



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

15th March 2017, 14:00-16:00, The Tribunal suite, 9 Gray's Inn square

1.	Welcome and Apologies
a.	Present <i>Clare Dodgson</i> Chair of SAB and Lay Representative <i>Joan Martin</i> Lay Member, Tribunal Appointments Body <i>James Wakefield</i> Director, COIC <i>Emir Feisal</i> Member, Inns' Conduct Committee <i>Nicola Sawford</i> Lay Representative, Bar Standards Board <i>Sheila Hollingworth</i> Panellist, Disciplinary Tribunal Pool <i>Vanessa Davies</i> Director General, Bar Standards Board
b.	Apologies and conflicts of interest <i>Heather Rogers</i> (Apologies) Interim Chair, Inns' Conduct Committee <i>Stuart Sleeman</i> (Apologies) Chair, Disciplinary Tribunal Service <i>Dan Burraway</i> Corporate Support and Contract Manager, BSB
c.	In attendance <i>Francis Leeder</i> Administrator, BTAS

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD

T: 020 3432 7350
E: info@tbts.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 5JD

	<p><i>Andy Russell Registrar, BTAS</i></p> <p><i>Margaret Hilson Administrator, BTAS</i></p>	
d	<p>Reappointment of the SAB Chair</p> <p>It was noted that Clare Dodgson had been reappointed to serve as Chair of the SAB for another term of three years.</p>	
2.	<p>Minutes of last meeting</p> <p>The minutes of the meeting held on 14 December 2016 were approved and will be placed on the BTAS website.</p>	Annex A
3.	Actions and Matters Arising from Last Meeting	
a.	<p>Actions from last meeting</p> <p>The SAB noted the update on actions from the last meeting as detailed in Annex B, and that all were either complete or referred to elsewhere on the agenda.</p>	Annex A
b	<p>Matters Arising</p> <p>Standard of Proof</p> <p>The Director General of the BSB announced that a public consultation would be launched shortly after Easter concerning the Standard of Proof in use during BTAS Disciplinary Tribunals.</p> <p>This consultation was planned to take at least 3 months and it was agreed that it would form an agenda item at the September meeting of the SAB.</p>	Action 1
4.	<p>Criteria for Lay Appointments</p> <p>The SAB received an update on the investigations carried out following the previous meeting of the SAB (Minute 6; Action 9) where the issue of appointment of Solicitors to the Disciplinary Tribunal pool as lay members had been discussed.</p> <p>Following external consultation, there was found to be no requirement for BTAS to adopt the definition of layperson found in the Legal Services Act. Whilst no grounds for concern had been identified from a legal perspective in the appointment of Solicitors as laypersons, it was agreed that the appointment of solicitors as</p>	Annex B

	<p>laypersons would seem questionable from the wider public’s perspective and as result both the one active member of the pool (a retired solicitor) and the two incoming appointments to the pool were stood down. This decision had been made by the President of COIC. At present, some disappointment had been expressed but there were no further complaints or challenges.</p> <p>The SAB expressed their thanks to the BTAS Registrar for his swift response once the issue had been raised. The SAB also noted that, whilst three panellists had effectively been lost, there was no indication that replacements for those were needed.</p>	
5.	<p>KPIS</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.</p> <p>The SAB noted that the format and metrics in use as KPIs had changed following the renewal of the BSB Service Agreement at the start of 2017 which set out the new requirements. Data would now be reported on a quarterly basis as opposed to a monthly basis.</p> <p>The SAB noted that there had been one successful appeal against a BTAS decision against a target of zero. As a result, the BTAS Registrar provided a narrative account of the details of the appeal and the reason it had succeeded (new medical evidence provided by the defendant).</p> <p>The SAB also noted that a combined target of 5 hearings per year had been introduced which would see each panellist sitting on 5 cases whether these were ICC, DT or other types of case. In the interim period, a target of two cases per year would apply</p>	<p>Annexes Ci-iv</p> <p>Action 2</p>

	<p>The SAB noted that the new KPIs did not appear to provide information covering adjournments and it was agreed that data on the number of adjournments would be considered for the next SAB.</p> <p>Finally, the SAB noted the reasons for a number of failed recordings which had been due to a technical fault with the recording equipment. This fault meant that that the equipment appeared to be recording at the start of a tribunal but would stop recording after 15 minutes and fail to store any data. It had been a combination of the delay in the fault becoming apparent after the recording had started and an initial visit from the engineers which found no fault with the equipment that meant the fault was able to develop on three different occasions before a subsequent engineer visit found and corrected the fault via a programming reset.</p> <p>The SAB was extremely concerned by this incident and it was agreed that BTAS would request a full report on the nature of the fault with its AV engineers. BTAS would also explore the option of having a ‘continuous recording’ light to show that a successful recording was underway or if it was practical to install a duplex recording system. A formal report on the issue and any remedial measures taken would be made to the next meeting of the SAB.</p>	<p>Action 3</p> <p>Action 4</p> <p>Action 5</p>
6.	2016 Annual Review	
6.1	<p>Annual Report 2016</p> <p>The SAB received the BTAS Annual Report 2016 and noted that there had been a 40% increase in the number of DT hearings compared with 2015. The Registrar suggested that this should be seen as a temporary ‘peak’, as this had been preceded by a similar spike in the number of PCC referrals (which are made 6 – 12 months before the Tribunal) which had since returned to normal levels.</p> <p>The SAB noted that for a public report, the BTAS Annual report was noticeably ‘anonymous’ and it was agreed that individuals who had contributed to its production, or held key roles at BTAS, would be identified in the next iteration.</p>	<p>Annex D</p> <p>Action 6</p>

	The SAB praised the report for being clear, easy to read and written in plain English.	
6.2	<p>Issues Arisen During 2016</p> <p>The SAB were due to hold a discussion on some of the wider learning points from 2016 but due to open complaints with both the BSB and the COIC Director it was agreed that it would be more appropriate if this was deferred until a future meeting.</p> <p>It was agreed that a link to a judgement regarding a key case from which many of these learning points arose would be shared with those members of the SAB who were not taking part in the investigation of the complaints.</p>	Action 7
7.	<p>Meetings and Remit of the Strategic Advisory Board</p> <p>The SAB considered its terms of reference and noted that there was provision for annual reporting of its business to COIC. The SAB agreed that, going forward, this process would be formalised and would take the form of a short summary of the key issues and topics discussed by the SAB during the year. This would be put to its December meeting for approval each year.</p> <p>The SAB also considered its membership in light of the planned changes to the structure and purpose of the ICC.</p> <p>Whilst a delay in the implementation of the new ICC rules may mean that this would not be the ICC lay representative's last meeting, he was sincerely thanked for his many contributions to the SAB and for all of the time and effort he had dedicated to both the SAB and the ICC over the years.</p> <p>It was agreed that COIC should be asked to approve changes to the membership of the SAB to include a legal member of the BTAS Pool who may or may not also be involved in the work of the new ICC executive, and that this new appointment would</p>	<p>Annex E</p> <p>Action 8</p> <p>Action 9</p>

	fill the vacancy of the ICC Lay Representative and so maintain the current size unchanged.	
8.	<p>Sentencing Guidance Review</p> <p>The SAB received an update on the progression of the sentencing guidance review since the last meeting, and gave their support for the proposed direction of travel.</p>	
8.1	<p>Remit of the Working Group</p> <p>The SAB received and endorsed the proposed remit of the Sentencing Guidance Working Group whose primary functions would include a review of the structure of the guidance as well as the mitigating and aggravating factors listed and the definitions and terminology.</p> <p>It was noted that the remit of the Working Group would not include any review of the levels of sanctions currently listed.</p>	Annex F
8.2	<p>Recruitment to the Working Group</p> <p>The SAB received an update regarding the progress made in the recruitment of the Sentencing Guidance Working Group.</p> <p>The SAB noted the approach would involve asking members of the DT Pool for expressions of interest. Members of the SAB had also made a list of suggested names which included both members of the DT Pool and judges with experience of BTAS cases who would also be contacted to see if they were interested in participating.</p>	
8.3	<p>Provisional Agenda for the First Meeting</p> <p>The SAB received and endorsed the proposed agenda for the first meeting of the Sentencing Guidance Working Group.</p>	Annex G
9	<p>New ICC Rules Implementation</p> <p>The SAB received an oral report on the implementation of the new ICC rules and were happy to hear that plans were on course for the rules to be implemented on 24 April 2017.</p> <p>The SAB noted that this date had been chosen to allow time for cases to be dealt with before the annual increase in referrals during the summer period.</p>	

10	<p>Panel Member Training</p> <p>The SAB received an oral update on the training exercise for new and existing panellists focus on 4 key areas:</p> <ul style="list-style-type: none"> • Application of the sentencing guidance • Panel member skills and structured decision-making • Equality and Diversity Awareness • Vulnerable Witness Training <p>The training would be delivered in half day sessions allowing flexibility for those who would prefer to do the training in a single day and those who would prefer to split the training across two sessions, whether morning, afternoon or evening.</p> <p>The SAB discussed the benefits of assessed training and whilst there would not be time to prepare appointees for assessment during this round of recruitment, it would be considered during delivery of future training.</p> <p>The SAB noted that those delivering the training, including the Chair of the Tribunal Service, would be asked to be aware of any unsatisfactory behaviours or performance during training and if anything was identified which was potentially so serious as to call into questions someone’s fitness to sit as a panellist, the Registrar should be notified.</p>	Action 10
11	<p>Draft LSB Business Plan 17-18</p> <p>The Director of COIC introduced the draft LSB Business Plan for 2017/18 and a brief discussion was held regarding the future of Legal Services Regulation.</p> <p>The SAB noted that the LSB’s vision of one Legal Service Regulator, and presumably by implication, one legal tribunal service, would require primary legislation and this was very unlikely to be progressed until 2020 at the earliest.</p>	Annex H
12	Dates of Future Meetings	

	<ul style="list-style-type: none"> • Thursday 15 June 1400-1600 • Wednesday 20 September 14:00-16:00 • Thursday 7 December 14:00-16:00 	
--	---	--

No.	ACTION	MINUTE	OWNER	PROGRESS
1.	Include Standard of Proof on future SAB agenda	3b	FL	
2.	Data on adjournments to be provided to the next meeting of the SAB	5	AR	
3.	BTAS to consider informing insurers regarding failed recordings	5	AR	
4.	BTAS to explore option of recording light/ duplex system	5	AR	
5.	Formal report on reason for failed recording o be provided to the next meeting of the SAB	5	AR	
6.	Names and identities to be included in the next iteration of the Annual Report	6.1	AR	
7.	Public Domain Link to be shared with members of the SAB	6.2	AR	
8.	Annual reporting to be out to the December meeting of the SAB	7	AR	
9.	SAB to recruit new legal panellist member	7	CD/AR	
10.	Inform trainers to monitor behaviour during training	10	AR	