

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Professional Conduct Department	
Title: Authorisation of functions/powers under Part 5 of the BSB Handbook	
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1. Background

- 1.1 The Complaints Regulations (Part 5.A of the BSB Handbook) vest all decision making powers in relation to the conduct of relevant persons (as defined in Part 6 of BSB Handbook) in the Professional Conduct Committee (PCC). Further, the Interim Suspension and Disqualification (Part 5.D), and Fitness to Practise Regulations (Part 5.E) vest the power to refer relevant persons/BSB authorised individuals to these processes in the PCC. However, the enforcement system would not be able to operate effectively if all the relevant decisions under the Handbook were required to be taken by the full PCC. Therefore, Regulations rE3, rE253 and rE289 of the BSB Handbook give the PCC or Chair of the PCC the power to authorise any person, group or body to fulfil any function or exercise any power given to them in Part 5 A, D and E of the BSB Handbook, respectively.
- 1.2 This documents sets out the process for making authorisations and lists at Annex 1 the standing authorisations the PCC, or Chair of the PCC, has formally made to allow others to exercise functions/powers under Part 5 of the BSB Handbook.

1.3 A person, group or body authorised to exercise powers or functions, must exercise those powers in accordance with the Regulations and any relevant policy or guidance, in particular:

- “PG09 – Initial assessment of complaints”
- “PG10 – Investigation of complaints”
- “PG12 – Decision making criteria”
- “PG11 – Categorisation of complaints”
- “PG20 – Supervision referrals and exchange of information”

2. Process for making authorisations

2.1 All authorisations are required to be evidenced in writing on an Authorisation Form. An example of the standard Authorisation Form is attached at Annex 2.

2.2 Where the need for a new authorisation is identified, a short paper should be prepared for the PCC or PCC Chair¹ outlining the reasons for the authorisation and attaching a draft Authorisation Form. The paper will usually be prepared by a relevant member of staff in the Professional Conduct Department. Where the authorisation requires the approval of the full PCC, the paper will be presented at a meeting of the PCC as an agenda item. If approval is given by the PCC, the Chair of the PCC will sign and date the authorisation. The original, as well as a scanned copy, will be kept centrally with the Operational Support Team.

2.3 **Revocation or amendments to existing authorisations:** a new Authorisation Form is required for any changes to existing authorisations. The same process as set out at paragraph 2.2 will apply save for the fact that the Chair of the PCC will be required to sign the appropriate section of the existing form to indicate it has been revoked/amended as well as sign the revised Authorisation Form.

2.4 **Validity of authorisations:** all authorisations remain valid from the date they are signed until they are either revoked or amended. From time to time it may be necessary for an authorisation to be given for a specific time limited purpose. Where this is the case, the Authorisation Form should indicate the period during which the authorisation should apply. On the expiry of the period the authorisation will cease to have validity. However, in general it is better not to put time limits on authorisations as they can easily be revoked once they are no longer needed.

3. Standing authorisations

3.1 The table of authorisations set out at Annex 1 lists the standing authorisations that have been put in place to ensure the effective day to day operation of the enforcement system.

¹ Where approval is sought of change to a standing authorisation, it is good practise (although not a requirement) to put this in front of the full PCC for approval.

4. Publication of authorisations

- 4.1 The Table of Authorisations is published on the BSB's website and is updated in accordance with any changes to the authorisation regime. However, it may not always be possible to update the published table, or the table at Annex 1, immediately after any changes are made. In all situations, where there is a signed Authorisation Form that does not accord with the information set out in the published Table, or in Annex 1, the contents of the Authorisation Form will be apply.