

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Business Plan

2017-18

The BSB 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

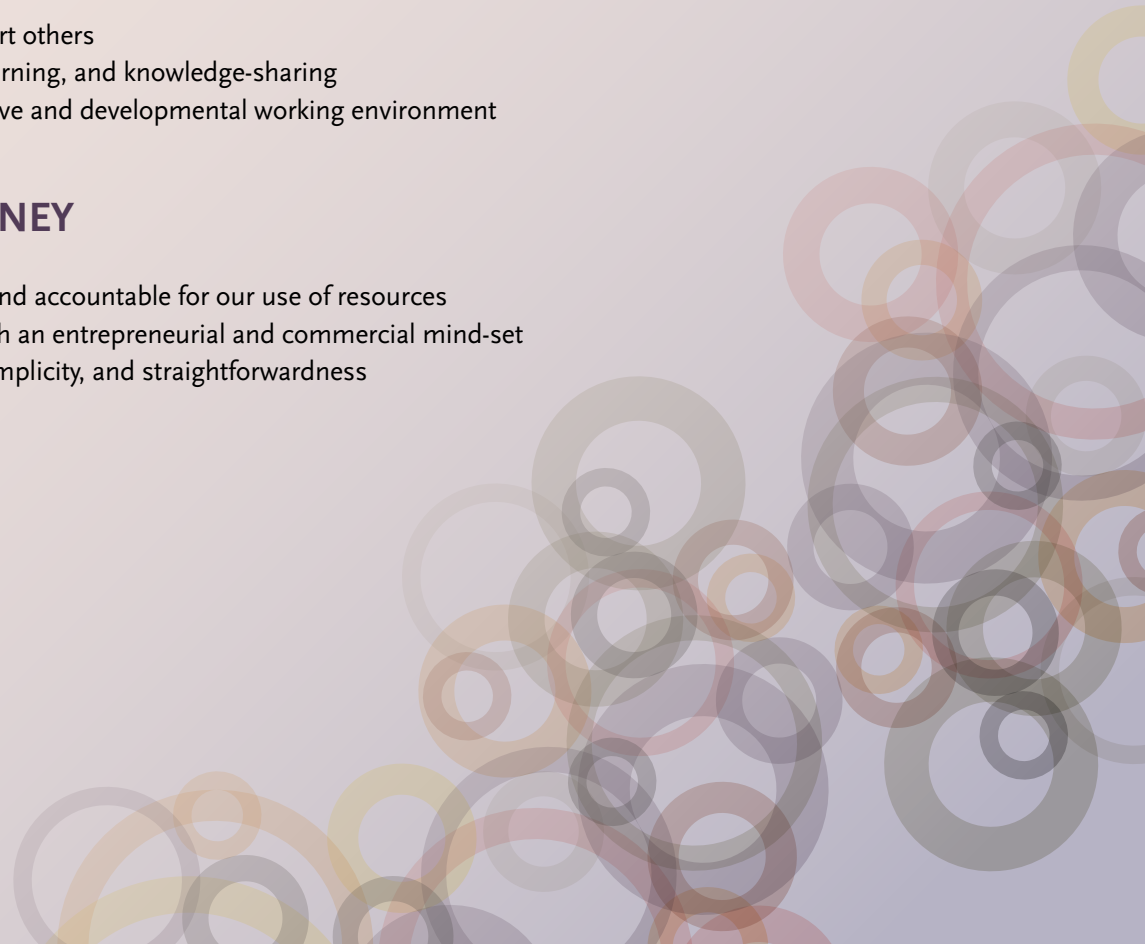
- We act responsibly, proportionately, and in the public interest
- We promote equality of opportunity and equal access to justice for all
- We value inclusion and diversity

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 second 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:

- launched a new Continuing Professional Development (CPD) scheme for experienced barristers with effect from 1 January;
- published the Professional Statement, which now includes the Threshold Standard and Competences and sets out in more detail the skills, knowledge and attributes which barristers are expected to have on “day one” of being issued with a practising certificate;
- set out our vision for the future training of barristers following an extensive consultation; and
- published the results of our survey on women’s experiences at the Bar and outlined the work we will be doing to address discrimination.

In every case our aim is to benefit those who use the services of the Bar and the justice system as a whole. Our changes to CPD will mean that barristers can focus on the training that will best equip them to improve their services for clients and not simply to meet a requisite number of hours. Similarly, the publication of the Professional Statement and our Future Bar Training programme puts more focus on the skills, knowledge and attributes which barristers should have, rather than an overly prescriptive process for obtaining them.

We also undertook a range of other regulatory and policy work throughout the year. Our Annual Report for 2016-17 will report on these activities in detail.

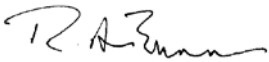
In the coming year:

- We will, with stakeholders:
 - begin to implement the reform of Future Bar Training;
 - conduct research so that we can better understand the barriers for students and pupils with protected characteristics; and
 - continue to implement our recommendations to improve the experiences of young people who are the subject of proceedings in the Youth Courts and the standards of advocacy that they receive.
- By the end of June, in collaboration with the other legal regulators, we must respond to the report by the Competition and Markets Authority (CMA) which was published in December 2016. The report concluded that competition in the legal services market for consumers and small businesses is not working well, largely because consumers and small businesses lack the experience and information they need to drive competition by making well-informed purchasing decisions.
- We will respond to any reviews as to the future of legal regulation by the Ministry of Justice.
- As well as responding to the CMA, we will continue to fulfil our statutory responsibilities and uphold our Regulatory Objectives, in the public interest. As we announced last year when we published our current Strategic Plan, we have determined that there are three areas in particular where we see a need to focus. These are:
 - meeting consumer needs;
 - improving diversity and enhancing equality; and
 - responding to commercial pressures.

These continue to be the key themes in our risk-based approach to regulation during the 2016-19 period.

Our Business Plan describes what we will be doing to carry out our core regulatory activities and how we will address these three challenges during 2017-18. As we did last year, 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).



Sir Andrew Burns KCMG
Chair



Dr Vanessa Davies
Director General

About this document

Last year, 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 2017-18.)
- 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 will organise 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 their professional practice 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;
- 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.

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 risks that we think pose the greatest threats to our regulatory objectives. We then take action to try to prevent those risks 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 the early years of our strategy [on our website](#).

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 engaging with stakeholders who have an interest in our work. Where necessary, we use this knowledge to set or revise standards and introduce rules and guidance for barristers and entities. These are collated 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 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.

Enforcement

Our 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, take action against those who may have breached the provisions of our Handbook.

KEY FACTS

16,160

number of barristers we regulate

65

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

433

complaints opened in 2016

13

locations provided the Bar Professional Training Course for

1,409

students in the last academic year

150

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

478

pupils registered last year

79

members of staff

£5,211k

our budget for 2017-18

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 how we will address the main risks we perceive to our Regulatory Objectives:

- 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.
- 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 2017-18.

We have broken down the key outputs and activities (in addition to our core regulatory functions), into quarterly milestones which are based upon a financial year – so quarter one (Q1) starts in April 2017 and quarter four (Q4) ends in March 2018. These checkpoints help us to monitor performance and ensure we stay on track with our work.

STRATEGIC PROGRAMME

1

Regulating in the public interest

Better public understanding of legal services

Deeper dialogue with the profession and consumers to improve services in specific areas

Increasing our transparency in decision-making, and simplifying where possible

2

Supporting barristers and those the BSB regulates to face the future

Preserving the Bar's professional identity and high standards for the benefit of consumers and society as a whole

Closer cooperation with other legal professionals where that makes sense in the public interest

Removing unnecessary barriers in the legal services market

3

Ensuring a strong and sustainable regulator

Continued separate regulation of advocacy, specialist legal advice and litigation in the public interest

Increasing our constitutional and financial independence from government and the profession

Continuing to live our values: fairness, integrity, respect, excellence, and value for money

1 Regulating in the public interest

What this means:

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 nurture 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:

During the first year of our current strategic plan, we brought additional expertise to our communications and public engagement team, including a dedicated director. This has been timely, as in December 2016, the Competition and Markets Authority (CMA) published its report on the legal services market and how the public interacts with it. The report found that the public is not well-informed about how and where to access legal information and services. We intend to work closely with the other legal regulators during 2017-18 to do what we can to improve this. As suggested by the CMA, this will involve making improvements to the existing Legal Choices website

which is funded and run by the legal regulators for this purpose.

We announced our proposals to improve standards of advocacy in the Youth Courts last year. Following on from that, we will publish our youth proceedings competency framework this year and further work will also be undertaken in this area. We will also build on the work we have undertaken so far as part of our Immigration Thematic Review, and publish new consumer guidance for users of immigration services, and a vulnerability framework for barristers interacting with these clients.

We expect to be able to license businesses (Alternative Business Structures) that are jointly owned and managed by both lawyers and non-lawyers in April 2017, following the relevant approvals from Parliament.

We are also seeking additional powers in relation to those we regulate already, via an Order under section 69 of the Legal Services Act. If approved, the Order will grant us new powers to intervene into legal practices where it is necessary for us to do so in order to protect clients. These powers are similar to those held already by other regulators. We anticipate that intervening will be a rare occurrence, but we consider these powers to be an important regulatory tool for us to use as a last resort in order to protect the public.

Our business-as-usual work supervising barristers' practices will continue during 2017-18. 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.

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. We investigate these

concerns and make decisions on instances where the professionals we regulate have not met the requirements set out in the BSB Handbook.

Timeline of activities

Strategic Programme 1 – Regulating in the public interest				
Activity	Q1	Q2	Q3	Q4
Competition and Markets Authority (CMA) Action Plan	<p>Stakeholder engagement</p> <p>Analysis of the current use of Legal Choices website</p> <p>Explore other media and communications opportunities (other than web-based)</p> <p>Comprehensive understanding of technical requirements of the vision set out and mapping it to current technical infrastructure</p> <p>Formally publish action plan in response to the CMA recommendations</p>	<p>Consultation on transparency launched</p> <p>Scoping of the work to improve Legal Choices website</p> <p>Cost benefit analysis of change.</p> <p>Analysis of common data between the different regulators</p>		<p>Publishing outcome of consultation. BSB policy position on transparency</p> <p>With other regulators, developing a forward action plan for further development of Legal Choices</p> <p>Agree common data standards for regulatory data</p>
Alternative Business Structures (ABS)	Launch of ABS scheme (after Parliamentary Process)	Business as usual implementation		

Strategic Programme 1 – Regulating in the public interest				
Activity	Q1	Q2	Q3	Q4
Embedding risk-based principles across the organisation	Implement next phase of risk prioritisation			Commence planning for 2019 Outlook, including approach to evidence collection
Bar Professional Indemnity Insurance and Bar Mutual Indemnity Fund (BMIF)	Begin review of minimum insurance terms and governance arrangements with BMIF	Board decision on insurance requirements for single person entities		
Public and licensed access	Consultation on rule change	Board decision on consultation	Potential rule change application to the Legal Services Board (LSB) (pending board decision)	
Seek s69 order	Agree content and get LSB recommendation to Lord Chancellor		Seek Parliamentary approval and make any necessary rule changes	
Research Strategy	Board approval of research strategy	Ongoing implementation		
Standard of Proof (SoP)	Consultation on Standard of Proof		Board decision on consultation	Potential application to LSB for any rule change required following consultation
Review of disciplinary tribunal services		Board consideration and review of recommendations	Implementation	Implementation

We will spend £2.5m on Strategic Programme One, which is 48% of the BSB's direct costs.

2

Supporting barristers and those the BSB regulates to face the future

What this means:

The legal services market is changing rapidly and will continue to do so. We will help the public to understand the separate nature and specific skills of the Bar in a legal world where regulatory constraints apply primarily to the reserved activities, such as advocacy in the higher courts and litigation. This is particularly necessary where the forces of unregulated competition will be increasingly felt in other areas of a barrister's work and competence. For example, the public needs to understand the difference between a fully qualified, regulated and insured barrister and a paid "McKenzie Friend."

We will seek to encourage the profession to cooperate more closely with solicitors and other legal professionals where that may offer advantages for the public.

We will 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 that we undertook during 2016-17.

In October 2016, we conducted eight "roadshow" workshops in cities across England and Wales, two chambers visits and a webinar to explain the new Continuing Professional Development (CPD) scheme for barristers of more than three years' standing. The changes mean that experienced barristers have more flexibility in setting relevant learning objectives and in identifying and completing activities that will help them meet those objectives. From a regulatory perspective, we believe that this approach is more proportionate

than requiring experienced barristers to complete a set number of hours. We will expect barristers to declare annually, as part of renewing their practising certificates, that their CPD for the year has been completed. We also want them to be prepared for "spot checks" by us of their CPD declarations to ensure compliance with the new scheme

We have made good progress in our work to help improve Equality and Access to Justice over the last year. This has included the publication of the "Women at the Bar" report, which told us we must do more to raise the profile of the Equality Rules among chambers. We took action by writing to all Heads of Chambers to draw their attention to the report and to remind them of the need to ensure they are complying with the Equality Rules, which have been in place since 2012. We continue to publish our Equality and Diversity statistics each year. The most recent data showed us that women enter the barrister profession in just over equal proportion to men but the overall profession is around 35 per cent women to 65 per cent men. We launched a consultation on a possible rule change to enable practitioners at the self-employed Bar to claim Shared Parental Leave, with the aim of encouraging a culture whereby both parents are able to care for children in the first year of birth or adoption. We have considered responses and a rule change to accommodate Shared Parental Leave will be considered by the Board in quarter 1 of this year.

We launched a separate consultation on Future Bar Training in the autumn of 2016. We received over 1,100 responses. At their request, we added to the illustrative models in the consultation document a more specific proposal from the Council of the Inns of Court (COIC) which also had the support of the Bar Council. Many barristers wrote in support of that proposal, and there were many other responses from inside and outside the profession.

The COIC/Bar Council proposal was discussed at a seminar which we held last July and has been debated at other consultation events since then. We are very grateful for the active involvement of the COIC and the Bar Council and to all those who have responded. We want to authorise arrangements which maintain high standards and which improve flexibility, accessibility and affordability.

On 23 March the Board decided that it will authorise a limited number of future training routes for prospective students to qualify as barristers. One of these is likely to be the COIC/Bar Council proposal. The Board also agreed a Policy Statement setting out its vision for the future of Bar training. You can read more about the approach we are taking [here](#).

Much of our work on the Future Bar Training programme during 2017-18 will be focussed on the implementation of the chosen approach to ensure that it is introduced as soon as practicable.

We will continue our Strategy and Policy work over the coming year. Last year, we commissioned an independent survey on the future models of legal services delivery. A report on the findings will be published in 2017/18 and should provide a helpful evidence base that will inform our response to the CMA's report.

Timeline of activities

Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future				
Activity	Q1	Q2	Q3	Q4
Continuing Professional Development (CPD)	Continue dialogue with profession			ATP Renewals – first round of submissions under the new scheme
Youth courts	Further development of regulatory approach Response to the Ministry of Justice report into youth justice	Guidance for young people on what to expect from their advocate in youth court proceedings	Compulsory registration for advocates undertaking youth-court work	Embed approach to quality assurance of Youth Court Advocacy into general approach to quality assurance
Immigration	Publish new consumer guidance			Launch vulnerability framework
Equality objectives	Report on research into experiences of students Board to approve recommendations of shared parental leave review	Workshops with female barristers Develop action plan from Board diversity data review	Roundtable with race equality organisations	

Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future				
Activity	Q1	Q2	Q3	Q4
Scope of practice				Publish proposals setting out the detail of a full review of our scope of practice rules, to be delivered in 2018-19
Anti Money Laundering	Information gathering work by HM Treasury		Submit compliance and effectiveness documents	Onsite visit from HM Treasury Peer review by Financial Action Task Force (FATF)
Future Bar Training (FBT)	Begin to develop, in consultation with stakeholders, an Authorisation Framework for approving new training courses Review of assessments and curriculum starts	Publication of revised Bar Professional Training Course (BPTC) handbook, ready for 2017/18 Academic Year Pilot programme for pupillage accreditation begins Consultation on rule change begins Confirm scope of evaluation of programme impact	Review of assessments and curriculum reports	Application for rule change submitted to LSB

We will spend £1.8 million on Strategic Programme Two which is 35% of the BSB's direct costs.

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 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. We will 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:

We have made good progress in the reform of our governance structures. We have transferred routine decision-making powers and policy decisions to appropriately qualified and trained staff members, and disbanded some of the committees that used to make those decisions. The Qualifications Committee will be disbanded by the end of 2017, and transitional arrangements are in place now. The Education and Training committee will be disbanded once the Future Bar Training programme is completed. The Governance Reform programme will continue until 2019.

We have also formed an Advisory Pool of Experts (APEX) in the last year. The expert pool consists of both barristers and non-lawyers who can provide advice in the areas of competition and economics, equality and diversity, higher education, insurance, regulatory risk, theory policy and law. These experts

will be used where we need to draw on specialist knowledge and advice to inform our work.

We have begun a leadership programme and management training for existing and aspiring middle managers, which will continue into 2017-18. These programmes are designed to invest in the knowledge and skills of staff with leadership and line management responsibilities.

Our Accessing Staff Potential to Inspire Regulatory Excellence (ASPIRE) programme is an internal change programme that champions four aspects of our work: Risk, Governance, Consumers and Equality. It has been in place since May 2015. Two years after it began, we will assess ASPIRE against the regulatory standards framework and make a decision as to whether or not it needs to remain in place as a formal programme of change or whether the work it has undertaken is now sufficiently embedded within our day-to-day work to no longer require a separate programme.

We will also be revising our assurance model and framework to ensure that the “checks and balances” we have in place to monitor our work remain both effective and comprehensive. We will be mapping areas of high risk to assess whether we have sufficient oversight in those areas and whether we have too much oversight in areas of low risk. An internal auditor will be appointed during the 2017-18 business year to make an assessment.

In conjunction with Resources Group, our corporate support function, we are overhauling our information management systems. This will ensure all corporate knowledge and contacts are accessible and consistent across the organisation. The purpose is to reduce inefficiency, dispense with the same information stored in multiple locations, identify where there are gaps in our information and improve succession planning, which should ultimately result in cost savings.

Timeline of activities

Strategic Programme 3 – ensuring a strong and sustainable regulator				
Activity	Q1	Q2	Q3	Q4
Disciplinary Tribunal Regulations (DTRs)	Introduction of the new DTRs (approval stage) Application submitted in April	Embedding new DTRs into business as usual		
BSB – Professional Indemnity Insurance (PII)	Negotiations on Bar Council PII insurance terms to commence in April 2017 to ensure value for money If necessary, tender for contract to provide legal defence services			
Regulatory independence	Respond to Ministry of Justice's Response to CMA report	Development of Bar Council / BSB Internal Governance Rules (IGRs)		
Governance reforms	Interim / transitional arrangements in place Governance budget in place for APEX members & recruitment	New appeals / review board & APEX fully implemented Action plan from Board Diversity Data review to address areas of underrepresentation (links to Equality & Access to Justice)	Ongoing business as usual activity	

We will spend £0.9 million on Strategic Programme Three which is 17% of the BSB's direct costs.

Challenges and uncertainties for our plans

As already discussed, there is some uncertainty ahead of us concerning the regulatory environment in which we operate. This uncertainty has made business planning particularly challenging for the year ahead.

Our response – with the other legal regulators – to the recommendations in the CMA report could lead us to introduce other programmes of work not included in this plan. For this and other reasons, we have tried to maintain a high-level of flexibility in our Business Plan. This will enable us to switch attention and resources where necessary in order to respond to, what are as yet, uncertain developments. We will continue with our prioritisation exercises, such as the internal risk forum and the ASPIRE programme so we are ready to respond to unexpected external events.

Not least of these uncertainties is the fact that the CMA report called for the Ministry of Justice to press ahead with plans to consider the full and complete separation of the legal regulators from their representative bodies. If there is to be further

debate about complete separation, then we will of course have to contribute based on our position as a public interest regulator. We believe that full separation could allow both the regulator and the representative body to be stronger in their respective roles and that the Bar Council continues to have a vital role which must be properly funded.

In addition, the CMA urged the Ministry of Justice to conduct a review of the regulatory framework in the longer term to consider how regulation can be more flexible and risk-based.

Lastly, the full implications of the UK's exit from the European Union remain to be seen and we could not write about the challenges and uncertainties in regulating the Bar without mentioning Brexit. We have targeted our resources on the critical projects, and are therefore not including specific actions in our plan at this stage. Until clearer proposals are available we will be monitoring developments keenly and will communicate to the profession and the public if and when necessary.

Strategic dashboard

This page shows the “dashboard” performance reporting that we will be using this year. We will give an overall picture of progress against each of our strategic aims, then an update on our key programmes of work and service standards, as

well as our corporate resources and risks. This will be reported to our Planning, Resources and Performance Committee as well as to the Board and then to the public.

Strategic Programmes			
Strategic Programme 1 – Regulating in the public interest	Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future	Strategic Programme 3 – Ensuring a strong and sustainable regulator	
Activities			
CMA Action Plan Standard of Proof	Future Bar Training BMIF Diversity	Governance reform Human Resources Information Management	
Service Standards			
Timeliness and quality of enforcement decisions		Timeliness and quality of authorisation decisions	
Corporate governance and resource			
Governance and Risk Management	Financial resource	Staff resource	Information Management

Equality statement

Our Equality Objectives are to:

1. Address the causes of discrimination experienced by those with protected characteristics at the Bar.
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, our “Women at the Bar” report, published last year, has given us a solid evidence base about how we might raise the profile of our Equality Rules to create a culture of equality in the workplace. The Future Bar Training programme also has a solid equality and access to justice framework in mind. We want to improve access to the profession to encourage individuals of varied backgrounds to join the Bar.

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. All of our staff and those with whom we engage 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 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.

Governance

The BSB is led and governed by a Board of 15 people, 7 barristers and 8 lay people, including a lay Chair.

Leadership

The Board is responsible for leading our 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 aims to develop, shape and lead by example in relation to our organisational culture and values.

Strategy

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

Good Governance

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:

Sir Andrew Burns KCMG

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

Ms Anupama Thompson

Lay Members:

Ms Alison Allden OBE

Ms Rolande Anderson (Standing down December 2017)

Mr Steven Haines

Ms Zoe McLeod

Ms Nicola Sawford

Dr Anne Wright CBE (Standing down December 2017)

Vacancy (to be filled no later than January 2018)

Details of terms of office and declarations of interest 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
- Qualifications Committee

The Board continues to implement its governance reforms. The programme of reform 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. As a first step, we have made changes to ensure that policy development now sits with the Executive but is overseen and monitored by the Board. Expert advice and assistance for the Executive and the Board in carrying out this work is now provided by APEX.

In 2017/18, we will advance our governance reforms further by developing systems that will support the consistency, timeliness and, where appropriate, independence of regulatory decision making. We will be working on creating a Centralised Assessment Team and an Independent Decision Making Body (IDMB): both of which we intend to introduce at the beginning of 2018/19. The Centralised Assessment Team will, in due course, provide a “one-stop” avenue for the receipt and assessment of all incoming information to the BSB. This includes complaints about those we regulate as well as any other types of information we receive. The IDMB will consider the full breadth of regulatory decisions that may require independent input. The intention is that the IDMB will replace the role of the Professional Conduct Committee in taking enforcement decisions and provide an expert and consistent avenue for any other decisions requiring an arm’s length approach, such as appeals against decisions on qualifications exemptions or authorisations.

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 that barristers must comply with throughout their careers. The Governance Reform programme is likely to see this Committee disestablished within 2017/18.

The Governance, Risk and Audit Committee 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 (PCC) supports development of the strategic and annual business plans. The Committee oversees operational and programme delivery 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.

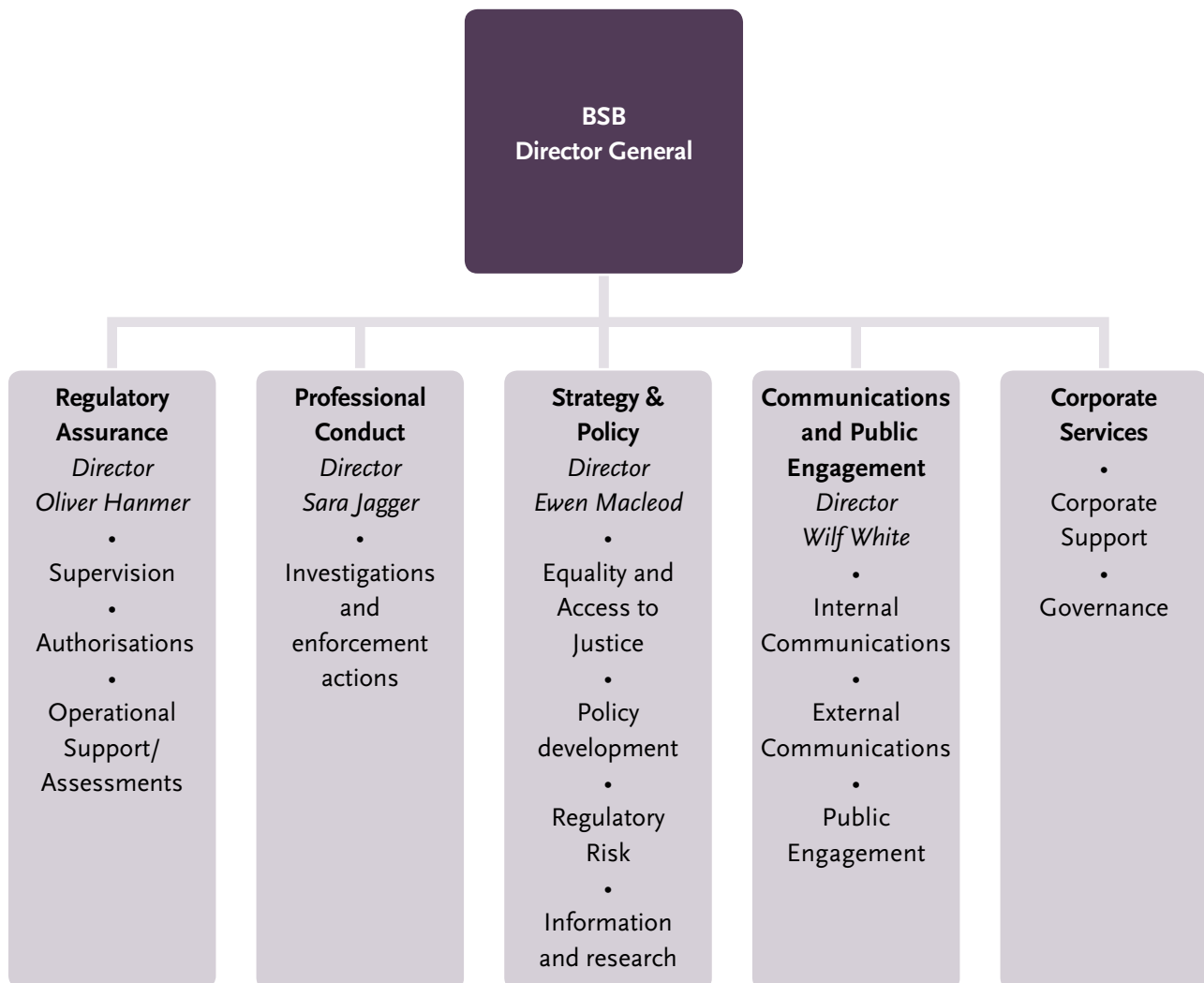
The Professional Conduct Committee makes decisions about reports and complaints regarding the conduct of barristers. Where a barrister has breached the BSB Handbook, the PCC has a number of options which includes the imposition of “administrative sanctions” (warnings and low level fines) for less serious conduct issues but also referral to disciplinary action (eg a disciplinary tribunal) for more serious issues of professional misconduct.

The Qualifications Committee deals with applications for waivers or exemptions from provisions of the BSB Handbook relating to qualification and practice as a barrister, as well as applications for licensed access. There will be changes to the Committee during 2017-18 in line with our governance reform.

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

Organisational Chart

This organisation chart shows how we have structured the executive during the term of the current Strategic Plan. At 1 April 2017 we will have 79 people employed at the BSB.



Our budget

Our budget year runs from 1 April 2017 to 31 March 2018 and the budget that we control directly for this period is £5,211k.

We estimate that direct income from sources other than the Practising Certificate Fee (PCF) will be £888k.

2017-18 Direct expenditure

£5,211k

2017-18 Direct income from
sources other than PCF

£888k

The Practising Certificate Fee (PCF)

The Bar Council approves our budget and collects our funding. Its intention when the budget was set last year was to increase the amount of PCF revenue by 1.25%, to meet strategic needs over a three-year period

Rationale

The Bar Council set out its rationale for the compilation of the overarching budget. There will be a 12% increase in Practising Certificate Fees for 2017-18:

- Permitted purpose operating costs for the Bar Council, Bar Standards Board (BSB), LSB & OLC will be funded with the existing (2016/17) level of PCF.
- The increase in PCF will be used exclusively to fund and manage the defined benefit pension scheme (now closed) which is currently in deficit.

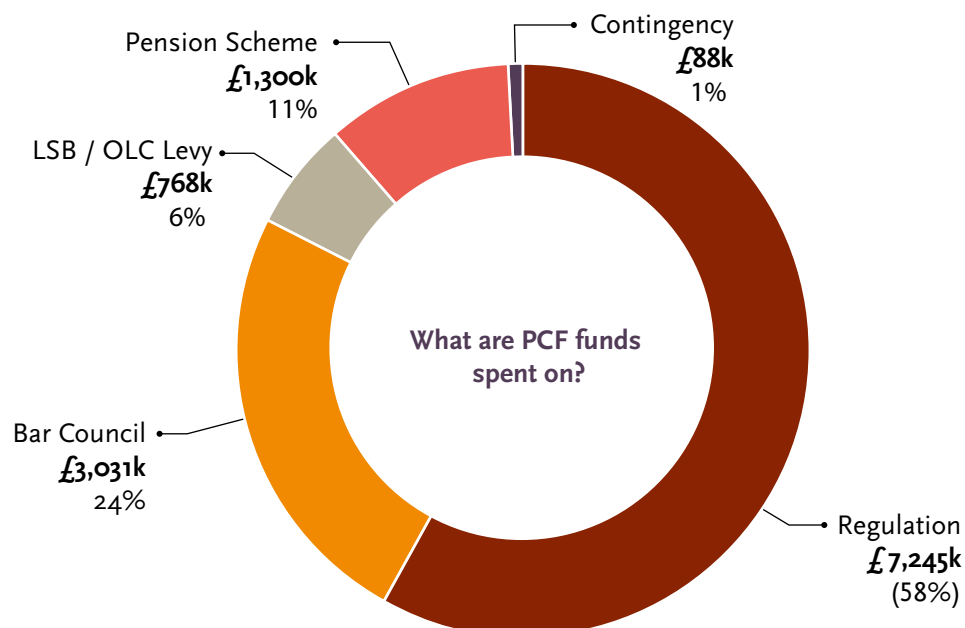
PCF bands

Income Band	PCF level for 2017
£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 (shown below as "Representative" costs).

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 2017-18 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. We describe that kind of income as “income streams directly controlled by the BSB”. Directly controlled

income streams include for example the fees from BPTC providers, and the Bar Transfer Test (BTT). The remainder of the BSB’s funding is from practising certificate fees. This latter income stream is not directly controlled by the BSB.

Where will the BSB get its income from?

<i>Income streams directly controlled by the BSB</i>	£k
Entity Regulation and ABS	86
Authorisations – Waivers and Accreditation	186
Examinations	75
Supervision – Education and Training	541
Professional Conduct Department	–
Total directly controlled income	888
<i>Income streams not directly controlled by the BSB</i>	£k
Practising Certificate Fee Contribution	6,936
Funding from Bar Council Reserves	430
Total	7,366

Regulation – the costs explained

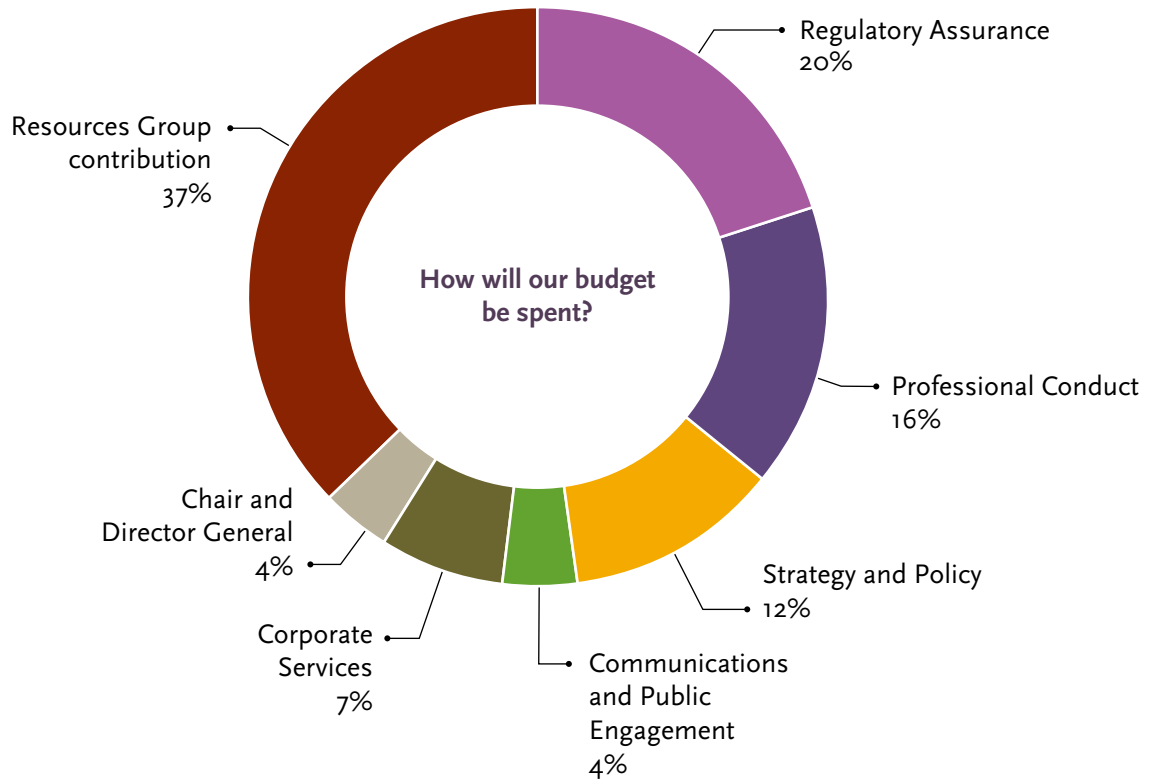
The BSB has direct control of a budget of £5,211k for 2017/18. Those funds will be spent on each of the areas shown below and overleaf.

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 is apportioned to the BSB.

What will we spend our money on?

<i>Budgets controlled directly by the BSB</i>	£k
Regulatory Assurance	1,651,051
Staff Costs	1,226,927
Other Costs	424,124
Professional Conduct	1,294,928
Staff Costs	1,160,578
Other Costs	134,350
Strategy and Policy	976,979
Staff Costs	916,979
Other Costs	60,000
Communications and Public Engagement	373,997
Staff Costs	276,747
Other Costs	97,250
Corporate Services	559,845
Staff Costs	426,655
Other Costs	133,190
Chair and Director General	354,200
Staff Costs	336,200
Other Costs	18,000
Total Expenditure	5,211,000
Total Staff Costs	4,344,086
Total Other Costs	866,914



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

Phone us: 020 7611 1444

Fax us: 020 7831 9217

✉ contactus@barstandardsboard.org.uk

🌐 www.barstandardsboard.org.uk

🐦 [@barstandards](https://twitter.com/barstandards)

🌐 www.linkedin.com/company/the-bar-standards-board

