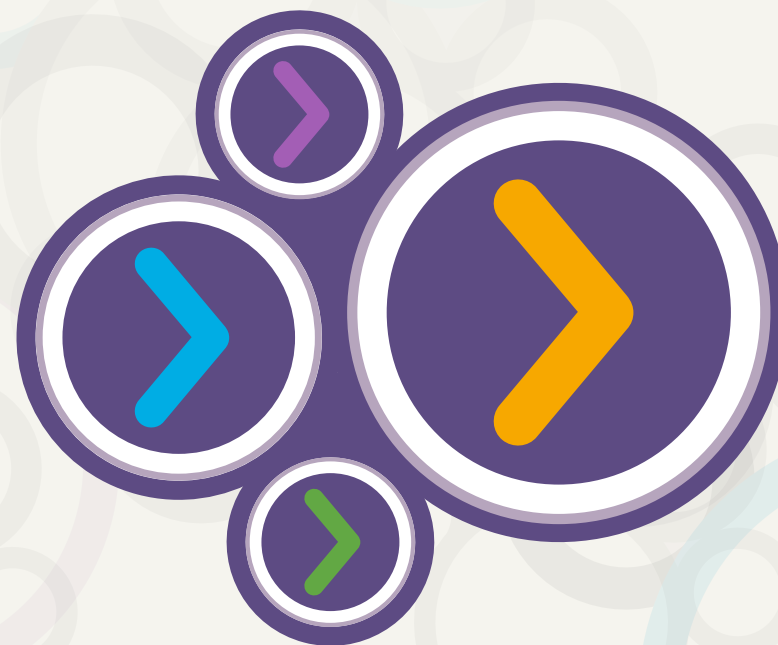


Strategic Plan 2013-16

BAR
STANDARDS
BOARD

REGULATING BARRISTERS



The regulatory objectives:

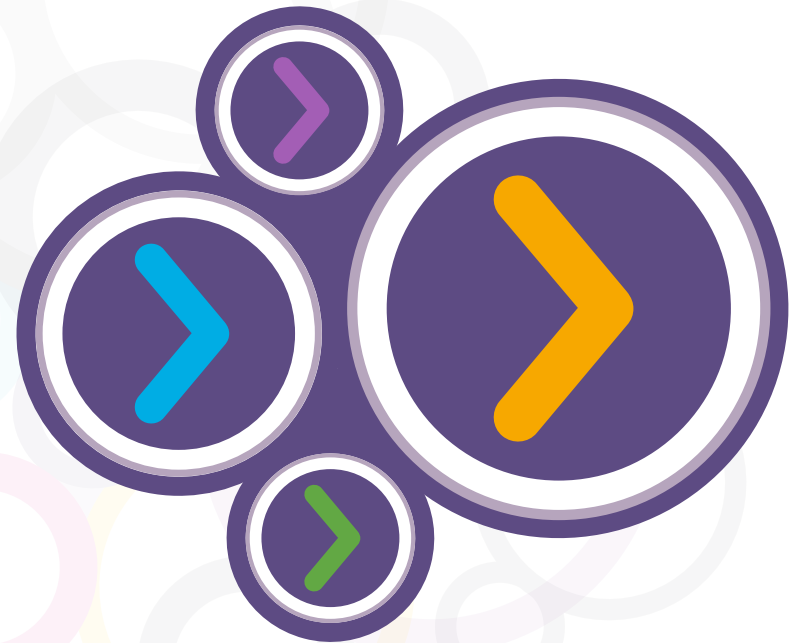
- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of the citizen's legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

The professional principles are:

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

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Statement from the Chair and Director

The Bar Standards Board is the independent regulator of barristers. Our mission is to regulate the Bar in England and Wales so as to promote high standards of practice and safeguard clients, in the public interest. We are pleased to publish our third Strategic Plan setting out our aims for the period 2013-16.

We are about to enter an important and exciting new phase in our development since we were established in 2006 as a public-interest regulator, independent of the profession, to meet new legislative requirements set out in the 2007 Legal Services Act. Our vision during 2013-16 is to become a more modern and efficient regulator, operating to externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objectives and professional principles set out in the Act. Barristers are at the heart of the justice system so the work we do is fundamentally important to the maintenance of the rule of law in England and Wales and contributes to the furthering of that principle more widely across the globe.

We have set ourselves five strategic aims for the period 2013-16 to underpin the achievement of our vision. We will:

- implement new specialist regulatory frameworks for advocacy services;

- promote greater public and professional understanding of what we do and why;
- set and maintain high standards of entry to and practice within the profession;
- take a more risk and evidence-based approach to what we do; and
- strive for “best practice” as an organisation for those whom we serve and those who work for us.

We have a talented and engaged lay-majority Board and a highly qualified and dedicated executive staff team to work together on delivering the strategic aims. We are committed to success. We are working at a time of unprecedented change and challenge. The market for legal services is evolving rapidly, with new business models and ways of delivering services to clients appearing all the time. We aim to ensure barristers can take advantage of a liberalised market to bring benefits to their clients. But the market environment is very tough, and nowhere more so than in relation to publicly-funded legal services, where the advice

and representation barristers provide to the most vulnerable in society are at risk of reductions in both quality and availability. We intend to work extremely hard to maintain quality standards at such a difficult time, and to preserve the best of what the Bar has historically provided to society whilst enabling it to modernise. We aim to support entry to the profession by the best qualified students and to monitor their education, as well as the lifelong education of barristers in practice. Despite the challenging environment, we believe that the reputation of the profession stands as high as ever.

Although we serve the public primarily, we are by law funded by the members of the profession we regulate: so we are accountable to the public and the profession. We therefore set high expectations of ourselves and monitor carefully our performance, reporting on it regularly and publicly. You can follow what we do, and engage with it, via our website www.barstandardsboard.org.uk



Baroness Ruth Deech QC (Hon)
Chair



Dr Vanessa Davies
Director (chief executive)

Executive Summary

1. The Bar Standards Board (BSB) is the regulator of barristers in England and Wales. It was set up in anticipation of the Legal Services Act of 2007 (LSA 2007), which required the General Council of the Bar as “Approved Regulator” under the Act to exercise its regulatory functions through an independent regulatory arm. Our mission is

to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

2. Barristers are specialist legal services practitioners who are distinguished by their capacity – where necessary and in the interests of their clients – to take a matter all the way through the court system. This means that barristers, in addition to all the other legal services they can offer to the public, are specifically trained and qualified in advocacy before the courts and tribunals at all levels. There are over 15,000 practising barristers in England and Wales regulated by the BSB.

3. The BSB acts in the public interest and must uphold the regulatory objectives and professional principles laid down in the LSA 2007 and shown at the beginning of this plan.

4. Barristers, as independent advocates, have a unique and expert role in upholding the rule of law. The BSB aims to provide a specialist regulatory regime for barristers which helps ensure that the public interest continues to be served by barristers maintaining that unique role.

5. The 2013-16 BSB strategic plan is our third three-year plan. It builds on our earlier work to establish ourselves as the independent regulator of the Bar under the LSA 2007.

6. **Our vision in this period is to become a more modern and efficient regulator operating to externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objectives and professional principles.**

7. For the period 2013 – 2016 we have five overarching strategic aims as shown in the opening statement on page 4 and in Part 2 on page 7. All of our work is aligned to these strategic aims.

The key programmes of work that we will undertake to achieve each aim are outlined on page 8.

8. We need a number of other things in place to ensure we are able to achieve our aims. All of those aspects are shown in Part 3 on page 9. In particular, as we progress towards these aims, we will be guided by our core values of **integrity, excellence, fairness, respect and value for money.**

9. Those values will assist us in dealing with the opportunities that are likely to come our way and the risks we may face during the 2013-16 period. The legal services market is already changing as a result of the structural liberalisation brought about by the LSA 2007 and the extent and pace of change may be challenging for a relatively small regulator to address effectively.

10. As with all organisations, we need to show whether we are actually doing what we set out to do. Part 4 on page 10 shows how we intend to measure our success with the key performance indicators for each strategic aim. The measures we anticipate using are also set out there.

11. Details about our Board, our staff and our budget for the first year of this strategic plan are provided and finally, importantly, how we intend to engage with others and how to get in touch with us.

Part One – Our context

1. The BSB sets and monitors the standards for entry to and practice in the profession. We authorise practitioners, supervise their compliance with our standards, and assure the quality of initial and continuing training. When barristers appear to have breached our Code of Conduct, we take enforcement action. By statute, we only deal with professional misconduct, and not with complaints relating to inadequate service from a barrister to his or her client – the Legal Ombudsman deals with these. (LeO; legalombudsman.org.uk/).
2. The BSB acts in the public interest independently of the profession and of government. We uphold all the regulatory objectives and professional principles laid down in the LSA 2007 and act transparently, accountably, proportionately, consistently and by targeting only cases where action is needed.
3. Barristers, as independent advocates, have a unique and expert role in upholding the rule of law and in working in the courts. The BSB seeks to hold all the regulatory objectives in balance in the over-arching public interest. The BSB aims to provide a specialist regulatory regime which helps ensure that the public interest continues to be served by barristers maintaining the separate and independent role they have historically occupied.
4. The legal services market is already changing as a result of the LSA 2007. The profession needs to respond and adapt and the BSB needs to make it possible for those whom it regulates to do so, without endangering other regulatory objectives. We aim to allow barristers to adopt new business models and broaden the range of consumer choice in legal services. We will do this by developing a niche, proportionate and cost-effective regulatory framework for entities and Alternative Business Structures (ABSs).
5. Many barristers, who specialise in criminal and/or family work, whether on behalf of society's most vulnerable members or of the state, are seeing their income levels drop significantly as a result of public spending cuts. It is not the role of the BSB to protect barristers' income levels. But it is our role to ensure a strong, independent, diverse and effective legal profession and to promote access to justice and the rule of law. Our quality assurance schemes and our monitoring of barristers' patterns of practice will help us understand whether those regulatory objectives are being undermined by the overall economic climate and enable us to determine what targeted and proportionate regulatory interventions may be necessary to protect the regulatory objectives.
6. The context in which we regulate is evolving. Our oversight regulator, the Legal Services Board (LSB), is still developing its role. We expect to engage constructively with the LSB in 2013-16 to ensure the public is best served by frontline and oversight regulators co-operating within their respective roles.
7. The BSB embarks on the next three year period from a firm foundation of strong, business-like Board and executive leadership; high quality output in terms of services delivered and decisions made; and generally positive relationships with our regulated community. We need now to stream-line and better target our approaches to regulatory processes and policy; improve our technological infrastructure; develop further our external relationships and increase generally low levels of public and professional understanding of our role and activities.

Part Two – Our aims

1. The BSB has developed five strategic aims to encompass all of the work we intend to undertake over the next three years. 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.
2. We have also integrated into our aims how we are going to improve our performance against the Regulatory Standards Framework laid down by the LSB. That framework has four key pillars: outcomes-focussed regulation; risk assessment; supervision; enforcement – and requires a regulator to demonstrate sufficient capacity and capability to regulate in those key areas.
3. Achievement of the aims will also mean internal structural and cultural change, including redefining staff and Board and committee roles as required.
4. 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.

5. 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 achieve those aims in much greater detail. See it on our website www.barstandardsboard.org.uk.



Key programmes of work

› 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.

Key programmes of work

New Handbook and Code

Regulation of entities

Licensing Authority for ABSs

Policy framework

Risk-based supervision scheme

› Strategic Aim 2

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

Key programmes of work

Stakeholder engagement strategy

New Intranet and Document Management System

Freedom of Information compliance and publication programme

› Strategic Aim 3

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

Key programmes of work

Legal Education & Training Review

New CPD regime

Immigration practice

Develop standards for Youth Court practice

Quality Assurance Scheme for Advocates (QASA)

Enforcement against entities

› Strategic Aim 4

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

Key programmes of work

Develop international strategies

Legal research and information in support of enforcement

Whole organisation knowledge management

Risk Framework

Evidence base and consumer research

› Strategic Aim 5

Strive for "best practice" as an organisation for those whom we serve and those who work for us.

Key programmes of work

Effective operation of tribunal and adjudication service

Change programme

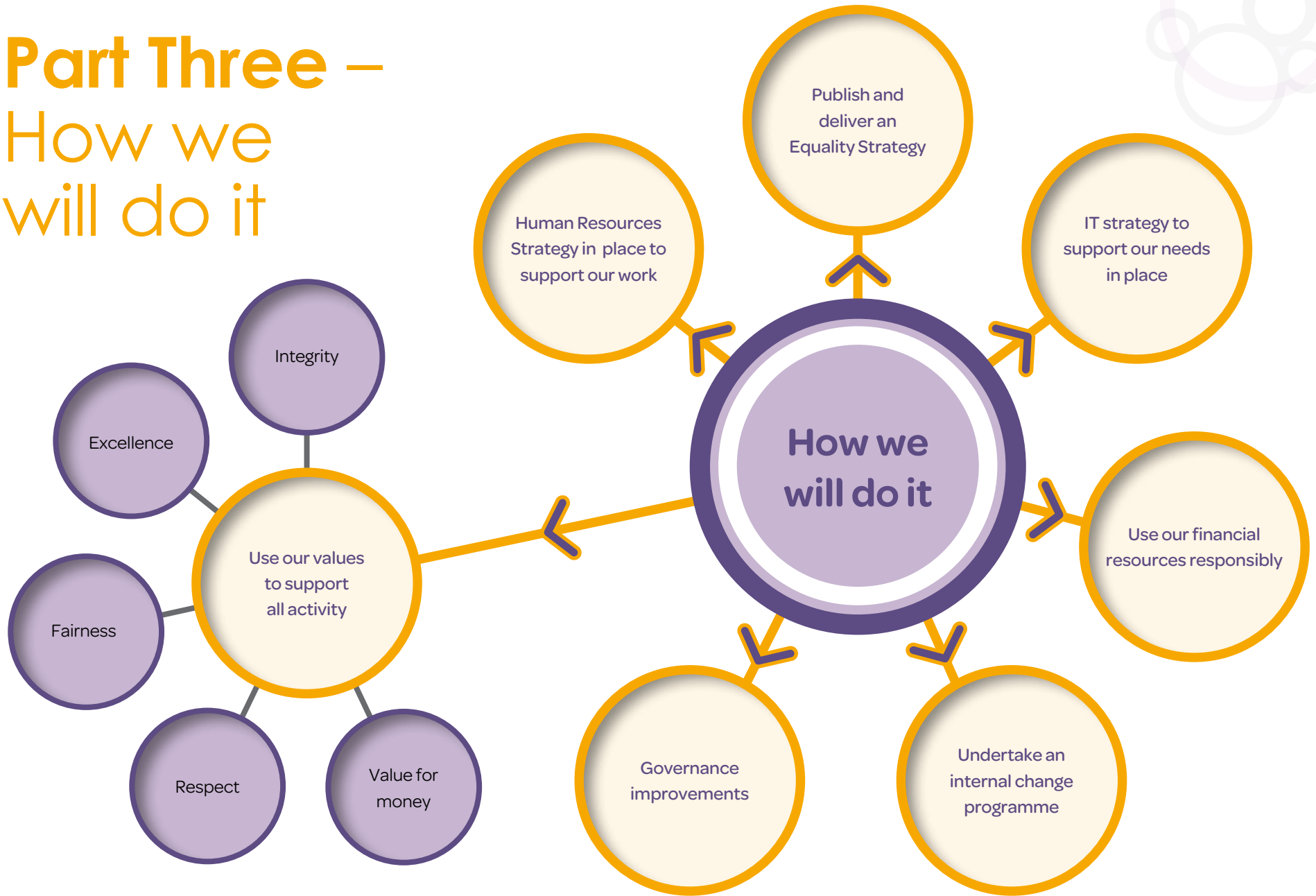
Revenue raising

Staff capacity and capability

Governance

Our annual Business plans will set out in detail our work programme for each year of the plan.

Part Three – How we will do it



Part Four – Measuring Success

Strategic Aim	KPI – what success looks like	Measures used
Implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007	a) We will be a licensing authority under the LSA 2007	Yes or No
	b) We will be regulating barrister-led / advocacy focussed entities	Number of entities / ABSs operating under BSB (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
Promote greater public and professional understanding of and support for our role and mission	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 results
	b) We will have established collaborative relationships with the public and consumers through our user network	Network established – Yes or No Qualitative feedback from/on the network Breadth/number of consultation responses Pattern of website usage Outcomes from research programmes
Set and maintain high standards of entry to and practice in a diverse profession	a) We will be supervising and enforcing on the basis of a new Code of Conduct / Handbook	Handbook – Yes or 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 own motion complaints (CPD, E&D etc) Chambers data (eg money laundering, first tier complaints etc) QASA-proportions of barristers competent against standards – baseline to be set. QA outcomes BPTC/CPD providers (number of triggered visits)
Become more evidence- and risk-based in all we do taking into account also the globalised legal services market	a) We will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision making	Intranet and Document Management System – Yes or No Risk Assessment framework – Yes or No Policy framework – Yes or No Outcomes from research programmes
	b) We will have attained a “satisfactory” rating against the LSB’s standards framework in this area	Satisfactory – Yes or No
Strive for “best practice” as an organisation for those whom we serve and those who work for us	a) We will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	Activity based Costing – Yes or No Benchmark against other regulators (establish a range)
	b) We will have improved turn-around times in relation to case handling in complaints and qualifications / waivers	Set or revise baseline / targets; achievement against target
	c) The organisation will have a different, improved “feel” for users and staff	Staff survey improving year on year Biennial survey statistics Education providers’ feedback User satisfaction survey (PCD, QASA, supervision, judges’ training) Pupil survey

The Board

- > Number of members

15

- > Lay majority
- > Chair – Baroness Ruth Deech QC Hon. (Appointed 2009, two terms of office due to end December 2014)
- > Vice Chair – Patricia Robertson QC (Appointed January 2013. First three year term due to end Dec 2015)

See www.barstandardsboard.org.uk for details of Board and Committees.

The Executive

- > Led by Dr Vanessa Davies (Appointed start of 2011)
- > Senior management team of 5
- > Work with 30+ members of staff in the central services directorate
- > BSB staff in total at beginning of plan

80

76.4 FTE

Financial information

- > Funded primarily through fees levied on barristers in accordance with the LSA 2007.
- > Also get funds from specific regulatory activity eg accreditation of legal education and training providers, on a not-for-profit basis.
- > Budget for the first year of this plan is

£5,355k

Engage with us

We consult as widely as reasonable and possible when we make changes.

We are always keen to hear what people have to say, although sometimes it can be difficult to elicit the views of users of barristers' services and the wider public.

We have a specific strategic aim to engage with the public – be it civil society as a whole or individual or corporate consumers – in this plan.

We will communicate with those we regulate, our stakeholders and members of the wider public in a range of both traditional and innovative ways over the next three years. If you would like to talk to us about what we do, or to discuss any aspect of this plan, please get in touch:

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