

Proposed Continuing Professional Development (CPD) scheme pilot 2015

Background

The Bar Standards Board (BSB) regulates barristers Called to the Bar in England and Wales in the public interest. One of our activities involves regulating the system by which qualified barristers carry out CPD.

Our [Future Bar Training](#) programme includes the proposal for a new CPD scheme to be launched in 2017, and reflects recommendations of the Legal Education and Training Review (LETR, 2013¹), jointly commissioned by the regulators².

Our approach

We are changing the way we carry out our regulatory activities, including our approach to regulating CPD for all practising barristers.

We want to support the profession in adapting to new ways of working, encouraging innovation and safeguarding standards.

In addition to carrying out this trial, we will also:

- Publish the current version of our proposed new scheme for widespread consultation between March and May 2015 (pilot scheme participants can also respond);
- Combine the consultation results with the pilot feedback and use this to develop our rules, requirements and guidance.

¹ Legal Education and Training Review, Setting Standards: The future of legal services education and training regulation in England and Wales, 2013, page 279

² The regulators are Bar Standards Board; Solicitors Regulation Authority; ILEX Professional Standards (IPS).

Features of our proposed CPD scheme

We will:

- Place emphasis on barristers carrying out CPD that is relevant to their area of practice and the knowledge and skills required for professional practice;
- Provide guidance to help barristers choose the right type of CPD to meet their needs;
- Give barristers individual responsibility for planning and undertaking CPD;
- Ask barristers to record and keep evidence of their CPD participation;
- Ask barristers to reflect on what they have learnt during their CPD and the significance of that learning to their practice;
- Monitor and supervise barristers if we consider that they are not complying with their CPD requirements and as a result they are putting their ability to practise competently at risk.

The CPD pilot

The objective of our pilot is to:

- Test how the above features work in practice;
- Explore how we can help the profession to understand the new requirements;
- Explore the most efficient and effective way to regulate against the new scheme.

The pilot will take place between January 2015 and March 2016.

During the pilot you will be expected to work in line with the prototype rules, requirements and guidance for our proposed new CPD scheme.

Throughout the pilot we will support you and make sure there are sufficient ways for you to feed back to us.

At the end of 2015 you will send your CPD record to us and we will assess and analyse the records.

Whilst we will take no corrective action in relation to the pilot, we will feed back to you throughout the pilot, in particular between January and March 2016 while we test our supervision approach.

Upon accepting our invitation to take part

We will let you know if you are included in the final target sample for the pilot.

You will receive notification of your waiver from the current CPD rules for 2015. By accepting this you will be required to co-operate with us throughout the pilot.

What you can expect - the CPD pilot plan

Activities		Date
1	Accept our invitation to participate	By 9 Jan 2015
2	We send you an example of our proposed CPD rules, requirements and guidance	w/c 12 Jan 2015
4	You carry out a planning exercise and send us your planning statements for CPD in 2015	Early Feb 2015
5	We give you feedback after analysing your planning statements	Mar 2015
6	You progress with your CPD and record your activity	Feb to June 2015
7	We send you a brief survey to assess progress and identify any recurring issues and problems	July 2015
8	You continue your CPD and record your activity	July to Dec 2015
9	You send us your CPD records and complete a brief feedback survey	End Dec 2015
	Your waiver expires and you will be required to follow the current CPD regulations until the new CPD regime goes live in 2017	1 Jan 2016
10	Our supervision team will assess and analyse your CPD records and have a one-to-one conversation with you in a structured telephone interview (approx. 30 min).	Jan to Mar 2016
11	The new CPD regime will come into force for everybody	1 Jan 2017

Contact

CPDpilot@barstandardsboard.org.uk

Frequently asked questions

What is the timescale of the pilot?

The pilot will take place from January 2015 to March 2016.

Why does the BSB need to pilot?

We want to understand the potential challenges and pitfalls of our new scheme so that we can make improvements before it goes live in 2017.

The pilot will help us to find out how best we can support the profession to help everyone understand their obligations under the new scheme. We can then make sure the guidance we offer is as effective as possible.

We will combine the feedback we gather with the consultation responses and then refine our CPD policy and associated guidance.

This process will help us to make sure the new scheme is more meaningful and useful to barristers.

What are the characteristics of the new scheme?

Our new approach to CPD will:

- Emphasise your individual responsibility for identifying your own training and development needs;
- Remove our requirement that you need to undertake a certain number of CPD hours;
- Emphasise your individual responsibility for achieving specific learning outcomes, rather than simply measuring the effort involved.

We will provide guidance to help you to engage with our new scheme.

You will be expected to demonstrate that you have reflected on what you have learnt.

Finally, if we consider that barristers are not complying with their CPD requirements and as a result they are putting their ability to practise competently at risk, we will monitor and supervise them.

When will the new scheme be launched?

We will launch the new scheme for the CPD calendar year 2017.

Why have I been invited to take part in this pilot, out of all the practising barristers?

We have selected a random sample of barristers from our database, based on a range of demographics we would like to include in the pilot, for example:

- A range of practice areas;
- Seniority;
- Employment context, e.g. self-employed; employed; sole practitioner, etc.

If I accept your invitation will I definitely take part in the pilot?

No. We are inviting more people than we need to take part in the pilot, as we recognise that not everyone will be able to participate.

Our main priority is to make sure we have a cross-section of participants within the pilot sample that reflects the range of practising barristers.

We will let you know if you have been selected to take part.

If I am not selected for the pilot will I have other opportunities to feed into the development of your new scheme?

Yes. We will publish a consultation on our new approach to CPD in March 2015.

You can respond and provide feedback on our new approach in this way.

What time commitment is required from me during the pilot?

You will determine the amount of CPD you need to do and record it for the calendar year.

In addition to the actual CPD, we estimate you will need to spend up to 13 hours engaging with and feeding back to us, spread across 15 months:

- Initial planning;
- Feedback exercises;
- Completing surveys.

The pilot will run for one calendar year from January 2015, and then during the first three months of 2016 you will be involved to help test our supervision process.

What if my circumstances change and I can't contribute to the pilot after all?

We acknowledge that significant changes in your circumstances may affect your ability to take part.

However, a condition of the waiver from the current CPD regulations is that we expect you to actively take part in the pilot.

If you are unable to help us, you must let us know as soon as possible and you will need to fulfil the original CPD regulation requirements.

Please be aware that if you do not let us know and you do not engage with us, we may consider this as non-co-operation with the regulator. Co-operation with the regulator is a core duty as a barrister.

How will you support me throughout the pilot?

We will send you:

- An example of our proposed rules and requirements for the new scheme;
- Guidance to help you identify an appropriate commitment to CPD under the new approach.

We will provide a contact person and a dedicated email address for you to ask questions at any point throughout the pilot:

CPDpilot@barstandardsboard.co.uk

At various intervals we will offer you different channels to feed your thoughts back to us and we will have more detailed conversations with you to help you understand the new approach.

Will you publish outcomes from the pilot anywhere?

We will use results from the pilot to feed into our application to the Legal Services Board to approve our new approach to CPD regulation. We will publish this application.

However, we will keep all analysis of feedback gathered through the pilot anonymous.

Will my feedback and information shared during the pilot be treated confidentially?

Yes. Where feedback and information is used to help us shape policy around the new CPD scheme, we will keep it anonymous.

Why should I have to give up my time to support this activity?

Your participation is voluntary. However, if you are selected, by taking part you will:

- Help to make sure our scheme is as robust as it can be for the profession;
- Help us to provide the best targeted guidance to the profession about the new scheme.

As a result of taking part you will:

- Receive a waiver from the current CPD requirements and
- Gain a head start on understanding how the new scheme will impact you when it goes live in 2017.

The 2013 Legal Education and Training Review (LETR) made certain recommendations for the change of legal services education and training.

What changes did it recommend for CPD?

In relation to CPD, the LETR concluded that³:

- schemes need not, but may prescribe minimum hours across the board;
- sufficient identifiable hours/activities should be undertaken in the required areas (ethics and professionalism, and, as appropriate, equality and diversity, management and supervision).

³ Legal Education and Training Review, Setting Standards: The future of legal services education and training regulation in England and Wales, 2013, page 279

“Sufficient” in these contexts means appropriate at that time to the needs of the learner, his/her clients, and (where relevant) the employing organisation;

- CPD schemes should permit practitioners to use informal learning as evidence, provided that evidence of reflection and learning from the activity is demonstrated;
- a limit may be set on the amount or proportion of non-verifiable activity that counts;
- all completed CPD activity for the cycle should be recorded, not just the activity required to comply with any minimum requirement;
- regulators should support their regulated communities by providing initial training, guidance and tools to assist in maximising the value of the required CPD activity;
- provision should be made for random audit of annual CPD plans, and for effective trigger powers to review CPD across an entity where random audit highlights reasonable cause to investigate.