

Sent by email only to:
futurebartraining@barstandardsboard.org.uk

2 September 2015

Dear Sir/Madam

Future Bar Training: Continuing Professional Development

The Panel would like to make a brief submission in response to the above named consultation. The Panel has in the past voiced concerns about legal education, training, and ongoing professional competence. We believe the continuous professional development (CPD) system is failing and have called for periodic reaccreditation in high risk areas of law as well as an outcome focused regime. We therefore welcome the Bar Standard Board's (BSB's) proposals to restructure the CPD it regulates. This consultation goes some way to address our previous concerns, and to set out a balanced, outcomes focused CPD scheme.

The proposals to make the CPD scheme outcomes focused should help to create a culture where individuals lead their own development and focus on what they need to do to stay up to date and improve their performance. The onus is placed on the barrister to identify personal objectives and to provide hard evidence to demonstrate delivery against these. But in some areas this will be insufficient and reaccreditation is needed to ensure adequate consumer protection.

The Panel has consistently argued for periodic reaccreditation in higher risk areas of law. This is not something which has been considered in the consultation, and is an area we would strongly recommend looking into before finalising these proposals, particularly in the light of the Quality Assurance Scheme for Advocates.

Restructuring the CPD scheme to be outcomes focused creates new flexibility and freedoms for individuals. This will however need to be managed through robust monitoring and effective sanctions in the event of non-compliance. The BSB has proposed repeated monitoring of those who fail to comply, and have set out the type of corrective action which will be used to support these barristers. The Panel believes that there should be more to the corrective action, such as more frequent monitoring between the annual returns. This is because the implications of a barrister failing to maintain the standards, skills or subject matter knowledge through CPD can have a direct impact on the consumers, particularly in higher risk areas of law. In high risk areas we would recommend more frequent checks to reduce the duration in which an individual may be underperforming/failing to meet the needs of their clients.

The risk-based assessment and monitoring is also welcomed as a sensible and structured approach. The Panel would suggest that this focus includes individuals who operate in high-risk areas of law in the annual monitoring – as these individuals deal with the most vulnerable/complex where the potential for consumer detriment through incompetence or poor training is high and more keenly felt.

I hope these comments are helpful. Please contact Stephanie Chapman, Consumer Panel Associate, with any enquiries.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elisabeth Davies', with a horizontal line extending to the right.

Elisabeth Davies
Chair