

# Business Plan

## 2019-2020

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

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# Foreword by the Chair



I am pleased to introduce the Bar Standards Board's (BSB's) Business Plan for 2019-20. It should be read in conjunction with our [2019-22 Strategic Plan](#). That Plan explains that our focus over the next three years will be to ensure that our recent

policy initiatives such as our reforms to the rules governing Bar training, to our disciplinary and enforcement processes, and our new transparency rules in response to the report of the Competition and Markets Authority, are successfully implemented and consolidated. This means that the next three years, starting in 2019-20, will involve fewer new policy initiatives, fewer consultations and fewer rule changes.

Our Strategic Plan also explains how we have identified key risk themes in the market for barristers' services in order to agree three strategic aims for the 2019-22 period. These aims 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.

This Business Plan lists the specific activities that we will undertake during 2019-20 against each of these strategic aims. It also explains that 2019-20 will be the start of a period in which we will continue to focus much of our energy and resources on our core regulatory activities.

As the regulator of the Bar in England and Wales, these core activities include: overseeing the education and training requirements for becoming a barrister; monitoring the standards of conduct for barristers; and assuring the public that everyone we authorise to practise is competent to do so. We do this by supervising the practice of barristers and the specialist legal services businesses whom we regulate. We deal with any information we receive which

might indicate that those we regulate may not be following our rules and where necessary, we take appropriate regulatory action. This day-to-day work accounts for most of what we do.

As well as these "business-as-usual" activities, some key highlights from this year's Plan include:

- starting to authorise vocational and work-based learning training providers under the new Bar training rules and the new Authorisation Framework;
- initiating a review of the BSB Handbook to make sure that it remains fit for purpose, relevant and accessible;
- issuing a new regulatory return to the profession to help us gather information about compliance with, and the impact of, our regulation;
- completing the modernisation of our decision making by establishing a Contact and Assessment Team and an Independent Decision-making Body;
- reviewing the BSB Equality Rules including consulting on a potential rule change;
- introducing new rules and guidance on pupillage recruitment and advertising; and
- refreshing our website.

We are committed to providing value-for-money to the profession which funds us in everything that we do. Our budget for 2019-20 is £5,614k. In addition, we contribute £3,414k to the common services, such as IT, HR and Finance, which we share with the Bar Council. There is more information about our planned income and expenditure in this Plan.

You will be able to read more about how we performed against this Business Plan in our Annual Report which we will publish later in 2020.

**Baroness Blackstone, Chair of The Bar Standards Board**

# 1. More about this Business Plan

This annual Business Plan is the first under our new Strategic Plan for 2019-22. In the tables below, we have listed our planned activities in 2019-20 under our three Strategic Aims for this period. These aims are:

- delivering risk-based, targeted and effective regulation;
- encouraging an independent, strong, diverse and effective legal profession; and
- advancing access to justice in a changing market.

You can read more about these aims in our [2019-22 Strategic Plan](#) including why we have them as strategic aims and the outcomes which we hope to achieve by the end of this strategic period.

[Our website](#) and the Strategic Plan also explain how our regulatory priorities are set by conducting a risk-based analysis of the market for barristers' services. Our [2019 Risk Outlook](#) describes the key risk themes which we have identified and which our regulatory activities – including those described in this Business Plan – are designed to address. The risk themes in the Outlook are:

- 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.

In this Business Plan, we have included our core regulatory activities which we will conduct throughout the year – and indeed which we conduct every year – as well as providing a planned high-level timeline of the specific policy and other work which we will carry out this year.

We have broken down this work into quarterly milestones which are based upon a financial year – so quarter one (Q1) starts in April 2019 and quarter four (Q4) ends in March 2020. These checkpoints help us to monitor performance and ensure we stay on track with our work. This monitoring is overseen by our Board and by the Planning, Resources & Performance (PRP) Committee. They evaluate what we are doing so that this can then feed into our work plans for subsequent Business Plans. We report progress on our work publicly via our regular public Board meetings and our comprehensive Annual Reports which we publish on our website.

As well as having a three-year Strategic Plan, we also have a separate [Equality and Diversity Strategy](#) in which we report on our progress towards fulfilling our statutory objectives under The Equality Act 2010, both as an employer and as the regulator of barristers in England and Wales. This document also set out Equality and Diversity objectives. This is due to be updated later this year.

This Business Plan also provides information about how we are governed and outlines our planned income and expenditure for 2019-20. This shows that the portion of our budget in 2019-20 which we directly control will be £5,614k.

## 2. Activities for 2019-20

The work which we will undertake during 2019-20 can be categorised into the **core regulatory activities** which our role as the regulator of barristers in England and Wales requires us to do on a day-to-day basis, and the **policy and other project work** which we will complete in order either to improve the way in which we regulate or to review, evaluate and, where necessary, change our rules.

Each of these activities has been listed under one of our three Strategic Aims, so that you can see what we are doing to help us achieve each aim. The milestone tables on the following pages provide more detail on the planned policy and other work, so you can see what we plan to do when.

### 3. Timeline of activities

#### Strategic Aim 1 – Delivering risk-based, effective and targeted regulation.

The core work that we conduct through the year	<ul style="list-style-type: none"> <li>• Assessing and, where appropriate, investigating reports about barristers' conduct and taking enforcement action where necessary</li> <li>• Authorising vocational and work-based learning training providers under the Authorisation Framework</li> <li>• Supervising barristers' practices</li> <li>• Monitoring and reporting on our performance as a regulator to ensure that we are efficient and effective</li> <li>• Managing the centralised examinations function</li> <li>• Communication and stakeholder engagement</li> <li>• Reviewing our regulatory arrangements in the light of emerging risks in the market</li> </ul>			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
<b>Review of the BSB Handbook</b>	Initiate the review of the BSB Handbook	Engage with stakeholders and build our evidence base to determine the scope of the review		Conclude options analysis and agree the scope of the review
<b>Enforcement</b>		Annual Enforcement Report to be produced		
<b>Regulatory return to gather information about compliance with and the impact of our regulation</b>	Develop and define the scope of the BSB regulatory return		Finalise content of the return	Issue the return to the profession

Timeline of other activity by quarter	Q1	Q2	Q3	Q4
<b>Money Laundering/ Terrorist Financing supervision</b>	Implement actions agreed with The Office for Professional Body Anti-Money Laundering Supervision (OPBAS) including a thematic review of Trust and Company Services Providers	Prepare and submit annual Money Laundering return to the Treasury		
<b>Modernising decision making – establishment of the Contact and Assessment Team (CAT) and Independent Decision-making Body (IDB)</b>	Rule change application to the Legal Services Board  Case management system development	Staff and Panel member training	CAT and IDB established	
<b>Future Bar Training – development of new exams – Professional Ethics</b>	Draft Professional Ethics syllabus and agree the technical solution for assessment and marking			Final syllabus approval
<b>Future Bar Training – evaluation</b>	Evaluation design Agree evaluation questions and data collection		Commence the longitudinal study, using a case-study strategy, following the learning and professional development journeys of trainees	
<b>Regulatory Risk</b>	Publication of new Risk Outlook Refreshed Risk Index agreed and published Board Risk Appetite set	On-going risk monitoring and reporting		

## Strategic Aim 2 - Encouraging an independent, strong, diverse and effective legal profession

The core work that we conduct throughout the year	<ul style="list-style-type: none"> <li>Collecting and publishing diversity data on the profession</li> <li>Supervising barristers' practices</li> <li>Working with others to understand the factors that influence diversity within the profession</li> <li>Research activity to improve understanding of the legal services market and the impact on the market of BSB regulation</li> </ul>			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
<b>Renewal of BSB Equality Rules</b>	Conclude Equality Impact Assessment (EIA) of Equality Rules	EIA to feed into regulatory return	Potential Rule change consultation	
<b>Regulatory approach to allegations of bullying and harassment</b>	Design approach for dealing with allegations of bullying and harassment.		Draft and publish guidance on reporting bullying and harassment to the BSB	
<b>Future Bar Training – Pupillage reform</b>	Piloting new approach to pupillage  Develop approach to pupil supervisor training and agreed training outcomes	Launch new requirements	New pupillage arrangements in place	
<b>Future Bar Training – Pupillage recruitment and advertising</b>	Develop good practice guidance for recruitment and advertising of pupillage		New Rules and guidance introduced	
<b>Race equality</b>	Establish Race Equality Taskforce			
<b>Scope of practice</b>	Consultation on principles		Draft new rules	Consult on new rules
<b>Research publications</b>	BPTC key statistics report			Diversity at the Bar data report
<b>Immigration</b>		Review rules relating to supervision of immigration advisers		
<b>Professional Indemnity Insurance</b>	Rule change application on Single Person Entities			



## Strategic Aim 3 - Advancing access to justice in a changing market

The core work that we conduct throughout the year	<ul style="list-style-type: none"> <li>• Providing information to the public about barristers and legal services on fora such as Legal Choices</li> <li>• Sharing information and contributing to research on barriers to access to justice</li> <li>• Through our public engagement strategy, developing stronger relationships with consumer organisations</li> <li>• Monitoring barristers; Continuing Professional Development (CPD)</li> </ul>			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
<b>Assuring standards at the Bar</b>	Refine approach to assuring competence of barristers	Stakeholder engagement and evidence gathering  Review regulatory approach to assuring standards of advocacy within the Youth Court		Report on impact of regulation on advocacy standards in the Youth Court
<b>CPD evaluation</b>	Research into the impact of the new regulatory approach to CPD	Research report drafted		
<b>BSB website</b>	Develop new BSB website and draft new content		Launch new BSB website	
<b>CMA evaluation</b>	New price transparency rules in force  Updated Public Access and client care letter guidance issued			Commence the evaluation of price transparency rules

# 4. The role and work of the BSB Board

The Bar Standards Board is made up of 15 people, a combination of lay people and barristers. It has a lay majority and a lay chair, Baroness Tessa Blackstone.

## Leadership

The Board is responsible for leading the organisation. It sets our direction and approves policy and strategy. The Board represents us with external stakeholders and accepts collective accountability for the organisation's work in regulating barristers in the public interest.

## Accountability, assurance and oversight

The Board, through its non-decision-making standing committees, monitors the work and performance of the organisation. It holds the executive to account for:

- the commitments made in these Business Plans;
- the BSB's agreed service-standards;
- the delivery of key milestones to time and to budget; and
- the availability of adequate resources to ensure that the BSB can deliver its regulatory and strategic objectives.

## Strategy

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

Our Board discharges some of its functions through the following standing committees:

- Governance, Risk and Audit Committee
- Planning, Resources and Performance Committee
- Professional Conduct Committee

**The Governance, Risk and Audit Committee (GRA)** is responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the risk management framework and our internal audit function.

**The Planning, Resources and Performance Committee (PRP)** supports development of the strategic and annual business plans. The Committee oversees operational and programme delivery holding the executive to account. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed. The supervisory function of this committee is one mechanism to achieve transparency and accountability.

**The Professional Conduct Committee (PCC)**, and staff authorised by it, makes decisions about reports and complaints regarding the conduct of barristers. Where a barrister has breached the BSB Handbook, the PCC has a number of options which includes the imposition of "administrative sanctions" (warnings and low level fines) for less serious conduct issues but also referral to disciplinary action (eg a disciplinary tribunal) for more serious issues of professional misconduct. The PCC will be replaced with a new Independent Decision-making Body in October 2019.

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

## 5. Our 2019-20 budget

Our budget year runs from 1 April 2019 to 31 March 2020 and the budget that we control directly for this period is £5,614k. We estimate that direct income from sources other than the Practising Certificate Fee (PCF) will be £1,059K

### The Practising Certificate Fee (PCF)

The Bar Council approves our budget and collects our funding. The Bar Council and the BSB has consulted on its budget and PCF proposals with the profession and has received approval from the Legal Services Board.

### How is the BSB funded?

Part of our income comes from charges we make for specific services we provide to individuals. We describe that kind of income as “income streams directly controlled by the BSB”. Directly controlled income streams include for example the fees from Bar Professional Training Course (BPTC) providers, and the Bar Transfer Test (BTT). The remainder of the BSB’s funding is from practising certificate fees & Bar Council reserves. These income streams are not directly controlled by the BSB.

<i>Income streams directly controlled by the BSB</i>	£k
Entity Regulation and ABS	80
Authorisations – Waivers and Accreditation	100
Examinations	135
BPTC	657
Training provider authorisations	50
Prosecution costs	35
Public access	2
<b>Total directly controlled income</b>	<b>1,059</b>

## Regulation – the costs explained

The BSB has direct control of a budget of £5,614k for 2019-20. Those funds will be spent on each of the areas shown below.

However, this does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the Resources Group to carry out support work (HR, IT, and Finance etc).

The Resources Group budget is managed separately and part of that budget (£3,414k) is apportioned to the BSB. For the part of our budget that we control directly, we will as always look to ensure that our expenditure is allocated wisely and in a way that delivers maximum value-for-money for those who fund us. The organisation undertakes rigorous prioritisation exercises as part of business planning. Only activity deemed essential is agreed and included in the business plan.

## How will we spend our budget?

<i>Budgets controlled directly by the BSB</i>	<b>£k</b>
<b>Staff Costs</b>	4,403
<b>Non-Staff Costs</b>	
Regulatory Assurance	542
Professional Conduct	353
Strategy and Policy	72
Communications and Public Engagement	103
Corporate Services	82
Chair and Director General	59
<b>Total non-staff costs</b>	<b>1,211</b>
<b>Total Expenditure</b>	<b>5,614</b>

## 6. Further reading

To obtain a fuller picture of who we are, what we do, and the context in which this Business Plan was produced, please visit the following pages on our website:

- Risk-based regulation is an integral part of how we regulate the Bar and how we develop our strategy. You should read our [Risk Outlook](#), our [Risk Framework](#) and our [Risk Index](#) to understand more about this aspect of our work and to gain a better understanding of how we arrived at the strategic aims described in this Plan.
- This Business Plan is designed to be in read in conjunction with our [2019-22 Strategic Plan](#) which you can read on our website.
- More information about our work around [equality and diversity](#) can be found here.
- [Our organisational values](#) describe the way in which we conduct all our work including the activities described in this Plan.
- Our research priorities for 2019-20 are available [on our website](#).

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