

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



Meeting of the Bar Standards Board

Thursday 5 October 2023, 5.00 pm (Hybrid meeting - in person and online)

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

Agenda – Part 1 – Public

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

Note: this meeting will be preceded by a seminar for Board Members commencing at 3.45 pm (same venue). It will be a discussion on our Access Programme

			Page
1.	Welcome / announcements (5.00 pm)	Chair	
2.	Apologies	Chair	
3.	Members' interests and hospitality	Chair	
4.	Approval of minutes from the last meeting (27 July 2023)	Annex A Chair	3-8
5.	a) Matters arising & Action List b) Forward agenda	Annex B Annex C Chair Chair	9 11
6.	Performance Report: Quarter 1 (5.10 pm)	BSB 040 (23) Mark Neale	13-41
7.	Regulatory Decisions Annual Report 2022/23 (5.20 pm)	BSB 041 (23) Sara Jagger / Saima Hirji	43-63
8.	Independent Decision Making Body Annual Report 2022/23 (5.30 pm)	BSB 042 (23) Alex Williams	65-75
9.	Legal Services Board Action Plan – progress report (5.40 pm)	BSB 043 (23) Mark Neale	77-82
10.	Director General's Report – Public Session (5.45 pm)	BSB 044 (23) Mark Neale	83
11.	Chair's Report on Visits & External Meetings	BSB 045 (23) Chair	85
12.	Any other business		
13.	Date of next meeting Thursday 30 November 2023		
14.	Private Session (5.50 pm)		

John Picken, Governance Officer
28 September 2023

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public
Minutes of the Bar Standards Board meeting
Thursday 27 July 2023 (5.00 pm)

Hybrid Meeting, Rooms 1.1-1.7, BSB Offices & MS Teams

- Present:** Kathryn Stone OBE (Chair)
Gisela Abbam
Alison Allden OBE
Jeff Chapman KC
Steve Haines
Simon Lewis
Andrew Mitchell KC (via Teams)
Irena Sabic KC (via Teams)
Professor Leslie Thomas KC (via Teams)
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) (via Teams)
Matthew Hill (Chief Executive, Legal Services Board)
Sam Townend KC (Vice Chair, Bar Council)
- In attendance:**
BSB Executive Jameelah Bangali (Project Manager) (via Teams)
Rhys Bevan (Head of Legal Support) (via Teams)
Angela Dickinson (Policy Officer)
Christopher Fitzsimons (Communications Manager)
Rebecca Forbes (Head of Governance & Corporate Services)
Saima Hirji (Acting Director of Regulatory Operations) (via Teams)
Teresa Haskins (Director of People, BSB)
Sara Jagger (Director of Legal and Enforcement)
Jaspal Kaur-Griffin (Head of Programmes)
Ewen Macleod (Director of Strategy & Policy)
Anna McNee (Legal Support Lawyer) – items 7 to 13
Rupika Madhura (Head of Policy & Research) (via Teams)
Mark Neale (Director General)
Richard Parnham (Policy Manager)
John Picken (Governance Officer)
Paul Pretty (Head of Investigations and Enforcement) (via Teams)
Fibi Ward (Legal Support Officer) (via Teams) – items 7 to 13
Wilf White (Director of Communications & Public Engagement)
- Press** Neil Rose, Legal Futures (via Teams)

Item 1 – Welcome / Announcements**Action**

1. Kathryn Stone welcomed those present in particular those attending their first Board meeting ie:
 - Matthew Hill, Chief Executive, Legal Services Board;
 - Angela Dickinson, Policy Officer;
 - Saima Hirji, Acting Director of Regulatory Operations.
2. She also informed the Board that, since the last meeting, Rupika Madhura has been appointed interim Director of Standards. She will commence that role on 4 September 2023.

3. **Item 2 – Apologies**

- Emir Feisal JP;
- Lorinda Long (Treasurer, Bar Council);
- Nick Vineall KC (Chair, Bar Council);
- James Wakefield KC (Hon) (Director of COIC).

4. **Item 3 – Members’ interests and hospitality**

4. None.

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

5. The Board approved the Part 1 (public) minutes of the meeting held on 25 May 2023.

6. **Item 5a – Matters arising & Action List**

6. There were no matters arising. Ewen Macleod confirmed that, since issuing the agenda papers, both outstanding actions can now be deemed as completed.

**JP to
note**

7. **Item 5b – Forward agenda**

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

8. **Item 6 – Legal Services Board: Regulatory Performance Assessment**

BSB 031 (23)

8. Mark Neale referred to a letter from the LSB (Annex A) concerning information it requires to conduct its Regulatory Performance Assessment. He commented as follows:

- our long-standing practice has been to self-appraise against the performance framework and map relevant evidence to the assessment criteria (set out in Annex C);
- the current draft will be further revised to reference:
 - ❖ the annual service complaints report we provide to the GRA Committee;
 - ❖ our series of meetings with the LSB Consumer Panel.

9. He also referred to a recent internal audit on compliance with the Performance Framework. This found that sources of assurances were relevant and suitable but also noted a gap in respect of evidence of engagement with the profession and stakeholder groups. This will now be addressed as a priority. *Note: a copy of this report was circulated to Members under separate cover in advance of the meeting.*

10. He sought Members’ views on the draft letter to the LSB (Annex B) in response to its information request. He added that:

- our performance continues to improve, and we have already completed several of the reforms approved by the Board as part of the Business Plan for 2023/24;
- the end-to-end enforcement review is now underway;
- the Board endorsed the format of the new “balanced scorecard” for performance at its last meeting, and this is being piloted;
- we shall publish a consultation on our expectations of chambers in due course.

11. At the invitation of the Chair, Steve Haines (Chair of the Performance and Strategic Planning Committee) gave his perspective on how circumstances had changed over the past 12 months. He contrasted the significant challenges faced at the start of that period to the much-improved current position now and highlighted the following:

- the positive impact of our revised reward framework which directly addressed issues around recruitment and retention of appropriately skilled staff;
- the improved resilience of the organisation which, hitherto, had been too lean;;
- increased performance reporting at Committee and Board level, combined with better quality management information and changes in operational processes;
- setting revised, and more appropriate, performance targets to drive desired outcomes.

12. In terms of case management, he added that:
- work backlogs have noticeably decreased compared to the same time last year;
 - the age profile of outstanding cases has correspondingly reduced;
 - there may be further scope for improvement which the ongoing operational reviews are seeking to identify. This will consider the integration of IT systems and the progression of cases between different teams.
 - notwithstanding the above, we should acknowledge that some factors that delay case management are outside of the control of the BSB. Nor we can accurately model outcomes given the unpredictable pattern of demand.
13. The Chair noted the above and expressed her gratitude to relevant operational staff for their hard work in making such a marked improvement in performance as well as members of the PSP Committee for their input. For the record, she also contextualised the challenges that the BSB had faced at the time ie:
- there had been an increase in cases both in number and complexity;
 - we were recovering from a cyber attack that had severely affected the organisation's overall capacity;
 - we had faced challenges around staff retention and recruitment for a prolonged period;
 - the performance measures we were using were too narrowly focused on timeliness and ultimately misleading about productivity.
14. Members commented as follows:
- the annex to our draft letter (Annex E) is incomplete insofar as it does not reference questions about enforcement included in the LSB's original request. *Note: this was omitted from the papers in error but relevant answers have been circulated.*
 - the Chair has made a substantial and positive difference both to the culture of the Board itself and in improving relations between Members and the Executive;
 - our response to characteristic 15 (Annex C) about reducing inequality for consumers uses the same answers that we give in response to a similar question about the profession. In fact, we could enhance our evidence by citing examples from our public legal education strategy listed Annex D.
 - documents such as that in Annex C, can be a useful comparative point of reference. This is the first time we have received the assessment in this format so, providing it does not change, we can compare and contrast returns for subsequent years;
 - the recent series of roundtable visits were very useful in establishing better engagement with the profession and should be highlighted.

Note: in discussing the Part 2 item on "accelerating investigations", the Board also agreed to include relevant performance data from this project in the letter to the LSB.

15. Mark Neale acknowledged the above and agreed to amend the draft response letter / annexes. In response to other questions raised, the Executive stated that:
- we will organise a meeting of the BSB's Advisory Pool of Experts (APEX) in the early Autumn to inform our business planning process and interested Board Members can also attend if they wish;
 - the final report from the Field Fisher end-to-end review of enforcement is due in March 2024 (though, given the likely time required to consider this, the Board may be convened for a special, single item only meeting in early April 2024). Any emerging issues will be discussed at the January 2024 Board meeting;
 - given the holistic nature of the review, it will not be possible to implement perceived "quick wins" early on. Changes can have a knock-on effect for other processes, so it is necessary to map these all out fully before making any recommendations.

16. **AGREED**

- a) subject to the amendments identified above (cf. min 14), to approve the draft letter and annexes to the Legal Services Board as set out in Annexes B-E.
- b) to note the satisfactory outcome to the internal audit about sources of assurance on which the Board relies when considering its compliance with the Regulatory Framework.

MN

Board
to note**Item 7 – Conduct in Non-Professional Life Project**

BSB 032 (23)

17. At the Chair's request, and to assure the Board, Rhys Bevan confirmed the following:
- the report is the end product of a project spanning several years;
 - the key features to highlight are:
 - ❖ the extensive research work on the approach of other regulators, including face to face meetings with them;
 - ❖ our analysis of relevant case law, in particular, Ryan Beckwith v Solicitors Regulation Authority [2020] and the Human Rights Act;
 - ❖ the engagement of a stakeholder reference group to act as a critical friend during the project (comprised APEX Members, former Board Members, representative of another regulator and a partner from a leading law firm);
 - ❖ development of the guidance document approved last year for public consultation;
 - ❖ consideration of the consultation responses and creation of another, smaller reference group to review the final version of the guidance (comprised current Board Member, Jeff Chapman KC, external Counsel and a representative from the Solicitors Regulation Authority).
18. Jeff Chapman KC stated that:
- the revised guidance takes into account new case law and recent technological developments;
 - in his view, it represents a considerable improvement on the existing version and demonstrates the impressive input of contributors earlier in the project.
19. Members commented as follows:
- some consultation responses queried the evidence base for amending the guidance. Our proposed response to this (paragraph 15 to Annex 4) does not address this directly even though the evidence base is very strong;
 - it would be helpful to understand the next steps leading to adoption and implementation of the new guidance;
 - notwithstanding the excellent work completed to date, we can expect changes both in technology and societal norms as to what is (or is not) considered acceptable behaviour. It would therefore be useful to understand our longer-term strategy for keeping this under review.
20. In response, Rhys Bevan commented as follows:
- the document at Annex 4 is still in draft and the point made in respect of the evidence base will be addressed in the final version;
 - in terms of next steps, the salient points are:
 - ❖ we have already tested the draft guidance with our Contact and Assessment Team and that will be followed by further internal training on its detail;
 - ❖ we plan to publish in September 2023, as to do so now would clash with the holiday season;
 - we did have the future in mind when developing the new guidance so sought to include as much flexibility as possible within the wording. That said, new case law may provide further clarifications and we shall respond to that as and when it arises.

21. He added that:
- the new guidance is informed and underpinned by the BSB Handbook; our current regulatory practice and case law;
 - we are therefore not seeking to amend how the Handbook applies to barristers – the guidance is simply a clarification of existing rules;
 - since circulation of papers to the Board, the executive has reconsidered a suggested amendment to rule gC26 (Annex 3), concerning the use of chambers e-mail accounts and signatures, which it no longer considers appropriate. It therefore recommends that this is abandoned.
22. **AGREED**
to approve the publication of:
- i. Guidance on the Regulation of Non-Professional Conduct (Annex 1). RB
 - ii. revised Social Media Guidance (Annex 2). RB
 - iii. amendments to the non-mandatory guidance in the BSB Handbook as set out in Annex 3 with the exception of one proposed amendment to gC26 (cf. min 21). RB to note
 - iv. the consultation response document (Annex 4) subject to inclusion of a reference to the evidence base (cf. min 19) and any necessary final editing by the Executive. RB to note

Item 8 – The BSB Annual Report for 2022/23

BSB 033 (23)

23. Wilf White commented as follows:
- the report has already been scrutinised by the Performance and Strategic Planning Committee and incorporates its comments;
 - since sending out agenda papers, some further amendments have been made to the text but these are not substantive;
 - the report includes a higher amount of financial information compared to previous editions and also seeks to improve our transparency by comparing what we actually achieved with our original aims.
- Note: the Board also revisited this item under Part 2 of the meeting and agreed some further amendments to the introductory text.*

24. **AGREED**
to publish the BSB Annual Report for 2022-23. WW

Item 9 – Director General’s Strategic Update – public session

BSB 034 (23)

25. Mark Neale explained that the date of the Board meeting meant there had been insufficient time to prepare the usual quarterly performance report. This will be formally presented to the Board at its next meeting but, in the meantime, he asked Saima Hirji to give an oral report on some of the headline figures. The salient points were:
- in respect of the Contact & Assessment Team, the Q1 results showed that:
 - ❖ 430 reports were dealt with by the Team (similar in volume to the previous 3 quarters);
 - ❖ the age profile for cases has decreased;
 - ❖ all decisions audited by the Independent Reviewers were found to be correctly assessed;
 - a new Assessment Officer is now in post and recruitment is underway for two further positions (one temporary; one permanent);
 - implementation of new procedures is continuing based on advice from an external operational consultant;
 - in respect of the Authorisations Team, the Q1 results showed:
 - ❖ improved performance in four out of five KPIs compared to the last quarter;
 - ❖ application numbers have increased (nearly double compared to last year) and the number of open cases is now 580;
 - ❖ fewer decisions are now taken outside KPI targets compared to last year with fewer referrals to the Independent Decision Making Body (IDB);

- we are looking to strengthen the Team with additional posts (temporary and permanent) and to streamline operational procedures.
26. In response to a question raised, Saima Hirji stated that the cause for the sudden increase in applications for authorisation is unknown. There are no identifiable themes as such so there could be several factors in play.
27. **AGREED**
to note the report.

Item 10 – Chair’s Report on Visits and External Meetings

BSB 035 (23)

28. The Board **noted** the report. The Chair confirmed that follow up visits to the Circuits would commence in Autumn.

Item 11 – Any Other Business

29. None.

Item 12 – Date of next meeting

30. Thursday 5 October 2023.

Item 13 – Private Session

31. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 25 May 2023.
 - (2) Matters arising and action points – Part 2.
 - (3) Accelerating Investigations.
 - (4) Handbook Review options, 2023-2025.
 - (5) Review of non-executive fees.
 - (6) Director General’s Strategic Update – Private Session.
 - (7) Any other private business.
32. The meeting finished at 6.00 pm.

**BSB – List of Part 1 Actions
5 October 2023**
(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
16a (27/07/23)	amend our draft letter / annexes as agreed at the July Board meeting and send to the Legal Services Board	Mark Neale	immediate	01/08/23	Completed
22 (27/07/23)	publish the Guidance on the Regulation of Non-Professional Conduct and revised Social Media Guidance	Rhys Bevan	immediate	20/09/23	Completed
24 (27/07/23)	publish the BSB Annual Report for 2022/23	Wilf White	immediate	28/07/23	Completed

Forward Agenda

Thursday 30 November 2023

- The Bar Standards Board Equality and Diversity Strategy 2022 to 2025: update on progress
- Mid-year report from the PSP Committee
- GRA Annual Report
- Priorities for 2024 / 25 Business Plan
- Annual report – Bar Training
- Corporate Risk Report (summary)
- Authorisation Review draft consultation paper on Phase 1
- Discussion on re-validation
- LSB Regulatory Performance Assessment, and BSB's self-assessment on performance against LSB Regulatory Performance Framework
- Quarter 2 performance report
- Director General's Report (public & private session)
- LSB Action Plan – progress report
- Board reappointments
- Dates for Board Meetings – Jan 2024 – Mar 2025

Thursday 25 January 2024

- Annual Diversity Data Report
- Governance: Policies on Declaration of Interests, and Gifts and Hospitality, and Board Code of Conduct
- Director General's Report (public & private session)
- LSB Action Plan – progress report
- Annual “deep dive” on the corporate risk register
- Enforcement Review – draft proposals for change?
- Risk Framework Review – Final Report and Implementation

Thursday 21 March 2024

- BSB Business Plan 2024/25
- Consolidated Risk Report
- Director General's Report (public & private session)
- Quarter 3 performance report
- LSB Action Plan – progress report
- KPI pilot evaluation
- Outcome of consultation on our expectations of chambers
- BSB Data and Intelligence Strategy: Scheme of work and public document

Meeting:	Board	Date:	5 October 2023
Title:	Performance Report: Quarter 1		
Author:	Mark Neale		
Post:	Director General		

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

Purpose

1. This paper comments on performance to the end of the first quarter in June 2023. It covers both operational performance and progress in delivering the Business Plan 2023/24. Performance in accelerating investigations was the subject of a separate report taken at the July 27 Board and is not covered further here.

Summary

2. Key points to note, and for discussion, are:

Operational performance

- i. the quality of decision-making remains high, with no adverse independent reviewer recommendations during the quarter;
- ii. timeliness performance improved over the quarter against all three KPIs bearing on the assessments of reports and against four out of five KPIs bearing on the handling of authorisation applications;
- iii. the age profile of the reports' caseload has improved, with a lower proportion of reports outside KPI;
- iv. our main continuing concern is with the rising authorisations caseload where, despite solid productivity, we continue to receive more applications than we determine: the caseload had risen to 580 with 294 overdue;
- v. we have increased the team's resources in response, but are also considering ways of curtailing demand, including by increasing fees to reflect past inflation.

Business Plan 2023/24

- vi. we are on track to deliver this year's business plan, including our programme of reforms, with particularly good progress on the end-to-end review of enforcement and the initiative to clarify expectations of chambers.

Operational Performance – Annex A

3. Taking, first, our performance in assessing the reports we receive about barristers, we can see that the quality of work remains very high. Productivity was solid, with over 400 reports assessed, although not as high as in the final quarter of 2022/23. This was, however, to be expected because the overtime working which contributed to the very high productivity in the January-March quarter could not be sustained indefinitely. Nevertheless decisions more than kept pace with new reports so that the caseload fell marginally in the first quarter. As older reports have been dealt with, we have also seen an improvement in the age profile with the proportion of reports past the target of eight weeks at the lowest level for a year.
4. The main area of concern for the Senior Leadership Team was the relatively high number of reports passed on for investigation referred back by the Investigation Team (12 of 26). This underlines the need for better liaison between the two teams at an earlier stage in the process of considering reports so that the transfer between the teams is seamless and any issues are identified and resolved early.
5. By contrast with our performance in handling reports, authorisation caseloads are continuing to rise. This reflects rising demand rather than declining productivity. In the first quarter, the Authorisation team received just under 400 new applications, but decided just under 200. As a result, the live caseload had reached 580 by the end of June. A significant part of this growth is accounted for by applications from qualified overseas lawyers seeking to be called to the Bar, but, for the most part, not intending to practise in England and Wales. We do not know for sure what is driving this increase which derives mainly from the Indian sub-continent. It may simply reflect a growing realisation that the distinction of being called to the Bar can be fairly readily achieved. Where, however, applicant lawyers do not follow up Call by seeking to practice, there is no obvious benefit to English and Welsh consumers or to the profession.
6. Our short-term response has been to increase the resources available to the Team which is also putting into practice the more efficient ways of working identified through the collaboration with our external consultant, Jimmy Barber. However, we also believe there is a case for reviewing the application process itself and for stemming demand. This is the subject of our current review of authorisations. We expect recommendations on the handling of applications from transferring lawyers later this year. Meanwhile, we do see a case for increasing the fees we charge for dealing with these applications which have not been revised in over a decade. Our policy is to recover our costs, but, pending a more root and branch review, it would certainly be reasonable to assume that those costs have risen in line with inflation since they were last re-set.
7. The Board received, and discussed, a separate paper on our work to accelerate investigations at its meeting on 27 July. That paper updated numbers to the end of the first quarter.

Progress against the Business Plan – annex B

8. We have made substantial progress over the last few months:
 - we have commissioned Fieldfisher to undertake an independent end-to-end review of our enforcement process after an open competition: workshops and other evidence gathering have begun;
 - the Board has endorsed, for piloting this year, a balanced scorecard to provide a more rounded perspective on the quality, timeliness, productivity and responsiveness of our operational work;
 - we completed our roundtables on the role of chambers and will be consulting on the way forward in the early Autumn;

- the Board discussed reforms of our regulatory Risk Framework at its off-site in July and endorsed the direction of travel;
- we have opened discussions with our partners to re-join Legal Choices consistent with the Board's decision in May. Meanwhile, we are continuing to work with a number of third sector organisations to which consumers in vulnerable circumstances turn for advice on legal matters and to encourage our fellow legal regulators to do so;
- we have completed our work on updating guidance on the scope of regulatory interest in conduct in non-professional life and in social media usage; and
- we have agreed plans to revised the Handbook and Code of Conduct over the next two years both to implement important reforms, including to our Equality Rules, and to improve navigability and intelligibility for both barristers and consumers.

Annexes

9. Annex A – Quarter 1 operational performance
10. Annex B – BP & Performance Dashboard Q1

Mark Neale
Director General

2023-24 Quarter 1 Performance report – Regulatory Operations and Legal and Enforcement Departments

All teams overview

Team	KPI	Total Cases/ Applications/ Reviews closed	Performance Q1
CAT	General Enquiries		
	Substantive responses to general enquires, that can be addressed by CAT, provided within 5 working days. (Target 80%)	156	94.9%
	General enquiries, which cannot be answered by CAT, that are referred to another team within 3 working days. (Target 80%)	34	73.5%
	Initial Assessment		
	Reports assessed and concluded by CAT, or referred to another team for action, within eight weeks. (Target 80%)	430	60.9%
	Quality indicators		
	Cases where the Independent Reviewer upholds the original decision following a request for review. (Target 95%)	16	100.0%
Authorisations	Authorisation, Exemptions and Waivers		
	Applications determined within six weeks of receipt of the complete application. (Target 75%)	186	41.0%
	Applications determined within eight weeks of receipt of the complete. (Target 80%)		48.0%
	Applications determined within twelve weeks of receipt of the complete application. (Target 98%)		61.0%
	Entity (including ABS) Authorisation		
	Authorisation decisions made within six months of receipt of the application and associated fee. (Target 90%)	6	83.3%
Authorisation decisions made within nine months of receipt of the application and associated fee. (Target 100%)	83.3%		
I&E	Referral of cases		

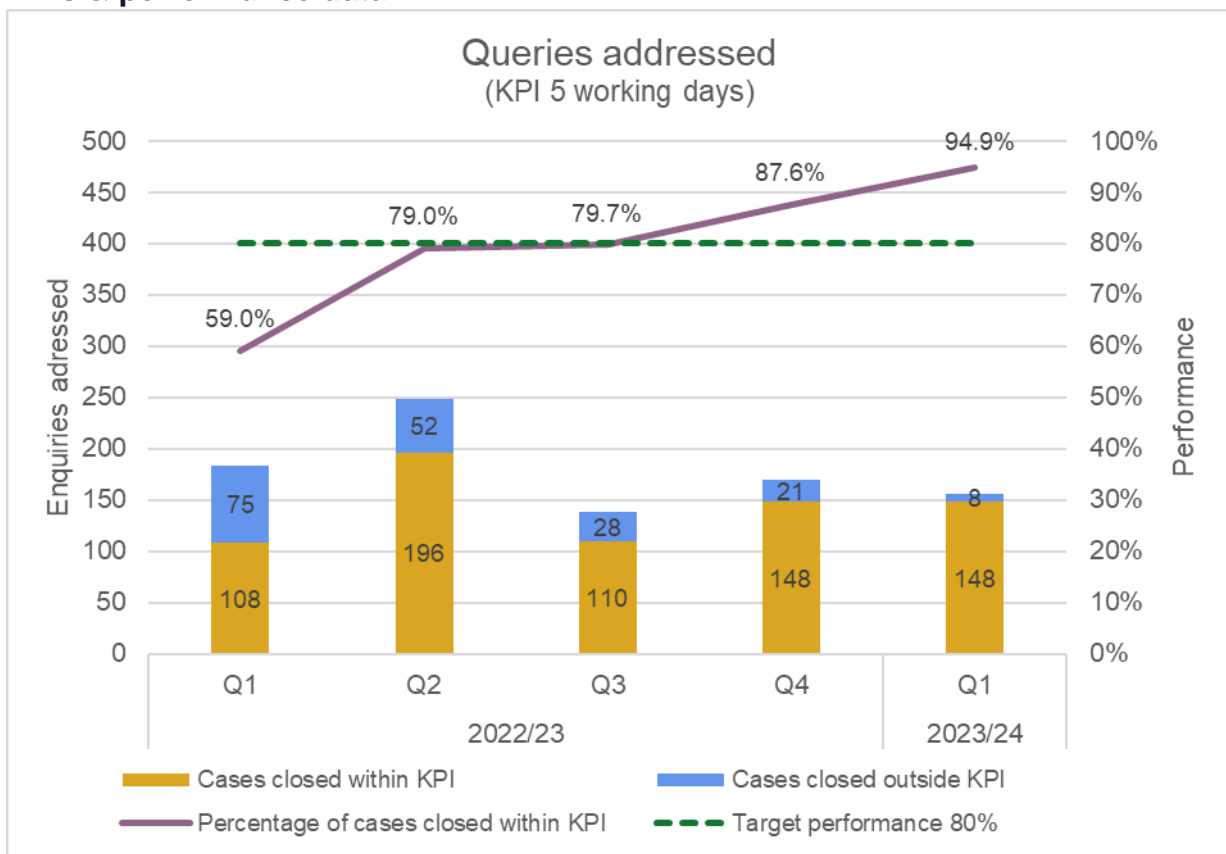
Team	KPI	Total Cases/ Applications/ Reviews closed	Performance Q1
	Cases referred by CAT to another team for regulatory action that are accepted or referred back to CAT within 2 weeks. (Target 80%)	26	100.0%
Investigation of allegations			
	Investigations of allegations of breaches of the Handbook completed, and a decision taken on disposal, within 25 weeks of acceptance. (Target 80%)	30	46.7%
Determination by Consent			
	Process completed (service standard 93 working days). (No target)	1	0.0%
Disciplinary Tribunal			
	Cases concluded (service standard 197 working days). (No target)	3	66.7%
Quality indicators			
	Cases where the Independent Reviewer upholds the original decision following a request for review. (Target 95%)	2	50.0%
	Appeals against the imposition of administrative sanctions and % successful. (Target 0%)	n/a	n/a
	Appeals of Disciplinary Tribunal decisions concluded and % successful attributable to procedural or other error by the BSB or discrimination in the decision-making process. (Target 0%)	2	0.0%
Supervision	Allocations		
	Cases assigned within 3 working days of the team receiving the referral from CAT. (Target 80%)	22	100.0%
	Regulatory Response		
	Cases for which a regulatory response was agreed within 20 working days of the case being assigned. (Target 80%)	61	93.0%
	Visits		
Visit report letters issued within 5 working days of a visit to an organisation. (Target 80%)	1	100.0%	

Contact & Assessment

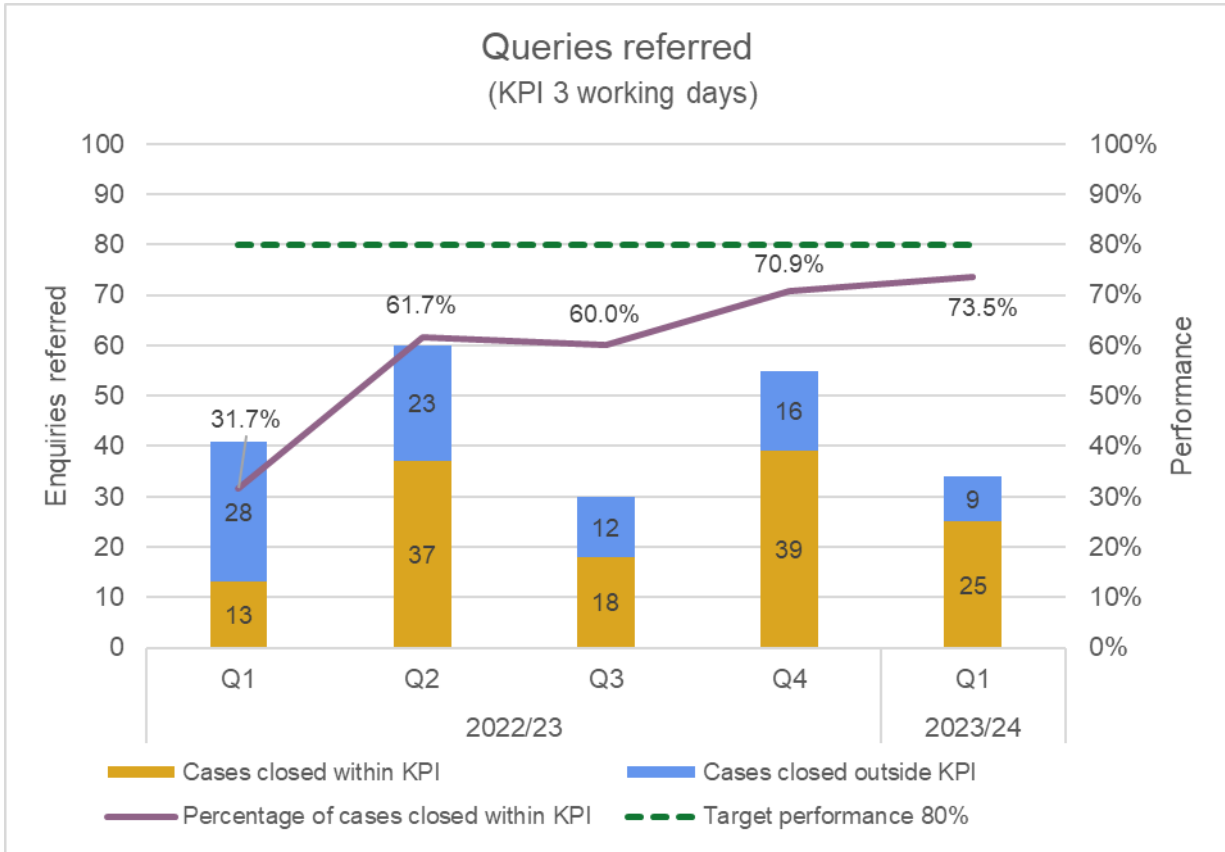
Key points

- Performance against all 3 timeliness KPIs has improved when compared to quarter 4 of 2022-23.
- The quality indicator target has been exceeded in every quarter for the last 3 years.
- Numbers and volumes of both queries and reports closed outside KPI is reducing as the team continues to clear older cases.

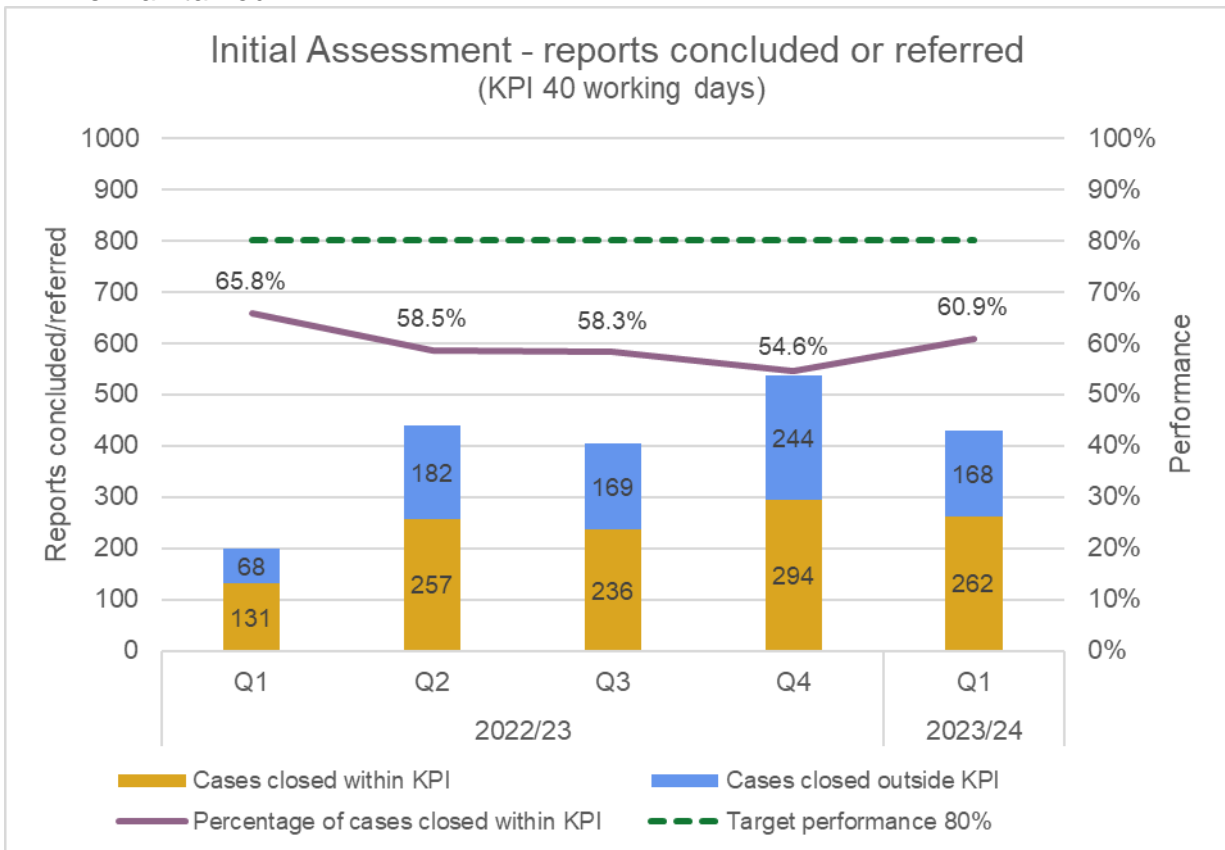
KPIs & performance data



1. The number of queries addressed has remained broadly flat for the last 3 quarters. This reflects the decrease in the number of queries received by the team through the online form.

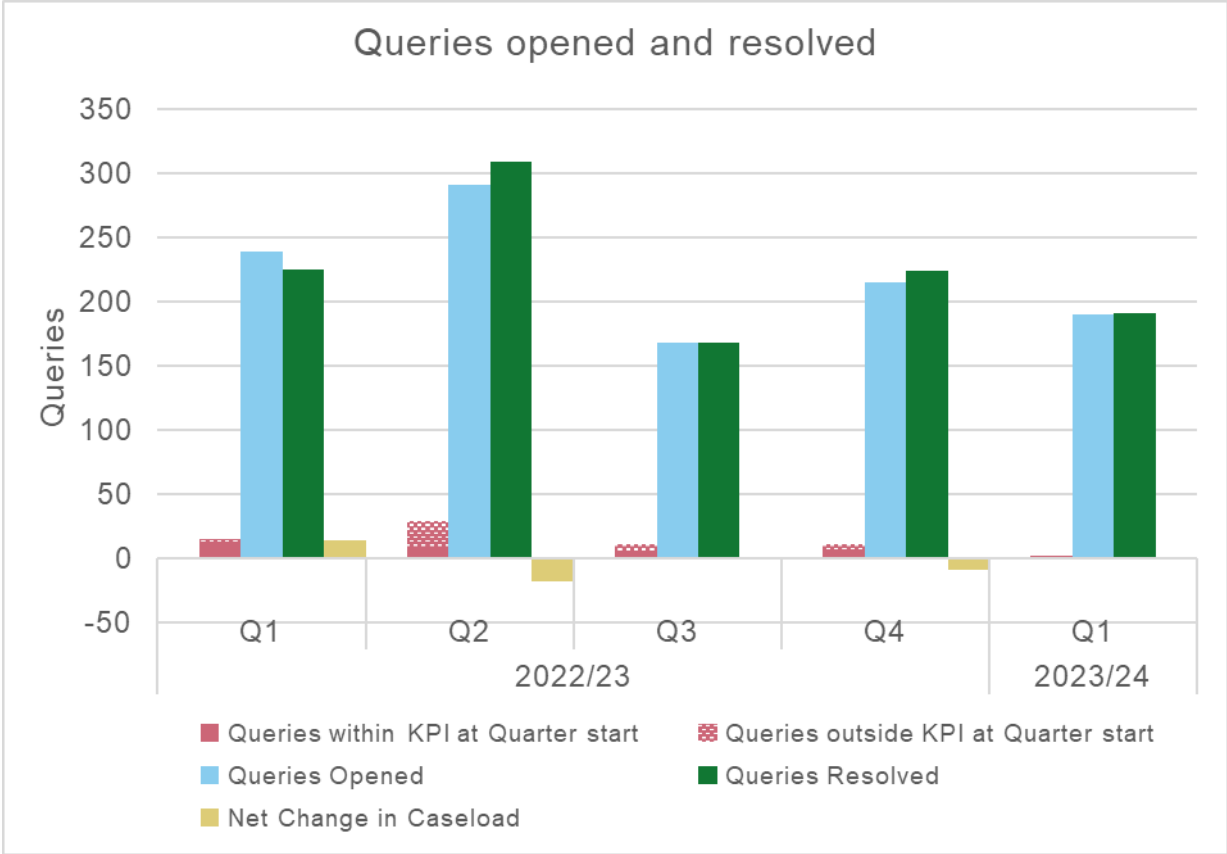


2. Performance against the KPI for referral of queries has consistently improved over the last year and the team should be meeting KPI by quarter 3 if the current trajectory is maintained.



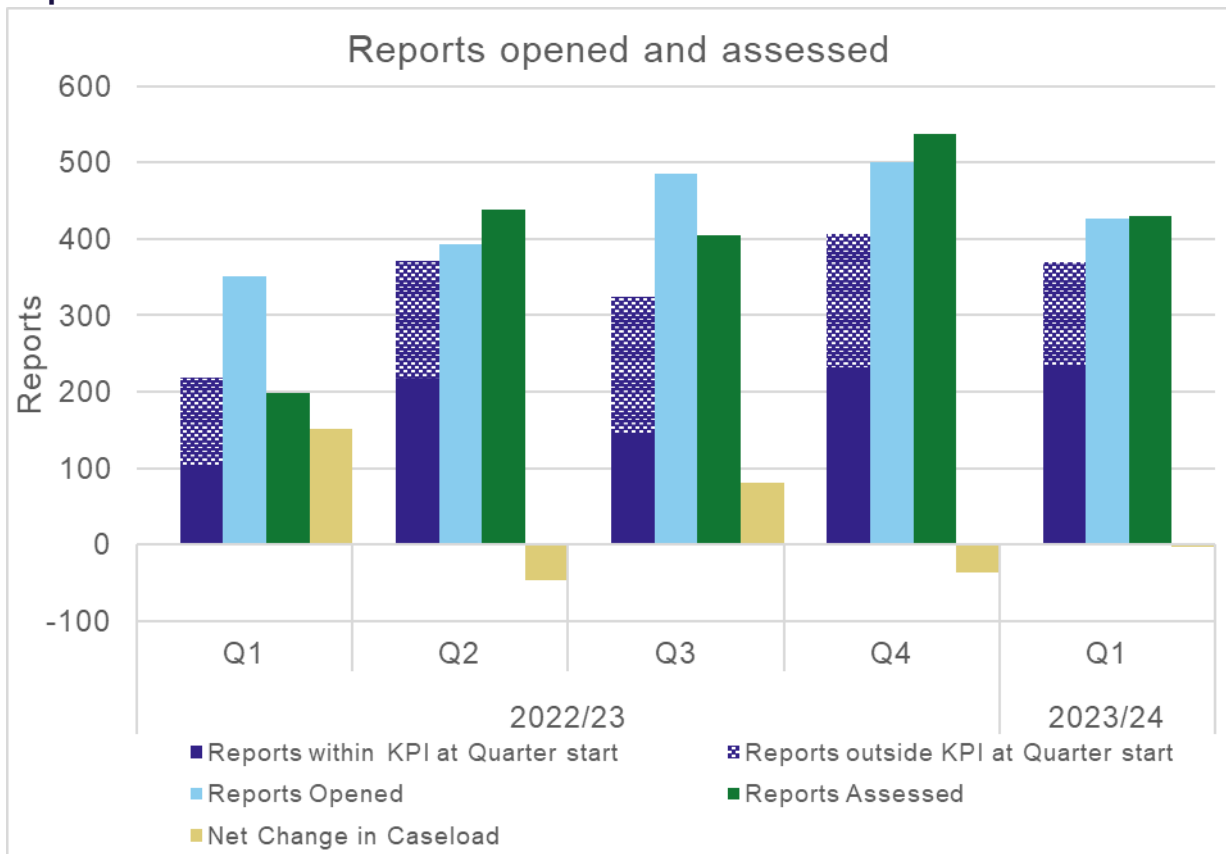
- 3. As more reports are assessed within KPI as a percentage of overall volume, performance against the third timeliness indicator has improved.

General Enquiries



- 4. More queries have been resolved than opened for the last 4 quarters, resulting in a net reduction in caseload.

Reports



5. Although more reports have been closed than opened over the last 2 quarters, there has been no reduction in caseload this quarter due to higher numbers of reports received - between 400-500 per quarter over the last 3 quarters.
6. The number of reports outside KPI at the start of the quarter is at its lowest level for 12 months.

Commentary

7. The overall size of the CAT workload has remained very steady since a peak in March. The age profile of cases and the proportion outside KPI reduced at the start of the quarter but had begun to increase again at quarter end, meaning that overall, the median age of cases increased this quarter. Nonetheless, the number of cases over KPI has decreased as compared with 2022-23, with the majority now currently within KPI.
8. Following the start of the Authorisation to Practise (AtP) process over 110 cases have been referred by the Barrister Records team. Most have been dealt with and closed within CAT, with around 60 cases remaining. Numbers of referrals to investigation are reduced when compared to the previous year.
9. The team has seen an increase in cases referred back from the investigations team, with only 12 of 26 accepted for investigation within quarter. The two teams are working together to address this, focussing on the role each team plays in the regulatory process and where the threshold lies for referring a case to I&E. Further details can be found at paragraph 27.

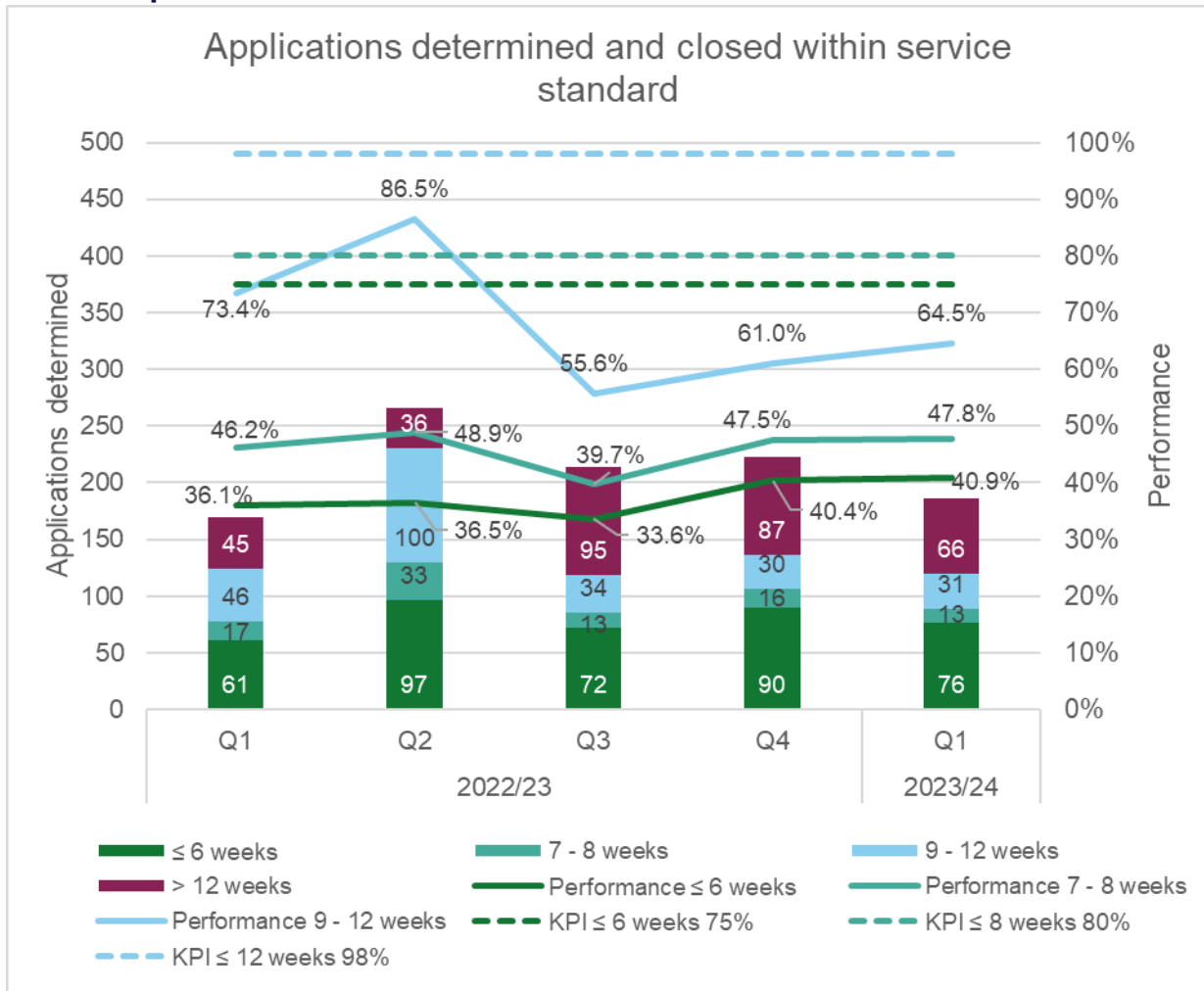
10. This quarter 3 Customer Satisfaction surveys were returned, two relating to reports and one to a general query.
11. For the ease of access questions, 5 of 6 (83%) had positive responses. For quality of communication questions, 6 of 12 (50%) had positive responses. Finally, for timeliness questions, only 1 of 6 (17%) had a positive response.
12. This last point is despite the fact that, upon inspection, all of the cases about which we received customer feedback via this survey were closed within KPI targets, albeit at the upper end of the range.

Authorisations

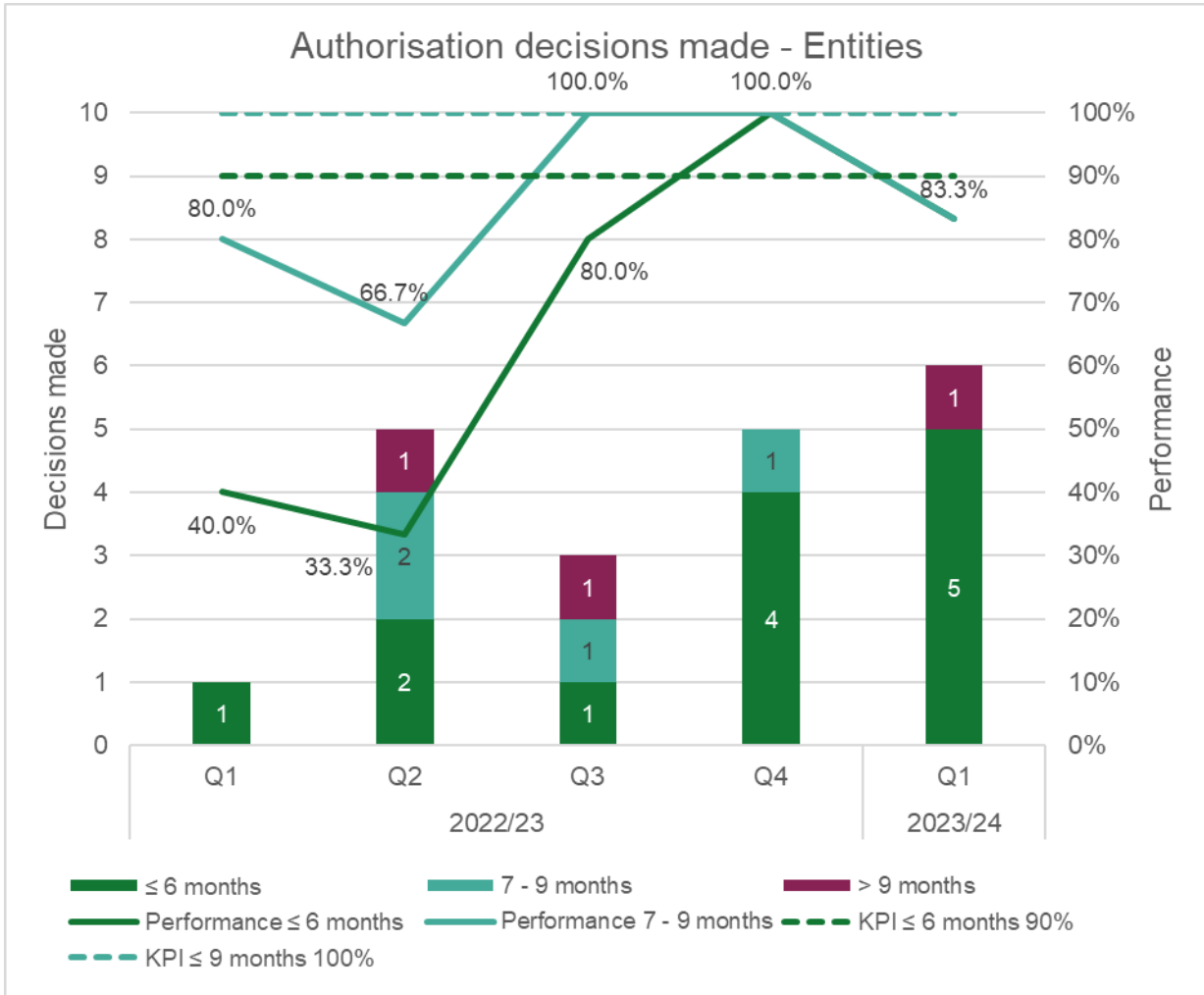
Key points

- The team has improved its performance against 4 of the 5 timeliness KPIs when compared to quarter 4 of 2022-23.
- Performance against the entity authorisation target for decisions made within nine months of receipt has dipped but this is the result of one case being closed outside KPI.
- An external review of capacity has been concluded with a recommendation of the appointment of additional resource.

KPIs and performance data

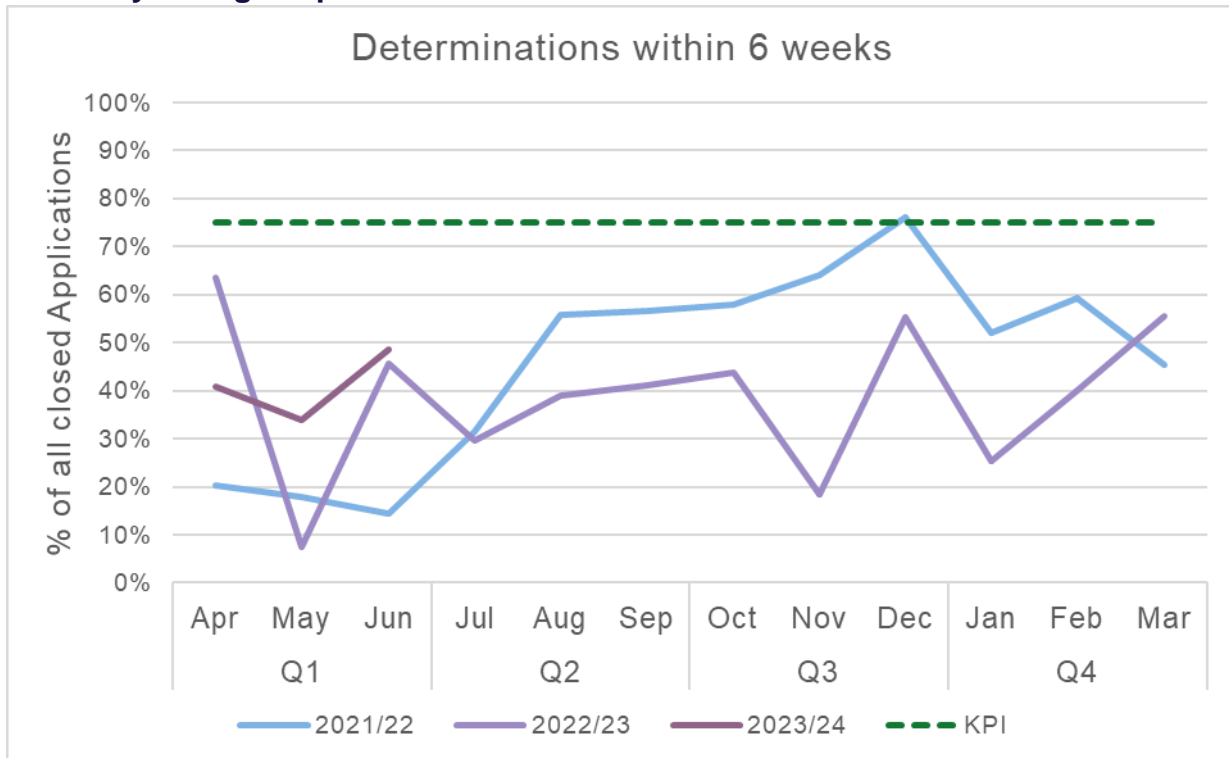


13. The number of applications closed outside KPI has reduced this quarter, but so has the overall number assessed.



14. More entity authorisations have been completed this quarter than in any quarter over the past 12 months.

Quarterly change in performance



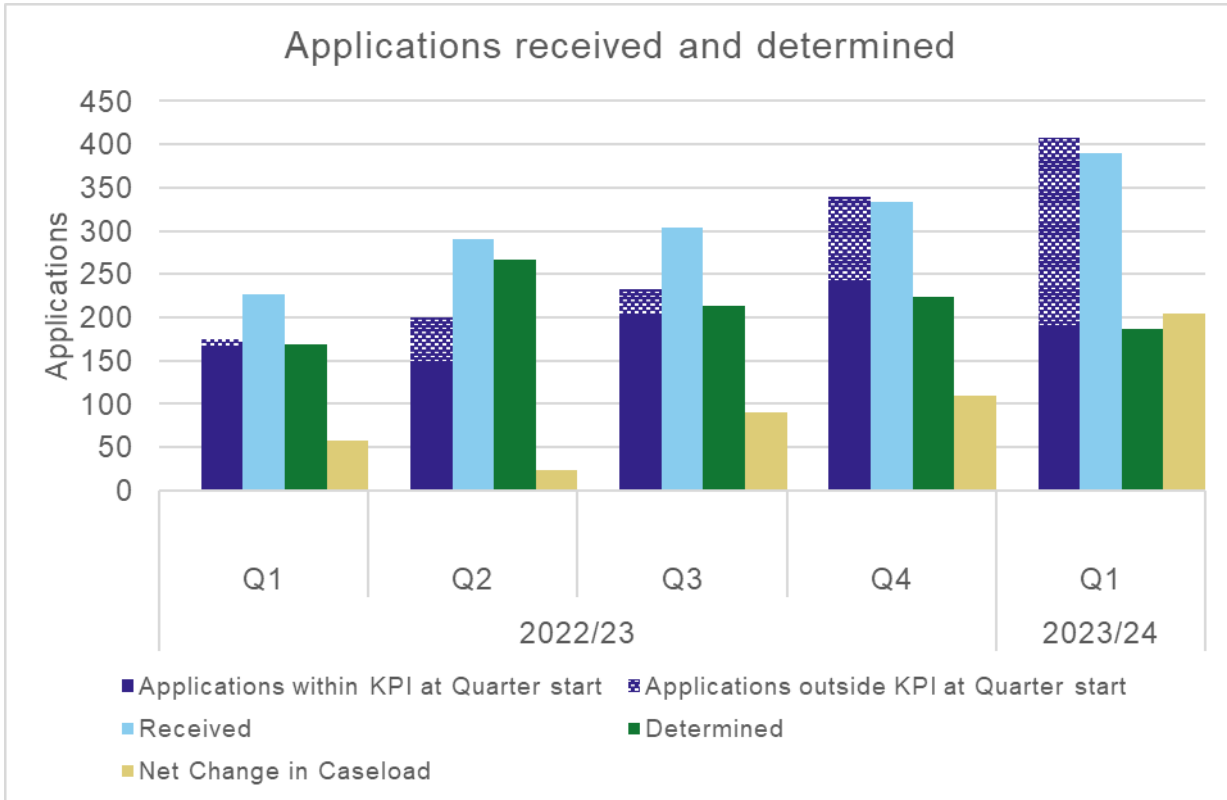
15. At the end of this quarter the volume of determinations within 6 weeks as a percentage of all cases closed has improved when compared to the same period in the last 2 years.

Live cases

Snapshot at the close of Q1 of 2023-24

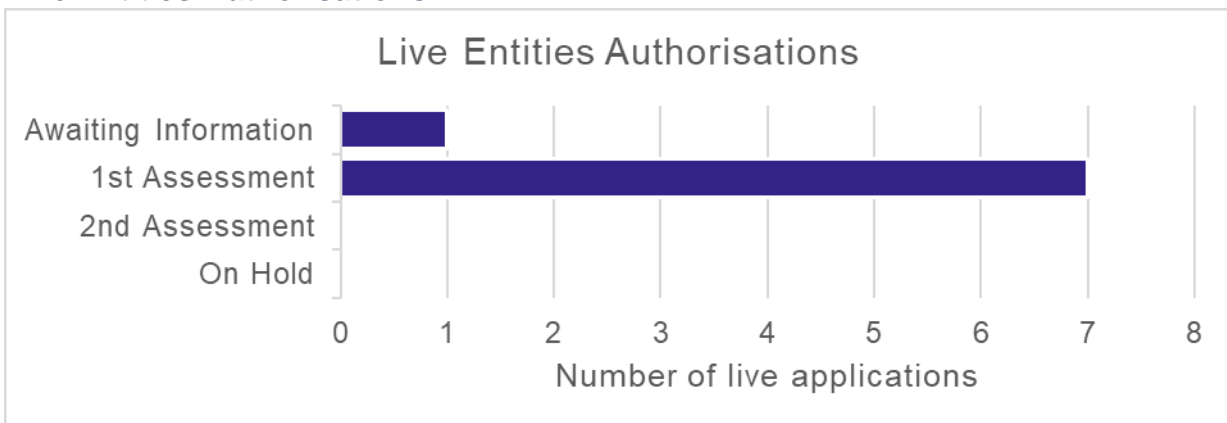
Operational Indicator	Total Open Applications	Over-running Applications	Percentage Over-running
Waiver applications			
Decisions made (12 weeks)	580	294	51%
Total	580	294	51%

16. The percentage of over-running cases has reduced slightly, from 54% last quarter. However, the total number of open applications has increased substantially from 408. Applications received and determined



17. Numbers of applications received have increased over the last 4 quarters, this quarter almost twice as many were received as in the same quarter of 2022-23 and applications determined has not kept pace. As a result, net caseload has increased by 200 and applications outside KPI at quarter start represent more than half of all open applications.

Live Entities Authorisations



18. The four applications which were on hold last quarter have now been progressed, meaning that all live applications are now at the assessment stage.

Commentary

19. Annual leave and sickness absence has continued to impact on the team’s performance against KPI in the first quarter.

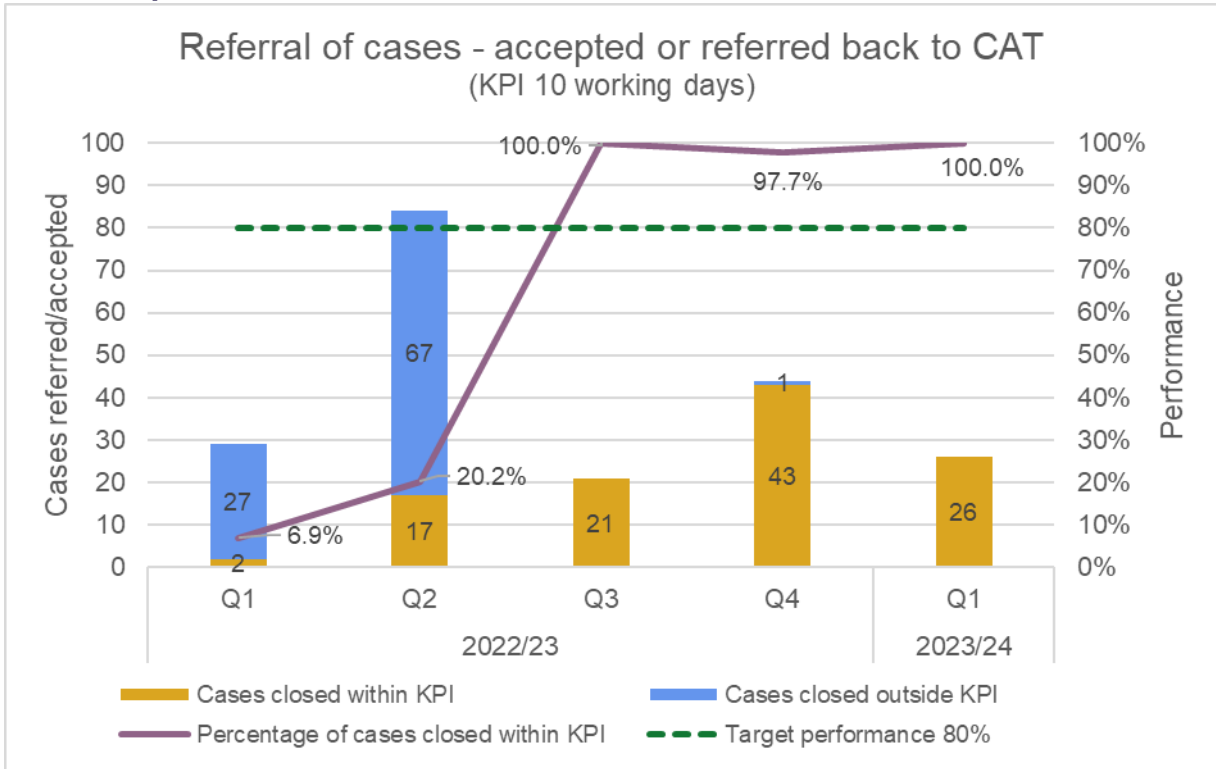
20. New Transferring Qualified Lawyer (TQL) applications continue to increase. At the start of July there had been almost 400 applications, 172.6% of the number opened in quarter 1 last year. There has also been an upsurge in academic applications prior to courses starting in September/October 2023.
21. The spring pupillage peak in workload has been completed. There has been a reduction in the number of cases referred to the Independent Decision-Making Body. This reduced level of challenge is evidence that the quality of decision-making remains robust.
22. There have been an increased number of decisions this quarter when compared to the same period last year (110.1%). Nonetheless, the backlog of applications awaiting assessment is still high and not reducing; there are over 400 live applications in the system. More efficient fee reconciliation, obtaining outstanding documentation and confirmation of the status of applications (because of increased administrative capacity) means more cases are ready for assessment.
23. A review has been completed by an external consultant and as a result more resources have been requested. SMT have agreed to make permanent 2 temporary officer and 2 temporary admin posts for which we currently have funding until November – this will provide the permanent resilience and headroom the Team needs to implement reform. Further, the team will recruit an interim officer and an interim admin support for six months in the latter half of this year to support the clearing of the backlog.

Investigations and Enforcement

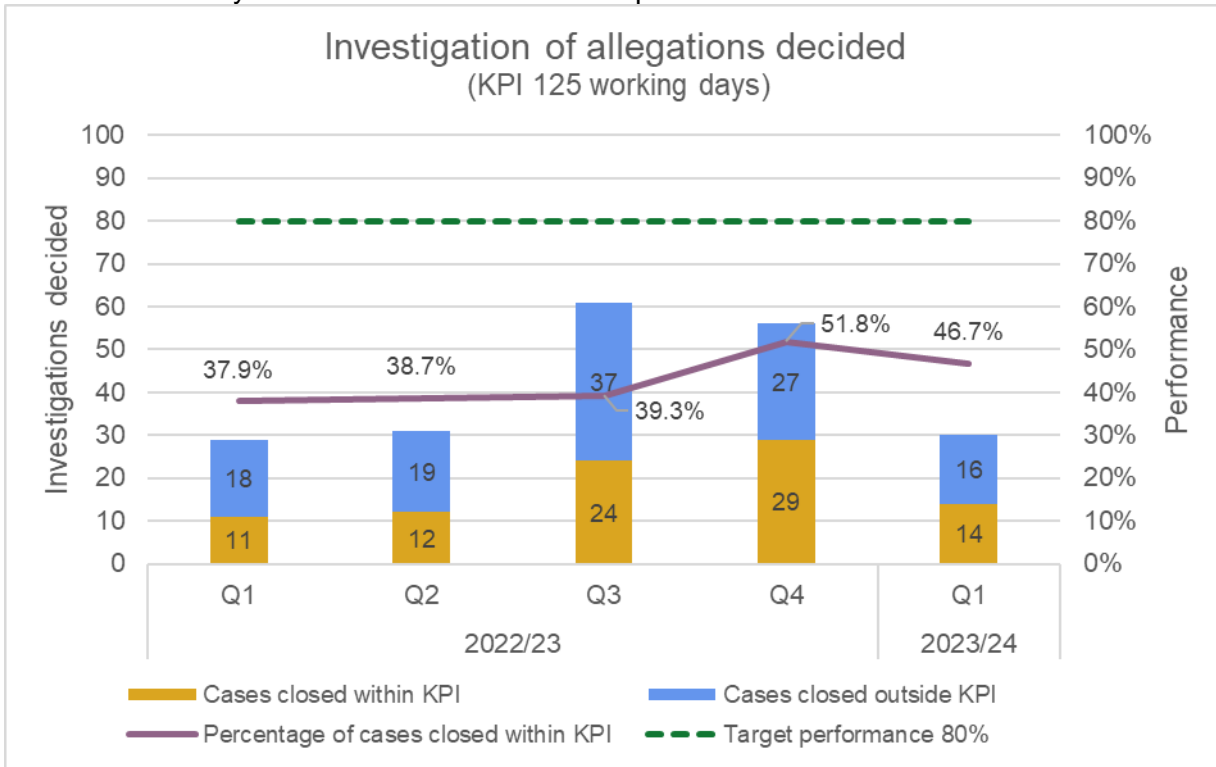
Key points

- The KPI for referral of cases has been exceeded this quarter but performance against the investigation KPI has dipped by around 5%.
- The appeals of Disciplinary Tribunal decisions KPI has been met, but the request for review target missed – further detail can be found at paragraph 41.
- No appeals against the imposition of administrative sanctions were decided during this reporting period.

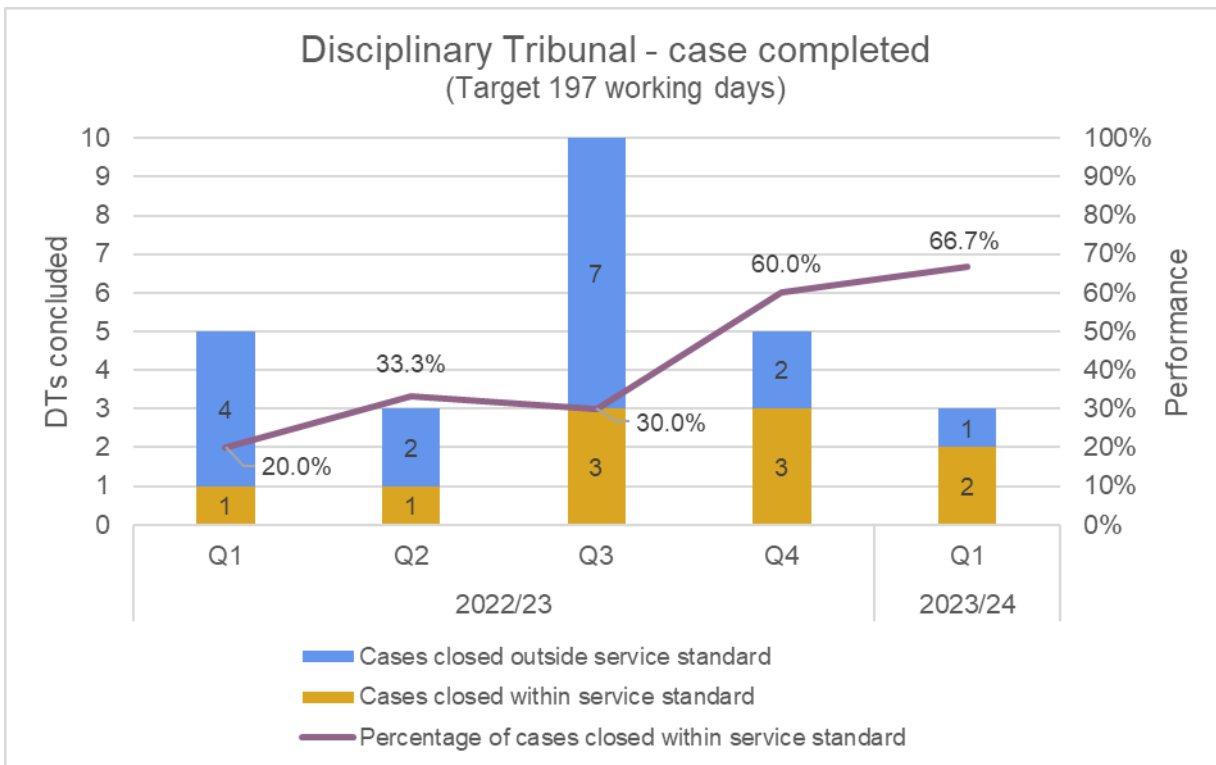
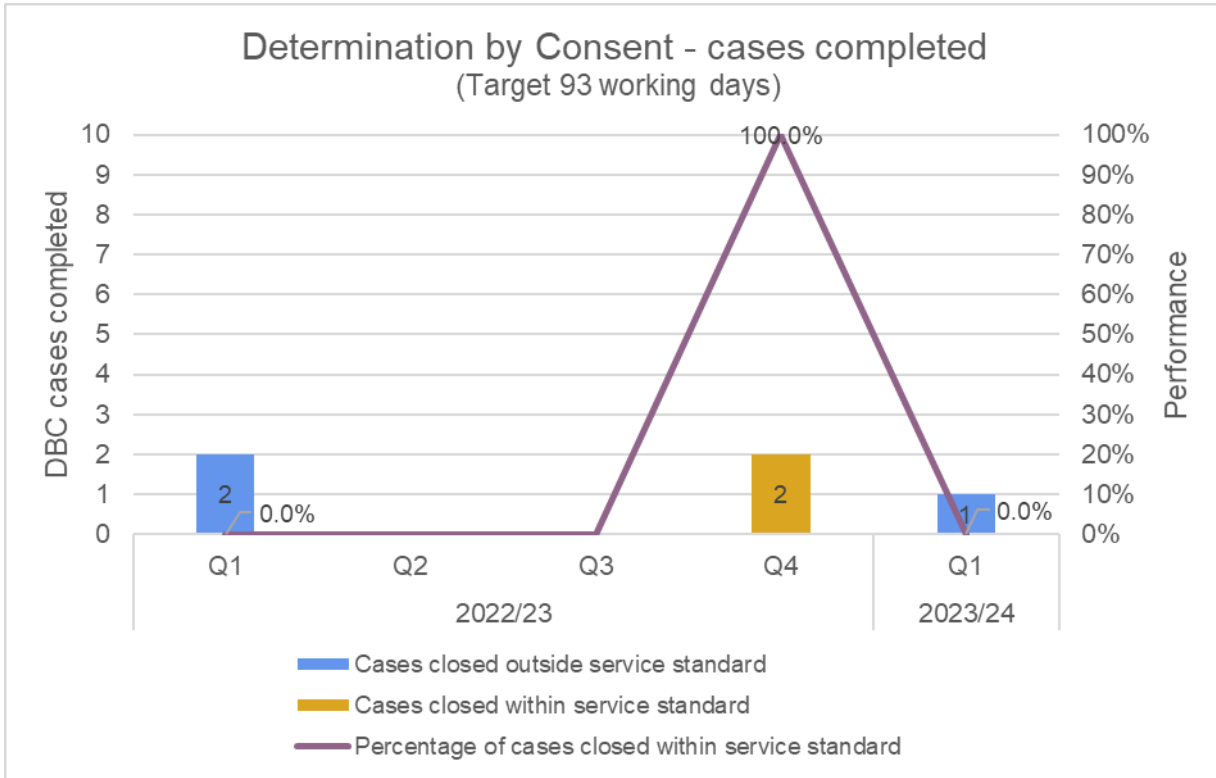
KPIs and performance data



24. Having addressed the previous backlog of cases at the referral stage, the team has consistently met the KPI for the last 3 quarters.



25. The number of cases closed outside KPI reduced during the quarter but there has been an accompanying reduction in overall number of cases closed, resulting in a dip in performance against the investigation KPI.



Live cases

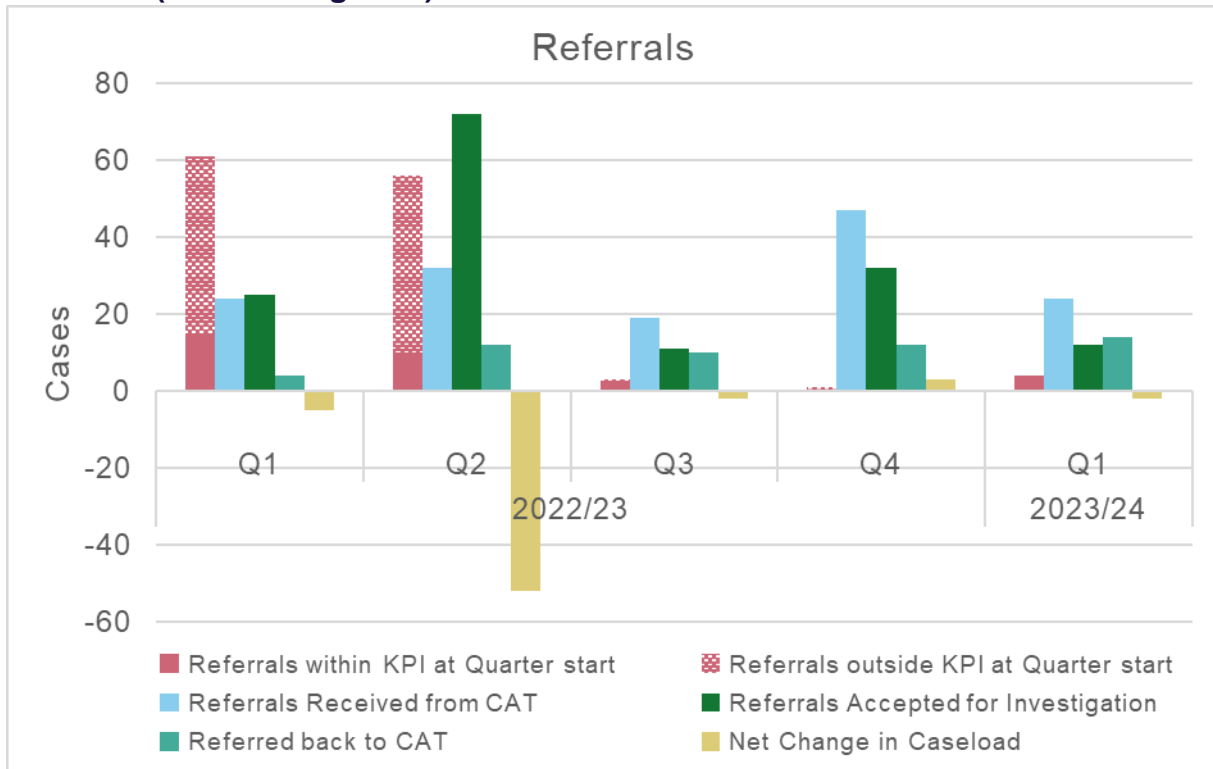
Snapshot at the close of Q1 of 2023-24

Operational Indicator	Total Open Cases	Over-running Cases	Percentage Over-running
Referral of cases			
Accepted or referred back (2 weeks)	2	0	0%
Investigation			
Decision on disposal (25 weeks)	82	33	40%
Total	84	33	39%

Operational Indicator	Total Open Cases	Over-running Cases	Percentage Over-running
Determination by Consent			
Process completed (93 working days)	1	1	100%
Disciplinary Tribunal			
Cases concluded (197 working days)	59	15	25%
Total	60	16	27%

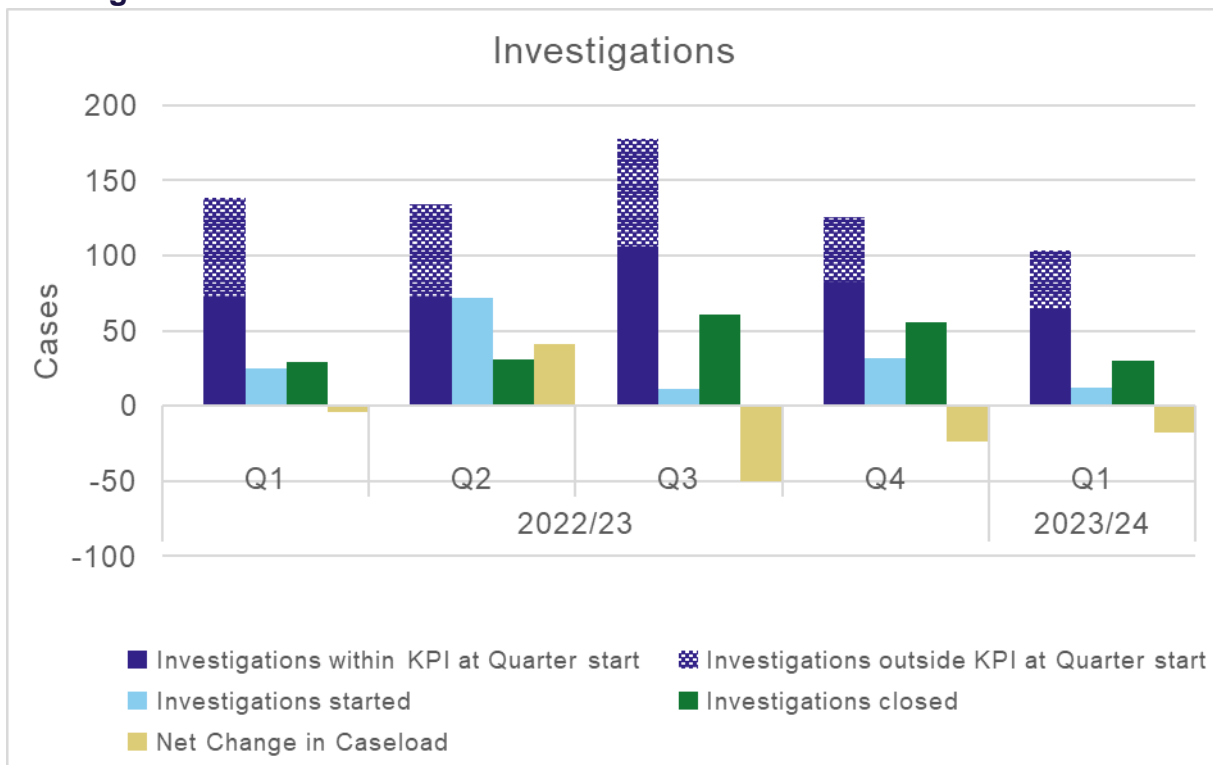
26. The percentage of over-running cases at the investigation stage has increased slightly from 37% last quarter but the overall number of such cases has reduced (down from 38 to 33).

Referrals (Pre-investigation)



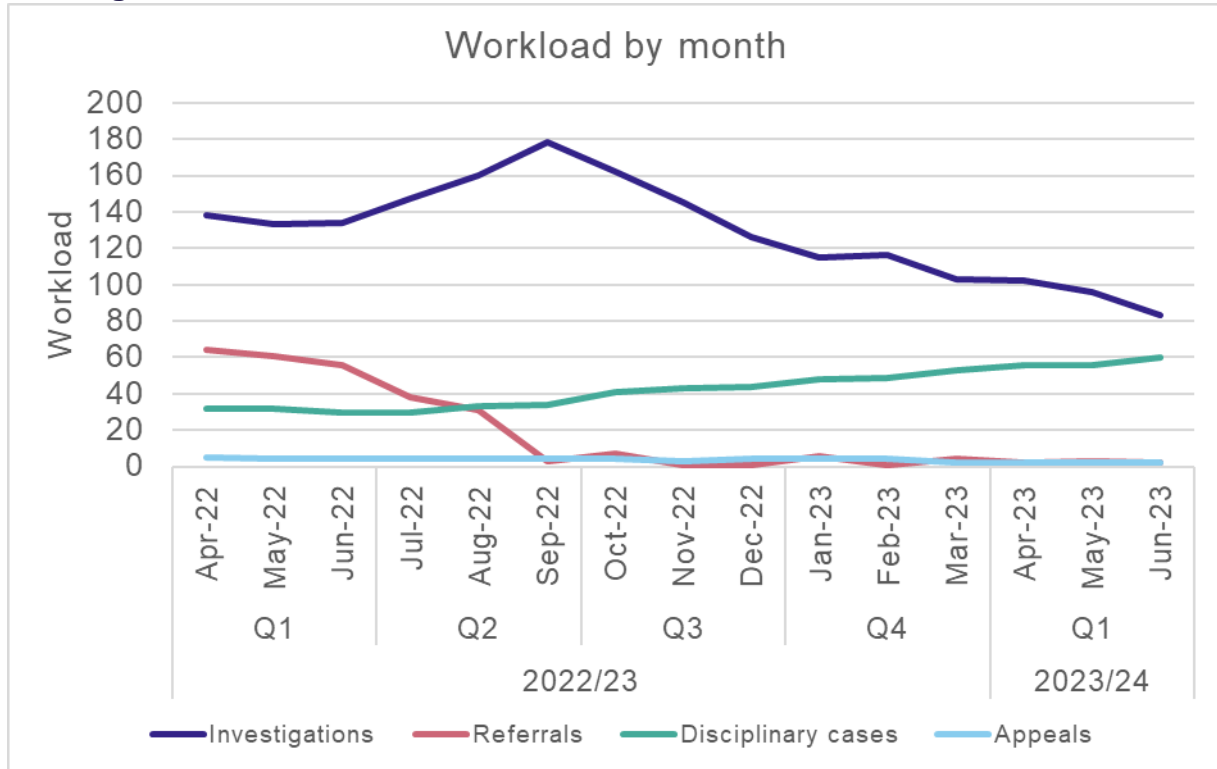
27. Referrals from CAT have reduced this quarter, but the number referred back to CAT, because the team considered they should not be accepted for investigation, has increased. The teams are working together to address this so that cases are referred at a stage where they can be progressed to a formal investigation. This is likely to involve more information (e.g., clarification of the report or transcripts) being obtained at the assessment stage.

Investigation cases

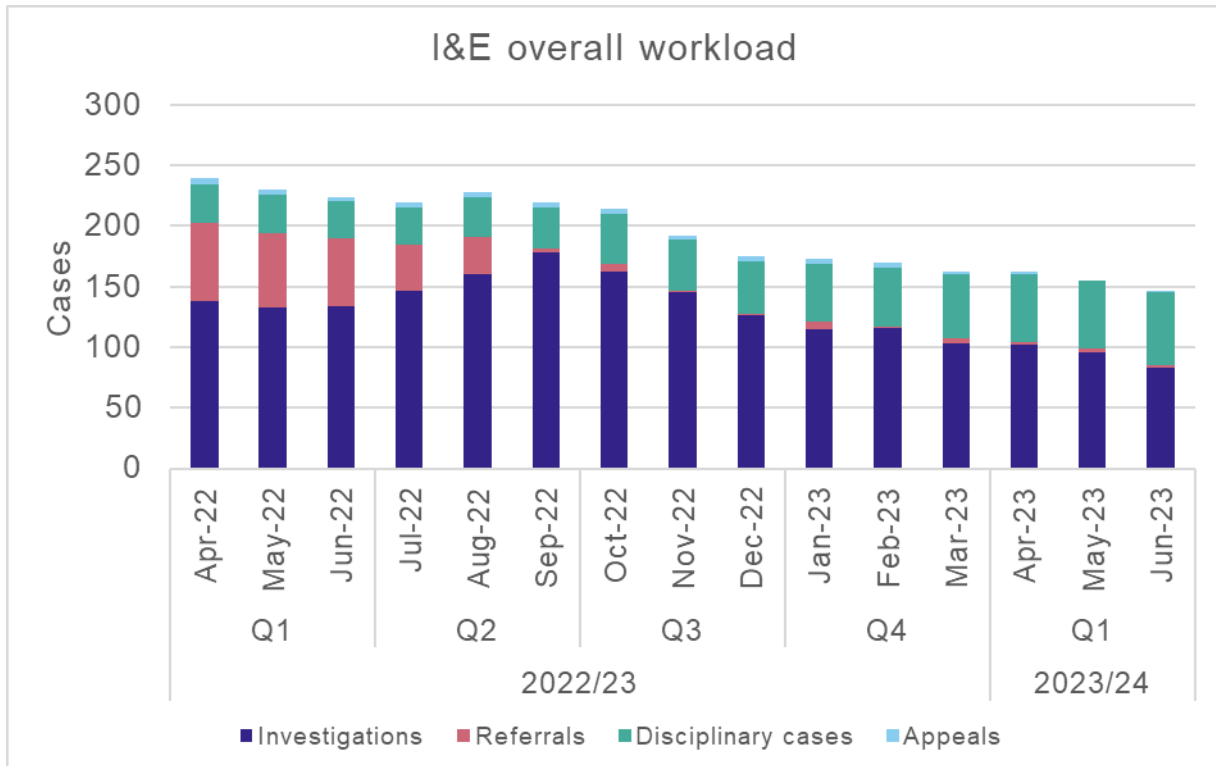


28. Cases outside KPI at the start of the quarter are at the lowest level for 12 months. There has been a net reduction in caseload in each of the last 3 quarters with live investigations standing at 82 at end of Quarter 1 as compared to 178 at the end of Quarter 2 of 2022/23.

Investigations and enforcement workload



29. While the investigations workload has reduced substantially, disciplinary cases have doubled since quarter 1 of 2022-23 so that they now make up a greater proportion of the overall I&E workload.



Commentary

30. While performance in relation to the time taken to accept referred cases for investigation remains high and above the KPI target of 80%, the KPI for concluding investigations still remains well below the target of 80% at 46.7%. This is a reflection of both the crude nature of the KPI and the push to close older cases already outside the KPI target. The former is being addressed via the Balanced Scorecard Project which will see a revised, more holistic, suite of KPIs introduced. While we will continue to monitor performance against the current KPIs, performance against the investigations KPI is likely to remain below the target in future quarters.
31. Overall performance remains good and the age profile of the caseload has improved. With 60% of live investigations currently inside KPI, the caseload age distribution is healthier. There are now fewer live investigations and therefore the caseload is more manageable particularly given the increase in staff since September 2022.
32. As indicated above, the team has seen a reduction in the number of referrals from CAT accepted for investigation. In part this arose from the larger proportion of cases referred back to CAT. The result is that there are now fewer than 90 cases at the investigation stage, with a quarter of these currently adjourned. With fewer new cases, the older cases in the system make up a greater proportion of the caseload and therefore have a disproportionate impact on performance against KPI.
33. As outlined above, the number of cases at the Disciplinary Tribunal stage has increased substantially. This has been a continuing trend over the last year and such cases have risen by 40% since the beginning of the calendar year. This has been a result of the increased throughput of investigations over the same period.

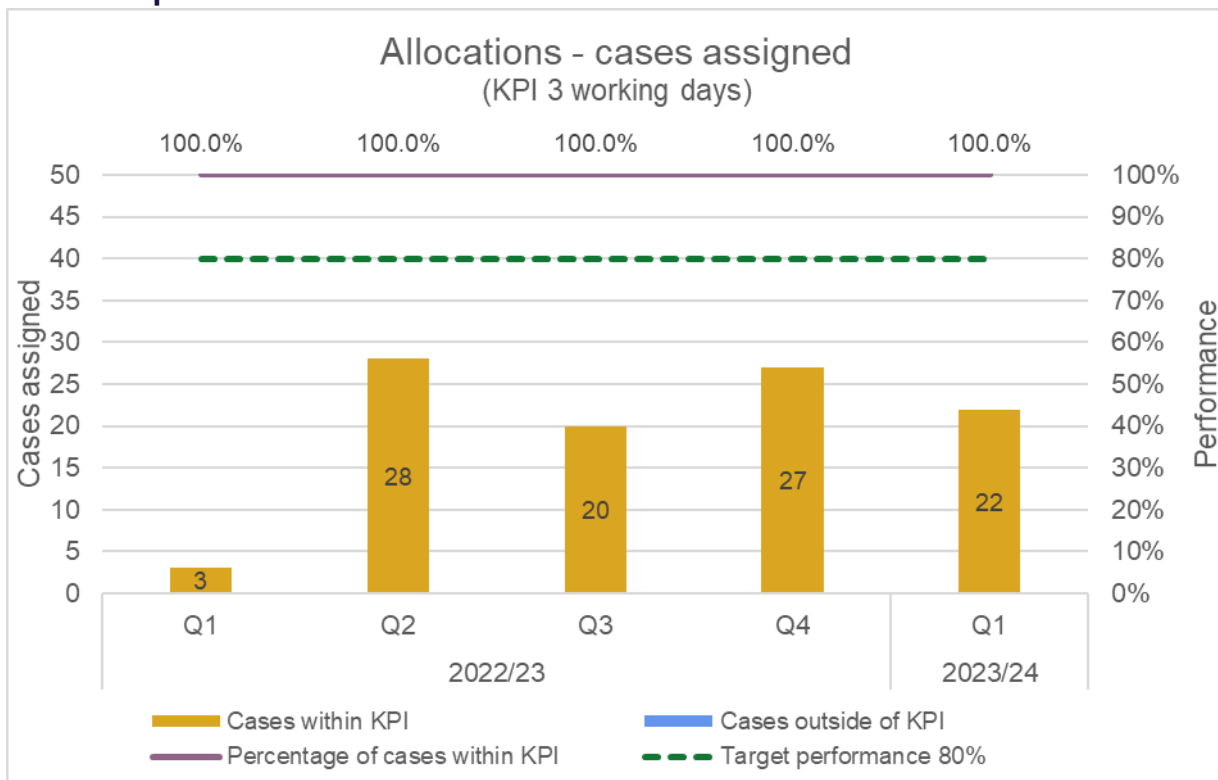
34. However, the age distribution of the team’s throughput shows that cases are being closed nearer to KPI than previously, and the median number of end-end days has dropped from 400 to 200 over the last year, from CAT stage to closure. Such performance will be reflected in future in the Balanced Scorecard.
35. The KPI relating to requests for review was not met. However, only two cases were reviewed by the Independent Reviewer but one was subject to a recommendation to reconsider, thus creating the outcome of 50% against the target of 95%. The recommendation was in relation to a decision of an Independent Decision-making Panel and arose from an administrative oversight causing a procedural issue rather than disagreement with the panel’s decision.

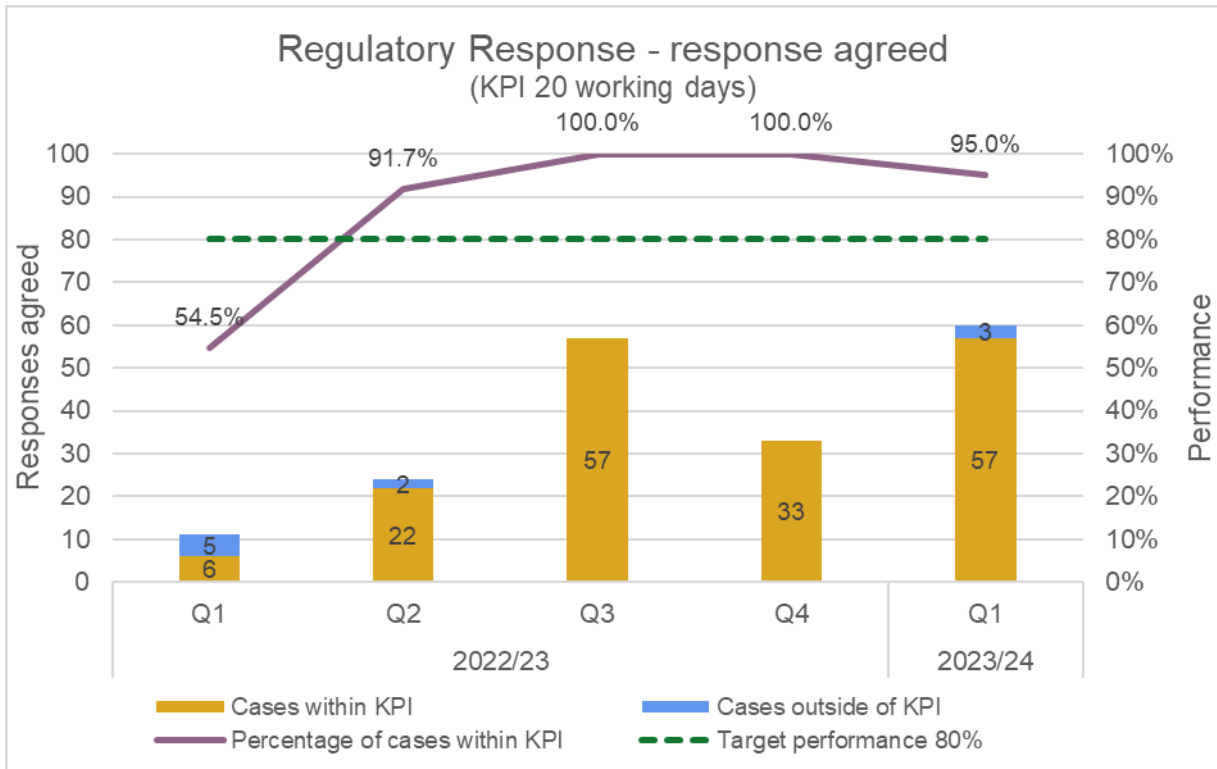
Supervision

Key points

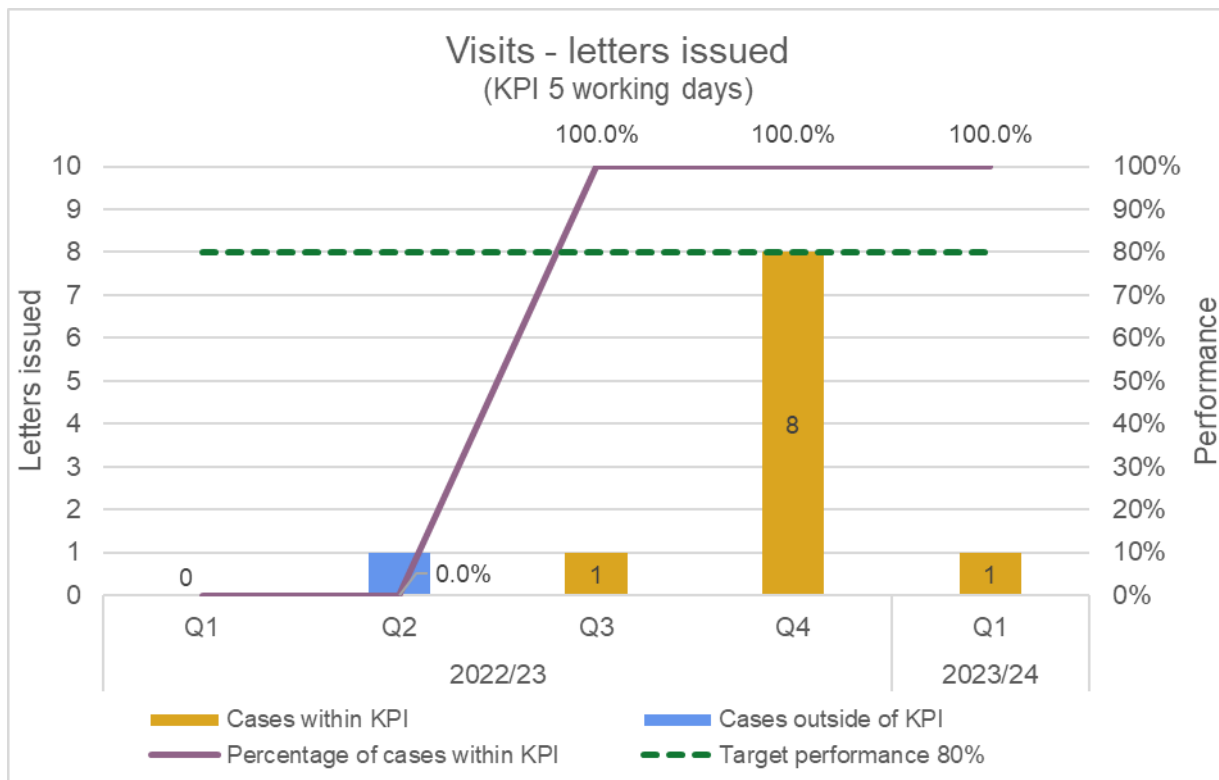
- The team has exceeded all timeliness KPIs at the same time as agreeing regulatory responses for almost double the number of cases as compared to last quarter.
- Numbers of visits conducted during this quarter have returned to more typical levels due to the work on compliance with financial sanctions having been completed.

KPIs and performance data





36. Three regulatory responses were agreed outside of KPI however two of these related to cases that were referred to both I&E and Supervision. Once I&E had concluded their investigation a regulatory response was agreed.



37. The visit conducted this quarter relates to the thematic review of financial sanctions compliance. The visit was due to be conducted in March however due to extenuating factors it was re-arranged for April.

Live cases

Snapshot at the close of Q1 of 2023-24

Case Type	Total Open
All Excluding Regulatory Reports	
All cases	96
Of which have 'Hold – I&E' status	18
Regulatory Returns	
All cases	40

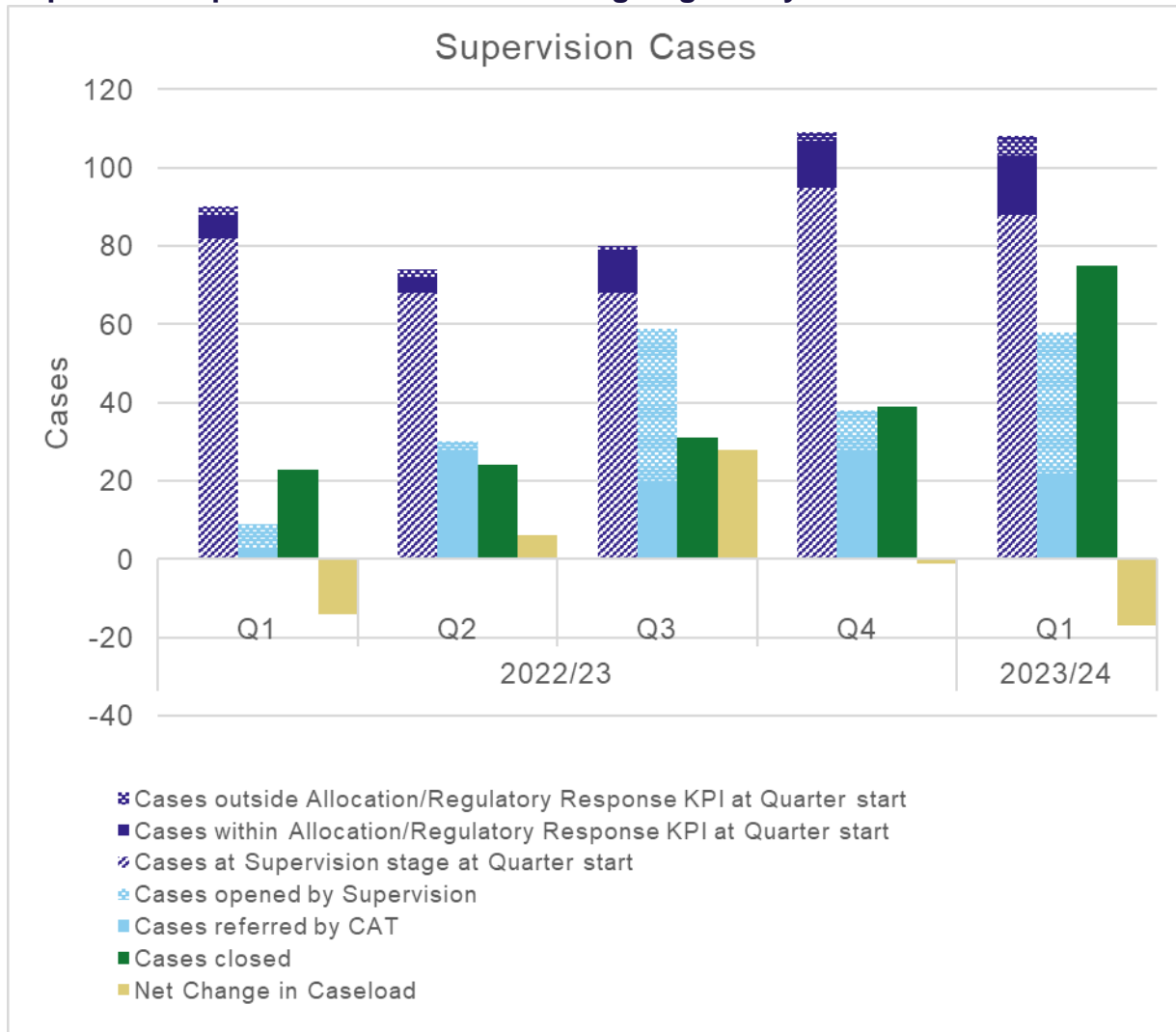
38. The team have reduced their overall caseload by 16 compared to last quarter and 'Hold I&E' cases by 5. The sharpest decrease has been on regulatory return cases, which have reduced from 74 last quarter, as this piece of work nears conclusion.

Snapshot of open actions agreed with barristers, chambers, entities and AETOs

Year	Quarter	Actions open at close of quarter	Actions Outside Due Date	Actions where due dates were revised	Total cases with open actions
Cases opened by Supervision or referred from CAT					
2023/24	Q1	48	40	3 (6.3%)	12
Regulatory Returns					
2023/24	Q1	89	89	62 (69.7%)	14

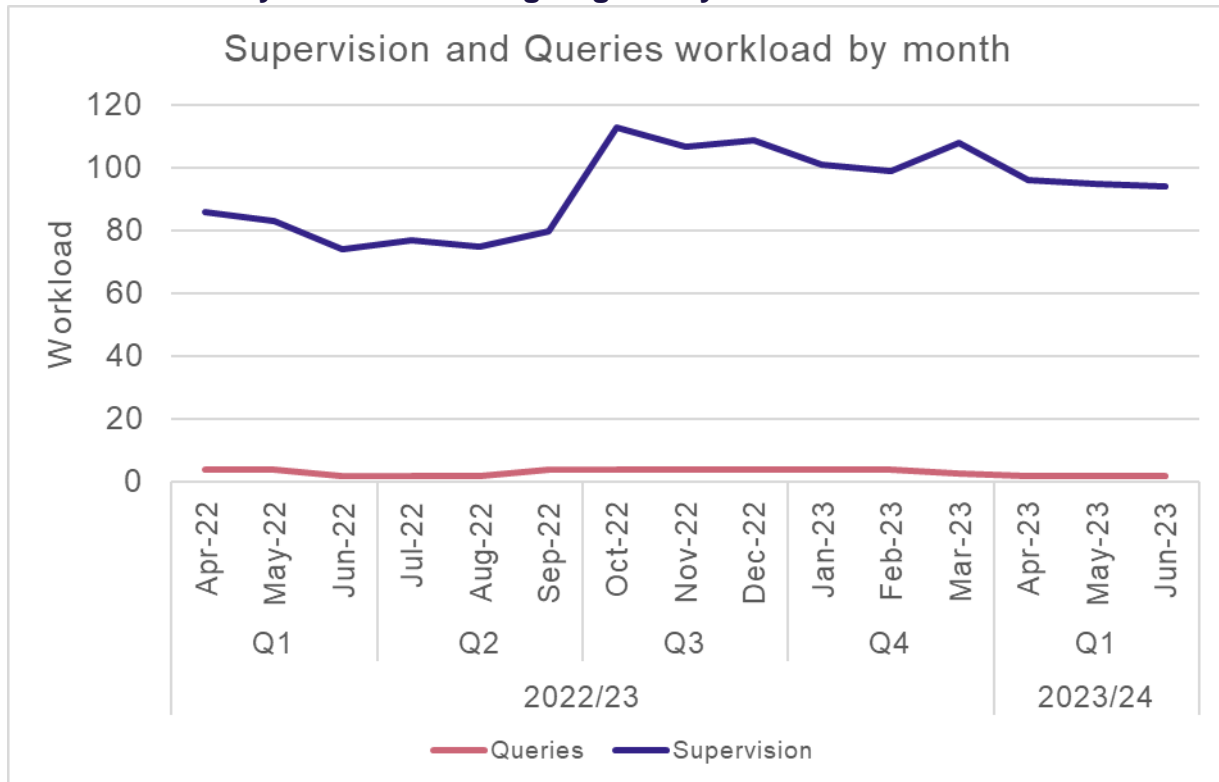
39. Open actions outside their due date have increased slightly from 29 but this is still within tolerance. However, open regulatory return actions have dropped from 126 last quarter.

Supervision open case volumes excluding Regulatory Returns



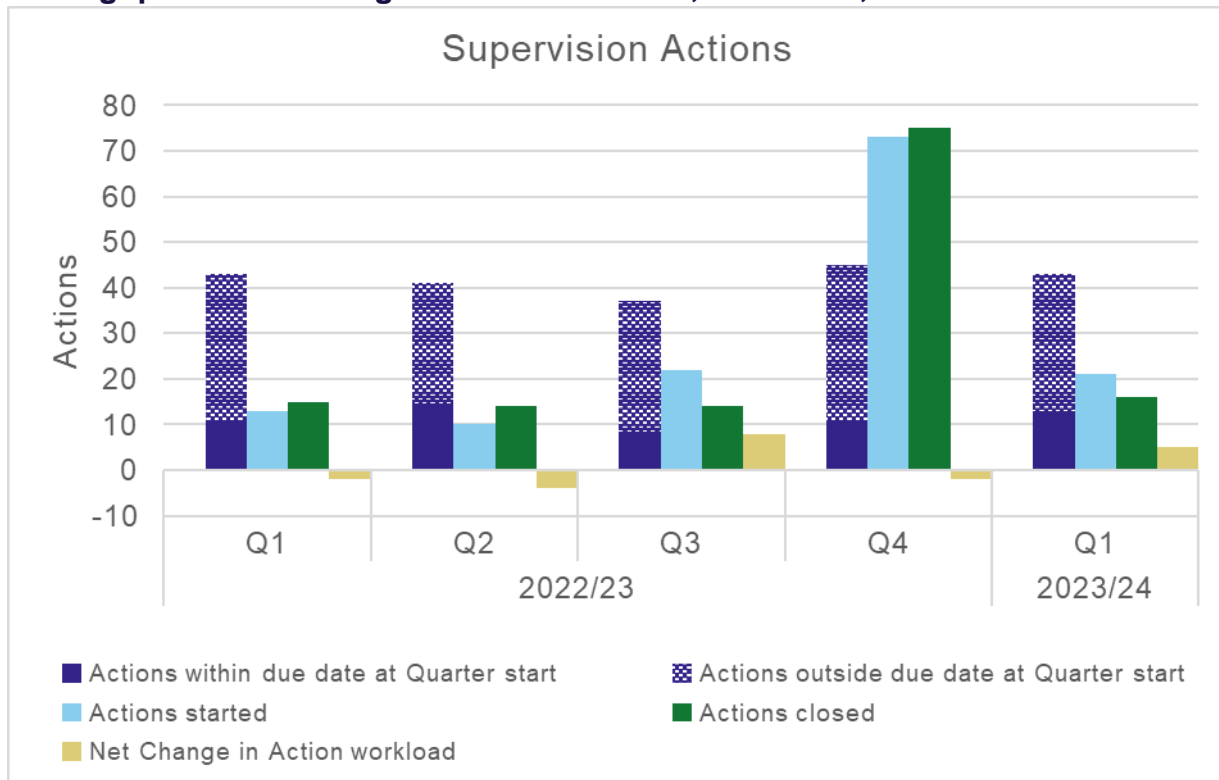
40. The team has closed more cases this quarter than in any quarter over the last 12 months, resulting in a substantial reduction in net caseload. Cases referred by CAT have returned to more typical levels.

Total caseload by month excluding Regulatory Returns

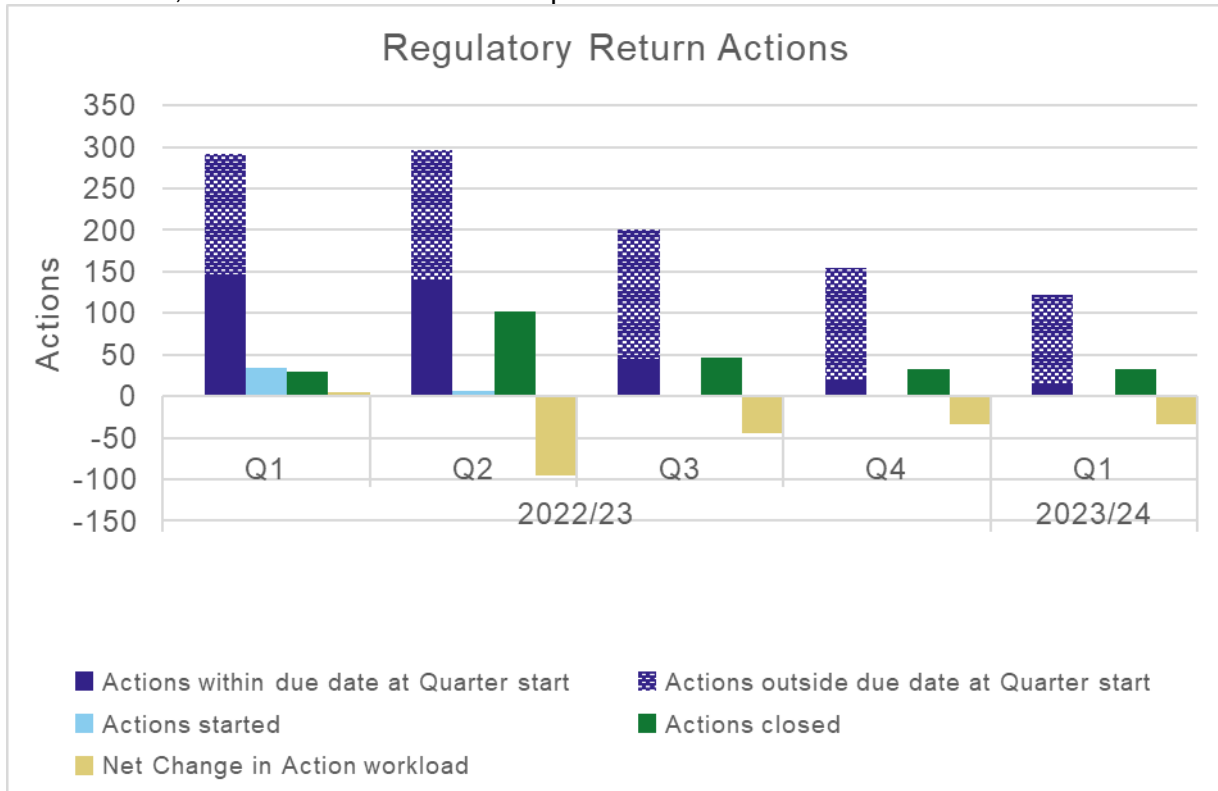


41. Workload has remained broadly flat over the course of the quarter and remains at higher levels than seen in the same quarter of 2022-23.

Throughput of actions agreed with barristers, chambers, entities and AETOs



42. Actions outside due date has reduced this quarter, but with more actions started than closed, the team has ended the quarter with a small increase in net caseload.



43. Nonetheless, due to the numbers of regulatory return actions closed as outlined at paragraph 45, there has been a net reduction in regulatory return workload for the last 4 quarters.

Commentary

44. There has been a significant reduction in the Regulatory Return caseload. Of the remaining open cases and outstanding actions, 82% relate to 7 chambers. The team have just two transparency spot-check cases remaining and cases relating to compliance with financial sanctions cases are now all closed.
45. There is the potential for potential for visits to increase again in quarters 3 and 4 related to Anti-Money Laundering supervision work. A questionnaire was issued to relevant Chambers in May, with a return deadline of the end of July. Assessments are due to be completed in August, with any visits required taking place in September or October 2023. Visits will be conducted on those assessed as high risk.

Business Plan Summary	
Activity	Status
End-to-end review of enforcement	
Conclude authorisations review and begin implementation	
Review processes followed by the Independent Reviewers.	
Implementing recommendations from Deloitte operating systems review	
Developing a balanced scorecard (to report on performance)	
Review of our risk framework	
Ensure Handbook is easily navigable and easily understood	
Reviewing regulatory requirements during early years of practice and for CPD	
Strengthening our intelligence gathering and sharing	
Assessment of advocacy and negotiation skills during pupillage	
Thematic review of admission arrangements of AETOs, how standards are maintained	
Concluding review of regulation of conduct in non-professional life	
Clarify expectations of chambers - partic. in promoting high standards, access and equality	
Reviewing the Equality Rules	
Research into pupillage recruitment	
Public legal education strategy	
Compliance with our transparency rules	
Examining the role of new technology in the legal services market	
Researching online Digital Comparison Tools	
Reviewing role of intermediaries and our association rules	
Periodic IGR review	
Governance reforms in our Well led action plan and LSB action plan	
Promoting engagement and collaboration	
Putting our values into action	
Reforming reward and recognition	
Note/s ¹ Index is a calculation of the actual versus budget, multiplied by 100 - showing how far above or below budget the actuals are. For example, index 120 means 20% above budget and index 80 means 20% below budget.	RAG On Track Delayed Delayed > 6 months On hold / deferred Closed

KPI Summary		C&A - General Enquiries		C&A - Initial Assessment
On target	7	General enquiries addressed (5 days) - 80%	General enquiries referred (3 days) - 80%	Concluded or referred (8 weeks) - 80%
<10% below target	1	95%	74%	61%
>10% below target	8			
I&E - Referral of Cases		I&E - Investigation		I&E - Quality Indicators
Accepted or referred back (2 weeks) - 80%	Decision on disposal (25 weeks) - 80%	Original decision upheld by IR following review - 95%	Successful appeals against admin. Sanctions - 0%	Successful appeals of DT where BSB is responsible - 0%
100%	47%	50%	0%	0%
Authorisation - Authorisation, Exemptions & Waivers			Authorisation - Entity Authorisation	
Applications determined (6 weeks) - 75%	Applications determined (8 weeks) - 80%	Applications determined (12 weeks) - 98%	Authorisation decisions made (6 months) - 100%	Authorisation decisions made (9 months) - 100%
41%	48%	61%	83%	83%
Supervision - Allocations		Supervision - Reg. Response	Supervision - Visits	
Cases assigned after referral from CAT (2 days) - 80%		Regulatory response agreed (20 days) - 80%	Visit report letters issued (5 days) - 80%	
100%		93%	100%	

Financial Summary				
Category	Q1 YTD Actual (k)	Q1 YD Budget (k)	Variance (k)	Index ¹
Income	3,300	3,314	-14	100
Expenditure	3,346	3,781	435	88
Category	FY Forecast (k)	FY Budget (k)	Variance (k)	Index ¹
Income	15,237	14,657	580	104
Expenditure	15,936	15,269	-667	104

Corporate Risk Summary (Action Priority)				
Period	High	Medium-High	Medium	Low
Q4 22/23	5	5	11	3
Q1 23/24	5	6	11	3

Directorates		% of occupied posts
CPE	Communications and Public Engagement	75%
G&CS	Governance & Corporate Services	100%
LED	Legal & Enforcement	96%
ROD	Regulatory Operations	81%
S&P	Strategy & Policy	75%

Service Complaints Summary				
Q1 Received	11	YTD Received / Upheld (fully or partly)	18	9 (7 fully and 2 partly)

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Regulatory Decision-making

Annual Report 2022/23

Regulatory Operations Department
Legal & Enforcement Department

Contents

Executive Summary	3
Context.....	4
The impact of the April 2022 cyber-attack.....	4
Regulatory Performance & Statistics	4
The year in numbers	5
Authorisations Team	6
Contact and Assessment Team (CAT)	10
Investigation and Enforcement Team	12
Supervision Team	16
Themes and trends	19
Bullying & harassment	19
Use of social media.....	19
Analysis into increase in TQL applications.....	20
Lessons learned and improvements in decision-making process	20
Review of the current KPIs and introduction of a balanced scorecard	20
Review of CAT processes.....	21
End to end review of the enforcement processes	21
Concluding comments.....	21

Executive Summary

1. The Regulatory Decision-Making (RDM) report has been published annually since November 2020. It provides an overview of the Bar Standard Board's core regulatory operations, namely the Contact & Assessment, Authorisations, Investigations & Enforcement and Supervision Teams.
2. We have slimmed down this year's RDM report to make it more accessible, engaging, and easier to understand. We will also be publishing the report as an expandable web page for the first time. Under the new format, we have included information about performance against our regulatory decision key performance indicators (KPIs). We will continue to publish an accompanying statistical report, which now includes charts and graphs that were previously included in the body of the RDM report.
3. This report covers 2022/2023. Early in 2022, the BSB was the target of a cyber-attack. This effectively brought our regulatory operations to a halt for a number of weeks, resulting in a backlog of cases building up. Our focus this year has therefore been delivering our core operations more efficiently, clearing backlogs, reducing caseloads, improving performance, and making sure that we are properly staffed within our operational teams.
4. Despite the challenges we've faced, there have been a number of notable successes this year. The teams have maintained a very high level of quality in their decision making, which is borne out in the reports from the Independent Reviewers. We have nearly completed the transition of Pupillage Training Organisations (PTOs) to authorised status under our new regime. We have also undertaken work to secure the integrity of the Bar course exams and provided support to pupils and pupillage providers.
5. We've seen a number of trends in casework. For example, reports about the use of social media have increased by 20% and we expect this number to continue to grow. Reports about sexual harassment have more than doubled and reports around bullying and harassment continue to rise. We have additionally seen the number of applications for admission to the Bar as a Transferring Qualified Lawyer substantially increase.
6. Alongside the challenges and successes this year, we have started taking a broader look at our decision-making processes and how we can make improvements and efficiencies. This work will continue into next year as we start to embed the recommendations for improvement.

Context

The impact of the April 2022 cyber-attack

Impact on the BSB's regulatory decision-making activities

7. This report includes data from the period of the cyber-attack, which lasted from 14 April to 20 May 2022. During this time, our case management system and other key tools such as email were inaccessible. Cases were therefore processed at a much slower rate and as a result, backlogs built up. We continued to receive reports, enquiries, and applications via our online reporting form and by email. Once our systems became accessible, we started work to reduce the backlog whilst also processing the newer cases. We also put additional staffing resource in place to help with this work.

Impact on those we regulate

8. MyBar was not operational during or after the cyber-attack, so we could not accept online applications. The entity application portal was not operational until the beginning of July. People trying to contact the BSB were often unable to get through to us and staff in all teams could not effectively progress work.
9. We posted regular service updates on our website during this time and our Information Services team, along with external consultants, worked tirelessly to get our systems up and running again.
10. We recognise the detrimental impact the cyber-attack also had on the public and the profession. Those directly affected have been patient and tolerant with us and we thank them for their forbearance.

Regulatory Performance & Statistics

11. This section provides an analysis of our regulatory casework and the proactive work we do to support our regulatory objectives. It covers the work of the following teams:
 - Authorisations Team
 - Contact and Assessment Team
 - Investigations and Enforcement Team
 - Supervision Team

The year in numbers

Authorisations Team

- **873** applications for authorisation decided¹, down 28% on 2021-22
- **2,686** general enquiries received by telephone and **15,887** by email
- **14** more BSB authorised entities bringing the total to 152
- **538** barristers began their pupillage in 2022 compared to 577 in 2021, 400 in 2020 and 504 in 2019

Contact and Assessment Team

- **2,824** reports, general enquiries, and other cases received by CAT compared to 3,391 in 2021-22
- **1,732** of these were reports, down from 1,999 in 2021-22, and 179 (down from 200) were other cases
- **1,582** reports in total were dealt with, a 31% decrease on 2021-22
- Cases closed which related to conduct in non-professional life rose from **192** to **215**
- Reports received involving social media rose from **85** (involving **33** barristers) to **102** (involving **41** barristers)
- Cases relating to conduct at work that was not related to the provision of legal services fell from 303 to **193**

Investigations and Enforcement Team

- Cases referred for investigation fell from 236 to **122**, a decrease of 48%
- **140** referrals were accepted for investigation (including some which were originally referred the previous reporting year), this was down from 165 in 2021-22
- **180** investigations were decided (closed or referred to disciplinary action) compared to 136 such cases in 2021-22
- **21** out of 25 cases heard at Tribunal were found proved, each case may result in more than one sanction
 - **9** led to disbarments
 - **5** to suspensions
 - **3** to fines and
 - **4** to reprimands

Supervision Team

- **79** reports were referred to Supervision from CAT compared to 119 the previous year, a decrease of 34%
- A further **35** cases were received directly by Supervision compared to 45 in 2021-22
- **31** Thematic Review cases were opened in 2022-23 compared to 45 in 2021-22

¹ Of the 2,011 applications for authorisation received, 873 were decided, down 28% on 2021-22. The total number of applications received includes those at all stages of processing, eg, those with decisions made, those still in assessment, those with information and/or fees outstanding, and those under review.

Independent Reviewer – Quality Assurance

- In the reporting period, **101** decisions were reviewed by the Independent Reviewer following a request by one of the parties.
- In **six** cases, the Independent Reviewer made recommendations for further action, or a reconsideration of the decision reached, and/or concluded that although an appropriate outcome had been reached, inappropriate factors had been taken into account.

Authorisations Team

Performance against KPI/service standards

12. The Authorisations Team is responsible for:

- authorising providers of vocational Bar training and work-based learning/pupillage as Authorised Education and Training Organisations (AETOs),
- authorising entities to provide legal services
- assessing applications from individuals for exemptions and waivers from requirements of Bar Training or individual rules of the BSB Handbook
- managing the administration of the pupillage registration and completion processes, which includes the issue of provisional practising certificates (PPCs) and letters confirming full qualification (ie eligibility to apply for a full practising certificate as a barrister).

13. The Authorisations Team additionally deals with a significant number of telephone and email enquiries.

Authorisation casework

14. During the reporting period, the Authorisations Team reached a decision on a total of 873 applications, with 70% determined within 12 weeks. This is a decrease in both the number of application decisions and performance against KPIs compared with the previous reporting period.

15. We regret that performance has fallen below our expected service standards for timeliness. There has been a rise in the overall number of applications we have received (that were deemed 'ready for assessment' during this reporting period - 'complete' applications with all necessary documents and fees) as well as changes in the application types received. Capacity has been impacted by a substantial increase in the proportion of applications from Transferring Qualified Lawyer applicants (TQLs) and the related rise in requests for reconsiderations of application decisions, combined with resourcing issues across the reporting period.

16. The team has been working hard to prioritise cases where there is a specific need (ie, where the outcome is required to facilitate an upcoming court appearance or for entry to a course of study) and to increase its productivity into the next reporting period.

Workload/productivity

Transferring Qualified Lawyers (TQLs)

17. Applications for admission to the Bar from the various categories of TQLs continue to be the most common applications for waivers and exemptions received by the team. Demand for access to the online portal to submit an application continues to be very high and does not seem to be subject to seasonal peaks.
18. These applications are among the most complex dealt with by the team. Applicants are also more likely to challenge conditions imposed, which has resulted in a significant number of requests for applications to be reconsidered by the team.
19. The team has been reviewing its approach to reconsiderations and will shortly publish a policy clarifying the circumstances in which an application will be reconsidered.

Authorisation of Bar training providers (Vocational AETOs)

20. We did not receive any applications from prospective Bar training providers in the reporting period. One of the existing providers was however granted authorisation to deliver their authorised Bar Courses in a new location, expanding geographical provision to Newcastle.

Table 1	Annual KPIs	
KPI	2021/22	2022/23
Authorisation, exemptions and waivers		
Applications determined within six weeks of receipt of the complete application (Target 75%)	43.9%	36.7%
Applications determined within eight weeks of receipt of the complete application (Target 80%)	57.6%	45.7%
Applications determined within twelve weeks of receipt of the complete application (Target 98%)	82.1%	69.8%
Entity (including ABS) Authorisation		
Authorisation decisions made within six months of receipt of the application and associated fee (Target 90%)	92.3%	57.1%
Authorisation decisions made within nine months of receipt of the application and associated fee (Target 100%)	100.0%	85.7%

21. The team continues to process material change requests from existing providers. We are continuing to work closely with them to ensure that students are able to complete their Bar Courses.
22. The team also works closely with the BSB's Supervision Team to identify issues arising from the authorisation processes and ongoing course delivery that may require additional monitoring.

Authorisation of pupillage providers (work-based learning AETOs)

23. The team has continued to manage the transition of Pupillage Training Organisations (PTOs) to authorised status under our new regime. The deadline for completion of the transition has been further extended to allow all outstanding applications to be processed. The team has removed several applications which had not been progressed by applicants, which has reduced numbers.
24. The team has granted AETO status to 213 pupillage providers and approximately 50 others are in various stages of processing (eg, initial assessment, awaiting outstanding information, pending a decision, etc).
25. The majority of new provider and transitional applications continue to be submitted by barristers' chambers. There has been some interest from solicitors' firms, local authorities, and BSB entities to deliver work-based learning in the future.

Entities

26. At the end of this reporting period, there were 152 BSB authorised entities (including 13 Alternative Business Structures, which include lay ownership or management). The chambers model of governance for self-employed barristers remains the leading approach and there is limited demand for more varied forms of structure. Fourteen new entities were authorised in 2022/23, the same as the previous reporting period.
27. The team did not meet the six-month and nine-month service standards for entity authorisation applications, largely due to extended processing times over the summer (because of the cyber-attack) and the delays in restoration of the dedicated application portal website. The team's performance improved in Q4 of the reporting period, and we expect that trend to continue in the next reporting year.

Pupillage registration and completion

28. The pupillage registration and completion processes generate significant administrative burdens for the team in the Spring and Autumn periods (Q1 and Q3) due to the manual processing of the relevant forms. The team registered 538 pupillages during the reporting period; however, 302 of these (56%) were registered in Q3 alone. There is a similar, though smaller, peak in the Spring when provisional practising certificates are issued. The team issued 237 of these certificates in Q1 of the reporting period (35% of the annual total of 676).

General Enquiries

29. The team responded to 2,686 telephone calls during the reporting period and 15,887 email enquiries.
30. Telephone enquiries commonly relate to the status of an application submitted to the team, but also to the pupillage registration and completion processes and more generally to the work of the team. There is a correlation between the number of calls and the speed of decision making. This is likely to have been exacerbated by the cyber-attack, during which the team continued to take calls but were unable to process any applications. This may account for the increase of over 300 in the number of calls compared with the previous reporting period.

Resourcing

31. The team has experienced some significant changes and challenges over this period. As we enter the next period, the team is stabilising, and additional targeted resource is being considered to support the team with the backlog of applications.

Types of applications received by the BSB

32. The most common application types were:
 - Admission to the Bar as a Transferring Qualified Lawyer (“TQL”) (498)
 - Certificate of Academic Standing (136)
 - Pupillage reduction (82)
 - Reactivation of Stale Qualifications (62)
 - Authorisation to conduct litigation (53)
33. There have been some changes in the most common application types, compared to the previous reporting period. Applications for waivers of the pupillage funding and advertising requirements are no longer in the top five, having been replaced by applications for reactivation of stale academic qualifications. This is likely to be a consequence of the COVID-19 lockdowns which may have persuaded some students to defer their Bar Course studies, leading to their academic qualifications becoming ‘stale’ (ie, more than five years old).
34. The most significant change is to applications for admission to the Bar as a TQL. While this application type was also the most common in the previous reporting period, there has been an increase in this reporting period of more than 200. This has meant that the TQL applications amounted to a significantly higher proportion of the Team’s workload – 42% as opposed to 26% in the previous reporting period.

Contact and Assessment Team (CAT)

35. The Contact and Assessment Team (CAT) is responsible for handling the general enquiries that come into the BSB by telephone, email and through our website. CAT is also responsible for the initial assessment of reports we receive, that raise concerns about those the BSB regulates.
36. CAT received a total of 2824 new matters (reports, general enquiries, and other cases) in 2022/23. This was a reduction of 17% compared to the previous year.
37. There was also a reduction in the number of reports assessed compared to the previous year. This was mainly due to the cyber-attack in Q1 and other challenging events impacting the team.

Performance against KPI/service standards

General Enquires

38. CAT met its service standard in 76.2% of cases overall. The service standard requires that we respond to online reports within 5 working days in 80% of cases.
39. This was mainly due to the reduced output in Q1 when the BSB's services were offline due to the cyber-attack, resulting in CAT meeting its service standard in 59% of cases during this quarter. This reduction in output can be contrasted with Q4, during which CAT exceeded the 80% target and met the service standard in 87.6% of cases.
40. The service standard for referring online general enquires to other BSB teams within 3 working days fell short of the 80% target. In 2022/3 CAT achieved 57.5% against this target, which was a slight increase compared to 2021/22 (57.1%).

Initial Assessment

41. CAT did not meet its service standard of completing 80% of initial assessments of reports within eight weeks of receipt. This standard was achieved in 58.1% of cases, which was mainly because of the disruption in Q1 and the resulting substantial backlog of cases that built up.

Table 2		Annual KPIs	
KPI	2021/22	2022/23	
General Enquiries			
General enquiries addressed within 5 days (Target 80%)	80.3%	76.2%	
General enquiries referred within 3 days (Target 80%)	57.1%	57.5%	
Initial Assessment			
Concluded or referred within 8 weeks (Target 80%)	49.1%	58.1%	
Quality Indicators			
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	98.4%	97.9%	

Quality

42. CAT maintained very high standards in relation to the quality of its decision making. 96 reports were referred for independent review during this period and 97.9% of decisions were upheld or partially upheld by the Independent Reviewer, exceeding the 95% service standard.

Workload/productivity

43. CAT has gone through a period of change and restructuring over the past six months. Whilst this has impacted on productivity, the restructuring is now complete and has brought stability to the team. A recruitment programme is now currently underway which will strengthen resource in the team.

Types of concerns and conduct reported to the BSB

Area of law

44. Family law matters continue to account for the highest proportion of reports (6.29%) in 2022/23. However, the overall percentage of family law reports received remained fairly stable compared to the year before (6.7% in 2021/22).
45. The percentage of reports received relating to criminal law cases rose significantly over the past year and accounted for 5.7% of all reports received in 2022/23 (up from 3.9% in 2021/22).

Other notable trends

46. Of the 1764 reports and other cases closed in CAT in 2022/23, 6% were allocated to the Investigation and Enforcement Team for further investigation and 4% were allocated to the Supervision Team due to the regulatory concerns raised.

47. The number of reports assessed relating to a barrister acting under the Public Access Scheme increased by 30% when compared to the year before (222 reports in 2022/23 compared with 170 reports in 2021/22).
48. Reports made regarding the use of social media continues to increase. 102 such reports were opened in 2022/23, which is 20% higher than the previous year.
49. There was an increase in the number reports of sexual harassment - from 6 reports in 2021/22 to 16 reports in 2022/23. The BSB has started to raise awareness of how we deal with these types of matters, to encourage reporting and provide reassurance to reporters. This is a priority for us going forward.

Investigation and Enforcement Team

Performance against KPI/service standards

50. The Investigations and Enforcement Team (I&E) is responsible for investigating reports referred by CAT and where appropriate, taking enforcing action which can include disciplinary action for professional misconduct.
51. The KPIs applicable to I&E's work cover investigations work and not the disciplinary process, although this is under review. Performance against the relevant KPIs is shown in Table 3 below.

Action to address low performance against the timeliness KPIs

52. As previous reports have shown, the KPIs for the timeliness of accepting and completing investigation have not been met for some time. Performance against them reduced further in Q1 of 2022/23 and a temporary plan was put in place to try to address this low performance. Known as the "Accelerated Investigations" plan, it involved creating additional capacity to deal with the casework by outsourcing discrete parts of the investigation process and substantially increasing the frequency of Independent Decision-making Panel meetings as well as taking on temporary staff to assist. The aim was to clear the backlog of cases awaiting acceptance for investigation and increase the rate at which investigations were concluded, as well as reduce the age profile of the live caseload.
53. To assist further with improving performance, a policy decision was taken that it would be more proportionate, effective and efficient for first time or minor breaches of the practising certificate requirements to be dealt with by CAT and not referred for formal investigation. This reduced the flow of referrals during the reporting year and allowed the team to concentrate its resources on more serious breaches. It also resulted in a higher level of cases already accepted for investigation being "withdrawn" as the change in policy approach meant that it was no longer fair or in the public interest to pursue the investigations.

54. As the paragraphs below detail, the steps outlined above were successful in clearing the backlog of cases awaiting acceptance and substantially increasing the number of investigations concluded in the second half of the year. A reduction in the age profile of the live caseload was also seen including a substantial reduction in the number of long running investigations. However, due to the high number of older cases in the system that were closed in the latter part of the year, as well as the reduction in practising certificate cases that were normally completed within the KPI, performance against the KPI for the timeliness in completing investigations still did not meet the target albeit that it improved by around 9%.
55. Alongside the plan, action was also taken by the Board to improve the salary offering for legal staff in I&E and this allowed the vacant posts in the team to be filled thus creating longer-term internal capacity to handle the caseload.

Acceptance of cases for investigation – KPI performance

56. At the start of the reporting year, there was a substantial backlog of cases awaiting acceptance for investigation (61 cases) and performance at the end of the first quarter stood at 6.9%.
57. The Accelerated Investigations Plan allowed us to clear the backlog in Q2. Performance against the KPI for the final two quarters met and exceeded the KPI target with 97.7% of cases meeting the target.
58. The year-end performance still did not fall within the KPI because of the low performance in the first two quarters and the fact that nearly all the cases in the backlog were outside KPI when they were accepted. The year-end outturn was 46.6% of cases accepted within 10 days against a target of 80% as compared to 53.8% in 2021/22.

Table 3		Annual KPIs	
KPI	2021/22	2022/23	
Referral of cases			
Accepted or referred back within 2 weeks (Target 80%)	53.8%	46.6%	
Investigation			
Decision on disposal within 25 weeks (Target 80%)	34.1%	42.9%	
Quality Indicators			
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	83.3%	80.0%	
Number successful appeals against the imposition of administrative sanctions (Target 0%)	100.0%	33.3%	
Number successful appeals of Disciplinary Tribunal decisions attributable to procedural or other error by the BSB or discrimination in the decision-making process (Target 0%)	0.0%	20.0%	

Conclusion of investigations – KPI performance

59. The picture in relation to the KPI on the timeliness of concluding investigations is less positive. Performance against the KPI has been well below the target of 80% throughout the year. However, both the quarterly and year end results show the huge improvement in productivity in the second two quarters of the year as a result of the additional capacity created by the Accelerated Investigations Plan. In 2022/23, 177 investigations were concluded as compared to 135 in 2021/22 and 117 of the 177 investigations concluded this year were concluded in the last two quarters.
60. Overall performance against the KPI improved: up from 34.1% of cases concluded within the KPI in 2021/22 to 42.9% this year but was still below the 80% target. The ongoing low performance was a product of closing a high number of older cases and also the reduction in the presence of practising certificate cases within the caseload (see paragraph 53 above).

Workload/productivity

61. The investigations caseload reduced during the reporting year and was at a more manageable level by the year end. This bodes well for progressing investigations in a timelier manner in the next reporting year. At the beginning of the year there were 237 live investigations and 162 at the end, reflecting the success of the Accelerated Investigations Plan.
62. The number of new referrals from CAT received during the year also reduced: down from 236 in 2021/22 to 122 in 2022/23. This reduction was mainly due to the change in approach to practising certificate cases: 73 such cases were referred for investigation in 2021/22 as compared to five in this reporting year.
63. High productivity in concluding investigations in the last two quarters of 2022/23 resulted in an increase in the number of cases referred for disciplinary action, which rose from 29 cases in 2021/22 to 53 cases this year. This does not reflect a change barristers' conduct but is merely a reflection of the increased level of concluded investigations in the last two quarters. The resulting rise in the number of Disciplinary Tribunal cases will, to a large extent, counteract the capacity created by the reduction in investigation cases. However, now that the Team is up to full complement, we consider there is sufficient capacity to handle the overall caseload going forward. If issues arise again in relation to our capacity to handle the caseload in a timely way, the scaling up of capacity, as demonstrated by the Accelerated Investigations plan, can be deployed again.

64. The use of non-disciplinary administrative sanctions continues to be a useful tool to address breaches of the Handbook that need to be marked but do not amount to professional misconduct requiring disciplinary action. In 2022/23, a total of 58 investigations resulted in an administrative sanction being imposed by either staff or an IDP: this compares to 48 in 2021/22. The increase is due to the higher number of investigations concluded in the reporting year.

Quality of decision making

65. We monitor the quality of the decision-making at the investigations and disciplinary stages via a number of quality indicators as shown in Table 3 above. The quality of decision-making remains high as attested to by quarterly audit carried out by the Independent Reviewers. While we did not meet all the quality KPIs this year, the metrics for the current quality indicators relate to a very small number of cases, so one successful appeal, or one recommendation to review a decision by an Independent Reviewer, will result in the target being missed. The quality indicators are being reviewed, along with all other KPIs, to ensure they reflect a more accurate picture of performance (see paragraphs 95-97 below).
66. In relation to reviews by the Independent Reviewers, 5 decisions were reviewed and 1 resulted in an accepted recommendation to reconsider the decision. In terms of appeals, five decisions to impose administrative sanctions were appealed out of 58 decisions taken to impose such sanctions – 1 of these was successful. Three new appeals against Disciplinary Tribunal decisions were lodged with the High Court in the year and five were heard. Only one of the five was successful, with a sanction of disbarment being replaced with suspension from practice.

Types of conduct investigated and enforcement action taken

67. It is always difficult to identify trends that indicate changes to the areas of risk in relation to barristers' conduct. It is inevitable that the most serious breaches of the Handbook will be referred to investigation. For example, dishonesty matters; misleading the courts or others, and criminal convictions always feature highly in I&E's caseload and continued to do so this year. There were no clear changes in trends this year. Given the backlog in cases awaiting acceptance for investigation that was cleared in the latter half of the year, the statistics for this year are inevitably skewed.

Supervision Team

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

Performance

69. The Supervision Team has three KPIs, which ensure that:
- cases are allocated promptly to an officer following referral from the Contact and Assessment Team (within 3 working days);
 - cases are assessed for the most appropriate regulatory response (within 20 working days); and
 - letters with remedial actions are issued promptly following a Supervision visit (within 5 working days).
70. The Supervision Team met its KPIs except in the period of the cyber-attack, as a result of temporarily losing access to case records.

Concerns reported to the BSB

71. The number of cases referred to the Supervision Team as a result of reports to the BSB fell by 30%. This was mainly due to a reduced number of reports referred by CAT in the first quarter of the year as a result of the cyber-attack, and a further reduction in the third quarter due to personnel matters in CAT.

Table 4		Annual KPIs	
KPI		2021/22	2022/23
Allocations			
Assigned within 3 working days (Target 80%)		96.6%	100.0%
Regulatory Response			
Agreeing a regulatory response within 20 working days of the case being assigned (Target 80%)		89.8%	94.4%
Visits			
Report letters issued within 5 working days of a visit to an organisation (Target 80%)		100.0%	90.0%

72. The impact of this has continued to have an effect in the first quarter of 2023/24, when volumes of cases referred to Supervision increased as backlogs were cleared in CAT.
73. The number of cases received directly by the Supervision Team decreased slightly as more reports were routinely redirected to CAT to assess in the first instance. Initial assessment by CAT helps to ensure that information is handled consistently.
74. During the year, the Supervision Team focussed on closing actions set as part of the Regulatory Return process. The majority of those actions have now been satisfactorily closed. The open caseload therefore fell over the course of the 12 months.

Themes

75. Reports covered a wide range of themes, including:
- adequacy of complaints handling;
 - compliance with the price, service and redress transparency rules;
 - data breaches;
 - failure to obtain or renew practising certificates; and
 - barrister competence.

Vocational Bar training

76. Towards the end of the financial year, we began to receive an increasing number of reports alleging cheating in online exams on the Bar courses. We are grateful to the Bar course providers who have worked closely with us on this matter. These are high stakes, professional exams that are the gateway to practice at the Bar and it is critical that the assessment process is secure and robust. In May we [announced](#) the decision to cease to permit the use of online assessment delivery platforms from August 2023 to secure the integrity of the exams. Together with the BSB's Exams and Authorisations Teams, we continue to work with Bar course providers to ensure that appropriate controls are in place for all assessments.
77. We will be publishing an annual report on Bar training later in the year.

Pupillage

78. We received 18 reports about pupillage in 2022/23, including a number from pupils themselves, who were concerned about the standard of their training or the behaviours of pupil supervisors.
79. Issues often arise because pupils are not clear about the terms of their pupillage or pupillage providers have failed to document their policies and explain them to pupils.

80. That is why we introduced a requirement for all pupillages to have written agreements, covering certain minimum terms. The contents are specified in Part 4D of the [Bar Qualification Manual](#) and the Bar Council has produced a template to assist pupillage providers.
81. We would particularly encourage pupillage providers to make sure they are clear about, and document what happens when a pupil needs time out. One question that regularly crops up is what happens if a pupil becomes unwell and needs time off. We do not specify what the arrangements should be other than that they should be covered in the written agreement. It is far better to be clear about this upfront rather than try to work it out when the scenario arises, including:
- what happens to the duration of pupillage – is it extended?; and
 - what are the funding arrangements?
82. Often, these scenarios involve equality factors, such as the need to make reasonable adjustments. We have noticed that chambers' Equality Officers are not routinely involved in pupillage. We would encourage chambers to include the Equality Officers in the pupillage induction process and to ensure that pupils have an opportunity to discuss their need for reasonable adjustments, without fear of recrimination.
83. Pupillage providers should also document in the written agreement what happens if a pupil fails to pass their ethics exam within the usual period of pupillage, including who will be responsible for the cost of re-sits after the second attempt. The first cohorts have now completed the new exam, with the vast majority passing successfully. A very small number have had to attempt the exam three times. We would like to remind pupillage providers that they must be active and engaged in supporting pupils in sitting the ethics exam, and in particular should familiarise themselves with the information about the exam on the [BSB website](#), and make sure that their pupils do too – there is a great deal of helpful information there. Whilst we do not prescribe a preparatory course, the Inns of Court College of Advocacy has developed some [training materials](#) to assist pupils in preparing. Some pupillage providers have devised in-house training sessions and arranged buddy schemes with those who have already passed the exam.

Other reports relating to our Supervision activity

84. We have published a separate report on our thematic review of compliance with the financial sanctions regime, which can be found [here](#).
85. We are responsible for the supervision of relevant persons under the Money Laundering Regulations. The Regulations require us to publish a separate annual report on our supervisory activity, which can be found [here](#). The 2022/23 report is due to be published in the autumn.

Themes and trends

Bullying & harassment

86. We saw an increase in reports of bullying and harassment in this reporting year. We received 30 reports in total, compared to 17 in the previous reporting year.
87. The BSB encourages reports of bullying and harassment. We cannot take action unless we are made aware of such behaviours. We take all such reports seriously, but the challenge for us is securing evidence on which we can take these cases forward for enforcement action.
88. At the end of 2022/23 there were 10 cases subject to investigation and, during the year, five cases of harassment were closed: two were closed at the end of the investigation without action being taken and three were subject to disciplinary proceedings. We also secured two findings of professional misconduct in front of a Tribunal relating to sexual misconduct (although sanction was not imposed until July 2023). The numbers are small but each case sends a signal to the profession that such behaviour will not be tolerated.
89. We are grateful for and humbled by the willingness of complainants of harassment, of all types, particularly sexual harassment, to engage with our processes through to their end. We recognise how stressful and challenging this can be, but their resilience has allowed us to have a few notable successes this year in securing findings against barristers who have acted wholly inappropriately. We hope that these successes will encourage others to report bullying and harassment and send a signal to those in the profession, who continue to believe that such behaviour is acceptable and will be tolerated, that this is no longer the case.
90. The Bar's Sanctions Guidance, as produced by the Bar Tribunal and Adjudications Service (BTAS), was reissued in January 2022 and included much higher starting points for sanctions in proven cases of harassment.

Use of social media

91. As set out above, reports relating to the misuse of social media by barristers have continued to increase as barristers continue to engage more and more on social media both with the public and their fellow professionals. 102 such reports were received in 2021/22 as compared to 85 in 2020/21. Only a few years ago in 2018/19 we received just 14 reports about misuse of social media.
92. We acknowledge that healthy discourse on social media can be beneficial and can raise awareness of important issues. Even in situations where most may consider that the discourse has descended into an unhealthy realm, as a regulator it is only appropriate for us to interfere with the right of barristers to freedom of expression, as protected by Article 10 of the European Convention on Human Rights (ECHR),

where there is justification to do so. In 2022/23, there were three cases of misuse of social media which were referred to disciplinary action and one case resulted in a finding of professional misconduct for misuse of social media.

Analysis into increase in TQL applications

93. There has been a substantial increase in the number of applications for admission to the Bar as a Transferring Qualified Lawyer (TQL) during this reporting period, and this trend appears to be continuing into the next reporting period. Around a fifth of applications received during this reporting period were from solicitors qualified in England and Wales attempting to cross-qualify. The biggest regional grouping of applications, however, was those from India, Pakistan, and Bangladesh. Collectively, this grouping amounted to almost half of all TQL applications received during this reporting period.
94. It is unclear why application numbers remain so high, or why the applications from that region outnumber all others (eg, Europe, North America, etc). The current application process has been in place since 2021 and so any recent increase in application numbers should not be attributable to that. It is possible that we are seeing a post-COVID-19 peak in application submissions from individuals who chose to delay their applications during the lockdown periods for financial reasons, or due to their inability to travel to England and Wales to complete assessments as Bar Transfer Test candidates or undertake periods of pupillage.

Lessons learned and improvements in decision-making process

Review of the current KPIs and introduction of a balanced scorecard

95. We learned in 2022/23 that our current KPIs are not fit for purpose in that they do not provide an effective picture of our regulatory decision-making performance. We had already identified this as an issue and started a review of the KPIs in 2021/2022.
96. At the beginning of 2023 we embarked on a project to create a new approach to monitoring performance across all our regulatory decision-making functions. We will soon be introducing the new 'balanced scorecard', which has been approved by our Board. This will provide a more holistic and accurate picture of our overall performance. It is being piloted in 2023/24 and will be introduced in 2024/25.
97. In the meantime, we will continue to report against the current KPIs but be mindful of their limitations in providing an accurate reflection of our regulatory decision-making performance.

Review of CAT processes

98. At the start of the calendar year, CAT worked with an independent operational consultant to identify efficiencies that could be made to our processes and ways of working.
99. CAT has since introduced a number of efficiencies to its team structure and ways of working. We expect to see the impact of these changes in the subsequent reporting year.

End to end review of the enforcement processes

100. We have experienced challenges this year in meeting our timeliness KPIs for handling initial assessments and investigations. This led us to the decision to carry out an end-to end review of our enforcement processes, to ensure that they remain fit for purpose and still align with good practice in professional regulation.
101. We took the view, and the Board agreed, that the review should be undertaken using external expertise. We therefore started work to commission an independent review.
102. We formally instructed Fieldfisher LLP in June 2023 to carry out the review, following a competitive tender exercise. The review is due to conclude at the end of 2023/24. We expect that implementation of any accepted recommendations for changes to the enforcement system, will commence in 2024/25, following a public consultation.

Concluding comments

103. Our regulatory decision-making functions span a range of areas, covering both the barrister's journey through the profession and services provided to the public. The 'customers' of these functions include the public, pupils, the profession, and Chambers.
104. As this report demonstrates, we have leveraged our limited resources to focus on areas of risk, while also providing support to the profession through work on areas such as bullying and harassment and financial sanctions. We have taken a proportionate, risk-based approach to regulation, as evidenced by the number of reports we received in the last year against those referred for investigation, and those subsequently subject to disciplinary or supervisory action. This demonstrates that we have targeted our interventions to make effective use of our resources in accordance with our organisational values.
105. Over the coming year, we intend to focus on our communication with stakeholders to increase their knowledge of our role and powers. We will continue to focus on clearing the outstanding backlogs of cases, whilst developing new KPIs and service standards which present a more balanced picture of our work. While timeliness will remain an important factor, the new KPIs will also focus on the quality of our regulatory decisions, and the service delivery and productivity of our staff.

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Independent Decision-Making Body

Annual Report 2022/23

Legal & Enforcement Department
Regulatory Operations Department

Table of Contents

Chair’s Introduction	3
Update on the work of the IDB	4
Recruitment.....	4
Accelerated IDB panel meetings.....	4
Composition	5
Performance Statistics	6
Number of panel meetings.....	7
Enforcement & Authorisations cases ...	7
Decisions taken	7
Reviews and appeals of IDB panel decisions	8
IDB Quarterly training.....	9
Feedback from IDB members.....	9
Conclusions and Chair's comments on overall performance.....	10

Chair's Introduction

- 1.1 This is the fourth Annual Report of the Independent Decision-Making Body (IDB). We recently said farewell to the previous IDB Chair Iain Christie, who stepped down as of 17 April 2023 and also the Vice-Chair Rohan Sivanandan who left on 31 May 2023. I would like to recognise and thank Iain and Rohan for their contributions to the work of the IDB over the period of their tenure. Their leadership and perspective have been valuable, and their insight and collaboration has shaped the work of the IDB going forward.
- 1.2 Having been an IDB member since its inception in October 2019, I was appointed as the new IDB Chair from 1 May 2023, and I am very much enjoying the role. The support I have received from IDB members and the Executive, has ensured a smooth transition and I look forward to working with them all over the coming year. We have successfully recruited a new Vice-Chair from our existing lay IDB membership pool and were delighted to welcome Kevin Gould to the role from 10 July 2023.
- 1.3 This report spans a period during which the IDB has faced some significant challenges. The cyber-attack to which the BSB was subject in April 2022 meant that the IDB ceased operating for a period of approximately 2 weeks while the Executive set up temporary arrangements to allow IDB meetings to continue. Owing to the experience of the global pandemic, which saw IDB operations move entirely online, the disruption caused was relatively short-lived. Nonetheless, this period was difficult for staff and non-Executives alike, and I am grateful to the IDB membership for their patience and to the Operational Support Team for getting us back up and running.
- 1.4 In November 2022, we began holding what have come to be known as 'accelerated' IDB meetings, to support a Board agreed action plan to improve performance. The aim of the arrangements was to provide capacity to clear a backlog of cases awaiting investigation and increase the throughput of investigations to meet the relevant key performance indicator for conclusion of investigations. The standard IDB meeting schedule could not accommodate the anticipated increase in the volume of cases requiring an IDB decision. Therefore, more frequent and all-day meetings were scheduled. These meetings considered more cases than previously and there were different arrangements in place for the drafting of decisions to accommodate this.
- 1.5 Due to the action plan, twice as many investigations were concluded in the second half of 2022/23 as in the first half (117 as opposed to 60). For the IDB this meant an increase in the overall number of enforcement panels, proportion of all-day meetings, number of cases referred and thus numbers of decisions taken. The impact of this increase in volume makes a comparison to previous years challenging, and this will impact the statistical analysis contained in next year's (2023/24) report. Again, I am grateful to IDB members for their co-operation and the time they have given to assist with this important work. There is further information on the process and outcomes contained in the section which follows.
- 1.6 There was an overall reduction in the number of reviews of Authorisations decisions in 2022/23, compared to the previous year (from 22 to 17). This may be due partly to work within the team (following the judgment of the High Court in *Eve v BSB*, handed

down on 22 July 2021, and referenced in last year’s report) to provide applicants with more detailed reasoning for the Executive decisions which applicants are then less likely to challenge. The most common type of Authorisations review remains applications for admission to the Bar as a Transferring Qualified Lawyer (10 out of the total of 17 IDB decisions for the year), and this is also the most common application type received and processed within the team. In general, there remains an even split between the number of Executive decisions that are affirmed or for which another decision is substituted, emphasising the rigorous assessment of these reviews by IDB panels.

Update on the work of the IDB

Recruitment

- 2.1 A recruitment process was undertaken in the Autumn of 2022 by the BSB’s Governance Team. In November 2022 the BSB formally appointed five new barrister members for a three-year term of office. The new members participated in a two-day induction programme in mid-November 2022, which was organised by the Operational Support Team, and delivered with members attending both in person and remotely.
- 2.2 The first day of the induction programme comprised a one-day session providing an outline of relevant BSB functions, delivered by the Executive, including an introduction to the assessment of incoming information, an overview of the enforcement process as well as an in-depth session on the BSB Handbook – which is key to the work of the IDB. The second day session, which was delivered by external trainers, covered equality, diversity, and inclusion training and how to write effective and reasoned decisions. The session also covered systems training and an overview of the Authorisations process, which was highly interactive, involving group discussion on a relevant case study.
- 2.3 We received positive feedback from the new barrister members on their induction and we are pleased to report that they were quickly fully engaged in their new duties, with two of the five members also now undertaking chairing responsibility at IDB panels. It is also clear that existing members have been very helpful to the new members and the implementation of a ‘buddy system’ (matching new members with existing members) has been well received and supported by the newly recruited members in their roles.

Accelerated IDB panel meetings

- 2.4 As mentioned in paragraphs 1.4 and 1.5 above, as part of the efforts by the Executive to address the build-up of cases and performance against KPIs, from November 2022 onwards, panels considered cases as part of an accelerated process. The aim was to increase the capacity of the IDB to consider cases and meet the increased throughput of cases being progressed by the Executive. More all-day meetings were scheduled, and meetings were also scheduled more frequently. Also, as part of this process the number of cases considered per meeting was increased, with reasons being drafted and agreed outside of the meeting to make time for more decisions to be taken.

- 2.5 The contribution of the IDB as part of the plan can be seen in the figures detailed in paragraphs 3.1 onwards below. The total number of meetings dealing with enforcement cases increased from 39 last year to 50 this year. Additionally, the number of cases considered increased from 68 to 95.
- 2.6 The plan continued into the first two quarters of 2023/24 and a further analysis of the impact will be included in next year's IDB Annual Report. As part of a review of the plan the Executive will be considering whether any changes can be implemented on a permanent basis to increase efficiency in the IDB process.

Composition

- 2.7 As reported in last year's Annual Report, 18 members' terms of office expired on 31 August 2022. These were all members appointed at the inception of the IDB in 2019. Of those members, six took the decision not to renew their membership – four barrister and two lay members. We thank them for their service and are grateful to those who chose to renew, ensuring that valuable knowledge and experience was retained. This meant that as of September 2023, there were 29 members of the IDB (12 barristers and 17 lay members). As reported above (see paragraph 2.1), in November 2022 the BSB formally appointed five new barrister IDB members to ensure sufficient capacity was retained to schedule the necessary meetings.
- 2.8 A mid-term (18-month) appraisal took place for IDB members who were appointed from 1 September 2021 covering the period from date of appointment to 28 February 2023. Members are provided feedback and attendance information and complete a self-appraisal, which is then signed off by the Chair or Vice-Chair. The process concluded in early April, and I'm pleased to report that all those members opted to remain IDB members until the expiry of the current terms on 31 August 2024.

Performance Statistics

3.1 This section outlines the work carried out by the IDB covering the reporting period 1 April 2022 to 31 March 2023.

3.2 Number of panel meetings and cases considered:

Number of meetings	Cases	Decisions	Type†
Enforcement			
50 meetings Full day - 23 Half day - 27	95	Referred to disciplinary action - 51 DBC* referrals - 1 DBC* proved - 4 Referral to 3-person Tribunal - 10 Referral to 5-person Tribunal - 36 Closed after investigation - 32 Administrative sanctions issued - 16 (Fines - 14) (Warnings - 2) Referred to Supervision - 0 Dismissed - 16 Put back for further enquiries - 12	
Authorisations			
8 meetings Full day - 4 Half day - 4	17	Executive Decisions - 15 Affirm Executive Decision - 7 Substitute Another Decision - 7 Further information required - 1 ICC Hearing Panel Decision - 1 Affirm ICC Decision - 0 Adjourn case - 0 Substitute a new decision - 1 Rejected out of time submission - 1	Pupillage Reduction - 5 Admission to the Bar as a Transferring Qualified Lawyer - 10 General Exemption - 1 Inns' Conduct Committee (ICC) decision - 1

*Determination by Consent

†For Authorisations only

Number of panel meetings

3.3 The table showing the number of IDB meetings covering the period 1 April 2021 to 31 March 2022 compared with the reporting period 1 April 2022 to 31 March 2023.

Meeting Type	2021/22	2022/23
Enforcement	39	50
Full Day	18	23
Half Day	21	27
Authorisations	10	8
Full Day	0	4
Half Day	10	4

Enforcement & Authorisations cases

3.4 The table showing the breakdown of cases/applications considered covering the period 1 April 2021 to 31 March 2022 compared with the reporting period of 1 April 2022 to 31 March 2023.

Meeting Type	2021/22	2022/23
Enforcement		
Cases	68	95
Authorisations		
Applications	22	17

Decisions taken

3.5 Table showing the outcomes of enforcement meetings covering the period 1 April 2021 to 31 March 2022 compared with the reporting period 1 April 2022 to 31 March 2023.

Outcome	2021/22	2022/23
Put back for further enquiries	5	12
Closed after Investigation	34	32
Administrative Sanction – Discretionary Fine	6	14
Administrative Sanction – Warning	1	2
Closed – Referred to Supervision	0	0
Dismissed	27	16
Referred to Disciplinary Action	29	51
D5	19	36
D3	5	10
DBC* - initial referral	2	1
DBC* - proved	3	4

- 3.6 Remaining on the topic of decisions taken, the table below shows the percentage of cases referred by the IDB to a Disciplinary Tribunal that that resulted in at least one proved Charge. In 2022/23 20 cases that were originally referred to Disciplinary Tribunal by the IDB were heard at tribunal, of these, 17 (85%) were proved. The statistics shown in the table below give a clear indication of the quality of the IDB decision making.

Case Outcome	Number of Cases	Percentage of Cases
Dismissed	1	5%
Struck Out	2	10%
Proved	17	85%
Total	20	100%

- 3.7 The table showing the outcomes of Authorisations meetings covering the period 1 April 2021 to 31 March 2022 compared with the reporting period 1 April 2022 to 31 March 2023.

Outcome	2021/22	2022/23
Executive Decisions	18	15
Affirm Executive Decision	7	7
Substitute Another Decision	8	7
Further information required	3	1
ICC Hearing Panel Decision	4	1
Affirm ICC Decision	3	0
Adjourn case	1	0
Substitute a new decision	0	1

Reviews and appeals of IDB panel decisions

- 4.1 There was only one review of an IDB decision carried out by the Independent Reviewer in the reporting period. This was at the request of the barrister who was the subject of an investigation. The Reviewer recommended that the decision to refer to a disciplinary tribunal be upheld. This was a decrease from last year, when five cases were reviewed.
- 4.2 In terms of appeals against administrative sanctions imposed by the IDB, there were two appeals with one being successful. In this appeal, the appeal panel disagreed with the IDP that the evidence established a breach of the Handbook for some of the allegations. In respect of the other allegations which were subject to the same appeal they found sufficient evidence of a breach but that the risk was sufficiently low that an administrative sanction was not appropriate.
- 4.3 There were no judicial reviews arising from decisions of the IDB in the reporting period.
- 4.4 There are currently no ongoing reviews of IDB decisions taken in the fiscal years 2021/22 and 2022/23.

IDB Quarterly training

- 5.1 The IDB has continued to be provided with quarterly training sessions, attendance at which remains high and attests to the commitment of the members. Members have commented positively on the training received and the benefits of being able to attend in person so they can meet their colleagues outside of meetings and build relationships. During the period 1 April 2022 to 31 March 2023 training took place through a combination of online Teams sessions and in person attendance. Sessions were held in June, September and December 2022 and March 2023.
- 5.2 The content of quarterly sessions is based on feedback from IDB members and issues identified by the Executive then finalised in collaboration with the Chair and Vice-Chair.
- 5.3 Quarter one's session was facilitated by external training consultants and was solely focused on training IDB members on the role of the Chair in IDB panels to equip them with the skills and confidence to perform this function. The session featured a number of case studies which were the subject of interactive role play(s).
- 5.4 The quarter two session included discussion around the temporary arrangements to meet key performance indicators (as detailed above in paragraph 1.4), and guidance on dealing with cases involving criminal findings. The session concluded with training on how to apply equality and diversity principles and featured an interactive element allowing the members to discuss relevant case studies and participate in example exercises.
- 5.5 Quarter three's session commenced with a welcome to the five newly recruited Barrister members appointed in November 2022. The session then proceeded with training on considerations of the Public Sector Equality Duty (PSED) in IDB decision making and concluded with an update on the accelerated investigations process.
- 5.6 The final training session of the year featured a recap of the PSED training held in the previous quarter, with a focus on case studies and the application of the duty, together with guidance on how to effectively prepare for IDB meetings.

Feedback from IDB members

- 6.1 Within 24 hours of a panel meeting occurring, members are sent a link to an online feedback form in which they can comment on the performance of other members who attended the meeting (including the Chair) and reflect on their own performance. They are also asked for general feedback on other matters relating to meeting processes and the operation of panels. This has included comments on the value of input from the duty manager in assisting panel members to understand their options on sanctions, identification of topics that the panel members would like to receive training on to assist them in their role, and the importance of having a designated Chair to assist the panel in navigating the evidence to enable meetings to run on time and achieve a consensus on decisions.
- 6.2 Overall, the feedback indicates that the Panel members feel they work as a team, are able to call upon specific panel members' expertise where required, and that meetings are conducted in an inclusive way enabling all to participate and express their opinions equally.

- 6.3 For this year's report we have sought feedback from a range of IDB members covering both existing arrangements and the move to accelerated meetings, which is included below.
- 6.4 **IDB Lay member – Appointed 1 September 2019** “The last year on the IDB has seen a number of changes as the role of the panel develops and panel members have welcomed and embraced the changes. The move to dealing with more cases in meetings, and approving decisions by document sharing following the meeting has been particularly productive. These changes have worked well as a result of panel members being thoroughly prepared before meetings and having a detailed knowledge of the cases in advance. Longer serving panel members have particularly welcomed the arrival of newer IDB members, both barrister and lay members and the variety of backgrounds and expertise has led to some interesting and open discussions. The quarterly training sessions continue to be excellent and the return to in person training is particularly welcome”.
- 6.5 **IDB Lay member – Appointed 1 September 2021** “As a IDB panel member I have experienced both the period before the accelerated process and during it. The period 'before' saw us consider less cases and the reviewing of the decision sheets was undertaken by email, which was not very efficient.... The 'accelerated process' developed more teamwork as the Chair had to draft the decision sheet and this was then shared via SharePoint. Not having a 'drafter' meant there was more ownership by the Panel and more team working - speaking for myself I have found my fellow panel members to be extremely supportive in developing the decision sheets. Considering more cases has been a challenge and the ability for panel members to commit to the finalising of the decision sheets after the panel day; alongside their 'day job' has been at times challenging, whereas the 'old process' saw the work completed the same day....I think all members have adapted to the changes including the IT changes incredibly quickly and I am sure that everyone will fully embrace any future changes”.
- 6.6 **IDB Barrister member – Appointed 1 November 2022** “The training, mentor scheme and BTAS observations have been instrumental to me in my role. The training has been incredibly helpful to help me find my feet and be proactive both within and outside of meetings. The mentor scheme has also been invaluable at ensuring that I have someone to turn to if I need assistance on matters both trivial and complex”.

Conclusions and Chair's comments on overall performance

- 7.1 The global pandemic and the cyber-attack have resulted, as they have for many organisations, in a permanent shift in working practices for the IDB. The majority of IDB meetings continue to take place online, allowing greater flexibility in scheduling and optimising attendance opportunities for members, particularly those who are not London-based or have caring responsibilities. For quarterly training however, we have begun to return to the more usual 'hybrid' way of working (some in person attendance, some remote). Members, particularly those who are relatively newly appointed, have commented positively on these arrangements because they facilitate dialogue and build constructive working relationships. We intend to continue with these arrangements over the course of 2023-24, with the aim of moving to at least one session a year fully in-person.

- 7.2 In conclusion, I would like to thank former and current members of the IDB and the Executive for working collaboratively together in sometimes challenging circumstances over this reporting period to ensure that the IDB has operated successfully.

Tim Grey
Chair of the Independent Decision-Making Body

October 2023

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. This change is being managed via the deployment of transformational programmes of work that each have appropriate governance and gated controls. 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	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
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	SJ / SH	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.	25/09/23	The contract for the Review was signed in early August and the detailed project plan agreed. Work on the first phase of the Review, information gathering, is ongoing. Internal and external stakeholders (including the LSB and the Bar Council) have been interviewed. Detailed questionnaires for relevant stakeholders are being developed to drill down further into the information obtained during the initial interviews. Preliminary views on areas for change are due to be presented to the BSB Steering Committee in mid-October. The Project is on course. A report on emerging recommendations is due to be presented to the SLT in December and considered by the Board in January 2024 with final recommendations for change being put to the Board at a single-issue meeting in April 2024.	
	We will conclude the ongoing review into our decision-making processes for authorisations and implement its recommendations	SH	RM / VS / SH	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.	22/08/23	This project has been subject to some replanning in discussion with SLT as to how Phase 1 aligns with the Supervision thematic review in 23/24. We now have clarity on this and agreement to move towards consultation early in 2024. The draft consultation paper for phase 1 will be discussed with SLT in October.	

Theme	Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
Performance (cont.)	We will implement the recommendations arising from the Deloitte review of the fitness for purpose and durability of our key operating systems	MN	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	24/08/23	Recruitment of a Solution Owner to oversee the re-engineering of the CRM/CMS systems is underway. The successful postholder will engage with the end-to-end review of the enforcement process to ensure that revised processes can be efficiently and effectively supported by our IT systems, with minimum customisation.	
	We will review the role of the Independent Reviewers in our enforcement and authorisations processes to identify improvements in the operation of this assurance mechanism and to ensure that it is procedurally fair.	SJ	RB	Review complete – end April 2023. Consideration of review outcomes by the Board – July 2023. 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.	16/08/23	The draft policy is on course to be put to the Board for consideration in October and is currently subject to internal consultation with a view to the SLT considering it in early September.	
	We will agree and pilot a balanced scorecard to measure BSB's performance in delivering core regulatory operations	MN	AW	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 	15/08/2023	We continue to make good progress on building and refining the relevant KPI dashboards, and we are working with operational teams to agree indicators and performance monitoring measures. The performance monitoring measures which sit underneath them are still being worked on. Teams are familiarising themselves with the functionality afforded by PowerBI and providing us with feedback on how they want to interpret and use the data.	
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	RM	JB	Develop framework during 2023/24 business year and implement in Q1 of 2024/25	23/08/2023	There has been some disruption to progress as the programme and project sponsor has left the organisation, and therefore the methods for delivering this project may change. However, the project is on track for the framework to be agreed and implemented on a pilot basis in 2024, alongside the other parts of the Assuring Competence programme with which it relies, such as the CPD review, and the Data Monitoring Framework.	
	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.	RM	HL	Complete reform to CPD and commence supervision against the new arrangements by April 2024	21/08/2023	There has been minimal progress made in this area due to the disruption caused by the programme sponsor and project sponsors leaving the organisation, and a consequent lack of clear direction with the work (as well as pressure on existing resources). However, a paper is going to the Assuring Competence OTM in August to review the evidence gathered relating to CPD so far and suggesting a practical and achievable approach for April 2024 with suggestions for a more ambitious, large-scale review to take place at a later date.	
	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.	RM	JW	Research and analysis carried out during 2023/24 with final report and recommendation considered by the Board by April 2024.	21/08/23	The review is underway as planned.	

Theme	Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
Regulatory approach – Strategic change (cont.)	We will focus on promoting public legal education in collaboration with our fellow regulators and with other frontline providers of help to those in legal need	WW	WW	This is an ongoing commitment and the Board last reviewed our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.	29/08/23	We continue to support projects with frontline PLE providers such as Law for Life, Citizens Advice, Support through Court and Refugee Action but the Board has also agreed that we should rejoin Legal Choices with effect from September and we are in discussions with our fellow regulators to enable us to do so.	
	We will continue to ensure that our transparency rules are being complied with and are being effective	EM	RM / JW	Compliance checks are ongoing and we will consider next steps on transparency in the light of our DCT market study and other evaluation work undertaken to date.	21/08/23	Compliance checks are routinely tested whenever Supervision engages with a chambers, barrister or sole practitioner. Supervision and Policy Teams are working on an update to the guidance on the BSB website to make it more user-friendly, following recommendations that have come out of Supervision's compliance testing. On-line comparison market study is due to conclude in September 2023 and the process of bringing together findings into a draft report aims to finish by the end of 2023-24.	
	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	RM	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.	23/08/23	We have appointed Spinnaker Research to undertake the research project on technology at the Bar.	
Regulatory approach – Intelligence & data	We will overhaul our approach to the gathering, collation and analysis of the intelligence we receive from a wider range of sources	EM	BB	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 	15/08/2023	The Data and Intelligence Strategy work is progressing. We have considered the planned vision and objectives of the strategy and are currently at the review state for the current state analysis. This will conclude in September 2023, with the remainder of the strategy, including the future state analysis and schedule of work, due for completion by late 2023 or early 2024.	
	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	BB	Year one: <ul style="list-style-type: none"> Complete review Year two: <ul style="list-style-type: none"> Implement new processes 	15/08/2023	The Provisional Report of the Risk Framework Review has been completed. The elements of the review that involve BSB strategy were discussed at the Board Away Day. The team is currently drafting the final report, including implementation plan, which will go to the Board by the end of 2023, or early 2024.	

Theme	Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
Regulatory approach – Intelligence & data (cont.)	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	EM	<p>Year one:</p> <ul style="list-style-type: none"> We shall undertake research with pupillage providers to investigate the recruitment outcomes of different approaches aimed at increasing diversity. We aim to complete our evaluations of our DCT pilot and our Bar training reforms by end of 2023-24. We also plan to undertake analyses of enforcement outcomes and begin to build a more substantive evidence base in relation to the use of technology and innovation at the Bar in 2023-24. <p>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 	23/08/23	Year one commitments are all on track.	
Regulatory approach - Reforming our Handbook & rules	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.	EM	EM / RM	<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. 	23/08/23	Non-professional life project is complete. Others remain on track for delivery in year one.	

Theme	Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
Regulatory approach - Reforming our Handbook & rules				In year two: <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. 			
	We will develop arrangements for the assessment of advocacy and negotiation skills during pupillage as the final part of our reforms to Bar training	RM	VS	New means of assessment for advocacy will be in place by Sept 2024 and negotiation in Sept 2025		This project is on track. A series of workshops with relevant stakeholders has been held and we have secured assistance from a number of experts to develop the negotiation skills proposals. The Inns have been consulted and kept informed at every stage.	
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	MN / RF	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.	21/08/2023	Internal Board evaluation analysis to be considered by the Board at its meeting on 5 October 2023. External independent evaluation planned for Summer 2024 and we will finalise an Invitation to Tender in the Autumn or Winter. Equality and diversity refresher training for the Board scheduled for March 2024.	
	We will continue to implement our programme of embedding our values and behaviours to deliver a culture of continuous improvement	TH	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 2024	23/08/2023	This project is on track.	
	We will review our processes for recognition and performance management to ensure that they support our values and help to deliver continuous improvement	TH	TH	Launch of a revised recognition scheme by September 2023 Launch of a revised performance management system by April 2024	23/08/2023	Minor delay of 4-6 weeks for recognition, performance management on track	
	We will periodically review our implementation of the Internal Governance Rules, with the aim of enhancing regulatory independence within the current legislative framework.	MN	MN	To be conducted annually.	24/08/2023	A review was conducted in 2022/23 and a letter sent to the Bar Council proposing some changes to current shared service arrangements	

Theme	Action	Lead	Contact	Milestone and timetable	Progress report		
					Date of update	Update on progress / completion	RAG
Culture & capacity (cont)	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	24/08/23	The reforms are now fully implemented.	
	We will promote engagement and collaboration with consumer organisations, the profession and other regulators	WW		This is an ongoing commitment.		All papers going to the Board must now include a section on stakeholder engagement and we continue to pursue collaborative initiatives in a number of areas (eg with PLE providers, with the profession (in drawing up best practice for chambers and with consumer groups as appropriate)	

Bar Standards Board – Director General’s Update – 5 October 2023**For publication****Legal Ombudsman**

1. I attended a helpful session run by the Legal Ombudsman on 6 September to review the Ombudsman’s future strategy. Other front-line regulators and representative bodies were also present.
2. The Legal Ombudsman proposed a twofold strategy for the future focusing on resolving complaints, on the one hand, and on driving improvement through the insights gained from handling complaints, on the other. There was general support for this approach. I made three suggestions for driving improvement:
 - that information about upheld complaints on self-employed barristers should be fed back, where relevant, to chambers to inform practice management discussions and continuing professional development;
 - that information about upheld complaints should be easily accessible to consumers alongside regulatory information; and
 - that we should seek closer alignment between LeO’s analysis of complaints and the regulators’ analysis of regulatory risk to facilitate the identification of trends.

International Conference of Legal Regulators: Dublin 25-27 October

3. The Chair and I are both representing the BSB at this annual conference in October. The Chair will be jointly hosting the conference’s opening session in conversation with Catherine Day, a former EU Secretary General, on the theme of culture change. I shall be a panellist later in the conference in a session dedicated to *building a better lawyer*.

Equality: disability access

4. Following our engagement with the Inns of Court earlier in the year about access for disabled pupils, barristers and clients to chambers located in the Inns historic buildings, we have had constructive discussions over the Summer with the relevant planning authorities. This has led to a useful proposal that we aim to establish a working group bringing together the Inns, the relevant planning authorities and Historic England to look strategically at the challenges of reconciling the protection of historic buildings with improved access. We shall be consulting the Inns about taking this forward.

Publications and interviews

5. Since the last Board meeting, I have published a blog on the *Rule of Law* which can be read here: <https://www.barstandardsboard.org.uk/resources/press-releases/mark-neale-blog-the-rule-of-law.html>
6. I have also given an interview on the role of the regulator to *BlackBeltBarrister* YouTube channel which can be viewed here: <https://guest.ecamm.live/43cf82c55>. We are told the interview has already been viewed 40 000 times.

Mark Neale

Director General

Chair’s Report on Visits and External Meetings from Sept-Oct 2023**Status:**

1. For noting

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair’s visits and meetings since the last Board meeting.

List of Visits and Meetings:**Introductory meetings****Meetings**

1 August	Attended the Chairs’ Committee meeting with Andrew Mitchell KC and Mark Neale
5 September	Met on Teams with Anna Bradley (Chair) and Paul Philip, CEO of SRA with Mark Neale
26 September	Attended the Chairs’ Committee meeting with Andrew Mitchell KC and Mark Neale
3 October	Attend Board Briefing meeting
5 October	Attended BSB/LSB 4-way meeting with Mark Neale

1-2-1 Meetings

21 September	Met with Rebecca Forbes Met with Jaspal Kaur-Griffin
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Events

31 August – 2 September	Attended the South-Eastern Circuit Advanced International Advocacy Course, Reception and Gala Dinner at Keeble College, Oxford
12 September	Attended the Chair of the Bar speech – Inner Temple
21 September	Met with James Wakefield, Director, COIC
21 September	Attended BSB Reception
26 September	Met with Sir Nicholas Green
1 October	Attended the Reception & Dinner for the opening of the new Legal Year
2 October	Attended the swearing-in ceremony of Dame Sue Carr, RCJ
2 October	Attended Westminster Abbey for opening of the new Legal Year