



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

FUTURE BAR TRAINING

PROFESSIONAL
STATEMENT FOR
BARRISTERS

OCTOBER 2015

Introduction

The Professional Statement describes the knowledge, skills and attributes that all barristers should have on 'day one' of practice. It is the standard to be achieved by a barrister upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate.

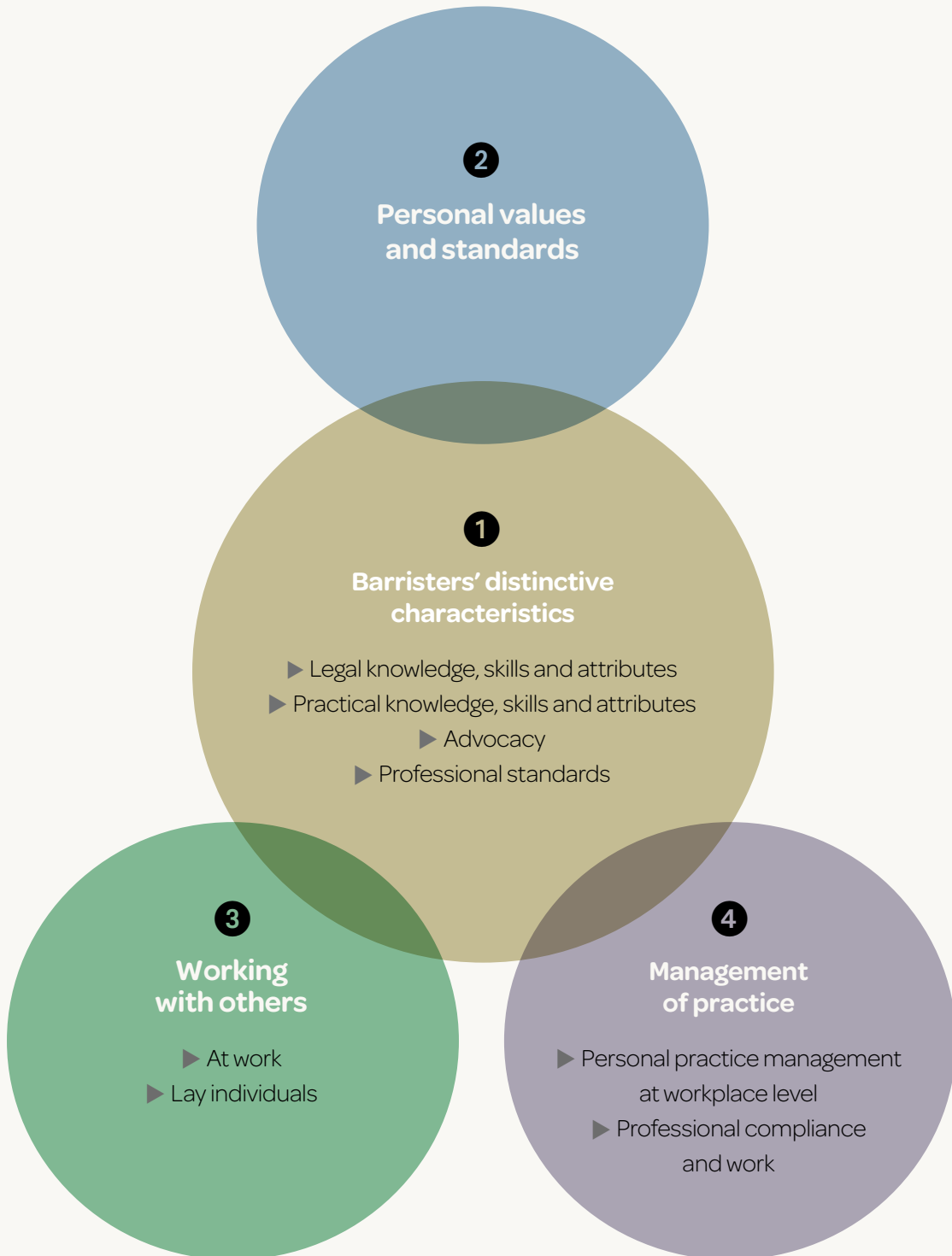
Who is the Professional Statement for?

- **The BSB:** The Professional Statement sets out the parameters of competent practice that will assist the regulator in maintaining standards both of those entering practice and providers of education and training.
- **Those involved in the design and delivery of education and training for the Bar:** the Professional Statement will be used to inform the development of educational materials and pathways. The Statement will be used as a basis for the development of Threshold Standards, upon which learning outcomes will be based.
- **Aspiring barristers:** the Professional Statement describes the knowledge, skills and attributes which should be developed in order for them to qualify as a barrister. This will help aspiring barristers make informed decisions about their future development.
- **Practising barristers:** the Professional Statement describes the essential knowledge, skills and attributes that they should expect of themselves and their peers. The Professional Statement will not replace the Code of Conduct, and all barristers must continue to comply with the regulations set out in the BSB Handbook, which will remain the sole reference point for all disciplinary matters.
- **Consumers:** the Professional Statement may be used to inform an understanding of the barrister's role and the service consumers can expect to receive. Complaints will continue to be dealt with under the Code of Conduct.

The knowledge, skills and attributes stated in the Professional Statement cover a broad scope of competence. For example, a newly-authorized barrister would not be expected to have the same level of oral advocacy competence as one who has practised for many years. Threshold Standards are currently being developed to define precisely the level of competence for each area of knowledge, skill and attribute listed in the Professional Statement for a barrister at the point of full authorisation. Threshold Standards will be published in 2016.



The Professional Statement: an overview



1 Barristers' distinctive characteristics

Barristers will:

Legal knowledge, skills and attributes

1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.

They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.

1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.

They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary.

1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.

They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practise. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. For example, the rules relating to jurisdiction, evidence, disposals, financial orders and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.

1.4 Have an awareness of the wide range of organisations supporting the administration of justice.

They will understand that the system for administration of justice comprises more than the judicial system alone and will have an awareness of the other elements wherever they are relevant to their work. They will also have an awareness of the sources of advice and funding available to clients, their additional responsibilities in cases that are not self-funded, and the implications of the same on the conduct of a case.



1.5 **Apply effective analytical and evaluative skills to their work.**

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

1.6 **Provide clear, concise and accurate advice in writing and orally and take responsibility for it.**

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone. This will also include advising on the need and preparation for trial where an earlier disposal of the case does not occur, and the ability to convey unpalatable advice where necessary.

1.7 **Negotiate effectively.**

They will be able to recognise the strengths and weaknesses of the client's case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.

Practical knowledge, skills and attributes

1.8 **Exercise good English language skills.**

They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex and detailed argumentation. They will use correct English grammar, spelling and punctuation.

1.9 **Exercise good communication skills, through any appropriate medium and with any audience as required in their work.**

They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.

1.10 **Make sound judgements in their work.**

They will ensure their judgements are independent, based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.

1.11 **Ensure they are fully prepared.**

They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client's circumstances and goals, so as to be able to supply their client with a good standard of work.

1.12 **Employ effective research skills.**

Using either paper or electronic media, they will be able to recognise and identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will undertake any research accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of the research and presenting those results clearly and accurately.

Advocacy

1.13 **Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.**

They will be able to draft standard court documents. For example, claim forms, statements of case, witness statements, applications, indictments, witness statements, orders and appeal documents. They will be able to draft these documents in clear language which focuses on the issues relevant to the case.

1.14 **Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.**

They will be able to draft skeleton arguments that have clarity of purpose, are of an appropriate length and which comply with any applicable rules. Their arguments will identify the issues and will cite authorities and external materials in an appropriate manner.



1.15 **Have persuasive oral advocacy skills.**

They will be able to communicate their client’s case effectively. They will be able to deliver coherent, well-structured and concise submissions and cite legal authorities and materials appropriately. They will be able to engage appropriately with and maintain an awareness of others in any forum where they represent clients.

When delivering submissions and questioning witnesses, they will be able to communicate audibly, using both pace and language that are appropriate to the tribunal. They will be able to handle witnesses in accordance with the rules of the court. They will ask questions which assist the court, focus on the real issues in the case and avoid the irrelevant. They will listen to the answers and demonstrate appropriate conduct towards the witness.

Professional standards

1.16 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**

They will clearly understand a barrister’s core duties and apply them in all aspects of their work.

1.17 **Know how to conduct themselves appropriately in court.**

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

1.18 **Only accept work which they believe they are competent to undertake.**

They will be able to assess the level of their own knowledge, skills and attributes, to enable them to make an informed judgement on the acceptance of work and have the resilience to decline to act where necessary.

2 Personal values and standards

Barristers will:

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- 2.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

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- 2.2 **Be honest in their dealings with others.**

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

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- 2.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.**

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

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- 2.4 **Ensure their work does not incur unnecessary fees.**

They will establish with a client at the outset of any matter the basis for charging fees and then follow those arrangements in a cost-effective manner. They will only undertake work which they believe promotes their client's interests.

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- 2.5 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.

2.6 **Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.**

They will be able to plan and develop their career by identifying their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.

3 Working with others

Barristers will:

At work

3.1 Understand and exercise their duty to act in the best interests of their client.

They will apply this core barrister's duty in every case except where it conflicts with their duty to the court in the administration of justice.

3.2 Understand and apply principles of team working where appropriate.

They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work co-operatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.

3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.

They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.

3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.

They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how and where to demonstrate empathy, and act accordingly. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, recognising where an adversarial approach is not suitable.



3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their case and communicate those effectively. This will include telling the client about options as their case develops, possible outcomes and associated risks.

Lay individuals

3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

4 Management of practice

Barristers will:

Personal practice management

4.1 **Where appropriate, possess a strong understanding of the specific implications of being:**

4.1.1 **a self-employed barrister.**

They will be able to supervise the day-to-day management of their practice by clerks and other employees and accept overall responsibility for all delegated work.

4.1.2 **an employed barrister.**

They will understand the specific implications of being employed as a barrister. They will be able to identify and deal with any conflicts of interest that arise as a result of their employed status and act with independence.

4.2 **Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.**

They will have an awareness of skills such as time and project management, planning, record keeping, using IT effectively and personal development. They will analyse their own needs for such skills then acquire and apply them to a good standard where necessary. They will have a basic understanding of risk analysis so as to be able to apply it to their work. The employed barrister in particular will ensure they understand the governance structure of the organisation in which they work and achieve a balance between their obligations to that organisation and their professional duties.

4.3 **Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.**

They will ensure their workload is manageable. They will have a basic understanding of business continuity so as to be able to deal with unplanned circumstances. They will be sufficiently organised to ensure absences are planned so as to enable them to honour commitments.



At workplace level

4.4 **Understand the organisational systems or structures within which they work and which support their delivery of a professional service.**

They will contribute to the efficient operation of their workplace where appropriate through such actions as the sharing of work when necessary, the developing of the business, and the creation of effective support systems.

Professional compliance and work

4.5 **Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.**

They will be aware of and be able to use either electronic or hard copy information management systems so as to ensure the confidentiality and security of their clients' information as well as comply with current file storage and destruction regulations.

4.6 **Exercise good time-keeping in face-to-face or telephone encounters.**

They should attend meetings, conferences and court appearances punctually and fully prepared unless prevented by matters beyond their control.

4.7 **Where necessary, be diligent in keeping good records and files of cases.**

They will be able to identify situations where keeping records and files is their responsibility and in those circumstances they will ensure that the records they keep may be understood by others as well as themselves, are organised, accurate, contain sufficient details to portray a true record and are up-to-date.

Summary

1 Barristers' distinctive characteristics

Barristers will:

Legal knowledge, skills and attributes

- 1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.

- 1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.

- 1.3 Have a knowledge and understanding of the law and rules of procedure and practice relevant to their area(s) of practice.

- 1.4 Have an awareness of the wide range of other organisations supporting the administration of justice.

- 1.5 Apply effective analytical and evaluative skills.

- 1.6 Provide clear, concise and accurate advice in writing and orally.

- 1.7 Negotiate effectively.

Practical knowledge, skills and attributes

- 1.8 Exercise good English language skills.

- 1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.

- 1.10 Make sound judgements in their work and take responsibility for their decisions.

- 1.11 Ensure they are fully prepared.

- 1.12 Employ effective research skills.



Advocacy

- 1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.

- 1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.

- 1.15 Have persuasive oral advocacy skills.

Professional standards

- 1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.

- 1.17 Know how to conduct themselves appropriately in court.

- 1.18 Only accept work which they believe they are competent to undertake.

2 Personal values and standards

Barristers will:

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- 2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.
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- 2.2 Be honest in their dealings with others.
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- 2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.
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- 2.4 Ensure their work does not incur unnecessary fees.
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- 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.
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- 2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.
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3 Working with others

Barristers will:

At work

- 3.1 Understand and exercise their duty to act in the best interests of their client.

- 3.2 Understand and apply principles of team working where appropriate.

- 3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.

- 3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.

- 3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

Lay individuals

- 3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

4 Management of practice

Barristers will:

Personal practice management

4.1 Where appropriate, possess a strong understanding of the specific implications of being:

4.1.1 a self-employed barrister.

4.1.2 an employed barrister.

4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.

4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

At workplace level

4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

Professional compliance and work

4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.

4.6 Exercise good time-keeping in face-to-face or telephone encounters.

4.7 Where necessary, be diligent in keeping good records and files of cases.

Appendix A: Relationship between The Professional Statement and The Code of Conduct

1. A healthy profession is one that goes beyond basic compliance with its regulatory code. To practise effectively in today's dynamic marketplace, barristers should be adaptive, systematic and flexible. Related knowledge, skills, attributes and behaviours will support them in upholding the regulatory standards of the BSB Handbook.
2. The Professional Statement describes what barristers should be able to do upon entry to the profession: the essential knowledge, skills, attributes and behaviours that all barristers should be able to demonstrate when issued with a full practising certificate. It is an entry standard which barristers should expect of themselves and their peers. It is also a resource which may be used by consumers to inform their understanding of a barrister's role and the service that they can expect to receive. Furthermore, it can be used by those developing and delivering training to inform the development of effective future educational tools and pathways.
3. The Professional Statement does not focus on what barristers must do; this is dealt with in the BSB Handbook (inclusive of the Code of Conduct and associated Core Duties), with which all barristers must continue to comply. The Professional Statement may be used as an evidential point of reference when a breach of the requirements for competent practice (set out in the Code of Conduct) have been raised as a matter of complaint.
4. The Professional Statement forms part of the regulatory regime governing entry to the profession. The BSB Handbook details the regulatory landscape for subsequent practice, following admission.
5. Much of the knowledge, skills and attributes described in the Professional Statement can be related directly to the Core Duties set out in the BSB Handbook, as would be expected in any document that is used in admitting people to a profession. The Professional Statement refers to the BSB Handbook wherever compliance with its regulations is essential to demonstrating the knowledge, skills, attributes and behaviours that should be expected of a barrister. This relationship is illustrated by demonstrating which elements of the Core Duties are to be found in each element of the Professional Statement (an exercise known as mapping). The knowledge, skills, attributes and behaviours needed for a new barrister to practise in accordance with the Code of Conduct are revealed with clarity by this process.
6. A detailed mapping of the Professional Statement to the Core Duties is contained overleaf.

The Core Duties

- CD1** You must observe your duty to the court in the administration of justice.
- CD2** You must act in the best interests of each client.
- CD3** You must act with honesty and integrity.
- CD4** You must maintain your independence.
- CD5** You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.
- CD6** You must keep the affairs of each client confidential.
- CD7** You must provide a competent standard of work and service to each client.
- CD8** You must not discriminate unlawfully against any person.
- CD9** You must be open and co-operative with your regulators.
- CD10** You must take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations.

How the Professional Statement relates to a barrister's Core Duties

1 Barristers' distinctive characteristics

Barristers will:

Legal knowledge, skills and attributes		
1.1	Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.	CD1 CD3 CD4 CD5
1.2	Have a knowledge and understanding of the key concepts and principles of public and private law.	CD7 CD10
1.3	Have a knowledge and understanding of the law and rules of procedure and practice relevant to their area(s) of practice.	CD7 CD10
1.4	Have an awareness of the wide range of other organisations supporting the administration of justice.	
1.5	Apply effective analytical and evaluative skills.	CD7
1.6	Provide clear, concise and accurate advice in writing and orally.	CD7
1.7	Negotiate effectively.	CD7
Practical knowledge, skills and attributes		
1.8	Exercise good English language skills.	CD7
1.9	Exercise good communication skills, through any appropriate medium and with any audience as required in their work.	CD7
1.10	Make sound judgements in their work and take responsibility for their decisions.	CD7
1.11	Ensure they are fully prepared.	CD7
1.12	Employ effective research skills	CD7

Advocacy

1.13	Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.	CD7
1.14	Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.	CD7
1.15	Have persuasive oral advocacy skills.	CD7

Professional standards

1.16	Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.	CD9
1.17	Know how to conduct themselves appropriately in court.	CD1 CD3 CD4 CD5
1.18	Only accept work which they believe they are competent to undertake.	CD7

2 Personal values and standards

Barristers will:

2.1	Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.	CD2 CD3 CD4
2.2	Be honest in their dealings with others.	CD3
2.3	Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.	CD8
2.4	Ensure their work does not incur unnecessary fees.	CD6
2.5	Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.	CD3 CD7
2.6	Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.	CD7

3 Working with others

Barristers will:

At work

3.1	Understand and exercise their duty to act in the best interests of their client.	CD2
3.2	Understand and apply principles of team working where appropriate.	CD10
3.3	Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.	CD2 CD8
3.4	Treat all people with respect and courtesy, regardless of their background or circumstances.	CD3 CD5 CD8
3.5	Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.	CD7

Lay individuals

3.6	Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.	CD2 CD7 CD10
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4 Management of practice

Barristers will:

Personal practice management

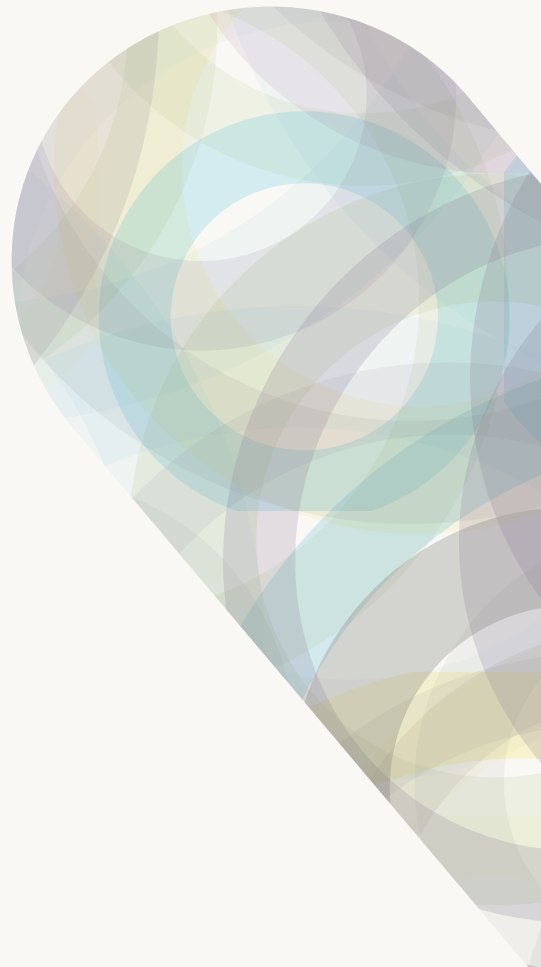
4.1	As appropriate, possess a strong understanding of the specific implications of being a:	CD10
	4.1.1 self-employed barrister.	
	4.1.2 employed barrister.	
4.2	Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.	CD7 CD10
4.3	Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.	CD7 CD10

At workplace level

4.4	Understand the organisational systems or structures within which they work and which support their delivery of a professional service.	CD7 CD10
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Professional compliance and work

4.5	Maintain the confidentiality of their clients' affairs, including by the use of secure information and communications technology methods.	CD6 CD10
4.6	Exercise good time-keeping.	CD7 CD10
4.7	Where necessary, be diligent in keeping good records and files of cases.	CD7 CD10



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