

CURRENT GUIDANCE

## Transparency Standards Guidance – Introduction

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## Purpose of the guidance

There are four main sections to this guidance:

- **Section 1: mandatory rules on price, service and redress transparency for everyone (all self-employed barristers, chambers and BSB entities, but not employed barristers);**
- **Section 2: additional transparency rules for those undertaking Public Access work (self-employed barristers undertaking Public Access work, and BSB entities supplying legal services directly to the public);**
- **Section 3: additional best practice on transparency for everyone (which goes beyond the mandatory rules); and**
- **Section 4: checklists to help you comply with the transparency rules, and information about the BSB's supervision and enforcement strategy.**

The Competition and Markets Authority (CMA) has recommended that all legal regulators deliver a step change in standards of transparency for consumers.<sup>1</sup>

The CMA described this as the information needed to help consumers understand the price and service they will receive, what redress is available and the regulatory status of their provider.

The Bar Standards Board (BSB) has therefore introduced mandatory rules on price, service and redress transparency for everyone. By “everyone”, we mean all self-employed barristers, chambers and BSB entities, but not employed barristers.

There are also additional transparency rules for those undertaking Public Access work. This includes self-employed barristers undertaking Public Access work, and

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/5887374d40f0b6593700001a/legal-services-market-study-final-report.pdf>

**BSB entities supplying legal services directly to the public. In particular, if you provide the Public Access services listed in the current version of the BSB's price transparency policy statement (Annex B), you must comply with additional price transparency rules in relation to those legal services.**

You must comply with these transparency rules from **May 2019**.

This guidance aims to:

- Support you in complying with the mandatory rules from May 2019 (sections 1 – 2); and
- Encourage you to go beyond the mandatory rules. The guidance includes additional best practice on transparency to help you to do that (section 3).

We have also provided checklists to help you comply with the transparency rules, and information about the BSB's supervision and enforcement strategy (section 4).

**In complying with the transparency rules, you must have regard to the current version of this guidance.**

### **To whom the rules apply**

The mandatory rules on price, service and redress transparency only apply to self-employed barristers, chambers and BSB entities.

You may work for an entity which is authorised by another legal regulator. For example, a law firm authorised by the Solicitors Regulation Authority (SRA). In this case, you may find this guidance useful as best practice, but you must comply with the transparency rules of the other regulator.

You may also work in-house for an employer which is not authorised by a legal regulator. For example, a Government Department or financial institution. In this case, you will not need to comply with the transparency rules.

### **How to comply with the rules**

Everyone must comply with the transparency rules by providing information about price, service and redress on their websites.

#### **Multiple websites**

If you operate multiple websites as part of your practice, you must comply with the transparency rules on each website offering legal services, as appropriate. For example:

*Barrister A is self-employed and practises from chambers. The chambers' website complies with the transparency rules. Barrister A also operates a separate website for their Public Access practice. There are additional transparency rules for those undertaking Public Access work, so their separate website also complies with these additional rules.*

*Barrister B is self-employed and practises as a sole practitioner. Their website complies with the transparency rules. Barrister B also works for a BSB entity. The BSB entity's website also complies with the transparency rules.*

*Barrister C is self-employed and practises from chambers. The chambers' website complies with the transparency rules. Barrister C also operates a separate website for their work acting as a mediator. Acting as a mediator is not included in the definition of 'legal services' in the BSB Handbook, so their separate website does not need to comply with the transparency rules.*

*A chambers in London operates a website for their members' work in England and Wales. The chambers' website complies with the transparency rules. The chambers also operates a separate website for their members' work from an annex of chambers, which is located abroad. This separate website also complies with the transparency rules.*

### **BSB entities as members of chambers**

You may be a barrister practising through a BSB entity as a member of a chambers, and not operating multiple websites. In this case, you will not need to provide additional information on your chambers' website beyond that which the other (self-employed) members provide. However, your chambers' website must display the following text on the homepage: “*barristers regulated by the Bar Standards Board*”. This must be accompanied by a statement that the BSB entity is “*authorised and regulated by the Bar Standards Board*” – see the mandatory rules on redress transparency in section 1.

### **Providing hard copies on request**

You must also comply with the transparency rules by ensuring the required information is readily available in hard copy format. This must be provided on request. For example:

*Barrister A's website complies with the transparency rules, but they are contacted by a prospective client who does not have Internet access. The prospective client requests price, service and redress information in hard copy format. Barrister A's clerk sends the prospective client the information in hard copy format.*

*Barrister B does not have a website. They are contacted by a prospective client who requests price, service and redress information in hard copy format. Barrister B's clerk sends the prospective client the information in hard copy format.*

You can provide information in hard copy format in the form of a ‘fact sheet’. You should not charge a fee for this. An example of a fact sheet can be found at Annex A.

### **Responsibility for compliance**

Sole practitioners are responsible for complying with the transparency rules.

The BSB Handbook requires all self-employed barristers to take reasonable steps to ensure that chambers are administered competently and efficiently – this includes ensuring compliance with the transparency rules. In practice, compliance with the transparency rules will in most cases be a matter for the management of chambers. However, individual self-employed barristers in chambers are still required to take reasonable steps to ensure compliance with the transparency rules.

BSB entities are responsible for complying with the transparency rules. The BSB Handbook also requires those working in entities to take reasonable steps to ensure that they are administered competently and efficiently – this includes ensuring the transparency rules are complied with. In practice, compliance with the transparency rules will in most cases be a matter for the management of entities. However, individuals working in entities are still required to take reasonable steps to ensure compliance with the transparency rules.

### **Plain English**

All information provided should be in plain English so that it can be easily understood by consumers. The [Plain English Campaign’s website](#) has a number of free guides that you may find useful.