

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Business Plan

2018-19

The Bar Standards Board regulates barristers
and specialised legal services businesses
in England and Wales in the public interest



Our values

INTEGRITY

We operate to the highest ethical standards

We are honest, open, and inspire trust

We consider the social and environmental impact of our actions

EXCELLENCE

We are committed to quality

We are creative, innovative, and lead change

We are responsive, accessible, and accountable for our actions

FAIRNESS

We act responsibly, proportionately, and in the public interest

We promote equality of opportunity and equal access to justice for all

We value inclusion and diversity

RESPECT

We respect and support others

We value expertise, learning, and knowledge-sharing

We foster a collaborative and developmental working environment

VALUE FOR MONEY

We are cost-effective and accountable for our use of resources

We work efficiently with an entrepreneurial and commercial mind-set

We strive for clarity, simplicity, and straightforwardness

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Foreword by the Chair and Director General

Welcome to the third and final annual Business Plan of our three-year strategy for the years 2016 to 2019. Our Business Plan should be read in conjunction with our 2016-19 Strategic Plan and our Risk Outlook.

In the past year we have:

- continued apace with our Future Bar Training (FBT) programme, including consulting on updating some of the rules governing pupillage and the role of the Inns of Court in the training and qualification of barristers to make the qualification process for becoming a barrister more flexible, accessible and affordable whilst at the same time maintaining standards of entry;
- responded to the Competition and Markets Authority's (CMA's) recommendations and consulted on proposals to introduce new transparency standards for the Bar so that consumers can make more informed decisions about using barristers' services;
- decided, following a consultation, to change to the civil standard of proof in professional misconduct proceedings for barristers to bring the Bar in line with most other professions;
- begun to implement a new regulatory approach for barristers undertaking Youth Court work so that we can work closely with these barristers to help improve advocacy standards for young people; and
- published new guidance for the public and for professionals on immigration and asylum related legal issues to help people with these issues to navigate the legal system more easily.

We also undertook a range of other regulatory and policy work throughout the year including our day-to-day core work as a regulator acting in the public interest. This day-to-day regulatory work is the mainstay of what we do and accounts for most of our time and for most of our resources. Our Annual Report for 2017-18 will describe these activities in more detail.

As with all of our work, the important developments listed above are made to benefit those who use the services of barristers and the justice system as a whole. For example, our decision to require any barristers practising in the Youth Courts to register with us will enable us to provide more effective supervision of these barristers and to promote the specialist skills required when representing young people. We hope this will ensure consistent standards of advocacy being received by this particularly vulnerable group within the justice system.

This approach to regulation typifies the risk-based, proportionate way in which we aim to conduct all of our work. We will always make our decisions in the public interest, and we also want to support barristers and those we regulate to face the future with confidence. These thoughts were central to our decision in 2017 to adopt a new approach in the future to assuring the public of the quality of advocacy. We will be developing the detail of that approach in the coming year.

We will continue to fulfil our statutory responsibilities and uphold our Regulatory Objectives in the public interest. In particular, with stakeholders, we will:

- continue to implement reforms to training for, and entry to, the Bar as part of the Future Bar Training programme;
- consult on the necessary rule changes to enable the Bar to respond to the CMA recommendations regarding service and price transparency;
- subject to consultation, continue our recent governance reforms by establishing a new Independent Decision-Making Body for enforcement and authorisation decisions, and adopting a new approach to how we handle information that comes in to the BSB; and
- publish an updated Risk Index and Risk Outlook for the market for barristers' services.

We will also implement specific Action Plans to improve access to, and progression for, female, and Black, Asian and Minority Ethnic (BAME) barristers.

By the end of 2018-19, we will have considered in collaboration with our key stakeholders how best to take forward our current strategy and approach beyond 2019. This will take into account our latest assessment of the main risks to meeting our Regulatory Objectives, and will be expressed in the form of a new Strategic Plan starting in the year 2019-20, underpinned by a new Risk Outlook.

In the meantime during 2018-19, we will continue to focus on three risk themes identified as part of our current Strategic Plan. These are:

- meeting consumer needs;
- improving diversity and enhancing equality; and
- responding to commercial pressures on legal services providers.

This Business Plan describes what we will be doing to carry out our core regulatory activities and how we will address these three challenges during 2018-19. As we did during the last two years, we will be organising our work into three key programmes (see page 10).

We will continue to consult you about our policy proposals. We invite you to follow our progress via our website (www.barstandardsboard.org.uk), and to engage with us as we continue our work (contactus@barstandardsboard.org.uk)



Baroness Blackstone



Dr Vanessa Davies

About this document

Two years ago, we published a suite of important documents to assist in understanding our work in regulating the Bar in England and Wales. They can all be found [on our website](#).

Our [Strategic Plan](#) sets out the long-term direction for us as an organisation, in light of the external environment and our priority areas.

This is underpinned by:

- annual [Business Plans](#) which set out our programme of work for each year and the resources we require to support our activities. (This is our Business Plan for 2018-19.)
- specific **strategies, policies, regulations** and **guidance** which set out in detail our approach to particular aspects of regulatory and corporate activity.

Our [Regulatory Risk Framework](#) describes how we approach risk-based regulation.

We start by seeking to understand the external environment which impacts upon our work, those whom we regulate and the consumers of legal services.

We categorise those things which can go wrong in the delivery of legal services in our Regulatory [Risk Index](#). This is a living document which helps us systematically and consistently to identify and respond to potential issues in the market for barristers' services.

We publish a [Risk Outlook](#) report which sets out our priority risk themes.

In planning our approaches to dealing with our priority themes and other regulatory risks and issues we will take into account the challenges, constraints and opportunities we face as an organisation. We use dedicated **corporate and project risk management** to ensure the efficient and effective delivery of our regulatory role and other corporate responsibilities.

Our Strategy for 2016-19

Our strategy sets out the way in which we will regulate barristers and entities for the three years. It also sets out how we will respond to potential proposals for change in the regulatory landscape and its underpinning legislation. We have organised our work over this period into three programmes:

- Regulating in the public interest
- Supporting barristers and those the BSB regulates to face the future
- Ensuring a strong and sustainable regulator.

You can read more about our strategy [on our website](#).

What the BSB does: our core work

The BSB regulates barristers and specialised legal services businesses in England and Wales, in the public interest.

We are responsible for:

- setting the education and training requirements for becoming a barrister;
- setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- authorising organisations that specialise in advocacy, litigation, and specialist legal advice;
- monitoring the service provided by barristers and entities to assure quality; and
- handling complaints against barristers and the legal services businesses that we regulate and taking disciplinary or other action where appropriate.

The work that we do is governed in particular by the Legal Services Act 2007 (the Act) as well as a number of other statutes.

Along with the other legal service regulators identified in the Act, our objectives are the same as the Regulatory Objectives laid down in the Act. These are:

- protecting and promoting the public interest;
- supporting the constitutional principle of the rule of law;
- improving access to justice;
- protecting and promoting the interests of consumers;

- promoting competition in the provision of services;
- encouraging an independent, strong, diverse and effective legal profession;
- increasing public understanding of citizens' legal rights and duties; and
- promoting and maintaining adherence to the professional principles.

Most of our time and our budget is taken up by the day-to-day work required when regulating barristers rather than on our policy development work, for example, dealing with applications for waivers from practising requirements, monitoring Continuing Professional Development (CPD), investigating reports about barristers' conduct, and taking enforcement action where necessary.

You can find out more about how we undertake our work to regulate legal services in relation to the Regulatory Objectives [on our website](#).

Strategy and Policy

We are a risk- and evidence-based regulator. Risk-based regulation means that we are constantly monitoring the market for barristers' services. We identify the potential risks that could prevent our Regulatory Objectives from being met. When we have done this, we focus our attention on the biggest risks and then take action to try to prevent them from occurring, or to reduce their impact.

You can read more about our **risk-based approach to regulation** and find out about the risk areas upon which we are focusing most of our attention during our current strategy on [our website](#).

In accordance with our research strategy, we gather evidence about what is happening in the market and the impact that our actions are having – we do this by conducting research (either by ourselves or with others) and by collaborating with stakeholders who have an interest in our work. This can involve inviting external people or organisations to participate in workshops or project groups in addition to inviting comments, via consultations, on all of our proposals. Where necessary, we use this knowledge to set or revise standards and introduce rules and guidance for barristers and entities. These rules are contained in the BSB Handbook. We develop policy on the educational pathways into the profession. In addition we develop policy on conduct of practice in areas such as chambers' complaints handling and direct public access to barristers. Another area of particular concern is equality and diversity, where we set a number of objectives in our Equality Strategy. This is available [on our website](#) and the key actions have been incorporated into this Business Plan.

Regulatory Assurance

Our aim is to assure, maintain and enhance standards across the profession through the development of measures for assessing the adherence to the standards set out in the BSB Handbook of both individual barristers and the chambers and entities in which they practise. This includes a risk-based approach to the supervision of chambers, the authorisation of new entities and the regulation of Continuing Professional Development (CPD).

We oversee the Academic, Vocational, and Pupillage stages of training that must be completed in order to qualify as a barrister.

We also decide on individual applications from people wishing to qualify and/or practise as barristers but who would like to be exempted from some or all of the normal training requirements.

Professional Conduct (Enforcement)

The Professional Conduct Department investigates concerns about the professional conduct of barristers and others whom we regulate and, where appropriate based on an assessment of risk, takes action against those who may have breached the Core Duties or other provisions of our Handbook.

We apply a four stage process when considering complaints and reports to ensure that we deal with them fairly and efficiently. This process is described in detail [on our website](#).

When a complaint leads to a disciplinary tribunal these are arranged by an independent organisation called the [Bar Tribunals and Adjudication Service \(BTAS\)](#).

Key Figures

Communications and Public Engagement

The Communications and Public Engagement Department is responsible for all of our internal and external communications including our publications, website, social media activity and media relations. It helps our other teams to engage with the profession and other stakeholders to make sure that we discuss our policy development plans in an open and consultative way.

Corporate Services

The Corporate Services Department provides support with strategic and business planning, reporting and ensuring that we maintain good governance practices, policies and procedures. The Department also provides administrative support for the Chair, Vice Chair and Director General.

Resources Group

We share the following support services with the Bar Council: Facilities, Finance, Information Services, Human Resources, Records and a Project Management Office.

16,439

number of practising barristers we regulate, plus another 50,580 barristers without practising certificates

85

entities (legal services businesses, owned by lawyers, but not necessarily barristers)

463

conduct complaints opened in 2017

14

locations provided the Bar Professional Training Course

1,423

students in the last academic year

148

people took the Bar Transfer Test (for transferring solicitors or overseas lawyers)

510

pupils registered last year

79

members of staff

£5,463k

our budget for 2018-19

Our Strategic Work Programmes

We have organised our work into three Programmes. Each Programme comprises both reform and continuing regulatory “business as usual”.

Embedded into these Programmes is our approach to addressing the main risks we perceive to our Regulatory Objectives, which include:

- The risk of failure by those we regulate to meet consumer needs;
- The risk of lack of diversity, and discriminatory practice and culture at the Bar; and
- The risk of commercial pressures on legal services providers.

More information about these risks can be found in our [Risk Outlook](#).

In the following pages we give a short explanation of what each of our strategic programmes means and what we will do to achieve our aims during 2018-19.

We have broken down the work that we do in each of our core regulatory functions, into quarterly milestones which are based upon a financial year – so quarter one (Q1) starts in April 2018 and quarter four (Q4) ends in March 2019. These checkpoints help us to monitor performance and ensure we stay on track with our work.



1 Regulating in the public interest

What this means:

In the context of our Strategic and Business Planning, “regulating in the public interest” means that we want to help the public to understand the fast-changing and complex market for legal services, so that consumers of those services can make informed choices and have a better knowledge of their legal rights and duties as citizens.

We will develop a deeper dialogue with the profession and consumers so that what we propose and what we do can be demonstrably evidence-based and risk-focused as well as understood by users and providers. We will do this by engaging with both the profession and consumers in face-to-face meetings and digital channels where appropriate.

We will continue to strengthen our real and perceived independence from the profession, so that we can articulate and defend our judgements on the basis of independent and unbiased assessments of the evidence about where risks to our Regulatory Objectives lie. This includes continuing to ensure our regulatory decision-making processes are independent, consistent and transparent.

Our work programme:

- Responding to the CMA report about the legal services market

During the second year of our current Strategic Plan, working alongside the other legal regulators, we responded to the Competition and Markets Authority (CMA) report about the legal services market and how the public interacts with it. We consulted the profession and more widely about how the Bar could meet the CMA’s recommendations for more transparency about legal service providers’ fees, services and rights of redress for consumers. We proposed a targeted approach that would focus on consumers who could benefit most from greater transparency. In February 2018, we announced that as a result of our consultation we were adopting a focused approach that will continue to benefit consumers and reflect our ongoing work with the profession to ensure that our final proposals are feasible and proportionate.

During 2018-19, we plan to undertake further research into transparency standards at the Bar, consult on our new rules, and to submit any final rule changes to the Legal Services Board by the end of March 2019. Also in response to the CMA recommendations, we plan to publish guidance for barristers on engaging with direct and indirect feedback from clients, and to work with the other legal regulators to make improvements to the [Legal Choices website](#): a public-facing website that we manage jointly with the other legal regulators, and which is designed to help consumers understand the market for legal services.

- **Updating the disclosure rules for barristers**

The latest version (February 2018) of the BSB Handbook (which contains the Code of Conduct for barristers in England and Wales), introduces: new authorisation to practise requirements for barristers: streamlines the public and licensed access rules; and introduces new obligations for barristers and BSB regulated entities to comply with the new Money Laundering Regulations. These updates were all made following consultations last year and to support further the public interest. Our Plan for 2018-19 includes assessing the information we obtain from the profession about measures to combat money laundering and to start visiting chambers identified as potentially being at risk from money laundering.

- **Continuing Professional Development for experienced barristers**

We will also conduct our first spot-checking exercise following the introduction in 2017 of the new Continuing Professional Development (CPD) Scheme for established practitioners. This is a cornerstone of our new approach to assuring quality in barristers' work and we will be using the evidence gathered from the checks to develop further the detail of our approach during 2018-19.

- **Regulatory risk**

By the end of 2018-19, we will have published new versions of our regulatory Risk Index and our Risk Outlook. These are important documents that outline how effectively we think the market for barristers' services is operating. They help us to identify

the biggest risks standing in the way of our upholding our statutory Regulatory Objectives and therefore, to prioritise our work. The Risk Index and Risk Outlook will inform our new Strategic Plan for the period from April 2019, which we will work on during the coming 12 months.

- **Equality and access to justice**

We made good progress in 2017-18 with our work around equality and access to justice in order to help the Bar better reflect the diverse society that it serves. We followed up our major 2016 survey of women at the Bar by agreeing a detailed action plan about how we intend to work with the profession to improve access for, and the retention of, female barristers, and to eliminate all forms of unfair treatment of women including discrimination and harassment. Following a consultation, we introduced new parental leave rules for self-employed barristers that require all chambers to have a policy that allows any member who becomes the carer of a child (whether or not the 'main carer') to take parental leave. Finally, we held a roundtable event called "Heads Above the Parapet: How can we improve Race Equality at the Bar?" to help us develop a similar action plan for BAME barristers. Our Business Plan for 2018-19 includes the continuation of the action plans that we developed as a result of our engagement in the diversity agenda and our statutory equality responsibilities (which you can read more about in the box panel opposite).

Equality statement

Our Equality Objectives are to:

1. Address the causes of discrimination experienced at the Bar because of a protected characteristic.
2. Reduce the barriers to progression and retention, and improve social mobility.
3. Improve our understanding of the diverse experiences of students training for the Bar.
4. Increase equality of access to the profession.
5. Improve Access to Justice for vulnerable clients, with a focus on immigration and young people.
6. Embed Equality and Diversity best practice across all BSB departments.

We are committed to increasing diversity in the profession and within our workforce and ensuring that equality considerations are factored into everything that we do. In particular, we have some specific action plans to address access, retention and progression issues for specific groups at the Bar, which have emerged from our research and our engagement with stakeholders. These focus thematically on women at the Bar, BAME practitioners and students.

The promotion of equal access to, and diversity within, the profession helps to combat social injustice. It is unlawful for individuals to experience disadvantage on the basis of protected characteristics. Everyone with whom we engage and our staff are entitled to be treated with dignity and respect and be part of an environment that is free from unjustified barriers.

A profession that is representative of the people it serves is more likely to meet the diverse needs of clients and to be more effective. We work more productively when we maintain an inclusive workplace free from discrimination.

We have a number of general and specific legal duties arising from the Equality Act 2010. Our commitment to equality and diversity is a significant factor in fulfilling the Regulatory Objective of 'encouraging an independent, strong, diverse and effective legal profession' as set out in the Legal Services Act 2007.

As required by s 149 (1) of the Equality Act 2010, we will work to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- **Supervising chambers and barristers**

Our business-as-usual work supervising barristers' practices will continue during 2018-19. This helps us identify good practice and publicise it as well as spot when things may be going wrong so that we can help avoid or solve problems for the benefit of barristers' clients and the wider public.

In 2017-18, we sought the Lord Chancellor's approval to make Orders under the Legal Services Act to amend our powers. These include a new power of intervention over everyone we regulate to help us protect the public if things go seriously wrong in a barrister's practice. This is an important public protection measure, albeit we would use it only as a last resort and in very rare circumstances. The Orders have been approved by Parliament and the new powers will come into force in October 2018.

- **Investigating reports of barristers' professional misconduct and our enforcement work**

We will continue to enforce our rules in order to maintain the public's trust and confidence in barristers and the businesses we regulate. We aim to do this fairly, swiftly and proportionately. Typically we deal with around 400 conduct reports or complaints about barristers every year. Where there is evidence of a breach of the professional obligations set out in the BSB Handbook, we will investigate the concerns and, where appropriate, take enforcement action.

Following a consultation in 2017, we decided to change the standard of proof applied when barristers, and others regulated by the BSB, face disciplinary proceedings for professional misconduct. Subject to approval from the Legal Services Board, which we will apply for during 2018, the standard of proof will change from the criminal standard ("beyond reasonable doubt") to the civil standard ("on the balance of probabilities") in respect of conduct occurring after 31 March 2019.

Timeline of activities

Strategic Programme 1 – Regulating in the public interest				
The core work that we conduct throughout the year	<ul style="list-style-type: none"> Implementation of the Research Strategy/ delivery of research objectives to ensure we understand what is happening in the market and the impact of our work Monitoring barristers' Continuing Professional Development (CPD) Supervising barristers' practices Assessing and, where appropriate, investigating reports about barristers' conduct and taking enforcement action where necessary 			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Updating the BSB Handbook			New statutory powers come into force	New Bar training rules come into force Publish proposals for a full review of the Handbook
CMA - Transparency	Undertake research and consumer testing Update scope of CMA evaluation plans	Agree proposals for new rules and launch consultation		Board decision on any new rules Rule change application submitted to the LSB
CMA - Independent Feedback Platforms	Publication of guidance for providers on engaging with indirect feedback and also direct feedback from clients		Evaluation of this workstream, to inform wider CMA evaluation programme	

Table continues

Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Entity & ABS Regulation	Publish a review of entity regulation (including revised entity policy statement).			
Anti-Money Laundering	<p>DBS compliance testing to meet HM Treasury requirements for criminal record checks</p> <p>Risk profiling after 2018 Authorisation to Practise process.</p> <p>Response to Financial Action Task Force including follow up on action points and liaison with HM Treasury</p>	<p>Ongoing engagement with The Office for Professional Body Anti-Money Laundering Supervision (OPBAS)</p> <p>Supervision visits with the profession based on risk-profiling</p>		
Enforcement		Annual Enforcement Report to be published		
Regulatory Risk	Ongoing training and development of staff and Board members. Embedding risk based approach into the organisation.			Publication of new Risk Index and Risk Outlook

Table continues

Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Equality and Access to Justice	<p>Conduct research on anti-discrimination</p> <p>Launch of vulnerability guidance</p> <p>Sexual Orientation and Religion and Belief data monitoring consultation</p>	Report findings of research	<p>Implement action plan from research</p> <p>Implement outcomes of consultation</p>	
	Implement our three action plans for Women at the Bar, Race Equality and BPTC			
Professional Practice – Scope of Practice	<p>Publish research on Qualified Persons</p> <p>Begin review of scope of practice rules</p>		Consultation launched	
Professional Practice – Immigration		Produce guidance on how to instruct barristers in immigration cases		
Professional indemnity insurance	Commence review of governance arrangements with BMIF		Review of insurance terms if required	

2 Supporting barristers and those the BSB regulates to face the future

What this means:

The legal services market is continually changing and increasingly competitive. We will help the public to understand the separate nature and specific skills of the Bar. For example, the public needs to understand the difference between a fully qualified, regulated and insured barrister and a paid “McKenzie Friend.”

We will also ensure our regulatory frameworks do not pose unnecessary barriers to entering the market and we will reform legal education and training to support the advocates of the future.

Our work programme:

In the upcoming year, we will continue to build on the work we undertook during 2017-18.

• Future Bar Training

In October 2017, we launched a consultation as part of our Future Bar Training (FBT) programme on updating some of the rules governing barrister training and qualification. It sought views on a number of aspects of the way in which barristers train and qualify including:

- to what extent the BSB should prescribe the role of the Inns of Court in the training and qualification of barristers; and
- what should be the future rules and regulatory arrangements for the work-based component of training (pupillage).

We ran a number of events online and around the country to canvass views on these topics. In the end, over 140 consultation responses were received which the Board will consider in reaching its policy decisions in Spring 2018.

This Business Plan for 2018-19 contains actions to begin implementing any changes that are agreed. In addition, we have begun a pilot with a number of Pupillage Training Organisations (PTOs) to trial potential new rules to link the assessment of pupils at the end of pupillage to the requirements laid out in the Professional Statement for barristers on their first day of practice. This will continue through 2018-19.

Our 2017 consultation also contained a draft of our proposed Authorisation Framework which will enable training providers (of the academic, vocational and professional components of training) to develop new and innovative training programmes for aspiring barristers. This followed the publication of our policy statement in March 2017 in which we said we would authorise a limited number of new training routes for prospective students to qualify as barristers in the future, based on four core principles of flexibility, accessibility, affordability and maintaining high standards.

A key component of our Business Plan in 2018-19 is for the Authorisation Framework to go live in January 2019 and to enable us to begin authorising potential new training pathways from that date. To enable this to happen in time, during the year we will also be consulting on the rule changes that will be necessary to bring about these potentially significant changes to the ways in which prospective barristers train and qualify. We expect to have consulted on the new rules by the end of Quarter 2 so that the Legal Services Board can approve our new rules in Quarter 3.

As part of our FBT programme in 2018-19, we will also:

- continue our review of curriculum and assessments, including the centralised examinations, that form a part of the current Bar Professional Training Course and feed the outcome into our Authorisation Framework; and
- host a roundtable event with Approved Training Organisations to consider best practice on advertising and recruitment for pupillage and work based learning in order to inform any future rule changes or regulatory work in this area.

• Other policy work

We will also continue our Strategy and Policy work over the coming year. Last year, we published new consumer guidance documents on immigration and asylum issues and we also introduced rule changes for barristers undertaking Youth Court work so that we may offer more targeted support to those representing young people focussing on the specialist skills and attributes needed to do this effectively.

Timeline of activities

Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future

The core work that we conduct throughout the year	<ul style="list-style-type: none"> • Supervising barristers' practices • Managing the central examinations on the BPTC • Considering applications for waivers and exemptions for those wanting to become barristers • Reviewing our regulatory arrangements in the light of emerging risks in the market
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Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Future Bar Training – Rule changes	Board policy decisions	Launch of rule change consultation Board approves rule changes application	Application to Legal Services Board	New qualification rules come into force (Jan)
Future Bar Training – implementation of the Authorisation Framework	Board policy decisions	Finalise Authorisation Framework and evidence document	Piloting of applications against Authorisation Framework	New authorisations process goes live
Future Bar Training – examinations	Curriculum and Assessments Review completes	Commence design of new Centralised Examinations	Recruitment / Tendering for new question writers	
Future Bar Training – Pupillage project	Update to Pupillage Handbook	New handbook published Visits to Pupillage Training Organisations (PTOs)	Second round of pilot participants begin	
Future Bar Training - Evaluation	Data capture / baselining			

Table continues

Timeline of other activity by quarter	Q1	Q2	Q3	Q4
CPD/assuring standards of practice	Review of barrister CPD returns from 17/18	Commence assessment of the impact of CPD as a means of assuring standards at the Bar		Publish report on the first year of the new approach to CPD
Public and licensed access			Complete review of public access training	

3 Ensuring a strong and sustainable regulator

What this means:

We will continue to position the BSB as the regulator of legal services which have advocacy, and specialist legal advice at their core.

We will actively promote modern regulatory governance arrangements which are constitutionally and financially independent of government and of the profession we regulate, whilst at the same time ensuring that we maintain our credibility with the public and the vital input we need from the profession to regulate effectively. We will also maintain and extend our accountability.

We will continue to promote our core values of fairness, integrity, respect, excellence and value for money. We will maintain our strong track record of transparency, accountability and good stewardship of resources by setting out clear and meaningful measures of success.

Our work programme:

- **Reforming the way we are governed**

We have made good progress in the reform of our governance structures. The programme is intended to ensure that we can demonstrate independence from the profession and command public confidence in our regulation of the Bar. One of the key principles of the reform programme is to separate policy making from regulatory decision-making on individual cases and ensure that decisions are taken at the lowest appropriate level in line with good practice.

We have already delegated many routine decision-making and policy decisions

to appropriately qualified and trained members of our staff and disbanded some of the committees that used to make those decisions. The Qualifications Committee was disbanded in 2017.

Our remaining decision-making committee, and our largest committee, is the Professional Conduct Committee (PCC). In our recently launched consultation on modernising our regulatory decision making (March 2018), we are seeking views on our plans to revise our decision-making structures. This includes creating a centralised function to deal with the assessment of all incoming information and creating a new Independent Decision-Making Body (IDB) to take all regulatory decisions requiring input independent of the Executive. The IDB will replace the PCC and our current Authorisations Review Panels. The intention is that the IDB will consist of a pool of lay and barrister members from which small panels of three or more will be nominated to take individual regulatory decisions such as conduct issues, and appeals against decisions on qualifications, exemptions and authorisations. Along with the training we have given to qualified staff to make decisions without reference to large committees, the formation of an IDB is a key component in our modernising our governance structure.

The centralisation of our assessment function referred to above, is intended to be achieved by the creation of a new Centralised Assessment Team (CAT). It is hoped that the CAT will provide a more effective, efficient and consistent approach to assessing incoming information and ensure that the most appropriate regulatory action is taken based on a consistent application of

risk factors in line with our Risk Framework, Risk Index and Risk Outlook. It will also provide a more coherent means to capture all types of information and build a richer picture of the risks to the Regulatory Objectives.

We will continue to add to our Advisory Pool of Experts (APEX) in the coming year and recruit members to assist specifically in supporting the change in the regulatory decision-making approach described above. The current expert pool consists of both barristers and lay members who provide advice in areas including competition and economics, equality and diversity, higher education, insurance, and regulatory risk. These experts are used where we need to draw on specialist knowledge and advice to inform our work. We are now seeking additional experts in the fields of continuing professional development; information law and data protection; Money Laundering and Terrorist Financing Regulations; regulatory policy and theory; and statistics.

Our Governance Reform programme is due to be completed by the end of the current Strategic Plan in March 2019. This will complete the internal changes that we started in 2016 to help us become a more efficient and more accountable regulator that acts in the public interest and independently of the profession it regulates.

We will also be looking at our arrangements for providing legal support across our functions but particularly in relation to representation at disciplinary tribunals. The latter are currently provided pro bono by a panel of what is known as “prosecutors”. In line with our decision to remunerate barrister members of our committees from

1 April 2018, we will be considering the remuneration of tribunal representatives with a view to making payment for such services from 1 April 2019. As part of our review of the provision of legal support for the BSB we will also be reviewing the mechanisms we have in place for obtaining advice and representation in relation to litigation against the BSB.

- **Quality assurance and developing our next Strategic Plan**

We have revised our assurance model and framework to ensure that the checks and balances and quality assurance processes we have in place to monitor our work remain proportionate and effective. An internal audit programme was agreed with our auditors in 2017.

During 2018-19 our oversight regulator, the LSB, will be implementing a new performance framework for us and we are confident the work we have done under this strategic aim to date will enable us to be assessed successfully against the LSB’s revised standards.

Finally, a key activity for us over the coming year will be to develop and finalise our next Strategic Plan for 2019-21. We expect to engage widely in its formulation and will consult publicly on our proposals.

Timeline of activities

Strategic Programme 3 – Ensuring a strong and sustainable regulator				
The core work that we conduct throughout the year		<ul style="list-style-type: none"> • Ongoing schedule of Internal Audits • Monitoring performance against business plans and budget • Risk management and reporting 		
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Governance Recruitment		Recruitment activity for Board as needed and lay Governance, Risk and Audit Committee member		Board membership refreshed as necessary
Assurance, governance, risk and audit				Revise internal governance arrangements for compliance with any changes to the Internal Governance Regulations made by the LSB
Board	Development of new strategic plan		Consultation on new strategic plan	Publication of new strategic plan
Advisory Pool of Experts (APEX)	New APEX members appointed	Review of needs within APEX	Recruitment activity for APEX	New APEX members appointed

Table continues

Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Modernising decision making	Modernising Regulatory Decision-Making Consultation closes	<p>Consideration of outcome of Modernising Regulatory Decision-Making consultation</p> <p>Board approval of revised regulations arising from the proposals to modernise enforcement decision-making</p>	Rule changes application submitted to the LSB	<p>Centralised Assessment Team established in preparation for April go-live</p> <p>IDB set up and preparations for disbanding the Professional Conduct Committee</p>
Legal support arrangements	Review of legal support arrangements and potential tender for general legal support (excluding Tribunal representation)	Consideration of proposals for new arrangements for Tribunal representation	Board approval of new arrangements for Tribunal representation	Implementation of new arrangements for Tribunal representation in preparation to go live in April 2019

Governance

The role and work of the BSB Board

The BSB is led and governed by a Board of 15 people, 7 barristers and 7 lay people, and a lay Chair.

During 2018-19, we plan to review the Board's optimum size and its composition, as the Board committed to doing when it announced its governance reforms at the end of 2015.

Leadership

The Board is responsible for leading the organisation. It sets our direction, and approves policy and strategy. The Board represents us with external stakeholders and accepts collective accountability for the organisation's work in regulating barristers in the public interest.

Culture

The Board is responsible for shaping the BSB's organisational culture and values. It leads by example and ensures that the culture and values are developed and adopted appropriately.

Accountability, assurance and oversight

The Board, through its non-decision-making standing committees, monitors the work and performance of the organisation. It holds the executive to account on:

- the commitments made in these Business Plans;
- the BSB's agreed service-standards;
- the delivery of key milestones to time and to budget; and
- the availability of adequate resources to ensure that the BSB can deliver its Regulatory and Strategic Objectives.

Where necessary the Board will constructively challenge the executive. It aims to be sufficiently knowledgeable about the workings of the BSB to be answerable for its actions, yet able to stand back from the day-to-day management of the BSB in order to retain an objective, longer-term view.

Strategy

The Board sets and approves the strategy for the organisation, taking account of the wider regulatory and risk landscape. When approving its strategy, it takes account of short-term pressures but also maintains sight of broader long-term trends.

The Board is responsible for ensuring that sound and effective arrangements are in place so that we can operate in accordance with our organisational values and good governance principles.

Chair:

Baroness Tessa Blackstone

Vice-Chair:

Ms Naomi Ellenbogen QC

Barrister Members:

Mr Aidan Christie QC

Ms Justine Davidge

Ms Judith Farbey QC

Mr Andrew Mitchell QC

Mr Adam Solomon QC

Ms Anupama Thompson

Lay Members:

Ms Alison Allden OBE

Ms Lara Fielden

Mr Steven Haines

Ms Zoe McLeod

Ms Nicola Sawford

Ms Kathryn Stone OBE

Mr Stephen Thornton CBE

Details of terms of office and declarations of interests for all Board members and advisers are available on our website.

Our Board discharges some of its functions through the following standing committees:

- Education and Training Committee
- Governance, Risk and Audit Committee
- Planning, Resources and Performance Committee
- Professional Conduct Committee

The Education and Training Committee oversees all regulatory activity relating to education and training for the Bar. This includes setting the standards of education and training that people must pass before being able to practise as barristers, together with the further training requirements with which barristers must comply throughout their careers. The Governance Reform programme is likely to see this Committee disestablished within 2018/19.

The Governance, Risk and Audit Committee (GRA) is responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the risk management framework and our internal audit function.

The Planning, Resources and Performance Committee (PRP) supports development of the strategic and annual business plans. The Committee oversees operational and programme delivery by holding the executive to account. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed. The supervisory function of this committee is one mechanism to achieve transparency and accountability.

Our budget

The Professional Conduct Committee (PCC), and staff authorised by it, make decisions about reports and complaints regarding the conduct of barristers. Where a barrister has breached the BSB Handbook, the PCC has a number of options which include the imposition of “administrative sanctions” (warnings and low level fines) for less serious conduct issues but also referral to disciplinary action (eg a disciplinary tribunal) for more serious issues of professional misconduct. As noted above, the intention is to replace the PCC with a new Independent Decision-Making Body with the new body commencing work at the beginning of 2019-20.

Our work is overseen by the Legal Services Board, in accordance with the Legal Services Act 2007.

Our budget year runs from 1 April 2018 to 31 March 2019 and the budget that we control directly for this period is £5,463k.

We estimate that direct income from sources other than the Practising Certificate Fee (PCF) will be £1,169k.

The Practising Certificate Fee (PCF)

The Bar Council approves our budget and collects our funding. There is no increase to the PCF in 2018-19.

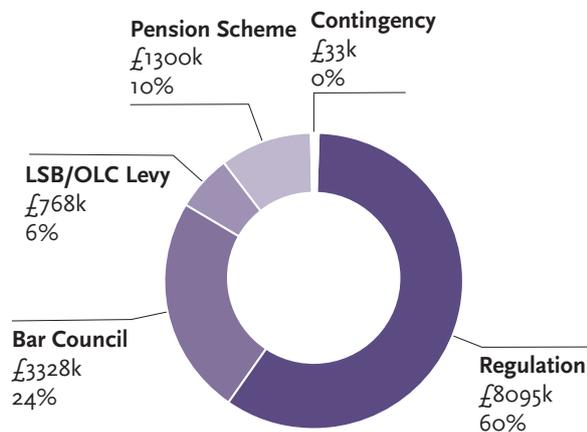
PCF Bands

Income Band	PCF level for 2018
£0-£30,000	£123
£30,001-£60,000	£246
£60,001-£90,000	£494
£90,001-£150,000	£899
£150,001-£240,000	£1,365
£240,001 and above	£1,850

The PCF explained

The PCF can only be spent on the activities that are permitted under s51 of the LSA 2007. Regulation is a permitted purpose and so a significant proportion of the PCF is spent by the BSB. However some of the Bar Council's activities are also "permitted purposes" so a portion of the PCF is also spent by the Bar Council on activities managed wholly separately from the BSB.

Under these rules, the Bar Council has consulted on its budget and PCF proposals with the profession and has received approval of both from the LSB. A copy of the consultation paper for the 2018-19 PCF and budget is on the [Bar Council's website](#).



How is the BSB funded?

Part of our income comes from charges we make for specific services we provide to individuals and organisations. We describe that kind of income as "income streams directly controlled by the BSB". Directly controlled income streams include for example the fees from Bar Professional Training Course (BPTC) providers, and the Bar Transfer Test (BTT). The remainder of the BSB's funding is from practising certificate fees and Bar Council reserves. These income streams are not directly controlled by the BSB.

Where will the BSB get its income from?

Income streams directly controlled by the BSB	£k
Entity Regulation and ABS	80
Authorisations – Waivers and Accreditation	175
Examinations	125
Supervision – Education and Training	789
Professional Conduct Department	–
Total directly controlled income	1,169
Income streams not directly controlled by the BSB	£k
Practising Certificate Fee Contribution	8,095
Funding from The General Council of The Bar reserves	496
Total	9,760

Regulation – the costs explained

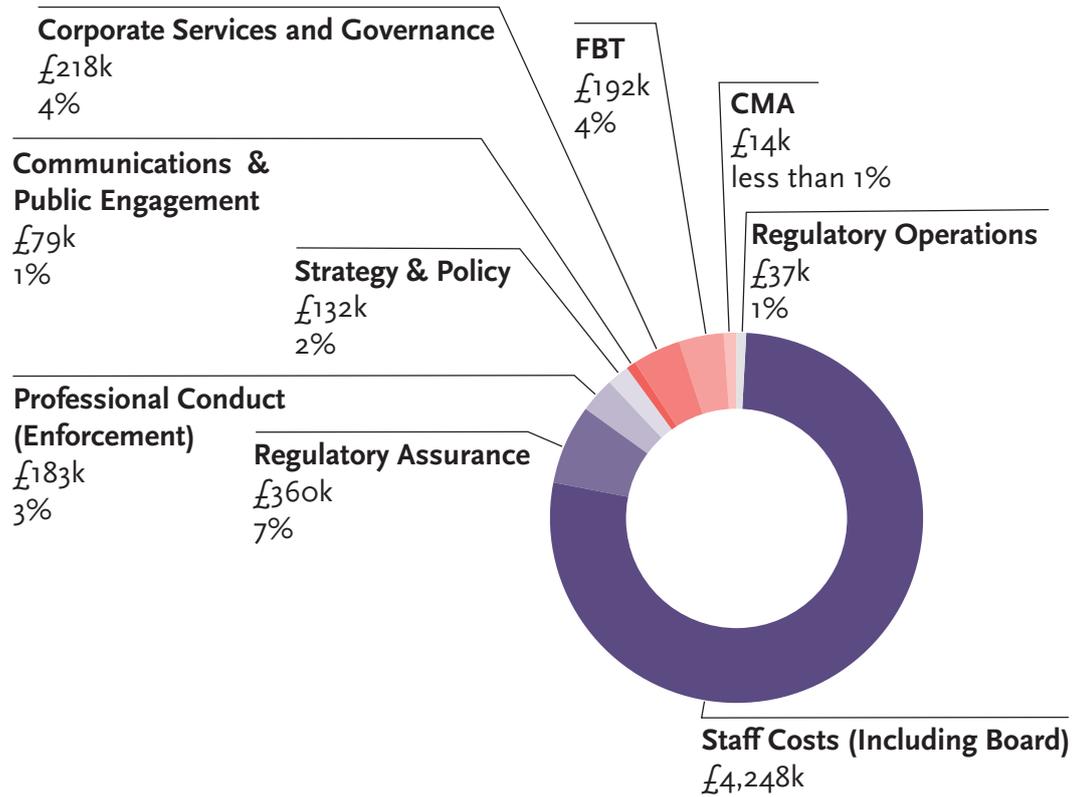
The BSB has direct control of a budget of £5,463k for 2018/19. Those funds will be spent on each of the areas shown below and overleaf.

However, this does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the Resources Group to carry out support work (HR, IT, and Finance etc). The Resources Group budget is managed separately and part of that budget (£4,297k) is apportioned to the BSB.

For the part of our budget that we control directly, we will as always look to ensure that our expenditure is allocated wisely and in a way that delivers maximum value for money for those who fund us. We undertake rigorous prioritisation exercises as part of our business planning. Only activity deemed essential is agreed and included in the business plan. An example of this drive for efficiency is the implementation of an agile approach to resourcing which provides staff with skills to work flexibly across teams and manage changing work patterns, rather than increasing headcount and cost. In 2018-19 we will continue to implement efficiency seeking measures, including as part of the development of the next Strategic Plan.

What will we spend our money on?

Budgets controlled directly by the BSB	£k
Staff costs (including Board)	4,248
Non-Staff Costs	
Regulatory Assurance	360
Professional Conduct (Enforcement)	183
Strategy and Policy	132
Communications and Public Engagement	79
Corporate Services and Governance	218
Total Non-Staff Costs	972
Programme Costs	£k
Future Bar Training (FBT)	192
CMA Programme	14
Regulatory Operations	37
Total Programme Costs	243
Total Expenditure	5,463k



Totals by area	£k
Staff Costs	4,248
Non-Staff Costs	972
Programme Costs	243

BAR STANDARDS BOARD

REGULATING BARRISTERS

Contacting us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations.

Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

Write to us:

Bar Standards Board

289-293 High Holborn

London WC1V 7HZ DX: 240 LDE

Tel: 020 7611 1444

Fax: 020 7831 9217

contactus@barstandardsboard.org.uk

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