



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Wednesday 15 December 2021, 17:00

Via Zoom

	ITEM	PAPER
1.	<p>Welcome</p> <p>The Chair welcomed the Board members.</p> <p>Present</p> <ul style="list-style-type: none">• Antony Townsend (AT) – Chair of SAB• HHJ Jonathan Carroll (JC) – Chair of the Tribunal Panel• Mark Neale (MN) – BSB Director General• Paul Robb (PR)- Lay DT Panellist <p>In Attendance</p> <ul style="list-style-type: none">• Margaret Hilson (MH) – BTAS Administrator• Sara Jagger (SJ) - BSB Director of Legal and Enforcement• James Wakefield (JW) – Registrar & COIC Director <p>Apologies</p> <ul style="list-style-type: none">• Ian Clarke QC (IC) – Chair of the Inns’ Conduct Committee• Saima Hanif QC (SH) – Legally Qualified DT Panellist	

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	<p>The Board noted that recruitment exercises will be completed in the New Year for:</p> <ul style="list-style-type: none"> • A members of the Tribunal Appointments Body • The BSB Lay Representative <p>It is hoped that these new members will attend the next SAB meeting.</p> <p>Lara Fielden</p> <p>The Board noted with sadness the death of Lara Fielden and recorded its thanks for her many years of contribution to BTAS and the BSB. Lara managed to combine her great intellectual skills and years of experience with a kindness and humanity that made her a delight to work with. Lara will be missed.</p>	
2.	<p>Minutes of the Last Meeting</p> <p>i. To approve the minutes of the 29 June 2021 meeting.</p> <p>The minutes were approved.</p> <p>ii. To note progress with the actions arising from the minutes. Outstanding/Arising (not covered elsewhere):</p> <p>All are completed or covered elsewhere on the agenda.</p>	Annex A
3.	<p>Agenda Planning</p> <p>The Board approved the forward agendas. The Board noted that the ‘Use of 3/5 Person Panels’ item will be discussed in December 2022, later than originally anticipated. The reason for this is that the BSB are undertaking a wider review of Part 5 of the BSB Handbook, of which this will be part. The review will begin to be scoped later in 2022. The BSB will take the lead on this, consulting with BTAS and inviting SAB and BTAS to comment on early iterations of any draft scoping document.</p>	Annex B
4.	Online/Blended Hearings	

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	<ul style="list-style-type: none"> • Guidance for Directions Judges <ul style="list-style-type: none"> ○ The Board noted that (ACTION) the Guidance for Directions Judges is to be prepared for the next meeting of SAB. • Remote/Hybrid Hearings Survey of Users <ul style="list-style-type: none"> ○ The Board noted and discussed the report at Annex C. ○ Remote and hybrid hearings are here to stay throughout the court and tribunal sector and should remain part of BTAS' 'toolkit'. ○ Taking part in all day online hearings can be very tiring. Nevertheless they are very effective and allow for the participation of people from around the country (without the need to travel). ○ Further thought will need to be given to the use of documents during online hearings (and more generally). Electronic bundles would be very welcome. Care needs to be taken to make sure that remote witnesses have access to the bundles. More thought should be given to making the bundles available to all participants; this may need to be dealt with in directions. ○ ACTIONS – It was agreed that the priorities should be (in this order) <ul style="list-style-type: none"> ▪ Investigate the purchase of remote access equipment for the main tribunal room ▪ Produce the Guidance for Directions Judges (as agreed at the last meeting) ▪ Investigate whether, within our present document systems, more can be done to improve the effectiveness of the provision of documents (particularly to witnesses) 	Annex C

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	<ul style="list-style-type: none"> ▪ For the longer term (not likely to be 2022) undertake further research into electronic document management systems. 	
5.	<p>Sanctions Guidance Review</p> <ul style="list-style-type: none"> • The Board noted the: <ul style="list-style-type: none"> ○ Cover Note Report (D) ○ Second Consultation Response Paper (E) ○ Version 6 of the Sanctions Guidance (F) • The Board wished to record their thanks to James and Sara and colleagues for this ‘extraordinarily well conducted exercise’ and for all their hard work. • SAB members had made some minor drafting suggestions, but strongly supported the revised Guidance • BTAS sanctions now better reflect current views on misconduct, sexual misconduct in particular. • The Sanctions Guidance is impressive – it reads well and is well laid out. • Time will tell whether the Social Media Misconduct Group is used (or the other Groups dealing with the substantive behaviour) but it useful at this juncture to have it as a Group. • The Board approved the Report and Version 6 of the Sanctions Guidance. • ACTIONS <ul style="list-style-type: none"> ○ The Report and the Sanctions Guidance should be completed by reviewing any comments received (including how reasons for departing from the indicative sanctions range is expressed) and including the addition of Annex 3 (written reasons). 	Annex D, E, F

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	<ul style="list-style-type: none"> ○ The new Sanctions Guidance (subject to and comments received from COIC) is to be published w/c 20 December for implemented 1 January 2022; ○ A monitoring system should be put in place (as outlined in the cover note). 	
6.	<p>Tribunal Appointments Body 2022 Recruitment Exercise</p> <ul style="list-style-type: none"> • The Board noted Annex G and commented that the proposed recruitment work plan looked appropriate. • ACTIONS – The Tribunal Appointments Body were asked to consider whether it might be appropriate to lengthen the advertising window (proposed to be three weeks), to enable consideration of having outreach events such as an information and Q&A webinar. 	Annex E
7.	<p>Inns’ Conduct Committee</p> <p>In the absence of the ICC Chair the Registrar reported that there were no particular items to report.</p>	
8.	<p>Dates of Future Meetings</p> <p>The Board Agreed that:</p> <ul style="list-style-type: none"> • Meetings will start at 5pm with consideration being given nearer the time to them being in person or hybrid; • ACTION: A doodle poll should be undertaken to identify 2022 meeting dates in: <ul style="list-style-type: none"> ○ March ○ June/July ○ December 	

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10.	Any other Business There was no other business other than for the Chair to wish everyone and Happy Christmas and New Year.	