



By Email only

Helen Phillips
Chair
Legal Services Board

22 November 2022

Dear Helen

BAR STANDARDS BOARD/LEGAL SERVICES BOARD JOINT BOARD

Thank you for your letter of 18 November which crossed with the e-mail which Mark and I jointly sent you and Matthew the same day. As Mark and I said in that e-mail we very much welcome a respectful dialogue between the two Boards.

When we met on 17 November we adhered to the agenda which you and I had agreed beforehand. You felt, in particular, that it would be helpful if our Board members set out their views of how BSB measured up to the regulatory standards spelled out in the LSB's new Regulatory Performance Framework. Accordingly, our Board members gave a candid account of our current strengths and weaknesses against the *well-led, effective approach to regulation* and *regulatory operations* standards. We set out what improvements are needed to make the BSB more effective against each standard in delivering its regulatory functions and in promoting the public interest.

Your letter states that there were differences of view among our Board members. That is not so. Board members spoke about different aspects of our work, drawing on their own extensive experience, but the Board and the Executive Team are united in our commitment to build on our strengths and to tackle our weaknesses. I attach our note of the meeting which records this discussion.

I infer from your letter that you and your Board members did not find this analysis altogether helpful. Nevertheless, it would be useful to us to know where you share our analysis and where you depart from it. It is genuinely difficult for us to know how to respond to your concerns without an indication of where you think we are on the right track and where we are off course.

Looking forwards, I can certainly give you an immediate and unequivocal assurance that the Bar Standards Board is fully committed to the public interest as defined by the Regulatory Objectives. That is the focus of the strategy we adopted in April, following extensive consultation, and of the work we are now taking forward in our Business Plan for 2022/23 under that strategy. We see the interest of consumers as central to the public interest.

You indicated towards the close of the meeting and do so again in your letter that, notwithstanding the insights we shared, you feel we have not yet reached a shared understanding of the scale of the challenge. I think it is difficult for my Board sensibly to engage with this until the LSB sets out in terms what your concerns consist of and what action, in your view, is needed to address them. We understood from Thursday's discussion that you believe that the BSB is not sufficiently focused on the public interest. Matthew referred, for example, to a series of decisions which you believe do not accord with the Regulatory Objectives. We assume these decisions bear on issues we have discussed over the last year, including on the Post Office case, sanctions and *Absolute Barrister*. It



would be helpful, however, to have confirmation of what these decisions are as a basis for a discussion between the Boards about our approaches to the public interest. It seems very much as though we have a shared commitment to the public interest, but differing views about what priorities to set in pursuing that commitment. These differences are, surely, best discussed openly.

May I, therefore, ask that the LSB clarifies and particularises your concerns and sets out in what respects you feel the improvements outlined by our Board members fall short of what is needed to meet those concerns? It may be that, in the light of that, we can then resume our dialogue. We are happy to make ourselves available for a further discussion whenever would suit you and your Board members.

Yours sincerely

Kathryn Stone
Chair Bar Standards Board