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30 May 2023

Dear Matthew

BAR STANDARDS BOARD: REFORM ACTION PLAN

Thank for your letter of 26 April commenting on the Action Plan which my Chair sent under cover of her letter of 4 April. We are pleased that the Legal Services Board welcomes the Plan and the reforms it foreshadows.

We also agree about the importance of tracking progress in delivering the Plan in a way which is transparent to our stakeholders. With that in mind, my Board will be receiving a report on progress at every meeting and has asked that I share that report with the Legal Services Board, together with any observations or steers offered by the Board in response. We hope this will provide continuing assurance.

Accordingly, I am attaching to this letter the update on progress received by the Board and discussed at the Board's public session on 25 May. The Board noted that, though early days, we were on track to deliver the Plan. Separately on its agenda, the Board discussed papers fulfilling important specific commitments, including on the piloting of a balanced scorecard to monitor BSB's operational performance and on future strategy for public legal education. We shall be following up the latter discussion shortly with both the Legal Services Board and other front-line regulators.

You also indicated in your letter that you would welcome some elaboration of a number of other proposals in the Action Plan.

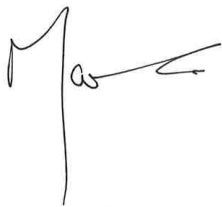
As you will see from the update, we are currently assessing tenders from bidders to undertake the end-to-end review of our enforcement process. We announced this review last month - <https://www.barstandardsboard.org.uk/resources/press-releases/the-bar-standards-board-invites-tenders-for-a-review-of-its-enforcement-system.html> . You will note that we intend to align with the Review the implementation of recommendations by Deloitte to re-engineer the IT systems which support delivery of our enforcement functions. This will help ensure that the review delivers both rigour and efficiency.

You also asked about our continuing initiative to clarify expectations of chambers' oversight of standards, equality and access. We have now completed roundtables in each of the Circuits. These have yielded important insights into the challenges and opportunities facing chambers which vary significantly in size and administrative support. We shall be bringing formal proposals for consultation to the Board at its meeting on 29 July, with a view to launching a consultation in the Summer and early Autumn.

Finally, you ask about our approach to evaluating the impact of the action plan. That will vary from action to action. The steps we are taking to enhance our operational effectiveness will be manifest in improvements in the timeliness, productivity and service standards of our decision-making and reflected in the balanced scorecard we shall pilot this year. The quality of decision-making is already high. The reforms to our regulatory approach will be evaluated through the research and analysis we commission regularly to monitor progress against our strategic priorities of standards, equality and access. And our actions to enhance culture and capability will be tracked through our annual People Surveys and through our quarterly HR reviews which capture information about turnover, sickness and, where relevant, people's reasons for leaving BSB.

I shall provide a further update on this and the other reforms set out in the Action Plan following that meeting of the Board.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Neale', with a stylized flourish at the end.

Mark Neale
Director General

BAR STANDARDS BOARD

ACTION PLAN – TRANSFORMATIONAL CHANGE

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 commenced or have planned, in order to bring transformative change to the BSB. The overall theme is one of continuous improvement. It seeks to bring about major change to the culture and capacity of the organisation, significantly to improve some of our key processes, and to tackle areas of underperformance. By the end of the plan we will be:
 - operationally excellent in delivering our core regulatory services. We already take consistently high quality decisions. We have markedly improved our productivity in the last year, particularly in concluding investigations. To high quality decision-making and high productivity we want to add consistently prompt and responsive service so that members of the public or barristers who use our services can be sure we shall take the right decision and do so efficiently and quickly;
 - on the front foot as a regulator, anticipating risks and opportunities, not just reacting to them. This means reforming our approach to capturing and analysing intelligence about the Bar. It means joining up the information we receive to build up a picture of emerging risks and empowering our front-line teams to act on the risks we identify. And it means gaining assurance that chambers are themselves effective in overseeing standards, equality and access. The result of this regulatory approach will be an engaged and proactive regulator which addresses risks to the public interest before the public sees or suffers any harm;
 - a force for change in the service that the Bar provides to the public. That means that the BSB deals not just with regulatory operations, but develops a broad and evidence-based understanding of the standards and skills the Bar will need to meet the future needs of consumers and the administration of justice. This aspiration is well expressed by our current strategic priorities of standards, equality and access. We shall take forward strategic change in collaboration with the profession, where that makes sense, or through targeted and proportionate regulation where necessary;
 - a collaborative regulator working closely with other legal regulators, with consumer groups and with the profession because we know we can achieve more through collaboration than by acting unilaterally. We shall, of course, regulate and take enforcement action where necessary but we know that a culture in which the public interest always comes first cannot be achieved through regulation alone; and
 - a self-confident and well-respected independent regulator. We shall achieve that by embedding a culture of continuous improvement which advances our values of fairness and respect, independence and integrity and excellence and efficiency. We shall see it reflected in our organisational performance results, the results of our annual People Survey and in the credibility BSB commands among its stakeholders.

2. The prospectus captures the Board's reform agenda under a number of key headings:
- Performance;
 - Regulatory approach (including strategic change, intelligence and data, and reforming our Handbook and rules); and
 - Culture and capacity.
3. 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	Contact	Milestone and timetable	Progress report	
					Date of update	Update on progress / completion
Performance	We will conduct an independent end-to-end review of our enforcement policies and processes to identify improvements and ensure that the system is operates effectively and efficiently in the public interest.	SJ	OH / SJ	Tender process – April – July 2023. Completion of review – by end of 2023 but dependent on outcome of tender process. Consideration and implementation of recommendations – 2024/25 dependent on extent of changes.	11 May 2023	The window for tender bids closed on 10/05/23. Bids received will be evaluated by the panel. Interviews for those shortlisted will take place on 30 May with a view to selecting a provider to carry out the review in the w/b 5/06/23.
	We will conclude the ongoing review into our decision-making processes for authorisations and implement its recommendations	OH	OH / VS	Delivered in phases with the first phase proposals for the overarching framework to be discussed with the Board before the Summer and consulted, where necessary, in early Autumn.	10 May 2023	Timeframe for phase 1 recast to allow for evidence from the thematic review of admissions to be included. Phase 2 will be discussed internally before the Summer.

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Performance (cont.)	We will implement the recommendations arising from the Deloitte review of the fitness for purpose and durability of our key operating systems	MN	MN	Milestones will be aligned with the end-to-end review of enforcement processes, but changes to the operating systems are unlikely to be implemented before 2024-25		First step will be to implement the Deloitte recommendation to appoint a <i>Solution Owner</i> to assume responsibility for CRM/CMS systems and to take part in end-to-end review of enforcement process. An internal candidate is currently under consideration.
	We will review the role of the Independent Reviewers in our enforcement and authorisations processes to identify improvements in the operation of this assurance mechanism and to ensure that it is procedurally fair.	SJ	RB	Review complete – end April 2023. Consideration of review outcomes by the Board – July 2023. Consultation and approval of any Handbook changes arising (subject to approval by the Board and the LSB) – July – December 2023. Implementation of revised approach – early 2024.	3 May 2023	The review is ongoing but the aim is that the outcome of the review will still be ready for consideration by the Board in July 2023. However, there is a piece of confidential work happening in parallel which has some overlap with the review and so the conclusion of the review to some extent depends on the conclusion of that other process.
	We will agree and pilot a balanced scorecard to measure BSB's performance in delivering core regulatory operations	MN	AW	Year one: - Agree shadow measures for piloting in May 2023 Year 2: - Begin formally reporting against new measures	5 May 2023	Pilot proposals agreed by Executive and SMT. Due to be presented for approval to PSP on 11 May and Board on 25 May 2023.

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Regulatory approach – Strategic change	Establish a standards assurance framework which will set out clearly our expectations of barristers and their chambers and employers on how to maintain standards of practice at the Bar	OH	JB	Develop framework during 2023/24 business year and implement in Q1 of 2024/25	10 May 2023	On track – outputs from the roundtables with chambers will be discussed with the Board at its July Away day.
	Refine our approach to assuring professional competence of barristers including a refresh of the competences we expect barristers to demonstrate, our approach to CPD and the regulation of competence and standards in the early years of a barrister's career	OH	HL	Complete reform to CPD and commence supervision against the new arrangements by April 2024	10 May 2023	On track – review of the Professional Statement has commenced and this will feed into refinements in the regulation of CPD.
	We will undertake a thematic review of the quality of vocational Bar training providers, how they ensure that standards are maintained once a student is admitted and what systems are in place to ensure that a student develops to their full potential, whatever their starting point	OH	JW	Research and analysis carried out during 2023/24 with final report and recommendation considered by the Board by April 2024.	11 May 2023	On track. Scoping and planning underway.

Part 1 – Public

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Regulatory approach – Strategic change (cont.)	We will focus on promoting public legal education in collaboration with our fellow regulators and with other frontline providers of help to those in legal need	WW	WW	This is an ongoing commitment and the Board will review our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.	May 2023	The Board will review our PLE strategy at its meeting on 25 May
	We will continue to ensure that our transparency rules are being complied with and are being effective	EM	RM / JW	Compliance checks are ongoing and we will consider next steps on transparency in the light of our DCT market study and other evaluation work undertaken to date.	9 May 2023	Compliance checks continue to be conducted whenever Supervision engages with a barrister, chambers or entity. DCT study is due to conclude in September 2023 and the process of bringing together findings into a draft report aims to finish by the end of 2023.
	We will continue our examination of the role of new technology in the legal services market and our participation in the work of LawtechUK and we will also be looking at whether consumers' interests can be well served by online comparison or by other intermediaries offering to broker access to barristers	EM	RM	This is an ongoing commitment (we now have dedicated policy staff taking this work forward) and we will review the DCT pilot following its conclusion.	9 May 2023	New Policy Manager started in November 2022. New senior policy officer is due to start in June 2023. The work plan has now been developed by the policy manager. In parallel the tender to commission research on use of tech at the Bar will be issued in May 2023.

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Regulatory approach – Intelligence & data	We will overhaul our approach to the gathering, collation and analysis of the intelligence we receive from a wider range of sources	EM	BB	Year one: - Create and publish a data and intelligence strategy Year two - Commence implementation of agreed strategy	3 May 2023	The Data and Intelligence Strategy work is progressing. We have considered the planned vision and objectives of the strategy, and are currently working on the current state analysis. An update on this work and a chance to discuss its wider implications will be provided to the Board at its July Away Day.
Regulatory approach – Intelligence & data (cont.)	We will review our current risk framework to make sure that intelligence is joined up and that our front-line teams have more discretion to act promptly in response to emerging risks	EM	BB	Year one: - Complete review Year two: - Implement new processes	3 May 2023	The Provisional Report of the Risk Framework Review has been drafted and is currently with the BSB Risk Forum for consideration. The elements of the review that involve BSB strategy will be discussed at the Board Away Day.
	We will continue to use our research team and commissioned providers to publish evidence in support of policy changes, to better understand the market for barristers services and to evaluate the impact of any reforms. We will seek to collaborate with the other legal regulators on cross-cutting matters, such as on consumer-focused research.	EM	EM	Year one: - We shall undertake research with pupillage providers to investigate the recruitment outcomes of different approaches aimed at increasing diversity. - We aim to complete our evaluations of our DCT pilot and our Bar training reforms by end of 2023-24.	15 May 2023	On track.

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Regulatory approach – Intelligence & data (cont.)				- We also plan to undertake analyses of enforcement outcomes and begin to build a more substantive evidence base in relation to the use of technology and innovation at the Bar in 2023-24. Year two: - In 2024-25 we intend in particular to look at the extent to which solicitors offer their clients a choice of barrister and at whether access to justice in future may be threatened by a lack of barristers as the profession ages		
Regulatory approach - Reforming our Handbook & rules	We recognise the need to revise the Handbook, to ensure that it is easily navigable and easily understood by both barristers and the public alike, and represents good regulatory practice. We shall be making design changes to	EM	EM / RM	In year one: - We will identify any urgent Handbook changes that are needed to address gaps or improve efficiency in the short to medium term. - We will complete our review of the regulation of standards in non-professional life and of	3 May 2023	The non-professional life/social media project is ongoing and the hope is to take the outcome of last year's consultation to the Board in July 2023. SMT agreed our new approach to coordinating, prioritising and standardising Handbook changes in March 2023. This planned approach, and future

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Regulatory approach - Reforming our Handbook & rules (cont.)	the layout of the Handbook and Code of Conduct with this in mind, in the meantime taking forward essential amendments to the Code of Conduct and Handbook, including amendments flowing from other priority work programmes.			barristers' use of social media in the light of our recent consultation. - We will complete our review of the Equality Rules to ensure that they remain fit for purpose and clearly set out minimum standards for chambers' and employers' oversight of diversity, including appropriate governance. - We will also be looking at our "association rules" which regulate how barristers interact with intermediaries which provide information about their services. In year two: - We will begin systematically consulting on more strategic changes to the Handbook, taking on board challenge and feedback from a variety of stakeholders.		project timeframes, are due to be considered by the BSB Board in July 2023.

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Regulatory approach - Reforming our Handbook & rules (cont.)	We will develop arrangements for the assessment of advocacy and negotiation skills during pupillage as the final part of our reforms to Bar training	OH	VS	New means of assessment for advocacy will be in place by Sept 2024 and negotiation in Sept 2025	10 May 2023	On track – seminars to develop learning outcomes and assessment criteria for advocacy have commenced and workshops for negotiation skills have been planned.
Culture & capacity	We shall ensure that the Board itself exemplifies the values of the BSB, refreshes its equality and diversity training regularly and undertakes annual reviews of its governance, including an independent review every third year	KS	MN / RF	An annual Board self-appraisal will take place in Summer 2023; an independent appraisal will take place in Summer 2024. Equality and diversity training, delivered in Q4 2022/23, will be refreshed in 2024/25.	3 May 2023	Analysis of 2023 Board self-appraisal to be discussed at July Board meeting.
	We will continue to implement our programme of embedding our values and behaviours to deliver a culture of continuous improvement	TH	TH	Delivery of the 2023/24 organisational learning plan, to be launched in April 2023 and completed by March 2024 On going delivery of senior leadership development and teambuilding, plus delivery of a leadership development programme by April 2024	10 May 2023	The organisational learning plan has been launched and activities are underway. A leadership development event has been arranged for late May 2023, for Directors and Senior Managers. Analysis of individual and team working styles and development areas is being undertaken to inform development programmes.

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Culture & capacity (cont.)	We will review our processes for recognition and performance management to ensure that they support our values and help to deliver continuous improvement	TH	TH	Launch of a revised recognition scheme by September 2023 Launch of a revised performance management system by April 2024	10 May 2023	Our April 2023 People Conference included a session on Recognition and feedback obtained will inform scheme design. Work on performance management is scheduled to commence in July.
	We will periodically review our implementation of the Internal Governance Rules, with the aim of enhancing regulatory independence within the current legislative framework.	MN	MN	To be conducted annually.	10 May 2023	Review completed by end 2022/23 and letter sent to Bar Council proposing reforms to operation of shared services. Next step will be a meeting to discuss the proposed reforms.
	We will continue to pursue the governance reforms in our Well Led Action Plan and in this action plan in response to the LSB's Regulatory Performance Review	MN		To be concluded by Summer 2023 where not continuing		Continuing
	We will promote engagement and collaboration with consumer organisations, the profession and other regulators	WW		This is an ongoing commitment.	May 2023	Ongoing