



Bar Standards Board (BSB) Regulatory standards action plan progress

In June 2016 we published action plans that we had agreed with regulators, to address areas for improvement identified through our 2015/16 regulatory standards project. This report records progress made by the BSB against its [action plan](#), based on information provided at the end of March 2017.

We will monitor progress against the ongoing actions noted below under our new regulatory performance assessment process, which we anticipate will commence in 2018/19.

Overview

The BSB has made significant progress against its action plan over the last year. It also has considerable work in progress and a comprehensive forward plan, delivery of which will be key to it embedding its new approach and realising the benefits.

Notable progress

- Building a stronger evidence base about what legal services consumers need by commissioning research into individual consumers - focussing on family law - and small business consumers, specifically on employment law.
- Consolidating authorisation activity under one department.
- Publishing a consultation on the standard of proof for disciplinary action seeking views on whether the BSB should adopt the civil standard of proof.
- Seeking to embed a consumer focus into the whole organisation by coaching staff champions, starting a leadership and management programme and aiming to recruit new Board members with consumer affairs backgrounds.
- Establishing an Advisory Pool of Experts to assist staff with policy development and regulatory decision making.
- Targeted risk analysis on vulnerable consumers by completing a thematic review of immigration advice and services and developing a competency statement for youth court advocates.

Ongoing actions

- Developing an Assurance Framework so that it can demonstrate that its regulatory outcomes are being achieved by its rules. This is scheduled to be operational by September 2017.
- Completing an assessment of the costs of complaints and enforcement action. This action has been delayed and is now expected to be delivered by September 2017.
- Reviewing the size and composition of the Board and reviewing the structure, role and composition of its Professional Conduct Committee. These actions are being undertaken as part of the BSB governance review and are expected to be implemented in spring 2019.

- Developing an organisation-wide information management system. The first phase of implementation is expected to begin by the end of 2017.
- Its forward plan also provides for the following:
 - Developing regulatory risk reporting which will allow them to demonstrate that outcomes for risk are being achieved
 - Publishing a new consumer and public engagement strategy
 - Reconciling the fact that supervision is undertaken at a chambers level and enforcement action focusses on individuals.
- In relation to capacity and capability, staff turnover remains high (it was 31.7% for 2015/16 and running at 40.3% by the end of Q3 of 2016/17). It is important that the BSB continues to monitor this and considers what measures it could take to manage this.
- We encourage the BSB to publish a report on its medium impact supervision return exercise, so that evidence and learning can be shared.

Actions requiring collaboration across all regulators

There has been some positive progress on the all regulator actions, including:

- Jointly commissioned research into client care letters, which identified a number of recommendations for improving client engagement
- Progress on processes for information sharing between regulators
- Establishment of a cross-regulator risk forum.

Progress on other all regulator actions has been slower than we had originally anticipated. However, we recognise that collaborative working across the regulators has focussed on responding to the recommendations in the CMA's market study, which was published after the action plans were agreed.