

## The Bar Standards Board (BSB) regulatory standards action plan

| LSB regulatory standards requirement <sup>1</sup>   | BSB actions  | Review date(s) <sup>2</sup> |
|---|--|-----------------------------|
| <b>Outcomes-focused regulation</b>  |  |                             |
| BSB has high quality, up-to-date and reliable evidence on what legal services consumers need and how they use the services. | <p>1. <i>LSB asked all regulators to consider what activities they could undertake to contribute to this requirement<sup>3</sup>. BSB's response:</i></p> <ul style="list-style-type: none"> <li>- Scope of consumer research agreed, and research underway.</li> </ul>  | Q3                          |
| BSB has effective engagement with consumers.  | 2. Develop, publish and implement a Consumer and Public engagement Strategy, and monitor outcomes.   | Q2                          |
| BSB can demonstrate that outcomes are being achieved.   | <p>3. <i>LSB asked all regulators to: consider best practice from other regulatory regimes to find a mechanism to demonstrate that regulation is delivering the outcomes consumers expect and rules are having the desired impact. BSB will take this action forward and in addition:</i></p> <ul style="list-style-type: none"> <li>- First iteration of the Assurance Framework launched</li> </ul>  | Post March 2017             |
| BSB reviews and updates arrangements based on the evidence gathered.  | <p>4. <i>LSB asked all regulators to consider what activities they could undertake to contribute to this requirement. BSB's response:</i></p> <ul style="list-style-type: none"> <li>-Scope review of scope of practice arrangements</li> <li>-Implement scope of practice review and consider any other thematic areas that need to be prioritised before full systematic review of the new BSB Handbook (anticipated to be from end of current strategic planning period)</li> </ul> | Q4<br>Post March 2017       |
|   | <p>5. BSB to continue work to improve the effectiveness of communication with the regulated community and monitor outcomes.</p> <ul style="list-style-type: none"> <li>-Publish and implement a Consumer and Public engagement Strategy and monitor outcomes</li> </ul>  | Q2<br>Q4                    |

<sup>1</sup> Please refer to *The Bar Standards Board's regulatory standards report 2015/16*, available at [www.legalservicesboard.org.uk](http://www.legalservicesboard.org.uk).

<sup>2</sup> Some of the review dates refer to 'Quarters'. These reflect the BSB's business plan year which runs from April 2016 to March 2017.

<sup>3</sup> BSB has said that it will work with other regulators to address the actions we have asked all regulators to complete, where appropriate.

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|  | -Ongoing programme of training for staff focusing on techniques for effective communication, particularly plain English  |  |
| <b>Risk</b>  |  |  |
| BSB has formal, structured, transparent, evidence-based approaches to the collection, identification and mitigation of current and future risks which inform all regulatory processes. | 6. Demonstrate that a risk based approach is being taken by: <ul style="list-style-type: none"> <li>- Developing a streamlined approach to authorisation activity and share information in a more structured and reliable manner by bringing together authorisation functions, which are currently segregated between the education and training and supervision functions.</li> <li>- Establishing a unit responsible for risk-assessing all incoming information.</li> <li>- Implementing arrangements deriving from powers (through a legislative change that should occur later in 2016/17) to allow interventions.</li> </ul> | Q2<br><br>Post March 2017<br><br>Q3      |
| BSB focuses risk analysis on vulnerable consumers and consumer detriment.  | 7. Continue work which has started to build an evidence base on consumer needs in order to inform risk analysis. <ul style="list-style-type: none"> <li>-Scope of consumer research agreed, and research underway.</li> <li>- Regulatory Insight paper published.</li> </ul>   | Q3<br><br>Post March 2017                |
| BSB can demonstrate that outcomes for risk are being achieved.   | 8. <i>LSB asked all regulators to develop a way to monitor and assess whether risk-based approach is working in practice and achieving the expected outcomes. BSB will take this action forward and in addition:</i> <ul style="list-style-type: none"> <li>-Regulatory Risk Reporting developed internally.</li> <li>-Developing risk-based performance reporting.</li> <li>-First iteration of the Assurance Framework launched.</li> </ul>  | Q2<br>Post March 2017<br>Post March 2017 |
| <b>Supervision</b>   |  |  |
|  | 9. Complete the high risk/medium impact supervisory exercise and share learning from this work.  | Q2                                       |

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| BSB has a supervision policy that is carried out with reference to identified risks and is underpinned by an evidence base. | 10. Complete thematic review of immigration advice and services and share learning.   | Q1  |
|   | 11. Adopt a more targeted and risk-based approach for the supervision of pre-qualification education and training and monitor outcomes of this approach.<br><br>-More targeted approach to BPTC Provider monitoring implemented<br><br>-Implement revised approach to Pupillage Training Organisations oversight and supervision<br><br>- Future Bar Training Policy decision and submission to LSB   | Q4<br><br>Q4<br>Post<br>March<br>2017     |
|   | 12. Develop approach to how BSB will supervise the regulated community on a day-to-day basis outside of the large scale supervision exercises.  | Post<br>March<br>2017                     |
|   | <b>Enforcement</b>  |   |
| BSB has a range of effective and proportionate enforcement tools.   | 13. Consider using the civil standard of proof for disciplinary action.   | Q4  |
|   | 14. Consider reconciling issue that BSB supervisory activity is undertaken in relation to chambers and enforcement powers relate to individuals.<br><br>-Complete research into the delivery models used by barristers to deliver reserved and non-reserved legal services.<br><br>-Board decision on any proposals arising from research<br><br>- Evaluation of how incoming information is assessed to ensure that the BSB's regulatory response is the most appropriate for managing the risks raised. | Q3<br><br>Q4<br><br>Post<br>March<br>2017 |
|   | 15. Implement recommendations of review of the structure, size, role and composition of the Professional Conduct Committee and monitor outcomes.  | Post<br>March<br>2017                     |
|   | 16. Continue to monitor the performance of enforcement function, and publish this within an Enforcement Annual Report.  | Q2  |

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| BSB has processes in place to ensure that learning is shared and performance is monitored.                  | 17. Complete assessment of the costs of complaints and enforcement action  | Q4                          |
| <b>Capability and capacity</b>  |  |                             |
| BSB has clear and consistent leadership that ensures the whole organisation has a strong consumer focus.    | 18. As part of programme of cultural change, continue to demonstrate at both executive and non-executive level a strong commitment to adopting a risk-based, outcomes-focused approach to regulation which takes account of consumer needs.<br>-Coaching for networks of staff selected as "Champions" to help embed changes, particularly focusing on consumer engagement, governance, risk-based regulation and equality & access to justice.<br>-Leadership and Management Programme for relevant staff begins<br>-Board seeks to recruit member(s) with specific consumer affairs background to help it increase its focus on consumer need. | Q2<br><br>Q3<br>Q4          |
| BSB has regulatory budgets and staffing set at appropriate levels for the risks associated with the market. | 19. Continue to keep staff turnover under review so that BSB is able to take any appropriate action if concerns arise. BSB will take this action forward.  | Quarterly                   |
| BSB has a culture of transparency and improvement.  | 20. Develop and implement an organisation-wide information management system. BSB will take this action forward.   | Post March 2017             |
|   | 21. Demonstrate that BSB has learnt from the concerns LSB publicly reported on in relation to its approach to complying with the statutory undertaking to the LSB. In particular, ensure for future policy development that:<br>- BSB takes a 'first principles' approach.<br>- It takes account of a sufficiently wide evidence base.<br>- It has an adequate consumer focus.<br>- No undue weight is placed on the health of the regulated community.<br><br>-Ensure policy continues to be developed in line with the Policy Development Framework.   | Ongoing                     |

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|   | -Consumer and Public Engagement Strategy to set-out approach to consumer engagement in policy development.   | Q2   |
| BSB has management and governance processes which are capable of scrutinising the performance of the regulator. | 22. Implement outcomes of review of operational governance structures, including: <ul style="list-style-type: none"> <li>- Advisory Pool of Experts (APEX) established (to assist staff with policy development)</li> <li>- APEX expanded to assist staff with regulatory decision making (authorisation)</li> <li>- the executive to assume greater responsibility for policy development and operational decision</li> </ul> 23. Review the size and composition of the Board to ensure it is able to meet future demands. | Q3<br>Q4<br>Post March 2017<br>Post March 2017 |
|   | 24. Consider formally evaluating the impact of BSB's operational governance changes at an appropriate future date. BSB will take this action forward.  | Post March 2017                                |