

BAR STANDARDS BOARD
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REGULATING BARRISTERS

**Part 1 - Public**  
**Minutes of the Bar Standards Board meeting**  
**Thursday 28 January 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)  
 Lorinda Long (Treasurer, Bar Council)  
 Malcolm Cree CBE (Chief Executive, Bar Council)
- BSB & RG Executive in attendance:** Rebecca Forbes (Head of Governance & Corporate Services)  
 Teresa Haskins (Head of People, BSB)  
 Oliver Jackling (Research and Evaluation Manager)  
 Sara Jagger (Director of Legal and Enforcement)  
 Andrew Lamberti (Communications Manager)  
 Ewen Macleod (Director of Strategy and Policy)  
 Mark Neale CB (Director General)  
 John Picken (Governance Officer)  
 Amit Popat (Head of Equality and Access to Justice)  
 Wilf White (Director of Communications and Public Engagement)
- Press:** 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**

- Oliver Hanmer (Director of Regulatory Operations)

**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 Thursday 26 November 2020.

**Item 5a – Matters arising**

5. a) **Proposed Amendments to the BSB Standing Orders**  
BSB 001 (21)
- (i) Rebecca Forbes advised on proposed amendments to the Standing Orders. This followed representations from the Bar Council under the LSB approved protocol arrangements and concerned its wish:
- for barrister members of BSB Committees to be “practising” and therefore up to date with current standards;
  - that at least two barristers be included on BSB Committees (the current Standing Orders require just one, whereas the previous edition required one third of Committee members to be barristers).
- (ii) Barristers on BSB Committees are usually drawn from the Board and to be a Member of that body, they are required under the Constitution to be practising barristers. To avoid any doubt, however, it would be consistent to reinstate this requirement for barrister membership of Committees.
- (iii) there are now only two BSB Committees, both of which have a small membership. It would be useful to adopt a convention of appointing two barristers to these bodies so as to mitigate the risks around lack of representation if one member is unavoidably absent from a meeting, but we have not proposed reinstating this requirement within Standing Orders.
- (iv) **AGREED**  
to approve the proposed amendments to Standing Orders as set out on the paper based on the above rationale. **RF to note**
- b) **Action List**  
The Board **noted** the action list.

**Item 5b – Forward Agenda (Annex B)**

6. Members **noted** the forward agenda list.

**Item 6 – Annual Diversity at the Bar Report**

BSB 002 (21)

7. Amit Popat summarised the salient points of the report ie:
- disclosure rates are gradually increasing though, in some categories, they remain too low to be statistically reliable;
  - pupillages have fallen from 472 to 354;
  - there is underrepresentation of:
    - women (except in pupillage);
    - minority ethnic groups at QC level;
    - those with caring responsibilities;
  - there remains an overrepresentation of those who have a fee paying school background.
8. Derek Sweeting QC raised a question about the decline in pupillage. In response, the following points were made:
- the Supervision Department has closely monitored this issue. Some pupillages may yet be offered and a proportion have simply been deferred in view of the current health emergency;
  - it is too early to say whether the trend will continue, though some providers have indicated they may not recruit in the same numbers next year. We will therefore continue to monitor the situation.
9. **AGREED**  
to note the report.

**Item 7 – Anonymisation of case papers represented to Independent Decision Making Panels (IDPs)**

BSB 003 (21)

10. Sara Jagger commented on the recommendation to cease anonymisation of case papers for gender. This is because:
- it has proven to be ineffective and involves considerable staff time which can lead to delay;
  - it has not proven to have had any impact in managing the risks previously identified in equality and diversity reports.
11. She confirmed that the BSB will continue to anonymise papers by name as a means of mitigating risks around unconscious bias and perceived ethnicity. She also highlighted the need for sufficient resource to enable training in anti-discrimination.
12. **AGREED**
- a) to cease with immediate effect the practice of anonymising gender in case files for presentation to IDPs.
  - b) that a further report on the anonymisation by name of IDP files be presented to the Board only if there is evidence to suggest this should also cease.
  - c) that sufficient resources are available in the 2021/22 budget, and in future years, to ensure high quality training for all decision makers in anti-discriminatory practice and unconscious bias.

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

BSB 004 (21)

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

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

BSB 005 (21)

14. The Board **noted** the report.

**Item 10 – Any Other Business**

15. None.

**Item 11 – Date of next meeting**

16. Thursday 18 March 2021.

**Item 12 – Private Session**

17. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 26 November 2020.
  - (2) Matters arising and action points – Part 2.
  - (3) The regulations of professional standards at the Bar.
  - (4) LSB strategy consultation.
  - (5) The role of Board members in the BSB’s communication and public engagement strategy.
  - (6) Race at Bar Standards Board: Survey Report and Action Plan.
  - (7) Director General’s Strategic Update (private session).
  - (8) Any other private business.
18. The meeting finished at 5.15 pm.