



THE COUNCIL OF THE INNS OF COURT

The Bar Tribunals & Adjudication Service

MINUTES OF THE STRATEGIC ADVISORY BOARD MEETING

Wednesday 15th June 2016

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

<p>1</p>	<p>Present: <i>Clare Dodgson</i> <i>Chair of SAB and Lay Representative</i> <i>Vanessa Davies</i> <i>Director General, Bar Standards Board</i> <i>Joan Martin</i> <i>Lay Member, Tribunal Appointments Body</i> <i>(Via telephone)</i> <i>Heather Rogers</i> <i>Interim Chair, Inns' Conduct Committee</i> <i>James Wakefield</i> <i>Director, COIC</i> <i>Emir Feisal</i> <i>Member, Inns' Conduct Committee</i> <i>Nicola Sawford</i> <i>Lay Representative, BSB</i></p> <p>Apologies: <i>Sheila Hollingworth</i> <i>Panellist, Disciplinary Tribunal Pool</i> <i>Stuart Sleeman</i> <i>Chair, Disciplinary Tribunal Service</i></p> <p>In Attendance: <i>Francis Leeder</i> <i>Administrator, BTAS</i> <i>Eva Hales</i> <i>Corporate Support and Contract Manager, BSB</i> <i>Margaret Hilson</i> <i>Administrator, BTAS</i> <i>Andy Russell</i> <i>Registrar, BTAS</i></p>	
<p>1.1</p>	<p>The Board welcomed member Nicola Sawford, the new BSB Lay representative following the departure of Malcolm Cohen. The Board extended their gratitude to Malcolm Cohen for his timeless efforts and contribution the SAB since its creation. It was agreed that a letter of thanks would be issued. Action 1: FL</p>	
<p>1.2</p>	<p>The Board also welcomed attendees Eva Hales, the new Corporate Support and Contract Manager for the BSB and Francis Leeder the new administrator for BTAS.</p>	

2	<p>Minutes of the Last Meeting</p> <p>The minutes of the meeting held on 18 March 2016 were approved and will be placed on the BTAS website.</p>	Annex A
3	<p>Actions from the Last Meeting</p> <p>The Board noted the update on actions from the last meeting as detailed in Annex B.</p> <p>The Board noted that the changeover to ICC reporting on an academic year cycle was planned to occur at the end of the calendar year (see: Action 4)</p>	Annex B
4	<p>Matters Arising from the Minutes</p> <p>4.1 <i>Revised ICC Rules</i> (Minute 4.2, SAB refers).</p> <p>The Director General of the BSB confirmed that they were unable to report any progress in the approval of the new ICC Rules by the Legal Services Board- neither was there a timescale for the interim approval of certain provisions given in the new rules.</p> <p>The SAB noted with concern that Heather Rogers, appointed interim Chair of the ICC during the ICC Rules-transitional period, was expected to time-expire as a member of the ICC in August 2016. The SAB agreed that the ICC had continued to function well but that, without the appointment provisions of the new ICC Rules, it would face growing difficulty sourcing appropriate members to ensure quoracy.</p> <p>It was agreed that the Director General of the BSB would escalate the matter to the highest levels of the Legal Services Board in an effort to expedite approval even if only on an interim basis. The SAB thanked Vanessa for all of her efforts so far in the progression of the new ICC rules.</p> <p style="text-align: right;">Action 2: VD</p> <p>4.2 <i>Service Agreement between BTAS and BSB</i></p> <p>The Director General of the BSB reported to the Board that, contrary to the minutes of the last meeting, the decision regarding the renewal of the service agreement between BTAS and the BSB was now scheduled to take place in June rather than May. The Director General of the BSB informed the board that the executive would be making a recommendation to renew the contract and followed positive meetings between BTAS and the BSB’s contract management team- a decision would be communicated once it had been made.</p> <p>Post-Meeting Note: The Director General of the BSB was later able to</p>	

	<p>confirm that the relevant board had agreed the renewal of the contract for a further three years during its June meeting.</p> <p>The Board noted that there were high-level uncertainties regarding the future of legal services regulation in the UK and resolved to direct itself in a broad-minded, receptive manner. The board welcomed an offer made by Director General of the BSB to present an outline of some of the possible future scenarios at the next SAB Meeting</p> <p style="text-align: right;">Action 3: VD</p>	
5	<p>Key Performance Indicators</p> <p>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.</p> <p>The Registrar highlighted that BTAS was currently experiencing something of a ‘peak’ in the numbers of Tribunals taking place, which echoed the rise in cases referred by the BSB during 2015. Since the number of referrals to BTAS had subsequently dropped back towards the norm it should be expected that the levels of Tribunal activity would do likewise over the coming months.</p> <p>The SAB considered the difficulty of setting performance ‘targets’ or benchmarks, and while it was agreed that this would be desirable it would need careful thought, not least because of artificially created ‘peaks and troughs’ of activity such as during the summer closure of the courts and consequent extended absence of many barristers.</p>	Annexes Ci and Cii
6	<p>Appraisal</p> <p>6.1 <i>Appraisal Procedure</i></p> <p>The SAB received an update on the progress of the implementation of the new appraisal system from the Registrar indicating that the replacement of face-to-face appraisals with a competency based system of continual monitoring had led to increasingly meaningful responses, greater willingness to engage and had also assisted in record management.</p> <p>Following the recommendation of the Appraisal Working Group of a streamlined grouped competency approach and the endorsement of the SAB at the previous meeting, the Board noted that the response rate had increased. Currently around 50% of appraisal forms had been returned but many were still within the first window for return due to the number of recent tribunals.</p> <p>The Registrar clarified that, not only was engagement with the appraisal system mandatory for reappointment, but competency-</p>	

	<p>based frameworks were integrated into the recruitment process for new panel members and would form a core part of the training proposed in item 7 of the agenda. The Registrar also clarified the procedure for escalating any concerning feedback as set out in the Appraisal Policy.</p> <p>The Board noted their desire to roll out the appraisal system to members of the ICC in order to have an evidence base on which to conduct reappointments but concluded that the ICC would not be subject to some of the same procedures as the Disciplinary Pool until the new ICC rules were approved.</p> <p>6.2 <i>Appraisal of Clerks</i></p> <p>The Registrar briefed the Board on the current discussions of the Appraisal Working Group concerning an appraisal system for Clerks to ensure that the board were able to give a collective view on this matter. The Board noted that no Clerks had yet been appraised but with an agreement the correct procedure it was hoped that the process could start within the coming weeks and months.</p> <p>Two proposals were made to the SAB to facilitate the introduction of competency-based Clerk appraisals:-</p> <ul style="list-style-type: none"> i) Development of a new competency framework for Clerks ii) Refinement and adaptation of the existing competency framework <p>The Board recognised that the position of a Clerk was much more limited in scope than that of the Disciplinary Tribunal Panel members and that they did not act as legal advisers to the Panel. The Board considered the competency framework in use for Panel members and noted that there was adequate scope for successfully appraising Clerks but that not all competencies sub-areas were relevant to the role. Whilst the board considered the development of specific competency questions for clerks an option for the future, it was noted that clerks were currently being recruited under the existing framework and it would be inappropriate to measure their performance against new considerations.</p> <p>Consequently, the board found that the more pragmatic approach was the refinement of the existing competency framework for use with Clerks as opposed to the development of a new framework.</p> <p style="text-align: right;">Action 4: AR</p>	
7	<p>Panel Member Training</p> <p>The Registrar informed the Board that the Tribunal Appointments</p>	Annex D

	<p>Body was in the process of shortlisting applicants and interviews for panel members and clerks would be carried out over the coming weeks and months.</p> <p>The Registrar presented a proposal for the mandatory pre-appointment and refresher training covered in Annex D which would be scheduled for delivery in the autumn.</p> <p>The proposal involved two 3 hour sessions. Both sessions would require delivery via trainers with the proposal for the Equality and Diversity session to be covered by an external consultant and the Vulnerable witnesses section to be delivered in house by the ICCA.</p> <p>The Board noted that session A appeared to cover a greater variety of topics but noted that this was due to the fact that session B involved group work which would lead to much greater interaction. The Board suggested further topics to consider or integrate into the existing schedule could include:</p> <ul style="list-style-type: none"> i) Fact-finding and structuring decision making ii) Report writing for Chairs (possibly as a standalone session) <p>The board also suggested that the vulnerable witnesses section could be retitled 'vulnerability' and may require shortening to allow for the inclusion of further sessions.</p> <p>The Board shared the view that this was a feasible, workable approach that would accommodate the challenging work schedules of many members of the disciplinary pool. Action 5: AH</p>	
8	<p>Proposed Changes to Information Pack for Members and Clerks</p> <p>The Board agreed with the proposals laid out in Annex E to revise the Information Pack for Panel Members and Clerks, namely:</p> <ul style="list-style-type: none"> i) Removal and reworking of the introductory material into a welcome pack ii) Splitting of the pack into individual 'hearing type' guides iii) Removal of the rules sections and directions to an online copy <p>The Board also recommended online materials be made viewable via iPad and the Registrar confirmed that discussions were already being held with the developer Reading Room to ensure BTAS's website would resize to the device it was being viewed on.</p>	Annex E
9	<p>Proposal for Review of Sentencing Guidelines</p> <p>The Board welcomed the proposals to review BTAS' current</p>	Annex F

	<p><i>Sentencing Guidance</i>, and noted that this had been previously scheduled to take place during 2016.</p> <p>The Board stressed that this was a vital topic and must not be rushed, and that it was important to establish exactly the size and scope that was required for the review, as this could vary from a modest update to essentially re-writing the guidance afresh.</p> <p>It was agreed that the review should commence with a period of ‘desk research’ by the BTAS team to consider at least the following topics:</p> <ul style="list-style-type: none"> i. Whether the existing guidance was fit for purpose; ii. Whether the existing guidance was being properly followed and applied by Tribunal Panels; iii. Was sufficient information available in the public domain so that the reasoned decisions of Tribunals Panels (including consideration of aggravating/mitigating circumstances) could be understood; iv. Whether there was evidence of significant discrepancies between the outcomes of BTAS Tribunals and similar cases subject to different regulatory / Tribunal regimes. <p style="text-align: right;">Action 6: AR</p> <p>It was agreed that the SAB would be briefed on the findings of this exercise at their next meeting, after which they would be better placed to advise on the project plan. Should it be necessary for a project/working group to be set up to progress the matter, the SAB agreed that it was important that this not be too ‘barrister heavy’, but instead had significant input from members of the public. This could include a public consultation, either on the existing guidance or on a draft of any revised guidance.</p>	
10	<p>Dates of Future Meetings</p> <ul style="list-style-type: none"> - 28th September 2016 – 2pm - 14th December 2016 – 2pm 	
11	<p>Any Other Business</p> <p>It was agreed between the Chair and BTAS that a ‘stock-taking’ meeting would be organised during August to review current operations.</p> <p style="text-align: right;">Action 7: FL</p>	