



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Tuesday 29 June 2021, 14:00-16:00

Via Zoom

	ITEM	PAPER
1.	<p>Welcome</p> <p>The Chair welcomed the Board members.</p> <p>Present</p> <ul style="list-style-type: none">• Antony Townsend (AT) – Chair of SAB• HHJ Jonathan Carroll (JC) – Chair of the Tribunal Panel• Lara Fielden (LF) - Lay Representative, Bar Standards Board• Saima Hanif QC (SH) – Legally Qualified DT Panellist• Mark Neale (MN) – BSB Director General• Paul Robb (PR)- Lay DT Panellist <p>In Attendance</p> <ul style="list-style-type: none">• Margaret Hilson (MH) – BTAS Administrator• James Wakefield (JW) – Registrar & COIC Director <p>Apologies</p> <ul style="list-style-type: none">• Ian Clarke QC (IC) – Chair of the Inns’ Conduct Committee	

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JF
T: 020 3432 7350
E: info@tbtas.org.uk

The Council of the Inns of Court. Limited by Guarantee
Company Number: 8804708
Charity Number: 1155640
Registered Office:
9 Gray's Inn Square, London WC1R 5JF

	ITEM	PAPER
	<ul style="list-style-type: none"> Sara Jagger (SJ) - BSB Director of Legal and Enforcement <p>The Board noted that the Tribunal Appointments Body will nominate a SAB member to replace Joan Martin; they are currently undertaking their own recruitment exercise.</p>	
2.	<p>Minutes of the Last Meeting</p> <p>i. To approve the minutes of the 21 March 2021 meeting.</p> <p>The minutes were approved.</p> <p>ii. To note progress with the actions arising from the minutes.</p> <p>Outstanding/Arising (not covered elsewhere):</p> <p>All are completed or covered elsewhere on the agenda.</p> <p>The Board discussed the timing and format of the next meeting – the minute of the discussion appears under Item 9 below.</p>	Annex A
3.	<p>Agenda Planning</p> <p>The Board approved the forward agendas subject to Items 5 & 9.</p>	Annex B
4.	<p>Online/Blended Hearings</p> <p>The Board noted the report at Annex C and made the following comments:</p> <ul style="list-style-type: none"> Remote hearing during the remainder of 2021 <ul style="list-style-type: none"> Remote hearings should remain the default position until the end of August 2021. From September 2021, subject to Government social distancing guidance, BTAS should make available both in person and remote hearings. BTAS, as a service provider, should not prefer either remote or in person hearings. Basis for Guidance for Directions Judges (when determining whether a matter should be heard in person or remotely) 	Annex C

	ITEM	PAPER
	<ul style="list-style-type: none"> ○ ACTION: Guidance should be produced informed by (amongst other things) the case law guidance set out in Annex C. ○ One important factor should be whether the proposed means of the hearing (remote or in person) will cause delay when it is in the public interest to ensure that the matter is considered in a timely way. ○ The Guidance should be expressed neutrally as factors to consider and should not, for example, state that remote hearings are inappropriate when there are witnesses of fact. ○ Over time the BTAS systems will need to develop to ensure that those attending hearings remotely have appropriate access to papers (particularly where there are large volumes of papers). ● Survey of Users <ul style="list-style-type: none"> ○ ACTION: The Registrar should undertake the survey in time to report to the next meeting. ○ It will be interesting to see whether users report that their reasonable adjustment were accommodated. ○ It was recognised that it may be difficult to garner the views of witnesses as only the parties can ask witnesses to complete the survey, but it should nonetheless be attempted. ○ Question 4. should be amended to read: ‘Approximately how long was your involvement in the hearing?’ 	
5.	<p>‘Whole System Approach’/Case Management</p> <ul style="list-style-type: none"> ○ Use of 3/5 Person Panels 	

	ITEM	PAPER
	<p>The Board noted that there was no paper ready for discussion and agreed that this matter should be put back to 2022 when the BSB plan to give the matter very careful consideration; it is best to synchronise work on this matter.</p>	
6.	<p>Sanctions Guidance Review</p> <p>The Board noted the report at Annex D and made the following comments:</p> <ul style="list-style-type: none"> • The consultation paper was very well done. This consultation covers sensitive matters and the new Guidance will be a great improvement and demonstrates that BTAS is responding to concerns. • It would appear that the proposals provide the right basis for the next iteration of the Guidance. • Much thought will need to be given to whether the bottom end of the sexual misconduct sanction should be lowered. • Judicial Chairs will provide a useful perspective on whether a greater level of granularity is required within each sanction range. It must be recognised that there is only so much guidance that can be given. • It is unlikely that issuing interim guidance on sexual misconduct will either be possible or useful. • ACTION: Effort should be made to encourage the Legal Services Board Consumer Panel to respond to the next consultation. Whilst we do have the voice of victims (barristers), consumers bring a different perspective (for example the GMC received a different perspective from consumers on the sanctions for dishonesty). 	Annex D

	ITEM	PAPER
	<ul style="list-style-type: none"> The Board expressed their thanks to the team for their very hard work. 	
7.	<p>COIC Draft Statement of Purpose</p> <p>The Board approved the BTAS element of COIC’s draft Statement of Purpose subject to the following comment:</p> <ul style="list-style-type: none"> The first BTAS bullet point (regulators and the law) should become the last. 	Annex E
8.	<p>Inns’ Conduct Committee</p> <p>In the absence of the ICC Chair the Registrar reported that this will be the first year when ICC referrals will be dealt with on the basis of Disclosure and Barring Service checks. The impact of the DBS process will be kept under review.</p>	
9.	<p>Dates of Future Meetings</p> <p>The Board Agreed that:</p> <ul style="list-style-type: none"> The next meeting will start at 5pm with consideration being given to it being in person / hybrid; ACTION: The Registrar to give further consideration to the date of the meeting – to be timed to enable the SAB to review the final Sanctions Guidance prior to publication (perhaps in October?). It was noted that the timing of this meeting should not be allowed to slow the publication of the Guidance and if necessary SAB will review the Guidance by email. At that meeting further consideration will be given as to whether a December meeting is required. 	
10.	<p>Any other Business</p> <p>There was no other business.</p>	