

BAR STANDARDS BOARD
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REGULATING BARRISTERS

**Part 1 - Public**  
**Minutes of the Bar Standards Board meeting**  
**Thursday 18 March 2021 (5.00 pm)**  
**via MS Teams**

- Present:** Baroness Tessa Blackstone (Chair)  
Alison Alden OBE  
Lara Fielden  
Steve Haines  
Leslie Thomas QC  
Andrew Mitchell QC  
Elizabeth Prochaska  
Irena Sabic  
Nicola Sawford  
Adam Solomon QC  
Kathryn Stone OBE  
Stephen Thornton CBE
- By invitation:** Derek Sweeting QC (Chair, Bar Council)  
Malcolm Cree CBE (Chief Executive, Bar Council)
- BSB & RG Executive in attendance:** David Adams (Corporate Services Manager)  
Richard Cullen (Director of Finance)  
Rebecca Forbes (Head of Governance & Corporate Services)  
Oliver Hanmer (Director of Regulatory Operations)  
Teresa Haskins (Head of People, BSB)  
Sara Jagger (Director of Legal & Enforcement)  
Andrew Lamberti (Communications Manager)  
Ewen Macleod (Director of Strategy & Policy)  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Wilf White (Director of Communications & Public Engagement)
- Press:** Jonathan Ames, The Times  
Catherine Baksi, Freelance  
Neil Rose, Legal Futures  
Jemma Slingo, Law Society Gazette

**Item 1 – Welcome / Announcements**

1. The Chair welcomed those present to the meeting.

2. **Item 2 – Apologies**

- Lorinda Long (Treasurer, Bar Council)

3. **Item 3 – Members’ interests and hospitality**

3. None.

4. **Item 4 – Approval of Part 1 (public) minutes (Annex A)**

4. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 26 November 2020.

**Item 5a – Matters arising & action list**

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

**Item 5b – Forward agenda**

6. The Board **noted** the forward agenda list.

**Item 6 – BSB Business Plan & budget 2021/22**

BSB 011 (21)

7. Mark Neale summarised the salient points of the business plan ie:
- a strong emphasis on prioritisation, especially on the BSB's core regulatory work;
  - a smaller number of projects which seek to mitigate the highest risks to the BSB's regulatory objectives eg, standards at the Bar and diversity;
  - the addition of four posts to build resilience to our capability. Our workload increased during the pandemic and performance has been detrimentally affected. The additional staffing will enable us to absorb these spikes more effectively. It also explains why the costs are higher than those originally presented to the Board in September 2020;
  - greater flexibility on our project delivery timelines, particularly those over which we have full control eg Code of Conduct Review.
8. In terms of the 2021/22 budget, he stated that:
- we expect to run at a deficit of just over £2m. This will be funded from a combination of reserves and a CBILS loan;
  - the deficit figure reflects a "worse case" scenario for this year's Practising Certificate Fee (PCF) income. In fact, the early indications are that barrister incomes have not been as badly affected as we had predicted, so the actual deficit may be correspondingly lower;
  - the additional staffing costs are more than covered by increased budget projections for regulatory income;
  - we have reduced our cash demands by significantly lowering our capital expenditure costs.
9. Members welcomed the business plan and supported the focus within it on staff wellbeing. The Board endorsed a suggestion by the Chair to formally thank staff for their sustained efforts during the period of the pandemic.
10. **AGREED**
- a) to approve the business plan for publication.
  - b) to approve the budget for 2021/22.
  - c) to thank the BSB staff on the Board's behalf for their continuing work during the pandemic.

**MN**

**Item 7 – How can the BSB improve its engagement with consumers?**

BSB 012 (21)

11. Wilf White referred to discussion at the November 2020 Board about improving consumer engagement. One of the suggestions made at that time was to investigate the feasibility of forming a new Consumer Panel.
12. The action taken since then has included:
- investigating good practice in consumer engagement through discussions with the LSB Consumer Panel (LSCP), the SRA and CILEx Regulation;
  - further consultation on this topic with Board Member, Kathryn Stone OBE, who also joined the meeting with the LSCP.

13. He summarised the outcome of these discussions ie:
- a Consumer Panel is thought to be too formal and restrictive a mechanism for the BSB's purposes and risks duplication with the LSCP;
  - a wider pool of experts on which to draw for specific projects would be a more flexible and effective resource;
  - we should add one or more consumer engagement specialists to our Advisory Pool of Experts (APEX). We already have one such individual but supplementing this further will be helpful;
  - we should ask colleagues to state in Board papers the consumer consultation work they have undertaken in developing policy proposals. It has always been our practice to engage in this way, but the process has not always been formally recorded.
14. Kathryn Stone commended the recommendations stating that the BSB needs to be agile in its engagement and that the proposals provide this flexibility. Lara Fielden agreed with the need for greater consistency in reporting consumer engagement. She suggested using a common framework or consumer impact assessment as a way forward.
15. Wilf White welcomed the idea of a consistent framework but pointed out that we are seeking a proactive ie input driven relationship with consumers as well as a reactive one. An impact assessment might suggest just the latter.
16. In response, to other questions raised he commented that:
- we already have a consumer map which can be circulated to the Board for its information. It should be possible to break this down further to give more detail about the groups we consult;
  - incorporating "success measures" is obviously useful but can be difficult to define. The subject matter of consultations varies and with it the likely response rates from consumers. Notwithstanding this, it is something that the Executive will need to address;
  - the idea of fixing a review period to assess progress is both welcome and necessary.
17. **AGREED**
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|----|--|-------------------|
| a) | to establish a wider and more flexible pool of consumer bodies rather than a formal Consumer Panel.            | <b>WW to note</b> |
| b) | to increase the number of consumer experts on the BSB's Advisory Panel of Experts (APEX).                      | <b>RF to note</b> |
| c) | to establish a consistent means of reporting consumer engagement in Board papers based on an agreed framework. | <b>WW</b>         |
| d) | to circulate an expanded version of the BSB's consumer map to Board Members.                                   | <b>WW</b>         |
| e) | to address the issue of success measures and determine a suitable review period (possibly one year).           | <b>WW</b>         |

**Item 8 – Director General's Strategic Update – Public Session**

BSB 013 (21)

18. The Board **noted** the report.

**Item 9 – Chair's report on visits and external meetings**

BSB 014 (21)

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

**Item 10 – Any Other Business**

20. None.

**Item 11 – Dates of next meetings**

- 21.
- Tuesday 30 March 2021 (special meeting);
  - Friday 30 April 2021 (special meeting);
  - Thursday 27 May 2021 (regular Board meeting).

**Item 12 – Private Session**

22. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 28 January 2021.
  - (2) Matters arising and action points – Part 2.
  - (3) Regulatory Returns – impact of COVID-19 on the profession.
  - (4) BSB Consolidated Risk Update: March 2021.
  - (5) Review of the Bar Course Aptitude Test (BCAT).
  - (6) LSB Review under the “well led” standard of the Regulatory Performance Assessment Framework
  - (7) Director General’s Strategic Update (private session).
  - (8) Any other private business.
23. The meeting finished at 5.25 pm.