



The Bar Tribunals and Adjudication Service

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Annual Report 2013

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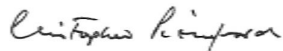
An Introduction from the President

I am pleased to present the first Annual Report of the Bar Tribunals and Adjudication Service (BTAS).

The past year has been one of significant change and progress for BTAS (formally known as the COIC disciplinary service) and much is documented in this first Annual Report as a formal record of the achievements. The process of significant change described in these pages could not have been undertaken as successfully as it has, or at all, without the small team of young professionals, led so effectively by Wendy Harris following her appointment as Interim Registrar in October 2012.

A special mention must also be made of Margaret Hilson, who has not only played a key role in the change programme but who has efficiently maintained the administration and support services to the Disciplinary Tribunals throughout the year.

The Council of the Inns of Court is rightly proud of the independent tribunal service now delivered by BTAS. It has been a long journey, and one that Section 6 of this Annual Report clearly illustrates is not over yet.



Lord Justice Pitchford

President, Council of the Inns of Court

Section 1 – Introduction

Since its creation in 1986 and as a result of a Resolution of the Judges dated 26 November 1986, the Council of the Inns of Court (COIC) has been the body responsible for recruiting, appointing and administering Bar disciplinary panels. It does so in accordance with its constitution, which specifies that Disciplinary Tribunals shall be appointed in accordance with the provisions of the Disciplinary Tribunal Regulations.

On behalf of the President of the Council of the Inns of Court, the Bar Tribunals and Adjudication Service (BTAS) is responsible for appointing and administering Disciplinary Tribunals and other panels.

Recent history

In November 2011, The Council of the Inns of Court (COIC) established a review of its disciplinary functions under the chairmanship of Desmond Browne QC. The review was asked to make recommendations to ensure that COIC procedures were in line with the best regulatory practice and that there was a proper degree of independence from the Bar Standards Board (BSB).

The Disciplinary Tribunals and Hearings Review Group reported to COIC on 18 July 2012¹. The review identified a number of administrative irregularities in the maintenance of the list of those appointed to sit as non-judicial members of disciplinary tribunals. Following the publication of the COIC Disciplinary Tribunals and Hearings Review Group - Final Report, COIC commissioned a change programme to set the recommendations contained within the report in to practice.

The majority of recommendations have been delivered and the changes are now being embedded and normalised under the new tribunal service, known as the Bar Tribunals & Adjudication Service (BTAS). Those recommendations still to be delivered relate to the establishment of a new COIC legal entity and the necessary TUPE² arrangements to formally move the employment of the BTAS administrative staff from the various Inns of Court to the COIC entity. This will be completed during 2014. However, all staff are now co-located, and BTAS moved in to purposefully fitted-out tribunal accommodation on 1 February 2013.

¹ <http://www.graysinn.info/index.php/disciplinary-tribunals-review-coic>

² Transfer of Undertakings (Protection of Employment) Regulations

Co-located at the same time were the administration and day-to-day management of the InnsqConduct Committee. This was in line with a recommendation of the COIC Review, and intended for the delivery of a unified administration sharing common principles and aims. Further information about the InnsqConduct Committee (ICC) and its move to BTAS can be found in the Fourth Annual Report of the ICC (2012 . 2013)³.

To overcome appointment irregularities identified by the COIC Review, an entire new cohort of tribunal panel members and clerks were recruited. This activity is fully documented within the Tribunal Appointments Body Annual Report 2013⁴.

Finally, in endeavouring to deliver a transparent and high quality tribunal and adjudication service, and in accordance with a further recommendation of the COIC Review, BTAS has developed a dedicated website⁵. Information about our tribunal panellists and committee members, the hearings we administer, and the policies and procedures we adhere to are all now published there.

³ <http://www.tbta.org.uk/wp-content/uploads/2013/07/Fourth-Annual-Report-2012-2013.pdf>

⁴ <http://www.tbta.org.uk/about-us/annual-report/tribunals-appointments-body-annual-report/>

⁵ www.tbta.org.uk

Section 2 - Principles of the Bar Tribunals and Adjudication Service

BTAS is now established as an independent service and does not seek to impose its principles on others. The following principles are therefore a statement of what BTAS believes to be important and desirable, and an indicator of how we will continue to evolve. They are designed to engender a culture of service and continuous improvement within our systems through self-assessment and appraisal, measurement, dialogue and change management.

In part, BTAS will also be subject to quantitative and qualitative standards and key performance indicators imposed under the auspices of a Service Agreement with the Bar Standards Board (BSB)⁶. Other appropriate provisions for the performance management of those parts of BTAS not subject to the Service Agreement shall similarly be introduced during 2014.

It is therefore logical that there must be great synergy between our principles and the performance standards we measure ourselves against.

Principle 1

We will adopt the highest standards of administration. We will seek to learn from experience and continuously improve.

The quality of the service delivered by BTAS will depend upon the behaviours and attitudes of those who work and serve within it. Good governance requires that they pursue high standards of organisational integrity.

The system we operate within is dynamic. That is to say that it must not only meet the highest standards of today, but must also be designed to learn from experience and improve over time. Our challenge has been to create a culture where feedback is welcomed and acted upon and where intelligence across the system is used to create a virtuous circle of learning and improvement.

⁶ As a result of the Legal Services Act 2007, the Bar Standards Board has responsibility for disciplinary arrangements for barristers. From 2010-13 an informal Memorandum of Understanding (MoU) existed between COIC and the Bar Standards Board on disciplinary matters. The MoU was replaced on 23 October 2013 by a formal Service Agreement between COIC and the Bar Standards Board which relates to the services that BTAS now provides in relation to disciplinary tribunals.

It is likely that some of our decisions will be appealed. These will be dealt with elsewhere in the judicial system, being more expensive in both financial and human terms than they might otherwise have been. BTAS believes it has a moral responsibility to seek and learn from the outcomes of such cases and will proactively adapt its procedures, guidance or training where the outcomes show that this should happen.

Principle 2

We will work in a competent and professional manner. Our systems will be as simple to use as possible.

People need to be provided with timely information and guidance on the progress of a case once referred to BTAS. We will follow the process appropriate to the case and use an active case management style so that the update information we provide is as accurate and as helpful as possible.

Clearly, individuals or organisations accessing our services must also help themselves and assist the process by providing information to BTAS when asked. A coherent and professional system is one where we will adopt standardisation through our operating procedures. This does not imply a rigid system; there is no contradiction in creating a system that is both flexible and responsive to our service users and consistent in its decisions.

A greater understanding of end-to-end processes by all and a concerted effort to improve everyone's experience of the service is essential. Ultimately this may require that amendments are sought to the Disciplinary Tribunal Regulations. Where we review our systems or procedures BTAS will ask service users about their experience and take account of their views.

Principle 3

Our hearings will lead to well-reasoned, appropriate and timely outcomes. The approach of our decision-makers should be balanced and fair. The reasons for all decisions should be fully explained.

Public trust in our tribunal and adjudication service depends upon our compliance with the Disciplinary Tribunal Regulations, Rules, and Bar Training Regulations, and on BTAS panels (Disciplinary Tribunal and InnsqConduct Committee) ability to deliver decisions that are perceived as just. Our decision-makers must always act within their legal

powers and they must do so rationally and proportionately and without bias or creating the perception of bias. Equally, they must act without unlawful discrimination and with regards for people's individual rights. These are well-developed and well-understood concepts of law.

Our decision-makers will work to clear and published policies and guidelines so that our service users and the wider public can understand the criteria against which decisions are made. All decision-makers should provide sufficient reasons for their decisions; this applies equally to decisions made by our panels and those taken by our administrative staff. The integrity of decision-making also requires that decisions are made in such a way that they can be publicly explained while protecting the privacy or confidentiality of individuals who may have been involved.

Section 3 – The period of change-over

BTAS has throughout 2013 continued to deliver the administration of the Disciplinary Tribunals whilst simultaneously working through the recommendations of the COIC Review and delivering the necessary change programme. Prior to moving to the Tribunal Suite (9, Grays Inn Square) in February 2013, disciplinary tribunal hearings were convened to sit at Quadrant Chambers, Fleet Street, London.

Similarly, prior to the appointment from mid-January 2013 of new panel members and clerks, those panel members whose terms had been extended by dint of a Special Resolution of COIC in July 2012⁷ continued to sit during the first few weeks of 2013. This cohort was drawn upon only to continue to sit and conclude any pre-January 2013 part-heard cases. By April 2013 all such hearings had been completed, and the 2012 Special Resolution (time-extended) panellists were formally stood down by the President of COIC.

The Tribunal Suite

The Tribunal Suite is located on the outer north-eastern peripheries of Grays Inn, which itself is the most northerly of the four Inns. The cost of developing the building, and suitably fitting out to provide modern tribunal facilities has been equally shared amongst the four Inns.

The two tribunal rooms have been fitted with digital recording facilities, fresh air ducting, air conditioning, window screening, and hearing induction loops. Additionally, there are three meeting rooms one of which is set aside for witnesses, plus two administrative offices. All rooms enjoy free WiFi. Parking, including disabled parking, is available in Grays Inn Square, and there are stairs and a lift to the Tribunal Suite. A virtual tour of the suite has been recorded (visual and audio) and is available via the BTAS website⁸.

An ergonomic study was conducted during the first six months in residence at the Tribunal Suite, to understand how the environment and equipment provided were being used. The intention of this study was to inform BTAS such that optimal use and maximum system performance might be achieved in the longer term.

The study was divided in to two parts; firstly an observation study of footfall and navigation (how individuals moved around the rooms or located and used the

⁷ The President and COIC FURTHER RESOLVE that those barristers and lay representatives appointed by a letter of the President of COIC dated 30 July 2009 have their appointments renewed for a further 12 months, effective from 30 July 2012. (extract from the COIC Review 2012, page 19)

⁸ <http://www.tbts.org.uk/hearings/how-the-hearings-process-works/interactive-virtual-tribunal-rooms/>

equipment), and secondly a questionnaire (feedback on room layout, acoustics, equipment, general safety, and catering).

Some changes to the rooms (usage, layout or equipment provided) based upon the observation study were made, and the observation re-conducted to confirm that the change resulted in an improvement. For example, the space provided for the prosecution was insufficient, and an additional desk and two chairs were added in to Tribunal Room 1.

Having been required to provide space for a vulnerable witness and their carer / supporter, administrative staff accommodation was changed to provide a separate waiting room for witnesses. This provided a quiet environment, away from the main thoroughfare and with neighbouring bathroom facilities. Window blinds, pictures, hot and cold drink making facilities, and stationery and periodicals were included.

Conversely, other changes were not possible within the confines of the building. For example, a structural, weight-bearing pillar blocks some of the view of the clerk by the left winger in a 5-person panel. However, the clerk takes their instruction to act from the Chair of the panel, so whilst it is not ideal that one individual experiences reduced visibility, this has no impact upon the efficient clerking of a disciplinary tribunal.

Forty six completed questionnaires were received during a 10-week survey conducted during May . July 2013. Many respondents expressed complete satisfaction with the environment and equipment, for example -

“Overall my observation is that the facilities are of an exceptionally high standard. Very modern and comfortable, formal but not oppressive. I was most impressed when I used them for the first time, especially the recording process.”

3 respondents (all panel members) spoke of the lack of space to move behind fellow panel members chairs within Tribunal Room 1, and two respondents (prosecution & defence representatives) commented upon the weight of the chairs being heavy to move on the new carpet.

Of much greater concern, 65% of all respondents reported that they did not know how they should vacate the premises or where to collect should a fire alarm bell ring. This was despite posters placed upon each desk within the tribunal and retiring rooms. The clerks tried reading out the evacuation procedures at the start of each hearing but this was considered to be too invasive and time consuming. Instead, fire drills have taken place during hearings and the fire notice brought to every panel member's attention when they attend the Tribunal Suite for training purposes. BTAS staff have subsequently safely evacuated and secured the building without problem.

Policies and procedures

In working to meet its own defined principles (see Section 2) BTAS needed to have proper procedures and policies in place. BTAS has adopted an evidence-based approach to its policy making and has taken in to account a wide range of views. A full suite of policies (listed below) were developed during 2013. To ensure organisational transparency all policies, save one (*) which contains confidential commercial and personnel information, are published on the BTAS website⁹.

Appointments Protocol 2013

Business Continuity & Disaster Recovery Policy *

Data Retention, Storage & Disposal Policy

Disclosure Policy

Equality & Diversity Policy

Expenses Policy

Information Security Policy

Performance & Appraisal Policy

Publication Policy

Reasonable Adjustments Policy

Recruitment & Selection Policy

Service Complaints Policy

Vulnerable Witness Policy

Additionally, procedural guidance,¹⁰ sentencing guidance¹⁰, and quarterly newsletters¹¹ to provide updates of case law or regulatory changes have been produced for all panel members and clerks, and are similarly published on the BTAS website.

⁹ <http://www.tbta.org.uk/policies-guidance-and-publications/policies/>

¹⁰ <http://www.tbta.org.uk/policies-guidance-and-publications/guidance/>

¹¹ <http://www.tbta.org.uk/policies-guidance-and-publications/newsletters/>

Disciplinary panel members and clerks

Before being formally appointed, and in accordance with the COIC Appointments Protocol¹², the new pool of panel members, comprising lay persons, barristers, silks, and clerks were required to undertake mandatory induction training. Delivered in three parts, this training comprised an introduction to the information and guidance BTAS provides to all panel members to assist in properly undertaking their respective roles, observation of a disciplinary tribunal, and equality and diversity awareness training. The COIC Appointments Protocol also requires panel members to make an annual Declaration of Interests, for publication on the BTAS website¹³. Only on successful completion of all three parts of the training and receipt of the Declaration of Interests was each individual formally appointed by the President of COIC, Lord Justice Pitchford.

The pool comprises the following:

- 30 barristers
- 17 QCs
- 33 lay representatives
- 18 clerks

A detailed description of the recruitment and induction of the new panellist pool can be found in the 2013 Annual Report of the Tribunal Appointments Body¹⁴.

The cohort comprises a diverse range of backgrounds, allowing BTAS to convene diverse panels. Approximately 20% of the cohort is of BAME origin. There is an age range of 24 . 60+ (38 members being aged 24-44, 41 aged 45 . 59, & 19 of sixty years and over), of which lay members are 40% /60% male/female, barrister members are 65% /35% male/female, and QC members are 70% /30% male/female. Four members require adjustments to be made to the working environment or to the support and services provided by BTAS.

¹² <http://www.tbta.org.uk/wp-content/uploads/2013/07/Appointments-Protocol-2013-x.pdf>

¹³ <http://www.tbta.org.uk/about-us/who-we-are/panel-members/>

¹⁴ <http://www.tbta.org.uk/wp-content/uploads/2013/07/First-Annual-Report-2012-2013.pdf>

Databases & case management

The review conducted and published in 2012 described administrative irregularities relating to the appointment of disciplinary tribunal panel members. Having appointed a new cohort, it was vital that such irregularities should not re-occur. Whilst the Appointments Protocol¹² contains provisions for eligibility to be appointed and remain appointed (Clauses 27 . 37), such responsibilities fall upon the individual panel members and clerks. The administrative burden falls upon BTAS. Contact management style databases of disciplinary tribunal members, clerks, InnsqConduct Committee members, and members of the Tribunal Appointments Body have been built. Broadly the databases are each designed with three parts:

- (i) Contact information, diversity information, date of appointment & length of term of office, date of declaration of interests, date of successful completion of mandatory training, date of appraisal;
- (ii) A record of each contact with a panel member (or others) to request availability to join a panel, whether the request was acceded to or not, and whether the individual actually sat on the case in question;
- (iii) A record of fees and/or expenses paid to a panel member per hearing or training session.

The databases are designed such that when a panel member (or others) enters the last year of their appointed term of office a visual colour change (based upon a traffic light system) occurs to their respective data entry. This visual warning alerts the administrator to proceed with caution, and prompts the Registrar to put appraisal or recruitment activity in place to assure the panellist (or others) does not become time-expired.

A similar system has also been designed for case management purposes, to track the progress of each stage of a matter referred to BTAS (disciplinary tribunals and conduct committees). In time, a more sophisticated, purpose-built case management system will be required to replace the current system and to link the case related information and papers to the case stages.

Section 4 - Disciplinary Tribunal hearings during 2013

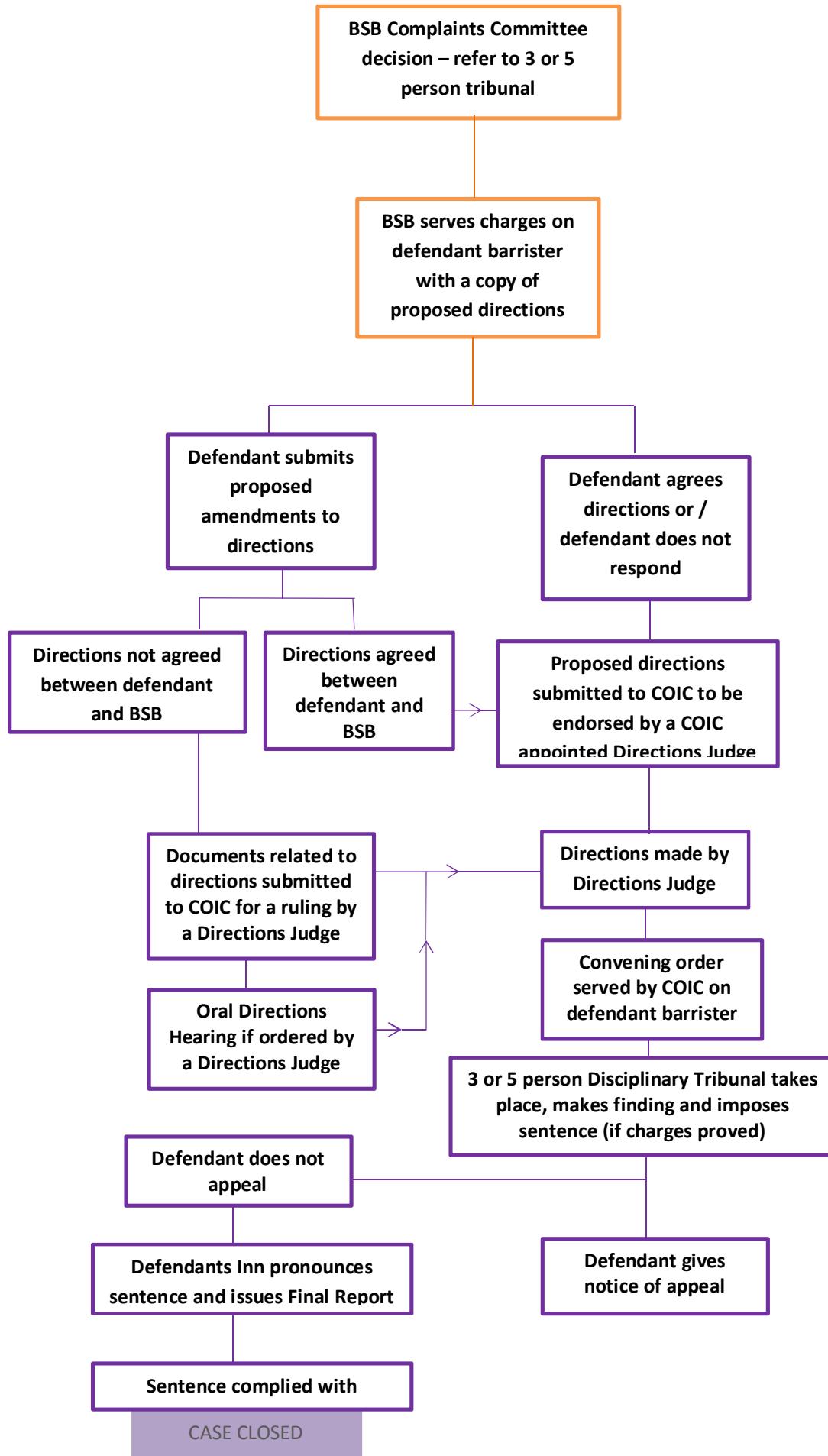
BTAS receives referrals for a disciplinary tribunal hearing (or other hearings e.g. Fitness to Practise, Appeals against warnings or fines) from the prosecuting regulator, the Bar Standards Board (BSB). To ensure BTAS receives all relevant information relating to the type of hearing, the defendant, the charges, the version of the Code of Conduct the charges are brought under, and the dates on which the matter was originally received by the BSB and subsequently considered by the BSB Professional Conduct Committee (PCC), a referral form has been introduced (Annex 1).

BTAS conducts a conflict check to assure itself that no panel members or clerks have declared any connection with the BSB or Bar Council (BC) on and between the dates of receipt of the original complaint and its subsequent consideration by the BSB PCC.

Having identified availability from amongst the panellist and clerk cohorts, the proposed membership of the appropriately sized tribunal panel (3 or 5 persons) is communicated to the President of COIC for his nomination and the issue of a Convening Order. This Convening Order lists the names of those panel members convened to sit on a disciplinary hearing and the clerk to those proceedings. It also includes details of the time and location of the hearing. On issue, the defendant barrister may raise an objection to one or more of the named individuals, specifying the grounds for such objection. Prior to the introduction of the referral form and the conflict check, four objections to panel members had been received, three on the basis of previous BSB or BC activity, and one due to the clerk being from the same chambers as the defendant barrister. Since its introduction only one objection has been received but this was not related to previous BSB or BC activity, rather that the defendant barrister was employed and the Disciplinary Tribunal Regulations (DTRs) contain provision for a panel to include an employed barrister. On the case in question, this information had been omitted by the BSB from the referral form. The objection was acceded to and an employed barrister was convened to the panel.

The subsequent process followed by BTAS is illustrated on the following page. Cases requiring Directions to be agreed and endorsed were forwarded to Directions Judges; defined in the Disciplinary Tribunal Regulations (DTR 9). In accordance with the DTRs, BTAS convened 3- or 5-person disciplinary panels or oral directions / review of directions / strike out applications hearings.

Disciplinary Tribunals



SERVING THE CHARGES

DIRECTIONS

HEARING DATE

HEARING

During 2013 the number of cases referred to a Directions Judge is as follows:

Reason	Total
For consideration and endorsement on the papers	61
Oral hearing requests	9
Requests from the BSB to dismiss the charge(s)	7
Strike out application on the papers	1

The number of disciplinary tribunal hearings convened during 2013 is as follows:

Type of hearing	Total
3-person Disciplinary Tribunal	35
5-person Disciplinary Tribunal	37
Oral Directions / Strike out application	6
Review of Directions	4

All requests to BTAS for the required date(s) and time of hearings have been met throughout 2013, with only one exception during the long summer break when no QCs were available to sit on the specific date in question.

Three disciplinary tribunal hearings ran shorter than the time estimated provided at referral. Six cases ran longer, all of which adjourned part heard and required further dates for the hearing to be agreed. The longest hearing ran for 10 days.

Reasonable adjustments

BTAS has made a change to the disciplinary tribunal room or equipment, or to the services or support we provide so as to avoid any disadvantage to an individual attending a hearing. Such adjustments have included meeting dietary need (2 people), providing interpreter services (1 person), tele- and video-conferencing facilities (4 people), providing disabled parking space / payment for taxis (2 people).

Outcomes of the Disciplinary Tribunals in 2013

The primary purpose of imposing sanctions is to protect the public. In deciding what sanctions (if any) to impose, the disciplinary tribunals must ensure that the sanctions are proportionate, weighing the interests of the public with those of the practitioner. Proportionality is not a static concept and will vary according to the nature of the breach and the background of the individual barrister.

Sanctions available to the disciplinary tribunal when professional misconduct is found are:

- Disbarment (only available to a 5-person panel)
- Suspension from practice (a 3-person panel can suspend for up to 3 months; there is no limit on the period a 5-person panel can impose)
- Prohibition (temporary or permanent) from accepting public access instructions
- Exclusion from providing representation funded by the Legal Aid Agency
- A fine of up to £15,000 (for acts or omissions that took place on or after 31 March 2009) or £5,000 (for acts or omissions that took place prior to 31 March 2009)
- Additional CPD requirements, including specific areas of law
- Reprimand
- Advice as to future conduct.

In the event that a 3-person panel considers that the case before it is complex enough to warrant sentencing by a 5-person panel, then the 3-person panel can refer the case to a 5-person panel.

If multiple charges are brought and found, the disciplinary tribunal is advised to impose a separate sanction for every charge proven. There is therefore no direct relationship between the number of disciplinary panel hearings and the number of sanctions (sentence) imposed.

Sanctions

On the day of the various disciplinary tribunal hearings, the BSB offered no evidence in six cases during 2013; five cases before 3-person panels, and one case before a 5-person panel. No cases other than these were dismissed by the disciplinary tribunals during 2013.

Defendant barrister	Date *	3 - or 5 - person panel	Sanction(s)
Wainwright	7 January	5	Suspension & Fine
Utley	8 January	5	Advised as to future conduct
Walker	18 January	3	No further action
George	31 January	3	Fine
Mitchell	31 January	3	Fine
Barnes	13 February	3	Reprimand
Rule	13 February	3	Conditional suspension
Pipi	19 February	5	Disbar
Nelson	25 February	5	Suspension
Boateng	21 February	5	Disbar
Kaihiva	5 March	5	Suspension & Reprimand
Murphy	26 March	3	Fine
Pahlavanpour	10 April	5	Suspension & Fine
Djabatey	10 April	5	Disbar
Minihan	12 April	3	Reprimand & Fine
Pavlou	26 April	5	Reprimand & Fine
Raman	29 April	5	Disbar
Hoon	30 April	3	Reprimand
Brough	30 April	3	Reprimand & Fine
Leadbetter	9 May	5	Suspension
Edwards	10 May	3	Reprimand & Fine
Friesner	13 May	5	Disbar
Joseph	15 May	3	Suspension
Richards	23 May	5	Disbar
McGuire	23 May	5	Suspension & Fine

Defendant barrister	Date *	3 - or 5 - person panel	Sanction(s)
Edwards	29 May	5	Suspension & Fine
Treharne	30 May	3	CPD & Fine
Targett-Parker	11 June	3	Reprimand & Fine
Latif	14 June	5	Suspension & Fine
Osman	14 June	5	Disbar
Orme	18 June	5	No further action
Smith	21 June	3	Reprimand & fine
Onipede	4 July	5	Reprimand
Osborne	12 July	3	CPD (ethics), Advice & Reprimand
Kaihiva	16 July	3	Fine
Grow	18 July	5	Reprimand & Fine
Beard	22 July	5	Disbar
Da Silva	24 July	3	Fine
Evans	25 July	3	Reprimand
Bailey	9 September	5	Suspension
D'Souza	10 September	3	Suspension
Chan	11 September	5	Disbar
Ng	11 September	5	Disbar
Okorji	12 September	3	Advice
Craven	2 September	5	Fine
Kent	26 September	3	Fine
O'Riordan	30 September	5	Disbar
Hourigan	30 September	5	Conditional suspension & Fine
O'Callaghan	3 October	3	Referred to 5-person for sentencing
Riaz	7 October	5	Disbar
Polaine	11 October	5	Suspension
McGuire	14 October	5	Suspension
Babajee	18 October	3	Fine
Stafford-Michael	18 October	3	Fine

Defendant barrister	Date *	3 - or 5 - person panel	Sanction(s)
McNaught	24 October	5	Disbar
McNicholas	4 November	3	Reprimand
Khatoon	11 November	3	Reprimand
O'Callaghan	12 November	5	Disbar
Tan	12 November	5	Disbar
Pidcock	9 December	3	Fine
D'Souza	18 December	5	Suspension
Herrity	Part heard 2013 & completed 16 January	3	Suspension & Fine
Davies	Part heard 2013 & completed 22 January	3	Fine
German	Part heard 2013 & completed 27 January	3	Fine
Leathley	Adjourned 1 October till 2014	5	
Syed	Adjourned 15 October till 2014	3	

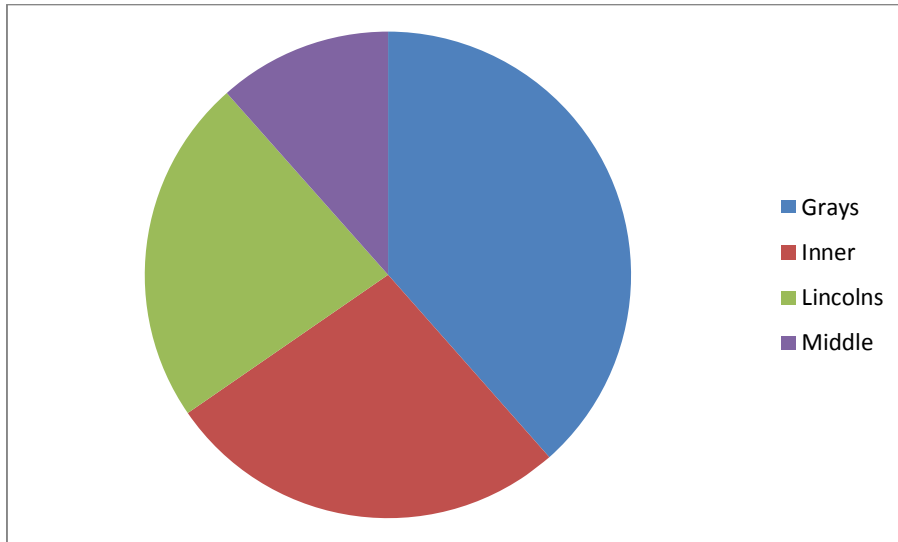
** Date refers to the date of the hearing or the final date of the hearing when a hearing ran for more than one day*

Further information about the charges, findings and sentences of disciplinary tribunal hearings since mid-February 2013 can be found on the BTAS website¹⁵ (this is the date when the website went live). Findings and sentences imposed prior to this date can be found on the BSB website¹⁶.

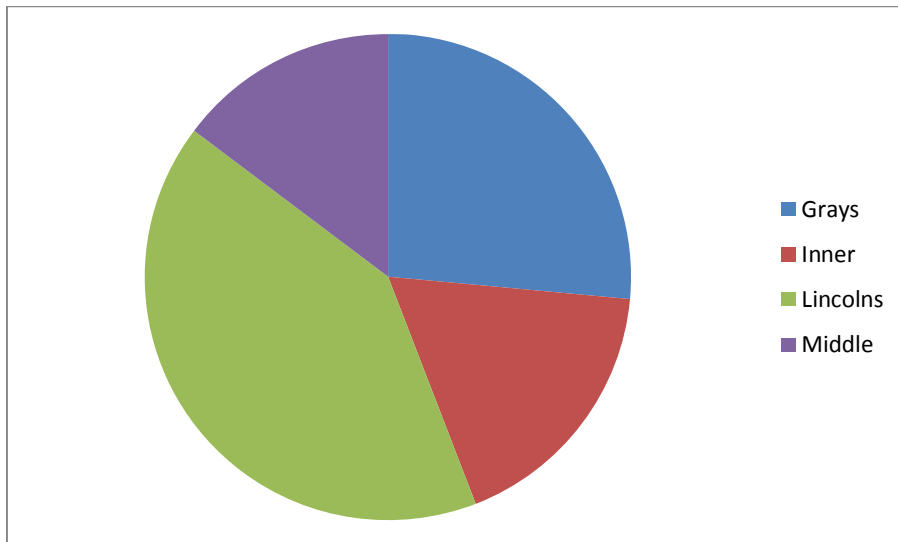
¹⁵<http://www.tbta.org.uk/hearings/findings-and-sentences-of-past-hearings/>

¹⁶<https://www.barstandardsboard.org.uk/>

The Inn of the defendant barristers sentenced by a 3-person tribunal:



The Inn of the defendant barristers sentenced by a 5-person tribunal:



Appeals

The Disciplinary Tribunal Regulations contain provision for the defendant barrister to appeal against the finding of the disciplinary tribunal or the sentence handed down.

During 2013 the following grounds for appeal were lodged:

	Appeal against finding	Appeal against sentence	Appeal against costs	Appeal upheld	Appeal dismissed	Appeal upheld in part	Ongoing
1		✓				✓	
2	✓	✓		✓			
3	✓	✓		✓			
4	✓	✓			✓		
5	✓	✓			✓		
6	✓	✓			✓		
7		✓	✓		✓		
8	✓		✓	✓			
9	✓	✓	✓			✓	
10	✓	✓	✓			✓	
11	✓	✓				✓	
12	✓						✓

Please note, this table does not include those cases of appeal or application for Judicial Review which relate to the administrative irregularities described by the review of the disciplinary tribunals in 2012.

Other hearings

Besides disciplinary tribunals, BTAS panel members and clerks are also convened to sit as Appeal Panels (appeals against administrative sanctions imposed by the BSB Professional Conduct Committee), and as Fitness to Practise Panels (dealing with possible impairment due to health matters and whether this poses a risk to the public).

Two cases were referred by the BSB for Fitness to Practise (FtP) hearings, and following a preliminary hearing and the medical examiners reports, the barristers in both cases were deemed to be fit to practise.

12 appeals against Warnings and Fines were heard by a 3-person Appeal Panel. Of these 4 were upheld, 5 dismissed and 1 varied from the original administrative sanction. The BSB withdrew from one case, and one case was adjourned until 2014.

One further hearing took place in consideration of costs awarded against the BSB.

Panellist members & clerks – availability and eligibility

The demand upon the appointed panellist members necessitated by all of the hearings referred to above equates to 238 occasions when panellists (excluding judicial chairs) were required to be available to BTAS. If this demand were to be equally spread amongst our entire barrister and lay member cohort, each individual would have sat on 3.2 panels during 2013. In reality, panel members sat on a range of panels of between 0 . 8 hearings. Whilst BTAS has recruited a sufficiently large pool of panellists from which to draw and ensure the diversity and mix (such that no one group of panellists is repeatedly convened), BTAS has nevertheless experienced some difficulty due to poor availability of some. The same issue is also true for clerks. Further information is provided at Annex 2.

To remain eligible the Appointments Protocol 2013 requires (at Clause 29) that individual panel members and clerks make themselves available for service on the Disciplinary Tribunals, and that they be committed to the continuing demonstration of the competencies required for effective performance. This is described as undertaking training and participating in the appraisal process.

Concerns regarding lack of or poor availability to sit will be taken up with the relevant panellists during their appraisals which will take place during 2014. Failure to attend training will similarly be taken up. Where such training is notified by BTAS as mandatory to remain eligible (for example Sentencing Guidance training), a failure to complete renders the individual temporarily ineligible to continue.

Panellist members & clerks – fees and expenses

All information relating to fees and the reimbursement of travel and subsistence expenses can be found in the BTAS Expenses Policy¹⁷.

2013 costs are as follows:

Fees to lay members for attendance a hearings	£43,470.00
Fees to clerks for attendance at hearings	£18,336.00
Expenses & subsistence . lay members	£ 8,789.90
Expenses & subsistence . barrister members	£ 3,627.40
Expenses & subsistence . judicial chairs	£ 443.25

Other costs incurred during 2013:

Hire of rooms away from the Tribunal Suite (to accommodate reasonable adjustments)	£2,874.60
Refreshment costs for Disciplinary Tribunals	£1,177.70

¹⁷ <http://www.tbta.org.uk/policies-guidance-and-publications/policies/expenses-policy-2/>

Section 5 - BTAS Website

In endeavouring to deliver a transparent and high quality tribunal and adjudication service, and in accordance with a further recommendation of the COIC Review, BTAS has developed a dedicated website¹⁸. Information about our tribunal panellists and committee members, the hearings we administer and the policies and procedures we adhere to are all published. Initially, from 1 February 2013 a temporary website hosted via Grays Inn allowed BTAS to publish information about forthcoming hearings, the findings and sentences imposed at hearings, and details of the panel members declaration of interest. Worked commenced in April 2013 toward the development of a dedicated BTAS website.

The website development was undertaken in two phases by Reading Room; firstly to develop the main design and user functions, and secondly to incorporate a virtual tour of the Tribunal Suite, and a secure, panellist only, access to the site. The latter was included to ensure business continuity should any interruption to access to the Tribunal Suite or to postal or courier services occur.

The new website went live on 29 July 2013, and BTAS is able to analyse the visits made to the site. As follows:

- 6,234 visits to www.tbta.org.uk were made between 29 July 2013 . 31 December 2013,
- of which, 51.6% were new visitors, and 48.4% were returning visitors,
- during these visits 30,161 pages were viewed, with an average of 4.84 pages viewed per visit.
- 95.12% of visitors were in the UK, 0.82% in the USA, and 0.34% in Australia,
- of the UK visitors, 63.36% were in London, 2.55% in Manchester, 1.67% in Cambridge, 1.38% in Leeds and 1.35% in Liverpool.
- Of the 6,234 visits, 5,231 were made via PC browsers, and 1,003 via mobile technology.
- 23 emails have been received from individuals via the website making enquiries of BTAS.

¹⁸ www.tbta.org.uk

Most frequently viewed pages:

	Page	Viewings
1	Findings and sentences of past hearings	7466
2	Forthcoming hearings calendar	6149
3	Home page	4340
4	Hearings information - general	1212
5	About us . Disciplinary Tribunal panel members	986
6	Policies & publications	927
7	Working for us	666
8	About us - general	574
9	Adjourned hearings	521
10	About us . InnsqConduct Committee members	342

Section 6 – Looking forward to 2014

BSB Handbook

The BSB launched a new Handbook in January 2014, which brings together the Code of Conduct and the various rules and regulations for the qualification and regulation of the barrister profession. In preparation, BTAS has already completed a substantial work programme to produce a new Sentencing Guidance, and at the time of drafting this report will be providing training to all Disciplinary Tribunal panellists and clerks in its application. BTAS has also completed and published a total revision of the Guidance & Information pack provided to the panellist members and clerks; necessitated by the substantial changes to the Code of Conduct, the introduction of Core Duties and revised Disciplinary Tribunal Regulations, all contained within the new Handbook. The Sentencing Guidance and revised Guidance & Information are both published on the BTAS website.

The work does not finish there, as BTAS will require new or revised administrative processes to reflect some of the changes. For example the setting of the date of a hearing was previously communicated by the BSB, but changes to the DTRs now require BTAS to communicate with all parties to secure dates. So the change programme will continue.

BTAS Strategic Advisory Board

The Strategic Advisory Board (the SAB) is being established to provide an independent source of information, advice and support to BTAS and COIC on strategic and/or operational issues or risks.

Membership will be drawn from the Disciplinary Tribunal panellist pool, InnsqConduct Committee members, and the Tribunal Appointments Body. The Bar Standards Board will be in attendance as too will be the COIC Director and BTAS Registrar.

Appointment of a permanent Registrar

The Interim Registrar will be leaving in March 2014, and the process of recruiting to the substantive post has commenced.

Case management system

As BTAS continues to evolve, it will review its administration systems, and consider the merits of a full case management system. Until then, all necessary data and process maps will continue to be utilised to assure efficient service delivery.



**Disciplinary Tribunal Hearing
Referral Form**

BSB reference:	Click here to enter text.
Date referred:	Click here to enter a date.
Date BSB first registered the complaint on its database:	Click here to enter a date.
Date of Professional Conduct Committee decision:	Click here to enter a date.
Type of request:	Choose an item.
Is the charge sheet attached?	Choose an item.
Time estimate for the hearing:	Click here to enter text.
Are video-conferencing facilities required?	Choose an item.
Is a short-hand writer required?	Choose an item.
How many witnesses are attending?	Choose an item.
On which dates are the witnesses likely to be attending?	Click here to enter text.
Are reasonable adjustments necessary for the parties and their representatives or any witnesses attending?	Choose an item.
If so, please provide details.	Click here to enter text.
Are the BSB's proposed directions attached?	Choose an item.
For the purposes of regulation 2 of the Disciplinary Tribunal Regulations, please confirm whether the barrister concerned is practising, employed or otherwise.	Click here to enter text.
Do the 2009 Disciplinary Regulations apply?	Choose an item.
If no, why?	Click here to enter text.
Which version of the Code of Conduct applies? (in order to have older versions available for Tribunal use)	Click here to enter text.

Defendant	
Name:	Click here to enter text.
Address:	Click here to enter text.
Email (if available):	Click here to enter text.
Telephone (if available):	Click here to enter text.
Defendant Representative	
Name:	Click here to enter text.
Address:	Click here to enter text.
Email (if available):	Click here to enter text.
Telephone (if available):	Click here to enter text.

<i>For office use only:</i>	
Date received:	Click here to enter a date.
Date of Tribunal:	Click here to enter a date.
Panel members:	Click here to enter text.
Conflict Check	
<i>I can confirm that none of the above named panel members are members of the PCC or were members of the PCC when the decision above was considered or made.</i>	<i>Choose an item.</i>
<i>I can confirm that none of the above named panel members are members of a BSB/Bar Council committee or were members when the decision above was considered or made.</i>	<i>Choose an item.</i>
Staff member name:	Click here to enter text.
Signature:	
Registrar/management:	Click here to enter text.
Signature:	

Notes/other relevant details:

Date last amended:

[Click here to enter a date.](#)

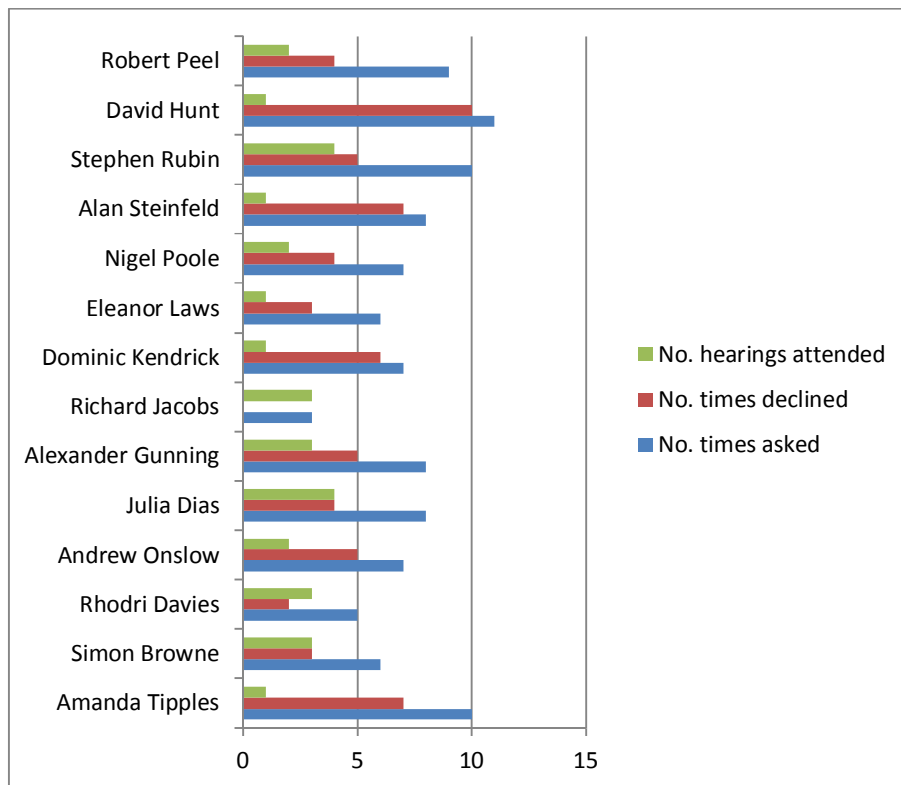
Requests to panel members and clerks for availability to sit during 2013

The following graphs depict the number of times each individual panel member or clerk has been contacted by BTAS administrators in asking for availability to sit on a specific date or dates for a Disciplinary Tribunal.

Where the sum of the number of times declined and the number of times hearings were actually attended does not equal the number of times asked this may be for one of two reasons:

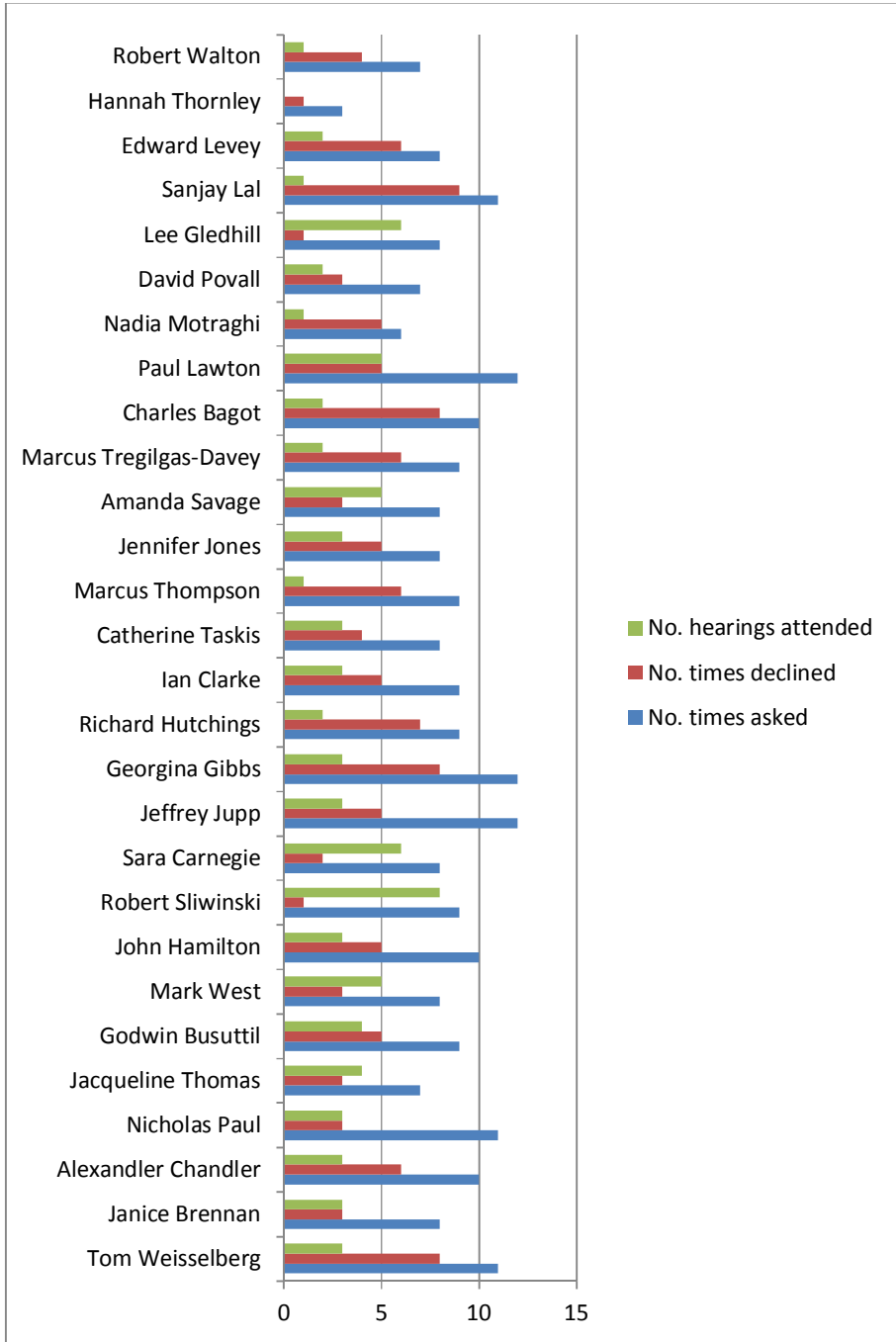
- i. The hearing was cancelled after the Convening Order was issued, or
- ii. The panel member withdrew their willingness to sit having previously agreed.

QC members



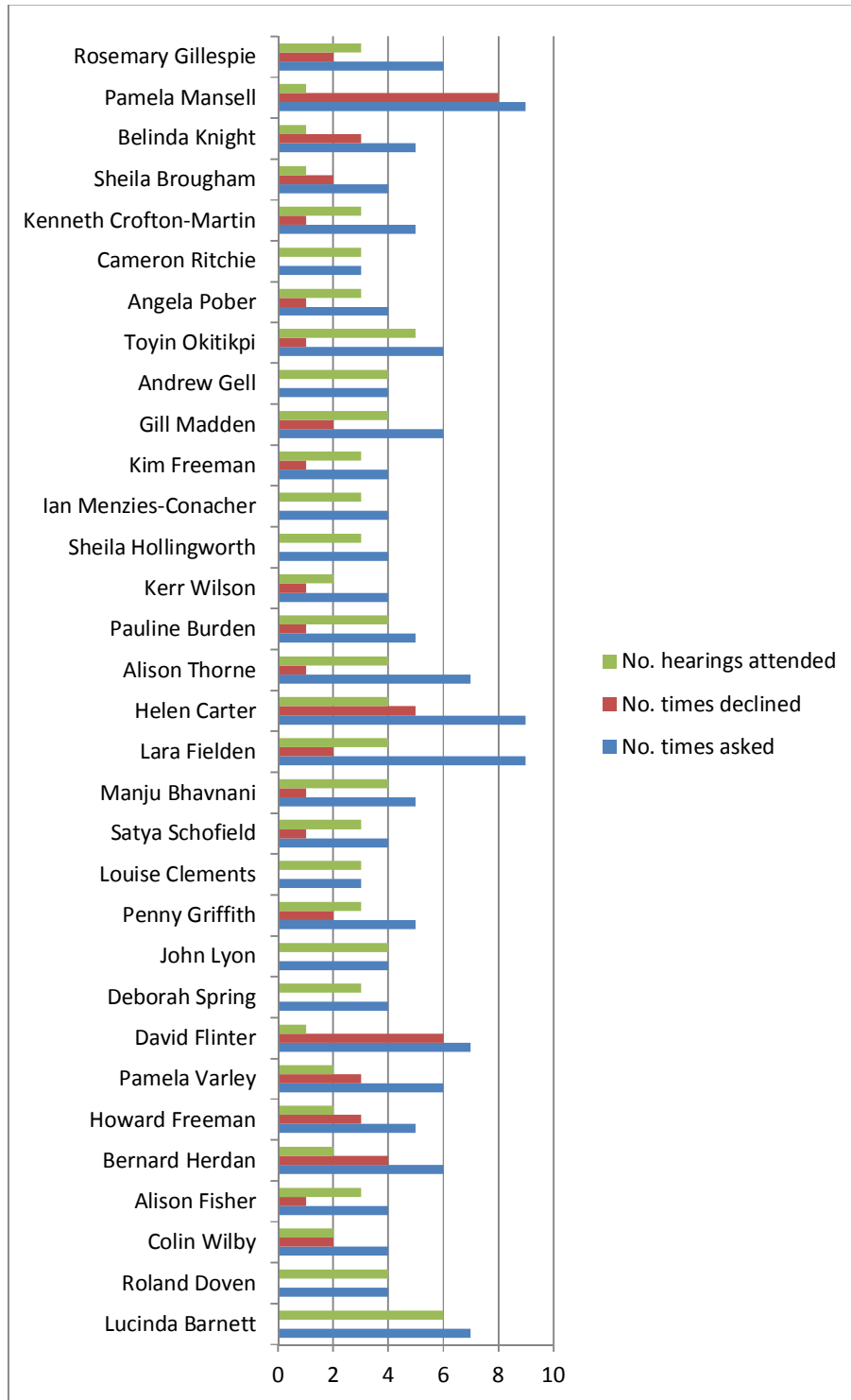
One QC stood down during 2013, and a further QC made himself unavailable due to working overseas immediately post-appointment.

Barrister members



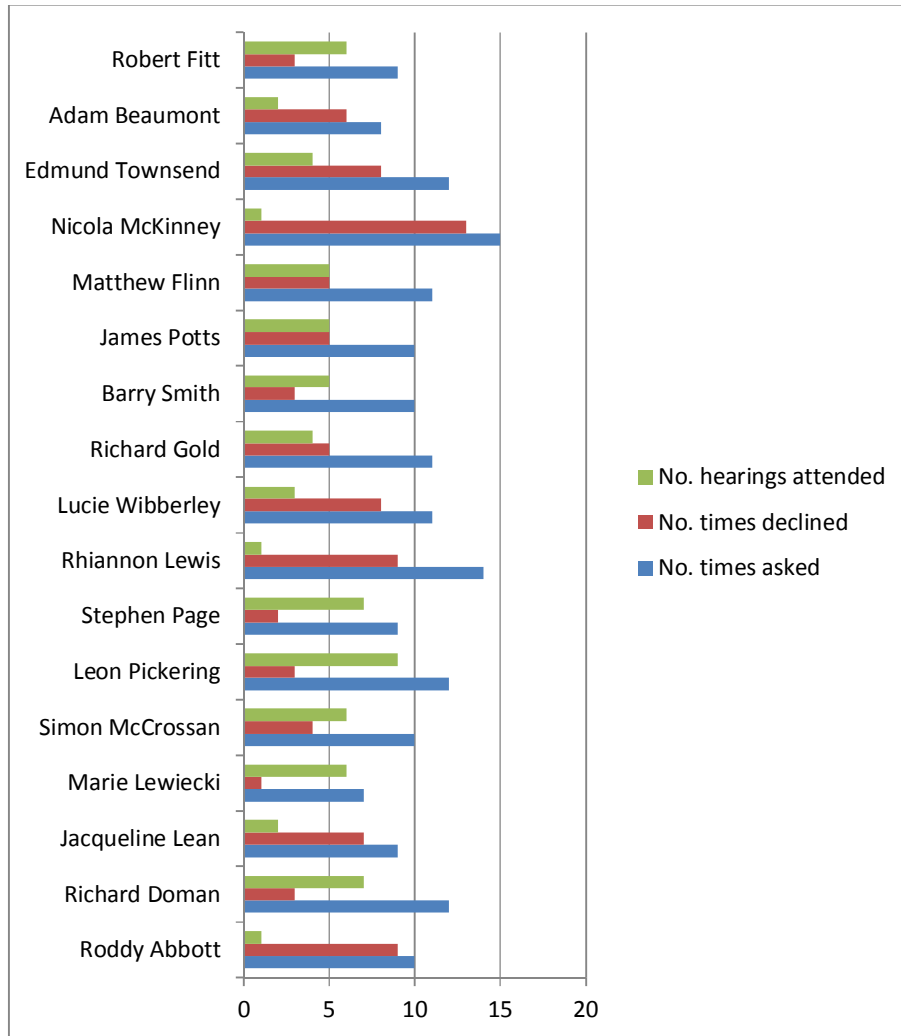
One barrister stood down during 2013, and one was unavailable due to maternity leave.

Lay members



One lay member was stood down during 2013.

Clerks



One clerk stood down during 2013, and one was unavailable due to maternity leave