



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

BEIS Call for Evidence – Recognition of Professional Qualifications

Current Regulation of Professions

1. Please tell us in which nation(s) you are a regulator of a profession:

England and Wales

2. Please state the sector(s) you regulate within.

Legal Services

3. Please state the profession(s) you regulate.

Barrister

4. Please outline the rationale for regulation within your sector. Listed below are some non exhaustive possible rationales for regulation you may like to consider in your answer. In each instance, please explain their importance to regulation within your sector:

Specifies education and training requirements

As the regulator of barristers in England and Wales, the Bar Standards Board (BSB) is responsible for setting the education and training requirements for those who wish to practise as barristers in England and Wales. Barristers are specialist legal professionals who have a particularly important role in upholding the rule of law and providing access to well-administered justice through our court system. Barristers' clients rely upon their trustworthy advice and complete integrity. The standards expected of the profession depend upon a high level of intellectual ability, a firm foundation of knowledge and skills, and the confidence to use those in challenging circumstances. How people become barristers is important to society as a whole, as well as to individuals who might be relying on their services or thinking of becoming a barrister.

Protects consumers and advances public good principles such as the rule of law and the wider justice system

The Bar Standards Board is a public interest regulator. We set the standards and regulations for practice at the Bar in the [BSB Handbook](#). These regulations and standards seek to ensure that the effective administration of justice is served. Barristers are central to the justice system, and clients depend upon their

independence and ability to present their case fearlessly and effectively whilst providing a high standard of service.

5. Please outline any evidence you have on the consumer protection impacts provided by your regulations.

The BSB is a risk-based regulator. This means that we target regulatory activities where it is needed. In addition to the reform programme to improve the education and training of barristers, which we believe will strengthen consumer protections, three recent examples are evidence of targeted regulatory interventions which improve consumer protections.

Transparency standards

We brought new transparency rules into force as of 1 July 2019, with an implementation period until January 2020. This follows the [Competition and Markets Authority's \(CMA's\) recommendation](#) in December 2016 that the legal regulators deliver a step change in transparency standards to help consumers understand the price and service they will receive, what redress is available and the regulatory status of their provider.

We have some indicative evidence from the pilot we undertook to evaluate the impact of our new rules. This consists of evidence both from provider interviews, who were asked about any observed impact on clients of implementing the transparency requirements, as well as an online survey of clients. Chambers, entities and sole practitioners taking part in the pilot were asked to pass on an online survey link to the solicitors and (where possible) lay clients instructing them during the pilot phase. The aim was to capture clients' feedback on the implementation of the transparency requirements on the providers' websites.

From the interviews with providers, the pilot evaluation found that:

- Participants did not receive any complaints regarding the new information displayed from clients over the duration of the pilot;*
- Participants speculated that increased transparency may help to address the public's perception that barristers are expensive and difficult to access. It enables consumers to 'shop around' and compare providers;*
- New price information might provide more certainty and clarity to clients on what they are ultimately going to be charged;*
- Participants speculated that increased transparency is likely to be of more benefit to lay clients, especially Public Access clients.*

When it came to findings from the online survey of the pilot participants' clients, this received 35 responses, which indicated that:

- Respondents were satisfied with the level of information provided by the pilot participants;*
- Lay client respondents needed more price and service information than solicitor respondents;*
- Lay client respondents were more inclined to 'shop around' and review website information than solicitor respondents;*
- Price information provided by the pilot participants was easy to find, useful and understandable, even though further queries were still needed;*

- *Service information provided by the pilot participants was easy to find, useful and understandable, and further queries on service were less frequent than for price information.*

Immigration thematic review

In 2016, we published the results of our comprehensive [review of immigration services](#) and adopted a new set of recommendations. We conducted the review, because we identified this area as one where consumers are especially vulnerable and may find it hard to access the market to their advantage. The recommendations included a plan to develop a framework that barristers can use to assess and manage immigration client vulnerability, including questions a barrister can ask clients, and information about referral to other services if necessary. The plan also involved us publishing case studies alongside our existing guidance, outlining what “good” and “poor” service looks like to help immigration clients understand what to expect when they interact with a barrister, and their legal rights if they do receive a “poor” service.

In June 2017, we published two guidance documents in collaboration with the Solicitors Regulation Authority and the Office of the Immigration Services Commissioner, and following consultation with consumer organisations and consumers themselves. One document is for consumers of immigration and asylum services – which we also translated into a range of different languages – and one is for professionals who support those consumers. The guidance explains the types of people and organisations that can assist with immigration and asylum issues; how to choose the best provider; what to expect from providers once they are hired; and what to do if something goes wrong. The guidance for professionals can be found [here](#) and the guidance for consumers can be found [here](#).

We made the Bar aware of the guide when we published it and have included links to it within our monthly Regulatory Update email which is sent to approximately 17,000 recipients every month including all practising barristers. We have also tweeted about it to our audience of over 23,000 followers. Between 1 January 2017 and 21 May 2020, our webpage which contains a link to the guidance was viewed 425 times.

We are currently reviewing the code of conduct, and as part of this, we will be engaging with relevant stakeholders to understand the effectiveness of our approach to supporting consumers in this area of law.

Youth Courts

In February 2017, we published “Youth Proceedings Competences”, following research that we commissioned with CILEx Regulation. The research found that standards of advocacy in the Youth Court were variable. The document outlines the key competences that barristers who work with young defendants must meet. The competences build upon the “Professional Statement”, which sets out the core competences required of barristers at the point of entry to the profession. The competences can be accessed [here](#). The publication of the competences document was communicated widely via our usual communication channels such as via a press release, within our monthly Regulatory Update email to the profession, and on social media.

In March 2018, we introduced rS59 to our Handbook which requires barristers and pupils working in the Youth Court to register with us and declare that they meet the

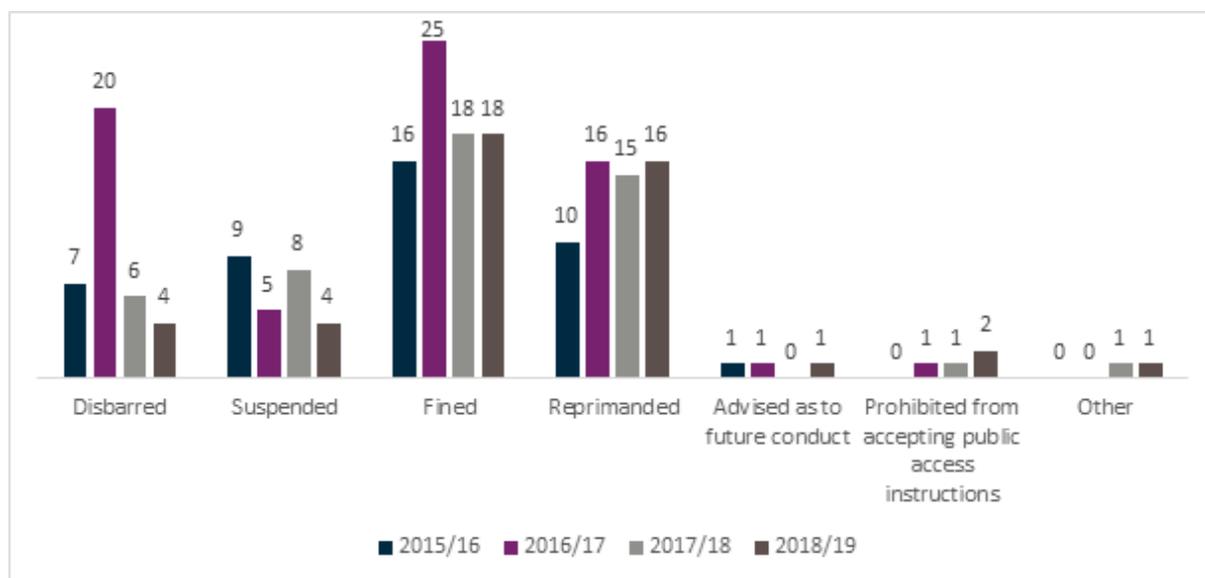
“Youth Proceedings Competences”. Information on the rule can be accessed [here](#). This rule change was communicated widely via our usual communication channels with the profession such as via a press release, within our monthly Regulatory Update email, and on social media. We have conducted some targeted monitoring of the impact of our regulation and in particular the steps that barristers are taking to ensure that they meet the competences expected of Youth Court advocates. We will report on that exercise shortly but based on the information we have regarding compliance with the rules, we believe the regulatory intervention has had a positive impact on barristers appearing in the Youth Courts.

We are currently working with the SRA to apply a similar approach to improve standards in the Coroners Courts.

Enforcement of standards

The Bar Standards Board publishes a Handbook with which barristers must comply. Where there is evidence that the Handbook has been breached, the BSB will consider what enforcement action, if any, is appropriate. The work of enforcing the Handbook is carried out by the BSB’s Investigations and Enforcement Team and the [Independent Decision-making Body](#). We investigate evidence of potential breaches and, where appropriate, take disciplinary action against barristers who have breached their professional obligations as set out in the Handbook.

The table below shows the outcomes of disciplinary enforcement action taken over the last four years. More information on enforcement activities can be accessed [here](#).



International Recognition

- The following questions focus on the route to recognition you offer for applicants with international qualifications. Please outline your process(es) of recognising someone with an international qualification. In your answer, please include details of how this differs from the process of recognising a domestic applicant, the rationale for this/ the reasons why this is the case, and the costs of administering this route.

If you have different processes for different international routes (e.g. for candidates from the EU, USA, Australia, or due to any Mutual Recognition Agreements you hold), please include details on the differences between them.

International Students

For students with international qualifications and who have not yet qualified in another jurisdiction, we have an application process to assess those students' overseas degree qualifications (Certificate of Academic Standing). In this route, we use [UK NARIC](#) to establish the equivalence of overseas qualifications to degrees awarded in the UK. Qualifications must be equivalent to a lower second class honours UK undergraduate degree, which is the minimum standard for domestic applicants. Successful applicants then go on to complete a conversion course (Graduate Diploma in Law), the same as UK graduates who have a first degree in a subject other than law. Overseas applicants may be entitled to individual subject exemptions from the GDL based on their overseas qualifications, but this is assessed on a case-by-case basis.

Qualified Foreign Lawyers (including Qualified European Lawyers and Registered European Lawyers)

Similarly, we operate an application process to assess the qualifications and experience by those who fall into the following categories: Qualified Foreign Lawyers, Qualified European Lawyers and Registered European Lawyers. Applications from lawyers who qualified in another UK jurisdiction (i.e. Northern Ireland and Scotland) are considered under the routes available for Qualified Foreign Lawyers.

The routes highlighted above are explained further for information:

Qualified Foreign Lawyers – *All applicants are required to provide evidence of their qualifications and professional standing in their home jurisdiction. Additionally, we ask applicants to demonstrate any knowledge, skills and experience that meets the competences (to the threshold standard) as set out in the Professional Statement for barristers. This evidence is then assessed against our [published guidelines](#) and the [BSB Handbook](#) to determine appropriate exemptions from each of the individual components of training for the Bar of England and Wales. Successful applicants may be required to complete sections of the Bar Transfer Test (as a test of equivalence to the academic and/or vocational components of training) and/or some period of work-based learning/pupillage. Factors which will be considered include whether the jurisdiction in which the applicant qualified is a common law jurisdiction or not and the applicant's experience of in-court advocacy.*

Qualified European Lawyers - *Lawyers with qualifications from EU/EEA Member States are currently able to benefit from the Mutual Recognition of Professional Qualifications (MRPQ) Directive ([Directive 2005/36/EC](#)). Under this route to qualification, applicants are required to provide evidence of their qualifications and professional standing in their home jurisdiction. This evidence is then assessed against our [published guidelines](#) and the [BSB Handbook](#) to determine appropriate exemptions from each of the individual components of training for the Bar of England and Wales. Successful applicants may be required to complete sections of the Bar Transfer Test (as a test of equivalence to the academic and/or vocational components of training) and/or some period of work-based learning/pupillage. Factors which will be considered include whether the jurisdiction in which the*

applicant qualified is a common law jurisdiction or not and the applicant's experience of in-court advocacy.

Following the end of the transition period, all lawyers who would have been classified as a Qualified European Lawyer will need to apply under the Qualified Foreign Lawyer route.

Registered European Lawyers – *Together, the Mutual Recognition of Professional Qualifications Directive and Lawyers' Establishment Directive provide the right to acquire the host State title by integration in the local profession following three years' establishment in that State under the home State title. Following the end of the transition period, this route to qualification will no longer be available.*

Cost – *All application fees are calculated on a cost recovery basis. The application fee for all qualified lawyers is currently £440.*

7. Please outline any additional steps and their resource implications that you face in processing applicants with international qualifications?

The main resource implication lies in time required by staff to effectively assess the equivalence of overseas qualifications and experience. Qualifications also need to be verified and this may also take time in receiving correspondence with the relevant bodies or institutions.

In order to assess academic equivalence, we utilise the UK NARIC system which has a subscription cost. On occasion, we also utilise advice from an expert from our pool of advisors which also has a cost associated with it.

If there is a challenge to a decision made in assessing an application, the applicant has a right to have a decision reviewed by an Independent Decision-making Body. There is cost both for the administration of this process, panel members and also for staff time.

8. With reference to any of the additional steps outlined above, what would you suggest are the priorities for the UK Government in considering future ways to recognise international qualifications? Please include any details on what an ideal system could look like, as well as how it could operate. Please consider what the priorities would be for the profession you regulate.

We have recently undertaken a review of the education and training requirements for prospective barristers. Underpinning this is the Professional Statement for Barristers. Professional Statement for Barristers describes the knowledge, skills and attributes that all barristers should have on "day one" of practice. This is also a key means by which we assess applications to requalify as a barrister in England and Wales.

We think that, in the near future, we may be able to work more closely with overseas regulators to determine what a 'standard' or typical application should include in order to streamline the application process.

We are, therefore, supportive of the Government's aim to facilitate discussions with regulators of professional services. However, it is imperative that any new system of recognising international qualifications enables the independent regulator to make

decisions based on its own assessment criteria and without obligations being placed on this process without prior consultation.

9. Do you require legislation to give you powers to make changes to your international recognition routes?

Notwithstanding those relating to the UK's membership of the EU, no.

10. What level of dialogue do you maintain with your international counterparts? Please outline the benefits and challenges to cooperation. Please also outline if you are a member of any international networks of regulators, what they are and your experience with them.

On occasion, we welcome overseas delegations to share learning and experiences on varying topics. The most recent foreign delegations have come from Australia, China and Nigeria.

We attend the international conference of legal regulators and the General Council of the Bar is a member of the Council of European Bar Associations (CCBE). These forums are useful and could possibly better facilitate the sharing of experiences and best practice.

We are open to closer working relationships with other international regulators.

11. What are your priorities for supporting UK professionals on your register to have access to their profession in other countries? Please outline any Government support that would help.

We think that this is primarily a matter for the profession's representative body. However, the BSB would want to understand what implications there may be for the regulation of barristers in England and Wales, should the UK Government enter into negotiations which have reciprocal obligations.

The facilitation of regulator to regulator discussions would be welcomed.

12. Do you have any provisions for the recognition of professional qualifications held by refugees residing in the UK? If yes, please detail what these are and why you have implemented these provisions. If no, please detail why not.

Individuals with refugee status residing in the UK have the same rights as anyone else to train and qualify to the Bar and any overseas qualifications will be considered towards that training in the usual way. Therefore, any application to requalify as a barrister in England and Wales will be assessed against the specific qualifications and experience they have obtained in another jurisdiction.

Moreover, we recognise that individuals in such circumstances may not be in a position to produce the necessary documentation to demonstrate their credentials. In such cases, we would accept documentation such as the European Qualifications Passport for Refugees to assist in assessing an individual's application, subject to further verifications by the BSB where necessary. Where the application requires further education and training, the applicant will be required to undertake these before qualifying as a barrister. These can be achieved through taking one or more parts of the Bar Transfer Test and/or the pupillage or work-based learning component of training.

Developing Professional Standards and Regulation

The following questions focus on how you develop your UK professional standards.

13. Please describe the process by which UK professionals gain qualifications to enter the profession, including detail on the types of education and training they must undergo and how long it takes to complete them.

The process for qualification, set out below, is not nationality dependent. Foreign nationals residing in the UK would equally follow this route unless any of the international routes (explained above) apply due to prior qualifications in another jurisdiction.

There are three components to training to become a barrister. These are:

- *the academic component;*
- *the vocational component, and*
- *the pupillage or work-based learning component.*

Academic component – *To satisfy this requirement, one will need either a law degree, or a non-law degree and the Graduate Diploma in Law (GDL). The degree must be a minimum of a lower second class UK Honours standard (2:2).*

The academic component must also cover the foundations of legal knowledge and the skills associated with graduate legal work such as legal research. These are: Criminal Law; Equity and Trusts; Law of the European Union; Obligations 1 (Contract); Obligations 2 (Tort); Property / Land Law; and Public Law (Constitutional Law, Administrative Law and Human Rights Law). Time required – typically three to six years for an undergraduate law degree, or three to six years for a degree in another subject and one to two years for a GDL.

Vocational component – *To satisfy this requirement, one will need to complete a Bar Training Course at a university which is a BSB Authorised Education and Training Organisation (AETO) focussing on knowledge and skills-based elements of Bar training (e.g. advocacy, criminal and civil litigation, professional ethics, etc). Prior to enrolling on a course from an AETO, one will also need to pass the Bar Course Aptitude Test and become a member of one of the Inns of Court.*

Time required – typically one to two years of postgraduate study. Longer part-time options are also available.

Work-based learning component (pupillage) – *To satisfy this requirement, one will undertake both a non-practising period and practising period of pupillage/work-based learning. This involves time spent with a pupil supervisor either in Chambers, a BSB entity or as an employed barrister at a BSB AETO. The purpose of pupillage/work-based learning is to build on the knowledge, skills and experience previously acquired and gaining first-hand experience in a work-based environment.*

Time required – typically one year (two periods of six months – non-practising and practising); however, this may be extended up to two years in total.

This route to qualification has been designed specifically to enable students to gain the competences required by the Professional Statement for barristers.

14. Please describe the process you offer for professionals who have gained the relevant UK qualifications to be brought onto your register.

Individuals must complete the academic and vocational components of Bar training in order to be Called to the Bar by their Inn of Court.

They must then complete both non-practising and practising periods of pupillage/work-based learning. An individual must normally be Called to the Bar before beginning the non-practising period of pupillage/work-based learning.

Upon completion of the non-practising period, the pupil must apply to the BSB to obtain a Provisional Practising Certificate. Once the Provisional Practising Certificate is obtained, the pupil may begin the practising period of pupillage. At the conclusion of the practising period of pupillage, a pupil supervisor will return a Certificate of Satisfactory Completion to the BSB, the BSB then issues a Confirmation of Full Qualification letter to the pupil. The pupil is then entitled to contact the Bar Council Records Office to apply for their first full Practising Certificate and obtain the appropriate insurance cover.

In order to join an Inn of Court as a student member (and to be Called to the Bar), an individual must be deemed to be a fit and proper person to become a practising barrister. More on the fit and proper person checks can be found on the BSB website.

This process is set out in the BSB Handbook's Qualification Rules.

15. How often do you review your processes and standards? In your answer, please describe both formal and informal ways this is carried out (e.g. via consultancy, membership surveys) and include detail of any changes you have recently made based to this process.

All policies are subject to evaluation and periodic review, based on information and data we collect which tells us how well policies are working to achieve our stated objectives.

Throughout our programme of reforms to education and training, we utilised public consultations, research – whether carried out by the BSB or commissioned by us to external researchers – and stakeholder and consumer group engagement activities.

The consultations relating to the Future Bar Training Programme can be found below:

- [*Consultation on the development of the Professional Statement for barristers \(2015\)*](#)
- [*Consultation on changes to CPD \(2015\)*](#)
- [*Consultation on the Future of Training for the Bar \(2015\)*](#)
- [*Consultation on the Professional Statement, incorporating the threshold standards and competences \(2016\)*](#)
- [*Consultation on changes to the CPD Rules \(2016\)*](#)
- [*Consultation on Future routes to Authorisation \(2016\)*](#)
- [*Consultation on shaping the education and training requirements for prospective barristers \(2017\)*](#)
- [*Consultation on changes to the Qualification Rules \(2018\)*](#)

- [Consultation on the fees and charges for authorising and supervising AETOs \(2018\)](#)

16. Thinking about key changes that have been made to your qualification processes, what has been the cause for this change? Below are some non-exhaustive possible options to consider in your answer.

With respect to the education and training reforms, we now implementing a new qualification process for those seeking to qualify as a barrister in England and Wales. The programme of reform, known as the Future Bar Training Programme, came into force last year and began with the cross-regulator supported Legal Education and Training Review (LETR). The LETR review was instrumental in highlighting the need for education and training to become more outcomes focused. This led to the development of the Professional Statement (as mentioned above). Once this was in place, we sought to determine how we could redesign the routes to qualification to ensure that prospective barristers would be competent to practise on “day one”. Each stage of the programme was supported by public consultations, a wide range of stakeholder engagement activities and research which contributed to the development of our policy positions.

17. Do you feel that the current standards you set, against which applicants are assessed to enter onto the register, are a fair reflection of the level of skill, training, education, and experience required to practise their profession? Please explain your answer.

Yes. The routes to qualification have been specifically designed for this purpose.

18. Please detail any principles of regulation you follow (e.g. proportionality and transparency) and how you uphold them, and whether they support you in your duties as a regulator.

In addition to the regulatory objectives, we have adopted two principles of good regulatory practice, which are set out by the Legal Services Board in its regulatory standards framework:

- *outcomes focused regulation; and*
- *risk and evidence based regulation.*

The regulatory objectives ensure that all work of the BSB prioritised and focused on the attainment of these objectives. We analyse what risks we face in achieving these objectives and use the better regulation principles to aide policy making so that regulation is: transparent, accountable, proportionate, consistent, and targeted only at cases where action is needed.

19. Please detail any requirements you may place on the professionals you regulate and why they are necessary. If you do not impose any requirements, please justify your reasons for not doing so.

Following the qualification process, we place several requirements on barristers. A non-exhaustive list of examples includes the following:

- *Compliance with the BSB Handbook (this includes the code of conduct);*
- *Compliance with Continuing Professional Development (CPD) requirements;*
- *A duty to report misconduct by themselves and others;*

- A duty to have adequate professional indemnity insurance; and
- Annual renewal of practising certificate (Authorisation to Practise).

Failure to comply with any of the above may result in regulatory or disciplinary action.

20. Please describe the process by which you determine your application fees. Please set out any principles or guidelines you adhere to when determining fee amounts.

Application fees are charged on a cost-recovery basis. More complex applications which are more time-consuming to process attract larger fees. It is possible to apply for a waiver of any application fee in line with our [Fee Waiver Policy](#) in order to avoid injustice or real hardship to the applicant. If a fee waiver is not deemed appropriate, we will also accept payment by instalments.

21. Please detail any changes that you are considering for your sector to ensure the profession you regulate stays relevant to current challenges. Does current regulation allow for you to make these changes?

As a risk-based regulator, we monitor events in the market to ensure our regulation remains necessary and relevant. We are currently reviewing a number of areas which include:

Code of Conduct – *We are currently reviewing the Code of Conduct to ensure that it remains in line with regulatory best practice.*

Ongoing competence – *We are considering, as are other legal services regulators, whether it is necessary and proportionate to have further regulatory arrangements in place to assure ourselves (and the public) of one's continued competence.*

Innovation and LawTech - *The BSB Risk Outlook 2019 recognised a key risk theme for the BSB was that "innovation and disruption in the legal services market offered threats and opportunities for the profession and for the public". The BSB needs to gain insight into these areas and will seek to build good relationships with subject matter experts. Where necessary, we will act quickly to mitigate the risks, but will also work to enable the profession to adapt and hence take advantage of the opportunities described here. We can do this by keeping our rules flexible to facilitate innovation". Since the publication of the Risk Outlook, we have engaged with other bodies with an interest in this area such as the Legal Practice Management Association, LawTech UK, the Regulators & AI Working Group and other legal services regulators. Our current Regulatory Return to chambers, entities and sole practitioners also includes a question on the use of technology and the support and training available, which will improve our evidence base in this area.*

22. Please detail any steps you take to help make sure that your standards and processes are adaptive, support innovation and promote social mobility.

Given the current health emergency, we have been adaptive and flexible, providing barristers and entities with helpful information about what they should consider if they are unable to work due to court closures, working from home and compliance with regulatory matters. We offered flexible payment options for those renewing their

practising certificate and supported students to take exams remotely to ensure they are able to continue their training. We also allowed students who will awaiting exam results to move into non practising period of pupillage without having been Called.

In relation to supporting innovation, we work with stakeholders, the profession and other regulators to understand the challenges and opportunities which arise from time to time. In particular, we are looking into what regulatory frameworks may be necessary to respond to developments in LawTech

Our reforms to education and training are aimed at reducing barriers to entry whilst maintaining the high standards that are expected of barristers. To this end, we have introduced new regulations to improve the accessibility, flexibility and affordability of training. We believe these changes support social mobility at the Bar.

Continuous Professional Development

- 23. Please detail any continuous professional development that is required for professionals to remain on your register. Please include detail on how often this should take place, in what form, as well as the benefits of adhering and consequences of not adhering to these requirements.**

Continuous Professional Development (CPD) is defined in the BSB Handbook (rQ130.2) as “work undertaken over and above the normal commitments of barristers with a view to such work developing their skills, knowledge and professional standards in areas relevant to their present or proposed area of practice, in order to keep themselves up to date and maintain the highest standards of professional practice.”

New Practitioners Programme

The New Practitioners Programme ([NPP](#)) are the CPD requirements for newly qualified practitioners. These are set out in the BSB Handbook (rule Q132) and require barristers who have held a practising certificate for less than three full calendar years to complete 45 hours of CPD; at least nine of these hours must be spent on advocacy and at least three of these hours must be spent on professional ethics. The NPP is delivered by a barrister’s Inn of Court.

Established Practitioners Programme

In 2017, we introduced a new scheme for the Established Practitioners Programme ([EPP](#)). We replaced the prescriptive hours-based scheme for one which is more flexible to the needs of barristers’ individual learning and development needs.

The new scheme involves following four stages:

- 1. REVIEW: This involves a written CPD Plan setting out learning objectives and the activities proposed to be undertaken during the year.*
- 2. RECORD: This involves a written record of the CPD activities undertaken over the past three years including reflections on the CPD undertaken during that time, any variation in plans and an assessment of future learning objectives.*
- 3. REFLECT: This involved barristers reflecting on planned and completed CPD activities to assess whether objectives have been met.*
- 4. REPORT: This involves declaring to the BSB annually that CPD requirements have been completed.*

Diversity and Inclusion

24. Do you collect data on the diversity of both your UK and international applications? For example, on gender or ethnic background.

Yes. Diversity data are collected from the provider of the Bar Course Aptitude Test, BSB authorised training providers and universities. Once an individual is a barrister and has a MyBar profile, they can update their profile to ensure accurate information is maintained.

25. Please outline any steps you take to eliminate unconscious bias from your recognition process.

All BSB staff members undertake mandatory equality and diversity training as part of their induction. Training on anti-discriminatory practice, which includes a component on unconscious bias, has been delivered to our Legal and Enforcement Department, our Regulatory Operations Department and members of our Independent Decision-making Body. Plans are underway to roll the training out to all staff. Members of our Independent Decision-making Body are required to record that they have checked their decisions for unconscious bias.

As it relates to staff undertaking Authorisations decisions, monitoring questionnaires are deleted from applications before they are uploaded to their electronic record so that they are not visible to officers when they come to assess applications.

Monitoring data from questionnaires is added to an applicant's record but is not visible to anyone other than members of the Equality and Access to Justice Team at the BSB, who would also need to make a request in order view.

We undertake Equality Impact Assessments (EIA) on all policies, projects and functions. Individual EIAs often assess and identify ways to mitigate any risk of unconscious bias (e.g. as part of proposed policies which involve decision making processes). Every one of our departments has an Equality and Access to Justice Officer to support the EIA process.

26. Please outline any steps you take to support job creation in the profession you regulate.

The primary role of the regulator is to promote accessibility of training and pupillages (see descriptions of Future Bar Training, above). Beyond that, we see job creation primarily as a function of the representative body.

The Bar in England and Wales is a predominantly self-employed profession. However, the employed Bar is growing. We have regular discussions with the profession to explore ways of increasing the availability of pupillages, particularly at the employed Bar.

27. Please outline any steps you take to attract a diverse workforce to the profession you regulate.

One of the statutory regulatory objectives is to encourage an independent, strong, diverse and effective legal profession. The reforms to education and training have

been developed with this objective in mind. Our qualification process is now more outcomes-focussed with routes to qualification which are more accessible for those from non-traditional backgrounds, more flexible in terms of mode of study and more affordable (the average cost of vocational training has been reduced by £5,000).

The BSB Handbook includes a set of Equality and Diversity Rules, which apply to all self-employed barristers. The Rules are designed to encourage diversity at all stages of the barrister profession. For example, the Rules include requirements to ensure that chambers recruit fairly. They also include requirements that seek to retain and ensure the fair progression of a diverse workforce (for example, relating to reasonable adjustments, flexible working and parental leave, anti-harassment, diversity monitoring and flexible working.) Every chambers is required to publish diversity data on its workforce, and develop and implement an equality and diversity action plan.

Our E&D Strategies form a key part of our work to improve diversity at all stages of the Bar. Our E&D Strategy for 2017 to 2019 included six equality objectives, four of which related to the diversity of the profession. Evidencing the positive impact of these objectives, our annual “Diversity at the Bar” reports show that the profession overall became more diverse in 2017, 2018 and 2019. Progress is particularly notable in terms of each year’s cohort of pupils, which suggests that our equality objective to “Increase equality of access to the profession” has been impactful.

We have included a full update on our E&D Strategy for 2017 to 2019 in our [E&D Strategy for 2020 to 2022](#). Our current strategy is focussed on disability, race, a review of our Equality Rules, wellbeing, access to justice and bullying, discrimination and harassment.

Additional Information

28. Please detail any other information or evidence that you think we should take into consideration during this Call for Evidence.

N/A