

BAR STANDARDS BOARD

ACTION PLAN – TRANSFORMATIONAL CHANGE

Introduction

1. The Bar Standards Board has adopted this plan for reform, which brings together a range of changes which the Bar Standards Board and Senior Management Team have commenced or have planned, in order to bring transformative change to the BSB. The overall theme is one of continuous improvement. It seeks to bring about major change to the culture and capacity of the organisation, significantly to improve some of our key processes, and to tackle areas of underperformance. By the end of the plan we will be:
 - operationally excellent in delivering our core regulatory services. We already take consistently high quality decisions. We have markedly improved our productivity in the last year, particularly in concluding investigations. To high quality decision-making and high productivity we want to add consistently prompt and responsive service so that members of the public or barristers who use our services can be sure we shall take the right decision and do so efficiently and quickly;
 - on the front foot as a regulator, anticipating risks and opportunities, not just reacting to them. This means reforming our approach to capturing and analysing intelligence about the Bar. It means joining up the information we receive to build up a picture of emerging risks and empowering our front-line teams to act on the risks we identify. And it means gaining assurance that chambers are themselves effective in overseeing standards, equality and access. The result of this regulatory approach will be an engaged and proactive regulator which addresses risks to the public interest before the public sees or suffers any harm;
 - a force for change in the service that the Bar provides to the public. That means that the BSB deals not just with regulatory operations, but develops a broad and evidence-based understanding of the standards and skills the Bar will need to meet the future needs of consumers and the administration of justice. This aspiration is well expressed by our current strategic priorities of standards, equality and access. We shall take forward strategic change in collaboration with the profession, where that makes sense, or through targeted and proportionate regulation where necessary;
 - a collaborative regulator working closely with other legal regulators, with consumer groups and with the profession because we know we can achieve more through collaboration than by acting unilaterally. We shall, of course, regulate and take enforcement action where necessary but we know that a culture in which the public interest always comes first cannot be achieved through regulation alone; and

- a self-confident and well-respected independent regulator. We shall achieve that by embedding a culture of continuous improvement which advances our values of fairness and respect, independence and integrity and excellence and efficiency. We shall see it reflected in our organisational performance results, the results of our annual People Survey and in the credibility BSB commands among its stakeholders.

2. The prospectus captures the Board’s reform agenda under a number of key headings:

- Performance;
- Regulatory approach (including strategic change, intelligence and data, and reforming our Handbook and rules); and
- Culture and capacity.

3. The Board will own and hold itself accountable for the delivery of the plan and receive reports on its implementation from the Director General and Senior Management Team at every meeting until completion.

Theme	Action	Lead	Milestone and timetable
Performance	We will conduct an independent end-to-end review of our enforcement policies and processes to identify improvements and ensure that the system is operates effectively and efficiently in the public interest.	SJ	Tender process – April – July 2023. Completion of review – by end of 2023 but dependent on outcome of tender process. Consideration and implementation of recommendations – 2024/25 dependent on extent of changes.
	We will conclude the ongoing review into our decision-making processes for authorisations and implement its recommendations	OH	Delivered in phases with the first phase proposals for the overarching framework to be discussed with the Board before the Summer and consulted, where necessary, in early Autumn.
	We will implement the recommendations arising from the Deloitte review of the fitness for purpose and durability of our key operating systems	MN	Milestones will be aligned with the end-to-end review of enforcement processes, but changes to the operating systems are unlikely to be implemented before 2024-25
	We will review the role of the Independent Reviewers in our enforcement and authorisations processes to identify improvements in the	SJ	Review complete – end April 2023 Consideration of review outcomes by the Board – July 2023

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	operation of this assurance mechanism and to ensure that it is procedurally fair.		Consultation and approval of any Handbook changes arising (subject to approval by the Board and the LSB) – July – December 2023 Implementation of revised approach – early 2024
	We will agree and pilot a balanced scorecard to measure BSB's performance in delivering core regulatory operations	MN	Year one: <ul style="list-style-type: none"> • Agree shadow measures for piloting in May 2023 Year 2: <ul style="list-style-type: none"> • Begin formally reporting against new measures
Regulatory approach – Strategic change	Establish a standards assurance framework which will set out clearly our expectations of barristers and their chambers and employers on how to maintain standards of practice at the Bar	OH	Develop framework during 2023/24 business year and implement in Q1 of 2024/25
	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	OH	Complete reform to CPD and commence supervision against the new arrangements by April 2024
	We will undertake a thematic review of the quality of vocational Bar training providers, how they ensure that standards are maintained once a student is admitted and what systems are in place to ensure that a student develops to their full potential, whatever their starting point	OH	Research and analysis carried out during 2023/24 with final report and recommendation considered by the Board by April 2024.
	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	This is an ongoing commitment and the Board will review our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.

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	We will continue to ensure that our transparency rules are being complied with and are being effective	EM	Compliance checks are ongoing and we will consider next steps on transparency in the light of our DCT pilot and other evaluation work undertaken to date.
	We will continue our examination of the role of new technology in the legal services market and our participation in the work of LawtechUK and we will also be looking at whether consumers' interests can be well served by online comparison or by other intermediaries offering to broker access to barristers	EM	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.
Regulatory approach – <i>Intelligence & data</i>	We will overhaul our approach to the gathering, collation and analysis of the intelligence we receive from a wider range of sources	EM	Year one: <ul style="list-style-type: none"> • Create and publish a data and intelligence strategy Year two <ul style="list-style-type: none"> • Commence implementation of agreed strategy
	We will review our current risk framework to make sure that intelligence is joined up and that our front-line teams have more discretion to act promptly in response to emerging risks	EM	Year one: <ul style="list-style-type: none"> • Complete review Year two: <ul style="list-style-type: none"> • Implement new processes
	We will continue to use our research team and commissioned providers to publish evidence in support of policy changes, to better understand the market for barristers services and to evaluate the impact of any reforms. We will seek to collaborate with the other legal regulators on cross-cutting matters, such as on consumer-focused research.	EM	Year one: <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. We also plan to undertake analyses of enforcement outcomes and begin to build a more substantive evidence base in relation to the use

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			<p>of technology and innovation at the Bar in 2023-24.</p> <p>Year two:</p> <ul style="list-style-type: none"> In 2024-25 we intend in particular to look at the extent to which solicitors 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>Regulatory approach - <i>Reforming our Handbook & rules</i></p>	<p>We recognise the need to revise the Handbook, to ensure that it is easily navigable and easily understood by both barristers and the public alike, and represents good regulatory practice. We shall be making design changes to the layout of the Handbook and Code of Conduct with this in mind, in the meantime taking forward essential amendments to the Code of Conduct and Handbook, including amendments flowing from other priority work programmes. Longer term</p>	EM	<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. <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.

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	We will develop arrangements for the assessment of advocacy and negotiation skills during pupillage as the final part of our reforms to Bar training	OH	New means of assessment for advocacy will be in place by Sept 2024 and negotiation in Sept 2025
Culture & capacity	We shall ensure that the Board itself exemplifies the values of the BSB, refreshes its equality and diversity training regularly and undertakes annual reviews of its governance, including an independent review every third year	KS	An annual Board self-appraisal will take place in Summer 2023; an independent appraisal will take place in Summer 2024. Equality and diversity training, delivered in Q4 2022/23, will be refreshed in 2024/25.
	We will continue to implement our programme of embedding our values and behaviours to deliver a culture of continuous improvement	TH	Delivery of the 2023/24 organisational learning plan, to be launched in April 2023 and completed by March 2024 On going delivery of senior leadership development and teambuilding, plus delivery of a leadership development programme by April 2023
	We will review our processes for recognition and performance management to ensure that they support our values and help to deliver continuous improvement	TH	Launch of a revised recognition scheme by September 2023 Launch of a revised performance management system by April 2024
	We will periodically review our implementation of the Internal Governance Rules, with the aim of enhancing regulatory independence within the current legislative framework	MN	To be conducted annually.
	We will continue to pursue the governance reforms in our Well Led Action Plan and in this action plan in response to the LSB's Regulatory Performance Review	MN	To be concluded by Summer 2023 where not continuing

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	We will promote engagement and collaboration with consumer organisations, the profession and other regulators	WW	This is an ongoing commitment.