

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. This change is being managed via the deployment of transformational programmes of work that each have appropriate governance and gated controls. 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	SJ / SH	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.	July 2023	Following completion of the tender process, Fieldfisher LLP has been appointed to carry out the Review. The detailed project plan and contract, including the final Terms of Reference (based on section 3 of the Invitation to Tender) will be in place by end July. An all staff briefing on the Review was held on 12 July and work will start in earnest in August. The intention is to complete the evidence gathering phase and produce an interim report on emerging recommendations by the end of 2023 with final recommendations for change being put to the Board in March 2024. The LSB has been provided with a copy of the ITT and the Terms of Reference will be sent when finalised.
	We will conclude the ongoing review into our decision-making processes for authorisations and implement its recommendations	OH	RM / VS / SH	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.	July 2023	Timeframe for phase 1 (covering initial qualification) recast to enable work to progress in parallel with the Supervision thematic review of admissions. Recommendations will go to the Board in November, with a view to a consultation in late 2023/early 2024. Phase 2 will be discussed internally in June 2023 and further work on Phase 2 proposals by the Curriculum and Assessments Review working group due by end August 2023. It is unlikely that the review will conclude, with recommendations fully implemented, until 2024/25.
Performance (cont.)	We will implement the recommendations arising	MN	MN	Milestones will be aligned with the end-to-end review of enforcement		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 the end-to-end review of

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	from the Deloitte review of the fitness for purpose and durability of our key operating systems			processes, but changes to the operating systems are unlikely to be implemented before 2024-25		enforcement process. The post has now been evaluated and a recruitment process has been launched.
	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.	July 2023	The timetable for completion of the review was put back to take account of a confidential piece of work that was happening in parallel. That work was directly related to the past operation of the IR process and it was considered premature to conclude the review of the policy prior to the outcome being known. The piece of work is now concluded, but the timing did not allow for the review to be completed in time for the July Board meeting. The outcome of the review will be put to the Board in October.
	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	July 2023	The Board approved a balanced scorecard at its meeting on 25 May. The scorecard will now be piloted during 2023/24
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	RM	JB	Develop framework during 2023/24 business year and implement in Q1 of 2024/25	July 2023	On track – outputs from the roundtables with chambers will be discussed with the Board at its July Away day, with a view to a consultation in early Autumn 2023.
	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	RM	HL	Complete reform to CPD and commence supervision against the new arrangements by April 2024	July 2023	On track – the new Interim Director of Standards and Interim lead policy manager on this work will join BSB in their roles from September 2023. They will review the work schedule and commitments to ensure delivery. Meanwhile, the review of the Professional Statement has continued 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	RM	JW	Research and analysis carried out during 2023/24 with final report and recommendation considered by the Board by April 2024.	July 2023	On track. Scoping and planning underway.
Regulatory approach – Strategic change (cont.)	We will focus on promoting public legal education in collaboration with our fellow regulators and with other	WW	WW	This is an ongoing commitment and the Board last reviewed our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.	July 2023	The Board reviewed our PLE strategy at its meeting on 25 May. They agreed that we should continue our work with frontline legal help providers but also discuss rejoining Legal Choices with our fellow regulators. Those discussions have now taken place and we have agreed in principle that BSB will re-join Legal Choices from September 2023 on the understanding that the BSB financial contribution will be additional.

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	frontline providers of help to those in legal need					
	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.	July 2023	Compliance checks continue to be conducted whenever Supervision engages with a barrister, chambers or entity. On-line comparison market 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 2023-24.
	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.	July 2023	New Policy Manager started in November 2022. New senior policy officer started in June 2023. The work plan has now been developed by the policy manager. In parallel the tender to commission research on use of technology at the Bar was issued and we are in the process of appointing the successful bidder.
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	July 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. This is due to be completed in August 2023, with the remainder of the strategy due for completion by late 2023 or early 2024.
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	July 2023	The Provisional Report of the Risk Framework Review has been completed. The elements of the review that involve BSB strategy were 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. - 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:	July 2023	On track.
Regulatory approach – Intelligence & data (cont.)						

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				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 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.	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 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.	July 2023	The non-professional life/social media project is continuing and the outcome of last year's consultation was taken to the Board in July 2023. The Board endorsed the proposed changes to the guidance which will be published in September 2023. SMT agreed our new approach to coordinating, prioritising and standardising Handbook changes in March 2023. This planned approach, and future project timeframes, was considered and endorsed by the BSB Board in July 2023.
	We will develop arrangements for the assessment of advocacy and negotiation skills during pupillage as the final part of our reforms to Bar training	RM	VS	New means of assessment for advocacy will be in place by Sept 2024 and negotiation in Sept 2025	July 2023	On track – series of 5 workshops to develop learning outcomes and assessment criteria for advocacy and negotiation skills have taken place and requirements are now being developed in detail. A group of barristers with specialist negotiation skills has offered to assist in finalising requirements. Ongoing consultation with the Inns takes place regularly.
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,	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.	July 2023	Analysis of 2023 Board self-appraisal to be discussed at October Board meeting.

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	including an independent review every third year					
	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	July 2023	Delivery of the 2023/24 organisational learning plan is continuing. Further events have been scheduled including development of a Learning and Development intranet page to highlight opportunities. Options for increased e-learning provision are being explored. Our leadership development event in late May 2023 resulted in a range of practical plans and measures to take forward to develop collective leadership, including the establishment of a new Leadership Group comprising of Directors and operational heads
	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	July 2023	We have analysed feedback from our April 2023 People Conference and are developing an updated recognition policy based on views. Work on performance management will commence in late 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.	July 2023	Review completed by end 2022/23 and letter sent to Bar Council proposing reforms to operation of shared services. BSB proposals now under discussion with the Bar Council.
	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.	July 2023	Continuing