



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

2009

Annual Report

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Our purpose

Our purpose is to provide specialist regulation of advocacy and expert legal advice, in the public interest.

Responsibilities

- Setting the education and training requirements for becoming a barrister
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers
- Setting standards of conduct for barristers
- Monitoring the service provided by barristers to assure quality
- Handling complaints against barristers and taking disciplinary or other action where appropriate

Chair's foreword

This report covers my first year as Chair of the Bar Standards Board. Before I joined the Bar Standards Board (BSB) I had little knowledge of how the profession was regulated. In my first year I have been impressed by the commitment of all those who contribute to the BSB's operation and with the variety of work being done.

The simple fact that there is an independent regulator for barristers reflects the strong sense of responsibility and desire to do things the right way within the profession. I pay tribute to the leaders of the Bar Council who instigated the creation of the BSB, starting under the chairmanship of Guy Mansfield QC and then continued by his successors. The BSB has developed enormously since its inception but still holds true to the fundamental tenet of regulating in the public interest, while also now adhering to the regulatory principles in the Legal Services Act 2007.

Turning to the present, 2009 was a challenging, stimulating and momentous year. We accomplished a great deal, culminating in the decisions made in November that will have far-reaching implications for the future of the Bar.

Key achievements during the year

In March, we completed the implementation of the Strategic Review of Complaints and Disciplinary Processes recommendations made by Robert Behrens in his report in July 2007. The improvements to the system for handling complaints against barristers were launched in March 2009. The changes were designed to create a highly effective system that would benefit all users.

In July 2008 the Board received a report from the Bar Vocational Course (BVC) Working Group, chaired by Derek Wood QC. The report made a number of recommendations for improvement to the BVC. Work on the implementation of those recommendations continued in 2009 and will be approaching completion in 2010. This includes the creation of an aptitude test for students wishing to study the new Bar Professional Training Course (BPTC), and a wide range of other changes that will update the course and improve it.

Following on from the review of the Bar Course, a major review of the pupillage stage of training began in October 2008 and continued throughout 2009 and by December its conclusions and recommendations were beginning to be formulated.

In October we launched a new online Register of barristers. The Register provides basic information on all barristers permitted to offer legal services in England and Wales via a single online database.



The Baroness Deech, DBE
Chair

On 20 November 2009 we paved the way for fundamental changes in barristers' working practices by giving approval for barristers to supply legal services through the legal structures known as Legal Disciplinary Practices (LDPs). The BSB took significant decisions in order to open up the legal services market so that consumers have access to even wider and more flexible legal services in fulfilment of the Regulatory Objectives of the Legal Services Act 2007.

Equality and Diversity was an area where we also made progress, with the establishment of the Equality and Diversity Committee and diversity training provided to committee members. The joint BSB/Bar Council Working Group on the Equality and Diversity Code for the Bar produced their draft proposals for a revised Code which the BSB is now taking forward. This aims to update the Code to reflect the Equality Act and to address current – diversity challenges in the profession, such as the retention of women at the self-employed Bar. Of course, lasting progress on diversity cannot be achieved through regulation alone and I am grateful for the Bar's active encouragement of greater diversity in the profession.

Talking about and to the Bar

Over the course of the year I met with members of the Bar, judges, law students, legal bodies, other regulators, and journalists as well as many other people and organisations interested in our work. I had the opportunity to address members of the Bar throughout 2009; giving speeches at the Inns, the Family Law Bar Association, the Personal Injury Bar Association, the Employed Bar Annual Conference, the Institute of Legal Practice Managers, the Ministry of Justice, the annual Bar Conference, the Young Bar Conference and the Council of the Inns of Court. I have spoken about our endeavours in providing wide access and high standards in barristers' education; continued development of barristers and the implications of the Legal Services Act 2007.

In doing so, I have been fortunate that the Bar has also spoken to me and I have been listening. I have learned an enormous amount about the integrity and character of the people who have become barristers. I have attended advocacy training courses for newly Called barristers. I have been impressed by the dedication of newly Called barristers, the intellectual rigour they apply to everything they do and the large amount they give to others by upholding the long held tradition of undertaking pro bono work. This has shown me how central these traits are to the character of the Bar itself and the role it plays in upholding the rule of law and ensuring that all people have access to justice.

I am very grateful to all those who have been so giving of their time and energy to me personally, to the Bar Standards Board and to the protection of the public interest in general.

On behalf of the entire Board, I wish to thank all those involved in the work of the BSB, from the constructive working relationship with the Bar Council, to the support of the Inns, to the increasing collaboration with other Approved Regulators and the developing relationships with the Legal Services Board and Office for Legal Complaints. I also wish to thank the Board and Committee members, who work extremely hard. Last but by no means least; I also wish to thank our staff, who also work incredibly hard. These combined efforts mean that we are making significant progress on all of our work areas.

I have enjoyed my first year as Chair of the Bar Standards Board and look forward to working through the issues to develop the best regulatory system that we can for barristers and the public.

The Baroness Deech, DBE

Chair

Director's report

We achieved a great deal in all areas of the BSB in 2009. Our people have risen magnificently to the challenges of delivery. It was a year where considering the implications of the Legal Services Act 2007 and focusing on service users took centre stage.

The service we provide to the public improved considerably during the year. The online Barristers' Register and improvements to the complaints and disciplinary processes demonstrated our commitment to users of our service.

The programme of education reviews took further strides forward with the implementation of the BVC Review well advanced. The pupillage review was well underway in 2009 with completion due in early 2010. Preparation also began in 2009 for the final review (CPD) which is due to commence in 2010.

In last year's Report I emphasised my commitment to supporting staff in developing their talents and how staff realising their potential enables us to better serve the profession and the public. Remaining firm to this belief, we continued to provide and support a variety of staff training needs in 2009. The year also saw us add to our pool of talent with appointments to help us deal with an increasing workload and strategic appointments such as the position of a new Chief Information Officer, responsible for our IT, who was appointed to our Central Services team in December.

In the Legal Services Board's (LSB) first full year of operation as our oversight regulator, we formed a good working relationship with them and my team and I responded to their consultations – ranging from the LSB's business plan to a consultation on regulatory independence. We also engaged with and responded to the consultations of the Office for Legal Complaints (OLC) and the Solicitors Regulation Authority (SRA). We continue to have a strong relationship with the Council of the Inns of Court (COIC). The Inns are a vital part of a barrister's life and are an integral part of the environment that produces such strong, ethical and able barristers who perform such an important role in our society and legal system.

I would like to thank everyone involved in the work of the BSB, but especially the staff, for all their hard work and support throughout 2009. I would also like to thank the Bar Council, with whom we have a strong working relationship and the Central Services team within the Bar Council, led by Oliver Delany. Their efforts mean that we are able to accomplish the things described in this report.

As our Chair, Baroness Deech, stated in her foreword, 2009 was a historic year where our Board paved the way for fundamental changes in barristers' working practices. It was also a year that saw the completion of our first strategic plan and in the following section I describe the strategic objectives for 2007-09 and measure the success against these objectives. I then go on to talk specifically about our achievements in the core areas of our work in 2009.

Mandie Lavin
Director



Mandie Lavin
Director

Achievements against **Strategic Plan 2007-09**

2009 was the final year in the Bar Standard Board's first strategic plan, which covered the 3 years from January 2007 to December 2009. The plan set out to ensure that the BSB established an identity as an independent regulator with a new approach to regulation.

The Plan placed emphasis on the need for the BSB to establish relations of trust with the public, the Bar, the Inns of Court, the judges and everyone else interested in the justice system.

Strategic Objectives 2007-09

In response to the challenges identified, a work plan with five strategic objectives was created. These objectives complemented the BSB's core regulatory activities – education and training requirements, CPD, standard setting, quality assurance and complaint handling.

Protecting consumers

To establish systems to identify areas of risk to consumers; to take action to remedy poor performance by barristers (or members of the profession); where things go wrong, to provide an efficient and fair complaints and disciplinary system.

We will:

- carry out research to identify where risk of detriment to the consumer or market failure may arise;
- devise and implement proposals for monitoring and reducing areas of risk, recognizing that different practices within the Bar carry different levels of risk;
- utilise our Consumer Panel as a source of expert advice on the needs of users of barristers' services;
- review our complaints system to ensure that it is fair to complainants and barristers, provides swift redress, appropriate sanctions and holds the confidence of all stakeholders.

Access to Justice

To promote accessible and flexible high quality legal services in a competitive market.

We will:

- carry out research into the attitudes about the perceptions of clients and barristers about the way in which barristers' services are provided, recognising that different clients have different needs;
- review the Code of Conduct to ensure that the rules of conduct are up to date and fit for purpose;
- examine the provisions in the Legal Services Bill concerning Alternative Business Structures to identify necessary changes to the regulatory system.

Independent Regulation

To be recognised as a respected, independent regulator operating according to best regulatory principles with the confidence of the Legal Services Board, consumers, the Bar and other stakeholders.

We will:

- work with the Bar Council and the Inns of Court to ensure that our constitutional arrangements and resources provide properly for our independence and effectiveness;
- adopt the principles of better regulation in our work to ensure that regulation is proportionate, accountable, consistent, transparent and targeted;
- establish a Performance and Best Value Committee to measure the success of our work;
- develop a Communications Strategy to ensure that consumers, the Bar and other stakeholders are aware of our existence and work.

Excellence and Quality

To promote excellence and quality within the profession and ensure that those who qualify as barristers have the right level of skills and knowledge to provide services to the public, including employers.

We will:

- carry out research into the effectiveness of the existing education and training requirements and will consult about the level of training needed for practice as a barrister;
- review the Bar Vocational Course and the Training Regulations to ensure that entrants to the profession have the right level of training to offer services to the public and employers;
- ensure that the requirements for continuing professional development keep barristers up to date with developments in the law and fit to practise;
- develop mechanisms for ensuring that the quality of service offered by barristers meets our standards and, where they do not, provide structures for addressing poor performance.

Diversity

To promote diversity in the profession so that those with the right abilities are able to make a career as a barrister irrespective of their background, race, religion, gender, sexual orientation, disability or age.

We will:

- develop a strategy to ensure that consumers have access to a Bar reflecting our diverse and multi-cultural community;
- establish a programme to capture information about the profile of the Bar in respect of background, race, religion, gender, sexual orientation, disability and age;
- promote recruitment and career development procedures which will guarantee that barristers' professional careers develop on merit and without discrimination.

Objective	2007	2008	2009
Protecting consumers	<p>We received a comprehensive report of a strategic review of the complaints and disciplinary system, including wide ranging recommendation for improvements</p> <p>We consulted and received advice from our independent Consumer Panel</p>	<p>The review of the Bar Vocational Course (BVC) was completed under the Chairmanship of Derek Wood QC.</p> <p>A wide variety of necessary actions was undertaken to implement the strategic review of complaints and disciplinary processes by 31 March 2009</p>	<p>Online register of barristers launched</p> <p>Launch of changes to the complaints and disciplinary processes as a result of the Strategic Review</p>
Access to Justice	<p>We commissioned a research exercise into perceptions of clients and barristers about the way in which barristers' services are provided. The report Perceptions of Barristers provided a valuable insight into the concerns of the Bar and of clients.</p> <p>Review of Code of Conduct launched.</p>	<p>The first consultation document on the Legal Services Act 2007 was issued and closed.</p> <p>A fundamental review of the Code of Conduct began with significant progress in 2008.</p> <p>A review of the Public Access rules continued throughout 2008, to ensure that the rules promote access to justice adequately, and in the public interest.</p>	<p>The Board paved the way for fundamental changes in barristers' working practices by giving approval for barristers to supply legal services through the legal structures known as Legal Disciplinary Practices (LDPs).</p> <p>Ongoing comprehensive review of our Code of Conduct, including consulting upon and finalising proposed Conduct Rules.</p>
Independent Regulation	<p>We launched our new website</p> <p>We established a Performance and Best Value Committee to measure the success of our work</p>	<p>There were ongoing discussions with the Bar Council and the Inns of Court to ensure that our constitutional arrangements and resources provide properly for our independence and effectiveness</p>	<p>We received the Legal Services Board's Internal Governance Rules and started working with the Bar Council to ensure they were properly put into effect.</p>

Objective	2007	2008	2009
<p>Excellence and Quality</p>	<p>We established our Education and Training Committee in July 2007</p> <p>We launched a major review of the BVC, chaired by Derek Wood QC, in October 2007</p> <p>We responded to the Solicitors Regulation Authority's consultation on Higher Rights of Audience, stressing that any lowering of minimum standards for advocates exercising higher court rights would not be in the interests of the public.</p>	<p>A major review of the Bar Vocational Course was completed and published in July 2008</p> <p>Revised training regulations were finalised and forwarded to the Ministry of Justice, for subsequent approval</p> <p>A pilot Chambers Monitoring project was carried out and reported to the Board in December 2008</p>	<p>We started to develop, jointly with the Solicitors Regulation Authority and ILEX Professional Standards, a quality assurance scheme for advocates.</p> <p>We continued work on establishing a chambers monitoring scheme.</p>
<p>Diversity</p>	<p>We engaged with Lord Neuberger's review of access to the profession</p> <p>We developed and consulted on an Equality and Diversity Action Plan to ensure that the public has access to a Bar reflecting our diverse and multi-cultural community.</p>	<p>Equality and diversity training was carried out for Board and Committee members</p> <p>An equality and diversity section was introduced on the website</p> <p>Equality impact assessment guidance was developed and training programmes on this commenced</p> <p>Equality Strategy and Action plan was revised and agreed by the Board</p>	<p>The Equality and Diversity Committee was established and held its inaugural meeting in December</p> <p>A list of all the BSB's functions was drafted and those areas requiring an Equality Impact Assessment were identified</p>

Core areas of activity 2009

We are responsible for acting in a number of key regulatory areas and carry out other activities that ensure we are a modern and progressive organisation. Below we outline our achievements in the various core areas of the BSB in 2009:

Complaints and Hearings

The Complaints and Hearings Team investigates complaints and takes action against barristers who have breached our Code of Conduct or provide a poor service. The major achievements in 2009 for this team were:

- Introduction of a new complaints database (February 2009)
- Launch of the Strategic Review changes (March 2009)
- Improvement in the throughput of disciplinary cases against a background of increasing volumes of work (during 2009)
- 100% compliance with deadlines for service of documents (during 2009)
- No costs orders made against the Bar Standards Board (during 2009)
- Successfully defended all Judicial Review applications (during 2009)

IN FOCUS

Launch of the Strategic Review changes

The Bar Standards Board launched improvements to the system for handling complaints against barristers designed to create a highly effective system to the benefit of all users. Changes to the way complaints against barristers are handled were recommended in the 2007 Behrens Strategic Review, and it was amongst the early actions of the BSB to implement his 60-plus recommendations.

At the heart of the improvements are new procedures to ensure effective remedies for people when things do go wrong, as well as improved efficiency in the complaints and disciplinary system. New complaints guidance is an important aspect which is intended to ensure that consumers are effectively equipped with the information and tools they need to make a complaint. The measures include:

- A telephone information line for people seeking information on how to make a complaint
- An improved complaints form in plain English which is easier to complete as well as improved complaints literature
- A more streamlined approach to disciplinary matters including the introduction of determination by consent and referral of complaints to chambers to deal with at a local level.
- The appointment of an Independent Observer tasked with monitoring how the system operates and providing regular feedback to the Board.

Equality and Diversity

The Bar Standards Board has its own Equality and Diversity Team that champions equality and diversity issues. The Team identifies and reports regularly to the Board on areas of risk in relation to equality and diversity issues and compliance with relevant legislation. The major achievements in 2009 for this team were:

- The Equality and Diversity Committee was established and held its inaugural meeting (December 2009)
- Equality and Diversity was included as a key area in the Chambers Monitoring Pilot (January 2009)
- Equality Impact Assessment mentoring was rolled out to all BSB team leads (February 2009)
- The majority of Board and Committee members have attended E&D training (November 2009)
- A report on Ethnicity and Gender in complaints against barristers has been drafted (December 2009)
- The BSB's Equality and Diversity Action Plan for 2010-11 has been developed by the Management Team for approval (December 2009)
- A list of all the BSB's functions has been drafted and those areas requiring an Equality Impact Assessment have been identified (December 2009)
- The Code of Conduct was reviewed and suggested amendments proposed to support Equality and Diversity (November 2009)

IN FOCUS

The BSB Equality and Diversity Committee

The BSB established an equality and diversity sub group in 2007 comprising of lay and barrister members of the BSB. Chaired by Emily Windsor, the Group made significant progress on diversity including developing and publishing the BSB's first E&D action plan and organising an "ethical dilemmas workshop at the 2008 Bar Conference]

It was recognised that the BSB would further benefit from bringing in good equality practice from outside of the profession. During 2009 it was therefore decided to establish a formal Equality and Diversity Committee. Positions on the new Committee were advertised in the legal and mainstream press and, following a rigorous selection process, five lay and five Bar committee members were appointed.

The new Committee includes members with experience of equality in the areas of policing, the medical profession, disability rights, banking, as well as practitioners with backgrounds in public, employment and discrimination law. Under the chair of Sally Hawkins, the Committee has begun work on preparing the Equality and Diversity Code for consultation with the Bar and supporting the Board and regulatory committees with their work.

Qualifications

The Qualifications Committee is responsible for the determination of applications for waivers from the standard requirements for qualification and entitlement to practise as a barrister. Applications relating to the Academic Stage of training are dealt with by the Qualifications Team. All other types of application are dealt with by the Qualifications Committee itself. The major achievements in 2009 for this team were:

- Publication of new Bar Training Regulations (Effective from 1 September 2009)
- Amendment of Criteria and Guideline documents relating to the Bar Training Regulations (August 2009)
- Updating and publication of a revised edition of the Academic Stage Book (August 2009)
- Establishment of a Fee Waiver Policy for all applications (May 2009)
- Processing over 1,000 applications to the Qualifications Committee and over 300 Academic Stage applications

IN FOCUS

Publication of new Bar Training Regulations

The regulations governing qualification as a barrister had been set out in the Consolidated Regulations of the Inns of Court, since 1863. In 2005, the Bar Council set up a working group to review and redraft these Regulations. Draft new Regulations were submitted to the Ministry of Justice for approval in 2007 and were approved in January 2009. The Bar Training Regulations replaced the Consolidated Regulations from 1 September 2009. Implementation of the new Regulations required the review and redraft of various policies made under the Regulations.

**IN
FOCUS****Processing of Applications**

The Qualifications Committee is responsible for determining a large variety of types of application made under the Bar Training Regulations and the Bar's Code of Conduct. These include dispensations from the Academic Stage of training for the Bar, approval of overseas lawyers seeking qualification as a barrister, reductions in pupillage requirements, extensions of time for completion of barristers' CPD requirements, waivers from the rules governing entitlement to exercise rights of audience, authorisation of pupillage training organisations and the grant of licensed access to organisations seeking to instruct a barrister directly. A total of 1,352 applications were determined during the course of 2009.

Education

The Education Standards team oversees the three stages (Academic, Vocational and Pupillage) that must be completed to qualify as a Barrister. The major achievements in 2009 for this team were:

- Completion of the accreditation of the Bar Professional Training Course (BPTC) for courses to run from 2010 (July 09)
- Publication of the BPTC Handbook, issued at the annual Bar Course conference July 2009
- Recruitment of the new Joint Academic Stage Board and publication of draft Handbook (Nov 09)
- Development of the new Bar Aptitude Test for entry to the BPTC (including liaison with the MoJ, counsel and consultants) (Nov 09)
- Development and implementation of the new BPTC online (Started Nov 09)
- The Review of Pupillage, including consultation through meetings with interested parties, drafting of report and new Pupillage Handbook (much achieved Jan- Dec 09, still ongoing)
- Preparations for a major review of CPD from January 2010 to early 2011 (Oct-Dec 09)
- Continued effective operation of core, day-to-day work, in all areas (JASB, Academic Stage, Vocational Stage, Pupillage, CPD)

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FOCUS**

Bar Professional Training Course Handbook 2010-11

The BPTC Handbook was produced by the Bar Standards Board [BSB] in its capacity as the regulator for education and training for the Bar. It is the official reference document for the Bar Professional Training Course (formerly known as the Bar Vocational Course), which must be adhered to by all Providers of the professional, postgraduate training course from the commencement of Academic Year 2010-11.

The Handbook establishes the content and curriculum of the Bar Professional Training Course, as well as the Regulations for the course, and the framework for the assuring, maintaining and enhancement of standards through specified Quality Assurance procedures.

This Handbook has been developed out of the earlier BVC Course Specification Requirements and Guidance produced by the Working Party chaired by the Hon Mr Justice Elias and adopted in full for courses validated from 2002. The new specification and requirements for the Bar Professional Training Course [BPTC] were drawn up by a Working Group chaired by Derek Wood QC (October 2007 – July 2008), following a wide ranging review of relevant material as well as extensive debate and consultation with the whole spectrum of interested bodies.

Full details of the consultation process and methodology leading to the development of this document are provided in the report.

Standards and Quality

The Professional Practice team is responsible for maintaining the Code of Conduct of the Bar of England and Wales, which provides the rules to which all barristers must adhere to. It is also this team, within the BSB, that is tasked with the implementation of the Legal Services Act. The major achievements in 2009 for this team were:

- Major work completed in relation to the Legal Services Act 2007 – resulting in the Board’s decisions for fundamental changes in barristers’ working practices
- Launch of online Barristers’ Register
- Ongoing comprehensive review of the Bar’s Code of Conduct, including, consulting upon and finalising proposed Conduct Rules and commencing the development of an authorisation to practise regime for the Bar
- Commencement of work to develop, jointly with the Solicitors Regulation Authority and ILEX Professional Standards, a quality assurance scheme for advocates
- Continuation of work to establish a chambers monitoring scheme
- Influencing the Legal Services Board on the development of an efficient and proportionate rule approval process for amendments to Approved Regulators’ regulatory arrangements

IN FOCUS

Launch of online Barristers’ Register

Accessing clear information about barristers is now easier than ever, as the BSB launched a new online Register of barristers in October 2009 .

For the first time, the Register provides basic information on all barristers permitted to offer legal services in England and Wales via a single online database.

The Register is an important reference tool for the public and the profession. Providing users of barristers’ services with clear and accurate information about barristers, the Register helps to underpin the BSB’s commitment to ensuring consumer choice, competition and quality in the legal profession. Users of the database can also be confident owing to the fact that the data is authoritative and provided by the regulator of the Bar.

The Register contains key information about barristers offering legal services, including:

- Full name
- Date of call
- Practising address and telephone number
- Practising status:
 - i) Self-employed
 - ii) Employed
 - iii) Non-practising but registered with the Bar Council to provide legal services
 - iv) Registered European Lawyer,
 - v) Overseas practitioners with a practising certificate,
- Whether he or she is an approved pupil supervisor
- Whether he or she is able to undertake public access work

The Register also shows publishable disciplinary findings about the barrister, in line with the existing policy relating to publication of disciplinary findings (i.e. findings which do not include a period of suspension or disbarment are removed from the database after two years, and findings before 2002 are not included).

The BSB carried out two phases of user testing to ensure that the Register was suited to users' needs. The first phase involved BSB staff, while the second phase involved members of the public, most of whom knew little about barristers or the Bar.

A circular graphic with a dark purple background and white text that reads "IN FOCUS". A dark purple diagonal line extends from the top-left of the circle.**IN
FOCUS****Fundamental changes in barristers' working practices**

The BSB is committed to making appropriate changes to permitted practice at the Bar to benefit its clients in terms of greater access to barristers' services, broadening the range of services available from the Bar, giving consumers more choice and bringing down costs whilst maintaining the high standards associated with the Bar.

By 31 March 2010, the Legal Services Board (LSB) had approved three applications submitted by the BSB, that change or relax provisions in the Code of Conduct relating to barristers' working practices.

The LSB approved the following applications:

- LDP Application – This application arises from the Board decisions in November 2009 to permit barristers to work as managers in Legal Disciplinary Practices (LDPs), to work in a 'dual capacity', to hold shares in LDPs, to work in partnerships.
- The Structure of Self-Employed Practice Application – This application also arose from the November 2009 Board meeting and in many ways complements the first by enabling the Bar to offer services to consumers in a variety of flexible ways, including permitting barristers to: share premises and office facilities with others, investigate and collect evidence and witness statements, attend police stations, conduct correspondence.
- The Public Access Scheme Application – This application follows the review of the public access scheme in 2009. It is a further set of changes designed to enable greater direct access to barristers' services for consumers and permits barristers to: offer services in an enlarged area and to engage in correspondence between parties.

These significant changes to the Code of Conduct now for the first time permit barristers to:

- Become managers of Legal Disciplinary Practices (LDPs)
- Work in partnerships
- Work in both a self-employed capacity and employed capacity at the same time (although not in the same case)
- Hold shares in LDPs
- Share premises and office facilities with others
- Investigate and collect evidence and witness statements
- Attend police stations
- Conduct correspondence
- In addition, there has been a significant extension to the Public Access Scheme.

Strategy and Communications

The Strategy and Communications Team supports the Board's operation and the communications activities of the BSB, including the website. The major achievements in 2009 for this team were:

- Organisation of the Clementi Debate "Quality at what cost?" held at Inner Temple Hall (April 2009).
- Collaboration with the Bar Council to produce Welcome to the Bar packs which are disseminated to all new barristers on Call night and the New to the Bar sections on the Bar Council and BSB websites (July 2009).
- Website usability and accessibility report commissioned by Userfocus – precursor to future website improvements (December 2009).
- Event management and communications regarding the launch of the new complaints and disciplinary processes (March 2009) and complaints event (June 2009), Bar Conference workshop (November 2009) and advisory work in relation to the BVC Conference.
- We oversaw the publication of the Annual Report and various other corporate publications, including the complaints and hearings leaflets, the "Who we are and what we do" leaflet.
- We implemented a comprehensive corporate risk register, flowing through from risk management in each subject area and from each Committee.

In focus – Clementi Debate 2009

The Bar Standards Board held its second Clementi Debate at the Main Hall, Inner Temple, on Thursday 2 April. The theme of the Debate was 'Quality at what cost'. The Panel was chaired by Sir David Clementi, who in December 2004 published a report on The Regulatory Framework for Legal Services in England and Wales. The event was attended by barristers, representatives from other legal bodies and individuals who shared an interest in the work of the BSB. The Panel consisted of:

Sir David Clementi
David Edmonds
Christopher Graham
Patricia Robertson QC
Sam Stein QC
Derek Wood QC

The debate was wide-ranging, touching on quality of education, advocacy standards and regulatory action as well as the need to focus on the interests of the public and impact on users of what the BSB and barristers do.

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APPENDIX 1

Board Members in 2009

Chair

Ruth Deech

Vice-Chair

Sir Geoffrey Nice QC

Barrister Members

Sue Carr QC

Charles Hollander QC ¹

Anthony Inglese CB

Simon Monty QC ²

Matthew Nicklin

Michael Pooles QC

Emily Windsor

Lay Members

Sarah Brown

Dr John Carrier

Paula Diggle

Dr Vicki Harris ³

Professor Peter Hutton

Richard Thompson OBE

¹ Standards Committee Chairman

² Qualifications Committee Chairman

³ Performance and Best Value Committee Chair

APPENDIX 2

Committee Members in 2009

The Board operates through five regulatory committees and two other committees each of which reports to the Board. Terms of reference can be found on our website, www.barstandardsboard.org.uk

Qualifications Committee 2009

Responsible for looking at individual applications from people wishing to become barristers, but who may be exempted from the normal training requirements.

Chair

Simon Monty

Vice-Chairs

Linda Stone

Professor Ian Hughes

Colin Reese QC

Lay Vice-Chairs

John Ellison

Barbara Stephens OBE

Lay Members

Libhin Bromley

Sandra Elliott

Professor John Last

Dr Pamela Ormerod

Barrister Members

Jeremy Benson QC

Stephen Bousher

Stuart Brittenden

Ben Collins

Nigel Cooper

Michael Fealy

Helen Fletcher Rogers

Gelaga King

Adam Lewis

Gay Martin

Rory Mullan

Matthew Nicklin

Maya Sikand

William Stevenson QC

Patrick Walker

Secretary

Adrian Turner

Assistant Secretary

Pauline Smith

Education and Training Committee 2009

Responsible for setting the standards of education and training that people must pass, before being able to practise as barristers. Together with further training requirements that barristers must comply with, through careers.

Chair

Dr John Carrier

Vice-Chairs

Nigel Cooper

Emily Windsor

Professor Andrew Boon

Barrister Members

Nerys Jefford QC

Alan Bates

Patrick Goodall

Mark James

Leslie Keegan

Lay Members

Annie Hitchman

Professor Gwyneth Pitt

Professor Celia Wells

Legal Academics

Frances Burton

Lesley-Ann Cull

Executive Secretary

Adrian Turner

Complaints Committee 2009

Responsible for investigating complaints, and taking action against barristers who have breached the Code of Conduct, or provided poor service.

Chair

Sue Carr QC

Vice-Chairs

Timothy Brennan QC

John Ellison

Simon Lofthouse QC

Barbara Stephens OBE

Secretary

Adrian Turner

Standards Committee 2009

The Standards Committee is responsible for recommending rule changes to the Bar Standards Board in respect of the Code of Conduct. Further, the Committee issues guidance in relation to the Code and has a significant role in developing policy in respect of professional standards and training.

Chair

Charles Hollander QC

Vice-Chairs

Timothy Fancourt QC

Arthur Selman

Sarah Brown

Additional Members

Christopher Gibson QC

Daniel Crowley

Clive Heaton QC

Jasbir Dhillon

Mark Lucraft QC

Dexter Dias

John McGuinness QC

John Kimbell

Daniel Beard

Caroline Wright

Lay Members

Roger Creedon

Peter Douglas

Paula Diggle

Professor Emeritus Brian Gomes
da Costa

Executive Secretary

Toby Frost

Quality Assurance Committee 2009

The Quality Assurance Committee was established by the Board to lead on the development of quality assurance initiatives for the Bar.

Chair

Michael Pooles QC

Vice-Chairs

Elizabeth Hall

Anthony Inglese CB

Vicki Harris

Co-opted Members

Edith Robertson

Additional Members

Damian Brown

Graham Reid

Oliver Campbell

Samuel Stein

Meyric Lewis

Michelle Stevens-Hoare

Kate Mather

Lay Members

Mandy De Waal

Grahame Owen

William Ferguson

Michael Reddy

Professor Peter Hutton

Executive Secretaries

Dawn Elvy

Oliver Hanmer

Performance and Best Value Committee 2009

The Performance and Best Value Committee is responsible for reviewing the corporate governance structures of the Board and its committees to ensure that they are working economically and effectively.

Chair

Dr Vicki Harris

Vice-Chair

Michael Pooles QCI

Members

Christopher Graham

Sir Graham Meldrum

David Prince

David Southern

Alan Wright

Executive Secretary

Amanda Thompson

APPENDIX 3

Annual statistics for the Bar 2009

As at December 2009

Number of Barristers	Total	Men	Women
Self Employed Bar			
England and Wales	12241 (12136)	8381 (8364)	3860 (3772)
London	7758 (7681)	5371 (5348)	2387 (2333)
Provinces	4461 (4433)	2996 (3003)	1465 (1430)
Overseas	22 (22)	14 (13)	8 (9)
Self Employed Queen's Counsel			
England and Wales	1318 (1273)	1179 (1146)	139 (127)
London	1105 (1064)	984 (954)	121 (110)
Provinces	213 (209)	195 (192)	18 (17)
Employed Bar (including CPS, GLS etc)			
	3029 (3046)	1630 (1635)	1399 (1411)
Non-Practising			
	3637 (3721)	1877 (1911)	1760 (1810)
Overseas and Retired			
	1409 (1575)	880 (1026)	529 (549)

Number of Chambers	Total	Barristers' Chambers Practitioners	Sole Practitioners
England and Wales	734 (690)	343 (339)	391 (351)
London	347 (342)	204 (203)	143 (139)
Provinces	387 (348)	139 (136)	247 (212)

Called to the Bar 2008/09	Men	Women	UK	Overseas
Total	851 (832)	921 (910)	1255 (1196)	517 (546)

(Figures in brackets relate to 2008)

APPENDIX 4

Bar Standards Board income and expenditure 2008/2009

	Actual 2009 £'000	Budget 2009 £'000	Actual 2008 £'000
CALL ON PCF			
Income from cost-recovering activities:			
Validation of BVC institutions	677	750	601
BPTC Online/Accreditation	81	153	0
Accreditation of CPD courses and providers	175	200	134
Qual. Comm. Applications	145	160	137
Other Educational income	66	58	63
Disciplinary fines/cost recoveries *	164	70	87
	1,308	1,391	1,022
Total costs of regulation	4,892	5,250	4,522
To be recovered from PCF income	3,584	3,859	3,500
Total PCF income	6,501	6,336	6,098
BSB call on PCF (as %)	55	61	57

Bar Standards Board income and expenditure 2008/2009 (contd)

	Actual 2009 £'000	Budget 2009 £'000	Actual 2008 £'000
BOARD EXPENDITURE			
Expenditure by activity			
Complaints & Hearings	1,157	1,292	1,102
Education Standards	647	736	481
Qualification Regulations	189	203	192
Standards & Quality	428	495	321
	2,421	2,726	2,096
Executive & Board	510	547	552
Strategy, Communications & Operations	255	287	319
Total Direct Costs	3,186	3,560	2,967
Allocated Costs: Central Services	1,706	1,690	1,555
Total Cost of Regulation	4,892	5,250	4,522
	Actual 2009 £'000	Budget 2009 £'000	Actual 2008 £'000
EXPENDITURE by type			
Staff costs:			
Salaries	1,765	1,882	1,565
NIC/Pensions/Benefits in Kind	513	532	449
Recruitment/Temporary staff	44	10	222
Staff Training & Expenses	53	56	14
Total	2,375	2,480	2,250
Committee activity	535	771	463
Board	276	46	254
Total Direct Costs	3,186	3,297	2,967
Allocated Costs: Central Services	1,706	1,690	1,555
Total Cost of Regulation	4,892	4,987	4,522

APPENDIX 5

Number of applications considered by the Qualifications Committee 2009

	Applications Considered
Academic Stage Applications	
Applications for Partial Exemption from the Academic Stage	19
Applications for Exercise of Discretion to Waive Requirement to obtain lower second class honours	44
Application for Certificate of Academic Standing on the basis of overseas or non-standard degrees	196
Applications for reactivation of stale qualifications	10
Application for approval of credit transfer	37
Application for approval to exceed permitted study-time	14
Application for permission to commence Vocational Stage before completing Academic Stage	14
Total Academic Stage applications	334
Transferring Solicitors Panel ("Panel A")	
Solicitors applying for Call to the Bar	65
Mature students applying for admission to an Inn	19
Total Panel A	84
Transferring Qualified Lawyers Panel ("Panel B")	
Common law practitioners applying for Call to the Bar	27
European lawyers applying for Call to the Bar	5
European lawyers applying for Registration under the Establishment Directive	3
Legal Academics applying for dispensation from the standard requirements for Call to the Bar	6
Northern Irish Barristers	1
Applications for Temporary Membership of the Bar	1
Total Panel B	43

	Applications Considered
Pupillage Panel ("Panel C")	
Applications for approval to undertake external training	9
Applications for reduction in pupillage	54
Applications from pupils for dispensation from the pupillage regulations	13
Applications from pupil-supervisors for dispensation from the pupillage regulations	0
Applications for retrospective registration of pupillage	3
Total Panel C	79
CPD Panel ("Panel D")	
Applications for extension of time for completion of the New Practitioners Programme	59
Applications for waiver of the NPP Requirements	11
Applications for extension of time for completion of the Established Practitioners Programme	421
Applications for waiver of the EPP Requirements	125
Total Panel D	616
Practising Rules Panel ("Panel E")	
Applications for rights of audience/waivers of the practising rules	48
Applications for designation as a "qualified person"	2
Applications for waiver of the Public Access Rules	11
Applications for Exemption from the Vocational Conversion Course	1
Applications for authorisation as a pupillage training organisation	13
Applications for licensed access	41
Total Panel E	116

	Applications Considered
Pupillage Funding & Advertising Panel ("Panel F")	
Applications for waivers of the Pupillage Funding & Advertising Requirements	34
Total Panel F	34
Full Committee	
Applications under CR58	3
Review of decisions on Academic Stage applications	11
Review of decisions on applications to Qualifications Committee	32
Total Full Committee	46
TOTAL	1352

APPENDIX 6

Complaints handling statistics for the Bar Standards Board 2009

Table 1: Complaints opened: annual comparison 2005 to 2009

Complaint type	2005	2006	2007	% change	2008	% change	2009	% change
Internal	559	592	598	+1.0%	521	-12.9%	557	+6.9%
External	318	192	111	-42.2%	315	+183.8%	172	-45.4%
Total	877	784	709	-9.6%	836	+17.9%	729	-12.8%

Complaints opened: 2005 – 2009

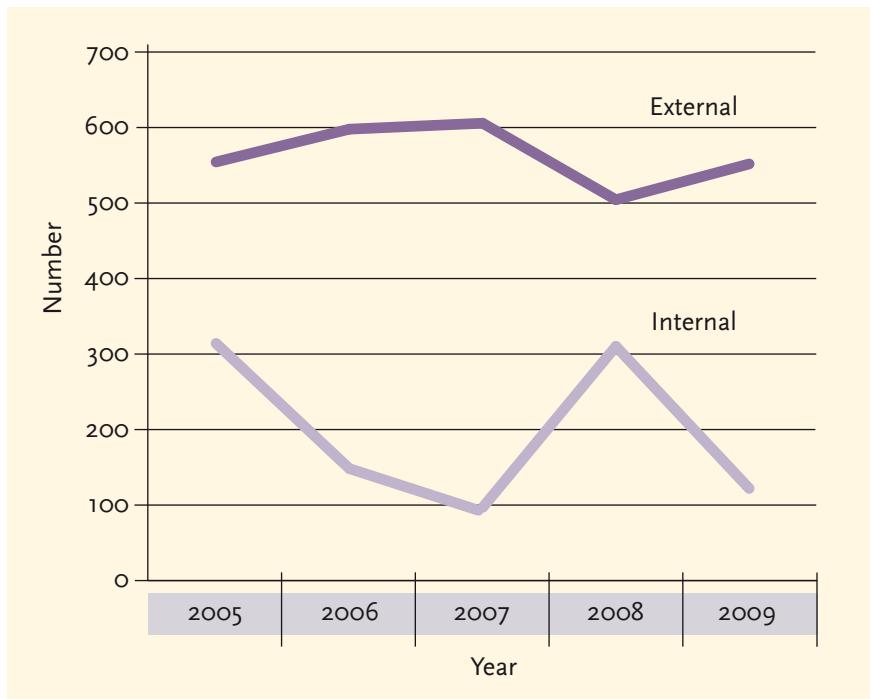


Table 2: Complaints closed: annual comparison 2005 to 2009

Complaint type	2005	2006	2007	% change	2008	% change	2009	% change
External	483	575	582	+1.2%	564	-3.1%	569	+0.9%
Internal	225	275	147	-46.5%	153	+4.1%	255	+66.7%
Total	708	850	729	-14.2%	717	-1.6%	824	+14.9%

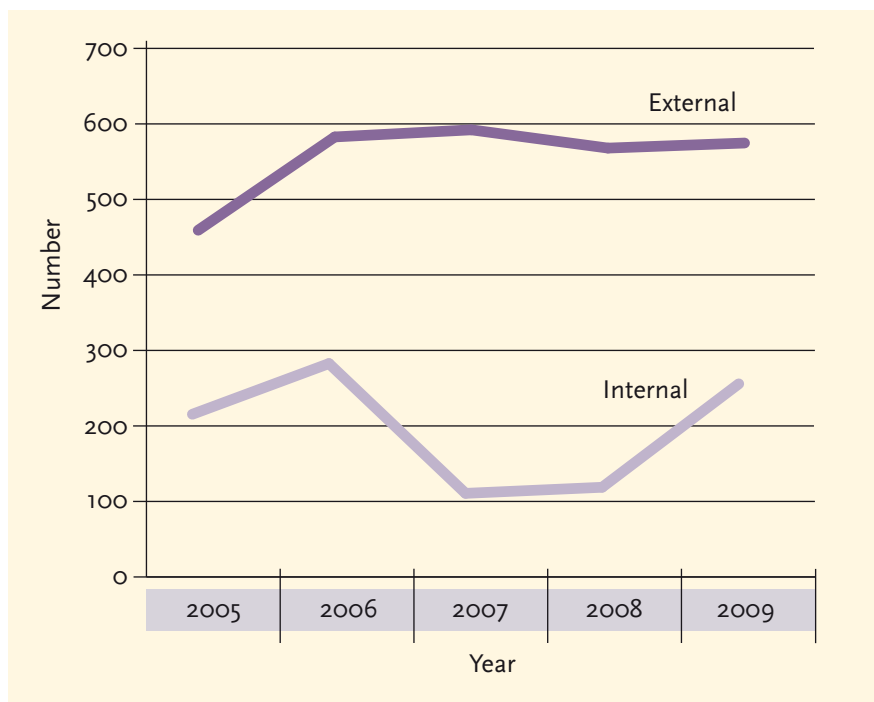
Complaints closed: 2005 – 2009

Table 3: Complaints opened from 2007 to 2009 by complainant category

Complainant category	2007	% total	2008	% total	2009	% total	% previous year change
Bar Standards Board	111	15.7%	309	37.0%	172	23.6%	-44.3%
Civil litigant	176	24.8%	153	18.3%	198	27.2%	+29.4%
Civil litigant: litigant in person*	0	0.0%	1	0.1%	21	2.9%	+2000.0%
Criminal defendant	140	19.7%	55	6.6%	49	6.7%	-10.9%
Criminal: non-defendant*	1	0.1%	19	2.3%	7	1.0%	-63.2%
Criminal: defendant prisoner*	0	0.0%	68	8.1%	58	8.0%	-14.7%
Family: ancillary relief*	0	0.0%	11	1.3%	32	4.4%	+190.9%
Family: child proceedings*	1	0.1%	9	1.1%	28	3.8%	+211.1%
Family: other	86	12.1%	43	5.1%	11	1.5%	-74.4%
Barrister	20	2.8%	21	2.5%	22	3.0%	+4.8%
Solicitor(s) on lay client's behalf	11	1.6%	9	1.1%	17	2.3%	+88.9%
Solicitor(s) on own behalf	14	2.0%	28	3.3%	19	2.6%	-32.1%
Chambers staff*	0	0.0%	1	0.1%	4	0.5%	+300.0%
Head of Chambers*	0	0.0%	0	0.0%	0	0.0%	0.0%
Judge (or official on their behalf)	7	1.0%	9	1.1%	4	0.5%	-55.6%
Magistrates/Clerk to the Justices	1	0.1%	0	0.0%	0	0.0%	0.0%
Legal Services Commission	0	0.0%	0	0.0%	0	0.0%	0.0%
Ministry of Justice	1	0.1%	0	0.0%	0	0.0%	0.0%
Immigration client	0	0.0%	5	0.6%	5	0.7%	0.0%
Asylum and Immigration Tribunal	1	0.1%	0	0.0%	1	0.1%	0.0%
OISC	4	0.6%	14	1.7%	1	0.1%	-92.9%
Other	135	19.0%	81	9.7%	80	11.0%	-1.2%
Total	709	100.0%	836	100.0%	729	100.0%	-12.8%

Note: Complainant categories marked as * were introduced in 2008/09

Table 4: Overall turn round times for all complaints: annual comparison 2005 to 2009

Closure Period	2005	% Total	% Change	2006	% Total	% Change	2007	% Total	% Change
Under 3 Months	379	53.5%	+12.1%	303	35.6%	-20.1%	227	31.1%	-25.1%
4 - 6 Months	148	20.9%	+16.5%	175	20.6%	+18.2%	168	23.0%	-4.0%
7 - 12 Months	84	11.9%	-39.1%	191	22.5%	+127.4%	244	33.5%	+27.7%
13 - 18 Months	38	5.4%	-13.6%	105	12.4%	+176.3%	60	8.2%	-42.9%
19 - 24 Months	18	2.5%	-14.3%	36	4.2%	+100.0%	15	2.1%	-58.3%
Over 24 Months	41	5.8%	+115.8%	40	4.7%	-2.4%	15	2.1%	-62.5%
Total	708	100.0%	+3.1%	850	100.0%	+20.1%	729	100.0%	-14.2%

Continued – Overall turn round times for all complaints: annual comparison 2005 to 2009

Closure Period	2008	% Total	% Change	2009	% Total	% Change
Under 3 Months	273	38.1%	+20.3%	254	30.8%	-7.0%
4 - 6 Months	149	20.8%	-11.3%	156	18.9%	+4.7%
7 - 12 Months	166	23.2%	-32.0%	253	30.7%	+52.4%
13 - 18 Months	85	11.9%	+41.7%	105	12.7%	+23.5%
19 - 24 Months	25	3.5%	+66.7%	38	4.6%	+52.0%
Over 24 Months	19	2.6%	+26.7%	18	2.2%	-5.3%
Total	717	100.0%	-1.6%	824	100.0%	+14.9%

Table 5: Overall turn round times for all dismissals (by the Complaints Commissioner and Committee) – annual comparison 2007 to 2009

Period	2007			2008			2009		
	Number	% of total	% change	Number	% of total	% change	Number	% of total	% change
0 - 3 months	185	36.9%	-30.5%	225	45.0%	+21.6%	157	34.7%	-30.2%
4 - 6 months	145	28.9%	+7.4%	126	25.2%	-13.1%	119	26.3%	-5.6%
7 - 12 months	146	29.1%	+111.6%	121	24.2%	-17.1%	131	29.0%	+8.3%
13 - 18 months	24	4.8%	+200.0%	25	5.0%	+4.2%	30	6.6%	+20.0%
19 - 24 months	1	0.2%	-75.0%	3	0.6%	+200.0%	11	2.4%	+266.7%
Over 24 months	0	0.0%	-100.0%	0	0.0%	0.0%	4	0.9%	+100.0%
Total	501	100.0%	+3.7%	500	100.0%	-0.2%	452	100.0%	-9.6%

Table 6: Cases referred for further action: annual comparison 2007 to 2009

Referral type	2007			2008			2009		
	Number	% of total	% change	Number	% of total	% change	Number	% of total	% change
Adjudication Panel	16	12.6%	-30.4%	13	7.2%	-18.8%	6	2.4%	-53.8%
Determination by Consent	n/a	n/a	n/a	n/a	n/a	n/a	43	16.9%	0.0%
3 Person Disciplinary Tribunal	n/a	n/a	n/a	n/a	n/a	n/a	94	36.9%	0.0%
5 Person Disciplinary Tribunal	n/a	n/a	n/a	n/a	n/a	n/a	51	20.0%	0.0%
Disciplinary Tribunal	34	26.8%	-45.2%	50	27.8%	+47.1%	13	5.1%	-74.0%
Summary Hearing	77	60.6%	+71.1%	117	65.0%	+51.9%	48	18.8%	-59.0%
Total	127	100.0%	-2.3%	180	100.0%	+41.7%	255	100.0%	+41.7%

Table 7: Turn round times for cases referred for further action: annual comparison 2007 to 2009

Period	2007			2008			2009		
	Number	% of total	% change	Number	% of total	% change	Number	% of total	% change
Under 3 Months	0	0.0%	-100.0%	3	2.4%	+0.0%	1	0.5%	-66.7%
4 - 6 Months	44	34.1%	-51.1%	31	25.0%	-29.5%	47	22.9%	+51.6%
7 - 12 Months	58	45.0%	-49.6%	52	41.9%	-10.3%	122	59.5%	+134.6%
13 - 18 Months	18	14.0%	-59.1%	27	21.8%	+50.0%	29	14.1%	+7.4%
19 - 24 Months	7	5.4%	-22.2%	3	2.4%	-57.1%	4	2.0%	+33.3%
Over 24 Months	2	1.6%	-92.3%	8	6.5%	+300.0%	2	1.0%	-75.0%
Total	129	100.0%	-56.1%	124	100.0%	-3.9%	205	100.0%	+65.3%

Table 8: Sentences imposed by disciplinary panels and tribunals: annual comparison 2008 and 2009

Hearing type	Sentence type	2008	% total	2009	% total
Adjudication Panel	Apologise	1	0.6%	4	1.2%
	Compensation	2	1.3%	3	0.9%
	Complete CPD	0	0.0%	1	0.3%
	Forego/repay fees	3	1.9%	1	0.3%
	No further action	2	1.3%	0	0.0%
Adjudication Panel total		8	5.0%	9	2.8%
Disciplinary Tribunal	Advised	4	2.5%	9	2.8%
	Attend on nominated person to be reprimanded	0	0.0%	2	0.6%
	Complete CPD	4	2.5%	11	3.4%
	Costs order against defendant	33	20.6%	33	10.1%
	Disbarred	15	9.4%	7	2.1%
	Fined	16	10.0%	21	6.4%
	No separate penalty	0	0.0%	5	1.5%
	Other	0	0.0%	3	0.9%
	Reprimanded	11	6.9%	9	2.8%
	Suspended	13	8.1%	15	4.6%
Disciplinary Tribunal total		96	60.0%	115	35.3%
3-Person Disciplinary Tribunal	Complete CPD	0	0.0%	6	1.8%
	Costs order against defendant	0	0.0%	7	2.1%
	Fined	0	0.0%	7	2.1%
	No separate penalty	0	0.0%	1	0.3%
	Reprimanded	0	0.0%	3	0.9%
	Suspended	0	0.0%	4	1.2%
3-Person Disciplinary Tribunal total		0	0.0%	28	8.6%

Hearing type	Sentence type	2008	% total	2009	% total
5-Person Disciplinary Tribunal	Costs order against defendant	0	0.0%	8	2.5%
	Disbarred	0	0.0%	4	1.2%
	Fined	0	0.0%	1	0.3%
	No separate penalty	0	0.0%	1	0.3%
	Reprimanded	0	0.0%	1	0.3%
	Suspended	0	0.0%	3	0.9%
5-Person Disciplinary Tribunal total		0	0.0%	18	5.5%
Summary Hearing	Advised	10	6.3%	13	4.0%
	Apologise	3	1.9%	1	0.3%
	Attend on nominated person for advice	0	0.0%	5	1.5%
	Attend on nominated person to be reprimanded	0	0.0%	2	0.6%
	Complete CPD	0	0.0%	22	6.7%
	Costs order against defendant	0	0.0%	1	0.3%
	Fined	18	11.3%	58	17.8%
	Forego/repay fees	1	0.6%	0	0.0%
	No further action	8	5.0%	4	1.2%
	No separate penalty	0	0.0%	1	0.3%
	Other	0	0.0%	7	2.1%
	Reprimanded	14	8.8%	31	9.5%
	Suspended	2	1.3%	11	3.4%
Summary Hearing total		56	35.0%	156	47.9%
Grand Total		160	100.0%	326	100.0%

Note: Direct comparability between the 2008 and 2009 figures in this table may be affected as a result of limitations in the recording of sentences in the previous complaints database and changes to the panel and tribunal types from 31 March 2009

Table 9: Outcome of LSO investigations: annual comparison 2007 to 2009

Decision source	Outcome	2007	% total	2008	% total	2009	% total
Complaints Commissioner	No recommendation	60	83.3%	142	88.8%	84	80.0%
	Formal criticism	4	5.6%	7	4.4%	9	8.5%
	Pay compensation	2	2.8%	1	0.6%	1	1.0%
	Reconsider	6	8.3%	10	6.2%	10	9.5%
	Reconsider and pay compensation	0	2.4%	0	0.0%	1	1.0%
Complaints Commissioner sub-total		72	63.2%	160	80.8%	105	87.5%
Complaints Committee	No recommendation	33	78.6%	17	44.7%	10	66.7%
	Formal criticism	1	2.4%	6	15.8%	1	6.7%
	Pay compensation	3	7.1%	7	18.4%	2	13.3%
	Reconsider	4	9.5%	8	21.1%	2	13.3%
	Reconsider and pay compensation	1	2.4%	0	0.0%	0	0.0%
Complaints Committee sub-total		42	36.8%	38	19.2%	15	12.5%
No recommendation total		93	81.6%	159	80.3%	94	78.3%
Recommendation total		21	18.4%	39	19.7%	26	21.7%
Grand Total		114	100.0%	198	100.0%	120	100.0%



Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ

DX: 240 LDE
Tel: 020 7611 1444
Fax: 020 7831 9217
contactus@barstandardsboard.org.uk