



The Bar Council

Bar Council Regulatory Review Working Group

Terms of Reference

Strategic Aims

The output of the working group will meet the following Bar Council strategic aims and objectives:

- Strategic aim 2- representing the Bar;
- Strategic aim 3- supporting barristers;
- Strategic aim 6- enabling regulation;
- Objective 3- A tailored and proportionate regulatory environment that meets the needs of a specialist Bar;
- Objective 4- The high ethical and regulatory/practice standards of the Bar are maintained and recognised, and;
- Objective 14- The Bar Council is recognised as the lead body for issues that impact on the whole profession.

Tasks for the next year

Specifically

1. Respond to the Legal Services Board (LSB) consultation on its [Draft strategy for legal services regulation and draft business plan 2021-22](#), due to be submitted by 5 February 2021;
2. Respond to and influence the implementation of recommendations made by the Competition and Market Authority's in its [review](#) of the impact of the transparency measures it implemented as a result of their 2016 Legal Services Market Study recommendations;
3. Prepare for and respond to a planned review of the reserved legal activities by the LSB in 2021;
4. Contribute to the next stage of the LSB's Ongoing Competence project, in collaboration with the Training and Education Committee;

5. Influence the development of quality indicators (both service and quality of legal advice) applicable to the Bar;
6. Contribute as required to any consultations issued by the Bar Standards Board (BSB) in relation to its review of the BSB Handbook. This work will likely be led by the Ethics Committee;

More generally

7. Critically analyse regulatory proposals and developments that impact the practice of barristers, paying particular attention to work that is duplicative;
8. Act as an advisory body to the Chair and Executive on regulatory matters;
9. Keep abreast of regulatory developments elsewhere in the legal sector and in other sectors of interest;
10. Influence regulatory developments through drafting consultation responses and engaging with regulators and other bodies (e.g. the CMA, Legal Services Consumer Panel and Legal Ombudsman) as well as government officials;
11. Liaise with other Approved Regulators such as the Law Society;
12. Formulate policy on a diverse range of issues such as price transparency, a single regulator, a digital register of authorised legal services providers, extending the scope of regulation to give clients of unauthorised providers access to redress, regulation by activity or title, quality indicators and ongoing competence, and;
13. Assist the Bar Council in meeting its assurance role as Approved Regulator in relation to the Bar Standards Board (see rule 3 of the LSB's [Internal Governance Rules](#) and s. 28 of the Legal Services Act).

Success Criteria

1. Become a leading authority on issues relating to legal regulation for the profession;
2. Regulation of barristers is cost effective and proportionate;
3. Work of regulatory bodies, the oversight regulator (the LSB) and representative bodies is not duplicative;
4. The exercise of rights of audience and conduct of litigation are maintained as reserved legal activities;
5. Any quality indicators imposed on the Bar focus on quality of service and not quality of legal advice;

6. Any further CMA recommendations with regards transparency are aligned with risk;
7. Regulatory policy positions of the Bar Council are widely known amongst government, regulators and the Bar, and;
8. The Bar Council's protocol for ensuring regulatory independence and provision of assurance is followed to at all times (training will be given on this topic).

Composition

Six barrister or chamber's professional members inclusive of a Chair, to be appointed by the Chair of the Bar Council.

The Bar Council Chair, Derek Sweeting QC and Chief Executive, Malcolm Cree, will also attend meetings from time to time.

Reporting structure

The panel will report directly to GMC.

Frequency of meetings

Four times a year, currently online using MS teams.

Duration

At least one year, with the possibility of extension.

Bar Council executives

Sarah Richardson (Head of Policy, Regulation, Ethics and Law Reform), plus one other in her team (TBC).

Bar Council resources

Input may be required from time to time from Natalie Zara (Head of Governance), Phil Robertson (Director of Policy), the Piran Dhillon-Starkings (Special adviser to the Chair), Derek Sweeting QC (the Chair), Malcolm Cree (CEO), Mark Fenhalls QC

(Vice-Chair), the Comms Team and Policy Assistants as well as Committees, Panels and Working Groups for input on their specialist policy areas.

Sarah Richardson, Head of Policy, Regulatory Issues, Ethics and Law Reform

January 6th, 2020