

## 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.<br>Completion of review – by April 2024 with presentation of final recommendations to the Board.<br>Interim report January 2024<br>Consideration and implementation of recommendations – 2024/25 dependent on extent of changes. | 18/04/24        | The independent review has been completed in line with the original timescale. The Fieldfisher Enforcement Review Report was presented to the Board at a Special Meeting on 11 April 2024. An executive response paper, including a response from BTAS, was presented at the same meeting. The executive paper recommended that all the recommendations made in the report should be accepted, some in principle, subject to options appraisals and costs.<br><br>The executive will now develop detailed proposals for implementation under the umbrella of a Reform Programme and present those proposals to the Board in July. Some recommendations have already been implemented and some will taken forward immediately by relevant managers outside the Reform Programme. |     |
|             | 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                                                                                                                  | 07/02/2024      | April 2024 – Status unchanged<br><br>Phase 1 of this project went out to consultation on 9 January 2024 and the consultation period will conclude on 8 April 2024. A roundtable with key stakeholders from training providers is booked on 29 February and a further roundtable will be booked with the Bar                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |

| Theme                                  | Action                                                                                                                                                                                                                                                          | Lead | Contact | Milestone and timetable                                                                                                                                                                                                  | Progress report |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |
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|                                        |                                                                                                                                                                                                                                                                 |      |         | consultation launched in early 2024.                                                                                                                                                                                     |                 | Council and the Inns. Work on phase 2 is being progressed while phase 1 is out for consultation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |
| 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                                                       | 25/10/2023      | April 2024 – status unchanged<br><br>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      | Implementation of revised approach – early 2024.                                                                                                                                                                         | 20/10/23        | April 2024 – status unchanged<br><br>Review complete and new policies adopted and published 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:<br><ul style="list-style-type: none"> <li>Agree shadow measures for piloting in May 2023</li> </ul> Year 2:<br><ul style="list-style-type: none"> <li>Begin formally reporting against new measures</li> </ul> | 22/04/2024      | The balanced scorecard and new set of KPIs were approved by the Board at their meeting on 21 March 2024.<br>The new balanced scorecard report and team performance management reports will be introduced and used for discussions at monthly meetings with teams from May onwards. We will present the first quarter's performance report to the Board at its meeting in September 2024. We have scheduled a pre-Board seminar ahead of that meeting to take Board members through the performance reporting on the new KPIs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |
| 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   | BBurns  | Develop framework during 2023/24 business year and implement in Q1 of 2024/25                                                                                                                                            | 22/04/2024      | Our Assuring Standards Programme Board (ASPB) approved an internal pilot to test the robustness of our framework for ensuring that barristers meet the required standards of professional competence throughout their careers (Assuring Standards Framework or ASF). The materials for the pilot include a set of competence-related case studies, a detailed map of our existing approach, and examples of tools used by other regulators.<br><br>We have started delivering the internal pilot and plan to complete delivery in Q1 2024/25. In Q2, we plan to agree on and start implementing recommendations to strengthen our ASF.<br><br>Additionally, we are engaging with other legal services regulators to better understand their work to assure the required standards of professional competence and explore any opportunities to collaborate or share information. This is informed by the LSB's latest review of regulators' performance, will complement the abovementioned ASF internal pilot, and will support consistent regulatory approaches, where appropriate. |     |
|                                        | 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   | BBurns  | Complete reform to CPD and commence supervision against the new arrangements by April 2024                                                                                                                               | 22/04/2024      | Activity 1: The information above about our ASF is also relevant to this action.<br><br>Activity 2: Our Assuring Standards Programme Board (ASPB) approved an evaluation framework for our revised CPD resources, which we have started to implement and will continue to implement throughout 2024/25. The framework includes collaborative work with a small cohort of chambers.<br><br>Activity 3: Our ASPB approved an approach to CPD spot checks, which we are on track to launch in Q1 2024/25. The spot checks will support the abovementioned evaluation of our revised CPD resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |

| Theme                                                 | Action                                                                                                                                                                                                                                                                                    | Lead | Contact | Milestone and timetable                                                                                                                                          | Progress report |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |
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|                                                       |                                                                                                                                                                                                                                                                                           |      |         |                                                                                                                                                                  |                 | <p>Activity 4: We have commenced the initial phase of our Competence Monitoring Framework (CMF), which is designed to build our capacity to capture and analyse data from internal and external sources bearing on barristers' professional competence. As part of the CMF, we have added two questions about CPD to our annual Authorisation to Practise process. We will continue to develop the CMF throughout 2024/25.</p> <p>Activity 5: We completed the evaluation of our Coroners' Courts' Competencies in Q4 2023/24. We will publish a report on the evaluation in Q1 2024/25 and, if necessary, an action plan.</p> <p>Activity 6: We have initiated work to determine, by the end of 2024/25, whether to review the Professional Statement as part of our next strategy. This will include work to consider evidence from our Bar Training Evaluation, Technology at the Bar Research, CMF, and the internal pilot of our ASF.</p> |     |
|                                                       | 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        | <p>April 2024 – status unchanged</p> <p>Visits to all Bar training providers are underway. Some of the January visits had to be rescheduled slightly due to both bad weather and strikes causing train cancellations. A final report is planned for Autumn 2024, with an update to the Board in Spring 2024.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |
| <b>Regulatory approach – Strategic change</b> (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 last reviewed our PLE strategy in May. All our projects are evaluated in terms of their reach and impact.           | 24/10/23        | <p>April 2024 – status unchanged</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |
|                                                       | 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. | 02/02/2024      | <p>April 2024 -status unchanged</p> <p>We have recently updated our existing transparency guidance in light of feedback. Research into barrister and consumer preferences regarding transparency are being undertaken in Q2 2024 as part of DCT evaluation process. Peer engagement is currently being undertaken with other approved regulators in relation to possible next steps regarding updating our existing transparency rules. An options paper for future activity will be presented to the May Access Programme Board, taking into account all of the evidence gathered above.</p>                                                                                                                                                                                                                                                                                                                                                  |     |
|                                                       | 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                                | 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        | <p>April 2024 – status unchanged</p> <p>This work is continuing – see below for update on DT evaluation and technology research.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |

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|                                                                 | intermediaries offering to broker access to barristers                                                                                                                                                                                                                                                                                                 |      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |
| <b>Regulatory approach – Intelligence &amp; data</b>            | We will overhaul our approach to the gathering, collation, and analysis of the intelligence we receive from a wider range of sources                                                                                                                                                                                                                   | EM   | BBray   | Year one: <ul style="list-style-type: none"> <li>Create and publish a data and intelligence strategy.</li> </ul> Year two <ul style="list-style-type: none"> <li>Commence implementation of agreed strategy</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 22/04/2024      | The Data and Intelligence Strategy proposals will go to the Board in March 2024<br>The BSB have contacted the LSB about presenting this in more detail (alongside the Risk Framework Review below). This is currently being arranged.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |
| <b>Regulatory approach – Intelligence &amp; data (cont.)</b>    | 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: <ul style="list-style-type: none"> <li>Complete review</li> </ul> Year two: <ul style="list-style-type: none"> <li>Implement new processes.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 22/04/2024      | The Final Report of the Risk Framework Review has been approved by the Board and the recommendations are now being implemented.<br>The BSB have contacted the LSB about presenting this in more detail (alongside the Risk Framework Review below). This is currently being arranged.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |
| <b>Regulatory approach – Intelligence &amp; data (cont.)</b>    | 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: <ul style="list-style-type: none"> <li>We shall undertake research with pupillage providers to investigate the recruitment outcomes of different approaches aimed at increasing diversity.</li> <li>We aim to complete our evaluations of our DCT pilot, and our Bar training reforms by end of 2023-24.</li> <li>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.</li> </ul> Year two: <ul style="list-style-type: none"> <li>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</li> </ul> | 15/02/24        | April 2024 – status unchanged<br><br>Broadly on track:<br><br>•Pupillage research: The qualitative report has been considered by the Programme Board, and, following comments, a final version of the report has been received. The quantitative report will be reviewed on 26 February. We plan to publish both by the end of the business year.<br><br>•DCT evaluation: the pilot has closed, and we are undertaking the evaluation fieldwork. The barrister survey is due to close 16 February and a consumer survey will be commissioned in March. Publication is likely to happen early in the new business year.<br><br>•Bar training: draft evaluation report expected by the end of the business year.<br><br>•Enforcement outcomes: draft report expected by the end of the business year.<br><br>•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.<br><br>•We are in discussions with the SRA on whether it would like to participate in the research identified for next year. |     |
| <b>Regulatory approach - Reforming our Handbook &amp; rules</b> | 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                                                                    | EM   | RP      | In year one: <ul style="list-style-type: none"> <li>We will identify any urgent Handbook changes that are needed to address gaps or improve efficiency in the short to medium term.</li> <li>We will complete our review of the regulation of standards in non-professional life and of barristers' use of social media</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 02/02/2024      | April 2024 – status unchanged<br><br>Urgent Handbook changes to take forward were agreed internally by Handbook Programme Board and endorsed by BSB Board in January 2024. Preparatory work will commence shortly regarding planned consultation (where needed) and LSB application (where no consultation needed).<br><br>Review of regulations of standards in non-professional life complete, and Handbook changes implemented in September 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |

| Theme              | Action                                                                                                                                                                                                                             | Lead | Contact | Milestone and timetable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Progress report |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |
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|                    | 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.                                                           |      |         | <p>in the light of our recent consultation.</p> <ul style="list-style-type: none"> <li>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.</li> <li>We will also be looking at our "association rules" which regulate how barristers interact with intermediaries which provide information about their services.</li> </ul> <p>In year two:</p> <ul style="list-style-type: none"> <li>We will begin systematically consulting on more strategic changes to the Handbook, taking on board challenge and feedback from a variety of stakeholders.</li> </ul> |                 | <p>Work on Equality Rules progressing, with regular Programme Board and Board oversight of proposals. We expect to launch a consultation before the end of the business year.</p> <p>Associations project to be up and running by end of business year, with review of market for intermediaries expected to be complete in Q1 of next business year.</p> <p>Preparatory work for more strategic changes to the Handbook is underway.</p>                                           |     |
|                    | 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 07/02/2024      | <p>April 2024 – status unchanged</p> <p>Advocacy course requirements were published in the Curriculum and Assessment Strategy on 11 December along with an application form on the website for interested course providers. A paper on the options for negotiation skills assessments will be taken to the Bar Training oversight group on 26 February 2024.</p>                                                                                                                    |     |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 26/10/23        | <p>April 2024 – status unchanged</p> <p>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.</p>                                                                      |     |
|                    | We will continue to implement our programme of embedding our values and behaviours to deliver a culture of continuous improvement                                                                                                  | TH   | TH      | <p>Delivery of the 2023/24 organisational learning plan, to be launched in April 2023 and completed by March 2024</p> <p>On going delivery of senior leadership development and teambuilding, plus delivery of a leadership development programme by April 2024</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 15/02/2024      | <p>April 2024 – status unchanged</p> <p>Delivery of the learning plan is progressing well. We are about to launch an on-line learning platform to host a range of learning modules.</p> <p>Leadership development activities are continuing, and the project is on track. We are currently running and 'Emerging Leaders' programme for those new to leadership. We are facilitating a range of interventions tailored to individual requirements for more experienced leaders.</p> |     |
|                    | We will review our processes for recognition                                                                                                                                                                                       | TH   | TH      | Launch of a revised recognition scheme by December 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 | April 2024 – status unchanged                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |

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|       | and performance management to ensure that they support our values and help to deliver continuous improvement.                                                                |      |         | Launch of a revised performance management system by April 2024 | 15/02/2024      | <p>The revised Recognition policy and scheme has been agreed and published.</p> <p>The Performance management project is progressing well but with a slight delay, we are now due to complete it in July 2024.</p>                                                                                                                                                                                                                                                                                                                                                                       |     |
|       | 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        | <p>April 2024 – status unchanged</p> <p>We are engaging with the Bar Council on follow-up of 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.</p>                                                                                                                                                                                                                                                    |     |
|       | 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             | 26/10/2023      | <p>April 2024 – status unchanged</p> <p>The reforms are now fully implemented.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |
|       | We will promote engagement and collaboration with consumer organisations, the profession, and other regulators.                                                              | WW   |         | This is an ongoing commitment.                                  | 24/10/2023      | <p>April 2024 – status unchanged</p> <p>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.</p> |     |