

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



REGULATING BARRISTERS

Meeting of the Bar Standards Board

Thursday 27 May 2021, 5.00 pm

(Hybrid meeting - in person and online)

**Rooms 1.4-1.7, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ and via MS Teams**

Agenda - Part 1 – Public

				Page
1.	Welcome / announcements (5.00 pm)		Chair	
2.	Apologies		Chair	
3.	Members' interests and hospitality		Chair	
4.	Approval of Part 1 (public) minutes			
	• 18 March 2021	Annex A	Chair	3-6
5.	a) Matters arising & action list	Annex B	Chair	7-8
	b) Forward agenda	Annex C	Chair	9
6.	Strategic Planning and Resources Committee Annual Report 2020/21 (5.05 pm)	BSB 022 (21)	Steve Haines	11-13
7.	Amendment to Standing Orders (5.15 pm)	BSB 023 (21)	Rebecca Forbes / Sara Jagger	15-36
8.	Communications and Public Engagement and Public Legal Education report (5.25 pm)	BSB 024 (21)	Wilf White	37-53
9.	Director General's Strategic Update- Public Session (5.40 pm)	BSB 025 (21)	Mark Neale	55-67
10.	Chair's Report on Visits and External Meetings (*)	BSB 026 (21)	Chair	69
11.	Any other business (5.50 pm)		Chair	
12.	Dates of next meetings			
	• Thursday 15 July 2021 (Board Away Day) – 10 am – 5.30 pm			
	• Thursday 23 September 2021 (Board to Board meeting with OLC) – 3.30 pm			
	• Thursday 23 September 2021 – 5.00 pm			
13.	Private Session			

John Picken, Governance Officer
20 May 2021

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](#) before the meeting.*

BSB 270521

<p style="text-align: center;">BAR STANDARDS BOARD</p>
--

REGULATING BARRISTERS

Part 1 - Public
Minutes of the Bar Standards Board meeting
Thursday 18 March 2021 (5.00 pm)
via MS Teams

- Present:** Baroness Tessa Blackstone (Chair)
 Alison Alden OBE
 Lara Fielden
 Steve Haines
 Leslie Thomas QC
 Andrew Mitchell QC
 Elizabeth Prochaska
 Irena Sabic
 Nicola Sawford
 Adam Solomon QC
 Kathryn Stone OBE
 Stephen Thornton CBE
- By invitation:** Derek Sweeting QC (Chair, Bar Council)
 Malcolm Cree CBE (Chief Executive, Bar Council)
- BSB & RG Executive in attendance:** David Adams (Corporate Services Manager)
 Richard Cullen (Director of Finance)
 Rebecca Forbes (Head of Governance & Corporate Services)
 Oliver Hanmer (Director of Regulatory Operations)
 Teresa Haskins (Head of People, BSB)
 Sara Jagger (Director of Legal & Enforcement)
 Andrew Lamberti (Communications Manager)
 Ewen Macleod (Director of Strategy & Policy)
 Mark Neale (Director General)
 John Picken (Governance Officer)
 Wilf White (Director of Communications & Public Engagement)
- Press:** Jonathan Ames, The Times
 Catherine Baksi, Freelance
 Neil Rose, Legal Futures
 Jemma Slingo, Law Society Gazette

Item 1 – Welcome / Announcements

1. The Chair welcomed those present to the meeting.

2. **Item 2 – Apologies**

- Lorinda Long (Treasurer, Bar Council)

Item 3 – Members’ interests and hospitality

3. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

4. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 26 November 2020.

Item 5a – Matters arising & action list

5. The Board **noted** the action list.

Item 5b – Forward agenda

6. The Board **noted** the forward agenda list.

Item 6 – BSB Business Plan & budget 2021/22

BSB 011 (21)

7. Mark Neale summarised the salient points of the business plan ie:
- a strong emphasis on prioritisation, especially on the BSB's core regulatory work;
 - a smaller number of projects which seek to mitigate the highest risks to the BSB's regulatory objectives eg, standards at the Bar and diversity;
 - the addition of four posts to build resilience to our capability. Our workload increased during the pandemic and performance has been detrimentally affected. The additional staffing will enable us to absorb these spikes more effectively. It also explains why the costs are higher than those originally presented to the Board in September 2020;
 - greater flexibility on our project delivery timelines, particularly those over which we have full control eg Code of Conduct Review.
8. In terms of the 2021/22 budget, he stated that:
- we expect to run at a deficit of just over £2m. This will be funded from a combination of reserves and a CBILS loan;
 - the deficit figure reflects a "worse case" scenario for this year's Practising Certificate Fee (PCF) income. In fact, the early indications are that barrister incomes have not been as badly affected as we had predicted, so the actual deficit may be correspondingly lower;
 - the additional staffing costs are more than covered by increased budget projections for regulatory income;
 - we have reduced our cash demands by significantly lowering our capital expenditure costs.
9. Members welcomed the business plan and supported the focus within it on staff wellbeing. The Board endorsed a suggestion by the Chair to formally thank staff for their sustained efforts during the period of the pandemic.
10. **AGREED**
- a) to approve the business plan for publication.
 - b) to approve the budget for 2021/22.
 - c) to thank the BSB staff on the Board's behalf for their continuing work during the pandemic.

MN

Item 7 – How can the BSB improve its engagement with consumers?

BSB 012 (21)

11. Wilf White referred to discussion at the November 2020 Board about improving consumer engagement. One of the suggestions made at that time was to investigate the feasibility of forming a new Consumer Panel.
12. The action taken since then has included:
- investigating good practice in consumer engagement through discussions with the LSB Consumer Panel (LSCP), the SRA and CILEx Regulation;
 - further consultation on this topic with Board Member, Kathryn Stone OBE, who also joined the meeting with the LSCP.

Part 1 - Public

13. He summarised the outcome of these discussions ie:
- a Consumer Panel is thought to be too formal and restrictive a mechanism for the BSB's purposes and risks duplication with the LSCP;
 - a wider pool of experts on which to draw for specific projects would be a more flexible and effective resource;
 - we should add one or more consumer engagement specialists to our Advisory Pool of Experts (APEX). We already have one such individual but supplementing this further will be helpful;
 - we should ask colleagues to state in Board papers the consumer consultation work they have undertaken in developing policy proposals. It has always been our practice to engage in this way, but the process has not always been formally recorded.
14. Kathryn Stone commended the recommendations stating that the BSB needs to be agile in its engagement and that the proposals provide this flexibility. Lara Fielden agreed with the need for greater consistency in reporting consumer engagement. She suggested using a common framework or consumer impact assessment as a way forward.
15. Wilf White welcomed the idea of a consistent framework but pointed out that we are seeking a proactive ie input driven relationship with consumers as well as a reactive one. An impact assessment might suggest just the latter.
16. In response, to other questions raised he commented that:
- we already have a consumer map which can be circulated to the Board for its information. It should be possible to break this down further to give more detail about the groups we consult;
 - incorporating "success measures" is obviously useful but can be difficult to define. The subject matter of consultations varies and with it the likely response rates from consumers. Notwithstanding this, it is something that the Executive will need to address;
 - the idea of fixing a review period to assess progress is both welcome and necessary.
17. **AGREED**
- | | |
|---|-------------------|
| a) to establish a wider and more flexible pool of consumer bodies rather than a formal Consumer Panel. | WW to note |
| b) to increase the number of consumer experts on the BSB's Advisory Panel of Experts (APEX). | RF to note |
| c) to establish a consistent means of reporting consumer engagement in Board papers based on an agreed framework. | WW |
| d) to circulate an expanded version of the BSB's consumer map to Board Members. | WW |
| e) to address the issue of success measures and determine a suitable review period (possibly one year). | WW |

Item 8 – Director General's Strategic Update – Public Session

BSB 013 (21)

18. The Board **noted** the report.

Item 9 – Chair's report on visits and external meetings

BSB 014 (21)

19. The Board **noted** the report.

Item 10 – Any Other Business

20. None.

Item 11 – Dates of next meetings

21.
 - Tuesday 30 March 2021 (special meeting);
 - Friday 30 April 2021 (special meeting);
 - Thursday 27 May 2021 (regular Board meeting).

Item 12 – Private Session

22. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 28 January 2021.
 - (2) Matters arising and action points – Part 2.
 - (3) Regulatory Returns – impact of COVID-19 on the profession.
 - (4) BSB Consolidated Risk Update: March 2021.
 - (5) Review of the Bar Course Aptitude Test (BCAT).
 - (6) LSB Review under the “well led” standard of the Regulatory Performance Assessment Framework
 - (7) Director General’s Strategic Update (private session).
 - (8) Any other private business.
23. The meeting finished at 5.25 pm.

BSB – List of Part 1 Actions

27 May 2021

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
10c (18/03/21) – business plan	thank the BSB staff on the Board's behalf for their continuing work during the pandemic	Mark Neale	immediate	19/03/21	Completed – message included to all staff in DG's weekly blog
17c (18/03/21) – consumer engagement	establish a consistent means of reporting consumer engagement in Board papers based on an agreed framework	Wilf White	by 20 May 2021	18/05/21	Completed – SMT has agreed to amend the template for Board papers to include a section on consumer engagement for all papers submitted to the Board after 1 June.
17d (18/03/21) – consumer engagement	circulate an expanded version of the BSB's consumer map to Board Members	Wilf White	by 20 May 2021	13/04/21	Completed – email sent to Members with relevant attachments
17e (18/03/21) – consumer engagement	address the issue of success measures for consumer engagement and determine a suitable review period for our strategy on this issue	Wilf White	by 20 May 2021	18/05/21	To be removed – success measures for consumer engagement are difficult to define and will vary by subject but I propose that we review our new consumer engagement strategy after a year to consider its success (item added to forward agenda list)
33b (26/11/20) – BSB Anti-Racist Statement	investigate proposed additional actions in respect of the Race Statement ie <ul style="list-style-type: none"> potential for a kitemark staff survey response to SPR Committee Board Members to access barrister training on E&D 	Amit Popat	before 11 March 2021 before end April 2021	20/01/21	Part Completed – Training for Board members has been delivered by the Head of E&AJ. The regulatory return has begun to capture information of implementation of the race equality statement. Further work in relation to the development of a potential kitemark will continue with the BC.
				10/03/21	Ongoing - Anti-Discrimination training for Board members is planned for April 2021. Plans to deliver an anti-racist seminar for the Board in June/July are being considered. Discussions about kitemarks continue with the BSB's Race Equality Task Force.

BSB – List of Part 1 Actions

27 May 2021

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				20/01/21	Ongoing – Meetings are planned with the BC race equality working group to explore how our work on race equality can complement each other, including the potential for kitemarks and access to training. The race equality staff survey is complete with an action plan in place, this will be present to SPR accordingly.

Forward Agenda**Thursday 15 July 2021 (Board Away Day)**

- Board development
- Regulatory Return – high level report to feed into strategic plan
- Strategic Plan 2023-2025 & emerging Risk Outlook themes

Thursday 23 September 2021 (preceded at 3.30 pm with a Board to Board meeting with the OLC)

- Budget 2022-23
- Consolidated Risk Report
- IDB Annual Report
- Regulatory Decision Annual Report 2020/21
- Key milestones for Strategic Plan
- Director General's Strategic Update (incl Q1 performance report)
- Policies on Interests, and Gifts and Hospitality
- Regulatory Return – full report

Tuesday 19 October 2021 (Board to Board meeting with LSB, 10.30 am – 12.00 pm)**Thursday 25 November 2021**

- Mid-year financial report (2021-22)
- GRA Annual Report
- Corporate Risk Report (summary)
- Director General's Strategic Update (incl Q2 performance report)

Thursday 27 January 2022

- Director General's Strategic Update
- LSB's assessment of BSB's performance against its Regulatory Performance Assessment Framework
- Review of BCAT

Thursday 31 March 2022

- BSB Business Plan & Budget 2022/23
- Strategic Plan 2023-2025 & Risk Outlook 2022
- Consolidated Risk Report
- Director General's Strategic Update (incl Q3 performance report)
- Review of the consumer engagement strategy

Strategic Planning and Resources Committee Annual Report 2020/21

Recommendation to the Board

1. The Board is invited to note the Annual Report of the Strategic Planning and Resources Committee (SPR). Standing Orders require that the Board's committees must report to it at least annually.

Introduction

2. SPR is a standing committee of the Board with responsibility for work relating to development of our strategic direction and plans. It advises the Board on developments to the planning and resource setting processes. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed across our organisation.
3. The Committee meets regularly throughout the year and has met 7 times (including in its previous incarnation as the Planning, Resources and Performance (PRP) Committee; see paragraph 5 below) since the last report.
4. The Committee currently has a membership of 5 – all of whom are members of the Board, with a majority of lay members. They are: Steven Haines (Chair), Alison Allden OBE, Stephen Thornton CBE (lay members); Irena Sabic, Professor Leslie Thomas QC (barrister members). During the reporting year, one Board member, Andrew Mitchell QC, concluded his membership of the Committee (on taking up the post of Vice Chair of the Board) and was replaced by Professor Leslie Thomas QC. We are grateful to them for their contributions to the Committee over the past year.
5. In the period since the previous annual report to the Board, the former PRP Committee has transitioned to its new name with a wholly new Terms of Reference¹ to reflect the changes agreed by the Board.

Executive Summary

6. This report summarises the key aspects of the Committee's work over the past year. The report also provides the Board and public with assurance that the scrutiny of business and strategic plans (when applicable) prepared by the BSB are robust, appropriate, and financially sound.
7. SPR publishes an annual report on its activities over the last year; when known as the PRP, with its focus upon performance, this report predominantly constituted a summary of delivery against KPIs. This and future such reports will be focused acutely on the Committee's activity over the past year.

Transition from PRP to SPR

8. Following a point raised by a Member when reviewing the PRP's Terms of Reference at the Committee meeting held on 5 March 2020, it was agreed that there should be a wider discussion on this at the subsequent Committee meeting on 30 April 2020.
9. At the Committee meeting held on 30 April 2020, there was agreement that changes to the Terms of Reference should indeed be made to ensure greater clarity between the Board, PRP Committee, and Governance, Risk & Audit (GRA) Committee's relative responsibilities. The Committee considered the options for removing "performance" from its Terms of Reference and name, thus leaving it with a tighter focus on business planning and finance.

¹ <https://www.barstandardsboard.org.uk/uploads/assets/d6d2ed96-dbd3-4478-ba6dbdf38c5f3258/SPR-Terms-of-Reference-November-2020.pdf>

10. At the Board away day held on 24 September 2020 the following points (paragraphs 11 thru 14) were noted with respect of the PRP Committee and its Terms of Reference.
11. The Board decided that sole responsibility for performance monitoring should revert to the Board itself. As such, the existing PRP Committee should continue with a narrower focus.
12. As part of this discussion, it was noted that it is usual practice for the performance monitoring function to sit at Board level so, in doing this, the Board sought to align with other regulatory bodies.
13. We consider that the PRP had operated efficiently and effectively in its performance monitoring role and note also that it was comprised entirely of members of the Board itself. It reported to the Board on performance where further discussion then also took place at Board meetings, so the delegation of that responsibility was, in effect, only partial.
14. Following the Board away day, proposed amendments to the BSB Standing Orders were prepared. This incorporated the agreed action that monitoring of the BSB's performance (including performance against KPIs) should revert solely to the Board rather than remain a delegated (partial) responsibility to one of its standing committees, and that the Committee should revert to a new name to reflect its revised Terms of Reference – namely the Strategic Planning and Resources Committee (SPR).
15. At the Board meeting on 26 November 2020, the revised Terms of Reference were approved thus enshrining the new 'SPR' Committee name. To date, there have been three meetings held under this moniker.

Budget and Business Plan 2021/22

16. Over the course of multiple meetings, the Committee reviewed and had oversight of development of the 2021/22 BSB budget and business plan.
17. In an extraordinary year for future planning, in which the finances of the BSB were projected to be significantly affected by a reduction in the Practising Certificate Fees (PCF) (due to the Covid-19 pandemic) that provide the majority of its income, the Committee agreed that we should not compromise our core regulatory work and should in fact consider adding resources to such functions to ensure achievement against KPIs. Members were supportive of this stance, whilst at the same time were in favour of controlling costs wherever possible during the 2020/21 financial year as well as in the 2021/22 planning process.
18. In finalising the draft business plan for 2021/22, the Executive proposed the addition of four new members of staff to the overall BSB complement. As noted in paragraph 17, the primary objective of this was to enable stronger performance against our core regulatory KPIs that have proved challenging to meet for an extended period.
19. The Committee endorsed the 2021/22 business plan and therefore approved the recruitment of the additional team members (including one role converted from temporary to permanent) and made a recommendation for Board approval of the overall budget and plan, subject to affordability criteria being met.

Performance Reporting

20. Up until the changes to its Terms of Reference were approved by the Board, the Committee continued to review performance against KPIs and the project commitments set out in the 2020/21 business plan. The final quarterly review of performance by the Committee took place in the meeting held on 5 November 2020.
21. The Committee commented upon the usefulness of the BSB's current KPIs during the year, and made recommendation for their review prior to the next budget and business planning phase (i.e. for 2022/23 onwards).

Other Business

22. The Committee reviewed the draft BSB Annual Report (for the financial year 2019/20) and made recommendation for the Board's subsequent approval of it.
23. The Committee undertook a comprehensive horizon scanning exercise with the Executive, covering the following topics: access to justice and transparency, supply of barristers, culture and diversity, technology, regulatory perimeter, and continuing competence. Members recommended that government policy initiatives and the effect these may have on the barrister profession and the regulatory environment be reflected in future horizon scanning presentations to the Committee.
24. The Committee received the Human Resources report from the newly appointed Head of People, incorporating details on aspects such as staff recruitment, turnover, and sickness. Members endorsed the Executive's approach to handling the impacts of the Covid-19 pandemic on its people, and requested the Director General communicate to staff the Committee's appreciation of their efforts under the current difficult circumstances, and its support of the SMT's messages on workload.
25. Due to the Covid-19 pandemic, all meetings of the PRP/SPR Committee over the past year have been held remotely (using Microsoft Teams). This will continue until further notice, although it is expected the SPR will revert to in-person meetings once Committee members and BSB team members feel comfortable with travelling to central London.

Forward View

26. As well as the routine business defined by its terms of reference, over the coming year the Committee will play a key role in supporting the development of the next BSB Strategic Plan through its horizon scanning function.
27. The next SPR Annual Report will be presented to the Board in May 2022.

Lead responsibility

Steven Haines, Chair, Strategic Planning & Resources Committee
David Adams, Corporate Services Manager

Meeting:	Bar Standards Board	Date:	27 May 2021
-----------------	---------------------	--------------	-------------

Title:	Amendment to Standing Orders
Author:	Rebecca Forbes
Post:	Head of Governance and Corporate Services

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	--	--	--	--

Recommendations

1. The Board is asked to **approve** revision of the BSB Standing Orders January 2021, in respect of:
 - (a) changes to the Terms of Reference of the BSB's Remuneration Panel; and
 - (b) changes to the power of the BSB Chair to appoint members of the IDB Panel where all existing members are conflicted.

Executive Summary

Terms of Reference: Remuneration Panel

2. The Terms of Reference for the BSB's Remuneration Panel were based on the former Emoluments Committee, given its similar remit to that body but for the BSB alone rather than for the whole of the General Council of the Bar. The inaugural meeting of the Panel took place on 5 May 2021 and this identified a need to clarify the following:
 - the Panel's focus on pay, benefits and conditions of service in order to distinguish it from the wider remit of the Strategic Planning & Resources Committee;
 - that the Panel should receive advice on affordability of pay awards. Prior to the changed arrangements under the new IGR, the joint Finance Committee advised the Emoluments Committee on the standard increase to apply. Under the revised governance arrangements, this is no longer appropriate.

Additional amendments

3. There are some additional amendments proposed ie
 - clarification of the Remuneration Panel's role in making recommendations to the Board on the remuneration and terms of engagement of individuals listed in paragraph 1 (a) – (d);
 - correction of a cross reference at paragraph 53.

Appointment to the Independent Decision-Making Body (IDB)

4. The existing version of Standing Orders provides for the appointment of Members to the IDB as set out in Annex 3b. In normal circumstances, this process is appropriate to recruit members to the IDB from which Independent Decision-Making Panels (IDPs) can be formed to consider cases referred by the Executive in accordance with the Enforcement Decision Regulations (Part 5A of the BSB Handbook).
5. There are already procedures in place to manage conflicts of interest for individual Panel Members in individual cases. However, it has been recognised that unusual circumstances could arise where all or most of the IDB membership is conflicted, or there is real possibility of bias, in relation to a specific case and this could make it difficult to form a fully impartial IDP panel to take decisions in that case. Examples include, but are not limited to, cases where the allegations to be considered are against a barrister staff member known to the IDB or an existing barrister member of the IDB.

6. Prior to the creation of the IDB, when the Professional Conduct Committee (PCC) was responsible for enforcement decisions, such situations would be addressed by the PCC using its power to authorise others to take decisions on its behalf. The IDB does not have a similar power.
7. There are procedural means currently available by which the risks associated with extensive conflicts/potential bias could be mitigated and, in the absence of a change to the Standing Orders, this is the approach that would be taken. However, it is considered preferable to eliminate the risks by including in the Standing Orders a power for the Chair of the BSB to appoint temporary members to the IDB (as opposed to carrying out the recruitment process for permanent IDB members required under Annex 3b of the existing Standing Orders).
8. The proposed power to appoint temporary members would only be used when individual cases arise where forming a fully impartial panel is not considered possible due to the extent of the conflicts or the real possibility of bias. The remit of the temporary members would be to take decisions in the specified case and the appointments would cease once the relevant decisions had been taken and all consequential matters associated with the decisions concluded. It is envisaged that the power to appoint temporary members would be used rarely.
9. The proposed amendments to the Standings Orders are set out at paragraphs 8 and 9 of Annex 3b of the attached Standing Orders.

Risk to the Regulatory Objectives

10. To ensure sound and effective governance arrangements are in place, periodic review of primary governance documents is necessary for the Board to undertake. Amendments to the Terms of Reference of the Remuneration Panel help clarify that the BSB independently assesses what resources are reasonably required to exercise its regulatory functions efficiently and effectively and how funds are allocated to achieve that resourcing (as required by the IGRs).
11. The existing Standing Orders do not provide flexibility to address the issues outlined above and this creates a potential risk in terms of protecting and promoting both the public and consumer interest. Perceptions of a lack of impartiality in the enforcement decision-making system could impact negatively on public/consumer confidence in the BSB's regulation. The proposed additional power provides a fair, proportionate and targeted means to address the rare occasions where the risk might arise.

Resources (Finance, IT, HR)

12. These amendments to Standing Orders have no impact on resources.

Equality & Diversity

13. The proposed amendments are not expected to have any impact on any group with protected characteristics under the Equality Act 2010.



**STANDING ORDERS
FOR THE BAR STANDARDS BOARD**

FOREWORD

The following Standing Orders are issued under the Authority of paragraph 14(1) of the Bar Standards Board Constitution.

This edition of the Standing Orders came into effect on ~~28 January~~27 May 2021

BSB 270521

PART 1 – INTRODUCTION

Definitions

1. In these Standing Orders, unless the context requires otherwise:

“The Bar Council” means the Council of the General Council of the Bar of England and Wales.

“The Bar Standards Board” and “BSB” means the Board, Committees established under these Standing Orders and any individual or group exercising the delegated powers of the Board.

“Board” means the Board of the BSB established under Paragraph 2 of the BSB’s Constitution.

“BSB staff” means the employees of the General Council of the Bar of England and Wales appointed by the BSB in accordance with paragraph 61.

“BTAS” means the Bar Tribunals and Adjudication Service, an independent body set up by the Council of the Inns of Court to appoint and administer Disciplinary Tribunals and other relevant panels on behalf of the BSB.

“CEB” means the Centralised Examinations Board which is collectively those appointed by the BSB pursuant to Part 4 of these Standing Orders.

“Committee” means a Committee established by the BSB pursuant to Part 4 of these Standing Orders and includes the Remuneration Panel which is established from the membership of the Strategic Planning and Resources Committee.

“General Council of the Bar” and “GCB” means the General Council of the Bar of England and Wales and refers to the legal entity in entirety.

“IDB” means the Independent Decision-making Body which is collectively those appointed by the BSB pursuant to Part 4 of these Standing Orders.

“IDP” means an Independent Decision-making Panel, a panel consisting of a minimum of three members of the Independent Decision-making Body to take relevant decisions as provided in the BSB Handbook.

“Internal Governance Rules” means the Internal Governance Rules made by the Legal Services Board.

“Lay person” has the meaning given in paragraph 2(4) of Schedule 1 to the Legal Services Act 2007 and “lay member” has a corresponding meaning.

“Practising barrister” means a barrister holding a current practising certificate issued in accordance with the Practising Certificate Rules of the Bar Standards Board Handbook.

“Regulatory arrangements” has the meaning given in section 21 of the Legal Services Act 2007.

“Regulatory functions” has the meaning given in section 27(1) of the Legal Services Act 2007.

“Representative functions” has the meaning given in section 27(1) of the Legal Services Act 2007.

“Seven Principles of Public Life” means the principles, also known as the “Nolan Principles”, as laid down in the Committee on Standards in Public Life’s thirteenth report “Standards Matter” and referred to in paragraph B4 of the Constitution and reproduced in Annex 1.

“Task Completion Group” means an ad hoc group established by the BSB to complete a specific task or tasks. At the time of the establishment the BSB shall specify a time limit for completion of

BSB 270521

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

the tasks. Such time can only be extended by the BSB.

Any terms used in the Legal Services Act 2007 have the same meaning as in that Act.

PART 2 – THE BAR STANDARDS BOARD

General

2. The BSB is committed to:
 - a. providing regulation of advocacy and expert legal advice in the public interest;
 - b. acting in a way that is compatible with the regulatory objectives, having regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principle appearing to it to represent best regulatory practice, as required by section 28 of the Legal Services Act 2007;
 - c. providing sufficient information to the GCB as is reasonably required for it to be assured of the BSB's compliance with section 28 of the Legal Services Act 2007;
 - d. conducting its business in harmony with the Seven Principles of Public Life;
 - e. exercising its regulatory functions independently of the GCB as required by the Internal Governance Rules;
 - f. undertaking regulatory functions only and not undertaking any representative functions;
 - g. working cooperatively with the Inns of Court, the Council of the Inns of Court and BTAS; and
 - h. conducting its business in accordance with its Statement of Governance Principles as published by the BSB.

Consultation on exercise of regulatory functions

3. When proposing to make or alter the regulatory arrangements, and in other cases where it considers it appropriate, the BSB will normally consult, in the way it considers appropriate:
 - a. The regulated community (including its representative body and sections of the Bar); and
 - b. Other interested parties (including for example, the public, other approved regulators, the judiciary, barristers' clerks, academic providers and other education providers) as it considers appropriate.
4. In relation to proposals to make or alter the regulatory arrangements, the BSB will normally allow a period of three months for consultation before a decision is taken.

Saving for defects etc

5. All acts done in good faith by the BSB shall (so far as is lawful), notwithstanding any defect, be as valid as if there were no such defect or error.

PART 3 – OBLIGATIONS TO THE GCB

6. The BSB shall provide sufficient information to the GCB as is reasonably required for the GCB to be assured of the BSB's compliance with section 28 of the Legal Services Act 2007 and its obligations under the Legal Services Board's Internal Governance Rules as made by them from time to time.

BSB 270521

PART 4 – COMMITTEES AND OTHER DECISION-MAKING BODIES

Committees of the BSB

7. The Board establishes the following Committees whose terms of reference and membership are set out in Annex 2:
 - a. The Governance, Risk and Audit Committee;
 - b. The Strategic Planning and Resources Committee; and
 - c. The Remuneration Panel.
8. The Chair and Vice Chair of the Board have the right to receive papers and to attend meetings of all Committees.
9. Without prejudice to the power of the Board to amend Annex 2 on its own initiative, a Committee may at any time propose an amendment to its terms of reference or membership for consideration by the Board.
10. Save where provided for in these Standing Orders each Committee may determine its own composition and procedure subject to the provisions of Part 6 and the following general requirements:
 - a. Each Committee is to have a Chair who should be a member of the Board;
 - b. Each Committee may appoint a Vice Chair from amongst its members;
 - c. Each Committee is to include both lay persons and practising barristers, and must be comprised of a majority of lay persons;
 - d. Each Committee must adopt and maintain rules of procedure on an annual basis addressing meeting arrangements (including frequency of meetings and arrangements for urgent business outside regular meetings);
 - e. The Chair of each Committee or, in that person's absence, any Vice Chair, shall take the chair at every meeting of the Committee. In the absence of the Chair and any Vice Chair, or where an interest has been declared by them for a specific item only, the members present may proceed to elect a chair from among their number for the purposes of that meeting or that item; and
 - f. Members of a Committee shall be appointed and reappointed in accordance with the Procedures set out in Annex 3.

The IDB

11. The Board establishes the IDB whose terms of reference are set out in Annex 2d on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
12. The IDB shall have a minimum of a Chair and a Vice Chair and be comprised of a membership of lay person and barrister members.
13. Members of the IDB shall be appointed and reappointed in accordance with the procedures and terms set out in Annex 3b.

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

The CEB

14. The Board establishes the CEB whose terms of reference are set out in Annex 2e on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
15. Members of the CEB shall be appointed and reappointed in accordance with the procedures and terms set out in Annex 3c.

Restrictions on Membership of Committee and Decision-making Bodies

16. A member of the Bar Council or any of its representative committees may not hold office as Chair, Vice Chair or as a member of:
 - a. the Board;
 - b. any of the BSB's committees;
 - c. the IDB; or
 - d. the CEB.
17. A person cannot be both a member of the Board and the IDB. A person cannot be both a member of the Board and the CEB.
18. A person shall cease to be a member of a BSB Committee or other Decision-making Body if:
 - a. the period for which they were appointed expires (and their appointment is not renewed);
 - b. they resign their membership by notice in writing;
 - c. they were appointed as a lay person and cease to be a lay person;
 - d. they were appointed as a barrister and subsequently cease to be a barrister or become a member of the Bar Council or one of its representative committees;
 - e. the Board resolves that they are unfit to remain a member (whether by reason of misconduct or otherwise);
 - f. the Board resolves to disestablish or substantively restructure a Committee or Body of which a person is a member so as to be inconsistent with continued office by that person, upon three months' notice; or
 - g. they fail to attend four or more meetings in any rolling 12-month period and the Committee or Board resolves that they should cease to be a member.
19. Committees and the IDB and the CEB may act only in matters within their terms of reference, within any agreed budget and in accordance with the Statement of Governance Principles.

Reports to the Board

20. A Committee must report to the Board at least annually but as often as required by the Board.
21. A report on the outcomes of matters considered by the IDB must be submitted to the Board at least annually but as often as required by the Board.

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

Payments to members

22. The BSB may decide to pay fees and expenses to members of the Board or of Committees or of the IDB or of the CEB on terms it may set.

Obligations of members

23. All Board and Committee and IDB and CEB members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB. All Board and Committee and IDB and CEB members are subject to continuing satisfactory performance and compliance with the Standing Orders. Such persons may be removed from office for failing to meet these obligations, based on the reviews outlined in paragraph 24 or any other ad hoc reviews of individual members that the Board or the Chair of the Board or the Chair of the Committee or the Chair of the IDB or the Chair of the CEB determines are required.
24. All Board and Committee and IDB and CEB members are subject to a minimum of a review of performance within 18 months of appointment and a review of performance preceding any reappointment decision.

PART 5 – BSB ADVISORY BODIES

25. The BSB may appoint a Task Completion Group on such terms as it considers appropriate.
26. Task Completion Groups may act only in matters within their terms of reference, within the agreed budget and in accordance with the Statement of Governance Principles.
27. The BSB may establish an Advisory Pool of Experts (APEX) on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
28. A member of the Bar Council or any of its representative committees may not be appointed as a member of:
- a. Task Completion Groups; or
 - b. the Advisory Pool of Experts.
29. A member of the Board or one of its Committees or one of its other Decision-making Bodies may not be appointed as a member of the Advisory Pool of Experts.

Payments to members

30. The BSB may decide to pay fees and expenses to members of Task Completion Groups or of the Advisory Pool of Experts on terms it may set.

PART 6 – PROCEEDINGS OF THE BOARD AND ITS COMMITTEES

Meetings

31. The Board must meet at least six times in a 12-month period.
32. If the need arises, the Chair or Vice Chair may convene additional meetings, which may take place by telephone, videoconference or email if necessary.
33. Each Board meeting may be separated into public and private sessions.

BSB 270521

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

34. Committee meetings are held in private and the frequency of such meetings is to be determined by the Committee.
35. If a decision on regulatory functions is taken at a meeting of the Board where there is either not a lay majority or not a lay Chair (or both), this decision must be ratified at the next meeting when there is both a lay majority and a lay Chair.

Attendance at meetings

36. The Chair of the Bar Council and a person nominated by the President of the Council of the Inns of Court are entitled to attend and speak (but not vote) at any public session of a meeting of the Board. The Chair of the BSB may decide that any other person attending any public session of a meeting of the Board be permitted to speak.
37. The BSB may invite the Chair of the Bar Council and a person nominated by the President of the Council of the Inns of Court, to attend all or part of the Board's private sessions. Such invitation shall be in accordance with the Protocol for ensuring regulatory independence and the provision of assurance as agreed and adopted by the GCB and the BSB.
38. The Board or a Committee may at any time invite any person to attend their meetings in an advisory or consultative capacity.

Quorum

39. The quorum for a Board meeting is five members of whom at least three must be lay members and at least two must be barrister members. No business may be transacted at any meeting of a BSB Committee unless three of its appointed members are present, in person or by telephone or videoconference.
40. If a vote is required by the Board or a Committee, decisions must be made by simple majority. The Chair will have a casting vote in the event of a tie.
41. Either the Chair or the Vice Chair must be present at each meeting of the Board unless the Board resolves to dispense with that requirement for a particular meeting.
42. Members unable to attend a meeting of the Board or a Committee or other Decision-making Body may submit comments on a matter in advance of the meeting to be shared during discussion. A vote does not count in absentia. A vote will be counted from a member attending remotely.

Minutes

43. Decisions made by the Board and Committees must be recorded in writing.
44. Minutes of the decisions taken and where appropriate the proceedings of each meeting of the Board and its Committees shall be drawn up and approved at the next appropriate meeting of the Board or the Committee.

Written resolutions

45. A decision taken outside a meeting of the Board or a Committee is valid if:
 - a. reasonable notice of the matter to be decided has been given to all members of the Board or the Committee;
 - b. it is subject to normal quorum rules and all members eligible to vote are given the opportunity to vote;

BSB 270521

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

- c. the decision is recorded in a single written document signed by at least two thirds of members or approved by email by at least two thirds of members; and;
- d. the decision is formally ratified at the next meeting and appears in the minutes of that meeting.

Agenda papers

- 46. The agenda and papers for any meeting of the Board or a Committee shall be sent to its members at least four working days before a meeting. With the consent of the Chair or Vice Chair shorter notice may be given.

Publication of agendas, papers and minutes by the BSB

- 47. The Board may decide which of the papers considered at its meetings should be made public after each Board meeting.
- 48. The Board may also publish its agenda and minutes of its meetings.
- 49. There is a presumption in favour of publication of Board papers unless the Board considers there is good reason not to do so.

PART 7 – MEMBERS' INTERESTS

- 50. The Board must establish and maintain policies on declarations of interest and on offers and receipt of gifts or hospitality by members of the Board, Committees and other Decision-making Bodies.
- 51. With regard to conflicts of interest, a member of the Board, a Committee or other Decision-making Body must:
 - a. Where they have an interest in an item of business to be transacted declare that interest;
 - b. Where the Policies so require, absent themselves while that item is under consideration.
- 52. A member of the Board or a Committee or other Decision-making Body must, in accordance with the Gifts and Hospitality Policy, declare any reportable hospitality offered or received in that capacity.

PART 8 – DELEGATION

- 53. Pursuant to paragraph 14(45) of the Constitution, the following arrangements are made for delegation of the functions of the Board.
- 54. The functions of the Board in relation to the matters within the terms of reference of a Committee stand delegated to the relevant Committee as set out under paragraph 7 and Annex 2 and in accordance with paragraph 10 and Part 6.
- 55. The Board may, to the extent it considers appropriate and subject to paragraph 56, delegate in writing any function to the Chair of the BSB, a Committee, the Chair of a Committee, the IDB, the CEB, one or more members of BSB staff, or any other body or person, either by name or by a position so specified in the delegation. The Board shall establish and maintain a scheme of delegations identifying each function so delegated including details of the body or person (designated by office or name) to whom it is delegated, and the conditions (if any) on which it is delegated. Notwithstanding such scheme of delegations, the Board may delegate such matters as it considers appropriate to the Director General who in turn can delegate such matters to such BSB staff as they consider appropriate.

BSB 270521

Commented [RF1]: Incorrect cross reference

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

56. The following functions must be exercised by the Board itself and may not be delegated:
- a. adoption and amendment of the Constitution and Standing Orders of the BSB;
 - b. adoption of the Declaration of Interests Policy and the Gifts and Hospitality Policy required by paragraph 50;
 - c. approval of the budget;
 - d. making of rules forming part of the regulatory arrangements;
 - e. approval of the Inns Conduct Committee Rules; and
 - f. decisions about policy on payment of fees or expenses under paragraphs 22 and 30.
57. A Committee may delegate any function within its terms of reference to a member of BSB staff either by name or by a position specified in the delegation. Any such delegation must be recorded in writing, notified to the Board, and recorded in the scheme of delegations.
58. Nothing in paragraphs 55 - 57 prevents the Board or a Committee whose function has been delegated from exercising that function itself.

PART 9 – RESOURCES

General

59. The GCB's financial management controls are as agreed by the joint Finance Committee. The BSB will abide by those controls.

The Annual Budget

60. The BSB will prepare an annual budget in accordance with the procedures agreed by the joint Finance Committee. The Strategic Planning and Resources Committee will scrutinise the BSB budget proposals before the Board considers and approves its budget.

Staff

61. The Board appoints its own staff in accordance with the employment policies agreed from time to time with the GCB. Responsibility for appointment of staff other than the Director General will be delegated by the Board to the Director General.

Annex 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE (NOLAN PRINCIPLES)

Selflessness – Holders of public office should act solely in terms of the public interest.

Integrity – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty – Holders of public office should be truthful.

Leadership – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 – TERMS OF REFERENCE OF BSB COMMITTEES AND THE IDB

Annex 2a - Governance, Risk and Audit Committee

The Terms of Reference of the Governance, Risk and Audit Committee are:

Purpose

1. to support the Board in achieving its strategic objectives by providing assurance on the effectiveness of governance structures, risk management processes and internal controls;
2. to monitor and recommend to the Board action in respect of the effectiveness of the strategic arrangements for governance, risk management and internal audit;

Responsibilities

Governance and Assurance

3. to consider how governance structures and arrangements maintain the independence of the BSB's regulatory functions and support achievement of the BSB's strategic aims and regulatory objectives, and to make recommendations to the Board;
4. to recommend the BSB's Assurance Framework to the Board and to ensure its continued effectiveness through periodic review;

Risk

5. to make recommendations to the Board on its risk management strategy and processes, including its Risk Framework, Risk Index and Risk Outlook;
6. to provide oversight of risk management processes, monitoring compliance and challenging management on the adequacy of actions taken and planned;
7. to provide assurance to the Board and advising on risks where it considers further action is required;
8. to provide assurance to the joint Audit Committee of the Bar Council and the BSB on the effective operation of the processes to manage risk;

Controls and Internal Audit

9. to consider the effectiveness of the BSB's control systems and internal business processes;
10. to periodically review the Business Continuity Plan;
11. to provide oversight of the internal audit function. To appoint the Board's Internal Auditors and agree the annual audit plan including any audit reviews that the Board wishes to be conducted and any audit reviews of shared services that are jointly commissioned with the GCB;
12. to monitor and provide assurance to the Board on the effectiveness of the management response to issues identified by audit activity;
13. to monitor the performance of the Internal Auditors;

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

Compliance

14. to periodically review BSB compliance with its statutory and regulatory obligations including Data Protection and Anti-Money Laundering Regulations;
15. to monitor the GCB's whistleblowing processes and the arrangements for investigating fraud, corruption and error to ensure they remain appropriate for the BSB;
16. to facilitate the Committee's discharge of its responsibilities in relation to particular items of business, if necessary, procure specialist ad-hoc advice at the expense of the BSB, subject to that expense being agreed by the Board.

The membership of the Governance, Risk and Audit Committee shall be:

1. A lay chair who must also be a Board member;
2. Two other members who must be Board members; and
3. No fewer than two, and no more than three, other members who must not be Board members.

Quorum

4. The quorum for meetings of the Governance, Risk and Audit Committee is three members.

Annex 2b – Strategic Planning and Resources Committee

The Terms of Reference of the Strategic Planning and Resources Committee are:

1. to support the Board and the executive in formulating the overall strategy for the BSB, with particular emphasis on horizon scanning, priorities, activities and outcomes. To scrutinise the BSB's three-year Strategic Plan and annual Business Plan before the Board's approval is sought;
2. to oversee financial performance against the objectives and targets set out in the Business Plan and to consider and agree any necessary corrective actions. To consider whether proposed funding is adequate and properly and effectively allocated across the BSB;
3. to decide:
 - a. the annual budget and revenue for recommendation to the Board, in the context of the Strategic and Business Plans;
 - b. requests of expenditure or virement between directorates of more than 10% of the BSB's annual budget;
 - c. approval of additional members of staff;
4. to agree how the BSB presents financial information to best effect and with appropriate transparency and comprehensiveness.
5. to consider and agree the recommendations of the executive on the provision of corporate services, including where the executives proposes sharing any service with the GCB and that such sharing is in compliance with Rule 11 of the Internal Governance Rules on the basis that:
 - a. this will not undermine, and could not reasonably be seen to undermine, the separation of regulatory and representative functions;
 - b. this is effective and appropriate for the BSB to discharge its regulatory functions; and
 - c. this is necessary to be efficient and reasonably cost-effective
6. to ensure that the BSB undertakes planning activity to best effect and in a timely and consistent manner, as well as to provide assurance to the Board on the robustness of programme and project management processes. To support the Board and executive with finalising the BSB's Annual Report publications.

The membership of the Strategic Planning and Resources Committee shall be:

1. Five members of the Board, at least three of whom will be lay members and one of those will be the chair of the committee.

Quorum

2. The quorum for meetings of the Strategic Planning and Resources Committee is three members.

Annex 2c – Remuneration Panel

The Terms of Reference of the Remuneration Panel are:

1. To set parameters for ~~to determine~~ and make recommendations to the Board on the remuneration and terms of engagement of the following:
 - a. The Director General;
 - b. Any other senior staff who sit outside the general staff banding structure;
 - c. The Chair, Vice Chair and members of the BSB;
 - d. All members of any BSB committee, sub-committee, panel, or other body;
2. To advise the BSB on its ~~policies impacting on pay and benefits~~ HR strategy, and to provide general oversight and expert advice on HR matters;
3. To consider workforce remuneration and related policies, to support the BSB in attracting and retaining an appropriately skilled and experienced executive staff;
4. To advise the Chair of the BSB on the recruitment of the Director General of the BSB;
5. To advise the Board on the annual performance related salary review for the BSB, having regard to ~~any advice on affordability~~ any advice from the Finance Committee on the standard increase to be applied;
6. To consider appeals by the Director General and staff who report directly to the Director General against decisions relating to dismissal, disciplinary sanction, grievance, promotion or demotion. Appeals will be heard by the independent lay member of the Panel.

Commented [RF2]: Does not both “determine” and “make recommendations to the Board”. This is from Terms of Reference for previous Emoluments Committee which determined and **reported to** the Finance Committee.

The membership of the Remuneration Panel shall be:

1. An independent lay person, with knowledge of the Governance Code on Public Appointments, or similar skills and experience in recruitment to and remuneration for roles in public bodies. This will usually be the Chair or Vice Chair of the joint Finance Committee of the General Council of the Bar and the BSB.
2. The Chair and one other member of the Strategic Planning and Resources Committee, providing that one of those members is a lay member and one of those members is a barrister. The Chair of the Strategic Planning and Resources Committee will be the Chair of the Panel.
3. Members may nominate an alternate who is entitled to take their place at any meeting which the member is unable to attend.

Quorum

4. The quorum for meetings of the Remuneration Panel is three members, which may include alternates.

Annex 2d – IDB

The Terms of Reference of the IDB are:

1. To provide members for IDPs which carry out the functions and exercise the powers given to IDPs pursuant to the Enforcement Decision Regulations under Part 5, Section A of the BSB Handbook, and to consider applications for review made under Part 3 C6, Part 3 E11, or Part 4 B10, or reviews of decisions taken under Part 1 A4, of the Bar Standards Board Handbook;
2. to report to the Board on its work as and when required.

The membership of the IDB shall be:

1. A chair and at least one vice chair. The chair can be either a lay or barrister member; and
2. Sufficient numbers of lay persons and barrister members to enable the IDB to carry out its business expeditiously.
3. The IDB Chair may carry out the functions and exercise the powers given to the IDB Chair under Part 5 of the BSB Handbook.

Annex 2e – Centralised Examinations Board (CEB)

The Terms of Reference of the CEB are:

1. To oversee all aspects of testing by assessment, examination or otherwise of students, transferring qualified lawyers and pupil barristers in the subject areas centrally assessed by the BSB (Ethics, Civil Litigation, and Criminal Litigation);
2. To convene, and regulate the procedure of, the Final Examination Board and Subject Examination Boards, as the CEB considers necessary to enable it to discharge any of its functions;
3. To report to the Board on its work as and when required.

The membership of the CEB shall be:

1. A Chair;
2. For each subject area, a Chief Examiner and sufficient numbers of Assistant Chief Examiners to enable the CEB to carry out its functions expeditiously;
3. The BSB's Director of Regulatory Operations;
4. The Independent Psychometrician appointed by the BSB;
5. The Chief Examiners for each subject area and the BSB's Director of Regulatory Operations may nominate an alternate to take their place at any meeting which that member is unable to attend.

Quorum for the CEB

6. The quorum for meetings of the CEB will be five members, which must include the Chair, a Chief Examiner for each subject area (or alternates), and the BSB's Director of Regulatory Operations (or alternate).

Annex 3 – APPOINTMENTS PROCESS FOR BSB COMMITTEES

1. The BSB appoints and reappoints all Chairs and members of its Committees on merit.

Appointments of Board members to the posts of BSB Committee Chairs and BSB members of Committees are made by the BSB Chair in consultation with the BSB Vice Chair and BSB Director General.
2. Appointments of new members of BSB Committees (who are not Board members) are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of members of BSB Committees is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. Appraisals must inform retention and reappointment recommendations and decisions. The BSB Chair or their nominees must carry out the appraisals.
5. All appointments made by the BSB Chair of members who are not Board members shall be for a fixed period of up to three years. Appointments may be renewed for a further fixed period of up to three years without holding a competition, if the Chair of the Committee concerned is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it is in the interests of the BSB to renew the appointment.
6. In exceptional circumstances, the BSB may resolve to offer an extension of an individual person's or group of persons' appointment beyond the maximum six year period of appointment permitted above. Any resolution to make a limited offer of extension must:
 - a. allow for an extension of no more than 18 months in duration;
 - b. be made by offer in writing, and
 - c. be made for a specific reason that is articulated in the offer of extension.

Annex 3b – APPOINTMENTS PROCESS FOR THE IDB

1. The BSB appoints and reappoints all Chairs, Vice Chairs and members of its IDB on merit.
2. Subject to paragraphs 8 and 9, a Appointments of new members of the IDB are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of the IDB Chair is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. The selection panel convened for recruitment of the IDB Vice Chairs and members of the IDB is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. The IDB Chair or, in the absence of the IDB Chair an IDB Vice Chair;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
5. Appraisals must inform retention and reappointment recommendations and decisions. The IDB Chair or their nominees must carry out the appraisals. Any appraisal of the IDB Chair will be conducted by the BSB Chair or their nominee.
6. Subject to paragraphs 8 and 9, a All appointments made by the BSB Chair shall be for a fixed period of up to three years. Appointments may be renewed for a further fixed period of up to three years without holding a competition, if the BSB is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it will allow the BSB to continue to discharge its regulatory functions.
7. In exceptional circumstances, the BSB may resolve to offer an extension of an individual person's or group of persons' appointment beyond the maximum six year period of appointment permitted above. Any resolution to make a limited offer of extension must:
 - a. allow for an extension of no more than 18 months in duration,
 - b. be made by offer in writing, and
 - c. be made for a specific reason that is articulated in the offer of extension.
8. The Chair of the BSB may appoint temporary members of the IDB for the purpose of taking decisions in a specific case. The power to appoint temporary members can only be exercised where there are insufficient IDB members to form an impartial IDP due to the number of members of the IDB who:

Annex 1 to BSB Paper 023 (21)

Part 1 – Public

- a. Have a conflict: and/or
- b. Could be perceived to have a real possibility of bias.

- 9. Any appointments made by the Chair of the BSB under paragraph 8 must be in writing and specify the decision(s) which the temporary IDB members are appointed to decide. The appointments will cease once the decision(s) have been taken, and any consequential matters arising have been concluded.

Annex 3c – APPOINTMENTS PROCESS FOR THE CEB

1. The BSB appoints and reappoints all Chairs and members of its CEB on merit.
2. Appointment of the Chair of the CEB is made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of the CEB Chair is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board. If the Board does not include a member with expertise in higher education and/or assessment, then a person with such expertise shall be appointed in place of one of the Board members;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. Appointments of new members of the CEB are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
5. The selection panel convened for recruitment of the members of the CEB (other than the Chair) is to consist of:
 - a. The CEB Chair or, in the absence of the CEB Chair one of the Chief Examiners;
 - b. One of the Chief Examiners (who would usually be in the subject area being recruited to when recruiting Assistant Chief Examiners);
 - c. a member of senior staff of the BSB, as delegated by the Director General.
6. Appraisals must inform retention and reappointment recommendations and decisions. The CEB Chair or their nominees must carry out the appraisals. Any appraisal of the CEB Chair will be conducted by the BSB Chair or their nominee.
7. All appointments made by the BSB Chair shall be for a fixed period of up to two years. Appointments may be renewed for further fixed periods of up to two years without holding a competition, if the BSB is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it will allow the BSB to continue to discharge its regulatory functions.

Part 1 – Public

Meeting:	Bar Standards Board	Date:	27 May 2021
-----------------	---------------------	--------------	-------------

Title:	Communications and Public Engagement and Public Legal Education report
Author:	Wilf White
Post:	Director of Communications and Public Engagement

Paper for:	Decision: <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	---	---	--	--

Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Recommendation(s)

<p>The Board is asked to review the performance of our Communications and Public Engagement (CPE) strategy including our current Public Legal Education (PLE) strategy and to offer any comments or suggestions as to how that performance might be improved.</p>

Executive Summary

<p>Since our CPE strategy was first agreed by the Board in March 2019 and our PLE Strategy shared with the Board in March 2020 this report concludes that significant progress has been made, although the pandemic has of course presented a significant challenge.</p> <p>Last August's Bar exams and controversy over the sentences passed in cases of sexual misconduct have resulted in criticism of the BSB but in other areas, such as our initiatives to promote diversity, our work has been better received; we have increased the range of stakeholders with whom we engage; the new website has attracted many more visits; and users and the open rate for our key monthly Regulatory Update email to the profession remains more than double the average rate for business to business emails and significantly higher than Government to business emails.</p> <p>There is always scope for new ideas and improvement. Deepening and widening our consumer engagement remains a key priority. But, with the exception of public legal education where the team leads, ours is largely an auxiliary and facilitatory role. Rightly, the perception of the BSB by the public, the Press and the profession will always depend primarily on what we do and not upon what we say.</p>

Risk

The key corporate risk which our CPE strategy seeks to address is CR051 “Lack of stakeholder engagement with the BSB impedes policy development and implementation”.

The key regulatory risks in this area all relate to Access to Justice and focus around the risks that consumers do not understand they have a legal problem, do not know how to obtain legal advice or do not have confidence in the profession.

Our CPE/PLE strategy seeks to address these risks.

Resources (Finance, IT, HR)

The CPE team has four members including the Director. Our annual spending on non-staff costs in 2020-21 was only £38,000, significantly lower than in a normal year largely because we produced more of our publications in house and we were unable to host any face to face meetings, seminars or other events.

Equality & Diversity

We always seek to ensure that all our publications are available in accessible formats on request and that our website is written in accessible language and easy to navigate. In seeking to improve our consumer engagement one of our key targets is improving our reach with consumers from minority groups and we are actively supporting the Equality and Access to Justice team’s groups focussing on Race Equality, Disability and Religion and Belief.

Communications and Public Engagement metrics / Public Legal Education

Summary

1. This paper reviews our Communications and Public Engagement (CPE) and Public Legal Education (PLE) activities for 2020-21 and seeks comments or suggestions as to how that performance might be further improved.
2. Our current CPE Strategy is set out at Annex 1. This was agreed by the Board in March 2019. It has not been revised only to include a summary of our PLE strategy which was shared with the Board in March 2020.
3. Our CPE dashboard is at Annex 2.

Performance against strategic outcomes

4. Our strategy says that “The outcomes we will seek to achieve will be:
 - Wider and generally positive coverage of our work in national and specialist Press and on social media;
 - An increase in usage and in user satisfaction for both our website and intranet site;
 - Working with the frontline providers and other legal regulators, an increase in legal knowledge for those in legal need;
 - More collaborative events and initiatives with interested stakeholders;
 - An increase in interaction with our work through greater attendance at third party events;
 - Wider understanding of our work among all stakeholders;
 - An increase in engagement with our consultations, especially bodies representing consumers and the public;
 - Board members and staff feel well informed and well able to act as ambassadors for the BSB;
 - We have in place better measures to evaluate our effectiveness;
 - We can show that we have reduced our costs while maintaining our effectiveness”

This paper therefore assesses our performance against those outcomes.

Wider and generally positive coverage of our work in national and specialist Press and on social media

5. We issued 62 Press Releases and news announcements during 2020-21 and, as the dashboard shows, our monitoring found a total of 721 Press mentions¹. We appeared in a diverse range of titles, although the core legal trade press remains the area most likely to cover our stories including: The Law Gazette, Legal Futures, Legal Cheek, Barrister Magazine, Lawcareers.net and Counsel Magazine. As usual, national and local Press coverage most frequently related to stories relating to professional misconduct by barristers.
6. Wider coverage was therefore achieved but the difficulties which many students experienced in sitting the centralised assessments for the then Bar Professional Training Course in August generated a great deal of comment and criticism and, as the Huxley-Binns Review found, the lack of reliable management information at the time, coupled with our lack of a direct line of communication with students, severely hampered our communications. Sentences in cases involving sexual misconduct also resulted in some criticism and it is clear that many stakeholders do not appreciate that the sentences imposed in individual cases are

¹ It's important to note that every Press mention counts as one regardless of the circulation of the title. A more sophisticated analysis would be preferable but would require greater resources.

a matter for independent tribunals run by the Bar Tribunals and Adjudication Service (BTAS) and not the BSB. The balance of Press mentions was therefore negative² this year but our Action Plan in response to the exams review, and the review of sanctions guidance which BTAS are currently conducting, should address these issues. There was more positive coverage for other areas of our work, such as the promotion of reverse mentoring and our anti-racism strategy, and these issues also gave us a valuable opportunity to discuss diversity with journalists from titles focusing on ethnic minority issues with whom we have been seeking to increase our contact.

7. On social media the number of our Twitter followers increased from around 23,000 at the end of March 2020 to nearly 27,000 at the end of March in 2021 while the number of engagements grew throughout the year peaking over the August BPTC exams. We make less use at present of LinkedIn and Facebook, and there is scope to do more as time and resources allow, but we have 7,382 followers on LinkedIn, 1,224 people have “liked” our Facebook page and it has 1,444 followers.

An increase in usage and in user satisfaction for both our website and intranet site

8. As the dashboard shows, the relaunch of our website in October 2019 has been very successful and we have seen an 83 per cent increase in unique web visits over the past year from 107,811 visits in Q4 2019-20 to 197,285 visits in Q4 2020-21. In total 606,784 unique users visited our website during 2020-21 (up from 347,991 users during 2019-20) and 44,564 people visited our webpage about finding and using a barrister. This rate of increase will not be sustainable indefinitely but these very encouraging figures do demonstrate that our new website is playing a successful role in public legal education. We have not recently surveyed user satisfaction – it is hard to get feedback as our last survey of the old website demonstrated - but we hope to do so soon.
9. We have also made some changes to our intranet site and these have been well received but it really needs a more radical review if we are to achieve significant increases in usage and user satisfaction.

Working with the frontline providers and other legal regulators, an increase in legal knowledge for those in legal need

10. Experts tend to divide consumer education into two categories: “just in case” information, which is background knowledge which you may need one day; and “just in time” information which is designed to give you immediate help when a problem has already arisen. Not surprisingly, our experience mirrors that of other sectors, particularly financial services, and shows that the public is not easily engaged by general messages which are irrelevant to their immediate interests or concerns – you don’t much care how bank deposits are protected if you have no money to deposit, for example. Our PLE strategy therefore offers both types of information: so, for example, our website offers the Barristers’ Register and information about how barristers work “in case” you need to know but it may also operate “just in time” if you need a barrister more immediately. But we recognise that it is more effective to focus on giving information when people have a problem, helping them to realise that it is a legal problem and then giving them advice as to how they can get help. That is also of course why our frontline partners focus more on “just in time” advice. Rather than giving a general view of the legal services market they therefore focus on a question like “what should I do if I am threatened with eviction?”

² We count as a negative story anything that contains criticism of the BSB or of the legal regulation of barristers generally so we have included criticism of sentencing by BTAS tribunals even though they are independent of the BSB.

11. Partnering with these frontline organisations offers the key benefit that they can reach people who are hard for us to reach, and communicate with them in a way that they can understand. They are also more likely to be trusted by those in legal need who may be distrustful of official sources of advice.
12. We now have three active partners in our public legal education strategy:
 - Law for Life
 - Support through Court and
 - Refugee Action
 We are currently discussing a fourth partnership with **Citizens Advice**.
13. So far we have supported the following **Law for Life** activities:
 - A survival guide to going to court when the other side has a lawyer and you don't - <https://www.advicenow.org.uk/guides/when-other-side-has-lawyer-guide-litigants-person-0>. When we agreed to fund this guide we anticipated that the Guide would receive 7,000 pageviews in the first year, rising to at least 10,000 by the end of the second year. In fact the guide received 7,978 page views in its first year, despite Covid and its impact on the courts, and is on course to exceed 10,000 in its second. The guide has received five user reviews, all of which gave it 5 stars, and one of which reads as follows *“Just found this info which is really going to help me as litigant in person at family court in two weeks. VERY nervous and overwhelmed so ‘Thank You’ for this great guide in what to expect.”*
 - The accompanying more detailed guides below have not been used quite as much as expected because of the impact of the pandemic on the courts but they have together reached just over 7, 000 pageviews and we expect that they will reach far more in the coming year as courts resume more normal operation.
 - Hearings - <https://www.advicenow.org.uk/know-hows/hearings-civil-claim>
 - Interim applications <https://www.advicenow.org.uk/guides/interim-applications-how-ask-civil-court-do-something>
 - Legal costs and who pays them - <https://www.advicenow.org.uk/know-hows/legal-costs-and-who-pays-them>
 - Suing in the civil court - an overview of the process - <https://www.advicenow.org.uk/know-hows/suing-civil-court-%E2%80%93-overview-process>
 - Before you sue : things you need to know about court procedure - <https://www.advicenow.org.uk/before-you-sue-things-you-need-know-about-court-procedure>
 - Evidence needed to sue someone - <https://www.advicenow.org.uk/know-hows/evidence-needed-sue-someone>
 - How to settle a claim - <https://www.advicenow.org.uk/know-hows/how-settle-claim>
 - We have also funded workshops for women-led organisations supporting highly vulnerable women including a PLE programme for staff and volunteers at the Latin America Women's Rights Service to help them better deal with housing and benefits issues arising from COVID-19; a programme for sex workers about disability rights; a similar programme offering information about legal rights to Women with Hope, a self-help group, made up of migrant women from ethnic minority groups based in Birmingham. All these workshops received very positive feedback from their participants. We are also funding a course to support NHS link workers who want help in offering advice on housing rights to people in their care.

- Our funding also enabled Law for Life to switch their education and training of intermediaries online when Covid hit and the first lockdown started. They were then able to meet the additional costs of buying a computer which enabled them to make and edit films and fund additional sessions of their Fighting Precarious Housing programme that dealt with new issues arising out of Covid and the lockdowns. That course had 22 participants from 14 frontline organisations that supported women. Between them they expected to support 4,752 women facing serious housing difficulty or homelessness each year. Before the course, 34% of participants reported they were 'very' or 'extremely' confident in helping service users with housing problems. By the end of the course 70% of participants reported they were “very confident” or “extremely confident”. By the end of the course 100% of participants were also able to correctly identify key steps needed in helping someone challenge an eviction notice, and 90% of participants were able to correctly identify responsibility for dealing with a disrepair issue. By mid-December the videos that accompanied the online course had been viewed an average of 398 times each, a total of 2,791 times in total, and they have been shared widely on social media, other platforms, and within the groups of which participants were part - greatly expanding their reach. Every video and webinar was accompanied by links to relevant materials, including several Advicenow guides; links to specific pieces of government advice; plus freshly created information resources on domestic abuse provisions and services, homelessness pathways, benefits and rights during Covid-19.
14. **Support through Court** is a volunteer organisation with over 880 volunteers offering help to those facing court without any legal representation and operates from 20 courts across England and Wales. Their usual model has been to offer face to face advice in person but they have had to adapt radically in the conditions of the pandemic. Our partnership has involved some financial support and my (Wilf White) joining their Business Board which develops their partnership and fundraising strategies.
 15. Since 2018 we have been part of **Refugee Action's** Barriers to Complaints Initiative, which aims for a collaborative, client focused approach to resolving the barriers to complaints that have been identified through Refugee Action's work in previous years. An inaugural piece of practitioner focused research was supported by the OISC, BSB, Legal Ombudsman, SRA and CILEx Regulation. We are now funding a new project, which seeks to build on and complement that research by focusing on the consumers of immigration services, and will enable Refugee Action to take forward this important initiative in collaboration with our fellow regulators.
 16. We have also spoken to other regulators about the possibility of further PLE projects and have offered to the Legal Services Board to take a leading role in establishing a new frontline regulators' consumer information/public legal education (PLE) forum to develop a range of products beyond Legal Choices, building on the Solicitor General's PLE strategy and involving expert voices across the sector. We believe there is value in agreeing a common strategy that considers whom we are trying to reach, with what messages and how best to do that. We would recommend that this should include partnerships with other bodies, which could include the third sector and non-legal regulators. We also continue to participate in and support Legal Choices' "Help Me Trust My Lawyer" product.
 17. In the year ahead our aim is to continue to work with our existing partners to target those most in legal need who are emerging from the health emergency with various legal issues including employment, family, housing and insolvency matters. We also hope to extend our targets beyond individuals to include small businesses, who may already be benefiting from our Law For Life partnership since people running small businesses often appear as litigants in person. We will look for new partners to reach them and will also talk directly to relevant key consumers of legal services to identify their needs – including the Federation of Small Businesses and the Small Business Commissioner.

More collaborative events and initiatives with interested stakeholders

18. Aside from PLE the opportunities to collaborate in events has been severely limited by the coronavirus but the BSB continues to collaborate with other regulators in responding to the CMA legal services review through the Remedies Programme Implementation Group and we are taking part in other collaborative initiatives in areas such as Law Tech and the examination of possible quality indicators.

**An increase in interaction with our work through greater attendance at third party events;
Wider understanding of our work among all stakeholders; and
An increase in engagement with our consultations, especially bodies representing consumers and the public**

19. This area of our work has also been significantly affected by the pandemic and, although we have taken every opportunity to attend virtual events, where we can, and to involve new stakeholder voices in our network, building such relationships is undoubtedly more difficult when face to face content and physical attendance at events is not possible. That said, as the dashboard shows, attendance at events and external meetings did recover in the second half of the year and we have had useful discussions with the Legal Services Consumer Panel and others about developing a pool of consumer stakeholders, which we are now taking forward; we are soon to advertise for extra members of our Advisory Panel of Experts who have consumer expertise; and all Board papers which propose changes to policy will now require a section explaining what consumer engagement has been carried out.
20. We have also supported stakeholder engagement led by others. For example, the CPE team ensures that the Chair and the Director General are well briefed for all meetings which they attend; we have supported the Equality and Diversity team in their work to establish the “taskforce” engagement groups which cover Race Equality, Disability and Religion & Belief; and we will be supporting the education team in their work to increase our engagement with students.

Board members and staff feel well informed and well able to act as ambassadors for the BSB

21. As the graph in the dashboard shows, internal briefing events did dip at the start of the pandemic but we have held a number of valuable Knowledge Sharing Events with external speakers and with several members of the Board, we have ensured that staff are well briefed about the new Internal Governance Rules and the Strategic Update is now offered to the Board at every meeting instead of quarterly as before.

**We have in place better measures to evaluate our effectiveness;
We can show that we have reduced our costs while maintaining our effectiveness**

22. The dashboard contains some key statistics and our PLE partners also measure their effectiveness. The ultimate effectiveness of our CPE activities is difficult to measure of course (eg we can measure whether the feedback we receive from stakeholders is becoming more or less positive but regulators are often required to make themselves unpopular with stakeholders in order to achieve their regulatory objectives so critical reactions to our work are not necessarily a sign that we are not communicating or engaging with stakeholders well). Similarly, it is the quality of responses to a consultation that matters more than the number. Surveys of opinion are also difficult because they can be significantly affected by immediate regulatory issues rather than communications activities. But some simple measures are encouraging: the read rate for Regulatory Update is still gently trending gently upward; our website visits and unique users have increased significantly; we are reaching a wider range of media and increasing our followers on social media; and our PLE partnerships

are deepening and widening while delivering really valuable content to those most in legal need – there is also a strong multiplier effect here because much of the activity we fund educates intermediaries (like the NHS link workers) who can then pass on their knowledge to many more people.

23. Pandemic impacts aside, we can also show that our effectiveness has been maintained although our spending has reduced from around £75,000 in 2019-20 to around £38,000 in 2020-21. But a good deal of this reduction in our spending was involuntary – we could not set up face to face events, for example, although we should very much like to have done so – and our budget for 2021-22, although reduced to £60,000, has been set in the hope that we can hold more such events this year. In future we hope to hold both virtual and face to face events and to ensure wherever possible that the latter are hybrid events which people can also attend virtually if they wish.

Conclusion

24. Board members are invited:

- To note the report above, the updated CPE/PLE Strategy at Annex 1 and the dashboard at Annex 2 and
- To offer any comments or suggestions they may have. In particular, we should like to know:
 - i. are there any CPE or PLE activities which we should be doing which we are not currently doing, or not doing enough?
 - ii. and are there any key stakeholder groups – beyond consumer groups, diversity groups and students who are our current primary focus for extending our current activities – with whom we should be engaging more frequently?

Wilf White
Director of Communications and Public Engagement

**BAR STANDARDS BOARD
COMMUNICATIONS AND PUBLIC ENGAGEMENT STRATEGY
2019 – 2022 (updated May 2021)**

Introduction

1. The Bar Standards Board is the independent regulator of the Bar. It can only fully achieve its statutory objectives if its work is widely known and understood and key stakeholders are able to contribute to its policy-making. So the BSB maintains a small Communications and Public Engagement (CPE) team with a team of four staff including the Director.
2. The purpose of the BSB's Communications and Public Engagement (CPE) Strategy is to support the Board in the achievement of its statutory objectives:
 - 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.

In particular between 2019 and 2022 our key CPE objectives will be to help the BSB to address our key risk themes, which are that:

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

And to deliver our three strategic priorities which 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.

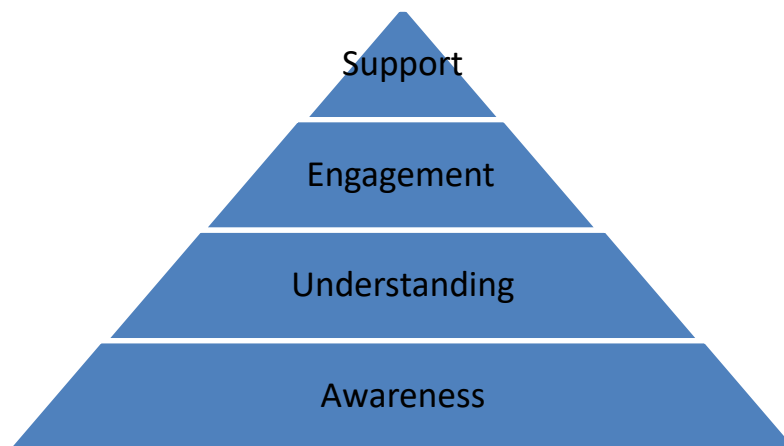
3. This Strategy is designed to accompany the BSB's Strategic Plan for 2019-22 and was approved by the Bar Standards Board on 28 March 2019.

The Strategy

4. To achieve the aims set out in its Strategic Plan the BSB must communicate and engage with a wide range of stakeholders, including:
 - the public and consumer groups, including bodies promoting access to justice and equality and diversity
 - barristers and their representative bodies, including the Bar Council, the Inns, the Circuits and Specialist Bar Associations
 - those training for the Bar, Law students and those offering that training
 - other professions which support the Bar including clerks and practice managers
 - other legal professionals and their representative bodies
 - other regulatory bodies
 - Government, Parliament and Whitehall and
 - the media

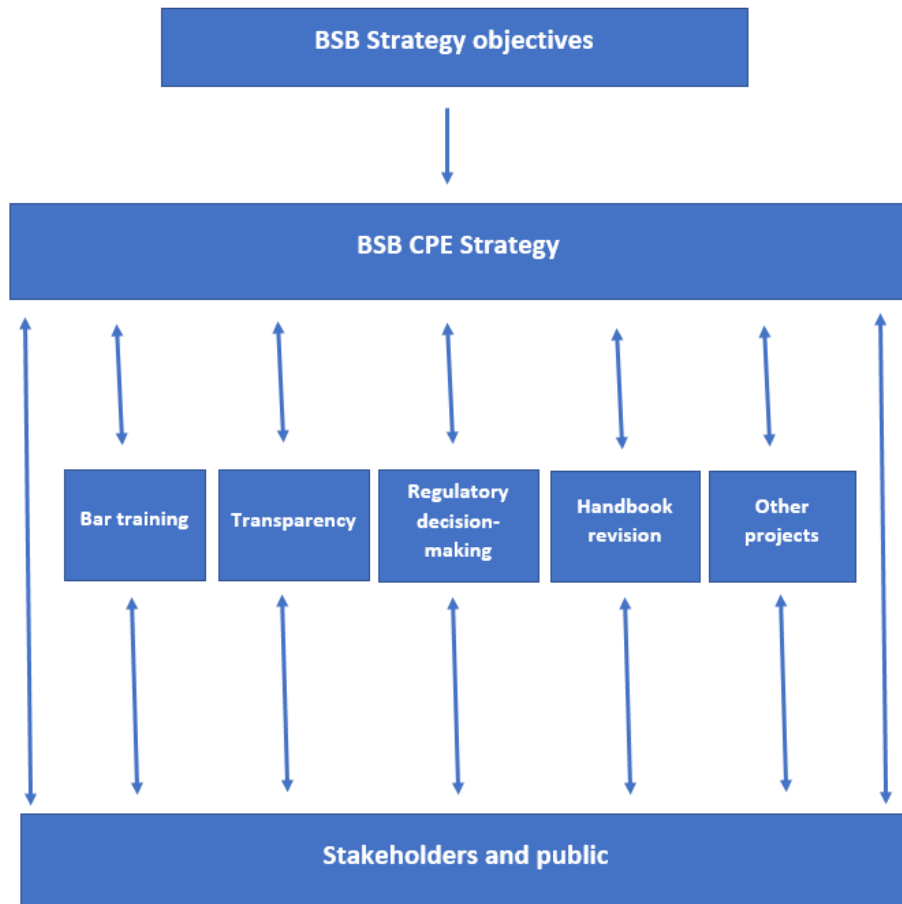
With which stakeholders we need to engage and to what extent always depends on the issue. Our priority is to ensure in each case that those most affected by our decisions have their voices heard in the decision-making process.

5. Our CPE strategy seeks:
 - to maximise **awareness** of our work and
 - increase **understanding** of what we do with the aim of increasing trust and confidence
 - in the hope that that will encourage the **engagement** which is vital for our policy making, and
 - increase **support** for our work (by which we mean ongoing engagement which certainly need not be uncritical).
6. The purpose of our engagement can be illustrated with the following “communications pyramid”:



7. The pyramid seeks to illustrate that while we want the widest possible awareness of our work, which we hope will lead to greater understanding, engagement and support, we recognise that those who choose to engage with and support us in our work will always only be a proportion of those who are aware of our work. We know from some of our stakeholders that they feel that a degree of awareness and understanding is sufficient. But we do want as many as possible of the public to be aware of the following key messages:
 - the Bar is a well regulated profession which is vital for the rule of law upon which a civilised society depends. So the regulation of the Bar matters to everyone even if they may never themselves use a barrister.
 - the BSB is an independent body operating in the public interest which seeks to ensure that barristers are well trained, competent and trustworthy and dedicated to giving their clients the best service they can; and
 - the Bar is an increasingly diverse profession, where we seek to ensure that entry and career progression is based on merit.
8. Communications and public engagement is not only the responsibility of the CPE team. We seek to encourage all staff to act as ambassadors for the BSB in their dealings with members of the public and key stakeholders and every key programme has a CPE strategy. The responsibility for designing and implementing those strategies is shared between the Programme and CPE teams.

9. The diagram below illustrates how the BSB's CPE Strategy operates. There is direct messaging between the BSB CPE team and staff and stakeholders and the public and also messaging that is delivered as part of individual programme plans. It is essential that this messaging goes in both directions – we gather vitally important feedback from stakeholders while we also communicate with them:



10. The CPE team's key overall objectives over the next three years are:
- to increase awareness of our work by all stakeholders;
 - to increase understanding of our work especially by those training for the Bar;
 - to encourage greater engagement with our work with a more diverse range of stakeholders, including more engagement with consumer bodies;
 - to increase support for our work in the form of ongoing engagement.
11. These objectives support the BSB's strategic objectives in the following ways:
- delivering risk-based, targeted and effective regulation;
 - the Bar and other stakeholders must be aware of our regulatory rules for those rules to be effective; and
 - greater engagement by stakeholders with our work also helps us to understand better the risks to our achieving our statutory objectives and to maximise the effectiveness of our regulation both in its design and its impact.
 - encouraging an independent, strong, diverse and effective legal profession;
 - we need to raise awareness of the progress that is being made to promote equality and diversity at the Bar and its strength and effectiveness but also to promote the need for further progress
 - we also need to engage with barristers and other key stakeholders so that we can better understand the threats and opportunities facing the Bar

- advancing access to justice in a changing market.
 - we need to promote public awareness of how they can get legal help which we seek to do through our own communications and in partnership with others
 - we also need to improve our understanding of the barriers and threats to access to justice so that we can properly target our activities and complement the work of others who share this objective

Public Legal Education

12. Our aims are to meet our statutory objective of increasing public understanding of citizens' legal rights and duties and to continue to accord with the CMA's recommendations relating to PLE seeking to ensure that consumers have access to
 - a comprehensive whole of market overview of different types of provider including those not regulated by frontline regulators;
 - information and practical guides on comparing and choosing a legal services provider; and
 - guidance on what information consumers and small businesses should reasonably expect from legal services providers on engagement and during the course of ongoing cases.
13. Our strategy seeks to:
 - identify how best to support the vulnerable;
 - consult the Legal Ombudsman (LeO) and consumer groups on content and focus;
 - engage with government to improve signposting to PLE resources;
 - engage with relevant bodies in Wales, Northern Ireland and Scotland; and
 - continue to promote Legal Choices from our websites and on published materials and encourage legal services providers to make consumers aware of Legal Choices. We have also made clear to Legal Choices that we will be pleased to provide them with material for use on their website should they wish.
14. We intend to deliver these aims via a dual strategy of:
 - partnerships with those who have the most expertise in reaching those with poor legal knowledge and whose websites are already well used and
 - investing in our own website
15. The strategy does not focus solely on online resources – since the most vulnerable often may not have internet access and may have poor language abilities or mental health for example. Drawing on the LSB's Legal Needs Survey our key audiences for the first stage of our strategy are those who cannot access legal help and are obliged to represent themselves and those whose circumstances are such that their level of legal confidence is particularly low.
16. The strategy involves talking both to our fellow regulators and to a number of trusted intermediaries who have experience of communicating with vulnerable people. We work with them both to enhance their own communications and also to improve our own communications activities, including our website, in the light of their insight and expertise.

Activities:

17. Our usual activities include:

- issuing Press Releases and handle Press inquiries
- publishing corporate documents
- issuing a monthly email to all barristers
- using social media especially Twitter and
- holding and attending face to face meetings and events and in the coming period we will also seek to achieve our objectives by:
 - Increasing the coverage of our work in the national and specialist Press as well as in the legal Press;
 - Improving and maintaining the “read” rate for Regulatory Update, our monthly email regulatory bulletin for the Bar;
 - Refreshing our website and our intranet site, Verity, to make them easier and more attractive to use, including on mobile devices;
 - Working with frontline providers to those in legal need, and the other legal regulators, to improve the public’s understanding as to their legal rights and duties, how they can obtain legal advice and how the Bar is regulated;
 - Seeking other forms of collaboration with stakeholders where possible;
 - Attending more events hosted by third parties rather than expecting them to attend our own events;
 - Seeking new ways to encourage engagement with us and with our policy consultations, especially by the public and consumer groups;
 - Ensuring that our Board and staff feel well informed about our work and are well equipped to act as ambassadors for the BSB;
 - Establishing new measures for judging the effectiveness of our work; and
 - Reducing our costs and seeking to maximise our value for money.

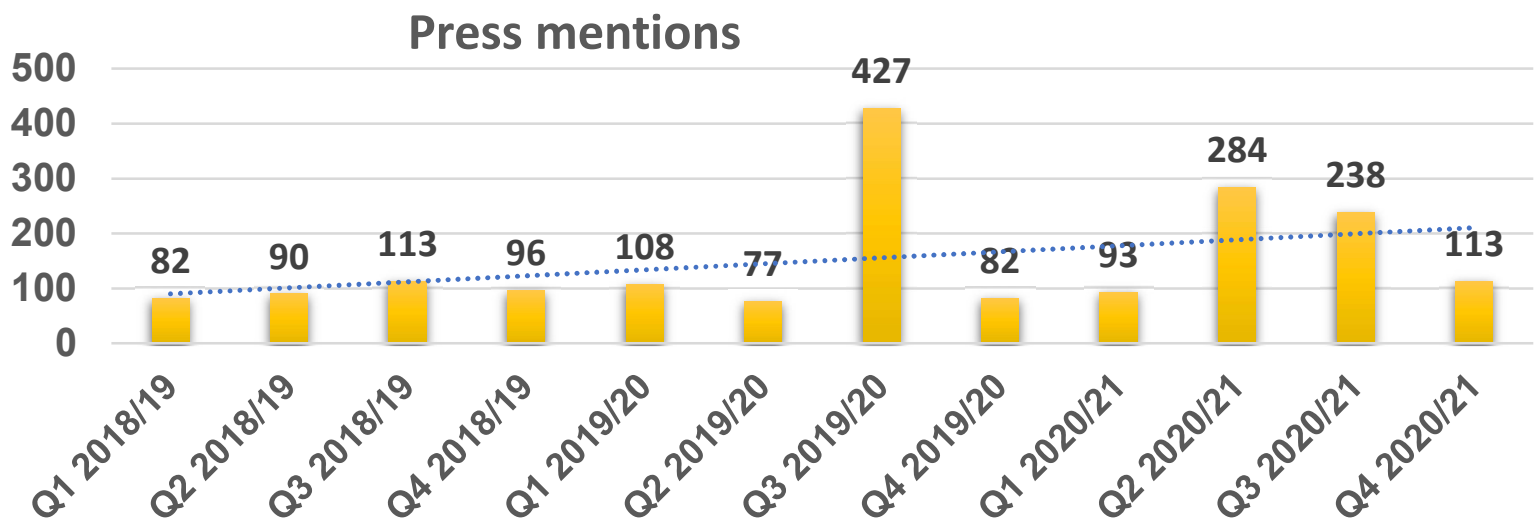
Outcomes

18. The outcomes we will seek to achieve will be:

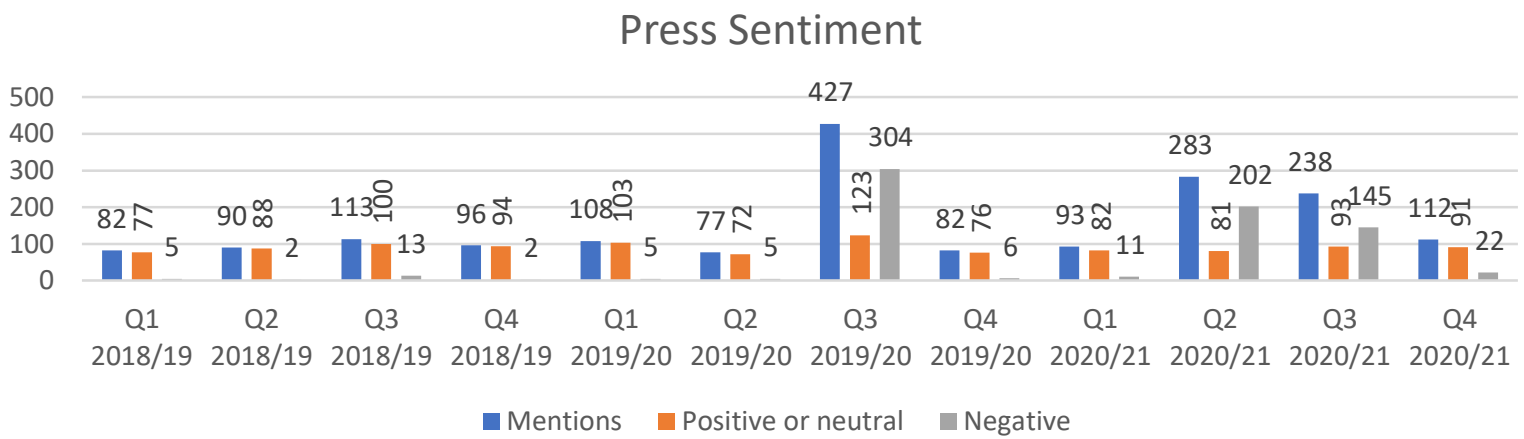
- Wider and generally positive coverage of our work in national and specialist Press and on social media;
- An increase in usage and in user satisfaction for both our website and intranet site;
- Working with the frontline providers and other legal regulators, an increase in legal knowledge for those in legal need;
- More collaborative events and initiatives with interested stakeholders;
- An increase in interaction with our work through greater attendance at third party events;
- Wider understanding of our work among all stakeholders;
- An increase in engagement with our consultations, especially bodies representing consumers and the public;
- Board members and staff feel well informed and well able to act as ambassadors for the BSB;
- We have in place better measures to evaluate our effectiveness;
- We can show that we have reduced our costs while maintaining our effectiveness.

BSB Communications & Public Engagement Dashboard

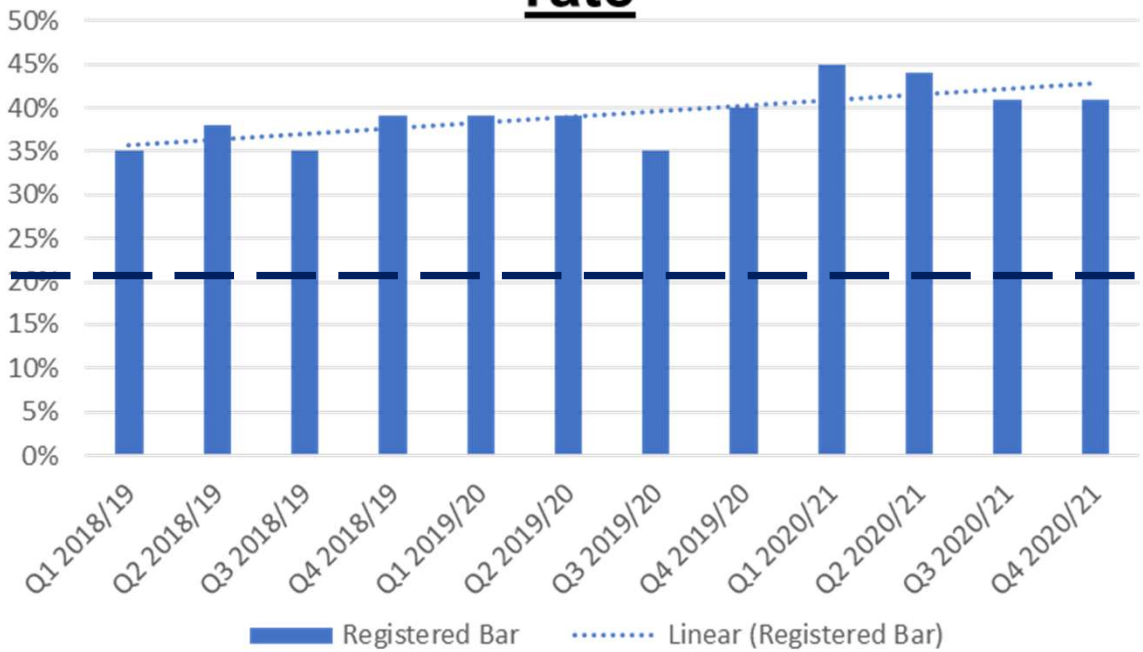
Awareness



Support

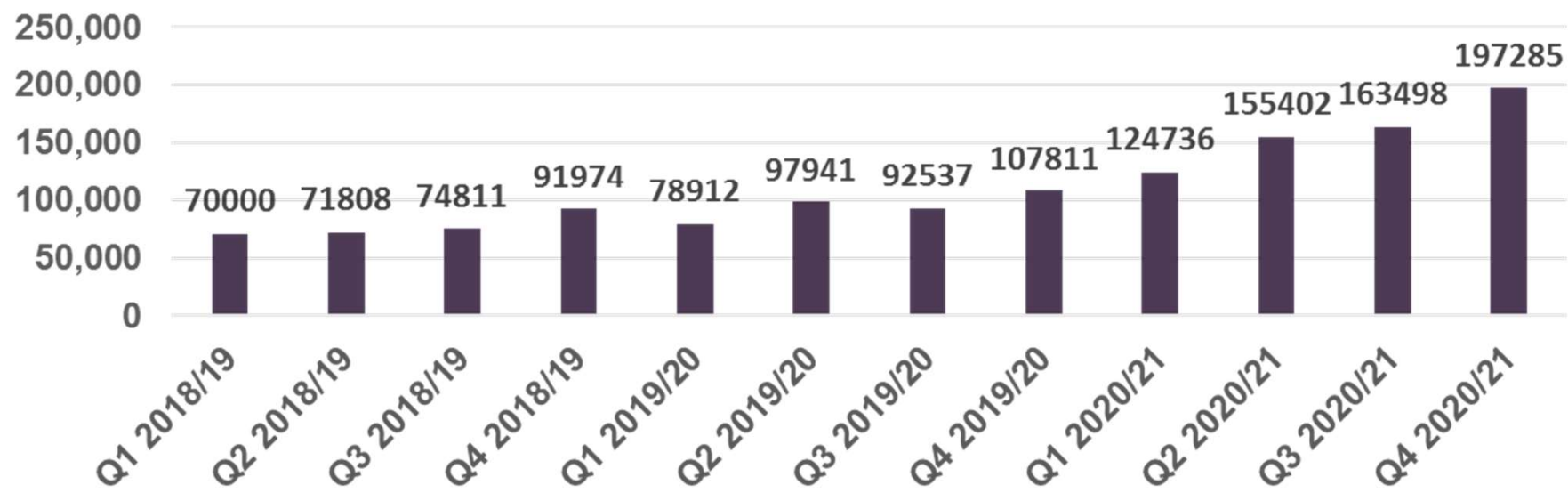


Understanding: Regulatory Update Open rate



Industry average 20%

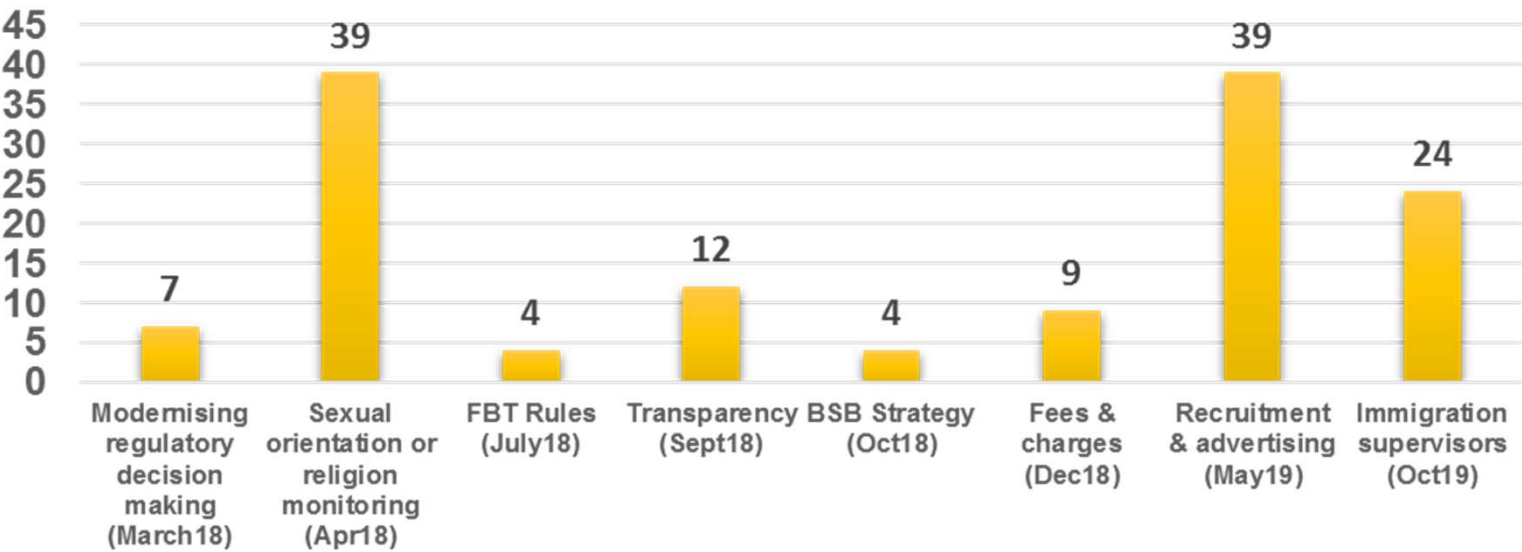
Other Unique web visits



BSB Communications & Public Engagement Dashboard (2)

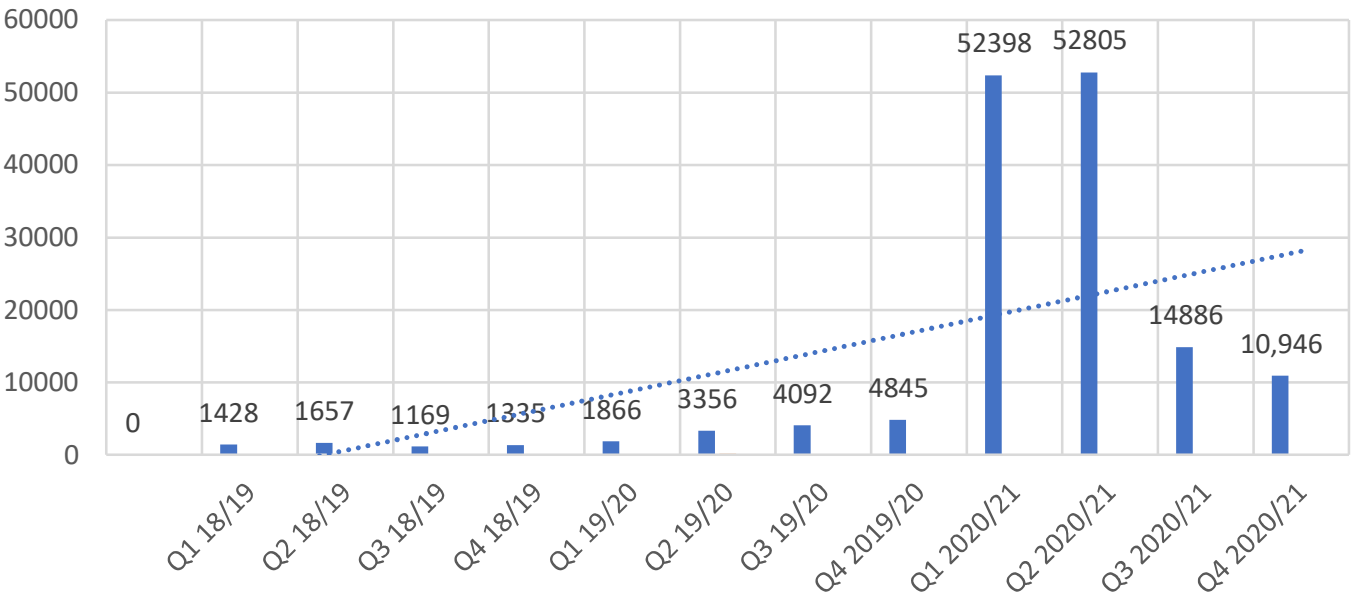
Engagement

Responses to consultations issued since 2018



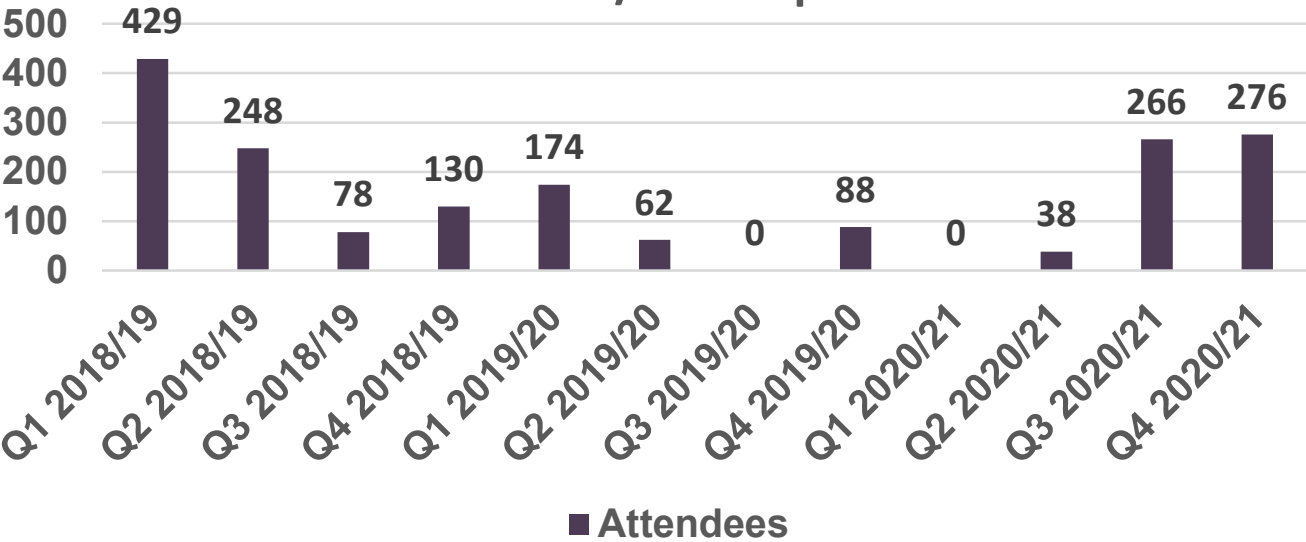
Engagement

Twitter engagement is the total number of interactions with BSB tweets, including clicks, retweets, replies, follows, likes, etc.



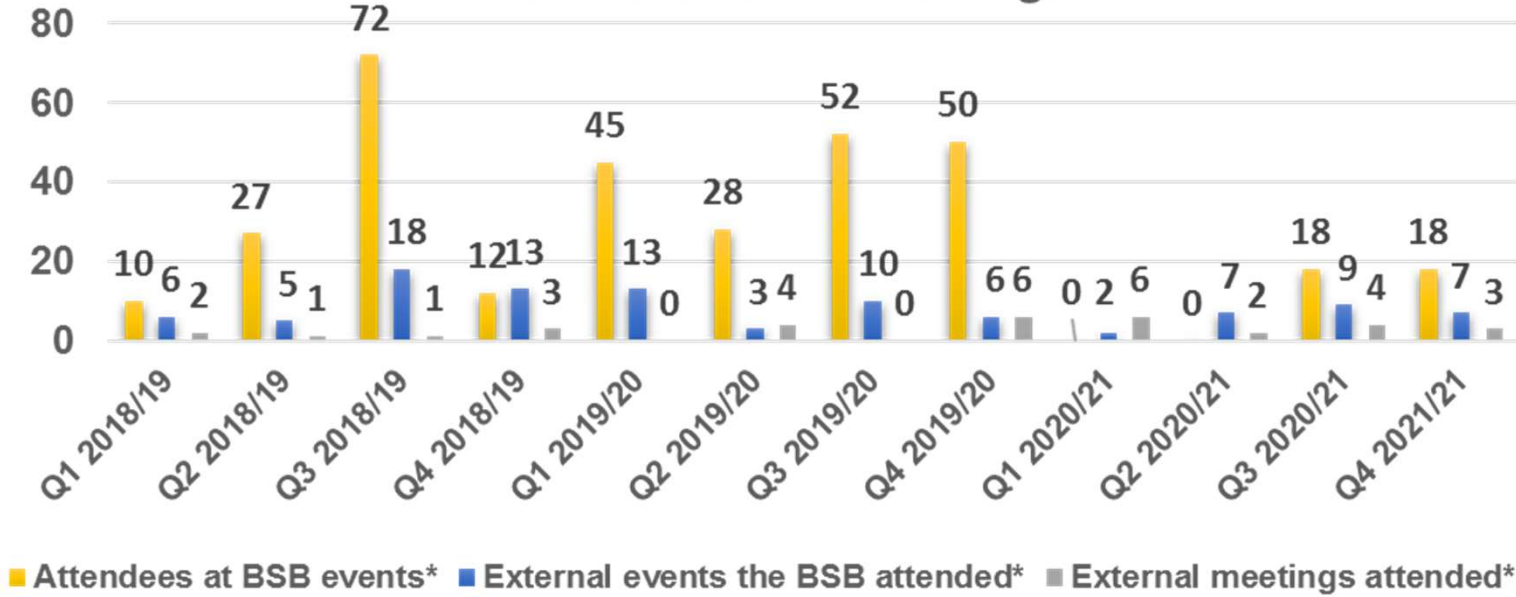
Other

Attendance at internal staff events/conferences/knowledge sessions/marketplace



Engagement

Events & external meetings



PAGE
INTENTIONALLY
BLANK

Bar Standards Board – Director General’s Strategic Update – 27 May 2021**Public session****Performance**

1. I attach the dashboard summarising the performance of the BSB in the fourth quarter of 2020/21. The dashboard covers both our Business Plan commitments and our core regulatory work. Staff are still working very hard to deliver our work despite the pressures imposed by the pandemic. We have generally delivered the major projects set out in the 2020/21 Business Plan, while also undertaking important new work to respond to the pandemic. The quality of our decision-making remains high, as confirmed by the Independent Reviewer in her annual report in March.
2. As I set out in my last report, we have not been able to meet our service standards for turning round core regulatory work this year given the impact of the pandemic on our people and the increasing volumes of reports, authorisations and disciplinary cases. The KPIs do not, however, tell the whole story and, accordingly, we are setting out in the report at annex A new analysis of the throughput of core regulatory work (the flows of new work coming in and the outflow of work completed) and of the work in progress (the stock of casework in hand). This analysis shows:
 - the rise across the year in the volume of reports and of applications received by BSB (the latter peaking in Q3): the volume of new reports roughly doubled over the year;
 - the rise in productivity achieved by our teams in response as we have put in additional resources and tackled backlogs: the volume of reports assessed by the Contact and Assessment Team was more than double in Q4 compared to Q1 and the number of applications resolved was also at its highest level in Q4;
 - the steady progress made in taking forward disciplinary cases, with investigations completed and closed matching new investigations begun across the year: in other words, we have kept pace with in-coming work.
3. This additional management information on the flows of cases enables us to identify early when rises in the volume of new work require us to deploy additional resources and to keep track of the backlogs of overdue cases. It also helps to put the KPIs in context because, perversely, the more effectively backlogs are cleared, the worse the KPIs will look short-term. So, for example, when in the fourth quarter we closed a large number of reports concerning a certain complex issue, which had been resolved outside the service standard, our performance appeared to deteriorate markedly although we were actually reducing the backlog. The Authorisations Team has also markedly reduced the backlog of overdue cases in Q4.
4. But we clearly must do more to meet our service standards and, as I said in March:
 - we have recruited, and are recruiting, extra people, as agreed with the Strategic Planning and Resources Committee, and, in addition, making short-term resources available to deal with backlogs;
 - we are investing in our systems;
 - we are seeking to streamline our processes where this can be done while maintaining quality; and
 - we are reviewing the resources we deploy root and branch as part of our work on the next three year strategic plan.

5. As we have made clear in the Business Plan for this year, meeting the service standards for our core regulatory work is a key priority for the BSB.

Pupillage

6. The first stage of the mandatory timetable for pupillage recruitment closed on 14 May (the date acceptance of offers was due), so we will soon have an indication of the levels of recruitment this year, and whether that is in line with what we expected in our February report. Most chambers said in their Regulatory Return responses that they remain committed to pupillage and will be continuing with or resuming their usual recruitment programme in 2021.

CMA Review

7. Since the CMA's report was published on 17 December 2020 it has been agreed that the Legal Services Board will work with regulators in the legal sector to deliver the transparency measures that build on the CMA's recommendations and that the Remedies Programme Implementation Group will also continue to meet as a useful inter regulatory forum for the front line regulators to discuss policy issues and to collaborate and share information where appropriate.
8. The CMA's report said that work has not progressed on quality indicators as much as they would like to have seen. Regulators have collaborated further in this area. Quality indicators could include customer feedback on online comparison sites or in standard form on chambers' own websites, a single-digital register compiling various pieces of objective data, an accredited quality mark on providers' websites and many other options.
9. We are collaborating with other regulators to launch a pilot using customer feedback on Digital Comparison Tools (DCT) websites. As a result of the Covid-19 pandemic, consumers are increasingly looking online for services and providers delivering legal services remotely. Information available to consumers online should therefore evolve to meet this new demand. DCTs are a potential source of information that could be valuable to consumers, but we are of course very aware that their usefulness will depend critically on the quality of their content. The regulators-led working group is working on two separate pilots; one in conveyancing law with the Solicitors Regulation Authority (SRA), the Council of Licensed Conveyancers (CLC) and CILEx Regulation participating, and the second pilot on employment law with the SRA and the BSB participating. The conveyancing pilot launched in February, as did the SRA version of the employment law pilot. We are in the process of finalising the governance arrangements and timetable for the launch for barristers.
10. Alongside this initiative, we have also commissioned independent qualitative research on what consumers expect from barristers for the purposes of the review of the Code of Conduct. This also included questions to understand how direct access consumers choose barristers to provide an insight into what matters to consumers.

Equality and Diversity

11. The first meeting of the new Religion and Belief Task Force took place on 18th May. Feedback meetings have taken place on the reverse mentoring scheme and are continuing. A number of strategic partners have expressed an interest in working with us to consider how the scheme might be mirrored within their areas. The BSB anti-racist working group has met twice. Members have undertaken some reading (curated by Karen Chouhan, our APEX adviser) to raise awareness of the issues associated

with anti-racism and started to look at the anti-racist action plan and prioritise activities. We are now scoping the next stage of the research into the E&D policies and practices of vocational training providers, which will involve interviews with representatives from the providers.

Regulatory Return

12. The Regulatory Return responses from Chambers continue to be analysed and our emerging findings will be provided to the Board for its awayday meeting in July. Chambers have generally engaged positively with the process and the quality of the returns is high.

Bar Training

13. The Independent Review of the August exams was published on 6 May 2021 alongside our action plan. Constructive discussions on the report and the plan have already taken place with the Inns and the Bar Course Providers. The Executive is making good progress in implementing the actions and the Board will continue to be kept apprised or progress through the strategic updates.



Assuring competence

14. The Assuring Competence Programme brings together a number of projects designed to assure standards of practice at the Bar. At this stage in the programme, we are focussing on introducing regulation to address concerns about standards of advocacy in the Coroners Court and in reviewing our approach to the regulation of the early years of practice at the Bar. We have held positive discussions with the Inns and the other legal regulators on the programme to discuss scope for collaboration.

Business Plan Summary					
Strategic Aim 1 - Delivering risk-based, effective and targeted regulation					
Task	Assigned	Size	Priority	Status	Budget
1. BSB Handbook Review	S&P	4	High		
2. Regulatory Decision Making	LED / ROD	2	Medium		
3. Regulatory return	ROD	4	High		
4. Modernising decision-making	LED / ROD	2	Medium	N/A	N/A
5. FBT - development of new exams	ROD	3	High		
6. FBT - evaluation	ROD	2	High		
7. Compliance with LSB IGRs	DG	2	High		
8. Non-professional activities	LED	2	Medium		
9. Moving to paperless working	LED	2	Medium		
10. Costs Recovery - Disciplinary Tribunal	LED	2	Medium	N/A	N/A
11. Risk based regulation	S&P	2	High		
12. Money laundering regulations	ROD	1	Medium		
Strategic Aim 2 - Encouraging an independent, strong, diverse and effective legal profession					
Task	Assigned	Size	Priority	Status	Budget
13. Bullying and Harassment	S&P	2	Medium		
14. Research publications	S&P	2	Medium		
15. Professional Indemnity Insurance	S&P	1	Medium	N/A	N/A
16. Equality and Diversity Strategy	S&P	1	High		
17. Assuring standards at the Bar	ROD	3	Medium		
Strategic Aim 3 - Advancing access to justice in a changing market					
Task	Assigned	Size	Priority	Status	Budget
18. Public Legal Education	CPE	3	High		
19. Evaluation of transparency rules	S&P	3	High		

Note/s

¹ Index is a calculation of the actual versus budget, multiplied by 100 - showing how far above or below budget the actuals are. For example, index 120 means 20% ahead of budget and index 80 means 20% behind budget.

Size  4 Large piece of work
 1 Small piece of work

KPI Summary		C&A - General Enquiries		
On target	2	(5 days) - 80%	days) - 80%	Concluded or referred (8 weeks) - 80%
<10% below target	1	75%	67%	44%
>10% below target	9			
I&E - Referral of Cases	I&E - Investigation	I&E - Quality Indicators		
Accepted or referred back (weeks) - 80%	Decision on disposal (25 weeks) - 80%	IR following review - 95%	admin. Sanctions - 0%	
66%	32%	100%	100%	100%
Authorisation - Authorisation, Exemptions & Waivers			Authorisation - Entity Authorisation	
Applications determined (weeks) - 75%	weeks) - 80%	weeks) - 98%	Authorisation decisions made (6 months) - 100%	Authorisation decisions made (9 months) - 100%
19%	28%	48%	100%	100%

Financial Summary (000s)				
Category	Q4 FY Actual	Q4 FY Budget	Variance	Index ¹
Income	£2,535	£1,448	£1,087	175
Expenditure	£5,678	£5,661	£17	100
Category	Q4 FY Actual	Q4 FY Forecast	Variance	Index ¹
Income	£2,535	£2,047	£488	124
Expenditure	£5,678	£5,620	£58	101

Corporate Risk Summary (Action Priority)				
Period	High	Medium-High	Medium	Low
Q4	2	7	11	4
Q3	3	3	10	5
Service Complaints Summary			FY Received / Upheld	52 / 39

Weighting



Directorates

CPE Communications and Public Engagement
LED Legal & Enforcement
ROD Regulatory Operations
S&P Strategy & Policy

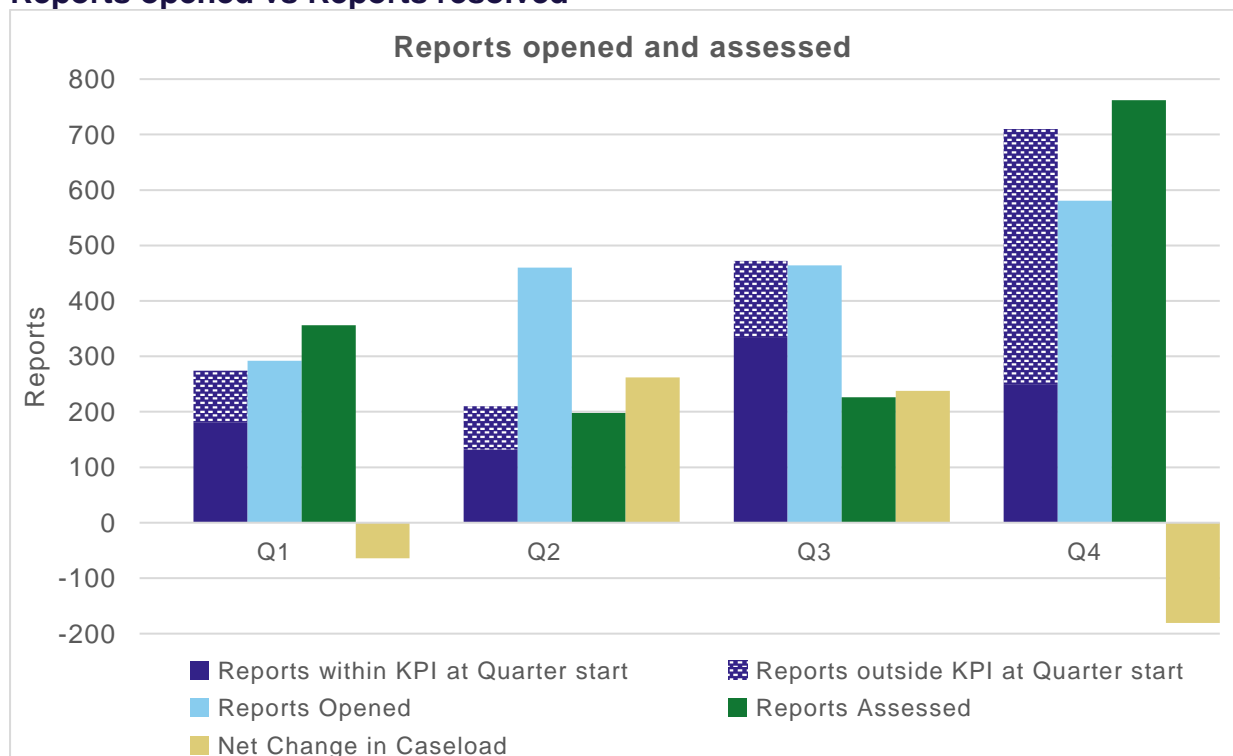
2020-21 Quarter 4 Performance report – Regulatory Operations and Legal & Enforcement Departments

Contact & Assessment

Key points

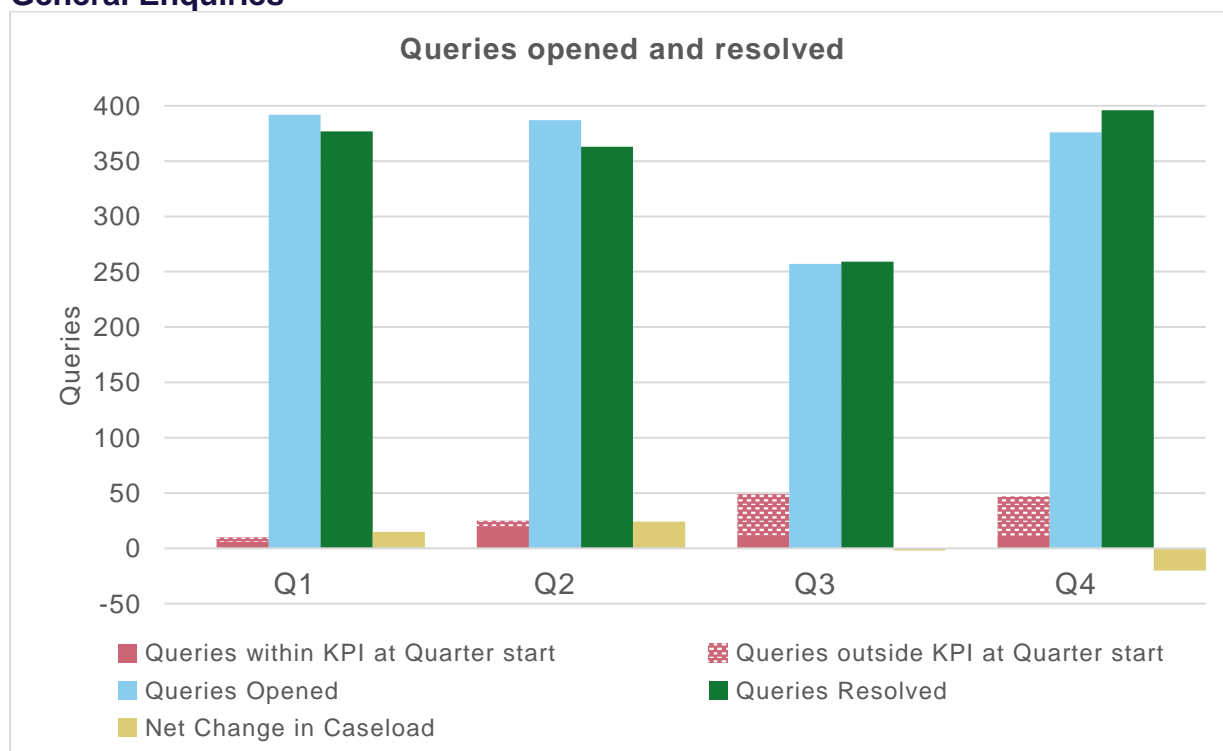
- Concerted efforts continue to be made to address backlogs of reports.
- Staffing issues will continue to be a challenge over the next quarter.
- Clearance of a large block of linked cases during Q4 has impacted performance against the initial assessment KPI.

Reports opened vs Reports resolved



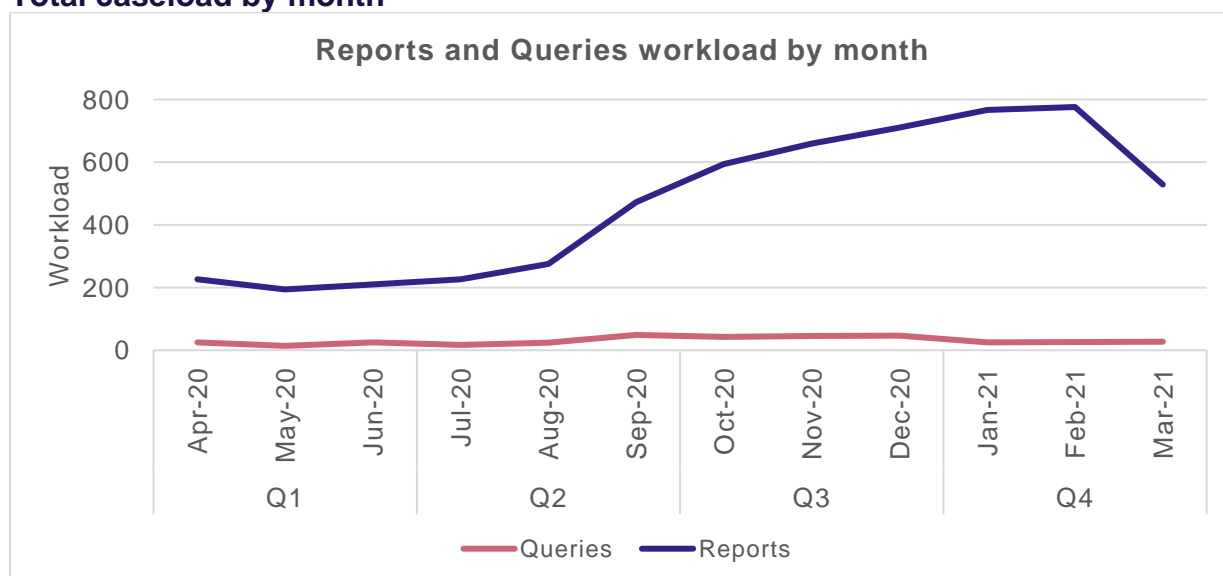
1. Reports opened within Q4 were double those received in Q1. This table clearly demonstrates the continued trend over the course of this year in number of reports received. However, this rise has not translated into a similar increase in cases referred to investigation, indicating that the great majority of reports do not warrant investigation.
2. CAT has also been addressing issues arising from the lack of staffing capacity in Q3. The team has still not fully caught up on the backlog but the net change in caseload this quarter is encouraging, particularly in the context of the volume of work in this quarter. Even accounting for the block of cases outlined in paragraph 1, the team has closed more cases than they received reports.

General Enquiries



3. Since 1 March the team has had an additional Assessment Assistant resulting in improved performance against both the KPI for general enquiries and the net change in caseload displayed in the chart above. It is hoped that this will create more capacity for existing team members to work on reports and assessments. Permission to appoint short term resource to focus on clearing the backlog in CAT was agreed by the SPR on 29 April 2021.

Total caseload by month



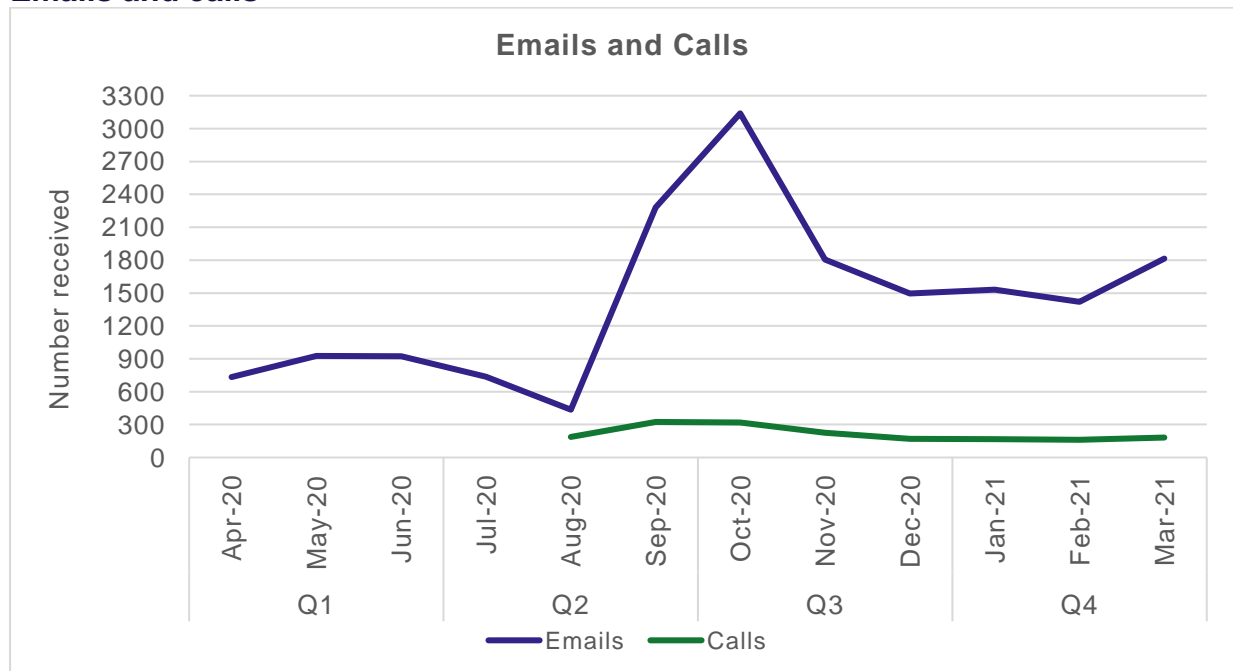
4. Although workload in terms of reports has begun to reduce over the last month, there will be a reduction in Assessment Officer capacity from mid-May 2021 whilst a vacancy arising at that level is filled. This means the team will face resourcing challenges during quarters 1 and 2 of 2021-22.

Authorisations

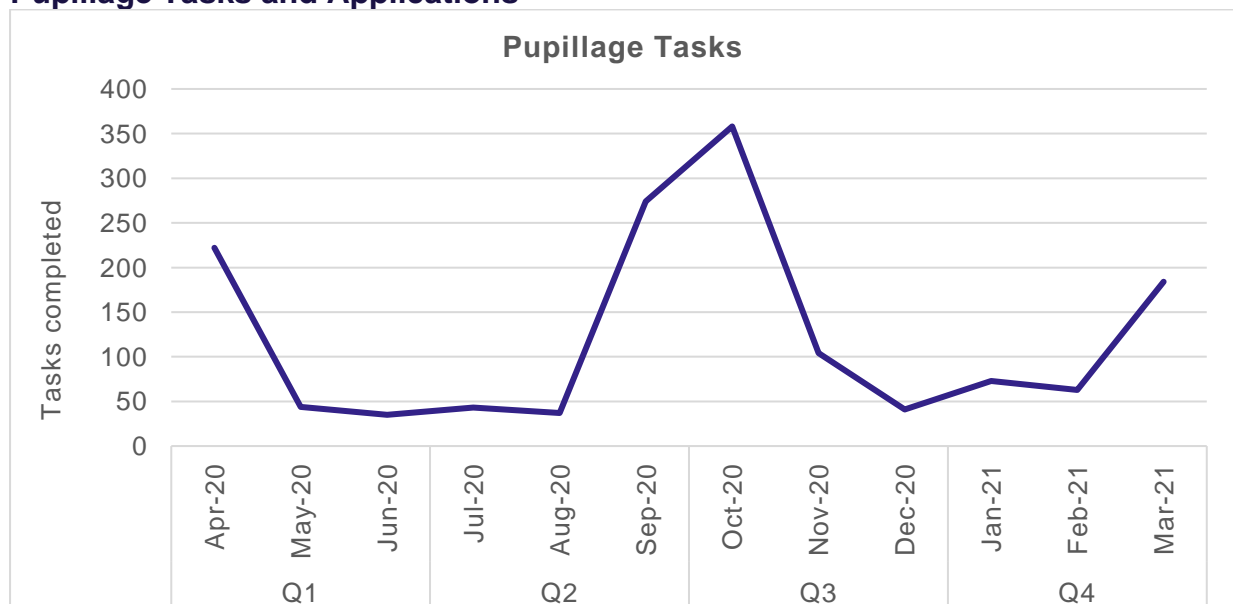
Key points

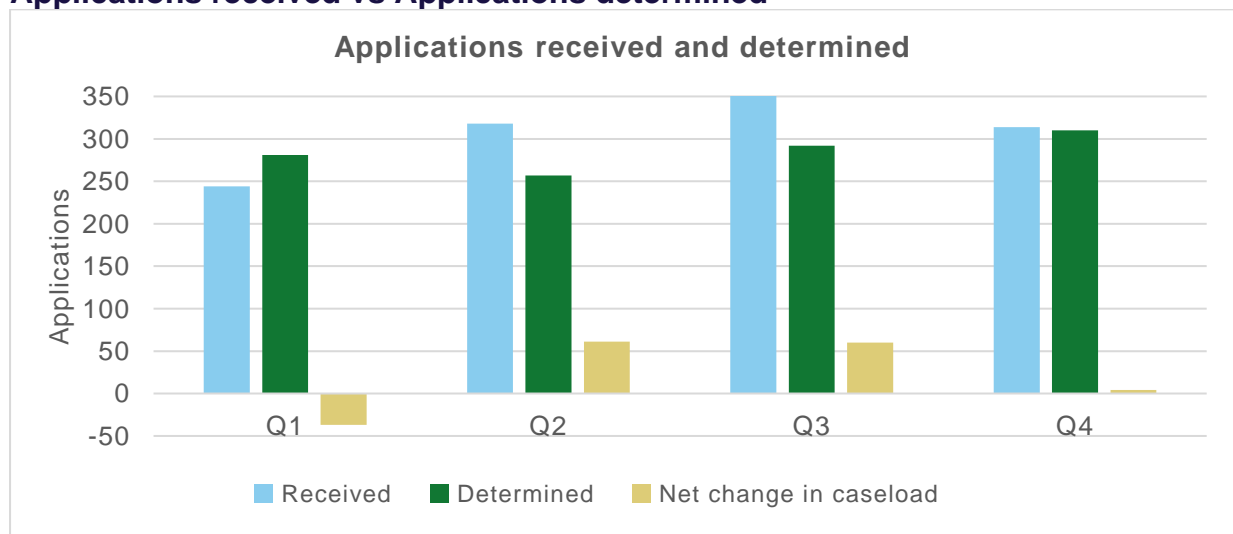
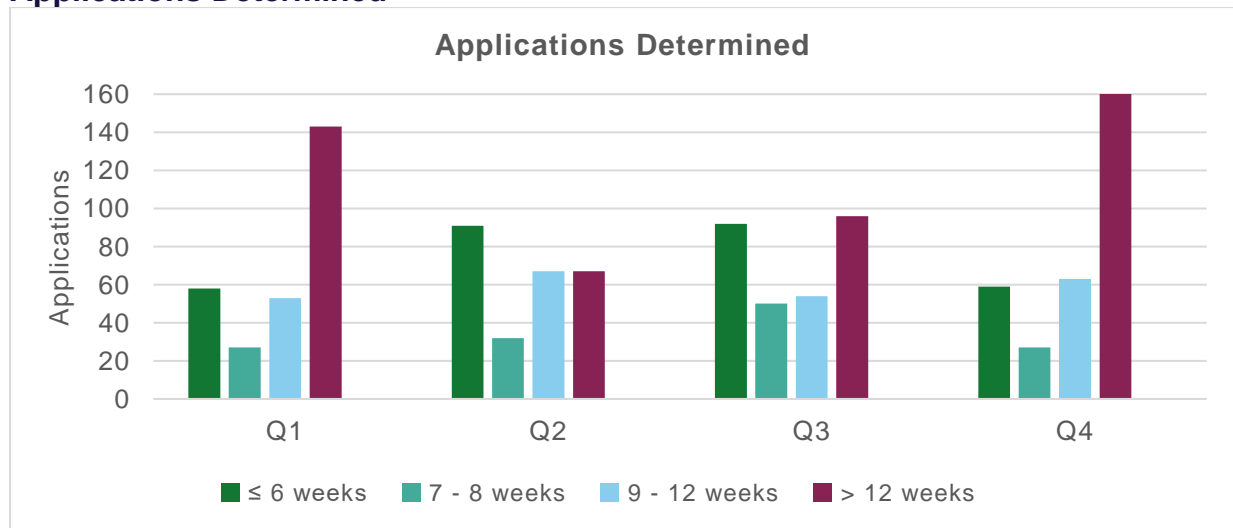
- The team has been targeting applications which fall outside the eight weeks service level. Clearing the backlog of overdue cases has had a negative impact on the ability to meet KPIs in this quarter.
- The Entity Renewal Process begins in February and March sees the beginning of pupillage sign off. This leads to an increase in enquiries and tasks related to both the Entity Regulation function and pupillage.
- Performance against entity authorisation KPIs has been consistently strong across the year.

Emails and calls



Pupillage Tasks and Applications



Applications received vs Applications determined**Applications Determined**

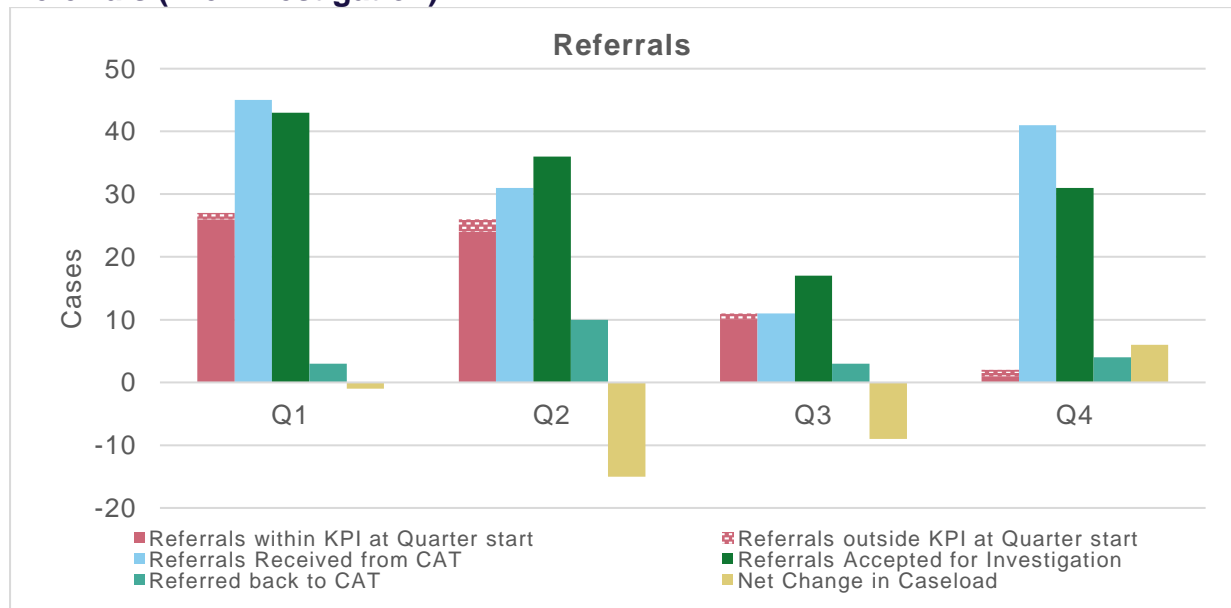
5. The graphs demonstrate that the team has completed a higher number of determinations this quarter and reflect that those determinations all fell within our backlog. It is worth noting that this backlog has been significantly reduced and the number of applications determined overall this quarter is higher than all previous quarters in this reporting year.
6. The graphs also illustrate the increase in calls and emails between February and March. This increase may be attributed to Entity renewals, pupillage sign off and related issue of Provisional Practising Certificates.
7. The spike in activity in March/April and again in September/October arising from pupillage registration and sign off has a significant long-term impact upon the work of the team. Resource is diverted to dealing with the increased activity in this area to the detriment of other authorisation applications. We propose to bring in temporary resource for those two-month periods of high activity. This will enable the core team to focus on day-to-day applications and the temporary resource to focus on pupillage matters.

Investigations and Enforcement

Key points

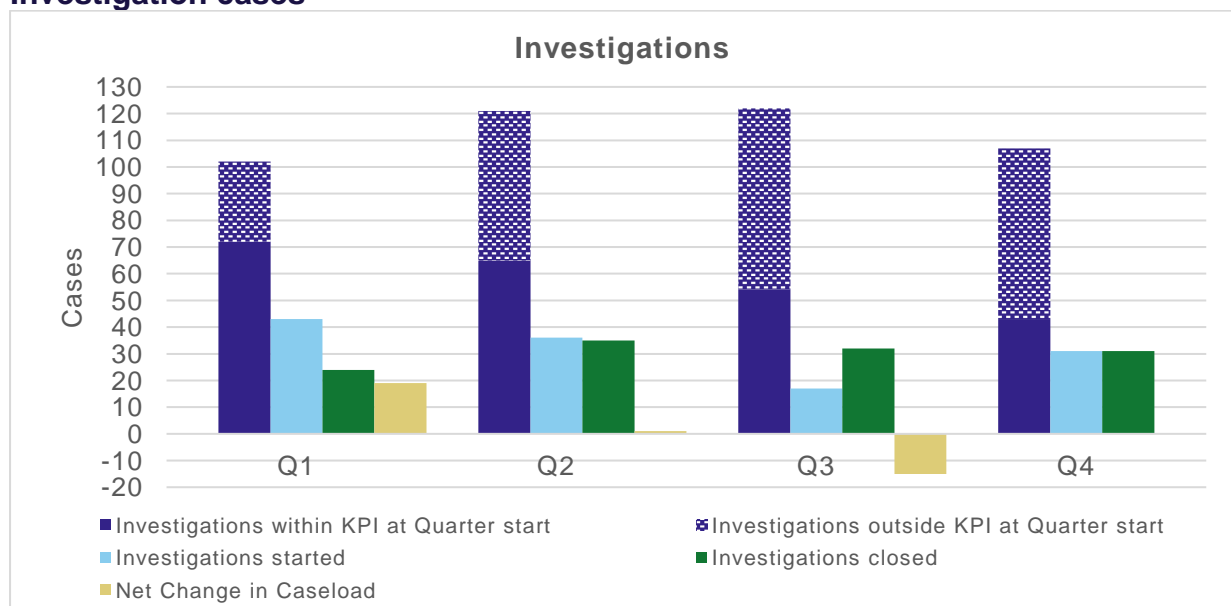
- Performance against the KPI relating to referral of cases for investigation has improved substantially against last quarter.
- Good throughput continues to be maintained, with the overall caseload at the end of this quarter being roughly the same as at the start of Q1.
- Quality indicators have all been met in Q4 demonstrating good-quality, robust decision-making.

Referrals (Pre-investigation)



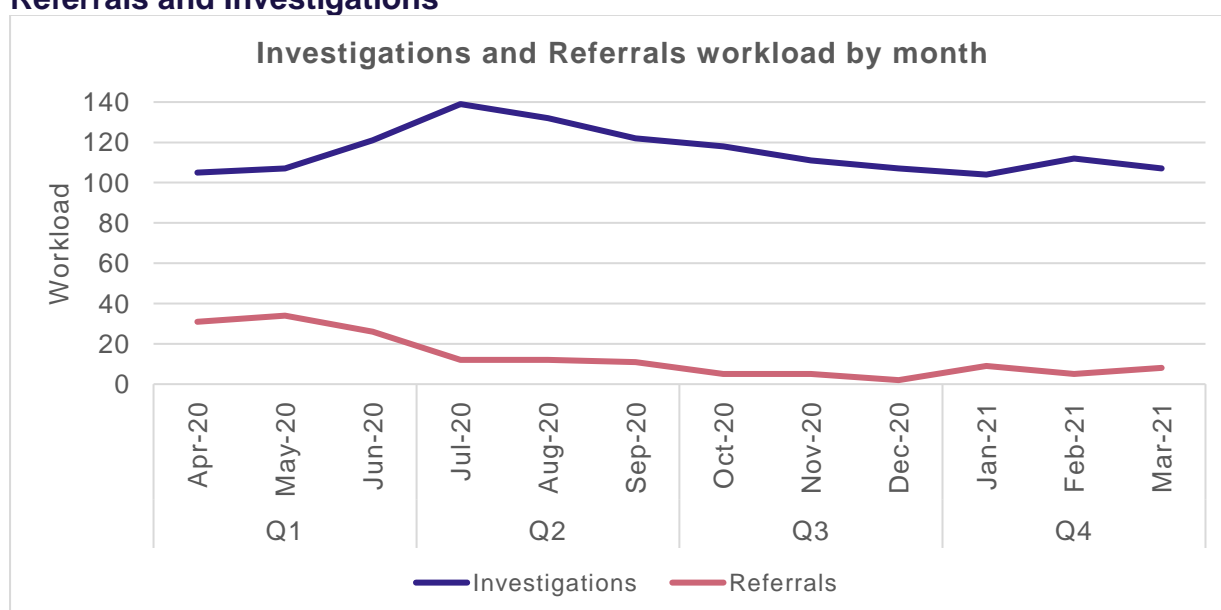
8. This chart demonstrates the concerted efforts made by the team over the course of the year to address the backlog of cases awaiting acceptance for investigation. This can also be seen in the performance against the first KPI in this quarter, which has improved steadily to finish this quarter on 65.7%.

Investigation cases



9. Investigations continue to be progressed but at a slower speed, similar to previous quarters. The team has continued to be affected by absences, staff turnover, and some increase in work generated by embedding and development of new IT systems. An analysis of the age distribution of the 54.1% of cases closed outside KPI in 2020-21 shows that 20% of these were only just outside KPI (125-166 days, i.e. two months or less).
10. Notwithstanding, a number of complex cases have been closed and have progressed to hearings and to the Independent Decision-Making Body. Some were older cases which officers had not had the opportunity to work on, or it had taken a long time to obtain further evidence. Extensions to respond have continued to be granted due to the impact of Covid-19 on barristers, witnesses and the courts.
11. The numbers of cases at Disciplinary Tribunal stage have stayed broadly at the same level, with a similar number of new referrals to those that have been closed. However, the complexity of these cases is increasing, particularly where they take more than a day or go part-heard with large gaps between hearing days.

Referrals and Investigations



12. The team experienced several staffing changes over the quarter with two Case Officers leaving, a vacancy in the administration team, an additional temporary paralegal post being recruited to, and a member of staff returning from maternity leave. This has meant that numerous cases have had to be re-allocated or progressed by other staff on a temporary basis pending permanent allocation.
13. Although the additional paralegal is mitigating the impact of the current staff shortfall, the administration vacancy has also impacted on the ability to progress cases. We are not likely to see a significant improvement in this situation across Q1 of 2021-22 because many cases to be concluded already overdue.

Part 1 – Public

14. We are currently advertising for further Chambers, or appropriate organisation, to join 11 Kings Bench Walk on the BSB Tribunal Representation Panel. 11 KBW has provided excellent services, but at times has struggled to find available counsel, particularly in the 5-10-year call range, due to a reduction in capacity.
15. In Q4, the third lockdown compounded the cumulative impact of the ongoing health crisis. This impact was particularly felt at management level, as all managers were affected by the closure of schools and the return to remote learning. Further, both the ROD and LED experienced higher levels of staff sickness due to the pandemic than had been felt during previous quarters.

Chair's Report on Visits and External Meetings from 19 March – 27 May 2021

Status:

1. For noting

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair's visits and meetings since the last Board meeting.

List of Visits and Meetings:

22 March 2021	Meeting with Sir Geoffrey Vos
31 March 2021	Attended the ISAG quarterly meeting
29 April 2021	Attended scoping meeting with Independent Audit
25 May 2021	Attended Board briefing meeting