



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Annual Report 2022-2023

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

Introduction

In discharging its regulatory functions, the Bar Standards Board has to seek to meet the Regulatory Objectives which are set out in the Legal Services Act 2007. These are:

- protecting and promoting the public interest;
- supporting the constitutional principle of the rule of law;
- improving access to justice;
- protecting and promoting the interests of consumers;
- promoting competition;
- encouraging an independent, strong, diverse and effective legal profession;
- increasing public understanding of the citizen's legal rights and duties; and
- promoting and maintaining adherence to the professional principles. These are that barristers should act with independence and integrity, maintain proper standards of work, act in the best interests of their clients, comply with their duty to the court to act with independence in the interests of justice, and keep the affairs of their clients confidential.

The Board of the BSB seeks to ensure that in discharging its regulatory functions, the BSB's activities meet its obligations under the Legal Services Act. Those activities include:

- prescribing the education and training requirements for becoming a barrister and for ensuring that barristers' skills are maintained throughout their careers;
- authorising businesses that focus on advocacy, litigation, and specialist legal advice;
- setting standards of conduct and taking action where it appears that they are not being met;
- monitoring the service provided by barristers and the organisations the BSB authorises to ensure they meet the BSB's requirements;
- assuring the public that everyone the BSB authorises to practise is competent to do so;
- promoting equality, diversity and inclusion at the Bar; and
- seeking to improve access to justice and supporting public legal education.

The BSB seeks to do this by taking a proportionate, risk-based approach to regulation. We monitor the market for barristers' services in order to identify the risks that could prevent the Regulatory Objectives from being met. We then focus our attention on those risks that we think pose the biggest threats to the public interest and take action to try to prevent those risks from occurring, or to reduce their impact.

Our [Business Plan for 2022-23](#) was set as part of the BSB's [2022-25 Strategic Plan](#). That strategy, which was developed after extensive consultation, led the BSB to adopt a vision that

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

We also agreed the following five strategic aims:

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

This report sets out how the BSB took forward those strategic aims in 2022/23.

Foreword by the Chair of the Bar Standards Board, Kathryn Stone OBE




The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest. This report covers our activities between April 2022 and March 2023.

Almost a year into my role as Chair, I am proud to be part of an organisation which continues to play an important role in promoting and maintaining standards at the Bar. I should like to pay tribute here to those in the teams dealing with regulatory decision-making for the way that they have risen to the challenge of improving the responsiveness and speed of our service without sacrificing the consistently high standards of our decisions. The latter part of the year saw a significant increase in productivity - 119 investigations were closed in the second half of the year compared to 60 in the first half. Productivity has also risen in the area of authorisations but, by contrast, caseloads continue to rise. So there is still some way to go and improving our performance remains the Board's highest priority now in 2023-24.

The year also saw the BSB take forward important strategic initiatives. Our work to encourage best practice in the way chambers promote standards, equality and access took me to meet barristers in every circuit in England and Wales. I would like to thank the chambers that hosted us and the barristers that came out to meet with us. I hope that this was as helpful and interesting for them as it was for me. We hope to have the chance to set up a further series of roundtables in the Autumn to discuss our proposals, once my Board has had the opportunity to consider how best to proceed with this work.

At the same time the Board has also made real progress in implementing the reforms set out in our Well Led Action Plan which include improving the way we manage performance and how we deal with risk. Our reform of pay and reward has also enabled marked improvement in our ability to recruit and retain high calibre people in what remains a very tight labour market.

Other reforms remain central to the BSB's business plan for 2023/24: aiming for operational excellence; encouraging more proactive regulation; and bringing about strategic change in the BSB's culture and capability.



These achievements were against the background of a challenging year in several respects: in April we and the Bar Council were affected by a serious cyber attack which meant that we had to take our systems down for several weeks in order to protect their security and to ensure that the data we hold was not compromised. We also faced considerable difficulties in recruiting and retaining people and that included recruitment to key operational posts which we had established to improve the timeliness of our regulatory decision-making.

Accordingly, we significantly re-prioritised work in the year to reflect short-term pressures and in order to focus on the regulatory operations which are central to our work. So in place of the planned evaluations of the regulatory processes introduced in 2019 the BSB decided to undertake a root and branch review of the end-to-end enforcement process; we also launched an important initiative to clarify and consolidate expectations of chambers which will subsume a number of other initiatives, including the review of the Equality Rules; and we postponed a number of other initiatives – including the unbundling of legal services and the review of the Code of Conduct – in order to allow our front-line teams to focus on raising the productivity and timeliness of our core operations.

The BSB is aiming to deliver a culture of continuous improvement in every area of its work and the Board is very confident that the BSB will succeed in this ambitious programme of transformation. We shall certainly be ensuring that it does.

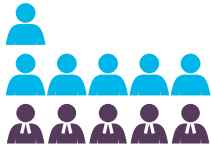
I became Chair of the Board in September 2022, succeeding Baroness Blackstone. Adam Solomon KC and Elizabeth Prochaska also left the Board during the year. I should like to thank them all for their years of dedicated service to the BSB. I should also like to welcome Gisela Abbam, who joined as a new lay member, and Jeff Chapman KC and Simon Lewis, who joined as new barrister Board members, during the year.

Kathryn Stone OBE

Chair of the Bar Standards Board

The BSB's year in numbers

About us



Our Board has 6 lay members (including the lay Chair) and 5 barrister members



17,418 registered barristers regulated

At 31 March 2023 we were responsible for regulating 17,418 practising barristers and around a further 58,000 barristers who were not practising (we regulated 17,170 practising and around 56,000 non-practising barristers in 2021-22)



We authorised 145 specialised legal services businesses in 2022-23 (compared with 130 in 2021-22)



£13,990k – our income in 2022-23
£13,599k – our expenditure in 2022-23

(compared to income of £12,094k and expenditure of £11,176k in 2021-22)

Bar training



7,198

Students sat 7,198 centralised examinations in 2022-23 as part of their Bar training (compared to 7,381 in 2021-22)



2,011

We processed 2,011 applications for waivers and exemptions from the qualification rules set out in the BSB Handbook (compared to 2,134 in 2021-22)



498

We received 498 applications from solicitors, EU lawyers, overseas lawyer and legal academics wanting to transfer to the Bar (compared to 325 last year)



667,083

users visited our website (compared to 684,295 in 2021-22)



427,246

page views of our Barristers Register (compared to 461,487 in 2021-22)

Regulating barristers



1,911

We received 1,911 new reports about the conduct of barristers (compared to 2,199 in 2021-22)



4

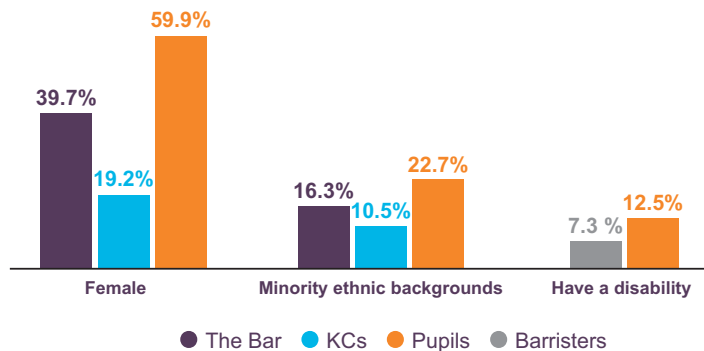
barristers were suspended

9

barristers were disbarred

(compared to 6 and 6 respectively in 2021-22)

Promoting diversity at the Bar



December 2022 (excluding non-responses)

Strategic Aim 1 – Efficiency

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

What we said we would do

In our Business Plan for 2022-23 we said that, while the quality of our decisions remained high, and our productivity had increased, we were determined to improve the timeliness of our operations and to deliver an increase in people and investment which would enable us to meet all our key performance indicators.

We said that we could continue, day-to-day, to:

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

And we would continue with reviews of:

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

We said that we would also begin to review:

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

What we did


We continued to assess reports of potential professional misconduct and to deal with requests for authorisations, exemptions and waivers throughout the year. **(1 & 2)**. Our independent reviewers confirm the continuing high quality of our decisions. However, the cyber-attack which we experienced in the first quarter of the year severely set back our efforts to improve the timeliness of our decision-making. We were also constrained by difficulties in recruiting and retaining people with the right skills.

Significant improvements in our productivity were achieved in the latter part of the year, with no loss of quality. Following an internal re-organisation and efficiency and customer care improvements, the Contact & Assessment Team cleared a record 541 reports in the last quarter of the year and, in the second half of the year, with the assistance of some temporary external support, the Investigations and Enforcement Team closed 119 investigations compared to 60 in the first half. These improvements in productivity are bringing enforcement caseloads down, although our timeliness key performance indicators can sometimes appear to show a drop in performance as more overdue cases are cleared.

By contrast authorisation caseloads are continuing to rise. Despite solid productivity, we ended the year with a caseload of over 400 applications, with 220 overdue. There were a number of reasons for this including the need to balance disparate streams of work; the demands of a major exercise to re-authorise pupillage providers; a rise in applications from transferring overseas lawyers; and people shortages.

The need to improve our performance therefore remains urgent and we took a number of steps during the year to deliver that improvement:

- we recruited more staff and contracted out work where we could;
- we took steps to improve the remuneration package for some operational staff;
- we employed an independent delivery consultant to assist the Contact and Assessment Team to prioritise their work and to find immediate efficiency improvements;
- we set up a review of our authorisations processes **(8)** which continues;
- we commissioned Deloitte to conduct a review of our customer relationship management system including our case management system **(9)**, which has now been completed; and
- we merged our proposed reviews of our regulatory operations and Enforcement Regulations **(7 & 10)** into an end-to-end review of our enforcement processes which will take place in 2023-24.



The need to prioritise this work meant that we postponed our reviews of the Code of Conduct **(5)** and of how barristers market their services and receive instructions **(4)**, but we were able to conduct a wide ranging review and public consultation about the regulation of barristers' conduct in non-professional life and their use of social media **(3)**. New guidance, reflecting the consultation, will be published in 2023-24. We also amended the rules regarding professional indemnity insurance **(6)** making clear that insurance policies must cover losses incurred by clients and others if a barrister or entity is subject to a cyber-attack.

Fuller accounts of our regulatory decision-making during the year will be published later in the autumn in our Regulatory Decision-Making Report and in the accompanying Report from the Independent Decision-Making Body.

Strategic Aim 2 – Standards

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

What we said we would do:

We said that the core work that we would conduct through the year would focus on:

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

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

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

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

8. examining how we can encourage individual barristers to gather and reflect on feedback from a range of sources when planning their continuing professional development;
9. evaluating our joint work with the Solicitors Regulation Authority and CILEx regulation in which we set common standards for those practising in the Coroners' Courts;
10. continuing our work in relation to the regulation of barristers in their early years of practice and their continuing professional development; and

11. reviewing what wider regulatory or supervisory action may be needed in the light of responses to the 2020 Regulatory Return.

We also said that as part of our work to clarify our regulatory expectations of chambers and to promote best practice:

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

What we did:


Our work to maintain standards in Bar training - through our supervision of training providers and our setting and marking of centralised examinations - continued throughout the year **(1&2)** and in March we published three reports - an [interim report from AlphaPlus](#) evaluating four recent reforms **(5)**; the [BSB's 2023 Bar Training Report](#), showing the performance of students and providers during the period from 2011/12 to 2022/23 and the [Central Examinations Board \(CEB\) Chair's Report](#), which presented the results for candidates sitting the centralised assessments in civil and criminal litigation in December 2022.

The reports demonstrated that the BSB's reforms have succeeded in making Bar training more flexible, accessible, and affordable while maintaining high standards: a wider range of courses is now being offered by more providers at more venues and at lower cost. But we are not complacent – the reports also show the variation in pass rates between different providers and, although the reports also explain some of the factors that may lead to these variations, we will be examining this issue in our forthcoming thematic review of providers' admission arrangements. The review will also look at how providers 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.

During the year we also continued our work with the Inns of Court to set out how advocacy and negotiation skills should be assessed during pupillage **(6)** and we concluded our review of the Bar Course Aptitude Test **(7)** which we concluded no longer served any useful purpose and which we abolished with effect from 31 July 2022.

We also continued our work to assess the information we have received from the Regulatory Return and will be issuing reports of our findings in the coming year. **(11)** Meanwhile our Supervision Team is managing the higher risks identified by responses to the Regulatory Return through close and proactive engagement with chambers and entities. **(3)**

In October we published our [annual report setting out the action that we have taken to counter money laundering and terrorist financing](#). Although very few barristers are involved in transactions that engage the Money Laundering Regulations, the BSB is determined to ensure that the Bar plays its part in combatting illicit financing. **(4)**



During the annual renewal of their practising certificates, or authorisations, all barristers and BSB entities have to declare whether they engage in work that falls within the scope of the Regulations. We continue to work closely with the profession to ensure that they do so accurately, so that our supervisory activity is properly focused.

In July 2022, the LSB issued a [statement of policy](#) that sets expectations of the regulators to assure the ongoing competence of those they regulate. We [responded](#) to the LSB's policy statement, which was supported by our [action plan](#).

Evaluation of the standards we introduced with the SRA and CILEx Regulation for those practising in the Coroner's Court will now commence in Q3/Q4 of 2023-24 to allow further time for the competences and toolkit to become embedded with the profession. **(9)**

We are continuing to gather evidence on Early Years of Practice and continuing professional development (CPD) for both new and established practitioners. As part of this work, we are considering how to incorporate feedback into the CPD process and how to strengthen our guidance relating to reflection. The work slowed down in pace due to the departure of two key personnel on this project. **(8 & 10)**

Finally we began a series of roundtables with barristers, practice managers, clerks and the Bar Council in circuits around England and Wales to consider what we can do to promote best practice in chambers' oversight of standards, equality and access to justice. We concluded those roundtables in May 2023 and are now evaluating the responses we received and how we can best work with the Bar Council and others to promote best practice without increasing the burden of regulation. **(12)**

Strategic Aim 3 – Equality

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

What we said we would do:

We said that our core work would focus on:

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

We said that our policy work, in partnership with stakeholders, would focus on continuing to:

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

And as part of our work to clarify our regulatory expectations of chambers and to promote best practice we said that we would also:

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

What we did:

In July we published our new Equality Strategy **(1 & 2)** which set out our four main objectives which are to:

- clarify the BSB's expectations of the Bar concerning equality, diversity and inclusion and to highlight opportunities for change;
- hold the Bar to account for reducing racial and other inequalities across the profession;
- promote a culture of inclusion at the Bar and in legal services more generally; and
- build a diverse and inclusive workforce ensuring that the BSB is itself an example of the approach the BSB is promoting.

We also set out some of the key actions arising from these objectives including:

- reviewing the obligations of barristers and chambers under the Equality Rules in the BSB Handbook
- collaborating with the Bar Council and others to promote greater equality at the Bar
- ensuring that chambers promote inclusion, and strengthening chambers' governance, including the role of the Equality and Diversity Officer
- continuing to tackle bullying, discrimination and harassment at the Bar and
- reviewing the BSB's recruitment processes and undertaking research into recruitment at the Bar.

Central to that strategy is the review of the *Equality Rules* which set out barristers' obligations with respect to practice management. We are now taking this work forward as an integral part of our initiative to clarify our expectations of chambers **(9)**. We expect to consult on revised rules later in 2023-24.

In July 2022 we also published a new report on differential outcomes on the former Bar Professional Training Course **(3)** which analysed outcomes against a wide range of characteristics and found that the most significant variables were ethnicity and previous academic attainment. This attainment gap is not unique to Bar training but remains a cause for concern and, although the BPTC has now been replaced following the reforms to Bar training, we believe that this research highlights some important issues that we will wish to consider when evaluating our reforms to Bar training and in our wider work on equality and diversity.

In August we also published two new research reports covering the equality and diversity policies of Bar vocational training providers and the experience of students on those courses **(6)**. The first report found that vocational training providers had a wide variety of initiatives and approaches in place to promote equality and diversity on their courses, though some perhaps could do more to mirror best practice. The second report found that the pandemic had restricted the interaction of students with their Bar training providers but that they would welcome more information on their providers' equality and diversity policies, events, training and support and greater clarity on the role and responsibilities of the BSB.

The Reverse Mentoring pilot scheme concluded in 2022-23 and we are now evaluating its impact and reviewing how the initiative might best be taken forward. **(4)**


In September we also published a Religion and Belief Toolkit which is designed to provide chambers and entities with practical information and guidance relevant to the most common religions and beliefs in the UK with the aim of increasing inclusivity.

In October we published a [Report on Addressing Bullying and Harassment at the Bar](#) **(5)** as part of our efforts to ensure that effective systems are in place in chambers to handle reports of bullying and harassment, and to encourage the profession to tackle this issue effectively. After engaging with a wide range of stakeholders, the BSB is now seeking to clarify what role chambers should play in promoting culture change and addressing bullying and harassment, which behaviours should be reported to the BSB, what reporting routes are available, and how the BSB deals with such reports. **(10)**

We also published a [Commitment to Wellbeing Statement](#) which acknowledges that the wellbeing of barristers is essential to the achievement of the BSB's broader regulatory objectives. The commitments detailed in the Statement will inform and guide the implementation of a range of activities under the Equality Strategy.

In December, with the kind support of 7 Bedford Row Chambers, we held our first Disability Taskforce event to hear from disabled barristers about their experiences at the Bar, the barriers that they have faced and what factors have helped them to progress and to learn about disability inclusion best practice across the profession **(8)**.

Finally in January we published our annual report looking at diversity at the Bar and in March a similar report looking at the diversity of our own Board and workforce. At the Bar we found that the proportion of practising barristers who are female; who are from a minority ethnic background; who have primary care of a child; who have a disability; or who are aged 55 or more all continue to increase with the most noticeable increase being a rise of 3.3 percentage points in the proportion of pupils who are female to 59.9 per cent.



The percentage of barristers from minority ethnic backgrounds at the Bar had increased to 16.3 per cent which compares to an estimate of 16.4 per cent of the working age population in England and Wales as of July-September 2022. But barristers from Black/Black British backgrounds remain more noticeably underrepresented at 3.4% of the Bar compared to 3.8% in the working age population as a whole.

The key findings of our report looking at the BSB were that 39 per cent of our workforce was from a minority ethnic background and that the proportion of our workforce who are female has increased to 74 per cent both figures being significantly higher than in the UK working age population. But only 4 per cent of our workforce declared a disability which is significantly below the current estimate that around 20 per cent of the UK working age population have a disability.

Strategic Aim 4 – Access

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

What we said we would do:

We said that our core work would focus on improving consumer choice and increasing their understanding of the legal services market by:

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

We said that our project work would focus on new projects to:

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


What we did:

The Competition and Markets Authority (CMA) undertook a market study into legal services in 2016. Its recommendations fell broadly into four categories: delivering a step change in standards of transparency, promotion of the use of independent feedback platforms, making data more accessible and making better information available to assist consumers. Our work under the aim of Access continues to take forward recommendations from the CMA, in addition to looking at the use of new technology and innovation to improve access to justice.

Our work in public legal education continued to focus on working with our fellow regulators to agree common approaches to meeting legal need and with frontline legal help providers such as Law for Life, Citizens Advice, Refugee Action, Support through Court and Advocate, the Bar's pro bono unit **(1&2)**.

With Law for Life we focused on employment law, supporting research which provided detailed evidence of the emerging need for help in the wake of Covid-19; 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; with Refugee Action we have supported research into the barriers to complaints faced by those seeking advice on immigration issues; and we have been helping Support through Court to find funding so that they can continue to offers 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.

We introduced new transparency rules for the profession in July 2019 (with compliance required by January 2020). These rules required barristers to provide information on their regulatory status, complaints procedures, services and pricing models either on their websites or as part of a fact sheet for prospective clients. These rules were intended to drive a 'step change' in levels of transparency, following both the research and recommendations by the CMA, and additional research and piloting undertaken by the BSB. We published two new reports looking at the impact of our transparency rules in July 2022 **(3)**. The first report looked at compliance with the rules and found that only 6% of those assessed during the period in question were neither compliant nor partially compliant with the rules. The second examined the impact on consumers of our rules which are designed to improve the information available to the public about the services a barrister can offer, their likely costs and how barristers are regulated so that consumers have more information to help them engage the services of a barrister. The report found that among barristers' clients, the proportion who obtained details of service or price before choosing a barrister has increased significantly while complaints that relate to the overall cost and clarity of information around costs and timescales have declined. The percentage of clients 'shopping around' when choosing a barrister has increased as has awareness among clients of the regulatory status of their barrister. Meanwhile awareness of complaints procedures has also increased although the number of complaints from clients has fallen.



We launched a market study looking at online comparison at the end of September. This study is looking at whether and how such tools can promote access to barristers' services for consumers and, depending on its outcome, we shall be considering how the transparency rules should evolve to reflect the lessons learned **(6)**. Our work to look at unbundling legal services has been postponed due to resource constraints and priorities. **(5)**

We have hired two new members for our Strategy and Policy team to develop our work on technology and innovation. We are also partnering with other legal regulators, for example through participation in the LawtechUK Regulatory Response Unit, to develop a coherent technology policy across the legal services professions. **(4)**

We continue to work with other regulators to develop the Regulatory Information Service which is currently being provided through the "*Can you trust your legal adviser?*" facility on the Legal Choices website. The BSB participates in that facility, which allows the public to establish the regulatory status of their lawyer without necessarily knowing what type of lawyer they have. **(7)**

Strategic Aim 5 – Independence

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

What we said we would do:

We said that our aim here is to ensure that the BSB has the culture, values and associated policies appropriate for an independent regulator and that our core work would focus on:

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

We said that our project work would focus on continuing to:

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

We said that we would also begin a new project:

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

What we did:

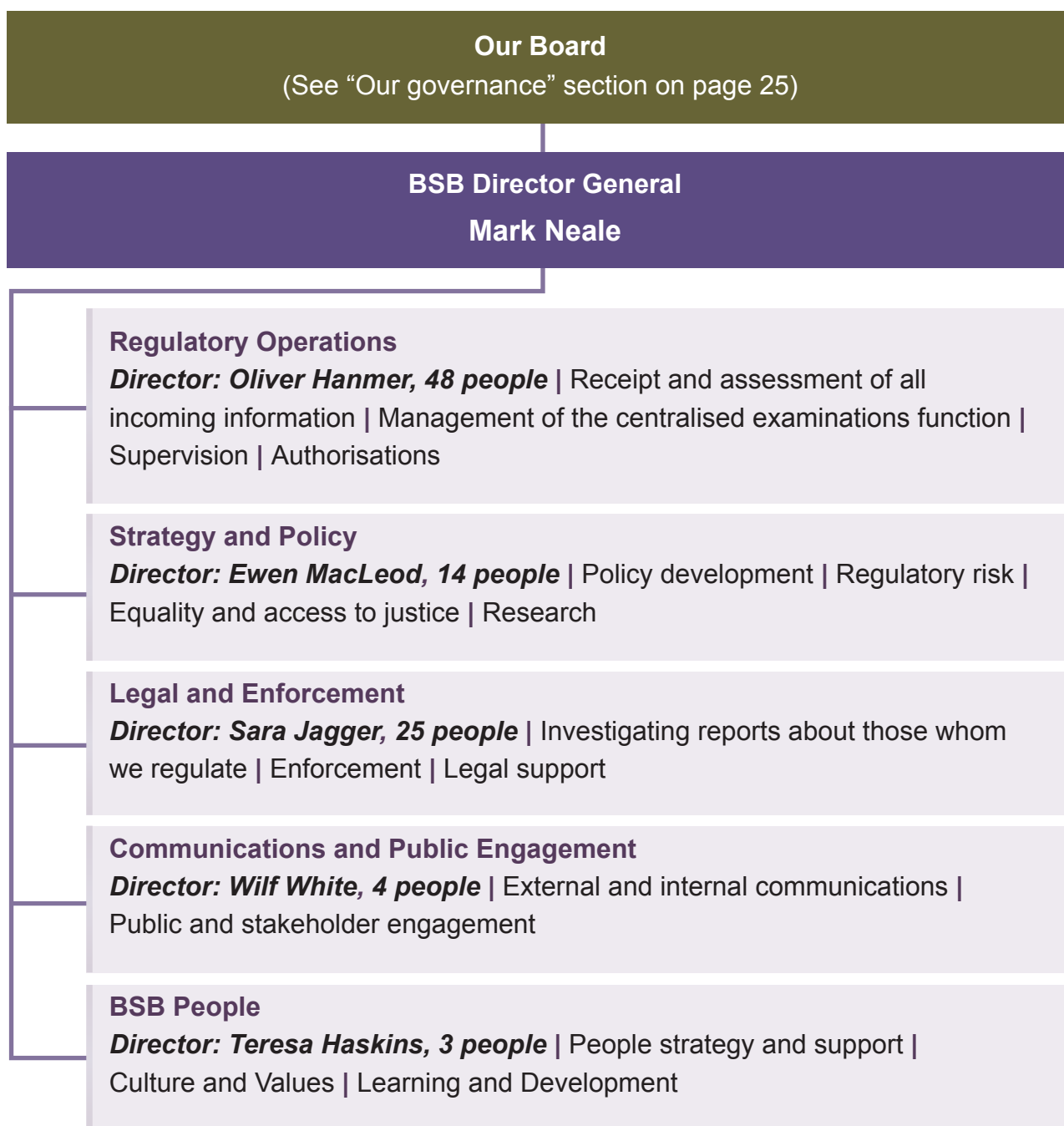
We concluded at the end of the year a review of how the current Internal Governance rules and shared service arrangements are working and will be discussing our findings with the Bar Council **(1)**, although we decided to put our work on incorporation **(9)** on hold given other priorities. We made good progress in implementing the reforms set out in our Well Led Action Plan **(2)** and our Business Plan for 2023-24 includes further reforms which we intend to make in order to promote continuous improvement in both our performance and our governance. We continued to engage with all our stakeholders in our work regularly consulting consumer groups, our fellow regulators and the profession **(3)**.

We made significant progress in reforming our approach to pay and reward, promoting wellbeing and creating a new Learning and Development strategy. After an in-depth review, we have established the direction of travel for future BSB reward and have implemented a range of reward reforms **(4)**. We continue to focus on wellbeing **(5)** and are taking forward actions arising from our last people survey.

We have established, and are delivering, the BSB's first Organisation Learning Plan based on learning needs from our Strategic Plan and feedback from colleagues **(6)**. We have also established a programme of on-going leadership development for the Senior Management Team.

We continue to seek to promote diversity and inclusion at the BSB and, as our last diversity and people surveys showed, we are having some success **(7)**. We are also working hard to promote and entrench the distinctive values of the BSB. We have developed a framework of behaviours linked to our values to help to define our culture and underpin our people policies **(8)**.

Our teams and their work



Two further teams report directly to the Director General:

- **Governance and Corporate Services** led by **Rebecca Forbes with 5 people**
- **Programme Management** led by **Jaspal Kaur Griffin with 3 people**

We also share the following support services with the Bar Council: Facilities, Finance, Information Services, Records, the Project Management Office, and those centralised Human Resources services not provided by the dedicated BSB function.

What our teams do

Regulatory Operations

Our Regulatory Operations Department brings together all our assessment, supervision and authorisation functions.

Its aim is to assure, maintain and enhance standards across the profession through the development of measures for assessing the adherence to the standards set out in the BSB Handbook of both the individuals we regulate and the chambers and entities in which they practise. This includes a risk-based approach to supervision, the authorisation of new entities and the regulation of Continuing Professional Development.

The Department oversees the academic, vocational, and pupillage / work-based learning components of training that must be completed in order to qualify as a barrister. It sets and marks centralised examinations for prospective barristers. It also decides on individual applications from people wishing to qualify and/ or practise as barristers but who would like to be exempted from some or all of the normal training requirements.

The Department also contains our Contact and Assessment Team which is the central point of contact for anyone getting in touch with us, including anyone contacting us with concerns about barristers.

Strategy and Policy

Our Strategy and Policy Department is responsible for collecting evidence about the effectiveness of our rules and policies, assessing regulatory risk, and, where necessary, changing existing rules or introducing new ones.

The Department gathers evidence about what is happening in the market and the impact that our actions are having by conducting research (either by itself or with others) and by collaborating with stakeholders who have an interest in our work. Where necessary, it uses this knowledge to set or revise standards and introduce rules and guidance for barristers and entities. These rules are contained in the BSB Handbook. It develops policy on the educational pathways into the profession, and on the conduct of practice in areas such as chambers' complaints handling and direct public access to barristers. Another important area is equality and diversity, where the Department is responsible for setting and seeking to achieve the objectives within our Equality Strategy.

Legal and Enforcement

Our Legal and Enforcement Department is responsible for ensuring that the professional obligations set out in the BSB Handbook are adhered to and, if necessary, taking enforcement action where those obligations have not been met. It also provides legal support services across the organisation in relation to regulatory decision-making, including handling any litigation.

The Department carries out investigations of potential breaches of the Handbook. Where an investigation reveals sufficient evidence, and the conduct poses a risk to the Regulatory Objectives, enforcement action will be taken in accordance with the processes described on our [website](#).

Decisions on what action, if any, to take can be made by staff and the BSB's Independent Decision-Making Body. Staff decision-making is limited to dismissing allegations or imposing non-disciplinary administrative warnings or fines (up to £1,000 for individual barristers).

Our Independent Decision-making Body, sitting as five person lay majority panels, has wider powers: they can also refer cases of professional misconduct to a Disciplinary Tribunal and have the power to decide less serious charges of professional misconduct, with the barrister's consent, under the Determination by Consent procedure.

The Department is responsible for preparing and presenting charges of professional misconduct to independent tribunals, convened and administered by an independent organisation called the Bar Tribunals and Adjudication Service (BTAS). In doing so, the BSB is assisted by our [Tribunal Representation Panel](#) which provides representation at tribunals and other hearings. It is for the independent tribunal to decide whether the charges brought by the BSB are proven and to determine any sanction.

The Legal and Enforcement Department also deals with concerns about barristers' fitness to practise for health reasons, and with interim suspensions from practice pending conclusion of disciplinary proceedings.

Communications and Public Engagement

Our Communications and Public Engagement Department is responsible for all our internal and external communications including our publications, website, social media activity and media relations. It helps our other teams to engage with the profession and other stakeholders to make sure that we discuss our policy development plans in an open and consultative way. The Department helps make sure we fulfil our transparency and accountability functions, and our obligations to promote public legal education.

Governance and Corporate Services

The Governance and Corporate Services team supports strategic and business planning and budgeting. It coordinates performance reporting and monitoring of our corporate risks. The team ensures that we act in accordance with good governance practice, and also provides administrative support for the Chair, Vice Chair and Director General.



Programme Management

The Programme Management team provides guidance and ensures that best practice is followed in the setup, running and closure of all our major programmes and projects so that the maximum benefits can be realised. It provides project management training to officers in other teams.

BSB People

Our dedicated People team is responsible for setting and delivering our people strategy and for guiding the leadership team in defining and developing the BSB's culture as an independent regulator. It also provides a wide range of operational services to BSB managers and staff, assisted by administrative and transactional support from the Bar Council shared service.

Our governance

We are governed by a Board made up of a combination of lay people and barristers. It has five lay and five barrister members and a lay chair which gives the board a lay majority.

The Board met 7 times during 2022-23: there were 6 ordinary meetings and 1 Away Day. Selected Members also attended 2 Board to Board meetings during the year (one with the Legal Services Board and one with the Office for Legal Complaints). Ordinary Board meetings are partly held in public and we invite members of the legal press to attend all public sessions. Board meetings during 2022-23 continued to be hybrid meetings where some members joined online.

During 2022-23 our Board members were:

Chair: Baroness Tessa Blackstone (until 31 July 2022)
Kathryn Stone OBE (from 1 September 2022)

Vice-Chair: Mr Andrew Mitchell KC

Barrister members: Mr Jeff Chapman KC (from 1 January 2023)
Mr Simon Lewis (from 1 January 2023)
Ms Elizabeth Prochaska (until 30 June 2022)
Ms Irena Sabic KC
Mr Adam Solomon KC (until 31 December 2022)
Professor Leslie Thomas KC

Lay members: Ms Gisela Abbam FRSA (from 1 October 2022)
Ms Alison Alden OBE
Mr Emir Feisal
Mr Steven Haines
Mr Stephen Thornton CBE

Accountability and how we manage risk

Under the Legal Services Act 2007, the Legal Services Board is responsible for overseeing the approved regulators for legal services in England and Wales. The approved regulator for barristers is the General Council of the Bar (GCB), which is also the representative body for the Bar.

The Act requires the separation of regulatory and representative activities, so the GCB has established the Bar Standards Board to exercise its regulatory functions independently. We have a protocol in place with the GCB to ensure that the exercise of the regulatory functions is not prejudiced by the Bar Council's representative functions.

Our Board manages its work with the help of four sub-committees:

- The **Governance, Risk and Audit Committee** (GRA) is responsible for ensuring that our corporate governance standards and internal controls are maintained. The Committee keeps all our risk management framework and internal audit arrangements under review and advises the Board accordingly. The corporate risk register is reviewed at least quarterly by our Senior Management Team and the GRA Committee. In addition, the GRA Committee conducts regular in-depth risk reviews throughout the year, and considers Internal Audit reports.
- The **Performance and Strategic Planning Committee** (PSP) oversees the development of our strategic direction and plans and advises the Board on developments to our planning and resource setting. PSP also considers whether financial and operational resources are being properly and effectively allocated and efficiently managed.
- The **Nomination Committee** seeks to ensure that recruitment to the Board and senior executive roles is fair, inclusive and transparent
- The **Remuneration Committee** makes recommendations to the Board on the remuneration and terms of engagement of BSB staff, its non-executive members and advisers. It also considers appeals by the Director General and his direct reports against decisions relating to dismissal, disciplinary sanction, grievance, promotion or demotion.

Our income and expenditure and Cost Transparency Metrics

The Bar Standards Board (BSB) is firmly committed to the principle of transparency and publishes financial and other transparency metrics as part of the Annual Report and Business Plan in accordance with the recommendations of the Legal Services Board's (LSB) Cost of Regulation Project. We are now combining our Cost Transparency Metrics, which we used to publish separately, with the figures here in our annual report so that all our financial reporting can be found in one place.

We pay close attention to how we spend our money:

- Our budgets are set annually and our budget envelopes are informed by our business plans;
- The budget is divided up into departmental budgets which our Directors manage;
- Each month we receive detailed management accounts which enable us to keep a close eye on our business;
- Each quarter we think about what we might need to spend in the future and produce forecasts;
- We tightly monitor our largest area of spend which is our staffing costs;
- We make sure that our resources are directed at our key priorities; and
- Our financial performance is scrutinised by the Board and its Performance and Strategic Planning Committee (PSP).

Income

Practising Certificate Fees (PCF)

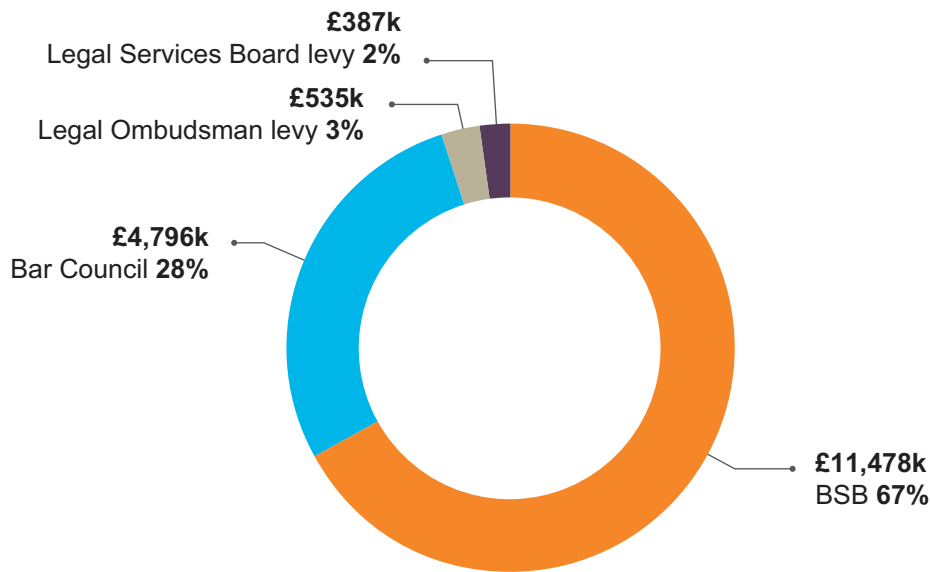
Barristers are only legally entitled to undertake reserved legal activities if they are authorised to do so by the BSB. To be authorised they must hold a current Practising Certificate renewed annually via a process known as Authorisation to Practise, which includes payment of a Practising Certificate Fee (PCF). The PCF funds the expenditure that falls within the 'permitted purposes' as defined by the Legal Services Board (LSB). The PCF is shared between the Bar Standards Board who deliver the regulatory functions, the Bar Council who deliver non-regulatory permitted activities, and levies for the Legal Services Board and the Legal Ombudsman (LeO).

| Band | Thousands | Thousands |
|--------------------|-----------|-----------|
| Metric | 2021-22 | 2022-23 |
| Total PCF Reported | £15,341 | £17,196 |

In 2022-23 Practising Certificate Fees were set as follows:

| Band | Income Band | 2022-23 Fees |
|------|-------------------------|--------------|
| 1 | £0 - £30,000 | £100 |
| 2 | £30,001 - £60,000 | £253 |
| 3 | £60,001 - £90,000 | £509 |
| 4 | £90,001 - £150,000 | £926 |
| 5 | £150,001 - £240,000 | £1,406 |
| 6 | £240,001 - £500,000 | £1,906 |
| 7 | £350,001 - £500,000 | £2,017 |
| 8 | £500,001 - £750,000 | £2,575 |
| 9 | £750,001 - £1,000,000 | £2,725 |
| 10 | £1,000,001 - £1,500,000 | £3,090 |
| 11 | £1,500,001 and above | £3,270 |

Allocation of PCF between Bar Council, the BSB, LSB and LEO



| | 2021-22 | 2022-23 |
|---|---------|---------|
| Portion of PCF funding 'non- regulatory permitted purposes' | 38% | 33% |
| Total cumulative Permitted Purposes reserves | £3,774k | £3,282k |

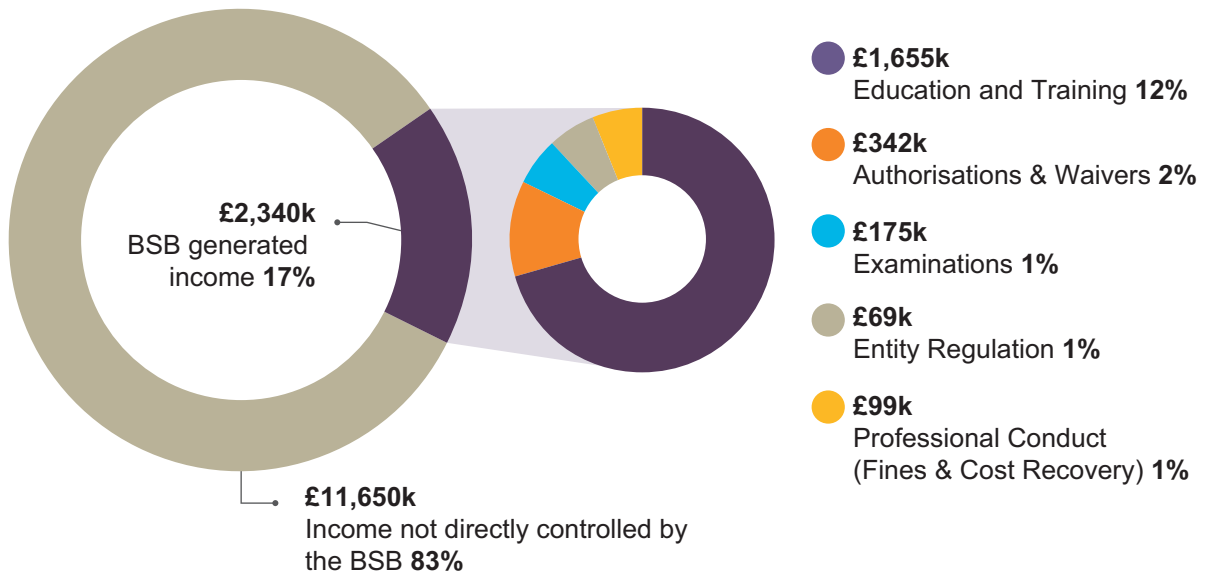
Apart from the PCF, some of our income comes from charges we make for specific services we provide to individuals and organisations. These income streams include the fees from Bar training providers, and the Bar Transfer Test.

| Income Area | £ thousands 2021-22 | £ thousands 2022-23 |
|--|------------------------|------------------------|
| Education and Training | 1,924 | 1,655 |
| Authorisations and Waivers | 269 | 342 |
| Examinations | 259 | 175 |
| Entity Regulation | 69 | 69 |
| Professional Conduct (Fines & Cost Recovery) | 94 | 99 |
| Total BSB Generated Income | 2,615 | 2,340 |

As with previous years, income from fees for Bar training remained the most significant proportion of the BSB controlled income during 2022-23. The forecast income for Bar training was set at £1,350,000 based upon expectations modelled on the 2020-21 uptake. However, we generated an additional £305k of income as student numbers increased. Overall, the BSB exceeded its (non-PCF) income target by £543k (30%).

| Total Income for the BSB | £ thousands 2021-22 | £ thousands 2022-23 |
|--|------------------------|------------------------|
| PCF Contributions | 9,398 | 11,478 |
| Income from GCB Resources Group | 81 | 172 |
| Planned Contributions from Reserves | 0 | 0 |
| Total income not directly controlled by the BSB | 9,479 | 11,650 |
| Total BSB Generated Income | 2,615 | 2,340 |
| Total regulatory income | 12,094 | 13,990 |

BSB Income



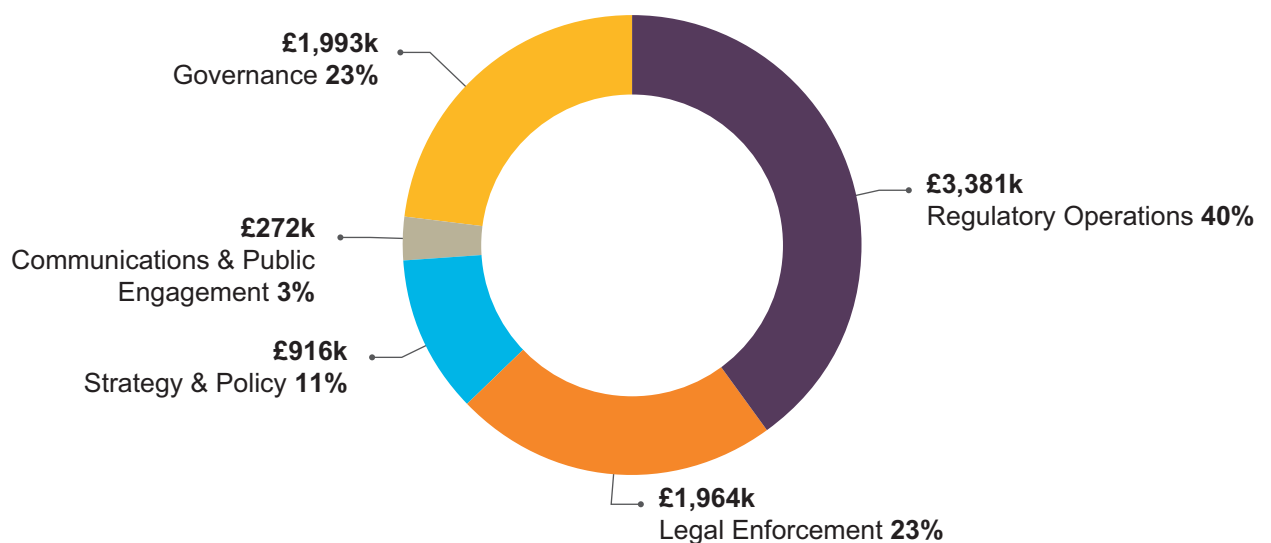
Expenditure

BSB directly controlled expenditure was £8,526k against a budget of £8,197k, a £329k (4% overspend). The reasons for this overspend were unbudgeted external reviews, additional legal advice and costs relating to our plan to accelerate our investigations.

The full cost of regulation includes an allocation of shared costs (IT, Finance, HR and Premises costs) from the Bar Council Resources Group. The Resources Group expenditure budget is managed separately, outside the direct control of the BSB, and is apportioned to the organisation.

| Department | £ thousands 2021-22 | £ thousands 2022-23 |
|---|------------------------|------------------------|
| Regulatory Operations | 2,823 | 3,381 |
| Legal Enforcement | 1,539 | 1,964 |
| Strategy and Policy | 880 | 916 |
| Communications and Public Engagement | 307 | 272 |
| Governance (including Corporate Services, Chair, HR and Programmes costs) | 1,567 | 1,993 |
| Total Direct BSB Expenditure | 7,116 | 8,526 |
| Resources Group allocation & adjustments | 4,060 | 5,073 |
| Total cost of regulation | 11,176 | 13,599 |
| Average cost of regulator for each authorised individual¹ | £547 | £659 |

Direct BSB Expenditure in 2022-23



¹ The average cost of the regulator for each authorised individual is calculated by dividing total BSB PCF income (£11,478k in 2022-23) by the number of practising barristers at 31 March 2023 (17,418).

Staff resources

| | 2021-22 | 2022-23 |
|-----------|---------------|----------------|
| Headcount | 90 (85.1 FTE) | 104 (98.6 FTE) |

Remuneration of the Board and Executive

| | | |
|-------------------------------------|----------|----------|
| Chairs of Board total remuneration | £91,300 | £99,374 |
| Vice Chair total remuneration | £39,836 | £38,753 |
| Director General total remuneration | £153,550 | £157,942 |

The median staff salary at the BSB in 2022-23 was £40,975, the ratio between this and the Director General (salary: £158k) was 1: 3.87. As well as the Director General, the Bar Standards Board has five Senior Managers paid in a salary band which in 2022-23 was between £81k and £111k.

| | | |
|-------------|------------|------------|
| Staff costs | £4,894,922 | £5,693,210 |
| Board costs | £221,994 | £221,107 |

Overall staff related costs were £6,227k (3% underspent). We ended the year with staff turnover of 18%. Any salary savings achieved from vacancies were offset by recruitment related expenses and temporary cover for business critical roles.

Board Remuneration and Expenses in 2022-23

| Name | Salary / Fees | Pension | Allowance | Total | Expenses incurred in relation to BSB business |
|----------------------------|---------------|---------|-----------|---------|---|
| Baroness Tessa Blackstone | £30,217 | £0 | £0 | £30,217 | £0 |
| Kathryn Stone OBE | £69,157 | £0 | £0 | £69,157 | £4,387 |
| Mr Andrew Mitchell KC | £38,753 | £0 | £0 | £38,753 | £0 |
| Ms Gisela Abbam | £4,620 | £0 | £0 | £4,620 | £0 |
| Ms Alison Alden OBE | £9,240 | £0 | £0 | £9,240 | £0 |
| Mr Jeff Chapman KC | £2,310 | £0 | £0 | £2,310 | £0 |
| Mr Steven Haines | £13,860 | £0 | £0 | £13,860 | £0 |
| Mr Simon Lewis | £2,310 | £0 | £0 | £2,310 | £0 |
| Ms Elizabeth Prochaska | £2,310 | £0 | £0 | £2,310 | £0 |
| Ms Irena Sabic | £9,240 | £0 | £0 | £9,240 | £0 |
| Mr Adam Solomon KC | £9,240 | £0 | £0 | £9,240 | £0 |
| Mr Emir Feisal | £9,240 | £0 | £0 | £9,240 | £0 |
| Professor Leslie Thomas KC | £9,240 | £0 | £0 | £9,240 | £0 |
| Mr Stephen Thornton CBE | £13,860 | £0 | £0 | £13,860 | £743 |

Non-staff costs

Total non-staff expenditure was £2,299k (a £149k overspend).

Further reading

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

- This Annual Report is designed to be read in conjunction with our [Business Plan for 2022-23](#) and our [2022-25 Strategic Plan](#).
- More information about our work around [equality and diversity](#) can be found there.
- Our [organisational values](#) describe the way in which we conduct all our work including the activities described in this Plan.

Contacting us

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

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

Contact us:

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London
WC1V 7HZ

Tel: 020 7611 1444

Email: ContactUs@BarStandardsBoard.org.uk

Twitter: [@BarStandards](https://twitter.com/BarStandards)

Youtube: [/barstandardsboard](https://www.youtube.com/barstandardsboard)

LinkedIn: [/thebarstandardsboard](https://www.linkedin.com/company/thebarstandardsboard)