

Annual Report

2021-2022

The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest.

If you would like a version of this publication in an alternative format, please contact the Equality and Access to Justice (E&AJ) Team by telephone on 020 7611 1444 or: equality@barstandardsboard.org.uk

Who we are and what we do

We are responsible for:

- prescribing the education and training requirements for becoming a barrister;
- establishing continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- monitoring the service provided by barristers and the organisations we authorise to ensure they meet our requirements; and
- considering reported concerns about barristers and the organisations we authorise and taking enforcement or other action where appropriate.

The Regulatory Objectives

Like the other legal services regulators, our objectives are laid down in the Legal Services Act 2007. They are:

- protecting and promoting the public interest;
- supporting the constitutional principle of the rule of law;
- improving access to justice;
- protecting and promoting the interests of consumers;
- promoting competition in the provision of services;
- encouraging an independent, strong, diverse and effective legal profession;
- increasing public understanding of citizens' legal rights and duties; and
- promoting and maintaining adherence to the professional principles.

Risk-based regulation

We take a proportionate, risk-based approach to regulation. This means that we are constantly monitoring the market for barristers' services. We identify all the potential risks that could prevent the Regulatory Objectives from being met. When we have done this, we focus our attention on the risks that we think pose the biggest threats to the public interest. We then take action to try to prevent those risks from occurring, or to reduce their impact. The work that we do is governed by the Legal Services Act 2007 and other statutes.

Please visit our website at www.barstandardsboard.org.uk to find out more about what we do.

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Our year in numbers: 2021-22

About us



17,170

registered barristers regulated

(and a further 55,894 barristers without practising certificates who are also subject to our regulation) as at 31 March 2022.



130

We authorised 130 specialised legal services businesses in 2021-22 (compared with 138 in 2020-21)

Our Board



Chair



6 Lay members (including the Chair)



5 Barrister members

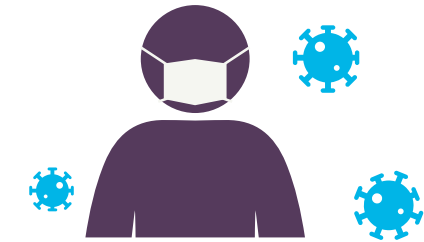


£12,094k

– our income in 2021-22

£11,176k

– our expenditure in 2021-22



The Coronavirus continued to have an impact on our work during 2021-22



684,295

users visited our website during 2021-22 (compared to 606,784 users during 2020-21)



461,487

people visited our online Barristers' Register

We processed

2,134

applications for waivers and exemptions from our rules (Down from 2,373 last year)



Bar training



9


training organisations authorised to deliver the new vocational component of Bar training which started in September 2020

We received

325

applications from solicitors, EU lawyers, overseas lawyers and legal academics wanting to transfer to the Bar (compared to 560 last year).





7,381

centralised examinations sat by students in 2021-22 as part of their Bar training

Regulating barristers



2,199

new reports about barristers received during 2021-22 (compared to 1,885 in 2020-21)





22

barristers had a disciplinary finding against them following a Disciplinary Tribunal 4 barristers had one or more charges proved via the Determination by Consent process (4 last year)



7

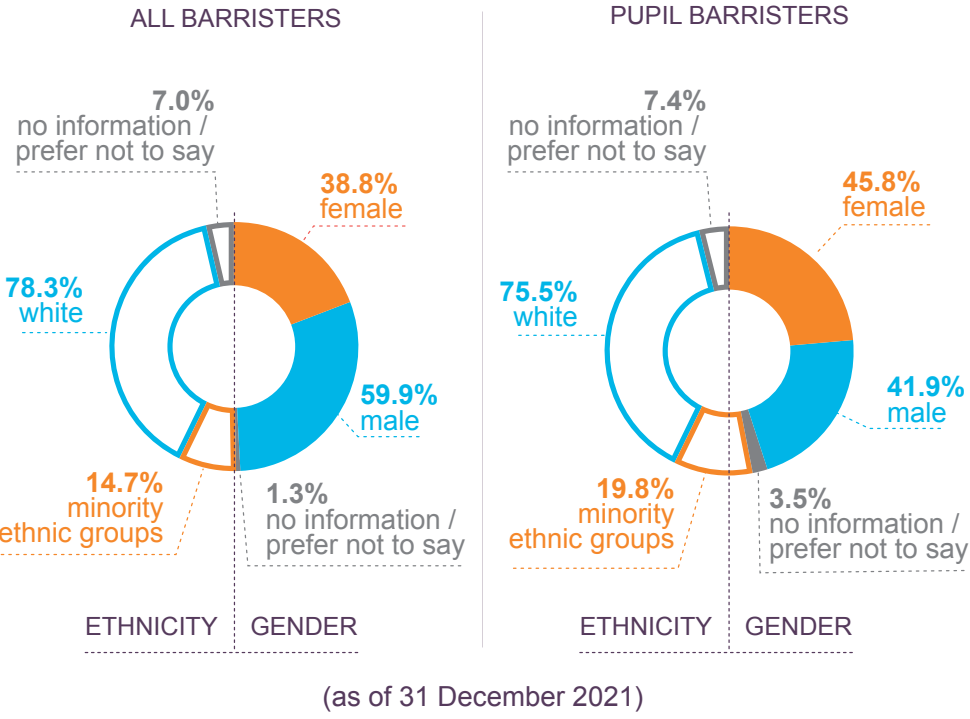
barristers were suspended (9 last year)



6

barristers were disbarred (4 last year)

Promoting diversity at the Bar



Foreword by the Chair of the Bar Standards Board

This report covers the BSB's activities between April 2021 and March 2022. I became Chair with effect from 1 September 2022 and I am very much looking forward to working with my fellow Board members to regulate the Bar in the public interest.

I am very aware of the challenges which barristers currently face, especially at the publicly funded Bar. At the BSB our primary concern is to ensure that barristers meet their duties to the court and to their clients in the public interest but we also believe that our regulatory objectives can only be achieved if the publicly funded Bar is able to work effectively. We therefore hope for a speedy resolution to the current dispute at the criminal Bar and a sustainable funding settlement for the future.

This was a year in which COVID-19 continued to have an impact on the courts, the profession and the public as well as our staff, who had to continue to work from home for much of the year. BSB employees worked hard to maintain, and even increase, their productivity but the loss of key staff, and difficulty in recruiting new staff, did affect our work in several areas. Indeed, staff retention and recruitment remains a concern for the BSB.

We are guided by our statutory Regulatory Objectives and our core regulatory work includes overseeing the education and training requirements for becoming a barrister; monitoring the standards of conduct of barristers and taking action when we believe the standards are not being met; and assuring the public that everyone we authorise to practise is competent to do so.

Our work to promote equality, diversity and inclusion at the Bar and to address bullying, discrimination and harassment also remains a very high priority for us. We want to see every

Chambers taking action in line with our Anti-Racist Statement and the Bar Council's Race at the Bar report.

Over the past year we have also been carefully analysing responses to our Regulatory Return questionnaire which was designed to assess risk within barristers' practices and to improve our understanding of the levels of compliance with our rules.

Mindful of the financial impact of the pandemic we have also continued to seek to control our costs and to maximise our value-for-money. Our year-end position resulted in a surplus of income over expenditure of £918,000.

During the year the Bar Standards Board (BSB) lost a very dedicated Board member through the sad death of Lara Fielden. Lara had been a member of the Board since January 2018. She was devoted to the public interest and a keen champion of consumers in particular. She was always ready to speak her mind and to offer her support and she is greatly missed by all her friends and colleagues on the Board and on the Executive.

Nicola Sawford stepped down from the Board at the end of August after many years of excellent service. The Board has benefited enormously over the years from her wise counsel and her business experience.

Finally, I should also like to pay tribute to our former Chair, Baroness Blackstone, who stepped down in July 2022, for her dedicated hard work and commitment to the BSB during her years in office. We wish her well as she takes up new challenges.

Kathryn Stone OBE

Chair of the Bar Standards Board

Delivering our business plan from April 2021 to March 2022

In this section, we outline what we achieved during 2021-22. We have split this into three parts:

- Part 1 briefly outlines how we manage risks to our Regulatory Objectives and the Strategic Aims in our 2019-22 Strategic Plan which governed our priorities in 2021-22;
- Part 2 sets out the work we did to meet those Strategic Aims measured against what we said we would do in our 2021-22 Business Plan; and
- Part 3 describes the work of our departments.

Part 1: Our Strategic Plan for 2019-22

As the regulator of the Bar in England and Wales, our strategic aims for the 2019-22 period reflected the key risks that we identified in the market for barristers' services and those provided by the specialised businesses we regulate.

Managing risks to our Regulatory Objectives

We have a series of controls in place to mitigate the eight regulatory risks we announced in our 2019 Risk Index and these risks also informed our Strategic Aims for the period. As we embark on a new three year strategy, we are currently reviewing the Risk Index.

Risk No.	Risk Description	Controls in place or planned
1	<p>Failure to provide a proper standard of service</p> <p>The risk that a member of the regulated community fails to provide a proper standard of client care or quality of work to clients.</p>	<p>Our primary controls of the first four risks consist of our published rules and guidance and the business as usual activity undertaken by our Supervision and Enforcement Teams to monitor compliance and to act on breaches. In addition:</p> <ul style="list-style-type: none"> • we monitor a range of sources of information bearing on barristers' conduct and competence, including complaints to the Legal Ombudsman and data breaches reported to the Information Commissioner which may have compromised client confidentiality • we maintain rules on continuing competence which require barristers to reflect on their practice and to undertake continuing professional development to maintain their skills and competence • we aim to encourage the reporting of discrimination, harassment, bullying or victimisation • we seek to manage risks to fair recruitment having reformed the advertisement and recruitment process for pupillages • we control the risk that consumers will find it difficult to find good value barristers to advise or represent them by monitoring compliance with our transparency rules.
2	<p>Unethical conduct</p> <p>The risk that the conduct of a member of the regulated community falls below the ethical standards expected of them.</p>	
3	<p>Lack of professional competence</p> <p>The risk that a member of the regulated community lacks the levels of competence expected of them or is otherwise unfit to provide a proper standard of client care or quality of work.</p>	
4	<p>Failure in the management of an individual practice or chambers</p> <p>The risk that ineffective or inadequate practice management gives rise to regulatory concerns.</p>	

Table continues overleaf

Risk No.	Risk Description	Controls in place or planned
5	Failure in training provision Training is not available or is not of sufficiently high standard to prepare barristers for practice.	<ul style="list-style-type: none"> We control risks to the health, independence and diversity of the market through the programmes of activity outlined in this report. In 2021-22 we focused particularly on how the pandemic might have an impact upon the Bar over the longer term and affect the profession's ability to represent and respond to the public's legal needs. Specifically also: <ul style="list-style-type: none"> our Future Bar Training reforms have led to the approval of nine providers to provide the vocational component of Bar training. The courses they offer are more accessible, affordable and flexible, while maintaining high standards we seek to manage risks to the diversity of the profession through our Equality and Diversity Strategy we try to reduce the risk that consumers will struggle to access justice through partnerships with organisations which are trusted by, and support, consumers who face legal difficulties.
6	Profession fails to reflect the diversity of society Low levels of public confidence in an under-representative profession.	
7	Access to justice failures Consumers do not have access to, or do not have the confidence in, the profession.	
8	Commercial and other external pressures are detrimental to the consumer and / or the public interest Technological innovation, the reform of court services or changes in the wider provision of legal services, have a detrimental effect on consumers and / or the public.	

These risks helped us to formulate our strategic aims over the period.

Our strategic aims for 2019-22 were:

Delivering risk-based, targeted and effective regulation;

Encouraging an independent, strong, diverse and effective legal profession; and

Advancing access to justice in a changing market.

You can read more about what our strategic aims were, and the key risks which we identified, in [our 2019-22 Strategic Plan](#). You can also find [our new Strategic Plan](#) for the period from 2022-25 on our website.

Part 2: What we did in pursuit of our Strategic Aims in 2021-22

Strategic Aim 1

Delivering risk-based, effective and targeted regulation

As we set out in our 2021-22 Business Plan we continued to deliver our core work of

- authorising organisations that provide the vocational and work-based learning components of Bar training and managing our relationship with them;
- authorising business entities (legal services businesses owned and managed by lawyers or owned and managed by lawyers and non-lawyers);
- managing centralised examinations;
- assessing and authorising applications for waivers and exemptions, and applications from transferring qualified lawyers;
- assessing all the incoming information we receive to determine whether regulatory action is required to address risks to the regulatory objectives;
- proactively supervising those whom we regulate, including considering the information we receive about them;
- investigating allegations of breaches of the professional obligations within the BSB Handbook and taking enforcement action where necessary;
- reporting data and statistics on regulatory decision making;
- fulfilling our duties under the Money Laundering and Terrorist Funding Regulations;
- monitoring and reporting on our performance as a regulator to ensure that we are efficient and effective;
- communicating and engaging with stakeholders; and
- regularly reviewing and reporting to the Board about our evidence of changing risk in the market.

Full details of our activities in these areas are published annually in our separate Regulatory Decision-making Report.

As the following tables show, this was a year in which, although we met all our KPIs for our supervisory work, in other areas a combination of rising volumes, the increasing complexity of work and staff sickness and turnover meant that we failed to meet key KPIs during the year as a whole. By the fourth quarter of 2021-22 we were meeting or close to meeting the service levels for our initial assessment of reports on barristers and for applications for authorisation. There was also a reduction in the caseload of reports as productivity exceeded the in-flow of new cases. The proportion of authorisation requests dealt within six weeks was just over 50% compared with a target of 75% but we were very close to the targets for clearance over eight and twelve weeks, signifying that the BSB was now largely on top of work flows.

The main challenge remained the progressing of investigations where performance continued to be affected by recruitment and retention challenges and by a higher number of cases referred for investigation as we dealt with the backlog of reports. Investigations opened across the year were up by 30% on last year and although we were able to increase our productivity - by around 11% - this was not enough to match the increase in volumes. An increase in average investigation times is common to other legal service regulators but we are determined to improve our performance against these KPIs in 2022-23, although we have been severely hampered by a serious cyberattack in the middle of April which denied us access to our systems for many weeks.

Performance against our quality indicators remained stronger but the figures do include a single successful appeal against the imposition of administrative sanctions.

KPI	Target	Performance 2021/22
General Enquiries		
The percentage of substantive responses to general enquiries, that can be addressed by our Contact and Assessment Team (CAT), provided within 5 working days.	80%	80.3%
The percentage of general enquiries, which cannot be answered by CAT, that are referred to another team within 3 working days.	80%	57.1%
Initial Assessment		
The percentage of reports assessed and concluded by CAT, or referred to another team for action, within eight weeks.	80%	49.1%
Quality indicators		
Percentage of cases where the Independent Reviewer upholds the original decision following a request for review.	95%	98.4%

KPI	Target	Performance 2021/22
Authorisation, Exemptions and Waivers		
The percentage of applications determined within six weeks of receipt of the complete application.	75%	43.9%
The percentage of applications determined within eight weeks of receipt of the complete.	80%	57.6%
The percentage of applications determined within twelve weeks of receipt of the complete application.	98%	82.1%
Entity (including Alternative Business Structures) Authorisation		
The percentage of authorisation decisions made within six months of receipt of the application and associated fee.	90%	92.3%
The percentage of authorisation decisions made within nine months of receipt of the application and associated fee.	100%	100.0%

KPI	Target	Performance 2021/22
Referral of cases		
The percentage of cases referred by CAT to another team for regulatory action that are accepted or referred back to CAT within 2 weeks.	80%	53.8%
Investigation of allegations		
The percentage of investigations of allegations of breaches of the Handbook completed, and a decision taken on disposal, within 25 weeks of acceptance.	80%	34.1%
Quality indicators		
Percentage of cases where the Independent Reviewer upholds the original decision following a request for review.	95%	83.3%
Number successful appeals against the imposition of administrative sanctions.	0	1
Number successful appeals of Disciplinary Tribunal decisions attributable to procedural or other error by the BSB or discrimination in the decision-making process.	0	0

KPI for supervisory work	Target	Performance 2021/22
Allocations		
Cases assigned within 3 working days of the team receiving the referral from CAT.	80%	96.6%
Regulatory Response		
Cases for which a regulatory response was agreed within 20 working days of the case being assigned.	80%	89.9%
Visits		
Visit report letters issued within 5 working days of a visit to an organisation.	80%	100.0%

We also said that we would:

- complete our work to implement fully the new Bar Qualification Rules introduced in 2019 including the introduction of new centralised assessments to take place during pupillage.** The first new Ethics exams in pupillage were successfully conducted in April 2022 and, as we had promised, they took full account of the recommendations identified in the report of the independent review into the August 2020 exams. We are also planning to introduce a course in Negotiation Skills during pupillage.
- review the role and effectiveness of the Bar Course Aptitude Test (BCAT).** We completed this review which concluded that the BCAT was no longer serving a useful purpose and should no longer be required as a condition for beginning vocational training for the Bar. The Board subsequently obtained the approval of the Legal Services Board and the Test was abolished with effect from 31 July 2022. Bar training providers must, however, continue to comply fully with the requirements of the Authorisation Framework when selecting their students including their obligations to maintain high standards and to promote accessibility. We shall continue
- to monitor providers carefully to ensure that their own selection of students is fair and rigorous.
- engage with students and other stakeholders in order to continue our ongoing evaluation of the impacts of our recent reforms to Bar training.** An evaluation report is currently being prepared for publication following extensive consultation with training providers and Bar students.
- evaluate the effectiveness of the changes we introduced in 2019 to modernise our decision making.** Planning for this review is complete, but the cyberattack which meant that our Case Management System was unavailable for several weeks in April and May 2022 caused a backlog of regulatory work which had to be prioritised. This evaluation will therefore take longer than was originally planned.
- set up an independent evaluation of our corporate governance and consider any improvements proposed along with suggestions from the Legal Services Board.** In July 2021 we published an action plan for reform to improve the BSB's governance and to demonstrate our compliance with the well-led standard of the LSB regulatory performance assessment

framework. The plan has since been further developed and refined, as we have developed our strategy and reviewed our culture as a regulator, and in the light of an independent review of our governance by *Independent Audit*. The Board is accountable for the delivery of the plan and receives regular reports on its implementation from the Executive.

- **consulting on our work to consider the appropriate scope of regulation of barristers' non-professional life.** We established a Stakeholder Reference Group including practising barristers and regulatory experts to examine this issue during the year and our proposals were published for public consultation in July 2022 along with a proposed revision to our Social Media Guidance.
- **work with the Bar Tribunals & Adjudication Service to review the Sanctions Guidance which is used by disciplinary tribunals.** This review was completed during the year. Revised draft guidance was subject to two rounds of consultation and new guidance was published in December 2021 and took effect from 1 January 2022. The new guidance gives Disciplinary Tribunals the authority to impose tougher sanctions in cases involving a wide range of professional misconduct and the BSB particularly welcomed the increased sanctions for cases involving sexual harassment.
- **understand better the working culture within the BSB and to improve learning and development;** We ran a staff survey in March and April 2021 which found that engagement, at 75%, is above both the 2018 level and the benchmark for equivalent

organisations. The Senior Management Team reviewed the detailed results in May 2021. In the light of the survey, we are defining and consulting on the culture, values and behaviours which will be needed to ensure the BSB's future effectiveness as an independent regulator.

- **developing and publishing our Strategic Plan for 2022-25.** The new Strategic Plan was subject to public consultation between October and December 2021 and was agreed by the Board on 31 March 2022 and published on 5 April. You can find [our new Strategic Plan](#) for the period from 2022-25 on our website.
- **as capacity permits, continue our work to simplify the Code of Conduct.** Progress has been made in reviewing the regulation of barristers' conduct in non-professional life and in our review of our Equality Rules but a full review of our Code of Conduct has been postponed until we can increase our capacity.

Strategic Aim 2

Encouraging an independent, strong, diverse and effective legal profession

As set out in our Business Plan we continued our work:

- collecting and publishing diversity data on the profession;
- supervising barristers' practices;
- working with others to understand the factors that influence diversity within the profession;
- undertaking research activity to improve understanding of the legal services market and the impact on the market of BSB regulation; and
- monitoring barristers' Continuing Professional Development (CPD).

We also said that we would:

- **work alongside the profession to ensure the future of pupillage in light of the fall in the number of pupillages registered in 2020 due to the pandemic.** We were pleased to see that pupillages were facilitated by the waivers we set in place in the light of the pandemic and that during 2021-22 the overall number of pupillages recovered to pre pandemic levels. We are, however, concerned by the long-term decline in pupillage places and, in particular, that sustaining the number of pupillages in certain areas of the publicly funded Bar – particularly the criminal Bar – is likely to remain a challenge.
- **continue our work to raise standards at the Bar.** During the year we continued to review how we can encourage the judiciary and others to share areas of concern, and how we can improve feedback from stakeholders to inform individual barristers' self-reflection as part of their continuing professional development. This work continues as part of our Assuring Competence project.
- **implement our joint work with the Solicitors Regulation Authority in relation to advocacy within the Coroners' Courts.** This work was completed and in September 2021, along with the Solicitors Regulation Authority and CILEx Regulation, we published new guidance designed to assure standards for those working in the Coroners' Courts. This includes:
 - a set of competences which spell out the standards expected of lawyers by the regulators and the public; and
 - guidance and other resources to help make sure that the standards are met.

The new guidance was introduced in the light of concerns expressed about standards of practice and in particular, about the adversarial approach adopted by some practitioners. The guidance also took into account the experiences of bereaved families.

The competences set targeted expectations for lawyers working in the Coroner's Court and cover law and procedure; dealing with vulnerability; communication and engagement; and raising awareness of key organisations. We also published a toolkit of resources for those working in this area.

- **scope our work in relation to our regulation of barristers in their early years of practice.** The aim of our work here is to ensure the competence of newly qualified practitioners (those who have held a practising certificate for less than three years) and to consider what changes may be required to their Continuing Professional Development (CPD) obligations under our New Practitioner Programme. In 2021-22 we carried out research into this area and held a number of roundtables with stakeholders to discuss the role of qualified persons and CPD in the early years of practice.
- **continue to challenge the Bar to promote anti-racism and to tackle discriminatory practices.** In 2021-22 we used the Regulatory Return process to gather information on whether barristers' practices had completed the four important actions we asked them to undertake in our recent Anti-racist Statement. We are now considering whether additional steps are needed to further encourage the profession to complete these actions.
- **work alongside stakeholders to deliver robust improvements to our regulatory approach in tackling bullying, discrimination and harassment at the Bar.** We have held meetings with stakeholders to discuss our approach and are considering our next steps in the light of the report of those meetings. We also worked with BTAS to increase the range of penalties for such behaviour as part of the revision of their Sanctions Guidance.
- **analyse the responses we received from the 2020 Regulatory Return** following up where necessary with individual practices, and determining appropriate regulatory policy action for the future depending on what trends the returns might show.

All returns were reviewed and the Supervision team engaged individually with the chambers, entities and sole practitioners, setting actions where we identified areas to strengthen compliance or risk management. We are currently monitoring the implementation of those actions.

The "How we have used the information that has been submitted" section of this webpage: <https://www.barstandardsboard.org.uk/for-barristers/supervision/regulatory-return-2020.html> shows what we have done so far with the information.

We are currently also preparing a series of reports covering a range of topics which will be designed to promote best practice in chambers and entities.

- as capacity permits, **continue our review of the Equality Rules within the BSB Handbook** to ensure that they remain fit for the purpose of delivering the equality and diversity objectives for the profession as a whole. After an initial information gathering stage this review has now formally begun.

Strategic Aim 3

Advancing access to justice in a changing market

In our business plan we said that we would continue to:

- provide information to the public about barristers and legal services, which we have continued to do directly through our press notices, publications and our website and in partnership with others;
- work with our stakeholders and other regulators and agencies to understand some of the barriers to accessing justice and how best we can meet legal need, which we have done as members of a special working group of legal regulators and in partnership with frontline providers of help to those in legal need including Citizens Advice, Law for Life, Support through Court and Refugee Action;
- sharing information with the public to help them overcome these barriers, which we continue to do on our own website and in partnership with others such as Law for Life's advicenow website;
- continuing to implement our public engagement strategy to increase public understanding about legal services, and in particular those offered by barristers, in partnership with consumer organisations; and
- providing ongoing assurance of professional competence which we do by assessing the information we receive, monitoring Continuing Professional Development, working with other legal regulators, where appropriate, on targeted regulatory interventions (such as in the areas of immigration and the Youth Courts and Coroners Courts) and in considering where there may be good cause to collaborate on new and wider regulatory initiatives.

We also said that we would:

- **use our research with consumers to better understand what matters to them when using barristers' services.** We commissioned research from IRN who conducted in-depth interviews and focus groups with consumers who had been clients of a barrister in the previous two years and with consumer support organisations. The research found that:
 - very few clients are completely confident that they can deal with a legal matter when it first occurs;
 - for most, it is a new and stressful experience;
 - many clients who are referred by a solicitor have little or no choice in their barrister though most clients feel that this did not impact on the usefulness of the advice given;
 - most clients have little initial understanding of a barristers' duties or how the relationship will work but that barristers are generally good at explaining the legal processes.

- virtual hearings were a good experience for most participants and
- most clients were satisfied with the way their barrister dealt with the legal process and with the service they had received.

This research will help inform our work in various areas and in particular our review of the Code of Conduct.

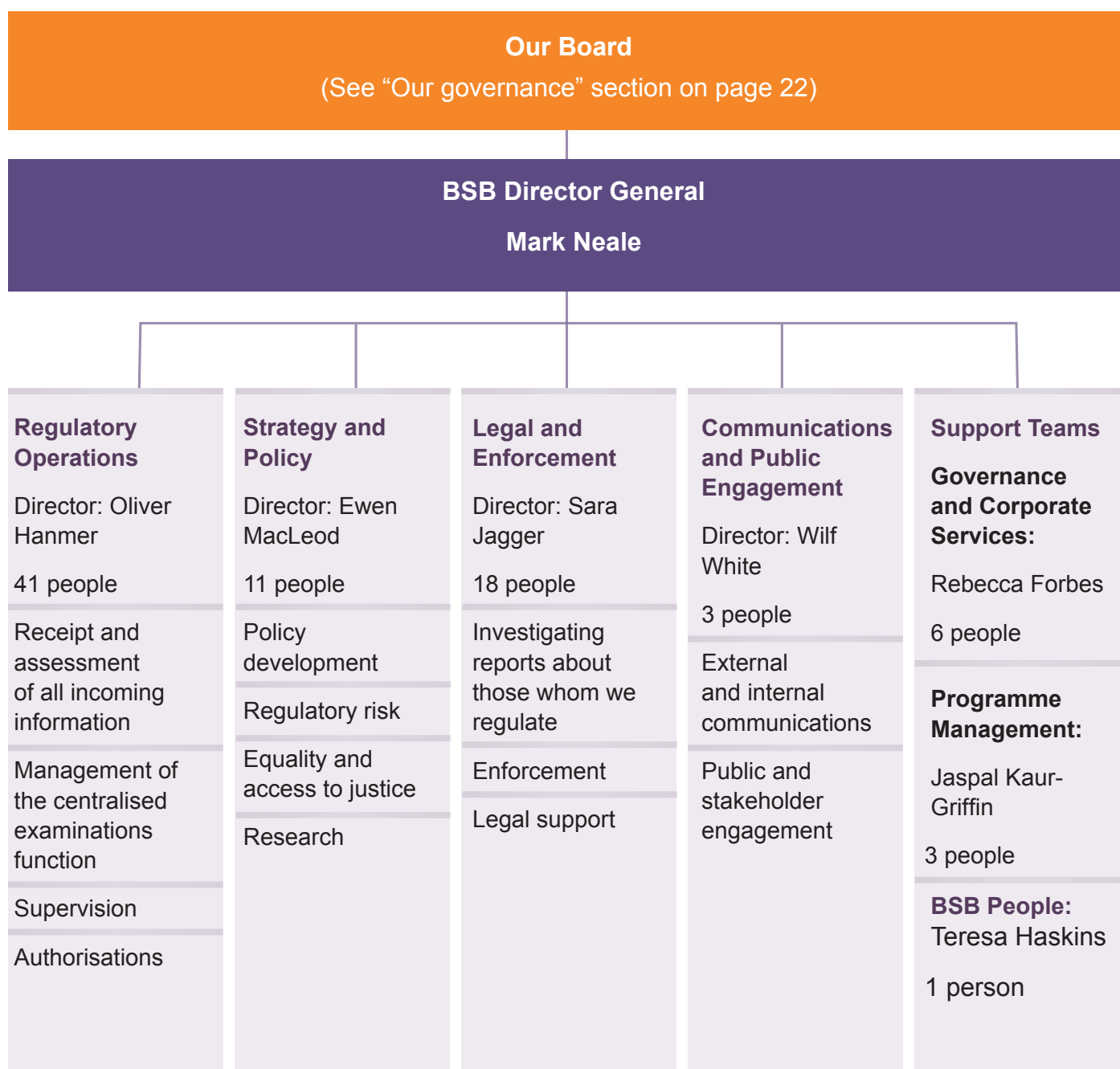
- **collaborate with other regulators to understand the possible benefits of quality indicators and pilot new approaches;**
- **develop a regulatory approach to how barristers might use consumers' feedback about their services to improve the quality indicators available to those seeking to engage the Bar;**

This work has been delayed but in September 2022 we intend to begin a pilot looking at whether digital comparison tools using feedback from consumers might be of value to consumers in choosing a barrister. This will complement a similar recent study undertaken by the Solicitors Regulation Authority, the Council for Licensed Conveyancers and CILEx Regulation.

- **ensure compliance with the current rules on price transparency, and undertake an evaluation of the impact of those rules.** We conducted a review of compliance which found that 94% of those assessed were either compliant or partially compliant with the rules. Our evaluation report found that the rules have been successful in encouraging clients to become better informed before choosing a barrister:
 - among barristers' clients, the proportion who had obtained details of service or price before choosing a barrister had increased from 10.25% on both indicators in 2019, to 23.4% obtaining details of services and 25.7% obtaining prices in 2021.
 - complaints relating to costs had declined while the percentage of clients 'shopping around' for a barrister appeared to have increased from 7.4% in 2019 to 17.5% in 2021.
 - the proportion of all clients obtaining prices from more than one barrister had increased from 6.4% in 2019 to 19.8% in 2021.
 - awareness among clients of the regulatory status of their barrister had also risen from 63.3% to 71.3% (and to 83.7% for public access clients) and awareness of complaints procedures had also increased.

Part 3: Our teams and their work

Our organisational structure and staffing



Figures are for Full Time Equivalents rounded to the nearest whole number.

Additionally, we share the following support services with the Bar Council: Facilities, Finance, Information Services, Records, the Project Management Office, and those centralised Human Resources services not provided by the dedicated BSB function.

More about the work of our teams

Regulatory Operations

Our Regulatory Operations Department brings together all our assessment, supervision and authorisation functions.

Its aim is to assure, maintain and enhance standards across the profession through the development of measures for assessing the adherence to the standards set out in the BSB Handbook of both the individuals we regulate and the chambers and entities in which they practise. This includes a risk-based approach to assessment, supervision, the authorisation of new entities and the regulation of Continuing Professional Development.

The Department oversees the academic, vocational, and pupillage components of training that must be completed in order to qualify as a barrister. It sets and marks centralised examinations for prospective barristers. It also decides on individual applications from people wishing to qualify and/or practise as barristers but who would like to be exempted from some or all of the normal training requirements.

The Department also contains our Contact and Assessment Team which is the central point of contact for anyone getting in touch with us, including anyone contacting us with concerns about a barrister's behaviour. The Team performs an initial assessment of all incoming information and refers cases to the relevant department if it is thought that action may need to be taken.

Legal and Enforcement

Our Legal and Enforcement Department is responsible for ensuring that the professional obligations set out in the BSB Handbook are adhered to and, if necessary, taking enforcement action where those obligations have not been met. It also provides legal support services across the organisation in relation to regulatory decision-making, including handling any litigation.

The Department carries out investigations of potential breaches of the Handbook. Where an investigation reveals sufficient evidence, and the conduct poses a risk to the Regulatory Objectives, enforcement action will be taken in accordance with the processes described on [our website](#).

Decisions on what action, if any, to take can be made by staff or panels of the BSB's Independent Decision-Making Body.

Staff decision-making is limited to dismissing allegations or imposing non-disciplinary administration warnings or fines (up to £1,000 for individual barristers).

Our Independent Decision-making Body, sitting as five person panels, has wider powers: they can also refer cases of professional misconduct to a Disciplinary Tribunal and have the power to decide less serious charges of professional misconduct, with the barrister's consent, under the Determination by Consent procedure.

The Department is also responsible for preparing and presenting charges of professional misconduct to independent tribunals, convened and administered by an independent organisation called the Bar Tribunals & Adjudication Service (BTAS). In doing so, the BSB is assisted by chambers appointed to our [Tribunal Representation Panel](#) which provide representation at tribunals and other hearings. It is for the independent tribunal to decide whether the charges brought by the BSB are proven and to determine any sanction.

The Legal and Enforcement Department also deals with concerns about barristers' fitness to practise for health reasons, and with interim suspensions from practice pending conclusion of disciplinary proceedings where the alleged misconduct poses a serious risk to the public

Strategy and Policy

Our Strategy and Policy Department is responsible for collecting evidence about the effectiveness of our rules and policies, assessing regulatory risk, and, where necessary, changing existing rules or introducing new ones.

The Department gathers evidence about what is happening in the market and the impact that our actions are having by conducting research (either by itself or with others) and by collaborating with stakeholders who have an interest in our work. Where necessary, it uses this knowledge to set or revise standards and introduce rules and guidance for barristers and entities. These rules are contained in the BSB Handbook. It develops policy on the educational pathways into the profession, and on the conduct of practice in areas such as direct public access to barristers. Another important area is equality and diversity, where the Department is responsible for setting and seeking to achieve the objectives within our Equality Strategy.

Communications and Public Engagement

Our Communications and Public Engagement Department is responsible for all our internal and external communications including our publications, website, social media activity and media relations. It helps our other teams to engage with the profession and other stakeholders to make sure that we discuss our policy development plans and significant operational changes affecting the regulatory arrangements, in an open and consultative way. The Department helps make sure we fulfil our transparency and accountability functions, and our obligations to promote public legal education.

Governance and Corporate Services

The Governance and Corporate Services team supports strategic and business planning and budgeting. It coordinates performance reporting and monitoring of our corporate risks and assurance activities including internal audit. The team ensures that we act in accordance with good governance practice, supports the Board and its committees in the stewardship of the organisations and also provides support for the Chair, Vice Chair and Director General.

Programme Management

The Programme Management team provides guidance and ensures that best practice is followed in the setup, running and closure of all our major programmes and projects so that the maximum benefits can be realised. It provides project management training to officers in other teams.

BSB People

Our dedicated People team is responsible for setting and delivering our people strategy, our learning and development strategy and for guiding the senior leadership team and managers in defining and developing the BSB's culture as an independent regulator. The Team is also responsible for developing BSB HR policies, the provision of HR business partnering to BSB teams, and supplies a wide range of operational services to BSB managers and staff, assisted by administrative and transactional support from the Bar Council shared service.

Our governance

We are governed by a Board made up of a combination of lay people and barristers. It has a lay majority and a lay chair.

The Board met 9 times during the year: there were 4 ordinary meetings, 4 special meetings and 1 Away Day. The first part of ordinary Board meetings is held in public and we invite members of the legal press to attend all public sessions. Board meetings during 2021-22 were either virtual or hybrid meetings where some members were physically present and others joined online.

During 2021-22 our Board members were:

Chair: Baroness Tessa Blackstone

Vice-Chair: Mr Andrew Mitchell KC

Barrister members:

Ms Elizabeth Prochaska

Ms Irena Sabic

Mr Adam Solomon KC

Professor Leslie Thomas KC

Lay members:

Ms Alison Allden OBE

Ms Lara Fielden *(until August 2021)*

Mr Emir Feisal *(from 1 January 2022)*

Mr Steven Haines

Ms Nicola Sawford *(until 31 August 2021)*

Ms Kathryn Stone OBE

Mr Stephen Thornton CBE

Accountability and how we manage risk

Under the Legal Services Act 2007, the Legal Services Board is responsible for overseeing the approved regulators for legal services in England and Wales. The approved regulator for barristers is the General Council of the Bar (GCB), which is also the representative body for the Bar.

The Act requires the separation of regulatory and representative activities, so the GCB established the Bar Standards Board to exercise its regulatory functions independently. We have a protocol in place with the GCB to ensure that the exercise of the regulatory functions is not prejudiced by the professional body's representative functions.

The Board is responsible for setting our budget and for the management of our allocated resources, and our operations are monitored by the BSB's Strategic Planning & Resources Committee (SPR) who report to the Board. The Committee also helps develop our strategic and business plans.

The Governance, Risk and Audit (GRA) Committee is responsible for ensuring the maintenance of good governance standards and internal control processes and advises the Board on the corporate and regulatory risk management framework. The Director General and senior managers are responsible for the areas of risk that relate to their departments.

The corporate risk register is reviewed at least quarterly by our Senior Management Team and the GRA Committee. In addition, the GRA Committee conducts regular in-depth risk reviews throughout the year, and considers Internal Audit reports.

The Nomination Committee advises the Board on fair, inclusive and transparent approaches to recruitment to the Board and senior executive roles and oversees, on behalf of the Board, some aspects of the recruitment process.

A separate Remuneration Panel ensures that the BSB independently determines the remuneration and terms of engagement for its staff and non-executives. The Panel makes recommendations to the Board which takes final decisions on these matters.

Our income and expenditure

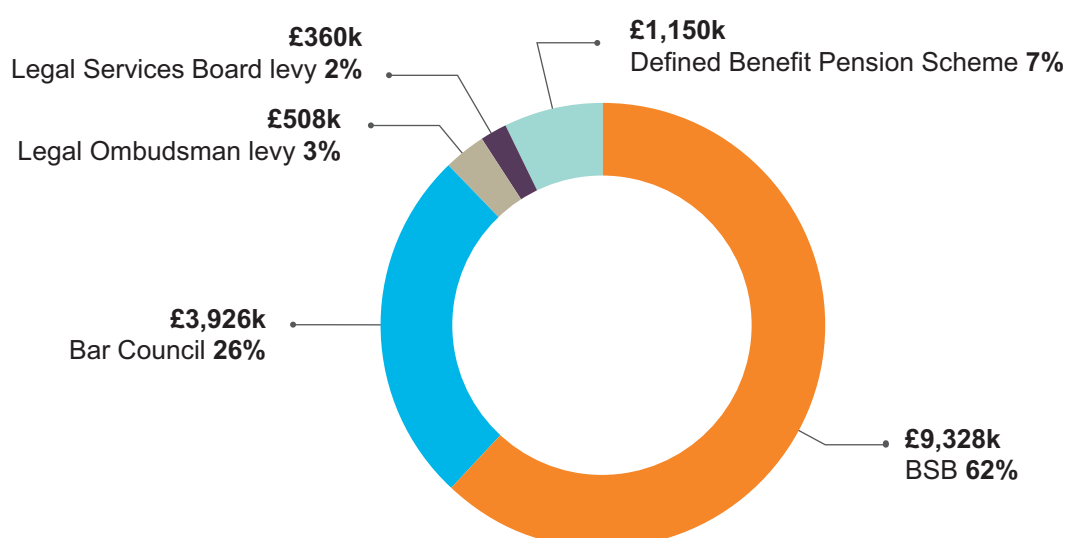
Income

Every practising barrister has to renew their practising certificate annually and is required to pay a Practising Certificate Fee (PCF). In 2021-22, the fees set were based on a barrister's income and were as follows:

Band	Income Band	2021-22 Fees
1	£0 - £30,000	£100
2	£30,001 - £60,000	£246
3	£60,001 - £90,000	£494
4	£90,001 - £150,000	£899
5	£150,001 - £240,000	£1,365
6	£240,001 - £500,000	£1,850
7	£500,001 - £1,000,000	£2,500
8	£1,000,001 and above	£3,000

A proportion of the PCF is spent by the BSB on regulation and a proportion is spent by the Bar Council on some of its functions (as permitted under s51 of The Legal Services Act). The PCF also pays for the Bar's share of the costs to run the Legal Services Board and the Legal Ombudsman.

Allocation of PCF between Bar Council, the BSB, LSB and LEO



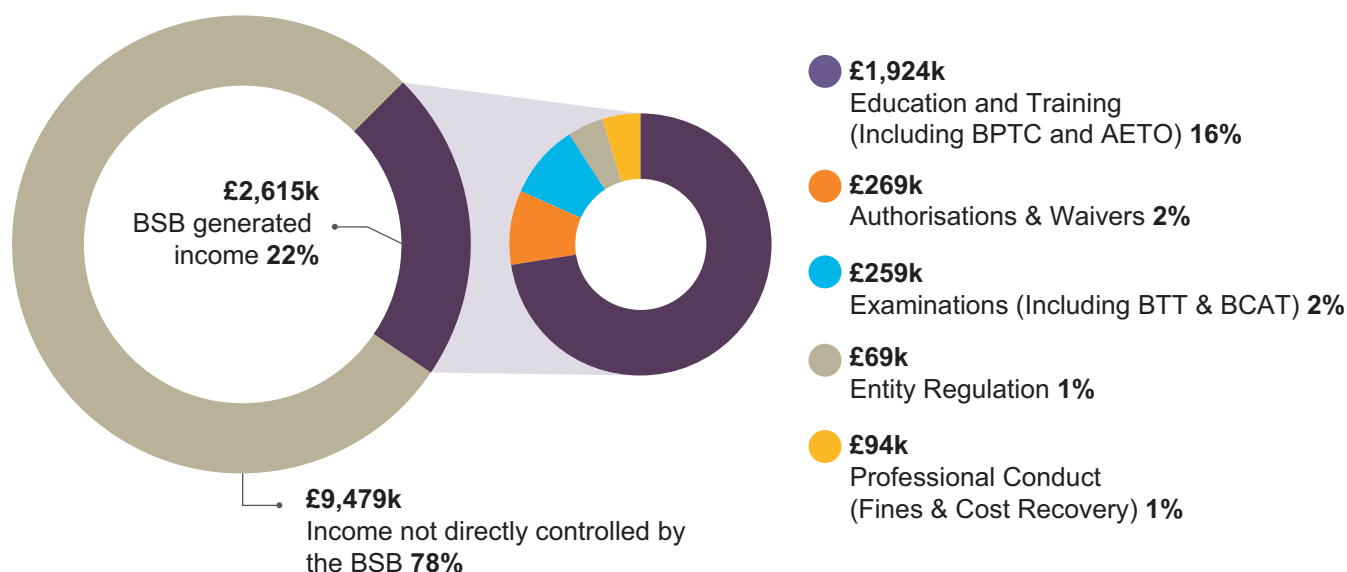
Apart from the PCF, some of our income comes from charges we make for specific services we provide to individuals and organisations. We describe those charges as “income streams other than the PCF”. These income streams include the fees from Bar Training (BT) providers, and the Bar Transfer Test (BTT).

Income Area	£ thousands
Education and Training	1,924
Authorisations and Waivers	269
Examinations (Including BTT & BCAT)	259
Entity Regulation	69
Professional Conduct (Fines & Cost Recovery)	94
Total BSB Generated Income	2,615

As with previous years, income from fees for Bar training remained the most significant proportion of the BSB controlled income during 2021-22. The forecast income for Bar training was set at £1,350,000 based upon expectations modelled on the 2020-21 uptake, however due to a number of factors we generated an additional £573,520 of income as student numbers increased. Overall, the BSB exceeded its (non-PCF) income target by £836,420 (+47%).

Total Income for the BSB	£ thousands
PCF Contributions	9,398
Income from Bar Council Resources Group	81
Planned Contributions from Reserves	0
Total income not directly controlled by the BSB	9,479
Total BSB Generated Income	2,615
Total income	12,094

BSB Income



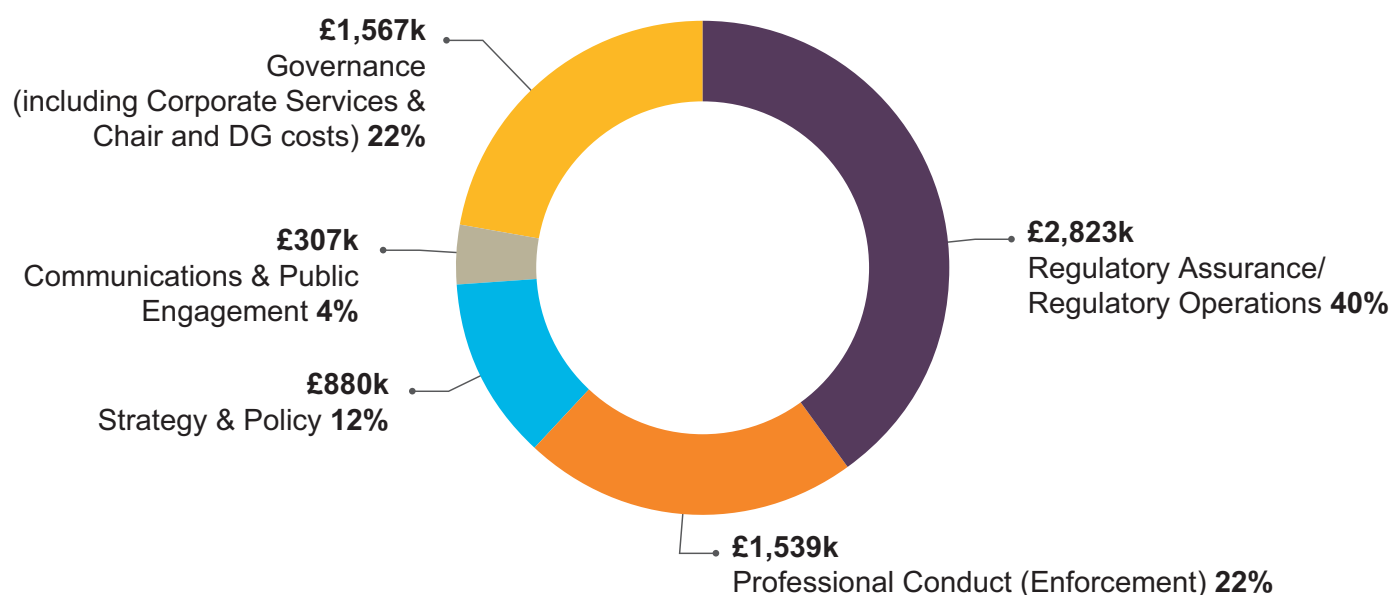
Expenditure

BSB directly controlled expenditure was £7,116k against a budget of £6,989k, a £127k (less than 2%) overspend with an underspend on non-staff costs being more than offset by an overspend on staff costs (see below).

The full cost of regulation includes an allocation of shared costs (IT, Finance, HR and Premises costs) from the Bar Council Resources Group. The Resources Group expenditure budget is managed separately, outside the direct control of the BSB, and is apportioned to the organisation.

Department	£ thousands
Regulatory Operations	2,823
Legal Enforcement	1,539
Strategy and Policy	880
Communications and Public Engagement	307
Governance (Including Corporate Services & Chair and DG costs)	1,567
Total Direct BSB Expenditure	7,116
Resources Group allocation & adjustments	4,060
Total cost of regulation	11,176

Direct BSB Expenditure



Staff related costs

Overall staff related costs were £5,352,264 (an overspend of more than 8%). This was partly due to higher than expected recruitment costs. Any salary savings achieved from vacancies were offset by recruitment related expenses and temporary cover for business critical roles.

Non-staff costs

Total non-staff expenditure was £1,763,684 (a £268,231 or more than 13% underspend). This is because we did not commission as many questions for the centralised examinations as we had planned and there was a reduction in expenses incurred because of remote working.

Monitoring Expenditure

We pay close attention to how we spend our money:

- Our budgets are set annually and our budget envelopes are informed by our business plans;
- The budget is divided up into departmental budgets which our Directors manage;
- Each month we receive detailed management accounts which enable us to keep a close eye on our business;
- Each quarter we think about what we might need to spend in the future and produce forecasts;
- We tightly monitor our largest area of spend which is our staffing costs;
- We make sure that our resources are directed at our key priorities; and
- Our financial performance is scrutinised by our Strategic Planning and Resources Committee (SPR).

Our remuneration and expenses

Name	Salary / Fees	Pension	Allowance	Total	Expenses incurred in relation to BSB business
DIRECTOR GENERAL					
Mark Neale	£152,250	£0	£1,300	£153,550	£0
CHAIR					
Baroness Tessa Blackstone	£90,000	£0	£1,300	£91,300	£0
BOARD MEMBERS					
Mr Andrew Mitchell KC	£39,511	£0	£325	£39,836	£0
Ms Alison Alden OBE	£9,240	£0	£0	£9,240	£0
Mr Emir Feisal	£2,310	£0	£0	£2,310	£0
Ms Lara Fielden	£3,850	£0	£0	£3,850	£0
Mr Steven Haines	£13,090	£0	£0	£13,090	£0
Ms Elizabeth Prochaska	£9,240	£0	£0	£9,240	£0
Ms Irena Sabic	£9,240	£0	£0	£9,240	£0
Ms Nicola Sawford	£5,003	£0	£0	£5,003	£0
Mr Adam Solomon KC	£9,240	£0	£0	£9,240	£0
Ms Kathryn Stone OBE	£9,240	£0	£0	£9,240	£0
Professor Leslie Thomas KC	£9,240	£0	£0	£9,240	£0
Mr Stephen Thornton CBE	£11,935	£0	£0	£11,935	£0

Contacting us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations.

Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

Write to us:

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Twitter: [@barstandards](https://twitter.com/barstandards)

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