

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 31 January 2019, Room 1.1, First Floor

289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Naomi Ellenbogen QC (Vice Chair) – *by phone*
Alison Allden OBE
Lara Fielden
Steven Haines
Zoe McLeod
Andrew Mitchell QC
Irena Sabic
Nicola Sawford
Anu Thompson
Stephen Thornton CBE
- By invitation:** Richard Atkins QC (Chair, Bar Council)
Amanda Pinto QC (Vice Chair, Bar Council)
James Wakefield (Director, COIC)
Grant Warnsby (Treasurer, Bar Council)
Malcolm Cree CBE (Chief Executive, Bar Council) – *by phone*
Mark Hatcher (Special Adviser to the Chair of the Bar Council)
- BSB Executive in attendance:** Joseph Bailey (Senior Policy Officer) – items 1 - 6
Vanessa Davies (Director General)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
Amit Papat (Head of Equality & Access to Justice)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Press:** Neil Rose (Legal Futures)
Max Walters (Law Society Gazette)

Item 1 – Welcome

1. Tessa Blackstone welcomed those present to the meeting and introduced the new attendees (Irena Sabic, Amanda Pinto QC and Grant Warnsby).

Item 2 – Apologies

- Aidan Christie QC
- Adam Solomon QC
- Kathryn Stone

Item 3 – Members' interests and hospitality

3. Nicola Sawford made a declaration of hospitality ie a Christmas lunch on 11 December 2018 hosted by the Legal Practice Management Association (LPMA).

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 22 November 2018.

Item 5a – Matters arising and action points (Annex B)

5. The Board noted the updates to the action list. In response to a question from Nicola Sawford, Sara Jagger confirmed that the application to the LSB on revised Enforcement Decision Regulations remains on track. However the implementation programme may yet be delayed due to operational factors.

Item 5b – Forward Agenda (Annex C)

6. Members noted the forward agenda list.

Item 6 – Approval of New Transparency Rules

BSB 001 (19)

7. Joseph Bailey introduced the report and referred to a tabled paper that:
- suggested alternative wording for outcome oC36 of the draft rules;
 - gave two options for a further revision to rule C159 concerning publication of information.
8. The Board commented as follows:
- the alternative wording for outcome oC36 is supported;
 - the second option for rule C159 is preferable as this omits direct reference to the cab rank rule that would otherwise be confusing for non-barristers;
 - the guidance for barristers also needs to clarify the requirement to “*provide information about the factors which might influence the timescales*”. As worded, the meaning of this is too open to different interpretation;
 - we risk an unintended consequence in not seeking price transparency requirements for cases concerning child arrangements arising from divorce or separation. This could be to push clients to the unregulated sector where fee rates are more visible eg for McKenzie Friends.
9. In response to the latter point, Ewen Macleod suggested that this was not a matter for the rules but the associated policy statement and this could be reviewed following approval of the new rules. In response to other questions, the Executive confirmed that:
- the supplementary guidance for barristers on the transparency rules could also be hosted on chambers’ websites for the equal benefit of clients;
 - the reference to making information available in “alternative format” means meeting the requirements of the Equality Act in this respect.
10. **AGREED**
- a) to accept option 2 of the tabled paper in respect of revising the draft rule C159 and to approve the alternative wording for outcome oC36.
- b) to approve the publication of the new transparency rules subject to clarifying the guidance as mentioned above (cf. min 8).

**JB to
note
JB**

Item 7 – Diversity at the Bar Report

BSB 002 (19)

11. The Board considered the draft annual report on the diversity of the barrister profession. Disclosure rates continue to rise, though in several categories these remain lower than we would wish. The Executive commented as follows:
- the data at Table 5 in the report contain several inaccuracies due to transcribing errors. These will be corrected in the final published report;
 - we have no formal benchmarks for disclosure rates, though the BSB has looked at other sectors for comparisons. A reasonable target is 50% or more disclosure for all equality strands;

Part 1 - Public

- the introduction of the MyBar portal may improve disclosure rates over time because e&d data collected as a pupil will transfer across when a barrister later begins to practise.
12. Board Members commented as follows:
- in future, the questions on gender identity and sexual orientation could be more open, allowing respondents to answer in their own words rather than against pre-selected tick boxes. Stonewall has some useful guidance on styles to adopt;
 - benchmarking data for Chart 8 (type of school attended) needs to be expressed more clearly.
13. **AGREED**
- a) to publish the Diversity at the Bar report subject to amendment of Chart 8 (cf. min 12). **AP**
- b) to review the presentation of future questionnaires taking into account the above comments on gender identity and sexual orientation **AP to note**
- Item 8 - Chair's report on visits and external meetings (Dec 2018 – Jan 2019)**
BSB 003 (19)
14. The Board **noted** the report.
- Item 9 – Any Other Business**
15. None.
- Item 10 – Date of next meetings**
16. • Thursday 28 March 2019 (Board to Board with LeO, 3.45 pm – 5.00 pm and BSB meeting, 5.00 pm – 7.00 pm)
- 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 – 22 November 2018;
 - (2) Matters arising and action points – Part 2;
 - (3) GRA update report;
 - (4) Potential rule change following consultation (sexual orientation and religion and belief data);
 - (5) Strategy 2019-2022 update;
 - (6) Quarterly Strategic update;
 - (7) Proposed LSB Internal Governance Rules – new operating model;
 - (8) Any other private business.
18. The meeting finished at 5.30 pm.