

Fitness to Practise: end-to-end process map

BSB receives:

- (1) information/complaint received by BSB raising question of whether a barrister is unfit to practise; or
- (2) Disciplinary Panel/Tribunal considers barrister may be unfit to practise; or
- (3) Barrister requests referral.

Representations sought from barrister re referral

BSB (P)CC decision to refer to Medical Panel, applying “realistic prospect” test (i.e.: establishing that the barrister’s fitness to practise is seriously impaired to a degree justifying restrictions on practice)

REFERRAL

Examination by an Appointed Medical Adviser appointed by the President of COIC

Medical Panel convened by President of COIC: QC Chair; x2 barristers (x1 a QC), a medical expert and a lay (non legal) panellist.

Require medical records to be released to Full Hearing

Medical Panel - Preliminary Hearing to consider need for:

- Directions for full hearing
- Interim suspension (public protection /wider public interest)
- Restrictions on practice (public protection /wider public interest)

HEARINGS

Medical Panel - Full Hearing: may decide to:

- Take NFA; or
- Allow the barrister to practise subject to conditions; or
- Indefinitely suspend the barrister.

Review Panel – Hearing to consider any change in circumstances

APPEAL

APPEAL

Barrister offers voluntary undertaking not to practise/accept public access instructions pending criminal case/disciplinary proceedings concluding.

IS PROCESS CONCLUDES

Interim Suspension/interim prohibition from accepting/ public access instructions imposed.

IS PROCESS CONCLUDES

No direction given

IS PROCESS CONCLUDES