

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**Part 1 - Public**  
**Minutes of the Bar Standards Board meeting**  
**Thursday 21 March 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  
Jeff Chapman KC  
Emir Feisal JP  
Steve Haines – via Teams  
Simon Lewis  
Andrew Mitchell KC  
Irena Sabic KC  
Professor Leslie Thomas KC  
Stephen Thornton CBE
- By invitation:** Sam Townend KC (Chair, Bar Council)  
James Wakefield KC (Hon) (Director, COIC)  
Malcolm Cree CBE (Chief Executive, Bar Council) – via Teams  
Rachael Gardner (Senior Adviser, Independent Audit)  
Omang Nain (Senior Consultant, Independent Audit)  
Susan Stenson (Partner, Independent Audit) – via Teams
- Press:** Neil Rose, Legal Futures
- BSB Executive** Ben Bray (Head of Risk Based Regulation)  
Laura Cassidy (Stakeholder Engagement Officer)  
Henry Fingerhut (Policy Manager)  
Christopher Fitzsimons (Communications Manager)  
Rebecca Forbes (Head of Governance & Corporate Services)  
Imogen Kirby (Senior Reports and Data Analysis Officer)  
Sara Jagger (Director of Legal and Enforcement) – via Teams  
Ewen Macleod (Director of Strategy & Policy)  
Rupika Madhura (Interim Director of Standards) – via Teams  
Natasha Mutch-Vidal (Diversity, Inclusion & Wellbeing Manager) – via Teams  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Mark Platt (Interim Head of Policy)  
Dee Sekar (Head of Equality & Access to Justice)  
Theodore Smith (Policy Officer) – via Teams  
Jennifer Terry (Senior Regulatory Officer) – via Teams  
Kirsty Totimeh (Senior Policy Officer)  
Wilf White (Director of Communications & Public Engagement)  
Alex Williams (Head of Operational Support)
- Resource Group:** Richard Cullen (Director of Finance) – via Teams

**Item 1 – Welcome / Announcements**

1. Kathryn Stone welcomed those present, in particular Rachael Gardner, Omang Nain and Susan Stenson from Independent Audit who were observing the meeting as part of a governance effectiveness review recently commissioned by the Board.
2. Online questionnaires have been sent to Board Members as part of that review process and the Chair reminded her colleagues to complete them.
3. She also welcomed a number of BSB staff members who were attending the Board meeting for the first time.

**Board to  
note**

**Item 2 – Apologies**

- Lorinda Long (Treasurer, Bar Council);
- Teresa Haskins (Director of People, BSB);
- Saima Hirji (Acting Director of Regulatory Operations).

**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 25 January 2024.

**Item 5a – Matters arising & Action List**

7. There were no matters arising. The Board **noted** the update to the action list. The Chair also asked for an update on min 16c (30/11/23) concerning the rise in applications from overseas lawyers.
8. In response, Mark Neale confirmed the following:
  - we are pursuing our enquiries about the rise in these applications (predominantly from the Indian Sub-Continent);
  - we think this is driven in many cases by motives other than to practise at the Bar in England and Wales ie to market themselves as having been Called to the Bar for that jurisdiction.

**Item 5b – Forward agenda**

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

**Item 6 – Performance Report: Quarter 3 (2023/24)**

BSB 013 (24)

10. Mark Neale highlighted the following:
  - Authorisations completed a wide range of pupillage related tasks in Q3 reflecting a welcome rise in pupillage numbers. However, the seasonal nature of this activity also contributed to a drop in productivity for other related authorisation work;
  - in overall terms the trend on productivity remains upwards. A fall off in Q3 happens every year because of the Christmas shutdown period but other factors also affected productivity in Autumn 2023;
  - Transferring Qualified Lawyers (TQLs) currently account for around 50 applications a month but we now have a dedicated Task Force in place to manage these.

11. Members commented as follows:
- the Q3 results for the Supervision Team are notably strong and it would be useful to know if there are any good practice lessons to learn that can be shared with other Teams;
  - the figures for Authorisations at Annex B remain well short of KPI targets. Though reasons for this are understood we should, in the meantime, manage the expectations of applicants so they have a realistic idea of current processing time;
  - the Performance and Strategic Planning (PSP) Committee scrutinised the Q3 results but was assured by the explanations provided. The forthcoming Fieldfisher report on Enforcement is likely to make useful recommendations around end-to-end accountabilities and workflow.
12. Mark Neale stated that:
- our Supervision work is rather different to that of other BSB operational teams insofar as it focuses on training providers and chambers. Notwithstanding that the Team has been very successful in delivering both proactive and reactive work, so the suggestion of contacting the Head of Supervision will be followed up once she returns from leave;
  - we do communicate with applicants about increased wait times and have updated information on our website to that effect. We have also made clear how genuinely urgent applications can be prioritised with the Authorisations Team.
13. Irena Sabic KC noted the time now taken (over 12 weeks) for the majority of authorisations to be completed, as well as the creation of the Task Force (cf. min 10). She asked about the operation of the latter.
14. In response the Executive stated that:
- the key features of the Task Force are that:
    - it comprises an experienced lead (Jennifer Terry) plus four new starters (three now in post and one further to add);
    - there are 650 TQL applications currently outstanding;
    - first priority is given to applicants who have either pupillage or tenancy offer letters. Second priority are SRA regulated solicitors. This accords with earlier direction from the Board;
    - some applications are very old either because fees have not been paid or because further information has not been supplied;
  - two issues have added additional pressure ie
    - spurious claims for prioritisation;
    - requests for reconsideration of previous decisions by the Team;
  - the latter avenue is no longer available. Anyone now wishing to dispute a decision will have a right of appeal to the Independent Decision-Making Body (IDB) on payment of the appropriate fee;
  - a price rise for TQL applications is due soon and, if flagged in advance, there is a risk of further applications to avoid the extra cost.
15. **AGREED**
- a) that the Director General contacts the Head of Supervision about any good practice lessons it may be possible to share in the light of excellent performance results in that team.

MN

- b) to note the action taken to address the increase in applications from transferring lawyers (cf. min 14).

**Item 7 – Draft Anti-racist Strategy**

BSB 014 (24)

16. Ewen Macleod and Rupika Madhura highlighted the following:
- the strategy reflects the “good practice” model promoted by the Chartered Institute of Personnel Development (CIPD) and might also act as a useful reference tool for the wider profession;
  - the document addresses each of the CIPD principles in turn, so accounts for its length, but that was a necessary task as it needed to explain how these will be applied in practice and the impact we seek.
17. The Board welcomed the Anti-racist strategy and gave a strong commitment in this respect. In response to questions raised, the Executive commented that:
- the co-Chairs of the Anti-racist Working Group were drawn from the Senior Leadership Team (SLT) to show leadership on this topic but that has not distracted from ordinary SLT business;
  - other members included the Head of Equality and Access to Justice and the Diversity, Inclusion & Wellbeing Manager (as well as various Team representatives);
  - there are several options in terms of further Board engagement ie:
    - a Board Member “champion”;
    - taking part in Anti-racist strategy events or directly participating in the implementation group itself;
    - including Equality, Diversity & Inclusion (EDI) as part of our Board evaluation process;
  - we consider the anti-racist strategy to be appropriately resourced and will incorporate annual reviews. Our feedback mechanisms include regular people surveys analysed by protected characteristics and background. Additionally, any Board reports on Anti-racism will be conducted in public session and progress published on the website;
  - we are also initiating a “safe space” Staff Forum so that people can express their views openly and confidently.
18. Natasha Mutch-Vidal also gave an assurance about communication and the momentum for change for the Anti-racist strategy. She welcomed the challenge from the Board and gave a commitment to its delivery.
19. The following comments were also made:
- the need for a comprehensive set of principles is understood but an additional summary would be helpful for ease of reference;
  - we should institute both qualitative and quantitative measures in setting key performance indicators;
  - Members might consider acting as a sounding board from time to time;
  - we should consider the impact of remote working on the Anti-racist strategy as this could affect dynamics;
  - we should create a separate Board led committee on people and culture / EDI issues though, equally, we should not blur the line between Executive and Non-Executive roles;

20. **AGREED**

- a) to approve the BSB Anti-racist Strategy, and first year action plan as stated in Annexes A and B of the report.
- b) to create a separate Board led committee on people and culture.  
*Note: the Director General agreed to host a lunch for the Anti-racist Working Group and the Board prior to the meeting on Thursday 23 May 2024 (12.45 – 1.45 pm)*

**EM/RM to  
note  
EM/RM**

**Item 8 – Board Code of Conduct, Committee Terms of Reference and policies**

BSB 015 (24)

21. Rebecca Forbes invited views on a range of governance related proposals. Members commented as follows:
- the Code of Conduct should include provision to proactively challenge racism and discrimination;
  - all Board Members should have a right to observe any Committee meeting;
  - the Performance & Strategic Planning Committee should have a right to call upon external advice should it deem that necessary;
  - any declaration of interests arising during appointment should be investigated by the Chair *and* (not or) the Director General.

22. **AGREED**

That subject to the additional caveats identified in the meeting (cf. min 21) to approve, as set out in the paper:

- the revised Terms of Reference for the Governance, Risk and Audit Committee (GRA) and the Performance and Strategic Planning Committee (PSP);
- the revision to the Board Appointments Policy to amend the composition of selection panels for Board Committees;
- the composition of the selection panel for the imminent recruitment for two (non-Board) members of GRA;
- the revised Code of Conduct for Board Members (Appendix 9 to the Governance Manual); and
- the updated policies on Declarations of Interests, and Gifts and Hospitality (Appendices 11 and 12 to the Governance Manual).

**Item 9 – Director General’s Report – Public Session**

BSB 016 (24)

23. The Board **noted** the report.

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

BSB 017 (24)

24. The Board **noted** the report.

**Item 11 – Any Other Business**

25. None

**Item 12 – Dates of next meetings**

26. Thursday 11 April 2024, 5 pm (special meeting)  
 Thursday 23 May 2024, 2 pm (ordinary meeting)

*Note: the Chair reminded those present that the **May meeting** will commence at the earlier time of **2.00 pm***

**Item 13 – Private Session**

27. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 25 January 2024.
  - (2) Matters arising and action points – Part 2.
  - (3) KPI & performance monitoring – balanced scorecard implementation
  - (4) Setting the fees charged by the Bar Standards Board
  - (5) BSB Business Plan 2024-25 and final budget
  - (6) BSB Consolidated Risk Update for the Board: March 2024
  - (7) Data and Intelligence Strategy - Approval
  - (8) Director General's Report – Private Session
  - (9) Any other private business.
28. The meeting finished at 5.50 pm.