

14 September 2017



Dear Sir/Madam

## **Consultation on rule change: New information and registration requirements for the Bar.**

The Legal Services Consumer Panel (the Panel) welcomes the opportunity to respond to the consultation on the proposed rule changes to the Bar Standards Board's (BSB) Handbook. Please find below the Panel's response.

### **The type and area of practice**

We welcome and support the proposal to require barristers to declare information about their type and area of practice when renewing their practice certificate. This increases transparency between service providers and the regulator, and potentially for consumers. This data, together with the information remedies proposed by the Competition and Markets Authority,<sup>1</sup> and the Panel's recommendations in its Open Data report<sup>2</sup> would go some way in redressing the information deficit faced by legal services consumers. Moreover, this data would provide the BSB with some insight on risks and opportunities in the legal services market, including the challenges faced by consumers.

In our Open Data report, the Panel also emphasised that information publically provided can be used by consumer representatives and other stakeholders who may be in a better position to interpret or refine the data for wider use. Therefore, the Panel believes that the information gathered should be made publically available and integrated into the Legal Choices website. It is our understanding, the Legal Services Act<sup>3</sup> does not prevent regulators from sharing this type of information with stakeholders or other legal professional bodies.

### **Registration for proceedings involving young people**

The Panel agrees with the proposal to require barristers undertaking work in proceedings involving young people to register. This would support the findings in our Open Data report, which said that there is scope for all the Approved Regulators to consider how they might begin to gather and make available information on quality to consumers and their representatives.

We also welcome the proposal to make the registration publically available on the BSB's Barristers' register, as this would increase transparency and may aid consumer choice.

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<sup>1</sup> Legal services market study, Competition and Markets Authority, 2016.

<sup>2</sup> Opening up data in legal services, Legal Services Consumer Panel, 2016.

<sup>3</sup> Section 51(4) of the Legal Services Act 2007.

We support the BSB's broader initiative to improve the quality and standards of advocacy in youth proceedings, and to ensure that standards are consistent across the board. The BSB's own Youth Advocacy report<sup>4</sup> highlights the importance of strong communication skills as well as the importance of building a rapport with young people. The Panel has previously recommended that interpersonal skills and vulnerability training should be part of the Bar Training.<sup>5</sup> For example, barristers would enhance their ability to respond and behave appropriately by understanding consumers' vulnerability and tailoring their communication accordingly.

For barristers who have already qualified, we would encourage the BSB to work with the Bar Council in considering the feasibility of an online training course, delivered as part of the Continuing Professional Development (CPD). The training should be consistent with the third and fourth Youth Proceedings competences, i.e. awareness of backgrounds and needs, and communication and engagement.<sup>6</sup> We believe the training, together with the BSB's CPD monitoring, would promote a consistent standard and ensure barristers are maintaining their competence in this area. Additionally, the Panel thinks there is merit in the BSB considering how it might use feedback to further improve advocacy in youth proceedings. The BSB may therefore wish to monitor whether barristers collate and take on board feedback to deepen their knowledge and skills.

### **Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017**

The Panel acknowledges the transposition of the EU's Fourth Money Laundering Directive into UK law. We support the BSB's proposal to embed the law into its functions and obligations.

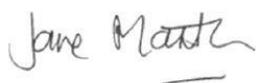
We welcome the BSB's change to ask barristers undertaking work under the Regulations to provide a basic disclosure check and confirm that they have not been convicted of relevant offences. This would support the risk profile that the BSB is required to provide under the Regulations and increase consumer confidence in the profession.

We would be happy to discuss any aspect of this response in further detail and to address any questions you may have. Please do not hesitate to contact our Consumer Panel Associate, Lau Ciocan.

Yours sincerely

Dr Jane Martin

Chair



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<sup>4</sup> The Youth Proceedings Advocacy Review: Final Report, Bar Standards Board, 2015.

<sup>5</sup> The Future Bar Training Consultation: The Professional Statement response, Legal Services Consumer Panel, 2015.

<sup>6</sup> Youth Proceedings competences, Bar Standards Board, 2017.