

ACTION PLAN - REFORMS FOR THE 2020s

Introduction

- 1. The Bar Standards Board has adopted this plan for reform, which brings together a range of changes which the Bar Standards Board and Senior Management Team have in hand or have planned, to take the Bar Standards Board forward into the 2020s and to demonstrate BSB's compliance with the *well-led* standard of the LSB *regulatory performance assessment framework*. The Plan will be developed and refined, under the Board's continuing oversight, in the light of:
- 2.
- the development of the Board's next three year strategy covering the years 2022/23 to 2024/25;
- the work underway to re-define the culture of BSB as an independent regulator and the associated review of policies for the recruitment, retention and development of BSB's people; and
- the independent review of the Board's governance which BSB has commissioned this year to inform the Board's annual self-evaluation of its performance.
- 3. The prospectus captures the Board's reform agenda under a number of key headings:
 - consolidating BSB's independence as a regulator;
 - aligning strategy with risks to the regulatory objectives;
 - enhancing consumer engagement;
 - delivering high performance;
 - enhancing governance.
- 4. The Board will own and hold itself accountable for the delivery of the plan and receive reports on its implementation from the Director General and Senior Management Team at every meeting until completion.

Theme	Action	Lead responsibility	Status and timetable
Consolidating BSB's independence as a regulator (WL2, WL7)	 A People Survey will be undertaken in Spring 2021 – to be repeated annually - to inform a review of BSB's culture as an independent regulator. 	Teresa Haskins	The Survey was live in March/April 2021 and the results were delivered in May. Headline is that engagement, at 75%, is above both the 2018 level and the benchmark for equivalent organisations. The Senior Management Team reviewed the detailed results in May 2021 and, in the light of the survey, will be defining and consulting on the culture, values and behaviours essential to BSB's future effectiveness as an independent regulator.
	 BSB's policies for the recruitment, retention and development of its people will be reviewed and re-cast to support the culture and behaviours agreed by the Board and Senior Management Team. 	Teresa Haskins	This will be a continuing process under way throughout 2021/22, with the aim of having refreshed BSB-specific people policies in place by the end of 2021/22 to take full effect in 2022/23

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	• The current operation of the Internal Governance Rules and, in particular, the effectiveness of the remaining services shared between the BSB and Bar Council, will be reviewed in the first half of 2022/23 in the light of their operation in the preceding 18 months to assess whether they support BSB's independence of decision and operation.	Mark Neale	The timetable reflects the need to give the arrangements established in July 2020 a reasonable opportunity to bed in and to operate so that an evidence-based evaluation of their performance and of other options can be undertaken.
Aligning strategy with risks to the regulatory objectives (WL3, WL5) (LSB finding 1)	 BSB's Board papers will set out clearly how the issue under consideration supports the regulatory objectives and how proposed actions mitigate risks to the regulatory objectives. Papers will cost the options proposed for mitigating risk, alongside other options available, and provide an analysis of stakeholders' views. Published policy statements will be transparent in explaining how BSB has addressed its public interest responsibility and better regulation principles and balanced the regulatory objectives. Board discussion will continue to be held in public where appropriate. There will be a full audit trail for Board decisions in Board minutes and extraordinary Board meetings will be on the public record. 	Mark Neale and relevant Directors	The template for Board papers has already been reformed to ensure that it is clear what regulatory objectives are engaged. Other elements of this action will be delivered from now on.

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(LSB finding 1)	• BSB's <i>Business Plan & Budget 2021/22</i> and subsequent annual business plans will include an analysis showing how the priorities set by the Board support the regulatory objectives and mitigate risks to those objectives.	Mark Neale/Wilf White	Already implemented
(LSB finding 1)	• As a contribution to the development of BSB's three year strategy for 2022/23 to 2024/25, the BSB regulatory <i>Risk Index</i> will be reviewed and refreshed to ensure that it aligns with the regulatory objectives and captures the key risks to those objectives and the evidence bearing on likelihood and impact of those risks	Ewen McLeod	This work will be taken forward as part of the broader programme of work to develop the next three year strategy. A refresh of the <i>Risk Index</i> will inform the Board off- site in July 2021 and a fully updated <i>Risk Index</i> will be published alongside the three year strategy in March 2022.
	• A new three year strategy covering the years 2022/23 to 2024/25 will be developed prioritising the effective delivery of BSB's core regulatory work and the most significant risks to the regulatory objectives as analysed in the revised <i>Risk Index</i>	The Board	A programme of work is already underway to develop a new three year strategy informed by a refresh of BSB's <i>Risk Index.</i> Key milestones in the development of the strategy will include: an horizon-scanning exercise by the Strategic Planning and Resources Committee in June 2021; a discussion of key risks

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			to the regulatory objectives by the Board at its July off-site; and consultations with stakeholders, including consumer interests in Autumn 2021. The strategy will be finalised in the light of consultation in the first quarter of 2022 and published in March 2022
Enhancing consumer and stakeholder engagement (WL4, WL6) (LSB finding 2)	 BSB will establish a pool of consumer facing organisations with whom we will engage ad hoc, setting up sub-groups of stakeholders who are the most relevant to the issue under consideration and BSB's Advisory Panel of Experts will be strengthened through the recruitment of a number of additional consumer experts 	Wilf White	Approved by the Board at its meeting on 18 March. We are already seeking consumer engagement with continuing projects. For example, BSB's stakeholder reference group for its current review of the <i>Code of</i> <i>Conduct</i> includes a number of consumer representatives, including the LSCP. We expect to have additional experts recruited to the Panel by September 2021

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(LSB findings 2 & 7)	Board papers will in future set out, where relevant, the arrangements for engaging consumer representatives and record the views of consumer representatives and other relevant stakeholders where decisions are sought from the Board	Wilf White	Agreed by the Board at its meeting on 18 March and implemented with immediate effect
(LSB finding 10)	• The Board will review the effectiveness and impact of its current strategy for promoting public legal education through partnerships with third sector bodies and how, having regard to the recommendations of the Competition & Markets Authority, BSB might contribute to a broader cross-sector strategy, including <i>Legal Choices</i> , as one element of the development of its next three year strategy 2022/23 to 2024/25. It will publish its revised strategy.	Wilf White	The Board will consider an evaluation of the current approach to public legal education at its meeting in September 2021, including the scope to work with other regulators on a cross- sector strategy. The review will include whether its engagement strategy is comprehensive, realistic and able to provide reliable insights into the views and expectations of consumers. BSB will consult on a refresh of its approach in Autumn 2021 and reflect the revised approach in its three year strategy, beginning in 2022/23. This will include a clear articulation of how this addresses the

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	 In assessing the performance of our communications and public engagement strategy, the Board and SMT will consider the diversity, as well as the number, of stakeholders responding to consultations. 	Wilf White	recommendations from the CMA. To be taken forward immediately
Delivering high performance (WL1,WL2)	The Senior Management Team will review BSB's performance against the LSB <i>Regulatory Performance Assessment Framework</i> every six months and report to the Board on strengths and areas for development. The Board discussion will be fully recorded.	Mark Neale	Agreed by the Senior Management Team in January 2021, with a first review scheduled for September 2021
	• The Director General will report to the Board quarterly on the performance of the Bar Standards Board in delivering its annual business plan, including its performance in achieving the service standards set for its core regulatory work of considering reports, handling applications for authorisations and waivers and taking forward investigations of potential disciplinary matters	Mark Neale	Already implemented. The DG's <i>Strategic</i> <i>Update</i> includes a comprehensive overview of performance both in delivering agreed programmes of work and in meeting service standards. Work is in hand to improve the quality of information presented to the Board about BSB's performance in delivering core regulatory work. A revised reporting

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(LSB finding 8)	• The Board will formally discuss the LSB's assessment of BSB's performance against its Regulatory Performance Assessment Framework annually at its first meeting after BSB receives the assessment. The discussion will be fully recorded.	The Board	template will be in place from May 2021 With immediate effect
Enhancing governance (WL1, WL5. WL7)	An independent review of the Board's governance will be commissioned in 2021 to inform the Board's annual self-evaluation. The review will consider how effectively the Board has regard to the regulatory objectives and to consumer interests. Independent reviews will be commissioned on a triennial cycle thereafter.	The Board	After a competitive tendering exercise, <i>Independent Audit</i> has been commissioned to undertake this review. <i>Independent Audit</i> will interview all Board and Senior Management Team members, observe the May Board meeting and report in June 2021 in time to inform the July Board off-site.
	 In the light of independent review of its governance, the Board will discuss what changes to make to the conduct, frequency and timing of its meetings and to the development of Board members to ensure effective focus on the regulatory objectives, opportunities for challenge and the development of a cohesive Board culture. 	The Board	The July Board off-site, which will be independently facilitated, will discuss the findings of the independent review and the review's implications for the Board's ways of working.

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(LSB findings 3, 4, 6 & 9)	• The Director General will ensure that the Board is provided with all the information and analysis needed to support effective decision-making, including, where relevant, a costed analysis of options and an analysis of risks. This will identify 'significant' decisions in terms of, for example, novelty, contentiousness, or repercussion, and set out appropriate governance arrangements. The 2020 recommendations of BSB's internal auditors bearing on Board decision-making in the light of the review of 2019 decisions on public legal education will be implemented. These recommendations include provision for the Board, where minded to change strategic direction, to receive a follow-up paper analysing the key risks and stakeholder views. Discussions will take place with the Chair pre-Board meetings to confirm that papers are fit for purpose in all these respects.	Mark Neale	The Board approved executive proposals for responding to the internal auditors' report at its meeting in September 2020 and implementation is being overseen by the Governance, Risk & Audit Committee. Implementation will also be within the scope of the independent review of Board governance – see above.
	 BSB's internal policies will be reviewed over the course of 2021/22 to ensure that the policies comply with statutory objectives and better regulation principles, support BSB's independence as a regulator and are understood and implemented by BSB's people. Priority will be given to policies currently shared with the Bar Council. 	Mark Neale	Already under way under the oversight of the Governance Risk and Audit Committee which approved this approach at its meeting in December 2020. SMT members have taken responsibility for setting review timetables for policies which are their responsibility. The

(LSB finding 5)BSB's internal delegations, including the matters reserved to the Board and its Committees, will be reviewed and associated governance documents refreshed to meet the requirements of the UK Corporate Governance CodeMark NealeA report will be made to the Governance, Risk & Audit Committee at its meeting in September 2021, with a view to a	Theme	Action	Lead responsibility	Status and timetable
Board discussion at its meeting in October 2021.		 BSB's internal delegations, including the matters reserved to the Board and its Committees, will be reviewed and associated governance documents refreshed to meet the requirements of the UK 		current whistleblowing policy will be reviewed and re-issued by June 2021. A report will be made to the Governance, Risk & Audit Committee at its meeting in September 2021, with a view to a Board discussion at its meeting in October