

Meeting of the Bar Standards Board
Thursday 26 June 2014, 4.30 pm
Room 1, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ

Agenda
Part 1 – Public

		Page
1. Welcome and introductions (4.30 pm)	Chair	
2. Apologies	Chair	
3. Members' interests and hospitality	Chair	
4. Approval of Part 1 (public) minutes:		
• 22 May 2014	Annex A	3-11
5. Matters Arising	Chair	
6. a) Action points and progress	Annex B	13-17
b) Forward agendas	Annex C	19
<u>Items for discussion</u>		
7. Report on the 2013/14 Supervision Exercise on the Equality Rules of the BSB Handbook (4.40 pm)	BSB 041 (14) Rolande Anderson / Sarah Loutfi	21-62
8. BSB Draft Annual Report for 2013-14 (4.55 pm)	BSB 042 (14) Amanda Thompson	63-104
9. Regulatory Risks (5.10 pm)	Oral update Ewen Macleod	
10. Principles for public and private items (5.20 pm)	BSB 043 (14) Chair / Amanda Thompson	105-107
<u>Items for noting</u>		
11. Chair's Report on Visits and Meetings: May 14 – June 14	BSB 044 (14) Chair	109-110
12. Director's Report (5.35 pm)	BSB 045 (14) Vanessa Davies	111-123
13. Any other business		
14. Dates of next meeting Thursday 24 July 2014		
15. Private Session		

John Picken, Board & Committees Officer

JPicken@barstandardsboard.org.uk

19 June 2014

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 22 May 2014, Room 1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

Present	<p>Patricia Robertson QC (Acting Chair) Rolande Anderson Malcolm Cohen Ruth Deech QC (Hon) Simon Loffthouse QC Tim Robinson Andrew Sanders Sam Stein QC – items 6-17 Richard Thompson – items 8-17 Anne Wright</p>
Attending by invitation	<p>Sarah Brown (Special Adviser) – items 8-17 James Wakefield (COIC representative) – items 1-12</p>
BSB Executive in attendance	<p>Jessica Bradford (Senior Policy Officer, E&D) Viki Calais (Business Manager) Andrew Cohen (Business Support Officer) Vanessa Davies (Director) Eugene Grant (Communications & Press Officer) Roger Hammond (Change Manager) Oliver Hanmer (Head of Supervision) Sara Jagger (Head of Professional Conduct) Stéphane Laurent (Regulatory Knowledge and Information Manager) Ewen Macleod (Head of Regulatory Policy) Chris Nichols (Supervision Policy Manager) John Picken (Board & Committees Officer) Robert Pragnell, (Senior Policy Officer, Regulatory Policy Dept) Amanda Thompson (Head of Strategy & Communications) Simon Thornton-Wood (Head of Education & Training)</p>
Bar Council Executive in attendance	<p>Stephen Crowne (Chief Executive, Bar Council) – items 1-12</p>
Observer	<p>Rachel Espinosa (Consultant)</p>
Press	<p>Catherine Baksi (Law Society Gazette) Nick Hilborne (Legal Futures)</p>

Item 1 – Welcome and introductions

1. Patricia Robertson QC welcomed members and guests to the meeting, in particular Rachel Espinosa who was attending as an observer at the invitation of the Director. She also congratulated Sara Jagger (née Down) on her recent marriage.

Item 2 – Apologies

2.
 - Rob Behrens;
 - Justine Davidge;
 - Sarah Clarke;
 - Emily Windsor (Special Adviser);
 - Nick Lavender QC (BC Chairman);
 - Mark Hatcher (Special Adviser to BC Chairman, Representation & Policy).

Note: Ben Denison (Chief Information Officer) attended Part 2 of the meeting for items 1-4.

Item 3 – Members' interests and hospitality

3. The following declarations of hospitality accepted were made:
- Vanessa Davies – dinner provided by Nottingham Bar School & Mess (2 May 2014)
 - Ewen Macleod – lunch provided by Lincoln's Inn (22 May 2014)

Item 4 – Approval of Part 1 (public) minutes – 27 March 2014 (Annex A)

4. The Board approved Part 1 of the minutes of the meeting held on Thursday 27 March 2014.

Item 5 – Matters arising

5. Principles on disclosure (min 24f – 27/03/14)
There had been insufficient time at the April Away Day to develop a set of principles about disclosure ie whether an item should be considered in public or private session.

6. AGREED

to add an entry to the action list about formulation of a set of principles to decide whether an item is to be discussed in public or private session.

JP / AT**Item 6 – Action Points & Forward Agendas**Action points and progress (Annex B)

7. Amendments to the new Fitness to Practise Regulations (min 24b/c (26 Sept 13)
Whilst this action is complete, there was a change in approach agreed by the Entity Regulation Working Group. It decided not to extend the fitness to practise guidance in the way originally envisaged. Instead it will be for entities themselves to have responsibility for this and to take any necessary action.

JP to noteForward agendas (Annex C)

8. The Chair asked that the forward agenda list be amended to include the ABS application to the LSB (for the meeting on 18 September 2014).

JP to note

Item 7 – Proposed Equality Objectives 2014-15

BSB 028 (14)

9. The Board considered the proposed equality objectives for 2014-15 set out in paragraphs 16 and 17 of the report. It also noted the progress update for the 2013-14 equality objectives (Annex A). Most of these have been completed with just three listed as “in progress” and two as “incomplete” (objective 15 – increase the number of BME members on the Board & Committees and objective 19 – develop a workplace stress policy).
10. Members commented as follows:
- the first external objective (qualitative research into the underrepresentation of women at the Bar) proposes the use of focus groups. How these groups are formed and how truly representative they are, will influence the feedback received. It would be helpful to have some clarification about this;
 - the research we undertake will need to focus on regulatory objectives;
 - it is not clear if this research will encompass comparative earnings;
 - the Bar Council has a research plan of its own and there may be some elements of this which could inform the regulatory concerns highlighted in the report;
 - the third external objective for 2014-15 is to increase diversity data disclosure from the profession to 30%. It would be helpful to know what steps were being taken to achieve this target and when the Board will receive a progress report;
 - the first internal objective is to achieve a 100% return of diversity monitoring forms from current Board and Committee Members. As currently drafted, Annex B might give the erroneous impression that Board Members have not supplied this information in the past. In fact, e&d data in relation to Board Members has been collected at different times using different forms but is not currently held or up to date in all cases. Annex B should therefore be clarified before the papers are published on the BSB website to say that up to date data is not currently held rather than give the impression that Board members have refused to disclose the information. In addition, the main report should explain that this objective is primarily an update exercise to ensure a wholly consistent approach.
11. In response the following comments were made:
- the E&D Committee will rely on advice from the BSB’s Research Team to ensure that the focus groups used are properly representative;
 - the Bar Council’s research plan does not refer to comparative earnings. The BSB may need to return to this topic itself next year;
 - e&d data from the profession tends to be collected at the point when barristers re-new their practising certificates (though it can be provided at any time via the BarristerConnect portal);
 - to enable consistent year on year comparisons, reports on E&D data on the profession is based on data held in August of each year;
 - barristers may not be aware that they can update e&d date at any time. It would be opportune to issue a reminder in advance of August.
12. **AGREED**
- | | | |
|----|---|----------------|
| a) | to transfer all completed and ongoing equality objectives from the current published list to an archive list. | JB |
| b) | to transfer responsibility for development of a workplace stress policy (objective 19) to the Bar Council’s Head of Equality. | JB |
| c) | to contact barristers with a reminder to update their e&d details via BarristerConnect. | SL / FM |

- | | | |
|----|--|-------------------|
| d) | to approve the five new equality objectives as set out in paragraph 16 of the report subject to a proviso that the focus groups established are properly representative and have a regulatory focus. | JB to note |
| e) | that the E&D Committee considers the inclusion of research in comparative earnings at the Bar as part of next year's equality objectives. | SL to note |

Item 8 – Performance Report for Q4 and Year-End 2013-14 (April 2013-March 2014)

BSB 029 (14)

13. Anne Wright referred to the performance report for Q4 against the 2013-14 business plan. She highlighted the following:
- the report shows a good record of achievement including the delivery of the Handbook, progress on The Regulatory Improvement Programme and a successful conclusion to the SPACE project;
 - the performance indicators for the Professional Conduct Department have now largely returned to target levels. The dip in performance during Q2 and Q3 was due to overstretch of resources due to staff illness and increased workload arising from the development of the Handbook;
 - in overall terms, the year-end budget is underspent, though there are some significant variances in both income and expenditure against original budget figures.
14. She also commented on specific concerns raised by the PRP Committee ie
- the high staff turnover and low retention figures;
 - the delay in completing the fees and charges review;
 - the loss of income due to delays to the QASA and entity regulation programmes;
 - the high level of expenditure on legal advice and professional fees;
 - the need for realistic project timelines without any “optimism bias” and improved stakeholder management to minimise the risk of delays from external sources;
 - the need for better financial forecasting;
 - the need to consider annual performance in the context of the wider strategic plan and to assess whether sufficient progress has been made to meet longer term strategic objectives.
15. Members commented as follows:
- performance is related to management of risk. Whilst a risk framework is in place, this still needs a central point of co-ordination to ensure it is used effectively. With this in mind, it is a concern that a Regulatory Risk Manager has yet to be appointed;
 - it is not clear why research work on the Youth Court has been postponed as there is no obvious dependency on the outcome of the Judicial Review;
 - the high turnover figures are not unique to this year but are part of a continuing trend. We need to understand the reasons for this to determine whether or not this rate of loss is unavoidable.
16. In response, the following comments were made:
- the initial advertisement for a Regulatory Risk Manager met with a poor response. Since then, recruitment specialists have been engaged and interviews for the post will take place in early June 2014;
 - the challenge regarding research work on the Youth Court has been to achieve the engagement of other regulators and discussions are ongoing;

- the high staff turnover rate has been brought about by several factors ie:
 - ❖ the restructure brought about through TRIP;
 - ❖ the small size of the organisation and the limited opportunities for internal promotion;
 - ❖ base salary levels compared with other employers;
 - ❖ the use of short-term contract staff with particular skill sets necessary for delivery of the BSB's business and strategic plan;
- newly appointed staff have the appropriate skills for the way in which the BSB now regulates. Turnover is not expected to continue at the previous levels but will continue to be monitored by the PRP Committee.

17. **AGREED**

- a) to note the performance report and the conclusions / lessons learnt as set out in paragraph 20.
- b) to note the plans and risks for 2014-15 set out in paragraphs 23-26 of the report.
- c) to expedite research work regarding Youth Courts and to contact other regulators again on this point as a matter of urgency.

OH

Item 9 – Jeffrey Review on Advocacy – preliminary discussion points

BSB 030 (14)

18. The review of independent criminal advocacy in England and Wales by Sir Bill Jeffrey was published on 7 May 2014. Members considered a report about its content and conclusions. Chris Nichols highlighted the following:
- many of the recommendations in the report reflect proposals included in the BSB's written submission;
 - we should respond positively to its publication and develop a public response and action plan for further consideration by the Board at its July meeting.
 - it would be helpful for two or three Board Members to assist in crafting the public response document.
19. Members commented as follows:
- the report is welcome and has addressed the issue of criminal advocacy in a fair and balanced manner;
 - the report suggests that routes to advocacy might change with individuals specialising in this field later in their careers than at present. This runs the risk of attracting fewer, rather than more, criminal advocates purely on the grounds that remuneration for experienced lawyers is likely to be higher in other areas compared to criminal law;
 - it could be argued that there is a link between reductions in fees and reductions in quality but the report does not draw attention to this;
 - the letter to Sir Bill from Vanessa Davies (Annex B) points out the difficulties of enabling effective consumer choice in the way advocacy services are currently provided. This may be an area that the Bar Council will focus on in its public response to the report;
 - the action plan we produce will need to prioritise dialogue with the other regulators, principally the SRA, and set out the BSB's longer term vision of criminal advocacy regulation.

20. **AGREED**

- a) to welcome Sir Bill Jeffrey's report and to request that the Executive prepares an action plan and public response statement.

CN / VLD

- b) to request that Sam Stein QC, Justine Davidge and Richard Thompson provide input and oversight to the formulation of the public response statement.
- c) to note the policy implications for the BSB as set out in the covering report (paragraphs 16-28).

SS / JD /
RT / CN

Item 10 – Standing Orders amendment

BSB 031 (14)

21. Amanda Thompson commented as follows:
- the proposed amendment to the Standing Orders arises from the Board's discussion on governance at its April Away Day and its wish to see a more streamlined structure that is reflective of the objectives in the BSB's regulatory improvement programme;
 - the effect will be to extend the term of office to December 2015 for members reaching the end of either their first or second term in 2014;
 - recruitment of new committee members for 2015 will therefore be much reduced compared to previous years and will only occur if it is essential to fill a vacancy. Moreover, committee member appraisals for the purpose of recruitment can be suspended;
 - during this period, a review of the governance structure for the BSB will be undertaken. All committee members, regardless of the date of their appointment, will be informed of this and be advised that the outcome of the review could potentially affect their future length of engagement subject to a three month notice period.
22. Members commented as follows:
- the Professional Conduct Committee undertakes annual appraisals and the reasons for this are not wholly connected to recruitment. In consequence, there is no need to suspend appraisals for this Committee;
 - the proposal suggests that any offer of an extension must not be done more than once in any five year period. This seems unnecessary and should be removed;
 - it is not clear how terms of office will be re-calculated after the review has been completed;
 - if recruitment is necessary for 2015, then the individuals concerned will need to know the term of office expected;
 - some committees are already out of strict compliance with their complement requirements as stated in the current Standing Orders due to unfilled vacancies.
23. In response, the following comments were made:
- the intention is to only suspend appraisals that are primarily concerned with the recruitment process;
 - the post-review governance structure, and the amended Standing Orders, gives an opportunity to re-set future terms of office of members from the beginning;
 - members recruited in 2015 will be treated in the same way ie be advised that their appointment will last until December 2015 in the first instance but that, depending on the outcome of the governance review, they may (or may not) be offered a new term of office under the revised Standing Orders;
 - the ongoing review will need to re-examine the Terms of Reference and membership requirements of committees. Board member recruitment for 2015 is continuing and it may be possible that some committee vacancies will be filled from these new appointments.

24. **AGREED**
- a) to amend the Standing Orders as recommended in the report subject to deletion of 9(d) (Annex 3) concerning the frequency of resolutions to offer extensions. **AT**
- b) to advise all committee members about the governance review and to explain that it may result in an earlier termination of their term office than previously stated. **AT**
- c) to retain annual appraisals for the Professional Conduct Committee but to suspend those for other committees for the duration of the governance review. **NZ to note**
- d) that all BSB committee and sub-committee members reaching the end of either a first or second term in 2014 may be offered an extension of engagement until 31 December 2015. **AT**

Item 11 – Scheme of Delegations

BSB 032 (14)

25. The Board agreed changes to its scheme of delegations in private session at its meeting on 27 March 2014 but agreed to formally accept these in public session at this meeting.

26. AGREED

to formally note the scheme of delegations, as presented at the last meeting, and that these will now form the annex to the Governance Manual to be published on the BSB website. **CD to note**

Item 12 – Duty to promote economic growth

BSB 033 (14)

27. Amanda Thompson commented as follows:

- the Department of Business, Innovation and Skills (BIS) is seeking to impose an additional duty on non-economic regulators like the BSB. This is to have regard to economic growth as a factor in their decision making and to be transparent and accountable for this;
- the reason is to ensure that regulation is proportionate and does not detrimentally affect business productivity. The duty is planned to come into force in April 2015 and a timetable leading up to this is set out in the report.

28. Members commented as follows:

- the BSB already has proportionality embedded in its regulatory objectives so we are, in effect, already meeting the requirements of any such a duty;
- there may more for the BSB to consider than first appears. The Terms of Reference of the Standards Committee refers to the issue of guidance on the interpretation of rules and regulations. The duty may impact here. Section 9 of the Department's draft guidance (practical interpretation of the duty) gives a wide remit for regulators to consider;
- an alternate view is that the duty is primarily concerned with the Government's "Better Regulation" agenda insofar as it seeks to remove unnecessary obstacles that might otherwise impede growth;
- it is not clear if, or how, our performance in meeting this duty will be measured. The LSB's current business plan does not refer to the growth duty though future iterations may do.

29. Vanessa Davies referred to a letter dated 18 May 2014 from Shailesh Vara MP about legal regulation. Among other points, this states that regulators should continue with efforts to reduce unnecessary administrative burdens on the regulated community. The growth duty from the BIS might therefore be regarded as part of a more general de-regulatory approach within Government.

30. **AGREED**

to note the timetable for implementation of the growth duty requirement as set out in the report.

Item 13 – Chair’s Report on Visits and Meetings: Apr 14 – May 14

BSB 034 (14)

31. Ruth Deech QC (Hon) commented as follows:

- she has cancelled her planned engagements with the Master of the Rolls as he will be hearing the QASA appeal in July;
- she had a useful and constructive meeting with Sir Michael Pitt (successor to David Edmonds as Chair of the LSB). There may be scope for a joint Board meeting with the LSB in the medium term.

32. **AGREED**

to note the report.

Item 14 – Director’s Report

BSB 035 (14)

33. The Director commented as follows:

- the hearing for the QASA appeal has been scheduled at the Court of Appeal for 16-18 July 2014;
- a further follow up email from the April Board Away Day was sent to members on 22 May 2014. This is in addition to the two earlier messages about action arising from the same meeting.

34. Patricia Robertson QC referred to the forthcoming Bar Conference. The BSB’s profile at this event is restricted to one workshop and one stand and she considered this to be too limited in scope. It has not been possible to obtain a greater presence for the BSB in the conference programme and these circumstances are likely to continue. In consequence, the BSB may wish to consider holding its own conference in future, though there is no budget provision for this in 2014/15.

35. **AGREED**

to note the report.

Item 15 – Any Other Business

36. None.

Item 16 – Dates of next meeting

37. Thursday 26 June 2014.

Item 17 – Private Session

38. 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) Approval of Part 2 (private) minutes – 27 March 2014;
 - (2) Matters arising;
 - (3) Action points and progress – Part 2;
 - (4) Proposed changes to IT security policy – impact on Board Members;
 - (5) BSB Research Strategy;
 - (6) Corporate Risk Register;
 - (7) Entity Regulation;
 - (8) Public Defender Service (PDS);
 - (9) Returning Instructions Consultation Response – Interim Update.
39. The Chief Information Officer was invited to attend for items 1-4 of the Part 2 agenda. This was to allow him to give the Board an oral report on proposed changes to IT security policy.
40. The meeting finished at 5.45 pm.

**BSB – List of Part 1 Actions
26 June 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
6 (22 May 14)	discuss formulation of a set of principles to decide whether an item is to be discussed in public or private session	Amanda Thompson	by 26 June 2014	19/06/14	Completed – paper prepared for June Board agenda
12a (22 May 14)	transfer all completed and ongoing equality objectives from the current published list to an archive list	Jessica Bradford	immediate	11/06/14	Completed – objectives all transferred
12b (22 May 14)	transfer responsibility for development of a workplace stress policy (objective 19) to the Bar Council's Head of Equality	Jessica Bradford	immediate	11/06/14	Completed – responsibility for WSP transferred to Bar Council Equality Team.
12c (22 May 14)	contact barristers with a reminder to update their e&d details via BarristerConnect	Sarah Louffi / Fiona McKinson	immediate	30/05/14	Completed - a reminder for barristers to update their E&D data was included in the May issue of the Chair's Update. The same reminder will re-appear in the June and July editions as well.
17c (22 May 14)	expedite research work regarding Youth Courts and to contact other regulators again on this point as a matter of urgency	Oliver Hanmer	immediate	17/06/14	Completed – research specification updated and shared with SRA and IPS. Dedicated resource within BSB now allocated to expedite this work.
20a & b (22 May 14)	prepares an action plan and public response statement with oversight provided by Board Members	Vanessa Davies / Oliver Hanmer / Sam Stein QC / Justine Davidge / Richard Thompson	by 24 July 2014	17/06/14	Staff team set up to review the Jeffrey Report and to develop proposals and an action plan. Staff session held on 18 June to discuss the Report. Board members nominated to assist on developing the action plan will be invited to comment on a draft by the end of June with final proposals presented to the Board at its July meeting

**BSB – List of Part 1 Actions
26 June 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
24a (22 May 14)	amend the Standing Orders as recommended in the report subject to deletion of 9(d) (Annex 3) concerning the frequency of resolutions to offer extensions	Amanda Thompson	immediate	17/06/14	Completed – Revised Standing Orders available on the website
24b (22 May 14)	advise all committee members about the governance review and to explain that it may result in an earlier termination of their term office than previously stated	Amanda Thompson	by 26 June 2014	17/06/14	Work underway – several committee chairs have advised members informally. Process planned with HR and letters to be issued in the week commencing 25 June.
24d (22 May 14)	inform BSB committee and sub-committee members reaching the end of either a first or second term in 2014 that they may be offered an extension of engagement until 31 December 2015	Amanda Thompson	by 26 June 2014	17/06/14	Work underway – several committee chairs have advised members informally. Process planned with HR and letters to be issued in the week commencing 25 June
12c (21 Nov 13)	undertake a further review to the Standing Orders	Amanda Thompson / Chloe Dickinson	On-Hold	13/5/14 11/02/14 14/01/14	New timeline needed to reflect decision to undertake fundamental review taken by the Board at the Awayday. Consideration to some principles to be given at April Awayday Work has commenced

**BSB – List of Part 1 Actions
26 June 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
16 (24 Oct 13)	continue with implementation of the regulatory risk framework as agreed by the Board	Amanda Thompson (transferred to Ewen Macleod from 1 April 2014)	before April 2014	18/6/14	InfluenceInc Risk consultants reporting on maturity assessment in June 2014. Interviews completed for Regulatory Risk Manager.
				13/5/14	Work underway but implementation slower than expected due to delay in recruitment of Regulatory Risk Manager. Workshops have taken place regarding risks related to entity regulation.
				11/03/14	Delays in recruitment mean first review will now be brought to June meeting. By the Board meeting training will have taken place for staff – first specialist session delivered on 13 March.
				11/02/14	First review to be brought to Board in March
				14/01/14	Discussed at Awayday in December; to be reviewed by SMT week of 20 Jan 2014 and by Board in February
				13/11/13	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.

**BSB – List of Part 1 Actions
26 June 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
16b (18 Jul 13)	gather feedback on accessibility of information on the BSB website about complaints	Amanda Thompson	before end March 14	17/06/14	Progress on stakeholder work has been very limited given volume of other communications activity. Arrival of new Communications Manager will free up resources to focus on this again.
				13/05/14	Stakeholder session focused on understanding complaints system, reflecting stakeholder group's needs. Further activities being planned to complete this action.
				11/03/14	Feedback will be sought at stakeholder session on 28 March.
				14/01/14	On track
				13/11/13	Stakeholder workshop held on 13 November dealing with QASA. Next session will be as below. Early indications are that engagement will be productive.
				17/07/13	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.

**BSB – List of Part 1 Actions
26 June 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	17/06/14	No further progress made on this due to volume of other work. Arrival of new Communications Manager will enable resources (consultant) to invest more time into stakeholder engagement
				13/05/14	Not finalised at meeting due to need to focus on topics needed by stakeholders. Due to staff changes, this is now unlikely to be finalised until July, following further relationship building.
				14/01/14	Expected to be finalised at March 28 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 24 July 2014

- QASA scenario planning principles (part 2)
- TRIP closure report
- Chair and Board member recruitment update (part 2)
- Committee review update
- Policy framework
- Jeffrey review action plan and public response document
- IT progress report (Part 2)

Thursday 11 September 2014 (Budget meeting)

- BSB draft Business Plan and Budget Bid for 2015-16 (incl fees & charges)

Thursday 18 September 2014

- Entity regulation (fees, insurance, interventions) (part 1)
- BSB Q1 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- PCD/PCC Annual Report
- Interim assessment against Regulatory Standards Framework
- CPD consultation (part 1)
- Office of Immigration Services Commission – barristers supervising immigration advisers
- ABS application to the LSB
- GRA Committee report to the Board (including Annual report from the Independent Observer)
- PRP Committee annual report to the Board

Thursday 23 October 2014

- Forward strategic overview
- Returning Instructions consultation – final response

Thursday 27 November 2014

- BSB Q2 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- LETR – draft consultation on BPTC (part 2)

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

Report on the 2013/14 Supervision Exercise on the Equality Rules of the BSB Handbook**Status:**

1. For discussion and approval.

Executive Summary:

2. The equality and diversity rules of the Code of Conduct for the Bar were brought into force in September 2012. In late 2013/early 2014 the BSB Supervision and Equality teams conducted a monitoring exercise with a representative sample of chambers in order to understand levels of compliance with the new rules. This exercise followed on from a previous, wider “progress check” undertaken earlier in 2013 which looked at the extent to which chambers were implementing the rules and identified areas of difficulty and good practice.
3. The report is the result of the exercise and considers compliance levels in relation to the new rules. It identifies the areas of lowest and highest compliance and concludes with a set of seven recommendations for action.

Recommendations

4. The Board is asked to consider the report and approve the following seven recommendations:

Recommendation 1: The BSB should undertake communications activities that aim to increase awareness of the new rule, which comes into force in July 2014, requiring all members of chambers' selection panels to be trained in fair recruitment. Communication activities should also be undertaken in order to improve overall levels of compliance with Equality and Diversity rules.

Recommendation 2: The BSB should ensure that the sample Reasonable Adjustments and Parental Leave policies are more clearly signposted on the BSB website, in supporting information documents and on the equality web page.

Recommendation 3: The BSB should provide a copy of this report to the Bar Council equality team with a view to assisting the focus of the Equality Officers' network in relation to flexible working policy requirements and the monitoring of unassigned work.

Recommendation 4: The BSB should develop a sample equality action plan and more detailed guidance for insertion into the current Supporting Information document in order to assist chambers in meeting the requirements of the action plan rule.

Recommendation 5: The Equality team should ensure that the findings of this exercise feed into the wider review of the BSB Handbook which is currently underway.

Recommendation 6: An action plan should be developed to ensure improved levels of compliance. Improvements should be monitored to determine what future targeted supervision activity may be required.

Recommendation 7: The BSB should provide input into planned Bar Council events with chambers' Equality Officer Network, focused on supporting officers in implementing work allocation and flexible working requirements.

5. The Board is also asked to approve the report for publication on the equality page of the BSB website.

Background

6. The equality and diversity rules were brought into force in September 2012. They cover a number of key areas shown by the evidence to be “high priority” for action for the Bar such as retention of women, underrepresentation of disabled people, overrepresentation of women and BME practitioners in lower remunerated practice areas and inequity in work allocation.
7. The rules include requirements to:
 - Develop policies.
 - Monitor the diversity characteristics of members, pupils and chambers’ workforce.
 - Analyse diversity data on work allocation.
 - Ensure selection panels are trained in fair recruitment processes.
 - Offer rent relief to members taking parental leave (where rent is calculated at a flat rate).
8. The BSB was keen to understand the level of compliance with the new rules and it was decided that a monitoring exercise should be undertaken, with a sample of approximately 10% of multi-tenant chambers. It was intended that the exercise would examine the level of compliance with each of the new rules and identify any areas for further guidance or BSB support. The BSB Equality Team worked closely with the BSB Supervision Team on the project which concluded successfully in March 2014.
9. 40 chambers, selected randomly from within different size and area quotas, were asked to complete a detailed form requiring them to prove compliance with all the BSB equality rules. Chambers were asked to demonstrate how the rules were being implemented in their chambers and to provide copies of the mandatory documents. Of the 40 chambers contacted, 8 were unable to take part because they comprised of two or fewer members. Therefore only 32 chambers provided valid responses.
10. The monitoring report is divided into three sections. The first considers levels of compliance with each area of the rules and considers aggregated responses to the questions asked. Section Two breaks down the data gathered into greater detail, considering compliance on a rule by rule basis and looking at the possible reasons for areas of low or medium compliance. Section Three sets out the report’s key points and six recommendations for further activity.
11. The project was a success and the exercise was generally well received and welcomed by chambers. Such monitoring is clearly an effective method of engaging with the profession on new regulatory provisions and measuring implementation levels.

Findings

12. The exercise revealed that 50% of chambers which took part in the exercise are either fully or reasonably compliant with the equality rules.

Areas of good compliance

13. The results indicate that chambers are not experiencing significant difficulty in implementing the vast majority of the equality rules. The exercise did not indicate any serious difficulties with implementing most of the requirements in relation to policies, parental rent relief, the development of objective criteria or the appointment of officers. The vast majority of the sample are collecting and reviewing diversity data (at least race, gender and disability) and most are also conducting applications monitoring where this is required. Most chambers contacted confirmed that they are also collecting wider chambers workforce data although

responses revealed that many are unable to publish it due to lack of consent or the “less than 10” rule.

Areas of difficulty

14. The exercise revealed that many chambers are experiencing difficulty in relation to the requirement to carry out work allocation monitoring. There is still a lack of clarity about the definition of unassigned work and a clear need for greater support on how such monitoring might be implemented using existing chambers software or more standard software packages (e.g. Excel).
15. Chambers contacted indicated experiencing substantial difficulty in developing an equality action plan. Respondents referred to the lack of a sample plan in the BSB’s Supporting Information as an area of concern. The exercise also indicates a difficulty in complying with the requirement to produce a flexible working policy, a requirement which many chambers have found difficult to implement in a “self-employed” setting.

Conclusions

16. This exercise has shown the potential benefits of BSB supervisory activity. Those chambers that were identified as non-compliant in one or more areas subsequently were able to demonstrate that this had been addressed when given guidance and an opportunity to remedy the situation. Given the relatively high levels of non-compliance in certain areas, this impact was particularly important and is a good indicator that the current BSB approach to supervision can be shown to be effective. The Supervision Department will be undertaking the following key activity over the coming year:
 - Supervision Returns: This summer 400 high impact chambers will be required to complete a Supervision Return, which will allow for an assessment of compliance and risk management in relation to E&D (alongside other areas). There will be follow up with those who need to make improvements. The Supervision Team will also seek to gather and share examples of best practice.
 - Chambers visits: Over the course of the year the Supervision Team will visit up to 70 chambers. Visits will include consideration of compliance and risk management in relation to E&D and will allow for more in depth consideration than through desk-based supervision. There will be follow up with those who need to make improvements and best practice examples will be gathered and shared.
17. This activity will allow the Supervision Team to monitor risk in this area and to determine whether further targeted supervision activity will be required in the future.
18. It is clear that in future projects the BSB would benefit from taking a more holistic approach to such exercises, combining the compliance aspect with a requirement to evidence how the rules work in practice. It is therefore important that survey questions in future should ask for examples of how the chambers have implemented the rules. Distinct projects looking at compliance and implementation separately may not be the best use of resources. In the future, as chambers become more familiar with the requirements and how to implement them, monitoring of both compliance and methods of implementation in single supervision exercises will become an important part of the BSB’s regulatory role

Financial implications

19. There are no additional costs other than staff costs associated with the implementation of the report's recommendations. Recommendations affecting other BSB teams (Strategy and Communications, Supervision and Regulatory Policy) have been agreed with the Heads of Department.

Equality Impact Assessment

20. It is not considered that the report or its recommendations will have any adverse impact on equality because the aim of both the rules and the related supervision exercise was to promote and advance equality and diversity. Therefore an Equality Impact Assessment is unnecessary.

Risk implications

21. Failure to assess compliance with the equality rules could lead to reputational issues for the BSB and ultimately a negative impact on diversity at the Bar. It is imperative that assessment of compliance with this key area is undertaken and that areas of under or low compliance are identified in order that appropriate action can be taken.

Regulatory objectives

22. The equality objectives relate directly to the BSB's regulatory objectives, as defined in Section 1 of the Legal Services Act 2007, namely objective 1 (f): "encouraging an independent, strong, diverse and effective legal profession".

Consultation

23. The report and recommendations have been drafted in consultation with:
- a) BSB Equality Committee Chair
 - b) BSB Equality Committee
 - c) BSB Strategy and Communications team
 - d) BSB Regulatory Policy team
 - e) BSB Supervision team
 - f) Bar Council Equality team (not in relation to the report's content or conclusions - only in relation to recommendation 3 which directly impacts on the BC Equality Team work programme).

Publicity

24. It is anticipated that, following Board approval, the report will be published on the BSB equality web page.

Annexes

Annex 1 - Supervision 2013/14 questionnaire
Annex 2- Equality rules of the BSB Handbook

Lead responsibility:

Rolande Anderson (Chair, BSB Equality & Diversity Committee)
Sarah Loutfi (BSB EDA)
June 2014

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Report on the 2013/14 Supervision Exercise on the Equality Rules of the BSB Handbook



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Introduction and Project Aim

The equality and diversity rules of the Code of Conduct for the Bar were brought into force in September 2012. The rules were introduced in response to changing equality legislation (such as the Equality Act 2010), evidence that reliance on non-mandatory equality guidance had not been effective and continuing concerns about the underrepresentation of women and BME practitioners at the Bar. The rules cover a number of key areas shown by the evidence to be “high priority” for action such as retention of women, underrepresentation of disabled people, overrepresentation of women and BME practitioners in lower remunerated practice areas and inequity in work allocation.

The rules were developed with the intention of improving equality in relation to the priority areas identified and include requirements to:

- Develop policies
- Monitor the diversity characteristics of members, pupils and chambers’ workforce
- Analyse diversity data on work allocation
- Ensure selection panels are trained in fair recruitment processes
- Offer rent relief to members taking parental leave (where rent is calculated at a flat rate).

The BSB was keen to understand the level of compliance with the new rules and it was decided that a monitoring exercise should be undertaken, with a sample of approximately 10% of multi-tenant chambers. The exercise would examine the level of compliance with each of the new rules and identify any areas for further guidance or BSB support. The BSB Equality Team worked closely with the BSB Supervision Team on the project which concluded successfully in March 2014.

Methodology

Targeted monitoring was the chosen method for this project for a number of reasons:

- a) Such monitoring satisfies the BSB’s commitment to undertake supervision;
- b) It can be used to provide assurance of compliance among a representative sample of chambers

- c) It involves the collection of documentary evidence such as policies and action plans that can inform a broad understanding of how the rules are being implemented across the market.

Communication activities regarding the exercise were aimed at the entire profession before the samples were chosen, in order to ensure that there was awareness of the exercise before contact with selected chambers took place.

40 chambers, selected randomly from within different size and area quotas, were asked to complete a detailed form requiring them to prove compliance with all the BSB equality rules. Chambers were asked to demonstrate how the rules were being implemented in their chambers and to provide copies of the mandatory documents.

Forms and relevant documents were returned to the BSB by email or by post. These were analysed by the BSB's equality team which identified areas of significant non-compliance. Chambers found to be non-compliant with any rule were contacted directly with tailored feedback and guidance aimed at supporting chambers in achieving the standards expected.

Individual chambers' responses were recorded on the questionnaire (set out at Appendix 1) and these were then transferred over to a central database of responses from which the graphics in this report were generated.

Chambers were advised that the final report would contain only high level aggregated data and that individual chambers would not be identifiable.

Project Performance

The exercise has been a valuable project which has helped BSB begin to understand the pattern of compliance in chambers at an early stage, and to identify areas for follow-up highlighted in the recommendations. However it took longer than anticipated to close due to several chambers asking for extensions of time to complete their forms. The granting of such extensions however did not delay the project significantly and the final deadline (March 2014) was met. Anticipated costs for the project were also not exceeded and the project remained in scope.

The monitoring exercise was intended to cover 10% of multi-tenant chambers (approximately 40 chambers). However, of the 40 chambers contacted, 8 were unusable for the following reasons:

- 2 chambers were sole practitioner chambers.
- 5 chambers comprised only two people (two of which were husband and wife teams). The Supervision team decided to exclude these chambers from the exercise due to the complexity of applying the rules (e.g. diversity monitoring or parental leave) in such cases.
- One set of chambers was excluded on the basis that it was in the process of closing down.

Therefore only 32 chambers provided valid responses.

The supervision team considered that to select, invite and chase-up a further 8 chambers, to replace those excluded from the exercise, would have delayed the project significantly and was likely to push it past the agreed deadline. It was therefore decided that the project would proceed using the 32 chambers able to provide valid responses.

In order to mitigate against this happening in future exercises the BSB will ensure that:

- Requirements (such as minimum number of tenants) are considered at the start of the process when generating the required representative sample.
- Better record keeping systems are adopted in relation to multi-tenant chambers converting to sole practices which should prevent similar issues emerging again in the future.
- A contingency is set aside, when determining sample sizes, so that the required number of responses can be achieved even if a proportion of chambers do not participate.

Executive Summary

This report is divided into three sections.

The first section deals with levels of compliance with the rules in the respondent chambers. It considers each area of the rules in turn and considers aggregated responses to the questions asked. Compliance with the rules varied depending on the area under consideration. For example the compliance rate for the “appointment of officers” requirements was very high (100%). However in relation to the more complex rules, such as the requirements to produce a reasonable adjustments and flexible working policy, compliance rates were much lower. The rule with the lowest compliance rate was the action plan rule with which only 50% of chambers were compliant.

Section Two breaks down the data gathered into greater detail, considering compliance on a rule by rule basis, highlighting the difference between those chambers who believed they were in compliance with the rules in comparison with those actually found to be in compliance. It looks at the possible reasons for areas of low or medium compliance and highlights areas where the data shows further work may be needed.

Section Three sets out the report’s conclusions and recommendations for further activity. It summarises the key points raised by the exercise and suggests further areas of work to improve professional awareness of the rules and better means of engaging with them.

The report makes the following seven recommendations:

Recommendation 1: The BSB should undertake communications activities that aim to increase awareness of the new rule, which comes into force in July 2014, requiring all members of chambers' selection panels to be trained in fair recruitment. Communication activities should also be undertaken in order to improve overall levels of compliance with Equality and Diversity rules.

Recommendation 2: The BSB should ensure that the sample Reasonable Adjustments and Parental Leave policies are more clearly signposted on the BSB website, in supporting information documents and on the equality web page.

Recommendation 3: The BSB should provide a copy of this report to the Bar Council equality team with a view to assisting the focus of the Equality Officers' network in relation to flexible working policy requirements and the monitoring of unassigned work.

Recommendation 4: The BSB should develop a sample equality action plan and more detailed guidance for insertion into the current Supporting Information document in order to assist chambers in meeting the requirements of the action plan rule.

Recommendation 5: The Equality team should ensure that the findings of this exercise feed into the wider review of the BSB Handbook which is currently underway.

Recommendation 6: An action plan should be developed to ensure improved levels of compliance. Improvements should be monitored to determine what future targeted supervision activity may be required.

Recommendation 7: The BSB should provide input into planned Bar Council events with chambers' Equality Officer Network, focused on supporting officers in implementing work allocation and flexible working requirements.

Section 1 – Compliance

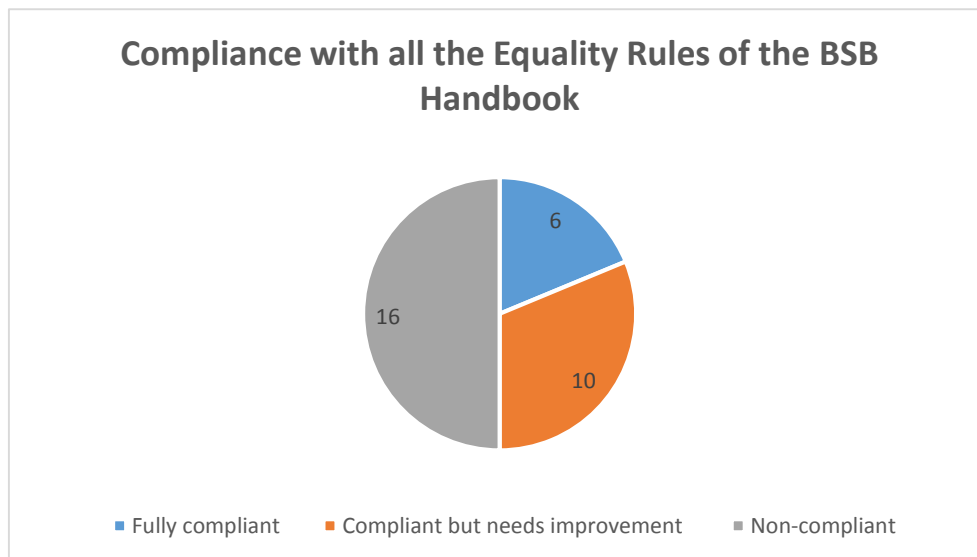
Full compliance with the equality rules of the BSB Handbook, based on this sample of 32 chambers, was not very high, with only 19% of selected chambers found to be fully compliant with all the rules. “Full compliance” means that chambers has met all the aspects of each equality rule to the standard that the BSB expects.

Fig.1 below shows that although just 6 chambers (19%) were found to be fully compliant with all the equality rules, a further 10 (31%) were considered compliant for the most part but requiring improvement. This finding means that those 10 chambers were not in compliance with every aspect of each rule but were found to be satisfactory and close to full compliance, with further work undertaken.

This means that overall 16 out of 32 chambers were either fully compliant or compliant but needing improvement in relation to the equality rules, a compliance rate of 50%.

a) Overall levels of compliance with all equality rules of the BSB Handbook

Fig.1



Where non-compliance was found, reasons for such non-compliance were submitted with the response forms and are set out in the sections below. It is clear from these responses that there remains some confusion about the specific requirements of the rules and that many chambers remain unaware of the many support products the BSB has produced to assist with implementation.

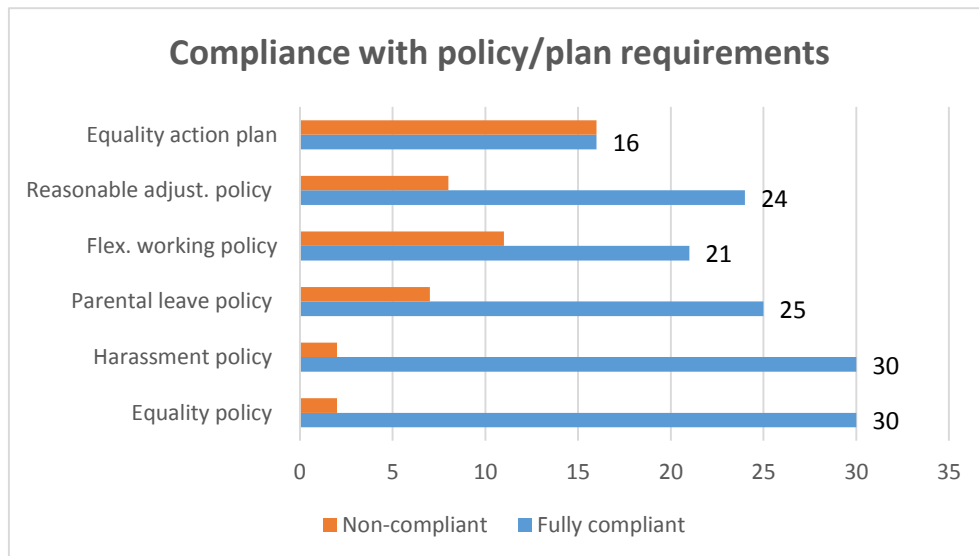
All 16 chambers found to be non-compliant with the rules were given guidance to support them in meeting the requirements. Tailored feedback was provided and the BSB is satisfied that those 16 chambers are now in compliance with the rules.

b) Compliance by requirement area

Compliance is considered below in relation to requirement area and for this purpose the equality rules have been grouped into five categories: policy/plan requirements; equality and data officer requirements; selection panel training requirements; monitoring requirements and rent relief requirement.

i. Policy/Plan Requirements

Fig.2



Compliance with the requirements to produce policies and an action plan was generally good. The rules with the highest level of compliance were the rules requiring the production of an equality and harassment policy in relation to which 30 chambers were compliant (94%).

The area of least compliance was the rule requiring production of an equality action plan. In this area only 50% of chambers were compliant. Chambers managed reasonably well in relation to the other policy requirements (reasonable adjustments, flexible working and parental leave) with around 67% – 80% compliance rates for these rules.

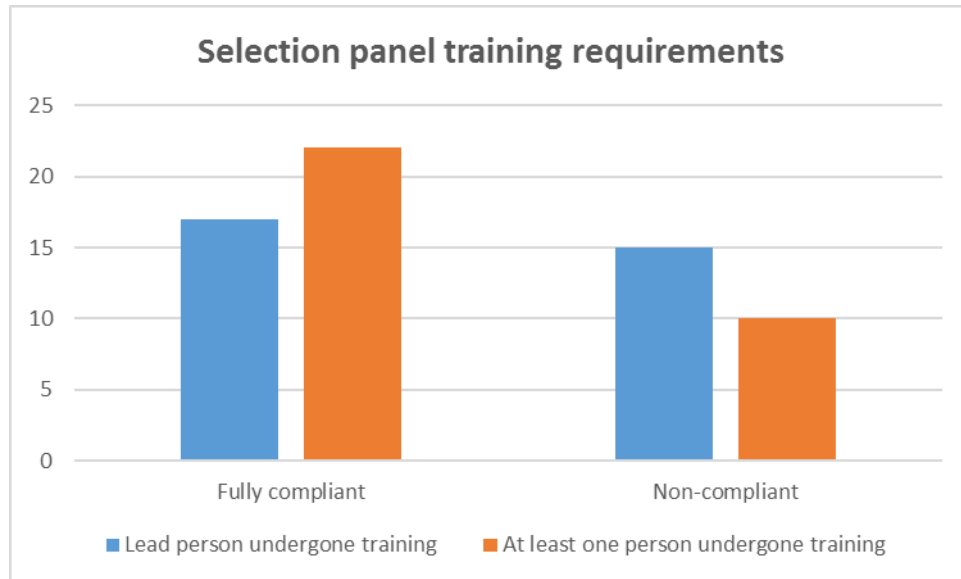
ii. Equality Officer and Diversity Data Officer Requirements

All 32 chambers responded that they were compliant with the rules requiring appointment of a chambers equality and diversity officer and a chambers diversity data officer. This was the area of highest compliance, probably due to the less complex nature of the rules which require a simple appointment to each post and notification to the BSB.

iii. Selection Panel Training Requirements

As indicated by Fig. 3 below, most chambers were compliant for the most part with the training requirements with more chambers having ensured that at least one person on each panel had had training (22 of the 32) and rather fewer (17 of the 32) having also ensured that the lead person responsible for recruitment had had the requisite training. Although there may be activities which could assist chambers further in the implementation of these rules, generally it is not considered that the compliance levels in relation to this area is an area of major concern.

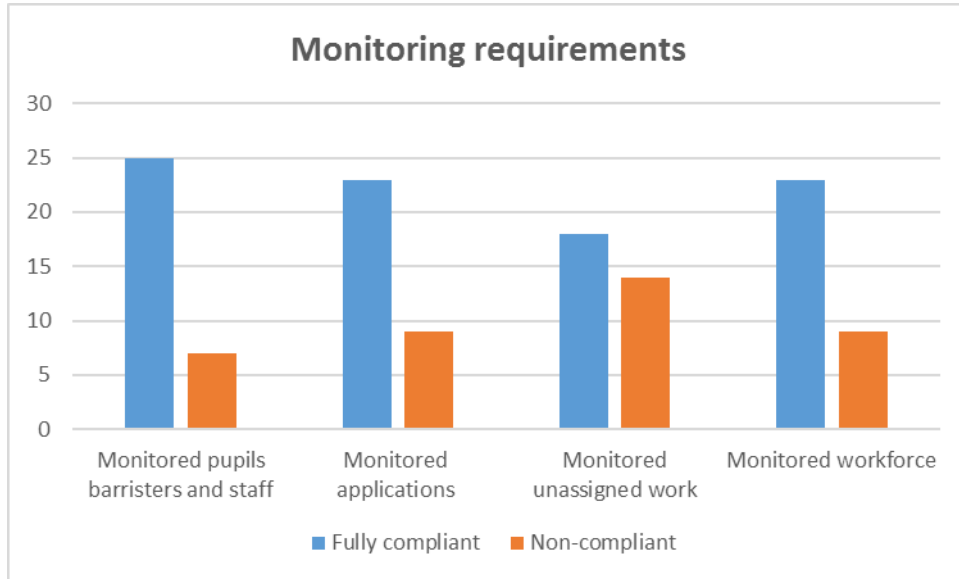
Fig.3



iv. Monitoring requirements

As indicated by Fig 4 below, chambers were compliant for the most part with the majority of the monitoring rules although there were clear issues in relation to compliance with the monitoring of unallocated work. A good percentage of the respondent chambers were conducting monitoring of the workforce (78%), and 71% were conducting monitoring of applications to chambers as required by D1.2 rC110 3f (ii) of the BSB Handbook. However in relation to work allocation monitoring only 56% of chambers were found to be in compliance with the requirement whilst 44% of chambers were not able to show that they were compliant with the rule. This issue is considered in more detail in Section 2 below.

Fig.4



v. 6 month rent relief requirement

10 of the 32 chambers contacted were not obliged to meet this requirement as they do not operate a “flat rate” rental structure. Rule D1.2 rC110 3k (iv) only applies to chambers which calculate rent on a flat rate basis. Of the 22 remaining chambers 19 (86%) were in compliance with the rule, whilst only 13% were found to be non-compliant. Given the relatively high rate of compliance in this area it is not considered that this rule, or compliance with it, is an area for serious concern.

Section 2 – Detailed Analysis by Rule

This section contains a more detailed analysis of the data gathered during the monitoring exercise on a rule by rule basis. It also juxtaposes the data showing compliance rates declared by chambers to compliance rates found by the BSB, having considered documentation submitted by respondent chambers in support of their declarations. There is, on occasion, a difference, the reasons for which are suggested below. The rules with the highest compliance rates are those requiring the appointment of an equality and diversity officer and a diversity data officer. The rule with the lowest rate of compliance was the requirement to produce an equality action plan which had a compliance rate of 50%.

a) Equality policy requirement

This was one of the areas of greatest compliance. Respondent chambers were asked “does your chambers have an equality policy?” This is a requirement under D1.2 rC110 1 of the BSB Handbook. All 32 chambers answered “yes” to this question. However once the policy documents that were submitted had been analysed, two chambers which had answered “yes” to the question were actually found to be non-compliant. In the case of both chambers no actual equality policy had yet been drafted. Therefore in reality only 30 chambers were compliant with the rule. Despite this there is no immediate cause for concern as generally, the compliance rate for this requirement was very high (94%).

b) Harassment policy requirement

All 32 chambers were asked “does your chambers have a written anti-harassment policy?” All chambers answered “yes” to this question. However on analysis of the paperwork submitted, two chambers were found to be non-compliant with the requirement. Both chambers had submitted brief anti-harassment policy documents which did not cover the areas required by the rules (such as persons covered by the policy, communication of the policy and chambers’ complaints process in relation to harassment).

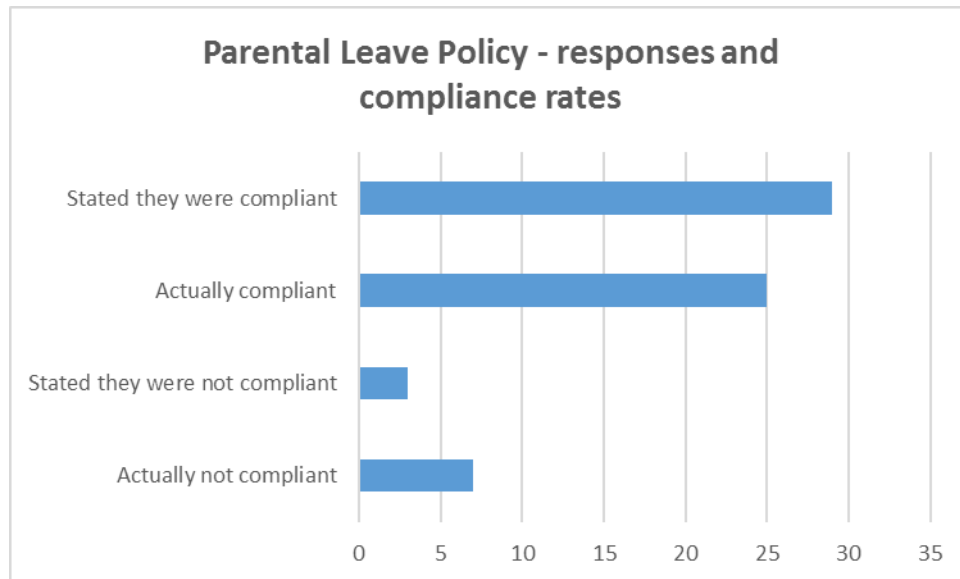
It was clear that there was good intention to comply with the requirement but a slight confusion as to the exact requirements as to policy content. Therefore, despite these two cases, this area is not a cause for concern as generally the compliance rate is very high (94%).

c) Parental leave policy requirement

Chambers were asked whether or not they had a parental leave policy in accordance with rule D1.2 rC110 3k of the BSB Handbook. As set out below in Fig.5, 29 chambers responded that they were compliant with the rule (91%). On consideration of the documentation supplied, it appeared that only 24 (75%) were actually compliant. Two chambers had no policy at all whilst the remainder submitted insufficient policies or policy statements. The reasons for these policies/statements being considered insufficient are varied and include:

- Lack of a “right to return” clause, for those returning from parental leave
- Failure to include adoptive parents
- Failure to include male parents
- Failure to include a grievance process
- Failure to stipulate a 6 month rent free period for chambers operating on “flat rate” rental system.

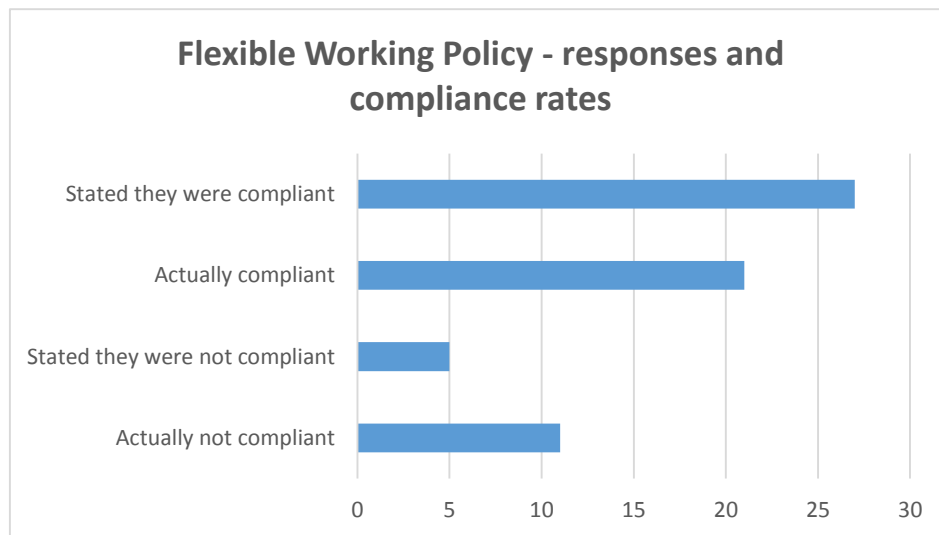
Fig. 5



Although there may be a need for greater clarity as to the exact requirements of the parental leave rules (e.g. the exact nature of the policy and what it should cover), this area is not an immediate cause for deep concern, given that the vast majority (75%) of chambers were found to be in compliance.

d) Flexible working policy requirement

Fig. 6



Chambers were asked “does chambers have a flexible working policy” in accordance with rule D1.2 rC110 3l of the Handbook. 27 chambers (84%) responded that they had such policies however, on examination of the documentation submitted, 7 of these were deemed to be non-compliant with the requirements of the rule.

The reasons for considering the submitted policies/documents to be non-compliant include:

- Failure to cover the right of disabled people to apply for flexible working in order to manage a disability and remain in practice
- Failure to cover the right to request flexible working in order to manage family responsibilities
- Failure to draft an actual policy covering the required areas, submission instead of a brief flexible working “statement”

- Submission of a “Part time working” policy instead of a Flexible Working policy, failing to cover the required areas as set out in the rules.

The relatively low compliance rate in this area gives some cause for concern as overall only 62% of chambers were in full compliance with the rule. It was clear during the exercise that many chambers were confused about the required content of a Flexible Working policy and that clearer signposting to the BSB Supporting Information may be needed. More detailed guidance on what a policy should contain and what this might mean in practice may also be of assistance.

e) Reasonable Adjustments Policy requirement

Fig. 7

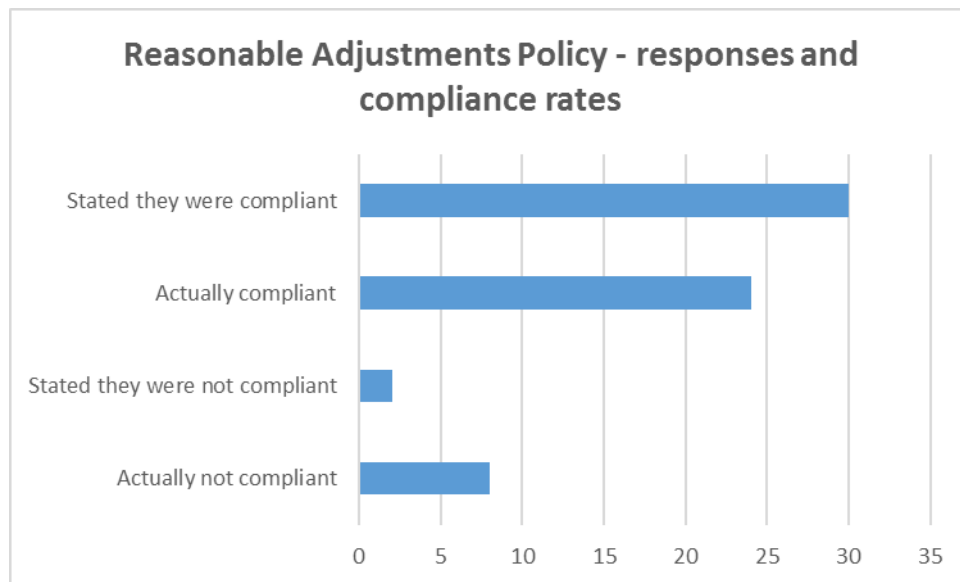


Fig. 7 shows that 30 chambers stated that they had Reasonable Adjustments policies in place. On consideration of the documentation supplied however it appeared that only 24 chambers were actually compliant with the rule as 6 chambers submitted insufficient documentation to meet the requirements of the rule.

Most of those chambers who were found to be non-compliant appeared to have misunderstood the requirement for a separate reasonable adjustments policy and had simply referred to

chambers’ generic equality policy as evidence of compliance with the rule. There also appeared to be some confusion over the requirement to set out chambers’ approach to making reasonable adjustments for disabled people as distinct from the requirement to set out chambers approach to equality issues in general via a generic policy, even though the BSB has provided a sample adjustments policy covering all the required areas which can be easily adapted to individual chambers’ requirements.

In most cases simple signposting to the sample policy was enough to ensure compliance in this area. This suggests a need to for greater dissemination of and awareness raising in relation to the BSB’s Supporting Information pack.

f) Equality Action Plan requirement

Fig. 8

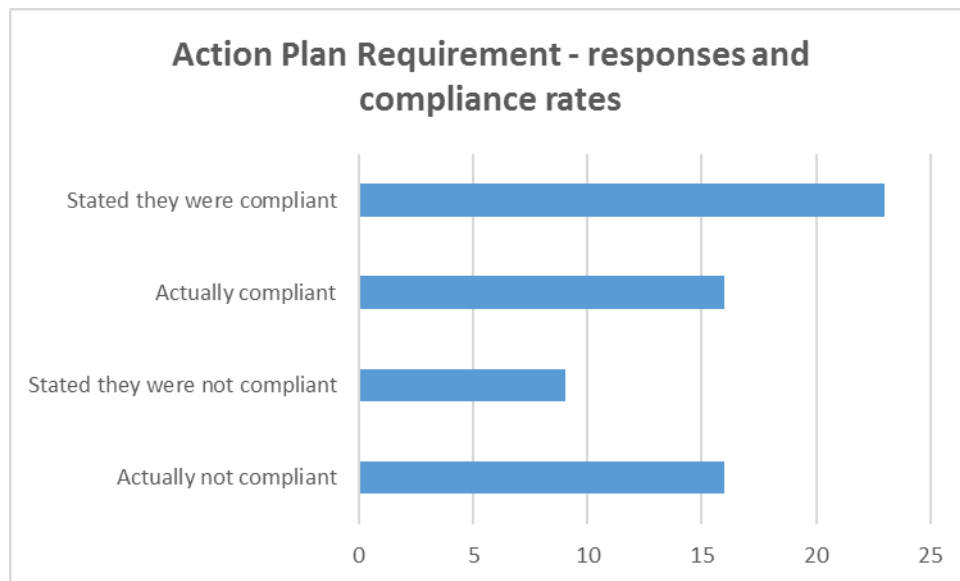


Figure 8 indicates that 23 chambers (72%) answered “yes” to the question, “has your chambers developed an equality action plan?” On consideration of the documentation supplied however, only 16 chambers were found to be actually compliant.

Many of those who stated that they had supplied the BSB with action plans had in fact only supplied a copy of their chambers' equality policy indicating that there may be some confusion in the profession about the difference between a policy and an action plan. Other chambers submitted plans which did not contain any specific actions, deadlines for completion of such actions or an indication of the person or team responsible for ensuring the action was completed. This again may point to a lack of understanding in relation to the constitution of an acceptable action plan. As only 50% of the sample were found to be compliant with the rule, this area does give rise to some concern and it is clear that further guidance is needed. The BSB Supporting Information does not currently contain a sample action plan for chambers to follow and therefore it is likely that such a sample plan could assist chambers in meeting the requirements of the rules.

g) Appointment of Chambers' Equality and Diversity and Diversity Data Officers

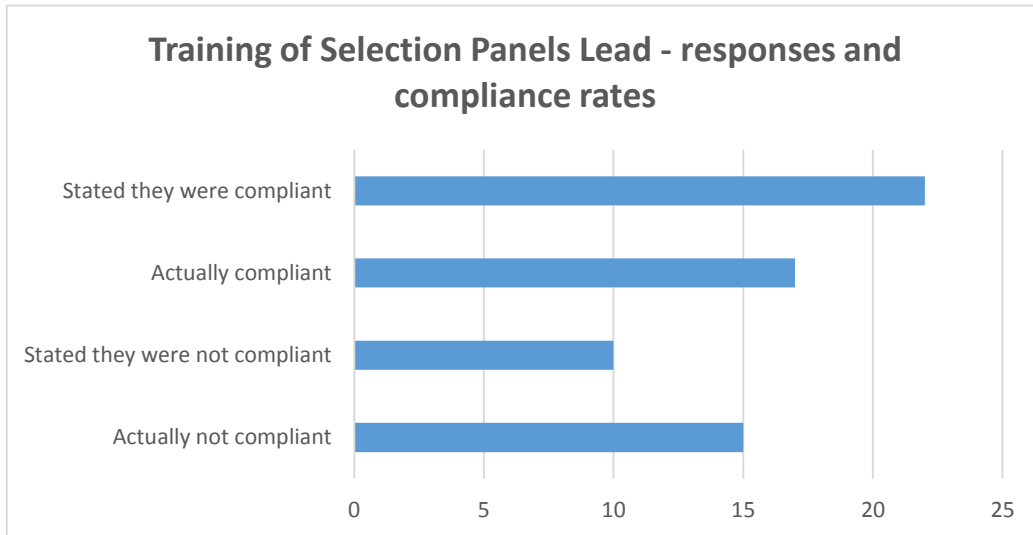
All 32 chambers responded that they had appointed both a chambers' equality and diversity officer and a Diversity Data Officer as required by D1.2 rC110 3a & n of the Handbook. Names of officers were supplied to the BSB as evidence of their appointment and these names were added to the central list of Equality Officers held by the BSB. These two rules therefore had a 100% compliance rate and were the rules with the highest level of compliance of all the equality rules of the Handbook.

h) Fair Recruitment Training

Chambers were asked "has the person with lead responsibility for selection panels undertaken training in fair recruitment?" 22 chambers (69%) answered "yes".

Fig. 9 below shows that of those who answered yes, 5 chambers were not actually in compliance with the rule.

Fig. 9



It was clear that some chambers were still unaware that the training requirement could be satisfied via private study of the Bar Council's Fair Recruitment Guide, despite dissemination of information on this point and specific reference to it in the revised BSB Supporting Information. Feedback in this area implied that chambers were trying to find classroom courses which covered the required areas (despite not being required to do so) and were having difficulty locating them.

Some chambers who had responded "yes" to the question had in fact undertaken generic equality training rather than fair recruitment training and it was clear that there may have been some confusion as to the distinction between generic equality and specific fair recruitment training.

Other chambers found to be non-compliant with the rules had indeed undertaken training however it had been taken many years ago and did not cover the specific areas required by the rules (fair and effective selection, avoiding unconscious bias, attraction and advertising, application processes, shortlisting skills, interviewing skills, assessment and making a selection decision and monitoring and evaluation).

Fig. 10



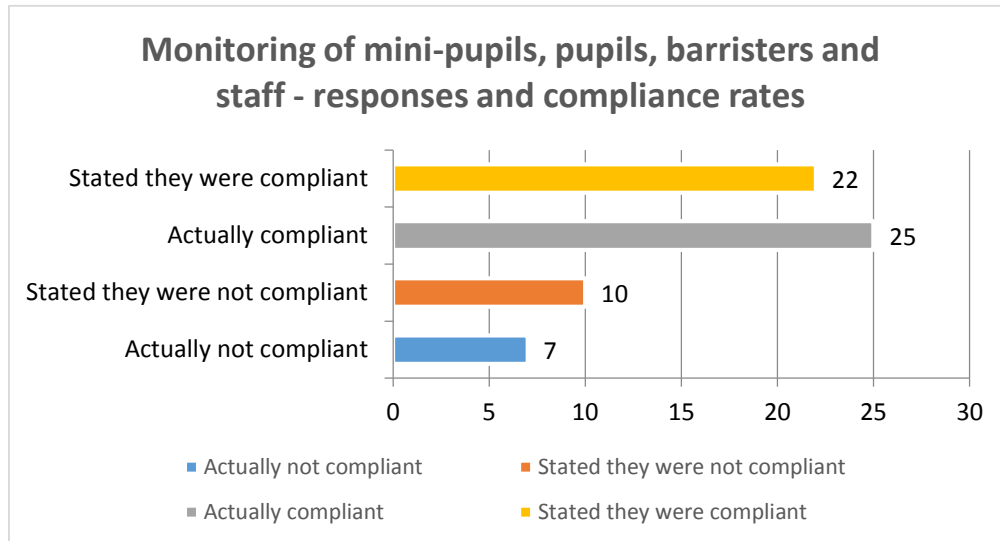
The exercise showed that 22 chambers were compliant with the requirement for one selection panel member to have had training in fair recruitment. As is set out above there was some confusion regarding appropriate courses and the form training might take. There was a lack of awareness of the Fair Recruitment Guide generally and some chambers were unaware that selection and recruitment could not take place unless a trained person were on the panel.

As the ability to comply with both rules set out above appears to have been hampered by a lack of awareness of the Bar Council's Guide, it would seem sensible to raise awareness of this document in communications to the profession reminding them of the deadline of July 2014 for all selection panel members to be trained in fair recruitment.

i) Collection and review of diversity data of assessed mini-pupils, pupils, barristers and staff (race, gender and disability only)

All 22 chambers who responded that they were in compliance with the rule to monitor mini-pupils, pupils, barristers and staff (D1.2 rC110 3f (i)) were found to be in compliance with the rule. 7 chambers were not compliant with the rule and 3 chambers responded that they were not compliant but were actually found to be compliant making a total of 25 chambers (78%) in compliance with the rule (see Fig. 11 below).

Fig. 11



Of those who answered that they were not compliant (10) 3 chambers were found to be actually compliant largely because those sets did not have assessed mini-pupils or pupils and were therefore not required to undertake monitoring of these groups.

As the compliance rates in relation to this requirement are relatively high, this rule does not raise any immediate causes for concern. It appears that most chambers are not experiencing substantial difficulty in implementing the requirements.

j) Applications monitoring

Only 15 chambers out of the 32 sets (47%) responded that they were actually monitoring applications for assessed mini-pupillage, pupillage, staff and membership of chambers as required by D1.2 rC110 3f (ii) of the BSB Handbook.

Fig.12

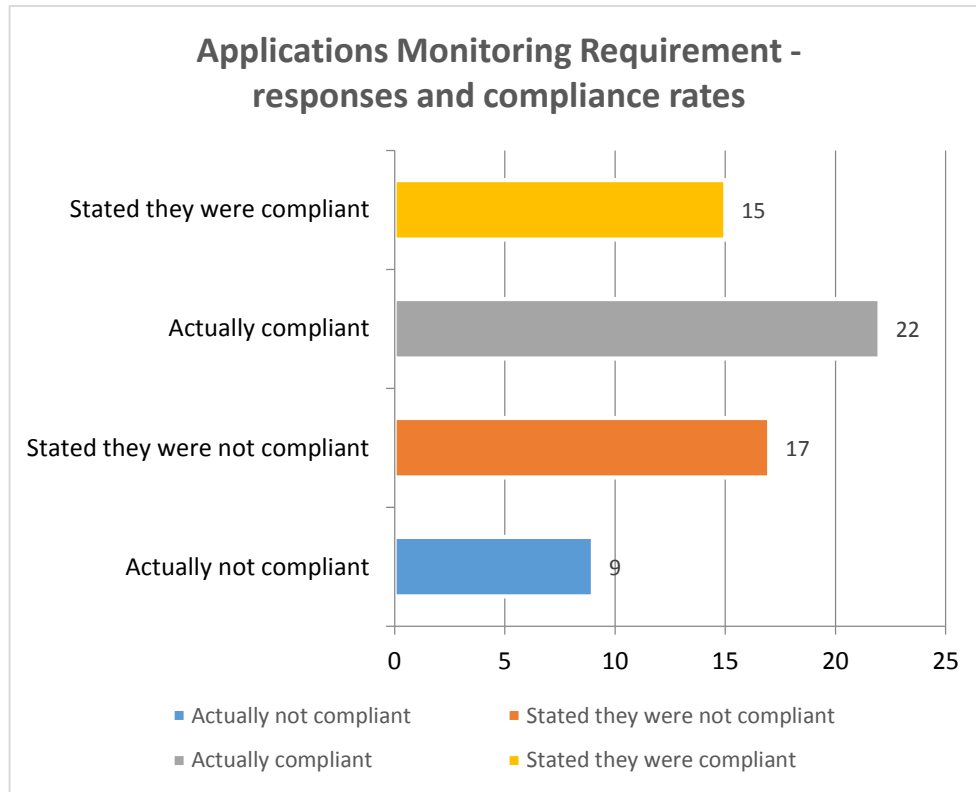


Fig. 12 shows that although only 15 chambers stated that they were compliant, in fact 22 chambers (69%) were compliant. This is because many chambers who had thought they were not compliant were not actually recruiting mini or full pupils and therefore the requirements to monitor those groups do not apply. Some chambers fed back that gathering pupillage applications data is now much more difficult because Pupillage Portal no longer exists and that therefore new ways of gathering data on pupillage applicants had had to be developed and were in their infancy. Given that the overall compliance rate is not particularly low (69%) and the fact that many chambers are still in the process of developing workable pupillage monitoring systems this area is not considered to be of serious concern.

However it should be noted that The BSB Education team is currently considering new ways of gathering pupillage data including an online system for gathering data which would include diversity data.

k) Allocation of unassigned work monitoring

This rule indicated a higher level of non-compliance with 14 chambers (44%) found to be non-compliant with the requirement to monitor the allocation of unassigned work. Just 13 chambers (41%) stated that they were monitoring allocation of work (as required by D1.2 rC110 3f iii) however one of those chambers was later found to be non-compliant. 5 chambers responded that they were not compliant with this rule but were found to be fully compliant. This means that overall the compliance rate for this area was 53% (17 chambers in total).

It was clear from the feedback obtained during the course of the exercise that there remains in the profession some confusion as to the exact definition of “unassigned work” and how work allocation monitoring should be conducted. This topic was raised as an area of concern in the earlier BSB Progress Checks exercise following which a definition was drafted by the BSB Equality Committee. However this area clearly remains a concern. There is a demonstrable need for greater guidance on the definition of unassigned work and the methods by which sets of different sizes and structures might undertake monitoring in this area. The BSB should consider ensuring that the definition of unassigned work is highlighted in the Handbook and Information document. In addition it is suggested that the Bar Council is advised of this area of concern so that it can be addressed via training of its chambers’ Equality Officers support network.

l) Collection and Publication of Wider Headcount Monitoring of Chambers’ Workforce

18 chambers (56%) stated that they were compliant with the rule requiring wider diversity monitoring and publication of data relating to chambers’ workforce (including staff). However on analysis of the submitted paperwork it transpired that in fact 23 chambers (72%) were compliant for the most part. It was clear in some of these cases that chambers wrongly thought that they were not compliant because data had not been published, however the BSB guidance is clear that where there is a lack of consent, or less than 10 members of chambers, publication is not required and therefore these chambers were found to be compliant.

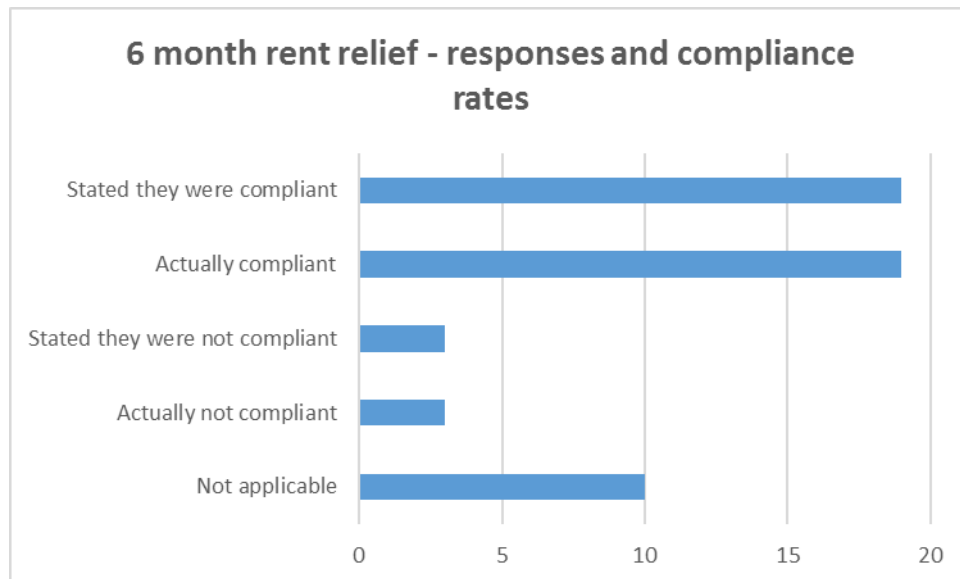
Many chambers responded that they were in the process of implementing a monitoring system and were therefore deemed to be “in progress to compliance or complaint for the most part” rather than non-compliant. Other chambers stated that monitoring was delayed slightly due to internal turnover and gave clear timelines for imminent implementation of the rule which was considered acceptable.

m) 6 Month Rent Relief Requirement

This rule did not apply to 10 of the chambers involved in the monitoring exercise as it only applies to chambers operating a “flat rate” rental structure.

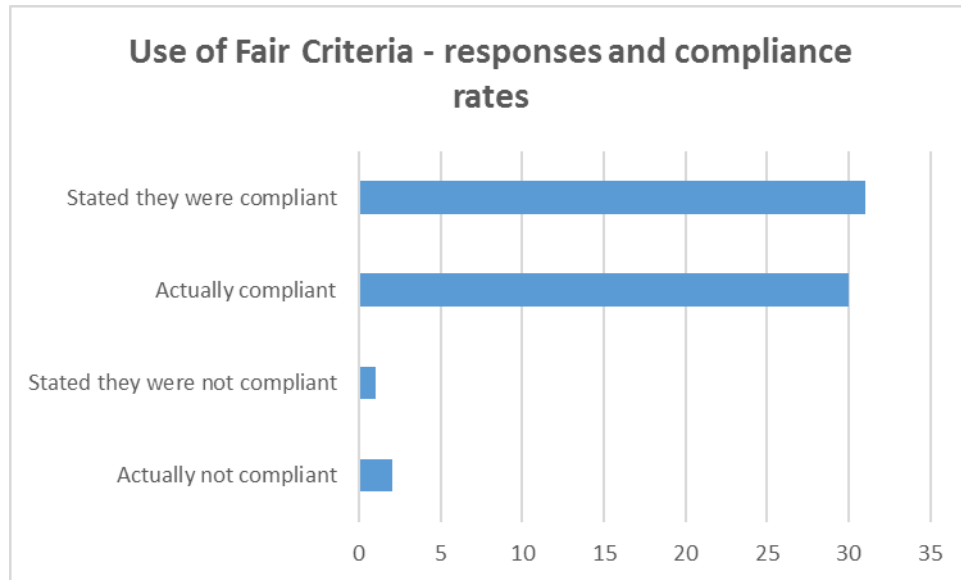
As indicated by Fig. 13 below, 19 chambers (of the 22 remaining) stated that they were compliant with this rule and all 19 were found to be in compliance. 3 chambers responded that they were not compliant with the rule. One of these had no rent relief provision at all and the remaining two were simply offering a 50% rent reduction over a 3 month period, a position which breaches the rule requiring 6 months full rent relief. These non-compliant chambers received BSB feedback and are all now compliant. Overall this means that the rule has generally a very good compliance rate (86% initially and then 100%) therefore this area gives no cause for concern.

Fig. 13



n) Use of fair and objective criteria

Fig. 14



As indicated by Fig. 14 above 31 chambers stated that they were compliant with the requirement to use fair and objective criteria in the recruitment process. Only 2 chambers were found to be non-compliant, both of which were unable to explain how recruitment criteria had been developed to ensure fairness. Overall 30 chambers were found to be compliant which is a very high rate of compliance (94%) and this area is therefore not one of concern.

Section 3 – Conclusions and Recommendations

The monitoring exercise was generally well received and welcomed by chambers and is a demonstrably successful method of engaging with the profession on new regulatory provisions and measuring implementation levels.

The exercise revealed that 50% of chambers are fully compliant or compliant for the most part with the rules but that some of the rules still present significant challenges for the profession.

It is clear that chambers are not experiencing significant difficulty in implementing requirements to develop equality and harassment policies or appoint equality and data officers within chambers. The vast majority of chambers are collecting and reviewing diversity data (at least race, gender and disability) and most are also conducting applications monitoring where this is required. The majority of chambers are also collecting wider chambers workforce data although it is clear that many are unable to publish it due to a lack of consent or the “less than 10” rule. Chambers are clearly comfortable with the implementation of the 6 month rent relief rule and the development and use of fair and objective recruitment criteria.

This suggests that in relation to the majority of the rules, chambers are not experiencing significant difficulty in understanding what is required or in meeting such requirements. However it is clear that in some areas, further support and guidance is needed.

Chambers are clearly experiencing some difficulty with the requirement to carry out work allocation monitoring. There is still a lack of clarity about the definition of unassigned work and a clear need for greater support on how such monitoring might be implemented using existing chambers software or more standard software packages (e.g. Excel).

The exercise also shows that chambers are experiencing substantial difficulty in putting together an equality action plan, which meets the individual need of the chambers concerned, having analysed relevant equality data. Chambers are challenged by the requirement to produce a plan particularly since no sample plan is provided in the Supporting Information.

The exercise demonstrates that projects aimed at considering how well chambers are implementing the rules (such as the BSB Progress Checks Report 2013) as distinct from monitoring exercises solely looking at compliance, may not be the best use of resources. In the future, as chambers become more familiar with the requirements and how to implement them, monitoring of both compliance and methods of implementation in single supervision exercises will become an important part of the BSB's regulatory role.

The exercise does however demonstrate the potential benefits of supervision; all chambers that were identified as non-compliant in one or more areas were able to demonstrate that this had been addressed when given guidance and an opportunity to remedy the situation. Given the relatively high levels of non-compliance in certain areas, this impact was particularly important.

Therefore in addition to improvements and additions to the guidance as set out in this report, there is an important role for the Supervision Team in ensuring that risk-based supervision serves to improve overall levels of compliance and significantly improve outcomes in relation to E&D. In this regard the Supervision Department will be undertaking the following key activity over the coming year:

- Supervision Returns: This summer 400 high impact chambers will be required to complete a Supervision Return, which will allow for an assessment of compliance and risk management in relation to E&D (alongside other areas). There will be follow up with those who need to make improvements. The Supervision Team will also seek to gather and share examples of best practice.
- Chambers visits: Over the course of the year the Supervision Team will visit up to 70 chambers. Visits will include consideration of compliance and risk management in relation to E&D and will allow for more in depth consideration than through desk-based supervision. There will be follow up with those who need to make improvements and best practice examples will be gathered and shared.

This activity will allow the Supervision Team to monitor risk in this area and to determine whether further targeted supervision activity will be required in the future.

In view of the conclusions reached above, this report makes the following seven recommendations:

Recommendation 1: The BSB should undertake communications activities that aim to increase awareness of the new rule, which comes into force in July 2014, requiring all members of chambers' selection panels to be trained in fair recruitment. Communication activities should also be undertaken in order to improve overall levels of compliance with Equality and Diversity rules.

Recommendation 2: The BSB should ensure that the sample Reasonable Adjustments and Parental Leave policies are more clearly signposted on the BSB website, in supporting information documents and on the equality web page.

Recommendation 3: The BSB should provide a copy of this report to the Bar Council equality team with a view to assisting the focus of the Equality Officers' network in relation to flexible working policy requirements and the monitoring of unassigned work.

Recommendation 4: The BSB should develop a sample equality action plan and more detailed guidance for insertion into the current Supporting Information document in order to assist chambers in meeting the requirements of the action plan rule.

Recommendation 5: The Equality team should ensure that the findings of this exercise feed into the wider review of the BSB Handbook which is currently underway.

Recommendation 6: An action plan should be developed to ensure improved levels of compliance. Improvements should be monitored to determine what future targeted supervision activity may be required.

Recommendation 7: The BSB should provide input into planned Bar Council events with chambers' Equality Officer Network, focused on supporting officers in implementing work allocation and flexible working requirements.

Appendix 1 - Supervision 2013/14 Questionnaire

EQUALITY & DIVERSITY MONITORING FORM

Please ensure you answer every question

Policy Requirements

The equality rules of the code of conduct require the development of a number of equality related policies which may be developed separately or as part of a single equality policy document. If your chambers has an overarching equality policy dealing with all the relevant policy areas please tick the appropriate “yes (part of overarching equality policy)” box in questions 2 – 5 to indicate this.

1. Does your chambers have an equality policy?

Yes (please provide copy and state the name of the document below)
No (please explain why below)

2. Does your chambers have a written anti-harassment policy?

Yes (part of overarching equality policy)
Yes (standalone policy – provide policy copy and state the name of the document below)
No (please explain why below)

3. Does chambers have a parental leave policy?

Yes (part of overarching equality policy)
Yes (standalone policy – provide policy copy and state the name of the document below)
No (please explain why below)

4. Does chambers have a flexible working policy?

Yes (part of overarching equality policy)
Yes (standalone policy – provide policy copy and state the name of the document below)
No (please explain why below)

5. Does chambers have a reasonable adjustments policy?

Yes (part of overarching equality policy)

Yes (standalone policy – provide policy copy and state the name of the document below)

No (please explain why below)

6. Has your chambers developed an equality action plan?

Yes (please provide copy and state the name of the document below)

No (please explain why below)

Officer Appointment Requirements

7. Has your chambers appointed an Equality and Diversity Officer?

Yes (please provide the Equality and Diversity Officer's name below)

No (please explain why below)

8. Has your chambers appointed a Diversity Data Officer?

Yes (please provide the Diversity Data Officer's name below)

No (please explain why below)

Training Requirements

9. Has the person with lead responsibility for selection panels undertaken training in fair recruitment?

Yes (please provide details of the training below– title, provider, date – max 250 words)

No (please explain the reason for this below – max 250 words)

10. Does chambers require that at least one member of each selection panel must have undertaken training in fair recruitment prior to the panel sitting?

Yes

No (please explain why below)

Monitoring Requirements

11. Has chambers gathered and reviewed data (broken down by race, gender and disability) of the number and percentages of
- a. Assessed mini pupils, pupils, barristers and staff
 - b. Applications for assessed mini pupillages, pupillages, staff and membership of chambers
 - c. Allocation of unassigned work

Yes/No Yes/No Yes/No

If any of the above are yes, please provide copy of summarised anonymised data and state the name of the document below

If any of the above answers are no, please explain why below

12. Has your chambers collected and published (where appropriate) anonymised diversity data on its workforce? (as was required by 31st December 2012)

Yes

No (please explain why below)

12a) If yes, where was the data published?

- i) Website (please provide link)
- ii) Hard copy (please provide copy or attach)
- iii) Other (please provide details and provide a copy where possible)

Rent relief requirement

The rent relief requirement only applies to chambers which calculate rent (in whole or part) on a "flat rate basis" i.e. a fixed sum as opposed to a percentage of receipts. If your chambers does not calculate any part of its rent in this way please tick N/A.

13. Does chambers offer a period of 6 months free of chambers rent for those taking a period of parental leave?

Yes

No (please explain why below)

N/A

If yes, please indicate where this entitlement is set out (e.g. parental leave policy, equality policy) and provide a copy of the relevant policy/document.

If the document is already provided through an above question, please indicate below which document it is found in.

Fair criteria requirement

14. Does chambers' recruitment and selection process use fair and objective criteria?

Yes

No (explain why)

Please explain how the criteria were developed to ensure fairness and objectivity (max 250 words)

Appendix 2 - Equality rules of the BSB Handbook

D1.2 Equality and diversity

rC110 You must take reasonable steps to ensure that in relation to your *chambers or BSB authorised body*:

- .1 there is in force a written statement of policy on equality and diversity; and
- .2 there is in force a written plan implementing that policy;
- .3 the following requirements are complied with:

Equality and Diversity Officer

.a *chambers or BSB authorised body* has at least one *Equality and Diversity Officer*;

Training

.b except in unforeseen and exceptional circumstances, the person with lead responsibility for any *selection panel* and at least one member of any *selection panel* (who may be the same person) has received recent and appropriate *training* in fair recruitment and selection processes;

.c From July 2014, save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes;

Fair and objective criteria

.d recruitment and selection processes use objective and fair criteria;

Equality monitoring

.e your *chambers or BSB authorised body*:

.i conducts a *regular review* of its policy on equality and diversity and of its implementation in order to ensure that it complies with the requirements of this Rule C110; and

.ii takes any appropriate *remedial action* identified in the light of that review;

.f subject to Rule C110.3.h *chambers or BSB authorised body* regularly reviews:

.i the number and percentages of its *workforce* from different groups; and

.ii applications to become a member of its *workforce*; and

.iii in the case of *chambers*, the *allocation of unassigned work*,

.g the reviews referred to in Rule C110.3.f above include:

.i collecting and analysing data broken down by race, disability and gender;

.ii *investigating* the reasons for any disparities in that data; and

.iii taking appropriate *remedial action*;

.h the requirement to collect the information referred to in Rule C110.3.g does not apply to the extent that the people referred to in Rule C110.3.f.i and Rule C110.3.f.ii refuse to disclose it.

Fair access to work

.i if you are a *self-employed barrister*, the affairs of your *chambers* are conducted in a manner which is fair and equitable for all members of *chambers*, *pupils* and/or *employees* (as appropriate).

This includes, but is not limited to, the fair distribution of work opportunities among *pupils* and members of *chambers*;

Harassment

.j *chambers* or *BSB authorised body* has a written anti-*harassment* policy which, as a minimum:

.i states that *harassment* will not be tolerated or condoned and that *managers*, *employees*, members of *chambers*, *pupils* and others temporarily in your *chambers* or *BSB authorised body* such as mini-*pupils* have a right to complain if it occurs;

.ii sets out how the policy will be communicated;

.iii sets out the procedure for dealing with *complaints* of *harassment*;

Parental leave

.k *chambers* has a *parental leave* policy which, in the case of a *chambers*, must cover as a minimum:

.i the right of a member of *chambers* to return to *chambers* after a specified period (which must be at least one year) of parental or adoption leave;

.ii the extent to which a member of *chambers* is or is not required to contribute to *chambers'* rent and expenses during *parental leave*;

.iii the method of calculation of any waiver, reduction or reimbursement of *chambers'* rent and expenses during *parental leave*;

.iv where any element of rent is paid on a flat rate basis, the *chambers* policy must as a minimum provide that *chambers* will offer members taking a period of *parental leave*, or leave following adoption, a minimum of 6 months free of *chambers'* rent;

.v the procedure for dealing with grievances under the policy;

.vi *chambers'* commitment to regularly review the effectiveness of the policy;

Flexible working

.l *chambers* or *BSB authorised body* has a flexible working policy which covers the right of a member of *chambers*, *manager* or *employee* (as the case may be) to take a career break, to work part-time, to work flexible hours, or to work from home, so as to enable him to manage their *family responsibilities* or disability without giving up work;

Reasonable adjustments policy

.m *chambers* or *BSB authorised body* has a reasonable adjustments policy aimed at supporting disabled *clients*, its *workforce* and others including temporary visitors;

Appointment of Diversity Data Officer

.n *chambers* or *BSB authorised body* has a Diversity Data Officer;

.o *chambers* or *BSB authorised body* must provide the name and contact details of the Diversity Data Officer to the *Bar Standards Board* and must notify the *Bar Standards Board* of any change to the identity of the Diversity Data Officer, as soon as reasonably practicable;

Responsibilities of Diversity Data Officer

.p The Diversity Data Officer shall comply with the requirements in relation to the collection, processing and publication of *diversity data* set out in the paragraphs rC110.3.q to .t below;

Collection and publication of diversity data

.q The Diversity Data Officer shall invite members of the *workforce* to provide *diversity data* in respect of themselves to the Diversity Data Officer using the model questionnaire in Section 7 of the BSB's Supporting Information on the BSB Handbook Equality Rules (https://www.barstandardsboard.org.uk/media/1549918/bsb_equality_rules_supporting_information_2014.pdf);

.r The Diversity Data Officer shall ensure that such data is anonymised and that an accurate and updated summary of it is published on *chambers'* or *BSB authorised body's* website every three years. If *chambers* or *the BSB authorised body* does not have a website, the Diversity Data Officer shall make such data available to the public on request;

.s The published summary of anonymised data shall:

.i exclude *diversity data* relating to the characteristics of sexual orientation and religion or belief, unless there is consent from each of the members of the *workforce*; and

.ii exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and

.iii subject to the foregoing, include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the *workforce*.

.t The Diversity Data Officer shall:

.i ensure that *chambers* or *BSB authorised body* has in place a written policy statement on the collection, publication, retention and destruction of *diversity data* which shall include an explanation that the provision of *diversity data* is voluntary;

.ii notify the *workforce* of the contents of the written policy statement; and

.iii ask for explicit consent from the *workforce* to the provision and processing of their *diversity data* in accordance with the written policy statement and these rules, in advance of collecting their *diversity data*.

Part 1 – Public

rC111 For the purposes of Rule C110 above, the steps which it is reasonable for you to take will depend on all the circumstances, which include, but are not limited to:

- .1 the arrangements in place in your *chambers or BSB authorised body* for the management of *chambers or the BSB authorised body*; and
- .2 any role which you play in those arrangements.

rC112 For the purposes Rule C110 above “allocation of unassigned work” includes, but is not limited to work allocated to:

- .1 *pupils*;
- .2 *barristers* of fewer than four *years’ standing*; and
- .3 *barristers* returning from *parental leave*.

Bar Standards Board Annual report 2013/14

Status:

1. For discussion.

Executive Summary:

2. This is the most up to date draft of the Annual report for consideration by the Board. The Board will receive the final version at its July meeting to enable publication.

Recommendations

3. It is recommended to the Board that it:
 - a. **Discusses** the content of the report
 - b. **Provides** any detailed comments either before the meeting or by 4 July.
 - c. **Notes** that a designed copy of the report will be presented at the July board meeting.

Background

4. Board members received the end of year report at the May meeting which gave details of the performance against last year's business plan.

Comment

5. An earlier draft of this report has been considered by members of the Planning, Resources and Performance Committee but has been considerably revised since their comments were received. Additional feedback will be sought between the issuing of papers and the Board meeting to aid the Board's consideration.
6. Members must note that the financial figures are still in draft and have not yet been finalised by the Bar Council. Some variation may result but it is anticipated that will be minimal. While some of the fine detail may be adjusted, the overall performance picture in terms of underspend and income will not change.
7. Members will also note that this is text only. The final report will be designed and will mean that it will be shorter than the current draft as a result. Comments are of course welcome regarding any editing that should be done to the draft to shorten if further, if that is what members wish to see.
8. Members are also asked to agree that the report should be published in electronic format only. No paper copies will be produced.

Resource implications

9. No additional resource is required. We have a budget for production of the designed annual report.

Equality Impact Assessment

10. No equality impact assessment is necessary as there is no policy element to this report.

Risk implications

11. There are no significant risks associated with this report.

Impacts on other teams / departments or projects

12. All BSB departments have had input into the content of this report.

Consultation

13. All BSB departments have had input into the content of this report. The Finance team has also contributed significantly to those sections pertaining to our financial performance.

Regulatory objectives

14. The report relates to performance against the Strategic Aims in the Strategic Plan 2013-16. Those aims in turn were developed in the light of the regulatory objectives.

Publicity

15. The report will be published on the website following the July Board meeting, together with associated press releases.

Annexes

16. Annex 1 – draft annual report.

Lead responsibility:

Amanda Thompson

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

The Bar Standards Board Annual Report 2013-14

The Bar Standards Board regulates barristers 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 action

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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Chair's statement

At the end of this year, I step down as Chair of the BSB, after six exciting, challenging, and rewarding years. There has never been a dull moment throughout my tenure, and the past year has been no exception. I am therefore, pleased to introduce this year's Annual Report for the Bar Standards Board (BSB) albeit with a note of personal sadness as this will be the last time I do so in my capacity as Chair.

One of the highlights from this year has undoubtedly been the introduction of the new BSB Handbook and revised Code of Conduct, and it is something of which I am particularly proud – both because of the hard work that went into it, and the impact it has had on the Bar and their clients. Our new Handbook is less prescriptive; it focuses on what the outcome of a rule should be, instead of trying to define how barristers should act in all situations. Superfluous rules have been stripped away and others modernised. As well as offering greater clarity there are also new measures that will empower barristers to change their business models in line with consumer need.

Our progress towards becoming a more outcomes-focused and risk-based regulator was also clearly visible this year in the rollout of a new approach to supervising chambers – one which centres on potential risks to the public, instead of scrutinising every detail of barristers' businesses. We all know that prevention is better than cure and this new approach is as much about building constructive relationships with chambers as it is about better protection for their clients. Working with us to prevent potential risks materialising will mean minimising the amount of supervision chambers receive, and a more targeted use of resources on our part.

One of the most significant changes we brought about this year – and indeed during my time as a Chair – was to remove restrictions on self-employed barristers conducting litigation. Allowing barristers to apply for authorisation to conduct litigation will do much to help promote competition in the provision of one-stop advocacy and litigation services. Widening the range of choice available – for the Bar and the public too – will bring great benefits to barristers and clients alike.

I remain ever grateful for the skill, hard work and dedication of our Director, Dr Vanessa Davies, and members of staff here at the BSB. The achievements outlined in this report are the result of considerable application, ability, and aptitude on their part. The Board is very grateful, as am I, for the efforts of the entire team.

I also wish to thank the members of the Board; their expertise, insight, and experience continue to prove invaluable. I am especially grateful to the members of our committees who help develop policy, ensure that decisions are made correctly and make our overall system of regulation work. They have been especially helpful. Our barrister members give a significant amount of their time and they continue to do so on a *pro bono* basis, which is very much appreciated.

So, as I sign off this, my final Annual Report, and prepare to hand over to my successor I look back on my time here with a great sense of pride in what we have achieved. It has been a pleasure and a privilege to work with such a talented team of people, undertaking incredibly important work, during a time of unprecedented change for the legal services profession and its practitioners. Thank you all and I wish you the best of luck for the future.

Baroness Ruth Deech QC (Hon)
Chair, Bar Standards Board

Director's statement

The legal services profession is undergoing dramatic and rapid change: new ways of doing business are emerging and evolving; some areas of the market are flourishing; others are contracting and becoming less forgiving. As the regulator of the Bar in England and Wales, it is up to us to assure the public that, despite such change, the standards applied to the advocates on whom they rely are no less rigorous.

To live up to our values – integrity, excellence, fairness, respect, and value for money – we must embody the same standards that we expect of others. In an age of austerity, when some barristers are finding the market tough, we have endeavoured over the past year to reduce our costs and make our regulatory regime more cost-effective.

This we have done through a number of major changes, both external and internal. For example, we have switched to a system of spot-checking barristers' Continuing Professional Development record cards – to focus on the minority of barristers not keeping their training up-to-date – instead of requiring all practising members of the Bar to submit their cards to us for monitoring. Internally we have restructured our teams to sharpen our focus, consolidated our office space from three floors to two to reduce our overheads, and introduced new IT systems to make our processes more efficient.

We have seen great progress in other areas as well. We have worked constructively and closely with the Council of the Inns of Court (COIC) and the Bar Tribunals and Adjudication Service (BTAS) to implement the recommendations of the Browne Report – 75 per cent of which are now complete. Our duty, first and foremost, is to protect the public, as we continue to receive and process over 300 complaints each year.

The year ahead is likely to be just as busy, bringing a number of new opportunities and challenges as we roll out a number of significant programmes of work. We will be developing our plans to reform the legal education and training system, following publication of the Legal Education and Training Review last year. In June 2014 we submitted our application to the Legal Services Board to become a regulator of entities so, all being well, we will soon be receiving applications from barristers who want to adopt new business models to deal with the changing market.

Finally, I would like to take this opportunity to thank all our Board members and committees for their continued dedication and hard work and my staff team for their continued diligence and professionalism.

I wish to extend a special thank you to Baroness Deech, who steps down as Chair at the end of this year, for her unerring commitment and unflinching support.

Dr Vanessa Davies
Director, Bar Standards Board

What the BSB does

We regulate barristers in England and Wales in the public interest. We are responsible for:

- Setting standards of conduct for barristers and authorising barristers to practise;
- Monitoring the service provided by barristers to assure quality;
- Setting the education and training requirements for becoming a barrister as well as setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Handling complaints against barristers and taking enforcement or other action where appropriate.

Our strategy 2013 - 2016

Our vision by the end of 2016 is to become a more modern and efficient regulator, operating to externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objectives and professional principles. How we plan to achieve that vision is set out in our Strategic Plan 2013-16¹, with key programmes of work and annual milestones for each of them.

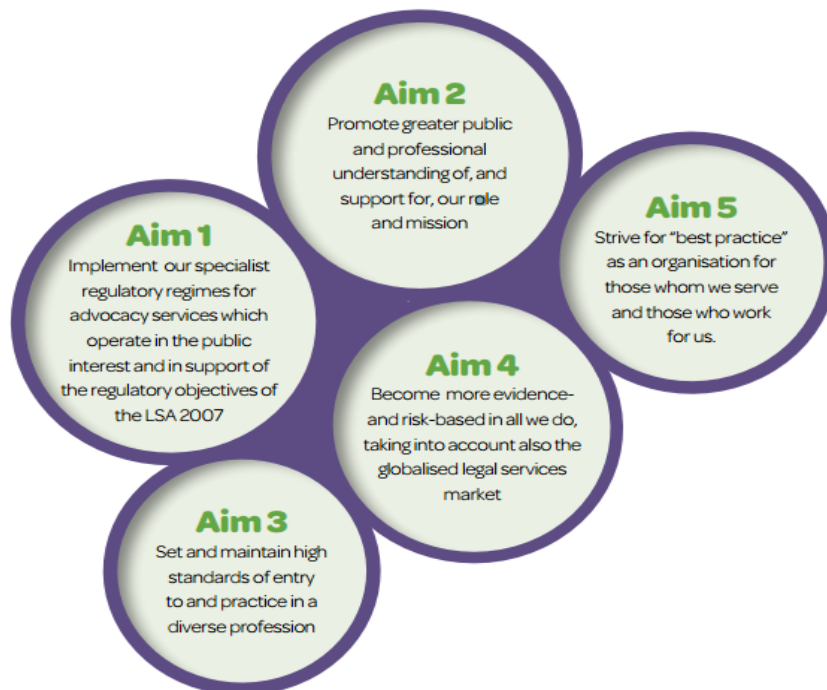
This Annual Report reflects on what we have achieved in year one of our strategy. It looks at each of our aims, explaining what we have done during the 2013-14 year and the difference it will make to the profession that we regulate and the clients they serve. We not only tell the story about what we've been doing but we also demonstrate the progress we have made against the key performance indicators and associated measures identified in our 2013-14 Business Plan², as well as starting to touch on what we will be doing in the next year.

Our strategic aims

The BSB has developed five strategic aims which encompass all the work we intend to undertake over the three years from 2013 to 2016.

¹ 2014. [ONLINE] Available at: https://www.barstandardsboard.org.uk/media/1513219/bsb_strategic_plan_final_20.6.13.pdf [Accessed 19 June 2014].

² 2014. [ONLINE] Available at: https://www.barstandardsboard.org.uk/media/1465505/bsb_business_plan_2013-14.pdf [Accessed 03 June 2014].



3

Our aims also reflect how we are going to improve our performance against the Regulatory Standards Framework laid down by the Legal Services Board (LSB). That framework has four key pillars – outcomes-focused regulation; risk assessment; supervision; enforcement – and requires a regulator to demonstrate sufficient capacity and capability to regulate in those key areas.

2013/14 – Statistics at a glance

During 2013-14:

- Over 15,000 barristers were regulated by the BSB
- 428 barristers undertook new public access training
- We authorised 39 self-employed barristers to conduct litigation
- We supervised 824 chambers: 465 (56%) sole practitioners and 359 (44%) multi-member chambers
- We had 429 people registered as undertaking their first six months' of pupillage in 2013 (the non-practising "first six")
- We had 445 registered as undertaking their second six months of pupillage (the "second six" when people are able to start appearing in court as a practising barrister)
- We accredited 8,214 CPD courses
- We oversaw 12 sites and x providers of the BPTC to over 1,700 students
- We had 151 candidates take the Bar Transfer Test (for transferring solicitors and overseas lawyers)
- We received over 300 complaints about barristers' conduct

³ Our Strategic aims- Bar Standards Board. 2014. Our Strategic aims – Bar Standards Board. [ONLINE]. Available at: <https://www.barstandardsboard.org.uk/about-bar-standards-board/what-we-do/our-strategic-aims/> [Accessed 16 May 2014].

Achievements in 2013/14

Strategic aim 1

Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007.

The world in which we operate as the regulator of barristers is changing. The legal services market is opening up, competition is increasing and consumers are demanding more from legal service providers. We have to make sure that we are responsive to those changes by providing a regulatory structure that enables barristers to meet the changing demands of the market.

Over the course of the 3 years 2013 - 16 we are committed to:

- Implementing a new Code of Conduct that focuses less on rules and more on risk, in line with the RSF
- Implementing a regime for the authorisation and regulation of specialist advocacy-focused entities, so that barristers can operate within different working models and provide more of a one-stop shop service to clients
- Enabling barristers to conduct litigation and widening direct access by members of the public
- Implementing a quality assurance scheme (QASA) for criminal advocates and researching the need for other quality assurance and/or accreditation schemes so that the public can have confidence in the quality of those who represent them
- Reviewing the education and training requirements for barristers to reflect the demands of the new Code of Conduct
- Modernising and simplifying our approach to handling applications for waivers from rules regarding qualification as barrister

What we did in 2013/14

We have made significant progress on many of those objectives. Here are some of the highlights:

Implementation of the new Handbook

The Handbook was published on 6 January 2014 as planned, with a formal launch by the Attorney General, the RT Hon. Dominic Grieve QC MP and the Rt. Hon. Lord Judge PC QC, the recently retired Lord Chief Justice, at the Royal College of Surgeons on 22 January.

The new Bar Standards Board “Handbook” brings together all the BSB’s regulations and guidance for barristers into one publication for the first time.

The Code of Conduct is incorporated into the Handbook and has been significantly revised to make it more outcomes focused, reflective of risk and clearer for everyone who may refer to it: from the profession itself to clients wishing to know what to expect of their barrister.

There are now ten Core Duties which build on rules that were in the previous Code. However, they now apply to all barristers, not just practising barristers (therefore

unregistered barristers are required to comply with the Core Duties when providing legal services). They underpin the entire regulatory framework and set the mandatory standards that all BSB regulated persons are required to meet.

The new Handbook's approach is less prescriptive, with more focus and guidance on what the outcome of a rule should be, rather than attempting to define how a barrister should act in every situation. We have specifically identified outcomes at the beginning of each section, which explain the reasons behind the regulatory scheme and what it is designed to achieve. The outcomes are derived from the regulatory objectives of the Legal Services Act 2007 and the risks that must be managed if they are to be achieved. These outcomes put the rules into context and, together with the Core Duties, help barristers to determine how they should act if a specific situation is not covered by the rules or it is not clear how a rule should be applied in a specific situation. The outcomes are not themselves mandatory, but the BSB will take into account whether or not an outcome has, or might have been, adversely affected when considering how to respond to alleged breaches of the Core Duties or rules.

We made sure that the profession were informed about the new Handbook and the change in approach it represents. In November 2013 we ran 12 roadshows across all six circuits giving barristers the opportunity to hear what the Handbook would mean for them and to ask questions. The roadshows were well attended, particularly in London, and we received additional requests to host additional sessions. We also produced a webinar, leaflets and podcast to support the launch of the Handbook and worked with an external company to create a smartphone and tablet friendly version of the Handbook (known colloquially as the "Handbook app").

In focus: Attorney General Dominic Grieve QC MP launches the new BSB Handbook (SEPARATE OUT)

Launching the new BSB Handbook, the Attorney said "it will place practitioners in a much stronger position to face the future" and allow the Bar "to branch out into new fields and opportunities, which will immeasurably benefit them and their clients".

The Attorney praised the Handbook as an important step in establishing "clear and unambiguous rules", which were "easily accessible both to practitioners" and the public. He reminded the audience that those who rely on legal services as clients are, at the same time, customers with "a right to expect certain standards".

Entity Authorisation

The Handbook was published with strike-through text in it showing how the Handbook will address entity authorisation. Although we have not yet obtained approval from the Legal Services Board to allow us to authorise entities, the approach we will be taking is clear from the consultations we have previously undertaken and the text published in the Handbook. During this year we have been focusing on building our capacity and capability to allow us to become an entity regulator. We are on track to obtain approval from the oversight regulator and to start to authorise entities in 2014/15.

Conducting litigation

As a result of the new Handbook and the lifting of certain restrictions, self-employed barristers can now apply for an extension to their practising certificate to conduct litigation. This means that more barristers can offer a complete "one stop" legal service to members of

the public. Since 22 January 2014 when the rules were changed, a total of 39 barristers have been authorised to conduct litigation.

Case study (SEPARATE OUT)

Amanda de Winter was called to the Bar in 1998. She practises as a self-employed barrister and also runs a fixed-fee direct access business. In February 2014 Amanda became one of the first self-employed barristers to become authorised to conduct litigation. She says: “I decided that Direct Access was perfect for me...I like the upfront contact with clients.” Amanda adds that the BSB removing restrictions on junior barristers conducting Public Access “*was a good thing*”. “The general public do know the difference between barristers and solicitors and they are coming to me as a barrister. It’s about perceived value. The public perceive that the barrister will know a court process inside out. To go for a barrister from the start is what they want. There’s a complete clarity of service.”

Public Access

In September 2013 we introduced a new Public Access training regime designed to protect the interests of consumers and enable clients to access a broader range of Public Access barristers. We appointed the Bar Council, HJT training and Barristers Direct to deliver the training.

Public Access barristers now have up to 24 months to undertake additional top-up training or cease to conduct Public Access work. For the first time, junior barristers of fewer than three years' practising experience are able to undertake Public Access work if they complete the new training. The Biennial Survey shows that almost 50 per cent of all barristers could move to Public Access by the end of 2015.

Quality Assurance Scheme for Advocates (QASA)

The Quality Assurance Scheme for Advocates (QASA) is a joint scheme that has been developed by the BSB, the Solicitors Regulation Authority and ILEX Professional Standards. The Scheme will regulate the quality of all advocates appearing in the criminal courts in England and Wales, whether they are barristers, solicitors, or legal executives. The Scheme will apply to all advocates, whether they are self-employed or employed, and whether they are acting for the prosecution or defence.

The Scheme is designed to systematically assess and assure the quality of criminal advocacy in the courts in England and Wales and will ensure that the performance of all advocates is measured against the same set of standards, regardless of an advocate's previous education and training.

The scheme was approved by the Legal Services Board in July 2013. Shortly after this, we published the QASA Handbook and a range of resources setting out everything criminal advocates need to know about the Scheme. Before implementation commenced we were served with an application for Judicial Review as an interested party. The Defendant is the Legal Services Board. We decided to suspend the phasing of QASA registration pending the outcome but all barristers who wish to undertake criminal advocacy are still required to register by 31 December 2014. At the time of writing, the Judicial Review proceedings were still ongoing. Progress with the scheme will be reported in the next financial year.

Waivers system review

The Qualifications Committee has reviewed its systems and decided that a greater proportion of the applications made to it could be determined by staff. The Committee has so far approved the proposals of four of its six Panels on the extent of the decision-making powers that will be delegated to staff.

Review of the Legal Services Act 2007

On 17 September we published our response to the Ministry of Justice's call for evidence for its review of regulation of legal services in England and Wales. The government has since decided not to pursue any changes to the statutory framework or to extend the scope of regulation to new areas. We will continue to reform our regulatory regime to be more flexible and innovative, while ensuring that the public is properly protected.

Measuring our performance

When we set our objectives for the 3 year period 2013-16, we also identified what success would look like. This table reflects on progress made in year one.

What success will look like by 2016	Progress made against measure in 2013/14
a) We will be a licensing authority under the Legal Services Act 2007	We are on track with this aim. We will apply to the Legal Services Board (LSB) to be approved as a regulator of non-Alternative Business Structure (ABS) entities in 2014/15.
b) We will be regulating barrister-led / advocacy focused entities	We delayed the timing of entity regulation so that we could properly implement the Handbook. We are still on track with this aim.
c) In a timely and financially sustainable way (both to regulator and regulated)	We are developing a financial model for entity regulation to recover costs of the ongoing operation of the entity regime. We aim to be cost neutral from the practising certificate fee once the regime is up and running.

We spent £506k on Strategic Aim 1 (10% of total BSB direct spend)

Strategic aim 2

Promote greater public and professional understanding of and support for our role and mission.

Understanding and awareness of what we do and why we do it is crucial if we are to be effective. We know from the Biennial Survey that there is scope to improve understanding of our role amongst the profession. Judging from feedback and media coverage, we also think that we could improve the information we provide so members of the public are able easily to find out where to go when things go wrong.

We are committed to addressing this through a number of activities, including:

- Engaging proactively with the legal education community to ensure that the role of the regulator is understood
- Consulting widely on all policy developments and ensuring that the views of consumers of legal services are reflected
- Publishing a consumer-friendly version of the new Handbook
- Engaging with consumer groups and members of the regulated community to understand the impact of QASA
- Enhancing the facility for those affected by our enforcement regime to provide feedback
- Expanding as far as possible the information we make available publicly about our disciplinary processes
- Enhancing our investment in stakeholder engagement
- Making better use of new technology in support of our communications programmes
- Developing our FOI capacity

What we did in 2013/14

Raising our profile and engaging with our stakeholders

This financial year we have used our communications strategy to raise our profile and engage with our stakeholders in a variety of ways: in the media, at conferences, online, and through research and information.

Media coverage

We have significantly enhanced our public profile with increased coverage in the national media and trade press. We now systematically publicise the outcome of disciplinary tribunals where the barrister is disbarred from the profession and attract considerable media attention as a result. Other major stories during the year were: publication of the new Handbook, QASA, and changes to legal aid and the impact on our regulatory objectives.

Conferences

BSB Director Dr Vanessa Davies gave a speech at the Institute of Barrister's Clerks conference in June which was attended by 175 delegates. Ewen Macleod, Head of what was then known as Professional Practice (and has since become Regulatory Policy), ran a workshop entitled '*Regulatory changes and new opportunities: what the new BSB Handbook*

will mean for barristers and Clerks. Dr Davies also spoke at the Young Bar Conference in October and in November 2013 we ran a workshop at The Bar Conference entitled *'The new Bar Standards Board Handbook and risk-assessed monitoring.'*

Online presence

During 2013/14 we improved our online presence: we had 527,994 visits to our website and the number of Twitter followers rose from just over 5,000 to almost 8,000.

Research

To further engage with our stakeholders we conducted a number of surveys including the BPTC perceptions survey, the pupillage registration survey, a Bar Course Aptitude Test reasonable adjustments follow-up survey, and an entity regulation survey. We also ran the Biennial Survey which targets almost half of the practising Bar alternately every other year. In 2013 almost 3,300 barristers participated in the survey - a response rate of 44 per cent. Publication of the survey was delayed and is now due in the first quarter of 2014/15 but the figures show that understanding of our role is lower than we would like it to be: in 2013 just over a third of respondents (35%) felt they had a good understanding of the BSB's role, a quarter felt they didn't, and a third (33%) were 'neutral' on the issue

Information for consumers

We also made progress on our commitment to publishing more consumer-friendly information. In January 2014 we updated all of our enforcement / professional conduct leaflets and guidance to align with the new Handbook and to make them more user-friendly. These included our *how to make a complaint about a barrister* leaflet, our *information for barristers facing a complaint* leaflet, our *information on disciplinary tribunals* leaflet and our *administrative sanctions: imposing warnings and fines* leaflet. We have made constant revisions to our website to make information clearer for anyone wanting to find out about how to complain about a barrister.

Engaging with consumer organisations

Establishing relationships with intermediary groups that represent legal consumers was identified as a priority for 2013/14. This is an area that was highlighted by the LSB report *Developing Regulatory Standards* which made clear that the BSB needs to do more to understand the needs of the legal consumer.

During this year we started a programme of work to identify relevant organisations, establish contact, begin to build relationships, and facilitate dialogue and joint working. The overall aim of the programme is to increase understanding of what we do amongst legal consumer organisations; develop our understanding of the legal consumer perspective; and identify areas of common interest and potential collaboration.

Our initial conversations shows that awareness of what we do was relatively low but there was considerable interest in engaging with us. A number of issues of common concern were identified and a series of meetings to discuss those issues is now in train. So far, we have held a seminar about the Quality Assurance Scheme for Advocates (QASA). We also explored the issue of vulnerable witnesses, and, as a result, we will be working with Victim Support during 2014/15 to identify how we might work together to address some of the concerns in this area.

Part 1 – Public

We held a second event focused on increasing understanding of how the complaints system works and looking at what could be done to make it more accessible. A representative from the Legal Ombudsman also took part. We will be using the feedback from the day to help shape our plans in this area. Topics for future discussion include: Litigants in Person and the production of more consumer-friendly information.

Pull quote: Adam Pemberton, Assistant Chief Executive of Victim Support said:
“We know that, in particular, vulnerable witnesses can be left feeling traumatised by their experience of cross examination. We hope that by working closely with the Bar Standards Board we can put an end to this; and ensure all victims and witnesses are treated with respect and dignity when they take the stand. Through the consumer engagement programme, we have begun to explore the practical solutions to the issues victims and witnesses face while taking the stand in court.

Nick Gallagher, Interim Chief Executive of the Bar Pro Bono Unit said
‘It was hugely helpful to be able to come together with so many colleagues from the advice and regulatory sectors to look at our common landscape. To be able to map where our various responsibilities lay was invaluable. The fact that the discussion was grounded in the needs of clients and barristers only added to the strength of the discussions. It was also fascinating to hear more about the BSBs new approach to regulation and to understand how the Code of Conduct and the BSBs supporting structures had evolved from that approach’”

We spent £338k on Strategic Aim 2 (7% of total BSB direct spend)

Measuring our performance

When we set our objectives for the 3 year period 2013-16, we also identified what success would look like. This table reflects on progress made in year one.

What success will look like by 2016	Progress made against measure in 2013/14
a) An increased percentage of the profession will have a positive view of the role and effectiveness of the BSB	We established a baseline through the 2013 Biennial Survey. We will track progress against the baseline during the life of this strategic plan.
b) We will have established collaborative relationships with the public and consumers through our user network	During the course of 2013/14 we have established relationships with a number of legal consumer organisations and are beginning to explore issues of common concern (see in focus above).

Strategic aim 3

Set and maintain high standards of entry to and practice in a diverse profession.

High standards of advocacy are crucial to the maintenance of the rule of law and promoting and protecting access to justice. Our role as the regulator is to ensure that those high standards are maintained by setting entry and training requirements, and monitoring standards of practice during the course of a barrister's career. We are committed to taking action in a number of areas, including:

- Revising the Bar Training Regulations in accordance with the RSF
- Implementing recommendations from the Legal Education and Training Review (LETR)
- Evaluating the operation of the Bar Course Aptitude Test Continuing to quality assure the Bar Professional Training Course (BPTC)
- Developing a new CPD regime
- Implementing and reviewing the new Code of Conduct (BSB Handbook)
- Developing and implementing appropriate standards for barristers working in immigration
- Streamlining our authorisation processes including devolving some first-line decision making to staff
- Establishing systems to enable applications from entities to be considered and assessed
- Developing a more evidence- and risk-based approach to monitoring of supervision
- Developing standards of good practice in the Youth Courts
- Monitoring compliance with Equality and Diversity rules
- Continuing to deal with complaints against barristers who have not met the required standards and ensuring appropriate action is taken

What we did in 2013/14

Legal Education and Training Review (LETR)

We have been actively engaged with the independent review of legal education and training. The LETR report was commissioned by the Solicitors Regulation Authority (SRA), ILEX Professional Standards and the BSB; the most significant cross-sector review in recent times. Amongst its 26 recommendations, the report identified a number of systemic challenges both for regulators, and for others involved in the education and training of legal professionals. Whilst the report draws a general conclusion that the existing framework meets current needs for competent practice, it points to significant change in the market for legal services that must find appropriate response in the training of future barristers, solicitors and legal executives.

In September 2013 we published our response⁴, setting out a framework for addressing the priorities that emerged from this important reassessment of training pathways across the legal sector. Significant change has already been brought into effect. In 2012, centralised

⁴ Bar Standards Board responds to the Legal Education & Training Review - Bar Standards Board. 2014. Bar Standards Board responds to the Legal Education & Training Review - Bar Standards Board. [ONLINE] Available at: <https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/bar-standards-board-responds-to-the-legal-education-training-review/>. [Accessed 16 May 2014].

assessments for the Bar Professional Training Course (BPTC) were introduced. In 2013, we established a test to ensure that those embarking on the training had the aptitude to complete it successfully. In March 2014 we established a plan to implement the recommendations of LETR. It details approach we intend to take to education and training so that it is structured to ensure that future training requirements:

- prepare trainees for competent practice at the outset of their career;
- promote innovation in teaching and learning;
- offer flexibility in the pathways to qualification for the Bar or elsewhere;
- minimise barriers to access to the profession, and
- ensure ongoing competence throughout a practitioner's career.

The revision of the Bar Training Regulations will be included in this programme of work.

Joint Academic Stage Board disbanded

Following consultation between the Solicitors Regulation Authority (SRA) and the Bar Standards Board (BSB), we have agreed a new approach to assuring Qualifying Law Degrees (QLD) and the Common Professional Examination/Graduate Diploma in Law (CPE/GDL). These changes took effect from 1 January 2014.

The Joint Academic Stage Board (JASB), which has acted in this regard on behalf of the regulatory bodies for a number of years, was dissolved with effect from 31 December 2013.

The joint remit of the SRA and the BSB remains in force, and our joint requirements for QLDs and the CPE/GDL remain as stated in the Joint Statement on completion of the academic stage of training. The Joint Statement remains in place.

We are now operating a new approach which is based on two basic principles

- to remove the duplication of our oversight of academic standards and quality with that of the Quality Assurance Agency for Higher Education (QAA), and, instead, to rely on the required compliance of Higher Education Institutions with QAA's Quality Code for Higher Education, and the outcomes of the QAA review. The QAA framework constitutes a robust academic and educational regime.
- to continue to monitor and ensure compliance with the Joint Statement.

Bar Professional Training Course

The new Bar Course Aptitude Test (BCAT) was introduced in April 2013 following extensive consultation with stakeholders. The test was put in place to assess students' critical thinking and reasoning, the core skills required for the BPTC. The aim of the test is to ensure that those undertaking the BPTC have the required skills to succeed. We commissioned an evaluation of the test after the first cycle and will continue to monitor the impact and efficacy of the test over the first three years of its operation.

We also undertook a financial review of the BPTC in 2013, to establish the full cost of delivery and then revise fees accordingly. As a consequence, providers have been notified of a rise in candidate fees from £400 to £475, to take effect in September 2014.

Continuing Professional Development (CPD)

A CPD Steering Group was commissioned in 2011 to review the Bar's CPD scheme on behalf of the Bar Standards Board. The CPD Steering Group concluded its work in 2013,

after it reported to the Board with its final recommendations for improvement. An outline proposal for a new CPD system, which focuses on the outcomes of CPD, was approved by the Board at its July 2013 meeting.

Further work was then undertaken to develop a robust CPD system with which the profession can engage. The full proposal will be presented to the Board in the 2014/15 year and consultation with the profession, and all other key stakeholders, will also occur in the 2014/15 financial year.

In the meantime, we made changes to the way in which barristers demonstrate their compliance with the existing CPD requirements. In line with the new risk-based approach to regulation, supervision of CPD compliance was also changed. We no longer require all practising barristers to return their CPD Record Card but can ask them to provide their Card on request instead. We commenced a programme of spot checking a random sample of Record Cards, with those with a history of non-compliance also be targeted. The results of that spot checking process will be reported in 2014/15.

Standards for barristers working in immigration

In July 2013 we responded to the LSB's consultation on the regulation of immigration advice and services. In order to do so we undertook a year-long review into whether the current regulatory arrangements provide sufficient protection to consumers of immigration advice and services. We gathered evidence from a range of sources, including a roundtable event with immigration practitioners, other regulators and representative bodies; spot-checks on continuing professional development data; and data gathered from chambers monitoring. Importantly, we also undertook some independent consumer research. The research – undertaken by IFF research - explored clients' experiences of immigration advice and services. After considering all of the evidence we concluded that it was not necessary to amend our regulatory arrangements.

We will continue to monitor this area and conduct a further review in 2015. The introduction of the new BSB Handbook and on-going information gathering through new risk assessment and supervision regimes will enable us continually to assess whether there is sufficient protection for consumers of immigration advice and services.

Consideration of changes to our regulatory arrangements for special bodies in the light of LSB guidance

The Legal Services Board (LSB) has put on hold changes to the licensing of special bodies as alternative business structures (ABSs). This means that not-for-profit organisations such as law centres and Citizens' Advice Bureaux will be able to continue to provide reserved legal services without needing to become licensed as an ABS. This has been achieved by extending the transitional protection given by section 23 of the Legal Services Act 2007 (LSA) (meaning that licences are not required by special bodies in order to provide reserved legal activities) for the time being. The LSB have indicated that they will keep the situation under review, but that they do not at this time envisage any further developments before 2015.

Our Enforcement Strategy and risk-based decision making

The BSB's commitment to taking a risk-based approach to regulation has led to a significant change in our approach to enforcement action. An Enforcement Strategy⁵ was developed and published alongside the BSB Handbook in January 2014.

One of the hallmarks of the new strategy is that enforcement action should be proportionate and focus on the conduct issues that pose the greatest risk. In January 2014 we introduced a system for risk assessing complaints prior to deciding what action to take. This allows us to allocate a risk level to a complaint which informs the decisions on what action, if any, to take. High risk conduct will normally result in disciplinary action whereas conduct which represents a medium risk is likely to result in the imposition of an administrative sanction. Where the risk is low, we may decide not to take any action but will consider other options, such as a referral for supervision or referral to the barrister's chambers to address the concerns raised.

The change in approach to enforcement action has been accompanied by increased decision-making at an executive level. This has created better balance in the system, allowing the Professional Conduct Committee to concentrate on considering the more serious cases. The Committee retains oversight of the executive decisions via a sub-committee. To date the sub-committee has concluded that all reviewed decisions have been reasonable and taken in accordance with the rules and the agreed procedures.

Development and operation of risk-based supervision

One of the central strands of our strategic plan and the Legal Services Board's Regulatory Standards Framework was the need for the development of a new risk-based supervision approach. The BSB is working hard to be more evidence- and risk-based in all that we do. A new risk-based approach to supervision is essential to these efforts. We undertook consultation and development throughout 2013 and the new Supervision Team started to apply risk-based supervision in January 2014.

The changes in our approach were needed to support the new BSB Handbook (which came into force on 6 January 2014). Our published Supervision Strategy describes the approach in more detail⁶. It is aimed at:

- Enabling the BSB to be proactive in identifying potential risks - like breaches of confidentiality or poor keeping of financial records - and take action to stop these from becoming real;
- Encouraging chambers and entities to manage these risks effectively and so improve how they comply with their regulatory requirements;
- Preventing potential risks from negatively affecting clients and consumers, as well as the regulatory objectives set out in the Legal Services Act 2007;
- Creating a new way of stopping breaches of the regulatory rules from recurring;
- Helping the BSB target its resources at those chambers, entities, individuals and, if need be, areas of work that require more supervisory attention; and
- Fostering a more positive and constructive relationship between the regulator and those it regulates.

⁵ 2014. [ONLINE] Available at: https://www.barstandardsboard.org.uk/media/1555518/the_enforcement_strategy_2014_-_final.pdf [Accessed 02 June 2014].

⁶ Available at <https://www.barstandardsboard.org.uk/regulatory-requirements/for-chambers-and-education-providers/chambers/supervision/>

This new, more proportionate, approach to regulatory compliance will allow us to target our resources where they are needed most and reserve enforcement action for the most serious and persistent cases of non-compliance.

Case study – Equality and Diversity Monitoring

From October 2013 the Supervision Team looked at how a sample of 40 chambers were implementing the new Equality and Diversity rules.⁷ We found that 16 chambers needed to take action to improve their compliance and they were all given a short time to make the necessary changes.

They were all able to demonstrate that the issues identified had been addressed and that measures were in place to prevent any recurrence. Feedback from the chambers was positive and the improvements were achieved without any enforcement action being taken.

Complaints handling performance

We make sure that we deal effectively with complaints against barristers who have not met the requirements and take appropriate action through our Professional Conduct Department (PCD) and Professional Conduct Committee.

The PCD works under the authority of the Professional Conduct Committee and in accordance with the processes set out in the BSB Handbook and the Code of Conduct eighth Edition. They have a range of enforcement tools at their disposal from giving formal advice to referring cases of alleged professional misconduct to independent Disciplinary Tribunals. The annual performance statistics are shown in Annex 1.

Quality checks of the complaints system

The BSB's Independent Observer, Isobel Leaviss, provides independent assurance to the Board that the BSB's enforcement system is operating in line with its aims and objectives. In her latest annual report, covering the period June 2013 – October 2013, the Independent Observer noted that she has "continued to observe good administrative standards by PCD case officers". Praising the well-organised case files, she observed that staff display "a demonstrable commitment to fairness when responding to challenges from complainants and/or barristers".

Measuring our performance

When we set our objectives for the 3 year period 2013-16, we also identified what success would look like. This table reflects on progress made in year one.

What success will look like by 2016	Progress made against measure in 2013/14
a) We will be supervising and enforcing on	The new Handbook was launched on 6

⁷ Equality and Diversity Rules of the BSB Handbook - Bar Standards Board. 2014. Equality and Diversity Rules of the BSB Handbook - Bar Standards Board. [ONLINE] Available at: <https://www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity/equality-and-diversity-rules-of-the-code-of-conduct/>. [Accessed 06 June 2014].

Part 1 – Public

the basis of a new Code of Conduct/ Handbook	January 2014.
b) The regulated community, including education and training providers, will be achieving high levels of compliance, and delivering quality services to the public	We have introduced more effective reporting and quality assurance systems for Education Providers eg annual reflective review for Bar Professional Training Course providers first implemented in December 2013.
c) We will have more complete information on the diverse make-up of the regulated community	The 2013 Bar Barometer gives the most up to date diversity disclosure rates across the various protected characteristics. There was an increase in all areas when compared with the data we extracted from our internal database in 2012. We have good levels of data on gender (98.6%), race (89.5%) and age (78.2%). There are low levels of data (around 12%) in all other areas (gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation). We have put measures in place to try and improve these figures again in 2014.

We spent £3,001k on Strategic Aim 3 (61% of total BSB direct spend)

Strategic aim 4

Become more evidence- and risk-based in all we do in the context of a globalised legal services market.

The LSB framework for regulatory standards requires us to identify risk and use evidence as the basis for our regulatory decisions. Becoming more risk- and evidence-based is therefore a priority for the BSB and is a theme that runs through all our objectives. It also requires us to establish systems to enable us to gather evidence and assess risk. We are therefore committed to:

- Developing a whole organisation knowledge management system, based on an intranet and document management system
- Developing and implementing a centralised research and evidence gathering capacity so that we can better assess risk
- Designing and implementing systems for gathering regulatory intelligence??

What we did in 2013/14

IT systems in place

The BSB has made some progress in this area. In August 2013 the enforcement database was successfully established and a risk/supervision database is in progress. However, we are still working on ensuring that we have the most effective systems in place that we can in order to ensure data can be appropriately shared between these systems. The recruitment and focus on specialist skills to assure these links has been initiated and a further review of IT strategy was reported to the Board in March 2014.

Our new internal document management system was rolled out between September and December 2013. This was prioritised over the intranet in order to support the changes in the use of our office premises (see the SPACE programme description below). Our new intranet will be introduced in the next business year.

Risk Assessment Framework

In December 2013 our risk assessment framework was established. The Board agreed the framework at its meeting in October 2013, as well as to an initial set of regulatory risks. Delays in recruitment of key staff have meant that we have not yet put in place all of the operational aspects of the scheme: this will be progressed during 2014/15. Staff in key roles have been trained so they can make decisions based on risk (eg supervision and enforcement).

Establishing an evidence base

Creating a comprehensive evidence base that enables us to share information about our regulatory impact is an important underpinning aspect for all of our work. The first step is to properly understand the information we currently hold to ensure we are using existing systems and data as effectively as we can. Work to assess the usability of existing evidence and then develop a research programme to enhance it has begun and will be completed in 2014/15. Developments will be reported to the Board during the two remaining years of this strategic plan.

Policy development framework

Development work has been undertaken on the new policy development framework during 2013/14. The framework is intended to introduce a more systematic way of undertaking policy development across all parts of the BSB. The framework will be presented to the Board for its consideration in 2014/15 and then implemented in that year.

Measuring our performance

What success will look like by 2016	Progress made against measure
a) We will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision making	Our risk assessment framework has been established. The first draft was approved by the Board. This work is ongoing. The risk-based approach is operational in the Professional Conduct Department and Supervision Department. The draft research strategy will be presented to our senior management team early in the new financial year and then to the Board.
b) We will have attained a “satisfactory” rating against the LSB’s standards framework in this area	Good progress has been made towards the first goal of achieving “Level 2” of competency (“Work is underway and undertaking improvement”), as outlined by the LSB in its framework. The Regulatory Improvement Programme is due to complete in June 2014 embedding the Regulatory Standards Framework in place throughout the organisation. Action plans are in place to ensure all necessary development work is undertaken to achieve the desired rating.

We spent £502k on Strategic Aim 4 (10% of total BSB direct spend)

Strategic aim 5

Strive for “best practice” as an organisation for those whom we serve and those who work for us.

In order to deliver on our strategy and meet our obligations as a regulator, we need people who are equipped to do the job, processes that are efficient and effective, and sufficient resources to support the implementation of our work programme. We are therefore committed to:

- Ensuring the independent Bar Tribunals and Adjudication Service is operating fairly, transparently and efficiently
- Developing capacity and processes for effective client procurement and performance monitoring
- Reviewing our business processes and simplifying our work where possible
- Improving our IT infrastructure
- Developing a strategic approach to raising revenue
- Moving to full cost recovery charging regimes where appropriate
- Completing our internal change programme to achieve satisfactory ratings under the RSF
- Delivering our HR strategy by investing in training for staff and introducing a competence framework and revised appraisal system
- Managing a transition to a new Chair of the Board in 2015
- Reviewing the governance structure enhancing the policy-making role of the Board

What we did in 2013/14

TRIP – The Regulatory Improvement Programme

Many of the aspects of the activities required to achieve Strategic Aim 5 were brought together within an internal change programme: The Regulatory Improvement Programme or TRIP. This programme was also required to make the changes necessary to improve our ratings against the Legal Services Board’s Regulatory Standards Framework. The programme was formally established just before this reporting year commenced but became operational during 2013/14. In July 2013 the staff skills audit and internal process mapping exercises were completed. In October 2013 a Learning and Development plan was produced for staff and roll out commenced. In December 2013 we conducted an organisational restructure and new ways of working were put in place. In March 2014 a new competency framework and revised appraisal process were introduced. In June 2014 our Change Programme Manager will leave the BSB and the senior management team will be responsible for embedding the change programme into the organisation through to 2016.

SPACE

In 2013 the Bar Council’s Finance Committee was presented with a lease-break opportunity, which led to careful consideration of the Bar Council’s accommodation needs. After reviewing the options available, the decision was taken to compress from seven to four floors, and make better use of the lower ground and mezzanine floors. A Space Planning and Creating Efficiencies (SPACE) Programme was established to facilitate this initiative, which ran from April 2013 to March 2014. Construction began in September 2013 and finished on time and within budget. The release of the additional floors back to the

landlord and the subsequent reduction in rent has had a positive financial impact on the Bar Council's budget.

The re-organising of the layout of the office space and the relocation of staff provided an opportunity to increase efficiencies within the BSB by ensuring that, through smart space planning, departments that worked closely together were co-located. It has also encouraged a shift towards more electronic storage which has also improved productivity.

The SPACE programme was received positively by staff. A survey in January 2014 showed a 72% increase in staff feeling positive or very positive about the programme and the planned moves.

Contract management system reviewed

In October 2013 the new Bar Tribunal and Adjudication Service (BTAS) contract was implemented. This was the culmination of considerable effort on the part of both the BSB and the Council of the Inns of Court following the Disciplinary Tribunals and Hearings Review Group Report that was published in 2012. This is a significant step forward in having tribunals operating to the high standard we expect, reflecting the quality of the decisions they have always made. We published an update on progress against all of the recommendations contained in that report.

Internally we have also introduced tighter systems regarding our management of contracts. In the coming year we will review our internal service level agreements regarding the support we receive from the Central Services function.

Carry out a fees and charges review

In July 2013 the new fees and charges policy statement and schedule was approved by the Board. This is another step towards having a high level of openness and transparency for those whom we charge when we provide a service to them. The next year will see us review all fees and charges, moving to full cost recovery or being able to clearly explain where we have not and why.

Measuring our performance

What success will look like by 2016	Progress made against measure in 2013/14
a) We will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	The aim to establish a baseline for regulatory costs and steadying the rate of increase of the cost of regulation has been achieved in 2013/14 through the regulatory improvement programme and other initiatives. The extent to which regulation is needed will be indicated by supervision activities, which in turn will impact on the resourcing and cost of regulation, all of which are key activities for the 2014-15 year.
b) We will have improved turn-around times in relation to case handling in complaints and qualifications / waivers	In terms of qualifications and waivers, delegations to staff have been agreed and we are now implementing them, with new

Part 1 – Public

	service level standards being agreed.
c) The organisation will have a different, improved “feel” for users and staff	Responses to the 2013 staff survey revealed improvements across several categories including: pay and reward; training and development; wellbeing, and comments about leadership. A further survey will be carried out in 2014.

We spent £558k on Strategic Aim 5 (11% of total BSB direct spend)

DRAFT

Equality update

The BSB is committed to encouraging an independent, strong, diverse and effective legal profession. It is important that the composition of the Bar reflects the community it serves and that the public has confidence in the legal system and the role of barristers within it.

We are committed to improving diversity - both externally in the profession and internally within the organisation – and to ensuring that equality is taken into account in everything we do. We have a legal duty to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief and marriage and civil partnership.

During 2013/14 we took action in a number of areas in order to meet that duty, including:

- diversity monitoring of the profession, BSB staff, the BSB Board and its committees;
- diversity monitoring of users of the complaints service;
- equality analysis on all major BSB projects and activities e.g. the new BSB Handbook, the new supervision regime, the Bar Course Aptitude Test;
- delivering equality training to all new staff, Board and Committee members – a new online training package is being developed for Board and Committee members that will be introduced later in 2014;
- reviewing and republishing the BSB's organisational equality objectives in May 2013 and identifying a number of new priority work areas;
- monitoring of the implementation of the Equality and Diversity Handbook rules in chambers via a set of progress checks and a compliance exercise; and
- publication of a range of equality information, including an aggregated diversity data report on the profession.

DIVERSITY AT THE BAR: FACTS & FIGURES

- Nearly two thirds of the Bar are male (63%) and (37%) are female.
- The majority (89.8%) of the practising Bar are white compared to 10.2% who are from a Black and Minority Ethnic (BME) group (BSB figures).

Governance

The Board is responsible for shaping the BSB's strategy; it has ultimate responsibility for what the BSB does and for carrying out all regulatory functions of the Bar Council.

In 2013-14 our Board consisted of 15 people, a combination of lay members and barristers. The Board met 13 times during the year: there were 11 ordinary meetings (agendas and minutes are published on the BSB's website⁸), and two Away Days.

Chair:

Baroness Deech QC (Hon)

Vice-Chair:

Ms Patricia Robertson QC

Barrister Members:

Ms Sarah Clarke

Ms Justine Davidge

Mr Simon Lofthouse QC

Mr Matthew Nicklin QC – term ended December 2013; position currently vacant

Mr Sam Stein QC

Lay Members:

Ms Rolande Anderson

Mr Rob Behrens

Dr Malcolm Cohen

Ms Paula Diggle – term ended December 2013; position currently vacant

Mr Tim Robinson

Professor Andrew Sanders

Mr Richard Thompson

Dr Anne Wright

Special Advisors to the Board (with no voting powers)

Ms Sarah Brown

Mr Matthew Nicklin QC (from January 2014)

Ms Emily Windsor

⁸ Board meetings 2013 - Bar Standards Board. 2014. Board meetings 2013 - Bar Standards Board. [ONLINE] Available at: <https://www.barstandardsboard.org.uk/about-bar-standards-board/how-we-do-it/our-board/board-meetings-2014/board-meeting-2013/>. [Accessed 05 June 2014].

Our committees

Our Board runs its work through eight committees:

- Education and Training Committee
- Equality and Diversity Committee
- Governance, Risk & Audit Committee (GRA)
- Planning, Resources & Performance Committee (PRP)
- Professional Conduct Committee
- Qualifications Committee
- Standards Committee
- Supervision Committee (superseded the Quality Assurance Committee)

The Education and Training Committee is responsible for setting the standards of education and training that people must reach before being able to practise as barristers, together with the further training requirements that barristers must comply with throughout their careers.

The Equality and Diversity Committee is responsible for ensuring that the BSB's functions have given due consideration to eliminating discrimination and promoting equality.

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 internal risk management framework and the BSB's internal assurance programme. The Committee also reviews reports from the Independent Observer.

The Planning Resources and Performance Committee supports the work relating to the development of strategic direction and plans for the BSB. It oversees financial performance against objectives and targets and considers whether proposed funding is adequate and effectively allocated across the business. The Committee also advises on how the BSB monitors, measures and reports performance to best effect, with appropriate transparency and in a timely and consistent manner.

The Professional Conduct Committee is responsible for investigating complaints and taking enforcement action against barristers that have breached the Code of Conduct within the BSB Handbook.

The Qualifications Committee is responsible for looking at individual applications from people wishing to become barristers but who may be exempted from the normal training requirements.

The Standards Committee is responsible for the BSB Handbook, with which all barristers must comply, and for issuing guidance on good practice.

The Supervision Committee is responsible for considering policy on matters relating to supervision of barristers, chambers and entities. The Supervision Committee formally superseded the Quality Assurance Committee on 6 January 2014.

Accountability

The BSB is the independent regulatory arm of the Bar Council and is responsible for the regulation of barristers in England and Wales, in the public interest.

The BSB's systems of internal control complement the Bar Council's own systems and processes. The Bar Council's Finance and Audit committees play a light-touch oversight role to ensure the BSB is effectively discharging its duties. The Bar Council and the BSB comply with the annual Internal Governance Rule certification process, confirming our regulatory independence to our oversight regulator, the Legal Services Board. This year was no exception. As a result of the most recent internal governance rules review, the Bar Council and the BSB have strengthened their independent relationship by implementing a joint protocol to maintain regulatory independence through their working arrangements⁹. The BSB independently controls its resources, and these operations are monitored by the PRP Committee, which met four times during the year 2013/14.

The BSB ensures that its governance standards and internal controls are fit for purpose via the Governance, Risk and Audit (GRA) Committee which met four times during 2013/14. The BSB has its own constitution and standing orders: the latter have undergone minor amendments to support the implementation of the new BSB Handbook. In 2013/14 the Board approved updated policies on gifts and hospitality, and the declaration of interests. It also launched a new Governance Manual and scheme of delegations, which details governance and decision-making roles and responsibilities.

The GRA Committee is also responsible on behalf of the Board for reviewing the corporate risk management framework of the BSB. The Director and senior managers are responsible for the areas of risk that relate to their departments. The corporate risk register is reviewed at least quarterly by the BSB's Senior Management Team, GRA Committee and the Board as set out in the Risk Management policy. The GRA Committee also conducts in-depth risk reviews at each ordinary meeting.

The GRA Committee oversaw a review of the risk management framework and it noted that the current risk management Policy, tools and reporting mechanisms had been well-accepted by management since their launch in 2011. Recommendations from the review are being actioned and these aim to develop a more mature model for the GRA Committee to give greater assurance to the Board.

The BSB's GRA Committee has an active relationship with the Bar Council's Audit Committee. For example the Chair of the GRA Committee sits on the Bar Council's Audit Committee, the Chair of the latter has attended a GRA Committee meeting, and urgent or cross-cutting issues have been escalated between the committees. During 2013/14 the GRA Committee reviewed a number of changes to the Bar Council's internal financial controls and made some recommendations on the shared whistleblowing and fraud policies.

The BSB's lay Independent Observer provides independent assurance that the BSB's enforcement system is operating in line with its aims and objectives; currently Isobel Leaviss is employed in this role. Her role and reports have been previously discussed. The GRA Committee agreed to reappoint the Independent Observer until 31 May 2016.

⁹ 2014. [ONLINE] Available at: https://www.barstandardsboard.org.uk/media/1549469/bar_council_and_bar_standards_board_protocol_-_final_pdf.pdf. [Accessed 16 May 2014].

Our income and expenditure

Our budget year ran from 1 April 2013 to 31 March 2014. At the beginning of the year the budget that the BSB directly controlled was set at £5,355k; this was revised shortly afterwards to £5,361k to cover staff ‘cost of living’ increases.

2013-14 Direct expenditure £4,906k (meaning we spent **8%** less than we had in the budget)
 2013-14 Direct income from sources other than Practising Certificate Fee (PCF) £1,605k
 (meaning we received **9%** less from income sources other than the PCF than we thought we would)

Some financial context

The Legal Services Act 2007 requires the Bar Council (as Approved Regulator) to provide “such resources as are reasonably required for or in connection with the exercise of regulatory functions”. In practice that means that funds are raised by the Bar Council through the Practising Certificate Fee (PCF) to fund the BSB’s activities. However, the Practising Certificate Fee raises money for both some of the BSB’s regulatory activity and some of the Bar Council’s representative activities (as permitted under s51 of the Legal Services Act 2007), so both parts of the organisation need to be aware of the context within which we operate. Both we and the Bar Council are acutely aware that the practising Bar faces a number of challenges, most notably for those engaged in publicly funded work.

Both the Bar Council and we have faced financial challenges of our own, for example:

- having eaten significantly into reserves during previous years, the Bar Council decided that there needed to be a balanced budget across all parts of the organisation. This is to ensure that our reserves are placed in a strong position, setting a good foundation for investment and helping to meet possible future liabilities;
- the Council of the Inns of Court reduced the Inns’ subvention;
- the funding gap in the pension scheme needed to be plugged; and
- the BSB’s expenditure budget increased mainly because of the pressures of implementing the Regulatory Standards Framework.

The Bar Council as a whole has had a successful financial year as operating costs were kept within financial plans and investments were made to help reduce operating overheads for the future.

The demands on the regulator, whether driven by statutory obligations or professional expectations, are increasing. The BSB has received increased investment in past financial years but, with that investment made, costs are being kept within existing parameters. We have been working with the Bar Council on a more strategic approach to revenue raising. Over time we expect to see a PCF based on both an individual and a chambers or entity-based contribution, better reflecting our evolving approach to regulation.

We have already adopted broad brush principles which mean that where regulatory activity can be clearly attributed to only one sector of the profession, as opposed to being in the interests of or on behalf of the profession as a whole, the direct costs of that specific activity will be recovered from the relevant sector of the profession. We see no reason currently to change that approach. We have enhanced staff capacity in relation to financial planning and project management across the BSB.

As described under Strategic Aim 5, our regulatory improvement programme (TRIP) included a review and revision of our ways of working to streamline them as far as possible.

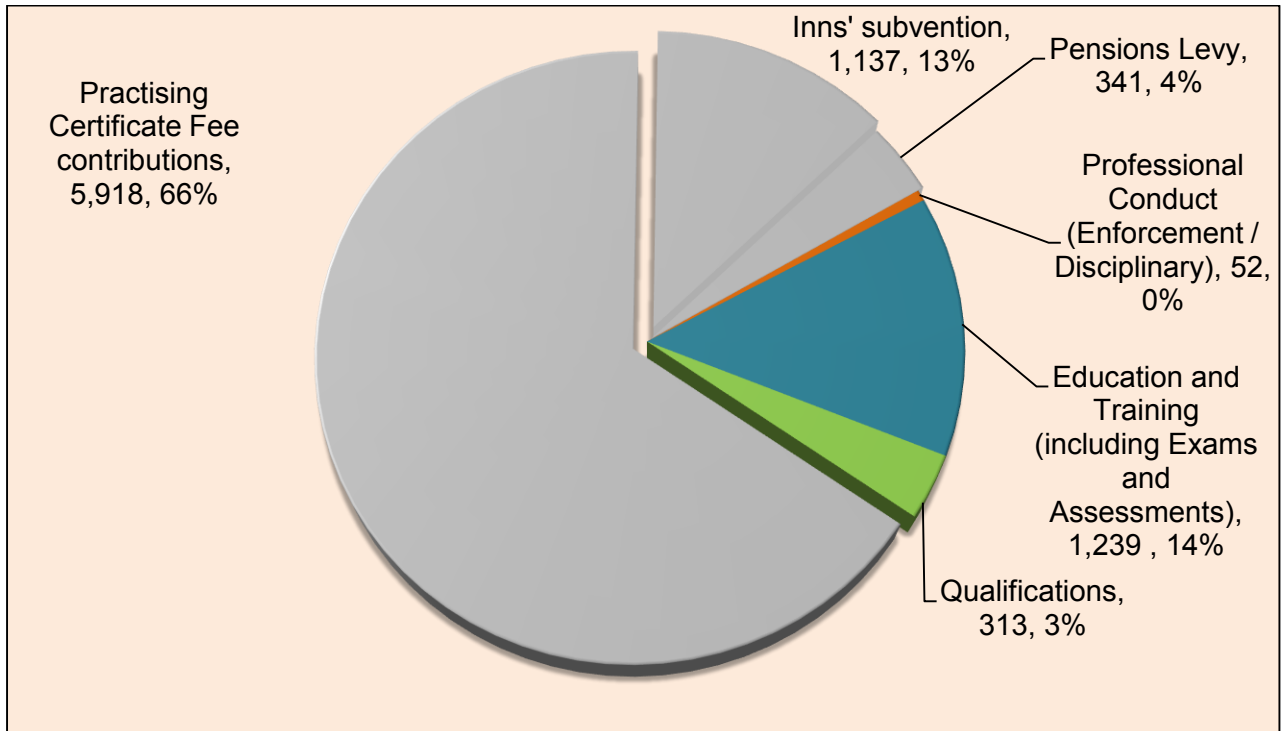
Income

How is the BSB funded?

Part of our income comes from charges we make for the services we provide. We describe this 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, the Bar Transfer Test (BTT) and Continuing Professional Development (CPD) accreditation. The remainder of the BSB’s funding comes from practising certificate fees together with contributions from the Inns of Court. Those income streams are not directly controlled by the BSB.

Where did the Bar Standards Board get its income from?		
<i>Income streams directly controlled by the BSB</i>		£k
Professional Conduct (Enforcement / Disciplinary)	Disciplinary Costs	6
	Conduct Fines	42
	Non-Pay Fines	4
Education and Training (including Exams and Assessments)	BPTC Candidate Fees	626
	BPTC Oversubscription	38
	BPTC Online	104
	Bar Transfer Test	21
	Centralised Exams	2
	Bar Course Aptitude Test	190
	BPTC conference	8
	CPD Accreditation	245
Qualifications	Public Access Training	4
	Academic Stage	53
	Bar Exam	1
	Qualifications Committee Applications	260
<i>Income streams not directly controlled by the BSB</i>		
	Practising Certificate Fee contributions	5,918
	Inns' subvention	1,137
	Pensions Levy	341
	Total	9,000

Part 1 – Public



How much of the Practising Certificate Fee fund did we spend?

A proportion of the practising certificate fee is spent on regulation by the BSB but a proportion is also spent by the Bar Council on representation and the CEO's office.

What was the Practising Certificate Fee spent on?	
	£k
Regulation (Bar Standards Board)	6,170
Approved Regulator. Corp. (inc. a portion of the Bar Council's Chairman's office etc)	1,010
Representation (inc. a portion of the Bar Council's Representative and Policy Directorate)	2,591
Total	9,771



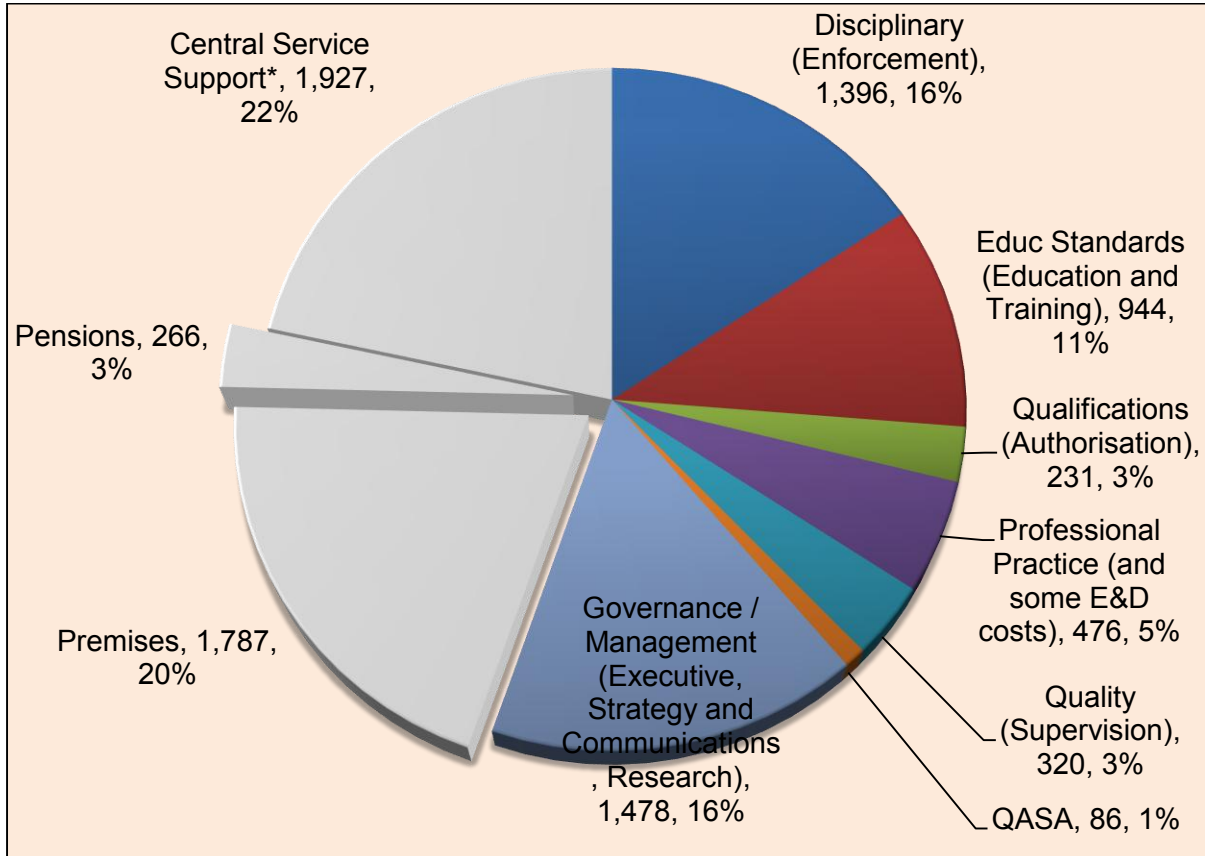
Expenditure

Regulation – the costs explained

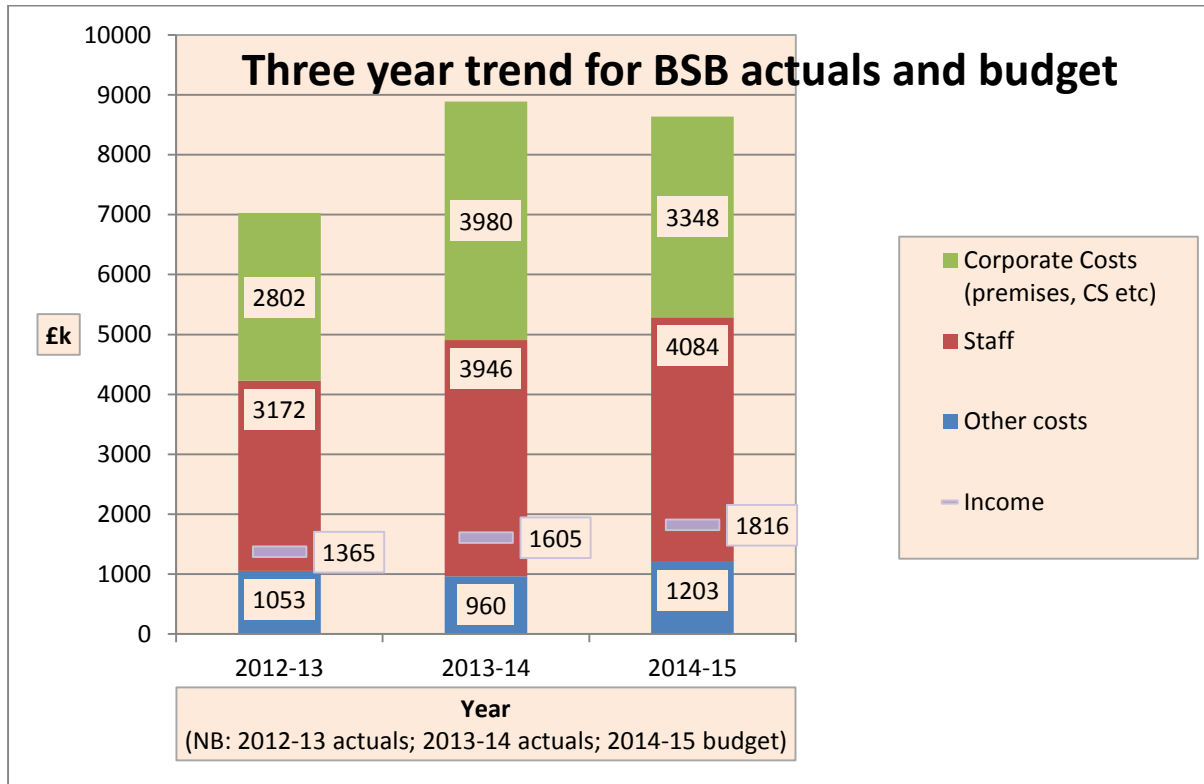
The Bar Standards Board spent £4,906k against a budget of £5,361 meaning that we were underspent by 8%. However, this does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn, as well as relying upon Central Services to carry out support work (HR, IT and Finance etc). The Central Services budget is managed separately and part of it is apportioned to the BSB.

Also attributable to the BSB expenditure is its proportion of Bar Council costs relating to corporate provisions, which include pension costs, sinking fund, and reserves.

What will your money get spent on?	Man Acs
<i>Budgets controlled directly by the BSB</i>	£k
Disciplinary (Enforcement)	1,396
Educ Standards (Education and Training)	944
Qualifications (Authorisation)	231
Professional Practice (and some E&D costs)	476
Quality (Supervision)	320
QASA	86
Governance / Management (Executive, Strategy and Communications, Research)	1,478
Total BSB Budget	4,931
<i>Budgets not directly controlled by the BSB</i>	£k
Premises	1,787
Pensions	266
Central Service Support*	1,927
Total cost of regulation	8,911



The above pie chart shows the proportions spent on the various aspects of BSB activity. We also have a share of the costs of our premises, pensions deficit and Central Service support attributed to us, as shown above. The Central Services budget has been increasing to accommodate the needs of both the BSB and the Bar Council.



Commentary about three-year trend shown in chart above:

Other (non-staff costs) remained relatively steady and are not expected to change much in the future. Staff costs significantly increased in 2013/14 due to TRIP and the implementation of the Regulatory Standards Framework. Corporate costs increased due to the investment in Central Services, but are expected to decrease next year with savings from SPACE.

Commentary on 2013-14 budget performance

Overall, our performance against the directly controlled budget broadly reflects delivery of the Business Plan ie where there have been delays to projects, our accounts show a delay in spend and receipt of income. Explanations of the main variances are set out below:

QASA

As mentioned on page earlier in this report, the judicial review and its subsequent appeals have significantly delayed implementation and meant we did not receive the budgeted income of £487k. The interruption to the Scheme timetable has also delayed some items of substantial expenditure, which will now take place in subsequent years (for example, costs relating to additional staff, judicial training and assessor panels).

Entity regulation

The delays to this programme of work, as discussed earlier, have had quite an impact on both income and expenditure. The technical challenges relating to entity regulation meant that we overspent on legal fees (also see *Legal Advice* below). However the delays also meant that we did not incur costs for the implementation leading to an overall underspend, which offsets our underachievement of income.

Supervision

The new Supervision regime has been launched, however the IT systems to support this new initiative are still to be implemented. IT costs had been phased to occur at the end of 2013-14, but they will now slip into the beginning of the 2014-15 financial year. This also explains the unspent research budget in this area.

Bar Course Aptitude Test (BCAT)

The plans for some of the educational areas have been greatly improved. However we had originally underestimated both the costs and the revenue projections for the BCAT, which at the time was a novel activity for the BSB. This led to an overspend of non-staff costs which has been offset by an overachievement of income, which will go some way to the recouping of development costs in earlier years.

Qualifications income

Qualification applications brought in more than budgeted, which was partially the result of a noticeable increase in applications from qualified foreign lawyers.

Continuing Professional Development (CPD)

The BSB commenced the implementation of new CPD regulations. We had anticipated that there might be some implementation costs for 2013-14 but this has not turned out to be the case, hence the non-staff budget is underspent. The current CPD regime continues and accreditation has generated more than original projections. As the new CPD scheme is implemented over the next couple of years we expect this line of income to decrease considerably.

On a related note, because the changes to CPD compliance to make the system more outcomes-focused, there was a notable decrease in the number of automatic fines that were issued. This contributed towards a lower level of income from fines and recovered costs than in previous years. The reduction of this income is greatly exceeded by the lower costs needed to run a more risk-based approach.

Legal advice and professional fees

The 2013-14 year saw a substantial overspend on legal advice and professional fees, however we are not expecting to spend as much in this area in 2014-15.

Remuneration and expenses

		Salary	Pension and Life Assurance	Expenses	Allowance
Chair	Baroness Deech QC (Hons)	£ 88,032	£ 323	£ 3,999	
Vice Chair	Ms Patricia Robertson QC	£ 35,000	£ 128		
Board members	Ms Rolande Anderson	£9,000		£19	
	Mr Rob Behrens	£9,000		£103	
	Ms Sarah Clarke				
	Dr Malcolm Cohen JP	£9,000			
	Ms Justine Davidge				
	Ms Paula Diggle	£6,750			
	Mr Simon Lofthouse QC				
	Mr Matthew Nicklin QC				
	Mr Tim Robinson	£9,000			
	Professor Andrew Sanders	£9,000		£1,725	
	Mr Richard Thompson	£9,000			
	Dr Anne Wright	£9,000		£174	
Director	Dr Vanessa Davies	£130,325	£18,245	£5,510	£1,291
<p>Notes: Barrister members are not paid a salary (exception of VC) Board member positions do not attract a pension Professor Sanders commutes from Birmingham Ms Diggle and Mr Nicklin completed nine months</p>					

Key statistics

- 80: members of staff (76.4 full time equivalents)
- £4,906k: spent in 2013-14

Annex 1 to Annual report

PCD Statistics for the BSB Annual Report		Professional
Statistics for 2013/14 21/05/2014		
Data		
Source: Enforcement Database Details: Statistics taken from the PCD Annual Report worksheets as of 20/05/2014		
Opened or received cases during the course of the year	408	
Cases referred to disciplinary action during the course of the year	64	
Complaints closed during the course of the year	499	
Number of cases heard by Disciplinary Tribunal during the course of the year	77	
Percentage of cases heard by Disciplinary Tribunal which resulted in a finding of misconduct on one or more charges during the course of the year	96%	
Number of barristers disbarred over the course of the year	20	
89 Disciplinary Tribunal referrals were concluded but 12 were not heard. The higher figure was incorrectly reported in the 2012/13 BSB Annual Report.		
Profile of complainants		
Internal complaints raised by the BSB	26.5%	
Civil litigants	23.0%	
Family law litigants	9.1%	
Complaints arising from criminal proceedings	8.3%	
Solicitors	6.1%	
Barristers	4.7%	
Other	22.3%	
KPI Performance "The percentage of complaints concluded or referred to disciplinary action within service standards"		
2012/13 performance	64.0%	
2013/14 performance	76.7%	

Contact 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 feedback on our services, particularly where the level of service has exceeded or fallen below expectations. Comments and suggestions are important to us as they will help us to meet our obligations and improve our performance.

Write to us:

Bar Standards Board
289-293 High Holborn
London

WC1V 7HZ

DX: 240 LDE

Tel: 020 7611 1444

Fax: 020 7831 9217

contactus@barstandardsboard.org.uk

www.barstandardsboard.org.uk

Twitter: @barstandards

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

Principles for public and private items

Status

1. For approval.

Executive Summary

2. The Board requested some guidance be developed to support both the principle of openness, and the requirement to maintain appropriate business confidentiality. The principles have been developed using guidance from the Freedom of Information Act 2000 to give logical shape to the classes of information which could be considered for private session, and that all other items will be held in public.
3. The main discussion points revolve around whether the Board wishes for openness during the development of policy, and the timing of disclosure of matters that may impact on the reputation of the BSB.

Recommendations

4. The Board is asked to:
 - a. **Discuss and agree** the principles in the annex to the paper, and
 - b. **Recommend** any further actions to the executive.

Background

5. The Board expressed concern that less sensitive discussion items are included in the private session when the principles of openness and transparency state most items should be held in public. This guidance has been developed to help decisions on whether items should be held in public or private.
6. Under its Standing Orders, the Board has the power to hold private sessions of its meetings. There are justifiable reasons for some items remaining private to the Board, including the protection of personal data and market-sensitive commercial and business information. The aim of these principles is to give a reasoned list of the information types which should always be heard in private session.
7. The framework of the Freedom of Information Act 2000 (FoIA) has been used to develop these principles. Though currently the BSB is not subject to FoIA, the BSB supports the spirit and principles of the FoIA and there is an expectation that the BSB will become subject to the FoIA in the future.

Resource implications

8. This document carries no new financial or HR implications.
9. Knowledge Management – Board agendas, papers and minutes from the public sessions are published on the website. The BSB is working towards a proactive publication scheme to follow the spirit of the FoIA, and potentially in the future to also be subject to and therefore required to comply with it.

Equality Impact Assessment

10. This statement has not been equality impact assessed as it is an addendum to the governance documents which guide the proceedings of the Board, which has been assessed. It does not change the way information is accessed or shared, and supports current confidentiality issues surrounding sensitive personal data about protected characteristics

Risk implications

11. There is a risk that not introducing principles to guide those designing the Board agenda will result in papers and discussions being held in private when they are a matter of public interest. The BSB supports the principles of freedom of information, as well as transparency and fair decision-making. Erring towards publication supports this openness.
12. There is a risk that information we do not publish now will be requested to be released once the BSB is subject to the FoIA, creating more administrative burden.

Publicity

13. No publicity is planned, however the principles will be published on the website.

Next steps

14. When the Board has agreed the principles, the necessary training and briefing will be put in place for staff affected.

Annex

15. Annex 1: BSB Board Meeting Openness Principles

Lead responsibility:

Amanda Thompson, Head of Strategy and Communications
Chloe Dickinson, Governance Support Officer

BSB Board Meeting Openness Principles

Introduction and Context

The Board has agreed these general principles to guide the design of Board agendas. These principles are intended to help decide whether the subject of the papers and associated Board discussion is sensitive enough to be discussed only in private session, or whether it should be published and discussed openly in public session with the papers and decisions also being made publicly available as a consequence.

The BSB supports the principle that all discussions will be held in public unless there is a specific reason to keep papers or discussions private. Erring towards privacy without due consideration is against the BSB's stated commitment to openness and transparency, as well as the statutory requirement in section 28(3) of the Legal Services Act 2007 to have regard to those principles.

There are justifiable reasons for some data, discussion and decisions to remain private to the Board, including the protection of personal data and market-sensitive commercial and business information. The aim of these principles is to give a reasoned list of the information types which should remain in private session.

Using the guidance around the Freedom of Information Act 2000 (FoIA) regime to inform a decision to put a subject into the private session helps to give logical and justifiable reasons behind the choice. Although currently the BSB is not subject to the FoIA, the BSB supports the spirit and principles of the FoIA; therefore these principles help to describe the logical (and in time also legal) basis by which the Board should maintain both appropriate openness as well as business confidentiality.

Areas which should be considered for discussion in private session

- Potential impact on the voluntary supply of information from the regulated community*;
- Potential inhibition of effective conduct of public affairs, for example by limiting free and frank advice and discussion*;
- Prejudice the BSB's commercial interests, or that of a 3rd party, including negotiations or invitations to tender;
- Prejudice anyone's physical or mental health or safety*;
- Inclusion of information protected under the Data Protection Act*;
- Inclusion of court records, investigations and proceedings, or where there are prohibitions on disclosure eg where would constitute a contempt of court;
- Potential breach of professional confidence*, legal professional privilege* or prejudice law enforcement*, including the investigation or detection of crime.

Other confidential areas, not mentioned in the FoIA which should be considered for discussion in private session

- Inclusion of Human Resources information, even if outside of the Data Protection Act, such as matters relating to management performance of a person, or financial information of any person;
 - Potential significant negative effect on our regulatory objectives;
 - Potential significant negative impact on the relationships with our stakeholders.

* **Subject to the Public Interest Test** - Under the FoIA, often, even though an exemption from disclosure applies, if disclosure is still in the public interest then the information should be released. Exemptions subject to the public interest test are starred * in the list above.

Relevant information - ICO refusing a request for info

<http://ico.org.uk/for-organisations/freedom-of-information/guide/refusing-a-request#when-can-we-refuse-a-request-for-information-8>

Chair's Report on Visits and Meetings May-June 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:

- | | |
|---------|--|
| 1 June | Lunch with Derek Wood QC |
| 4 June | Attended CILEX Annual Presidential Dinner |
| 7 June | Lunch with Lord Goodhart QC |
| 9 June | First reading of Baroness Deech's private member's bill to reform financial provision on divorce |
| 10 June | Attended Stuart Young Foundation Panel meeting
Attended reception given by Saxton Bampfylde at the V&A |
| 12 June | Attended IBC Annual Dinner |
| 14 June | Attended Bar Council meeting |
| 17 June | Attended reception for David Southern QC |
| 18 June | Lunch with Julian Hitchcock of Lawford Davies Denoon, solicitors, re work of HFEA
Attended COIC meeting
Attended reception for Adam Tolley QC and Patrick Goodall QC |
| 19 June | Attended TRIP update session for BSB staff
Hosting Graham Zellick QC, Brian Doctor QC and Sir Ivor Crewe, with wives, at Inner Temple opera |
| 23 June | Holding oral briefing for peers in relation to Divorce (Financial Provision) Bill
Hosting tea at House of Lords for pupils from Christ's Hospital School
Guest of Tim Dutton QC at Bar Choral Society inaugural concert at Temple Church |
| 24 June | Attending Finance Committee |
| 26 June | Attending conference on reforming the family justice system |

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. Two key programmes of work have occupied my time in particular this month – completion of the entity regulation application to the LSB and moving to formal closure of the Regulatory Improvement Programme (see below). In respect of the latter I take this opportunity formally to record thanks to Roger Hammond, our Change Manager, for steering the programme so successfully to this point. We must now ensure the structured and cross cutting approach he has fostered is maintained as we deliver the follow on action plans. We wish Roger similar success in his next assignment.
2. Internally, all annual appraisal interviews have now been held and work on the consequent learning and development programme for the BSB is well underway. For the first time, the senior management team took part in a full 360 degree appraisal exercise. This was approached with significant commitment and seriousness from all involved and I would like to thank Board members in particular for their contributions. We now have some experience which can help form a decision on when and how to roll out 360 degree appraisal across the BSB, as is the broad intention in the new performance management system.
3. Externally I have this month continued engagement with academics in the fields of regulatory theory and practice and legal education (Manchester, Birmingham, LSE). I received the managing director of the legal aid body for the state of Victoria to exchange expertise in relation to quality schemes in criminal advocacy in our respective jurisdictions.
4. Finally, we have maintained to schedule the recruitment process for a new Chair and Board members and in this regard Lynne Callegari deserves thanks for her patience, diligence and diplomacy in administering the process from the BSB end.

The Regulatory Improvement Programme (TRIP)

5. All the key requirements of the programme have been met (with the exception of agreed changes, for example arising from the LETR) and the final report completed for consideration by the change programme board on 18 June. The final report will be considered by the main Board in July.
6. The programme has been completed within the budget provided although this disguises some of the variances within the total. For example, filling vacant posts has taken longer than expected, resulting in savings against anticipated salary costs. In counter-balance, the BSB has spent more on legal advice in support of its application to authorise entities. Overall the budget was £35K underspent.
7. The change programme had been planned for implementation over 18 months; however an initial delay in confirming the right governance structure for the programme resulted in a three month extension to the original timeframe. Since then the programme has proceeded largely according to plan and formally concludes after 21 months in June 2014. The follow-on work needs to become “business as usual” and the progress reporting mechanisms will be discussed and agreed at the main Board in July.
8. The skills audit that enabled a competency framework to be developed in the initial stage of the programme also helped identify our skills gaps and thus the learning and development plan. This plan has proved very beneficial to most staff and the development of new skills

Part 1 – Public

will also extend to the main Board and committees where appropriate. The BSB has not sought to act in isolation and a joint competence framework was agreed across the Bar Council that has enabled the introduction of new and more robust performance management system. This is in line with the BSB's strategic aim to implement best practice and provide value for money to all its stakeholders.

9. The BSB has also made some good progress through its value for money works (that is not part of the LSB's Regulatory Standards Framework) in identifying the cost of its regulatory processes and functions. A method for monitoring this over time to assure the efficiency of the cost of regulation has also been developed.
10. The Legal Services Board has requested that the BSB complete a self-assessment in the coming months to update progress on becoming a regulator aligned with the Regulatory Standards Framework. The BSB aims to achieve a "satisfactory" rating across all strands of the regulatory standards framework by March 2016, marking the end of its current strategic business cycle. Although this will require ongoing diligence in embedding the RSF and delivering on its action plans, the BSB is on target to achieve this goal.

Regulatory Policy

11. The Regulatory Policy Team has submitted our application to the LSB to become a regulator of entities. This is a significant milestone in a major piece of work that we have been developing for several years. Whilst the LSB is considering the application we will be consulting further on the final details of the entity regime – intervention and information gathering powers and insurance terms; as well as application fees. We will also be seeking an order under s69 of the Legal Services Act 2007 to amend the Bar Council's powers in respect of some of these policy issues. Alongside this process, an implementation project has been established to ensure the capacity and capability is in place to authorise entities once LSB approval has been granted.

Supervision***Supervision***

12. The Impact Audit Survey has now concluded with a total of 820 chambers responding. The results have been assessed and chambers have been categorised as Low, Medium or High impact. High impact chambers will be required to complete a supervision return in July 2014, whilst Medium impact chambers will complete a return later in the year. Low impact chambers will not be required to complete a return. By the time the Board meets, all chambers should have been informed of their rating.
13. The Supervision Team has been finalising plans for the Supervision Return and piloted a questionnaire through the U-engage software in early June. A few changes will be made prior to the Supervision Return being issued to High Impact chambers. It has been decided that the Core Database will be developed to support the supervision of chambers.
14. The programme of pilot visits has continued and by the time the Board meets at least eight of the 10 visits will have been undertaken. This includes two "triggered" visits responding to specific concerns about chambers. The visits have been well received by chambers and have identified a number of meaningful actions for chambers to follow up on to improve regulatory compliance. Supervision Team staff are already building up valuable expertise from visiting a number of different chambers across the country. A report on the programme of visits will be published in September.
15. A number of chambers have also taken up the offer of supervision briefings to discuss the new approach to supervision.

16. The CPD spot check process was also launched in May and 677 barristers were asked to demonstrate compliance with their CPD requirements. After the initial 21 days, 469 barristers had responded.

Entity authorisation

17. Now that the application for the BSB to become an entity regulator has been submitted to the LSB, the implementation of the regulatory regime will gather pace. A Project Board has been established comprising members of the Senior Management Team and each has taken responsibility for a range of work streams required to develop the operational systems for entity regulation. The early focus is on developing the authorisation process, the decision making criteria and the online application form. These are critical tools which determine other aspects of the Scheme such as resource requirements and the authorisation fees. The Board will continue to receive updates on progress through the Director's Report.
18. We will be commencing targeted communication with all stakeholders in order to raise awareness of BSB based entity regulation, when the BSB will be able to receive applications and what is involved. Events will also be held to brief the profession on what types of entities the BSB will be able to regulate, what will be required to apply for authorisation and what the process for decisions will be. One of the key factors in the implementation timetable will be the Legal Aid Agency contracting timetable and ensuring that the BSB is able to take decisions in respect of those entities that wish to be authorised by the BSB in order to contract with the LAA.

Education and Training

Post-LETR plan

19. A second meeting of the Bar Education & Training Briefing Group was held on 16 June, with a focus on the Academic Stage of Training. This session provided an introduction to the wider changes that have a bearing on the future of the Qualifying Law Degree and the Graduate Diploma in Law, and was well received.
20. A Working Party of the Education & Training Committee has been convened to advise and support the development of the Proficiency Statement for the profession. The Working Group will be chaired by Robin Field Smith, who brings considerable experience of the subject in other professional domains, together with barrister members of the Committee.
21. Focus Group meetings are planned in June and July to obtain a wider understanding of the challenges faced in developing the regulatory framework relating to the BPTC and Pupillage, facilitated very helpfully by the Inns.
22. The first formal meeting of the QAA review of the Law Benchmark Statement took place on 19 June, with the BSB represented in the Working Group.

Operational updates

Vocational Training

23. Following the announcement by Kaplan UK of its plan to close its BPTC at the end of this academic year, the team has maintained a close watch on the planning and process of closure. A Triggered Visit was conducted as a matter of course to ensure that the BSB developed a good understanding of the approach taken by the Provider in a process that requires careful planning and sensitivity to the interests of students and prospective students, for both of which the announcement had been unsettling in its timing.

Part 1 – Public

24. A Provider-led project to replace the current BSB admissions system for the BPTC is progressing according to plan, with a supplier engaged and contracts now ready for signature.

Centralised Assessments

25. A commissioned data analysis of candidate results for the last three years (2010-2013) has now been completed. The recommendations from the report will inform the Centralised Assessments Review which begins in September this year.
26. The First Sit MCQ Exam Boards have taken place. Scanning the SAQ mark sheets for all three subjects (Criminal Litigation, Civil Litigation and Professional Ethics) has now begun in preparation for the SAQ Exam Boards. Final results are due with Providers on 9 July.

Pupillage

27. Members of a Pupillage expert panel are being recruited, to assist with the detail of policy development. The panel will be chaired by Justine Davidge, and its first focus of attention is the revision of the Pupillage Handbook.
28. The Education & Training Committee (E&TC) and Qualifications Committee (QC) have each considered and endorsed a proposal to transfer responsibility for the approval of pupillage training organisations to the E&TC. The planned transfer of this business will now be taken forward by the executive team.

CPD

29. Recent development has focused on design of the transitional, provider-based approach to CPD accreditation that will be in place for 2015, replacing the current course-based accreditation. The project planning documentation for a new CPD regime is now at an advanced state and likely to be signed off in July.

Authorisation & Waivers

30. At its meeting on 20 May 2014, the Qualifications Committee:
- approved amended Criteria and Guidelines and proposals for delegation of decision-making in relation to CPD applications;
 - agreed that staff should start taking decisions in all areas where delegation has so far been approved;
 - received a presentation from the Head of Education & Training on reform of the Bar Training Rules; and
 - considered six applications for review, upholding the original decision in three cases, amending the original decision in two cases and adjourning one case.
31. On 12 June 2014, Sir Anthony May, sitting as Visitor to the Inns of Court, dismissed an appeal from a student who had been refused exemptions from the Academic Stage of training for the Bar on the basis of ILEX qualifications.

Staffing

32. Tim Keeling started work on 12 June as LETR Change Programme Manager, bringing experience of formal programme management for changing qualification frameworks across other fields of vocational training.

33. Following the departure of Claire Hogg (Education Administrator), pupillage registration is being maintained by Diego Curiel, who returns to the BSB in a temporary role whilst developments in the process are carried through.

External liaison

- Advocacy Training Council: Discussions are progressing with the ATC on the standards of advocacy training on the BPTC.
- Bar Council: Periodic meetings with the Bar Council executive team continue.
- Simon Thornton-Wood was interviewed for a forthcoming article on education reform in *Counsel* magazine

Equality and Diversity

Equality and Diversity Chambers Monitoring

34. A draft report containing the findings of the recent E&D chambers monitoring exercise was presented to the Equality and Diversity Committee in May. The exercise found that 16 out of 32 chambers were either fully or broadly compliant with the equality rules, a compliance rate of 50%. The report has been revised to incorporate the EDC's comments and a final draft of the report will be presented to the Board in June for approval and publication. The report contains seven recommendations including the development of a sample equality action plan for chambers and working with the Bar Council's Equality and Diversity Officer Network to support EDOs in the implementation of the work allocation and flexible working requirements of the Handbook.

BSB Equality Objectives 2014-15

35. The five proposed new BSB equality objectives for 2014-15 were approved at the May meeting of the Board. The objectives have now been published on the BSB website, with a detailed rationale for each objective, action plans and timescales. The equality objectives that were published in 2013-14 are all either complete or on track to be completed by their respective deadlines and so have been moved into archive.
36. The new objectives are split into two categories: external objectives aimed at the profession and internal objectives aimed at the BSB Board and its Committees. Contained within the internal objectives is a new requirements for all those on BSB Board and Committee vacancy selection panels to have undertaken private study of the Bar Council's Fair Recruitment Guide. This mirrors the training requirements that apply to selection panels in chambers.

New Recruitment Rule for Chambers' Selection Panels

37. On 1 July 2014 rule rC110(3)(c) comes into force, requiring all members of every selection panel in chambers to be trained in fair recruitment processes. Prior to 1 July the Handbook required only the lead person and at least one other member of all selection panels to be trained. The BSB has undertaken a number of communication activities to raise awareness of the coming into force of the rule, including a news release on the website and a notice in the Chair's Monthly Newsletter and a letter from the BSB Director to all Heads of Chambers. The Equality Rules Supporting Information document has been updated to reflect the new requirement and can be downloaded from the equality page of the BSB website.

Equality Training for Board and Committee Members

38. In May the E&D team met with online learning designer Tees Valley Inclusion Project to agree a contract for the production of an online equality training package for Board and Committee members that will replace the current classroom training. Content will include committee specific case studies and a section on unconscious bias, arising from a recommendation of the recent equality review of the BSB complaints system. It is anticipated that BSB Board and Committee members will be able to take the online course from autumn 2014.

BSB Equality Champions Group

39. The BSB Equality Champions Group met in May. The group discussed the new equality analysis website that has been recently launched by the Scottish Human Rights Commission. The website suggests 10 good practice 'building blocks' that have been designed to assist public authorities to undertake robust and meaningful equality impact analyses that will lead to better policy outcomes. The group recommended that these building blocks are adapted for use by BSB staff and included as a resource on the new intranet once it is launched.
40. The group also had a discussion about the new workplace stress policy that is currently being developed by the HR department. The group put forward a number of suggestions as to what the policy should cover and how it should be implemented. It was suggested that the policy should make reference to the signs and symptoms of stress, guidance for managers on supporting staff and practical advice for staff on how to manage stress.

Professional Conduct***General***

41. Over the last month much of the work conducted by the PCD and PCC has been "business as usual" including embedding the new risk based approach to decision making both at committee and executive level. Turnover of staff in the PCD has remained stable over the last five months which has produced effective continuity in applying the new enforcement processes arising from the changes in the BSB Handbook. The majority of new complaints received or opened now relate to conduct that occurred after 6 January 2014 although inevitably most matters considered by Disciplinary Tribunals still relate to conduct under the old Code.

First Appeal to the High Court

42. The first appeal against a Disciplinary Tribunal finding since the appellant jurisdiction was transferred from the Visitors to the High Court commenced on 11 June. However, the case - an appeal against findings of bringing the legal profession into dispute and recklessly misleading the court - has been adjourned because the court required more detailed skeleton arguments from the appellant.
43. The second appeal to the High Court, by a barrister disbarred for findings of professional misconduct relating to a false declaration on call, is due to take place on 20 June.

Cost Claims at DT

44. As the Board is aware, the BSB recently applied for judicial review of a decision by a Disciplinary Tribunal to award costs to a self-representing unregistered barrister at professional remuneration rates. The BSB did not dispute that costs should be paid but argued that the costs assessor had wrongly applied the provisions of the Civil Procedure

Part 1 – Public

Rules 1998 and on the correct interpretation only the litigants in person rate, where no financial loss has occurred, should have been awarded. Permission was granted, the full hearing took place on 27 March 2014 and the judgement was handed down on 16 May 2014.

45. The administrative court accepted most of the arguments presented by the BSB but ruled that if the BSB wanted to rely on the CPRs as the basis for determining costs it should have made this explicit in its regulations. In the absence of this, the court did not consider the CPRs applied: it substituted the hourly rate originally allowed with a much lower rate, but one significantly above the litigants in person rate set out in the CPRs. The PCC and PCD are considering the implications of the judgement and whether or not an amendment to the Disciplinary Tribunal regulations should be made to stipulate that the CPRs in relation to costs claims should apply.

Judicial Reviews

46. The PCD is still subject to four applications for Judicial Review. Two of these remain at the permission stage with the other two listed for full hearings.
47. With reference to those JRs arising from COIC appointment issues, the timeframe for the decision on the outcome of the claimants' applications for permission to appeal to the Court of Appeal has been now been extended further until June 2014.

Strategy and Communications**Business management***Freedom of information*

48. As per our Business Plan commitment, work has commenced on the development of a Freedom of Information compliance system. A scoping exercise has been carried out with reference to the Information Commissioner's Office.

Budget and business planning

49. Preparatory work has commenced on planning for the 2015-16 business year – the final year of the BSB's current Strategic Plan. A joint BSB and Central Services meeting was held on 11 June 2014 to discuss the priorities, challenges and aspirations for the year commencing 1 April 2015. The Head of Finance presented information on high level budgetary drivers to provide some context for our planning. The Board will receive the business plan and budget bids at the meeting in early September 2014. The bids will be scrutinised by the Planning, Resources and Performance Committee prior to that.

Contract Management

50. A review of the Service Level Agreements we have in place with Central Services is well underway and is due to conclude in August 2014 with a report to the PRP Committee. A contract monitoring visit took place w/c 16 June at BTAS (Bar Tribunals and Adjudication Service) and there are no major issues to report.

Communications*Press relations*

51. This month the BSB secured good levels of national and trade coverage particularly in relation to the disbarment of Edward Agbaje – a barrister who avoided paying over £77,000 in income tax and VAT – as well as a short interview piece in *The Times* on the Bar Course

Part 1 – Public

Aptitude Test with Head of Education and Training, Simon Thornton Wood. Another interview with Simon was set up and facilitated and is due to be published in a forthcoming issue of *Counsel* magazine.

External communications

52. Direct emails were sent out to Heads of Chambers and Equality and Diversity Officers, reminding them of the fair recruitment rule, which comes into force next month. Other current projects include raising awareness among the profession of CPD record card spot checks, and drafting communications strategies for changes to education and training, as well as entity regulation.

Online and social media

53. During the past month we published on our website news announcements about our new equality objectives, fair recruitment rules, CPD record card spot-checking, and two disbarments. We received around 35,000 visits to the BSB website and, at the time of writing, have over 8,700 followers on Twitter.

Publications

54. The Biennial Survey has now been published and an updated Bar Barometer is expected to be signed off this month.

Conferences/events

55. We will be exhibiting at the Institute of Barristers' Clerks' conference in Leeds on 21 June. Jessica Bradford, Senior Policy Officer - Equality & Diversity from the Regulatory Policy team will be presenting a workshop entitled *E&D and Fair Distribution of Work* alongside representatives from software provider Bar Squared, Advanced Legal, the largest provider of technology solutions to the UK legal market and barrister chambers 25 Bedford Row.
56. This month we met with Alison Hook, International Adviser at the SRA to plan logistics for the third annual International Conference of Legal Regulators which is happening between 8-9 July at Gray's Inn.

Staff update

57. The new Communications Manager, Andrew Lamberti takes up post on Monday 30 June. Andrew joins us from the University of Law where he was Head of Marketing Communications. Laura Simons, who has provided interim cover, will continue to work with us on the consumer stakeholder engagement programme and other major communications projects - see below.

Future workload

58. The workload in the Communications team is likely to increase significantly over the course of the next six months as a number of major BSB projects are rolled out. They include: entity regulation; post LETR work; communication about the impact of our change programme; and the intranet. Plans are being developed to review capacity in the team and bring in extra resources as necessary.

Regulatory knowledge and information*Research*

59. A number of projects at different stages are being progressed and new opportunities have been identified to engage in research with other regulators.
60. A research-specific SLA has been drafted to enable discussion regarding the role and function of the Research team within the BSB, also seeking to address the extent to which the team needs to act as an expert resource for the Bar Council.
61. A comprehensive critical review of our capacity to leverage and use evidence effectively has been carried out with all BSB departments. This is an important first step towards assessing the fitness of the core database and associated systems and processes (such as Authorisation to Practise – AtP) to support our regulatory activity with data. Meetings were held jointly with the AtP business analysts to maximise cross-fertilisation and learning opportunities as that project both collects and relies upon data we hold. A series of working group meetings have been arranged with IT and Records to review key issues identified with the core database and agree a way forward.
62. A new Research and Information Officer has been appointed. Zoe Pellatt joined us on 10 June. Zoe comes to us with a range of research experience gained internationally in both commercial and academic contexts.

Central Services Report - Updates on Key Business Projects*Document Management System (Objective)*

63. Work has begun better to exploit the DMS in support of the BSB Complaints process. Plans are in place to share the outcome with wider staff in order to promote the technical capability and encourage teams to look for opportunities to develop further automated processes.
64. Further staff training will take place during July/August to refresh the capability of staff in using the system.
65. A formal project and investment review will take place in the summer to assess how effectively the business is delivering the benefits from investment in the DMS.

Objective Connect – roll out

66. Work is underway to develop an information pack for the use of Objective Connect, as a means of sharing documents in a private “extranet”. This will be presented to the BSB board at the end of June.
67. We will shortly be carrying out security tests on Objective Connect for high level vulnerabilities. Once all testing has been completed we will be arranging user testing sessions along with training sessions.
68. A plan for wider roll out of use will be pulled together once the tool has been used with the BSB Board. Amit Bhatt – Information Security Manager - is managing this project

Authorisation to Practise 2015

- 69. The Project Board has met to discuss the shape of the ATP 2015 project and agreed the scope and the GMC of the Bar Council has approved the move to an income based model for 2015.
- 70. Work is underway to refine the regulatory requirements of the ATP process for the BSB in addition to the development of the income based model.
- 71. Early discussion with the technology suppliers has taken place and the development of a technical specification is underway. Process development work has begun in relation to the validation of income declarations, largely to be delivered by the supervision department.

Intranet

- 72. The business case for the Intranet has been signed off by the Senior Leadership Team. Initial engagement events have taken place involving over 50 members of staff across the organisation; this is the first step in analysing the business requirements for the Intranet.
- 73. A team-based survey and individual survey will be issued to staff to gather further data for the business requirements stage of the Intranet.
- 74. Research into potential suppliers has taken place and a shortlisting process will take place over the next few weeks.

Developing Barrister Connect

- 75. Our IT Business Analyst, Steve Scott, has been tasked with reviewing the Barrister Connect Portal. He is currently developing a new requirements document, and is well underway with documenting the current system / processes and has met with the several teams in order to document their current and new requirements, including Records, Research, Supervision and Finance.

CPD Regulation Implementation

- 76. Detailed planning sessions have been held and agreement has been sought around the structure of the project, including approach and timescales.
- 77. Work is underway to articulate the new CPD scheme for 2016, with a view to signing off a consultation proposal at the September BSB Board.
- 78. An interim accreditation scheme will be implemented for CPD providers in the year 2015 and work is underway to outline this scheme and plan its implementation.

Entity regulation

- 79. The PMO and IT are providing dedicated resources to support the Entity regulation project, specifically in the form of business analysis and systems analysis.
- 80. Finance are working with the Entity Regulation team to assess the financial operating model and recommend fee structure for applications and authorisation.

Bar Course Aptitude Test

81. The PMO continues to manage the first year evaluation of the BCAT; several strands of this evaluation have been completed. A consolidated report will be delivered at the end of the year/early 2015.

Pupillage Gateway (Bar Council activity)

82. The 2014 pupillage application round was a success in terms of the system and service provided by the Bar Council.
83. A review of the success will take place over the next few months and planning for 2015 is underway.

Outlook Web App

84. The email accounts which will be used to log onto the Outlook Web App have been created and tested for the first phase. A guide has been developed covering how to use Outlook Web App, best practices and support information, along with an Acceptable Use Policy which has been drafted to cover the acceptable use of these new systems.

Integrated Room Booking System

85. The new meeting room booking solution go-live date was further delayed due to design issues with the application highlighted during our testing. These have now been resolved and we are planning to roll-out the Outlook plugin to staff this week.
86. Due to the issues we experienced, we have secured an additional training session for the reception staff and system admin users. Following this session the IT Team will provide training to all staff who wish to refresh their knowledge of the application. An email notifying staff will be circulated shortly.

Upcoming projects*Legal Education and Training Review*

87. The PMO has met with the new Change Programme Manager and will be developing ways of working over the next few weeks to support this programme of work

Finance process and systems

88. Work will be underway soon to begin to analyse finance processes and use of the current Opera system with a view to defining a plan for improvement/enhancement with this financial year

HR processes and systems

89. Work will be underway soon to analyse HR processes and use of the current Opera system, with a view to defining a plan for improvement/enhancement within this financial year.

Property strategy development

90. Work is underway to shape out the timeframes and scope of work to develop the property strategy in preparation for end of lease in 2019.

Team & Function Updates*CS Overall*

91. We have begun recruiting for two interim roles to backfill vacancies and to allow for long handover: an interim CIO and an interim Management Accountant. The latter is expected to start in June.
92. Work is underway to prepare for the first quarterly CS review by the SLT on 26 June.

Project Management Office

93. The team is currently managing BCAT evaluation, CPD Implementation, Intranet, Document Management System, Authorisation to Practice, Pupillage Gateway and supporting other projects including Entity Regulation, Objective Connect roll out, the development of Barrister Connect, and Property Strategy development.
94. The project gateway process will be discussed for a decision at the BSB SMT by the end of June and a plan for wider engagement will be developed.
95. The project register has been developed and is held centrally to ensure an organisation wide view of projects.

Finance

96. The year-end audit has been completed and the auditor's feedback is due on 24 June.
97. We will be working with our auditors to review the risk management process across Central Services and Representation divisions, subject to Audit Committee approval.

Human Resources

98. The HR team are providing support during the Bar Council Representation and Policy restructure to affected employees over the next 4-6 weeks. First stage one to one consultation meetings started on 11 June, with further updates ongoing for all 38 employees.
99. Rumana Begum joined the Bar Council as an HR Coordinator on 16 June 2014.
100. Elika Edwards's contract has been extended until the end of Dec 2014 to conclude all BSB Committee recruitment as required and assist the wider HR team with general recruitment.
101. A revised Flex Working policy will be launched end of June to reflect recent legal changes.

Facilities

102. The final commissioning works to the heating/ventilation system have concluded and the results and practical completion certificate are due to be issued within the next week. The final account for SPACE construction costs is due to be issued by the end of July.
103. The three rent reviews are ongoing.
104. The stripping out of the upper floors has concluded and the common area works are due to commence within the next month. A contractor is shortly to be appointed and the facilities team will be working alongside the contracts manager to ensure minimal disruption to the Bar Council. The programme of works will last 12 weeks and will include a new ground floor reception area, a new bike store, additional shower facilities and repairs and improvements

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to lifts, lobbies, signage and toilets. Costs for the works are due to be sent to the FM shortly and a decision will need to be made as to whether the works are extended to include the Bar Council's designated common areas.

105. Evidence is being collated to support our application with Camden Council for empty rate relief for the time between the upper floors being vacated and the leases ending on those floors.
106. Space plans are being produced to ascertain how the Finance team can relocate to the Ground Floor Mezzanine with their Central Services colleagues.
107. A project to commercialise the Print Room Services is in the pipeline and an advertisement is being put together that will be included in a future edition of *Counsel* magazine advertising the services offered by the Print Room. Discussions are to take place with Bar Council Member Services to discuss the best way to bring external printing requirements in-house.
108. A short briefing/guidance document is being produced for staff to underline their responsibilities under the Data Protection Act and what they should do if a subject access request is received.
109. A new projector and microphone has been installed in Room 1.1

Records

110. The team are now focusing on addressing lessons learned from the 2014 ATP process, including improving the core database, Barrister Connect portal, data capturing, cleansing and auditing. General housekeeping on the database has commenced.
111. BMIF will not be in a position to support the audit of insurance records until late June.
112. The Records Manager has met with Research and the Bar Standards Board to address knowledge sharing and to assist with the data analysis, in particular, to share information on how the database has developed over the years.
113. Records have taken on responsibility for updating barrister records for Public Access training. The backlog of applications will be cleared before end of June before a new workflow is implemented. A temporary member of staff has been recruited for an initial period of three weeks to assist.
114. The Records SLA is currently being reviewed following the Authorisation to Practise renewal to ensure that the aims and objectives for Bar Standards Board are met.

Information Technology

115. Following the successful three month trial period with Edward in the IT Helpdesk Analyst role, we are very pleased to report that we have successfully secured his services on a permanent basis. Edward has proved to be a popular addition to the IT Team and the benefits he gives the organisation as an additional resource are apparent based on feedback from staff and the additional level of support we can provide.
116. Our Information Security Manager, Amit Bhatt, is currently working on introducing two systems (Outlook Web App and Objective Connect) to our board and committee members to increase the level of security when sharing documents and working collaboratively.

Dr Vanessa Davies
Director, Bar Standards Board, 19 June 2014