

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 27 September 2018, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Naomi Ellenbogen QC (Vice Chair)
Alison Alden OBE
Aidan Christie QC (items 6-11)
Lara Fielden
Steven Haines
Zoe McLeod
Nicola Sawford
Adam Solomon QC
Stephen Thornton CBE
- By invitation:** Malcolm Cree (Chief Executive, Bar Council) – *via Star Leaf*
Richard Cullen (Director of Finance, Resource Group)
Mark Hatcher (Special Adviser to the Chair of the Bar Council)
Andrew Walker QC (Chair, Bar Council)
- BSB Executive in attendance:** Dan Burraway (Corporate Support Manager)
Vanessa Davies (Director General)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Press:** Max Walters (Law Society Gazette)
Neil Rose (Legal Futures)

Item 1 – Welcome

1. Tessa Blackstone welcomed members to the meeting.

Item 2 – Apologies

- Justine Davidge
- Andrew Mitchell QC
- Kathryn Stone OBE
- Anu Thompson
- Richard Atkins QC (Vice Chair, Bar Council)
- James Wakefield (Director, COIC)
- Rebecca Forbes (Governance Manager)

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 19 July 2018.

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

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

Item 5b – Forward Agenda (Annex C)

5. Members noted the forward agenda list. Following a discussion in private session, it also agreed to move the item on communications and public engagement strategy to the November Board meeting.

**JP to
note**

Item 6 – Annual Enforcement Report 2017-18

BSB 045 (18)

6. Members discussed the Annual Enforcement Report. The salient points were:
- the report is encouraging insofar as it demonstrates efficiency gains despite an increased workload in the Professional Conduct Department;
 - the increase in complaints from litigants in person is significant. Most were closed at assessment stage suggesting the role of the barrister is still not sufficiently understood by the wider public. This is a concern;
 - there is a dilemma to resolve in regulating barristers' conduct in the context of social media;
 - the time taken to conclude disciplinary tribunal cases has risen and needs to be reduced. We should consider setting appropriate targets and monitor performance accordingly.
7. In response, the following comments were made:
- we need a pre-emptive and collaborative approach with stakeholders to improve public understanding of the legal system. The Legal Choices website could be expanded in this regard and we could contact charities that provide legal help to litigants in person;
 - several factors have affected turnaround times for tribunal cases (eg increased complexity and adjournments due to ill health. The latter impacts the end to end time, even though the administration of the case may have been within target).
8. For the future, the Board agreed to receive a summary version only of the annual enforcement report. The PRP Committee will be tasked with scrutinising the document in detail. Members also asked that:
- the Board is kept informed of any lessons learned and proposed action;
 - the detailed report remains in the public domain.
9. **AGREED**
- | | | |
|----|---|----------------------------|
| a) | to note the Annual Enforcement Report 2017-18 and approve its publication on the BSB website. | AL |
| b) | to work with stakeholders so that prior to taking proceedings, litigants-in-person have access to key information about the UK legal system including the adversarial nature of the barrister's role. | WW |
| c) | to address the time taken to conclude disciplinary tribunal eg by considering relevant targets and / or revised monitoring arrangements | SJ to
note |
| d) | that, in future, the enforcement report be considered in detail by the Planning, Resources and Performance Committee with a summary subsequently presented to the Board. | SJ to
note |
| e) | that this summary be incorporated into the Board's Annual Report but that the detailed version also be kept in the public domain. | AL / WW
to note |

Item 7 – Chair’s Report on Visits and Meetings: August - September 2018

BSB 046 (18)

10. The Board noted the report.

Item 8 – The Code of Conduct for BSB Members

BSB 047 (18)

11. The Board approved the Code subject to a clarification to paragraph 5.6 ie that it should account for circumstances where breaching a confidence would clearly be in the wider public interest, and / or would uphold the law, and should therefore be permissible.

12. **AGREED**

to approve and publish the Code of Conduct for BSB Members subject to the above amendment.

RF

Item 9 – Any Other Business

13. None.

Item 10 – Dates of next meetings

14. • Thursday 11 October 2018 (joint with LSB)
• Thursday 25 October 2018 (full Board meeting)

Item 11 – Private Session

15. 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 – 19 July 2018
 - (2) Matters arising and action points – Part 2
 - (3) Budget Bid for 2019-20 and outline strategic plan
 - (4) GRA Update Report
 - (5) Proposed Constitutional amendments
 - (6) Schedule of Board meetings: Jan 2019-Mar 2020
 - (7) Any other private business

16. The meeting finished at 5.25 pm.