



Shaping our Next Strategy: Gathering insights and evidence

About us

The Bar Standards Board (BSB) is the professional regulator of barristers and specialised legal services in England and Wales. We regulate over 18,000 barristers in England and Wales alongside specialist legal services businesses.

Barristers are experts who can stand up in court on someone's behalf or provide them with specialist advice. They play a vital role in the functioning of our legal system, which impacts everyone by ensuring that we can protect our rights as citizens and hold each other to account.

The Bar Standards Board is there to ensure that the barrister profession maintains high ethical standards, meets the expectations of clients and the wider public, and performs its role within the justice system, in the public interest. Everything we do as a regulator should be guided by this public interest vision and aim to deliver good outcomes for consumers.

In developing our new strategic framework, our starting point is to create new statements of our vision, purpose and ambition as an organisation. We will continue to work on these statements, taking on board feedback from stakeholders. However, our Board has agreed the following statements in draft.

Our **vision** is:

An excellent and ethical barrister profession which inspires public confidence and advances the interest of justice

Our **purpose** is:

Regulating the barrister profession in the public interest

Our **ambition** is:

To be recognised as an excellent regulator trusted to advance the public interest

However, we want the final versions of these statements to be informed by stakeholder views, so we welcome your input.

1) What are your views on our draft statements of vision, purpose and ambition?



Our new Strategic Plan: the context

The Legal Services Act 2007: the regulatory objectives

Our work is governed by the statutory framework of the Legal Services Act 2007. In exercising our regulatory functions, we promote the regulatory objectives. 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 in the provision of services¹
- encouraging an independent, strong, diverse and effective legal profession
- increasing public understanding of the citizen's legal rights and duties
- promoting and maintaining adherence to the professional principles²
- promoting the prevention and detection of economic crime

Our oversight regulator: the Legal Services Board and 'Reshaping Legal Services'

As a regulator, we are also regulated by the Legal Services Board (LSB), which oversees all the frontline legal regulators. The LSB sets expectations of the regulators and monitors our performance against them. It has also set a ten-year strategy for the sector, 'Reshaping Legal Services', which runs from 2021-31. In developing our own strategy, we want to consider how we can contribute to the outcomes that the LSB has set for the wider legal sector, and the role of the barrister profession within that.

'Reshaping Legal Services' identifies nine challenges to improve outcomes for legal services users and the public, divided into three themes:

Fairer outcomes

- Lowering unmet legal need across all parts of society
- Achieving fairer outcomes for people experiencing greater disadvantage
- Dismantling barriers to a diverse and inclusive profession at all levels

¹ services such as are provided by authorised persons (including services which do not involve the carrying on of activities which are reserved legal activities)

² The "professional principles" are that: authorised persons should act with independence and integrity; authorised persons should maintain proper standards of work; authorised persons should act in the best interests of their clients; persons who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised persons should comply with their duty to the court to act with independence in the interests of justice; and the affairs of clients should be kept confidential



Stronger confidence

- Ensuring high quality legal service and strong professional ethics
- Closing gaps in consumer protection
- Reforming the justice system and redrawing the regulatory landscape

Better services

- Empowering consumers to obtain high quality and affordable services
- Fostering innovation that designs services around consumer needs
- Supporting responsible use of technology that commands public trust

The LSB has also described the outcomes it expects to see if these aims are met, which we will have regard to in developing this strategy and which we refer to below. We will work with the LSB as they take stock of the progress made towards implementing their strategy at the halfway point and seek to share learning across the sector.

Context within which the BSB and the barrister profession are operating

As a regulator we seek to drive trust and confidence in the services provided by the barrister profession to the public. This new strategy will build on progress to date, whilst adapting to changes in the environment in which the profession operates over the next five years. Building on our understanding of the market will be key to ensuring that the supply of barristers in different areas of practice matches the needs and expectations of clients and the wider public.

The current economic outlook remains challenging: we must be alive to affordability issues for clients, and the challenges of access to justice experienced by many. In considering the needs of clients, we must ensure that we consider the needs of those experiencing vulnerability. Technology, especially artificial intelligence, offers an opportunity to assist those in need of assistance. There also remain significant challenges for those working in the publicly funded Bar, and those they represent.

We are increasingly focused on understanding and influencing the culture at the Bar, where there are many strengths – the dedication of senior barristers to the development of the next generation, for example. But there are also challenges. In particular, chambers (which play a major role in the recruitment, development and socialisation of barristers) are often informal in their governance and lack clear accountabilities. This can be particularly damaging when pupils or junior barristers experience bullying and harassment and need the protection of robust policies backed up by senior barristers. Some chambers are exemplary in their governance, but the BSB and the profession, working together, need to ensure that all chambers can emulate the practice of the best, where appropriate. Much of what we want to achieve can only be accomplished in collaboration with the profession and the wider legal services community.



Maintaining high standards is of course a key concern to gain public trust, and we want to work with the profession to achieve this. The current ethical framework, reflected in our Core Duties and Code of Conduct, makes clear that barristers must prioritise their duty to the Court and the administration of justice over their duty to the clients. Though clear, this priority can come under pressure, as the ongoing Post Office inquiry demonstrates. We are keen to learn the lessons from the inquiry and explore how we can make these expectations clearer and ensure that our regulatory arrangements are fit for purpose in the future.

Barristers may also sometimes allow their zeal to advance a client's interests to embrace tactics which are ethically questionable. This raises questions about whether the BSB needs to develop our guidance. It also raises questions about the ethical formation of junior barristers in circumstances where chambers are now sometimes more virtual than real and about the case for the updating of ethics training when barristers return to practice after extended periods away. We must also consider the impact of the new regulatory objective in the Legal Services Act, of promoting the prevention and detection of economic crime.

We are concerned about the reported prevalence of bullying, discrimination and harassment, the failure of the profession adequately to deal with these issues to date and the need to be more inclusive generally. Failing to deal adequately with these issues has the potential to affect the wellbeing and effectiveness of students, pupils and barristers, in addition to negatively impacting on clients.

We are also aware of the increasing pace of technological development and other innovation in the wider legal sector – we need to understand these developments and facilitate responsible innovation that is in the public interest.

2) Can you offer insights and evidence related to the current environment in which the BSB and the barrister profession operate that will help inform our strategic thinking?

What do you think the BSB needs to consider and prioritise?

We are dedicated to addressing the most significant risks within the barrister profession and market, and consumer expectations, while continually enhancing our capabilities to address these.

We have been working with our people, our Advisory Panel of Experts, and external stakeholders, carefully considering a range of feedback and evidence, to consider the key strategic challenges for the next five years. We have also taken onboard consumer research undertaken by ourselves and others and we will be engaging directly with consumers as part of this consultation. Our emerging thinking remains draft and we welcome views from stakeholders on how our priorities should be shaped over the next five years.



We are seeking views on the following three areas:

An effective, competitive market for barristers' services where consumers are empowered to engage effectively with barristers: To address risks that affect individual consumers through effective standards, engagement and enforcement, with special attention to consumers who are experiencing vulnerability; and to ensure consumers from diverse backgrounds can benefit equally from a competitive market for barristers, with improved access to affordable services and the development of innovations that make services more accessible.

The Legal Services Act includes a clear commitment to the public interest and to consumers. In the year preceding this strategy, we carried out consumer-focused analysis and research that identified concerns about whether consumers are sufficiently empowered and protected. A recent survey for the BSB by Ipsos showed that although confidence in the profession was generally high, people had more confidence in service quality and integrity than confidence that barristers treat everyone fairly and without discrimination. Responses also differed considerably depending on the background of respondents, with lower levels of confidence among people from lower socio-economic and minoritised ethnic backgrounds.

Consumers, barristers and other stakeholders do not exist in isolation. They operate in a complex market, one that has a distinct impact on how barristers behave, and on consumer outcomes and access to justice. We must take steps to ensure that we have the best possible understanding of this market and use our regulatory functions to promote a competitive and consumer-focused market.

We expect this to contribute to the following outcomes, which are drawn from the 'Reshaping Legal Services' strategy:

- Surveys show that unmet legal need has reduced, and outcomes and experience of legal services is much more equal across the population.
- Citizens know their rights and duties, understand legal services better and easily navigate the market to choose legal services providers with confidence.
- In accessing barristers whether directly or through an intermediary, consumers have a choice.
- Consumers can easily compare the cost and quality of different legal services providers and what services they deliver, using comparison tools where appropriate.
- Consumers of all backgrounds have ready access to the services they need, are satisfied with the service they receive and can easily access quick and fair redress.
- The future supply of barristers, both generally and by specialism, is sufficient to meet foreseeable future demand.
- There is healthy competition and a culture of innovation across the market.



- Legal services are routinely delivered using trusted technology which reduces costs and enables consumers to have more choice in how they access legal services.

A profession where everyone has equal opportunities and success is not limited by background: To ensure the barrister profession can deliver for the public through a professional culture where barriers to progression and retention are removed. The profession generally, and chambers in particular, should be welcoming environments for barristers of all views and all backgrounds.

Barristers are expected to be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others (as per the BSB's professional statement that sets skills, knowledge and competencies required of barristers.) We have recently consulted on changes to our equality rules, and we are carefully considering the responses to that consultation. This will include how best we can work with the profession and monitor progress. However we respond to that consultation, there is a wealth of evidence in relation to reports of bullying, discrimination and harassment, and statistics relating to progression and retention at the barrister profession that suggest more needs to be done to promote equality of opportunity. We cannot achieve our objectives in this area alone, and will continue to work with stakeholders and monitor progress.

We expect this to contribute to the following outcomes:

- Barristers are as diverse as the communities they serve. This is true for all levels of the profession – from new entrants to senior leaders.
- There is a genuinely inclusive culture where the diversity of thought that people with varied life experiences and circumstances bring is championed.
- Barristers are equipped to meet the needs of the diverse communities they serve and people of all backgrounds have confidence in the Bar.

A competent and ethical profession: To ensure that barristers demonstrate competence and uphold ethical standards, contributing to the proper functioning of the justice system and delivering in the public interest.

To perform their crucial role in the public interest, barristers must act competently and ethically. Recent events such as the Post Office inquiry have highlighted the need to ensure that all legal professionals' understanding of ethical expectations and/or compliance with competence standards is always robust. It is important for us to continue to reflect on how best we can use our regulatory tools to ensure barristers are operating in the public interest. Of particular importance is the role we play in training and education, both at the point of entry and on an ongoing basis, and our ethical rules and guidance set out in the BSB Handbook and elsewhere. We welcome views on how our training and ongoing development requirements for



barristers can include a stronger focus on ethics, particularly when navigating complex cases or working with vulnerable clients. We are keen to understand how education is developing, particularly in the light of emerging technologies, to inform our future approach to oversight and standards setting. In addition to this invitation for feedback, we will soon launch a separate discussion document that seeks stakeholders' views on current ethical issues that are relevant to barristers' practice. This will inform our review of the Handbook. We must also consider how developments in technology and other innovations in service delivery affect the regulation of the Bar, in order to ensure that emerging technologies serve the public interest and do not compromise professional standards.

We expect this to contribute to the following outcomes:

- The barrister profession contributes to ensuring England and Wales is world-leading on international measures of the rule of law.
- The public has trust and confidence in the barrister profession
- Digital infrastructure and technological skills are a core part of the skills that barristers develop and maintain during their careers.

3) What do you think of these early emerging priorities for regulating in the public interest? Is there anything that has been missed, or should be prioritised less?

Our approach to regulation

Our Regulatory Tools

Alongside the priorities we adopt to advance the public interest, we also want to clarify our approach to using our regulatory tools. A regulator has a range of interventions at its disposal, from the publication of research and guidance to raise awareness of issues, to proactive supervision to work with the profession, particularly chambers and employers, to achieve compliance and better outcomes, to enforcement action to protect the public and to deter misconduct. We are conscious that the profession will share many of the same objectives as the regulator. The promotion of a diverse profession is a good example. Our commitment, therefore, is to make maximum use of awareness raising and of supportive supervision to achieve shared objectives. We shall take enforcement action in a proportionate, consistent and targeted way where the public interest requires it.

Balancing principles-based approach against specificity in setting standards

A key consideration for both the BSB and the profession we regulate is how to ensure our regulatory approach provides sufficient flexibility to facilitate actions and innovations while ensuring there is clarity on specific requirements where needed,



for example on matters such as working in specific settings or meeting legal obligations.

We also need to be able clearly to cite where those we regulate have not met their regulatory duties, or met public expectations where applicable, while allowing the possibility for alternative ways of meeting regulatory expectations to develop over time, for example enabling innovations in taking instructions or reporting back to clients.

Devolution

We are increasingly aware of the importance of developments in the legal system in Wales, as the context for the delivery of legal services there continues to diverge from England. We are committed to understanding the particular challenges facing the legal services sector across Wales, and we particularly welcome representations from stakeholders in Wales as we develop this strategy.

4) Do you have any feedback on our approach to regulation in general or of the barrister profession in Wales?

Measuring our performance

Performance measurement by regulators is complex because intended outcomes (for example protection of consumers and improved service quality) are generally delivered by the people or organisations that they regulate. There are also many external factors outside regulators' control, and outcomes often do not become evident for several years.³ To assess our effectiveness therefore, we must use a range of data sources. These help us to evaluate the outputs and outcomes of our key projects and ongoing activities.

Consistent with our public interest purpose, we will primarily seek to measure the impact of our reforms in terms of the improvements they facilitate in outcomes for the consumers of barristers' services. We shall, therefore, pay careful attention to relevant data, such as our regular surveys of consumers' confidence and trust in both the barrister profession and in regulation itself. We will monitor developments in the market, including the choice offered to consumers, the information available about price and quality to inform choice and the extent of shopping around for barristers' services. We shall expect to see the Bar Standards Board identify and head off risks to consumers and to the public interest effectively.

We will continue to look at a range of intermediary outcomes which bear on the effectiveness and efficiency of the Bar Standards Board itself. We currently publish detailed information about our performance in operational delivery, including authorisations, supervision and enforcement. Given our role as a professional

³ [National Audit Office, Performance Management by Regulators](#)



regulator, the results of these activities will continue to be important indicators of our performance. These will also continue to be of interest to our stakeholders.

While it is easier to report on the number of activities we undertake, as noted, these figures often do not reflect our true impact, such as change in behaviour or improvements in standards. These are harder to measure. This is a consistent challenge for all regulators, in legal services and beyond.

In the next strategic period, we will commit to a process to develop and refine the methods to better evaluate the impact of our regulatory interventions. This includes identifying clear success criteria to support the analysis of specific projects. Over time, we aim to enhance how we measure and report our performance, ensuring our approach aligns as much as possible with best practice, such as found in [Performance Management by Regulators, by the National Audit Office](#), and by relevant stakeholders such as the Legal Services Board, and [Legal Services Consumer Panel](#). As we develop the strategy, we will give further thought to how we can track our impact over the course of its implementation, and we welcome views on what indicators we might use to do so.

In the meantime, we will continue to report on our performance in the following ways:

- Annual Report
- Our Regulatory Update to the profession
- Regular updates on operational delivery performance, such as the regulatory decision-making report.
- Evaluation work on specific policy initiatives.

5) Do you have views on how we might more effectively monitor and report on performance?

Conclusion and Next Steps

By focusing on the priorities detailed in this document, the BSB aims robustly to meet its purpose and take steps towards delivering its vision of an excellent and ethical barrister profession which inspires public confidence and advances the interest of justice.

We welcome feedback to ensure that the final plan meets the public interest. We are particularly keen to receive feedback on the outcomes that we should be trying to achieve over the next five years.

Following this invitation for feedback, all responses will be reviewed and we will prepare a draft strategy for consultation. The next steps will be as follows:

- Now until early April 2025: gather feedback and stakeholder engagement. In addition to issuing this paper, we have engaged Community Research to



undertake targeted engagement with consumers, so that the consumer voice can be at the heart of the new strategy.

- April 2025: BSB publishes Business Plan for 2025-26.
- June 2025: BSB Board to consider stakeholder feedback and agree draft priorities for the new strategy.
- September 2025: BSB to agree a draft strategy and commence further consultation.
- April 2026: New strategy comes into force.

6) Is there anything else you would like to add?

How to respond

The BSB is inviting our stakeholders, including consumers, barristers and other groups, to contribute their feedback on our future strategic direction.

Your feedback will help us build a strategy that is informed, inclusive and impactful, supporting a profession that delivers for consumers and the public interest.

You can provide feedback using [this survey](#).

If you are not able to fill in the survey online, or you need a reasonable adjustment, you can:

- a. email us- policy@barstandardsboard.org.uk
- b. call us- 020 7611 1444

Please note that we may publish feedback that we receive and attribute it to you, or your organisation. If you do not want to be named as a respondent, please let us know.

The deadline for responses is **Wednesday 9 April 2005**.