

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 22 September 2022 (5.00 pm)****Hybrid Meeting (Rooms 1.4-1.7, BSB Offices & MS Teams)**

- Present:** Kathryn Stone OBE (Chair)
Alison Allden OBE
Emir Feisal JP
Steve Haines
Andrew Mitchell KC
Irena Sabic
Adam Solomon KC
Stephen Thornton CBE – via Teams
- By invitation:** Malcolm Cree (Chief Executive, Bar Council) – via Teams
Lorinda Long (Treasurer, Bar Council)
Nick Vineall KC (Vice Chair, Bar Council)
James Wakefield (Director, COIC)
- BSB Executive & Resource Group in attendance:** Richard Cullen (Director of Finance) – via Teams
Christopher Fitzsimons (Communications Manager)
Rebecca Forbes (Head of Governance & Corporate Services)
Teresa Haskins (Director of People, BSB) – via Teams
Sara Jagger (Director of Legal and Enforcement)
Ewen Macleod (Director of Strategy & Policy)
Mark Neale (Director General)
John Picken (Governance Officer)
Paul Pretty (Head of Investigations and Enforcement) – via Teams
Wilf White (Director of Communications & Public Engagement)
- Press:** Neil Rose, Legal Futures – via Teams

Item 1 – Welcome / Announcements

1. Kathryn Stone welcomed those present to the meeting. She paid tribute to the former Chair, Tessa Blackstone, for her work and also thanked Members, the Bar Council and the BSB Executive for their warm welcome to her new role as BSB Chair.
2. She confirmed that BSB Board meetings are held in public to provide transparency on Board Member discussions about public agenda items and, in addition, to allow comments from those observing the meeting. Her aim is to conduct meetings so that Board Members act as critical friends to the Executive in a constructive and respectful manner.
3. **Item 2 – Apologies**
 - Leslie Thomas KC
 - Mark Fenhalls KC (Chair, Bar Council)
 - Oliver Hanmer (Director of Regulatory Operations)

Item 3 – Members' interests and hospitality

4. None.

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

5. The Board approved the Part 1 (public) minutes of the meeting held on 14 July 2022.

Item 5a – Matters arising & Action List

6. There were no matters arising. The Board **noted** progress on the action list. Pressure on diary time has meant it has not yet been possible for Ewen Macleod and Irena Sabic to discuss the issue of social media and the threats that some barristers have received (re min 29c – 14/07/22).

Item 5b – Forward agenda

7. The Board **noted** the forward agenda.

Item 6a – Director General’s Report: Performance Update

BSB 045 (22)

8. Mark Neale commented that:
- the public agenda now has a separate item on performance to reflect the Board’s earlier decision to focus its attention on the delivery of core regulatory operations;
 - the Board has also established a Task and Finish Group on performance to help support and to challenge the Executive;
 - the private agenda includes a paper on proposals to accelerate investigations. As this contains commercially confidential data it was not possible to present it in public session though its content has already been shared with the Bar Council.
9. With reference to the report, he stated that:
- productivity was severely impacted in April and May by a cyber attack. This affected operational work for some five to six weeks afterwards;
 - since then, significant progress has been made in reducing the accumulated backlog (currently around thirty more reports are cleared every month than are received by the Contact and Assessment Team).
10. In response to a question from Alison Alden, he confirmed that the “pupillage tasks” referred to in the annex relates to the authorisation of pupillage providers. This work should be completed by the end of the year.

11. **AGREED**
to note the report.

Item 6b – Director General’s Report: Strategic Update

BSB 046 (22)

12. Mark Neale highlighted the following:
- the BSB is planning a series of roundtable meetings with the profession at various locations in England and Wales. Kathryn Stone will attend these events;
 - a key discussion point will be how best to consolidate information about good practice and so enhance the role of chambers in overseeing standards and issues of equality and access;
 - since writing his report, the BSB has launched a 12-month digital comparison tool (DCT) pilot to assist consumer choice. This focuses on employment law. Any barristers wishing to take part in the pilot are welcome to contact us directly.
13. In response to questions raised, the Executive commented as follows:
- a summary of the aims and objectives of the pilot will be circulated to the Board;
 - Board Members are welcome to join any of the roundtable meetings and the Executive will circulate the dates;
 - barristers are already mandated to comply with equality rules, hence the reference to “compliance” at paragraph 10 of the discussion paper for roundtable meetings.

Part 1 - Public

14. Alison Alden noted that the discussion paper currently makes no reference to “wellbeing”. Though this is not a regulatory requirement, she considered it would be useful to include as a topic for discussion. Mark Neale agreed with this suggestion.
15. Kathryn Stone referred to an earlier discussion with Lorinda Long and acknowledged that the employed Bar is in a different position to barristers practising from chambers. She hoped, however, that they would still feel able to engage with the roundtable discussions as the BSB wishes to encourage as wide a participation as possible.
16. **AGREED**
- a) to note the report.
 - b) to circulate the aims and objectives of the DCT pilot to Board Members
 - c) to circulate the dates / locations of roundtable meetings to Board Members.
 - d) to include a reference to wellbeing in the discussion paper for the roundtables.

EM
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MN

Item 7 – Wellbeing at the Bar

BSB 047 (22)

17. Ewen Macleod highlighted the following:
- this follows on from discussion at an earlier Board meeting (25 May 2022);
 - the updated statement (Annex A of the paper) now links more directly to the BSB equality enabling strategy which the Board previously approved;
 - it has since been shared with Sam Stein KC, a former Board Member and current member of the Criminal Bar Association. He has endorsed it as a helpful step in continuing discussions about good practice and the role of chambers.
18. In response to a question from Emir Feisal about any need for an annual review, Ewen Macleod referred to the barrister working life series of surveys run by the Bar Council. This is complemented by other work that the Bar Council has completed on this topic.
19. **AGREED**
to approve the updated statement on wellbeing set out in Annex A of the paper for publication.

EM

Item 8 – Annual Report 2021/22 and Cost Transparency Metrics

BSB 048 (22)

20. Wilf White commented as follows:
- preparation of the Annual Report for 2021/22 had been delayed because auditing of the financial data was interrupted by the cyber attack;
 - it reports on the final year of a three-year strategic plan and has already been seen and approved by the Strategic Planning and Resources Committee;
 - the Cost Transparency Metrics are currently published separately but we plan to incorporate these within a single document in future;
 - both documents will be published on our website with appropriate explanatory text.
21. **AGREED**
to approve the 2021/22 Annual Report and Cost Transparency Metrics for publication.

WW

Item 9 – Chair’s report on visits and external meetings

BSB 049 (22)

22. Since writing this report, the roundtable dates have been added to the Chair’s diary. She thanked Chris Fitzsimons for his work on this. She reiterated her wish to engage with the profession and looked forward to meeting barristers from all areas of practice.

Item 10 – Any Other Business

23. None.

Item 11 – Dates of next meetings

24. • Tuesday 11 October 2022 (Board Away Day)
• Thursday 1 December 2022 (ordinary Board meeting).

Item 12 – Private Session

25. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 14 July 2022
 - (2) Matters arising and action points – Part 2.
 - (3) Accelerating Investigations
 - (4) Consolidated Risk Update
 - (5) Budget proposal – 2023-24 financial year
 - (6) Contract for Tribunal Services
 - (7) Appointment and recruitment of Board members
 - (8) Recording Part 1 (public) meetings
 - (9) Director General's Strategic Update – Private Session.
 - (10) Any other private business.
 - (11) Salary for Chair and Vice Chair
26. The meeting finished at 5.30 pm.