

BSB- Regulatory performance assessment

REGULATORY APPROACH					AUTHORISATION					SUPERVISION				ENFORCEMENT						WELL-LED					
1	2	3	4	5	1	2	3	4	5	1	2	3	4	1	2	3	4	5	6	1	2	3	4	5	6

Met		Not met – action being taken		Not met – action required	
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Action being taken

Outcome		A4: The authorisation process, including the management of appeals, is fair, based on the regulator’s standards, efficient and transparent
January 2019	LSB assessment	Clarification that compliance with the IGRs delegation arrangements in relation to the authorisation of barristers is being progressed. Currently the barrister authorisation to practise process, sits within the Bar Council and not within BSB’s direct control, which is not in compliance with the current IGR as authorisation to practise is a regulatory arrangement. Given the current open consultation on new IGR, it would be more practical that BSB takes action to address this issue through compliance with the new IGR when they come into force.
	Action needed	BSB to take the necessary actions to enable compliance with the current and new IGR
	Timing	To be completed by the end of the 12 month transition period which will commence following publication of the new IGR.
Progress update	LSB assessment	The LSB published the new IGRs in July 2019. Our assessment from January 2019 (above) remains, pending the BSB’s response to the new IGR.

(at June 2019)	Action needed	BSB to take the necessary actions, in relation to its authorisation function, to enable compliance with the IGR. The BSB to submit a progress update to the LSB by 1 November 2019.
	Timing	To be completed by 23 July 2020. The LSB will review progress in November 2019.

Outcome		S3: The regulated community are monitored to provide assurance that standards are met. If they are not, steps are taken to remedy this.
January 2019	LSB assessment	While generally BSB meets this outcome, we cannot consider it fully met at this stage. We require further details on how the planned approaches that the BSB outlined in the application to remove QASA from the BSB Handbook, will be implemented to address the advocacy quality risks that QASA was designed to address.
	Action needed	BSB to explain its programme of work in respect of assuring ongoing competence, which must address the advocacy quality risks identified through its development of QASA (and referenced in its application to remove QASA from the BSB Handbook).
	Timing	BSB to provide details of its programme of work on assuring competence by 31 May 2019.
Progress update	LSB assessment	The BSB has provided additional detail on its work to identify and respond to advocacy quality risks. This includes a focus on variable standards of advocacy in the Youth Courts, where it has undertaken spot checks of barristers registered to undertake youth court work. It is also

(at June 2019)		<p>planning to use its 2020 regulatory return process to provide evidence that will inform its future approach to assuring ongoing competence.</p> <p>We are satisfied that the BSB is progressing work that could be seen to help it to understand and respond to advocacy quality risks. However, we note that there is scope for a more coherent and systematic overall approach.</p> <p>We now assess this action as complete and have amended our assessment to Met. However, we will continue to monitor the BSB’s progress in identifying and responding to advocacy quality and other competence risks. In this regard, we will expect the BSB to engage with and respond to the LSB’s developing work on ongoing competence, which will be seeking to advance the evidence base on ongoing competence across the regulated legal sector.</p>
	Action needed	This outcome is now assessed as Met.
	Timing	Not applicable.