

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 13 June 2019, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Naomi Ellenbogen QC (Vice Chair)
Alison Alden OBE
Aidan Christie QC
Lara Fielden
Steven Haines
Zoe McLeod – by phone
Elizabeth Prochaska
Irena Sabic
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE
Leslie Thomas QC
Stephen Thornton CBE
- By invitation:** Amanda Pinto QC (Vice Chair, Bar Council)
Grant Warnsby (Treasurer, Bar Council) – by phone
Mark Hatcher (Special Adviser to the Chair of the Bar Council)
- BSB Executive in attendance:** Vanessa Davies (Director General)
Rebecca Forbes (Head of Governance & Corporate Services)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct) – via Star Leaf
Michael Jampel (Head of Policy and Research)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Press:** Jemma Slingo (Law Society Gazette)

Item 1 – Welcome

1. The Chair welcomed Members and guests, in particular Elizabeth Prochaska and Leslie Thomas QC, both of whom were attending their first meeting.

Item 2 – Apologies

- Andrew Mitchell QC
- Richard Atkins QC (Chair, Bar Council)
- Malcolm Cree CBE (Chief Executive, Bar Council)

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 28 March 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 – Year-end report of the Planning, Resources and Performance Committee (PRP) – Apr 2018 – Mar 2019

BSB 019 (19)

7. Steve Haines commented positively on the generally good performance results for last year. He highlighted the following:
 - there is a concern about capacity in the Professional Conduct Department's Investigations Team due to a rise in the number of complex, resource intensive cases. The Committee will review this again in September;
 - the Finance Department is implementing a programme to update and improve its frontline services. The Committee strongly supports this initiative.
8. Board Members raised questions about the increase in staff turnover to 28% (the rate for 2017-8 was around 10%), and how the PRP Committee monitors this. In response, the following points were made:
 - the PRP Committee considers both lead indicators eg outcome of staff surveys and lag data ie turnover rates reported in the quarterly HR dashboard;
 - the figure for 2017-18 was unusually small. Average turnover rates for comparable regulatory bodies are around 20-25%;
 - the Strategy & Policy Department experienced a higher than usual turnover, but this was co-incidental, being contingent on the various personal circumstances of the staff involved;
 - instead of a target threshold figure, we should take a broader view ie accept that some turnover is inevitable but add what controls we can eg improve recruitment practice to reduce loss of staff with just six months' service or less;
 - some regulators have operated staff exchange schemes or joint management training programmes. These can help develop and retain skills in the sector.
9. In response to questions about finance, the following comments were made:
 - the end of year surplus reflects the conservative nature of our budgetary assumptions due to increased uncertainty over student registrations;
 - this is the final year that the BPTC will run in its current form. We should be able to predict registration numbers more accurately in future;
 - the overspend for non-staff was due to new arrangements for marking the ethics examination. This situation is unlikely to recur because of improved governance arrangements and our better understanding of the cost profile for examinations.
10. **AGREED**
to note the report.

Item 7 – Professional Indemnity Insurance: Minimum Terms of Cover

BSB 020 (19)

11. Ewen Macleod outlined revised arrangements agreed with the Bar Mutual Indemnity Fund (BMIF) for Minimum Terms of Cover (MTCs). Changes has been introduced in response to the LSB’s thematic review of PII – this means that the BSB now sets the MTCs for the self-employed Bar and had made some changes to the MTCs for entities. Both were presented for Board approval.
12. In response to questions raised, Ewen Macleod confirmed the following:
- the new MTCs remove the requirement to involve the Bar Council Chair in any dispute resolution procedures where the parties cannot agree an arbitrator. However, this would not oblige the BMIF to change its current arrangements;
 - the recommendation to revisit the MTCs after Brexit refers to further changes that may be necessary after that time eg deletion of references to a “Registered European Lawyer” and use of the default term “foreign lawyer”.
13. **AGREED**
- a) to approve the new Minimum Terms of Cover for the self-employed Bar as set out in Annex 1 of the report.
 - b) to approve a small revision to the Minimum Terms of Cover for insurance of BSB entities as set out in the report.
 - c) to note a small consequential change to BSB guidance to reflect the existence of the MTCs for the self-employed Bar.

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Item 8 - Chair’s report on visits and external meetings (Apr – Jun 2019)

BSB 021 (19)

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

Item 9 – Any Other Business

15. None.

Item 10 – Date of next meeting

16. • Thursday 18 July 2019

Item 11 – Private Session

17. 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 – 28 March 2019;
 - (2) Matters arising and action points – Part 2;
 - (3) Update on IGRs
 - (4) Director General’s Quarterly Strategic update
 - (5) Any other private business.
 - update on Director General’s succession planning
18. The meeting finished at 5.30 pm.