



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Thursday 7 July 2022, 5pm

Via Zoom and In Person

	ITEM	PAPER
1.	<p>Welcome</p> <p>Present In Person</p> <ul style="list-style-type: none">• Antony Townsend (AT) – Chair of SAB• Mark Neale (MN) – BSB Director General <p>Present Online</p> <ul style="list-style-type: none">• Louise Fisher (LF) – Tribunal Appointments Body Lay Member• Emir Feisal (EF) – BSB Lay Representative• Paul Robb (PR)- Lay DT Panellist• Sara Jagger (SJ) - BSB Director of Legal and Enforcement• James Wakefield (JW) – Registrar & COIC Director <p>In Attendance In Person</p> <ul style="list-style-type: none">• Margaret Hilson (MH) – BTAS Administrator <p>Apologies</p>	

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	<ul style="list-style-type: none"> • Saima Hanif QC (SH) – Legally Qualified DT Panellist • HHJ Jonathan Carroll (JC) – Chair of the Tribunal Panel • Ian Clarke QC (IC) – Chair of the ICC 	
2.	<p>Minutes of the Last Meeting</p> <p>i. To approve the minutes of the 25 April 2022 meeting.</p> <p>The minutes were approved.</p> <p>ii. To note the progress of actions and matters arising from the minutes.</p> <ol style="list-style-type: none"> 1. Item 8 of the minutes refers to the recruitment of clerks. JW noted that BTAS had expected to receive 15 applications but only received 10. TAB will review whether another recruitment exercise is necessary at the end of the recruitment exercise. 2. The online remote hearing guidance is now finalised and on the BTAS website. 3. Following the Summerville case BTAS is considering whether tribunal members are workers or employees. 	Annex A
3.	<p>Chair’s Discussions with Board Members & Agenda Planning</p> <p>The Chair thanked everyone for their contributions and the Board noted the agenda plan. The two main matters arising are case progression (to be considered at the December Board) and the BSB Handbook review (to be considered at the March Board). Work would be undertaken with the BSB on both issues in advance of the SAB discussion.</p>	Annex B
4.	<p>BTAS 2021 Annual Report</p> <p>JW noted that a number of typos had been spotted in Annex C and had since been corrected. The one matter mentioned at the last SAB meeting and not taken into account is the categorisation of cases. This is a longer-term project which will need to be done in liaison with the BSB who already use a categorisation system.</p>	Annex C

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	<p>ACTION: JW to work with the BSB on the creation of categories for cases.</p> <p>The reference to increased costs at page 32, para 5 was highlighted and it was asked whether more detail should be provided. JW reported that the increase was due to the current recruitment process and that it was only intended that the Annual Report provide detail at the very highest level.</p> <p>SAB agreed that a bullet point should be added to para 8 regarding case progression.</p> <p>ACTION: JW to add a case progression bullet point to para 8.</p> <p>Subject to the above, the SAB approved the Report and JW advised that it would go before the COIC Board on 11 July for final approval before being posted on to the website.</p>	
5.	<p>Case Progression</p> <p>JW noted that there would be a report on case progression at the December meeting. The intention is to provide data to aid the understanding of/inform:</p> <ul style="list-style-type: none"> - the increase in cases taking six or more months to progress from direction to the determination stage; - the progression of cases from first report to final determination; - the 2013 review of the BSB handbook and whether amendments to the Disciplinary Tribunal Regulations are required to aid better case management. <p>BTAS will work with the BSB who hold the data/dates of the progression of matters. BTAS will focus on the matters that have been referred to BTAS and completed over a two year period and fall outside the BTAS KPIs (completed within 6 months of directions). BTAS will work with the specialist staff at the BSB for advice on how this data is best analysed / presented. JW noted this process will require a manual review of case files to identify reasons for delay which will be many and varied.</p>	

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	<p>On a separate point JW noted that he was liaising with the BSB to identify a means of the BSB giving early warning to BTAS of a likely upward or downward turn in the number of referrals.</p> <p>JW also noted that when the service agreement between BTAS and the BSB is next reviewed it may be necessary to review the KPIs.</p> <p>The Board commented that as BTAS had such a small number of cases outlier cases can significantly skew the information.</p> <p>SAB agreed that JW should continue the review the process.</p> <p>ACTION: JW to provide an update on case progression at the December meeting; noting this may be an iterative process.</p>	
6.	<p>BTAS 2022 Recruitment Exercise Progress Report</p> <p>JW reported that the recruitment exercise is going well. When the process is completed TAB will provide a report to the SAB and the COIC Board (TAB is directly accountable to the COIC Board). The TAB have undergone training and calibration exercises. Two issues that have arisen during the process are:</p> <ol style="list-style-type: none"> 1. Not as many clerks applied as been hoped (see above); 2. Equality and diversity data is analysed at each stage in the process. This revealed that of the lay candidates a disproportionate number of white applicants were shortlisted as compared to the number of BAME candidates. Upon external specialist advice the process was paused and reviewed and it was agreed the process was correct. A remarking exercise was undertaken which made a minor difference. A concern remains that BAME lay candidates did not appear to answer the competency questions as confidently (and within the word limit) as would have been liked. The TAB will review the process (again taking expert advice) and decide whether any steps need to be taken in the short term and additionally what lessons can be learned for future recruitment exercises – such as providing training for all 	

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	<p>candidates on how competencies can be demonstrated when completing the application.</p> <p>ACTION: JW to provide a recruitment update at the December meeting.</p>	
7.	<p>BTAS Training 2022</p> <p>JW noted that this training would take place between October and December. The training will be delivered in person and remotely. The trainers will be both inhouse and external. The BSB will deliver a session on the whole disciplinary process. The training will be split into two sessions, one in person and one remote. Individuals also have a day's worth of reading and a day observing a hearing.</p> <p>The Board noted the report.</p>	Annex D
8.	<p>Inns' Conduct Committee</p> <p>AT said that the ICC Chair had reported to him that the ICC caseload is stable and there are currently no awkward appeals.</p> <p>BTAS have received 12 applications for the role of the ICC Vice Chair.</p>	
9.	<p>Dates of Future Meetings</p> <ul style="list-style-type: none"> • 7 December, 5pm <p>It was agreed that a hybrid meeting should always be offered.</p>	
10.	<p>Any other Business</p> <p>There was no other business.</p>	