



THE BAR *of*
NORTHERN
IRELAND

Bar of Northern Ireland

Continuing Professional Development Handbook

CPD YEAR 2017-2018



Contents

- 1. Introduction**
- 2. Barristers required to undertake CPD Activities**
- 3. CPD Practice Year and points requirement summary**
- 4. Criteria for accreditation of CPD activities**
- 5. Career planning and development**
- 6. Meeting the CPD points requirement for 2017-18**
- 7. Accredited conferences, lectures, seminars and workshops**
- 8. Reviewing multimedia programmes and distance learning**
- 9. Undertaking law courses**
- 10. Preparation and presentation of approved training courses**
- 11. Work as an external examiner**
- 12. Preparation and presentation of CPD courses in advocacy, ethics and practice management**
- 13. Writing articles and law books**
- 14. Participation in approved Bar Committees**
- 15. Personal Directed Learning**
- 16. Calculation of CPD hours**
- 17. Attendance Policy**
- 18. Record of CPD activities**
- 19. Waivers and Extensions**
- 20. Issue of practicing certificate**

1 Introduction

- 1.1 The Constitution of the Bar of Northern Ireland empowers the Bar Council to consider and make provision for the education, advocacy training and continuing professional development of members of the Bar.
- 1.2 Members have a general responsibility to keep up to date with developments in the law and practice relating to their work. Since 2004 all practicing members of the Bar of Northern Ireland have been subject to the continuing professional development (CPD) regulations. Compliance is an obligation under the Code of Conduct, and one of the conditions which must be met to secure a practicing certificate.
- 1.3 The Bar Council recognises certain activities as meeting the requirements of continuing professional development. The Council encourages members to undertake a wide range of activities and to regard formal acquisition of the prescribed 12 CPD hours as only a minimum requirement.
- 1.4 CPD is work undertaken over and above the normal commitments of barristers with a view to such work developing their skills, knowledge and professional standards in areas relevant to their current or proposed area of practice.
- 1.5 This CPD scheme takes effect on 1st December 2017.
- 1.6 The CPD regulations apply to all practicing barristers.
- 1.7 The CPD Year commences on 1st December.

2 Barristers required to undertake CPD activities

- 2.1 All practicing barristers must meet the CPD requirements prescribed by the Bar Council. In this Guidance the term “practicing barrister” includes the following categories of barrister:
 - A barrister in independent practice
 - An employed barrister
 - A barrister who has been granted exemption from the requirement that a barrister shall be a member of the Bar Library

3 The CPD Practice Year

- 3.1 A CPD Practice Year is a period of 12 months ending on 30th November each year.
- 3.2 All Barristers called to the Bar of Northern Ireland after January 1st, 2005 shall complete within the first twelve months from the date of their call:
 - *A Northern Ireland Bar Advocacy Training Course; and*
 - *A Northern Ireland Bar Ethics Course*
- 3.3 All Barristers who have completed pupillage, shall complete a minimum of 12 hours of continuing professional development in the 12-month period commencing on the 1st day of December of each year of practice following completion of pupillage.
- 3.4 The 12 hours of continuing professional development must include a minimum of 1 hour of accredited CPD activity in the following categories:
 - *Advocacy*
 - *Ethics*
 - *Practice Management*
- 3.5 A maximum of 6 hours of personal directed learning is allowed for all barristers who have completed pupillage.
- 3.6 Practitioners will be permitted to carry over a maximum of 4 CPD hours, accumulated in addition to the annual requirement in one CPD practice year, to the next immediately succeeding practice year only.
- 3.7 Practitioners must complete the mandatory requirements in each CPD practice year and are not permitted to carry over mandatory CPD points to satisfy the mandatory requirements in the immediately succeeding practice year.

4 Criteria for accreditation of all CPD activities

4.1 To obtain the maximum advantage from CPD activities must be:

- *Of significant intellectual or practical content and must deal primarily with matters related to the practice of law, and*
- *Conducted by persons who are qualified by practical or academic experience in the subject covered, and*
- *Relevant to a practitioner's immediate or long-term needs in relation to the practitioner's professional development as a barrister and practice of the law*

5 Career Planning and Development

5.1 The Bar Council recommends that career planning should inform the selection of CPD activities by all practicing barristers to support their professional development. Career planning and development is important for several reasons:

- To support career progression
- To identify future goals
- To take account of the Bar Council's requirements and recommendations in relation to training
- To make career decisions relating to career breaks and unforeseen periods of absence

5.2 Identifying immediate, short and long-term career goals is important to ensure that any CPD undertaken will assist career development. It is helpful to consider the current stage of practice and the development that is necessary to achieve future goals.

5.3 All practicing barristers MUST complete a minimum of 1 hour of CPD training in each of the following areas: Advocacy, Ethics and Practice Management.

5.4 **Advocacy**, is the term used to describe the skill of formulating and advancing arguments in a client's best interests. Advocacy encompasses the formulation and presentation of both written and oral advices and arguments. It is a specialist skill, the quality and excellence of which distinguishes the Bar from other providers of legal services. It is in the interests of the public, the court and the profession that barristers present their cases to the highest possible standards.

5.5 **Ethics:** The Code of Conduct requires all barristers to maintain a level of professionalism in practice. This helps maintain the Bar's collective reputation and the confidence which that inspires with professional and lay clients. Each barrister has a responsibility to maintain the standards, honour and independence of the Bar and thereby ensure the proper administration of justice. Knowledge of these responsibilities and ongoing guidance and support in this area will enable barristers to maintain the highest possible standard of behaviour and practice.

5.6 **Practice management:** means CPD activities which deal primarily with subject matter likely to assist practicing barristers to manage their workload in accordance with relevant regulatory requirements; operational systems of practice; administration; efficient information technology; effective research systems and principles of client care.

5.7 These mandatory requirements have been identified as core elements of the continuing professional development regulations to assist members in identifying and meeting their own training needs as well as providing assurances of competence and compliance to internal and external bodies.

6 MEETING THE CPD POINTS REQUIREMENTS

6.1 Individual training needs vary and the CPD scheme has been designed to reflect this by offering flexibility in the training activities which qualify for CPD points. To meet the 9 hours requirements barristers are free to choose the subjects and learning opportunities which are relevant to them.

- 6.2 Barristers are responsible for ensuring that the CPD activity in question meets the CPD criteria, set out at section 5 above, before claiming CPD points for that CPD activity.
- 6.3 CPD points are obtained by attending accredited CPD activities. There are various methods of satisfying the range of CPD requirements other than simply attendance at traditional CPD events. The methods of participation and the amount of CPD credit available for each form of CPD activity are described in paragraphs 7 – 13 below and summarised in the table on page 19.

7 Accredited conferences, lectures, seminars and workshops

- 7.1 Barristers can discharge their CPD obligations by attending conferences, lectures, seminars or workshops which have been accredited by the Continuing Professional Development Committee on behalf of the Bar Council. Events which have been accredited by the Committee will be advertised as such. If an event is not accredited, members should apply to the CPD committee prior to attending that event for accreditation.
- 7.2 The CPD Committee is committed to make the CPD Scheme as flexible as possible and to ensure that a wide range of courses will attract accreditation. Qualifying CPD activities may be conducted by the Accredited Providers listed at Annex A or by any such other provider as may be approved by the CPD Committee.

7.3 Providers of CPD, must be accredited by the CPD Committee. A list of accredited providers will be made available to barristers. The CPD Committee will maintain a database of accredited events including conferences, lectures and seminars, taking place in Northern Ireland, which have relevance to the professional development of barristers. Events will be publicised to members in the ezine, member portal, and on the Bar Library website. This list is not exhaustive and it is open to barristers to attend other events for CPD purposes, provided that the barrister, or the course provider, obtains PRIOR accreditation in accordance with this guidance.

7.4 **Practical Skills:** CPD activities designed to develop practical skills will attract enhanced accreditation. Barristers engaging in CPD activities of which at least $\frac{1}{3}$ of the tuition time is spent in small group sessions requiring delegates' active participation, e.g. through workshops can add 25% to the CPD hours allocated to the course. The format and time spent in small group sessions must be specifically recorded.

7.5 **In-house training:** In-house training courses offered by chambers, in-house legal departments and other organisations who employ practicing barristers may be accredited subject to the approval of the CPD Committee.

7.6 In-house training courses include a conference, lecture, seminar, workshop or discussion group which is organised solely or predominantly for the lawyers employed by the provider. An activity organised for clients, even if attended by lawyers, does not qualify as in-house training. The provider is responsible for monitoring attendance of the barrister and providing the CPD Committee with a copy of the attendance list upon request. Should occasion arise when the provider fails in its responsibility to properly document a barrister's attendance at its CPD activity, the barrister may apply directly to the CPD Committee to consider whether that barrister's attendance at the CPD activity can be acknowledged as being in discharge of the requirements of their personal CPD record.

7.7 **Small Group Discussion:** A small group discussion is a seminar, workshop or discussion group organised by or for a group of practicing barristers. To attract accreditation the discussion must be attended by at least three practicing barristers and must be advertised through the member portal and on the Bar Library notice boards at least one day in advance. The discussion must be organised in advance and must be structured. For example, there must be a proper agenda for the discussion or learning objectives set out. A consultation, review or discussions of ongoing cases, or any other discussion which is not intended for substantive learning or, does not have a learning agenda may not be accredited as a small group discussion. Attendance must be recorded, and a copy of the attendance list circulated to all participants and the CPD Committee upon request.

7.8 Barristers seeking to rely on such CPD activities should clarify the accreditation status of the CPD activity in question with the provider or the CPD Committee prior to the activity taking place.

8 Reviewing multimedia programmes and distance learning

8.1 CPD points can be obtained for reviewing a multimedia programme or material or undertaking approved distance learning courses.

8.2 To qualify for CPD points the programme or material reviewed must be structured. The programme must be of an identifiable and fixed length of time. Reviewing a programme which is not structured e.g. a programme only requiring you to click through a series of slides does not qualify for CPD points.

8.3 Barristers must review the entire programme or material presented before claiming any CPD point for doing so. This includes reading any accompanying materials and completing any accompanying quizzes or questionnaires.

8.4 **Distance Learning:** Distance learning includes online, live streamed events and podcasts. An online test must be completed before the provider allocates CPD points. Where such provision exists, barristers must attach the completed certification form produced at the end of the course to their online CPD record, to claim points. If a certification form is not produced by the provider barristers may complete the template provided in Schedule B of this guidance.

8.5 CPD credit can be obtained by reviewing the recording of a previously accredited CPD event. A review of this type may in some cases attract fewer points compared to attendance at the actual live event as the video may have been edited to exclude certain portions of the live event. The number of CPD points which can be claimed for review of such a recording should be specified at the start of the recording.

8.6 The CPD Committee may, from time to time, identify specific programmes or materials which you may review and claim CPD points for doing so. These will be included in the database available on the members portal and Bar Library website.

9 Undertaking Law Courses

9.1 A maximum of 12 CPD points per CPD year can be claimed for undertaking a law course on a part-time basis such as, a master's degree, post-graduate diploma or specialised Bachelor degree.

9.2 Barristers must apply to the CPD Committee for accreditation of any law course and must provide such materials and information in support of the application as required by the CPD Committee. To claim CPD points for undertaking a law course, including LLMs, a barrister must provide details of the nature, content and duration of the course.

9.3 Where the course is not a law course it must be directly relevant to the barrister's present or proposed area of practice.

10 Preparation and Presentation of Approved Training Courses

- 10.1 Up to 6 CPD hours of the annual CPD requirement may be undertaken by preparation or presentation of oral or written material forming part of the formal instruction within a course, lecture, seminar or conference, organised by a provider that is accredited by the Bar Council for CPD purposes.
- 10.2 Where a barrister remains in attendance for the whole of the course in which he/she is involved in preparing or presenting a part for which CPD credit may be allocated under paragraph 11.1 that barrister may be allocated the full number of CPD points available to participants attending that course.
- 10.3 The repeat delivery of any course, lecture or conference in the same CPD year shall not count for any CPD hours.
- 10.4 **Teaching of Approved Courses:** Up to 6 CPD hours of the annual CPD requirement may be undertaken by teaching an undergraduate or graduate law course or teaching a course at the Institute of Professional Legal Studies, or such other courses as may be approved by the Bar Council.

11 Work as an external examiner:

- 11.1 Subject to approval by the Bar Council, up to 4 CPD hours of the annual CPD requirement may be fulfilled by undertaking work as an external examiner including work in preparing questions for such an examination. Contemporaneous records in relation to the work undertaken must be retained as evidence in support of the CPD allowance claimed.

12 Preparation and Presentation of CPD Courses in Advocacy, Ethics and Practice Management

12.1 Subject to approval by the Bar Council up to 6 CPD hours of the annual CPD requirement can be undertaken in the preparation or presentation of oral or written material forming part of the formal instruction within the Northern Ireland Bar CPD programme in Advocacy, Ethics or Practice Management.

12.2 Advocacy Trainers can claim 1 hour of the time they spend providing advocacy training against their annual mandatory advocacy CPD requirement.

12.3 Preparation of advocacy training cannot be claimed if a person does not deliver the training.

12.4 Barristers who contribute to the design, delivery or presentation of accredited CPD courses in Ethics or Practice Management may rely on such activity to satisfy their annual mandatory CPD requirements in Ethics or Practice management.

12.5 Barristers who contribute to the delivery of mock trials, tribunals or moots can claim up to 1 hour of the time spent on such activity. A CPD point gained from such activity can be used to satisfy the annual mandatory advocacy CPD requirement.

13 Writing articles, books

- 13.1 Barristers may obtain up to 6 CPD hours of the annual CPD requirement by writing law books, or articles in legal journals or such other journals as may be approved by the Bar Council.
- 13.2 Subject to paragraph 13.3, any CPD hours claimed under paragraph 13.1 must be claimed in the CPD practice year in which the article or law book is published.
- 13.3 The Bar Council may in its discretion allow CPD hours to be claimed in the CPD practice year in which the article or law book was written, and prior to publication, provided that the Council is satisfied that there is sufficient written evidence that during the CPD practice year the publisher had approved that the article or law book be published in the next succeeding CPD practice year.
- 13.4 The legal or other journal, which may be in electronic format, must be approved by the Bar Council.
- 13.5 The book or article should be on an area of substantive law or practice and procedure.
- 13.6 Subject to paragraph 13.7, 1 CPD hour may be allocated for every 1000 words published or, such lesser number of words published as may be approved by the Council.
- 13.7 In the case of substantial revisions or updates of previous publications, the number of CPD hours to be allocated shall be determined by the Bar Council.

14 Participation in Approved Bar Committees

14.1 Barristers may obtain up to 4 CPD points per CPD year for serving as a member in an approved Bar Committee i.e., any committee, sub-committee, working party or advisory panel of the Bar Council, and such committees or associations as are approved (from time to time) by the Bar Council.

14.2 An approved committee is one which deals with issues of substantial significance in the practice of law.

15 Personal Directed Learning

15.1 The development goal of regular personal directed learning for barristers is to enable them to practice effectively. The form and content of that learning will be determined by the individual practice needs of the barrister.

15.2 Personal directed learning shall count for a maximum, in any CPD practice year, of 6 CPD hours for all practicing barristers.

15.3 Barristers seeking accreditation for personal directed learning are required to complete the template on their online CPD record. The template allows barristers to record the date and subject matter of the study and how the barrister has applied what was learnt to their practice.

16 Calculation of CPD Hours

16.1 CPD hours are counted in full or half points only. No other fraction or percentage of CPD hours will be allowed.

16.2 When calculating the duration of a CPD activity, any time allocated for breaks and refreshments must be excluded. Reasonable time allocated for questions and answers (“Q&A”) and panel discussions, however, may be included. If the Q&A portion is not facilitated by a chairperson, then a reasonable length for Q&A for a 1-hour activity is approximately 10 minutes.

16.3 For accredited CPD activities, generally, the CPD points to be allocated will be determined by the CPD Committee during the accreditation process and indicated in the CPD calendar and other publicity materials for the activity.

16.4 When granting accreditation, the CPD Committee will communicate to the provider organising the activity the points allocated to the activity.

16.5 CPD points for CPD activities provided within the Bar Library will be automatically updated in the barrister’s eCPD record when the attendance records for the activity have been processed.

16.6 CPD points, either accredited or unaccredited, are the hours spent on CPD activity, added up and rounded down to the nearest half an hour. The minimum unit of CPD accreditation is $\frac{1}{2}$ point.

16.7 For reviewing multimedia programmes or materials the programme or series of programmes must be at least 30 minutes long to attract accreditation. Programmes of between 30 and 59 minutes duration will attract $\frac{1}{2}$ CPD point.

16.8 Barristers who accumulate CPD points in excess of the annual requirement during the CPD practice year are permitted to carry over a maximum of 4 points to the next immediately succeeding practice year only.

17 Attendance Policy

17.1 The following attendance policy is applicable to barristers wishing to claim CPD points for attending a conference, lecture, seminar, workshop or discussion group not spanning more than 1 day.

17.2 If the CPD activity is 1 hour long, the barrister must attend the whole activity. Barristers are expected to arrive punctually and not to leave before the activity is ended.

17.3 If the CPD activity is more than 1 hour long a barrister may be absent from the activity for a maximum of 15 minutes only.

17.4 Attendance at CPD activities within the Bar Library will, where possible, be monitored electronically using a barrister's membership card. Alternatively, barristers may be required to sign in to verify their attendance at a CPD activity. Barristers are asked to co-operate with those tasked with monitoring attendance.

17.5 Barristers attending CPD activities outside the Bar Library should be aware of the importance of recording their attendance. Barristers are advised to retain evidence of their attendance at CPD activities in case they are subject to an audit. Guidance as to the nature of evidence to be retained is described in paragraph 18.

18 Record of CPD activities

18.1 All practicing barristers subject to the CPD scheme are required to maintain their own record of their training activities. At the minimum the record should include the date(s) on which the CPD activity was undertaken and a description of the CPD activity undertaken.

18.2 **For attending a conference, lecture, seminar, workshop or discussion group:** the name of the CPD activity and the name of the organiser.

18.3 **For reviewing multimedia or online material:** name of the programme or material reviewed, name of the author/presenter/organiser; and source of the programme or material (i.e. internet website address).

18.4 **For undertaking an approved course:** name of the course, name of the university or other provider, proof of participation and progress as a student on the course.

18.5 **Preparation and presentation of approved courses or acting as a teacher:** name of course, date of presentation; name and institution of students taught.

18.6 **For writing and publishing an article or book:** title of document, name of publication, date of publication and number of words.

18.7 **For serving as a member of an approved Bar committee:** name of committee, nature of appointment (e.g. Chairperson or member) and date/term of appointment.

18.8 **Personal Directed Learning:** the date and subject matter of the study and the relevance to their practice.

18.9 The eCPD Portal: From 1st December 2017 barristers will be able to use the eCPD system on their Barrister Portal to maintain a record of their CPD activities. From 2017 onwards the eCPD record will be regarded as the primary record of a barrister's CPD activity by the Bar Council rather than the paper CPD Card. Barristers are encouraged to use the eCPD system on their Barrister Portal to maintain a record of their CPD activities.

18.10 The eCPD system offers an easy way of keeping track of CPD activities. The records of a barrister's attendance at a CPD event within the Bar Library will be automatically uploaded to his/her personal account. A barrister need only log in to update the records of external CPD activities and independent private study. The eCPD page will contain a graphic which will enable the barrister to track his/her CPD progress at a glance.

18.11 Barristers should log into the system to update their CPD record with external CPD events or to claim CPD points for any of the following CPD activities:

- Conferences, lectures, seminars and workshops other than those organised by the Bar of Northern Ireland
- Reviewing multimedia programmes and distance learning
- Undertaking a law course
- Preparation and presentation of approved training courses
- Writing articles and books
- Participation in approved Bar Committees
- Personal directed learning

18.12 Barristers' attendance at an external event: Members attending at external events should maintain a personal record as set out above in case of failure by the provider to properly record their attendance.

18.13 The eCPD system is provided for the convenience of barristers. Barristers should not rely solely on the data in the eCPD system as conclusive proof of their having obtained their CPD points. Barristers should still retain evidence of their attendance at CPD activities in case they are subject to an audit.

18.14 Barristers may also subscribe to a range of optional features such as event alerts and reminders available within the eCPD system. Barristers should log into the eCPD system on a regular basis to ensure they receive the email updates.

18.15 Complying with audit requirements: The Bar Council has the right to audit the CPD records of a practicing barrister at any time.

18.16 The Bar Council may require a barrister to produce the record or evidence that he/she is required to maintain under the CPD guidance. Barristers must comply with such a requirement within such time as the Bar Council may specify.

18.17 Any barrister who fails to comply with any of the mandatory CPD requirements, or who fails to furnish a record or evidence of CPD activities to the Bar Council upon demand may be referred to the Professional Conduct Committee for breach of the Code of Conduct.

19 Waivers and extensions

19.1 The Bar Council shall have the power in relation to any barrister to waive any or all, of the mandatory CPD requirements, in whole or in part, and to revoke such a waiver and to extend the time in which the barrister must complete any of the said requirements.

19.2 Barristers who are unable to comply with the CPD requirements should make application to the Bar Council for a waiver or extension of time. An application for a waiver or extension should be made in writing, prior to the end of the CPD year for which the waiver or extension is sought. The application should set out all the circumstances giving rise to the application and should include any supporting documentation.

19.3 Barristers who are unable to practice for a period of time due to illness, injury, parental leave, or caring responsibilities or for any good and substantial reason should make application in writing for a waiver to the Bar Council setting out the reason for the cessation of practice and its duration.

19.4 Barristers who fail to comply with the CPD requirements within the CPD year can make application in writing to the Bar Council for an extension of time. An extension is a matter for the discretion of the Bar Council, which is unlikely to be exercised lightly.

19.5 Any application for an extension must be accompanied by a plan identifying the steps the barrister proposes to take to rectify the non-compliance with the CPD requirements.

20 CPD and the Practicing Certificate

- 1.1 Barristers are responsible for ensuring they comply with the scheme.
- 1.2 Before a practicing certificate will be issued or renewed the barrister must satisfy the Bar Council that s/he has complied with their CPD obligations for the preceding CPD year as prescribed by the Bar of Northern Ireland CPD Regulations.

Summary of CPD Points available for accredited CPD activities

Sect	Activity Type	Points
7	Accredited conferences, lectures, seminars & workshops	1 CPD point per hour Minimum activity length of 1 hour
8	Reviewing multimedia programmes and distance learning	1 CPD point per hour Minimum activity length of 30 minutes as part of a series 30-59 minutes = ½ CPD point
9	Undertaking law courses	1 CPD point per hour Up to a maximum of 12 points per CPD year
10	Preparation and presentation of approved training courses	1 CPD point per hour Up to a maximum of 6 points per CPD year
11	Work as an external examiner	1 CPD point per hour Up to a maximum of 4 CPD points per year
12	Preparation and presentation of CPD Courses in Advocacy, Ethics and Practice management	1 CPD point per hour Up to a maximum of 6 points per CPD year 1 point in relevant category of mandatory CPD
12	Writing articles and law books	Up to a maximum of 6 points per CPD year
13	Participation in approved Bar Committees	Up to a maximum of 4 points per CPD year
14	Personal Directed Learning	Up to a maximum of 6 points per CPD year

Schedule A

Accredited Providers of CPD for the Bar of Northern Ireland

- The Bar of Northern Ireland and its internal associations
- The Law Society of Northern Ireland
- The Bar of England and Wales and its recognised specialist associations
- The Law Society of England and Wales
- The Faculty of Advocates of Scotland
- The Bar Council of Ireland
- The Law Society of Ireland
- Any professional body of lawyers comparable to those set out above that is established in a member state of the European Union
- The Judicial Studies Board for Northern Ireland
- Any professional body, organisation, or association that is accredited by the Bar Council for the provision of CPD to members of the Bar of Northern Ireland