

**The Council of the Inns of Court**

**The Bar Tribunals & Adjudication Service**

**MINUTES OF THE STRATEGIC ADVISORY BOARD MEETING**

**Tuesday 15th September 2015**

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

|  |  |  |
| --- | --- | --- |
| 1 | ***Present:***  *Clare Dodgson Chair of SAB and Lay Representative*  *Vanessa Davies Director General, Bar Standards Board*  *Joan Martin Lay Member, Tribunal Appointments Body*  *Heather Rogers Interim Chair, Inns’ Conduct Committee*  *Stuart Sleeman Chair, Disciplinary Tribunal Service*  ***Apologies:***  *Malcolm Cohen Lay Board Member, Bar Standards Board*  *Emir Feisal Member, Inns’ Conduct Committee*  *Sheila Hollingworth Panellist, Disciplinary Tribunal Pool*  ***In Attendance:***  *Sara Jagger Director of Professional Conduct, BSB*  *John Hall Business Support Officer, BSB*  *Andy Russell Registrar, BTAS*  *James Wakefield Director, COIC* |  |
| 2 | **Minutes of the Last Meeting**  The minutes of the meeting held on 29th June 2015 were confirmed and will be placed on the BTAS website, subject to the reference to “*Registrars’”* in minute 6 being corrected to read “*Registrar’s”.* | Annex A |
| 3 | **Actions from the Last Meeting**  The Board noted the update on actions from the last meeting as detailed in Annex B.  It was agreed that an update on those actions being carried forward to a future meeting should only be reported when the action became due. **Action 1: AR** | Annex B |
| 4  4.1  4.2 | **Matters Arising from the Minutes**  Inns’ Conduct Committee Rules (Minute 4.1, 29.06.15 refers) –  The Registrar advised the Board that the BSB Board (at its meeting in July) had not approved the proposed revised ICC Rules. This was due to concerns around the readmission of previously disbarred barristers, as under the proposed Rules this would be considered in a private hearing, whereas the decision to disbar them would have been dealt with in public. The ICC Rules Working Group (ICCRWG) agreed that the BSB had identified an important point that would otherwise have been anomalous, and agreed to amend the proposed Rules to provide for such hearings to be held in public. The BSB had also questioned whether it was appropriate for such hearings to take place to the civil standard of proof, when the decision to disbar them would have been made to the criminal standard. In this instance the ICCRWG did not believe that any change to the Rules was appropriate, on the grounds that (i) it did not appear that the BSB had fully considered the significance of the reversed *burden* of proof applied in such hearings, and moreover (ii) that the ICC hearings’ purpose was to consider whether individuals were ‘*fit and proper’* to be a practising barrister at that date, taking into account their previous history, and not to re-hear the case that led to them being disbarred.  The ICCRWG had agreed to send a letter setting out the above points to the BSB for their reference, and request that the Rules be reconsidered by their Board as soon as possible so that preparation for their implementation could commence. It was agreed that the ICCRWG’s letter be circulated to the SAB for their reference.  **Action 2: AR**  [**Post-Meeting Note**: The letter setting out the ICCRWG’s response was considered by the BSB at their September Board meeting and the revised ICC Rules approved in full. The BSB has indicated that it will now pass the Rules to the Legal Services Board for their consideration, and confirmation of the timescale and what is involved in that is awaited.]  New Appraisal Policy (Minute 4.2, 29.06.15 refers) –  The Registar advised the Board that BTAS proposed to roll-out the new appraisal system gradually and without ‘fanfare’, on a hearing-by-hearing basis. This would allow the system to be trialled and refined in use over time, and benefit from the feedback and suggestions of panellists. This would commence in October. |  |
| 5  5.1  5.2  5.3 | **Key Performance Indicators**  The SAB welcomed John Hall, Business Support Officer at the BSB, to his first meeting.    The SAB received 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. The Board agreed that the addition of an indicator showing the proportion of cases completed within six months, with accompanying information regarding adjournments, was extremely useful. It agreed with the Registrar’s recommendation that further development of the ‘suite’ of BTAS KPIs should now pause for 12 months, which could be expected to be be sufficient time for a meaningful dataset to grow, enabling the SAB to identify and comment on trends and exceptions. The Board also agreed that, given the currently available data, it was not possible to propose ‘benchmarks’ for the KPI data.  Based on the data available, the Board noted that a significant minority of cases were being adjourned, and agreed that this should be explored further to establish whether or not it was an issue for concern. It was agreed that the Registrar should discuss the adjourned cases with the Chair of the Disciplinary Tribunal Service, both to identify any cases where some action might be required, and to prepare some anonymous ‘case studies’ for the next SAB meeting so the SAB might better understand the issues and nature of the adjournments.  **Action 3: AR & SS** | Annexes Ci and Cii |
| 6 | **BSB Consultation on the Disciplinary Tribunal Regulations**  The Registrar briefed the members of the SAB on the BSB’s Consultation on reforms to the *Disciplinary Tribunal Regulations*, and informed them that the Council of the Inns of Court was planning to submit a response on behalf of all the Inns.  Those present agreed that COIC might find the perspective and input of members of the SAB useful in preparing this response, and agreed to meet informally after the meeting had finished to discuss the issues raised. | Annexes D, E & F |
| 7  7.1  7.2 | **Dates of Future Meetings**  Have been previously confirmed as:  Wednesday 2 December 2015 2pm – 4pm  It was agreed that the Registrar would now canvas the members of the SAB regarding their availability to meet next year, with the initial assumption that this would be to the same pattern of meetings as in 2015. **Action 4: AR** |  |
| 8 | **Any Other Business**  None |  |