

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 23 May 2024 (2.00 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
Steve Haines
Simon Lewis
Andrew Mitchell KC
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) – via Teams
Claire Jasper, Head of Culture, Engagement and Talent, Quilter
Lorinda Long, Treasurer, Bar Council
- Press:** Neil Rose, Legal Futures – via Teams
- BSB Executive** Georgia Bozekova (Senior People Manager)
Laura Cassidy (Stakeholder Engagement Officer) – via Teams
Christopher Fitzsimons (Communications Manager) – via Teams
Rebecca Forbes (Head of Governance & Corporate Services)
Neve Goodbun (Assessment Officer, Contact & Assessment Team)
Teresa Haskins (Director of People, BSB) – via Teams
Saima Hirji (Acting Director of Regulatory Operations) *Note: Saima Hirji attended for Part 1 of the meeting only*
Sara Jagger (Director of Legal and Enforcement) – via Teams
Ewen Macleod (Director of Strategy & Policy)
Rupika Madhura (Interim Director of Standards)
Mark Neale (Director General)
John Picken (Governance Officer)
Wilf White (Director of Communications & Public Engagement)

Item 1 – Welcome / Announcements**Action**

1. Kathryn Stone welcomed those present, in particular Neve Goodbun and Claire Jasper who were attending the Board for the first time. *Note: Claire Jasper attended at the invitation of Rupika Madhura as both were paired as “learning partners” for the Senior Leaders Fellowship Programme run by the [Forward Institute](#).*
2. **Item 2 – Apologies**
 - Irena Sabic KC;
 - Professor Leslie Thomas KC;
 - Sam Townend KC (Chair, Bar Council);
 - James Wakefield KC (Hon) (Director, Council of the Inns of Court);*Note: Emir Feisal JP was not present for Part 1 of the meeting but did attend during Part 2.*

Item 3 – Members’ interests and hospitality

3. None.

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

4. The Board **approved** the Part 1 (public) minutes of the meetings held on 21 March 2024 and 11 April 2024.

Item 5a – Matters arising & Action List

5. There were no matters arising.

Item 5b – Forward agenda

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

Item 6 – Performance Report: Quarter 4 (2023/24)

BSB 027 (24)

7. Mark Neale commented as follows:
- from a “year-end” perspective, the BSB has seen:
 - an increased volume of work, especially in Authorisations (+25%);
 - productivity improvements in the Contact and Assessment Team (+12% increase in throughput of reports about barristers);
 - in respect of Quarter 4, the salient points were:
 - a significant overall bounce back in productivity compared to Q3;
 - improvements in timeliness for the completion of investigations;
 - challenges remain for Authorisations where new caseloads continue to outpace closure rates, although our internal “Task Force” on applications from transferring qualified lawyers (TQLs) is now in place;
 - a qualified lawyer has also been added to the Authorisations Team to assist with decision making.
8. Mark Neale also referenced recent suggestions from the Performance and Strategic Planning (PSP) Committee about TQL applications ie:
- (i) prepare a sample survey of the motivating factors behind applications of those using the TQL route to qualification, but who are not seeking to practice at the England and Wales Bar;
 - (ii) consider providing one or more anonymised case study/ies about the TQL route to illustrate the complexity, cost and outcome of these applications.
9. Though grateful for these ideas, the Team considered it already has good anecdotal evidence of the motives behind this group of TQL applicants. Also, case studies would require significant redaction and might be too idiosyncratic for general illustrative purposes. The Chair did, however, agree a suggestion from the executive about a pre-Board seminar on TQL applications so that Members better understand this process.
10. In response to questions raised, Mark Neale stated that:
- the fee for TQL applications has already been raised to take account of inflation since the last time this was set;
 - the application form has also been revised to maximise the administrative efficiency in terms of processing time although we have yet to see solid evidence of the resulting efficiency gain

11. The Board commented as follows:

- there continues to be a deleterious impact on operational work from these additional TQL applications. One recent example was a barrister whose pupillage was put in jeopardy because of delay to the authorisation process;
- it is not apparent why our rules cannot be altered to disallow those who have no intention of practising at the Bar in England and Wales;
- we should identify how long it would take to make such a rule change;
- the operational administration of TQL rules is within the BSB's own jurisdiction, and we should manage expectations accordingly. Whilst we might still accept new TQL applications from those not seeking to practise at the England and Wales Bar, we could also give notice that these will not be processed until priority casework has been cleared;
- the influx of TQL applications from those not intending to practise in England and Wales skews our data on key performance indicators (KPIs). This group should be treated separately for KPI purposes so that we can properly focus on priority casework for Authorisations;
- at the private session of its March meeting, the Board argued for an uplift the TQL application fee by an amount that would be approximate to (though not breach) the likely full economic cost. The decision to only raise this by inflation falls short of this figure.

12. In response, the executive commented as follows:

- our current rules do *not* require applicants to provide evidence of an intent to practise at the Bar in England and Wales. Phase 2 of our planned review of Authorisations will give an opportunity to reconsider the rules, but there is no "quick fix";
- any change requires approval from the Legal Services Board and includes an equality impact assessment (EIA) and a 12-week public consultation period. Moreover, were applicants required to demonstrate intention to practise at the England and Wales Bar, we would also need to provide appropriate guidance;
- the time required to implement a rule change needs to be verified but a likely estimate would be about a year;
- we would need to review the extent to which our existing rules could be varied. We receive applications from lawyers who *are* seeking to practice at the Bar in England and Wales as well as those who are not so need to reliably and consistently distinguish between the two;
- there are several sources for TQL applications eg solicitors transferring to the Bar and those from lawyers from other jurisdictions. To date, our KPIs for authorisations have been used on the same basis regardless of the category, for reasons of consistency;
- until we have a critical mass of applications based on the revised form (cf. min 10) we will not be able to arrive at an accurate figure for full cost recovery. At present we are still working through old style forms, but we should be in a better position by September 2024.

13. In summarising the discussion, the Chair asked the executive to consider further the points raised by the Board and provide an update at the July meeting. In particular she highlighted the ideas around:
- an interim uplift in fees and revised / separate KPIs;
 - a more radical approach for prioritisation of TQL applications from those practising, or actively intending to practise, at the Bar in England and Wales.
14. Stephen Thornton referred to paragraph 12 about *Legal Choices* and welcomed the news that frontline regulators had now agreed to include third sector organisations in their strategy for public legal education. Wilf White added that BSB's decision to rejoin *Legal Choices* had been well received as had interest in the collaborative work it previously championed.
15. Steve Haines also asked that the Board Away Day includes the headline results of the study on intermediary businesses and associated regulatory risks on access to barrister services (paragraph 12 of the report refers). The executive agreed to this request.
16. **AGREED**
- a) to welcome and celebrate the general improvement in performance as set out in Annex A of the paper.
 - b) that the executive organise a pre-Board seminar on the administrative process for qualified lawyers seeking to transfer to the Bar for England and Wales. SH
 - c) that the executive urgently reconsiders the points made about applications from transferring qualified lawyers who are not seeking to practise at the Bar in England and Wales (cf. mins 11 & 13) and provides an update at the July Board meeting. MN
 - d) that the Board Away Day (27 June 2024) includes headline results on the market study on intermediaries (cf. min 15). EM

Item 7 – Performance and Strategic Planning Committee (PSP) Year End Report (November 2023 – March 2024)

BSB 028 (24)

17. The Board **noted** the report and the recent extension of the PSP Committee's remit to include oversight of change programmes.

Item 8 – Committee Terms of Reference, Appointments policy and governance policies

BSB 029 (24)

18. The Board approved the recommendations set out in the report without further comment. Both the Chair and Vice Chair thanked Rebecca Forbes for the care and attention given to this paper and acknowledged the importance of having effective governance arrangements in place.
19. **AGREED**
- to approve:
- a) the revised Terms of Reference for (i) the Nomination Committee and (ii) the Performance and Strategic Planning Committee. RF
 - b) the generic change for all Committee Terms of Reference giving all Board Members the right to observe Committee meetings and amending the process for appointment of Board Members to Committees. RF

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| c) the revision to the Board Appointments Policy. | RF |
| d) the revision to the Terms of Reference for the Centralised Examinations Board. | RF |
| e) the amendment to the Board's Code of Conduct. | RF |

Item 9 – Director General's Report – Public Session

BSB 030 (24)

20. The Board **noted** the report.

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

BSB 031 (24)

21. The Board **noted** the report. The Chair reiterated the very useful and worthwhile nature of her various meetings with barristers, legal practice managers and Head of Chambers. She also welcomed the recent follow-up roundtable discussions with stakeholders.
22. Members noted the reference to “knowledge share sessions” with (i) Simon Lewis and (ii) Jeff Chapman KC. *Note: the executive confirmed that these were recorded so are accessible to the Board.*
23. The Chair expressed her sincere thanks to both Simon and Jeff for their involvement, as well as to other Board Members who have contributed similarly. She observed the value of providing opportunities for the executive to learn more about Board Members outside of formal meetings.

Item 11 – Any Other Business

24. None.

Item 12 – Dates of next meetings

25. • Thursday 27 June 2024, 9.30 am (Board Away Day).
• Thursday 25 July 2024, 5 pm.

Item 13 – Private Session

26. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 21 March 2024 & 11 April 2024.
 - (2) Matters arising and action points – Part 2.
 - (3) BSB Corporate Risk update for the Board – May 2024.
 - (4) Independence: incorporation of the Bar Standards Board.
 - (5) Director General's Report – Private Session.
 - (6) Any other private business.
27. The meeting finished at 2.45 pm.