

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



Meeting of the Bar Standards Board

Thursday 27 March 2025, 5.00 pm (Hybrid meeting - in person and online)

Rooms 1.4 – 1.7, First Floor, BSB Offices / MS Teams

Agenda – Part 1 – Public

This meeting will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved at the next meeting

Note: this meeting will be preceded by a Board Member seminar on “Equality Rules - update” from 3.15 pm-4.45 pm

				Page
1.	Welcome / announcements (5.00 pm)		Chair	
2.	Apologies		Chair	
3.	Members’ interests and hospitality		Chair	
4.	Approval of minutes from the last meeting (30 January 2025)	Annex A	Chair	3-7
5.	a) Matters arising & Action List	Annex B	Chair	9
	b) Forward agenda	Annex C	Chair	11
6.	Quarter 3 Performance report – balanced scorecard / Transferring Qualified Lawyers (TQL) (5.10 pm)	BSB 009 (25)	Mark Neale	13-36
7.	Business Plan for 2025/26 (5.25 pm)	BSB 010 (25)	Mark Neale	37-60
8.	Committee Terms of Reference and the Appointments Policy (5.30 pm)	BSB 011 (25)	Rebecca Forbes	61-81
9.	First-tier complaints: implementing the LSB’s new expectations (5.35 pm)	BSB 012 (25)	Ahmet Arikan / Richard Parnham	83-91
10.	Director General’s Report – Public Session (5.45 pm)	BSB 013 (25)	Mark Neale	93-94
11.	Chair’s Report on Visits & External Meetings	BSB 014 (25)	Chair	95

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12. **Any other business**
13. **Date of next meeting**
Thursday 22 May 2025, 2 pm
14. **Private Session**
(5.50 pm)

John Picken
Governance Officer
20 March 2025

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 30 January 2025 (5.00 pm)****Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams**

- Present:** Kathryn Stone OBE (Chair)
Gisela Abbam
Jeff Chapman KC – via Teams
Emir Feisal JP
Ruby Hamid
Tracey Markham
Andrew Mitchell KC
Ruth Pickering
Irena Sabic KC
Stephen Thornton CBE
- By invitation:** Malcolm Cree (Chief Executive, Bar Council)
Barbara Mills KC (Chair, Bar Council)
Lucinda Orr (Treasurer, Bar Council)
Andy Russell (Director, Council of the Inns of Court) – via Teams
- Press:** Neil Rose (Legal Futures) – via Teams
- BSB Executive** Graham Black (Interim Head of Communications)
Julie Carruth (Supervision Manager) – via Teams
Michael Carter (Senior Casework Officer)
Laura Cassidy (Stakeholder Engagement Officer) – via Teams
Rebecca Dawson (Casework Officer)
Rebecca Forbes (Head of Governance)
Teresa Haskins (Director of People and Culture)
Charlie Higgs (Examinations Manager) – via Teams
Saima Hirji (Director of Regulatory Enforcement)
Oliver Jackling (Research and Evaluation Manager) – via Teams
Sara Jagger (Senior Legal and Regulatory Consultant) – via Teams
Rupika Madhura (Director of Standards)
Hayley Langan (Supervision Manager) – via Teams
Mark Neale (Director General)
John Picken (Governance Officer)
Natasha Ribeiro (Assessment Lead) – via Teams
Maddison Sears (Project Lawyer) – via Teams
Debbie Stimpson (Director of Planning, Programmes & Engagement)
Adelita Thursby-Pelham (Head of Authorisations) – via Teams
Julia Witting (Head of Supervision) – via Teams

Item 1 – Welcome / Announcements

1. Kathryn Stone welcomed those present and made the following introductions:
 - Ruby Hamid (barrister Board member);
 - Tracey Markham (lay Board member);
 - Ruth Pickering (lay Board member).
2. She also welcomed the following guests and colleagues who were attending the Board meeting either in a new capacity or for the first time:
 - Barbara Mills KC (new Chair of the Bar Council);
 - Lucinda Orr (new Treasurer of the Bar Council);
 - Rebecca Dawson (Casework Officer, BSB);
 - Maddison Sears (Project Lawyer, BSB).

3. **Item 2 – Apologies**

- Leslie Thomas KC
- Ewen Macleod (Director of Strategy, Policy and Insights)

Item 3 – Members’ interests and hospitality

4. None.

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

5. The Board **approved** the Part 1 (public) minutes of the meeting held on 28 November 2024.

Item 5a – Matters arising & Action List

6. The Board **noted** the action list. Mark Neale updated this as follows:
 - a) Chambers web pages (min 26b – 26/09/24)
These will be published on 4 February 2025 and will set out regulatory requirements of barristers’ practice management in chambers.
 - b) Market study on intermediaries (min 16d – 23/05/24)
Work on intermediaries is continuing and will be reported to the Board in the context of our five-year strategy in due course.
 - c) Authorisation applications from transferring overseas lawyers (TQL) (mins 16c – 30/11/23 & 16d (30/11/23/))
There have been successive changes to the timetable for implementation of change on TQL administration. This reflects the complex nature of the issue. What had been anticipated as a straightforward update on fees in fact required a much more detailed analysis of the process itself to check cost recovery levels. This has now been completed and revised fees for TQL applications will apply from 1 April 2025.

Item 5b – Forward agenda

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

Item 6 – Annual Report on Diversity at the Bar

BSB 001 (25)

8. Mark Neale highlighted the following:
- following earlier feedback, this Annual Report now includes a longer-term perspective on changes at the Bar (rather than just comparisons with the previous year's data);
 - it shows continuing progress both in terms of representation of women and those from minoritised ethnic backgrounds;
 - notwithstanding that, there remains less diversity at KC level (20% women; 12% minoritised ethnic backgrounds);
 - this points to a need for a continuing focus on progression - an issue that Barbara Mills KC underlined in her inaugural address to the Bar.
9. The Chair thanked the BSB's Research Team for its work in producing the report. She noted that this will inform our discussions later in the year about the Equality Rules consultation.
10. **AGREED**
to note the report and to approve it for publication on the website.

Item 7 – Annual Report – Bar Training

BSB 002 (25)

11. The Board received the Annual Report on Bar Training covering the period December 2023 – November 2024. Following an invitation for comments, Emir Feisal JP referred to paragraph 73 of the report. This related to a decision to authorise, on a conditional basis, a pupillage provider based outside England and Wales (the first occasion this has happened). He asked if there is scope to do more of this in future, given the rising numbers of qualified lawyers who are seeking Call to the Bar for England and Wales.
12. In response, the executive commented as follows:
- the BSB is open to proposals for new models of working, though the same training standards and controls always need to apply. The Supervision and Authorisation Teams are checking the progress of this application, and it will be a useful test case for the future;
 - we are already looking at other ways to expedite the authorisation process for transferring qualified lawyers (TQLs). One option is to compare the training requirements of different jurisdictions to identify, if and in what circumstances, block exemptions might be possible;
 - we also intend to review the authorisations framework, and this, and other cases, will help inform our vision for the future.
13. Barbara Mills KC highlighted the mutual interest of the Bar Council and the BSB to protect the title of "barrister". With that in mind she expressed some caution about the concept of a pupillage provider that was based in a jurisdiction other than England and Wales. She therefore asked the BSB to carefully consider the implications of this.
14. Irene Sabic KC referred to paragraph 5 which said that key stakeholders had expressed concern that the BSB was not doing enough to maintain high standards. She asked for clarification of that statement.

15. Mark Neale confirmed that there is a perception within the Inns of Court that the increase in the number of students in Bar Training could dilute the standards that apply to it. The BSB's view is that this is not the case (paragraph 6 of the covering report refers).

Note: the Chair also emphasised that the Board would not tolerate any diminution in standards at the Bar.

16. Mark Neale added that, providing students have met the academic standards and are properly informed about their prospects of obtaining pupillage (and the BSB already makes the challenges around this very clear), then we should not seek to restrict entry levels.

17. Gisela Abbam noted this point but referenced paragraph 8 of the covering paper ie that in respect of the 2020/21 cohort of home-based course graduates, less than half had moved on to pupillage. She asked what options are available to increase this figure.

18. The Chair agreed that this is a concern and, though it is not the BSB's role to limit ambition and demand, we should, nevertheless, take note of these concerns, which other stakeholders have also expressed. In response, Mark Neale highlighted the earlier report on diversity at the Bar 2025 which shows a significant increase in the number of pupillage places.

19. Stephen Thornton referred to the recent increase in requests for reasonable adjustments in respect of vocational and pupillage training (para 12c of the covering report). He asked whether any guidance is available from the BSB which it could then publish.

20. In response, the executive commented that:

- there has been a general growth in the number of students making requests for reasonable adjustments across the education sector;
- we shall continue to work with Bar training providers so that students can be appropriately supported. As part of this engagement, we shall consider the case for formal guidance documents to promote a consistent approach.

21. Andy Russell suggested a need for guidance was urgent following a number of requests from students

22. He also asked about the proportion of students with minimum entry requirements (a 2.2 degree) who secure pupillage. In response, the executive referred to the supporting statistical analyses in Annex 2 of the paper (Charts 22 onwards).

23. **AGREED**

- a) to note the report and to approve it for publication on the website.
- b) to request the executive take on board the comments made by the Chair of the Bar Council, the Director of COIC and Board Members about the need to maintain standards at the Bar.

**RM to
note**

Item 8 – Director General’s Report – Public Session

BSB 003 (25)

24. The Board **noted** the report.

Item 9 – Chair’s Report on Visits and External Meetings

BSB 004 (25)

25. The Board **noted** the report.

Item 10 – Any Other Business

26. None.

Item 11 – Date of next meeting

27. • Thursday 27 March 2025, 5.00 pm.

Item 12 – Private Session

28. The Board resolved to consider the following items in private session:

- (1) Approval of Part 2 (private) minutes – 25 November 2024 & 28 November 2024.
- (2) Matters arising and action points – Part 2.
- (3) Reform Programme
- (4) Director General’s Report – Private Session.
- (5) Appointment of Committee Members
- (6) Any other private business.
- (7) Chair’s Appraisal

29. The meeting finished at 2.30 pm.

BSB – List of Part 1 Actions

27 March 2025

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

Min ref	Action required	Person(s) responsible	Completion Due Date	Progress report	
				Date	Summary of update
26b (26/09/24)	continue to collate feedback from stakeholders about the policy on chambers and establish a plan for future engagement opportunities	Mark Neale	by end March 2025	17/03/25	Complete - the Chambers pages on our website have now been published. We shall now continue to update these pages and consult the Bar Council, the Legal Practice Management Association and the Institute of Barristers' Clerks on their evolution.
16d (30/11/23)	consider expediting full cost recovery analysis of authorisation applications	Rebecca Forbes / Mark Neale	25 January 2024 end Sept 2024 end March 2025	17/03/25	Action in hand – see paper on fees for discussion in the private session of the Board

Forward Agenda

Thursday 22 May 2025 – 2 pm start

- Director General's Report (public & private session)
- PSP Committee Annual Report
- Enforcement Regulations – proposals for change (consultation)
- Reform and re-organisation
- Authorisations review phase 1
- Corporate Risk Report
- Terms of Reference for the Independent Decision-making Body (IDB)

Thursday 26 June 2025 (9.30 am start)

- BSB Strategy – final version

Thursday 24 July 2025 – 5 pm start

- Director General's Report (public & private session)
- Q4 performance report
- BSB Empowering Consumers Consultation
- Reform and re-organisation
- Annual “deep dive” on the corporate risk register
- Board member reappointment and recruitment

Thursday 25 September 2025 – 2 pm start

- Director General's Report (public & private session)
- Q1 performance report
- First tier complaints proposals - final
- Reform and re-organisation
- Corporate Risk Report
- Handbook drafting principles

Thursday 27 November 2025 – 5 pm start

- Director General's Report (public & private session)
- Dates for Board Meetings (Jan 2026 – Mar 2027)
- Annual report – Bar Training
- PSP Committee Mid Year Report
- GRA Committee Annual Report
- Q2 performance report
- Enforcement Regulations – outcome of consultation
- Reform and re-organisation
- Corporate Risk Report
- Board member appointment

Thursday 29 January 2026 – 2 pm start

- Director General's Report (public & private session)
- Reform and re-organisation

Thursday 26 March 2026 – 5 pm start

- Director General's Report (public & private session)
- Q3 performance report
- Reform and re-organisation
- Corporate Risk Report

Meeting:	Board	Date:	27 March 2025
Title:	Quarter 3 Performance report – balanced scorecard / Transferring Qualified Lawyers (TQL)		
Authors:	<i>Quarter 3 Performance report – balanced scorecard</i> Imogen Kirby, Business Insights Manager Ben Bray, Head of Regulatory Risk and Insights <i>Authorisations' update on Transferring Qualified Lawyers (TQL)</i> Adelita Thursby-Pelham, Head of Authorisations Rupika Madhura, Director of Regulatory Standards Mark Neale, Director General		

Paper for:	Decision:	Discussion: X	Noting X	Other: <input type="checkbox"/> (enter text)
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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
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Summary

1. This paper, which reflects discussion in the Performance and Strategic Planning Committee on 6 March, provides a commentary on continuing improvement in our operational performance in Q3 of 2024/25. It provides, in particular, a high level update on the steps under way to reform our handling of applications from transferring qualified lawyers and to tackle the outstanding high volume of overdue applications.
2. Generally, operational performance continues to improve with 13 of the 19 balanced scorecard targets either hit or only narrowly missed. We hit all but one of the targets bearing on the quality of decision making and saw further improvements in the timeliness of assessing reports on barristers, with over 80% of reports handled within 8 weeks. We concluded the highest number of investigations for two years – 32 – but because a number of these had run for more than 38 weeks, there was an offsetting fall-off in the timeliness target this quarter.

Recommendations

3. The Board is invited to note:
 - i. the generally improving operational performance in the quarter 3 – annex A;
 - ii. the progress of our interventions to address the rise in applications from transferring qualified lawyers.

Operational performance in Q3

4. The balanced scorecard – introduced this financial year – measures the efficiency and effectiveness with which we deploy our principal regulatory interventions of supervision, enforcement and authorisations. It does so in four dimensions: the quality of our decisions, timeliness, productivity and service responsiveness. Of these, the first is the most important. We have consistently hit our targets for maintaining high quality decisions which are audited by our Independent Reviewers.
5. The Board will note that there can be trade-offs between the different dimensions of performance. As noted in the summary, the Investigations Team had a productive quarter, concluding 32 investigations, with the result that by the end of the quarter 81% of remaining live investigations were within the 38 week target. However, because a significant number of concluded investigations had lasted longer than 38 weeks, the timeliness score fell back after being narrowly missed in Q2.

Transferring Qualified Lawyers

6. We agreed a way forward with the Board in November 2024 to address the high number of applications from Transferring Qualified Lawyers. The agreed way forward reflects the false start in the previous 12 months when an assumption was made that increasing resources alone was the answer to processing the increased number of applications. However, a root and branch review of how we assess these applications and process the high volume of both aged and business as usual applications (BAU) has now been carried out. This has highlighted the need for improved processes and simpler decision rules. The key to this is the exercise, now underway, to map qualifications and experience in the overseas jurisdictions from which we receive most applications, to our own *Professional Statement*. We are reporting on the steps taken and progress made.
7. The Quarter 3 performance figures covered in the Q3 scorecard are approximately three weeks into the plan that was agreed with the Board in November 2024. The number of applications from transferring lawyers handled in the third quarter was nevertheless the highest for almost two years.
8. Since then, as part of the BSB's reorganisation, as of 2 December 2024, Authorisations now sits in the new Regulatory Standards Department with a new director (Rupika Madhura has been in this post since 2 December 2024) and a new Head of Authorisations (Adelita Thursby-Pelham has been in this post since 1 January 2025 who in her capacity as a solicitor, has acted for regulators for approximately 20 years, including in relation to progressing high volume caseloads). The Authorisations Team, which handles thirty types of applications, is now divided into two separate workstreams headed up respectively by two managers (one of whom has just been appointed), with one of the workstreams predominantly focusing on Transferring Qualified Lawyer applications and the other focused on Bar Training and Entities.

9. In addition to reporting to the Performance and Strategic Planning Committee about progress, the Head of Authorisations is meeting the TQL Manager several times a week and meeting with the Team weekly, as well as reporting weekly on progress to the Director of Regulatory Standards. This ensures that any blocks to progress are responded to in an agile and efficient way.
10. Additionally, as the overdue TQL applications are processed and reduced, the end-to-end time for processing these applications will appear to rise. This will distort the KPI reporting on timeliness. Given this, Authorisations are working with the Business Insights Team with a view to separating the overdue applications from the new flow of applications for the purposes on reporting on timeliness KPIs so that the KPIs provide a true picture of the timeliness of processing applications. These KPIs will be reported on to the Board from the new financial year, beginning with the Quarter 1 report in September. Given that there hasn't been a comprehensive review of Authorisation KPIs for a considerable length of time, a review of KPIs generally will be carried out in the longer term.
11. Now that the new management structure is in place, we are also seeking assurance (through an independent audit) with the external auditors RSM that, overall, the steps we have taken to improve the processing of the high volume TQL applications is robust.
12. Although the work to improve our handling of these applications will contribute to modernising our delivery, we do not judge that there would be added value from brigading this work with the wider Reform Programme. This is because the improvements implemented to ensure overdue applications are processed at the same time as the flow of new applications are part of Authorisations' day-to-day work. Widening the scope of the Reform Programme would also dilute its focus without any significant corresponding benefit to the urgency with which we are tackling the challenge of these applications.

Annex

Annex 1 - 2024-25 Quarter 3 Performance report - balanced scorecard

2024-25 Quarter 3 Performance report – Balanced scorecard

KPI	Balanced Scorecard chart number	Target %	Target met	Quarterly performance	Change on previous quarter
Quality					
CAT - Quarterly Audit	1	95%	●	100.0%	↑
CAT - Requests for Review	2	95%	●	0.0%	
Investigations - Quarterly Audit	3	95%	●	100.0%	
Investigations - Requests for Review	4	95%	●	100.0%	
Investigations - Administrative Sanction Appeals	5	0%			
Investigations - DT Decision Appeals	6	0%	●	0.0%	
Authorisations - Quarterly Audit	7	95%	●	100.0%	
Authorisations - IDB Reviews	8	95%	●	100.0%	
Supervision - Quarterly Audit	9	95%	●	100.0%	
Timeliness					
CAT - General enquiries-closed	10	80%	●	97.0%	↑
CAT - Reports & Other-closed	11	80%	●	80.5%	↑
Investigations - Investigations decided	12	80%	●	37.5%	↓
Authorisations - Applications-decided	13	80%	●	57.8%	↑
Service					
CAT - Calls answered	14	85%	●	84.0%	↘
Authorisations - Calls answered	15	85%	●	73.0%	↑
All teams - Complaints	16	95%	●	88.9%	↘
Productivity					
CAT - General enquiries-live	17	80%	●	50.0%	↓
CAT - Reports & Other-live	18	80%	●	77.8%	↑
Investigations - Investigations-live	21	80%	●	80.8%	↑
Authorisations - Applications-live	23	80%	●	18.1%	↘

Performance against KPIs

↑ - Performance increased compared to previous period

↘ - Performance decreased by 10 percentage points or fewer compared to previous period

↓ - Performance decreased by more than 10 percentage points compared to previous period

No arrow - Performance the same as for the previous period; or there is no applicable data for one of the comparable periods

● - KPI met or exceeded

● - Performance within 10 percentage points of target

● - Performance more than 10 percentage points lower than target

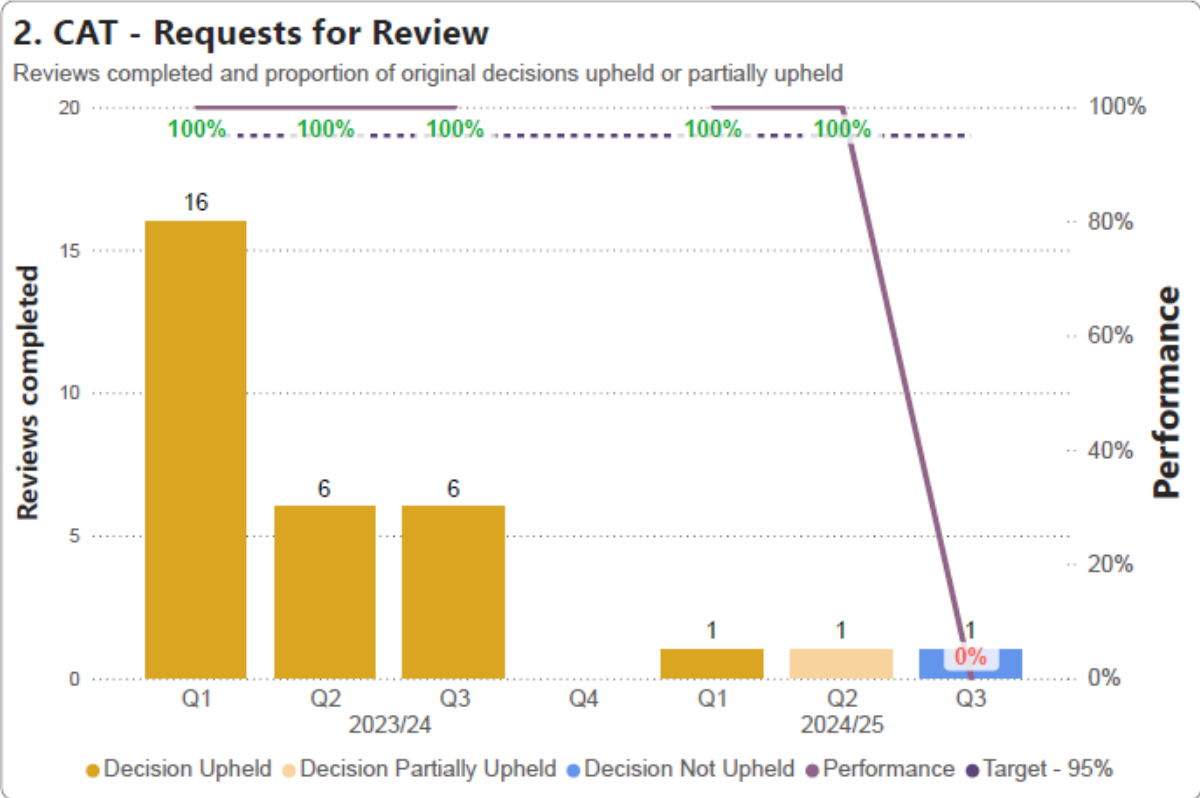
Summary headlines

1. In Quarter 3, ten of the 19 applicable KPI targets were met, with a further three only narrowly missed.
2. There has been an improvement in performance in seven of the twelve measures for which comparisons with the previous quarter are available. These improvements cover all four areas of the balanced scorecard.

Key points

3. The Productivity KPI for Investigations and the Timeliness KPI for Reports were each met for the first time.
4. The office closure over the Christmas period impacted the Productivity and Service performance for General enquiries and telephone calls respectively, resulting in these targets being missed despite strong performance earlier in the quarter.
5. Authorisations, Supervision, and Investigations all met their applicable Quality KPIs. For Investigations this included the target for Appeals to the High Court, after six appeals were dismissed in November and December.
6. Output increased in Investigations, with the highest number of investigations decided since 2022/23.
7. Telephone performance for Authorisations continues to improve, although the 85% target has not yet been met.
8. Almost double the number of investigations were opened in the first nine months of this year when compared to the same period in 2023/24.
9. The Supervision Team had closed the highest number of Reports and Thematic Reviews since Quarter 1 in 2023/24.

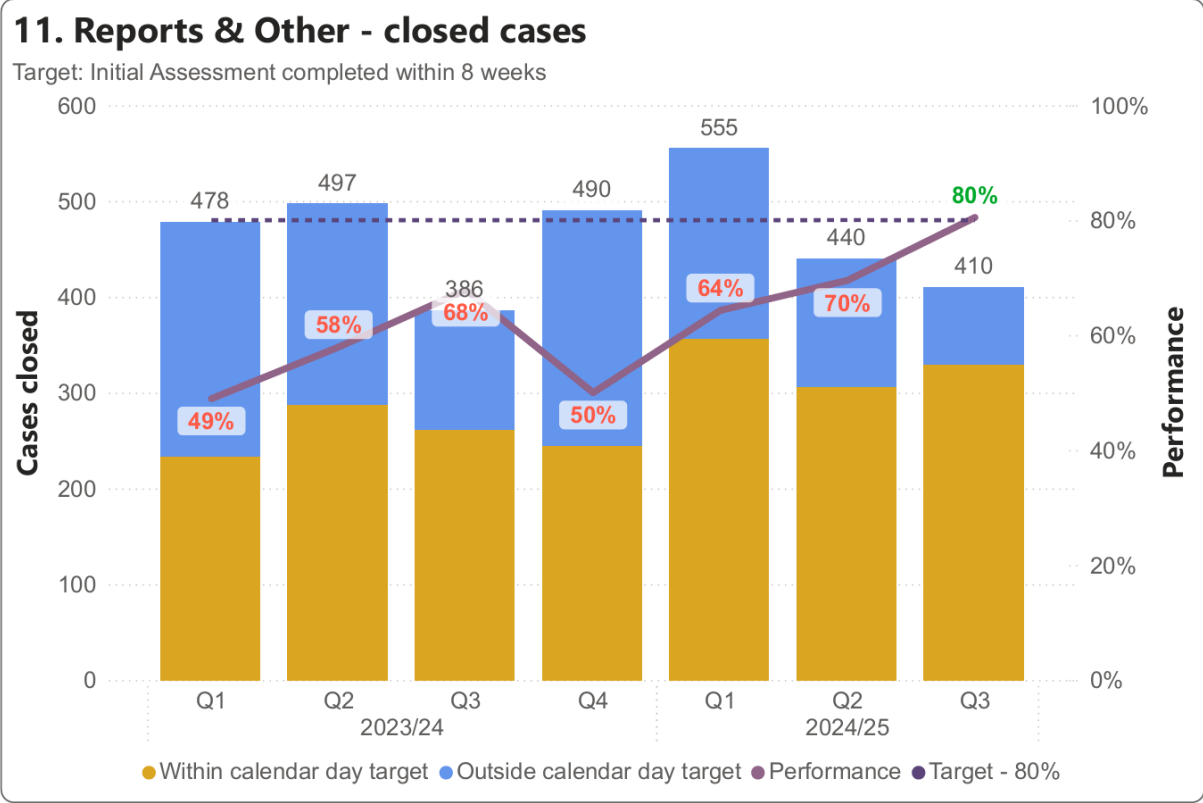
Quality



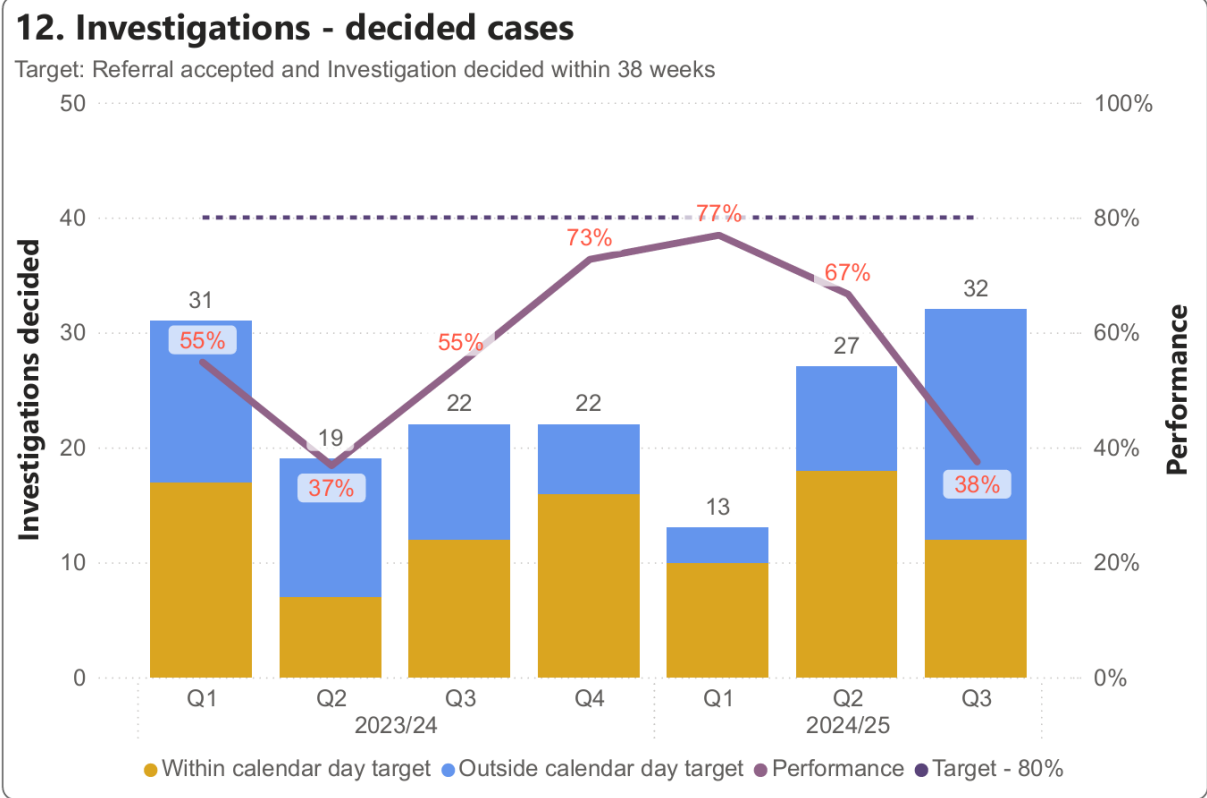
Key points

- 10. In Quarter 3, all 43 of the Contact and Assessment Team’s audited decisions were judged ‘appropriately handled’. This exceeded the 95% target. One Request for Review was upheld during the quarter. However, the decision to close this particular report was considered to be correct on the information before the Contact and Assessment Team at the time the decision was taken. This case has highlighted that there is not currently an option for the Independent Reviewer to record an outcome to reflect a scenario in which new information is submitted.
- 11. The remaining applicable quality targets were all met, including the target for appeals of Disciplinary Tribunal decisions. During Quarter 3, six appeals to the High Court, regarding three distinct barristers, received decisions. In all cases the original decision was upheld. One further appeal was considered during the quarter and the decision was reserved, it will be captured in the next performance report.

Timeliness



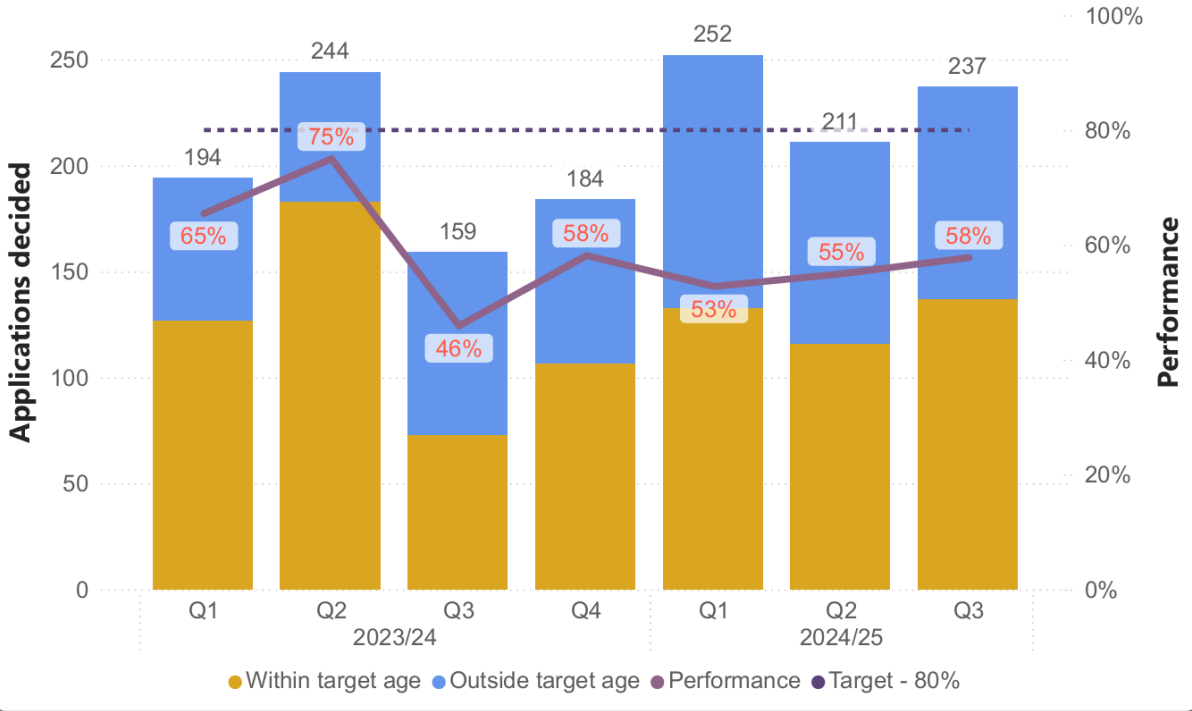
- 12. For the first time, the 80% target for Reports was met. This chart is therefore included to show the significant improvement for this metric over the last two years. Over the last four quarters performance has increased by 30 percentage points.
- 13. This achievement reflects the sustained effort of the team over many months and is also evident in the Productivity chart on page 13.
- 14. The output in Quarter 3 will always be impacted by the Christmas break. However, more cases were decided this year compared to the same quarter last year.



- 15. The number of investigations decided during Quarter 3 was the highest seen since the beginning of the previous fiscal year.
- 16. of the 32 investigations decided, half related to two barristers. One set, consisting of twelve cases, were almost all considered by the Independent Decision-making Body in October and November. The second set, of four cases, were closed after the barrister was disbarred on a separate matter. These two sets of cases were almost all outside of the 38 week target and therefore explain the reduction in timeliness performance.
- 17. A review of the other five cases outside KPI did not provide any consistent reason for the cases not meeting the target.

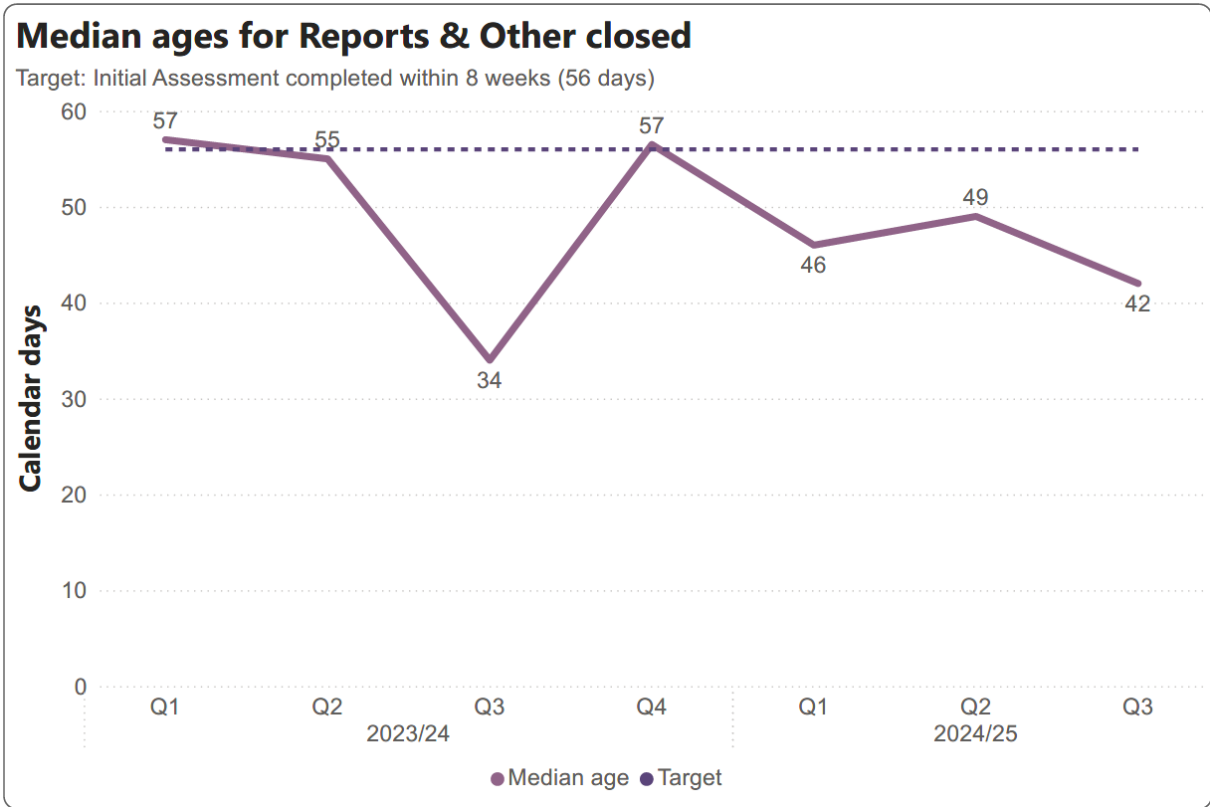
13. Applications - decided

Target: Application decided within 12 weeks

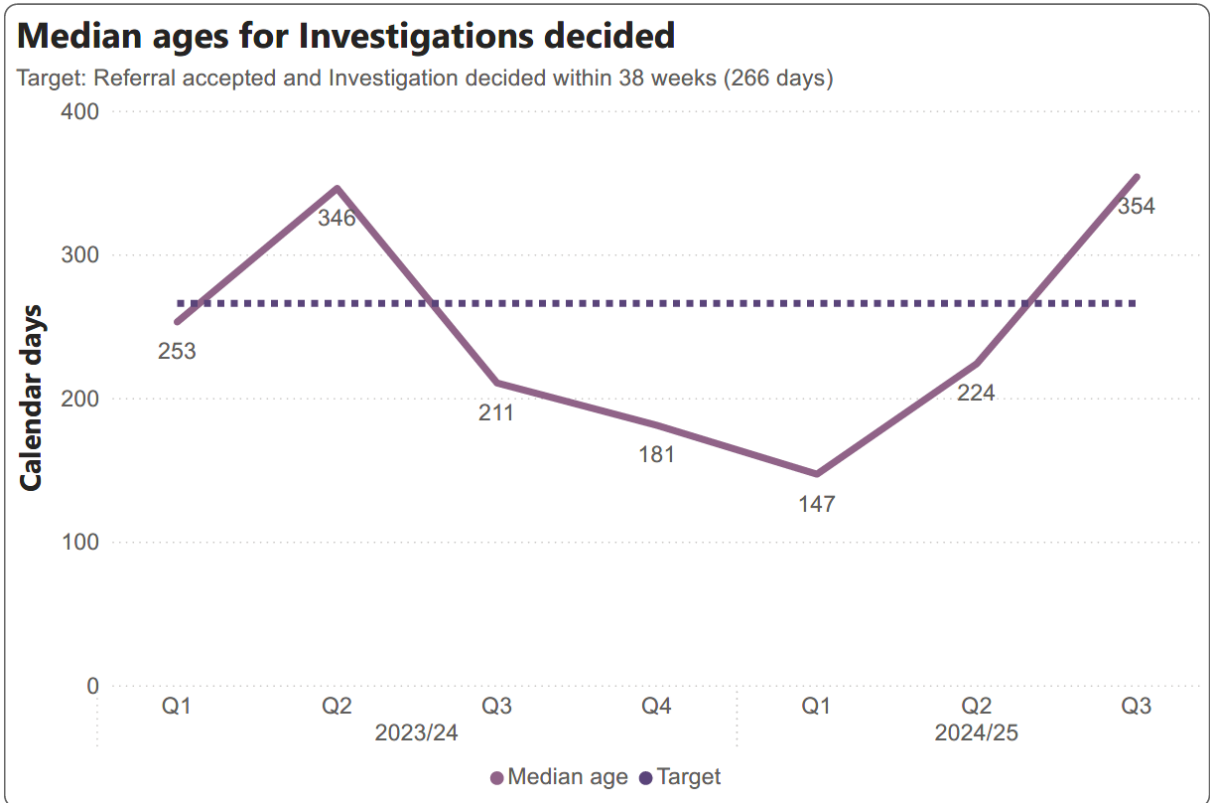


- 18. Output increased for Authorisations, with almost 30 more decisions made than in Quarter 2. Most of this increase was for non-Transferring Qualified Lawyer applications.
- 19. This increased output reflected higher capacity within the team. Combined with increased experience as training concludes for newer starters, this should allow for this increased output to be sustained in Quarter 4.
- 20. The timeliness performance slightly increased from the previous quarter, but it is still significantly below the set target. However, as the team tackles the backlog of older applications, we expect that the timeliness performance will temporarily decrease further, even as the number of applications decided increases.

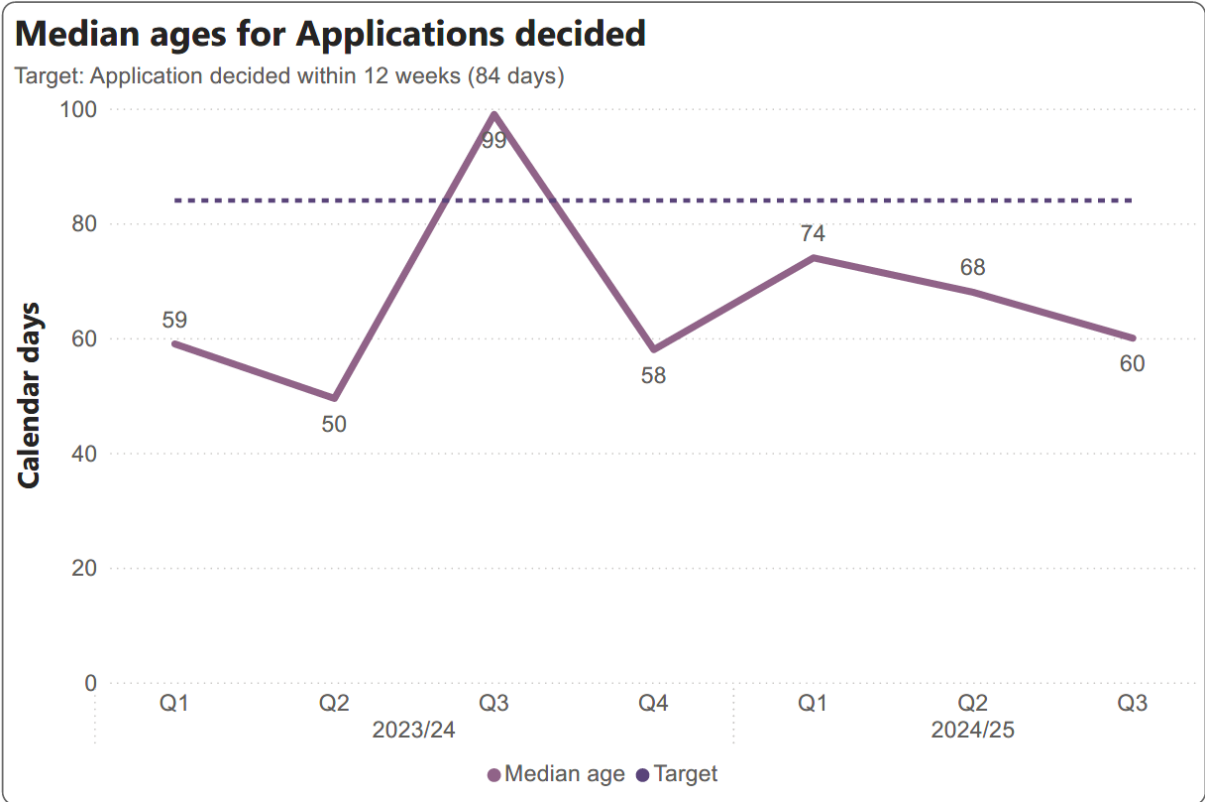
Median age of cases



21. The median time it took for a report to be assessed decreased by one week. As a result, on average cases closed in Quarter 3 took six weeks to assess against a target of eight weeks.

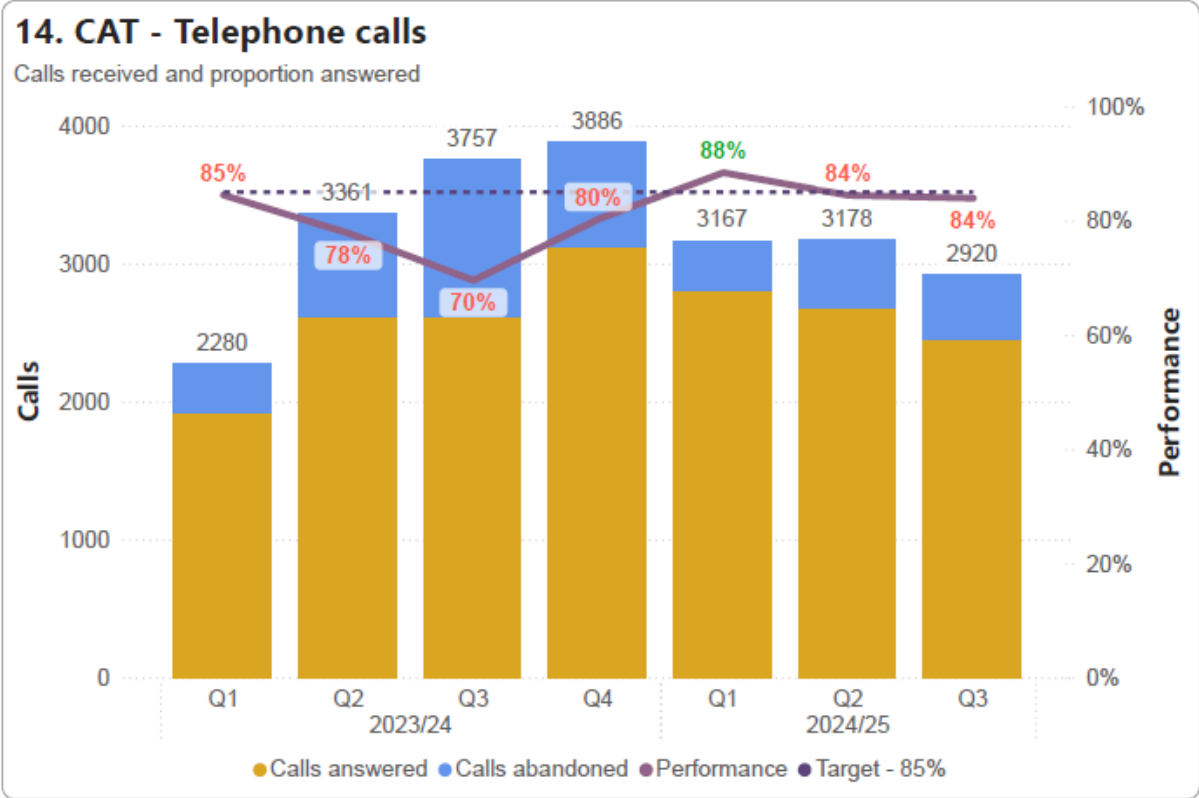


- 22. The average age of decided investigation cases increased, exceeding the target of 38 weeks for the first time in over a year. As with the Timeliness KPI, this metric was affected by the two sets of overdue investigations decided during the quarter.
- 23. For the sixteen individual investigations decided (excluding the two sets of cases mentioned previously), the median age was just over 28 weeks, well below the target.

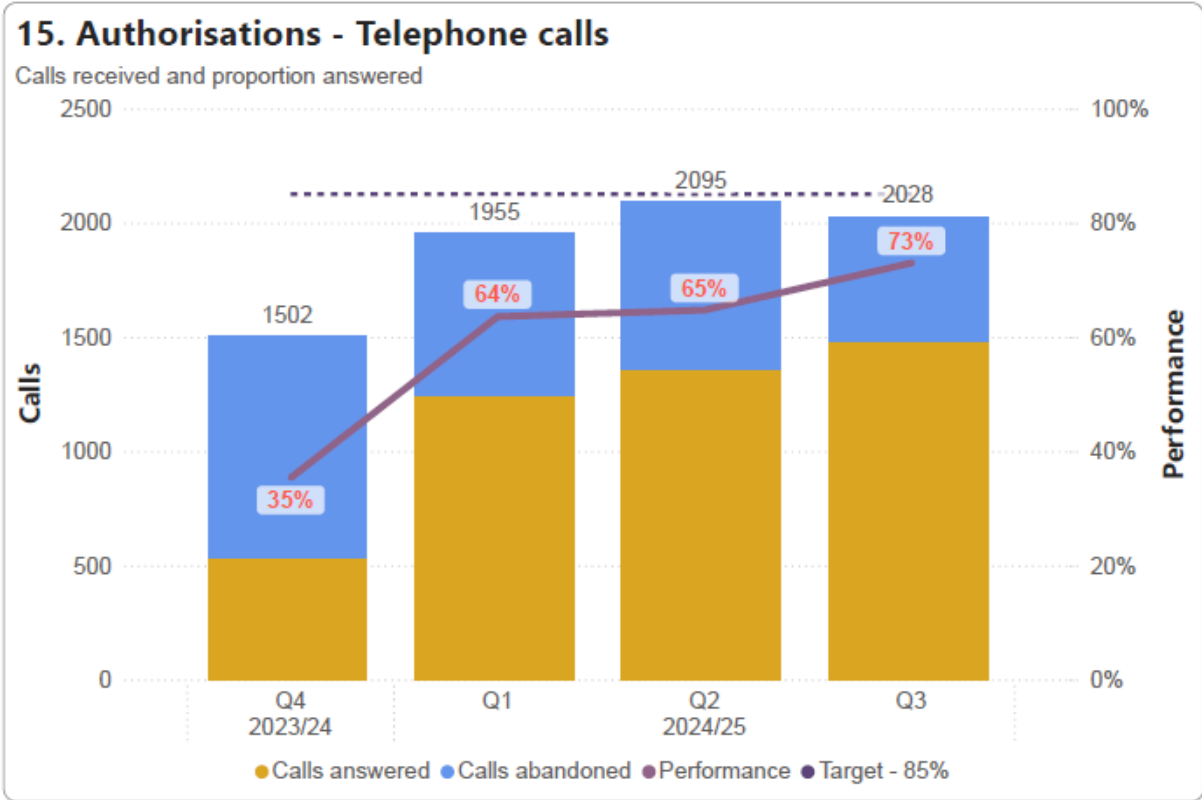


- 24. The median age for Applications decided also decreased by one week, although we expect this to increase in the coming months as the older applications in the live workload are assessed.

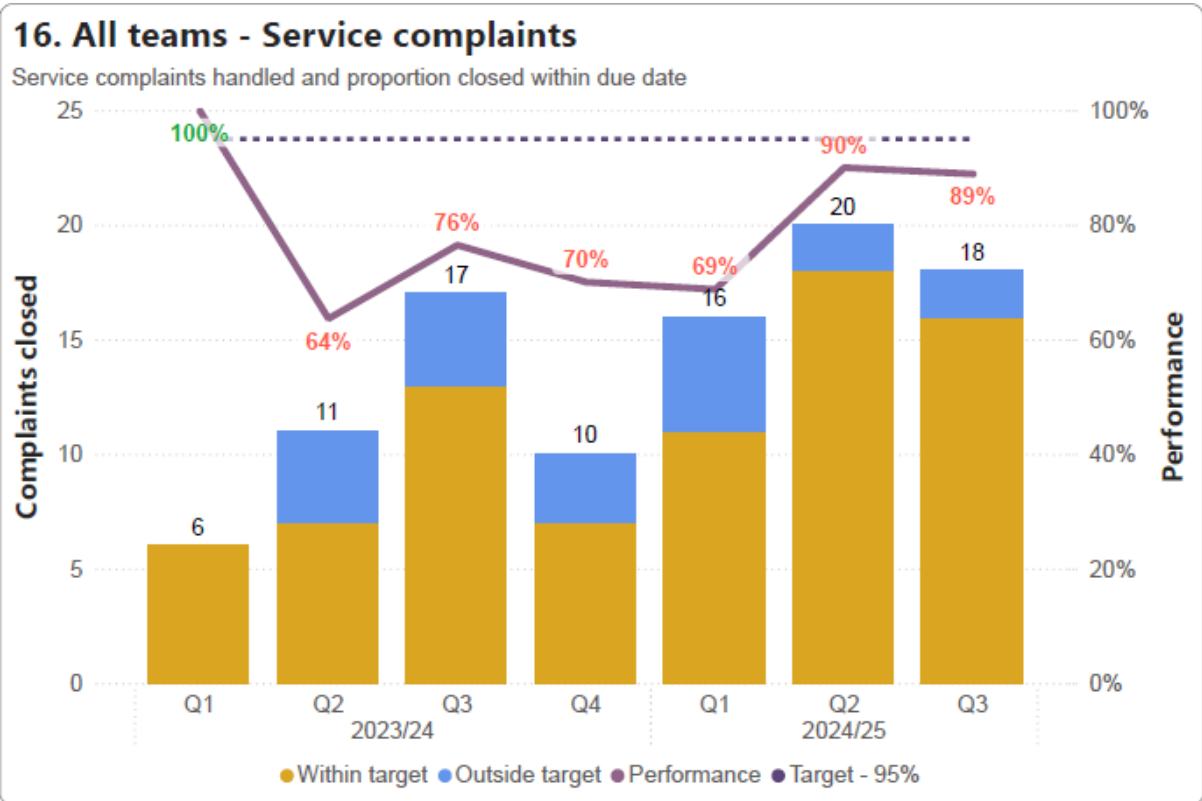
Service



- 25. For the second quarter in a row, the proportion of telephone calls answered by the Contact and Assessment Team fell just below the target of 85%. The office closure over the Christmas break, during which approximately 80 calls were received but could not be answered, led to the target being missed.
- 26. The Contact and Assessment and Authorisations Teams will work with Information Services to establish how callers can be informed of any periods of office closure and explore whether calls can be re-routed on days when the team is unavailable, for example during department training sessions.

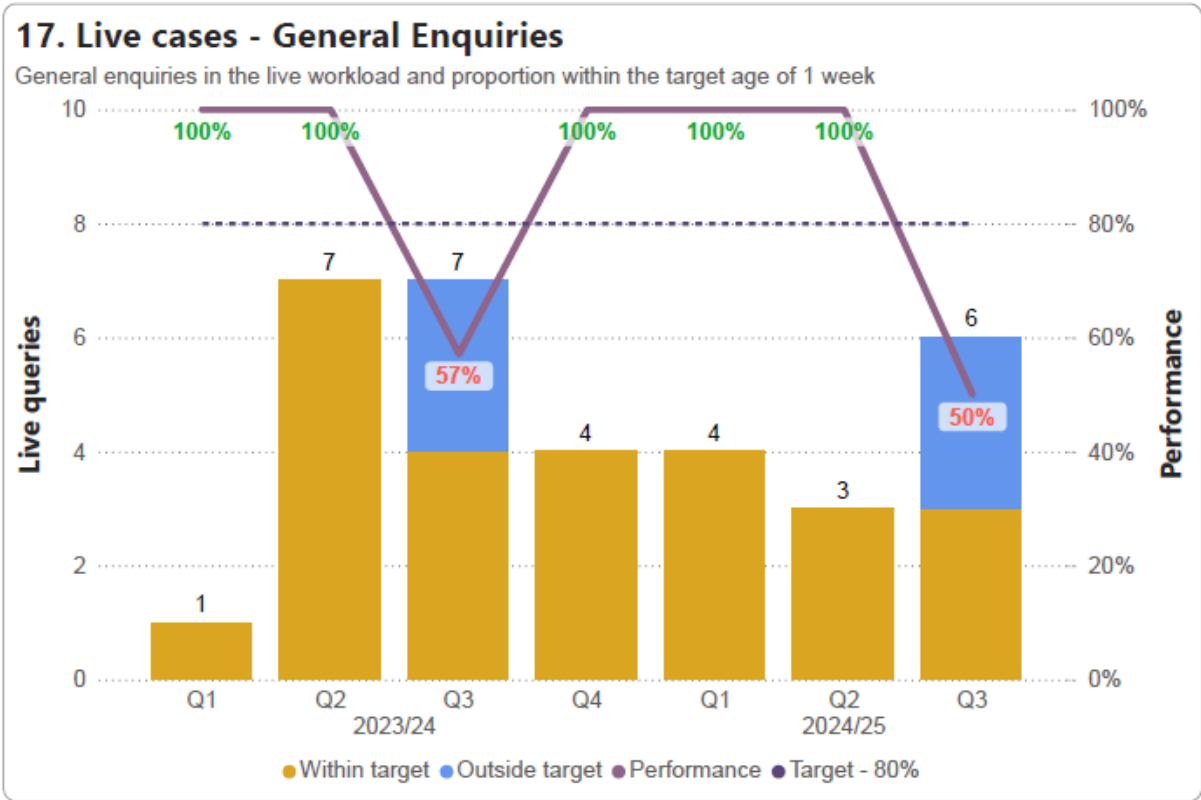


27. The Authorisations Team continued to improve their performance against this Service KPI, with almost three quarters of calls answered during Quarter 3. Performance has improved for both the main phonenumber and the Transferring Qualified Lawyer (TQL) extension. The Team has increased the staffing of these telephone lines following staff training, which has contributed to this improvement.

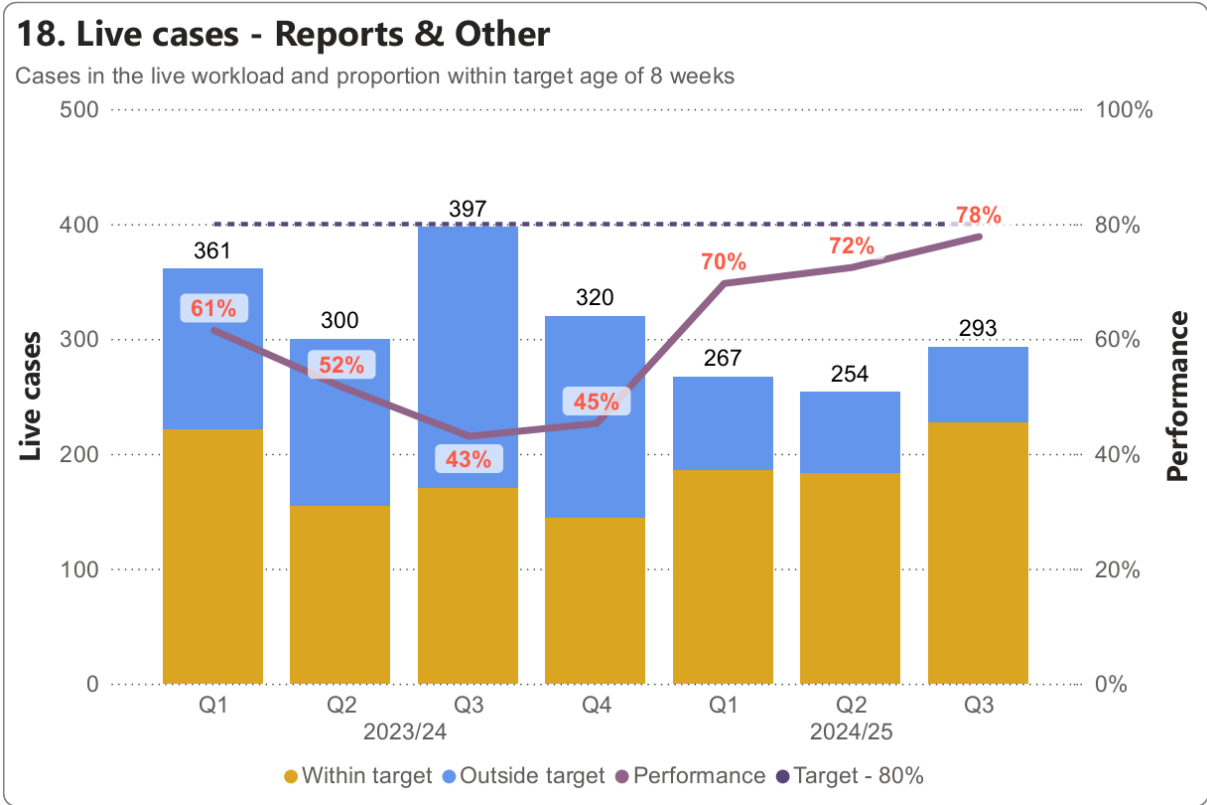


28. The service complaint target to respond to 95% of complaints within the due date was not met. Two responses, both for complaints regarding Authorisations, missed the deadlines because of staff capacity constraints.

Productivity



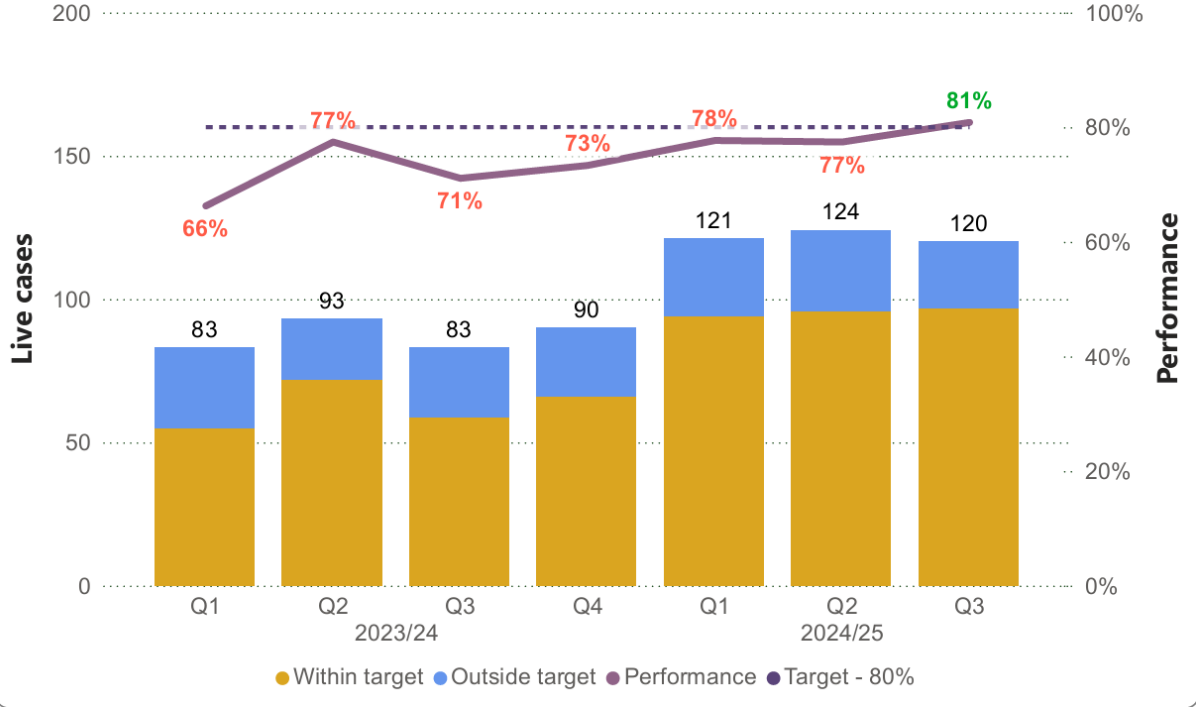
29. The productivity target for General Enquiries was missed. Typically, this live workload is in the low single figures and the team respond to the vast majority of queries within 2 days. However, while the office was closed during the Christmas period the workload increased slightly, and cases experienced a short delay before the team could respond at the start of the New Year.



- 30. At the conclusion of Quarter 3, 78% of open reports were within the target age.
- 31. The age profile of the live workload has improved over the past five quarters and the team has almost met the 80% target.
- 32. During the quarter the workload grew by almost 40 cases, partly because of the reports received in the second half of December which could not be picked up until after the Christmas break.

21. Live cases - Investigations

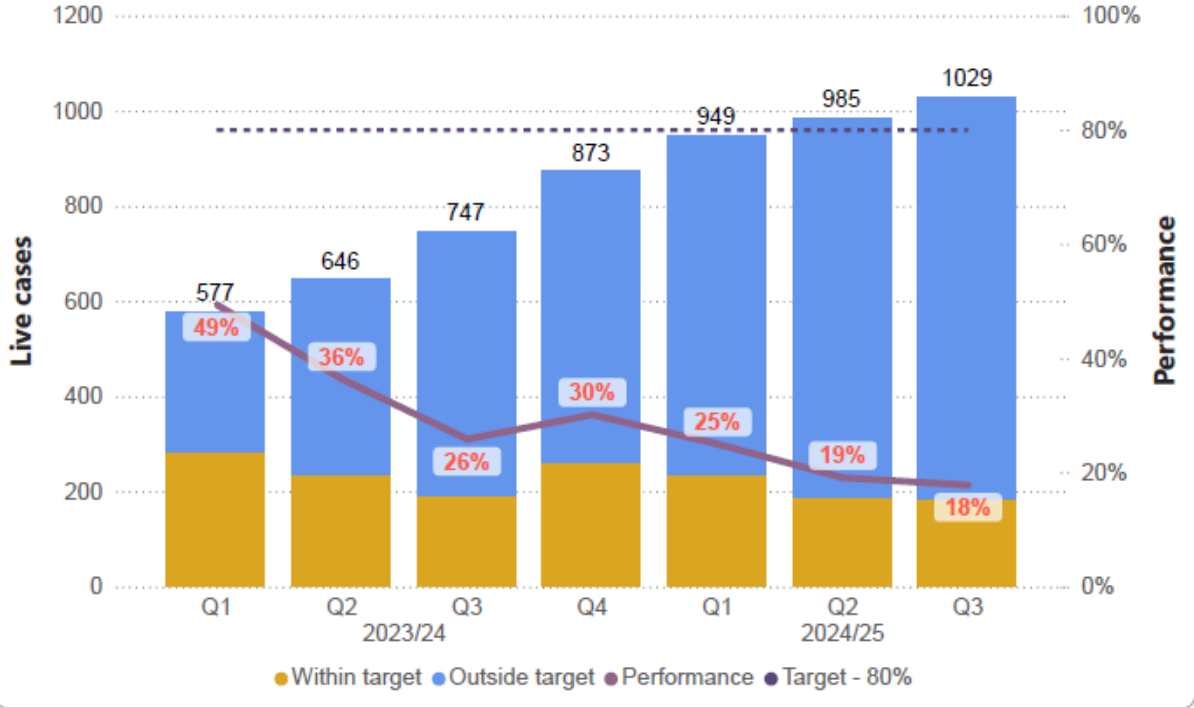
Cases at Referral, Investigation and IDB stage in the live workload and proportion within target age of 38 weeks



- 33. For the first time, the Productivity target for Investigations has been met, with 81% of the live workload within the target age at the end of the quarter.
- 34. There was also a reduction in the overall investigation workload and the number of live investigations outside the target age fell from 28 at the end of Quarter 2 to 23. Many of the oldest investigations were decided during the quarter and this has then had a positive impact on the productivity metric.
- 35. Over 30 new investigations were opened in the quarter, double the number which were opened this time last year.

23. Live applications

Applications in the live workload and proportion within target age of 12 weeks



- 36. Less than 20% of live applications are within the target age, although for non-TQL applications this figure rises to almost 30%.
- 37. We intend to dedicate additional resource to the aged applications as the new team structure comes into effect and new starters complete their training. This should improve the Productivity performance shown above as more older applications are assessed. The Team will also be working to ensure that new applications which are received are handled according to our stated timescales.

Team workloads

CAT

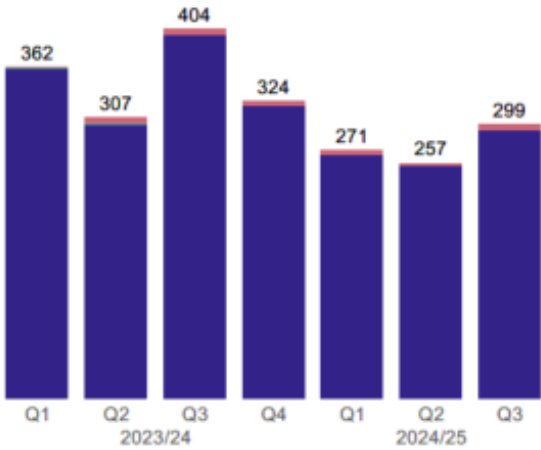
Reports
293

Other
0

Queries
6

78% within target age
45 Reports on hold

50% within target



I&E

Referrals
2

Investigations
118

Disciplinary
46

Appeals
2

81% Investigations and Referrals within target
17 Investigations+Referrals on hold

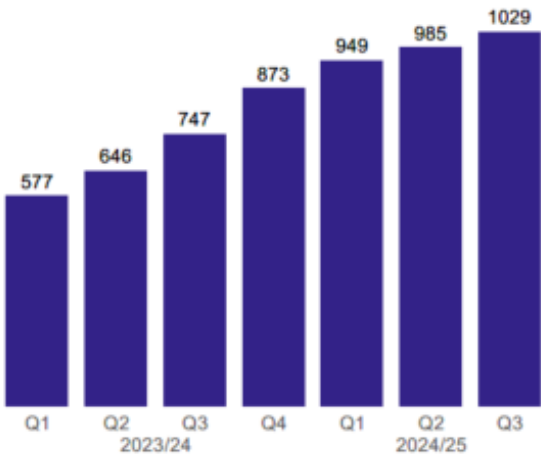
70% within service standard
3 on hold



Authorisations

Applications
1029

18% within target age



Supervision

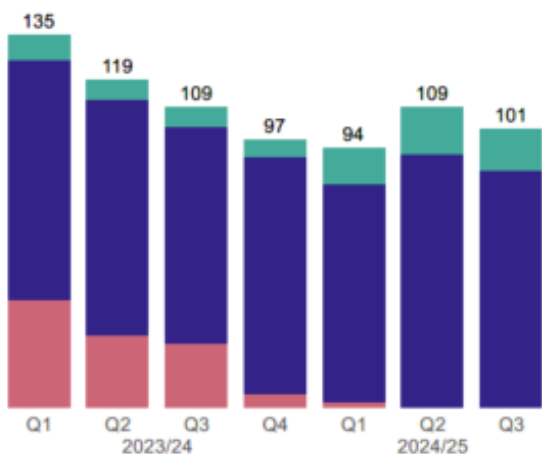
Reports
86

29 open actions
9 on hold

Thematic Reviews
15

Regulatory Returns

Concluded in Q2 2024/25



Key points

38. Caseloads have increased for the Contact and Assessment and Authorisations teams.

CAT

39. In total, CAT referred 61 cases to Supervision and Investigations during Quarter 3, equating to 15% of all the reports closed. This is similar to the referral rate for the previous quarter.
40. In addition to these referrals, CAT issued informal advice to barristers on 42 cases during the quarter, an increase on the 23 cases which had this outcome in Quarter 2.
41. At the end of the quarter, 15% of open reports were on hold. Whilst similar to the proportion on hold at the end of Quarter 2, this figure has risen over the past year. The team review the statuses of these cases each month, and they are tracking the reasons for these cases being on hold and their last review dates. Some reports on hold are about the same barristers (often those with ongoing disciplinary proceedings), and a large proportion of the cases on hold relate to police investigations.

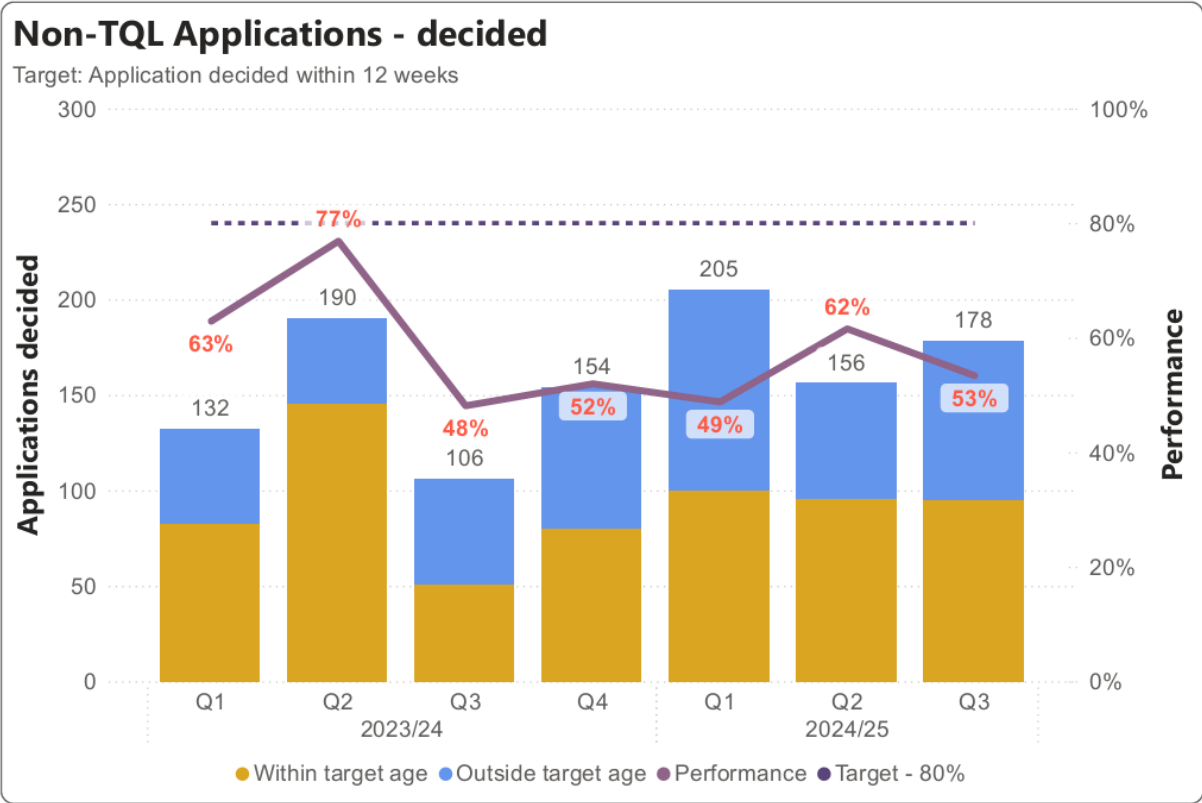
Investigations & Enforcement

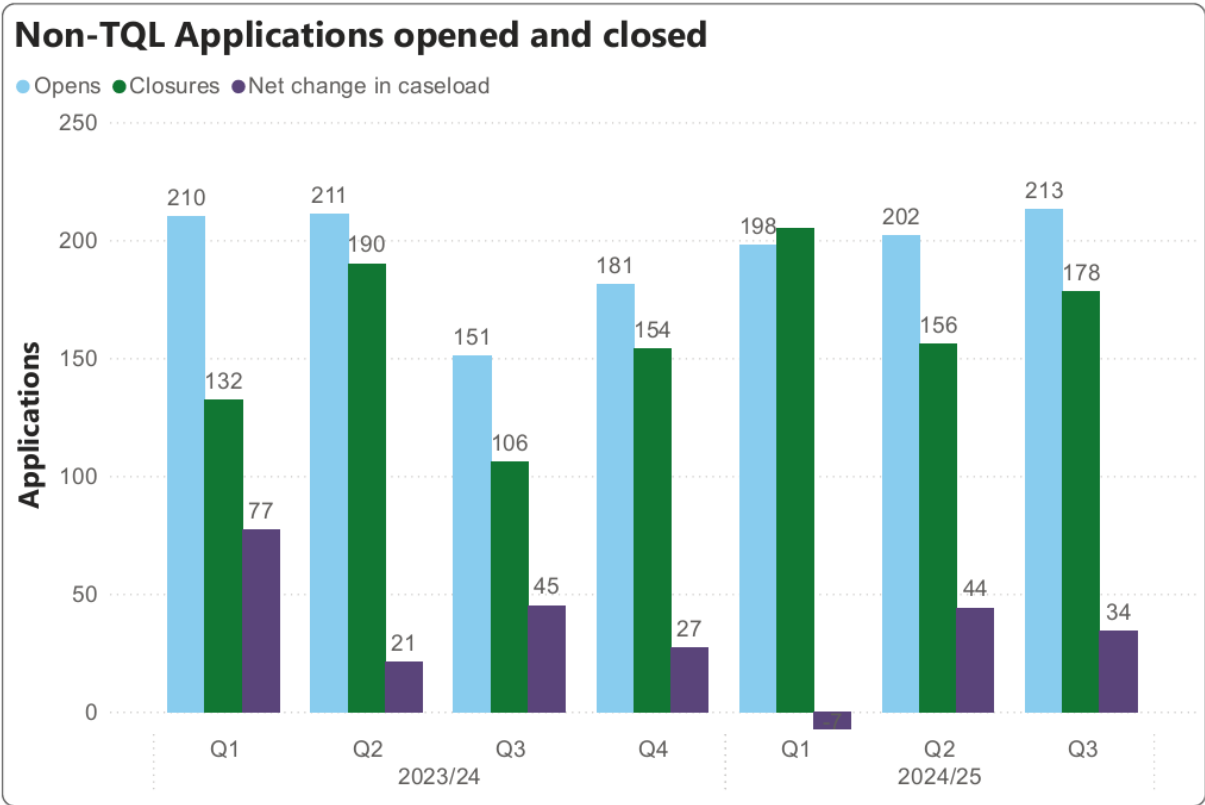
42. The overall I&E workload has remained steady although there has been a decrease in the number of cases at the Referral and Investigation stages and a corresponding increase of ten cases at the disciplinary stages.
43. The workload includes the Post Office cases, which are all being handled by the Senior Case Officer and Case Officer in the Post Office Case Unit. They are supported by an Administrative Assistant and the majority of the cases they held before moving to the Unit have now been reassigned to other members of the Team to allow them to focus on the work arising from the Post Office Inquiry.
44. In Quarter 3, 20 cases were referred to Disciplinary Tribunal, up from seven the previous quarter. Eleven of these cases related to one barrister.
45. Almost double the number of investigations were opened in the first three quarters of 2024/25 (108) as in the same period last year (55).
46. Across the quarter, eleven Disciplinary Tribunal hearings and four hearings for Appeals to the High Court took place. This quarter, the average DT panel length was over two days for the first time, and more than 25 days in total were spent at Tribunal and Appeal hearings, including hearings which required more than one member of the Team to be in attendance. This will have impacted staff capacity to progress other cases as they prepared for and attended these hearings.

- 47. Despite the high number of hearings, only five disciplinary cases were closed during the quarter – one Determination by Consent and four Disciplinary Tribunal cases. Of the others there are seven cases, relating to five barristers, where the matter has concluded but we are awaiting the final report from BTAS before the case can be closed. The remainder cases have been adjourned part heard.
- 48. The complexity profile of the live Investigation workload has changed during Quarter 3. The proportion of cases rated as high complexity (scores of 4 or 5) fell from 25% to 15%. This was because many of the most complex cases receiving investigation decisions during the quarter and moving into the live disciplinary workload. As a result, almost 60% of disciplinary cases are now high complexity, up from 49%.

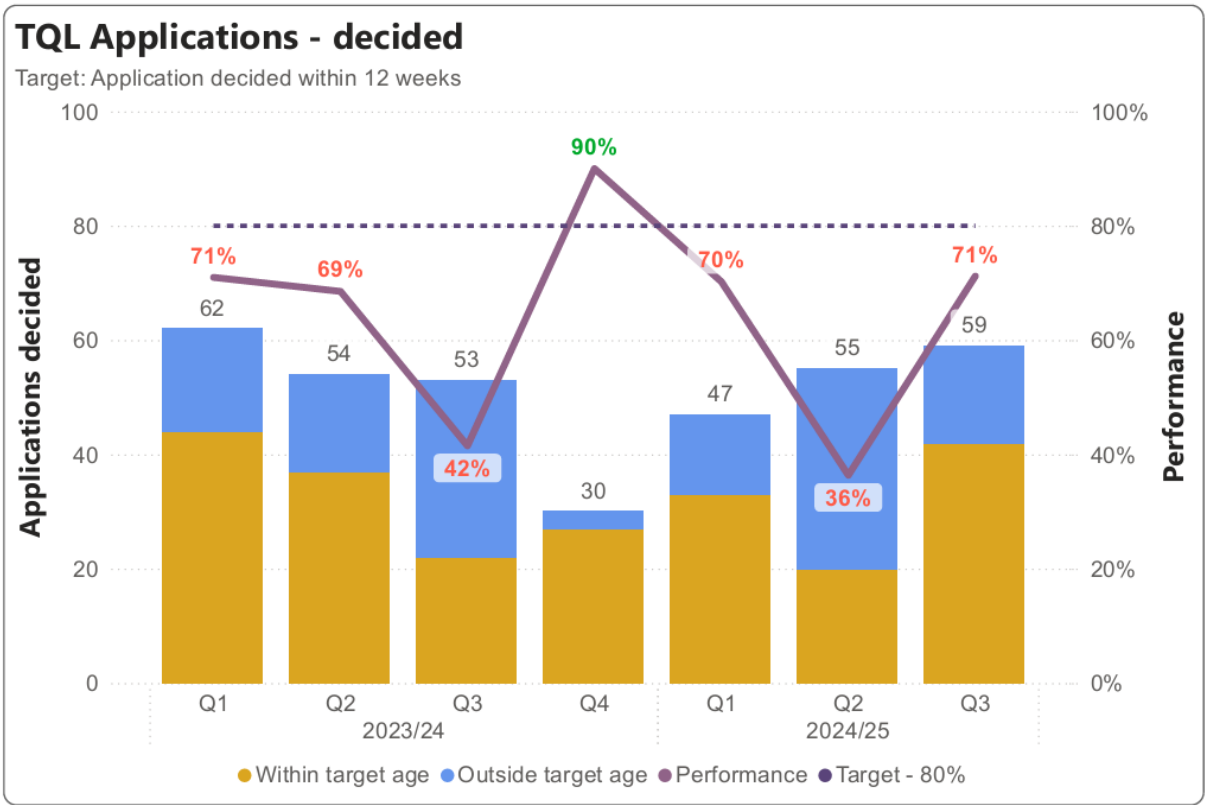
Authorisations

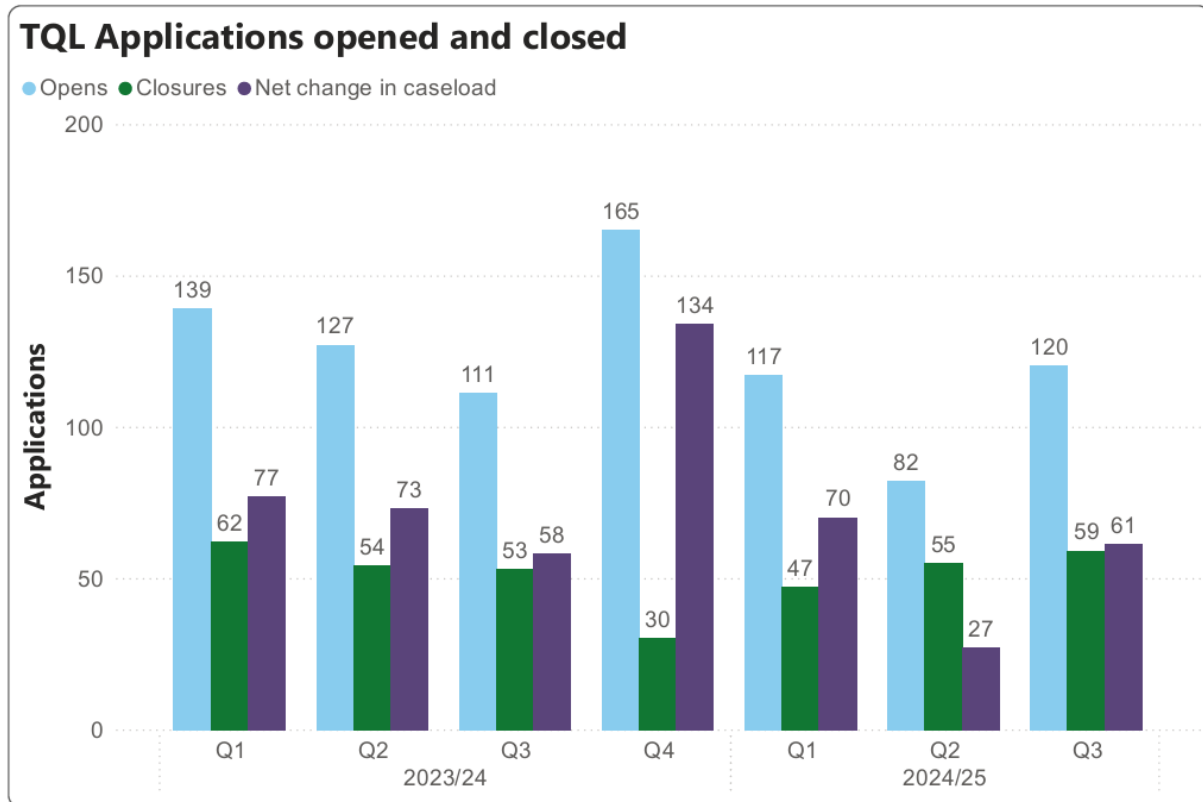
- 49. The Applications workload continued to increase in Quarter 3, rising by 44 from the end of September.
- 50. Output increased for both TQL and non-TQL applications. However, the number of application decisions remained lower than the number received during the same period.





51. Output and Timeliness performance for TQLs both improved, and the highest number of TQL applications were processed since Quarter 1 2023/24. However, as additional focus is given to assessing the older pending applications, we expect to see the Timeliness performance decrease over the next few quarters.





52. Pupillage tasks peaked in October. This includes both completions of pupillages registered the previous year and registrations of new pupillages. This work was handled by four assistants this year as opposed to two last year, and this increased capacity meant that the work could be done more quickly this year. 515 pupillages were registered which was higher than expected.

Supervision

53. The number of Supervision cases opened relating to reports to the BSB is slightly higher for the year to date than at this stage last year. Supervision is broadly maintaining pace, with the number of cases closed being close to the number opened. One particularly long running series of high risk, complex and time-consuming cases was closed after Q3 when disciplinary action resulted in a disbarment. This was a good example of effective joint working between Supervision & I. The number of open thematic review cases relates to targeted testing of compliance with the Money Laundering Regulations.
54. In Quarter 3, two sets of Thematic Reviews were opened, totalling 20 cases. These reviews cover the following areas:
- Spot checks for compliance with the obligation to conduct practice risk assessments for work in scope of the Money Laundering Regulations. This follows on from the reviews opened in Quarters 1 and 2, described in the previous performance report. Barristers who may have mis-declared during the Authorisation to Practise process that they do work within scope of the Money Laundering Regulations are being prioritised as part of a rolling programme to improve the accuracy of data on the number of barristers conducting in-scope work.

- Confirmation of Schedule 3 declarations. Every year at Authorisation to Practise (AtP), barristers are asked to confirm if they have been convicted of a relevant offence as listed in Schedule 3 of the Money Laundering Regulations. 9 barristers confirmed at AtP 2024 that they had an unspent criminal conviction. When these barristers were contacted, they all confirmed that they had answered yes to this question in error.
55. Six visits took place during the quarter, four of them for Thematic Review cases in relation to testing compliance with the Money Laundering Regulations in the area of tax advisory work. This is an increase from the single visits which took place in each of the previous two quarters.
56. In the Quarter 2 performance report we mentioned that a set of 100 CPD compliance spot checks had been completed. After the report was discussed at the Assuring Standards Programme Board in November a summary of the findings was published on [our website](#). In addition, one case was referred for investigation.

Appendices (see Reading Material sent under separate cover)

Appendix 1: Overview of all metrics and KPI targets.

Appendix 2: Definitions (explaining how targets are calculated).

Appendix 3: Types of case.

Meeting:	Bar Standards Board Meeting	Date:	27 March 2025
Title:	Business Plan for 2025/26		
Author:	Debbie Stimpson / Mark Neale		
Post:	Director of Planning, Programmes and Engagement / Director General		

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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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
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose of Paper

1. This paper presents the final budget and business plan for the BSB for the 2025/26 financial year.
2. The budget and business plan were approved by the Performance and Strategy Planning Committee on 6 March 2025 and are recommended to the Board for approval.

Recommendations

3. The Board is invited to approve the final budget and Business Plan for 2025/26 ahead of publishing the Business Plan in early April.

2025-26 Budget Update

4. The Board approved the provisional budget in their meeting on 26 September 2024. The budget at that point totaled £20.371m.
5. The Senior Leadership Team remains committed to delivering the Business Plan within this expenditure budget with the following upward adjustments to accommodate externally imposed costs:
 - employee NICS increase of £0.226m;
 - BTAS contract adjustment of £0.92m;
 - an increase to the BSB share of central service cost of £0.453m (reflecting an increase in the cost of those services and an increase in the BSB's share of the costs)¹

¹ The BSB share of central services (also referred to as non-operating costs) was uplifted and agreed with the Joint Finance Committee shortly after the September Board meeting. The costs were uplifted from

6. This total increase of £0.771m takes our budget request from £20.371m to £21.141m, for which we seek approval.

2025-26 Draft Business Plan

7. 2025-26 will be a transitional year as the Bar Standards Board embeds the new structure, progresses the Reform Programme and engages stakeholders on the 2026-31 BSB strategy.
8. The Business Plan features the five strategic aims employed in the 2022-25 Strategy to summarise progress during this three year period.
9. As we look forward to the pivotal year ahead, during which we will plan and launch our first five-year strategy, the Business Plan introduces the following key priorities under which we will plan, execute and report our work during the coming year:
- **Priority One: Delivering in the public interest** - hitting our existing operational targets as set out in the balanced scorecard;
 - **Priority Two: Reforming the BSB in the public interest** - through our ambitious Reform Programme which will have a transformative impact on our business and the services we provide;
 - **Priority Three: Strategic issues and developments** – our focus on completing key programmes of work; and
 - **Priority Four: Groundwork for the 2026-31 Strategy** - laying the consultative, research and analytical groundwork to inform the next five-year strategy. We are currently inviting feedback from stakeholders on our proposals for our five-year strategy which will guide our focus for 2026-31.
10. The Business Plan highlights the key areas of work that will deliver our business goals for 2025/26 and summarises the budget that will underpin it.
11. During the year ahead we will also introduce a Quarterly Business and Programme Review and Planning cycle. This will be the vehicle through which we prioritise our focus, plan the deployment of our resources and track all business, governance, programme and communications activities alongside expenditure and budget. This quarterly cycle will enable:
- more agility and cohesiveness in how we run and reform the Bar Standards Board and deploy our resources
 - further strengthening of our ability to close down programmes as soon as the core deliverable has been delivered into the live environment. Any outstanding actions and deliverables within a given stream of work will be planned and delivered through our quarterly process.

£6.100m to £6.553m with the higher figure included for the PCF consultation. The revised figure has the effect of uplifting the September baseline to from £30.371m to £20.824m and take the dispensation being requested from £0.771m down to £0.318m. We have retained the strict like for like comparison for total transparency.

12. Ahead of us introducing this quarterly system we already have the following projects, within the programmes listed below, that are scheduled to close during the year ahead and more may be closed once we have the quarterly cycle up and running by the end of Q1:

Reform Programme to close:

- Re-organisation project
- Culture and Values project
- Enforcement Efficiency and Effectiveness project
- Knowledge Management project
- Risk Framework Review project

Assuring Standards Programme to close:

- CPD spot checks, supporting guidance and toolkit project
- Competency Management Framework project
- Assuring Standards Framework project
- Formal closure of the programme

Access Programme to close:

- DCT Market study project
- Solicitors Choice project
- Digital Exclusion project
- First Tier Complaints (LSB requirement) project
- Launch of Legal Choices web page (LSB requirement) project
- Empowering Consumers project

Equality Programme to close:

- Bullying and Harassment project
- Equality Rules recommendations and implementation project

Bar Training Programme to close:

- Future Bar Training Evaluation project
- Negotiation Course project
- DBS Checks project
- Pupillage Self Service phase 1 project
- Pay with a link (online payment capability for fees/other) project

Regulating Barristers in Chambers

- Evaluation and programme closure

13. The key messages the Business Plan conveys are that:
- Over the last three years we have progressed significantly against all five of our strategic aims
 - Our top priority remains improving the performance of our regulatory operations and implementing the recommendations of the Enforcement Review as part of our broader Reform Programme;
 - We are committed to completing and closing projects and programmes in the year ahead, and ensuring we extract maximum benefit from the investments;

- We are committed to developing our first five-year strategy knowing and understanding what our stakeholders expect from the Bar Standards Board and having conducted the necessary research to enable us to set our direction for the next five-year period from April 2026;
- We are alert to the potential impact of the current Post Office Inquiry and have made contingent provision for that impact in our business plan and budget;
- We are committed to reviewing and understanding all the feedback on our Equality Rules consultation and thereafter producing final proposals that both consider this feedback alongside fulfilling our commitment to doing what we can to improve Equality within the legal profession.
- We will progress our work to improve the Bar Standards Board Handbook to ensure it is more accessible and relevant to barristers throughout the course of their career.

Annex

14. Annex 1 – Business Plan for 2025-26

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Business Plan 2025-2026

The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest. In discharging our regulatory functions, work is governed by the regulatory objectives set out in the Legal Services Act 2007.

Our Regulatory Objectives are:

- 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;
- promoting and maintaining adherence to the professional principles (which are acting with independence and integrity; maintaining proper standards of work; acting in the best interests of justice and keeping the affairs of clients confidential); and
- promoting the prevention and detection of economic crime.

In common with the other legal services regulators, we have an oversight regulator, the Legal Services Board (LSB). We perform our role independently, but we share common statutory objectives, and we perform our role with regard to rules and guidance set by the LSB. Our plans take into account the LSB strategy for *Reshaping Legal Services* under the three strategic themes of 'fairer outcomes, stronger confidence and better services'.

- **Fairer outcomes:**

- Lowering unmet legal need across large parts of society
- Achieving fairer outcomes for people experiencing greater disadvantage
- Dismantling barriers to a diverse and inclusive profession at all levels

- **Stronger confidence:**

- Ensuring high quality legal services and strong professional ethics
- Closing gaps in consumer protection
- Reforming the justice system and redrawing the regulatory landscape

- **Better services:**

- Empowering consumers to obtain high quality and affordable services
- Fostering innovation that designs services around consumer needs
- Supporting responsible use of technology that commands public trust

Our organisational values are:

Fairness and Respect

We strive to achieve equal access and equal treatment, valuing and respecting our differences.

Independence and Integrity

We are objective and evidence-based, open, honest and accountable, and we expect everyone to meet these same ethical standards.

Excellence and Efficiency

We are committed to learning and improving, seeking to maximise our effectiveness by making the best possible use of our resources.

Foreword by Mark Neale

Director General, The Bar Standards Board



The Bar Standards Board regulates the Bar in the public interest by promoting high standards, equality and access to justice.

This business plan, and accompanying budget, describes our business activity over the coming year and aims to: discharge our regulatory functions in a way which promotes the Regulatory Objectives and respond to the risks to those objectives; carry forward reforms of the Bar Standards Boards approach to regulation which will enhance our capacity to regulate proactively in the public interest; continue to modernise the delivery of our regulatory operations to improve efficiency with no loss of quality; further the plans for our five-year strategy which will guide our work for 2026-31.

The year ahead will be pivotal for the Bar Standards Board. It comes at a time of significant change, which has focused on enhancing performance and the timeliness of our operations. We are driving an ambitious reform programme to support us in being more proactive and consumer focused, in modernising our delivery, and in increasing the capability of our people. This business plan sets out what we intend to deliver to sustain high standards at the Bar, to promote the diversity of the profession and to improve access to barristers' services, while also enhancing the regulatory capacity and independence of the Bar Standards Board.

Against this backdrop we have adopted the following four priorities for our year ahead:

- **Priority One: The Bar Standards Board delivering in the public interest –** Maintaining standards through authorisations, supervision and enforcement and hitting our existing operational targets as set out in the balanced scorecard;
- **Priority Two: Reforming the Bar Standards Board –** Continuous change and improvement through our ambitious Reform Programme which will have a transformative impact on our business and the services we provide;
- **Priority Three: Strategic issues and developments –** focusing on completing key programmes of work, including the revision of the Equality Rules; and
- **Priority Four: Our Future Strategy –** laying the consultative, research and analytical groundwork for our next strategy. We are currently inviting feedback from our stakeholders on the proposals for our five-year strategy which will guide our work for 2026-31.

The context in which we exercise our regulatory functions is changing fast. Though the barrister profession has many strengths, there are continuing concerns about the culture of the profession, demonstrated particularly in allegations of bullying and harassment.

As the Post Office Inquiry has highlighted, there are questions about whether all barristers are always meeting high ethical standards. We shall not only pursue enforcement action against individual barristers whose conduct contributed to this miscarriage of justice but also address systemic issues through our continuing work to revise our *Code of Conduct*.

The professional and ethical standards of individual barristers will remain central to the public interest and to what we do. This is why we have created a Regulatory Standards Department to oversee all aspects of how barristers acquire, demonstrate, apply and update their professional skills from qualification to retirement. Especially now, those standards do not stand still. Consumer expectations, new technologies, new ethical challenges will re-shape what the public expects of its barristers. As regulator, we must ensure that our standards keep pace and lead the way.

We must ensure that barristers, and the legal services market in which they operate, works effectively for consumers and the wider public. The current economic outlook remains challenging with affordability issues for consumers and challenges of access to justice experienced by many. We must see to it that, in delivering our regulatory functions, we consider the needs of those in vulnerable circumstances. Technology, especially artificial intelligence, offers an opportunity to improve access to legal services and to reduce their cost.

In the year ahead, consistent with our Regulatory Objectives, we shall continue to use regulation to advance equality, diversity and inclusion. Following the consultation last year on the *Equality Rules*, we received a huge number of responses, and we will work constructively with the profession to make progress in areas like this where we have shared objectives.

Underpinning all this, we shall continue in the year ahead to focus on achieving operational excellence. We have made good progress and improved our productivity in the last year without impacting the high quality of our decision-making, but we know we can do more to improve timeliness for those that use our services. This is key to both public protection and to public confidence in regulation.

Alongside providing responsive regulatory services now, we shall also reform for the future. Our Reform Programme focuses on how we deploy to best effect in the public interest all the regulatory interventions in our toolbox: our research, our analysis, our supervision, our gatekeeping and our enforcement.

The Reform Programme aims, first, to ensure that our intelligence, analysis and research are of the highest quality so that the Bar Standards Board can look across the horizon to identify risks to the public interest before they manifest. Regulators are not a guarantee that nothing will ever go wrong with a regulated person, entity or business. But the public does rightly expect us to be alert in their interest. That is why we are reforming our Risk Framework and upgrading our ability to collect, analyse and use intelligence.

We shall also modernise the delivery of our regulatory operations. Following the recommendations of our independent review of enforcement, the work to design a new enforcement process is well underway and by the end of 2026, processes, regulations and IT systems will all be working together to enable faster, more efficient enforcement, with no loss of quality. Reform is also about the values and culture of the Bar Standards Board. We are building here on strong foundations, and we have a committed and highly skilled workforce. Our challenge in the year ahead is to boost our collaborative, inclusive and agile environment.

To support these changes, we have reorganised the Bar Standards Board and recruited to the senior leadership team. I want to thank all colleagues as we continue to embed changes and to recognise that for some this has been an uncertain period. Our diverse staff have been critical to balancing our operational requirements and the changes that we have needed to make to reform for the future. This has taken an enormous amount of effort and resource and, although we are not quite there yet, we are making good progress.

The Bar Standards Board has made great strides as an effective regulator delivering in the public interest over the last three years of our existing strategy. As we transition this year and plan for the next five years we want to be recognised as a regulator that is committed to continuous improvement and to prioritise an effective competitive market for barristers' services, with equal opportunity and a competent and ethical profession.

Achievements against the 2022-25 Strategy

We are now three years on from the adoption of our current strategy, with its focus on: *efficiency, standards, equality, access* and independence. Since 2022, we have improved the delivery of our services. Our work on standards has ensured that barristers provide a high quality and responsive service throughout their careers. The work on equality has promoted diversity and inclusion at the Bar and at the Bar Standards Board. Through our work on access, we have enhanced our understanding of consumers' needs and experiences in using barristers' services. The Bar Standards Board has strengthened its independence.

In support of all our priorities, we have worked with the profession to clarify the role which chambers can play in overseeing standards, equality and access and published new webpages consolidating regulations bearing on barristers' practice management responsibilities and linking to guidance on professional sites.

Strategic Aim 1: Efficiency

Our operational performance – particularly the timeliness of our enforcement work - has steadily improved without sacrificing the high quality of decision-making. We recognise nevertheless that we still have more to do and some challenges to overcome in reaching our targets consistently across all operational areas. Achievements include:

- developing a balanced scorecard to be transparent and accountable for our performance by measuring the quality of our decisions, timeliness, productivity and service responsiveness;
- eliminating a backlog of investigations which built up in the wake of a serious cyber-attack in Spring 2022;
- steadily improving the timeliness of our enforcement work;
- revising our rules governing interim suspensions better to protect the public;
- commissioning an independent review of the efficiency of our enforcement process which we are now implementing; and
- maintaining throughout the high quality of our decision-making which is independently audited by our Independent Reviewers.

Strategic Aim 2: Standards

Our work on standards has focused both on our role as gatekeeper and on our responsibility to ensure that the profession maintain standards throughout a working career. We have:

- progressed our reforms of Bar training, balancing the need to maintain standards whilst promoting access: the diversity of students undertaking Bar training and pupillage has continued to rise;
- designed and implemented an advocacy training framework for pupillage;
- agreed the framework for delivery of an apprenticeship route to the Bar;
- taken regulatory action on reports to the BSB about standards of pupillage and vocational training;
- conducted thematic reviews and tested compliance with the BSB Handbook in areas such as transparency rules;
- reviewed the standards of Bar training providers' admissions policies and procedures and how course providers support students to achieve the best outcomes they are capable of;
- reauthorised pupillage providers against the authorisation framework to ensure providers are meeting the four pillars of the framework – high standards, flexibility, accessibility and affordability;
- continued to deliver our central examinations in criminal and civil litigation as an essential guarantor of standards in Bar training and successfully introduced a mandatory examination of ethics in pupillage;
- introduced a new annual Bar Training Report – with three published to date - to provide stakeholders with an overview of our work in this area;
- commenced a programme of work to ensure our regulatory framework to assure barristers' continuing competence is fit for purpose;
- worked with profession to raise awareness of their obligations under the financial sanctions regime.

Strategic Aim 3: Equality

The Bar has become steadily more diverse over the last decade, but challenges remain particularly to promote equality of opportunity in advancing careers and in challenging bullying and harassment. To meet these challenges, the Bar Standards Board has:

- led the way in highlighting with our research and analysis the continuing challenges of assuring equal opportunity and combatting bullying & harassment at the Bar;
- brought forward proposals to ensure that our *Equality Rules* promote equality of opportunity at the Bar, which we are now reviewing in the light of consultation responses;
- published our Annual Diversity at the Bar report which shows improvements and areas that still need further focus;
- published a report on *Addressing Bullying and Harassment at the Bar* and followed this up with workshops in all the Circuits to explain how we, as the regulator, take forward enforcement action in relation to reports about bullying and harassment;
- collaborated closely with the Harman review on bullying and harassment at the Bar;
- built a diverse and inclusive workforce – a huge focus on this over the three years included launching our anti-racist strategy.

Strategic Aim 4: Access

Our work on access aims to ensure that consumers are empowered to make informed choices when engaging the services of barristers, whether directly or, more usually, through referral by another legal professional. To that end, we have:

- developed an extensive programme of public legal education, producing materials directly and in partnership with trusted partners such as *Law for Life*, *Citizens' Advice*, *Support through Court* and *Refugee Action*;
- renewed support for the *Legal Choices* website;
- initiated research, with the assistance of the SRA, to enhance our understanding of the referral relationship and its role in supporting choice;
- undertaken work with the Bar and other key stakeholders to understand the current use of innovative technology at the Bar and the key drivers and barriers to its adoption, which we will publish in early 2025-26;
- undertaken a market study of on-line comparison (known as digital comparison tools) serving the Bar to gauge consumer and Bar usage and attitudes towards these services. We shall publish this report in the first half of 2025;
- kept under review the Bar's compliance with our current transparency rules, including those relating to price transparency;
- worked in collaboration with CILEx Regulation and the ICAEW to progress work in respect of digitally excluded consumers – to finish in the coming year;
- given a stronger consumer focus to our regulation through our research and surveys.

Strategic Aim 5: Independence

Three years on, the Bar Standards Board is more self-sufficient and more effective in exercising our regulatory functions. We have stood up for the independence of our decision-making and underpinned that with much greater operational autonomy over our culture, values, pay and people policies. During the last three years we have:

- built and optimised our first independent People function, developed policies and strategies required of a successful regulator;
- implemented a new Reward and Recognition Strategy to align with the regulatory market and our own values, enabling us to attract and retain people with the right skills and of the right calibre;
- implemented a Learning and Development Strategy that delivers annual learning plans, an e-learning platform, broad spectrum of learning interventions and knowledge sharing;
- developed and implemented our own anti-racist strategy; and
- improved access for disabled people to our offices.

Our People & Culture

Everything we have achieved during the last three years is a testament to our colleagues, past and present, who have dedicated their professionalism to the Bar Standards Board. During this strategic period, we have built market leading engagement scores alongside our business achievements.

Four Key Themes for Our Year Ahead

The year ahead – 2025 - 26 - will be a bridge from our current strategy to a new five-year strategy on which we are currently consulting. Four themes will guide our work over the course of the next year.

Theme 1: Delivering in the public interest

Our priority is consistently to deliver our targets to ensure that our timeliness, service and productivity targets are reached, whilst not compromising our already outstanding record in achieving our quality targets consistently. In support of our continuing enforcement, authorisations and supervision activity we shall:

- take forward enforcement action against barristers for misconduct arising from the Post Office scandal and address the wider implications in our continuing work on the *Code of Conduct* and our future strategy;
- complete the re-design of our end-to-end enforcement process to implement the recommendations of the independent review which reported in April 2024;
- consult on changes to our Enforcement Regulations to support the new process and enable efficiency and timeliness gains;
- move forward with the re-engineering of our supporting IT systems;
- implement a strategy for best-in-class knowledge management to underpin consistent and high quality regulatory decision-making across the Bar Standards Board;
- review our existing balanced scorecard of operational measures and, as part of the development of a new strategy, extend that scorecard to capture regulatory impacts and people engagement;
- continue to process high numbers of applications from transferring lawyers and streamline our approach to handling these applications in future;
- sustain our work to ensure that the Bar is alert to the risks of money laundering and has in place the necessary controls to identify and report on suspicious activity;
- commence our regulatory review to renew agreements the Bar Training providers have with the us;
- complete the recruitment into the new organisational structure launched in December 2024 and build the performance levels of the new departments;

- implement the recommendations from our review of our regulatory framework for assuring barristers' continuing competence where we identified gaps;
- refine our Continuing Professional Development approach, learning from the evaluation of the new materials launched in 2024-25.

Theme 2: Reforming the BSB in the public interest

We enter the new financial year with a fully mobilised Reform Programme to deliver the transformative changes needed for the Bar Standards Board to fulfil its public interest objectives. The thirteen projects that form the Reform Programme are now resourced to achieve the three principal reform objectives:

- proactive, consumer-focused regulation anchored on a much deeper, intelligence-based understanding of the market we regulate;
- modernised delivery of our authorisation, enforcement and supervision activity for operational excellence; and
- engaged, agile and committed people in a newly re-organised structure, that have the skills and capacity to achieve our business goals.

Programmes captured under reform to complete:

- conclusion of the people and values aspect of the reform programme with the revised organisational structure fully resourced and the complimentary culture and values project progressed to completion.
- completion of two critical elements of the modernising delivery aspect of the programme with our end-to-end processes refreshed and deployed supplemented by enhanced knowledge management capabilities to drive efficiency into the process.
- implementation of our Risk Framework Review which will strengthen our ability to understand and respond to risks to the public.

Theme 3: Strategic Issues & Developments

We have made significant strides in the five priorities we adopted as part of our current strategy. That progress will now enable us to close a number of programmes of work and so to free up resources to focus on operational delivery and on reform.

The strategic themes of efficiency, standards, equality, access and independence will, however, remain central as we consult on and develop a new strategy. There are moreover important projects begun over the last three years which we intend to complete or to continue in 2025 - 26. We shall:

- take forward in dialogue with the profession and other stakeholders our important work to ensure that our *Equality Rules* play their part in advancing our shared objective to promote equality of opportunity at the Bar;
- consult on proposals to make more of our regulatory data available to consumers and other interested parties, with a particular focus on improving the provision of “quality indicators”. We will also consider our future transparency expectations of the Bar
- consult on proposals to improve the handling by barristers and their chambers of “first tier” complaints;
- continue our work to improve the relevance, intelligibility and navigability of our *Code of Conduct*: as a contribution to this work we aim to publish a discussion paper on ethics at the Bar in the Spring;
- complete our Assuring Standards Programme by implementing our Assuring Standards Framework and delivering our Competence Monitoring Framework, using the data and insights it generates to support targeted regulation;
- publish resources on the adoption of technology, such as AI to improve access to barristers’ services and to improve the efficiency and cut the cost of those services. We shall also work with the profession to support barristers and chambers in their understanding of risk management as they adopt technologies, including AI with the potential to enhance the efficiency of their services and promote the growth of the profession;
- ensure that the Bar has the guidance that it needs to be vigilant in detecting and so preventing economic crime in furtherance of the new Regulatory Objective which the front-line legal regulators must promote in exercising their regulatory functions.

Theme 4: Groundwork for 2026-31 Strategy

In 2026, the BSB will launch a new five-year strategy, a comprehensive plan for the regulation of the barrister profession into the 2030s. The strategy will detail the BSB's priorities for the years ahead, offering a clear roadmap of how we plan to deliver our functions to support our strategy. We believe a strong strategy is forward-looking, based on evidence, and built on collaboration.

This year ahead will be crucial in developing this strategy. We shall introduce a refreshed vision, purpose and values to ensure our understanding of our goals, and how we should be seeking to meet them, is as strong as possible. We will use this as a basis to draft the five-year strategy, informed by our engagement with our stakeholders. We have already issued a call for feedback on our strategic approach, including on areas such as our proposed new vision and purpose, our emerging priorities and our performance. We shall carefully review this feedback, alongside other insights, including those gained from dedicated research on the consumer experience of using barristers' services and other evidence about the market for those services. This collaboration will inform a draft strategy, which we will share with stakeholders for formal consultation in the autumn, ahead of planned publication in early 2026.

Our 2025 - 26 Budget

Our budget year runs from 1 April 2025 to 31 March 2026, and we expect our total running costs – including our share of the costs of services which we share with the Bar Council to be £21.141m.

Setting our budget

We independently set our own budget with regard to the forecasts for both the Practising Certificate Fees, which barristers pay annually in order to be authorised to practise, and other income streams. We always seek to ensure that our expenditure delivers value for money, and we carefully prioritise our work as part of our business planning.

The Practising Certificate Fee (PCF)

Our income from the PCF is not within our direct control but is forecast using the latest available market data. The PCF is collected by the General Council of the Bar (GCB) and the income is divided as follows:

- 70.5% for the BSB (£17.476k)
- 24.8% for the Bar Council for some of its functions (as permitted under s51 of the Legal Services Act) (£6.140k) and
- 4.7% is paid to the Legal Ombudsman and the Legal Services Board (£1.142m) to fund their services.

The PCF income which we receive for regulation accounts for 84% of our total funding. Following consultation with the profession, the PCF for 2025-26 has received approval from the Legal Services Board.

Other sources of income

Our income streams other than the PCF come from charges we make for specific services we provide to individuals and organisations, and we use historical and market data to forecast what we expect to receive. These income streams include the fees from Bar training providers, and the Bar Transfer Test (BTT), which is taken by qualified lawyers from other jurisdictions, qualified UK solicitors and others who wish to qualify to practise at the Bar of England and Wales as a condition for being granted exemptions from our standard training requirements. We can also draw on the General Council of the Bar reserves to meet any deficit and unexpected in-year calls on resources.

Income (£k)	
Total PCF income	17,476,00
Entity Regulation and ABS	143,000
Fees and Charges	2,855,000
Share of estimated GCB investment income	331,000
Total BSB Income	20,805,000

Expenditure (£k)			
Department	Staff costs	Non-staff costs	Total
Policy, Strategy and Insight	1,557,280	245,050	1,802,330
Regulatory Standards	2,712,708	1,150,014	3,862,722
Regulatory Enforcement	2,646,470	590,841	3,237,311
Legal & Information Management	1,051,822	438,402	1,490,224
People and Culture	472,327	103,002	575,329
Planning, Programmes and Engagement	768,094	248,190	1,016,284
DG's Office & Governance	962,128	630,259	1,592,387
Reform Programme	821,599	190,000	14,588,135
Total BSB controlled expenditure	10,992,387	3,595,748	6,553,000
BSB contribution to shared services			5,916
Total Expenditure			21,141,135

Key Dates

Public Consultations

April 2025 – initial call for evidence to support development of 2026-31 Strategy closes (opened in February 2025)

April 2025 – consultation on professional ethics opens – closes in June 2025

May 2025 – consultation on the handling of First Tier Complaints (LSB Directive) opens – closes in July 2025

July 2025 – first of two consultations on proposed changes to our Enforcement Regulations – closes September 2025

September 2025 – public consultation on the BSB draft 2026-31 draft Strategy – closes December 2025

September 2025 – consultation on “Empowering Consumers” next steps – closes December 2025

Autumn engagement on consultations and activities planned with the Circuits of England and Wales.

BAR
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Contacting us

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.

Contact us

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X (Formerly known as Twitter): [@barstandards](https://twitter.com/barstandards)

www.linkedin.com/company/the-bar-standards-board

<https://www.youtube.com/@TheBarStandardsBoard>

<https://bsky.app/profile/barstandardsboard.bsky.social>

In addition, if you would like this report in an alternative format, please contact the BSB Communications Team via communications@barstandardsboard.org.uk

Meeting:	Bar Standards Board	Date:	27 March 2025
Title:	Committee Terms of Reference and the Appointments Policy		
Author:	Rebecca Forbes		
Post:	Head of Governance		

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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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
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose of Report

1. This paper presents the Board with proposed revisions to Terms of Reference for the Governance, Risk and Audit Committee (GRA), the Performance and Strategic Planning Committee (PSP), and the Centralised Examinations Board (CEB), and proposed revisions to the Appointments Policy. Approval of amendments to these documents is reserved to the Board.
2. The substantive amendments to the GRA and PSP Terms of Reference enact our proposal that the management of regulatory risk now be undertaken by PSP whilst GRA retains oversight of the Regulatory Risk Framework to provide assurance that regulatory risk management processes are robust and align with wider processes.

Recommendations

3. The Board is invited to **approve**:
 - the amendments to the Terms of Reference for the Governance, Risk and Audit Committee (GRA), the Performance and Strategic Planning Committee (PSP), and the Centralised Examinations Board (CEB);
 - the revisions to the Board Appointments Policy; and
 - generic amendments to the suite of governance documents arising from the recent restructure and re-organisation.

Background

4. In July 2022, we undertook a substantive review and revision of our governance documents. The new suite of documents included a significantly amended Constitution as the pre-eminent governance document, and the Governance Manual with appendices including the Appointments Policy and Terms of Reference for the BSB's Committees and other Decision-making Bodies.

5. When GRA was discussing implementation of the Regulatory Risk Framework at its meeting in November 2024, the Chair referred to the relationship between GRA and PSP, particularly in terms of regulatory risk. He expressed concern that a lack of clarity could result in an absence of oversight from both committees for certain aspects of work. It was agreed that the already scheduled review of the existing Terms of Reference for both the GRA and PSP Committees provided an opportunity for the executive to make recommendations for changes which provide that clarity and also achieve the recommendation of the Risk Framework Review that the BSB report regulatory risk to the PSP. This was to ensure that the PSP had suitable strategic oversight of regulatory risk, and to strengthen the independence and separation of regulatory and corporate risk.

Points for discussion

6. BSB Committee Terms of Reference all require committees to “at least annually, review these terms of reference to ensure it is operating effectively and to recommend any changes it considers necessary to the Board for approval”.
7. We seek a Board resolution to make all consequential amendments arising from the recent restructure and re-organisation of the BSB to the entire suite of governance documents. That will include amendments to job and team titles, and other references that need correction (such as replacing references to the Senior Management Team with references to the Senior Leadership Team).

Terms of Reference for the GRA and PSP – regulatory risk

8. The proposed amendments to the Terms of Reference for GRA and PSP have been considered by both those Committees, and are recommended to the Board for approval by those Committees.
9. In the BSB’s context, regulatory risk concerns the BSB’s ability to deliver the regulatory objectives. The processes for identifying, assessing and reporting the BSB’s steps to treat risks to these objectives are called the Regulatory Risk Framework.
10. While the Regulatory Risk Framework draws on technical risk management principles (eg identifying, assessing and mitigating risks), its focus is operational. It seeks to help us assess how we are meeting our core purpose as a regulator, which is, within our regulatory framework, to protect and treat risk to the public interest through the regulatory objectives.¹

¹ The Legal Services Act states that an approved regulator must, so far as is reasonably practicable, act in a way which is compatible with the regulatory objectives, and which the approved regulator considers most appropriate for the purpose of meeting those objectives.

11. Currently, regulatory risk management is considered by GRA.² It is likely however, that many of these functions sit better with the PSP. The PSP is tasked with overseeing how effectively the BSB is performing, and since the understanding and treatment of regulatory risk is fundamental to delivering on this performance, it aligns with the PSP's priorities. In particular:
- **Operational relevance:** Regulatory risk management is the core purpose of the BSB, and the reason why the BSB carries out all its regulatory functions. It is the foundation for the performance and outcomes of the BSB, which the PSP evaluates.
 - **Focus on deliverables:** The PSP currently oversees key measurable performance outputs, such as the Balanced Scorecard of KPIs for certain BSB teams. Regulatory risk can help provide essential context for these outputs, most prominently their role in delivering our regulatory objectives.
 - **Alignment with strategy:** The PSP currently supports the BSB's strategic and business planning. By embedding our understanding and strategies for managing regulatory risk more clearly into this planning, the BSB can better align its priorities, resources and activities with delivering the objectives.
 - **Clearer accountability:** Aligning regulatory risk management with PSP and corporate risk management to GRA – provides clearer accountability of these functions.
12. It is therefore proposed in the revised terms of reference that:
- **Primary reporting** of regulatory risk management goes to the PSP to ensure the operational focus is clearly on treating regulatory risk and delivering the public interest, and
 - **Secondary oversight** of the Regulatory Risk Framework will be provided by GRA to provide a broader assurance that regulatory risk management processes are robust and align with wider processes. This will allow the risk and audit expertise of GRA to be used to ensure the risk elements of the framework are operating effectively.

Terms of Reference for the GRA and PSP – other amendments

13. We have replicated some provisions from the Performance and Strategic Planning Committee Terms of Reference in those for the Governance, Risk and Audit Committee, for consistency across the two major committees. This includes that the Director General shall be expected to attend (rather than may be invited).
14. We have included this clause in the GRA Terms of Reference: *The Committee may raise any matters of concern at the next Board meeting, and adequate time should be available for Board discussion of such matters.* This amendment was made to the PSP Terms of Reference some time ago at the Committee's request, so that it is explicit that it is able to refer any "red flag" issues directly and immediately to the Board if it considers it appropriate to do so. GRA has agreed that it should have the same provision.

² This is likely a result of an historical BSB focus on the "risk" side of regulatory risk, at the expense of the "regulatory" or operational side. This is often due to the influence of traditional concepts of Enterprise Risk Management. More information about this is detailed in the BSB Regulatory Risk Framework, Final Report (January 2024)

15. For GRA, we propose amendment of the wording of paragraph 7 because as currently worded, it precludes barrister Board members from acting as the chair in the absence of the Committee Chair. That was not our intention, rather it was our intention to preclude the non-Board independent members from acting as the chair (on the basis that they are appointed to bring specialist experience and insight to bear and ought to always be able to fully participate in discussion rather than facilitate discussion).

Centralised Examinations Board

16. We have taken the opportunity to make minor amendments to the Terms of Reference for the Centralised Examinations Board (CEB). The one substantive amendment is that members of the BSB's Examinations team **will** be invited to attend all examination boards (rather than they may be invited to attend). It is the BSB's Examinations Team who hold and present the data that is to be reviewed at those Boards and so their attendance is necessary for business to be conducted.

Appointments Policy

17. In paragraph 2.1, we propose amending the first instance of the word "diversity" as this is unnecessary repetition and retaining the word within the parentheses more exactly follows the wording in the model Terms of Reference from the Chartered Governance Institute (CGI - formerly ICSA, the Institute of Company Secretaries and Administrators). We will propose the same amendment to the Nomination Committee Terms of Reference (when that Committee considers its Terms of Reference at its next meeting).
18. We propose amendments to the terms of members of the Independent Decision-making Body (IDB) so that those are terms of up to four years (rather than up to three). That would align with the terms for Board and Committee members. Similarly as we do for ordinary Board members, we will specify that members of Committees or of the IDB can serve a maximum of eight years. We will then dispense with the provision that extensions may be granted in exceptional circumstances – those were extensions of up to 18 months after members had served six years, so that is no longer necessary or desirable if we permit members to serve a maximum of eight years (rather than six years). These amendments not only achieve consistency and greater continuity in DB membership, but also lessen the costs and administrative burdens associated with reappointments and recruitment and induction of new members.
19. We also propose amending the requirement for appraisals (or quality control) in paragraph 9.1 so that it is *within two years* of appointment (rather than 18 months) so that it is usually halfway through the first term. This does not preclude us from holding appraisals earlier for members who are appointed for terms of less than four years.

Annexes

Annex 1 – Revised Terms of Reference for the Governance, Risk and Audit Committee

Annex 2 – Revised Terms of Reference for the Performance and Strategic Planning Committee

Annex 3 – Revised Terms of Reference for the Centralised Examinations Board

Annex 4 – Revised Appointments Policy

Governance, Risk and Audit Committee Terms of Reference

Role

1. The Governance, Risk and Audit Committee (the "Committee") is a committee of the Board, from which it derives its authority and to which it reports on matters related to governance, risk management and internal control.

Membership

2. The Committee shall comprise of at least five members, which should include both lay persons and practising barristers. There must be a lay majority. Three Committee members must be Board Members, and there must be no fewer than two, but no more than three, members who are not Board Members.
3. A member of the Bar Council or any of its representative committees may not be a member of the Committee.
4. A member of the Committee may not be appointed as a member of the Advisory Pool of Experts.
5. Appointments of Board Members to the Committee are made by the Board on the recommendation of the Nomination Committee and shall usually be coterminous with membership of the Board. For new members, who are not also Board Members, appointments shall be for a period of up to four years which may be extended for a further fixed period of up to four years.
6. The Board shall appoint the Committee Chair, who shall be a lay person and Board Member, on the recommendation of the Nomination Committee. The Chair of the BSB shall not be the Committee Chair.
7. In the absence of the Committee Chair, or where the Committee Chair has declared an interest for a specific item, the remaining members present shall elect one of ~~themselves the members who are Board Members~~ to chair the meeting or item ~~who would qualify under these terms of reference to be appointed to that position~~. If there is no such member present, the Committee shall not convene until such time as it can be constituted in accordance with these terms of reference.
8. All Board and Committee members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.
9. A person shall cease to be a Committee member 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 practising barrister and cease to be a practising barrister or become a member of the Bar Council or one of its representative committees;
 - e. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the Committee or Board resolves that they should cease to be a member; or
 - f. the Board resolves that they are unfit to remain a Committee member (whether by reason of misconduct or otherwise).

Secretary

10. The Head of Governance ~~and Corporate Services~~, or their nominee, shall act as the secretary to the Committee and will ensure that the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to issues.

Attendees

11. Only members of the Committee have the right to attend Committee meetings. The Director General shall be expected to attend Committee meetings. However, other individuals such as ~~the Director General~~, senior management and external advisers may be invited to attend for all or part of any meeting, as and when appropriate.
12. Board Members have the right to receive papers and to attend meetings of the Committee.

Quorum

13. The quorum for meetings of the Committee is three members.

Frequency

14. The Committee shall normally meet at least four times a year at appropriate times in the annual cycle and otherwise as required. A timetable of meetings and scheduled items for consideration will be agreed each year.
15. Outside of the formal meeting programme, the Committee Chair will maintain a dialogue with key individuals involved in the BSB's governance.

Notice of meetings

16. Meetings of the Committee shall be called by the secretary of the Committee at the request of the Committee Chair or any of its members.
17. Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and any other person required to attend at least four working days before the date of the meeting. Supporting papers shall be sent to Committee members and to other attendees, as appropriate, at the same time. With the consent of the Committee Chair, shorter notice may be given.

Minutes of meetings

18. The secretary shall minute the proceedings and decisions of all Committee meetings, including recording the names of those present and in attendance.
19. Draft minutes of Committee meetings shall be circulated to all members of the Committee. Once approved, minutes should be circulated to all other Board Members and the Director General unless, exceptionally, it would be inappropriate to do so.

Written resolutions

20. The Committee may pass a resolution in writing provided that the written resolution has the consent of at least two-thirds of members of the Committee who would have been eligible to vote on the matter at a meeting. Consent may be given in any written form, including electronically, for example by email. The resolution must then be ratified at the next Committee meeting and minuted as such.

Responsibilities

21. Paying due regard to all relevant statutory, regulatory and best practice requirements, the Committee will carry out the following duties for the BSB:
 - a) support the Board in achieving its strategic objectives by providing assurance on the effectiveness of governance structures, risk management processes and internal controls;
 - b) monitor and recommend to the Board action in respect of the effectiveness of the strategic arrangements for governance, risk management and internal audit;

Governance and Assurance

- c) 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;
- d) recommend the BSB's Assurance Framework to the Board and to ensure its continued effectiveness through periodic review; and

Corporate Risk

- e) advise the Board on overall risk tolerance and strategy and the principal and emerging risks the BSB is willing to take in order to achieve its long-term strategic objectives;
- f) make recommendations to the Board on its risk management strategy and processes;
- g) provide oversight and seek suitable assurance of the adequacy and effectiveness of risk management processes and procedures, monitoring compliance and challenging management on the adequacy of actions taken and planned;
- h) advise the Board on the likelihood, velocity and ~~the~~ impact of principal risks materialising, and the management and mitigation of principal risks to reduce the likelihood of their incidence or their velocity or their impact;
- i) provide assurance to the joint Audit Committee of the Bar Council and the BSB on the effective operation of the processes to manage risk;

Regulatory Risk

- j) provide oversight, seek assurance and periodically review the BSB's regulatory risk framework, ensuring it aligns with good practice and supports the BSB's delivery of the regulatory objectives;
- k) advise the Board on the adequacy, effectiveness and governance of the regulatory risk framework;

Controls and Internal Audit

- l) consider the effectiveness of the BSB's control systems and internal business processes;
- m) periodically review the Business Continuity Plan;
- n) approve the role and mandate of internal audit, monitor and review the effectiveness of its work;
- o) appoint the Board's Internal Auditors and review and approve the annual internal audit plan to ensure it is aligned to the key risks of the business, 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 and receive regular reports on work carried out;
- p) ensure the internal auditor has direct access to the Chair of the BSB and to the Committee Chair, providing independence from the executive and accountability to the Committee;
- q) monitor and provide assurance to the Board on the effectiveness of the management response to issues identified by audit activity;

Compliance

- r) receive assurance on the BSB's compliance with its statutory and regulatory obligations including Data Protection and Anti-Money Laundering Regulations;
- s) review the adequacy and security of the BSB's arrangements for its employees, contractors and external parties to raise concerns, in confidence, about possible wrongdoing. The Committee shall ensure that these arrangements allow proportionate and independent investigations of such matters and appropriate follow up action; and
- t) review the BSB's procedures for detecting fraud.

Reporting responsibilities

22. The Committee Chair shall report to the Board on its proceedings at least annually on all matters within its duties and responsibilities, but more often if required.
23. The Committee may raise any matters of concern at the next Board meeting, and adequate time should be available for Board discussion of such matters.
24. The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its remit where action or improvement is needed.
25. The Committee shall:
 - a) ensure the periodic evaluation of the Committee's own performance is carried out;
 - b) have access to sufficient resources in order to carry out its duties;
 - c) oversee any investigation of activities which are within its terms of reference; and
 - d) at least annually, review these terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Board for approval.
26. To facilitate the Committee's discharge of its responsibilities in relation to particular items of business, if necessary:
 - a. procure specialist ad-hoc advice at the expense of the BSB
 - b. commission additional assurance work outside of the agreed internal audit plan; and
 - c. co-opt additional member(s) (non-employees only), subject to approval by the Chair of the BSB, in consultation with the Committee Chair.

Reviewed:

~~23 May 2024~~

27 March 2025

Performance and Strategic Planning Committee Terms of Reference

Role

1. The Performance and Strategic Planning Committee (the “Committee”) is a committee of the Board, from which it derives its authority and to which it reports on matters related to performance, resources and strategic planning.

Membership

2. The Committee shall comprise of at least five Board Members, at least three of whom shall be lay persons.
3. A member of the Bar Council or any of its representative committees may not be a member of the Committee.
4. A member of the Committee may not be appointed as a member of the Advisory Pool of Experts.
5. Appointments of Board Members to the Committee are made by the Board on the recommendation of the Nomination Committee and shall usually be coterminous with membership of the Board.
6. The Board shall appoint the Committee Chair, who shall be a lay person and Board Member, on the recommendation of the Nomination Committee. The Chair of the BSB shall not be the Committee Chair.
7. In the absence of the Committee Chair, or where the Committee Chair has declared an interest for a specific item, the remaining members present shall elect one of themselves to chair the meeting or item.
8. All Board and Committee members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.
9. A person shall cease to be a Committee member 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 practising barrister and cease to be a practising barrister or become a member of the Bar Council or one of its representative committees;
 - e. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the Committee or Board resolves that they should cease to be a member; or
 - f. the Board resolves that they are unfit to remain a Committee member (whether by reason of misconduct or otherwise).

Secretary

10. The Head of Governance ~~and Corporate Services~~, or their nominee, shall act as the secretary to the Committee and will ensure that the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to issues.

Attendees

11. Only members of the Committee have the right to attend Committee meetings. The Director General shall be expected to attend Committee meetings. Other individuals such as senior management and external advisers may be invited to attend for all or part of any meeting, as and when appropriate.
12. Board Members have the right to receive papers and to attend meetings of the Committee.

Quorum

13. The quorum for meetings of the Committee is three members.

Frequency

14. The Committee will normally meet at least four times a year at appropriate times in the annual cycle and otherwise as required. A timetable of meetings and scheduled items for consideration will be agreed each year.

Notice of meetings

15. Meetings of the Committee shall be called by the secretary of the Committee at the request of the Chair of the Committee or any of its members.
16. Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and any other person required to attend at least four working days before the date of the meeting. Supporting papers shall be sent to Committee members and to other attendees, as appropriate, at the same time. With the consent of the Committee Chair, shorter notice may be given.

Minutes of meetings

17. The secretary shall minute the proceedings and decisions of all committee meetings, including recording the names of those present and in attendance.
18. Draft minutes of Committee meetings shall be circulated to all members of the Committee. Once approved, minutes should be circulated to all other Board Members and the Director General unless, exceptionally, it would be inappropriate to do so.

Written resolutions

19. The Committee may pass a resolution in writing provided that the written resolution has the consent of at least two-thirds of members of the Committee who would have been eligible to vote on the matter at a meeting. Consent may be given in any written form, including electronically, for example by email. The resolution must then be ratified at the next Committee meeting and minuted as such.

Responsibilities

20. Paying due regard to all relevant statutory, regulatory and best practice requirements, the Committee will carry out the following duties below for the BSB:
 - a) to support the Board and the executive in delivering high performance and in formulating the overall strategy for the BSB and, to these ends scrutinise the BSB's five-year Strategic Plan and annual Business Plan before the Board's approval is sought;
 - b) to oversee performance against relevant operational, ~~and~~ financial and regulatory risk performance objectives and targets set out in the Business Plan and to consider and agree any necessary corrective actions, including to the allocation of resources across the BSB, and, where relevant, make ~~recommendations~~ recommendations to the Board;

Performance

- c) To monitor the BSB's performance in identifying and treating regulatory risk, ensuring BSB actions align with strategic objectives and effectively treat identified risks in the public interest:-
- d) Review and challenge the executive on the adequacy, timeliness and effectiveness of actions taken and planned to address regulatory risk;
- e) Assess the alignment of the BSB's understanding of regulatory risk with its strategic goals, ensuring a proactive and effective approach to treating regulatory risk:-
- f) to advise the Board on a balanced scorecard of measures to assess performance in the delivery of ~~core~~ authorisation, supervisory and enforcement regulatory operations and to oversee performance against those measures;
- g) to advise the Board on the development or operation of any other performance measurement;
- h) to advise the Board on the resources, system investments and process improvements needed to deliver and maintain high performance;

Strategy

- i) to undertake preliminary horizon-scanning to take account of opportunities for, and risks to, the Regulatory Objectives and to present a qualified view to the Board to inform the BSB's future strategy;
- j) on behalf of the Board, to advise on the development of the BSB's strategy to deliver the Regulatory Objectives and the annual Business Plans which deliver that strategy;

Resources and budgets

- k) to keep under review the resources and investments needed to deliver high performance and to implement the Board's agreed strategy and, to those ends, to decide the annual budget and revenue for recommendation to the Board;
- l) to agree how the BSB presents financial information to best effect and with appropriate transparency and comprehensiveness;
- m) to consider and agree the recommendations of the executive on the provision of corporate services, including where the executive 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:
 - h.1.m.1. this will not undermine, and could not reasonably be seen to undermine, the separation of regulatory and representative functions;
 - h.2.m.2. this is effective and appropriate for the BSB to discharge its regulatory functions; and
 - h.3.m.3. this is necessary to be efficient and reasonably cost-effective.
- n) 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, and on the delivery of organisational reform programmes; and
- o) to support the Board and executive with finalising the BSB's Annual Report publications.

Reporting responsibilities

21. The Committee Chair shall report to the Board on its proceedings at least bi-annually on all matters within its duties and responsibilities, but more often if required.
22. The Committee may raise any matters of concern at the next Board meeting, and adequate time should be available for Board discussion of such matters.

23. The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its remit where action or improvement is needed.

Other matters

24. The Committee shall:
- a) ensure the periodic evaluation of the Committee's own performance is carried out;
 - b) have access to sufficient resources in order to carry out its duties;
 - c) oversee any investigation of activities which are within its terms of reference; and
 - d) at least annually, review these terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Board for approval.
25. To facilitate the Committee's discharge of its responsibilities in relation to particular items of business, it may procure specialist ad-hoc advice at the expense of the BSB.

Reviewed:

~~23 May 2024~~

27 March 2025

Centralised Examinations Board Terms of Reference

Role

1. The Centralised Examinations Board (the “CEB”) is a decision-making body of the Board, from which it derives its authority and to which it reports on matters related to the centralised examinations.

Membership

2. The CEB shall comprise of at least five members, including:
 - a. The CEB Chair;
 - b. for each subject area, a Chief Examiner and sufficient numbers of Assistant Chief Examiners to enable the CEB to carry out its functions expeditiously; and
 - c. the BSB’s Director of Regulatory Standards.
3. The Chief Examiners for each subject area and the BSB’s Director of Regulatory Standards may nominate an alternate to take their place at any meeting which that member is unable to attend.
4. A member of the Board, or the Bar Council or any of its representative committees, may not be a member of the CEB.
5. A member of the CEB may not be appointed as a member of the Advisory Pool of Experts.
6. Appointments to the CEB shall be made in accordance with the Appointments Policy.
7. In the absence of the CEB Chair, or where the CEB Chair has declared an interest for a specific item, the Director General has the discretion to nominate a Chief Examiner to chair the meeting or item where that Chief Examiner’s subject area is not under consideration.
8. All CEB members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.
9. A person shall cease to be an CEB member 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 become a member of the Bar Council or one of its representative committees;
 - d. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the CEB or the Board resolves that they should cease to be a member; or
 - e. the Board resolves that they are unfit to remain an CEB member (whether by reason of misconduct or otherwise).

Attendees

10. Only members of the CEB have the right to attend CEB meetings. However, other individuals such as the Director General, senior management, ~~members of the BSB's Examinations team~~, and external advisers may be invited to attend for all or part of any meeting, as and when appropriate. Members of the BSB's Examinations team will be invited to attend all examination boards.

Quorum

11. A quorum must include the CEB Chair, a Chief Examiner for each relevant subject area (or alternates), and the BSB's Director of Regulatory Standards (or alternate).

Frequency

12. The CEB will meet to form a Final Examination Board after each sitting of the centralised examinations taken during the vocational and pupillage components of Bar Training. The CEB meets at least six times each year for this purpose. Other meetings are scheduled as required.

Notice of meetings

13. Meetings of the CEB will be scheduled by the BSB to ensure the timely exercise of the functions of the CEB. CEB members will receive information and any papers in a timely manner to enable full and proper consideration to be given to the issues.

Minutes of meetings

14. Minutes shall be recorded for the proceedings and decisions of all CEB meetings, including recording the names of those present and in attendance.

Responsibilities

15. Paying due regard to all relevant statutory, regulatory and best practice requirements, the CEB will carry out the following duties below for the BSB:
 - a. 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 (Professional Ethics, Civil Litigation, and Criminal Litigation); and
 - b. 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.

Reporting responsibilities

16. The CEB Chair will report to the Board on its proceedings at least annually on all matters within its duties and responsibilities, but more often if required.
17. The CEB will make whatever recommendations to the Board it deems appropriate on any area within its remit where action or improvement is needed.

Reviewed:

23 May 2024 27 March 2025

Appointments Policy

1. Purpose

- 1.1 This policy is designed to ensure orderly succession for the appointment of members of the Board, its Committees and Decision-Making Bodies and sets out a transparent and fair selection and appointment process, which promotes diversity and protects the independence of the BSB.

2. Board composition and succession

- 2.1 The BSB is committed to the principle that its Board should broadly reflect the diversity of society. The Nomination Committee, on behalf of the Board, shall regularly review the structure, size, **diversity** and composition (including the skills, knowledge, experience and diversity) of the Board and make recommendations to the Board with regard to any changes necessary to effectively fulfil its duties.
- 2.2 Due regard will be given to the desirability of ensuring Members (between them) have experience in or knowledge of an appropriate range of relevant fields and any particular requirements identified by the BSB.
- 2.3 The Board and Nomination Committee should ensure plans are in place for orderly succession to Board, Director General and other senior executive positions, taking into account the challenges and opportunities facing the BSB, and the skills and expertise needed on the Board in the future.

3. Criteria and eligibility

- 3.1 Before any Board appointment is made, an evaluation of the current balance of skills, knowledge, experience and diversity should be undertaken by the Nomination Committee, in accordance with its terms of reference.
- 3.2 The competencies required of Board Members shall be those as agreed by the Nomination Committee. Any equality and diversity policy in force should be complied with.
- 3.3 A member of the Bar Council or any of its representative committees may not hold office as a Board Member or as a member of any of the BSB's Committees, the IDB, or the CEB.
- 3.4 A person who has been responsible for a representative function shall not thereby be ineligible for appointment as a Board Member or as a member of any of the BSB's Committees, the IDB, or the CEB, but in considering whether to appoint any such person, a Panel shall take account of their responsibility for a representative function, when that responsibility ended and any implications for the observance of the overarching duty and prohibition on dual roles as set out in the Internal Governance Rules 2019.
- 3.5 A person cannot be both a Board Member and a member of the IDB. A person cannot be both a Board Member and a member of the CEB.

4. Board appointment process

- 4.1 The Board shall convene an Appointments Panel (a "Panel"), which shall be responsible for selecting and recommending Board Members to the Board for appointment, as required for each recruitment.
- 4.2 For the appointment of the Chair, a Panel shall consist of:
- a. a member of the judiciary nominated by the Lady Chief Justice or the Lord Chief Justice;
 - b. two Board Members nominated by the Board, one of whom must be a practising barrister and one of whom must be a lay person; and

- c. a lay person who is independent of the Bar Council and the BSB, with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office. This panel member shall be the Chair of the Panel (the "Panel Chair") and shall be appointed by the Board.

4.3 For the appointment of Board Members other than the Chair, a Panel shall consist of:

- a. the Chair, ex officio, who shall be the Panel Chair;
- b. two Board Members nominated by the Board; and
- c. a lay person who is independent of the Bar Council and the BSB, with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office. This panel member shall be appointed by the Board.

4.4 A Panel must be convened with equal numbers of lay members and barrister members, or with a majority of lay members. The nominee of the Lady Chief Justice or the Lord Chief Justice will not be considered to be either a lay member or a barrister member for a Panel convened to appoint the Chair.

4.5 A Panel must be convened to be diverse in respect of sex and race.

4.6 The Chair of the BSB may nominate an alternate, who shall be a Board Member, to take their place for any Panel convened which they are unable to attend.

4.7 For the appointment of the Vice Chair, the Board may, on the recommendation of the Nomination Committee, appoint a serving Board Member without convening a Panel.

5. Committee members appointment process

5.1 The BSB appoints and reappoints all Chairs, Vice Chairs and members of its Committees, IDB and CEB on merit.

5.2 Appointments of Board Members to the posts of BSB Committee Chairs and members of BSB Committees are made by the Board on the recommendation of the Nomination Committee.

5.3 Appointments of new members of BSB Committees (who are not Board Members) are made by the Chair or the Vice Chair of the BSB on the recommendation of a selection panel, convened as required for each recruitment.

5.4 The BSB may convene a panel, which will be responsible for selecting and recommending any new Committee member who is not currently a Board Member.

5.5 The composition of the selection panel shall be:

- 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; and
- b. two Board Members (of whom one should be the Chair of the Committee).

6. IDB and CEB appointment process

6.1 Appointments of new members and chairs of the IDB and CEB are made by the Chair or the Vice Chair of the BSB on the recommendation of a selection panel, convened as required for each appointment.

6.2 The composition of the selection panel shall be as prescribed below, depending on the position the panel has been convened for:

- (i) Panel composition for recruitment of the IDB Chair:
 - 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 Board Members; and
 - c. a member of senior staff of the BSB, as delegated by the Director General.
- (ii) Panel composition for recruitment of the IDB Vice Chair or member of the IDB:
 - 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; and
 - c. a member of senior staff of the BSB, as delegated by the Director General.
- (iii) Panel composition for recruitment of the CEB Chair:
 - 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 Board Members. If the Board does not include a Board 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; and
 - c. a member of senior staff of the BSB, as delegated by the Director General.
- (iv) Panel composition for recruitment of the CEB members:
 - 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); and
 - c. a member of senior staff of the BSB, as delegated by the Director General.

7. Reappointment Criteria

7.1 The criteria to consider for reappointments is as follows:

- 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, (together the “Reappointment Criteria”).

Board Members Term of office

7.2 All appointments made to the Board shall be for a fixed period of up to four years.

7.3 The Board may, on the recommendation of the Nomination Committee, renew the appointment of the Chair or other Board Members for a further fixed period of up to four years without holding a competition, if the person has met the Reappointment Criteria, and that person remains eligible to be a Board Member. The Chair and other Board Members may not take part in any discussion or decision of the Board relating to their own reappointment.

7.4 It is the for the Chair, who will have consulted the Vice Chair and the Director General, to propose reappointment of other Board Members to the Nomination Committee. The Vice Chair shall not be consulted on their own reappointment. It is for the Vice Chair, who will have consulted the Director General, to propose reappointment of the Chair to the Nomination

Committee.

- 7.5 With the exception of the Chair and Vice Chair, casual vacancies may be filled by the Board on the recommendation of the Nomination Committee but any appointment so made will last only for the remainder of the current term of office of the Board Member who they have replaced, or such reasonable time as is necessary for a Panel to be convened and recommend an appointment in accordance with the provisions of this policy, whichever is the shorter.
- 7.6 A person may not serve more than:
- a. eight years as a Board Member only; and
 - b. twelve years in total as a Board Member and the Chair or twelve years in total as a Board Member and the Vice Chair.

Non-Board Committee members and members of the IDB

- 7.7 All appointments of Committee members who are not Board Members and members of the IDB shall be for a fixed period of up to four years. Appointments of Committee members who are not Board members and members of the IDB may be renewed for a further fixed period of up to four years without holding a competition, if the Chair of the Committee concerned or the Chair of the IDB is satisfied that the Reappointment Criteria has been met. ~~All appointments of members of the IDB shall be for a fixed period of up to three years. Appointments of members of the IDB may be renewed for a further fixed period of up to three years without holding a competition, if the Chair of the IDB is satisfied that the Reappointment Criteria has been met.~~
- 7.8 ~~A person may not serve more than eight years as a member of a BSB Committee or as a member of the IDB. 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.~~
- 7.9 The Chair or the Vice 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:
- a. have a conflict: and/or
 - b. could be perceived to have a real possibility of bias.
- 7.10 Any appointments made by the Chair or the Vice Chair under the above paragraph 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.

Members of the CEB

- 7.11 All appointments made by the Chair or the Vice Chair shall be for a fixed period of up to three years. Appointments may be renewed for further fixed periods of up to three years without holding a competition, if the Chair of the CEB is satisfied that the Reappointment Criteria has been met and it will allow the BSB to continue to discharge its regulatory functions.

- 8.1 A person shall cease to be a member of the Board, 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 practising barrister and subsequently cease to be a practising barrister or become a member of the Bar Council or one of its representative committees;
 - e. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the Committee or Board resolves that they should cease to be a member;
 - 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. the Board resolves that they are unfit to remain a member (whether by reason of misconduct or otherwise).

9. Appraisal and quality control process

- 9.1 All Board Members, Committee members and members of the IDB and CEB are subject to a minimum of a review of performance within ~~eighteen months~~two years of appointment and a review of performance preceding any decision on their reappointment at the end of their term of office. Board Member appraisals are to be carried out by the Chair of the BSB. Quality control of Committee members who are not Board Members is to be carried out by the Committee Chair. IDB and CEB member quality control is to be carried out by their respective Chairs and/or Vice Chair for the IDB.

Reviewed:

Board ~~23 May 2024~~27 March 2025

Meeting:	BSB Board Meeting	Date:	27 March 2025
Title:	First-tier complaints: implementing the LSB's new expectations		
Author:	Ahmet Arikan and Richard Parnham		
Post:	Senior policy officer / Policy manager – Strategy, Insights and Policy		

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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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
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose

1. To give an overview of Legal Services Board's (LSB) updated first-tier complaints requirements, which the BSB is required to implement, and to seek agreement from the Board for us to consult on proposed implementation.

Recommendations

2. The Board is invited to approve our proposals to consult on our approach in principle to data collection and on potential changes to the BSB Handbook. The consultation document will be approved by the Senior Leadership Team and shared with the Board for information ahead of publication. Our proposals reflect new LSB requirements, in particular the need for the BSB to collect additional data.

Background

3. The LSB has powers under the Legal Services Act 2007 (section 112) to set requirements for the frontline regulators on how consumer complaints should be handled by the regulated professions. In effect, the LSB can direct the BSB in how barristers, chambers and entities handle their clients' complaints.
4. Previous LSB requirements have been implemented in the BSB Handbook, which specifies when clients should be informed of complaint procedures and how complaints should be handled. The current complaints rules apply to self-employed barristers, chambers and BSB entities. Chambers, for instance are required to review past complaints to review issues/trends and possible training needs within their chambers. Furthermore, our recently published "Regulatory expectations of chambers" webpage summarises and reinforces the BSB's existing expectations on chambers regarding complains handling.¹

¹ See in particular the section on professional standards and complaints handling on our webpages: <https://www.barstandardsboard.org.uk/for-chambers/resources-for-chambers.html>

5. There are two main stages of complaints in the legal sector. When making a *'first-tier complaint'*, clients complain directly to barristers and/or chambers about the service they have received. Barristers/chambers/entities are then required to handle and resolve the complaints themselves. If not resolved, the client may have a right to escalate the complaint to independent alternative dispute resolution. This escalation is known as a *'second-tier complaint'*. The designated statutory body for second-tier legal services complaints is the Legal Ombudsman (LeO).²
6. In May 2024, following a public consultation, the LSB published updated first-tier complaints handling requirements and updated statutory guidance. These are summarised in Annex A. For the first time, the LSB also published a statement of policy on first tier complaints (summarised in Annex B), which gives direction to regulators regarding their oversight of how their regulated communities handle first-tier complaints.
7. The LSB's rationale is to enable a "step-change improvement in first-tier complaint handling by ensuring that complaints are dealt with effectively, efficiently and fairly". They are also intended to tackle "silent sufferers" (consumers who have a reason to complain but are discouraged from doing so.) The LSB also seeks to avoid service complaints being sent prematurely to the LeO.³
8. The new requirements and policy statement are much more prescriptive than the previous versions. The new policy statement reflects the LSB's desire that regulators have a better understanding and oversight of complaints within their regulated community, mainly to tackle silent sufferers and premature use of LeO.
9. The Access Programme Board has recommended proposals to meet the LSB's new requirements. Changes to the Handbook will be required, for which we propose a three-month consultation.

LSB statement of policy on first-tier complaints

Key LSB expectations

10. The LSB policy statement on first-tier complaints mandates that regulators pursue the outcome of having the "best possible complaints resolution system for legal services users." A second mandatory outcome on regulators is to foster "a culture of continuous improvement and learning from complaints and feedback to improve legal services".

² The Legal Services Act 2007 established the Office for Legal Complaints to manage second-tier complaints systems. It appointed the Legal Ombudsman, under the Act, to handle second-tier complaints relating to legal services. Legal Ombudsman is funded by annual fees on legal services providers (and through case fees).

³ LeO requires that complaints are handled fully at the first-tier stage by legal services providers before they can consider them. There are concerns that LeO is receiving complaints that have not been fully investigated or handled at the first-tier stage, which they have to reject and refer back to the provider. These premature complaints affect LeO's performance.

11. Regulators are also expected to identify and mitigate against common FTC problems, both profession-wide and in relation to individual practitioners. For example, the statement requires regulators to “identify any authorised persons with disproportionately and consistently high” numbers of FTC or premature LeO referrals, with a view to taking “appropriate and effective action”. It requires that FTC issues and trends should be identified, and acted upon, by regulators. The profession should also use FTC data to learn lessons and propagate complaints good practice.

BSB implementation of LSB expectations

12. The FTC statement of policy mandates regulators to draw on intelligence gathered from first and second tier complaints (the latter being complaints to LeO). Although we currently receive data from LeO in relation to second-tier complaints, we do not currently hold or collect data on first-tier complaints from the Bar (most regulators already do so). Our current Handbook rules (rC106 – rC108) only require barristers to collect and review data about complaints for internal use and possible training purposes: our rules do not require data to be submitted to the BSB. To meet the LSB’s new expectations, and due to the potential benefits, we propose to update the BSB Handbook to facilitate FTC data collection from the Bar.
13. Regarding FTC data collection, we have engaged with peer regulators who have collected FTC data for several years (i.e. CILEx Regulation, CLC, CLSB, IPReg, SRA), to identify how they do so, and to identify best practice. These regulators collect data, through annual authorisation to practice exercises, or through ad-hoc data collection exercises. They also publish an annual, profession-wide analysis of the data. Such a summary report is also an expectation of the Legal Services Consumer Panel. We have also engaged with LeO.
14. Through a mixture of literature review and the above peer engagement, we have established that first tier data collection and analysis is now the norm among our peer regulators and yields potentially useful insights via the publication of annual profession-wide summary reports. In line with the BSB’s general policy of enabling greater transparency regarding “quality indicators” data, and our wider ambition to develop our insights in our sector, we have therefore concluded that it would be helpful for the BSB to align its policy regarding the collection of first tier data with that of our peer legal regulations. We now plan to consult on the manner in which that data collection should take place, balancing the need to generate actionable insights with the need not to place a disproportionate burden on the profession.
15. We have identified three key options for consultation:
 - A. Collection of data as part of the annual authorisation to practice process. This has the advantage of adapting an existing process, with which the Bar is familiar. This is the most common approach among peer regulators. However, the AtP process is relatively cumbersome already, with barristers asked to answer a number of questions about their practice.
 - B. We could alternatively ask for data through MyBar, either on a rolling basis, or periodically. We might then ask for confirmation at AtP that all relevant complaints data has been provided. This would mean more flexibility in the frequency of data collection and could allow delegation of data entry to clerks. However, this approach would require a bespoke new MyBar form, which has IT resource implications.

- C. As another alternative option, we are also considering whether chambers should report complaints data to us. Barristers would report all first-tier complaints to their chambers, which would then pass on information to us. This would have the subsidiary advantage of reinforcing chambers' oversight role. We will however need to consider how sole practitioners submit their data.
16. Under our proposals, we do not plan immediately to request FTC data from the Bar. We will give barristers time to collect the data (timeframe to be determined). We intend to provide guidance on what data we will collect, taking account of the existing data collection methods adopted by LeO and peer legal regulators. The optimal / proportionate frequency of the data collection will be informed by our consultation and ongoing stakeholder engagement.
 17. Once we collect FTC data, we will be able to undertake the activities required to meet the LSB's expectations. These activities will be undertaken by our new insights team and established supervisory activities.
 18. The policy statement requires regulators to "take account of relevant guidance and good practice in this space", specifically identifying LeO. From our engagement with LeO, we are aware of its plans to develop model complaints handling procedures. These have the potential to be effective in helping to resolve complaints, while also forming the basis of a common approach between legal regulators – a request made by the Legal Services Consumer Panel. Unfortunately, LeO will not have undertaken this work by the LSB's deadline for implementing these requirements. As a result, we will be unable to embed LeO's models into our consultation, but we propose to provide updated guidance for the Bar, as and when new LeO materials become available.

Proposed next steps

19. The LSB requires legal regulators to implement – which includes getting LSB approval – its new FTC provisions by mid-November 2025. Considering the narrow delivery timeframe, we are seeking "in principle" Board endorsement of our proposals, which will remain subject to refinement prior to consultation. Publication is scheduled for no later than May 2025. Ahead of publication, we will circulate the consultation documents by email to the Board for information.
20. In relation to our draft Handbook changes (which are available in the reading area), these changes will largely adopt the wording set out in the updated LSB Section 112 requirements.
21. We have more (but limited) discretion in how we achieve the LSB's statement of policy outcomes, including those that (effectively) require FTC data collection. Feedback from the consultation will inform which approach we take.

22. We will also use this opportunity to consult on our wider data collection principles and strategy for Barristers and/or chambers, ensuring that our approach remains relevant and as efficient as possible. This marks our first major data collection initiative since the development of the BSB's Data and Intelligence Strategy in 2024, and the most comprehensive new effort in five years, since the conclusion of the Regulatory Return process in 2020. Since then, we have also added a new question to Authorisation to Practise seeking information about barristers engaged in claims management activity.
23. As part of this consultation, we will seek the views of the Bar on their preferred methods to submit data to the BSB. We aim to understand their preferences regarding submission timeframes and frequency, as well as whether data collection should be integrated into authorisation to practise, or through other ad hoc means, such as through MyBar.
24. These views will help shape our approach to data collection for first-tier complaints and inform future data requests that may arise in other areas. While data collection is essential and non-negotiable for the BSB's regulatory functions, we are committed to ensuring that our approach remains proportionate to our data needs and minimises unnecessary burden on barristers and chambers. The insights gathered will contribute to ongoing improvements to support our data and intelligence strategy and inform potential future enhancements to reporting systems and processes, including Authorisation to Practise.
25. We will update the Board in September 2025 with our final proposals, in light of our consultation findings. We will then submit our Handbook changes to the LSB for approval, ahead of the mid-November 2025 deadline for enacting these changes.

Impact on regulatory objectives

26. We believe that these changes will overall positively promote our objectives across the board, including the consumer interest, understanding of citizens' rights, and the public interest through improved complaint resolution systems, particularly for those who are vulnerable and with protected characteristics. Better regulatory oversight, intelligence and data, and increased focus on collaboration and continuous improvement will help us to promote other key objectives, such as encouraging an independent, strong, diverse and effective legal profession.

Resource implications / impacts on other teams / departments or projects

27. The policy team has redirected existing resource to respond to the LSB's requirements by the deadline. Initial implementation will bring costs of developing new systems for data collection, and for generating insights. There may be longer-term resource impacts, caused by increased monitoring and oversight. This is likely to impact on the BSB's insights, supervision, policy and – possibly – its enforcement teams.

Equality and diversity

28. Broadly, the LSB's new requirements are likely to have a positive equality impact on the public and consumers. The Handbook changes and associated regulatory activities are expected to place additional requirements on the Bar to support vulnerable consumers and those with protected characteristics. However, there is a risk of negative impacts to smaller providers, and those providers (who are more likely to have specific protected characteristics) who focus on areas of law which attract more consumer complaints. We will seek further evidence on our proposal's equality impacts – positive and negative – via our consultation. This evidence will help us identify possible mitigations. We also intend to monitor impacts on an ongoing basis, post-implementation.

Risk implications

29. The LSB has given regulators a challenging timeframe to implement its FTC requirements. Our proposed schedule for seeking LSB approval to amend our Handbook assumes the LSB will approve our proposals within its normal 28-day period. However, the LSB is entitled to extend this timeframe to 90 days if required. If the LSB elects to fully extend its approval timeframe, the BSB will miss the implementation deadline, albeit for reasons outside our control. We believe it is important to take the time to give stakeholders an opportunity to feedback on our proposals.

Communications and stakeholder engagement

30. We will work with our comms teams to develop comms messaging and to publicise our FTC consultation launch. We will also highlight the launch of our consultation with key external stakeholders, including peer regulators, the Bar Council, LSCP etc, encouraging them to review and respond to our proposals.

Annexes

- Annex A: summary of new and updated LSB Section 112 requirements
- Annex B: summary of key FTC statement of policy obligations on regulators

Summary of section 112 requirements¹ on first-tier complaints

1. Section D of the requirements sets out specifications for regulatory arrangements for authorised persons (e.g. barristers) in relation to first-tier complaints handling, which require implementation by the BSB. They broadly specify:
 - a. First-tier complaints should be assessed competently, diligently, and impartially; responded to fairly, consistently, and promptly; and resolved at the earliest opportunity;
 - b. New accessibility rules, including requiring providers to highlight additional information on the complaints process; how a complaint will be handled; the range of possible outcomes; communications being tailored to client's needs; and requiring complaints processes to be accessible to clients with specific needs, such as hearing or sight disabilities.
 - c. New information provisions, requiring complaints information to be provided at both instruction and conclusion of the matter (new requirement), and upon request.
 - d. New ongoing communication requirements updating existing requirements, including providing information on timelines for resolving complaints, and requiring regular progress updates.
 - e. New and additional requirements on providers regarding learning and development. These require authorised persons to implement measures to enable them to 'identify any risks or issues including in how it has assessed and sought to resolve complaints and/or in its services' and requiring that these issues be addressed.
2. The BSB Handbook will be updated to reflect these above changes, largely adopting the specific wording set out in the Section 112 requirements document. An indicative set of likely changes, which is subject to final review and approval, is set out in tracked changes in Annex C (Indicative BSB Handbook drafting updates: FTC rules).
3. We will also need to amend the BSB Handbook at rC108 – rC109 to allow us to undertake LSB's new requirements set out in the policy statement, namely around data collection and publication.
4. The LSB new rules now also define key terms – notably, 'complaints', and what is a 'first tier' and 'second tier' complaint. These terms will be added to the Part 6 definitions section of the BSB Handbook.
5. To help stakeholders, for certain parts of the new rules, such as accessibility requirements, we intend to publish detailed guidance to providers to set out how they could assist consumers, including those who are vulnerable. Our guidance will also seek to include best practice and models for complaints handling, including from LeO and other relevant organisations. The guidance will take the form of Code Guidance, external to the Handbook, rather than gC guidance, internal to the Handbook. This will allow for greater flexibility should further updated be required, without requiring a Handbook update.

¹ Available at: <https://legalservicesboard.org.uk/wp-content/uploads/2024/05/s112-Requirements.pdf>
See also associated LSB guidance: <https://legalservicesboard.org.uk/wp-content/uploads/2024/05/s162-Guidance.pdf>

Summary of expectations of regulators in LSB statement of policy

1. Broadly, regulators are expected to use intelligence and data from first and second-tier complaints to monitor how providers are handling complaints and take regulatory action where they deem it necessary, in order to ensure that consumers have the best possible complaints resolution systems. In pursuing the LSB outcomes, regulators are expected to:
 - (i) identify any thematic areas of weakness in authorised persons' handling of first-tier complaints, and take action to address these;
 - (ii) identify any authorised persons with disproportionately and consistently high:
 - numbers of first-tier complaints
 - premature complaints being made to the Legal Ombudsman
 and take appropriate and effective action to address these;
 - (iii) identify any recurring issues or trends arising in first-tier complaints from which authorised persons, other regulators and others in the legal services sector can learn lessons;
 - (iv) identify any areas of good practice and collaborate in sharing these with authorised persons, other regulators and others in the legal services sector. This might include examples of good practice from the Legal Ombudsman as well as from other sectors;
 - (v) understand the timeliness with which authorised persons resolve first-tier complaints to the complainant's satisfaction. This data should be appropriately contextualised and published in order to increase transparency about performance levels;
 - (vi) give particular consideration to legal services users with protected characteristics and/or who are in vulnerable circumstances, and take action accordingly;
 - (vii) consider how authorised persons identify and address risks and issues arising from first-tier complaints in line with the section 112 Requirements and how they use this to improve the service they provide;
 - (viii) put in place proportionate and targeted measures to facilitate compliance by authorised persons with the regulator's regulatory arrangements on complaints procedures that implement the section 112 Requirements. In considering measures to adopt, regulators may wish to consider:
 - a. *Best practice*: promoting best practice in first-tier complaints handling, for example, by developing and giving guidance and case studies to authorised persons and/or other regulators as appropriate;
 - b. *Training and guidance*: identifying opportunities for ongoing training and development as part of their approach to ongoing competence;
 - c. *Reviews*: carrying out thematic or targeted reviews of recurring issues or trends in complaints handling, with a view to implementing measures to address concerns identified and achieve better outcomes for consumers;
 - d. *Supervision*: carrying out supervisory interventions as required;
 - e. *Enforcement*: carrying out remedial actions, such as requiring training in complaints handling.

Bar Standards Board – Director General’s Update – 27 March 2025**For publication****Equality, diversity and inclusion in the legal profession: Westminster Legal Policy Forum, 10 February 2025**

1. I spoke at this Forum in February alongside speakers from the Legal Services Board and the Solicitors Regulation Authority.
2. In the course of the discussion, I made the following points.
 - there is no ideological component to the Bar Standards Board’s work on equality: we are concerned with whether there is in practice equal opportunity for people of all backgrounds at the Bar and we are guided by the evidence;
 - the evidence is that, despite good progress, opportunities to join and progress at the Bar are still unequal. Students from minoritised backgrounds are less likely to achieve pupillage than equivalently qualified White students. Women barristers and barristers from minoritised backgrounds earn on average, lower fees than their White counterparts even when controlling for specialism, seniority and geography. This is then reflected in the under-representation of both women and barristers from minoritised backgrounds among KCs;
 - these inequalities reflect a denial of merit;
 - regulation can contribute, in partnership with the profession, to promoting equal opportunity so that merit wins through. There is in particular an important role for chambers which recruit to pupillage and to tenancy and support the development of barristers;
 - the purpose of our 2024 proposals to reform the current *Equality Rules* was, in large part, to clarify barristers’ accountabilities as members of chambers for these outcomes;
 - we are now reflecting carefully on the many responses we received to that consultation.

Regulation and growth

3. The Government published on 17 March a policy statement setting out a new approach to regulation in support of growth¹. We fully support the aims of that statement, with its focus on proportionate regulation, certainty and the avoidance of excessive risk aversion.
4. The Bar Standards Board can best support growth by:
 - continuing, in discharging our regulatory functions, to promote competition for barristers’ services by improving the information available to consumers about the costs and quality of those services and by promoting choice;

¹ [New approach to ensure regulators and regulation support growth \(HTML\) - GOV.UK](#)

- sustaining the high standards required to practise as a barrister which underpin the reputation of England & Wales as the jurisdiction of choice for commercial agreements; and
- working with the Bar Council to support the profession in adopting safely new technologies, particularly AI, with the potential to cut costs and to improve outcomes for consumers.

Mark Neale
Director General

Chair’s Report on Visits and External Meetings from end of January 2025**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:**Meetings**

4 February	Met with Training provider for EDI training for new Board and Committee members
5 February	Met with Mark Neale and Stephen Thornton re GRA
6 February	Met with Debbie Stimpson and Mike Farmer re PSP Attended PSP meeting
3 March	Attended PSP Pre-meeting
5 March	Met with Abby Thomas, former Chief Financial Ombudsman and Kevin Grix, Chief Ombudsman, Dispute Resolution Attended GRA Committee
6 March	Attended PSP Committee
25 March	Attended Board briefing meeting Met with Mark Platt and Angela Dickinson re Ethics
26 March	Attended ALL BSB meeting Attended 4-way meeting with Interim Chair, Catherine Brown and Craig Westwood of LSB
27 March	Attended Board seminar, Board meeting and Board dinner

1-2-1 Meetings

5 February	Met with new Board member Ruth Pickering
12 February	Met with LJ Kate Thirlwall, new Treasurer, Middle Temple Met with Irena Sabic KC, Board member Met with James Dipple-Johnstone, Deputy Ombudsman, at Financial Ombudsman
13 February	Met with Executive Committee of LPMA
19 February	Met with Greg Dory, Sub-Treasurer, Inner Temple Met with Richard Salter KC, Treasurer, Inner Temple Met with Nick Vineall KC Spoke with Anna Bradley, Chair, SRA
24 February	Met with Tracey Markham, new Board member
26 February	Met with Lorinda Long
11 March	Met with Anna Bradley, Chair, SRA Met with Alan Kershaw, ex Chair, LSB

Events

13 February	Attended leaving dinner for Wilf White and Sara Jagger
24 March	Attended Treasurer’s Dinner, Gray’s Inn