

## LSB assessment of market transparency action plan

### Bar Standards Board (BSB)

***Date action plan was published:*** 29 June 2017

The action plan is published [here](#).

***LSB Assessment:*** SUFFICIENT.

1. BSB's operating context is a key factor in our assessment. BSB currently regulates a relatively small number of entities and referral work is the main model for the self-employed Bar. However, public access work is becoming more common and we note that the CMA suggested that the solicitor's role as an intermediary between the barrister and the consumer may be strengthened if there are general improvements in the level of transparency in the sector. Therefore, we are pleased to see the ambition that the BSB has shown in not restricting its proposals to only cover public access barristers.
2. In particular, we welcome the BSB's commitment to ongoing collaboration with the other regulators on joint initiatives, such as the development of Legal Choices and exploring the feasibility of creating a single digital register. We commend the leadership the BSB is providing on behalf of all the regulators collectively in relation to Gov.uk.
3. We support the careful approach proposed which involves piloting proposals in the area of family law before potentially expanding into other areas. The plan to subject proposals to consumer testing is also welcome. We also welcome the commitment to develop remedies with regard to the LSCP's criteria for successful information remedies.
4. We welcome the desk research on current levels of transparency which gives confidence that the interventions set out in the action plan will be targeted in the right areas.
5. We highlight the following issues in relation to the action plan:
  - We note the interdependency between the CMA action plan and the ongoing review of public access.

- We have clarified with the BSB that the forthcoming consultation document will address the CMA's recommendations around publication of first tier complaint handling data, which was not referenced directly in the action plan.
- The forthcoming consultation should explain how the research project published alongside the action plan, pilots and consultation all fit together and the timings of each element.
- It would be helpful if the proposed voluntary transparency pilots are designed so they begin to have an impact on the market and start to encourage greater transparency ahead of the formal regulatory requirements planned for December 2018.
- The BSB's pilots are likely to include family law which is an area relevant to other regulators. We would ask the BSB to seek to coordinate activity with other relevant regulators to promote a coherent approach in the market.