

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public
Minutes of the Bar Standards Board meeting
Thursday 21 May 2020 (5.00 pm)
via Star Leaf

- Present:** Baroness Tessa Blackstone (Chair)
Naomi Ellenbogen QC (Vice Chair, BSB)
Alison Alden OBE
Lara Fielden
Steve Haines
Andrew Mitchell QC – by phone
Irena Sabic
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE – by phone
Leslie Thomas QC – by phone
Stephen Thornton CBE
- By invitation:** Derek Sweeting QC (Vice Chair, Bar Council)
Grant Warnsby (Treasurer, Bar Council)
Malcolm Cree CBE (Chief Executive, Bar Council)
James Wakefield (Director, COIC)
- BSB Executive in attendance:** Joseph Bailey (Policy Manager – Handbook Review)
Rebecca Forbes (Head of Governance & Corporate Services)
Oliver Hanmer (Director of Regulatory Operations)
Sara Jagger (Director of Legal and Enforcement)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
Mark Neale CB (Director General)
John Picken (Governance Officer)
Victoria Stec (Head of Authorisation)
Wilf White (Director of Communications and Public Engagement)
- Press:** Jemma Slingo, Law Society Gazette
Neil Rose, Legal Futures

Item 1 – Welcome / Announcements

1. The Chair welcomed Members to the meeting and congratulated Leslie Thomas QC on the birth in May of his daughter, Alisa.
2. **Item 2 – Apologies**
 - Elizabeth Prochaska
 - Amanda Pinto QC (Chair, Bar Council).

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 19 March 2020.

Item 5a – Matters arising

5. (i) **Proposed arrangements for centralised examinations**
BSB 017 (20)
- I. Victoria Stec asked the Board to ratify its earlier decision in respect of online arrangements for the BSB's examinations in August 2020. She confirmed that a contract with Pearson Vue has now been agreed.
 - II. The Chair welcomed the paper and thanked the Examinations Team for their work in making these arrangements possible. She noted that results are due out in November but asked the team to investigate whether this could be done any sooner.
 - III. **AGREED**
to confirm the Board's decision, taken out of cycle, to approve the development of a computer based system for centralised assessments in August 2020.
- (ii) **Action List (Annex B)**
The Board noted progress on the action list.

**VS to
note**

Item 5b – Forward Agenda (Annex C)

6. Members noted the forward agenda list.

Item 6 – Health Emergency: BSB response

BSB 018 (20)

7. Mark Neale summarised the salient points of the paper which concerned the BSB's response to the coronavirus health emergency (both short and longer term action).
8. Derek Sweeting QC commented as follows:
- there is growing evidence that the detrimental effect on barrister income will affect many sections of the Bar and not just those mentioned in the report;
 - these include some, eg the Chancery and Commercial Bars, which contribute substantially to overall income from the practising certificate fee;
 - the Bar Council intends to survey chambers about the impact of lockdown and is willing to share any feedback with the BSB.
9. He also queried the decision to continue with the planned investment in the BSB's case management system and so forego a short term saving of £170k.
10. Grant Warnsby noted the decision not to furlough BSB staff for the present. He asked whether this might be introduced, even for a short period, in the near future. He also highlighted a potential longer-term effect of lockdown on social mobility within the Bar and asked for the BSB's comment on this point.
11. Mark Neale acknowledged the emerging nature of the financial impact on the Bar and welcomed the offer of data sharing. In respect of the other points he commented that:
- an automated system for student registration is necessary because we now have several different pathways to qualification. The alternative of using manual systems to monitor student progress would be complex and resource intensive and offer less value for money overall;

- the BSB will keep the option to furlough under review. In the meantime, and with well-being in mind, we are encouraging staff to take annual leave (notwithstanding that many have already cancelled their original plans);
- the BSB's Senior Management Team is aware of the possible impact on diversity at the Bar as a result of changes brought about by the health emergency. This featured in discussions about the infrastructure of support that chambers currently provides and remains a point of concern.

12. **AGREED**

to note the paper and endorse the Executive's response to date in meeting its short, and longer-term objectives arising from the health emergency.

Item 7 – Year-end report of the Planning, Resources & Performance Committee (PRP)

BSB 019 (20)

13. Steve Haines highlighted the following:

- the dashboard summary that was originally circulated referred, in error, to the performance figures for Q4 rather than those for Year End. A corrected version will be published on the website after the meeting;
[Note: this is now [available](#) and shows that 7 key performance indicator (KPI) targets were met by year end and 6 missed – 1 only marginally]
- the Committee has reflected on the lean resourcing model and considers this to be a contributory factor in missing KPI targets. There were several periods of under staffing during the year which impacted our overall capacity, particularly for the Investigations Team;
- teams are now at full strength with a “get well” plan in place. Subject to no additional impact from Covid 19, KPIs should be met in full by Q3.

14. In response to a question about how the KPIs have changed following Departmental restructure, the Executive commented as follows:

- for the new Contact and Assessment Team (CAT), the KPIs set response time targets for:
 - answering initial enquiries;
 - referral of cases to other Departments and their subsequent conclusion.
- for Enforcement, the points to note are:
 - a new KPI for turnaround times on cases referred from CAT;
 - a modified KPI for investigation of allegations measuring the time to conclude cases as from the date of referral;
 - additional quality indicators concerning decisions by the Independent Reviewer and appeals against administrative sanctions.

15. **AGREED**

to note the year-end performance report and the assurance given by the PRP Committee in respect of its scrutiny of the quarterly performance reports.

Item 8 – Proposed amendments to the Standing Orders for Joint Committees and the BSB Constitution

BSB 020 (20)

16. Rebecca Forbes commented as follows:

- the proposed changes to the Standing Orders for Joint Committees are required for compliance with the new Internal Governance Rules (IGR);
- the proposed constitutional changes relate to the reappointment of Members. No concerns were raised by the Bar Council following consultation;
- the LSB require the Board to send it a Certificate of Compliance with the IGR by 23 July 2020 together with an appropriately worded Board resolution.

17. **AGREED**
- a) to approve the proposed amendments to the Standing Orders for Joint Committees, including authority for the Executive to make the necessary changes to language for gender neutrality only. RF
- b) to approve the proposed amendments to the BSB's Constitution. RF
- c) to request the GRA Committee to review a draft of the Certificate of Compliance and associated Board resolution at its meeting on 7 July 2020 and for the Board to consider any recommendation arising from this by email prior to 23 July 2020. RF

Item 9 – Handbook Review

BSB 021 (20)

18. Ewen Macleod commented as follows:
- the scope and timescales of the Review (to be rebranded “Review of the Code of Conduct”) have been changed in line with the Board’s earlier guidance;
 - the paper also addresses how wider policy issues will now be managed, given they no longer form part of the review.

19. AGREED

to approve the revised scope and timescales of the Review of the Code of Conduct.

Item 10 – Director General’s Strategic Update (public section)

BSB 022 (20)

20. The Board **noted** the Director General’s report.

Item 11 – Chair’s report on visits and external meetings

BSB 023 (20)

21. The Board **noted** the report.

Item 12 – Any Other Business

22. None.

Item 13 – Dates of next meetings

- 23.
- Tuesday 7 July 2020 (joint meeting with OLC Board);
 - Thursday 16 July 2020 (Board Away Day);
 - Thursday 24 September 2020 (Board meeting, preceded by joint meeting with the LSB).

Item 14– Private Session

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

- (1) Approval of Part 2 (private) minutes – 19 March 2020;
- (2) Matters arising and action points – Part 2;
- (3) LSB Strategy Review;
- (4) Corporate Risk Report;
- (5) Revised Financial Forecasts 2020/1, 2021/22, 2022/23;
- (6) Director General’s Strategic Update – private session;
- (7) Any other private business.

25. The meeting finished at 5.30 pm.