

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Appointment of new Members to the Independent Decision-Making Body

Application Pack

March 2021

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Overview

The Bar Standards Board (BSB) is seeking to appoint further barrister and lay members to its Independent Decision-Making Body. In addition, we are seeking to appoint a Vice Chair of the Independent Decision-Making Body (who may be either a barrister or lay person).

Key Dates

- Closing date 9:00am Monday 3rd May 2021
- Shortlisting w/c 17th May
- Interviews w/c 28th June

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 four-six weeks on average, subject to numbers 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:
BSBapplications@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 two 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); 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).

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

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. These are:

- **Fairness and Respect**
- We strive to achieve equal access and equal treatment, valuing and respecting our differences.
- **Independence and Integrity**
- We are objective and evidence-based, open, honest and accountable, and we expect everyone to meet these same ethical standards.
- **Excellence and Efficiency**
- We are committed to learning and improving, seeking to maximise our effectiveness by making the best possible use of our resources.

Governance changes

The Bar Standards Board has, over the last few years, concluded a governance review programme designed to distinguish more clearly between policy making and decision-making on individual cases, and to ensure that all policy development is undertaken by the executive staff, led by the Director General, and directly overseen by the Board.

As part of the governance review programme, we streamlined the Committee structure by reducing the number of Committees from eight to two and transferred all policy making functions to the executive and the Board. To replace the policy expertise previously provided by Committees, we created an Advisory Panel of Experts (APEX). We use APEX for advice and support as we develop policy and make regulatory decisions. We have engaged a diverse group of people, from a wide range of backgrounds, who are experts in their respective fields.

One of the final stages in the governance review programme was to modernise our regulatory decision-making to ensure that it is risk based and, where appropriate, independent of the profession. We therefore disbanded the previous Professional Conduct Committee (PCC) and replaced it with the Independent Decision-Making Body (see below for more details). The IDB is solely a decision-making body and the advisory functions that were performed by the PCC are now provided by members of APEX specifically recruited for that purpose.

As one of the last stages of the governance review process, the Board has reviewed its own size, role and composition. It has reduced the numbers of Board members (from 15 to 12 currently, with an intention to reduce to 11 in the medium term).

The Board believes that these changes will strengthen public confidence in the independence of the BSB and its ability to regulate the barrister profession to a consistently high standard.

These changes have been a significant step in our evolution as a modern and efficient regulator: reflecting our desire to be flexible in approach and have the ability to adapt to a wide variety of circumstances.

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 input, 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, applicants will be required to apply the Enforcement Decision Regulations under Part 5, Section A of the BSB Handbook². However, 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

The Board wishes to appoint **barrister and lay members** to the IDB (at least three barristers and at least three lay members). We welcome applications from barristers and lay people with experience across a range of practice areas, both executive and non-executive. Knowledge of higher legal education and/or qualification as a barrister are also sought, though applications from people with other areas of expertise are welcome.

Barrister members may be either practising or non-practising, employed or self-employed – all are eligible for appointment to the IDB.

Lay members play an essential role in maintaining public, as well as other stakeholder, confidence in the decisions taken by the IDB, and act as a balance to ensure decisions are taken with the public interest fully taken into account.

We are also recruiting to the position of Vice Chair of the IDB. This position, in addition to the above functions, will be responsible with the Chair of the IDB for:

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

- providing the leadership of the IDB;
- carrying out the annual appraisals process of IDB members;
- providing feedback on panel member performance; and
- taking limited decisions outside panel meetings.

The current Chair of the IDB is Iain Christie, who was called to the Bar by Inner Temple in 1989. Between 1992 and 2000 he was a legal adviser at the Foreign and Commonwealth Office and between 2000 and 2017 he was a tenant at 5RB, the media and information law chambers, specialising in privacy, defamation, data protection and human rights. He now practises as a mediator at 4-5 Gray's Inn Square. Prior to his appointment as Chair of the IDB, Iain was its Vice-Chair from the inception of the IDB in September 2019.

Suitable candidates for the Vice Chair role will be able to demonstrate all panel member competencies. In addition, they will have experience of representing an organisation to external stakeholders at all levels, including public speaking, and the experience and the level of respect in their own field to carry the confidence of the public, the profession and other stakeholders.

Candidates can apply for both roles and are invited to indicate which of the roles they are applying for in their covering letter, and to address the corresponding competencies contained at Annex 4 of this application pack.

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 women, and 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 four-six weeks on average, subject to the number of cases needing decisions. Panel meetings are scheduled to last either a full 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).

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 for any posts.

Panel members are also expected to attend four training sessions a year. These normally last a maximum of a half day and the relevant fee is paid for attendance.

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.

Barrister applicants may be either practising or non-practising. 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.

Lay members cannot be (or ever have been) barristers or solicitors, as defined in paragraph 2(4) of Schedule 1 of the Legal Services Act 2007³. Full time judges and tribunal chairs are not eligible for appointment in this category either, but lay magistrates, and those who sit as lay members of tribunals, who are not legally qualified, are welcome to apply.

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.

If applicants have been members of the Professional Conduct Committee in the past, not less than 3 years must have elapsed since they left the Committee.

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 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. They should also not be subject to exclusion from the IDB under BSB policy governing members who are the subject of current complaints or findings of professional misconduct.

³ <https://www.legislation.gov.uk/ukpga/2007/29/schedule/1>

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 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 About Us section of our website www.barstandardsboard.org.uk

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 BSBapplications@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 3 May 2021 at 9am.**

Interviews will take place in London or via remote participation in the week commencing **28 June 2021**. 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, 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 Elizabeth Prochaska

Ms Irena Sabic

Mr Adam Solomon QC

Mr Leslie Thomas QC

Lay Members:

Ms Alison Alden OBE

Ms Lara Fielden

Mr Steven Haines

Ms Nicola Sawford

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 and knowledge 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;

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.

Skills and Experience

Barristers should have experience of a range of cases appropriate to their seniority.

Where barristers are of more than seven years' Call, they should bring to the panel particular knowledge or experience of any of the following areas – a specialist area of law, professional conduct issues, training, equal opportunities, the administration of Chambers, issues affecting employed barristers, or experience of the routes of qualification for the Bar (e.g. teaching on qualifying Law degrees or the BPTC, or acting as a Pupil Supervisor).

Panel Chair

Responsibilities

All panel member responsibilities; and

To ensure the correct decision-making process is followed in meetings.

To ensure decisions are recorded accurately, clearly and concisely.

To ensure the involvement of all panel members in the discussion and eventual decision.

Timely communication with BSB staff concerning issues arising from Panels and agreed follow-up actions.

Competencies

Panel Member competencies; and

Ability to provide leadership and direction to a panel;

Ability to chair meetings effectively, leading and facilitating robust debate, to reach a consensus and take decisions on complex and sensitive issues; and

Ability to ensure agendas are dealt with within time constraints.

Skills and Experience

Panel Member skills and experience; and

Experience of chairing small panels.

Experience of taking structured decisions within a regulatory framework.

Experience in a leadership role.

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

Office Holders – Chair and Vice Chair

Responsibilities

All panel members and panel Chair responsibilities; and

To provide the leadership of the IDB.

To decide upon Interim Suspension cases referred by the BSB executive for decisions in a timely manner, where appropriate.

To participate in the annual appraisals process, including completing a self-appraisal and reviewing appraisals of panel members in particular to confirm eligibility for reappointment.

Competencies

All panel members competencies; and

To be able to make robust decisions independently;

Effective prioritisation of workload;

Ability to give well structured, meaningful feedback as part of an appraisal process;

Ability to provide leadership and direction to a team, panel or organisation;

A commitment to encouraging an independent, strong, diverse and effective Bar; and

A commitment to improving the services provided by barristers to consumers.

Skills and Experience

All panel members skills and experience;

Knowledge of the Bar and its structures and a commitment to the justice system;

Experience of representing an organisation to external stakeholders at all levels, including public speaking; and

The experience and the level of respect in their own field to carry the confidence of the public, the profession and other stakeholders.