

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



REGULATING BARRISTERS

Meeting of the Bar Standards Board

Thursday 25 May 2023, 5.00 pm (Hybrid meeting - in person and online)

Rooms 1 & 2, Fourth Floor, Inner Temple, Crown Office Row, London EC4Y 7HL

Agenda - Part 1 – Public

This meeting will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved at the next meeting

Note: this meeting will be preceded by a seminar for Board Members commencing at 3.30 pm (same venue). It will focus on feedback from the recent roundtables

				Page
1.	Welcome / announcements (5.00 pm)		Chair	
2.	Apologies		Chair	
3.	Members' interests and hospitality		Chair	
4.	Approval of minutes from the last meeting (30 March 2023)	Annex A	Chair	3-7
5.	a) Matters arising & Action List b) Forward agenda	Annex B Annex C	Chair Chair	9 11
6.	Director General's Report: a) Performance report: quarter 4 2022/23 b) Strategic Update (5.05 pm)	BSB 022 (23) BSB 023 (23)	Mark Neale Mark Neale	13-39 41-46
7.	Reform: progress in implementing action plan (5.20 pm)	BSB 024 (23)	Mark Neale	47-63
8.	Performance and Strategic Planning Committee (PSP) Annual Report 2022/23 (5.30 pm)	BSB 025 (23)	Steve Haines	65-67
9.	Chair's Report on Visits & External Meetings (5.35 pm)	BSB 026 (23)	Chair	69
10.	Any other business		Chair	
11.	Date of next meetings <ul style="list-style-type: none">• Thursday 6 July 2023 (Away Day, etc venues)• Thursday 27 July 2023 (ordinary meeting)			
12.	Private Session (5.40 pm)			

John Picken
Governance Officer
18 May 2023

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public
Minutes of the Bar Standards Board meeting
Thursday 30 March 2023 (5.00 pm) via MS Teams

- Present:** Kathryn Stone OBE (Chair)
 Gisela Abbam
 Alison Alden OBE
 Jeff Chapman KC
 Emir Feisal JP
 Steve Haines
 Simon Lewis
 Andrew Mitchell KC
 Irena Sabic KC
 Professor Leslie Thomas KC
 Stephen Thornton CBE
- By invitation:** Nick Vineall KC (Chair, Bar Council)
 Malcolm Cree (Chief Executive, Bar Council)
 James Wakefield KC (Hon) (Director, COIC)
- In attendance:** Eloise Denchfield (Casework Manager)
BSB Executive Christopher Fitzsimons (Communications Manager)
 Rebecca Forbes (Head of Governance & Corporate Services)
 Oliver Hanmer (Director of Regulatory Operations)
 Teresa Haskins (Director of People, BSB)
 Sara Jagger (Director of Legal and Enforcement)
 Samantha Jensen (Corporate Services Manager)
 Ewen Macleod (Director of Strategy & Policy)
 Rupika Madhura (Head of Policy and Research)
 Mark Neale (Director General)
 John Picken (Governance Officer)
 Wilf White (Director of Communications & Public Engagement)
- Resource Group** Richard Cullen, Director of Finance
- Press** Neil Rose, Legal Futures

Item 1 – Welcome / Announcements

1. The Chair welcomed those present to the meeting. She referred to the ceremony on 27 March 2023 to appoint new KCs and Honorary KCs, and again congratulated Irena Sabic KC and James Wakefield KC (Hon) on their respective awards.
2. She also acknowledged receipt of self-referral reports from barristers who have signed a “declaration of conscience” as members of the “Plan B” group of lawyers. They have stated that they will neither act for companies supporting new fossil fuel projects nor prosecute peaceful climate change protesters. This potentially puts them at odds with the “cab rank rule” of the Code of Conduct, hence their decision to self-refer.
3. She stated that it is not for the Board to become involved in operational matters but the Director General had given her an assurance that these reports will be assessed in confidence in the usual way.
4. **Item 2 – Apologies**
 - Lorinda Long (Treasurer, Bar Council);
 - Sam Townend KC (Vice Chair, Bar Council).

Item 3 – Members’ interests and hospitality

5. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

6. The Board approved the Part 1 (public) minutes of the meeting held on 26 January 2023.

Item 5a – Matters arising & Action List

7. There were no matters arising. The Board **noted** the action list. In respect of min 20b (26/01/23), Ewen Macleod confirmed that Simon Lewis will be invited to join the next meeting of the Disability Task Force, once a date for this has been set.

Item 5b – Forward agenda

8. The Board **noted** the forward agenda.

Item 6a – Director General’s Report: Performance Report Q3

BSB 009 (23)

9. Mark Neale highlighted the following points in respect of the Q3 performance report:
- the increase in the number of investigations concluded. Overall caseload has fallen from 178 (September 2022) to 109 (March 2023) and the number of cases over 6 months old has also decreased from 71 to 49;
 - by closing more cases *after* the KPI threshold date has passed, we adversely affect the timeliness KPI figures quoted on the dashboard. That is because it simply measures the percentage completed *within* the target period.
 - productivity in handling the initial receipt of reports and authorisation applications marginally fell during the quarter. The reasons for this are stated in the report and recovery action plans are already underway;
 - more fundamental reforms to processes are expected once we receive the outcome of both the authorisations review and the end-to-end review of enforcement;
 - we are recruiting an Assistant Director for Regulatory Operations whose role will focus on performance improvement issues.
10. Kathryn Stone referred to an earlier joint Board meeting with the Office for Legal Complaints which oversees the Legal Ombudsman (LeO) service. She stated that:
- LeO previously faced a number of challenges concerning backlogs;
 - there may be operational lessons we can learn from its experience in addressing them.
11. Stephen Thornton highlighted an apparent lack of resilience within the organisation such that performance is noticeably affected by staff turnover. Were this to continue, it would also pose a threat to deliverability of our Annual Business Plan (see item 7 below).
12. Mark Neale replied as follows:
- we have already strengthened the operational teams during the current financial year;
 - initial challenges in recruitment have been addressed through our work on pay reform;
 - the Investigations Team is now at full capacity, as reflected in its increased productivity;
 - for the future, we need to consider how best to manage fluctuations in workload as well as departures or long-term absence of staff. We are therefore considering greater use of contractors to deal with these situations and so prevent creation of backlogs.
13. **AGREED**
to note the report.

Item 6b – Director General’s Report: Strategic Update

BSB 010 (23)

14. Kathryn Stone highlighted the meeting on 21 March 2023 with the Black Barristers’ Network about the BSB’s digital comparison tools pilot. Mark Neale confirmed this arose from an earlier meeting at Gray’s Inn, and that the discussion was both helpful and informative.

15. **AGREED**

to note the report.

Item 7 – Bar Standards Board – Business Plan and final budget 2023/24

BSB 011 (23)

16. Mark Neale commented on the proposed Business Plan. The salient points were:
- it identifies four key targets ie
 - ❖ achieving operational excellence;
 - ❖ greater proactivity as a regulator, so anticipating risks before they materialise;
 - ❖ completing our current strategic programmes on standards, equality and access;
 - ❖ developing a culture of continuous improvement at the BSB based on core values.
 - the plan reflects a realistic assessment of the time and resources available to us;
 - projects on the future supply of barristers and consumer choice through the referral process will now be delayed until 2024/25 at the earliest.
17. Kathryn Stone invited views from the two Committee Chairs ie Steve Haines (Performance, & Strategic Planning) and Stephen Thornton (Governance, Risk & Audit). Both supported the plan and commented as follows:
- the focus on improving process and performance is very welcome and, in overall terms, it is a balanced plan which sets the right tone;
 - the current programme portfolio, which the plan aims to complete, includes over twenty ongoing projects. Some PSP Committee members expressed concerns about workload ie how to manage this and also meet service standards throughout the year;
 - delivery may still be at risk if staff turnover remains high (cf. min 11);
 - though the wording of the plan can remain, there may have been some merit in distinguishing between essential performance related work and other activities which we will deliver assuming there is no significant impact on resources;
 - there is a need for *continuous* prioritisation so that the Board can adapt its external communications as necessary as it monitors progress on delivery;
 - it might have been preferable to have placed a stronger emphasis in the plan on collaborative working with stakeholders. That would have aligned with the theme of continuous improvement.
18. The following comments were also made by Members:
- the document is well presented and logically structured with useful references to budget and key service standards;
 - the linkage between business and regulatory objectives is very helpful to see;
 - we might state that implementation of the plan will take account of data and intelligence received ie that choices around prioritisation will be evidence and risk based.
19. In response to the above points, the Executive stated that:
- the need for close monitoring and prioritisation are accepted but we believe the plan to be deliverable;
 - we are actively engaged with stakeholders despite the apparent lack of reference to this in the plan. For example the budget was adjusted only very recently to enable some joint research work to take place.
20. Emir Feisal referred to an entry on the 2022/23 business plan monitoring summary about apprenticeships - Annex B of BSB Paper 008 (23). This is marked as 6 months overdue and is not specifically referenced in the 2023/24 plan. He asked:
- what work has been completed in this area so far;
 - when are we likely to see apprenticeships in place.

Part 1 - Public

21. Oliver Hanmer replied that a “trailblazer” group has been established to develop the model for the apprenticeship route. We are supporting this but the timeframe for our involvement is dependent on the group’s rate of progress. In consequence, we cannot be certain when a scheme will be up and running.
22. The Chair invited comments from observer members. Nick Vineall KC stated that:
- the Bar Council welcomes the focus on core functions in the business plan;
 - there are still areas of duplication between the BSB and Bar Council which ongoing discussions are seeking to resolve.
23. James Wakefield KC (Hon) referred to comments about the trailblazer group (cf. min 21). He confirmed that a meeting between the Inns and that group had taken place earlier in the morning and that there was a momentum and commitment to take this idea forward.
24. **AGREED**
- a) to approve the business plan for publication in the first week of April 2023. WW
 - b) to approve the associated budget for 2023/24.
 - c) to note that a self-standing action plan has been extracted from the business plan in response to the concerns expressed by the Legal Services Board.
25. **Item 8 – BSB review of governance documents**
BSB 012 (23)
Rebecca Forbes highlighted the following:
- we have already consulted the Bar Council on the proposed change to the constitution;
 - changes to the Scheme of Delegation relate to those powers delegated by the Board to the Director General (not his own sub-delegations);
 - changes to the joint Standing Orders of the Bar Council and BSB require the approval of both bodies, so, assuming the Board is in favour, the same request will be made of the Bar Council in due course;
 - the proposed change to the PSP Committee Terms of Reference means that responsibility for approving new posts would then lie with the SMT, on the proviso that overall costs remain within the Board approved budget envelope.
26. In response to questions raised, the following comments were made:
- the number of decisions made under the sub delegations from the Director General to individual staff members are very considerable. In consequence we do not keep a log of regulatory decisions made under these powers however there are audit trails within teams which enable them to be checked should circumstances require it;
 - one option is to request that our internal auditors investigate the management of the Scheme of Delegations and report to the Governance, Risk & Audit Committee. *Note: Stephen Thornton, Chair of the GRA Committee agreed to add this item to the list of potential audit topics for Members to discuss.* JP to note
27. Members supported the format for the Scheme as set out in Annex 3 of the report subject to assurances around version control.
28. **AGREED**
- a) to approve the proposed amendments to the BSB Constitution, its Scheme of Delegations, the Terms of Reference for the Performance and Strategic Planning Committee, the Terms of Reference for the Independent Decision Making Body and the Standing Orders for joint Committees of the General Council of the Bar and the BSB. RF
 - b) to approve the proposed generic changes to the Term of Reference for the BSB’s Committees and Decision-making Bodies.
 - c) to confirm the Board’s preference for the matrix spreadsheet format in respect of the Scheme of Delegations (cf. min 27). JP to note
 - d) to delegate authority to the Senior Management Team to approve additional members of staff where that is within the approved budget. RF to note

29. **Item 9 – Handbook amendments**

BSB 013 (23)

Ewen Macleod requested the Board's approval for amendments to the Handbook. This arose from a recent Tribunal case which highlighted a need to:

- broaden the scope of the BSB's powers of referral to an interim panel, and
- extend to a Disciplinary Tribunal the power to impose an interim suspension order.

30. James Wakefield KC (Hon) welcomed the BSB's prompt action in taking this forward.

31. **AGREED**

to approve the rules changes outlined at Annex A for the purposes of consultation.

EM

Item 10 – Chair's Report on Visits and External Meetings

BSB 013 (23)

32. Kathryn Stone spoke positively about the "induction day" organised by the Bar Council on 28 February 2023. This was conceived as a means by which new lay Board Members (of the LSB as well as the BSB) could learn more about the Bar Council and the criminal justice system. She thanked the Chair of the Bar Council for arranging this event.

33. Alison Alden and Gisela Abbam also attended the event and added that:

- it was very well organised;
- speaking to members of chambers and the Bar Council was very insightful;
- notwithstanding the usefulness of the day, it would have been helpful to have had more time with Bar Council staff.

34. Nick Vineall KC welcomed this feedback and confirmed that another session would be arranged towards the end of the year. This will be principally for lay members of the LSB but he will keep in touch with the BSB about arrangements.

35. Simon Lewis and Leslie Thomas KC referred to the training day on equality and diversity (referenced in the report under 6 February 2023). They thought this was an outstanding event and commended the content. Teresa Haskins confirmed that the same course would now be extended to senior managers at the BSB.

36. **AGREED**

to note the report.

Item 11 – Any Other Business

37. None.

Item 12 – Date of next meeting

38. Thursday 25 May 2023.

Item 13 – Private Session

39. The Board resolved to consider the following items in private session:

- (1) Approval of Part 2 (private) minutes – 26 January 2023.
- (2) Matters arising and action points – Part 2 / summary of ongoing projects.
- (3) Ratification of decision taken out of Board cycle: pay reform.
- (4) Accelerating investigations plan – update.
- (5) Legal Services Board (LSB) Action Plan.
- (6) BSB Consolidated Risk update for the Board: March 2023.
- (7) Director General's Strategic Update – Private Session.
- (8) Board dynamics and cohesion.
- (9) Any other private business.

40. The meeting finished at 6.05 pm.

**BSB – List of Part 1 Actions
25 May 2023**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
24a (30/03/23) – Annual Business Plan	publish the 2023/24/business plan in the first week of April 2023	Wilf White	immediate	04/04/23	Completed
28a (30/03/23) – Governance documents	publish the revised BSB Constitution, its Scheme of Delegations, the Terms of Reference for the Performance and Strategic Planning Committee, the Terms of Reference for the Independent Decision Making Body and the Standing Orders for joint Committees of the General Council of the Bar and the BSB	Rebecca Forbes	immediate	11/05/23	Completed
31 (30/03/23) – Handbook amendments	consult on amendments to the Handbook as set out in Annex A of the report	Ewen Macleod	by end May 2023	16/05/23	To be completed – a consultation has been drafted and will be published shortly
20b (26/01/23) – Annual Diversity Data Report	refer the survey questions about disability to the Disability Task Force and to include Simon Lewis in this discussion	Ewen Macleod	before 30 March 2023	16/05/23 22/02/23	To be completed – the April meeting focused on discussions with the Inns about accessibility. This is on the next meeting's agenda. To be completed - the next meeting of the Task Force will be in April (exact date TBC) and we will invite Simon.

Forward Agenda

Thursday 6 July 2023 (Board Away Day)

- Strategic Risk:
 - ❖ Framework Review – Provisional Report
 - ❖ Data and Intelligence Strategy – Update
- Stakeholder engagement / expectations of chambers

Thursday 27 July 2023

- Annual Report 2022-23 and Cost Transparency Metrics
- Remuneration Committee annual report
- LSB Regulatory Performance Assessment – new approach – information request and BSB’s self-assessment on performance against LSB Regulatory Performance Framework
- Remuneration Committee annual report
- Director General’s Report (strategic update)
- LSB Action Plan – progress report
- Review of the Independent Reviewer process
- Feedback from roundtable meetings
- Conduct in Non-Professional Life
- Code of Conduct Review
- Review of Non-Executive Fees

Thursday 5 October 2023

- Governance: Policies on Declaration of Interests, and Gifts and Hospitality, and Board Code of Conduct
- Consolidated Risk Report
- Budget proposal – 2024 / 25 financial year
- Director General’s Report (performance report and strategic update)
- LSB Action Plan – progress report
- IDB Annual Report
- Regulatory Decisions Annual Report 2022/23

Thursday 30 November 2023

- The Bar Standards Board Equality and Diversity Strategy 2022 to 2025: update on progress
- Mid-year report from the PSP Committee
- GRA Annual Report
- Annual report – Bar Training
- Corporate Risk Report (summary)
- Discussion on re-validation
- LSB Regulatory Performance Assessment, and BSB’s self-assessment on performance against LSB Regulatory Performance Framework
- Director General’s Report (performance report and strategic update)
- LSB Action Plan – progress report

Thursday 25 January 2024

- Annual Diversity Data Report
- Director General’s Report (strategic update)
- LSB Action Plan – progress report

Thursday 21 March 2024

- BSB Business Plan 2024/25
- Consolidated Risk Report
- Director General’s Report (performance report and strategic update)
- LSB Action Plan – progress report

Meeting:	Board	Date:	25 May 2023
Title:	Performance Report: quarter 4		
Author:	Mark Neale		
Post:	Director General		

Paper for:	Decision: <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input checked="" type="checkbox"/> Recommendation
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Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose

1. This paper updates on performance to the end of the fourth and final quarter in March 2023. It covers both operational performance and progress in delivering the Business Plan 2022/23 – the first year of the current three year strategy.

Summary

2. Key points to note, and for discussion, are:

Operational performance – annex A

- i. we are now productive in both assessing reports and concluding investigations, with the CAT team disposing of a record 541 reports in the last quarter;
- ii. paradoxically, productivity in clearing overdue cases depresses short-term performance on the timeliness KPI: provided, however, these levels of productivity are maintained, the timeliness KPIs within be reach in the new financial year;
- iii. our main concern now is with authorisations where, despite improved productivity in Q4, we have a caseload of over 400 applications, with 220 overdue;
- iv. an action plan to deal with the backlog of overdue authorisation applications and to improve efficiency and customer care will now be the top priority of the acting Director of Regulatory Operations, supported by Jimmy Barber.

Business Plan 2022/23 – annex B

- v. this is the first year of three for the current strategy and we have extensively re-prioritised during the year in order to relieve pressure on the front-line operational teams and to facilitate reviews of our operational processes;
- vi. in consequence, a number of Business Plan commitments have been overtaken by more far-reaching reviews or have been put on hold;
- vii. nevertheless, we have made good progress in taking forward our strategic priorities of *standards, equality* and *access*, including launching our initiative to clarify and consolidate expectations of chambers' oversight.

Operational Performance – annex A

3. There have been significant improvements in the productivity of the enforcement teams, with no loss of quality. Following an internal re-organisation and efficiency and customer care improvements introduced this quarter, the Contact & Assessment Team cleared a record 541 reports in Quarter 4. The Investigations and Enforcement Team sustained the pace of investigative work, with 58 investigations closed. That means 119 investigations were closed in the second half of the year after the introduction of the plan to accelerate this work compared to 60 in the first half. These improvements in productivity are bringing enforcement caseloads down, although the timeliness KPIs will not be hit until later in this financial year as the backlog of overdue cases is cleared.
4. By contrast authorisation caseloads are continuing to rise. Despite improved productivity last quarter, there is now a caseload of over 400 applications, with 220 overdue. There are a number of reasons for this. The Team has had to balance disparate streams of work and in the last year has been working to re-authorise pupillage providers. There has been a rise in applications from transferring overseas lawyers. The team itself has not been at full strength.
5. Nevertheless, remedial action is now urgent and will be the top priority for the new acting Director of Regulatory Operations, Saima Hirji, as she takes over responsibility for this work from Oliver Hanmer. Short-term the acting Director will work with our delivery consultant, Jimmy Barber, to review the Team's approach to the prioritisation of its work and to identify immediate efficiency improvements. We need, in particular, to ensure that we give a higher priority to applications with personal or operational urgency. Medium-term, we expect the current review of our Authorisations process to re-focus and streamline our work.

Progress against the Business Plan – annex B

6. 2022/23 was the first year of a three year strategy. We have always recognised that progress against that strategy should be judged across the full period. As it is, we significantly re-prioritised work in 2022/23 to reflect short-term pressures and the need to undertake far-reaching reviews of operational processes. Specifically:
 - a number of scheduled evaluations of the regulatory processes introduced in 2019 were overtaken by the decision to undertake a root and branch review of the end-to-end enforcement process;
 - we launched an important initiative to clarify and consolidate expectations of chambers which will subsume a number of other specific initiatives, including the review of the *Equality Rules*;
 - we postponed a number of other initiatives – the unbundling of legal services and the review of the Code of Conduct, for example – in order to free up the time and energy of the front-line teams to concentrate on raising the productivity and timeliness of our core operations.
7. Against that background, I would offer the following commentary on progress against the five strands of the strategy.

Efficiency

8. As noted above, we have already realised a number of quick win efficiency improvements in our handling of reports and in our conduct of investigations. Sustained reforms our processes will, however, flow from the reviews of the authorisation process and of the end-to-end enforcement process now underway or about to begin. The Deloitte review of the underlying CRM and CMS systems was, however, completed and has laid useful groundwork for the latter.

9. The short delay to the revision of our rules on conduct in non-professional life has been caused by the time it is taking to work through the responses to the consultation, which have raised some complex issues. The work is now effectively being taken forward by LST staff, who have other urgent priorities to deal with arising from litigation. It will come to the July Board.

Standards

10. Our programme of work to sustain standards at the Bar is largely on track and aligns with the initiative to clarify expectations of chambers. In particular, we successfully delivered, in partnership with the SRA and CILEx Regulation, new standards to govern advocacy in the Coroners' Courts.
11. We have yet fully to complete work on the Regulatory Return. However, all that is left to deliver now are the thematic reports and the final mopping up of outstanding actions. The delay is not fatal therefore and in any event the Supervision Team is managing the higher risks arising from the regulatory return analysis through close and proactive engagement with chambers and entities.

Equality

12. Central to our strategy on equality is a review of the *Equality Rules* which set out barristers' obligations with respect to practice management. We are taking forward this work as an integral part of the initiative to clarify expectations of chambers. We expect to consult on revised rules later in the year.

Access

13. The evaluation evidence we published during the course of the year confirmed that the transparency rules introduced in 2019 had promoted shopping around. We shall re-consider those rules in the light of the initiative, begun last year and due to conclude this, to undertake a market analysis of on-line comparison. This work has demonstrated that on-line comparison of barristers' services is already well-established and takes a variety of different forms. The challenge for the BSB will be to judge how far we can, or should, seek to influence the development of this market in the interest of consumer choice.

Independence

14. We have put on hold our work on incorporation in the face of other priorities. Nevertheless, we have made significant progress in reforming our approach to pay and reward and in reviewing and entrenching distinctive values for the BSB. We concluded at the end of the year a review of how the current Internal Governance rules and shared service arrangements were working and wrote to the Bar Council proposing a number of changes designed to enhance BSB's operational and psychological independence. We expect to discuss those changes with the Bar Council shortly.

Annexes

15. Annex A – Quarter 4 Performance against KPIs
16. Annex B – BP & Performance Dashboard Q4

Mark Neale
Director General

2022-23 Quarter 4 Performance report – Regulatory Operations and Legal and Enforcement Departments

In this report we have included charts which show workload volume as a year-on-year comparison. The intention is to include this in quarter 2 and 4 reports during 2023-24.

All teams overview

Team	KPI	Total Cases/ Applications/ Reviews closed	Performance Q4
CAT	General Enquiries		
	Substantive responses to general enquires, that can be addressed by CAT, provided within 5 working days. (Target 80%)	169	87.6%
	General enquiries, which cannot be answered by CAT, that are referred to another team within 3 working days. (Target 80%)	55	70.9%
	Initial Assessment		
	Reports assessed and concluded by CAT, or referred to another team for action, within eight weeks. (Target 80%)	541	54.9%
	Quality indicators		
	Cases where the Independent Reviewer upholds the original decision following a request for review. (Target 95%)	24	100.0%
Authorisations	Authorisation, Exemptions and Waivers		
	Applications determined within six weeks of receipt of the complete application. (Target 75%)	223	40.4%
	Applications determined within eight weeks of receipt of the complete. (Target 80%)		47.5%
	Applications determined within twelve weeks of receipt of the complete application. (Target 98%)		61.0%
	Entity (including ABS) Authorisation		
	Authorisation decisions made within six months of receipt of the application and associated fee. (Target 90%)	4	75.0%
Authorisation decisions made within nine months of receipt of the application and associated fee. (Target 100%)	100.0%		
I&E	Referral of cases		

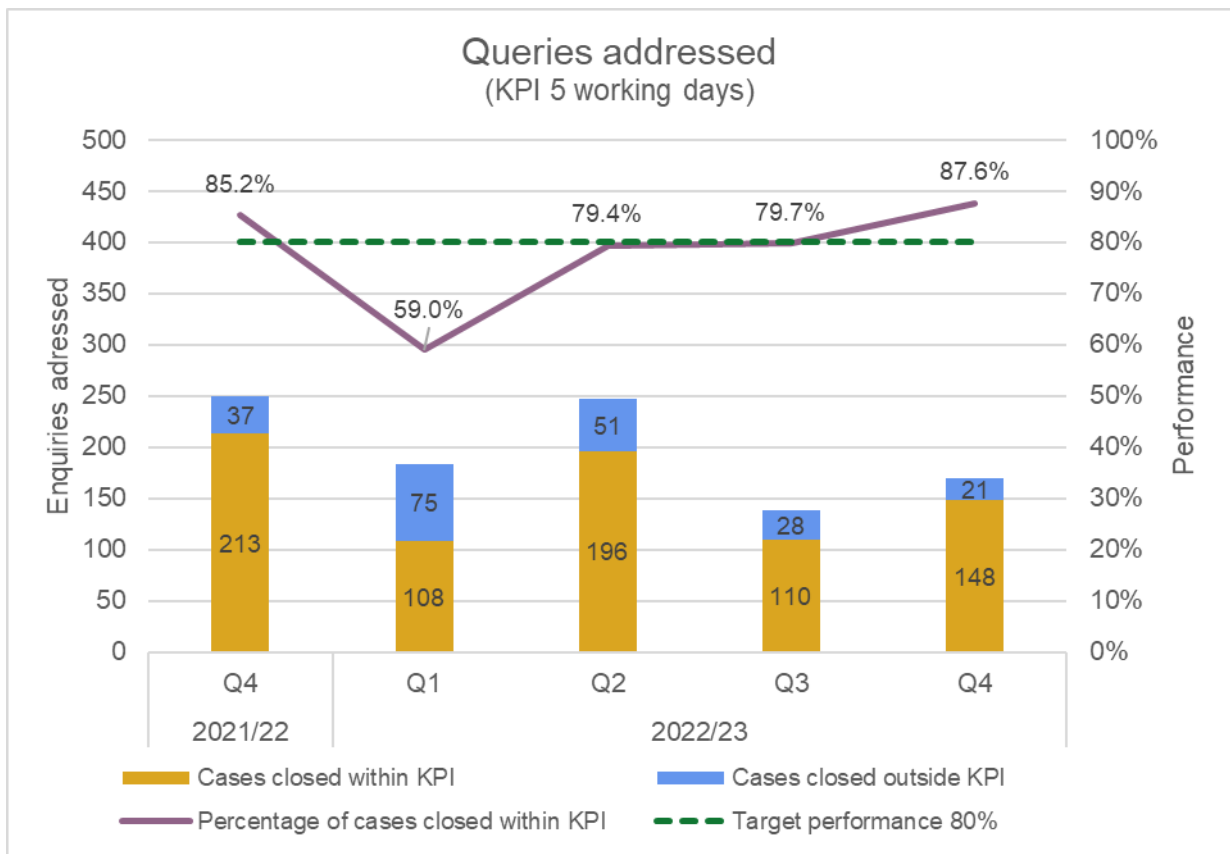
Team	KPI	Total Cases/ Applications/ Reviews closed	Performance Q4
	Cases referred by CAT to another team for regulatory action that are accepted or referred back to CAT within 2 weeks. (Target 80%)	44	95.5%
	Investigation of allegations		
	Investigations of allegations of breaches of the Handbook completed, and a decision taken on disposal, within 25 weeks of acceptance. (Target 80%)	56	51.8%
	Determination by Consent		
	Process completed (service standard 93 working days). (No target)	2	100.0%
	Disciplinary Tribunal		
	Cases concluded (service standard 197 working days). (No target)	7	71.4%
	Quality indicators		
	Cases where the Independent Reviewer upholds the original decision following a request for review. (Target 95%)	1	100.0%
	Appeals against the imposition of administrative sanctions and % successful. (Target 0%)	1	0.0%
	Appeals of Disciplinary Tribunal decisions concluded and % successful attributable to procedural or other error by the BSB or discrimination in the decision-making process. (Target 0%)	1	0.0%
	Allocations		
	Cases assigned within 3 working days of the team receiving the referral from CAT. (Target 80%)	27	100.0%
	Regulatory Response		
	Cases for which a regulatory response was agreed within 20 working days of the case being assigned. (Target 80%)	31	100.0%
	Visits		
	Visit report letters issued within 5 working days of a visit to an organisation. (Target 80%)	8	100.0%
Supervision			

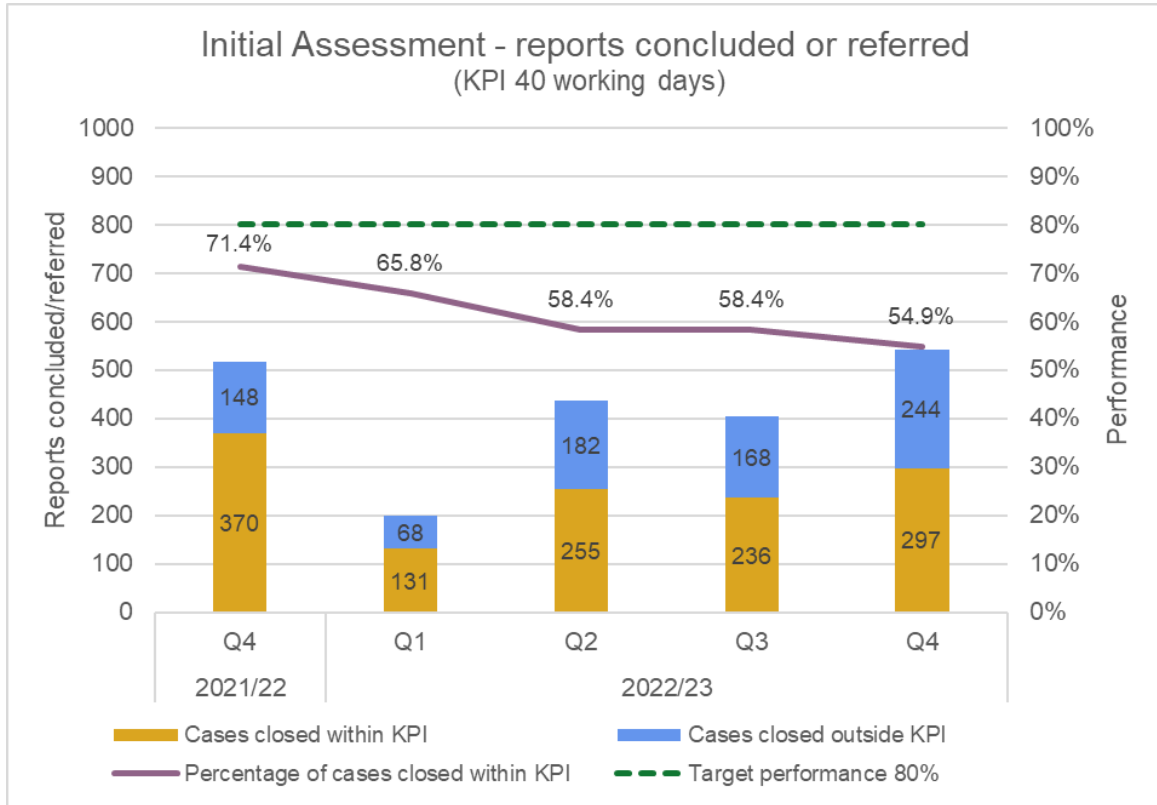
Contact & Assessment

Key points

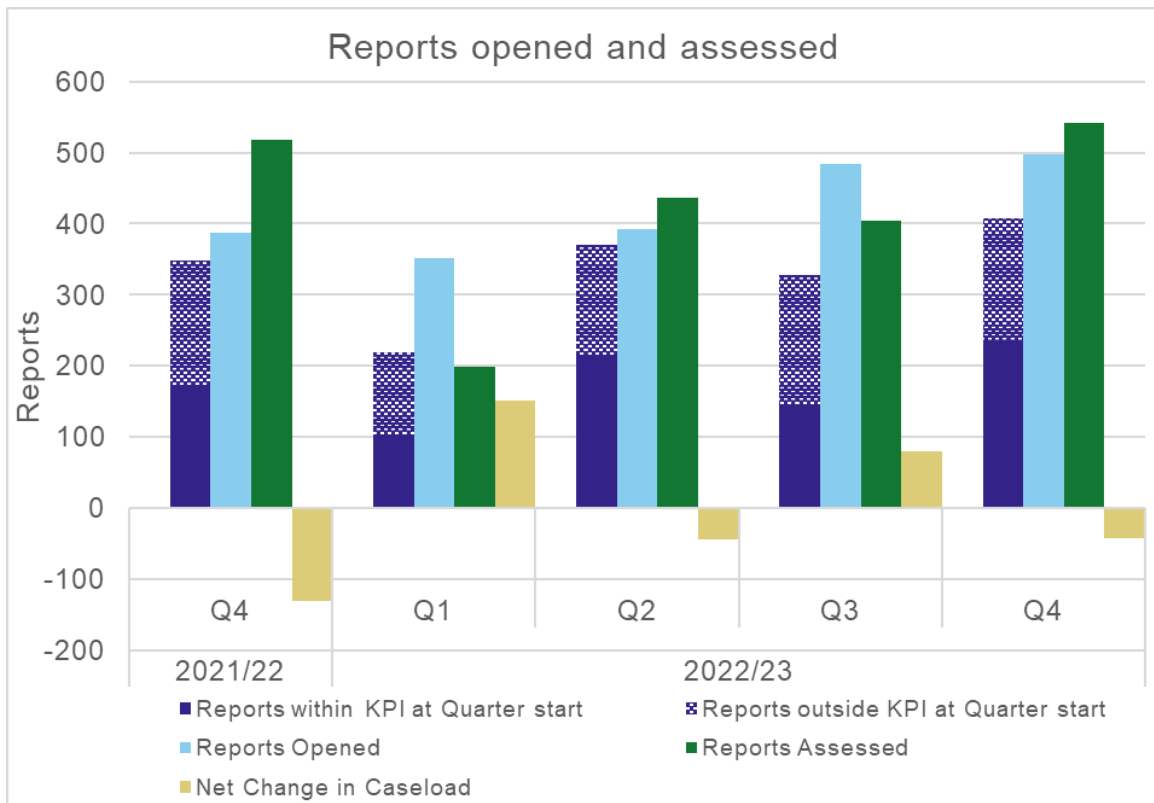
- The team cleared 541 reports this quarter, the highest level this year.
- As the team reduced the backlog of overdue cases, there was a dip in performance against the timeliness KPI for assessment of reports. This reflected the fact that overdue cases were being closed.
- Performance against three of the four KPIs has improved when compared to last quarter.

Performance: productivity & timeliness





1. The number of overdue cases closed outside KPI has increased substantially as the backlog is cleared: however, the age profile of reports awaiting assessment has reduced.



2. More initial assessment cases have been dealt with this quarter than in any other quarter this year, resulting in a net reduction in caseload.

Performance: service standards**Number of calls received per month**

3. Because of the number of reports awaiting assessment which are outside KPI, the volume of calls into the team has increased substantially. External messaging has been altered so that instead of an expectation of a maximum of 40 days for reports to be assessed, reporters are informed that the process will take at least 8 weeks in attempt to reduce complaints.
4. This quarter four Customer Satisfaction surveys were returned, all relating to reports.
5. For the ease of access questions, 3 of 8 (38%) had positive responses. For quality of communication questions, 3 of 16 (19%) had positive responses. Finally, for timeliness questions, none had positive responses (0%). These results are in part reflective of the delays in processing reports that the team has faced over the last 12 months.

Commentary

6. The Team has been through a restructuring this quarter. This has been unsettling for people, but nevertheless productivity has been high. The restructure has now concluded and, in doing so, we have strengthened the senior leadership across the Team and will shortly be adding in permanent additional resource at Officer

level to assess reports. We expect this, along with the efficiency measures highlighted below, will have a marked positive impact on performance.

7. At the start of the calendar year the team worked with an independent consultant (Jimmy Barber) on an operational review and the following process improvements were implemented:
 - There has been a reduction in the volume of Requests for Review undertaken by applying the existing criteria strictly, resulting in a reduction in work for Assessment Officers and the Independent Reviewers (IR).
 - Information providers are now sent a covering letter and the IR's report instead of lengthy letter, creating additional capacity.
 - We are recruiting a new Assessment Assistant into the team to assist with straightforward closures.
 - Members of public are now required to fill out the online form (unless they are another legal professional or need a reasonable adjustment), which has increased capacity to deal with reports.
 - The Head of CAT is reviewing the current approach to closure letters as these are often lengthy and thus time consuming.
8. In January we expected that it would take about nine months to clear the backlog (September/October), but the influx of new cases may impact on this timeline. At the present time our retained firm of solicitors are working on the oldest, most complex cases and the team are working some overtime to increase throughput. This is being reviewed on a monthly basis.

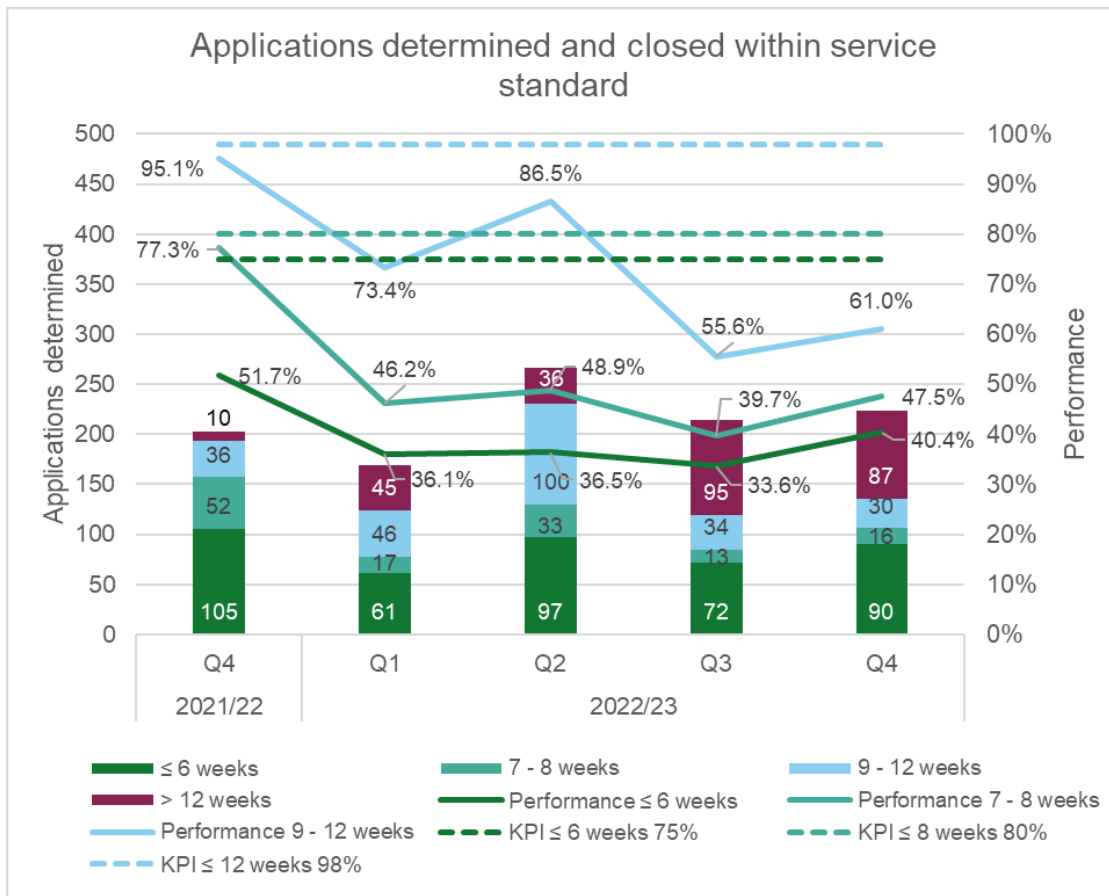
Authorisations

Key points

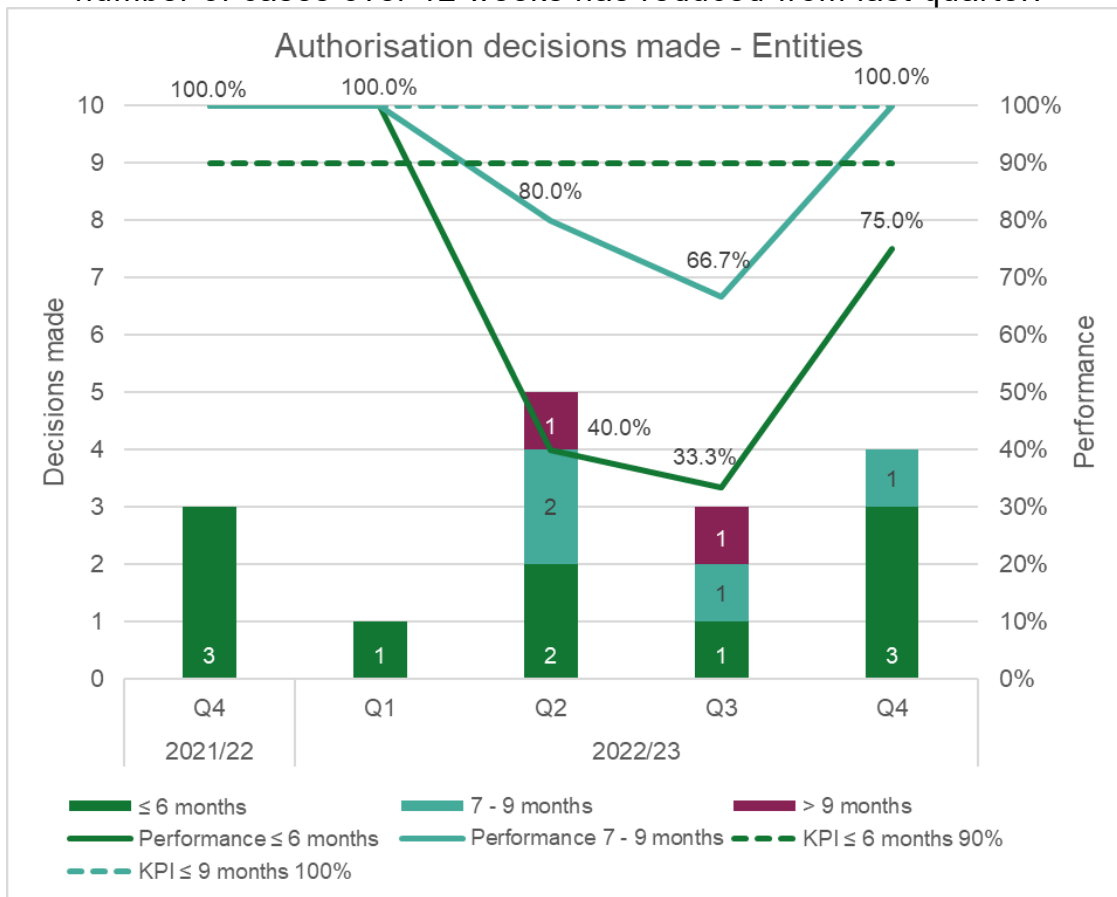
- Quarter 4 performance against the timeliness KPIs shows some improvement compared to quarter 3. Productivity in clearing applications was at the second highest level for the last five quarters (exceeded only by Q2 of 2022/23).
- However, new applications have exceeded those cleared in every quarter of the year resulting in a caseload of over 400, with 220 overdue.
- In the last quarter the Team focused on admission applications from Transferring Qualified Lawyers (TQLs) because of the Bar Transfer Test registration deadline in March. This has resulted in fewer application decisions overall because of the complexity of these applications¹.

¹ It is often necessary to request further information from TQL applicants after the submission of their applications in order to ensure that an accurate assessment of their competence can be made against the Professional Statement. The application guidelines are being reviewed currently with the aim of addressing this issue.

Performance: productivity & timeliness



9. The team has increased the number of applications assessed this quarter. The number of cases over 12 weeks has reduced from last quarter.

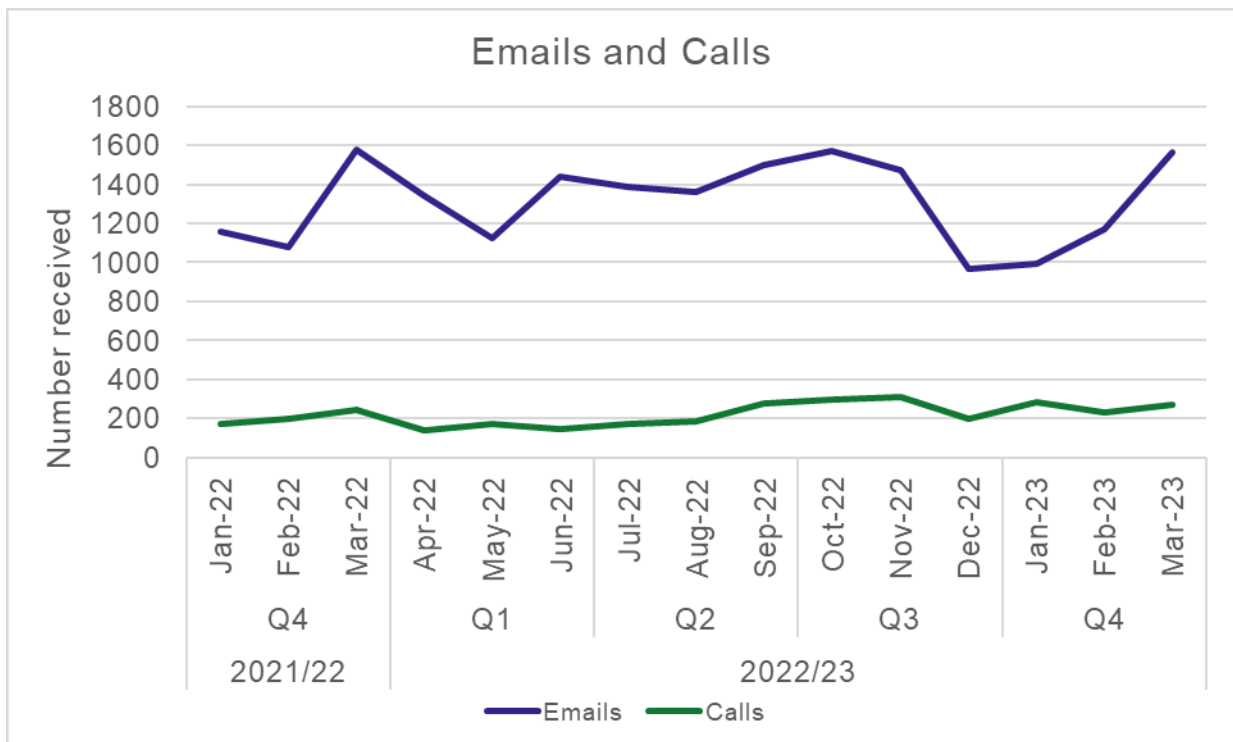


Live cases

Snapshot at the close of Q4 of 2022-23

Operational Indicator	Total Open Applications	Over-running Applications	Percentage Over-running
Waiver applications			
Decisions made (12 weeks)	408	220	54%
Total	408	220	54%

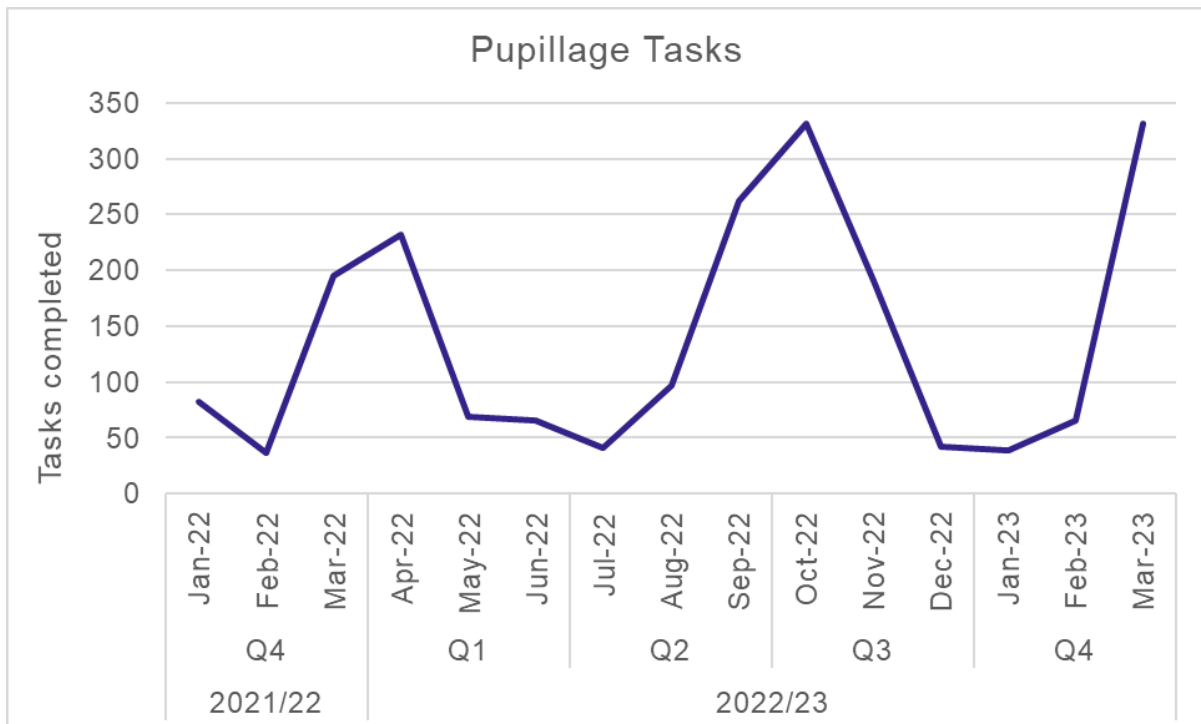
10. This is the first time that more than 50% of applications are over 12 weeks old. This is because the overall number of outstanding applications and the proportion of those outside KPI have increased².

Emails and calls

11. The volume of both emails and calls into the team has increased as a result of the numbers of overdue applications and of the pupillage work outlined below. This has had a negative impact on the team's capacity to undertake assessments.

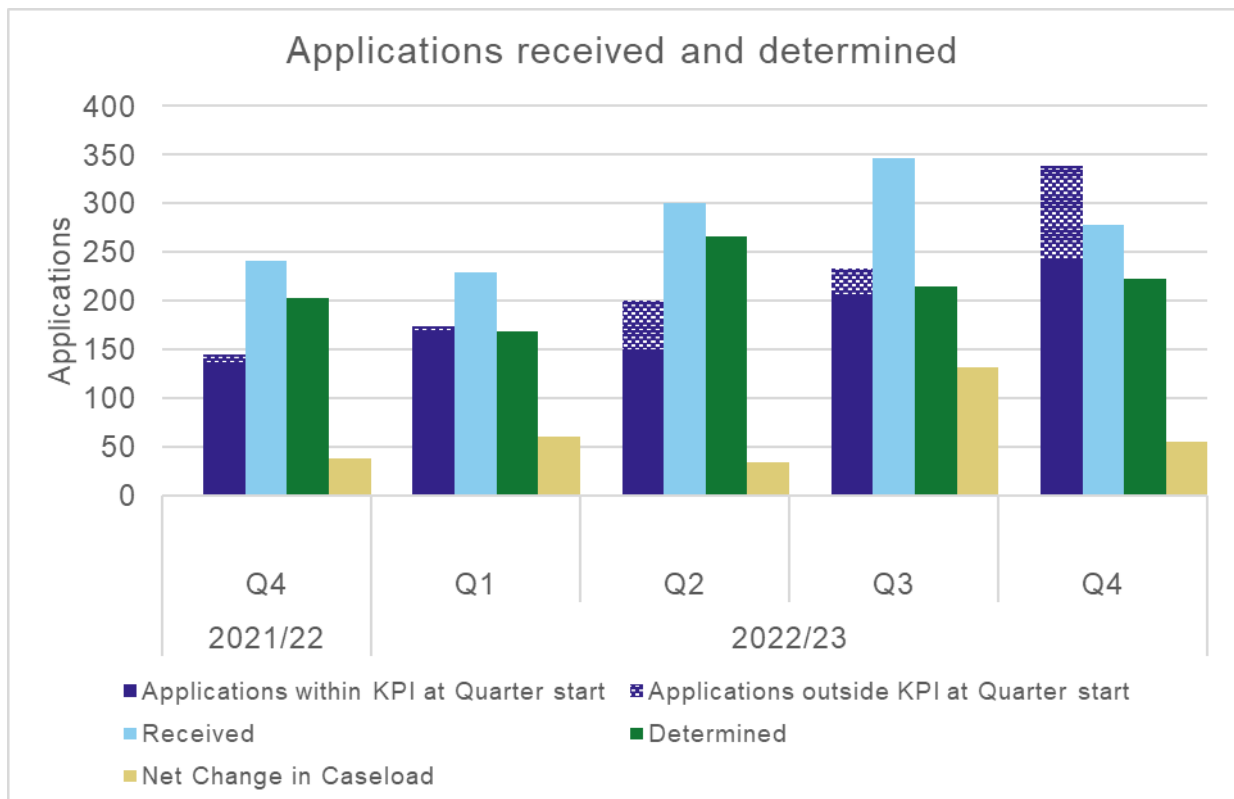
² The majority of this backlog comprises TQL applications which generally take longer to assess due to their complexity.

Pupillage Tasks



- Pupillage workload has been high in March and non-practising (first 6) sign-off processes will continue throughout April before being concluded in May. The team have completed approximately two thirds of the current tranche of non-practising pupillage certifications.

Applications received and determined



13. The numbers of applications open at the beginning of the quarter is at the highest level experienced over the last 5 quarters.

Commentary

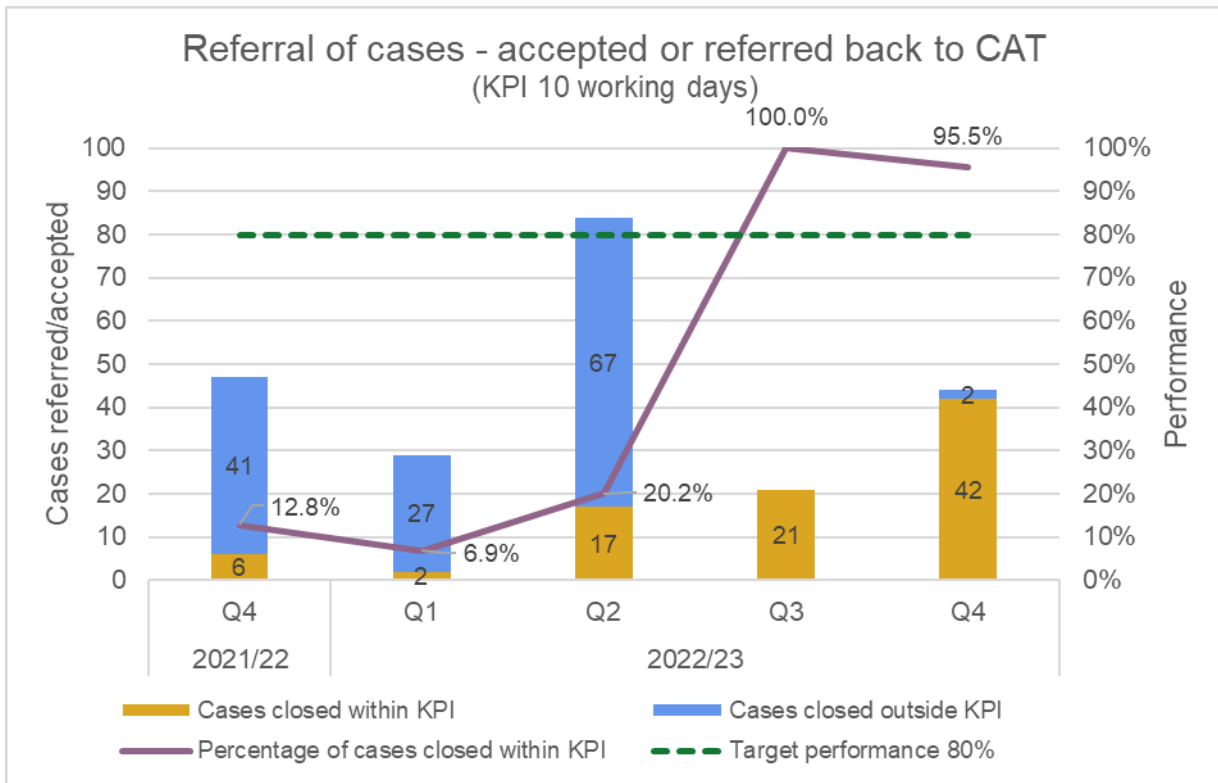
14. The team has experienced 98 days loss of resource because of absence or sickness over the course of this quarter, the equivalent of a 1.5 FTE reduction in staffing. Staffing levels will stabilise this quarter, meaning that the team will be able to take more decisions, more quickly. A permanent Authorisations Manager has been appointed, but with the result that some posts in the team will need to be backfilled.
15. The appointment of an Assistant Director to oversee the work of Authorisations (and Contact and Assessment) has concluded and Saima Hirji has taken up the new role. This adds dedicated senior level leadership. A key focus of that role will be reviewing current processes and working practices to identify, where possible, opportunities for efficiency and improved customer service. An outside consultant – Jimmy Barber – will be supporting this work.

Investigations and Enforcement

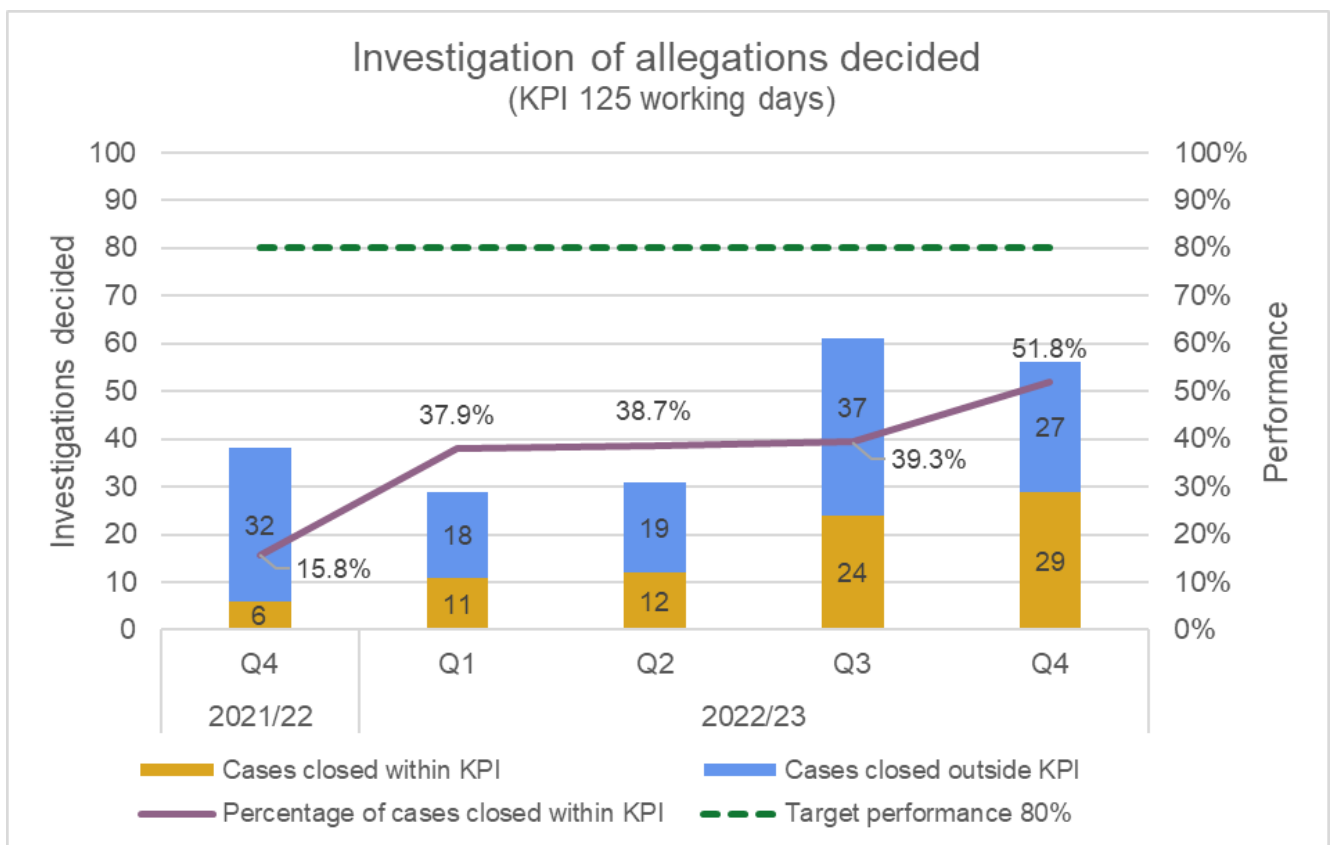
Key points

- KPI targets on referral of cases and the quality indicator on independent review have been exceeded this quarter.
- Performance against the investigation of allegations KPI has seen an improvement of just over 10%.
- All quality KPIs have been met this quarter.

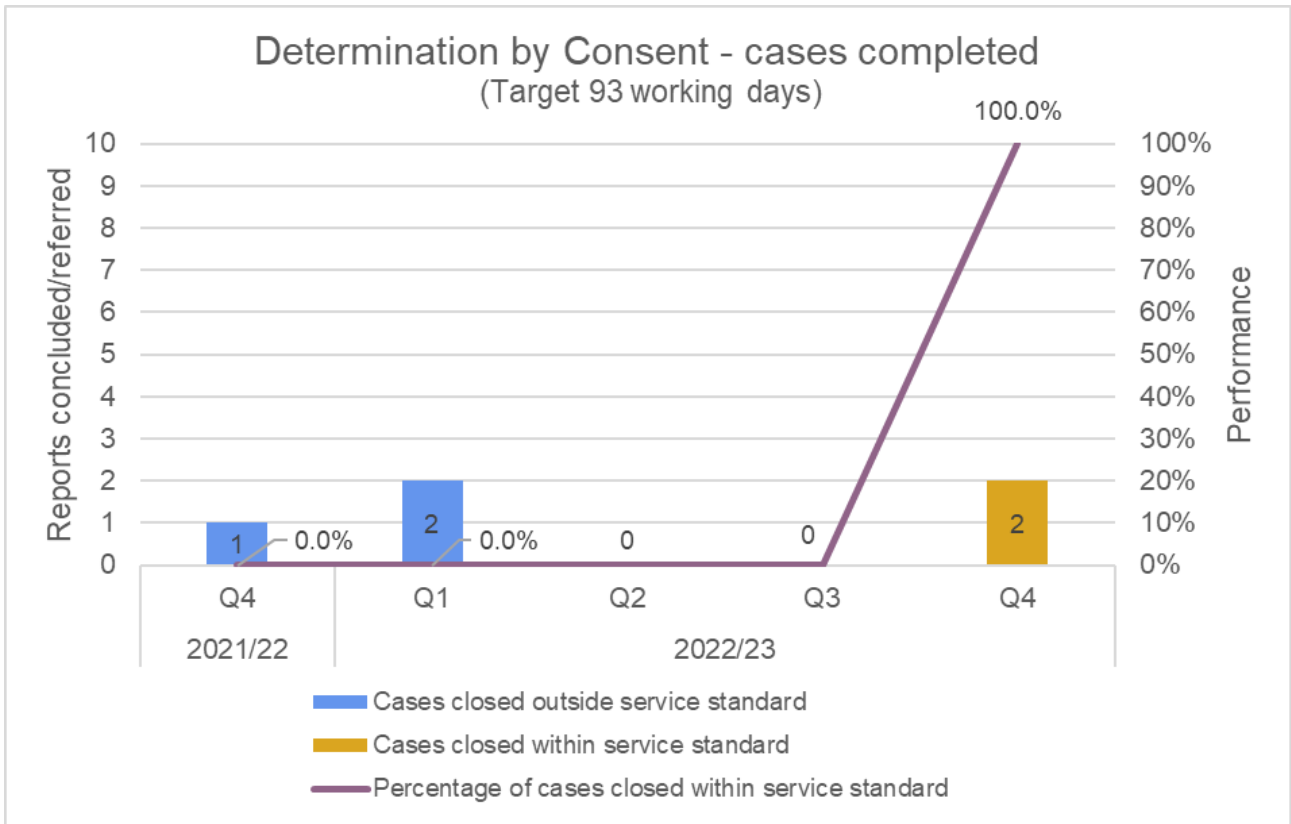
Performance: productivity and timeliness



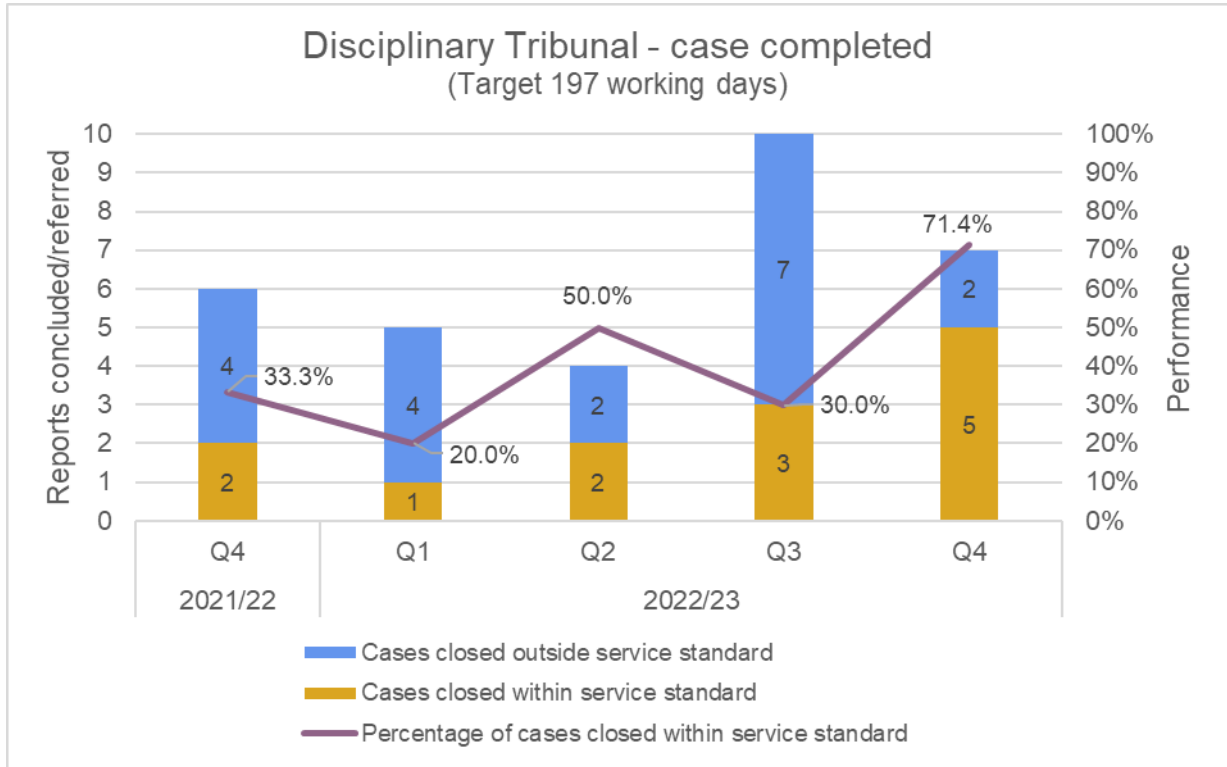
16. There has been a significant increase in the number of referrals this quarter, but the team has still met the KPI for acceptance. However, a relatively high percentage (12/44 cases, or around 27%) have been referred back to CAT and not allocated for investigation. The



two teams continue to work together on learning from these cases in order to reduce the level.

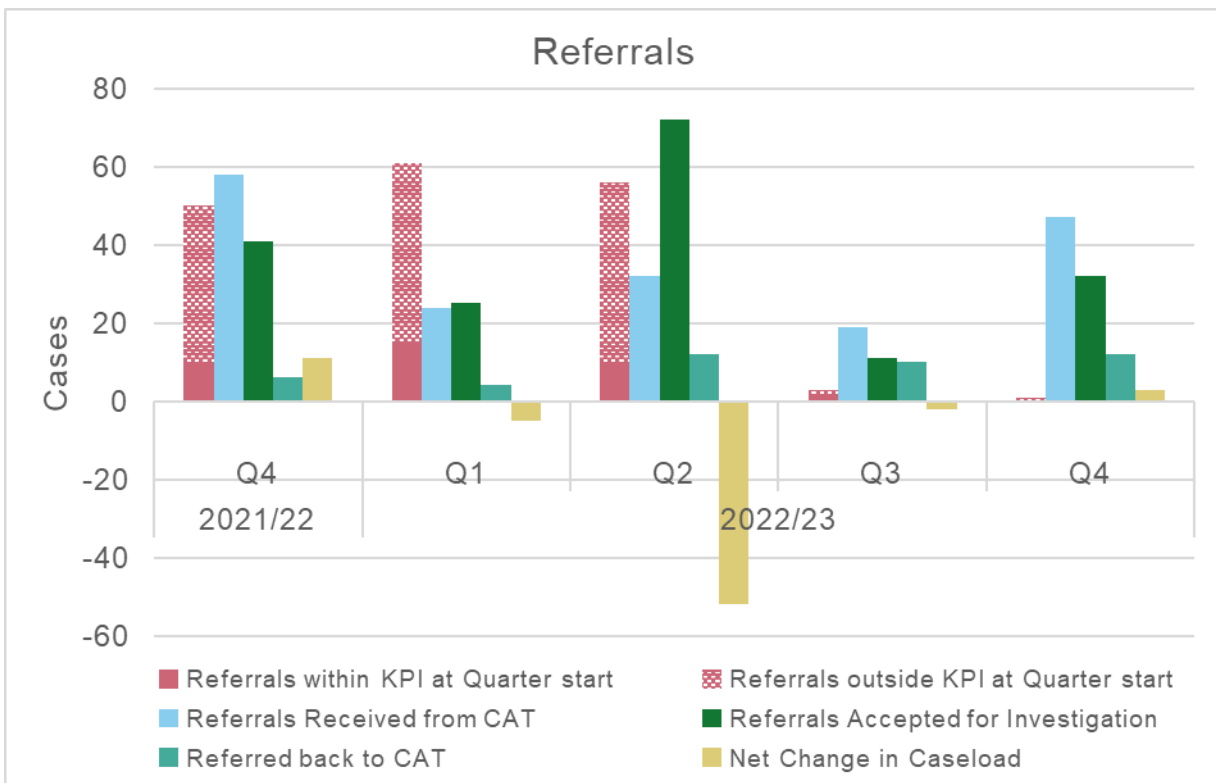


- The Team is continuing to close older cases and nearly 50% of the cases closed in the quarter were already over the target for completion, hence the KPI was not met. However, nearly 52% were within KPI which is an improvement on previous quarters and the highest performance since Q2 2021/22. The age profile of the live caseload has improved as a result of closing some of the older cases.



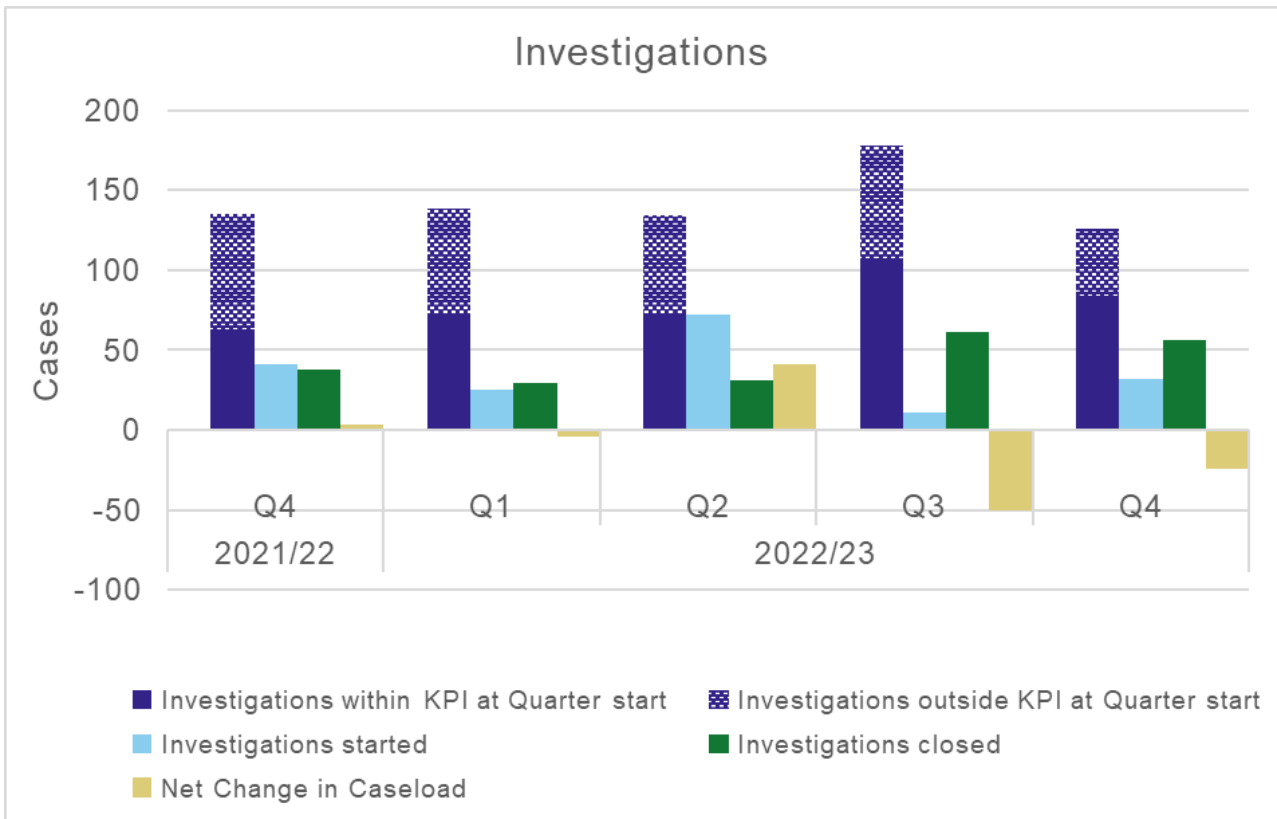
18. Both the number and percentage of Disciplinary Tribunal cases outside KPI is decreasing.

Referrals (Pre-investigation)



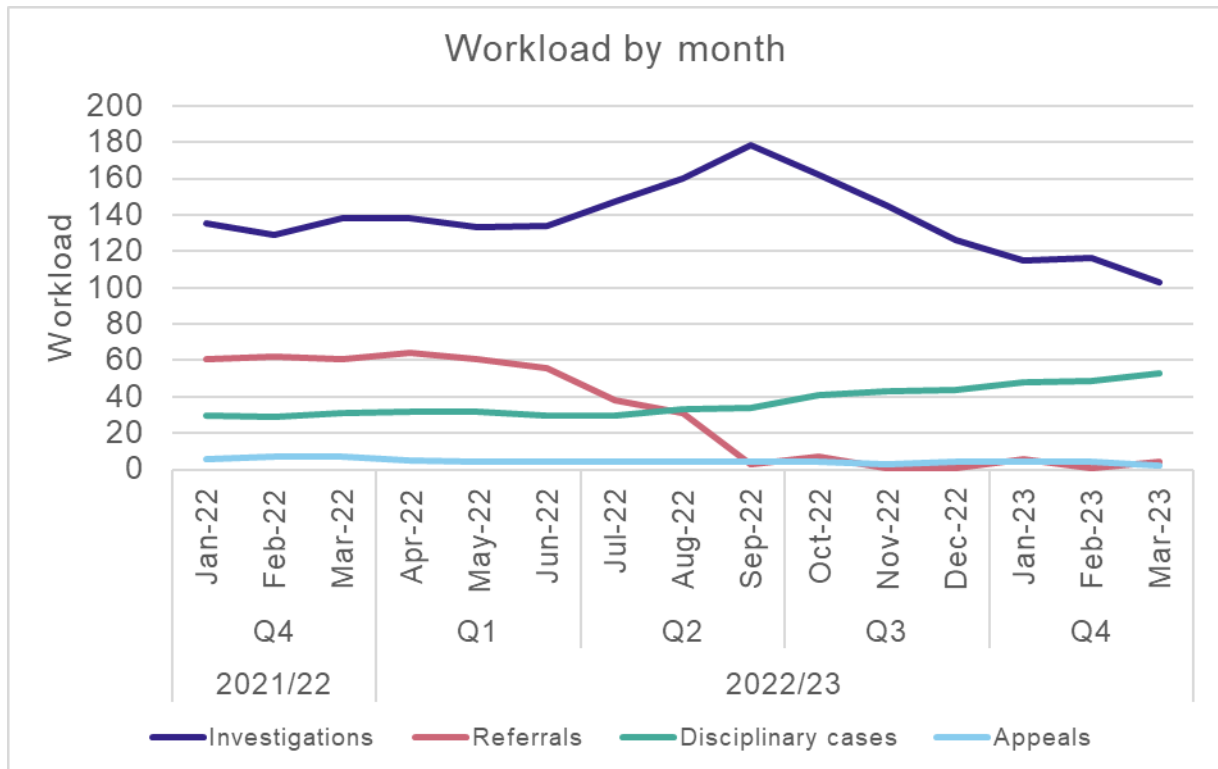
19. Referrals received has increased substantially this quarter but now that the backlog is clear and there has been a significant increase in the number of investigations concluded, the overall investigation caseload is below levels seen earlier this year.

Investigation cases



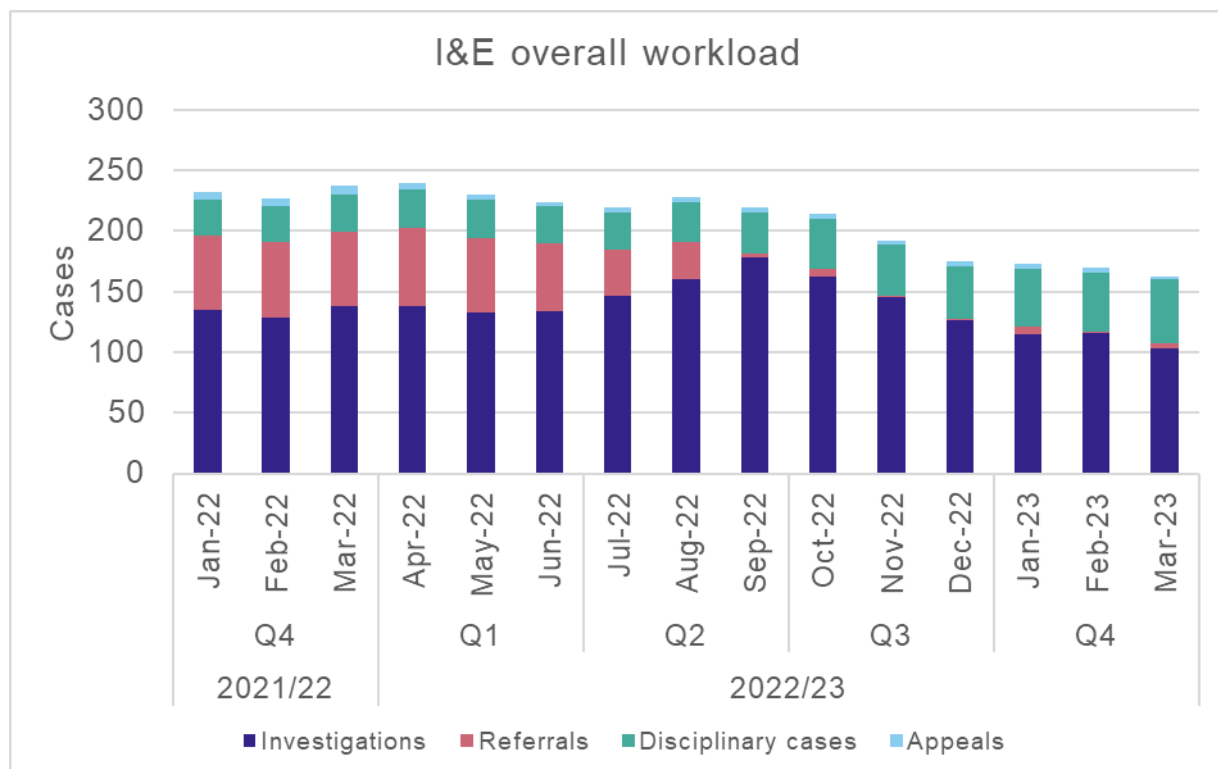
20. The number of cases closed in the quarter remained high which has continued to contribute to the overall caseload reducing and therefore becoming more manageable. Alongside this, the number of cases outside KPI has also reduced. The picture is therefore one of improved performance, albeit that the timeliness KPI for concluding investigations has not yet been met.

Investigations and enforcement workload



- The number of open investigations is decreasing, but cases at Disciplinary Tribunal stage are increasing due to the accelerated investigations process. It is inevitable that with more investigations being concluded, more cases will be referred to disciplinary action.

Commentary



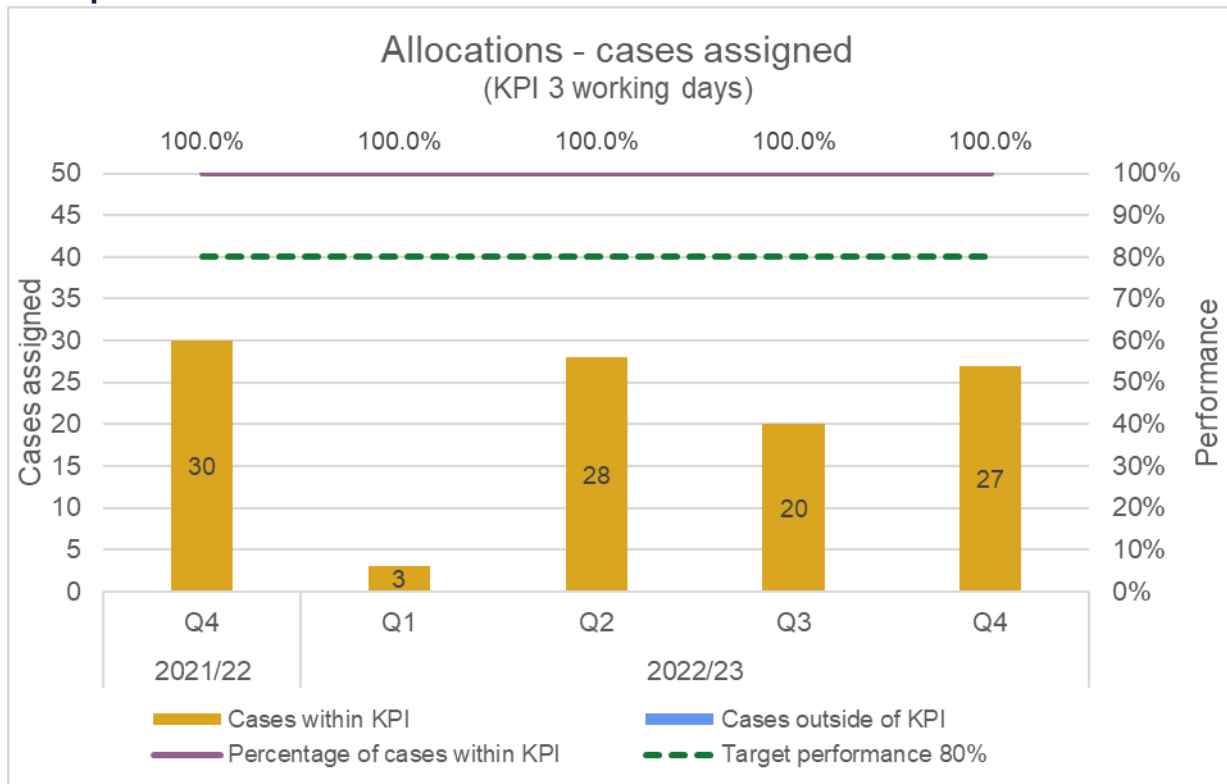
22. The I&E team is back up to full capacity following a short period of six weeks when a senior office post was vacant. This is positive and combined with the accelerated investigations plan, has led to improvements in performance across the board. The quality indicators also demonstrate that the quality of decision making remains high and the Independent Decision -making Body (IDB), as well as the staff, are to be commended for this.
23. It should be noted, however, that performance in quarter 1 of 2023/24 against the investigations KPI is predicted to be low (around 20%) as a large number of cases that are already past, or will be past, the KPI target are due to be closed in that quarter. Nevertheless, it is predicted that throughput will remain high.
24. The accelerated investigations plan will remain in place for the next two quarters until the investigations KPI is met. As the statistics above indicate, the plan has been successful in accelerating the throughput of investigations. However, the completion of so many investigations in a relatively short period of time has led to an increase in tribunal cases and the allocation of resources will need to be monitored carefully to ensure that the emphasis on investigations is not to the detriment of the timeliness of progressing disciplinary action.

Supervision

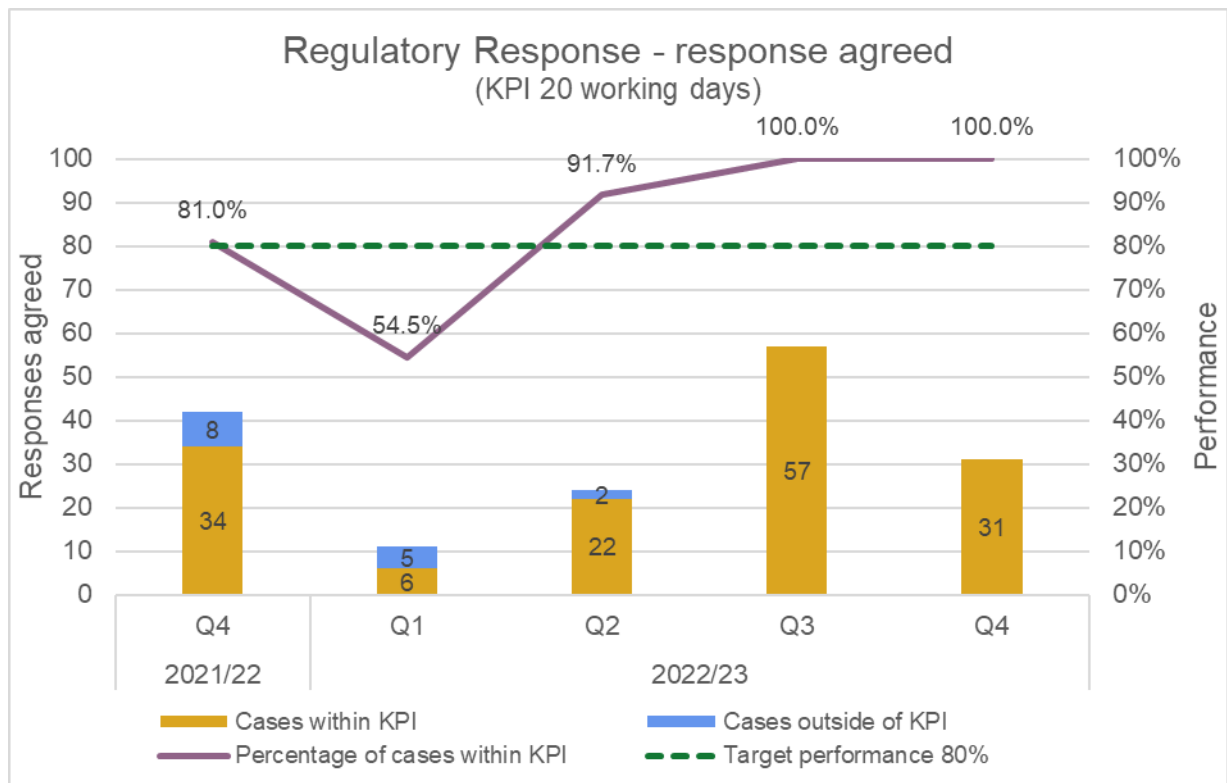
Key points

- The team has met all its KPIs for the second quarter running.
- The numbers of visits has increased substantially because of the thematic review of compliance with financial sanctions.
- The volume of Supervision cases has increased as CAT has been clearing its backlog.

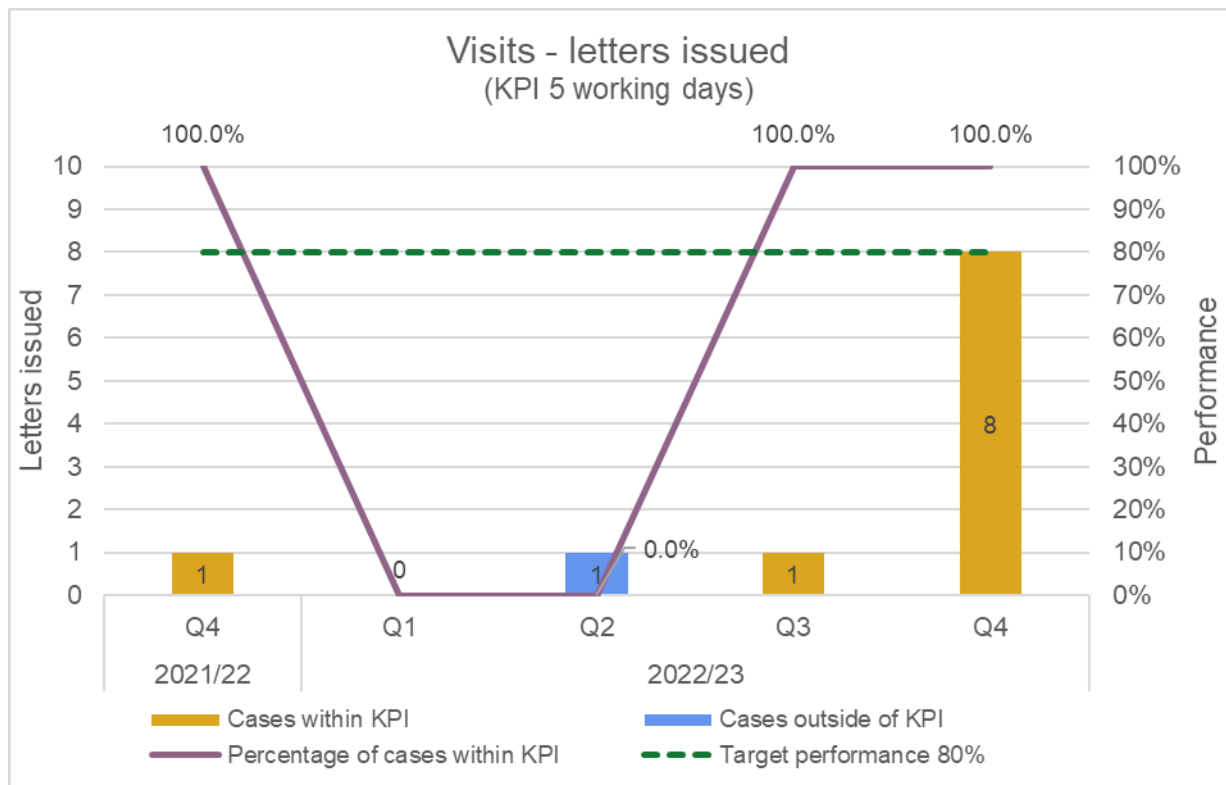
KPIs and performance data



- 25. Three times as many referrals were received from CAT in the last month than typical numbers, with CAT cases making up all of the 27 referrals in this quarter. This reflects the clearance of the backlog arising from the cyber-attack earlier in the year.



- 26. No regulatory responses were agreed outside KPI for the second quarter running.

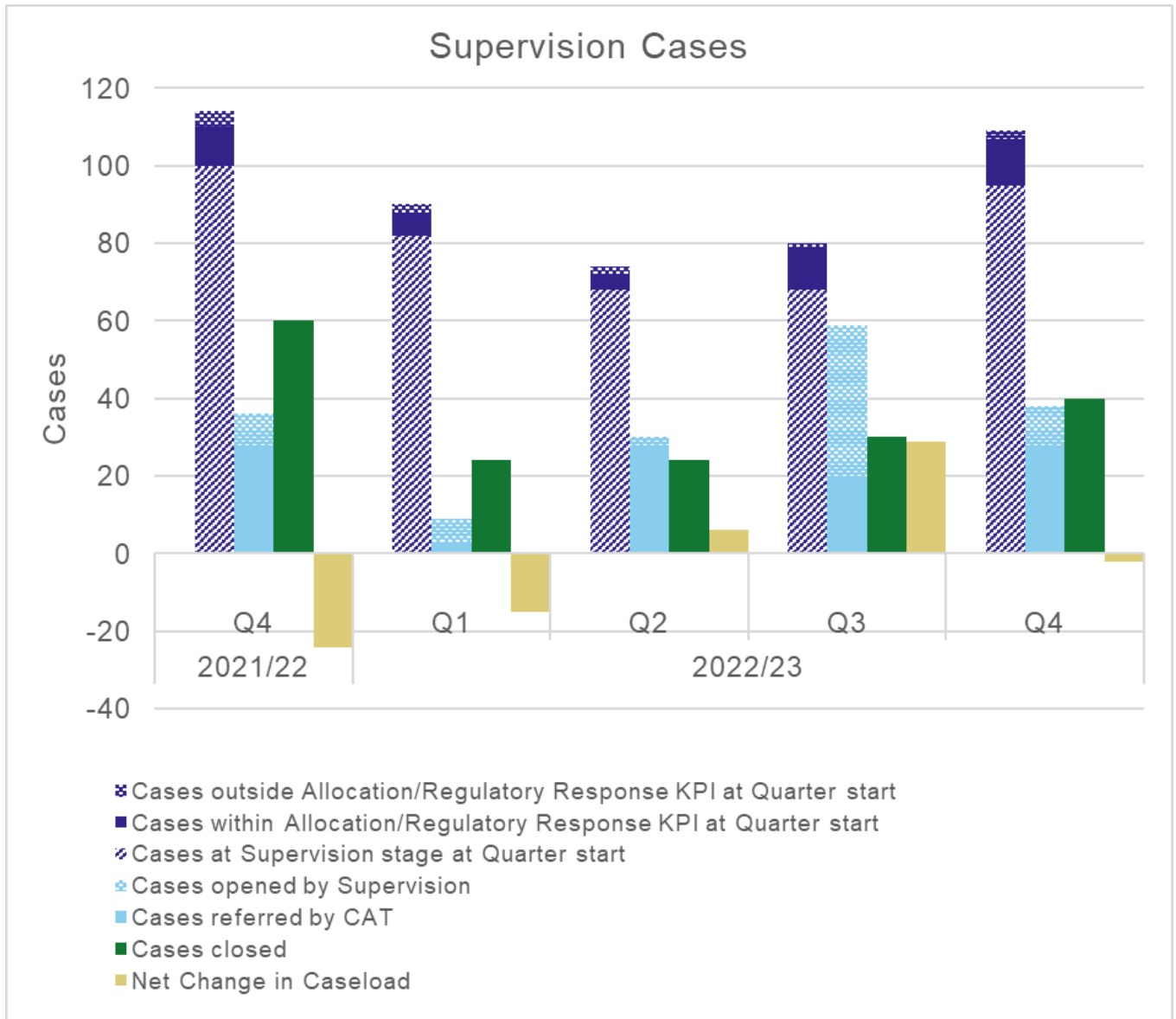


27. Most of the visits conducted this quarter relate to the thematic review of financial sanctions compliance. Visits were conducted with those assessed as high risk. The remaining two visits are scheduled in the next quarter. Those assessed as high and medium risk were set actions which are being monitored. We expect that most cases will be closed in quarter 1 of 2023-24.

Snapshot of open actions agreed with barristers, chambers, entities and AETOs

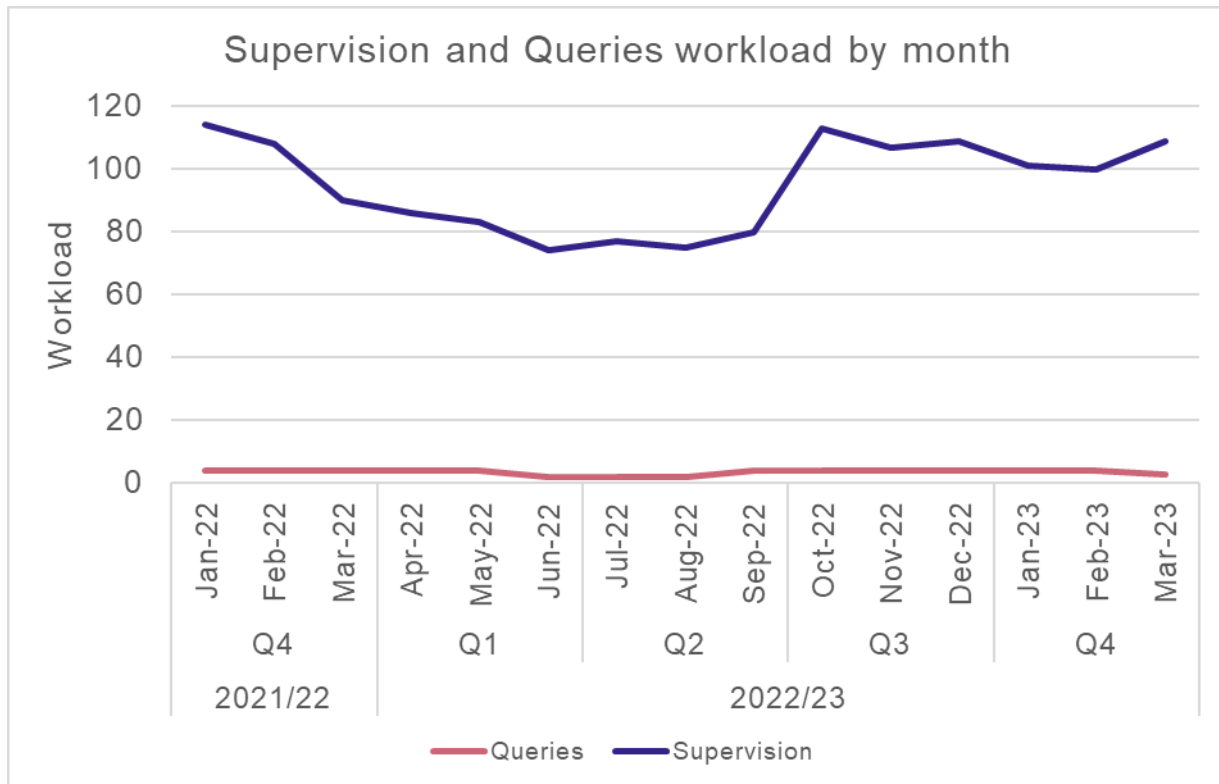
Year	Quarter	Actions open at close of quarter	Actions Outside Due Date	Actions where due dates were revised	Total cases with open actions
Cases opened by Supervision or referred from CAT					
2022/23	Q4	43	29	2 (4.7%)	13
Regulatory Returns					
2022/23	Q4	126	126	68 (54.0%)	22

Supervision open case volumes excluding Regulatory Returns



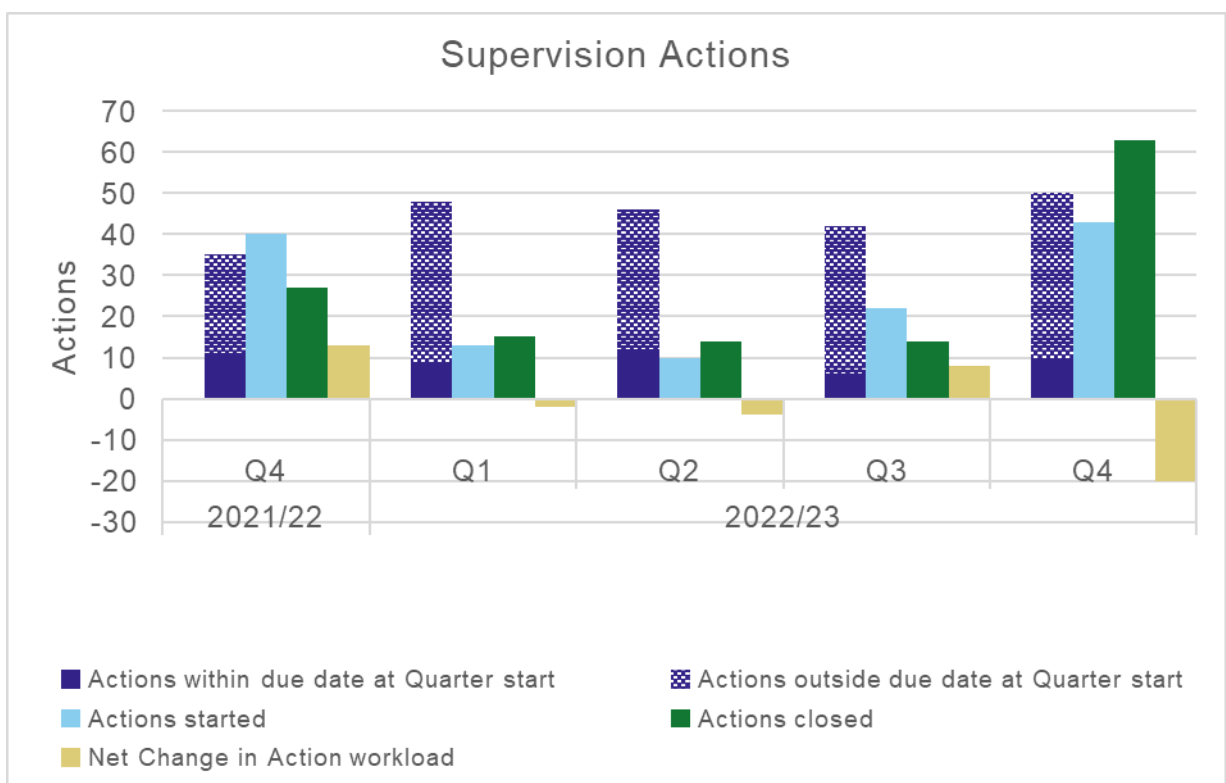
28. The team has closed more cases this quarter than in any other quarter during 2022-23, resulting in a net reduction in caseload.

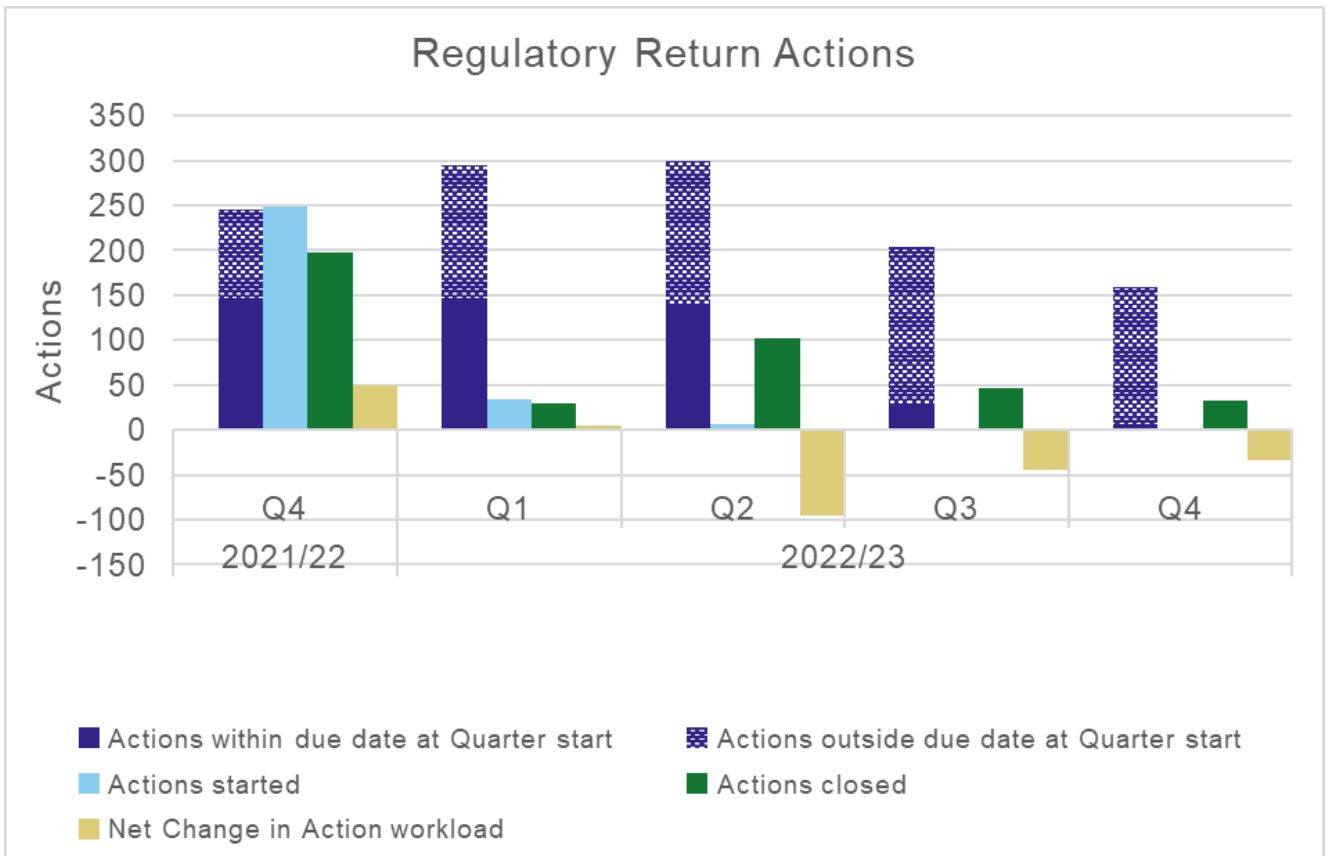
Total caseload by month excluding Regulatory Returns



29. Because of an increase in supervisory activity over the last month, workload in this area is now at similar levels to those seen in the same quarter of last year.

Throughput of actions agreed with barristers, chambers, entities and AETOs





30. The number of supervision actions closed is at its highest level for a year. As of 17 April, there are 21 Regulatory Return cases remaining, with 121 outstanding actions. Four have 10 or more actions outstanding and we will consider referral for possible enforcement action if they do not engage constructively with Supervision.

Business Plan Summary	
Activity	Status
3. Conduct in non-professional life	
4. Rules on how barristers market services and receive instructions	
5. Code of Conduct: reviewing the Core Duties	
6. Clarifying the rules around cyber security and PII (CLOSED)	
7. Regulatory Operations review	
8. Reviewing authorisations framework	
9. Review of CRM and CMS (CLOSED)	
10. Scoping the review of our Enforcement Regulations	
5. Evaluation of reforms to Bar training	
6. Assessment of negotiation and advocacy	
7. Review of BCAT (CLOSED)	
8. Assuring standards at the Bar - CPD	
9. Evaluation of our work on Coroner's Courts	
10. Assuring standards at the Bar - Early Years of Practice	
11. Regulatory Return	
12. Expectations of chambers	
5. Tackling bullying, discrimination and harassment at the Bar (CLOSED)	
6. Equality and diversity in AETOs	
7. Apprenticeships	
8. Good practice disability case studies	
9. Review of Equality Rules	
10. Equality and Diversity - best practice in chambers	
5. Unbundling legal services (ON HOLD)	
6. Digital Comparison Tools (CLOSED)	
7. Regulatory Information Service	
4. Reviewing reward and recognition	
5. Promoting wellbeing (CLOSED)	
6. Learning and development	
7. Promoting diversity and inclusion	
8. Putting our values into action	
9. Reviewing the case for incorporation (ON HOLD)	
Note/s 1 Index is a calculation of the actual versus budget, multiplied by 100 - showing how far above or below budget the actuals are. For example, index 120 means 20% above budget and index 80 means 20% below budget.	RAG On Track Delayed < 3 months Delayed 3 to 6 months Delayed > 6 months On hold / deferred Closed

KPI Summary		C&A - General Enquiries		C&A - Initial Assessment
On target	9	General enquiries addressed (5 days) - 80%	General enquiries referred (3 days) - 80%	Concluded or referred (8 weeks) - 80%
<10% below target	1	88%	71%	55%
>10% below target	6			
I&E - Referral of Cases	I&E - Investigation	I&E - Quality Indicators		
Accepted or referred back (2 weeks) - 80%	Decision on disposal (25 weeks) - 80%	Original decision upheld by IR following review - 95%	Successful appeals against admin. Sanctions - 0%	Successful appeals of DT where BSB is responsible - 0%
96%	52%	100%	0%	0%
Authorisation - Authorisation, Exemptions & Waivers			Authorisation - Entity Authorisation	
Applications determined (6 weeks) - 75%	Applications determined (8 weeks) - 80%	Applications determined (12 weeks) - 98%	Authorisation decisions made (6 months) - 100%	Authorisation decisions made (9 months) - 100%
40%	48%	61%	75%	100%
Supervision - Allocations		Supervision - Reg. Response	Supervision - Visits	
Cases assigned after referral from CAT (2 days) - 80%		Regulatory response agreed (20 days) - 80%	Visit report letters issued (5 days) - 80%	
100%		100%	100%	

Financial Summary				
Category	Q4 YTD Actual	Q4 YD Budget	Variance	Index ¹
Income	3,600	3,125	475	115
Expenditure	3,075	1,938	1,137	159
Category	FY Actual	FY Forecast	Variance	Index ¹
Income	14,471	14,300	475	101
Expenditure	8,452	8,261	1,137	102

Corporate Risk Summary (Action Priority)				
Period	High	Medium-High	Medium	Low
Q3 22/23	6	4	9	4
Q4 22/23	5	5	11	3

Directorates		% of occupied posts
CPE	Communications and Public Engagement	100%
G&CS	Governance & Corporate Services	100%
LED	Legal & Enforcement	96%
ROD	Regulatory Operations	98%
S&P	Strategy & Policy	78%

Service Complaints Summary				
Q4 Received	11	YTD Received / Upheld (fully or partly)	38	24

Bar Standards Board – Director General’s Strategic Update – 25 May 2023**For publication****Equality: disability**

1. We held a constructive meeting on 17 April with the Inns of Court to follow up concerns about the accessibility of many chambers raised by disabled barristers taking part in the launch of our Disability Task Force last December. The insights from the meeting will inform the revision of our *Equality Rules*. Meanwhile, it was clear that a challenge for both the Inns and Chambers in making reasonable adjustments to historic buildings lies in achieving planning consent. Accordingly, I have written to the planning officers of the relevant London boroughs – annex A - to open a dialogue about the balance to be struck between accessibility and the preservation of historic buildings.

People Conference

2. We held our annual People Conference on 25 April attended by over 90 colleagues, including colleagues from the services we share with the Bar Council. There was great engagement and much good discussion. We reviewed how continuous improvement applied to the realisation of our values: *fairness & respect; independence & integrity; excellence and efficiency*. And we debated how best to recognise those colleagues who have exemplified our values and made an outstanding contribution to the delivery of our objectives. We now preparing a digest of all the suggestions made during the day as a basis for deciding on a programme of actions.

LegalEdCon 23

3. As last year, I spoke and took part in a panel discussion at this year’s LegalEdCon23 conference organised by *Legal Cheek* on 18 May. The notes on which I drew are attached as annex B.

Annex A: Letter from Director General to Chief Planning Officers

Annex B: Notes used by Director General at LegalEdCon Conference

Mark Neale

Director General

DRAFT LETTER TO:

Chief Planning Officers

London Boroughs of Westminster & Camden and City of London

BARRISTERS' CHAMBERS: DISABILITY ACCESS

As the Regulator of the Bar, I am writing to you about the accessibility for disabled people of listed buildings owned by the Inns of Court and occupied by barristers' chambers. This is against the background that we are revising the rules we place on barristers with respect to equality and access and wish to gain a better understanding of the interaction of our requirements for better access and your planning constraints.

As you will know, many barristers' chambers operate and practice from historic buildings which the profession has occupied for centuries. Many of these buildings are owned by the Inns of Court. The Bar Standards Board, as the regulator of the profession, respects these historic associations, but is also concerned about the lack of disability access to and within these buildings and the challenges these institutions and organisations often face when applying for planning permission to make these buildings accessible.

The barriers faced as a result of the lack of access to and within these buildings by disabled people seeking to enter the profession, disabled members of the profession, as well as disabled service users, are significant and contrary to equality and human dignity. As the regulator, we have a duty under the Legal Services Act 2007, as well as the Equality Act 2010, to promote access to justice and diversity in the profession and to advance equality of opportunity. As such, this year we are undertaking work to revise the rules – known as the *Equality Rules* – we place on barristers to promote equality and inclusion in their workplaces. These will include setting expectations governing dignity and access for those who are disabled. In the light of our regular discussions with the Bar Council and the Inns of Court, we are concerned that chambers may find it challenging to comply with our prospective rules and meet these expectations whilst operating from within some of these listed buildings unless planning permission is granted to make the necessary changes, for example building 'Sesame Steps' or lifts to the outer structure of the building.

We would very much like to meet you to gain a better understanding of the decision-making framework for planning applications and how the balance between the need for accessibility and the need to protect the historical integrity of the listed buildings is struck when making decision on planning applications. We also hope to be able to inform your decision-making framework for planning applications by providing you with insight into the context within which the profession operates and the regulatory concerns.

Perhaps you would let me know whether you would be open to a dialogue about these issues? I very much hope you will agree to meet.

I am writing in similar term to the Chief Planning Officers at [].

Yours sincerely,

MARK NEALE

DIRECTOR GENERAL

LegalEdCon Legal Cheek Conference May 2023 speakers notes (10 minutes)

The BSB's Future Bar Training reforms – now close to full implementation – were designed to make training for the Bar more affordable, more accessible and more flexible, while maintaining high standards:

- greater flexibility – so we enable innovation in how education and training is delivered
- improved accessibility - so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves
- improved affordability - to bring down the cost and improve the value for money of studying

What impact have our reforms had? Providers will shortly speak for themselves, but our latest 2023 Bar Training Report and an independent Evaluation by AlphaPlus consultancy confirms much progress made in all these respects.

In the post-graduate Bar training courses:

- two additional providers have been authorised and training is now delivered at five new sites – that offers not just choice of provider, but also an improved geographic spread, giving students more choice about where in the country they choose to study – an important consideration for students given the huge increase in the cost of living;
- on average, course fees from 2020/21 onwards have decreased quite substantially compared to the fees charged for the old BPTC courses. On average, the drop in the cost of Bar training saved students almost £4,000 in tuition fees in 2020/21 compared to 2019/20 after adjusting for inflation;
- we recognise several different pathways, and (whilst early days) we are now seeing interest from a range of stakeholders who have come together to develop an apprenticeship route to qualification.

What about standards? To be clear, provided students have good information about prospects of passing the Bar course and obtaining pupillage (and we produce statistics to assist them in this), it is not the role of the Regulator to manage demand for Bar training. But it is the BSB's responsibility to ensure that standards are maintained and Bar course providers are admitting students with potential to succeed.

It is early days to reach conclusions on this as the new Bar courses were only introduced in 2020. Our report of December 2022 shows that success rates for the cohort that entered Bar training in 2020 vary between 49% and 94%, but these numbers will still change as further students complete the course.

The Chair's report for the December 2022 sitting shows that our centralised exams remain assessments demanding with an average pass rate of around 56% for civil litigation and around 50% for criminal litigation. The Report also shows the variation in pass rates between different providers and explains some of the factors that may lead to these variations.

Part 1 – Public

Whilst not unique to Bar training, there are some differences between those from different ethnic backgrounds in the proportion passing the course. The differences seen are particularly pronounced for those from Black/Black British backgrounds. Furthermore, UK domiciled course graduates from minoritised ethnic backgrounds do not appear to gain pupillage in the same proportions as UK domiciled students from White ethnic backgrounds.

We are commencing a thematic review of providers' admissions arrangements, which will also look at how they ensure that standards are maintained once a student is admitted and what systems are in place to ensure that students develop to their full potential, whatever their starting point.

One of the changes we made was to introduce a new assessment of Professional Ethics into the pupillage component of training. This has proved timely with ethics becoming a hot topic, for example in the Post Office case, the role of lawyers in promoting climate change, and the so-called SLAPPs cases that are designed to quash investigative journalism.

Our Professional Statement, incorporating the threshold competences, which forms the basis for the curriculum for Bar training, will be kept under review to ensure it remains fit for the future – for example in relation to new technology (the risks and opportunities of AI and tools such as ChatGPT have been much discussed this year). As we are now working on the continuing competence framework for newly qualified barristers and beyond, we are looking at how the Professional Statement can be developed further to support barristers in practice.

Meeting:	Board	Date:	25 May 2023
Title:	Reform: progress in implementing action plan		
Author:	Mark Neale		
Post:	Director General		

Paper for:	Decision: <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input checked="" type="checkbox"/> Recommendation
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Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

Purpose

1. This paper updates on progress in taking forward the reforms approved by the Board as part of the Business Plan for 2023/24 and reflected in the Action Plan sent to the Legal Services Board. The Action Plan, with updates on progress, is attached as annex A.

Recommendations

2. That the Board:
 - i. notes the generally good progress made in implementing the Action Plan in the first month and a half: no commitments are behind and some – the end-to-end review of the enforcement process – are moving forward purposefully;
 - ii. approves the assurance letter to the Legal Services Board at annex B which elaborates on a number of the actions on which the LSB CEO requested further information in a letter of 26 April which is attached as annex C.

Background

3. We shall report to the Board at each meeting on progress in implementing the reforms outlined in the Action Plan. For this purpose, we shall update the attachment at annex A to provide an update on each of the specific actions to which we committed. We shall use this covering paper, by exception, to draw attention to any actions on which we have fallen behind or on which we can report completion or success.
4. The Legal Services Board CEO welcomed the Action Plan in his letter of 26 April. He suggested that the Bar Standards Board might send regular assurance letters to serve the dual purpose of reporting on progress and providing public accountability. We welcome this idea and suggest that the letter should be sent following each BSB Board meeting so the letters can reflect any observations or steers offered by Board members.

Progress

5. Unsurprisingly, a month and a half on from the adoption of the Business Plan and associated Action Plan, there are no major developments to report. We are currently on track to deliver the actions set out in the Plan. We are, moreover, bringing to the May Board two important strategic proposals which fulfil commitments in the plan: namely, to pilot a balanced scorecard of measures to monitor BSB's operational performance and, on certain conditions, to renew a financial contribution to *Legal Choices* as part of a cross-cutting strategy to promote public legal education. There are papers on both issues. There is also, of course, a separate paper updating on operational performance at the end of 2022/23.
6. These apart, I should highlight the following:

Performance

- We are currently assessing tenders to undertake the end-to-end review of our enforcement process with a view to making a decision about the successful bidder in the week beginning 5 June. We intend to align implementation of the Deloitte recommendations on the re-engineering of the CRM/CMS systems with this review. Our enforcement process must be fair and legally robust, but must also be designed so that it can be effectively supported by IT with minimum customisation. With this in mind, we are also seeking, as recommended by Deloitte, to appoint a *Solution Owner* for the underlying IT systems who can work alongside the reviewers of the enforcement process.
- Meanwhile the review of our approach to authorisations is moving forward. The Senior Management Team discussed last month initial findings from part 1 of the Review which considered our approach to granting waivers from the academic component of qualification for the Bar. We agreed to consider further the underlying purpose of the academic component of Bar training and, consistent with that purpose, the rationale for waivers and for the framework of rules within waivers should be granted. We also agreed that any enlarged role for the Bar training providers in deciding whether academic qualifications had been met should be linked to our planned review of admission arrangements to the vocational component of Bar training.

Regulatory approach

- We completed our roundtables on the role of chambers with a visit to the South-West circuit in Bristol on 16 May. Following a seminar with Board members on the afternoon of the Board, we intend to bring forward proposals, in the form of a consultation document, for discussion at the Board meeting in July.

Culture & capacity

- We held a successful People Conference last month which discussed how, as an organisation, we can improve the realisation of our values in our work and how we can recognise colleagues who exemplify our values and make the greatest contribution to the delivery of our objectives. We shall be bringing forward proposals which reflect the ideas and suggestions made at the Conference.
- We have completed a review of the operation of the Internal Governance Rules and of the services we share with the Bar Council and have made proposals to the Bar Council for reforms which will enhance BSB's operational efficiency.

7. The Board is invited to comment on the progress we have made and draft assurance letter to the Legal Services Board.

Annexes

Annex A – Update on progress against the Action Plan

Annex B – Draft assurance letter to the Legal Services Board

Annex C – Letter from the Chief Executive of the Legal Services Board of 26 April

Mark Neale
Director General

BAR STANDARDS BOARD

ACTION PLAN – TRANSFORMATIONAL CHANGE

Introduction

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

2. The prospectus captures the Board’s reform agenda under a number of key headings:
- Performance;
 - Regulatory approach (including strategic change, intelligence and data, and reforming our Handbook and rules); and
 - Culture and capacity.
3. The Board will own and hold itself accountable for the delivery of the plan and receive reports on its implementation from the Director General and Senior Management Team at every meeting until completion.

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

Theme	Action	Lead	Contact	Milestone and timetable	Progress report	
					Date of update	Update on progress / completion
Performance (cont.)	We will implement the recommendations arising from the Deloitte review of the fitness for purpose and durability of our key operating systems	MN	MN	Milestones will be aligned with the end-to-end review of enforcement processes, but changes to the operating systems are unlikely to be implemented before 2024-25		First step will be to implement the Deloitte recommendation to appoint a <i>Solution Owner</i> to assume responsibility for CRM/CMS systems and to take part in end-to-end review of enforcement process. An internal candidate is currently under consideration.
	We will review the role of the Independent Reviewers in our enforcement and authorisations processes to identify improvements in the operation of this assurance mechanism and to ensure that it is procedurally fair.	SJ	RB	Review complete – end April 2023. Consideration of review outcomes by the Board – July 2023. Consultation and approval of any Handbook changes arising (subject to approval by the Board and the LSB) – July – December 2023. Implementation of revised approach – early 2024.	3 May 2023	The review is ongoing but the aim is that the outcome of the review will still be ready for consideration by the Board in July 2023. However, there is a piece of confidential work happening in parallel which has some overlap with the review and so the conclusion of the review to some extent depends on the conclusion of that other process.
	We will agree and pilot a balanced scorecard to measure BSB's performance in delivering core regulatory operations	MN	AW	Year one: <ul style="list-style-type: none"> Agree shadow measures for piloting in May 2023 Year 2: <ul style="list-style-type: none"> Begin formally reporting against new measures 	5 May 2023	Pilot proposals agreed by Executive and SMT. Due to be presented for approval to PSP on 11 May and Board on 25 May 2023.

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

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

Theme	Action	Lead	Contact	Milestone and timetable	Progress report	
					Date of update	Update on progress / completion
Regulatory approach – Intelligence & data	We will overhaul our approach to the gathering, collation and analysis of the intelligence we receive from a wider range of sources	EM	BB	Year one: <ul style="list-style-type: none"> Create and publish a data and intelligence strategy Year two <ul style="list-style-type: none"> Commence implementation of agreed strategy 	3 May 2023	The Data and Intelligence Strategy work is progressing. We have considered the planned vision and objectives of the strategy, and are currently working on the current state analysis. An update on this work and a chance to discuss its wider implications will be provided to the Board at its July Away Day.
Regulatory approach – Intelligence & data (cont.)	We will review our current risk framework to make sure that intelligence is joined up and that our front-line teams have more discretion to act promptly in response to emerging risks	EM	BB	Year one: <ul style="list-style-type: none"> Complete review Year two: <ul style="list-style-type: none"> Implement new processes 	3 May 2023	The Provisional Report of the Risk Framework Review has been drafted and is currently with the BSB Risk Forum for consideration. The elements of the review that involve BSB strategy will be discussed at the Board Away Day.
	We will continue to use our research team and commissioned providers to publish evidence in support of policy changes, to better understand the market for barristers services and to evaluate the impact of any reforms. We will seek to collaborate with the other legal regulators on cross-cutting matters, such as on consumer-focused research.	EM	EM	Year one: <ul style="list-style-type: none"> We shall undertake research with pupillage providers to investigate the recruitment outcomes of different approaches aimed at increasing diversity. We aim to complete our evaluations of our DCT pilot and our Bar training reforms by end of 2023-24. 	15 May 2023	On track.

Theme	Action	Lead	Contact	Milestone and timetable	Progress report	
					Date of update	Update on progress / completion
Regulatory approach – Intelligence & data (cont.)				<ul style="list-style-type: none"> 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. <p>Year two:</p> <ul style="list-style-type: none"> In 2024-25 we intend in particular to look at the extent to which solicitors offer their clients a choice of barrister and at whether access to justice in future may be threatened by a lack of barristers as the profession ages 		
Regulatory approach - Reforming our Handbook & rules	We recognise the need to revise the Handbook, to ensure that it is easily navigable and easily understood by both barristers and the public alike, and represents good regulatory practice. We shall be making design changes to	EM	EM / RM	<p>In year one:</p> <ul style="list-style-type: none"> We will identify any urgent Handbook changes that are needed to address gaps or improve efficiency in the short to medium term. We will complete our review of the regulation of standards in non-professional life and of 	3 May 2023	<p>The non-professional life/social media project is ongoing and the hope is to take the outcome of last year's consultation to the Board in July 2023.</p> <p>SMT agreed our new approach to coordinating, prioritising and standardising Handbook changes in March 2023. This planned approach, and future</p>

Theme	Action	Lead	Contact	Milestone and timetable	Progress report	
					Date of update	Update on progress / completion
Regulatory approach - Reforming our Handbook & rules (cont.)	the layout of the Handbook and Code of Conduct with this in mind, in the meantime taking forward essential amendments to the Code of Conduct and Handbook, including amendments flowing from other priority work programmes.			<p>barristers' use of social media in the light of our recent consultation.</p> <ul style="list-style-type: none"> We will complete our review of the Equality Rules to ensure that they remain fit for purpose and clearly set out minimum standards for chambers' and employers' oversight of diversity, including appropriate governance. We will also be looking at our "association rules" which regulate how barristers interact with intermediaries which provide information about their services. <p>In year two:</p> <ul style="list-style-type: none"> We will begin systematically consulting on more strategic changes to the Handbook, taking on board challenge and feedback from a variety of stakeholders. 		project timeframes, are due to be considered by the BSB Board in July 2023.

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

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



DRAFT LETTER TO THE CHIEF EXECUTIVE OF THE LEGAL SERVICES BOARD

BAR STANDARDS BOARD: REFORM ACTION PLAN

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

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

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

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

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

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

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

MARK NEALE
DIRECTOR GENERAL

Mark Neale
Director General
Bar Standards Board



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By email only

26 April 2023

Dear Mark

I am writing following our recent discussion concerning Kathryn Stone's letter to our new Chair, Alan Kershaw of 4 April, enclosing the BSB's Business Plan for 2023/24 and associated action plan and further to the introductory meeting between our respective Chairs, which took place on 11 April.

We welcome the BSB's action plan which sets out specific reforms which the BSB consider will deliver the transformative change required for it to become the effective regulator and pro-active regulator the public and the profession deserve.

As we discussed last week, it will be important for the BSB to share its progress against its action plan publicly to assure stakeholders, particularly given that some actions will not be delivered until year 2/3. As I suggested during our discussion, one model would be to adopt the approach of the OLC and provide the LSB with a "voluntary assurance letter" in advance of Board meetings, which could be published by means of appending to the regular CEO report. If you agree, we would be happy to liaise on suitable formats and deadlines.

We also discussed how some of the proposals in the action plan would benefit from being scoped out more clearly (the independent end-to-end review of BSB enforcement policies and processes, the standards assurance framework which will set out the BSB's expectations of barristers and their chambers and employers on how to maintain standards of practice at the Bar, and promoting legal education are particular examples), and, across the whole package, more clarity on how you will evaluate the impact of the actions taken. If you agree with the voluntary assurance approach outlined above, it might be sensible to use that as a vehicle for filling in some of the less developed areas.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Matthew Hill', is written over a light blue horizontal line.

Matthew Hill
Chief Executive

Email: Matthew.Hill@legalservicesboard.org.uk

Performance and Strategic Planning Committee (PSP) Annual Report 2022/23

Recommendation to the Board

1. The Board is invited to **note** the Annual Report of the Performance and Strategic Planning Committee (PSP). The Committee's Terms of Reference require that it must now report to the Board at least bi-annually (following a change requested by the Committee so that it must report more frequently than annually) and that change will be implemented following this final annual report.

Introduction

2. The PSP replaced the Strategic Planning and Resources Committee (SPR) in December 2022 and is a standing committee of the Board to which it reports on matters related to organisational performance, resources and strategic planning. The PSP supports the Board and the executive in delivering high performance and in formulating the overall strategy for the BSB and, to these ends, it scrutinises the BSB's three-year Strategic Plan and annual Business Plans before the Board's approval is sought. It oversees performance against relevant service levels and financial performance against the objectives and targets set out in the Business Plan and considers any necessary corrective actions, including to the allocation of resources across the BSB.
3. The Committee meets regularly throughout the year and has met seven times since the last report (on three occasions as the SPR and four occasions as PSP).
4. The Committee currently has a membership of six – all of whom are members of the Board, with a majority of lay members. The members are: Steven Haines (Chair), Gisela Abbam FRSA, Alison Allden OBE, Emir Feisal JP (lay members); Simon Lewis, and Irena Sabic KC (barrister members). During the reporting year, one Board member, Kathryn Stone OBE, concluded their membership of this Committee (on taking up the post of Chair of the Board) and was replaced by Gisela Abbam FRSA. Another Board member, Leslie Thomas KC, stood down from the Committee in January 2023 and was then replaced by Simon Lewis. We are grateful to them all for their contributions to the Committee over the past year.
5. When the Committee was re-constituted as the PSP, the Board agreed to retain the existing membership of the previous SPR but to also invite an additional lay Board member who had participated in the Board's Task and Completion Group on Performance over the course of 2022 to join the Committee. That increased the membership from five to six.

Executive Summary

6. This report summarises the key aspects of the Committee's work over the past year. The report also provides the Board and public with assurance that the scrutiny of business and strategic plans (when applicable) prepared by the BSB are robust, appropriate, and financially sound and that organisational performance is again scrutinised by a committee of the Board (but without dilution of the Board's primary responsibility for oversight and monitoring of performance).

Strategic Plan (2022-25), Business Plan and budget for 2023-24

7. The Committee undertook horizon scanning exercises to identify risks to the regulatory objectives and recommend priorities for the 2023-24 Business Plan for the second year of the Strategic Plan (2022-25). The Committee's scrutiny of the draft Business Plan for the coming year included consideration of resources and capacity and the Board's commitment to prioritise performance in our core regulatory operations. To that end, it endorsed the proposals of the executive that the Business Plan for the coming year should not include new project initiatives – it focuses on the completion of ongoing strategic projects or on improving operational performance.

8. The Committee scrutinised the budget proposals to satisfy itself that the budget is fair and reasonable in the context of the strategic and business plan before recommending it to the Board. Following an iterative process of refinement, the Committee recommended the final budget to the Board for approval.
9. The Committee made recommendations to the Board on pay issues within the reporting year to increase our competitiveness in attracting and retaining staff in certain specialist areas. This pre-dated the change in the Committee's remit to again include scrutiny of performance, but was informed by the Committee's understanding of our continuing resourcing challenges and that this was the main factor underlying our difficulties in meeting timeliness service standards.
10. The Committee considered proposals for pay reform for the BSB, following extensive benchmarking across the sector, and separately considered the range of financial and non-financial aspects of the BSB's Employee Value Proposition. Proposals for pay reform were scrutinised by this Committee in the context of the budgetary and resource implications and did not duplicate the related work of the Remuneration Committee in advising the Board on the BSB's annual salary review.

Oversight of performance

11. Since the Committee's remit was expanded in December 2022, the Committee has met to review performance against Key Performance Indicators (KPIs) and had oversight of progress towards the activities set out in the published Business Plan. The role of the reconstituted PSP is to undertake closer scrutiny and analysis of performance trends and any systemic causes for those, and to make recommendations to the Board.
12. The Committee considered updates on the progress of the accelerated investigations project in advance of reports being made to the Board, and proposed a number of refinements for the presentation of data to the Board and to a wider audience in this context and for performance reporting more generally.
13. The Committee also scrutinised proposals for short and medium term reviews of process across our core regulatory operations. That included considering reports from a consultant appointed to analyse case management processes in one operational area of the BSB and who put forward a number of potential improvements.
14. At the request of the Board, the Committee has overseen the development of a BSB-wide balanced scorecard capturing performance across the organisation and with a focus on key corporate objectives. The Committee agreed that the indicators should capture all dimensions of performance, including: the quality of decision-making; productivity in making decisions; the speed/timeliness of decision-making; and the quality of service. This was in response to issues with the existing KPIs which focus on timeliness only without any regard to productivity or throughput. The intention is to conduct a one year pilot of the new scorecard whilst continuing to report on the existing timeliness KPIs.
15. The Committee considered whether this balanced scorecard could also be used to monitor progress on targets set by the Legal Services Board. The Committee considered that this might overcomplicate the format of the scorecard and asked that the executive consider the feasibility of incorporating performance targets set by the Legal Services Board within the scorecard framework. In later discussions, it was agreed that the balanced scorecard must have a manageable focus in the first iteration ie regulatory operations. The Committee noted that the Board already intends to separately consider the extent to which the BSB meets the standards and underlying characteristics of the Legal Services Board's Regulatory Performance Framework later in the year.

Part 1 – Public

16. The Committee scrutinised quarterly financial accounts and reforecasts. This included oversight of the cash and reserves to ensure that the BSB had sufficient liquidity to meet its obligations.
17. The Committee scrutinised the year-end accounts for the 2022-23 financial year and had oversight of the five-year forecast alongside the financial reports.

Other Business

18. The Committee reviewed the draft BSB Annual Report (for the financial year 2021/2022) and made recommendation for the Board's subsequent approval of it.
19. The Committee received six-monthly reports from the BSB's People Team, and in response requested more detail on the BSB's Employee Value Proposition and to have sight of the complete results of the BSB's People Survey.
20. During the last year the Committee has continued to hold meetings remotely (using Microsoft Teams). It is intended that the Committee will continue holding meetings remotely as routine but may meet in person depending on the business on the agenda.

Forward View

21. As well as the routine business defined by its terms of reference, the Committee will focus on the development of the balanced scorecard for reporting on performance of our core regulatory operations and any refinements that might be required following results of the pilot.
22. The Committee will consider any recommendations of the executive on the provision of corporate services, including where the executive propose sharing or ceasing to share any service with the General Council of the Bar (to ensure continuing compliance with the Internal Governance Rules set by the Legal Services Board).
23. The Committee will consider the reports of the reviews of the enforcement and authorisations processes, to fulfil its role in advising the Board on the resources, system investments and process improvements needed to deliver and maintain high performance.
24. The first PSP Bi-annual Report will be presented to the Board in November 2023.

Lead responsibility

Steven Haines, Chair, Performance and Strategic Planning Committee (PSP)
Rebecca Forbes, Head of Governance and Corporate Services

Chair’s Report on Visits and External Meetings from March to May 2023**Status:**

1. For noting

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair’s visits and meetings since the last Board meeting.

List of Visits and Meetings:**Introductory meetings**

11 April Met with Alan Kershaw, Chair, Legal Services Board

Meetings

4 April Attended Chairs’ Committee meeting
 6 April Attended meeting with Deloitte re CRM/CMS with members of SMT
 25 April Attended Bar Council meeting
 26 April Attended BSB People Conference
 27 April Attended Nomination Committee meeting
 9 May Attended Inner Temple Executive Committee meeting
 17 May Attended Chairs’ Committee meeting
 17 May Met with Sharif Shivji - Chair, Rebecca Wilkie – CEO and Shyam Popat – COO at Advocate
 22 May Attended Board briefing meeting
 25 May Met with Elsa Thompson, EW Group with Rebecca Forbes

1-2-1 Meetings

10 May Leslie Thomas KC
 24 May Andrew Mitchell KC
 24 May Jeff Chapman KC
 24 May Irena Sabic KC
 24 May Emir Feisal JP
 24 May Leslie Thomas KC
 25 May Alison Allden OBE

Events

4 April Attended Roundtable held at Apex Chambers, Cardiff
 20 April Attended Roundtable held at Park Square Barristers, Leeds
 27 April Attended Roundtable held at Citadel Chambers, Birmingham
 10 May Attended Inner Temple Evensong and Reception
 16 May Attended Roundtable held at St Johns Chambers, Bristol
 18 May Dinner at Gray’s Inn, Guest Night
 26 May Lunch with Mark Neale and Iain Christie, outgoing Chair of IDB