

**Protocol for International Working**

**between**

**GCB**

**and**

**BSB**

## **Introduction**

1. This protocol sets out how the General Council of the Bar (GCB) and the Bar Standards Board (BSB) will work on international issues. It should be read in conjunction with the *Protocol for ensuring regulatory independence and the provision of assurance*.
2. This protocol has been agreed between the GCB and the BSB, and will be reviewed on a periodic basis, concurrently with the *Protocol for ensuring regulatory independence and the provision of assurance*.
3. The subject of this Protocol is international working between the GCB and the BSB. It is therefore underpinned by the Legal Services Board's (LSB's) Internal Governance Rules (IGRs), particularly IGR 1 ('The Overarching Duty') and IGR 3 ('Provision of Assurance to the Approved Regulator'). The Approved Regulator is the GCB.
4. IGR 1 provides that the GCB has an overarching duty to ensure that the BSB's exercise of its regulatory functions is not prejudiced by any representative functions, that arrangements are in place to separate its regulatory and representative functions and that the BSB maintains the independence of its regulatory functions.
5. IGR 3 states that the BSB shall provide sufficient information to the GCB as is reasonably required for the Approved Regulator to be assured of the regulatory body's compliance with section 28 of the Act.

## **Purpose**

6. Taking into account the IGRs, the purpose of this protocol is:
  - to clarify roles and responsibilities on international working<sup>1</sup>;
  - to facilitate appropriate information-sharing between the BSB and the GCB on international work and avoid the duplication of activity and resources;
  - to provide assurance to the GCB that the BSB is engaged appropriately on international policy work which serves the regulatory objectives; and
  - to provide assurance that regulatory independence is being achieved and maintained.

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<sup>1</sup> For the purposes of this protocol, "*international working*" includes (but is not limited to) international visits and exchange programmes, work to promote the Bar and our approach to regulation of the Bar overseas, international training and capability building, attendance at international meetings of legal professional organisations, conferences and events, as well as engagement in policy and regulatory activity at a European and international level.

## **Principles**

7. This protocol applies across the whole of the GCB and the BSB, and is based on the following principles:
  - (i) the GCB is free to engage in a wide range of international work. This includes work of a representative nature in relation to international policy and international regulatory matters;
  - (ii) the GCB will not be involved in the discharge of regulatory actions or obligations at an international level;
  - (iii) no representative of the GCB will represent the BSB, or speak on behalf of the BSB, at international events or to international visitors or delegations (subject to the conditions set out below); and
  - (iv) the GCB may seek information and advice from the BSB on its international work as is reasonably required, and the BSB may seek information from the GCB to support its regulatory work at an international level. All requests for advice and information will be made in line with the principles set out both in this protocol and in the *Protocol for ensuring regulatory independence and the provision of assurance*.

## **Practical arrangements**

### ***International work of a representative nature***

8. The GCB is free to engage in a wide range of international work. Where this includes work on international policy or regulation, the GCB will make it clear that it is acting *in a representative capacity*. This may require the GCB to clarify the respective roles of the GCB and the BSB – in a neutral and factual manner – and to signpost the BSB for further information as appropriate on regulatory matters i.e. any matter which has an impact on the regulation of the profession in England and Wales.
9. The GCB will not represent or speak on behalf of the BSB. This includes representing the BSB view or its position at international meetings of legal professional organisations, conferences and events. There may, however, be occasions where, for practical purposes, it would be appropriate for the GCB to communicate the BSB position. In such cases, this must, where reasonable, first be agreed with the BSB. In addition, any formal written or oral submission prepared by the GCB on international work or for an international audience which refers substantively to the BSB, or which draws on input from the BSB, must, where reasonable, first be approved by the BSB, unless it refers to existing published BSB policy.

10. When engaging in international work, if the GCB becomes aware of a likely impact on the regulatory objectives or on any aspect of the BSB Handbook or of BSB guidance, this will be drawn to the attention of the BSB as soon as is practicable.

### ***International work of a regulatory nature***

11. The GCB will not engage in the discharge of regulatory actions or obligations at an international level without prior approval by the BSB. The BSB will lead on such work. Should any discussions held between the GCB and a foreign Bar raise a matter(s) which properly relates to the discharge of regulatory actions or obligations by the BSB, the GCB will advise that the matter(s) should be referred to the BSB.
12. The BSB will determine when it will engage in international work in accordance with its strategic and business priorities, and with reference to the regulatory objectives and the BSB *Risk Framework* and *Outlook*.

### ***Advice and information sharing***

13. Where the GCB wishes to give formal advice to the BSB in relation to its international work from a representational point of view, this should be in line with the processes set out in the *Protocol for ensuring regulatory independence and the provision of assurance*.
14. Where the BSB wishes to seek formal advice or assistance from the GCB on its international work from a regulatory point of view, this will be in line with the arrangements in the *Protocol for ensuring regulatory independence and the provision of assurance*.
15. This protocol is not intended to limit the normal professional exchange of information between the GCB and the BSB (such as a request for a BSB speaker or a simple factual query about the BSB Handbook). However, all such requests from the GCB to the BSB – where there is a clear international dimension – should ordinarily be made to [Policy@BarStandardsBoard.org.uk](mailto:Policy@BarStandardsBoard.org.uk). In addition, there will be regular liaison between the GCB and the BSB to share workplans and to discuss international work, with a view to minimising duplication of activity and ensuring best use of resources.

### **Points of contact**

15. Questions about this protocol should be directed to the following designated individuals (correct as of the date of this protocol):

#### **GCB**

Philip Robertson  
Director of Policy  
[PhilipRobertson@BarCouncil.org.uk](mailto:PhilipRobertson@BarCouncil.org.uk)

## **BSB**

Ewen Macleod  
Director of Strategy and Policy  
[EMacleod@BarStandardsBoard.org.uk](mailto:EMacleod@BarStandardsBoard.org.uk)

## **Commencement**

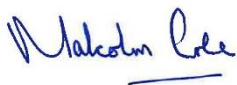
16. This protocol came into force on 13 July 2017. It was reviewed in 2020 in light of the new IGRs and this second version signed by the GCB's Chief Executive and BSB's Director General. It will remain in force until terminated by either the BSB or the GCB.
17. Any changes to this protocol must be agreed in writing.

## **Publication**

18. This protocol is a public document and may be published as the BSB and the GCB see fit.

## **Signatories**

### **For GCB:**



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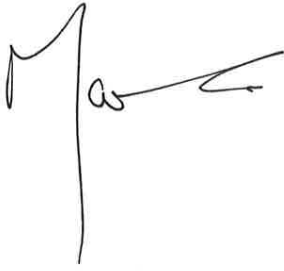
**Name:** Malcolm Cree CBE  
**Capacity:** Chief Executive, GCB

17 August 2020

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**Date:**

**For BSB**

A handwritten signature in black ink, appearing to read 'Mark Neale'. The signature is stylized, with a large 'M' and a long horizontal stroke extending to the right.

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**Name:** Mark Neale  
**Capacity:** Director General, BSB

17 August 2020

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**Date:**