

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 25 January 2024 (5.00 pm)****Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams****Present:**

Kathryn Stone OBE (Chair)
 Gisela Abbam (via Teams)
 Alison Allden OBE
 Jeff Chapman KC
 Emir Feisal JP
 Steve Haines
 Simon Lewis (via Teams)
 Irena Sabic KC (via Teams)
 Professor Leslie Thomas KC (via Teams)
 Stephen Thornton CBE

By invitation:

Malcolm Cree CBE (Chief Executive, Bar Council) (via Teams)
 Lorinda Long (Treasurer, Bar Council)
 Ian Busby, Consultant at Fieldfisher
 Sarah Ellson, Partner at Fieldfisher

Press:

Neil Rose, Legal Futures (via Teams)

In attendance:**BSB Executive**

Jameelah Bangali (Project Manager)
 Laura Cassidy (Stakeholder & Engagement Officer)
 Angela Dickinson (Policy Officer)
 Christopher Fitzsimons (Communications Manager)
 Rebecca Forbes (Head of Governance & Corporate Services)
 Laura Franks (Head of CAT Operations)
 Teresa Haskins (Director of People, BSB) (via Teams)
 Saima Hirji (Acting Director of Regulatory Operations) (via Teams)
 Oliver Jackling (Research & Evaluation Manager) (via Teams) (items 1-6)
 Sara Jagger (Director of Legal and Enforcement) (via Teams)
 Poornima Karunacadacharan (Policy Manager)
 Ewen Macleod (Director of Strategy & Policy) (via Teams)
 Rupika Madhura (Interim Director of Standards) (via Teams)
 Ben Margerison (Research & Evaluation Officer) (via Teams) (items 1-6)
 Mark Neale (Director General)
 Jane Osler (Interim Governance Manager)
 John Picken (Governance Officer)
 Wilf White (Director of Communications & Public Engagement)

Item 1 – Welcome / Announcements

1. Kathryn Stone welcomed those present, in particular the guests from FieldFisher and Laura Cassidy, who was attending her first Board meeting.

Item 2 – Apologies

- Andrew Mitchell KC
- Sam Townend KC (Chair, Bar Council)
- Barbara Mills KC (Vice Chair, Bar Council)
- James Wakefield KC (Hon) (Director, COIC)
- Richard Parnham (Policy Manager)

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 30 November 2023.

Item 5a – Matters arising & Action List

5. There were no matters arising. The Board **noted** the update to the action list. Ewen Macleod confirmed that a rule change application about interim suspension has now been sent to the LSB. This action is therefore complete.

**JP to
note****Item 5b – Forward agenda**

6. The Board **noted** the forward agenda list. The Chair also reminded Members about the training session on equality, diversity and inclusion which takes place immediately before the March Board meeting.

Item 6 – Annual report on diversity at the Bar

BSB 001 (24)

7. Members welcomed the report and commented as follows:
 - it might be useful to include response rates from previous years to give greater context to the data;
 - we should highlight the positive impacts of a diverse profession in the text of the report and explain how the data is used in order to incentivise higher response rates;
 - for future iterations we might consider including:
 - comparable headline statistics for:
 - ❖ other professions eg solicitors;
 - ❖ non-lawyers who are nevertheless involved in the delivery of barrister services eg clerks, practice managers, chief executives;
 - further analysis of diversity data by:
 - ❖ earnings;
 - ❖ attrition rates ie those that do not proceed to pupillage or otherwise leave the profession;
 - a greater degree of granularity on disability data;
8. In response the Executive stated that:
 - comparative data on response rates from previous years can be included;
 - the data is used in several aspects of our work eg
 - equality impact analyses;
 - tracking the impact of our equality rules;

- we shall take further steps to explain our use of this data in our communications;
 - other legal regulators already collect similar data, and that may also be the case for representative bodies of clerks and practice managers. We already set guidance for chambers around workforce monitoring and will review this as part of our forthcoming consultation on the new equality rules;
 - we already report separately on earnings against gender and ethnicity but have insufficient data on other protected strands to draw definitive conclusions;
 - we reported some years ago on retention rates within the profession, but this focused on those who did not progress to pupillage. We have not got data on those who complete pupillage but then subsequently leave. *Note: the Chair considered it would be useful to re-visit this data, particularly when the Board reviews issues around pupillage;*
 - we do not yet have granular detail on types of disability but are planning to expand the relevant question for next year's Authorisation to Practice (AtP).
9. Simon Lewis noted that diversity data is not published where relevant response rates are below 40%. He challenged this view – it may be more transparent to publish this together with appropriate qualifications, rather than exclude it. In response, Oliver Jackling stated that:
- it has been our practice to only publish data when a statistically reliable threshold has been reached. Moreover, these data sets only become useful when a series has been collected over several years;
 - nevertheless, we could change this approach if the Board wishes to include emerging data sets in the report. *Note: the Chair thought it would be useful to publish this data, with appropriate caveats, in future reports as it might help to build understanding of why data disclosure is necessary.*
10. **AGREED**
- a) to note the report;
 - b) that the Executive considers the views expressed by the Board when preparing future, or similar stand alone, reports particularly around:
 - publication of all data sets, and;
 - comparative reports against similar data for other legal professions and chambers staff.
 - c) to request that communications relating to the diversity report explains the reasons for this data collection and how it is used to improve regulation of the profession.

OJ to
note

WW

Item 7 – Reform of the BSB's regulatory capacity

BSB 002 (24)

11. The Board **noted** the report and authorised Mark Neale to write to the Chief Executive of the Legal Services Board with the latest update.

MN to
note**Item 8 – BSB Policy: Conflicts of Interest Policy**

BSB 003 (24)

12. This item was withdrawn so that more detail could be included in a future iteration. It will be re-presented at the March Board. The Chair noted that Members had been informed of this decision prior to the meeting.

Item 9 – Director General’s Report – Public Session

BSB 004 (24)

13. The Chair referred to a request received from Jeff Chapman KC that this item also consider the Post Office Inquiry and any implications for the BSB. At her invitation, Mark Neale read out a statement that confirmed the BSB is closely monitoring the case given its status as a Core Participant at the Public Inquiry. We are keeping regulatory action under continuing review, but are unlikely to act until all the relevant evidence has been heard.
14. He confirmed that the statement will be published on the BSB’s website in the immediate future. He also highlighted the following:
- progress on dealing with the backlog of applications from overseas lawyers, including a review of associated costs;
 - the extension of the consultation on chambers to the end of March 2024 (this is in response to feedback from recent roundtable meetings).
15. Regarding applications from transferring lawyers, the Chair thanked colleagues in the Bar Council for agreeing to meet with the BSB to discuss the likely causes of the rise in applications received. She also welcomed the interest from barristers and associated professionals in our roundtable meetings (the London event on 23 January 2024 attracted over 40 participants).
16. **AGREED**
to note the report.

Item 10 – Chair’s Report on Visits and External Meetings

BSB 005 (24)

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

Item 11 – Any Other Business

18. Independent External Board Evaluation

The Chair reminded Members that the next year’s business plan includes an independent external evaluation of Board effectiveness and for colleagues to therefore respond to survey requests at the appropriate time.

**Board
to note****Item 12 – Date of next meeting**

19. Thursday 21 March 2024.

Item 13 – Private Session

20. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 30 November 2023.
 - (2) Matters arising and action points – Part 2.
 - (3) Policy Update:
 - a) Equality Rules update
 - b) Handbook Review update 2023-25
 - (4) Risk Framework Review: final report and implementation
 - (5) Enforcement Review Project
 - (6) Regulatory performance: self assessment
 - (7) Process for delivering a new multi-year strategy
 - (8) Director General’s Report – Private Session
 - (9) Any other private business.
21. The meeting finished at 5.30 pm.