

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

**Meeting of the Bar Standards Board**  
**Thursday 26 March 2015, 4.30 pm**  
**Room 1, First Floor, Bar Standards Board Offices,**  
**289-293 High Holborn, London, WC1V 7HZ**

**Agenda - Part 1 – Public**

			<b>Page</b>
1. <b>Welcome and introductions</b> <b>(4.30 pm)</b>	Chair		
2. <b>Apologies</b>	Chair		
3. <b>Members' interests and hospitality</b>	Chair		
4. <b>Approval of Part 1 (public) minutes:</b>			
• 26 February 2015 (*)	Annex A		<b>3-7</b>
5. <b>Matters Arising (*)</b>			
6. a) <b>Action points and progress</b>	Annex B	Chair	<b>9-11</b>
b) <b>Forward agendas</b>	Annex C	Chair	<b>13-14</b>
<b><u>Items for discussion</u></b>			
7. <b>Bar Standards Board Business Plan 2015-16</b> <b>(4.35 pm)</b>	BSB 024 (15)	Vanessa Davies	<b>15-42</b>
8. <b>Future Bar Training: Professional Statement</b> <b>consultation</b> <b>(4.45 pm)</b>	BSB 025 (15)	Andrew Sanders	<b>43-65</b>
9. <b>Chair's Report on Visits and Meetings – Mar 15: (*)</b>	BSB 026 (15)	Chair	<b>67-68</b>
10. <b>Appointments to the Audit Committee (*)</b>	BSB 027 (15)	Chair	<b>69</b>
11. <b>Director General's Report</b> <b>(5.00 pm)</b>	BSB 028 (15)	Vanessa Davies	<b>71-81</b>
12. <b>Any other business</b> <b>(5.10 pm)</b>			
13. <b>Date of next meetings</b>			
• Thursday 23 April 2015 (Board Away Day)			
• Thursday 21 May 2015 (full Board meeting)			
14. <b>Private Session</b>			

**John Picken, Governance Officer**  
[JPicken@barstandardsboard.org.uk](mailto:JPicken@barstandardsboard.org.uk)  
19 March 2015

*\*Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](mailto:John.Picken@barstandardsboard.org.uk) before the meeting.*

**BSB 260315**



BAR STANDARDS BOARD
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting**

Thursday 26 February 2015, Room 1.1, First Floor  
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Sir Andrew Burns KCMG (Chair)  
Patricia Robertson QC (Vice Chair) – by telephone  
Rolande Anderson  
Rob Behrens  
Malcolm Cohen  
Justine Davidge – items 7-14  
Andrew Mitchell QC  
Tim Robinson  
Adam Solomon  
Richard Thompson  
Anne Wright
- By invitation:** Nicola Sawford (Board Member designate)  
James Wakefield (COIC)  
Emily Windsor (Special Adviser) – items 7-14
- Bar Council in attendance:** Alistair MacDonald (Bar Council Chairman)  
Poli Avramidis (Chief Information Officer)
- BSB Executive in attendance:** Viki Calais (Business Manager)  
Andrew Cohen (Business Support Officer)  
Vanessa Davies (Director General)  
Joanne Dixon (Manager, Qualification Regulations)  
Oliver Hanmer (Director of Supervision)  
Sara Jagger (Director of Professional Conduct)  
Andrew Lamberti (Communications Manager)  
Ewen Macleod (Director of Regulatory Policy)  
John Picken (Governance Officer)  
Pippa Prangle (Regulatory Risk Manager)  
Amanda Thompson (Director of Strategy & Communications)  
Simon Thornton-Wood (Director of Education & Training)

**Item 1 – Welcome and introductions****ACTION**

1. The Chair welcomed members and guests to the meeting.
2. **Item 2 – Apologies**
  - Simon Lofthouse QC;
  - Andrew Sanders;
  - Sam Stein QC;
  - Keith Baldwin (Special Adviser);
  - Sarah Brown (Special Adviser);
  - Chantal-Aimée Doerries QC (Vice Chairman, Bar Council);
  - Lorinda Long (Bar Council Treasurer);
  - Stephen Crowne (Chief Executive, Bar Council);
  - Mark Hatcher (Special Adviser to the Chairman of the Bar Council).

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

3. Declarations were made as follows:

- Rolande Anderson – coffee with Inclusive Employers (10 February 2015);
- Vanessa Davies – dinner at Lincoln’s Inn (19 January 2015);
- Vanessa Davies and Patricia Robertson QC – dinner at UCL, guests of Richard Moorhead (25 February 2015).

**Item 4 – Approval of Part 1 (public) minutes (29 January 2015)**

(Annex A)

4. The Board approved Part 1 of the minutes of the meetings held on Thursday 29 January 2015.

**Item 5 – Matters Arising**

None.

**Items 6a & b – Action points and Forward Agenda**

Action points and progress (Annex B)

6. The Board noted progress on the action list.

Forward Agenda (Annex C)

7. The Board noted the forward agenda list. Some of the proposed items for the March meeting will be re-scheduled to allow more time for an in-depth discussion on regulatory risk management.

**Item 7 – Performance Report for Q3 (October 2014 – December 2014)**

BSB 014 (15)

8. Anne Wright highlighted the following:

- the year-end income target is now likely to be missed by a greater margin ie 18% (£322,630) rather than 13% as previously reported;
- expenditure is likely to be 2% (£108,683) under budget by year-end;
- the income reduction is indicative of significant shifts in the market place for education and training and qualifications. This shortfall could be compounded in the years to come, particularly given uncertainty over income levels for entity regulation and QASA;
- the PRP Committee discussed fees and charges proposed under the full economic recovery model, but remains concerned over the potential impact of this and needs to work through the potential implications;
- KPIs have been introduced for the Qualifications Committee and all of these were met in Q3;
- HR performance figures have improved but the PRP Committee remains concerned over high staff turnover levels. Figures on staff retention will no longer be reported as the Committee considered these did not add value;
- the OPI figure of the PCD Assessment Team was the only one to fall below target in Q3. The reason for this seems to be linked to staff shortages in that team. The Committee will discuss performance with the Director of Professional Conduct at its next meeting. This will also incorporate the management of long running cases;
- several items are not running either to original budget or to timetable ie:
  - ❖ Licensing Authority application;
  - ❖ QASA;
  - ❖ Regulatory Risk Framework;
  - ❖ Review of new Handbook;
  - ❖ CPD;
  - ❖ Complaint expectation management;
  - ❖ Knowledge management strategy;
  - ❖ International strategy;

- performance against Service Level Agreements for the Resources Group has been reported for the first time. KPIs are broadly on target and follow-up action is planned for any exceptions.
9. With reference to the late running items, staff commented as follows:
- the Regulatory Policy Department has needed to focus on two urgent items of business (standard contractual terms and liaison with the BMIF). This has had a knock-on effect for the licensing authority application;
  - the Regulatory Risk Framework is now scheduled for discussion at the Board in May. Considerable investment has been made to ensure this work is progressed;
  - the LSB has agreed that a review of the Handbook can be put on hold;
  - complaint expectation management will now be addressed in next year's business plan.
10. The Board commented as follows:
- the projected spend for outsourced casework is £80k against an original budget of £20k. It would be helpful to know which firms have been engaged in this work;
  - the budget underspend may well be linked to slippage on projects;
  - will projected underspend be used to counter balance reduced income;
  - funds for market and consumer research have not been spent and it would help to have the reasons for this;
  - it is unfortunate that the Board receives Q3 data so near the end of Q4 as it means there is reduced scope for taking corrective action. It would have been preferable to receive the report at the Board's January meeting.
11. In response the following comments were made:
- outsourced casework is sent to a firm of solicitors which has been retained following a tendering exercise. It instructs Counsel as necessary and deals with complex cases that would otherwise take a disproportionate amount of time to manage in-house;
  - the accounts do not operate on profit and loss basis. Any surplus is returned to the Bar Council reserves and any loss is compensated from the same source;
  - the provision for market and consumer research was affected by re-prioritisation of activities within the team and a need to fund additional work for regulatory risk management;
  - management accounts are prepared five working days after month-end. The PRP Committee also has to scrutinise the budget before it is presented to Board. Bearing in mind that papers are dispatched a week in advance, it would be difficult, though perhaps not impossible, to provide budget reports a month earlier for the Board. Having said that, existing PRP Committee meetings would need to be re-scheduled.
12. **AGREED**
- a) to note the report.
  - b) to investigate the possibility of rescheduling quarterly performance reporting for financial year 2015/16.

AT / VC

**Item 8 – Changes to BSB Constitution**

BSB 015 (15)

13. Amanda Thompson commented as follows:
- the Independent Appointments Panel has suggested amendments to the Schedules A and B of the BSB's Constitution. This concerns the appointment and re-appointment of members to the Board.

- the proposed amendments updates terminology and incorporates an element of flexibility for terms of office to enable greater scope for continuity  
In the latter case, it seeks to do two things ie;
  - ❖ make it possible to extend individual Board Member terms of office beyond 6 years;
  - ❖ make it possible to re-start the standard term of office should an existing Board Member be appointed Chair or Vice Chair;
- in both cases, an overall cap of nine year's membership applies;
- the proposals reflect current practice in similar organisations;
- it will also need approval from the Bar Council at its meeting on 6 March 2015.

14. Members commented as follows:

- a nine year period of membership might be considered excessive;
- the schedules should avoid using gender specific terminology.

**AT to  
note**

15. In response the following comments were made:

- a nine year maximum, based on three terms of office of three years is a common model for Boards of other organisations;
- an extension to an individual's term of office need not, necessarily, be for the maximum period available and would remain within the remit of the Independent Appointments Panel.

16. **AGREED**

- a) to approve the proposed changes to Schedules A and B of the BSB's constitution as set out in the report.
- b) that the proposals be presented for the Bar Council's agreement at its meeting in March 2015.
- c) to request that the Bar Council change all gender specific references to gender neutral.

**AT to  
note  
AT**

**AT**

### **Item 9 – Report of the Qualifications Committee**

BSB 016 (15)

17. Rob Behrens referred to the Annual Report of the Qualifications Committee which summarised its work during 2014. He highlighted the following:

- Adam Solomon is now the barrister Vice Chair for the Qualifications Committee. He joins Professor Carl Stychin who took the post of lay Vice Chair in early 2014;
- the delegation of decision making to staff, with support from Committee Panel members, is working well;
- there has been a marked decrease for certain categories of applications eg waivers from CPD requirements;
- the number of appeals has significantly reduced following the transfer of jurisdiction to the High Court from the Visitors to the Inns of Court. The reason for this is unclear at present;
- KPIs for the Qualifications Committee were introduced in late 2014. Targets have been met, though this is in the context of a period when application numbers have been falling;
- the application fees and Fee Waiver policy has been reviewed and a report will be prepared for the Board's meeting in March 2015.

18. The Chair noted the rise in the number of applications considered by the Pupillage Panel. In response, the Executive commented that this reflects the trend of gaining experience outside the standard pupillage model. The BSB is keen to improve flexibility of qualification routes though this is tempered by the need for effective supervision to manage risk.

19. **AGREED**  
to note the report.

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

BSB 017 (15)

20. The Board noted the Chair’s report on visits and meetings. The Chair also reported on his attendance at the Global Law Summit, which he found to be interesting event and a useful networking opportunity.

**Item 11 – Director General’s Report**

BSB 018 (15)

21. Vanessa Davies commented as follows:
- she has established an effective working relationship with the new Chief Executive of the LSB;
  - the recruitment of two new barrister Board members will commence in March 2015;
  - since writing her report, Andrew Cohen has been promoted to the post of Senior Project and Information Officer in the Supervision Team as from 1 April 2015.
22. In response to a question on supervision, Oliver Hanmer confirmed that between 20-30 chambers are classed as medium risk. In addition, Ewen Macleod advised that the Handbook Working Group is now finalising its consultation on whether or not single person entities should be required to purchase their primary layer of insurance from the BMIF.

23. **AGREED**  
to note the report.

**Item 12 – Any Other Business**

24. Regulatory standards 2014/15 - An update report on the performance of legal services regulators  
The LSB published the above [report](#) on 25 February 2015. The feedback was in line with our expectations and plans are already in place to address this.

25. **AGREED**  
to note the report.

**Item 13 – Date of next meeting**

26. • Thursday 26 March 2015.

**Item 14 – Private Session**

27. The following motion, proposed by the Chair and duly seconded, was agreed:  
That the BSB will go into private session to consider the next items of business:
- (1) Approval of Part 2 (private) minutes – 29 January 2015;
  - (2) Matters Arising;
  - (3) Action points and progress – Part 2;
  - (4) BSB Business Plan for 2015-16;
  - (5) Practical implications of risk-based regulation of the Board;
  - (6) Corporate Risk Register;
  - (7) QASA - Update;
  - (8) Review of standard contractual terms and the cab rank rule: undertaking to the LSB;
  - (9) Update on Regulators’ Summit (19 February 2015);
  - (10) Any other private business.

28. The meeting finished at 5.25 pm.





**BSB – List of Part 1 Actions  
26 March 2015**

*(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
12b (26 Feb 15)	investigate the possibility of rescheduling quarterly performance reporting for financial year 2015/16.	Amanda Thompson / Viki Calais	before June 2015	18/03/15	Under consideration but not yet finalised
16a/b (26 Feb 15)	submit proposals to the Bar Council re: changes to the BSB Constitution	Amanda Thompson	immediate	18/03/15	<b>Completed</b> – submitted to Bar Council meeting of 21 March. Advice
16c (26 Feb 15)	request that the Bar Council change all gender specific references to gender neutral	Amanda Thompson	immediate	18/03/15	<b>Completed</b> – submitted to Bar Council meeting of 21 March. Advice
32b (23 Oct 14)	develop a set of indicators about the management of policy consultation documents such that the Board is properly informed, and at an appropriate stage, based on the subject and content under scrutiny	Vanessa Davies	before 27 Jan 15	18 /03/15  17/02/15  20/01/15	This work has been completed but has been held over to allow space for more pressing items on the March agenda. We propose to circulate them out of committee if for any reason the May agenda cannot accommodate them  Indicators will be proposed at March Board meeting  Draft indicators prepared by AT and on SMT agenda for 2 February
5 a-b (23 Oct 14)	consult on change: insurance for entities once the entity regulation process is in operation	Ewen Macleod	before Mar 15	18/03/15  17/02/15  20/01/15	Draft consultation to be reviewed by HBWG week of 23/3 and finalised before Easter.  Work was reviewed by Handbook Working Group on 13 February and remains on track  Work is on track

**BSB – List of Part 1 Actions  
26 March 2015**

*(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
12c (21 Nov 13)	undertake a further review to the Standing Orders	Amanda Thompson / Chloe Dickinson	On hold	18/03/15	Governance to be discussed at April away day.
				13/05/14	New timeline needed to reflect decision to undertake fundamental review taken by the Board at the Awayday.
				11/02/14	Consideration to some principles to be given at April Awayday
				14/01/14	Work has commenced
16b (18 Jul 13)	gather feedback on accessibility of information on the BSB website about complaints	Amanda Thompson	before end Mar 14	18/03/15	Resources planning underway in order to finalise workplan for completion; proposal from contractor under review
				17/02/15	Comms and PCD teams met on 23 January to progress work further; a technical issue on website structure is being resolved; new copy received and being reviewed
				09/10/14	Proposals from specialist group now received and being evaluated. Once services we will purchase have been agreed between PCD and Strategy and Communications, work will proceed.
				15/07/14	PCD members have met with one of the stakeholder group members (which specialises in ensuring people have the knowledge, confidence and skills needed to

**BSB – List of Part 1 Actions  
26 March 2015**

*(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
				17/06/14	deal with law-related issues) to discuss how we make complaints information available. A work plan is now being developed.
				13/05/14	Progress on stakeholder work has been very limited given volume of other communications activity. Arrival of new Communications Manager will free up resources to focus on this again.
				11/03/14	Stakeholder session focused on understanding complaints system, reflecting stakeholder group's needs. Further activities being planned to complete this action.
				14/01/14	Feedback will be sought at stakeholder session on 28 March.
				13/11/13	On track
				17/07/13	Stakeholder workshop held on 13 November dealing with QASA. Next session will be as below. Early indications are that engagement will be productive.
					Stakeholder workshop/seminar being planned to deal with communicating the work of PCD. Anticipate will be held before end of March 2014 but depends on stakeholder availability. Date will be confirmed when available.



## Forward Agendas

### Thursday 23 April 2015 (Board Away Day)

- Strategic Plan 2016 – 19
- Governance review

### Thursday 21 May 2015

- BSB Year-End Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register, SLAs)
- Equality Objectives 2015-2016
- Inns Conduct Committee Rules
- Future Bar Training – Vocational stage regulation: approval to consult
- Future Bar Training – Pupillage regulation: approval to consult
- Future Bar Training – CPD consultation (may be held over to June)
- Guidelines on consultations and on media handling
- BSB Member email accounts

### Thursday 25 June 2015

- Strategic Plan 2016-19
- Insurance for single person entities: possible rule change
- Guidelines for press releases / communications
- Standard Contractual terms and CRR (private)

### Thursday 23 July 2015

- BSB Draft Annual Report for 2014-15
- PCD/PCC- Year End Report – 2014-15
- Report on Equality Rules
- E&D Committee Annual Report
- Strategic Plan 2016-19 - consultation
- Standard Contractual terms and CRR (public)

### Thursday 10 September 2015

- PRP Committee Annual Report
- Budget 2016-17
- 2016-19 Strategic Plan

### Thursday 24 September 2015

- BSB Q1 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register, SLAs)
- GRA Committee Annual Report. Note: this paper will also include the annual report from the Independent Observer
- Provision of non-reserved legal services by employed barristers (non-authorized bodies)
- Review of provision of immigration advice and services
- Disciplinary Tribunal Regulations – approval of revisions

### Thursday 22 October 2015

- Supervision Committee Annual Report
- Standards Committee Annual Report

### Thursday 26 November 2015

- BSB Q2 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register, SLAs)

### Thursday 17 December 2015 (Board Away Day)

**Thursday 28 January 2016**

- Diversity data report
- Public and licensed access rules

**Thursday 25 February 2016**

- BSB Business Plan for 2016-17 and new Strategic Plan 2016-19
- BSB Q3 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register, SLAs)

**Thursday 17 March 2016**

- Strategic plan 2016-19 - final

***Longer term items (dates to note)***

- *April 2016 – Approval of Future Bar Training LSB submission (changes to Qualification Rules, Academic Stage regulatory policy, Vocational Stage regulatory policy, Pupillage Stage regulatory policy)*
- *July 2016 – Approval of CPD regime changes (Part 2)*
- *October 2016 – Approval of CPD quality mark scheme proposal (Part 2)*

## Bar Standards Board Business Plan 2015-16

### Status

1. For final approval.

### Executive Summary:

2. The Board previously considered a draft of the business plan. After that draft had been supplied to the Board, the Legal Services Board published its “Regulatory Standards 2014/15 - An update report on the performance of legal services regulators”. The Board asked that the draft be updated to show how the activities that had been planned would meet the highlighted points in the LSB report. The budget and plan have required some revision accordingly. The revised draft is now before the Board for sign off.

### Recommendations

3. The Board is asked to:
  - a. **Approve** the text of the 2015-16 business plan for publication.

### Background

4. The Board considered a draft of the business plan at its last meeting. Between the issuing of those Board papers to members and the meeting itself, the LSB published its “Regulatory standards 2014/15 - An update report on the performance of legal services regulators”. In the light of that report, the Board requested the Executive to review the wording of the business plan to make it clear which of the already planned activities would address the matters highlighted for BSB action.

### Comment

5. The business plan text has been revised, as requested by the Board. The activities that we are undertaking with the aim of achieving a “satisfactory” rating against the RSF by the end of the business plan year are more clearly articulated, together with our other priority areas of activity.
6. As part of that revision, we also reviewed the budget associated with all activities and in particular the increased priority being placed on the activities that relate to the regulatory standards framework. The Planning, Resources and Performance Committee then considered options in relation to the budget and agreed to recommend a revision of it. The business plan text incorporates the new budget figures agreed by PRP. The Finance Committee meets on 24 March 2015 to confirm the entire Bar Council and BSB budget so the final confirmation will be provided at the Board meeting.

### Resource implications

7. The resources required to implement the plan are detailed within it. Board members will note that the overall budget figure now stands at £5,436,000.

### **Equality Impact Assessment**

8. No equality impact assessment is required as this paper refers to a business plan rather than a policy.

### **Risk implications**

9. The plan itself addresses some risks that we face. The risks associated with the carrying out of activities within the plan will be captured as part of our normal risk management procedures.

### **Impacts on other teams / departments or projects**

10. All departments have had an input into the plan.

### **Consultation**

11. No external consultation has been carried out. The plan will be published so will be publicly available on the BSB website.

### **Regulatory objectives**

12. The plan itself shows how our activities further our strategic aims and the regulatory objectives.

### **Publicity**

13. The plan will be put into a designed format and then published on the website. We will only publish electronically. We will use social media to announce its publication.

### **Annexes**

14. Annex 1 – Business Plan text.

### **Lead responsibility:**

Vanessa Davies  
Amanda Thompson



**P1 – TITLE PAGE**

BSB logo

Business Plan 2015-16

The Bar Standards Board regulates barristers in England and Wales in the public interest

**P2 – OUR VALUES****INTEGRITY**

We operate to the highest ethical standards

We are honest, open and inspire trust

We consider the social and environmental impact of our actions

**EXCELLENCE**

We are committed to quality

We are creative, innovative and lead change

We are responsive, accessible and accountable for our actions

**FAIRNESS**

We act responsibly, proportionately, and in the public interest

We promote equality of opportunity and equal access to justice for all

We value inclusion and diversity

**RESPECT**

We respect and support others

We value expertise, learning and knowledge-sharing

We foster a collaborative and developmental working environment

**VALUE FOR MONEY**

We are cost-effective and accountable for our use of resources

We work efficiently with an entrepreneurial and commercial mindset

We strive for clarity, simplicity and straightforwardness

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**Part 1 - Public**

Equality statement	X
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Our budget	X

**P4 – WHAT THE BSB DOES**

We regulate barristers in England and Wales in the public interest:

- setting the education and training requirements for becoming a barrister;
- setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- monitoring the service provided by barristers to assure quality; and
- handling complaints against barristers and taking enforcement or other action where appropriate.

**Regulatory Policy**

We set standards for barristers and provide a Handbook that within part two sets the rules for practice at the Bar – the Code of Conduct. The Handbook includes detailed guidance addressing particular aspects of professional standards. We also develop policy on professional conduct in areas such as chambers' complaints handling and direct public access to barristers.

**Supervision**

Our aim is to assure, maintain and enhance standards across the profession through the development of measures for assessing the quality of both individual barristers and the chambers and entities in which they practice. This includes a scheme to monitor chambers' administration and working practices and a barristers' register.

**Education and training**

We oversee the Academic, Vocational and Pupillage stages of training that must be completed in order to qualify as a barrister. We are responsible for monitoring and accrediting barristers' Continuing Professional Development (CPD), which ensures that barristers maintain high standards throughout their careers.

We also look at individual applications from people wishing to qualify and/or to practise as barristers but who may be exempted from some or all of the normal training requirements.

**Enforcement**

We investigate professional conduct and take action against barristers who have breached the provisions of our Handbook.

**P5 – KEY FACTS**

15,732+	number of barristers we regulate
384	opened or received complaint cases during the course of Jan-Dec 2014
11	sites to provide the Bar Professional Training Course for 1,494 students annually
293	candidates take the Bar Transfer Test (for transferring solicitors and overseas lawyers)
400+	pupils registered per year
7,619	CPD courses were accredited last year
83	members of staff (80.7 full time equivalents)
£5.4m	our budget for 2015-16

**P6 and 7 - Statement by the Chair and Director General**

The Bar Standards Board is the independent regulator of barristers in England and Wales. Our mission is to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

A few years ago we marked on our map a clear and ambitious destination. That is to be, by the end of 2015-16, a more modern and efficient regulator; one which operates to externally agreed high standards; fulfils its mission, and upholds and promotes the regulatory objectives and professional principles outlined in the Legal Services Act 2007 (LSA 2007). In April 2013, we published our Strategic Plan 2013-16, and charted a course by which we would arrive at our destination. We set out five aims:

- to implement new specialist regulatory frameworks for advocacy services;
- to promote greater public and professional understanding of what we do and why;
- to set and maintain high standards of entry to and practice within the profession;
- to take a more targeted, fair and proportionate approach to what we do; and
- to strive for “best practice” as an organisation for those whom we serve and those who work for us.

This Business Plan sets out the third and final year of the plan. On 5 January 2015 we opened our doors to those wanting to set up new companies, partnerships, and business models – “entities” – so as to continue to meet their clients’ needs while adapting to a rapidly changing market. A new episode for the Bar beckons – if the opportunity is seized. It is our job to empower barristers to modify how they deliver services in line with clients’ needs and to help preserve the best of what the Bar has provided to the public for many years. Clients of BSB-regulated entities will not only benefit from a “double-lock” of consumer protection, as we regulate both the entity and its individual barrister members, but from greater choice of services, too. Ultimately, our primary duty as a regulator is to protect the public as we uphold the regulatory objectives.

There are challenges that now lie ahead of us: to redesign legal education and training to make it more flexible and affordable while preserving its rigour and effectiveness; to usher in

**Part 1 - Public**

an era of BSB-regulated entities that serve the best interests of the public; to set and maintain the standards of conduct for a profession that rightly remains renowned around the world; and to continue to handle complaints fairly and rigorously so as to safeguard clients and the justice system. We must make sure that our governance arrangements support our activities and do not introduce unnecessary complexity, cost or delay. During this year we will be revising our governance to ensure it does the job it needs to do as efficiently as possible.

It will be a year of reflection as well as reform. We will review our approach to Public Access and the impact of aspects of the new Handbook introduced in January 2014. We will reassess our new enforcement strategy and develop further an effective authorisation and supervision regime for BSB-regulated entities. We will evaluate the operation of the Bar Course Aptitude Test and re-examine the Academic and Professional Stages of qualifying as a barrister. As always, we will strive to embody and champion our organisational values: value for money, integrity, fairness, respect, and excellence.

During the year we will focus on achieving a “satisfactory” assessment against the LSB’s Regulatory Standards Framework. We will also consider and decide on a new strategy for 2016-19. So this will be a very significant year for us.

Crucial to all we do is ensuring that we listen to clients and the public so that we understand their experiences of interacting with barristers and the legal services market and that we use that knowledge to inform our work. Our research programme and stakeholder engagement are vital activities in this regard, as is our growing ability to identify, assess and address risk.

In summary, we have five main development priorities:

- Future Bar Training
- Licensing application for alternative business structures
- Revising our governance
- Developing our risk capacity and capability
- Enhancing our consumer knowledge and stakeholder engagement.

We must make progress on these aspects – but this must be done in conjunction with continuing to regulate under our current regime. Our “business as usual” includes some significant programmes of work – such as entity authorisation, supervision and our complaints management activities for instance. Finally, we want to learn from what we’ve already done and what is happening in the market so we will be reviewing some key specialist regimes (eg the cab rank rule and standard contractual terms) as well as the effect that some of our previous actions have had (eg planning for the review of the Handbook).

In doing all of this, we must recognise that we do not regulate in a vacuum. We are accountable to the profession that funds many of our activities, but our duty is and always has been to serve the public. It is a duty that the BSB will continue to uphold in 2015-16.

We invite you to follow our progress via our website ([www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)), and engage with us in defining the years to come ([bsbcontactus@barstandardsboard.org.uk](mailto:bsbcontactus@barstandardsboard.org.uk)).

Signature  
Sir Andrew Burns KCMG  
Chair

Signature  
Dr Vanessa Davies  
Director General

## P8 – OUR STRATEGIC AIMS

The BSB has developed five strategic aims to encompass all of the work we intend to undertake over the three years from 2013-16. The aims have been formulated to enable us to respond to the context outlined and make progress towards achieving our vision. Each aim supports one or more of the regulatory objectives in the LSA 2007.

We have also integrated into our aims the means by which we intend to improve our performance against the Regulatory Standards Framework laid down by the Legal Services Board (LSB). That framework has four key pillars:

- outcomes-focused regulation;
- risk assessment;
- supervision; and
- enforcement.

and requires a regulator to demonstrate sufficient capacity and capability to regulate in those key areas.

Achievement of the aims will also mean considering the extent of internal structural change necessary, including redefining staff and Board and committee roles as required.

Throughout the life of the plan we will continue to deliver our core regulatory activity, adjusting it over time to align with our strategic aims, which are summarised in the diagram below.

The full version of our strategic plan sets out the strategic aims and what we will be doing in each area of our operation to meet those aims in much greater detail. See it on our website at [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

## P9 – DIAGRAM OF STRATEGIC AIMS

### Aim 1

Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007

### Aim 2

Promote greater public and professional understanding of, and support for, our role and mission

### Aim 3

Set and maintain high standards of entry to and practice in a diverse profession

### Aim 4

Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market

### Aim 5

Strive for “best practice” as an organisation for those whom we serve and those who work for us

For each of our strategic aims, below we give a short explanation of what the aim means and say what achieving it will consist of. We set out how we will measure our success – our key performance indicators – across the three years of the Strategic Plan, and also the main activity we will undertake in the business year 2015-16.

**P10 - STRATEGIC AIM 1**

Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007.

**What this means**

We will regulate in the public interest barristers and those who work for them to deliver advocacy services, through a new regulatory framework for individuals and entities. We will remove the restrictions on a barrister's right to conduct litigation. Barristers will be enabled to take instructions directly from members of the public more comprehensively. Barristers will be able to offer a complete "one stop" legal service to members of the public. We will target our regulatory activity towards risks on the basis of evidence and we will be a cost-effective regulator.

**Measuring our performance**

<b>What success will look like by 2016</b>	<b>How we will measure success</b>
a) We will be a licensing authority under the LSA 2007	Yes / No
b) We will be regulating barrister-led / advocacy focussed entities	Number of entities / Alternative Business Structures (ABS) (measuring against expectations)
c) In a timely and financially sustainable way (both to regulator and regulated)	Level of cost recovery (measuring against cost model) Turnaround of applications

Over the first two years of the 2013-16 strategic plan a number of significant initiatives have been completed. We have published the first BSB Handbook, bringing together the Code of Conduct with our regulations to provide a single source for the majority of our regulatory requirements. We have been successful in being approved a regulator of entities – the business models through which barristers and other lawyers can provide legal services. We have made changes to our qualifications regulations and our enforcement system to reflect risk.

This coming year builds upon the considerable progress made over the last two years. The Handbook changes take some time to filter through to the point of enforcement but are likely to do so this year so we will be embedding our systems to ensure effective enforcement under the Handbook can occur.

During the coming year we anticipate starting to authorise entities and monitor their operation. Some reconsideration of the insurance requirements for single person entities will be required too. To authorise and monitor entities effectively we need an Order under s69 of the Legal Services Act 2007.

We will seek to extend our regulatory activities by also applying to become a licensing authority for organisations that include non-lawyers as owners – known as "alternative business structures" (ABSs). If we are successful, barristers will be able to join with non-lawyers in a business and continue to be regulated by the BSB. This is a main area of development for the BSB during the coming year.

**Part 1 - Public**

A number of our other specialist regimes will be reconsidered during the year: the cab rank rule and the use of standard contractual terms, immigration advice and services, the three year rule and any other scope of practice restrictions among them.

The process of reviewing our regimes is a continuous one but by the end of this year, we will have reviewed the most important aspects and implemented significant changes as a result.

We estimate that work towards achieving this aim in 2015-16 will require xx% of our directly controlled resources (£xxxk). (to be completed following Finance Committee confirmation)

**P11 - STRATEGIC AIM 1 (continued)**

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>• Become a licensing authority for ABSs</li> </ul>	Application submitted to the LSB	Develop operational capacity and infrastructure	Test and refine operational infrastructure	Achieve designation as a Licensing Authority
<ul style="list-style-type: none"> <li>• Receive an order under s69 of the Legal Services Act</li> </ul>			Achieve Parliamentary approval for a s69 order giving the Bar Council powers of intervention, enforcement powers for entities and information gathering powers	LSB application submitted for any consequential changes to regulatory arrangements
<ul style="list-style-type: none"> <li>• Embed new systems for enforcement of the Handbook in relation to entities</li> </ul>	Processes fully agreed and policies/ guidance updated/written	Stakeholder and staff training completed	System fully operational	
<ul style="list-style-type: none"> <li>• Implement changes in public and licensed access</li> </ul>	Informal consultation with stakeholders and evidence gathering	Gather data from supervision activity	Consideration of evidence from supervision activity  Begin consultation	Approval of new rules and application to the LSB
<ul style="list-style-type: none"> <li>• Standard contractual terms and Cab Rank Rule</li> </ul>	Complete consultation	Application for any rule changes made to LSB.		
<ul style="list-style-type: none"> <li>• Design a plan for reviewing the impact of the new Handbook</li> </ul>	Informal consultation with stakeholders on sources of evidence	Design and agree review methodology		

## Part 1 - Public

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Commence authorisation of entities and related Supervisory activity</li> </ul>	Authorisation process commences			Review first year of entity regulation
<ul style="list-style-type: none"> <li>Review regulatory arrangements in relation to immigration advice and services</li> </ul>	Consider available evidence  Targeted supervision activity	Undertake thematic review  Review results from targeted supervision activity	Report to Board on evidence gathered  Consult on any changes to regulatory arrangements	Board decision on amendments to regulatory arrangements  Application to LSB
<ul style="list-style-type: none"> <li>Review the three year rule and any other scope of practice restrictions in relation to employed barristers.</li> </ul>	Review available evidence and issue consultation	Review consultation and consider new regulatory arrangements	Application to LSB	
<ul style="list-style-type: none"> <li>Review the insurance requirements for single person entities</li> </ul>	Consider available evidence and issue consultation	Board to consider change to regulatory arrangements and submit application to the LSB	LSB decision	

**P12 - STRATEGIC AIM 2**

Promote greater public and professional understanding of and support for our role and mission

**What this means**

Our survey information shows that many members of the profession are unclear about our statutory and public interest role. We are also concerned that the public may not consider us to be independent from the profession. The legal services regulatory architecture can be confusing as legal services are provided by various lawyers that are regulated by different bodies, each with a long history. We aim to ensure the profession understands our role and has a positive view of our effectiveness as a regulator, especially when it comes to maintaining the high standards of which the profession is rightly proud. We want the public to trust us to protect in their interests, and to know that we will put things right when they go wrong. We want the public to be able to rely on us to ensure only appropriately qualified people enter and stay in the profession. We have a statutory regulatory objective to promote public understanding of citizens' legal rights and duties. All of this requires us to work hard to inform and explain to the profession and the public what we do and why.



**Measuring our performance**

<b>What success will look like by 2016</b>	<b>How we will measure success</b>
a) an increased percentage of the profession will have a positive view of the role and effectiveness of the BSB	Biennial Survey 2011 as baseline then 2013 and 2015 Survey results showing an improvement
b) we will have established collaborative relationships with the public and consumers through our user network	Network established – Yes / No Qualitative feedback from/on the network Increased breadth/number of consultation responses Establish the baseline for analysis of website usage Outcomes from research programmes

**P13 - STRATEGIC AIM 2 (continued)**

Over the last two years we have increased our external presence quite significantly. We have an increasing Twitter following (now over 10,000) and regularly receive over 25,000 hits on our website per month.

We think that promoting greater understanding of our role requires that we engage with many people and not just the profession itself. In the last two years we have worked with other regulators to produce the “Legal Choices” website which is designed to help members of the public use lawyers. We have been talking to consumer organisations, particularly those involved with vulnerable people in the justice system, so that we better understand them and they in turn better understand us. This coming year we will look to build upon these efforts to ensure we have the ability to hear and gain input from as wide a variety of perspectives as possible. We are seeking to ensure that the voices of those who come into contact with barristers achieve a greater prominence in all that we do. We will publish a strategy outlining how we plan to do that, drawing upon the risk framework we are developing so that we particularly target engagement in relation to those things that pose the greatest risks.

We know that we can do more to make the information that we produce easier for people to find and understand. This is particularly so in relation to our complaints and enforcement processes as it is often the case that the BSB first comes to someone’s attention when they wish to query a barrister’s conduct. We have received advice about how to revise the information we publish (both on the website and in our other publications) so that it is easy to understand for everyone. During this year we will update all content and improve the way in which we present it. This will lead in turn to a review of our entire website – which may lead to a refresh or more wholesale revision of our site.

These major initiatives are among our key development priorities and sit alongside our continuing programme of engagement and promotion of the BSB’s activities generally.

We estimate that work towards achieving this aim in 2015-16 will require XX% of our directly controlled resources (£XXk). (to be completed following Finance Committee confirmation)

## Part 1 - Public

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Design and implement a stakeholder engagement strategy</li> </ul>	Design and publish strategy	Implementation of strategy commences		
<ul style="list-style-type: none"> <li>Implement improvements to complaints and enforcement information on the BSB's website</li> </ul>	<p>Work started on the website and content</p> <p>Existing content and leaflets re-written and new content in draft</p>	<p>New structure for website pages agreed and tested</p> <p>Production of new leaflets where appropriate</p>	<p>All content updated and available on the website</p> <p>Explore the possibility of visuals</p>	
<ul style="list-style-type: none"> <li>Review our website and plan for a refresh or revision</li> </ul>			Review complete	Plan for refresh or revision complete

**P14 - STRATEGIC AIM 3**

Set and maintain high standards of entry to and practice in a diverse profession

**What this means**

Poor advocacy standards undermine the rule of law and limit access to justice. Inadequately trained barristers might not uphold the professional principles of:

- independence and integrity;
- proper standards of work;
- observing the best interests of the client and the duty to the court; and
- maintaining client confidentiality.

We will set and maintain high standards of entry to the profession through the minimum requirements we impose relating to education and training of barristers. We will continue to set and monitor high standards for qualified and practising legal professionals. We will carry out clear and consistent enforcement activity based on fair but robust decision making. Our disciplinary processes will continue to be transparent and both the public and the profession will continue to have confidence in them. The BSB is committed to encouraging an independent, strong, diverse and effective legal profession. It is important that the composition of the Bar reflects the community it serves and that the public has confidence in the legal system and the role of barristers.

**Measuring our performance**

<b>What success will look like by 2016</b>	<b>How we will measure success</b>
a) we will be supervising and enforcing on the basis of a new Code of Conduct / Handbook	Handbook – Yes / No
b) the regulated community, including Education and Training providers, will be achieving high levels of compliance, and delivering quality services to the public	Number of internal complaints raised Number of reports of serious misconduct Number of referrals from the Supervision department to the Professional Conduct department (against benchmark) Chambers information (eg money laundering, first tier complaints etc) to establish baseline data Outcomes on Bar Professional Training Course across three years; reducing numbers of triggered interventions per provider site.
c) We will have more complete information on the diverse make-up of the regulated community	Increased disclosure across all protected characteristics (achievement against target)

This strategic aim encompasses the things that we do daily to regulate barristers: our “business as usual”. We continue to quality assure the provision of the Bar Professional Training Course and administer the centralised examinations for that course. We have implemented the new Handbook through all parts of the organisation, which coincided with the introduction of a new supervisory regime (as our supervision regime is very closely linked to our risk-based approach, it is expanded on further in relation to Strategic Aim 4 below). We have developed the entity authorisation processes. We have devolved more authorisation decisions to staff with appropriate oversight from our Board as necessary. All of these activities will continue throughout the 2015-16 year.

We have made a number of changes to our day to day work over the last two years too. We have looked for opportunities to increase efficiency and effectiveness, such as changing the CPD accreditation regime to focus on providers and the quality of their provision rather than accrediting all individual courses.

We worked with other regulators to commission the Legal Education and Training Review (LETR), which was published in June 2013. That report has led to a major programme of work being started: Future Bar Training (FBT). This programme forms the majority of the significant work that we will undertake in this area during 2015-16. New policies for all parts of the training of the Bar will be developed – academic, vocational and professional stages as well as continuing professional development. This is a large, wide ranging piece of work and is one of our key activities for the coming year.

We will also undertake work to better understand equality and diversity issues and make improvements to our enforcement regime.

We estimate that work towards achieving this aim in 2015-16 will require xx% of our directly controlled resources (£xxxk). (to be completed following Finance Committee confirmation)

**P15 - STRATEGIC AIM 3 (continued)**

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Define the benchmark that describes the knowledge and skills that all newly-qualified barristers should possess</li> </ul>	Consult on draft professional statement	Board agree professional statement  Statement Published		
<ul style="list-style-type: none"> <li>Align education and training policies with our new approach to regulation.</li> </ul>	Informal consultations on existing policies (inc. Qualification Rules)		Draft new Qualification Rules	Consult on new Qualification Rules and submit to LSB for approval
<ul style="list-style-type: none"> <li>Establish a more flexible approach to CPD, including pilot of the new scheme and consultation</li> </ul>		Consultation on new approach to CPD	Review pilot outcomes and consultation responses	Finalise CPD scheme and submit to LSB for approval
<ul style="list-style-type: none"> <li>Review how the BSB manages and shares data to support its regulatory objectives in education and training</li> </ul>	Completed audit and agreed data standards	Agreed data collection processes		
<ul style="list-style-type: none"> <li>Improve access routes into the profession</li> </ul>	Consultations on vocational element of training for the Bar and pupillage		Board agree policy on future of vocational elements of training for the Bar and pupillage  Report to the Board on our regulatory locus on diversity in education and training	
<ul style="list-style-type: none"> <li>Reassess regulation of the academic stage</li> </ul>	Consultation on Academic Stage		Board agree policy on future of Academic Stage	

## Part 1 - Public

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Publish Centralised Assessments Review and devise implementation plan for recommendations</li> </ul>	Report published and implementation initiated			
<ul style="list-style-type: none"> <li>Implement recommendations from the evaluation of the Bar Course Aptitude Test assessment</li> </ul>	Agree actions and plan implementation on the basis of first cycle of evaluation			
<ul style="list-style-type: none"> <li>Review procedures for determining applications to the Qualifications Committee</li> </ul>	Undertake a review of delegations	Implement outcomes of review		
<ul style="list-style-type: none"> <li>Publish three-yearly report on diversity in complaints</li> </ul>	Extract and analyse diversity data relating to complaints	Present to E&D Committee	Board to consider any recommendations	Publish report
<ul style="list-style-type: none"> <li>Evaluate the enforcement strategy with regards to risk-based and outcomes-focussed regulation including entity regulation</li> </ul>	Enforcement strategy evaluated and updated in light of entity regulation	Enforcement strategy approved by the Board  Updated Enforcement strategy published	Ongoing evaluation	
<ul style="list-style-type: none"> <li>Consult on and implement changes arising from the review of the Disciplinary Tribunal Regulations</li> </ul>	Consultation period begins	Consultation period ends – responses reviewed  Revised DT Regulations presented to the Board	LSB approval of new regulations  Commence use of Regulations	

**P16 - STRATEGIC AIM 4**

Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market.

**What this means**

We are implementing a framework for regulatory standards which depends on identifying risk and using evidence on which to base all regulatory decisions. Our resources are derived from the fees which members of the profession earn from their clients. It is in the interests of consumers, members of the profession, and the general public, that our resources are targeted at the areas of the greatest risk to the public. We will develop a risk identification framework and ensure that regulatory decisions are made on the basis of evidence we have gathered, for example from our research or supervision activity.

Increasing numbers of barristers seek to further expand the range and value of services they deliver internationally and providers of legal education increasingly seek to operate in a global market – some have sought to have their overseas courses accredited by the BSB.

Many non-EU citizens are called to the Bar in England and Wales by an Inn of Court, having completed the Bar Professional Training Course. They then return overseas to practise, often drawing on their England and Wales qualification to competitive advantage.

We will consider in greater detail the impact of a globalised legal services and legal education market and whether we need to adopt specific approaches to the international activity of those we regulate.

**Measuring our performance**

<b>What success will look like by 2016</b>	<b>How we will measure success</b>
a) we will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision making	Document Management System (DMS) – Yes / No Intranet – Yes / No Risk Assessment framework in place – Yes / No Policy framework in place – Yes / No Comprehensive use of the Biennial Survey and Bar Barometer data to inform regulatory framework development
b) we will have attained a “satisfactory” rating against the LSB’s standards framework in this area	Satisfactory – Yes / No

The BSB seeks to use risk assessment and evidence to ensure that it targets its regulatory action where it is most needed. In 2015, the BSB will publish its first risk index and risk outlook. The risk index will outline our assessment of the risks associated with the provision of legal services and which could impact on the BSB’s ability to meet our regulatory outcomes. The risk outlook will set out the BSB’s views of the legal services market and the risks to the regulatory objectives associated with regulating the barrister’s profession within that market. These documents will inform our strategic and operational priorities and ensure that we are operating in a proportionate and targeted manner.

Over the last 12 months, and allied to the work on risk, the BSB has introduced risk-based supervision of chambers and put in place a risk framework for its enforcement decisions. Under risk based supervision, all Chambers are risk assessed and regulated according to

**Part 1 - Public**

their risk profile. The highest risk Chambers will be subject to the greatest level of supervision. The purpose of supervision is to develop constructive relationships with the profession to help them to manage risk and to reduce the likelihood of non-compliance with the regulatory requirements. The risk framework for enforcement is designed to ensure that disciplinary action is reserved for those cases that present the greatest risk to the public interest and the wider regulatory objectives of the Legal Services Act. The two approaches work hand in hand to ensure that standards at the profession are maintained.

Our research strategy is designed to develop a more informed view of the legal services market. The market is going through significant change and understanding those changes and their impact on the provision of legal services will be critical to effective policy making and regulation. It also plays an important role in ensuring that the education and training of barristers is relevant to meet the expectations of the market that the barrister's profession serves. In the coming year we will publish our research strategy and plan, showing what we're doing and how it will improve our evidence base and understanding of risk. Understanding those who use barristers' services or are affected by their work will be an important aspect of our research activity. We will look to learn from our engagement activities (as outlined in relation to Aim 2) as part of this.

All parts of the BSB and its activity will be involved in the development of our risk approach and its supporting evidence base: it is a key development area for the coming year.

We estimate that work towards achieving this aim in 2015-16 will require xx% of our directly controlled resources (£xxk). (to be completed following Finance Committee confirmation)

**P17 - STRATEGIC AIM 4 (continued)**

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Embed the regulatory risk framework and carry out thematic reviews</li> </ul>		Publish risk framework and risk index		Publish regulatory risk outlook
<ul style="list-style-type: none"> <li>Risk based supervision</li> </ul>	Complete risk profiling and related supervision of all high impact chambers		Complete risk profiling and related supervision of all medium impact chambers	
<ul style="list-style-type: none"> <li>Implement a refreshed research strategy</li> </ul>		Research strategy and plan revised in line with risk framework development	Research plan commences	

**P18 - STRATEGIC AIM 5**

Strive for “best practice” as an organisation for those who work for us and those whom we serve

**What this means**

We seek to operate to the highest standards as a regulator with the resources available to us. We will make improvements in our infrastructure and the standard of corporate services we receive. We will simplify our processes and be as “lean” as we reasonably can, and maintain networks with other professional regulators to ensure best practice is achieved.

We seek to make a step change in our culture and internal organisation to better reflect the values of integrity, excellence, fairness, respect and value for money. We will make improvements to our governance in line with these values and the regulatory standards framework. We will invest in our people through a learning and development strategy focused on our new approach to regulation and building the capacity and capability to execute it. Much of this work has been incorporated in a formal change programme running throughout the life of the strategic plan.

**Measuring our performance**

What success will look like by 2016	How we will measure success
a) we will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	Capacity to undertake Activity Based Costing – Yes / No Benchmark against costs of other regulators (establish a range)
b) we will have improved turn-around times in relation to case handling in complaints and qualifications / waivers	Set baseline / targets and improve over period to 2016
c) the organisation will have a different, improved “feel” for users and staff	Staff survey improving year on year from 2010 baseline Biennial Survey statistics – baseline 2011; surveys in 2013 and 2015 Education providers’ feedback User satisfaction survey (enforcement, supervision) Pupil survey

We have been engaging in an internal change programme to further this strategic aim. At the outset this was undertaken under a specific programme: The Regulatory Improvement Programme (“TRIP”). This formally closed in July 2014 but the activities continue, in part to ensure that we achieve a “satisfactory” rating against the Legal Service’s Board’s Regulatory Standards Framework. We are working hard to ensure we achieve that rating during this financial year and, building on the success of TRIP, have initiated a second, narrower but integrated formal change programme to assist with our work on risk based regulation, governance and our consumer focus.

An important part of our development under the TRIP programme has been to learn better from what we know. To that end, we want to do some additional work to understand the experiences of the people we term “complainants” in our disciplinary system, ie those people who draw issues about barristers’ conduct to our attention. Those people show greater levels of dissatisfaction than barristers do. We want to understand that better and then make changes designed to improve their experience.



## Part 1 - Public

Last but by no means least, a central area of work in this coming year is to develop the next strategic plan and, crucially, to revise our governance structures and in particular the role of our committees. The current structure has been in place for some time and we have therefore undertaken a review of the effectiveness of our governance arrangements. Ensuring that our governance is structured in a way that supports our work, minimising delay and maximising the opportunity for good decision making, is vitally important. Regulators need a combination of capable and confident staff and access to non-executive technical and expert advice. Our aim is to put in place new governance arrangements that enable the executive and the non-executive functions of the BSB to operate effectively together to deliver our business objectives.

We estimate that work towards achieving this aim in 2015-16 will require xx% of our directly controlled resources (£xxxk) (to be completed following Finance Committee confirmation).

**P19 - STRATEGIC AIM 5 (Continued)**

Key activity (for 2015-16)	Time			
	Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> <li>Develop the 2016-19 Strategic Plan</li> </ul>		Development of draft plan completed	Consult on new strategic plan	Publish new strategic plan
<ul style="list-style-type: none"> <li>Complete review of governance structures, and implement outcomes</li> </ul>	Blueprint for new governance structure agreed		New Standing Orders agreed	Committee revisions implemented
<ul style="list-style-type: none"> <li>Achieve a rating of "satisfactory" against the LSB's Regulatory Standards Framework.</li> </ul>		Contribute to LSB's RSF assessment process	Contribute to LSB's RSF assessment process	Achievement of "satisfactory" reflected in LSB reports and own analysis by end of Q4
<ul style="list-style-type: none"> <li>Implement outcomes of user feedback survey research</li> </ul>			User feedback survey research presented to the Board	Commence implementation of recommendations arising from the research  Continue to implement recommendations arising from the research

**P20 - RISKSTO DELIVERY**

There are a number of uncertainties that have the potential to undermine our successful delivery of the plan in the coming year.

It remains unclear what the take-up will be for entity regulation. Our predictions of how many applications will be received may prove incorrect and so our costs and income in this area

**Part 1 - Public**

may be uncertain. A drop in demand for any of the services for which we make a direct charge for could have the same effect.

A number of our activities are subject to current Court proceedings or could become subject to them (most commonly by way of judicial review). The current Court proceedings have the potential to delay programmes of work or to incur additional cost: at worst they could require significant alterations to our regulatory arrangements.

At the time of finalising this plan, the Legal Services Board had not yet finalised its business plan for the coming year. While we have some idea of the kinds of areas it will be focusing on from its consultation, we do not yet know what their work programme will contain. This has the potential to require us to do something we have not planned for, or to do something we have planned in a different way. Either way, there could be an impact on our ability to deliver as set out in this plan.

This is of course an election year. It is not clear what priority any new government would place on legislative reform in the legal services sector. If that were to be an area of action, that would have an impact on our plans and we would have to reprioritise in order to support any legislative change programme.

Finally, we are reviewing some of the services that we currently outsource. If we revise or refresh our contractual arrangements, this is likely to have an impact upon how we resource and deliver the relevant services as well as the income we receive from them where applicable.

**P21 - STRATEGIC DASHBOARD**

This page shows the 'dashboard' performance reporting that we will be using this year. We will give an overall picture of progress against each of our strategic aims, then an update on our key programmes of work and service standards, as well as our corporate resources and risks. This will be reported to our Planning, Resources and Performance Committee as well as to the Board.

Our strategic aims				
Implement 'Public interest' regulatory regimes	Promote greater public and professional understanding	High standards of entry to and practice in the profession	Be more evidence- and risk-based	Strive for best practice
Our key projects and service standards				
<b><i>To be updated with key projects</i></b>				
Our corporate resources and risks				
Financial resources	Staff resources	IT	Good governance and risk management	

## P22 - EQUALITY STATEMENT

The BSB is committed to improving diversity in the profession and its internal workforce and ensuring that equality considerations are factored into the delivery of BSB functions.

The promotion of equal access to, and diversity within the profession is the right thing to do and helps to combat social injustice. It is unlawful for a person to experience disadvantage on the basis of a protected characteristic. All our staff and those with whom we engage are entitled to be treated with dignity, respect and be part of an environment that is free from barriers.

A profession which is representative of the people it serves is more likely to meet the diverse needs of clients, and be more effective. The BSB will work more productively if we maintain an inclusive workplace free from discrimination.

We have a number of general and specific legal duties arising from the Equality Act 2010. The BSB's commitment to equality and diversity is significant in fulfilling its regulatory objective of 'encouraging an independent, strong, diverse and effective legal profession' as set out in the Legal Services Act 2007.

We will work to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between all people, but particularly those who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The BSB has an equality strategy and objectives which set out how we will deliver our commitment to improve diversity and how we will ensure equality of opportunity. We carry out equality impact analyses of all projects, policies and initiatives. We provide equality training for staff, committee and Board members. We collect and examine equality data both on the profession and those that use the BSB's services. We engage with equality stakeholders as they are a key source of ideas and provide essential feedback on the BSB's work. We conduct research into the effect of our policies and processes as well as access and retention within the profession.

## P23 - GOVERNANCE

The Board shapes the BSB's strategy and has ultimate responsibility for what the BSB does and for carrying out all regulatory functions of the Bar Council. See what the BSB does on page four.

The Board ensures that:

- appropriate risk management and effective internal control systems are in place; and
- the necessary management information systems exist to assess the BSB's performance and progress in meeting its objectives, including the evaluation of operational effectiveness and efficiency, compliance with laws and regulations and the reliability of management and financial information.

Our Board is made up of a combination of lay people and barristers. It is also assisted by four non-voting Special Advisers.

**Chair:**

Sir Andrew Burns KCMG

**Vice-Chair:**

Ms Patricia Robertson QC

**Barrister Members:**

Ms Justine Davidge  
Mr Simon Lofthouse QC  
Mr Sam Stein QC  
Andrew Mitchell QC  
Adam Solomon  
Vacancy

**Lay Members:**

Ms Rolande Anderson  
Mr Rob Behrens  
Dr Malcolm Cohen JP  
Mr Tim Robinson  
Professor Andrew Sanders  
Mr Richard Thompson  
Dr Anne Wright  
Nicola Sawford (joins the Board from September 2015)

**Special Advisers (non-voting):**

Ms Sarah Brown  
Mr Matthew Nicklin QC  
Ms Emily Windsor  
Keith Baldwin

Our Board runs its work through eight committees:

- Education and Training Committee
- Equality and Diversity Committee
- Governance, Risk & Audit Committee
- Planning, Resources & Performance Committee
- Professional Conduct Committee
- Qualifications Committee
- Standards Committee
- Supervision Committee

The Education and Training Committee is responsible for setting the standards of education and training that people must reach before being able to practise as barristers, together with the further training requirements that barristers must comply with throughout their careers.

The Equality and Diversity Committee is responsible for ensuring that the BSB's functions have given due consideration to eliminating discrimination and promoting equality.

The Governance, Risk & Audit Committee is responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the internal risk management framework and the BSB's internal assurance programme. The Committee also reviews reports from the Independent Observer.

**Part 1 - Public**

The Planning, Resources & Performance Committee supports the work relating to the development of strategic direction and plans for the BSB. It oversees financial performance against objectives and targets and considers whether proposed funding is adequate and effectively allocated across the business. The Committee also advises on how the BSB monitors, measures and reports performance to best effect, with appropriate transparency and in a timely and consistent manner.

The Professional Conduct Committee is responsible for investigating complaints and taking enforcement action against barristers that have breached the Code of Conduct.

The Qualifications Committee is responsible for looking at individual applications from people wishing to become barristers but who may be exempted from the normal training requirements.

The Standards Committee is responsible for the Code of Conduct which all barristers must comply with and issuing guidance on good practice.

The Supervision Committee is responsible for considering policy on matters relating to supervision of barristers, chambers and entities

**P24 - ORGANISATIONAL CHART** *(figures to be finalised)*

This shows the number of staff working at the BSB (headcount) and the number of full-time positions that this equates to (full-time equivalents or FTEs).

Each figure includes the member of the management team named above the figures (eg headcount of three includes the Director General, and two support staff).

At the 1 April 2014 we had 84 people (or 80.5 FTEs) and from the 1 April 2015 we will have 83 people (or 80.7 FTEs).

This decrease supports our aim to have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years. We are planning for this trend to continue and the staffing structure will be streamlined to support our much more substantive risk-based regulation framework.

Director General Vanessa Davies				
3 people 3.0 FTEs				
Director of Education and Training Simon Thornton-Wood	Director of Regulatory Policy Ewen Macleod	Director of Supervision Oliver Hanmer	Director of Professional Conduct Sara Jagger	Director of Strategy and Communications Amanda Thompson
21 people 20.5 FTEs	12 people 12.0 FTEs	11 people 10.6 FTEs	26 people 24.0 FTEs	13 people 12.6 FTEs

## Part 1 - Public

**P25 - OUR BUDGET (all figures to be finalised)**

Our budget year runs from 1 April 2015 to 31 March 2016 and the budget that the BSB controls directly for this period is £5,436k.

2015-16 Direct expenditure  
£5,436k

2015-16 Direct income from sources other than PCF  
£1,875k

We are pleased to state that we have kept the increase to our direct expenditure at a minimal level as the significant work relating to the governance review, risk-based regulation and the Future Bar Training will be challenging to deliver within our resource envelope.

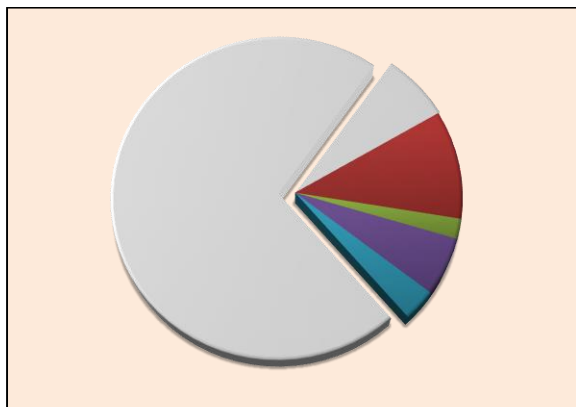
We are projecting a similar level of direct income (£1,875k) for the 2015-16 financial year compared to previous years. There are risks associated with this increase, as with new activities such as Entity Regulation it is difficult to predict the number of applications we will receive. The marked increase in Qualifications Committee Applications income also carries a risk as it is difficult to forecast how demand will be affected.

**How is the BSB funded?**

Part of our income comes from charges we make for services we provide. We describe that kind of income as "income streams directly controlled by the BSB". Directly controlled income streams include the fees from Bar Professional Training Course (BPTC) providers, the Bar Transfer Test (BTT) and Continuing Professional Development (CPD) course provider accreditation. The remainder of the BSB's funding is from practising certificate fees together with contributions from the Inns of Court. Those income streams are not directly controlled by the BSB.

**Figures to be finalised**

<b>Income streams directly controlled by the BSB</b>	<b>£k</b>
Assessments (including the Bar Course Aptitude Test (BCAT))	163
Education and Training (including BPTC, BTT and CPD accreditation)	977
Qualifications	477
Entity Regulation	258
<b>Total BSB controlled income</b>	<b>1,875</b>
Practising Certificate Fee contributions	tbc after Finance Committee
Inns' subvention	tbc after Finance Committee
<b>Total BSB income</b>	<b>tbc after Finance Committee</b>



*How is the BSB funded?*

### **P26 – The Practising Certificate Fee (PCF)**

The Bar Council approves our budget and collects our funding. It is seeking to collect the same amount from the PCF in 2015-16 as achieved in 2014-15.

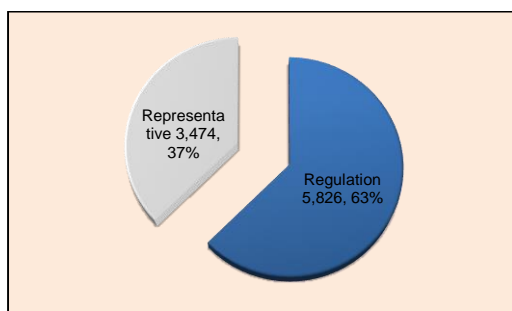
#### **Rationale**

The Bar Council set out its rationale for the compilation of the overarching budget. The headlines for 2015-16 are:

- The Bar Council intends to keep the total PCF income collected at a similar level to 2013-14 and 2014-15;
- Non-PCF income streams directly controlled by the BSB are expected to increase;
- Non-PCF income streams directly controlled by the Bar Council is expected to rise as it diversifies its revenue sources;
- The Bar Council will also embed cost reduction targets into its expenditure plans; and
- The planned surplus will be used to fund items such as the shared defined benefit pension scheme and reserves to support future property-related expenditure.

#### **The PCF explained**

The PCF can only be spent on the activities that are permitted under s51 of the Legal Services Act 2007. Regulation is a permitted purpose and so a significant proportion of the practising certificate fee is spent by the BSB. However some of the Bar Council's activities are also "permitted purposes" so a portion of the PCF is also spent by the Bar Council on activities managed wholly separately from the BSB.



*What are PCF funds spent on?*

From 2015, the basis of charging for the PCF changes to one based upon income band. Barristers are expected to self-declare the correct fee payable according to the gross income received in the previous financial year. Whilst the Bar Council is not able to assess the

**Part 1 - Public**

impact on any one individual barrister as a result of this fee change, the overall average PCF collection target for 2015 remains consistent at £605 per barrister (£606 per barrister 2014).

Under these rules, the Bar Council has consulted on its budget and PCF proposals with the profession and has received approval of both from the Legal Services Board. A copy of the consultation paper for the 2015/16 PCF and budget is on the [Bar Council's website](#).

The statutory fee due will depend on the gross income declared.

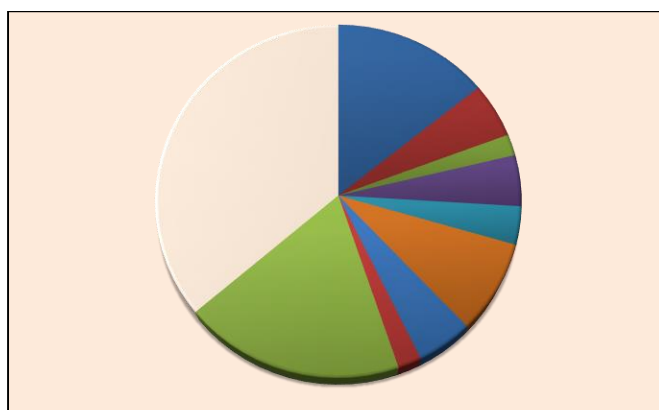
<b>Income Band</b>	<b>PCF</b>
£0 - £30,000	£100
£30,001 - £60,000	£200
£60,001 - £90,000	£400
£90,001 - £150,000	£725
£150,001 - £240,000	£1,100
£240,001 and above	£1,500

**Regulation – the costs explained (figures to be finalised)**

The BSB has direct control of a budget of £5,436k for 2015-16. Those funds will be spent on each of the areas shown overleaf/below.

However, this does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the Resources Group<sup>1</sup> to carry out support work (HR, IT and Finance etc). The Resources Group budget is managed separately; part of that budget is apportioned to the BSB.

Also attributable to the BSB expenditure is its proportion of Bar Council costs relating to corporate provisions, which includes pension costs, sinking fund, and reserves.

**Financial Pie Chart to be updated (displayed here for illustrative purposes only)**

*How will we spend our budget?*

**Figures to be finalised**

<sup>1</sup> Resources Group was previously Central Services



## Part 1 - Public

How will we spend our budget	
<b>Budgets controlled directly by the BSB</b>	<b>Total budget (£k)</b>
Professional Conduct (Disciplinary)	1,275
Education and Training	454
Assessments	421
Qualifications	314
Future Bar Training (post the Legal Education and Training Review)	174
Regulatory Policy	685
Supervision	449
Entity Regulation	183
Governance / Management (Board, Executive, Strategy and Communications, Research)	1,481
<b>Total</b>	<b>5,436</b>
<b>Budgets not directly controlled by the BSB</b>	
	<b>(£k)</b>
Resources Group (previously Central Services)	tbc following Finance Committee
Provisions	tbc following Finance Committee
Contingency	tbc following Finance Committee
<b>Total</b>	<b>tbc following Finance Committee</b>
<b>Total cost of Regulation</b>	
	tbc following Finance Committee

**P28 - CONTACT US**

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

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

**Write to us:**

Bar Standards Board  
289-293 High Holborn  
London WC1V 7HZ

DX: 240 LDE

Phone us: 020 7611 1444  
Fax us: 020 7831 9217

contactus@barstandardsboard.org.uk  
www.barstandardsboard.org.uk  
Twitter: @barstandards

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BSB LOGO  
Bar Standards Board  
289-293 High Holborn  
London WC1V 7HZ

DX: 240 LDE

Tel: 020 7611 1444

Fax: 020 7831 9217

[contactus@barstandardsboard.org.uk](mailto:contactus@barstandardsboard.org.uk)

[www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

Twitter: @barstandards

## Future Bar Training: Professional Statement consultation

### Status:

1. For decision.
2. Public.

### Executive Summary:

3. This paper summarises key progress made in the development of the Professional Statement and associated consultation document, and outlines proposed next steps for the project.

### Recommendations

4. The Board is asked to **approve** that the Professional Statement consultation be launched in April 2015, subject to prior Education and Training Committee approval being given at their meeting on 19 March 2015.

### Background

5. The Professional Statement is an essential component of the Future Bar Training programme, agreed by the BSB Board in 2014. The development of a Professional Statement addresses specific recommendations of the Legal Education and Training Review report (2013), and will provide a clear and objective point of reference for the regulation of Bar training and the development of training pathways. In the immediate future, the focus of these is on other Future Bar Training activities currently being undertaken.
6. The Education and Training Committee agreed the constitution of a Working Group to guide the project. The Working Group membership is: Robin Field-Smith (Chair), Emily Windsor, Tope Adeyemi and Stuart Weinstein.

### Comment

7. Following some initial delays and the disruption of staff departure, the project is on track for delivery, albeit one month behind the original schedule set out in the Programme Initiation Document.
8. A number of versions of the Professional Statement and associated consultation document have been developed in partnership with the Working Group. These were informed by a range of qualitative and quantitative research findings, which are described in the consultation document (Appendix B).
9. The BSB Board and Education and Training Committee have been provided with an overview of the statement, its structure and content at recent meetings. Feedback on the direction of travel has been positive in all instances.
10. At their meeting of 10 February 2015, the Education and Training Committee endorsed the proposed consultation approach, upon which the appended consultation document is based.

11. The Education and Training Committee will meet on the evening of 19 March 2015 to decide whether to approve that the consultation can go live, subject to subsequent approval from the BSB Board. A verbal report will be provided on the recommendation of the Committee.
12. An update, setting out the decision of the Committee, will be circulated to Board members shortly after the meeting of the Committee.

### **Next steps**

13. The Working Group has endorsed the following proposal for next steps in developing the Professional Statement.
  - a. Communications materials (including revised web copy) will continue to be developed in anticipation of a late-March / April 'go-live' date for the consultation.
  - b. Consultation on the Professional Statement is proposed for the period March to June 2015.
  - c. Subject to the consultation not giving cause to fundamentally reassess the proposition, the final version of the Professional Statement will be submitted for agreement by the Education and Training Committee at their meeting on 7 July 2015, and the BSB Board at their meeting on 26 July 2015.

### **Resource implications**

14. The Professional Statement has been drafted by a consultant, Judith Willis. Judith is contracted to develop the draft statement and consultation, and subsequently revise the statement, post-consultation. Costs have been accommodated within the programme budget

### **Equality Impact Assessment**

15. An equality analysis of this project has been undertaken and is attached as Appendix C.
16. These risks are being monitored by the project team. A full equality impact analysis will undertaken once a new version of the statement has been drafted, post-consultation.

### **Risk implications**

17. A number of other Future Bar Training workstreams are dependent on the completion of the Professional Statement. Of particular note, changes to Academic Stage, Vocational Stage and Pupillage regulatory policy will be informed by the findings of the Professional Statement consultation. As such, delays to launching the consultation may result in consequential delays to the completion of these projects. At the extreme, significant delay to the launch of the Professional Statement consultation could result in the BSB being unable to launch the new regulatory regime in September 2016, in preparation for 2017 go-live of revised regulatory policies.
18. A consultation on changes to Academic Stage, Vocational Stage and Pupillage regulatory policy is scheduled for June 2015, while a consultation on continuing professional development (CPD) regime changes will closely precede or follow it. As such, a delay in launching the consultation may also result in this consultation having to be scheduled within the same time period. This would likely result in 'consultation fatigue' which, in turn, would risk reducing anticipated numbers of consultation submissions.

### **Consultation**

19. The consultation has been piloted with a number of stakeholders, including barristers and legal academics, to ensure it is fit for purpose. Minor changes have subsequently been made, but responses to the structure and content of the document have been very positive.
20. The Professional Statement working group have agreed that the appended documents are fit for consultation.
21. The BSB Communications Team have approved the consultation document.

### **Regulatory objectives**

22. The development of the Professional Statement will contribute to the achievement of the following regulatory objectives:
  - a. protecting and promoting the public interest
  - b. protecting and promoting the interests of consumers
  - c. encouraging an independent, strong, diverse and effective legal profession
  - d. promoting and maintaining adherence to the professional principles.

### **Publicity**

23. Communications materials are currently being developed. These include email copy to support the launch of the statement, web copy and a press release. These will be supported by messaging via social media.

### **Annexes**

24. Annex A: Professional Statement  
Annex B: Consultation document  
Annex C: Professional Statement equality analysis

### **Lead responsibility**

Tim Keeling, Change Programme Manager



# BAR STANDARDS BOARD

REGULATING BARRISTERS

## Future Bar Training programme Professional Statement for Barristers



## 1. Technical legal characteristics

A barrister will:

- Overall knowledge, skills and attributes
- 1.1 **Have a knowledge and understanding of the key concepts and principles of public and private law.**
  - 1.2 **Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.**
  - 1.3 **Exercise good communication skills, through any appropriate medium and with any audience.**
  - 1.4 **Exercise good English language skills.**
  - 1.5 **Employ effective research skills in all subjects relevant to their work.**
  - 1.6 **Apply effective analytical and evaluative skills.**
  - 1.7 **Provide clear, concise and accurate advice in writing and orally.**
  - 1.8 **Negotiate effectively.**

Advocacy

- 1.9 **Draft court and other legal documents which are clear, concise, accurate and well-balanced.**
- 1.10 **Draft skeleton arguments which present the relevant facts and arguments in a clear, concise and well-structured manner.**
- 1.11 **Have fluent oral advocacy skills.**

Professional standards

- 1.12 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**
- 1.13 **Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**
- 1.14 **Know how to conduct themselves appropriately in court.**

## 2. Working with others

A barrister will:

- At work
- 2.1 **Understand and apply principles of team working where appropriate.**
  - 2.2 **Nurture positive relationships with all they encounter at work.**
  - 2.3 **Treat all people with respect and courtesy, regardless of their background or circumstances.**
  - 2.4 **Respond appropriately to the needs and sensitivities of those from diverse backgrounds and circumstances.**
  - 2.5 **Understand and exercise their duty to act in the best interests of their client.**
  - 2.6 **Where appropriate, keep clients informed of case progress in a clear and timely manner and manage their expectations.**

Lay clients

- 2.7 **Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.**



### 3. Management of practice

A barrister will:

Personal practice management

- 3.1 **As appropriate, possess a strong understanding of the specific implications of being a:**
  - 3.1.1 self-employed barrister
  - 3.1.2 employed barrister.
- 3.2 **Possess sufficient understanding of organisational and management skills to be able to maintain a healthy practice.**
- 3.3 **Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.**

At workplace level

- 3.4 **Understand the business systems and structures within which they work and which support their delivery of a professional service.**

Professional compliance and work

- 3.5 **Maintain the confidentiality of their clients' affairs, including by the use of secure information and communications technology methods.**
- 3.6 **Exercise good time-keeping.**
- 3.7 **Where necessary, be diligent in keeping good records and files of cases.**

### 4. Personal values and standards

A barrister will:

- 4.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**
- 4.2 **Be honest in their dealings with others.**
- 4.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating discrimination, in themselves or others.**
- 4.4 **Make sound judgements in their work.**
- 4.5 **Ensure they are fully prepared.**
- 4.6 **Ensure their work does not incur unnecessary fees.**
- 4.7 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**
- 4.8 **ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to develop their knowledge and skills.**

## 1. Technical legal characteristics

A barrister will:

- Overall knowledge, skills and attributes
- 1.1 **Have a knowledge and understanding of the key concepts and principles of public and private law.**  
They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, and be able to apply this as necessary.
- 1.2 **Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.**  
They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practice. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. This will include the rules relating to jurisdiction, evidence, remedies and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.
- 1.3 **Exercise good communication skills, through any appropriate medium and with any audience.**  
They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background. Specifically, these skills will include: -
- listening
  - speaking
  - reading
  - writing
  - observing
  - recognising and responding to non-verbal cues.
- which may be exercised using appropriate technology to assist where such assistance is made essential through the needs of disability.
- 1.4 **Exercise good English language skills.**  
They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex detailed argumentation. They will use correct English grammar, spelling and punctuation.
- 1.5 **Negotiate effectively.**  
They will be able to assess the essential goals and requirements of their client and ascertain those of other parties and the strength of each party's case on the basis of the evidence. They will use their assessment of these, the available options and the legal system, to evaluate the possible outcomes if the negotiation is unsuccessful. They will use this knowledge and understanding to seek to develop compromises enabling an agreement between the parties that satisfy their own client's essential goals and requirements.

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- 1.6 **Employ effective research skills in all subjects relevant to their work.**  
They will be able to identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will be able to research these legal and non-legal issues, using all appropriate media, accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of their research and presenting those results clearly and accurately.
- 1.7 **Apply effective analytical and evaluative skills to their work.**  
They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.
- 1.8 **Provide clear, concise and accurate advice in writing and orally.**  
Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone.

Advocacy

- 1.9 **Draft court and other legal documents which are clear, concise, accurate and well-balanced.**  
They will be able to draft standard court documents, including claim forms, statements of case, witness statements, application notices, consent orders and appeal documents. They will be able to draft these documents in clear language which focusses on the issues relevant to the case.
- 1.10 **Draft skeleton arguments which present the relevant facts and arguments in a clear, concise and well-structured manner.**  
Skeleton arguments will comply with any applicable rules. They will cite authorities in an appropriate manner.
- 1.11 **Have fluent oral advocacy skills.**  
They will be able to communicate their client's case effectively. They will be able to deliver coherent and concise submissions. They will be able to cite legal materials correctly. They will be able to handle witnesses appropriately, in accordance with the rules of the court and in a manner which focusses on the real issues in the case.

Professional standards

- 1.12 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**  
They will clearly understand a barrister's core duties and apply them in all aspects of their work.

## Part 1 – Public

- 1.13 **Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**  
They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.
- 1.14 **Know how to conduct themselves appropriately in court.**  
They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

## 2. Working with others

A barrister will:

- At work
- 2.1 **Understand and apply principles of team working where appropriate.**  
They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work co-operatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.
- 2.2 **Nurture positive relationships with all they encounter at work.**  
They will build and maintain rapport and respect with all those they meet in their work, acknowledging and engaging with others' expertise where appropriate and ensuring the progress of work is communicated wherever necessary in a timely manner. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, sharing their own expertise where appropriate.
- 2.3 **Treat all people with respect and courtesy, regardless of their background or circumstances.**  
They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how empathy may be demonstrated and where and act accordingly.
- 2.4 **Respond appropriately to the needs and sensitivities of those from diverse backgrounds and circumstances.**  
They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.
- 2.5 **Understand and exercise their duty to act in the best interests of their client.**  
They will apply this core barrister's duty in every case except where it conflicts with their duty to the court in the administration of justice.
- 2.6 **Where appropriate, keep clients informed of case progress in a clear and timely manner and manage their expectations.**  
They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be

## Part 1 – Public

able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their matter and communicate those effectively. This will include telling the client about developing options, possible outcomes and risks relating to their matter.

Lay clients

2.7 **Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.**

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and in particular the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

3. **Management of practice**

A barrister will: Personal practice management

3.1 **Where appropriate, possess a strong understanding of the specific implications of being a**

3.1.1 **self-employed barrister**

They will recognise that day-to-day management of these matters will often be handled by those employed by the barrister; however, they will have a sufficient understanding to enable them to supervise these areas of work effectively and accept responsibility for any delegated work, in particular their own tax obligations and adherence to the Code of Conduct for barristers in relation to accounting and financial matters.

3.1.2 **employed barrister**

They will understand the specific implications of being employed as a barrister. They will be able to identify and deal with any conflicts of interest that arise as a result of their employed status and will take responsibility for ensuring the administration of their practice is properly managed.

3.2 **Possess sufficient understanding of organisational and management skills to be able to maintain a healthy practice.**

They will have an awareness of skills such as time and project management, planning, record keeping, using IT effectively and personal development. They will analyse their own needs for such skills then acquire and apply them to a good standard where necessary. They will have a basic understanding of risk analysis so as to be able to apply it to their work.

3.3 **Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.**

They will ensure their workload is manageable. They will have a basic understanding of business continuity so as to be able to deal with unplanned circumstances. They will be sufficiently organised to ensure absences are planned so as to enable them to honour commitments.

At workplace level

- 3.4 **Understand the business systems and structures within which they work and which support their delivery of a professional service.**

They will be able to recognise the organisational structure in which they are working and their place within it. They will contribute to the efficient operation of that workplace where appropriate through such actions as the sharing of work when necessary, the developing of the business, and the creation of effective support systems.

Professional compliance and work

- 3.5 **Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.**

They will be aware of and be able to use either electronic or hard copy information management systems so as to ensure the confidentiality and security of their client's information as well as comply with current file storage and destruction regulations.

- 3.6 **Exercise good time-keeping in face-to-face or telephone encounters.**

They should attend meetings, conferences and court appearances punctually and fully prepared unless prevented by matters beyond their control.

- 3.7 **Where necessary, be diligent in keeping good records and files of cases.**

They will be able to identify situations where keeping records and files is their responsibility and in those circumstances they will ensure that the records they keep may be understood by others as well as themselves, are organised, accurate, contain sufficient details to portray a true record and are up-to-date.

#### 4. Personal values and standards

- A barrister will: 4.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

- 4.2 **Be honest in their dealings with others.**

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

- 4.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating discrimination, in themselves or others.**

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

- 4.4 **Make sound judgements in their work.**  
They will ensure their judgements are based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.
- 4.5 **Ensure they are fully prepared.**  
They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client's circumstances and goals, so as to be able to supply their client with a good standard of work.
- 4.6 **Ensure their work does not incur unnecessary fees.**  
They will establish with a client at the outset of any matter the basis for charging fees and then follow those arrangements in a cost-effective manner, not undertaking any work which they do not believe to be essential to promoting their client's goals.
- 4.7 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**  
They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.
- 4.8 **Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to develop their knowledge and skills.**  
They will be able to plan and develop their career by analysing their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.





BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

## Future Bar Training consultation: The Professional Statement

### **Foreword: Robin Field-Smith, Chairman, Professional Statement Working Group**

The Professional Statement will have a number of important uses.

First, it will be a key record of what a barrister should be aiming for at the beginning of their practising career. Those thinking of a career at the Bar, before they start their journey through university or the transfer route, will have a very clear view of the target they need to achieve. It will also be a practical benchmark while they are qualifying.

Secondly, providers of education and training will at last be able to see the standards to be achieved in terms of outcomes. This will ensure that there is no longer scope for interpreting the requirement and will contribute to quality and consistency.

Thirdly, barristers' clients, whether within the legal profession, or the wider public, will be able to see what they can legitimately expect of a newly qualified barrister, both knowledge, skills, and behaviours.

Finally, barristers will have a clear start point from which to move forward through their continuing professional development.

I am particularly grateful to my colleagues on the Working Group, Emily Windsor, Tope Adeyemi, and Stuart Weinstein, as well as the BSB officers, and our consultant, Judith Willis, for bringing the development work to this stage, and enabling a proper consultation.

I commend it to the Bar and all whom it serves to consider the draft carefully and let us know what you think.

### **Introduction**

1. This consultation paper is an essential component of the Future Bar Training (FBT) programme.
2. FBT is our programme for change in education and training. We hope that by changing how we regulate, we can:
  - a. make education and training for the Bar more consistent, innovative and flexible
  - b. remove unnecessary barriers to entry to the profession.

3. We are developing a Professional Statement which will describe the knowledge, skills and attributes that all barristers should have on their first day of practice. It will:
  - a. provide a clear and objective point of reference for the regulation of training for the Bar and the development of training pathways
  - b. be used to further define and set out the standard to be expected from any barrister at the point of call
  - c. provide a baseline for more detailed training specifications, education standards and establishing routes to authorisation.

The purpose of this consultation is to seek views on the draft it has produced. A copy of the Professional Statement is attached in Appendix A.

4. Once this consultation process is complete and the Professional Statement is in its final format, we intend to use it to create an associated 'Threshold Standard'. This will contain specific in-depth details (derived directly from the Professional Statement) of the standards which will be required of all barristers on 'day one' of their career at the Bar. This will further inform educators and trainers in their design of educational pathways, tools and qualifications, and those seeking entry to the profession on what they need to achieve. We will develop the Threshold Standard in collaboration with experts and specialists in education and training, drawn from the Bar and academia.
5. We have reviewed the proposals set out in this consultation paper to make sure they meet the outcomes specified by the Legal Services Board (LSB) in their Statutory Guidance on Education and Training, dated 4 March 2014.
6. This consultation document describes how we have developed the Professional Statement, and invites comments on its content.

### **The Professional Statement – barristers at point of authorisation**

#### **What is the Professional Statement?**

7. It is crucial that the Professional Statement captures the knowledge, skills and attributes that a barrister should have on entry to the profession. It will:
  - a. guide education and training providers about what courses they should develop to train barristers;
  - b. inform prospective barristers what they will need to demonstrate in order to qualify; and
  - c. inform other stakeholders what level of competence they can expect from a barrister at the point they are authorised to practise, and what activities barristers should be able to perform effectively from that point.

#### **The evidence base for the Professional Statement**

8. Research was undertaken to ensure that the Professional Statement is based on empirical evidence of barristers' key activities and attributes. The research took the following forms: -

Qualitative - method

We held five focus group workshops:

- London (two)
- Manchester
- Birmingham
- Bristol.

Sessions were facilitated by Adam Pacifico<sup>1</sup>, and introduced and observed by Simon Thornton-Wood, Director of Education at the BSB. These were attended by a good cross-section of the profession in terms of age, gender, seniority and areas of practice. At each session there was also at least one member of the group who was a legal educator.

Breakdown of numbers:

Date	Location	Number of attendees
13 November 2014	London	6
19 November 2014	London	8
26 November 2014	Manchester	6
27 November 2014	Birmingham	6
10 December 2014	Bristol	12

The process:

- a. At each location, attendees were asked to consider the following areas, one at a time:
  - ethics, professionalism and judgement
  - technical legal practice
  - practice management
  - working with others.
- b. We asked attendees to write their individual thoughts on what knowledge, skills and attributes (KSA) are essential for effective practice on entry to the profession, on individual post-it notes.
- c. We encouraged attendees (throughout this and the subsequent stages of the process) to focus on characteristics that are measurable, valid, reliable and fair.
- d. We then asked smaller groups of attendees to put those individual post-it notes on to a common “poster” grouping them into coherent sections.

<sup>1</sup> Adam qualified as a barrister in 1991. He is an accomplished public speaker having trained over 30,000 people in recent years nationally and internationally. Between 1994 and 1999, Adam took a career break and became a serving police officer with the Metropolitan Police, where he spent three years on the pro-active covert drugs team.

On returning to the private sector Adam held a number of roles including Head of Compliance for the College of Law of England and Wales, and Director and board member of BPP Professional Development.

Adam was appointed an accredited advocacy trainer for Inner Temple in 2005, a Crown Court Advocacy Assessor for the CPS in 2008, and in 2009 a member of the Covert Policing Ethics Committee based at New Scotland Yard. In 2011 Adam was the joint winner of the Law Society’s Excellence in Training Award for ‘Project Immerse’.

Part 1 – Public

- e. Attendees then annotated these posters to show any linkages between KSAs, as well as any additional comments (including where an attendee might disagree with another’s observation).
- f. Each smaller group then reviewed the remaining “posters”, again adding their own comments and analysis to create a rich picture of the entire group.
- g. This process was repeated for all four areas. Photographs of the resulting “posters” were taken for subsequent analysis.

Qualitative analysis and evaluation

The photographs produced by the focus groups were analysed at the Bar Standards Board to create a spreadsheet indicating response frequency under each area heading, as well as capturing additional comments.

The evidence of this analysis, combined with a further careful evaluation of the original photographs, was used as the basis for the Professional Statement. The original headings were amended after evaluation of the responses revealed that the KSAs considered to be essential by the research would be better grouped as they appear in the draft Statement (see “Structure”, below).

Desk-based research

This was undertaken in the following areas:

- other legal service provision in this country; the work of the Solicitors Regulation Authority (SRA) and Ilex Professional Standards
- legal service KSAs and standards as defined in other jurisdictions; Council of Bars and Law Societies of Europe (CCBE), American Bar Association, Australian Bar associations and the International Bar Association
- legal education and its regulation as considered within the Legal Education and Training Review
- How other professions define their KSAs and use those to inform their education and regulation, particularly but not exclusively those who also utilise work-based learning; medicine, architecture, accountancy (national and international standards)
- Chartered Institute of Personnel and Development, Ministry of Justice and the Civil Service work on competency frameworks.

Through this process we identified a core set of knowledge, skills, attributes and behaviours that are common to all barristers, whether at the self-employed or the employed Bar, and irrespective of their practice area.

For the statement to apply to all areas of practice, it needs to be comprehensive. To do so, it must balance between specific and more generic requirements. One aspect of this consultation is to discover to what extent the Professional Statement has hit the right balance.

9. The Professional Statement focuses on what a barrister must be able to do, rather than what they must do; the BSB Handbook deals with the latter.
10. Several drafts of the Professional Statement and its accompanying descriptors (which provide additional detail and context to each KSA requirement) were then carefully considered by a specialist Professional Statement Working Group in collaboration with a consultant. Their details can be found at Annex B.

11. This consultation document was then piloted with a small number of barrister and education respondents to identify any issues which may prove problematic for a wider audience. Amendments were subsequently made, where indicated as desirable, before being published.

#### Solicitors Regulation Authority

12. The first stages of the Professional Statement development were conducted in consultation with the SRA, with the aim of producing a common structure. In order to produce a Professional Statement that adequately represents the requirements of the Bar, a common document has not proved possible. However, in this Professional Statement, the comparable work of the SRA has remained an integral part of the process; there is significant and deliberate consistency of approach between the two professional regulatory bodies. The clear intention is to create harmonious definitions.

#### Structure

13. The Professional Statement is divided into four areas:
- a. technical legal characteristics
  - b. working with others
  - c. management of practice
  - d. personal values and standards.

We have listed key elements for each area, supported by descriptors that indicate in greater detail the essence of each.

#### **PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES**

##### **Consultation question 1**

Does the Professional Statement provide an acceptable *outline* description that can be developed into a Threshold Standard of what you would expect a day-one barrister to be able to do?

##### **Consultation question 2**

Are there any additional elements that should be included? If so, what are they?

##### **Consultation question 3**

Are there any elements that should not be included? If so, what are they?

#### **The Professional Statement – maintaining standards**

14. Throughout a barrister's career, the standards met on authorisation should not be eroded. The Professional Statement will not to be used to measure a barrister's likely increasing competency as their career progresses; however it may be of assistance when considering Continuing Professional Development (CPD) needs.

15. The LSB's [Statutory Guidance on Education and Training](#) recommends that regulators set standards "that find the right balance between what is required at the point of authorisation and what can be fulfilled through ongoing competency requirements".

To meet this recommendation, the Professional Statement will provide a benchmark against which a barrister's CPD obligations might be assessed.

**PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES**

**Consultation question 4**

Does the Professional Statement reflect what you would expect *all* barristers to be able to do throughout their career and not just at the point of authorisation? Why is this?

**Consultation question 5**

Are there any additional areas of knowledge, skills, attributes or behaviour which should be included, but which are not necessarily essential at point of authorisation? If so, what are they?

**Consultation question 6**

Have we struck the right balance in the Professional Statement between the broad qualification which our research tells us is encompassed by the title barrister, and the degree of focus which comes in time with practice in a particular area? Why is this?

**Consultation question 7**

Will the Professional Statement be a useful tool to help barristers comply with their Core Duties, as detailed in the BSB Handbook, and ensure they maintain their practising standards? Why is this?

**Equality impact assessment**

16. We have undertaken an initial screening of the function of the Professional Statement and did not identify any adverse impacts. We will undertake a full Equality Impact Assessment of the Professional Statement as it will be used in developing new regulatory requirements for education and training for the Bar.

**PLEASE GIVE REASONED ANSWERS IN YOUR RESPONSES**

**Consultation question 8**

Are you aware of any impacts on equality and diversity, either positive or negative, which might result from using the Professional Statement as a tool to assist our regulatory activities? If yes, what are these?

## **How to respond**

There are three ways to respond to this consultation.

### **1. Online**, by visiting:

XXXXXXXXXXXXXXXXXXXXXX

### **2. By email**, to:

[futurebartraining@barstandardsboard.org](mailto:futurebartraining@barstandardsboard.org)

### **3. By post**, to:

Future Bar Training – Professional Statement consultation  
The Bar Standards Board  
C/O Tim Keeling  
289-293 High Holborn  
London  
WC1V 7HZ

With postal and email responses, please:

- identify yourself and state on whose behalf you are responding (unless you wish to respond anonymously)
- attach a completed About You form
- state clearly if you wish for us to treat any part or aspect of your response as confidential.

## **Responsible officer**

The officer responsible for this work at the BSB is Tim Keeling. Please return your responses, or direct any questions, to [futurebartraining@barstandardsboard.org](mailto:futurebartraining@barstandardsboard.org).

## **Deadline**

Please email your responses by Friday 12 June 2015. Responses received after this date will not be considered.

## **Confidentiality**

We may publish a list of respondents to the consultation. Please state clearly if you do not wish your name and/or response to be published. Although we may not publish all individual responses, it is our policy to comply with all Freedom of Information requests.

## **The Professional Statement Working Group**

The Working Group was formed of members of the BSB's Board, Education and Training Committee and Equality and Diversity Committee and comprised:

- [Robin Field-Smith](#) (Chair)
- [Tope Adeyemi](#)
- [Emily Windsor](#)
- [Stuart Weinstein](#).

(Hold Ctrl and click a Working Group member's name to view their profile.)

**Our consultant**

The consultant was Judith Willis. Judith qualified as a solicitor in 1983, practised until 1990 then entered Higher Education, teaching predominantly postgraduate, vocational law.

Over the next 18 years she acquired an MBA and Masters in Learning and Teaching in Higher Education and joined BPP where she was Professor of Legal Practice, a senior participant in setting up their Business School and successful application for taught degree awarding powers.

Judith has researched and spoken in several areas including work-based learning/assessment and professionalism and is a Fellow of the Higher Education Academy. She has been a member of the Law Society's Equal Opportunity Committee, Chair of the Association of Women Solicitors, UK Board member and General Secretary of the European Women Lawyers Association and worked as an External Examiner and Institutional Assessor for the SRA. She now consults independently and has worked for clients such as City University, The Law Society, Ilex Professional Standards and UCL.



## Equality Analysis (EA) Screening Form

*Text in red italics is for guidance only, and should be deleted when EA screening forms are submitted.  
If you have any queries about completing this form, please contact Sarah Charlesworth, BSB Senior Policy Officer on ext. 656 or SCharlesworth@Barstandardsboard.org.uk*

Date of Assessment	16.12.14
Assessor Name & Job Title	Tim Keeling, Change Programme Manager
Name of Policy/Function to be Assessed	Future Bar Training programme, workstream 1: Professional Statement
Aim/Purpose of Policy	To describe the knowledge, skills and attributes that barristers should possess on their first day of practice.

1. Do you consider the policy to have an adverse equality impact on any of these groups? Write either 'yes' or 'no' next to the appropriate group(s).

Race	No	Sexual Orientation	No	Marriage/Civil Partnership (only in employment matters)	No
Gender	Yes	Religion/Belief	No		
Disability	Yes	Gender Reassignment	No		
Age	No	Pregnancy/Maternity	No		

2. If you answered 'yes' to any of the above, give your reasons why.

Disability – People with disabilities are more likely to undertake non-traditional educational pathways, which may be viewed as unconventional routes to joining the Bar, compared to those without disabilities. In addition, it is more likely that they would study part time.

Gender – there is a risk that the statement may state that skills, knowledge or attributes which are more likely to be possessed by a particular gender, or which pose more difficulty for a person of particular gender to attain, are of the minimum required on the first day of practice.

3. If you answered 'no' to any of the above, give your reasons why.

Race – no impact  
Age – no impact  
Sexual orientation – no impact  
Religion/belief – no impact  
Gender reassignment – no impact  
Pregnancy/maternity – no impact  
Marriage/civil partnership – no impact

*Completed screening forms should be sent to Sarah Charlesworth, BSB Senior Policy Officer.*

If, during the screening process, you have identified aspects of the current or proposed policy which could adversely impact on equality, you will need to undertake a full Equality Analysis on a different form.



**Chair's Report on Visits and Meetings - March 2015****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:**

- |          |  |
|----------|--|
| 3 March  | Met with Catherine Shaw, HR Director, Bar Council<br>Attended Emoluments Committee meeting   |
| 4 March  | Met with Alan Kershaw and Ian Watson, Chair and CEO of ILEX Professional Standards<br>Met with Frances Edwards and Mandie Lavin, (current/future) CEO of CILEx<br>Met with Anne Wright<br>Met with Chris Adiole, candidate for Legal & Policy Assistant role<br>Attended Annual President's Reception, Society of Legal Scholars |
| 5 March  | Interview with David Wurtzel, <i>Counsel</i> magazine<br>Lunch with Stephen Hockman QC, Treasurer of Middle Temple   |
| 12 March | Lunch with Sir William Blackburne, Treasurer of Lincoln's Inn<br>Attended Chairmen's Committee meeting   |
| 16 March | Lunch with the Lord Chief Justice and Justices Singh and Rose  |
| 17 March | Met with Enid Rowlands and Paul Philip at the SRA<br>Attended Reception for Board and Committee members  |
| 18 March | Met with Elizabeth Davies, Chair of the Legal Services Consumer Panel & Steve Brooker, Panel Manager   |
| 19 March | Met with Lord Justice Pitchford QC<br>Lunch with Dominic Grieve QC, MP   |
| 21 March | Attending Bar Council meeting<br>Meeting with Circuit Leaders and specialist Bar associations  |
| 24 March | Meeting Andrew Caplen, Chair and Catherine Dixon, CEO of Law Society<br>Attending Finance Committee  |
| 25 March | Meeting Attorney General<br>Attending Inns' Strategic Advisory Group   |
| 26 March | Meeting with Andrew Sanders<br>Attending BSB meeting   |

**Equality Impact Assessment**

3. No Impact

**Risk implications**

4. These reports address the risk of poor governance by improving openness and transparency.

**Consultation**

5. None

**Regulatory objectives**

6. None

**Publicity**

7. None

**Lead responsibility:**

Sir Andrew Burns

## Appointments to the Audit Committee

### Status:

1. For noting.
2. Public – additional members of the Audit Committee.

### Executive Summary:

3. Two appointments have been made to fill existing vacancies on the Audit Committee ie:
  - Stephen Whittle and;
  - Steve Carter.

Both are independent members and have been appointed by the Chairman of the Audit Committee, Michael Jeans, under paragraph 58e of the Bar Council's Standing Orders.

4. They were previously members of the committee, appointed temporarily when the Audit Committee was established in 2012. Following an open recruitment process started in 2014, they have been appointed for a term of three years effective February 2015.
5. Steve Carter is an experienced Finance Director – Unilever and Southampton Solent University - operating at Board Level for the past 25 years with experience of M&A, Risk and Compliance, Pensions, Tax, Treasury External Reporting, Operational & Strategic Finance in the private and not for profit sectors. This is coupled with a strong understanding and experience of property and IT projects. He is a Fellow of the Chartered Institute of Management Accountants and a Member of the Association of Corporate Treasurers. In addition to his role at the University and the Audit Committee of the Bar Council, he is a board member and chair of the audit committee of a FE college, a pension trustee and until recently was the Chair of the Universities Tax Committee.
6. Stephen Whittle has regulated both doctors and lawyers. He was the chair of the Standards Committee of the Solicitors Regulation Authority and served on the SRA Board from 2005 -2011. His regulatory experience also covers the General Medical Council where he was a member of the Council from 2009 to 2012 and a member of its Audit and Risk Committee, and as Chair of the Broadcasting Equality and Training Regulator. Previously, Stephen was the Controller of Editorial Policy at the BBC where his role was to ensure that the BBC observed the highest ethical and editorial standards. As Controller, he was involved in some of the most high profile BBC investigations well as controversial drama. Stephen is a visiting fellow at the Reuters Institute of Journalism at Oxford University, which published his study *Privacy, Probity and Public Interest* in July, 2009. He is also an expert adviser to the Council of Europe on media issues.

### Recommendations:

7. The Board is invited to note the report.

**David Botha**  
**Director of Finance**  
**18 March 2015**



**Director General's report - BSB meeting 26 March 2015**

For consideration and noting.

**Director General**

1. I have continued to work closely with the Chair introducing him to our external stakeholders, as indicated in his own report. An opportunity for Sir Andrew to meet many of those who assist the BSB in its work was provided by our annual “thank you” reception on 17 March. The evening also allowed us to encourage barrister committee members to consider applying for Board membership, recruitment to which opens at the end of March.
2. I have visited Wales twice this month – to Cardiff Law School to participate in one of the annual monitoring visits to BPTC providers (also mentioned below) and to Bangor University to talk to students about careers at the Bar, offer feedback to the student moot team and discuss the Future Bar Training programme with faculty members.
3. Internally my work has focussed on supporting the final stages of the preparation of the licensing authority application, work on the consultation on entity insurance arrangements and the final iteration of the 15/16 business plan presented in the main agenda. In particular in this respect I have sought to ensure that our response to the latest LSB assessment report is catered for in the revised business plan and budget.
4. I have also contributed further to the LSB led work on options for legislative reform, and to the preparation for the hearing in the Supreme Court on 16 March in relation to QASA.

**Regulatory Policy*****Standards***

5. The Standards team is in the process of finalising the licensing authority application for intended submission by the end of March. The team is also currently drafting a consultation document on the proposed requirement for single person entities to purchase their primary layer of insurance cover from BMIF. The consultation is due to be launched at the end of the month.
6. The team continues to refine the standard contractual terms and cab-rank rule consultation. The task group previously appointed by the Board continue to assist with this work.
7. The team has also been liaising with the Supervision department on scoping out targeted reviews for key areas of work, including immigration advice and services, public and licensed access and litigation. The scope and nature of the reviews will be discussed with the LSB in April.

***Regulatory risk***

8. The Board are receiving an update on regulatory risk under a separate agenda item for this month, introducing the draft Regulatory Risk Index and outlining the plan of activity to embed new ways of working and tools to support effective working of risk based regulation.
9. Recruitment is commencing for a Regulatory Risk Analyst to start to look at building a better understanding of the risks to our regulatory objectives, the evidence base we have in place and develop consistent assessment methodologies and reporting. This work will provide an important foundation for the development of our first Regulatory Risk Outlook.

10. The SMT have been familiarising themselves with the Index and looking at how we might now come to assess and prioritise risks, helping to draw our areas of first focus for research and analysis.
11. In addition, close working with the Information Architecture project team has been taking place, to help to ensure that the learnings from the review of regulatory activities undertaken by the risk team and requirements to better support future regulation are factored into our IT requirements. We are also working hard to minimise the overall impact on business as usual in supporting the level of change activity underway by joining forces where possible.

### ***Equality and Diversity***

12. The E&D team has updated the E&D staff training with new content, including principles of unconscious bias, more group exercises and understanding how E&D issues might be dealt with. This training was improved following feedback received from staff in 2014 and was delivered earlier this month to new staff who have joined the Bar Standards Board and Bar Council. Since the session we have had very positive feedback about the training and staff have spoken about how they will embed the knowledge and information gained from the session into their working practices.
13. The Standards team and E&D team have been working on updating the BSB Handbook equality rules supporting information so that it is tailored to entities. This will provide all BSB authorised bodies with guidance of how they can meet their legal and regulatory duties, and to follow best practice in equality and diversity. This will be published in April 2015 when the second edition of the BSB Handbook comes into force.
14. The E&D team have been reviewing the BSB's equality objectives for the period 2014-2015 and developing new objectives for the next year. The proposed objectives will be presented to the BSB Senior Management Team in March and will be considered by the Equality and Diversity Committee in April. Following EDC approval the proposed objectives will be presented to the Board in May for approval and publication.

## **Supervision**

### ***Entity regulation***

15. There is increasing interest in entity authorisation and, at time of writing, 76 applicants have been given access to the portal, the majority of which are single person entities. Seventeen fully completed applications have been received. These are being assessed with a view to issuing the first authorisation decisions in early April. Regular external briefing sessions continue to be delivered.
16. The position re insurance for entities has been largely clarified and applicants are now being advised to approach their insurer. The BSB's final minimum terms for entity cover are imminent and a general communication has been scheduled to advise the Bar generally and the wider community.
17. Further progress has been made on the development of the IT system to support the end to end authorisation process. Indicative time scales for delivery are late April 2015, with onsite testing to occur beforehand.

### ***Supervision***

18. The Supervision Department's new IT systems were launched on 9 March. This marks significant progress and has been achieved with crucial support from the Business Analyst within Resources Group.



19. The new system provides a central repository for all information on each Chambers and is linked to the Core Database to ensure consistency and accuracy. The new system will significantly simplify record keeping and administration, which will allow the Supervision Department to function more efficiently. It will also allow for much more detailed and useful reporting on all evidence gathered.
20. March will see six supervision visits undertaken to chambers that were identified as High Risk through the Supervision Return process. Many of these visits have already taken place and these have identified a number of important actions and improvements that are being followed up. The response from chambers to the visit process remains largely understanding and positive, with improvements being made.

### **Education and Training**

#### ***Future Bar Training***

21. A discussion paper on the Future Bar Training programme was published on 20 February, with generally positive reception in the legal press and in online commentary.

#### ***Vocational Training***

22. The annual monitoring process for BPTC provider institutions is well advanced, and has included every institution and site, where in recent years we have covered sites on a biennial basis.

#### ***Centralised assessments***

23. The review of centralised assessments is well advanced, having been commissioned by the Education & Training Committee and chaired by Prof Paul Kohler. The review is scheduled for submission to the April meeting of the Education & Training Committee, following discussion of an interim report in February.

#### ***Pupillage***

24. A new staff team has been established to handle pupillage registration within the Qualification Regulations team.

#### ***Staffing***

25. Marion Huckle (Policy & Quality Assurance Manager) will be leaving the BSB at the end of April, having moved to another part of the country. Some changes in responsibilities for senior members of the team are anticipated.
26. Adrian Coleman (Assessments Manager) left the BSB on 12 March; recruitment has been initiated.
27. Dr Victoria Stec has been appointed as temporary Education Manager to support the development of quality assurance and the delivery of changes to vocational training regulation.

#### ***External liaison***

28. Simon Thornton-Wood gave a joint presentation to the Committee of Heads of University Law Schools, with Julie Brannan of the SRA, on drivers for reform of training regulation on 27 February 2015.

29. Simon Thornton–Wood and Ewen MacLeod met with representatives of BACFI on 12 March 2015. The meeting focused upon the Future Bar Training programme.

### **Professional Conduct**

#### ***General***

30. The main focus of the PCD over the last month has continued to be on business as usual in order to ensure that complaints are processed within the departmental KPI targets. However, it remains the case that recent staff vacancies and other absences within the department are likely to adversely affect the year-end figures.
31. PCD staff have also been working on a number of operational issues including: updating the policy on disclosure in disciplinary proceedings; reviewing Committee case allocation procedures and, producing new Committee Case Examiner report templates.
32. **New staff member:** Alka Puri joined the PCD on 23 February 2015 as an Assessment Officer in the Assessment Team following the departure of Catherine Mitchell. Alka previously worked at the AIRE Centre (an EU Law and Human Rights Law NGO) as a Legal Case Worker where she dealt with complaints and requests for written legal advice.
33. **Changes to the staff team:** over the next two months, three members of the department will go on maternity leave and steps are in train to recruit cover for these posts. In combination with the need to recruit to at least one vacancy, the resources at management level required to carry out the recruitments will be relatively significant and may also impact on the KPIs.
34. **PCD Entity Regulation Implementation Project:** This internal PCD project, which previously formed part of the wider BSB project, has moved forward in line with the adjusted timescale for the first authorisations of entities. The necessary adaptations to the enforcement processes have been identified and agreed by a PCD/PCC Working Group. Work is now progressing on updating the written policy and guidance documents in readiness for the introduction of entity regulation in April 2015. However, there is no anticipation that enforcement action against newly licensed entities will be required in the early months of the scheme and therefore the completion of minor administrative adaptations to the enforcement regime, as well as training for participants, is not scheduled to take place until after April.

#### ***Judicial Reviews***

35. The PCD currently have seven live judicial review matters five of which are at the permission stage and one is subject to negotiations on the costs of an interested party following the Administrative Court making a finding in favour of the BSB.
36. Since the last report to the Board in February 2015, one application for permission has been dismissed and another case has been discontinued. However, in the last month, a further two applications have been issued. One of these relates to a decision to dismiss a complaint. It is envisaged that the other will be withdrawn as it effectively amounts an appeal against a disciplinary tribunal finding that rightly should be addressed to the High Court under the appeal procedures.
37. One of the live cases, which arises from a challenge to a PCC decision to investigate aspects of a complaint, is listed for hearing on 22 April 2015.
38. The February 2015 Board report included reference to a recent judicial review, which is now concluded as a result of a ruling by the Court of Appeal in favour of the barrister. The case

has been remitted to the Visitors to the Inns of Court to consider outstanding costs issues and also whether the quashed findings should be referred to a fresh Tribunal. There is no date scheduled as yet for the hearing on these outstanding matters.

## **Strategy and Communications**

### **Communications**

39. Since this report was prepared for the February Board meeting, the following press releases and announcements have been issued:
- 12 February: Launch of the consultation about changing the regulations in relation to complaint handling by removing the power of the Professional Conduct Committee to take "No Further Action" decisions;
  - 13 February: Statement about the Supreme Court's decision on QASA;
  - 20 February: Launch of the Future Bar Training pamphlet providing a programme update in which the lead angle was about putting barristers back in charge of pupillage;
  - 23 February: Announcement about the disbarment of a barrister named Jonathan Oltram.
40. The Board will have seen the fortnightly media coverage that the above announcements generated.

### ***Work in Progress***

41. At the time of writing, the following pro-active communications activities are scheduled over the next few weeks and months:
- A communications plan to launch the 2015/16 BSB Business Plan;
  - Communications about entity regulation including publishing the minimum insurance terms for entities and announcements to coincide with our first authorisation decisions expected in early April;
  - Launching the Future Bar Training consultation about the professional statement.

### ***Online and social media***

42. During February, 27,843 users visited the BSB website. At the time of writing, we have 11,000 followers on Twitter.

### **Business Support**

43. The team is currently recruiting for two Business Support Officers as Andy Cohen has been promoted internally to the Supervision Department (and another FTC position is due to come to an end shortly). The closing date for advertisements is 29 March 2015.

### ***Governance***

44. Work has started on designing a Governance blueprint for the BSB's future governance structures. This subject will be discussed more at the Board's Away Day in April.

### ***Strategic Planning***

45. Planning for the production of the BSB next three-year strategy has commenced and the team has been working with the PRP Committee and the SMT to undertake a strategic planning review. The Board members will be discussing the future strategy and strategic plan at the April Away Day.

***Business Plan and Budget***

46. Work is underway to finalise the BSB Business Plan publication for 2015-16 prior to final sign off at this March 2015 meeting. This also involves finalising the BSB's budget for 2015-16 which will be signed off by the Bar Council's Finance Committee in March.
47. The team is also working with other departments to improve the way in which we report on our management accounts, particularly income and risks. This ties in with the review of the fees and charges policy which will be brought to the Board for discussion, following the PRP Committee's consideration of it.

***Risk Management***

48. The Business Manager is working to devise parameters for "serious event reviews" which will look at actual or "near-miss" serious regulatory failures. This piece of work will align with an internal audit scoping exercise that is being carried out in conjunction with GRA Committee members.

***Contract Management***

49. The Business Support Team is carrying out a project to improve the way that we monitor and manage our contracts, to ensure that we achieve value for money and mitigate contractual risks.

***Research******BPTC perceptions survey***

50. The BPTC 2014/2015 perceptions survey is due to be launched on Friday 27 March to coincide with the end of Easter term and the BPTC Providers forum.
51. This will be the third survey in its series seeking to capture students' perceptions relating specifically to course quality, content and administration as well as vital profile information, such as equality and diversity data.
52. The survey is now in the process of being redesigned to accommodate the changing scope of the research, other research streams and lessons learned from the previous year.
53. In order to monitor and analyse the data on a long term basis, care has been taken to ensure that any changes to questions have a minimal impact on the ability to compare and contrast results.
54. The survey will be open for a six week period and a paper and electronic roll out of the survey will be coordinated with all providers for consistency purposes. The final research report will be available for the July BPTC sub-committee.

***Youth Courts Advocacy Review***

55. The Youth Court Advocacy review project is now well underway and running on schedule, with the final report due to be available in July 2015.
56. The survey has now closed (with a total of 209 responses being received). A number of interviews with advocates, practitioners and young defendants have been completed, with more scheduled to provide the desired coverage. Four of the scheduled five Crown Court observations have also been completed.

57. Overall the project has received a lot of support and positive engagement from various stakeholders.

## **Resources Group**

### **Current Key Business Projects**

58. ***Authorisation to Practise 2015***

- Process went live on the 2 February 2015
- Over 11,420 have completed declarations by mid-March (73% of the profession)
- Over 4,000 have completed the full process and have their certificates and the substantial portion of the remainder are covered by bulk payments from chambers or employers during the period to mid-April.

59. ***Intranet***

- We expect the intranet to go live in April 2015
- Setting up / build of the intranet is 90% complete
- Content development complete and uploading is ready for testing in March 2015.

60. ***Human Resources Information System (HRIS)***

- Process review and requirements specification complete
- Business case agreed for implementation of the HRIS during April – September 2015
- Supplier Selection research underway

61. ***Data Cleansing***

- Business case agreed
- Project plan completed
- Initial audit of the quality and integrity of data across the organisation underway in conjunction with the information architecture project

62. ***CPD Regulation Implementation***

- Prototype of CPD rules and requirements and guidance complete
- CPD Pilot launched and planning statements due for submission from pilot group on 27 February

63. ***Supervision and Entities regulation***

- Supervision system operational and live and well received by the team - project review underway and looking at how we can showcase the success there
- Entities CMS is on track for go live on 27 April

64. ***Information Architecture***

- Business Process Review workshops have begun with the Representation, Policy and Services directorate – 70% complete
- Review of the As-is processes for BSB in conjunction with the regulatory risk project team completed
- Scope for review of business processes contained to HR, Finance and Records and complete

- Research underway to look at the technological options for the future IT single solution
- Planning for defining future processes and the information architecture and governance underway

## Functional & Team Updates

### *Project Management Office – Richard Thompson*

65. **Project Management Standards Training:** An Introduction to Project Management Training course has been developed for delivery during March, offered to the entire organisation. This has been built around the PM core guidelines. So far we have 75 employees signed up for this course. This is the first of a series of sessions around project management throughout 2015 and early 2016. More in-depth sessions will be run around specialist topics following on from this introductory course.
66. This activity will help the PMO in achieving its objective to raise the skillset and culture of project management across the organisation.
67. **Project Portfolio Monitoring:** The PMO now has a monthly reporting cycle in place which generates a monthly dashboard displaying the portfolio of projects and programmes live and pending across the organisation.
68. Over the next few months our focus will be on providing a more sophisticated analysis of the portfolio in terms of resources and finances so this can become a more sophisticated management tool for the senior teams across the Bar Council and the Bar Standards Board.

### *Human Resources – Catherine Shaw*

69. **Performance review:** We are beginning preparations for the year-end performance review process. We are in the process of updating the process guidelines and the year-end form. We will also be running training for managers in March.
70. **HR team:** Georgina Holton has gone on maternity leave and her last working day in the office was 12 March 2015. Before she went on maternity leave she undertook some project work on our Induction process.
71. All the HR team participated in the successful Resources Group team meeting at the end of February.
72. **Reward:** A proposal for a reward strategy has been agreed in principle by the Emoluments Committee. This contains recommendations regarding annual salary reviews, performance related progression and non-financial reward. The HR team are undertaking further work on the details of our policy going forward. The strategy was discussed by the Leadership Group and some follow up actions identified. We are working on an updated Remuneration Policy which will be presented to the Emoluments Committee in March.
73. **HR system and intranet:** We continue to work with the PMO in respect of both these projects. We now have approval to purchase an HRIS system and will be shortlisting suppliers during March. The HR team have been working on policy updates for the HR section of the intranet. Jo has spent significant time uploading HR content.
74. **HR Policies:** The updated Special Leave Policy was launched in February and we are working on changes to our Annual Leave Policy for review and discussion in March.
75. We have carried out Recruitment Skills training for line managers.

76. A draft of the Shared Parental Leave guidelines has been prepared.
77. **Employee Relations:** We are continuing to work with People Insight on our employee survey which will be launched on 13 April 2015. Focus groups with a range of staff are scheduled for 24 March 2015.
78. We facilitated a leadership workshop with the RPS management team.
79. We are working with the RPS Fees team on potential organisational change.
80. **HR Metrics**
- i) Recruitment – active roles

Role	Division	Open since	Status
Regulatory Policy Manager X2	BSB	08/09/14	Kuljeet Chung moved to role 13 Feb Amit Popat joins 13 April
Senior Information Data Consultant	RPS	19/09/14	On hold
Supervision and Authorisation Officer X2	BSB	07/10/14	DB Lenck joined 2 <sup>nd</sup> role on hold
Fees Collection Assistant (Mat Cover)	RPS	17/10/14	On hold
Marketing & Business Development Assistant	RPS	16/12/14	Re-advertising
Training and Events Co-ordinator X2	RPS	20/12/15	Aysha Malik moved in to permanent role Interviewing for maternity cover
Senior Supervision and Authorisation Officer	BSB	15/1/15	Faryal Khurram joins 13 May.
Senior Project and Information Officer	BSB	15/1/15	Andrew Cohen moves to role 1 April.
Assessment Administrator	BSB	22/1/15	Kirsten Leslie joined 2 March
Legal and Policy Assistant	BSB	22/1/15	Chris Adiole joins 23 March
Financial Controller	RG	28/1/15	Ade Soremekun joined 5 Feb
Policy Analyst (International)	RPS	4/2/15	Jessica Crofts-Lawrence moves to role 30 March
Executive Assistant (Chief Executive)	RPS	9/2/15	Interviewing
Business Support Officer	BSB	27/2/15	Internal advert only

ii) Current headcount

	RPS	BSB	Resources Group	Total
As at end February 2015	44	75	34	153

iii) Staff turnover

These figures relate to 'crude' turnover (both voluntary and involuntary), and includes all leavers, including those who left due to dismissal or redundancy.

	RPS	BSB	Resources Group	Total
YTD (Mar 14-Feb 15)	48.8% <sup>1</sup>	31.3%	28.6%	35.8%
February 2015	2.3%	4.0%	2.9%	3.3%

<sup>1</sup> Due to restructure of RPS during this period

***Records – Smita Shah***

81. The team are heavily involved with Authorisation to Practise 2015-16: Two temps been recruited to assist in managing the phones and workload.
82. There have been difficulties with software during this renewal period which has prevented Chambers based administrators from being able to pay bulk invoices in a timely fashion. The main problems have been addressed and permission was given for the deadline for chambers and employers to pay bulk PCF to be extended to 17 April.
83. We have now starting targeting the chambers and organisations that wish to partake in the block payment. We are sending the reminders in batches to spread the demand and so far all is going well.
84. Some IT challenges remain with the legacy software and infrastructure, exacerbated by high loads on systems. The issues have been escalated as a priority to our software providers.
85. The work for the rS15 members and the unregistered and retired bar has commenced now, with the first category being priority.
86. We have very many queries regarding the income based model and a new set of Income based FAQs have been drawn up and published on the website. As queries come in we review the FAQs.
87. We will commence a review of all the feedback after AtP to ensure that the guidance is clear for the future.

***Finance – David Botha***

88. Our efforts are focussed on preparing for the financial year end and ensuring that our housekeeping activities can be evidenced prior to preparing for the next financial year. We have completed the interim audit without issue.
89. Following discussions with Audit Committee in March we will establish working groups to develop and implement the revised risk management processes across Bar Council.
90. The budget planning activities complete in March with final budgets approved at end of March.

***Facilities – Sam Forman***

91. The scope of works was agreed with the contractor for the repair obligations to the common areas, Basement to Fourth Floor. The landlord advised common area works must be instructed and managed by landlord's team rather than Bar Council as tenants. If the Bar Council were to handle works too many question marks could be presented in terms of liability for the quality of work, ongoing defects, H&S responsibility etc. Once costs and scope of works can be agreed with the landlord the contractor can be instructed accordingly.
92. Works to the HVAC system on the First Floor have been postponed due to difficulties in sourcing parts to the system. Although these parts have now been located from a supplier outside of the UK, a new system is also being costed.



93. Potential new tenants for the upper floors are still locked in negotiations with the landlord.
94. Property Strategy – initial discussions have commenced with the PMO to start developing a range of options that feed into the strategy.
95. Two Meeting Room Pods for the Ground Floor Mezzanine have been ordered and installation is due to take place on 10 April.
96. A second meeting room analysis has taken place and results will be shared with SMT and the Leadership Group.
97. The FM team have been working on FAQ's, How to Guides, FM procedures, automated forms and Policy updates for the FM section of the intranet.

#### ***IT Department – Tony Cook***

98. **PCI:** We have completed a scoping exercise with a Q&A from the NCC group. We looked at what technology and business processes would fall in scope of compliance. We are now waiting to receive the final report that will outline the scope, what controls apply to us and recommendations.
99. **Corporate Policies:** The majority of the policies have been drafted and circulated to key members of staff for review. The *Bring Your Own Device* policy has been reviewed by SLT and is currently in final draft. An Email and Internet acceptable use policy has been circulated to HoDs for comment and feedback.
100. **Objective DMS Review:** We have reached agreement on the content for a staff survey and this has now been circulated to staff.
101. **Information Architecture:** The project is on course to be completed by June 2015. Process mapping and Hart Square templates for the Records and Finance department were due to be handed over to the PMO by week beginning 9 March.
102. **Data Cleansing:** Work has started on compiling the Project Plans, RAID log and templates. These are being finalised and project 'kick-off' was week beginning 9 March. This is due to complete by end July 2015.
103. **Telephone service:** Oak Evolve has been installed for the Bar Council Policy team and Member services. Training took place on Wednesday 4 March and the system has now gone live. Evolve is a Call Centre Management Solution which combines call recording, call reporting, and contact centre functionality.

Vanessa Davies  
Director General BSB  
19 March 2015