

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



REGULATING BARRISTERS

**Meeting of the Bar Standards Board
Thursday 26 September 2019, 5.00 pm**

**Room 1, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ**

Agenda - Part 1 – Public

				Page
1.	Welcome / announcements (5.00 pm)		Chair	
2.	Apologies		Chair	
3.	Members' interests and hospitality		Chair	
4.	Approval of Part 1 (public) minutes			
	• 18 July 2019	Annex A	Chair	3-5
5.	a) Matters arising and action points	Annex B	Chair	7
	• revised date for Board to Board meeting with OLC (now Tuesday 7 July 2020, 11.30 am – 1.00 pm)			
	b) Forward agenda	Annex C	Chair	9
6.	Regulatory Operations (5.05 pm)			
	a) Regulatory Operations progress update	BSB 030 (19)	Sara Jagger / Oliver Hanmer	11-14
	b) Amendment to Standing Orders	BSB 031 (19)	Rebecca Forbes	15-16
	c) Amendment to Scheme of Delegations to give effect to the Regulatory Operations Programme changes	BSB 032 (19)	Rebecca Forbes	17-49
7.	Chair's Report on Visits and External Meetings from mid July 2019 (*)	BSB 033 (19)	Chair	51
8.	Any other business (5.25 pm)			
9.	Date of next meeting			
	• Thursday 31 October 2019, Royal College of Radiologists, 63 Lincoln's Inn Fields, Holborn, London WC2A 3JW			
10.	Private Session			

John Picken
Governance Officer
JPicken@barstandardsboard.org.uk
19 September 2019

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](mailto:John.Picken@barstandardsboard.org.uk) before the meeting.*

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

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

Thursday 18 July 2019, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Baroness Tessa Blackstone (Chair)
Alison Alden OBE
Lara Fielden
Zoe McLeod
Irena Sabic
Nicola Sawford
Adam Solomon QC
Kathryn Stone OBE
Leslie Thomas QC
Stephen Thornton CBE
- By invitation:** Richard Atkins QC (Chair, Bar Council)
Mark Hatcher (Special Adviser to the Chair of the Bar Council)
James Wakefield (Director, COIC)
Grant Warnsby (Treasurer, Bar Council) – by phone
- BSB Executive in attendance:** Vanessa Davies (Director General)
Rebecca Forbes (Head of Governance & Corporate Services)
Sara Jagger (Director of Professional Conduct)
Michael Jampel (Head of Policy and Research)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
Robert Pasescu (Corporate Risk and Assurance Officer)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
Alex Williams (Operational Support Manager, Professional Conduct)

Item 1 – Welcome

1. The Chair welcomed Members and guests.

2. **Item 2 – Apologies**

- Aidan Christie QC
- Naomi Ellenbogen QC (Vice Chair)
- Steven Haines
- Andrew Mitchell QC
- Elizabeth Prochaska
- Amanda Pinto QC (Vice Chair, Bar Council)
- Malcolm Cree CBE (Chief Executive, Bar Council)
- Oliver Hanmer (Director of Regulatory Assurance)

Item 3 – Members' interests and hospitality

3. The following declarations of hospitality were made:
- Tessa Blackstone and Vanessa Davies – Circuit Dinner, The Banqueting Hall, Cardiff Castle (5 July 2019);
 - Nicola Sawford and Vanessa Davies – LPMA Summer Party, Apex Temple Court Hotel, 1-2 Serjeants' Inn, London EC4Y 1AQG (11 July 2019).

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 13 June 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 – Proposed amendments to Publication of Disciplinary Findings policy BSB 024 (19)

7. Sara Jagger summarised the amendment proposals which stem from an earlier policy review and the introduction of the General Data Protection Regulations (GDPR). These were agreed at a stakeholders' roundtable meeting on 5 June 2019 and relate to:
- extension of the policy to include publication of disciplinary findings beyond the BSB and BTAS websites, eg the Bar Register and also on request;
 - a reduction in the time to keep disciplinary findings in the public domain for cases that had resulted in suspension or disbarment.
8. James Wakefield confirmed the support of COIC for the revised policy. He also mentioned, however, that an internet search could still reveal details of disciplinary findings if, for example, the matter had been publicised by the press.
9. Adam Solomon QC agreed with the recommendations except the proposed publication periods following suspension. He commented that:
- this a marked reduction compared to current policy;
 - the BSB only suspends barristers where serious misconduct has occurred and it is therefore right that the public be protected accordingly. Rather than as proposed (three and five years respectively), the policy should be a post-sanction publication period of:
 - five years for suspension of 12 months or less;
 - ten years for suspension of more than 12 months.
10. Richard Atkins QC fully endorsed these views, as did the Board by consensus. The following points were also made:
- the policies of other regulators (listed in Annex B) vary considerably. A publication period that is limited to the length of the sanction (eg for CILEx) seems too short and is therefore not an appropriate benchmark for us;
 - there is no evidence base available to guide our decision on policy. We have to depend on our own sense of what is appropriate for the profession;
 - publication periods only relate to information in the public domain. The BSB would still retain data on all disciplinary outcomes which would be made available as necessary for QCA and judicial appointments.
11. **AGREED**
- to change the Publication of Disciplinary Findings policy as follows:
- a) extend the policy to cover all avenues by which the BSB puts disciplinary findings in the public domain.
 - b) set the post-sanction publication periods as follows:
 - no suspension or disbarment: two years;
 - 12 months suspension or less: five years;
 - more than 12 months suspension: ten years;
 - disbarment: 60 years.

SJ

Item 7 – Schedule of Board meetings: Jan 2020 – Mar 2021

BSB 025 (19)

12. The Board **agreed** the schedule of meetings for January 2020 – March 2021. Members noted a concern expressed about the long gap between May to September without a formal business meeting (notwithstanding the Away Day planned for July). The Board therefore agreed that an extra meeting could be arranged during this period if circumstances require it.

**JP to
note****Item 8 - Chair's report on visits and external meetings from mid-June 2019**

BSB 026 (19)

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

Item 9 – Any Other Business

14. None.

Item 10 – Date of next meeting

15. Thursday 26 September 2019.

Note: due to refurbishment of BSB premises, this meeting will be held at Littleton Chambers, 3 Kings Bench Walk, Temple, London EC4Y 7HR.

Item 11 – Private Session

16. 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 – 13 June 2019;
 - (2) Matters arising and action points – Part 2;
 - (3) Handbook Review;
 - (4) Corporate Risk Report;
 - (5) FBT Update;
 - (6) Any other private business;
 - update on recruitment of Director General.
17. The meeting finished at 5.35 pm.

**BSB – List of Part 1 Actions
26 September 2019**

(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
11 (18/07/19) - Publication of Disciplinary Findings policy	change the Publication of Disciplinary Findings policy	Sara Jagger	immediate	19/07/19	Completed – published on website
9b (25/10/18) - Modernising regulatory decision making –revised Standing Orders / BSB Handbook Regulations	seek a rule change application with the LSB for proposed revisions to the Enforcement Decision Regulations and the associated consequential amendments to the BSB Handbook	Sara Jagger	by 3 June 19 by early Feb 19	16/09/19	Completed - LSB approved rules: see Regulatory Operations update elsewhere on current agenda
				28/06/19	Ongoing – application was submitted on 4 June. LSB issued an extension notice on 27 June. Decision expected on or before 1 September.
				29/05/19	Ongoing – by date of meeting, application will be have been submitted and will be under consideration – LSB requested that it be submitted on 3 June to fit with its work schedule.
				08/03/19	Change to deadline – the implementation date for the Regulatory Operations arrangements has been put back to October, the submission of the LSB rule change application has accordingly also been put back. It is now due to be submitted in April.
				18/01/19	Ongoing – draft application in progress - -due to be discussed with LSB in early February prior to formal submission in mid/late February depending on LSB response to draft.
				13/11/18	Change to deadline – as the new Regulatory Operations arrangements are not now due to be come into force until 1 June 2019, the application to the LSB is scheduled for early February 2019.

Forward Agendas**Thursday 31 Oct 19**

- GRA Annual Report
- 2018/19 Enforcement Report (summary)
- Mid Year report – PRP Committee
- Amendments to governance documents for compliance with changed IGRs
- Approval of Joint Inns Conduct Committee Rules (to implement MOU Guidelines)
- Recruitment and Advertising Final proposals (Pupillage Gateway)

Thursday 28 Nov 19 (BOARD AWAY DAY – inc. Joint Meeting with the LSB 1.00 pm – 2.30 pm)

- Handbook Review – emerging findings

Thursday 30 Jan 20

- Corporate Risk Report (summary)
- Annual Diversity Data Report
- CPD evaluation report
- Handbook review
- Strategic update from the Director General

Thursday 26 Mar 20

- Business Plan 2020/21
- Consolidated Risk Report
- Agree scope of Handbook review
- Strategic update from the Director General

Thursday 12 May 20**Tuesday 7 July (Joint meeting with the OLC 11.30 am – 1.00 pm)****Thursday 16 July 20 (BOARD AWAY DAY)****Thursday 24 September 20 (*inc. Joint Meeting with the LSB 3.30 pm – 5.00 pm, pending confirmation with LSB*)****Thursday 26 November 20****Thursday 28 January 21****Thursday 25 March 21**

Meeting:	Bar Standards Board	Date:	26 September 2019
-----------------	---------------------	--------------	-------------------

Title:	Regulatory Operations Progress Update
Author:	Oliver Hanmer
Post:	Director of Regulatory Assurance

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	---	---	--	---

Recommendations

1. The Board is asked to note the progress update on the Regulatory Operations Programme

Executive Summary

2. The BSB has been engaged in the Regulatory Operations Programme for the last three years, through which we seek to modernise our approach to regulatory decision making and the management of incoming information into the BSB. This is to ensure that our regulatory approach is as efficient and consistent as possible and enables information about barristers received by the BSB to be managed according to the same principles. The programme is managed under formal programme management arrangements under the sponsorship of the Director General. The first phase of the programme is due to go live on 15 October.
3. We remain on track for 15 October with all of the strands of work in place and on target for implementation on that date.

Risk

4. The delivery of the case management system remains the area of greatest concern but mitigation is in place to manage that risk.
--

Resources (Finance, IT, HR)

5. The Regulatory Operations programme involves the significant majority of BSB staff. The programme will lead to a restructuring of the BSB executive as well as the introduction of new IT systems to support our regulatory decision making and the way in which we deal with all incoming information.
--

Equality & Diversity

6. The Regulatory Operations programme has been the subject of an EIA.
--

Regulatory Operations progress update

Status

1. For **noting**.
2. The progress report breaks down into four main areas:
 - i. Staffing
 - ii. Governance and the establishment of the Independent Decision Making Body
 - iii. Website, case management system and other information management system development
 - iv. Rules and regulations

Staffing

3. Under the Regulatory Operations programme two new departments will be established – the Regulatory Operations Department and the Legal and Enforcement Department. These will replace the Regulatory Assurance and Professional Conduct Departments. Oliver Hanmer will take on the role of Director of Regulatory Operations and Sara Jagger will become Director of Legal and Enforcement. The creation of the new department and the changes to our processes and procedures that arise from the Programme have resulted in the need to make changes to a significant number of job roles. We have been engaged in a restructuring programme which will conclude on 14 October (with staff taking on their new roles on 15 October when the Programme goes live). The restructuring has gone well. Staff have been provisionally informed of their new roles and any vacancies that have arisen will be recruited to over the coming weeks. We will therefore be adequately resourced for go live on 15 October.

Governance

4. Appointments have been made to the Independent Decision Making Body (which will replace the Professional Conduct Committee) and training has started for the new members. The Independent Reviewer, who will carry out independent quality assurance and monitoring role our regulatory decision making, has also been appointed.

Website and case/information management development

5. The new BSB website will be launched on 15 October to coincide with Regulatory Operations implementation. Delivery of the new website is on track. Information for the public about the new approach has been a priority.
6. The development of the case management system remains the greatest risk to the successful delivery of the Programme on 15 October. That risk is mitigated by close oversight and management by the Senior Management Team and a reprioritisation of activities so that sufficient staff time is given to support the final development and testing of the new system. At present, we remain confident that the IT systems will be ready and operational for 15 October. This reflects a sustained effort from a large number of staff across the BSB and Resources Group and it is to their credit that we are now able to have the confidence that we do in the operation and functionality of the system.

Rules and regulations

7. In order to bring into effect the new regulatory decision making and operations arrangements, significant revision to the Rules are required. These were approved by the Legal Services Board in August. In addition, amendments to our policies and guidance that support the new arrangements are being made. These will all be ready for 15 October.

Next steps

8. The implementation of the Programme on 15 October is the main priority for the BSB over the next month. Everything that can be done is being done to ensure that we meet that date. The Board will be advised electronically should the 15 October go live date be in jeopardy.
9. Phase 2 of the implementation will take place between November 2019 and January 2020 and will focus in particular on the further development of the case management system to support our supervision and authorisation work.
10. A lessons learned exercise will take place in early 2020.

Lead responsibility

Oliver Hanmer, Director of Regulatory Assurance
Sara Jagger, Director of Professional Conduct

Meeting:	Bar Standards Board	Date:	26 September 2019
-----------------	---------------------	--------------	-------------------

Title:	Amendment to Standing Orders
Author:	Rebecca Forbes
Post:	Head of Governance and Corporate Services

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	--	--	--	--

Recommendations

1. The Board is asked to **approve** revision of the BSB Standing Orders October 2019, so that Part 6A (Proceedings of Independent Decision-Making Panels) is deleted.

Executive Summary

2. In October 2018, the Board approved BSB Standing Orders to come into force in November 2018 and a second version to come into force in June 2019, with that date of subsequently amended to 15 October 2019. The Standing Orders 2018 were necessary to allow the Independent Decision-Making Body (IDB) to be established but without decision-making powers so that an interim IDB Chair could be appointed and the membership recruited. The October 2019 Standing Orders will give the IDB its standing powers and authority to carry out its necessary decision-making functions.
3. Both versions of Standing Orders include Part 6A which sets out the composition and procedures for Independent Decision-Making Panels (IDPs) – including that IDPs shall consist of at least three members and must have a lay majority of one, shall be held in private with decisions recorded in writing, how they may be convened and who may be invited to attend. When the LSB considered our application for the approval of amendments to our regulatory arrangements in respect of the Enforcement Decision Regulations (EDRs), it asked that we amend our application so that the EDRs themselves include the rules on composition and procedures of IDPs. The LSB's position is that these procedures constitute regulatory arrangements (as defined in section 21 of the Legal Services Act) and must therefore require approval by the LSB before taking effect. We agreed to do so.
4. The amended was achieved by inclusion of a schedule, *Proceedings and Composition of the Independent Decision-Making Panels*. This is not an unusual mechanism for setting out such matters.
5. It would not be good practice for rules set out in the EDRs to be merely replicated within the Board's own Standing Orders, especially where the subject matter falls under the LSB's statutory remit.

Risk

6. The Board has previously agreed all substantive amendments to its Standing Orders. There is a risk that retaining Part 6A in BSB Standing Orders may lead to a future lack of clarity on who may approve these arrangements and to the Board erroneously approving changes to arrangements which require approval by the LSB. Conversely, there is a risk that if we seek amendments to these rules in the future, we may not achieve approval by the LSB. We deem that risk to be very unlikely, given the extensive trials conducted prior to these procedures taking effect, the high level at which they are drafted, and that it will be an unusual occurrence to seek amendment.

Resources (Finance, IT, HR)

7. These amendments to Standing Orders have no impact on resources.

Equality & Diversity

8. Equality and diversity issues that might arise from creating the IDB were subject to an Equality Impact Assessment and such issues formed part of the public consultation: the results of which were previously considered by the Board. These minor amendments to Standing Orders are not considered to give rise to any separate equality and diversity issues.

Meeting:	Bar Standards Board	Date:	26 September 2019
-----------------	---------------------	--------------	-------------------

Title:	Amendment to Scheme of Delegations to give effect to the Regulatory Operations Programme changes
Author:	Rebecca Forbes and Jake Armes
Post:	Head of Governance and Corporate Services Projects and Operations Officer, Professional Conduct Department

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
-------------------	--	--	--	--

Recommendations

<ol style="list-style-type: none"> 1. That the Board approve the proposed revisions and additions to the Scheme of Delegations (including those delegated to the Commissioner) to take effect following publication of the amended Handbook, giving effect to the rule changes for the Regulatory Operations Programme. 2. That the Board confirm whether its resolution recorded in the Minutes is sufficient evidence of approval of its delegations, or whether it wishes to continue to require signature by the Chair of the Board.

Executive Summary

<ol style="list-style-type: none"> 3. On 29 August 2019 the Legal Services Board (“LSB”) approved the BSB’s application for the rule changes to provide for the Regulatory Operations Programme changes. The rules come into force on 15 October 2019. The Scheme of Delegations needs to be amended to give appropriate governance effect to these changes. <p>Proposed additions to the Board’s Scheme of Delegation</p> <ol style="list-style-type: none"> 4. The amendments to the Scheme of Delegations can be described as follows: <ol style="list-style-type: none"> a. Amendments to existing delegations; b. Removing the PCC’s authorisations from the Authorisations Policy (P09); and c. Proposed additions. 5. The powers are granted directly to the Commissioner via the BSB Handbook. The position is therefore that the Board is approving the delegation of power from the Commissioner to other members of the Executive.

Risk

<ol style="list-style-type: none"> 6. The risk in not approving the proposed delegations is that every exercise of the new powers will require approval by the Commissioner directly, which is not an effective and proportionate approach, as well as being contrary to the better regulation principles.

Resources (Finance, IT, HR)

7. The proposed amendments and additions will optimise the use of resources, by applying the Board's governance principle that decisions should be delegated to the lowest appropriate level whilst maintaining quality and managing risk.

Equality & Diversity

8. There have been multiple EIAs carried out on the impacts of these rules with an ongoing programme of monitoring and review.

Amendment to Scheme of Delegations to give effect to the new Regulatory Operations Programme changes

Background

1. On 29 August 2019 the Legal Services Board (“LSB”) approved the BSB’s application for the rule changes to provide for the Regulatory Operations Programme changes. The rules come into force on 15 October 2019. The Scheme of Delegations needs to be amended to give appropriate governance effect to these changes.

Proposed amendments to the Board’s Scheme of Delegations

2. The Regulatory Operations Programme changes give rise to various consequential amendments throughout the BSB Handbook and the BSB’s regulatory arrangements. In order to give effect to these consequential amendments some of the existing delegations also require amendments, primarily by changes to job titles to reflect the revised staffing structure.
3. We have taken the approach of replicating the wording of the powers as set out in the Handbook, so that the Scheme of Delegations stands alone and one is not required to refer to another document for clarity on the nature and extent of the delegated authority. We considered whether to paraphrase some of the wordier delegations but on balance, considered that a fuller and complete statement was preferable.
4. When the Board agreed its Scheme of Delegations in 2014, it authorised the Chair to sign the delegation documents to bring them into effect. We have continued the practice of seeking signatures from the Chair (or the person delegating or sub-delegating powers) in the published Scheme of Delegations. However, we propose that resolution of the Board recorded in its Minutes is sufficient evidence of the Board’s approval of its delegated authority. We therefore ask the Board to consider whether it wishes to continue to require signatures by the Chair of the Board or the person making the delegation or sub-delegation. The Commissioner / Director General will undertake an annual exercise reminding those to whom he/she has given an onward delegation of the extent of their authority.

Proposed removal of the PCC’s authorisations from the Authorisations Policy (P09)

5. Under the current BSB Handbook the powers which transfer to the Commissioner in the new system are held by the Professional Conduct Committee (“PCC”). The Executive is then authorised to exercise some of the PCC’s powers via the Authorisation Policy (P09). These changes move those powers to the new Commissioner role and they are then delegated to other members of the Executive via the Scheme of Delegations rather than a policy document.

Proposed removals and additions to the Board’s Scheme of Delegation

6. The proposed additions to the Board’s Scheme of Delegations are extensive. The purpose of these additions is to take all instances of the Commissioner’s powers in the BSB Handbook and then to delegate those to the appropriate level of the Executive. This necessarily means that there is a delegation for most provisions of the BSB Handbook which give the Commissioner powers.

Summary of changes

7. The summary table below includes two sections:
 - a. Consequential amendments to existing delegations
 - b. The proposed additions

Recommendations

8. That the Board approve the proposed revisions and additions to the Scheme of Delegations (including those delegated to the Commissioner) to take effect following publication of the amended Handbook, giving effect to the rule changes for the Regulatory Operations Programme.
9. That the Board confirm whether its resolution recorded in the Minutes is sufficient evidence of approval of its delegations, or whether it wishes to continue to require signature by the Chair of the Board.

Addendum to Scheme of Delegations

Background

1. This paper stands as an addendum to the Scheme of Delegations paper presented at the 26 September 2019 session of the Board (06ci BSB 032 (19) Scheme of Delegations - Part 5 Rule Change Amendments Board Paper). Three additional amendments are required, they have been detailed and explained in this paper.

Head of Conduct and Assessment to Head of Contact and Assessment

2. The proposed scheme of delegations currently uses the job title “Head of Conduct and Assessment” for the role of the head of the new Contact and Assessment Team. This should read “Head of Contact and Assessment” throughout. The reason for this additional amendment is due to a typographical error.

Addition of regulation reference to Delegation 92

3. The Board will have noted that all of the new delegations include their relevant Handbook reference in brackets at the end of each delegation. Delegation 92 does not have a handbook reference currently. This is a typographical error, it should state (rE306) at the end.

Addition of a delegation for rE4 – referrals to the Legal Ombudsman

4. The approved wording for rE4 of the Enforcement Decision Regulations reads as follows:

“If a *report* is received by the *Bar Standards Board* from a person entitled to complain to the *Legal Ombudsman* about the subject of the *report*, the *Commissioner* must refer the *report* without further consideration to the *Legal Ombudsman* or signpost the provider of the *report* to the *Legal Ombudsman*.”

5. A delegation should have been included for rE4. Whilst there was some debate about whether or not it was necessary, the final set of delegations should have included the following delegation:

“On receipt of a report received from a person entitled to complain to the Legal Ombudsman about the subject of the report, refer that report to the Legal Ombudsman or signpost the provider of the report to the Legal Ombudsman (rE4).”

6. This delegation would be held by the following roles:

- Director of Regulatory Operations
- Head of Contact and Assessment
- Senior Assessment Officers
- Assessment Officers

10. Consequential amendments to existing delegations

A. The Bar Standards Board delegates the powers below to the Director General, including the power to sub-delegate, to:	B. The Director General sub-delegates the powers granted by the Board as specified in column A, in accordance with decision-making criteria, to:	Reasoning for amendment
REGULATORY POLICY		
1. Approve formal / published guidance on the interpretation of rules and regulations.	Any Director	
2. Make changes to the rules, including the Handbook, as approved by the Legal Services Board through the exempt application process.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments
3. Implement regulatory changes and policies that enact exempt changes.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments
4. Implement rules, systems or procedures required to give effect to policies and regulatory arrangements previously agreed by the Board.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments

5. Grant waivers from or modifications to requirements of the Handbook where appropriate, other than those requirements which are separately delegated within this Scheme of Delegations.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments
6. Issue guidance to the Inns' Conduct Committee or the Council of the Inns of Court to follow in carrying out their functions as set out in Part 4 of the Handbook and any Memorandum of Understanding between the parties (Part 4, Section B rQ6).	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Strategy and Policy Director of Regulatory Assurance <u>Director of Regulatory Operations</u>	Roles being renamed due to the restructure of departments
SUPERVISION		
7. Approve a decision to take supervisory action, to take no action or to refer the case to the Professional Conduct Investigations and Enforcement Team and the Contact and Assessment Team Department.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Head of Supervision Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments and team names replacing the Professional Conduct Department
BSB ENTITY AUTHORISATION / LICENSING		
8. Authorise or license entity applications (rS85, rS86, and rS99).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u>	Roles being renamed due to the restructure of departments

	<p>Head of Assurance<u>Head of Authorisations</u></p> <p>Head of Supervision</p> <p>Authorisations Manager</p> <p>Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p> <p>Senior Training Supervision Officer</p> <p>Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	
9. Refuse to authorise or license entity applications (rS85, rS86, and rS99, rS101, and rS102).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p> <p>Head of Assurance<u>Head of Authorisations</u></p> <p>Authorisations Manager</p>	Roles being renamed due to the restructure of departments
10. Revoke or suspend authorisations / licences of BSB entities (rS117, rS130 and rS133).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p> <p>Head of Assurance<u>Head of Authorisations</u></p>	Roles being renamed due to the restructure of departments
11. Impose conditions, obligations or terms on or modify a BSB entity's authorisation or licence at any point (rS113, rS114 and rS116).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p> <p>Head of Assurance<u>Head of Authorisations</u></p> <p>Head of Supervision</p> <p>Authorisations Manager</p>	Roles being renamed due to the restructure of departments
12. Extend the decision period for considering entity applications (rS97).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p> <p>Head of Assurance<u>Head of Authorisations</u></p>	Roles being renamed due to the restructure of departments

	<p>Head of Supervision Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	
13. Approve an owner, manager, Head of Legal Practice (HOLP) or Head of Finance and Administration (HOFA), including emergency / temporary HOLPs or HOFAs (rS103, rS108, rS109 and rS132).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Head of Supervision Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	Roles being renamed due to the restructure of departments
14. Reject an owner, manager, Head of Legal Practice (HOLP) or Head of Finance and Administration (HOFA), including emergency/temporary HOLPs or HOFAs (rS104 - rS110).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Head of Supervision Authorisations Manager</p>	Roles being renamed due to the restructure of departments
15. Provide express written consent to the appointment of a person who has been	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p>	Roles being renamed due to the restructure of departments

	disqualified as an employee of a barrister in chambers (rC89.3).	Head of Assurance <u>Head of Authorisations</u> Head of Supervision Authorisations Manager	
16.	Provide express written consent to the appointment of a person as a HOLP, HOFA, manager or employee of an entity who has been disqualified (rC92).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Head of Supervision Authorisations Manager	Roles being renamed due to the restructure of departments
INTERVENTION			
17.	Authorise the use of intervention action in accordance with the powers set out at Schedule 14 to the Legal Services Act 2007, as modified by The Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments
PROVISION OF INFORMATION			
18.	Authorise the issue of a notice requiring the production of documents and/or provision of information in relation to a licensed body (section 93 Legal Services Act 2007 and rC64.4).	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Senior Professional Support Lawyer <u>Director of Regulatory Operations</u> Head of Investigations and Hearings <u>Head of Investigations and Enforcement Team</u> <u>Head of Legal Support</u> <u>Head of Supervision</u> <u>Head of Authorisations</u>	Roles being renamed due to the restructure of departments and the addition of the Director and 'Heads Of' from the new Regulatory Operations Department

<p>19. Authorise the issue of a notice requiring the production of documents and/or provision of information in relation to a BSB authorised individual or BSB authorised body (Article 5 Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018 and rC64.4).</p>	<p>Director of Professional Conduct<u>Director of Legal and Enforcement</u> Senior Professional Support Lawyer<u>Director of Regulatory Operations</u> Head of Investigations and Hearings<u>Head of Investigations and Enforcement Team</u> <u>Head of Legal Support</u> <u>Head of Supervision</u> <u>Head of Authorisations</u></p>	<p>Roles being renamed due to the restructure of departments and the addition of the Director and 'Heads Of' from the new Regulatory Operations Department</p>
EDUCATION AND ASSESSMENTS		
<p>20. Implement rules, systems or procedures required to give effect to policies and regulatory arrangements previously agreed by the Board with regard to formal assessment of standards for qualification / authorisation.</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> <u>Director of Strategy & Policy</u> Head of Training Supervision and Examinations<u>Authorisations</u> Examinations Manager</p>	<p>Roles being renamed due to the restructure of departments</p>
<p>21. Implement rules, systems or procedures required to give effect to policies and regulatory arrangements previously agreed by the Board with regard to training specification requirements and delivery.</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> <u>Director of Strategy & Policy</u> Head of Training Supervision and Examinations Head of Assurance<u>Head of Authorisations</u> Head of Supervision</p>	<p>Roles being renamed due to the restructure of departments</p>
<p>22. Take decisions in relation to the approval, refusal and rescinding of approval of individuals and organisations to provide training,</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u></p>	<p>Roles being renamed due to the restructure of departments</p>

supervision or assessment where required by the regulations.	Director of Strategy and Policy Head of Training Supervision and Examinations Head of Assurance <u>Head of Authorisations</u> Head of Supervision Authorisations Manager	
AUTHORISATIONS AND WAIVERS		
23. Take decisions in relation to applications for exemption from, or modifications to, any requirement of the Bar Qualification Rules (Part 4, Section B), except the power in rQ6 which is covered by Delegation 6.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments
24. Take decisions in relation to applications for waivers from membership of BMIF (rC77).	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy	Roles being renamed due to the restructure of departments
25. Take decisions in relation to applications for transferring lawyers (Rules rQ7 – rQ28) and the registration of European Lawyers as Registered	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u>	Roles being renamed due to the restructure of departments

European Lawyers (Rules rQ17 – rQ22 and Section 3 D).	Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer	
25(a). Take decisions in relation to applications for exemptions from, or modifications to, any requirement for transferring lawyers (Rules rQ7 – rQ28), specifically applications to extend the time for completion of the Bar Transfer Test where exemption has been granted from standard training requirements.	Director of Regulatory Assurance Director of Regulatory Operations Head of Assurance Head of Authorisations Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer Supervision and Authorisation Assistant	Roles being renamed due to the restructure of departments
26. Take decisions in relation to applications for designation of a European Lawyer as a qualified person (rS22.2.b.i).	Director of Regulatory Assurance Director of Regulatory Operations Head of Assurance Head of Authorisations Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer	Roles being renamed due to the restructure of departments

	Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	
27. Take decisions in relation to applications for waivers from or modifications to the requirement to work with a qualified person as defined in rS22 of the BSB Handbook (rS20 and rS21).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments
28. Designate a person as unsuitable to be a qualified person (rS22).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager	Roles being renamed due to the restructure of departments
29. Take decisions in relation to applications for litigation extensions (rS47, rS58 and rS59).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments

<p>30. Take decisions in relation to applications for waivers from or modifications to the requirements that the BSB sets to undertake Public Access work (rC120).</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	<p>Roles being renamed due to the restructure of departments</p>
<p>31. Take decisions in relation to applications for waivers from or modifications to the Continuing Professional Development Regulations (Part 4C Rules rQ41-rQ49).</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	<p>Roles being renamed due to the restructure of departments</p>
<p>31(a) Take decisions in relation to applications for waivers from or modifications to the Continuing Professional Development Regulations, specifically waivers from or extensions of time to complete the requirements of the Established Practitioner Programme and New Practitioner Programme (Part 4C rules rQ41-rQ49).</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	<p>Roles being renamed due to the restructure of departments</p>

	Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer	
32. Exercise all powers under the Licensed Access Recognition Regulations.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager	Roles being renamed due to the restructure of departments
33. Approve applications for licensed access under the Licensed Access Recognition Regulations.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer	Roles being renamed due to the restructure of departments
33(a) Approve applications for licensed access under the Licensed Access Recognition Regulations, specifically applications for amendments to or renewal of a licence, registration of an organisation accredited by the Office of the Immigration Services Commissioner (OISC) or renewal of a licence by an organisation already registered (rS24.2).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer	Roles being renamed due to the restructure of departments

	<p>Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Supervision and Authorisation Assistant</p>	
34. Designate Legal Advice Centres as suitable for the attendance or employment of barristers, including by imposing conditions.	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	Roles being renamed due to the restructure of departments
35. Authorise, refuse, modify or impose conditions on providers of the academic and vocational (integrated) or vocational components / approved pathways (Part 4, B3).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Training Supervision and Examinations Head of Assurance<u>Head of Authorisations</u> Head of Supervision</p>	Roles being renamed due to the restructure of departments
36. Authorise providers of the pupillage / work-based learning component (Part 4, B3).	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Head of Supervision Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	Roles being renamed due to the restructure of departments

	Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer	
37. Withdraw authorisation, refuse, modify or impose conditions on providers of the pupillage / work-based learning component (Part 4, B3).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Head of Supervision Head of Training, Supervision and Examinations	Roles being renamed due to the restructure of departments
38. Withdraw authorisation from an AETO providing the academic and vocational (integrated) or vocational components / approved pathways (Part 4, B3).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Director of Strategy and Policy Director of Professional Conduct <u>Director of Legal and Enforcement</u>	Roles being renamed due to the restructure of departments
39. Take decisions in relation to applications for waivers from or modifications to the pupillage funding requirements (rC113 – rC117).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer Authorisation and Supervision Officer Senior Training Supervision Officer Supervision and Authorisation Officer Authorisation and Supervision Officer	Roles being renamed due to the restructure of departments

40. Register a pupillage or refuse to register a pupillage.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments
41. Retrospectively register a pupillage.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Supervision and Authorisation Assistant	Roles being renamed due to the restructure of departments
42. Approve, or refuse to approve, the issue of a temporary qualification certificate (rQ26 to rQ28).	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager	Roles being renamed due to the restructure of departments

	Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	
43. Register or refuse to register a barrister as a pupil supervisor.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Head of Supervision	Roles being renamed due to the restructure of departments
44. Investigate any matter which appears to affect the suitability of a barrister to continue to act as a pupil supervisor, and to dismiss any complaint report , take no action or take informal action.	Director of Professional Conduct <u>Director of Legal and Enforcement</u> Head of Investigations and Hearings <u>Head of Investigations and Enforcement</u> Casework Manager Senior Case Officer Case Officer	Roles being renamed due to the restructure of departments and language update
45. Waive, or refuse to waive, any fee generally charged by the BSB for any application for waiver from or authorisation under any provision of the BSB Handbook.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Assurance <u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u> Supervision and Authorisation Officer <u>Authorisation and Supervision Officer</u>	Roles being renamed due to the restructure of departments

<p>46. Take decisions in relation to the equivalence of a degree awarded for the purposes of academic legal training outside the United Kingdom (rQ3.1 also see definition of academic legal training).</p>	<p>Director of Regulatory Assurance<u>Director of Regulatory Operations</u> Head of Assurance<u>Head of Authorisations</u> Authorisations Manager Senior Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u> Senior Training Supervision Officer Supervision and Authorisation Officer<u>Authorisation and Supervision Officer</u></p>	<p>Roles being renamed due to the restructure of departments</p>
<p>47. Take decisions in relation to applications for waivers from or modifications to the regulatory restrictions as to which persons an employed barrister may supply legal services to (rS39).</p>	<p>Director of Strategy and Policy Head of Policy and Research Policy Manager where expressly delegated by the Director of Strategy and Policy</p>	
<p>C. The Bar Standards Board delegates the power to the following to:</p>		
<p>48. Determine any request for review made under Part 4 B2, Part 4 B3, Part 4 B4, Part 3 C6, or Part 3 E11 of the Handbook, or review of decisions taken under Part 1 A4 of the Handbook, and exercise the powers under rQ38.<u>Determine any request for review made under Part 4 2B, Part 3 C6, Part 3 E11, or Part 4 B10 of the Handbook, or review of decisions taken under Part 1 4A of the Handbook, and exercise the powers under rQ109.</u></p>	<p>Authorisations Review Panels<u>Independent Decision-Making Panels</u></p>	<p>Change required to move the function of Authorisation Review Panels into the Independent Decision-Making Panels. Delegation also updated to cover all sources of requests for review</p>

D. The Bar Standards Board delegates the power to the following to:		
49. Determine whether applications for review of decisions of the Bar Transfer Test Examining Board are referred to the Independent Reviewer.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Training Supervision and Examinations <u>Head of Authorisations</u> Examinations Manager	Roles being renamed due to the restructure of departments
50. Determine applications for review of decisions of the Bar Transfer Test Examining Board.	Independent Reviewer (external independent <u>education</u> contractor)	
51. Determine whether applications for review of cohort-level decisions of central assessments are referred to the Independent Reviewer.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Training Supervision and Examinations <u>Head of Authorisations</u> Examinations Manager	Roles being renamed due to the restructure of departments
52. Determine applications for review of cohort-level decisions of central assessments.	Independent Reviewer (external independent <u>education</u> contractor)	
53. Make arrangements for the conduct of disciplinary hearings and take-impose disciplinary action-sanctions according to the regulatory arrangements in respect of entities, their managers and employees.	Bar Tribunals and Adjudication Service	Minor language update
E. The Governance, Risk and Audit Committee (GRA) delegates the power to the Director General, including the power to sub-delegate, to:	F. The Director General sub-delegates the powers granted by the Governance, Risk	

	and Audit Committee (GRA) as specified in column E to:	
54. Approve terms of reference for, and arrangements for the conduct of, audits commissioned by the Governance, Risk and Audit Committee (including those agreed in the annual audit plan), providing that terms of reference for each audit are circulated to the Committee in advance of the audit.	Director of Regulatory Assurance <u>Director of Regulatory Operations</u> Head of Governance and Corporate Services	Roles being renamed due to the restructure of departments
G. The Chief Executive Officer of the General Council of the Bar delegates the power to the following to:		
55. Direct the Records Office in the conduct of its regulatory functions, including issuing, amending, endorsing and revoking practising certificates.	Director General	

a. The proposed additions

H. The Commissioner of the Bar Standards Board delegates the power to the following to:	
56. <u>Gather information relating to applicable persons from any source for the purposes of assessing whether there has been a potential breach of the Handbook (rE2.1).</u>	<u>Director of Regulatory Operations</u> <u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Head of Conduct and Assessment</u> <u>Casework Managers</u> <u>Senior Assessment Officers</u> <u>Assessment Officers</u> <u>Senior Case Officers</u> <u>Case Officers</u>
57. <u>Exercise the power under rE12 to determine that a report or part of a report may be treated as an allegation (rE2.2).</u>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u>
58. <u>Determine that a report relates to an applicable person's actions in a part-time or temporary judicial or quasi-judicial capacity and refer the report to the person or body responsible for the appointment of the applicable person to the judicial or quasi-judicial office concerned or another person or body responsible for considering such reports ("the appropriate body"), and where it appears that the appropriate body should consider the report request notification of the outcome of the</u>	<u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u> <u>Senior Assessment Officers</u> <u>Assessment Officers</u>

<u>appropriate body's consideration as soon as it has been dealt with, subject to rE6 to rE8 of the Handbook (rE5).</u>	
59. <u>Where the appropriate body referred to in Delegation 58 refuses to deal with the report or it appears there is no appropriate body, decide whether or not to consider the report in accordance with the provisions of Section 5.A of the Handbook (rE6).</u>	<u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u> <u>Senior Assessment Officers</u>
60. <u>When the appropriate body referred to in Delegation 58 has dealt with the report, or the appropriate body has not dealt with it within a reasonable time or fully or satisfactorily, determine whether to consider the report in accordance with the provisions of Section 5.A of the Handbook and whether to consider any finding made and any action taken by the appropriate body (rE7).</u>	<u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u>
61. <u>Determine that a report relates to the conduct of an applicable person who, since the events giving rise to the report took place, has been appointed to and continues to hold full-time judicial office and has ceased to practise, and not consider the report further and direct the person from whom the report is received to the Lord Chancellor or the Office of Judicial Complaints or to such other person or appropriate body with responsibility for addressing complaints about judges (rE9).</u>	<u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u> <u>Senior Assessment Officers</u> <u>Assessment Officers</u>
62. <u>Determine that a report in respect of an applicable person might more appropriately be dealt with by another body (e.g. an Inn, Circuit, employer, a complaint handling body or any other professional or regulatory body), and refer the report to such other body (rE10).</u>	<u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u> <u>Senior Assessment Officers</u> <u>Assessment Officers</u>

<p><u>63. Determine that a report has not been dealt with by another body referred to in Delegation 62 within a reasonable time or fully or satisfactorily, and choose to exercise the powers set out in rE2.1 and rE2.2 of the Handbook (rE11).</u></p>	<p><u>Director of Regulatory Operations</u> <u>Head of Conduct and Assessment</u></p>
<p><u>64. Determine, having regard to rE13 of the Handbook, that a report: discloses a potential breach of the Handbook by an applicable person; and/or potentially satisfies the disqualification condition, and then treat the report as an allegation (rE12).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u></p>
<p><u>65. Carry out the investigation of allegations as appropriate (rE14.1).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u></p>
<p><u>66. Withdraw any allegation and treat it as if a decision under rE12 of the Handbook had not been made (rE14.2).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u></p>
<p><u>67. Decide to defer further consideration of an original allegation until a new allegation has been investigated (rE17).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u></p>
<p><u>68. Determine that the conduct alleged did not constitute a breach of the Handbook, or that there was insufficient evidence of a breach of the Handbook (on the civil standard of proof) (rE19.1).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u></p>

	<u>Senior Case Officers</u> <u>Case Officers</u>
<p>69. <u>Determine that the conduct alleged did constitute a breach of the Handbook (on the civil standard of proof) but that, in all the circumstances, no enforcement action should be taken in respect of the breach (rE19.2).</u></p>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u>
<p>70. <u>Determine that the conduct alleged did constitute a breach of the Handbook (on the civil standard of proof) and that the breach should be dealt with by the imposition of an administrative sanction (rE19.3).</u></p>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u>
<p>71. <u>Where the subject matter of an allegation against an applicable person involves:</u></p> <p><u>a) a conviction for an offence of dishonesty or deception; or</u></p> <p><u>b) a conviction for an offence under Section 4, Section 5 or Section 5A Road Traffic Act 1988 (Driving or being in charge of a motor vehicle with alcohol concentration/ concentration of a controlled drug above prescribed limit); or</u></p> <p><u>c) a breach of Part 3 or 4 of the Handbook; or</u></p> <p><u>d) any failure to pay an administrative fine within the relevant time; or</u></p> <p><u>e) a failure to comply with any requirements of a sanction imposed following Disciplinary Action</u></p>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u>

<p><u>decide that the conduct alleged may constitute a breach of the Handbook and, if the breach were to be proved, that an administrative sanction under rE19.3 would not be appropriate in all the circumstances (rE19.4a-e).</u></p>	
<p><u>72. Determine that following a decision under Delegation 71 the alleged conduct should form the subject matter of a referral to Disciplinary Action (rE19.4).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u></p>
<p><u>73. Decide to refer an allegation to an Independent Decision-Making Panel for a decision (rE19.5).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u></p>
<p><u>74. Refer an allegation for supervisory action by the BSB (rE20).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u></p>
<p><u>75. Issue an applicable person with advice (rE21).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u></p>
<p><u>76. Determine that the requirements of rE33 of the Handbook are met and decide that an allegation which was otherwise going to be referred to the Disciplinary Tribunal may, with the consent of the applicable person against whom the allegation is made, be finally determined by an Independent Decision-Making Panel. This is referred to as the “determination by consent procedure”. (rE34).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u></p>

<p><u>77. Following a decision to refer an allegation to the determination by consent procedure in accordance with rE35, decide to terminate the determination by consent procedure at any time if the requirements of rE35 are considered to be no longer satisfied, or for any other good reason. (rE39).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u></p>
<p><u>78. While directing that an allegation shall form the subject matter of a disciplinary charge and/or disqualification application before a Disciplinary Tribunal, decide whether a three-person panel or a five-person panel is to be constituted. (rE46).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u></p>
<p><u>79. Direct that a five-person panel is to be constituted if:</u></p> <p><u>.1 having regard to any indicative sanctions guidance published by BTAS/COIC/Bar Standards Board, in all the circumstances, a sanction of disbarment or suspension from practice for more than twelve months may be appropriate; or</u></p> <p><u>.2 having regard to any indicative sanctions guidance published by BTAS/COIC/Bar Standards Board, in all the circumstances, a sanction of indefinite disqualification or disqualification for a defined term of more than twelve months may be appropriate; or</u></p> <p><u>.3 having regard to any indicative sanctions guidance published by BTAS/COIC/Bar Standards Board, in all the circumstances, a sanction of a BSB entity having its authorisation or licence revoked or suspended for a period of more than twelve months may be appropriate; or</u></p> <p><u>.4 the allegation involves a conviction for dishonesty or deception</u></p> <p><u>and otherwise direct that a three-person panel is to be constituted. (rE48).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u></p>
<p><u>80. Decide to refer to the same Disciplinary Tribunal any charges and/or disqualification applications which they consider may conveniently be dealt with together. (rE50.1).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u></p>

	<u>Casework Manager</u>
<u>81. Decide to refer any additional charges or disqualification applications relating to the same applicable person to the Disciplinary Tribunal which is dealing with the original disciplinary charge or disqualification application (as the case may be), even if the additional charge or application, by itself, may be regarded as insufficiently serious to merit disposal by a Disciplinary Tribunal of that level. (rE50.2).</u>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u>
<u>82. Where an allegation forms the subject matter of a charge or application before a Disciplinary Tribunal and the Commissioner is responsible for bringing the charge or application on behalf of the Bar Standards Board and prosecuting that charge before such Disciplinary Tribunal, arrange for the appointment of a representative to settle the charge and to present the case before the Disciplinary Tribunal. (rE51.1).</u>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u> <u>Senior Case Officer</u> <u>Case Officer</u>
<u>83. Reconsider an allegation which has been disposed of by the Commissioner where new evidence becomes available which leads the Commissioner to conclude that it should do so, or for some other good reason. (rE61).</u>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u>
<u>84. Following a reconsideration under delegation 83, decide to take any further or different action the Commissioner thinks fit, as if any earlier decision had not been made. (rE62).</u>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u>
<u>85. Decide to make disclosure where it is in the public interest to disclose some or all of the details of the report or allegation. (rE64.7).</u>	<u>Director of Regulatory Operations</u> <u>Director of Legal and Enforcement</u> <u>Head of Supervision</u> <u>Head of Authorisations</u> <u>Head of Investigations and Enforcement</u>

	<u>Head of Conduct and Assessment</u>
<p><u>86. On receipt of a report or any other information, decide to refer a respondent to an interim panel if:</u></p> <p><u>.1 subject to rE269:</u></p> <p><u>a. the respondent has been convicted of, or charged with, a criminal offence in any jurisdiction other than a minor criminal offence; or</u></p> <p><u>b. the respondent has been convicted by another Approved Regulator, for which they have been sentenced to a period of suspension or termination of the right to practise; or</u></p> <p><u>c. the respondent has been the subject of intervention by the Bar Standards Board; or</u></p> <p><u>d. the referral is necessary to protect the interests of clients (or former or potential clients); and</u></p> <p><u>.2 having regard to the regulatory objectives pursuing an interim suspension or an interim disqualification order is appropriate in all the circumstances. (rE268).</u></p>	<p><u>Director of Regulatory Operations</u></p> <p><u>Director of Legal and Enforcement</u></p> <p><u>Both of the following:</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Head of Conduct and Assessment</u></p>
<p><u>87. Make representations to the President of the Council of the Inns of Court regarding dates proposed for an interim suspension Panel and representations made by the respondent about the same (rE274.3).</u></p>	<p><u>Director of Legal and Enforcement</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Casework Manger</u></p> <p><u>Senior Case Officer</u></p> <p><u>Case Officer</u></p> <p><u>Administration Manager</u></p>

<p><u>88. If a respondent sends a letter in accordance with rE274.4 of the BSB Handbook which is satisfactory, accept the undertaking contained in the letter in lieu of the interim panel imposing any period of interim suspension or interim disqualification pending the disposal by a Disciplinary Tribunal of any charges of professional misconduct or applications for a disqualification order (as the case may be). (rE275).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u></p>
<p><u>89. Make representations to the President of the Council of the Inns of Court in relation to a letter received under rE279 of the BSB Handbook. (rE280).</u></p>	<p><u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Manager</u> <u>Senior Case Officer</u> <u>Case Officer</u></p>
<p><u>90. Carry out any investigation, appropriate to the consideration of whether an Individual may be unfit to practise, prior to consideration of any referral under rE306 of the BSB Handbook. (rE304).</u></p>	<p><u>Director of Regulatory Operations</u> <u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Head of Conduct and Assessment</u> <u>Casework Managers</u> <u>Senior Case Officers</u> <u>Case Officers</u> <u>Senior Assessment Officers</u> <u>Assessment Officers</u></p>
<p><u>91. Where the Commissioner receives information under rE303 of the BSB Handbook, write to the individual concerned as soon as reasonably practicable, subject to rE307 of the BSB Handbook:</u></p>	<p><u>Director of Regulatory Operations</u> <u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Head of Conduct and Assessment</u></p>

<p><u>.1 notifying them that information has been received which appears to raise a question of whether they are unfit to practise; and,</u></p> <p><u>.2 providing them with copies of any information received under rE303 of the BSB Handbook or obtained under rE304 of the BSB Handbook. (rE305).</u></p>	<p><u>Casework Managers</u></p> <p><u>Senior Case Officers</u></p> <p><u>Case Officers</u></p> <p><u>Senior Assessment Officers</u></p> <p><u>Assessment Officers</u></p>
<p><u>92. Following receipt of information under rE303 of the BSB Handbook or during a referral under the Enforcement Decision Regulations, decide that an Individual may be unfit to practise and refer the matter to a Fitness to Practise Panel for determination.</u></p>	<p><u>Director of Regulatory Operations</u></p> <p><u>Director of Legal and Enforcement</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Head of Conduct and Assessment</u></p> <p><u>Senior Assessment Officers</u></p> <p><u>Casework Managers</u></p>
<p><u>93. Request that a Medical Examiner nominated under rE310.1 or rE320.2.a of the BSB Handbook attend a hearing to present their findings. (rE311.3).</u></p>	<p><u>Director of Legal and Enforcement</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Casework Managers</u></p> <p><u>Senior Case Officers</u></p> <p><u>Case Officers</u></p>
<p><u>94. Where a Fitness to Practise Panel directs an interim restriction under rE313 of the BSB Handbook or accepts an undertaking under rE315 of the BSB Handbook, request that an interim restriction or undertaking be reviewed at a further hearing of the Fitness to Practise Panel. (rE316.1).</u></p>	<p><u>Director of Legal and Enforcement</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Casework Managers</u></p>
<p><u>95. Decide that a case is ready for a hearing before a Fitness to Practise Panel, where no report has been prepared by a Medical Examiner. (rE318).</u></p>	<p><u>Director of Legal and Enforcement</u></p> <p><u>Head of Investigations and Enforcement</u></p> <p><u>Casework Managers</u></p>

	<u>Senior Case Officers</u> <u>Case Officers</u>
<p>96. <u>At any time during which an Individual is subject to a period of restriction or conditions, directed or undertaken pursuant to Part 5 Section D of the BSB Handbook, decide, of their own motion, or at the request of the Individual, to refer the matter to be reviewed before a Fitness to Practise Panel, where they consider there has been a significant change in the Individual's circumstances or that there is some other good reason for a review to be undertaken. (rE324).</u></p>	<u>Director of Legal and Enforcement</u> <u>Head of Investigations and Enforcement</u> <u>Casework Managers</u>

Lead Responsibility

Rebecca Forbes, Head of Governance and Corporate Services

Jake Armes, Projects and Operations Officer

Chair’s Report on Visits and External Meetings from September 2019

Status:

1. **For noting**

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair’s visits and meetings since the last Board meeting.

List of Visits and Meetings:

2 September	Attended the shortlisting for DG appointment
23 September	Attended the Board briefing meeting
24 September	Chaired the interview panel for the appointment of DG
26 September	LSB/BSB 4-way meeting with Vanessa Davies and LSB Chair and CEO