

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Meeting of the Bar Standards Board

**Thursday 27 November 2014, 4.30 pm
Room 1, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ**

Agenda

Part 1 – Public

			Page
1. Welcome and introductions (4.30 pm)		Chair	
2. Apologies		Chair	
3. Members' interests and hospitality		Chair	
4. Approval of Part 1 (public) minutes:			
• 23 October 2014	Annex A		3-10
5. Matters Arising			
• Chair's sign off of BTT Handbook; BPTC Handbook; General Guide to CPD; Pupillage Handbook.			
6. a) Action points and progress	Annex B	Chair	11-16
b) Forward agendas	Annex C	Chair	17-18
<u>Items for discussion</u>			
7. Performance Report for Q2 (Jul – Sept 2014) (4.40 pm)	BSB 082 (14)	Anne Wright	19-36
8. BSB annual report on BTAS and the Browne recommendations (5.00 pm)	BSB 083 (14)	Vanessa Davies	37-53
9. Chair's Report on Visits and Meetings: Oct 14 – Nov 14	BSB 084 (14)	Chair	55-56
10. Director General's Report (5.20 pm)	BSB 085 (14)	Vanessa Davies	57-68
11. Any other business (5.25 pm)			
12. Date of next meetings			
• Thursday 11 December 2014 (Board Away Day)			
• Thursday 29 January 2015 (full Board meeting)			
13. Private Session			

John Picken, Board & Committees Officer

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20 November 2014

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting**

Thursday 23 October 2014, Room 1.1, First Floor
 289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Ruth Deech QC (Hon) (Chair)
 Patricia Robertson QC (Vice Chair)
 Rolande Anderson
 Rob Behrens
 Sarah Clarke (items 7-17)
 Justine Davidge
 Tim Robinson
 Andrew Sanders
 Anne Wright
- By invitation:** Sarah Brown (Special Adviser)
 James Wakefield (COIC)
- BSB Executive in attendance:** Viki Calais (Business Manager)
 Maya Chopra (Legal & Policy Assistant, E&T)
 Andrew Cohen (Business Support Officer)
 Vanessa Davies (Director General)
 Joanne Dixon (Qualifications Manager)
 Oliver Hanmer (Director of Supervision)
 Sara Jagger (Director of Professional Conduct)
 Cliodhna Judge (Authorisations Manager)
 Andrew Lamberti (Communications Manager)
 Ewen Macleod (Director of Regulatory Policy)
 Bernard MacGregor (Supervision Officer, CPD)
 Ruby Newton (Authorisation & Supervision Officer)
 Chris Nichols (Supervision Policy Manager)
 John Picken (Board & Committees Officer)
 Pippa Prangle (Regulatory Risk Manager)
 Paul Pretty (Hearings and Investigations Manager)
 Amanda Thompson (Director of Strategy & Communications)
 Julia Whitting (Chambers and Entity Supervisor)
 Stephanie Williams (Legal and Policy Assistant)
- Bar Council Executive in attendance:** Stephen Crowne (Chief Executive, Bar Council)
 Poli Avramidis (Chief Information Officer, Bar Council) (items 14-17)

- Item 1 – Welcome and introductions**
1. The Chair welcomed members and guests to the meeting.
- Item 2 – Apologies**
- 2.
- Malcolm Cohen;
 - Simon Lofthouse QC;
 - Sam Stein QC;
 - Richard Thompson;
 - Emily Windsor (Special Adviser);
 - Nicholas Lavender QC (Chairman, Bar Council);
 - Stephen Collier (Treasurer, Bar Council);
 - Simon Thornton-Wood (Director of Education & Training);
 - Mark Hatcher (Special Advisor to the Chairman of the Bar).
- Item 3 – Members’ interests and hospitality**
3. During the course of the meeting, Vanessa Davies made a declaration of interest in respect of discussions about additional government support for litigants in person. She is a Trustee of the Personal Support Unit (PSU) which provides free, independent non-legal assistance to people facing proceedings without legal representation in civil and family courts and tribunals (see min 27 below).
- Item 4 – Approval of Part 1 (public) minutes (11 & 18 September 2014)**
(Annexes A & B)
4. The Board approved Part 1 of the minutes of the meetings held on Thursday 11 and Thursday 18 September 2014.
- Item 5 – Matters Arising**
- 5.
- a) Authorisations to undertake litigation (min 7 – 11 Sept 14)
The Chair asked about the number of applications from barristers to undertake litigation. Joanne Dixon confirmed these remained low though the take up rate for the associated course is higher.
- b) Update on insurance for entities (mins 3-8 – 18 Sept 14)
Subsequent to the last meeting, Board Members were emailed with an update on insurance for entities (sent 1 October 2014). This explained the following:
- the proposed amendment to the entity regulation rules requiring single person entities to take professional indemnity insurance with the Bar Mutual Indemnity Fund (BMIF) would require a variation to our application to the LSB to become a licensing body for entities. That is likely to result in a delay in the LSB being able to make a decision;
 - following discussions with the LSB, we do not intend to seek to make an amendment now, but will continue with our application as it stands whilst simultaneously collecting suitable other evidence in relation to the proposed amendment (to be submitted at a later date if we think it is necessary);
 - the BMIF has been informed of the variation in our position.
- AGREED**
to note the report.
- c) Governance of Education and Training (mins 16-20 – 18 Sept 14)
Vanessa Davies commented as follows:
- the Education & Training Committee is to meet on 2 December 2014 and will discuss revisions to its Terms of Reference;

- in the meantime, the LETR Programme Board has been established as a Sub-Committee so is able to function within the existing governance structure.

AGREED

to note the report.

Item 6a – Action points and Forward AgendaAction points and progress (Annex C)

6. The Board noted progress on the action list.

Forward Agenda (Annex D)

7. The Board noted the forward agenda list.

Item 7 – Supervision – Report on Activity

BSB 069 (14)

8. Chris Nichols highlighted the following:
- the Supervision Team is now fully staffed;
 - risk-based supervision visits are well underway following successful completion of a pilot programme;
 - a report on the pilot exercise has been prepared (Annex A) and states that:
 - ❖ visits have helped identify where the key risks occur in the market;
 - ❖ there have been tangible improvements to chambers' policies and procedures as a result of visits;
 - ❖ on the whole, chambers have received the visits positively and appreciated the advice provided to improve administration;
 - whilst more visits are planned next year, the precise number is not yet known;
 - though most chambers engaged well with the programme, the Supervision Team will, for a minority of cases, adopt a more robust stance in terms of following up agreed action short of referral to the Enforcement Department.
9. Members welcomed the report and commented as follows:
- the report is very helpful and demonstrates how far the BSB has come in developing its role as a risk-based regulator;
 - the visits have engendered more staff time than originally anticipated. It would be useful to know the effect on future cost projections;
 - visits of this nature can provoke both concern and defensiveness of those under scrutiny. It is therefore to the credit of the team that they were received positively. The effective delivery of the communications plan identified in paragraph 62 of the report is of key importance for the future;
 - there is a question around the depth and focus of visits (given these last only three hours in total);
 - the pilot visits were based on a small sample but these identified a comparatively high number with financial viability issues. It would be useful to know more about this;
 - one option to consider for communicating messages is to replicate work undertaken following compliance checking with the new E&D rules. This resulted in a specific event on this topic which was well-received by those attending. The BSB has budget provision for its own conference next year and this could provide the right sort of platform;
 - it is right that chambers be given more help and support in the introductory stages of supervision. In the fullness of time, this could be cut back as chambers develop the necessary knowledge and experience of what to expect.

10. In response, the following comments were made:
- the number of proposed visits has been reduced to compensate for the additional staff time required. In the absence of case management software, it is difficult to accurately assess the cost per visit. Notwithstanding this, extra provision has been made in the 2015/16 budget;
 - the Institute of Barristers' Clerks (IBC) and the Legal Practice Management Association (LPMA) have been a useful means through which to deliver messages on supervision. Chambers within London tend to have established networks but this is less often the case for those outside the capital. This needs to be taken into account as regards future communication strategies;
 - a three hour period represents a considerable investment of time for small chambers and the visits are risk-based and therefore very focused. Follow-up visits can be arranged if there is insufficient time to cover all the points raised;
 - the risk profiles of the chambers included in the pilot suggested that financial viability may give cause for concern so it is unsurprising that this featured quite significantly.

11. **AGREED**

to note the contents of the report and that of the Annex concerning the outcome of the pilot programme of chambers visits.

Item 8 – BSB research

BSB 070 (14)

12. Amanda Thompson highlighted the following:
- the research work described in the report is already underway and will deliver against requirements for both the BSB's strategic plan and the Regulatory Standards Framework;
 - a point of clarification is required regarding paragraph 11 (third bullet point). Unregistered barristers are still subject to provisions in the Handbook and an increasing number are being employed in paralegal positions. It is therefore necessary to research the roles they undertake;
 - there is a correction to the paper. The project concerning E&D statistics is an annual event and will therefore be completed in January 2015 (as well as January 2016 as stated in the Annex).

13. Members welcomed the report and commented as follows:

- the inclusion of a project to understand more about consumers of legal services is particularly welcome;
- the project on movers and leavers could focus on retention of women at the Bar. We should liaise with the Association of Women Barristers and the Temple Women's Forum in this regard.

**AT to
note**

14. **AGREED**

to note the report.

Item 9 – Standard of proof review – update

BSB 071 (14)

15. Sara Jagger highlighted the following:
- the Board has previously decided that a move to the civil, as opposed to the criminal, standard of proof would be desirable but, in practice, not possible to implement if this was independent of the Solicitors Disciplinary Tribunal (SDT) also considering such a move;

- there has been no progress to date in moving forward on this issue. The expectation that the LSB would take a lead in its resolution proved incorrect;
 - the SDT is not seeking to change its position, however, there are some test cases in the pipeline which might clarify the issue.
16. Members noted the paper and agreed that appropriate case law may prove to be an effective way forward.
17. **AGREED**
- a) to note the current position regarding the review of the standard of proof.
 - b) to confirm its previous decision that the BSB should not consider a move to the civil standard of proof independently of the SDT considering such a move.
 - c) that the BSB should monitor the position with regard to standard of proof applied by the SDT specifically in relation to any prospective cases that might be taken through the courts over the next year or so. **SJ to note**
 - d) that the BSB formally review its position again as part of the Business Plan for 2016/17 as opposed to 2014/15 as is currently scheduled. **AT to note**

Item 10 – Forward strategic overview – governance review: emerging findings

BSB 072 (14)

18. Amanda Thompson highlighted the following:
- following the April 2014 Away Day, most committees have given consideration to their structure, remit and continuation;
 - most have agreed that some element of change is desirable but there are no substantive proposals on a revised structure;
 - one option is for the Executive to produce a change plan and associated timetable for discussion at the April 2015 Away Day.
19. Members commented as follows:
- the April 2015 Away Day is too long a period to wait;
 - the agenda for the December 2014 Away Day already includes an item on governance. The Chairs of each Committee should be able to report on progress to date at that meeting and give direction to the Executive in forming subsequent change plans;
 - the incoming Chair, Sir Andrew Burns, is due to attend the December Away Day so it makes sense for it to be discussed at that meeting.

20. **AGREED**
- a) to note the update.
 - b) that the Executive research other regulatory models to inform discussion on the topic at the December 2014 Away Day. **AT**
 - c) that Committee Chairs be prepared to feedback their views on the structure, remit and continuation of their respective Committee at that Away Day. **Comm Chairs**

Item 11 – Supervision and Entity Regulation - Authority for executive decisions

BSB 073 (14)

21. Oliver Hanmer highlighted the following:
- a proposed scheme of delegations is set out in Table 1 of the paper. This relates to decisions concerning supervision and entity regulation;
 - the Chair of the Supervision Committee has been consulted on the proposed changes and supports them;

- the Supervision Committee will retain an oversight role for both entity regulation and supervision. This is made clear in the Terms of Reference (Annex 1).

22. **AGREED**

- a) to approve the scheme of delegations for the Supervision department activities.
- b) to authorise the Chair to sign the delegation forms to bring them into effect.

**OH to
note
RD / CD**

Item 12 – Returning Instructions – Consultation report

BSB 074 (14)

23. Ewen Macleod commented as follows:

- a summary of responses to the BSB's consultation on proposed changes to guidance on returning instructions has been prepared;
- the original proposals were drafted in the light of the Legal Aid Agency's decision to reduce fees in Very High Cost Cases (VHCCs). Since then, circumstances have changed and the previously perceived risks to the public of barristers returning instructions have not materialised;
- bearing this in mind, the current guidance should remain in force.

24. Members commented as follows:

- it is disappointing that the consultation did not generate responses from outside the profession;
- the key concern of the BSB was that the public remained safeguarded. It was disconcerting that the Bar considered withdrawing its services given the potential impact on clients;
- a counter view is that barristers did behave responsibly during the period in question either by representing clients pro bono or informing them of the circumstances and possible consequences of any action.

25. **AGREED**

- a) that the current guidance on returning instructions be maintained.
- b) that the final consultation response (Annex A of the report) be published on the BSB website.

**EM to
note
EM**

Item 13 – Chair's Report on Visits and Meetings: Sept - Oct 2014

BSB 075 (14)

26. The Chair highlighted her attendance at the All Party Parliamentary Group on litigants in person in the Family Court. This meeting was attended by the Minister of State for Justice and Civil Liberties, Simon Hughes. He confirmed that £2m will be made available to assist litigants in person with advice and support.

27. Vanessa Davies commented in her role as a Trustee of the Personal Support Unit (PSU). She stated that:

- the Civil Justice Council (CJC) set up a working group under the chairmanship of Robin Knowles QC to consider what steps could be taken in the event of a sudden rise in the number of litigants in person;
- some of the short term measures identified in this report have been taken forward with the announcement of increased funding but the extent of the impact has yet to be seen;
- the funding is for advice services only so will not necessarily enhance qualified legal representation.

28. One effect may be to increase still further the number of “McKenzie Friends” ie someone to assist litigants in person, whether they are legally qualified or not. The Chair noted that there could be regulatory implications arising from this given the potential for overreach into reserved legal activities.

29. **AGREED**
to note the report.

Item 14 – Director General’s Report

BSB 076 (14)

30. Vanessa Davies highlighted the following:

- a new Head of HR, Catherine Shaw, has been appointed. Tim Robinson assisted on the interview panel;
- to reduce the volume of Board papers, a reference to the ongoing “Immigration and Supervision” consultation is included in the Director General’s report as opposed to being presented as a separate paper. Should the outcome result in any rule change proposals, however, these will be presented to the Board for approval;
- the Equality and Diversity Adviser, Sarah Loutfi, is leaving the BSB in November. Vanessa Davies and Rolande Anderson paid tribute to Sarah’s valuable contribution to the organisation.

31. Members commented as follows:

- whilst small scale consultations of the type identified can be managed at committee level, the Board should have early notice of more substantial documents. Otherwise there is a risk of the Board being presented with major policy changes without fully understanding the underlying context;
- Justine Davidge would be willing to be involved in the creation of a resource for legal professionals in respect of representing clients with mental health illness (para 18 of the report refers);
- the Youth Courts Advocacy Review is now underway (para 50 of the report refers).
- the improved Q2 KPI results for the Professional Conduct Department are encouraging (paras 32-33 of the report refers);

**VLD to
note**

32. **AGREED**

- a) to note the report.
- b) to develop a set of indicators around policy consultation documents such that the Board is properly informed, and at an appropriate stage, based on the subject and content under scrutiny.

VLD

Item 15 – Any Other Business

33. None.

Item 16 – Date of next meeting

34. Thursday 27 November 2014.

Item 17 – Private Session

35. The following motion, proposed by the Chair and duly seconded, was agreed:

That the BSB will go into private session to consider the next items of business:

- (1) Strategic information management including data quality update;
- (2) Approval of Part 2 (private) minutes (11 & 18 Sept 2014);
- (3) Matters Arising;
- (4) Action points and progress – Part 2;

- (5) QASA - next steps;
 - (6) Entity Authorisation – costs;
 - (7) Update from the Regulators' Summit;
 - (8) LSB standard contractual terms and the cab rank rule: undertakings issue;
 - (9) Any other private business.
36. The Bar Council's Chief Executive and the Chief Information Officer were invited to attend for item 1 of the Part 2 agenda. The Chief Information Officer gave a presentation on proposed changes to the resourcing of the information management project.
37. The meeting finished at 5.40 pm.

**BSB – List of Part 1 Actions
27 November 2014**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
20b (23 Oct 14)	research other regulatory models to inform discussion on governance at the December 2014 Away Day	Amanda Thompson	before 11 Dec 14	20/11/14	Noted for the future - action not yet due; work in hand
20c (23 Oct 14)	feedback views on the structure, remit and continuation of their respective Committee at the December Away Day	Committee Chairs	11 Dec 14	20/11/14	Noted for delivery at Board Away Day.
22b (23 Oct 14)	sign the delegation forms to bring effect changes to the scheme of delegation for supervision	Chloe Dickinson / Ruth Deech QC (Hon)	immediate	19/11/14	Completed
25b (23 Oct 14)	publish the final consultation response on returning instructions on the BSB website	Ewen Macleod	immediate	24/10/14	Completed
32b (23 Oct 14)	develop a set of indicators about the management of policy consultation documents such that the Board is properly informed, and at an appropriate stage, based on the subject and content under scrutiny	Vanessa Davies	before 27 Jan 15	20/11/14	Draft indicators prepared by AT and on forthcoming SMT agenda
15b (18 Sept 14)	include information on end-to-end times for case resolution for future PCD performance reports to the Board	Sara Jagger / Paul Martyn	by Sept 15	15/10/14	Noted for the future - action not yet due
15c (18 Sept 14)	ensure that the PRP Committee is informed about long-running cases should these detrimentally impact on performance figures	Sara Jagger	by next PRP Cte (13 Nov 14) and ongoing	20/11/14	To be removed - noted in the report to November PRP Committee. The Independent Observer will also report to GRA Committee on the same issue and the PRP Committee will be informed of the outcome (as both Committees receive the minutes of the other's meeting in addition to their own)

**BSB – List of Part 1 Actions
27 November 2014**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
13f (26 Jun 14)	develop an action plan to ensure improved levels of compliance with E&D rules and monitor improvements	Chris Nichols / Sarah Loutfi	by end Aug 14	20/11/14 14/10/14	Completed. Actions all on track; review March 2015 at E and D committee Action plan developed. All actions have been completed to deadline – some actions remain outstanding with deadlines to be completed by the end of the year. These actions are on track to be completed to deadline as set out in the plan
13g (26 Jun 14)	provide input into Bar Council events with the Equality Officer Network, focusing on support for officers implementing work allocation and flexible working requirements	Sarah Loutfi / Rolande Anderson	immediate and ongoing	14/10/14	To be removed BC EDO event took place on 9 October. EDA presented and took questions on implementation of equality rules.
20a & b (22 May 14)	prepare an action plan and public response statement for Jeffrey Report with oversight provided by Board Members	Vanessa Davies / Oliver Hanmer / Sam Stein QC / Justine Davidge / Richard Thompson	originally 24 Jul 14 – re-scheduled 18 Sept 14	20/11/14 14/10/14 14 /07/14 17/06/14	Meeting of those responsible to be convened before Xmas Held over again due to inter-relationship with QASA and impact of stay. Now anticipated November. Completion of proposals delayed by unavailability of key players and now scheduled for September. Staff team set up to review the Jeffrey Report and to develop proposals and an action plan. Staff session held on 18 June to discuss the Report. Board members nominated to assist

**BSB – List of Part 1 Actions
27 November 2014**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
					on developing the action plan will be invited to comment on a draft by the end of June with final proposals presented to the Board at its July meeting
12c (21 Nov 13)	undertake a further review to the Standing Orders	Amanda Thompson / Chloe Dickinson	On hold	13/05/14	New timeline needed to reflect decision to undertake fundamental review taken by the Board at the Awayday.
				11/02/14	Consideration to some principles to be given at April Awayday
				14/01/14	Work has commenced
16b (18 Jul 13)	gather feedback on accessibility of information on the BSB website about complaints	Amanda Thompson	before end Mar 14	09/10/14	Proposals from specialist group now received and being evaluated. Once services we will purchase have been agreed between PCD and Strategy and Communications, work will proceed.
				15/07/14	PCD members have met with one of the stakeholder group members (which specialises in ensuring people have the knowledge, confidence and skills needed to deal with law-related issues) to discuss how we make complaints information available. A work plan is now being developed.
				17/06/14	Progress on stakeholder work has been very limited given volume of other communications activity. Arrival of new Communications

**BSB – List of Part 1 Actions
27 November 2014**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				13/05/14	Manager will free up resources to focus on this again.
				11/03/14	Stakeholder session focused on understanding complaints system, reflecting stakeholder group's needs. Further activities being planned to complete this action.
				14/01/14	Feedback will be sought at stakeholder session on 28 March.
				13/11/13	On track
				17/07/13	Stakeholder workshop held on 13 November dealing with QASA. Next session will be as below. Early indications are that engagement will be productive.
					Stakeholder workshop/seminar being planned to deal with communicating the work of PCD. Anticipate will be held before end of March 2014 but depends on stakeholder availability. Date will be confirmed when available.
20a (16 Jun 11)	arrange for amended Memorandum of Understanding to be signed for BSB User Group and ensure disclosure of interests by members of the Group	Amanda Thompson	before 13 Jul 11	09/10/14	Ongoing. Consultant had limited availability August – October due to other commitments. Proposal now received and work will commence again in early November.

**BSB – List of Part 1 Actions
27 November 2014**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				02/09/14	Work programme for consultant being agreed between Director of Strategy and Communications, new Communications Manager and consultant.
				15/07/14	Consultant engaged to work on stakeholder engagement through until year end.
				17/06/14	No further progress made on this due to volume of other work. Arrival of new Communications Manager will enable resources (consultant) to invest more time into stakeholder engagement
				13/05/14	Not finalised at meeting due to need to focus on topics needed by stakeholders. Due to staff changes, this is now unlikely to be finalised until July, following further relationship building.
				14/01/14	Expected to be finalised at March 28 stakeholder group meeting
				13/11/13	To be progressed with stakeholder group following analysis of feedback received from first session held on 13 November.
				9 May 13	To be progressed as part of overall stakeholder engagement strategy

BSB – List of Part 1 Actions
27 November 2014
(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				13 Mar 13	To be progressed now new staff in post
				12 Jul 12	Ongoing

Forward Agendas

Thursday 11 December 2014 (Board Away Day)

- Governance review (including committee review and Appointments Panel review)
- Strategic plan 2016 – 19: initial discussion
- Board Development: including regulatory risk management

Thursday 29 January 2015

- Interim PCC report
- LETR – draft consultation on academic stage (part 2)
- Education and Training Committee Annual report to Board
- Diversity data report
- QASA – options and updated timetable
- Regulatory Risk report

Thursday 26 February 2015

- BSB Business Plan for 2015-16
- LETR – draft consultation on BPTC (part 2)
- BSB Q3 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- Fees and charges
- Inns Conduct Committee Rules
- Jeffrey Review: advocacy training

Thursday 26 March 2015

- LETR Plan (including CPD Consultation)
- final version of BSB Strategy update, Business Plan 2015-16 & Budget 2015-16
- Standard Contractual terms and CRR

Thursday 23 April 2015 (Board Away Day)

- Strategic Plan 2016 – 19

Thursday 21 May 2015

- BSB Year-End Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- Equality Objectives 2015-2016

Thursday 25 June 2015

- Professional Statement (LETR workstream #1) – proposal for sign-off

Thursday 23 July 2015

- BSB Draft Annual Report for 2014-15
- PCD/PCC- Year End Report – 2014-15
- Disciplinary Tribunal Regulations – approval of revisions

Thursday 10 September 2015 (budget meeting, including for 2016-19 Strategic Plan)

Thursday 24 September 2015

- BSB Q1 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)

Thursday 22 October 2015

Thursday 26 November 2015

- BSB Q2 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)

Thursday 17 December 2015 (Board Away Day)

Thursday 28 January 2016

- Diversity data report

Thursday 25 February 2016

- BSB Business Plan for 2016-17 and new Strategic Plan 2016-19
- BSB Q3 Performance Report (includes Business Plan update, KPIs, Management Accounts, Corporate Risk Register)
- Office of Immigration Services Commission – barristers supervising immigration advisers

Thursday 17 March 2016

Longer term items (dates to note)

- *July 2016 – Approval of CPD regime changes (Part 2)*
- *October 2016 – Approval of CPD quality mark scheme proposal (Part 2)*

Performance Report for Q2 (July 2014 – September 2014)**Status:**

1. For discussion and decision.
2. Public – a public account of how the BSB is performing against the published 2014-15 Business Plan.

Executive Summary:

3. This paper provides an update to the Board on the BSB's progress and performance in Q2 against the aims and activities set out in its 2014-15 Business Plan. As well as the mid-way point in the 2014-15 year, this also marks the mid-way point in our 2013-16 Strategic Plan.
4. The main areas highlighted in this report are:
 - a) We are forecasting that we will not meet our directly attributable **income projections** by year-end. A variety of factors have contributed towards this, ie reduced numbers of BCAT candidates, reduced number of Qualifications Committee applications, and the delays to both Entity Regulation and QASA. For year-end, we are now forecasting:
 - i. **Income:** £1,581k against projection of £1,816k (-13%);
 - ii. **Expenditure:** £5,230k against a budget of £5,313k (2%).
 - b) The PRP Committee will be overseeing the crafting of new income indicators, which are being set up to enhance our forecasting processes.
 - c) Our **Professional Conduct Department (PCD) Performance Indicators** have shown an improvement on the figures reported in Q1. In particular, regarding the operational indicators tracking the dates at which complaints are concluded or referred to disciplinary action following an investigation, the year-to-date figure is much closer to our targets.

Recommendations

5. Members of the Board are invited to:
 - a) **Scrutinise** the detail of the report;
 - b) **Discuss** the key areas highlighted;
 - c) **Note** the BSB's year-end income projections;
 - d) **Make recommendations** to the Executive as necessary.

Background

6. The 2013-16 Strategic Plan¹ seeks to enable us to become a more modern and efficient regulator operating at a high level of effectiveness. (Progress against the Strategic Plan KPI measures is summarised in Annex 4) It incorporates our efforts to improve our performance against the regulatory standards framework laid down by the Legal Services Board (LSB).

¹ Published in April 2013 (https://www.barstandardsboard.org.uk/media/1465505/bsb_business_plan_2013-14.pdf)

7. The five strategic aims outlined are to:
- a) Implement specialist regulatory regimes for advocacy services which operate in the public interest and in support of the regulatory objectives of the LSA2007;
 - b) Promote greater public and professional understanding of and support for our role and mission;
 - c) Set and maintain high standards of entry to and practice in a diverse profession;
 - d) Become more evidence- and risk-based in all we do, taking into account also the globalised legal services market;
 - e) Strive for “best practice” as an organisation for those who work for us and those whom we serve.
8. The Business Plan for 2014-15 outlines our key activities for the year, and is the second year of our Strategic Plan. It also sets out our budget and staffing requirements.

Completed activities

9. A new Chair of the BSB and three new Board members have been appointed. Additionally, a Special Adviser to the Board has also been appointed (Keith Baldwin). This followed a rigorous recruitment process undertaken by an independent appointments panel.
10. We have begun to implement our new internal communications strategy. As part of this, three knowledge sharing sessions were held for staff covering enforcement, outcomes-focused regulation and risk-based decision making. To tie in with the learning and development strategy, we are also introducing lunchtime sessions, for example, covering how to use Microsoft Excel more effectively.

Areas for further consideration

11. Activity is reported to the Board by exception. This means that only items which are not running to its budget, timetable or have other resourcing issues are highlighted below. These include:
- a) Entity Regulation
 - (i) The LSB has issued a warning notice because there are a couple of issues which need resolving before it makes its formal decision. We expect the LSB will be able to reach a decision by the end of November 2014.
 - (ii) Subject to LSB approval, the implementation programme for Entity Regulation is on track. The Board approved the fee structure at its October 2014 meeting following a consultation. The consultation responses suggested that there is likely to be a higher than anticipated number of single person entities than first anticipated and contingency arrangements are being put in place to manage the potential impact on resources.
 - (iii) Authorisation processes will be the subject of internal and external testing in November 2014. We expect to start receiving applications from January 2015, and to formally begin taking authorisation decisions from April 2015.

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- (iv) Following the delays that occurred in the submission of the entity application to the LSB, there has been a consequent delay in the submission of the Licensing Authority application.
 - (v) The PCD Entity Regulation project timelines have also been adapted to coincide with the revised overall project timelines.
- b) User feedback surveys
- (i) An initial meeting has been held between the Research team and the Professional Conduct Department (PCD) which looked at the type of research that is needed and it is now likely that the research will be carried out primarily by external consultants.
 - (ii) A business case is being written which will outline the necessary research, after which we can begin a tendering process. This stage has taken slightly longer than expected as we are seeking to ensure that the research produces the sort of analysis we require. As a result, reviewing the results of this research may fall into Q1 of 2015-16.
- c) QASA
- (i) In its judgment handed down on 7 October 2014, the Court of Appeal rejected the challenge to the Scheme. The claimants have sought leave to appeal the Court of Appeal's decision and the BSB has formally lodged its objections to this request.
 - (ii) Until the judicial review process has concluded, timelines remain unclear. The Board has agreed to remove the deadline of 31 December 2014 for criminal barristers to register under QASA, and this will give some time for the Board and other regulators to consider how best to implement the Scheme. The Board further agreed to consider a detailed implementation proposal at its January 2015 meeting, following which further announcements will be made.
 - (i) Our budget forecast is based upon the assumption that there will be no operational activity in the 2014-15 year.
- d) Legal advice centres and special bodies
- (i) In the Business Plan, we set out that we would begin a consultation reviewing the BSB's treatment of legal advice centres and special bodies in Q3. It is now likely this will begin in Q4 as other activity has been given higher priority.
- e) Regulatory Risk Framework - training
- (i) The Regulatory Risk Manager began in post in September 2014. External consultants completed a review of the maturity of the BSB's risk processes, and produced an action plan for how to take this activity forward.
 - (ii) Regulatory Risk training is now being rolled-out across the organisation, with a number of sessions being run for staff in Q3. Activity is also being arranged for the Board between November 2014 and July 2015, including time at the Board's April 2015 away-day to ensure this topic is understood in greater depth.

- (iii) This should ensure that we appropriately positioned to meet the requirements under the Regulatory Standards Framework by March 2016.
- f) Costs of complaints and disciplinary cases
 - (i) The PCD has been considering the best method for costs per case of handling complaints. Presently we are finalising the categories against which staff members will record time, and it is anticipated that staff should be able to begin logging time from December 2014. These monitoring processes will provide some indicative value for money information in relation to enforcement action by April 2015.
- g) Chambers Supervision
 - (i) At its October 2014 meeting, the Board received a comprehensive update on Supervision activity and the pilot visit programme.
 - (ii) A decision has been taken to conduct a thematic review into the “right to conduct litigation” rather than immigration practice. This has been given priority due to the risks associated with what is a new area of activity for the profession. Early stages of scoping for this review have begun, with work expected to fully commence in February 2015. Some work will be taken on immigration and public access as part of a wider, phased approach focusing on vulnerable clients.
- h) International Strategy
 - (i) In our 2014-15 Business Plan we said that we would agree a Memorandum of Understanding (MoU) with the Bar Council, which would seek to formalise where responsibilities currently lie, thus providing the parameters for further discussions on the outline of an international strategy for the BSB.
 - (ii) Pragmatic re-prioritisation has meant that work is just beginning on this activity, it is now likely to be completed by the end of March 2015, rather than as originally planned by the end of December 2014. Additionally, it remains to be established whether an interim understanding would be more appropriate than an MoU.
- i) Standard of proof review
 - (i) At its October 2014 meeting, the Board agreed to confirm its previous decision that the BSB should not consider a move to the civil standard of proof independently of the Solicitors Disciplinary Tribunal (SDT) considering a move. The SDT is not seeking to change its position; however there are some test cases in the pipeline which might clarify the issue.
 - (ii) The Board formally agreed to review its position again as part of the Business Plan for 2016-17.

Professional Conduct Department (PCD) Performance Indicators

12. For the full PCD Performance Indicators table please see Annex 3. In Q1 of 2014-15, we did not meet targets for two of our PCD operational indicators: “percentage of external complaints concluded or referred to disciplinary action within eight months following

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investigation” and “percentage of internal complaints concluded or referred to disciplinary action within five months following investigation”.

13. Q2 has shown an improvement on the performance achieved for these indicators, which means that the year-to-date figure is much closer to our target. In addition to this the number of referred or concluded complaints were significantly higher than that of Q1.
14. Board members are asked to note that there are some complaints that at the moment fall outside of the KPI measurement; this is because they are long-running open cases which are not counted until they are deemed closed. At the end of Q2, 13% of the overall caseload could be measured as “over-running” and hence are not included in the measure. These are monitored separately by the executive.
15. Long running complaints will be a particular focus of the Independent Observer over the coming months which may be able to give more detail on why targets were missed. The Independent Observer will next report to the GRA Committee on 27 January 2015.

Operational Measures

16. There were 6 leavers during Q2, bringing the year-to-date total to 10. This broadly matches the 9 leavers during the same period of last year. In 2013-14, the large rise in turnover occurred in Q3 (11 leavers), and thus the 2014-15 Q3 report will give more of an indication of whether we will reduce turnover by year-end. We are still not quite up to full establishment although the picture has improved over the last three quarters, and those positions that remain vacant align with our operational plans.
17. The average number of days lost to sickness in Q2 decreased by 54% in comparison to Q2 of 2013-14. A key reason for this difference is that there were no cases of long term sickness absence² in Q2 2014-15.

2014-15 Budget

18. Below are the headline figures for Q2, further detail can be found in annex 2:
 - a) In the six month period ending 30 September (Q1 and Q2 of 2014-15), the BSB received £317k in income against our budgeted projection of £470k (-33%). By year-end, we predict directly attributable income to reach £1,580k against our budgeted projection of £1,816k (-13%).
 - b) For expenditure, we have spent £2,336k against our budget of £2,740k (+15%). By year-end, we have forecast that our expenditure will reach £5,230k against our total budget of £5,313k (+2%).
19. The PRP Committee will be scrutinising income streams in February 2015. The executive is setting up some new income indicators which will help enhance our forecasting capabilities. Income projections will also be categorised against according to risk and this will be used for next year’s budget. This should help the organisation to plan better and to deal with major uncertainties that it faces.

² Long-term sickness absence was first differentiated from short term sickness absence in 2013-14 Q2. Prior to this short-term and long-term sickness absence days were collated together.

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20. Detailed information on each departmental budget, which sets out the departmental forecasts and commentary on each line of the budget, can be provided to Board members upon request. The key pressures and challenges have been summarised from these documents and are set out below:
- a) BCAT
 - (i) The number of BCAT applications is down 20% on 2013-14. As the test was open for a truncated period in 2013-14, we projected that we would in fact receive an increased number of applicants. Additionally, with full data from the 2013-14 academic year, we now expect that we will not achieve our budgeted projections for November 2014 – March 2015 when the test re-opens. As a result, by year-end we now expect to have received £162k (-£98k).
 - b) Qualifications Committee Applications
 - (i) For 2014-15, the number of applications for transfers, fees and waivers is down by 19% on the first six months of 2013-14. In particular there have been fewer transferring qualified lawyer applications and fewer applications for CPD waivers. As a result our year-end forecast is now £201k (-£45k) for these activities.
 - (ii) Additionally, as reported in the Q1 Performance Report we have received significantly fewer applications for the right to conduct litigation. By year-end we expect to have received £23k for this activity (-£58k).
 - c) Entity Regulation
 - (i) Following the delays to the Entity Regulation timeline, we are now expecting to receive applications from January 2015, and to formally begin taking decisions from April 2015. This has meant that we expect to have received only £15k in application fees by the end of March 2015 (-£35k). Future projections have also been revised.
 - d) QASA
 - (i) As the judicial review appeals process continues, we are not spending the QASA operational budget. Staffing changes and redeployments are also expected to occur before year-end to reflect the current situation and likely scenarios going forward.
 - e) Regulatory Risk
 - (i) As outlined in point 11e, we have run behind schedule on this area of activity for several months. To catch up, we sourced assistance from external professional advisors. As this had not been budgeted for, the PRP Committee oversaw the process to secure funding, which was derived from various underspends in other areas of the BSB (£111k).

Equality Impact Analyses

21. The Strategic Plan and Business Plan have already been through an equality impact assessment. The Performance Indicators related to HR also monitor our performance against various measures.

Risk implications

22. Risks that may have an impact on the BSB achieving its objectives have been considered as part of compiling the business plan updates.

Consultation / Impacts on other teams, departments or projects

23. Due to the cross-cutting nature of the areas addressed in this report, wide consultation has been held with members of the SMT and OMT. For areas such as performance indicators which are relevant to the Resources Group, consultation has also occurred with the relevant departments.

Regulatory objectives

24. The BSB's Strategic Plan and Business Plan were designed to ensure we meet the regulatory objectives.

Publicity

25. This report is in the public agenda of the board meeting and will be published on our website.

Annexes

26. Annex 1 – Q2 Dashboard.
Annex 2 – Management Accounts summary.
Annex 3 – PCD Performance Indicators Table
Annex 4 – Strategic Plan KPIs – Progress update table.

Lead responsibility

Anne Wright, Vanessa Davies, Amanda Thompson, Viki Calais, Andrew Cohen

Dashboard

Business Plan Activities (2014-15)				Service Standards (Core activity)						
	Time	Budget	Staff		Q2	YTD	Target			
Aim 1: Implement specialist regulatory regimes				Professional Conduct Indicators						
Handbook review	✓	✓	✓	KPI - % of complaints concluded or referred to disciplinary action within service standards	80%	80%	80% ✓			
Public and licensed access review	✓	✓	✓	OPI - % of complaints concluded or referred to investigation within 8 weeks	82%	83%	80% ✓			
Cab rank rule consideration	✓	✓	✓	OPI - % external complaints concluded or referred to disciplinary action within 8 months following investigation	91%	77%	80% ⚠			
Entity authorisation / Licensing Authority app.	✗	✗	(see 11a)	OPI - % of internal complaints concluded or referred to disciplinary action within 5 months following investigation	77%	73%	80% ✗			
Enforcement regime for entity regulation	⚠	✓	(see 11a)	Qualifications Indicators						
Aim 2: Public & professional understanding of our role and mission				The new Qualifications Committee KPIs will be reported on for the first time in the Q3 Report. These are:						
Freedom of Information compliance	✓	✓	✓	Percentage of applications determined within six weeks of receipt of the completed application (Target: 75% for 2014/15)						
External Relations strategy	✓	✓	✓	Percentage of applications determined within twelve weeks of receipt of the completed application (target 98% for 2014/15)						
User feedback surveys	⚠	⚠	(see 11b)	Year-to-date performance against budget						
Intranet implementation	⚠	✓	✓				Year-end forecast (against budget)			
Complainant expectation project	✓	✓	✓	Act	Bud	Var	Fcast	Bud	Var	
Knowledge collection and dissemination	✓	✓	✓	Income	£317k	£470k	-£153k	£1,581k	£1,816k	-£235k
Aim 3: High standards of entry to and practice in a diverse profession				Expenditure	£2,336k	£2,740k	+£404k	£5,230k	£5,313k	+£83k
LETR	✓	⚠	✓	Staffing			HR			
BCAT evaluation	✓	✓	⚠	YTD	2013-14		YTD	2013-14		
Academic Stage review	✓	✓	✓	Sickness (days/FTE)	2.12	8.5	Recruitment times (approval to start date (weeks))	12	13	
BPTC (applications process)	✓	✓	✓	Sickness (long term)	0.41	N/A	Turnover (%)	13%	36%	
CPD regime development	✗	✗	✓	Retention (%)	75%	79%	Retention (%)	75%	79%	
Qual. Committee delegation proposals	✓	✓	✓	IT Response times			Corporate Risk Register			
Litigation business process review	✓	✓	✓	2014-15			11 Sep 14			
QASA	✗	✗	✗ (see 11c)	Response to high priority calls	100%	✓	Likelihood			
Legal advice centres / special bodies	⚠	✓	(see 11d)	Response to medium priority calls	99%	✓	23 Impact			
Youth Courts	✓	✓	✓				15 Impact			
Aim 4: Evidence- and risk-based in all we do										
Knowledge management strategy	✓	✓	✓							
Policy development framework	✓	✓	✓							
Performance management software	✗	✗	✗							
Regulatory Risk Framework - training	✗	✗	✗ (see 11e)							
Complaint costings	⚠	✓	(see 11f)							
Chambers supervision	✓	✓	(see 11g)							
International Strategy	⚠	✓	(see 11h)							
Aim 5: Best practice as an organisation										
Contract management	✓	✓	✓							
Internal Comms Strategy	✓	✓	✓							
New Chair & Board member recruitment	✓	✓	✓							
TRIP	✓	✓	✓							
Governance	⚠	✓	✓							
Fees and charges review	✓	✓	✓							
Standard of proof review	✗	✗	✗ (see 11i)							

BSB SUMMARY**BUDGET VARIANCES**

	SEP	SEP	SEP	SEP	2014/15	2014/15	2014/15 Fcast vs 2014/15		Board paper
	Q2	Q2	Q2	Q2	YE	YE	Budget		reference
	ACTUAL £	BUDGET £	VAR £	VAR %	FCAST £	BUDGET £	VAR £	VAR %	
Income									
Professional Conduct	12,313	0	12,313		16,703	0	16,703	-38%	
Assessments	121,641	171,400	-49,759	-29%	161,641	262,400	-100,759	4%	Para 20a)
Education and Training	58,505	87,000	-28,495	-33%	1,105,405	1,061,000	44,405	-27%	
Qualifications	124,937	198,995	-74,058	-37%	282,232	385,790	-103,558	-70%	Para 20b)
Entity Regulation	0	0	0		15,000	50,000	-35,000	-100%	Para 20c)
QASA	0	12,900	-12,900	-100%	0	56,400	-56,400	0%	Para 20d)
	317,397	470,295	-152,898	-33%	1,580,982	1,815,590	-234,608	-13%	
Expenditure									
Executive	379,636	371,071	-8,565	-2%	701,678	637,666	-64,012	-10%	
Staff Costs	329,449	348,591	19,142	5%	618,231	592,666	-25,565	-4%	
Other Costs	50,187	22,480	-27,707	-123%	83,447	45,000	-38,447	-85%	
Strategy and Comms	302,806	360,248	57,442	16%	758,845	791,665	32,820	4%	
Staff Costs	288,576	272,425	-16,151	-6%	581,521	537,229	-44,292	-8%	
Other Costs	14,231	87,823	73,592	84%	177,324	254,436	77,112	30%	
Professional Conduct	621,804	640,728	18,924	3%	1,325,502	1,265,555	-59,947	-5%	
Staff Costs	571,275	548,586	-22,689	-4%	1,109,323	1,095,870	-13,453	-1%	
Other Costs	50,528	92,142	41,614	45%	216,178	169,685	-46,493	-27%	
Assessments	209,654	215,661	6,007	3%	460,315	435,366	-24,949	-6%	
Staff Costs	135,357	146,991	11,634	8%	303,518	304,386	868	0%	
Other Costs	74,297	68,670	-5,627	-8%	156,797	130,980	-25,817	-20%	
Education and Training	244,188	327,618	83,430	25%	610,034	582,700	-27,334	-5%	
Staff Costs	184,598	163,678	-20,920	-13%	379,574	348,100	-31,474	-9%	
Other Costs	59,590	163,940	104,350	64%	230,460	234,600	4,140	2%	
Qualifications	154,950	159,256	4,306	3%	313,468	320,488	7,020	2%	
Staff Costs	137,444	140,148	2,704	2%	280,362	281,072	710	0%	
Other Costs	17,506	19,108	1,602	8%	33,106	39,416	6,310	16%	
Regulatory Policy	137,289	171,688	34,399	20%	411,913	361,284	-50,629	-14%	Para 20e)
Staff Costs	130,946	164,322	33,376	20%	285,461	346,372	60,911	18%	
Other Costs	6,343	7,366	1,023	14%	126,452	14,912	-111,540	-748%	
Entity Regulation	34,869	120,035	85,166	71%	151,496	212,659	61,163	29%	Para 20c)
Staff Costs	19,693	42,505	31,292	17%	65,850	88,159	22,309	25%	
Other Costs	15,176	77,530	62,354	80%	85,646	124,500	38,854	31%	
Supervision	154,091	185,383	31,292	17%	325,101	382,597	57,496	15%	
Staff Costs	152,885	149,112	-3,773	-3%	311,125	299,055	-12,070	-4%	
Other Costs	1,206	36,271	35,065	97%	13,977	83,542	69,565	83%	
QASA	43,207	126,380	83,173	66%	68,743	201,633	132,890	66%	Para 20d)
Staff Costs	43,207	50,480	7,273	14%	68,743	103,733	34,990	34%	
Other Costs	0	75,900	75,900	100%	0	97,900	97,900	100%	
Equality and Diversity	53,914	62,097	8,183	13%	102,532	121,486	18,954	16%	
Staff Costs	52,217	52,320	103	0%	91,509	104,882	13,373	13%	
Other Costs	1,697	9,777	8,080	83%	11,024	16,604	5,580	34%	
	2,336,407	2,740,165	403,758	15%	5,229,628	5,313,099	83,471	2%	
Total Staff Costs	2,045,648	2,079,158	33,510	2%	4,095,218	4,101,524	6,306	0%	
Total Other Costs	290,760	661,007	370,247	56%	1,134,410	1,211,575	77,165	6%	

PCD Performance Indicators

PCD Measure		2014-15			
		Q1	Q2	YTD (Q1 & Q2)	Target
Overarching KPI	The percentage of complaints concluded or referred to disciplinary action within service standards	79%	80%	80%	80%
OPI (Assessment)	The percentage of complaints concluded or referred to investigation within 8 weeks	83%	82%	83%	80%
OPI (Investigation)	The percentage of external complaints concluded or referred to disciplinary action within 8 months following investigation	57%	91%	77%	80%
OPI (Investigation)	The percentage of internal complaints concluded or referred to disciplinary action within 5 months following investigation	63%	77%	73%	80%

Note: If measure used is a "Yes/No", the "Estimated Date" column is the date at which we expect to be able to report a 'Yes'. For all other measures the date specified is the estimated date at which we will be ready




Strat. Aim	Measure Owner	What success will look like by 2016	Measure used	Frequency of Reporting	Estimated Date	Status Update / Further information	On Track?
1	Ewen Macleod	a) We will be a licensing authority under the LSA 2007	Yes / No	Biannual	May 2016	We are still expecting to be a licensing authority by the end of the 2013-16 Strategic Plan.	
	Oliver Hanmer	b) We will be regulating barrister-led / advocacy focussed entities	Number of entities / ABSs (measuring against expectations)	Biannual	Sep 2015	In Year 1 we project to have approved 380 single person entities and 8 multi-person entities. (This is the medium projection, which forms part of the 2015-16 budget)	
	Oliver Hanmer	c) In a timely and financially sustainable way (both to regulator and regulated)	Level of cost recovery (measuring against an agreed cost model)	Biannual	Nov 2015	If we receive £250k of income in the first year of operation, we will be on track to fully recover costs by year 3. (This only represents 20% of our costs, but adjusts for the fact that we will not receive annual fees until year 2)	
			Turnaround time of applications	Biannual	Sep 2015	"We will turnaround applications within the service standard of x months" The exact service standard will be set by February 2015	

Strat. Aim	Measure Owner	KPI	Measure used	Frequency of Reporting	Estimated Date	Status / Progress update				
2	Amanda Thompson	a) an increased percentage of the profession will have a positive view of the role and effectiveness of the BSB	Biennial Survey as baseline then 2011, 2013, and 2015 results	Biennially	?	The question asked in 2011 and 2013 is "The BSB is an effective regulator of the barrister profession".				
						2011 Baseline: Employed Bar 3.2, Self employed Bar 3.0				
							2013: Employed Bar 3.0, Self-employed Bar 2.7			
							This measure is pending a Board decision on the future of the Biennial Survey - Decision likely to be made by Feb 2015			
	Amanda Thompson	b) We will have established collaborative relationships with the public and consumers through our user network	Network established – Yes / No	Complete			The network has now been established			
			Improving qualitative feedback from/on the network	Biannual	May 2015	AT to provide an annual narrative update				
Increased breadth/number of consultation responses			Annually	May 2015	AT to provide an annual narrative update.					
Establish the baseline for analysis of website usage			Annually	May 2015	AL is producing a report to help establish the baseline for analysis of website usage. Annual year-on-year hits comparison may be used, as well as tracking the profile of visitors and what content is used. By Feb 2015 we will set a more precise measure.					
						Outcomes from research programmes	Annually	May 2014	AT/SL to provide an annual narrative update.	

Strat. Aim	Measure Owner	KPI	Measure used	Frequency of Reporting	Estimated Date	Status / Progress update	
3	Ewen Macleod	a) We will be supervising and enforcing on the basis of a new Code of Conduct / Handbook	Handbook – Yes / No	Complete		The new handbook was launched in January 2014	
	Sara Jagger	b) The regulated community, including E&T providers, will be achieving high levels of compliance, and delivering quality services to the public	Number of internal complaints raised	Biannual	Nov 2015	By Feb 2015 we will set more precise benchmarks as appropriate	
			Number of reports of serious misconduct	Biannual	Nov 2015	By Feb 2015 we will set more precise benchmarks as appropriate	
			Number of referrals from the Supervision department to the Professional Conduct department (against benchmark)	Biannual	Nov 2015	By Feb 2015 we will set more precise benchmarks as appropriate	
	Oliver Hanmer		Chambers information (eg money laundering, first tier complaints etc) to establish baseline data	Biannually	Sep 2015	With greater clarity of the new Supervision regime, in February 2015 we will propose to use a more refined set of Performance indicators broadly as set out below: Baseline risk assessment of all high and medium impact chambers undertaken? - Yes / No. Percentage of actions successfully completed by chambers within the agreed timeframe (x%) Length of time taken to report back to Chambers after a visit - 90% within 5 working days. Chambers have their risk rating reduced as a result of supervision action (no. or %)	
			QASA proportions of barristers competent against standards – baseline to be set.	Biannually	May 2016	Baseline to be set at 90% Delays to QASA could mean we are unable to report on this by May 2016.	
			Outcomes on Bar Professional Training Course across three years; reducing numbers of triggered interventions per provider site.	Annually	May 2015	The number of triggered visits has been rising as a result of changes in the market and better evidence to support QA interventions (ie centralised assessment) There have been 4 triggered visits so far in 2014-15, and we will measure 2015-16 against this.	
	Ewen Macleod		c) We will have more complete information on the diverse make-up of the regulated community	Increased disclosure across all protected characteristics (achievements against target)	Annually	May 2015	This has been achieved for 2014, however there is still a large proportion of the Bar that did not disclose their diversity information in relation to certain characteristics.

Strat. Aim	Measure Owner	KPI	Measure used	Frequency of Reporting	Estimated Date	Status / Progress update	
4	Amanda Thompson	a) we will have established systems, including research programmes, for collecting and managing information and evidence to support regulatory policy and decision making	DMS – Yes / No	Complete		DMS went "live" in 2013	✓
			Intranet - Yes / No	Biannually	May 2015	The first phase of the Intranet is expected to "go-live" in March 2015.	✓
	Ewen Macleod		Risk Assessment framework in place – Yes / No	Quarterly	Feb 2015	Training is taking place throughout 2014, and the framework will be used systematically as part of all regulatory activity from January 2015.	✓
			Policy framework in place – Yes / No	Quarterly	Feb 2015	This is still being refined, however will be used systematically as part of all regulatory activity from January 2015.	✓
	Amanda Thompson	Comprehensive use of the Biennial Survey and Bar Barometer data to inform regulatory framework development	Annually	?	This measure is pending a Board decision on the future of the Biennial Survey - Decision likely to be made by Feb 2015	!	
	Vanessa Davies	b) we will have attained a "satisfactory" rating against the LSB's standards framework in this area	Satisfactory – Yes / No	Biannual	May 2016	This is on track - The GRA Committee signed-off the certification for the interim RSF submission in September 2014.	✓

Strat. Aim	Measure Owner	KPI	Measure used	Frequency of Reporting	Estimated Date	Status / Progress update	
5	Vanessa Davies	a) we will have established a baseline for regulatory costs and steadied the rate of increase compared to the previous three years	Capacity to undertake activity based costing – Yes / No	Complete		This is complete and is now part of core activity.	✓
			Benchmark against costs of other regulators (establish a range)	?	November 2015	"Have we published benchmark data. Yes/No" 2012 data has been collated. Not all regulators have published their 2013 data and this information will be collated to feed in to the planning for the next Strategic Plan.	✓
	Sara Jagger / Simon Thornton-Wood	b) we will have improved turn-around times in relation to case handling in complaints and qualifications and waivers	Set baseline / targets and improve over period to 2016	Quarterly	Feb 2015	PCD - This is a continuation of the operational performance indicators we report in the Performance Report Qualifications - These will be reported for the first time as part of the Q3 Performance Report.	✓
	Amanda Thompson		Staff survey improving year on year from 2010 baseline	Biennially	?	The Bar Council have indicated that they intend to run this survey again, but the timelines for this are currently unknown.	!
			Biennial Survey statistics - baseline 2011; surveys in 2013 and 2015	Biennially	?	This measure is pending a Board decision on the future of the Biennial Survey - Decision likely to be made by Feb 2015	!

5	Simon Thornton-Wood	c) the organisation will have a different , improved "feel" for users and staff	Education providers feedback	Annually	Sep 2015	As part of the post LETR consultation we will be actively soliciting feedback from Education providers STW to provide a narrative update	
	Sara Jagger & Oliver Hanmer		User satisfaction survey (enforcement, QASA, supervision, judges' training)	a. Annually b. Biannually c. Biannually d. Biannually	a. May 2015 b. Biannually c. November 2015 d. May 2016	a. This information is already collected and published, although precisely which questions will be used will be decided by February 2015. b. Delays to QASA could mean we are unable to report on this by May 2016. c. We will adapt the Supervision visits satisfaction survey, to include: "We think that the approach to supervision will help us build a constructive working relationship with the BSB". (% Strongly Agree / Agree responses) d. As above, delays to QASA could mean we are unable to report on this by May 2016.	
	Simon Thornton-Wood		Pupil survey	Annually	Feb 2015	This measure will be refined for February 2015	

BSB annual report on BTAS and the Browne recommendations**Status:**

1. For noting.

Executive Summary:

2. This Annual Report provides an update on the contract management arrangements relating to Council of the Inns of Court and Bar Tribunals and Adjudication Service (COIC and BTAS) and the progress against the 82 recommendations set out in the Browne report of 2012.
3. The new contract was agreed in July 2013 and officially signed on 23 October 2013.
4. Prior to this date, COIC and the BSB had been operating under a Memorandum of Understanding, however since the inception of a formal contract, considerable work has been carried out to ensure adherence to the new contractual arrangements.
5. The BSB's Contract Management Officer (CMO) has been monitoring the BTAS contract since it came into effect. Arrangements for monitoring the contract have progressed well and there are no significant issues to report in relation to the performance against the contract.

Recommendations

6. It is recommended that Board members **note** this paper, and **note** that a summary will be publicised in a press statement.

Background

7. The Board is aware that a formal contract was put in place following the identification in 2011 of significant deficiencies in the appointment of Panel members by COIC. In conjunction with this, a fundamental review of COIC's arrangements for providing the Bar's tribunal service was carried out by a Working Group of COIC, which resulted in a report making 82 recommendations for improvement (known as the Browne Review).
8. Since then COIC, through the major change programme initiated by the Browne Review, has been carrying out the implementation of the Browne recommendations, which included the creation of BTAS. The Board received a progress summary and an update on the 82 recommendations at its November 2013 meeting. The table below provides a summary of the actions taken so far:

2010	Memorandum of understanding was agreed in the September
2012	People affected were notified of the issues that were uncovered in 2011. A review group that had been set up under Desmond Browne published its report in the July. The BSB endorsed the report's recommendations in the October.
2013	The MoU was temporarily revised but then replaced shortly afterwards with the contract and progress reporting and quarterly monitoring visits commenced.
2014	HH Stuart Sleeman was appointed as BTAS Chair this March. The Inaugural Strategic Advisory Board (SAB) Meeting took place in April, chaired by Ms Clare Dodgson (lay). A permanent Registrar commenced in post in June. COIC has now received charitable status and the contract novated accordingly.

The Browne recommendations

9. The BSB's CMO has been concentrating on all the 'progressing' recommendations since the last update, which have now reduced from 25 to 6. Completed recommendations include:
- COIC has received charitable status, and BTAS has been made a separate but integral arm of COIC, thereby showing a more appropriate governance status;
 - BTAS is now established at No. 9 Grays Inn Square, which is a custom designed premises and more fit for purpose; and
 - the website has been completed, which includes a private area for panel members (thereby helping to ensure all records are up to date and knowledge is well-shared).

Completed	69 (89%)	<ul style="list-style-type: none"> • 69 of the recommendations have been met in good time through continuous communication and collaboration with the BSB.
Progressing but awaiting other areas of work before being moved to completed	6 (8%)	<ul style="list-style-type: none"> • 2 are awaiting handbook changes (recs 9, 33). • 2 are awaiting the Inns Conduct Committee (ICC) Review (recs 10, 46). • 1 could not be completed until a Chair was in place as this person is to play a key role in a mentoring system for Pool members (rec 36). The new Chair commenced in March 2014, however there is a question around whether they will serve a full four years, hence the 'progressing' status. • 1 recommendation relating to refresher training is currently ongoing (rec 26). Refresher training is to be provided for Panel members, however as they have only recently completed initial training, continuous ongoing training is not due to be embedded until next year, when we expect this to be completed.
Not Progressing	2 (3%)	<ul style="list-style-type: none"> • 2 recommendations (recs 48, 50) refer to the Barrister members of the pool being paid a sitting fee. COIC has been asked to hold off the decision regarding this until the BSB's own position on pro bono barrister input has been clarified. This is on the SAB agenda for December 2014.

10. The CMO is now liaising with the new Registrar on all contractual matters and receiving regular updates. Quarterly monitoring meetings will continue but with the efficient systems now in place and the main risks significantly mitigated, it is very likely that monitoring will be reduced to a 6-monthly basis.

The Contract Management Process

11. The BSB's CMO has developed a strong working relationship with the BTAS representative (the Registrar).
12. KPIs were agreed November 2013, in accordance with the contractual framework on performance requirements. The Registrar and the CMO will be reviewing the KPIs next month with a new set to be agreed early 2015.

13. The CMO and the Registrar meet formally for quarterly monitoring visits at the BTAS tribunal Suite, Grays Inn, to ensure that the other more practical areas of the contract are functioning adequately. Meetings are followed up by monitoring notes which are available at the Board's request.
14. A successful inaugural Strategic Advisory Board (SAB) meeting was held during April 2014; terms of reference were agreed and now SAB aims to meet quarterly. Whilst the CMO manages the operational oversight of the BSB contract with COIC, the SAB provides the strategic oversight and advice to COIC.

Resource implications

15. Finance – the contract management activity is resourced as part of the BSB budget for two years in the first instance and its cost effectiveness will be reviewed in late 2014. The costs of BTAS are met by COIC.
16. Information Technology Requirements – COIC/BTAS are required to improve their IT systems to ensure compliance with the contractual clauses (please see 10, 32, 51, 52 of the recommendations update at Annex 1). The BSB has provided advice on how to assist with meeting these requirements.
17. HR implications for the BSB – The CMO continues to dedicate a percentage of her time on managing the COIC contract to ensure a professional business relationship and adherence to the contract.
18. COIC Human Resources – The BTAS office is adequately resourced to deliver the expectations in the contract except for a couple of minor adjustments and provision has been set aside to employ temporary resources as required.
19. Knowledge Management – Monitoring reports are available for Board members on request.

Equality Impact Assessment

20. E&D requirements have been addressed through the contractual arrangements. Ongoing communication and monitoring arrangements with the BSB's E&D Team are in place.

Risk implications

21. The Board is aware of the risk implications relating to the potential failure of COIC and BTAS to provide an ongoing effective and efficient tribunals service. Therefore, the contract management activity is essential. There have previously been significant reputational and financial impacts upon the BSB as a result of COIC's failures to provide an effective service. The contract has mitigated the previous risks but they may arise again if effective control is not exerted by the BSB. Wider strategic risk management is effected through BSB participation in the Strategic Advisory Board of BTAS (the BSB Director General and a Board member are members of the SAB). As mentioned above, the main risks have been significantly mitigated and it is envisaged that in future, the frequency of monitoring visits may be reduced to six-monthly occurrences.

Impacts on other teams / departments or projects

22. The CMO works closely with the Professional Conduct Department and the E&D Team, and communicates aspects of her work to the Independent Observer.

Regulatory objectives

23. Under the Legal Services Act 2007, the Bar Council is an Approved Regulator and has delegated the responsibility of regulatory and disciplinary arrangements for barristers in England and Wales to the Bar Standards Board.
24. The Council of the Inns of Court is a charity that provides services to the Board, through BTAS, in relation to the recruitment and training of staff and panel members for disciplinary tribunals, which consider allegations of professional misconduct against barristers in England and Wales.
25. The activity engaged in under the contract with COIC is essential to upholding the regulatory objectives.

Publicity

26. This paper is being presented in the public part of the Board meeting. A press statement will be released by the end of November 2014.

Annexes

27. Annex 1 – Update on the 82 (77) recommendations.
Annex 2 – September 2014 KPIs update.

Lead responsibility:

Malcolm Cohen
Vanessa Davies
Chandra Connaghan

No.	Area	Recommendation description	Board paper category	Comment
1	Establishment of unified service	A COIC Tribunal Service should be established, covering both COIC Disciplinary Tribunals and panels and the Inns Conduct Committee ("the ICC"), with the focus on separate processes but common aims and principles, unified administration and co-location.	COMPLETED	The Bar Tribunals and Adjudication Service (BTAS) has been established, which covers the terms set out in the recommendation. CMO - DONE
2	Establishment of unified service	In every aspect of activity, the COIC Tribunals Service should work to the following Statement of Purpose: <i>a) to provide a hearings service that is efficient, effective, timely, professional and transparent and one that uses up to date practices and approaches;</i> <i>b) to facilitate high quality decision-making in the public interest; and,</i> <i>c) to be independent, providing clear separation of the adjudicatory function from the BSB, as the prosecuting body for the Bar.</i>	COMPLETED	Followed, and underpins all change programme & ethos of the new BTAS. The service agreement with the BSB demonstrates this, as does the performance monitoring framework the BSB has established which commenced at the end October 2013.
3	Establishment of unified service	The COIC Tribunals Service, having regard to its purpose, should develop a set of publicly available principles under which it should operate.	COMPLETED	Followed, and CHRE modern & efficient adjudication has been taken as the model BTAS is being built upon. Both BTAS's and the ICC's principles have been developed and are available on the BTAS website.
4	Written protocols, guidance and information	In relation to every aspect of the work of the Tribunal Secretary/Inns Conduct Committee Hearings Administrator, current process and procedure should be set out, with any gaps or need for change or improvement being clearly identified and addressed.	COMPLETED	See recommendations 4 & 8 below.
5	Written protocols, guidance and information	An internal Standard Operation Procedure Manual ("SOPM") should be produced. In addition to setting out systems and procedures, the SOPM should also cover objectives and expected service standards.	COMPLETED	The Manual includes procedures relating to: - General Office Administration; - Administration of DTs/FTPs (end-to-end procedures); - Publication/circulation of findings; - Administration of the full ICC; - Information filling, archiving and destruction; and, - Publication/retention policy.
6	Written protocols, guidance and information	All standard letters and pro-formas should be reviewed.	COMPLETED	There are a number of pro-formas available on the website, which have been reviewed. These include: - Barrister nomination form; - Chairman's Report pro forma; - Declaration of Interests form; - Equality and diversity form; - Expenses Claim form; - Final Report pro forma; - Findings and Sentence pro forma for 3 person Disciplinary tribunal; - Findings and Sentence Sheet pro forma for 5 person Disciplinary tribunal; - Panellist Appraisal form; - Panellist 360° Feedback Form; - Referral Form – Disciplinary tribunal hearings; and, - Referral Form – Fitness to Practise hearings. All project office documents are complete, as are all standard letters and termination letters.

No.	Area	Recommendation description	Board paper category	Comment
7	Written protocols, guidance and information	Based on the SOPM, written information for Service users on systems and procedures should be produced (in Plain English and other formats) and made publicly available.	COMPLETED	<p>BTAS has interpreted this as the BSB being the primary service user - all protocol, guidance and information has been produced and agreed via the Project Board, of which BSB is a voting-right member. The BSB has therefore also been involved in the development process as well.</p> <p>BTAS's secondary service users are those who attend BTAS; information required pre-hearing is supplied by email/hard copy, with any other requests for information being dealt with on request.</p> <p>For all users and the general public, all information about BTAS, how it works and how it is held to account is on the website, and is drafted in Plain English [BTAS's external E&D adviser reviews BTAS's policies pre-publication to assess and amend (if necessary)]. BTAS also have an accessibility statement on their website.</p>
8	Written protocols, guidance and information	Documentation and policies typical of a modern adjudicatory body should be developed e.g. risk policy, equality impact policy, freedom of information, disclosure policy and information retention and disposal policy, with priority being given to developing a risk policy and supporting systems.	COMPLETED	<p>A schedule of policy and procedure development work has been agreed with the BTAS Project Board and is well advanced. Policies and procedures which have been published to date are as follows:</p> <ul style="list-style-type: none"> - Appointments Protocol 2013; - Disclosure policy (references FOI); - Equality and Diversity; - Expenses policy; - Information Security policy; - Performance and appraisal policy; - Publications policy; - Recruitment and selection policy; - Service Complaints policy; - Disaster recovery; and, - Reasonable adjustments. <p>The general risks to the service are set out in the Business Continuity Policy, although this is not being published.</p>
9	Written protocols, guidance and information	In producing the documentation recommended at recommendation 8 above, advice should be sought from the BSB on ways in which the Tribunals Service could underpin compliance with the LSB's Regulatory Standards Framework.	PROGRESSING	<p>The regulations governing the Tribunals are incorporated in the BSB's new Handbook, which reflects the RSF and has been approved by the LSB.</p> <p>02/14 - remains ongoing as the Handbook changes worked through</p> <p>06/14 - update - This can only be indirect as it is BSB that must be compliant. The CMO to ensure communication with the Director of Strategy and Communications and the Head of Professional Conduct before the next submission on the RSF is made to the LSB.</p> <p>18/09/14 - The CMO made it clear that BTAS' responsibility under this recommendation was to seek advice from the BSB on ways in which BTAS could underpin compliance with the LSB's RSF. BTAS have sought this information and so in real terms have completed the recommendation. However as this is indirect The CMO spoken to the Director of Strategy and Communications and was informed that the Policy and Projects Officer is launching a review on DTR'. This will therefore stay at 'Progressing' until information is fed back to BTAS and a plan is put in place.</p>

No.	Area	Recommendation description	Board paper category	Comment
10	Records/Case Management System	An electronic case management system should be put in place.	PROGRESSING	<p>The latest Programme Plan (June 13) reports that a database has been built and tested to manage hearings, panellists', and costings data.</p> <p>The database will be populated with information by BTAS Administrators on an ongoing basis.</p> <p>BTAS are looking into tendering and developing a more sophisticated Case Management System (CMS) in future (dates TBD). <i>02/14 - correction to November update - this is currently going through a specification process.</i></p> <p>update @17/6/14 - BTAS are awaiting the recommendations of the ICC Review as it may include merging the DT and ICC Panels and if this is to happen it will significantly affect the scope and specification of any CMS and for this reason it would be premature to look into tendering for a CMS until this this has been confirmed.</p> <p>18/09/14 - If all is approved then a Tendering process for a CMS will take place in February. However, it is AR's feeling the current number of cases doesn't warrant an expensive new system and that the systems that are currently in place are sufficient. AR has suggested that there may be a need for a new system after the entity review. We will have to wait until after February to see if a new CMS is purchased or if it is decided that the current system is sufficient before this recommendation can be moved to 'completed'</p>
11	Case Management System	As an interim measure and pending implementation of recommendation 10 above, a system for recording details of hearings/panels on Excel spreadsheets should urgently be put in place.	COMPLETED	Superseded by ongoing implementation of recommendation 10.
12	Tribunals Appointments Body	Members of the Tribunals Appointments Body ("the TAB") should not be members of the Bar Council or BSB or their Committees.	COMPLETED	<p>Paragraph 5 VII of the Appointments Protocol 2013 states that persons will not be eligible for appointment to the TAB if they "hold office as a Council Member or Committee Member or are an employee of the Bar Council or the Bar Standards Board or have held office as a Council Member or Committee Member or have been an employee of the Bar Council or the Bar Standards Board within the 12 months prior to selection to be a member of the Tribunals Appointments Body."</p> <p>Additionally, the Protocol states that persons will not be eligible for appointment if they are "a Bar Standards Board prosecutor or have been a Bar Standards Board prosecutor within the 12 months prior to selection to be a member of the Tribunals Appointments Body."</p> <p>Compliance with these protocol will be monitored by the BSB Contract Management Officer, as well as</p>
13	Tribunals Appointments Body	Members of TAB should not currently sit on Tribunals.	COMPLETED	<p>Paragraph 5 VI of the Appointments Protocol 2013 states that persons will not be eligible for appointment to the TAB "if they have acted as a panel member on a Disciplinary Tribunal or Inns' Conduct Committee within the 12 months prior to selection to be a member of the Tribunals Appointments Body."</p> <p>Compliance with this protocol will be monitored by the BSB Contract Management Officer.</p>
14	Tribunals Appointments Body	The TAB should be run at arms-length to the running of the Tribunals Service.	COMPLETED	<p>COIC and the President of COIC have delegated their powers to appoint and nominate Disciplinary Tribunal panel members to the Tribunals Appointments Body.</p> <p>Paragraph 3 of the Appointments Protocol 2013 states that "the Chairman [of TAB] will be responsible for the appraisal and performance of the other members of the Body."</p>
15	Tribunals Appointments Body	A larger TAB should be put in place to accommodate the need to interview applicants.	COMPLETED	There are now 11 members of the TAB (previously there were 4).
16	Tribunals Appointments Body	Each TAB interview panel should include a lay representative.	COMPLETED	Paragraph 2 of the Appointments Protocol 2013 states that the TAB should consist of "a minimum of 2 lay representatives."

No.	Area	Recommendation description	Board paper category	Comment
17	Tribunals Appointments Body	Members of the TAB should have received equality and diversity training.	COMPLETED	Paragraph 3.1 of BTAS' Equality and Diversity policy states that "BTAS will ensure through appropriate procedures, <i>training</i> and advice that those making selection decisions in relation to both panel members and clerks do so in accordance with fair and objective recruitment and selection methods and in
18	Tribunals Appointments Body	There should be improved record keeping and reporting requirements to ensure the accountability of the TAB.	COMPLETED	Paragraph 5.3. of BTAS's Recruitment and Selection policy states that "BTAS will ensure that a full record of the recruitment and selection process is made and retained for a specified period." A comprehensive database has been designed and built, but it needs to be tested.
19	Tribunals Appointments Body	Responsibility for appointments to the COIC Disciplinary Pool ("the Pool") should lie with the TAB, with the President of COIC delegating this responsibility.	COMPLETED	COIC and the President of COIC have delegated their powers to appoint and nominate Disciplinary Tribunal panel members to the Tribunals Appointments Body.
20	Fitness to Practise	The President of COIC should be responsible for appointing medical experts to individual Fitness to Practise (FTP) Panels at his discretion (under a written procedure to be agreed, in due course, by COIC, after consultation with the BSB).	COMPLETED	Paragraph 1 of Schedule 1 of the revised FTP Rules (due to come into effect from 6 January 2014) states that: "The President shall appoint and maintain: (a) a list of barristers, medical and lay persons eligible to be members of Fitness to Practise Panel; (b) a list of barristers, medical and lay persons eligible to be members of a Review Panel; and (c) from the lists at (a) and (b), lists of Queen's Counsel eligible to act as Chairs of a Fitness to Practise Panel and a Review Panel respectively."
21	COIC Panellist Pool	There should be a uniform procedure for recruitment to the Pool, with each member being recruited on the same basis (regardless of category).	COMPLETED	BTAS's Recruitment and Selection policy sets out a uniform procedure for the recruitment of Pool members (barrister members, as well as lay members are now interviewed for Pool membership).
22	COIC Panellist Pool	Applications for membership of the Pool should be in electronic form only.	COMPLETED	
23	COIC Panellist Pool	Recruitment for Pool membership should be competency based.	COMPLETED	Competence descriptors are in place and are set out in the Performance and Appraisal Policy. Paragraph 7.3. of BTAS's Recruitment and Selection policy states that "As a matter of policy all interviews will be competency based". (See also recommendation 30).
24	COIC Panellist Pool	Appointments to the Pool should be for 5 years, renewable once (subject to satisfactory performance).	COMPLETED	The decision has been taken to reduce terms of office to 4 plus 4 to reflect best practice in other bodies. Therefore, BTAS's Appointments Protocol states at paragraph 30 that all appointments to the pool will be for a period of 4 years, and renewable once.
25	COIC Panellist Pool	Appointment to the Pool should be conditional on successful completion of training.	COMPLETED	Included in the appointments procedure at Paragraph 20 of the Appointment Protocol is the requirement that TAB will "send to the President a list of appointable candidates, subject to full completion of any defined training requirements. " Appointment letters are therefore provisional and only confirmed once training has been completed.
26	COIC Panellist Pool	Refresher training should be provided for Pool members	PROGRESSING	See recommendation 31 below. <i>02/14 - currently running sessions on new Handbook, Sentencing Guidance & FtP rules.</i> <i>18/09/14 - As initial training has not long taken place and refresher training usually happens annually, this recommendation cannot move to 'progressed until 'refresher' training happens.</i>
27	Written protocols, guidance and information	A COIC Recruitment Protocol should be developed and published.	COMPLETED	A detailed Recruitment and Selection policy has been developed and is published on the BTAS website.

No.	Area	Recommendation description	Board paper category	Comment
28	Written protocols, guidance and information	The definition of different categories of Pool member should be confirmed and included in the Recruitment Protocol.	COMPLETED	The Recruitment Protocol does not include specific reference to categories of members that should make up the Tribunal Panel. However, this is set out within the Glossary of the Appointments Protocol in part (eg "Practising barrister" for the purposes of appointment to the Tribunals Appointments Body or appointed as a panel member, means someone who is a practising barrister of not less than seven years' standing).
29	Tribunals Appointments Body	The TAB Terms of Reference should be reviewed in light of the paper at Annex 10 of the report.	COMPLETED	The TAB terms of reference have been updated since March 2012, and are now incorporated into the Appointments Protocol.
30	Written protocols, guidance and information	The competency framework developed in the context of recruitment should be applied to a system for annual appraisal and performance assessment of Pool members.	COMPLETED	<p>A 'competency framework' in relation to recruitment is set out in the 'Recruitment and Selection Guidance' (this is not published). The TAB are required to follow "fair and transparent competency based recruitment procedures" (Paragraph 9 of the Appointments Protocol). BTAS have developed a 'Performance and Appraisal policy', which includes at paragraph 4 and Table 2, a set of core competences against which the performance of the individual is appraised. These are: "1. Judgement and decision-making; 2. Analytical thinking; 3. Effective communication; 4. Interpersonal skills; 5. Integrity and impartiality."</p> <p>Under the 'Terms of Appointment' in the Appointments Protocol, Paragraph 29 VI states that individuals will be required to undertake to: "participate in an appraisal process and actively commit to achieving any personal development objectives identified during the appraisal process." They are also required to undertake to remain: "committed to the continuing demonstration of the competences required for the effective performance on Disciplinary Tribunals and Conduct Committees."</p> <p>The latest Programme Plan suggests that the formal appraisal process will commence in January 2014. Thereafter, individual training will be arranged as identified through the appraisal process. <i>02/14 - appraisers trained and appraisal of TAB members complete, appraisal of DT pool to commence April 14.</i></p> <p>Update as @ 17/06/14 - Appraisals are now routinely taking place with 9 completed to date this quarter.</p>

No.	Area	Recommendation description	Board paper category	Comment
31	COIC Panellist Pool	There should be regular training (both induction and refresher training) for members of the Pool, including equality and diversity training.	COMPLETED	<p>Induction training was provided to new Panel members in January 2013. As such, BTAS will have developed an induction training programme for all panel members on joining the panel. The induction training includes Equality & Diversity training. Additionally, the comprehensive Information and Guidance Pack has also been reviewed and updated for Panel members and clerks.</p> <p>Paragraph 8.3. of the Recruitment and Selection policy states that "all pre-appointees will. be subject to successful completion of any required training set by BTAS." Any offer of appointment to a panel will therefore be conditional on the completion of training.</p> <p>In terms of refresher training, the latest Programme Plan (June 2013) indicates that this has been provided to panellists, clerks and ICC members. Subject specific training is scheduled for Nov - Dec 2013.</p> <p>Any re-appointment of panel members will be dependent on the completion of refresher training (See paragraph 30 of the Recruitment Protocol). 02/14- ongoing</p> <p><i>Update as @ 17/06/14 - Sessions on the New Handbook, Sentencing guidance, FtP rule and Vulnerable Witnesses were delivered in June 2014.</i></p>
32	Records/Case Management System	Comprehensive records of Pool members' training should be maintained and if the required training is not undertaken by a Pool member, he/she should not be permitted to continue to sit.	COMPLETED	<p>This information is held in personnel files, as well as in Performance and Appraisal Reports. 02/14 - this is ongoing and will be checked at monitoring visits but initially is complete. <i>Update as @ 17/06/14 - see Number 31 above.</i></p>
33	ICC	The ICC rules should be amended to provide for induction and refresher training for its members and the nature of the training to be provided should be determined.	PROGRESSING	<p>With ICC 02/14 - Urgent rule change due to Handbook, currently sought and more extensive review of rules commenced.</p> <p>18/09/14 - The ICC review has now taken place in September and the actions/reviews will be sent to the BSB on 31/01/15 approximately. The big change is the merger between the ICC and DT - which means there will be more panellists and they will be highly trained. The number of lay reps will remain the same. Barristers will be DT appointed to and ICC role by their Inn. <i>It is planned for this to be approved and implemented for the start of the new academic year.</i></p>
34	Reporting and monitoring	There should be a requirement that the BSB satisfy itself that COIC's general policy and approach in respect of training arrangements is correct (rather than COIC being required to consult the BSB about the content of training).	COMPLETED	<p>This will be monitored through the application of the contract and ongoing monitoring practices.</p> <p>BSB included in training & via Strategic Advisory Board (SAB). 02/14 - this can be moved to 'completed' after information received at first SAB</p> <p><i>06/14 update - all training for the panel members has now been completed. Including an introduction to the new Handbook by Robert Pragnall. I am satisfied that training has been done appropriately and efficiently. In line with this, Training records are being kept on each members file, TNA's are produced and refreshers will also happen as needed.</i></p>
35	COIC Panellist Pool	New Pool members should be assigned to an existing member who will mentor the new recruit for 12 months from the date of appointment.	NOT REQUIRED	Not undertaken to prevent further tainting

No.	Area	Recommendation description	Board paper category	Comment
36	COIC Panellist Pool	A fully developed mentoring system for Pool members should be introduced over the next two years.	PROGRESSING	<p>The appointment of DT Chair will commence process 02/14 - Interviews for the Chair are being held on 10 March 2014 and then this process can commence.</p> <p>Update as @ 17/06/14 - A DT Chair was appointed on 12 March 2014 and a further update on this point is expected at the QMV in September 2014.</p> <p>18/09/14 - Stuart Sleeman (chair) is a deputy circuit Judge and his term would expire in August and there was a question around whether he could continue to act as chair of BTAS. It has now been confirmed that he is eligible to act as Chair and give directions. There is still a question around whether he can/will be reappointed for the next 4 years. As it was initially agreed that this would start to take shape once the new Chair had been appointed, further news or an action plan is needed in order to show the progress. To be added to the SAB Agenda on how to move forward.</p>
37	Written protocols, guidance and information	The COIC Disciplinary Pool Members Guidance Pack should be reviewed annually.	COMPLETED	<p>The Pack has already been subject to a review, and will be reviewed further in light of the changes resulting from the introduction of the new BSB Handbook (in conjunction with the PCD).</p> <p>Ongoing monitoring will ensure that the Pack remains up-to-date and relevant.</p> <p>Published on website and available in hard copy,</p>
38	Written protocols, guidance and information	Written procedures and guidance should be made publicly available to support all aspects of the service and, where appropriate, should be included in COIC Disciplinary Pool Members Guidance Pack.	COMPLETED	A number of written procedures are now made publicly available in hard copy and on the website. The Information and Guidance pack can also be viewed on BTAS's website.
39	Knowledge management	Any communications involving the public should clearly signpost what should happen and when.	COMPLETED	<p>Detail guidance on how the hearing process works is available on the BTAS website.</p> <p>Guidance, pathway maps & 360° virtual web-based tour.</p>
40	Written protocols, guidance and information	When COIC's Sentencing Guidance is reviewed, particular consideration should be given to guidance in relation to orders for the recovery of costs.	NOT REQUIRED	Changes to subvention shift the cost burden - the BSB can no longer recover tribunal costs (other than those they directly incur, such as witness costs).
41	Staffing	A COIC Tribunals Service President or Chairman should be appointed and a role description developed and approved by COIC, after consultation with the BSB.	COMPLETED	<p>Applications are now under consideration and interviews will be completed by mid-October 2013.</p> <p>UPDATE AS @ 06/11/13 - No one was appointed from amongst the candidates during the October Interviews. The Chair of TAB McFarlane LJ is attending the next Project Board (14 November) to discuss how we might take this forward. It is possible we will either go for a retired judge (in place of a QC member of the panellist cohort, or, advertise for an external (non-panellist) QC).</p> <p>The Appointments Protocol provides for appointment from amongst QCs. 02/14 - Interviews for the Chair are being held on 10 March 2014</p> <p>Update as @ 17/06/14 - HH Stuart Sleeman was appointed on 12 March 2014.</p>
42	Written protocols, guidance and information	Role descriptions should be produced for Chairs, barrister, lay, lay (medical) members sitting on FTP Panels and clerks and all should be made publicly available, with the BSB being consulted on its contents.	COMPLETED	<p>Role descriptions for barrister and lay disciplinary pool members have been developed in consultation with the BSB.</p> <p>This is set out in the Glossary of the Appointments Protocol.</p> <p>All panel member names are available on BTAS's website.</p>

No.	Area	Recommendation description	Board paper category	Comment
43	Knowledge management	As an interim measure, names of Disciplinary Pool members should be available on request but the aim should be to have the names published on a dedicated COIC Tribunal Service website, as soon as possible.	COMPLETED	Superseded by implementation of recommendation 42.
44	ICC	Names of ICC members should be made publicly available on the COIC Tribunal Service website.	COMPLETED	The names of all ICC Panel members are available on the BTAS website.
45	Knowledge management	The question of whether COIC should publish details of all publishable findings and sentences imposed by Disciplinary Tribunals and details of forthcoming hearings on the Tribunals Service website should be further considered, in consultation with the BSB.	COMPLETED	In agreement with the BSB, BTAS now publishes on its website details of all forthcoming hearings, as well as all disciplinary findings imposed since 1 February 2013. Will need to ensure these sections of the website are kept up to date through ongoing monitoring.
46	ICC	The ICC should publish details of forthcoming hearings and hearing reports (where appropriate) on the COIC Tribunals Service website.	PROGRESSING	Working towards a Rule change for some/all hearings to be in private, meaning they will therefore not be published. <i>02/14 - currently being discussed by COIC.</i> <i>18/0914 - The Recommendation is now that all hearings are in Private. This is yet to be approved by the BSB. This will be detailed in the new ICC rules, which require full BSB approval before they can be signed off. This will be passed to the BSB for consideration at the end of January 2015.</i>
47	Reporting and monitoring	The Tribunals Service should provide an annual report to COIC, which should cover performance data.	COMPLETED	Annual report will be produced in early 2014. KPIs to be agreed. <i>02/14 - complete and presented to COIC 26 February 2014.</i>
48	COIC Panellist Pool	The barrister members of the Pool should be paid a sitting fee.	NOT PROGRESSING	COIC have been asked to hold off on doing this until the BSB's own position on pro bono barrister input was clarified. Not approved by COIC. <i>06/14 - update - Needs to go back on to the SAB Agenda</i> <i>18/09/14 - BSB's own position has still not been clarified. This has not been added to the SAB agenda as of yet. AR to request it is added to the next SAB agenda on 4th December.</i>
49	COIC Panellist Pool	The barrister members of the Pool should be paid travel and subsistence.	COMPLETED	
50	COIC Panellist Pool	A smaller pool with a minimum sitting requirement should be introduced, once barrister members are paid a sitting fee.	NOT PROGRESSING	See recommendation 48. <i>06/14 - update - Needs to go back on to the SAB Agenda</i> <i>18/09/14 - BSB's own position has still not been clarified. This has not been added to the SAB agenda as of yet. AR to request it is added to the next SAB agenda on 4th December.</i>
51	Knowledge management	A dedicated Tribunals Service website should be established, covering areas identified at Paragraph 23.1. of the report.	COMPLETED	A new, dedicated BTAS website has been developed - this went live on 29 July 2013.
52	Knowledge management	Consideration should be given to having a password protected members' section of the website.	COMPLETED	Consideration to be given to the development of a protected section of the website for use by panellists in the second phase of the website build (which commences in October 2013). <i>02/14 - completed</i>
53	Knowledge management	A quarterly bulletin should be produced for Pool members.	COMPLETED	The latest Programme Plan includes reference to the commissioning and publication of a Newsletter - these will be published quarterly. Three Newsletters are available on the BTAS website.

No.	Area	Recommendation description	Board paper category	Comment
54	COIC Panellist Pool	The Chair of the Tribunals Service should consider the merits of appointing Pool members to a dedicated advisory panel.	COMPLETED	Transition from Project Board to Strategic Advisory Board, as per Service Agreement.
55	Clerks	Clerks should not advise Tribunals on the Code of Conduct.	COMPLETED	<p>Explicitly recorded in guidance, aide memoire & in induction training.</p> <p>Schedule A of BTAS's Appointments Protocol states that clerks should not provide legal advice.</p> <p>The role of the clerk is clearly set out in the Disciplinary Pool Members Information and Guidance Pack. At Section 9.4 it states:</p> <p>"Clerks do not act in a legal advisory role but they are expected to address any queries raised by the panel about procedural issues."</p>
56	Clerks	Clerking should only be undertaken by practising barristers (and not 2nd 6 month pupils or barristers pre-pupillage).	NOT REQUIRED	Results in insufficient numbers. Extended provision made to include some categories of non-practising in Appointments Protocol.
57	Clerks	Consideration should be given to the rate of pay for clerks.	COMPLETED	
58	Clerks	Recruitment for clerks should be competency based and an annual appraisal system for clerks should be put in place based on the competency framework.	COMPLETED	<p>BTAS's 'Performance and Appraisal' policy is similarly applicable to clerks.</p> <p>Recruitment complete & appraisal system on-going.</p>
59	Clerks	Written guidance on the role of a clerk should be produced and published.	COMPLETED	Detailed guidance on the role of clerks is included at Section 9 of the Disciplinary Pool Member Information and Guidance Pack.
60	Clerks	Consideration should be given to the need for a separate stream of training for clerks.	NOT REQUIRED	Decision taken to train clerks with panellists to better understand respective roles & responsibilities
61	Clerks	The practice of newly appointed clerks shadowing an experienced clerk should be continued.	COMPLETED	Each Clerk is mandated to observe tribunals prior to confirmation of appointment
62	Services Agreement	The Memorandum of Understanding with the BSB on disciplinary matters should be replaced by a legally binding instrument covering disciplinary arrangements. The aim in so doing should be to ensure that in the public interest, a transparent, accountable and cost effective service is provided in support of the regulatory objectives.	COMPLETED	<p>A formal contract has been developed by the BTAS and the BSB, in conjunction with solicitors. It sets out the agreement for the provision of services in relation to BTAS.</p> <p>The contract has been finalised by both parties and is in force, and has been formally signed by the authorised signatories on 23 October).</p> <p>However, given the legal status of the two parties, the form is a Service Agreement made as a Deed, and when appropriate, will novate to a contract.</p>
63	Reporting and monitoring/Service Agreement	The Tribunals Service should publish its annual report to COIC and the BSB.	COMPLETED	<p>Annual reporting requirements are detailed in the BSB/BTAS Agreement (see in particular Schedule 1, Paragraph 14).</p> <p>Compliance with these reporting requirements will be monitored by the BSB Contract Management Officer.</p>
64	Reporting and monitoring	The annual report should be supplemented by active performance management throughout the year and quarterly performance reports for COIC management and the BSB.	COMPLETED	<p>Quarterly management reporting requirements are detailed in the BSB/BTAS Agreement (see in particular paragraph 8).</p> <p>Registrar undertaking monthly & quarterly reviews.</p> <p>Compliance with these reporting requirements will be monitored by the BSB Contract Management Officer.</p>

No.	Area	Recommendation description	Board paper category	Comment
65	Reporting and monitoring	Reports from the TAB and the ICC should form part of the Tribunals Service Annual Report.	COMPLETED	Not expected till 2014 Frequency & outline contents to be agreed by SAB. <i>02/14 - all reports may be merged from 2014 - all 2013 annual reports issued separately and with exception of BTAS (DT, ICC and TAB both published on website post approval by COIC. can be moved to 'completed' after first SAB meeting.</i> <i>06/14 - update - completed but must continue</i>
66	Reporting and monitoring	After discussion with the BSB, the Tribunal Service should put in place a range of agreed Key Performance Indicators, on which it should report in its annual report.	COMPLETED	Development of the KPIs is well under-way, and is being lead by the BSB's Contract Management Officer. The heads of performance have been agreed. As per the contract, these will need to be developed within 3 months of the signing of the contract, although they are likely to be in place long before. <i>02/14 - KPIs agreed and subject to ongoing monitoring</i>
67	Reporting and monitoring	Consideration should be given to linking Tribunals Service KPIs with personal staff objectives.	COMPLETED	This is an internal matter for BTAS. Awaiting TUPE arrangements & new entity. <i>02/14 - ongoing</i> Update as @ 17/06/14 - COIC becomes a legal entity on 1 July 2014 and all staff will have be TUPEd across from employment by the Inns. From this date COIC will develop and introduce its own staff appraisal and objectives policy. This will remain at Progressing until the next QMV update in September. 18/09/14 - COIC is now a legal entity and all staff have been TUPEd across. - moved to 'completed'
68	Policy and procedures	The COIC Tribunals Service, rather than the BSB, is the appropriate body to hold adjudication panels; determine cases by consent and decide whether to refer a case to 3 or 5 person panel.	NOT REQUIRED	It is solely for the BSB to decide what disciplinary functions it retains and which it decides to contract out; the BSB must decide what form of enforcement action is appropriate.
69	Reporting and monitoring	The Secretary to COIC should provide an update to COIC at its October 2012 meeting on entity regulation (from the perspective of its implications for the Tribunals Service work levels and any additional requirements for the Service.	COMPLETED	
70	Reporting and monitoring	The Secretary to COIC should provide regular updates to COIC on entity regulation and ensure close liaison with those charged with developing the Tribunals Service.	COMPLETED	Passed to Director COIC for actioning. <i>02/14 - ongoing</i> <i>Update as @ 17/06/14 - regular updates are being received and COIC's will have charitable status as of 1 July 2014.</i>
71	COIC Panellist Pool	When making lay representative appointments, the TAB should consider the need to appoint persons with the appropriate expertise to allow properly informed decisions in hearing involving non-lawyers.	COMPLETED	Set out within Appointments Protocol.
72	Tribunals Appointments Body	The Tribunals Service should be treated as an integral arm of COIC (like the Advocacy Training Council) but with some form of corporate status. Further recommendations in this area should await the outcome of the work on the future legal status of COIC itself sand the recommendations on the Symons sub-group.	COMPLETED	COIC has not yet established itself as a legal entity. However, it has restructured and agreed governance and Mem and Arts in support of this. Incorporation is anticipated in early 2014. <i>02/14 - COIC has been set up as a Company Limited by Guarantee. The next stage is to be given Charitable Status.</i> <i>Update as @ 17/06/14 - see 70 above - COIC' will have charitable status as of 1 July 2014.</i>

No.	Area	Recommendation description	Board paper category	Comment
73	Staffing	Tribunals Service staff should be professionalised through competence based recruitment and proper induction, plus continuing training, on-going performance review and effective and dedicated leadership. Professional behaviour and values should be reinforced in day-to-day practice and within the culture of the Tribunals Service.	COMPLETED	<p>Awaiting TUPE transfer to BTAS.</p> <p>Paragraph 2.9. of the Panel member's Information and Guidance Pack states that:</p> <p>"Going forward, COIC hopes to provide training which develops the core competencies demonstrated by appointees at interview. This would enable COIC to easily identify the training and development needs of panel members, whilst simultaneously allowing it to inform members of the Pool and other stakeholders about the expectations placed upon them."</p> <p>See also recommendation 30. 02/14 - This has been completed for staff in post but further induction post TUPE to be undertaken.</p> <p>Update as @ 17/06/14 - COIC staff recruitment, inductions, appraisal and training policies being developed and introduced from 1 July 2014.</p> <p>18/09/14 - Common COIC Policy - BTAs have engaged an Advisor from Middle Temple advising on a new Appraisal system. There is no policy in place as yet but BTAS are looking to introduce it a the end of December in order to implement in January 2015. - move to 'completed'</p>
74	Staffing	Tribunals Service staffing levels should be adequate, with the appropriate staff and resources in place to match the number and complexity of hearings each year and some flexibility to take account of the changing skill needs and environment of staff.	COMPLETED	<p>A request for additional staff made to Director COIC.</p> <p>As it stands, the BTAS Secretariat is headed by the Interim Registrar, Wendy Harris.</p> <p>She is supported by:</p> <ul style="list-style-type: none"> - The Tribunals Administrator, Margaret Hilson; and, - The Inns' Conduct Committee Administrator, Linda De Klerk <p>The continued suitability of staffing levels will be closely monitored on an ongoing basis by the BSB's Contract Management Officer, through the application of the formal contract. 02/14 - 3rd Administrator now recruited.</p> <p>Update as @ 17/06/14 - Current staffing level is Registrar and 2 administrators which currently matches the number and complexity of hearings . Funding exists for a 3rd administrator to be recruited if this changes.</p>
75	Staffing	A staff training programme should cover systems and procedures, staff attitudes, behavioural values, the engendering of professionalism, good communication skills and equality and diversity training.	COMPLETED	<p>Incremental changes in culture underway but substantial aspects of training to await TUPE transfer. 02/14 - ongoing</p> <p>Update as @ 17/06/14 - completed as part of induction training and to be embedded in COIC procedures from 1 July 2014.</p>
76	Staffing	A systematic work analysis should be undertaken to allow staff levels, needs and structure to be defined, job descriptions produced and performance management arrangements implemented.	COMPLETED	<p>Routine monitoring on-going. 02/14 -This has stalled due to BSB not providing future caseload prediction information as per Schedule 2 of the Contract</p> <p>Update as @ 17/06/14 - Routine monitoring requires case prediction data from BSB. The CMO spoke to the Head of Professional Conduct and PCD team regarding this and a meeting was going to held with the BTAS Registrar where this will be one of the items to be discussed. Update will be given once received.</p> <p>18/09/14 - completed</p>

No.	Area	Recommendation description	Board paper category	Comment
77	Staffing	Reporting lines for staff should be identified.	COMPLETED	<p>The BTAS staff are employed under different contracts and by different Inns. Once the COIC entity is established all staff will via TUPE become employees of COIC and reporting lines etc will become set out. In the meantime the default position is that the staff all report to the Interim Registrar on a day-to-day basis but their contract is held by the Inns. 02/14 - awaiting TUPE completion</p> <p>Update as @ 17/06/14 - Currently reporting to newly appointed Registrar and arrangements will be finalised with TUPE transfer completing on 1 July 2014.</p>
78	Staffing	An interim manager with specialist change management skills should be recruited by COIC.	COMPLETED	
79	Reporting and monitoring	The Interim Change Manager should report to Under Treasurer of Gray's Inn on daily basis and will report on progress to COIC through the Senior Executives Committee.	COMPLETED	With the addition of Project Board reports to COIC
80	Staffing	COIC should liaise with the BSB with regard to the future staffing structure	COMPLETED	<p>The continued suitability of staffing levels will be monitored on an ongoing basis by the BSB's Contract Management Officer, through the application of the formal contract.</p> <p>Additional ongoing review via Project Board or SAB will take place. 02/14 - This has stalled due to BSB not providing future caseload prediction information as per Schedule 2 of the Contract</p>
81	Procurement	COIC should recognise the need, on occasion, to buy in expertise for specific projects.	COMPLETED	<p>Decisions taken on a case-by-case basis.</p> <p>BTAS have bought in expertise from Turner & Townsend to assist with the Project Management of the Sentencing Guidance Review project.</p> <p>They have also bought in the services of website developers ('Reading Rooms') for their new website.</p> <p>Going forward, BTAS will consider buying in professional support in the following areas:</p> <ul style="list-style-type: none"> - Legal advice; - Equality & Diversity expertise; - Website maintenance and general support; - On-call IT support; - Accountancy services; - Out-of-hours key holding service; and, - Portering Services. <p>02/14 - This has clearly been demonstrated by the above.</p>
82	Premises	The Tribunals Service should be run from dedicated and custom-design premises.	COMPLETED	<p>9 Gray's Inn Square has been established as the new Tribunals venue.</p> <p>The continued suitability of these new premises will be closely monitored on an ongoing basis through the application of the formal contract.</p>

BTAS/COIC KEY PERFORMANCE INDICATORS					
CONTRACT COMPLIANCE					
To ensure efficient operation of the tribunal service in accordance with the regulatory requirements					
Indicator	Contract Reference	Area Indicator is Related To	Measures	Monitoring	
1	To Ensure that the hearing rooms are available for requests. The Venue should be able to hold two panels at any one time (5 person and 3 person).	sch1:1.1.5 sch1:1.1.6	Capacity, Efficiency	At data checks, If the number of reasonable requests accommodated are between 90%- 100% =Green 80% - 89% = Amber below 80% = Red	Data should be kept and submitted to the CMO on a quarterly basis. The BSB understands that there will be occasion when the rooms are booked out for COIC's other contracts. Therefore when this occurs, an explanation needs to be entered on the data. If a data check produces a Red majority then a second data check will be carried out within 1 month with a view to bringing the red into green. If the 2nd data check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. A 3rd data check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action
2	To Recruit and Retain qualified Panel members so there are a sufficient number available for Panels when requested	sch1: 2 sch1:9	Efficiency, Quality, Transparency, Management of Service	Recruitment and appraisal processes to be kept on file and up to date 90%- 100% =Green 80% - 89% = Amber below 80% = Red	CMO to be kept informed of the . Recruitment process . Appraisal process and will record any spot checks carried out to ensure the appraisal process is adequate and continuous. The BSB recognises the Appraisal cycle and therefore will should be informed when new documentation is available to be checked. If a sample check produces a Red majority then a second sample check will be carried out within 1 month with a view to bringing the red into green. If the 2nd sample check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. Another sample check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action
3	To adequately train Panel Members and ensure ongoing training to cover all panels and any absence	sch1:3	Capacity, Efficiency, Quality	Regular TNAs to be carried out and records kept on file. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	To record TNA's taking place and action taken. CMO to be given a quarterly update at QMVs. Individual and Cohort TNA's will be looked at for validity, content and completeness.
4	To ensure all Panel Members' Appointment Letters are kept on file and reviewed and extended as required.	sch1:9	Capacity, Efficiency, Quality	To keep a database/file of all Panel members Appointment letters. Reviews to be recorded and filed. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	The CMO will carry out spot sample checks during QMVs to ensure appointment letters are on file with relevant review documents. If a sample check produces a Red majority then a second sample check will be carried out within 1 month with a view to bringing the red into green. If the 2nd sample check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. Another sample check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action
5	To ensure reasonable adjustments be made or other forms of tailored support be provided (subject always to COIC receiving 5 working days notice of such adjustments and support).	sch1:1.3.3	Capacity, Efficiency, Quality, Premises and Facilities Management	To record all requests for reasonable adjustments and notify the BSB of how they will be met and the timescale needed to make the adjustment. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	The CMO will carry out spot checks on the reasonable adjustments record and the actual adjustments made. If a data check produces a Red majority then a second data check will be carried out within 1 month with a view to bringing the red into green. If the 2nd data check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. A 3rd data check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action
6	To ensure Tribunal's written decisions are circulated to the Board and the defendant.	sch1:5.1	Efficiency, Quality, Transparency	The Tribunal's written decisions to be circulated within 10 working days of the hearing. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	Ongoing, CMO will be kept informed of any delays or discrepancies. The CMO will raise any discrepancies immediately and if needed, Action plans will be set at QMVs. Decision to be circulated within 10 working days of the hearing except in complex cases where a new timeline will be agreed and notification of the new date disseminated.
7	To ensure all hearings are recorded via digital recording equipment and a shorthand writer (if requested) and made available to the Board on request.	sch1:6	Efficiency, Quality, Transparency	Ensure recording equipment is available and in working order for all hearings. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	The CMO will raise any discrepancies immediately and if needed, Action plans will be set at QMVs. This will be checked by the CMO at each QMV but reports of any malfunction, unavailability etc will be reported back to the CMO from the IO and PDC team.
8	To ensure reliable management of data, and provide accurate and timely analysis and performance reports as required and agreed through monitoring visits.	sch1:14	Efficiency, Quality, Transparency, Management of Service	Data should be kept on requests and will include but not limited to Equality data, staffing data, recruitment data, training data, tribunal outcome data 90%- 100% =Green 80% - 89% = Amber below 80% = Red	The CMO will carry out checks and advise on keeping data so that COIC are always in a position to produce reliable and timely data on request The CMO will carry out a quarterly check on the information being circulated and determine a RAG rating on the information. Data will be produced and submitted following the Data Protection Act requirements. If a data check produces a Red majority then a second data check will be carried out within 1 month with a view to bringing the red into green. If the 2nd data check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. A 3rd data check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action
9	To ensure the timely and accurate upload of Tribunal outcomes in line with the BTAS Publications Policy.	sch1:10	Efficiency, Quality, Transparency, Management of Service	All outcomes to be uploaded to the BTAS website in line with the Publications Policy and coincide and corroborate with the reports from the Professional Conduct Department. 90%- 100% =Green 80% - 89% = Amber below 80% = Red	CMO to ensure that the uploaded reports and those from PCD corroborate The CMO will carry out a quarterly check on the information being circulated and determine a RAG rating on the information. If a data check produces a Red majority then a second data check will be carried out within 1 month with a view to bringing the red into green. If the 2nd data check still produces a Red majority then an action plan will be agreed and put in place in order to bring the Red into Green within a month. A 3rd data check will be carried out after a month and if there is no improvement then the information will be presented to the Board for action

A RAG rating system will be implemented where the above measures will be used during spot checks.

Chair's Report on Visits and Meetings October 2014 – November 2014**Status:**

1. For noting

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair's visits and meetings since the last board meeting.

List of Visits and Meetings:

- | | |
|--------|---|
| 24 Oct | Attended meeting with Vice Chancellor of Oxford University |
| 28 Oct | Attended Select Communications Committee at House of Lords
Met with Jessica Lee |
| 29 Oct | Dinner with counsel who represented the BSB in the QASA hearing |
| 30 Oct | Guest at reception given by Lady Hale at Gray's Inn |
| 01 Nov | Attended Bar Council meeting
Delivered speech, 'The Future of the Bar', at Lincoln's Inn, which is available on request |
| 04 Nov | Attended meeting with Minister at the FCO about foreign policy
Attended Westminster Forum on Legal Education
Attended Select Communications Committee at House of Lords |
| 06 Nov | Gave lunch to Brian Doctor QC
Attended Chairmen's meeting |
| 07 Nov | Interviewed by the Financial Times
Met with incoming Bar Standards Board Chair, Sir Andrew Burns |
| 08 Nov | Attended Bar Conference |
| 11 Nov | Gave lunch to Dame Janey Gaymer, former chair of LETR |
| 13 Nov | Attended Inner Temple Strategic Review meeting to speak about legal regulation |
| 14 Nov | Lunch with retired judge Sir Stanley Burnton |
| 15 Nov | Attended party hosted by Sam Grodzinski QC |
| 16 Nov | Chaired Oxford Conference on Peace Initiatives in the Middle East |
| 17 Nov | Met with Simon Hughes MP
Attended Emoluments Committee
Attended Middle Temple dinner |
| 18 Nov | Attended Select Committee on Communications at the House of Lords
Attended Bar Choral Society at Inner Temple Church |
| 19 Nov | Attended meeting at Gresham College
Attended meeting with the Lord Chief Justice
Attended Charles Plant farewell reception |

- 20 Nov Gave speech to British Friends of the Hebrew University on Restitution of Property seized by the Nazis
- 21 Nov Spoke on amendments to own private member's Bill, the Divorce (Financial Provision) Bill at Committee stage in the House of Lords
- 23 Nov Guest at lunch given by Sir Roy Sir Goode QC
- 24 Nov Attended speech by the Chairman of the Bar Council on legal regulation
- 25 Nov Attended Select Committee on Communications at the House of Lords
- 26 Nov Attended Board briefing meeting
- 27 Nov Lunch with Sir Andrew
Attended Board meeting
Attended farewell reception for CEO of CILEx

Equality Impact Assessment

3. No Impact

Risk implications

4. These reports address the risk of poor governance by improving openness and transparency.

Consultation

5. None

Regulatory objectives

6. None

Publicity

7. None

Lead responsibility:

Baroness Ruth Deech QC (Hon)

Director General's report - BSB meeting 27 November 2014

For consideration and noting.

Director General

1. Much of my internally-focussed work is detailed in other sections of this report. This includes a considerable amount of time spent on human resources activity and I extend a warm welcome to Catherine Shaw, our new HR Director, whose positive impact is already being felt in the organisation.
2. The launch of the Future Bar Training programme is referred to further below and I have participated in a number of areas of work directly, including the Academic Stage Working Group. I also spoke at a seminar held by the Legal Education Research Network (LERN) at the Institute of Advanced Legal Studies, to offer researchers insights into the requirements of a legal regulatory body in relation to academic research. I have started the high-level stakeholder engagement in relation to our Youth Court Advocacy Review research, also launched this month and reported on below.
3. I attended the hearing at the Court of Appeal in relation to costs in the QASA litigation and continued to ensure the BSB's interests were reflected in responding to the claimants' application for permission to appeal the CA judgment. I have started discussions with key senior external stakeholders in relation to the implementation of the scheme, to inform the proposals to be put to the Board in January 2015.
4. I moderated a well-attended BSB session at the Bar Conference on conducting litigation, with the assistance of the Vice Chair Patricia Robertson QC, our Qualifications Manager Joanne Dixon, and a barrister Amanda de Winter, who has already been authorised to conduct litigation and hope to apply for entity authorisation as soon as that is possible. Paul Mosson from BARCO at the Bar Council was also on the panel. The feedback from the session was positive.
5. It was a pleasure to be able to introduce our Chair-designate, Sir Andrew Burns KCMG, to members of the profession and others who regularly engage with the BSB who were present at the Conference. Work on induction for Sir Andrew, and new members of the Board, has gathered pace this month and we look forward to welcoming them all in January.
6. Prior to doing so, of course, we will on December 11th host a reception to thank and say farewell to Baroness Deech, our Chair since 2009. As this is the last Director General's report I will compile for the Board under her leadership, I would like to put formally on record my personal gratitude, and the thanks of all my executive team, for her inspiration, dedication, commitment and support. We have all learned a tremendous amount from Ruth and hope she will continue to take an interest in our progress and welfare from the benches of the House of Lords.

Regulatory Policy

7. The Standards Committee has considered whether we should relax current restrictions on the scope of practice of employed barristers whose employers are not authorised bodies. The Legal Services Act prevents such barristers from providing reserved legal activities to the public because the employer would also need to be authorised to do so. Currently these barristers are also prevented from providing non-reserved legal services to the public. Such non-reserved activities can be undertaken by unregistered barristers (or indeed any member of the public) so the barristers concerned could do such work if they gave up their practising certificate (albeit they could not hold

themselves out as barristers whilst doing so). Arguably the current restriction is an unnecessary rule that could limit access to unreserved legal services such as legal advice.

8. Whilst further evidence gathering is needed in advance of a rule change proposal (which would come back to the Board prior to any formal consultation) the Committee agreed in principle that we should relax the current scope of practice restrictions (in relation to unreserved activity) in the absence of a specific regulatory need to maintain them. The regulatory policy department will now undertake further evidence gathering in support of the proposal and bring a paper to the Board in the New Year.
9. The team continues to discuss our entity regulation proposals with the LSB. At the time of writing the LSB has yet to make a decision, but this is expected before end of November. It is expected that the entity regulation regime will launch in the New Year, accepting applications from January, with authorisation decisions beginning in early April. Once that decision has been made we will begin to discuss with the LSB our application to become a licensing authority of alternative business structures
10. The work programme for regulatory risk is challenging but remains on track, with significant input from staff across the organisation. The first cut of an updated Regulatory Risk Index to be applied across all departments has been produced through Regulatory Knowledge Group workshops and is now being validated by teams across the business. Departmental workshops to look at each team's core regulatory processes and how we identify, assess and mitigate risks through them are also underway. From this, a high level overview of all BSB activities will be produced.
11. Knowledge sharing sessions will be available for all staff from BSB and Resources Group to provide basic training in key concepts. This is part of a wider programme of staff engagement that is being pulled into a strategy and plan in conjunction with the BSB Communications team. Through this we will analyse all other key stakeholder groups and plan suitable engagement approaches over coming months. In January, the Board will receive a formal update on progress with an opportunity to discuss the implications for the Board's role in regulatory risk management.

Equality and Diversity

Diversity Data on the Profession

12. In August the E&D team undertook the annual extraction of diversity data on the profession from the Core Database. The data was broken down by protected characteristics and seniority (from pupillage to QC level) and it has been anonymised, aggregated and analysed for the purposes of the report. A draft report on the diversity of the profession has been produced and will be presented to the Equality and Diversity Committee in November and to the Board in January for approval and publication. The report must be published by the end of January 2015 in order for the BSB to meet its legal and regulatory duties.

BSB Equality Champions Group

13. The Champions Group meeting took place in November and discussed subconscious bias and how it can affect the workplace and the legal profession. The group discussed examples of bias and what people can do to overcome bias in order to ensure decisions are fair. The group were asked to speak to their teams about subconscious bias and how it could be acknowledged and overcome.

Staffing

14. The Equality and Diversity Adviser, Sarah Loutfi left the BSB on 7 November.

Supervision

Entity regulation

15. The department remains on course for implementation from January. The arrival of Cliodhna Judge as the Authorisation Manager has given much needed additional resource to developing the application process and authorisation procedures.
16. There has been growing interest from the profession in the BSB's entity regime and a number of meetings have taken place in the last few weeks with prospective entities. These entities range from incorporation of the traditional chambers model to innovative business models which build on the expertise of the Bar and allow legal services to be delivered in a streamlined manner. It is very encouraging to see the interest that is developing and we are increasing our targeted communication to publicise the benefits of becoming a BSB authorised entity.
17. We held a briefing session for the LPMA on 20 November and have also addressed a breakfast meeting of clerks and other legal managers. We will continue to hold such events between now and the New Year.
18. We are currently running external testing of the authorisation process. This will provide valuable feedback on the ease of completion of the application form, the utility of the guidance and accompanying documentation and the reliability of the IT systems.
19. The Supervision Team has been focussed primarily on assessing and responding to Supervision Returns for High Impact chambers. The assessment process is proving lengthy, although it is generating an excellent picture of the risk profile of each chambers. Results are being communicated to chambers once they have been internally moderated and chambers are generally responding well to this. A number of chambers have already made improvements in line with suggestions; others have been scheduled for visits. The intention is for the vast majority of returns to have been assessed by Christmas.
20. A lunch time briefing session was hosted for the Legal Practice Managers Association to discuss the results of the pilot visit programme and some useful feedback was gathered.
21. A Supervision Manual has been drafted which incorporates all of the supervision processes and materials. This will be publicised once the section on the risk assessment framework has been agreed. The Team has been heavily involved in work on the development of the risk assessment framework, through the Regulatory Knowledge Group as well as through a day long workshop for the Department.
22. The assessment phase of the CPD spot check for 2014 has now concluded. There are still some barristers yet to complete corrective action, with the final deadline for this being just before Christmas 2014. A report will be prepared in the New Year for consideration by the Board.

Education and Training

Future Bar Training

23. Simon Thornton–Wood gave a presentation on Future Bar Training at the Westminster Legal Policy Forum on 4 November, following the launch of the programme with the Chair's Update on 31 October.
24. A programme of focus group sessions has been initiated, that will run in London, Manchester, Bristol and Birmingham, providing an empirical basis for the development of the Professional Statement, an important early output of Future Bar Training that will inform other strands of the programme.
25. An extraordinary meeting of the Qualifications Committee was convened on 4 November to initiate the assessment of strengths and weaknesses in the current construction of the Qualification Rules. Further workshops are planned, to involve external contributors to the regulatory framework.
26. A pilot for the planned introduction of a revised scheme of CPD has been developed, for initial roll-out at the start of 2015.
27. Initial policy development meetings have been held by the BPTC and Pupillage Subcommittees of the Education & Training Committee, acting as the policy working groups for each of these stages of training, and three meetings of the Academic Stage Working Group have been held. Each establishes a basis for the development of their respective initial policy assessments that will be considered in turn by the Education & Training Committee, in a process aligned with the Policy Development Framework that has been agreed by the Board.

Vocational Training

28. The annual census of enrolment for the BPTC reveals a decline in students, from 1,619 in 2013 to 1,505 in 2014. A number of potential contributory causes have been identified for the decline, including the effect of current student loan policy, which has first affected this cohort.
29. The course providers for the BPTC have established a replacement for the admissions system previously provided by the BSB (www.barsas.com) which was open for applications from 20 November. The new system offers significantly greater functionality for applicants and providers.
30. 109 candidates sat the second round of the Bar Transfer Test for 2014, contributing to a record 293 candidates overall for the year. A summary of performance of candidates in the test will be provided in the Annual Report to the Board in January.

Centralised assessments

31. The Resit Final Board met on 21 October. Whilst pass rates for the Criminal and Civil Litigation papers were significantly lower than last year (at 30.1% and 34.1% respectively), it is anticipated that the profile of resitting candidates will vary significantly year to year and pass rates vary accordingly. An overview of the 2014 assessments will be provided in the Annual Report to the Board in January.
32. Work has progressed on the review of centralised assessments, chaired by Prof Paul Kohler (Education & Training Committee), and the review is due to be completed in February 2015.

Pupillage

33. New guidance has been published on pupillage funding in light of some confusion concerning the current rules, with limited but positive feedback.

CPD

34. Alongside regular CPD accreditation business, plans have progressed for the introduction of the interim, provider-based accreditation scheme in January 2015. The fee structure for the scheme was approved by the Planning, Resources & Performance Committee in October.
35. The Education & Training Committee agreed a proposal (subject to consultation) for the training requirements of barristers returning to practice after a lapse of five years or more, which is established in the revised BSB Handbook and takes effect from April 2015.

Qualification Regulations

36. The Qualifications Committee has been reviewing its application fees and fee waiver policy with the aim of achieving full cost recovery, as planned.
37. At its meeting on 21 October 2014, the Committee considered five applications for review. It upheld the original decision in four cases and overturned the decision in one case. The Committee also had a special meeting on 4 November 2014 at which it received a presentation from the Director of Education & Training on the Future Bar Training programme and gave its views on the workstream relating to revision of the Bar Training Rules.

Professional Conduct***General***

38. For a range of reasons, the PCD have suffered from significant staff shortages during the past month. Whilst most of the staff concerned have now returned to the office there are some ongoing absences and this has had a notable impact on the latest KPI results, particularly in the Assessment Team.
39. **Time recording:** In keeping with the BSB's strategic aim of "developing a mechanism to identify the full costs of individual complaints and disciplinary cases with a view to using the information to monitor value for money," set out in the BSB business plan 2014/15, the PCD will shortly be introducing a time recording system for all staff. Initially the PCD expect this exercise will run until April 2015, and will not only provide a sound basis to establish the cost of complaints but provide information relevant to other departmental projects eg information about the time spent addressing complainant issues to support the project on reviewing the role of complainants in our system.
40. **Training:** This month the PCD in-house training programme offered staff the opportunity to learn more about judicial reviews. Held on Monday 10 November and led by Alix Rejman and Carina Dalton from FieldFisher Waterhouse, the training session focussed on the JR process; challenges, including bias and proportionality; and ways that the BSB can protect itself against JRs.

KPIs

41. In the third quarter, the PCD have currently concluded or referred to disciplinary action 79% of complaints within service standards against a target of 80%. However, the figure for the percentage of complaints concluded or referred to investigation within eight weeks is currently 71% due to general staff shortages explained above.
42. As a result of the ongoing Assessment Officer vacancy, 28% of the cases currently within the Assessment Team are over-running the eight week service standard. It is, therefore, likely that the 80% target for the quarter will not be achieved and that the impact of the staff shortages may also be felt in further quarters.

Judicial Reviews

43. The PCD is handling four applications for Judicial Review. Three of these have been outstanding for some time and are still at the permission stage. The fourth claim was issued in October 2014 against Visitors of the Inns of Court, with the BSB named as an interested party. Appeals are now made directly to the High Court. The Visitors' Panel (to whom appeals were formerly made) used to be comprised of a Judge, barrister member and lay member. The application seeks to challenge this composition of the Visitors, in claiming that only judges were empowered to sit as Visitors.
44. The Court of Appeal has scheduled a hearing on 26 November to consider the applications to appeal the decision of the Admin Court to refuse permission in relation to the COIC appointment issues.

Strategy and Communications**Communications**

45. Since the last Board Meeting, the following press releases and announcements have been issued:
 - Confirmation following the decision at the October Board meeting that there will be no new guidance with regard to “returning instructions”
 - A press release highlighting publication of the report following the pilot Supervision visits to Chambers.
 - An announcement confirming the removal of the QASA registration deadline in December.
 - A major announcement to launch our “Future Bar Training” programme.
 - A release to promote our Future Bar Training workshops calling for participation to help us describe the skills and knowledge all newly-qualified barristers need from day one.
 - News announcement about the changes to CPD provider accreditation
 - Press release about the disbarment of a Mr Leadbetter.
 - Press release about the disbarments of a Mr Vose and a Mr Hourigan
46. Other media contact during the past month has included the Chair being interviewed by a journalist at the Financial Times. (At the time of writing we are still waiting for this to be published.)

Work in Progress

47. The team are currently working on a range of communications activities to support the launch of entity regulation as well as on various aspects of the Future Bar Training programme. Much work is also being undertaken on the BSB sections of the organisational wide intranet site, which is due to launch in 2015.

Online and social media

48. During October 26,953 users visited the BSB website and, at the time of writing, we have reached a significant milestone in the Twittersphere because we now have over 10,000 followers.

Conferences/events

49. The BSB had a strong presence at the Bar Conference on 8 November. We spoke about a range of topics with many delegates at our stand and our workshop about conducting litigation was well attended and judging by some of the feedback, well received.

Business Support**Service Complaints**

50. A refreshed Service Complaints policy is due to be published before the end of the year and a new system to record such occurrences is about to be launched; these will also go hand in hand with a revised Unacceptable Behaviour Policy, all of which will be published on the BSB's website.

Business Plan and Budget

51. The BSB's budget bid was approved by the Bar Council on 1 November 2014. The Business Support Team has collated the mid-year review which can be found in this meeting's papers. Over the coming months the team will also be improving the way in which we report on our management accounts, particularly income and risks. This ties in with the review of the fees and charges policy which the Board can expect to see before the end of the financial year.

Contract Management

52. Work is still ongoing with Service Level Agreements to ensure that they are SMART and capture the required deliverables.
53. The Business Support Team is carrying out a project to improve the way that we monitor and manage our contracts, to ensure that we achieve value to money and mitigate contractual risks; this work will continue into the new calendar year.

Regulatory knowledge and information**Research**

54. Work is ongoing regarding the BCAT Impact Evaluation. This is work that will contribute the evidence base to support future decisions regarding the BCAT. The complementary Performance Evaluation strand has started with a first working meeting clarifying the scope, methods and quality expectations.

55. The contract for Youth Courts Advocacy Review was signed with the Institute for Criminal Policy Research. A working meeting reviewed and refined the scope, focusing on refining the analytical framework for data collection. The survey questionnaire was piloted with professionals (barristers and legal executives) on 13 November. A stakeholder engagement map was drawn and contact made to secure access to hearings.
56. The Research team attended the cross-regulator Research Forum on 6 November where the BSB was complimented for having introduced a framework for the capture of project updates when hosting the last Research Forum. This is now part of the standard documentation for the Research Forum. The Research team used the spotlight session to introduce the issue of Education and Training data.
57. Background documents were reviewed to start scoping the User Feedback Survey follow-up research with the Professional Conduct Department.

Knowledge management

58. The first draft of the proposed list of actions for the development and implementation of a knowledge management (KM) strategy was presented at the SMT meeting on 10 November to agree key KM priorities and secure approval for the high level plan.

Information management

59. The information architecture project was launched at a kick-off meeting on 7 November. The issues of the alignment of scope, methodology and planning/resourcing will need to be addressed with the project board and the providers to ensure an optimum fit. As a member of the project delivery team, the RKIM attended potential provider's presentations on 27 October and 14 November.

Resources Group

Current Key Business Projects

60. ***Document Management System***

- Project closure process is underway to review success of project and monitor benefits realisation.
- BSB Complaints Service workflow in testing stage ready for go live at the end of the month.
- Refresher training delivered to the organisation in a range of formats.

61. ***Authorisation to Practise 2015***

- Database and server upgrade completed, testing commencing on Barrister Connect.
- Annual review of collateral materials by BSB and Comms beginning.
- Information about the income-based model for fees being distributed to the profession via the current round of circuit meetings and on websites.
- Reconfiguration of ZenDesk software to improve responsiveness of Records to customers begun
- Project on track for completion of all preparatory works prior to the Christmas break, and on track to open on Monday 2 February 2015.

62. ***Intranet***

- Intranet Contract has been signed and an inception meeting held with the supplier.
- Content development is underway with the business due to take place over the next five months for initial launch; supported by the content editor.

63. ***Developing Barrister Connect***

- Requirements articulation completed by end of November which will be brought into the context of the information architecture project now.
- Performance of the current supplier continues to be monitored.

64. ***CPD Regulation Implementation***

- New provider level accreditation launched and providers are currently engaging in a transition process towards the 2015 scheme.
- CPD Policy development process initiated for 2017 scheme working towards a prototype for consultation in Feb/March 2015. Working towards aligning this development process with the risk-based approach.
- CPD Pilot plan produced and upon sign off initial engagement with a selected sample to take place prior to the end of the year.

65. ***Entity regulation***

- PMO and IT providing business analysis support to the development of the authorisation process.
- PMO also providing coaching and support to Project Management.

66. ***Finance processes and systems***

- Process review initiated with business teams.
- Initial review of market and available suppliers undertaken.
- Requirements and business case drafted; project now is slowed down in order that it can be brought into the overarching information architecture project.

67. ***HR processes and systems***

- Process review initiated with business teams.
- Initial review of market and available suppliers undertaken.
- Requirements gathering underway for an HR system; has been brought into the context of the overarching information architecture project.

68. ***Bar Course Aptitude Test***

- First year evaluation complete and analysis and report underway.
- Evaluation working group working closely with supplier to ensure quality.
- BCAT test cycle completed and operational review meeting undertake. Adaption of processes in line with change in BPTC application process agreed and process handed over fully to the operational team.

69. ***Future Bar Training Programme***

- The PMO is playing a programme assurance role to the FBT programme.

70. ***Property strategy development***

- Project gateway process initiated in order to seek Senior Leadership Team vision for next 5-10 years.

71. ***Information Architecture***

- Scope of project agreed; subject to some further clarifications.
- Review and engagement with a shortlist of suppliers to lead and support the Bar Council and BSB through the process to define an organisation-wide information architecture.
- Build of a programme of work underway beyond this initial foundation project to start to articulate the transition programme towards a “single solution”.

Functional & Team Updates72. ***Project Management Office – Richard Thompson***

- Establishment of a project management community of practice underway and first session planned for the first week in December to look at Project Gateway and Project Management guidelines and training plan.
- Project management guidelines are under development at present in preparation for the design of an organisation wide training programme for delivery Jan – March 2015.

73. ***Human Resources report – Catherine Shaw******Performance review***

74. Mid-year performance review has been launched, with a number of modifications to the process made following the feedback from the survey run in September which asked staff to comment on how well the process is bedding in.
75. Line managers will be expected to award indicative performance ratings at the mid-year stage and will be piloting validation meetings for the first time.
76. Training has been organised for the early part of November to help staff and line managers become more practised with regard to key elements of the process.

HR team

77. Catherine Shaw has been appointed HR Director and started on 27 October 2014. The team structure will be largely as now, with an HR Manager and a Compensation and Benefits analyst reporting to her, who are in turn supported by two junior members of administrative staff.

Reward

78. Proposal for a reward strategy was submitted to the Emoluments Committee for discussion on 17 November 2014, which contains recommendations regarding annual salary reviews, performance related progression and non-financial reward.

HR system and intranet

79. We continue to work with the PMO in respect of both these projects, and are currently in the process of mapping our HR processes in order to determine the technical specification and of writing content for the HR section of the intranet.

HR Metrics*Recruitment – active roles*

Role	Division	Open since	Status
Fees Collection Assistant (Mat Cover)	RPS	17/10/14	Shortlisting
Policy Analyst (Maternity Cover)	RPS	28/10/14	Advertising
Supervision and Authorisation Officer	BSB	07/10/14	Finalising advert
Regulatory Policy Manager	BSB	08/09/14	Manager redrafting JD
Director of Policy	RPS	01/06/14	Sourcing search
Human Resources Manager	RG	01/10/14	Sourcing/interviewing

Current headcount

	RPS	BSB	Resources Group	Total
As at end October 2014	44 ¹	82 ²	33	159

¹ including x 3 on maternity leave

² including x 1 on maternity leave

Staff turnover

80. These figures relate to 'crude' turnover (both voluntary and involuntary), and includes all leavers, including those who left due to dismissal or redundancy.

	RPS	BSB	Resources Group
Q1 2014/2015 (April-June 2014)	9.3%	5.2%	6.25%
Q2 2014/2015 (July-Sep 2014)	14.1% ¹	7.6%	12.5%
October 2014 ²	2.3%	1.3%	0%

¹ Due to restructure of RPS during this period

² Q3 figures (October to December 2014) will be available in January 2015

Records – Smita Shah

81. *Authorisation to Practise 2015-16 Income Model* – The team are finalising the testing on the core database with the new income model fee structure. The team will be testing the Barrister Connect portal for the income based PCF model from next week.
82. The annual cycle of general housekeeping activities for the Core database is near completion.
83. *BMIF Insurance* validation activities have been completed and six barristers have been reported to the Bar Standards Board for investigation.

84. Work continues with IT with regards to improving automation on the Core Database, extra fields and reporting.
85. Work is currently being undertaken to reconfigure the 'Zendesk' application, an analytical support tool to assist with helpdesk analytics. This includes assessing new functionality including call recording, further statistical analysis, ability to deal with the same enquiry in one go, etc. This will be implemented for the next ATP process starting February.

Finance – David Botha

86. The findings from the annual Audit Report have been put into place and are now operating for the second month.
87. Preparation for the detailed budgeting process for Bar Council for 2015/16 financial year is underway to conclude in February.
88. The PCF consultation process, where the Bar Council/BSB share budget and PCF proposals with the profession for feedback, opened in mid-November with a new webinar, supporting papers and a survey for the profession to provide structured feedback. Early results are that the steps this year are more effective at engendering feedback than those taken in the recent past.
89. Material for the intranet is being prepared including a timetable for revising the Finance Manual to separate policy from procedures/processes and streamline control documentation.

Facilities – Sam Forman

90. The Finance team moved to the ground floor mezzanine over the weekend of 15/16 November. The BSB risk consultants working with the Professional Practice team will be using the old finance office on the 4th floor temporarily.
91. There is a delay with Phase II of the common area works – Basement to 4th Floor. The Facilities Manager is working with the managing agents and surveyors to ascertain actual costs. Discussions are to take place to understand the elements of the works that fall under improvements or repairs (as lease obligations).
92. The new Starleaf (a Video & Audio 'Virtual Meeting Room' conferencing solution) system is up and running with positive feedback from users. Training sessions are to be arranged for all staff in the next couple of weeks.
93. The print room has recently received a number of external enquiries regarding the services offered by them. The team has started carrying out external requests for chambers.

Vanessa Davies
Director General BSB
20 November 2014