

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

**Part 1 - Public**

**Minutes of the Bar Standards Board meeting**

**Thursday 26 September 2024 (2.00 pm)**

**Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams**

- Present:** Kathryn Stone OBE (Chair)  
Alison Allden OBE  
Simon Lewis – via Teams  
Steve Haines  
Emir Feisal JP  
Irena Sabic KC  
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) – via Teams  
Barbara Mills (Vice Chair, Bar Council) – via Teams  
Andy Russell (Director, Council of the Inns of Court) – via Teams
- Press:** Neil Rose, Legal Futures  
Joshua Rozenburg, Legal Commentator – via Teams (items 8-15)
- BSB Executive** Ahmet Arikan (Senior Policy Officer) (items 7-10)  
Ben Bray (Head of Risk Based Regulation)  
Laura Cassidy (Stakeholder Engagement Officer) – via Teams  
Charlie Cormack (Regulatory Panel Manager) – via Teams  
Mike Farmer (Head of Programmes) – via Teams  
Rebecca Forbes (Head of Governance & Corporate Services)  
Laura Franks (Head of CAT Operations)  
Edoardo Furlani (Reports and Data Analysis Officer)  
Teresa Haskins (Director of People)  
Saima Hirji (Acting Director of Regulatory Operations)  
Samantha Jensen (Corporate Services Manager) – via Teams  
Imogen Kirby (Reports and Data Analysis Manager) – via Teams  
Ewen Macleod (Director of Strategy & Policy)  
Rupika Madhura (Interim Director of Standards)  
Mark Neale (Director General)  
Richard Parnham (Regulation Policy Manager) (items 7-10)  
John Picken (Governance Officer)  
Elena Townsend (Project Manager) – via Teams  
Wilf White (Director of Communications & Public Engagement)  
Alex Williams (Head of Operational Support)
- Resources Group** Richard Cullen (Director of Finance) – via Teams

**Item 1 – Welcome / Announcements**

**Action**

1. Kathryn Stone welcomed those present, in particular:
  - Andy Russell, the new Director for the Council of the Inns of Court;
  - BSB staff members attending for the first time (Mike Farmer and Elena Townsend).

**2. Item 2 – Apologies**

- Gisela Abbam
- Jeff Chapman KC
- Andrew Mitchell KC
- Professor Leslie Thomas KC

**Item 3 – Members’ interests and hospitality**

3. Kathryn Stone noted that a declaration had already been made in respect of both her and Emir Feisal’s attendance at the South Eastern Circuit’s Keble Advanced Advocacy Course at Keble College, Oxford (27-31 August 2024). She expressed her gratitude to the organisers of this event noting the exceptional quality of the training provided.

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

4. The Board **approved** the Part 1 (public) minutes of the meeting held on 25 July 2024.

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

5. There were no matters arising. In response to comments from the Chair about the action list, Mark Neale stated that:
- some timelines on actions were extended due to pressure of work;
  - proposals around revised fees for transferring lawyers will be presented to the Board in November 2024.

**Item 5b – Forward agenda**

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

**Item 6 – Performance Report: Quarter 1 2024/25**

BSB 044 (24)

7. Mark Neale commented that:
- this is the first time that the new “balanced scorecard” on performance has been presented to the Board. *Note: Members received a briefing on this topic in the pre-Board seminar immediately before the meeting.*
  - in overall terms, the Quarter 1 results are positive with notably increased productivity in most areas;
  - there is a continuing challenge regarding authorisations for transferring qualified lawyers (TQL) despite the proactive steps we have so far taken to tackle backlogs. Further action is now necessary;
  - we also propose that future iterations of the scorecard include volume measures in the productivity quadrant (i.e. targets for the number of cases completed).
8. In respect of TQL applications, Saima Hirji commented that:
- we currently have a backlog of around 740 applications;
  - we accept that delay has a deleterious effect on applicants and are very empathetic in that regard. It also impacts detrimentally on the Authorisations Team which continues to work very hard to process these fairly and accurately;
  - application numbers have only been high since January 2023. Prior to that, they were much lower and fully manageable but since then, around 40 - 50 per month are being received. These are complex and time-intensive to resolve so we have not been able to keep up with demand;

- we have had a “TQL Task Force” in place since January 2024, which is solely for processing priority cases ie transferring qualified solicitors with higher rights of audience and those with offers of tenancy or pupillage;
  - we estimate it will be a further year before the backlog is fully mitigated.
9. She also explained her new strategy to address the backlog. The salient points for the short term were:
- identifying if those applicants who originally made contact over 12 months ago either wish to continue, and if so, update their applications;
  - securing an additional resource outside of the existing Task Force to assess applications and manage email enquiries: we have already contacted an existing law firm to help expedite matters;
  - improving the expectation management of applicants.
10. Medium term goals include:
- simplifying existing Authorisation policies and procedures;
  - sharing the experience of other regulators facing similar issues;
  - contacting other jurisdictions with a view to mapping across qualifications.
11. The Chair thanked Saima Hirji for her commentary. She also noted that the challenges on TQL applications should not overshadow the very positive improvements in performance elsewhere in the organisation or the continuing vigorous efforts of the Authorisations Team itself.
12. Board Members agreed with these sentiments and commented as follows:
- the proposed reinforcement of resources is necessary and should be rapidly deployed;
  - the option of using an external law firm is viable providing:
    - it offers “value for money”;
    - the external team is able to work effectively with existing BSB staff.
  - a projected timeline of a year still seems too long so considering any other means possible to address the backlog would be welcome;
  - it would help to understand the average cycle time for TQL applications and whether our own policy requirements might unnecessarily add to processing time;
  - a further report on TQL applications is needed for the November Board to highlight the impact of extra resources and timelines for improvement;
  - the balanced scorecard will be an important tool to highlight future performance issues in real time (for the BSB’s Senior Leadership Team, as well as the Board). This will facilitate earlier management intervention should that be required.
13. Saima Hirji acknowledged these points and stated that:
- the most time efficient way is for an external law firm to consider assessment of applications and for decision making to remain with experienced BSB staff;
  - processing times vary depending on the cases concerned. Applications from solicitors based in England and Wales can be determined much more quickly than those from overseas jurisdictions;
  - the current policy framework is acknowledged to be overly complex hence our medium-term aim to simplify this;

- we will continue with our policy on prioritisation but the additional resource will allow us to make in-roads into the backlog (which hitherto has not been possible).

14. **AGREED**

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| a) | to note the operational performance set out in Annex 1 of the paper and progress to date on delivery of the current business plan.  |                |
| b) | to take immediate steps to reinforce resources to deal with applications from Transferring Qualified Lawyers (TQLs) through outsourced external legal support.  | <b>SH</b>      |
| c) | to request an update on progress at the November Board meeting.   | <b>SH</b>      |
| d) | to welcome the introduction of the balanced scorecard on performance and to endorse the suggestion of further amendment on volume measures (to be discussed with the Performance & Strategic Planning Committee – cf. min 7). | <b>MN / AW</b> |

**Item 7 – Regulatory Decision-making Annual Report 2023-24**

BSB 045 (24)

15. Saima Hirji highlighted the following points from the Annual Report on regulatory decision making:
- a high-quality standard of decision making has been maintained during the year;
  - outside of TQL applications, performance has generally improved and the Fieldfisher report also made recommendations on its review of our end-to-end enforcement processes;
  - trends identified during the year include:
    - fewer than anticipated reports about the use of social media;
    - a fall in the number of cases around sexual harassment.
16. The Chair welcomed the report. She noted that this is a retrospective document and, as such, the outcome of the Bar Council's Independent Review of bullying and harassment at the Bar ("the Harman Review") will feature in the 2024/25 report.
17. Members agreed on the interesting and informative nature of the report. They also commented that:
- it would be more transparent to quote the dates of the report in full ie *1 April 2023 – 31 March 2024*. Also, given its retrospective nature it would (ideally) be preferable to publish at an earlier point in the year;
  - the text refers to the establishment of a "Professional Enabler" Team in the Home Office. It would be helpful to know if that is now in place;
  - it is concerning that regulatory fees have not been increased to a regular cycle to recover costs and to keep pace with inflation
  - the report does reference Transferring Qualified Lawyers (TQLs) but could have been more open as to the difficulties the BSB has faced in terms of processing these applications (cf. mins 8-13). We might therefore consider a re-draft for this part of the text.
  - the report confirms that criminal and family law cases account for the majority of reports received. However it may be helpful in future to expand on trends for other areas of law and geographical regions of the Bar.

18. In response, the executive stated that:
- the Supervision Team is in touch with Home Office and will confirm when this team is in place.  
**Post meeting note:** the Professional Enabler Team from the Home Office is now established and the BSB has since been in contact.
  - following the inflationary increase applied from April 2024, regulatory fees are now subject to a triennial review and will increase by inflation during the intervening years. The paper due in November 2024 (cf. min 5) constitutes the first of these reviews. We aim to increase TQL fees at that point and all others with effect from 1 April 2025;
  - an accompanying statistical analysis will be included when the Annual Report is published online. This will give further analysis on the different areas of law to which reports related.

19. **AGREED**

to publish the BSB report on Regulatory Decision Making (2023/24) subject to further consideration of the points made at the meeting (cf. min 17).

**SH / WW**

**Item 8 – Independent Decision Making Body Annual Report 2023-24**

BSB 046 (24)

20. Alex Williams highlighted the following:
- nine IDB cases were returned to IDB panels (compared to three in the previous reporting year (*Note: these are termed 'reconvened cases'*));
  - for reasons of efficiency, all IDB Panel meetings are conducted online. Where possible, however, training events are conducted in person to help encourage greater cohesion between Panel Members;
  - the IDB accepted the recommendations of the Fieldfisher report on enforcement and will implement these during the next reporting year;
  - the report mentions the recruitment of eight new IDB Members and all of these have since been fully inducted.
21. Stephen Thornton welcomed the report but added that there may be scope for a further trend analysis on the nature of the cases the IDB considered i.e. whether there are any aspects that might further inform the BSB's evidence base on regulatory risks and how we regulate.
22. The Chair agreed this point and thanked the executive for the thoroughness of the report. She also congratulated the IDB on its open and positive attitude and its willingness to learn from past experience.
23. **AGREED**
- a) to publish the Independent Decision Making Body Annual Report 2023/24 as set out in the agenda papers. **WW**
  - b) to investigate the scope for a trend analysis on IDB data with a view to further informing the BSB's regulatory risk evidence base. **AW**

**Item 9 – Chambers**

BSB 047 (24)

24. Mark Neale invited comments on proposed actions to improve the consistency and effectiveness of chambers' oversight following the BSB's earlier consultation on this issue.

25. The Chair emphasised that the proposals do **not** place any new regulatory obligations on chambers. They are simply aimed at achieving better and fuller compliance with existing regulations. Board Members added that:
- the figure of 22 consultation responses only refers to the number of *written* replies received. We also had feedback from nine roundtable discussions held with various stakeholders;
  - the report includes two proposed “definitions of chambers” (*paragraphs 15, main report and 23 of Annex B*) but these are not identical so should be further reviewed;
  - the equality impact assessment (Annex C) is also relevant in the context of the current debate on the BSB’s equality rules;
  - the proposed statement (Annex B) does not represent a final “end”. The BSB will continue to listen to feedback about chambers to develop a culture of continuous improvement;
  - the “next steps” to create dedicated webpages is encouraging but we also need a plan for future stakeholder engagement opportunities.

26. **AGREED**

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| a) to publish the public statement on the Bar Standards Board’s response to the consultation on chambers.                   | <b>MN</b> |
| b) that the BSB continues to collate feedback from stakeholders and establishes a plan for future engagement opportunities. | <b>MN</b> |

**Item 10 – BSB Empowering consumers compliance review**

BSB 048 (24)

27. Richard Parnham highlighted the following:
- the annexes to the report set out the BSB’s formal report and assessment in respect of its compliance with the Legal Services Board’s Statement on empowering consumers;
  - we are satisfied that the BSB is fully compliant with the requirements of this Statement and have an ambitious roadmap which will take us beyond these minimum requirements.

28. Members supported the paper and welcomed the executive’s intent to further improve consumer empowerment.

29. **AGREED**

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| a) to approve the draft compliance report and forward this to the Legal Services Board before 30 September 2024. | <b>RP</b> |
| b) to publish this document on the BSB’s website.  | <b>RP</b> |

**Item 11 – Director General’s Report – Public Session**

BSB 049 (24)

30. At the Chair’s invitation, Mark Neale commented on the BSB’s current equality rules consultation which has already generated a good deal of useful debate. He highlighted the following:
- a key question is to identify what regulatory framework best promotes our shared objective of enhancing the diversity and inclusiveness of the barrister profession;
  - the relevant definitions about diversity, equality and inclusion are already included in the consultation document and the BSB looks forward to receiving feedback on these;

- whilst feedback is encouraged, some unwarranted concerns have arisen which is necessary for us to address ie:
  - we remain fully supportive of the cab rank rule and there will be no effect on this as a result of these proposals;
  - likewise, no quotas will be imposed on chambers.

31. The Chair stated that:

- the consultation on the equality rules ends on 30 November 2024;
- the Board will consider all feedback received and act in the light of this. It is not, and should not be regarded as, a *fait accompli*.

32. **AGREED**

to note the report.

### **Item 12 – Chair’s Report on Visits and External Meetings**

BSB 050 (24)

33. The Chair highlighted the workshop for “all BSB Task Forces” which took place on Wednesday 18 September 2024. This was very well received, particularly by the Board Members who were also present. Several of those who attended commented on the illuminating and inspiring nature of the various talks. It may help at a later date to present a paper to the Board on the Task Forces including their membership, purpose and outcomes.

34. **AGREED**

to include a paper on the BSB Task Forces at a future meeting of the Board

**DS**

### **Item 13 – Any Other Business**

35. None.

### **Item 14 – Date of next meeting**

36. • Thursday 28 November 2024, 5.00pm.

### **Item 15 – Private Session**

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

- (1) Approval of Part 2 (private) minutes – 25 July 2024.
- (2) Matters arising and action points – Part 2.
- (3) Authorisations Review
- (4) Consolidated Risk Report
- (5) Budget for 2025/26
- (6) Reform Programme: progress, timetables and reporting
- (7) Strategic plan consultation
- (8) Board evaluation action plan
- (9) Director General’s Report – Private Session.
- (10) Any other private business.

38. The meeting finished at 3.15 pm.