

Annex 1 BSB Action Plan

LSB Outcomes for Ongoing Competence

Action Plan

LSB Outcome	Assessment of current measures	Is the outcome met?	Planned work / Destination	Target timeline
<p>12(a) Set the standards of competence that authorised persons should meet at the point of authorisation and throughout their careers.</p>	<p>The <a href="#">Professional Statement</a> describes the knowledge, skills and attributes all barristers need on their first day of practice. It covers basic legal knowledge (1.3), client care (multiple engaged), practice management (4.1-4.7). Competences relating to ethics, professional conduct and standards can be found at (1.1,1.16-1.18, 2.1-2.6). Competences 1.13-1.15 address their role as advocates specifically.</p> <p>These competences are embedded in BSB <a href="#">Curriculum and Assessment Strategy</a> and therefore covered through Bar Training and the competency expectations for pupillage.</p> <p>In addition, area specific competency statements have been put in place where, in the light of our thematic reviews, we have identified evidence of systemic concerns about competency. This includes competences in the Youth Court and Coroners Court.</p>	<p>This outcome is partially met.</p> <p>The BSB is largely compliant with this outcome. Once amendments to the Professional Statement have been implemented, this outcome will be met in full.</p>	<p>As part of the review of CPD we will look to strengthen the link between the Professional Statement and continuous learning and development throughout a barrister's career. Engagement with stakeholders re amendments to the Professional Statement, which will clarify expectations for Learning and development practices so that competence is maintained / developed throughout one's career and include factors such as:</p> <ul style="list-style-type: none"> <li>○ area of practice;</li> <li>○ stage of career;</li> <li>○ changes to the law;</li> <li>○ changes to consumer expectations.</li> </ul> <p>Other areas may be added to the Professional Statement including: handling vulnerable witnesses and use of technology (though more may be identified) through engagement work.</p> <p>Where necessary, and in the light of any emerging evidence, we will consider whether further competency statements are necessary.</p> <p>We are as part of our review of the competency expectations in the early years of a barrister's practice looking at reform to our New Practitioners Programme so that it more aligns with our outcomes focussed approach to CPD generally and ties in with the Professional Statement.</p> <p>It is through these initiatives that we see the Professional Statement as the golden thread of competency throughout a barrister's training and their career</p>	<p>January 2024</p> <p>On-going</p> <p>Throughout 2023/24</p>
<p>12(b) Regularly determine the levels of competence within the profession(s) they regulate, and identify areas where competence may need to be improved.</p>	<p>We collect data and intelligence from complaints, timed data collection (regulatory return), supervision monitoring, research, information/thematic reviews and from other third parties, such as the Legal Ombudsman. This is fed into risk analyses and inform research or policy priorities Where this is a risk, we take action. Examples include the Immigration thematic review, Youth Court and Coroners Court projects, the latter two resulted in new statements of competence (and toolkits) being produced to improve standards.</p> <p>We respond to competency concerns that are identified through both our supervision and enforcement regimes. Through our approach to supervision (as set out in our <a href="#">Supervision Strategy</a>) we aim to provide support to address the underlying issue. Our <a href="#">Enforcement Strategy</a> applies where the competency concern is so serious as to amount to professional misconduct.</p> <p>We have met with external organisations (eg the CPS, Legal Ombudsman and Specialist Bar Associations) who feed into our overall matrix of data collection and intelligence gathering. As part of these discussions, we have, and will continue to work in greater partnership with such organisations so that data and intelligence analyses can be improved with respect to regularity and consistency. The output of this is that we are looking to develop a number of information sharing agreements to strengthen this approach.</p>	<p>This outcome is partially met.</p> <p>Once the Data and Intelligence Strategy and monitoring framework tool are in place, this outcome will be met in full.</p>	<p>Our work over the next year will include the development and implementation of new Data and Intelligence Strategy to:</p> <ul style="list-style-type: none"> <li>• enhance the structure and process for capturing and analysing the data we hold from internal processes and gather externally;</li> <li>• build in more joined up processes for handling incoming intelligence so that a holistic approach is taken; and</li> <li>• use the data to inform our regulatory interventions and ensure they are targeted where there is evidence of concern.</li> </ul> <p>Additionally, we will develop a monitoring framework tool. With time, and regular monitoring, we will improve our ability to collect more useful data relating to competence.</p> <p>Continue discussions will key external organisations to establish data sharing agreements, where necessary.</p>	<p>Autumn 2023 for utilising current data assets</p> <p>Early 2024 for bespoke data and intelligence collection</p> <p>Autumn 2023</p> <p>Throughout 2023 and 2024</p>

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	We consult periodically with the judiciary on regulatory issues, include standards of practice at the Bar.			
12(c) Make appropriate interventions to ensure standards of competence are maintained across the profession(s) they regulate	<p>We have a range of regulatory tools available to use to maintain standards and to address evidence of incompetence. Our <a href="#">regulatory approach</a> to assuring competence includes:</p> <ul style="list-style-type: none"> <li>• The Professional Statement</li> <li>• Our Education and Training framework for the vocational and pupillage stages of Bar training</li> <li>• CPD</li> <li>• Targeted competency frameworks</li> <li>• Sampling of competency based declarations</li> </ul> <p>Standards are communicated on a number of levels:</p> <ul style="list-style-type: none"> <li>• At the point of pre-authorisation (through the Professional Statement and other pre-authorisation statements, ie Curriculum and Assessment Strategy);</li> <li>• Thematically, through the supplemental statements of competence for specific practice areas, eg Youth Courts, Coroners' Courts; and</li> <li>• On an ongoing basis through specific BSB Handbook requirements.</li> </ul> <p>Standards are also communicated through supervisory activities with individual barristers and/or Chambers.</p> <p>The <a href="#">Authorisation Framework</a> requires all vocational and Work-based learning AETOs to ensure: "The promotion of self-reflection that fosters the profession's approach to Continuing Professional Development from an early stage. [indicator 46.11]"</p> <p>As part of the authorisation process, all AETOs must demonstrate how they will support students/pupils to become reflective practitioners. This is further underpinned by the Curriculum and Assessment strategy, which requires vocational AETOs to prepare students to a foundational level to: "Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes" (Professional Statement Competence 2.5).</p> <p>Learning and development activities are specific under CPD requirements.</p> <p>The BSB does not currently operate a reaccreditation scheme for barristers once authorised. There is insufficient evidence to suggest that re-accreditation is necessary for barristers and we believe that the range of regulatory measures in place at present adequately assure standards of practice. We are open to revisiting that position if new evidence were to emerge that suggested that re-accreditation might be necessary (and would address the risks to standards of practice identified).</p>	<p>This outcome is partially met</p> <p>This outcome will be fully met in 2024 following the development and implementation of a review of our policy approach relating to competence and CPD feedback.</p>	<p><u>CPD</u> Revisit our approach to CPD to consider whether greater prescription is needed.</p> <p>Introduce updated random and risk based thematic review of CPD compliance</p> <p>Develop revised regulation of early years of practice (including a reform of the New Practitioners Programme)</p> <p><u>Approach to Assuring Standards at the Bar</u></p> <p>Consultation with Stakeholders exploring approaches to developing a framework on standards, including:</p> <ul style="list-style-type: none"> <li>• Requiring feedback as part of CPD; and</li> <li>• The case for a form of ongoing competency assessment; and</li> <li>• A Chambers/employer -based approach for dealing with competence in the first instance.</li> </ul> <p>Policy approach adopted and implemented</p>	<p>Completed by January 2024</p> <p>April 2024</p> <p>Throughout 2023/24</p> <p>Autumn 2023</p> <p>Mid 2024</p>
12(d) Take suitable remedial action when standards of competence are not met by	The BSB does not currently operation a 'fitness to practise' scheme for dealing with issues of competence. However, breaches of the BSB Handbook (rC15) relating to competent standard of work and returning instructions where a barrister is not competent / experienced (rC21.8) are enforceable.	This outcome will be fully met in 2024 following the development and implementation of policy approach relating to competence and CPD feedback.	<p>As above, engage with profession, stakeholders and public on a new Framework on Standards requiring barristers to gather feedback as part of the annual CPD process and to reflect on that feedback to identify future areas for training and development.</p> <p>Develop regulatory framework which sets expectations on Chambers and Employers to track competence of its members and take steps to address issues of poor performance.</p>	<p>Completed Jan 2024</p> <p>Throughout 2023/24</p>

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individual authorised persons.	Lower level issues of incompetence raised with the BSB are managed through our supervision regime		<p>Use of the framework monitored through our supervision activities. Remedial intervention by the BSB will be reserved where the framework not being applied or where there is evidence of serious incompetence that requires direct regulatory intervention.</p> <p>Framework on Standards in place</p>	Mid 2024