

23 March 2018



BSB Policy Statement on the Regulation of the Role of the Inns of Court in Bar Training

1. In our previous Policy Statement on the Future of Bar Training, which we issued on 23 March 2017, the Bar Standards Board (BSB) explained that, as the regulator of the Bar in England and Wales, we are responsible for regulating the three elements of Bar training:
 - we specify the academic qualifications required;
 - we set the terms of entry to, and the content of, the vocational training which follows; and
 - we regulate the provision of the final stage, pupillage (work-based learning).

2. Our Statement also made clear that over the last few years, the BSB has conducted extensive research and public consultation to examine the ways in which students currently train for the Bar and to consider what reforms to the system should be made, to ensure that it better meets the four key criteria of:
 - encouraging greater flexibility – so that the training system enables innovation in how education and training is delivered;
 - improving accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves;
 - improving affordability – to bring down the cost of studying to students; and
 - sustaining high standards – to ensure that any new training pathway enhances current standards.

3. The Statement went on to set out the Board's decisions in relation to the academic and vocational stages of training and explained that our next steps in this review would be:
 - a review of the requirements for Call to the Bar delivered by the Inns, and the evolving role of the Inns in the formal regulatory arrangements of the BSB;
 - improving our oversight of pupillage as a regulator and taking steps to ensure the consistency of the outcomes at the end of pupillage – to give the public confidence that, wherever and however a barrister has done this final stage of training, the same minimum standard as set out in the Professional Statement has been achieved; and
 - providing more detail about the criteria in our Authorisation Framework for authorising new training courses, which would be developed in collaboration with stakeholders.

4. On 3 October 2017, we therefore issued a consultation document reviewing our regulatory arrangements in relation to the role of the Inns and pupillage and seeking comments on the form and content of our draft Authorisation Framework. That consultation received over 150 responses from a wide range of stakeholders and over the next few months the Board will be deciding the future of our arrangements in each of these three areas.

5. On 22 March 2018, the Board met to consider the role of the Inns of Court in our regulatory arrangements. The Inns have had an essential role in the education and training of barristers for centuries and their important role in Calling individuals to the Bar is enshrined in the Legal Services Act 2007. In reviewing the BSB's role in the regulation of the education and training of barristers we therefore thought it essential that we should review the role of the Inns to ensure that any requirements which we place on students remain strictly necessary.

6. We are very grateful to all those who responded to our consultation exercise. A range of views was expressed in answer to each of our questions and we have considered all those responses very carefully in reaching our

conclusions. These policy decisions remain subject to the final approval of any resulting rules that will be agreed by the Board once it has considered all relevant policy questions (and these rules will then require subsequent approval by the LSB) but our conclusions in principle are as follows:

- The BSB should continue to have a role in the oversight of students intending to become a barrister in England and Wales. In order to achieve proportionate regulatory oversight, there should be a continuing partnership with the Inns of Court but with strengthened quality assurance/compliance arrangements in place. This oversight role will continue through the specification by the BSB of pre-Call and pre-authorisation requirements in the BSB Handbook.
- The BSB should continue to require student membership of an Inn. This would normally be required prior to commencing the ‘vocational’ stage of training, although this may vary depending on the precise pathway being followed (the Authorisation Framework will require this to be clarified for each pathway prior to approval).
- The BSB should require Authorised Education and Training Organisations to check educational attainment in accordance with the student’s approved pathway.
- The BSB should continue to require the Inns of Court to administer the “Fit and Proper Person” and other pre-Call checks, subject to agreeing further detail with the Inns.
- The BSB should require a ‘Standard’ Disclosure and Barring Service check at the point of Call to the Bar.
- The BSB should review the Call Declaration and associated guidance, especially with regard to what disclosures are necessary to avoid confusion and inconsistencies.

- In principle, the BSB should continue to delegate matters of student conduct to the Inns (subject to reviewing roles and responsibilities and agreeing appropriate BSB oversight of the process).
 - The BSB should continue to require that, before they are called to the Bar and can begin pupillage, students must have completed a series of professional development activities provided by their Inn which are known as “Qualifying Sessions”. The content of these should be aligned not just to the Professional Statement¹ but should focus on public interest matters such as the advocate’s role in the rule of law and integrating trainees into to a “community of practice” through interactions with more experienced practitioners and the judiciary. We believe that the Inns are uniquely placed to provide this important function. The BSB should continue to specify a minimum number of such Sessions but the precise number is yet to be agreed. More of this activity should be available to prospective barristers outside London, through coherent collaboration between the Inns, circuits and regional training providers.
7. We will discuss these principles further with the Inns as we agree next steps. Once any remaining policy decisions have been taken, we will agree a Memorandum of Understanding with the Inns of Court to clarify roles and responsibilities. We will also seek to agree a comprehensive data sharing protocol to cover any transfer of information relating to students between the BSB and the Inns.
8. The Board will now seek to reach final conclusions on the regulation of pupillage and on the Authorisation Framework at its meetings in April and May respectively.

- ¹ The Professional Statement for Barristers describes the knowledge, skills and attributes that all barristers should have on 'day one' of practice, ie the point at which barristers are issued a qualification certificate and may apply for a full practising certificate.

9. Once all the necessary policy decisions have been taken, any rule changes required to implement our new Bar training strategy will go to the Legal Services Board for approval in the autumn after a period of consultation in the summer.