

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

# **Appointment of Independent Reviewer**

## **Application Pack**

June – July 2022

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# Bar Standards Board

## Introduction

The Bar Standards Board (BSB) 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 ensure they meet our requirements; and
- Handling reports and allegations against 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 comprises 11 people. There are five practising barristers and six lay people. The Board has a lay majority, as required by the Internal Governance Rules made by the Legal Services Board<sup>1</sup>. 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);
- Remuneration Panel (makes recommendations to the Board on the remuneration and terms of engagement of BSB staff, its non-executive members and advisers); and

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

- Strategic Planning and Resources (responsible for work relating to development of our strategic direction and plans. It advises the Board on developments to the planning, resource setting processes. It also considers whether financial and operational resources are properly and effectively allocated and efficiently managed across our organisation).

All committees have barrister and lay members. All Board and committee members, as well as those who have official roles within the BSB, are appointed in accordance with the Seven Principles of Public Life, a copy of which is at Annex 1.

## **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.

## **Overview of BSB regulatory decision-making functions**

The BSB makes a range of regulatory decisions which fall into three main areas:

1. **Enforcement decisions:** i.e. decisions on whether to bring disciplinary action against a regulated person (primarily barristers) or take other types of enforcement action, for breaches of the BSB Handbook. Breaches can be brought to the BSB's attention via reports from a person concerned about a barrister's conduct and also from other external and internal sources such as: internal referrals for breaches of practising requirements, press reports or reports submitted by barristers under their reporting obligations. All incoming information is assessed centrally by the Contact and Assessment Team (CAT). The CAT assess the information and refer any relevant matters to the Enforcement Team for formal investigation. It is then for the Enforcement Team, or the Independent Decision-making Body (IDB), to decide whether disciplinary, or another form of, action should be taken.

2. **Supervisory decisions:** the BSB has a Supervision Team which mainly supervises chambers as opposed to individuals. Nevertheless, it has responsibility for acting on information received that would be more appropriate for supervisory action, such as a chambers visits, than for enforcement action. CAT determines the most appropriate route by which incoming information should be handled. This could result in simultaneous action being taken by both the Supervision and the Enforcement Team.
3. **Authorisations** – the BSB has the power to grant a number of authorisations. These include: authorising entities (corporate bodies such as Alternative Business Structures) and waivers from the practising requirements. Such authorisations are granted via applications direct to the Authorisations Team.

Further details about the BSB can be found on our website  
<https://www.barstandardsboard.org.uk/about-bar-standards-board/>

### **The role of the Independent Reviewer**

The Board wishes to appoint a **second Independent Reviewer** to provide assurance and review functions in relation to processes operated by, and decisions taken, by the CAT, Enforcement Team and Supervision Team. There is an incumbent who has been in post since September 2019, and the workload has become such that we now seek to make a second appointment to work alongside the incumbent.

The role is responsible for providing independent audit of decisions devolved to the Executive in these areas. This will consist of conducting quarterly reviews of a random sample of cases handled by the Teams to provide assurance they were taken in accordance with the laid down procedures and the decisions were within the bounds of what could be considered reasonable. This work may also include carrying out thematic reviews of specific areas of the systems at the behest of the Governance, Audit and Risk Committee.

The role is also tasked with carrying out 'requests for review'. These are reviews of the decisions taken in individual cases where the person making a report, or the person subject to such a report, is not content with the decision taken and requests that it be reviewed. The basis for deciding such reviews will be either that new information has come to light since the decision was taken or there is another good reason which indicates the previous decision needs to be re-assessed.

Most "requests for reviews" currently arise from decisions taken at the initial assessment stage (i.e. those taken by CAT). A smaller number arise from decisions taken by the Enforcement Team or the BSB's Independent Decision-making Body (IDB) after investigation. Currently there is no formal process for review of decisions taken in relation to supervisory action, but it is anticipated that these may arise in the future: e.g. where CAT decides to refer a matter to the Supervision Team as opposed to the Enforcement Team.

In relation to the audit function, the Independent Reviewers are not tasked with considering the merits of any individual decisions but instead are required to focus on systematic issues such as the proper application of the relevant policies and procedures and where improvements to processes could be made.

However, in relation to "requests for reviews", the Independent Reviewers are expected to consider the merits of the decision and make recommendations to the

Executive where they consider that a decision should be overturned or looked at again.

## **Applicants**

We welcome applicants who will bring a new and fresh perspective and there is no mandatory requirement to have recent experience of regulation in the legal field.

Nevertheless, it is essential that the person appointed understands, and has experience of, the application of rules, regulations and procedures in a decision-making context. It would be preferable if they had sound knowledge and experience of the legal field. There is no requirement that the Independent Reviewer is a barrister but direct experience of the Bar and the environment in which it operates would be advantageous.

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 members of the LGBT, disability and ethnic minority communities.

## **Time commitment**

The expected time commitment will be the equivalent of 1.5 days per week, based on 46 weeks over a 12-month period. The role will inevitably involve some time spent at the BSB's offices, but it is envisaged that most of the work can be conducted from home via remote working facilities provided by the BSB.

## **Criteria for appointment**

The role is open to both legally and non-legally qualified people.

However, if you are a barrister, whether practising or not, you cannot concurrently be a member of a BSB Committee or be a member of the Bar Council or any of its representative committees. Barristers who are members of any of these "bodies" will be expected to resign the role prior to appointment.

## **Competencies, Experience and Attributes**

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

Please refer to the attached role description and person specification, as this sets out the skills, experience, knowledge and attributes required for the role.

## **Terms and conditions**

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

The appointment of Independent Reviewer will be for an initial period of three years, subject to satisfactory annual appraisals.

The role will be remunerated at the rate of £154 per half day or £308 per day (plus VAT, if the individual is registered), with a half day being three and a half hours and a

day being seven hours. The post-holder will be able to claim travel costs for essential travel required by the BSB, but travel time will not be paid.

Travel costs will also be paid for applicants asked to attend an interview: this will be limited to standard class travel fares or other reasonable travel costs, which will only be reimbursed upon production of receipts.

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. The same applies to any findings of professional misconduct by a regulator other than the BSB, which should be declared on application.

Barrister applicants must not be the subject of orders or undertakings under the Fitness to Practise Rules or Interim Suspension Rules. They should also not have previous disciplinary findings against them, but the nature of such findings and their age will be taken into account.

Unspent criminal convictions, cautions, reprimands or final warnings and any previous or pending supervisory action, complaint, investigation, or disciplinary proceedings or findings will not preclude further consideration of your application. Such information should be provided on application. It 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**

### **CV and covering letter**

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

Candidates are asked to provide a covering letter outlining how they meet the core competencies for the role(s), together with a brief CV of no more than 2 pages in font size 12. The covering letter should consist of no more than 3 pages of supporting information directly addressing the required competencies.

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](mailto:JFordyce-Harvey@BarStandardsBoard.org.uk) or telephone number 0207 611 1422 in the first instance to arrange an informal discussion.

Please send completed applications to:  
[BSBapplications@BarStandardsBoard.org.uk](mailto: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: **9am Monday 11 July 2022.**

Interviews will take place in London on **4 or 5 August 2022.**

## **Interviews**

Interviews will be conducted by a selection panel made up of the Chair of the Governance, Risk and Audit Committee (GRA), a senior staff member and an independent external person.



## Annex 1

### **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.