

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

## ACTION PLAN - REFORMS FOR THE 2020s

### Introduction

1. The Bar Standards Board has adopted this plan for reform, which brings together a range of changes which the Bar Standards Board and Senior Management Team have in hand or have planned, to take the Bar Standards Board forward into the 2020s and to demonstrate BSB's compliance with the *well-led* standard of the LSB *regulatory performance assessment framework*. The Plan will be developed and refined, under the Board's continuing oversight, in the light of:
2.
  - the development of the Board's next three year strategy covering the years 2022/23 to 2024/25;
  - the work underway to re-define the culture of BSB as an independent regulator and the associated review of policies for the recruitment, retention and development of BSB's people; and
  - the independent review of the Board's governance which BSB has commissioned this year to inform the Board's annual self-evaluation of its performance.
3. The prospectus captures the Board's reform agenda under a number of key headings:
  - consolidating BSB's independence as a regulator;
  - aligning strategy with risks to the regulatory objectives;
  - enhancing consumer engagement;
  - delivering high performance;
  - enhancing governance.
4. The Board will own and hold itself accountable for the delivery of the plan and receive reports on its implementation from the Director General and Senior Management Team at every meeting until completion.

| Theme   | Action   | Lead responsibility | Status and timetable   |
|---|--|---------------------|--|
| <b>Consolidating BSB's independence as a regulator (WL2, WL7)</b> | <ul style="list-style-type: none"> <li>A People Survey will be undertaken in Spring 2021 – to be repeated annually - to inform a review of BSB's culture as an independent regulator.</li> </ul>   | Teresa Haskins      | <p>The Survey was live in March/April 2021 and the results were delivered in May. Headline is that engagement, at 75%, is above both the 2018 level and the benchmark for equivalent organisations. The Senior Management Team reviewed the detailed results in May 2021 and, in the light of the survey, will be defining and consulting on the culture, values and behaviours essential to BSB's future effectiveness as an independent regulator.</p> |
|   | <ul style="list-style-type: none"> <li>BSB's policies for the recruitment, retention and development of its people will be reviewed and re-cast to support the culture and behaviours agreed by the Board and Senior Management Team.</li> </ul> | Teresa Haskins      | <p>This will be a continuing process under way throughout 2021/22, with the aim of having refreshed BSB-specific people policies in place by the end of 2021/22 to take full effect in 2022/23</p>   |

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|   | <ul style="list-style-type: none"> <li>The current operation of the Internal Governance Rules and, in particular, the effectiveness of the remaining services shared between the BSB and Bar Council, will be reviewed in the first half of 2022/23 in the light of their operation in the preceding 18 months to assess whether they support BSB's independence of decision and operation.</li> </ul>   | Mark Neale                        | The timetable reflects the need to give the arrangements established in July 2020 a reasonable opportunity to bed in and to operate so that an evidence-based evaluation of their performance and of other options can be undertaken. |
| <p><b>Aligning strategy with risks to the regulatory objectives (WL3, WL5)</b></p> <p>(LSB finding 1)</p> | <ul style="list-style-type: none"> <li>BSB's Board papers will set out clearly how the issue under consideration supports the regulatory objectives and how proposed actions mitigate risks to the regulatory objectives. Papers will cost the options proposed for mitigating risk, alongside other options available, and provide an analysis of stakeholders' views. Published policy statements will be transparent in explaining how BSB has addressed its public interest responsibility and better regulation principles and balanced the regulatory objectives. Board discussion will continue to be held in public where appropriate. There will be a full audit trail for Board decisions in Board minutes and extraordinary Board meetings will be on the public record.</li> </ul> | Mark Neale and relevant Directors | The template for Board papers has already been reformed to ensure that it is clear what regulatory objectives are engaged. Other elements of this action will be delivered from now on.   |

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| (LSB finding 1) | <ul style="list-style-type: none"> <li>BSB's <i>Business Plan &amp; Budget 2021/22</i> and subsequent annual business plans will include an analysis showing how the priorities set by the Board support the regulatory objectives and mitigate risks to those objectives.</li> </ul>   | Mark Neale/Wilf White | Already implemented  |
|                 | <ul style="list-style-type: none"> <li>As a contribution to the development of BSB's three year strategy for 2022/23 to 2024/25, the BSB regulatory <i>Risk Index</i> will be reviewed and refreshed to ensure that it aligns with the regulatory objectives and captures the key risks to those objectives and the evidence bearing on likelihood and impact of those risks</li> </ul> | Ewen McLeod           | This work will be taken forward as part of the broader programme of work to develop the next three year strategy. A refresh of the <i>Risk Index</i> will inform the Board off-site in July 2021 and a fully updated <i>Risk Index</i> will be published alongside the three year strategy in March 2022.              |
|                 | <ul style="list-style-type: none"> <li>A new three year strategy covering the years 2022/23 to 2024/25 will be developed prioritising the effective delivery of BSB's core regulatory work and the most significant risks to the regulatory objectives as analysed in the revised <i>Risk Index</i></li> </ul>  | The Board             | A programme of work is already underway to develop a new three year strategy informed by a refresh of BSB's <i>Risk Index</i> . Key milestones in the development of the strategy will include: an horizon-scanning exercise by the Strategic Planning and Resources Committee in June 2021; a discussion of key risks |

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|   |  |                     | to the regulatory objectives by the Board at its July off-site; and consultations with stakeholders, including consumer interests in Autumn 2021. The strategy will be finalised in the light of consultation in the first quarter of 2022 and published in March 2022  |
| <p><b>Enhancing consumer and stakeholder engagement (WL4, WL6)</b></p> <p>(LSB finding 2)</p> | <ul style="list-style-type: none"> <li>BSB will establish a pool of consumer facing organisations with whom we will engage ad hoc, setting up sub-groups of stakeholders who are the most relevant to the issue under consideration and BSB's Advisory Panel of Experts will be strengthened through the recruitment of a number of additional consumer experts</li> </ul> | Wilf White          | Approved by the Board at its meeting on 18 March. We are already seeking consumer engagement with continuing projects. For example, BSB's stakeholder reference group for its current review of the <i>Code of Conduct</i> includes a number of consumer representatives, including the LSCP. We expect to have additional experts recruited to the Panel by September 2021 |

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| (LSB findings 2 & 7) | <ul style="list-style-type: none"> <li>Board papers will in future set out, where relevant, the arrangements for engaging consumer representatives and record the views of consumer representatives and other relevant stakeholders where decisions are sought from the Board</li> </ul>   | Wilf White          | Agreed by the Board at its meeting on 18 March and implemented with immediate effect   |
| (LSB finding 10)     | <ul style="list-style-type: none"> <li>The Board will review the effectiveness and impact of its current strategy for promoting public legal education through partnerships with third sector bodies and how, having regard to the recommendations of the Competition &amp; Markets Authority, BSB might contribute to a broader cross-sector strategy, including <i>Legal Choices</i>, as one element of the development of its next three year strategy 2022/23 to 2024/25. It will publish its revised strategy.</li> </ul> | Wilf White          | The Board will consider an evaluation of the current approach to public legal education at its meeting in September 2021, including the scope to work with other regulators on a cross-sector strategy. The review will include whether its engagement strategy is comprehensive, realistic and able to provide reliable insights into the views and expectations of consumers. BSB will consult on a refresh of its approach in Autumn 2021 and reflect the revised approach in its three year strategy, beginning in 2022/23. This will include a clear articulation of how this addresses the |







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| (LSB finding 5) | <ul style="list-style-type: none"><li data-bbox="689 403 1375 571">• BSB's internal delegations, including the matters reserved to the Board and its Committees, will be reviewed and associated governance documents refreshed to meet the requirements of the UK Corporate Governance Code</li></ul> | Mark Neale          | current whistleblowing policy will be reviewed and re-issued by June 2021.<br><br>A report will be made to the Governance, Risk & Audit Committee at its meeting in September 2021, with a view to a Board discussion at its meeting in October 2021. |