

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Appointment of members of the Independent Decision-Making Body

Application Pack

November 2023

Index

Topic	Page
Overview	3
Introduction	4-6
Vacancies	6
Time Commitment	6
Criteria for Appointment	7
Terms and Conditions	7
How to Apply	
Application Form	8
Monitoring Form	9
Timetable	9
Interviews	10
Annex 1 – Bar Standards Board Membership	11
Annex 2 – The Seven Principles of Public Life	12
Annex 3 – Bar Standards Board Governance Manual – Independent Decision-Making Body terms of reference	13
Annex 4 – Competencies, Experience and Attributes	14 – 15

Overview

The Bar Standards Board (BSB) is seeking to appoint barrister and lay members to its Independent Decision-Making Body.

Key Dates

- Closing date 9:00am Monday 4 December 2023
- Shortlisting w/c 15 January 2024
- Interviews 12, 13 and 14 February 2024

Competencies

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

Remuneration

£308 per day and £154 per half day with an additional 12.07% for holiday pay plus VAT, if relevant (fees to increase from 1 April 2024)

Time Commitment

Members are likely to be required to sit on a panel every four to eight weeks on average, subject to availability and 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 satisfactory performance appraisal on completion of 18 months' and three years' 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 and enforcing 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 BSB Board, which is responsible for the strategic leadership and oversight of the operation of the BSB, 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** - 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;
- **Performance and Strategic Planning** - leads work in relation to development of the BSB's strategic direction and plans and the allocation of

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

resources to deliver the strategic and business plans. It oversees performance against relevant service levels and considers whether financial and operational resources are properly and effectively allocated and efficiently managed across the organisation; and

- **Remuneration** - makes recommendations to the Board on the remuneration and terms of engagement of BSB staff, its non-executive members and advisers.

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 regulatory decisions that require independent input, and it has been operating since October 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 five are used for decisions on enforcement cases and panels of three are used for appeals against authorisation decisions (primarily exemptions and waivers from training requirements).

The IDB has a Chair and at least one Vice Chair. These roles are responsible for supporting the members, conducting quality control of their 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 Handbook](#)². 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 certain waivers from the Handbook requirements or decisions not to authorise or license a body to provide legal services. It may also review decisions made by the Inns' Conduct Committee in relation to the admission/readmission of barristers to an Inn of Court.

All IDB panels have a lay majority. Each panel meeting has a panel Chair, drawn from the IDB pool. Training is provided for this aspect of the role.

The vacancies

The Board wishes to appoint **barrister and lay members** to the IDB (up to three barristers and up to six lay members). We welcome applications from barristers and lay people with experience across a range of practice areas

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 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 minoritised ethnic backgrounds, people who identify as LGBT, and people with disabilities.

We also welcome applications from those located outside London as facilities will be provided to attend IDB panel meetings remotely, and papers are provided electronically. However, there is an expectation that members will, from time to time, attend meetings in person in London for which reasonable expenses will be paid. Quarterly training sessions are designed as in-person events which members will be expected to attend.

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 to eight weeks on average, subject to availability and the number of cases needing decisions. Panel meetings are scheduled to last either a full day (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

² <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=BA9E823E-F26B-496D-9726736F9F069FAC&audience=&q=>

below). At present, the fee includes reading time prior to the panel meeting, which can be considerable. From April 2024, a reading fee of £100 per full day panel meeting and £50 per half day panel meeting will be payable.

Panel meetings are typically held during the day 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 generally expect attendance to be in person for most of these sessions. The training sessions normally last half a day but can extend to a full day and the relevant fee is paid for attendance. Attendance in person at panel meetings from time to time may also be necessary.

Criteria for appointment

It is crucial for the reputation of the regulatory 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 IDB and also members of the Bar Council or any of its representative committees. Barristers who are members of these bodies 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.

Barrister members of the IDB must be practising barristers i.e., they must hold a practising certificate at the time of appointment and continue to hold it during the course of their membership of the IDB.

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 judicial 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 satisfactory quality control on completion of 18 months' service.

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

All members are currently remunerated at the rates of £154 per half day or £308 per day (with an additional 12.07% for holiday pay plus VAT, if the member is VAT registered). A half day is up to four hours and a full day is seven hours. All members will be able to claim travel costs, especially if based outside London, but travel time will not be paid.

From 1 April 2024, the usual day rate will be increased to £330 per day, and £165 per half day (up to four hours) with an additional 12.07% for holiday pay. As currently, that is net of VAT and we will pay VAT to those members who are VAT registered. We will also then pay a higher rate for IDB Panel meetings, with a supplement of £50 per half day or £100 per full day to compensate for reading time. Those IDB members who act as IDB Panel Chairs will also receive an additional fee of £50 per half day or £100 per full day. These changes to fee structure will be effective from 1 April 2024.

After 1 April 2024, attendance at induction and quarterly training sessions will be remunerated at £330 per day or £165 per half day with an additional 12.07% for holiday pay i.e. will not attract the supplement for reading time that is payable when sitting on panels.

The expectation is that shortlisted candidates will attend interviews in person for which 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 travel to London.

Applicants should not normally be the subject of criminal convictions/cautions, misconduct findings by other regulators, 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 (see below for more detail).

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 executive 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.

Candidates are asked to provide a covering letter (maximum two pages of A4 font size 12) outlining how they meet the core competencies for the role, together with a brief CV (maximum two pages of A4 font size 12). Applications will be assessed only against the content of their applications, including whether the length requirements have been adhered to. All applications will be anonymised up until the interview

stage. A separate Supporting Details form must also be submitted which will not be disclosed to the interview panel.

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

The BSB is a Disability Confident Committed employer. Candidates with a disability who meet the essential criteria for this role will be guaranteed an interview under this scheme.

Reasonable Adjustments

Candidates with a disability who require reasonable adjustments should contact Jeanette Fordyce-Harvey at JFordyce-Harvey@BarStandardsBoard.org.uk or telephone number 0207 611 1422.

The Bar Standards Board is deeply committed to inclusive working practices, so during the application process we commit to:

- Paying for care and childcare if required whilst you attend interviews.
- Paying travel costs for interviews held in person.
- Making any reasonable or (where possible) alternative adjustments – for example ensuring we have a sign language interpreter organised in advance if you'd like them and/or providing alternative adjustments which fall outside the scope of reasonable adjustments as defined by the Equality Act 2010.
- Providing documents in accessible formats readily available to download.

If there is anything else you are concerned about or think we could provide, please let us know.

Equality & Diversity Monitoring form

We consider 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. We also want to ensure that our recruitment and selection processes are fair. 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 4 December 2023 at 9am.**

Interviews will take place in London on **Monday 12, Tuesday 13 or Wednesday 14 February 2024.** Remote participation can be arranged if there is good reason to do so. The date may change, including the possible addition of other dates, depending on interview panel and applicant availability.

Interviews

The selection panel will comprise:

Tim Grey (Chair and barrister member of the IDB);
Sara Jagger (BSB Director of Legal and Enforcement); and
Jacqui Francis (independent lay member).

Annex 1

Bar Standards Board Membership

Chair:

Kathryn Stone OBE

Vice Chair:

Andrew Mitchell KC

Barrister Members:

Jeff Chapman KC

Simon Lewis

Irena Sabic KC

Leslie Thomas KC

Lay Members:

Gisela Abbam FRSA

Alison Alden OBE

Emir Feisal

Steven Haines

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 the IDB

The Terms of Reference of the IDB from 1 December 2022 are:

Role

1. The Independent Decision-making Body (the “IDB”) is a decision-making body of the Board, from which it derives its authority 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 5A of the BSB Handbook, and to consider applications for review made under Part 3 C6, Part 3 E11, or Part 4 B4, or reviews of decisions taken under Part 1 A4, of the BSB Handbook

Membership

2. The IDB shall be comprised of a Chair and at least one Vice Chair, and sufficient numbers of lay persons and practising barrister members to enable it to carry out its duties expeditiously. The IDB Chair can be either a lay or practising barrister member.
3. A member of the Board, or the Bar Council or any of its representative committees, may not be a member of the IDB.
4. The IDB Chair may carry out the functions and exercise the powers given to the IDB Chair under Part 5 of the BSB Handbook.
5. Appointments to the IDB shall be made in accordance with the Appointments Policy.

Proceedings and composition

6. The proceedings and composition of IDPs are as prescribed in Schedule 1 to Part 5A of the BSB Handbook (the Enforcement Decision Regulations).

Reporting responsibilities

7. The IDB Chair will report to the Board on its proceedings at least annually on all matters within its duties and responsibilities, but more often if required.

Annex 4

Competencies, Experience and Attributes

Panel Members

Responsibilities

To undertake the necessary induction training and observation visits.

To act in accordance with the BSB values and apply them, as well as the regulatory objectives, to the decision-making process.

To attend panel meetings and undertake the necessary preparatory work on cases due to be considered at meetings.

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

To ensure confidentiality of all information provided by the BSB.

To provide feedback on fellow panel members participation after each meeting.

To participate in the annual appraisal process, including completing a self-appraisal.

To attend and participate in quarterly training and, if applicable, Away Day events.

To declare any actual or potential conflicts of interest.

Competencies

Decision making

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

Ability to analyse information and reach reasoned decisions including 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 receiving and making challenges, to reach a consensus decision;

Willingness to challenge, in a constructive manner, views expressed particularly those that may have adverse equality and diversity implications;

Organisational/Social awareness

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

A knowledge of the Bar and its structures or a demonstrable ability to develop this knowledge;

Understanding of professional regulation or a commitment to gain such understanding based on demonstrable experience of operating in similar areas;

Demonstrable commitment to working in the public interest including the ability to act with 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;

Technical/administrative

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

Ability, or willingness to learn, to use web-based digital case preparation software; and

Time management skills.