

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



Meeting of the Bar Standards Board

Thursday 26 September 2024, 2.00 pm (Hybrid meeting - in person and online)

Rooms 1.4 – 1.7, First Floor, BSB Offices / MS Teams

Agenda – Part 1 – Public

This meeting will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved at the next meeting

Note: this meeting will be preceded by a Board Member seminar on the Balanced Scorecard for Performance (from 11.30 am-12.45 pm) and a sandwich lunch (1 pm – 2 pm)

				Page
1.	Welcome / announcements (2.00 pm)		Chair	
2.	Apologies		Chair	
3.	Members' interests and hospitality		Chair	
4.	Approval of minutes from the last meeting (25 July 2024)	Annex A	Chair	3-5
5.	a) Matters arising & Action List	Annex B	Chair	7-8
	b) Forward agenda	Annex C	Chair	9
6.	Performance Report: Quarter 1 2024/25 (2.10 pm)	BSB 044 (24)	Mark Neale	11-42
7.	Regulatory Decision-making Annual Report 2023/24 (2.25 pm)	BSB 045 (24)	Rupika Madhura / Saima Hirji	43-67
8.	Independent Decision Making Body Annual Report 2023-24 (2.35 pm)	BSB 046 (24)	Alex Williams	69-82
9.	Chambers (2.45 pm)	BSB 047 (24)	Mark Neale	83-114
10.	BSB Empowering consumers compliance review (3.00 pm)	BSB 048 (24)	Richard Parnham	115-132
11.	Director General's Report – Public Session (3.10 pm)	BSB 049 (24)	Mark Neale	133-134
12.	Chair's Report on Visits & External Meetings	BSB 050 (24)	Chair	135

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.

13. **Any other business**
14. **Date of next meeting**
Thursday 28 November 2024, 5 pm
15. **Private Session**
(3.20 pm)

John Picken
Governance Officer
19 September 2024

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 25 July 2024 (4.00 pm)****Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams**

- Present:** Kathryn Stone OBE (Chair)
Gisela Abbam
Simon Lewis
Andrew Mitchell KC
Irena Sabic KC – via Teams
Professor Leslie Thomas KC
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) – via Teams
Lorinda Long, Treasurer, Bar Council – via Teams
Barbara Mills (Vice Chair, Bar Council) – via Teams
Marie-Claire O’Hara (Member, Education & Training Committee, Bar Council) – via Teams
James Wakefield KC (Hon) (Director, Council of the Inns of Court)
- Press:** Neil Rose, Legal Futures – via Teams
- BSB Executive** Georgia Bozekova (Senior People Manager) – via Teams
Christopher Fitzsimons (Communications Manager) – via Teams
Rebecca Forbes (Head of Governance & Corporate Services)
Teresa Haskins (Director of People, BSB)
Joy Isaacs (Change Manager, BSB People Team)
Sara Jagger (Director of Legal and Enforcement)
Samantha Jensen (Corporate Services Manager) – via Teams
Ewen Macleod (Director of Strategy & Policy)
Rupika Madhura (Interim Director of Standards)
Mark Neale (Director General)
John Picken (Governance Officer)
Wilf White (Director of Communications & Public Engagement)
- Resources Group** Richard Cullen (Director of Finance) – via Teams

Item 1 – Welcome / Announcements**Action**

1. Kathryn Stone welcomed those present, in particular Barbara Mills KC and Marie-Claire O’Hara who were attending the Board for the first time.
2. She also noted, with regret, that this would be the last meeting for James Wakefield KC who leaves his role as Director of the Council of the Inns of Court in August 2024. She thanked James for his helpful and kind support over the years and wished him well for the future. The Board applauded his contribution. The incoming Director of COIC, Andy Russell, will be invited to attend future Board meetings.

3. **Item 2 – Apologies**

- Alison Allden OBE
- Jeff Chapman KC
- Emir Feisal JP
- Steve Haines
- Sam Townend KC (Chair, Bar Council);
- Saima Hirji (Acting Director of Regulatory Operations)

Item 3 – Members’ interests and hospitality

4. None.

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

5. The Board **approved** the Part 1 (public) minutes of the meeting held on 23 May 2024.

Item 5a – Matters arising & Action List

6. There were no matters arising.

Item 5b – Forward agenda

7. The Board **noted** the forward agenda list.

Item 6 – Recommendations on changes to Authorisations process – Phase 1

BSB 035 (24)

8. The Chair thanked those who had responded to the consultation document for their careful consideration of this issue. She also acknowledged the diligence of those BSB staff who had initially prepared the relevant papers.
9. At the Chair’s request, Mark Neale explained the executive’s view that this item should be deferred until the next meeting. This is to allow Board Members sufficient time to access the associated guidance notes for Bar training providers. He commented that:
- there was unanimity among consultee respondents on the importance of maintaining standards – anyone embarking on Bar training must already have a sound understanding of the foundations of legal knowledge;
 - however, there are now more diverse (non-degree) routes available through which students can gain that understanding and the BSB would not wish to exclude applicants from these alternative pathways;
 - a consequential proposal is to afford a larger role on the part of Bar training providers to make judgments about whether students have achieved the necessary entry standard. The guidance referenced above will be relevant in that regard in providing quality assurance;
 - it follows that the Board will have a better and more informed discussion once that guidance is available.
10. The Chair concurred with this view and also suggested the option of an additional briefing for Board Members prior to the next formal meeting so that consultation responses can be considered fully.
11. **AGREED**
to defer consideration of the paper concerning Phase 1 of changes to the Authorisations process until the next meeting.

**MN to
note**

Item 7 – Annual Report 2023-24

BSB 036 (24)

12. Chris Fitzsimons commented as follows:
- subject to some further minor textual amendments we aim to publish the Annual Report within the next week;
 - the structure of the Report follows a similar pattern to last year ie a response to the business plan;
 - we plan to review next year’s iteration in terms of:
 - its design;
 - its content (possibly merging it with other, associated reports); and
 - the timing of publication (ie after BSB accounts have been audited).
 - any feedback on these ideas or the Annual Report itself are welcome.
13. Gisela Abbam welcomed the report but suggested that next year’s version could more closely align original business plan objectives with outcomes. The Board then **approved** the 2023/24 Annual Report for publication subject to the minor amendments mentioned above.

CF

Item 8 – Director General’s Report – Public Session

BSB 037 (24)

14. The Board **noted** the report.

Item 9 – Chair’s Report on Visits and External Meetings

BSB 038 (24)

15. The Chair highlighted her attendance at the Legal Services Board on 23 July 2024 and was accompanied by Andrew Mitchell KC and Stephen Thornton. This was a very positive and constructive meeting and a joint Board to Board meeting is now currently scheduled for 4 September 2024.
16. Andrew Mitchell KC also welcomed this meeting and was pleased that LSB publicly recognised the Board of the BSB as one which consisted of people with real expertise, knowledge, and experience (likewise the executive).

Item 10 – Any Other Business

17. None.

Item 11 – Date of next meeting

18. • Thursday 26 September 2024, 2.00pm.

Item 12 – Private Session

19. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 23 May 2024.
 - (2) Matters arising and action points – Part 2.
 - (3) Corporate risk – annual Deep Dive.
 - (4) Reform and reorganisation.
 - (5) Reappointment and recruitment of Board Members and appointments of Board Members to Committees.
 - (6) Director General’s Report – Private Session.
 - (7) Any other private business.
20. The meeting finished at 5.15 pm.

BSB – List of Part 1 Actions

26 September 2024

(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
13 (25/07/24)	publish the 2023/24 Annual Report subject to the minor amendments mentioned at the July Board meeting.	Christopher Fitzsimons	before 31 July 2024	29/07/24	Completed – Annual Report published on website
16c (23/05/24)	reconsider the points made about applications from transferring qualified lawyers who are not seeking to practise at the Bar in England and Wales (cf. mins 11 & 13 – 23/05/24) and provides an update at the July Board meeting	Mark Neale	before 18 July 2024 before 19 September 2024	26/09/24	In hand – the report on performance in the first quarter of 2024/25 provides an update
16d (23/05/24)	include headline results on the market study on intermediaries for the Board Away Day (27 June 2024)	Ewen Macleod	27 June 2024 January 2025	16/07/24	Ongoing – the SLT commissioned some additional research on this, which is currently being undertaken before coming back to the Board
19b (11/04/24)	develop the steers from the Board's meeting on its enforcement review into formal proposals that also include relevant timelines and cost estimates	Mark Neale	before 18 July 2024	26/09/24	Completed – there is a paper on the Reform programme for discussion on the Board's private agenda.
19c (11/04/24)	seek prior Board approval for any costs in excess of budget of the enforcement review	Mark Neale	before 18 July 2024	26/09/24	Completed – The Budget 2025/26 paper for discussion on the Board's private agenda seeks approval for reform costs
16c (30/11/23)	investigate the reasons for the rise in applications from overseas lawyers seeking to transfer to the Bar for England and Wales and to involve the Bar Council as necessary	Mark Neale	end March 2024 end July 2024	29/09/24	Action in hand – an update will be provided in discussion of the Performance paper on the public agenda

BSB – List of Part 1 Actions
26 September 2024

(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
16d (30/11/23)	consider expediting full cost recovery analysis of authorisation applications	Rebecca Forbes	25 January 2024 end Sept 2024	26/09/24	Action in hand – the paper on the Budget for 2025/26 updates on the re-basing of fees.

Forward Agenda

Thursday 28 November 2024 – 5 pm start

- Mid year report from the PSP Committee
- GRA Annual Report
- Annual report – Bar Training
- Q2 performance report
- Director General’s Report (public & private session)
- Dates for Board Meetings (Jan 2025 – Mar 2026)
- Equality Rules
- Corporate Risk Report (summary)
- Draft return to LSB for its regulatory performance assessment of BSB and six monthly self-assessment against the LSB Regulatory Performance Framework
- Reform and re-organisation
- LSB empowering consumers BSB compliance update
- Board appointments
- Regulatory Fees

Thursday 30 January 2025 – 2 pm start

- Annual Diversity Data Report
- Director General’s Report (public & private session)
- Reform and re-organisation
- Annual “deep dive” on the corporate risk register
- Chair’s appraisal

Thursday 27 March 2025 – 5 pm start

- Director General’s Report (public & private session)
- BSB Business Plan 2025/26 and final budget
- Q3 performance report
- Consolidated Risk Report
- Reform and re-organisation

Meeting:	Bar Standards Board	Date:	26 September 2024
Title:	Performance Report: Quarter 1 2024/25		
Author:	Mark Neale		
Post:	Director General		

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input checked="" type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/>
-------------------	-------------------------------------------	--------------------------------------------------------	----------------------------------------------------	----------------------------------------

Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Summary

1. This paper reviews operational performance in the first quarter of 2024/25 and reports on progress in delivering this year's Business Plan 2024/25. For the first time, we report operational performance against the balanced scorecard covering the four dimensions of: quality of decision-making; timeliness; productivity; and service standards.
2. The overall picture is positive. The quality of our decisions remained high. We assessed a record number of reports on barristers (556) and dealt with the highest number of authorisation applications for over a year (249). Caseloads fell in both cases, the first such monthly fall in the authorisations caseload since April 2023. 77% of investigations concluded in Q1 were within the timeliness target, only three percentage points short of the KPI.
3. The main challenge remains applications from Transferring Qualified Lawyers. Despite establishing the internal task force, the number of applications resolved continued to be lower than the flow of new applications. The paper sets out the additional action we intend to take to address the resulting backlog of 772 applications.
4. Overall, we judge that the balanced scorecard itself gives a fairer overview of operational performance, but invite the Board to consider supplementing the current productivity targets, which largely replicate the timeliness measures, with straightforward volume targets for cases handled.

Recommendations

5. The Board is invited to:
 - i. note and comment on operational performance (annex 1) and progress in delivering the business plan (annex 2) in Q1 (paragraphs 6-9).
 - ii. agree that we should take immediate steps to reinforce the task force dealing with applications from Transferring Qualified Lawyers by bringing on stream out-sourced support and press ahead with the strengthening of the Authorisations Team foreshadowed by our wider re-organisation and with a review of policy governing these applications (paragraphs 10-12).
 - iii. comment on the usefulness of the new balanced scorecard in providing a fair view of operational performance, but agree that we should take to the Performance and Strategic Planning Committee options to add volume measures of output to the current productivity KPIs (paragraphs 13-15).

Overview

Operational performance (annex 1)

6. The quality of work remains high almost across the board. The quarterly audit target for Authorisations was only narrowly missed, with 18 out of 19 applications reviewed marked as *decision appropriately made*.
7. Productivity continues to improve. The numbers of reports assessed and of authorisation applications resolved were the highest for over a year and, in the case of reports, the highest ever at 556. Caseloads have reduced as a result, though only marginally in the case of authorisations applications. The Committee should note, finally, the continued strong performance of the Supervision Team during the first quarter. The team opened 56 new cases and closed 59.
8. Timeliness scores have also improved for our enforcement work, with 77% of concluded investigations completed within the revised target of 38 weeks. The improvements in productivity and timeliness are reflected in falls in the median ages of both reports under assessment and of investigations.

Delivery of Business Plan (annex 2)

9. We made also steady progress in implementing the business plan over the first quarter. Highlights in Q1 included:
 - the completion of roundtables in all the Circuits and in London as part of the Regulation of Barristers in Chambers Project;
 - the publication of our [Digital Comparison Tool \(DCT\) market study](#);
 - the publication of the BSB's [Anti-Racist Strategy \(2024-2027\) and Year 1 action plan](#);
 - commenced implementation of recommendations from the FieldFisher review; and

- we have launched a rolling programme of CPD spot checks to create a baseline for the evaluation of our revised CPD guidance and templates as part of our Assuring Competence project.

Applications from Transferring Qualified Lawyers

10. Our main challenge continues to be handling applications from Transferring Qualified Lawyers. Despite an internal task force coming on stream at the beginning of the calendar year and working hard, new applications – averaging around 50-60 a month – are outpacing clearances. In Q1 46 applications were decided, while 132 were received. We are reviewing why progress has been slow – there is a workshop planned for the week of the Board – but a likely explanation is that many applications turn out to be incomplete when scrutinised by a caseworker despite the high volume of material submitted. Some personal statements run to many tens of pages, although we have now re-designed the application form to clarify what is wanted. We currently have 738 open applications.
11. We intend to take additional immediate action to tackle this backlog by reinforcing the current internal task force. The quickest way of getting extra players on the pitch is likely to be by bringing in out-sourced external support from a partner law firm. The potential costs are discussed in the parallel Board paper on the budget for 2025/26. We shall absorb the costs in this financial year within our approved budget, but they are likely to run into 2025/26.
12. We also have a number of actions in hand to address the root causes of this build-up. On the demand side, we are reviewing the policy and rules governing exemptions from our qualifying requirements for Transferring Lawyers as part of phase two of our current Authorisations Review. On the supply side, our re-organisation, to come into force from 2 December, will strengthen our capacity for the future by recruiting a Head of Authorisations with both legal training and experience of handling high volume operational work and by creating a dedicated team within Authorisations focused on applications from individuals for waivers from our rules.

Balanced scorecard

13. This is the first time we have reported on operational performance using the balanced scorecard. Generally, it provides a fairer view of how the Bar Standards Board is performing in delivering our regulatory services. The RAG ratings of the key Performance indicators are defined as follows:
 - green denotes that the key performance indicator has been achieved in the relevant quarter;
 - amber denotes that performance is improving and that the outcome was within ten percentage points of the Key Performance indicator; and
 - red denotes that the key Performance Indicator was missed by more than 10 percentage points and/or that performance is declining quarter-on-quarter.

14. In the light of experience, we should like to suggest to the Board that we explore one further refinement to the Balanced Scorecard for the future. Our current measures of productivity are defined in terms of the proportion of the live caseload which is within the relevant timeliness targets. This is a useful indicator, but it closely mirrors the timeliness Key Performance Indicators which capture the proportion of completed cases within target and it takes no account of the volume of cases actually completed. We should like, therefore, to discuss with the Performance and Strategic Planning Committee the case for supplementing the current performance measures with numeric targets for cases to be completed. Such targets would probably need to be re-set annually to reflect changing volumes of applications, but would give a useful read-out of whether our teams, as they have in Q1, are handling more cases.

Annexes

Annex 1 – Operational Performance, Q1 2024/25: balanced scorecard

Annex 2 – Progress against published business plan activities

Mark Neale
Director General

2024-25 Quarter 1 Performance report – Balanced scorecard

Performance against applicable KPIs

KPI	Balanced Scorecard chart number	Target %	Target met	Quarterly performance	Change on previous quarter
Quality					
CAT - Quarterly Audit	1	95%	●	100.0%	
CAT - Requests for Review	2	95%	●	100.0%	
Investigations - Quarterly Audit	3	95%	●	100.0%	
Investigations - Requests for Review	4	95%	●	100.0%	
Investigations - Administrative Sanction Appeals	5	0%			
Investigations - DT Decision Appeals	6	0%			
Authorisations - Quarterly Audit	7	95%	●	94.7%	⬇
Authorisations - IDB Reviews	8	95%	●	66.7%	⬇
Supervision - Quarterly Audit	9	95%	●	100.0%	
Timeliness					
CAT - General enquiries-closed	10	80%	●	95.6%	⬇
CAT - Reports & Other-closed	11	80%	●	64.1%	⬆
Investigations - Investigations decided	12	80%	●	76.9%	⬆
Authorisations - Applications-decided	13	80%	●	53.0%	⬇
Service					
CAT - Calls answered	14	85%	●	88.4%	⬆
Authorisations - Calls answered	15	85%	●	63.6%	⬆
All teams - Complaints	16	95%	●	68.8%	⬇
Productivity					
CAT - General enquiries-live	17	80%	●	100.0%	
CAT - Reports & Other-live	18	80%	●	70.3%	⬆
Investigations - Investigations-live	21	80%	●	77.7%	⬆
Authorisations - Applications-live	23	80%	●	25.0%	⬇

● - KPI met or exceeded

● - Performance within 10 percentage points of target

● - Performance more than 10 percentage points lower than target

⬆ - Performance increased compared to previous period

⬇ - Performance decreased by 10 percentage points or fewer compared to previous period

⬆ - Performance decreased by more than 10 percentage points compared to previous period

No arrow - Performance the same as for the previous period; or there is no applicable data for one of the comparable periods

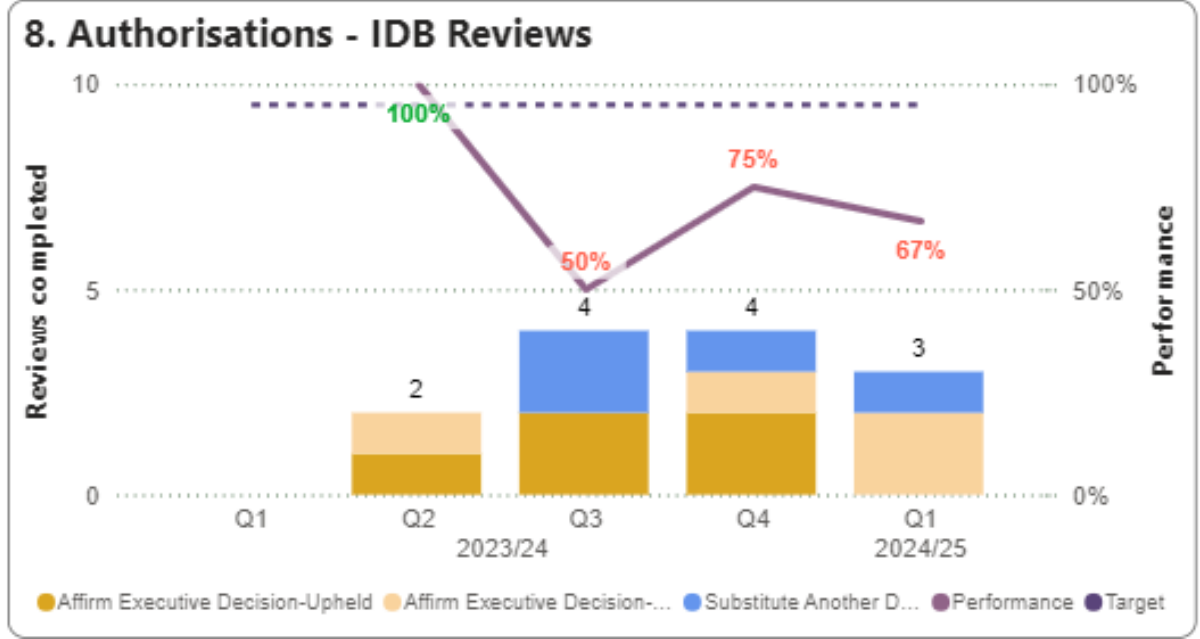
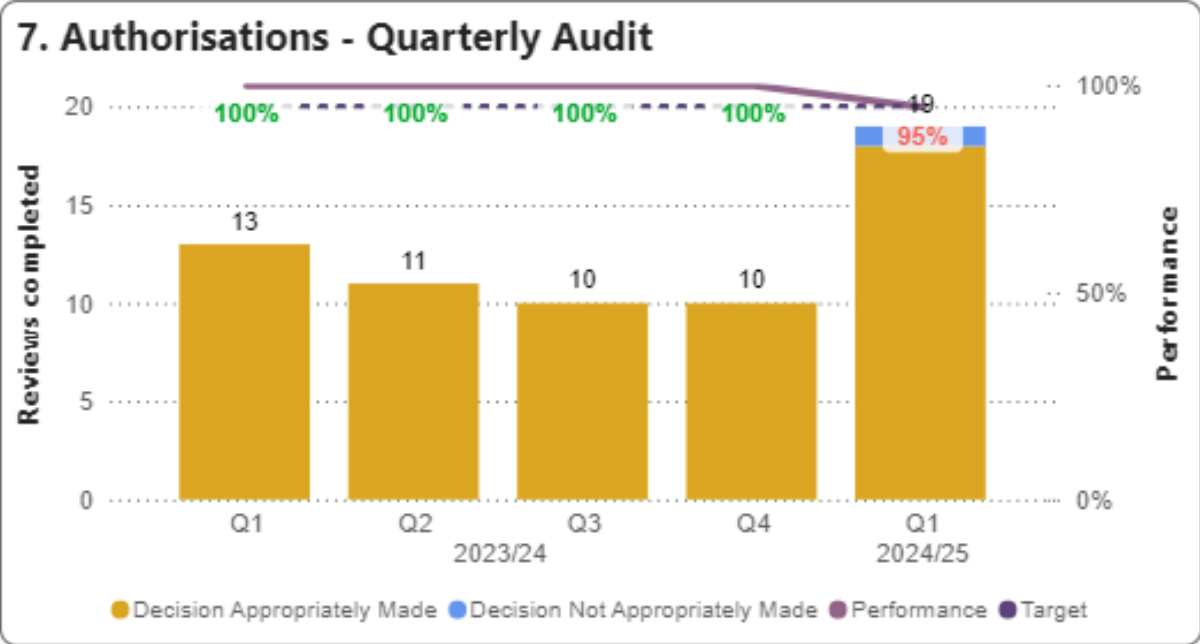
Summary headlines

1. The general trend for this quarter is very positive, with ongoing improvements across most functions. The quality of decision-making remains high, and there has been progress towards meeting performance targets when compared with last quarter in the areas of Timeliness, Service and Productivity. At the same time, caseloads and median age have reduced in some areas.

Key points

2. Key points are
 - All applicable Quality targets for CAT, I&E, and Supervision have been met.
 - General enquiries performance for CAT continues strongly, with both the Timeliness and Productivity targets for this case type met.
 - The telephone call Service target for CAT has been met, with higher performance (88%) than in all quarters in the previous year.
 - Timeliness and Productivity performance for CAT Reports and I&E Investigations all show improvements compared to the previous quarter, although the 80% targets have not yet been met.
 - There were no appeals of administrative sanctions or appeals to the High Court during Quarter 1, and so the only applicable targets for I&E were for Requests for Review and Quarterly Audit outcomes, which were met.
3. This is the first quarterly performance report to the Board since the new suite of KPIs were implemented in April 2024.
4. Where new KPIs have been introduced, the commentary compares performance to what it would have been in previous quarters had the metric been in place at the time. We feel this is a useful benchmark of ongoing performance.

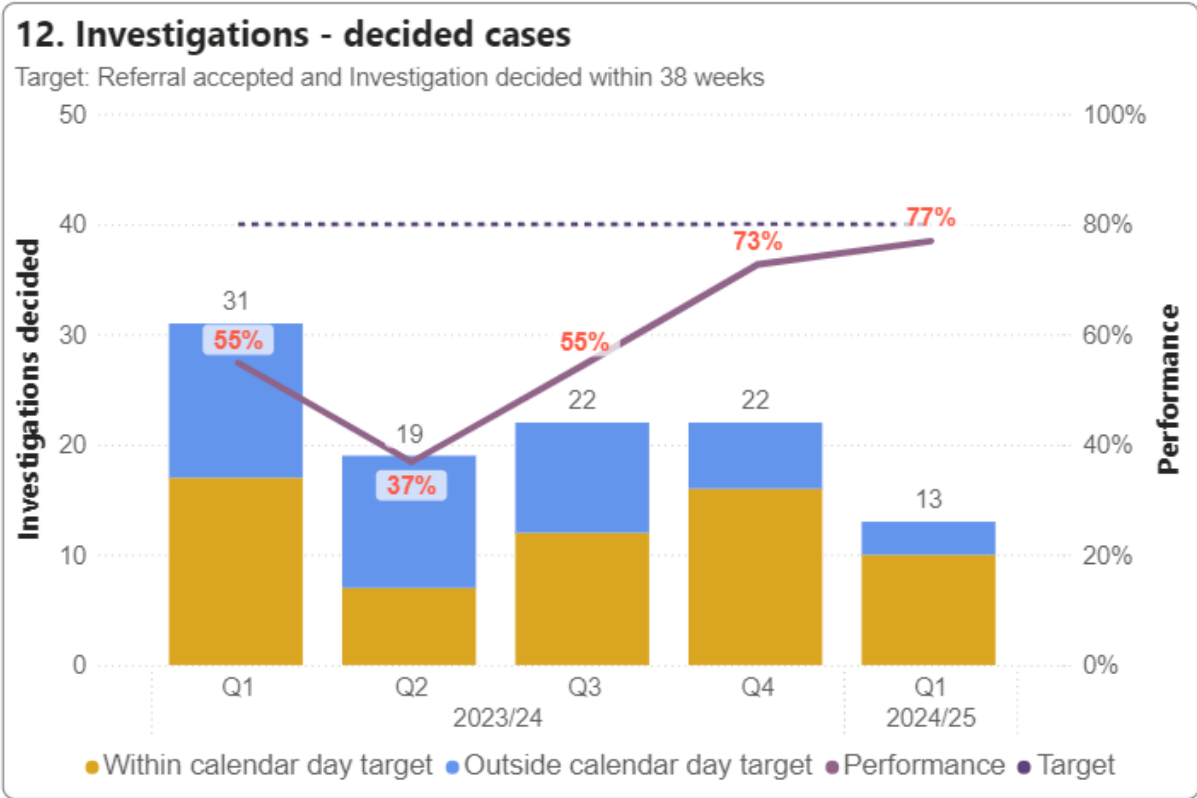
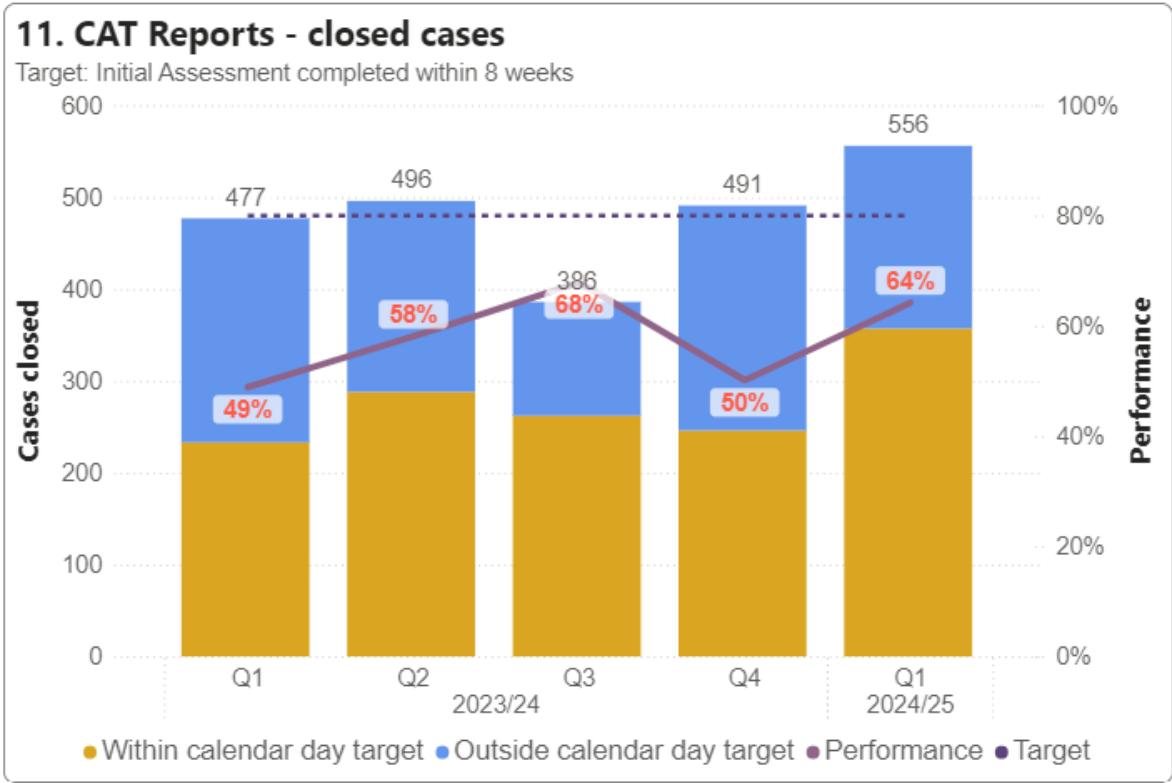
Quality

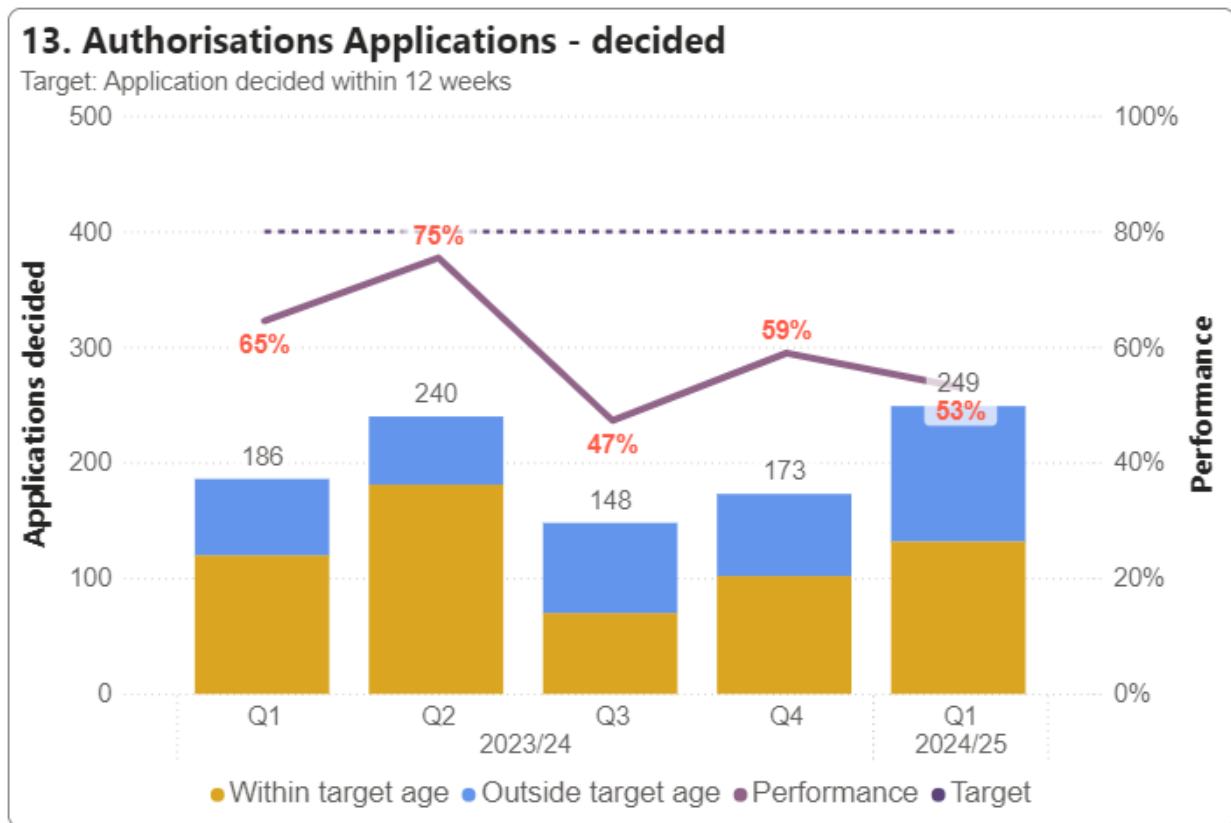


Key points

- 5. The quarterly audit target of 95% for Authorisations was narrowly missed, with 18 out of 19 applications reviewed (94.7%) marked as decision appropriately made.
- 6. Three authorisations executive decisions were reviewed by the IDB this quarter. On one of these applications, the Panel overturned the original executive decision and substituted it for a different decision.

Timeliness

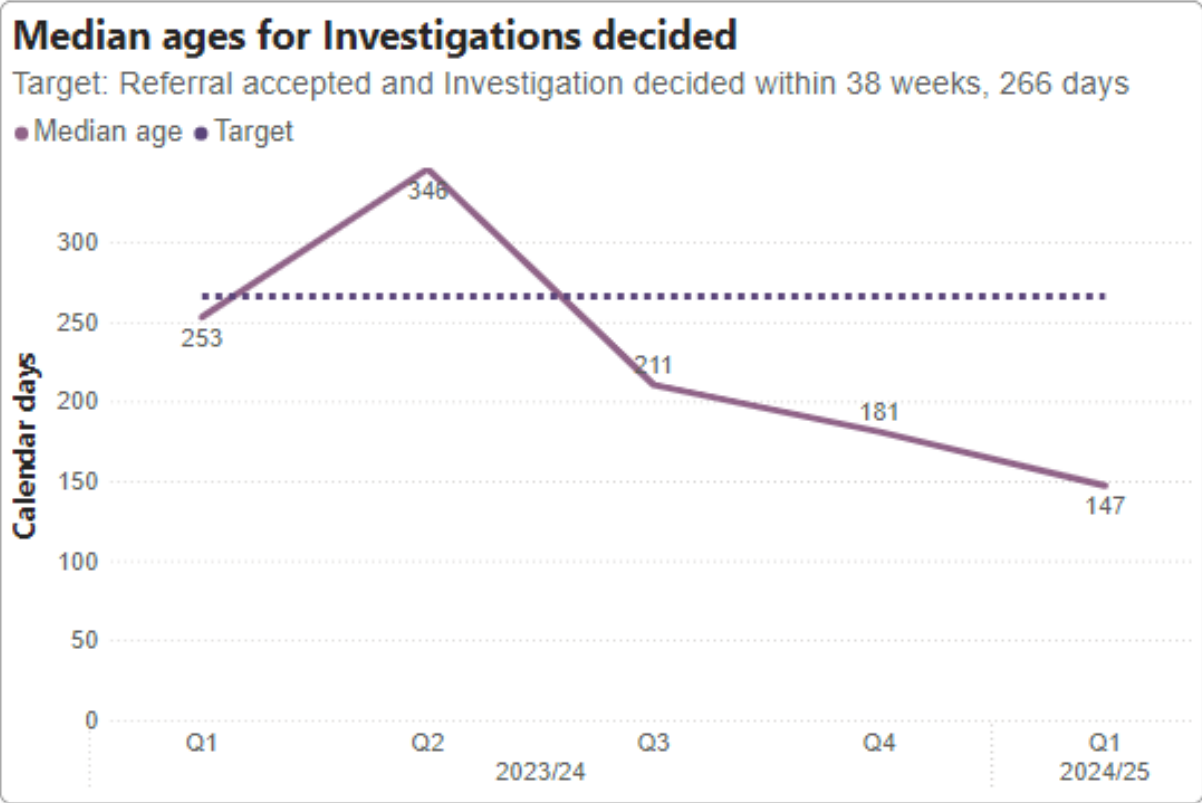
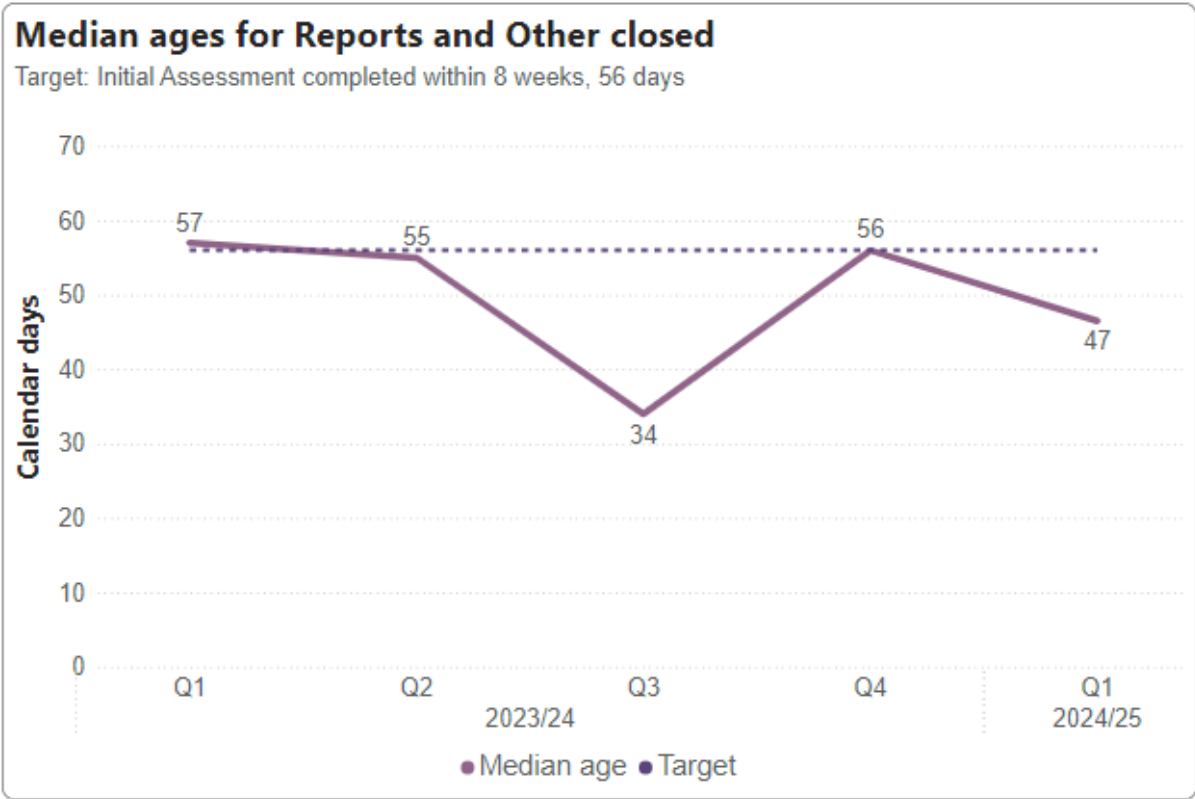


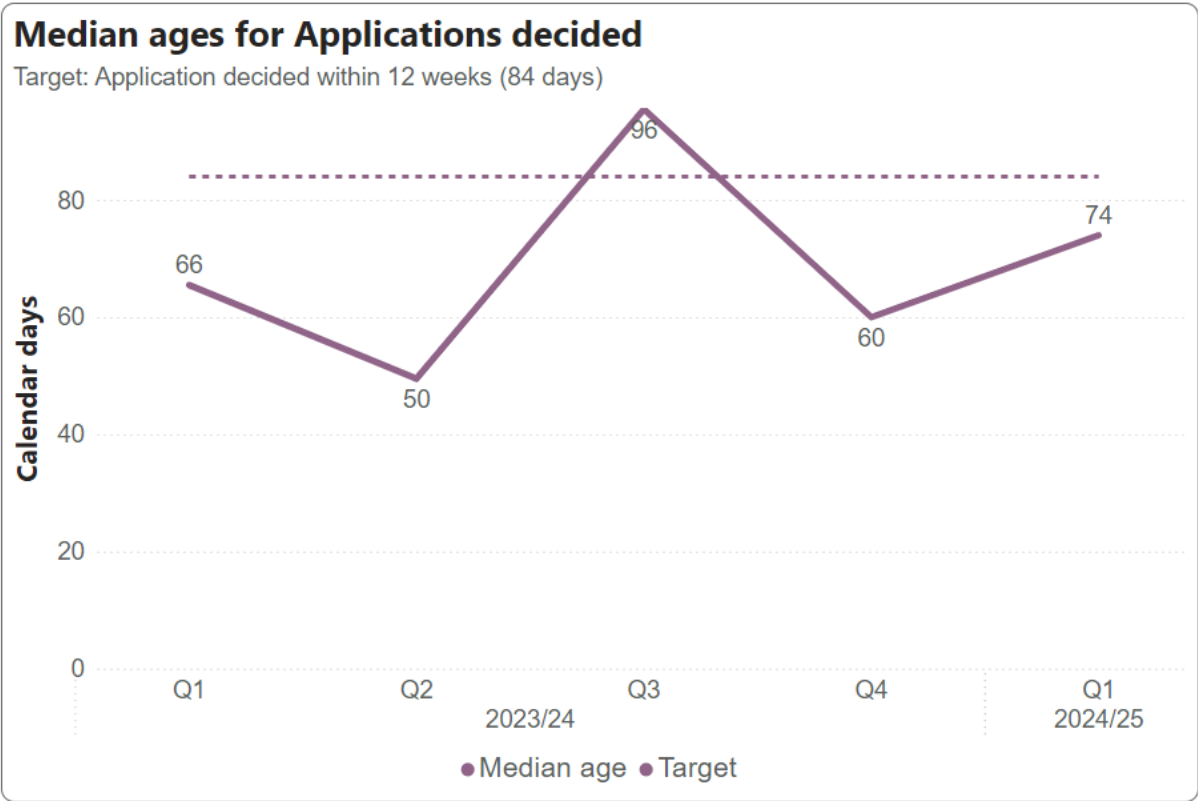


Key points

7. 64% of CAT reports were assessed within target, 14 percentage points higher than in the previous quarter. The team also increased their output, closing 556 reports across the quarter. Temporary support was in place at the start of the quarter, but this came to an end in May and so output could reduce slightly in Quarter 2.
8. Authorisations also saw an increase in output with almost 250 application decisions during the quarter. While the backlog remains to be cleared the target of 80% decided within 12 weeks will be difficult to achieve.
9. The target for Investigations was almost met, with 77% of cases allocated within the team and decided within the target 38 weeks. However, the I&E output was lower than in previous quarters, (see the productivity and workload sections for more details). This reduction in output, to some extent, reflects the reduction in referrals to I&E from CAT in quarter 3 of 2023/24 which has resulted in fewer investigation cases falling to be closed in this quarter ie 6-8 months later.

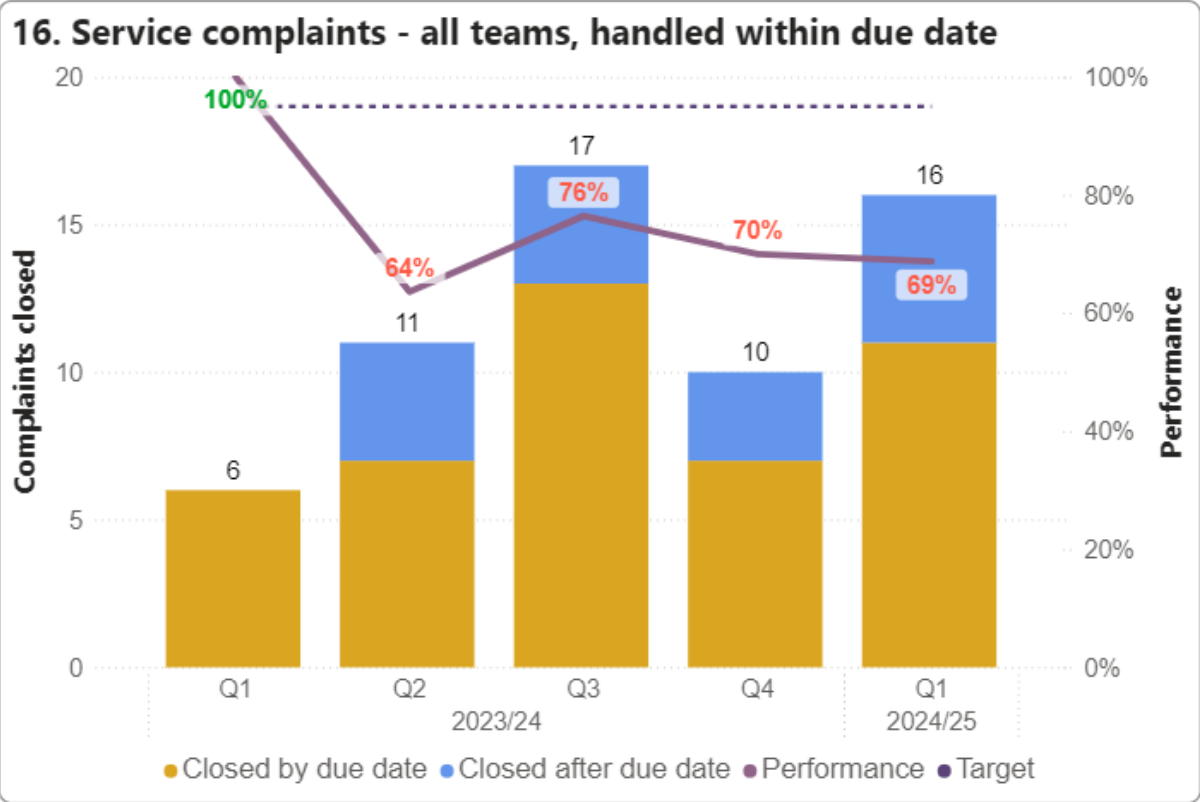
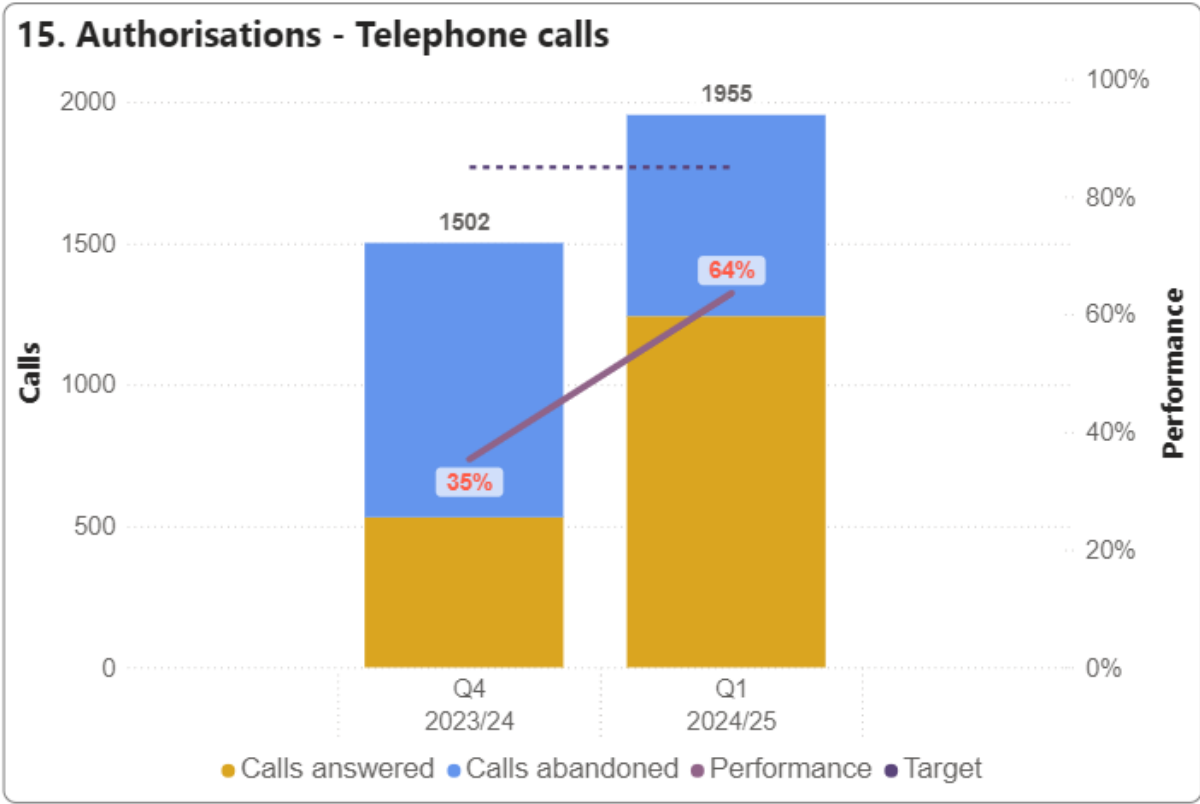
Median age of cases





- 10. The median time it took for a CAT report to be assessed reduced by 18%. At the time of writing, almost all cases awaiting allocation to a staff member are still within the timeliness target.
- 11. The median age of Investigations decided (ie closed) has decreased for the past three consecutive quarters and is now substantially below the target of 266 days. It should be noted that this median is based only on cases closed and there are still some long running cases in the system that, when closed, will have a substantial impact on the median. Nevertheless, this is a very positive trend.
- 12. The median age of decided Authorisations applications has increased. This is due to the team’s focus on clearing the backlog of aged applications. Nevertheless, the figure remains below the target of 84 days.

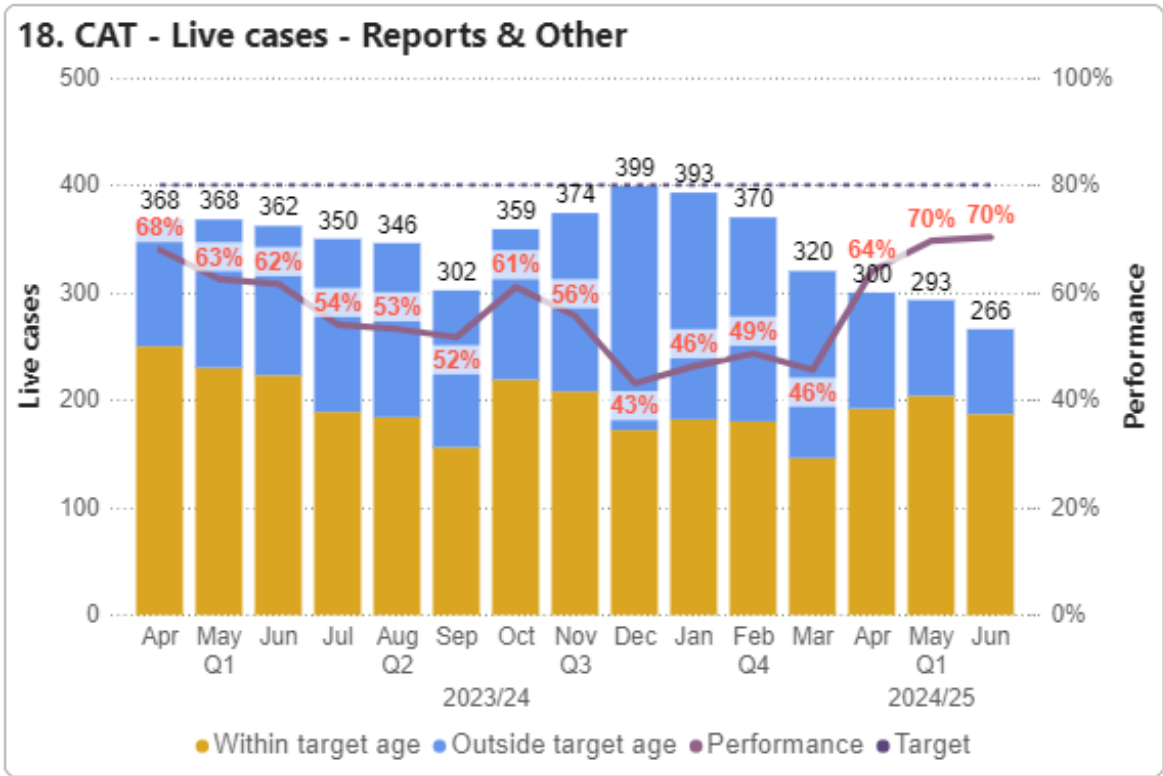
Service



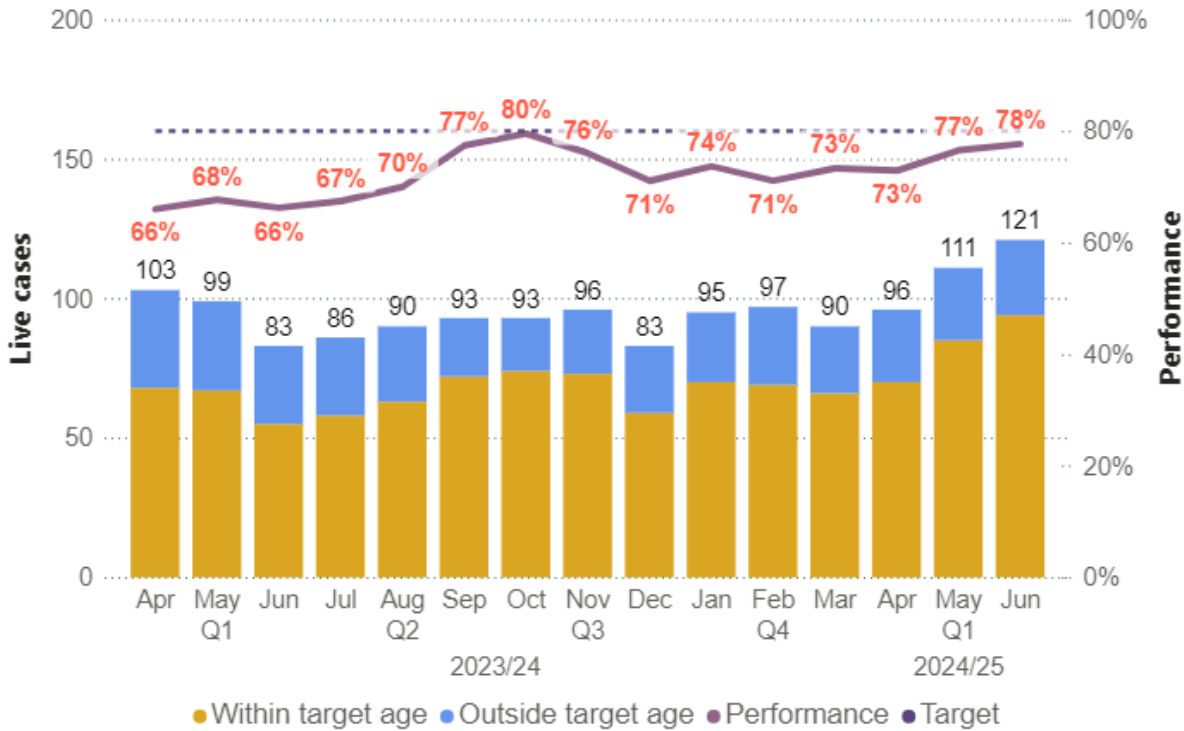
Key points

- 13. The Authorisations KPI for Service, based on the telephone calls to both the main Authorisations line and the TQL extension line, improved significantly over the course of quarter 1. In April just 48% of calls received were answered and by June this had risen to 77%. This resulted in an overall performance of 64% for the quarter, against a target of 85%. There has been a trend of continual improvement over the last 6 months.
- 14. The service complaint target to respond to 95% of complaints within the due date was not met. Four responses from Authorisations missed the target due to capacity constraints. One response from I&E missed its due date.

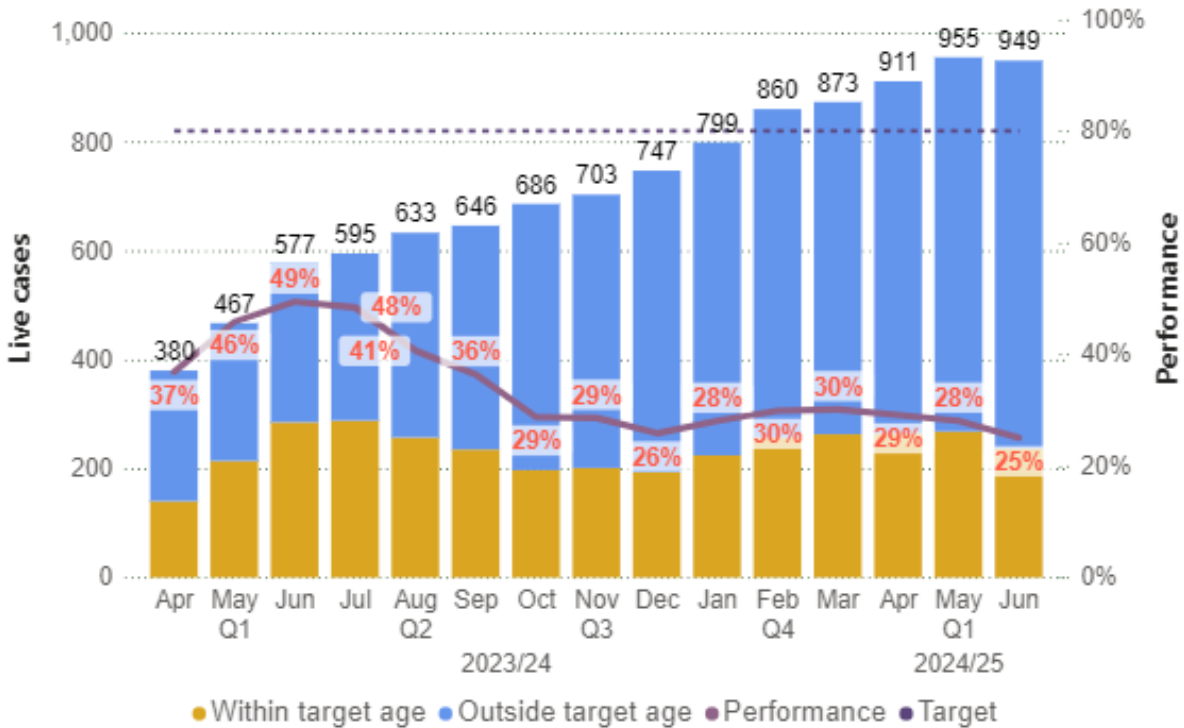
Productivity



21. Live cases - Investigations



23. Authorisations - Live applications



Key points

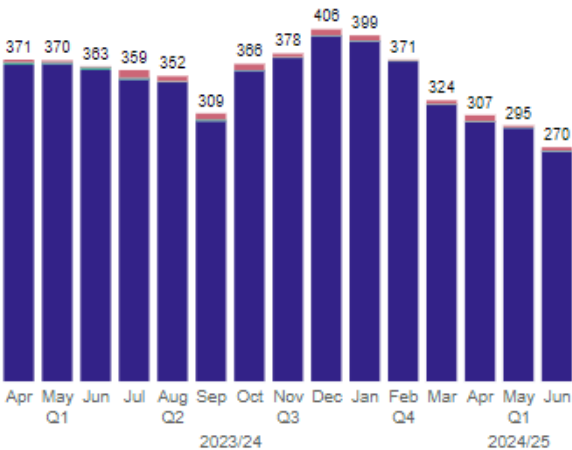
15. At the conclusion of quarter 1, 70% of open CAT reports were within the target age. This is a higher proportion than seen over the last four years.
16. CAT continued to reduce the live reports workload from the peak six months earlier. More reports have been opened and closed this quarter than in any of the last 4 quarters.
17. The Productivity target was almost met for live investigations, with 78% within the target age at the end of quarter 1, missing the 80% target by just 2%. The percentage of live investigations within target has increased when compared to last quarter, and generally the trend is an upwards one as compared to early 2023/24. The increase in the number of cases referred from CAT in this quarter has affected the proportion of overall cases that are within target (see I&E team workload chart below).
18. Three quarters of open Authorisations applications are outside the target age of 12 weeks.

Team workloads

CAT

Reports 265 Other 1 Queries 4

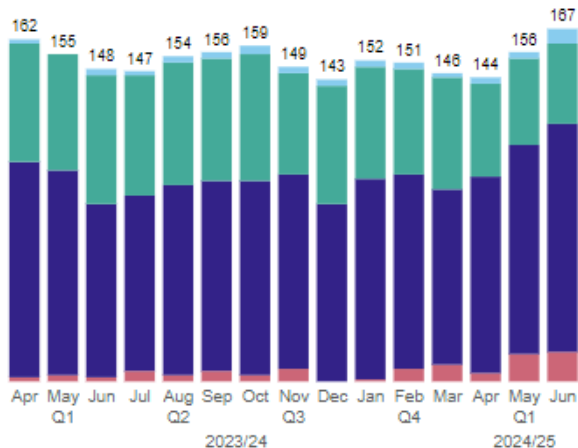
71% within target age



I&E

Referrals 14 Investigations 108 Disciplinary 38 Appeals 7

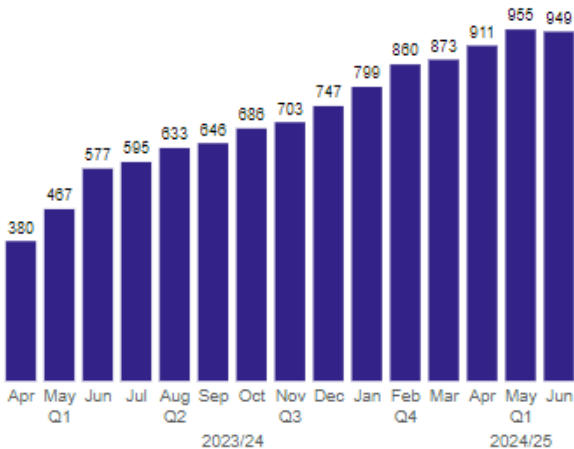
75% within target age
21 on hold
63% within service standard
3 on hold



Authorisations

Applications 949

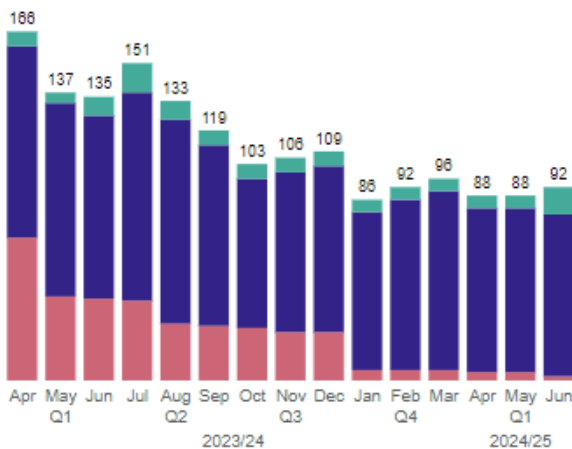
25% within target age



Supervision

Reports 77 Thematic Reviews 13 Regulatory Returns 2

41 open actions
15 on hold
8 open actions



Key points

19. Caseloads have reduced in the CAT and Supervision teams.

CAT

20. The number of reports received into CAT has continued to reduce. This has been a theme for the past 6 months.
21. Despite this trend, CAT received over 500 reports between April and June, which was almost 90 more than in the previous three-month period.
22. Both Supervision and I&E received an increased number of referrals from CAT in quarter 1 compared to every quarter last year. In total, CAT referred 73 cases to these teams in quarter 1, up from 53 the previous quarter. Some of these referrals should have been sent to Supervision and I&E at the end of 2023/24 however issues with our Case Management System delayed the handover of these cases. Since April 2023 the proportion of cases referred back to CAT has reduced from 67% to 5% in June 2024, a significant downward trend.
23. The increase in referrals from CAT is also due to a set of reports relating to referrals from other agencies. We do not consider these to be ‘bulk’ cases in that they relate to individual barristers. For Supervision, all of the referrals have been placed on hold pending the outcome of the I&E investigation.

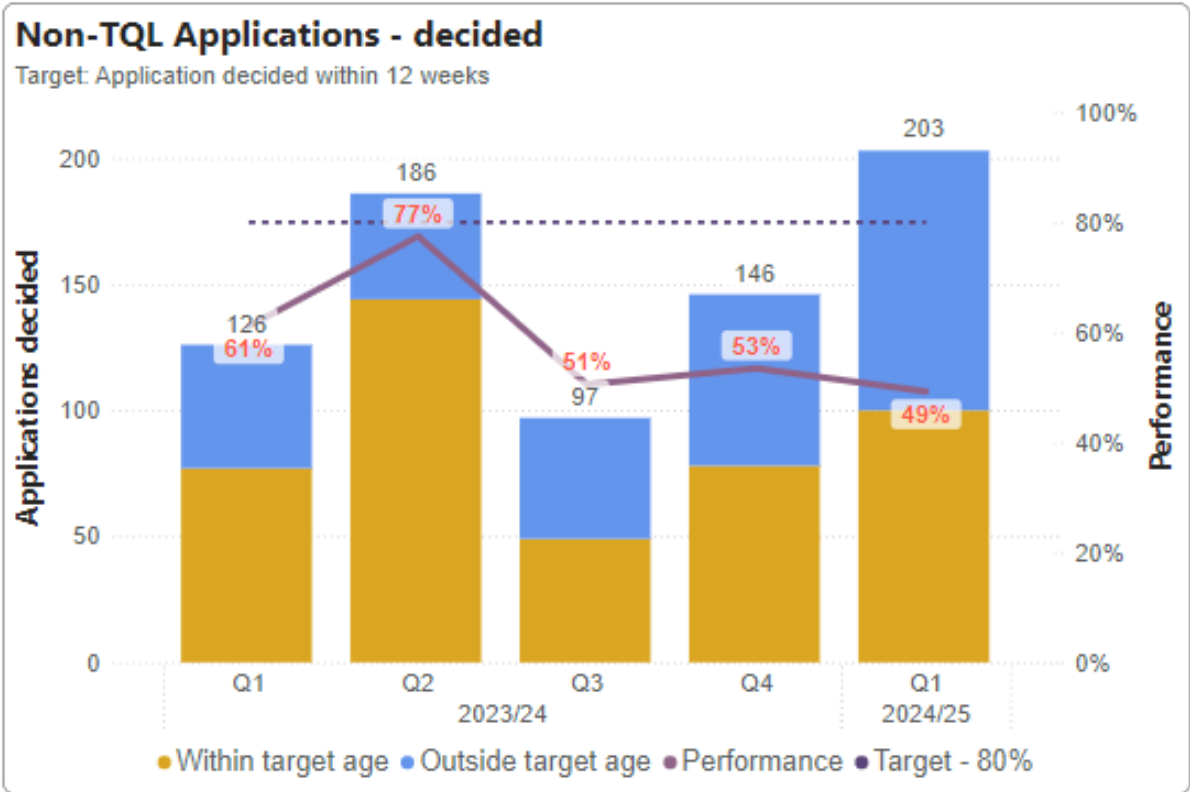
Investigations & Enforcement

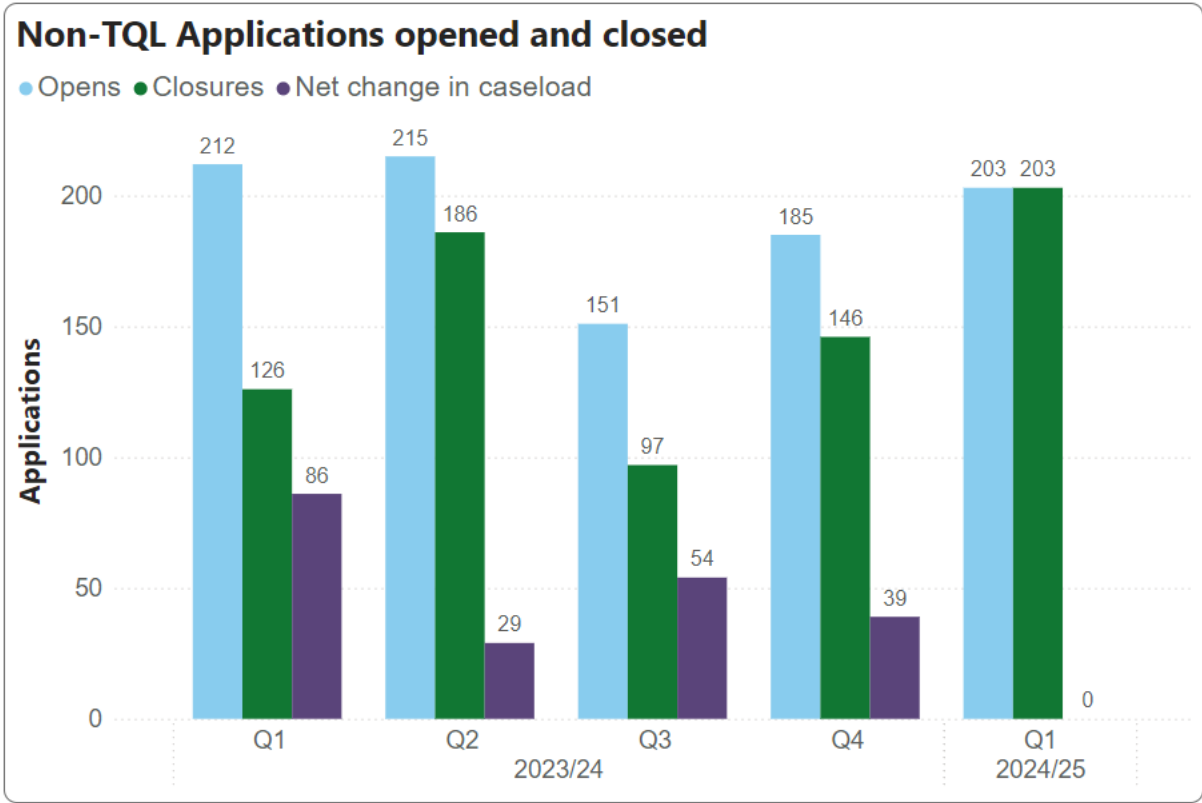
24. Previously the referral and investigation stages had separate KPIs, but the current investigation KPI combines these stages within the 38-week target. as a result, the increase in referrals from CAT referred to above, combined with fewer investigation decisions than in previous quarters (9 fewer cases were decided this quarter than last), has led to the investigation stage workload increasing by just over one third since the end of March.
25. The number of investigations on hold has fallen to 21 (from 36 at the end of March 2024), 19% of all investigations but this is largely due to 11 investigations against one barrister coming off adjournment. Over the previous reporting year this proportion varied between 26% and 43%.
26. During this period the number of Disciplinary Action cases has reduced from 53 to 38 (albeit 5 of these related to one barrister), showing the continued high number of cases being closed at this stage as a result of the increase in referrals to disciplinary action back in 2022/23 as part of the accelerated investigations plan.

27. In the current workload, approximately 25% of the cases at investigation stage are high complexity cases (scores of 4 or 5), and 55% of the live disciplinary cases are high complexity. For investigations, this proportion is similar to that seen over the course of 2023/24, however for disciplinary cases this proportion has increased every quarter since the start of the previous fiscal year. We are analyzing the reasons for this trend and will provide further information in due course.

Authorisations

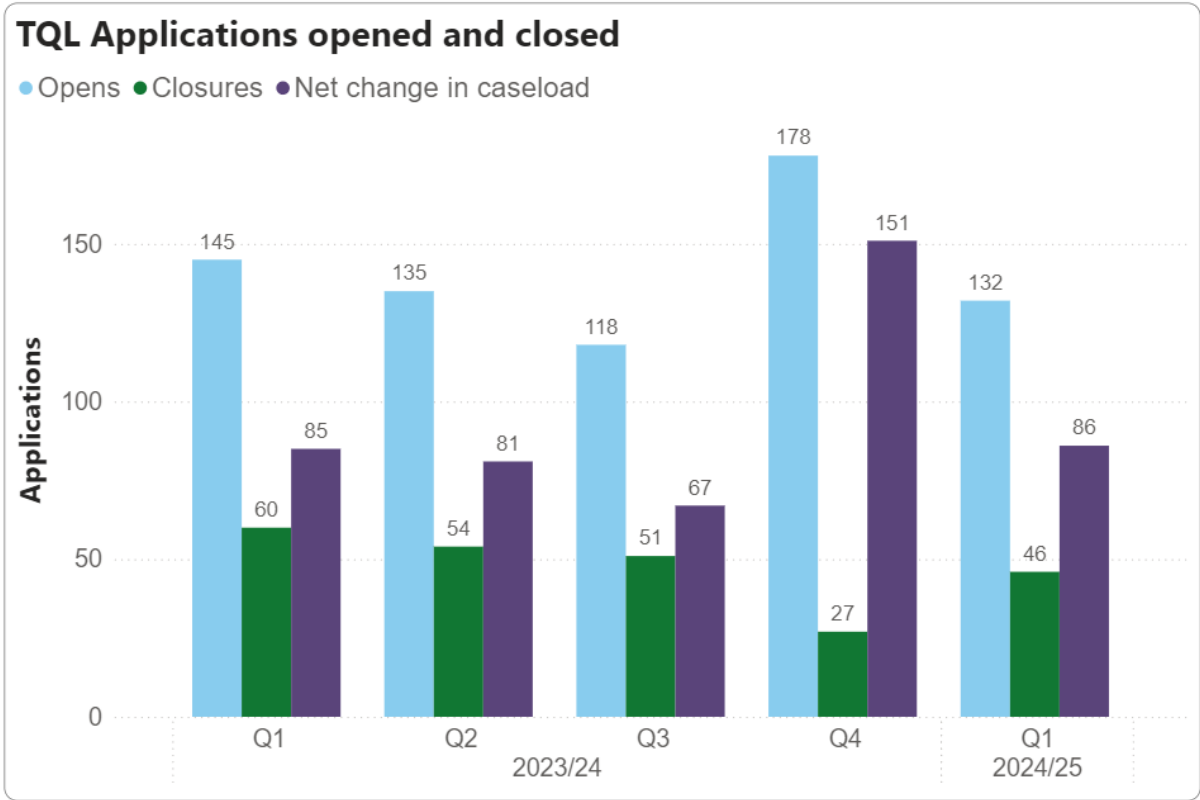
28. New applications outpaced closures across all application types. The applications workload increased by 86 from the end of March to the end of June, although the rate of increase slowed towards the end of quarter 1. The levelling off in workload seen in May and June is due to the increased output for non-TQL applications, for which there were over 200 decisions in quarter 1, a sharp increase from the 97 in quarter 3 and 146 in quarter 4.





29. The TQL workload has increased by a further 86 applications over the course of quarter 1, up to 604 applications under assessment by the end of June. As can be seen from these figures TQL applications continue to make up the largest proportion of the overall workload.

30. Around 38% of the new applications opened in quarter 1 were for TQLs, however this application type accounted for just 18% of the number decided. This is because the TQL taskforce was set up at the start of the year and took some time to get off the ground. New members of staff had to be trained and supervised. The number of decisions made in other types of applications increased during this period, as team members not in the TQL taskforce have been able to focus on other work.



Supervision

- 31. For Supervision, the workload has steadily decreased since April 2023 and has been stable for last 6 months. The workload remained reasonably steady during quarter 1, as the team opened 56 new cases (35 of these were referrals from CAT) and closed 59. Numbers of cases with the status ‘Hold I&E’ have increased to 16 in quarter 1, up from 7 in quarter 4. The reasons for this are outlined at paragraph 20 and 21.
- 32. In June, a new set of Thematic Review cases were opened as the team started work on ten AML cases, reaching out to barristers who may have mis-declared during AtP that they do work within the Money Laundering Regulations. There are 2 Regulatory Return cases remaining and the team is considering the next steps for these.

Appendices (all available in the BSB reading material section):

- Appendix 1: Overview of all metrics and KPI targets
- Appendix 2: Definitions (explaining how targets are calculated).
- Appendix 3: Types of case.

BAR STANDARDS BOARD

Published Business Plan Activities

The Bar Standards Board publishes an annual Business Plan with key objectives to help it achieve its five strategic aims. There are a number of published activities which are carried out by the executive via business as usual or projects and programmes. To ensure that the BSB achieves its published business plan activities the Governance and Corporate Services Team seek quarterly updates from activity owners. During the business year 2023/24 we also sought updates for activities related to the LSB action plan, this year however, we are only seeking updates for those activities listed in the published business plan. The Governance and Corporate Services Team has undertaken an exercise to match those programme/project titles to listed activities and developed the table below to assist activity owners with providing updates and keeping track of their activities.

You should review the activities listed against your name and provide updates with the most recent update at the top. Please do amend any incorrect information and provide an update even if there has been no activity since your last update. Where there are delays you should also provide details on those as well as any other changes.

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
1. Efficiency (Performance)	Enforcement Review We will implement the recommendations of the independent end-to-end review of our enforcement policies and processes led by Fieldfisher and improve our key IT systems which support these processes to reflect the recommendations of the review by Deloitte.	SJa/ SH	JB	1) Conclusion of consultation on Enforcement Review proposals and agreement by Board to way forward in light of responses	25/07/24	The executive response to the Enforcement Review report was endorsed by the Board on 11 April, and a progress update on the implementation plan was provided at the July Board meeting. Nine recommendations contained within the report have already been actioned through continuous improvement activity in the CAT, IE and Comms teams, with a further 16 (subject to confirmation by the Head of Programmes on his return from leave on the 27 August) scheduled for completion by the end of September 2024. We are in the process of mobilising four projects to address the remaining recommendations, with an immediate focus on the end-to-end process and resourcing recommendations. Focus on the supporting systems will be informed by the end-to-end process changes and will likely commence in Q4.	
				2) Planning of implementation project	15/02/24		
1. Efficiency (Performance)	Authorisations Review Project We will continue our review into our decision-making processes for authorisations while concluding its first phase and implementing its recommendations	SH	JB	Analyse responses from the public consultation. Review final recommendations and aim to take a report to SLT in June. Delivered in phases with the first phase proposals for the overarching framework to be discussed with the Board before the end of 2023 and a public consultation launched in early 2024.	25/07/24	The consultation for phase 1 concluded at the end of April, with review and analysis undertaken thereafter. Recommendations have been developed and approved by the executive for review and endorsement by the Board. The Board review session has been moved from July to September 2024 to allow for broader Board representation. Further engagement of Bar Council and COIC has been completed to position the draft proposals and address the concerns raised. Work on phase 2 is being progressed whilst we wait to conclude phase 1	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
1.Efficiency (Performance)	Developing a Balanced Scorecard We will establish a new balanced scorecard for monitoring performance which captures the quality of our decision-making, and our timeliness, productivity, and service standards more comprehensively	AW	AW	Year 2: <ul style="list-style-type: none"> Begin formally reporting against new measures Year one: <ul style="list-style-type: none"> Agree shadow measures for piloting in May 2023 (completed) 	25/07/24	Pilot completed and Q1 2024/25 reporting in against new measures commenced – with first report in September 24.	
1.Efficiency (Performance)	Pupillage Self-Service Facility We will design and launch a new Pupillage Self Service facility which will enable pupils to register and record their progress online via MyBar	SM	TBC	1) Commence off-line design of pupillage forms to be hosted on MyBar portal - input from Exams and Supervision Teams (and Barrister Records?) to ensure that all relevant information is captured in the draft forms. 2) Commence initial discussions with PMO regarding MyBar functionality of new pupillage forms and interaction with Training Records. 3) Initial external comms (to pupillage AETOs and Inns of Court?) to publicise intention to move to online MyBar pupillage processes	25/07/24	Requirements have been shared with the suppliers (Pixl8 and Smart Impact). Suppliers currently scoping and estimating the duration and cost. Order of delivery agreed with the BSB leads, (i) Material changes, (ii) First 6 months, (iii) Second 6 months and (iv) Registration. Timeline to be reviewed in accordance with the supplier return - objective is still to effect release (i) and (ii) by the early November	
1.Efficiency (Performance)	Entity Access to MyBar We will extend online access to MyBar to entities	SM	DBL	1) Off-line design of entity forms to be hosted on MyBar portal (input from Supervision Team and Barrister Records?) to ensure that all relevant information is captured in the draft forms. 2) Support from PMO (and external developers if needed) in creating draft MyBar forms.	25/07/24	Progress has been made information has been downloaded from the portal and is yet to be uploaded onto CRM.	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
				<p>3) Support from PMO (and Finance?) on payment facility via MyBar for variable fee structure.</p> <p>4) Initial external comms to existing entities to publicise intention to move to online MyBar processes.</p>			
1.Efficiency (Performance)	Regulatory Fees Review We will review our regulatory fees to ensure that we are achieving full cost recovery	RF	Sam J	Board decision on fees for TQL applications and authorisations fees, per capita fees and Entity applications (to align with LSB timetable) To be agreed at September 2024 Board	25/07/24	The Regulatory Fees Review Review is on track and progressing well. A paper outlining the various options for recovery models is being presented to SLT on 6 August. It is planned that recommendations will be presented to the PSP in early September and then presented with the budget proposal at September Board.	
1.Efficiency (Performance)	Risk Framework Review We will reform our regulatory risk framework to ensure that our intelligence is joined up and flows both up and down the organisation	EM	B Bray	Year two: <ul style="list-style-type: none"> Implement new processes. 	25/07/24	The Risk Framework review has now been extensively shared across the Bar Standards Board, including an all BSB briefing session. The communication and implementation plan is now in place to address the 18 agreed recommendations – and is commencing with the “Regulatory Risk Fundamentals” phase underway. This will be followed by the “Data driven and risk-based decision making” phase – with both phases supported by a comms and engagement strand.	
1.Efficiency	Five Year Strategy Consulting on our new five year strategy	EM	EM	Consulting on our new five-year strategy	25/07/24	Will be consulting in October following the Board in September.	
1.Efficiency	Data & Intelligence Strategy make better use of data and intelligence so that we are able to identify and manage risks to the Regulatory Objectives earlier, be more proactive, improve our efficiency, and model good data practices	B Bray	T Smith	<p>Year two</p> <ul style="list-style-type: none"> Commence implementation of agreed strategy Implementation of Interim Data Governance (Regulatory Risk, Programmes, Policy, Research) Commencement of Data and Intelligence Governance Review Project (Regulatory Risk, OST, Supervision, Dir Strat + Policy) <p>Year one: Create and publish a data and intelligence strategy.</p>	25/07/24	The Data and Intelligence Strategy proposals were endorsed by the Board in March 2024. A formal programme with supporting governance has been established to drive implementation – with a sequential programme of 5 projects planned to incrementally build capability through the remainder of 2024/25 into 2025/26.	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
2. Standards (Regulatory approach)	Assuring Competence We will continue our programme to assure the required standards of professional competence at the Bar. This includes collecting better data about standards of professional competence at the Bar, using that data to identify competence-related risks, reviewing our approach to continuing professional development, and reviewing how we handle competence-related concerns.	RM	B Burns	Continuing the Assuring Competence Programme Refine our approach to assuring professional competence of barristers including a refresh of the competences we expect barristers to demonstrate, our approach to CPD and the regulation of competence and standards in the early years of a barrister's career Complete reform to CPD and commence supervision against the new arrangements by April 2024	25/07/24	We have launched a rolling programme of CPD spot checks to create a baseline for the evaluation of our revised CPD guidance and templates, which we will be able to spot-check from January 2025. Our approach to CPD, including spot checks, will be shaped by relevant data and intelligence from our developing CMF. Additionally, it will be refined in response to relevant recommendations from the internal pilot to test our ASF. We have completed the evaluation of our Coroners' Courts Competences and are currently finalising our response to the findings. In Q3 2024/25, we will consider how to reflect findings from our Bar Training Evaluation and Technology at the Bar research. In Q4 2024/25, we will determine whether to review the Professional Statement as part of our next multi-year strategy, the scope of any review, and how to deliver any review.	
2. Standards (Regulatory approach)	Continuing the Assuring Competence Programme We will continue our programme to assure the required standards of professional competence at the Bar. This includes collecting better data about standards of professional competence at the Bar, using that data to identify competence-related risks, reviewing our approach to continuing professional	RM	B Burns	Competence Monitoring Framework – (project to build our capacity to capture and analyse data from external and internal sources bearing on barristers' professional competence) 1) Commence the initial preliminary phase of the Competence Monitoring Framework (with initial data) 2) Develop the data analysis software and tools to support the framework long term (such as data visualisation and dashboard creation)	25/07/24	Intelligence Outlook Report: The report to summarise the intelligence available to inform competence at the Bar is now complete and will be the subject of an update session and supporting paper at the July 3rd Programme Board. The project team will share the analysis and propose the immediate next steps, and how the report findings fold into the future project focus/plan (Dashboard design and development). Alternative data sources: The project is currently evaluating the value and opportunities afforded by the IPSOS survey (a new data source) along with the ongoing evaluation of additional data sources, including new CPD information captured via the AtP. Horizon scanning for other data sources and data developments will continue, with focus extended to the first tier complaints requirement issued by LSB (new project in Access Programme). Judicial survey: The proposed Judicial Survey is a sub-set of the "Additional Data Sources" strand. The project is currently working through the changes to the draft approach as proposed by Director General. The project is seeking a final internal assurance meeting with the DG and Oliver Jackling. Following the final assurance/agreement of the approach, the project will then be dependent upon the next meeting of the DG with the Regulatory Judges, where the approach and key milestones will be formally agreed.	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
	development, and reviewing how we handle competence-related concerns.					Dashboard design: The new Insights Manager was onboarded on 17th June and will lead the technical design of the Dashboard going forward. We continue to work towards the aspirational milestone of having the first iteration Dashboard available from the end of September	
2. Standards (Regulatory approach)	Assuring Standards Framework (ASF) We will develop a consolidated set of regulatory requirements for barristers in chambers in collaboration with best practice guidance provided by the Bar Council, the Legal Practice Management Association and the Institute of Barristers' Clerks and others in order to support their work in maintaining standards, and promoting access and equality support their work in maintaining standards, and promoting access and equality	RM	B Burns	Develop framework during 2023/24 business year and implement in Q1 of 2024/25 Assuring standards through supervision of chambers, authorising new entities and taking targeted regulatory action where necessary	25/07/24	The project continues to progress to plan re; the Internal Pilot exercise. The workshops with key stakeholders are now complete with outputs captured and analysed. An update paper summarising findings and recommendations for early comment was presented to Programme Board in July 2024, with a bespoke meeting scheduled for September for formal endorsement. Following endorsement, the project will then focus on quick win opportunities and plan for the more involved changes ahead of implementation In Q1 2024/25, we launched and completed an internal pilot to test the robustness of our framework to assure that barristers meet the required standards of professional competence throughout their careers (ASF). We are currently agreeing recommendations to strengthen our ASF and deciding how to implement and evaluate those recommendations. As stated in October 2023, implementation will be incremental, for example, to refine elements of our ASF in response to data and intelligence collected by our Competence Monitoring Framework (CMF). We have completed the initial phase of our CMF and will scale it up throughout 2024/25, with a supporting dashboard launched in Q3.	
2. Standards (Regulatory approach)	Bar Training Evaluation We will continue our evaluation of the recent reforms to Bar training	EM			25/07/24	Updated draft report received from research providers in late July and will be subject to analysis and review before being shared with internal stakeholders for their review and input. On track for completion by end of August 2024 and publication w/c 2nd September	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
2.Standards (Regulatory Approach)	Apprenticeships (Bar Training) We will support the development of an apprenticeship route for Bar training	VS	MF	Internal project group to have been formed and report to the Bar Training Oversight Group	25/07/24	Update and paper being presented to Bar Training Programme Board on 29th July. Meeting with IfATE(Institute for apprenticeships and technical education) held on the submission of the required documentation to formalise BSB role as the EQA f(External quality Assurance) or the eventual Apprenticeship route to the Bar. Focus of the Programme Board will be discussion and decision to confirm the EPAO (End Point Assessment Organisation) for the Apprenticeship (this is the organisation who will decide that an individual has successfully completed the Apprenticeship vs the EQA (BSB) which decides whether an individual has qualified as a Barrister). We continue to engage with the Trailblazer group with the objective of ensuring that both parties are progressing with clarity on respective accountabilities. Dev Capps (member of CAR and the Trailblazer group) has been supplementing BSB led comms with the objective of establishing a consensus understanding. BSB focus in the immediate future will be on clarifying again the process and timeline leading to the Trailblazer Group recruiting Apprentices. The previously reported issue on the IfATE documentation being considered as a "starting gun" has been addressed. It is hoped that a face-to-face meeting will be diarised with the Trailblazer Group by the end of July. Finally benchmarking with SRA has commenced and an update will be provided at Programme Board	
2.Standards (Regulatory approach)	Curriculum & Assessment Strategy (Bar Training) We will continue to develop and implement arrangements for the assessment of advocacy and negotiation skills during pupillage as the final part of our reforms to Bar training	VS	HL	Publish requirements for negotiation Continue to approve advocacy course providers	25/07/24	Applications have now been received for Advocacy course delivery from all 4 Inns. We will shortly be contacting the remaining circuits on their plans/requirements going forward. We have updated our supervision arrangements for the Advocacy course and the refreshed course goes live o 1st September 2024. We have commenced engagement of potential providers of the Negotiation Course with a very productive meeting with ICCA on 8th July. We will be following up with ICCA in September 2024 and will be undertaking initial engagement with Middle Temple and potentially others in mid-July.	
2.Standards (Regulatory Approach)	Anti-Money Laundering We will develop a strategy to address the new regulatory objective of "promoting the prevention and detection of economic crime					No update	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
2. Standards (Regulatory approach)	BSB Handbook Review We will continue updating the BSB Handbook and keeping it under review	EM	RP	<p>In year two:</p> <ul style="list-style-type: none"> We will begin systematically consulting on more strategic changes to the Handbook, taking on board challenge and feedback from a variety of stakeholders. <p>In year one:</p> <ul style="list-style-type: none"> We will identify any urgent Handbook changes that are needed to address gaps or improve efficiency in the short to medium term. We will complete our review of the regulation of standards in non-professional life and of barristers' use of social media in the light of our recent consultation. We will complete our review of the Equality Rules to ensure that they remain fit for purpose and clearly set out minimum standards for chambers' and employers' oversight of diversity, including appropriate governance. We will also be looking at our "association rules" which regulate how barristers interact with intermediaries which provide information about their services. 	25/07/24	<p>Formal Programme now established to progress Handbook changes, with 2024/25 focus on "Quick Wins" and "Priority Actions" – activity to address pending changes and ensure all existing sections are accurate and up to date.</p> <p>A series of incremental projects will then follow from Q3 and Q4 and into and beyond 2025/26, these will include.</p> <ul style="list-style-type: none"> Internal Guidance review (How to guides) - 2024/25 Handbook Layout and Design Principles - 2025/26 Conduct Code Review – 2025/26 – 2026/27 <p>The programme is being formally planned and resourced and detailed milestones will be updated as this process progresses.</p> <p>The objective is to significantly improve the Handbook in terms of structure, accessibility and usability, with design options including app-based access solutions and breaking the current document down into end user focussed sections. This represents a significant undertaking, and we continue to benchmark other legal regulators who have already completed similar exercises.</p> <p>We will commence a pre-consultation engagement exercise with stakeholders in Q3 to gain further input into end user requirements, seeking input on the ethical challenges facing the profession, to understand how we capture these in our forward approach</p>	
2. Standards	Role of Chambers Project We will continue to clarify our expectations of barristers in chambers	MN		Completion of roundtables and of consultation.	25/07/24	Consultation complete with findings shared with key stakeholders. Website uplifts being scoped with aim to complete by end November 2024	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
3.Equality	Equality Rules Project We will consult on the recommendations arising from our review of the Equality Rules to ensure that they remain fit for purpose and clearly set out the right standards for chambers' and employers' oversight of diversity, including appropriate governance	EM	PK	Consult on changes to Core Duties and equality rules	25/07/24	Project plan re-baselined for 24/25 with milestones revised to reflect progress to date and feasible milestones going forward, taking into account resources and competing priorities. The key deliverables will be completed in Q2 -Q4 (24/25) with the launch of the consultation at the end of July, closing in November. Throughout the consultation period we will pro-actively engage with key organisations to solicit their views and encourage formal responses to the consultation. Focus will move to the review and analysis of the consultation outputs from December, with the report submitted to Programme Board for their review and input in Q4, before engagement of LSB and the Board later in the quarter, and publication towards the in Q1 of 2025/26. Preparation for the launch of the new Rules and changes to Core Duty 8 will commence in Q1, with the creation of a dedicated section of the website (noting and managing the overlap with the regulation of barristers in Chambers project)	
3.Equality	ED&I at the Bar Our Religion and Belief, Race Equality and Disability taskforces, which are made up of barrister and lay experts in these areas, will continue their work to advise us as to how best we can promote equality and inclusion				25/07/24	Taskforce groups in place and meeting regularly – training in development to better inform the role of the regulator	
3.Equality	Differences in consumer satisfaction (DCT research) We also intend to research whether the experience of using barristers differs between groups of clients with different protected characteristics					Complete	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
3.Equality	Anti Racist Strategy We shall also be launching our Anti-Racist Strategy and action plan	TH		Launch Anti-Racist Strategy and action plan EDI Communications plan	25/07/24	On track	
4.Access	Public Legal Education Strategy We will focus on promoting public legal education in collaboration with our fellow regulators and with other frontline providers of help to those in legal need.	WW	WW	This is an ongoing commitment, and the Board last reviewed our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.	25/07/24	<p>We continue to support projects with frontline PLE providers such as Law for Life, Citizens Advice, Support through Court and Refugee Action.</p> <p>We have now rejoined the Legal Choices website and a cross-sector project has been initiated, led by the SRA, to facilitate access for consumers to regulatory information on regulated legal professionals. The preferred response to the LSB proposal is to enhance the existing Legal Choices website rather than develop the proposed bespoke solution. The Legal Choices Steering Group met on 30 May to discuss four key documentary outputs of the RIS Discovery phase, which has now ended:</p> <ol style="list-style-type: none"> 1. Functional requirements 2. Non-functional requirements 3. Data requirements 4. Data catalogue <p>The Steering Group authorised the project to move into the design phase, with the design to be shared with the Legal Choices Governance Board in July 2024.</p>	
4.Access	Regulatory Information Service We will work with other regulators to look at how the Legal Choices website can develop a Regulatory Information Service which would provide consumers with a one-stop shop for reviewing regulatory information about any regulated lawyer	WW			25/07/24	<p>SRA leading the project involving consortium of Legal Regulators to develop a formal response to the LSB request. Preference amongst the legal regulators is to enhance the existing Legal Choices website rather than develop a bespoke solution.</p> <p>Legal Choices Steering Group authorised the project to move to the Design phase with proposals to be shared with the Legal Choices Governance Board in July. Development costs for 2024/25 will be met from the existing Legal Choices budget, with 2025/26 subject a funding request and an estimate of human resource needed from each participating organisation.</p> <p>The proposal is to run two of three stages from Aug to Oct, with the SRA are sourcing budget to cover this activity.</p>	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
	Transparency Rules We will continue to ensure that our transparency rules are being complied with and are being effective	EM	RP/AD	Publish outcome of DCT market study and scope next steps Compliance checks are ongoing and we will consider next steps on transparency in the light of our DCT market study and other evaluation work undertaken to date.	25/07/24	We have updated our existing transparency guidance in light of feedback. Research into barrister and consumer preferences regarding transparency are being undertaken in Q2/Q3 2024/25 as part of DCT evaluation process. Peer engagement with other approved regulators in relation to possible next steps continues regarding updating our existing transparency rules. The Board will receive a detailed update on the BSB response to the broader LSB “Empowering Consumers” statement in September 2024.	
4.Access	Role of Technology in Legal Services We will take forward our examination of the role of new technology in the legal services market both in improving the efficiency and lowering the cost of barristers’ services and in facilitating access for consumers to those services	EM	HF	This is an ongoing commitment (we now have dedicated policy staff taking this work forward) and we will review the DCT pilot following its conclusion.	25/07/24	The executive received and endorsed a proposal on the focus and priorities for this mini programme of work in May 2024. An Oversight group is in place to direct and drive this activity in Q2 and Q3 with initial focus on Intermediaries and the ongoing review of opportunities afforded by Lawtech UK	
4.Access	Role of Intermediaries We will complete our market study which is considering whether consumers’ interests can be well served by online comparison or by other intermediaries offering to broker access to barristers	WW			25/07/24	The executive received and endorsed a proposal on the focus and priorities for this mini programme of work in May 2024. An Oversight group is in place to direct and drive this activity in Q2 and Q3 with initial focus on Intermediaries and the ongoing review of opportunities afforded by Lawtech UK	
4.Access	DCT Research – digitally excluded consumers We will look at the needs of digitally excluded consumers by taking part in research with other	EM	HF	Provider will have been appointed before the beginning of the business year, so project will be ongoing Year two: <ul style="list-style-type: none"> In 2024-25 we intend in particular to look at the extent to which solicitors 	25/07/24	Digital Exclusion Research – complete and with publication expected in September 2024 Broadly on track: <ul style="list-style-type: none"> Pupillage recruitment research: complete and published on 2nd May 2024 Digital Exclusion Research – complete and with publication expected in September 2024 	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
	front-line regulators to examine the experience of consumers with limited access to, or ability to use, digital technology			<p>offer their clients a choice of barrister and at whether access to justice in future may be threatened by a lack of barristers as the profession ages</p> <p>Year one:</p> <ul style="list-style-type: none"> We shall undertake research with pupillage providers to investigate the recruitment outcomes of different approaches aimed at increasing diversity. We aim to complete our evaluations of our DCT pilot, and our Bar training reforms by end of 2023-24. <p>We also plan to undertake analyses of enforcement outcomes and begin to build a more substantive evidence base in relation to the use of technology and innovation at the Bar in 2023-24.</p>		<ul style="list-style-type: none"> DCT evaluation: Research completed, findings currently being evaluated, findings expected to be published in October 2024 Bar Training Evaluation: complete with findings to be published in September 2024. Enforcement outcomes: complete Joint research with SRA into “Solicitors Choice” endorsed, tendering of research resource underway, expected conclusion of research and publication by end Q4. Consumer Research – research being commissioned for action at the end of Q2 	
4.Access	Solicitors and Choice We will examine the extent to which solicitors offer their clients a choice of barrister	EM	RP	Begin project	25/07/24	Joint research with SRA into “Solicitors Choice” endorsed, tendering of research resource underway, expected conclusion of research and publication by end Q4.	
5.Independence	Reform Programme We will be completing the governance reforms in our action plan, while making the case for the operational independence necessary to complement the independence of our decision-making and to promote external confidence in our independence	MN		Embedding our values and behaviours to deliver continuous improvement	25/07/24	On Track	

Strategic Aim	Published Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
5.Independence	Organisational Learning Strategy We will be designing and launching a new organisational learning plan	TH	TH	Design and launch 2024-2025 organisational learning plan On going delivery of senior leadership development and teambuilding, plus delivery of a leadership development programme by April 2024 Delivery of the 2023/24 organisational learning plan, to be launched in April 2023 and completed by March 2024	25/07/24 15/02/24	On Track Delivery of the learning plan is progressing well. We are about to launch an on-line learning platform to host a range of learning modules. Leadership development activities are continuing, and the project is on track. We are currently running and 'Emerging Leaders' programme for those new to leadership. We are facilitating a range of interventions tailored to individual requirements for more experienced leaders.	
5.Independence	Performance Management & Development Plan We will be designing and implementing a new performance management and development policy	TH	TH	Draft and consult on new policy. Discuss proposals with Leadership Group and SLT. Select and launch performance review system, policy and guidance.	25/07/24	On Track	
5.Independence	Public Engagement & Collaboration We will be continuing to promote engagement and collaboration with consumer organisations, the profession and other regulators	WW		Ongoing Commitment	25/07/24	Ongoing commitment – status unchanged	

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**Regulatory Decision-making
Annual Report 2023/24**

Regulatory Operations Department
Legal & Enforcement Department
Standards Department

Contents

Executive Summary 3

Context..... 4

 Improvements in performance 4

 Accelerated Investigations 4

 Enforcement review 5

Regulatory Performance & Statistics 5

 The year in numbers 5

 Authorisations Team 7

 Contact and Assessment Team (CAT) 11

 Investigation and Enforcement Team 12

 Supervision Team 16

 Themes and trends 21

 Looking ahead 23

Concluding comments..... 24

Executive Summary

1. The past year has seen significant increases in our productivity, timeliness and responsiveness in most areas of our work. We have also benefited from an end-to-end review of our enforcement policies and processes by Fieldfisher LLP. We are now implementing their recommendations which we believe will further improve our performance in that area.
2. The most important criterion for judging our performance remains of course the quality of our decision-making and this remains high, as confirmed by the reports from the Independent Reviewers.
3. The year has also seen some interesting trends in our casework. Our Authorisations Team saw a significant rise in the number of barristers beginning pupillage and in the number of applications from transferring qualified lawyers, which continue to be the most common applications for waivers and exemptions that we receive. Meanwhile our Supervision Team also saw a significant increase in the numbers of cases which were referred to them.
4. In the areas of assessment, investigations and enforcement the number of reports received was broadly stable making the year the second highest year for reports assessed since our current system of reporting began in 2019/20. Family law continues to be the area of law where we receive the highest number of reports, with reports relating to criminal law matters second. The highest number of reports assessed were around “conduct whilst acting in proceedings/potential proceedings”. An increasing number of all reports assessed came from a Litigant in Person.
5. The number of cases closed which related to conduct in non-professional life rose, as did the number of cases relating to conduct at work that was not related to the provision of legal services. Last year we said that we expected reports about barristers’ use of social media to continue to rise but, in fact, we received fewer reports involving fewer barristers. It will be interesting to see whether this trend continues following the publication of our new guidance on barristers’ conduct in non-professional life and on social media in September 2023. Any regular user of X (formerly Twitter) will confirm that this remains a highly controversial area.
6. There was a fall in the overall number of reports received relating to sexual harassment/misconduct, and most of the cases opened in both the Investigations and Enforcement and Supervision Teams related to bullying and/or harassment within the profession. This illustrates the importance of our current series of meetings with the profession around the Circuits – which follow the recommendations in our report [Addressing Bullying and Harassment at the Bar](#) – which we hope will raise awareness as to how we handle reports particularly of harassment, including sexual harassment, and will encourage such reporting.

7. Dishonesty and undermining trust and confidence in the profession, were the most common potential breaches subject to investigation, but this year fewer new investigations related to misleading the court or others.
8. The year also saw a significant increase in the number of cases concluded at disciplinary tribunal, the increased number of investigations concluded under our Accelerated Investigations plan having led to more referrals to disciplinary action.

Context

Improvements in performance

9. This year has shown an improvement in performance in terms of productivity, timeliness and responsiveness. In quarter 4, the Contact and Assessment Team cleared nearly 500 reports and 1,770 over the year, which is an increase of 12% on 2022/23. In the same quarter, the Investigations and Enforcement Team concluded 64% of investigations within the 25-week target – the best performance in 4 years; and the Supervision Team exceeded all its Key Performance Indicators (KPIs) over the quarter. The Authorisations Team's performance peaked in quarter 2 with 240 applications assessed during that quarter and ended the reporting period on an upward trend into quarter 1 of 2024/25. The data show productivity, timeliness and responsiveness all moving upwards.
10. This shows that, following several initiatives including the 'Accelerated Investigations' process (as detailed in last year's [report](#)) and the introduction of a Transferring Qualified Lawyer Taskforce (see paragraph 91 for details) the trajectory of travel is upwards. This is encouraging, particularly in the context that the year has been characterised by both higher volumes and by some particularly complex issues arising in our operational work. We have achieved this by delivering operational efficiencies, continuing to clear backlogs, reducing caseloads in most teams, and addressing identified staffing gaps within our operational model.

Accelerated Investigations

11. The 'Accelerated Investigations' plan commenced in August 2022 and concluded in September 2023, thus spanning two reporting years, with the aims of: clearing the backlog of cases awaiting acceptance for investigation; increasing the rate at which investigations were concluded and reducing the age profile of the live caseload. We did this by outsourcing parts of the investigation process, substantially increasing the frequency of Independent Decision-making Panel meetings, and recruiting temporary staff.

12. The plan achieved its aims. The backlog in cases awaiting acceptance for investigation was cleared by the end of 2022. There was a significant increase in the number of investigation cases concluded in the period. At the start of the plan there were 160 live investigations and by the end of the plan the workload had reduced to 90 despite 111 new investigations commencing during the period. In total 188 investigations were concluded in the period. In terms of the age profile of the investigation caseload, 33 cases were over 250 days old before the plan commenced and when it concluded this had reduced to 11.

Enforcement review

13. As we highlighted in last year's report, we formally instructed Fieldfisher LLP in June 2023 to carry out an independent end-to-end review of our enforcement processes. The review concluded at the end of 2023/24, and the final report was presented to the Board on 11 April 2024 and published on 12 April 2024. Over the course of the coming year 2024/25, we will be implementing the accepted recommendations for changes to the enforcement system and at an appropriate time carrying out a public consultation on any necessary changes to the Enforcement Regulations in Part 5 of the Handbook.

Regulatory Performance & Statistics

14. This section provides an analysis of our regulatory casework, when responding to reports made to us, and the proactive work that we do to support our regulatory objectives. It covers the work of:
- The Authorisations Team
 - The Contact and Assessment Team
 - The Investigations and Enforcement Team
 - The Supervision Team

The year in numbers

Authorisations Team

- **25%** increase in the number of applications received¹ (over **40%** being applications submitted by Transferring Qualified Lawyers)
- 747 applications for authorisation decided, down 14% on 2022/23
- 3,608 general enquiries received by telephone and 13,871 by email
- 18 more BSB authorised entities bringing the total to 147
- 614 barristers began their pupillage during the reporting period compared to 535 in 2022/23, 539 in 2021/22 and 416 in 2020/21.

¹ The total number of applications received includes those at all stages of processing, eg, those with decisions made, those still in assessment, those with information and/or fees outstanding, and those under review.

Contact and Assessment Team

- **2,701** reports, general enquiries, and other cases received by CAT compared to 2,824 in 2022/23
- 1,724 of these were reports, down from 1,731 in 2022/23, and 78 (down from 180) were other cases
- 1,770 reports in total were dealt with, a 12% increase on 2022/23
- Cases closed which related to conduct in non-professional life rose from 215 to 240
- Reports received involving social media fell from 115 (involving 53 barristers) to 88 (involving 35 barristers)
- Cases relating to conduct at work that was not related to the provision of legal services rose from 193 to 285

Investigations and Enforcement Team

- Cases referred for investigation fell from 122 to 108, a decrease of 11%
- 81 referrals were accepted for investigation, this was down from 141 in 2022/23
- 95 investigations were decided (closed or referred to disciplinary action) compared to 180 such cases in 2022/23
- 33 out of 39 cases heard at Tribunal were found proved, each case may result in more than one sanction
 - **10** led to disbarments
 - **9** to suspensions
 - **12** to fines and
 - **9** to reprimands

Supervision Team

- **94** reports were referred to Supervision from CAT compared to 79 the previous year, an increase of 19%
- A further 69 cases were received directly by Supervision compared to 35 in 2022/23
- 29 Thematic Review cases were opened in 2023/24 compared to 31 in 2022/23

Independent Reviewer – Quality Assurance

- In the reporting period, **32** decisions were reviewed by the Independent Reviewer following a request by one of the parties.
- In one of these cases, the Independent Reviewer made a recommendation for reconsideration of the decision reached.

Authorisations Team

Performance against KPI/service standards

15. The Authorisations Team is responsible for:
- authorising providers of vocational Bar training and work-based learning/pupillage as Authorised Education and Training Organisations (AETOs)
 - authorising entities (authorised and licensed bodies) to provide legal services
 - assessing applications from individuals for exemptions and waivers from requirements of Bar Training or individual rules of the BSB Handbook
 - managing the administration of the pupillage registration and completion processes, which includes the issue of provisional practising certificates (PPCs) and letters confirming full qualification (ie eligibility to apply for a full practising certificate as a barrister).
16. The Authorisations Team additionally deals with a significant number of telephone and email enquiries with identifiable seasonal peaks relating to particular application types or processes.

Authorisation casework

17. During the reporting period, the Authorisations Team processed a total of 747 applications, with 63.3% determined within 12 weeks. This is a decrease in both the number of application decisions and performance against the 12-week KPI compared with the previous reporting period. There were small improvements in the KPIs for application decisions within six and eight weeks.
18. There has been a 25% increase in the number of applications received, compared to the previous reporting period. Capacity has been impacted by an increase in the proportion of applications from Transferring Qualified Lawyer applicants (TQLs), combined with resourcing issues. The proportion of complex applications has also risen. These are applications which would typically have been expected to take 12 weeks to process once deemed 'complete' (ie with all necessary documents and payment of the relevant fee).
19. The team is working hard to increase its productivity into the next reporting period and to prioritise cases where there is a specific need (ie where the outcome is required to facilitate an upcoming court appearance, for entry to a course of study, or to meet the conditions of an offer of pupillage, tenancy, or employment).

Table 1		Annual KPIs	
KPI	2022/23	2023/24	
Authorisation, exemptions and waivers			
Applications determined within six weeks of receipt of the complete application (Target 75%)	36.7%	38.8%	
Applications determined within eight weeks of receipt of the complete application (Target 80%)	45.8%	48.2%	
Applications determined within twelve weeks of receipt of the complete application (Target 98%)	69.9%	63.3%	
Entity (including ABS) Authorisation			
Authorisation decisions made within six months of receipt of the application and associated fee (Target 90%)	57.1%	88.9%	
Authorisation decisions made within nine months of receipt of the application and associated fee (Target 100%)	85.7%	94.4%	

Workload/productivity

Transferring Qualified Lawyers (TQLs)

20. Applications for admission to the Bar from the various categories of TQLs continue to be the most common applications for waivers and exemptions received by the team, making up 44% of applications received during the reporting period (this is an increase of 5 percentage points on the previous reporting period). In total, the team received 586 applications from TQL applicants during the reporting period, more than three times as many as the next most common application type.
21. TQL applications accounted for more than a quarter of all application decisions taken by the team during the reporting period. At the end of 2023/24, TQL applications made up 62% of the live workload, an increase from the beginning of the reporting period. Demand for access to the online portal to submit an application continues to be very high and does not seem to be subject to seasonal peaks.
22. These applications are among the most complex dealt with by the team. Applicants are also more likely to challenge conditions imposed in their application decisions which results in a high level of related correspondence (by email and telephone).

Authorisation of Bar training providers (Vocational AETOs)

23. We did not receive any applications from prospective Bar training providers in the reporting period. The team continues to process material change requests from existing providers. We are continuing to work closely with them to ensure that students can complete their Bar Courses.

24. The team also works closely with the BSB’s Supervision Team to identify issues arising from the authorisation processes and ongoing course delivery that may require additional monitoring.

Authorisation of pupillage providers (work-based learning AETOs)

25. The team has continued to manage the transition of Pupillage Training Organisations (PTOs) to authorised status under our new regime. The deadline for completion of the transition was further extended to the end of quarter 1 of 2024/25 to allow all submitted applications to be processed. The team continues to withdraw applications which have not been progressed by applicants more than three months after creation, which has reduced overall numbers.
26. The team has granted AETO status to 272 pupillage providers and approximately 40 others are in various stages of processing (eg initial assessment, awaiting outstanding information, pending a decision, etc).
27. The majority of new provider and transitional applications continue to be submitted by barristers’ chambers. There has been some interest from solicitors’ firms, local authorities, and BSB entities to deliver work-based learning in the future.

Entities

28. At the end of this reporting period, there were 147 BSB authorised entities (including 14 Alternative Business Structures, which include lay ownership or management). The chambers model of governance for self-employed barristers remains the leading approach and there is limited demand for more varied forms of structure. Eighteen new entities were authorised in 2023/24, a rise of over a quarter on the previous reporting period.
29. There was an improvement in performance against the six- and nine-month service standards for these applications, and we expect that trend to continue in the next reporting period. We will be transitioning from an externally contracted portal system to MyBar for the hosting and submission of entity applications during the next reporting year and expect that this will lead to greater efficiencies in the assessment process and management of entity-related data.

Pupillage registration and completion

30. The pupillage registration and completion processes generate significant administrative burdens for the team in the Spring and Autumn periods (quarter 1 and quarter 3) due to the manual processing of the relevant forms. The team registered 611 pupillages during the reporting period, an increase of 14% on the previous year; however, 42% of these were registered in quarter 3 alone. There is a similar, though smaller, peak in the Spring when provisional practising certificates are issued. The team issued 286 of these certificates in quarter 1 of the reporting period (56% of the annual total of 511).

General Enquiries

31. The team responded to 13,871 email enquiries during the reporting period which was a 13% decrease on the previous year's total. The number of telephone calls answered increased by more than a third compared to last year to 3,608. Quarter 4 of 2023/24 also saw the number of telephone calls answered by the team exceed 1,000 for the first time.
32. Telephone enquiries commonly relate to the status of an application submitted to the team, but also to the pupillage registration and completion processes and more generally to the work of the team. The team introduced a second telephone extension in quarter 3 of 2023/24 in order to separately handle and monitor calls relating to TQL applications which were previously dominating the main team extension number.

Types of applications received by the BSB

33. The most common application types, amounting to 72% of the total applications received were:
- Admission to the Bar as a Transferring Qualified Lawyer ("TQL") (586)
 - Certificate of Academic Standing (153)
 - Pupillage reduction (94)
 - Authorisation to conduct litigation (66)
 - Reactivation of Stale Qualifications (63)
34. There has been no change in the most common types of applications, although applications for authorisation to conduct litigation have now overtaken those for the reactivation of stale qualifications. For each of these five application types, the number of applications received was higher than in the previous reporting period.
35. Overall, there was a 25% increase in the number of applications received compared to last year. The proportion of applications rated as 'High Complexity' in terms of their assessment rose by 5 percentage points to 54% of the total, in line with an equivalent increase in the number of applications from prospective TQLs.

36. There has been an increase in the number of applications withdrawn by the team. This is typically due to a failure to respond to requests for outstanding information or documents after a set deadline, a failure to submit an online application form more than three months after its creation, or to a notification from the applicant that the application is no longer required.

Contact and Assessment Team (CAT)

Performance against KPI/service standards

General Enquiries

37. In 2023/24, CAT exceeded its 80% target for providing a response to online queries (95.8%) and for referring online general enquires to other BSB teams within 3 working days (86.1%). This was the best annual performance for these KPIs since records began in CAT.

Initial Assessment

38. CAT assessed 1770 reports in 2023/24 which is the second highest year for reports assessed since reporting started in CAT in 2019/20. CAT assessed 61.1% of reports within the service standard. Although this fell short of the service standard of completing 80% of these assessments within 40 days of receipt, it was an increase from 2022/23 where 58.1% of reports were assessed within the service standard.
39. As highlighted by the Enforcement Review, CAT was understaffed throughout quarters 2 and 3 of 2023/24 which created a growing backlog of reports waiting to be assessed. An injection of temporary resource into the team and additional permanent senior staff were recruited for quarter 4 of the year and as a result, CAT was able to increase the number of reports assessed to 491. Quarter 4 produced the highest number of assessments per quarter for the year.

Table 2		Annual KPIs	
KPI	2022/23	2023/24	
General Enquiries			
General enquiries addressed within 5 days (Target 80%)	76.2%	95.8%	
General enquiries referred within 3 days (Target 80%)	57.5%	86.1%	
Initial Assessment			
Concluded or referred within 8 weeks (Target 80%)	58.1%	61.1%	
Quality Indicators			
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	97.9%	100.0%	

Quality

40. A total of 160 assessments were reviewed by the Independent Reviewer throughout 2023/24, either on an ad-hoc basis or as a result of the quarterly audit. A very high proportion of the decisions (98.2%) reviewed by the Independent Reviewers as part of the quarterly audit were considered to be “appropriately made”. 100% of decisions referred for independent review were upheld or partially upheld, which exceeded the KPI target of 95%.

Workload/productivity

41. The Fieldfisher Report of the Enforcement Review highlighted that there was a shortfall of resource in CAT which was having a detrimental effect on staff in the team and on the capabilities of the team to be able to progress assessments in a timely way. As outlined above, extra resource (both temporary short term and permanent staff) was recruited into the team in response to this report at the beginning of quarter 4. This resulted in the pool of open reports pending assessment reducing by approx. 20% during this quarter. CAT is keeping its permanent resourcing under review.

Types of concerns and conduct reported to the BSB

42. Family law continues to be the area of law that constitutes the highest number of reports to the BSB – 152 reports assessed in 2023/24 related to family law proceedings compared to 109 reports in 2022/23.
43. Assessments relating to criminal law matters produced second highest number of reports. In 2023/24 111 reports criminal law reports were assessed compared with 106 reports in 2022/23.
44. The highest number of reports assessed were around “conduct whilst acting in proceedings/potential proceedings”. This accounts for a quarter of all reports assessed in CAT. This should also be considered alongside the figures reflecting a higher number of all reports assessed came from a Litigant in Person (15.4% of reports in 2023/24, up from 11.7% in 2022/23).
45. A continuing trend is around reports received relating to “non-professional life”. A substantial number of the 240 reports assessed (13% of all reports) related to one distinct social media theme and accounted for 4% of all reports received.

Investigation and Enforcement Team

Performance against KPI/service standards

46. The Investigations and Enforcement Team (I&E) is responsible for investigating reports of breaches of the BSB Handbook referred by CAT and, where appropriate, taking enforcement action which can include disciplinary action for professional misconduct.

47. The KPIs applicable to I&E cover only investigations work and not disciplinary action but service standards apply to the latter. Performance against the relevant KPIs is shown in Table 3 below.

Acceptance of cases for Investigation

48. Having addressed in 2022/23 the backlog of cases awaiting acceptance for investigation, this KPI continued to be met throughout 2023/24. The overall performance across the four quarters was 91.3% of cases accepted for investigation within two weeks of referral against the target of 80%. Further, the average time it took to accept, or refer back, cases reduced significantly from 53 days in 2022/23 to nine days.

Table 3		Annual KPIs	
KPI	2022/23	2023/24	
Referral of cases			
Accepted or referred back within 2 weeks (Target 80%)	46.4%	91.3%	
Investigation			
Decision on disposal within 25 weeks (Target 80%)	42.9%	46.8%	
Quality Indicators			
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	80.0%	75.0%	
Number successful appeals against the imposition of administrative sanctions (Target 0%)	33.3%	100.0%	
Number successful appeals of Disciplinary Tribunal decisions attributable to procedural or other error by the BSB or discrimination in the decision-making process (Target 0%)	20.0%	0%	

Conclusion of investigation – KPI performance

49. Performance in relation to concluding investigations following acceptance was less positive. The year end outturn was just under half (46.8%) the investigations closed in the year were concluded within the 125-day target. This was only a slight improvement on 2022/23 when 42.9% of cases were concluded within the target. However, it was encouraging that performance in the last quarter of the year improved substantially: 63.6% of investigations closed in that quarter were closed within the target 125 days.
50. As was expected, with the Accelerated Investigations plan improving throughput and reducing the number of cases in the system, the total number of investigations concluded was less this year. This meant that 94 investigations were concluded as opposed to 177 in 2022/23.

51. Whilst the KPI was not met, the overall age profile of cases decreased, showing that the enforcement process is speeding up and cases are generally being progressed more quickly. The median number of working days for the investigation stage to conclude has dropped from 171 to 129.5 and the median time from referral to I&E by CAT until a decision at the end of an investigation has also decreased substantially from 238 working days to 145.5.
52. In addition to this, “aged” cases (defined as those which have been at the investigation stage for over 250 days) has decreased for the second year running. At the beginning of 2022/23, before the Accelerated Investigations plan, this number stood at 23 (17% of the overall caseload). It went up to 33 by August 2022 but by the end of 23/24 the number stood at 9 cases (11%) and 3 of those are related to the same barrister. It is also notable that only one of these 9 cases was an aged case at the end of 22/23, indicating that older cases are being closed and not the same cases year on year.

Workload/productivity/outcomes

53. The total caseload within the team reduced slightly over the year, from 162 live cases at the start of the year to 146 at the end. This mainly reflects the reduction in cases referred from CAT which went down from 122 to 108.
54. The overall complexion for the enforcement caseload has changed since the Accelerated Investigations plan with disciplinary cases making up a greater proportion of the workload and fewer cases in the system that are suitable for staff decisions.
55. The overall number of cases at the investigation stage has dropped, and, by proportion, there has been an increase in cases at disciplinary stage. At the end of the year, there were 52 live disciplinary cases out of an overall total of 146 cases (36%). During the year 39 tribunal cases were concluded as compared to 25 in 2022/23. This increase in tribunal work is an effect of the increased number of investigations concluded under the Accelerated Investigations plan, leading to more referrals to disciplinary action which are now moving through the system.
56. One other notable change in outcomes has been a decrease in the number of investigations disposed of by way of administrative sanction. This is a tool to mark breaches of the Handbook that do not amount to professional misconduct requiring disciplinary action. Last year, 127 investigations were concluded without referral to disciplinary action and 57 of these were dealt with by imposing an administrative sanction, this year it was 14 out of 54. This is a drop from 45% to 26%. One of the main factors in this reduction has been the change in approach to addressing first time practising certificate breaches, which are now dealt with earlier in the enforcement process, within CAT. In the past such cases would likely attract an administrative sanction in the form of a warning. The number of cases relating to these breaches which resulted in an

administrative sanction dropped from 17 last year to 2 this year. This change in approach also contributed to the substantial drop in decisions taken by staff which went down from 100 to 27, with 36 more staff decisions relating to practising certificate cases being taken last year than this year. In 2022/23 these decisions were a mixture of administrative sanctions, withdrawals and dismissals.

Quality of decision making

57. We monitor the quality of decision-making at the investigations and disciplinary stages via the quality indicators set out in Table 3. The results indicate that quality of decision making continues to remain high. While, in 2023/24 only one out of the three indicators were met, the other two were missed in both cases as the result of a decision in one case.
58. There were no successful appeals to the High Court against Disciplinary Tribunal findings that were due to procedural or other error by the BSB. However, out of the four requests for review of post-investigation decisions that were received during the year, the Independent Reviewer recommended a decision be reconsidered in one case. In that case, an Independent Decision-Making Panel (IDP) had imposed an administrative sanction. The Independent Reviewer recommended that the decision be reconsidered on the basis the barrister had not been able to comment on all the relevant documents. A fresh IDP accepted the recommendation and went on to dismiss the allegations. Finally, there was only one appeal against the imposition of an administrative sanction out of 14 cases in which such sanctions were imposed. The original decision to impose an administrative fine was taken by an IDP. The appeal was allowed by a three person BTAS panel. The panel were of the view that the allegations could not be proved without the benefit of live evidence and cross-examination.

Types of concerns and conduct subject to enforcement action

59. The types of conduct referred for investigation continues to be varied and it is difficult to discern any specific trends. Dishonesty and undermining trust and confidence in the profession, were the most common potential breaches subject to investigation, featuring in nearly 45% of the new investigations opened. What is of note is that only a few new investigations this year related to misleading the court or others (8) as compared to 2022/23 when 25 cases included such allegations.
60. In relation to proved findings of professional misconduct at Disciplinary Tribunals, out of the 30 barristers subject to such findings, 20 of them were subject to charges related to either dishonesty and/or acting without integrity. Overall, 67% of proved tribunal cases arose from such charges. This is reflected in the tribunal sanctions imposed during the year with 10 barristers being disbarred and 9 subject to suspensions.

Supervision Team

61. Our [Supervision Strategy and Framework](#) sets out our approach to supervising barristers, chambers, BSB entities and Authorised Education and Training Organisations. The focus of Supervision is to seek assurance that risks identified at both an individual and sector level are being controlled in a proportionate manner so that those risks do not materialise (or if they do, they can be mitigated effectively). The team takes both a reactive and proactive approach: reactive in terms of the unsolicited information we receive from a range of sources about practice at the Bar, and proactive, to gather evidence to support our risk-based approach and to ensure that we are targeting our resources where they are most needed.

Performance

62. The Supervision Team has three KPIs, which ensure that:
- cases are allocated promptly to an officer following referral from the Contact and Assessment Team (within 3 working days);
 - cases are assessed for the most appropriate regulatory response (within 20 working days); and
 - letters with remedial actions are issued promptly following a Supervision visit (within 5 working days).
63. The Supervision Team met all of its KPIs.

Table 4		Annual KPIs	
KPI	2022/23	2023/24	
Allocations			
Assigned within 3 working days (Target 80%)	100.0%	100.0%	
Regulatory Response			
Agreeing a regulatory response within 20 working days of the case being assigned (Target 80%)	94.4%	98.4%	
Visits			
Report letters issued within 5 working days of a visit to an organisation (Target 80%)	90.9%	85.7%	

Concerns reported to the BSB

64. There was a 31% increase in the number of cases referred to Supervision from the Contact and Assessment Team or opened directly by Supervision. This year's total (192) was closer to the number for 2021/22 (209). This followed a dip in the number of cases in 2022/23, when the cyber-attack resulted in fewer cases being referred to Supervision by the Contact and Assessment Team.
65. There was also an increase in the proportion of cases which came directly to Supervision compared with 2022/23 (42.3% vs 30.7%).
66. The number of cases closed by Supervision after taking regulatory action increased by 72% in 2023/24. This shows the impact of the work on the Regulatory Returns coming to an end, which freed up staff capacity to focus on other types of cases.

Themes

67. Reports covered a wide range of themes typically referred to Supervision, including:
- adequacy of complaints handling;
 - compliance with the price, service and redress transparency rules;
 - data breaches and cyber-attacks;
 - bullying, harassment and discrimination; and
 - barrister competence.
68. The outcomes from this will feed into the work that the BSB is doing to promote good practice in chambers, following our recent [consultation](#); our work in the area of bullying and harassment (see below); and the development of our rules and guidance on complaints handling in response to the Legal Service Board's recent publication of revised requirements and guidance².

Vocational Bar training

69. We opened 13 cases concerning vocational Bar training, in relation to four Authorised Education and Training Organisations (AETOs). Some of these concerned issues that were reported by students, some arose from the work of our External Examiners, who monitor the standard of assessments set and marked by the AETOs, and others were reported by the AETOs themselves in relation to issues that they had identified.

² <https://legalservicesboard.org.uk/news/lbs-bolsters-requirements-on-how-lawyers-handle-consumer-complaints>

70. Our main focus in Supervision this year was working with the University of Hertfordshire following the BSB's decision in August 2023 to vary the authorisation to deliver vocational Bar training, resulting in suspension of course delivery.
71. We have worked with the University to ensure the necessary improvements are being implemented and we recognise the considerable work put in by the University to ensure that appropriate standards are met. The University has been authorised to recommence course delivery from September 2024 and we will continue to closely monitor course delivery to ensure that the University is complying with the mandatory requirements in the Authorisation Framework and that students are properly supported.

Pupillage

72. We received 21 reports about pupillage compared to 18 in 2022/23. A common theme continues to be the need to make appropriate reasonable adjustments where necessary to provide the right support for pupils to enable them to successfully qualify as barristers. We have picked up on this theme at pupil supervisor training events, through discussion of common scenarios and sharing of good practice.
73. In addition, the following were areas of particular focus in relation to pupillage this year:

- *Pupil supervisor refresher training*

We received nine referrals from the Authorisations team, who had identified pupillages being registered with pupil supervisors who had not completed mandatory refresher training when due. As set out in [Part 4B of the Bar Qualification Manual](#), refresher training for pupil supervisors is mandatory every five years, or after three years if the individual has not been a pupil supervisor during that time. We would encourage all AETOs to put processes in place to ensure that their pupil supervisors receive timely refresher training that meets the outcomes specified in the Bar Qualification Manual.

- *Professional Ethics assessment in pupillage*

There is now a BSB centrally-set and marked open-book exam during pupillage. The exam must be passed in order to get a full Practising Certificate, ie by the end of pupillage. There are three sittings each year and there have been eight sittings so far. Across all sittings, there is a first

sit passing rate of 85.6% and a passing rate of 86.4% for all candidates across all sittings.³

Candidates who have failed the exam receive feedback on each of the questions which were scored ‘Poor’ or ‘Unacceptable’. Candidates who have failed the exam three times are also provided with more holistic feedback covering all three attempts they have made at the exam and, in eight cases, the Supervision team also followed up with relevant chambers to see if there were any particular problems connected to their pupillage experience. Generally, pupils have told us either that they did not prepare, or were out of practice with timed exam technique. We do not prescribe any programme of prior study by way of preparation for the exam but pupils and pupil supervisors can download a syllabus from our [website](#) and there is a mock exam for candidates to use. In addition, there are external sources of help referenced on our website to help pupils prepare for this assessment, as well as a detailed report of each exam by the Exam Board Chair. We would encourage all pupils and pupil supervisors to access these resources.

Home Office reports on abuse of the immigration system

74. In 2023/24, 23 referrals were made to the Supervision team relating to reports from the Home Office about the conduct of barristers appearing in the immigration tribunals. This reflected increased focus in 2023 by the previous government on the small minority of lawyers who they alleged are helping migrants exploit the immigration system⁴.
75. Although Supervision did follow up some concerns with the respective chambers or barristers, most of the Home Office reports contained very limited information and lacked evidence of misconduct, which meant that most reports could not be actioned. However, this was a transitional period at the Home Office, which was in the process of establishing a new “Professional Enabler” team, to enable more effective referrals to be made to regulators when there is evidence-based suspicion of abuse of the immigration tribunals.
76. Together with staff from the Contact and Assessment Team, and the Investigations and Enforcement Team, the Supervision Team met with this new Home Office team, so that they could share information about the types of issues that give rise to concerns. In turn, we explained how our respective teams work, and the type of information and evidence that the BSB requires to proceed with any supervisory or enforcement action.

³ <https://www.barstandardsboard.org.uk/static/f3d97722-6a54-4685-9a53f03e87d06c9d/April-2024-Ethics-Chairs-Reportdocx.pdf>

⁴ <https://www.gov.uk/government/news/government-to-build-cases-to-prosecute-rogue-immigration-lawyers>

77. In particular, we have taken disciplinary action where barristers fail to adequately supervise unregulated immigration advisors in line with our rules and supporting [guidance](#). This guidance was published because we consider this to be an area of particular risk to standards.
78. The Supervision team also joined a forum led by the Ministry of Justice, together with other legal and immigration regulators, which was established to improve intelligence sharing. In April 2024, the BSB signed a [Data Sharing Agreement](#) with the Office of the Immigration Services Commissioner in support of this and we have taken joint action where appropriate.

Death of barristers with an active practice

79. This year three self-employed barristers with practising certificates passed away. When this happens, barristers' chambers are able to administer the consequences where there are live cases and/or paper or electronic records to be securely handled. For barristers who work as sole practitioners, there are sometimes no contingency arrangements in place, and this leads to family members or friends contacting us for assistance.
80. In two of the three cases reported to us this year, whilst the barrister had a practising certificate, there were no live cases in progress. There were, however, a number of case files that had to be secured – returned to the instructing solicitor or public access client where we could locate them, or destroyed with their permission. Locating the instructing party can be complicated, and therefore time-consuming, for a number of reasons, for example:
- Public access immigration clients may no longer be in the country.
 - Solicitors' firms may have closed down.
81. In another case, the barrister was receiving public access instructions from an intermediary platform. In this instance, the intermediary co-operated well with us, and assisted with reallocating live cases. However, as such intermediaries are not regulated by the BSB, we are reliant on their goodwill to co-operate with us.
82. All sole practitioners, or self-employed barristers who have a public access practice outside of their chambers, should ensure the following:
- Filing systems should be maintained up to date, with papers clearly organised by instruction and client.
 - Original documents should be clearly marked as such, and administered in line with the [public access guidance](#), which strongly discourages barristers to store original documents.

VAT

83. We have received a number of reports recently where barristers have used incorrect VAT numbers on their invoices, or have charged VAT for their services when they fell under the income threshold for doing so. We would encourage all chambers to check that their barristers' VAT details are correct when making billing arrangements.

Other reports relating to our Supervision activity

84. We are responsible for the supervision of relevant persons under the Money Laundering Regulations. The Regulations require us to publish a separate annual report on our supervisory activity, which can be found [here](#). The 2023/24 report is due to be published in the autumn.
85. We also publish an annual report on Bar training which can be found [here](#). The 2023/24 report is due to be published later in the year.

Themes and trends

Bullying & harassment

86. There has been a fall in the number of cases received relating to sexual harassment/misconduct (16 down to 7 cases). Most of these cases relate to bullying and/or harassment within the profession and do not relate to members of the public. Towards the end of the year we commenced an Outreach Programme with the profession in line with the recommendations in our report [Addressing Bullying and Harassment at the Bar](#). The Programme, which consists of face-to-face presentations and Q&As, is intended to provide information to the profession about how we handle reports particularly of harassment, including sexual harassment, with a view to encouraging such reporting. We intend by the end of 24/25 to have held events in all six Circuits. The first event was held in March in London for the South Eastern circuit and was very well attended. A second, equally well attended, session was held in Birmingham in June. We very much hope that following these events, reports will increase.
87. We are monitoring implementation of the other recommendations in the report in order to evaluate outcomes and success.

Use of social media

88. Although the number of reports relating to barristers' use of social media fell in 2023/24, we have seen an increase in the proportion of those reports which relate to controversial social and political issues. Considerations of freedom of expression and barristers' private lives have meant that the majority have not been progressed to investigation. In September 2023 we issued new [social media guidance](#) along with guidance on [Conduct in Non-Professional Life](#). Both documents have been well received and provide greater clarity on when the BSB will have a regulatory interest in such conduct, and when we will consider taking regulatory action.

Increase in TQL applications

89. The number of applications received for admission to the Bar as a Transferring Qualified Lawyer (TQL) has remained very high during this reporting period, and this trend appears to be continuing into the next reporting period. On average, more than 50 new TQL applications were submitted each month during the reporting period; however, a small proportion of these were withdrawn subsequently due generally to a lack of response to information or fees requests or to applicant error (eg submitting duplicate application forms on the online portal).
90. Around a fifth of applications received during this reporting period were from solicitors qualified in England and Wales seeking to cross-qualify. The biggest regional grouping of applications continues to be those received from Pakistan, Bangladesh and India. Collectively, this grouping amounted to more than half of all TQL applications submitted during this reporting period. It remains unclear why application numbers have continued at such a high level, or why applications from that particular region outpace all others (eg Europe, North America, etc). We are undertaking some research to better understand this.
91. At the beginning of quarter 4, we established a dedicated taskforce to focus solely on these applications. The impact of this dedicated resource should be seen during the next reporting period.

IDB reviews of Inns Conduct Committee decisions

92. There has been a significant increase in the number of review applications received in respect of decisions taken by the Inns' Conduct Committee ("ICC"). These decisions relate to the misconduct of student members of the Inns of Court and applications for admission to an Inn where there are concerns that the applicant may not be a fit and proper person to become a practising barrister.

93. Requests for review of ICC decisions are generally more complex and time consuming for the IDB than reviews of Executive decisions taken by the Authorisations team, which commonly relate to applications for admission to the Bar as a Transferring Qualified Lawyer and for reductions in pupillage. The ICC review requests received during this reporting period were mainly in respect of findings of academic misconduct, criminal offences or other relevant orders, and the use of social media.
94. Further training on ICC review requests was provided to IDB members during quarter 3 of 2023/24 and we will continue to review the available guidance for IDB panels in respect of these types of cases and the application of the ICC Rules and related Fit and Proper Person guidance.

Looking ahead

95. Due to the increase in TQL applications outlined at paragraphs 89-91, and the fact that there had been no increase in fees since 2015, in April 2024 we implemented an inflationary increase to our application fees. We are presently considering whether we will look to implement a full cost recovery model once we implement the efficiency savings we have identified in processes.
96. As outlined in the Executive Summary, we have moved into the implementation phase of the new KPIs and balanced scorecard. In September 2024, the Board will consider the first performance report (covering quarter one) assessing operational decision-making using the new measures. The KPIs are underpinned by a suite of service standards and performance monitoring measures which we hope will enable us to analyse our operational casework statistical data proactively rather than reactively.
97. We have also commenced work on implementing the recommendations of the [Enforcement Review](#) carried out by Fieldfisher LLP which we published on 12 April 2024. The Review covered all the BSB's systems, processes and policies and made wide ranging recommendations for improving our enforcement system.
98. Fieldfisher found that “the enforcement procedure adopted by the BSB is in line with similar models used in professional regulation elsewhere” and that “fundamentally the approach was appropriate” but the report also made a wide range of recommendations for improvement over eight different areas. Those recommendations include:
- creating a new executive role to oversee continuous improvement of the enforcement process;
 - improving our approach to knowledge management;
 - better communication with consumers to ensure that the public understands what the BSB can help with and what we cannot;
 - the re-engineering of some processes and of the Case Management System which supports our people in delivering those processes;

- a number of further changes intended to bring about improvements in the performance and effectiveness of both the BSB and the Bar Tribunals and Adjudication Service (BTAS) which provides disciplinary tribunals.
99. The report also recommends that sections of the BSB Handbook should be adapted, and that the language used should be simplified. The recommendations were welcomed by the Board and are now being taken forward by the Executive. Full implementation of the recommendations will take several years although many recommendations will be implemented much sooner and some are already complete. The implementation programme forms part of a wider BSB Reform Programme and will feed into our new five-year Strategy which we will be developing in 2024/25.

Concluding comments

100. This year's Regulatory Decision-Making report will be the last published in this format and against our current KPIs. As we identified in last year's report, our existing KPIs do not provide a holistic picture of our regulatory decision-making performance. At its meeting on 21 March 2024, the Board approved a "balanced scorecard" of new KPIs which we have been using to monitor our operational performance from April 2024 onwards.
101. The introduction of the new KPIs follows a year-long pilot, with the aim of rebalancing our performance reporting from an almost-exclusive focus on timeliness to a range of measures which we feel more fully reflect our work. The new balanced scorecard therefore contains indicators for Quality, Timeliness, Service and Productivity. In September 2024, the Board will consider the first performance report (covering quarter one) assessing operational decision-making using the new measures. The KPIs are underpinned by a suite of service standards and performance monitoring measures which we hope will enable us to analyse our operational casework statistical data proactively rather than reactively.
102. We have also commenced work on implementing the recommendations of the [Enforcement Review](#) carried out by Fieldfisher LLP. The Review made wide ranging recommendations for improving our enforcement system, all of which have been accepted by the Board. Full implementation of the recommendations will take time although we will be aiming to introduce the recommendations as soon as possible and have already implemented some. For example, we have amended our website to give those considering reporting a concern to us greater guidance as to when they should do so. The implementation programme forms part of a wider Reform Programme and will feed into the BSB's new five-year Strategy which will be developed in 2024/25.

103. We believe that that wider reform programme and other measures including a review of our authorisations work will further enhance the efficiency and effectiveness of our regulation of the Bar. We hope too that our efforts to improve the understanding of our work will encourage those who need our assistance, or who wish to report their concerns, to come forward.

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Independent Decision-Making Body

Annual Report 2023/24

Legal & Enforcement Department
Regulatory Operations Department

Table of Contents

<i>Chair's Introduction</i>	3
<i>Update on the work of the IDB</i>	4
Reconvened IDB panels.....	4
Increase in IDB training and panel fees.....	4
Recruitment of new barrister and lay IDB members	5
Accelerated IDB panel meetings	5
<i>Performance Statistics</i>	6
Number of panel meetings.....	8
Enforcement & Authorisations cases.....	8
Decisions taken	8
<i>Reviews and Appeals of IDB Panel decisions</i>	10
<i>Summary of IDB Quarterly and Chairs training</i>	11
<i>Summary of IDB Members feedback</i>	12
<i>Enforcement Review by Fieldfisher LLP</i>	13
<i>Conclusions and Chair's comments on overall performance</i>	13

Chair's Introduction

- 1.1 This is the fifth Annual Report of the Independent Decision-Making Body (IDB). This year has marked my first full year in the role of Chair and has been a time of consolidation and embracing change.
- 1.2 This report spans a period during which the IDB has adapted to the “new normal” post Covid, with remote meetings now well established. The Fieldfisher report towards the end of the year was a time to understand and reflect on the changes we have made both pro-actively and by reason of prevailing circumstances, and has been a helpful litmus test of our relative success in embracing those changes.
- 1.3 The increase in reconvened meetings over the last year has been a source of resourcing challenge, but has happily been absorbed by the current member capacity. That is not to say we can be indifferent to the need for additional members of the IDB in the coming years in meeting what is likely to be an increased workload in light of significant ongoing matters currently in the full glare of public attention.
- 1.4 In November 2023 the first IDB recruitment process of my tenure began. That process was an opportunity to stress test how we recruit, who we recruit and how we induct new members to the IDB. The latter part of that process is a matter for next year’s report, however the formative elements of the process, whilst in framework we found to be fit for purpose, will need to be amended before we seek to recruit in the future. We have therefore set up an IDB led joint Executive/IDB working Group to look at the job description and role specifications against which we are recruiting to ensure as much confidence in the process as possible.
- 1.5 The overall number of meetings taking place was consistent with last year’s and demonstrates the embedding of the learning points that came from the accelerated meeting process. The consistency of case outcomes, with 52 cases being referred year on year may be a blunt figure but does suggest a consistency both of workload and approach, with the case outcomes being well within tolerable bounds at 88.6% of case being referred leading to at least one charge being found proved.
- 1.6 Those figures amongst others suggest that the IDB decision-making process is working to produce good quality outcomes and sound decision making.
- 1.7 In writing this report I have reviewed last year’s Annual Report in which the IDB was still grappling with the need to provide more detailed reasons in decisions following the case of *Eve v BSB* (handed down in July 2021). There is no doubt that issue has been tackled head-on in the years since *Eve*, but we do now need to ensure we do not go too far the other way. Sound decision-making should be supported by sound written reasoning. Decisions should not be over-engineered, over-elaborate and thereby risk being impenetrable to the parties and to the public at large.
- 1.8 There is a happy medium to be achieved and part of achieving that is to ensure a level of consistency in the IDB’s written decisions. It is clear that best practice requires a level of consistency in decision-making and reasoning that needs our attention moving forward.

Update on the work of the IDB

Reconvened IDB panels

- 2.1 In this reporting year there has been a significant increase in the number of IDB cases returning to IDB panels as ‘reconvened cases.’ In the previous reporting year, three cases returned to an IDB panel as opposed to the nine reconvened cases that have been re-scheduled for IDB panels in this reporting year. There are various reasons behind the cases returning which have included a request for review by the BSB Independent Reviewer from either the Barrister subject of the IDB Panel, or the Information Provider (IP) who initially made a report about the barrister, to the BSB.
- 2.2 As a consequence of the increase in reconvened panels, it has been necessary to invest more time and resources in scheduling additional meetings and has also necessitated more commitment by the IDB members to make themselves available at short notice to sit on panels. Some of the reconvened panels require that the original panel combination re-consider the case which can again create further pressure and delay in trying to identify times and dates which are convenient to those specific IDB members.
- 2.3 Given the continued rise in the number of reconvened panels, next year’s report will provide a full analysis detailing the circumstances which give rise to reconvened panels being scheduled and any trends identified.

Increase in IDB training and panel fees

- 2.4 Following Board approval in July 2023, it was agreed that there would be an increase in IDB fees applicable to both IDB training and IDB panels with changes effective from 1 April 2024. The Board agreed that the usual day rate be increased from £308 to £330 per full day and £154 to £165 per half day representative of a 7% increase.
- 2.5 Cognisant of the fact that IDB fees had not been reviewed since 2015 the Board also noted benchmarking which showed that this increase would align our fees with the average and median across the legal regulatory and other regulatory sectors.
- 2.6 The Board also agreed that a higher rate should be paid for IDB panel meetings (but not for IDB training sessions), with a supplement of £100 per full day and £50 per half day to compensate for reading time. It was also agreed that a loading fee should be paid to those IDB members who act as Panel meeting Chair of £100 per full day and £50 per half day. As above, these changes to fee structure were to be effective from 1 April 2024.
- 2.7 Notification of the increase in fees was communicated to the IDB members in July 2023 and met with a very positive reaction.

Recruitment of new barrister and lay IDB members

- 2.8 A recruitment process was undertaken in late Autumn of 2023 by the BSB's Governance Team with a view to recruiting 3 new Barrister and 6 new Lay members. This was to replace 6 members, 4 of whom had reached the maximum permitted term having been with the IDB since its inception in 2019. The response to the recruitment campaign was high with 99 (19 Barrister and 80 Lay) applications.
- 2.9 In an effort to increase diversity within Barrister applicants a number of communications were sent, prior to advert publication, by the IDB Chair to Specialist Bar Associations and Equality and Diversity Groups and Associations whose membership was identified as being under-represented on the IDB. We consider it important as a body to ensure that the Barrister members recruited represent the best possible cross-section of the profession, whether in terms of practice area, seniority or protected characteristics.
- 2.10 Following the closing date for applications in early December 2023, long and short listing took place with interviews conducted in mid-February 2024. 3 Barrister and 5 Lay members who were successful were offered the role and all accepted with an official appointment date set for 1 April 2024 and a 2-day induction scheduled in Mid-April 2024.
- 2.11 The successful in-person induction and progress of the 8 new IDB members will be addressed in more detail in the 2024/25 IDB Annual report.

Accelerated IDB panel meetings

- 2.12 The plan put in place by the Executive in 2022/23 to accelerate the pace of investigations and thus clear a backlog in cases that had arisen, continued throughout the first half of 2023/24 concluding in September 2023. The IDB's role in the plan was to provide increased capacity to consider cases by holding more and longer meetings, in order to meet the increased throughput of cases referred from the Executive. The statistics in the table at 3.2 below show that the pace and throughput of cases remained high in 2023/24 with 88 cases being considered at 44 meetings. This is compared to 68 cases and 39 cases in the last full year prior to the introduction of the plan (2021/22). It is of note that even though the accelerated arrangements ended in September 2023, the throughput of cases during the year was evenly distributed with 45 cases being considered by IDB panels before October and 43 after.
- 2.13 Following the conclusion of the accelerated investigations plan, the IDB reviewed the temporary arrangements that had been put in place to support the accelerated throughput of cases with a view to deciding whether any should be adopted on a permanent basis. The membership were surveyed and there was strong support for continuing the practice of drafting and approving the written reasons for decisions outside meetings. Whilst the membership accepted that this required increased time commitment from them, the practice substantially increased efficiency at meetings allowing more cases to be considered in less time.

- 2.14 The membership was also supportive of continuing to use document sharing software to allow for collaboration, and the involvement of all panel members, in refining the final contents of written reasons. As a direct result of this more collaborative approach to drafting, a small working group of the IDB has been set up to review the format of written reasons with a view to creating greater consistency in content and length of the reasons.
- 2.15 There were a number of other changes related to scheduling which the Executive took forward, including a limit on the number and size of cases per meeting, more accurate time estimates for cases and notification of dates for meetings provided with longer lead times. Where possible, earlier access to bundles is also provided, especially for the Chair, to allow for more effective preparation. The Executive has also incorporated feedback from the IDB on the drafting of summaries and allegations, and the organisation/structure of bundles. The reference resources available to the IDB in decision-making have also been restructured and updated to improve methods of navigation through those resources. These amendments to processes have contributed to the continued improvement and efficiency of IDB panels and will continue to embed and be added to in the coming year.

Performance Statistics

- 3.1 This section outlines the work carried out by the IDB covering the reporting period 1 April 2023 to 31 March 2024.
- 3.2 The number of panel meetings and cases considered:

Number of meetings	Cases	Decisions	Type†
Enforcement			
44 meetings Full day - 24 Half day - 20	88	Referred to disciplinary action - 52 DBC* referrals - 1 DBC* proved - 5 Referral to 3-person Tribunal - 12 Referral to 5-person Tribunal - 28 Confirmed original decision** - 6 Closed after investigation - 30 Administrative sanctions issued - 8 (Fines - 5) (Warnings - 3) Referred to Supervision - 1 Dismissed - 18 Confirmed original decision** - 1 Change decision to - dismissed insufficient evidence*** - 2 Put back for further enquiries - 4 Considered and agreed to review and reconsider case****-2	
Authorisations			
10 meetings Full day - 5 Half day - 5	17	Executive Decisions: 10 Affirm Executive Decision - 5 Substitute Another Decision - 5 Further information required - 0 ICC Hearing Panel Decision: 7 Affirm ICC Decision - 6 Adjourn case - 1 Substitute a new decision - 0 Rejected-Out of time submission: 0	Pupillage Reduction - 3 Admission to the Bar as a Transferring Qualified Lawyer - 4 General Exemption - 2 Inns' Conduct Committee (ICC) decision - 7 Pupillage Funding and Advertising & Recruitment Requirements Waiver - 1

*Determination by Consent

**Reconsidered cases with outcome confirming original decision

***Reconsidered cases with outcome changed from original decision

****Reconsidered cases with outcome to re-discuss

†For Authorisations only

Number of panel meetings

3.3 The table shows the number of IDB meetings covering the period 1 April 2022 to 31 March 2023 compared to the reporting period 1 April 2023 to 31 March 2024.

Meeting Type	2022/23	2023/24
Enforcement	50	44
Full Day	23	24
Half Day	27	20
Authorisations	8	10
Full Day	4	5
Half Day	4	5

Enforcement & Authorisations cases

3.4 The table shows the breakdown of cases/applications considered covering the period of 1 April 2022 to 31 March 2023 compared with the reporting period of 1 April 2023 to 31 March 2024.

Meeting Type	2022/23	2023/24
Enforcement*		
Cases	98	88
Authorisations		
Applications	17	17

* This includes reconsiderations for Enforcement - 3 in 2022/23, 9 in 2023/24

Decisions taken

3.5 The table shows the outcomes of enforcement meetings covering the period 1 April 2022 to 31 March 2023 compared with the reporting period 1 April 2023 to 31 March 2024.

Outcome	2022/23	2023/24
Put back for further enquiries	12	4
Closed after Investigation	32	30
Administrative Sanction - Discretionary Fine	14	5
Administrative Sanction - Warning	2	3
Referred to Supervision	0	1
Dismissed	16	18
Confirmed original decision*	0	1
Change decision to - dismissed insufficient evidence**	0	2
Considered and agreed to review and reconsider case***	2	2
Referred to Disciplinary Action	52	52
D5	36	28
D3	10	12
DBC - initial referral	1	1
DBC - proved	4	5
Confirmed original decision*	1	6

*Reconsidered cases with outcome confirming original decision

**Reconsidered cases with outcome changed from original decision

***Reconsidered cases with outcome to re-discuss

3.6 Remaining on the topic of decisions taken, the table below shows the percentage of cases referred by the IDB to a Disciplinary Tribunal that resulted in at least one proved Charge. In 2023/24 **35** cases that were originally referred to a Disciplinary Tribunal by the IDB were heard at tribunal, of these **88.6%** were proved. The statistics shown in the table below give a clear indication of the continuing high quality and sound decision making of the IDB.

Case Outcome	Number of Cases	Percentage of Cases
Dismissed	3	8.6%
Struck Out	1	2.9%
Proved	31	88.6%
Total	35	100%

3.7 The table showing the outcomes of Authorisations meetings covering the period 1 April 2022 to 31 March 2023 compared with the reporting period 1 April 2023 to 31 March 2024.

Outcome	2022/23	2023/24
Executive Decisions	15	10
Affirm Executive Decision	7	5
Substitute Another Decision	7	5
Further information required	1	0
ICC Hearing Panel Decision	1	7
Affirm ICC Decision	0	6
Adjourn case	0	1
Substitute a new Decision	1	0
Rejected (out of time submission)	1	0

Reviews and Appeals of IDB Panel decisions

- 4.1 There were **2** reviews of IDB decisions carried out by the Independent Reviewer (IR) in the reporting period. In both instances a barrister requested a review of the decision to refer the case to Disciplinary Action. In both instances the IR recommended that the original decision be upheld and the panel agreed with the recommendation.
- 4.2 In terms of appeals, there were **4** appeals in total. There was one appeal against an administrative sanction. This was successful with the Appeal panel disagreeing with the IDB panel's assessment of evidence.
- 4.3 In relation to Authorisations cases, there were **3** statutory appeals filed in the High Court. Two of these appeals were concluded on agreed terms (one was allowed by the court and one was dismissed), and the other was struck out.
- 4.4 There was a single Judicial review arising from decisions of the IDB in the reporting period linked to one of the appeals referred to above. This is ongoing at the time of writing.
- 4.5 One IDB decision taken in the year 2023/24 is under ongoing review. This is a reporter who has requested that a panel review its decision to dismiss allegations against the barrister.

Summary of IDB Quarterly and Chairs training

- 5.1 The IDB has continued to be provided with quarterly training sessions, participation in which remains high with a combination of online and in person attendance. IDB Quarterly training during this reporting period took place in June, September and December 2023 and March 2024. Additionally during this reporting period IDB members were provided with tailored Chairs training and specifically for the Lay IDB members a bespoke visit was arranged to a local Barristers Chambers, both of which are dealt with in more detail below.
- 5.2 The content of quarterly sessions remains based on feedback from IDB members, and any issues identified by the Executive which are then finalised in collaboration with the IDB Chair and Vice Chair.
- 5.3 In late April 2023, shortly before the quarter 1 training session a number of IDB members took part in focused Chairs training. This session was facilitated by external training consultants and focused on training IDB members on the role of the Chair to equip them with the skills and confidence to perform this function. To specifically tailor the training to IDB panels, existing IDB members with previous Chairing experience joined the session.
- 5.4 The quarter 1 session included IDB members being provided with refresher training on honesty and integrity and the application of these themes in a professional regulatory context. The IDB members were provided with refresher training on key areas of the Handbook and relevant case law. This was followed by an update on the accelerated investigations programme which commenced in November 2022. The session concluded with CaseLines training. This is considered essential to IDB members' working knowledge of how to navigate and utilise this electronic platform to its full potential including how to locate resources, training materials, case law and policies.
- 5.5 The quarter 2 session was training delivered by external Counsel on the application of Article 8 of the ECHR in IDB decisions. The session then proceeded with an interactive refresher training on the Determination by Consent procedure and concluded with a further update on the accelerated investigations programme.
- 5.6 In quarter 3 the session began with input from the Authorisations Team who provided refresher training on the various types of review applications including Inns Conduct Committee (ICC) cases and introduced a newly devised Authorisations meeting focused flowchart which has been favourably received. This was followed by training delivered by members of the Legal Support Team on the topic of Conduct in Non-professional Life and Social media guidance which helpfully coincided with the finalisation and publication of the BSB's policy on this topic.
- 5.7 In mid-January 2024 the Operational Support Team with the assistance of the IDB Vice Chair arranged for Lay IDB members to visit a local Barrister Chambers. This allows Lay members to gain a better understanding of a Chambers environment and barrister working practices.

5.8 The quarter 4 training session was delivered by the Legal Support Team on the topic of Reviews of regulatory decisions and the Role of the Independent Reviewer. This is something which given the increase in reconvened IDB panel meetings dealt with earlier in this report has been identified in IDB members feedback as something which would greatly assist them. This was followed by dedicated training on Transparency Rules from BSB Senior Regulatory Officers. This training topic again had been identified from IDB member feedback. The session concluded with further update on the Enforcement Review being undertaken by Fieldfisher LLP, changes in IDB fees and invoicing processes and an update on new IDB member recruitment with planned inductions in April 2024.

Summary of IDB Members feedback

- 6.1 Over the period of this report, feedback received from IDB panel members which is used as part of the Quality Control (previously known as ‘appraisal’) process has continued to be monitored. Within 7 days of the meeting taking place, each member is sent a link to an online self-reflection and colleague appraisal form in which they are invited to reflect on their own performance and that of their fellow panel members. The feedback data collected continues to be disseminated to individual IDB panel members every 6 months as part of the ‘360 feedback’ rolling programme delivered by the Operational Support Team.
- 6.2 Panel members have continued to be diligent in the completion of the online feedback surveys and have offered constructive comments and suggestions which inform the topics that are selected for IDB training sessions.
- 6.3 Comments from feedback during this reporting period suggest that the quality of the Chairing in IDB panel meetings is organised and methodical allowing all to contribute their views during panel meetings. Positive comments regarding time management in meetings has also been a noticeable trend and reflects the care, preparation and diligence of those members who Chair meetings.
- 6.4 In mid-January 2024 the Operational Support Team with the assistance of the IDB Vice Chair arranged for Lay IDB members to visit a local Barrister Chambers as detailed in the section above. Those who attended commented on how they found the visit fascinating and invaluable to their role as an IDB panel member.
- 6.5 The IDB quarterly newsletter published in June 2024 featured positive feedback from the IDB Vice Chair who commented that; “In January I joined a small group of IDB members and BSB colleagues in a visit to Fountain Court Chambers. For those of us whose knowledge into the workings of the Bar derives from 1980’s TV dramas, it provided a real insight into how a modern set of chambers operates, from practicalities such as financial arrangements to the selection of pupils and efforts to widen participation. The practical benefit is having a greater appreciation of details of some of the cases we see in panels”.

Enforcement Review by Fieldfisher LLP

7.1 In 2023, the BSB commissioned Fieldfisher LLP to carry out a review of the end-to-end enforcement process, which commenced in August 2023 and reported in early April 2024. The IDB welcomed the opportunity to provide views on the enforcement processes via a survey of the membership and individual interviews. We were pleased to note Fieldfisher’s assessment that the IDB is operating and functioning well and that the recommendations directed specifically at our work are intended to support us in continuing on our “trajectory of effective and efficient working”. Five recommendations were made mainly directed at the IDB having greater authority to shape its work including its procedures and the support provided by the executive. While outside the period of this report, the IDB accepted the recommendations at a meeting in July 2024 and looks forward to working with executive on the implementation of these specific recommendations as well as the wider recommendations in the report that touch on the IDB’s work.

Conclusions and Chair's comments on overall performance

- 8.1 The year 2023/24 has been a time of consolidation for the IDB. After a period of considerable change and upheaval, caused in large part by factors beyond the control of the IDB and the Executive, the past 12 months has provided an opportunity to adopt the best working practices identified in that period to enable ever more efficient, thorough and fair decision-making.
- 8.2 The feedback and engagement from the vast majority of IDB members has been extremely encouraging and demonstrates a committed and focused cohort of individuals, working well together towards the betterment of the process.
- 8.3 The Fieldfisher review has been a welcome endorsement of the work of the IDB, empowering it to take a pro-active role in managing and progressing its work into 2024/25 and beyond. Part of that empowerment will need to focus on greater transparency being afforded to the IDB over the Enforcement and Authorisations processes from cradle to grave, whilst always ensuring information barriers are respected and observed. That in turn will be a valuable tool in informing IDB evaluation and progress within the context of the Enforcement and Authorisations processes as a whole.
- 8.4 Whilst there has been much to celebrate, 2023/24 has provided an opportunity to plan the direction the IDB must take to continue to grow and improve. Equality and diversity of the membership, whether in the lay or barrister cohorts is a continued focus in the coming year, and we will continue to try and innovate and find new ways to reach out to those under-represented sections of the Bar and the wider lay community to ensure the IDB becomes reflective of the profession and of the public it seeks to serve.

8.5 In conclusion I would like to thank all those current and former members of the IDB who have worked tirelessly to make fair and just decisions over the course of the year. Broadly speaking the IDB gets things right, but we must not be afraid to acknowledge and learn when we do not. That attitude has been evident in the entire membership throughout this year. I would also like to thank the Executive for its collegiate attitude to working with us, in particular the OST, whose work in supporting the IDB has been crucial in charting a course to where we are today.

Tim Grey
Chair of the Independent Decision-Making Body

September 2024

Meeting:	Board	Date:	26 September 2024
Title:	Chambers		
Author:	Mark Neale		
Post:	Director General		

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	------------------------------------------------------	---------------------------------------------	-----------------------------------------	-----------------------------------------------------

Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose

1. This paper invites the Board to agree the actions the Bar Standards Board should now take to improve the consistency and effectiveness of chambers' oversight in the light of our latest consultation. A summary of the responses received to that consultation, including at the roundtables, is attached as annex A.

Recommendations

2. The Board is invited to agree for publication the statement of policy at annex B which, in summary, provides for:
 - i. the creation of a dedicated section of the BSB website bringing together and clarifying regulatory requirements of barristers' practice management in chambers and linking to good practice guidance on the Bar Council and other relevant sites (paragraph 10);
 - ii. framing rules bearing on practice management primarily in terms of outcomes, but, as we have done with the *Equality Rules*, mandating policies or other interventions where we judge these essential to the achievement of outcomes (paragraph 11);
 - iii. discretion for chambers, particularly small and medium chambers, about how they seek support to meet regulatory requirements neither ruling in, nor ruling out collaboration through local networks or mergers of chambers where these command the support of the barristers concerned (paragraphs 12);
 - iv. the development of an approach to oversight by the Bar Standards Board which aims to facilitate compliance with our requirements, but does not rule out enforcement action in cases of persistent non-compliance (paragraph 13);

- v. the revision of our current definition of what constitutes a chambers to reflect current working practices and constitutional arrangements, but giving discretion to chambers about their own internal governance arrangements provided those arrangements enable effective leadership and oversight in the areas covered by our regulations (paragraph 14).

Background

3. We launched an initiative to clarify regulatory expectations of chambers in 2022 because of the key role which chambers play in overseeing important aspects of the practice of self-employed barristers. Just under 80% of barristers work from chambers which recruit and train them as pupils and subsequently foster their careers by marketing their services and by providing opportunities for professional socialisation. Chambers are powerful forces for the transmission of the culture of the Bar and, to the extent that we want as the regulator, to influence that culture, a focus for our work. It follows that the delivery of many of our public interest objectives can only be delivered through, or with the support of, chambers. This is especially, but not only, true of those market objectives – better access and choice for consumers (through greater transparency about the services barristers offer, their cost, how they are regulated and how to make a complaint), and more competition, – which lie outside the practical control of individual barristers and can only be realised through collective action.
4. Accordingly, we have now held two sequences of roundtables with chambers representatives across the country to discuss how we can support chambers' oversight of standards, equality, access and a range of other functions. The second sequence of roundtables was preceded by the publication last October of a consultation document¹ setting out our thinking and proposals. The responses to the consultation are summarised in annex A.
5. In considering next steps, the Board will also want to understand our powers as regulator in relation to chambers, as opposed to barristers as individuals. On this, our legal advice is that the BSB's powers could extend to the regulation of sets of chambers, as opposed to individuals. Such regulations constitute rules which apply *in relation to* regulated persons under Section 21 (1) (i) of the Legal Service Act 2007. In practice, however, this may be a distinction without a practical difference because most chambers have no independent legal identity. Rather chambers are for the most part voluntary associations of barristers and, accordingly, we do generally express requirements of chambers as practice management rules bearing on the individual barristers who constitute the chambers.

¹Bar Standards Board, consultation on the regulation of barristers in chambers, available at <https://www.barstandardsboard.org.uk/resources/press-releases/the-bar-standards-board-issues-a-consultation-on-the-regulation-of-barristers-in-chambers.html>

Consideration: how should we proceed in the light of our consultations?

6. We have set out in annex B our proposed response for publication. Two major considerations shape that response.
7. The first is that our aim here is to support culture change. We want all chambers in future to be more than a platform for the careers of individual barristers and to act as effective forces for high standards, equality and access for consumers. The best chambers already do this, but by no means all. Culture change will not come about by following set rules or by taking policies off a shelf. It will only occur if all barristers in a chambers recognise a collective responsibility to discuss these issues, gather relevant evidence, particularly on equality, and act on that evidence. In short, we want to encourage active engagement.
8. Second, we recognise that chambers, as many other parts of the Bar, rely heavily on voluntary commitment. This is not universally the case. Some chambers are well-resourced and can look to chief executives and administrators to support the collection and analysis of evidence and the development of policies. But many chambers are small - nearly two-thirds have 50 barristers or fewer – and lack a critical mass of support. The leaders of virtually all chambers are unpaid volunteers.
9. This has led us to consider whether we should set a lower limit to the size of chambers to which the policies outlined in this consultation should apply. We have concluded, however, that that would be the wrong approach. Some regulatory requirements properly apply to chambers of all sizes, including to sole practitioners. This is true, for example, of our regulations bearing on transparency about the costs of services. We judge, therefore, that it is better to state clearly in individual practice management regulations whether they cease to apply, and can only be applied in a limited way, to chambers below a defined size. We should not give any chambers a free pass.
10. These considerations, alongside the many helpful responses to the consultation, have led us to the following conclusions set out in annex B.
11. **We should support chambers by drawing together all relevant regulatory requirements in a dedicated section of our website.** This attracted near universal support from those consulted and will help chambers at least to get to grips with the full range of regulatory requirements. Though we cannot, as the regulator, endorse guidance or good practice issued by other bodies, we shall look to link to other relevant sites, particularly the high quality site² now established by the Bar Council to support chambers. As foreshadowed in our consultation, we envisage that the Bar Standards Board site will cover regulations bearing on:
 - Standards: brokering feedback to barristers on their professional performance and service delivery and supporting their continuing professional development;

² [policies and procedures for chambers](#)

- Pupillage: the requirements we impose on chambers providing pupillage through the Authorisation Framework, including in relation to fair recruitment;
 - Equality and inclusion: the *Equality Rules* on which we are now consulting;
 - Bullying and harassment: promoting a culture in which bullying and harassment are not tolerated and those subject to unacceptable behaviour are supported;
 - Well-being: safeguarding the well-being of barristers and promoting an inclusive working environment;
 - Access: our transparency rules governing the provision of information to consumers;
 - Money laundering and economic crime; and
 - Information security.
12. **We should generally express our requirements in terms of outcomes, but mandating policies or other interventions where essential to delivery.** Opinion was much more divided on this issue both in written responses to the consultation and at the roundtables. Larger chambers generally favoured outcomes, with discretion about how to meet them; small and medium chambers were more likely to ask for clarity about what, exactly, they were expected to do. Our view is that culture change is unlikely to come about through excessive prescription, but that we should mandate where we expect chambers to have policies in place or to take some other specific action such as the gathering of evidence. This is the approach we have taken in consulting on the overhaul of the *Equality Rules*.
13. **We should give chambers discretion about how to source support in meeting our regulatory requirements, while making clear that we shall expect, and enforce, compliance.** In the course of our consultations, we tested views about a range of ways in which small and medium chambers might gain access to a critical mass of support. Most consultees opposed mergers or the sharing of back office administrative support. Views were mixed on the sharing of policies and good practice, with some consultees enthusiastic and others concerned about the implications for competition. The BSB view is that, while none of these options should be ruled out, it is unnecessary for the regulator to endorse any one approach. Chambers should enter into arrangements that work for them provided they do not inhibit competition in the provision of barristers' own services. So, for example, in other fields of economic activity mergers are a common means of enhancing efficiency and gaining critical mass and would be unlikely to be anti-competitive in the very fragmented market for barristers' services, but it should be for barristers themselves to determine whether to go down this route. We shall, however, make clear that barristers must comply with relevant practice management obligations whatever the size of the chambers to which they belong.

14. **We should develop a graduated approach to oversight and compliance.** Given the challenges faced by many small and medium chambers, we recognise that a period of grace will be needed to enable chambers to comply in full across the board. Our first response will not, therefore, be to reach for enforcement action. Instead, we shall aim initially to encourage and to support chambers, including in considering the options to achieve greater critical mass outlined above. We shall, however, expect barristers to comply with practice management obligations and we shall take enforcement action in the face of persistent non-compliance. Which barristers are the subject of such action will be fact specific and depend on the allocation of responsibility within a non-compliant chambers and the roles played by individual barristers.
15. **We should modernise our definition of chambers, but continue to give chambers discretion over internal leadership and governance.** Because many chambers now operate increasingly or wholly remotely we propose a new definition of a chambers as: *any group of barristers who come together under an agreed constitution, company or service or other agreement (including informal ones that provide similar expectations on a group's members) to facilitate their practice.* In the light of the consultation, we do not judge that the Bar Standards Board should prescribe governance arrangements or roles within chambers beyond making clear that appropriate leadership should be in place to ensure compliance with regulatory requirements, to represent the chambers and to manage risks.

Next steps

16. If the Board agrees with these recommendations, our next step will be to publish the document at annex B setting out the actions we intend to take in the light of the consultation. The first of those actions will be to establish the dedicated webpages on the BSB website which we expect to do during November 2024. We have already undertaken the necessary planning and prepared material. The pages will be accessed from a new chambers tab at the top of the landing page.

Equality Impacts

17. An Equality Impact Assessment is attached at annex C. An important aim of this initiative and of our parallel review of the *Equality Rules* is to cause chambers to engage actively with the need to promote equality, diversity and inclusion. We expect, therefore, that the initiative will support pupils and barristers with protected characteristics or from disadvantaged social and economic backgrounds.

Financial impacts

18. We are not placing new regulatory obligations on chambers, but aiming to clarify existing obligations in order to make those obligations easier to comply with. As we have discussed, this will make more demands on small and medium chambers than on others. That is why we continue to think that chambers should explore opportunities for mutual support or even merger, but the ball is in their court.

19. The costs to the BSB will lie in the establishment of the dedicated web pages and, thereafter, in keeping those pages up to date and in the oversight and enforcement of the obligations themselves. We expect to absorb these costs within business as usual budgets.

Annexes

20. Annex A – Analysis of consultation responses

Annex B – draft public statement on the Bar Standards Board’s response to the consultations

Annex C – Equality Impact Assessment



REGULATION OF BARRISTERS IN CHAMBERS: SUMMARY OF CONSULTATION RESPONSES

Introduction

1. Between October 2023 and February 2024, the BSB undertook a public consultation on its initiative to clarify regulatory expectations of chambers. The consultation paper can be found [here](#). This report summarises the written responses received; the discussions from nine roundtables (between November 2023 and April 2024) with chambers and with representatives of the Bar Council, the Legal Practice Management Association, and the Institute of Barristers' Clerks; feedback from social media; and comments from clerks. The roundtables were held in London (2), Manchester, Swansea, Bristol, Birmingham and Newcastle.

The consultation

2. The proposals in the paper seek to provide chambers with greater clarity about regulatory expectations in the areas of maintaining standards, pupillage, equality and inclusion, bullying and harassment, wellbeing, access, sanctions and anti-money laundering, information security and governance. The BSB's aim is to consolidate those expectations into a single online resource which we hope would be complemented by resources from the Bar Council, the Specialist Bar Associations, the Inns and Circuits, the Legal Practice Management Association, the Institute of Barristers' Clerks and other professional organisations designed to promote the sharing of good practice between chambers.
3. We received 22 responses to the consultation. Of the responses, three were from individual barristers, 15 from chambers, two from Legal Regulatory/Representative Bodies, one professional organisation, and one from a Specialist Bar Association.
4. We also analysed information from seven roundtables from November 2023 to April 2024; feedback from social media; and comments from Clerks.
5. Most of the respondents answered all five groups of questions, with one exception from an individual barrister who only answered three questions. Nine respondents endorse the Bar Council's responses for all questions, and three of them added additional comments.
6. In responding to certain questions, some respondents gave general feedback rather than (or in addition to) direct replies to the consultation questions. Throughout this paper, where such comments are relevant to other questions, they have been included in the summary of responses to those questions. However, this paper does not seek to summarise each individual point that has been raised by respondents and much of the feedback can be grouped together by theme.

7. We are very grateful to all those who took the time to respond to the consultation. The responses have greatly assisted us in developing our final guidance and have led to a range of changes which we have set out in this paper. Of the three individual barristers who responded to the consultation, one of them broadly agreed with the proposals stated in all the questions, one agreed with four of them, and one agreed with only one question (of three questions they responded).
8. Of the 19 legal organisations (chambers, representative/regulatory bodies/ legal professional associations) who responded to the consultation, one of them broadly agreed with the proposals stated in all the questions, four broadly agreed with four of them, twelve agreed with three questions, and two agreed with two questions.

Do you agree with our proposed approach of parallel websites to set out regulatory expectations and supporting guidance and good practice? Do you agree with the proposed coverage of the Bar Standards Board website? Do you have suggestions about how the proposed websites could be made as accessible and useful to chambers as possible?

9. Out of the 22 responses received, 19 broadly agreed with the proposed approach of parallel websites to outline regulatory expectations and provide supporting guidance. Two respondents neither agreed nor disagreed, and one stated that they had no position on the matter.

“The Panel does not have a position generally on whether barristers should go to parallel websites of the BSB and the Bar Council and other professional websites to find standards as well as specific guidance and best practice.”¹

10. The responses that expressed general agreement with the BSB’s position were from 13 chambers, one representative/regulatory body, three individual barristers, and two from professional organisation/specialist Bar association. One of the main reasons given by most respondents for agreeing with the parallel websites was that it would be helpful for barristers to find clear and easy to access information about regulatory expectations and guidance.

“A Bar Standards Board website which sets out minimum regulatory expectations and requirements on barristers, aimed at improving professional standards and compliance across the Bar, would be very helpful.”²

“In principle, the members of Atkin Chambers (“Chambers”) agree with the proposed approach of parallel websites. Parallel websites already exist but it is Chambers’ understanding that the proposal is for another section on the current BSB website designated specifically to support Chambers by setting out regulatory expectation, supporting guidance and good practice, and that the intention is for that section to signpost to other resources which seems sensible.”³

¹ LSCP

² 4PB Chambers

³ Atkin Chambers

11. Conversely, during six of the seven roundtables, there was a general consensus that consolidating all resources into a single website—a one-stop model—would be preferable to a two-stop model.
12. In two roundtables it was also mentioned the need to avoid conflicting guidance between BSB and the Bar, while in three of them it was said that regulatory expectations need to be clearly defined on the website. In another roundtable, it was mentioned the need to keep the website up to date.
13. Among the 22 responses received, 14 did not indicate whether they agreed with the proposed areas of guidance to be covered on the website⁴. Eight respondents agreed with the proposal. Among these eight, two provided additional suggestions, recommending the inclusion of practice management requirements concerning direct access.

“We agree with the list proposed and would suggest the addition of practice management requirements concerning direct access. Such an addition would be of utility not only for members of the profession but also for clerking/practice management staff in developing and supporting direct access barristers.”⁵

14. Regarding the first point of coverage; standards, one respondent said that they *“would like to see consumer research and stakeholder engagement inform specific standards as they apply to chambers including encouraging requesting feedback from consumers and having strong systems for first tier complaints”*⁶, while another respondent expressed their concern about this point and said that barristers are self-employed individual practitioners responsible for the “standard” of their work and that chambers only have a supporting role here.

“We do have some concerns as regards the first bullet point “Standards”. It is important to appreciate that barristers are self-employed individual practitioners and are therefore individually responsible for the “standard” of their work, conduct and compliance with regulatory obligations such as CPD. Chambers have only a supporting role to play here. The scope and extent of these areas reach must be limited to what is necessary, proportionate and clear.”⁷

15. Only one respondent made additional comments about the different points of coverage. They stated that *“Equality standards should relate to the culture of a chambers and how it is experienced by consumers as well as barristers and staff. Access for consumers should consider not only continued improvement of the transparency of the price and quality of a service but also how direct access or unbundled services are offered and how this information is shared. The BSB’s ability to authorise chambers to train pupils means that the BSB can ensure chambers provide their pupils with the necessary skills to provide effective and accessible communication, to understand a consumer’s situation and to appreciate and accommodate vulnerability. Finally, governance arrangements should be clear and work effective”*.⁸

⁴ Standards; Pupillage; Equality and Inclusion; Bullying and harassment; Well-being; Access; Sanctions and Anti-money laundering; and Information Security

⁵ Chancery Bar

⁶ LSCP

⁷ St John’s

⁸ LSCP

16. Six respondents expressed concern about the potential overlap of roles between the BSB and the Bar Council, particularly regarding the delineation of best practice guidance. Some respondents felt this responsibility falls within the view of the Bar Council rather than the BSB.

“There should, however, be a clear distinction between regulatory information and best practice information provided by the BSB and the Bar Council, respectively, so not to confuse the roles of each entity to the Bar.”⁹

“I thoroughly endorse the Bar Council’s call for clarity about the BSB’s role in setting required minimum standards and the Bar Council’s role in advising on best practice. The BSB should avoid provide guidance which is no practical assistance to barristers”¹⁰

17. Five respondents mentioned that it would be very helpful if the website and resources used clear and simple language for it to be practical to access information and regulations guidance. Some of them also mentioned that the current website and regulations are not always clear, which makes it difficult to understand.

“The underlying content needs to be clear if a change in website approach is to make a positive difference. I know these documents are written for lawyers, but they have to be comprehensible to lay staff too if they are to support barristers in meeting regulatory requirements.”¹¹

18. Eight respondents mentioned that it would be useful to have links in the BSB website which signpost to different websites, such as the Bar Council’s website and their Ethics and Practice hub.

“If regulatory expectations and guidance could sit alongside each other, even if that were by signposting between parallel sites, this would lessen the duplication of efforts and reduce the possibility of confusion.”¹²

“Clear signposting to resources available on the Bar Council’s Ethics and Practice hub so resources can be easily found and accessed.”¹³

19. Several respondents offered additional suggestions regarding website functionality. Five respondents emphasised the importance of a practical and user-friendly interface to facilitate barristers’ access to information. They noted that the current BSB website lacks clarity and practicality. Additionally, two respondents highlighted the need for synchronisation between the BSB website and other parallel websites to ensure information consistency and timeliness.

⁹ 4PB

¹⁰ Forum

¹¹ Keating

¹² Twenty Essex

¹³ LPMA

“BSB should make the website clear and practical. Its scope should be limited to only what is necessary and proportionate.”¹⁴

“The websites should use key words effectively, creating useful Google links, to make it easier to find information. The search function on the websites should recognise key words to make it easier to find information.”¹⁵

Do you agree that regulations bearing on chambers should largely be expressed in terms of outcomes, but with an indication of where we would expect to see policies or other measures in place to support delivery of those outcomes? Do you agree that chambers would be aided by parallel Bar Council and other professional websites providing guidance and examples of good practice in meeting those outcomes?

20. Regarding the proposal to express regulation in terms of outcomes, seven respondents (two individual barristers, four chambers, and one legal representative body¹⁶) broadly agreed, while 11 of respondents (one individual barrister, one legal regulatory body, one legal professional organisation and seven chambers) disagreed with the proposal. Three respondents didn't express a position, and one respondent said that they “believe there to be a middle-ground between expressing regulations either as outcome or being prescriptive, which can be achieved by provision of best practice guidance and toolkits.”¹⁷

“Yes, Chambers agrees that regulations bearing on chambers should largely be expressed in terms of outcomes as this is what is generally done currently and is less prescriptive than the alternative.”¹⁸

“In general, I would prefer to have clear rules to adhere to rather than to have to spend time working out how to achieve an outcome.”¹⁹

“I am not convinced that the suggested approach will ensure easier compliance given the particular structure of the Bar”²⁰

21. From those seven who agreed with the proposal, four of them (chambers) expressed that these outcomes should be clearly defined to understand the regulatory obligations, one respondent said that it was less prescriptive than the alternative, one respondent said that it would suit them as a larger chamber, and another one (LSCP) explained that it would focus the attention on the consumers and instigate change and innovation.

¹⁴ St John's

¹⁵ Atkin

¹⁶ LSCP

¹⁷ Garden Court

¹⁸ Atkin

¹⁹ Forum

²⁰ Keating

“In principle, we do not disagree with regulations being expressed in terms of outcomes, but there must be sufficient explanation of what this means in practice in order to allow chambers to understand what is required and to allow the BSB to apply the regulations..... The regulations bearing on chambers should be capable of being expressed simply and clearly, whilst giving sufficient flexibility for different chambers to comply with them in a proportionate manner, appropriate to their circumstances..”²¹

“However, there should be clarity of language- the “must do” versus “may do” or “should do” - so that chambers are clear what boxes they need to tick in terms of compliance to reach the minimum standard, with scope to reach best practice by focusing on the desired outcomes.”²²

22. From those 11 respondents who didn't agree with the regulation in terms of outcomes, one said that “outcomes without clear rules or processes are ambiguous and lead to uncertainty as well as being perceived as difficult to comply with”²³, another respondent said that they would prefer to have clear rules to adhere rather than spending time working out how to achieve an outcome, one respondent (LPMA) said that this might cause confusion within the profession, and two more said that it will imply spending time and resources for the chambers. Seven respondents didn't explain their decision.

“Outcomes focused regulation poses some significant challenges, outlined below. Part of the reason, it seems, that outcomes as a concept are challenging, is because of a lack of awareness of the existence of outcomes in the BSB Handbook. It is not a well-publicised aspect of the Code of Conduct. Framing outcomes upon chambers instead of barristers is unlikely to lead to ‘chambers actively debating these issues’ or ‘senior members of chambers identifying with, and actively championing, these objectives’, as is hoped for at paragraph 21 of the Consultation Paper.”²⁴

“It must be recognised that outcomes that demand or require the establishment of specific policies or procedures often require Chambers to employ external consultants at considerable cost or else cause individual members to spend significant un-paid time drafting such policies or procedures. For smaller Chambers, this can represent a significant financial obligation.”²⁵

23. In five roundtables, there was mentioned the need for the BSB to set out broad expectations and minimum standards requirements in a clear language and with up-to-date information. In two roundtables, it was said that this kind of approach would be more useful for smaller chambers than for larger chambers. Finally, in one roundtable it was mentioned that it would be useful for them if the BSB set up support guidance on how to conduct checks, such as in anti-money laundering.

²¹ 5KBW

²² Atkin

²³ Bar Council

²⁴ Bar

²⁵ Chancery Bar

24. Out of the 22 respondents, 18 broadly agree that chambers would be aided by parallel Bar Council and other professional websites providing guidance and examples of good practice in meeting the outcomes. Four respondents didn't express agreement or disagreement with the proposal.

*"Yes, as long as they are they are completely consistent. Formal regulatory guidance as to what is required or expected of chambers (and individual barristers) should be provided only by the regulator, i.e. the BSB. Any guidance must make things clearer. If it doesn't it should not be offered as guidance."*²⁶

*"There is no reason why the Bar Council and other professional websites should not provide guidance of good practice."*²⁷

Do you agree that small and medium chambers are best supported through informal networks of support such as those outlined above? Do you have any suggestions about how these networks can be encouraged and promoted?

25. Only two consultation responses (one chambers and one individual barrister) indicated that small and medium chambers are best supported through informal networks of support, as outlined in the consultation. 18 respondents disagreed with this assertion, while two did not explicitly state their position (one chambers and one individual barrister).
26. Among those who disagreed with the approach, nine explicitly expressed concerns about the voluntary consolidation of chambers. Six respondents stated that it is not appropriate for the regulator to pursue voluntary consolidation of chambers, while another respondent said that this approach fails to recognise that individual self-employed barristers of chambers are independent entities. One respondent mentioned that this approach was anti-competitive, while the other one stated that it is "sensitive, complex and challenging".

*"We agree that it is not for the BSB actively to promote consolidation between chambers; the approach each chambers takes to achieving compliance with the regulations is a matter for them to decide."*²⁸

*"Chambers equally does not think the answer lies in voluntary consolidation between smaller chambers. Again, this fails to recognise that individual self-employed barrister members of chambers are independent entities. Chambers would not be in favour of any clarification of requirements that may pressure/incentivise chambers to explore the option of consolidation (but recognises that the BSB is not proposing an active policy of bringing about consolidation)."*²⁹

²⁶ St John's

²⁷ Bar

²⁸ 5KBW

²⁹ Atkin

27. Nine respondents who disagreed that small and medium chambers are best supported through informal networks of support expressed concerns about sharing "back-office" functions between chambers. Four of the respondents said that this approach was not practical, unrealistic and inappropriate, while three others said that this approach would imply a larger burden for them, and two more said that it was anti-competitive, as chambers are in competition with each other.

*"We therefore do not see that any sharing of information, whether informal or otherwise is either practical, desirable, or appropriate. It would have a disproportionate burden on our own resources in terms of time and funding. As a leading chambers within our own specialist field, we would anticipate that many other smaller chambers would look to us to emulate and replicate our own successful model, thus adding further to our own burden."*³⁰

*"Whilst some support may be capable of being provided from the specialist bar associations, not all are in the position to provide, for example, template policies or procedures if only because they do not have the funding available to engage and pay for external advisers (assuming any were prepared at reasonable cost to draft a profession-wide proposal). It would be unrealistic to expect an unpaid officer/officer of a specialist bar association to assume the role."*³¹

28. Regarding this question, one small chamber mentioned that they disagreed with this proposal as it *"is wholly impractical and betrays a lack of understanding of the market in which barristers operate. Individual barristers are members of Specialist Bar Associations which provide opportunities to learn best practice suited for their fields of expertise. Our clerks have friendships with clerks at other sets. The idea, however, that small sets should merge or share outsourced back-office functions in order to meet enhanced regulatory requirements is a classic example of putting the needs of bureaucracy above those of the profession and the public interest it exists to serve. It is anti-competitive, and especially frustrating for someone who has successfully broken through the barriers to entry by setting up a new set of Chambers."*³²
29. In three roundtables, there was general agreement with the use of informal networks to support small and medium chambers, although with some concerns about the need to clearly set minimum standards to comply with. In three of the roundtables there was no explicit agreement or disagreement, and one roundtable didn't address this question.
30. Four of the respondents expressed their suggestions for supporting small and medium chambers. One of them mentioned reducing the burden of complying with regulatory requirements, which can be supported by the BSB by making the requirements simple, clear and proportionate. Two respondents expressed that it would be helpful to have podcast/webinar style training sessions across the main areas of compliance, while another respondent mentioned that it would be helpful if the BSB creates a chambers forum and send staff to make visits to chambers to monitor compliance, to facilitate pilots and to advice on the collection and analysis of data.

³⁰ 4PB

³¹ Chancery Bar

³² Forum

“In our view the best way to support chambers, including smaller chambers, is to reduce the burden of complying with regulatory requirements. The BSB can assist in this by making the requirements simple, clear and proportionate, and by targeting supervision where perceived risk is highest. High quality guidance being available on a single website such as the Bar Council Ethics website would also assist.”³³

“It would be beneficial for there to be more podcast/ webinar style training sessions available across the main areas of compliance. This would make information sharing easier and more accessible for all chambers (members and staff)”³⁴

Do you agree that the Bar Standards Board should not seek to revive a kitemarking scheme for chambers, but should instead develop a graduated supervision strategy on the lines outlined above? Do you believe that, as part of this strategy, the Bar Standards Board should make public its assessment of individual chambers? Do you support ending comprehensive quinquennial Regulatory Returns in favour of targeted surveys of risk and compliance?

31. Out of the 22 responses to this question, 20 respondents agreed that the BSB should not seek to revive a kitemarking scheme for chambers. One respondent did not answer the question, and only one respondent expressed a desire to see a kitemarking scheme.

“The Panel would have liked to see a kitemarking scheme for chambers as this would be a useful way to inform consumers that there are no major issues with a chambers when due to the information asymmetry in the legal services marketplace, they have no way of easily assessing that fact for themselves.”³⁵

32. Of those respondents who agreed with the BSB not to revive the kitemarking scheme, five mentioned that it would mean a larger burden for chambers, two said that it added little value and was only useful in very few circumstances, and one stated that it was a retrograde initiative which “assumes that those instructing the Bar will be more persuaded by a logo /badge rather than other forms of quality control”³⁶, and the other respondents didn’t explain their decision.

“A kitemarking scheme, like Bar Mark, is a large administrative burden to any size chambers, but would disproportionately disadvantage smaller chambers who might not have the administrative capacity to join the scheme.”³⁷

“We believe that the introduction of a kitemark scheme (which would inevitably be similar in scale to the quinquennial Regulatory Returns) would only serve to advantage a small proportion of sets with significant infrastructure, many of whom would likely still find the process a burdensome one (as they did with BarMark)”³⁸

³³ 5KBW

³⁴ Garden Court

³⁵ LSCP

³⁶ LPMA

³⁷ Atkin

³⁸ Bar

33. Among the 22 responses to this question, 14 respondents (One individual barrister, one legal regulatory body, one specialist Bar association, one legal representative body, and eleven chambers) agreed that the BSB should develop a graduated supervision strategy. Two chambers disagreed with this approach; five did not mention whether they agreed or disagreed, and one respondent stated that they would need more information about the strategy to provide detailed comments.

“Chambers is not averse to a graduated supervision strategy in principle but would need more information from the BSB about what this strategy would mean for chambers to comment in detail. Chambers would be in favour of a graduated supervision strategy which reduces the volume of regulatory questionnaires for chambers with a history of compliance, in the interest of proportionality and of focusing resource on those chambers most in need of support. Chambers would not be in favour of a graduated supervision strategy which increased the administrative burden on Chambers.”³⁹

34. Those who agreed with developing a graduated supervision strategy, one said that it would mean that the burden on chambers would be more proportionate to perceived regulatory risks, one respondent said that it’s appropriate that the regulatory oversight is directed towards those who pose greater risk to the public and/or are more serious offenders, but that this approach should be called “regulatory risk based/directed supervision strategy” instead. Another respondent said that although they agree, there needs to be a proper understanding of the regulatory risk, and one more respondent mentioned that this strategy would also benefit consumers. The other respondents didn’t mention why they agreed with the approach.

“The Panel also approves of the targeted use of a regulator’s resources and understands that a comprehensive supervision and enforcement strategy would also benefit consumers, especially if the resulting regulatory information is made available to consumers.”⁴⁰

“To the extent that there is regulatory oversight, then it is clearly appropriate that it is directed towards and concentrated on those who pose the greatest risk to the public and/or are the most serious of offenders. In this sense a ‘graduated supervision strategy’ is appropriate”⁴¹

35. One of the two respondents who disagreed with the graduated supervision strategy mentioned that they “do not agree to the ‘tiered’ or graduated approach of chambers on the basis of size, where the governance of barristers by the BSB is on an individual level. Compliance based on size is neither practical, evidence-based or makes allowance for the business model, resources, or merits of any particular chambers”⁴². The other one didn’t give a reason for their disagreement.

³⁹ Atkin

⁴⁰ LSCP

⁴¹ Bar

⁴² 4PB

36. Of the 22 responses to this question, only one respondent agreed that the BSB should make public its assessment of individual chambers. 16 respondents disagreed with this proposal, four did not answer the question, and one mentioned that they needed more information before providing a comment.

“More information is required before we would be able to comment. For example (not an exhaustive list):

- What are the outcomes the Bar Standards Board would be hoping to achieve through publishing assessments?*
- Where would the assessment be published?*
- What information would be published, in what format and with what level of detail?*
- What would the assessment be based on?*
- Does this unfairly set chambers against each other?*
- Can the BSB guarantee that it can provide a sufficient level of resources to assess chambers regularly?*
- What if a chambers does not agree an assessment, what is the appeal process? What would be the impact of assessment publishing?”⁴³*

37. Of the 16 respondents who disagreed with making public the assessments of individual chambers, nine respondents didn't give a reason to why they opposed to the proposal, two respondents said that this approach will create resentment against the regulator and damage to the reputation of the chambers, two more (chambers) said that it was not productive, another two respondents opposed to the proposal because the BSB should not or cannot regulate chambers (Bar and one chambers), and one respondent mentioned that it this would be likely to reduce confidence on the Bar.

“Naming and shaming does not usually have the desired effect of increasing compliance but instead breeds resentment towards the Regulator from the chambers who are affected. In addition, one slightly negative comment about a chambers from the Regulator could destroy or seriously damage the members of that chambers, even if it is a relatively minor infraction that was immediately corrected.”⁴⁴

“This approach to name and shame serves to create resentment and damage to reputation and practice, detrimental to chambers. There should be an open approach to achieving compliance with dialogue between the BSB and chambers.”⁴⁵

“We do not support this. We consider that this is likely to reduce confidence in the Bar. That suggestion ignores the fact that the Bar is largely a referral profession: solicitors and other instructing professionals are sophisticated purchasers and already have a good understanding of individual chambers and barristers' capabilities and performance. The Bar is, generally, not a “consumer facing” profession and should not be regulated as such.”⁴⁶

⁴³ Garden Court

⁴⁴ Atkin

⁴⁵ 4PB

⁴⁶ St John's

Part 1 - Public

38. The respondent who agreed with this proposal stated that *“Direct access users and all consumers may find this type of regulatory information, including chambers assessments, very useful in informing their choice of barrister. Efforts must also be put into ensuring this regulatory information is accessible and easily understood, along with other quality indicators that consumers can easily compare and contrast to make meaningful decisions about which legal professional to engage.”*⁴⁷
39. Out of the 22 responses to this question, 17 regulatory returns respondents agreed that the BSB should end comprehensive quinquennial Regulatory Returns in favour of targeted surveys of risk and compliance. None disagreed with this proposal, four respondents did not answer the question, and one respondent stated that "It would be preferable if the return were broken up, and different areas were addressed on a rolling basis."
- “As a small set, we found it helpful to have to review our documentation and processes in a number of areas as part of the quinquennial regulatory return. However, there was a heavy burden in having to look at all areas at once. It would be preferable if the return was broken up and different areas were addressed on a rolling basis”*⁴⁸
40. Of those respondents who agreed, five said that it was a burdensome exercise, and three said that it was unnecessary and disproportionate. The others didn't give an explanation on why they agreed with ending regulatory returns.
- “We agree that there should be targeted surveys of risk and compliance rather than continued quinquennial regulatory returns. This would mean that the burden on chambers would be more proportionate to perceived regulatory risks.”*⁴⁹
- “We support the BSB’s proposal to end the comprehensive quinquennial Regulatory Returns, which we concluded was disproportionate and unnecessarily burdensome to both chambers and the regulator who struggled to process the completed returns in a timely fashion.”*⁵⁰
41. One respondent suggested *“an approach of continuous improvement invokes an evidence based, positive, learning approach to compliance.”*⁵¹
42. In two of the seven roundtables, participants agreed with ending the kitemarking scheme, while in two others, they expressed that the kitemarking scheme was a useful framework for reviewing policies. In another roundtable, it was mentioned that although the kitemarking scheme has some advantages, it is a tedious process. In the other roundtables there was no mention about the kitemarking scheme.

⁴⁷ LSCP

⁴⁸ Forum

⁴⁹ 5KBW

⁵⁰ Bar

⁵¹ Garden Court

Do you agree with the approach to re-defining chambers outlined in paragraph 38 above? Do you agree that the Bar Standards Board should not prescribe governance arrangements for chambers meeting this definition, but expect chambers themselves to establish appropriate leadership and governance arrangements?

43. 20 respondents agreed with the approach to redefining chambers as outlined in paragraph 38 of the consultation, and none of them disagreed with this proposal. Two respondents did not answer the question.
44. One respondent suggested a new definition for chambers: *“chambers means a place at or from (a) an entity or organisation through which two one or more self-employed barristers or BSB entities carry on their practices (whether entirely or in part) and also refers where the context so requires to all the barristers (excluding pupils) and BSB entities who for the time being carry on their practices at or from that place through or by virtue of that entity or organisation or (b) a single self-employed barrister or BSB entity carrying on practice (whether entirely or in part) outside of an entity or organisation within subparagraph (a) above”*⁵²
45. 19 respondents agreed that the BSB should not prescribe governance arrangements for chambers meeting the definition outlined in paragraph 38 of the consultation, while three did not answer the question.
46. Of those respondents who agreed with the proposal, five said that it is for each chambers to ensure they comply with BSB’s regulatory requirements, that it falls outside BSB’s role, one respondent said that it has no public benefit, one other mentioned that rules already prescribe the governance arrangements that should be in place. The other respondents didn’t mention why they agreed with the statement.
- “It is for each chambers to ensure they are managed in such a way as to comply with the BSB’s regulatory requirements.”*⁵³
- “There is no public benefit in doing so and it would be contrary to a focus on outcomes rather than formalities”*⁵⁴
47. In two roundtables, it was mentioned that a redefinition of chambers is necessary and there was agreement with a broader definition. In the other roundtables, this question was not addressed.

GENERAL THEMES

48. Regarding what is good or bad for clients, one respondent mentioned that sharing information between chambers wouldn’t be beneficial for consumers because of their confidentiality with clients’ information, one respondent said that implementing a new supervision programme would imply more resources from the Practising Certificate Fee (PCF), and there is a risk that this will be passed onto higher fees for clients. One respondent said that a kitemarking scheme “would be useful to inform consumers that there are no major issues with chambers”. They also said that the

⁵² Chancery Bar

⁵³ 5KBW

⁵⁴ Forum

targeted use of a regulator's resources, and a comprehensive supervision and enforcement strategy "would also benefit consumers, especially if the resulting regulatory information is made available to consumers."⁵⁵

Social Media

49. From the feedback from social media, three accounts said that the BSB could adjust the regulatory burden, so they are more proportionate and targeted, because chambers are consistently complaining about this. One account said that BSB should demonstrate that it really understands how central the chambers system is to the Bar and delivery of its service, while another account mentioned that it was surprising that there was no acknowledgment that chambers are mostly (if not always) unincorporated associations.

Clerks

50. From the engagement with clerks, three of them said that there is a lack of expertise among barristers, particularly in relation to managing risk. Three of them also stated that the Handbook and Code of Conduct are "unreadable" and it is difficult to find information there. Two more suggested that BSB should work with the LPMA for building relationships with barristers, and another one mentioned that there is a need for documents which demonstrate good practice.

⁵⁵ LSCP

REGULATION OF BARRISTERS IN CHAMBERS: THE BAR STANDARDS BOARD'S RESPONSE TO CONSULTATIONS

Introduction

1. In October 2023 the Bar Standards Board initiated a second round of consultation¹ on how, as the regulator, we should set out and clarify expectations of chambers. The Bar Standards Board received 22 responses to the consultation and also engaged directly with barristers, clerks and practice managers at eight roundtables held across England and Wales. The consultation responses are summarised in the document at annex A. The Bar Standards Board is very grateful to everyone who took part. This document sets out the Bar Standards Board's decisions in the light of the consultations.

Summary

2. Our consultations have underlined the important role which chambers can play in fulfilling many of the regulatory objectives which the Bar Standards Board must promote in taking forward our functions. While barristers acting in their own capacity can have a limited impact beyond their own individual practice on standards, equality, access and a range of other important objectives, barristers acting collectively as members of chambers can make an important difference. Accordingly, the Bar Standards Board will continue to regulate aspects of barristers' practice management where it is proportionate to do so in the public interest.
3. Many chambers are already effective forces for high standards, for diversity and inclusion and for service to consumers. The aim of this initiative is to support all chambers in emulating best practice and to do so, not by adding to regulation, but by making it easier to comply with existing regulations. Accordingly, the Bar Standards Board has decided to:
 - i. bring together and clarify regulatory requirements of barristers' practice management in chambers in a dedicated section of the BSB website with links to good practice guidance on the Bar Council and other relevant sites;
 - ii. frame rules bearing on practice management primarily in terms of outcomes to give chambers freedom to pursue those outcomes in ways which are sensitive to their own circumstances, but, as we have proposed with the *Equality Rules*, mandate policies or other interventions where we judge these essential to the achievement of the outcomes we seek;

¹ <https://www.barstandardsboard.org.uk/resources/press-releases/the-bar-standards-board-issues-a-consultation-on-the-regulation-of-barristers-in-chambers.html>

- iii. encourage chambers, particularly small and medium chambers, lacking significant administrative support to draw on the guidance and good practice available within the profession and to collaborate with other chambers where they can do so without detriment to competition in the provision of barristers' services;
- iv. develop an approach to supervision by the Bar Standards Board which aims to facilitate compliance with our requirements, but does not rule out enforcement action in cases of persistent non-compliance;
- v. revise our current definition of what constitutes a chambers to reflect current working practices and constitutional arrangements, but to give chambers discretion over their own internal governance arrangements provided those arrangements enable effective leadership and oversight in the areas covered by our regulations.

Background: the importance of chambers and our powers

4. We set out in our October 2023 Consultation Document why chambers have an important role to play in ensuring that the Bar as a profession meets consumers' needs and supports the rule of law. We said that:

Through their governance arrangements and the services they provide, chambers gain regular insights into standards of work; they directly influence equality and inclusion within the profession through their recruitment decisions and through the allocation of work; they facilitate access to barristers' services; they often (though not always) set chambers-wide standards to ensure compliance with anti-money laundering and sanctions requirements.

5. The responses to our consultation and the discussions we have held in all the Circuits strongly endorse the important role of chambers.

6. It follows that, as the regulator of the profession, the Bar Standards Board is bound to take an interest in how effectively chambers, which are for the most part unincorporated associations of barristers, discharge their functions. We also set out the legal basis for this interest in our Consultation Document. We said that:

Under the Legal Services Act 2007, the Bar Standards Board exercises the regulatory functions previously exercised by, and delegated to it, by the Bar Council. In exercising its regulatory functions, the Bar Standards Board must have regard to the regulatory objectives² set out in section 1 of the Act. These objectives go to the public interest and embrace not only the independence, strength and diversity of the profession, but also the interests of consumers and the promotion of competition and access to justice. For its part, the Bar Council retains its representative functions on behalf of the profession and, in

² Legal Services Act 2007, available at <https://www.legislation.gov.uk/ukpga/2007/29/contents>

that capacity, also publishes much useful guidance to barristers and to chambers. The respective interests of the Bar Standards Board, as regulator, and of the Bar Council, as representative body, will often overlap, although we seek to avoid unnecessary duplication of activity where we share a common analysis and objectives.

The Bar Standards Board, in exercising its regulatory functions - defined by s 27(1) of the Legal Services Act 2007 as any functions which it has “under or in relation to its regulatory arrangements, or in connection with the making or alteration of those arrangements” – has elected to make rules which deal with how chambers, as associations of barristers, should operate. This reflects the important role which chambers play. These rules are generally expressed as practice management obligations on individual barristers which those barristers can only meet through their participation in chambers. Our Equality, Public Access and Transparency rules are good examples.

7. We set out below how the Bar Standards Board now intends to approach the regulation of barristers’ practice management in the light of our consultations.

Consolidating and clarifying regulatory expectations and requirements

8. A near universal message of our consultations and roundtables was that chambers would find it helpful to have a consolidated set of regulatory requirements. Accordingly, the Bar Standards Board will establish this Autumn a dedicated section of its website on which we shall set out all the regulatory requirements which bear on barristers’ practice management. This dedicated section will cover:

- **Standards:** the role we expect chambers to play in dealing with complaints, brokering feedback to barristers on their performance and in supporting barristers’ professional development, including Continuing Professional Development.
- **Pupillage:** the requirements we impose on chambers providing pupillage through the provisions of the Authorisation Framework, including in relation to fair recruitment.
- **Equality & inclusion:** the implementation of our Equality Rules³, on which we are currently consulting.
- **Bullying and harassment:** the promotion of a culture in which bullying and harassment are not tolerated and which fosters the reporting of unacceptable behaviour in line with guidance⁴ published by the Bar Standards Board in October 2022.

³ The current Equality Rules can be found here:

<https://www.barstandardsboard.org.uk/uploads/assets/8020c32b-01e7-47ae-9b93675cbffd0fe8/d4187f73-840b-4a9f-9557c2db3e412e03/02020401-BSB-Equality-Rules-Extract-2019-website.pdf>

⁴ Bar Standards Board, Addressing Bullying and Harassment at the Bar Report, available at

<https://www.barstandardsboard.org.uk/uploads/assets/81339cf0-2422-4f74-8535b5e37d988793/7e20e7e9-c55a-4c7d-a3785ecd663d9708/Bullying-and-harassment-report.pdf>

- **Well-being:** safeguarding the well-being of barristers and an inclusive working culture in line with the Bar Standards Board’s October 2022 commitment to wellbeing⁵.
 - **Access:** our transparency rules⁶ governing the provision of information to consumers about the cost and nature of the services provided through chambers and any development of those rules we may make in the light of our market study of on-line comparison.
 - **Sanctions and anti-money laundering:** our guidance on good practice – and the division of responsibility between barristers and chambers – in implementing legislation on sanctions and anti-money laundering.
 - **Information security:** our expectations of chambers in managing risks to the security of the personal data held by barristers.
9. Many of those consulted also stated that it would be helpful if the Bar Standards Board website gave direct access to relevant good practice guidance produced by the Bar Council and other professional bodies. We understand the desire for a *one stop shop* approach. However, as the regulator, we cannot endorse guidance produced by other organisations. We shall, however, provide links from these pages to other relevant websites, including the website recently established by the Bar Council to support chambers, and, to the extent possible, will organise our own material so as to facilitate easy read access to the Bar Council site.

Framing regulation: outcomes versus rules

10. Views were more mixed on how the Bar Standards Board should frame its practice management regulations. Larger and better resourced chambers tended to favour an emphasis on outcomes which give discretion to chambers to adopt approaches appropriate to their own circumstances and challenges. Smaller and medium chambers tended to want the certainty that came with precise rules. All would, however, probably agree with the head of chambers at one of our roundtables who stated that the Bar Standards Board should regulate only where it was necessary to the public interest and where the regulation itself was clear and proportionate.
11. We agree. We have, therefore, concluded that our public interest objectives are best fulfilled through a judicious mixture of clear outcomes reinforced, where necessary, with the prescription of rules mandating policies or interventions essential to the delivery of those outcomes. This is, for example, the approach we have taken in consulting on revisions to our *Equality Rules*.

⁵ BSB commitment to wellbeing, available at <https://www.barstandardsboard.org.uk/uploads/assets/2a1fb3c3-5b5e-47ae-9b260f7931146d10/78600755-390f-43f8-b366bcd96a56087a/BSB-commitment-to-wellbeing.pdf>

⁶ Bar Standards Board, Transparency Rules, available at <https://www.barstandardsboard.org.uk/for-barristers/compliance-with-your-obligations/transparency-rules.html>

12. By taking this approach, we expect chambers to discuss how the outcomes we seek in the public interest can best be fulfilled in their own circumstances and to gather relevant evidence. We recognise that smaller chambers may well wish to draw on examples of model policies or approaches, but would underline that we shall expect to see consideration of the fitness for purpose of such policies for the chambers concerned and appropriate adaptations made to reflect each chambers' unique challenges and governance.

Support for small and medium chambers

13. There are currently close to 400 chambers in existence with more than one barrister. Of these, just under two-thirds have 50 barristers or fewer. Most of these small and medium chambers, though not all, lack significant administrative support. This is, in other words, a very fragmented market with a heavy reliance on the voluntary commitment of barristers themselves for the governance and administration of chambers.
14. We are, nevertheless, clear that our regulations must generally apply to all chambers. This is not least because women barristers and barristers from minoritised backgrounds tend to be more heavily represented in small and medium chambers. However, there will be some specific exceptions. For example, chambers that consist of a sole practitioner cannot sensibly apply rules which require the monitoring of how work is allocated among a number of barristers. Other rules – for example, bearing on the transparency of costs – apply universally, including to sole practitioners.
15. Recognising the lack of critical mass of many chambers, we, therefore, invited views during the course of our consultation on how best to provide support to those chambers lacking professional administrative support. Responses varied widely. Some chambers saw no difficulty with sharing good practice and their own policies and processes with others and commented on the vitality of local support networks. Others were hesitant on grounds of competition about collaborating with other chambers. There was little or no interest in, or enthusiasm for, mergers between chambers as a route to building critical mass.
16. It is not the role of the Bar Standards Board, as regulator, to dictate how barristers in chambers should go about meeting their regulatory obligations (provided they do) and, accordingly, we have come to the conclusion that we should not endorse any particular approach. It may, however, be helpful to state that we do not regard collaboration between chambers in developing policies or administrative practices as intrinsically anti-competitive provided such collaboration does not inhibit competition between self-employed barristers as to the fees they charge, as to the quality of the service they provide and as to the quality of their professional advice. We note, in this context, that barristers are as much in competition with other barristers within chambers as they are with barristers in other chambers.

Part 1 – Public

17. Equally, though we do not intend as a regulator actively to promote mergers between chambers, we do not see “merger” as a dirty word. It is, of course, for the barristers within a chambers to decide for themselves whether merger would bring benefits for them and for consumers, but merger is a well-established route to critical mass and economy of scale in other areas of economic activity – subject, of course, to maintaining competition both nationally and regionally. We expect as part of our new strategy to the end of the decade to undertake more research into the market for barristers’ services and the role of chambers in promoting competition.

Supervision by the Bar Standards Board: promoting compliance

18. We shall expect chambers, whatever their size, to meet all our regulatory obligations. Indeed, we already do so for some well-established regulations such as our Transparency Rules and will continue to take enforcement action against chambers which fall short. We do, however, recognise that full compliance with our regulations across the board may take time, especially where we are revising regulation, as with the *Equality Rules*, or developing our view of chambers’ responsibilities as with the handling of complaints and promotion of high standards.
19. It follows that enforcement will not generally be our first response. We shall look to develop a graduated approach to supervision, aiming to work with engaged chambers to foster compliance and only resorting to enforcement where chambers fail to engage constructively or are persistently non-compliant. Where the Bar Standards Board does take enforcement action, the targeting of that action will be determined by the facts of a specific case. We should, for example, take into account the allocation of responsibilities within a chambers and the role played by individual barristers within the framework of the chambers’ governance arrangements.
20. Consistent with this graduated approach, we have decided against an approach based on publicising chambers’ compliance. We judge that naming and shaming chambers which are not fully compliant will work against openness with the regulator and the supportive approach to compliance we want to promote. Equally, we do not favour published kitemarks for the reasons set out in our October consultation document: such schemes – like Barmark – tend to favour well-resourced chambers, to be expensive to administer and to lose momentum over time.
21. We also confirm our decision – widely supported - not to repeat a comprehensive regulatory survey of chambers every five years – known as the *Regulatory Return*. Instead, we shall undertake targeted surveys where this is the most efficient way of gathering necessary information or intelligence.

Part 1 – Public

22. Where we do take enforcement action in response to persistent non-compliance – which may, of course, become public knowledge under our published policy and process – we shall consider carefully whether such action is better taken against all the barristers in a chambers, who share responsibility for its governance, or against barristers in leadership positions who may have a greater share of the responsibility consistent with the governance arrangements in the chambers concerned.

Governance: what is a chambers and how should a chambers be governed?

23. As foreshadowed in our October 2023 consultation document, we think that the definition of a chambers is in need of modernisation to reflect current working practices, particularly the growing reliance on virtual association and governance. There was general agreement with such a change among those responding to the consultation. We accordingly propose to define a chambers as:

any group of barristers who come together under an agreed constitution, company or service agreement to facilitate their practice including informal agreements that place similar expectations on a group's members.

24. Subject to further consultation on this definition, we shall expect all associations of barristers meeting this definition to adhere to our regulations bearing on practice management. We shall also take steps to establish a register of chambers.
25. Those responding to our consultation also generally agreed with our view that we should not seek to prescribe governance arrangements for chambers or to specify precise leadership roles. We confirm that decision, but shall expect all chambers meeting the definition to have in place published governance arrangements which give assurance of compliance with our practice management regulations and the management of risks to compliance.

Equality Impact Assessment

26. A separate Equality Impact Assessment is attached at annex B. It sets out our analysis that these regulatory arrangements will support equality and inclusion for barristers' clients and for barristers, pupils, clerks, and practice management staff.

Bar Standards Board
September 2024

Equality Impact Assessment (EIA)

Date of Assessment	2 September 2024
Assessor Name & Job Title	Mark Neale Director General
Name of Policy/Function to be Assessed	Chambers initiative
Aim/Purpose of Policy	The policy aims to ensure that all chambers, regardless of size, are effective in overseeing standards, equality, access and other key support functions and comply with all relevant regulations in these areas.

1. Evidence

What evidence will you use to assess impact on equality?
<p>In developing the policy, we have drawn on evidence, drawn from barrister records, about the numbers and size of chambers. We have also drawn on two consultation exercises in which we actively sought view on equality impact.</p> <p>In evaluating the impact of the policy, we shall be drawing on our annual <i>Diversity at the Bar</i> reports to assess the impact of the Chambers initiative on the representation and progression of different groups with protected characteristics at the Bar. We shall draw on our annual Ipsos Mori surveys to track changes in the confidence of different consumer groups in the services provided by barristers.</p>

2. Impact on Equality

Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).
<p>An important aim of our initiative is to improve the quality and consistency of chambers' oversight, including of diversity and inclusion. We expect to see this reflected in the implementation of the revised <i>Equality Rules</i> once these are promulgated following the consultation and the implementation of the existing rules meanwhile. Accordingly, we should expect the initiative to have a positive impact on equality across the Board. Further information about the initiative is set out in the accompanying document for publication.</p>

Part 1 – Public

Race	<p>Barristers from Asian/Asian British and from Black/Black British backgrounds are disproportionately represented in small chambers (fewer than 52 barristers) and in large chambers (more than 126 barristers). As our paper for publication acknowledges smaller chambers are more likely to lack the critical mass of support needed effectively to implement the full range of practice management obligations and, accordingly, to need to look for support to other networks or, perhaps, to consider merger. We do not, however, consider that this will adversely impact equality. On the contrary, the obligation on all chambers, including smaller chambers, to raise their games should benefit barristers from minoritised backgrounds. This will be particularly so where chambers do, as a result of the initiative, fully implement current and future <i>Equalities Rules</i> and provide effective support to their pupils and tenants through practice reviews and through other means to support their progression and development of their professional competence.</p>
Sex	<p>Women barristers are proportionately represented in chambers of all sizes. We expect, therefore, that the initiative will benefit their progression through the full implementation of current and future <i>Equalities Rules</i>, through support for their career development and through the implementation of policies to combat bullying and harassment and to promote well-being.</p>
Disability	<p>Disabled barristers are also represented proportionately across chambers of all sizes. We expect, therefore, that the initiative will benefit their progression through the full implementation of current and future <i>Equalities Rules</i>, through support for their career development and through the implementation of policies to combat bullying and harassment and to promote well-being.</p>
Age	<p>We identify no impacts arising from the initiative based on barristers' ages.</p>
Sexual Orientation	<p>Full and consistent implementation of present and future <i>Equalities Rules</i> will help to ensure that chambers are inclusive environments.</p>
Religion/Belief	<p>Full and consistent implementation of present and future <i>Equalities Rules</i> will help to ensure that chambers are inclusive environments and benefit barristers of all religions and beliefs.</p>

Part 1 – Public

Gender Reassignment	Full and consistent implementation of present and future <i>Equalities Rules</i> will help to ensure that chambers are inclusive environments.
Pregnancy/ Maternity	We shall expect all chambers to be consistent in implementing current and future <i>Equalities Rules</i> . That will require all chambers to have in place parental leave policies and to monitor the allocation work within chambers. The latter, in particular, will play an important role in ensuring equal outcomes for barristers who take parental leave and, in doing so, cease to practise for a short period.
Marriage and Civil Partnership	Full and consistent implementation of present and future <i>Equalities Rules</i> will help to ensure that chambers are inclusive environments.
Other Identified Groups	It is intrinsic to our expectations and requirements of chambers that they are inclusive in their culture and provide equality of opportunity regardless of background. We expect, therefore, this initiative will also benefit students, pupils and barristers from low income backgrounds.

How does the policy advance equality of opportunity?
The essence of the policy is to ensure a more consistent approach by chambers to their oversight responsibilities, including in relation to the promotion of equality, diversity and inclusion.

How does the policy promote good relations between different groups?
Implementation of the initiative will require all barrister who belong to chambers to play an active and engaged part in the management of the practice. That should, in turn, lead to more interaction and better relationships between barristers of all backgrounds and with all protected characteristics in the chambers.

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)		
a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	X
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	
d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	
Reason for decision: See the answer to the question about how the policy advances equality of opportunity.		

Meeting:	Bar Standards Board	Date:	26 September 2024
Title:	BSB Empowering consumers compliance review		
Author:	Richard Parnham and Ahmet Arikan		
Post:	Policy Manager & Senior Policy Officer (Access Policy)		

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion: <input checked="" type="checkbox"/>	Noting: <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	------------------------------------------------------	--------------------------------------------------------	-----------------------------------------	----------------------------------------------

Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
(i)	promoting the prevention and detection of economic crime.
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose of Report

1. To:
 - (1) update the Board on various activities we are undertaking to promote consumer empowerment; and
 - (2) seek the Board's agreement to our draft compliance report in response to the LSB's Statement of policy on empowering consumers (the "Statement"), and to the publication of the approved compliance report on our website.

Recommendations

2. We ask the Board to:
 - a. note our summary of our previous / planned activities, including how those activities collectively aid our compliance with the Statement.
 - b. approve our draft compliance report, which summarises how the BSB complies with the LSB's various expectations (Annex A), together with further details provided in Annex B; and
 - c. agree for both documents to be (a) submitted formally to the LSB by 30 September 2024, and (b) to be published on our website, publicly to demonstrate our compliance with the Statement.

Background

Context and Statement compliance oversight

3. The BSB is committed to improving outcomes for consumers, in line with our regulatory objectives. Our 2022 - 2025 Strategic Plan identifies Access as a key strategic aim for the BSB. Our Access programme aims to promote consumer understanding of legal services, and choice and good value for those seeking and using barristers' services. More recently, our technology and innovation work has also begun to explore possible interventions open to us, for the benefit of consumers, and in pursuit of our regulatory objectives. Consequently, these programmes mean we have robust internal oversight of our progress in empowering consumers.
4. Ongoing work that is relevant to our compliance with the Statement includes our ongoing evaluation of the digital comparison tool (DCT) / review services market; a re-evaluation of our existing transparency rules; improving the availability and quality of information we make available to consumers; our data and intelligence strategy; and our recently-launched intermediaries market study.

LSB's Statement of policy on empowering consumers

5. In 2016, a Competition and Markets Authority (CMA) report found that the market for legal services was not working well for consumers. This report led to various regulatory reforms, enacted by the BSB and other front-line regulators. For the BSB, a key reform was the entry into force of our transparency rules on 1 July 2019.
6. In December 2020, a follow-up CMA review found that, while progress had been made to make more information available to consumers, further work was needed. The 2020 CMA review made several additional recommendations. This review led, in turn, to the LSB issuing its Statement in April 2022.

Policy Statement outcomes and expectations

7. The LSB Statement "expects" regulators to pursue various specific outcomes. Some outcomes focus on consumer knowledge and capability (i.e. the ability to recognise when a problem is a legal issue). Other outcomes focus on making useful information available to consumers, enabling them to make an informed choice as to which legal service provider is most suited to their needs.
8. In pursuit of these outcomes, the Statement has five specific expectations of regulators. These expectations focus on: public legal education; consumers' access to "useful" information about price and (separately) quality; the provision of useful information about service, redress, and regulation; and how information is made available to consumers.

9. The five specific expectations vary, in terms of what is expected of regulators. In pursuing outcomes that “best enable effective consumer choice”, some expectations specify mandatory minimum requirements on regulators – notably the provision of information about providers’ disciplinary and enforcement records. For other expectations, regulators are required to “consider” or “have regard to” specific factors – but can then exercise their discretion regarding what (if any) next steps they take in pursuit of the Statement’s outcomes.
10. Although the Statement’s expectations were not time bound when issued, the LSB has since asked regulators to comply with them by 30 September 2024. The LSB has also stated that:

“Where a regulator has not met the expectations or explained what other steps have been taken to address the areas set out in the Statement, the LSB may go on to consider what, if any action it may take, including under its Statement of policy for enforcement.”

Our overall compliance with the Empowering consumers obligations

11. We are satisfied that, overall, the BSB is meeting its obligations as set out in the Statement. The universal green colour coding of the Excel spreadsheet (annex B) for submission to the LSB therefore indicates that we regard ourselves as compliant with each of the Statement’s specific expectations and also – where relevant – the Statement’s associated general expectations (i.e. those relating to compliance and evaluation). On several respects, we believe the activities we have undertaken mean we already exceed some of the Statement’s specific expectations.
12. The Statement has helped us audit our delivery of our current “Access” strategic priority. We have also found the Statement useful in helping us to identify and plan future BSB activities, which aim to deliver barrister market that works well for consumers. In our draft LSB submission we therefore highlight future activities that we intend to undertake, beyond the 30 September 2024 deadline. We have identified these activities as helping to deliver on our regulatory objectives during the next strategic period, reflecting the ambition to enhance our focus on consumers. These future activities are, collectively, intended to improve the provision of useful information that best enables consumer choice across a range of situations, moving beyond the specific factors identified in the Statement.
13. During their development phase, our planned activities will initially be subject to expert scrutiny (i.e. Apex review), stakeholder engagement, consultation and consumer testing. We will also seek to evaluate the real-world impact of measures being developed. More generally, they will also take account of robust evidence sources, notably the recently published report, Consumer Focused Regulation in Legal Services, commissioned by the Legal Services Consumer Panel. This report is also informing our proposed priorities for the next strategy period.

Specific examples of Statement compliance

14. The activities outlined below provide a snapshot of some previous, ongoing and planned activities, which we believe demonstrate BSB’s current and ongoing compliance with the Statement. Additional activities and supporting evidence are summarised in Annexes A and B.

Public legal education (PLE)

15. We meet our PLE obligations through both our participation in *Legal Choices* and through our partnerships with third sector organisations which work directly with consumers in vulnerable circumstances.
16. We have an extensive research programme planned, including an exploration of consumers’ awareness of their legal rights, and vulnerable consumers’ experience of using barristers’ services – the latter being a joint research project between the BSB, CILEx Regulation, and the ICAEW. We continue to play an active role in the development of *Legal Choices* and the Regulatory Information Service (RIS).

Information about price

17. The BSB’s 2019 regulatory arrangements relating to price transparency – introduced in light of the 2016 CMA report – go beyond the Statement’s requirement to “consider” specific factors that might best enable the provision of useful information about price. Rather, our transparency rules actively mandate that the Bar makes information about pricing / charging models available. Enhanced mandatory transparency rules are also in place for providers who undertake specific types of public access work. The enhanced transparency requirements we mandate for this type of public access work closely align with the price transparency factors specified in the Statement.
18. Our July 2022 compliance report found a high full / partial compliance rate with the transparency rules – 94%. While this is a good marker, we continue to keep our arrangements under review, to ensure compliance is maintained. Furthermore, and complying with the Statement’s “make changes to improve effectiveness” expectations, our supervisory activities have identified a need to update our mandatory guidance. This will help ensure that price transparency information is more clearly signposted in plain English on providers’ websites. Here, we aim to improve on the current percentage of consumers (65.29%) who say they find it ‘easy’ or ‘very easy’ to find price information about barristers.
19. In relation to the scope of our price transparency regime, we await the outcome of peer regulator investigations, including the SRA and CILEx Regulation, to learn from their experience. We are also considering the implications of our other work on price transparency at the Bar, notably our on-line comparison and intermediaries market studies. The on-line comparison market study is in the final phase of its substantive research, focusing on consumers. Publication is due in early 2025. Our preliminary findings regarding the intermediaries’ market study are likely to be available around February 2025.

Information about quality

20. Our Barristers' Register includes information about barristers' disciplinary and enforcement records, while the Legal Ombudsman publishes its decisions about the Bar on its own website. These two publication activities therefore meet the Statement's minimum expectations regarding the provision of useful information about quality. However, in line with suggestions by the CMA and others, we are now evaluating the viability of directly hosting service-related LeO complaints on our Barristers' Register, alongside individual barrister records.
21. We have considered the other quality indicators identified in the Statement, and evaluated which of them appear viable and useable to best enable consumer choice, in light of currently-available evidence. Building on this work, we have audited our own regulatory data, to identify data which might also be considered useful quality indicators. We will shortly undertake consumer testing, stakeholder engagement and public consultation, with the aim of establishing whether this data is likely to be useful to consumers in real-life. Following this work, we aim to make any of our additional regulatory data deemed to be useful quality indicators available on an open data basis.

Information about service, redress and regulation

22. Several of our Handbook rules mandate the publication of useful information relating to service, redress and regulation on websites operated by self-employed barristers, chambers and BSB entities. These rules, plus various other activities we undertake, allow us to comply with each of the Statement's seven specific expectations that relate to making this information available to consumers. Our supervisory activities seek to ensure compliance with these rules.

How information is made available to consumers

23. This is a wide-ranging expectation, covering multiple issues. Nevertheless, we believe we comply with each of them. For example, in relation to the expectation that providers (i.e. the Bar) should ensure the provision of information is "accurate and up-to-date", our regulatory arrangements require that self-employed barristers, chambers and BSB entities review their website annually.
24. Similarly, our Barristers' Register currently complies with four out of the five Statement requirements on regulators to "ensure" information about the providers they regulate "is available in at least one single location online". We are currently considering how we can enhance our baseline compliance with the fifth Statement requirement, which relates to making available published LeO complaints decisions. Our current method of delivering compliance with the fifth Statement requirement is to provide a link from the "search a barrister's record" section of the BSB website to the published decisions section of the LeO website. In future, we are considering the viability of hosting published LeO decisions directly on our Barristers' Register.

25. Where helpful, we have drawn on third party research to help us establish whether our measures appear to be having the desired positive impact for consumers. For example, our guidance encourages the Bar to make transparency information available to consumers in standardised formats, with the aim of allowing for easy comparison between providers – a specific Statement requirement. The latest LSCP research indicates that this outcome is being met for a majority of consumers, with 75.50% finding it ‘easy’, or ‘very easy’, to make price comparisons between barristers.

Resource implications / impacts on other teams / departments or projects

26. Many of the activities required to demonstrate compliance are already being undertaken as business-as-usual activities.
27. Any expenditure or resources required to undertake new activities, such as quality indicator or open data enhancements, will be determined when the activities are scoped and planned.

Equality, diversity and inclusion

28. Existing projects to deliver to the Statement have an EIA where appropriate. Any new projects needed to continue compliance will have an equality impact assessment undertaken at the planning stage.

Risk implications

29. The Access programme maintains a risk register, both for the overall programme and the projects within it. A key risk identified is of enforcement action being undertaken by LSB consequent of our failing to adequately demonstrate compliance with any, or all of the Statement’s requirements.

Annexes

Annex A – Draft BSB Compliance Report to the LSB regarding the BSB's compliance with its empowering consumers obligations

Annex B – Draft BSB LSB Empowering consumers compliance assessment – further information summary



REGULATING BARRISTERS

**Bar Standards Board submission to the LSB
regarding the BSB's compliance with the
LSB's Statement of policy on empowering consumers**

Summary and next steps

1. This document provides the BSB's assessment of its compliance with the LSB's 11 April 2022 Statement of policy on empowering consumers ('the Statement').
2. We regard the Statement as providing a useful framework for our overall approach to consumer empowerment, not least because it helps us to audit our delivery of the "Access" element of our strategic aims, as set out in our Strategic Plan 2022-25.
3. The report below highlights the activities that we have undertaken to demonstrate our compliance with the Statement, by reference to its five specific expectations of regulators. We believe that the regulatory arrangements we have in place, together with other activities undertaken, means the BSB complies with both the Statement's general and specific expectations. This is reflected in the more detailed summary of activities in the Annex of this report. In several instances, notably in relation to our price transparency and quality indicators work, we assess the activities we have undertaken to date as going beyond the Statement's specific expectations.
4. Our ambition, as we develop a strategy to the end of the decade, is to go further in promoting a competitive barrister market that works for consumers. To this end, we have also used the Statement to help us identify future interventions. This report and its annex therefore highlight several key planned activities, designed to extend choice and further to enhance the provision of useful information.
5. Our planned activities, including the evaluation of their outcomes, will continue, therefore, beyond the 30 September 2024 Statement compliance deadline and into our next strategic period. We shall consult on our planned strategy shortly.
6. In developing our future plans, we have been mindful, not only of past Competition and Markets Authority recommendations and the LSB Statement, but also of more recent documents, notably the recent report on Consumer Focused Regulation in Legal Services, commissioned by the Legal Services Consumer Panel (LSCP). The illustrative examples of recent and planned activities offered below, and also in the annex, seek to deliver on this report's numerous recommendations.

Public legal education

7. Our Public Legal Education (PLE) strategy, in place since 2022, emphasises both collaboration with other front-line regulators and partnerships with third sector organisations which work closely with consumers in vulnerable circumstances.
8. Over recent years, we have worked with ‘Law for Life’ on projects relating to legal need in the area of employment law, producing a range of civil guides for litigants in person applying for or defending civil actions. With ‘Citizens Advice’, who run the Witness Service on behalf of the Ministry of Justice, we have funded two videos for children giving evidence in the Crown Courts and Magistrates’ Courts.
9. With ‘Refugee Action’ we have supported research into the barriers to complaints faced by those seeking advice on immigration issues. We are now working with the SRA, the Legal Ombudsman (LeO) and the Office of the Information Services Commissioner (OISC) to consider how we can help to reduce those barriers by creating printed and website content which will explain the benefits of using a regulated adviser, how to check whether your adviser is regulated, and how to complain if you encounter problems. This can then be hosted on Legal Choices and on other websites and platforms.
10. We are also a “Guardian” supporter of ‘Support through Court’, who offer emotional and practical support (but not legal advice) to the increasing number of people who have to appear in the civil and family courts without legal representation.
11. A variety of metrics are also used to evaluate and report on the effectiveness of our PLE activities. Collaborating with other regulators, we have discussed PLE projects in the Market Transparency Co-ordination and Oversight Group (MTCOG). When we rejoined Legal Choices in September 2023, we also significantly increased our spend on PLE.
12. After rejoining Legal Choices, we now play an active part in its development, including its Regulatory Information Service (RIS). In doing so, we work in partnership with other regulators and the LSB.

Information about price

13. The BSB’s existing price transparency rules and guidance for the Bar are intended to ensure that consumers have access to useful information that best enables effective choice about the price, or potential price, of services offered by the Bar. Taking note of a specific Empowering consumers expectation, we mandate that barristers, chambers and entities must make their pricing models available – including, if they have one, on their website.
14. Additionally, the BSB requires an enhanced mandatory price transparency regime for barristers, chambers and entities that undertake specific types of public access work. The enhanced transparency requirements we mandate for these types of barristers’ service closely align with the price transparency factors specified in the Statement.

15. The BSB has undertaken two large-scale audits of the Bar’s compliance with our transparency rules. The findings of these audits are summarised in two separate reports, one published in 2020¹ and the second in 2022². Findings from those audits indicate that compliance with our transparency rules has improved over time, reaching 94% full or partial compliant in our most recent (2022) report. Additionally, recent research published by the Legal Services Consumer Panel (LSCP) indicates that the majority of consumers (65.29%) find it ‘easy’, or ‘very easy’³, to find price information about barristers, and to compare prices between barrister providers (75.50%). As noted in our 2022 report, BSB’s supervision team continues to check compliance levels whenever they engage with chambers, BSB entities or sole practitioners in the ordinary course of their supervision work.
16. We have identified two opportunities further to enhance price transparency for the benefit of consumers. Firstly, in light of insights gathered from our supervisory team, we are considering making changes to our mandatory guidance regarding the prominence of transparency-related information. The intention would be to make it easier for consumers to locate transparency information, including fees information, via ‘Plain English’ signposting on barristers’ websites. Secondly, we are considering amending our guidance to reduce the 14-day maximum period we regard as reasonable for providing quotes for work. We are considering this option in light of research undertaken by the LSCP, which found that one of the biggest price-related difficulties for consumers was the length of time taken to obtain a quote. We plan to undertake testing of consumers’ preferences regarding timelines by the end of 2024. The findings from this research will feed into our ‘Empowering consumers’ consultation.
17. Research tells us that at least 63% of consumers employ barristers via solicitors. We therefore note the SRA’s recently commissioned research, and its suggestions that the scope of the SRA transparency rules might be expanded. We further note the recent CILEx regulation consultation on the same topic. While we await publication of these two regulators’ consultation findings / recommendations, we continue to explore this issue independently, ahead of deciding on any next steps. Ongoing activities include our recently launched consumer research; our ongoing DCT / review site market study; our recently-launched investigations into both the unbundling and intermediaries market, and our research into the role played by solicitors in barrister selection; and our ongoing supervisory activities.

¹ Available at: www.barstandardsboard.org.uk/static/3359c36e-ef3e-449d-883e18c5ebeabad6/202006-External-Transparency-spot-check-report.pdf

² Available at: www.barstandardsboard.org.uk/static/c9898093-bbc6-45d5-b3af882dae99e05d/20220727-External-Transparency-RR-and-spot-check-report.pdf

³ Options available to the survey respondents, available at: www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2024/07/LSCP-Tracker-Survey-Data-2024.xlsx

Information about quality

18. To meet the Statement’s minimum “quality” information expectations, we already make barristers’ disciplinary and enforcement records, including sanctions, available on both our Barristers’ Register and also on the “Can you trust your legal adviser” section of the Legal Choices Website. Separately, the Legal Ombudsman (LeO) publishes complaints decisions about legal service providers, including the barristers and other providers regulated by the BSB, on its website.
19. Notwithstanding LeO’s independent publication of second-tier complaints findings involving the Bar, we are currently evaluating additional options for making this complaints data more readily accessible. We will shortly begin testing consumers’ preferences regarding the publication of LeO complaints data. This is in preparation for further work in this area, including engagement with LeO and other key stakeholders. This, in turn, will be followed by a public consultation regarding any proposals we bring forward. Separately, and following the LSB’s recent publication of a Statement of policy on first tier complaints, we are currently reviewing further actions we might take in relation to first and second tier complaints reporting.
20. We have actively engaged with other frontline regulators, digital comparison tool (DCT) operators, other stakeholders and prior research, to understand what additional quality indicators are currently available – and viable – in respect of the Bar, beyond those specified in the Statement. We have decided against the adoption of success / loss rates, partially in light of this evidence but also because of the perverse incentive this would create to turn down hard cases and so curtail access to justice. The LSCP and the other parties involved in this field are also sceptical about this particular metric.
21. We have instead focused on developing quality indicators that appear to be more viable and scalable in a standardised format. To that end, we have audited the regulatory data we hold, to identify data fields that might be considered useful quality indicators in line with prior research findings. In our planned ‘Empowering consumers’ consultation we will seek feedback on plans to make additional regulatory data fields, which may also be used as quality indicators, available to consumers and other stakeholders on an ‘open data’ basis. These data fields go beyond those quality indicators specified in the Statement.
22. Building on research conducted by our peer frontline regulators and other organisations,⁴ we are about to commence fresh research into consumers’ preferences regarding quality indicators. This research will feed into our evaluation of what additional regulatory data we should make available to the public and other stakeholders and the manner in which it should be provided. One element of the research will be exploring consumers’ apparent reluctance to leave reviews about barristers. This issue was identified during the pilot phase of our ongoing study into on-line comparison (DCTs) and review websites serving the barristers’ market. The

⁴ For instance, we considered a 2021 study report on quality indicators, commissioned by Legal Utopia, and funded by the University of Edinburgh, with academic collaboration with the University of Aberdeen (Legal Service Provider Scoring System – author: Mr Howard Chen, Contributor: Dr Dewei Yi, Editor: Mr Fraser Matcham.

findings from this fresh research will help inform our future activities regarding what role reviews might play in assessing the quality of barristers' services.

23. We are currently working with the LSB and other frontline regulators on proposals to further develop Legal Choices and RIS. It is possible that Legal Choices / RIS will evolve to provide an additional, consumer-facing outlet for the regulatory data we collect and published.

Information about service, redress and regulation

24. Several of our long-standing transparency-related Handbook rules mandate the publication of useful information relating to service, redress and regulation on websites operated by self-employed barristers, chambers and BSB entities. Previously, we undertook regular audits of the Bar's compliance with these specific regulatory arrangements. However, in light of high levels of compliance with our transparency rules, we now routinely test for compliance in the ordinary course of our supervision work.

How information is made available to consumers

25. Our existing regulatory arrangements place specific transparency-related obligations on regulated individuals and entities, in a manner we regard as appropriate. As noted, our existing transparency rules require that this information be made available in a sufficiently accessible and prominent place on providers' websites. We are considering making further changes to our mandatory guidance, with the aim of encouraging the 'Plain English' signposting of transparency-related information on providers' websites. We note CILEx Regulation's recent proposals in relation to this matter and await the outcome of their consultation with interest.
26. We will shortly undertake testing of consumer preferences about the regulatory data we hold that relates to barristers' levels of experience. Subject to consumer testing, and an equality impact evaluation, we believe this data has the potential to further enhance the provision of comprehensible, appropriate contextual information we make available to consumers and other stakeholders, such as DCTs and review website.
27. Our regulatory arrangements require that self-employed barristers, chambers and BSB entities review their website annually, to ensure that they are accurate and comply with our transparency rules. Our ongoing supervisory activities with the Bar enable us to identify situations where compliance is not occurring, and to work with providers to achieve compliance.
28. Our transparency guidance encourages the Bar to make transparency information available to consumers in standardised formats, with the aim of allowing for easy comparison between providers. The latest research from the LSCP suggests that this outcome is being met for a majority of consumers, with 75.50% finding it 'easy', or 'very easy', to make price comparisons between barristers.
29. We maintain public registers of both individual barristers and BSB entities. With the exception of LeO complaints data, the Barristers' Register already includes barristers'

contact information, areas of practice, regulatory status and registration details, and disciplinary and enforcement record (including sanctions). As previously noted, we are currently evaluating options to make LeO complaints data available alongside other quality indicators on our Barristers' Register. We aim to undertake consumer testing of this proposal at the earliest opportunity.

30. We continue to examine the role that on-line comparison (DCTs) and review websites play in relation the Bar, via our DCT pilot (now a market study). To that end, we have extensively engaged with service providers, the Bar and will shortly be doing so with consumers via a new research project. To help us build our evidence base, we actively encouraged the Bar to participate in DCT/review services during our study's pilot phase. Our research to date indicates a complex picture, where few consumers appear to use such services. This is in contrast with widespread usage (and barrister acceptance) of curated lawyer-to-lawyer review services. We will shortly be publishing our findings about this market, which will form the basis for further policy work.
31. Mindful of the minor role played by on-line comparison (DCTs) and review websites in helping consumers to select barristers, we recently agreed to undertake joint research with the SRA to understand the role that solicitors play in this process. Separately, we have recently begun research into the wider intermediaries' market for barristers' services. Finally, we recently initiated research into digital exclusion, in partnership with ICAEW, the CLC and CILEx Regulation. This research will aim to understand the experiences of digitally excluded clients or prospective clients in the legal sector. Collectively, these research activities are intended to provide us with a more holistic understanding of the manner in which consumers engage with the market for barristers' services, beyond a narrow focus on DCTs and review websites.
32. Both our individual barrister and BSB entity registers are made freely available on an open data basis. As part of our commitment to open data, and to facilitate the development of DCTs and review services, we recently enhanced the data we make available on the downloadable version of our Barristers' Register, to also include areas of practice, Inns of Court details, rights of audience information, conduct of litigation authorisation details, rights of audience details, and information on other entitlements that the authorised person holds – such as administration of oaths, immigration work, and probate activities. Our 'Empowering consumers' consultation will propose making additional barrister contact information available for download on an open data basis – subject to relevant data protection considerations, an equality impact assessment, notice to the profession, and consent to publication.

Bar Standards Board

30 September 2024

For further information please contact

[name, position]

The Bar Standards Board

289-293 High Holborn, London WC1V 7HZ

Direct line: [phone number]

Email: email@barstandardsboard.org.uk

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
Public Legal Education						
14	Regulators are expected to put in place an effective programme of activity to support the regulatory objective of increasing public understanding of the citizen's legal rights and duties. This should be with a particular focus on public legal education that supports people to understand where they have a legal problem and how to access the professional help they need to resolve it.	<p>General expectation: 11 (a) (i) - pursue outcomes where consumers have the knowledge and capability to recognise when their problem is a legal issue and know how to get legal assistance where necessary.</p> <p>Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.</p> <p>12 (c). Consider the needs of consumers, including those consumers in vulnerable circumstances.</p>		<p><u>We commissioned consumer research in 2021, part of which tested consumers' understanding of their ability to understand legal issues.</u></p> <p><u>Our PLE Enabling strategy has been in place since 2022, which facilitates the production of BSB and PLE partner produced PLE advice.</u></p> <p><u>We have funded and collaborated in a number of projects with Law for Life, Citizens Advice, and Refugee Action, and we continue to help fund Support through Court.</u></p>	<p><u>To help us better understand consumers' ability to recognise that a problem is legal and subsequently engage in the market for legal services, we will shortly commission the first of a survey of barristers' clients that we will be undertake every two years. The survey will ask questions about searching for, choosing and using a barrister. Questions will largely be based off those used in the legal needs survey, and the client survey we commissioned in 2022 as part of the transparency evaluation.</u></p> <p><u>As part of our work to understand the needs of vulnerable consumers, the BSB, CILEX Regulation, and the ICAEW are currently undertaking collaborative research into digitally excluded consumers and their experiences and barriers when using legal services.</u></p>	Yes
15	Regulators are expected to make meaningful contributions to cross-sector initiatives, such as Legal Choices, that are subject to appropriate mechanisms to ensure they are effective. Regulators should be able to demonstrate suitable investment, reach and impact of such initiatives following evaluation.	<p>General expectation: 11 (a) (ii) - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market.</p> <p>11. c. Have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met.</p> <p>Principle: 12 (d). Collaboration between regulators is encouraged.</p>		<p>We formally rejoined Legal Choices in September 2023, and now play an active part in Legal Choice's development, including its Regulatory Information Service (RIS).</p> <p>We have recently increased our spending on PLE.</p> <p>The BSB has also chaired the PLE MTCOG Group and undertaken bilateral PLE evaluation work.</p>	<p>We will continue to play an active role in the development of Legal Choices and RIS.</p>	

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
Information about price						
16	Regulators are expected to put in place regulatory arrangements and undertake other appropriate activities to ensure the provision of useful information that best enables effective consumer choice about the price, or potential price, of the services offered by providers.	General expectation: 11 (a) (iii) - pursue outcomes where consumers can access...as a minimum...useful information.... about a provider's...price...		<u>We have produced transparency guidance for the Bar, and recently modified them in light of feedback.</u> <u>We have repeatedly audited the Bar's compliance with our rules and have published our findings, most recently in July 2022. We have followed up with transgressors. Our supervisory activities now focus on continued engagement with the Bar regarding compliance</u> <u>In July 2022, we additionally published an evaluation report, examining the impact of our transparency rules on consumers.</u>	We are considering making further changes to our mandatory transparency guidance, to clarify what amounts making information "sufficiently accessible and prominent on your website". This change would codify advice already offered to use plain English language, such as "fees information", "costs information" or "how to instruct us". We note the recent CILEx Regulation proposals in relation to this topic.	Yes
17	In assessing what information about price is useful and best enables effective consumer choice, regulators are expected to consider such factors as:	b. Ensure compliance by those they regulate with the regulatory arrangements they put in place to pursue these outcomes, including through effective measures to address non-compliance;				
a.	The pricing/charging model;	c. Have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met. Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.	rC159.2 (publication duty on "each website of self-employed barristers, chambers and BSB entities") "in a sufficiently accessible and prominent place" ... "state their most commonly used pricing models for legal services, such as fixed fee or hourly rate. Where different models are typically used for different legal services, this must be explained." Also, equivalent rC166 duty on websites operated by public access barristers, chambers and entities.	We have actively considered the activities undertaken by our fellow approved regulators (notably the IPReg, the CLSB and CILEx Regulation), and follow-on consultation responses made by the LSCP and others, regarding their recent price transparency regime updates.	Handbook rule rC159.1 states that "quotations must be provided within a reasonable time period." What amounts to a reasonable time period is set out transparency standards guidance, which states that "A 'reasonable time period' will normally mean within 14 days, although depending on consumer need/urgency quotations may need to be provided sooner. Taking note of findings published in the various LSPC "Tracker Survey Report on how consumers choose legal services" - which indicates that this was one of the biggest challenges for consumers in terms of obtaining price information from barristers - we are currently considering whether to shorten this guidance provision. Ahead of bringing forward proposals via a planned "Empowering consumers" consultation, we have commissioned additional consumer research, part of which includes an exploration of consumers' expectations of their preferred maximum timeframe for receiving pricing quotes.	
b.	Hourly fees (where charged) by grade of staff;	12 (b). Regulators regulate different professions within the legal sector and, as a consequence, may adopt different approaches to meeting the general and specific expectations.	rC166 Self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, are required by the Bar Standards Board's price transparency policy statement to provide price information in relation to certain legal services in certain circumstances. In relation to those legal services and in those circumstances, each website of self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, must in a sufficiently accessible and prominent place:	<u>We have carried out our DCT market study (initially ran as a pilot), which explores the role of DCTs in promoting price transparency.</u> <u>We encouraged barristers to sign up to price comparison (and other DCT services) as part of the DCT pilot.</u>		
c.	Indicative fixed fees, factors that may affect these and the circumstances where additional fees may be charged (where offered);	12 (c) (i). Consider the needs of consumers, including those consumers in vulnerable circumstances.	.1 state their pricing model(s), such as fixed fee or hourly rate; .2 state their indicative fees and the circumstances in which they may vary. For example, a fixed fee and the circumstances in which additional fees may be charged, or an hourly rate by seniority of barrister;	We have completed a literature review of key policy statements and evidence sources, including that produced by the CMA, LSB, LSCP, LEO, and the SRA. This literature was shared with the 9 May 2024 Access Programme Board. The evidence evaluated in this report has informed our policy development thinking regarding our price transparency next steps.		
d.	Typical ranges of costs for different stages of cases (where appropriate);		.3 state whether their fees include VAT (where applicable); and .4 state likely additional costs, what they cover and either the cost or, if this can only be estimated, the typical range of costs.			
e.	The scale of likely disbursements (e.g. searches, court fees); and	12 (e). Testing proposed measures with consumers is encouraged.				
f.	Other key factors that determine price (including disbursements).					

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
	Information about quality					
18	Regulators are expected to put in place regulatory arrangements and undertake other appropriate activities to ensure the provision of useful information that best enables effective consumer choice on the quality of legal services providers to consumers. Such information should include as a minimum:	General expectation: 11 (a) (ii). - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market.		<u>We have repeatedly audited the Bar's compliance with our rules and have published our findings, most recently in July 2022. We have followed up with transgressors. Our supervisory activities now focus on continued engagement with the Bar regarding compliance.</u>		Yes
a.	Providers' disciplinary and enforcement records, including any sanctions; and	11 (a) (iii). - pursue outcomes where consumers can access...as a minimum...useful information.... about a provider's... quality. 11 (b). Ensure compliance by those they regulate with the regulatory arrangements they put in place to pursue these outcomes, including through effective measures to address non-compliance; 11 (c). Have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met.	rE294 The Bar Standards Board shall keep a record of those who are subject to suspension or disqualification orders or conditions imposed on their authorisation made under the procedures in this Handbook and shall publish details of any interim suspension, interim disqualification or interim conditions on its website and in such of its registers as it considers appropriate, for as long as they remain in effect.	<u>Barristers' disciplinary and enforcement records, including sanctions issued, is freely available on the BSB's Barristers' Register, and also searchable (by Barrister name) by a separate section of the website. The BSB additionally makes this data available on the "Can you trust your legal adviser?" section of the Legal Choices website.</u>	We have created a new project to take forward our work relating to the LSB's new requirements on first-tier complaints. These new requirement will require publication of performance data on how legal service providers are handling complaints. The requirements and policy options for implementation are currently being scoped and analysed.	
b.	Published decisions made by the Legal Ombudsman on complaints about providers.	Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers. 12 (e). Testing proposed measures with consumers is encouraged.	See below a summary of our regulatory arrangements aimed at barristers, chambers and BSB entities regarding how consumers should be made aware of published decisions by the Legal Ombudsman regarding providers.	<u>We provide a link from the "search a barrister's record" section of the BSB website to the decisions data section of the LeO website.</u>	We are currently evaluating the feasibility of publishing Legal Ombudsman complaints data for barristers directly on our Barristers' Register, alongside their specific Register entry. We will imminently explore consumer preferences regarding publication options via testing as part of a wider piece of consumer research. We are also assisting the LSB with the development of the Regulatory Information Service (RIS) element of the Legal Choices website, which aims to include this information on its service.	
19	In considering what further information about quality is useful, the LSB expects regulators to have regard to:	General expectation: 11 (a) (ii). - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market.		Recent activities undertaken, intended to inform our thinking on this issue, include: Repeated engagement with the SRA / CLC and CILEX regulation regarding their DCT / quality indicators study. Undertaking a wider literature review of prior research into the availability and viability of various quality indicators on DCT and Review sites serving the legal profession, and also profession / consumer experiences and preferences relating to quality indicators. Our own original research and engagement with DCTs and review sites regarding the availability and viability of specific quality indicators relating to the Bar. We have also researched barrister preferences and participation in those quality indicators. Evaluation of existing regulatory data captured by the BSB, with the aim of increasing publication of data deemed to be a quality indicators. And in light of this, engagement with the LSB about making additional quality-related regulatory data available via Legal Choices / RIS.		Yes
a.	Information about	11 (a) (iii). - pursue outcomes where consumers can access...as a minimum...useful information.... about a provider's... quality.			We shall shortly commence research into consumer preferences regarding quality indicators as part of the consumer research study indicated above.	
i.	The quality of legal services provided;	11 (c). Have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met.			We plan to consult on specific proposals to make additional BSB regulatory data available to consumers and others, where we regard this data as potentially useful quality indicators. Our final proposals will informed by a mixture of prior research, and also our new consumer research.	
ii.	The quality of customer service; and					
iii.	Outcomes of work done.					
b.	The following types of information, as appropriate for the particular market:	Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.				
i.	Quantitative data on a provider's performance (for example complaints data, success rates, error rates); and	12 (d). Collaboration between regulators is encouraged.				
ii.	Customer feedback, ratings and reviews, in particular those that comment on the aspects of quality set out in paragraph 19a.	12 (e). Testing proposed measures with consumers is encouraged.				

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
Information about service, redress and regulation						
20	Regulators are expected to put in place regulatory arrangements and undertake other appropriate activities to ensure the provision of useful information that best enables effective consumer choice, including:					Yes
a.	Contact information;		rC159 - Each website of self-employed barristers, chambers and BSB entities must, in a sufficiently accessible and prominent place: .1 state that professional, licensed access and/or lay clients (as appropriate) may contact the barrister, chambers or BSB entity to obtain a BSB quotation for legal services and provide contact details.	<u>Both our Barristers' Register and Entities Register include providers' contact information (where authorised for publication by providers) and details of providers' regulatory status and registrations.</u>		
b.	A description of the services that the provider offers, including areas of practice;		rC159.3 requires that each website of self-employed barristers, chambers and BSB entities should (in a sufficiently accessible and prominent place) "state the areas of law in which they most commonly provide legal services, and state and describe the legal services which they most commonly provide, in a way which enables clients to sufficiently understand the expertise of the barrister, chambers or BSB entity."	<u>Our Barristers' Register includes barristers' designated areas of practice.</u>		
c.	The mix of staff that deliver the services;	General expectation: 11 (a) (ii). - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market. 11 (a) (iii). - pursue outcomes where consumers can access, as a minimum, useful information about a provider's services... regulatory status and access to resolution of complaints that enables them to make an informed choice as to the provider most suited to meet their needs.	rC166 Self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, are required by the Bar Standards Board's price transparency policy statement to provide price information in relation to certain legal services in certain circumstances. In relation to those legal services and in those circumstances, each website of self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, must in a sufficiently accessible and prominent place:.... .2 state their indicative fees and the circumstances in which they may vary. For example, a fixed fee and the circumstances in which additional fees may be charged, or an hourly rate by seniority of barrister;	<u>We have produced transparency guidance for the Bar, and recently modified them in light of feedback.</u>	Our future Barristers' Register / RIS / Legal Choices development work will further enhance the amount of useful information available to consumers. Data types under consideration includes the future enhanced publication of contact information (Empowering consumers paragraph 20 (a) providers regulatory status and registration details (paragraph 20 (f)). Our development work regarding making LeO decisions available on our Barristers' Register would, if implemented, provide consumers with another route to obtaining useful information regarding access to the Legal Ombudsman (paragraph 20 (g)).	
d.	Key (and discrete) stages of services;	11 (b). Ensure compliance by those they regulate with the regulatory arrangements they put in place to pursue these outcomes, including through effective measures to address non-compliance; 11 (c). Have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met. Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.	rC160 Self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, are required by the Bar Standards Board's price transparency policy statement to provide service information in relation to certain legal services in certain circumstances. In relation to those legal services and in those circumstances, each website of self-employed barristers undertaking public access work and/or their chambers, and BSB entities supplying legal services directly to the public, must in a sufficiently accessible and prominent place: .1 state and describe the legal services, including a concise statement of the key stages, in a way which enables clients to sufficiently understand the service of the sole practitioner, barristers in chambers or BSB entity; and .2 provide an indicative timescale for the key stages of the legal service.	<u>We have repeatedly audited the Bar's compliance with our rules and have published our findings, most recently in July 2022. We have followed up with transgressors. Our approach to the supervision of our transparency regime has now switched from large-scale spot checks to ongoing testing. This testing occurs whenever we engage with chambers, BSB entities or sole practitioners in the ordinary course of our supervision work.</u>	To help us better understand consumers' understanding of the regulation of barristers and their preference regarding quality indicators, we shall shortly commission a qualitative client research project. This research will explore clients' experiences of using barristers' services.	
e.	Indicative timescales of completing services and factors affecting these;	12 (b). Regulators regulate different professions within the legal sector and, as a consequence, may adopt different approaches to meeting the general and specific expectations. 12 (d). Collaboration between regulators is encouraged.	rC159.4 requires that each website of self-employed barristers, chambers and BSB entities should (in a sufficiently accessible and prominent place) "provide information about the factors which might influence the timescales of their most commonly provided legal services."	<u>In July 2022, we additionally published an evaluation report, examining the impact of our transparency rules on consumers.</u>	Our biennial consumer survey will include questions about awareness of regulators status, complaints procedures and other indicators related to our transparency rules.	
f.	The provider's regulatory status, registration details; and		rC103 includes various provisions for the mandatory disclosure of a providers' regulatory status. These include on each website homepages of self-employed barristers, chambers and BSB entities (rC103.1) and the in emails and letterheads of self-employed barristers and BSB entities, their managers and employee (rC103.d).	<u>We make our regulatory data available to download on an open data basis to facilitate the development of DCTs and review services that provide information to consumers about barristers.</u>		
g.	The provider's complaints process and access to the Legal Ombudsman.		rC99.1 mandates barristers to write to clients eligible to complain to the Legal Ombudsman of their right to do so, when instructed "or, if that is if not practicable, at the next appropriate opportunity." rC103.2a mandates each website operated by self employed barristers, chambers and entities to display (if a sufficiently prominent place) "information about their complaints procedure, any right to complain to the Legal Ombudsman, how to complain to the Legal Ombudsman and any time limits for making a complaint" and (b) a link to the decision data on the Legal Ombudsman's website.	<u>We provide a link from the "search a barrister's record" section of the BSB website to the decisions data section of the LeO website.</u>		

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
How information is made available to consumers						
21	Where information set out at paragraphs 16 to 20 is made available, this should relate to regulated entities and/or regulated individuals as appropriate.		In relation to the publication of price information, sole practitioners undertaken public access work must (Handbook rule rC167) display price information in relation to them as an individual barrister and BSB entities must provide price information as entities. However, chambers may provide price information either in relation to individual barristers or average fees for barristers across the chambers. See above and below for additional regulatory arrangements that relate to transparency, and whether these regulatory requirements relate to regulated entities or individuals.	<u>In relation to information about quality, provider disciplinary and enforcement records are published on the Barristers' Register by reference to individual barristers. Decisions are also communicated via the BSB website.</u>	We are exploring the viability of publishing a list of chambers, alongside their contact details, to help consumers get a snapshot of the chambers that exist. The list would complement our existing Barristers' Register and Entities Register. For other examples of activities directed as regulated entities and / or regulated individuals, see above and below.	Yes
22	Regulators are expected to take steps to ensure that their regulatory arrangements and activities result in the provision of information by providers that is:					
a.	Clear and prominent;	General expectation: 11 (a) (ii) - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market. 11 (a) (iii) - pursue outcomes where consumers can access, as a minimum, useful information about a provider's services, price, quality, regulatory status and access to resolution of complaints that enables them to make an informed choice as to the provider most suited to meet their needs.	Repeatedly-stated BSB Handbook obligation to publish information on the website of self-employed barrister, chambers, BSB entity in a "a sufficiently accessible and prominent place." Specific words used in relation to complaints information and Barristers' Register link (rC103.2); information about receiving quotations, pricing models, areas of law etc (rC159); public access guidance to lay clients (rC164, rC166, rC168).	<u>We have produced transparency guidance for the Bar, and recently modified them in light of feedback.</u> <u>We have repeatedly audited the Bar's compliance with these rules, and followed up with transgressors.</u>	We are considering making further changes to our mandatory transparency guidance, to clarify what amounts making information "sufficiently accessible and prominent on your website". This change would codify advice already offered to use plain English language, such as "fees information", "costs information" or "how to instruct us". We note the recent CILEx Regulation proposals in relation to this topic.	
b.	Comprehensible, including through the provision of appropriate contextual information;	11 (b) - ensure compliance by those they regulate with the regulatory arrangements they put in place to pursue these outcomes, including through effective measures to address non-compliance; 11 (c) - have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met.	rC125 Having accepted public access instructions, you must forthwith notify your public access client in writing, and in clear and readily understandable terms rC159 Each website of self-employed barristers, chambers and BSB entities must, in a sufficiently accessible and prominent place: .1 state that professional, licensed access and/or lay clients (as appropriate) may contact the barrister, chambers or BSB entity to obtain a quotation for legal services and provide contact details. Quotations must be provided if sufficient information has been provided by the client, and the barrister, barristers in chambers or BSB entity would be willing to provide the legal services. Quotations must be provided within a reasonable time period, and in clear and readily understandable terms;	<u>We closely monitor reports, notably those produced by the LSCP, to evaluate whether information provided by the Bar to consumers is comprehensible, and allows for easy comparison between providers.</u>	Subject to public consultation and an equality impact assessment, we are considering making information available that relates the length of time a barrister has held a practising certificate, in addition to providing information regarding their date of call. This would provide additional contextual information regarding their years' of experience (which is often deemed to be a quality indicator). Academic literature describes this concept as "authorisation duration". We plan to test consumers' comprehension of this concept as part of our imminent consumer research project, indicated above.	Yes
c.	Accurate and up-to-date; and	12 (d). Testing proposed measures with consumers is encouraged.	rC160 All self-employed barristers, chambers and BSB entities must review their website content at least annually to ensure that it is accurate and complies with the transparency requirements referred to in Rules C103, C159 and where applicable, Rules C164 – C168.		See paragraph 24 (below) regarding our ongoing feasibility API work.	
d.	Easy to compare to information made available by other providers.			We have published templates and best practice guidelines on the transparency rules section of our website. These templates and best practice guideline indicates how compliance with our transparency rules might be achieved, using a standardised – and easy comparable – format. In addition to hosting our own Barristers' Register, we make our Barristers' Register data available on an open data basis to DCTs and review services, with the intention of facilitating the easy comparison of barristers by consumers.	We are currently exploring whether we can make additional data (specified above) available to DCTs and review services, with the intention of further supporting the easy comparison of barristers' services.	

Summary of the BSB's compliance with both the general and specific LSB Empowering consumers expectations

Paragraph number	Wording of specific expectation	Does the specific expectation also help deliver general outcome expectations and / or principles (if so, which ones)?	BSB Regulatory arrangements which help deliver the outcome / specific objective (if appropriate)	"Other appropriate activities" which help BSB deliver the outcome / specific objective	Possible next steps, intended to continue the pursuit of outcomes, and build on specific expectations.	Overall, does the BSB comply with both the general and specific expectations?
23	Regulators are expected to take steps to ensure that the following information about the providers they regulate is available in at least one single location online. This may include the regulator's own register of regulated providers:	<p>General expectation: 11 (a) (ii) - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market.</p> <p>11 (a) (iii) - pursue outcomes where consumers can access, as a minimum, useful information about a provider's services, price, quality, regulatory status and access to resolution of complaints that enables them to make an informed choice as to the provider most suited to meet their needs.</p> <p>11 (c) - have appropriate mechanisms in place to evaluate and report on the effectiveness of the steps they have taken in pursuit of these outcomes and make changes where these have not been met.</p> <p>Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.</p> <p>12 (e). Testing proposed measures with consumers is encouraged.</p>		We are participating in the development of RIS / Legal Choices, where much of this information specified below is likely to be replicated.		Yes
a.	Contact information;			<u>Directly included on the Barristers' Register.</u>	Potential enhancements to Barristers' Register to include enhanced contact information are under active consideration, ahead of a planned "Empowering consumers" consultation.	
b.	A description of the services that the provider offers, including areas of practice;			<u>Directly included on the Barristers' Register.</u>	Enhancements to the CSV version of Barristers' Register, which would see the additional inclusion of barristers' practice areas, are due to be delivered in Q4 2024.	
c.	The provider's regulatory status and registration details;			<u>Directly included on the Barristers' Register.</u> <u>As part of our commitment to open data, and to facilitate the development of DCTs and review services, we are in the process of enhancing the regulatory data we make available on the downloadable version of our Barristers' Register. The downloadable register will shortly include areas of practice, Inn of Court details, rights of audience information, conduct of litigation authorisation details, rights of audience details, and information on other entitlements that the authorised person holds – such as administration of oaths, immigration work, and probate activities.</u>	Potential enhancements to Barristers Register to also include further regulatory status details - i.e. CPD status and years of practise are under active consideration. If agreed, and subject to consumer testing, this idea is likely to form part of our planned "Empowering consumers" consultation.	
d.	The provider's disciplinary and enforcement records, including any sanctions; and			<u>Directly included on the Barristers' Register.</u>		
e.	Published decisions made by the Legal Ombudsman on complaints about the provider.			<u>We provide a link from the "search a barrister's record" section of the BSB website to the decisions data section of the LeO website</u>	Potential enhancements to Barristers' Register to also include published Legal Ombudsman decisions are under active consideration, subject to consumer testing, LeO engagement and public consultation.	
24	Regulators are expected to consider how to facilitate the use of tools that could provide useful and comparable information to consumers, such as digital comparison tools, review websites or a centralised database of regulatory information. Regulators should consider the following activities:	<p>General expectation: 11 (a) (ii) - pursue outcomes where consumers have the knowledge and capability to engage effectively with the legal services market.</p> <p>11 (a) (iii) - pursue outcomes where consumers can access, as a minimum, useful information about a provider's services, price, quality, regulatory status and access to resolution of complaints that enables them to make an informed choice as to the provider most suited to meet their needs.</p> <p>Principle: 12 (a) regulators should pursue the outcomes with particular reference to individual consumers.</p> <p>12 (c) (i). Consider the needs of consumers, including those consumers in vulnerable circumstances (for example where consumers are digitally excluded and do not have access to information online).</p>			<u>We are exploring the viability of publishing a list of chambers, alongside their contact details, to help DCTs and review websites develop their services.</u>	Yes
a.	Ensuring consumers are made aware of such tools;			<u>Our DCT market study (initially ran as a pilot) has sought to clarify the nature of the DCT and review services market for barristers - focusing on both the availability of such services and barristers' participation of them. It will also, via original consumer research, seek to establish consumers' awareness of such services, and their perspectives and usage of them. We recently concluded the Bar focused element of this research, which sought to better understand the Bar's usage and attitudes towards DCTs and review services.</u>	<u>Some of our future activities are partially dependent the findings of our DCT market study and future RIS / Legal Choices development work. One issue we are exploring is the manner in which we make data available on an open data basis - for example, whether we should also make our regulatory data available in a constantly-updated API feed, in addition to our existing open data formats (CSV file).</u>	
b.	Embedding trust among consumers and providers in such tools; and			<u>Our engagement with DCTs and review services as part of this study is directly informing our work (discussed above) which seeks to increase the amount of our regulatory data that we make available on an open data basis.</u>	<u>Two recently-agreed research projects are seeking to explore the role of intermediaries and other stakeholders (such as solicitors) in providing consumers with useful and comparable information about the Bar. This research goes beyond the specific types of providers identified in Empowering consumers paragraph 24. Additionally, the BSB, CILEX Regulation, and the ICAEW are collaborating in joint research into digital exclusion. This research forms part of our work to understand the needs of vulnerable consumers.</u>	
c.	Making relevant information freely available to third parties on an open data basis.					

Bar Standards Board – Director General’s Strategic Update – 26 September 2024**For publication****Equality Rules consultation**

1. We launched our consultation on the revision of our *Equality Rules* on 3 September. The consultation will run until 29 November and we very much look forward to engaging with a range of stakeholders both within the Bar and outside. The key question for the consultation is what regulatory framework will best support barristers in promoting the shared objectives of equality, diversity and inclusion.

Reform & re-organisation

2. Following the publication over the Summer of correspondence between the Chairs of the Bar Standards Board and of the Legal Services Board about the Bar Standards Board’s plans for continuing reform, a positive and constructive joint Board meeting was held on 4 September. The meeting also covered the Bar Standards Board’s developing thinking about its strategy to the end of the decade.
3. Board members on both sides endorsed the ambition of the Bar Standards Board’s reforms and the importance of taking those reforms forward at pace, under the oversight of the Board. The meeting endorsed the priority which the Bar Standards Board was giving to the completion of its internal re-organisation by 2 December in the interest of clarifying and focussing accountabilities. With the new structure in place, the next priority would be to re-design the Bar Standards Board’s enforcement process in order to give effect to recommendations of the independent (Fieldfisher) review published in April.

High profile enforcement cases

4. In response to recent media coverage of a number of current enforcement cases, we issued the following statement on 11 September:

The Bar Standards Board (BSB) believes that Tribunal hearings of the cases we bring against barristers should generally be held in public. We believe that to maintain the confidence of both the profession and the public in our regulation of barristers, justice should be open.

The Bar Tribunals and Adjudication Service (BTAS) is responsible for appointing and administering Disciplinary Tribunals and its tribunals are independent of the BSB. The BSB is responsible for bringing charges of professional misconduct against barristers, which BTAS tribunal panels then adjudicate. Where charges are proved the sanctions imposed are a matter for the tribunal having regard to the facts of the individual case and the BTAS Sanctions Guidance. Disciplinary Tribunals are usually listed in advance on the BTAS website and journalists and others are welcome to attend.

Directions hearings deal with the process to be followed in a Tribunal hearing and, in some cases, whether or not a case should proceed to a Tribunal at all. Directions hearings are heard not by a Tribunal but by a single Directions Judge. Unlike a substantive Disciplinary Tribunal these hearings are usually held in private, but it is for the Directions Judge, and not the BSB, to determine how such a hearing is conducted.

The BSB generally does not comment on individual cases unless and until a Tribunal hearing has concluded.

Mark Neale
Director General

Chair’s Report on Visits and External Meetings from end July 2024**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:**Meetings**

21 Aug	Teams call with Alan Kershaw, Chair, Legal Services Board
21 Aug	Meeting with Saima Hirji, Interim Director, Regulatory Operations
21 Aug	Meeting with Dee Sekar, Head of Equality & Access to Justice
22 Aug	Meeting with Rupika Madhura, Acting Director of Standards
22 Aug	Meeting with Inclusive Boards re: Board recruitment
27 Aug	Teams meeting with Jonathan Rees, Independent Chair, Chartered Institute of Legal Executives
4 Sept	Board to Board meeting with the Legal Services Board (<i>accompanied by Board Members Steve Haines, Simon Lewis, Irena Sabic KC, Stephen Thornton CBE and BSB executive, Mark Neale and Ewen Macleod</i>)
5 Sept	Pre-meet, Senior Leaders Hub, College of Policing
5 Sept	Attended BSB Performance & Strategic Planning Committee
7 Sept	Attended Bar Council Meeting
9 Sept	Attended “All Chairs Meeting” organised by the Legal Services Board
18 Sept	Pre-Board meeting discussion with Steve Haines and Mark Neale
18 Sept	Workshop for “All BSB Task Forces”
24 Sept	Board Briefing Meeting with BSB executive
26 Sept	BSB / BC Chairs’ Meeting
26 Sept	Attended BSB Seminar re: BSB Balanced Scorecard
26 Sept	Attended BSB Board meeting

1-2-1 Meetings

26 July	Met with Sir Christopher Ghika, Under Treasurer, Middle Temple
1 Aug	Met with Stephen Hockman KC, Six Pump Court Chambers & Member of the Harman Reference Group
7 Aug	Met with Tana Adkin KC, outgoing Chair of Criminal Bar Association
15 Sept	Met with Mary Prior KC, incoming Chair of Criminal Bar Association
18 Sept	Met with Shivani Kaushike, Joint BSB / BC Audit Committee Member

Events

24 July	Lunch with Dr Robin James, Clerk of Standards and Privileges, House of Commons & Member of the Harman Reference Group
7 Aug	Lunch with James Wakefield KC (Hon) (<i>accompanied by Mark Neale</i>)
30-31 Aug	Attended the South Eastern Circuit Advocacy Course, Keble College, Oxford (<i>accompanied by Emir Feisal JP, Board Member</i>)
4 Sept	Lunch meeting with “Lawyers Who Care CIC”
17 Sept	Presented a paper for the Senior Leaders Hub, College of Policing