

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		
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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 April 2024 with presentation of final recommendations to the Board. Interim report January 2024. Consideration and implementation of recommendations – 2024/25 dependent on extent of changes.	24/10/23	The review is proceeding in line with the agreed timetable. A report on emerging issues and areas to address was presented to the Steering Committee in October and forwarded to the SLT. The work in the next phase will include further interviews of internal and external stakeholders, surveys of users, IDB and BTAS panel members and case reviews. A report on emerging recommendations was presented to the SLT and to the BTAS Strategic Advisory Group in December. The report will be considered by the Board in January 2024 with final recommendations for change being put to the Board at a single-issue meeting in April 2024.	
	We will conclude the ongoing review into our decision-making processes for authorisations and implement its recommendations	SH	SH / VS	Delivered in phases with the first phase proposals for the overarching framework to be discussed with the Board before the end of 2023 and a public consultation launched in early 2024.	25/10/2023	This Project is on course. A draft consultation paper on the phase one proposals (dealing with the definition of academic legal training) was considered by SLT in early November and then by the Board at its meeting on 30 November 2023. The Board approved the consultation which was launched on 9 January and will run until 8 April. During this period we will plan workshops with our key stakeholders, particularly Bat training providers..	
	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		A Solution Owner for the CRA and CMS systems, as recommended by Deloitte, joined the Bar Standards Board/Bar Council in December. The postholder will work alongside the Enforcement Review which is also recommending re-engineering of the underlying IT systems	
	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.	20/10/2023	Review complete and new policies adopted following the meeting of the Board on 5 October 2023.	
	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	20/10/23	We have identified the key risks and issues which could impact delivery and implementation. We have a range of current and planned actions to mitigate these including taking steps to ensure the relevant software and system functionality is available to support reporting, working with operational teams to ensure the reliability of data, communicating internally with staff on the aims and benefits of the project, and scoping a potential piece of consultancy with auditors RSM UK Risk Assurance Services LLP on measures of productivity.	

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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	RM	B Burns	Develop framework during 2023/24 business year and implement in Q1 of 2024/25		Since September, our Assuring Competence (AC) Programme has been led by our Director of Standards and a new policy manager. They have completed a thorough stocktake of the programme, on which we will brief the LSB. We are on track to develop our Assuring Standards Framework (ASF) in this business year and start to implement it by Q1 of the next business year. Implementation will be incremental, for example, so that we can pilot, evaluate, and refine elements of our ASF to ensure its success. Our ASF will use improved forms of education and outreach to clarify our expectations of barristers and their chambers or employers. It will also deploy an enhanced approach to supervising and enforcing against issues of competence. As part of this work, we are preparing to run an internal pilot to identify any gaps, barriers, or issues in our regulatory framework or how we apply it.	
	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	B Burns	Complete reform to CPD and commence supervision against the new arrangements by April 2024	30/01/24	Following the thorough stocktake of our AC Programme, we have decided to proceed with four projects. Namely, our ASF, our Competence Monitoring Framework, a project on CPD, and a project on our Professional Statement (PS). To ensure the success of our AC Programme and deliver work that is targeted, proportionate and evidence-based, we will pursue any fundamental or structural changes to our CPD regime or PS as part of our next strategy if we identify evidence that provides a clear rationale for it (e.g. through our CMF and ASF projects). The milestone to deliver complete reform to CPD is no longer relevant. Nor is it committed to in our AC Action Plan. For the remainder of our current strategy, we will maximise the potential of our existing arrangements and implement a data and intelligence-led approach to competence. This will include several measures to enhance our approach, including to CPD. Revised guidance on CPD was published in January to coincide with the new CPD year. We plan to ask a number of questions of all barristers about CPD experience and priorities. Subject to legal advice, we will also update the Professional PS to strengthen its link to ongoing competence. We continue to assess the need for additional competencies or competency statements. Our Technology at the Bar research, which we plan to publish this business year, forms part of this work. Measures we will take in the next business year include an enhanced approach to supervising CPD compliance (from Q1) and completing research about our New Practitioner Programme. These steps will help to create an evidence base for any fundamental or structural changes to our CPD arrangements.	

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Regulatory approach – Strategic change (cont.)	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.	24/10/23	The thematic review is in progress. The latest annual report on Bar training was presented to, and discussed by, the Board at its meeting on 30 November.	
	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 last reviewed our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.	24/10/23	We continue to support projects with frontline PLE providers such as Law for Life, Citizens Advice, Support through Court and Refugee Action and we have now rejoined the Legal Choices website and look forward to playing an active role in its future development.	
	We will continue to ensure that our transparency rules are being complied with and are being effective	EM	RP	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.	24/10/23	Compliance checks are continuing in Supervision. Some clarification changes have been made to the transparency guidance on the website, based on Supervision recommendations.	
	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	HF	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.	26/10/23	This work is continuing – see below for update on DT evaluation and technology research.	
Regulatory approach –	We will overhaul our approach to the gathering, collation and	EM	BBray	Year one: Create and publish a data and intelligence strategy	20/10/2023	The Data and Intelligence Strategy work is progressing. We have considered the planned vision and objectives of the strategy and assessed how we feel the BSB is meeting these in a current state analysis. The project is currently	

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<i>Intelligence & data</i>	analysis of the intelligence we receive from a wider range of sources			Year two Commence implementation of agreed strategy		at the Future State Analysis phase, where we seek to understand the changes needed to be made in future years to meet our objectives. The full strategy and proposals will go to the Board in March 2024	
	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	BBray	Year one: - Complete review Year two: - Implement new processes	20/10/2023	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 in July 2023. The team has now drafted the final report, including implementation plan, which was approved by the Senior Leadership Team at a meeting on 3 October and will go for Board approval in January 2024.	
	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	OJ	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: - 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	16/01/24	Broadly on track: - Pupillage research: quantitative and qualitative reports have been received. The qualitative report will be considered by the Programme Board shortly, followed by the quant report. - DCT evaluation: the pilot has closed and we are undertaking the evaluation fieldwork. The barrister survey is about to launch and YouGov will be launching a consumer survey next month. Although the work will be complete, publication is likely to happen early in the new business year. - Bar training: draft evaluation report expected by the end of the business year. - Enforcement outcomes: draft report expected by the end of the business year. - Technology research: stakeholder interviews have been completed, recruitment about to begin for barrister interviews. Unlikely to have been completed by end of business year, based on recent experience of time taken to complete similar fieldwork. - We are in discussions with the SRA on whether it would like to participate in the research identified for next year.	
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	EM	RP	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.	20/10/2023 (RB)	Board is considering high priority Handbook amendments at its January meeting, including clarification that the BSB can consider conduct issues raised in report on a client's own barrister in parallel with the Legal Ombudsman's consideration of service complaints.	

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	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.			- 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.		- Conduct in Non-Professional Life project now complete with the publication of new guidance on the regulation of non-professional conduct and social media use published in September 2023. (RB) - The equality rules have been reviewed and we are in the process of finalising draft rules for consultation from March. - The review of associations is being set up as a project and a PID has been drafted.	
	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	24/10/23	Significant progress has been made in this area; extensive engagement has taken place with stakeholders including the Inns and Circuits, pupils, members of the BSB's equality taskforces and experts in advocacy and negotiation/mediation. A version of the documents outlining the requirements for advocacy is currently with the Inns and circuits for comment, with responses due by the end of October. We will then publish the final version of the documents for advocacy, with the new courses starting in 2024 as planned. We have also developed draft requirements for negotiation; however, as this is a new course and the proposed approach is more novel, this will require further thought and development. However, it is still likely to be completed in line with the planned timetable.	
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	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.	26/10/23	Annual Board self-appraisal considered by the Board in October 2023. Appraisal of Chair completed in September 2023. Appraisal of Board members also now completed. External independent evaluation planned for Summer 2024; Invitation to Tender to be finalised early in 2024. Equality and diversity refresher training for the Board scheduled for March 2024.	

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	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	23/10/2023	Delivery of the learning plan is progressing well. Leadership development activities are continuing and the project is on track.	
	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 December 2023 Launch of a revised performance management system by April 2024	23/10/2023	Slight delay to recognition but there is a draft policy and an EIA is in progress. Performance management is on track.	
	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.	26/10/23	We are engaging with the Bar Council on follow-up our letter of 19 April following our review in 2022/23 of the current arrangements for shared services. The LSB's review of the Internal Governance Rules is relevant to the future development of the BSB/Bar Council relationship	
	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	26/10/23	The reforms are now fully implemented.	
Culture & capacity (cont.)	We will promote engagement and collaboration with consumer organisations, the profession and other regulators	WW		This is an ongoing commitment.	24/10/23	All policy papers going to the Board must now include a section on stakeholder engagement and we continue to pursue collaborative initiatives in a number of areas (eg with PLE providers, with the profession and with consumer groups) as appropriate. We publish regular bulletins for the profession and for consumers and are about to begin a series of roundtables in every circuit to discuss our proposals for consolidating our regulatory requirements for barristers in chambers with the profession and other key stakeholders.	