

11. Professional Conduct Department - roles and responsibilities

Introduction

- 11.1. The Professional Conduct Department (PCD) consists of the Head of Professional Conduct and three Teams: the Assessment; Investigations and Hearings; and the Operational Support Team. An organisation chart is included in Section 2 and a list of the contact details of all members of PCD can be found at the end of this section. The roles and responsibilities of the Teams, the Head of Department and the Independent Observer are set out below.
- 11.2. The Team with which the Prosecution Panel will have most contact is the Investigations and Hearings Team who are always on hand to provide support to the Prosecution Panel.

Assessment Team

- 11.3. The Assessment Team is responsible for: responding to general enquiries about making complaints; referrals from and to the Legal Ombudsman; and preliminary assessment of complaints (external) or information received (internal complaints) to decide whether a matter should be referred to formal investigation. The work of the Team is high volume, with an intended fast turnaround time, which allows complainants to know as quickly as possible whether their complaint is going to be pursued by the BSB. The aim is to conclude the preliminary assessment within eight weeks of receipt of an external complaint.
- 11.4. The team consists of five staff: the Assessment Team Manager, two Assessment Officers; and two Professional Conduct Assistants who carry out the administrative work. Complaints are allocated to a member of the Team, usually an Officer, who is responsible for ensuring that all relevant actions are taken in relation to the complaint. The Team is able to provide advice on submitting and accepting complaints and on the interpretation of the old Code/ BSB Handbook.

Investigations and Hearings Team

- 11.5. The Investigations and Hearings Team handles internal and external complaints following referral from the Assessment team after it has undergone a risk assessment and has been assessed as medium or high risk. The Investigations and

Hearings Team is responsible for: conducting formal investigations of complaints both external and internal; and, where authorised to do so, dismissing complaints, imposing administrative sanctions or referring cases to disciplinary action following the conclusion of an investigation. Where a complaint is referred to disciplinary action, the team will take the matter forward to its conclusion in conjunction with a member of the BSB's prosecution panel where appropriate.

- 11.6. The Investigations and Hearings (I&H) Team consists of a Manager (Gillian Seager) and, in addition, I&H Team staff split into three units comprising two casework units and one administration unit. The two casework teams are headed by a Casework Supervisor (Ambika Lall and Robert Burn) each with a Senior Case Officer and two Case Officers in each unit. The Administration unit is headed by an Administration Supervisor (Lesley Shepherd) and two full time and two part time assistants. Each person performs specific functions in the overall process but in general the Case Officers manage and supervise individual cases while the administrative staff deal with arranging for prosecutors, liaising with BTAS, preparing bundles, updating the enforcement database and ensuring that the correct paperwork is sent to the relevant people.
- 11.7. The Team is able to provide advice on the investigation of complaints, the post-investigation processes, including the imposition of administrative sanctions and the enforcement processes, including drafting charges and the conduct of hearings. A member of the Team attends Committee meetings on a rota basis to provide, where necessary, advice on post-investigation decisions and disciplinary action. The I&H Manager is also the principle point of interface between the department and the Bar Tribunals and Adjudication Service (BTAS) on issues other than the day to day administrative of cases.
- 11.8. A specific Case Officer will be allocated to each case and will be responsible for acting on the advice given by you, obtaining further evidence and carrying out any further investigation you consider necessary. The Case Officer is the point of contact between you and the Professional Conduct Committee and also the complainant, if applicable. However, you should feel free to contact the Complaints Committee Case Examiner directly should you wish to discuss specific matters related to the charges which the Case Examiner has drafted or the advice s/he prepared for the Committee.

- 11.9. The Case Officer will be able to provide guidance and advice on the Handbook, similar cases, hearing procedures and will also be able to provide examples of charges, strike out submissions and Answers to Petitions of Appeal.
- 11.10. The Investigations and Hearings Team is responsible for ensuring compliance with the various deadlines imposed by the Handbook and for the general administration of the complaint including the availability of all parties to attend Disciplinary Tribunals, Directions Hearings or Appeals.
- 11.11. The Case Officer will ordinarily be able to give instructions on behalf of the Bar Standards Board in relation to most matters that arise during the course of the proceedings. Where they are not able to decide a matter, they will refer the issue to the next most senior person or an Office Holder on the Professional Conduct Committee for further guidance.
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- 11.13. Any difficulties or issues you may have in relation to any Case Officer should be referred to their Supervisor, the Investigations and Hearings Team Manager or the Head of Professional Conduct (Sara Down).

Operational Support Team

- 11.14. The Operational Support Team performs department wide functions including supporting and administering the work of the Committee by preparing agendas, taking minutes of meetings, allocating cases to Case Examiner members and organising any Committee wide initiatives, such as the annual appraisals and the training of new members. It has also has responsibility for generating statistical information from the enforcement database, disseminating information to the department, Committee and wider stakeholders, producing performance reports, maintaining and developing policy, procedures and guidance for the PCD and the

Committee, monitoring the departmental budget and developing the PCD/PCC strategic and business plans.

11.15. The team consists of seven members: a manager, three Officers (a Policy and Projects Officer, a Legal Knowledge Officer and a Reports and Data Analysis Officer), one full time and two part time Professional Conduct Assistants (the part-time assistants job share), who carry out administrative duties. This team is the main staff interface with the Committee and can provide advice on Committee procedures and trends in complaints handling and performance.

Head of the Department

11.16. The Head of the Department oversees, and is responsible for, the work and performance of the three Teams. The role also provides the executive interface between the Committee and the Board, other sections of the BSB and “stakeholders” relevant to the Committee’s work including the Bar Council and its staff, COIC, LeO and the Legal Services Board. The Head is also responsible for strategic business and budget planning and is a member of the Bar Standards Board’s Senior Management Team.

11.17. The Head can address any general queries about the operation of the department and its procedures, as well as advise on department-wide issues or matters relating to the wider work of the BSB.

The Independent Observer

11.18. The Independent Observer (IO) is a lay person who is not a member of the Professional Conduct Department but is employed by the BSB to spend, on average, one day a week observing and reporting on all aspects of the enforcement system for which the BSB is responsible, in order to provide independent assurance that it is operating in line with its aims and objectives, the terms of the Handbook and the stated policies and procedures. The role includes observing Committee meetings and considering Committee member involvement in cases.

11.19. The role is independent of the PCC and PCD and reports to the Governance and Audit Committee of the BSB, which in turn reports to the Board. The IO produces three formal reports a year, two six monthly reports and an annual report: the latter of which are now published on the BSB website. The reports include recommendations

for improvements, which, to date, have always been accepted by the PCD or Chair of the PCC and actioned in line with the timetable set by the IO. In theory, where there is a difference of view between the PCD and/or the Chair of the PCC as to the implementation of a recommendation, the decision whether or not to accept the recommendation lies with the Board.

- 11.20. The Independent Observer does not act as an independent adjudicator and does not have powers to review the progress or outcome of individual complaints. The IO cannot respond to individual parties about complaints as the purpose of the role is only to look at general issues and report on systemic matters rather than individual complaints. Nevertheless, observations about the handling of individual complaints are a central source of evidence to support the IO's recommendations for general improvements.