

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 24 November 2016, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Sir Andrew Burns KCMG (Chair)
Naomi Ellenbogen QC (Vice Chair)
Rob Behrens CBE
Aidan Christie QC
Malcolm Cohen
Justine Davidge
Judith Farbey QC
Andrew Mitchell QC
Tim Robinson
Professor Andrew Sanders
Nicola Sawford
Adam Solomon
- By invitation:** Keith Baldwin (Special Adviser)
- Bar Council in attendance:** Mark Hatcher (Special Adviser to the Chairman of the Bar Council)
James Wakefield (Director, COIC)
- BSB Executive in attendance:** Dan Burraway (Corporate Support Manager)
Viki Calais (Head of Corporate Services)
Vanessa Davies (Director General)
Rebecca Forbes (Governance Manager)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct)
Ewen Macleod (Director of Regulatory Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Observers:** Faye Alessandrello (Regulatory Associate, Legal Services Board)
Steven Haines (incoming lay Board Member)
Emma Kelly-Dempster (Regulatory Project Manager, Legal Services Board)
Zoe McLeod (incoming lay Board Member)

Item 1 – Welcome

1. The Chair welcomed Members and guests to the meeting, in particular the following:
 - Steven Haines (incoming Lay Board Member);
 - Zoe McLeod (incoming Lay Board Member);
 - Emma Kelly-Dempster, Regulatory Project Manager, LSB;
 - Faye Alessandrello, Regulatory Associate, LSB;
 - Dan Burraway, Corporate Support Manager.

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2. He also noted with regret that this would be the last full Board meeting for:
 - Malcolm Cohen (Chair of the Governance, Risk & Audit Committee);
 - Tim Robinson (HR Champion);
 - Prof Andrew Sanders (Chair, Education & Training Committee);
 - Keith Baldwin (Special Adviser to the Board).
3. He noted that both Tim and Keith would continue with their respective committee roles (Professional Conduct Committee and Qualifications Committee respectively). Nevertheless he warmly thanked retiring members for their commitment and effort in helping the BSB achieve its goals. There will be another opportunity to recognise their contribution at the December Away Day.

Item 2 – Apologies

4.
 - Rolande Anderson;
 - Anu Thompson;
 - Anne Wright CBE
 - Emily Windsor (Special Adviser);
 - Chantal-Aimiée Doerries QC (Chairman, Bar Council)
 - Lorinda Long (Treasurer, Bar Council)
 - Stephen Crowne (Chief Executive, Bar Council);
 - Andrew Lamberti (Communications Manager).

Item 3 – Members’ interests and hospitality

5. None.

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

6. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 27 October 2016.

Item 5 – Matters Arising

7. None.

Item 6a – Action points and progress

8. The Board noted progress on the action list. Vanessa Davies also advised that the consultation on shared parental leave (min 25b – 29/09/16) has now been published, so this action can now be marked as “completed”.

**JP to
note**

Item 6b – Forward Agenda (Annex C)

9. The Board noted the forward agenda list.

Item 7 – Appointment of lay Board members

BSB 083 (16)

10. The Board noted the paper on the appointment of the following three lay Board members with effect from 1 January 2017:
 - Alison Alden OBE;
 - Steven Haines;
 - Zoe McLeod.
11. The Chair gratefully acknowledged the work of the Independent Appointments Panel in making these selections.
12. **AGREED**
to note the report.

Item 8 – Performance Report for Q2

BSB 084 (16)

13. Viki Calais commented as follows:
The PRP Committee wishes to highlight the following key messages from the most recent performance report:
- the BSB remains tightly resourced both for the remainder of this financial year and for 2017/18. We are currently holding some vacancies and the Executive is undertaking a business plan prioritisation exercise. The Board will discuss the outcome of this at its Away Day in December 2016;
 - six business plan activities are marked as “amber” as described in paragraph 4b of the report. The Committee has flagged the Future Bar Training programme for a second time as this project remains under pressure both in terms of the proposed timeline and available resources;
 - the staff turnover figures for the organisation remain high (43.3% overall incorporating a 19% voluntary turnover rate);
 - the WorkSmart programme has been well implemented and positively received by staff. The Committee applauded the work of those involved in delivering this project.
14. We are likely to generate more income from the BPTC than originally anticipated. This is due to a higher number of students than expected (an actual figure of 1,400 compared to the 1,000 originally budgeted).
15. Members focused discussion on the staff turnover figures. The following comments were made:
- the turnover rate is a continuing concern. It is much higher than similar organisations and has been at this level for a considerable period of time;
 - we need to fully understand the reasons for these figures.
16. In response, the following comments were made:
- this is an organisation-wide issue ie the overall turnover rate is a composite figure for the Bar Council, Resources Group and the Bar Standards Board combined;
 - the PRP Committee and the Bar Council’s Audit Committee are both aware of the issue and the latter will specifically address this topic at its next meeting (8 December 2016);
 - the overall turnover figure includes the cessation of fixed term contracts and maternity leave so is somewhat inflated because of this;
 - one of the vacancies was caused following the unexpected and tragic death of a colleague;
 - four staff members did not complete their probation periods successfully;
 - the PRP Committee has previously analysed leaver data and one of the main reasons quoted was lack of career progression. The BSB has limited scope to address this given its size and the pay rates that can be offered by alternative regulators.
17. Members commented further as follows:
- high turnover rates has been a long standing issue, notwithstanding the effect of short term contracts and maternity cover. In the data analysed by the PRP Committee the largest respondent category was “prefer not to say”. This is disconcerting and it means the underlying causes are still not fully understood, notwithstanding the other feedback received;
 - the reasons identified in paragraph 13of the report reflects the feedback from the last staff survey;

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- the Board has already made a strategic decision to delegate greater responsibility to staff. This reflects good regulatory practice but success depends on staff having the capacity and capability to undertake this additional work. This is put at risk if turnover rates remain this high. It is helpful that the PRP Committee has analysed the data but the real cause(s) remain unclear so further work is required;
 - we could think in terms of targets and leadership objectives on retention and progression as well as succession planning if career progression is thought to be problematic.
18. In response the following further comments were made:
- the turnover figures were exceptionally affected by the restructure of job roles within the BSB;
 - we undertook a succession planning exercise in July 2016, so already have a good understanding of this issue.
19. **AGREED**
- a) to note the report.
 - b) to refer the issue of high staff turnover rates back to the PRP Committee for more in-depth analysis on the reasons for this.

VC & CS

Item 9 – Chair’s Report on Visits and Meetings: October 2016
BSB 085 (16)

20. **AGREED**
to note the report.

Note: this report was prepared in advance of the Cyber Security summit on 17 November 2016, which the Chair was subsequently unable to attend.

Item 10 – Director General’s Report
BSB 086 (16)

21. Vanessa Davies referred to her report, in particular the recruitment rounds to the Advisory Pool of Experts (APEX) and the CPD roadshows. APEX has gone well and an induction for those joining will take place on 16 December 2016. Regarding the roadshows, the following comments were made:
- very positive feedback has been received from attendees at the roadshows;
 - the feedback from both practitioners and providers will be useful in further shaping BSB guidance on CPD – an update on this will be published in January 2017;
 - we are now preparing tailored presentations for specific sets of chambers;
 - the webinar on CPD was well received and a link to it will be included in the next Regulatory Update email to the profession.
22. Members also referred to the following:
- it would be helpful to know if changes to the anti-money laundering regulations will impact on barristers;
 - paragraph 30 of the report states that the Professional Conduct Department (PCD) currently has five vacancies. Notwithstanding ongoing recruitment procedures, this may impact on Q2 KPI figures.

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23. In response, the following comments were made:
- it is possible that the checks that barristers have to undertake in compliance with these regulations will become more expensive. The government is currently reviewing transitional arrangements;
 - anti-money laundering procedures are already incorporated into the BSB's work in supervision. There is potentially more work for us to do but it is not clear if that will actually be the case;
 - the pressure on PCD staff is recognised. All the outstanding posts will be filled, though there may be instances where adjustments to roles are needed to dovetail with other, wider changes in the BSB.

24. **AGREED**
to note the report.

Item 11 – Any Other Business

25. None.

Item 12 – Date of next meetings

26.
 - Thursday 15 December 2016 (Board Away Day);
 - Thursday 26 January 2017 (full Board meeting).

Item 13 – Private Session

27. 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) Approval of Part 2 (private) minutes;
 - (2) Matters Arising;
 - a) outcome of meeting with BMIF;
 - b) Professional Conduct in relation to taxation.
 - (3) Action Points and Progress;
 - (4) Corporate Risk Register;
 - (5) Public and Licensed Access Review Interim Report;
 - (6) International work;
 - (7) Regulatory prioritisation;
 - (8) Discussion paper on potential impact of separation of BSB from Bar Council;
 - (9) Independent regulatory decision making at the Bar Standards Board;
 - (10) Any other private business (to include an update on the Future Bar Training Programme);
 - (11) Review of the Board meeting in terms of conduct and outcomes.
28. The meeting finished at 5.05 pm.