

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

# Business Plan

## 2016-17

The BSB regulates barristers  
and specialised legal services  
businesses in England and  
Wales, in the public interest



# Our values

## INTEGRITY

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

## EXCELLENCE

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

## FAIRNESS

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

## RESPECT

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

## VALUE FOR MONEY

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



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# Foreword by the Chair and Director General

The BSB regulates barristers, their professional practice and specialised legal services businesses in England and Wales, in the public interest.

Welcome to the first annual Business Plan of our new three-year strategy. We have set out in this document what we will be doing in Year 1 to achieve our strategic goals. Our [Business Plan should be read in conjunction with our 2016-19 Strategic Plan](#) and our *Risk Outlook*.

This plan builds on the work of our last strategic plan. In the period to 2015-16 we transformed the way we operate, and became a more modern and efficient regulator. We are proud of our track record, which includes the introduction of a more outcomes-focussed Code of Conduct, starting to regulate lawyer-owned entities, and moving to risk-based supervision. We made great headway on the Future Bar Training programme, which will progress further in the next three years. We expect to be regulating Alternative Business Structures later in 2016. We hope you will read our 2015-16 Annual Report in due course which will detail more of our achievements and will show how successfully we performed against our last strategic plan.

In this new phase of our development, we continue to operate in challenging times. We anticipate that changing consumer demands and expectations, technological advances and global competition will test the legal services market and the BSB must be ready for that. The BSB must also respond to the political pressure to remove “red tape” and to reduce the burden of regulation, including costs.

We will work continuously to uphold our statutory objectives in the public interest and especially to promote the rule of law and access to justice. We have three strategic aims for the period 2016-19:

regulating in the public interest; supporting those we regulate to face the future; and ensuring we are a strong and sustainable regulator. Following careful consideration, we have determined that there are three areas in particular where we see a need to maintain and promote the high standards, for which the barrister profession is renowned. These are ensuring consumer need is met; ensuring diversity and non-discrimination in the profession; and helping barristers maintain the quality of their work and their integrity in the face of commercial pressure. These are the priority themes in our risk-based approach to regulation during the 2016-19 period.

Our Business Plan describes what we will be doing to deliver our strategy and carry out our core regulatory activities and how we will address these three challenges. We will be organising our work into three Strategic Programmes (see page 9) and we have provided more detail here about what these mean and our approach to delivery. These programmes are the foundation of our new Strategy, and we expect to be carrying out a considerable amount of scoping and researching of proposed new initiatives in the first year, leading to well-founded plans for execution in subsequent years. And we will take time this year to complete and consolidate work that is already underway. As with all of our policy initiatives, we will continue to consult with you on any proposals and we hope that you will take the opportunities to engage with us to help us achieve our common objectives.

We invite you to follow our progress via [our website](#), and engage with us in defining the years to come.



**Sir Andrew Burns KCMG**  
Chair



**Dr Vanessa Davies**  
Director General

# About this document

We have published in 2016 a suite of important documents to assist in understanding what we do. They can all be found [on our website](#).

## Our Strategy for 2016-19

Our strategy sets out the way in which we will regulate barristers and entities for the next three years. It also sets out how we will respond to potential proposals for change in the regulatory landscape and its underpinning legislation. Our work over this time period is intended to be organised into three programmes reflecting our strategic aims:

- Regulating in the public interest;
- Supporting those we regulate to face the future; and
- Ensuring a strong and sustainable regulator.

You can read more about our strategy [on our website](#).

Our *Strategic Plan* sets out the long-term direction of travel for the organisation, in light of the external environment and priority areas for the BSB.

This is underpinned by:

- annual *Business Plans* which set out our programme of work for each year and the resources we require to support our activities; and
- specific strategies, policies and regulations which set out in detail our approach to particular aspects of regulatory and corporate activity.

Our regulatory *Risk Framework* describes how we approach risk based regulation.

We start by looking to understand the external environment which impacts our work, those we regulate and the consumers of legal services.

We categorise those things which can go wrong in the delivery of legal services in our regulatory *Risk Index*. This is a living document which helps BSB staff to systematically and consistently identify and respond to potential issues in the market for barristers' services.

We publish a *Risk Outlook* report which sets out our priority risk themes.

In planning our response to dealing with our priority themes and other regulatory risks and issues we will take into account the challenges, constraints and opportunities we face as an organisation. We use dedicated corporate and project risk management to assure the BSB's efficient and effective delivery of our regulatory role and other corporate responsibilities.

# What the BSB does: our core work

The BSB regulates barristers and their professional practice and specialised legal services businesses in England and Wales, in the public interest.

We are responsible for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Setting standards of conduct for barristers;
- Authorising barristers to practise, as well as organisations that focus on advocacy, litigation, and specialist legal advice;
- Monitoring the service provided by barristers and entities to assure quality;
- Handling complaints against barristers and legal services businesses that we regulate and taking disciplinary or other action where appropriate.

The work that we do is governed in particular by The Legal Services Act 2007 (LSA07) as well as a number of other statutes.

Along with the other legal service regulators identified in the Act, our objectives are the same as the Regulatory Objectives laid down in LSA07.

These are:

- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;

- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of citizens' legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

Find out more about how we undertake our work to regulate legal services in relation to the Regulatory Objectives [on our website](#).

## Strategy and Policy

We are a risk- and evidence-based regulator. Risk-based regulation means that we are constantly monitoring the market for barristers' services. We identify all of the potential risks that could prevent the Regulatory Objectives from being met. When we have done this, we focus our attention as the regulator on the risks that we think pose the biggest threats to the public interest. We then take action to try and prevent those risks from occurring, or to reduce their impact.

You can read more about our risk-based approach to regulation and find out about the risk areas that we are going to be focusing most of our attention on during the early years of our strategy, [on our website](#).

Where necessary, we use this knowledge to set standards and introduce rules and guidance for barristers and entities. This is collated in the BSB Handbook and Code of Conduct. We develop policy on the educational pathways into the profession. In addition we develop policy on conduct of practice in areas such as chambers' complaints handling and direct public access to barristers.

## KEY FACTS

### Education, Authorisation and Supervision

We oversee the Academic, Vocational, and Pupillage stages of training that must be completed in order to qualify as a barrister.

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

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

### Enforcement

We investigate complaints about professional conduct of barristers and others we regulate and take action against those who have breached the provisions of our Handbook.

**15,700+**

number of barristers we regulate

**700+**

number of chambers we regulate

**40**

number of entities we regulate

**473**

opened or received complaint cases during the course of Jan-Dec 2015

**12**

sites provided the Bar Professional Training Course for nearly 1,400 students annually

**150+**

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

**400+**

pupils registered per year

**79**

members of staff

**£5,213k**

our budget for 2016-17

# Our Strategic Work Programmes

We have organised our work into three Programmes. Each Programme comprises both reform and continuing regulatory “business as usual”.

Embedded into these programmes are our three priority themes. These also reflect our approach to how we will address the main risks we perceive to the Regulatory Objectives:

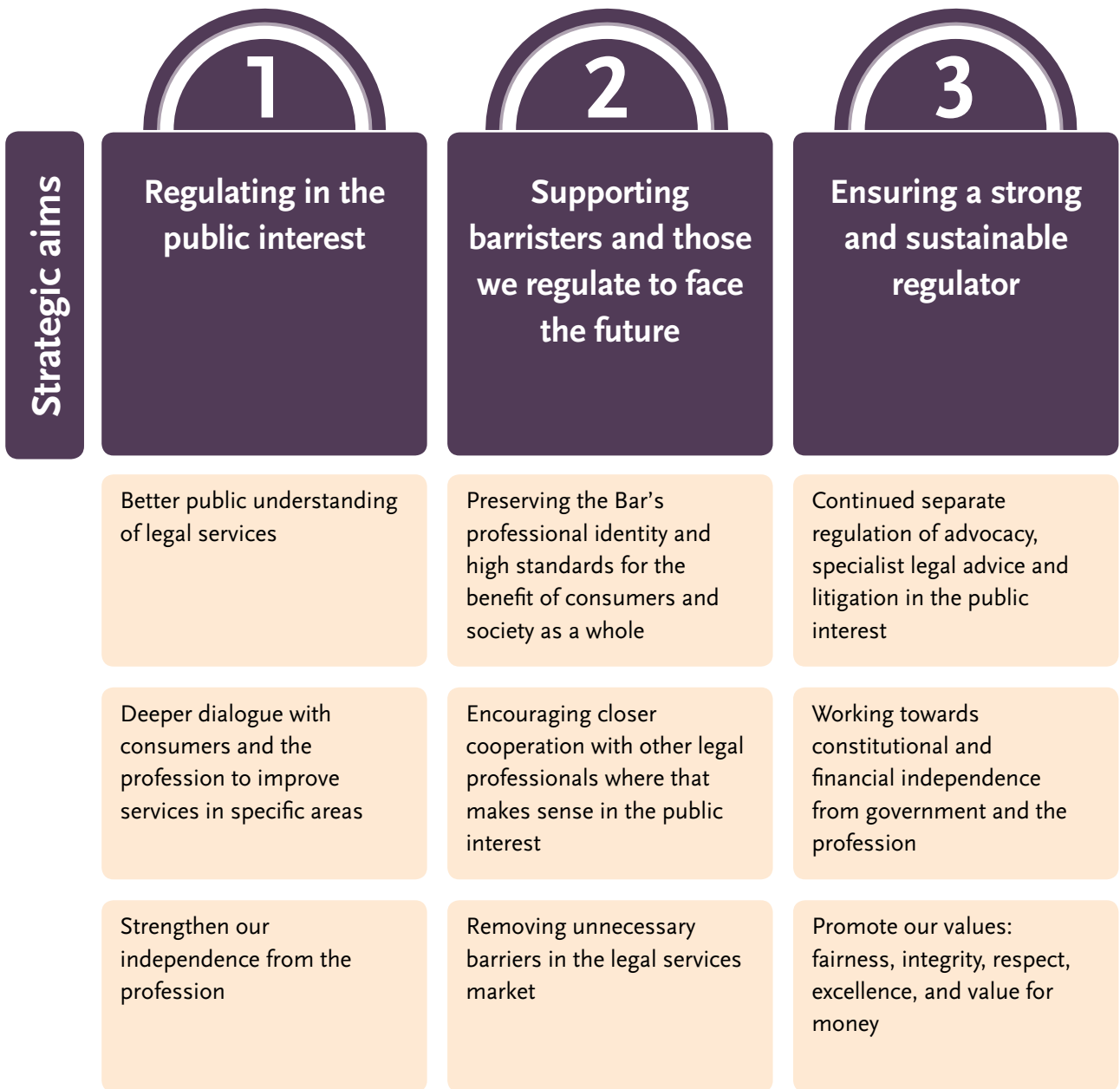
- The risk that those the BSB regulates do not meet consumer needs;
- The risk of lack of diversity, and of discriminatory practice and culture at the Bar; and
- The risk of commercial pressures on legal services providers.

More information about these risks can be found in our *Risk Outlook*.

In the following pages we give a short explanation of what each of our strategic programmes means and what we will do to achieve our aims.

We have broken down the activities into quarterly milestones which are based upon a financial year – so quarter one (Q1) starts in April 2016 and quarter four (Q4) ends in March 2017. These checkpoints help us to monitor performance and ensure we stay on track with our work.





## 1 Regulating in the public interest

### What this means:

We want to help the public better understand the fast-changing and complex market for legal services, so that consumers of those services can make informed choices and have better understanding of their legal rights and duties as citizens.

We will nurture a deeper dialogue with consumers and the profession so that what we propose and what we do can be demonstrably evidence-based and risk-focused and is well understood by users and providers.

We will continue to strengthen our real and perceived independence from the profession, so that we can articulate and defend our judgements on the basis of independent and unbiased assessments of the evidence of where risks to the public interest lie. This includes continuing to ensure our regulatory decision making processes are independent, consistent and transparent.

### Our work programme:

During the last strategic plan, we sought better to understand the consumer experience in obtaining legal services. We now want to increase the extent of consumer-facing work, ensuring that the perspective of the consumer (and especially the most vulnerable) is more central in regulatory policy making and actions. In the first year of the new strategy, with a strengthened communications and public engagement team, we will be revisiting this work and refreshing our engagement strategy to ensure that it aligns with the context we describe in our *Risk Outlook*.

We will also be conducting what is termed “demand side” research, ie research into what exactly is the demand for barristers’ services: the types of service

needed, how people go about sourcing them, what level of quality is needed and how much people are willing to pay.

In line with this, we want to increase the extent and depth of our engagement with the public and the profession, and we will align our Public Affairs strategy to ensure that we can achieve this. We also aim to participate more actively in regulatory policy work at a national and international level on the rule of law and access to justice. In 2016-17 we will be scoping the international work we want to do better and ensuring that the relationship between the Bar Council – which does excellent work in this area – and the Bar Standards Board assists the public and the profession appropriately within our respective roles, without duplicating resources.

We are now a more risk-based and proportionate regulator. We want to continue to show that our regulatory decision making is aligned with this approach. Following our Governance Review in 2015, we will be consulting on how we make our core regulatory decisions. For example, when we hear about poor quality services we want to be able to make a more risk-based decision on what type of action to take: if the occurrence is deemed serious, then we would look at taking enforcement action; or if the matter was thought to have a lesser risk to the public but still needs addressing, then we would consider feeding this into our supervision work.

Our routine work supervising barristers’ practices will continue during 2016-17. This helps us identify good practice and let others know about it, as well as spot when things may be going wrong so that we can help avoid or solve problems for the benefit of clients.

Our three-year contract with the Bar Tribunals and Adjudication Service (BTAS, the independent body responsible for making decisions on professional

misconduct, eg disbarment) is due to end in 2016, so we will be making a decision on reviewing this, with a view to renewing the current successful arrangements.

During the course of this new Strategic Plan we will consider, with other regulators, what common approaches might usefully be adopted to disciplinary processes, in the public interest. In 2016-17 we will be scoping how we could work more collaboratively with peer regulators on our disciplinary systems, specifically on Disciplinary Tribunals.

By the end of the business year, we expect to have new statutory powers to prevent harm to the public and damage to the reputation of the profession when things go wrong. The new statutory powers relate to “intervention”, which is the process we should follow as a regulator if for example a chambers or entity was in so much difficulty, that it could no longer continue to provide legal services and we had to step in. We want to make sure there

are clear and transparent transitional arrangements to “shut down” the troubled chambers, and that clients are able to access other legal service providers. But we must be fair and proportionate in how we do this. So we need to set out our policy and operational approach to using those powers. We do not want to have to use them, but we must be ready to do so.

During the year we will continue to enforce rules in order to maintain the trust and confidence of the public in the profession, and doing that justly, swiftly and proportionately. Typically we deal with around 380 conduct complaint cases a year and have a department and a committee investigating and making decisions on instances where professionals have apparently not met the requirements in the BSB’s Handbook. We will during the course of our strategy be reviewing how we report on these activities, ensuring that we can capture not only how quickly we deal with complaints but the quality of our decisions as well.

## Timeline of activities

Strategic Programme 1 – Regulating in the public interest				
Activity	Q1	Q2	Q3	Q4
Consumer Engagement	Review existing strategy		Refresh the Consumer Engagement Strategy	
Research	Initial scope "demand side research"		Conduct "demand side" research	
Stakeholder Engagement	Conduct a new stakeholder mapping exercise	Develop a new strategy for stakeholders and Public Affairs		
Independent regulatory decision-making		Board decision on governance proposals for assessments and decisions	Consult on Qualifications Committee rule changes	Implement new Qualifications Committee decision-making governance
International work	Commence review of current arrangements		Scope international work governance between BC/BSB	
Disciplinary system	Board decision on reviewing BTAS contract	Scope collaborative work on Disciplinary Tribunals	Refreshed Tribunal contractual arrangements in place	
Regulatory Interventions		Develop policy and processes for interventions		

We will spend £2,508k on Strategic Programme 1, which is 48% of the BSB's direct costs.

2

## Supporting barristers and those the BSB regulates to face the future

### What this means:

The legal services market is changing rapidly and will continue to do so over the next three years. We will assist the Bar in preserving its professional identity for the benefit of the public in a legal world where regulatory constraints apply primarily to the reserved activities, such as advocacy in the higher courts and litigation. This is particularly necessary where the forces of unregulated competition will be increasingly felt in other areas of a barrister's work and competence. For example, the public needs to understand the difference between a fully qualified, regulated and insured barrister and a "paid McKenzie Friend."

We will help the profession to embrace closer cooperation with solicitors and other legal professionals, where that may offer advantages for the public. This could be for example in developing regulatory frameworks for business models which combine the strengths of different legal professionals in an efficient way so that benefits can be passed on to consumers.

We will ensure our regulatory frameworks do not pose unnecessary barriers to entering the market and we will reform legal education and training to support the advocates of the future.

### Our work programme:

Last year we commenced the regulation of Entities, ie businesses with lawyer owners and managers, and after a full year of operation we want to review how this is going. We also last year made an application to the LSB to be designated as a licensing authority for Alternative Business Structures (ABSs, ie businesses which include non-lawyer owners and managers). We hope to

begin authorising ABSs in October 2016, subject to the necessary statutory approval process.

Last year we commenced a piece of research into the different governance models for barristers' chambers, and we will be looking to address any regulatory risks or opportunities arising from this work in the coming year.

We will continue to reduce the regulatory burdens on practitioners wherever possible so that they can remain competitive and pass the benefits on to users of legal services. We started work in the last business year to review our Scope of Practice and Employed barrister rules, and we want to progress with this work so that we have a much more outcomes-focussed approach. The rules are quite specific and complex, and may be having an unnecessarily restrictive impact on the market - so we envisage that the review will be quite wide-ranging. Section 15 of the LSA07 sets out the circumstances in which an employer of an authorised person must also be authorised (essentially when the employer is providing reserved legal services to the public or a section of the public). Our rules currently impose restrictions on employed barristers that go beyond the requirements of s15, so when we scope the full review of the rules we will ensure that we only impose additional requirements where there is a clear evidence base for doing so. As a first step we expect to agree a change to the scope of in-house practice by Quarter 2.

We are currently reviewing the public and licensed access rules, which were put into operation during the last strategic plan. These relaxations meant that appropriately qualified barristers could accept instructions directly from the public, and we want to develop a detailed picture of the current provision of legal services through public access barristers

to help us understand better the operation of the current regulatory arrangements.

We are reviewing the way barristers make use of professional indemnity insurance, to protect consumers and support barristers' practices. The first part of this work will be to conduct a market analysis in the area, taking into account competition law and the public interest, and proposing changes to our rules if any are needed. We will also review the governance arrangements between ourselves and the Bar Mutual Indemnity Fund, with whom we currently require all individual self-employed barristers to take their first layer of insurance. We expect to have completed this in year one of the new strategy.

During the course of the Strategic Plan period, we want to review the regulatory provisions for particular types of practice. We have prioritised those types with a high impact on vulnerable consumers and have already conducted research into immigration services and youth courts work. In relation to immigration advice, three key themes have been identified as a result of this process: access to justice, poorly informed consumers and quality of advice and standards of services. We have been developing options in relation to these themes and exploring how the risks could be addressed; we expect to agree some recommendations later in the 2016-17 business year. In November 2015, we published a Youth Proceedings Advocacy report that showed the damaging effects that poor advocacy has on access to justice for young and often very vulnerable offenders, and their perceptions of the system in general. We will be taking decisions on how to address these matters early on in the year and then will plan how to implement our decisions. Another area considered to be high-impact if things go wrong is criminal advocacy, and it has been widely agreed that a compulsory accreditation scheme is required to assure the public of high

standards. Early in the year we will be deciding on the exact nature of the roll-out of QASA (the Quality Assurance Scheme for Advocates).

One of the largest programmes of work we have undertaken is Future Bar Training (FBT), the objective of which is to design and deliver a new system of education and training for barristers. In this business year we expect to have completed all of the planning and consultative phases, and then for the remainder of the strategic plan, we will be implementing the agreed changes, ensuring that there is a smooth transition to the new system.

We are aiming to improve our supervision of work-based training for barristers. Last year we piloted a new Continuing Professional Development scheme with a selection of chambers. This helped us to examine whether a more outcomes-focussed approach would be beneficial in the future. We would like to move away from the "tick-box" exercise of completing 12 hours a year, and focus on a new scheme that is sufficiently flexible, tailored to individuals' needs, and is relevant to a professional's area of practice. By the end of 2016-17 we intend to have launched the new scheme.

Throughout the new strategy we will be striving to improve diversity in access to the profession and progression in it. We will shortly be publishing the results of a recent survey we conducted into women's experience at the Bar, and later in the year we will be refreshing our Equality objectives in line with our strategic aims and statutory requirements.

## Timeline of activities

Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future				
Activity	Q1	Q2	Q3	Q4
Entity Regulation and Alternative Business Structures		Complete first-year review of Entities	Roll-out of Alternative Business Structures authorisations	
Scope of Practice and Employed Barrister rules (s15 LSA07)		Board decision on narrow change to Employed Barrister rules		Scope the work to review the “Scope of Practice” rules
Public Access	Complete analysis of evidence	Conduct consultation	Board approval on any rule changes	Approval from LSB on any new Public Access Rules
Chambers’ governance	Complete governance model research	Board decision on any proposals arising from chambers’ governance research		
Professional Indemnity Insurance arrangements	Start insurance market analysis Start BMIF governance review	Board decision on BMIF governance review	Insurance market analysis completed and decision on any rule changes	
Immigration thematic review	Board decision on options and recommendations			
Youth Courts	Board decision on Youth Courts policy proposals			
QASA	Board decision on QASA			
Future Bar Training		Board decision (and consultation) on possible FBT options	Review consultation responses	Board decision on final FBT option
Continuing Professional Development		Consult on new CPD rules	Approval from LSB of new rules	Roll-out of new CPD scheme
Diversity	Publish Women at the Bar Research	Develop action plan	Board approval on new Equality Objectives (including actions to improve diversity disclosure rates)	

We will spend £1,802k on Strategic Programme 2 which is 35% of the BSB’s direct costs.

## 3

## Ensuring a strong and sustainable regulator

### What this means:

The BSB will continue to position itself as the regulator of legal services which have advocacy, specialist legal advice and litigation at their core. There is a distinct public interest in our doing this because of the close relationship of these services to the upholding of the rule of law and access to justice.

We will actively promote regulatory governance arrangements which are constitutionally and financially independent of government, as well as of the profession we regulate. We need to balance this with ensuring we maintain credibility with government, politicians, the profession and its institutions. We will maintain and extend our accountability to the public.

The BSB will continue to aspire to its core values: fairness, integrity, respect, excellence and value for money. We will maintain our strong track-record of transparency, accountability and good stewardship of resources by setting out clear and meaningful measures of success.

### Our work programme:

The Ministry of Justice (MoJ) has stated that it will be consulting on the full separation of legal regulators from the representative bodies and we look forward to responding to this consultation during the year. If there is no change to the current legislative framework, we will seek to negotiate a revised internal governance settlement with the Approved Regulator (the Bar Council) under the current LSA07. This will be with the aim of enhancing perceptions of our independence

from the profession and giving us more financial accountability and operational control over our resources.

We will also continue to demonstrate our accountability to the public and profession through transparency in our assurance processes, performance monitoring and reporting. During 2016-17 we will be developing a revised assurance framework to help us do this more effectively.

We will be concluding our ASPIRE<sup>1</sup> programme, which was initiated during the last strategy to ensure that we were adhering to the LSB's regulatory standards framework. We are due to receive our assessment from the LSB imminently and want to be able to bring this programme to a close and fully embed our improvements into our day to day regulatory activities. By mid-year, as part of the internal governance reform, we will have designed a Board development strategy and also completed recruitment for Independent Appointments Panel members, who make fair and open decisions on merit on Board member appointments.

Last year, we disestablished a number of our policy committees and changed the role of Board members and executive staff. To ensure we have access to the best possible expertise and advice to support our work, we will be setting up an advisory pool of external experts (APEX) and we envisage that there will be two recruitment rounds to it in 2016-17.

We will be reshaping the organisation internally to bring greater coherence to the delivery of our strategy and future regulatory approaches, although this will not be completed until the end of the Strategic Plan.

<sup>1</sup> ASPIRE: Accessing staff potential in inspiring regulatory excellence



Our HR Strategy will focus on developing staff well-being, performance management, recruitment, retention and career progression and succession planning. It will be continually refreshed during the term of the overarching strategy. However in the first year we will be focussing on a new learning and development strategy, improving our recruitment processes and responding to matters raised in the most recent staff survey.

Throughout the last strategy we significantly improved our internal capacity and capability. We designed regulatory tools such as the policy development framework, research and evidence base, and knowledge management. We will be publishing our *Risk Outlook* and associated materials in April 2016, and we will continue to refine our regulatory tools and fully embed them into our day to day regulatory activity.

During the last business plan, the Bar Council and BSB made a commitment to invest in better Information Management (IM) and technology to promote more agile and smarter working. The long-term IM strategy will span the length of our overarching strategic plan. By the end of this business year, we will have completed the data foundation, management information, and business intelligence phases, meaning that we will have much more robust assurances on the information we are using. We will also have commenced implementing new financial software, which will make our internal processes much more efficient.

We will continue to work to enhance our efficiency and financial sustainability. During the course of the strategy we expect to move out of our current premises when our lease expires, which means that we will need to have made a decision this year on our future location.

## Timeline of activities

Strategic Programme 3 – a strong and sustainable regulator				
Activity	Q1	Q2	Q3	Q4
Moj consultation on regulatory independence	Respond to the Moj consultation on regulatory independence		Deal with Moj outcomes and begin planning as needed	
Assurance Framework	Agree first version of framework	Commence roll-out of revised assurance framework		Complete roll-out of revised assurance framework
Board Governance	Complete recruitment for Independent Appointments Panel Induct panel members	Plan and start to implement a Board development strategy	Complete Board recruitment as required	
ASPIRE	Strengthen consumer engagement capability and capacity	Develop action plan following RSF assessment if required		Implement post RSF assessment actions
Advisory Pool of Experts (APEX)		Complete first round of APEX recruitment		Complete second round of APEX recruitment
HR strategy	Design new Learning and Development strategy for staff; commence roll-out			Implementation of staff survey action plan
Risk-based Regulation	Launch of the <i>Risk Outlook</i>			Complete prioritisation of risks in framework for decision-making
Information Management Programme (IT strategy)		Completion of the data foundation, management information, and business intelligence phases	Implementation of ABS online tools  Completion of phase one for finance software	
BSB future premises	Board decision on preferred option for BSB premises			

We will spend £902k on Strategic Programme 3 which is 17% of the BSB's direct costs.

# Challenges and uncertainties for our plans

The Treasury and BIS have announced that the government will be consulting by spring 2016 on making legal service regulators independent from the representative bodies. There may be some slippage in this timeline for political reasons outside our control. If following the consultation, there is a demand for swift and / or far-reaching action, we would need to plan for the future and this could impact on our ability to deliver our strategy.

Our Education and Training regulation is being transformed. We will need to plan for a smooth transition from one system to another, allowing an adequate amount of lead-in time and making sure we align with the annual education cycles. There are many uncertainties surrounding this programme of work, and it will be challenging for us to run old systems while getting ready to launch revised ones, given our constrained resource base. The response of the higher education market to our proposals may throw our timelines off course.

ASPIRE is a programme of work to ensure the BSB achieves a satisfactory rating against the LSB's Regulatory Standards Framework. The programme focusses on consumer engagement, governance reform, and the risk framework. This additional work has meant that the BSB has been very stretched, and we have encountered delays to some elements of the programme. Following a read-out of the LSB's assessment of our progress against the RSF, there could be significant demands on BSB resources that are too large to absorb and could impact on our day to day operations.

We have comprehensive corporate risk management processes in place to help us mitigate the negative consequences were any of the above risks to materialise.

# Performance dashboard

This page shows the “Dashboard” performance reporting that we will be using this year. We will give an update on our key Programmes of work and service standards, as well as our corporate governance, resources and risks. We will aim to deliver our Activities on time and to budget. We want a high percentage of our regulatory decisions

to be made as efficiently and effectively as we can, and our Service Standards will be an indicator of how well we are achieving this. The Dashboard will be reported to our Planning, Resources and Performance Committee as well as to the Board and then to the public.

Strategic Programmes			
<b>Strategic Programme 1 – Regulating in the public interest</b>	<b>Strategic Programme 2 – Supporting barristers and those the BSB regulates to face the future</b>	<b>Strategic Programme 3 – Ensuring a strong and sustainable regulator</b>	
Activities			
Consumer and Stakeholder Engagement Research	Reviewing selected BSB handbook rules Future Bar Training Diversity	Internal governance Human Resources Information Management	
Service Standards			
Timeliness and quality of enforcement decisions		Timeliness and quality of authorisation decisions	
Corporate governance and resource			
Governance and Risk Management	Financial resource	Staff resource	Information Management

# Equality statement

The BSB is committed to improving diversity in the profession and internal workforce. We recognise a profession and a regulator that is representative of the people it serves is more likely to meet needs of clients from all backgrounds.

All our staff and those with whom we engage are entitled to be treated with dignity and respect and be part of an environment that is free from unlawful discrimination.

We have a number of general and specific legal duties arising from the Equality Act 2010. The BSB's commitment to equality and diversity contributes to fulfilling its Regulatory Objective of 'encouraging an independent, strong, diverse and effective legal profession' as set out in the LSA07.

As required by s149(1) of the Equality Act 2010, we will work to:

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

The BSB has an equality strategy and associated objectives that set out how we will deliver on these commitments, the strategy is also supported by:

- Equality impact analyses of all strategies, projects and policies;
- Equality training for staff, Board and committee members;
- Collecting and examining equality data both on the profession and those that use the BSB's services;
- Engaging with equality stakeholders that provide essential feedback on the BSB's work; and
- Conducting research into the effect of our policies and processes on the profession and consumers.

# Governance

The BSB is led and governed by a Board made up of 15 people, some of whom are barristers and some of whom are not. The Board has a non-barrister majority and a non-barrister Chair.

## Leadership

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

## Culture

The Board aims to develop, shape and lead by example in relation to the BSB's organisational culture and values.

## Strategy

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

## Good Governance

The Board is responsible for ensuring that sound and effective arrangements are in place so that the organisation can operate in accordance with its organisational values and good governance principles.

## Chair:

Sir Andrew Burns KCMG

## Vice-Chair:

Ms Naomi Ellenbogen QC

## Barrister Members:

Mr Aidan Christie QC

Ms Justine Davidge

Ms Judith Farbey QC

Mr Andrew Mitchell QC

Mr Adam Solomon

Vacancy

## Lay Members:

Ms Rolande Anderson

Mr Rob Behrens CBE

Dr Malcolm Cohen JP

Mr Tim Robinson

Professor Andrew Sanders

Ms Nicola Sawford

Dr Anne Wright CBE

## Special Advisers (non-voting):

Mr Keith Baldwin

Ms Emily Windsor

Details of terms of office and declarations of interest for all Board members and advisers are available [on our website](#).

Our Board currently runs its work through five committees:

- Education and Training Committee;
- Governance, Risk and Audit Committee;
- Planning, Resources and Performance Committee;
- Professional Conduct Committee; and
- Qualifications Committee.

During its Governance Review, the Board recently disestablished three of its policy making committees: Supervision; Standards; and Equality and Diversity. The strengthened executive will be carrying out the policy development responsibilities that used to lie with these committees. In the latter stages of the Governance Review, we expect there to be further changes to our committee arrangements.

The Education and Training Committee oversees all regulatory activity relating to education and training for the Bar. This includes setting the standards of education and training that people must pass before being able to practise as barristers, together with the further training requirements that barristers must comply with throughout their careers.

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

The Planning, Resources and Performance Committee is responsible for work relating to development of strategic direction and plans for the BSB. It advises the Board on developments to the planning, resource setting and performance monitoring processes. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed across the BSB.

The Professional Conduct Committee makes decisions about complaints regarding the conduct of barristers. Where a barrister has breached the BSB Handbook, the Committee can refer the complaint to disciplinary action (eg a Disciplinary Tribunal) or impose a warning or fine. The Committee can also dismiss cases due to lack of evidence. There will be changes to the Committee in line with our governance reform.

Our Qualifications Committee deals with applications for waivers or exemptions from provisions of the BSB Handbook relating to qualification and practice as a barrister, as well as applications for licensed access. There will be changes to the Committee in line with our governance reform.

### Advisory Pool of Experts (APEX)

The APEX will be a pool of external expert resources that may be called upon to provide expertise in an area where an in-depth or more independent view is helpful. APEX members will engage with the executive on matters of project, technical policy, strategic policy, business risk and other matters and may also provide more objective challenge to the work of the executive or Board, as requested. The APEX will be formed in response to a governance restructure, requiring more executive-led decision-making and policy development, combined with a reduction in numbers within the governance structure. Alongside this, a focus on consumer and stakeholder views, encourages us to adopt a wider participation and consultation process, which includes gaining expertise from a wider pool of people and backgrounds.

The work of the BSB is overseen by the Legal Services Board, in accordance with the LSA07.

## Organisational Chart

This organisation chart shows how we intend to structure the executive during the term of this Strategic Plan. During 2016-17 we will have 79 people employed at the BSB.





# Our budget

Our budget year runs from 1 April 2016 to 31 March 2017 and the budget that the BSB controls directly for this period is £5,213k.

We are pleased to state that our operating expenditure budget is 4% (£225k) below that of last year's. However because of the changing nature of our Education and Training regulation, our projected revenue from sources other than Practising Certificate Fees is 49% (£928k) less than the previous year's.

2016-17 Direct expenditure

**£5,213k**

2016-17 Direct income from  
sources other than PCF

**£947k**

## The Practising Certificate Fee (PCF)

The Bar Council approves our budget and collects our funding. Its intention when the budget was set last year was to increase the amount of PCF revenue by 1.25%, to meet strategic needs over a three-year period.

### Rationale

The Bar Council set out its rationale for the compilation of the overarching budget. The headlines for 2016-17 are:

- Practising Certificate Fees will increase by 1.25%;
- The need to meet costs arising from the expiry in 2019 of the lease on the Bar Council / BSB's current office accommodation;
- The need to manage the liabilities from the closed defined benefit pension scheme which materialises over the long term;
- The completion of the Bar Council / BSB three-year programme of investment into our information systems and processes (IM Programme), which will in the future reduce whole-organisation costs by £500k annually;
- The need to manage other risks to income and expenditure.

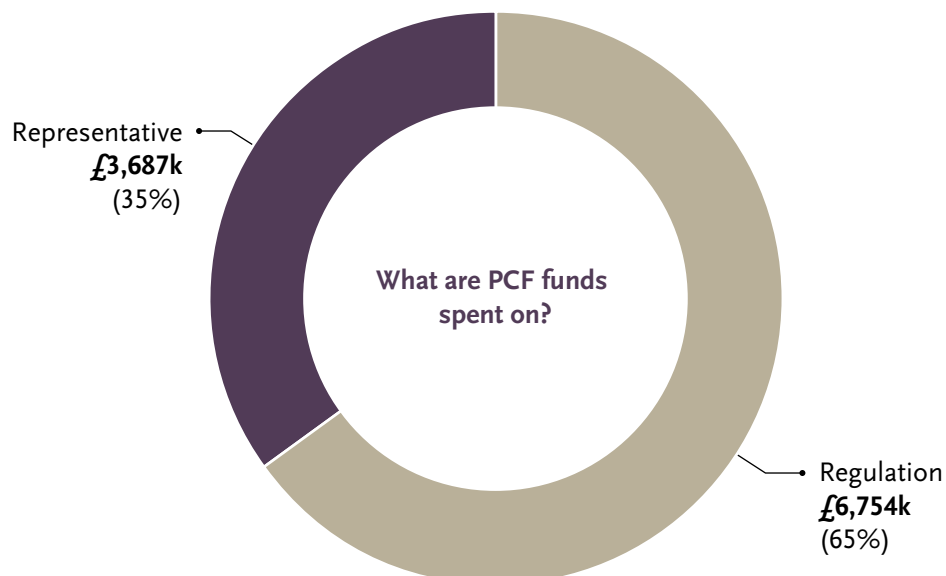
## PCF bands

Income Band	PCF level for 2016
£0-£30,000	£110
£30,001-£60,000	£220
£60,001-£90,000	£441
£90,001-£150,000	£803
£150,001-£240,000	£1,219
£240,001 and above	£1,652

## The PCF explained

The PCF can only be spent on the activities that are permitted under s51 of the LSA07. Regulation is a permitted purpose and so a significant proportion of the PCF is spent by the BSB. However some of the Bar Council's activities are also "permitted purposes" so a portion of the PCF is also spent by the Bar Council on activities managed wholly separately from the BSB (shown below as "Representative" costs).

Under these rules, the Bar Council has consulted on its budget and PCF proposals with the profession and has received approval of both from the LSB. A copy of the consultation paper for the 2016-17 PCF and budget is on the [Bar Council's website](#).



### How is the BSB funded?

Part of our income comes from charges we make for services we provide. We describe that kind of income as “income streams directly controlled by the BSB”. Directly controlled income streams include the fees from Bar Professional Training Course (BPTC) providers, and the Bar Transfer Test

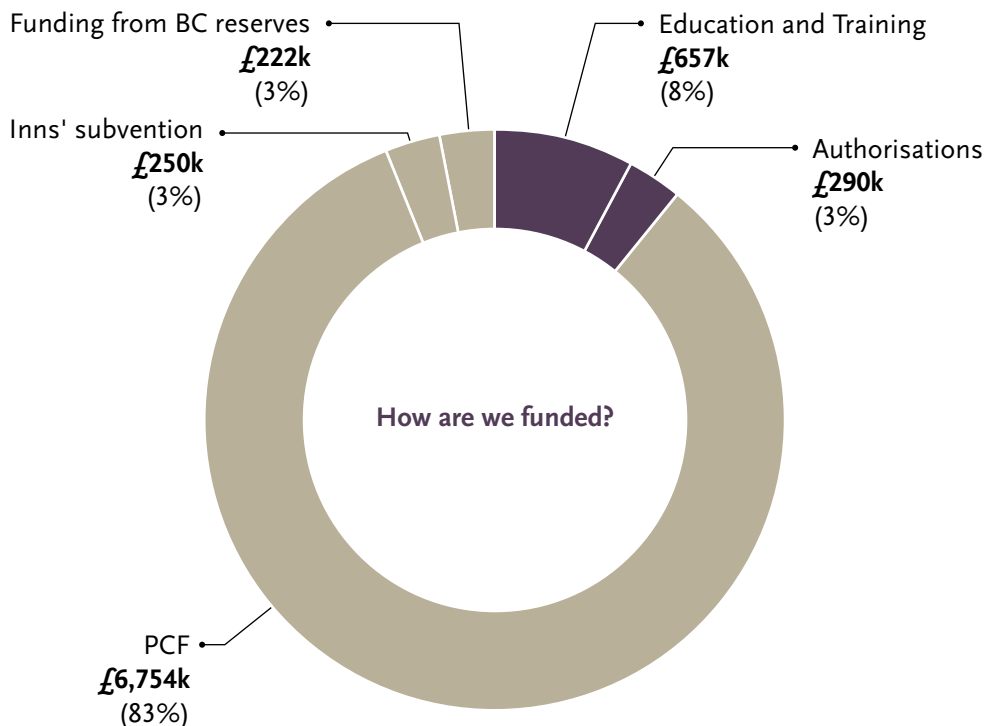
(BTT). The remainder of the BSB’s funding is from PCFs together with contributions from the Inns of Court. Those latter income streams are not directly controlled by the BSB.

It should be noted that a portion of our activities are this year being funded via the Bar Council’s reserves (£222k).

### Where will the BSB get its income from?

<i>Income streams directly controlled by the BSB</i>	£k
Education and Training (including BPTC and BTT)	657
Authorisations (eg waivers, entities)	290
<b>Total BSB controlled income</b>	<b>947</b>

<i>Income streams not directly controlled by the BSB</i>	£k
Practising Certificate Fee contributions	6,754
Inns' subvention	250
Funding from Bar Council reserves	222
<b>Total</b>	<b>8,173</b>



## Regulation – the costs explained

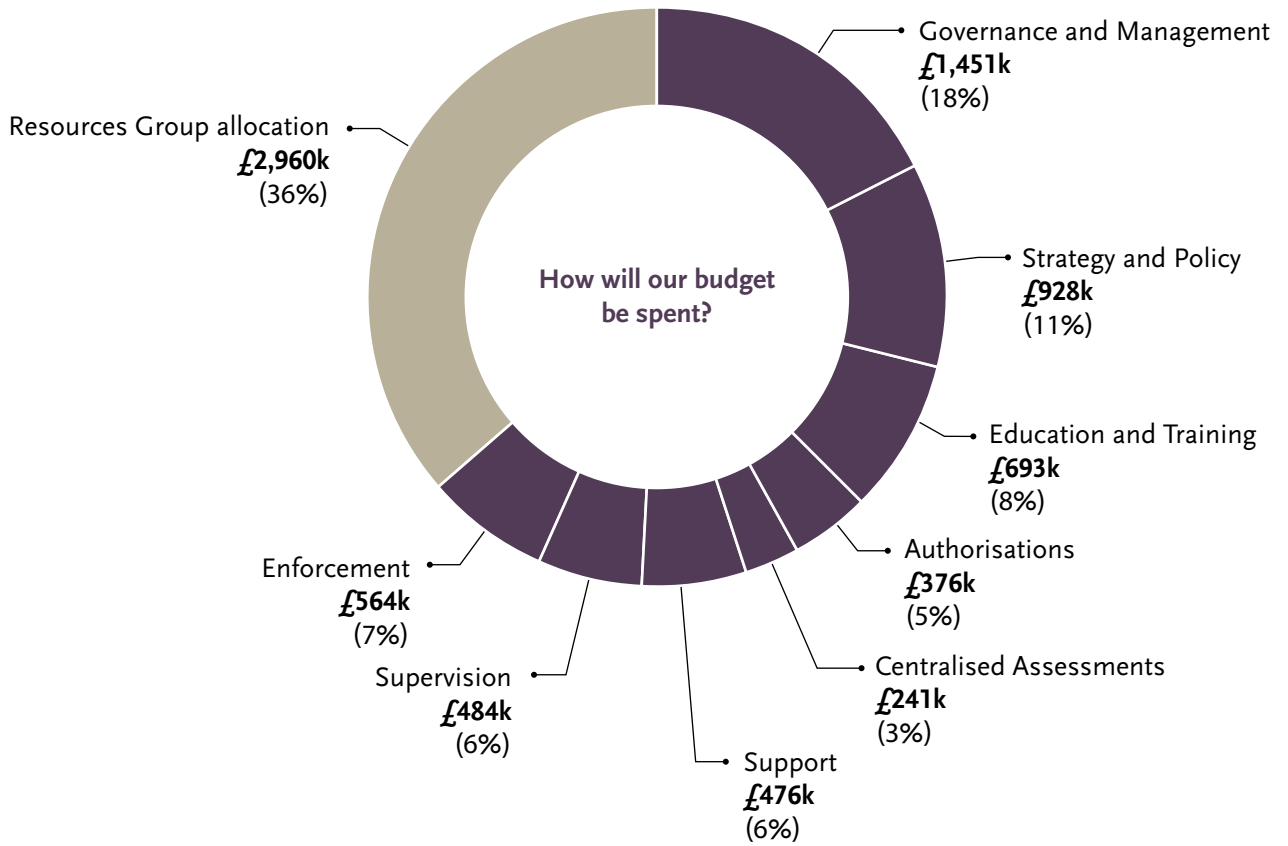
The BSB has direct control of a budget of £5,213k for 2016-17. Those funds will be spent on each of the areas shown below.

However, this does not reflect the full cost of the BSB. We share the costs of common services with

the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the Resources Group to carry out support work (HR, IT, and Finance etc). The Resources Group budget is managed separately and part of that budget is apportioned to the BSB.

## How will we spend our budget?

<i>Budgets directly controlled by the BSB</i>	<b>£k</b>
Governance and Management	1,451
Strategy and Policy (including FBT)	928
<b>Regulatory Operations</b>	
Education and Training (including exams)	693
Authorisations	376
Centralised Assessments	241
Support	476
Supervision	484
Enforcement	564
<b>Total BSB Budget</b>	<b>5,213</b>
<i>Budgets not directly controlled by the BSB</i>	<b>£k</b>
Resources Group allocation (including premises costs)	2,960
<b>Total cost of regulation</b>	<b>8,173</b>



# BAR STANDARDS BOARD

REGULATING BARRISTERS

## Contacting us

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

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

Write to us:

Bar Standards Board  
289-293 High Holborn  
London WC1V 7HZ

DX: 240 LDE

Phone us: 020 7611 1444

Fax us: 020 7831 9217

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