

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Appointment of new barrister members to the Independent Decision-Making Body

Application Pack

July 2022

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Overview

The Bar Standards Board (BSB) is seeking to appoint a further five self-employed practising barrister members to its Independent Decision-Making Body.

Key Dates

- Closing date 9:00am Monday 1 August 2022
- Shortlisting w/c 30 August
- Interviews w/c 26 September

Competencies For the full list of competencies, see [Annex 4](#)

Remuneration £308 per day and £154 per half day

Time Commitment Members are likely to be required to sit on a panel every six to eight weeks on average, subject to the number of cases needing decisions. Panel meetings are scheduled to last either a full or half-day.

Duration of appointment An initial period of up to three years, subject to a satisfactory appraisal on completion of 18 months' service.

Application Process Applications must only be submitted through the BSB's dedicated email address:
IDBapplications@BarStandardsBoard.org.uk

Contact Jeanette Fordyce-Harvey at
JFordyce-Harvey@BarStandardsBoard.org.uk or
telephone number 0207 611 1422

Bar Standards Board

Introduction

The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest.

We are responsible for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Setting standards of conduct for barristers;
- Authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- Monitoring the service provided by barristers and the organisations we authorise to assure quality; and
- Considering reports about barristers and the organisations we authorise and taking enforcement or other action where appropriate.

The work that we do is governed by the Legal Services Act 2007 (the Act) as well as a number of other statutes.

Our objectives are laid down in the Legal Services Act. We share them with the other legal services regulators. They are:

- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of citizens' legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

The Board is made up of a combination of lay people and barristers. The Board has a lay majority, as required by the Internal Governance Rules made by the Legal Services Board¹. The Board is committed to regulating in the public interest and to following best practice for modern regulators.

The Board has four committees to help it discharge its responsibilities:

- **Governance, Risk and Audit** - responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the risk management framework and the BSB's internal audit function;
- **Nomination Committee** - advises the Board on fair, inclusive and transparent approaches to recruitment to the Board and senior executive roles and oversees, on behalf of the Board, some aspects of the recruitment process;

¹ <https://legalservicesboard.org.uk/wp-content/uploads/2019/07/IGR-2019.pdf>

- **Remuneration Panel** - makes recommendations to the Board on the remuneration and terms of engagement of BSB staff, its non-executive members and advisers; and
- **Strategic Planning and Resources** - leads work in relation to developing strategic direction and plans for the BSB, advises the Board on developments to the planning and resource setting processes. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed across the BSB.

All committees have barrister and lay members. All Board and committee members are appointed in accordance with the Seven Principles of Public Life, a copy of which is at Annex 2.

Our organisational values

The way in which we undertake our work is very important to us. We do this by adhering to a number of organisational values. Our organisational values are:

Fairness and Respect
 Independence and Integrity
 Excellence and Efficiency

Our people have told us that the behaviours they expect everyone to demonstrate for each value are:

Fairness and Respect:

- Listen and include
- Respect and celebrate differences
- Challenge bias

Independence and integrity

- Be accountable
- Be open
- Act on evidence

Excellence and efficiency

- Learn and develop
- Collaborate
- Seek feedback to improve.

Independent Decision-Making Body (IDB)

The Independent Decision-Making Body (IDB) is a non-executive body responsible for taking all our regulatory decisions that require independent scrutiny, and it has been operating since September 2019. It consists of a pool of suitably qualified decision makers from which panels of lay and barrister members are formed to take decisions on individual cases - panels of three are used for authorisations and five for enforcement cases.

The IDB has a Chair and one Vice Chair. These roles are responsible for supporting the members, appraising performance and reporting to the BSB Board on the work of the IDB.

Most of the decisions for which the IDB is responsible are in relation to whether enforcement action, including disciplinary action, should be taken where breaches of the professional obligations, as set out in the BSB Handbook, may have occurred. For these decisions, IDB members will be required to apply the Enforcement Decision Regulations under Part 5, Section A of the BSB Handbook². In most cases where the IDB considers disciplinary action should be taken, the matter will be referred to an independent disciplinary tribunal to determine charges of professional misconduct. However, the IDB also has limited powers under the Determination by Consent procedure to make disciplinary findings where the barrister consents, there is no dispute on the facts and the likely sanction that will be imposed is a fine or less.

The IDB is also responsible for, amongst other things, taking decisions in relation to appeals against executive decisions not to grant waivers from the Handbook requirements or decisions not to authorise or license a body to provide legal services.

All panels have a lay majority. Each panel meeting has a Chair, drawn from the IDB pool. We are not recruiting specific members to fulfil that role but will train ordinary members to take on the function.

Vacancies

Barrister members of the IDB may be either practising or non-practising, employed or self-employed. However, due to turnover in the IDB membership, self-employed practising barristers are underrepresented within the pool. In this recruitment round, we are therefore seeking only to appoint **five self-employed practising barrister members**, from any specialism. We welcome applications from senior practitioners and we also welcome applications from barristers with knowledge of supervising barristers during their pupillage. However, neither of these is an essential requirement.

We welcome applications from all people who meet the role requirements regardless of background and particularly encourage those from groups that are currently underrepresented in our independent decision-making processes such as people from ethnic minority groups, people who are LGBT, and people with disabilities.

We also encourage applications from those located outside London as facilities will be provided to attend IDB panel meetings remotely, and papers are provided electronically.

Time commitment

IDB members are expected to play a full part in the work of the panel, and to prepare for and attend all panel meetings to which they are appointed. Three or four panel meetings are usually held per month, but members are likely to be required to sit on a panel approximately once every six to eight weeks on average, subject to the number of cases needing decisions. Panel meetings are scheduled to last either a full (seven hours including a lunchbreak) or half-day (up to four hours), but a minimum half day fee will be paid for each meeting (see below). The fee includes reading time prior to the panel meeting (which can be considerable).

² <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=BA9E823E-F26B-496D-9726736F9F069FAC&q=Part+5+-+A.+The+Enforcement+Decision+Regulations+2019>

Panel meetings are typically held during the day, (although it may occasionally be necessary to schedule meetings after 5pm), on Mondays - Thursdays. This is an important aspect to consider in deciding whether you wish to apply.

Panel members are also expected to attend four training sessions a year and we currently expect attendance for at least one of these sessions to be in person. These normally last half a day and the relevant fee is paid for attendance. Attendance in person at panel meetings from time to time is also encouraged.

Criteria for appointment

It is crucial for the reputation of the system that those appointed should be of sufficient standing, integrity and judgement to inspire public confidence in the regulatory arrangements. Candidates must be prepared to commit the time necessary to be an effective member of the panel.

Barristers cannot concurrently be members of the Bar Council or any of its representative committees. Barristers who are members at the time of appointment, will be expected to resign from any representative committee of the Bar Council or from the Bar Council itself for the duration of their BSB appointment.

Competencies, Experience and Attributes

Core competencies for all BSB members

All applicants are expected to be able to demonstrate a commitment to the public interest and the Seven Principles of Public Life.

For the full list of competencies, experience and attributes, see [Annex 4](#).

Terms and conditions

The following is intended as a general guide; specific terms and conditions will accompany letters of appointment.

Appointments will be for an initial period of up to three years, subject to a satisfactory appraisal on completion of 18 months' service.

Lay and barrister members are remunerated at the rates of £154 per half day or £308 per day (plus VAT, if the member is registered), with a half day being three and a half hours and a day being seven hours. All members will be able to claim travel costs, especially if based outside London, but travel time will not be paid.

For interview attendance by applicants, standard class travel fares or other reasonable travel costs will be reimbursed upon production of receipts. Facilities will be available for remote participation in interviews where candidates cannot, or do not wish to, travel to London.

Applicants should not normally be the subject of criminal charges, directors' disqualification orders or be undischarged bankrupts, and should expect any declarations to be explored by the executive prior to confirmation of an interview and also by the selection panel.

Barrister applicants must not be the subject of orders or undertakings under the BSB's Fitness to Practise Rules or Interim Suspension Rules.

Unspent criminal convictions, cautions, regulatory reprimands or final warnings and any previous or pending supervisory action, complaint, investigation, or disciplinary proceedings or findings by a professional regulator (including the BSB) will not preclude further consideration of your application. Such information should be disclosed and, where provided, will be considered by the selection panel during the recruitment process and may be explored further with candidates at interview by the selection panel if this is deemed appropriate.

Any declaration will be treated in confidence by the BSB.

How to apply

Application Form

To apply please visit the News and Publications section of our website [here](#).

Candidates are asked to provide a covering letter (maximum three pages of A4 font size 12) outlining how they meet the core competencies for the role(s), together with a brief CV (maximum three pages of A4 font size 12). Applications will be assessed only against the application, which will be anonymised. As such, it is important that candidates include all details they consider relevant. A Supporting Details form must also be submitted.

Candidates with queries regarding the position, should contact Jeanette Fordyce-Harvey at JFordyce-Harvey@BarStandardsBoard.org.uk or telephone number 0207 611 1422 in the first instance to arrange an informal discussion. Applications should be sent to IDBapplications@BarStandardsBoard.org.uk

Equality & Diversity Monitoring form

It is important that the BSB should reflect the diversity of the society that the Bar serves, and applications from all sections of the community are welcomed. To enable us to monitor this properly, you are asked to complete the Equality & Diversity monitoring form supplied with this pack.

Timetable

The timetable for the process is as follows:

Closing date for applications: **Monday 1 August 2022 at 9am.**

Interviews will take place in London or via remote participation in the week commencing **26 September 2022**. The date may change, including the possible addition of other dates, depending on interview panel and applicant availability.

Interviews

Interviews will be conducted by a selection panel made up of the IDB Chair or Vice Chair, a senior staff member and one independent external person.

Annex 1

Bar Standards Board Membership

Chair:

Baroness Tessa Blackstone

Vice-Chair:

Mr Andrew Mitchell QC

Barrister Members:

Ms Irena Sabic

Mr Adam Solomon QC

Mr Leslie Thomas QC

Vacancy

Lay Members:

Ms Alison Alden OBE

Mr Emir Feisal

Mr Steven Haines

Ms Kathryn Stone OBE

Mr Stephen Thornton CBE

Annex 2

The Seven Principles of Public Life (“Nolan” Principles)

The Committee on Standards in Public Life in its First Report has set out '**Seven Principles of Public Life**' that it believes should apply to all in the public service. These are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 3 - Terms of Reference of IDB

The Terms of Reference of the IDB from 1 June 2019 are:

1. 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 5, Section A of the BSB Handbook, and to consider applications for review made under Part 3 C6, Part 3 E11, or Part 4 B10, or reviews of decisions taken under Part 1 4A, of the Bar Standards Board Handbook;
2. to report to the Board on its work as and when required.

The membership of the IDB shall be:

3. A chair and at least one vice chair. The chair can be either a lay or barrister member; and
4. Sufficient numbers of lay persons and barrister members to enable the IDB to carry out its business expeditiously.
5. The IDB Chair may carry out the functions and exercise the powers given to the IDB Chair under Part 5 of the BSB Handbook.

Annex 4

Competencies, Experience and Attributes

Panel Members

Responsibilities

To undertake the necessary induction training and observation visits.

To attend panel meetings and do the necessary preparatory work on case files.

To declare any actual or potential conflicts of interest.

To ensure confidentiality of all information provided by the BSB.

To undertake any required follow-up action, such as approval of any decision sheets.

To participate in the annual appraisal process, including completing a self-appraisal and giving feedback on fellow panel members.

To attend and participate in annual training and Away Day events.

Competencies

Decision making

Ability to understand and to apply regulations and guidelines (including legal and regulatory obligations including under GDPR);

Understanding, analysing and reaching reasoned decisions on complex or sensitive issues;

Sound judgement;

Working as part of a team and contributing strongly and robustly to debates, whilst also being open to challenge, to reach a consensus decision;

Organisational/Social awareness

An interest in and commitment to the integrity of the justice system;

A knowledge of the Bar and its structures;

Understanding of professional regulation;

A commitment to applying BSB values and regulatory objectives to the decision-making process;

A commitment to public interest, selflessness, integrity, objectivity, accountability, openness, honesty and leadership;

A demonstrable commitment to equality and diversity;

A demonstrable awareness of the ways in which unconscious bias can impact on decision-making;

The ability to take responsibility for your own continuous learning and professional development;

Technical/administrative

A working knowledge of standard office systems and competent in use of them in day-to-day work;

Ability to access websites and download relevant information; and

Time management.