

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Business Plan 2015-16

The Bar Standards Board regulates
barristers in England and Wales in
the public interest



Our values

INTEGRITY

- We operate to the highest ethical standards
- We are honest, open, and inspire trust
- We consider the social and environmental impact of our actions

EXCELLENCE

- We are committed to quality
- We are creative, innovative, and lead change
- We are responsive, accessible, and accountable for our actions

FAIRNESS

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

RESPECT

- We respect and support others
- We value expertise, learning, and knowledge-sharing
- We foster a collaborative and developmental working environment

VALUE FOR MONEY

- We are cost-effective and accountable for our use of resources
- We work efficiently with an entrepreneurial and commercial mind-set
- We strive for clarity, simplicity, and straightforwardness

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What the BSB does

We regulate barristers in England and Wales in the public interest.

We are responsible for:

- setting the education and training requirements for becoming a barrister;
- setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- monitoring the service provided by barristers to assure quality; and
- handling complaints against barristers and taking enforcement or other action where appropriate.

Regulatory Policy

We set standards for barristers and provide a Handbook that, within part two, sets the rules for practice at the Bar – the Code of Conduct. The Handbook includes detailed guidance addressing particular aspects of professional standards. We also develop policy on professional conduct in areas such as chambers' complaints handling and direct public access to barristers.

Supervision

Our aim is to assure, maintain and enhance standards across the profession through the development of measures for assessing the quality of both individual barristers and the chambers and entities in which they practise. This includes a risk-based approach to supervision of chambers and the authorisation of new entities and the regulation of CPD.

Education and training

We oversee the Academic, Vocational, and Pupillage stages of training that must be completed in order to qualify as a barrister. We are responsible for accrediting the providers of barristers' Continuing Professional Development (CPD).

We also look at individual applications from people wishing to qualify and/or practise as barristers but who would like to be exempted from some or all of the normal training requirements.

Enforcement

We investigate professional conduct and take action against barristers who have breached the provisions of our Handbook.

Key facts

15,700+

number of barristers
we regulate

384

opened or received complaint
cases during the course of
Jan-Dec 2014

11

sites provided the Bar
Professional Training Course for
nearly 1,500 students annually

293

candidates took the Bar
Transfer Test (for transferring
solicitors and overseas lawyers)

400+

pupils registered
per year

7,615+

CPD courses were
accredited last year

83

members of staff
(80.7 full time equivalents)

£5,438k

our budget for 2015-16

Statement by the Chair and Director General

The Bar Standards Board is the independent regulator of barristers in England and Wales. Our mission is to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

A few years ago we marked on our map a clear and ambitious destination. That is to be, by the end of 2015-16, a more modern and efficient regulator; one which operates to externally agreed high standards; fulfils its mission, and upholds and promotes the regulatory objectives and professional principles outlined in the Legal Services Act 2007 (LSA 2007). In April 2013, we published our Strategic Plan 2013-16, and charted a course by which we would arrive at our destination. We set out five aims:

- to implement new specialist regulatory frameworks for advocacy services;
- to promote greater public and professional understanding of what we do and why;
- to set and maintain high standards of entry to and practice within the profession;
- become more evidence- and risk-based in all we do, taking into account also the globalised legal services market; and
- to strive for “best practice” as an organisation for those whom we serve and those who work for us.

This Business Plan sets out the third and final year of the plan. On 5 January 2015 we opened our doors to those wanting to set up new companies, partnerships, and business models – “entities” – so as to continue to meet their clients’ needs while adapting to a rapidly changing market. A new episode for the Bar beckons – if the opportunity is seized. It is our job to empower barristers to modify how they deliver services in line with clients’ needs and to help preserve the best of what the Bar has provided to the public for many years. Clients of BSB-regulated entities will not only benefit from the consumer protection that regulation provides, as we regulate both the entity and its individual barrister members, but from greater choice of services too. Ultimately, our primary duty as a regulator is to protect the public as we uphold the regulatory objectives.

There are challenges that now lie ahead of us: to redesign legal education and training to make it more flexible and affordable while preserving its rigour and effectiveness; to usher in an era of BSB-regulated entities that serves the best interests of the public; to set and maintain the standards of conduct for a profession that rightly remains renowned around the world; and to continue to handle complaints fairly and rigorously so as to safeguard clients and the justice system. We must make sure that our governance arrangements support our activities and do not introduce unnecessary complexity, cost or delay. During this year we will be revising our governance to ensure it does the job it needs to do as effectively as possible.

It will be a year of reflection as well as reform. We will review our approach to Public Access and the impact of aspects of the new Handbook introduced in January 2014. We will reassess our new enforcement strategy and develop further an effective authorisation and supervision regime for BSB-regulated entities. We will evaluate the operation of the Bar Course Aptitude Test and re-examine the Academic and Professional Stages of qualifying as a barrister. As always, we will strive to embody and champion our organisational values: integrity, excellence, fairness, respect and value for money.

During the year we will focus on achieving a “satisfactory” assessment against the Legal Services Board’s (LSB’s) Regulatory Standards Framework. We will also consider and decide on a new strategy for beyond 2016. So this will be a very significant year for us.

Crucial to all we do is ensuring that we listen to clients and the public so that we understand their experiences of interacting with barristers and the legal services market and that we use that knowledge to inform our work. Our research programme and stakeholder engagement are vital activities in this regard, as is our growing ability to identify, assess and address risk.

In summary, we have five main development priorities:

- Delivering Future Bar Training
- Completing the process to allow us to license alternative business structures
- Revising our governance
- Developing our risk capacity and capability
- Enhancing our consumer knowledge and stakeholder engagement.

We must make progress on these aspects – but this must be done in conjunction with continuing to regulate under our current regime. Our “business as usual” includes some significant programmes of work – such as entity authorisation, supervision and our complaints management activities for instance. Finally, we want to learn from what we’ve already done and what is happening in the market, so we will be reviewing some key specialist regimes (eg the cab rank rule and standard contractual terms) as well as the effect that some of our previous actions have had (eg planning for the review of the Handbook).

In doing all of this, we must recognise that we do not regulate in a vacuum. We are accountable to the profession that funds many of our activities, but our first duty is and always has been to serve the public. It is a duty that the BSB will continue to uphold in 2015-16.

We invite you to follow our progress via our website (www.barstandardsboard.org.uk), and engage with us in defining the years to come (bsbcontactus@barstandardsboard.org.uk).



Sir Andrew Burns KCMG
Chair



Dr Vanessa Davies
Director General

Our strategic aims

The BSB has developed five strategic aims to encompass all of the work we intend to undertake over the three years from April 2013 to March 2016. The aims have been formulated to enable us to respond to the context outlined and make progress towards achieving our vision. Each aim supports one or more of the regulatory objectives in the LSA 2007.

We have also integrated into our aims the means by which we intend to improve our performance against the Regulatory Standards Framework laid down by the LSB. That framework has four key pillars:

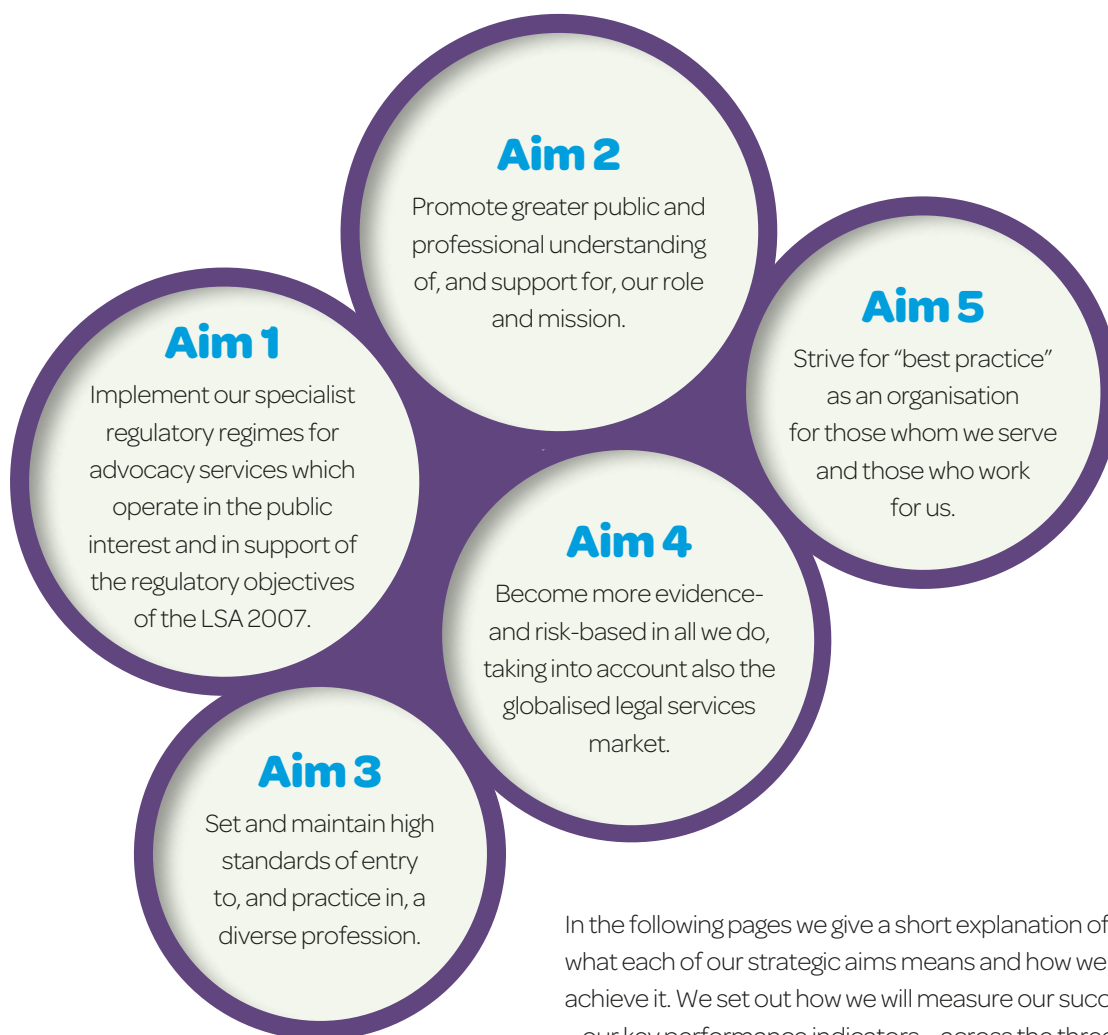
- outcomes-focussed regulation;
- risk assessment;
- supervision; and
- enforcement;

and requires a regulator to demonstrate sufficient capacity and capability to regulate in those key areas.

Achievement of these aims will also mean considering the extent of internal structural change necessary, including redefining staff and Board and committee roles as required.

Throughout the life of the plan we will continue to deliver our core regulatory activity, adjusting it over time to align with our strategic aims, which are summarised in the diagram opposite.

The full version of our strategic plan sets out the strategic aims and what we will be doing in each area of our operation to meet those aims in much greater detail. See it on our website at www.barstandardsboard.org.uk.



In the following pages we give a short explanation of what each of our strategic aims means and how we will achieve it. We set out how we will measure our success – our key performance indicators – across the three years of the strategic plan, and also the main activities we will undertake in the business year 2015-16.

Strategic aim 1

Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007.

What this means

We will regulate in the public interest barristers and those who work for them to deliver advocacy services, through a new regulatory framework for individuals and entities. We will remove the restrictions on a barrister's right to conduct litigation. Barristers will be enabled to take instructions directly from members of the public more comprehensively. Barristers will be able to offer a complete "one-stop" legal service to members of the public. We will target our regulatory activity towards risks on the basis of evidence and we will be a cost-effective regulator.

Measuring our performance

What success will look like by 2016	How we will measure success
a) We will be a licensing authority under the LSA 2007	Yes / No
b) We will be regulating barrister-led / advocacy-focused entities	Number of entities / Alternative Business Structures (ABSs) (measure against expectations)
c) In a timely and financially sustainable way (both to regulator and regulated)	Level of cost recovery (measuring against cost model) Turnaround of applications

Over the first two years of the 2013-16 strategic plan a number of significant initiatives have been completed. We have published the first BSB Handbook, bringing together the Code of Conduct with our regulations to provide a single source for the majority of our regulatory requirements. We have been successful in being approved as a regulator of entities – new business models through which barristers and other lawyers can provide legal services. We have made changes to our qualifications regulations and our enforcement system to reflect risk.

This coming year builds upon the considerable progress made over the last two years. The Handbook changes take some time to filter through to the point of enforcement but are likely to do so this year, so we will be embedding our systems to ensure effective enforcement under the Handbook can occur.

Very soon we anticipate starting to authorise entities and then to monitor their operation. Some reconsideration of the insurance requirements for single-person entities will be required too. To authorise and monitor entities more effectively in the future we need an Order under s69 of the LSA 2007.

We will seek to extend our regulatory activities by also applying to become a licensing authority for organisations that include non-lawyers as owners – known as "alternative business structures" (ABSs). If we are successful, barristers will be able to join with non-lawyers in a business that provides legal services and continue to be regulated by the BSB. This is a main area of development for the BSB during the coming year.

A number of our other specialist regimes will be reconsidered during the year: the cab rank rule and the use of standard contractual terms, immigration advice and services, the “three-year rule” and any other scope of practice restrictions among them.

The process of reviewing our regimes is a continuous one but, by the end of this year, we will have reviewed the most important aspects and implemented significant changes as a result.

We estimate that work towards achieving this aim in 2015-16 will require 9% of our directly controlled resources (£490k).

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Become a Licensing Authority for ABSs	Application submitted to the LSB	Develop operational capacity and infrastructure	Test and refine operational infrastructure	Achieve designation as a Licensing Authority
Receive an Order under s69 of the LSA 2007			Achieve Parliamentary approval for a s69 Order giving the Bar Council powers of intervention, enforcement powers for entities, and information gathering powers	LSB application submitted for any consequential changes to regulatory arrangements
Embed new systems for enforcement of the Handbook in relation to entities	Processes fully agreed and policies/guidance developed	Stakeholder and staff training completed	System fully operational	
Implement changes in public and licensed access	Informal consultation with stakeholders and evidence gathering	Gather data from supervision activity	Consideration of evidence from supervision activity Begin consultation	Approval of new rules and application to the LSB
Standard contractual terms and cab rank rule	Complete consultation	Application for any rule changes made to LSB		
Design a plan for reviewing the impact of the new Handbook	Informal consultation with stakeholders on sources of evidence	Design and agree review methodology		
Commence authorisation of entities and related supervisory activity	Authorisation process commences			Review first year of entity regulation
Review regulatory arrangements in relation to immigration advice and services	Consider available evidence Targeted supervision activity	Undertake thematic review Review results from targeted supervision activity	Report to Board on evidence gathered Consult on any changes to regulatory arrangements	Board decision on amendments to regulatory arrangements Application to LSB

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Review the three-year rule and any other scope of practice restrictions in relation to employed barristers	Review available evidence and issue consultation	Review consultation and consider new regulatory arrangements	Application submitted to the LSB	
Review the insurance requirements for single person entities	Consider available evidence and issue consultation	Board to consider change to regulatory arrangements and submit application to the LSB	LSB decision	

Strategic aim 2

Promote greater public and professional understanding of and support for our role and mission.**What this means**

Our research shows many members of the profession are unclear about our statutory and public interest role. We are also concerned that the public may not consider us to be independent from the profession. The legal services regulatory architecture can be confusing as legal services are provided by various lawyers, who are regulated by different bodies, each with a long history. We aim to ensure the profession understands our role and has a positive view of our effectiveness as a regulator, especially when it comes to maintaining the high standards of which the profession is rightly proud. We want the public to trust us to protect their interests, and to know that we will put things right when they go wrong. We want the public to be able to rely on us to ensure only appropriately qualified people enter and stay in the profession. We have a statutory regulatory objective to promote public understanding of citizens' legal rights and duties. All of this requires us to work hard to inform and explain to the profession and the public what we do and why.

Measuring our performance

What success will look like by 2016	How we will measure success
a) An increased percentage of the profession will have a positive view of the role and effectiveness of the BSB	Biennial Survey 2011 as baseline then 2013 and 2015 – Survey results showing an improvement
b) We will have established collaborative relationships with the public and consumers through our user network	Network established – Yes / No Qualitative feedback from/on the network Increased breadth/number of consultation responses Establish the baseline for analysis of website usage Outcomes from research programmes

Over the last two years we have increased our external presence quite significantly. We have an increasing Twitter following (now over 11,000) and regularly receive over 25,000 hits on our website per month.

We think promoting greater understanding of our role requires that we engage with many people and not just the profession itself. In the last two years we have worked with other regulators to produce the "Legal Choices" website, which is designed to help members of the public use lawyers. We have been talking to consumer organisations, particularly those involved with vulnerable people in the justice system, so that we better understand them and they in turn better understand us. This coming year we will look to build upon these efforts to ensure we have the ability to hear and gain input from as wide a variety of perspectives as possible. We are seeking to ensure that the voices of those who come into contact with barristers achieve a greater prominence in all that we do. We will publish a strategy outlining how we plan to do that, drawing upon the risk framework we are developing so that we particularly target engagement in relation to those things that pose the greatest risks.

We know we can do more to make the information that we produce easier for people to find and understand. This is particularly so in relation to our complaints and enforcement processes as it is often the case that the BSB first comes to someone's attention when they wish to query a barrister's conduct. We have received advice about how to revise the information we publish (both on the website and in our other publications) so that it is easy to understand for everyone. During this year we will update all content and improve the way in which we present it.

These major initiatives are among our key development priorities and sit alongside our continuing programme of engagement and promotion of the BSB's activities generally.

We estimate that work towards achieving this aim in 2015-16 will require 8% of our directly controlled resources (£449k).

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Design and implement a stakeholder engagement strategy	Design and publish strategy	Implementation of strategy commences		
Implement improvements to complaints and enforcement information on our website	Work started on the website and content	<p>New structure for website pages agreed and tested</p> <p>Existing content and leaflets re-written and new content drafted</p> <p>Production of new leaflets where appropriate</p>	<p>All content updated and available on the website</p> <p>Explore the possibility of visual content</p>	

Strategic aim 3

Set and maintain high standards of entry to and practice in a diverse profession.**What this means**

Poor advocacy standards undermine the rule of law and limit access to justice. Inadequately trained barristers might not uphold the professional principles of:

- independence and integrity;
- proper standards of work;
- observing the best interests of the client and the duty to the court; and
- maintaining client confidentiality.

We will set and maintain high standards of entry to the profession through the minimum requirements we impose on the education and training of barristers. We will continue to set and monitor high standards for qualified and practising legal professionals. We will carry out clear and consistent enforcement activity based on fair but robust decision-making. Our disciplinary processes will continue to be transparent and both the public and the profession will continue to have confidence in them. We are committed to encouraging an independent, strong, diverse and effective legal profession. It is important that the composition of the Bar reflects the public it serves and that the public has confidence in the legal system and the role of barristers.

Measuring our performance

What success will look like by 2016	How we will measure success
a) We will be supervising and enforcing on the basis of a new Code of Conduct/ Handbook	Handbook – Yes / No
b) The regulated community, including education and training providers, will be achieving high levels of compliance, and delivering quality services to the public	<p>Number of internal complaints raised</p> <p>Number of reports of serious misconduct</p> <p>Number of referrals from the Supervision department to the Professional Conduct department (against benchmark)</p> <p>Chambers information (eg, money laundering, first tier complaints etc) to establish baseline data</p> <p>Outcomes on Bar Professional Training Course (BPTC) across three years; reducing numbers of triggered interventions per provider site.</p>
c) We will have more complete information on the diverse make-up of the regulated community	Increased disclosure across all protected characteristics (achievement against target)

This strategic aim encompasses the things that we do daily to regulate barristers: our “business as usual”. We continue to quality assure the provision of the BPTC and administer the centralised examinations for that course. We have implemented the new Handbook through all parts of the organisation, and this coincided with the introduction of a new supervisory regime (as our supervision regime is very closely linked to our risk-based approach, it is expanded on further in relation to Strategic aim 4). We have developed entity authorisation processes. We have devolved more authorisation decisions to staff with appropriate oversight from our Board as necessary. All of these activities will continue throughout the 2015-16 year.

We have made a number of changes to our day-to-day work over the last two years too. We have looked for opportunities to increase efficiency and effectiveness, such as changing the CPD accreditation regime to focus on providers and the quality of their provision rather than accrediting all individual courses.

We worked with other regulators to commission the Legal Education and Training Review (LETR), which was published in June 2013. That report has led to a major programme of work being started: Future Bar Training (FBT). This programme forms the majority of the significant work that we will undertake in this area during 2015-16. New policies for all parts of the training of the Bar will be developed – Academic, Vocational and Professional Stages as well as CPD. This is a large, wide-ranging piece of work and is one of our key activities for the coming year.

We will also undertake work to better understand equality and diversity issues and make improvements to our enforcement regime.

We estimate that work towards achieving this aim in 2015-16 will require 54% of our directly controlled resources (£2,955k).

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Define the benchmark that describes the knowledge and skills that all newly-qualified barristers should possess	Consult on draft professional statement	Board agrees professional statement Statement published		
Align education and training policies with our new approach to regulation	Informal consultations on existing policies (including Qualification Rules)		Draft new Qualification Rules	Consult on new Qualification Rules and submit to LSB for approval
Establish a more flexible approach to CPD, including pilot of the new scheme and consultation		Consultation on new approach to CPD	Review pilot outcomes and consultation responses	Finalise CPD scheme and submit to LSB for approval
Review how the BSB manages and shares data to support its regulatory objectives in education and training	Completed audit and agreed data standards	Agreed data collection processes		
Improve access routes into the profession	Consultations on vocational element of training for the Bar and pupillage		Board agrees policy on future of vocational elements of training for the Bar and pupillage Report to the Board on our regulatory position on diversity in education and training	
Reassess regulation of the Academic Stage	Consultation on Academic Stage		Board agrees policy on future of Academic Stage	
Publish Centralised Assessments Review and devise implementation plan for recommendations	Report published and implementation initiated			

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Implement recommendations from the evaluation of the Bar Course Aptitude Test (BCAT) assessment	Agree actions and plan implementation on the basis of first cycle of evaluation			
Review procedures for determining applications to the Qualifications Committee	Undertake a review of delegations	Implement outcomes of review		
Research equality issues affecting the Bar	Analyse diversity data relating to complaints	Equality and Diversity Committee to consider report on complaints Review Bar Council research into retention of women	Board to consider recommendations in relation to complaints process	Publish three-yearly report on diversity in complaints
Evaluate the enforcement strategy with regards to risk-based and outcomes-focussed regulation including entity regulation	Enforcement strategy evaluated and updated in light of entity regulation	Enforcement strategy approved by the Board Updated Enforcement strategy published	Ongoing evaluation	
Consult on and implement changes arising from the review of the Disciplinary Tribunal Regulations	Consultation period begins	Consultation period ends – responses reviewed Revised Regulations presented to the Board	LSB approval of new Regulations Commence use of Regulations	

Strategic aim 4

Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market.

What this means

We are implementing a framework for regulatory standards, which depends on identifying risk and using evidence on which to base all regulatory decisions. Our resources are derived from the fees that members of the profession earn from their clients. It is in the interests of consumers, members of the profession, and the general public, that our resources are targeted at the areas of the greatest risk to the public. We will develop a risk identification framework and ensure that regulatory decisions are made on the basis of evidence we have gathered – for example, from our research or supervision activity.

Growing numbers of barristers seek to further expand the range and value of services they deliver internationally and providers of legal education increasingly seek to operate in a global market – some have sought to have their overseas courses accredited by the BSB.

Many non-European Union citizens are called to the Bar in England and Wales by an Inn of Court, having completed the BPTC. They then return overseas to practise, often drawing on their England and Wales qualification to competitive advantage.

We will consider in greater detail the impact of a globalised legal services and legal education market and whether we need to adopt specific approaches to the international activity of those we regulate.

Measuring our performance

What success will look like by 2016	How we will measure success
a) We will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision-making	Document Management System (DMS) – Yes / No Intranet – Yes / No Risk Identification framework in place – Yes / No Policy framework in place – Yes / No Comprehensive use of the Biennial Survey and Bar Barometer data to inform regulatory framework development
b) We will have attained a “satisfactory” rating against the LSB’s standards framework in this area	Satisfactory – Yes / No

The BSB seeks to use risk assessment and evidence to ensure that it targets its regulatory action where it is most needed. In 2015, we will publish our first risk index and risk outlook. The risk index will outline our assessment of the risks associated with the provision of legal services and which could impact on our ability to meet our regulatory outcomes. The risk outlook will set out our views of the legal services market and the risks to the regulatory objectives associated with regulating barristers in that market. These documents will inform our strategic and operational priorities and ensure that we are operating in a proportionate and targeted manner.

Over the last 12 months, and allied to the work on risk, we have introduced risk-based supervision of chambers and put in place a risk framework for our enforcement decisions. Under risk-based supervision, all chambers are risk assessed and regulated according to their risk profile. The highest risk chambers will be subject to the greatest level of supervision. The purpose of supervision is to develop constructive relationships with the profession to help them to manage risk and to reduce the likelihood of non-compliance with the regulatory requirements. The risk framework for enforcement is designed to ensure that disciplinary action is reserved for those cases that present the greatest risk to the public interest and the wider regulatory objectives of the LSA 2007. The two approaches work hand-in-hand to ensure that standards of the profession are maintained.

Our research strategy is designed to develop a more informed view of the legal services market. The market is going through significant change and understanding those changes and their impact on the provision of legal services is critical to effective policy making and regulation. It also plays an important role in ensuring that the education and training of barristers is relevant to meet the expectations of the market that the profession serves. In the coming year we will publish our research strategy and plan – showing what we are doing and how it will improve our evidence base and understanding of risk. Understanding those who use barristers' services or are affected by their work will be an important aspect of our research activity. We will look to learn from our engagement activities (as outlined in relation to Strategic aim 2) as part of this. We will continue to analyse evidence in relation to equality issues at the Bar. In particular we will seek to establish whether (and why) certain groups are disproportionately represented in our complaints processes. We will also look into barriers to progression and retention in the profession, particularly those affecting women.

All parts of the BSB and its activity will be involved in the development of our risk approach and its supporting evidence base; it is a key development area for the coming year.

We estimate that work towards achieving this aim in 2015-16 will require 17% of our directly controlled resources (£946k).

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Embed the regulatory risk framework and carry out thematic reviews		Publish risk framework and risk index		Publish regulatory risk outlook
Risk-based supervision	Complete risk profiling and related supervision of all high impact chambers		Complete risk profiling and related supervision of all medium impact chambers	
Implement a refreshed research strategy		Research strategy and plan revised in line with risk framework development	Research plan commences	
Research equality issues affecting the Bar	Analyse diversity data relating to complaints. Equality and Diversity Committee to review implementation of equality rules and impact of qualification decisions (waivers etc)	Equality and Diversity Committee to consider report on complaints. Review Bar Council research into the experiences of women at the Bar	Board to consider recommendations in relation to complaints process	Publish three-yearly report on diversity in complaints

Strategic aim 5

Strive for “best practice” as an organisation for those who work for us and those whom we serve.

What this means

We seek to operate to the highest standards as a regulator with the resources available to us. We will make improvements in our infrastructure and the standard of corporate services we receive. We will simplify our processes and be as “lean” as we reasonably can, and maintain networks with other professional regulators to ensure we are keeping pace with best practice.

We seek to make a step change in our culture and internal organisation to better reflect the values of integrity, excellence, fairness, respect and value for money. We will make improvements to our governance in line with these values and the regulatory standards framework. We will invest in our people through a learning and development strategy focussed on our new approach to regulation and building the capacity and capability to execute it. Much of this work has been incorporated in a formal change programme running throughout the life of the strategic plan.

Measuring our performance

What success will look like by 2016	How we will measure success
a) We will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	Undertake Activity Based Costing – Yes / No Benchmark against costs of other regulators (establish a range)
b) We will have improved turn-around times in relation to case handling in complaints and qualifications / waivers	Set baseline / targets and improve over period to 2016
c) The organisation will have a different, improved “feel” for users and staff	Staff survey improving year on year from 2010 baseline Biennial Survey statistics – baseline 2011; surveys in 2013 and 2015 Education providers’ feedback User satisfaction survey (enforcement, supervision) Pupil survey

We have been engaging in an internal change programme to further this strategic aim. At the outset we carried out a specific work programme: The Regulatory Improvement Programme (“TRIP”). This formally closed in July 2014 but the activities continue, in part to ensure that we achieve a “satisfactory” rating against the LSB’s Regulatory Standards Framework. We are working hard to ensure we achieve that rating during this financial year and, building on the success of TRIP, have initiated a second, narrower but integrated formal change programme to assist with our work on risk-based regulation, governance, and consumer focus.

An important part of our development under the TRIP programme has been to learn better from what we know. To that end, we want to do some additional work to understand the experiences of “complainants” in our disciplinary system – ie those people who draw issues about barristers’ conduct to our attention. Those people show greater levels of dissatisfaction than barristers do. We want to understand that better and then make changes designed to improve their experience.

Last but by no means least, a central area of work in this coming year is to develop the next strategic plan and, crucially, to revise our governance structures and in particular the role of our committees. Good governance provides clarity of roles and responsibilities while allowing good working relationships to flourish – ensuring that there is proper oversight and scrutiny of all that we do. Good governance means accountabilities are clear and there is open, transparent and consistent decision-making as a result. Good governance contributes to people having confidence in the work of the BSB.

The current structure has been in place for some time and therefore requires review. Ensuring that our governance is structured in a way that supports our work, minimising delay and maximising the opportunity for good decision-making, is vitally important. Regulators need a combination of capable and confident staff and access to non-executive technical and expert advice. Our aim is to put in place new governance arrangements that enable the executive and the non-executive functions of the BSB to operate effectively together to deliver our business objectives and assure our legitimacy with the public and the profession.

We estimate that work towards achieving this aim in 2015-16 will require 11% of our directly controlled resources (£598k).

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
Develop the next strategic plan for 2016 onwards		Development of draft plan completed	Consult on new strategic plan	Publish new strategic plan
Complete review of governance structures, and implement outcomes	Blueprint for new governance structure agreed		New Standing Orders agreed	Implementation of committee revisions commences
Achieve a rating of "satisfactory" against the LSB's Regulatory Standards Framework (RSF)			Contribute to LSB's RSF assessment process	Achievement of "satisfactory" reflected in LSB reports and own analysis by end of Q4
Implement outcomes of user feedback survey research			User feedback survey research presented to the Board	Commence implementation of recommendations arising from the research Continue to implement recommendations arising from the research

Risks to delivery

There are a number of uncertainties that have the potential to undermine our successful delivery of the plan in the coming year.

It remains unclear what the take-up will be for entity regulation. Our predictions of how many applications will be received may prove incorrect and so our costs and income in this area may be uncertain. A drop in demand for any of the services for which we make a direct charge for could have the same effect.

A number of our activities are subject to current Court proceedings or could become subject to them (most commonly by way of judicial review). The current Court proceedings have the potential to delay programmes of work or to incur additional cost: at worst they could require significant alterations to our regulatory arrangements.

At the time of finalising this plan, the LSB had not yet finalised its business plan for the coming year. While we have some idea of the kinds of areas it will be focusing on from its consultation, we do not yet know what their work programme will contain. This has the potential to require us to do something we have not planned for, or to do something we have planned in a different way. Either way, there could be an impact on our ability to deliver as set out in this plan.

This is of course an election year. It is not clear what priority any new government would place on legislative reform in the legal services sector. If that were to be an area of action, that would have an impact on our plans and we would have to reprioritise in order to support any legislative change programme.

Finally, we are reviewing some of the services that we currently outsource. If we revise or refresh our contractual arrangements, this is likely to have an impact upon how we resource and deliver the relevant services as well as the income we receive from them where applicable.

Strategic dashboard

This page shows the “dashboard” performance reporting that we will be using this year. We will give an overall picture of progress against each of our strategic aims, then an update on our key programmes of work and service standards, as well as our corporate resources and risks. This will be reported to our Planning, Resources and Performance Committee as well as to the Board.

Our strategic aims				
Implement “public interest” regulatory regimes	Promote greater public and professional understanding	High regulatory standards of entry to and practice in the profession	Be more evidence- and risk-based	Strive for best practice

Our key projects and service standards		
Achieve a “satisfactory” rating against the LSB’s Regulatory Standards Framework	Become a Licensing Authority	Future Bar Training
Risk-based Supervision	Stakeholder Engagement Strategy	Establish a new regime for CPD
Entity Authorisation	Research Strategy	Receive an order under s69 of the LSA 2007
Regulatory Risk Framework	Governance Review	Develop a strategic plan for 2016-19

Our corporate resources and risks			
Financial resources	Staff resources	IT	Good governance and risk management

Equality statement

The BSB is committed to improving diversity in the profession and its internal workforce and ensuring that equality considerations are factored into the delivery of BSB functions.

The promotion of equal access to, and diversity within, the profession is the right thing to do and helps to combat social injustice. It is unlawful for a person to experience disadvantage on the basis of a protected characteristic. All our staff and those with whom we engage are entitled to be treated with dignity and respect and be part of an environment that is free from barriers.

A profession that is representative of the people it serves is more likely to meet the diverse needs of clients and be more effective. The BSB works more productively when we maintain an inclusive workplace free from discrimination.

We have a number of general and specific legal duties arising from the Equality Act 2010. The BSB's commitment to equality and diversity is significant in fulfilling its regulatory objective of 'encouraging an independent, strong, diverse and effective legal profession' as set out in the LSA 2007.

As required by s 149 (1) of the Equality Act 2010, we will work to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The BSB has an equality strategy and objectives that set out how we will deliver our commitment to improve diversity and how we will ensure equality of opportunity. We carry out equality impact analyses of all projects, policies, and initiatives. We provide equality training for staff, committee and Board members. We collect and examine equality data both on the profession and those that use the BSB's services. We engage with equality stakeholders as they are a key source of ideas and provide essential feedback on the BSB's work. We conduct research into the effect of our policies and processes as well as access and retention within the profession.

Governance

The Board shapes our strategy and has ultimate responsibility for what we do and for carrying out all regulatory functions of the Bar Council. See *What the BSB does on page four.*

The Board ensures that:

- appropriate risk management and effective internal control systems are in place; and
- the necessary management information systems exist to assess the BSB's performance and progress in meeting its objectives, including the evaluation of operational effectiveness and efficiency, compliance with laws and regulations, and the reliability of management and financial information.

Our Board is made up of a combination of lay people and barristers. It is also assisted by four non-voting Special Advisers.

Chair:

Sir Andrew Burns KCMG

Vice-Chair:

Patricia Robertson QC

Barrister Members:

Justine Davidge
Simon Lofthouse QC
Sam Stein QC
Andrew Mitchell QC
Adam Solomon
Vacancy

Lay Members:

Rolande Anderson
Rob Behrens
Dr Malcolm Cohen JP
Tim Robinson
Professor Andrew Sanders
Richard Thompson OBE (leaves the Board on 31 August 2015)
Dr Anne Wright
Nicola Sawford (joins the Board from September 2015)

Special Advisers (non-voting):

Sarah Brown
Matthew Nicklin QC
Emily Windsor
Keith Baldwin

Our Board runs its work through eight committees:

- Education and Training Committee
- Equality and Diversity Committee
- Governance, Risk and Audit Committee
- Planning, Resources and Performance Committee
- Professional Conduct Committee
- Qualifications Committee
- Standards Committee
- Supervision Committee

The Education and Training Committee is responsible for setting the standards of education and training that people must reach before being able to practise as barristers, together with the further training requirements that barristers must comply with throughout their careers.

The Equality and Diversity Committee is responsible for ensuring that the BSB performs its functions having given due consideration to eliminating discrimination and promoting equality.

The Governance, Risk and Audit Committee is responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the internal risk management framework and the BSB's internal assurance programme. The Committee also reviews reports from the Independent Observer.

The Planning, Resources and Performance Committee supports the work relating to the development of strategic direction and plans for the BSB. It oversees financial performance against objectives and targets and considers whether proposed funding is adequate and effectively allocated across the business. The Committee also advises on how the BSB monitors, measures and reports performance to best effect, with appropriate transparency and in a timely and consistent manner.

The Professional Conduct Committee decides whether or not to take enforcement action against barristers who have breached the BSB Handbook.

The Qualifications Committee decides on individual applications from people wishing to become barristers who may be entitled to a waiver or exemption from the normal training requirements.

The Standards Committee is responsible for the BSB Handbook, which all barristers must comply with, and issuing guidance on good practice.

The Supervision Committee is responsible for giving advice on matters relating to supervision of barristers, chambers, and entities.

Organisational chart

This shows the number of staff working at the BSB (headcount) and the number of full-time positions that this equates to (full-time equivalents or FTEs).

Each figure includes the member of the management team named above the figures (eg headcount of three includes the Director General, and two support staff).

At the 1 April 2014 we had 84 people (or 80.5 FTEs) and from the 1 April 2015 we will have 83 people (or 80.7 FTEs).

These adjusted figures are helping to establish a baseline for regulatory costs and steady the rate of increase compared to the previous three years. The staffing structure will be further aligned to support our much more substantive risk-based regulation framework and refreshed governance arrangements.

Director General Vanessa Davies				
3 people 3.0 FTEs				
Director of Education and Training Simon Thornton-Wood	Director of Regulatory Policy Ewen Macleod	Director of Supervision Oliver Hanmer	Director of Professional Conduct Sara Jagger	Director of Strategy and Communications Amanda Thompson
21 people 20.5 FTEs	10 people 10.0 FTEs	11 people 10.6 FTEs	26 people 25.0 FTEs	12 people 11.6 FTEs

Our budget

**Our budget year runs from
1 April 2015 to 31 March 2016
and the budget that the BSB
controls directly for this
period is £5,438k.**

2015-16 Direct expenditure
£5,438k

**2015-16 Direct income from
sources other than PCF**

£1,875k

We are pleased to state that we have kept the increase to our direct expenditure at a minimal level even though the significant work relating to the governance review, risk-based regulation, and the Future Bar Training will be challenging to deliver within our resource constraints.

We are projecting a similar level of direct income (£1,875k) for the 2015-16 financial year compared to previous years. There are risks associated with this increase, as with new activities such as entity regulation it is difficult to predict the number of applications we will receive.

The Practising Certificate Fee (PCF)

The Bar Council approves our budget and collects our funding. Its intention when the budget was set last year was to collect the same amount from the PCF in 2015-16 as achieved in 2014-15.

Rationale

The Bar Council set out its rationale for the compilation of the overarching budget. The headlines for 2015-16 are:

- The Bar Council intends to keep the total PCF income collected at a similar level to 2013-14 and 2014-15;
- Non-PCF income streams directly controlled by the BSB are expected to increase;
- Non-PCF income streams directly controlled by the Bar Council are expected to rise as it diversifies its revenue sources;
- The Bar Council will also embed cost reduction targets into its expenditure plans; and
- The planned surplus will be used to fund items such as the shared defined benefit pension scheme and reserves to support future property-related expenditure.

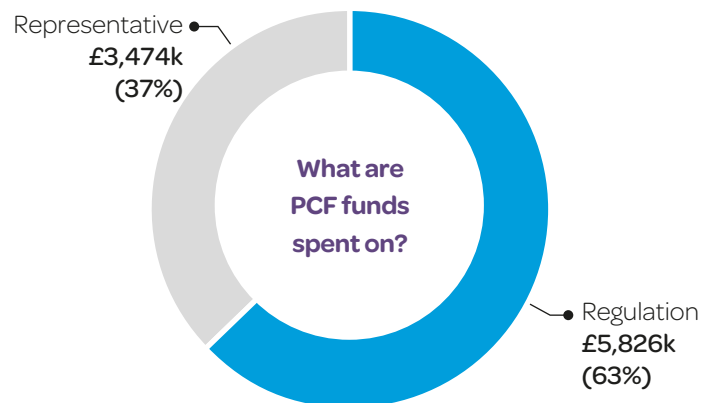
The PCF explained

The PCF can only be spent on the activities that are permitted under s51 of the LSA 2007. Regulation is a permitted purpose and so a significant proportion of the PCF is spent by the BSB. However some of the Bar Council's activities are also "permitted purposes" so a portion of the PCF is also spent by the Bar Council on activities managed wholly separately from the BSB (shown below as "Representative" costs).

From 2015, the basis of charging for the PCF changes to one based upon income band. Barristers are expected to self-declare the correct fee payable according to the gross income received in the previous financial year. Whilst the Bar Council is not able to assess the impact on any one individual barrister as a result of this fee change, the overall average PCF collection target for 2015 remains consistent at £605 per barrister (£606 per barrister 2014).

Under these rules, the Bar Council has consulted on its budget and PCF proposals with the profession and has received approval of both from the LSB. A copy of the consultation paper for the 2015-16 PCF and budget is on the Bar Council's website.²

New PCF bands	
Income Band	PCF
£0 - £30,000	£100
£30,001 - £60,000	£200
£60,001 - £90,000	£400
£90,001 - £150,000	£725
£150,001 - £240,000	£1,100
£240,001 and above	£1,500

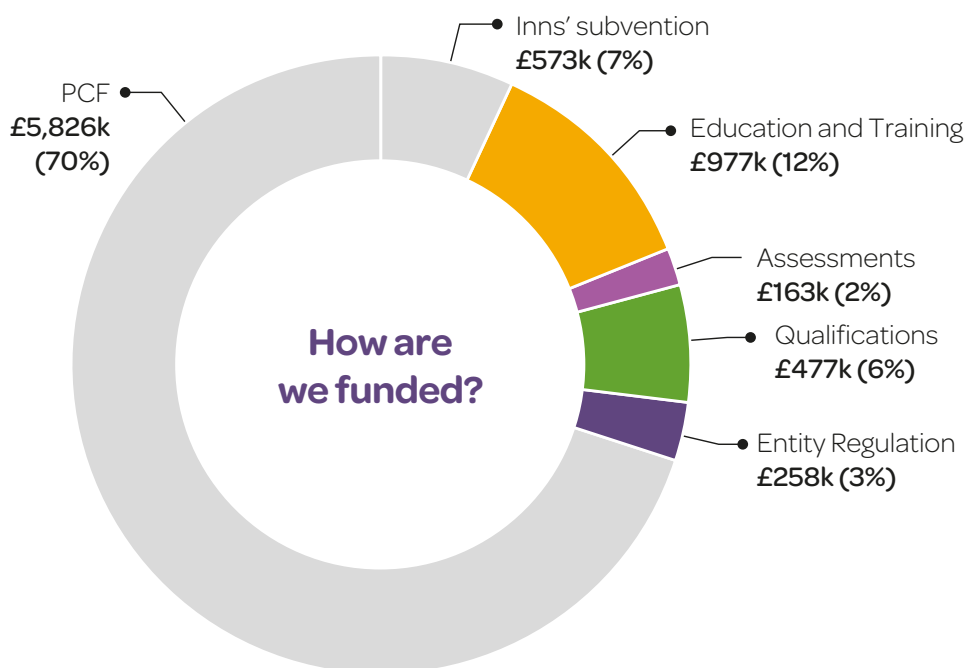


² <http://www.barcouncil.org.uk/for-the-bar/consultations/bar-council-consultations/>

How is the BSB funded?

Part of our income comes from charges we make for services we provide. We describe that kind of income as “income streams directly controlled by the BSB”. Directly controlled income streams include the fees from BPTC providers, the Bar Transfer Test (BTT) and CPD course provider accreditation. The remainder of the BSB’s funding is from practising certificate fees together with contributions from the Inns of Court. Those latter income streams are not directly controlled by the BSB.

Income streams directly controlled by the BSB	£k
Assessments (including BCAT)	163
Education and Training (including BPTC, BTT and CPD accreditation)	977
Qualifications	477
Entity Regulation	258
Total BSB controlled income	1,875
Practising Certificate Fee contributions	5,826
Inns’ subvention	573
Total BSB income	8,274

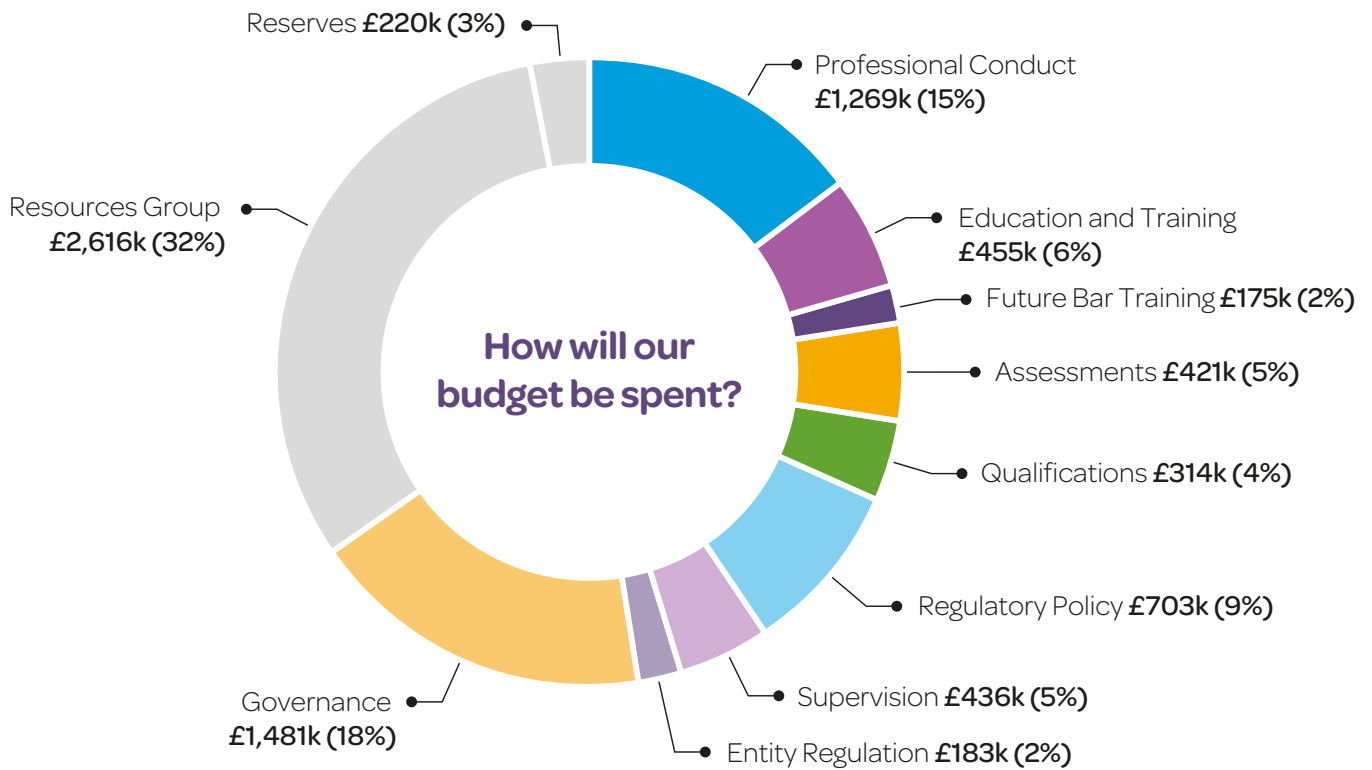


Regulation – the costs explained

The BSB has direct control of a budget of £5,438k for 2015-16. Those funds will be spent on each of the areas shown below and overleaf.


However, this does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the Resources Group¹ to carry out support work (HR, IT, and Finance etc). The Resources Group budget is managed separately; part of that budget is apportioned to the BSB.

Also attributable to the BSB expenditure is its proportion of Bar Council costs relating to corporate provisions, which includes a contribution to reserves.



¹ Resources Group was in previous years described as Central Services.

How will we spend our budget? ³	
Budgets controlled directly by the BSB	Total budget (£k)
Professional Conduct (Disciplinary)	1,269
Education and Training	455
Future Bar Training (post the Legal Education and Training Review)	175
Assessments	421
Qualifications	314
Regulatory Policy (including equality and diversity)	703
Supervision (was Quality)	436
Entity Regulation	183
Governance / Management (Board, Executive, Strategy and Communications, Research)	1,481
Total BSB Budget	5,438
Budgets not directly controlled by the BSB	£k
Resources Group (was Central Services)	2,616
Contribution to reserves	220
Total	2,836
Total cost of regulation	8,274



We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations.

Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

Write to us:

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London WC1V 7HZ

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