

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**STANDING ORDERS
FOR THE BAR STANDARDS BOARD**

FOREWORD

The following Standing Orders are issued under the Authority of paragraph 14(1) of the Bar Standards Board Constitution.

This edition of the Standing Orders came into effect on 27 May 2021

PART 1 – INTRODUCTION

Definitions

1. In these Standing Orders, unless the context requires otherwise:

“The Bar Council” means the Council of the General Council of the Bar of England and Wales.

“The Bar Standards Board” and “BSB” means the Board, Committees established under these Standing Orders and any individual or group exercising the delegated powers of the Board.

“Board” means the Board of the BSB established under Paragraph 2 of the BSB's Constitution.

“BSB staff” means the employees of the General Council of the Bar of England and Wales appointed by the BSB in accordance with paragraph 61.

“BTAS” means the Bar Tribunals and Adjudication Service, an independent body set up by the Council of the Inns of Court to appoint and administer Disciplinary Tribunals and other relevant panels on behalf of the BSB.

“CEB” means the Centralised Examinations Board which is collectively those appointed by the BSB pursuant to Part 4 of these Standing Orders.

“Committee” means a Committee established by the BSB pursuant to Part 4 of these Standing Orders and includes the Remuneration Panel which is established from the membership of the Strategic Planning and Resources Committee.

“General Council of the Bar” and “GCB” means the General Council of the Bar of England and Wales and refers to the legal entity in entirety.

“IDB” means the Independent Decision-making Body which is collectively those appointed by the BSB pursuant to Part 4 of these Standing Orders.

“IDP” means an Independent Decision-making Panel, a panel consisting of a minimum of three members of the Independent Decision-making Body to take relevant decisions as provided in the BSB Handbook.

“Internal Governance Rules” means the Internal Governance Rules made by the Legal Services Board.

“Lay person” has the meaning given in paragraph 2(4) of Schedule 1 to the Legal Services Act 2007 and “lay member” has a corresponding meaning.

“Practising barrister” means a barrister holding a current practising certificate issued in accordance with the Practising Certificate Rules of the Bar Standards Board Handbook.

“Regulatory arrangements” has the meaning given in section 21 of the Legal Services Act 2007.

“Regulatory functions” has the meaning given in section 27(1) of the Legal Services Act 2007.

“Representative functions” has the meaning given in section 27(1) of the Legal Services Act 2007.

“Seven Principles of Public Life” means the principles, also known as the “Nolan Principles”, as laid down in the Committee on Standards in Public Life’s thirteenth report “Standards Matter” and referred to in paragraph B4 of the Constitution and reproduced in Annex 1.

“Task Completion Group” means an ad hoc group established by the BSB to complete a specific task or tasks. At the time of the establishment the BSB shall specify a time limit for completion of the tasks. Such time can only be extended by the BSB.

Any terms used in the Legal Services Act 2007 have the same meaning as in that Act.

PART 2 – THE BAR STANDARDS BOARD

General

2. The BSB is committed to:
 - a. providing regulation of advocacy and expert legal advice in the public interest;
 - b. acting in a way that is compatible with the regulatory objectives, having regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principle appearing to it to represent best regulatory practice, as required by section 28 of the Legal Services Act 2007;
 - c. providing sufficient information to the GCB as is reasonably required for it to be assured of the BSB's compliance with section 28 of the Legal Services Act 2007;
 - d. conducting its business in harmony with the Seven Principles of Public Life;
 - e. exercising its regulatory functions independently of the GCB as required by the Internal Governance Rules;
 - f. undertaking regulatory functions only and not undertaking any representative functions;
 - g. working cooperatively with the Inns of Court, the Council of the Inns of Court and BTAS; and
 - h. conducting its business in accordance with its Statement of Governance Principles as published by the BSB.

Consultation on exercise of regulatory functions

3. When proposing to make or alter the regulatory arrangements, and in other cases where it considers it appropriate, the BSB will normally consult, in the way it considers appropriate:
 - a. The regulated community (including its representative body and sections of the Bar); and
 - b. Other interested parties (including for example, the public, other approved regulators, the judiciary, barristers' clerks, academic providers and other education providers) as it considers appropriate.
4. In relation to proposals to make or alter the regulatory arrangements, the BSB will normally allow a period of three months for consultation before a decision is taken.

Saving for defects etc

5. All acts done in good faith by the BSB shall (so far as is lawful), notwithstanding any defect, be as valid as if there were no such defect or error.

PART 3 – OBLIGATIONS TO THE GCB

6. The BSB shall provide sufficient information to the GCB as is reasonably required for the GCB to be assured of the BSB's compliance with section 28 of the Legal Services Act 2007 and its obligations under the Legal Services Board's Internal Governance Rules as made by them from time to time.

PART 4 – COMMITTEES AND OTHER DECISION-MAKING BODIES

Committees of the BSB

7. The Board establishes the following Committees whose terms of reference and membership are set out in Annex 2:
 - a. The Governance, Risk and Audit Committee;
 - b. The Strategic Planning and Resources Committee; and
 - c. The Remuneration Panel.
8. The Chair and Vice Chair of the Board have the right to receive papers and to attend meetings of all Committees.
9. Without prejudice to the power of the Board to amend Annex 2 on its own initiative, a Committee may at any time propose an amendment to its terms of reference or membership for consideration by the Board.
10. Save where provided for in these Standing Orders each Committee may determine its own composition and procedure subject to the provisions of Part 6 and the following general requirements:
 - a. Each Committee is to have a Chair who should be a member of the Board;
 - b. Each Committee may appoint a Vice Chair from amongst its members;
 - c. Each Committee is to include both lay persons and practising barristers, and must be comprised of a majority of lay persons;
 - d. Each Committee must adopt and maintain rules of procedure on an annual basis addressing meeting arrangements (including frequency of meetings and arrangements for urgent business outside regular meetings);
 - e. The Chair of each Committee or, in that person's absence, any Vice Chair, shall take the chair at every meeting of the Committee. In the absence of the Chair and any Vice Chair, or where an interest has been declared by them for a specific item only, the members present may proceed to elect a chair from among their number for the purposes of that meeting or that item; and
 - f. Members of a Committee shall be appointed and reappointed in accordance with the Procedures set out in Annex 3.

The IDB

11. The Board establishes the IDB whose terms of reference are set out in Annex 2d on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
12. The IDB shall have a minimum of a Chair and a Vice Chair and be comprised of a membership of lay person and barrister members.
13. Members of the IDB shall be appointed and reappointed in accordance with the procedures and terms set out in Annex 3b.

The CEB

14. The Board establishes the CEB whose terms of reference are set out in Annex 2e on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
15. Members of the CEB shall be appointed and reappointed in accordance with the procedures and terms set out in Annex 3c.

Restrictions on Membership of Committee and Decision-making Bodies

16. A member of the Bar Council or any of its representative committees may not hold office as Chair, Vice Chair or as a member of:
 - a. the Board;
 - b. any of the BSB's committees;
 - c. the IDB; or
 - d. the CEB.
17. A person cannot be both a member of the Board and the IDB. A person cannot be both a member of the Board and the CEB.
18. A person shall cease to be a member of a BSB Committee or other Decision-making Body if:
 - a. the period for which they were appointed expires (and their appointment is not renewed);
 - b. they resign their membership by notice in writing;
 - c. they were appointed as a lay person and cease to be a lay person;
 - d. they were appointed as a barrister and subsequently cease to be a barrister or become a member of the Bar Council or one of its representative committees;
 - e. the Board resolves that they are unfit to remain a member (whether by reason of misconduct or otherwise);
 - f. the Board resolves to disestablish or substantively restructure a Committee or Body of which a person is a member so as to be inconsistent with continued office by that person, upon three months' notice; or
 - g. they fail to attend four or more meetings in any rolling 12-month period and the Committee or Board resolves that they should cease to be a member.
19. Committees and the IDB and the CEB may act only in matters within their terms of reference, within any agreed budget and in accordance with the Statement of Governance Principles.

Reports to the Board

20. A Committee must report to the Board at least annually but as often as required by the Board.
21. A report on the outcomes of matters considered by the IDB must be submitted to the Board at least annually but as often as required by the Board.

Payments to members

22. The BSB may decide to pay fees and expenses to members of the Board or of Committees or of the IDB or of the CEB on terms it may set.

Obligations of members

23. All Board and Committee and IDB and CEB members must complete BSB equality and diversity training within three months of taking up an appointment with the BSB. All Board and Committee and IDB and CEB members are subject to continuing satisfactory performance and compliance with the Standing Orders. Such persons may be removed from office for failing to meet these obligations, based on the reviews outlined in paragraph 24 or any other ad hoc reviews of individual members that the Board or the Chair of the Board or the Chair of the Committee or the Chair of the IDB or the Chair of the CEB determines are required.
24. All Board and Committee and IDB and CEB members are subject to a minimum of a review of performance within 18 months of appointment and a review of performance preceding any reappointment decision.

PART 5 – BSB ADVISORY BODIES

25. The BSB may appoint a Task Completion Group on such terms as it considers appropriate.
26. Task Completion Groups may act only in matters within their terms of reference, within the agreed budget and in accordance with the Statement of Governance Principles.
27. The BSB may establish an Advisory Pool of Experts (APEX) on such terms and conditions as it considers appropriate, which may include terms relating to performance, appointment and removal as a member.
28. A member of the Bar Council or any of its representative committees may not be appointed as a member of:
 - a. Task Completion Groups; or
 - b. the Advisory Pool of Experts.
29. A member of the Board or one of its Committees or one of its other Decision-making Bodies may not be appointed as a member of the Advisory Pool of Experts.

Payments to members

30. The BSB may decide to pay fees and expenses to members of Task Completion Groups or of the Advisory Pool of Experts on terms it may set.

PART 6 – PROCEEDINGS OF THE BOARD AND ITS COMMITTEES

Meetings

31. The Board must meet at least six times in a 12-month period.
32. If the need arises, the Chair or Vice Chair may convene additional meetings, which may take place by telephone, videoconference or email if necessary.
33. Each Board meeting may be separated into public and private sessions.
34. Committee meetings are held in private and the frequency of such meetings is to be determined by the Committee.
35. If a decision on regulatory functions is taken at a meeting of the Board where there is either not a lay majority or not a lay Chair (or both), this decision must be ratified at the next meeting when there is both a lay majority and a lay Chair.

Attendance at meetings

36. The Chair of the Bar Council and a person nominated by the President of the Council of the Inns of Court are entitled to attend and speak (but not vote) at any public session of a meeting of the Board. The Chair of the BSB may decide that any other person attending any public session of a meeting of the Board be permitted to speak.
37. The BSB may invite the Chair of the Bar Council and a person nominated by the President of the Council of the Inns of Court, to attend all or part of the Board's private sessions. Such invitation shall be in accordance with the Protocol for ensuring regulatory independence and the provision of assurance as agreed and adopted by the GCB and the BSB.
38. The Board or a Committee may at any time invite any person to attend their meetings in an advisory or consultative capacity.

Quorum

39. The quorum for a Board meeting is five members of whom at least three must be lay members and at least two must be barrister members. No business may be transacted at any meeting of a BSB Committee unless three of its appointed members are present, in person or by telephone or videoconference.
40. If a vote is required by the Board or a Committee, decisions must be made by simple majority. The Chair will have a casting vote in the event of a tie.
41. Either the Chair or the Vice Chair must be present at each meeting of the Board unless the Board resolves to dispense with that requirement for a particular meeting.
42. Members unable to attend a meeting of the Board or a Committee or other Decision-making Body may submit comments on a matter in advance of the meeting to be shared during discussion. A vote does not count in absentia. A vote will be counted from a member attending remotely.

Minutes

43. Decisions made by the Board and Committees must be recorded in writing.
44. Minutes of the decisions taken and where appropriate the proceedings of each meeting of the Board and its Committees shall be drawn up and approved at the next appropriate meeting of the Board or the Committee.

Written resolutions

45. A decision taken outside a meeting of the Board or a Committee is valid if:
 - a. reasonable notice of the matter to be decided has been given to all members of the Board or the Committee;
 - b. it is subject to normal quorum rules and all members eligible to vote are given the opportunity to vote;
 - c. the decision is recorded in a single written document signed by at least two thirds of members or approved by email by at least two thirds of members; and;
 - d. the decision is formally ratified at the next meeting and appears in the minutes of that meeting.

Agenda papers

46. The agenda and papers for any meeting of the Board or a Committee shall be sent to its members at least four working days before a meeting. With the consent of the Chair or Vice Chair shorter notice may be given.

Publication of agendas, papers and minutes by the BSB

47. The Board may decide which of the papers considered at its meetings should be made public after each Board meeting.
48. The Board may also publish its agenda and minutes of its meetings.
49. There is a presumption in favour of publication of Board papers unless the Board considers there is good reason not to do so.

PART 7 – MEMBERS’ INTERESTS

50. The Board must establish and maintain policies on declarations of interest and on offers and receipt of gifts or hospitality by members of the Board, Committees and other Decision-making Bodies.
51. With regard to conflicts of interest, a member of the Board, a Committee or other Decision-making Body must:
 - a. Where they have an interest in an item of business to be transacted declare that interest;
 - b. Where the Policies so require, absent themselves while that item is under consideration.
52. A member of the Board or a Committee or other Decision-making Body must, in accordance with the Gifts and Hospitality Policy, declare any reportable hospitality offered or received in that capacity.

PART 8 – DELEGATION

53. Pursuant to paragraph 14(5) of the Constitution, the following arrangements are made for delegation of the functions of the Board.
54. The functions of the Board in relation to the matters within the terms of reference of a Committee stand delegated to the relevant Committee as set out under paragraph 7 and Annex 2 and in accordance with paragraph 10 and Part 6.
55. The Board may, to the extent it considers appropriate and subject to paragraph 56, delegate in writing any function to the Chair of the BSB, a Committee, the Chair of a Committee, the IDB, the CEB, one or more members of BSB staff, or any other body or person, either by name or by a position so specified in the delegation. The Board shall establish and maintain a scheme of delegations identifying each function so delegated including details of the body or person (designated by office or name) to whom it is delegated, and the conditions (if any) on which it is delegated. Notwithstanding such scheme of delegations, the Board may delegate such matters as it considers appropriate to the Director General who in turn can delegate such matters to such BSB staff as they consider appropriate.

56. The following functions must be exercised by the Board itself and may not be delegated:
- a. adoption and amendment of the Constitution and Standing Orders of the BSB;
 - b. adoption of the Declaration of Interests Policy and the Gifts and Hospitality Policy required by paragraph 50;
 - c. approval of the budget;
 - d. making of rules forming part of the regulatory arrangements;
 - e. approval of the Inns Conduct Committee Rules; and
 - f. decisions about policy on payment of fees or expenses under paragraphs 22 and 30.
57. A Committee may delegate any function within its terms of reference to a member of BSB staff either by name or by a position specified in the delegation. Any such delegation must be recorded in writing, notified to the Board, and recorded in the scheme of delegations.
58. Nothing in paragraphs 55 - 57 prevents the Board or a Committee whose function has been delegated from exercising that function itself.

PART 9 – RESOURCES

General

59. The GCB's financial management controls are as agreed by the joint Finance Committee. The BSB will abide by those controls.

The Annual Budget

60. The BSB will prepare an annual budget in accordance with the procedures agreed by the joint Finance Committee. The Strategic Planning and Resources Committee will scrutinise the BSB budget proposals before the Board considers and approves its budget.

Staff

61. The Board appoints its own staff in accordance with the employment policies agreed from time to time with the GCB. Responsibility for appointment of staff other than the Director General will be delegated by the Board to the Director General.

Annex 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE (NOLAN PRINCIPLES)

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 2 – TERMS OF REFERENCE OF BSB COMMITTEES AND THE IDB

Annex 2a - Governance, Risk and Audit Committee

The Terms of Reference of the Governance, Risk and Audit Committee are:

Purpose

1. to support the Board in achieving its strategic objectives by providing assurance on the effectiveness of governance structures, risk management processes and internal controls;
2. to monitor and recommend to the Board action in respect of the effectiveness of the strategic arrangements for governance, risk management and internal audit;

Responsibilities

Governance and Assurance

3. to consider how governance structures and arrangements maintain the independence of the BSB's regulatory functions and support achievement of the BSB's strategic aims and regulatory objectives, and to make recommendations to the Board;
4. to recommend the BSB's Assurance Framework to the Board and to ensure its continued effectiveness through periodic review;

Risk

5. to make recommendations to the Board on its risk management strategy and processes, including its Risk Framework, Risk Index and Risk Outlook;
6. to provide oversight of risk management processes, monitoring compliance and challenging management on the adequacy of actions taken and planned;
7. to provide assurance to the Board and advising on risks where it considers further action is required;
8. to provide assurance to the joint Audit Committee of the Bar Council and the BSB on the effective operation of the processes to manage risk;

Controls and Internal Audit

9. to consider the effectiveness of the BSB's control systems and internal business processes;
10. to periodically review the Business Continuity Plan;
11. to provide oversight of the internal audit function. To appoint the Board's Internal Auditors and agree the annual audit plan including any audit reviews that the Board wishes to be conducted and any audit reviews of shared services that are jointly commissioned with the GCB;
12. to monitor and provide assurance to the Board on the effectiveness of the management response to issues identified by audit activity;
13. to monitor the performance of the Internal Auditors;

Compliance

14. to periodically review BSB compliance with its statutory and regulatory obligations including Data Protection and Anti-Money Laundering Regulations;
15. to monitor the GCB's whistleblowing processes and the arrangements for investigating fraud, corruption and error to ensure they remain appropriate for the BSB;
16. to facilitate the Committee's discharge of its responsibilities in relation to particular items of business, if necessary, procure specialist ad-hoc advice at the expense of the BSB, subject to that expense being agreed by the Board.

The membership of the Governance, Risk and Audit Committee shall be:

1. A lay chair who must also be a Board member;
2. Two other members who must be Board members; and
3. No fewer than two, and no more than three, other members who must not be Board members.

Quorum

4. The quorum for meetings of the Governance, Risk and Audit Committee is three members.

Annex 2b – Strategic Planning and Resources Committee

The Terms of Reference of the Strategic Planning and Resources Committee are:

1. to support the Board and the executive in formulating the overall strategy for the BSB, with particular emphasis on horizon scanning, priorities, activities and outcomes. To scrutinise the BSB's three-year Strategic Plan and annual Business Plan before the Board's approval is sought;
2. to oversee financial performance against the objectives and targets set out in the Business Plan and to consider and agree any necessary corrective actions. To consider whether proposed funding is adequate and properly and effectively allocated across the BSB;
3. to decide:
 - a. the annual budget and revenue for recommendation to the Board, in the context of the Strategic and Business Plans;
 - b. requests of expenditure or virement between directorates of more than 10% of the BSB's annual budget;
 - c. approval of additional members of staff;
4. to agree how the BSB presents financial information to best effect and with appropriate transparency and comprehensiveness.
5. to consider and agree the recommendations of the executive on the provision of corporate services, including where the executives proposes sharing any service with the GCB and that such sharing is in compliance with Rule 11 of the Internal Governance Rules on the basis that:
 - a. this will not undermine, and could not reasonably be seen to undermine, the separation of regulatory and representative functions;
 - b. this is effective and appropriate for the BSB to discharge its regulatory functions; and
 - c. this is necessary to be efficient and reasonably cost-effective
6. to ensure that the BSB undertakes planning activity to best effect and in a timely and consistent manner, as well as to provide assurance to the Board on the robustness of programme and project management processes. To support the Board and executive with finalising the BSB's Annual Report publications.

The membership of the Strategic Planning and Resources Committee shall be:

1. Five members of the Board, at least three of whom will be lay members and one of those will be the chair of the committee.

Quorum

2. The quorum for meetings of the Strategic Planning and Resources Committee is three members.

Annex 2c – Remuneration Panel

The Terms of Reference of the Remuneration Panel are:

1. To set parameters for and make recommendations to the Board on the remuneration and terms of engagement of the following:
 - a. The Director General;
 - b. Any other senior staff who sit outside the general staff banding structure;
 - c. The Chair, Vice Chair and members of the BSB;
 - d. All members of any BSB committee, sub-committee, panel, or other body;
2. To advise the BSB on its policies impacting on pay and benefits;
3. To consider workforce remuneration and related policies, to support the BSB in attracting and retaining an appropriately skilled and experienced executive staff;
4. To advise the Chair of the BSB on the recruitment of the Director General of the BSB;
5. To advise the Board on the annual performance related salary review for the BSB, having regard to any advice on affordability;
6. To consider appeals by the Director General and staff who report directly to the Director General against decisions relating to dismissal, disciplinary sanction, grievance, promotion or demotion. Appeals will be heard by the independent lay member of the Panel.

The membership of the Remuneration Panel shall be:

1. An independent lay person, with knowledge of the Governance Code on Public Appointments, or similar skills and experience in recruitment to and remuneration for roles in public bodies. This will usually be the Chair or Vice Chair of the joint Finance Committee of the General Council of the Bar and the BSB.
2. The Chair and one other member of the Strategic Planning and Resources Committee, providing that one of those members is a lay member and one of those members is a barrister. The Chair of the Strategic Planning and Resources Committee will be the Chair of the Panel.
3. Members may nominate an alternate who is entitled to take their place at any meeting which the member is unable to attend.

Quorum

4. The quorum for meetings of the Remuneration Panel is three members, which may include alternates.

Annex 2d – IDB

The Terms of Reference of the IDB are:

1. To provide members for 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 A4, 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:

1. A chair and at least one vice chair. The chair can be either a lay or barrister member; and
2. Sufficient numbers of lay persons and barrister members to enable the IDB to carry out its business expeditiously.
3. 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 2e – Centralised Examinations Board (CEB)

The Terms of Reference of the CEB are:

1. To oversee all aspects of testing by assessment, examination or otherwise of students, transferring qualified lawyers and pupil barristers in the subject areas centrally assessed by the BSB (Ethics, Civil Litigation, and Criminal Litigation);
2. To convene, and regulate the procedure of, the Final Examination Board and Subject Examination Boards, as the CEB considers necessary to enable it to discharge any of its functions;
3. To report to the Board on its work as and when required.

The membership of the CEB shall be:

1. A Chair;
2. For each subject area, a Chief Examiner and sufficient numbers of Assistant Chief Examiners to enable the CEB to carry out its functions expeditiously;
3. The BSB's Director of Regulatory Operations;
4. The Independent Psychometrician appointed by the BSB;
5. The Chief Examiners for each subject area and the BSB's Director of Regulatory Operations may nominate an alternate to take their place at any meeting which that member is unable to attend.

Quorum for the CEB

6. The quorum for meetings of the CEB will be five members, which must include the Chair, a Chief Examiner for each subject area (or alternates), and the BSB's Director of Regulatory Operations (or alternate).

Annex 3 – APPOINTMENTS PROCESS FOR BSB COMMITTEES

1. The BSB appoints and reappoints all Chairs and members of its Committees on merit.

Appointments of Board members to the posts of BSB Committee Chairs and BSB members of Committees are made by the BSB Chair in consultation with the BSB Vice Chair and BSB Director General.
2. Appointments of new members of BSB Committees (who are not Board members) are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of members of BSB Committees is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. Appraisals must inform retention and reappointment recommendations and decisions. The BSB Chair or their nominees must carry out the appraisals.
5. All appointments made by the BSB Chair of members who are not Board members shall be for a fixed period of up to three years. Appointments may be renewed for a further fixed period of up to three years without holding a competition, if the Chair of the Committee concerned is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it is in the interests of the BSB to renew the appointment.
6. In exceptional circumstances, the BSB may resolve to offer an extension of an individual person's or group of persons' appointment beyond the maximum six year period of appointment permitted above. Any resolution to make a limited offer of extension must:
 - a. allow for an extension of no more than 18 months in duration;
 - b. be made by offer in writing, and
 - c. be made for a specific reason that is articulated in the offer of extension.

Annex 3b – APPOINTMENTS PROCESS FOR THE IDB

1. The BSB appoints and reappoints all Chairs, Vice Chairs and members of its IDB on merit.
2. Subject to paragraphs 8 and 9, appointments of new members of the IDB are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of the IDB Chair is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. The selection panel convened for recruitment of the IDB Vice Chairs and members of the IDB is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. The IDB Chair or, in the absence of the IDB Chair an IDB Vice Chair;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
5. Appraisals must inform retention and reappointment recommendations and decisions. The IDB Chair or their nominees must carry out the appraisals. Any appraisal of the IDB Chair will be conducted by the BSB Chair or their nominee.
6. Subject to paragraphs 8 and 9, all appointments made by the BSB Chair shall be for a fixed period of up to three years. Appointments may be renewed for a further fixed period of up to three years without holding a competition, if the BSB is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it will allow the BSB to continue to discharge its regulatory functions.
7. In exceptional circumstances, the BSB may resolve to offer an extension of an individual person's or group of persons' appointment beyond the maximum six year period of appointment permitted above. Any resolution to make a limited offer of extension must:
 - a. allow for an extension of no more than 18 months in duration,
 - b. be made by offer in writing, and
 - c. be made for a specific reason that is articulated in the offer of extension.
8. The Chair of the BSB may appoint temporary members of the IDB for the purpose of taking decisions in a specific case. The power to appoint temporary members can only be exercised where there are insufficient IDB members to form an impartial IDP due to the number of members of the IDB who:
 - a. have a conflict: and/or
 - b. could be perceived to have a real possibility of bias.

9. Any appointments made by the Chair of the BSB under paragraph 8 must be in writing and specify the decision(s) which the temporary IDB members are appointed to decide. The appointments will cease once the decision(s) have been taken, and any consequential matters arising have been concluded.

Annex 3c – APPOINTMENTS PROCESS FOR THE CEB

1. The BSB appoints and reappoints all Chairs and members of its CEB on merit.
2. Appointment of the Chair of the CEB is made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
3. The selection panel convened for recruitment of the CEB Chair is to consist of:
 - a. an independent person with knowledge of the Governance Code on Public Appointments, or similar skills and experience in best practice in recruitment to public office;
 - b. at least one and a maximum of two members of the Board. If the Board does not include a member with expertise in higher education and/or assessment, then a person with such expertise shall be appointed in place of one of the Board members;
 - c. a member of senior staff of the BSB, as delegated by the Director General.
4. Appointments of new members of the CEB are made by the BSB Chair on the recommendation of a selection panel, convened as required for each recruitment.
5. The selection panel convened for recruitment of the members of the CEB (other than the Chair) is to consist of:
 - a. The CEB Chair or, in the absence of the CEB Chair one of the Chief Examiners;
 - b. One of the Chief Examiners (who would usually be in the subject area being recruited to when recruiting Assistant Chief Examiners);
 - c. a member of senior staff of the BSB, as delegated by the Director General.
6. Appraisals must inform retention and reappointment recommendations and decisions. The CEB Chair or their nominees must carry out the appraisals. Any appraisal of the CEB Chair will be conducted by the BSB Chair or their nominee.
7. All appointments made by the BSB Chair shall be for a fixed period of up to two years. Appointments may be renewed for further fixed periods of up to two years without holding a competition, if the BSB is satisfied that:
 - a. the person has performed to the standard to be expected of the office held, and
 - b. it will allow the BSB to continue to discharge its regulatory functions.