

**The Council of the Inns of Court**

**The Bar Tribunals & Adjudication Service**

**MINUTES OF THE STRATEGIC ADVISORY BOARD MEETING**

**Monday 29th June 2015**

The Tribunal Suite, 9 Gray’s Inn Square, WC1R 5JF

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| 1 | ***Present:***  *Clare Dodgson Chair of SAB and Lay Representative*  *Vanessa Davies Director General, Bar Standards Board*  *Sheila Hollingworth Panellist, Disciplinary Tribunal Pool*  *Joan Martin Lay Member, Tribunal Appointments Body*  *Heather Rogers Interim Chair, Inns’ Conduct Committee*  ***Apologies:***  *Malcolm Cohen Lay Board Member, Bar Standards Board*  *Emir Feisal Member, Inns’ Conduct Committee*  *Stuart Sleeman Chair, Disciplinary Tribunal Service*  ***In Attendance:***  *Margaret Hilson Administrator, BTAS*  *Andy Russell Registrar, BTAS*  *James Wakefield Director, COIC*  *Natasha Williams Business Support Officer, Bar Standards Board* |  |
| 2 | **Minutes of the Last Meeting**  The minutes of the meeting held on 4th March 2015 were confirmed and will be placed on the BTAS website, subject to all references to “*Inns Conduct Committee”* being amended to “*Inns’ Conduct Committee”*. | Annex A |
| 3 | **Actions from the Last Meeting**  The Board noted the update on actions from the last meeting as detailed in Annex B.  With regard to Action 5 - circulate the BSB’s last analysis of cases investigated including ethnicity and diversity information – the Director General of the BSB informed the Board that the latest ‘snapshot’ of ethnicity and diversity data had been taken from their database in May. This was currently undergoing analysis, and an update would be provided to the Board after the summer. It was agreed that this topic be put on the agenda of the December meeting, and to circulate any further information as soon as it became available.  **Action 1: AR** | Annex B |
| 4  4.1  4.2 | **Matters Arising from the Minutes**  Inns’ Conduct Committee Rules (Minute 4.2, 04.03.15 refers) –  The Registrar advised the Board that the COIC Trustees had approved the proposed new ICC Rules at their meeting on 27 April 2015. Members were very pleased to note that COIC had welcomed and reflected on the comments that the SAB had offered on the proposed draft, and that the version submitted by COIC to the BSB for approval incorporated all of SAB’s suggestions.  New Appraisal Policy (Minute 8.1, 04.03.15 refers) –  The Registrar advised the Board that the COIC Trustees had approved the new Appraisal Policy for Panel Members and Clerks, which would come into effect from 1 October 2015. The Chair reminded the Board that this had been drafted by a SAB Working Group, and the SAB thanked the members of the Group for their efforts, particularly Sheila Hollingworth who had prepared the accompanying new competency framework for panellists, which had also been fully approved by COIC. |  |
| 5  5.1  5.2 | **Entity Sentencing Guidance**  The SAB fully endorsed the proposed entity-specific revisions to the current version of the BTAS *Sentencing Guidance*, subject to the guidance for Discourtesy (‘C.8’) being revised to make clear documents are signed *on behalf of*, not *by*, an entity. **Action 2: AR**  The SAB thanked the Working Group who had developed the guidance for their work, and noted that the Group’s membership was representative of all key interested parties.  The SAB agreed that the amended version of the *Sentencing Guidance* should come into effect as soon as practicable, and that it would be premature for there to be any public consultation exercise on the revisions at this stage as there was absolutely no ‘case law’ or feedback from disciplinary action against entities to guide or inform comment. Instead, it was agreed that a review of the *Sentencing Guidance* in entirety be done in approximately 24 months (i.e. June 2017), by which time some case law could be expected to have developed. The SAB noted that the issue of direct access by members of the public was becoming increasingly significant. In view of the important ‘public interest’ implications of this trend SAB also agreed that such a review should consider specific sentencing guidance for direct access cases. **Action 3: AR** | Annex C |
| 6 | **Recruitment and Training of New Panellists**  The SAB noted and endorsed the Registrar’s recommendations to:   1. Launch a recruitment exercise for new Panellists in 2016, and; 2. Hold joint induction/refresher training for Panellists in autumn 2016.   The SAB agreed that the training must be mandatory for all Panellists. It also stressed that when communications regarding the above were sent to existing Panellists it must be done sensitively, particularly to those whose term of office on the Panel was by consequence not likely to be as long as they might have hoped. | Annexes Di & Dii |
| 7  7.1  7.2 | **Key Performance Indicators**  The SAB noted that Chandra Connaghan, previously the Contract Management Officer liaising with BTAS, had completed her period of employment at the BSB. Her replacement at the BSB, Natasha Williams, introduced herself and her role, and clarified that either herself or another Business Support Officer would attend all future meetings of the SAB. The Board welcomed her to her first meeting.    The SAB welcomed the latest KPI data and the accompanying Executive Summary, and agreed that this provided reassuring evidence that BTAS continued to perform satisfactorily in all areas. For future reports, it was agreed to introduce a new ‘performance against benchmark’ KPI, which will set out the percentage of cases that were completed within six months of their referral to BTAS, broken down into quarterly periods of referral. **Action 4: AR** | Annexes Ei and Eii |
| 8 | **Case Management Database**  The SAB considered and endorsed a recommendation from the Registrar that it was not necessary or appropriate for BTAS to purchase case management software at the present time. This recommendation was made on the grounds that the excel-based system that is in use (and that was originally introduced as an interim measure) has been proven to be wholly capable of meeting BTAS’s operational and reporting needs. There is therefore no justification for the cost and disruption associated with the purchase and implementation of new software.  The Director General of the BSB also endorsed the recommendation, and agreed that as a consequence the relevant recommendation in the Browne Report (to purchase such software) will be updated to the status of ‘completed’. This was subject to BTAS continuing to maintain its current processes and systems. **Action 5: NW** | Annex F |
| 9  9.1  9.2 | **Progress with Recommendations of the Browne Report**  The SAB welcomed the update on progress with the recommendations of the Browne Report and were satisfied that good progress continued to be made. It was agreed that, for clarity, it should be understood that the new ICC Rules had been sent to the BSB in June 2015, but that the BSB (and consequentially the Legal Services’ Board) would only decide whether to grant approval or not later in the year.  The ‘not progressing’ recommendations concerning the payment of fees to barrister and QC members of the Disciplinary Panel were also discussed. It was reaffirmed that BTAS / COIC would not progress this issue until the BSB’s own position on the payment of fees to its volunteer counsel was determined. The Director General of the BSB confirmed that a decision on this was expected in early 2016, and the SAB agreed that the matter should then be revisited once the BSB’s decision was known. **Action 6: AR**  At the present time, the consensus view of the SAB was that it did seem appropriate for barrister / QC members of the Panel to be paid. This would reflect accepted practice within other regulatory systems. It was important for the principle of payment to be resolved in the first instance. Following this, determining at what rate (and whether this should be the same as lay members’ fees or not) would require careful consideration at a future date. Paying all members of the Panel should be regarded as professionalising the process, and was likely to be a positive step towards increasing the diversity of the current Panel. | Annex G |
| 10 | **Dates of Future Meetings**  Have been previously confirmed as:  Thursday 17 September 2015 2pm – 4pm  Wednesday 2 December 2015 2pm – 4pm  However, as two members present indicated they would be unable to attend on the September date, it was agreed that the Board should be polled to determine whether changing to any other date that month might result in higher attendance. **Action 7: AR** |  |
| 11 | **Any Other Business**  The Registrar informed the Committee that the BSB was about to launch a consultation on changes to the *Disciplinary Tribunal Regulations*, which would potentially impact on a number of areas of BTAS’s work, and invite comments on a number of areas that the SAB had previously expressed an interest in (such as a change from 5- to all 3-person Panels: *Minute 5.2, 04.12.14 refers*).  The SAB agreed that it would like to have sight of the Consultation Paper and the opportunity to properly discuss it. It could then determine whether and how it would like to submit a response, keeping in mind that it was important that the SAB’s views were coordinated with those of COIC. It was noted that as the closing date for the consultation was expected to be in October [**Post-meeting note:** The closing date has been confirmed as 12 October 2015] it would be feasible for the SAB to discuss the consultation in September, and then feed its views either to COIC or the BSB as would be most appropriate. To ensure there was sufficient time for discussion it was agreed that this meeting be lengthened to 3½ hours (with a lunch provided if appropriate). **Action 8: AR**  It was also agreed that any potential conflict of interest relating to the BSB participating in any such discussions would need to be avoided. **Action 9: CD, JW, MC, VD and NW** |  |