

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 25 January 2018, Room 1.1, First Floor

289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Alison Allden OBE
Aidan Christie QC
Steven Haines
Andrew Mitchell QC
Nicola Sawford
Adam Solomon
Kathryn Stone OBE
Anu Thompson
Stephen Thornton CBE
- Bar Council in attendance:** Richard Atkins QC (Vice Chair, Bar Council) – via Starleaf
Malcolm Cree (Chief Executive, Bar Council)
Andrew Walker QC (Chair, Bar Council)
- By invitation:** Andy Russell (BTAS Registrar)
- BSB Executive in attendance:** Vanessa Davies (Director General)
Oliver Hanmer (Director of Regulatory Assurance)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Amit Popat (Head of Equality & Access to Justice)
Jessica Prandle (Senior Policy Officer, Equality & Access to Justice)
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 noted, in particular, the appointment of three new lay Board Members ie:
 - Lara Fielden
 - Kathryn Stone OBE
 - Stephen Thornton CBE
2. She congratulated Andrew Walker QC on his appointment as Chair of the Bar Council and also welcomed the new Vice Chair, Richard Atkins QC. In addition, she congratulated Adam Solomon on his appointment as a QC (with effect from 26 February 2018).

Item 2 – Apologies

- Justine Davidge
- Naomi Ellenbogen QC
- Judith Farbey QC
- Lara Fielden
- Zoe McLeod
- Lorinda Long (Treasurer, Bar Council)
- James Wakefield (Director, COIC)
- Mark Hatcher (Special Adviser to the Chair of the Bar Council)
- Rebecca Forbes (Governance Manager)
- Sara Jagger (Director of Professional Conduct)

Item 3 – Members’ interests and hospitality

3. The following declarations were made:
- Vanessa Davies has been appointed an independent non-executive Director on the Board of the Quality Assurance Agency for Higher Education with effect from January 2018.
 - Nicola Sawford has been appointed to the Advisory Board for Crowd Justice (a crowdfunding platform tailored specifically for legal cases) with effect from February 2018.

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 23 November 2017.

Item 5 – Matters Arising

5. None.

Item 6a – Action points and progress (Annex B)

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

Item 6b – Forward Agenda (Annex C)

7. The Board noted the forward agenda list.

Item 7 – Annual publication: Diversity at the Bar

BSB 001 (18)

8. Jessica Prandle referred to the Diversity Data Report 2017 and summarised the main trends identified ie:
- improved disclosure rates (though still relatively low for some categories);
 - modest upward trends in the representation of women and black and minority ethnic (BAME) barristers;
 - continued under representation of disabled barristers;
 - continued over representation of those from fee-paying schools.
9. Members commented as follows:
- the near 50:50 gender split for pupillages is encouraging;
 - breaking down gender data by year of call might highlight issues around retention;
 - disclosure rates might improve further if it is made clear that this type of data helps drive policy forward;
 - equality networks have been successfully used in other organisations and it would help to know if these exist in the Bar.

**JPr to
note**

10. In response to the latter points, the following comments were made:
- the equality roundtable utilises this data in policy formation and this feeds into our broader strategic plans;
 - the MyBar portal already includes messages on the purpose of data collection but this could also be emphasised as part of a wider awareness campaign about MyBar;
 - the Bar Council has an E&D Officer Network with which it regularly consults and the Association of Women Barristers is also a useful point of contact.
11. **AGREED**
to publish the Diversity Data Report 2017 as attached at Annex 1 of the report on the BSB website. **AP**
- Item 8 – Women at the Bar and differential attainment**
BSB 002 (18)
12. Amit Popat invited Members' views on the BSB research report in the paper ("Exploring Solutions to Gender Equality") and the supporting action plan (Annexes A and B of the report). A research summary will be published in February.
13. The following comments were made:
- the report is well composed with strong recommendations. In future, it would help to also analyse by practice area;
 - the section on work allocation features examples termed "good practice", are based on the contributor's own perception of "good practice" but are not endorsed by the BSB nor necessarily reflect its views;
 - the issue of work allocation is complex and may affect all barristers irrespective of gender.
 - the report is based on feedback from workshop groups but a summary of the diversity profile of attendees might have been helpful;
 - regarding mentoring, we could explore both internal (chambers based) *and* external schemes.
14. Malcolm Cree welcomed the report. He commented that the Bar Council is currently involved in similar work so proposed a meeting to avoid any duplication of effort. **AP to note**
15. The Board noted the BSB's research findings on differential attainment at the Bar Professional Training Course (BPTC) and Pupillage (Annex C) and considered the action plan (Annex D). It approved the content and agreed that feedback on progress could be provided through the Director General's report. A formal update report should be scheduled for January 2019.
16. **AGREED**
- a) to note the draft research report on Women at the Bar but to request this is amended to take account of the points raised at the meeting. **AP**
 - b) to note the plan to produce a research summary paper for publication in February 2018.
 - c) to approve the action plan on Women at the Bar as set out in Annex B.
 - d) to approve the action plan on differential attainment as set out in Annex D and to request a formal update report in January 2019. **AP to note**

Item 9 – Youth Court Registration - Implementation

BSB 003 (18)

17. Oliver Hanmer presented revised proposals about the registration of barristers for Youth Court work. Data will be collected via Authorisation to Practise (AtP) renewals– an appropriately worded question on past *and* future work in this area will be added to the MyBar portal (rather than referencing just past work as originally proposed).
18. Andrew Walker QC referred to circumstances where a barrister might actively seek work in this area but not actually receive instructions. Oliver Hanmer confirmed that intent is the key point so barristers should tick the relevant checkbox if they hope to undertake Youth Court work. This will be made clear in the MyBar portal.
19. **AGREED**
to note the change to how the BSB will undertake the registration of barristers for Youth Court work.

Item 10 – Chair’s Report on Visits and Meetings: Dec 2017 – Jan 2018

BSB 004 (18)

20. The Board noted the report.

Item 11 – Director General’s Report

BSB 005 (18)

21. The Board noted the report. Vanessa Davies also highlighted the inaugural BSB Staff Conference which take place on Wednesday 31 January 2018.

Item 12 – Any Other Business

22. None.

Item 13 – Date of next meeting

23. Thursday 22 February 2018. *Note: apologies received from Tessa Blackstone – the meeting will therefore be chaired by Naomi Ellenbogen QC.*

Item 14 – Private Session

24. 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 – 23 November 2017
 - (2) Matters arising
 - (3) Action points and progress – Part 2
 - (4) BSB Board Diversity
 - (5) Update on PII Project
 - (6) CMA – update on timelines and consultation
 - (7) Governance, Risk and Audit Committee (GRA) Terms of Reference and Internal Audit
 - (8) LSB Consultation on Internal Governance Rules (IGRs) – BSB Response
 - (9) Any other private business
25. The meeting finished at 5.45 pm.