

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 28 November 2024 (5.00 pm)****Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams**

- Present:** Kathryn Stone OBE (Chair)
Gisela Abbam
Alison Allden OBE
Emir Feisal JP
Steve Haines
Simon Lewis – via Teams
Andrew Mitchell KC
Irena Sabic KC
Leslie Thomas KC
Stephen Thornton CBE
- By invitation:** Lorinda Long (Treasurer, Bar Council)
Andy Russell (Director, Council of the Inns of Court) – via Teams
- Press:** Neil Rose (Legal Futures)
- BSB Executive** Laura Cassidy (Stakeholder Engagement Officer)
Chris Fitzsimons (Communications Manager)
Rebecca Forbes (Head of Governance & Corporate Services)
Teresa Haskins (Director of People)
Saima Hirji (Acting Director of Regulatory Operations) – via Teams
Oliver Jackling (Research and Evaluation Manager)
Sara Jagger (Director of Legal & Enforcement)
Ewen Macleod (Director of Strategy & Policy)
Rupika Madhura (Interim Director of Standards)
Claudia Nawroth (Interim Reform Programme Manager) – via Teams
Mark Neale (Director General)
John Picken (Governance Officer)
Adelita Thursby-Pelham (Senior Regulatory Lawyer)
Wilf White (Director of Communications & Public Engagement)

Item 1 – Welcome / Announcements**Action**

- Kathryn Stone welcomed those present, in particular Adelita Thursby-Pelham, the newly appointed Senior Regulatory Lawyer. She also noted with regret that this would be the last Board meeting for three Members who were standing down at the end of the year, namely:
 - Alison Allden OBE;
 - Steve Haines;
 - Simon Lewis.
- Two Bar Council representatives are also retiring from their roles and three senior staff members are leaving the BSB either at the end of this year or in the early part of 2025 ie

- Lorinda Long (Bar Council Treasurer);
- Sam Townend KC (Bar Council Chair);
- Chris Fitzsimons (Communications Manager);
- Sara Jagger (Director of Legal and Enforcement);
- Wilf White (Director of Communications and Public Engagement).

3. She warmly thanked all those concerned for their hard work and valuable service during their time at the BSB. Members concurred and applauded their contributions.

4. **Item 2 – Apologies**

- Jeff Chapman KC

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 26 September 2024.

Item 5a – Matters arising & Action List

7. The Board **noted** the action list. The Chair also advised that in future, the “date of action required” column will be retitled “completion due date”.

JP to note

Item 5b – Forward agenda

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

Item 6 – Performance Report: Quarter 2 2024/25

BSB 058 (24)

Note: the Board received a revised version of Annex 1 to the performance report. It was edited down from the original version to aid readability.

9. Mark Neale commented as follows:

- this is the second issue of the balanced scorecard on performance and this new format has been well received by the Performance and Strategic Planning (PSP) Committee;
- the headline findings show a generally positive picture including:
 - the quality of decision making (independently assessed) by BSB reviewers remains high;
 - caseloads have stabilised;
 - in general, the timeliness of case management has improved (*note: the slippage in terms of Investigations reflects a higher proportion of cases completed that were already outside target parameters*).
- we expect that output for Quarter 3 will be impacted by the demands of the Reform Programme so results may fall back next time prior to recovery thereafter.

10. In response to questions from the Board, the executive commented that:

- we are still receiving more applications from overseas lawyers than we have capacity to manage. A separate paper in the private session proposes further action on this issue;
- we will separate out this particular group from future performance statistics so that the Board receives better insight on this matter;

- the negative change in respect of “investigations decided” reflects the earlier point about closure of cases that have overrun (cf. min 9). A higher proportion of those closed outside target means a lower proportion was completed within it, which then affects the figures. Our results for Quarter 3 will likewise be affected;
 - there are good reasons why cases overrun – often due to reasonable requests for more time on the part of the barristers concerned;
 - we already tried to reflect the increased likelihood of adjournment when we last revised our performance standard, but when the reasons are medically related, delays can be successive and open ended.
11. With reference to the latter point, Andy Russell agreed that health related reasons, particularly mental health, are an increasing factor in delays to Tribunals. If there is medical evidence that sufficiently justifies the adjournment there is little else that can be done until that situation changes.
12. Steve Haines asked about the scope for stopping the clock on performance for cases that are adjourned. Sara Jagger confirmed that this does occur for cases that are at Tribunal stage but not always for those still under investigation.
13. **AGREED**
to note the report.

**Item 7 – Feedback from IPSOS Mori poll on the BSB
BSB 059 (24)**

14. Wilf White commented as follows:
- the poll was commissioned in response to a challenge from Emir Feisal as to the evidence base for our understanding of public awareness;
 - in overall terms, the findings are encouraging (85% know that barristers are regulated though a high proportion (over 70% in each case) have either never had any personal experience of dealing with a barrister or knows of anyone who works as a barrister;
 - there is less awareness about the BSB itself (half of those surveyed had not heard of it) which suggests more promotional work is required.
15. Members welcomed the report and questioned:
- whether it will become an annual report,
 - future action to raise public awareness ie will this be driven by the Communications Team or as part of a wider strategic plan;
 - the scope of future awareness surveys – could it cover all legal services; will it include more qualitative data, and could it give more focus to clients who did have previous knowledge of working with barristers;
 - how initial contact was generated (ie personal or work related) for those who did state they had previous knowledge of barristers.
16. In response the executive stated that:
- the BSB has an organisation-wide responsibility for communications, so we do need to consider this at a strategic level. That said, those colleagues with specific roles in communication will clearly have a lead in delivering improved public awareness;

- it will be for the new Director of Programmes, Planning & Engagement to determine whether the poll will be repeated as an annual event;
 - the report included with the agenda paper highlights the key findings but there is scope to drill down more in terms of further analysis;
 - the IPSOS Mori survey did not detail the contact source for barristers other than to ask whether or not it was from a direct access route;
 - we already have a new survey planned on client experience of barristers. This will also include a higher proportion of qualitative data, so feedback will be properly nuanced. That should be completed by the end of the current financial year and will be followed-up every two years thereafter.
17. Stephen Thornton said that a key question relates to empowerment ie whether people know that they can seek redress and have access to relevant signposting eg via the Citizens' Advice Bureau site. These issues might be built into the structure of future surveys. With that in mind, Steve Haines suggested focusing on the solicitor-barrister relationship from a client perspective (eg ask questions on level of transparency and value to money).
18. Andrew Mitchell KC confirmed that policies are already in place within chambers which enable clients to make service / conduct complaints about barristers. Oliver Jackling confirmed that a further, separate piece of research work on the solicitor - barrister relationship will commence shortly. This has been jointly funded by the Solicitors Regulation Authority (SRA).
19. Members also commented with concern about the public perception of barristers ie more said they have confidence in service standards than they do in terms of treating clients fairly and without discrimination. The results for minoritised groups for the same criteria follow the same pattern but are lower overall compared with non-minoritised groups.
20. In response, Oliver Jackling highlighted the correlation that exists between confidence levels and prior experience of working with barristers. Those in this latter category had a much higher degree of confidence than those without such experience.
21. Andrew Mitchell KC added that further analysis on causation is needed to explain why the disparity for minoritised groups exists – in particular whether it is the result of anything specific that the regulator and / or the profession does (or does not do) or whether wider societal issues are at play.
22. **AGREED**
to note the report and the comments raised by Members.
- Item 8 – Performance and Strategic Planning (PSP) Committee Mid Year Report (1 May 2024 - 31 October 2024)**
BSB 060 (24)
23. Steve Haines highlighted the key points of the Committee's work over the past six months ie
- oversight of the 2025/26 budget where the Committee recognised the significant rise in expenditure but also considered it a necessary future investment against which it will hold the executive to account;

OJ to
note

- the usefulness of the balanced scorecard in explaining the outcomes of recent performance reports;
- the Reform Programme which is currently running to time.

24. Kathryn Stone welcomed the report and reiterated her sincere thanks to Steve Haines for his stewardship of the PSP Committee.

25. **AGREED**
to note the report.

Item 9 – Governance Risk & Audit (GRA) Committee – Annual Report 2024

BSB 061 (24)

26. Stephen Thornton referred to the GRA Annual Report and distinguished between the Committee's cyclical work ie oversight of internal audit and corporate / regulatory risk reports and other, more specific items eg revision to the regulatory risk framework; the work of the Independent Reviewers and the BSB's compliance with anti-money laundering regulations.

27. **AGREED**
to note the report.

Item 10 – Director General's Report – Public Session

BSB 062 (24)

28. Mark Neale introduced the report and additionally commented on the outcome of the [BSB's 2024 spot check](#) on barrister compliance with continuing professional development (CPD) requirements. This:

- shows good overall levels of compliance;
- highlights examples of good practice;
- notes areas of weakness, often in respect of inadequate reflection on completed CPD activities.

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

Item 11 – Chair's Report on Visits and External Meetings

BSB 063 (24)

30. The Chair referred to the section on Board recruitment in her paper and thanked Paula McDonald, Gisela Abbam and Simon Lewis for their help and support in convening over three days for the Board recruitment interviews.

31. **AGREED**
to note the report.

32. Schedule of Board Meetings Jan 2025 – March 2026

BSB 064 (25)

The Board **approved** the schedule of meetings for January 2025 – March 2026 as set out in the report.

Item 13 – Any Other Business

33. None.

Item 14 – Date of next meeting

34. • Thursday 30 January 2025, 2.00 pm.

Item 15 – Private Session

35. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 26 September 2024 & 9 October 2024.
 - (2) Matters arising and action points – Part 2.
 - (3) BSB Corporate Risk update
 - (4) Review of regulatory fees
 - (5) Reform Programme: progress, timetables and reporting
 - (6) Update on proposal for dealing with Transferring Qualified Lawyer (TQL) applications
 - (7) Appointment of Board Members
 - (8) Director General's Report – Private Session.
 - (9) Any other private business.
36. The meeting finished at 5.50 pm.