

Regulatory Update April 2019

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

At the end of March, we published our [Strategic Plan for 2019-22](#), our [Business Plan for 2019-20](#), and our latest [Risk Outlook](#) on the market for barristers' services.

The Strategic Plan explains our three main priorities for the next three years, which are:

- delivering risk-based, targeted and effective regulation;
- encouraging an independent, strong, diverse and effective legal profession; and
- advancing access to justice in a changing market.

This Plan follows a strategic period which saw us introduce a number of new policy initiatives such as our reforms to the rules governing Bar training, changes to our disciplinary and enforcement processes, and our new transparency rules in response to the report of the Competition and Markets Authority. Our key priority must now be to ensure that those reforms are successfully implemented and evaluated so the next three years will involve fewer new policy initiatives, fewer consultations and fewer rule changes.

Over the next few years, we also want to examine some important areas, such as how technology is changing legal practice and the justice system, and the impact of other developments, including the changes to legal aid, on the achievement of our regulatory objectives. You can read more about our Strategic Plan, our Risk Outlook and our 2019-20 Business Plan on our website.

Earlier this month, we published a [new edition of the BSB Handbook](#) which sees new Bar qualification rules come into force. The new rules will enable the programme of reform known as Future Bar Training to be implemented and are designed to ensure that training to become a barrister is more accessible, affordable and flexible whilst maintaining the high standards of entry expected at the Bar.

We also recently signed a [Memorandum of Understanding](#) with the Inns of Court which recognises the vital role that the Inns will continue to have in the education, training and qualification of barristers following the launch of the new qualification rules.

The latest edition of the Handbook also adopts the civil standard of proof for professional misconduct proceedings arising from alleged breaches of the Code by barristers occurring after 31 March. The criminal standard will continue to be applied to alleged professional misconduct that occurred before that date. This change comes after a public consultation in 2017 and will bring the Bar's disciplinary arrangements in line with those of most other professional regulators. You can read more about this on our website.

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

New BSB Strategic Plan sets out regulatory priorities

In March, we published our [Strategic Plan for 2019-22](#), our [Business Plan for 2019-20](#), and our latest [Risk Outlook](#) on the market for barristers' services.

The [2019-22 Strategic Plan](#) follows a period which saw us introduce a number of new policy initiatives such as reforms to the rules governing Bar training, to disciplinary and enforcement processes, and new transparency rules in response to the report of the Competition and Markets Authority. As a result, our priority for the next three years will be to ensure that those reforms are successfully implemented and evaluated.

This is reflected in our three strategic aims for 2019-22 which are:

- delivering risk-based, targeted and effective regulation;
- encouraging an independent, strong, diverse and effective legal profession; and
- advancing access to justice in a changing market.

These strategic aims derive from the priority risk themes which we have identified within the market for barristers' services in our [2019 Risk Outlook](#). These are:

- working cultures and professional environment inhibit an independent, strong, diverse and effective profession;
- innovation and disruption in the legal services market offer threats and opportunities for the profession and for the public; and
- affordability and lack of legal knowledge threaten access to justice.

The [Risk Outlook](#) provides the evidence for why we believe these risk themes are so significant, and why we are focusing our regulatory attention on them in the period ahead.

The [2019-20 Business Plan](#) sets out in more detail our plans during the first year of the new strategic period.

New edition of BSB Handbook introduces new Bar qualification rules

This month, we published a [new edition of our Handbook](#) which sees [new Bar qualification rules](#) come into force.

The new qualification rules are designed to ensure that training to become a barrister is more accessible, affordable and flexible whilst maintaining the high standards of entry expected at the Bar.

We will be implementing various aspects of the new qualification rules between now and September 2021. Students currently on, or yet to complete, the Bar Professional Training Course (BPTC), and those planning to start the BPTC in September 2019, will have the opportunity to complete the course as normal, with [transitional arrangements](#) in place for those who have not completed the course by Spring 2022. The final new enrolments on the BPTC in its current form will be in September 2019.

The key milestones in the implementation of the new Bar qualification rules include:

- from April 2019, organisations can apply to offer training under any of the routes to qualification permitted within the new rules. Precisely what training becomes available to prospective barristers, and when, will depend on those applying to become Authorised Education Training Organisations (AETOs);
- from September 2019, the way in which pupils are assessed will change to reflect the requirements set out in the Professional Statement for Barristers, and the minimum funding award for pupillage will increase to £18,436 per annum for pupillages in London and £15,728 per annum for pupillages outside London, taking into account the Living Wage Foundation's minimum hourly rates. The minimum pupillage funding award will increase annually in January thereafter;
- in December 2020, the first assessment for the new-look Civil Litigation centralised assessment within the vocational component of learning will begin. The Civil Litigation syllabus and examination will incorporate dispute resolution (which was previously a provider-set assessment). The exam will be split into two parts - one of which will be closed book and the other will be open book; and
- in December 2021, the first new Professional Ethics centralised assessment will take place with the BSB exam being sat during pupillage / the work-based learning component rather than during the vocational component. There will continue to be a Professional Ethics assessment during the vocational component which will be set by AETOs.

We have published a fuller version of the [implementation schedule](#) – including those aspects of the new rules which have come into effect with the publication of the new edition of the Handbook.

To coincide with the publication of the Bar qualification rules, we have also published a new [Bar Qualification Manual](#). This provides further guidance on the new rules for students, pupils, transferring lawyers, and AETOs.

Details of the fees and charges which will apply to AETOs, which were agreed by the Board on 28 March taking into account the results of a public consultation, are also now available on [our website](#).

Civil standard of proof to be adopted in professional misconduct proceedings for barristers

The new edition of [the BSB Handbook](#) published this month adopts the civil standard of proof for professional misconduct proceedings arising from alleged breaches of the Code by barristers occurring after 31 March.

The standard of proof will change from the criminal standard ("beyond reasonable doubt" or "satisfied so as to be sure") to the civil standard ("on the balance of probabilities" or "more likely than not") for conduct that occurs from 1 April. The criminal standard will continue to be applied to alleged professional misconduct that occurred before that date.

This change comes after a public consultation in 2017 and will bring the Bar's disciplinary arrangements in line with those of other professional regulators. It is an important moment in the ongoing modernisation of our regulatory arrangements. It means that the public and the profession can continue to have confidence that our disciplinary proceedings are robust, thorough and fair to all concerned.

BSB signs Memorandum of Understanding with the Inns of Court

At our Board meeting last month, we signed a [Memorandum of Understanding \(MOU\)](#) with the Inns of Court. It recognises the vital role that the Inns will continue to have in the education, training and qualification of barristers in England and Wales following the launch of our [new Bar qualification rules](#).

The MOU sets out the roles and responsibilities of the BSB and the Inns in relation to aspects of the education, training and qualification of barristers in England and Wales prior to them being Called to the Bar. In particular, the MOU is concerned with:

- student membership of an Inn;
- the administration of fit and proper person checks both upon admission to an Inn as a student member and again, before being Called to the Bar;
- the conduct of student members of an Inn; and
- the provision of professional development events known as "Qualifying Sessions" in line with an agreed framework.

We have also published a new edition of our Handbook which will see new qualification rules come into force. The new rules, which were approved last month by the Legal Services Board, are designed to ensure that training to become a barrister is more accessible, affordable and flexible whilst maintaining the high standards of entry expected at the Bar.

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.