

# BSB Digital Comparison Tool pilot

## Frequently asked questions

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Here, we answer some frequently asked questions (FAQ). We shall update this FAQ document throughout the pilot. If you have any additional questions about our pilot, please email us at [dctpilot@barstandardsboard.org.uk](mailto:dctpilot@barstandardsboard.org.uk).

### Q. What is a DCT?

Digital comparison tools (DCTs) allow consumers to locate and select service providers, using a range of criteria – such as location, ratings and reviews – to help with this process. Examples of DCTs include Trustpilot, Money Supermarket and Go Compare.

### Q. What is a pilot?

A pilot is an early-stage investigation into a specific topic. A pilot typically seeks to identify which issues are relevant to the topic. It also considers how these issues might be evaluated, in order to reach evidence-based conclusions. Depending on the outcome of the pilot, a more detailed investigation of the topic may – or may not – then follow.

### Q. Why is the BSB running a DCT pilot?

The BSB's Regulatory Objectives include “protecting and promoting the public interest”, “improving access to justice”, “protecting and promoting the interests of consumers”, and “promoting competition in the provision of services”. This pilot will help us understand whether and how the DCT market could further these objectives in the interest of the public. DCTs could be a valuable source of information for consumers. Other sectors, such as energy and telecommunications, have used the DCT model to help consumers navigate their markets for many years.

In its 2020 recommendations to the legal sector, the Competition and Markets Authority said that frontline legal regulators should explore the role of DCTs in improving consumer understanding and choice in the legal services marketplace. The BSB pilot follows on from, and builds on, an earlier DCT pilot<sup>1</sup> led by the Solicitors Regulation Authority (SRA), the Council for Licenced Conveyancers and CILEx Regulation.

### Q. What is the purpose of this pilot?

The BSB wishes to evaluate and understand how the DCT market works for the Bar and its consumers.

### Q. What are the benefits of launching this pilot?

The pilot is a good opportunity for the BSB, barristers and DCTs to better understand how the DCT market could work, by reference to the Bar specifically and by explaining what the benefits and costs are to each party involved. Through this pilot, we will aim to resolve any issues that arise in real time and record them for the purpose of the evaluation.

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<sup>1</sup> See [www.sra.org.uk/home/hot-topics/comparison-websites/](http://www.sra.org.uk/home/hot-topics/comparison-websites/)

### **Q. Who can take part in our pilot?**

DCTs who take part in our pilot should offer, or plan to offer, a service that allows consumers to easily identify, locate and compare barristers or chambers.

Any BSB-regulated barrister may take part in our pilot, although we particularly encourage barristers who specialise in employment law to participate. The pilot is open to both direct access barristers and also the referral Bar.

To learn more about taking part in our pilot, please email us at [dctpilot@barstandardsboard.org.uk](mailto:dctpilot@barstandardsboard.org.uk).

### **Q. Is it OK for barristers to participate in DCTs? Won't they expect me to pay for leads? I didn't think that was allowed under the BSB Handbook.**

We generally regard DCTs to being akin to marketing services providers, with whom barristers are permitted to work with under the terms of our [Referral and Marketing Arrangements Guidance](#). To add an extra layer of comfort to barristers, all of the DCTs who have joined our pilot have signed up to a [code of conduct](#), which specifically requires them not to charge for their barristers' services on a referral fee basis. Instead, they either do not charge (for some) of their services, or typically charge via a time-based subscription.

We do not regard barristers who take out a time-base subscription to a DCT to be paying a referral fee, even when the trigger point for the subscription is the release of details about potential client enquiries. However, we ask that barristers be mindful of any situation where the price of a time-based subscription varies according number of enquires received.

Please note: our DCT code of conduct only applies to those DCTs who are participating in our pilot. Should you wish to sign up to non-pilot DCTs, we request you make your own enquires regarding the DCT's charging structures, and whether these charging structures are BSB Handbook compatible.

### **Q. What is expected of pilot participants?**

Participation in our pilot by both DCTs and barristers is voluntary. DCTs who take part in our pilot are asked to agree to our voluntary [DCT code of conduct](#) and [terms of reference](#), and to provide data to assist with our evaluation.

Barristers who join our pilot should continue to ensure they are complying with the [BSB Handbook for Barristers](#). We also ask that they:

- Register their interest at [DCTPilot@barstandardsboard.org.uk](mailto:DCTPilot@barstandardsboard.org.uk)
- Sign up with one (or more) of our DCT pilot participants.
- Encourage their clients to leave reviews about their service.
- Engage with reviews left, where possible.
- Answer a small number of evaluation questions at the start and end of the pilot.

**I'm interested in taking part but am nervous about responding to reviews.**

Different DCTs in our pilot give greater, or lesser, prominence to reviews compared with other barrister selection criteria. You may find it helpful to consider the extent to which each DCT gives prominence to reviews, before deciding which DCT (s) to sign up with.

When responding to reviews, you must be aware of the obligations placed on you by the BSB Handbook. Responding to a review is your opportunity to clarify, correct and learn more about how your clients perceive the service you deliver. We suggest you politely acknowledge and thank the client for their feedback. And, if the feedback is critical, we suggest you set out how you will address the issue or will learn from the feedback. Adopting this approach allows you to reassure existing and future clients that you value their views, and take their experiences seriously.

**What about client confidentiality when engaging with reviews?**

You are permitted to respond to an online review so long as you do not disclose confidential or privileged information.

If a client review, itself, includes confidential or privileged information, any public response you provide should not reveal any information beyond that which the client has already revealed. If you are unsure about what to say in response, you may wish to simply acknowledge the review and contact the client privately about their feedback.

**What about fake or defamatory reviews?**

If you believe an online review about you or your practice is not from a genuine current or former client, you could contact the relevant DCT and follow their complaints procedures. All DCTs in our pilot have agreed, via our DCT [code of conduct](#), to provide a facility for those reviewed to be able to respond to reviews made about them. The DCTs have a clear complaints policy with maximum seven-day response timeframe for responding to reviews published on their service.

If you believe that an online review left by a client is defamatory you can, of course, pursue legal action. However, you might consider whether you can achieve a better outcome by taking a different approach. Potential clients may be deterred from instructing you if they feel you have been heavy-handed with a dissatisfied client. It may be more beneficial to encourage other clients to leave reviews on the same website, to give potential clients a more balanced picture.

**Q. What will happen at the end of the pilot?**

We will evaluate the pilot using the information gathered throughout the 12-month period. We shall publish our findings once the pilot is complete.

**Q. How can I learn more about this pilot?**

Further information about our pilot is available on our [dedicated webpage](#). We also plan to hold a webinar in October with a panel discussion, where attendees will be able to ask questions about our pilot. Barristers, other DCTs, consumer representative groups, and members of the public are invited to attend. We will announce further details about our webinar, including how to register for it, in due course.

If you are a barrister or a DCT who is interested in participating in the pilot, please email us at [DCTPilot@barstandardsboard.org.uk](mailto:DCTPilot@barstandardsboard.org.uk).