

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 25 October 2018, Room 1.1, First Floor

289 – 293 High Holborn, London, WC1V 7HZ

Present: Baroness Tessa Blackstone (Chair)
Alison Alden OBE
Aidan Christie QC
Lara Fielden
Zoe McLeod (items 7 – 11)
Nicola Sawford
Kathryn Stone OBE
Anu Thompson
Stephen Thornton CBE

Note: Naomi Ellenbogen QC was not present at Part 1 of the meeting but did attend Part 2.

By invitation: Malcolm Cree (Chief Executive, Bar Council) – *via Star Leaf*

BSB Executive in attendance: Jake Armes (Project & Operations Officer) – items 1-6
Vanessa Davies (Director General)
Rebecca Forbes (Governance Manager)
Sara Jagger (Director of Professional Conduct)
Michael Jampel (Head of Regulatory Policy)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
Christopher Young (Policy Manager) – items 1-7

Press: Max Walters (Law Society Gazette)

Item 1 – Welcome

1. Tessa Blackstone welcomed members to the meeting.

Item 2 – Apologies

- Justine Davidge
- Steven Haines
- Andrew Mitchell QC
- Adam Solomon QC
- James Wakefield (Director, COIC)
- Andrew Walker QC (Chair, Bar Council)
- Richard Atkins QC (Vice Chair, Bar Council)
- Lorinda Long (Treasurer, Bar Council)
- Mark Hatcher (Special Adviser to the Chair of the Bar Council)

Item 3 – Members' interests and hospitality

2. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

3. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 27 September 2018.

Item 5a – Matters arising and action points (Annex B)

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

Item 5b – Forward Agenda (Annex C)

5. Members noted the forward agenda list. Vanessa Davies confirmed the list will be further adjusted as new reporting cycles are finalised.

Item 6 – Modernising regulatory decision making – approval of revised Standing Orders and relevant BSB Handbook Regulations

BSB 052 (18)

6. Sara Jagger referred to the revisions proposed for the Standing Orders and the BSB Handbook. These are a necessary pre-cursor to creation of the BSB's new regulatory decision-making regime (the policy for which has previously been agreed by the Board).
7. She advised on a further minor adjustment ie: the text proposed for deletion at paragraph 35 of Annex A and paragraph 32 of Annex B will now be reinstated. This follows feedback from the Bar Council's General Management Council on a paper about wider changes to the BSB's constitution.
8. She also confirmed that the Professional Conduct Committee will be disestablished on 31 May 2019 (not 30 May as stated in paragraph 11 of the covering report).

9. AGREED

- a) to approve the revised BSB Standing Orders 2018 to come into force on 5 November 2018 (Annex A) and the BSB Standing Orders 2019 to come into force on 1 June 2019 (Annex B). **RF**
- b) to approve the Enforcement Decision Regulations (Annex C) and the associated consequential amendments to the BSB Handbook (Annex D) for approval by the Legal Services Board (LSB). **SJ**
- c) to authorise the Director General of the BSB to approve, if necessary, any further minor amendments to the Enforcement Decision Regulations and the associated consequential amendments, in advance of the LSB application and / or in response to enquiries from the LSB once the application has been made. **VLD to note**

Item 7 – Future Bar Training: Approval of new Part 4 Qualification Rules

BSB 053 (18)

10. Ewen Macleod reported comments from Justine Davidge, who was unable to attend. The salient points were:
- the proposed Rules were drafted after due consultation and the Education & Training Committee now recommends them for adoption;
 - the Rules will be supplemented by a Memorandum of Understanding to clarify the role of the Inns;
 - one recommendation concerns the accreditation of pupil supervisors by the Inns of Court. This has previously been considered by the Board, but not fully settled.

Part 1 - Public

11. In response to questions from Board Members, the following comments were made:
- the intention of rQ40 concerning appeals is that it should only relate to individuals seeking to qualify as barristers. It does not relate to authorised educational training organisations (AETOs) and final checks will be undertaken to ensure clarity on this point;
 - AETOs will be responsible for the quality assurance of their nominated pupil supervisors. Authorisation applications to the BSB must confirm that those nominated are suitable and competent for the role. Though the Inns will no longer be mandated to authorise pupil supervisors, the Committee strongly encourages them to offer pupil supervisor training to AETOs and any additional assistance to quality assure pupil supervisors;
 - the names of pupil supervisors will still need to be confirmed with the BSB and will still appear in the online public register of barristers;
 - the BSB has already communicated with training organisations about AETO registration (so that they can continue providing pupillages) but more is required as response rates have so far been slow;
 - a series of roadshows on changes to pupillage will be held between November 2018 – January 2019.

CY to
note12. **AGREED**

- a) to adopt the draft Part 4 Qualifications Rules set out in Annex A including the proposals on the assurance of pupil supervisors.
- b) to request that the dates of pupillage roadshows be circulated to Board Members.

WW

Item 8 – Annual report of the Governance, Risk & Audit (GRA) Committee
BSB 054 (18)

13. The Board **noted** the report.

Item 9 – Chair’s Report on Visits and Meetings: October 2018
BSB 055 (18)

14. The Board **noted** the report.

Item 10 – Any Other Business

15. BSB Strategic Plan Consultation Event

A flyer for this event was tabled at the meeting. It takes place on Thursday 6 December 2018 at the BSB offices (arrival time 5.00 pm for a 5.30 pm start, ending 7.00 pm). Members are welcome to attend.

Item 11 – Date of next meeting

16. • Thursday 22 November 2018.

Item 12 – Private Session

17. 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 – 19 July 2018;
 - (2) Matters arising and action points – Part 2;
 - (3) Quarterly Strategic Update from the Director General;
 - (4) Budget update from the Finance Committee;
 - (5) Any other private business.

18. The meeting finished at 5.25 pm.