

Research and Evaluation Strategy 2022-25

Introduction

1. The Bar Standards Board (BSB) regulates barristers of England and Wales in the public interest. The BSB believes that the Bar should be inclusive and reflect the diversity of society across all levels of the profession.
2. Our Strategic Plan for 2022-25 sets out our priorities for the three-year period, which have been developed following our analysis of available evidence about the risks to our statutory objectives. Our research work in this period will align with our five strategic aims:
 - Efficiency – delivering our core regulatory operations quickly, economically and to a high standard.
 - Standards – ensuring that barristers provide a high quality and responsive service throughout their careers.
 - Equality – promoting diversity and inclusion at the Bar and the BSB and the profession’s ability to serve diverse customers.
 - Access – promoting consumer understanding of legal services and choice and good value for those who use those services.
 - Independence – strengthening the BSB’s independence, capability, self-confidence and credibility.
3. This strategy sets out the research and evaluation priorities for the BSB in order to support these overarching strategic aims. This will ensure that the work of the research team provides the necessary support, evidence and evaluation required to meet each of the five aims, and ensure the BSB meets its obligations as an evidence and risk-based regulator.
4. The role of the research function is to provide leadership, support and quality assurance on the scoping, development and deployment of research, monitoring and evaluation activities to ensure BSB’s regulatory interventions are evidence-based and ultimately support the BSB in meeting its regulatory objectives.
5. The focus of research work is broadly split into three key strands:
 - **Evidence Gathering** – proactive and reactive provision of both quantitative and qualitative research evidence in areas chosen in accordance with our risk monitoring and strategic plan priorities
 - **Monitoring** - providing regular updated data on specific subjects identified as essential to inform the work of the BSB or to inform external stakeholders
 - **Evaluation** - Reviewing the performance or impact of projects or programmes to determine how well they achieve their goals and/or to identify improvements
6. These strands of work are delivered through a combination of in-house research expertise¹ and commissioning work externally through independent research providers. The BSB may commission research from external providers for a number of reasons: because an independent perspective is needed; to allay potential conflict of interest or anonymity concerns (e.g. interviewing barristers about our rules); or to supplement inhouse capacity/capability.

¹ From June 2022, the team consists of three people – a Research and Evaluation Manager, and two Research and Evaluation Officers.

Vision for research

7. We want to continue to expand the evidence base and further our knowledge and understanding of: the market for legal services; the regulated community; the expectations and experiences of consumers; and the risks and opportunities that affect our achievement of the regulatory objectives and our strategic priorities. We aim to ensure that our decisions take account of a sufficiently wide evidence base and that we understand the impact of our work. To increase the uptake and impact of our research, we want to improve its availability and accessibility. We will also make use of research and evidence published by other organisations, seeking to collaborate with others and avoid duplication.
8. We want BSB research to be recognised as credible and reliable. To do this, we need to ensure consistently high standards and provide clarity about the processes we follow in the delivery of research.
9. We want the Research Team to continue to be a centre of expertise within the BSB, with all team members equipped to use that expertise effectively. We also want to support colleagues within the BSB to embed good research practice in their work and to continue to improve awareness of the use and application of research methodology, data and evaluation methods.

Strategy

10. This section details the BSB's five key strategic aims over the next three year period. Under each aim, the strategy explains the key areas where research work or input is currently planned. Note that these are subject to change in response to budget or capacity within the organisation, or in response to new priorities for research, monitoring or evaluation activities which may develop over this period.

Strategic Aim 1 – Efficiency – delivering our core regulatory operations quickly, economically and to a high standard

11. Our top priority is to fulfil our core regulatory responsibilities efficiently and effectively. The work of the research team has a key role in contributing to the operation of the BSB as a risk and evidence based regulator - ensuring our risk work is informed and driven by robust evidence, supporting the organisation to make efficient use of the data we hold on the profession, and ensuring that the decisions we make are based on a detailed consideration of available research evidence.
12. To further support the efficiency of the BSB's regulatory operations, the key areas of activity in 2022-2025 include:
 - Increasing capacity to support our people in developing the skills and capabilities they need both to deliver current and future organisational goals and develop their own careers
 - Reviewing our operations to ensure we are efficiently and effectively meeting service levels
 - Reviewing the effectiveness of our enforcement regime
 - Reviewing the regulatory status of unregistered barristers
13. The research and evaluation activity we plan to undertake in 2022-25 to strengthen the evidence available in these key areas of activities will include (but not be limited to) the following:

- Providing expertise and evidence across a range of projects and workstreams across the BSB. This will support the delivery of projects by providing evidence and other research input to inform project work.
- Undertaking work to inform the assessment of the changes we made to our approach to enforcement in 2019, including research that analyses the operation of our current enforcement system in relation to gender and ethnicity. This represents a follow up piece of research to the research we published in 2021 that looked into the relationship between gender and ethnicity and complaint likelihood and outcomes under the previous enforcement system.
- Undertaking a project to improve the quality of the data held by us, the consistency of our use of data in relation to queries and evidence gathering, and understanding the needs of different teams in terms of what data they need and how it should be used by the organisation. This will help us make better use of incoming data relating to competence and professional standards and assist with our overall evidence base across multiple other areas of work.

Strategic Aim 2 – Standards – ensuring that barristers provide a high quality and responsive service throughout their careers

14. There continues to be a need for barristers to be supported in maintaining and developing a range of skills, knowledge and competences to meet consumers' needs. The available evidence indicates that the Bar generally provides a good standard of service and consumer satisfaction with the services they receive remains high. However, there is evidence that barristers occasionally lack the expected level of legal and practical knowledge, mainly in very specific areas of law or activity, such as immigration, youth courts and the coroner's court.
15. To further support standards at the Bar, the key areas of activity in 2022-2025 include:
 - Regulating the training of barristers and ensuring continuing high standards
 - Completing our programme of assuring competence, to satisfy ourselves and others that we have appropriate systems in place to ensure that standards are maintained throughout a barrister's career
 - Taking supervision or enforcement action where necessary to promote standards
 - Continuing the review of the BSB Code of Conduct for Barristers, to ensure it remains fit for purpose
 - Strengthening our ability to reach out and to engage with chambers, employers the profession and the public so that we can identify and promote good practice in the way the profession operates to provide effective services, to sustain high professional standards, to develop barristers and to ensure diversity
 - Improving and deepening the intelligence we have and our research evidence bearing on professional competence, standards of service and the operation of the market for barristers' services
16. The research and evaluation activity we plan to undertake in 2022-25 to strengthen the evidence available in these key areas of activities will include (but not be limited to) the following:
 - Publishing reports from our evaluation programme assessing the reforms to training at the Bar. The evaluation report will give us a strong evidence base on the extent to which the implementation of the new training rules has met the objectives of the Future Bar Training programme, including that of maintaining standards of training for the Bar.

- Continuing to monitor the state of training for the Bar by producing an annual Key Statistics report which covers statistics on training and progression for the Bar – this will be updated to a new format to ensure it better meets the needs of key stakeholder groups.
- Supporting the Standards programme by providing supporting evidence and evaluating the programme upon its completion.
- Undertaking research to ensure that we test the views of consumers on our redraft of the Code of Conduct. As part of our work to review the Code of Conduct, we have already been informed by consumer research we undertook and published in 2021. However, further research with consumers will ensure that our reforms to the Code of Conduct are informed by strong research evidence and the views of consumers are addressed.

Strategic Aim 3 – Equality – Promoting diversity and inclusion at the Bar and the BSB and the profession’s ability to serve diverse customers

17. The BSB will continue its work to promote equality, diversity and inclusion at the Bar. The research we undertook in the previous strategic plan period showed that female barristers and barristers from ethnic minority backgrounds face income disparities compared to male and white barristers, that bullying, discrimination and harassment remained an issue in the profession, particularly for those from particular backgrounds, and that retention among female barristers was improving but still lagged behind retention among their male counterparts.
18. To further diversity at the Bar, the key areas of activity in 2022-2025 include:
 - setting out clearly our expectations of the profession and holding it to account
 - continuing to promote equality, diversity and inclusion at the Bar with the support of our Race Equality, Disability and Religion & Belief Taskforces
 - working with chambers and employers to promote good practice, including by completing the review of our Equality Rules, reporting on the Regulatory Return and implementing changes and undertaking research into pupillage recruitment, to understand how better to promote diversity and inclusion
 - monitoring differential outcomes in Bar training and progression at the Bar, and whether certain groups are over-represented in our disciplinary processes: developing action plans to eliminate any disparities
 - leading by example, demonstrating that the Bar Standards Board is itself diverse and inclusive and committed to understanding the equality impacts of its policies, services and interventions
19. The research and evaluation activity we plan to undertake in 2022-25 to strengthen the evidence available in these key areas of activities will include (but not be limited to) the following:
 - Continuing to monitor the extent to which the Bar is continuing its progress towards increased diversity by publishing annual reports on Diversity at the Bar. We also publish an annual report covering the diversity of the BSB – both the Board and the organisation as a whole – which will monitor our progress in terms of diversity at the BSB.
 - Evaluating the reverse mentoring scheme, as well as providing evidence to support the work of the BSB’s E&AJ team and Race, Religion and Disability task forces.
 - Providing evidence to inform the review of the Equality Rules, including contributing to the development of Equality Impact Assessments.

- Undertaking research to strengthen our evidence base around equality issues in training for the Bar. We will publish a report looking at differential outcomes in Bar training examinations, as well as continuing to monitor differential outcomes both on the course and obtaining pupillage via our annual statistical reports on training for the Bar. We will also be undertaking research to expand our evidence around vocational providers' approaches to diversity and inclusion.
- Undertaking research into differential outcomes in the BSB's enforcement processes, repeating an analysis we published in 2021. This work will investigate what changes have resulted from the enforcement reforms we introduced in 2019.
- Undertaking a comparative study of the outcome of recruitment processes using traditional vs progressive recruitment techniques, to determine which techniques lead to more diverse outcomes. This will further contribute to our understanding of best practice in recruitment in the legal sector.
- Undertaking research with consumers to investigate potential drivers behind the lower levels of satisfaction from some groups of clients (in particular those from minority ethnic backgrounds) with legal services observed in a range of previous consumer research. This will build on the evidence from our past consumer research activities to inform our work to ensure the Bar is well placed to serve diverse consumers.

Strategic Aim 4 – Access – Promoting consumer understanding of legal services and choice and good value for those who use those services (covering both the supply of, and demand for, barristers' services)

20. There is a continuing need to support improvement in consumer education when navigating legal services. The research we undertook in the previous strategic plan period to understand clients' expectations (including our review of all the evidence gathered to date) suggests that although there is now greater price transparency, individuals and businesses with legal problems usually have a poor understanding of their legal rights and duties and of the full range of services offered by barristers, particularly the scope to access barristers' services directly and the potential to unbundle services. When instructing via a solicitor, clients are often not given a choice of barrister.
21. To further this aim, the key areas of activities in 2022-25 will include:
 - providing information to the public about barristers in partnership with consumer organisations, the profession and other legal regulators
 - continuing to develop and implement our strategy for public legal education in partnership with other regulators and organisations working directly with those in legal need, in order to improve our understanding of how best to identify those in legal need, the nature of that need and how best to help them
 - ensuring compliance with our transparency rules: considering what additional regulatory action will be needed on transparency in the light of that evaluation
 - enhancing our understanding of consumers' needs and experience when using barristers' services
 - understanding how solicitors choose barristers on behalf of their clients and reviewing whether regulation is needed to ensure greater transparency or choice
 - examining the role of new technology in promoting access to justice
22. The research and evaluation activity we plan to undertake in 2022-25 to strengthen the evidence available in these key areas of activities will include (but not be limited to) the following:

- The completion of our evaluation of the impact of our transparency rules on consumers. This will provide valuable evidence to complement the evaluation report published in 2021 covering the impact of the rules on the profession, and will inform our work going forward to ensure compliance with the rules and consider if any further changes are required to the rules we introduced in 2019.
- The evaluation of pilots for digital comparison tools (DCTs) and unbundling of legal services. This will focus on testing information provision for consumers and improving access through these routes to drive improvements for consumers.
- Improving our knowledge base around approaches to Public Legal Education (PLE) by partnering with other legal regulators.
- Addressing evidence gaps around the approach of solicitors when choosing barristers for their clients. Our evidence to date suggests that when individuals and businesses are referred to barristers by solicitors or other legal professionals, they are often offered no choice. We will gather evidence from solicitors as to what factors influence their choice of barrister, and/or the extent to which they offer their clients more than one recommendation, or indeed to what extent they take into account a client's views when choosing a barrister.
- Addressing evidence gaps around the views of small business clients. Our research work to date has focussed on individual private clients of the Bar. However, small business clients may well have different experiences and priorities to individual clients, so we will undertake research to expand our evidence expanding our understanding of their needs.

Strategic aim 5 – Independence – strengthening the BSB's independence, capability self-confidence and credibility.

23. We must undertake a full review of the current governance arrangements, under which we share certain services with the Bar Council, after two years of operation. Incorporating the BSB as a separate legal entity might bring benefits in terms of transparency, accountability and operational freedom that should be explored.
24. To support the independence of the BSB as a regulator, the key areas of activity in 2022-2025 include:
 - Keeping our independence under regular review and considering whether our independence would be further enhanced by legal separation from the Bar Council by incorporating a separate corporate entity (albeit wholly owned by the Bar Council)
 - Regularly reviewing our governance and completing our 'Well Led Action Plan', ensuring we comply with the performance standards set by the Legal Services Board
 - Improving our engagement with stakeholders
 - Reviewing the reward and recognition framework, and our learning and development strategy for our people: promoting our values of fairness and respect, independence and integrity, excellence and efficiency
 - Promoting diversity and inclusion at the BSB
25. The activity of the research team is focussed on informing our external policy work, rather than informing the governance structures of the organisation. As such, there is not a requirement for specific research activity in order to inform strategic aim five, either in 2022/23 or in subsequent years. However, the research team will contribute to any internal reviews, or other activities for which input is required relating to the governance of the BSB.