



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

FUTURE BAR TRAINING

Professional Statement for Barristers

Incorporating the Threshold
Standard and Competences

SEPTEMBER 2016

Introduction

The Professional Statement describes the knowledge, skills and attributes that all barristers will have on 'day one' of practice. Competences are defined for each knowledge, skill and attribute. Barristers should demonstrate all competences in order to evidence that they have the specified knowledge, skills and attributes. The Threshold Standard describes the minimum or standard to which the competences should be performed on 'day one' of practice. Standards are also incorporated within the competences: the Threshold Standard and the competences must be read together. This is the standard to be achieved by a barrister upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate.¹

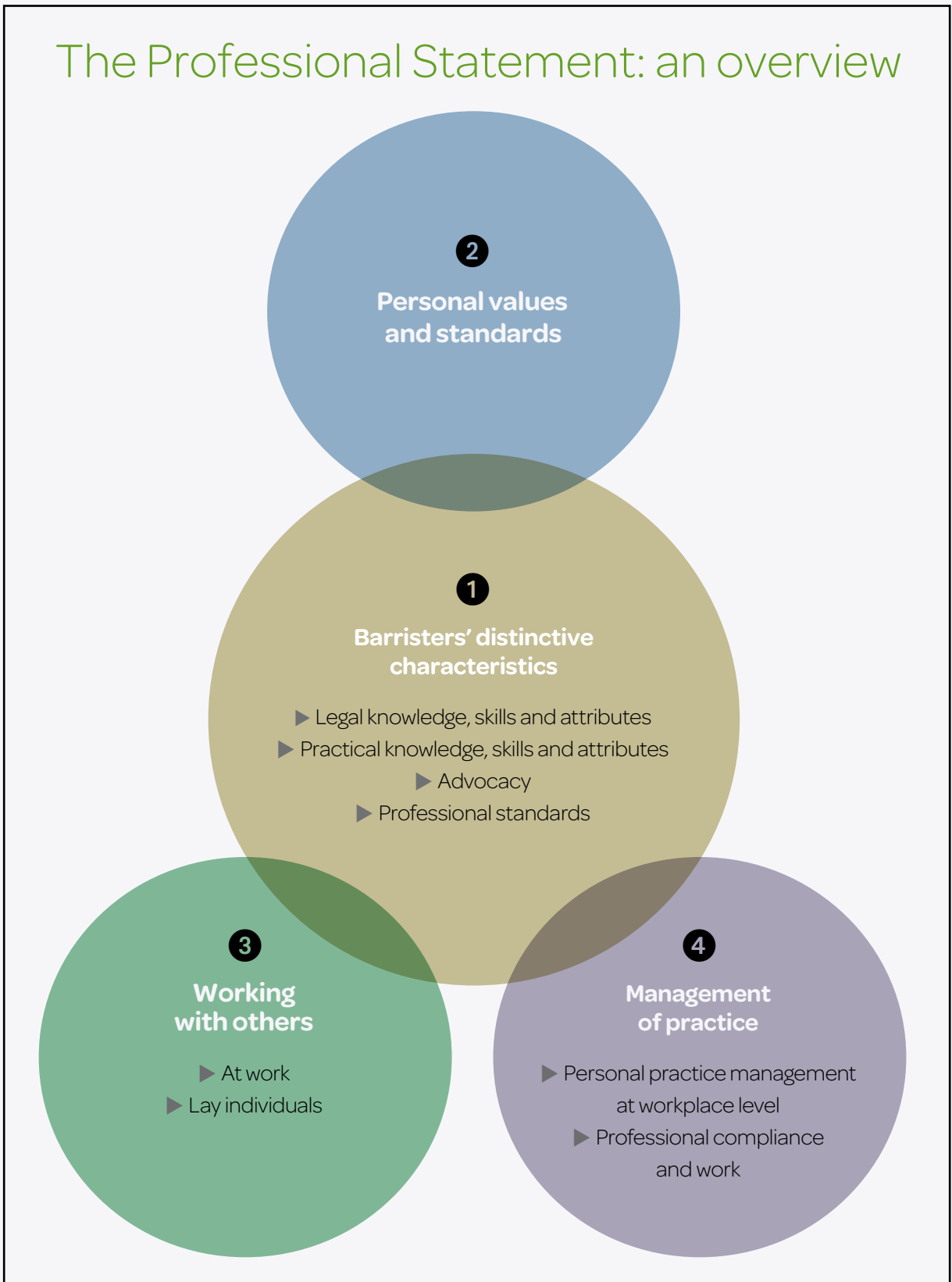
Who is this for?

- **The BSB:** This document sets out the parameters of competent practice that will assist the regulator in maintaining standards both of those entering practice and providers of education and training.
- **Those involved in the design and delivery of education and training for the Bar:** This document will be used to inform the development of educational materials (including outcomes and assessment) and pathways.
- **Aspiring barristers:** This document describes the knowledge, skills and attributes which should be developed in order for them to qualify as a barrister. This will help aspiring barristers make informed decisions about their future development.
- **Practising barristers:** This document describes the essential knowledge, skills and attributes that they should expect of themselves and their peers. The Professional Statement will not replace the Code of Conduct, and all barristers must continue to comply with the regulations set out in the BSB Handbook, which will remain the sole reference point for all disciplinary matters. However, this document may be used as an evidential point of reference when a breach of the requirement for competent practice set out in the Code of Conduct has been raised as a matter of complaint.
- **Consumers:** This document may be used to inform an understanding of the barrister's role and the service consumers can expect to receive. Complaints will continue to be dealt with under the Code of Conduct.

¹ For the majority of barristers this will be at the end of the practising period of pupillage ('second six').



The Professional Statement: an overview



The Threshold Standard and Competences

Threshold standard

The Professional Statement describes the knowledge, skills and attributes that all barristers will have on 'day one' of practice (i.e. upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate).²

Competences are defined for each knowledge, skill and attribute. Barristers should demonstrate all competences in order to evidence that they have met the requirements specified in the Professional Statement.

The statement below describes the minimum level or standard to which the competences should be performed on 'day one' of practice. Standards are also incorporated within the competences: the Threshold Standard and the competences must be read together. Newly qualified barristers will aspire to higher standards, but should meet the minimum standard.

On 'day one' of practice, barristers cannot be expected to demonstrate the level of excellence that might be expected of a barrister of some years standing. Newly qualified barristers should:

- a) always perform at an acceptable standard, that is the standard of performance must be at least satisfactory (fit for purpose though not necessarily outstanding or perfect);
- b) always achieve a standard of service to the client that is appropriate to the purpose for which the barrister has been instructed;
- c) perform within a reasonable timeframe (a reasonable timeframe for a newly qualified barrister may be longer than it is for an experienced barrister);
- d) be able to deal with straightforward or uncomplicated or familiar work unaided;
- e) ask for support when it is needed in order to complete more complex or unfamiliar work.

Competences

The competences have been devised from existing standards articulated in the BSB Handbook and other established sources. The competences are identified underneath the knowledge, skills and attributes, and commentaries, which have previously been defined in the Professional Statement (preceded by the words 'Barristers should'). Where there is a cross-reference in square brackets, the intention is to incorporate all the competences under that knowledge, skill or attribute.

² For the majority of barristers this will be at the end of the practising period of pupillage ('second six').

1 Barristers' distinctive characteristics

Legal knowledge, skills and attributes

Barristers will:

1.1 **Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**

They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.

Barristers should:

- a) Thoroughly recall and comprehend the Core Duties and their interrelationship.
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
 - i applying the Core Duties and in particular the paramount duty to the court in the administration of justice;
 - ii complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and
 - iii demonstrating a thorough comprehension of the Professional Statement for Barristers.

1.2 **Have a knowledge and understanding of the key concepts and principles of public and private law.**

They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary.

Barristers should:

- a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board.
 - b) Be able to keep up to date with significant changes to these principles and rules.
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1.3 Have knowledge and understanding of the law and procedure relevant to their area(s) of practice.

They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practise. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. For example, the rules relating to jurisdiction, evidence, disposals, financial orders and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.

Barristers should:

- a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.
- b) Know the legal texts, journals, materials, documents and research tools relevant to their area of practice.
- c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.
- d) Keep their knowledge and skills in their specific area of practice up-to-date.
- e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.

1.4 Have an awareness of the wide range of organisations supporting the administration of justice.

They will understand that the system for administration of justice comprises more than the judicial system alone and will have an awareness of the other elements wherever they are relevant to their work. They will also have an awareness of the sources of advice and funding available to clients, their additional responsibilities in cases that are not self-funded, and the implications of the same on the conduct of a case.

Barristers should:

- a) Be aware of the wide range of organisations supporting the administration of justice and their respective roles.
 - b) Be able to identify and advise clients of alternative sources of advice and funding available to them, as appropriate.
 - c) Understand the implications for the conduct of the case and the additional responsibilities owed in circumstances where the client is publicly funded or otherwise not self-funded.
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1.5 **Apply effective analytical and evaluative skills to their work.**

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

Barristers should:

- a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.
 - b) Rigorously assess facts and evaluate key issues and risks.
 - c) Exercise appropriate numeracy skills.
 - d) Ensure that the analysis of financial and other statistical information has been competently carried out.
 - e) Analyse other relevant information, including expert and medical reports.
 - f) Identify inconsistencies and gaps in information.
 - g) Methodically evaluate the quality and reliability of the information.
 - h) Use reliable sources of information to make effective judgements.
 - i) Employ effective research skills [1.12].
 - j) Identify relevant legal principles.
 - k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
 - l) Reach reasoned decisions supported by relevant evidence.
 - m) Be able to explain and justify their analysis and evaluation.
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1.6 **Provide clear, concise and accurate advice in writing and orally and take responsibility for it.**

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone. This will also include advising on the need and preparation for trial where an earlier disposal of the case does not occur, and the ability to convey unpalatable advice where necessary.

Barristers should:

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.
- c) Address and present all relevant legal and factual issues in communicating their advice.
- d) Exercise good communication skills [1.9].

1.7 **Negotiate effectively.**

They will be able to recognise the strengths and weaknesses of the client's case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.

Barristers should:

- a) Identify in so far as possible all parties' interests, objectives and limits.
 - b) Develop and formulate best options for meeting the client's objectives.
 - c) Present options for resolution cogently.
 - d) Recognise, evaluate and respond to options presented by the other side.
 - e) Develop appropriate compromises consistent with the client's instructions.
 - f) Bring the negotiation to an appropriate conclusion.
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Practical knowledge, skills and attributes

1.8 Exercise good English language skills.

They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex and detailed argumentation. They will use correct English grammar, spelling and punctuation.

Barristers should:

- a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications.
- b) Speak fluent English.

1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.

They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.

Barristers should:

- a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].
- b) Select the appropriate medium of communication taking into account the message and the audience.
- c) Adapt language and non-verbal communication taking into account the message and the audience.
- d) Use appropriate listening and questioning techniques when obtaining information.
- e) Analyse written information.
- f) Request and provide clarification of meaning when appropriate.
- g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).
- h) Exercise good English language skills [1.8].
- i) Write with clarity, accuracy and precision.
- j) Speak articulately and fluently.
- k) Present arguments cogently and succinctly.
- l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).

1.10 Make sound judgements in their work.

They will ensure their judgements are independent, based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.

Barristers should:

- a) Apply effective analytical and evaluative skills to their work [1.5].
 - b) Ensure that they act independently so that their judgements are not influenced by external pressures.
 - c) Take responsibility for their decisions.
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1.11 Ensure they are fully prepared.

They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client's circumstances and goals, so as to be able to supply their client with a good standard of work.

Barristers should:

- a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client [CD7].
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1.12 Employ effective research skills.

Using either paper or electronic media, they will be able to recognise and identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will undertake any research accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of the research and presenting those results clearly and accurately.

Barristers should:

- a) Accurately identify the legal and non-legal issues.
 - b) Recognise when legal and non-legal research is required.
 - c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up-to-date.
 - d) Assess the quality and relevance of all sources.
 - e) Interpret and evaluate the results of all research.
 - f) Apply effective analytical and evaluative skills to their work [1.5].
 - g) Apply the research to the issues identified in order to draw conclusions.
 - h) Evaluate and present the results clearly and accurately.
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Advocacy

1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.

They will be able to draft standard court documents. For example, claim forms, statements of case, witness statements, applications, indictments, orders and appeal documents. They will be able to draft these documents in clear language which focuses on the issues relevant to the case.

Barristers should:

- a) Draft accurate and legally effective documents (whether contentious or non-contentious).
- b) Utilise precedents where appropriate and also be able to draft without them.
- c) Address all relevant legal and factual issues.
- d) Comply with appropriate formalities.
- e) Exercise good English language skills [1.8].
- f) Exercise good communication skills [1.9].

1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.

They will be able to draft skeleton arguments that have clarity of purpose, are of an appropriate length and which comply with any applicable rules. Their arguments will identify the issues and will cite authorities and external materials in an appropriate manner.

Barristers should:

- a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments.
 - b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.
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1.15 **Have persuasive oral advocacy skills.**

They will be able to communicate their client's case effectively. They will be able to deliver coherent, well-structured and concise submissions and cite legal authorities and materials appropriately. They will be able to engage appropriately with and maintain an awareness of others in any forum where they represent clients.

When delivering submissions and questioning witnesses, they will be able to communicate audibly, using both pace and language that are appropriate to the tribunal. They will be able to handle witnesses in accordance with the rules of the court. They will ask questions which assist the court, focus on the real issues in the case and avoid the irrelevant. They will listen to the answers and demonstrate appropriate conduct towards the witness.

Barristers should:

- a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy.
 - b) Apply effective analytical and evaluative skills to their work [1.5].
 - c) Identify strengths and weaknesses from different parties' perspectives.
 - d) Prepare how they will effectively communicate the argument.
 - e) Manage facts to support the argument or position.
 - f) Present orally a reasoned argument in a clear, logical, succinct and persuasive way.
 - g) Use and cite legal authority appropriately.
 - h) Comply with all relevant formalities.
 - i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.
 - j) Listen and respond effectively to questions and opposing arguments.
 - k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.
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Professional standards

1.16 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**

They will clearly understand a barrister's Core Duties and apply them in all aspects of their work.

Barristers should:

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

1.17 **Know how to conduct themselves appropriately in court.**

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

Barristers should:

- a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients.

1.18 **Only accept work which they believe they are competent to undertake.**

They will be able to assess the level of their own knowledge, skills and attributes, to enable them to make an informed judgement on the acceptance of work and have the resilience to decline to act where necessary.

Barristers should:

- a) Recognise and operate within the limits of their competence.
 - b) Explain clearly the limits of their competence and knowledge to relevant others.
 - c) Consult relevant others, where appropriate.
 - d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.
 - e) Decline to act where the Code of Conduct requires them to do so.
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2 Personal values and standards

Values, characteristics and behaviours

Barristers will:

2.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

Barristers should:

- a) Identify situations where their integrity and/or independence may be put at risk.
- b) Act with integrity including:
 - i Identifying and avoiding personal bias;
 - ii Maintaining their independence from external pressures; and
 - iii Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.
- c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].
- d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- e) Take responsibility for their actions and decisions.

2.2 **Be honest in their dealings with others.**

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

Barristers should:

- a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.
- c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.



2.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.**

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

Barristers should:

- a) Actively observe and uphold the law on equality, diversity and discrimination.
- b) Be alert to the potential for unconscious bias.
- c) Take active steps to act fairly and inclusively and show respect to others.
- d) Identify situations where there is a risk of breach of the law on equality and diversity.
- e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality, diversity and discrimination.

2.4 **Ensure their work does not incur unnecessary fees**

They will establish with a client at the outset of any matter the basis for charging fees and then follow those arrangements in a cost-effective manner. They will only undertake work which they believe promotes their client's interests.

Barristers should:

- a) Ensure that, where fees are chargeable, the basis for charging fees is established with the client at the outset of any matter.
 - b) Follow those arrangements in an efficient and cost effective manner, ensuring that any necessary changes to the arrangements are agreed with the client.
 - c) Undertake work that promotes the client's best interests.
 - d) Progress matters expeditiously.
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2.5 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.

Barristers should:

- a) Recognise limitations of personal knowledge and skills and act to resolve the situation.
- b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.
- c) Identify their errors of judgement, omissions and mistakes and take appropriate action.
- d) Ask for and make effective use of feedback, guidance, advice and support.
- e) Take appropriate action to manage personal difficulties that might otherwise affect their work.

2.6 **Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.**

They will be able to plan and develop their career by identifying their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.

Barristers should:

- a) Take responsibility for planning and undertaking personal development and learning.
 - b) Identify strengths and areas for development and take positive steps to address them.
 - c) Reflect on and learn from their own and others performance and achievements.
 - d) Maintain and develop relevant knowledge and skills.
 - e) Regularly take part in activities that maintain and develop their competence and performance.
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3 Working with others

At work

Barristers will:

3.1 Understand and exercise their duty to act in the best interests of their client.

They will apply this core barrister's duty in every case except where it conflicts with their duty to the court in the administration of justice.

Barristers should:

- a) Provide a competent standard of work and service to each client [CD7].
- b) Identify the client's best interests in accordance with the client's lawful instructions.
- c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.
- d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions.
- e) Act in accordance with the Code of Conduct and other applicable rules and regulations.

3.2 Understand and apply principles of team working where appropriate.

They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work co-operatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.

Barristers should:

- a) Work collaboratively with others, respecting their skills and contributions.
- b) Comprehend how their behaviour may affect others within and outside teams.
- c) Reflect on own strengths and weaknesses as a team member.
- d) Understand the division of responsibilities within the team.
- e) Understand the relationships between counsel, pupil, clerk and solicitor.
- f) Delegate to and supervise others effectively.
- g) Establish and maintain effective professional relations with others.

3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.

They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.

Barristers should:

- a) Be aware and active in the pursuit of equality and respect for diversity [2.3].
- b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.
- c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.
- d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.

3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.

They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how and where to demonstrate empathy, and act accordingly. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, recognising where an adversarial approach is not suitable.

Barristers should:

- a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others.
 - b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences.
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3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their case and communicate those effectively. This will include telling the client about options as their case develops, possible outcomes and associated risks.

Barristers should:

- a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.
 - b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.
 - c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.
 - d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks and timescales.
 - e) Respond appropriately to clients' concerns and complaints.
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Lay individuals

3.6 **Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.**

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

Barristers should:

- a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.
 - b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).
 - c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.
 - d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.
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4 Management of practice

Personal practice management

Barristers will:

4.1 **Where appropriate, possess a strong understanding of the specific implications of being:**

4.1.1 **a self-employed barrister.**

They will be able to supervise the day-to-day management of their practice by clerks and other employees and accept overall responsibility for all delegated work.

Barristers should:

- a) Demonstrate a thorough understanding of the scope of practice rules relevant to a self-employed barrister.
- b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational and financial) and their place in it.

4.1.2 **an employed barrister.**

They will understand the specific implications of being employed as a barrister. They will be able to identify and deal with any conflicts of interest that arise as a result of their employed status and act with independence.

Barristers should:

- a) Demonstrate a thorough understanding of the scope of practice rules relevant to an employed barrister.
 - b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational and financial) and their place in it.
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4.2 **Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.**

They will have an awareness of skills such as time and project management, planning, record keeping, using IT effectively and personal development. They will analyse their own needs for such skills then acquire and apply them to a good standard where necessary. They will have a basic understanding of risk analysis so as to be able to apply it to their work. The employed barrister in particular will ensure they understand the governance structure of the organisation in which they work and achieve a balance between their obligations to that organisation and their professional duties.

Barristers should:

- a) Be competent in all aspects of their work, including organisation, management of practice and risk.

Competent organisation includes:

- i Keeping accurate records (including financial records and time-recording) and files, electronic or hard copy;
- ii Allocating time efficiently;
- iii Prioritising;
- iv Diarising;
- v Observing deadlines;
- vi Using resources (including IT systems) effectively; and
- vii Being fully prepared.

Competent management includes:

- i Planning;
- ii Putting in place human and non-human resources;
- iii Coordinating;
- iv Leading or directing;
- v Checking progress against plans to accomplish the goal or target; and
- vi Financial management.

Competent risk management includes:

- i Identifying, evaluating and measuring the probability and severity of risks to their practice; and
- ii Proactively deciding what to do about risks and acting appropriately.

- b) Comprehend the relevance of strategic planning, financial planning and business development in the context in which they work.

4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

They will ensure their workload is manageable. They will have a basic understanding of business continuity so as to be able to deal with unplanned circumstances. They will be sufficiently organised to ensure absences are planned so as to enable them to honour commitments.

Barristers should:

- a) Clarify instructions so as to agree the scope and objectives of the work.
- b) Make an informed judgement on the time required to prepare a matter.
- c) Take account of their availability and that of other resources.
- d) Decline to act where there is insufficient time and opportunity to prepare.
- e) Prioritise and plan workload to meet commitments.
- f) Meet timescales, resource requirements and budgets.
- g) Monitor and keep relevant others informed of progress and availability.
- h) Deal effectively with unplanned circumstances and re-prioritise as necessary.

At workplace level

4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

They will contribute to the efficient operation of their workplace where appropriate through such actions as the sharing of work when necessary, the developing of the business, and the creation of effective support systems.

Barristers should:

- a) Contribute to efficient operation of the workplace including:
 - i Sharing work when necessary;
 - ii Creating effective support systems; and
 - iii Working effectively within governance structures.
- b) Understand the basis on which legal services are provided (contractual or otherwise) including, where appropriate, how to calculate and manage costs, bill clients and the operation of internal budgets for legal advice.

Professional compliance and work

4.5 **Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.**

They will be aware of and be able to use either electronic or hard copy information management systems so as to ensure the confidentiality and security of their client's information as well as comply with current file storage and destruction regulations.

Barristers should:

- a) Identify how they will act in accordance with the Code of Conduct and other rules and regulations applicable to maintaining the confidentiality and security of information relating to third parties including that of their current and former clients.
- b) Comply with relevant data protection requirements.

4.6 **Exercise good time-keeping in face-to-face or telephone encounters.**

They should attend meetings, conferences and court appearances punctually and fully prepared unless prevented by matters beyond their control.

Barristers should:

- a) Attend all appointments punctually and as fully prepared as possible in the circumstances.

4.7 **Where necessary, be diligent in keeping good records and files of cases.**

They will be able to identify situations where keeping records and files is their responsibility and in those circumstances they will ensure that the records they keep may be understood by others as well as themselves, are organised, accurate, contain sufficient details to portray a true record and are up-to-date.

Barristers should:

- a) Identify when compiling and keeping records and files is their responsibility.
- b) Prepare and compile appropriate records at the same time or as soon as possible after the events that they are recording.
- c) Ensure records are clear, accurate and legible and contain sufficient detail for their purpose.
- d) Organise records so that they are retrievable by themselves and other authorised persons as appropriate.

1 Barristers' distinctive characteristics

Legal knowledge, skills and attributes

Barristers will:

- 1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.
- 1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.
- 1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.
- 1.4 Have an awareness of the wide range of organisations supporting the administration of justice.
- 1.5 Apply effective analytical and evaluative skills to their work.
- 1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.
- 1.7 Negotiate effectively.

Practical knowledge, skills and attributes

- 1.8 Exercise good English language skills.
- 1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.
- 1.10 Make sound judgements in their work.
- 1.11 Ensure they are fully prepared.
- 1.12 Employ effective research skills

Advocacy

- 1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.
- 1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.
- 1.15 Have persuasive oral advocacy skills.

Professional standards

- 1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.

- 1.17 Know how to conduct themselves appropriately in court.

- 1.18 Only accept work which they believe they are competent to undertake.

2 Personal values and standards

Values, characteristics and behaviours

Barristers will:

- 2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.

- 2.2 Be honest in their dealings with others.

- 2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.

- 2.4 Ensure their work does not incur unnecessary fees.

- 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.

- 2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

3 Working with others

At work

Barristers will:

- 3.1 Understand and exercise their duty to act in the best interests of their client.

- 3.2 Understand and apply principles of team working where appropriate.

- 3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.

-
- 3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.
-
- 3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

Lay individuals

- 3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.
-

4 Management of practice

Personal practice management

Barristers will:

-
- 4.1 As appropriate, possess a strong understanding of the specific implications of being a:
- 4.1.1 self-employed barrister.
 - 4.1.2 employed barrister.
-
- 4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.
-
- 4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

At workplace level

- 4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

Professional compliance and work

- 4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.
-
- 4.6 Exercise good time-keeping in face-to-face or telephone encounters.
-
- 4.7 Where necessary, be diligent in keeping good records and files of cases.
-

Annex A: Relationship between Professional Statement and Code of Conduct

1. A healthy profession is one that goes beyond basic compliance with its regulatory code. To practise effectively in today's dynamic marketplace, barristers should be adaptive, systematic and flexible. Related knowledge, skills, attributes and behaviours will support them in upholding the regulatory standards of the BSB Handbook.
2. The Professional Statement describes what barristers should be able to do upon entry to the profession: the essential knowledge, skills, attributes and behaviours that all barristers should be able to demonstrate when issued with a full practising certificate. It is an entry standard which barristers should expect of themselves and their peers. It is also a resource which may be used by consumers to inform their understanding of a barrister's role and the service that they can expect to receive. Furthermore, it can be used by those developing and delivering training to inform the development of effective future educational tools and pathways.
3. The Professional Statement does not focus on what barristers must do; this is dealt with in the BSB Handbook (inclusive of the Code of Conduct and associated Core Duties), with which all barristers must continue to comply. The Professional Statement may be used as an evidential point of reference when a breach of the requirements for competent practice (set out in the Code of Conduct) has been raised as a matter of complaint.
4. The Professional Statement forms part of the regulatory regime governing entry to the profession. The BSB Handbook details the regulatory landscape for subsequent practice, following admission.
5. Much of the knowledge, skills and attributes described in the Professional Statement can be related directly to the Core Duties set out in the BSB Handbook, as would be expected in any document that is used in admitting people to a profession. The Professional Statement refers to the BSB Handbook wherever compliance with its regulations is essential to demonstrating the knowledge, skills, attributes and behaviours that should be expected of a barrister. This relationship is illustrated by demonstrating which elements of the Core Duties are to be found in each element of the Professional Statement (an exercise known as mapping). The knowledge, skills, attributes and behaviours needed for a new barrister to practise in accordance with the Code of Conduct are revealed with clarity by this process.
6. A detailed mapping of the Professional Statement to the Core Duties is contained on page 28.



The Core Duties

- CD1** You must observe your duty to the court in the administration of justice.
- CD2** You must act in the best interests of each client.
- CD3** You must act with honesty and integrity.
- CD4** You must maintain your independence.
- CD5** You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.
- CD6** You must keep the affairs of each client confidential.
- CD7** You must provide a competent standard of work and service to each client.
- CD8** You must not discriminate unlawfully against any person.
- CD9** You must be open and co-operative with your regulators.
- CD10** You must take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations.

How the Professional Statement relates to a barrister's Core Duties

1 Barristers' distinctive characteristics

Legal knowledge, skills and attributes

Barristers will:

1.1	Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.	CD1 CD3 CD4 CD5
1.2	Have a knowledge and understanding of the key concepts and principles of public and private law.	CD7 CD10
1.3	Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.	CD7 CD10
1.4	Have an awareness of the wide range of other organisations supporting the administration of justice.	
1.5	Apply effective analytical and evaluative skills to their work.	CD7
1.6	Provide clear, concise and accurate advice in writing and orally and take responsibility for it.	CD7
1.7	Negotiate effectively.	CD7

Practical knowledge, skills and attributes

1.8	Exercise good English language skills.	CD7
1.9	Exercise good communication skills, through any appropriate medium and with any audience as required in their work.	CD7
1.10	Make sound judgements in their work.	CD7
1.11	Ensure they are fully prepared.	CD7
1.12	Employ effective research skills.	CD7

Advocacy

1.13	Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.	CD7
1.14	Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.	CD7
1.15	Have persuasive oral advocacy skills.	CD7

Professional standards

1.16	Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.	CD9
1.17	Know how to conduct themselves appropriately in court.	CD1 CD3 CD4 CD5
1.18	Only accept work which they believe they are competent to undertake	CD7

2 Personal values and standards

Values, characteristics and behaviours

Barristers will:

2.1	Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.	CD2 CD3 CD4
2.2	Be honest in their dealings with others.	CD3
2.3	Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.	CD8
2.4	Ensure their work does not incur unnecessary fees.	CD6
2.5	Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.	CD3 CD7

2.6	Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.	CD7
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3 Working with others

At work

Barristers will:

3.1	Understand and exercise their duty to act in the best interests of their client.	CD2
3.2	Understand and apply principles of team working where appropriate.	CD10
3.3	Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.	CD2 CD8
3.4	Treat all people with respect and courtesy, regardless of their background or circumstances.	CD3 CD5 CD8
3.5	Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.	CD7

Lay individuals

3.6	Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.	CD2 CD7 CD10
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4 Management of practice

Personal practice management

Barristers will:

4.1	Where appropriate, possess a strong understanding of the specific implications of being: 4.1.1 a self-employed barrister; 4.1.2 an employed barrister.	CD10
4.2	Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.	CD7 CD10

4.3	Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.	CD7 CD10
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At workplace level

4.4	Understand the organisational systems or structures within which they work and which support their delivery of a professional service.	CD7 CD10
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Professional compliance and work

4.5	Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.	CD6 CD10
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4.6	Exercise good time-keeping in face-to-face or telephone encounters.	CD7 CD10
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4.7	Where necessary, be diligent in keeping good records and files of cases.	CD7 CD10
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Annex B: Relationship between the Professional Statement, Threshold Standard and Competences

	Terminology	Explanation	Example
PROFESSIONAL STATEMENT	Knowledge Skills and Attributes	<p>The knowledge, skills and attributes are grouped under four domains:</p> <ol style="list-style-type: none"> 1. Barristers' distinctive characteristics; 2. Personal values and standards; 3. Working with others; 4. Management of practice. <p>Barristers will have all the knowledge, skills and attributes on 'day one' of practice.</p>	2.2 Be honest in their dealings with others.
	Commentary	A set of explanatory notes on the knowledge, skills and attributes to be used for guidance only	They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.
THRESHOLD STANDARD AND COMPETENCES	Competences	<p>Ability to perform the roles and tasks required by one's job to the expected standard.</p> <p>Competences have been defined for each knowledge, skill and attribute. Barristers should demonstrate all the competences in order to evidence that they have the knowledge, skills and attributes specified in the Professional Statement.</p> <p>Competences are assessable.</p>	<p>Barristers should:</p> <ol style="list-style-type: none"> a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]. b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status. c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.
	Threshold Standard	<p>The threshold standard describes the minimum level or standard to which the competences should be performed on 'day one' of practice. Standards are also incorporated within the competences: the threshold standard and the competences must be read together.</p> <p>Newly qualified barristers will aspire to higher standards, but should meet the minimum standard.</p>	





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