

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

**Meeting of the Bar Standards Board**  
**Thursday 20 February 2014, 4.30 pm**  
**Room 1, First Floor, Bar Standards Board Offices,**  
**289-293 High Holborn, London, WC1V 7HZ**

**Agenda**

**Part 1 – Public**

			<b>Page</b>
1.	<b>Welcome and introductions (4.30 pm)</b>	Chair	
2.	<b>Apologies</b>	Chair	
3.	<b>Members' interests and hospitality</b>	Chair	
4.	<b>Approval of Part 1 (public) minutes:</b> <ul style="list-style-type: none"><li>• <b>23 January 2014</b></li></ul>	Annex A	<b>3-7</b>
5.	<b>Matters Arising</b>	Chair	
6.	<b>a) Action points and progress</b>	Annex B	<b>9-11</b>
	<b>b) Forward agendas</b>	Annex C	<b>13</b>
	<b><u>Items for discussion</u></b>		
7.	<b>Performance Report Q3 (as at 31 December 2013) (4.45 pm)</b>	BSB 009 (14) Anne Wright / Vanessa Davies	<b>15-29</b>
8.	<b>Board Delegation of the Authorisation to Conduct Litigation (5.15 pm)</b>	BSB 010 (14) Rob Behrens / Joanne Dixon	<b>31-33</b>
	<b><u>Items for noting</u></b>		
9.	<b>Education &amp; Training: Annual Report for 2013 (5.25 pm)</b>	BSB 011 (14) Andrew Sanders / Simon Thornton-Wood	<b>35-41</b>
10.	<b>Chair's Report on Visits and Meetings: Jan 14 – Feb 14</b>	BSB 012 (14) Chair	<b>43-44</b>
11.	<b>Director's Report (5.35 pm)</b>	BSB 013 (14) Vanessa Davies	<b>45-52</b>
12.	<b>Any other business</b>		
13.	<b>Dates of next meeting</b> Thursday 27 March 2014		
14.	<b>Private Session</b>		

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13 February 2014



<p>BAR STANDARDS BOARD</p>
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting**

Thursday 23 January 2014, Video Conferencing Room  
289 – 293 High Holborn, London, WC1V 7HZ

<b>Present</b>	Ruth Deech QC (Hon) (Chair) Patricia Robertson QC Rolande Anderson Rob Behrens Sarah Clarke – items 7-13 Malcolm Cohen Justine Davidge Tim Robinson Andrew Sanders Anne Wright
<b>In attendance</b>	Nicholas Lavender QC (Chairman, Bar Council) James Wakefield (COIC representative)
<b>BSB Executive in attendance</b>	Jessica Bradford (Senior Policy Officer, E&D) – items 1-7 Viki Calais (Business Manager) Vanessa Davies (Director) Joanne Dixon (Qualification Regulations Manager) Sara Down (Head of Professional Conduct) Eugene Grant (Communications & Press Officer) Roger Hammond (Change Programme Manager) Oliver Hanmer (Head of Supervision) Sarah Loutfi (E&D Adviser) – items 1-7 Ewen Macleod (Head of Regulatory Policy) John Picken (Board & Committees Officer) Laura Simons (Communications Consultant) Amanda Thompson (Head of Strategy & Communications)
<b>Bar Council Executive in attendance</b>	Stephen Crowne (Chief Executive, Bar Council)

**ACTION****Item 1 – Welcome and introductions**

1. The Chair welcomed members and guests to the meeting.

**Item 2 – Apologies**

2.
  - Simon Lofthouse QC
  - Sam Stein QC
  - Richard Thompson
  - Sarah Brown (special adviser)
  - Matthew Nicklin QC (special adviser)

Note: Emily Windsor (special adviser) attended for Part 2 of the meeting

**Item 3 – Members’ interests and hospitality**

3. Vanessa Davies made a declaration in respect of her attendance at a dinner hosted by the SRA on 21 January 2014.

**Item 4 – Approval of Part 1 (public) minutes – 21 November 2013**

(Annex A)

4. The Board approved Part 1 of the minutes of the meeting held on Thursday 21 November 2013.

**Item 5 – Matters arising**

5. a) Standing Orders Review (mins 8-12 – 21 November 2013)  
Matthew Nicklin QC stood down as a member the Board at the end December 2013. There is now no practising barrister available to be Vice Chair of the Planning, Resources & Performance (PRP) Committee. Amanda Thompson asked that this rule be relaxed on a temporary basis pending appointment of a new Board Member, as provided for within the terms of reference for the PRP Committee. For this interim period only, she asked that the Board approve the appointment of Tim Robinson (lay Member) to this role.

**AGREED**

to appoint Tim Robinson as temporary Vice Chair of the Planning, Resources & Performance Committee pending appointment of a barrister Board member who could take up the role .

**AT / JP to  
note**

- b) Appointment of a lay member to the BTAS Strategic Advisory Board (min 17 – 21 November 2013)

Vanessa Davies referred to the vacancy for a lay Board Member of the Strategic Advisory Board of the Bar Tribunal and Adjudication Service (BTAS).

**AGREED**

to nominate Malcolm Cohen as the BSB’s lay representative on the BTAS Strategic Advisory Board.

**JP to  
note**

**Item 6 – Action Points & Forward Agendas**

6. Action points and progress (Annex B)  
The Board noted the updates to the action list as set out in Annex B.
7. Forward agendas (Annex C)  
The Board noted the forward agenda list and agreed to include a further item in the February agenda to cover a review of guidance given to barristers who, as part of industrial action against government cuts, deliberately fail to attend court.

**JP to  
note**

**Item 7 – Aggregated Diversity Data on the Barrister Profession**

BSB 001 (14)

8. The Board considered a paper concerning aggregated diversity data on the barrister profession. The BSB is obliged to publish this information in January each year so as to meet the requirements of the Equality Act Specific Duties Regulations 2011.
9. Rolande Anderson and Sarah Loutfi commented as follows:
- there has been a slight improvement in the numbers of barristers disclosing E&D related information compared to 2012. Notwithstanding this, the overall response rate remains low for certain categories ie those relating to disability, religion or belief, sexual orientation, socio-economic background and caring responsibilities;

- whilst it is not possible to draw reliable statistical conclusions for the above categories, much better quality data is available for gender, race and age;
- efforts to improve data collection are being made by making changes to the Authorisation to Practise process and the design of the web page.

10. Members commented as follows:

- the report makes a number of references to “under representation” but the benchmark against which this assertion is made is not clear;
- there is a danger that the progress made by the Bar to increase its diversity is not fully identified if we are benchmarking to the general population.

11. In response, the following comments were made:

- the report’s Executive Summary makes clear the limitations of the report and gives a number of caveats to the figures quoted;
- publication is a statutory requirement;
- experienced Members of the E&D Committee have advised that data sets of this type take time to mature and that response rates are likely to rise in future. When this happens it will be possible to track trends in changes year on year which will provide more reliable evidence about diversity in the profession.

12. **AGREED**

to authorise publication of the report and to note and encourage efforts to improve response rates on diversity data from barristers.

**SL to  
note**

#### **Item 8 – Report from the Qualifications Committee**

BSB 002 (14)

13. Rob Behrens referred to the report from the Qualifications Committee and highlighted the following:

- a total of 1,320 applications were considered by the Committee in 2013. Of these 120 (c.10%) were rejected. Those approved were, in most cases, conditional upon other requirements being met;
- in eight cases, the applicants concerned appealed against the decision of the Qualifications Committee to the Visitors to the Inns of Court. In all instances, the Visitors endorsed the original findings of the Committee.

14. **AGREED**

to note the report.

#### **Item 9 – Chair’s Report on Visits and Meetings: Dec 13 – Jan 14**

BSB 003 (14)

15. **AGREED**

to note the report.

#### **Item 10 – Director’s Report**

BSB 004 (14)

16. The Director’s Report now includes a fuller summary of activity undertaken by the Central Services teams.

17. The Chair referred to the Judicial Review (para 2) and thanked Vanessa Davies for her thorough work in preparing the witness statement for the hearing. She was ably assisted by the legal teams from Fountain Court and Bevan Brittan as well as Oliver Hanmer.

18. The Chair also referred to the ongoing SPACE project (paras 67-70). She expressed her sincere appreciation for the work undertaken to date and the success it has achieved in delivering effective working environments on time and within budget.

19. **AGREED**  
to note the report.

#### **Item 11 – Any Other Business**

20. a) Consultation on Litigation Fees

Ewen Macleod reported on the response to the BSB's consultation on litigation fees. He highlighted the following:

- in total, three responses were received, all from individual barristers;
- there was agreement that an application fee should be charged but differences of opinion as to the level of the fee and whether this should be graduated;
- a question was also raised as to whether the fee should be refundable if the application was refused;
- on balance, the view of the Executive is that a £90 fee is reasonable; and will only recover the administrative costs involved in processing the application. In addition, the view is that that a graduated fee is not proportionate, nor should refunds be made given the same costs will have been incurred regardless of the application's outcome;
- barristers previously authorised in an employed capacity will not be affected and so can continue without seeking further authorisation, unless they wish to conduct litigation in a self-employed capacity (although these individuals will have to go through the application process, the fee will be waived).

#### **AGREED**

to publish the outcome of the consultation and to set the application fee to practise litigation at £90.

**EM**

b) Official launch of the new Handbook

The Chair referred to the event held on 22 January 2014 to officially launch the new Handbook. The speaker was the Attorney General, Dominic Grieve QC MP. She thanked all those involved in organising this successful and well received event. The Attorney General's speech has been added to the BSB website and a press release issued.

#### **Item 12 – Dates of next meeting**

21. Thursday 20 February 2014.

#### **Item 13 – Private Session**

22. The following motion, proposed by the Chair and duly seconded, was agreed:

That the BSB will go into private session to consider the next items of business:

- (1) Biennial Survey;
- (2) Approval of Part 2 (private) minutes – 21 November 2013;
- (3) Matters Arising;
- (4) Action points and progress – Part 2;
- (5) Development of the Qualifications Committee;
- (6) Legal Services Board – Business Plan 2014-15;
- (7) QASA – discussion of judgement;
- (8) Any other private business.

23. Both the Chairman and Chief Executive of the Bar Council and were invited to attend for the first part of the discussion on the Biennial Survey. This was in response to a request by the Bar Council to make representations about the current content of the report, in particular about the way in which the drafting compares data sets that are not, in the view of the Bar Council, properly comparable.

The meeting finished at 5.00 pm.





**BSB – List of Part 1 Actions  
20 February 2014**

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

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
20a (23 Jan 14)	publish the outcome of the consultation on litigation fees and to set the application fee to practise litigation at £90	Ewen Macleod	immediate	12/02/14	<b>Completed</b>
12c (21 Nov 13)	undertake a further review to the Standing Orders	Amanda Thompson / Chloe Dickinson	by end Sep 2014	11/02/14  14/01/14	Consideration to some principles to be given at April Awayday  Work has commenced
16 (24 Oct 13)	continue with implementation of the regulatory risk framework as agreed by the Board	Amanda Thompson	before April 2014	11/02/14  14/01/14  13/11/13	First review to be brought to Board in March  Discussed at Awayday in December; to be reviewed by SMT week of 20 Jan 2014 and by Board in February  In progress. Updates in Director's report, performance report and corporate risk register. Key action for Board to note is need to schedule training dates for Board members in December.
14b (26 Sept 13)	implement the action plan arising from the Diversity Review of the Bar Standards Board Complaints System	Sarah Loutfi / Sara Down / Amanda Thompson	before end March 14  (action relating to online training due by start of 2015)	07/02/14  14/01/14  13/11/13  16/10/13	On track  On track  Work remains on track  In progress. The majority of actions have been completed or are on track. Two items (user feedback survey and inclusion of EIAs in policy work) are being addressed but may be implemented early next year rather than before the end of 2013.

**BSB – List of Part 1 Actions  
20 February 2014**

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

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
24b / c (26 Sept 13)	extend amendments to the new Fitness to Practise Regulations and Guidance to cover the manager of the entity (irrespective of whether this person is a BSB authorised individual) and forward the application to the LSB for approval	Ewen Macleod / Sara Down	by 28 October 13	12/02/14  11/11/13	Ongoing – to be discussed at Handbook Working Group meeting w/c 24 February 2014  Discussions ongoing with the LSB in relation to the draft entity application
16b (18 Jul 13)	gather feedback on accessibility of information on the BSB website about complaints	Amanda Thompson	before end March 14	14/01/14  13/11/13  17/07/13	On track  Stakeholder workshop held on 13 November dealing with QASA. Next session will be as below. Early indications are that engagement will be productive.  Stakeholder workshop/seminar being planned to deal with communicating the work of PCD. Anticipate will be held before end of March 2014 but depends on stakeholder availability. Date will be confirmed when available.
12d (21 Jun 12)	update the draft Governance Handbook re: typographical and text amendments and re-draft of the section concerning Gifts and Hospitality	Viki Calais	August 2012	11/02/14  14/01/14  5 Nov 13	Final version expected to be signed off at March Board  Gifts and Hospitality completed; major revision of governance handbook now complete and being reviewed by GRA  Revised approach adopted by GRA, the next version will be presented to the January 2014 GRA meeting

**BSB – List of Part 1 Actions**  
**20 February 2014**

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

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
20a (16 Jun 11)	arrange for amended Memorandum of Understanding to be signed for BSB User Group and ensure disclosure of interests by members of the Group	Amanda Thompson	before 13 July 2011	14/01/14	Expected to be finalised at March stakeholder group meeting
				13/11/13	To be progressed with stakeholder group following analysis of feedback received from first session held on 13 November.
				8 Oct 13	as below
				9 May 13	To be progressed as part of overall stakeholder engagement strategy
				13 Mar 13	To be progressed now new staff in post
				12 Jul 12	Ongoing



## Forward Agendas

### Thursday 27 March 2014

- final version of BSB Strategy update, Business Plan 2014-15 & Budget 2014-15
- Post LETR plan
- CPD consultation update
- Handbook – public access & Cab rank rule
- Supervision – structure of first questionnaire
- Regulatory risks – review
- Governance Handbook

### Wednesday 30 April 2014 (Board Away Day)

- Bar Council long term planning
- Governance improvements
- Board development

### Thursday 22 May 2014

- BSB Year-End Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- Jeffery Review of Advocacy report (if available)
- BSB Equality Objectives 2014-15

### Thursday 26 June 2014

- Fees and Charges
- Equality and Diversity Chambers Monitoring report

### Thursday 24 July 2014

- BSB Draft Annual Report for 2013-14
- TRIP closure report

### Thursday 11 September 2014 (Budget meeting)

- BSB draft Business Plan and Budget Bid for 2015-16

### Thursday 18 September 2014

- BSB Q1 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- PCD/PCC Annual Report

### Thursday 23 October 2014

- Forward strategic overview

### Thursday 27 November 2014

- BSB Q2 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)

### Thursday 11 December 2014 (Board Away Day)

### Thursday 29 January 2015

### Thursday 26 February 2015

- BSB Business Plan for 2015-16
- BSB Q3 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)

### Thursday 26 March 2015



**Performance Report Q3 (as at 31 December 2013)****Status:**

1. For discussion and decision.

**Executive Summary:**

2. This paper provides an update on the BSB's progress against its aims and planned activities for the third quarter of the 2013-14 Business Plan.
3. The main areas highlighted in this report are:
  - a) The **dashboard** (Annex 1) which has been updated with figures for Q3;
  - b) **Entity Regulation**, which has been significantly delayed causing underspends in expenditure and underachievement with regard to income;
  - c) **QASA**, and like Entity Regulation, the delays to the scheme have impacted upon expenditure and income expectations;
  - d) The intranet project (**IT systems**) will not commence during this reporting year;
  - e) The **Policy Development framework** is under development with an initial framework ready to be used from the beginning of 2014-15 and refinement taking place during the rest of the year;
  - f) The **turnover** and **retention** indicators are presenting a downward trend (currently 27% and 64% respectively); the PRP Committee has requested that this trend is highlighted to the Board;
  - g) There has been a dip in performance against some **PCD KPIs** and service standards;
  - h) Our forecasts for year-end are:
    - i. **Income**: £1,643k against projection of £1,755k (-6%);
    - ii. **Expenditure**: £4,954k against a budget of £5,361k (+8%).

**Recommendations**

4. Members of the Board are invited to:
  - a) **Note** the performance summary;
  - b) **Review** the key areas highlighted
  - c) **Decide** on any areas that require further consideration or additional action.

**Background**

5. The 2013-16 Strategic Plan<sup>1</sup> seeks to enable us to become a more modern and efficient regulator operating at a high level of effectiveness against the regulatory standards framework laid down by the LSB.

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<sup>1</sup> Published in April 2013

([https://www.barstandardsboard.org.uk/media/1465505/bsb\\_business\\_plan\\_2013-14.pdf](https://www.barstandardsboard.org.uk/media/1465505/bsb_business_plan_2013-14.pdf))

6. The five strategic aims outlined are to:
  - a) Implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA2007;
  - b) Promote greater public and professional understanding of and support for our role and mission;
  - c) Set and maintain high standards of entry to and practice in a diverse profession;
  - d) Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market;
  - e) Strive for 'best practice' as an organisation for those who work for us and those whom we serve.
7. The Business Plan for 2013-14 outlines our 23 key activities for the year, which is the first year of our Strategic Plan. It also sets out our budget and staffing requirements.

### **Dashboard Reporting**

8. The Planning, Resources and Performance (PRP) Committee has overseen a refresh of the way we report on our activities and as such the executive designed a new "dashboard" at the start of the business year. This is intended to give the Board a single page overview of how we are progressing against our strategic aims, business plan activities, our budget and our other performance indicators. Complementing this we have set out more detailed commentary in this cover paper.
9. The dashboard and Q2 Performance Report were seen by the Board on 21 November 2013 and comments from Board members have been fed into the current iteration of the dashboard. In particular, Board members requested criteria for the RAG ratings that could be clearly understood and were consistently applied. These are provided in Annex 2 to this paper.
10. The heat-map (summary) of the BSB's Corporate Risk Register is displayed on the dashboard. For further information on the Corporate Risk Register please refer to the Corporate Risk Register Report (Item 4 on the private agenda).

### **Reporting process**

11. On a monthly basis the Business Support Team gathers information with the help of the Senior Management Team (SMT). All activities in the Business Plan are reviewed and progress updates provided. It is SMT members' responsibility to provide explanations for delays or overspends and the associated risks or impacts together with how those risks are being addressed. Central Services colleagues provide the figures underlying the HR and IT Performance information on a quarterly basis.
12. This paper and the dashboard show progress in relation to two key types of information: performance indicators and progress against business plan activities. The Performance Indicators shown on the dashboard report and described in this paper record progress up until the end of Q3 (31 December 2013). The updates against our Business Plan activities shown in the dashboard are accurate as of 10 February 2014.
13. On 6 February 2014, the PRP Committee reviewed the dashboard alongside the first iteration of the Q3 Performance Report and provided comments which have fed into this report.



## Key projects

### 14. Completed areas of work include:

- a) TRIP tasks – particularly the learning and development programme and staff restructures;
- b) Our Enforcement Strategy has been published;
- c) The first cycle of the Bar Course Aptitude Test has been completed and the evaluation programme is underway;
- d) A new regime for CPD has been agreed and development towards consultation has commenced;
- e) The new Handbook came into force on 6 January 2014;
- f) The DMS has been implemented although more work is needed to ensure good information management practices are embedded throughout the BSB.

### 15. Areas for further consideration include:

#### a) Implementation of new Handbook and (non-ABS) entity regulation

- (i) The new BSB Handbook came into force on 6 January 2014. The (non-ABS) entity elements of the Handbook have been decoupled and will be subject to a separate application. In relation to the second application, discussions with the LSB have highlighted an issue with our powers to discipline entities and their managers (and with our ability to delegate this function to COIC should we acquire that power).
- (ii) We are therefore considering obtaining an order under s69 of the Legal Services Act 2007 to give us those powers. The BSB and Bar Council constitutions have been amended to enable us to delegate to COIC. The final submission of the application to the LSB is likely to be delayed, although a draft application has been shared with them and we have received some feedback. We may have to wait for the s69 order to come into force before going live with the entity proposals, however we are exploring whether it would be possible to proceed without this in the interim.
- (iii) We have spent more than expected on legal fees. Additional expenditure in this area has been needed to cover cost of advice in relation to the issues arising, as well as the drafting of the s69 order to accompany the entity application to the LSB (see paragraph 23g) in the budget section below). This has been partly offset by other activities on implementation of the new Handbook coming in under budget.

#### b) Entity Regulation Implementation

Delays continue, much of which is beyond our control. In relation to Alternative Business Structure (ABS) regulation, we are still scheduled to apply for designation as a Licensing Authority by March 2014, and obtain approval before the end of 2014 (however, final implementation may depend on parliamentary approval of designation orders). There may however be an impact on this schedule from the delay in non-Abs entity regulation work.

c) Waiver System Review

The review has been delayed, however at its January 2014 meeting the Board approved the overall approach and revised timetable.

d) Quality Assurance Scheme for Advocates (QASA) (crime)

- (i) The QASA Judicial Review (JR) outcome is now known and the Scheme has been found to be lawful by the Court. The Court made certain suggestions to enhance the administration of the Scheme. The Board agreed that these will be adopted and the practicalities of doing so are being considered by the Joint Advocacy Group<sup>2</sup>. In light of this, the implementation timetable of the Scheme has been revised with the end of phase one moving to 30 May 2014 and phase two will start now on 31 May 2014.
- (ii) The Youth Court work had been put on hold pending the outcome of the JR. Now that this is known, the research programme will commence in order to establish the specific areas of risk with regard to advocacy in these courts.

e) IT Systems

- (i) The intranet will now be implemented some time during 2014-15. Originally there had been plans to implement the DMS and the Intranet together, however it became increasingly clear that the workload required meant that this was not feasible. As an integral part of the SPACE programme (the programme by which the BSB will conform to reduced occupancy of 289-293 High Holborn), and the reduced physical storage space on the floors, it was felt that the DMS should be prioritised. Also, to populate the Intranet will require a significant amount of content generation from areas of BSB and Bar Council which will be under a lot of strain over the coming months with other projects eg the Communications Team needs to prioritise QASA.
- (ii) Other IT projects are currently on-track: the enforcement database was implemented in August 2013 and the DMS has been implemented for both the BSB and Central Services.

f) Policy Development framework

This has been significantly delayed as the approach to the evolution of the policy development framework has changed following initial work and independent academic input. A different approach is now to be used, drawing on staff knowledge first to develop an embryonic framework by the end of Q4. This will be further refined during 2014-15 through the Regulatory Knowledge Group<sup>3</sup> and an academic to explore other tools to complement the framework, with further refinement to follow. The development of the risk framework also assists as a building block for this work. Time constraints on staff were also a contributing factor. Better planning and monitoring are in place to prevent further slippage.

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<sup>2</sup> JAG is made up of representatives from the SRA, BSB and IPS

<sup>3</sup> RKG is made up of Senior and Operational BSB staff trained in Regulatory Theory and Practice

### Professional Conduct Department (PCD) Performance Indicators

16. The table below shows that there has been a dip in performance for Q3. This has been mainly due to the unavailability of management reports which members of staff use to closely monitor their performance against throughput time. Also the additional work placed upon staff associated with the BSB Handbook implementation meant that the executive spent a significant amount of time on policy and guidance work as well as training. Board members will recall that we were unable to provide Q2 statistics due to the long-term absence of the Reports and Data Analysis officer who we are pleased to report has now returned to work. Both sets of data are presented here:

PDC Measure		Q1	Q2	Q3	Target
KPI	The percentage of complaints concluded or referred to disciplinary action within service standards	70 %	79 %	68 %	75 %
OPI (Assessment)	The percentage of complaints concluded or referred to investigation within 8 weeks	80 %	68 %	69 %	80 %
OPI (Investigation)	The percentage of external complaints concluded or referred to disciplinary action within 8 months following investigation	79 %	93 %	80 %	70 %
OPI (Investigation)	The percentage of internal complaints concluded or referred to disciplinary action within 5 months following investigation	84 %	94 %	65 %	80 %

### Operational Measures

17. The PRP Committee requested that our Corporate HR statistics, which are currently on a downward trend, are flagged to the Board for consideration and scrutiny.
18. 11 members of staff left the BSB during Q3 bringing the total number of leavers for 2013-14 to 20. Against a year-end target of 14%, turnover for the year has already reached 27%. Four of these leavers were offered voluntary redundancy having declined to be redeployed during the recent restructure. Four of the resignations relate to the Exams & Assessments and BPTC teams, and a separate restructure has taken place following these departures.
19. Staff retention<sup>4</sup> stood at 80% last year, however it has now fallen to 64%. For noting, ten of the leavers mentioned in the paragraph above had more than one year's service, and one was on a short fixed term contract that came to an end.

<sup>4</sup> Percentage of staff with >1 year of service

20. The BSB's operational and senior management teams continue to monitor these indicators especially during a time of significant change for the organisation. For noting, there is now a risk on the Corporate Risk Register entitled "Loss of key skills", which is being monitored by the GRA Committee, and mitigation actions are being implemented at a strategic level.
21. With regard to IT measures, at the moment we are measuring help desk calls and responses to faults. Our Contract Management Officer will be reviewing the measures we use here to monitor and manage our internal service requirements.

### Budget

22. The performance against the budget broadly reflects our progress on the delivery of the 2013-14 Business Plan. The headline figures, shown below demonstrate we are generally on target, and these can also be found in the annexes:
- a) In the three month period ending 31 December 2013 (Q3 of 2013-14) the BSB spent £3,460k against a budget of £4,007k (+16%). By year-end, we forecast that our expenditure will be £4,954k against our total budget of £5,361k (+8%).
  - b) For income, we have received £592k in Q3 against our expectation of £1,058k (-44%). By year-end, income is predicted to reach £1,643k against our original forecast of £1,755k (-6%).
23. The key pressures and challenges have been summarised from departmental forecasts and are set out below:
- a) QASA

The commencement date for QASA (Quality Assurance Scheme for Advocates) was 30 September 2013; an update of the activity is provided above (see paragraph 16d). Due to the delayed implementation date, expenditure (for both staff and non-staff costs) has also been delayed meaning that there will be an underspend this year (£69k). Income projections have also been shifted into the future meaning that there will be a shortfall of £487k in this financial year.
  - b) Staff costs
    - (i) Staff costs are significantly underspent (£371k) and there are a number of reasons for this. Turnover has increased (see 3g) above); 20 leavers throughout this year and the associated vacancies will have led to some of the underspend, although this has been slightly offset by recruiting agency staff to cover the empty posts where absolutely necessary.
    - (ii) We predicted last year that some members of staff would be likely to receive salary uplifts as part of the restructuring and up-skilling programmes, however this change happened later than anticipated, so the financial impact was smaller.
    - (iii) Delayed recruitment in a number of teams (such as Entity Regulation and QASA) due to delayed work programmes, has led to a significant proportion of the underspend.

(iv) Pensions' changes last year (the closure of the defined benefit scheme) have meant that our calculations for this year were not as accurate as we might have liked. Also it is difficult to predict the uptake for the Bar Council's pension scheme; we assume that those already in the defined contribution scheme will continue with the same percentage levels, however there has been a noticeable trend this year of new starters not joining the scheme<sup>5</sup>. These pension matters have led to a ~£140k underspend BSB-wide.

c) Public Relations

To date expenditure has covered media training and further spend is expected for webinars, audience research, newsletter development. However not all of the budget will be spent hence this account line is likely to be £25k underspent at year-end.

d) COIC issues

These issues have continued from the last financial year into this one requiring the PCD to seek further legal advice. There is no budget for this area of activity and we are forecasting to be overspent by £35k by year-end.

e) Centralised Exams, BPTC and BCAT

The plans for these educational areas have been greatly improved meaning that we have much more defined costings. This has in turn meant that we know that our actual costs will be significantly higher than those budgeted, and the team's budget will come in overspent at year-end (by -£30k). The impact however is reduced for two reasons: the Centralised Exam Board has been carrying a vacancy (Ethics Assist. Examiner) which is due to be filled shortly; also there will be a rise in income generated and we have forecast that we will have overachieved on our predictions (by +£279k).

f) Qualifications income

Qualification applications are expected to bring in £80k more than original projections; As reported to the Board, there has been a noteworthy increase in applications from qualified foreign lawyers from 75 in 2012 to 211 in 2013. In addition, the qualifications team is due to introduce two new lines of income relating to applications to conduct litigation and to carry out public access work.

g) Entity Regulation

As set out above in paragraph 16b, the implementation of this programme has been delayed, meaning that predicted spend has been pushed into future months. The legal advice for this programme of work will put pressure on the Professional Practice<sup>6</sup> budget. Last year the BSB spent £93k on legal fees and it is likely that £102k will be needed this year as the scheme is implemented. Because the project has been delayed this will also mean that we will not receive income as expected; the impact being no revenue will be received in this financial year (-£120k).

<sup>5</sup> This is likely to change next year with Auto-Enrolment being introduced.

<sup>6</sup> Recently renamed Regulatory Policy

## **Resource implications**

### Finance

24. The BSB's 2013-14 budget was more or less finalised in September 2012, 7 months before the start of the financial year. It is difficult to predict the cost of activities planned for 2013-14 so far in advance. Also, it is inevitable that some activities planned will no longer be required, and also that we will be required to undertake some activities which were not anticipated or budgeted for. The financial implications of the changes we now know about are highlighted in this report.

### Information Technology Requirements

25. Information Technology Performance Indicator data is captured by the IT department. All activities depend on our IT Systems. In particular the "IT Systems in Place" activity in the Business Plan outlines the key projects of change with regard to our IT systems. The Corporate Risk Register has entries relating to both the IT Strategy and IT Systems (see item 4 on the private agenda).

### Human Resources

26. Key performance data regarding staffing is provided by the HR Department. High turnover within the BSB has a knock-on effect on the work required of HR, and restructures within some BSB Departments will inevitably add to the workload of the HR Department. The Corporate Risk Register has an entry for the delivery of the HR Strategy. (see item 4 on the private agenda).

## **Equality Impact Assessment**

27. Equality Impact Analyses have been carried out for both the Business Plan and the Strategy. The Performance Indicators related to HR also monitor our performance against various measures. Individual areas of work are subject to individual Impact Analyses.

## **Risk implications**

28. Risks that may have an impact on the BSB achieving its objectives have been considered as part of compiling the business plan update and the key risks feature in the Corporate Risk Register. Entity Regulation, QASA and TRIP are all high level risks and are being monitored by the executive, the Governance Risk and Audit Committee and also by the Board.
29. There will be risks associated with not being able to meet Performance Indicator targets and these will be assessed in conjunction with any target setting exercises.

## **Impacts on other teams / departments or projects**

30. The Business Plan, which is cross cutting, outlines the most significant projects being undertaken by the BSB and all Departments have provided updates which have been fed into this report.

**Consultation**

31. Due to the cross-cutting nature of the areas addressed in this report, consultation has been held with members of the BSB’s Senior Management Team and Operational Management Team. Consultation has also occurred with Central Services where relevant, eg to report on staff performance indicators. The BSB’s Q3 Performance was scrutinised by the PRP Committee on 6 February 2014.

**Regulatory objectives**

32. The BSB’s Strategic Plan and Business Plan were designed to ensure that we meet our regulatory objectives. In 2013/14, the TRIP Programme in particular aims to deliver the Regulatory Standards Framework.

**Publicity**

33. This report is on the public agenda of the board meeting and will be published on our website.

**Annexes**

34. Annex 1 – Dashboard  
Annex 2 – Guidance notes on the dashboard  
Annex 3 – Management Accounts summary

**Further reading**

35. Full dashboard details are available upon request.

**Lead responsibility**

Dr Anne Wright CBE – Chair of the Planning, Resources and Performance Committee  
Vanessa Davies  
Viki Calais  
Andrew Cohen





### Dashboard - Q3

**Strategic Aims KPIs - Will begin to be populated on the Dashboard from May 2014**

Aim 1	Aim 2	Aim 3	Aim 4	Aim 5
Licensing Authority	Barristers view of the BSB	Supervising and Enforcing new Handbook	Intranet & DMS	Activity based costing
No. of entities / ABS's	User network established	No. of own motion complaints	Risk Ass. Framework	Benchmarks
Cost recovery level	Qual. Feedback from net.	Chambers data	Policy Framework	Waiver comp. targets
App. Turnaround	No. of consultation resp.	QASA proportion competent	Res. Prog. Outcomes	Staff survey (↑)
	Pattern of website usage	BPTC/CPD no. of triggered visits	RSF 'satisfactory'	Biennial Survey
	Research Prog. outcomes			Edu Prov. Feedback
				User satis. survey
				Pupil survey

**Business Plan Activities**

Aim 1: Public-interest regulatory regimes				Aim 4: Evidence - and risk-based					
	Time	Bdgt	Staff		Time	Bdgt	Staff		
Handbook and (non ABS) Ent. Reg	✗	✗	⚠	Para 15a)	IT Systems in place	✗	✓	⚠	Para 15e)
Entity Regulation	✗	✗	⚠	Para 15b)	Risk Assessment Framework	⚠	✓	✓	
Litigation	✓	✓	✓		Evidence Base	✓	✓	⚠	
Waivers System	✗	✓	✓	Para 15c)	Policy Development Framework	✗	✓	✓	Para 15f)
QASA	✗	✗	✓	Para 15d)					
LSA 2007 Review	✓	✓	✓						
Aim 2: Public and professional understanding				Aim 5: Best practice					
Risk-based supervision	✓	✓	✓	Contract Management	✓	✓	✓		
User-friendly information	✓	✓	✓	TRIP	⚠	✓	⚠		
Biennial Survey 2013	✓	✓	✓	Fees & Charges	⚠	✓	⚠		
Aim 3: High standards of entry				Service Standards (Core activity)					
LETR	✓	✓	✓	Indicator				YTD	Target
BCAT	✓	⚠	✓	% of complaints concluded or referred to disciplinary action within service standards		76%	75%	✓	
CPD	✓	✓	✓	% of complaints concluded or referred to investigation within 8 weeks		72%	80%	✗	
Will Writing	x	x	x	% external complaints concluded or referred to disciplinary action within 8 months following investigation		83%	70%	✓	
Immigration	✓	✓	✓	% of internal complaints concluded or referred to disciplinary action within 5 months following investigation		84%	80%	✓	
Special Bodies	x	x	x						
Enforcement Strategy	✓	✓	✓						

**Resources (Budget / Staff)      Internal Processes      Corporate Risk Register**

Resources (Budget / Staff)				Internal Processes		Corporate Risk Register																																															
Budget (Forecast YE var)	£k var	% var		IT	YTD	13 Nov 13		14 Jan 14																																													
Total Expenditure	+407	+8	✓	Response to high priority calls	100%	<table border="1" style="font-size: 8px;"> <tr><td></td><td></td><td></td><td>4</td><td>1</td></tr> <tr><td></td><td></td><td></td><td>5</td><td></td></tr> <tr><td></td><td></td><td>2</td><td>8</td><td></td></tr> <tr><td></td><td></td><td>1</td><td>1</td><td>1</td></tr> </table>					4	1				5				2	8				1	1	1	<table border="1" style="font-size: 8px;"> <tr><td></td><td></td><td></td><td></td><td>1</td><td>1</td></tr> <tr><td></td><td></td><td></td><td></td><td>6</td><td></td></tr> <tr><td></td><td></td><td></td><td>2</td><td>7</td><td></td></tr> <tr><td></td><td></td><td></td><td>1</td><td>3</td><td></td></tr> </table>						1	1					6					2	7					1	3	
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Total Income	-111	-6	✗	Response to medium priority calls	100%																																																
Staff	Actual	Target		HR																																																	
Sickness (days/FTE)	6.3	5.8	⚠	Recruitment times (approval to start date)	13																																																
Turnover (%)	27%	11%	✗	(weeks)																																																	
Retention (%)	64%	80%	✗																																																		
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### Guidance notes on the Dashboard

1. The purpose of the dashboard is to give the Board a one-page visual overview of how we are progressing against our strategic aims, business plan activities, our budget and our other performance indicators. It is intended to be viewed alongside the Quarterly Performance Reports which provide more details and explanations for the information the dashboard displays.
2. The dashboard displays different information and is distinct from the Corporate Risk Register. Activities can be rated as high risk in the Corporate Risk Register but green on the dashboard. This is because whilst there may be significant risks relating to an activity e.g. the judicial review of QASA or widespread non-compliance with the scheme, we are on track to meet our targets in terms of the implementation of the Scheme.

### Strategic Aims KPIs

3. This section shows how we are performing against the KPIs set out in the BSB's 2013-16 Strategic Plan. As these cover the 3-year period of the plan, the majority of these are under development.

### Business Plan Activities

4. This section shows the 23 activities listed in the 2013-14 Business Plan<sup>1</sup>. Each activity has three different traffic lights associated with them, reflecting how we are performing in terms of time, budget and staff.
5. The 2013-14 Business Plan also lists quarterly milestones for each activity, e.g. for the "Biennial Survey 2013", we set out that we will commission the survey by the end of Q1, carry the survey out by the end of Q2, analyse the responses by the end of Q3 and publish the survey by the end of Q4. The 'time' indicator monitors performance against this quarterly timetable of work. The only exception to this, is if the Board agrees to a revised timetable for a given activity, in which case the indicators will judge performance against the revised timetable.
6. If we have not or will not complete a task by the end of the relevant quarter, the indicator will appear as red. It will appear as amber if the task is currently behind schedule but there are plans in place to ensure that it will be completed on-time. It will show as green if the task is completed or on-track.
7. For 'budget', a red indicator signals that there is a significant overspend against this activity. (-10%) Amber shows that this item is on budget but there are significant risks of overspend in this area. Green shows that the activity is broadly on-budget.
8. For 'staff', a red indicator signals that the activity is suffering from staffing issues that are having a significant and negative impact on the timeline for this activity, e.g. long term sickness or losses of multiple members of staff in a short space of time. Amber indicates that some staffing issues have temporarily affected parts of the timeline which may have presented operational issues, however these could be made up throughout the year. Green indicates that there are no staffing issues of consequence to this activity.

<sup>1</sup> [https://www.barstandardsboard.org.uk/media/1465505/bsb\\_business\\_plan\\_2013-14.pdf](https://www.barstandardsboard.org.uk/media/1465505/bsb_business_plan_2013-14.pdf)

**Part 1 – Public**

9. Activities where the 'time' indicator has changed since the last quarterly report to the Board will show as highlighted, e.g. an activity which has changed from green to amber will be highlighted in amber. A reference to the relevant paragraph in the Performance Report will also be displayed explaining the reasons for the change.
10. If all of the indicators for an activity display an 'x', this means that the activity has been indefinitely delayed or is no longer necessary e.g. The Business Plan states that we will review the regulatory arrangements for probate and will writing, however, the Lord Chancellor refused the LSB recommendation to introduce a new reserved legal activity and as a result this piece of work will not now be completed.

**Services Standards (Core Activity)**

11. This area shows our key and operational performance indicators for the Professional Conduct Department (PCD). The data is provided by the PCD's Reports & Data Analysis Officer and the indicators show as green if we are meeting or exceeding our targets and as red if we are failing to achieve them. The targets are reviewed annually by the PRP Committee.

**Resources**

12. The 'budget' section displays the variance between our year-end forecast and our budget for both expenditure and income. For expenditure, if we are forecasting an overspend the indicator will show as red, and green if we are forecasting an underspend. Similarly, if our income forecast is lower than our budgeted income the indicator will display as red, and if not it will display as green.
13. Sickiness, turnover and retention data is provided by the HR Department. The figures shown are for the year-to-date. If we are not on-track to meet our targets the indicators will show as red, if we are on-track they will display as green.

**Internal Processes**

14. Data for our internal processes is provided by the HR and IT Departments. Similar to the internal processes, the figures shown are for the year-to-date. If we are not on-track to meet our targets the indicators will show as red, if we are on-track they will display as green.

**Corporate Risk Register**

15. The heat-map (summary) of the BSB's Corporate Risk Register is displayed on the dashboard for reference. For further information and a more complete picture on the Corporate Risk Register please refer to the Corporate Risk Register reports which appear quarterly in Part 2 of the Board Papers.

**BSB SUMMARY**

2013

Reference

	Actual APR 2013	Actual MAY 2013	Actual JUN 2013	Actual JUL 2013	Actual AUG 2013	Actual SEP 2013	Actual OCT 2013	Actual NOV 2013	Actual DEC 2013	YTD Variance %	Forecast JAN 2014	Forecast FEB 2014	Forecast MAR 2014	Forecast TOTAL	Budget BUDGET	Variance	Variance %	Reference
<b>Professional Conduct</b>																		
<b>Income</b>	8,820	12,943	5,278	3,019	2,190	2,999	2,011	4,162	1,980	na	0	0	0	43,402	0	£43,402		
<b>Expenses</b>																		
Staff	90,197	88,947	80,794	93,658	90,466	95,454	98,709	94,664	104,971	9%	95,744	94,194	91,867	1,119,665	1,183,000	£63,335	5%	23b)
Other Costs	8,737	47,472	14,149	14,169	14,220	-476	17,650	33,483	8,587		23,111	40,618	84,953	306,673	228,800	£77,873	-34%	23a), 23d)
Contribution	-90,114	-123,477	-89,665	-104,809	-102,496	-91,979	-114,348	-123,986	-111,578		-118,855	-134,812	-176,819	-1,382,937	-1,411,800			
<b>Education &amp; Training</b>																		
<b>Income</b>	0	0	18,540	4,600	1,395	10,756	2,680	8,674	4,480	-26%	46,500	50,000	15,000	162,625	150,000	£12,625	8%	
<b>Expenses</b>																		
Staff	23,926	25,419	23,249	23,207	22,561	23,476	22,553	22,715	22,638	8%	20,478	20,478	26,280	276,980	282,900	£5,920	2%	23b)
Other Costs	834	178	300	3,723	459	3,372	-1,920	1,113	0		697	697	2,797	12,249	44,000	£31,751	72%	
Contribution	-24,760	-25,597	-5,009	-22,330	-21,625	-16,092	-17,953	-15,154	-18,158		25,325	28,825	-14,077	-126,605	-176,900			
<b>Exams &amp; Assessments</b>																		
<b>Income</b>	4,720	7,410	68,040	31,925	45,513	44,733	0	3,120	47,960	-69%	753,884	33,284	69,368	1,109,956	760,300	£349,656	46%	23e)
<b>Expenses</b>																		
Staff	22,127	25,278	30,426	36,217	22,583	37,271	29,943	27,197	18,251	12%	26,113	26,113	26,613	328,135	379,200	£51,065	13%	23b)
Other Costs	26,711	1,245	32,202	15,388	22,467	27,892	5,302	20,591	297		2,320	2,400	102,958	259,772	178,600	£81,172	-45%	23e)
Contribution	-44,118	-19,113	5,413	-19,680	463	-20,430	-35,245	-44,668	29,412		725,451	4,771	-60,203	522,050	202,500			
<b>Qualifications</b>																		
<b>Income</b>	19,708	30,213	38,395	27,153	25,603	28,599	34,650	25,658	14,149	40%	22,000	33,165	28,000	327,294	237,400	£89,894	38%	23f)
<b>Expenses</b>																		
Staff	14,245	14,245	14,245	14,245	14,245	14,697	14,245	14,245	14,245	11%	21,529	21,529	22,529	194,246	191,800	£2,446	-1%	23b)
Other Costs	2,999	1,827	450	5,840	2,869	1,946	5,239	1,514	504		1,390	2,450	12,590	39,619	49,600	£9,981	20%	
Contribution	2,464	14,141	23,700	7,067	8,489	11,955	15,167	9,899	-601		-919	9,186	-7,119	93,429	-4,000			
<b>Professional Practice</b>																		
<b>Income</b>	0	0	0	0	0	0	0	0	0	!	0	0	0	0	120,000	£120,000	-100%	23g)
<b>Expenses</b>																		
Staff	24,389	25,096	31,065	28,870	25,260	26,540	23,727	28,139	30,374	32%	24,442	28,442	24,642	320,987	454,200	£133,213	29%	23b)
Other Costs	10,619	30,175	7,045	18,846	6,499	1,597	2,109	9,139	6,745		26,500	22,000	32,760	174,034	214,000	£39,966	19%	23g)
Contribution	-35,008	-55,271	-38,110	-47,716	-31,759	-28,137	-25,836	-37,278	-37,118		-50,942	-50,442	-57,402	-495,020	-548,200			
<b>QASA</b>																		
<b>Income</b>	0	0	0	0	0	0	0	0	0	!	0	0	0	0	487,000	£487,000	-100%	23a)
<b>Expenses</b>																		
Staff	6,721	6,721	6,721	6,721	6,721	6,937	8,300	6,729	6,757	55%	7,155	7,155	7,155	83,791	115,400	£31,609	27%	23b)
Other Costs	24	0	247	2	0	884	-105	0	49		15,500	24,500	20,000	61,101	98,200	£37,099	38%	
Contribution	-6,745	-6,721	-6,968	-6,723	-6,721	-7,821	-8,195	-6,729	-6,806		-22,655	-31,655	-27,155	-144,892	273,400			
<b>Expenditure-only</b>																		
<b>Director</b>	42,415	46,697	54,692	40,995	53,478	69,015	54,541	50,459	59,829		60,818	57,027	50,791	640,758	644,900	£4,142	1%	
Staff	40,321	40,667	48,795	40,591	40,582	61,675	52,688	49,693	45,450	2%	45,818	48,027	45,791	560,098	573,900	£13,802	2%	23b)
Other Costs	2,094	6,031	5,897	404	12,897	7,340	1,853	766	14,379		15,000	9,000	5,000	80,660	71,000	£9,660	-14%	
<b>Strategy &amp; Comms</b>	34,755	87,926	73,172	73,570	71,698	61,254	63,397	76,911	64,071		62,761	75,745	94,715	839,977	895,400	£55,423	6%	
Staff	34,748	39,453	70,209	61,466	50,269	56,623	54,665	74,831	51,384	15%	51,795	51,795	51,795	649,035	652,500	£3,465	1%	23b)
Other Costs	7	48,473	2,962	12,104	21,429	4,631	8,732	2,081	12,688		10,966	23,950	42,920	190,943	242,900	£51,957	21%	23c)
<b>Quality</b>	23,018	23,010	23,523	24,155	23,615	23,744	23,229	27,539	22,980		20,868	21,568	38,868	296,118	401,100	£104,982	26%	
Staff	23,018	23,010	23,373	23,113	23,010	23,744	22,980	22,980	22,980	27%	18,368	18,368	16,368	261,314	332,800	£71,486	21%	23b)
Other Costs	0	0	150	1,043	605	0	249	4,558	0		2,500	3,200	22,500	34,805	68,300	£33,495	49%	
Expenditure-only Sub-Total	100,189	157,634	151,387	138,720	148,792	154,013	141,167	154,910	146,881		144,448	154,341	184,375	1,776,853	1,941,400	£164,547	8%	
<b>Total Income Services</b>	<b>33,248</b>	<b>50,566</b>	<b>130,253</b>	<b>66,697</b>	<b>74,701</b>	<b>87,087</b>	<b>39,341</b>	<b>41,614</b>	<b>68,569</b>	<b>-44%</b>	<b>822,384</b>	<b>116,449</b>	<b>112,368</b>	<b>1,643,277</b>	<b>1,754,700</b>	<b>£111,423</b>	<b>-6%</b>	
<b>Total Expenditure</b>	<b>331,717</b>	<b>424,237</b>	<b>392,279</b>	<b>399,607</b>	<b>377,143</b>	<b>393,604</b>	<b>366,917</b>	<b>414,440</b>	<b>360,298</b>	<b>15%</b>	<b>409,427</b>	<b>444,917</b>	<b>639,517</b>	<b>4,954,104</b>	<b>5,361,100</b>	<b>£406,996</b>	<b>8%</b>	
Staff	279,692	288,836	328,878	328,089	295,697	346,418	327,810	341,193	317,049		311,443	316,102	313,041	3,794,248	4,165,700	371,452	9%	23b)
Other Costs	52,025	135,401	63,401	71,519	81,445	47,185	39,108	73,247	43,249		97,984	128,815	326,477	1,159,855	1,195,400	35,545	3%	
<b>Contribution</b>	<b>-298,469</b>	<b>-373,672</b>	<b>-262,026</b>	<b>-332,910</b>	<b>-302,442</b>	<b>-306,517</b>	<b>-327,576</b>	<b>-372,826</b>	<b>-291,729</b>		<b>412,957</b>	<b>-328,468</b>	<b>-527,149</b>	<b>-3,310,827</b>	<b>-3,606,400</b>			



## Board Delegation of the Authorisation to Conduct Litigation

### Status:

1. For approval.

### Executive Summary:

2. With regard to the full implementation of the BSB Handbook, the Qualifications Committee is approaching the Board to delegate a regulatory decision, which currently sits under the Committee's Terms of Reference (ref Standing Orders Annex 2f paragraph 2b) – the authorisation of the conduct of litigation. If approved this duty will be carried out by appropriate members of the executive (see the delegation instrument in annex 1).
3. As the Standing Orders currently do not allow committees to delegate regulatory decisions, or any other activity except administrative duties, to the executive, this must be explicitly delegated by the Board.

### Recommendations

4. The Board are asked to
  - a. **agree the delegation** of the authority to approve the conduct of litigation to
    - i. BSB Director;
    - ii. Head of Education and Training;
    - iii. Qualifications Manager; and
    - iv. Training Regulations Officers;
  - b. **note** that Guidance on the criteria for decision making is published on the BSB website and executive members will act within this; and
  - c. **note** that a full Scheme of Delegations is due to be presented to the March Board meeting within the Governance Manual.

### Comment

5. The Board saw a revised set of Standing Orders in November 2013 which amended the committees' Terms of Reference, including listing the decisions delegated to the Qualifications and Professional Conduct Committees. This was a short term review that was necessary to ensure that the BSB's governance structures were fit for purpose with the advent of the new BSB Handbook.
6. Authorisation to conduct litigation is distinct from other Qualifications decisions currently taken by executive members, which do not require explicit Board approval, as they are confirmation of applications according to prescribed and published decision-criteria guidance set by the Committee according to requirements stated in the Handbook.
7. The only exception to this rule is the Professional Conduct Committee which has a specific provision in the BSB Handbook to authorise the executive to take certain decisions under their Terms of Reference.

**Part 1 – Public**

8. The Board agreed another more detailed review of the Standing Orders would be necessary to ensure an appropriate governance system is in place to support well-controlled delegated decision-making at a level which empowers the executive, promotes value for money, ensures consistency and timeliness and the best strategic use of expert committees.
9. Delegating appropriate decisions, such as the approval of the authority to litigate, to qualified and expert executive members with strong management oversight structure fits with this approach. The Qualifications Committee is working with the executive to identify any other potential improvements and their implications. Other committees and departments are being engaged by their Senior Management Team members to identify improvements.

**Resource implications**

10. This decision has no additional financial or resource requirements as the staff capacity exists within the current planned budget envelope.

**Equality Analysis**

11. The scheme of delegations as a whole will be assessed for equality impacts. The Training Regulations Officer, who would be making the decisions, is E&D-trained, and the Handbook, within which the decisions are framed, has also been assessed for equality impacts.

**Risk implications**

12. There is a risk of non-compliance with the Standing Orders should the Board not agree to delegate the decision-making power to the executive, and they continue to grant the authority to litigate.
13. There is a risk that Qualifications Committee time will be unnecessarily used to undertake work achievable by an executive member, thereby elongating the process and not achieving value for money.
14. Should the Board decide not to delegate these decisions to the executive, another mechanism for authorising litigation will need to be developed, carrying additional burden for the Qualifications Committee.

**Consultation**

15. This paper has been reviewed by the Chair of the Qualifications Committee, the Director of the BSB, the Qualifications Manager and members of the Business Support team.

**Publicity**

16. All delegated decisions will be published on the website in due course, along with relevant sections of the Governance Manual. This decision will feature in Part 1 of the public papers.

**Annexes**

17. Annex 1: Delegation form - rS49 Qualifications - Training Reg Officer 10.2.14

**Lead responsibility:**

Vanessa Davies, Director, BSB  
Joanne Dixon, Qualifications Manager  
Chloe Dickinson, Governance Support Officer



<p style="margin: 0;">BAR STANDARDS BOARD</p>
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REGULATING BARRISTERS

## Delegated authority to act under part 7 of the BSB Standing Orders

### With regard to the power(s) to be delegated

**Delegating body:** Bar Standards Board

**Policy or rules reference:** Standing Orders Annex 2f, paragraph 2b

Delegated decisions/function/power:	Role(s):	Criteria/Limits
Granting authorisation to conduct litigation	Training Regulations Officer Qualifications Manager Head of Education and Training Director, BSB	Appeals to be decided by Qualifications Committee

### With regard to granting delegated power

The above power is hereby delegated from the date of this document until such time as it is replaced by a further delegation, or revoked for any reason.

**Signed:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### With regard to removal of delegated power

The above delegation is hereby removed from the date of this document.

**Signed:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_



***NOTE: This version of the report is an amendment to the original considered by the Board. At the February Board meeting, members agreed to publish a version that included some minor corrections and data on pupillages. This is below.***

## **EDUCATION & TRAINING: ANNUAL REPORT FOR 2013**

### **Status**

1. To note.

### **Executive Summary**

2. The Education & Training Committee has delegated oversight of all regulatory activity relating to education & training for the Bar.
3. This is a report on the work of the Committee since it last reported to the Board, in January 2013. The Committee has met six times in this period.
4. Key activities during this period were:
  - Delivery of the Bar Course Aptitude Test
  - Engaging with the later stages of the independent Legal Education Training Review (LETR), and delivery of the BSB's policy response
  - Establishment of full cost recovery across the major business activities, and the BPTC in particular
  - Reform of quality assurance for the Academic Stage, together with the Solicitors Regulation Authority
  - Agreement of a plan for reform of the regulation of Continuing Professional Development
  - Restructure of the staff team to accommodate regulatory developments
5. The Committee will have a priority in 2014 to oversee the delivery of the first stages of a post-LETR plan for the regulation of training, which was agreed by the Board in November 2013.

### **Recommendation**

6. The Board is requested to **note** the report.

## Comment

### Membership for 2013

#### *Members*

Professor Andrew Sanders (Chair, Board Member)  
 Nerys Jefford QC (Vice Chair, barrister)  
 Dr Stuart Weinstein (Vice Chair)  
 Emily Windsor (Vice Chair, barrister)  
 Tope Adeyemi (barrister)  
 Justine Davidge (barrister)  
 Richard Davies  
 David Fleming  
 Prof Paul Kohler  
 Andrew Lyons (barrister)  
 Dr Richard Ough (non-practising barrister)  
 Sam Stein QC (Board Member, barrister)  
 Benjamin Wood (barrister)  
 Dr Anne Wright (Board Member)

7. Agreement was reached in the course of 2013 for Representative members to stand down from the Committee, in order to strengthen governance and to establish more effective channels of engagement with the organisations represented, by other means.

#### *Non-voting Attendees*

Dr John Carrier (Observer, BSB Special Adviser on Education)  
 Jacqueline Cheltenham (Provider Representative shared with Stuart Sime)  
 Professor Stuart Sime (Provider Representative shared with Jacqueline Cheltenham)  
 Guy Fetherstonhaugh (Bar Council Training for the Bar Committee Representative)  
 Robin Field-Smith (Equality and Diversity Committee Representative)  
 Catherine Quinn (COIC Representative)  
 Matthew Reeve (Training for the Bar Committee Representative)

8. The following members will be leaving the Education and Training Committee as their membership terms have come to an end (effective from December 2012):
- Sam Stein QC
9. Michael Edenborough QC has agreed to chair the CPD Sub Committee for the next twelve months.
10. The Pupillage Subcommittee completed its business at the end of the year, with the handover of responsibility for pupillage monitoring to the Supervision team on 6 January 2014.

## Legal Education & Training Review

11. Following publication of the Legal Education & Training Review report in June 2013, a policy response was published by the BSB in September 2013. This response set out a framework for addressing the priorities that have emerged from this important reassessment of training pathways across the legal sector.
12. In October 2013, the Legal Services Board (LSB) published a consultation on their proposal to introduce Statutory Guidance to the front-line regulators on approaches to training regulation, and the BSB submitted a response in December 2013; publication of other responses has shown there to be a general consensus of concern about the LSB's proposals.

## Academic Stage

### *Governance*

13. The Academic Stage of training was overseen until the end of 2013 by a Joint Academic Stage Board (JASB), constituted by the Solicitors Regulation Authority (SRA) and Bar Standards Board. JASB was managed alternately by the two sponsors on a three year cycle. The SRA has been the host in 2013 and it is the host that has borne the cost of administration, receiving income from accreditation of providers of the course.
14. The activities of the JASB were the subject of review by the SRA and BSB during the first half of 2013, leading to the agreement of changes in the joint approach to regulation. It was concluded that the quality assurance role of the JASB was largely duplicating the work of the Quality Assurance Agency, and it was therefore resolved that JASB should be dissolved.
15. The business of JASB was reduced in the latter half of 2013 and formally dissolved at the end of the year; a new Academic Stage Handbook has now been instituted and the SRA acts operationally for both regulators in relation to the Academic Stage, with oversight by the respective Education Committees of the regulators. The costs of regulation will be covered by fees levied from providers of the Qualifying Law Degree and Graduate Diploma in Law.

### *Staffing*

16. Sophie Maddison - Administration Officer (Maternity Cover) provided the minimal level of support required from the BSB for the JASB, whilst the SRA acted as host.

### *Priorities for 2014*

17. Priorities for the year ahead will be to:
  - Institute and monitor quality assurance arrangements through the QAA.
  - Secure agreement on the development of the QAA Law Benchmark Statement to meet the requirements of the regulators.

## Vocational Stage

### *Governance*

18. Oversight of curriculum and quality assurance for the Vocational Stage of training is delegated to the BPTC Sub-Committee. The Centralised Examinations Board oversees the delivery of assessments in the three knowledge area subjects of the BPTC.

### *Staffing*

19. Significant changes of staffing have arisen in 2013, and a restructure of the team was effected at the end of the year to segregate the quality assurance and assessments functions.
20. Janet Pugh (Education Manager) left in November 2013. Diana Favier (Exams & Assessments Coordinator) took on the oversight of Assessments for a short period, and left in December 2013. Adrian Coleman was appointed as Assessments Manager in January 2014. Sarah Baker (Education Officer, Assessments) left in October 2013. Tiffany Searle (Education Officer, BPTC) left in November 2013; Paras Junejo was appointed Vocational Training Officer in January 2014.
21. A number of other changes in the team have presented some challenges, but business continuity has been maintained. The management team have monitored changes closely and the reasons for recent high turnover.

### *Bar Course Aptitude Test (BCAT)*

22. The BCAT opened to candidates in April 2013, closing in July 2013. No evidence of detriment to applicants has been identified as a result of the shortened period of access (for 2014 BPTC entry, the Test was open from November 2013). The Test was successfully implemented; whilst data is available on pass rates, it is too early to draw any firm conclusions from the outcome and no analysis will be published until after the completion of the second cycle.
23. Evaluation of the test was commissioned in 2013, from IFF (impact evaluation) and the Work Psychology Group (test efficacy). The two research organisations will work closely with the BSB during the first three years of the test in order to undertake early longitudinal studies of progression by the first cohorts that have experienced the BCAT.

### *Provider institutions*

24. One provider has been the subject of a triggered visit and external audit in 2013, following self-reporting of a breach in the contractual arrangements for admissions. One provider has been the subject of a triggered visit, undertaken in January 2014, following recruitment in excess of the agreed Initial Accreditation Number for the site.

*Candidate registration*

25. The number of registered candidates has declined nationally in 2013, which may partly reflect a cautious approach to recruitment by Providers in light of (i) new contracts which institute an Additional Accreditation Fee where recruitment exceeds the Initial Accreditation Number and (ii) uncertainty regarding the impact of the BCAT.

**Table 1. Enrolled BPTC candidates, 2010-2012**

2010/11	2011/12	2012/13	<b>2013/14</b>
1681	1669	1803	<b>1619</b>

*Examination performance 2013*

26. Reports were published by the Chair of the Centralised Examination Board (CEB) relating to performance in the first and second sittings of centralised examinations (available on the BSB website).

27. The CEB reported confidence in the integrity of the 2013 assessments. Concern continues to be expressed by BPTC provider institutions about the syllabus and assessment instrument, following the overall relatively low pass rates achieved (Table 2, below).

**Table 2. Summary of passing rates (%) in the centralised assessments, 2013**

	First Sit			Resit		
	<b>2013</b>	2012	<i>change</i>	<b>2013</b>	2012	<i>change</i>
Professional Ethics	<b>86.4</b>	84.9	1.5	<b>56.2</b>	59.0	-2.8
Criminal Litigation	<b>68.2</b>	74.7	-6.6	<b>62.1</b>	43.6	18.5
Civil Litigation	<b>56.2</b>	68	-11.8	<b>59.8</b>	52.0	7.8

*Financial implications*

28. A financial review for the BPTC was undertaken in 2013, to establish the full cost of its delivery and to revise fees accordingly. As a consequence, providers have been notified of a rise in Candidate fees to take effect in September 2014, from £400 to £475, following an interim adjustment made in 2013.

29. The calculation of fees to achieve full cost recovery is based upon a minimum 1600 candidates being enrolled. Cost is more dependent upon the number of Provider centres than the number of candidates; the number of centres has risen by one in 2013 (BPP Manchester).

#### *Priorities for 2014*

30. Priorities for the year ahead will be to:

- Complete the first full year of evaluation for the BCAT
- Review of syllabi for Professional Ethics, Civil Litigation and Criminal Litigation
- Consolidate processes and procedures for the centralised assessments
- Take forward the reassessment of vocational stage training, in light of LETR

#### Bar Transfer Test (BTT, for transferring solicitors and overseas lawyers)

##### *Governance*

31. The BTT is overseen by an Examination Board that reports to the BPTC Sub-Committee. The Examination Board meets in June and November, with additional meetings as required. A Review Board is convened to consider any challenges to Examination Board decisions.

##### *Staffing*

32. Sophie Maddison (now a Training Regulations Officer) has committed 30% FTE to the role; the brief is transferred to the Vocational Training and Assessments teams in 2014.

##### *Candidates*

33. The upward trend in candidate numbers for the BTT continues, driven by continued interest from overseas.

**Table 3. Bar Transfer Test candidates, 2010-12**

2010	2011	2012	2013
86	82	102	151

##### *Performance*

34. In 2013, 15 applications were considered by the Review Board, with three upheld, and two partially upheld.

##### *Provider*

35. The contract for the BTT was retendered in 2013, with three tendering institutions, and awarded again to BPP Law School.

36. Following review of the Test in 2012/13, revisions have been made to the requirements of the Test, including the introduction of training in Ethics. The



changes will be introduced, with a new BTT Handbook issued, from September 2014.

#### *Financial implications*

37. The Bar Transfer Test yields income based on a proportion of the fees charged by the Provider. From 2014, the BSB will levy a fee of 33% of the total charged by BPP (increased from 25%). Fees relate to the number of parts of the test taken, rather than simply the number of candidates.

#### *Priorities for 2014*

38. Priorities for the following year will be to:

- Oversee the effective delivery by BPP of Handbook changes in 2014.

### Pupillage Stage

#### *Governance*

39. Regulations for Pupillage and its monitoring were delegated (until the end of 2013) to the Pupillage Sub-Committee, which was dissolved at the end of the year following changes in the wider regulatory regime, leading to the principal business of the Subcommittee being referred to the Supervision team.

#### *Staffing*

40. Two full time staff: Andrea Clerk (Pupillage Officer) and Claire Hogg (Pupillage Assistant) administered the regulations and the monitoring of Pupillages. Andrea Clerk left in December 2013; Claire Hogg transferred to a role that includes Pupillage registration in January 2014.

#### *Pupillages and Approved Training Organisations*

41. The number of registered pupillages continued to show a slight decline in 2013. Figures for previous years have been aligned to a calendar year (Jan-Dec), where previously data has been presented on an academic year basis. This change presents more reliable data as the timing of recruitment has altered.

**Table 4. Registered pupillages 2013**

	2010	2011	2012	2013
Non-practising	443	444	435	429
Practising	446	456	449	445

#### *Review*

42. A working group completed the assessment of some outstanding issues from the Wood review of pupillage. The outcome of the working group's review has been

taken up in the wider plan for reform of education and training that follows the LETR.

#### *Priorities for 2014*

43. Priorities for the following period include:

- Aligning pupillage regulation with wider changes in regulatory approach
- Addressing funding and advertising policy challenges

### Continuing Professional Development

#### *Governance*

44. Decisions on CPD accreditation are delegated to the CPD Sub-Committee. A Steering Group completed a review of CPD regulation in 2013, concluding that significant reform was required; the Board adopted proposals accordingly in July 2013. The Sub-Committee has met five times in 2013 to consider applications for course accreditation, and it is planned that the Subcommittee will dissolve at the end of 2014 as new regulatory arrangements take effect.

#### *Staffing*

45. CPD course accreditation is administered by a staff of 2 FTE: Liz Prats (Continuing Education Officer) and Ruth Beaumont (Continuing Education Administration Assistant)

#### *Approval of providers and courses*

46. CPD is managed on a calendar year cycle. Applications for the accreditation of single courses are received throughout the year; some providers that run a large number of courses are accredited differently and the total number of courses is reconciled early in the following calendar year.

47. The number of courses accredited continues to rise (Table 5), attributable in large part to growth in the number available online (from 1438 in 2012 to 1589 in 2013).

**Table 5. Number of Continuing Professional Development courses accredited**

2010	2011	2012	2013
6,899	7,700	8,132	8,214+ <i>not fully reconciled at 31 January 2014</i>

#### *Public Access Training*

48. A new scheme for Public Access training was introduced in the autumn of 2013, and three course providers approved.

*Review*

49. The review of CPD was concluded in 2013 with the adoption of proposals for reform of the regulations in July 2013. The Board agreed a plan in November 2013 for the delivery of changes over the period 2014-2016.

*Priorities for 2013*

50. Priorities for the year ahead include:

- Implementation of first stages in regulatory reform.

**Resource implications**

51. Resource and financial implications are addressed in the body of the paper.

**Equality & Diversity Implications**

52. Equality information is gathered in relation to each of the stages of training. However, insufficient data (due to low rate of return of surveys) has been a particular problem in building a reliable picture, and plans are in place to develop a more systematic approach in 2014/15.

**Consultation**

53. A draft of this report was reviewed by the Education & Training Committee at their February meeting.

**Lead responsibility**

Andrew Sanders

Simon Thornton-Wood



**Chair’s Report on Visits and Meetings Jan- Feb 2014****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:**

25 Jan	Attended Bar Council
28 Jan	Attended Select Committee on Communications
29 Jan	Attended a COIC meeting followed by the President’s Annual Dinner for the Inns’ Treasurers and the Chairman
30 Jan	Attended Chairmen’s meeting
4 Feb	Lunch with a Board Member
	Attended Select Committee on Communications
	Attended the Law Officers’ Drinks Reception at Dover House
5 Feb	Introductory meeting with Mr Guy Perricone, the new Under Treasurer at Middle Temple
7 Feb	Attended a Gresham Board Meeting at Mercers’ Hall
11 Feb	Attended Select Committee on Communications
13 Feb	One to one meeting with David Edmonds
17 Feb	Attending Oxford lecture by Louise Arbour, President of the International Crisis Group, on international law
18 Feb	Lunch in Oxford with Dr. Ken Fleming, Chair of the BSB Appointments Panel
19 Feb	Attending a pre-board briefing

**Equality Impact Assessment**

3. No Impact

**Risk implications**

4. These reports address the risk of poor governance by improving openness and transparency.

**Consultation**

5. None

**Regulatory objectives**

6. None

**Publicity**

7. None

**Lead responsibility:**

Baroness Ruth Deech QC (Hon)

## Director's Report

### Status

For consideration and noting.

#### Director

1. I have chaired discussions with JAG CEOs in relation to the post JR work on QASA this month and continue to lead with the development of our engagement with the profession on the issues arising.
2. Other external work has included meeting with the recently-appointed lay Chair of the Strategic Advisory Board for BTAS, Clare Dodgson; and meeting with the SRA to discuss a possible July meeting of the International Legal Regulators' workshop (in the wings of the International Legal Ethics Conference VI to take place at City University.)
3. I have accepted an invitation to participate in a panel in March at Manchester Law School on legal services regulation and hope to take advantage of this to meet members of the profession on the Northern Circuit.
4. Internally, I have been closely involved in the last stages of work on the entity regulation application to the LSB, including detailed work on a range of statutory issues connected with the application. I have progressed work on the Biennial Survey and Bar Barometer, and had the pleasure of opening each of four customer service training sessions delivered to all BSB in the last month.
5. Finally, I have worked with the Independent Appointment Panel to get off the ground the programme of work in respect of the recruitment of a successor to Baroness Deech and new Board members. This included a tender process for an executive search company, meetings to agree strategy, scope and remit etc, and the significant challenge of scheduling. In all of this and especially the latter aspect I have been admirably assisted by Lynne Callegari.

#### ***The Regulatory Improvement Programme (TRIP)***

6. The Regulatory Improvement Programme (TRIP) board approved the completion of the third stage of the change programme in January 2014. We are advanced in our work on the fourth stage (Develop) and hope to complete the bringing together of the new team structures, processes and collaborative working methods, supported by the learning and development plan, by the end of February/early March.
7. The risks to the completion of the programme have diminished as the SPACE programme has concluded for BSB and staff have adjusted positively.
8. The Customer Service training workshops that are part of the Learning and Development plan have been successfully delivered, judging by the high satisfaction ratings of attendees. Further risk assessment training is about to begin to ensure all staff have a more in-depth knowledge of the approach to risk assessment and its implementation, as required. HR are preparing to launch a revised performance management scheme in time for this year's appraisal round (April) and our coaching and mentoring workshops in the coming weeks are ideally timed to support its introduction.
9. We have just received notification from the LSB of their proposals for 2014/15 self-assessment against the Regulatory Standards Framework. The SMT is considering these, but the progress of TRIP to date means in general that submissions need not be onerous and our improvement against the original self-assessment ratings should be marked and well on track for the 2016 goals.

### **Regulatory Policy**

10. The Regulatory Policy department continues to deal with a number of issues arising from the implementation of the new Handbook, providing detailed training and ensuring that all guidance is up to date. In this context, the priority in the last month has been ensuring that the documentation for this year's authorisation to practise project is up to date before go-live.
11. The Department also continues to finalise the application for the BSB to become a regulator of entities and is updating the new regulatory risk framework, which will be discussed further next month. Before next month's Board meeting further training on the risk framework will be rolled out to all BSB staff. A Risk Manager role is about to be advertised.

### **Supervision**

#### ***Supervision***

12. Adverts have been placed for the Chambers and Entity Supervisor and the Supervision Officer roles and interviews have been scheduled. The intention is for both positions to be filled by April or May 2014, in advance of supervision returns being sent to chambers in June.
13. Policies have been drafted on visits and inspections and information handling. These clarify the roles of the Supervision Team, the Education and Training Department and the Professional Conduct Department now that pupillage supervision is under the remit of the Supervision Team. They also set out the circumstances in which the Supervision Team will visit a chambers and when it might undertake a targeted supervision inspection, as well as the purposes of such visits and inspections.
14. The Supervision Team is also following up on intelligence received in relation to various pupillages; it is likely that some supervision inspections will be required shortly in relation to at least two chambers.

#### ***First tier complaints signposting***

15. The SRA has approved guidance for solicitors which clarifies that they should be assisting barristers to communicate information about complaints to lay clients. This will be published by the end of February. The BSB will be writing to chambers to inform them of the guidance and to emphasise the importance of informing clients. Supervision will cover compliance with these requirements.

### **Education and Training**

#### ***Post-LETR plan***

16. A work plan, in line with the framework agreed by the Board in September 2013, has been drafted for presentation to the Education & Training Committee and Board in February and March 2014 respectively. It is proposed that the plan will form the basis of a submission to the LSB in response to their request for plans from the front-line regulators by April 2014.
17. A first joint workshop with the SRA, to inform the development of the separate solicitors' and barristers' competence statements, was held on 5 February. An initial work plan has been prepared for consideration by the Education & Training Committee at its February meeting.
18. Following agreement of the outline proposal for a new CPD regime by the Board in late November 2013, the project is now being initiated, with the full engagement of the Central Services Project Management Office team.



19. In support of the 'Sharing Data' programme, initial work has been undertaken to align data development needs in education with the work plan of the BSB Research team.
20. Proposals for development of the 'Improving Access Routes to the Profession' programme were considered by the Equality & Diversity Committee at a meeting on 29 January.

### ***Operational updates***

#### *Vocational Training*

21. A meeting with BPTC Providers on 7 February confirmed the viability of transferring responsibility for BPTC Online to a provider consortium, following a decision by the BPTC Subcommittee that a reassessment of the regulatory role did not support its further operational involvement in admissions. Benefits were identified for all parties in such an arrangement, with a transfer taking effect for the recruitment round starting September 2014.
22. Monitoring visits have been conducted at four of the 11 BPTC sites in 2014, with one still to be undertaken. Reports for the visits will be published online.
23. The review of the BPTC syllabus for Criminal and Civil Litigation is in progress, together with the redrafting of the Ethics syllabus to reflect the new Code of Conduct.
24. The new contract with BPP for delivery of the Bar Transfer Test has been initiated.
25. First Sit centralised assessment papers for the BPTC are now ready for typesetting. Contingency papers are being drafted.

#### *Pupillage*

26. Alongside regular pupillage registration activity, a project is being initiated to improve efficiency, including the effective use of IT.

#### *CPD*

27. The normal business of CPD accreditation continues for 2014.
28. Following three successful applications to provide Public Access training in 2013, a fourth application was considered in January and rejected, on the grounds of failing to meet the required standard.

#### *Qualifications & Authorisation*

29. Following agreement by the Board in January of a plan for increasing staff delegation of decisions by the Qualifications Committee, work is being initiated to deliver changes by May 2014.
30. First applications have been received (from 22 January) for litigation authorisation. We expect to announce the first authorisations before the end of February.

#### *Staffing*

31. Work continues to consolidate the team following significant turnover in November and December 2013.
32. Paras Junejo has been appointed as Vocational Training Officer from 20 January; a Vocational Training Administrator is being recruited. Carla Gomes has been appointed as

Assessments Officer, reporting to Adrian Coleman. Recruitment is in progress for a second Assessments Officer, a Training Regulations Assistant and an Assessments Administrator.

#### *External liaison*

33. A meeting was scheduled on 11 February between the respective Bar Council/BSB Chairs of Committee and senior officers.

### **Equality and Diversity**

#### ***Publication of Equality Information***

34. Publication of equality information is a legal requirement under the Equality Act 2010. We must publish equality information on an annual basis by January 31<sup>st</sup>. We have now published on our website:
- *Report published in Satisfaction with Equality Act Duties* – A document containing an overview of diversity trends at all stages of a barrister’s career, from BPTC stage to QC level
  - *Aggregated Diversity Report on the Profession 2013* – a report containing aggregated data on the profession broken down by protected characteristic and seniority
  - *Bar Course Aptitude Test Candidate Data 2013* – Aggregated diversity data on all candidates who sat the BCAT in 2013
  - *Diversity Review of BSB Complaints System* – An independent review into the BSB’s complaint handling processes.

#### ***Diversity Data on the Profession***

35. The E&D team extracted anonymised diversity data on the profession from the Core Database in August 2013, broken down by seniority. The Research team produced a report displaying the data and advised that there has been a significant increase in disclosure levels in relation to some protected characteristics, but in some areas disclosure is still too low for the data to be used for drawing reliable statistical conclusions. At its January meeting the Board approved the report for publication and noted the changes that will be made to the Barrister Connect online portal in 2014 with the aim of increasing disclosure rates.

#### ***E&D Committee Visit to Inner Temple***

36. As part of its Committee development plan the EDC held its January meeting in the Parliament Chamber at Inner Temple. During the meeting a presentation was delivered by Inner Temple’s External Relations Manager which gave details about the work of the Inns and the various diversity initiatives that are currently in place. It was agreed that a meeting be arranged between the BSB E&D and Research teams and Inner Temple to discuss the possibility of sharing data, as the Inns collect a significant amount of diversity data on students and pupils.

#### ***BCAT Candidate Reasonable Adjustments Follow-Up Survey***

37. In December 2013 the BSB sent a survey to all candidates who received a reasonable adjustment when taking the Bar Course Aptitude Test to gather data on their experiences. Of those candidates who responded to the survey, 100% stated that the reasonable adjustment they received met their needs and 86% said that their reasonable adjustment request was dealt with in a prompt and timely manner. Although the feedback was generally positive, as a result of the survey responses the E&D team will be working with the Education team to further improve the BCAT reasonable adjustment request form and Pearson Vue –

the organisation that delivers the BCAT – will be encouraged to make a number of changes to the way it delivers the test in order to improve the service provided to disabled candidates.

### ***E&D Training for BSB Committee and Board Members***

38. The E&D team are developing an online training course to replace the current E&D classroom training for Board and Committee members. Online training is more accessible and cost effective and expected to be more convenient for Board and Committee members to complete. The programme will be a 45 minute online course that can be accessed from anywhere using a login and password that will be provided by the BSB. It is intended that the package will be ready for implementation later in 2014.

### **Professional Conduct**

#### ***General***

39. Following a period over December and January in which PCD staff were relocated to the sixth floor as part of the SPACE project, the PCD has now returned to the fourth floor. The move was very successful and staff are adapting well to their new surroundings. Closer proximity to the Supervision Department, who are also located on the fourth floor, will allow for more collaborative working across the teams.
40. With the PCD Handbook Implementation project coming to an end staff are focussing on business as usual and bedding down the new processes. For this reason there is little else to report this month.

#### ***Enforcement database***

41. All necessary adaptations to the database, in light of changes to the new BSB Handbook, have now been made and PCD staff have all received training on the changes to the database. The Reports and Data Analysis Officer has developed reports enabling PCD managers' access to increasing amounts of management information and the PCD has been able to report to GRA on the departmental KPIs as a result. Unfortunately there was a dip in performance in the third quarter attributable to a combination of the project implementation work and a lack of management reports to allow staff to track cases.

#### ***Judicial Reviews***

42. The BSB is subject to four applications for Judicial Review, one of which is currently at the permission stage.
43. In relation to the JRs regarding the COIC appointments issues, the BSB are still awaiting the outcome of the claimants' applications for permission to appeal to the Court of Appeal.

### **Strategy and Communications**

#### **Communications**

##### ***Press***

44. This month there has been a flurry of Press Office activity centred, mostly, on further developments with the Judicial Review of QASA, and a series of high-profile disbarments. Over the last four weeks the BSB received good coverage in national and trade media, including: *The Financial Times*, *The Guardian*, *The Evening Standard*, *The Irish Times*, *Law Gazette* and *Legal Futures*, as well as an article about QASA, in Oliver Hanmer's name, for Lexis Nexis UK and the Halsbury Law Exchange.

***External communications***

45. A communications strategy which aims to re-state the case for QASA – post-Judicial Review – been agreed and is now being implemented.

***Online and social media***

46. We continue to receive around 50,000 visits per month to the BSB website and, at the time of writing, have over 7,600 followers on Twitter - up from 7,333 at the same time last month.

***Website***

47. The Authorisation to Practise (ATP) web pages have been reviewed and updated to tie in with the launch of the 2014/15 process and the production of new resources.

***Publications***

48. We have been working with colleagues in the rest of the division to co-ordinate the design and print on a range of publications including the Bar Barometer, Business Plan and the delayed Biennial Survey.

***Consumer stakeholder event***

49. Plans are under way for a second event with consumer organisations at the end of March. We will be looking in detail at our complaints process, discussing ways in which we might improve understanding of what we can and cannot do, and considering how to make our consumer information more accessible. We are working with colleagues in PCD to develop the content of the seminar.

***Committee members' thank you event***

50. The Communications team, assisted by the Executive office, is co-ordinating planning for an evening reception for current committee members and those whose term ended in 2013. The event – to express our thanks for their work – is scheduled for Wednesday 19 March and will take place at Gray's Inn. Invitations are being issued.

***Board recruitment***

51. The Communications team will be working with head hunters Heidrick & Struggles on key messages and channels for recruitment of the new Chair and Board members.

***Staff recruitment***

52. Recruitment to the vacant role of Communications Manager is in hand.

***Business management******Budget and business planning***

53. The Quarter 3 performance report is before the Board for consideration at this meeting, and as part of this, the executive carried out a forecasting exercise for our 2013-14 year-end position.
54. The Business Support Team is also working closely with the Communications team to finalise the 2014-15 Business Plan publication; the team is focusing on the KPIs, activities, budget and staffing sections.

***Governance Manual and Standing Orders***

- 55. The revision of the Governance Manual is now nearing completion and the Board can expect to receive a finalised version in March. The document will include a Scheme of Delegations section which will detail the levels of decision powers that vest throughout the organisation.
- 56. The Business Support team is facilitating a detailed review of the Standing Orders and Board members can expect to discuss this in more detail at their Away Day in April.

***Contracts Management***

- 57. The first BTAS monitoring visit has been carried out which shows that currently the contract is being delivered adequately.
- 58. A review of the Service Level Agreements we have in place with our Central Services colleagues is being carried out and the finalised versions will be presented to the PRP Committee in May 2014.

**Regulatory knowledge and information*****Research***

- 59. The content of the Bar Barometer is being finalised and the report is due to go to design week commencing 10 February. Publication is anticipated week commencing 17 February.
- 60. The Biennial Survey of the Bar is being reviewed by SMT to clarify the regulatory focus. Publication is now due by March 31
- 61. A research/evidence approach to support the LETR agenda is going to be presented at the Education and Training committee on 11 February.
- 62. A research strategy is being finalised based on recent in-depth engagement with the different internal stakeholders.

***DMS***

- 63. A second file rationalisation workshop was held on 7 February following the initial workshop on 28 January. This resulted in approval for the suggested high level functional structure under which each department and team could allocate their work. The seven high level functions are: Evidence / Reference, Policy, Supervision, Authorisation, Enforcement, Governance and Corporate support.
- 64. The update to ECM8 has been rolled out. An email management policy is in discussion to support the new facilities. The purpose of this document is to set out the policy for the classification and retention of emails sent or received by all staff following the implementation of the DMS, dealing with their storage both within Objective and Outlook mailboxes.

**Central Services Report - Updates on Key Business Projects*****SPACE***

- 65. Construction continues well to time, cost and quality. Two remaining office moves within the building are expected, none affecting the BSB.

***Authorisation to Practise***

66. The programme for this year went live on February 10<sup>th</sup>, and experienced higher levels of usage than modelled for at this early stage. This may require adjustments to the operational plan and these are in hand. Staff in Records are in the front line of this work, which continues into early April (deadline for authorisation is of course 31 March). They were able to benefit from participation in the BSB's Customer Service training over the last three weeks, in support of their role.

***Functional Updates***

*Project Management Office, Finance, Human Resources, Facilities, Records, IT*

67. A detailed report was supplied in January on activity undertaken and planned and this progresses according to schedule. A significant focus of work is the delivery of the A2P work, which cuts across PMO, Records and IT. The Finance team is working intensively on finalising the 2014/15 budgets following approval of the PCF arrangements by the LSB.
68. HR continue to work on substantial volumes of recruitment, and the recently arrived Head of HR is preparing a new task plan for the coming year, to deliver a series of key improvement projects. The first in line of these is the new performance management system. The draft forms which would be used to prepare for, and record the outcome of, the formal annual and mid-year review meetings have been circulated for comments following an initial meeting of the steering group on 23 January. They have been linked to the competency framework so that the required skills/behaviours are always front of mind throughout the process. All staff will be briefed on the new system during March.

**Dr Vanessa Davies**  
**Director, Bar Standards Board**  
**13 February 2014**