

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**Schedule 4 to the Memorandum of Understanding:
Assurance Framework**

March 2019

This Schedule accompanies and sets out arrangements in fulfilment of paragraph 36 of the Memorandum of Understanding (MOU).

Introduction

1. This guidance sets out the assurance arrangements in relation to the activities of the Council of the Inns of Court (COIC), the Inns Conduct Committee (ICC) in particular and the Inns within the scope of the MOU. The Parties may review and change the approach taken to assurance from time to time by mutual agreement.

Annual Self-evaluation Report

2. Each Inn of Court and the ICC shall develop and share with the Bar Standards Board (BSB) an annual self-evaluation report, covering a period to be agreed between the Parties. This should take the form of a narrative overview of performance against their roles and responsibilities as set out in the MOU. The templates annexed to this schedule should be used. The self-evaluation should have regard to the four principles of Bar Training: flexibility, accessibility, affordability and maintenance of high standards.
3. The reports should draw attention to particular challenges and analyse any changes and trends over the period in question, with reference to the implementation of action plans and recommendations¹ from previous evaluations, where relevant. The emphasis should be on analysis rather than description, with reference to supporting data where possible. The Inns and the ICC should also indicate how quality assurance processes have been used to identify and monitor issues of concern, as well as to identify good practice and quality enhancement.
4. The self-evaluation will also be informed by risk-based analysis as indicated below. Any actions which are proposed shall be SMART, meaning they are:
Specific – i.e. clear as opposed to vague statements or “ideal scenario” wish lists.
Measurable – it should be clear how it will be known when an action has been completed. Numbers, dates, times and outputs can be used to achieve such clarity.
Achievable – are sufficient resources available to undertake the action?
Realistic – is it feasible in all the circumstances to undertake the action?
Time bound – a clear deadline, by which each action must be completed, should be set.
Complaints analysis
5. Annual Self-evaluation Reports shall include the nature and number of formal complaints received relating to the administration of roles and responsibilities set out in the MOU. This should focus on themes, an analysis of trends, lessons learned and improvements made.

Risk management

¹ This may include internal recommendations from an Inn, COIC or the ICC, or recommendations from external auditors or the BSB.

6. Reports should identify current and future risks to achieving the four principles of Bar Training as relevant to the Inns and the ICC. Reports should also describe mitigating steps taken and planned.

Change management

7. Reports should identify changes made during the year and planned for following years, providing information on the context, the reason for the change, the impact and the timescales for implementation.

Fit and proper person checks

8. The BSB, Inns and ICC shall agree the personal data to be collected by the Inns and the ICC (as set out at Schedule 3 of the MOU). Aggregated data shall also be produced by the Inns and the ICC (as set out on pages 9 and 10 of this document). The BSB, Inns and ICC may assess the data in order to promote consistency in decision making and identify improvements.
9. Where appropriate, the BSB may review student records to satisfy itself that fit and proper person checks are being conducted correctly against the relevant Guidelines.

Qualifying Sessions

10. In accordance with paragraph 31 of the MOU, the Inns assure the BSB and themselves that, subject to exemptions and waivers, students will be required to attend the minimum number of Qualifying Sessions prior to Call.
11. Each Inn will provide to the BSB its Qualifying Sessions programme and accompanying Equality Impact Assessment (EIA) for review by the BSB.
12. Where appropriate, the BSB may seek further assurances by reviewing a number of anonymised student records to ensure that these individuals have completed the sessions required by the Qualifying Sessions Framework.
13. The BSB may review surveys completed by students². The BSB may also review any or all reports from the internal and external observers.
14. The BSB may review the outcomes of all quality assurance processes relating to Qualifying Sessions and may attend from time to time for monitoring purposes. At least 24 hours prior notice of attendance will be given.

Recommendations and outcomes

15. Following receipt of Annual Self-evaluation Reports, the BSB may request further assurance that activities comply with any identified requirements³ and support the achievement of the regulatory objectives and the principles underpinning Bar training.
16. Following the review of the Annual Self-evaluation Reports, the BSB may make recommendations to support the Inns and/or COIC (for the ICC) in attaining the objectives and principles set out in paragraphs 2 and 3 of this Schedule.

Annex 1 to Schedule 4 – Assurance Self-evaluation Templates

² This data will be anonymised.

³ As set out in the MOU, qualifying sessions framework, decision-making guidelines or any other policies or guidelines.

The following templates should be used to complete your Annual Self Evaluation Report. The templates will help structure your analysis and the BSB’s review. In this section, you will need to answer each of the questions below for student membership, the administration of the fit and proper person checks and qualifying sessions:

- Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training;
- Highlight any challenges and analyse any changes and trends;
- Analyse how you have used quality assurance processes to identify and monitor concerns, as well as identify good practice and quality enhancement;
- Identify any risks to the attainment of the four principles of Bar Training;
- Highlight and analyse any changes made since your last evaluation; and
- Highlight and analyse any changes you plan to make before your next evaluation.

Student membership

Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training

Highlight any challenges and analyse any changes and trends

Analyse how you have used quality assurance processes to identify and monitor concerns, as well as identify good practice and quality enhancement

Use the box below to consider any risks to the attainment of the four principles of Bar Training

Risk	Mitigating actions	Desired Outcome	Completion Date	Completed
				<input type="checkbox"/>

Use the box below to highlight and analyse any changes made since your last evaluation

Change adopted	Reasons for change	Impact of change

Use the box below to highlight and analyse any changes you plan to make before your next evaluation

Planned changes	Reasons for change	Desired outcome	Implementation Date	Completed
				<input type="checkbox"/>

The administration of the fit and proper person checks at admission

<p>Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training</p>

<p>Highlight any challenges and analyse any changes and trends</p>

<p>Analyse how you have used quality assurance processes to identify and monitor concerns, as well as identify good practice and quality enhancement</p>

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Use the box below to consider any risks to the attainment of the four principles of Bar Training

Risk	Mitigating actions	Desired Outcome	Completion Date	Completed
				<input type="checkbox"/>

Use the box below to highlight and analyse any changes made since your last evaluation

Change adopted	Reasons for change	Impact of change

Use the box below to highlight and analyse any changes you plan to make before your next evaluation

Planned changes	Reasons for change	Desired outcome	Implementation Date	Completed
				<input type="checkbox"/>

The administration of the fit and proper person checks – Student conduct

Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training

Highlight any challenges and analyse any changes and trends

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Analyse how you have used quality assurance processes to identify and monitor concerns, as well as identify good practice and quality enhancement

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Use the box below to consider any risks to the attainment of the four principles of Bar Training

Risk	Mitigating actions	Desired Outcome	Completion Date	Completed
				<input type="checkbox"/>

Use the box below to highlight and analyse any changes made since your last evaluation

Change adopted	Reasons for change	Impact of change

Use the box below to highlight and analyse any changes you plan to make before your next evaluation

Planned changes	Reasons for change	Desired outcome	Implementation Date	Completed
				<input type="checkbox"/>

The administration of the fit and proper person checks at Call

Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training

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Highlight any challenges and analyse any changes and trends

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Analyse how you have used quality assurance processes to identify and monitor concerns, as well as identify good practice and quality enhancement

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Use the box below to consider any risks to the attainment of the four principles of Bar Training

Risk	Mitigating actions	Desired Outcome	Completion Date	Completed
				<input type="checkbox"/>

Use the box below to highlight and analyse any changes made since your last evaluation

Change adopted	Reasons for change	Impact of change

Use the box below to highlight and analyse any changes you plan to make before your next evaluation

Planned changes	Reasons for change	Desired outcome	Implementation Date	Completed
				□

Data review

The BSB requires data on the number of matters which arose from the administration of the fit and proper person checks at admission to an Inn, whilst the individual was a student and at Call.

This will support the BSB to determine whether further information is required.

How many matters were dealt with via the Inn’s internal disciplinary procedure for the period?	
How many matters were referred to the ICC for the period of review?	
How many applicants were admitted / called following initial screening?	
How many matters were heard at the ICC (Hearing Panel) for the period of review?	
How many of these matters were appealed to the BSB’s Review Panel / Independent Decision-making Panel?	

Qualifying Sessions (QSs)

How many students participated and completed the Qualifying Sessions requirements in the period of review?

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Analyse how you have administered your responsibilities set out in the MOU in line with the four principles of Bar Training, and in particular review both how you have ensured regional availability of QSs and the requirement to undertake a minimum number of QSs in each theme

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Highlight any challenges and analyse any changes and trends

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Analyse how you have used quality assurance processes to identify and monitor concerns, deal with waiver applications and identify good practice and quality enhancement

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Use the box below to consider any risks to the attainment of the four principles of Bar Training

Risk	Mitigating actions	Desired Outcome	Completion Date	Completed

				<input type="checkbox"/>
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Use the box below to highlight and analyse any changes made since your last evaluation

Change adopted	Reasons for change	Impact of change

Use the box below to highlight and analyse any changes you plan to make before your next evaluation

Planned changes	Reasons for change	Desired outcome	Implementation Date	Completed
				<input type="checkbox"/>

Data review

Please provide a copy of the below	Included
Qualifying Sessions programme for the period of review	<input type="checkbox"/>
EIAs undertaken for the Qualifying Sessions programme	<input type="checkbox"/>
All reports from internal and external observers	<input type="checkbox"/>

Complaints analysis

This section will capture information about the formal complaints received by the Inns and COIC (on behalf of the ICC) and is intended to support the effective administration of the roles and responsibilities set out in the MOU.

How many complaints were received in the review period relating to the administration of roles and responsibilities set out in the MOU?	
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Of the complaints received, how many related to:

Student membership	
The administration of fit and proper person checks at admission	
Student conduct	
The administration of fit and proper person checks at Call	
Qualifying sessions	

Use the space below to analyse any trends from the complaints you received.

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Use the space below to highlight any improvements you have made or plan to make following your analysis of the complaints.

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