

## Declaration of Interests Policy

### Introduction

1. This policy aims to mitigate the risk of the improper influence of personal and representative interests on the regulatory work of the Bar Standards Board (BSB).
2. The BSB's work involves:
  - 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;
  - Monitoring the service provided by barristers to assure quality;
  - Handling complaints against barristers and taking disciplinary or other action where appropriate.
3. This work affects a wide variety of interests including:
  - Barristers and their chambers or businesses;
  - Academic institutions and law students;
  - Commercial organisations offering legal services or wishing to offer pupillages;
  - Government organisations, particularly in the legal field;
  - Charities and similar organisations in the legal field; and
  - Public bodies and regulators.
4. It is expected that almost all those recruited to contribute to the governing or advising of the BSB will have interests in some of these areas. The competencies and knowledge required by the BSB are underpinned by this expertise, and an active network within a professional field is common. It is only where these interests would influence or *be seen to* influence the work of the BSB that we must manage them as conflicts of interest.
5. We aim to ensure that regulatory and management decisions are made without undue influence, in the public interest.
6. We want to demonstrate that those involved in the work of the BSB remain independent and are seen to remain independent of representative or other relevant interests in order to fulfil the above outcome.
7. This policy focusses on the mitigation of risks of perceived or real compromise, bribery, improper influence or conflicts of interest.

### Scope

8. This policy applies to Board members, Committee members, Task Completion group members, advisors to any of the above, appointed advisors to the executive, the Independent Observer, appointed Internal Auditors, the Director General and the Senior Management Team of the BSB.
9. This policy is written in accordance with Part Six of the BSB Standing Orders.

## **Aim**

10. This policy aims to provide a framework to support a number of the seven principles of public life ('Nolan principles') as detailed in the BSB Constitution and Standing Orders as an obligation for Members. These are namely:

- 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.

- Honesty:

Holders of public office should be truthful.

## **Definitions**

### ***Interests***

11. The following interests should be declared as a matter of course where they have an obvious connection with the work of the BSB:
- Employment, consultancies or quasi-employment with outside organisations;
  - Any involvement with the Bar Council outside of BSB work;
  - Public, charitable or regulatory appointments, whether or not remunerated;
  - Directorships, trusteeships or other position of responsibility in commercial, charitable, regulatory or other organisations, whether or not remunerated;
  - Appointments or employment in organisations connected with the Bar, whether or not remunerated, such as circuits, Specialist Bar Associations and chambers;
  - Direct or indirect financial interests, including significant shareholdings, in organisations which may be affected by the work of the BSB or which supply or propose to supply services to the BSB. For these purposes a significant shareholding is 5% or more of the equity of the organisation or where the income or holding amounts to more than 5% of the income or capital of the member;
  - The interests of close associates (for example family members) who hold employment, positions of responsibility or other interests in organisations which may be affected by the work of the BSB.
12. It is not necessary to declare positions held purely as a consequence of membership of the BSB itself, ie BSB committees or appointment to the Advisory Pool of Experts or Task Completion groups.

### ***Conflict of interests***

13. An interest causes a conflict with BSB regulatory activity when the involvement with that interest would suggest bias in the advice given or voting decisions. Bias involves an advantage for oneself, a person or group involved in the interest, an organisation or the profession, rather than being strictly advantageous to the public.
14. Where the individual personally knows or is personally or professionally involved with a person or organisation which is the subject of regulatory business. This includes but is not restricted to authorisation and enforcement activities.
15. The perception of bias is as serious as actual bias.

## **Guiding principles**

16. The guiding principles governing declarations of interest are that:
  - a. The conduct of anyone working on behalf of the BSB should not give rise to any suspicion of any conflict between the requirements of their posts and personal interest or advantage; and
  - b. That the BSB's work must be carried out, and be seen to be carried out, in a way that is free of any suggestion of improper influence.

## **Procedure**

### ***Declare interests on appointment***

17. Interests should be declared within 28 calendar days of engagement with the BSB using the form sent during the recruitment process. An up-to-date register will be maintained and published regularly.

### ***Declare interests arising during appointment***

18. Additional interests must be declared as they arise to the Governance Officer or the relevant Committee Secretary for inclusion on the register.
19. Concerns regarding interests will be investigated and managed by the Chair of the BSB or the Director General on a case-by-case basis.

### ***Declare conflicts during business for the BSB***

20. Conflicts of these registered or arising interests must be brought to the attention of the meeting during the meeting or other business as soon as the conflict becomes apparent.
21. The individual will decide whether to recuse themselves. The Chair may also decide whether the conflict of interest requires the interested party to leave the room, not contribute to the business or for the interest to be borne in mind by the meeting during voting. The Governance Manual gives further guidance and rules on meeting proceedings.
22. The decision on participation must be entered into the minutes of the meeting.

## **Unclear circumstances**

23. Circumstances under which a conflict of interest is not clear should prompt the seeking of advice from the Chair or appropriate executive staff member.
24. As a guideline, an interest should be declared if there is a risk that an independent third party might reasonably take the view that the contribution of the member, or the action taken by the BSB, might have been influenced by the interest; even if that is not the case.
25. Where there is a lack of unanimity among meeting members or clarity on the part of the Chair, the decision on participation in business must veer to the more restrictive.

## **Review**

26. This policy will be reviewed every five years or more frequently in the light of experience.
27. This policy is part of the governance arrangements of the BSB and as such can only be amended with approval by the Board.

## **Contact**

28. The Governance Officer maintains the register for the Board and advisors.
29. The committee secretaries maintain the register for the committees.
30. The relevant Chairs can be contacted in the case of concerns or advice on interests.

## **Bar Standards Board**

**January 2016**