

<p>BAR STANDARDS BOARD</p>
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting****Thursday 25 May 2023 (5.00 pm)****Rooms 1 & 2, 4<sup>th</sup> Floor, Inner Temple, Crown Office Row EC4Y 7HL**

- Present:** Kathryn Stone OBE (Chair)  
Gisela Abbam (via Teams)  
Alison Allden OBE  
Jeff Chapman KC  
Emir Feisal JP  
Simon Lewis  
Andrew Mitchell KC  
Irena Sabic KC  
Professor Leslie Thomas KC (via Teams)  
Stephen Thornton CBE
- By invitation:** Malcolm Cree (Chief Executive, Bar Council) (via Teams)  
Sam Townend KC (Vice Chair, Bar Council)
- In attendance:**  
**BSB Executive** Christopher Fitzsimons (Communications Manager)  
Rebecca Forbes (Head of Governance & Corporate Services)  
Oliver Hanmer (Director of Regulatory Operations)  
Teresa Haskins (Director of People, BSB) (via Teams)  
Ewen Macleod (Director of Strategy & Policy) (via Teams)  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Wilf White (Director of Communications & Public Engagement)  
Alex Williams (Head of Operational Support)
- Press** Neil Rose, Legal Futures (via Teams)

**Item 1 – Welcome / Announcements****Action**

1. Kathryn Stone welcomed those present to the meeting and explained that noise from building works adjacent to the BSB's offices had required a change of venue. She also made the following announcements:
  - Irena Sabic KC has been appointed a Deputy King's Bench Master with effect from May 2023 for four-years on renewable terms;
  - Oliver Hanmer, the Director of Regulatory Operations, leaves the BSB on 9 June 2023 after nearly 25 years to take up a new role with the Payment Systems Regulator. He has made a very positive difference to the work of the BSB and will be much missed. Saima Hirji will replace him on a temporary basis following her appointment as Acting Director of Regulatory Operations.
  
2. **Item 2 – Apologies**
  - Steve Haines;
  - Lorinda Long (Treasurer, Bar Council);
  - Nick Vineall KC (Chair, Bar Council);
  - James Wakefield (Director of COIC);
  - Sara Jagger (Director of Legal and Enforcement).

**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 30 March 2023.

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

5. There were no matters arising. The Board **noted** progress on the action list.

**Item 5b – Forward agenda**

6. The Board **noted** the forward agenda. The Chair also reminded Members of the opportunity to raise any points for discussion under “any other business”. This should be done in advance of the meeting via the Governance Team.

**Item 6a – Director General’s Report: Performance Report Q4**

BSB 022 (23)

7. Mark Neale referred to the report which showed:
- a strong increase in productivity for both the completion of investigations and the initial assessment of reports. Twice as many investigations were completed in the second half of the year compared to the first and a record 541 reports were cleared in Q4;
  - we are now on track to meet the “timeliness” KPI later in the year once all the older (and already overdue) cases are resolved;
  - there are challenges in the management of authorisation caseloads which continue to rise. There is currently a backlog of 400 applications.
8. In respect of the latter, he commented that:
- Authorisations comprise a range of work, some of which is seasonal and complex, and all of which is difficult to plan given that work volumes can vary considerably;
  - we will focus on triage processes in the immediate term, but a more fundamental review of Authorisations is currently underway under the direction of Professor Mike Molan, Chair of the BSB Centralised Examinations Board.
9. In response to questions raised by Members, the Executive stated that:
- there is no obvious reason to explain the sudden increase in applications for transfer from legally qualified individuals currently resident abroad;
  - hitherto we have tended to address applications on a sequential basis as they arrive. However, we may now decide to prioritise those applications where there is a more pressing need for early resolution;
  - there is no excess resourcing in the team so any time lost due to staff sickness will have an immediate and detrimental impact on productivity.
10. Jeff Chapman KC welcomed the news that the Independent Reviewers upheld the original decisions for all 24 referrals made to them during the quarter. This demonstrates that increased throughput of cases has not affected the quality of our decision making.
11. Sam Townend KC also expressed his satisfaction with progress made notwithstanding the concerns around Authorisations. He noted the plan set out in the paper to manage this. He also referred to the Code of Conduct review, which has already been delayed, and urged this be addressed as soon as possible. This should encompass readability and usability of the Code as well as its overall content.
12. The Executive confirmed that “quick fixes” to the Code have been identified and will be addressed as a priority over the forthcoming year. More fundamental changes will follow. A planning paper will be presented to the Board in July 2023.

13. In response to other questions raise, Mark Neale stated that:
- the Performance & Strategic Planning (PSP) Committee will receive progress reports about Authorisations and efforts to improve productivity. It will also be included in his strategic update to the Board;
  - the reference to “litigation” in the report relates to those cases where the BSB is being legally challenged about its decisions. This is not unusual for a regulator, and we provide six-monthly reports about this to the Governance, Risk and Audit Committee.

14. **AGREED**  
to note the report.

**Item 6b – Director General’s Report: Strategic Update**

BSB 023 (23)

15. The Board **noted** the report. Sam Townend KC referred to the section about equality and disability, specifically that concerning access to historic buildings of the type occupied by sets of chambers. He expressed some disquiet about the potential duplication of effort here, given the Bar Council already works collaboratively with the Inns on access and equality issues. The Chair **noted** this comment.

**Item 7 – Reform: progress in implementing action plan**

BSB 024 (23)

16. Mark Neale commented on progress against the action plan for transformational change previously requested by the Legal Services Board (LSB). The Board also agreed to his suggestion that an update be provided to the LSB after each Board meeting.
17. Members commented as follows:
- it is encouraging to hear that the BSB is building a more collaborative relationship with the LSB. The tone and content of the draft letter is helpful in this regard;
  - Matthew Hill’s original letter (Annex B) refers to evaluating the “impact” of the actions included in the plan. We might, therefore, wish to allude to this in subsequent iterations of update reports to the LSB.
18. The Chair agreed with the latter point and endorsed ongoing efforts to develop constructive relationships with all the BSB’s stakeholders. With that in mind, she will invite the LSB to attend the public session of the next meeting in July.

19. **AGREED**
- a) to note progress to date on implementing the action plan for transformational change.
  - b) to approve the assurance letter to the LSB set out at Annex B of the report and to consider extending the list to cover the impact of actions taken.
  - c) to invite the LSB to attend the public session of the Board meeting on 27 July 2023.

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**Item 8 – Performance and Strategic Planning Committee (PSP) Annual Report 2022/23**

BSB 025 (23)

20. Mark Neale highlighted the following:
- the Committee was reconstituted during the course of the year to include “performance” within its remit;
  - it subsequently focused on accelerating investigations and the development of a balanced scorecard for performance;
  - it also fulfilled its role in overseeing the business plan and budget for 2023-24 as well as our pay reform proposals.
21. The Chair also noted that the Committee will now report to the Board biannually.
22. **AGREED**  
to note the report.

**Item 9 – Chair’s Report on Visits and External Meetings**

BSB 026 (23)

23. The Chair highlighted the following:
- the continuation of roundtable visits to different parts of England and Wales and her thanks to Chris Fitzsimons for organising these events;
  - the benefit of hearing from barristers in the Circuits about their thoughts on regulation and the insight she gained from these meetings;
  - a summary of the feedback from the roundtables and options for next steps will be discussed at the July Board meeting;
  - her attendance at the BSB People Conference on 26 April 2023 which she found enjoyable and interesting;
  - her meeting with Advocate (a charitable organisational that finds free legal assistance from volunteer barristers).

24. **AGREED**  
to note the report.

**Item 10 – Any Other Business**

25. None.

**Item 11 – Dates of next meetings**

26. Thursday 6 July 2023 (Board Away Day) – etc venues.  
Thursday 27 July 2023 (ordinary meeting).

**Item 12 – Private Session**

27. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 30 March 2023.
  - (2) Matters arising and action points – Part 2.
  - (3) The BSB’s Public Legal Education Strategy.
  - (4) KPI and performance monitoring pilot.
  - (5) Corporate Risk Register.
  - (6) Director General’s Strategic Update – Private Session.
  - (7) Any other private business.
28. The meeting finished at 5.30 pm.