

**Minutes of the Strategic Advisory Board 10th April 2014**

**BTAS Offices, 2:00pm**

Present: Malcolm Cohen, Vanessa Davies, Clare Dodgson, Emir Feisal, Sheila Hollingworth, Joan Martin and Heather Rogers.

Apologies: His Honour Stuart Sleeman

In attendance: James Wakefield, Chandra Connaghan, Sakshi Chhabra

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|  | **SAB Terms of Reference:**   1. The Terms of Reference to be amended as per the copy annexed. |  |
| 2 | **SAB future ways of working:**   1. The Director of COIC and/or the Registrar shall report SAB advice to COIC. 2. It is expected that the SAB chair will be invited to attend the COIC Board if the COIC Board is discussing important matters that have been considered by SAB. Further, it may be appropriate for the SAB chair to attend the COIC Board when the BTAS annual report is presented.   Meetings:   1. SAB meetings will be held quarterly in the first year, and thereafter the frequency is to be reviewed. 2. The minutes of each meeting will be uploaded on the website for transparency and information. 3. Each SAB Member will have a short profile on the BTAS website. 4. At each SAB meeting there must be minimum of three SAB members, and out of the three, one must be a lay member. 5. In the absence of the chair, another SAB lay member may take her place for the meeting. 6. Members may, by exception, attend by telephone if necessary. 7. Methods of reviewing the effectiveness of SAB will be considered at a future meeting. Such a review should take place annually. | **SC** |
| 3 | **Key Performance Indicator:**   1. The BTAS Service Agreement was entered into October 2013. 2. The first review of the KPI’s and the first two BSB monitoring visits show that BTAS is working effectively by those measures. 3. The KPI’s will be reviewed in the future to ensure that the service is being developed. At the moment the KPI’s focus on those matters raised in the Browne Review and set out in the Service Agreement. 4. Consideration should be given to having a report from a Disciplinary Tribunal chair indicating why a hearing was part-heard. This will help BTAS and the BSB develope their active case management systems and regulations. 5. It may be helpful for the KPI report to indicate the number of interim applications, cases being completed each month, and the time taken to reach a final determination. |  |
| 4 | **LSB – Standard of proof:**   1. The LSB have recently recommended use of the civil standard of proof. The BSB have looked at this matter in the past and may possibly return to it in the near future; it is only the BSB that can determine the standard. This is a complex issue which SAB noted and will return to if that is of assistance to COIC. |
| 5  6 | **Future Topics for Considerations:**   1. The Key Performance Indicator Report – developing the report format & criteria. 2. QASA – BTAS & COIC will monitor the reaction of the profession to the implementation of QASA. This could result in an increase in disciplinary actions and greater resource. If that is the case then BTAS may return to SAB for advice. 3. Entity Regulation - SAB will perhaps return to it in the autumn. 4. Appraisals of panel - members review the effectiveness of the panellist appraisal process and training. 5. Inns Conduct Committee Review –This review committee is likely to propose BTAS and ICC panellist pools be merged. SAB views may be sought. 6. Methods of evaluating the effectiveness of SAB.   **Any Other Business:**   1. Newsletters - SAB members are asked to provide ideas for future newsletters. One idea was that the newsletters could report on items considered at SAB. 2. Directions Judges hearing substantive matters – The regulations prohibit a directions judge from hearing the substantive matter. It was agreed that it could be very helpful and aid efficiency If a directions judge could, when appropriate hear the substantive matter. The BSB wished to research the matter further to see why the rule was introduced. They will report back the next SAB. 3. COIC’s charitable status – The Director of COIC reported that COIC (including BTAS) will become a charity on July 1st 2014. 4. Organisational Chart – SAB members requested, and both BTAS and the BSB agreed to provide, organisational charts. | **VD**  **SC** |
| 7 | **Date of next meeting:**  To be confirmed |  |

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| **Actions** | | |
|  | SAB member profiles to be placed on the website | **SC** |
|  | Directions judges hearing substantive matter – BSB to investigate why the rule was introduced. | **VD** |
|  | Organisational chart – BTAS and the BSB to provide organisational charts. | **SC**  **CC** |

**BTAS STRATEGIC ADVISORY BOARD – TERMS OF REFERENCE**

**1 Role**

1.1 The Strategic Advisory Board will provide an independent source of information,

advice and support to BTAS and COIC on strategic and/or operational issues or risks. This information will include but is not exclusively restricted to:

1.1.1 a detailed understanding of the regulation of barristers and other legally

qualified professionals;

1.1.2 insights and ideas, and "wise counsel" on issues raised by the BTAS or

COIC;

1.1.3 a challenge to ensure the continued relevance of the BTAS working

Methodologies;

1.1.4 a professional resource for the COIC director and the BTAS registrar; and

1.1.5 a constructive challenge to senior staff to consider options for improvement or change.

**2 Scope of responsibility**

2.1 The Strategic Advisory Board shall meet under the authority of COIC. Its function is to provide information, advice and support. It is not a directional board in the governance sense, and will not take operational decisions.

2.2 The Strategic Advisory Board is responsible for settling its own agenda and for determining its detailed terms of reference.

**3 Accountability**

3.1 The Strategic Advisory Board shall be accountable to the COIC's Board of Trustees.

**4 Composition**

4.1 The Strategic Advisory Board will be constituted from individuals who have extensive

experience and special expertise across the legal and regulatory sectors.

4.2 The Strategic Advisory Board shall have a Chair, who shall be appointed by the

President of COIC in consultation with the Board. The Chair shall be a Lay person.

4.3 Membership is confined to non-employees of BTAS or COIC.

4.4 The membership shall be:

4.4.1 Chair of the Disciplinary Tribunal Service;

4.4.2 Chair of the Inns' Conduct Committee;

4.4.3 Lay member of the Tribunal Appointments Body;

4.4.4 Director of the Bar Standards Board;

4.4.5 Lay Board member of the Bar Standards Board;

4.4.6 One panelist member of the Disciplinary Tribunal pool; and

4.4.7 One member of the Inns' Conduct Committee.

4.5 The Chair of the Strategic Advisory Board shall be responsible for the appointment of members of the Strategic Advisory Board, where applicable.

4.6 The COIC Director, the BTAS Registrar and the Bar Standards Board's Contract Manager shall be entitled to attend meetings but will not be members of the Strategic Advisory Board.

4.7 Other individuals may be invited to attend meetings of the Strategic Advisory Board to advise on specific issues.

4.8 The terms of reference, as set by members of the Strategic Advisory Board shall be reviewed annually by the COIC Board of Trustees. The membership may be subject to change depending upon the findings of the annual review and/or future changes or new activities which the BTAS is required to undertake.

**5 Meetings**

5.1 The Strategic Advisory Board shall meet, at a minimum, quarterly in its first year and will report annually to COIC Board of Trustees.

5.2 Meetings of the Strategic Advisory Board will be held in private. Meetings will be minuted and published on the BTAS website, save that where all or part of a meeting includes discussions of matters that it is not appropriate to put in the public domain; any reference to such matters in the minutes will not be published.

**6 Term of office**

6.1 The Chair of the Strategic Advisory Board may be appointed for a period of three (3) years, which may be extended by the President of COIC in consultation with the Board for a further period of three (3) years. The Chair of the Strategic Advisory Board may hold office for a maximum period of six (6) years.

6.2 All other members of the Strategic Advisory Board will hold office for no longer than the duration of the concurrent term associated with their defined position.