

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



## Meeting of the Bar Standards Board

**Thursday 21 March 2024, 5.00 pm** (Hybrid meeting - in person and online)

**Rooms 1.4 – 1.7, First Floor, BSB Offices / MS Teams**

### Agenda – Part 1 – Public

**This meeting will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved at the next meeting**

*Note: this meeting will be preceded by a Board Member training event on Equality, Diversity & Inclusion*

			<b>Page</b>
1.	<b>Welcome / announcements</b> (5.00 pm)	Chair	
2.	<b>Apologies</b>	Chair	
3.	<b>Members' interests and hospitality</b>	Chair	
4.	<b>Approval of minutes from the last meeting (25 January 2024)</b>	Annex A Chair	<b>3-6</b>
5.	a) <b>Matters arising &amp; Action List</b>	Annex B Chair	<b>7</b>
	b) <b>Forward agenda</b>	Annex C Chair	<b>9-10</b>
6.	<b>Performance Report: Quarter 3 (2023/24)</b> (5.05 pm)	BSB 013 (24) Mark Neale	<b>11-43</b>
7.	<b>Draft Anti-Racist Strategy</b> (5.20 pm)	BSB 014 (24) Rupika Madhura / Ewen Macleod	<b>45-61</b>
8.	<b>Board Code of Conduct, Committee Terms of Reference and policies</b> (5.35 pm)	BSB 015 (24) Rebecca Forbes	<b>63-88</b>
9.	<b>Director General's Report – Public Session</b> (5.45 pm)	BSB 016 (24) Mark Neale	<b>89-</b>
10.	<b>Chair's Report on Visits &amp; External Meetings</b>	BSB 017 (24) Chair	<b>91-92</b>
11.	<b>Any other business</b>		

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

**12. Dates of next meetings**

- Thursday 11 April 2024, 5 pm  
(special meeting)
- Thursday 23 May 2024, 2 pm  
(ordinary meeting)

**13. Private Session**

(5.50pm)

**John Picken**

**Governance Officer**

14 March 2024

BAR STANDARDS BOARD
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting****Thursday 25 January 2024 (5.00 pm)****Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams****Present:**

Kathryn Stone OBE (Chair)  
 Gisela Abbam (via Teams)  
 Alison Allden OBE  
 Jeff Chapman KC  
 Emir Feisal JP  
 Steve Haines  
 Simon Lewis (via Teams)  
 Irena Sabic KC (via Teams)  
 Professor Leslie Thomas KC (via Teams)  
 Stephen Thornton CBE

**By invitation:**

Malcolm Cree CBE (Chief Executive, Bar Council) (via Teams)  
 Lorinda Long (Treasurer, Bar Council)  
 Ian Busby, Consultant at Fieldfisher  
 Sarah Ellson, Partner at Fieldfisher

**Press:**

Neil Rose, Legal Futures (via Teams)

**In attendance:  
BSB Executive**

Jameelah Bangali (Project Manager)  
 Laura Cassidy (Stakeholder & Engagement Officer)  
 Angela Dickinson (Policy Officer)  
 Christopher Fitzsimons (Communications Manager)  
 Rebecca Forbes (Head of Governance & Corporate Services)  
 Laura Franks (Head of CAT Operations)  
 Teresa Haskins (Director of People, BSB) (via Teams)  
 Saima Hirji (Acting Director of Regulatory Operations) (via Teams)  
 Oliver Jackling (Research & Evaluation Manager) (via Teams) (items 1-6)  
 Sara Jagger (Director of Legal and Enforcement) (via Teams)  
 Poornima Karunacadacharan (Policy Manager)  
 Ewen Macleod (Director of Strategy & Policy) (via Teams)  
 Rupika Madhura (Interim Director of Standards) (via Teams)  
 Ben Margerison (Research & Evaluation Officer) (via Teams) (items 1-6)  
 Mark Neale (Director General)  
 Jane Osler (Interim Governance Manager)  
 John Picken (Governance Officer)  
 Wilf White (Director of Communications & Public Engagement)

**Item 1 – Welcome / Announcements**

1. Kathryn Stone welcomed those present, in particular the guests from FieldFisher and Laura Cassidy, who was attending her first Board meeting.

**Item 2 – Apologies**

- Andrew Mitchell KC
- Sam Townend KC (Chair, Bar Council)
- Barbara Mills KC (Vice Chair, Bar Council)
- James Wakefield KC (Hon) (Director, COIC)
- Richard Parnham (Policy Manager)

**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 November 2023.

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

5. There were no matters arising. The Board **noted** the update to the action list. Ewen Macleod confirmed that a rule change application about interim suspension has now been sent to the LSB. This action is therefore complete.

**JP to  
note****Item 5b – Forward agenda**

6. The Board **noted** the forward agenda list. The Chair also reminded Members about the training session on equality, diversity and inclusion which takes place immediately before the March Board meeting.

**Item 6 – Annual report on diversity at the Bar**

BSB 001 (24)

7. Members welcomed the report and commented as follows:
  - it might be useful to include response rates from previous years to give greater context to the data;
  - we should highlight the positive impacts of a diverse profession in the text of the report and explain how the data is used in order to incentivise higher response rates;
  - for future iterations we might consider including:
    - comparable headline statistics for:
      - ❖ other professions eg solicitors;
      - ❖ non-lawyers who are nevertheless involved in the delivery of barrister services eg clerks, practice managers, chief executives;
    - further analysis of diversity data by:
      - ❖ earnings;
      - ❖ attrition rates ie those that do not proceed to pupillage or otherwise leave the profession;
    - a greater degree of granularity on disability data;
8. In response the Executive stated that:
  - comparative data on response rates from previous years can be included;
  - the data is used in several aspects of our work eg
    - equality impact analyses;
    - tracking the impact of our equality rules;

- we shall take further steps to explain our use of this data in our communications;
  - other legal regulators already collect similar data, and that may also be the case for representative bodies of clerks and practice managers. We already set guidance for chambers around workforce monitoring and will review this as part of our forthcoming consultation on the new equality rules;
  - we already report separately on earnings against gender and ethnicity but have insufficient data on other protected strands to draw definitive conclusions;
  - we reported some years ago on retention rates within the profession, but this focused on those who did not progress to pupillage. We have not got data on those who complete pupillage but then subsequently leave. *Note: the Chair considered it would be useful to re-visit this data, particularly when the Board reviews issues around pupillage;*
  - we do not yet have granular detail on types of disability but are planning to expand the relevant question for next year's Authorisation to Practice (AtP).
9. Simon Lewis noted that diversity data is not published where relevant response rates are below 40%. He challenged this view – it may be more transparent to publish this together with appropriate qualifications, rather than exclude it. In response, Oliver Jackling stated that:
- it has been our practice to only publish data when a statistically reliable threshold has been reached. Moreover, these data sets only become useful when a series has been collected over several years;
  - nevertheless, we could change this approach if the Board wishes to include emerging data sets in the report. *Note: the Chair thought it would be useful to publish this data, with appropriate caveats, in future reports as it might help to build understanding of why data disclosure is necessary.*
10. **AGREED**
- a) to note the report;
  - b) that the Executive considers the views expressed by the Board when preparing future, or similar stand alone, reports particularly around:
    - publication of all data sets, and;
    - comparative reports against similar data for other legal professions and chambers staff.
  - c) to request that communications relating to the diversity report explains the reasons for this data collection and how it is used to improve regulation of the profession.

OJ to  
note

WW

**Item 7 – Reform of the BSB's regulatory capacity**

BSB 002 (24)

11. The Board **noted** the report and authorised Mark Neale to write to the Chief Executive of the Legal Services Board with the latest update.

MN to  
note**Item 8 – BSB Policy: Conflicts of Interest Policy**

BSB 003 (24)

12. This item was withdrawn so that more detail could be included in a future iteration. It will be re-presented at the March Board. The Chair noted that Members had been informed of this decision prior to the meeting.

**Item 9 – Director General’s Report – Public Session**

BSB 004 (24)

13. The Chair referred to a request received from Jeff Chapman KC that this item also consider the Post Office Inquiry and any implications for the BSB. At her invitation, Mark Neale read out a statement that confirmed the BSB is closely monitoring the case given its status as a Core Participant at the Public Inquiry. We are keeping regulatory action under continuing review, but are unlikely to act until all the relevant evidence has been heard.
14. He confirmed that the statement will be published on the BSB’s website in the immediate future. He also highlighted the following:
- progress on dealing with the backlog of applications from overseas lawyers, including a review of associated costs;
  - the extension of the consultation on chambers to the end of March 2024 (this is in response to feedback from recent roundtable meetings).
15. Regarding applications from transferring lawyers, the Chair thanked colleagues in the Bar Council for agreeing to meet with the BSB to discuss the likely causes of the rise in applications received. She also welcomed the interest from barristers and associated professionals in our roundtable meetings (the London event on 23 January 2024 attracted over 40 participants).
16. **AGREED**  
to note the report.

**Item 10 – Chair’s Report on Visits and External Meetings**

BSB 005 (24)

17. The Board **noted** the report.

**Item 11 – Any Other Business**

18. Independent External Board Evaluation

The Chair reminded Members that the next year’s business plan includes an independent external evaluation of Board effectiveness and for colleagues to therefore respond to survey requests at the appropriate time.

**Board  
to note****Item 12 – Date of next meeting**

19. Thursday 21 March 2024.

**Item 13 – Private Session**

20. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 30 November 2023.
  - (2) Matters arising and action points – Part 2.
  - (3) Policy Update:
    - a) Equality Rules update
    - b) Handbook Review update 2023-25
  - (4) Risk Framework Review: final report and implementation
  - (5) Enforcement Review Project
  - (6) Regulatory performance: self assessment
  - (7) Process for delivering a new multi-year strategy
  - (8) Director General’s Report – Private Session
  - (9) Any other private business.
21. The meeting finished at 5.30 pm.

**BSB – List of Part 1 Actions**  
**21 March 2024**

*(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
10c (25/01/24)	ensure that communications relating to the diversity report explains the reasons for this data collection and how it is used to improve regulation of the profession	Wilf White	immediate	12/03/24	<b>Completed</b> – our Press Notice made clear that these data provide the evidence base to help us meet our statutory duties and our equality and diversity objectives and included a quote from the DG urging barristers to help us by providing their data.
16c (30/11/23)	investigate the reasons for the rise in applications from overseas lawyers seeking to transfer to the Bar for England and Wales and to involve the Bar Council as necessary.	Mark Neale	end March 2024	17/01/24	<b>Action in hand</b> – set out in the performance section of the DG Update. See also the paper on re-setting fees.
16d (30/11/23)	consider expediting full cost recovery analysis of authorisation applications.	Rebecca Forbes	25 January 2024	17/01/24	As above.



## Forward Agenda

### Thursday 11 April 2024 (special meeting) – 5 pm start

- Independent Review of Enforcements – findings & BSB response (public session)
- Independent Review of Enforcements – implications and budgetary issues. (private session)

### Thursday 23 May 2024 – 2 pm start

- Year-end report of the Performance & Strategic Planning Committee (PSP) 2023/24
- Outcome of consultation on BSB expectations of chambers
- Q4 performance report
- Director General's Report (public & private session)
- Corporate Risk Report (summary)
- Annual “deep dive” on the corporate risk register
- Board appointments

### Thursday 27 June 2024 (Board Away Day) – 10 am start

- Strategy & Capability
- External Board Evaluation

### Thursday 25 July 2024 – 5 pm start

- Annual Report 2023-24 (including Cost Transparency Metrics)
- Director General's Report (public & private session)

### Thursday 26 September 2024 – 2 pm start

- Q1 performance report
- Director General's Report (public & private session)
- Regulatory Decisions Annual Report 2023/24
- Independent Decision Making Body Annual Report 2023-24
- Budget Proposal – 2025/26 financial year
- Consolidated Risk Report
- Enforcement Review – consultation responses
- Draft strategy

### Thursday 28 November 2024 – 5 pm start

- Mid year report from the PSP Committee
- GRA Annual Report
- Annual report – Bar Training
- Q2 performance report
- Director General's Report (public & private session)
- Dates for Board Meetings (Jan 2025 – Mar 2026)
- Corporate Risk Report (summary)

### Thursday 30 January 2025 – 2 pm start

- Annual Diversity Data Report
- Director General's Report (public & private session)
- Annual “deep dive” on the corporate risk register

**Thursday 27 March 2025 – 5 pm start**

- Director General's Report (public & private session)
- BSB Business Plan 2025/26 and final budget
- Q3 performance report
- Consolidated Risk Report

<b>Meeting:</b>	Board	<b>Date:</b>	21 March 2024
<b>Title:</b>	Performance Report: Quarter 3 (2023/24)		
<b>Author:</b>	Mark Neale		
<b>Post:</b>	Director General		

<b>Paper for:</b>	<b>Decision:</b> <input type="checkbox"/>	<b>Discussion:</b> <input checked="" type="checkbox"/>	<b>Noting:</b> <input type="checkbox"/>	<b>Other:</b> <input checked="" type="checkbox"/> Recommendation
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<b>Paper relates to the Regulatory Objective (s) highlighted in bold below</b>	
(a)	<b>protecting and promoting the public interest</b>
(b)	<b>supporting the constitutional principle of the rule of law</b>
(c)	<b>improving access to justice</b>
(d)	<b>protecting and promoting the interests of consumers</b>
(e)	<b>promoting competition in the provision of services</b>
(f)	<b>encouraging an independent, strong, diverse and effective legal profession</b>
(g)	<b>increasing public understanding of citizens' legal rights and duties</b>
(h)	<b>promoting and maintaining adherence to the professional principles</b>
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

## Purpose

1. This paper comments on performance to the end of the third quarter in December 2023, covering both operational performance and progress in delivering the Business Plan 2023/24.

## Summary

2. Key points to note, and for discussion, are:

### *Operational performance*

- i. the quality of decision-making remains high, with no adverse independent reviewer recommendations during the quarter or successful appeals against Disciplinary Tribunal decisions;
- ii. there were strong performances from the Authorisations Team in dealing with new pupillages (which peaked in the third quarter) and from the Supervision Team which has closed double the cases in the first three quarters compared to the same period last year;
- iii. after three quarters of strong productivity, we saw some fall-off in the overall productivity of operational work in the third quarter (which includes the Christmas holiday) and the timeliness targets continue to be affected by the clearance of overdue cases;
- iv. our biggest challenge remains the growing caseload of applications from transferring lawyers: the task force is now in place and eating into the backlog;
- v. the investigations caseload is stable and we are seeing a steady shift in activity towards tribunal hearings which, by contrast, are rising in number in response to the accelerated investigations.

*Business Plan 2023/24 & reforms*

- vi. we continue to make steady progress in implementing the main commitments of the 2023/24 business plan, including the reforms to which we committed last April. This includes bringing to a successful conclusion the independent review of enforcement which was reported to the Board in January and will be presented for the Board's endorsement at a special meeting on 11 April.

**Operational performance (annex A)**

3. We have seen strong productivity in the last quarter of 2022/23 and in the first two quarters of 2023/24. The third quarter of 2023/24 is, however, usually the least productive because of the office closure over Christmas and because of leave on either side of the holiday. The third quarter of 2023/24 saw some further contributory factors. There was a major upgrade of our key CRM operating system which inhibited throughput over several weeks. The induction and training of new colleagues was a call on the time of existing team members, though those new colleagues will make their presence felt in higher output in the fourth and subsequent quarters. The Authorisations Team, in particular, has to handle high volumes of applications arising from the completion of pupillage in the third quarter and, indeed, completed 1 000 pupillage tasks over the quarter – almost 100 more than in the previous year. So we are not surprised to see some fall-out in the handling of both reports and authorisations applications in quarter three compared to previous quarters. The consequence is some commensurate rise in caseloads.
4. This rise in caseloads is most acute for the Authorisations Team which continues to receive, on average, 50 new applications from transferring lawyers every month. These are the most complex and demanding types of applications handled by the Team. We have now put in place a temporary task force to tackle the backlog of these claims and to free up other team members to deal with the flow of new claims.
5. Alongside this essentially expedient response, we are looking at the reasons for this increase and are considering in phase 2 of the Authorisations Review potential changes to our rules, including the introduction of a requirement that applications from transferring overseas lawyers must be accompanied by proof of an intention to practise in England and Wales. We are also reviewing the fee we charge for handling these applications to ensure that our policy of cost recovery is being adhered to. This is the subject of a separate Board paper.
6. Turning to investigations, we concluded more investigations than we initiated over the third quarter, so the caseload fell marginally and now stands at around 80 cases. As the volume of investigations has fallen, there has been an offsetting rise in tribunal cases, reflecting the success of the accelerated investigations programme. The timeliness KPI continues, of course, to be affected by the conclusion of longer-running investigations and, as we have previously discussed, is anyway no longer appropriate to the nature and complexity of the caseload.
7. The Board should note, finally, the very strong performance of the Supervision Team over the year to date, including the third quarter.

8. Looking forward, operational performance will be driven by implementation of the recommendations of the Enforcement Review. We shall bring the final report of the review and proposals for implementation of the review recommendations to the special Board meeting on 11 April.

**Progress against the Business Plan – annex B**

9. We made steady progress in implementing the business plan over the third quarter. Highlights included:
  - the publication of our consultation paper on expectations of chambers which ushered in a further series of roundtables in all the Circuits and in London;
  - the publication of our annual reports of regulatory decision-making and on Bar training;
  - the launch of an important consultation on amending the definition of legal training.
10. We have also moved forward through the Board proposals for our work to overhaul the Handbook, to improve our regulatory risk framework and to begin work on the next multi-year strategy. And the Board received and endorsed the preliminary findings of the Enforcement Review in January.

**Annexes**

Annex A – Quarter 2 operational performance  
Annex B – BP & Performance Dashboard Q2

**Mark Neale**  
**Director General**



2023-24 Financial Year: Quarter 3 (October – December) Operational Performance  
report  
Overview

Team	KPI	Total Cases/ Applications / Reviews closed	Performance Q3
Contact and Assessment	<b>General Enquiries</b>		
	Substantive responses to general enquires, that can be addressed by CAT, provided within 5 working days. <b>(Target 80%)</b>	162	96.3%
	General enquiries, which cannot be answered by CAT, that are referred to another team within 3 working days. <b>(Target 80%)</b>	62	83.9%
	<b>Initial Assessment</b>		
	Reports assessed and concluded by CAT, or referred to another team for action, within eight weeks. <b>(Target 80%)</b>	367	67.3%
	<b>Quality indicators</b>		
Cases where the Independent Reviewer upholds the original decision following a request for review. <b>(Target 95%)</b>	6	100.0%	
Authorisations	<b>Authorisation, Exemptions and Waivers</b>		
	Applications determined within six weeks of receipt of the complete application. <b>(Target 75%)</b>	148	29.7%
	Applications determined within eight weeks of receipt of the complete. <b>(Target 80%)</b>		35.1%
	Applications determined within twelve weeks of receipt of the complete application. <b>(Target 98%)</b>		47.3%
	<b>Entity (including ABS) Authorisation</b>		
	Authorisation decisions made within six months of receipt of the application and associated fee. <b>(Target 90%)</b>	5	80.0%
	Authorisation decisions made within nine months of receipt of the application and associated fee. <b>(Target 100%)</b>		100.0%
<b>Referral of cases</b>			

Team	KPI	Total Cases/ Applications / Reviews closed	Performance Q3
Investigations & Enforcement	Cases referred by CAT to another team for regulatory action that are accepted or referred back to CAT within 2 weeks. <b>(Target 80%)</b>	20	90.0%
	<b>Investigation of allegations</b>		
	Investigations of allegations of breaches of the Handbook completed, and a decision taken on disposal, within 25 weeks of acceptance. <b>(Target 80%)</b>	22	40.9%
	<b>Determination by Consent</b>		
	Process completed (service standard 93 working days). <b>(No target)</b>	1	0.0%
	<b>Disciplinary Tribunal</b>		
	Cases concluded (service standard 197 working days). <b>(No target)</b>	11	27.3%
	<b>Quality indicators</b>		
	Cases where the Independent Reviewer upholds the original decision following a request for review. <b>(Target 95%)</b>	0	n/a
	Appeals against the imposition of administrative sanctions and % successful. <b>(Target 0%)</b>	0	n/a
Appeals of Disciplinary Tribunal decisions concluded and % successful attributable to procedural or other error by the BSB or discrimination in the decision-making process. <b>(Target 0%)</b>	1	0.0%	
Supervision	<b>Allocations</b>		
	Cases assigned within 3 working days of the team receiving the referral from CAT. <b>(Target 80%)</b>	22	100.0%
	<b>Regulatory Response</b>		
	Cases for which a regulatory response was agreed within 20 working days of the case being assigned. <b>(Target 80%)</b>	36	100.0%
<b>Visits</b>			

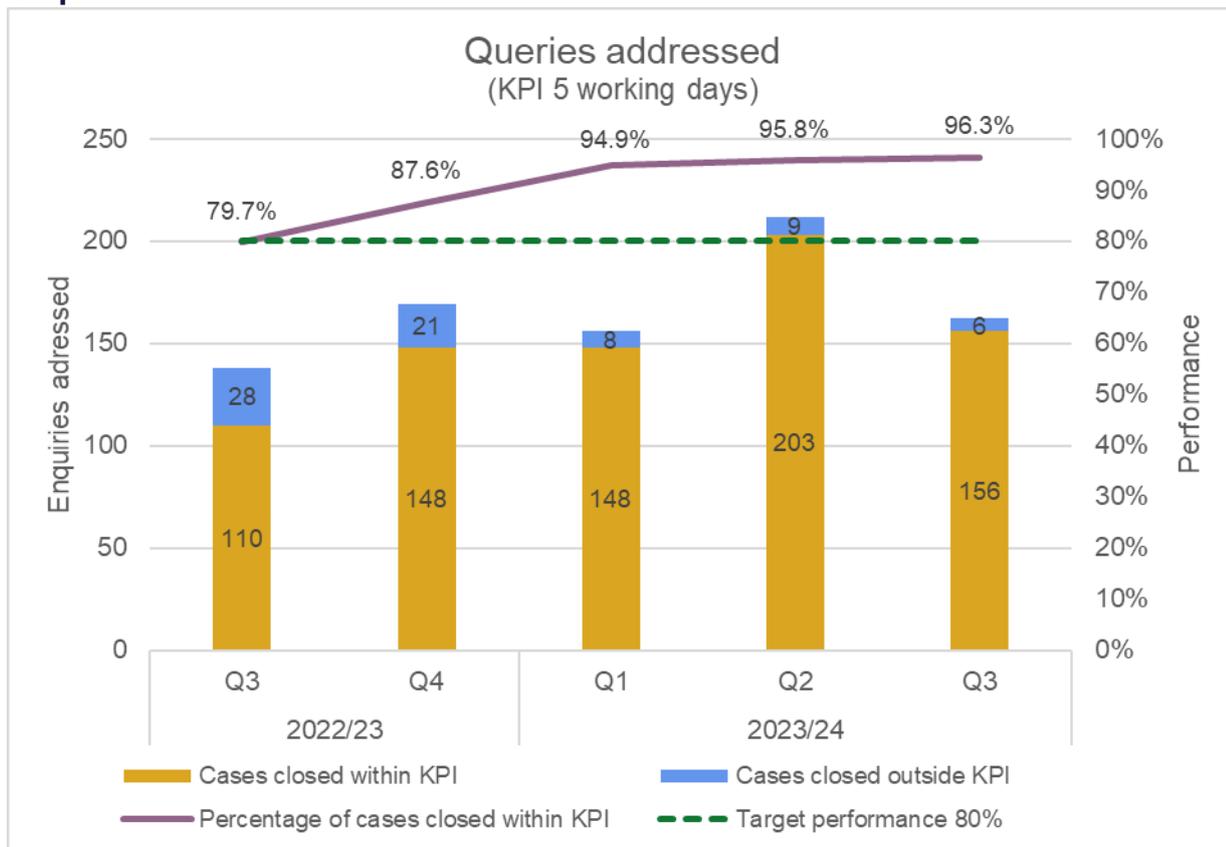
Team	KPI	Total Cases/ Applications / Reviews closed	Performance Q3
	Visit report letters issued within 5 working days of a visit to an organisation. <b>(Target 80%)</b>	1	100.0%

## Contact & Assessment

### Key points

- The team has met 3 out of 4 KPI targets this quarter.
- Performance against the Initial Assessment KPI has improved, but output has dropped, with more than 100 fewer reports assessed than in quarter 2.
- This reduced throughput has led to an increase in the overall reports caseload this quarter, from 300 to 399.

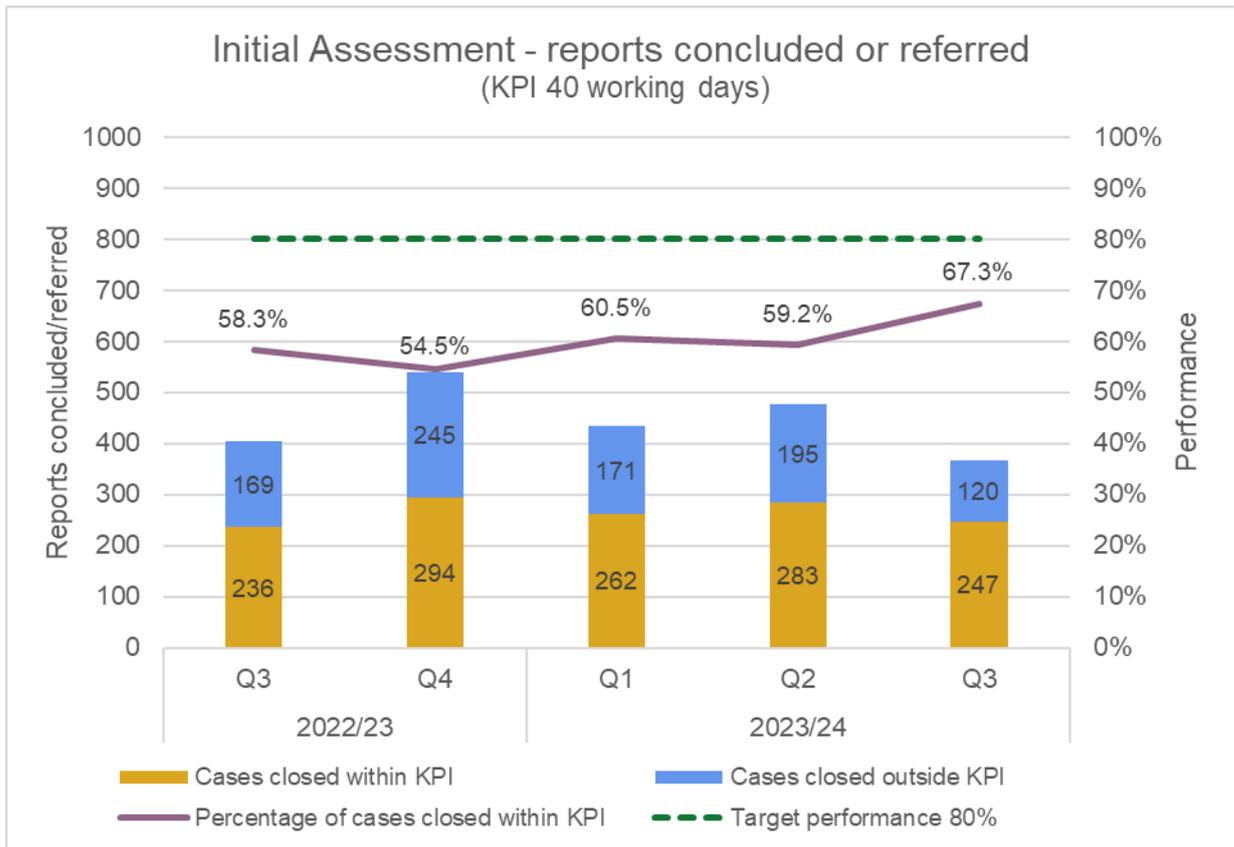
### Enquiries



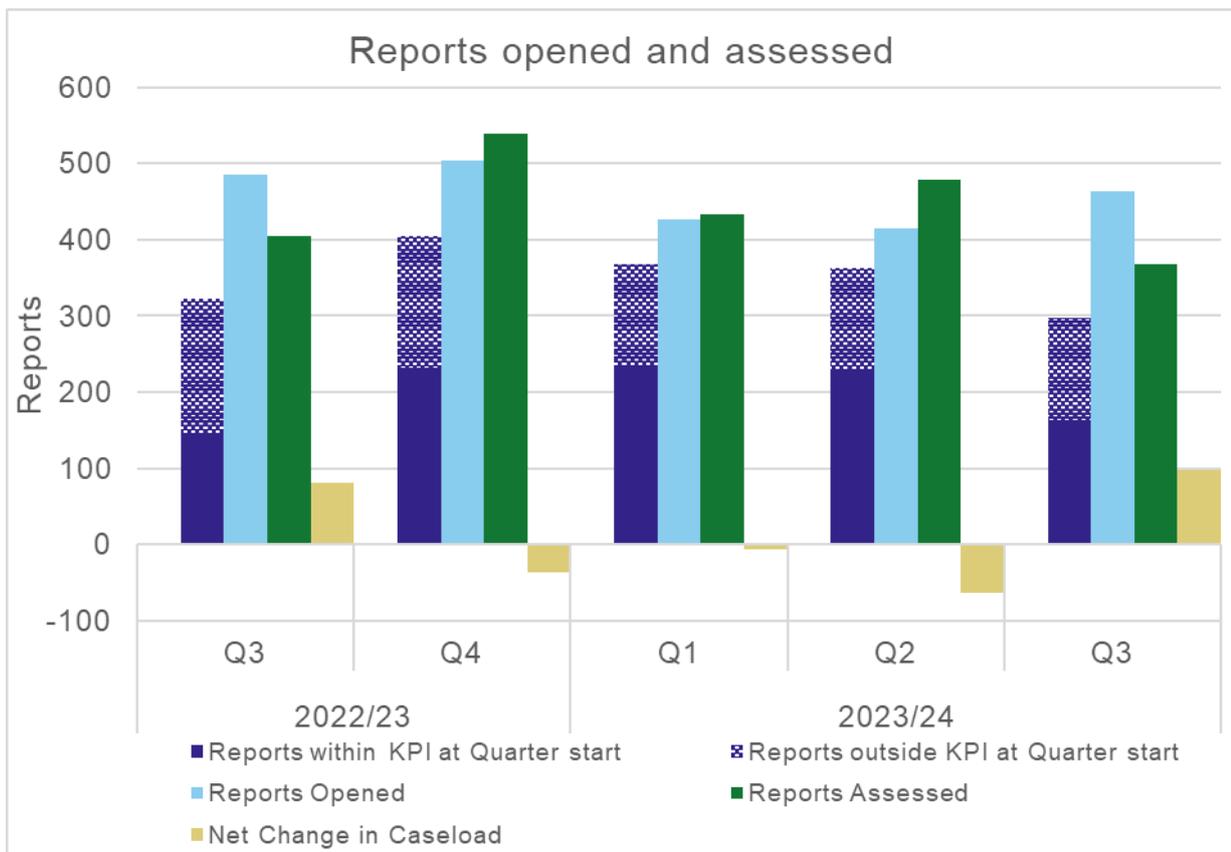
1. Performance for general enquiries remains high, with continual improvement since quarter 1 2022/23 (when the cyber-attack occurred) and remains at its highest for the second consecutive quarter since reporting began in 2019/20.

2. The reduction in output compared to quarter 2 is partly attributable to the office closure in the second half of December, traditionally a slow month for queries, but there were also fewer queries received in November than in each of the previous three months.

## Reports



3. The team has improved its initial assessment performance during this quarter, although output has reduced; this KPI is at the highest level for the last 18 months.
4. The addition of a third Assessment Assistant (AA) post to the team at the start of quarter 2 has made it possible for more of the lower risk reports to be assessed by the AAs, and we have seen a corresponding increase in the proportion of reports handled by them (almost 40% in quarter 3, up from 24% in quarter 1). These reports are more likely to be closed within KPI, because they are more straightforward. This will have contributed to improved performance in quarter 3.



5. The number of reports opened was higher than in the previous quarters this year. During this period a set of Bar Mutual Indemnity Fund (BMIF) cases were opened which accounts for most of the increase seen. BMIF cases are opened in CAT following a referral from Records Team, who carry out an exercise based on data received from BMIF to identify which barristers hold valid practicing certificates, but do not also hold the required insurance. There were 37 of these cases, making up 8% of the total. This annual exercise has seen the numbers of reports opened due to barristers failing to secure insurance reduce from 78 opens in CAT in 2020/21, to 54 opens in 2021/22, to 37 opens in 2022/23. We believe that this year-on-year reduction is down to the more robust approach taken by CAT and the Barrister Records Team, to work with the barristers each year to ensure that they obtain insurance if holding a valid practicing certificate and taking action where it is required.
6. This quarter has also seen approximately 35 cases opened in relation to social media cases on one specific issue (8% of the total).
7. This increase in new cases, combined with a reduced output due to the loss of an experienced Assessment Officer (AO) at the end of quarter 2, the training of their replacement over the course of quarter 3, the team undertaking a recruitment exercise for 3 new posts and issues arising from the installation of a new case management system, has led to the net increase in caseload shown above. There has also been a corresponding drop in referrals to Investigation & Enforcement (see paragraph 41).

**Live cases****Live cases: Snapshot at the close of Q3 of 2023-24**

Operational Indicator	Total Open Cases	Over-running Cases	Percentage Over-running
<b>General Enquiries</b>			
General enquiries addressed (5 days)	3	0	0%
General enquiries referred (3 days)	3	0	0%
<b>Initial Assessment</b>			
Concluded or referred (8 weeks)	399	190	48%
<b>Total</b>	<b>405</b>	<b>190</b>	<b>47%</b>

8. The percentage of over-running cases is similar to last quarter, when it stood at 45%.
9. However, the number of open cases has increased by one third over the course of this quarter (from 306 to 405), meaning the actual number of over-running cases has increased by over 50 (up from 139).

**Commentary**

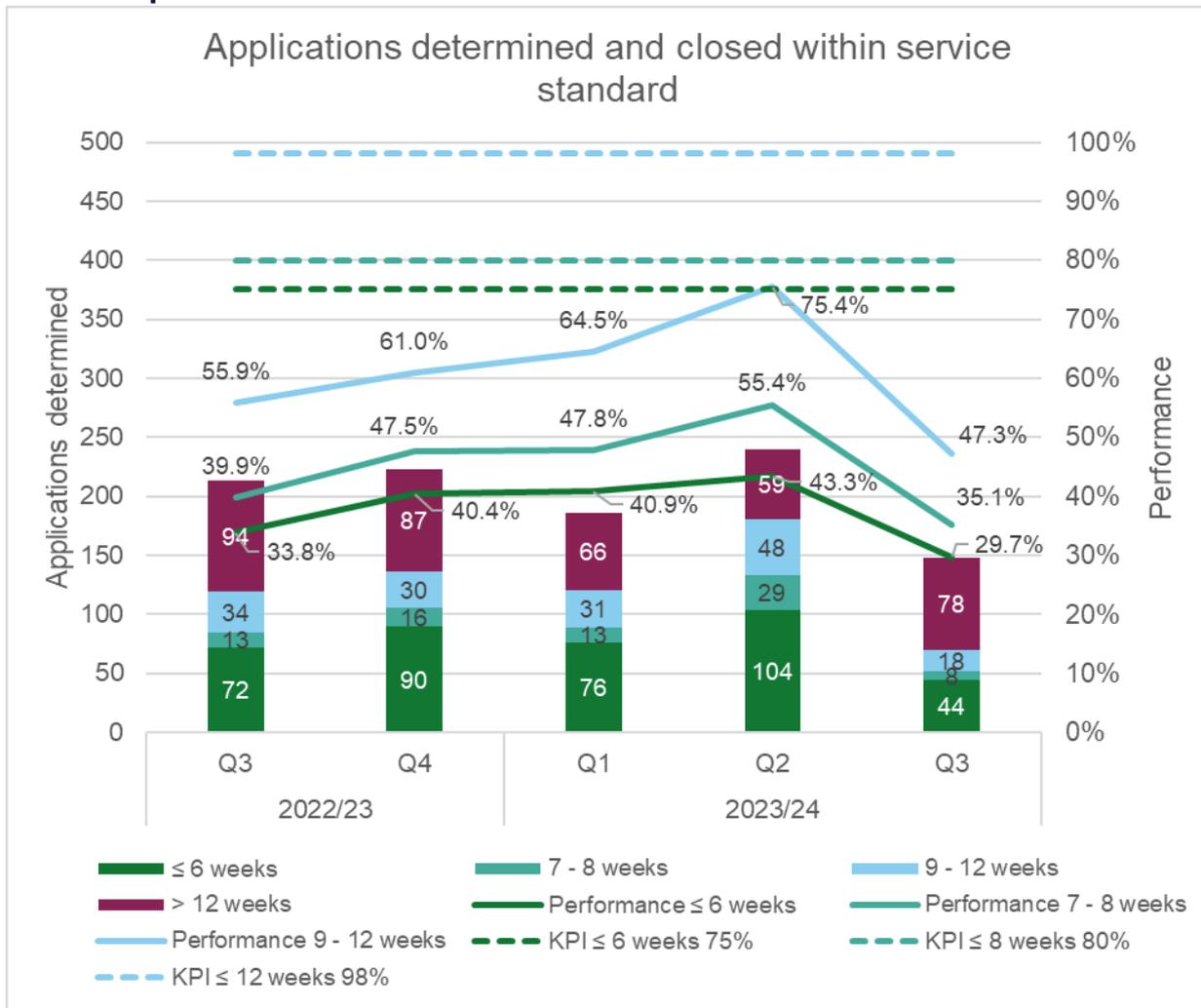
10. Following recruitment in quarter 3, CAT gained two additional part-time team members at the beginning of January 2024 – a Senior Assessment Officer and a Lawyer. These new members of staff and the replacement Assessment Officer will take some time to be working at full capacity following induction and training. We expect to see the impact of this increase in resources on performance in quarter 4.
11. This quarter, four Customer Satisfaction surveys were returned: two relating to reports, two to general queries.
12. For the ease of access questions, 2 of 8 (25%) had positive responses. For quality of communication questions, 4 of 16 (25%) had positive responses. Finally, for timeliness questions, 2 of 8 (25%) had positive responses.

**Authorisations**

**Key points**

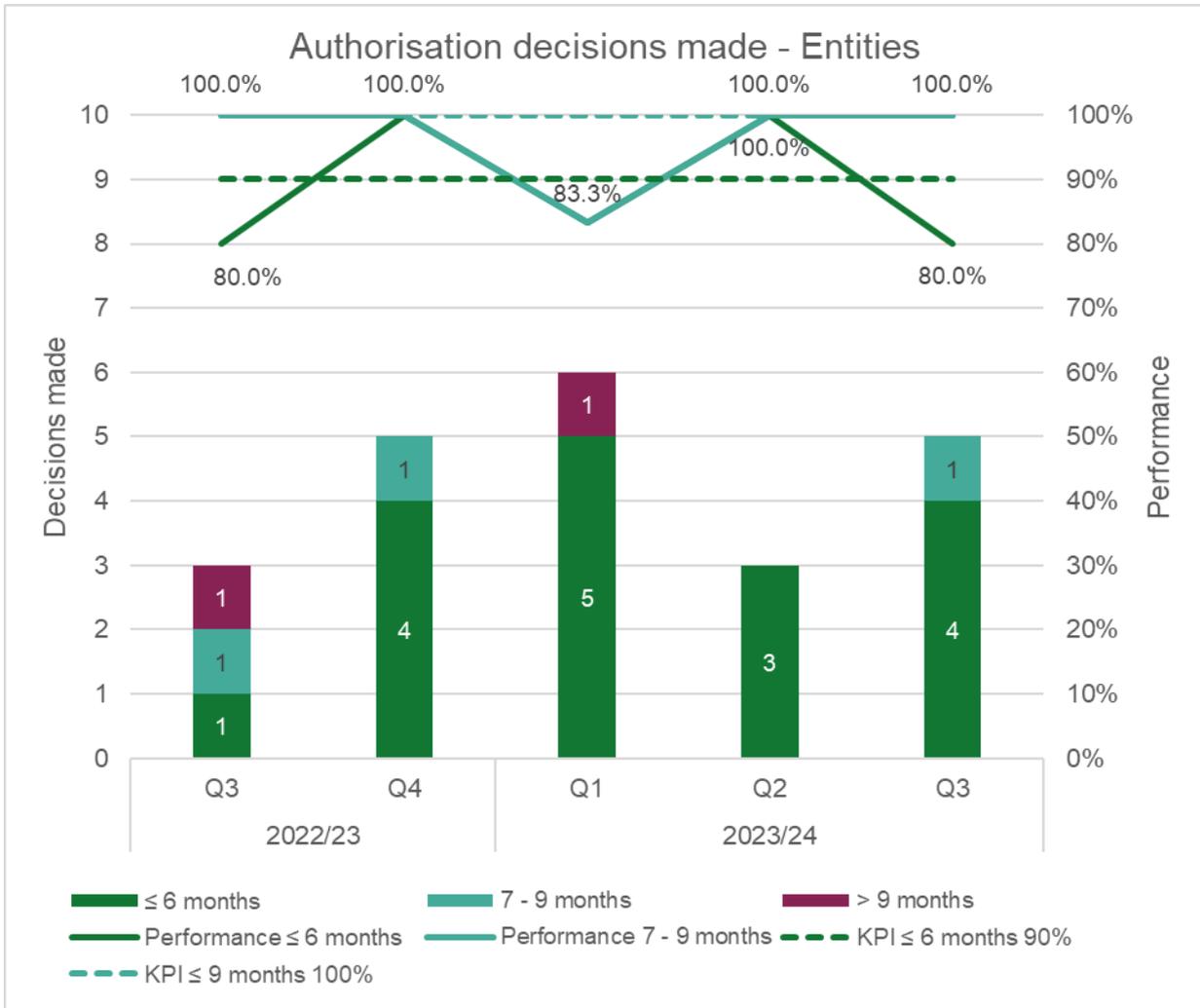
- The seasonal peak in pupillage tasks was higher than in recent years as pupillage numbers rose, with 1 000 tasks completed, nearly 100 more than in the previous year (paragraph 21).
- The number of Transferring Qualified Lawyer (TQL) applications received each month has remained high, despite a drop in the number of other application types received in quarter 3.
- The team has set up a TQL taskforce to address this issue, consisting of 1 Senior Officer and 4 Officers, with a fifth to join the taskforce in March (see paragraph 39).

**KPIs and performance data**



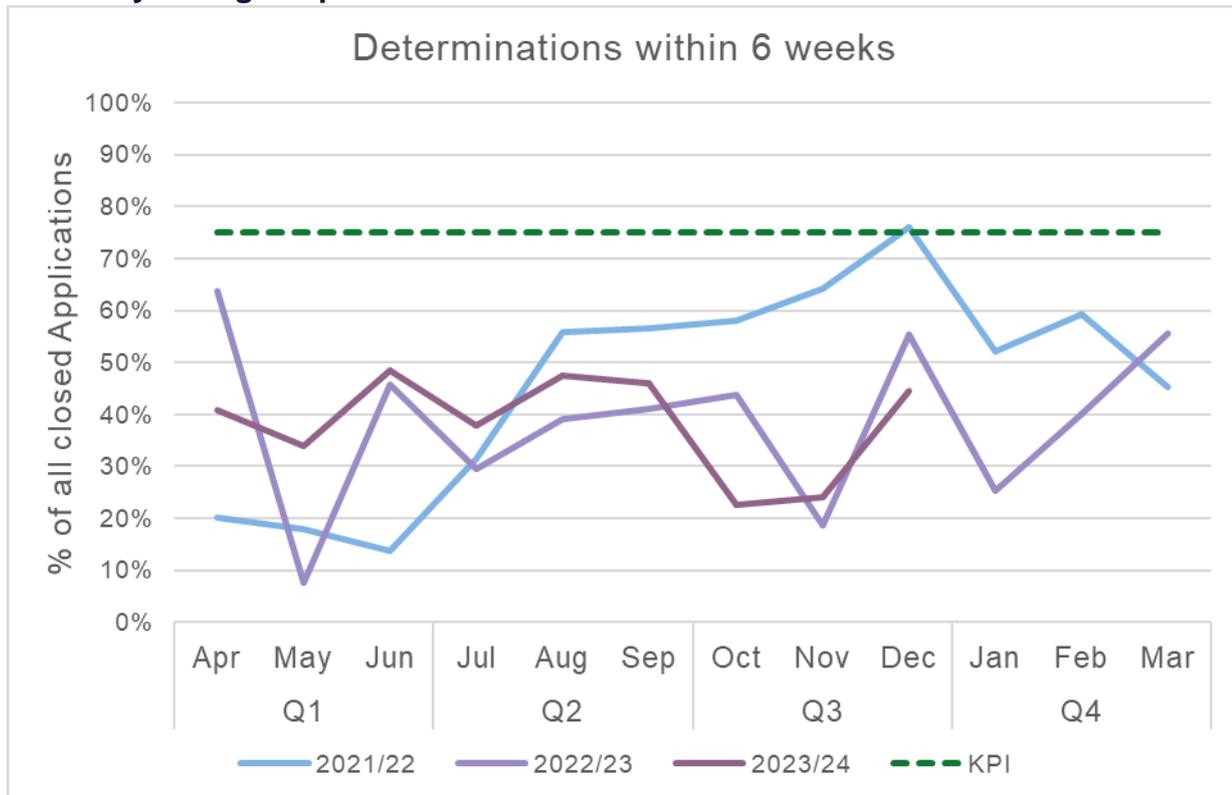
13. Output reduced in quarter 3, with the number of applications decided totalling 148, almost 100 fewer than in the previous quarter.

14. Performance against the 3 targets reduced, and for the first time since quarter 4 2020/21, the majority of applications (53%) took more than 12 weeks to be decided.



15. All entity applications were decided within 9 months this quarter, with just 1 taking more than 6 months, meaning that 1 of the 2 performance targets was met.

## Quarterly change in performance



16. The proportion of applications decided within 6 weeks dropped sharply at the beginning of quarter 3 but began to improve in the last month of the quarter.

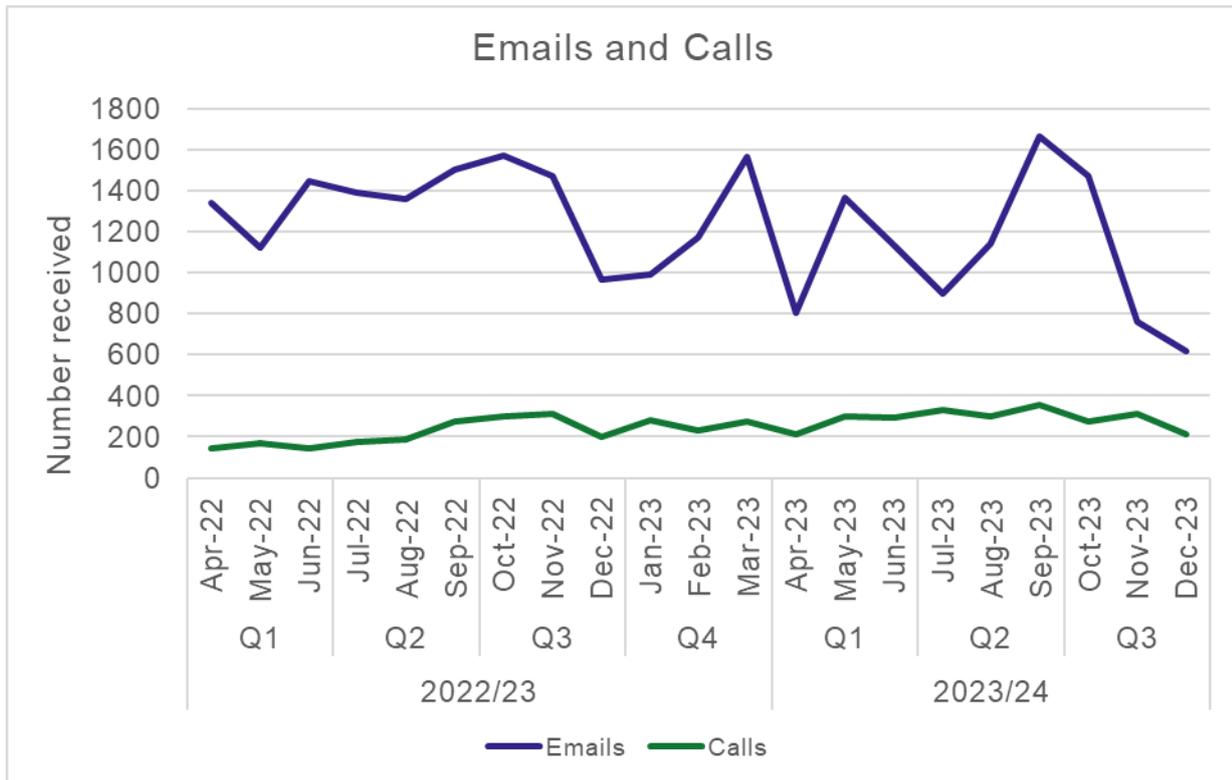
**Live cases**

Snapshot at the close of Q3 of 2023-24

Operational Indicator	Total Open Applications	Over-running Applications	Percentage Over-running
<b>Waiver applications</b>			
Decisions made (12 weeks)	747	554	74%
<b>Total</b>	<b>747</b>	<b>554</b>	<b>74%</b>

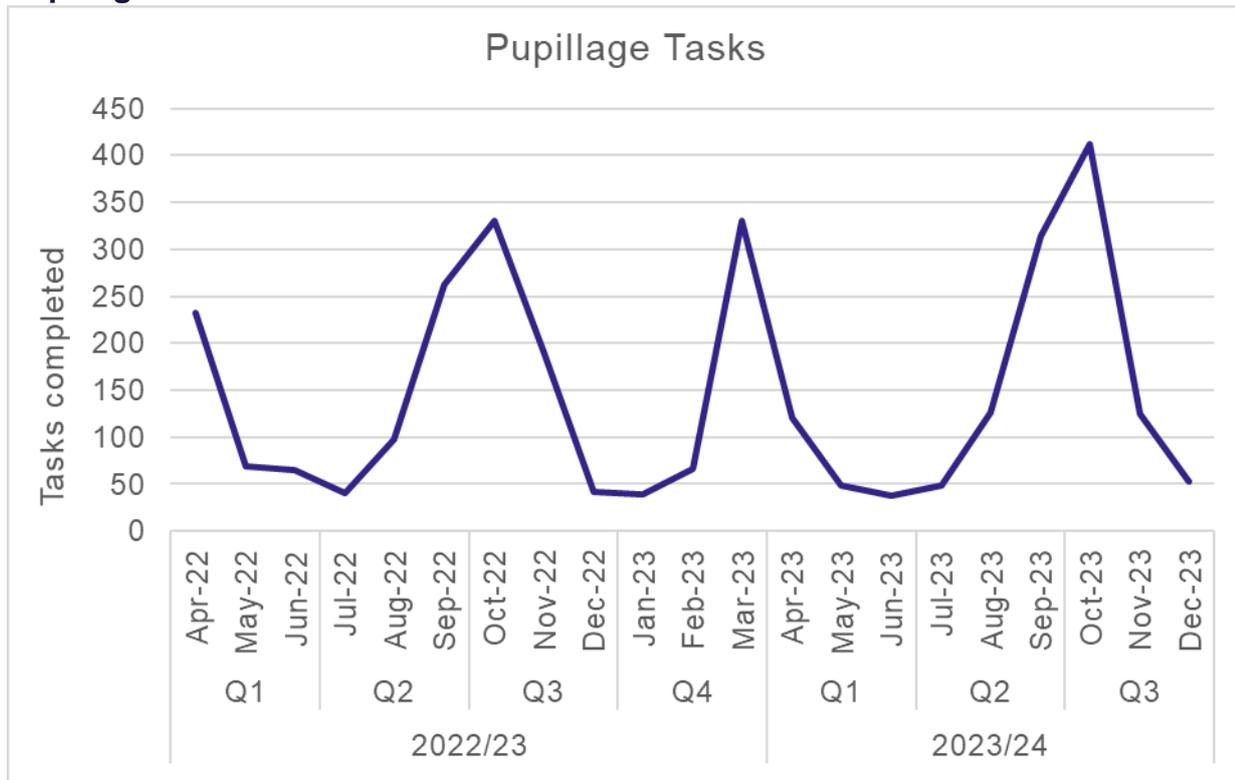
17. Both the percentage of over-running and open applications have increased from 64% and 650 respectively from quarter 2 of 2023/24. As in quarter 2, around 60% of this live workload is Transferring Qualified Lawyer (TQL) applications.
18. Whilst the percentage of over-running applications remains high, it is likely that the majority of applications decided will be over 12 weeks old.

Emails and calls



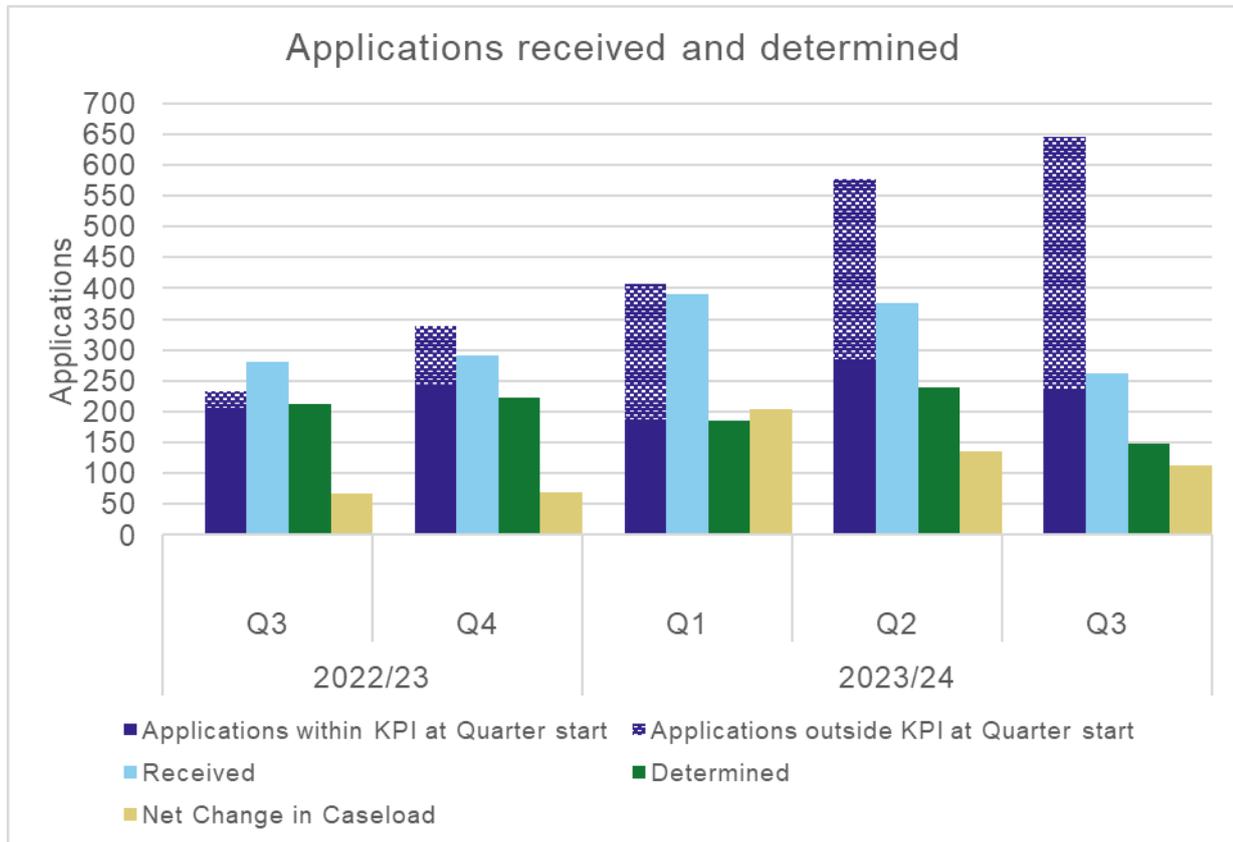
19. After a peak in emails at the end quarter 2, the number answered has reduced across quarter 3 to the lowest levels seen in the past three years. This was the result of high levels of sickness and annual leave over the quarter, plus the office closure over the Christmas period. In the last 9 months the team has seen a higher number of calls overall each quarter compared with previous years, with a peak reached in quarter 2.

**Pupillage Tasks**



20. The seasonal peak in pupillage tasks, which begins in August, came to an end partway through quarter 3. Between August and November this year, almost 1000 pupillage tasks were completed, an increase of almost 100 compared to the same period last year. There have been a higher number of new pupillages this year (489) as opposed to the number of full qualification sign offs from pupillages which started in 2022 (433).

### Applications received and determined



21. The backlog increased further in quarter 3, with a net increase in caseload of 113.
22. This is despite the number of new applications received dropping to 261, down from 391 in quarter 1 and 376 in quarter 2.

### Transferring Qualified Lawyer applications

Fiscal Year	TQL applications opened	Monthly average
2021/22	280	23
2022/23	427	36
2023/24	470	52

23. The number of TQL applications received remains high and has already exceeded the total opened in the whole of last year.
24. In contrast, only 111 non-TQL applications were received, down almost 50% on the 216 non-TQL applications opened last quarter. This meant that 57% of all applications received in quarter 3 were from TQLs.

25. Since the upgrade of the CRM system in November, there have been technical issues with the entities portal (including the inability to view uploaded documents) and with the payment function, which led to more applications than normal remaining at the 'Awaiting Information' stage while these issues were being resolved. Applications are also currently taking longer to progress as they are becoming increasingly complex and often require conversations with other internal stakeholders before we can progress to a decision. We anticipate performance will improve next quarter, despite the impact of the annual renewal process.

### Commentary

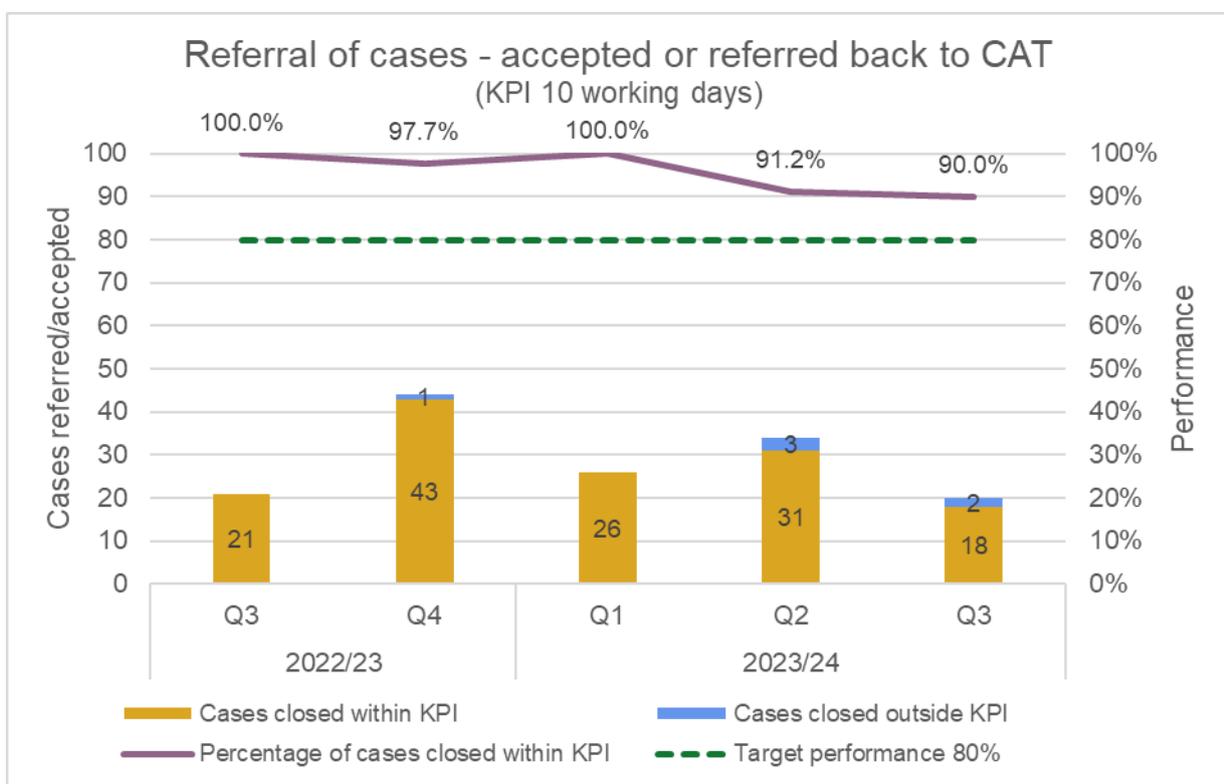
26. In order to address the continued increase in new applications and consequential backlog, the team has increased its headcount by 1 permanent Assistant and 1 fixed-term Officer, the latter of whom will be working full-time on TQLs. There has been a further recruitment exercise for another fixed-term Assistant and for a further 3 fixed-term Officers to join the new TQL Taskforce. This additional resource was in place from January 2024. In quarters 3 and 4, there has been and will continue to be a short-term impact on productivity while these new staff are inducted and trained.
27. The new assistant roles will deal with the majority of telephone calls to the team with Officers acting as a back-up in the event of complex queries. This will mean that Senior Officers can step back from this responsibility, freeing up their time to assess more applications.
28. The aim of the TQL taskforce is to bring in some additional resource for the Authorisations Team to tackle the general backlog and the very high volume of TQL applications, in particular. The taskforce will be responsible for application assessments and for administrative tasks relating to TQLs and we have established a dedicated email address for the taskforce for this purpose. The taskforce will also absorb TQL-related telephone calls once the new resources are appropriately trained.
29. There will be an inflationary increase in all Authorisations application fees from April 2024, with a more detailed cost-recovery analysis also planned for 2024-25. The initial impact of these changes is likely to be felt in quarter 1 of 2024/25.

## Investigations and Enforcement

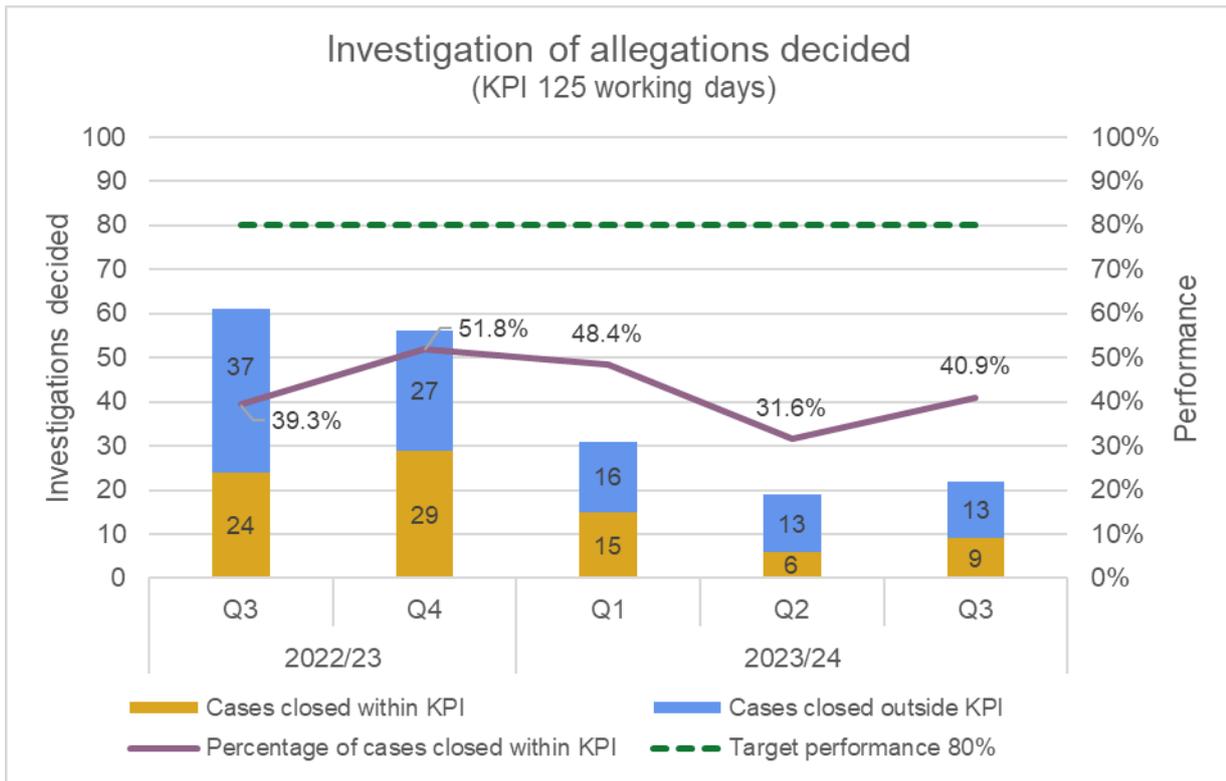
### Key points

- Performance against the referral KPI has slightly decreased, but there has been improvement in the number of investigations decided within the target time.
- Referrals from CAT reduced across the quarter.
- No requests for review or appeals of administrative sanctions were concluded this quarter.

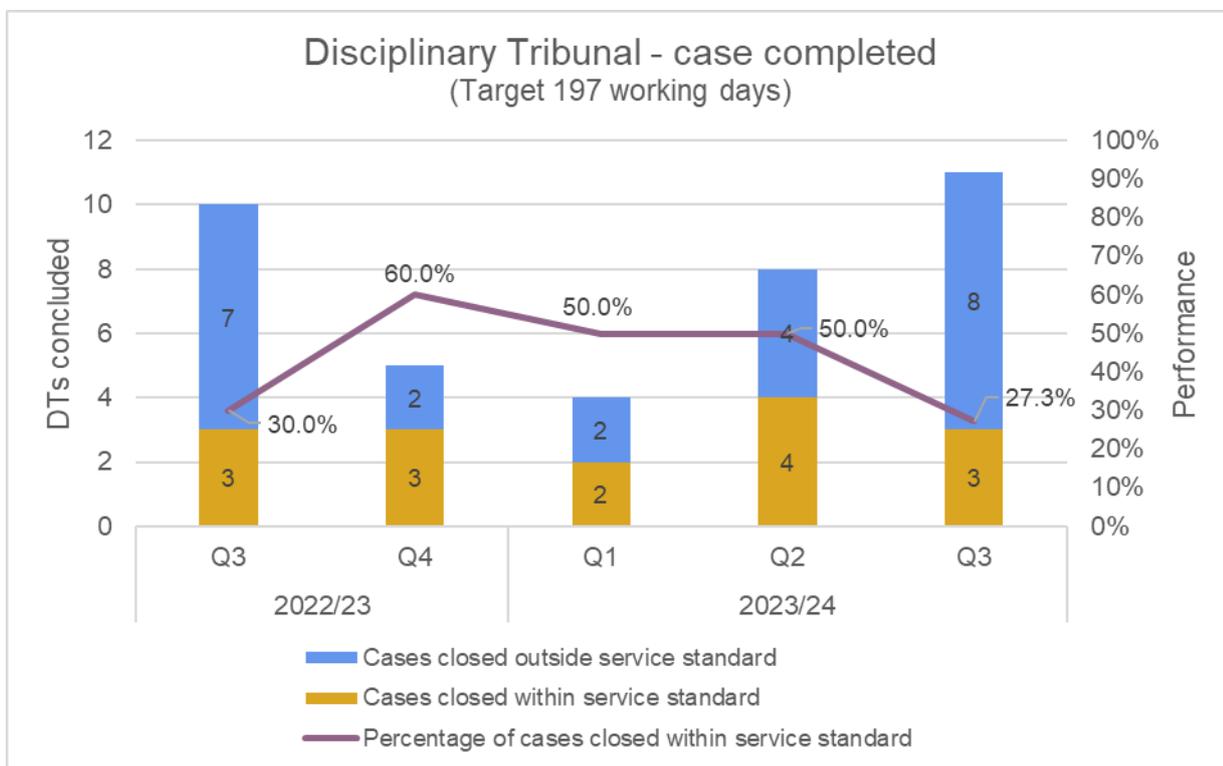
### KPIs and performance data



30. Performance in accepting cases for investigation continues to exceed the 80% KPI target, although the lower number of referrals received from CAT in quarter 3 mean that the small number of cases (2), which took longer than 10 working days to accept, had a greater impact on the quarter outturn.



31. This quarter has seen an increase in both the number of investigations decided and the performance against KPI, as shown in the chart above.



32. The number of cases concluded at Disciplinary Tribunal increased further this quarter and was the highest it has been in any quarter in the last four years.

**Live cases**

Snapshot at the close of Q3 of 2023-24

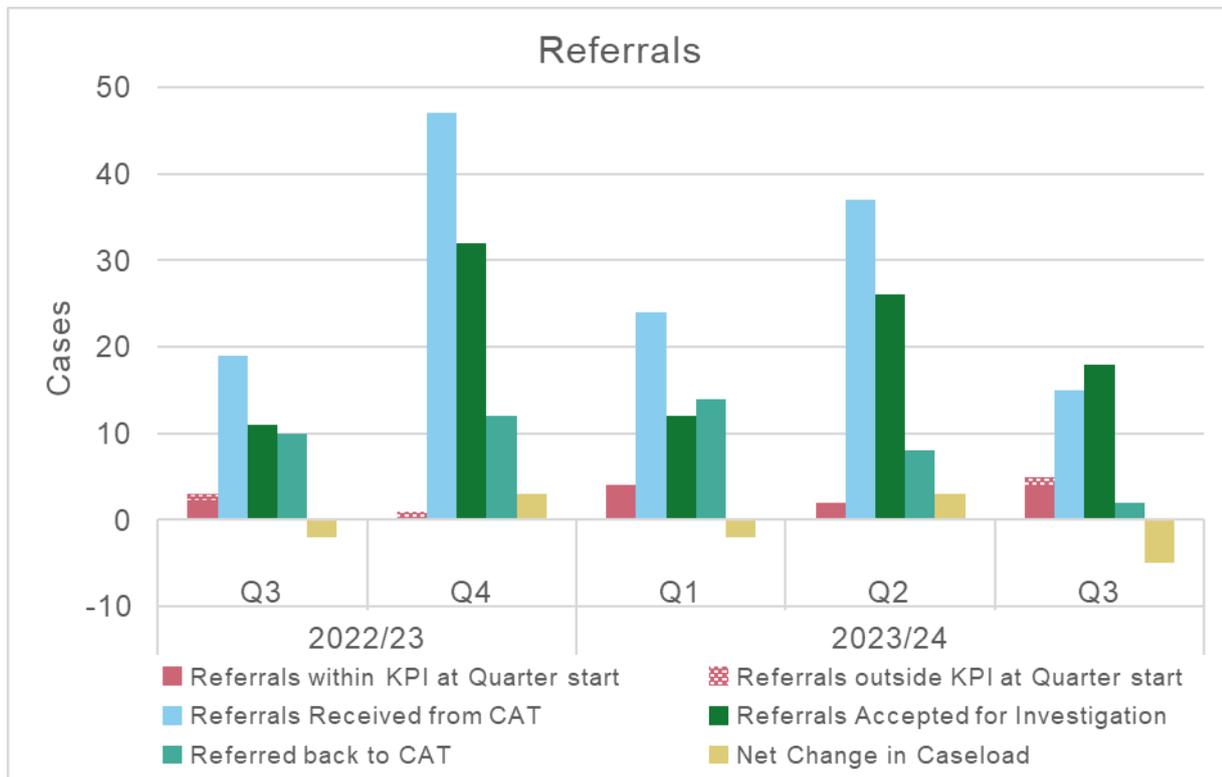
Operational Indicator	Total Open Cases	Over-running Cases	Percentage Over-running
<b>Referral of cases</b>			
Accepted or referred back (2 weeks)	0	0	-
<b>Investigation</b>			
Decision on disposal (25 weeks)	84	29	35%
<b>Total</b>	<b>84</b>	<b>29</b>	<b>35%</b>

Operational Indicator	Total Open Cases	Over-running Cases	Percentage Over-running
<b>Determination by Consent</b>			
Process completed (93 working days)	0	0	-
<b>Disciplinary Tribunal</b>			
Cases concluded (197 working days)	56	19	34%
<b>Total</b>	<b>56</b>	<b>19</b>	<b>34%</b>

33. The number of open investigations has reduced from 88 last quarter, and the percentage overrunning has increased slightly from 32%. 21 of the 84 currently open investigations are on hold (25%), meaning the pool of active investigations contains only 64 cases. This is similar to the proportion of investigations on hold seen at the end of quarter 2 (27%). We are continuing to monitor and review these cases to ensure that adjournments remain appropriate.
34. Analysis of the cases on hold indicate that the most common reason, 12 of the 21 cases, is awaiting the conclusion of associated legal or other proceedings. Of these 12, 7 are linked to the same ongoing matter and a further 2 to another matter. 3 of the remaining 9 cases involve the same barrister and are on hold pending the outcome of a Disciplinary Tribunal. A further 2 cases are on hold because of medical matters, 2 on are hold pending resolution of legal issues and the final 2 cannot proceed until we can trace the barrister.
35. The number of Disciplinary Tribunal cases has dropped by 1, down from 57 last quarter. However, this small reduction does not reflect the high throughput of cases in this area. There were 19 cases considered at 15 tribunals in quarter 3, with most being concluded during the quarter, although 3 were part-heard or adjourned and will be re-

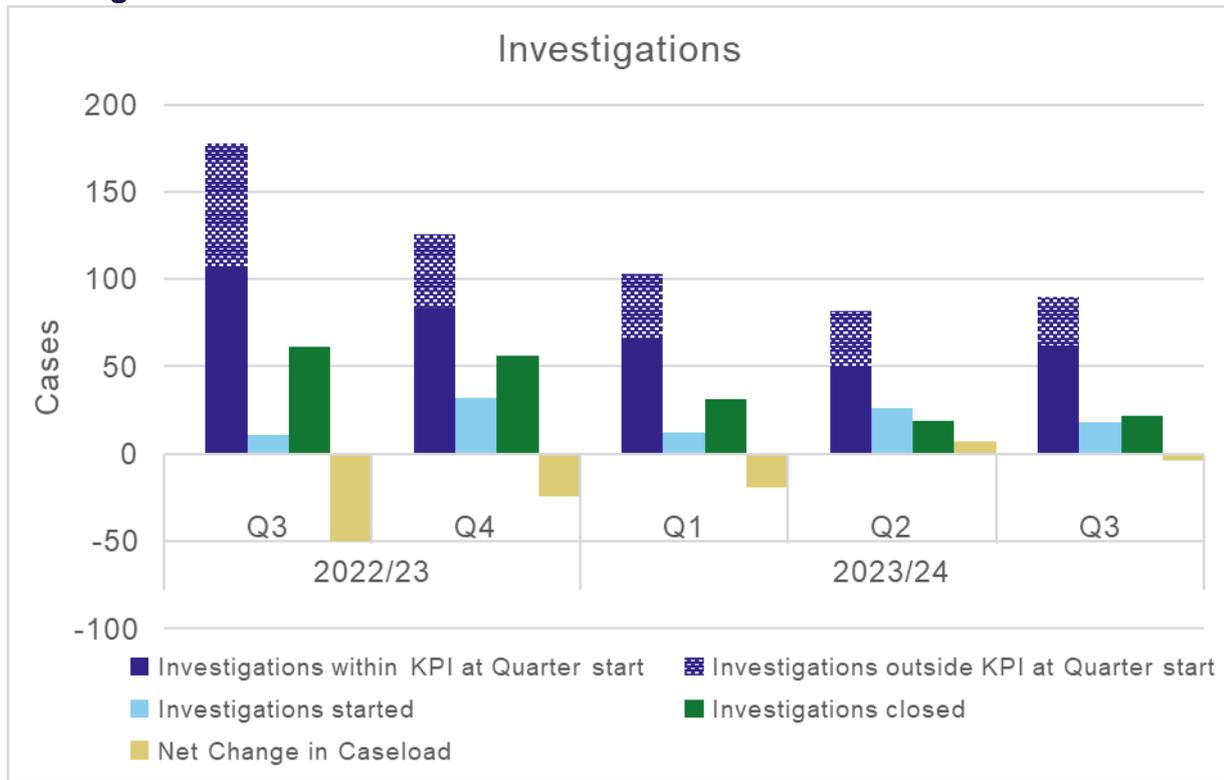
listed. The total live workload at the end of the quarter has nevertheless remained steady due to the high number of new referrals to disciplinary action (16) made in the same period.

### Referrals (Pre-investigation)



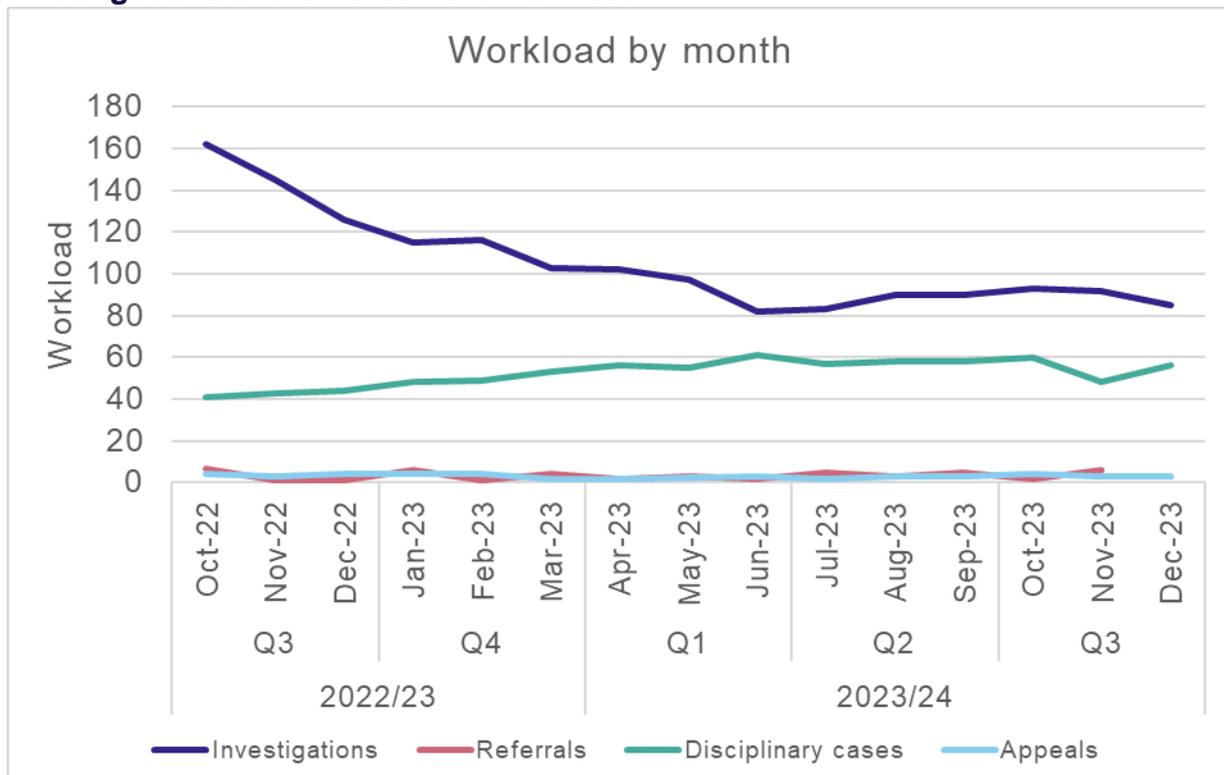
36. The number of referrals received from CAT reduced in quarter 3, to less than half the cases referred in quarter 2.
37. The number referred back to CAT also reduced. Such cases accounted for only 13% of the total referrals opened, which is a significant reduction and improvement on previous quarters (58% and 22% for quarters 1 and 2 respectively). This is a reflection of the improved communication between the teams which we have reported on previously.

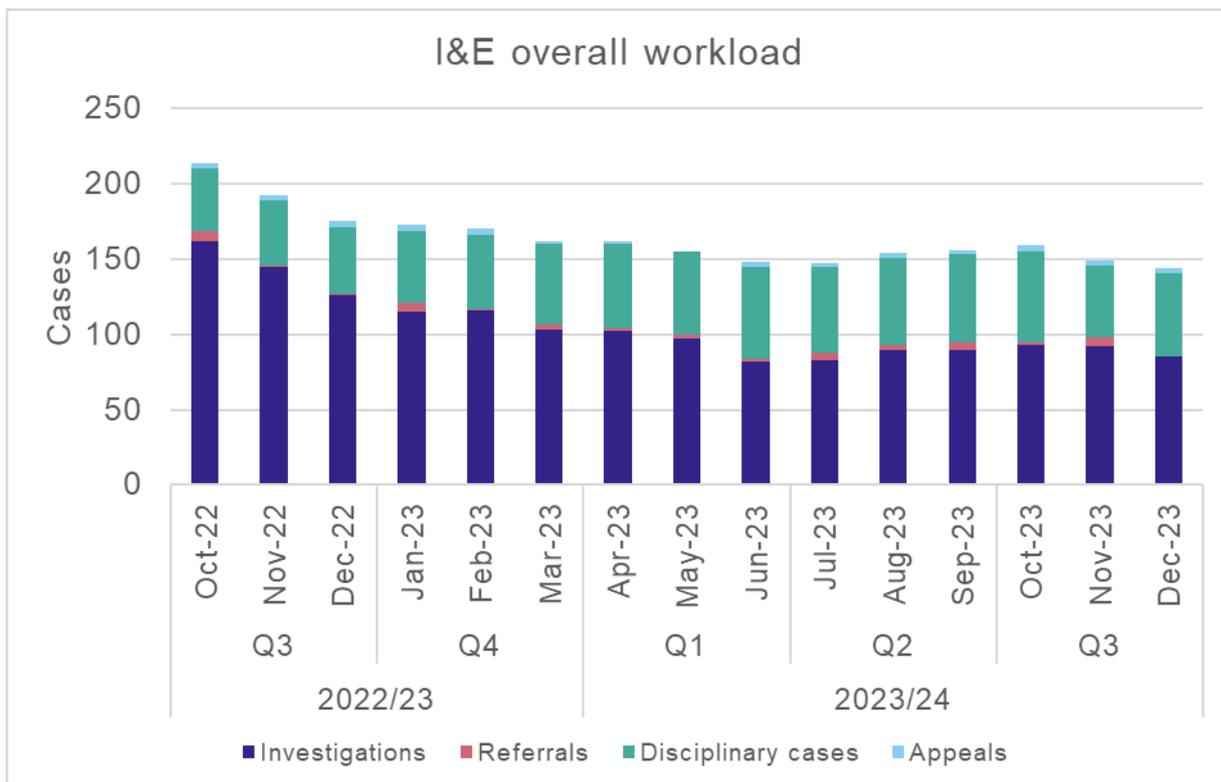
Investigation cases



38. The lower number of referrals opened, and therefore investigations started, this quarter, has meant that we saw a small net reduction in the overall caseload.

Investigations and enforcement workload





39. The first of the above 2 workload charts shows the turnover in open disciplinary cases, as described in paragraph 46 above. The higher level of Disciplinary Tribunal cases seen this year is the result of cases progressed as part of the accelerated investigations process.
40. At the conclusion of each quarter in 2023/24, disciplinary cases have accounted for around 40% of the live workload of the team. There has been a steady increase in this figure, from around 15% in 2021/22 and 25% at this time last year. The percentage increase reflects the decrease in the overall number of investigations and the increase in the number of referrals to disciplinary action as investigations have concluded.

### Commentary

41. The number of cases closed at the end of the investigation process, as opposed to being referred to disciplinary action, dropped further in quarter 3. In this period, only 6 cases were closed following a staff or IDP decision, with the remaining 16 investigation cases being referred to a Disciplinary Tribunal. This is double the number of cases referred as in the previous quarter.
42. At the end of the quarter, 56% of the active investigations (i.e. those at investigation or IDB stage which are not on hold) were classed at 3 or above in terms of complexity (on a scale of 1-5). The proportion of cases with the highest complexity score (5) has decreased from 25% in quarter 2 down to 19%. This

drop is due to the number of cases classed as 5 that were referred to disciplinary action during quarter 3.

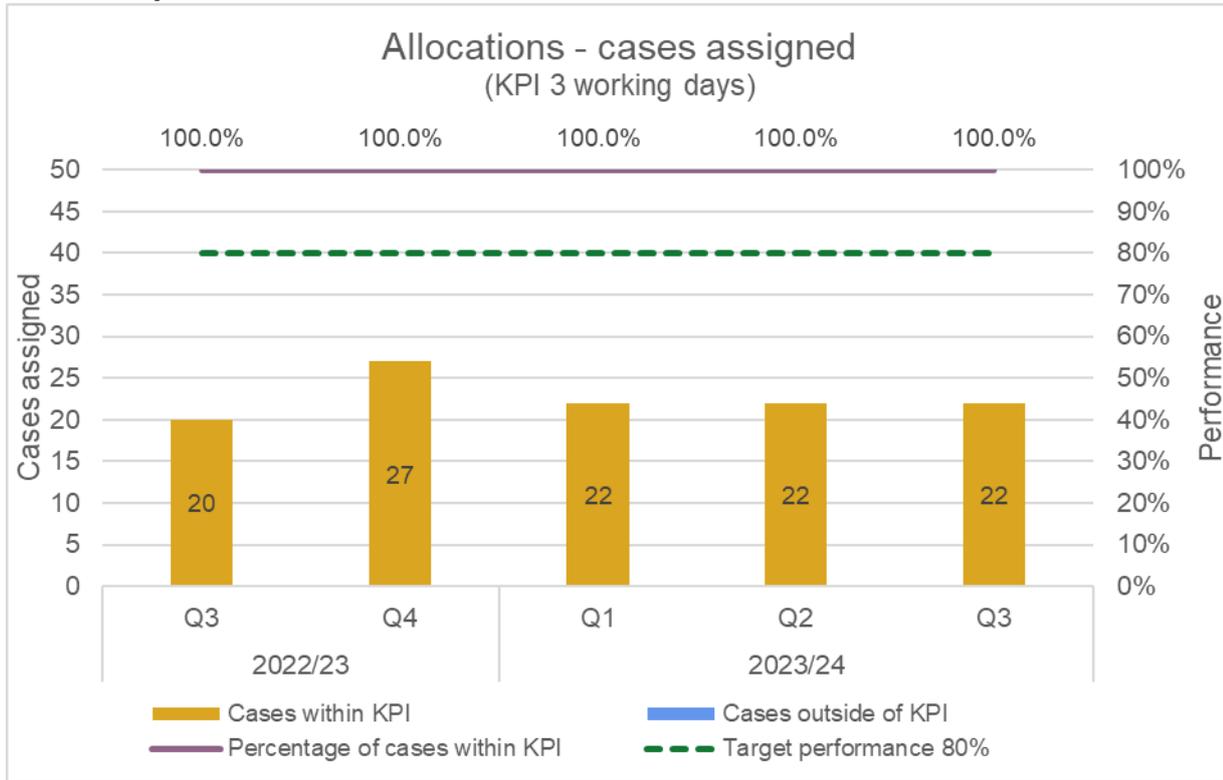
43. While the team has been fully staffed during quarter 3, from quarter 4 it will be working at reduced capacity at Casework Manager level while a replacement is recruited to a vacant post. This has the potential to impact temporarily on case progression as it will result in an increase in the workload of the remaining Casework Manager and Head of I&E in taking decisions and providing advice.
44. Team productivity was also affected temporarily by the upgrade of the CRM system in November. For a period of month, it was variously not possible to allocate cases; progress some tasks and steps on cases; and save, create, or view documents easily in the case management system.
45. There was 1 successful appeal of a Disciplinary Tribunal decision in the quarter. This was not due to an error by the BSB or discrimination in the decision-making process, and therefore the quality KPI in relation to appeals was met. The appeal was one against sanction only and was successful in that the period of suspension imposed was reduced.

## **Supervision**

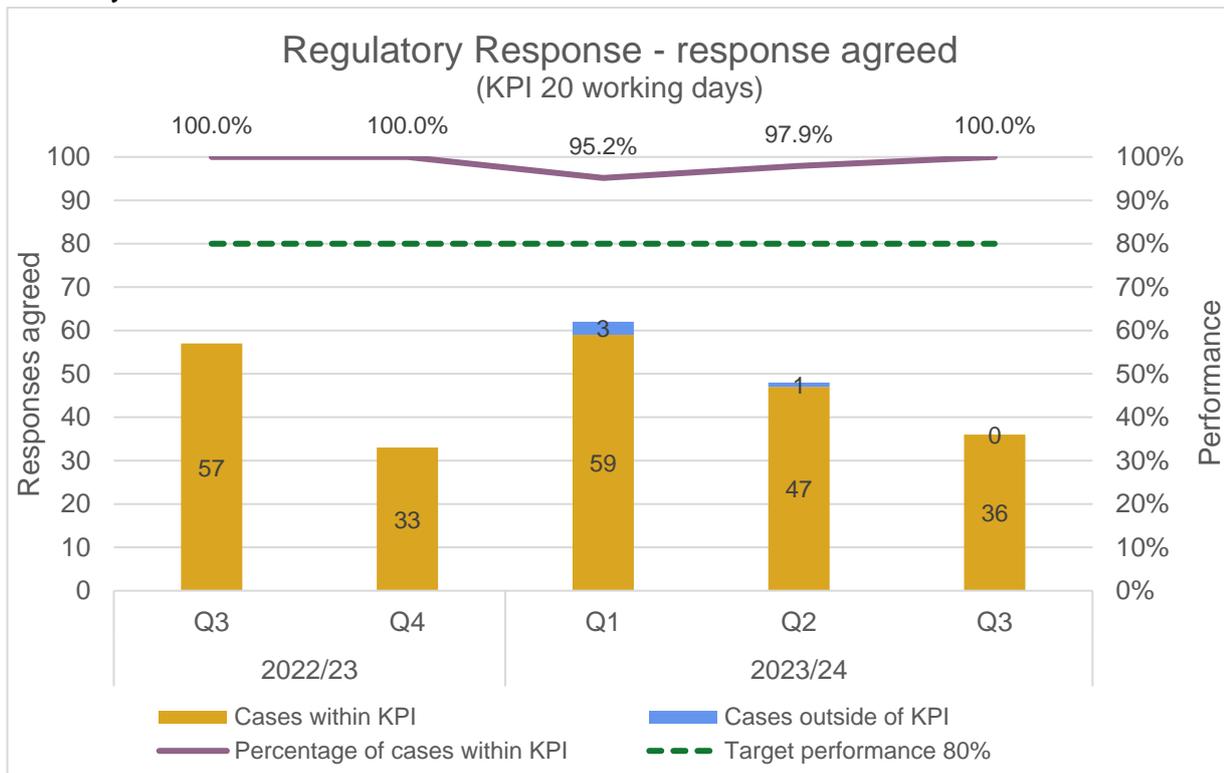
### **Key points**

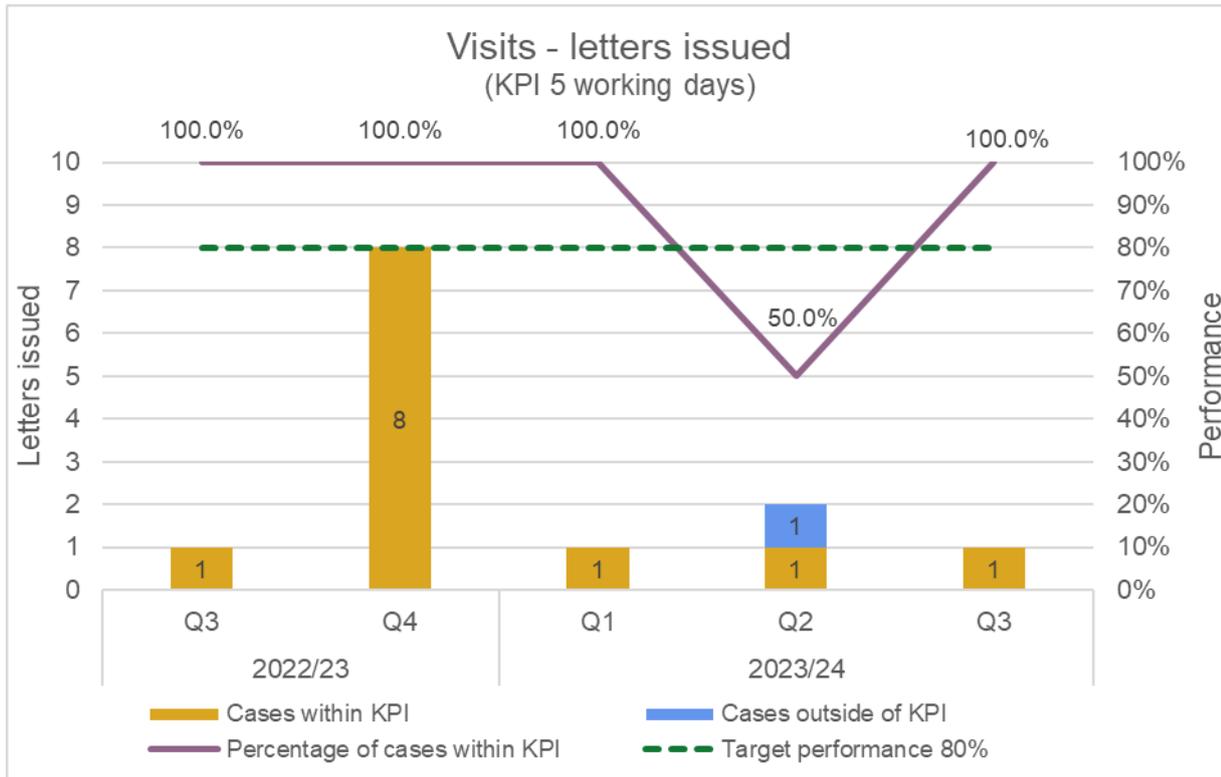
- KPIs for allocations and Regulatory Responses have again been exceeded.
- 1 visit report letter was issued this quarter within the due date.
- The team have opened more cases in the first 9 months of this fiscal year than in the whole of 2022/23.
- Productivity continues to be high with more than double the cases closed in the first 3 quarters this year as compared to the same period last year.

KPIs and performance data



46. The number of new cases referred to the team by CAT has stayed steady across all the quarters this year, and all have been allocated to team members within the target 3 days.





47. 1 visit letter was issued in quarter 3, the report was provided within 3 days of the follow-up meeting held to discuss the submission of further information.

### Live cases

Snapshot at the close of Q3 of 2023-24

Case Type	Total Open
<b>All Excluding Regulatory Reports</b>	
All cases	85
Of which have 'Hold – I&E' status	9
<b>Regulatory Returns</b>	
All cases	23

48. Live cases have continued to reduce, and the overall caseload at the end of quarter 3 was 108, down from 116 at the end of quarter 2.
49. The number of Hold – I&E cases has halved since the first quarter of the year, and the majority are on hold due to ongoing Disciplinary Tribunal cases, rather than because they are linked to I&E cases at the earlier investigation stages. It is hoped that some of these remaining 9 will be able to be picked up by Supervision in quarter 4, as tribunals take place and some of these I&E cases are closed.

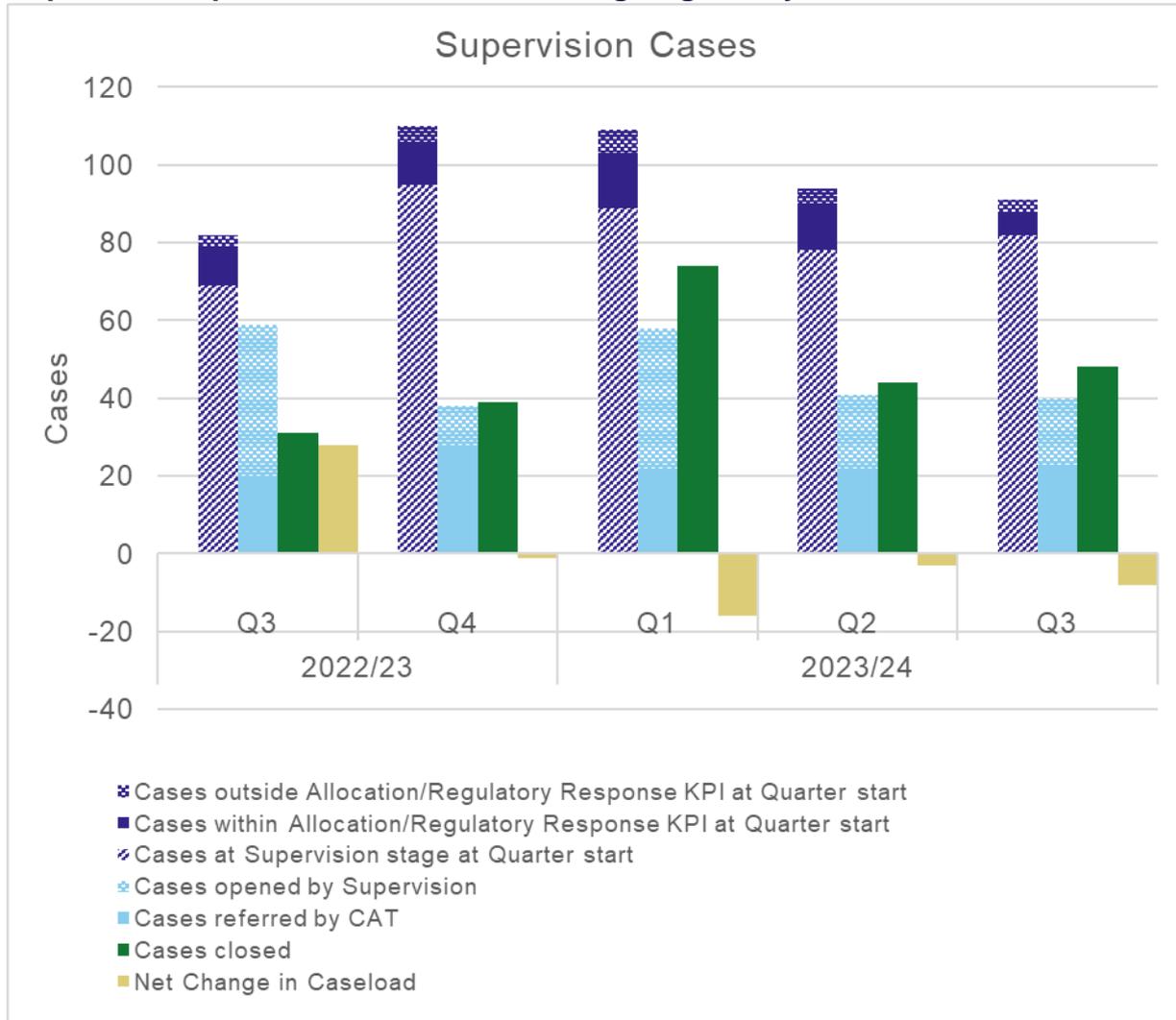
50. On reviewing this report, we realised that 18 Regulatory Return cases had not been closed in the Case Management System, despite supervisory action having been completed some time ago. This has now been addressed. 5 cases remain open with outstanding actions. Some of these are likely to be referred to consider enforcement action where the chambers are not engaging.

#### Snapshot of open actions agreed with barristers, chambers, entities and AETOs

Year	Quarter	Actions open at close of quarter	Actions Outside Due Date	Actions where due dates were revised	Total cases with open actions
<b>Cases opened by Supervision or referred from CAT</b>					
2023/24	Q3	36	34	5 (13.9%)	11
<b>Regulatory Returns</b>					
2023/24	Q3	27	27	10 (37.0%)	5

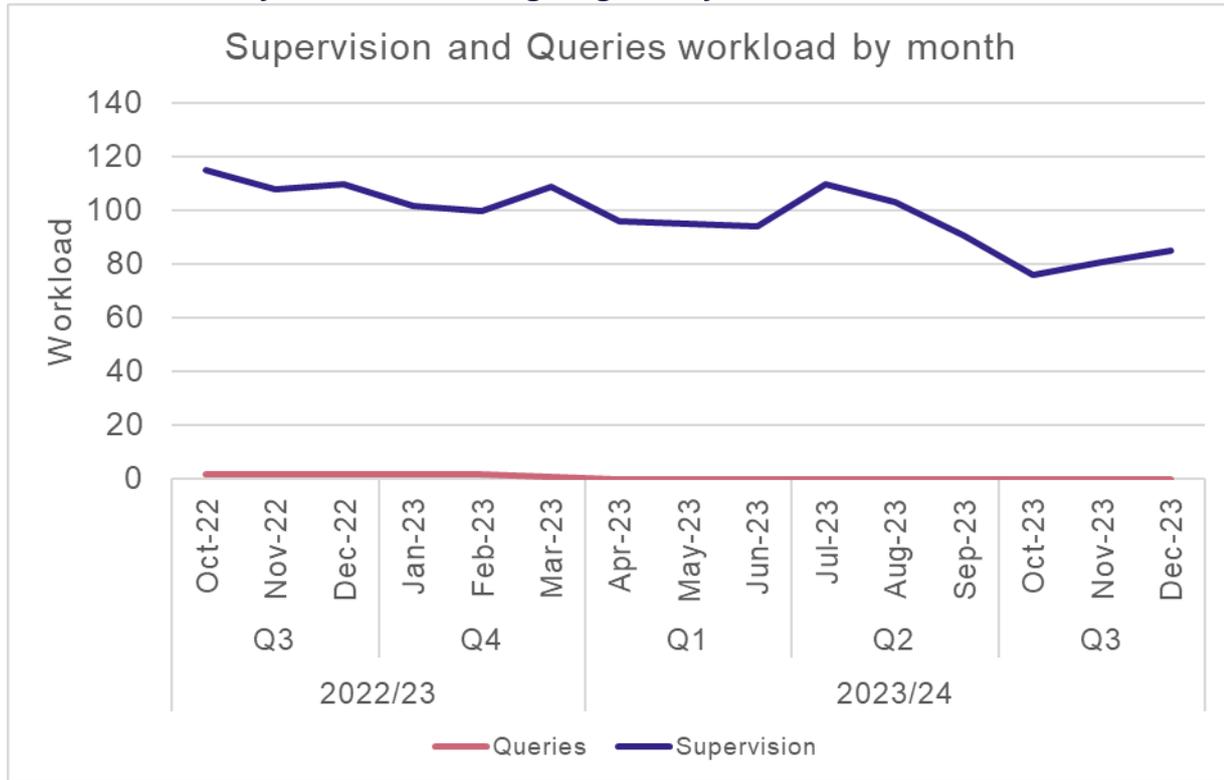
51. Similar to the overall number of open cases, there has been little change in the number of open actions at the end of quarter 3 compared to quarter 2.

Supervision open case volumes excluding Regulatory Returns



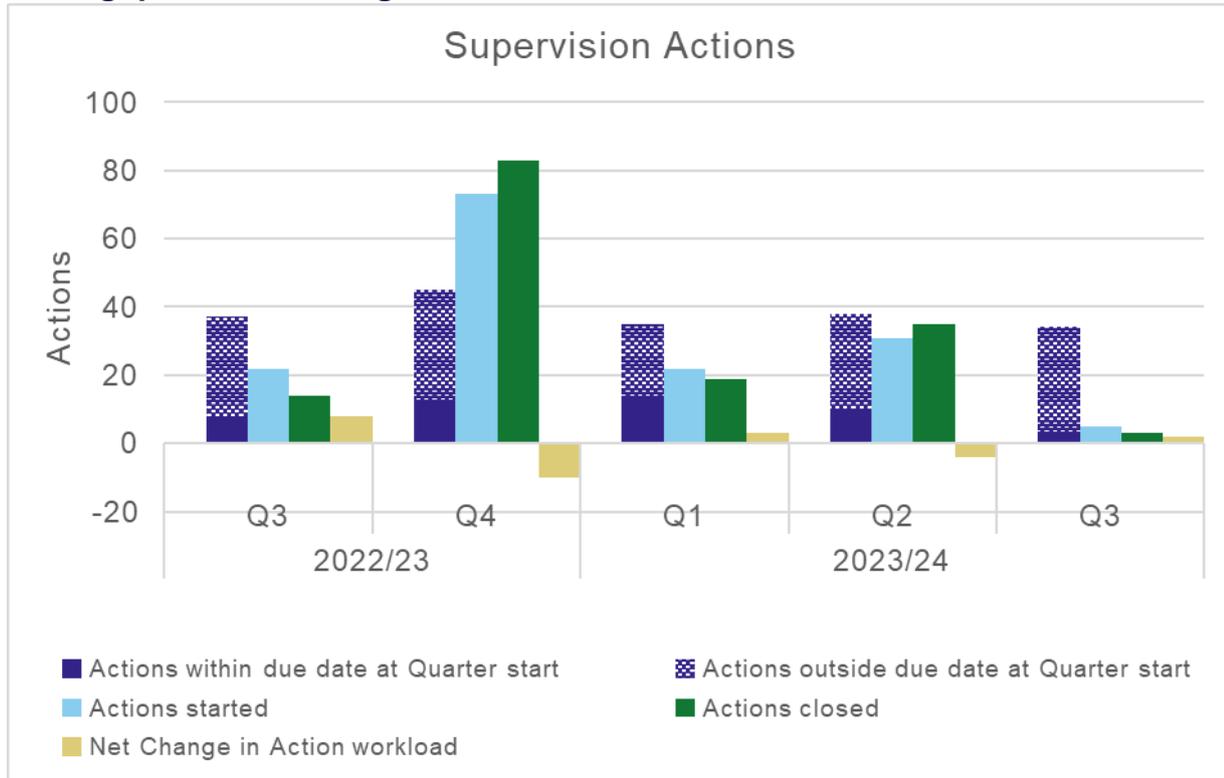
52. There have been net reductions in caseload for each of the past 4 quarters. This reflects the work on the Regulatory Return nearing completion, freeing up team capacity to focus on closing more cases which have arisen from reports and thematic reviews, and progression of I&E cases that were on hold in Supervision.

**Total caseload by month excluding Regulatory Returns**

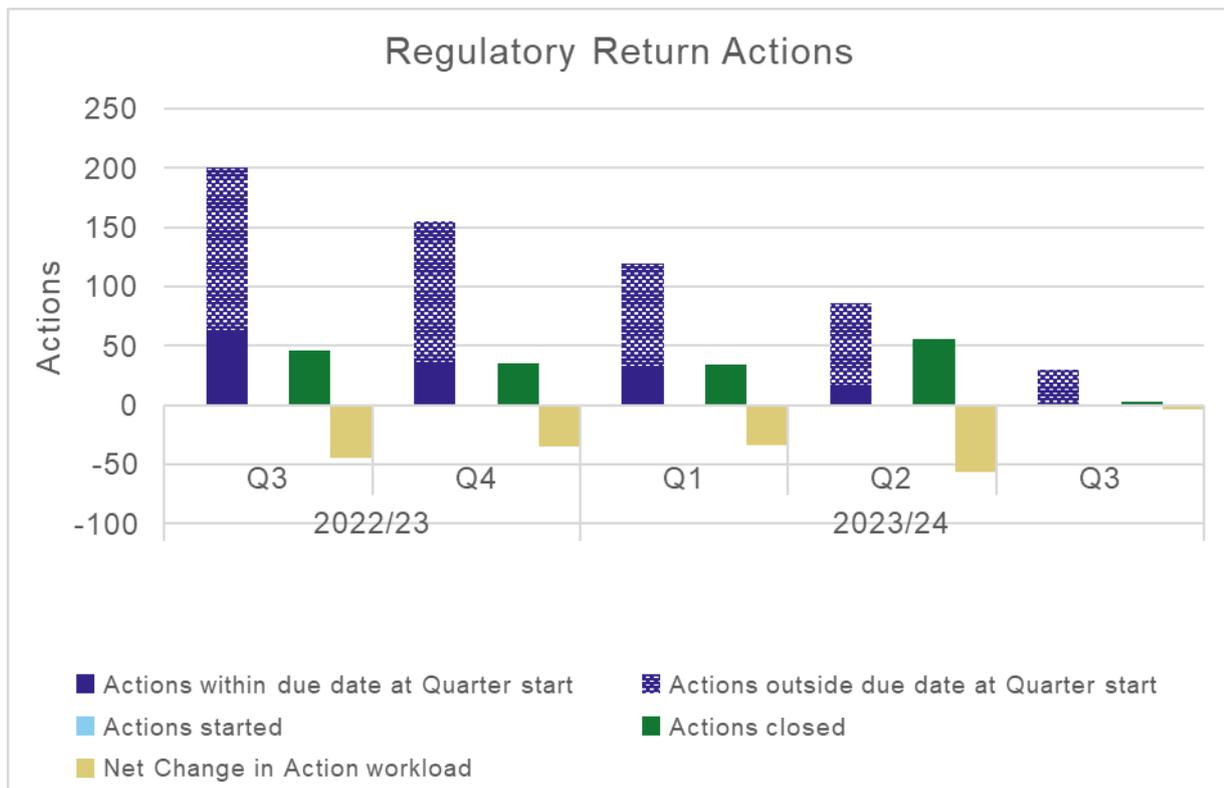


53. Workload increased slightly across the quarter but the caseload levels remained lower than we have seen across the previous 12 months mainly due to the work relating to the Regulatory Returns.

Throughput of actions agreed with barristers, chambers, entities and AETOs



54. Only a few actions were closed this quarter, and just 5 were opened, far fewer than in the previous 4 quarters. This led to a small but manageable increase in action workload.



55. As explained above, a small number of Regulatory Return actions remain and will be considered for enforcement action.

**Commentary**

56. The team have 2 transparency spot-check cases remaining and have opened 5 cases related to their Anti-Money Laundering supervision work in quarter 3. These AML cases relate to tax work, and more may be opened in quarter 4, when the focus will be on property law.







<b>Meeting:</b>	Bar Standards Board	<b>Date:</b>	21 March 2024
<b>Title:</b>	Draft Anti-racist Strategy		
<b>Authors:</b>	Rupika Madhura and Ewen Macleod		
<b>Post:</b>	Co-chairs, Anti-racist Working Group		

<b>Paper for:</b>	<b>Decision:</b> <input checked="" type="checkbox"/>	<b>Discussion:</b> <input checked="" type="checkbox"/>	<b>Noting:</b> <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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<b>Paper relates to the Regulatory Objective (s) highlighted in bold below</b>	
(a)	<b>protecting and promoting the public interest</b>
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	<b>encouraging an independent, strong, diverse and effective legal profession</b>
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

### Purpose of Paper

1. The purpose of this paper is to seek the Board's approval of a draft BSB Anti-racist Strategy, which has been developed by the Anti-racist Working Group and endorsed by the Senior Leadership Team. We would also like to invite the Board to reflect on its role in overseeing the implementation of the strategy and in promoting anti-racism across the BSB.
2. This strategy is focused internally on the BSB and how it can be a more inclusive employer. We believe that publicly setting out our approach, to anti-racism and building a more inclusive culture in the BSB, will set an example for the profession and help promote both a more inclusive profession and more effective regulation in public interest.

### Executive summary

3. The BSB established an Anti-racist Working Group, in order to make recommendations to make the BSB a more inclusive place to work. This has resulted in a draft Anti-racist Strategy and action plan. The Board is being asked to approve these documents, and to consider how it can support, and hold to account, the executive in the implementation of the strategy.

### Recommendations

4. The Board is invited to:
  - a. approve the BSB Anti-racist Strategy, and first year action plan attached at annexes A and B respectively; and
  - b. discuss the Board's role in overseeing the implementation of the strategy, beyond those elements that relate to governance.

## Discussion

5. In November 2020, the BSB published an [anti-racist statement](#), which aims to reduce race inequality at the Bar of England and Wales. The first part of the anti-racist statement explains what steps the BSB is taking to evaluate and strengthen its own commitment to anti-racism.
6. The BSB started by surveying its workforce in 2020. An analysis of responses by declared ethnic background revealed discrepancies in the experiences of our people, with those from a minoritised ethnic background being less engaged, on average, than people from a White background. This led to additional focus groups to better understand how the BSB could respond, and to the establishment of an Anti-racist Working Group (“the Working Group”).
7. The Working Group draws its membership from across the organisation, at all levels, and is co-chaired by two members of the Senior Leadership Team, Rupika Madhura (previously Sara Jagger) and Ewen Macleod. The Working Group has been considering how the BSB can take further steps to be a more inclusive employer, culminating in the development of the attached strategy and action plan.
8. The Working Group held an organisation-wide consultation on a draft of the strategy, comments from which have been incorporated into this final version. The Working Group has also sought external consultancy review of the strategy to ensure that it is ambitious and deliverable. Dee Sekar, our new Head of Equality, has also reviewed best practice by reviewing anti-racist strategy and action plans of other organisations and developing case studies for the Working Group. The resulting suggestions for good practice are attached at Annex C, for information.
9. The Senior Leadership Team has subsequently endorsed the strategy and the action plan, attached at Annexes A and B respectively. We intend to review progress, and update our action plan, annually.
10. Aside from approving the suite of documents, the Board is invited to reflect on how it can engage with the strategy and support the outcomes that it seeks to deliver.

## Resource implications / Impacts on other teams / departments or projects

11. The main resource implications of implementing the strategy are likely to fall on the People Team at the BSB, with additional input from the communications team and members of the Anti-racist Working Group. In addition, the action plan will require BSB staff to engage in training or comply with other actions whether one off or on an ongoing basis. This has been factored into our business planning for next year.

### **Equality and Diversity**

12. An Equality Impact Assessment on the strategy has been prepared, and placed in the reading area. We expect the strategy to have a positive impact on equality, diversity and inclusion.

### **Risk implications**

13. This work is an opportunity for BSB to lead by example for the profession in the area of equality, diversity and inclusion. That the profession fails to reflect the diversity of society is one of the core risks identified in our Risk Index. This is fundamental to addressing our regulatory objective to encouraging an independent, strong, diverse and effective legal profession.
14. In publishing the strategy and action plan, we seek to demonstrate accountability for becoming a more inclusive workplace for all our people. We have sought to ensure that it demonstrates good practice by drawing on guidance from the CIPD and seeking the views of an external consultant. We will evaluate it regularly and report on progress.

### **Data protection**

15. Actions in the Action Plan which require use of data, will consider carefully data protection implications.

### **Communications and Stakeholder Engagement**

16. The strategy and the first action plan will be published on our website and publicised in the usual way. We are keen to use this as an example of good practice and as demonstration of the BSB's commitment to be an inclusive place to work for people from all backgrounds.

### **Annexes**

- Annex 1: Anti-racist Strategy
- Annex 2: Action plan
- Annex 3: Summary of good practice



**BSB Anti-Racist Internal Strategy 2024-2027**

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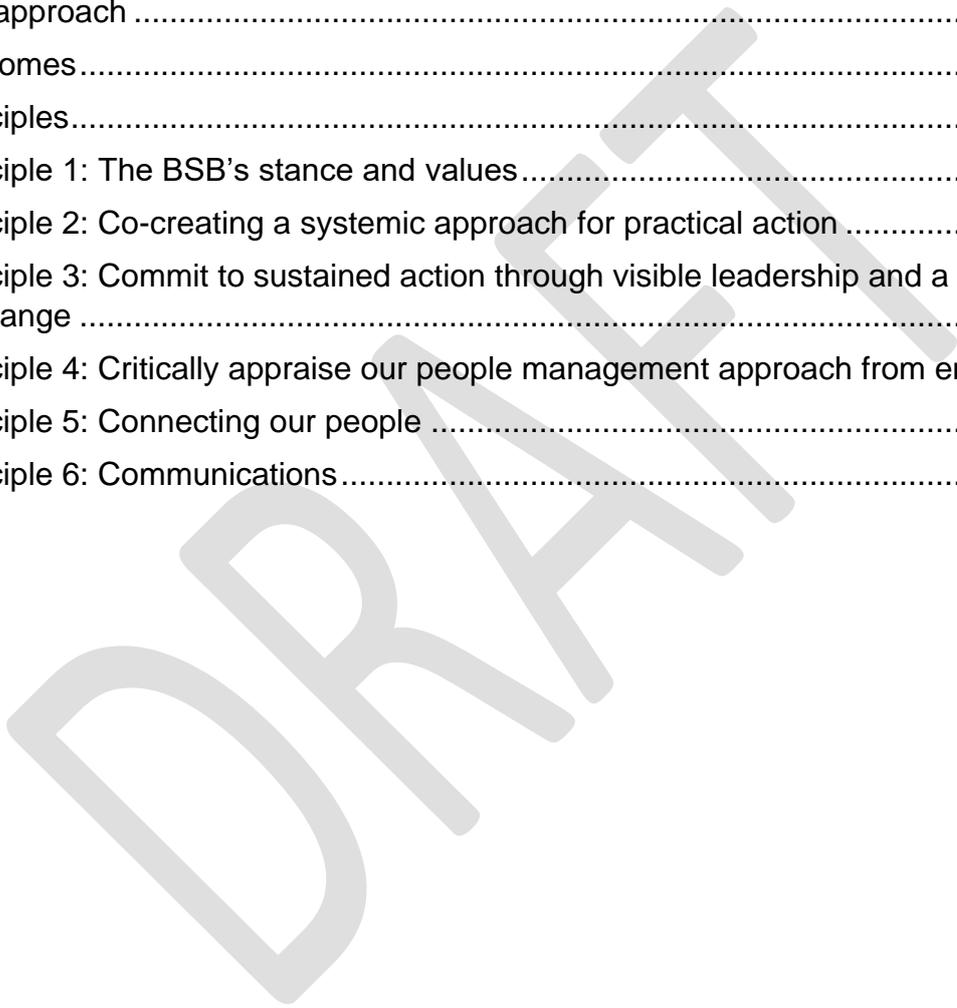
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### Introduction

1. The Bar Standards Board (BSB) recognises, as Baroness McGregor-Smith stated in her Race in the Workplace Review, ‘there is discrimination and bias at every stage of an individual’s career, and even before it begins. From networks to recruitment and then in the workplace, it is there.’
2. In November 2020, the BSB published an [anti-racist statement](#), which aims to reduce race inequality at the Bar of England and Wales. The statement was developed in collaboration with barristers and members of the BSB’s Race Equality Taskforce. The first part of the anti-racist statement explains what steps the BSB is taking to evaluate and strengthen its own commitment to anti-racism.
3. This strategy sets out the BSB’s internal commitment to anti-racism, outlining how we intend to lead by example by setting, and meeting, high standards in our own approach.

### Background

4. The BSB seeks to provide an inclusive workplace for all. We believe racism needs expressly to be addressed and the first step in this process is to have a strategy for doing so. The Race Equality Task force supports BSB’s external work on race equity. The People Team support BSB’s internal work on race equity. The BSB started by surveying its workforce in 2020, analysing the data we hold about our people by ethnicity and holding focus groups. The Race in the Workplace 2020 report found that there were distinct discrepancies in the experiences of BSB people from minority ethnic backgrounds. For example, 80% did not feel that their ethnic background was recognised and valued by colleagues and managers. This compares to 45% white respondents. Using the evidence that emerged, an Anti-Racist Working Group (ARWG) was formed to recommend a strategy to the Senior Leadership Team and the BSB Board.
5. This strategy is informed by the ARWG’s further work in this area. The ARWG has reviewed available research from other organisations and sectors, spoken to similar organisations about their approach to anti-racism and undertaken its own discussions about what it means to be anti-racist. In late 2023, the ARWG held an organisation-wide consultation on the draft strategy, comments from which have been incorporated into the final strategy. The ARWG then sought external consultancy to ensure that the strategy was ambitious and deliverable.

### Our approach

6. BSB is an **outcome** focussed and **principles**-based regulator. We have decided to develop this strategy using the same approach. This strategy will run from 2024-2027 (three years). The BSB will agree annual action plans to sit alongside this strategy.

7. In line with the best practice, we will **monitor and evaluate** progress of this strategy with input from the ARWG. The progress will be communicated across the organisation at the conclusion of each annual action plan. If needed the strategy will be amended based on annual evaluation results.

### Outcomes

8. As an organisation striving to become anti-racist our:
- a. **Vision** is to be a place of work where there is equality, belonging and wellbeing for all our people. We want everyone to feel seen, appreciated, included and bring their whole selves to work.
  - b. **Mission statement** is to create an inclusive culture at the BSB that supports a diverse and engaged workforce, where racism is actively addressed and any incidents of racism are challenged and managed effectively.
9. Over time, in line with the mission statement, the BSB is working to achieve the following outcomes:
1. **INCLUSIVE CULTURE CREATED:** The BSB welcomes, respects and ensures everyone, particularly, ethnically, and culturally diverse communities, has a sense of belonging to the organisation. This culture should inform all programmes of work at the BSB from how we manage, develop and motivate people to how we work with our stakeholders.
  2. **VISIBLE LEADERSHIP ON ANTI-RACISM AND EQUALITY, DIVERSITY AND INCLUSION (EDI):** The BSB consistently provides visible and vocal leadership on anti-racism and EDI and cites examples of good practice as an anti-racist organisation.
  3. **DIVERSE WORKFORCE:** The BSB workforce fully represents the diversity of the national and local populations and is confident on anti-racism and EDI
  4. **INCIDENTS OF RACISM MANAGED EFFECTIVELY:** The BSB manages internal incidents of racism effectively with effective support systems, transparent reporting and disciplinary procedures and have built trust, so people are confident to report incidents.
  5. **EFFECTIVE GOVERNANCE ON ANTI-RACISM AND EDI:** The BSB has good practice governance structures and processes in place which deliver effectively on anti-racism and EDI
  6. **DIVERSITY AT MANAGEMENT & BOARD LEVEL:** The diversity of Management and Board members, and the talent pathways better reflect the proportion of people in working age population

## Principles

10. In developing an anti-racist strategy, the BSB has followed the six principles recommended by the Chartered Institute of Personnel and Development (CIPD)<sup>1</sup> for creating a racially inclusive workplace. Our strategy is structured around these principles<sup>2</sup>, which are:
1. Clarify the organisation's stance and values;
  2. Co-create a systemic approach for practical action;
  3. Commit to sustained action through visible leadership and a willingness to change;
  4. Critically appraise our people management approach from end to end;
  5. Connect our people by creating safe spaces, systems and times to talk, share experiences and learn from each other; and
  6. Communicate our messages consistently and ensure that communication is two-way.

### Principle 1: The BSB's stance and values

11. We recognise that anti-racism is essential to achieving the BSB's values<sup>3</sup> of fairness and respect, independence and integrity, and excellence and efficiency. In fact, it contributes actively to each of the values.
12. The focus of this strategy is anti-racism, we believe it will have a positive impact on the culture at the BSB for all our people.
13. We have set out the outcomes we would like to achieve. We will identify actions that we propose to take in separate annual action plans to help us achieve these outcomes.
14. In addition, we will:
- Publicly state the BSB's position on anti-racism and require a firm commitment to anti-racism from all stakeholders, including colleagues, suppliers, partners and service users;
  - Ensure that external messages genuinely match the BSB's commitment to change: stakeholders should feel progress is being made in the right direction;

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<sup>1</sup> The Chartered Institute of Personnel and Development (CIPD) is an association for human resource management professionals. As such, the non profit registered charity is incorporated with the Royal Charter and is listed as an awarding body and learning provider of professional qualification which is officially recognized by the government of United Kingdom's Ofqual, CCEA and Qualification Wales. CIPD was founded in 1913 and its purpose is to champion better work and working lives. People's experiences of work differ. Not everyone can access good work. And we recognise the need, within our own community, to create a more inclusive people profession by eliminating barriers to entry and progression. More about CIPD can be read here: <https://www.cipd.org/uk/about/>.

<sup>2</sup> <https://www.cipd.org/uk/knowledge/guides/anti-racism-strategy/>

<sup>3</sup> BSB values can be found here: <https://www.barstandardsboard.org.uk/about-us/how-we-regulate/our-organisational-values.html>

- Provide practical examples of what constitutes racism (including micro inequalities / aggressions) in supporting communications as well as what anti-racism is and involves through ongoing education.

**Expected impact: Inclusive Culture Created (outcome 1).** Clearly articulated position from the BSB on anti-racism, which will demonstrate visible leadership on anti-racism and EDI and start to create a more inclusive culture.

**Principle 2: Co-creating a systemic approach for practical action**

15. A systematic approach is necessary to identify and tackle the causes of race inequality and discrimination. Our approach will be data-driven, and co-created with the Anti-racist Working Group and other colleagues across the organisation.
16. In the delivery of this strategy, we will:
  - Focus on the agreed outcomes
  - Appropriately resource the work that is needed to achieve those outcomes;
  - Base our work on evidence and be driven by data and insight.

**Expected impact: Effective Governance on Anti-Racism and EDI (outcome 5).** A strategic approach is taken across the BSB on anti-racism and EDI, showing effective governance in this area to achieve our stated outcomes.

**Principle 3: Commit to sustained action through visible leadership and a willingness to change**

17. The leadership of the organisation (specifically the Board, the Senior Leadership Team and the Leadership Group) have a key role to play in promoting anti-racism at the BSB, by virtue of their influence on the culture of the organisation. The BSB's Anti-Racist Working Group is co-chaired by two members of the Senior Leadership Team, who will act as champions for this work and monitor progress of the Action plan. Board and Leadership teams will take collective responsibility and ownership for its implementation.
18. To ensure this happens, we will:
  - a. Make progress on diversity and inclusion a permanent item on Board, SLT and Leadership group agendas;
  - b. Regularly review progress against the strategy, evaluate effectiveness and make changes where necessary;
  - c. Educate leaders on race, talk openly about race and enable ongoing discussions about race across the organisation;
  - d. Senior managers and/or Board members will be visible at diversity and inclusion events;
  - e. Make clear that you do not have to be from a underrepresented ethnic background to champion race inclusion, but as an ally you can listen to the experiences of others and avoid assuming that you know the right answers to problems that are identified;

- f. Provide leaders with an understanding of the lived experience of people from different backgrounds; and
- g. Consider bringing additional expertise into the organisation where needed.

**Expected impact: Visible Leadership on Anti-Racism and Equality Diversity and Inclusion (outcome 2).** We will drive the creation of an inclusive culture, by demonstrating senior management and Board commitment; demonstrate visible leadership on anti-racism and EDI and contribute to effective governance of the same.

**Principle 4: Critically appraise our people management approach from end to end**

19. As an organisation, we will have a zero-tolerance approach to racism. We aim to build a culture of trust where people who experience racism feel comfortable to come forward and feel they are being listened to. Allegations of racism will be taken seriously, and action will always be taken in response to inappropriate behaviour. We will take specific actions in a number of areas.
20. People management is key to establishing an inclusive and anti-racist culture. Our people team is already engaged in a number of activities to review our policies, promote our values and promote inclusion across the organisation. For the purposes of this strategy, this work must include a particularly anti-racist lens. The review of our people management processes will include: recruitment; onboarding; development and wellbeing; performance management; and exit process. Our action plans will detail specific actions, which will include the following:
  - Ensuring robust data is available and used to inform the implementation of this strategy;
  - Key performance indicators are set and monitored;
  - A focus on building trust with BSB people from minoritised backgrounds;
  - Increased feedback from BSB people from minoritised backgrounds;
  - A review of our people processes; and
  - Inclusion and wellbeing to be a continuing part of our training and development programme.

**Expected impact: Inclusive Culture and Diverse Workforce including at Management and Board Level (Outcome 2 and 6).** We expect to see the following impacts:

- An increasingly inclusive culture at the BSB, with improved engagement/confidence measurements in BSB people from minoritised backgrounds;
- Progress towards representation targets at all levels;
- Our people are equipped to have meaningful conversations about race;
- Our people processes are increasingly free of bias;
- Feedback loops enable a process of continuous improvement.

**Principle 5: Connecting our people**

21. We believe it is important for our people from minoritised backgrounds to have safe spaces to talk and to share their experiences. The BSB has an active anti-racist working group, which has actively contributed to the development of this strategy. It will continue to be consulted by the SLT and have a voice in assessing the effectiveness of this strategy (and associated action plans) and/or making changes to it. In addition, the BSB will establish a network for our people from minoritised ethnic backgrounds, for the purposes of discussing their experiences of working at the BSB and raising any concerns about the culture or practices of the BSB. This network shall be consulted when reviewing the implementation of this strategy and its associated action plans.

**Expected Impact: Incidents of Racism Managed Effectively (outcome 4).** This will give a voice to those from minoritised ethnic backgrounds and will contribute to an inclusive culture at the BSB, helping to identify and resolve incidents of racism.

**Principle 6: Communications**

22. Regular, two-way communication between leaders and BSB people is key to enabling the organisation to listen to, and act on, any issues or concerns. It also enables a culture of taking responsibility for treating people with dignity and respect. In particular, people from minoritised backgrounds need to feel safe to share their experiences with others who may not share their lived experiences.
23. Senior leaders in the organisation will:
- Communicate regularly and clearly, highlighting willingness to learn, to be challenged and to have conversations that might be difficult at first;
  - Invite communication and feedback, particularly about people's lived experiences in relation to race;
  - Ensure mechanisms are in place where people can safely and confidently share their views or concerns;
  - Acknowledge previous failings where relevant;
  - Use communications to demonstrate the organisation's values.

**Expected Impact: Effective Governance on Anti-Racism and EDI (5)** This will show visible leadership on anti-racism and EDI, promote an inclusive culture and ensure that incidents of racism are dealt with effectively.

**END.**



**Bar Standards Board Anti-Racist Strategy Action Plan 2024-25**

This action plan has been drafted based on extensive data analysis and consultation with BSB people through surveys and meetings. The Anti-Racist Strategy has been informed by the six principles recommended by the Chartered Institute of Personnel and Development (CIPD)<sup>1</sup> to help us achieve six outcomes for creating a racially inclusive workplace.

The Anti-Racist strategy outlined the following six organisational outcomes, informed by six principles;

- Outcome 1: Inclusive Culture
- Outcome 2: Visible leadership on anti-racism and EDI
- Outcome 3: Diverse Workforce
- Outcome 4: Incidents of Racism managed effectively
- Outcome 5: Effective governance on Anti Racism and EDI
- Outcome 6: Diversity at Management & Board Level

- Principle 1: The BSB's stance and values
- Principle 2: Co-creating a systemic approach for practical action
- Principle 3: Commit to sustained action through visible leadership and a willingness to change
- Principle 4: Critically appraise our people management approach from end to end
- Principle 5: Connecting our people
- Principle 6: Communications

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<sup>1</sup> The Chartered Institute of Personnel and Development (CIPD) is an association for human resource management professionals. As such, the non profit registered charity is incorporated with the Royal Charter and is listed as an awarding body and learning provider of professional qualification which is officially recognized by the government of United Kingdom's Ofqual, CCEA and Qualification Wales. CIPD was founded in 1913 and its purpose is to champion better work and working lives. People's experiences of work differ. Not everyone can access good work. And we recognise the need, within our own community, to create a more inclusive people profession by eliminating barriers to entry and progression. More about CIPD can be read here: <https://www.cipd.org/uk/about/>.

**Outcome 1: Inclusive Culture**

The BSB welcomes, respects and ensures everyone, including, ethnically, and culturally diverse communities, has a sense of belonging to the organisation.

No.	Action	Impact
1.1	Develop Inclusive Language guidance	BSB people speak with greater confidence, using appropriate inclusive terms to describe different types of diversity.  BSB people from diverse backgrounds feel more valued and recognised.
1.2	Introduce Compulsory Race Relations training	BSB people from diverse backgrounds feel more valued and recognised.  BSB people are better informed and aware of the dynamics of race and impact of racism.
1.2	Develop and promote Anti- Racism Resources Hub on intranet	BSB people feel confident and competent, learning more about the impact of racism and race.
1.3	Design Inclusion and Wellbeing Calendar	BSB people are provided with more opportunities to increase their knowledge on different cultures, experiences and beliefs through in person events to support inclusion and wellbeing.
1.6	Review onboarding system	A more explicitly inclusive process of onboarding that values and supports new recruits.  New starters feel appropriately inducted and welcomed.
1.7	Review exit interview process	The exit interview process has a greater focus on race issues and captures rich data that aids in understanding the experiences of those from different backgrounds at the BSB.

**Outcome 2 and 5**

The BSB consistently provides visible and vocal leadership on anti-racism and EDI. The BSB has good practice governance structures and processes in place which deliver effectively on anti-racism and EDI. There is regular communication between leaders and BSB people is key to enabling the organisation to listen to, and act on, any issues or concerns

No.	Action	Impact
2.1	Establish an Anti-Racist Implementation Group	The actions on the Anti-Racist Strategy Action Plan make significant progress as they are monitored by the group.
2.2	Build robust EDI communications plan	Communication is planned and streamlined, creating greater clarity, transparency and accessibility for BSB people.
2.3	Develop and distribute EDI activity report.	Progress on EDI activity is celebrated and communicated to SLT, Board and BSB people.
2.4	Review use of all staff objectives on creating an inclusive organisation	All BSB people actively demonstrate through the performance management process how they contribute to improved organisational culture.
2.5	Development of SLT and Board objective on race equality	SLT and Board demonstrate more visible leadership in anti-racism.

### Outcome 3 and outcome 6

Underpinned by BSB Anti Racist Strategy Principle 4

BSB people fully represent the diversity of the national and local populations and are supported to thrive. The diversity of Management and Board members, and the talent pathways better reflect the wider population.

No.	Action	Impact
3.1	Undertake review of Performance Management and implement necessary improvements	Performance management system is more effective for colleagues of all backgrounds.
3.2	Data analysis of job progression by ethnicity at the BSB	Build a richer picture of progression at the BSB. Consider agreeing specific targets for future years.
3.3	Data analysis of learning and development opportunities uptake by ethnicity	Build a richer picture of equity in uptake of opportunities. Consider agreeing specific targets for future years.

No.	Action	Impact
3.4	Determine where further underrepresentation exists through comprehensive data analysis	Data analysis demonstrates the current picture at the BSB. Consider agreeing specific targets for future years.
3.5	Review recruitment process	Recruitment process is more effective at promoting equity and inclusion.
3.7	Investigate progression opportunities internal and external e.g. Informal mentoring, job shadowing	BSB people feel more supported in their progression.

#### Outcome 4 Incidents of Racism Managed Effectively

The BSB manages internal incidents of racism effectively with effective support systems, transparent reporting and disciplinary procedures and have built trust, so people are confident to report incidents.

No.	Action	Impact
4.1	Review current provisions for reporting incidents of racism	Review will lead to actions that will create a robust and accessible process where BSB people have more confidence in and are better supported to report instances of racism.

**Anti-Racist Working Group Board Meeting – Principles of Best Practice**

<b>Best Practice</b>
<p><b>Aligning a clear strategy with realistic outcomes based on available resources:</b> It is evident that good intentions and a strategic approach to Anti-racism does not necessarily form strong foundations of a successful strategy if the vision, mission statement, goals, strategic actions and outcomes are neither aligned nor achievable in terms of timelines of commitment and available resources.</p>
<p><b>Transparent and open communications:</b> The organisations studied have implemented a transparent a clear communications approach which demonstrates they are on a journey and they are dealing with challenges on the way. Providing regular publicly available updates helps to strengthen their accountability.</p>
<p><b>Board level sponsorship and accountability:</b> Having a board member(s) actively owning and driving the Anti-racist strategy will strengthen effectiveness and impact of the strategy.</p>
<p><b>Setting targets and KPIs</b> Setting targets and clear KPIs on what good looks like and what measures indicate successfully achieved objectives helps to keep an organisation on path and focused on achieving agreed outcomes.</p>
<p><b>Regular critical analysis and strategic reviews:</b> It is important to ensure there is an up-to-date action log outlining key priorities, actions, deadlines, accountability and addressing the risks if not achieved within the agreed timeframe. It is also beneficial if there are agreed regular review points (e.g. half yearly or yearly) where the review log is discussed and analysed.</p>



<b>Meeting:</b>	Board	<b>Date:</b>	21 March 2024
<b>Title:</b>	Board Code of Conduct, Committee Terms of Reference and policies		
<b>Author:</b>	Rebecca Forbes		
<b>Post:</b>	Head of Governance and Corporate Services		

<b>Paper for:</b>	<b>Decision:</b> <input checked="" type="checkbox"/>	<b>Discussion:</b> <input type="checkbox"/>	<b>Noting:</b> <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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<b>Paper relates to the Regulatory Objective (s) highlighted in bold below</b>	
(a)	<b>protecting and promoting the public interest</b>
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

## Purpose of Report

1. This paper presents the Board with proposed revisions to Terms of Reference for two of its committees and to governance policies including the Code of Conduct for Board members, all of which are appendices to the Board's Governance Manual. Approval of amendments to these documents is reserved for the Board.

## Recommendations

2. The Board is invited to approve:
  - a. The revised Terms of Reference for the Governance, Risk and Audit Committee (GRA) and the Performance and Strategic Planning Committee (PSP);
  - b. The revision to the Board Appointments Policy only to amend the composition of selection panels for Board Committees;
  - c. The composition of the selection panel for the imminent recruitment for two (non-Board) members of GRA;
  - d. The revised Code of Conduct for Board Members (Appendix 9 to the Governance Manual); and
  - e. The updated policies on Declarations of Interests, and Gifts and Hospitality (Appendices 11 and 12 to the Governance Manual).

## Points for discussion

### Committee Terms of Reference and Appointments Policy

3. GRA reviewed its Terms of Reference at its meeting in January 2024 and PSP reviewed its Terms of Reference at its meeting in February 2024. This was to comply with the requirement within Committee Terms of Reference that these should be reviewed at least annually to ensure Committees are operating at maximum effectiveness.

4. GRA recommends to the Board that its Terms of Reference be amended to correct a typographical error in paragraph 21, to allow the Committee to co-opt additional members if it deems that desirable (providing those are not employees), and to commission external parties to provide additional assurance if required. The two substantive revisions arose from the Committee’s discussion of its own effectiveness at that same meeting following a survey of members.
5. To give effect to discussions on Committee responsibilities at the January Board meeting, PSP recommends to the Board that its Terms of Reference be amended to now refer to the “five-year” Strategic Plan (rather than three-year), to include oversight of “the delivery of organisational reform programmes”, and that it should “take account of” (rather than identify) risk when considering future strategy. At the suggestion of Committee members, PSP also recommends that the attendance of the Director General at its meetings should be mandatory (rather than optional as currently implied), and that the term “service levels” be replaced with “operational performance” in respect of its oversight of performance.
6. We will also propose some substantive changes to the Terms of Reference for the Nomination Committee. However, that Committee meets the day immediately following this Board meeting and will then consider those proposed revisions and agree what it will recommend to the Board. We will therefore submit those revisions to the Board for approval at its next meeting. There may be consequential changes to the Board’s Appointments Policy which we will submit to the Board with those Terms of Reference.
7. The Appointments Policy currently sets out the composition of selection panels for new members of BSB Committees (who are not Board members) to include:
  - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
  - b. at least one and a maximum of two Board Members (of whom one should be the Chair of the Committee); and
  - c. a member of senior staff of the BSB, as delegated by the Director General.
8. The inclusion of a member of senior staff was sensible and helpful when the Board had a number of subject matter committees (such as the previous Professional Conduct Committee) with a majority of members who were not also Board members. However, this selection process now only applies to the two independent members of the Governance, Risk and Audit Committee. Given the role of this Committee in holding the executive to account, we consider that it is inappropriate for any member of the executive to be responsible for decisions on appointment to the Committee. We propose that the panel then consists of the lay independent member with knowledge of the Governance Code on Public Appointments, and two Board members. We would not usually convene a selection panel with two members only, so have removed the option for there to be only one Board member.

9. In advance of the Board agreeing to that amendment to the composition of selection panels for BSB Committees, we have asked Stephen Thornton CBE (Board member and Chair of GRA) and Jeff Chapman KC (Board member and member of GRA), and Paula McDonald CBE (lay independent member) to sit on the selection panel for the imminent recruitment of two new members of GRA. Paula has previously supported us in recruitment of the two newest barrister members of the Board. We are seeking the Board's approval for this selection panel.

### **Code of Conduct for Board members (Appendix 9 to the Governance Manual)**

10. The Code of Conduct for Board members was last reviewed in March 2019. We have again reviewed it by reference to the Code of Conduct for Board members of Public Bodies issued by the Cabinet Office as updated in 2019 and most substantive changes proposed are to align with that revised Code. That Cabinet Office Code sets out the personal and professional standards expected from non-executive board members of UK public bodies and forms part of terms of appointment. The 2019 Code includes new provisions making clear that bullying, harassment or other discriminatory behaviour will not be tolerated. It also introduces a new requirement for the Board member to notify the sponsor department of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director. In addition the 2019 Code reminds office holders of their role in promoting diversity and inclusivity within their organisation, including at Board level.
11. We have updated the clause on expenses so that it no longer refers to the (now out date) policy agreed by the joint Finance Committee but is instead more generic and refers to the BSB's rules. We have amended references to our changed governance documents for currency and correctness.
12. We have proposed amending the caveat which allows the disclosure of confidential information if "exceptionally, it is the public interest to do so and it has not been possible to resolve the matter concerned any other way" so that it now requires the Board member concerned first to notify the Chair or Vice Chair. This would not prevent a disclosure, but would ensure that the Chair or Vice Chair had a prior opportunity to seek a satisfactory internal resolution. The Board is reminded that this inclusion was specifically at the Board's request when it last reviewed the Code (rather than derived from any template or precedent). The relevant Minutes state that 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".
13. We have inserted a paragraph which aligns with the policy on complaints about Board members, setting out that Board members must inform the Chair when notified about a complaint made about them in their professional capacity to the relevant professional body (unless that complaint had been dismissed at the point of notification).

14. We have amended the requirement that Board members should fulfil their “duties and responsibilities responsibly and, at all times, act in good faith and in the interests of the regulatory objectives” by replacing the reference to the “regulatory objectives” with the “public interest”. In the Cabinet Code, this is a reference to the “best interests of the body” and we considered that the public interest was more pertinent than the interests of the BSB in our context.
15. All other substantive changes are drawn from the Code of Conduct for Board members of Public Bodies issued by the Cabinet Office as updated in 2019.

### **Policies on Declaration of Interests and on Gifts and Hospitality (Appendices 11 and 12 to the Governance Manual)**

16. These policies should be reviewed every five years and are now overdue for review. However, as we have continued to refer to and use these policies, we were aware that substantive change was not urgently necessary. The policy on gifts and hospitality was reviewed in 2018 but that was only to increase the amount of reportable gifts and hospitality to £50 (from the previous limit of £25).
17. As we had anticipated, these policies remain substantially fit for purpose and aligned with current templates. We have made corrections for currency and completeness, including updating the titles of the roles to which these policies apply (and using the generic terminology of BSB “Advisory and Decision-making Bodies” so that these documents do not need consequential amendment if our structure changes).
18. We have removed all references to “committee secretaries” as there are no longer these roles outside of the Governance team. For the policy on declarations of interest, we have changed one reference to “undue influence” to “improper influence”. Undue influence was a term used within the definition of the principle of regulatory independence<sup>1</sup> within the previous (now superseded) Internal Governance Rules.

### **Annexes**

- Annex 1 – Revised Terms of Reference for the Governance, Risk and Audit Committee;
- Annex 2 – Revised Terms of Reference for the Performance and Strategic Planning Committee;
- Annex 3 – Revised Code of Conduct for Members of the Bar Standards Board;
- Annex 4 – Revised policy on Declarations of Interest; and
- Annex 5 – Revised policy on Gifts and Hospitality.

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<sup>1</sup> In these Rules, a reference to “the principle of regulatory independence” is a reference to the principle that: structures or persons with representative functions must not exert, or be permitted to exert, undue influence or control over the performance of regulatory functions, or any person(s) discharging those functions.

### **Appendix 3: Governance, Risk and Audit Committee Terms of Reference**

#### **Role**

1. The Governance, Risk and Audit Committee (the “Committee”) is a committee of the Board, from which it derives its authority and to which it reports on matters related to governance, risk management and internal control.

#### **Membership**

2. The Committee shall comprise of at least five members, which should include both lay persons and practising barristers. There must be a lay majority. Three Committee members must be Board Members, and there must be no fewer than two, but no more than three, members who are not Board Members.
3. A member of the Bar Council or any of its representative committees may not be a member of the Committee.
4. A member of the Committee may not be appointed as a member of the Advisory Pool of Experts.
5. Appointments to the Committee are made by the Chair of the BSB in consultation with the Chair of the Committee (the “Committee Chair”). Appointments shall usually be coterminous with membership of the Board for members who are Board Members. For new members, who are not also Board Members, appointments shall be for a period of up to three years which may be extended for a further fixed period of up to three years.
6. The Chair of the BSB shall appoint the Committee Chair who shall be a lay person and Board Member. The Chair of the BSB shall not be the Committee Chair.
7. In the absence of the Committee Chair, or where the Committee Chair has declared an interest for a specific item, the remaining members present shall elect one of themselves to chair the meeting or item who would qualify under these terms of reference to be appointed to that position. If there is no such member present, the Committee shall not convene until such time as it can be constituted in accordance with these terms of reference.
8. All Board and Committee members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.
9. A person shall cease to be a Committee member if:
  - a. the period for which they were appointed expires (and their appointment is not renewed);
  - b. they resign their membership by notice in writing;
  - c. they were appointed as a lay person and cease to be a lay person;
  - d. they were appointed as a practising barrister and cease to be a practising barrister or become a member of the Bar Council or one of its representative committees;
  - e. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the Committee or Board resolves that they should cease to be a member; or
  - f. the Board resolves that they are unfit to remain a Committee member (whether by reason of misconduct or otherwise).

#### **Secretary**

10. The Head of Governance and Corporate Services, or their nominee, shall act as the secretary to the Committee and will ensure that the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to issues.

## Attendees

11. Only members of the Committee have the right to attend Committee meetings. However, other individuals such as the Director General, senior management and external advisers may be invited to attend for all or part of any meeting, as and when appropriate.
12. The Chair and Vice Chair of the Board have the right to receive papers and to attend meetings of the Committee.

## Quorum

13. The quorum for meetings of the Committee is three members.

## Frequency

14. The Committee shall normally meet at least four times a year at appropriate times in the annual cycle and otherwise as required. A timetable of meetings and scheduled items for consideration will be agreed each year.
15. Outside of the formal meeting programme, the Committee Chair will maintain a dialogue with key individuals involved in the BSB's governance.

## Notice of meetings

16. Meetings of the Committee shall be called by the secretary of the Committee at the request of the Committee Chair or any of its members.
17. Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and any other person required to attend at least four working days before the date of the meeting. Supporting papers shall be sent to Committee members and to other attendees, as appropriate, at the same time. With the consent of the Committee Chair, shorter notice may be given.

## Minutes of meetings

18. The secretary shall minute the proceedings and decisions of all Committee meetings, including recording the names of those present and in attendance.
19. Draft minutes of Committee meetings shall be circulated to all members of the Committee. Once approved, minutes should be circulated to all other Board Members and the Director General unless, exceptionally, it would be inappropriate to do so.

## Written resolutions

20. The Committee may pass a resolution in writing provided that the written resolution has the consent of at least two-thirds of members of the Committee who would have been eligible to vote on the matter at a meeting. Consent may be given in any written form, including electronically, for example by email. The resolution must then be ratified at the next Committee meeting and minuted as such.

## Responsibilities

21. Paying due regard to all relevant statutory, regulatory and best practice requirements, the Committee will carry out the following duties ~~below~~ for the BSB:
  - a) support the Board in achieving its strategic objectives by providing assurance on the effectiveness of governance structures, risk management processes and internal controls;
  - b) monitor and recommend to the Board action in respect of the effectiveness of the strategic arrangements for governance, risk management and internal audit;

## Governance and Assurance

- c) consider how governance structures and arrangements maintain the independence of the BSB's regulatory functions and support achievement of the BSB's strategic aims and regulatory objectives, and to make recommendations to the Board;
- d) recommend the BSB's Assurance Framework to the Board and to ensure its continued effectiveness through periodic review; and

## Risk

- e) advise the Board on overall risk tolerance and strategy and the principal and emerging risks the BSB is willing to take in order to achieve its long-term strategic objectives;
- f) make recommendations to the Board on its risk management strategy and processes;
- g) provide oversight and seek suitable assurance of the adequacy and effectiveness of risk management processes and procedures, monitoring compliance and challenging management on the adequacy of actions taken and planned;
- h) advise the Board on the likelihood and the impact of principal risks materialising, and the management and mitigation of principal risks to reduce the likelihood of their incidence or their impact;
- i) provide assurance to the joint Audit Committee of the Bar Council and the BSB on the effective operation of the processes to manage risk;

## Controls and Internal Audit

- j) consider the effectiveness of the BSB's control systems and internal business processes;
- k) periodically review the Business Continuity Plan;
- l) approve the role and mandate of internal audit, monitor and review the effectiveness of its work;
- m) appoint the Board's Internal Auditors and review and approve the annual internal audit plan to ensure it is aligned to the key risks of the business, including any audit reviews that the Board wishes to be conducted and any audit reviews of shared services that are jointly commissioned with the GCB and receive regular reports on work carried out;
- n) ensure the internal auditor has direct access to the Chair of the BSB and to the Committee Chair, providing independence from the executive and accountability to the Committee;
- o) monitor and provide assurance to the Board on the effectiveness of the management response to issues identified by audit activity;

;

## Compliance

- p) receive assurance on the BSB's compliance with its statutory and regulatory obligations including Data Protection and Anti-Money Laundering Regulations;
- q) review the adequacy and security of the BSB's arrangements for its employees, contractors and external parties to raise concerns, in confidence, about possible wrongdoing. The Committee shall ensure that these arrangements allow proportionate and independent investigations of such matters and appropriate follow up action; and
- r) review the BSB's procedures for detecting fraud.

## Reporting responsibilities

22. The Committee Chair shall report to the Board on its proceedings at least annually on all matters within its duties and responsibilities, but more often if required.
23. The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its remit where action or improvement is needed.

24. The Committee shall:

- a) ensure the periodic evaluation of the Committee's own performance is carried out;
- b) have access to sufficient resources in order to carry out its duties;
- c) oversee any investigation of activities which are within its terms of reference; and
- d) at least annually, review these terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Board for approval.

25. To facilitate the Committee's discharge of its responsibilities in relation to particular items of business, if necessary:

a. procure specialist ad-hoc advice at the expense of the BSB;

b. commission additional assurance work outside of the agreed internal audit plan; and

a-c. co-opt additional member(s) (non-employees only), subject to approval by the Chair of the BSB, in consultation with the Committee Chair.

Reviewed:  
21 March 2024

## Appendix 5: Performance and Strategic Planning Committee Terms of Reference

### Role

1. The Performance and Strategic Planning Committee (the “Committee”) is a committee of the Board, from which it derives its authority and to which it reports on matters related to performance, resources and strategic planning.

### Membership

2. The Committee shall comprise of at least five Board Members, at least three of whom shall be lay persons.
3. A member of the Bar Council or any of its representative committees may not be a member of the Committee.
4. A member of the Committee may not be appointed as a member of the Advisory Pool of Experts.
5. Appointments to the Committee are made by the Chair of the BSB in consultation with the Chair of the Committee (the “Committee Chair”). Appointments shall usually be coterminous with membership of the Board.
6. The Chair of the BSB shall appoint the Committee Chair who shall be a lay person and Board Member. The Chair of the BSB shall not be the Committee Chair.
7. In the absence of the Committee Chair, or where the Committee Chair has declared an interest for a specific item, the remaining members present shall elect one of themselves to chair the meeting or item.
8. All Board and Committee members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.
9. A person shall cease to be a Committee member if:
  - a. the period for which they were appointed expires (and their appointment is not renewed);
  - b. they resign their membership by notice in writing;
  - c. they were appointed as a lay person and cease to be a lay person;
  - d. they were appointed as a practising barrister and cease to be a practising barrister or become a member of the Bar Council or one of its representative committees;
  - e. they fail to attend meetings with sufficient frequency and regularity to be able to discharge their duties and the Committee or Board resolves that they should cease to be a member; or
  - f. the Board resolves that they are unfit to remain a Committee member (whether by reason of misconduct or otherwise).

### Secretary

10. The Head of Governance and Corporate Services, or their nominee, shall act as the secretary to the Committee and will ensure that the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to issues.

### Attendees

11. Only members of the Committee have the right to attend Committee meetings. ~~However, The Director General shall be expected to attend Committee meetings.~~ Other individuals such as ~~the Director General,~~ senior management and external advisers may be invited to attend for all or part of any meeting, as and when appropriate.
12. The Chair and Vice Chair of the Board have the right to receive papers and to attend meetings of the Committee.

### Quorum

13. The quorum for meetings of the Committee is three members.

### Frequency

14. The Committee will normally meet at least four times a year at appropriate times in the annual cycle and otherwise as required. A timetable of meetings and scheduled items for consideration will be agreed each year.

### Notice of meetings

15. Meetings of the Committee shall be called by the secretary of the Committee at the request of the Chair of the Committee or any of its members.
16. Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and any other person required to attend at least four working days before the date of the meeting. Supporting papers shall be sent to Committee members and to other attendees, as appropriate, at the same time. With the consent of the Committee Chair, shorter notice may be given.

### Minutes of meetings

17. The secretary shall minute the proceedings and decisions of all committee meetings, including recording the names of those present and in attendance.
18. Draft minutes of Committee meetings shall be circulated to all members of the Committee. Once approved, minutes should be circulated to all other Board Members and the Director General unless, exceptionally, it would be inappropriate to do so.

### Written resolutions

19. The Committee may pass a resolution in writing provided that the written resolution has the consent of at least two-thirds of members of the Committee who would have been eligible to vote on the matter at a meeting. Consent may be given in any written form, including electronically, for example by email. The resolution must then be ratified at the next Committee meeting and minuted as such.

### Responsibilities

20. Paying due regard to all relevant statutory, regulatory and best practice requirements, the Committee will carry out the following duties below for the BSB:
  - a) to support the Board and the executive in delivering high performance and in formulating the overall strategy for the BSB and, to these ends scrutinise the BSB's ~~three~~five-year Strategic Plan and annual Business Plan before the Board's approval is sought;
  - b) to oversee performance against relevant ~~service levels~~operational and financial performance ~~against the~~ objectives and targets set out in the Business Plan and to consider and agree any necessary ~~BSB 210324~~ actions, including to the allocation of resources across the BSB, and, where relevant, make recommendations to the Board,

### Performance

- c) to advise the Board on a balanced scorecard of measures to assess performance in the delivery of core regulatory operations and to oversee performance against those measures;
- d) to advise the Board on the resources, system investments and process improvements needed to deliver and maintain high performance;

### Strategy

- e) to undertake preliminary horizon-scanning to ~~identify~~ take account of opportunities for, and risks to, the Regulatory Objectives and to present a qualified view to the Board to inform the BSB's future strategy;
- f) on behalf of the Board, to advise on the development of the BSB's strategy to deliver the Regulatory Objectives and the annual Business Plans which deliver that strategy;

### Resources and budgets

- g) to keep under review the resources and investments needed to deliver high performance and to implement the Board's agreed strategy and, to those ends, to decide the annual budget and revenue for recommendation to the Board~~;-~~;
- h) to agree how the BSB presents financial information to best effect and with appropriate transparency and comprehensiveness;
- i) to consider and agree the recommendations of the executive on the provision of corporate services, including where the executives proposes sharing any service with the GCB and that such sharing is in compliance with Rule 11 of the Internal Governance Rules on the basis that:
  - i.1. this will not undermine, and could not reasonably be seen to undermine, the separation of regulatory and representative functions;
  - i.2. this is effective and appropriate for the BSB to discharge its regulatory functions; and
  - i.3. this is necessary to be efficient and reasonably cost-effective.
- j) to ensure that the BSB undertakes planning activity to best effect and in a timely and consistent manner, as well as to provide assurance to the Board on the robustness of programme and project management processes, and on the delivery of organisational reform programmes; and -
- k) to support the Board and executive with finalising the BSB's Annual Report publications.

### Reporting responsibilities

- 21. The Committee Chair shall report to the Board on its proceedings at least bi-annually on all matters within its duties and responsibilities, but more often if required.
- 22. The Committee may raise any matters of concern at the next Board meeting, and adequate time should be available for Board discussion of such matters.
- 23. The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its remit where action or improvement is needed.

### Other matters

- 24. The Committee shall:

- a) ensure the periodic evaluation of the Committee's own performance is carried out;
- b) have access to sufficient resources in order to carry out its duties;
- c) oversee any investigation of activities which are within its terms of reference; and
- d) at least annually, review these terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Board for approval.

**Reviewed:**

**21 March 2024**

**Code of Conduct for Members of the Bar Standards Board**  
(details as amended by the Board on ~~28 March 2019~~21 March 2024)

**1. Introduction**

- 1.1 As a BSB Board Member, your behaviour and actions must be governed by the principles set out in this Code of Conduct. It is your responsibility to ensure that you are familiar with, and comply with, its provisions.

**2. Key Principles of Public Life**

- 2.1 The key principles upon which this Code of Conduct is based are the Seven Principles of Public Life as set out in the Committee on Standards in Public Life's fourteenth report "Standards Matter".

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.2 These principles should inform your actions and decisions as a Board Member.

**3. BSB Organisational Values**

You should also act in accordance with the BSB's organisational values as stated below. The BSB publicly states its commitment of adherence to these values as we undertake our work and the expectation is that Board members will embody them as well.

### **Fairness and Respect**

- *we strive to achieve equal access and equal treatment, valuing and respecting our differences*

### **Independence and Integrity**

- *we are objective and evidence-based, open, honest and accountable, and we expect everyone to meet these same ethical standards.*

### **Excellence and Efficiency**

- *we are committed to learning and improving, seeking to maximise our effectiveness by making the best possible use of our resources*

## **4. BSB Governance**

4.1 You should note and comply with the governance principles and related policies set out in the following documents:

- the BSB's Constitution
- the BSB's [Standing Orders Governance Manual and all Appendices](#)
- the LSB's Internal Governance Rules (IGRs)
- ~~the BSB's Governance Manual~~

## **5. General Conduct**

### **Expenses**

5.1 ~~You must claim any expense according to the policy on travel and expenses set out in the Bar Council's Finance Manual as approved by the joint Finance Committee. Board Members must comply with the rules set by the BSB regarding remuneration, allowances and expenses. It is the Board Member's responsibility to ensure compliance with all relevant HM Revenue and Customs requirements concerning payments, including expenses.~~

### **Gifts and Hospitality**

~~5.2~~ [You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.](#)

~~5.3~~ [You must never canvass or seek gifts or hospitality.](#)

~~5.25.4~~ You must comply with the BSB's policy on gifts and hospitality and make any necessary declarations for inclusion in the relevant register.

~~5.35.5~~ You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the BSB into disrepute.

### **Use of resources and confidentiality**

~~5.45.6~~ You must not misuse BSB resources for personal gain. Use of such resources must be in line with the BSB's rules for their usage.

~~5.55.7~~ You must not misuse information gained during your service on the Bar Standards Board for your personal gain or interests or for those of others.

~~5.65.8~~ You must not disclose any information which is confidential in nature or which is provided in confidence without authority, unless, exceptionally, it is [in](#) the public interest to do so and it has not been possible to resolve the matter concerned [in](#) any other way, [including through a prior discussion with the Chair or Vice Chair](#). This duty incorporates the safe storage or disposal of such information and continues to apply after you have left the Board.

~~5.7~~—When your duties as a Board Member require you to process personal data, you should ensure that you comply with the [UK](#) General Data Protection Regulation, including immediate notification to the BSB of any potential data breach.

### Use of BSB funds

~~5.85.9~~ All BSB staff and Members have a duty to use funds efficiently, economically and effectively, avoiding waste and extravagance.

## 6. Regulatory Independence

The BSB is an independent regulator and the Legal Services Act requires separation of regulatory and representative functions. In consequence, you must not undertake any professional representation or lobbying work for barristers or for the Bar Council.

## 7. Declaration of Interests

7.1 You must comply with the BSB's policy on declaration of interests. This requires you to declare publicly any private interests which may, or may be perceived to, conflict with your duties as a Board Member both on appointment and during your term of office.

7.2 If you wish to take up a new employment or appointment during your term of office where real or perceived conflicts of interest may be an issue, you should first discuss details with the Chair and make any necessary public declaration.

7.3 You are not prohibited from engaging in political activity but, as a Board Member of the BSB, you must not act in a way that is determined by party political considerations, or use BSB resources for party political purposes or allow your personal political views to determine any advice you give or actions you take.

7.4 It is your responsibility to ensure [that you are familiar with the BSB's policy on declaration of interests, that you comply with that policy and](#) that your declaration of interests, as published on the BSB's website, is accurate and up-to-date.

## 8. Declarations

[8.1](#) You must declare any criminal convictions and charges to the Chair of the Board. A conviction for an offence involving dishonesty is not compatible with membership of the Board.

[8.2](#) [You must inform the Chair of the Board of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director in advance of appointment, or should any such instances occur during your appointment.](#)

[8.3](#) [You must also inform the Chair of the Board of any change in your circumstances which results in you becoming bankrupt, subject to a police investigation, convicted of a criminal offence or disqualified from being a company director.](#)

8.48.4 You must inform the Chair of the Board if a complaint in relation to your conduct in your professional capacity is made to the relevant professional body (including to the BSB itself in the case of barrister Board members), immediately upon notification to you of the complaint. If the complaint has been dismissed at the point of notification to you, there is no obligation for notification to the Chair.

8.28.5 You must declare any matter, which if it was to become public knowledge, might risk undermining public confidence in your integrity, objectivity, honesty or independence and therefore your suitability to continue as a Member of the Board.

## 9. Responsibilities as a Board Member

9.1 You should play a full and active role in the work of the BSB. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the ~~interests of the regulatory objectives~~ public interest.

9.2 You should promote an inclusive and diverse culture in the BSB and your actions should help create an environment where different perspectives and backgrounds are encouraged and valued.

9.3 You should ensure that the BSB deals with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.

9.4 You must not harass, bully or act inappropriately towards or discriminate towards others. Such behaviour is not consistent with what is expected of you as a Board Member and will not be tolerated.

9.29.5 You must comply with any statutory requirements of the BSB insofar as these relate to the collective responsibility of the Board.

9.39.6 You should respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, you should support that decision, accept it, regardless of your personal view, and not make statements that undermine the Board's collective position.

9.49.7 You must not use, or attempt to use, your position as a Member of the Board to promote your personal interests or the private interests of any person, chambers, firm, business or other organisation.

## 10. Responsibilities towards employees

10.1 You should treat any staff working for the Bar Standards Board with courtesy and respect. It is expected that employees will show you the same consideration in return.

10.2 You must not ask or encourage employees to act in any way which would conflict with their own contractual obligations, including any code of conduct in operation, or the BSB's organisational values.

## 11. Public speaking and external events

11.1 The BSB Chair, Vice Chair and / or Director General are the default spokespersons for the BSB, but other Board Members may occasionally be asked to act in this capacity.

11.2 If you speak at events or write articles focusing on BSB policy you should not express views at variance from agreed BSB lines. You should also advise the BSB's Director

General in advance of any external invitations you receive in your capacity as a Board Member.

- 11.3 You are not restricted from access to the media in any non-BSB capacity, or in pursuit of a professional interest. If you are speaking in the public domain in any non-BSB capacity, you should exercise discretion if asked to comment on the BSB or the legal profession. Regardless of the capacity in which you are speaking, you should not express views at variance from agreed BSB lines.

~~28 March 2019~~ 21 March 2024





BAR  
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REGULATING BARRISTERS

## Declaration of Interests Policy

### Introduction

1. This policy aims to mitigate the risk of the improper influence of personal and representative interests on the regulatory work of the Bar Standards Board (BSB).
2. The BSB's work involves:
  - Setting the education and training requirements for becoming a barrister;
  - Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
  - Setting and enforcing standards of conduct for barristers;
  - Authorising organisations that focus on advocacy, litigation, and specialist legal advice;
  - Monitoring the service provided by barristers and the organisations we authorise to assure quality;
  - ~~Handling complaints against~~ Considering reports about barristers and the organisations we authorise and taking ~~disciplinary enforcement~~ or other action where appropriate.
3. This work affects a wide variety of interests including:
  - Barristers and their chambers or businesses;
  - Academic institutions and law students;
  - Commercial organisations offering legal services or wishing to offer pupillages or the work-based learning component of Bar training;
  - Government organisations, particularly in the legal field;
  - Charities and similar organisations in the legal field; and
  - Public bodies and regulators.
4. It is expected that almost all those recruited to contribute to the governing or advising of the BSB will have interests in some of these areas. The competencies and knowledge required by the BSB are underpinned by this expertise, and an active network within a professional field is common. It is only where these interests would influence or *be seen to* influence the work of the BSB that we must manage them as conflicts of interest.
5. We aim to ensure that regulatory and management decisions are made without ~~undue~~ improper influence, in the public interest.
6. We want to demonstrate that those involved in the work of the BSB remain independent and are seen to remain independent of representative or other relevant interests in order to fulfil the above outcome.
7. This policy focusses on the mitigation of risks of perceived or real compromise, bribery, improper influence or conflicts of interest.

## Scope

8. This policy applies to Board members, Committee members, ~~Task Completion group members, members of the BSB's Decision-making or Advisory Bodies,~~ advisors to any of the above, appointed advisors to the executive, the Independent ~~Observer~~Reviewers, appointed Internal Auditors, the Director General and the Senior ~~Management Leadership~~ Team of the BSB.
9. This policy is written in accordance with paragraph 30 of the BSB's Governance Manual and approval of this policy is reserved for the Board~~Part Six of the BSB Standing Orders.~~

## Aim

10. This policy aims to provide a framework to support a number of the seven principles of public life ('Nolan principles') as detailed in the BSB Constitution and ~~Standing Orders~~Governance Manual as an obligation for Members. These are namely:

- Selflessness:

Holders of public office should act solely in terms of the public interest.

- Integrity:

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- Honesty:

Holders of public office should be truthful.

## Definitions

### *Interests*

11. The following interests should be declared as a matter of course where they have an obvious connection with the work of the BSB:
  - Employment, consultancies or quasi-employment with outside organisations;
  - Any involvement with the Bar Council outside of BSB work;
  - Public, charitable or regulatory appointments, whether or not remunerated;
  - Directorships, trusteeships or other positions of responsibility in commercial, charitable, regulatory or other organisations, whether or not remunerated;
  - Appointments or employment in organisations connected with the Bar, whether or not remunerated, such as circuits, Specialist Bar Associations and chambers;
  - Direct or indirect financial interests, including significant shareholdings, in organisations which may be affected by the work of the BSB or which supply or propose to supply services to the BSB. For these purposes a significant shareholding is 5% or more of the equity of the organisation or where the income or holding amounts to more than 5% of the income or capital of the member;

- The interests of close associates (for example family members) who hold employment, positions of responsibility or other interests in organisations which may be affected by the work of the BSB.
12. It is not necessary to declare positions held purely as a consequence of membership of the BSB itself, ie BSB committees or appointment to the Advisory Pool of Experts or Task Completion groups.

### ***Conflict of interests***

13. An interest causes a conflict with BSB regulatory activity when the involvement with that interest would suggest bias in the advice given or voting decisions. Bias involves an advantage for oneself, a person or group involved in the interest, an organisation or the profession, rather than being strictly advantageous to the public.
14. Where the individual personally knows or is personally or professionally involved with a person or organisation which is the subject of regulatory business. This includes but is not restricted to authorisation and enforcement activities.
15. The perception of bias is as serious as actual bias.

### **Guiding principles**

16. The guiding principles governing declarations of interest are that:
- a. The conduct of anyone working on behalf of the BSB should not give rise to any suspicion of any conflict between the requirements of their posts and personal interest or advantage; and
  - b. That the BSB's work must be carried out, and be seen to be carried out, in a way that is free of any suggestion of improper influence.

### **Procedure**

#### ***Declare interests on appointment***

17. Interests should be declared within 28 calendar days of engagement with the BSB using the form sent during the recruitment process. An up-to-date register will be maintained and published regularly.

#### ***Declare interests arising during appointment***

18. Additional interests must be declared as they arise to the Governance Officer ~~or the relevant Committee Secretary~~ for inclusion on the register.
19. Concerns regarding interests will be investigated and managed by the Chair of the BSB or the Director General on a case-by-case basis.

#### ***Declare conflicts during business for the BSB***

20. Conflicts of these registered or arising interests must be brought to the attention of the meeting during the meeting or other business as soon as the conflict becomes apparent.
21. The individual will decide whether to recuse themselves. The Chair may also decide whether the conflict of interest requires the interested party to leave the room, not contribute to the business or for the interest to be borne in mind by the meeting during voting. ~~The Governance Manual gives further guidance and rules on meeting proceedings.~~

22. The decision on participation must be entered into the minutes of the meeting.

### Unclear circumstances

23. Circumstances under which a conflict of interest is not clear should prompt the seeking of advice from the Chair or ~~appropriate executive staff member~~ Head of Governance and Corporate Services.
24. As a guideline, an interest should be declared if there is a risk that an independent third party might reasonably take the view that the contribution of the member, or the action taken by the BSB, might have been influenced by the interest; even if that is not the case.
25. Where there is a lack of unanimity among meeting members or clarity on the part of the Chair, the decision on participation in business must veer to the more restrictive.

### Review

26. This policy will be reviewed every five years or more frequently in the light of experience.
27. This policy is part of the governance arrangements of the BSB and as such can only be amended with approval by the Board.

### Contact

28. The Governance Officer maintains the register for the Board, its committees and advisors.

~~29. The committee secretaries maintain the register for the committees.~~

~~30-29.~~ The relevant Chairs or the Head of Governance and Corporate Services can be contacted in the case of concerns or advice on interests.

### Bar Standards Board

~~January 2016~~ March 2024



BAR  
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REGULATING BARRISTERS

## Gifts and Hospitality Policy

### Introduction

1. Organisations with which the Bar Standards Board (BSB) has dealings may offer hospitality or gifts as part of their normal business practice. Such occasions often offer a networking opportunity, which is likely to benefit the work of the BSB.
2. Care must be taken in being offered or accepting gifts or hospitality to ensure the organisation's regulatory independence is maintained, and that decisions are made free from ~~undue~~ improper influence.

### Scope

3. This policy applies to Board members, committee members, any advisors to those groups, ~~the Visitor, Independent Observers~~ Reviewers, and members of the BSB's Decision-making or Advisory Bodies, Advisory Pool of Expert members and Task Completion Groups members. Staff members are covered by a separate policy ~~within the Bar Council Finance Manual~~.
4. This policy is written in accordance with paragraph 30 of the BSB's Governance Manual and approval of this policy is reserved for the Board ~~Part Six of the BSB Standing Orders~~.

### Aim

5. This policy aims to provide a framework to support a number of the Seven Principles of Public Life ('Nolan principles') as detailed in the BSB Constitution and ~~Standing Orders~~ Governance Manual as an obligation for members. These are namely:

- **Selflessness:**  
Holders of public office should act solely in terms of the public interest.
- **Integrity:**  
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity:**  
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## Definitions

6. A reportable gift is defined here as any item, cash or goods, or any service which is offered for personal benefit at a cost that is substantially less than its commercial value or at no cost where the gift has a nominal value of £50 or more.
7. Reportable hospitality is defined here as any food, drink, accommodation or entertainment over a nominal value of £50 provided free of charge or heavily discounted.

## Guiding principles

8. The guiding principles governing the offer or acceptance of hospitality and gifts are:
  - a) the conduct of members should not give rise to any suspicion of any conflict between the requirements of their post and personal interest or advantage;
  - b) Members should not accept hospitality or a gift which would or might:
    - i) appear to place them under any obligation to the giver;
    - ii) compromise their impartiality or judgement; or
    - iii) otherwise be improper.
  - c) taking into account the monetary value; the offer should not be repeated more frequently or regularly than would be regarded as reasonable by an independent and objective observer;
  - d) any gift given should be proportionate and appropriate to the nature of the relationship between the BSB/Member and the intended recipient, and should only be provided in an exceptional case;
  - e) any gift received should be proportionate and appropriate to the nature of the relationship between the donor and the BSB/members;
  - f) if members are unsure about the propriety of accepting hospitality or a gift then it should be refused; if refusal would cause offence, it should be donated to the BSB; and
  - g) the receipt of any gift by members must be disclosed to the BSB.

## Acceptance of hospitality

9. Hospitality based on an event related to the work of the BSB or its committees and that presents networking or liaison opportunities is generally acceptable eg a reception.
10. Work-related hospitality from a single party which can be seen to be of value to the work of the BSB is acceptable eg a working lunch.
11. Hospitality which is purely or mainly social and where business is not likely to be discussed should be considered carefully before acceptance based on the terms of this policy;
12. Hospitality which benefits the recipient individually and that cannot be justified as of benefit to the BSB should be avoided.

### Giving or returning hospitality

13. Generally, the same principles that apply to acceptance of hospitality will apply to the giving or returning of hospitality. The guiding principle should be that of proportionality.

### Overseas visits

14. Overseas visits bring different issues and circumstances. It may be necessary to give and / or receive hospitality or gifts, and refusal may cause offence. If anything occurs that falls outside the broad scope of this guidance, then it should be recorded in writing, in the interests of openness and transparency.

### Procedure

15. It is the responsibility of Board and committee members to report offers/receipt of reportable gifts or hospitality within ten working days to the Governance Officer, ~~or the relevant committee secretary~~ and/or the Head of Governance and Corporate Services to be included on the appropriate register.
16. Information reported must include:
- Name of person and organisation offering gift/hospitality;
  - Details of gift/hospitality including value and date;
  - Reason for acceptance or rejection.
17. The Governance Officer, ~~and committee secretaries~~ maintains the registers which are reviewed and checked ~~by these members of staff and others~~ periodically. Inappropriate acceptance of gifts, or perceived compromise or bribery, will be addressed by the Chair of the BSB or the Director General as necessary.
18. Members of the Advisory Pool of Experts or Task Completion Groups or any other advisors should advise their staff contacts at the first appropriate time of the offer or acceptance of a gift or hospitality. They will take proportionate appropriate action according to the agreement terms in place with those individuals.

### Review

19. This policy will be reviewed at least every five years, in the light of experience.
20. This policy is part of the governance arrangements of the BSB, and as such can only be amended with approval by the Board.

### Contact

21. The Governance Officer maintains the register for gifts and hospitality for the Board and advisors.
22. ~~The committee secretaries maintain the register for the committees~~

23. The relevant Chairs or the Head of Governance and Corporate Services can be contacted in the case of concerns or advice on interests gifts and hospitality.

**Bar Standards Board**

~~October 2018~~ March 2024

**Bar Standards Board – Director General’s Strategic Update – 21 March 2024**

**For publication**

**Re-shaping legal services: Legal Services Board conference, 7 March 2024**

1. The Chair, Ewen MacLeod and I attended this conference on behalf of the Bar Standards Board. The Chair also took part in the concluding session alongside the chairs of other front-line regulators.
2. The conference had two main themes: on legal ethics and on consumer focus. The first was informed by a powerful contribution from the wrongly prosecuted sub-postmaster, Lee Castleton. We stand ready to contribute to the Legal Services Board’s continuing work on ethics and have set out in a public statement the work underway at the Bar Standards Board to follow and, where appropriate, act on the evidence given to the Public Inquiry.
3. Similarly we have work underway to enhance the consumer focus of our work in line with the helpful indicators developed by the Legal Services Consumer Panel last year. Our Director of Standards (interim), Rupika Madhura, is leading this work on behalf of the Senior Leadership Team.

**Chambers**

4. We have continued our second sequence of roundtables, with visits to Bristol, Leeds and Birmingham in February. We announced an extension of the consultation period until the end of March in order to give barristers, practice managers and clerks more time to respond to our proposals.

**Mark Neale**

Director General



**Chair's Report on Visits and External Meetings from 18 Jan 2024****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:****Introductory meetings**

29 January	Met with Mrs Justice Yip and Mr Justice Fancourt, Regulatory Liaison Judges with Mark Neale
6 March	Met with the Attorney General, The RT Hon Victoria Prentis KC MP and Solicitor General, Robert Courts MP with Mark Neale
13 March	Met with Dee Sekar, new Head of Equality and Access to Justice

**Meetings**

23 January	Attended Board briefing meeting
25 January	Attended BSB Board meeting
1 February	Met with Joint Audit Committee Panel members for recruitment of new Member to the Joint Audit Committee
3 February	Attended Bar Council meeting
7 February	Panel member for Joint Audit Committee recruitment
13 February	Met with Greg Dorey, Sub-Treasurer, Inner Temple
14 February	Met with Steven Haines and Mark Neale to discuss Tenders For Board Evaluation
19 February	Attended Chairs' Committee meeting
21 February	Board Evaluation Interviews
22 February	Attended LSB All Chairs & CEOs meeting with Mark Neale
22 February	Met with Tim Coulson, Cornwall Street Chambers, Chair of the IfATE recognised Barrister Apprentice Trailblazer Group
28 February	Met with Martin Poulter, Chambers People
29 February	Met with Independent Audit re Board Evaluation
12 March	Lunch meeting with Sam Townend, BC Chair and Malcolm Cree, CEO of BC with Mark Neale
12 March	Attended Chairs' Committee meeting
19 March	Attended Board briefing meeting

**1-2-1 Meetings**

13 February	Lunch meeting with Sam Townend, Chair BC
20 February	Met with Sarah Webbe, COO of Crown Office Chambers
20 February	Met with Edith A Robertson, Chambers Director, Falcon Chambers
20 February	Lunch meeting with Nick Vineall KC, Middle Temple

20 February	Met with Clare Kelly, Chambers Director, Pump Court
29 February	Met with Gisela Abbam, Board member
7 March	Met with Lucy Garrett KC, Keatings Chambers
11 March	Catch up with Leslie Thomas
	Catch up with Steve Haines
15 March	Catch up with Stephen Thornton
	Catch up with Andrew Mitchell KC
	Catch up with Jeff Chapman KC
20 March	Catch up with Emir Feisal

**Events**

18 January	Swansea Roundtable
23 January	2 <sup>nd</sup> London Roundtable
24 January	Interview with Counsel magazine
29 January	Attended Treasurers' Dinner, Middle Temple
7 February	Bristol Roundtable
22 February	Birmingham Roundtable
7 March	Attended LSB Pre-Conference Breakfast roundtable followed by the Conference on Reshaping Legal Services