

BAR STANDARDS BOARD

REGULATING BARRISTERS

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

Thursday 18 July 2019, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Alison Alden OBE
Lara Fielden
Zoe McLeod
Irena Sabic
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE
Leslie Thomas QC
Stephen Thornton CBE
- By invitation:** Richard Atkins QC (Chair, Bar Council)
Mark Hatcher (Special Adviser to the Chair of the Bar Council)
James Wakefield (Director, COIC)
Grant Warnsby (Treasurer, Bar Council) – by phone
- BSB Executive in attendance:** Vanessa Davies (Director General)
Rebecca Forbes (Head of Governance & Corporate Services)
Sara Jagger (Director of Professional Conduct)
Michael Jampel (Head of Policy and Research)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
Robert Pasescu (Corporate Risk and Assurance Officer)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
Alex Williams (Operational Support Manager, Professional Conduct)

Item 1 – Welcome

1. The Chair welcomed Members and guests.

2. **Item 2 – Apologies**

- Aidan Christie QC
- Naomi Ellenbogen QC (Vice Chair)
- Steven Haines
- Andrew Mitchell QC
- Elizabeth Prochaska
- Amanda Pinto QC (Vice Chair, Bar Council)
- Malcolm Cree CBE (Chief Executive, Bar Council)
- Oliver Hanmer (Director of Regulatory Assurance)

Item 3 – Members' interests and hospitality

3. The following declarations of hospitality were made:
- Tessa Blackstone and Vanessa Davies – Circuit Dinner, The Banqueting Hall, Cardiff Castle (5 July 2019);
 - Nicola Sawford and Vanessa Davies – LPMA Summer Party, Apex Temple Court Hotel, 1-2 Serjeants' Inn, London EC4Y 1AQG (11 July 2019).

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 13 June 2019.

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

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

Item 5b – Forward Agenda (Annex C)

6. Members noted the forward agenda list.

Item 6 – Proposed amendments to Publication of Disciplinary Findings policy BSB 024 (19)

7. Sara Jagger summarised the amendment proposals which stem from an earlier policy review and the introduction of the General Data Protection Regulations (GDPR). These were agreed at a stakeholders' roundtable meeting on 5 June 2019 and relate to:
- extension of the policy to include publication of disciplinary findings beyond the BSB and BTAS websites, eg the Bar Register and also on request;
 - a reduction in the time to keep disciplinary findings in the public domain for cases that had resulted in suspension or disbarment.
8. James Wakefield confirmed the support of COIC for the revised policy. He also mentioned, however, that an internet search could still reveal details of disciplinary findings if, for example, the matter had been publicised by the press.
9. Adam Solomon QC agreed with the recommendations except the proposed publication periods following suspension. He commented that:
- this a marked reduction compared to current policy;
 - the BSB only suspends barristers where serious misconduct has occurred and it is therefore right that the public be protected accordingly. Rather than as proposed (three and five years respectively), the policy should be a post-sanction publication period of:
 - five years for suspension of 12 months or less;
 - ten years for suspension of more than 12 months.
10. Richard Atkins QC fully endorsed these views, as did the Board by consensus. The following points were also made:
- the policies of other regulators (listed in Annex B) vary considerably. A publication period that is limited to the length of the sanction (eg for CILEx) seems too short and is therefore not an appropriate benchmark for us;
 - there is no evidence base available to guide our decision on policy. We have to depend on our own sense of what is appropriate for the profession;
 - publication periods only relate to information in the public domain. The BSB would still retain data on all disciplinary outcomes which would be made available as necessary for QCA and judicial appointments.
11. **AGREED**
- to change the Publication of Disciplinary Findings policy as follows:
- a) extend the policy to cover all avenues by which the BSB puts disciplinary findings in the public domain.
 - b) set the post-sanction publication periods as follows:
 - no suspension or disbarment: two years;
 - 12 months suspension or less: five years;
 - more than 12 months suspension: ten years;
 - disbarment: 60 years.

SJ

Item 7 – Schedule of Board meetings: Jan 2020 – Mar 2021

BSB 025 (19)

12. The Board **agreed** the schedule of meetings for January 2020 – March 2021. Members noted a concern expressed about the long gap between May to September without a formal business meeting (notwithstanding the Away Day planned for July). The Board therefore agreed that an extra meeting could be arranged during this period if circumstances require it.

**JP to
note****Item 8 - Chair's report on visits and external meetings from mid-June 2019**

BSB 026 (19)

13. The Board **noted** the report.

Item 9 – Any Other Business

14. None.

Item 10 – Date of next meeting

15. Thursday 26 September 2019.

Note: due to refurbishment of BSB premises, this meeting will be held at Littleton Chambers, 3 Kings Bench Walk, Temple, London EC4Y 7HR.

Item 11 – Private Session

16. The following motion, proposed by the Chair and duly seconded, was agreed. That the BSB will go into private session to consider the next items of business:
- (1) Approval of Part 2 (private) minutes – 13 June 2019;
 - (2) Matters arising and action points – Part 2;
 - (3) Handbook Review;
 - (4) Corporate Risk Report;
 - (5) FBT Update;
 - (6) Any other private business;
 - update on recruitment of Director General.
17. The meeting finished at 5.35 pm.