



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Wednesday 20 March 2019 14:00 – 16:00

The Tribunal Suite, 9 Gray's Inn Square

1.	Welcome and Apologies	
1.i	Present	
	<i>Clare Dodgson</i>	<i>Chair of SAB and Lay Representative</i>
	<i>Louise Clements</i>	<i>Lay Panellist, Disciplinary Tribunals Pool</i>
	<i>Robert Walton QC</i>	<i>Legally Qualified Panellist, Disciplinary Tribunal Pool</i>
	<i>Stuart Sleeman</i>	<i>Chair, Disciplinary Tribunal Service</i>
	<i>Lara Fielden</i>	<i>Lay Representative, Bar Standards Board</i>
	<i>Vanessa Davies</i>	<i>Director General, Bar Standards Board</i>
1.ii	Apologies	
	<i>Ian Clarke QC</i>	<i>Chair, Inns' Conduct Committee</i>
	<i>Joan Martin</i>	<i>Lay Member, Tribunal Appointments Body</i>
1.iii	<i>James Wakefield</i>	<i>COIC, Director</i>
	In attendance	
	<i>Andy Russell</i>	<i>Registrar, BTAS</i>

The Bar Tribunals & Adjudication Service

9 Gray's Inn Square,
London
WC1R 5JD

T: 020 3432 7350
E: info@tbtas.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>Margaret Hilson</i> Administrator, BTAS</p> <p><i>Samantha Anderson</i> Secretary, COIC</p>	
1.iv	<p>Welcome</p> <p>The Chair welcomed the SAB to the meeting, and thanked members for agreeing to attend on this revised date, following its rescheduling at the request of BTAS staff.</p> <p>The Chair was sorry to have to inform the SAB that one of its members, Joan Martin, was unwell. The SAB was distressed to hear that, and agreed that Dr Martin should be sent the SAB’s good wishes along with an appropriate gesture (such as flowers or chocolates).</p> <p>The Chair congratulated Robert Walton (Legally Qualified Panellist Member) on his recent appointment as Queen’s Counsel.</p> <p>The Chair reminded the SAB that this was Stuart Sleeman’s final meeting of the SAB, and that he stepped down as Chair of the Disciplinary Tribunal Service on 31 March. The Chair thanked HH Sleeman sincerely for his efforts and hard work as a member of the SAB and in his role as Chair. The Chair stressed that his commitment to BTAS was such that he had returned from holiday to attend this meeting, and that he would be greatly missed.</p>	
2.	Minutes of the Last Meeting	
2.i	<p>Confirmation of Minutes</p> <p>The minutes of the meeting held on 11 December 2018 were approved and will be placed on the BTAS website.</p> <p>Actions from the last meeting</p> <p>It was confirmed that all Actions were either complete, not yet due or appeared elsewhere on the agenda.</p> <p>In relation to Action 2 (“Registrar to ask Bar Council’s Young Bar Committee to disseminate recruitment adverts”) the Registrar was pleased to confirm that the initial analysis of data from those applying to join the Pool was extremely encouraging with regard to diversity; and the SAB was delighted to learn that nearly 30% of all applicants had declared themselves to be from a non-white British background.</p>	Annex A
3.	Annual Report to COIC	Annex B

	<p>i. The Registrar explained that he had prepared a draft for the Board’s review, and stressed that this was intended to prompt comments and improvements. The SAB noted that its Report, once combined with the Inns’ Conduct Committee’s and Tribunal Appointments Body’s Reports, will in due course be published on the BTAS website.</p> <p>The TAB thanked the Registrar for the draft Report, and agreed that the following improvements should be made:</p> <p>a) That a chart should be added setting out the number of hearings of a given length (e.g. 0.5 day, 1 day, 2 days etc), as this would be helpful alongside the existing chart that showed the average number of hearings.</p> <p>b) That ‘lessons learned’, if applicable, be added to the summary of appeals cases.</p> <p>The revised Report should then be sent to the Chair for approval.</p> <p>ii. The SAB then proceeded to discuss some of the key points arising from the Report, and in particular:</p> <p>a) That there was a clear decline over time in the number of Tribunals being held at BTAS. This was understood to relate to the fact that the BSB had changed its CPD requirements and monitoring approach over this period, and that if the CPD-type cases were removed from earlier years the overall decline would be much less marked.</p> <p>b) Inevitably, given the decline in Tribunal levels, the number of cases heard by individual Panel members was also low. While the Tribunal Appointments Body had taken steps to reduce the overall size of the Panel, this had largely kept in step with the reduction in Tribunal levels, and had not resulted in individual Panel members hearing more cases. The SAB agreed that there should be an expectation that Panel Members should sit for at least 3 times each year, with 5 times the preferred longer-term target. While some Panel Members (both lay and professionally qualified) regularly attended other potentially similar hearings in other roles, other Panel Members did not and would consequentially not be as confident in their decision-making if they only served on BTAS hearings infrequently. It was agreed that the SAB should recommend to the TAB</p>	<p>Action 1: AR</p>
--	---	---------------------------------------

	<p>that it should consider carefully the numbers of new Panel Members it recommended for appointment in 2019, towards achieving the target of 5 hearings days per year per Panel Member.</p>	<p>Action 2: AR</p>
<p>4.</p>	<p>Browne Review Update</p> <p>The TAB were very pleased to note that, following the introduction of payments to legally qualified members of the Disciplinary Pool on 1 April 2019, BTAS and the Bar Standards Board considered that the recommendations of the Browne Review into the Disciplinary Tribunal Service can be considered complete.</p> <p>It was clarified to the SAB that the reference to ‘CHRE’ in Annex C (Recommendation 3) related to the Commission of Healthcare Regulatory Excellence.</p>	<p>Annex C</p>
<p>5.</p>	<p>Key Performance Indicators</p> <p>The SAB considered the latest BTAS KPI data, and accompanying summary of key points arising therefrom.</p> <p>While the SAB noted the increased number of cases referred to BTAS in Q1 2019 (18, compared with 11 for the same period last year), it agreed that, given the overall low numbers involved, it was too early to attempt to assign any particular significance to this. While this would be monitored in future, it could well simply be a statistical quirk.</p>	<p>Annexes D & E</p>
<p>6.</p>	<p>Summary of Adjourned Cases</p> <p>The SAB noted that Annex F showed that there were very few adjourned cases, and were grateful that information had also been presented on other recent such cases in an attempt to allow the SAB to understand the nature of ‘typical’ adjourned cases.</p> <p>The SAB was, based on the information presented, satisfied that there was no evidence of huge delays. However, some concern was expressed over repeated adjournments being allowed in the same case. The SAB reminded itself that, at present, BTAS has no powers to intervene or imposes deadlines on cases, instead it relied on the parties agreeing mutually suitable dates between themselves.</p> <p>The SAB agreed that clarification should be sought on ‘avoidable’ and ‘unavoidable’ delays. There also should be consideration of an appropriate mechanism to ‘stop the clock’ on certain adjourned cases (for instances if due to serious and long-term illness) so that average time-to-completion data was not misleadingly distorted by a very small</p>	<p>Annex F & G</p>

	<p>number of cases that had been adjourned for unavoidable reasons. This is currently being considered by the BSB, and the Director General agreed to bring any proposals back to the SAB for reference, so that the BTAS and BSB could remain synchronised in the way case data is recorded and presented.</p>	<p>Action 3: VD</p>
<p>7.</p>	<p>BTAS Sanctions Guidance</p> <p>The SAB noted that the current version of the <i>BTAS Sanctions Guidance</i> - Version 4 - were developed in December 2017 and had been in effect since February 2018. Version 4 amounted to a refresh and reformatting of earlier Guidance, which had undergone public consultation as part of the Browne Review in 2012. The SAB considered that a two-part review of the Guidance was now appropriate.</p> <p>At this stage there was a need for a limited update to be made to reflect changes in the BSB <i>Handbook</i> (including to Core Duty 3) and to ensure the Guidance was appropriately covered matters such as use of social media. This would need to be completed by mid-October 2019, and it was agreed that the Registrar and the BSB's Head of Investigations and Hearings should meet and agree how best to progress this.</p> <p>Following this, the SAB agreed that it was appropriate to invite comments from the public about the Guidance, as a precursor to a potentially more fundamental review. As part of this public opinion should be tested about more significant changes, potentially including:</p> <ul style="list-style-type: none"> • determining the amount of any fine according to the means of the respondent. • comprehensive guidance on cases involving sexual misconduct. <p>It was agreed that the BSB and BTAS would meet to consider the potential extent, timescales and resource implications of such a review, and this should be brought back to a future meeting in 2019 for the SAB's consideration. The SAB noted that a review of any significant scale was likely to be expensive and would have to ensure it genuinely assessed public opinion. One potential option for the consultation phase was to approach the Legal Services Board Consumer Panel to see if they could assist in any way.</p>	<p>Annex H</p> <p>Action 4: AR</p> <p>Action 5: AR</p>
<p>8.</p>	<p>Dates of Future Meetings</p> <p>Tuesday 03 December 2019</p>	

9.	Any Other Business	
	None.	

No.	ACTION	MINUTE	OWNER	PROGRESS
1.	Make requested changes to the SAB Annual Report to COIC	3.i	AR	
2.	SAB's recommendations on consideration of future Panel size to be passed to TAB	3.ii.b	AR	
3.	BSB 'stop the clock' proposals to be shared with BTAS.	6	VD	
4.	Registrar and BSB to meet and initiate small-scale update of <i>Sanctions Guidance</i>	7	AR	
5.	Registrar and BSB to meet and propose scope of large-scale update of <i>Sanctions Guidance</i> to the SAB.	7	AR	