



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Minutes

Strategic Advisory Board Meeting

Monday 25 April 2022, 17:00

Via Zoom and In Person

	ITEM	PAPER
1.	<p>Welcome</p> <p>The Chair welcomed the Board members, particularly Louise Fisher, this being her first meeting.</p> <p>Present In Person</p> <ul style="list-style-type: none">• Antony Townsend (AT) – Chair of SAB <p>Present Online</p> <ul style="list-style-type: none">• HHJ Jonathan Carroll (JC) – Chair of the Tribunal Panel• Louise Fisher (LF) – Tribunal Appointments Body Lay Member• Saima Hanif QC (SH) – Legally Qualified DT Panellist• Mark Neale (MN) – BSB Director General <p>In Attendance In Person</p> <ul style="list-style-type: none">• Margaret Hilson (MH) – BTAS Administrator• James Wakefield (JW) – Registrar & COIC Director	

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9 Gray's Inn Square,
London
WC1R 5JF
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 5JF

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	<p>Apologies</p> <ul style="list-style-type: none"> • Emir Feisal (EF) – BSB Lay Representative • Paul Robb (PR)- Lay DT Panellist • Sara Jagger (SJ) - BSB Director of Legal and Enforcement 	
2.	<p>Minutes of the Last Meeting</p> <p>i. To approve the minutes of the 15 December 2021 meeting.</p> <p>The minutes were approved.</p> <p>ii. To note progress with the actions arising from the minutes.</p> <p>The Board noted that the purchase of audio-visual equipment and furniture was an ongoing project.</p> <p>All other items were completed or covered elsewhere on the agenda.</p> <p>ACTION: JW to ensure that all approved minutes appear on the BTAS website.</p>	Annex A
3.	<p>SAB Members</p> <p>The Board noted the SAB membership as set out at Annex B and that there were no vacancies.</p>	Annex B
4.	<p>SAB Terms of Reference</p> <p>The Board approved the Terms of Reference subject to the amendment set out below.</p> <p>ACTION: JW to amend 5.1 as follows: ‘The Strategic Advisory Board shall meet at a minimum <u>twice a year</u> quarterly in its first year and will report annually to the COIC Board of Trustees.’ This change to be reported to the COIC Trustees.</p>	Annex C
5.	<p>Agenda Planning</p> <p>The Board approved the forward agendas subject to the following.</p>	Annex D

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	<p>The Board noted that further consideration will need to be given to the reasons why the number of cases completing in six months of receiving directions had declined (see item 7. below).</p> <p>The Board noted that it had been more than 18 months since the Chair had taken up post at which time, he had had individual conversations with the Board members. Most of the agenda items set at that time had been covered, and now would be a good time to review the position.</p> <p>ACTION: AT to speak to each of the Board members in the coming four to six weeks to discuss ideas for future agenda items and the effectiveness of the Board.</p> <p>ACTION: AT, in light of the above conversations, to take a view as to whether there should be a meeting in July.</p>	
6.	<p>BTAS 2021 Annual Report</p> <p>The Board asked for further consideration to be given to:</p> <ul style="list-style-type: none"> • Para 6 – setting out, in a sentence or two, the reasons why it was necessary to update the Sanctions Guidance; • Whether there could more analysis regarding the nature of cases referred (noting that many matters are charged as a breach of Core Duty 5 (diminishing trust and confidence in the profession) which can make such categorisation difficult); • Para 17 – Panel Outcomes – grouping the outcomes according to seriousness; • Para 24 – Directions – making sure the issue regarding delay that appears in the KPI report (see item 7) is reflected in this paragraph and that the table accurately reflects the categorisation of directions year on year. • Para 26 – Hearing Costs – making it clear that the BTAS’s costs are broadly flat year on year and providing a short comment on the likely costs for 2022; 	Annex E

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	<ul style="list-style-type: none"> ICC – providing more analysis on the reason for increased referrals and the declining number of full hearings and providing information as to the relative size of the Inns. <p>ACTION: JW to make the amendments to the report and share the next iteration with the Board by email prior to final approval by the Chair.</p>	
7.	<p>BTAS 2021 KPI Report</p> <p>The Board noted the report at Annex E and agreed, as noted in the report that, ‘It is a matter of concern that the number of cases completing within six months of the directions being finalised is lower than in 2020’. The Board also commented that delay can bring the disciplinary system into disrepute – particularly if there has also been delay prior to the matter being referred to the ICC.</p> <p>The Board noted that statistics regarding ethnicity and statistics regarding the nature and source of reports to the Bar Standards Board are contained in the BSB’s reports (published on the BSB website).</p> <p>ACTION: JW to undertake further investigation in discussion with the BSB into the cause of the number of cases completing within six months declining and report back to the Board.</p>	Annex F
8.	<p>BTAS 2022 Recruitment Exercise Progress Report</p> <p>The Board noted Annex G and commented that the number of applicants for the clerk positions was lower than hoped. JW reported that he had discussed the matter with the Chair of the TAB and it was agreed that the recruitment process should be completed and then a view taken as to whether another recruitment exercise was necessary.</p>	Annex G
9.	<p>Sanctions Guidance Implementation</p> <p>The Board noted the report at Annex H and commented that it appeared that the new Guidance was working well. JC reported that the Guidance would be kept under review and updates to the Guidance will</p>	Annex H

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	<p>be made as necessary; further reports will be provided to the Board from time to time. It is JC's intention to sit on a number of the earlier matters involving sexual misconduct and discrimination.</p>	
<p>10.</p>	<p>Online/Remote Hearing Guidance for Directions Judges</p> <p>The Board suggested the following changes to the draft Guidance:</p> <ul style="list-style-type: none"> • Paragraph 6 should include reference to the views of participants being taken into account; • Further thought needs to be given including a factor such as 'The ability of individuals to participate in proceedings'. <p>ACTION: JW to amend the Guidance for final approval by the Chair.</p> <p>The Board also discussed whether remote access facilities should be made available to those wishing to view proceedings as a matter of course. The Board noted that the criminal courts do not (post pandemic) allow proceedings to be 'broadcast' via zoom etc (although BTAS was not subject to the same legislative restrictions as the courts). Also, care needs to be taken over issues such as confidentiality and vulnerability. However, in principle there was an argument that remote access to public hearings should be facilitated, with safeguards. Further consideration needs to be given to the logistical implications of making online access available as a matter of course.</p> <p>ACTION: JW to keep online access to all hearings under general review and put on the 'Forward Agendas'.</p>	<p>Annex I</p>
<p>11.</p>	<p>Inns' Conduct Committee</p> <p>There was no ICC report.</p>	
<p>12.</p>	<p>Dates of Future Meetings</p> <p>As per the minute at item 5, the Chair will review whether it is necessary to have a meeting in July. At present the scheduled meetings are:</p>	

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	<ul style="list-style-type: none"> • 7 July, 5pm - remote • 7 December, 5pm - remote 	
10.	<p>Any other Business</p> <p>JW reported that the Court of Appeal had upheld the earlier decision in the Sommerville case. The earlier decision had found that NMC Tribunal Panellists were workers. The COIC Trustees are considering the matter.</p>	