



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Minutes

### Strategic Advisory Board (Draft)

Tuesday 3 December 2019, 14:00 -16:00

BTAS, 9 Gray's Inn Square

	ITEM	PAPER
1.	<p><b>Present</b></p> <p>Clare Dodgson (CD) - Chair of SAB</p> <p>Ian Clarke QC (IC) - Chair, Inns' Conduct Committee</p> <p>Louise Clements (LC) - Lay Panellist, Disciplinary Tribunal Pool (by phone)</p> <p>Vanessa Davies (VD) - Director General, Bar Standards Board</p> <p>Lara Fielden (LF) - Lay Representative, Bar Standards Board</p> <p>Joan Martin (JM) - Lay Member, Tribunal Appointments Body</p> <p>James Wakefield (JW) – Registrar &amp; COIC, Director</p> <p><b>Apologies</b></p> <p>HH Judge Jonathon Carroll (JC) - Chair, Disciplinary Tribunal Service</p> <p>Robert Walton QC (via phone) (RW) - Legally Qualified Panellist, Disciplinary Tribunal Pool</p> <p><b>In Attendance</b></p> <p>Margaret Hilson – BTAS Administrator</p> <p><b>Goodbyes</b></p>	

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	<p>The Chair noted that this was both her last meeting and Vanessa Davies’ last meeting. The Board thanked them both for their invaluable contribution and wished them all the very best for the future.</p>	
<p>2.</p>	<p><b>Minutes of the Last Meeting</b></p> <p>i. <b>To approve the minutes of the meeting held on 25 June 2019.</b></p> <p>The minutes were approved.</p> <p>ii. <b>To note progress with the actions arising from the minutes.</b></p> <p>The Board noted that all actions were complete save for:</p> <p>1. BSB have not shared the ‘Stop the Clock’ proposals;</p> <ul style="list-style-type: none"> <li>• VD commented that in fact the BSB had just introduced ‘stop the clock’ provisions, though the first data from these will only have begun to be gathered from mid-October 2019 . The concern is to understand why there has been delay in circumstances when the clock has not been stopped.</li> <li>• The Board noted that JC had been ‘bearing down’ on delay ‘beyond our control’ and that the recent BTAS training had particularly addressed this. Nevertheless there need to be continued scrutiny as ‘beyond our control’ can mean many things and the BSB may need to define what is meant by this more carefully.</li> </ul> <p>4. BTAS does not wish to align its reporting cycles to the BSB’s (financial year) – all COIC and the Inns’ cycles are based on the calendar year.</p> <p>7. BTAS will collect data on all appointed candidates’ geographical location and area of practice, once the training has finished and all panellists have been appointed.</p>	<p>Annex A</p>
<p>3.</p>	<p><b>2019 Recruitment Exercise – Equality and Diversity</b></p> <p><b>To review the recruitment exercise equality and diversity data.</b></p>	<p>Annex B</p>

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	<p>JW reported that as ever, with such small numbers, it is difficult to draw any firm conclusions. Nevertheless, for the most part it would appear that applicants progressed to appointment in broadly proportionate numbers when analysed by most characteristics and the statistics are improved as compared to the previous appointment round. The main points to note:</p> <ul style="list-style-type: none"> <li>• Disability – of the 17 who declared a disability, only 1 was invited to interview. The Board noted this point but expressed caution against drawing too many conclusions from such small numbers. The Board agreed that at the next recruitment round there should be a focus on attracting disabled candidates (see below).</li> <li>• Ethnicity – 75 (27 %) of applicants declared a non-white British ethnicity – of those appointed 5 (19 %) declared non-white British ethnicity. Also, no non-white British Clerks were appointed. The Board congratulated BTAS – focus had been placed on broadening diversity and this had been achieved.</li> <li>• Gender – of the 5 QCs appointed, only 1 was female. – It is better but the pool was small.</li> <li>• Location – our data does not reveal anything about the location of applicants.</li> </ul> <p><b>ACTION:</b> with regard to disability, prior to the next recruitment round we should encourage the TAB to look at the applications of those candidates who did not make it through to interview to see if there are any lessons to be learned. A concerted effort to recruit those with a disability might be a priority next time. NOTED</p> <p><b>ACTION:</b> In the future BTAS / TAB should consider hosting ‘how to apply for BTAS’ workshops and ‘taster days’. This will help encourage a wider pool of applicants. It should be made clear that such appointments help with career progression. NOTED</p> <p><b>ACTION:</b> Further thought should be given to publishing this information, alongside similar statistics for previous recruitment rounds if available. With such small numbers it may be necessary to</p>	

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	<p>redact. Emphasis should be placed on the main headings of age, disability, ethnicity and gender. Note: the BSB research team would be pleased to advise on how to present this information. OUTSTANDING</p>	
4.	<p><b>2019 Pool Member Induction and Refresher Training</b></p> <p>To receive and discuss an oral report from the Registrar on the progress of the 2019 Panellist training (which will be 3/4 complete at the time of the meeting).</p> <ul style="list-style-type: none"> <li>• The training appears to have gone very well. Delegates have participated fully and constructively. The informal feedback has been very positive. JC and JW have been roving (as suggested by this Board) and the E&amp;D trainer has been excellent (JW sat in on the first two deliveries).</li> <li>• As at 29 November it looks like of the 53 people that need training, 5 or 6 will not have done Session A (decision making) and 11 or 12 will not have done Session B (equality and diversity).</li> </ul> <p><b>ACTION:</b> BTAS to find a suitable date for ‘mop up’ sessions in the New Year for those still to be trained. DONE</p> <p><b>ACTION:</b> The Board asked that thanks should be passed on to Andy Russell for developing the programme. DONE</p>	
5.	<p><b>Sanctions Guidance Review</b></p> <p><b>To consider whether it is necessary to instigate a review of the Sanctions Guidance and to advise the Registrar on the extent of any review.</b></p> <p>JW reported that:</p> <ul style="list-style-type: none"> <li>• In 2013 the Sanctions Guidance underwent a fundamental review including a public consultation;</li> <li>• In 2017 the Guidance underwent a working party review (made up of panel members) filling in some gaps such as sexual misconduct and adjusting format;</li> </ul>	Annex C

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	<ul style="list-style-type: none"> <li>From time to time the BTAS team have undertaken consequential updates (references to new rules and so on).</li> </ul> <p>The Board was firmly in favour of having another review. VD reported that the areas of social media and harassment (including but not limited to sexual) are both ripe for review as is the distinction between honesty and integrity (the subject of recent appeals). There should be a desk exercise to review other guidance that is out there (both as to the breadth of offences and starting points/sanctions).</p> <p>After discussion the group recommended that consideration should be given to a two-stage approach:</p> <ol style="list-style-type: none"> <li><u>A Scoping Review</u> – a desk-based review of other guidance and the gathering of the views of regular users – to initially identify issues/proposals regarding the appropriateness of categories and starting points/sanctions.</li> <li><u>A Broader Consultation</u> – a second stage consulting more widely/testing proposals for amendment. Comments from the public should be sought but experience shows that it is difficult to get engagement and more focused approaches to bodies such as the LSB consumer panel are also necessary.</li> </ol> <p>The Board recommended that a scoping group should include lay representation – one suggestion was that they should be in the majority. VD commented that the BSB would expect to be part of the group. It was also noted that it may prove necessary to pay for research.</p> <p><b>ACTION</b> – It is recommended that a Sanctions Guidance Review should be undertaken as outlined above. <b>DONE</b></p>	
6.	<p><b>Key Performance Indicators</b></p> <p><b>To consider the latest BTAS KPI data, and accompanying summary of the key points.</b></p> <ol style="list-style-type: none"> <li>Summary Document - the Board noted.</li> <li></li> <li>KPI data Q2 2019 – the Board noted.</li> </ol>	<p>Annex D</p> <p>Annex E</p>

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7.	<p><b>Inns' Conduct Committee</b></p> <p>ICC reported that:</p> <ul style="list-style-type: none"> <li>• New ICC rules have been agreed with the BSB to dovetail with the new BSB guidelines;</li> <li>• The ICC is making consequential amendments to its Standing Orders and Resolutions, its practices and procedures;</li> <li>• The membership of the ICC refreshes on a revolving basis;</li> <li>• The ICC will work with the BTAS team to produce an online repository of all its main reference documents;</li> <li>• The ICC are working with the Inns to agree a systems of scheduling regular screening panels (instead of scheduling when need arises);</li> <li>• The ICC conducted its first disputed facts hearing which resulted in the student being expelled from their Inn.</li> <li>• The presumption is now that ICC hearings will ordinarily be held in private (save in readmission cases). The ICC hopes to develop guidance as to when the usual presumptions should be set aside. The Board commented that this would be useful, though it may prove to be case specific.</li> </ul> <p>VD reported that:</p> <ul style="list-style-type: none"> <li>• there continue to be a considerable number of cases involving academic misconduct;</li> <li>• All of the current Bar Professional Training Courses will finish during the summer of 2020 with new Bar Courses taking their place from September 2020.</li> </ul>	
8.	<p><b>Recruitment of the SAB Chair</b></p> <p>To receive an oral report on the Recruitment of the SAB Chair and to note the Job Description.</p>	Annex F

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	JW reported that advertisements will go out in the Guardian (print and online), and Nurole website (NED Recruitment) with a view to recruitment taking place in 2020.	
9.	<p><b>Dates of Future Meetings – to be decided (by doodle pole)</b></p> <ul style="list-style-type: none"> <li>• March</li> <li>• June</li> <li>• December</li> </ul> <p>All meetings commence at 2.00pm.</p>	
10.	<p><b>Any other Business</b></p> <p>CD asked that the Board should thank Andy Russell for all his hard work and the support he has given the Board over the years.</p> <p>The Board repeated their thanks and best wishes to Clare and Vanessa.</p>	