

Business Plan

2020-2021

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

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equality@barstandardsboard.org.uk

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Foreword by the Chair

BSB Business Plan 2020-21



I am pleased to introduce the Bar Standards Board's (BSB's) Business Plan for 2020-21.

This Plan was finalised in late March, just as the government's measures to tackle the Coronavirus pandemic were being introduced across the country. At the timing of writing this foreword, it is not yet clear what the impact of these measures will be on our planned programme of work for the 2020-21 year. As a result, the activities outlined in this Plan are subject to change and we may need to publish a revised Plan in the weeks and months ahead.

This is the second year of our [2019-22 Strategic Plan](#). This explains that our focus over this period is to ensure that our recent policy initiatives, such as our reforms to the rules governing Bar training and to our disciplinary and enforcement processes, are successfully implemented and consolidated.

This Business Plan lists the specific activities that, subject to review in light of the Coronavirus pandemic, we will undertake during 2020-21 against each of our strategic aims. As in 2019-20, our work in 2020-21 will focus much of our energy and resources on our core regulatory activities.

These day-to-day activities, which we undertake as the regulator of the Bar, are set out in this document. We also outline the policy development work which we plan to undertake during the year. These plans are again subject to change as a result of other priorities arising due to the response to the Coronavirus pandemic and our capacity.

All our work is undertaken in the public interest and we remain committed to providing value-for-money to the profession which funds us in what we do. Our budget for 2020-21 is £6,361k. In addition, we contribute £4,046k to the common services (such as IT, HR and Finance) which we share with the Bar Council. There is more information about our planned income and expenditure in this Plan.

You will be able to read more about how we performed against this Business Plan in our 2021 Annual Report.

A handwritten signature in blue ink, which appears to read 'Baroness Blackstone'.

Baroness Blackstone, Chair of the Bar Standards Board

16 April 2020

1. Introduction

In the tables below, we have listed our planned activities in 2020-21 under our three Strategic Aims for this period. These aims are:

- 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 these aims in our [2019-22 Strategic Plan](#) which explains why we have them and the outcomes which we hope to achieve by the end of this strategic period.

[Our website](#) and the Strategic Plan also explain how our regulatory priorities are set by conducting a risk-based analysis of the market for barristers' services. Our [2019 Risk Outlook](#) describes the key risk themes which we have identified and which our regulatory activities – including those described in this Business Plan – are designed to address. The risk themes in the Outlook are:

- working cultures and professional environment inhibit an independent, strong, diverse and effective profession;
- innovation and disruption in the legal services market offer threats and opportunities for the profession and for the public; and
- affordability and lack of legal knowledge threaten access to justice.

In this Business Plan, we have included our core regulatory activities which we conduct every year as well as providing a planned high-level timeline of the specific policy, and other work, which we will carry out this year. **This work is subject to change and possible delay as a result of our capacity and the measures being taken within the justice system and throughout the country to tackle the Coronavirus pandemic.**

We have broken down this work into quarterly milestones which are based on a financial year – so quarter one (Q1) starts in April 2020 and quarter four (Q4) ends in March 2021. These checkpoints help us to monitor performance and ensure we stay on track with our work. This monitoring is overseen by our Board and by its Planning, Resources & Performance (PRP) Committee. They evaluate what we are doing so that this can then feed into our work plans for subsequent Business Plans. We report progress on our work publicly via our regular public Board meetings and our comprehensive Annual Reports which we publish on our website.

As the regulator of the Bar in England and Wales, our core “business-as-usual” activities include:

- overseeing the education and training requirements for becoming a barrister in line with the new Bar Qualification Rules which we introduced in April 2019;
- monitoring the standards of conduct of barristers; and

- assuring the public that everyone we authorise to practise is competent to do so.

We do this by supervising the practice of barristers and the specialist legal services businesses whom we regulate. We deal with any information we receive which might indicate that those we regulate may not be following our rules and where necessary, we take appropriate regulatory action. This day-to-day work accounts for most of what we do.

As well as these “business-as-usual” activities, some key highlights from this year’s Plan include:

- overseeing the introduction of new Bar vocational training courses from September 2020 following the authorisation we granted to a number of Authorised Education and Training Organisations (AETOs) in 2019-20;
- continuing our work to develop new centralised exams in Civil Litigation and Professional Ethics in line with our new assessment strategy;
- issuing regulatory returns to selected members of the profession and their Chambers to help us gather information about compliance with, and the impact of, our regulation;
- conducting a review of the BSB Handbook to make sure that it remains fit for purpose, relevant and accessible;
- reviewing our approach to barristers’ conduct arising from their actions outside their immediate professional practice as barristers;

- publishing a new Equality and Diversity Strategy and continuing our work to encourage the reporting of bullying and harassment at the Bar;
- evaluating the changes we made in October 2019 to modernise our regulatory decision-making processes;
- evaluating the impact of new price transparency rules which we introduced in July 2019;
- developing a public engagement strategy which will increase public understanding about legal services, and in particular those offered by barristers, in partnership with consumer organisations; and
- improving our efficiency, including by investigating options for paperless working.

As well as having a three-year Strategic Plan, we also have a separate [Equality and Diversity Strategy](#) in which we report on our progress towards fulfilling our statutory objectives under The Equality Act 2010, both as an employer and as the regulator of barristers in England and Wales. This document also sets out our Equality and Diversity objectives.

This Business Plan also provides information about how we are governed and outlines our planned income and expenditure for 2020-21 which may again be subject to change in the light of the Coronavirus pandemic. This shows that the cost of regulation in 2020-21, including our share of the costs of services which we share with the Bar Council, is currently planned to be £11,323k.

2. Activities for 2020-21

The work which we hope to undertake during 2020-21 can be categorised into the **core regulatory activities** which our role as the regulator of barristers in England and Wales requires us to do on a day-to-day basis, and the **policy and other project work** which we will complete in order either to improve the way in which we regulate or to review, evaluate and, where necessary, change our rules.

Each of these activities has been listed under one of our three Strategic Aims, so that you can see what we are doing to help us achieve each aim. They are categorised under the strategic aim to which they primarily relate, but some might also contribute to the achievement of desired outcomes under another strategic aim too. The milestone tables on the following pages provide more detail on the planned policy and other work, so you can see what we plan to do when.

This work is subject to change and delay as a result of our capacity and the measures being taken within the justice system and throughout the country to tackle the Coronavirus pandemic.

3. Timeline of activities

Strategic Aim 1 – Delivering risk-based, effective and targeted regulation.

The core work that we will conduct through the year	<ul style="list-style-type: none"> • 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 the centralised examinations function • 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 • Regularly reviewing and reporting to the Board about our evidence of changing risk in the market. We use this to understand how to prioritise our work as a regulator and to look for ways to continuously improve. 			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
BSB Handbook Review	Approach agreed			
Regulatory Decision Making			Inaugural Report on Regulatory Decision Making to be published	

Regulatory return to gather information about compliance with and the impact of our regulation			Issue regulatory return	Start to assess regulatory returns
Modernising decision- making			Begin evaluation of Regulatory Operations changes	Report to the Board on Regulatory Operations changes
Future Bar Training – development of new exams	Civil – Pilot new assessment	Civil – Review pilot Civil – Revise and issue mock exam for new assessment to AETOs	Civil – first new assessment	Ethics – start pilot work-based learning assessment
Future Bar Training – evaluation		Interviews with trainees and AETOs	Interviews with trainees and AETOs Online survey of trainees and AETOs Analysis of operational data	Analysis of interviews and surveys
Compliance with the LSB’s Internal Governance Rules	Certificate of compliance			
BSB approach to conduct arising from non-professional activities			Start and scope project	Conclude review
Moving to paperless working	Begin project – definition stage	Research options and implications	Identify options, costs and potential implementation timetable	Operational report on recommendations (implementation in 2021/22)
Costs Recovery – Disciplinary Tribunal proceedings			Start and scope project for extending cost recovery at Disciplinary Tribunals	Identify options and formulate proposed approach
Risk based regulation	Implement improvements to business-wide risk management	Deliver 6 monthly Risk Management reports to SMT, GRA committee and Board		Deliver 6 monthly Risk Management reports to SMT, GRA committee and Board
Money laundering regulations			Thematic review of money laundering risk assessment	Report on thematic review

Strategic Aim 2 - Encouraging an independent, strong, diverse and effective legal profession

The core work that we will conduct throughout the year	<ul style="list-style-type: none"> 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 Monitoring barristers' Continuing Professional Development (CPD) 			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Regulatory approach to allegations of bullying and harassment, and discrimination at the Bar		Undertake research with the profession on experiences of discrimination at the Bar		
Research Publications	BPTC key statistics report			Diversity at the Bar data report
Professional Indemnity Insurance			Single person entities rule change	
Equality and Diversity strategy	Launch of new strategy			
Assuring standards at the Bar	Participate in data collection and evidence gathering on standards of practice at the Bar	CPD - Scope the role of reflection in maintaining professional competence Scope the approach to assure professional standards in the Coroner's Court	CPD Engagement with the profession on reflection in CPD Engagement on the approach for the regulation of advocacy in the Coroner's Court	

Strategic Aim 3 - Advancing access to justice in a changing market

The core work that we will conduct throughout the year	<ul style="list-style-type: none"> • Providing information to the public about barristers and legal services • Sharing information and contributing to research on barriers to access to justice • Developing a public engagement strategy which will increase public understanding about legal services, and in particular those offered by barristers, in partnership with consumer organisations • Providing ongoing assurance of professional competence 			
Timeline of other activity by quarter	Q1	Q2	Q3	Q4
Public Legal Education	Continue partnerships with Law for Life and Support through Court	Seek to develop further partnerships with experts in reaching those with poor legal knowledge		
Evaluation of the impact of new transparency rules (which took effect in July 2019)	Agree the detailed programme plan and scope for conducting the evaluation work for the profession and for consumers			

4. The role and work of the BSB

The Bar Standards Board is made up of 13 people, a combination of lay people and barristers. It has a lay majority and a lay chair, Baroness Tessa Blackstone.

Leadership

The Board is responsible for leading the organisation. It sets our direction and approves policy and strategy. The Board supports the Executive in representing the BSB with external stakeholders and accepts collective accountability for the organisation's work in regulating barristers in the public interest.

Accountability, assurance and oversight

The Board, and its standing committees, monitor the work and performance of the organisation. It holds the executive to account for:

- the commitments made in these Business Plans;
- the BSB's agreed service standards; and
- the delivery of key milestones to time and to budget.

Strategy

The Board sets and approves the strategy for the organisation, taking account of the wider regulatory and risk landscape. When approving its strategy, it takes account of short-term pressures but also maintains sight of broader long-term trends.

Our Board discharges some of its functions through the following standing committees:

- **The Governance, Risk and Audit Committee (GRA)** is responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review, and advises the Board on, all matters relating to the risk management framework and our internal audit function.
- **The Planning, Resources and Performance Committee (PRP)** supports development of the strategic and annual business plans. The Committee oversees operational and programme delivery holding the executive to account. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed. The supervisory function of this committee is one mechanism to achieve transparency and accountability.

The Board has also established the Independent Decision-making Body (IDB) which is made up of 40 decision makers, 17 of whom are barristers and 23 are members of the public who are not solicitors or barristers. It makes decisions by sitting in panels about cases passed to the Legal and Enforcement Department for investigation that may require disciplinary action. It also makes decisions about appeals that have been made against a decision not to license a body to provide legal services, or appeals against decisions about whether or not barristers or authorised bodies need to meet specific BSB Handbook requirements.

Our work is also overseen by the Legal Services Board, in accordance with the Legal Services Act 2007.

5. Our 2020-21 budget

This budget was agreed before the impact of the current health emergency could be assessed. Some impact on our income from practising certificate fees and from other sources such as Bar Training fees is likely, and the costs of conducting some essential services, such as examinations, may also be affected. It is not yet possible, however, to estimate what these impacts might be.

Our budget year runs from 1 April 2020 to 31 March 2021.

How is the BSB funded?

Part of our income comes from charges we make for specific services we provide to individuals, and we use historical and market data to forecast what we expect to receive. We describe that kind of income as “income streams other than the PCF”. These income streams include, for example, the fees from Authorised Education and Training Organisations (AETOs), and the Bar Transfer Test (BTT). The remainder of our funding is from Practising Certificate Fees & Bar Council reserves. These income streams are not within our direct control and are also forecast using the latest available market data. We independently set our own budget with regard to the forecasts for both PCF income and income streams other than the PCF.

The Practising Certificate Fee (PCF)

Most of our income comes from the PCF which is collected by the General Council of the Bar (GCB). The GCB’s income from the PCF is divided between:

- the BSB for regulation (66.7% £10,282k)
- the Bar Council for some of its functions (as permitted under s51 of the Legal Services Act) (27.9% £4,296k) and
- the remaining 5.4% (£838k) is paid to the Legal Ombudsman and the Legal Services Board to fund their services.

The proportion of our total funding that we expect to receive from the PCF in the 2020-21 year is 90% (or £10,873K). The BSB and the GCB have consulted on our budgets and PCF proposals with the profession and have received approval from the Legal Services Board.

<i>Income streams other than the PCF</i>	£k
Entity Regulation and ABS	80
Authorisations – Waivers and Accreditation	100
Examinations	220
BPTC	958
Training provider authorisations	9
Prosecution costs	80
Public access	1
Total non-PCF income	1,448
Total PCF income	10,282
Total BSB income	11,730

Regulation – the costs explained

The BSB has direct control of a budget of £6,361 for 2020-21. We formulate our own budget in accordance with our priorities and strategy.

However, this budget does not reflect the full cost of the BSB. We share the costs of common services with the Bar Council including a share of the premises at 289-293 High Holborn as well as relying upon the shared Resources Group to carry out support work (HR, IT, and Finance etc). We also have to bear our share of pension costs.

The Resources Group budget, which includes our share of the costs of our shared premises, is managed separately and part of that budget (£4,046k) is apportioned to the BSB. We will as always look to ensure that our expenditure is allocated wisely and in a way that delivers maximum value-for-money for those who fund us. The organisation undertakes rigorous prioritisation exercises as part of business planning. Only activity deemed essential is agreed and included in the business plan.

How will we spend our budget?

<i>Budgets controlled directly by the BSB</i>	£k
Staff Costs	4,488
Non-Staff Costs	
Regulatory Operations	891
Legal and Enforcement	547
Strategy and Policy	159
Communications and Public Engagement	80
Corporate Services	186
Chair and Director General	10
Total non-staff costs	1,873
Total Operating Expenditure	6,361
Non-Operating Expenditure	
Resources Group budget	4,046
Defined Benefit Pension Fee	917
Total Non-Operating Expenditure	4,963
Total Expenditure	11,323

6. Further reading

To obtain a fuller picture of who we are, what we do, and the context in which this Business Plan was produced, please visit the following pages on our website:

- Risk-based regulation is an integral part of how we regulate the Bar and how we develop our strategy. You should read our [Risk Outlook](#), our [Risk Framework](#) and our [Risk Index](#) to understand more about this aspect of our work and to gain a better understanding of how we arrived at the strategic aims described in this Plan.
- This Business Plan is designed to be in read in conjunction with our [2019-22 Strategic Plan](#) which you can read on our website.
- More information about our work around [equality and diversity](#) can be found here.
- [Our organisational values](#) describe the way in which we conduct all our work including the activities described in this Plan.

Contact us:

Bar Standards Board
289-293 High Holborn
London WC1V 7HZ


Tel: 020 7611 1444

[Email:ContactUs@BarStandardsBoard.org.uk](mailto:ContactUs@BarStandardsBoard.org.uk)

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

YouTube: [/barstandardsboard](https://www.youtube.com/barstandardsboard)

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