



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Business Plan 2022-2023

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The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest.

Introduction



The Bar Standards Board's (BSB's) Business Plan for 2022-23 marks the first year of our new three year strategy.

Last autumn we consulted the public and the profession about our strategy for delivering our statutory regulatory objectives, as set out in the Legal Services Act 2007. These objectives, which we share with the other legal services regulators, emphasise the role played by the Bar both in supporting the rule of law and in ensuring access for consumers to high quality, good value and understandable legal services.

In the light of the consultation, we have sought to capture the BSB's public interest responsibility as a professional regulator in a clear vision for BSB. Our vision is that

We will ensure that the BSB regulates the Bar in the public interest by promoting high standards, equality and access to justice.

We want to see a market for barristers' services where:

- barristers provide a range of good value legal services which are well understood by the public, who can access those services either through their solicitors or directly;
- diverse customers are served equally by a diverse Bar which does not tolerate any form of discrimination, bullying or harassment;
- the quality of legal advice and of customer service is consistently high; and
- barristers' duties to the Court, to their clients and to the rule of law are upheld.

To deliver on this vision, the BSB must be rigorously independent and must perform its own regulatory functions efficiently and to a high standard. This involves:

- overseeing the education and training requirements for becoming a barrister;
- monitoring the standards of conduct of barristers and their compliance with the rules in our Handbook;

- taking supervisory or enforcement action when it is needed; and
- ensuring that everyone we authorise to practise is competent to do so.

That work occupies the majority of our people and accounts for most of our spending. It is also the focus of the new investment which we plan for this year.

The BSB must also, however, identify emerging risks to the ability of the Bar to serve the wider public interest and consider where regulatory interventions, alongside our partners, can help to mitigate those risks. We must be alert to new opportunities, particularly the opportunities presented by technology to improve public access to legal services, and ensure that regulation facilitates, and does not impede, the realisation of those opportunities.

As our recent consultation has underlined, the Bar has rarely faced in its long history such a combination of risks, but also of new opportunities.

- The health emergency has accelerated court reform and increased remote hearings and working, often to the benefit of both barristers and their clients, but it has also attenuated the support which chambers and employers are able to give to pupils and to junior barristers and created new training needs.
- Pressures on public funding are creating risks for access to legal services, particularly at the Criminal Bar, but new technology is offering the chance to deliver services more flexibly and in new ways.
- There is a continuing imperative to improve the culture at the Bar, tackling discriminatory practice in all its forms and ensuring a supportive environment for all barristers and pupils, while remote working offers the opportunity for a better work/life balance and improved well-being.
- Barrister numbers continue to rise – there are now over 17,000 practising barristers - but the profession is ageing and there is continuing pressure on pupillage numbers, particularly at the publicly funded Bar, creating risks both to the future supply of services and to the diversity of the Bar.
- Many consumers, particularly consumers in vulnerable circumstances, struggle to navigate legal services, but there are enhanced opportunities for online signposting and comparison and for unbundling legal services themselves.

Against this background, we have agreed five strategic aims which will enable BSB both to improve our own operational effectiveness, and to ensure that regulation responds to these risks and opportunities.

Efficiency	delivering our core regulatory operations quickly, economically and to a high standard
Standards	ensuring that barristers provide a high quality and responsive service throughout their careers
Equality	promoting equality, diversity and inclusion at the Bar and at the BSB and the profession’s ability to serve diverse consumers
Access	promoting consumer understanding of legal services and choice and good value in using those services (covering both the supply of, and demand for, barristers’ services) and
Independence	strengthening the BSB’s independence, capability, self-confidence and credibility.

You can read more about these aims in our [2022-25 Strategic Plan](#) which explains why we have them and the outcomes which we hope to achieve.


[Our website](#) and the Strategic Plan also explain how our regulatory priorities are set by conducting a risk-based analysis of the market for barristers’ services.

This Business Plan sets out how we will take forward these five strategic aims in 2022/23, the first year of the strategy. The Plan sets out both our core regulatory activities which we do on a day-to-day basis and our policy and other project work. Through these projects we seek to improve the way in which we regulate and to review, evaluate and, where necessary, change our rules.

Many of our activities contribute to more than one strategic aim. For example, a major programme of work in the year ahead will aim to clarify our expectations of the role which chambers and employers should play in overseeing standards, in promoting equality and in facilitating access for consumers.

Our budget for 2022-23 is £8,174k. In addition, we contribute £4,688k to the common services (such as IT and Finance) which we share with the Bar Council.

Our business plan covers only the year ahead but, as our strategy makes clear, we



have a number of other projects which we have also decided to take forward in future years. These include reviews of the regulation of unregistered barristers, of the supply of barristers in different areas of practice, and of the referral process between solicitors and barristers.

You will be able to see how we performed against this Business Plan in our 2023 Annual Report.

Strategic Aim 1 – Efficiency

Delivering our core regulatory operations quickly, economically and to a high standard

While the reports from our Independent Reviewer show that the quality of our decision-making remains high, and the productivity of our people has increased in spite of the impact of the pandemic, we are determined to improve the timeliness of our decision-making. We intend to ensure that an increase in people and investment in this area will enable us to meet all our key performance indicators, which are set out in detail at the end of this document.

We shall continue, day-to-day, to:

1. assess reports of potential professional misconduct and risks to our regulatory objectives, taking enforcement or other action where necessary; and
2. deal with requests for authorisation, exemptions and waivers.

We shall also continue with reviews of:

3. the appropriate scope of regulation of barristers' non-professional life in consultation with our stakeholders;
4. the rules governing how barristers market their services and receive instructions;
5. our Code of Conduct, starting with the Core Duties; and
6. the current rules bearing on professional indemnity insurance to clarify the expected level of cover provided by insurers to barristers' clients (or other third parties) in the event of a cyber-related incident.

We will also begin some new projects to review:

7. our regulatory operations and key performance indicators, both to evaluate the changes we introduced in 2019 and to look at whether there are any further changes which would help us to increase our efficiency and to improve the transparency of our performance;
8. our decision-taking for authorisations in order to apply the lessons of recent cases and to update our policies in the light of those lessons;
9. our customer relationship management system, including our case management system; and
10. the Enforcement Regulations set out in Part 5 of our Handbook.

The table below shows how this work will help us to meet our regulatory objectives:

The Regulatory Objectives

Our planned work in 2022-23	Protecting and promoting the public interest	Supporting the constitutional principle of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Increasing public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
1. Assessing reports of potential professional misconduct and risks to our regulatory objectives, taking enforcement or other action where necessary	●	●	●	●		●	●	●
2. Dealing with requests for authorisation, exemptions and waivers	●	●	●	●	●	●		●
3. Consulting on our work to consider the appropriate scope of regulation of barristers' non-professional life	●		●	●		●		●
4. Reviewing the rules governing how barristers market their services and receive instructions	●	●	●	●	●	●		●
5. Code of Conduct: reviewing the Core Duties	●	●	●	●	●	●	●	●
6. Clarifying the rules around cyber security and professional indemnity insurance	●			●	●	●		
7. Reviewing the effectiveness of the changes we introduced in 2019 to modernise our regulatory decision-making	●	●	●	●	●	●		●
8. Reviewing the efficiency and effectiveness of the decision-making framework for authorisations	●	●	●	●	●	●		●
9. Reviewing our customer relationship management system including our case management system	●			●		●		
10. Scoping the review of our Enforcement Regulations	●			●	●	●		

Strategic Aim 2 – Standards

Ensuring that barristers provide a high quality and responsive service throughout their careers

The core work that we will conduct through the year will focus on:

1. supervising the bodies which offer vocational training and the chambers and employers which provide pupillage to ensure standards and to promote equality;
2. designing, setting and marking the centralised assessments in civil and criminal litigation and professional ethics;
3. assuring, maintaining and enhancing standards across the profession by assessing the adherence to the standards set out in the BSB Handbook of both the individuals we regulate and the chambers and entities in which they practise. This includes a risk-based approach to supervision, the authorisation of new entities and the regulation of Continuing Professional Development and taking regulatory action where necessary; and
4. continuing to meet our obligations under the Money Laundering Regulations to conduct risk based supervision of relevant barristers and to liaise with relevant stakeholders, including other regulators, the Office for Professional Body Supervision (our oversight regulator), HM Treasury and law enforcement agencies.

Our project work in this area will focus on continuing our **work to reform Bar training**:

5. evaluating the reforms we have already made;
6. specifying how negotiation and advocacy are assessed during pupillage; and
7. concluding our review of the Bar Course Aptitude Test.

We will also begin some new projects as part of our wider programme of **Assuring Competence** to ensure that barristers maintain high standards of legal knowledge and customer service throughout their careers:

- 8. examining how we can encourage individual barristers to gather and reflect on feedback from a range of sources when planning their continuing professional development;
- 9. evaluating our joint work with the Solicitors Regulation Authority and CILEx regulation in which we set common standards for those practising in the Coroners' Courts;
- 10. continuing our work in relation to the regulation of barristers in their early years of practice and their continuing professional development; and
- 11. reviewing what wider regulatory or supervisory action may be needed in the light of responses to the 2020 Regulatory Return.

As part of our work to clarify our regulatory expectations of chambers and to promote best practice:

- 12. we will work with the profession to promote best practice in Chambers' oversight of standards.

The table below shows how this work will help us to meet our regulatory objectives:

The Regulatory Objectives

Our planned work in 2022-23	Protecting and promoting the public interest	Supporting the constitutional principle of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Increasing public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
1. Regulating the training of barristers	●	●	●	●	●	●		●
2. Designing setting and marking centralised exams	●	●	●	●	●	●		●
3. Assuring standards through supervision, authorising new entities and taking regulatory action where necessary	●	●	●	●	●	●		●
4. Continuing to meet our obligations under the Money Laundering Regulations	●			●		●		●
5. Continuing the evaluation of the reforms to Bar training	●	●	●	●	●	●	●	●
6. Specifying how negotiation and advocacy are assessed during pupillage	●	●		●	●	●		●
7. Concluding the review of BCAT	●		●	●	●	●		●
8. Encouraging barristers to reflect on feedback when planning CPD	●	●	●	●	●	●		●
9. Evaluating our work to improve standards in the Coroners' Courts	●	●	●	●		●		●
10. Review of early years of practice.	●	●	●	●	●	●		●
11. Taking action where needed in the light of responses to the Regulatory Return	●	●	●	●	●	●		●
12. Promoting Chambers best practice in maintaining standards	●	●	●	●	●	●		●

Strategic Aim 3 – Equality

Promoting diversity and inclusion at the Bar and the BSB and the profession's ability to serve diverse customers

The core work that we will conduct through the year will focus on:

1. continuing to promote equality, diversity and inclusion at the Bar with the support of our Race Equality, Disability, and Religion & Belief Taskforces;
2. ensuring that chambers are implementing the actions we set out in our Anti-Racism Statement in November 2020;
3. completing research into differential attainment during vocational training at the Bar; and
4. continuing our Reverse Mentoring scheme under which Bar students and pupil barristers from minority ethnic backgrounds mentor senior barristers from White backgrounds.

Our policy work, in partnership with stakeholders, will focus on continuing to:

5. improve our regulatory approach in tackling bullying, discrimination and harassment at the Bar;
6. promote good practice in the equality and diversity policies and practices of vocational training providers;
7. explore the possibility of apprenticeships as a training pathway from the Bar and produce additional guidance to support pupillage in employed practice; and
8. publish good practice case studies about the inclusion of people with different types of disability at the Bar.

As part of our work to clarify our **regulatory expectations of chambers and employers** and to promote best practice we will also:

9. review the Equality Rules to ensure that they remain fit for purpose and clearly set out minimum standards for chambers' and employers' oversight of diversity, including appropriate governance;
10. work with the profession to encourage best practice in chambers with regard to promoting equality, diversity and inclusion and eliminating bullying, discrimination and harassment in the light of evidence from the Regulatory Return; and consider how chambers and employers can be incentivised to adopt best practice.

The table below shows how this work will help us to meet our regulatory objectives:

The Regulatory Objectives

Our planned work in 2022-23	Protecting and promoting the public interest	Supporting the constitutional principle of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Increasing public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
1. Promoting equality, diversity and inclusion at the Bar with the support of our Taskforces	●		●	●	●	●		●
2. Ensuring that chambers are implementing the actions set out in our Anti-Racism Statement	●		●	●	●	●		●
3. Researching differential attainment	●		●	●	●	●		●
4. Continuing our Reverse Mentoring scheme	●		●	●	●	●		●
5. Tackling bullying, discrimination and harassment	●		●	●	●	●		●
6. Promoting good practice in equality and diversity practice among vocational training providers	●		●	●	●	●		●
7. Exploring apprenticeships as a training pathway for the Bar and support for employed pupillage	●		●	●	●	●		●
8. Good practice disability case studies	●		●	●	●	●		●
9. Reviewing the Equality Rules	●		●	●	●	●		●
10. Promoting best practice in chambers	●		●	●	●	●		●

Strategic Aim 4 – Access

Promoting consumer understanding of legal services and choice and good value for those who use those services

Our core work throughout the year will focus on **improving consumer choice and increasing their understanding** of the legal services market by:

1. providing information to the public about barristers in partnership with consumer organisations, the profession and other legal regulators;
2. continuing to develop and implement our strategy for wider public legal education in partnership with other regulators and organisations in order to improve our understanding of how best to identify those in legal need, the nature of that need and how best to help them;
3. completing our evaluation of, and continuing to ensure compliance with, our transparency rules which are designed to help consumers understand the price and service they will receive, what redress is available and the regulatory status of their barrister; and
4. examining the role of new technology in the legal services market, in collaboration with others and taking part in joint activities with other regulators, tech companies and other stakeholders as appropriate.

Our project work will focus on new projects to:

5. collaborate with other regulators and consumers to understand the possible benefits to the public of unbundling legal services (enabling consumers to contract for parts of a legal service, whilst managing the rest of the matter themselves) through a pilot aimed at the Bar;
6. work with other regulators and consumers (launching a pilot for the Bar this year) to understand the possible benefits of digital comparison tools (such as online sites which seek to rate the services provided by legal advisers); and
7. work with other regulators and consumers to develop a Regulatory Information Service which will provide a single portal for finding out regulatory information about all regulated legal service providers.

The table below shows how this work will help us to meet our regulatory objectives:

The Regulatory Objectives

Our planned work in 2022-23	Protecting and promoting the public interest	Supporting the constitutional principle of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Increasing public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
1. Providing information to the public about barristers	●	●	●	●	●	●	●	●
2. Developing and delivering our public legal education strategy	●	●	●	●	●	●	●	●
3. Ensuring compliance with, and evaluating, our transparency rules	●		●	●	●	●	●	●
4. Examining the role of new technology in the legal services market and taking part in the work of LawtechUK;	●		●	●	●	●	●	
5. Unbundling legal services	●		●	●	●	●	●	
6. Digital Comparison Tools	●		●	●	●	●	●	
7. Regulatory Information Service	●		●	●	●	●	●	●

Strategic Aim 5 – Independence

Strengthening the BSB’s independence, capability, self-confidence and credibility

Our aim here is to ensure that the BSB has the culture, values and associated policies appropriate for an independent regulator. With that in mind, our core work throughout the year will focus on:

1. our annual review of our implementation of the Internal Governance Rules, which govern the relationship between regulators and professional bodies, with the aim of enhancing regulatory independence within the current legislative framework;
2. continuing to pursue the governance reforms in our Well Led Action Plan; and
3. promoting engagement and collaboration with consumer organisations, the profession and other regulators.

Our project work will focus on continuing to:

4. review the reward and recognition framework for our people;
5. examine measures to promote wellbeing;
6. develop and deliver our Learning and Development strategy;
7. promote diversity and inclusion at the BSB; and
8. ensure that the BSB’s values (of fairness and respect, independence and integrity, excellence and efficiency) guide all our activities.

We will also begin a new project:

9. to review the case for incorporating the BSB as a separate entity in order to streamline governance, enhance our operational freedom and reinforce our credibility and identity.

The table below shows how this work will help us to meet our regulatory objectives:

The Regulatory Objectives

Our planned work in 2022-23	Protecting and promoting the public interest	Supporting the constitutional principle of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Increasing public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
1. Annual IGR Review	●	●		●		●		
2. Well Led Action Plan	●	●	●	●	●	●	●	●
3. Promoting engagement and collaboration	●	●	●	●	●	●	●	●
4. Reviewing reward and recognition	●	●	●	●	●	●	●	
5. Promoting wellbeing	●	●	●	●	●	●	●	
6. Learning and Development	●	●	●	●	●	●	●	
7. Promoting diversity and inclusion	●	●	●	●	●	●	●	●
8. Putting our values into action	●	●	●	●	●	●	●	●
9. Reviewing the case for incorporation	●	●		●		●		●

Our 2022-23 budget

Our budget year runs from 1 April 2022 to 31 March 2023 and we expect our total running costs - including our share of the costs of services which we share with the Bar Council – to be £12,862k.

Setting our budget

We independently set our own budget with regard to the forecasts for both PCF and other income streams. We always seek to ensure that our expenditure delivers value for money and we carefully prioritise our work as part of our business planning.

The Practising Certificate Fee (PCF)

Most of our funding comes from Practising Certificate Fees (PCF) which are not within our direct control but are forecast using the latest available market data.

The PCF is collected by the General Council of the Bar (GCB). The GCB's income from the PCF is divided as follows:

- 61.4% for the BSB (£10,344k)
- 25.6% for the Bar Council for some of its functions (as permitted under s51 of the Legal Services Act) (£4,305k) and
- 13.0% is paid to fund GCB pensions (£1,300k) and to the Legal Ombudsman and the Legal Services Board (£892k) to fund their services.¹

The PCF income which we receive for regulation accounts for 85.0% of our total funding. Following consultation with the profession, the PCF for 2022-23 has received approval from the Legal Services Board.

Other sources of income

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

¹ This share of the PCF income is split proportionately between the BSB and Bar Council; the BSB income and expenditure for these items is not included in the tables below.

Budget controlled directly by the BSB (£k)			
Department	Staff costs	Non-staff costs	Total
Regulatory Operations	2,305	1,102	3,407
Legal and Enforcement	1,271	378	1,649
Strategy and Policy	1,003	216	1,219
Communications and Public Engagement	282	86	368
Governance and Corporate Services	741	230	972
People (HR)	220	63	283
Project Management	189	87	276
Totals	6,012	2,162	8,174
BSB contribution to shared services			4,688
Total Expenditure²			12,862

Income (£k)	
Total PCF income	10,344
Entity Regulation and ABS	80
Authorisations - Waivers and Accreditation	279
Examinations	40
Bar Training fees	1,350
Training provider authorisations	8
Prosecution costs	40
Public access	1
Total non-PCF income	1,798
Share of estimated GCB investment income	559
Total BSB Income	12,701

² Capital expenditure is not included in this figure. The BSB's direct capital expenditure in 2022-23 will be £224k and our portion of shared capital projects will be £487k

The BSB's key service standards

Our key service standards for our regulatory operations are set in the form of Key Performance Indicators (KPIs) and they are as follows:

Contact and Assessment – this team handles incoming reports of potential professional misconduct, requests for authorisations, waivers and exemptions and other general enquiries.

General Enquiries

- General enquiries addressed within 5 days (Target 80%)
- General enquiries referred within 3 days (Target 80%)
- Initial Assessment concluded or referred within 8 weeks (Target 80%)

Quality Indicator

- Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)

Investigations and Enforcement – this team investigates reports of potential professional misconduct which our Contact and Assessment Team believe warrant further investigation and take enforcement action as appropriate.

Referral of cases

- Accepted or referred back within 2 weeks (Target 80%)

Investigation

- Decision on disposal within 25 weeks (Target 80%)

Quality Indicator

- Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)
- Successful appeals against administrative sanctions (Target 0%)
- Successful appeals against disciplinary tribunal decisions attributable to BSB error or discrimination (Target 0%)

Authorisation, exemptions and waivers – authorising specialised legal services businesses and Bar training providers and granting exemptions and waivers from our rules where appropriate.

- Applications determined within six weeks of receipt of the complete application (Target 75%)
- Applications determined within eight weeks of receipt of the complete application (Target 80%)
- Applications determined within twelve weeks of receipt of the complete application (Target 98%)

Entity (including ABS) Authorisation

- Authorisation decisions made within six months of receipt of the application and associated fee (Target 90%)
- Authorisation decisions made within nine months of receipt of the application and associated fee (Target 100%)

Supervision – supervising barristers, chambers, BSB entities and other organisations that train pupils and monitoring their compliance with our rules.

- Cases assigned within 3 working days of the team receiving the referral from CAT (Target 80%)
- Cases for which a regulatory response was agreed within 20 working days of the case being assigned (Target 80%)
- Visit report letters issued within 5 working days of a visit to an organisation (Target 80%)

Further reading

To obtain a fuller picture of who we are, what we do, and the context in which this Business Plan was produced, please visit the following pages on our website:

- This Business Plan is designed to be read in conjunction with our [2022-25 Strategic Plan](#).
- More information about our work around [equality and diversity](#) can be found there.
- Our [organisational values](#) describe the way in which we conduct all our work including the activities described in this Plan.

Contacting us

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

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

Contact us:

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