

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 17 March 2016, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Sir Andrew Burns KCMG (Chair)
Naomi Ellenbogen QC (Vice Chair)
Rolande Anderson
Rob Behrens CBE
Aidan Christie QC
Malcolm Cohen
Justine Davidge – items 7-13
Judith Farbey QC
Andrew Mitchell QC
Tim Robinson
Nicola Sawford
Adam Solomon
Dr Anne Wright CBE
- By invitation:** Keith Baldwin (Special Adviser)
- Bar Council in attendance:** Stephen Crowne (Chief Executive, Bar Council)
Chantal-Aimée Doerries QC (Chairman, Bar Council)
Mark Hatcher (Special Adviser to the Chairman of the Bar Council)
- BSB Executive in attendance:** Vanessa Davies (Director General)
Joseph Bailey (Governance Policy & Project Officer)
Nicholas Bungard (Risk Analyst)
Viki Calais (Head of Corporate Services)
Joanne Dixon (Manager, Qualification Regulations)
Oliver Finlay-Smith (Communications and Public Engagement Officer)
Oliver Hanmer (Director of Supervision)
Sara Jagger (Director of Professional Conduct)
Andrew Lamberti (Communications Manager)
Bernard MacGregor (Senior Supervision and Authorisation Officer) – items 1-7
Ewen Macleod (Director of Regulatory Policy)
John Picken (Governance Officer)
Amit Popat (Policy Manager – Equality and Access to Justice)
Pippa Prangley (Head of Regulatory Risk)
Amanda Thompson (Director for Governance Reform)
Simon Thornton-Wood (Director of Education & Training)
Wilf White (Director of Communications and Public Engagement)
- Press:** Nick Hilborne (Legal Futures)
Chloe Smith (Law Society Gazette)

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Item 1 – Welcome

1. The Chair welcomed Members to the meeting. He also introduced two new members of staff:
 - Wilf White – Director of Communications and Public Engagement;
 - Oliver Finlay-Smith – Communications and Public Engagement Officer.

Item 2 – Apologies

2.
 - Professor Andrew Sanders;
 - Emily Windsor (Special Adviser);
 - Andrew Langdon QC (Vice Chairman, Bar Council);
 - Lorinda Long (Treasurer, Bar Council).

Item 3 – Members’ interests and hospitality

3. Vanessa Davies made a declaration for hospitality received regarding her attendance at the Family Law Bar Association Annual Dinner at Middle Temple (26 February 2016).

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 25 February 2016.

Item 5 – Matters Arising

5. None.

Item 6a – Action points and progress

6. The Board noted progress on the action list.

Item 6b – Forward Agenda (Annex C)

7. Vanessa Davies confirmed that Members would be contacted about the start time for the Board Away Day (21 April 2016) after the Easter break. It is also likely that some of the items listed for the May meeting will be moved to June. This is to achieve a better balance.

Item 7 – BSB Strategic Plan 2016-19 and Business Plan for 2016-17
BSB 024 (16)

8. Members received the following tabled items:
 - a design proof version of both the above plans;
 - the text of the Chairman’s Foreword to the Strategic Plan (this was also circulated electronically to Members prior to the meeting).
9. Vanessa Davies commented as follows:
 - the latest drafts include amendments suggested by the Planning, Resources and Performance Committee;
 - the plans will be published prior to Easter but there will be time to address any further amendments up until the end of Friday 19 March 2016;
 - hard copies will be sent to key stakeholders and a formal launch event will take place on 12 April 2016 at the Royal College of Surgeons (5.30 pm).
10. Members welcomed the re-drafts and commented as follows:
 - the feedback from respondents on risk themes suggests we need to explain the issues around risk based regulation more thoroughly;
 - the table in page 9 of the business plan (design proof version) refers to “strategic programmes” but this term is used in a different context in the strategic plan.

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11. Vanessa Davies confirmed that:
- the strategic plan now incorporates a fuller explanation of risk based regulation;
 - to aid clarity, the term “strategic programmes” will be removed from the business plan table.
- VLD to note
12. **AGREED**
- a) to publish the Plans subject to final copy proofing and lay-out, in the week of 21 March 2016.
- b) to note the launch event on 12 April 2016.
- VLD

Item 8 – Future Bar Training – Continuing Professional Development Consultation Report

BSB 025 (16)

13. Bernard MacGregor highlighted the following:
- a majority of consultation respondents agreed that compulsory CPD activities were not necessary and that CPD completed in one year should be taken into account in future years;
 - we received a positive response from the LSB’s Consumer Panel;
 - there were calls for further guidance as to how learning objectives should be drafted. This has since been identified as a developmental priority for the scheme and will be addressed in due course.
14. The BSB also ran a pilot exercise for the new scheme. In terms of feedback, the salient points were:
- planning learning objectives is possible for barristers to do but the main point for them to consider is what outcomes they want to achieve by the end of the year – not every CPD activity need be (or can be) planned in advance;
 - the feedback has helped in the formulation of worked examples for good and not so good practice in preparing learning objectives;
 - the revised scheme offers greater flexibility to barristers in terms of what is permissible which has benefits in terms of equality and diversity eg those on maternity leave who can now comply with CPD requirements without necessarily seeking waivers;
 - the “reflection stage” of the pilot was well received by participants and enabled good explanations of the choice of CPD and how these linked to objectives.
15. Regarding next steps, the following points were mentioned:
- the Education and Training Committee will be asked to provide input to revised guidance material. This will be presented to the Board in May, after which there will be a consultation period with the outcome reported to the Board in September 2016;
 - a communications plan will be drafted to raise awareness so that the profession is fully informed by the proposed start date of January 2017.
16. Members commented as follows:
- the focus in improved guidance is welcome. The pressures on barristers mean they have little time available so we need to give clear, easily comprehensible advice on the regulatory requirements for CPD. Moreover many will not be familiar with underpinning concept of planning learning objectives;
 - we need to respond to the comments from the Inns of Court (paragraph 95 of Annex 1);

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BMcG to
note

- one of the better features of the current system is that it rewards contributions to the profession through enhanced CPD points eg teaching. We need to ensure this incentive remains in the new scheme;
 - there is still a lot to complete before the projected start date of January 2017 which prompts the question as to whether we have enough time;
 - the negative response to question 5 about requiring a barrister to reflect on CPD activities at the end of a CPD year is disappointing;
 - we need encourage take up of the new scheme in a positive way so should concentrate on education and supervisory responses to non-compliance rather than enforcement;
 - the outcome of the pilot is encouraging but we should be aware of the inherent enthusiasm of early adopters. It may take long to achieve a full buy-in from the profession. It may be worth arranging a follow up survey in two or three years' time.
17. In response, the following comments were made:
- the Inns of Court are a key audience and will feature strongly in the communications plan;
 - the LSB is already aware of our impending rule change application regarding CPD and it accords with its outcomes focused philosophy. We remain on track with the project so should be able to meet the January 2017 deadline;
 - the comments on the preferred approach to the regulation of CPD are reflected in the report – enforcement is regarded as a last resort;
 - the comments about a follow up survey are noted and could feature in a future business plan.
18. **AGREED**
- a) to note the consultation report and pilot feedback.
 - b) to approve the next steps for the implementation of the new CPD scheme.
- Item 9 – Chair’s Report on Visits and Meetings (Feb-Mar 16)**
BSB 026 (16)
19. **AGREED**
to note the report.
- Item 10 – Director General’s Report**
BSB 027 (16)
20. Vanessa Davies highlighted the following:
- the end of year performance appraisals will take place over April. This will include 360 degree appraisal in the case of SMT members and senior managers one level below. In consequence Board Members may be approached to give feedback on senior staff performance;
 - the annual Authorisation to Practise (AtP) exercise is progressing well and the report notes with thanks the excellent contribution of the Records Team.
21. Aidan Christie QC referred to last year’s AtP round where a number of pupils were not contacted even though they required practising certificates. Vanessa Davies gave an assurance that this had been satisfactorily addressed.
22. Nicola Sawford referred to staff training on risk (paragraph 6 of the report) and asked about similar opportunities for Board Members. Vanessa Davies confirmed that Members are welcome to join staff training sessions but that an option remains for a Board only session if there is sufficient demand.

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23. In response to a question about entity authorisation, Oliver Hanmer confirmed that all those entities currently regulated by the BSB had chosen to renew.

24. **AGREED**
to note the report.

Item 11 – Any Other Business

25. None.

Item 12 – Date of next meetings

- 26.
- Thursday 21 April 2016 (Board Away Day).
 - Thursday 19 May 2016 (Board meeting).

Item 13 – Private Session

27. 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;
- (2) Matters Arising – response to Bar Council’s letter re: strategic plan (min P26d – 25 Feb 16);
- (3) Action points and progress – Part 2;
- (4) Women at the Bar Survey – Quantitative Analysis;
- (5) Advisory Pool of Experts (APEX);
- (6) Regulatory Risk Outlook 2016 for approval;
- (7) Any other private business.

The meeting finished at 5.10 pm.