

## **Appendix 8: Independent Decision-making Body (IDB) Terms of Reference**

### **Role of the IDB**

1. The Independent Decision-making Body (the “IDB”) is a decision-making body of the Board, from which it derives its authority to provide members for Independent Decision-making Panels (IDPs) which carry out the functions and exercise the powers given to IDPs pursuant to the Enforcement Decision Regulations under Part 5A of the BSB Handbook. It also considers applications for review made under Part 3 C6, Part 3 E11, or Part 4 B4, or reviews of decisions taken under Part 1 A4, of the BSB Handbook.
2. The IDB reviews enforcement cases that may require disciplinary action, in order to make a decision that an allegation is referred to a Disciplinary Panel administered by the Bar Tribunals and Adjudication Service (BTAS). The IDB also reviews decisions taken by the Executive in response to applications to waive BSB rules or to issue, amend or revoke a practising certificate, and determines appeals against authorisations decisions.
3. The IDB contributes to the overall efficiency of the BSB’s enforcement and authorisations processes, both from the perspective of how it manages its workload and through the powers delegated to it that enable the IDB to make effective decisions expeditiously. Where appropriate, the IDB will contribute to the continuous improvement of its own operating procedures.

### **Membership of the IDB**

4. The IDB shall be comprised of a Chair and at least one Vice Chair, and sufficient numbers of lay persons and barrister members to enable it to carry out its duties expeditiously. The IDB Chair and Vice Chair(s) can be either a lay or a barrister member. The Chair and at least one of the Vice Chairs will include both a lay and a barrister member.
5. As at the date of appointment, barrister members of the IDB must be practising barristers or, if no longer practising, have been issued with a practising certificate (in accordance with the Practising Certificate Rules of the Bar Standards Board Handbook) no more than three years before the date of appointment to the IDB
6. The IDB is committed to the principle that its membership should broadly reflect the diversity of the Bar and of society.
7. A member of the Board, or the Bar Council or any of its representative committees, may not be a member of the IDB.
8. A member of the IDB may not be appointed as a member of the Advisory Pool of Experts (APEX).
9. The IDB Chair may carry out the functions and exercise the powers given to the IDB Chair under Part 5 of the BSB Handbook.

### **IDB Appointments, Re-appointments and Cessation of Membership**

10. IDB appointments, reappointments and cessation of membership will be conducted in accordance with the BSB Appointments Policy (Appendix 10 to the Governance Manual).
11. All IDB members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB.

### **Appraisal and quality control process**

12. The Bar Standards Board has a responsibility to quality assure our decision-making functions, through the process of "Quality Control". IDB members are subject to a minimum of a review of performance within two years of appointment and a review of performance preceding any decision on their reappointment at the end of their term of office.
13. Quality Control is carried out by the Chair and/or Vice Chair(s) for IDB members, and by the Director General or other senior member of staff delegated by them for the Chair and Vice Chair(s), in accordance with the respective prevailing competencies and prescribed policy(ies) and guidance governing this process.

#### **Proceedings and composition**

14. The proceedings and composition of IDPs are as prescribed in Schedule 1 to Part 5A of the BSB Handbook (the Enforcement Decision Regulations).

#### **Reporting responsibilities**

15. The IDB Chair and Vice-Chair(s) will report to the Board at least annually on all matters within the IDB's duties and responsibilities.

#### **Recommendations and Feedback**

16. The IDB remit includes the ability to give feedback to the Executive to the extent necessary to inform and develop its own work and to continuously improve the performance of the Bar Standards Board's handling of enforcement and authorisations decisions.

#### **Understanding Outcomes**

17. The IDB remit includes understanding its own output and ensuring consistency of approach and outcome. As part of that process the IDB can be provided with information on all case disposals following its decision-making process, whether the case is disposed of by the functions of the BSB or of BTAS.

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