

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 22 November 2018, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Alison Alden OBE
Justine Davidge
Lara Fielden
Steven Haines
Zoe McLeod (*attendance by phone*)
Andrew Mitchell QC
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE
Anu Thompson
Stephen Thornton CBE
- By invitation:** Andrew Walker QC (Chair, Bar Council)
Richard Atkins QC (Vice Chair, Bar Council)
James Wakefield (Director, COIC)
Malcolm Cree (Chief Executive, Bar Council)
Mark Hatcher (Special Adviser to the Chair of the Bar Council) (items 1-7)
- BSB Executive in attendance:** Vanessa Davies (Director General)
Rebecca Forbes (Governance Manager)
Oliver Hanmer (Director of Assurance)
Andrew Lamberti (Communications Manager)
Hayley Langan (Senior Training Supervision Officer)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Press:** Neil Rose (Legal Futures)
Max Walters (Law Society Gazette)

Item 1 – Welcome

1. Tessa Blackstone welcomed members to the meeting and made the following announcements:
 - Naomi Ellenbogen QC, Aidan Christie QC and Nicola Sawford have been appointed for a second term of office to the Board;
 - Justine Davidge will leave the Board at the end of the year following completion of her second term.

2. The Board joined the Chair in thanking Justine for her outstanding contribution to the BSB, particularly her role as Chair of the Education & Training Committee and the Future Bar Training (FBT) Programme Board.

Item 2 – Apologies

- Aidan Christie QC
- Naomi Ellenbogen QC
- Lorinda Long (Treasurer, Bar Council)
- Sara Jagger (Director of Professional Conduct)

Item 3 – Members’ interests and hospitality

3. None.

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

4. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 25 October 2018.

Item 5a – Matters arising and action points (Annex B)

5. The Board noted the updates to the action list.

Item 5b – Forward Agenda (Annex C)

6. Members noted the forward agenda list. Nicola Sawford confirmed it would be revised in due course with a view to reducing the number of risk related items.

Item 6a – Education & Training Committee Annual Report for 2018

BSB 057 (18)

7. Justine Davidge summarised the work of the Education & Training Committee over the past year and reflected on the wider changes that have occurred since she joined the Board. Regarding the review of legal education and training, she thanked those involved for their efforts in completing the necessary policy work prior to implementation.

8. AGREED

to note the report.

Item 6b – The future of the Education & Training Committee

BSB 058 (18)

9. Justine Davidge referred to the recommendation to disestablish the Education & Training Committee in February 2019. She confirmed the Committee’s view that, subject to LSB approval of rule changes, it is an appropriate time to take this action, though the FBT Programme Board will continue in its current form until mid-2019. The Board will now be responsible for future direction of education policy.

10. AGREED

to disestablish the Education and Training Committee in February 2019 following the LSB’s approval of the rule changes.

Item 7 – Continuing Professional Development (CPD) Compliance

BSB 059 (18)

11. The Board considered the outcome of a CPD compliance spot check carried out in June 2018. This identified a high level of compliance (90%) and the majority (80%) of those initially deemed non-compliant have since taken the necessary corrective action.
12. In answer to questions from Members, Hayley Langan commented that:
- our initial response to non-compliance is advice and guidance but it remains a breach of the Code of Conduct and could, ultimately, lead to referral to the Professional Conduct Department.
 - there is a lack of awareness of the new scheme among some barristers, as evidenced by those using the old template to record CPD activity. We

shall therefore seek to improve our engagement with the profession in association with the Bar Council and Specialist Bar Associations (SBAs);

13. Andrew Walker QC confirmed the Bar Council continues to promote the new scheme to the profession and has endorsed it as an opportunity for barristers to tailor CPD to their individual needs.
14. The following points were also raised:
- the spot check highlighted compliance issues with the planning and reflection stages, so it would be helpful and timely to issue updated guidance. We could also contact the relevant APEX Member for advice;
 - we need to understand what makes some barristers “harder to reach” and identify better means of communication. This is something to discuss with providers bidding to undertake the external evaluation of the scheme;
 - notwithstanding the encouraging start, our target remains 100% compliance and the Board needs to be kept informed of progress.

HL to
note

15. **AGREED**
to note the report.

Item 8 – Authorisations Review Panel Annual Report

BSB 060 (18)

16. Oliver Hanmer commended the work of the Authorisations Review Panel and confirmed that its members will transfer to the Independent Decision Making Board (IDB) when it comes into being in June 2019.
17. Adam Solomon QC welcomed the positive nature of the report and asked if the application review outcome statistics compared favourably with the equivalent figures from the former system.

18. **AGREED**
- a) to note the report.
 - b) that comparative statistical data on application review outcomes be circulated to the Board.

OH

Item 9 – Mid-year report of the Planning, Resources and Performance Committee (PRP)

BSB 061 (18)

19. Steven Haines commented positively on current progress for business plan delivery. He also referred to the shared resource model and the Committee’s desire for effective change controls based on the principles of benefits, risks and consequences. The BSB is concluding two major projects within the next three months and this may increase demand on support services.
20. In response to questions raised, the Executive stated that:
- the rise in staff turnover is not due to systemic reasons. No recurring themes have been identified in exit interviews but the PRP Committee will continue to monitor the situation;
 - the objective of the “business partnering” approach with the Resource Group (RG) is that the BSB takes greater responsibility for its own financial management. To do this the RG will need to better understand our business needs and equip us accordingly;
 - all of the additional income from higher than budgeted BPTC receipts has been used for increased costs in the Examination Team.
21. Nicola Sawford referred to the risks around the Information Management Programme mentioned in the report. She said that GRA Committee discussed

this matter in detail at its September meeting and was satisfied with progress. It will review the corporate risk register at its meeting on 27 November 2018.

22. **AGREED**

to note the report.

Item 10 – Amendment of Scheme of Delegations following approval of exemption application for s69 Order changes

BSB 062 (18)

23. Ewen Macleod confirmed that Parliament approved the s69 Order request and the LSB has since agreed the relevant changes to the Handbook. In consequence, the Scheme of Delegation now needs amendment.

24. **AGREED**

- a) that, following publication of the revised Handbook, the Scheme of Delegation be amended to enable the Director General to:
- (i) authorise the issue of a notice requiring the production of documents and / or provision of information in relation to a licensed body (section 93 Legal Services Act 2007 and rC64.4);
 - (ii) authorise the issue of a notice requiring the production of documents and / or provision of information in relation to a BSB authorised individual or BSB authorised body (Article 5 Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018 and rC64.4); and
 - (iii) provide express written consent to the appointment of a person who has been disqualified as an employee of a barrister in chambers (rC89.3).
- b) to approve the Director General's sub-delegations as set out in paragraph 15 of the paper.

**RF / EM
to note**

**RF to
note**

Item 11 - Chair's report on visits and external meetings from November 2018

BSB 063 (18)

25. The Board **noted** the report subject to deletion of the meeting with Lord Keen. This was due to take place on 21 November 2018 but was cancelled by his office at short notice.

Item 12 – Any Other Business

26. Andrew Walker QC

Tessa Blackstone confirmed that this was Andrew Walker's last Board meeting as Chair of the Bar Council and undertook to thank him on the Board's behalf for his attendance and contribution to discussions.

**TB to
note**

Item 13 – Dates of next meetings

27. • Thursday 13 December 2018 (Board Away Day);
• Thursday 31 January 2019.

Item 14 – Private Session

28. 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 – 25 October 2018;
 - (2) Matters arising and action points – Part 2;
 - (3) Non-disclosure agreements: proposed new guidance;
 - (4) LSB Internal Governance Rules (IGR) Consultation;
 - (5) Any other private business.

29. The meeting finished at 5.35 pm.