

BAR STANDARDS BOARD

REGULATING BARRISTERS

Action Plan 2022– post Transparency rules evaluation

This action plan sets out our next steps following our evaluation of the impact of transparency rules on the consumers and the profession.

In July 2019 we introduced the price, service and redress transparency rules, together with guidance to assist self-employed barristers, chambers and BSB entities in meeting these new requirements by January 2020. We committed to evaluating the impacts of the rules on the [profession](#) and [consumers](#). These evaluation results have now been published.

The results of the evaluation demonstrate that the transparency at the Bar for consumers has improved and has been beneficial for both consumers and the profession.

We are mindful, however, that since the transparency rules were first introduced the wider landscape for consumers and the Bar has seen changes. For example, since March 2020 due to Covid, consumers have been using online tools more than ever to make decisions about the services they procure. The importance of access to justice has further heightened with the current cost of living crisis and it is important to consider innovative ways of achieving access for consumers alongside promoting consumers' understanding of legal services. We have recently published our strategy for 2022-25 setting out the BSB's key priorities which touch on these aspects from both the supply and demand side. Transparency is key to achieving these priorities.

With this context in mind, we commit to the following short, medium and long term actions to continue to promote transparency at the Bar. In the

- **short term in 2022-23:**
 - we will launch pilots on Digital Comparison Tools (DCTs) and unbundling in order to understand if and how such approaches can promote access to barristers' services for consumers and, depending on the outcome of the evaluation of the pilots, how the transparency rules should evolve to reflect the lessons learned.
 - based on the information we have gathered through our compliance and supervision work, we will review our guidance to ensure there is sufficient clarity around current requirements and review how we communicate these requirements to the profession. Whilst we are undertaking the pilots referred to above (which will provide a fuller evidence base in relation to third party platforms) we will consider whether there is a need for further interim guidance on how to share information with marketing platforms, particularly where that is the primary means through which barristers share information about their services. We will also consider whether we need further amendments to any rules or guidance.
- **medium term in 2023-24**, we will consider if we have evidence to go further in our transparency requirements in any area of practice and do they go far enough in their current form?

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- **Long term** – it is important to ensure that we routinely understand if the regulatory interventions are working well. While the direction of travel on transparency rules indicated by the evaluations appears helpful, they have been observed over a relatively short period of one year. It would be helpful to observe further down the line, any deeper positive or negative implications of these rules. Following the completion of the pilots, we will reconsider if and when another evaluation might be helpful of the transparency rules (including of any incremental changes that are introduced).
- On an **ongoing basis**:
 - we will continue to check compliance of the Bar with the rules.
 - we will continue to work closely with other regulators through the the Market Transparency and Competition Oversight Group (MTCOG), the Remedies Programme Implementation Group, and the cross-regulator quality indicators working group to monitor the impact of the relevant transparency rules.