



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## ANNUAL REPORT 2017



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## Introduction

Welcome to the Annual Report of the Bar Tribunals and Adjudication Service ('BTAS').

BTAS is the body responsible for administering Disciplinary Tribunals, Fitness to Practise and other Hearings for barristers. It also organises Inns' Conduct Committee Hearings to consider the conduct of applicants to, and students of, the Inns of Court before they are called to the Bar.

This Report is composed of three parts, each prepared by one of the key committees that oversee aspects of our work. Additionally a number of case studies are provided to illustrate the nature of the work that BTAS undertakes. The Report forms part of our commitment to openness and accountability in all we do, and is intended to provide a summary of all key developments and data on our activities during the course of 2017. We hope you find it both interesting and informative.

In addition to a small and committed administrative team, well over a hundred individuals assist BTAS with its work, including serving as panellists or clerks at hearings, and acting on committees or working groups. Many of these do so on a pro-bono basis and their contribution is deserving of special recognition.

BTAS is a constituent part of the Council of the Inns of Court ('COIC'), a charity that exists to advance education in the sound administration of the law, including by promoting high standards of advocacy and enforcing professional standards of conduct. COIC supports the work of the four Inns of Court who provide the majority of COIC's funds.

If you would like any further information about BTAS please visit our website at [www.tbts.org.uk](http://www.tbts.org.uk).

## The Strategic Advisory Board's Report

1. The Strategic Advisory Board provides BTAS with independent advice, information and support on its strategic and operational activities and risks.
2. Its Membership is composed of lay and legally qualified professionals who are appointed because of their expertise in disciplinary and regulatory work, and includes representatives of both BTAS Disciplinary Pool Members and the Bar Standards Board (BSB). As at 31 December 2017, its membership was as follows:

Clare Dodgson (Lay Chair of the SAB)

Vanessa Davies (Director General of the BSB)

Sheila Hollingworth (lay Disciplinary Pool panel member)

Joan Martin (lay member of the Tribunal Appointments Body)

Heather Rogers QC (Chair of the Inns' Conduct Committee)

Nicola Sawford (lay Board member of the BSB)

Stuart Sleeman (Chair of the Disciplinary Tribunal Service)

James Wakefield (Director of COIC)

3. BTAS and its Pool of panel members are wholly independent of the BSB. Its relationship with the BSB is governed by a Service Agreement which defines the standards and performance expected by one party of the other. Both the SAB and the BSB monitor BTAS' performance against Key Performance Indicators (KPIs), which are set out in the Service Agreement.
4. The SAB's Report covers hearings delivered by BTAS under the terms of its Service Agreement with the BSB, which are as follows:
  - **Disciplinary Tribunals** for barristers facing charges of professional misconduct by the Bar Standards Board. Tribunal

Panels are made up of three persons (referred to elsewhere in this report as '3P DT'), or for the most serious cases five persons ('5P DT');

- **Interim Suspension Panels ('ISP')** which take place when the BSB believes that it is in the public interest that a barrister be immediately suspended;
- **Fitness to Practise Hearings ('FTP')**, where the BSB has concerns about the capacity of a barrister to act on medical grounds; and,
- **Appeals against Administrative Sanctions ('AAAS')** imposed by the BSB on barristers for matters which are not deemed not serious enough to amount to professional misconduct.

5. Where necessary BTAS also administers hearings to determine any costs that may be awarded to either party in a Tribunal.

### Case Study 1:

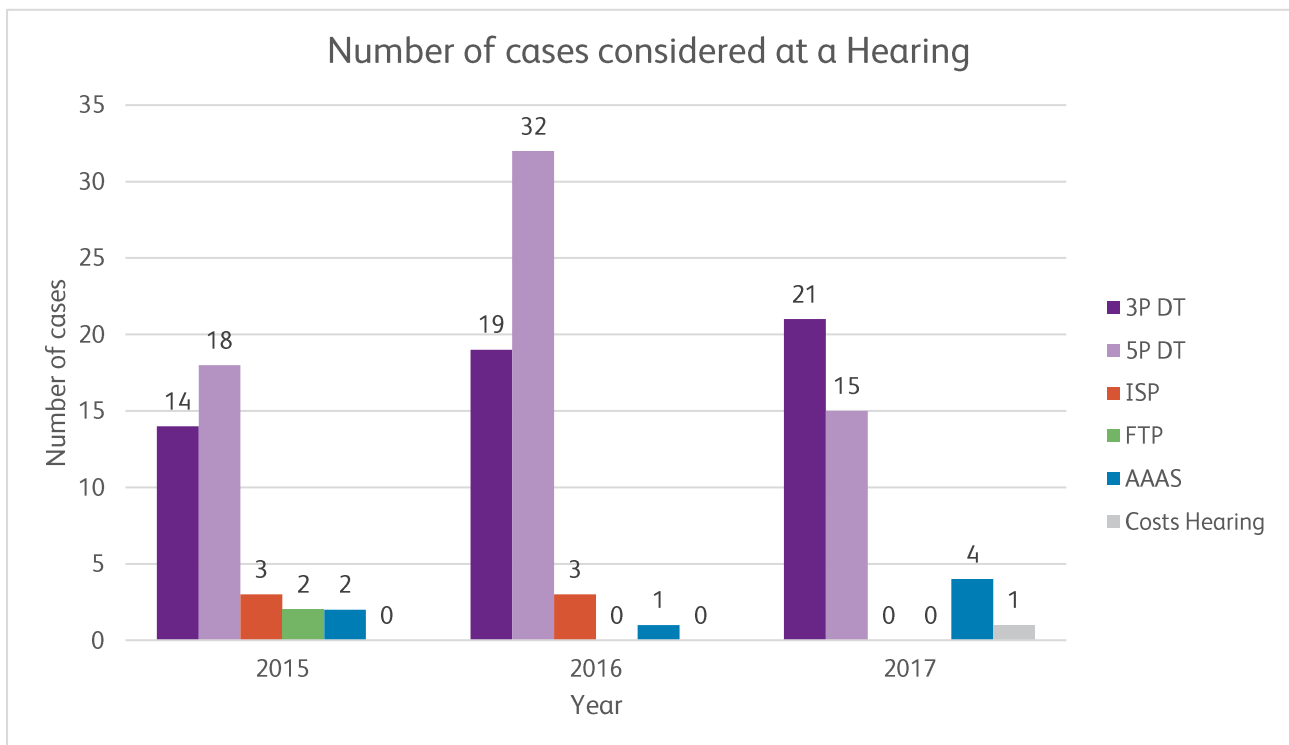
'A', a barrister, was convicted of conspiring with others to defraud clients of 'A's company of approximately 30 million pounds for which 'A' was convicted and sentenced to seven years imprisonment.

'A' was subsequently charged by the Bar Standards Board with engaging in dishonest conduct likely to diminish the trust and confidence which the public places in a barrister or the profession.

The charges were found proven and the Tribunal imposed a sanction of disbarment.

## Number of Cases considered by BTAS Panels in 2017

6. The following chart sets out the total number of Tribunals and Hearings that took place in 2017. Data is also provided for the two previous years for the purposes of comparison:



[Key: 3P DT: 3-Person Disciplinary Tribunal  
 5P DT: 5-Person Disciplinary Tribunal  
 ISP: Interim Suspension Panel  
 FtP: Fitness to Practise Panel  
 AAAS: Appeal against Administrative Sanctions]

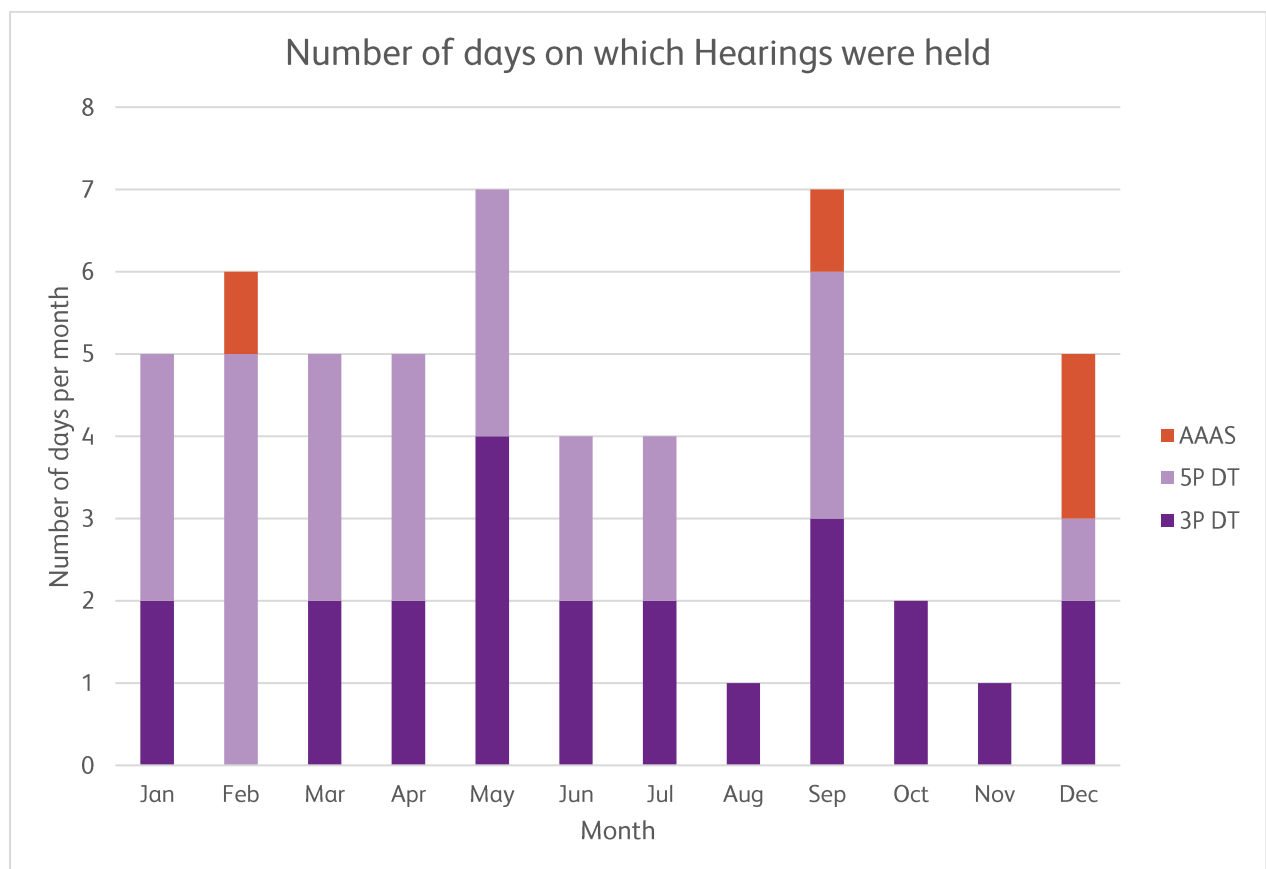
7. A total of 41 hearings took place at BTAS in 2017. This is very similar to the 2015 numbers (39), and should be seen as a return to normal levels after a noticeable ‘spike’ in cases in 2016.
8. Also of significance is the increase in the proportion of three-person Tribunals during 2017, compared with the pattern over previous years in which five-person Tribunals were becoming a steadily increasing majority of cases. The decision as to whether a three- or five-person panel should be convened in each case is made by the Bar Standards Board rather than BTAS, and so by implication the BSB must have identified that a lesser

proportion of its cases in 2017 involved the most serious misconduct and so did not require the greater sanctioning powers (including disbarment) that would be available to a five-person panel.

9. For the avoidance of doubt, while three-person panels do have the power to refer a case to a five-person panel if they determine that more severe sanctioning powers are required to appropriately conclude a case, in 2017 no such referrals took place.

### Number of Days on which Hearings were held in 2017

10. While many cases can be concluded within one day, others are more complex and are scheduled to take place over several days, while others have to be adjourned and be concluded at another date. The following chart sets out the number of days (broken down by month) on which Hearings took place in 2017:



11. In 2017 Hearings took place on a total of 52 days, representing an average of 1.3 days per case. This compares with a total of 74 days and an average of 1.4 days per case in 2016.

12. As always, BTAS activity in August is greatly reduced due to the summer closure of the courts.

## Panel Outcomes in 2017

13. The table below sets out information on the outcomes of all Tribunals that took place during the course of 2017:

Outcome of Disciplinary Tribunal	Three-Person	Five-Person
BSB Presented No Evidence	1	
Case Dismissed	2	
Disbarred		5
Disbarred & fined £500		1
Disbarred & reprimanded		1
Disbarred (on one charge), 3 months suspension (on another charge)		1
Fined £5,000	1	
Fined £1,000	2	1
Fined £750	2	
Fined £720	1	
Fined £500		1
Reprimanded	1	1
Reprimanded & ordered to attend advocacy course	1	
Reprimanded & fined £2,000	2	
Reprimanded & fined £1,000	1	
Reprimanded & fined £250	2	
Reprimanded & prohibited from public access work	2	
Suspended for 1 year	1	1
Suspended for 3 years		1
Suspended for 18 months (on two charges) concurrently with 6 months suspension (on another charge)		1
Suspended for 6 months, fined £1,250, reprimanded		1
Suspended for 3 months (deferred for 12 months)	1	
Suspended for 2 months, fined £2,000	1	



14. In 2017, eight of the 41 Hearings (20%) resulted in the defendant's disbarment. This compares with 31% in 2016 and 18% in 2015.

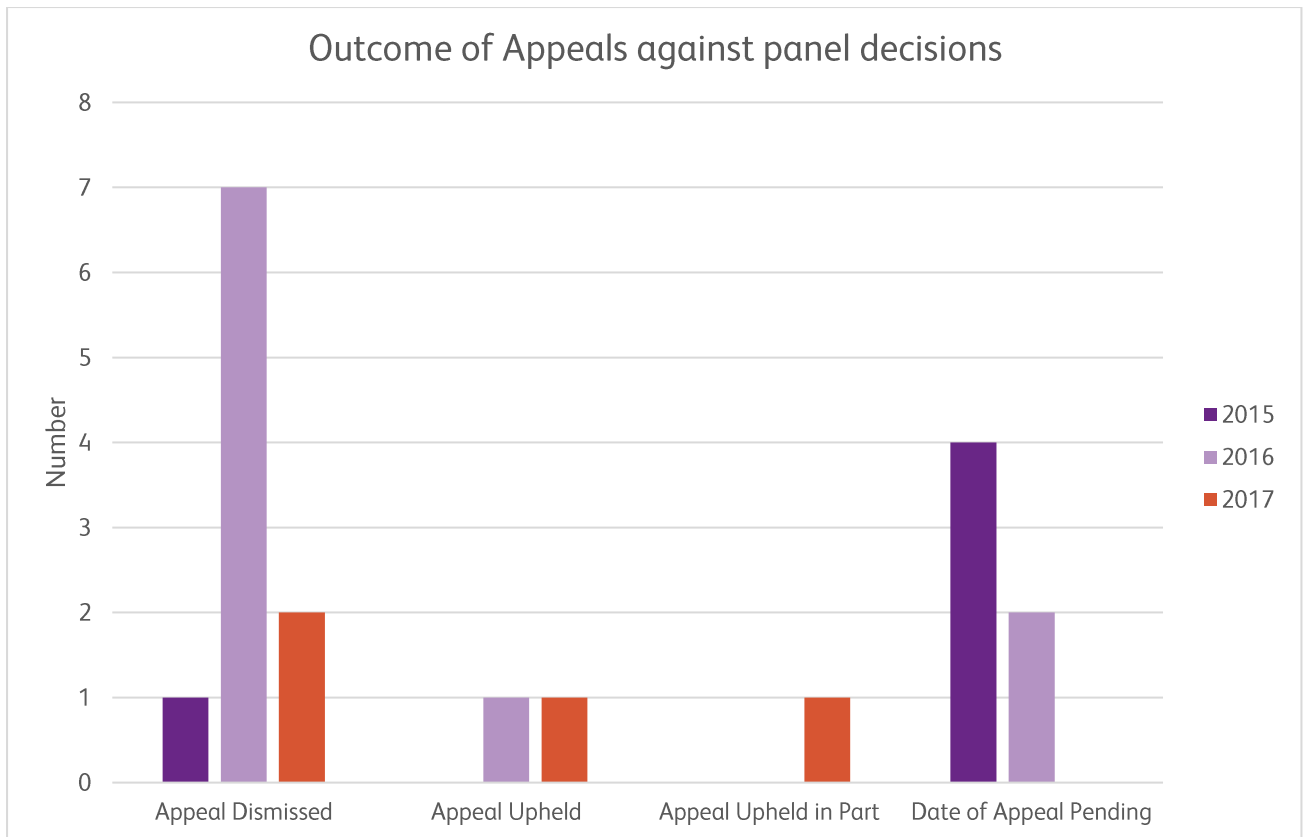
15. As only Five-Person Disciplinary Tribunals can impose a sanction of disbarment, it is appropriate to highlight that this equates to 53% of such Hearings resulting in an outcome of disbarment. This compares with 53% in 2016 and 39% in 2015.

16. In addition to Tribunals, the outcomes of the four Appeals against Administrative Sanctions imposed by the BSB were:

- two were upheld;
- one was upheld in part; and,
- one appeal was dismissed.

### **Outcomes of appeals in 2017 against the decisions of Disciplinary Tribunals**

17. Barristers have the right of appeal in the Administrative Court against the decisions and sentences imposed by Disciplinary Tribunals. The chart below sets out the outcomes of appeal hearings that were heard in 2017 (although the Tribunals in question may have taken place in previous years). Numbers for the last two years are provided for the purposes of comparison:



18. BTAS carefully considers the outcomes of all appeals, and particularly those where the actions or decisions of a Tribunal may have been called into question, with a view to further improving the training, guidance and resources available to those who serve as members of Disciplinary Tribunals. A summary of the appeals that were heard in 2017 is as follows:

- **Appeal 1.** A BTAS Tribunal found six charges of professional misconduct proved and imposed a fine of £1,800. This was appealed by both the barrister (against the finding of guilt) and the BSB (who felt that a more severe sanction was appropriate).

The barrister’s appeal was allowed, and the BSB’s dismissed.

Additional medical evidence was considered at the appeal, and the Judge determined that the barrister’s behaviour was a consequence of their medical condition.

The appeal also highlighted some confusion about how the references to ‘honesty’ and ‘integrity’ (as expressed in Core

Duty 3 (CD3) in the BSB Handbook, “*You must act with honesty and integrity*”) should be construed. The BSB is currently considering its response to this point (which has subsequently been raised in other hearings involving other regulators), and exploring how the core duty should best be expressed given the currently evolving case law.

- **Appeal 2.** A BTAS Tribunal found two charges of professional misconduct proved and imposed a sanction of disbarment. The barrister appealed against the Tribunal’s decisions on findings (on the grounds that the Tribunal was biased) and sanction (on the grounds that the Tribunal misdirected itself). The appeal was dismissed.
- **Appeal 3.** The barrister admitted a single charge of professional misconduct. The BSB appealed against the sanction of reprimand imposed by the BTAS Tribunal and argued that a more severe one was appropriate. The appeal was dismissed, and the Judge found that the sanction imposed fell well within the appropriate range open to the Tribunal.
- **Appeal 4.** A BTAS Tribunal found four charges of professional misconduct proved (two further charges having been withdrawn). The barrister appealed against the sanction of disbarment imposed by the Tribunal on each charge.

The Judge found that sufficient evidence was not before the Tribunal for its findings and sanction on one of the charges to be sustained, and accordingly set that aside. The Tribunal’s findings on the remaining three charges were upheld, and the Judge confirmed that “*disbarment was an entirely proportionate sanction*”.

19. Full details of these and all other appeals relating to the outcomes of BTAS Tribunals appear on the [BTAS website](#).

## Case Study 2:

'B', a barrister, was charged by the Bar Standards Board with professional misconduct contrary to Core Duty 2 – "*You must act in the best interests of each client*". 'B' had been instructed to attend a hearing at the Upper Tribunal (Immigration & Asylum Chamber) to apply on their client's behalf for permission to apply for a judicial review. 'B' failed to attend the hearing, notifying the Upper Tribunal that he would not attend by email two minutes before the case was due to commence. 'B' did not arrange alternative representation for his client, did not seek an adjournment, and had previously advised his client not to attend.

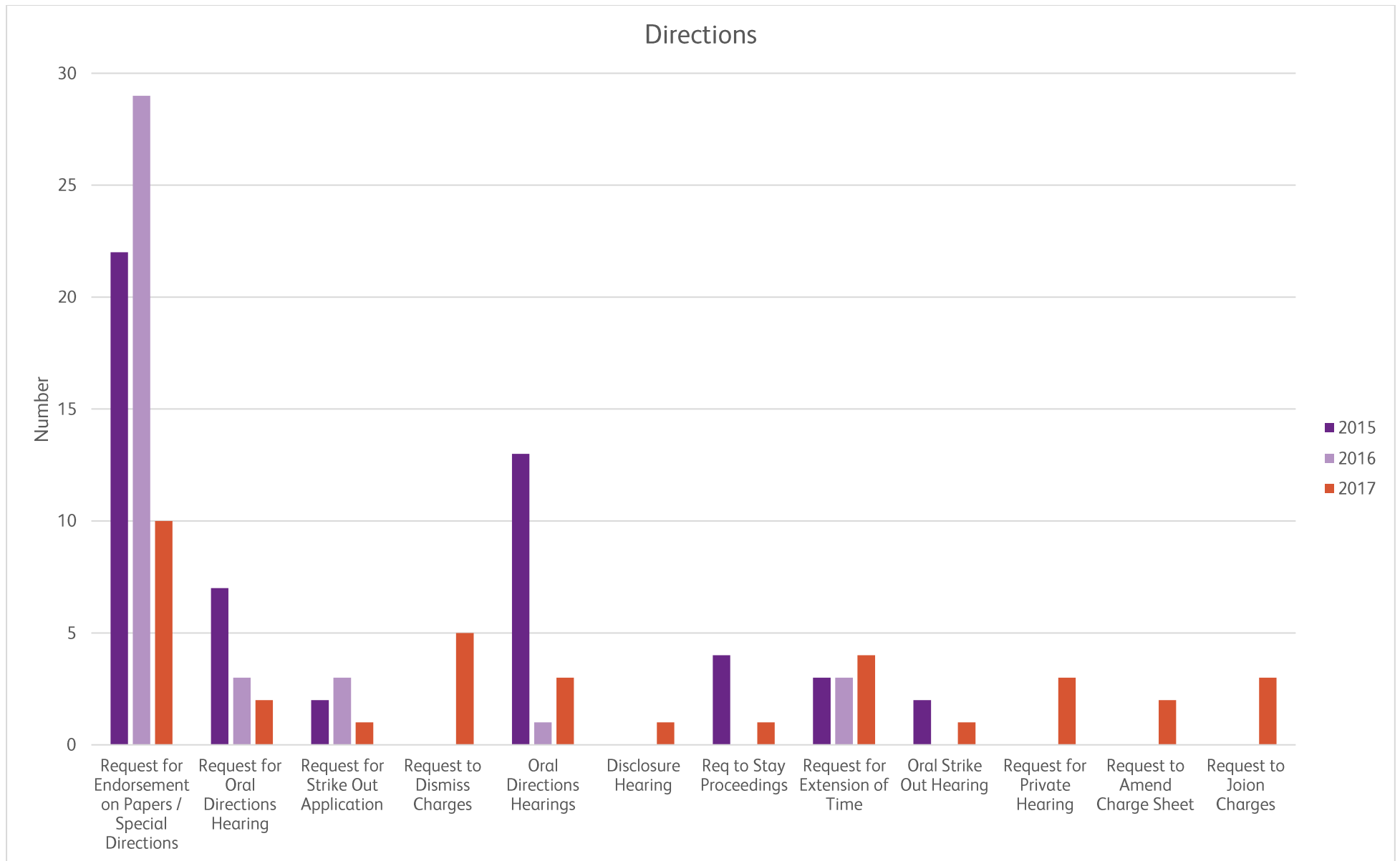
The matter was reported to the BSB by another barrister attending as amounting to potentially serious misconduct. 'B' failed to respond to communications from the BSB about the matter and subsequently did not attend the BTAS Tribunal.

The charges were found Proven in 'B's absence and 'B' was fined a total of £5,000.

## Directions

20. In addition to the Hearings themselves, BTAS is also responsible for arranging the giving of Directions by appointed Judges or QCs, establishing the conduct and timetable for Hearings to both parties where necessary. The following chart sets out data on the number and type of Directions given in 2017, with figures for the last two years provided for the purposes of comparison:

## Directions



21. The fall in the number of cases requiring the involvement in a Directions Judge is in large part believed to be simply a reflection of the fall in the overall number of cases being referred to BTAS in 2017. What may also be a factor is the introduction of new Disciplinary Tribunal Regulations in November 2017, with a greatly streamlined Directions process, and this may well lead to fewer cases requiring the consideration by a Directions Judge.

## Disciplinary Tribunal Panel Costs 2017

22. Panel members and Clerks are entitled to claim reasonable expenses, and in some cases fees, for their attendance at Hearings. Full information about the fees and reimbursement of travel and subsistence expenses for Panellists can be found in the Expenses Policy on the BTAS website. In the interests of transparency and openness, information on payments to Members and Clerks of the Panel in 2017 were as follows:

### Hearings Costs

Fees to lay members for attendance at hearings	£23,400
Fees to clerks for attendance at hearings	£13,200
Expenses to lay members for attendance at hearings	£11,500
Expenses to clerks for attendance at hearings	£510
Expenses to barrister members for attendance at hearings	£1,020
Expenses to Chairs for attendance at hearings	£2,865

## Policy Developments

23. On 1 November 2017 the BSB introduced revised Disciplinary Tribunal Regulations (DTRs), which govern the conduct and administration of disciplinary hearings. BTAS developed and delivered training to prepare all its Pool members and clerks for the transition to the new regulations, which included a number of changes, both terminological ('defendants' are now 'respondents', and Tribunals no longer impose 'sentences' but 'sanctions', for example) and more procedural changes including the introduction of provisions for hearing evidence from vulnerable witnesses, and the publication of the Tribunals' written judgments for the first time.

These changes are representative of a significant shift in the BSB's approach to disciplinary hearings, away from a language and format that echoed that of criminal trials, and adopting that of civil procedure with a primary focus on the public interest. This shift will continue and develop, perhaps most significantly with a change in the DTRs in 2019 so that the standard of proof used in Tribunals will move from the criminal standard (beyond reasonable doubt) to the standard used in civil hearings (the balance of probabilities). Members and clerks of the disciplinary pool will be trained in due course in preparation for this change.

24. During the course of 2017 a SAB Working Group revised what was then-known as BTAS' *Sentencing Guidance*. This followed the review conducted by the SAB in 2016 which concluded that while the existing guidance was broadly appropriate and being followed by Tribunals, some updates were needed. This led to the development of Version 4 of the now renamed BTAS [Sanctions Guidance](#), which came into effect on 1 February 2018. While this looks very different from the previous guidance, in fact the changes are of a very limited nature, and can be summarised as follows:

- Appearance. To make the Guidance more user-friendly during Tribunals, key sections have been colour-coded to differentiate them and make them easier to locate.
- Indexing. With improved search functionality and indexing, the guidance can for the first viably be used in an electronic format.
- New guidance is for the first time offered to Tribunals for 'Misconduct of a Sexual Nature', and guidance has been updated and extended in other areas.
- Changes were made throughout the guidance to incorporate procedural and other changes necessitated by the introduction of the revised DTRs.

## Performance

25. The Strategic Advisory Board continues to closely monitor BTAS' performance, particularly in terms of efficiency and timeliness of hearings, and is very pleased with the consistently high standards achieved. BTAS continues to meet its Key Performance Indicators with the BSB, and the BSB has indicated that it remains very happy for the current arrangements for BTAS' delivery of Tribunals to continue, both up to December 2019 (when the current Service Agreement between BTAS and the BSB expires) and beyond.



## The Inns' Conduct Committee Report

26. The Inns' Conduct Committee (**ICC**) is the body responsible for considering applications for admission to an Inn of Court where there is any matter which might affect whether the applicant is a 'fit and proper' person to become a practising barrister. It is also responsible for considering disciplinary cases for 'serious matters' involving student members of an Inn of Court and hearing appeals by student members against disciplinary decisions of their Inn with regard to more minor matters.
27. The ICC's role is referred to in the Bar Training Rules (Part 4B of the Bar Standards Board "[Handbook](#)") and its procedures are set out in the [ICC Rules](#). The ICC also publishes a [Statement of Principles and Guidelines](#).
28. Applicants wishing to join an Inn of Court must disclose information about themselves, as required in their Admission Declaration. This includes information about criminal convictions, bankruptcy proceedings and disciplinary matters. Student members of an Inn are also subject to obligations to disclose matters to their Inn, including as required in their Call Declaration and by the Bar Training Rules. Where a relevant matter is disclosed (or comes to light), the Inns must refer it to the ICC for consideration. An ICC 'Screening Panel' considers whether the matter referred needs to be considered by an ICC 'Hearing Panel'. All ICC Panels include lay and legal members.

## New Inns' Conduct Committee Rules

29. On 1 August 2017, new ICC Rules came into operation that made significant changes to the membership of the ICC and how it operates.
30. Prior to 1 August 2017, and since the ICC was created in September 2009, the ICC was a stand-alone Committee with some 30 members, both lay and legally qualified. The Committee's role was in essence twofold: firstly to consider matters of general policy and process relating to the ICC's business; and secondly to form Panels to hear cases in accordance

with the ICC Rules. The ICC (under the ‘old’ Rules) was composed of highly skilled and motivated individuals, with barrister (or judicial) members being put forward by the Inns, and lay members being selected by the Tribunals Appointments Body.

31. Following the [2012 Browne Review of COIC Tribunals and Hearings](#), the decision was taken by the Inns of Court that it would be preferable to have one ‘pool’ of individuals to hear all cases administered by BTAS. This decision accorded with considerations of principle and of pragmatism: in the light of the steadily falling number of all types of hearings taking place at BTAS, there would be a single pool made up of individuals selected, trained and regularly appraised to ensure they could serve on any panel under any regulations as needed, and always to the highest standards. The procedures which had been put into place after the Browne Review in relation to the existing Disciplinary Tribunal Pool could accommodate changes to enable members of that Pool to deal with ICC hearings. In addition, the ICC Rules needed to be amended.
32. Amendments to the ICC Rules were considered and approved by COIC, the Bar Standards Board (**BSB**), and the Legal Services Board (**LSB**). They came into effect on 1 August 2017.
33. Under the new ICC Rules, the ICC has 9 members, consisting of a Chair, two Vice-Chairs (one barrister and one lay person), four barrister members and two lay members. The Tribunals and Appointments Body is involved in the selection and/or appointment of all ICC members (see ICC Rules, Rule 7). 8 members were newly appointed to the ICC. The Chair (Heather Rogers QC) was appointed to continue in post to assist in the transition from the old system to the new, pending the appointment of a new Chair in due course. The members of the ICC continue to be listed on the [BTAS website](#).
34. The new rules include provision for the ICC to meet as a full committee to “consider matters of general policy or process” (Rule 11), to follow BSB guidance and respond to requests from the BSB for information (Rule 12) and to report annually to COIC (Rule 13). The new ICC has exercised the power to delegate its powers and functions in relation to hearings (Rule

14) to members of the Disciplinary Tribunal Pool. It has also approved an updated and revised version of the ICC Statement of Principles and Guidelines (9 October 2017).

35. The new ICC Rules, which are available on the BTAS website, provide a clear guide to the processes of the ICC, so that these are transparent to applicants and students, to those advising them or otherwise involved in referrals, and to the public. The ICC Rules are kept under review and certain matters have been identified for future consideration. When rule changes are under consideration, the process involves scrutiny by not only the ICC and COIC, but also the BSB and LSB.

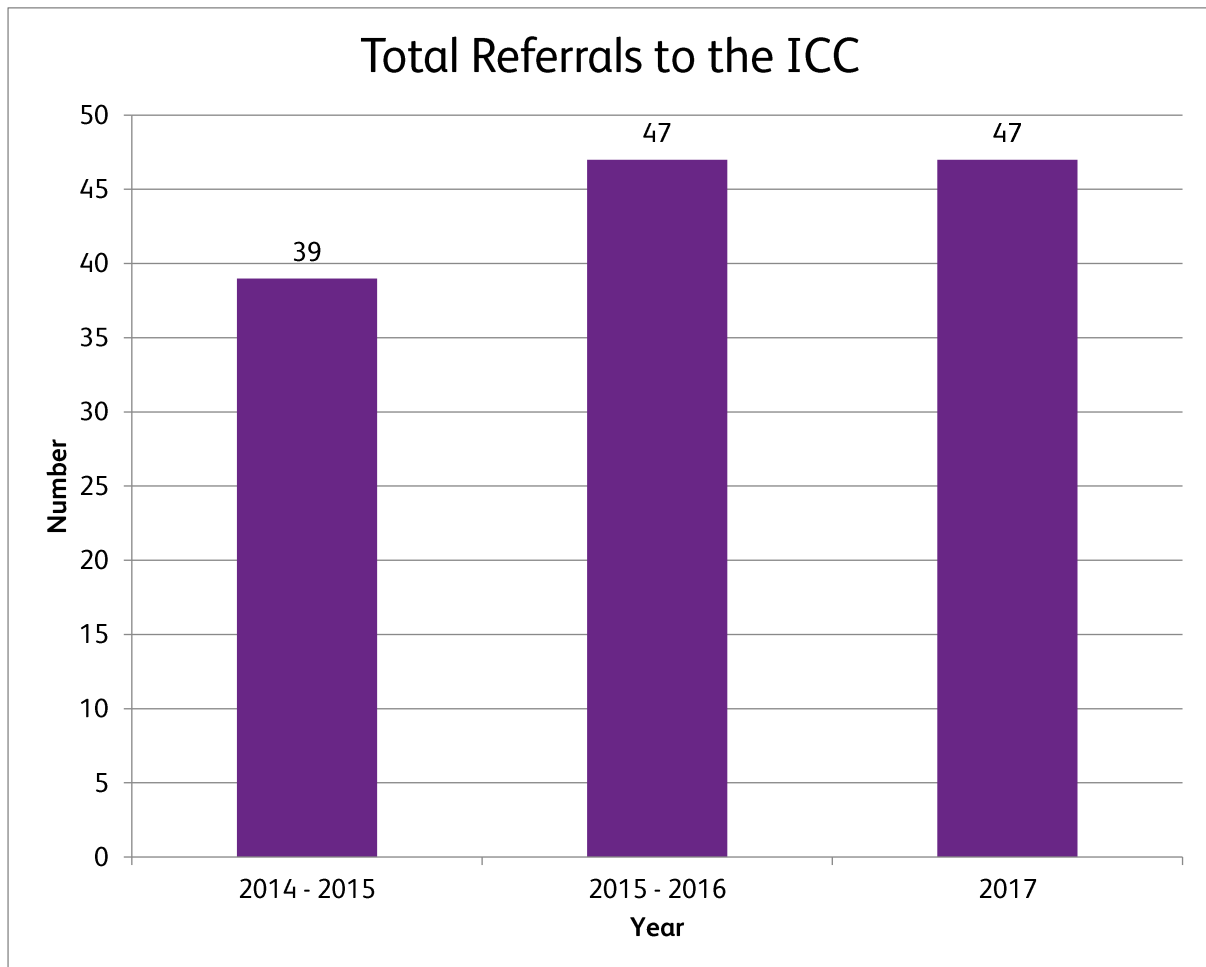
36. It is appropriate at this stage to record grateful thanks for the time and effort of all past members of the 'old' ICC, whose care and commitment in participating in Panels and otherwise in dealing with matters referred to the ICC, which took considerable time and energy, has been much appreciated. Particular thanks are noted to outgoing Vice-Chair, Gordon Catford.

37. The introduction of the new Rules had two consequential effects on the ICC's operations during 2017, both of which are evident elsewhere in this report:

- The transition from the old to the new Rules somewhat distorted the normal 'ebb and flow' of referrals from the Inns of Court to the ICC. Indeed, this was in fact planned and prompted by the ICC, with a surge of referrals received in the months before August being handled under the 'old' Rules, followed by reduced activity levels for several months afterwards while the new Committee 'found its feet'.
- The delegation of responsibility to hear ICC cases to the members of the Disciplinary Pool midway through the year means that it is not possible to produce a breakdown of Panel activity (in terms of analysing the number of hearings considered by individual ICC Members).

## Referrals to the ICC

38. During 2017, a total of 47 individuals were referred to the ICC by the Inns:



39. While this appears to be consistent with the previous period, this is due to a change to move the ICC from academic year to calendar year reporting periods. In the chart above:

- the 2014-2015 column covers the period 1 September 2014 – 31 August 2015;
- the 2015-2016 column covers 1 September 2015 – 31 December 2016; and,

- the 2017 column covers 1 January – 31 December 2017.

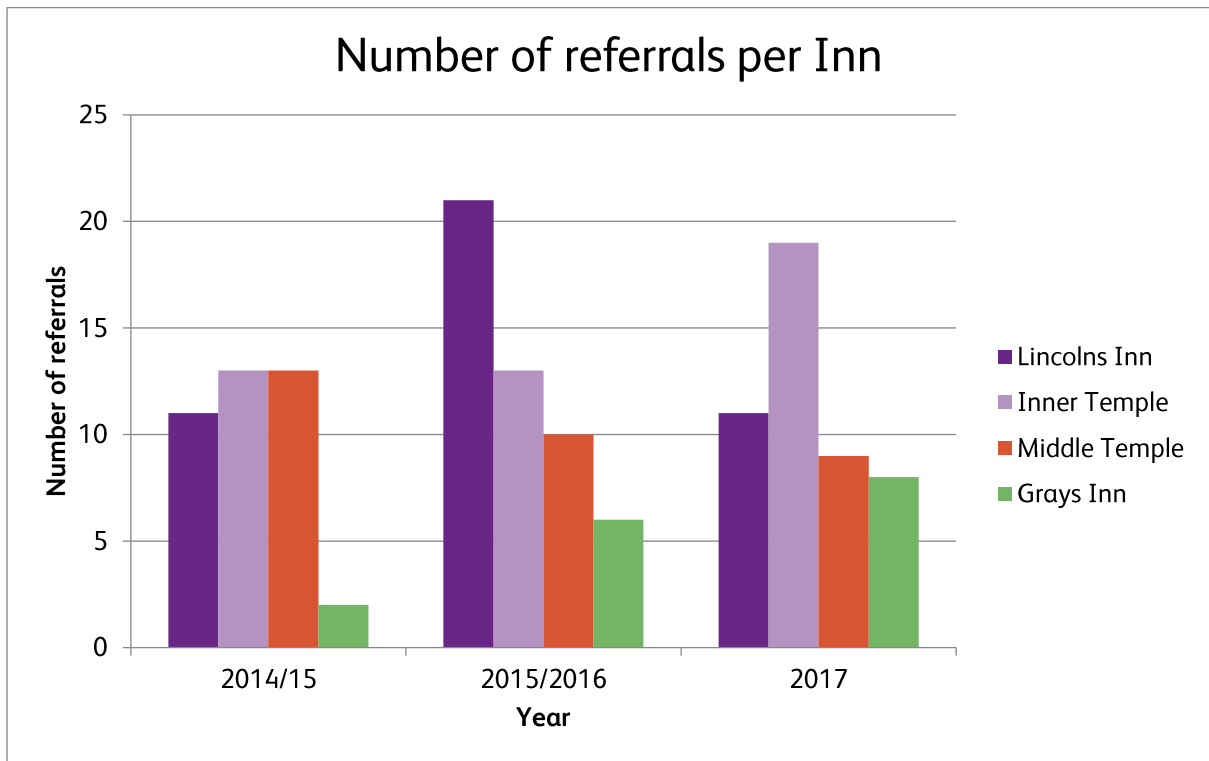
40. If allowance is made for the additional three months appearing in the 2015-2016 column (during which 12 cases were handled) this would appear to indicate a distinct, if relatively modest, increase in the number of cases handled by the ICC over the course of the year. Whether this is a long-term trend of any significance remains to be seen, but the variation is certainly not due to the change in the ICC Rules – while this led to high numbers of cases being referred prior to 1 August, there is no reason to believe that this could have led to the *annual* total of cases increasing.

### Case Study 3:

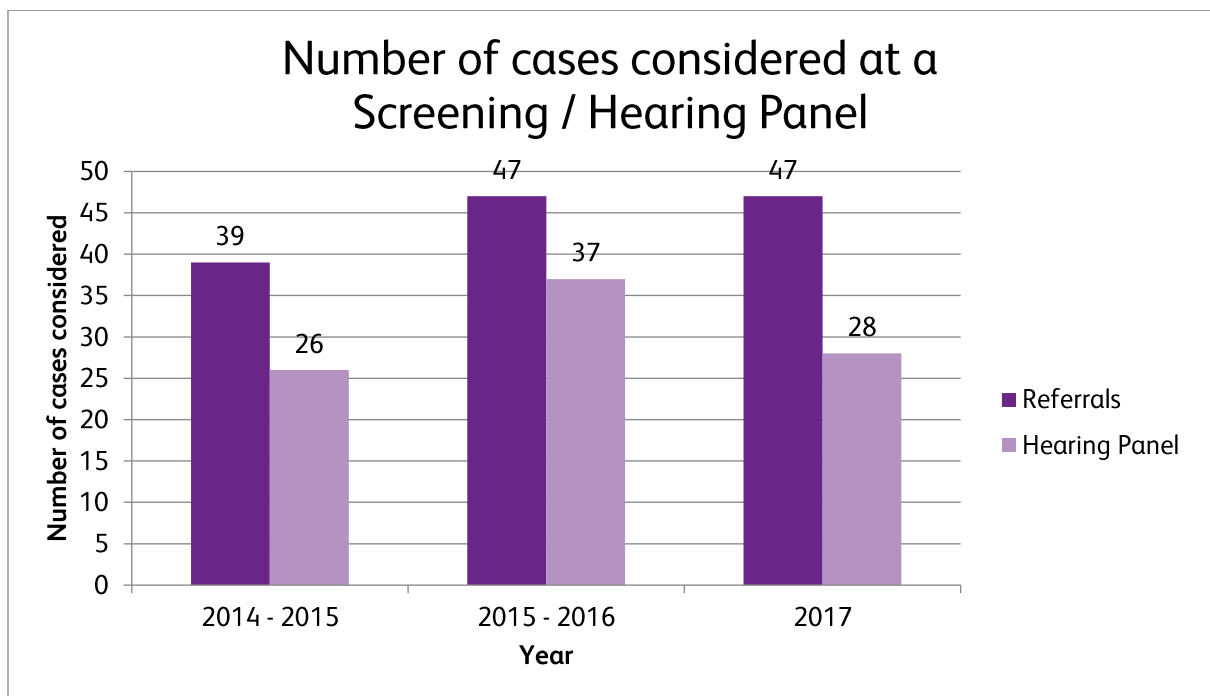
‘C’, a student member of one of the Inns of Court, falsely asserted that they had received a first class honours award in their LLB and an ‘outstanding’ grade for their BPTC, also claiming to have received an offer of pupillage and several additional awards. None of these claims were true. ‘C’ also attempted to gain access to the Call ceremony at their Inn of Court despite being previously informed that they were not eligible to be called.

‘C’ did not engage in the ICC process and did not attend the hearing. After careful consideration the panel proceeded in ‘C’s absence. The ICC Hearing Panel found that the matters both individually and collectively were serious matters and were proved. Their decision was that ‘C’ should be expelled from their Inn.

41. The proportion of referrals, as according to the Inn of Court that made them, is as follows:



42. The proportion of cases referred to the ICC subsequently passed to a Hearing Panel for consideration is as follows:



43. Again, once the effect of the extended reporting period for 2015-2016 is taken into account, it can be seen that the number of cases being considered by a Hearing Panel remain broadly consistent year-on-year.

#### Case Study 4:

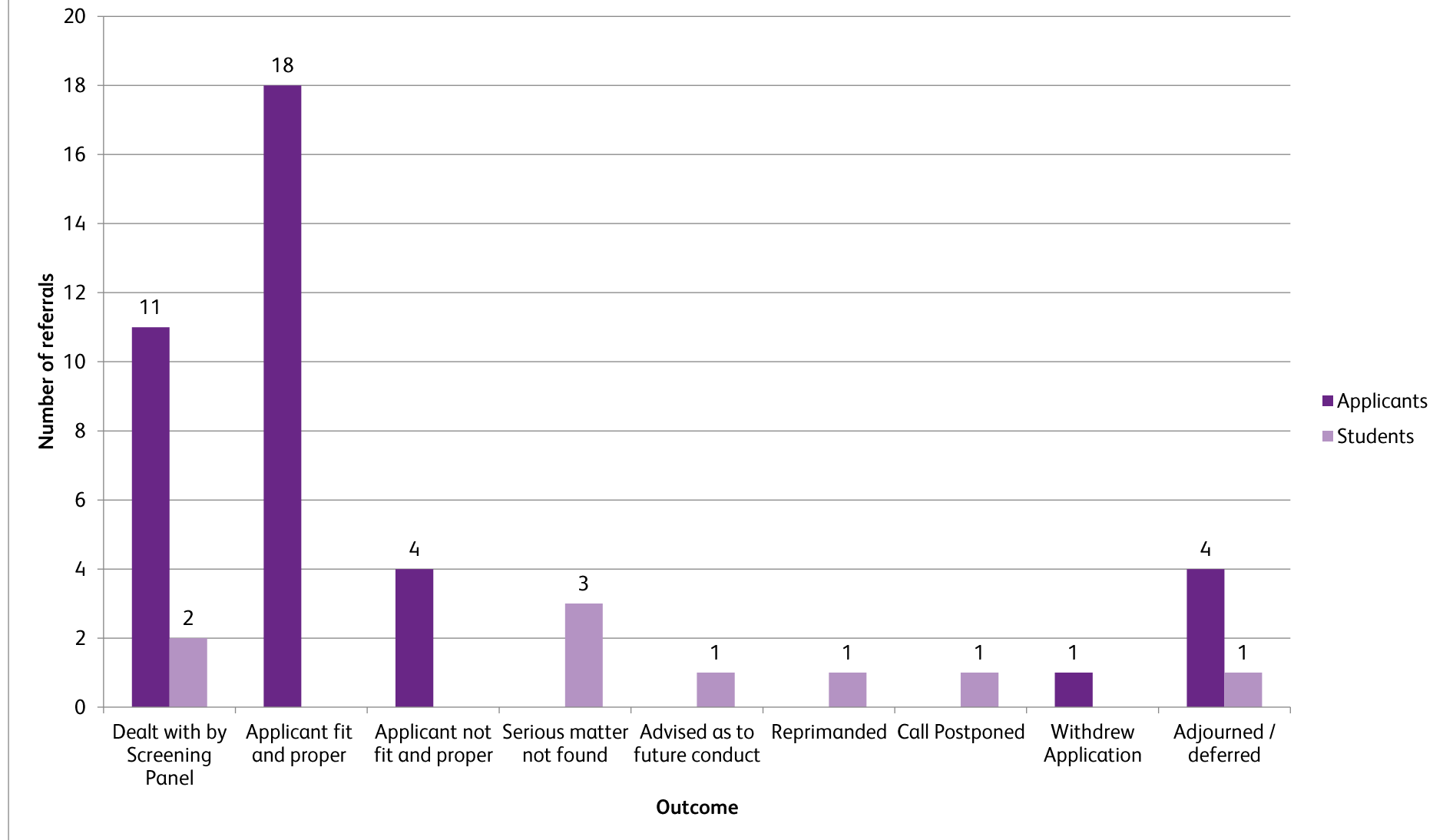
‘D’, applied to become a member of one of the Inns of Court and declared that they had received a criminal conviction for possession of an offensive weapon and theft.

The ICC Hearing Panel carefully considered the matter. They noted that ‘D’ had been very young at the time and subject to very considerable peer pressure. Significant time had now elapsed since the incident, for which the Panel were satisfied that ‘D’ exhibited genuine remorse. The Panel were struck by the extent to which ‘D’ demonstrated a mature and reflective attitude regarding their conviction, and a willingness to build on and benefit from the experience by enrolling on a course to assist other young offenders.

The Panel concluded that the applicant was a fit and proper person to become a practising barrister.

44. The outcomes of the cases dealt with by the ICC in 2017 were as follows:

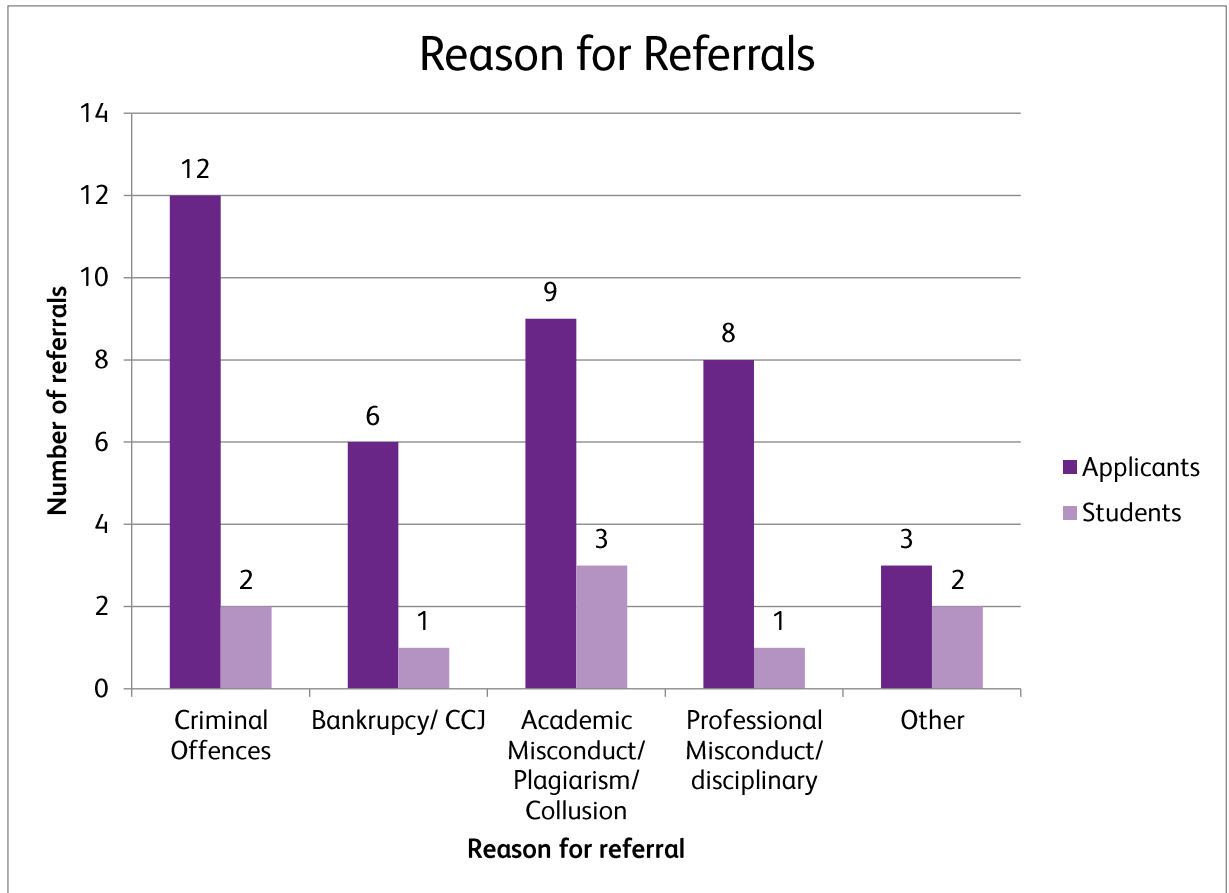
## Outcome of Referrals to ICC



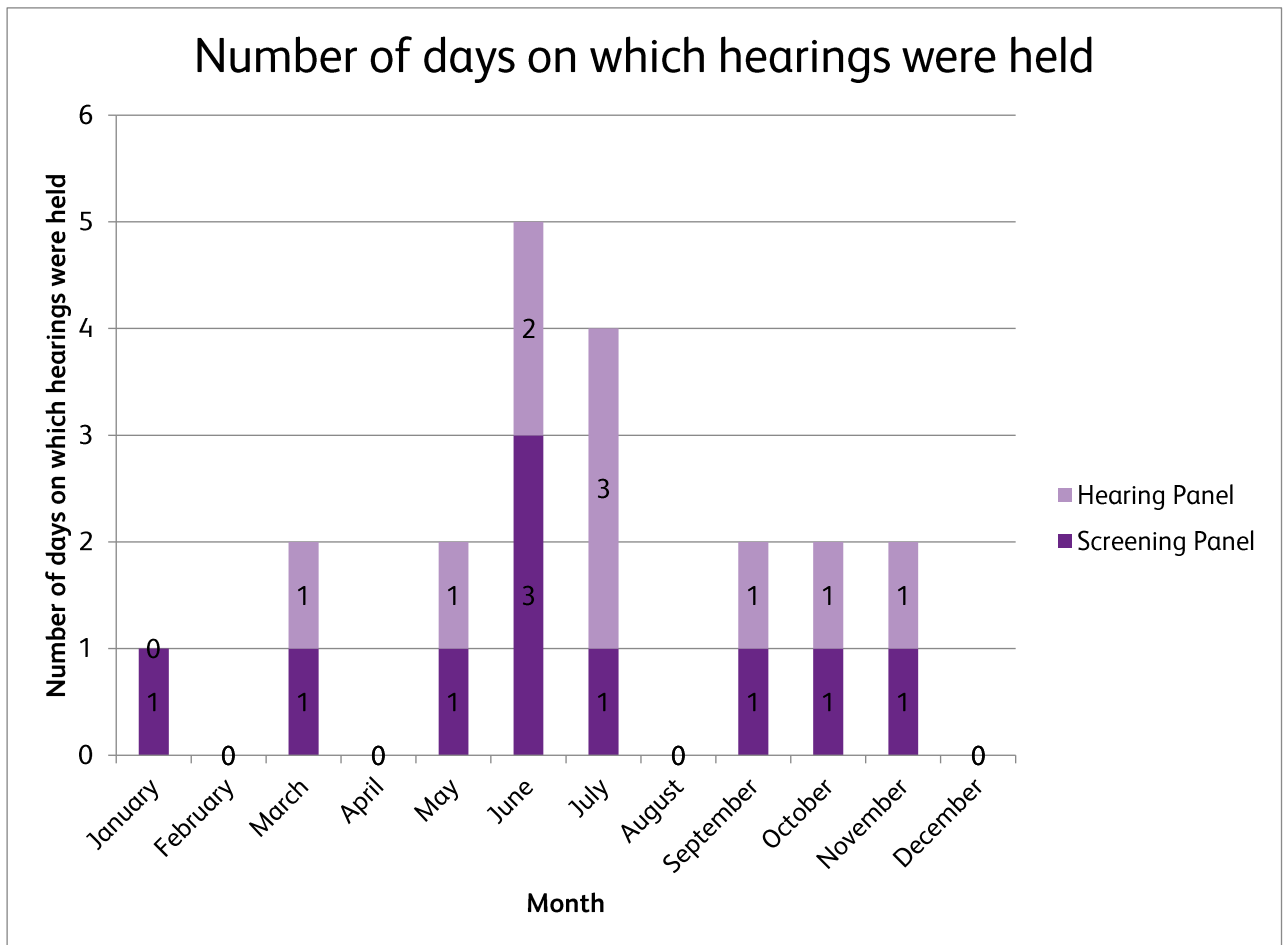


- (1) **38** were applicants to join an Inn. As to these:
  - (a) The Screening Panel found in **11** instances that a referral to a Hearing Panel was not required in order to determine whether the Applicant was 'fit and proper' to become a practising barrister. Each of these Applicants was returned to the Inn to which they had applied, to be admitted as a member.
  - (b) **27** were referred to an ICC Hearing Panel.
    - (i) **18** individuals were found to be 'fit and proper'. Accordingly, they would be admitted as a member of the Inn to which they had applied.
    - (ii) **4** individuals were found not to be 'fit and proper'. Accordingly, the referring Inn would not admit them as a member.
    - (iii) **4** individuals' cases are not yet completed.
    - (iv) **1** individual withdrew their application to an Inn.
  
- (2) **9** were student members of an Inn. Of these:
  - (a) In **2** instances, the Screening Panel found that it was not necessary to refer the person to a Hearing Panel. The Inn was so informed.
  - (b) **7** individuals were referred to an ICC Hearing Panel for determination.
    - (i) In **3** instances, a Serious Matter was not found proved, and the individuals remained members of their Inn.
    - (ii) **1** individual's case is not yet completed.
    - (iii) In the remaining cases, where a Serious Matter was found proved, the student was either reprimanded and/or advised as to their future conduct and, in **1** instance, their Call to the Bar was delayed until they had completed additional training required of them by their University. These students remained a member of their Inn.

46. The Table below gives a break-down of referrals to the ICC by subject-matter, in relation to applicants and students:



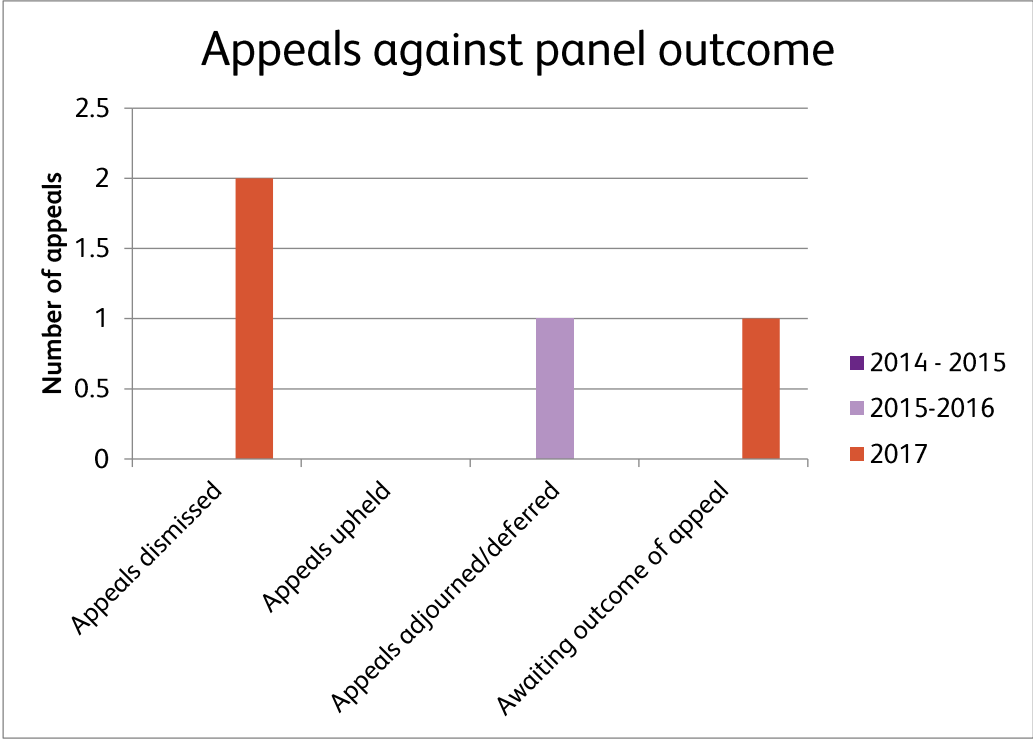
47. As in previous years, the most frequent reason for referrals related to the commission of criminal offences.
48. The following Table sets out the number of Screening Panels and Hearing Panels which took place each month. Over the course of 2015/2016, there were **15** Screening Panels and **16** Panel Hearings. Both Screening Panels and Hearing Panels often consider more than one individual referral.



## Applications for review of ICC decisions

49. An applicant or student who is dissatisfied with the outcome of a referral to the ICC may apply to the BSB for a review of the ICC decision. Applications for review have been dealt with, on the basis of consideration of documents submitted to it, by the BSB's Qualifications Committee and, since October 2017, by their Authorisations Department.

50. In 2017 **three** applications for review were submitted to the BSB. This compares with 1 in 2015-16 and none in 2014-2015. However, it must be noted that two of the appeals were dismissed and the ICC is currently awaiting the outcome of the third.



## The Tribunal Appointment Body's Report

51. The Tribunal Appointments Body ('the TAB') is the independent body responsible for appointing barrister, lay and QC members of the Disciplinary Tribunal Pool; and barristers to act as clerks at Disciplinary Tribunals. It is also responsible for ensuring that those appointed are fit and proper to act, both at the time they were appointed and throughout the entirety of their term of office.
52. Members and clerks of the Disciplinary Tribunal Pool serve at Hearing Panels convened to hear Disciplinary Tribunals (both three and five-person Panels), Interim Suspension Panels, Fitness to Practise Hearing Panels and Appeals Against Administrative Sanctions (imposed by the Bar Standards Board). From 1 August 2017 they were additionally delegated responsibility to hear cases considered in accordance with the Rules of the Inns' Conduct Committee (ICC), which before that date had been the responsibility of an entirely separate Panel.
53. 2017 was a transitional year for the Pool. Individuals recruited and selected by the TAB during the course of 2016 (as detailed in the 2016 Annual Report) underwent an induction training programme and, once satisfactorily completed, were appointed as full members of the Pool and were eligible to start hearing cases.
54. The influx of new members and clerks inevitably led to the size of the Pool increasing during 2017, particularly from September onwards. However, this is as previously planned by the TAB, and anticipates the departure of significant numbers of established Pool members in the first few months of 2018 who have completed their permitted terms of office.
55. 2017 was also a transitional year for the TAB. Lord Justice Andrew McFarlane stood down as its Chair on 31 March 2017, with Rodney Stewart Smith also completing his term of office as a barrister member of the Body. Both Lord Justice McFarlane and Mr Stewart Smith served on the Body since 2012, and were instrumental in both the 2012 and 2016 recruitment

exercises. The TAB wishes to acknowledge the debt of gratitude owed to both by the TAB, and the hugely important personal contributions made by both to its work. Lord Justice Nicholas Underhill agreed to join the TAB as its new Chair from 1 April 2017.

## Pool Member Training

56. All members and clerks of the Disciplinary Pool took part in mandatory training during 2017.
57. All ‘new’ members (those selected in 2016) underwent an induction programme that required them to observe a Tribunal taking place, and familiarise themselves with all BTAS’ written regulations, policies and procedures.
58. Additionally, all Pool members took part in further face-to-face and written training. This was delivered to mixed groups comprising both new and established Pool members, and legally qualified and lay individuals, with the intention of facilitating the sharing of experience and innovation, and towards the goal of creating a ‘community’ of Pool members.
59. The training was comprised as follows:
  - **Structured Decision-Making** (delivered by the Chair of the Disciplinary Tribunal Service, HH Stuart Sleeman). This focused on:
    - the importance of a structured approach to decision-making, including by the use of a ‘Judgment Checklist’;
    - the key competencies required of Pool members, and their importance in enabling all to make effective and positive contributions during hearings;
    - the role and importance of the Appraisal Process in maintaining and developing the standards of Pool members and clerks.

- **Sentencing Workshop**, in which Pool members applied BTAS' *Sentencing Guidance* in mock Panel scenarios.
- **Diversity and Bias** (delivered by Bindi Dholakia, a Chartered Occupational Psychologist), which covered:
  - the importance of inclusion and bias awareness;
  - how to become aware of, and try and overcome, our own personal biases;
  - the relevant anti-discrimination legislation.
- **Managing Vulnerability** (delivered by Lynda Gibbs, the Programme Director of the Inns of Court College of Advocacy). This trained Pool members in:
  - the key principles and case law around managing vulnerability;
  - the application of the '20 principles of questioning' vulnerable individuals.
- **Transition to the BSB's 2017 *Disciplinary Tribunal Regulations* ['DTRs']**. This written guide provided:
  - an introduction to the revisions in the 2017 DTRs;
  - a comparison of the contents of the 2014 and 2017 DTRs, as a guide to 'what has moved where';
  - identification and explanation of the key changes.

60. Fourteen face-to-face training sessions were scheduled on a variety of days, dates and times over a period of four months to make it as easy and convenient as possible for Pool members to complete their training. Additionally sessions were designed to 'stand-alone' so that they could be attended in any order, and on different days.

61. Following the completion of any aspect of the training (including the two elements of the induction programme) Pool members and clerks were required to submit written training logs to enable BTAS to confirm all applicable training outcomes had been satisfactorily met.

62. For information, the TAB's 2017 operating costs were follows:

• Cost of TAB meetings <i>(Fees and expenses for decision-making meetings etc)</i>	<b>£7,906</b>
• Pool member and clerk training programme costs	
Member and clerk travel expenses	£2,802
Lay member and clerk attendance fees	£10,910
Consultancy (training design and delivery)	£7,813
AV facilities	£768
Catering	£293
Room hire	£1,200
<b>TOTAL</b>	<b>£23,786</b>

63. In 2018, with no recruitment or training of Pool members planned, expenditure for the TAB is expected to be limited to the costs of two planned meetings (approximately £3,000). Looking further ahead to 2019 when the TAB plans to conduct its next regular large-scale recruitment and selection exercise, total expenditure is expected to increase to £40,000.

64. Funding for all of the TAB's activities is provided by the four Inns of Court as part of their annual grants to COIC.



**Pool Members and Clerks in 2017**

65. The appointment of new Pool members and clerks during the course of 2017 meant that the Pool grew as follows:

Role	01 January 2017	31 December 2017
<b>Barrister</b>	25	29
<b>Lay</b>	30	39
<b>QC</b>	11	21
<b>Clerk</b>	11	12

66. The growth in the size of the Pool is very much a temporary phenomenon, anticipating the departure from the Pool of a large number of experienced members who will complete their final permitted terms of office in the first few months of 2018. From 1 May 2018 onwards, the anticipated size of the Pool will be as follows:

Role	01 May 2018
<b>Barrister</b>	17
<b>Lay</b>	16
<b>QC</b>	10
<b>Clerk</b>	12

67. The reduction in the overall size of the Pool from 2018 reflects a reduction in the number of hearings taking place at BTAS. When the current Pool was first appointed *en masse* in 2013, there were 84 hearings per year. Following changes to the way the Bar Standards Board deals with Continuing Professional Development (CPD) requirements, and the introduction of the Administrative Sanctions regime (whereby sanctions can be imposed directly by the BSB in certain cases), the number of

hearings has reduced to 41 in 2017. While Pool members have, from 1 August 2017, additionally gained responsibility for hearing ICC cases, this is expected to amount to no more than an extra 10 ‘hearing days’ per year.

68. In addition to new Pool members being appointed, the size of the Pool was affected during the course of 2017 by a number of individuals stepping down from it. The TAB would like to take this opportunity to put on record its sincere appreciation to the individuals listed below for their efforts over the years as members and clerks of the Pool:

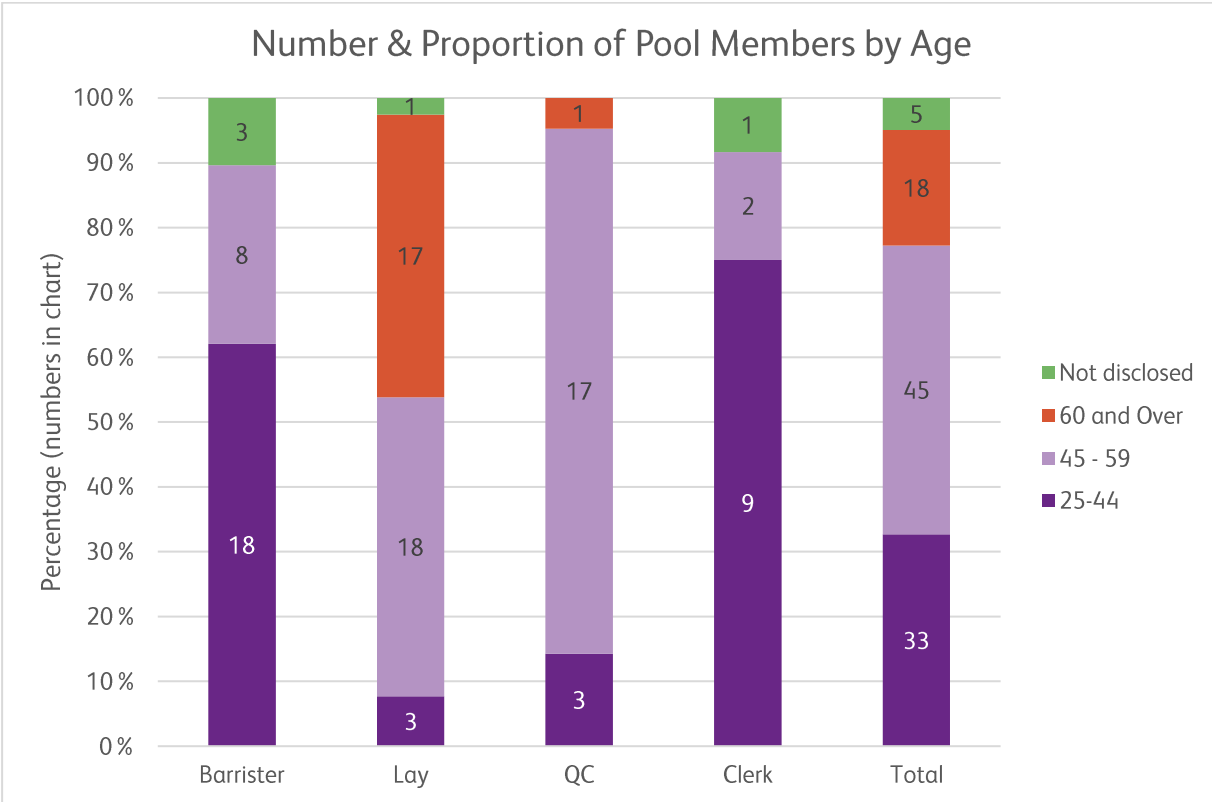
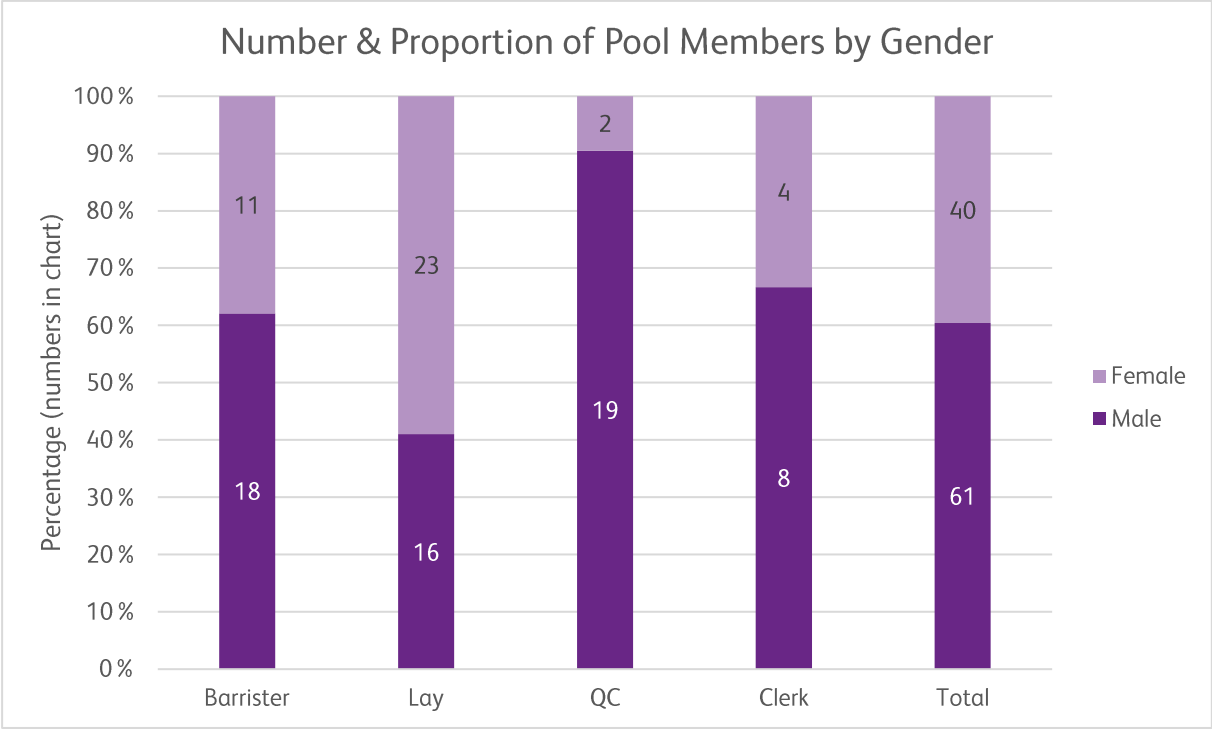
- Barrister members: Sanjay Lal and Nadia Motraghi.
- Lay members: Lara Fielden and Andrew Gell.
- Clerks: Adam Beaumont, Matthew Flinn, James Potts, Edmund Townsend and Lucie Wibberley.

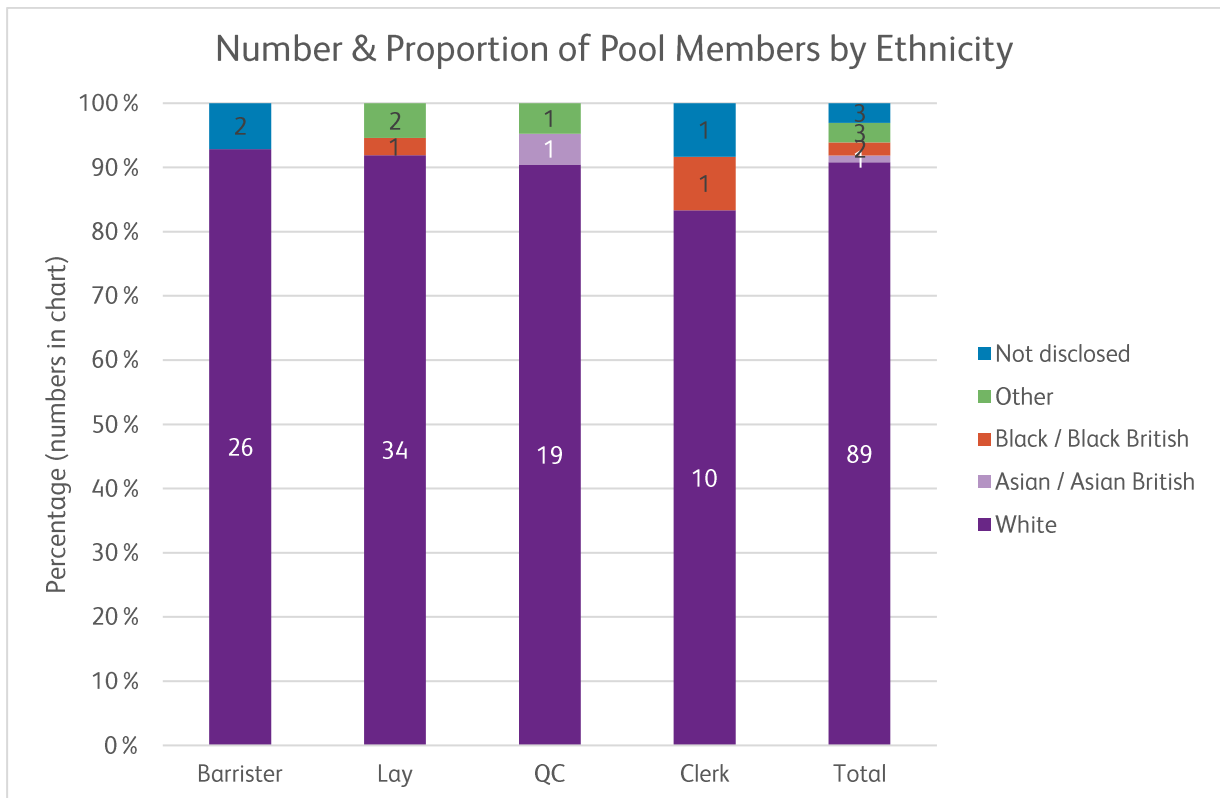
69. In 2017 the TAB was also very sad to learn of the tragic death of Pamela Mansell, and would like to put on record its particular gratitude for her work as a lay member of the Pool since 2013.

70. Full details of the current membership of the Disciplinary Pool are available at (<http://www.tbtas.org.uk/about-us/who-we-are/panel-members/>).

### Composition of the Pool in 2017

71. The following charts sets out information about the composition of the Pool by gender, ethnicity and age (as at 31 December 2017):

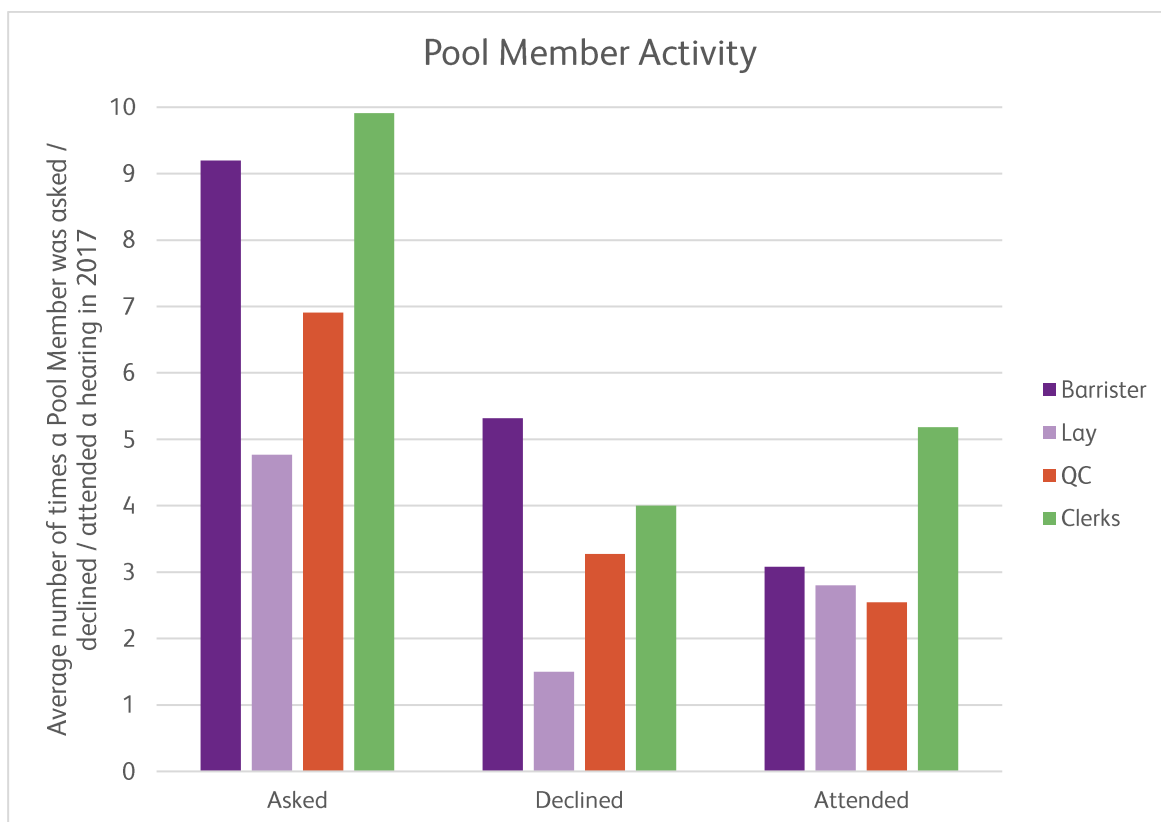




72. Two members of the Pool consider themselves disabled, and BTAS has made all reasonable adjustments necessary to enable them to act.

### Panellist Activity in 2017

73. Given that a total of just 41 hearings took place in 2017, the number of Tribunals which the average Pool member had the opportunity to serve in the year is inevitably low. This is set out in the chart below:



74. It should be noted that these averages are calculated using the number of Pool members immediately prior to the appointment of the new recruits from September 2017 onwards. This is to avoid creating an inaccurate impression of the 2017 activity levels since the new appointees were only eligible to hear cases for perhaps one or two months of the year, if indeed they had any opportunity to actually serve on panels in that period at all.

75. As in previous reports, as well as the number of hearings attended, the chart also sets out the average number of times members were asked to serve on a Tribunal, or declined a request to serve on Tribunals.

76. While some hearings are complex cases and can last for several days, it is equally possible for others to be concluded in a matter of hours. The average length of a hearing in 2017 was 1.3 days, which means that the data in the charts above is not wholly unrepresentative of the total average contact time Pool members had serving on BTAS hearings during the year.

77. While the TAB's priority is ensuring that the Pool is large enough that sufficient members will always be available to serve on a Tribunal whenever one needs to be convened, it is always mindful that Pool members should if possible sit sufficiently often to maintain familiarity and expertise in the role. The TAB would ideally like to see the average number of hearings attended by a Pool member each year to increase to about five.

**The Bar Tribunals & Adjudication Service**

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