**TECBAR**

**Guidance on the New CPD Regime[[1]](#footnote-1)**

1. The Bar Standards Board (“BSB”) has published guidance on the new Continuing Professional Development rules which come into effect on 1 January 2017.
2. Detailed guidance for established practitioners can be found at this web address: <https://www.barstandardsboard.org.uk/media/1800835/cpd_guidance_for_barristers.pdf>
3. The new rules require established practitioners to plan their CPD objectives, keep evidence of the CPD that they have undertaken, reflect on the achievement of their objectives and then report on whether they have completed their CPD.
4. The BSB maintain that these changes are intended to be

* Less prescriptive
* More flexible
* More suited to your actual training needs
* Less likely to result in irrelevant CPD activities being completed
* Less likely to result in disproportionate supervision and enforcement action being taken for non-compliance.

1. The BSB also maintain that these changes will provide the following benefits

* There is no need to complete a minimum amount of CPD, nor any amount of accredited CPD. This could save you time and money as you do not need to attend courses just to complete twelve hours of CPD.
* There is no incentive to complete irrelevant CPD activities.
* The types of CPD available are more flexible. For example, there is no restriction on the amount of legal writing which can be completed.
* The scheme takes into account CPD completed in previous years. This means CPD can be planned with anticipated workload in mind and varied with actual workload, and can be directly carried over between years.
* There is no longer an extension or waivers process. If your circumstances mean that less CPD needs to be completed due to, for example, maternity leave, ill health or another reason, then this only needs to be noted on your CPD plan. This means that the regulation is less bureaucratic and more responsive to changing circumstances.
* As a result, the BSB will be able to spend more time focussing on “High Risk” barristers and those who are not engaging with the CPD process or not completing appropriate CPD.

1. Whether this new scheme meets these objectives and provides the promised benefits is something of a moot point. The new scheme seems somewhat bureaucratic and places a greater emphasis on “established practitioners” to plan and then to record their intended compliance with their CPD requirements.
2. Given the novelty of the system and the practice-specific nature of the new process, just as COMBAR have produced a short note to assist COMBAR members to plan and to execute their CPD requirements, TECBAR have produced this note drawing on COMBAR’s note and experience.
3. This note is not intended to replace the BSB’s own guidance but has been prepared to supplement and to give specific guidance for TECBAR members. However, this note has been reviewed and has been approved by the BSB.
4. There are four stages which an established barrister must complete to be compliant with their CPD requirements

* Stage 1: “REVIEW” Planning;
* Stage 2: “RECORD” Recording and evidence;
* Stage 3: “REFLECT” Reflecting on your CPD activities;
* Stage 4: “REPORT” Declaring completion.

PLANNING

1. At the beginning of the year it is necessary for each established barrister to complete a plan of the CPD that you are going to undertake by setting your “learning objectives”. No date has been set by when any such plan should be prepared but it could be sensible to have such a plan in place as soon as possible.
2. The TECBAR Committee will continue to provide a professional educational programme to meet the requirement of its TECBAR practitioners. Many of our members will continue to meet their continuing professional education requirement through the programme of lunchtime and evening seminars, lectures and conferences.
3. The TECBAR Committee is unable to set out the entirety of its proposed programme at the beginning of the year or indeed by the end of February 2018. However, the following programme of events is in the course of being finalised by the TECBAR committee or with the assistance of the TECBAR committee.

14 March 2018 Junior TECBAR Lecture “Barristers are From Mars, Clients are from Venus: How to develop your practice” by Lucy Garrett

21 April 2018 TECBAR Annual Conference (6 hours’ CPD)

May 2018 Update on disclosure in the TCC (estimated to be 1 hour of CPD)

6 /13 June 2018 TECBAR Lunchtime Lecture

September 2018 Junior TECBAR Lecture

19/27 September 2018 TECBAR Lunchtime Lecture

8 November 2018 TECBAR/SCL Autumn Lecture

1. The programme set out above will help you to achieve a number of the BSB’s specified CPD learning objectives, including (1) Legal knowledge and skills; (2) Practice management; (3) Working with clients and others; and (4) Ethics, professionalism and judgement. TECBAR recommends that you include attendance at the events set out above as part of your CPD plan.
2. It seems inevitable that if TECBAR members are seeking to rely upon TECBAR to assist in the achievement of their “learning objectives” any description of those “learning objectives” at the beginning of the year or even by the end of February cannot be very specific. The BSB understands and accepts that those objectives will undoubtedly develop and will become more specific as the year unfolds.
3. Following the very helpful guidance provided by COMBAR to its membership we have completed a modified draft of the BSB’s “Established Practitioner Programme Template” which has been completed with some outline Learning Objectives which might be appropriate for a TECBAR practitioner.

RECORDING AND EVIDENCE

1. It would also be sensible for each TECBAR member to keep a note of your attendance at each such event as set out in the attached BSB template. TECBAR will continue to keep a note of those attending its own events in case any individual member is spot-checked. Until further guidance is provided it would seem prudent to plan to take part in some twelve hours of CPD activities.

REFLECTING ON YOUR CPD ACTIVITIES

1. This aspect of the process is the most difficult to be specific about. The BSB have not prescribed a specific process for its “Reflect” stage but has indicated that a “structured process” is required but has not provided a basic framework for the reflection stage of the process in its rules and guidance.
2. It would seem sensible to keep some record of how we each carry out this phase of the process explaining whether we have achieved all “learning objectives”. Indeed, the final page of the attached BSB template is designed to enable you to consider achievement of your objectives in a “structured” way.

DECLARING COMPLETION

1. Finally, you must make a declaration of completion of CPD each year. This should be done when you complete your authorisation to practice documentation.

**BSB CPD ESTABLISHED PRACTITIONER PROGRAMME TEMPLATE – TECBAR DRAFT**

You should consider the CPD guidance when completing your CPD plan. The guidance can be found [here](https://www.barstandardsboard.org.uk/regulatory-requirements/regulatory-update-2016/bsb-regulatory-update-december-2016/new-cpd-guidance-for-established-barristers-available-now/)

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| --- | --- | --- | --- |
| **Name** |  | **For year ended** |  |
| **Address** |  | **Area(s) of practice** |  |
| **Email (if available)** |  |  | |

**Planning statement**

|  |  |
| --- | --- |
| **Type of practice**  Eg self-employed, employed, dual capacity, sole practitioner | **Self-employed** |
| **Role in practice and seniority**  Eg member of chambers, head of chambers, management responsibilities | **Member of chambers** |

**Learning Objectives**

Use the following section to plan your learning objectives. The definition and explanation of learning objectives can be found on page six [of the guidance.](https://www.barstandardsboard.org.uk/media/1800835/cpd_guidance_with_infographic.pdf)

Learning objectives should describe what you want to be able to do, or what you want to know and understand, that you couldn’t do, or didn’t know and understand before.

You should provide a clear rationale for choosing your particular learning objectives.

In particular, the guidance recommends using the following knowledge and skill areas to choose and structure your learning objectives (see [pages five to seven](https://www.barstandardsboard.org.uk/media/1800835/cpd_guidance_with_infographic.pdf)):

* Legal knowledge and skills;
* Advocacy;
* Practice management;
* Working with clients and others; and
* Ethics, professionalism and judgement.

**NB** It is good practice to consider all of these knowledge and skill areas but you are not required to set a learning objective for all of these areas in a given year.

You are also required to describe the type of CPD that you intend to undertake. This does not mean noting the exact courses or activities that you will complete, but it does mean thinking about whether your learning objectives will be met by activities such as podcasts, reading or seminars. This is to encourage you to consider why you are choosing particular types of activities.

Also, if applicable, you should state the reasons why you are completing only a limited amount of CPD during the year, for example, due to a period of not working.

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| **Learning objectives** | | **Learning objective rationale** | **Type and nature of CPD activities** |
| **A** | **To improve my knowledge of the core areas of the law and practice relevant to the TCC**  **... [expand as per details in CPD programme]** | To enable me to maintain and further develop my competence and performance  in my core area of practice (BSB Handbook oC10, oC11, oC15) | Attending the lectures, seminars and events organised by TECBAR [or other named specialist Bar Association/professional organisation] |
| **B** | **To keep abreast of recent developments in arbitration and adjudication law and practice in the TCC and in adjudication enforcement proceedings**  **... [expand as per details in CPD programme]** | To ensure that my knowledge of arbitration and adjudication law and practice is kept up-to-date, regardless of the specific areas of law that I will be examining as part of my everyday practice (BSB Handbook oC10, oC11, oC15) | Attending the lectures, seminars and events organised by TECBAR [or other named specialist Bar Association/professional organisation] |
| **C** | **To understand and appreciate differences between construction law and practice in England and Wales and other international jurisdictions** | To ensure that I can provide the Court with relevant comparative law materials  To enable me to better understand the needs or expectations of my international clients  (BSB Handbook oC10, oC11, oC13, oC15) | Attending events arranged by TECBAR [or other named specialist Bar Association/ professional organisation] |

**Record of Activity**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Title of CPD activity** | **Date** | **CPD provider** | **CPD type** | **Learning objective(s) to which this activity relates** | **Did this activity help meet the learning objective?**  **Y/N** | **Do you consider this learning objective is now complete?**  **Y/N/Partially** | **Can this activity be evidenced if you are spot checked?**  **Y/N** | **Hours spent on this activity\*** |
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\*NB There is no minimum number of hours. However this is useful indicative information for the BSB.

**Reflection**

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| **Did you need to vary your learning objectives during the year? This includes adding, removing or amending learning objectives. If so, please provide details.** |
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| **Which learning objectives have been met, either fully or partially? Evaluate how your activities have contributed to your chosen areas for development.** |
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| **Which learning objectives have not been met? Provide an evaluation as to why this was the case.** |
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| **Which relevant learning objectives are outstanding? How do you intend to complete these learning objectives in the future?** |
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| **Did the type and nature of the CPD activities undertaken help you complete your learning objectives? Would other types of CPD activities be more useful?** |
|  |
| **Consideration of future learning objectives**  You should use this section to make an initial assessment of what learning objectives may be required in the future and how they could be completed. Some things you could consider are:   * Whether your process for identifying your learning objectives was effective; * Whether certain types of activity were particularly effective, and/or * Whether you have identified new areas for development/improvement. |
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1. This is based on a note produced by Martin Bowdery QC in 2017. [↑](#footnote-ref-1)