

**Amendments to the Bar Training Regulations – Matters relating to Pupillage**

**Rule Change Application Made by the Bar Standards Board  
to the Legal Services Board under Schedule 4, Part 3,  
Paragraph 20(1) Legal Services Act 2007**

This application is made in accordance with the requirements set out in the Legal Services Board's Rules for Rule Change Applications. The Bar Standards Board wishes to amend the Bar Training Regulations (BTRs) and the Code of Conduct to accommodate a number of minor changes to the Academic, Vocational and Pupillage Stages of training, as part of the implementation of the reviews of those stages of training (2008-10) and as accepted by the Bar Standards Board:

*Passim* - Change of name of the "Bar Vocational Course" to the "Bar Professional Training Course"

BTR12 and Schedule A – regarding time limits for commencing the Bar Course

BTR21 - Removal of the minimum length for a Qualifying Degree and for a Qualifying Law Degree

BTR 31 – allowing a pupil to undertake pupillage in any Member State

BTR 37 - allowing discretion to change guidelines for an Approved Training Organisation

BTR 62 – regarding Inns' Qualifying Sessions for Specially Qualified Applicants

BTRs Schedule C – allowing the BSB discretion to reject the nomination of a supervisor

Code of Conduct Annex R – raising of the minimum amount of the pupillage award from £10,000 to £12,000 a year

Any queries about this application should be made to:

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## The proposed alterations

- 1 The Bar Standards Board wishes to make a number of minor amendments to the BTRs and to the Code of Conduct. These relate to the continued implementation of the Review of the Bar Course and also to the Review of Pupillage (2008-10). The amendments are dealt with below in the order in which they occur in the BTRs. They have been fully considered by the BSB Education & Training Committee and the Inns of Court, and are summarised as follows:
  - *Passim* - Change of name of the “Bar Vocational Course” to the “Bar Professional Training Course”
  - BTR12 and Schedule A – regarding time limits for commencing the Bar Course
  - BTR21 - Removal of the minimum length for a Qualifying Degree and for a Qualifying Law Degree
  - BTR 31 – allowing a pupil to undertake pupillage in any Member State
  - BTR 37 - allowing discretion to change guidelines for an Approved Training Organisation
  - BTR 62 – regarding Inns’ Qualifying Sessions for Specially Qualified Applicants
  - BTRs Schedule C – allowing the BSB discretion to reject the nomination of a supervisor
  - Code of Conduct Annex R – raising of the minimum amount of the pupillage award from £10,000 to £12,000 a year
  
- 2 Details of each proposed amendment are presented below in accordance with the LSB requirements. In each case the nature and effect of existing regulations, difficulties with the existing policy, nature and effect of the proposed alteration, possible adverse effects and reasons why we wish to make the changes are dealt with for each rule change. The relation of the proposals to the regulatory objectives, the better regulations principles, implementation schedule and consultation are dealt with collectively (from paragraph 33).

**Passim - Change of name of the “Bar Vocational Course” to the “Bar Professional Training Course”**

*Nature and effect of existing regulations*

- 3 Following completion of the Academic Stage of training, a student must complete the Vocational Stage in order to qualify for Call to the Bar. The current course through which the Vocational Stage is completed was known as the Bar Vocational Course (BVC) until September 2010. Reference to this course is made in various places in the BTRs (see Appendix with all proposed changes marked up)

*Difficulties with the existing Policy*

- 4 In July 2008, a working-group chaired by Derek Wood QC published its report on the Bar Vocational Course. The Bar Standards Board accepted various improvements to the course, to take effect from 1 September 2010, including the renaming of the course as the “Bar Professional Training Course”. The purpose of this change was to highlight the fact that it is a new and revised course with more clearly specified standards, and to shift the focus to the needs and interests of the client.

*Nature and effect of the proposed alteration*

- 5 It is not essential to change the name of the “Bar Vocational Course” to the “Bar Professional Training Course” in the Bar Training Regulations, since the definition of “Bar Vocational Course” would still cover the new course. However, it would be far clearer to students for the name of the course they attend to be the same as that referred to in the Regulations, so promoting transparency and consistency.
- 6 Changing “Bar Vocational Course” to “Bar Professional Training Course” throughout the Bar Training Regulations will therefore make the Regulations consistent with the actual name of the course, which has been “Bar Professional Training Course” from September 2010.

*Possible adverse effect*

- 7 Changing the name of the “Bar Vocational Course” to the “Bar Professional Training Course” is unlikely to have any effect (positive or detrimental) on any of the regulatory objectives.

*Why we wish to make the alterations*

- 8 The purpose of changing “Bar Vocational Course” to “Bar Professional Training Course” in the Bar Training Regulations is simply to update the Regulations to correspond to the actual name of the course. The outcome will therefore be achieved as soon as the change is made and there will not thus not be any follow-up assessment required.

## **BTR12 and Schedule A – regarding time limits for commencing the Bar Course**

### *Nature and effect of existing regulations*

9 BTR12 relates to BTR 29. The existing regulation BTR 29 (Part V) provides that:

*‘A person may not commence the Professional Stage more than five years after completing the Vocational Stage except with the permission of the Board and after complying with any condition which the Board may impose.’*

### *Difficulties with the existing Policy*

10 It has been noted that there is no time limit laid down in the Bar Training Regulations for a person to commence the Vocational Stage following admission to an Inn. There is, therefore, no regulation to prevent a person from remaining a student member of an Inn and making use of the Inns’ facilities for a prolonged period when they have no intention of taking any action to follow the BPTC. A statement on a CV that the person is a member of an Inn of Court could be misleading to persons unfamiliar with the system.

### *Nature and effect of the proposed alteration*

11 It is therefore now proposed that a person should be required to commence the Vocational Stage within five years of joining an Inn and complete it within ten years of joining an Inn. The omission was carefully considered by the Inns Students Officers and Continuing Education Committee and the Inns Senior Executives Committee (SEC) and communicated to the BSB. It was noted that this amendment would also require amendments to the BTRs, Part II and Schedule A.

Set out below are proposed changes (underlined) to Part II Admission to Inns of Court and Schedule A of the Bar Training Regulations 2009.

***BTR12*** *The Inn must admit the applicant if the applicant:*

(a) *is eligible for admission to an Inn and has given the undertaking on the admission declaration (Schedule A) to commence the Vocational Stage within five years of admission to an Inn and complete that Stage within ten years of admission; and*

(b) *has complied with Regulation 9.*

*Otherwise the Inn must reject the application and inform the applicant of its reasons for doing so.*

***Schedule A*** – *amendment to the form (to be signed and dated by applicants)*

8. *I have read and understood the terms of the further Declaration which I will be required to sign before I can be called to the Bar.*

9. *I will inform the Inn of any change to my name or address.*

10. *I will commence the Vocational Stage within five years of admission to the Inn and complete that Stage within ten years of admission on the understanding that if I*

fail to comply with either of those requirements my membership of the Inn will cease on the expiration of either period.

*Possible adverse effect*

- 12 The impact on those affected by the proposed change in the rules has been carefully considered. It is acknowledged that the status of those who failed to comply with these rules might be difficult to determine. However, it should be noted that the Inns' rules do not prevent an applicant whose membership lapses from reapplying for membership. The Inns recognise mechanisms will need to be developed to deal with any persons affected.

*Why we wish to make the alterations*

- 13 Overall, the change is a sensible one and will prevent confusion and the possibility of those with Inn membership but no prospect of doing the Bar Course (BPTC) misleading members of the public.

## **BTR21 - Removal of the minimum length of time for a Qualifying Degree and for a Qualifying Law Degree**

### *Nature and effect of existing regulations*

- 14 A “Qualifying Law Degree” is a degree that is recognised by the Bar Standards Board as fulfilling the Academic Stage of training for qualification as a barrister in full.
- 15 A “Qualifying Degree” is a degree that is recognised by the Bar Standards Board as a sufficient basis for completion of the Academic Stage of training through a Common Professional Examination or Graduate Diploma in Law.
- 16 “Qualifying Law Degrees” are validated as such by the Joint Academic Stage Board, a joint Board of the Bar Standards Board and the Solicitors Regulatory Authority. However, each professional body may set additional requirements for what it recognises as a Qualifying Law Degree. Under the Consolidated Regulations, the only additional requirement of the Bar Standards Board was that the degree was passed with at least second class honours. The Bar Training Regulations added an additional requirement, that the degree was awarded following a course of study of at least three years.
- 17 The current regulation reads:
21. *For the purpose of Regulation 20(a), unless the Board on an application showing good grounds permits otherwise:*
- (a) *the required standard is first or second class honours; and*
- (b) *the minimum period is three years.*

### *Difficulties with the existing Policy*

- 18 The current rule does not take into account the existence of two year degrees where a three year programme is condensed into two years by use of the summer period. The Joint Academic Stage Board has approved a number of two-year degrees as “Qualifying Law Degrees”. These are usually “accelerated programmes”, which comprise the same number of credits as a three-year degree, but are compressed into two years, usually by extending the academic year into traditional vacation periods. (For example where a 3 year programme consists of 2 x 15 week semesters per year for 3 years, it is possible to condense the same 6 semesters into two calendar years by using the June-September summer period, making 3 x 15 week semesters in 2 years).
- 19 Programmes that are condensed in this way are frequently designed to assist students from less advantaged backgrounds who cannot afford to study for 3 years, and also mature students of various types. The Bar Standards Board is content that it should be for the Joint Academic Stage Board to check that such a degree adequately satisfies all requirements for a Qualifying Law Degree.

### *Nature and effect of the proposed alteration*

- 20 The suggested amendment to BTR21 is the removal in 21(c) of the wording ‘the minimum period is three years:

21. For the purpose of Regulation 20(a), unless the Board on an application showing good grounds permits otherwise

~~(a) — , the required standard is first or second class honours~~

~~(b) — the minimum period is three years.~~

- 21 Removing the minimum study requirement for Qualifying Law Degrees will mean that (provided that the Joint Academic Stage Board is content as part of its validation process that a degree of less than three years meets the requirements for a Qualifying Law Degree), such a degree will be accepted as satisfying the Academic Stage of training for the Bar, provided it is passed with at least second class honours.
- 22 The removal of 21(b) would increase the pool of both law and non-law graduates who are eligible to have access to further training and qualify as barristers. It will also allow graduates of other disciplines with degrees of less than two years to complete the Academic Stage through the Common Professional Course. (In fact, graduates of two-year degrees are already permitted to proceed to the Bar Professional Training Course through waiver provisions, so that the practical change will not be significant. The granting of a waiver is less transparent than the requirement simply being removed.)
- 23 This has been discussed in detail by the BSB's Education and Training Committee where it was agreed that that a general waiver would continue to be granted by the BSB until this regulation was changed.

#### *Possible adverse effect*

- 24 No adverse effect has been identified.

#### *Why we wish to make the alterations*

- 25 The current requirement that a Qualifying Law Degree be of a minimum length is unnecessary. Validation by the Joint Academic Stage Board is sufficient to ensure that a degree satisfies all requirements for a Qualifying Law Degree. Removing this requirement will therefore make the regulations more proportionate. It will also make them consistent with the Solicitors Regulation Authority which removed its own three-year requirement some years ago, and have confirmed that removal of the minimum length for a Qualifying Degree and for a Qualifying Law Degree will make the BSB's approach consistent with that of the SRA.
- 26 The purpose of the amendment is to remove an unnecessary restriction and to allow for the possibility for students from a wider pool of degrees to qualify as barristers. This outcome will be achieved whether or not such students do in fact go on to qualify as barristers. This will make the system fairer for those candidates who complete their degrees in two years. It will benefit those who are not able to spend three years studying full time. Removing the requirement for a minimum length of degree is thus likely to promote the objective (f) of "encouraging an independent, strong, diverse and effective legal profession", in that it will allow students from a more diverse range of degree programmes to qualify as barrister

## **BTR 31 – allowing a pupil to undertake the whole of their pupillage with an ATO and an accredited supervisor, in any Member State of the European Union**

### *Nature and effect of existing regulations*

- 27 This arises out of recommendation 43 of the Wood Report on the Review of Pupillage (Annex B). The existing regulation BTR 31 specifies that:

*BTR 31 Except with the written permission of the Board, the non-practising period of pupillage must be undertaken:*

- (a) *in England and Wales; and*
- (b) *in a continuous period of six months.*

- 28 The Pupillage Review Working Group felt strongly that pupils should be entitled to undertake the whole of their pupillage with an Approved Training Organisation (ATO) and with an accredited supervisor, in any Member State of the European Union, and that BTR 31 should be amended accordingly. It should therefore read:

*Except with the written permission of the Board, the non-practising period of pupillage must be undertaken:*

- (a) *in a Member State of the European Union; and ...*

### *Difficulties with the existing Policy*

- 29 The difficulty with the existing policy is that it is not in the spirit or letter of European legislation.

### *Nature and effect of the proposed alteration*

- 30 The proposed alteration will rectify this.

### *Possible adverse effect*

- 31 There are no discernible possible adverse effects. The new rule will allow more flexibility and access. The safeguards in place (procedures for approval as an ATO, and accreditation as a pupil supervisor) will ensure there are no adverse possibilities if this flexibility is allowed.

### *Why we wish to make the alterations*

- 32 We wish to make this alteration in order to allow fair access, in line with EU policies and legislation.

## **BTR 37 - allowing the regulator broad discretion to lay down and change criteria and guidelines for an Approved Training Organisation (ATO)**

### *Nature and effect of existing regulations*

- 33 This arises out of recommendation 16 of the Wood Report on the Review of Pupillage (Annex B). The existing regulation BTR 37 specifies that:

*BTR37 The Board will designate an organisation as an Approved Training Organisation if it is satisfied:*

*(a) that one or more registered pupil supervisors who are available to provide pupillage training practise in the organisation; and*

*(b) that the organisation has made proper arrangements for dealing with pupils and pupillage in accordance with the Code of Conduct.*

- 34 The Pupillage Review Working Group recommended that the above should be repealed and replaced by provisions corresponding to the previous Consolidated Regulations reg. 47.2 which gave the regulator a broad discretion to lay down and change from time to time criteria and guidelines for approval.

- 35 BTR 37 would then read as follows:

*BTR37 The Board may authorise any ~~will designate~~ an organisation as an Approved Training Organisation subject to such terms as the Board may from time to time determine if it is satisfied:*

*~~(a) that one or more registered pupil supervisors who are available to provide pupillage training practise in the organisation; and~~*

*~~(b) that the organisation has made proper arrangements for dealing with pupils and pupillage in accordance with the Code of Conduct.~~*

### *Difficulties with the existing Policy*

- 36 The difficulties with the existing policy mean that flexibility is not possible. This is particularly significant where Employed Bar and Commercial organisations apply for ATO status. In fact there is some evidence that the current requirements deter applications and this has a consequent effect on the number of pupillages.

### *Nature and effect of the proposed alteration*

- 37 The proposed alteration will allow the BSB discretion to alter the criteria and guidelines as appropriate, for example a reduction in the requirement for a number of practising barristers to be 'on site' or accessible.

### *Possible adverse effect*

- 38 No adverse effect has been identified

### *Why we wish to make the alterations*

- 39 The aim of this amendment is to allow more flexibility

## **BTR 62 – regarding Inns’ Qualifying Sessions 'for Specially Qualified Applicants**

### *Nature and effect of existing regulations*

- 40 The existing regulations not only detail requirements for Inns Qualifying Sessions to be undertaken but also where exemptions may be possible. BTR 62 provides that:

*BTR62 Where the Board exempts a person from the Vocational or Professional Stage of training, it may also:*

- (a) grant exemption in whole or in part from the requirement to attend Qualifying Sessions; and*
- (b) specify the period within which any requirement to attend Qualifying Sessions must be fulfilled, which may be a period ending after the person concerned has been called to the Bar.*

### *Difficulties with the existing Policy*

- 41 The present rule renders the timing flexible. BTR 62 has recently been reconsidered by the BSB in discussion with the Inns of Court (specifically the Education Officers, and the Senior Executives Committee). It was agreed that there is a need to specify the normal period during which such requirements must be fulfilled.

### *Nature and effect of the proposed alteration*

- 42 The former regulation (CR 30(h)(i) of the Consolidated Regulations which BTR 62 replaces) specifically stated that an applicant was required to attend six qualifying sessions. In addition, the standard letter sent by the BSB to Specially Qualified Applicants states that the applicant is required to attend six Qualifying Sessions within three years of being called to the Bar. It is therefore suggested that BTR 62 should be amended to reflect the usual BSB requirement that Specially Qualified Applicants are required to attend six Qualifying Sessions in three years, unless special circumstances applied.

- 43 The suggested amendment/addition is therefore for BTR 62 to read:

*BTR62 Where the Board exempts a person from the Vocational or Professional Stage of training, it may also:*

- (c) grant exemption in whole or in part from the requirement to attend Qualifying Sessions; and*
- (d) specify the period within which any requirement to attend Qualifying Sessions must be fulfilled, which may be a period ending after the person concerned has been called to the Bar and in the case of a Specially Qualified Applicant is usually a period of three years during which the Applicant must attend six Qualifying Sessions unless special circumstances apply.*

### *Possible adverse effect*

- 44 The amendment is requested so that the requirements for Specially Qualified Applicants are transparent. Its equality and diversity impact is therefore positive.

### *Why we wish to make the alterations*

- 45 The aim of this amendment is to make requirements known in an effective, open and transparent way.

## **BTRs Schedule C - amended to make it clear that the BSB has a residual discretion to refuse to accept the nomination of a barrister as a pupil supervisor**

### *Nature and effect of existing regulations*

- 46 This arises out of recommendation 22 of the Wood Report on the Review of Pupillage (Annex B). The existing regulation Schedule C, paragraph 2 specifies that:

*C2 The Board may enter a barrister on the register of approved pupil supervisors if the barrister is approved by an Inn of which the barrister is a member.*

The Pupillage Working Group envisaged that there was a possibility (albeit very remote) that a pupil-supervisor might be approved by his/her Inn, but then not accepted onto the register by the Bar Standards Board. This could be related to misconduct with regard to the Bar Council/BSB for example.

### *Difficulties with the existing Policy*

- 47 It is not envisaged that there are likely to be many cases where discretion of the BSB would be utilised. However, it is important that the Regulator is the final point of approval. Accreditation will normally take place on the recommendation of the Inn but in order that the Regulator does not serve not simply as a 'rubber stamp' then a discretion needs to be in place. The Pupillage Working Group recommended that the above should therefore be amended to make it clear that the BSB has a residual discretion to decline to accept the nomination of a barrister as a pupil supervisor.

### *Nature and effect of the proposed alteration*

- 48 The suggested amendment to Schedule C. para 2 to the Regulations simply states that the BSB may refuse to register a pupil-supervisor if the Board finds that the barrister is unsuitable for any reason to act as a pupil-supervisor, with appropriate notification:

*C2 The Board may enter a barrister on the register of approved pupil supervisors if the barrister is approved by an Inn of which the barrister is a member.*

*2A The Board may refuse to enter a barrister on the register of approved pupil supervisors if the Board finds that the barrister is unsuitable for any reason to act as a pupil supervisor.*

*2B If the Board refuses to enter a barrister on the register of approved pupil supervisors, it will notify the barrister and the Inn which approved the barrister as a pupil supervisor of its decision and of the reasons for it.*

- 49 The grounds of refusal should be communicated to the barrister and his or her Inn and be subject to review and appeal under the Regulations.

### *Possible adverse effect*

- 50 No adverse effect has been identified

### *Why we wish to make the alterations*

- 51 The aim of this amendment is to ensure that the BSB as regulator does not simply act as 'rubber stamp', but is able to take precautions in the public interest.

**Code of Conduct Annex R – raising of the minimum amount of the pupillage award from £10,000 to £12,000 a year**

*Nature and effect of existing regulations*

- 52 This arises out of recommendation 50 of the Wood Report on the Review of Pupillage. The existing rule (Annex R of the Code of Conduct – The Pupillage Funding and Advertising Requirements) specifies that pupils must be paid monthly no less than £833.33 – amounting to a minimum of £10,000 per annum.

As stated in the Wood Report on Pupillage (para 217), paragraphs 1 to 3 of the Pupillage Funding and Advertising Requirements 2003, incorporated into the Code of Conduct, are concerned with payment to pupils. During the first non-practising six months a pupil must receive not less than £5,000, payable in monthly instalments of £833.33, plus expenses reasonably incurred on travel for the purposes of the pupillage during the month and for attendance during that month at courses which the pupil is required to attend. The same payments must be made during the second practising six, but chambers are then entitled (but not bound) to deduct any amount which the pupil may have received during the month in question from his or her own practice as a barrister. A pupil's receipts may never in any month fall below the aggregate of £833.33 plus expenses. Annex R specifically states this as follows:

*1. The members of a set of chambers must pay to each non-practising chambers pupil by the end of each month of the non-practising six months of his pupillage no less than:*

*(a) £833.33; plus*

*(b) such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:*

*(i) travel for the purposes of his pupillage during that month; and*

*(ii) attendance during that month at courses which he is required to attend as part of his pupillage.*

*2. The members of a set of chambers must pay to each practising chambers pupil by the end of each month of the practising six months of his pupillage no less than:*

*(a) £833.33; plus*

*(b) such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:*

*(i) travel for the purposes of his pupillage during that month; and*

*(ii) attendance during that month at courses which he is required to attend as part of his pupillage; etc (see Annex D to this document).*

*Difficulties with the existing Policy*

- 53 The Pupillage Working Group researched this issue very carefully and, after making comparisons with the minimum wage and the cost of living increases that had taken place since the funding was first set, agreed that review was needed (see Chapter 8, Funding). The reasons for the rule (introduced in 2003) are obvious and still relevant (para 219). The financial stresses on candidates for the Bar are considerable. The prospect of receiving no payment during pupillage would undoubtedly act as a further deterrent to recruitment which would be additional to the inherent cost of the BVC/BPTC, and the uncertainty of getting any pupillage at all. Pupillage would be restricted to individuals whose personal circumstances permitted them to work for at least six months if not twelve without payment. The reputation of the Bar as an open, accessible profession would be severely damaged.

The Working Group carefully considered the minimum prescribed amount and concluded that £10,000 pa is too low a sum in modern times. At the time of the report, trainee solicitors outside London had to be paid a minimum of £16,650 pa and trainees inside London a minimum of £18,590 pa. Balancing changes in the value of money against the circumstances in which many publicly-funded chambers find themselves, it was recommended that the minimum amount should be raised to £12,000 a year, and that the BSB should keep that amount under review. It was indicated in guidance that payment of the higher amount should be regarded as 'good practice' for Chambers until such time that a change to the Code of Conduct was approved by the LSB, making this a formal requirement.

#### *Nature and effect of the proposed alteration*

54 The suggested amendment would simply state that pupils should be paid a minimum monthly sum of £1,000 (£12,000 per annum):

*1. The members of a set of chambers must pay to each non-practising chambers pupil by the end of each month of the non-practising six months of his pupillage no less than:*

*(a) £1000.00; plus*

*(b) such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:*

*(i) travel for the purposes of his pupillage during that month; and*

*(ii) attendance during that month at courses which he is required to attend as part of his pupillage.*

*2. The members of a set of chambers must pay to each practising chambers pupil by the end of each month of the practising six months of his pupillage no less than:*

*(a) £1000.00; plus ..... etc*

55 The effect would be to ensure that those other than applicants with private means would be able to undertake pupillage and to relieve hardship amongst pupils.

#### *Possible adverse effect*

56 The only possible adverse effect that has been identified might be a resulting diminution in the number of pupillages. However, it was agreed that the sum involved (£2,000 per annum per Chambers) was unlikely to have any significant effect and that Chambers unable to provide the minimum funding would be unlikely to provide the required standard of training and supervision for pupils. The possible adverse effect of a minimal reduction in the number of pupillages was the reason for the minimum funding not being set even higher than £12,000 pa. This will be tracked, although it should be noted that other factors, such as the recession, also have an effect. In addition, the advantages and needs for pupils (as indicated above) would outweigh other considerations. An Equality Impact Assessment was carried out.

#### *Why we wish to make the alterations*

57 The aim of this amendment is to ensure that pupils are properly funded and that financial relief is provided so that the Bar may remain an open, accessible profession, in the public interest.

## **The regulatory objectives**

### **Protecting and promoting the public interest**

- 58 The above requested amendments are, as pointed out above, each individually (and collectively) aimed at the BSB's intention to protect consumer interests in the training and education of those who are called to the Bar of England and Wales.

### **Supporting the constitutional principles of the rule of law**

- 59 The implementation of the above amendments will not have any adverse effects on the rule of law but rather will support constitutional principles (including relations with member states of the EU).

### **Improving access to justice**

- 60 Access to justice will be improved by ensuring that barristers are properly trained at the Bar Course stage, properly supervised in Approved Training Organisations that are subject to BSB oversight, adequately funded during pupillage and also undertake adequate training in the form of Qualifying sessions as provided by the Inns of Court – whatever route they take to the Bar.

### **Protecting and promoting the interests of consumers:**

- 61 The above measures will collectively contribute to the protection and promotion of the interests of consumers by ensuring the quality and standard of education and training for barristers.

### **Promoting competition in the provision of services**

- 62 As indicated above, the refinements to the BTRs, and Annex R of the Code, now being sought will ensure that barristers are well trained and qualified, so that competition between such qualified persons can only have the effect of driving up quality and promoting healthy competition.

### **Encouraging an independent, strong, diverse and effective legal profession**

- 63 The measures above, particularly those relating to the EU and to Specially Qualified Applicants will encourage a strong and independent profession of the highest quality. Allowing students to qualify as barristers on the basis of accelerated degree programmes and ensuring that pupils are adequately funded will also encourage diversity.

### **Increasing public understanding of the citizen's legal rights and duties**

- 64 The Bar Standards Board considers that the amendments above would have no significant effect, adverse or otherwise, on the public understanding of citizen's rights and duties. Rather the public could be further reassured that the education and training of barristers is being properly regulated.

### **Promoting and maintaining adherence to the professional principles, including maintaining proper standards of work; and acting in the best interests of clients:**

- 65 The above matters will all contribute to the overarching aim of promoting high professional standards in the interests of clients and the public.

## **The better regulation principles**

### Transparency

- 66 The above amendments have resulted from extensive consultation and discussion with the Inns of Court and with other parties during the Review of Pupillage when a great deal of discussion and consultation took place (see Annex 3 of the Wood Report on Pupillage). The Pupillage report and new handbook are publicised on the web, as will the amendments pertaining to the Inns Qualifying sessions if and when these are given approval by the BSB. The Bar Course Handbook is also publicised on the BSB website.

### Accountability

- 67 As the regulator for the Bar, the Bar Standards Board is accountable for any changes that are made. The BSB has no hesitation in supporting the proposed amendments and being held accountable for the effects these changes may bring about. It is not envisaged that these will be anything other than positive.

### Proportionality

- 68 The BSB considers, as outlined above, that this proposed cluster of changes are proportionate in terms of the desired effects needed to strengthen the systems for education and training for the Bar.

### Consistency

- 69 Changes proposed are consistent with current and previous practice, as demonstrated in particular by the alignments (where indicated) with the previous Consolidated regulations.
- 70 The proposals regarding time limits for commencing the course (BTR12), for allowing a pupil to undertake pupillage in any Member State (BTR31), for approval of ATOs (BTR37) and supervisors (Schedule C), for specifying time limits for Inns' Qualifying Sessions (BTR 62), and for increasing the minimum funding to pupils (Annex R, of the Code) are entirely consistent with the aims of the BSB to ensure the quality and standards of training for the Bar and with the work that has been carried out since 2007 on major reviews of this training at every stage.

### Targeting

- 71 The BSB considers that the above are appropriately targeted at a suitable stage of training, in order to ensure standards.

### Desired outcome

- 72 The desired outcome from implementing the above changes will be further to ensure that robust systems are in place effectively to regulate training for the Bar.

### Other regulators

- 73 The proposed alterations are unlikely to affect any other regulators, other than possibly causing others to perhaps review their own thinking with regard to limits for commencement of the vocational stage after the academic stage, for activities in Member States, and for approval processes of training organisations and

supervisors. Apart from the removal of the minimum length for a Qualifying Degree and for a Qualifying Law Degree (which will make the BSB's approach consistent with that of the SRA), none of the other proposed amendments are of relevance to any of the other Approved Regulators. The SRA for example, already require a far higher minimum level of funding for trainees with training contracts, as pointed out above.

- 74 Existing requirements are published on the BSB website and this application will be circulated to the other Approved Regulators at the same time as the application is formally submitted to the LSB.

#### Date of implementation

- 75 It is hoped that the proposed amendments, once approved, can take place with immediate effect. They consist largely of clarification to existing rules so no lead in time for change is necessary. Reviews of the changes will be carried out as necessary. The purpose of changing "Bar Vocational Course" to "Bar Professional Training Course" in the Bar Training Regulations is simply to update the Regulations to correspond to the actual name of the course. The outcome will therefore be achieved as soon as the change is made. There will not therefore be any follow-up assessment required for the change in title.

The proposed date of implementation of the increase in funding for pupils is for pupils starting on or after 1 September 2011. A relatively early date is needed so as not to disadvantage pupils starting in September /October 2011, whilst at the same time allowing some formal notice to Chambers and Employed Organisations who may already have advertised start dates and funding. The proposed increase in funding has been made publicised and made known since the Report and recommendations of the Wood Working Group on Pupillage was approved May 2010 so no further lead in time is necessary. A full review will be carried out after one year.

#### Consultation Processes Undertaken

- 76 With regard to issues specifically relating to the Bar Course and the Inns of Court (BTR12, BTR 62), the Council of the Inns of Court has been consulted on these and has approved the changes. The change of name of the "Bar Vocational Course" to the "Bar Professional Training Course" was included in the consultation on the Wood Report.
- 77 For consultation processes regarding pupillage organisations and supervision, see the Wood Report on Pupillage, Annex 3. The Council of the Inns of Court expressed their agreement in their receipt and approval of the Wood report (in 2010).
- 78 The submission is being sent to the other approved regulators as above paragraph 73.
- 79 Notice of this application is to be published on the BSB website with comment invited.

**Other explanatory material**

The following supporting material is attached:

Annex A      Bar Training Regulations (BTRs) – tracked to indicate amendments sought

Annex B      Report of the Pupillage Review Working Group 2010 (Wood Report)

Annex C      Pupillage Handbook (Red Book) from 2010

Annex D      Code of Conduct, Annex R – tracked to indicate amendments sought