10. Responsibilities of, and information for, lay members

Overview

10.1 This section of the Pack should be read in conjunction with Section 9, which sets out the general roles and responsibilities of Committee members which apply to both lay and barrister members. However, the role of lay members is slightly different to the general role, and therefore this section provides further information for lay members.

The “lay veto”

10.2 Lay members play an essential role in maintaining public, as well as other stakeholder, confidence in the decisions taken by the Committee, and act as a balance to prevent decisions being taken that do not fully take into account the public interest. For this reason, no complaint can be dismissed at a Committee meeting without the agreement of the majority of the lay members present. This is known as the "lay veto". Therefore, lay members must feel free to object to a recommendation presented to the Committee to dismiss, even if the weight of the Committee appears to be against them: it is quite possible that strong views voiced by even one lay member can turn the tide of opinion.

Preparation for and attendance at Committee meetings

10.3 The role of the lay members is to act in the public interest, by ensuring that complaints are considered fully and that the professional members of the Committee understand the view that might be taken by people outside the profession of the barrister’s behaviour. At the same time, lay members will appreciate that, for many people, having a complaint made against them is, in most cases, very stressful, particularly as disciplinary action may be prejudicial to their long-term career prospects if charges are found proved.

10.4 In order to properly discharge their responsibilities, it is expected that lay members will inform themselves about the context within which the Bar Standards Board and Professional Conduct Committee operate, including being familiar with the BSB Handbook and the expectations of those who are
regulated by the BSB in regard to their conduct. In part, this will be fulfilled by attendance at the induction training organised by the Committee when new members join but familiarity with this pack will also assist. However, it is inevitable that in the early days of membership, lay members will come across terminology or practices with which they are unfamiliar. In this situation, lay members can assist with the smooth running of the Committee meetings, whilst making an effective contribution to decision-making, by preparing in advance for the meeting.

10.5 Lay members are expected to read thoroughly the cases for consideration at each Committee meeting they are scheduled to attend, and to identify in advance any issues they do not understand. Some of these will be particular to the complaint being considered, and should be raised at the meeting, but others may be matters of general practice and terminology, and can be clarified in advance of the meeting. Papers are generally timed to arrive on the Thursday or Friday before the meeting on the next Wednesday, so there should be time to raise these issues, either with the relevant staff in the Professional Conduct Department by e-mail or phone, by the same means with one of the Office Holders of the Committee (the Chair or the Vice-Chairs) or with the mentor member allocated to lay members when they join the Committee.

10.6 During discussions at Committee meetings, the Chair will generally invite lay members to ask any questions that they might have of the Case Examiner member once an individual case has been introduced. Lay members should take this opportunity to raise any issues that they think should be brought to the attention of the Committee. It is helpful if you try to focus on the main issues that might be in dispute and be as succinct as possible. However, you should feel free to raise any matters at all about a complaint that cause you concern or you are not clear about.

10.7 Where lay members are in agreement that a complaint should be dismissed, they should pay careful attention to the reasons for decisions in draft letters particularly dismissal letters to ensure they cover all the relevant issues and aspects of the complaint and are drafted in such a way that the complainant is likely to understand the reasons for the Committee’s decision. Lay members are often asked to work in conjunction with a barrister member who has...
drafted a letter, to produce a more refined and user friendly final letter. You may be asked to do this by the Chair at a meeting even if you did not raise any concerns about the content of the draft letter.

Expenses and fees

10.8 The lay member appointment letter sets out the fees applicable for meetings but these can be revised by the Bar Standards Board from time to time. If this happens you will normally be told in advance. An evening meeting constitutes "a half day". Lay members should note that the barrister members do not get paid for attending meetings, and all their work is voluntary.

10.9 The evening/half day rate applies where the length of the designated meeting, including any refreshment breaks, is **four hours or less**. The full day rate applies where it lasts **more than four hours**, including any refreshment breaks.

10.10 Lay members may also claim fees, if they wish, for:

   a) a meeting of the full Committee which has been formally scheduled but cancelled at the last minute;

   b) attendance at Task Completion Group meetings or meetings of the Quality Review Sub-Committee;

   c) additional or ad hoc meetings, necessary for taking work forward outside formal meetings, where payment have been agreed in advance by one of the Team Managers or the Director of Professional Conduct. Therefore if you are at all unsure about whether you are able to make a claim for an attendance fee for an hoc meeting, please ensure that you consult a Manager in advance; and

   d) compulsory induction or training required by the Bar Standards Board or the Committee.

10.11 The Bar Standards Board does not make any additional fee payments for preparation and travel time or for any follow up work (unless covered by 10.10 (c) above).

10.12 Reasonable travel, accommodation and subsistence expenses will be reimbursed in accordance with the BSB’s expenses policy (to obtain a copy of
the policy, please contact the Operational Support Team Manager). All claims for fees and expenses should be entered on the prescribed expenses claim form and accompanied by original receipts (a copy of the Expenses Claim form is included at the end of this section). Any claims submitted more than three months after the event will not normally be paid, unless there are exceptional circumstances.