

BAR STANDARDS BOARD
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting****Thursday 31 March 2022 (5.00 pm)****Rooms 1.4-1.7, First Floor, Bar Standards Board Offices,  
289-293 High Holborn, London, WC1V 7HZ and via MS Teams**

- Present:** Baroness Tessa Blackstone (Chair)  
Alison Alden OBE – via MS Teams  
Emir Feisal JP – via MS Teams  
Andrew Mitchell QC  
Elizabeth Prochaska – via MS Teams  
Irena Sabic – via MS Teams  
Adam Solomon QC  
Kathryn Stone OBE – via MS Teams  
Stephen Thornton CBE – via MS Teams
- By invitation:** Mark Fenhalls QC (Chair, Bar Council) – via MS Teams  
Lorinda Long (LL) (Treasurer, Bar Council) – via MS Teams  
Nick Vineall QC (NV) (Vice Chair, Bar Council)  
James Wakefield (JW) (Director, COIC)
- BSB Executive in attendance:** David Adams (Corporate Services Manager) – via MS Teams  
Oliver Hanmer (Director of Regulatory Operations)  
Teresa Haskins (Director of People, BSB) – via MS Teams  
Sara Jagger (Director of Legal and Enforcement) – via MS Teams  
Tommy Latif (Regulatory Risk Officer) -via MS Teams  
Poornima Karunacadacharan (Senior Policy Officer) – via MS Teams – items 1-7  
Ewen Macleod (Director of Strategy & Policy)  
Rupika Madhura (Head of Policy and Research) – via MS Teams – items 1-7  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Victoria Stec (Head of Authorisation) – via MS Teams  
Wilf White (Director of Communications & Public Engagement)  
Christopher Young (Policy Manager) – via MS Teams – items 1-7
- Press:** Neil Rose, Legal Futures

**Item 1 – Welcome / Announcements**

1. The Chair welcomed those present to the meeting.

**Item 2 – Apologies**

- Steve Haines
- Leslie Thomas QC
- Malcolm Cree (Chief Executive, Bar Council)
- Rebecca Forbes (Head of Governance & Corporate Services)

**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 27 January 2022.

**Item 5a – Matters arising**

5. None.

**Item 5b – Forward agenda**

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

**Item 6 – The BSB’s Strategy and Public Legal Education Strategy and the Business Plan and Budget for 2022-23**

BSB 016 (22)

7. Mark Neale introduced the paper and underlined the extensive consultation that had taken place in formulating both the business plan for 2022-23 and the BSB’s longer term strategy and associated strategic objectives (efficiency, standards, equality, access and independence). He also drew attention to the public legal education enabling strategy and the overall budget for 2022-23 which had been slightly revised as described in the report.
8. The Chair gratefully acknowledged the work the Executive and the involvement of both stakeholders and Board Members in developing these documents. Nick Vineall QC also commented positively on the BSB’s collaborative approach. No further questions were raised and the Board approved them for publication.

9. **AGREED**

to approve the content of the following documents for publication:

- the BSB Strategy 2022-25;
- the Public Legal Education (PLE) Enabling Strategy;
- the BSB Business Plan 2022-23; and
- the BSB budget for 2022-23.

**Item 7 – Review of the Bar Course Aptitude Test (BCAT)**

BSB 017 (22)

10. Chris Young summarised the findings of a recent review of the Bar Course Aptitude Test (BCAT). This suggested that the test was no longer effective as a filter for aptitude given the exceptionally high pass rates (it only filters out 1% of applicants). Moreover, admissions processes used by course providers had become more selective over time which negated the need for a test in the first place. He therefore recommended its withdrawal.
11. Emir Feisal referred to the BCAT candidate survey. He questioned whether the responses from students were fully representative, given the small numbers involved. He also noted the concerns raised by the Bar Council about student performance on the centralised assessments (Winter 2020 and Spring 2021) which might suggest that some students still do not have the requisite aptitude.
12. In response, the Executive commented that:
- an acceptable sample size was used for the student survey but the response rate was lower than hoped. Though this is unfortunate, it is not unusual, and the range of responses received seem nevertheless to be reasonably indicative;
  - there are many factors at play which might explain the overall pass rates for the recent centralised assessments as well as the variance in achievement between providers. These include transition between old and new courses, the health emergency and the variety of different pathways now available to students;
  - the primary justification for the recommendation relates to management of regulatory risk. The review suggests that the original risks around aptitude have been superseded by more stringent admissions policies of providers, hence the test is now unnecessary. In addition, we now have clear indicators of compliance

relating to admissions in our Authorisation Framework, which providers need to comply with in order to be authorised to deliver Bar training courses.

13. On balance, the Board agreed with the recommendation. Members commented that:
- the section in the report about the equality impact assessment is persuasive;
  - for the higher education sector, the key emphasis is on “outcomes”. Providers are very conscious of the need to support students to the successful conclusion of their studies, so whom they admit to courses has, necessarily, come under closer scrutiny;
  - the Bar Council’s concerns about maintaining an aptitude threshold are understood but the BCAT is no longer an appropriate tool to achieve this. We should, though, seek more than just assurances from course providers;
  - once a student liaison group is established, we should seek feedback on its view of student support systems.
14. In response, Oliver Hanmer confirmed that:
- the BSB is arranging a series of visits to course providers which will provide opportunities to scrutinise administrative processes around student support;
  - the first meeting of the pupil group is likely to take place in May 2022 and the student liaison group in June 2022. We shall seek views from the latter group on this topic.
15. **AGREED**
- to seek permission from the LSB to withdraw the Bar Course Aptitude Test as a prerequisite for enrolment on the Bar training course on the grounds that:
- the BCAT is no longer a proportionate regulatory requirement;
  - more stringent course admission processes have superseded the need for the BCAT;
  - the risks that BCAT was originally introduced to mitigate are no longer manifesting.

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#### **Item 8 – Board Nomination Committee – Terms of Reference**

BSB 018 (22)

16. The Board **approved** the Terms of Reference for the Nomination Committee. With reference to paragraph 3, and in response to a question raised, the Executive confirmed that once a Member’s term of office has ended on the Board, that person’s membership of the Nomination Committee will automatically end (hence the phrase “coterminous with membership of the Board”).

#### **Item 9 – Director General’s Strategic Update – public session**

BSB 019 (22)

17. The Board **noted** the Strategic Update paper. Andrew Mitchell QC referred to the section on sanctions and welcomed the close liaison between the BSB and HM Treasury’s Office for Financial Sanctions. Mark Neale and Nick Vineall QC confirmed that both the BSB and Bar Council have been in communication with the profession on this matter, especially in terms of the need to seek licences to represent sanctioned individuals or businesses.
18. **AGREED**  
to note the report.

#### **Item 10 – Chair’s report on visits and external meetings**

BSB 020 (22)

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

#### **Item 11 – Any Other Business**

20. None.

**Item 12 – Date of next meeting**

21. • Wednesday 25 May 2022

**Item 13 – Private Session**

22. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 13 January 2022 & 27 January 2022.
  - (2) Ratification of decisions made from papers circulated out of cycle:
    - a) Setting the fee for Certificates of Good Standing (COGS);
    - b) Bar Training Fees – revision to the per capita charge for Authorised Education and Training Organisations (AETOs).
  - (3) Matters arising and action points – Part 2.
  - (4) Consolidated Risk Report.
  - (5) High Court judgment – Eve v BSB.
  - (6) Policy on complaints against Board Members.
  - (7) Recruitment of Chair – nomination of members to the Appointments Panel.
  - (8) Appraisal of Chair and Board members.
  - (9) Director General’s Strategic Update – Private Session.
  - (10) Any other private business.
23. The meeting finished at 5.30 pm.