledge, skills and attributes (KSA) are essential for effective practice on entry to the profession, on individual post-it notes.
 - c. We encouraged attendees (throughout this and the subsequent stages of the process) to focus on characteristics that are measurable, valid, reliable and fair.
 - d. We then asked smaller groups of attendees to put those individual post-it notes on to a common “poster” grouping them into coherent sections.
 - e. Attendees then annotated these posters to show any linkages between KSAs, as well as any additional comments (including where an attendee might disagree with another’s observation).
 - f. Each smaller group then reviewed the remaining “posters”, again adding their own comments and analysis to create a rich picture of the entire group.
 - g. This process was repeated for all four areas. Photographs of the resulting “posters” were taken for subsequent analysis.

17.2. Qualitative analysis and evaluation

The photographs produced by the focus groups were analysed at the BSB to create a spreadsheet indicating response frequency under each area heading, as well as capturing additional comments.

The evidence of this analysis, combined with a further careful evaluation of the original photographs, was used as the basis for the Professional Statement. The original headings were amended after evaluation of the responses revealed that the KSAs considered to be essential by the research would be better grouped as they appear in the draft Statement (see “Structure”, below).

17.3. Desk-based research

This was undertaken in the following areas:

- other legal service provision in this country; the work of the Solicitors Regulation Authority (SRA) and Ilex Professional Standards;
- legal service KSAs and standards as defined in other jurisdictions; Council of Bars and Law Societies of Europe (CCBE), American Bar Association, Australian Bar associations and the International Bar Association;
- legal education and its regulation as considered within the Legal Education and Training Review;
- how other professions define their KSAs and use those to inform their education and regulation, particularly but not exclusively those who also use work-based learning; medicine, architecture, accountancy (national and international standards);
- Chartered Institute of Personnel and Development, Ministry of Justice and the Civil Service work on competency frameworks.

Through this process we identified a core set of knowledge, skills, attributes and behaviours that are common to all barristers, whether at the self-employed or the employed Bar, and irrespective of their practice area.

For the statement to apply to all areas of practice, it needs to be comprehensive. To do so, it must balance between specific and more generic requirements. One aspect of this consultation is to discover to what extent the Professional Statement has hit the right balance.

18. Several drafts of the Professional Statement and its accompanying descriptors (which provide additional detail and context to each KSA requirement) were then carefully considered by a specialist Professional Statement Working Group in collaboration with a consultant.
19. This consultation document was then piloted with a small number of barrister and education respondents to identify any issues which may prove problematic for a wider audience. Amendments were subsequently made, where indicated as desirable, before being published.

Solicitors Regulation Authority

20. The first stages of the Professional Statement development were conducted in consultation with the SRA, with the aim of producing a common structure. In order to produce a Professional Statement that adequately represents the requirements of the Bar, a common document has not proved possible. However, in this Professional Statement, the comparable work of the SRA has remained an integral part of the process; there is significant and deliberate consistency of approach between the two professional regulatory bodies. The clear intention is to create harmonious definitions.

Structure

21. The Professional Statement is divided into four areas:
 - a. technical legal characteristics;
 - b. working with others;
 - c. management of practice;
 - d. personal values and standards.

We have listed key elements for each area, supported by descriptors that indicate in greater detail the essence of each.

PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES

Consultation question 1

Does the Professional Statement provide an acceptable *outline* description that can be developed into a Threshold Standard of what you would expect a barrister to be able to do at the point of being issued a full practising certificate?

Consultation question 2

Are there any additional elements that should be included? If so, what are they?

Consultation question 3

Are there any elements that should not be included? If so, what are they?

The Professional Statement – maintaining standards

22. The LSB's [Statutory Guidance on Education and Training](#) recommends that regulators set standards "that find the right balance between what is required at the point of being issued a full practising certificate, and what can be fulfilled through ongoing competency requirements".
23. Throughout a barrister's career, the standards met on authorisation should not be eroded. The Professional Statement will not be used to measure a barrister's likely increasing competency as their career progresses. However it may be of assistance to barristers as the start point when considering their own Continuing Professional Development (CPD) needs.

PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES

Consultation question 4

Does the Professional Statement reflect what you would expect *all* barristers to be able to do throughout their career and not just at the point of being issued a full practising certificate? Why is this?

Consultation question 5

Are there any additional areas of knowledge, skills, attributes or behaviour which should be included, but which are not necessarily essential at point of being issued a full practising certificate? If so, what are they?

Consultation question 6

Have we struck the right balance in the Professional Statement between the broad qualification which our research tells us is encompassed by the title barrister, and the degree of focus which comes in time with practice in a particular area? Why is this?

Consultation question 7

Will the Professional Statement be a useful tool to help barristers comply with their Core Duties, as detailed in the BSB Handbook, and ensure they maintain their practising standards? Why is this?

Consultation question 8

Have we articulated sufficiently clearly the distinction between (a) this Professional Statement (and its use for education and training and in developing thresholds at the point of authorisation) and (b) the role of the BSB Handbook and Code of Conduct (in defining how a barrister must conduct themselves throughout their career)? Why is this?

Equality impact assessment

24. We have undertaken an initial screening of the function of the Professional Statement and did not identify any adverse impacts. We will undertake a full Equality Impact Assessment of the Professional Statement as it will be used in developing new regulatory requirements for education and training for the Bar.

PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES

Consultation question 9

Are you aware of any impacts on equality and diversity, either positive or negative, which might result from using the Professional Statement as a tool to assist our regulatory activities? If yes, what are these?

How to respond

There are three ways you can respond to this consultation.

1. Online, by visiting:

<https://www.surveymonkey.com/s/BSB-FBT-Professional-Statement-Consultation>

2. By email, to:

futurebartraining@barstandardsboard.org.uk

3. By post, to:

Future Bar Training – Professional Statement consultation
The Bar Standards Board
C/O Tim Keeling
289-293 High Holborn
London
WC1V 7HZ

With postal and email responses, please state:

- your name or the name of the person on whose behalf you are responding (unless you wish to respond anonymously);
- your role (eg. barrister, consumer, legal academic);
- your location;
- if you wish for us to treat any part or aspect of your response as confidential.

Responsible officer

The officer responsible for this work at the BSB is Tim Keeling. Please return your responses, or direct any questions, to futurebartraining@barstandardsboard.org.uk

Deadline

Please email your responses by Wednesday 24 June 2015. Responses received after this date will not be considered.

Confidentiality

We may publish a list of respondents to the consultation. Please state clearly if you do not wish your name and/or response to be published. Although we may not publish all individual responses, it is our policy to comply with all Freedom of Information requests.

The Professional Statement Working Group

The Working Group was formed of members of the BSB's Board, Education and Training Committee and Equality and Diversity Committee and comprised:

- [Robin Field-Smith](#) (Chair);
- [Tope Adeyemi](#);
- [Emily Windsor](#);
- [Stuart Weinstein](#).

Our consultant

The consultant was Judith Willis. Judith qualified as a solicitor in 1983, practised until 1990 then entered Higher Education, teaching predominantly postgraduate, vocational law.

Over the next 18 years she acquired an MBA and Masters in Learning and Teaching in Higher Education and joined BPP where she was Professor of Legal Practice, a senior participant in setting up their Business School and successful application for taught degree awarding powers.

Judith has researched and spoken in several areas including work-based learning/assessment and professionalism and is a Fellow of the Higher Education Academy. She has been a member of the Law Society's Equal Opportunity Committee, Chair of the Association of Women Solicitors, UK Board member and General Secretary of the European Women Lawyers Association and worked as an External Examiner and Institutional Assessor for the SRA. She now consults independently and has worked for clients such as City University, The Law Society, Ilex Professional Standards and UCL.

APPENDIX A



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Future Bar Training Programme Professional Statement for Barristers

Foreword: Robin Field-Smith, Chairman, Professional Statement Working Group

The Professional Statement will have a number of important uses.

First, it will be a key record of what a barrister should be aiming for at the beginning of their practising career. Those thinking of a career at the Bar, before they start their journey through university or the transfer route, will have a very clear view of the target they need to achieve. It will also be a practical benchmark while they are qualifying.

Secondly, providers of education and training will at last be able to see the standards to be achieved in terms of outcomes. This will ensure that there is no longer scope for interpreting the requirement and will contribute to quality and consistency.

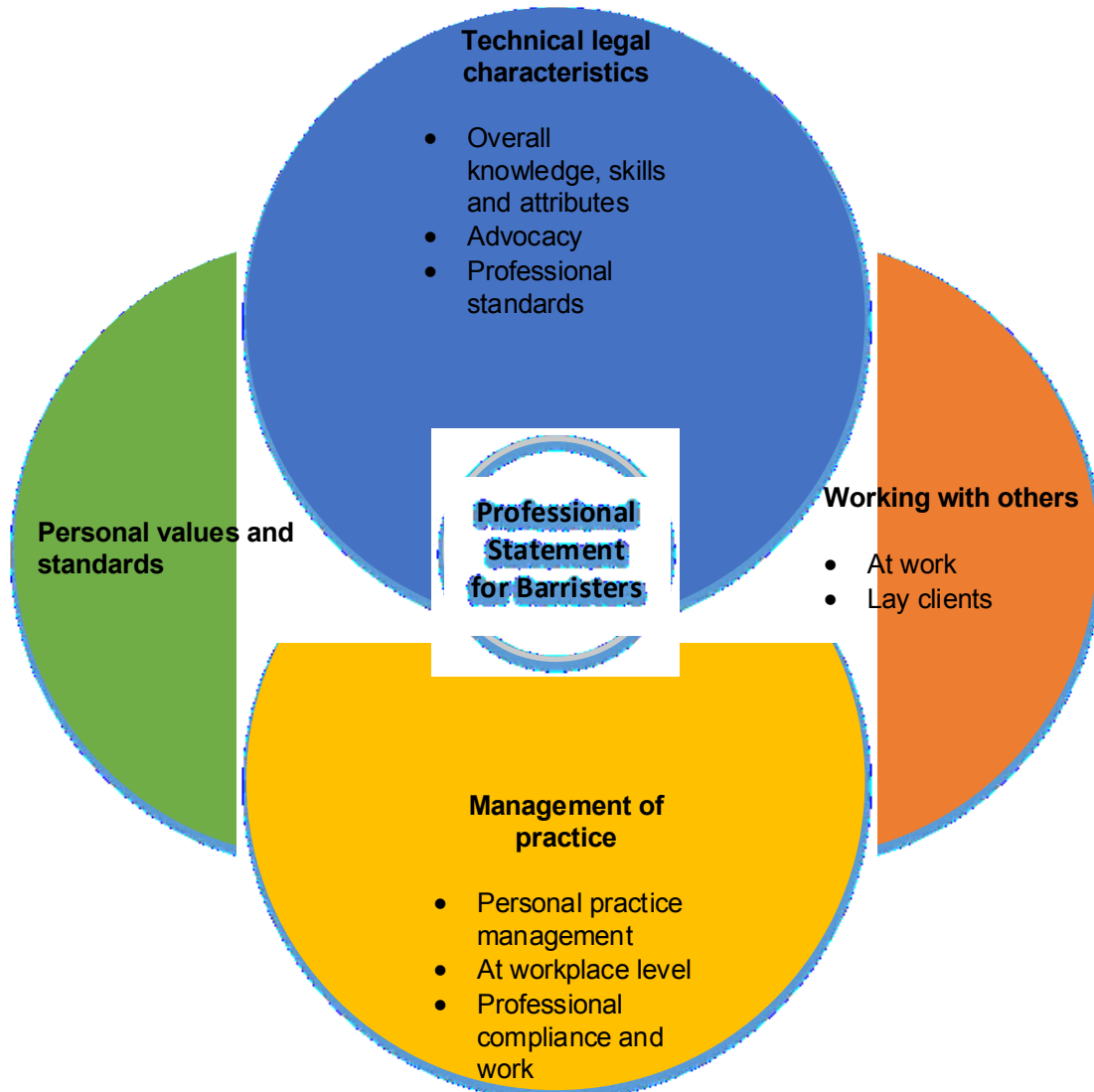
Thirdly, barristers' clients, whether within the legal profession, or the wider public, will be able to see what they can legitimately expect of a newly qualified barrister, in terms of knowledge, skills, and behaviours.

Finally, barristers will have a clear start point from which to move forward through their continuing professional development.

I am particularly grateful to my colleagues on the Working Group, Emily Windsor, Tope Adeyemi, and Stuart Weinstein, as well as the Bar Standards Board (BSB) officers, and our consultant, Judith Willis, for bringing the development work to this stage, and enabling a proper consultation.

I commend it to the Bar and all whom it serves to consider the draft carefully and let us know what you think.

The Professional Statement: an overview



1. Technical legal characteristics

Barristers will:

Overall knowledge, skills and attributes

- 1.1 **Have a knowledge and understanding of the key concepts and principles of public and private law.**
- 1.2 **Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.**
- 1.3 **Exercise good communication skills, through any appropriate medium and with any audience.**
- 1.4 **Exercise good English language skills.**
- 1.5 **Employ effective research skills in all subjects relevant to their work.**
- 1.6 **Apply effective analytical and evaluative skills.**
- 1.7 **Provide clear, concise and accurate advice in writing and orally.**
- 1.8 **Negotiate effectively.**

Advocacy

- 1.9 **Draft court and other legal documents which are clear, concise, accurate and well-balanced.**
- 1.10 **Draft skeleton arguments which present the relevant facts and arguments in a clear, concise and well-structured manner.**
- 1.11 **Have fluent oral advocacy skills.**

Professional standards

- 1.12 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**
- 1.13 **Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**
- 1.14 **Know how to conduct themselves appropriately in court.**

2. Working with others

Barristers will:

At work

- 2.1 **Understand and apply principles of team working where appropriate.**
- 2.2 **Nurture positive relationships with all they encounter at work.**
- 2.3 **Treat all people with respect and courtesy, regardless of their background or circumstances.**
- 2.4 **Respond appropriately to the needs and sensitivities of those from diverse backgrounds and circumstances.**
- 2.5 **Understand and exercise their duty to act in the best interests of their client.**
- 2.6 **Where appropriate, keep clients informed of case progress in a clear and timely manner and manage their expectations.**

Lay clients

- 2.7 **Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.**

3. Management of practice

Barristers will: Personal practice management

- 3.1 **As appropriate, possess a strong understanding of the specific implications of being a:**
 - 3.1.1 **self-employed barrister**
 - 3.1.2 **employed barrister.**
- 3.2 **Possess sufficient understanding of organisational and management skills to be able to maintain a healthy practice.**
- 3.3 **Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.**

At workplace level

- 3.4 **Understand the business systems and structures within which they work and which support their delivery of a professional service.**

Professional compliance and work

- 3.5 **Maintain the confidentiality of their clients' affairs, including by the use of secure information and communications technology methods.**
- 3.6 **Exercise good time-keeping.**
- 3.7 **Where necessary, be diligent in keeping good records and files of cases.**

4. Personal values and standards

- Barristers will:
- 4.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**
 - 4.2 **Be honest in their dealings with others.**
 - 4.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating discrimination, in themselves or others.**
 - 4.4 **Make sound judgements in their work.**
 - 4.5 **Ensure they are fully prepared.**
 - 4.6 **Ensure their work does not incur unnecessary fees.**
 - 4.7 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**
 - 4.8 **Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to develop their knowledge and skills.**

1. Technical legal characteristics

Barristers will:

Overall knowledge, skills and attributes

1.1 **Have a knowledge and understanding of the key concepts and principles of public and private law.**

They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, and be able to apply this as necessary.

1.2 **Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.**

They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practice. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. This will include the rules relating to jurisdiction, evidence, remedies and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.

1.3 **Exercise good communication skills, through any appropriate medium and with any audience.**

They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.

Specifically, these skills will include: -

- listening
- speaking
- reading
- writing
- observing
- recognising and responding to non-verbal cues.

which may be exercised using appropriate technology to assist where such assistance is made essential through the needs of disability.

1.4 **Exercise good English language skills.**

They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex detailed argumentation. They will use correct English grammar, spelling and punctuation.

1.5 **Employ effective research skills in all subjects relevant to their work.**

They will be able to identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will be able to research these legal and non-legal issues, using all appropriate media, accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of their research and presenting those results clearly and accurately.

1.6 **Apply effective analytical and evaluative skills to their work.**

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

1.7 **Provide clear, concise and accurate advice in writing and orally.**

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone.

1.8 **Negotiate effectively.**

They will be able to assess the essential goals and requirements of their client and ascertain those of other parties and the strength of each party's case on the basis of the evidence. They will use their assessment of these, the available options and the legal system, to evaluate the possible outcomes if the negotiation is unsuccessful. They will use this knowledge and understanding to seek to develop compromises enabling an agreement between the parties that satisfy their own client's essential goals and requirements.

Advocacy

1.9 **Draft court and other legal documents which are clear, concise, accurate and well-balanced.**

They will be able to draft standard court documents, including claim forms, statements of case, witness statements, application notices, consent orders and appeal documents. They will be able to draft

these documents in clear language which focusses on the issues relevant to the case.

1.10 **Draft skeleton arguments which present the relevant facts and arguments in a clear, concise and well-structured manner.**

Skeleton arguments will comply with any applicable rules. They will cite authorities in an appropriate manner.

1.11 **Have fluent oral advocacy skills.**

They will be able to communicate their client's case effectively. They will be able to deliver coherent and concise submissions. They will be able to cite legal materials correctly. They will be able to handle witnesses appropriately, in accordance with the rules of the court and in a manner which focusses on the real issues in the case.

Professional standards

1.12 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**

They will clearly understand a barrister's core duties and apply them in all aspects of their work.

1.13 **Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**

They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.

1.14 **Know how to conduct themselves appropriately in court.**

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

2. Working with others

Barristers will: At work

- 2.1 **Understand and apply principles of team working where appropriate.**

They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work co-operatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.
- 2.2 **Nurture positive relationships with all they encounter at work.**

They will build and maintain rapport and respect with all those they meet in their work, acknowledging and engaging with others' expertise where appropriate and ensuring the progress of work is communicated wherever necessary in a timely manner. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, sharing their own expertise where appropriate.
- 2.3 **Treat all people with respect and courtesy, regardless of their background or circumstances.**

They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how empathy may be demonstrated and where and act accordingly.
- 2.4 **Respond appropriately to the needs and sensitivities of those from diverse backgrounds and circumstances.**

They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.
- 2.5 **Understand and exercise their duty to act in the best interests of their client.**

They will apply this core barrister's duty in every case except where it conflicts with their duty to the court in the administration of justice.
- 2.6 **Where appropriate, keep clients informed of case progress in a clear and timely manner and manage their expectations.**

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including

timescales, for communicating significant developments in their matter and communicate those effectively. This will include telling the client about developing options, possible outcomes and risks relating to their matter.

Lay clients

2.7 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and in particular the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

3. Management of practice

Barristers will: Personal practice management

- 3.1 **Where appropriate, possess a strong understanding of the specific implications of being:**
- 3.1.1 **a self-employed barrister**
They will recognise that day-to-day management of these matters will often be handled by those employed by the barrister; however, they will have a sufficient understanding to enable them to supervise these areas of work effectively and accept responsibility for any delegated work, in particular their own tax obligations and adherence to the Code of Conduct for barristers in relation to accounting and financial matters.
- 3.1.2 **an employed barrister**
They will understand the specific implications of being employed as a barrister. They will be able to identify and deal with any conflicts of interest that arise as a result of their employed status and will take responsibility for ensuring the administration of their practice is properly managed.
- 3.2 **Possess sufficient understanding of organisational and management skills to be able to maintain a healthy practice.**
They will have an awareness of skills such as time and project management, planning, record keeping, using IT effectively and personal development. They will analyse their own needs for such skills then acquire and apply them to a good standard where necessary. They will have a basic understanding of risk analysis so as to be able to apply it to their work.
- 3.3 **Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.**
They will ensure their workload is manageable. They will have a basic understanding of business continuity so as to be able to deal with unplanned circumstances. They will be sufficiently organised to ensure absences are planned so as to enable them to honour commitments.

At workplace level

3.4 Understand the business systems and structures within which they work and which support their delivery of a professional service.

They will be able to recognise the organisational structure in which they are working and their place within it. They will contribute to the efficient operation of that workplace where appropriate through such actions as the sharing of work when necessary, the developing of the business, and the creation of effective support systems.

Professional compliance and work

3.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.

They will be aware of and be able to use either electronic or hard copy information management systems so as to ensure the confidentiality and security of their client's information as well as comply with current file storage and destruction regulations.

3.6 Exercise good time-keeping in face-to-face or telephone encounters.

They should attend meetings, conferences and court appearances punctually and fully prepared unless prevented by matters beyond their control.

3.7 Where necessary, be diligent in keeping good records and files of cases.

They will be able to identify situations where keeping records and files is their responsibility and in those circumstances they will ensure that the records they keep may be understood by others as well as themselves, are organised, accurate, contain sufficient details to portray a true record and are up-to-date.

4. Personal values and standards

- Barristers will:
- 4.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**
They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.
 - 4.2 **Be honest in their dealings with others.**
They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.
 - 4.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating discrimination, in themselves or others.**
They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.
 - 4.4 **Make sound judgements in their work.**
They will ensure their judgements are based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.
 - 4.5 **Ensure they are fully prepared.**
They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client's circumstances and goals, so as to be able to supply their client with a good standard of work.
 - 4.6 **Ensure their work does not incur unnecessary fees.**
They will establish with a client at the outset of any matter the basis for charging fees and then follow those arrangements in a cost-effective manner, not undertaking any work which they do not believe to be essential to promoting their client's goals.
 - 4.7 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.

4.8 **Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to develop their knowledge and skills.**

They will be able to plan and develop their career by analysing their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.