

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



REGULATING BARRISTERS

Meeting of the Bar Standards Board
Thursday 24 May 2018, 5.00 pm
Room 1, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ

Agenda - Part 1 – Public

			Page
1.	Welcome and introductions (5.00 pm)	Chair	
2.	Apologies	Chair	
3.	Members' interests and hospitality	Chair	
4.	Approval of Part 1 (public) minutes		
	• 22 March 2018	Annex A	3-5
5.	a) Matters arising and action points	Annex B	7-9
	b) Forward agenda	Annex C	11
6.	PRP Committee Quarterly Report (5.05 pm)	BSB 031 (18)	13-19
7.	Chair's Report on Visits and Meetings: late March - May 2018 (*)	BSB 032 (18)	21
8.	Director General's Report (5.25 pm)	BSB 033 (18)	23-32
9.	Any other business		
10.	Date of next meeting		
	• Thursday 28 June 2018		
11.	Private Session		

John Picken
Governance Officer
JPicken@barstandardsboard.org.uk
17 May 2018

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact John Picken before the meeting.*

BSB 240518

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 22 March 2018, Room 1.1, First Floor

289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Alison Alden OBE
Justine Davidge
Judith Farbey QC
Steven Haines
Zoe McLeod
Andrew Mitchell QC
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE
Stephen Thornton CBE
- By invitation:** James Wakefield (COIC)
- BSB Executive in attendance:** Dan Burraway (Corporate Support Manager)
Vanessa Davies (Director General)
Rachael Evans (Senior Policy Officer, Regulatory Policy)
Rebecca Forbes (Governance Manager)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct)
Cliodhna Judge (Head of Supervision & Authorisation)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Amit Papat (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)

Item 1 – Welcome

1. Tessa Blackstone welcomed members to the meeting.

Item 2 – Apologies

- Naomi Ellenbogen QC (Vice Chair)
- Aidan Christie QC
- Lara Fielden
- Anu Thompson
- Andrew Walker QC (Chair, Bar Council)
- Richard Atkins QC (Vice Chair, Bar Council)
- Lorinda Long (Treasurer, Bar Council)
- Malcolm Cree (Chief Executive, 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 22 February 2018.

Item 5 – Matters Arising

4. None.

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

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

Item 6b – Forward Agenda (Annex C)

6. The Board noted the forward agenda list.

Item 7 – BSB Business Plan for 2018-19

BSB 018 (18)

7. The Board discussed the Business Plan and agreed the changes below.
- adjustment of the Resources Group budget to £4,297k and consequential amendments to the income and expenditure tables;
 - incorporation of “Chair and DG” costs in the “Corporate Services” section in the pie chart on regulation costs
 - clarification that:
 - the “Bar Council reserves” mentioned in the income table come from a shared pot for use by the BSB and Bar Council;
 - the “unregistered barristers” listed under “key facts” are those without current practising certificates;
 - better cross referencing between the departmental functions named under “core work” and the titles used in the income and expenditure tables.
8. We may also need to consider explaining the overall budget increase due to additional one-off programme costs during 2018-19.

9. AGREED

to publish the Business Plan for 2018/19 subject to the above amendments.

AL

Item 8 – Vulnerability good practice guide

BSB 019 (18)

10. Ewen Macleod sought an “in principle” agreement for the publication of the vulnerability good practice guide about immigration. Previous research suggests there is a gap in training for this area. He confirmed prior receipt of several drafting suggestions from Members and invited comments.
11. The Chair referred to a written response from Lara Fielden which suggested several amendments. Members agreed with her idea of reformatting the draft so that information on particular topics are collated together eg language interpreters and asylum seekers.
12. The following comments were also made:
- the guide was well received by the Legal Services Consumer Panel and the Access to Justice Foundation;
 - the current version is quite long so we may need to edit the text down to improve accessibility;

13. Judith Farbey QC offered to provide some further comments on the document outside the meeting.
14. Rachael Evans confirmed that a communications plan has been developed to assist with the distribution and publicity of the guide.
15. **AGREED**
to publish the vulnerability good practice guide subject to further amendment as indicated above. RE

Item 9 – Chair’s Report on Visits and Meetings: March 2018

BSB 020 (18)

16. The Board noted the report. Tessa Blackstone gratefully acknowledged the time and assistance given by Doughty Chambers during her visit there on 2 March 2018 which she found extremely helpful.

Item 10 – Director General’s Report

BSB 021 (18)

17. Vanessa Davies referred to paragraphs 27-29 of her report which concerned scope of practice. She advised that the next Regulatory Update to the profession will include a section on this project.
18. **AGREED**
to note the report.

Item 11 – Any Other Business

19. None.

Item 12 – Dates of next meetings

- 20.
- Thursday 26 April 2018 (Away Day)
 - Thursday 17 May 2018 (2pm – joint meeting with LeO; 5 pm – special Board meeting on Future Bar Training)
 - Thursday 24 May 2018 (full Board meeting)

Item 13 – Private Session

21. 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 – 22 February 2018
 - (2) Matters arising: Board Diversity
 - (3) Action points and progress – Part 2
 - (4) FBT Policy decisions – the role of the Inns of Court
 - (5) Sexual orientation and religion and belief monitoring within chambers and entities – consultation paper
 - (6) Assuring the competence of barristers
 - (7) Property update
 - (8) Revision to Standing Orders for Joint Committees
 - (9) Any other private business

22. The meeting finished at 5.25 pm.

BSB – List of Part 1 Actions

24 May 2018

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
9 (22/03/18) – Business Plan	publish the Business Plan for 2018/19 subject to the amendments agreed at the March meeting	Andrew Lamberti	before 31 March 2018	26/03/18	Completed – published on BSB website
15 (22/03/18) – Vulnerability Good Practice Guide	publish the vulnerability good practice guide subject to further amendment as discussed at the March meeting	Rachael Evans	immediate	18/04/18	Completed – published on BSB website
25a (23/11/17) – Standard of Proof	make an application to the Legal Services Board to change the BSB's regulatory arrangements to apply the civil standard of proof to professional misconduct allegations	Sara Jagger	a s a p and before autumn 2018	14/05/18 17/01/18	Ongoing – application drafted and due to be submitted by end May 2018
23b (27 Jul 17) – ATE insurance	draft an MoU with CILEx and the FCA on regulatory arrangements for ATE insurance	Ewen Macleod / Joseph Bailey	before 26 Oct 2017	16/05/18 14/03/18 14/02/18	In hand – discussions have been ongoing with the FCA and other in relation to data sharing for money laundering. In any event we have an overarching framework MoU to which the FCA is a signatory and we believe this may be sufficient, given our experience since the new guidance was issued. We will confirm soon and close this action. In hand – being taken forward by regulatory assurance as part of wider information sharing work around money laundering In hand – rather than draft an additional MoU, the preference of the FCA would be for the BSB to join the Shared Intelligence Service (an enquiry service on individuals and firms that all participating bodies use to locate information held by other regulators). The Regulatory Assurance

BSB – List of Part 1 Actions
24 May 2018
(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				15/11/17	Department is exploring the value of subscribing to the service In hand – initial positive meeting held with the FCA. Currently exploring whether an additional MoU is necessary
				18/10/17	In hand – awaiting response from the FCA
				20/09/17	In hand – a joint approach has been made with CILEX regulation to the FCA
15b (27 Oct 16) – definition of “employed barrister (non- authorised body)”	draft a rule change to amend the scope of in-house employed practice subject to further information discussions with stakeholders and the establishment of a Task Completion Group to agree associated guidance	Ewen Macleod	by end Jan 17	15/05/18	Ongoing – meeting with BACFI to discuss scope of practice on 14 June
				14/03/18	Ongoing – we are now progressing this with the LSB again, having put it off due to other priorities at the end of 2017
				15/11/17	Ongoing – updated application about to be shared with the LSB
				20/09/17	Ongoing – application being finalised
				09/06/17	Ongoing – additional guidance being produced to support final application to the LSB
				16/05/17	Ongoing – currently updating application in the light of LSB comments
				15/03/17	Ongoing – draft application due to be submitted to LSB by end March

BSB – List of Part 1 Actions
24 May 2018
(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
				15/02/17	Ongoing – awaiting meeting with BACFI
				17/01/17	In hand – have had useful discussion with the Bar Council on drafting practicalities. To share with BACFI before finalising.

Forward Agendas

Thursday 28 Jun 2018

- FBT: approval of rule change and fees consultations

Thursday 19 Jul 2018

- BSB Annual Report 2017-18
- CMA: rule change consultation on new transparency requirements
- Regulatory Operations Consultation results and approval of rules
- Joint paper on Risk Outlook 2019 and BSB Strategy

Thursday 27 Sep 2018

- PRP Quarterly Report
- Schedule of Board meetings Jan 2019-20
- Annual Enforcement Report
- Budget Bid for 2019-20
- Corporate Risk Register
- FBT: approval of new rules and LSB application

Thursday 11 Oct 2018 (Board to Board meeting with LSB)

Thursday 25 Oct 18

- Joint paper on Risk Outlook 2019 and BSB Strategy
- Remuneration of BSB Tribunal representatives

Thursday 22 Nov 18

- PRP Quarterly Report
- Combined Corporate and Regulatory Risk Register
- Regulatory Operations update
- E&T Committee Annual Report
- Scope of practice – draft consultation
- Brexit update

Thursday 13 Dec 2018 (Board Away Day)

- Joint paper on Risk Outlook 2019 and BSB Strategy

Thursday 31 Jan 19

- CMA: response to rule change consultation on new transparency requirements
- Risk Outlook 2019 – sign off

Thursday 28 Feb 19

- PRP Quarterly Report
- Corporate Risk Register
- Draft Business Plan for 2019-20
- Draft Strategic Plan 2019-22
- Regulatory Operations update

Thursday 28 Mar 19

- Business Plan for 2019-20
- Strategic Plan 2019-22

Quarterly report of the Planning, Resource and Performance Committee (PRP)

Status

1. For noting and discussion

Executive Summary

2. This report provides an update to the Board on the work undertaken by the PRP Committee.

Recommendations

3. Members of the Board are invited to:
 - a) **note** the report;
 - b) **note the assurance** that the Committee have scrutinised the detailed BSB Q4 and year end Performance Report; and
 - c) **make recommendations** to the Executive or the Committee as necessary.

Background

4. Acknowledging the request that future Board papers be shorter and avoid unnecessary detail this paper aims to provide a succinct account of the actions and decisions taken by the Committee.

Update

5. Since the last report to the Board in February, the Committee met on 1 March and 3 May. At the meeting held on the 1 March the Committee discussed the 2018 – 19 Business Plan which was discussed at the March Board meeting and published on 26 March.

Performance Report for Q4 (January 2018 – March 2018) and Year – end 2017-2018

6. A paper was presented to the members of the Committee on the BSB's performance against the aims and objectives set out in the 2017-18 Business Plan. It covered a wide range of information (see annex 1, BSB dashboard) relating to projects, financial position and performance measures, and it provided an assessment of progress against our plans.
7. 19 out of 20 of the published business plan activities were successfully completed. This year staff have pulled together and worked consistently to meet targets/deadlines alongside business as usual. A real push was made by staff and the standard/quality of work has been high.
8. The main "exception" areas highlighted in this report are:
 - a) Our draft financial¹ performance is as follows:
 - (i) BSB Controlled income: £1,420k (65% over original budget of £887k)
 - (ii) Total income £8,356 (2% over final forecast and +7% over original budget)
 - (iii) Expenditure: £5,411 (4% overspend on original budget of £5,211k)

¹ Resources Group Finance Team are still finalising year-end accounts, all accruals have been completed there is a small amount (approximately £30k) of expenditure to be entered / journaled in the accounts.

- b) One business activity (seek s69 order) was off target (amber) at the end of the 2017-18 business year. Parliamentary approval has been granted, and work has commenced on: drafting guidance to support introduction of the new powers; preparing necessary rule change to bring the powers into our regulatory arrangements (i.e. into the BSB Handbook); and a paper will be going to the Board in the summer. This part of the activity has been planned into the 2018/19 Business Plan, as the rule change will come into force on 1 October.
- c) The Authorisation team missed their Q4 and year-end KPIs. The number of applications processed within 6 weeks was 61% in Q4 and 53% for the year (target: 75%); within 12 weeks 95% in Q4 and for the year (target: 98%) and those taking over 12 weeks at 5% in Q4 and 4.7% for the year (target 2%). The new Customer Relationship Management System (CRM) was introduced into the Authorisation team at the end of Q3. Whilst the Executive is disappointed that the targets have not been achieved, they have seen evidence that the CRM is driving improvements in these results.
- d) PCD achieved the overall performance KPI with 84.1% of complaints concluded or referred to disciplinary action within service standards (target 80%). The Q4 and year-end target for OPI 2 (*percentage of external complaints concluded or referred to disciplinary action within 8 months following investigation*, target 80%), was missed by 17.5 % and 10%, respectively. The final statistics for the full year have not yet been produced. A comprehensive analysis of the statistics for the year will be included in the Enforcement Annual Report which is scheduled to be presented to the Board in September.
- e) The overall staff turnover is 10% with voluntary turnover being 6.3%.
9. The following lessons learned from previous years will be applied:
- continuing to improve our forward planning, remembering the interconnection of activities;
 - continue to involve staff at all levels in the planning of business activities; and
 - prioritise our resource allocation to meet our most pressing demands.
10. Looking forward the Executive must continue to be agile in the use of resources, so that they can continue to play the leading role in regulatory decision making and policy development. Prioritising is key, and business as usual must not be forgotten or excluded when setting deadlines or mapping out plans and priorities.

Leavers Analysis

11. The biannual Leavers Analysis paper was presented by the Director of Human Resources and discussed in depth.

BSB and Resource Group (RG)

12. The Committee considered, agreed and noted the final version of the agreement between the BSB and RG.

Upcoming Meetings

13. **14 June** – Draft annual report, the work of the Internal Auditors, FBT- Fees and Charges Proposal and BSB 2019 -21 Strategy Development.
6 September - 2019 – 20 Budget Bid, Q1 Performance Report and Review of Task and Completion Groups. – Q1 Performance Report and Leavers Analysis.

Membership

14. **Chair** Steven Haines
Vice Chair Andrew Mitchell QC
Barrister Member Judith Farbey QC
Lay Members Zoe McLeod & Stephen Thornton (appointed 1 January)
15. Currently the Committee's Terms of reference include: to consider and support the Board and executive in formulating the overall strategy for the BSB; to oversee operational and programme delivery; to consider the annual budget and revenue; to consider how the BSB presents financial information to the best effect and with appropriate transparency and comprehensiveness; to review and agree the effectiveness of service level agreements within the organisation; to consider how the BSB undertakes planning activity; and to agree the BSB monitors, measures and reports organisational performance, regulatory effectiveness and value for money with appropriate transparency and in a timely and consistent manner.

Annexes

16. Annex 1 – Q4/ Yearend Dashboard
Annex 2 – Management Accounts summary

Lead responsibility

Steven Haines, Chair of PRP Committee
Dan Burraway, Corporate Support Manager

Q4 & Year End Dashboard

Business Plan Activities (2017-18)				Service Standards (Core activity)				
Strategic Programme 1 Regulating in the public interest				Professional Conduct Indicators				
	TIME	BUDGET	STAFF	CTRL	IMPRT	SIZE	BSB paper reference	
CMA action plan	✓	✓	✓	c1	4	4		
Alternative Business Structures	✓	✓	✓	c1	2	2		
Embedding risk-based principles	✓	✓	✓	c1	3	3		
Bar PII and BMIF	✓	✓	✓	c1	4	3		
Public and licensed access	✓	✓	✓	c1	2	2		
Seek s69 order	⚠	✓	✓	c3	3	1	para 8b	
Research Strategy	✓	✓	✓	c1	2	1		
Standard of Proof	✓	✓	✓	c1	3	1		
Review of disciplinary tribunal services	✓	✓	✓	c1	2	1		
Strategic Programme 2 Supporting barristers and those the BSB regulates to face the future				Authorisations				
Continuing Professional Development				Time taken to determine applications from receipt of the complete application:				
Youth Courts	✓	✓	✓	c1	2	2		
Immigration	✓	✓	✓	c1	3	2		
Equality Objectives	✓	✓	✓	c1	4	3		
Scope of practice	✓	✓	✓	c1	1	1		
Anti Money Laundering	✓	✓	✓	c1	3	2		
Future Bar Training	✓	✓	✓	c1	4	4		
Strategic Programme 3 A strong and sustainable regulator				Entity Authorisation Decisions				
Disciplinary Tribunal Regulations				The % of authorisation decisions made within service standards				
BSB - PII	✓	✓	✓	c1	2	1		
Regulatory Independence	✓	✓	✓	c1	3	3		
Governance reforms	✓	✓	✓	c1	3	1		
Resource Group Key Activities				Number of Service Complaints Closed				
IM Business tools upgrade	✓	2	1		2017-18 Q4	Actuals v Budget		
MI Improvement	✓	3	1		2017-18 YE	Actuals v Budget		
IM CRM training	✓	3	3		Act	Bud	Var	
ATP Charges	✓	4	2		Income	£601k	£629k	£28k
Recruitment Process	✓	2	2		Expenditure	£438k	£625k	£188k
New CEO	✓	3	1		Income	£8356k	£7823k	£393k
Office Move	✓	4	1		Expenditure	£5201k	£5211k	£10k
Key				Staffing (Rolling figures)				
Control				17/18				
C1 - BSB Control				16/17				
C2 - RG control				HR				
C3 - External control				Q4				
Importance				Target				
↑ 4 More important				Sickness (days/FTE)				
↓ 1 Less important				Sickness (days/long term)				
Size				Turnover (%)				
↑ 1 Small piece of work				Turnover (Voluntary)				
↓ 4 Large piece of work				Recruitment times (approval to start date (weeks))				
Weighting				IT Response times				
Higher weighting				2017 - 18				
Lower weighting				Q4				
Business Activities				Corporate Risk Register				
Completed				15 Jan 18				
X X X Stopped				06 Apr 18				
				Response to high priority calls				
				Response to medium priority calls				
				Likelihood				
				Likelihood				

General Council of The Bar
Bar Standards Board
BSB Summary
Mar-18

	Month Actual	Month Budget	Variance F/(A)	Y-T-D Actual	Y-T-D Budget	Variance F/(A)	Annual Forecast	Annual Budget	Variance F/(A)
Income									
Practising Certificate Fees	578,000	578,000	0	6,936,000	6,936,000	0	6,936,000	6,936,000	0
Other Regulatory Income	63,898	51,450	12,448	1,461,081	887,000	574,081	1,280,439	887,000	393,439
Total Income	641,898	629,450	12,448	8,397,081	7,823,000	574,081	8,216,439	7,823,000	393,439
Expenditure									
Staff Costs - Salary Related	338,437	362,643	24,206	4,032,325	4,118,556	86,230	4,066,897	4,118,556	51,659
Staff Costs - Temp Staff/Recruitment	71,927	21,243	(50,684)	223,432	143,740	(79,692)	174,753	143,740	(31,013)
Staff Costs - Non- Salary Related	41,936	12,455	(29,481)	90,651	80,590	(10,061)	81,116	80,590	(526)
Non - Staff Costs	195,765	229,092	33,327	1,064,966	868,114	(196,852)	888,642	868,114	(20,528)
Total Costs	648,065	625,434	(22,631)	5,411,374	5,211,000	(200,374)	5,211,408	5,211,000	(408)
Net Surplus / (Loss)	(6,167)	4,016	(10,183)	2,985,707	2,612,000	373,707	3,005,031	2,612,000	393,031

Chair's Report on Visits and External Meetings from March 2018**Status:**

1. **For noting**

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair's visits and meetings since the last Board meeting.

List of Visits and Meetings:

23 March 2018	Interview with Frances Gibb, The Times Interview with Grania Langdon-Down at Lexis Nexis
27 March 2018	Attended the Chairs' Committee meeting
10 April 2018	Visited Wood Green Crown Court, sat in court to watch Proceedings. Met with HHJ Noel Lucas QC and HHJ Greg Perrins
12 April 2018	Visited the Old Bailey, met with HHJ Richard Marks
13 April 2018	Visited Rolls Buildings, met with Mr Justice Robin Knowles CBE
21 April 2018	Attended the Bar Council meeting
26 April 2018	Attended the Board Away-day
28 April 2018	Attended New Practitioner Advocacy and Ethics at the invitation of Sir David Foskett, Treasurer of Gray's Inn
3 May 2018	Met with Wanda Goldwag, Chair of LeO and Rebecca Marsh, Chief Ombudsman of LeO with Vanessa Davies
11 May 2018	Visit to National Pro Bono Centre. Met with Mr Justice Robin Knowles, and leaders of all agencies working out of the centre.
12 May 2018	Attended BPTC Advocacy and Legal Research event at the invitation of The Rt Hon Lady Justice Gloster DBE, Treasurer of Inner Temple
17 May 2018	Attended the BSB/LeO Board to Board meeting Attended the single issue Board meeting regarding FBT
18/19 May 2018	Attended the Cumberland Lodge Advocacy weekend on The invitation of Middle Temple
22 May 2018	Attended the Chairs' Committee meeting Attend the Board briefing meeting

Director General's report - BSB meeting 24 May 2018

For consideration and noting.

Director General

1. Much of the work in which I have been directly involved since the last Board meeting is set out in Programme or departmental reports below and so not repeated.
2. Externally, I have spoken at a panel event with academics, other regulators and professionals to discuss the significance of “emotional competence” in the legal profession. This event was a precursor to Mental Health Awareness week (14-21 May), which was also well supported throughout the BSB, under the collective leadership of the HR team and staff wellbeing reps.
3. I continue to have in depth involvement in the Future Bar Training Programme and have now completed, with a senior colleague, discussions with all current BPTC providers about their plans for the future. I have worked closely on the proposed Memorandum of Understanding with COIC and the Inns, and will be joining the Director of COIC, Briggs LJ, PJ Kirby of Hardwicke Chambers and Helen Ford of Bar Squared for TED-style talks and a Q and A session at the Legal Cheek Education and Training Conference on 23 May.
4. I was pleased to accompany the Chair to a visit to the National Pro Bono Centre where the many agencies operating under that umbrella set out their work and discussed with us the role of regulation. The CEO of the Bar Pro Bono Unit and I have initiated “keep in touch” meetings as a result.
5. Internally, all staff of the BSB have been engaged in completing the year-end performance review process. The 2018/19 Learning and Development Strategy for staff will now be rolled out, to enable staff to fulfill their development plans in line with BSB objectives in the year ahead.

Future Bar Training programme***Programme management and planning***

6. The Board has now considered two out of the three “tranches” emanating from the 2017 FBT consultation. Tranche three relating to the Authorisation Framework including the Curriculum and Assessment Strategy will be considered at the Board meeting on 17 May and proposals for the Recruitment & Advertising Project will be brought to the Education & Training Committee in June. Work continues as we strive to deliver all milestones in accordance with the programme timelines. Key progress includes:

Role of the Inns

7. We met with COIC two weeks ago and our high level policy positions have been largely been accepted. We are meeting this week to discuss pupil supervisor training and their progress with developing a plan for DBS checks. This meeting will also cover the structure of the MOU.
8. The data sharing protocol is currently being reviewed by the solicitors for compliance with GDPR and the MOU is being redrafted in light of feedback from the advisory group.

Review of Curriculum and Assessments

9. As stated above, the policy changes proposed by the Curriculum and Assessment Review (CAR) group will be considered by the Board on 17 May. The proposed Curriculum and Assessment Strategy is a component of the Authorisation Framework. Meetings are taking place with existing BPTC providers to discuss the arrangements for the transitional period between now and when the first new courses under the Authorisation Framework begin. Contracts relating to the period of transition will be issued once all of these meetings have taken place.

Implementation of the Authorisation Framework

10. Progress continues on the various project work streams. EIA screening forms for the Fees and Authorisation Process have been submitted for review to the Equality and Access to Justice team. The first phase of the risk work has been completed. The output will be used to ensure the decision-making framework and end-to-end application / authorisation processes are risk-based, proportionate and transparent. Work is underway with the PMO to document high level IT requirements.

Pupillage pilot

11. Second round visits are being planned with the first wave of early adopters of the Professional Statement. Whilst the first round of visits focused on how the organisations were adapting to using the Professional Statement, these visits will be used to assess how the pupils and pupil supervisors have worked with it. The visits will also be used to complete testing of our Supervision programme for pupillage.
12. We have also been contacting smaller chambers outside London who had previously expressed an interest in participating in the second wave of early adopters.

Advertising and Recruitment project

13. The project was initiated following concerns that were raised during our previous consultations, and from research conducted, that access to pupillage is one of the biggest barriers to increasing diversity at the Bar. The project team, supported by a Task Completion Group of barristers and chambers practice staff, completed their research and have prepared recommendations for consideration by the Education and Training committee. Due to the volume of FBT business relating to the policy decisions that were the subject of consultation, this is being held over until the June meeting.

Regulatory Operations Programme***Consultation***

14. The consultation on the changes we are seeking to make to our regulatory decision making as part of the Regulatory Operations Programme runs till the 31 May 2018.

CAT Project

15. The CAT Project Team, have been running workshops with members of the SMT running examples through the end-to end process. As these workshops continue, the process is being refined upon.
16. We have begun discussions with Information Management to update the testing tool so that we can begin re-testing the system. We are in the process of documenting our testing plan.

IDB Project

17. On 18 April we held a consultation event to seek the views of interested parties on our proposals to change how we deal with the information we receive as the regulator and to revise our decision-making structures in relation to professional conduct issues. The event was well-attended with the Royal College of Veterinary Surgeons, the Nursing and Midwifery Council, the Chancery Bar Association, the Council of the Inns of Court, and the Bar Council being represented.

CMA Programme***Programme management and planning***

18. All workstreams in the programme are progressing according to the stated timeline and budget. Programme risks are also actively being monitored and remain within the organisation's risk appetite.

Transparency Project

19. We published a full summary of responses to our transparency standards policy consultation and our proposed way forward in February 2018. Following this, we are drafting both a transparency rule change consultation, and developing detailed guidance and worked examples in specific areas of law to help the profession understand the nature of the transparency rules we are proposing. The guidance is being developed with assistance from a Task Completion Group (TCG). The TCG members include barrister and lay Board members, transparency pilot participants and a chambers practice manager. We will also seek advice from relevant APEX members before the transparency rule change consultation and guidance are considered at the Board meeting in July. Following the Board meeting in July, we will seek views on the guidance from Specialist Bar Associations and others before the transparency rule change consultation opens in September.
20. The development of the rule change consultation and guidance is also being informed by our research programme. A range of chambers, entities and sole practitioners with different practice areas took part in pilots of the new transparency requirements, and they have now been interviewed to discuss their experiences and their clients surveyed. We have also commissioned YouGov to undertake consumer testing, which will ensure our proposed way forward is robust and that any mandated disclosure will be appropriate and useful for consumers.

Independent Feedback Platforms Project

21. The guidance for barristers and consumers is complete. We expected to publish both this month. Promotion of the barrister guidance will be key to its adoption by the profession and we have been in discussion with the Bar Council about promoting it in BarTalk with other guidance they are publishing relating to a consumer's journey through a case.

Strategy & Policy

22. In March and April, the Policy Team received over 200 calls and e-mails to the Professional Standards Helpline. This brings the total number of queries this year to date to over 380.

23. We continue to support a number of key projects across the organisation. This includes support to the Records Team and Project Management Office on the rollout of MyBar during this year's Authorisation to Practise (AtP) process. We are now working with the teams on areas for improvement for next year's AtP process.
24. The review of the Scope of Practice section of the Handbook has begun and the team are developing the outcomes we want to see. This will help us to identify a research plan to fill in evidence gaps.
25. Work is progressing under the Immigration Project on developing joint guidance with the SRA and OISC for professional clients on instructing immigration barristers. The scope of the document has been broadly agreed and publication is planned for the end of September.

Public Access Training Review

26. The Policy Team is leading the review of the Public Access training, which was a key recommendation of last year's Public and Licensed Access Review Report. We are developing a framework to assess how well the current Public Access training providers are meeting the required outcomes. The assessment framework will include review of training providers' quality assurance reports, observation of the training and feedback from the providers and participants. The assessments will then be used to produce a revised set of required outcomes for the training, which may not differ substantially from the current outcomes, but may lead to the training placing more emphasis on certain areas (including those which barristers have identified for improvement). An internal Project Team with representation from across the BSB and a Task Completion Group (TCG) are assisting with the development of the assessment framework and a revised set of required outcomes. The TCG members include barrister and lay Board members and the APEX member for Higher Education.
27. Following the development of the revised set of required outcomes, an invitation to tender will be issued. This will allow existing training providers to demonstrate how they intend to revise their current Public Access training to reflect the revised training outcomes. Any prospective new training providers will also need to demonstrate how their Public Access training proposal reflects the revised training outcomes. Contracts for the revised Public Access training will then be awarded ready for January 2019 (the current training provider contracts expire at the end of December 2018).

Equality and Access to Justice

28. An Equality and Access to Justice Programme Board, with associated Terms of Reference and a detailed project plan, has been established and has had its inaugural meeting. This will ensure proper co-ordination and prioritisation of our work in this area.
29. A research report and summary document, Exploring Solutions to Gender Equality, arising out of the Women at the Bar workshops, has been published.
30. The sexual orientation and religion and belief data monitoring consultation is due to close on the 4th July.
31. Delivering one of the objectives of the Equality and Diversity Strategy, the Immigration Vulnerability Guide has been published.
32. Equality Impact Assessments have been conducted on the CAT project, Authorisation Framework and Curriculum & Assessments review.

33. A Vaisakhi Knowledge Sharing Session was hosted by Ranjit Sondhi, PCC member, and led by Jasvir Singh OBE, a practising barrister at Lamb Building. The session was attended by 30 people across the BSB, Bar Council, and a member of the Professional Conduct Committee was also present. There was positive feedback from attendees.
34. The Equality and Access to Justice team hosted a meeting with the Open University and LawCare to discuss their research into enhancing emotional competence in the legal professions.

Regulatory Risk

Consolidated Risk Report

35. Elsewhere on the Board's agenda is the first report showing a consolidated view of both regulatory and corporate risks. This represents another significant milestone in the BSB's development of its risk-based approach.
36. Intensive work took place during March to update the analysis and assessments within the detailed executive report which has been developed with oversight from the GRA Committee.
37. The draft report was tabled at an Exceptional Risk Forum of BSB staff, with refinement then feeding into the final version presented to the Senior Management team in early April.
38. The GRA Committee received this report at their April meeting, together with the first draft of the corresponding Board report, which focuses on priority risks together with topical or emerging matters. GRA's helpful feedback on the Board report has been reflected in the version now before the Board.
39. The team would also like to note our huge debt of gratitude to Barbara Tinson who provided maternity cover for the team up to early April and played a key role in the development of this report and underlying Risk Register.

Development of Risk Outlook 2019

40. A high-level plan for developing the Risk Outlook has now been discussed and agreed with the Senior Management Team. This plan ensures the development of the report will be undertaken in parallel with that of the BSB Strategic Plan, and we continue to engage with the Corporate Support team as they work on developing the next Strategic Plan.
41. Reporting on our current regulatory risk priorities provides a valuable source of evidence for our Outlook work that was not available to us in producing the initial 2016 edition.
42. Work is now underway to develop a more detailed schedule of activity. Sessions are being scheduled with staff to explore market developments and gather feedback on the categorisation of risks as set out within our current Risk Index. A dedicated workshop for Board and Committee members has also been scheduled for June.

Risk Awareness

43. Risk Assessment is an essential part of the CAT project work, and a series of workshops have been held with the CAT Project Board to agree a process for risk assessing information coming into the BSB. These workshops were very well received, and the agreed outcome is now being fed into further workshops where the full end-to-end CAT process for handling information is being considered. This process will include the application of the Board's risk appetite.
44. A further knowledge sharing session was held for staff who had been unable to attend the successful Knowledge Sharing session in January.

Research

45. Work continues on a number of research projects that will deliver evidence to support and inform key projects across the business.
46. We are currently undertaking research into price and service transparency to inform our response to the CMA recommendations. YouGov were appointed to carry out the research in March, and have completed the first qualitative stage of the research and reported initial findings. Design of the second stage of the research (consumer testing of transparency levels) is currently underway. Further research to inform the CMA response has also been undertaken internally, with reports produced on interviews with legal service providers, pilot programme participants, and a survey of barrister's clients.
47. The 2018 BPTC Key Statistics report (covering the profile of students on the BPTC, course outcomes, and rates of obtaining pupillage) has been completed, quality assured and published.
48. The final research report based on the Women at the Bar workshops conducted in 2017 has completed the peer review process, and has been published in association with an action plan based on the findings.
49. We have commenced the first phase of data review as part of the CPD evaluation, working with colleagues in the Regulatory Assurance department.
50. We are currently scoping a research project with the Equality and Access to Justice team to look into discrimination at the Bar, in order to identify any issues and positive action to address those issues.
51. We are working with the Policy team to scope new research to support the Scope of Practice review.
52. We have supported the FBT Recruitment and Advertising workstream with research into pupillage selection criteria at the application and interview stages, and the analysis of pupillage advertisements.
53. ICPR has completed research commissioned by the BSB and SRA on judicial perceptions of advocacy, consisting of 50 qualitative interviews with Crown Court judges. The final report is due to be published later this year.

Professional Conduct Department***Year-End Key Performance Indicators***

54. Performance in Q4 exceeded the corporate target: performance against the corporate KPI (80% of cases completed within the service standards) was 91.2% in Q4, bringing the year-end performance to 84.1%. The year-end outturn on the KPI has improved considerably year on year, having been at 80.1% against the target of 80% in 2016-17, 75.7% in 2015-16, and at 69% in 2014-15.
55. A comprehensive analysis of the performance statistics for the year will be included the Enforcement Annual Report which is scheduled to be presented to the Board at its September meeting.

PCC barrister recruitment

56. Four barristers have been successfully appointed as new members of the Committee. They are experienced in the fields of public, employment, crime, and regulatory law, as well as having worked in professional regulation in a range of sectors. Full biographies will be published on the website in due course.

Training

57. The PCD continues to provide support to the wider organisation in relation to legal knowledge. At the end of March, the Head of Investigations and Hearings provided Basic Legal Knowledge training for new staff. This corporate training, which is held once a quarter, ensures that all staff, regardless of the area they work in, have an understanding of the legal system.
58. Following feedback received from the Quality Review Sub-Committee of the PCC, the Assessment Officers attended training on drafting decision letters. This was designed to enhance their communication and explanation of decisions in letters to complainants.
59. On 13 April, PCD staff attended a briefing session on bankruptcy and insolvency proceedings, delivered by a specialist in property, commercial and insolvency litigation. The trainer has particular experience of commercial debt recovery, personal insolvency, mortgage disputes, and landlord and tenant. The training largely focussed on personal and corporate insolvency, as this was most relevant for the purpose of assessing and investigating complaints.
60. On 4 May the PCD held training on Subject Access Request work for its own staff and others from departments across the BSB. This training will allow us to better facilitate data subjects' rights of access and to build capacity to respond to such requests when the GDPR is implemented on 25 May 2018.

Litigation

61. The PCD is currently handling three legal cases, with no new ones having been received. We still await confirmation of a date regarding the matter remitted to the High Court by the Supreme Court. The matter before the Employment Tribunal where the BSB have made representations regarding jurisdiction is still to be considered and there is no further update at present.
62. Finally, a claim before the county court for discrimination arising from an alleged failure to provide reasonable adjustments has been provisionally struck out. However, the Claimant has leave to serve amended particulars which s/he must do by June 2018.

Regulatory Assurance Department***Anti-Money Laundering and Counter Terrorist Financing***

63. The Office for Professional Body Anti-Money Laundering Supervision (OPBAS) has published their policy statement on recovering their costs from the professional body supervisors. The policy statement can be found here; <https://www.fca.org.uk/publication/policy/ps18-09.pdf>. The fees calculation will be based on a definition of 'supervised individuals' which can be found in Appendix 1 of the policy statement. We will be providing data based on the results from the Authorisation to Practise process. This process has completed and we are currently analysing the data to ensure we have an accurate count of those barristers who do work which engages the Money Laundering Regulations.
64. We are awaiting the results of the Financial Action Taskforce Mutual Evaluation Peer Review of the UK. The BSB was not asked to meet the assessors.

Authorisations

65. The Review Panel sat on 1 May and considered 1 application for review. The first instance decision was upheld, with no amendments to conditions being made. Quality assurance measures are in place to ensure the consistency and standard of decision-making is maintained.
66. Since the last report, the APEX adviser has been used on 1 occasion. The advice being sought and the expertise provided is being captured to ensure knowledge is passed onwards to the executive.
67. The team now processes all applications and manages workflow within the CRM. Recommendations from the Internal Audit report have been implemented.
68. Fourteen online types of applications have now "gone live" whilst others are still being developed, which will further streamline the service and improve efficiency.
69. The team has successfully recruited two temporary staff on 12 months fixed term contracts to backfill substantive posts. This will release resources to support the FBT programme and develop staff.

Training Supervision

70. Monitoring visits to BPTC providers are now complete and reports will be published on the website in due course. A reduced number of visits in the current academic year reflects the more risk-based approach to training supervision that is now in place, as well as the fact that comprehensive monitoring took place in the previous two academic years.

Examinations

71. Since the last report, the spring assessments have been taken; the Litigation exams have been marked and the subject boards held. The Ethics exam has been first marked and standard setting completed; second marking and preparation for the Ethics subject board and Final Board is now underway, as is preparation for the summer assessments.

Quality Assurance

72. We are progressing the approach agreed by the Board last year.

Youth Court advocacy

73. Encouragingly, 1,358 barristers and over 40 pupils have registered that they intend to conduct work in the Youth Court and are competent to do so.
74. This month, the BSB has attended the Youth Justice Legal Centre's 2018 Youth Justice Summit. We were praised during the summit for our work around Youth Court Advocacy. Additionally, we attended the Intermediaries for Justice 2018 Conference, and ran a session for intermediaries discussing the Youth Proceedings Competences and feedback.

Communications and Stakeholder Engagement

75. Since this report was last prepared for the March Board, the following press releases and news announcements have been issued:
- 8 March: launch of our consultation about modernising our regulatory decision-making;
 - 12 March: the recruitment of new GRA Committee members;
 - 13 March: barrister ordered to be suspended for three months for failing to comply with a Legal Ombudsman order;
 - 15 March: publication of our report about the Race Equality at the Bar event that we hosted in February;
 - 23 March: the Board's Policy Statement on its approach to the role of the Inns of Court in the future of Bar training;
 - 23 March: barrister ordered to be suspended for seven months;
 - 26 March: publication of our 2018-19 Business Plan;
 - 11 April: launch of our consultation on removing the restriction on reporting sexual orientation and religion and belief data; and
 - 18 April: publication of our new guide for barristers working with vulnerable immigration clients.
 - publication of the annual statistics report about student performance on the BPTC
76. The Board will have seen the weekly media coverage that the above announcements generated.

Work in Progress

77. In addition to business-as-usual activities, at the time of writing, the following pro-active communications are scheduled over the next few weeks and months:
- publication of the latest Women at the Bar research and a summary of the BSB's action plan;
 - communication of the expected Board decisions following the recent consultation on Future Bar Training in relation to pupillage and the authorisation framework.
78. The team is also working on the following projects:
- draft and design of the 2017-18 BSB Annual Report;
 - scoping of the project to develop the BSB website;
 - longer-term communication requirements for the implementation stages of FBT; and

- the recruitment of a new Communications and Public Engagement Officer following the departure at the end of April of Oliver Finlay-Smith. (An appointment has recently been made for a replacement to start on 18 June).

Online and social media

79. During March, 36,701 users visited the BSB website with a further 25,690 users visiting during April. At the time of writing, we have 19,349 followers on Twitter, 2,982 followers on LinkedIn and 506 followers on Facebook.

Corporate Services

Corporate Support

80. Following the SWOT exercise completed at the Board away-day the team have been working on the emerging themes for the next Strategic Plan. We are working with managers from across the organisation to balance competing priorities for the next strategic plan, as well as looking at the early opportunities identified by Board members and executive staff.
81. Work to combine corporate risk and regulatory risk reporting is ongoing, with significant improvements in the format for reporting corporate risks being adapted to fit the same style as regulatory risks.
82. The new business plan is in place and the team are developing a new framework for reporting, aiming to streamline the information presented.

Governance

83. Five requests for engagement of Advisory Pool of Experts (APEX) members to support policy development have been submitted this year, with one declined due to other commitments of the expert. One request from 2017 continues into 2018, the engagement of three members of APEX on the Professional Indemnity Insurance (PII) Task Completion Group. In 2018 to date, two requests have been submitted to (and accepted by) the APEX member giving advice to staff taking decisions on authorisations to practise.
84. Recruitment for two independent (non-Board) members of the Governance, Risk and Audit (GRA) Committee will be near complete at the time of meeting, with interviews held on Monday 21 May. One member is to commence immediately, to fill a current vacancy, and the second is to commence from 1 January 2019.
85. Recruitment for additional members of the Advisory Pool of Experts (APEX) is nearly complete following interviews in the first week of May, with verbal offers made to preferred candidates and due diligence currently being undertaken prior to formal offers being made. Appointments will be made in the areas of Regulatory Policy and Theory (to fill a vacancy), Continuing Professional Development, Information Law and Data Protection, and Statistics.
86. A workshop with existing members of APEX has been scheduled for the Wednesday immediately prior to this Board meeting. This is one of the two regular updates held each year. We will use their combined expertise to inform our ongoing work in responding to the recommendations of the Competition and Markets Authority on transparency and our imminent scope of practice review.

Vanessa Davies
Director General BSB
May 2018