



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Minutes

### Strategic Advisory Board Meeting

Friday 22 May 2020, 14:00

Via Zoom

	ITEM	PAPER
1.	<p><b>Welcome</b></p> <p>The Chair welcomed everyone to the meeting and explained that whilst the last meeting was due to be her last meeting, by agreement between the BSB and BTAS, she was to Chair one more meeting. This was because of the delay in appointing the next Chair of SAB (see item 4).</p> <p><b>New Members</b></p> <p>The Chair welcomed in particular:</p> <ul style="list-style-type: none"><li>• Saima Hanif – Legally Qualified DT Panellist</li><li>• Mark Neale – BSB Director General</li><li>• Paul Robb - Lay DT Panellist</li></ul> <p><b>Present</b></p> <ul style="list-style-type: none"><li>• Clare Dodgson (CD) – Acting Chair of SAB</li><li>• HH Judge Jonathon Carroll (JC) - Chair, Disciplinary Tribunal Service<ul style="list-style-type: none"><li>○ Who arrived at approximately 2:30 and apologised that for diary reasons he was not able to join the meeting at 2:00.</li></ul></li></ul>	

#### The Bar Tribunals & Adjudication Service

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	<ul style="list-style-type: none"> <li>• Ian Clarke QC (IC) – Chair of the Inns’ Conduct Committee</li> <li>• Lara Fielden (LF) - Lay Representative, Bar Standards Board</li> <li>• Saima Hanif (SH) – Legally Qualified DT Panellist</li> <li>• Joan Martin (JM) - Lay Member, Tribunal Appointments Body</li> <li>• Mark Neale (MN) – BSB Director General</li> <li>• Paul Robb (PR)- Lay DT Panellist</li> <li>• James Wakefield (JW) – Registrar &amp; COIC, Director</li> </ul> <p><b>In Attendance</b></p> <ul style="list-style-type: none"> <li>• Margaret Hilson – BTAS Administrator</li> <li>• Sara Jagger – BSB Director of Legal and Enforcement</li> </ul> <p><b>Apologies</b></p> <p>None</p>	
2.	<p><b>Minutes of the Last Meeting</b></p> <p>i. <b>To approve the minutes of the meeting held on 3 December 2019.</b></p> <p>The minutes were approved, subject to the removal of a typo – ‘Andy’ appears twice (item 4 – last action). [Done]</p> <p>ii. <b>To note progress with the actions arising from the minutes.</b></p> <p>The Registrar reported that all actions have been completed or appear elsewhere on the agenda save for:</p> <p>3. Last action – No further progress has been made to publishing the recruitment E&amp;D data or analysing against previous rounds. This is because the BTAS team have been concentrating on dealing with issues arising from the coronavirus situation. <b>ACTION:</b> The BTAS team will seek to do this as soon as they can;</p> <p>4. All pool members and clerks have been trained, save for six – BTAS have training scheduled for 10 July.</p>	Annex A

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3.	<p><b>SAB Members at May 2020</b></p> <p>The Board noted the list of members.</p>	Annex B
4.	<p><b>Appointment of New SAB Chair</b></p> <p><b>To receive an oral report from the Registrar (interviews to take place 28 May).</b></p> <p>The Registrar reported that, unfortunately, coronavirus caused a delay of approximately 4 to 6 weeks. BTAS has received 18 applications, 7 of which were either ineligible (legally qualified) or wholly inappropriate/speculative. Of the 11 on the shortlist, 5 will be interviewed. The standard of the applications was high.</p> <p>Interviews take place next Thursday, by Zoom. The Registrar is interviewing along with JM and another member of Tribunal Appointments Body.</p>	
5.	<p><b>Panellist Locations &amp; Practice</b></p> <p><b>To receive a short analysis of the home location and practice areas of BTAS Panellists (as requested at the last meeting).</b></p> <p><u>Locations</u> – The Registrar reported that whilst London and the SE predominates, a sizable minority are from outside the SE (20). Bar Council statistics show that these number are broadly in proportion with the national spread of the profession. LF commented that BTAS are to be congratulated on recruiting a representative Panel; this engenders confidence in the Panel.</p> <p><u>Practice areas</u> – The Registrar report that it is difficult to discern any pattern; perhaps:</p> <ul style="list-style-type: none"> <li>- a broad spread of practice areas;</li> <li>- more New QCs &amp; Clerks undertake crime;</li> <li>- fewer New Barristers undertake crime.</li> </ul> <p>The Board noted the reports.</p>	Annex C

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6.	<p data-bbox="331 327 687 353"><b>Sanctions Guidance Review</b></p> <p data-bbox="331 394 1110 472"><b>To receive a report from the Registrar on the progress of the review. Minutes of the 29 April 2020 meeting annexed.</b></p> <p data-bbox="427 506 1007 533">The Registrar spoke to the minutes at annex D.</p> <p data-bbox="427 573 778 600">The Board commented that:</p> <ul data-bbox="379 640 1198 1917" style="list-style-type: none"> <li data-bbox="379 640 1198 819">• MN – the timetable looks sensible. It will be important to engage with the public and in particular the consumer panel so that the approach has the confidence of consumers and lay people.</li> <li data-bbox="379 860 1198 1039">• MN – the review should not be too concerned with double jeopardy. Criminal and disciplinary matters are distinct and should not be confused, the latter focusing on fitness to practise.</li> <li data-bbox="379 1079 1198 1214">• PR - It is pleasing that the minutes highlight gaps and deficiencies that do exist and come up in hearings, in particular social media which is a high-profile issue.</li> <li data-bbox="379 1240 1198 1330">• LF – The timetable is excellent; and it is important to include consumer research.</li> <li data-bbox="379 1357 1198 1594">• LF – areas such as social media (as with most areas where personal and professional lives collide) are fast moving so the guidance needs to be flexible and reviewed regularly. The Registrar assured the Board that interim reviews of the Guidance are undertaken between full scale reviews.</li> <li data-bbox="379 1621 1198 1845">• SJ – the BSB are reviewing their own guidance on the factors to take into account in matters that span personal and professional life (such as social media). It is important to provide guidance based on principles that provide a framework and is not too granular or specific.</li> <li data-bbox="379 1886 1198 1917">• IC – SC is correct, guidance should not be too granular.</li> </ul>	Annex D

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	<ul style="list-style-type: none"> <li>• IC – the review group should not spend too much time looking at double jeopardy. An external sanction is not a matter for the Panel to take into account.</li> <li>• The Registrar reported that the BTAS Guidance is much longer than the Guidance provided by other Tribunals.</li> </ul> <p>The Board noted the minutes/report.</p>	
7.	<p><b>Inns’ Conduct Committee</b></p> <p><b>To receive an oral report from the Chair of the ICC.</b></p> <p>Ian Clarke QC reported that:</p> <ul style="list-style-type: none"> <li>• The ICC rules have been updated to align with the new BSB guidelines. The 2020 rules make clear what the burden of proof is and where it lies. The rules iron out issues over who can serve on what panels and allows the ICC Chair, in emergency situations, to make referrals to a hearing without the need for a screening panel. The rules are in good order.</li> <li>• The ICC has had its first disputed facts hearing. This involved social media and the corruption of an email.</li> <li>• ICC members’ terms of offices have been amended to avoid ‘mass extinction’; we now have a rolling programme of new members; BTAS will need to keep this under review.</li> </ul>	
8.	<p><b>Caselines</b></p> <p><b>To receive a short briefing from the BSB on the ‘Caselines’ document handling platform with a view to the matter being considered in the future.</b></p> <p>Sara Jagger of the BSB spoke to this item. Caselines is an online software package for sharing evidence. A number of courts and tribunals use Caselines as do the BSB. The two main advantages are that it is paperless; and it is easier to update bundles.</p>	

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	<p>The software is easy, it is the cultural change of moving from a paper system to paperless system that requires careful thought. It is very good for document sharing, marking up and displaying evidence. It would help create a virtual paperless environment.</p> <p>The Registrar commented that the SDT like Caselines very much but advised that the cultural shift (with panellists) is not to be underestimated. SJ – commented that Caselines can be rolled out in small chunks, increasing functionality over time.</p> <p>The Registrar confirmed that no cases had needed to be adjourned during the coronavirus situation because of the absence of such a platform.</p> <p>The Board will return to this at some future point. The Registrar reported that this may take some time as the coronavirus situation is the priority and in particular online hearings. The Board commented that this was totally understood.</p>	
9.	<p><b>Coronavirus</b></p> <p><b>To receive a report from the Registrar and in particular:</b></p> <ul style="list-style-type: none"> <li>• <b>reintroduction of physical hearings (early thinking);</b></li> <li>• <b>the use of the ‘Zoom’ platform.</b></li> </ul> <p>The Registrar introduced Annex E. The Board commented that:</p> <ul style="list-style-type: none"> <li>• The Board thanked the BTAS team for how well they had coped with the coronavirus situation and for all of their hard work;</li> <li>• The Board congratulated the BTAS team for ensuring that public access has been made available as far as possible in the circumstances;</li> <li>• MN expressed the BSB’s appreciation for the work that BTAS has done; this has been an effective and helpful collaboration.</li> </ul> <p>With regards to future plans, the Board commented that:</p>	Annex E

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	<ul style="list-style-type: none"> <li>• Using external premises can create a whole host of problems as it requires a risk assessment of premises outside of BTAS' control;</li> <li>• Hybrid/blended hearings with some people present and some online may be the way forward.</li> </ul> <p>With regards to Zoom the Board commented that:</p> <ul style="list-style-type: none"> <li>• The Crown Courts are using Skype for Business and MS Teams. MS Teams works well once users have become familiar with it;</li> <li>• The BSB are grateful that BTAS is looking at the issue of the most appropriate platform. The BSB are content that it is sensible to use Zoom in the short term (given the arrangements that BTAS have put in place). BTAS should ensure that the most secure platform is used in the medium term. The BSB are very happy to work with BTAS to find the best solution if that is of assistance.</li> </ul> <p><b>ACTION:</b> BTAS are to keep 'live' hearings and online platforms under review. ONGOING</p>	
10.	<p><b>Key Performance Indicators</b></p> <p>To consider the latest BTAS KPI data, and accompanying summary of the key points.</p> <p>i. Summary Document</p> <p>ii. KPI data</p> <p>The Board noted the reports.</p>	Annex F Annex G
11.	<p><b>2019 Annual Report to COIC - Delayed</b></p> <p>The Registrar reported that unfortunately the creation of the Annual Report has been delayed because of the workloads coronavirus has created (it would usually be presented at this meeting).</p> <p>The Registrar assured that Board that BTAS would produce the reports as soon as possible. The Chair commented that the delay was</p>	

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	completely understandable in the circumstances. ACTION: BTAS to produce the Annual Reports as soon as they are able in the circumstances.	
12.	<p><b>Dates of Future Meetings – TBC via Doodle Poll once the new Chair is appointed.</b></p> <ul style="list-style-type: none"> <li>• September</li> <li>• December</li> </ul> <p>All meetings commence at 2.00pm.</p>	
	<p><b>Any other Business</b></p> <p>The Board thanked the Chair for stepping in and Chairing another meeting. The Board wished Clare all the best for the future.</p> <p>The Chair replied that it had been a pleasure to Chair the meeting again, this a really good Board that conducts its business in in a respectful and good-humoured way.</p>	