



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Thursday 25 March 2021, 14:00-16:00

Via Zoom

	ITEM	PAPER
1.	<p>Welcome</p> <p>The Chair welcomed the Board and congratulated Saima Haniff on her being appointed a QC.</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• Saima Hanif QC (SH) – Legally Qualified DT Panellist• Joan Martin (JM) - Lay Member, Tribunal Appointments Body• 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	

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	<p>Apologies</p> <ul style="list-style-type: none"> • Ian Clarke QC (IC) – Chair of the Inns’ Conduct Committee • Lara Fielden (LF) - Lay Representative, Bar Standards Board 	
2.	<p>Minutes of the Last Meeting</p> <p>i. To approve the minutes of the 17 December 2020 meeting.</p> <p>The minutes were approved.</p> <p>ii. To note progress with the actions arising from the minutes.</p> <p>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 forward agendas were approved.</p> <p>Further consideration needs to be given to the time of the meetings to enable those with daytime commitments to attend.</p>	Annex B
4.	<p>Coronavirus Update</p> <p>The Board noted the report at Annex C and made the following comments:</p> <ul style="list-style-type: none"> • The BTAS team are to be thanked for ensuring that no backlog of cases has built up during these difficult times; • The BTAS Administrator in particular was praised for her outstanding professionalism and hard work; • Remote hearings have worked well; • ‘Blended’ hearings have worked adequately but further thought will need to be given to the sound quality within the hearing and enhancing ways of participating in the panel deliberation room for remote panellists. 	Annex C

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	<p>ACTION: JW to conduct a survey of service users to ascertain their perception of the quality of the service provided and the suitability of remote and blended hearings. The June SAB should begin consideration of a longer-term policy regarding remote hearings.</p>	
5.	<p>‘Whole System Approach’/Case Management</p> <ul style="list-style-type: none"> ○ Diversity Data: <p>SJ commented that, as per the discussion at the last SAB meeting, the BSB are planning to produce a diversity report (towards the end of 2021) that will include the tribunal activity.</p> ○ Panel Training <p>The Board agreed that the Tribunal Appointments Body (TAB) should be asked to consider annual panel training. This need not always be ‘in person’ training. Annual training would enable the Panel to be informed of trends and pick up learning outcomes from the preceding year. The Board noted that, subject to TAB’s further consideration, training in November 2021 might include:</p> <ul style="list-style-type: none"> ○ New Sanctions Guidance (main focus) ○ Complainant anonymisation/jigsaw facts ○ Vulnerable Witnesses ○ Data Protection <p>ACTION: JW to ask TAB to give further consideration to annual training.</p> <ul style="list-style-type: none"> ○ Allocation of 3/5 Person Panels by the BSB <p>The Board noted that this item was scheduled to be discussed at the June SAB. JM commented that other tribunals had moved to having only 3 person panels and that this appeared to work very well. Moving to 3 person</p> 	

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	<p>panels would require careful thought and public consultation.</p> <p>ACTION: JW to create a short paper for the June meeting on 3 and 5 person panels to aid initial discussion.</p>	
6.	<p>BTAS 2020 Annual Report</p> <p>The Board thanked the team for the Annual Report and commented that it was helpfully set out and informative. The Report was approved (noting that final approval was for the COIC Board) subject to the following amendments to be agreed by post-meeting email circulation:</p> <ul style="list-style-type: none"> • The introductory paragraphs to the SAB report should be amended to include matters that the SAB would consider in the coming year; • In the context of the Sanctions Guidance review, specific mention should be made of concerns raised about sexual misconduct cases. <p>ACTION: JW to amend the Report as set out above and circulate to the Board by email for approval.</p>	Annex D
7.	<p>BTAS 2020 KPI Report</p> <p>The Board reviewed the attached 2020 KPI report and made the following comments:</p> <p style="padding-left: 40px;"><u>Indicator 1 – Volume and Efficiency</u></p> <ul style="list-style-type: none"> • It is pleasing to see that Coronavirus has not caused a backlog of cases and that BTAS moved swiftly to deliver hearings remotely; • It is good that the proportion of matters that were completed within 6 months of directions being finalised increased during 2020; <p style="padding-left: 40px;"><u>Indicator 4 – Appointment of Panel Members</u></p>	Annex E

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	<ul style="list-style-type: none"> Whilst it is noted that the target is for panellists to undertake an average 5 hearings and that the average was 4.1 hearings, the size of the Panel pool should not be reduced further as this would make listing even more challenging. It was also noted that great effort is taken to ensure that all panellists have the opportunity to sit. <p>ACTION: JW to include in the 2021 KPI report an analysis of the number of matters completed within 12 months of directions being agreed as well as within 6 months.</p>	
8.	<p>BTAS 2019 Recruitment Exercise – E&D Data</p> <p>The Board noted the report at Annex F and made the following comments:</p> <ul style="list-style-type: none"> The TAB have been doing a great deal (including taking specialist advice) to encourage a diversity of applicants and to ensure that the selection process is as fair as possible; The Panel has become more diverse over time - work should continue to ensure the Panel becomes yet more diverse; <p>ACTION: JW to ask TAB to consider the attached report and to consider how to attract a diverse pool of applicants and reflect on the progression of applicants through the selection process.</p>	Annex F
9.	<p>Sanctions Guidance Review</p> <p>The Board noted the report at Annex G and made the following comments:</p> <ul style="list-style-type: none"> The Sanctions Guidance is showing its age and this review is very important; As previously reported, the guidance for sexual misconduct has been subject to particularly strong criticism and it is essential to get this right in order to maintain public confidence. 	Annex G

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	<p>ACTION: The Sanctions Steering Group should be thanked for their hard work and be asked to provide SAB members with sight of the first consultation prior to publication.</p>	
10.	<p>CaseLines (Short Oral Report from the Registrar)</p> <p>The Registrar reported that the BTAS team had been provided with a demonstration of Caselines which is an impressive tool. No immediate action is planned. Further consideration will need to be given as to whether the benefits of the system are proportionate to the costs; this will be done as part of a post-pandemic review of remote hearings (though of course Caselines could be useful for all hearings).</p>	
11.	<p>Inns' Conduct Committee</p> <p>In the absence of the Chair of the ICC, the Registrar commented that there was nothing to report over and above the ICC Annual Report (Annex D).</p>	
12.	<p>LSB Interest</p> <p>Mark Neale reported that nothing further had been heard from the LSB regarding liaising with BTAS/SAB. The Board commented that:</p> <ul style="list-style-type: none"> the LSB will not wish to delve into the detail of operational matters; If BTAS is to see the LSB to consider strategic matters, this should be done in concert with the BSB. 	
13.	<p>Dates of Future Meetings</p> <ul style="list-style-type: none"> 29 June 2021 – Consideration should be given to this meeting taking place in person. 15 December 2021. 	

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10.	<p>Any other Business</p> <p>This was Joan Martin’s last meeting. The Board thanked Joan for all her work over many years. Joan thanked the Board for the opportunity to work with ‘a great bunch of people’ and wished BTAS continued success.</p>	