

Strategic Plan 2013-16

BAR
STANDARDS
BOARD

REGULATING BARRISTERS



The regulatory objectives:

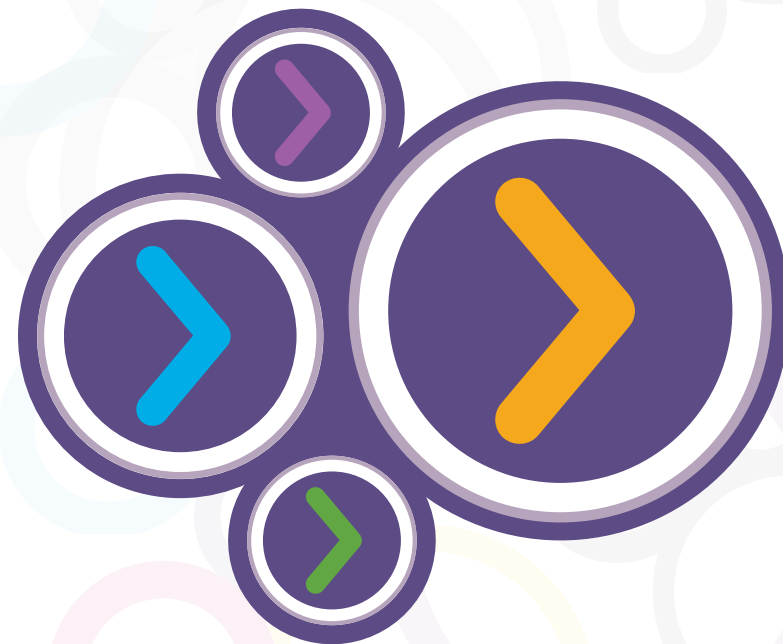
- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of the citizen's legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

The professional principles are:

- That authorised persons should act with independence and integrity;
- That authorised persons should maintain proper standards of work;
- That authorised persons should act in the best interests of their clients;
- That persons who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised persons should comply with their duty to the court to act with independence in the interests of justice; and
- That the affairs of clients should be kept confidential.

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Statement from the Chair and Director

The Bar Standards Board is the independent regulator of barristers. Our mission is to regulate the Bar in England and Wales so as to promote high standards of practice and safeguard clients, in the public interest. We are pleased to publish our third Strategic Plan setting out our aims for the period 2013-16.

We are about to enter an important and exciting new phase in our development since we were established in 2006 as a public-interest regulator, independent of the profession, to meet new legislative requirements set out in the 2007 Legal Services Act. Our vision during 2013-16 is to become a more modern and efficient regulator, operating to externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objectives and professional principles set out in the Act. Barristers are at the heart of the justice system so the work we do is fundamentally important to the maintenance of the rule of law in England and Wales and contributes to the furthering of that principle more widely across the globe.

We have set ourselves five strategic aims for the period 2013-16 to underpin the achievement of our vision. We will:

- implement new specialist regulatory frameworks for advocacy services;

- promote greater public and professional understanding of what we do and why;
- set and maintain high standards of entry to and practice within the profession;
- take a more risk and evidence-based approach to what we do; and
- strive for “best practice” as an organisation for those whom we serve and those who work for us.

We have a talented and engaged lay-majority Board and a highly qualified and dedicated executive staff team to work together on delivering the strategic aims. We are committed to success. We are working at a time of unprecedented change and challenge. The market for legal services is evolving rapidly, with new business models and ways of delivering services to clients appearing all the time. We aim to ensure barristers can take advantage of a liberalised market to bring benefits to their clients. But the market environment is very tough, and nowhere more so than in relation to

publicly-funded legal services, where the advice and representation barristers provide to the most vulnerable in society are at risk of reductions in both quality and availability. We intend to work extremely hard to maintain quality standards at such a difficult time, and to preserve the best of what the Bar has historically provided to society whilst enabling it to modernise. We aim to support entry to the profession by the best qualified students and to monitor their education, as well as the lifelong education of barristers in practice. Despite the challenging environment, we believe that the reputation of the profession stands as high as ever.

Although we serve the public primarily, we are by law funded by the members of the profession we regulate: so we are accountable to the public and the profession. We therefore set high expectations of ourselves and monitor carefully our performance, reporting on it regularly and publicly. You can follow what we do, and engage with it, via our website www.barstandardsboard.org.uk

Baroness Ruth Deech QC (Hon)
Chair

Dr Vanessa Davies
Director (chief executive)

Executive Summary

1. The Bar Standards Board (BSB) is the regulator of barristers in England and Wales. It was set up in anticipation of the Legal Services Act of 2007, which required the General Council of the Bar as “Approved Regulator” under the Act to exercise its regulatory functions through an independent regulatory arm. Our mission is

to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

2. Barristers are specialist legal services practitioners who are distinguished by their capacity - where necessary and in the interests of their clients - to take a matter all the way through the court system. This means that barristers, in addition to all the other legal services they can offer to the public, are specifically trained and qualified in advocacy before the courts and tribunals at all levels. There are over 15,000 practising barristers in England and Wales regulated by the BSB.

3. The BSB sets and monitors the standards for entry to and practice in the profession. We authorise practitioners, supervise their compliance with our standards, and assure the quality of training for barristers and of their professional practice at the Bar. When things go wrong, we take enforcement action as appropriate.
4. The BSB acts in the public interest and must uphold the regulatory objectives and professional principles laid down in the Legal Services Act 2007 (LSA 2007).
5. Barristers, as independent advocates, have a unique and expert role in upholding the rule of law. The BSB aims to provide a specialist regulatory regime for barristers which helps ensure that the public interest continues to be served by barristers maintaining that unique role.
6. The 2013-16 BSB strategic plan is our third three-year plan. It builds on our earlier work to establish ourselves as the independent regulator of the Bar under the LSA 2007
7. **Our vision in this period is to become a more modern and efficient regulator operating to**

externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objectives and professional principles.

8. For the period 2013 – 2016 we have five overarching strategic aims to which all our work is aligned. We will:
 - **Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007**
 - **Promote greater public and professional understanding of and support for our role and mission**
 - **Set and maintain high standards of entry to and practice in a diverse profession**
 - **Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market**
 - **Strive for “best practice” as an organisation for those whom we serve and those who work for us**
9. As we progress these aims, we will be guided by our core values of **integrity, excellence, fairness, respect and value for money.**

Those values will assist us in dealing with the opportunities that are likely to come our way and the risks we may face during the 2013-16 period. The legal services market is

already changing as a result of the structural liberalisation brought about by the LSA 2007 and the extent and pace of change may be challenging for a relatively small regulator to address effectively.

10. Many barristers, particularly those who specialise in criminal and / or family work, whether on behalf of society's most vulnerable members or the state, are seeing their income levels drop significantly as a result of public spending cuts. Some are leaving the profession as a result. It is not the role of the BSB to protect barristers' income levels. But it is our role to ensure a strong, independent, diverse and effective legal profession and to promote access to justice and the rule of law. Our monitoring of barristers' patterns of practice will help us understand whether those regulatory objectives are being undermined by the overall economic climate and enable us to determine what regulatory interventions may be necessary to protect the regulatory objectives.

11. The context in which we regulate, following the advent of the LSA 2007 is also still developing. Our oversight regulator, the Legal Services Board (LSB), rightly sets demanding standards for what we do and itself promotes what it calls a simple goal: *to reform and modernise the legal services marketplace in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice*. Whilst all legal services regulators, including the LSB, share the statutory regulatory objectives, the approach taken by the LSB is not always consistent with our own. We expect to engage constructively with the LSB in all relevant and appropriate areas in 2013-16 to ensure the public is best served by front line and oversight regulators co-operating within their respective roles.

Part One – Our context and operating environment

1.1 The Bar Standards Board (BSB) is the regulator of barristers in England and Wales. It was set up in anticipation of the Legal Services Act of 2007, which required the General Council of the Bar as “Approved Regulator” under the Act to exercise its regulatory functions through an independent regulatory arm. Our mission is:

to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

1.2 Barristers are specialist legal services practitioners who are distinguished by their level of specialism and their capacity – where necessary and in the interests of their clients – to take a matter all the way through the court system. This means that barristers, in addition to all the other legal services they can offer to the public, are specifically trained and qualified

in advocacy before the courts and tribunals at all levels, and often specialise in particular areas of law. There are over 15,000 practising barristers in England and Wales regulated by the BSB, compared with, for example, some 120,000 solicitors regulated by the Solicitors Regulation Authority (SRA).

1.3 The BSB sets and monitors the standards for entry to and practice in the profession. We authorise practitioners, supervise their compliance with our standards, and assure the quality of training for barristers and of their professional practice at the Bar. When barristers appear to have breached our Code of Conduct, we take enforcement action as appropriate. We only deal with professional misconduct, and do not deal with complaints relating to inadequate service from a barrister to his or her client – these have been dealt with since 2010 primarily by the Legal Ombudsman (LeO; <http://www.legalombudsman.org.uk/>).

1.4 The BSB acts independently and transparently in the public interest and must uphold all the regulatory objectives and professional

principles laid down in the LSA 2007. Barristers, as independent advocates, have a unique and expert role in upholding the rule of law and in working in the courts. The LSA 2007 does not set down any hierarchy in the regulatory objectives and the BSB seeks to hold all of them in balance in the over-arching public interest. The BSB aims to provide a specialist regulatory regime which helps ensure that the public interest continues to be served by barristers maintaining the separate and independent role they have historically occupied.

1.5 The 2013-16 BSB strategic plan is our third three-year plan. It builds on our earlier work between 2006 and 2012 to establish ourselves as the independent regulator of the Bar under the LSA 2007. We have been successful in establishing our independence from the profession and its representative body. During the period of the last strategic plan, we have restructured internally to accommodate the establishment of the Office for Legal Complaints and the Legal Ombudsman. We have completed three reviews of aspects of barristers’ education and training. We have

initiated major work to modernise our rules and regulations into a single Code based on new principles laid down by the LSB. And we have started the development of a system to regulate barristers working in entities and Alternative Business Structures (ABS) other than the historic chambers model, drawing on the provisions of the LSA 2007.

- 1.6 We have provided more choice for consumers by lifting some of the restrictions placed on how barristers practise. We have developed new systems for monitoring the quality of the service that barristers provide, including working with other legal service regulators on, for example, the first ever accreditation scheme for criminal advocates. We have introduced and will soon be monitoring compliance with important rules for barristers in relation to equality and diversity. And we have become more public-facing and transparent by, for example, consulting widely, renewing our website and working more with a wider range of stakeholders and appointing an Independent Observer who assures for the Board the effective operation of the disciplinary processes we are responsible for. We have developed and documented thoroughly our governance processes and many internal procedures; and introduced a feedback and complaints policy for those who use our services.

Our plan for 2013-16 seeks to complete and consolidate earlier work and to achieve our vision of becoming a more modern and efficient regulator operating to externally agreed high standards, fulfilling our mission and upholding and promoting the regulatory objections and professional principles.

By achieving our mission we will also demonstrate that we are operating at a high level of effectiveness against the regulatory standards framework laid down by the LSB – adapted for our approach and mission.

- 1.7 The legal services market is already changing as a result of the structural liberalisation brought about by the LSA 2007. The profession is under pressure to modernise and adapt and the BSB needs to make it possible for those whom it regulates to do so, without endangering other regulatory objectives. We aim to allow barristers to adopt new business models and broaden the range of consumer choice in legal services. We will do this by developing a niche, proportionate and cost-effective regulatory framework for entities and ABSs.
- 1.8 Many barristers, particularly those who specialise in criminal and / or family work, whether on behalf of society's most vulnerable members or of the state, are seeing their income levels drop significantly as a result of public spending cuts. It is not the role of the

BSB to protect barristers' income levels. But it is our role to ensure a strong, independent, diverse and effective legal profession and to promote access to justice and the rule of law. Our quality assurance schemes and our monitoring of barristers' patterns of practice will help us understand whether those regulatory objectives are being undermined by the overall economic climate and enable us to determine what targeted and proportionate regulatory interventions may be necessary to protect the regulatory objectives.

- 1.9 The context in which we regulate, following the advent of the LSA 2007 is also still developing. Our oversight regulator, the Legal Services Board (LSB), sets demanding standards for what we do and itself promotes a simple goal: *to reform and modernise the legal services marketplace in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice.* The LSB's own plans are now firming up and in addition to setting standards to which we must adhere, the LSB will over the next three years focus on *helping consumers to choose and use legal services with confidence, and helping the changing legal sector to flourish by delivering appropriate regulation to address risks.* Whilst all legal services regulators, including the LSB, share the statutory regulatory objectives, the approach taken by the LSB is not always consistent with our own. We expect to engage

constructively with the LSB in all relevant and appropriate areas in 2013-16 to ensure the public is best served by front line and oversight regulators co-operating within their respective roles.

1.10 We will continue to work closely with the LSB on achieving our common goals, whilst seeking to ensure the LSB observes its statutory remit and does not duplicate the work of frontline regulators. In particular we will engage in dialogue with the public, the government, the LSB, other legal services regulators, the judiciary and the profession to continue to implement the LSA 2007, following the Ministry of Justice's (MOJ) Triennial Review of the LSB and confirmation of the LSB's existence for the foreseeable future. We will contribute to the formal process of scrutiny of the Act that the MoJ will institute now that the Act has been in place for over five years.

1.11 We are embarking on a significant internal change and improvement programme to ensure that we have the capacity and capability to regulate in a way consistent with the current and future regulatory environment. Our regulatory improvement programme will include review and revision of our ways of working to streamline them as far as possible; and identifying the full cost of regulatory activity we undertake with a view to ensuring cost-effectiveness and as appropriate, slowing or halting the rate of increase. The change

programme will be the main vehicle we use to improve our performance against the LSB's Regulatory Standards Framework (RSF). http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/20111214_regulatory_standard_v11.pdf

The BSB embarks on the next three year period from a firm foundation of strong, business-like Board and executive leadership; high quality output in terms of services delivered and decisions made; and generally positive relationships with our regulated community. We need now to stream-line and better target our approaches to regulatory processes and policy; improve our technological infrastructure; develop further our external relationships and increase generally low levels of public and professional understanding of our role and activities.

Our strategic plan sets out how we will build on our strengths to realise our vision. We will invest in modernising our infrastructure and systems, enhancing our specialist capabilities in key areas and in creating the capacity to be a pro-active regulator, able nonetheless to respond positively to externally driven and unanticipated changes. We want to create:

➤ A specialist public interest regulatory regime which promotes the unique and invaluable role of advocacy in the upholding of the

constitutional principle of the rule of law in England and Wales

- A regulatory regime which allows the market to develop and provide greater choice of legal service provision
- A more modern and efficient regulator focussed on proportionate, evidence- and risk-based, transparent and value-for-money regulatory activity
- An organisation which a diverse regulated community respects and in which its staff are proud to work

Part Two – Our aims

- 2.1** Our strategic aims have been formulated to enable us to respond to the context set out above and make progress towards achieving our vision. Each aim supports one or more of the regulatory objectives. Underpinning the achievement of our aims is an internal change programme to enable the BSB better to operate to a high level against the RSF laid down by the LSB.
- 2.2** That framework has four key pillars – outcomes -focussed regulation; risk assessment; supervision; enforcement – and requires a regulator to demonstrate sufficient capacity and capability to regulate in those key areas. The BSB has undertaken a self-assessment of its performance against the standards and has developed an action plan to achieve improvements and a higher level of performance against the framework by the end of 2014, and to maintain satisfactory ratings in the future. We give fuller details on how we are going to deliver our strategic aims and make improvements against the RSF in Part Three.
- 2.3** All our work and our objectives are aligned to five overarching strategic aims in 2013-2016.

- 2.4** Our work – like that of many regulatory bodies and, in line with the regulatory standards framework – will be delivered through five key (“vertical”) functions and one cross-cutting “horizontal” function, overseen by the Board and Committees, as illustrated on page 11. These functions completely align with our current structure, although some correspond more closely than others. During the course of this plan we will be considering the extent of internal structural change necessary, including redefining staff and Board and committee roles if required, throughout the 2013-16 period, to best reflect our functional demands.
- 2.5** Throughout the life of the plan we will continue to deliver our core regulatory activity, adjusting it over time to align with our strategic aims.





MAIN BOARD

EDUCATION and TRAINING

Setting and assuring standards in pre-qualification education and training; tests and examinations.

EDUCATION AND TRAINING COMMITTEE

STANDARDS

Setting and review of Code, rules and regulations in all areas.
eg; for post qualification practice; for ABS and entities; for practice management etc.

STANDARDS COMMITTEE

AUTHORISATION

eg authorisation to practise, licensing of entities; qualifications and other waiver applications.

QUALIFICATIONS COMMITTEE

SUPERVISION

Quality assurance activity eg chambers and entities monitoring, pupillage and CPD compliance, accreditation schemes such as QASA.

QUALITY ASSURANCE

ENFORCEMENT

All aspects of enforcement; assessment, investigations, administrative fines, hearings, etc.

PROFESSIONAL CONDUCT COMMITTEE

STRATEGY & COMMUNICATIONS / INFORMATION MANAGEMENT

Corporate services; governance including planning and performance monitoring; regulatory risk and evidence; research, corporate risk and knowledge management; communications; Board support, Planning, Resources & Performance and Governance, Risk & Audit and Equality and Diversity Committees

> Aim 1

To implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007

2.6 We will regulate in the public interest barristers and those who work for and alongside them to deliver advocacy services. These services have a particular role in upholding the rule of law and need to be regulated in a particular way, because the advocate's duty to the court outweighs all other duties he or she has. We will seek to remove the final remaining restrictions on a barrister's right to conduct litigation and enable barristers to be instructed directly by members of the public more comprehensively than now. We will thus enable barristers to offer a complete "one stop" legal service to members of the public, which may offer more convenience and economy. Whether for individual barristers working traditionally in sets of chambers, or for those who seek to work in accordance with new business models, we will provide a specialist regulatory regime that remains focussed on advocacy. We will constrain our regulatory model in such a way that it is targeted at risks on the basis of evidence; proportionate; and consistent with our capabilities as a regulator. We expect it thereby to be a cost-effective regulatory regime and offer substantial benefits to consumers as well as members of the profession.

2.7 This aim supports a number of the regulatory objectives. We will be improving access to justice by ensuring that we have a regulatory scheme in place for barristers that facilitates access. We will be protecting and promoting the interests of consumers by ensuring both that we understand the needs of consumers and that the regulatory regime protects their needs. We will be promoting competition by allowing barristers to use an increasing range of business models through which to operate. The independence, strength, diversity and effectiveness of barristers will be enhanced as we make sure our regimes both protect their independence and ensure that the progress made in relation to diversity is continued.

2.8 To achieve this aim:

2.8.1 Our Education and Training function will:

- > Ensure that education and training for barristers reflects the demands of the new Code of Conduct (the BSB Handbook), including the conduct of litigation and public access
- > Implement any agreed relevant recommendations from the legal service regulators' Legal Education and Training Review (LETR)

2.8.2 Our Standards function will:

- > implement our new Code of Conduct (the BSB Handbook) which is based on a new approach to regulation
- > implement a regime for regulation of specialist advocacy-focussed entities, which includes successfully applying to become a licensing authority under the LSA 2007
- > develop systems and standards to ensure that the conduct of litigation by barristers and direct public access to them represent acceptable levels of risk to the public

2.8.3 Our Authorisation function will:

- > modernise and simplify its approach to handling applications for waivers from rules regarding qualification as a barrister
- > bring into operation a licensing function for processing of applications from entities, including alternative business structures, wishing to be licensed and regulated by the BSB

2.8.4 Our Supervision function will:

- > complete the implementation of QASA (crime), the quality assurance scheme to accredit (and re-accredit) all criminal advocates every five years
- > research the need for other quality assurance and / or accreditation schemes in the public interest

2.8.5 Our Enforcement function will:

- adapt our enforcement strategy to ensure our resources are targeted on those areas which represent the greatest risk to the public
- develop an enforcement regime capable of dealing with entities and ABS regulated and licensed by the BSB, and for individuals within them

2.8.6 Our Strategy and Communications function will:

- Facilitate engagement with MoJ, LSB and other legal services regulators in relation to development of / scrutiny of the LSA 2007 and questions relating to reserved legal activities eg activity based regulation, extension of reservation
- Contribute to the quinquennial legislative scrutiny of the LSA 2007
- Introduce an over-arching policy framework to be used by all components of the BSB when developing aspects of the regulatory regime, to ensure a holistic approach which puts the regulatory objectives, the better regulation principles and our commitment to equality and diversity at its centre

2.8.7 Our annual business plans set out in more detail what we will do.

➤ **Aim 2**
 promote greater public and professional understanding of and support for our role and mission

2.9 We know from our Biennial Survey in 2011 and other media sources that many members of the profession either have no particular view on how we carry out our role, or have a negative view, frequently based on ignorance or misunderstanding of our statutory and public interest role. We are also concerned that the public may not consider us to be independent from the profession. We know that the legal services regulatory architecture can lead to confusion amongst the public as to which legal services provided by which lawyers are regulated and how they may seek redress when things go wrong. And since the advent of the LSA 2007, we are conscious that none of the frontline regulators, nor the oversight regulator the LSB, has taken specific or effective steps to promote the regulatory objective in relation to public understanding of citizens' legal rights and duties. We seek to shift this position over the life of the current strategic plan.

2.10 This aim also supports several of the regulatory objectives in particular improving access to justice by raising awareness of the barrister's role within the justice system. The interests of consumers will be promoted by seeking

to improve their understanding of our role in protecting them. Finally, public understanding of the citizen's legal rights and duties should also be enhanced by promoting our role as well as that of the barrister within our legal system.

2.11 To achieve this aim:

2.11.1 Our Education and Training function will:

- Engage pro-actively with the legal education community to ensure the parameters of the regulatory role in legal education are properly understood

2.11.2 Our Standards function will:

- Continue to consult robustly and widely on all policy developments in relation to standard setting, ensuring in particular the views of consumers of legal services are reflected
- Ensure that the new Handbook is accompanied by a consumer-friendly plain English publication clarifying what can be expected by clients from our regulated community

2.11.3 Our Supervision function will:

- Conduct a thorough review of the first two years of operation of QASA (crime) including in particular engaging with consumer groups

and members of the regulated community to understand the impact of QASA and any unintended consequences, and to identify areas of improvement

2.11.4 Our Enforcement function will:

- Enhance the facilities for those affected by our enforcement regime to provide feedback
- Expand as far as possible within relevant statutory constraints the nature and extent of information we make available publicly and internally about our disciplinary processes

2.11.5 Our Strategy and Communications function will:

- Enhance our investment in external communications and stakeholder engagement through key programmes of work with:
 - the public, including the press and other media
 - different sectors of the regulated community
 - the judiciary and Courts
 - government
 - the LSB
- Make better use of new technology / media in support of our external communications programmes

- Develop an Freedom of Information (FOI) compliance operation / capacity
- Continue to communicate externally in relation to our core activity and to respond to public interest in our work as it arises

2.11.6 Our annual business plans set out in more detail what we will do.

➤ Aim 3

set and maintain high standards of entry to and practice in a diverse profession

2.12 Upholding the regulatory objectives in the public interest means controlling the risks to those objectives. Poor advocacy standards undermine the rule of law and limit access to justice; insufficiently well-trained barristers might not uphold adequately the statutory professional principles of independence and integrity; proper standards of work; observing the best interests of the client and the duty to the court; and maintaining client confidentiality. A key means of controlling risk from regulated legal professionals is to set and maintain high standards of entry to the profession, through the minimum requirements we impose relating to education and training of barristers. Those risks are further controlled where high standards continue to be set and monitored once legal professionals are qualified and fully practising over what can be a fifty year working life. Risk can also be mitigated by clear and consistent enforcement activity based on fair but robust decision making and transparent disciplinary processes in which both the public and the profession have confidence.

2.13 The barrister has a unique role in relation to the justice system in England and Wales and the rule of law and access to justice can

be undermined if those who exercise the profession are not sufficiently diverse and fail as a body of practitioners to reflect the diversity of the public they serve.

2.14 This aim supports all of the regulatory objectives.

2.15 To achieve this aim:

2.15.1 Our Education and Training function will:

- Revise the Bar Training Regulations in accordance with the regulatory standards framework as appropriate
- Implement agreed relevant recommendations arising from the LETR
- annually evaluate the operation of the Bar Course Aptitude Test introduced in 2013
- Review in 15/16 the operation of the Centralised Examinations
- Resume responsibility in 2015 for running the Joint Academic Stage Board or its successor body
- Continue to quality assure the Bar Professional Training Course (BPTC): the performance of 9 contractually bound higher education providers and up to 2,000 students annually, and including managing centrally the application process : there were over 3,000 applications in 2011/12
- Oversee pupillage requirements for 450-500 barristers in their final stage of professional training

- Develop a new regime for Continuing Professional Development (CPD) for barristers consistent with the regulatory standards framework
- Until any new CPD regime is in place, continue to accredit CPD providers and their courses: in 2011, 650 providers offering 8000 courses were accredited.
- Quality assure and accredit the provision of new public access training for Barristers

2.15.2 Our Standards function will:

- Implement the new Code of Conduct (BSB handbook) and deal with any requirements for revisions in response to identified public interest regulatory needs eg considering the results of the LSB's work on the regulation of legal advice and; the possible extension of reservation to will-writing and estate administration
- Develop and implement appropriate standards for practice of barristers working in the field of immigration
- Continually monitor the extent to which regulatory outcomes are being met and make any necessary amendments in response to identified public interest need

2.15.3 Our Authorisation function will:

- Make our authorisation processes more straight-forward for the community we

regulate whilst continuing to protect the public, including devolving first instance decision making for non-standard authorisations to staff: over 1300 such applications were dealt with in 2011

- Continue to maintain the Barristers' Register up to date with details of the status of over 15,000 barristers
- Establish systems which enable proper consideration of applications from entities wishing to be regulated by the BSB, including developing the capacity and capability to assess the risks presented by business models proposed

2.15.4 Our Supervision function will:

- Building on a new, more evidence- and risk-based approach, monitor and supervise the practice of over 700 chambers and all new entities, as well as individuals
- Operate the QASA (Crime) scheme for approximately 5,000 barristers
- Ensure that information gathered from the performance of some 7-10,000 advocates in accreditation processes is appropriately used to set and adjust standards for practice and for education and training;
- Develop standards for practice in the Youth Courts
- Monitor compliance with Equality and Diversity rules introduced in 2012

2.15.5 Our Enforcement function will:

- Ensure that its procedures and practices are adapted to effective enforcement against entities as well as individuals
- Train enforcement staff and prosecutors to operate under the new BSB Handbook
- Continue to deal with around 500 external and internal complaints annually against barristers who have not met the required standards, ensuring that enforcement action is taken in a timely manner based on clear performance targets

2.15.6 Our Strategy and Communications function will:

- Work to ensure the delivery of the BSB objectives under the Equality Act which were first set in 2012 and focus on addressing the overrepresentation of women and BME practitioners in publicly funded areas of law; problems with the retention of women at the self-employed Bar and an underrepresentation of disabled people at the Bar

2.15.7 Our annual business plans set out in more detail what we will do.

➤ Aim 4 become more evidence and risk-based in all we do in the context of a globalised legal services market

2.16 We are statutorily bound both to the LSA 2007 regulatory objectives set out above and to the principles of better regulation: proportionality, accountability, consistency, transparency, targeting. The LSB has laid down a framework for regulatory standards which depends on identifying risk and using evidence on which to base all regulatory decisions. The BSB approach to regulation must therefore be consistent with all of these principles.

2.17 Our resources are finite and they derive primarily from the fees which members of the profession earn from their clients. It is therefore in the interests of consumers and members of the profession, and the general public interest, that the resources we do have are targeted at the areas of the greatest risk to the public. We will over the life of the plan develop a risk identification framework, and mechanisms to ensure that wherever possible regulatory decisions and any changes to regulatory arrangements are made on the basis of evidence we have gathered, whether from our own or independent research, supervision activity or other information legitimately acquired.

2.18 We know that the legal services market is a global one, and that members of our regulated community at the Bar seek further to expand the range and value of services they deliver internationally. Providers of legal education increasingly seek to operate in a global market and some have sought to have their courses overseas accredited by the BSB. Many non-EU citizen trainee barristers are called to the Bar in England and Wales by an Inn of Court, having completed the Bar Professional Training Course. They then return overseas to practise, often drawing on their England and Wales qualification to competitive advantage with consumers. Whilst the BSB has kept abreast of international developments, and we fulfil all our obligations in respect of EU law, we have no specific EU or international strategy. During the life of this plan we will consider in greater detail the impact of a globalised legal services and legal education market and whether as the regulator of the Bar we need to adopt specific approaches to the international activity of those we regulate.

2.19 By undertaking the work required to meet this aim, we will be ensuring that our regulatory actions reflect our understanding of the risks to all of the regulatory objectives. This will contribute to all of the regulatory objectives but in particular the public interest, the interest of consumers, the promotion of competition and the encouragement of an independent, strong,

diverse and effective legal profession. The professional principles will also be promoted as we work towards this aim.

2.19.1 Our Education and Training function will:

- Enhance steps to ensure that risk in the education and training of barristers is correctly identified and proportionate policies developed on the basis of evidence
- Develop more coherent feedback loops into the education and training of barristers from information gathered in authorisation, supervision and enforcement activity at the BSB
- Undertake data gathering and evaluation of the Bar Course Aptitude Test, including with other stakeholders
- Implement any agreed relevant recommendations from the LETR
- Develop (as a regulator) an international legal education strategy for advocacy-focussed services

2.19.2 Our Standards function will:

- Develop more coherent feedback loops into standard setting for barristers' practice from information gathered in authorisation, supervision and enforcement activity at the BSB
- Contribute to the design and

implementation of a risk / supervision database for gathering, collating and exploiting regulatory "intelligence"

2.19.3 Our Authorisation function will:

- Ensure that authorisation processes are adapted to gather appropriate evidence to inform risk-based regulatory approaches
- Contribute to the design and implementation of risk / supervision systems for gathering, collating and exploiting regulatory "intelligence"

2.19.4 Our Supervision function will:

- Contribute to the design and implementation of a risk / supervision database for gathering, collating and exploiting regulatory "intelligence"

2.19.5 Our Enforcement function will:

- Contribute to the design and implementation of a risk / supervision database for gathering, collating and exploiting regulatory "intelligence"
- Develop and implement new systems for the efficient management of legal research and information in support of enforcement activity
- Establish a financial evidence base for monitoring value for money by developing

a robust methodology for determining costs per case

2.19.6 Our Strategy and Communications function will:

- Oversee an agreed research programme in support of the development of our regulatory regimes
- Develop a whole organisation knowledge management system, based on an intranet and document management system
- Devise and implement centralised research and evidence gathering capacity and processes, including procure and implement risk / supervision systems for gathering, collating, analysing and exploiting regulatory "intelligence" – so that we can better assess the risks arising to the regulatory objectives from the services barristers and advocates offer to the public.
- Lead the development of an international regulatory strategy

2.19.7 Our annual business plans set out in more detail what we will do.

› Aim 5

Strive for “best practice” as an organisation for those whom we serve and those who work for us.

2.20 We seek to operate to the highest standards as a regulator that can be achieved within the resources reasonably available to us. We will make improvements in our infrastructure and the standard of corporate services we procure. We will simplify our processes and be as “lean” as we reasonably can, whilst acknowledging that we must maintain sufficient capacity for dealing with the unexpected, especially where there may be a risk to the public interest. We seek to make a step change towards being an organisation whose culture is reflected by the values of integrity, excellence, fairness, respect and value for money set out in more detail in Part Three.

2.21 All departments contribute to achieving this aim, as does the Central Services Directorate of the Bar Council. Our Strategy and Communication department will lead the following activity, which will be given particular impetus in the first year of the strategic plan by the internal change programme started in mid-2012 and led by the Director (chief executive) and senior management team.

2.22 Because this aim cuts across all we do as a regulatory organisation, it supports all the regulatory objectives. It is also the primary

way in which we will show that we are meeting section 28(3) of the Act – the better regulation principles. This aim ensures that we are working towards improving our transparency, accountability, proportionality, consistency and targeting as we regulate barristers.

2.23 We will:

- › Ensure the independent Bar Tribunals and Adjudication Service provided under our regulatory arrangements is operating fairly, transparently and efficiently in the public interest
- › Develop capacity and processes for effective “intelligent client” procurement and performance monitoring of all internally provided and externally contracted services where we do not deliver them directly ourselves
- › Review our business processes to ensure we are operating as efficiently and effectively as we can, simplifying work wherever possible
- › Implement a range of IT infrastructure improvements and related smaller projects in support of operational modernisation and efficiency
- › Develop a strategic, longer term approach to raising revenue in support of regulatory activity to sustain our role as an independent regulator of barristers services in the public interest
- › Move to full cost recovery charging regimes for all regulatory activity that cannot reasonably be wholly supported from practising certificate fees
- › Complete our internal change programme to

achieve satisfactory ratings under the RSF

- › Deliver our HR strategy, including maintaining the professionalism of our regulatory activity by investing in specialist training for staff and introducing a competence framework and a revised staff appraisal system
- › Manage a transition to a new Chair of the Board by 2015
- › Review the governance structure to establish whether further efficiencies can be made without reducing the effectiveness of the Board
- › Enhance the strategic and policy-making role of the Board and further focus its regulatory approach on the public interest and consumers and on better regulation principles

2.24 Our annual business plans set out in more detail what we will do.

Part Three – How we will do it

Our values

Our supporting strategies in HR, Equality, IT

Financial resources

Our internal change programme

Governance improvements

3.1 Our **values** guide how we deliver our strategic aims. These have been agreed in full consultation with our staff and are shared with the Approved Regulator under the LSA 2007, which is the legal employer of the BSB staff, the General Council of the Bar.

INTEGRITY

- We operate to the highest ethical standards
- We are honest, open, and inspire trust
- We consider the social and environmental impact of our actions

EXCELLENCE

- We are committed to quality
- We are creative, innovative, and lead change
- We are responsive, accessible, and accountable for our actions

FAIRNESS

- We act responsibly, proportionately, and in the public interest
- We promote equal access to justice for all
- We value inclusion and diversity

RESPECT

- We respect and support others
- We value expertise, learning and knowledge-sharing
- We foster a collaborative and developmental working environment

VALUE FOR MONEY

- We are cost-effective and accountable for our use of resources
- We work efficiently with an entrepreneurial and commercial mindset
- We strive for clarity, simplicity and straightforwardness.

Our Human Resources Strategy

3.2 The LSB's regulatory standards framework requires that the BSB has sufficient capacity and capability to deliver its regulatory role. This means having not only sufficient staff, but sufficiently

well qualified and skilled staff to undertake the various roles required. We have embarked in 2012 on a change programme to develop both capacity and capability and to deliver both structural and cultural change to help us achieve our aims. We have appointed a fixed term, dedicated change manager to provide extra capacity to work with the senior management team and in particular to deliver the work within strategic aim 5 above (striving for best practice etc). The change programme has a separate internal plan, linked closely to the action plan agreed with the LSB following the regulatory standards self-assessment.

3.3 The **people** who work in the BSB are the organisation's most valuable asset. We have developed a discrete HR strategy to enable us to deliver our aims and objectives. The strategy aims to optimise the contribution of the workforce, under key headings of productivity, capability, well-being and satisfaction. There are five key themes in the strategy:

- Right people, right place, right time
- Rewarding achievement
- Achieving a work environment which is developmental and stretching

- Further developing a culture that is involving and inclusive
- Owning a shared set of behavioural values (shared with the Bar Council which, as Approved Regulator under the LSA 2007 is the legal employer of staff)

3.4 Much of the HR strategy is shared with the Bar Council. However, we have a specific programme to build the skills and knowledge of staff as independent regulatory professionals. In 2012 we piloted a seminar series on regulatory theory and practice in collaboration with Professor Julia Black at the London School of Economics (LSE). In 2013-16 we will expand this skills development of a possible postgraduate programme, including also collaborating in the development of a post graduate qualification for regulatory staff (tailored as appropriate to the requirements of legal services regulation) with a University. We will invite other legal services regulators to share in this initiative. Investing in our staff, with a measurable return on that investment, contributes to ensuring effective delivery of our regulatory role.

Our Equality Strategy

3.5 The BSB welcomes the positive duties placed on it under the Equality Act 2010. To help us fulfil our responsibilities under the Act, we have an Equality Strategy which we publish with this plan. Most of its objectives face outwards towards the profession and public, but two of them are internally focussed on the organisation itself.

They include to:

- Ensure equality and diversity (E&D) provisions are embedded in the revised Code of Conduct in the new Handbook
- Ensure that the E&D provisions of the Code of Conduct are monitored effectively through the chambers monitoring and other supervision schemes
- Promote the new flexible working rules via the communications strategy
- Commission research into why a disproportionate number of BME and female barristers practice in publicly funded work and whether this matches student aspirations
- Increase the number of BME members on the BSB Board and Committees
- Increase the number of barristers working in publicly funded areas of law on the BSB Board and Committees
- Monitor and review the diversity of our staff, Board and Committees by all protected characteristics on an annual basis, taking action

to address areas of underrepresentation as necessary

- Review anonymised data reports on the number and nature of staff calls to the LawCare helpline to identify trends or issues relating to equality and diversity issues
- Update and develop our Workplace Stress policy aimed at addressing and alleviating workplace stress and mental health issues in the workplace

Our IT strategy

3.6 Our IT strategy seeks to assist the delivery of our overall aims through better use of IT to partner the business. We will over the life of the plan be investing in a new intranet and document management system and risk / supervision systems. We will enhance our information management capacity and exploit to the full the increased capacity resulting from the 2012/13 investment in a new case management system in our Professional Conduct Department. We will continue to refresh our hardware and peripherals on three to five year cycles. Following a 2012 IT security audit, we will be making further improvements to our resilience. We aim to achieve ISO27001 in 13/14 in respect of IT security and information management. ISO27001 is an information security management system standard published in October 2005 by the International Organisation for Standardisation. ISO27001

formally specifies a management system that is intended to bring information security under explicit management control. Being a formal specification means that it mandates specific requirements. Organisations that claim to have adopted ISO27001 can therefore be formally audited and certified compliant with the standard

Financial Resources

- 3.7 The cost of BSB regulation as a proportion of the practising certificate fee (PCF) did not increase between 2006 and 2012. The demands on the regulator, whether driven by statutory obligations since the LSA 2007 came more fully into force, or by public and/or professional expectations are however increasing. The BSB faces a challenge to its sustainability as a separate regulator without increased investment and a higher resource baseline, which has to a significant extent been reflected in the resources allocated to this plan. We will work both independently of and in collaboration with the LSB on reviewing the cost of regulation in the 2013-16 period.
- 3.8 We aim to work with the Bar Council on PCF restructuring and on a more strategic approach to revenue raising; over time we expect to see a PCF based on both an individual and a chambers or entity based contribution, better reflecting our evolving approach to regulation.

- 3.9 We have already adopted broad brush principles which mean that where regulatory activity can be clearly attributed to only one sector of the profession, as opposed to being in the interests of or on behalf of the profession as a whole, the direct costs of that specific activity will be recovered from the relevant sector of the profession. We see no reason currently to change that approach. There are some areas of regulatory activity, for example in education and training, which can reasonably be expected to be undertaken on a full economic cost (FEC) recovery basis. We aim to introduce and embed activity based costing into the financial planning activity of the BSB so that transparent cost benefit analyses can be undertaken in relation to regulatory proposals. We will also be enhancing staff capacity in relation to financial planning and project management across the BSB.

Our internal change programme

- 3.10 To enable us to make improvements against the LSB's RSF we have embarked on a formal internal change programme in which we are investing significant resources. Work during 2012/13 on the strands of the framework led to the following self-assessment, agreed by the LSB.

The Board aims for a one step improvement in the ratings each year, achieving

“satisfactory” ratings against all areas of assessment by the end of this planning period, and sustaining them thereafter.

The change programme is being delivered using formal Programme and Project Management methodologies and is organised around six workstreams: the five areas of the framework set out above, and a sixth, “value for money.”

Governance improvements

- 3.11 During 2012/13 we considered various aspects of the effectiveness of our governance structures both in general terms and specifically in relation to the RSF. We will as a result aim during 2013-16 to:
- transfer more policy formulation and decision making to staff where applicable;
 - reduce the number of board and committee meetings
 - achieve greater clarity around non-executive / executive roles
 - institute a Board development programme
 - manage effectively the succession to a new Chair in 14/15
 - continue to invest in recruiting the highest calibre of Board and supporting committee members, streamlining the processes for doing so where relevant and appropriate.

3.12 We will maintain our internal governance manual as a living document and publish it.

Change programme workstreams

Outcomes-focussed regulation →	needs improvement and work has started recently
(regulatory) Risk assessment →	needs improvement and work has started recently
Supervision →	Recognise this needs to be done but work has not yet started
Enforcement →	needs improvement and work has started recently
Capacity and capability →	needs improvement and work has started recently

Part Four – How our success will be measured

- 4.1 The BSB is committed to accountability to the public and the profession in relation to its activity. We have developed a range of ways of monitoring our performance and seek to be transparent about reporting it to our stakeholders. Our activity and our environment are complex, so different measures and indicators are used to show whether we are on course to deliver our aims.
- 4.2 We have set key performance indicators (KPI)s for each of our strategic aims. The KPI describes at a high level what success in relation to the aim will look like. A number of different things may need to be measured in order to ascertain our performance levels and success. In some areas, activity is new and so the initial baselines have to be set on which future performance indicators can be built. In other areas existing baselines and targets may need to be revisited. Some indicators are qualitative. We will report publicly on our strategic KPIs every six months.
- 4.3 For 2013-16 our strategic KPIs are shown in the table overleaf.
- 4.4 We also have several “whole organisation” operational performance indicators which are monitored using a “dashboard” of mainly quantitative indicators and include:
- Service standards: throughput / or end to end times on key regulatory processes such as handling conduct complaints and qualifications applications
 - budget variances
 - projects and core activity on time and budget;
 - staff turnover, retention and days lost to sickness absence.
- 4.5 The KPIs and the dashboard indicators are regularly monitored and reported on to the Board by our Planning, Resources and Performance (PRP) Committee, who can recommend remedial activity if necessary. If targets need to be adjusted because the operating environment has changed, those adjustments can only be made with the approval of the Committee and in most cases, the Board. Strategic KPIs will be assessed and reported on by PRP and the Board every six months and our performance will be reported publicly. Operational dashboard indicators will be reviewed and reported on every quarter.
- 4.6 We conduct comprehensive surveys of the profession every two years, jointly with the Bar Council. These Biennial Surveys give us important information about the profession, and also about its view on our performance as a regulator.
- 4.7 We compile and publish quarterly and annual reports of the data we gather from our conduct complaints processes. All users of our Professional Conduct complaints system are sent questionnaires after their complaint has reached a conclusion. This gives us insight into how well we are managing risks to the public, what the sources of public dissatisfaction with barristers’ conduct are, and the extent to which our regulated community is adhering to the standards we set.
- 4.8 Similarly, we collect data from our supervision activities which can inform our view of how effectively our regulatory frameworks are working. Specific targets in these areas are

Strategic Aim	KPI – what success looks like	Measures used
Implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007	a) We will be a licensing authority under the LSA 2007	Yes or No
	b) We will be regulating barrister-led / advocacy focussed entities	Number of entities / Alternative Business Structures operating under BSB (measuring against expectations)
	c) In a timely and financially sustainable way (both to regulator and regulated)	Level of cost recovery (measuring against cost model) Turnaround of applications
Promote greater public and professional understanding of and support for our role and mission	a) An increased percentage of the profession will have a positive view of the role and effectiveness of the BSB	Biennial Survey 2011 as baseline then, 2013, and 2015 results
	b) We will have established collaborative relationships with the public and consumers through our user network	Network established – Yes or No Qualitative feedback from/on the network Breadth/number of consultation responses Pattern of website usage Outcomes from research programmes
Set and maintain high standards of entry to and practice in a diverse profession	a) We will be supervising and enforcing on the basis of a new Code of Conduct / Handbook	Handbook – Yes or No
	b) The regulated community, including education and training providers, will be achieving high levels of compliance, and delivering quality services to the public	Number of own motion complaints (Continuing Professional Development, equality & diversity, etc) Chambers data (eg money laundering first tier complaints etc) Quality Assurance Scheme for Advocates – proportions of barristers competent against standards – baseline to be set. Quality assured outcomes Bar Professional Training Course/Continuing Professional Development, providers (number of triggered visits)
Become more evidence- and risk-based in all we do taking into account also the globalised legal services market	a) We will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision making	Intranet and Document Management System – Yes or No Risk Assessment framework – Yes or No Policy framework – Yes or No Outcomes from research programmes
	b) We will have attained a “satisfactory” rating against the Legal Services Board’s standards framework in this area	Satisfactory – Yes or No
Strive for “best practice” as an organisation for those whom we serve and those who work for us	a) We will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	Activity based Costing – Yes or No Benchmark against other regulators (establish a range)
	b) We will have improved turn-around times in relation to case handling in complaints and qualifications / waivers	Set or revise baseline / targets; achievement against target
	c) The organisation will have a different, improved “feel” for users and staff	Staff survey improving year on year Biennial survey statistics Education providers’ feedback User satisfaction survey (Professional Conduct Department, Quality Assurance Scheme for Advocates, supervision, judges’ training) Pupil survey

complex to set and measure however, not least because baselines in many areas have not existed previously, and when we may be measuring the impact of wholly new rules, for example and therefore not comparing like with like. We will continue to monitor our regulatory performance in these areas and draw inferences to inform our risk identification and regulatory policy development work. We will of course aim to identify unequivocal indicators of quality in barristers' services and indicators for increasing levels of public protection.

- 4.9 We are subject to a programme of internal audit type activity and assurance processes carried out by our Governance Risk and Audit Committee (GRA), which also regularly reviews the corporate (ie organisational as opposed to regulatory) risk register we maintain. The work of our Professional Conduct Department, which delivers arguably the most public facing of our activities to protect the public from risk, is scrutinised by an Independent Observer (IO), who reports two times a year to GRA and provides an annual certificate of assurance to the Board in relation to the work of the department. The IO's annual report is made public.
- 4.10 The LSB conducts formal regulatory reviews and assesses frontline regulators' activity against its standards framework on a periodic basis. The BSB's first assessment will be published in 2013 and we aim to improve by at

one step in the rating across all standards each year. We will be reporting progress on a cycle to be agreed to the LSB.

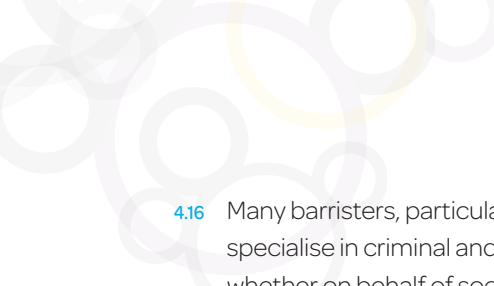
- 4.11 The most important features of our approach to measuring our success are nevertheless the ways in which we develop over the life of this plan the cycle of organisational and regulatory learning and improvement on the basis of the measurements and data gathering described above; and the adoption of as much public transparency about our performance indicators as possible.

Risks to our strategic aims

- 4.12 The legal services market is already changing as a result of the structural liberalisation brought about by the LSA 2007 but there remains considerable uncertainty as to the directions the market may take and the impact that may have on the BSB and those it regulates: it is still "early days." The extent and pace of change, especially where we have little influence over it, may be challenging for a relatively small legal services regulator and its regulated community to address effectively through its available resources, financial, human and physical. The public and professional expectation of us is high and the LSB requires the same standards for all regulators, but we have a subscriber base of only just over 15,000 which shows signs of possibly reducing, especially in the publicly –

funded sphere. The capacity of members of the Bar to bear the cost of regulation and the extent of change is not unlimited.

- 4.13 We will mitigate this risk by ensuring we operate as "leanly" as we can within statutory requirements and by pushing forward with our internal change programme and our "value for money" work and communication with the profession about our role and responsibilities. We will maintain dialogue with the LSB and where appropriate work in collaboration with them on issues relating to the cost of regulation.
- 4.14 If our new regulatory regime for entities does not prove attractive to those wishing to provide advocacy-focussed services, or if the BSB cannot bring it into operation quickly enough to meet market needs, not only will we lose regulatory "market share" to other legal services regulators, but the investment we have made to date will be wasted and our credibility and reputation as a competent regulator will be damaged.
- 4.15 We seek to mitigate this risk by keeping up good dialogue with those who shape new business models for the Bar, conducting high quality market research, ensuring the scope of our regulatory regime is clearly defined and constrained to our chosen market niche, and by working hard to meet our published timescales in as far as we can control them.

- 
- 4.16 Many barristers, particularly those who specialise in criminal and / or family work, whether on behalf of society's most vulnerable members or of the state, are seeing their income levels drop significantly as a result of public spending cuts. It is not the role of the BSB to protect barristers' income levels. But it is our role to ensure a strong, independent, diverse and effective legal profession and to promote access to justice and the rule of law as well as quality assure the legal services which those we regulate provide. We are concerned that there will be, for example, further increases in the numbers of unrepresented litigants in the justice system as a result of changes to legal aid, and that the economic climate generally may produce a growing gap between the supply of and demand for high quality legal services at costs the public can afford.
- 4.17 Our monitoring of barristers' patterns of practice will help us understand whether the regulatory objectives are being undermined by the overall economic climate and the specific changes to legal aid, and enable us to determine what regulatory interventions may be necessary to protect the regulatory objectives.
- 4.18 Risks to our specific aims and activity are set out in detail in a corporate risk register which is supervised by our Governance Audit and Risk Committee and is reviewed by members of the executive team at least monthly and by the Board quarterly.

Annex 1 – Milestones

› Strategic Aim 1

To implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007

Key programmes of work	Milestones		
	Year 1 (2013-14)	Year 2 (2014-15)	Year 3 (2015-16)
Legal Education and Training Review	Agree relevant action in principle	Feasibility and development work	Implement changes as required
New Handbook and Code	LSB Approval and coming into force	Monitor compliance and adjust	Business as usual
Licensing Authority	LSB Approval	Licensing regime in place and processing applications	Review take up and operational effectiveness
Quality Assurance Scheme for Advocates	Roll out for crime in two circuits	Roll out in third circuit	Review scheme
Policy framework	Develop	Train and implement	Business as usual

› Strategic Aim 2

Promote greater public and professional understanding of and support for our role and mission

Key programmes of work	Milestones		
	Year 1 (2013-14)	Year 2 (2014-15)	Year 3 (2015-16)
Stakeholder engagement strategy	Develop strategy, resource and implement; Biennial survey (second)	Business as usual; adjust in light of survey results	Biennial Survey (third)
New IT systems	Procure, plan and implement Intranet and document management system	Train staff; business as usual	Business as usual
Freedom of Information compliance		Development work	Implement and comply

› Strategic Aim 3

Set and maintain high standards of entry to and practice in a diverse profession

Key programmes of work	Milestones		
	Year 1 (2013-14)	Year 2 (2014-15)	Year 3 (2015-16)
Legal Education and Training Review	Agree action and consult	Revise rules	Implement
Centralised Bar Professional Training Course exams	Business as usual	Business as usual	Review impact and effectiveness
New Continuing Professional Development regime	Finalise scheme	Feasibility and development work	Implement
Immigration practice	Finalise proposals and consult	Implement; business as usual	Business as usual
First instance waiver decisions	Feasibility and development work	Implement	Business as usual
Risk based supervision scheme	Consultation	Implement	Business as usual
Develop standards for Youth Court practice	Develop standards	Consult and pilot	Adjust and implement in full
Enforcement against entities	Build capacity	Roll out	Business as usual

> Strategic Aim 4

Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market

Key programmes of work	Milestones		
	Year 1 (2013-14)	Year 2 (2014-15)	Year 3 (2015-16)
Develop international strategies			Research and policy work
Legal research and information in support of enforcement	Develop systems; implement	Business as usual	Business as usual
Whole organisation knowledge management	Develop systems and introduce intranet and Document Management System (DMS)	Complete staff training; implement	Business as usual
Risk Framework	Develop, build and start implementation	Complete implementation and move to business as usual	Business as usual
Evidence base	Devise research strategy and start research activity	Business as usual	Business as usual

› Strategic Aim 5

Strive for “best practice” as an organisation for those who work for us and those whom we serve.

Key programmes of work	Milestones		
	Year 1 (2013-14)	Year 2 (2014-15)	Year 3 (2015-16)
Effective operation of tribunal and adjudication service	Adopt new contractual relationship and specification / key performance indicators	Adjust service for entities	Business as usual
Change programme	Complete review and design of new business processes	Complete introduction of new processes; effect internal restructuring	Business as usual
Revenue raising	Restructure practising certificate fee (PCF) – policy proposals and consultation. New fees and charging policy and consultation	New structure PCF in place; roll out new fees and charges	Roll out new fees and charges (continued)
Staff capacity and capability	Develop new competence framework and appraisal process Develop and implement revised regulatory skills training programme	Implement new framework and recruit to it	First appraisals under new system and framework
Governance	Review and develop required changes	Implement Recruit new Chair	Business as usual Business as usual

Annex 2 – Regulatory objectives

	Protecting and promoting the public interest	Supporting the Constitutional principal of the rule of law	Improving access to justice	Protecting and promoting the interests of consumers	Promoting competition in the provision of services	Encouraging an independent, strong, diverse and effective legal profession	Public understanding of citizens' legal rights and duties	Promoting and maintaining adherence to the professional principles
Aim 1 – Implement our specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA 2007	>	>	>	>	>	>	>	>
Aim 2 – Promote greater public and professional understanding of and support for our role and mission	>			>		>	>	>
Aim 3 – Set and maintain high standards of entry to and practice in a diverse profession	>	>	>	>	>	>	>	>
Aim 4 – Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market	>			>		>		
Aim 5 – Strive for “best practice” as an organisation for those whom we serve and those who work for us	>	>	>	>	>	>	>	>

The Board

- › Number of members:

15

- › Lay majority
- › Chair – Baroness Ruth Deech QC (Hon) (Appointed 2009, two terms of office due to end December 2014)
- › Vice Chair – Patricia Robertson QC (Appointed January 2013. First three year term due to end Dec 2015)

See www.barstandardsboard.org.uk for details of Board and Committees.

The Executive

- › Led by Dr Vanessa Davies (Appointed start of 2011)
- › Senior management team of 5
- › Work with 30+ members of staff in the central services directorate
- › BSB staff in total at beginning of plan:

80

76.4 FTE

Financial information

- › Funded primarily through fees levied on barristers in accordance with the LSA 2007.
- › Also get funds from specific regulatory activity eg accreditation of legal education and training providers, on a not-for-profit basis.
- › Budget for the first year of this plan is:

£5,355k

- › This represents an increase on previous years' budgets to enable our improvement programme.
- › It is an investment to secure a modern and efficient regulatory system which meets externally set standards and continues to provide for the specialist and distinct regulation of barristers, supporting the constitutional principle of the rule of law.

Engage with us

We consult as widely as reasonable and possible when we make changes.

We are always keen to hear what people have to say, although sometimes it can be difficult to elicit the views of users of barristers' services and the wider public.

We have a specific strategic aim to engage with the public – be it civil society as a whole or individual or corporate consumers – in this plan.

We will communicate with those we regulate, our stakeholders and members of the wider public in a range of both traditional and innovative ways over the next three years. If you would like to talk to us about what we do, or to discuss any aspect of this plan, please get in touch:

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BAR
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REGULATING BARRISTERS

