

Annual Report

2019-2020

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

If you would like a version of this publication in hard copy, or in an alternative format, please contact the Equality and Access to Justice (E&AJ) Team by telephone on 020 7611 1305 or: equality@barstandardsboard.org.uk

Who we are and what we do

We are responsible for:

- prescribing the education and training requirements for becoming a barrister;
- establishing continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- monitoring the service provided by barristers and the organisations we authorise to ensure they meet our requirements; and
- considering reported concerns about barristers and the organisations we authorise and taking enforcement or other action where appropriate.

The Regulatory Objectives

Our objectives are laid down in the Legal Services Act 2007. We share them with the other legal services regulators. They 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.

Risk-based regulation

We do all of this by taking a proportionate, risk-based approach to regulation. This means that we are constantly monitoring the market for barristers' services. We identify all the potential risks that could prevent the Regulatory Objectives from being met. When we have done this, we focus our attention on the risks that we think pose the biggest threats to the public interest. We then take action to try to prevent those risks from occurring, or to reduce their impact. The work that we do is governed by the Legal Services Act 2007 and other statutes.

Welcome to our Annual Report for 2019-20

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Our year in numbers: 2019-20

About us

16,915 registered barristers regulated

(and a further **53,430** barristers without practising certificates who are also subject to our regulation) as at 31 March 2020

130

We authorised **130** specialised legal services businesses in 2019-20 (compared with 108 in 2018-19)

Our Board



Chair



Up to 7 Lay members (including the Chair)



Up to 6 Barrister members

£10.9m – our income in 2019-20
£9.3m – our expenditure in 2019-20

Bar training



We authorised **8** training organisations to deliver the new vocational component of Bar training

An average of **32,476**

unique visitors to our new website per month since it launched on 15 October 2019 (Until 31 March 2020)

(compared to a monthly average of 27,877 between 1 April and 14 October 2019)



19,071

unique visitors visited our pages on the new Bar transparency rules since 15 October.

We processed **2,139**

applications for waivers and exemptions from our rules.

We raised the minimum pupillage award to **£18,866 pa** in London and

£16,322 pa outside London (and will now increase annually)

We received **309**

applications from solicitors, EU lawyers, overseas lawyers and legal academics wanting to transfer to the Bar.

Spring / Summer 2019 **7,198** Centralised examination papers sat by students as part of their BPTC.

Regulating barristers



1,477

new reports about barristers received



32 barristers had a disciplinary finding against them

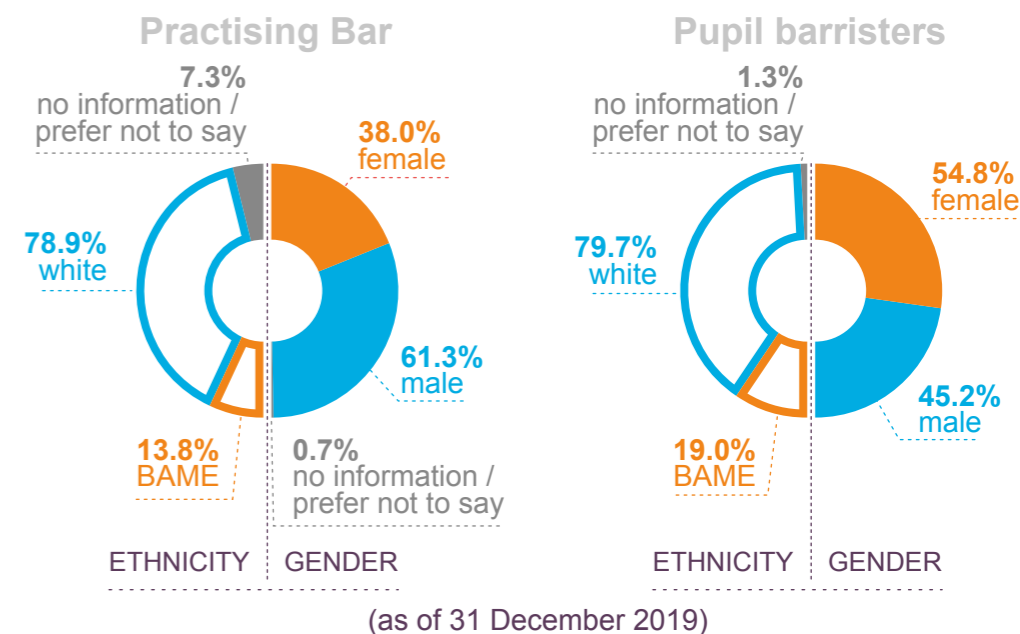
15 barristers were suspended

10 barristers were disbarred

441

barristers' practices which we spot-checked for compliance with the new Bar transparency rules - designed to help consumers better understand the price and service they will receive from barristers.

Promoting diversity at the Bar



Foreword by the Chair of the Bar Standards Board

This report highlights both the policy developments we made during 2019-20 and our day-to-day work regulating barristers and specialised legal services businesses in England and Wales in the public interest.

It covers the first year of our Strategic Plan for 2019-22 which ended in March 2020. This meant that as the year came to an end, the Bar, along with the rest of the country, was facing the challenge of the national lockdown to combat COVID-19. With most barristers being self-employed, the Bar found itself in a particularly vulnerable financial position. As its regulator, we are very aware of these challenges and have amended our plans for 2020-21 accordingly, whilst at the same time continuing to do what we always do to protect the public interest and to improve access to justice.

Day-to-day regulatory work accounts for most of our time and resources. It includes overseeing the education and training requirements for becoming a barrister; monitoring the standards of conduct of barristers and taking action where necessary if the standards are not met; and assuring the public that everyone we authorise to practise is competent to do so.

2019-20 was the year in which several of our long-term policy development projects were realised. These included:

- **more accessible, affordable and flexible routes to qualify as a barrister** - new Bar Qualification Rules came into force in April 2019, designed to ensure that training to become a barrister will be more accessible, affordable and flexible whilst maintaining the high standards of entry expected at the Bar. By the end of 2019-20, we had authorised eight organisations (with another one expected to apply) to start delivering the new vocational component of training from September 2020. We had also introduced changes to the pupillage component of Bar training including to the way in which pupils are assessed to reflect the requirements set out in the Professional Statement for Barristers. Further aspects of the new Rules are due to be implemented in 2020-21 including those relating to centralised assessments;

- **more transparency about the services provided by barristers** - new Bar Transparency Rules came into force in July 2019 designed to improve the information available to the public before they engage the services of a barrister. The rules, which follow recommendations from the Competition and Markets Authority, relate to information about the areas of law in which barristers practise, the legal services provided by barristers, what those services cost, and a client's right to redress. We also decided that we could further improve the public's understanding of the Bar by changing our approach to Public Legal Education in order to improve the information for the public on our own website and to work more closely with organisations which are expert at helping those in legal need; and
- **more efficient regulatory decision-making** – new Enforcement Decision Regulations and a new approach to decision-making came into force in October 2019 designed to modernise our regulatory operations by streamlining and improving the way that we assess and handle reports about those whom we regulate. The reforms included the establishment of a new Independent Decision-making Body to take independent enforcement and other regulatory decisions, the new role of Independent Reviewer to carry out reviews of individual decisions and to provide assurance, and a new Contact and Assessment Team to make sending information to us easier.

You can read more about the above, and our other policy development work, later in this report.

Our income exceeded expenditure by £1.644m for the financial year ending March 2020. The surplus arose largely because of higher than forecast receipts from the Practising Certificate Fee and from student fees, and from an underspend in our non-staff costs.

Finally, I would like to thank my colleagues on the Board, our committee members, and our executive team for their hard work during 2019-20. In so doing, I should also mention here the retirement at the end of January 2020 of our former Director General, Dr Vanessa Davies, under whose excellent leadership many of the achievements outlined in this Report took place. Her successor, Mark Neale, has inherited an efficient, dedicated and highly capable team.



Tessa Blackstone

Baroness Blackstone

Chair of the Bar Standards Board

The story of our year

In this section, we outline what we achieved during 2019-20.

We have split this into three parts:

- Part 1 briefly outlines our current Strategic Plan;
- Part 2 summarises our policy development work during the year, referring back to what we said we would do in our 2019-20 Business Plan; and
- Part 3 describes our day-to-day work to regulate the Bar by outlining the work of our departments.

Part 1: Our current Strategic Plan

As the regulator of the Bar in England and Wales, our strategic aims for the 2019-22 period reflect the key risks that we have identified in the market for barristers' services and those provided by the specialised businesses we regulate. These aims have played a significant role in helping us to prioritise our resources during this strategic period.

Our strategic aims for 2019-22 are:

Delivering risk-based, targeted and effective regulation;

Encouraging an independent, strong, diverse and effective legal profession; and

Advancing access to justice in a changing market.

You can read more about these, and the key risks which we identified, in our [2019-22 Strategic Plan](#). See page 24 for a summary of our actions reported against the main regulatory risks.

Part 2: Our policy development work during 2019-20

We completed a number of policy development activities during 2019-20. These were outlined, in advance, in our [2019-20 Business Plan](#).

Below, we reproduce the policy commitments we made in the 2019-20 Business Plan and report the progress we made against them during the year. These activities are recorded against the relevant strategic aim and in the same order in which they appeared in the Business Plan.

Our business planning cycle is based on a financial year – so quarter one (Q1) started in April 2019 and quarter four (Q4) ended in March 2020.

Strategic Aim 1

Delivering risk-based, effective and targeted regulation

Review of the BSB Handbook

In our Business Plan, we said we would initiate a review of the BSB Handbook – the document which contains the rules about how barristers must behave and work, including their Code of Conduct - to make sure that it remains fit for purpose, relevant and accessible. We committed to have agreed the scope of the review by the end of 2019-20.

In June 2019, we issued a [Call for Evidence](#) to ask our stakeholders, and in particular the Bar, to share their experience of using the Handbook with us. We sought views on matters such as:

- what the review should, and should not, cover - including matters of substance and/or structure;
- what difficulties people have engaging with the current Handbook; and
- what positive aspects of the Handbook should be retained.

In October, we held an engagement event attended by over 40 members of the profession before considering what to include within the scope of the review. This was confirmed towards the end of the year when the Board agreed that the review should focus mainly on simplifying the Code of Conduct section of the Handbook rather than radical policy changes.

In March, the timing of the next stage of the review was put back to later in 2020 owing to the COVID-19 lockdown.

Enforcement

At the start of the year, the standard of proof used for professional misconduct proceedings to alleged breaches of the Code by barristers changed from the criminal standard (“beyond reasonable doubt” or “satisfied so as to be sure”) to the civil standard (“on the balance of probabilities” or “more likely than not”) for conduct that occurred from 1 April 2019. The change brought the Bar’s disciplinary arrangements in line with those of other professional regulators.

In our Business Plan we said we would publish our Annual Enforcement Report from 2018-19 in Quarter 2. The availability of staff meant that [this report](#) was published in Quarter 4 (17 January 2020).

We will publish a detailed account of our regulatory decision-making work (including our enforcement work) for 2019-20 later in 2020.

Regulatory Return to gather information about compliance with, and the impact of, our regulation

Conducting a Regulatory Return with those whom we regulate is part of our risk-based approach to regulation. The information we receive helps us refresh our evidence about the market for barristers’ services and to prioritise our regulatory work. The last time we did something similar was in 2015 when chambers told us that they also found the process very helpful.

Our 2019-20 Business Plan said that we would develop and define the scope of the 2020 Regulatory Return, finalise its content, and issue it by the end of Quarter 4.

During the first part of the year, we agreed the scope of the 2020 Regulatory Return, selected around 350 chambers, BSB entities and sole practitioners who would be required to complete it, and finalised the information we would ask for, focussing on the aspects of our regulation which are likely to have the biggest impact on consumers if things were to go wrong in any particular barrister's practice.

The Return was about to be issued in March 2020 when the country went into lockdown as part of the response to the COVID-19 pandemic. In order not to place an extra burden on those selected at a difficult time, and to ensure that the Return could be amended to capture the impact of the lockdown, we decided to delay the issuing of the Return until later in 2020. By delaying the Return, it will also help us understand the impact of the health emergency on barristers, their practices, and the public they serve.

Money Laundering/ Terrorist Financing supervision

We said we would implement the actions we had agreed with the Office for Professional Body Anti-Money Laundering Supervision (OPBAS). These included conducting a thematic review of Trust and Company Services Providers.

These actions were completed, and we also prepared and submitted our annual Money Laundering return to the Treasury in accordance with its deadline.

Modernising decision making – establishment of the Contact and Assessment Team (CAT) and Independent Decision-making Body (IDB)

Completing our programme of reform to modernise our governance and decision-making processes by Quarter 3 was one of the biggest commitments we made in our 2019-20 Business Plan.

On 15 October 2019, this was completed on time when we published a new edition of the BSB Handbook which introduced new Enforcement Decision Regulations.

The changes reflect a new and more efficient regulatory decision-making regime which we consulted on in 2018. The new Regulations, which did not alter the obligations on barristers, are designed to streamline and improve the way that we assess and handle reports about those whom we regulate.

The reforms included the establishment of [a new Independent Decision-making Body \(IDB\)](#) which was created to take independent enforcement and other regulatory decisions. It replaced the Professional Conduct Committee (PCC) and the Authorisations Review Panel (ARP).

A new [Independent Reviewer](#) role was also created to carry out reviews of individual decisions, as well as periodic audits of cases to give assurance that our regulatory decision-making is operating fairly and effectively and in line with agreed policies and procedures.

As part of the changes, all incoming queries and information sent to us began to be assessed centrally within the BSB. The introduction of this single point of initial contact made sending information to us easier for members of the public and barristers. It also helped us to assess risks more consistently and to ensure that we always address them appropriately, thereby enhancing our risk-based approach to regulation.

Future Bar Training

Future Bar Training (FBT) is our programme to reform the way in which barristers in England and Wales train and qualify. The aim of FBT is to make becoming a barrister more accessible, affordable and flexible whilst maintaining the high standards of entry expected at the Bar.

2019-20 was a key year in the FBT programme with new Bar Qualification Rules coming into force on 1 April 2019.

The final new enrolments on the BPTC took place in September 2019. Over the course of 2019-20, we announced that eight organisations had become Authorised Education and Training Organisations (AETOs) to deliver the new vocational component of training from September 2020 with one further organisation expected to apply. The courses that will be available will offer students more choice as to how they wish to learn. Most of the fees being charged by these AETOs for their Bar training provision are also considerably lower than the fees previously charged for the outgoing BPTC.

In our 2019-20 Business Plan we split our activities to implement FBT across two of our strategic aims. Those relating to changes to pupillage are dealt with under Strategic Aim 2 - encouraging an independent, strong, diverse and effective legal profession. (See page 13.)

Future Bar Training – development of new exams – Professional Ethics

In December 2021, the first new Professional Ethics centralised assessment will take place with the BSB exam being sat during pupillage rather than during the vocational component. There will continue to be a Professional Ethics assessment during the vocational component of Bar training which will be set by AETOs.

In our Business Plan, we said that we would draft a Professional Ethics syllabus and agree

the technical solution for its assessment and marking. This work was completed, and the information was subsequently [published on our website](#) in early April 2020.

Future Bar Training – evaluation

In 2019-20, we said we would start a longitudinal study to assess the impact of our reforms to Bar training and to evaluate how effective they had been against the stated objectives of the FBT programme.

This evaluation began in late 2019 and will run for at least four years. It will involve evaluating both the implementation of the reforms, as well as the extent to which the reforms have succeeded in meeting their objectives. The study uses a case-study strategy, following the learning and professional development journeys of trainee barristers.

Regulatory Risk

As we said we would do, we published a [new Risk Outlook](#) in April 2019 to coincide with the publication of our 2019-22 Strategic Plan. We also published a refreshed [Risk Index](#) which sets out the threats that we identified in the market for barristers' services that could result in poor outcomes for the public.

Our 2019 Risk Outlook identified the following three priority risk themes:

- working cultures and professional environment inhibit an independent, strong, diverse and effective profession;
- affordability and lack of legal knowledge threaten access to justice; and
- innovation and disruption in the legal services market offer threats and opportunities for the profession and for the public.

Strategic Aim 2

Encouraging an independent, strong, diverse and effective legal profession

Review of BSB Equality Rules

As the regulator of barristers in England and Wales, we have a statutory duty to promote equality and diversity at the Bar. Our most recent annual report into [Diversity at the Bar](#) showed that the profession continues to become gradually more diverse especially for those starting their careers, but that more progress is still needed, in particular regarding the retention, and progression of, female and Black, Asian and minority ethnic barristers. The data showed that as of 31 December 2019:

- at 61.3 per cent men still outnumber women at 38.0 per cent of the practising Bar. The percentage of women at the Bar overall increased by 0.6 percentage points during the last year;
- the percentage of Black, Asian and minority ethnic practising barristers has increased by 0.6 percentage points compared to December 2018 with 13.6 per cent of the practising Bar being Black, Asian and minority ethnic in December 2019;
- there is a greater proportion of female pupil barristers, at 54.8%, than male pupil barristers, at 45.2%, for the fourth year in a row; and
- the ethnic diversity of pupil barristers slightly exceeds that of the working-age population of England and Wales, with 19.0 per cent being Black, Asian and minority ethnic.

In our Business Plan, we said we would review our Equality Rules. In Quarter 2, we completed a comprehensive Equality Impact Assessment of the Rules to assess their effectiveness at influencing working cultures at the Bar, and their impact on our Regulatory Objective to encourage a diverse profession. As part of the Assessment, we engaged with, and gathered evidence from, a wide range of stakeholders.

During 2019-20, we decided not to consult about an update to the Equality Rules in Quarter 3 as we had originally planned. This was because we wanted to conduct more detailed collaboration with key stakeholders before consulting more generally. Any potential updates to the Equality Rules are now likely to happen after our wider Handbook Review, which, as previously explained, is now going ahead later in 2020.

On 2 September 2019, we introduced new rules to remove restrictions on reporting barristers' sexual orientation, religion and belief data. Until then, the BSB Handbook stated that every member of a chambers', or a BSB regulated entity's, workforce must give their consent before aggregated and anonymised data on sexual orientation, religion and belief could be published. The removal of this restriction made disclosing these data easier and helps the Bar show a more accurate picture of its diversity.

We published a [new Equality and Diversity Strategy](#) on 7 April 2020.

Regulatory approach to allegations of bullying and harassment

We said we would design an approach for dealing with allegations of bullying and harassment at the Bar, and that we would draft and publish guidance on reporting such behaviour to the BSB.

During 2018-19, we launched a pilot programme to enable schemes to be set up for barristers affected by bullying and harassment to get confidential support from other barristers (who would be exempt from the requirement to report to the BSB).

During 2019-20, we decided to extend the pilot programme due to a slower than expected take-up. By 31 March 2020, the pilot was still ongoing and we had approved a total of six schemes. Later in 2020, we plan to undertake further research with barristers as to their experiences of discrimination at the Bar.

Future Bar Training – Pupillage reform

From September 2019, the way in which pupils are assessed changed to reflect the requirements set out in the [Professional Statement for Barristers](#). The Professional Statement sets out the knowledge, skills and attributes all barristers need on their first day of practice. It underpins the new arrangements for Bar training, so assessing pupils against its requirements before they are issued with their first full practising certificate was a key element of implementing our FBT reforms.

Also in September, we increased the minimum funding award for pupillage which all organisations providing pupillage or periods of work-based learning for the Bar must pay to their pupils. The award was increased again on 1 January 2020 in accordance with the new rule stating that it will be increased annually. The rate for 2020 is £18,866 per annum for pupillages in London and £16,322 per annum for pupillages outside London. It is set having regard to the Living Wage Foundation's hourly rate recommendations.

Future Bar Training – Pupillage recruitment and advertising

In our Business Plan, we said we would develop good practice guidance for the recruitment and advertising of pupillage, and that we would introduce new rules and guidance.

This work was completed in January 2020 when we announced that chambers and other AETOs would need to recruit pupils in line with the [Pupillage Gateway](#) timetable in order to make pupillage recruitment fairer and more consistent. The Gateway is operated by the Bar Council and the timetable runs annually from late November to early May. Compliance with the new rule will be required from 1 November 2020.

At the same time, we also announced a new requirement from 1 May 2020 for written agreements between pupils and their chambers (or other AETO) in order to improve each party's awareness of their obligations.

Race equality

We said that we would establish a new Race Equality Taskforce to advise on, and shape, our approach to race equality at the Bar. The Taskforce was established in June 2019 and since then has agreed its terms of reference and an action plan. It has a diverse membership of high-profile barristers.

The Taskforce has played an important role in the development of our Equality and Diversity Strategy for 2020 to 2022, has contributed to the review of our Equality Rules, and produced a series of "best practice" case studies.

Scope of practice

We said that we would review aspects of the BSB Handbook which cover authorisation and practising requirements, and the provision of reserved and unreserved legal activities.

During the year, this work was put on hold pending the scoping of our larger project to review wider aspects of the BSB Handbook. (See update on page 9.)

In September 2019, an updated version of the BSB Handbook introduced new guidance to rule (rS39) which clarified to whom employed barristers in non-authorised bodies are permitted to supply legal services. This rule and its associated guidance is explained in more detail in the version notes for the Handbook on [our website](#).

Research publications

Our regular, annual research reports were published according to the schedule we set out in the Business Plan.

In July 2019, we published the fifth [annual edition of our statistical information on student performance on the Bar Professional Training Course](#). As had previously been the case, the 2019 report showed that training for the Bar remained highly competitive.

As mentioned in the update above about our commitments on equality and diversity, in January 2020, we also published our annual report on [Diversity at the Bar](#).

Immigration

Our commitment to review our rules relating to the supervision of immigration advisers by barristers was met in February 2020 when we introduced a new rule in the BSB Handbook to prevent barristers from supervising immigration advisers who have been subject to serious sanctions by the Office of the Immigration Services Commissioner (OISC) or a legal regulator.

We also issued [updated guidance](#) for barristers on supervising immigration advisers.

Professional Indemnity Insurance

In our Business Plan, we said we would implement a previously agreed change to our Professional Indemnity Insurance requirements for single person authorised bodies to oblige them to insure with the Bar Mutual Insurance Fund (BMIF). This did not happen because we wanted to gather more evidence about the possible impact on competition.

Strategic Aim 3

Advancing access to justice in a changing market

Assuring standards at the Bar

In our Business Plan, we said we would refine our approach to assuring the competence of barristers and review our regulatory approach to assuring standards of advocacy within the Youth Court by reporting on the impact of the regulation of advocacy standards in the Youth Court which we introduced in 2017.

This work centres around our commitment to ensure members of the Bar are continually updating their knowledge and skills.

Barristers who work in the Youth Court have to be able to demonstrate that they have the [special competences](#) required to work with young people. They must also register with us to do this type of work.

Our report on the impact of this regulation was finalised but had not been published by the end of 2019-20 as it was felt that publishing a report of this kind in isolation without other stakeholder engagement activities would not achieve the desired impact, and it was therefore decided to delay publishing the report when it became difficult to engage with the profession due to the COVID-19 situation at the end of the year.

We have developed constructive relationships with other organisations and regulators to build our understanding of standards of practice at the Bar and to share information. This helps us to take targeted action where there is evidence of a particular risk to the public interest. For example, we will next year, in the light of engagement with the Chief Coroner and the Ministry of Justice, be developing regulation to support good standards of practice in the Coroner's Court.

Evaluation of the new Continuing Professional Development (CPD) scheme for established practitioners

In 2017, we introduced a new [CPD scheme](#) for practising barristers of more than three years' standing which introduced a more outcomes-focussed approach to CPD and replaced the requirement to complete a certain number of hours of CPD each year.

This year, we said we would evaluate the impact of the introduction of the new scheme. This work was completed in December 2019 when we published [a report](#) containing our findings. The report found that most barristers welcome the revised scheme's greater flexibility but lack understanding about the role of reflection in maintaining professional standards. In publishing the report, we said we were keen to help barristers to understand the value of reflection and its role in professional development. It is a fundamental element of CPD in other sectors and provides an excellent opportunity to take stock, assess performance and identify areas for further development.

Public legal education

In our Business Plan, we said we would launch a new website in Quarter 3 as part of our continuing commitment to improve public understanding of, and access to, legal services. This was achieved in October 2019 when our [new site](#) went live.

The new design and functionality makes it easier for the profession and the public to access the information they need. It includes dedicated sections for the public, for students, and for barristers and other legal professionals, containing everything they need to know about our rules and guidance.

During the year, the Board decided that our commitment to public legal education would be more cost effectively achieved by working in partnerships with organisations who are expert at reaching those in legal need and by continuing to invest in improving the public legal education available on our own website. To free resources for this strategy, the Board decided to cease funding the [Legal Choices website](#) - although we continue to link to, and collaborate with the site. Our first partnership with Law for Life has already produced some very useful [material for those who represent themselves in court](#), known as “litigants in person”.

Meanwhile, our own new website also contains enhanced public legal education for consumers including advice about how to access legal services, how to find and use a barrister, and how to report a concern to us. In addition, a new [BSB Handbook feature](#) made searching for specific rules simpler and easier, without having to download the Handbook.

Feedback about our new website has been overwhelmingly positive.

Evaluation of new Bar transparency rules introduced following recommendations by the Competition and Markets Authority (CMA)

On 1 July 2019, an updated edition of the BSB Handbook introduced [new Bar transparency rules](#). The new rules are designed to improve the information available to the public before they engage the services of a barrister.

The introduction of the new rules followed recommendations from the CMA.

The rules require all self-employed barristers, chambers and BSB-regulated entities to publish specified information about their services, including which types of legal service they provide, their most commonly used pricing models (such as fixed fee or hourly rate) and details of their clients’ rights of redress. Public Access barristers providing certain types of services directly to the public are also required to publish additional price and service information.

We gave barristers until January 2020 to comply with the new rules, after which we began spot-checking with our focus initially on ensuring compliance rather than pursuing disciplinary sanctions. Our Business Plan said we would publish an initial report with the findings of our spot-checking by the end of the year, but the publication of this report was delayed due to the developing COVID-19 situation in late March. We found that approximately two-thirds of the barristers’ practices that we spot-checked in early 2020 were either compliant, or partly compliant, with the rules.

In accordance with an additional commitment in our Business Plan, we published [updated Public Access and client care letter guidance](#) in October 2019.

Our teams and their work

The majority of our work concerns the day-to-day activity that we undertake to regulate the Bar in England and Wales. It accounts for most of our time and resources.

The following is a list of this work split into each of our three strategic aims:

Strategic Aim 1

Delivering risk-based, effective and targeted regulation

- Authorising organisations that provide the vocational and work-based learning components of Bar training and managing our relationship with them;
- Authorising legal services businesses owned and managed by lawyers or owned and managed by lawyers and non-lawyers;
- Managing the centralised examinations function;
- Assessing and authorising applications for waivers and exemptions, and applications from transferring qualified lawyers;
- Assessing all the incoming information we receive to determine whether regulatory action is required to address risks to the regulatory objectives;
- Proactively supervising those whom we regulate, including considering the information we receive about them;
- Investigating allegations of breaches of the professional obligations within the BSB Handbook and taking enforcement action where necessary;
- Reporting data and statistics on regulatory decision making;
- Fulfilling our duties under the Money Laundering and Terrorist Funding Regulations;
- Monitoring and reporting on our performance as a regulator to ensure that we are efficient and effective;
- Communicating and engaging with stakeholders; and
- Regularly reviewing and reporting to the Board about our evidence of changing risk in the market. We use this to understand how to prioritise our work as a regulator and to look for ways to continuously improve.

Strategic Aim 2

Encouraging an independent, strong, diverse and effective legal profession

- Collecting and publishing diversity data for the profession;
- Supervising barristers' practices;
- Working with others to understand the factors that influence diversity within the profession;
- Undertaking research activity to improve understanding of the legal services market and the impact on the market of BSB regulation; and
- Monitoring barristers' Continuing Professional Development (CPD).

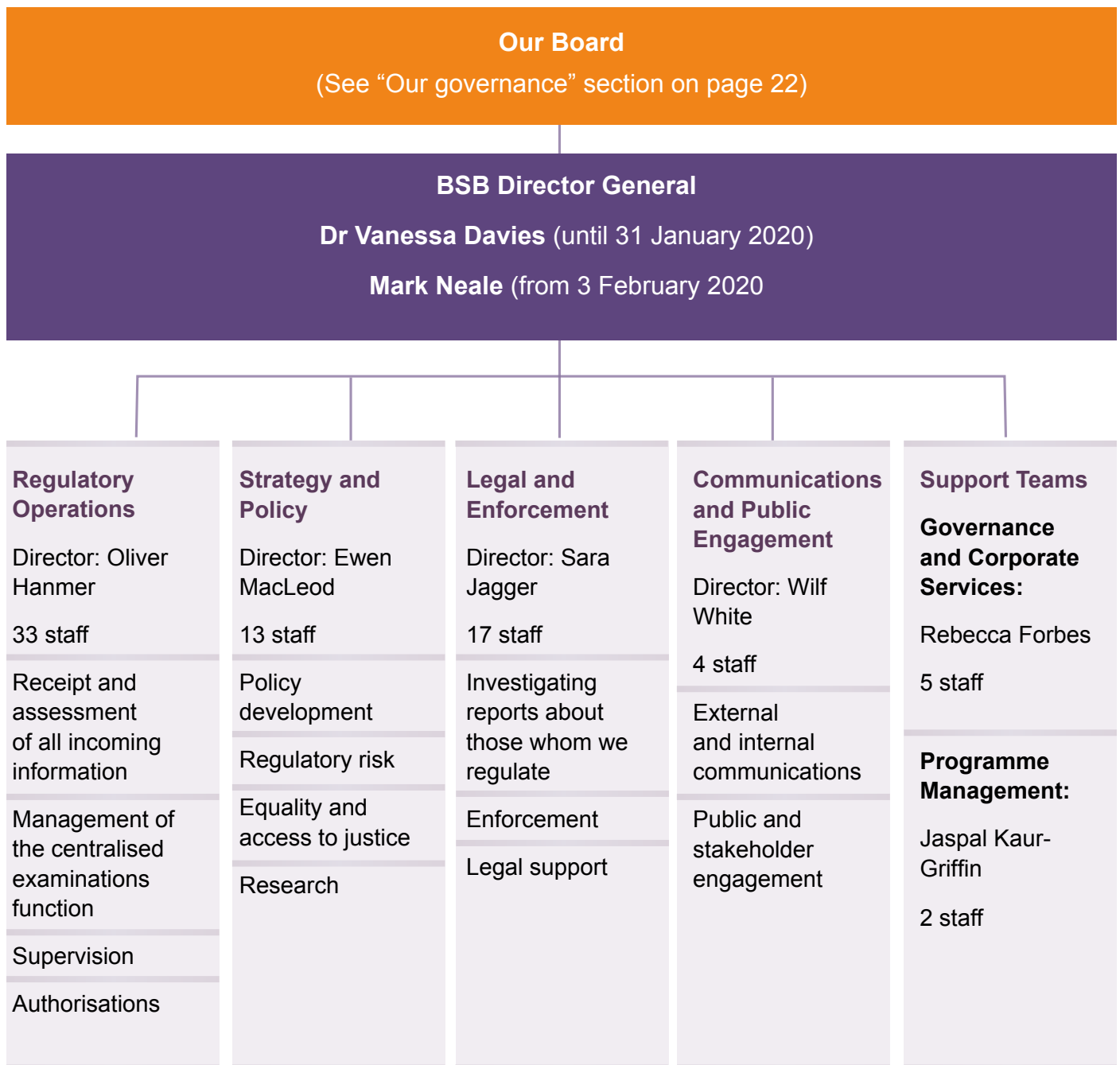
Strategic Aim 3

Advancing access to justice in a changing market

- Providing information to the public about barristers and legal services;
- Sharing information and contributing to research on barriers to access to justice;
- Delivering public engagement activities (in partnership with other stakeholders and with those who advise people in legal need) which will increase public understanding about legal services, and in particular those offered by barristers; and
- Providing ongoing assurance of professional competence.

We organise our work into a number of departments. To modernise our regulatory-decision making and to implement our [Regulatory Operations programme](#), for example, by introducing our new Contact and Assessment Team, we undertook a significant restructuring during 2019-20. The information in this report describes and illustrates our new structure which came into being on 15 October 2019.

Our organisational structure and staffing



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

More about the work of our teams

Regulatory Operations

Our Regulatory Operations Department brings together all our assessment, supervision and authorisation functions.

Its 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 the individuals we regulate and the chambers and entities in which they practise. This includes a risk-based approach to supervision, the authorisation of new entities and the regulation of Continuing Professional Development (CPD).

The Department oversees the academic, vocational, and pupillage / work-based learning components of training that must be completed in order to qualify as a barrister. It sets and marks examinations for prospective barristers. It also decides 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.

The Department also contains our new Contact and Assessment Team (CAT) which is the central point of contact for anyone getting in touch with us, including anyone contacting us with reports about concerns about barristers.

Strategy and Policy

Our Strategy and Policy Department is responsible for collecting evidence about the effectiveness of our rules and policies, assessing regulatory risk, and, where necessary, changing existing rules or introducing new ones.

The Department gathers evidence about what is happening in the market and the impact that our actions are having by conducting research (either by itself or with others) and by collaborating with stakeholders who have an

interest in our work. Where necessary, it uses this knowledge to set or revise standards and introduce rules and guidance for barristers and entities. These rules are contained in the BSB Handbook. It develops policy on the educational pathways into the profession, and on the conduct of practice in areas such as chambers' complaints handling and direct public access to barristers. Another important area is equality and diversity, where the Department is responsible for setting and striving to achieve the objectives within our Equality Strategy.

Legal and Enforcement

Our Legal and Enforcement Department is responsible for ensuring that the professional obligations set out in the BSB Handbook are adhered to and, if necessary, taking enforcement action where those obligations have not been met. It also provides legal support services across the organisation in relation to regulatory decision-making, including handling any litigation arising from such decisions.

The department carries out investigations of potential breaches of the Handbook. Where an investigation reveals sufficient evidence, and the conduct poses a risk to the Regulatory Objectives, enforcement action will be taken in accordance with the processes described on [our website](#). Decisions on referrals to disciplinary action are, in the main, taken by panels of our Independent Decision-making Body, and that body also has the power to decide less serious allegations of professional misconduct under a consensual process known as Determination by Consent.

The department is responsible for preparing and presenting cases of allegations of professional misconduct to independent tribunals, convened and administered by an independent organisation called the Bar Tribunals and Adjudication Service (BTAS). In doing so, the BSB is assisted by our [Tribunal Representation Panel](#) which provides

representation at tribunals and other hearings. It is for the independent tribunal to decide whether the allegations made by the BSB are proven and to determine any sanction.

The Legal and Enforcement department also deals with concerns about barristers' fitness to practise for health reasons, and with interim suspensions from practice pending conclusion of disciplinary proceedings where the alleged misconduct poses a serious risk to the public.

Communications and Public Engagement

Our Communications and Public Engagement Department is responsible for all 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. The Department helps make sure we fulfil our transparency and accountability functions, and our obligations to promote public legal education.

Governance and Corporate Services

The Governance and Corporate Services team supports strategic and business planning and budgeting. It coordinates performance reporting and monitoring of our corporate risks. The team ensures that we act in accordance with good governance practice, and also provides administrative support for the Chair, Vice Chair and Director General.

Programme Management

The Programme Management team provides guidance and ensures that best practice is followed in the setup, running and closure of all our major programmes and projects so that the maximum benefits can be realised. It provides project management training to officers in other teams.

Our governance

We are governed by a Board made up of 13 people. The Board has a non-barrister majority and a non-barrister Chair.

The Board met eight times during the year: there were six ordinary meetings, and two Away Days. Board meetings are held in public and we invite members of the legal press to attend all public sessions. The Board also held one joint meeting each with Board Members from (i) the Office for Legal Complaints and (ii) the Legal Services Board.

During 2019-20, the following people sat on our Board:

Chair: Baroness Tessa Blackstone

Vice-Chair: Ms Naomi Ellenbogen QC

Barrister members:

Mr Aidan Christie QC (*until 14 October 2019*)

Mr Andrew Mitchell QC

Ms Elizabeth Prochaska (*from 1 June 2019*)

Ms Irena Sabic

Mr Adam Solomon QC

Mr Leslie Thomas QC (*from 1 June 2019*)

Lay members:

Ms Alison Allden OBE

Ms Lara Fielden

Mr Steven Haines

Ms Zoe McLeod (*until 31 December 2019*)

Ms Nicola Sawford

Ms Kathryn Stone OBE

Mr Stephen Thornton CBE

Accountability and how we manage risk

Under the Legal Services Act 2007, the Legal Services Board is responsible for overseeing the approved regulators for legal services in England and Wales. The approved regulator for barristers is the General Council of the Bar (GCB), which is also the representative body for the Bar. The Act requires the separation of regulatory and representative activities, so the GCB has established the Bar Standards Board to exercise its regulatory functions independently. We have a protocol in place with the GCB to ensure that the professional body's representative functions do not exert undue influence over the regulatory functions.

We independently control our allocated resources, and our operations are monitored quarterly by the Planning, Resources and Performance (PRP) Committee and then reported to the Board. The Committee also helps develop our strategic and business plans and oversees performance monitoring.

The Governance, Risk and Audit (GRA) Committee is responsible for ensuring the maintenance of good governance standards and internal control processes and advises the Board on the corporate and regulatory risk management framework. The Director General and senior managers are responsible for the areas of risk that relate to their departments. The corporate risk register is reviewed at least quarterly by our Senior Management Team and the GRA Committee. In addition, the GRA Committee conducts regular in-depth risk reviews throughout the year, including on the basis of Internal Audit reports.

Managing risks to our regulatory objectives

Over the last twelve months, we have focused on developing controls to mitigate the eight regulatory risks we announced in our [Risk Index](#) which we published last year.

Much of the day-to-day work we undertake, particularly in our Legal and Enforcement and Regulatory Operations Departments, involves using preventative or reactive controls to enforce our rules – predominantly this responds to risks 1-4 in the table below. In addition to that day-to-day work, we also have a series of key programmes of activity and these are also targeted at the key regulatory risks – primarily, but not solely, on risks 5-8 below. For example, Future Bar Training, our Equality & Access to Justice strategy and our response to Public Legal Education represent important interventions aimed at managing these risks.

Details of the specific activity is set-out in more detail elsewhere in the report, but it is useful to take time to reflect upon our eight regulatory risks and the specific actions we have been and are undertaking to help to mitigate them especially during such a turbulent time for the Bar.

Risk No.	Risk Description	Controls in place or planned
1	<p>Failure to provide a proper standard of service</p> <p>The risk that a member of the regulated community fails to provide a proper standard of client care or quality of work to clients.</p>	<p>Our primary controls of the first four risks consist of our published rules and guidance and the business as usual activity undertaken by our Supervision and Enforcement Teams to monitor compliance and to act on breaches. In addition:</p> <ul style="list-style-type: none"> • we monitor a range of sources of information bearing on barristers' conduct and competence, including: complaints to the Legal Ombudsman and data breaches reported to the Information Commissioner which may have compromised client confidentiality; • we maintain rules on continuing competence which require barristers to reflect on their practice and to undertake continuing professional development to maintain their skills and competence (see page 15); • we aim to reduce disincentives to report discrimination, harassment, bullying or victimisation through the extension of a trial waiver scheme that enables representative bodies of the Bar and chambers to provide support to people who may have suffered discrimination or harassment without the obligation to report it to us (see page 13); • we seek to manage risks to fair recruitment through announced reforms to the advertisement and recruitment process for pupillages, requiring chambers and other AETOs to recruit pupils in line with the Pupillage Gateway timetable in order to make pupillage recruitment fairer and more consistent and to draw up written agreements between pupils and their chambers or other pupillage provider (see page 13); • we control the risk that consumers will find it difficult to find good value barristers to advocate their case by monitoring compliance with our transparency rules (see page 16).
2	<p>Unethical conduct</p> <p>The risk that the conduct of a member of the regulated community falls below the ethical standards expected of them.</p>	
3	<p>Lack of professional competence</p> <p>The risk that a member of the regulated community lacks the levels of competence expected of them or is otherwise unfit to provide a proper standard of client care or quality of work.</p>	
4	<p>Failure in the management of an individual practice or chambers</p> <p>The risk that ineffective or inadequate practice management gives rise to regulatory concerns.</p>	

Table continues overleaf

Risk No.	Risk Description	Controls in place or planned
5	<p>Failure in training provision</p> <p>Training is not available or is not of sufficiently high standard to prepare barristers for practice.</p>	<p>We control risks to the health, independence and diversity of the market through the programmes of activity outlined in this report and have focused particularly on how the current health crisis might impact the Bar over the longer term and affect its ability to represent and respond to the public's legal needs.</p>
6	<p>Profession fails to reflect the diversity of society</p> <p>Low levels of public confidence in an under-representative profession.</p>	<p>Specifically:</p> <ul style="list-style-type: none"> we aim to maintain standards of initial training, while lowering costs, through our Future Bar Training reforms: as of March 2020, eight providers had been approved to provide the vocational component of Bar training from September 2020 with a great range of course provision and lower fees (see page 11);
7	<p>Access to justice failures</p> <p>Consumers do not have access to, or do not have the confidence in, the profession.</p>	
8	<p>Commercial and other external pressures are detrimental to the consumer and / or the public interest</p> <p>Technological innovation, reform of Court Services or changes in the wider provision of legal services, have a detrimental effect on consumers and / or the public.</p>	<ul style="list-style-type: none"> we seek to manage risks to the diversity of the profession through our new Equality and Diversity Strategy, published in April 2020, which will be the focus for our efforts to promote equality and improve the diversity of the Bar (see page 12); we control the risk that consumers may struggle to access justice through partnerships with organisations which are trusted by, and support, consumers who face legal difficulties (see page 16).

Our income and expenditure

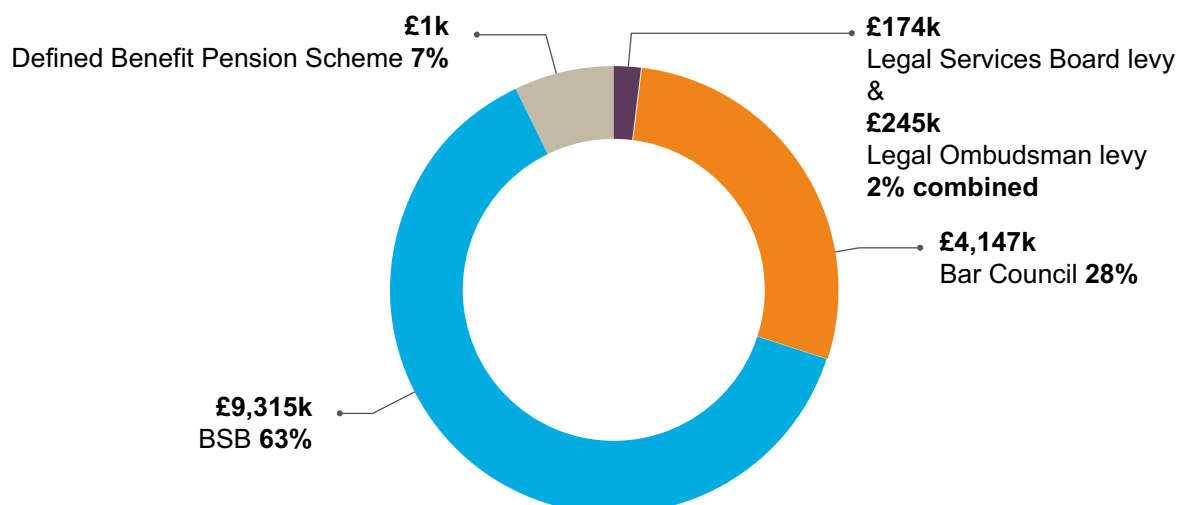
Income

Every practising barrister has to renew their practising certificate annually and is required to pay a Practising Certificate Fee (PCF). In 2019-20, the fees set were based on a barrister's income and were as follows:

Band	Income Band	2019-20 Fees
1	£0 - £30,000	£100
2	£30,001 - £60,000	£246
3	£60,001 - £90,000	£494
4	£90,001 - £150,000	£899
5	£150,001 - £240,000	£1,365
6	£240,001 - £500,000	£1,850
7	£500,001 - £1,000,000	£2,500
8	£1,000,001 and above	£3,000

A proportion of the PCF is spent by the BSB on regulation and a proportion is spent by the Bar Council on some of its functions (as permitted under s51 of The Legal Services Act). The PCF also pays for the Bar's share of the costs to run the Legal Services Board and The Legal Ombudsman.

Allocation of PCF between Bar Council, the BSB, LSB and LEO



£1 million is set aside from the PCF towards the defined benefit pension scheme of which £693K is attributed to the BSB.

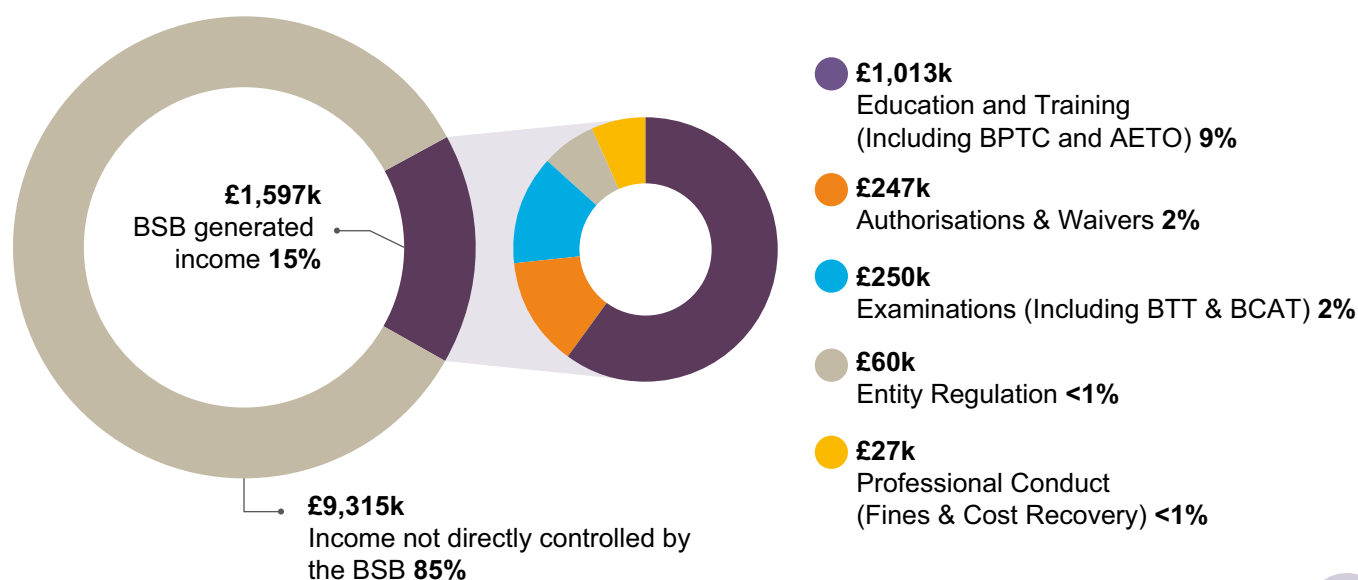
Apart from the PCF, some of our income comes from charges we make for specific services we provide to individuals and organisations. We describe that kind of income as “income streams other than the PCF”. These income streams include the fees from Bar Professional Training Course (BPTC) providers, and the Bar Transfer Test (BTT).

Income Area	£ thousands
Education and Training (Including BPTC and AETO)	1,013
Authorisations and Waivers	247
Examinations (Including BTT & BCAT)	250
Entity Regulation	60
Professional Conduct (Fines & Cost Recovery)	27
Total BSB Generated Income	1,597

As in the previous year, income from fees for the BPTC remained the most significant proportion of the BSB controlled income during 2019-20. The forecast income for the BPTC was set cautiously at £650,000, given our uncertainty over student uptake in this last year of enrolment for BPTC students before our reforms for Bar training were implemented. However, during 2019-20, the BPTC generated an additional £338,065 of income as student numbers did not significantly decrease and in part due to an increased per capita fee. Overall, the BSB exceeded its (non-PCF) income target by £538,000 (+51%).

Total Income for the BSB	£ thousands
PCF Contributions	9,315
Planned Contributions from Reserves	0
Total income not directly controlled by the BSB	9,315
Total BSB Generated Income	1,597
Total regulatory income	10,912

BSB Income



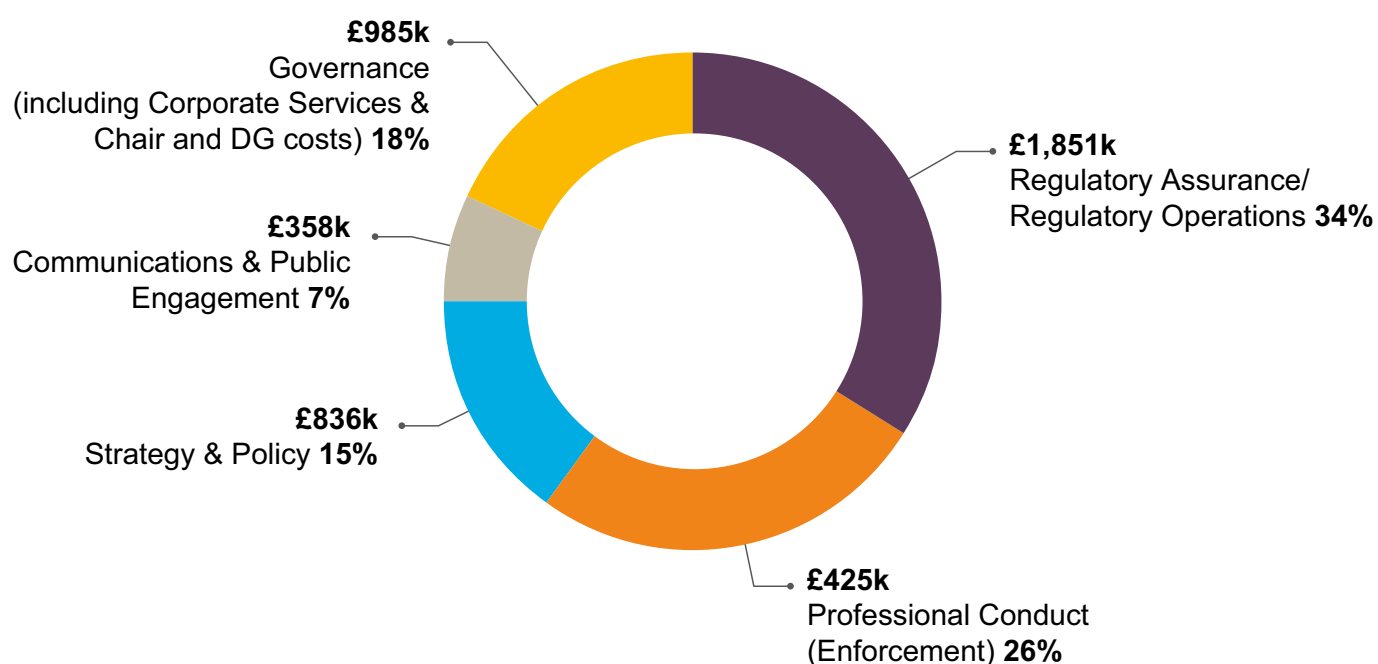
Expenditure

BSB directly controlled expenditure was £5,455,379 against a budget of £5,613,654, a £158,275 (less than 3%) underspend. During 2019-20, most of this underspend was attributable to non-staff costs including an underspend in examinations (as we prioritised the work necessary to implement our reforms to Bar training rather than commissioning new questions as we had originally planned), communications and unspent provisions for various legal costs, legal defence costs and representation costs.

The full cost of regulation includes an allocation of shared costs (IT, Finance, HR and Premises costs) from the Bar Council Resources Group. The Resources Group expenditure budget is managed separately, outside the direct control of the BSB, and is apportioned to the organisation.

Department	£ thousands
Regulatory Assurance (until 14 Oct) / Regulatory Operations (from 15 Oct)	1,851
Professional Conduct (until 14 Oct) / Legal Enforcement (from 15 Oct)	1,425
Strategy and Policy	836
Communications and Public Engagement	358
Governance (Including Corporate Services & Chair and DG costs)	985
Total Direct BSB Expenditure	5,455
Resources Group allocation & adjustments	3,813
Total cost of regulation	9,268

Direct BSB Expenditure



Staff related costs

Overall staff related costs were £4,408,393 (less than 1% overspent). We ended the year with staff turnover of 34%. Any salary savings achieved from vacancies were offset by recruitment related expenses and temporary cover for business critical roles. Our increased staff turnover was due in part to the departmental restructuring which concluded in October 2019.

Non-staff costs

Total non-staff expenditure was £1,046,986 (a £163,436, or more than 13%, underspend).

Monitoring Expenditure

We pay close attention to how we spend our money:

- Our budgets are set annually and our budget envelopes are informed by our business plans;
- The budget is divided up into departmental budgets which our Directors manage;
- Each month we receive detailed management accounts which enable us to keep a close eye on our business;
- Each quarter we think about what we might need to spend in the future and produce forecasts;
- We tightly monitor our largest area of spend which is our staffing costs;
- We make sure that our resources are directed at our key priorities; and
- Our financial performance is scrutinised by our Planning, Resources and Performance Committee (PRP).

Our remuneration and expenses

Name	Salary / Fees	Pension	Allowance	Total	Expenses incurred in relation to BSB business
Dr Vanessa Davies <i>(until 31 January 2020)</i>	138,924	16,180	1,083	156,188	358
Mark Neale <i>(from 3 February 2020)</i>	25,000	0	216	25,216	123
Baroness Tessa Blackstone	90,000	0	1,300	91,300	30
Ms Naomi Ellenbogen QC	37,224	2,233	260	39,717	0
Ms Alison Alden OBE	9,240	0	0	9,240	113
Mr Aidan Christie QC <i>(until 15 October 2019)</i>	5,010	0	0	5,010	0
Ms Lara Fielden	9,240	0	0	9,240	0
Mr Steven Haines	9,240	0	0	9,240	0
Ms Zoe McLeod <i>(until 31 December 2020)</i>	6,930	0	0	6,930	0
Mr Andrew Mitchell QC	9,240	0	0	9,240	0
Ms Elizabeth Prochaska <i>(from 1 June 2019)</i>	7,700	0	0	7,700	0
Ms Irena Sabic	9,240	0	0	9,240	0
Ms Nicola Sawford	9,240	0	0	9,240	0
Ms Kathryn Stone OBE	9,240	0	0	9,240	287
Mr Adam Solomon QC	9,240	0	0	9,240	0
Mr Leslie Thomas QC <i>(from 1 June 2019)</i>	7,700	0	0	7,700	0
Mr Stephen Thornton CBE	9,240	0	0	9,240	504

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:

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