

**How to assess, measure and record your
competence against the BSB
Professional Statement**

clerkroom

BSB

Competence Assessment and Development Tool Template

Objective: This template can assist in assessing yourself or someone else against specific skills or criteria and creating a timed action plan. We have used a competence scale we have developed; naturally, you can use your own or a numeric scale such as percentages or a score out of 1 to 10 with 1 being low and 10 being high.

Key to competence scale:

1. Absolute beginner - completely new to the task
2. Developing learner - has started to develop skills and competence but needs a fair amount of support
3. Transferring learner - has the same or similar skills learnt in a different environment and needs support to convert those skills to the current working situation
4. Supported learner - Has developed a good amount of competence and needs some support to continue to develop and demonstrate competence.
5. Competent - Has reached the relevant "threshold standard" through developing and demonstrating competence
6. Expert - has a high level of competence so that performance is instinctive
7. Teacher - has a high level of competence and is able to teach others how to develop and demonstrate competence

Name:				
Date:				
Competence model, criteria or purpose of assessment:				
Are there any personal circumstances which would require potential adaptations to the delivery of pupillage in your development and demonstration of the Professional Statement competences that should be considered? <i>We will undertake regular reviews throughout the Pupillage and any adjustments can be discussed then.</i>				
SKILL	COMPETENCE STATUS	EXPERIENCE WHICH DEMONSTRATES COMPETENCE	ACTION TO DEMONSTRATE COMPETENCE	DATE DUE
1. Barristers' distinctive characteristics - 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. a) Thoroughly recall and comprehend the Core Duties and their interrelationship. b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by: i applying the Core Duties and in particular the paramount duty to the court in the administration of justice; ii complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct				

<p>[1.16]; and iii demonstrating a thorough comprehension of the Professional Statement for Barristers.</p>				
<p>1.2 Have a knowledge and understanding of the key concepts and principles of public and private law. a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board. b) Be able to keep up to date with significant changes to these principles and rules.</p>				
<p>1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice. a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice. b) Know the legal texts, journals, materials, documents, and research tools relevant to their area of practice. c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice. d) Keep their knowledge and skills in their specific area of practice up to date. e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.</p>				
<p>1.4 Have an awareness of the wide range of other organisations supporting the administration of justice. a) Be aware of the wide range of organisations supporting the administration of justice and their respective roles. b) Be able to identify and advise clients of alternative sources of advice and funding available to them, as appropriate.</p>				

<p>c) Understand the implications for the conduct of the case and the additional responsibilities owed in circumstances where the client is publicly funded or otherwise not self-funded.</p>				
<p>1.5 Apply effective analytical and evaluative skills to their work.</p> <p>a) Identify all necessary information and seek clarification of instructions using appropriate communication skills. b) Rigorously assess facts and evaluate key issues and risks. c) Exercise appropriate numeracy skills. d) Ensure that the analysis of financial and other statistical information has been competently carried out. e) Analyse other relevant information, including expert and medical reports. f) Identify inconsistencies and gaps in information. g) Methodically evaluate the quality and reliability of the information. h) Use reliable sources of information to make effective judgements. i) Employ effective research skills [1.12]. j) Identify relevant legal principles. k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client’s circumstances, needs, objectives, priorities, and any constraints. l) Reach reasoned decisions supported by relevant evidence. m) Be able to explain and justify their analysis and evaluation.</p>				
<p>1.6 Provide clear, concise, and accurate advice in writing and orally and take responsibility for it.</p> <p>a) When giving advice take into account the client’s circumstances and objectives. b) Ensure that advice is informed by appropriate analysis, synthesis, and evaluation and where appropriate identifies and evaluates the consequences of different options. c) Address and present all relevant legal and factual issues in communicating their advice. d) Exercise good communication skills [1.9].</p>				

<p>1.7 Negotiate effectively.</p> <p>a) Identify in so far as possible all parties' interests, objectives, and limits.</p> <p>b) Develop and formulate best options for meeting the client's objectives.</p> <p>c) Present options for resolution cogently.</p> <p>d) Recognise, evaluate, and respond to options presented by the other side.</p> <p>e) Develop appropriate compromises consistent with the client's instructions.</p> <p>f) Bring the negotiation to an appropriate conclusion.</p>				
<p>Practical knowledge, skills, and attributes</p>				
<p>1.8 Exercise good English language skills.</p> <p>a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications.</p> <p>b) Speak fluent English.</p>				
<p>1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.</p> <p>a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].</p> <p>b) Select the appropriate medium of communication taking into account the message and the audience.</p> <p>c) Adapt language and non-verbal communication taking into account the message and the audience.</p> <p>d) Use appropriate listening and questioning techniques when obtaining information.</p> <p>e) Analyse written information.</p> <p>f) Request and provide clarification of meaning when appropriate.</p> <p>g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).</p> <p>h) Exercise good English language skills [1.8].</p> <p>i) Write with clarity, accuracy, and precision.</p>				

<p>j) Speak articulately and fluently. k) Present arguments cogently and succinctly. l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).</p>				
<p>1.10 Make sound judgements in their work. a) Apply effective analytical and evaluative skills to their work [1.5]. b) Ensure that they act independently so that their judgements are not influenced by external pressures. c) Take responsibility for their decisions.</p>				
<p>1.11 Ensure they are fully prepared. a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client [Core Duty 7].</p>				
<p>1.12 Employ effective research skills. a) Accurately identify the legal and non-legal issues. b) Recognise when legal and non-legal research is required. c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up to date. d) Assess the quality and relevance of all sources. e) Interpret and evaluate the results of all research. f) Apply effective analytical and evaluative skills to their work [1.5]. g) Apply the research to the issues identified in order to draw conclusions. h) Evaluate and present the results clearly and accurately.</p>				

Advocacy				
<p>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.</p> <p>a) Draft accurate and legally effective documents (whether contentious or non- contentious). b) Utilise precedents where appropriate and also be able to draft without them. c) Address all relevant legal and factual issues. d) Comply with appropriate formalities. e) Exercise good English language skills [1.8]. f) Exercise good communication skills [1.9].</p>				
<p>1.14 Draft skeleton arguments which present the relevant facts, law, and arguments in a clear, concise, and well-structured manner.</p> <p>a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments. b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.</p>				
<p>1.15 Have persuasive oral advocacy skills.</p> <p>a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy. b) Apply effective analytical and evaluative skills to their work [1.5]. c) Identify strengths and weaknesses from different parties' perspectives. d) Prepare how they will effectively communicate the argument. e) Manage facts to support the argument or position. f) Present orally a reasoned argument in a clear, logical, succinct, and persuasive way. g) Use and cite legal authority appropriately. h) Comply with all relevant formalities.</p>				

<p>i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.</p> <p>j) Listen and respond effectively to questions and opposing arguments.</p> <p>k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.</p>				
Professional standards				
<p>1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.</p> <p>a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.</p> <p>b) Recognise potential ethical situations and identify ethical issues.</p> <p>c) Be aware of and make effective use of relevant guidance, advice, and support regarding ethical issues.</p> <p>d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.</p>				
<p>1.17 Know how to conduct themselves appropriately in court.</p> <p>a) Use the required dress, accepted forms of address, observe formalities of proceedings, and follow established conventions and customs in each forum where they represent clients.</p>				
<p>1.18 Only accept work which they believe they are competent to undertake.</p> <p>a) Recognise and operate within the limits of their competence.</p> <p>b) Clearly explain the limits of their competence and knowledge to relevant others.</p> <p>c) Consult relevant others, where appropriate.</p> <p>d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.</p>				

e) Decline to act where the Code of Conduct requires them to do so.				
2. Personal values and standards				
Values, characteristics, and behaviours				
<p>2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.</p> <p>a) Identify situations where their integrity and/or independence may be put at risk.</p> <p>b) Act with integrity including:</p> <ul style="list-style-type: none"> i Identifying and avoiding personal bias; ii Maintaining their independence from external pressures; and iii Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting. <p>c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].</p> <p>d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].</p> <p>e) Take responsibility for their actions and decisions.</p>				
<p>2.2 Be honest in their dealings with others</p> <p>a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].</p> <p>b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications, and professional status.</p> <p>c) Ensure that to the best of their knowledge and belief any information they give is accurate, true, and not likely to mislead.</p>				

<p>2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.</p> <p>a) Actively observe and uphold the law on equality, diversity, and discrimination.</p> <p>b) Be alert to the potential for unconscious bias.</p> <p>c) Take active steps to act fairly and inclusively and show respect to others.</p> <p>d) Identify situations where there is a risk of breach of the law on equality and diversity.</p> <p>e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality, diversity, and discrimination.</p>				
<p>2.4 Ensure their work does not incur unnecessary fees.</p> <p>a) Ensure that, where fees are chargeable, the basis for charging fees is established with the client at the outset of any matter.</p> <p>b) Follow those arrangements in an efficient and cost-effective manner, ensuring that any necessary changes to the arrangements are agreed with the client.</p> <p>c) Undertake work that promotes the client's best interests.</p> <p>d) Progress matters expeditiously.</p>				
<p>2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.</p> <p>a) Recognise limitations of personal knowledge and skills and act to resolve the situation.</p> <p>b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.</p> <p>c) Identify their errors of judgement, omissions and mistakes and take appropriate action.</p> <p>d) Ask for and make effective use of feedback, guidance, advice, and support.</p>				

e) Take appropriate action to manage personal difficulties that might otherwise affect their work.				
<p>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.</p> <p>a) Take responsibility for planning and undertaking personal development and learning. b) Identify strengths and areas for development and take positive steps to address them. c) Reflect on and learn from their own and others performance and achievements. d) Maintain and develop relevant knowledge and skills. e) Regularly take part in activities that maintain and develop their competence and performance.</p>				
3. Working with others				
At work				
<p>3.1 Understand and exercise their duty to act in the best interests of their client.</p> <p>a) Provide a competent standard of work and service to each client [CD7]. b) Identify the client's best interests in accordance with the client's lawful instructions. c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence. d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions. e) Act in accordance with the Code of Conduct and other applicable rules and regulations.</p>				
<p>3.2 Understand and apply principles of team working where appropriate.</p> <p>a) Work collaboratively with others, respecting their skills and contributions.</p>				

<ul style="list-style-type: none"> b) Comprehend how their behaviour may affect others within and outside teams. c) Reflect on own strengths and weaknesses as a team member. d) Understand the division of responsibilities within the team. e) Understand the relationships between counsel, pupil, clerk, and solicitor. f) Delegate to and supervise others effectively. g) Establish and maintain effective professional relations with others. 				
<p>3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.</p> <ul style="list-style-type: none"> a) Be aware and active in the pursuit of equality and respect for diversity [2.3]. b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability. c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints. d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable. 				
<p>3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.</p> <ul style="list-style-type: none"> a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others. b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences. 				
<p>3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.</p>				

<p>a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.</p> <p>b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.</p> <p>c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.</p> <p>d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks, and timescales.</p> <p>e) Respond appropriately to clients' concerns and complaints.</p>				
<p>Lay individuals</p>				
<p>3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.</p> <p>a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.</p> <p>b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).</p> <p>c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.</p> <p>d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.</p>				
<p>4. Management of practice</p>				
<p>Personal practice management</p>				

<p>4.1 Where appropriate, possess a strong understanding of the specific implications of being:</p> <p>4.1.1 a self-employed barrister.</p> <p>a) Demonstrate a thorough understanding of the scope of practice rules relevant to a self-employed barrister.</p> <p>b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational, and financial) and their place in it.</p>				
<p>4.1.2 an employed barrister.</p> <p>a) Demonstrate a thorough understanding of the scope of practice rules relevant to an employed barrister.</p> <p>AND/OR</p> <p>b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational, and financial) and their place in it.</p>				
<p>4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.</p> <p>a) Be competent in all aspects of their work, including organisation, management of practice and risk.</p> <p>Competent organisation includes:</p> <ul style="list-style-type: none"> i Keeping accurate records (including financial records and time recording) and files, electronic or hard copy; ii Allocating time efficiently; iii Prioritising; iv Diarising; v Observing deadlines; vi Using resources (including IT systems) effectively; and vii Being fully prepared. <p>Competent management includes:</p> <ul style="list-style-type: none"> i Planning; ii Putting in place human and non-human resources; iii Coordinating; iv Leading or directing; 				

<p>v Checking progress against plans to accomplish the goal or target; and vi Financial management.</p> <p>Competent risk management includes: i Identifying, evaluating, and measuring the probability and severity of risks to their practice; and ii Proactively deciding what to do about risks and acting appropriately. b) Comprehend the relevance of strategic planning, financial planning, and business development in the context in which they work.</p>				
<p>4.3 Plan their personal workload and absences to ensure they deliver on all work commitments they have made.</p> <p>a) Clarify instructions to agree the scope and objectives of the work. b) Make an informed judgement on the time required to prepare a matter. c) Take account of their availability and that of other resources. d) Decline to act where there is insufficient time and opportunity to prepare. e) Prioritise and plan workload to meet commitments. f) Meet timescales, resource requirements and budgets. g) Monitor and keep relevant others informed of progress and availability. h) Deal effectively with unplanned circumstances and re-prioritise as necessary.</p>				
<p>4.4 Understand the organisational systems or structures within which they work, and which support their delivery of a professional service.</p> <p>a) Contribute to efficient operation of the workplace including: i Sharing work when necessary; ii Creating effective support systems; and iii Working effectively within governance structures. b) Understand the basis on which legal services are provided (contractual or otherwise) including, where appropriate, how to calculate and manage costs, bill</p>				

clients and the operation of internal budgets for legal advice.				
Professional compliance and work 4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate. a) Identify how they will act in accordance with the Code of Conduct and other rules and regulations applicable to maintaining the confidentiality and security of information relating to third parties including that of their current and former clients. b) Comply with relevant data protection requirements.				
4.6 Exercise good timekeeping in face-to-face or telephone encounters. a) Attend all appointments punctually and as fully prepared as possible in the circumstances.				
4.7 Where necessary, be diligent in keeping good records and files of cases. a) Identify when compiling and keeping records and files is their responsibility. b) Prepare and compile appropriate records at the same time or as soon as possible after the events that they are recording. c) Ensure records are clear, accurate and legible and contain sufficient detail for their purpose. d) Organise records so that they are retrievable by themselves and other authorised persons as appropriate.				



