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| <p>BAR<br/>STANDARDS<br/>BOARD</p> |
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting****Thursday 23 September 2021 (5.00 pm)****Hybrid Meeting (Rooms 1.4-1.7 & MS Teams)**

- Present:** Baroness Tessa Blackstone (Chair)  
Alison Alden OBE – *via Teams*  
Andrew Mitchell QC  
Elizabeth Prochaska  
Irena Sabic  
Adam Solomon QC  
Kathryn Stone OBE  
Leslie Thomas QC  
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) – *via Teams*  
James Wakefield (Director, COIC)
- BSB & RG Executive in attendance:** David Adams (Corporate Services Manager) – *via Teams*  
Peter Astrella (Regulatory Risk Manager)  
Rebecca Forbes (Head of Governance & Corporate Services)  
Oliver Hanmer (Director of Regulatory Operations)  
Teresa Haskins (Head of People, BSB) – *via Teams*  
Ewen Macleod (Director of Strategy & Policy) – *via Teams*  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Wilf White (Director of Communications & Public Engagement)
- Resource Group:** Richard Cullen (Director of Finance) – *via Teams*  
Aman Oberai (Finance Business Partner) – *via Teams*
- Press:** Neil Rose, Legal Futures

**Item 1 – Welcome / Announcements**

1. The Chair welcomed those present to the meeting. She also referred to the very sad news of Lara Fielden's death in early August. She paid tribute to her conscientiousness, her sense of public duty and her tremendous knowledge and expertise in regulation. The Board will miss her greatly and extends its sincere condolences to Lara's family.
2. One consequence of this very unfortunate circumstance, and Steve Haines absence from the meeting, was that the Board no longer had the lay majority required under the Internal Governance Rules. This means that any regulatory decisions made at the meeting will be subject to later ratification by the Board once that majority is restored.
3. **Item 2 – Apologies**
  - Steve Haines
  - Derek Sweeting QC (Chair, Bar Council)
  - Mark Fenhalls QC (Vice Chair, Bar Council)
  - Lorinda Long (Treasurer, Bar Council)
  - Sara Jagger (Director of Legal & Enforcement)

**Item 3 – Members’ interests and hospitality**

4. None.

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

5. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 27 May 2021.

**Item 5a – Matters arising & action list**

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

**Item 5b – Forward agenda**

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

**Item 6 – Consulting the public and the profession about the BSB’s strategy for the next three years**

BSB 033 (21)

8. The Board considered the draft consultation document and welcomed the brevity of its design. The following comments were made:
- we should follow up our initial circulation of the document with personal calls and, where necessary, face-to-face meetings in order to generate feedback.  
*Note: Mark Neale commented that the Covid crisis prevented his planned liaison meetings with the Circuits and Special Bar Associations. He is now seeking to do that anyway and will also use the opportunity to consult on the strategy;*
  - we might ask a general question of consultees as to whether they perceive any risks to our strategy;
  - it is not clear whether the examples of high-level outcomes quoted in the cover paper are illustrative examples for the Board or for the consultation document. It would be helpful to clarify this offline;
  - the text preceding question one might be usefully subdivided with headings;
  - it might be helpful for the Board to address the consultation questions itself at one of its informal policy seminars;
  - we should also involve stakeholders outside the profession – some charities and voluntary organisations may have useful perspectives to share.
9. **AGREED**
- a) that, subject to the above comments, to approve the consultation document annexed to the paper and to await a further report on the feedback received.
  - b) that the strategy consultation document is a focal point for discussion at one of the Board’s informal policy sessions (cf. min 8 above).

**Item 7 – Director General’s Strategic Update – Public Session**

BSB 034 (21)

10. Mark Neale highlighted the salient points from the performance report ie
- though the quality of decision making remains high, the speed with which decisions are reached is still below KPI targets;
  - the statistics do, though, mask the gains in productivity which have seen marked reductions in backlogs. Given current progress, we expect to meet KPI levels of service by the end of the year;
  - the volume of reports received by the Assessment Team this quarter was four times higher than for the same quarter last year. The proportion of cases taken to investigation stage remains largely static, however.

11. In response to questions raised, the Executive commented that:
- there may be several reasons to explain the rise in the volume ie:
    - ❖ we have seen an increase in multiple reports ie where the same incident has been the subject of a report from several people, albeit often from different perspectives;
    - ❖ we have simplified the reporting process on our website making it easier for these to be completed;
    - ❖ many barristers now have more visible profiles on social media which can increase the likelihood of reports being received.
  - the planned regulatory operations review will critically examine the means by which reports are triaged so that only those of merit are progressed and those without are more rapidly resolved.
12. The Executive also referred to discussion at an earlier Board to Board meeting with the OLC. Both regulators have experienced higher numbers of reports and both agreed on the need to improve explanations to the public about where these should be directed in the first instance.
13. The Board noted that an increased numbers of reports could be interpreted as a measure of success given it might represent increased awareness on the part of the public about regulatory bodies. However, it also appreciated the associated risk that, if these are mostly unmeritorious and therefore not progressed, then this could quickly lead to disillusion. We therefore need to manage expectations very carefully.
14. Wilf White confirmed the Executive is considering incorporating a video on the website making clear what makes a well-founded report that falls within our jurisdiction and what does not. There may be scope for jointly producing this with the Legal Ombudsman.
15. In response to other questions raised, the Executive commented as follows:
- we already signpost reports to other regulatory bodies in cases where the subject matter of the report is not within our remit;
  - we also have recourse to our own Independent Reviewer for challenges made against our own regulatory decisions;
  - the Regulatory Decisions Annual Report, due for presentation to the Board in November, will provide a statistical analysis on reports received and the proportions resolved at assessment and investigation stages;
  - any decision letters we produce in response to reports, or subsequent investigations, do include a full set of detailed, evidence-based reasons to explain their outcome. This is a time intensive exercise, but nevertheless necessary.
16. **AGREED**  
to note the report.

#### **Item 8 – Chair’s report on visits and external meetings**

BSB 035 (21)

17. The Board **noted** the report.

#### **Item 9 – Any Other Business**

##### **BSB Staffing**

18. Mark Neale confirmed that Shadae Cazeau, the BSB’s newly appointed Head of Equality and Access to Justice, is now in post.

**Item 10 – Date of next meeting**

19. • Thursday 25 November 2021.

**Post meeting note:** *the meeting planned for November 2021 was cancelled though some business was conducted by email. These were all public papers and were subsequently posted to the BSB's website.*

**Item 11 – Private Session**

20. The Board resolved to consider the following items in private session:

- (1) Approval of Part 2 (private) minutes – 27 May 2021 & 9 June 2021.
- (2) Matters arising and action points – Part 2.
- (3) Budget proposal – 2022/23 financial year.
- (4) BSB Consolidated Risk Update for the Board.
- (5) BSB governance action plan: updating the action plan to reflect the *Independent Audit* report and Board off-site discussion.
- (6) LSB Regulatory Assessment Framework: Bar Standards Board half yearly self-assessment.
- (7) Public Legal Education Review.
- (8) Recruitment for a lay Board member.
- (9) Director General's Strategic Update – Private Session.
- (10) Any other private business.

21. The meeting finished at 5.35 pm.