

Annex 4 - Application to the LSB for the approval of changes to the Bar Standard Board Handbook rules in respect of Continuing Professional Development requirements.

Current EPP Continuing Professional Development (CPD) Process

For convenience we have provided a summary of the current EPP CPD process:

- The current EPP CPD scheme requires barristers to complete 12 hours of CPD activities every year between 1st January and 31st December. 4 of these hours must be accredited by the BSB.
- There is a prescriptive list to what activities do or do not count as relevant CPD activities. Some of the prohibited activities include activities relevant to practising barristers, or are related to Handbook compliance. For example practice management or training on Chambers administration.
- There is detailed and often complex guidance with regard to how a barrister should calculate how many hours they can claim for completing a particular CPD activity.
- A barrister who holds a practicing certificate for part of the year has their hour's requirement pro-rated. If a barrister holds a practicing certificate for the whole year but does not practice for the whole year they must seek a waiver or extension of time if they wish to have their hour's requirement varied. This applies for barristers who are on parental leave or are ill.
- A barrister must submit a completed record card of their activities to the BSB on request. A barrister must also declare their compliance during the 'Authorisation To Practise' (ATP) process.
- Prior to 2014 every barrister in the profession had to submit their record card at the beginning of the year. Since 2014 the BSB monitors CPD compliance via spot checking a random sample of barristers. High risk barristers are also automatically checked.
- Assessment of compliance is completed with reference to the number of hours the barrister has completed, whether the hours have been calculated correctly and whether the activities completed fall within the permitted list of activities.
- Even where a barrister has completed relevant training if they have not met the hours requirement they will be non-compliant with the requirements and may face enforcement action. This may apply where a barrister has completed over 12 hours of CPD but has not completed 4 hours of accredited CPD. For example having completed a course accredited by the SRA instead.
- If a barrister wants to have relevant CPD accredited they must submit an application and pay a fee to have the activity receive one-off accreditation.
- Since 2014 the BSB has attempted to take a more risk based outcomes focused approach to the current CPD requirements approach by requiring barristers to complete Corrective Action to remedy any breaches, technical or otherwise, rather than immediately sending a barrister to enforcement action. Fundamentally the current requirements are prescriptive rather than risk based or outcomes focused in their formation however.