

BAR STANDARDS BOARD

REGULATING BARRISTERS

Bar Standards Board Supervision Strategy

The BSB is committed to a risk-based approach to supervision. This means that resources will be targeted at chambers, entities, individuals or areas that present the greatest risk. A risk-based approach will mean proportionate regulation; the BSB's Supervision Team will have less interaction with those who are managing risk effectively than those who present a higher risk.

Risk-based supervision will:

- Allow the BSB proactively to identify risks and take appropriate action to prevent them from materialising;
- Encourage more effective risk management by chambers and entities and contribute to improvements in the level of compliance with regulatory requirements;
- Help to prevent negative outcomes for consumers and negative impacts on the regulatory objectives;
- Provide a means of ensuring that identified non-compliance does not recur;
- Allow the BSB to target its resources at those chambers, entities, individuals or areas that would benefit from supervisory attention; and
- Provide the basis for constructive engagement between the BSB and those that it regulates.

Supervising chambers and entities

All chambers and entities must ensure that they are compliant with the regulatory requirements set out in the BSB Handbook. This includes a requirement to have appropriate risk management procedures in place.

The BSB will supervise chambers and entities to ensure that they are managing risk effectively and are compliant with regulatory requirements.

Chambers and entities that manage risks effectively can expect a low level of supervision. Those who are unable to demonstrate that they are managing risks effectively will receive more supervisory attention.

Where issues are identified through supervision the BSB will seek, where possible, to address them with the chambers or entity concerned without resorting to enforcement action.

Supervising individual barristers

All individual barristers will be subject to a basic level of supervision through the annual authorisation process, supervision concerning specific areas of compliance (such as CPD requirements) and involvement in thematic reviews.

If the BSB receives evidence of non-compliance, it could consider enhanced supervision for that individual.

Through enhanced supervision the BSB will assist barristers to identify issues and take appropriate measures to prevent future non-compliance and future detriment to the regulatory objectives.