

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 27 May 2021 (5.00 pm)****Hybrid Meeting (Rooms 1.4-1.7 & MS Teams)**

- Present:** Baroness Tessa Blackstone (Chair)
 Alison Allden OBE – *via Teams*
 Lara Fielden – *via Teams*
 Steve Haines – *via Teams*
 Andrew Mitchell QC – *via Teams*
 Elizabeth Prochaska – *via Teams*
 Irena Sabic – *via Teams*
 Nicola Sawford
 Adam Solomon QC – *via Teams*
 Kathryn Stone OBE – *via Teams*
 Stephen Thornton CBE – *via Teams*
- By invitation:** Derek Sweeting QC (Chair, Bar Council) – *via Teams*
 Lorinda Long (Treasurer, Bar Council) – *via Teams*
 Malcolm Cree CBE (Chief Executive, Bar Council) – *via Teams*
 Adrian McCarthy (Independent Audit)
 Susan Stenson (Independent Audit) – *via Teams*
- BSB & RG Executive in attendance:** David Adams (Corporate Services Manager) – *via Teams*
 Rebecca Forbes (Head of Governance & Corporate Services)
 Laura Fox (Senior Media and Stakeholder Relations Officer) – *via Teams*
 Oliver Hanmer (Director of Regulatory Operations) – *via Teams*
 Teresa Haskins (Head of People, BSB)
 Sara Jagger (Director of Legal & Enforcement) – *via Teams*
 Andrew Lamberti (Communications Manager) – *via Teams*
 Ewen Macleod (Director of Strategy & Policy)
 Mark Neale (Director General)
 John Picken (Governance Officer)
 Wilf White (Director of Communications & Public Engagement)
- Press:** Neil Rose, Legal Futures – *via Teams*
 Jemma Slingo, Law Society Gazette – *via Teams*

Item 1 – Welcome / Announcements

1. The Chair welcomed those present to the meeting.

Item 2 – Apologies

- Leslie Thomas QC

Item 3 – Members' interests and hospitality

3. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

4. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 18 March 2021.

Item 5a – Matters arising & action list

5. The Board **noted** the action list.

Item 5b – Forward agenda

6. The Board **noted** the forward agenda list.

Item 6 – Strategic Planning and Resources (SPR) Committee Annual Report 2020/21
BSB 022 (21)

7. Steve Haines summarised the main points from the SPR Committee's Annual Report. In respect of performance monitoring, he emphasised that the Board had only ever delegated this task to the Committee but had not relinquished its oversight. It retained overall responsibility for monitoring performance and took back direct control following an amendment to the Committee's Terms of Reference last year.
8. He also endorsed a comment from Stephen Thornton who expressed his appreciation of the Executive's collaborative approach and the improvement to Committee papers.

9. AGREED

to note the report.

Item 7 – Amendment to Standing Orders

BSB 023 (21)

10. Rebecca Forbes explained the reasons for the proposed amendments ie:
- clarification of the Terms of Reference of the BSB Remuneration Panel;
 - enabling the BSB Chair to make temporary appointments to the Independent Decision Making Body (IDB) should all current members be conflicted for a particular case.
11. In response to a question about recruitment, she said we would call on former members of the BSB's Professional Conduct Committee in the first instance. She also agreed to a suggestion from Lara Fielden to consider existing members of the Bar Tribunal Adjudication Service (BTAS), providing those selected were then precluded from sitting on any associated Tribunal.
12. **AGREED**
- a) to approve with immediate effect a revision to the BSB Standing Orders (January 2021) in respect of:
- changes to the Terms of Reference of the BSB's Remuneration Panel; and
 - changes to the powers of the BSB Chair to temporarily appoint members of an IDB Panel when all existing members are conflicted.
- b) to endorse the suggestion of using existing BTAS Members as temporary recruits for the Independent Decision Making Body, should that need arise (cf. min 11).

**RF
to
note**

Item 8 – Communications and Public Engagement and Public Legal Education report
BSB 024 (21)

13. Wilf White invited the Board to review performance against the BSB's Communications and Public Engagement (CPE) strategy, which also includes activity around public legal education (PLE). He highlighted the following:
- the challenges around the August examinations and negative press stories concerning the perceived leniency, in some cases, of sanctions imposed by Tribunals;
 - improvements to the BSB's website and the high "open rate" for the BSB's Regulatory Update to the profession;
 - our support for frontline charities and other consumer-facing organisations in helping those in legal need with access to relevant information;
 - ongoing efforts to improve communication with students.

14. Members commented that:
- we should increase our use of digital events to encourage and broaden participation with stakeholders;
 - we should include solicitors and in-house counsel in our target groups;
 - it would help to understand timelines around the planned review of the BSB's intranet.
15. In response Wilf White commented that:
- the BSB will use more digital events in future though, sometimes, the technology itself can prove unreliable;
 - the SMT has already recognised a need for closer liaison with solicitors, given they are the main referral agents for barristers;
 - a project to create a BSB specific intranet will involve input from our shared Information Services Department. A completion date by the end of the current year may be feasible, though this is still tentative given the involvement of Information Services staff in other ongoing projects.
16. The Chair endorsed the planned activity to strengthen links with the Federation of Small Businesses and the Small Business Commissioner. Those running small businesses may often be litigants in person and so need support from our partner bodies eg Law for Life. Mark Neale confirmed that a meeting with the Small Business Commissioner had already taken place.
17. In response to questions about public legal education, Wilf White stated that:
- we base funding decisions on whether the partner in question is providing services that match our own criteria for supporting vulnerable groups. The sums in question are proportionate to the outreach achieved;
 - we consider that outreach projects are likely to be the most effective. In supporting individuals who work directly with many clients, we benefit from a multiplier effect that adds to overall impact;
 - the programmes we are currently supporting are listed in the paper. We will review this again in Autumn this year;
 - we are still willing to work with other regulators to establish a common strategy around PLE but have yet to make further progress with our preferred option of a frontline regulators' consumer information forum.
18. **AGREED**
to note the report and the associated performance metrics.

Item 9 – Director General's Strategic Update – Public Session

BSB 013 (21)

19. Mark Neale summarised his report. The salient points were:
- the report includes a new analysis of the throughput of regulatory work (volumes of incoming work, stocks of casework in hand and completed cases);
 - this shows improvements in productivity and a reduction in backlogs. The Independent Reviewer has confirmed that the quality of decision making by BSB staff remains high.
20. In response to questions raised, the Executive commented that:
- the increased number of reports received by the Contact and Assessment Team was due to:
 - ❖ the spike in reports about Government Law Officers' involvement in the Internal Market Bill;
 - ❖ an easier means of sending reports to the Contact and Assessment Team following improvements to our website.
 - we appointed IRN to conduct research on the Code of Conduct review. The report should be published in July 2021. A range of different clients and practice areas will be surveyed, including referral and direct access clients;

Part 1 - Public

- BSB is taking part in the SRA led pilot on quality indicators for employment law practitioners. The aim is to provide a reliable comparison tool for clients;
- we do not expect to meet our KPI targets until later this financial year. They are a relatively crude measure of performance insofar as these figures are always affected by existing cases that have already exceeded the KPI limit. Until these older cases are closed, the performance statistics will not improve in overall terms, even though newer cases may be managed within the target timeframes. We shall share with the Board milestones for achieving service levels in the different categories of regulatory work;
- we have increased our staffing in the Authorisations Team but the full effect of this will only become apparent over time. Our priority has been to reduce the backlog and we have achieved notable progress in this respect;
- we are now categorising cases that require formal investigation based on complexity. This will give the Board a richer picture of case management information. We are still experiencing more legal challenges from those subject to investigation and this adds to delay;
- the independent report on the August examinations received wide coverage in the press but in a balanced and fair way and made clear we are acting on its recommendations. We are already in contact with the Inns and course providers about this and have established a Steering Group to oversee implementation of the recommendations.

21. In accepting the explanation about missed KPIs, the Chair nevertheless emphasised the need for improvement. She recognised the damaging effect of delays to investigations so welcomed efforts to identify and resolve bottlenecks.

22. **AGREED**
to note the report.

Item 10 – Chair’s report on visits and external meetings

BSB 014 (21)

23. The Board **noted** the report.

Item 11 – Any Other Business

24. The Chair noted with regret that Nicola Sawford’s second term of office ends on 31 August 2021. This was, therefore, her last public meeting as a BSB Board Member. On behalf of the Board, she expressed her sincere thanks to Nicola for her tremendous contribution over the past six years, including her role as Chair of the Governance, Risk and Audit Committee.

Item 12– Dates of next meetings

25. • Thursday 15 July 2021 (Board Away Day – 10am – 5.30 pm);
• Thursday 23 September 2021 (Board to Board meeting with OLC – 3.30pm);
• Thursday 23 September 2021 (ordinary Board meeting – 5.00pm).
Note: the Board later resolved to hold an additional private meeting on 9 June 2021.

Item 13 – Private Session

26. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 30 March 2021 & 30 April 2021.
 - (2) Matters arising and action points – Part 2.
 - (3) Corporate Risk Report.
 - (4) The Professional Ethics assessment during pupillage / work based learning.
 - (5) Fees for Chair of the BSB’s Committees.
 - (6) Director General’s Strategic Update (private session).
 - (7) Any other private business.

27. The meeting finished at 5.50 pm.