

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 31 October 2019, Wolfson Room

Royal College of Radiologists, 63 Lincoln's Inn Fields, Holborn WC2A 3JW

Present: Baroness Tessa Blackstone (Chair)
Lara Fielden
Zoe McLeod
Andrew Mitchell QC
Elizabeth Prochaska
Nicola Sawford
Adam Solomon QC
Stephen Thornton CBE

By invitation: Amanda Pinto QC (Vice Chair, Bar Council)

BSB Executive in attendance: Vanessa Davies (Director General)
Rebecca Forbes (Head of Governance & Corporate Services)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Alex Skirvin (Public Engagement and Media Relations Officer)
Wilf White (Director of Communications and Public Engagement)
Christopher Young (Policy Manager)

Press: Jemma Slingo (Law Society Gazette)

Item 1 – Welcome

1. The Chair welcomed Members and guests to the meeting.

Item 2 – Apologies

- Alison Allden OBE
- Naomi Ellenbogen QC (Vice Chair)
- Steve Haines
- Irena Sabic
- Leslie Thomas QC
- Richard Atkins QC (Chair, Bar Council)
- Malcolm Cree CBE (Chief Executive, Bar Council)
- Grant Warnsby (Treasurer, Bar Council)
- James Wakefield (Director, COIC)
- Oliver Hanmer (Director of Regulatory Assurance)
- Sara Jagger (Director of Professional Conduct)

Note: Kathryn Stone OBE was not present for Part 1 of the meeting but did attend for Part 2.

Item 3 – Members' interests and hospitality

3. None.

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 26 September 2019.

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

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

Item 5b – Forward Agenda (Annex C)

6. Members **noted** the forward agenda list.

Item 6 – Proposed Amendments to the BSB Constitution

7. BSB 038 (19)

Vanessa Davies confirmed that the proposed amendments to the BSB Constitution were considered by the Bar Council's General Management Committee on 14 October 2019. Only one question was raised which was satisfactorily clarified. It will come into effect from 2 November 2019 subject to:

- the Board's formal approval of its content at this meeting;
- agreement to constitutional changes by the Bar Council at its meeting on 2 November, after which the BSB will have full control over its own Constitution.

8. **AGREED**

to approve the amendments to the BSB Constitution as set out in Annex A of the paper and that these come into effect from 2 November 2019 providing that the Bar Council agrees to cede authority to the BSB to make its own constitution.

**RF to
note**

Item 7 – GRA Annual Report 2019

9. BSB 039 (19)

Nicola Sawford referred to the Annual Report and summarised its content, in particular the Committee's work regarding:

- risk management (the Risk Outlook, Risk Index, the regulatory and corporate risk registers);
- assurance (internal audits, GDPR).

10. Amanda Pinto QC referred to the Bar Council's own seminars on "Complaints Handling at the Bar", which have been heavily subscribed and encouraged greater collaboration with the BSB in the future on risk related issues.

11. **AGREED**

to note the report.

Item 8 – PRP Mid-Year Report

12. BSB 040 (19)

Andrew Mitchell QC summarised the content of the PRP Committee mid-year report. He also advised that we are waiting feedback from the Inns of Court regarding our pupillage reform proposals. This explains why it is rated "amber" on the performance dashboard.

13. In response to questions raised, the following comments were made:

- the Committee will hold the Executive to account, so it meets the revised milestone on our regulatory approach on bullying and harassment;
- work is underway on the resubmission of the rule change application regarding professional indemnity insurance. The Committee has expressed its desire that this be prioritised. The BMIF has indicated that it will continue to insure single person entities for the interim;
- the impending rise in staff turnover rates for Q3 reflects the restructuring changes brought about by the Regulatory Operations programme. Currently turnover figures also include those finishing fixed term contracts. This has an inflationary effect on the involuntary leaver statistics so will be separately reported in future.

Part 1 - Public

14. Regarding bullying and harassment, Amanda Pinto QC referred to the Bar Council's recently launched online reporting tool (Spot). This will generate high-level data which it is willing to share with the BSB so it can monitor the effect of its policies to reduce occurrence. Andrew Mitchell QC thanked her for this offer.

15. **AGREED**

to note the report.

Item 9 – Approval of Inns Conduct Committee Practice and Procedure Rules
BSB 041 (19)

16. The Board considered new practice and procedure rules of the Inns Conduct Committee (ICC): The following points were made:

- the executive to clarify with the ICC what appears to be an inconsistency regarding procedures to review decisions by the ICC. The reference in paragraph 59 cites “applicants / students” but Part VII on appeals only cites “students”;
- the default position is to now conduct hearings in private. The BSB did raise a question over transparency but was advised that the proposals simply formalise what has been current practice (insofar as hearings are not advertised in advance and so do not attract a public audience).

17. Regarding delegation to the Director General, Vanessa Davies confirmed that this would only apply at an operational level and for a discrete period of time.

18. **AGREED**

- a) to approve the new rules for the Inns Conduct Committee (ICC) to use when determining whether a person is fit and proper to be a barrister subject to clarification of procedures to review decisions (cf min 17 above).
- b) to delegate to the Director General any subsequent minor amendments to these rules which implement policy decisions previously agreed by the Board.

CY

**VLD to
note**

Item 10 - Chair's report on visits and external meetings from October 2019
BSB 042 (19)

19. The Board **noted** the report.

Item 11– Any Other Business

20. None.

Item 12 – Date of next meetings

21.
 - Thursday 28 November 2019, etc venues, Hatton Garden (Joint Board to Board meeting with LSB and Board Away Day);
(Post meeting note: the Board to Board meeting will now take place at the LSB offices, 3rd Floor, The Rookery, 2 Dyott Street, London WC1A 1DE).
 - Thursday 30 January 2020, BSB Offices.

Item 13 – Private Session

22. 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 – 26 September 2019;
- (2) Matters arising and action points – Part 2;
 - Letter from Matthew Hill, Chief Executive of LSB re: Legal Choices (9 October 2019);
- (3) Public Legal Education (PLE): meeting our CMA commitment;
- (4) Board Away Day (28 November 2019);
- (5) Any other private business.

23. The meeting finished at 5.20 pm.