

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public
Minutes of the Bar Standards Board meeting
Thursday 24 September 2020 (1.45 pm)
etc venues, Chancery Lane / MS Teams

Present: Baroness Tessa Blackstone (Chair)
Naomi Ellenbogen QC (Vice Chair, BSB)
Alison Allden OBE (*via Teams*)
Lara Fielden (*via Teams*)
Andrew Mitchell QC
Elizabeth Prochaska (*via Teams*)
Irena Sabic
Adam Solomon QC
Kathryn Stone OBE (*via Teams*)
Stephen Thornton CBE (*via Teams*)

Nicola Sawford did not attend for Part 1 but was present for Part 2

By invitation: Amanda Pinto QC (Chair, Bar Council)
Derek Sweeting QC (Vice Chair, Bar Council)
Malcolm Cree CBE (Chief Executive, Bar Council)

BSB & RG Executive in attendance: Rebecca Forbes (Head of Governance & Corporate Services)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
Mark Neale CB (Director General)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)

Press: Jemma Slingo, Law Society Gazette (*via Teams*)
Neil Rose, Legal Futures (*via Teams*)

Item 1 – Welcome / Announcements

1. The Chair welcomed those present to the meeting. She announced the following reappointments to the Board:
 - Alison Allden OBE – second four-year term
 - Lara Fielden – second four-year term
 - Andrew Mitchell QC – two-year extension
 - Adam Solomon QC – one-year extension
 - Kathryn Stone OBE – second four-year term
 - Stephen Thornton CBE – second four-year term

2. **Item 2 – Apologies**
 - Steve Haines
 - Leslie Thomas QC
 - Grant Warnsby (Treasurer, Bar Council)
 - James Wakefield (Director, COIC)
 - Richard Cullen (Director of Finance)
 - Oliver Hanmer (Director of Regulatory Operations)
 - 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 Thursday 16 July 2020.

Item 5a – Matters arising

5. None.

Item 5b – Forward Agenda (Annex B)

6. Members noted the forward agenda list.

Item 6 – Director General’s Strategic Update

BSB 036 (20)

7. Mark Neale reiterated his apology to students for the disruption to the online examinations held in August. He stated that:
- we have maintained dialogue with the various stakeholders, including a student representative group and explained the Board’s view that granting a wholesale waiver is not possible, given its overriding duty to maintain entry standards;
 - it was not logistically possible for the results of the August sitting to be released prior to the registration deadline for October. These circumstances mean, though, that we can award the higher of the two scores to those candidates who sit both. That is not the case in December, however, because results will be known by then and a core academic principle forbids sitting an examination just to improve upon a previous pass score;
 - the effect is to give students a clear choice: to sit again in October if they were hindered by technical difficulties from completing the August examinations or felt that they were unable to perform to their best, or to sit in December if they completed the August examinations, but, when the result were released, found that they had failed one or more papers;
 - preliminary indications are that the range of performance in the August examinations is broadly in line with previous years.
8. The Chair joined Mark Neale in expressing her thanks to the BSB’s Examinations Team for enabling the October sitting to proceed. She also praised providers for their constructive and helpful approach, especially when dealing with student requests for reasonable adjustments.
9. Amanda Pinto QC referred to the section in the report on pupillage. She commented that the Bar Council is already monitoring the impact of the health emergency in this respect, so suggested a collaborative approach to avoid any duplication of effort.
10. Mark Neale welcomed this opportunity and also offered to share information on this issue arising from the BSB’s Regulatory Return. He also responded to a question about reverse mentoring. The salient points were:
- we have received a positive response to this initiative;
 - we hope to assess its impact by seeking the views of both mentors and mentees.
11. In response to a question from Lara Fielden, he stated that:
- we are contacting the MoJ at this stage to flag a *potential* issue over pupillages so that it is properly aware of a risk to future supply of barristers;
 - notwithstanding the positive approach of many chambers, the health emergency has already impacted on the completion time for some pupillages because of a lack of opportunity to gain necessary work experience;

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- should risks around supply begin to materialise, the BSB would look strategically at the issue of work based learning and seek to collaborate with stakeholders to protect future supply.
12. Amanda Pinto QC also referred to the CMA's impending follow up review to its market study of the legal sector from 2016. In response to this, Mark Neale stated that the BSB will not have completed its impact assessment until at least Spring 2021. This is due to a combination of factors ie:
- the transparency rules only came into effect from January this year;
 - the subsequent health emergency has disrupted normal business since then.
13. **AGREED**
to note the report.
- Item 7 – Chair’s report on visits and external meetings**
BSB 030 (20)
14. The Board **noted** the report.
- Item 8 – Any Other Business**
15. None.
- Item 9 – Date of next meeting**
16. • Thursday 26 November 2020
- Item 10– Private Session**
17. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 16 July 2020; 2 September 2020 and 10 September 2020;
 - (2) Matters arising and action points – Part 2;
 - (3) Examinations Update
 - (4) Budget proposal – 2021 / 22 financial year;
 - (5) Consolidated Risk Report
 - (6) Governance: Internal Audit Report on 2019 decisions about public legal education
 - (7) Director General’s Strategic Update (private session)
 - (8) Any other private business.
18. The meeting finished at 2.00 pm.