



Inns' Conduct Committee

Fourth Annual Report to COIC (2012/13)

INTRODUCTION

As Chair of the Inns Conduct Committee I present to COIC this report for the period commencing September 2012.

1. 2012/2013 has been a period of transition for the Inns Conduct Committee. On 1 February 2013 BTAS (The Bar Tribunals and Adjudication Service) came into being, and the ICC was incorporated within it. The secretariat was collocated with BTAS in its Grays Inn premises.
2. Given the content of this Report I feel it particularly important to begin with some personal thanks. I am immensely grateful to my predecessor His Honour Judge Blackett for his energy, ability and administrative flair in guiding the ICC through its first three years of operation. I have also greatly appreciated his guidance and support, particularly in the handover-period.
3. I would like also to pay tribute to Wendy Harris, to whom the ICC owes a great debt of thanks for the exercise of her considerable skills, initially as Interim Change Manager and subsequently as Interim Registrar. The task of attempting to rationalise the ICC administration has not been an easy one. The new BTAS regime has sorely tested the ICC's structure and basis of operation. I revert to this later.

2012/2013: Issues of note

Personnel

4. Historically I should record that Linda de Klerk, the ICC's previous secretary/administrator, left in early September 2013 to pursue other opportunities. I should record here my own appreciation for her work since 2009: she put a great deal of effort into getting the ICC off the ground, and was especially good at establishing personal rapport, and I wish her well.
5. With the able assistance, however, of Taji Beklik (seconded by BTAS from the Interim Change team as, in effect, substitute ICC administrator), the ICC's administration was able to effect a relatively smooth transition. It is intended that ICC administration can as necessary now be carried out by all personnel in the BTAS office team, although the recently appointed Hayley Addison is now in practice dealing with ICC matters within the BTAS office.

BTAS

6. This change took place against a background of regular meetings of the BTAS Project Board within the COIC Tribunal Service Change Programme. I was as ICC Chair invited to take part in these meetings, insofar as agenda items affected the ICC. At the Project Board many items were discussed, notably the BTAS policies (which have now been promulgated and are in force), and the BTAS website.
7. The effect of the institution of BTAS is that, in practice, the ICC is not the body that it was when it was set up in 2009, nor even the body it was when I took over the Chair from His Honour Judge Blackett in 2012. This is not something for which one should look to blame BTAS: on the contrary, I take the view that the process of change has merely highlighted the difficulties which in hindsight were inherent in the ICC's operation, the way it was set up, and the ICC Rules.
8. It is I believe helpful to remind oneself at this stage why, and how, the ICC came to be instituted. A passage from the First Annual Report of His Honour Judge Blackett (2010) conveniently sets this out:

“Traditionally the Inns of Court have been responsible for deciding whether a candidate for admission to their Inn was a fit and proper person to become a practising barrister, and for the discipline of student barristers. This led to inconsistency between the Inns and a lack of clarity among those who applied to the Inns (where applicants made a declaration about their past which may affect their suitability for admission) and those students who were guilty of acts of misconduct. The Bar Standards Board, BSB, was created by the Bar Council following the Legal Services Act 2007 to regulate barristers and those wishing to become barristers. In turn, the Council of the Inns of Court, COIC, decided to create a further body to carry out some of these functions on its behalf, and the ICC was established on 1 September 2009. ... A set of rules to regulate the activities of the ICC was drafted by the Under Treasurer of Lincoln's Inn (Colonel David Hills MBE) and the Assistant Secretary to COIC (Rachel O'Driscoll). “
9. The aim in 2009 of setting up a body which would conduct the regulation of student discipline in a consistent manner was self-evidently laudable, and right.
10. Further to this, in the 2009 environment, the scheme served as a way of retaining some element of the Inns' relationship with their students, to whom they have responsibilities, and with whom they have a pastoral relationship.
11. It is noteworthy that the ICC was set up as a sort of hybrid body. It is both a Committee (and thus a forum) and a regulator. It has some Inn-appointed members (serving voluntarily, unpaid), and some lay members (attendance paid).

12. However, the ICC is unable to amend its rules without approval of COIC and the BSB. Further, the ICC had and has no governance of its finances nor the ability to instruct solicitors or counsel. Before 2013 it received its finance, and the valuable help of a tasked Under-Treasurer, from the Inns – any extraordinary expenditure it had to request from the Inns. Now its route to obtain money or legal support, whilst nowhere explained in the Rules, is in practice via BTAS.
13. The end result is that the ICC is a body with a number of responsibilities, and with power over those students and intending students who are referred to it, but it has of itself neither the resources nor any real power to organise its affairs.
14. As events have moved on, but particularly during 2013, the emphasis of the ICC has been directed less and less to its Committee meetings or its members as a forum for discussion, and more and more to its real work of regulation.
15. Our tasked Under-Treasurer Mary Kerr (whose assistance to the ICC has been tireless, invaluable, and hugely appreciated by me) has rightly also pointed out the change in practice in the function of the ICC's Screening Panel. Before the planning for the change to BTAS began in mid-2012, the business of the Screening Panel was (pursuant to the Rules – and as its name suggests) to screen student/ applicant referrals. Since then, in order to keep up with the pace of change within BTAS, the Screening Panel has spent much time discussing material generated by the Change Project, and in particular how ICC Rules or practice may be adjusted to cope.
16. It has become apparent that a number of amendments need to be made to the ICC Rules. Some specific future matters to be addressed are referred to later in the Report, but a general point needs, as I believe, to be made here.
17. Given that the BSB is itself now embarking on a 2-year review of the BTRs, it does seem to me to be an opportune time for reconsideration of how the functions of Bar student discipline, the maintenance of Bar student standards, and the encouragement and support by the Inns of the student body, should be managed for the future.
18. Any body which is to carry out professional regulatory functions needs to be a fully-functioning regulator equipped to deal with regulatory issues that arise in the regulatory environment of 2014 and into the future.
19. For the future, it is not apparent to me why the Bar student regulator, qua regulator, should be a Committee.
20. Further to this, the time commitment required of the Chair (and Vice-Chair) has now reached – if it has not already gone beyond – the limits of the manageable and acceptable.
21. Against this background, and whilst I personally have, as did my predecessor, sought to make the ICC Rules work as well as possible, nevertheless I consider that the question needs to be asked whether the Rules should not now be completely recast, and indeed whether the framework for delivery of Bar student regulatory functions should be reconsidered as a whole.

22. These are matters beyond the scope of my function as Chair. They would in my view need strategic thought and decision-making by both COIC and the BSB, who jointly set up the ICC. This would most profitably be a forward-looking exercise, conducted with the assistance and drafting of specialist legal regulatory advisers.
23. I would like to put on record my special thanks to my Vice Chair, Heather Rogers QC, who has despite the demands of a very busy and active practice been cheering and supportive. I would also like to thank the ICC Committee members, people of outstanding calibre who have as members of hearing panels delivered work of high quality and given patient and careful consideration to cases which are never easy.
24. Finally I would like through COIC to pass on to the Education Departments of the four Inns of Court my appreciation of their work in assembling material to be passed on to the ICC.

ICC MEMBERSHIP AND MEETINGS

Committee membership:

25. In September 2012 issues relating to the lay membership of the ICC needed to be addressed. In the first place, there was a perceived need for clarification of status of all existing lay members. Additionally, there had in the event been no opportunity to conduct a recruitment exercise for lay members, and it was thought appropriate, in the light of the excellent service existing lay members had given, that they be all (with one exception) re-appointed for a further year. (The exception was Ms Sophia Lambert, who had herself been appointed formally as a member of the TAB and was therefore not able to be retained as an ICC member. As Chair of the ICC I wrote explaining the position and thanking her for her active and much valued service on the ICC since 2009.)
26. A resolution as to the ICC Lay Membership was passed as follows:

“The President and COIC RESOLVE that:
(1) “the appointments of those lay representatives to the Inns Conduct Committee who were not appointed by the Tribunals Appointments Body, if invalid to any extent, be retrospectively regarded as valid and effective from 1 September 2009.”

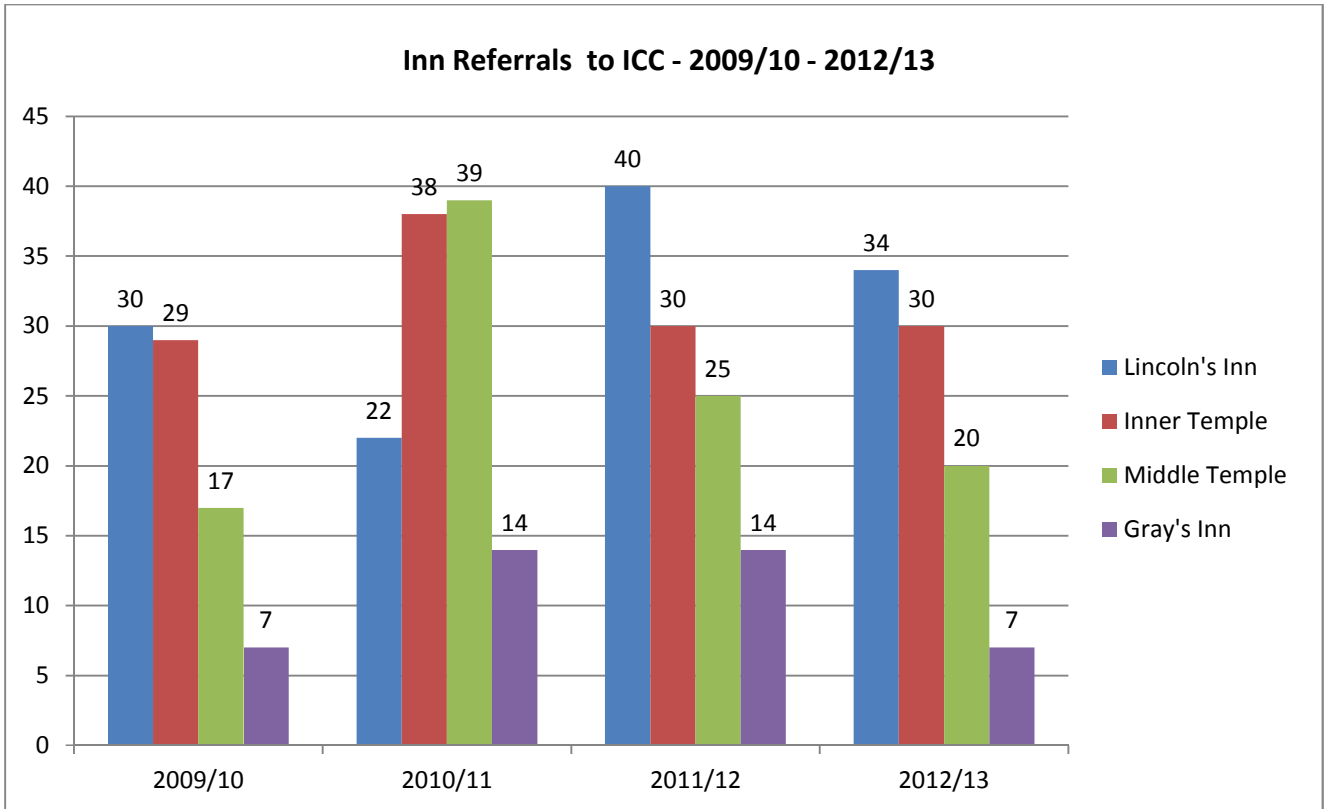
“The President and COIC FURTHER RESOLVE that
(2) “those lay representatives appointed to the Inns Conduct Committee with effect from 1 September 2009, have their appointments renewed for a further 12 months, effective from 1 September 2012.”
27. Notices of reappointment were sent to all lay representatives. The extension of their term of office for a period of 12 months effective from 1st September 2012 was explained.

28. In February 2013, by a Rule Change approved by COIC and the Bar Standards Board, the transitional provisions originally put in place in 2009 to set up the ICC and to provide for its membership over its first three years were amended to provide for:
- (a) the number of barrister and lay members (lay membership to be increased to 10 in the light of the number of panels required for hearings)
 - (b) a 3-year term of office (with opportunity to be re-nominated); and
 - (c) fixed terms for the Chair and Vice-Chair (to allow for continuity and certainty).
29. By a second set of amendments approved in July 2013, the term of office for all members of the ICC (lay and barrister members) was extended to 4 years (from 3 years). This harmonised the term of office for ICC members with the length of the term of appointment to the COIC Disciplinary Pool (for Bar Disciplinary Tribunals) under the COIC Appointments Protocol 2013 and will assist BTAS in relation to the process for selection, induction and training of ICC members. The changes made, in the two sets of amendments, are set out in Annex F. The ICC Rules, as presently in force, are available on the BTAS website.
30. A letter was sent in July 2013 by Lord Justice Pitchford, as President of the Council of the Inns of Court, thanking lay members for their support and formally appointing them to a further four year term with effect from 1st September 2013. A further letter was sent by Lord Justice Pitchford to ICC legal members, referring to the recent rule change, and notifying them that (assuming they remained eligible and willing to continue to serve when their current term of three years elapsed) then they might be re-appointed for a further term of four years.
31. All ICC members may now be required pursuant to the COIC Appointments Protocol and/or COIC obligation to undertake training and to be subject to appraisal.
32. Other membership matters:
- (1) **Retirements:**
 - (a) His Honour Judge Blackett (August 2013: as previously notified, after the expiry of one year from ceasing to be ICC Chair).
 - (b) Mr Justice Jay (August 2013, following his elevation to the High Court Bench: pressure of other business)
 - (2) **Nominations to the ICC:**
 - (a) Rachel Darby (01.05.13, Inner Temple). This nomination followed an ICC Rule Change, whereby Inner Temple was required to nominate one additional member in place of the ICC Chair who is a member of the ICC in her own right.
 - (b) District Judge Gareth Branston (03.09.13, Grays Inn: replacing HHJ Blackett).
 - (c) Alison Potter (16.10.2013, Middle Temple: replacing Mr. Justice Jay).

33. There is now a nomination form, created by BTAS, by which the Inns nominate new ICC committee barrister members. This is designed to ensure transparency in the Inns' nomination process.
34. **Meetings:** Meetings of the full ICC have continued to be held at 6-monthly intervals, in March and September of 2012 and 2013.

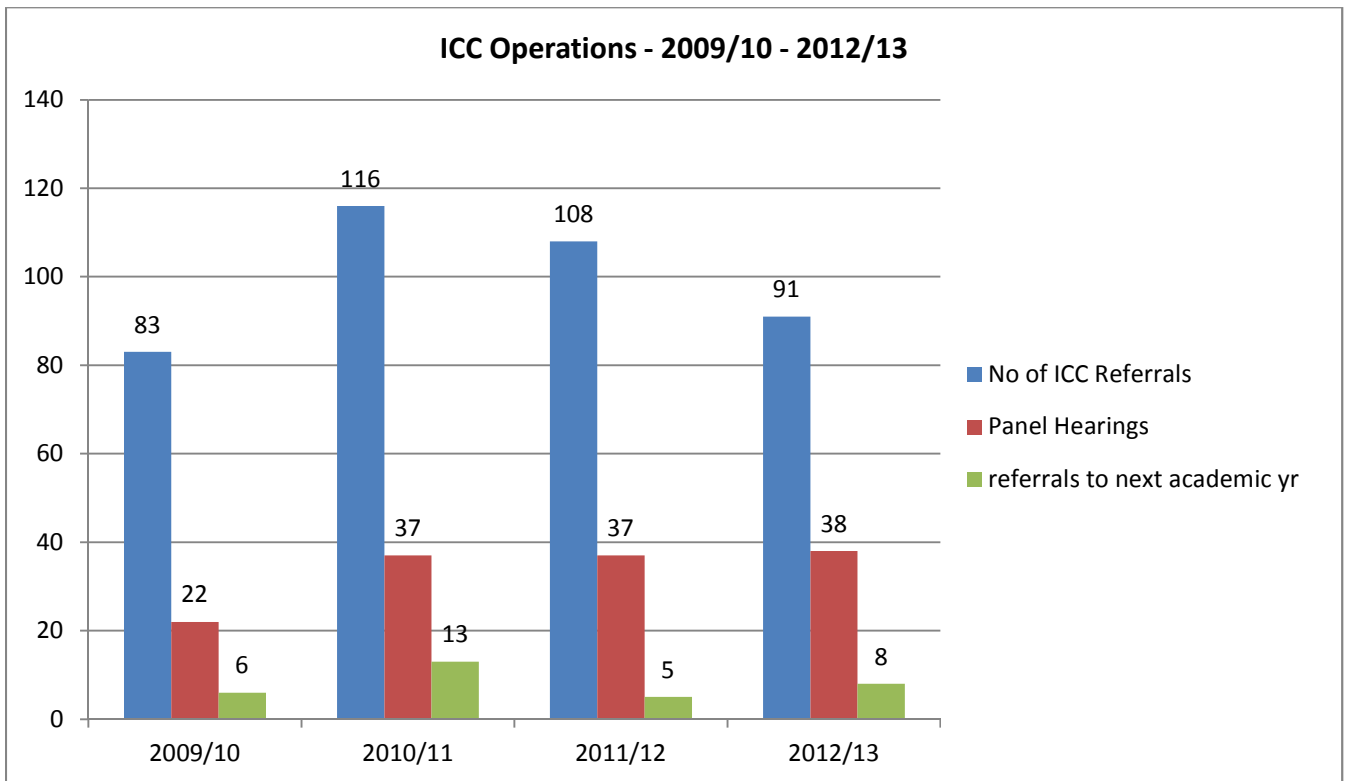
Referrals to the ICC 2012/2013

35. **Referrals from the Inns:** During the 2012/13 year of operation **91** individual cases were referred to the ICC by the Inns. Consideration of **8** (3 applicants, 5 students) of these cases was delayed to the 2013/14 academic year of the ICC due to the high number of late referrals received by the Inns of Court in July.
36. Of the **83** cases dealt with:
 - (1) **48** were applicants to join an Inn, of whom
 - (a) **28** were determined to be fit and proper by the Screening Panel and returned to the Inns to be admitted.
 - (b) **20** were referred to an ICC Panel. Of these, after full hearings
 - (i) **3** applicants were rejected, and
 - (ii) **17** were determined to be fit and proper to be admitted by their respective Inns.
 - (2) **2** were transferring solicitors: both were returned to the Inns for admission by the Screening Panel as being fit and proper.
 - (3) **33** were student members of the Inns of whom
 - (a) **6** were returned to the Inns by the Screening Panel with no sanction.
 - (b) **27** were referred to a Hearing Panel. Of these, after full panel hearings
 - (i) **7** were expelled from their Inns, and
 - (ii) **20** received other sanctions.
37. Upon the basis of the data available, the BTAS office has this year put together some comparative data on the referrals by the respective individual Inns to the ICC in the years 2009 to 2013.



38. As to these statistics, it should be noted that three applicants were found to have made simultaneous applications to more than one Inn, two having applied to Gray's Inn and Inner Temple and one having applied to both Gray's and Lincoln's Inn. One of these double applications was referred to the ICC by both Gray's Inn and Inner Temple.

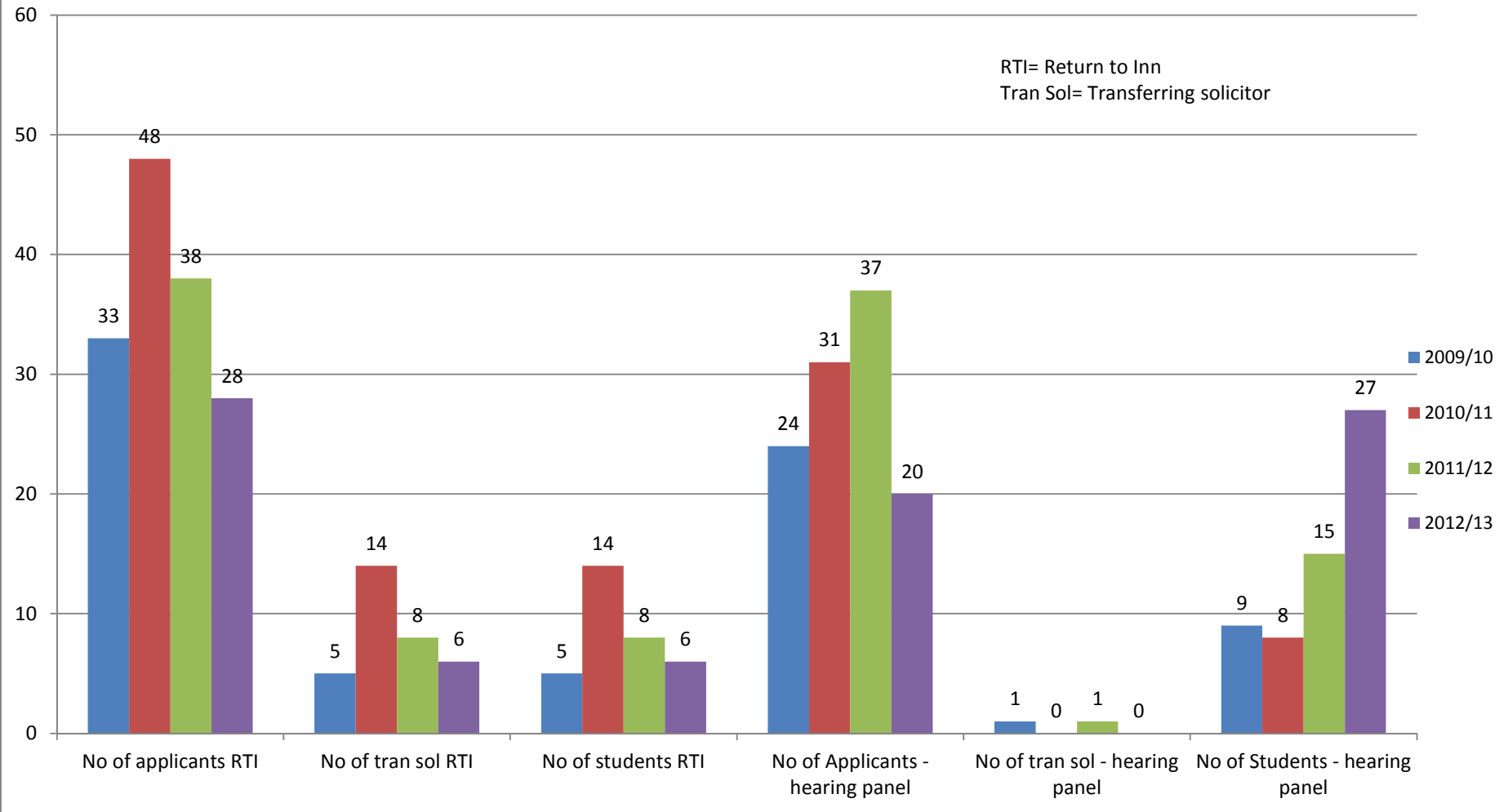
The admission form from two Inns (only) states that an applicant cannot apply to more to more than one Inn. It is **recommended** that this statement is present on the admission form used by each of the Inns.



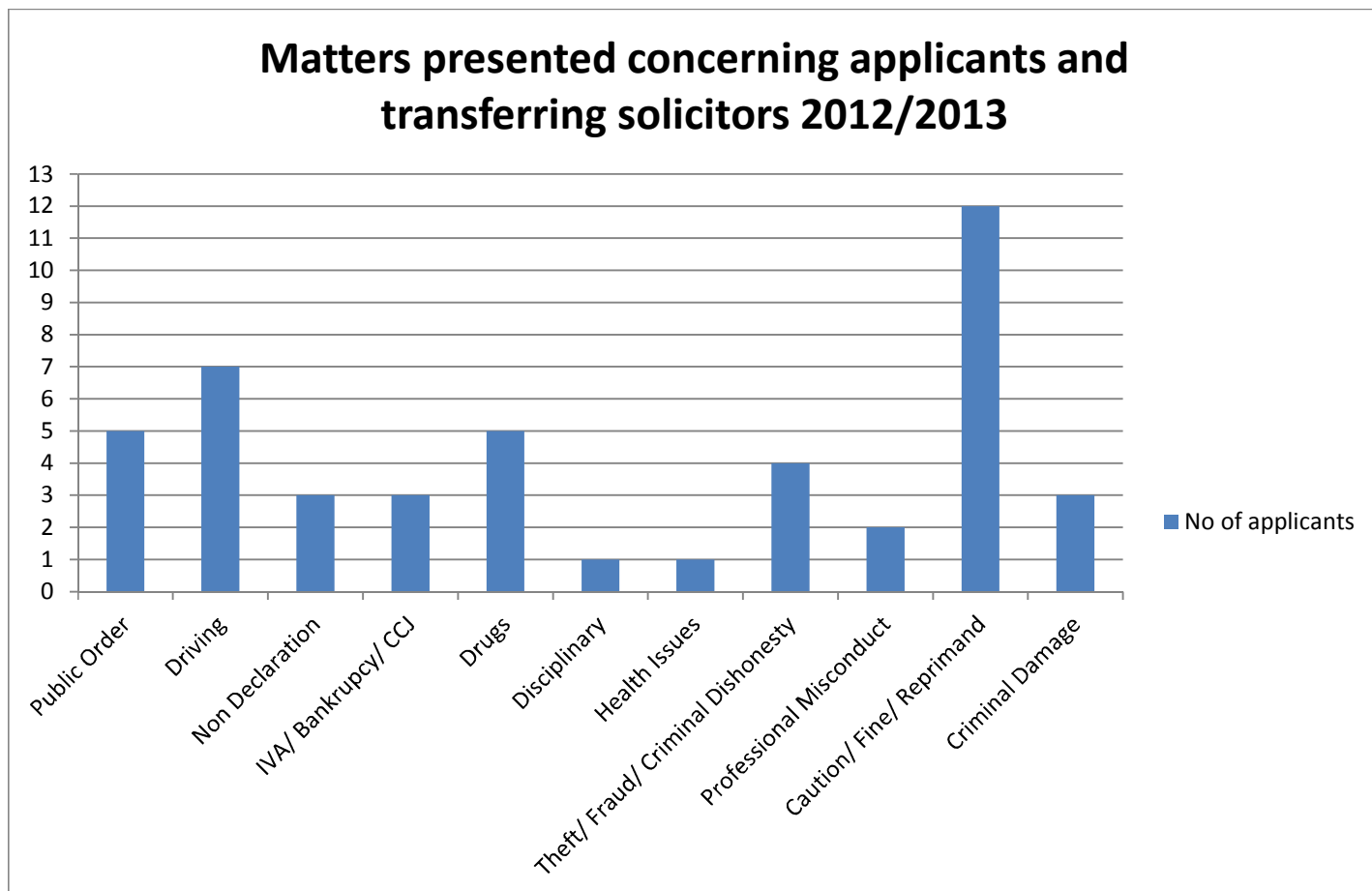
39. The decrease in referrals overall since 2010 has not been fully investigated. It would be a helpful exercise for this to be further considered to assist future determination of the resources required for student disciplinary referrals for the coming years.

40. As to trends the next table would appear to demonstrate that there has been an increase in the number of students cases referred to the ICC by the Inns which have been thought by the Screening Panel of the ICC to merit a full hearing. The year 2012/13 witnessed a 55% rise in the number of students being referred on by the ICC Screening Panel to hearing panels.

ICC Screening Disposals - 2009 - 2013

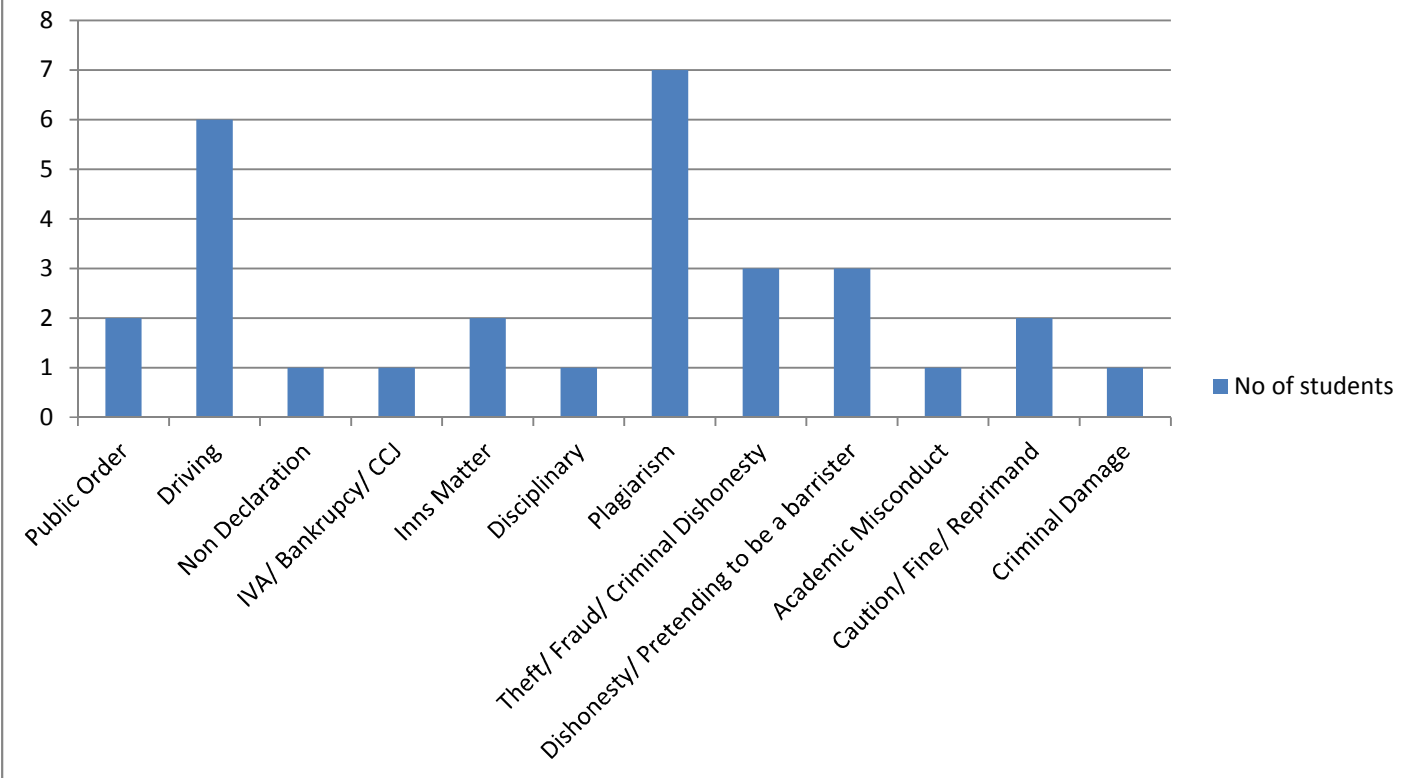


41. The subject matter of referrals to the ICC of Applicants to the Inns, and Students of the Inns, respectively is shown diagrammatically as follows:



42. **Applicants:** Of the 50 applicants referred to the ICC this academic year, 22% were referred for multiple matters.
43. Traffic matters, cautions and dishonesty matters continue to be a major proportion of the ICC's workload relating to applicants to the Inns of Court.

Matters presented concerning students 2012/2013

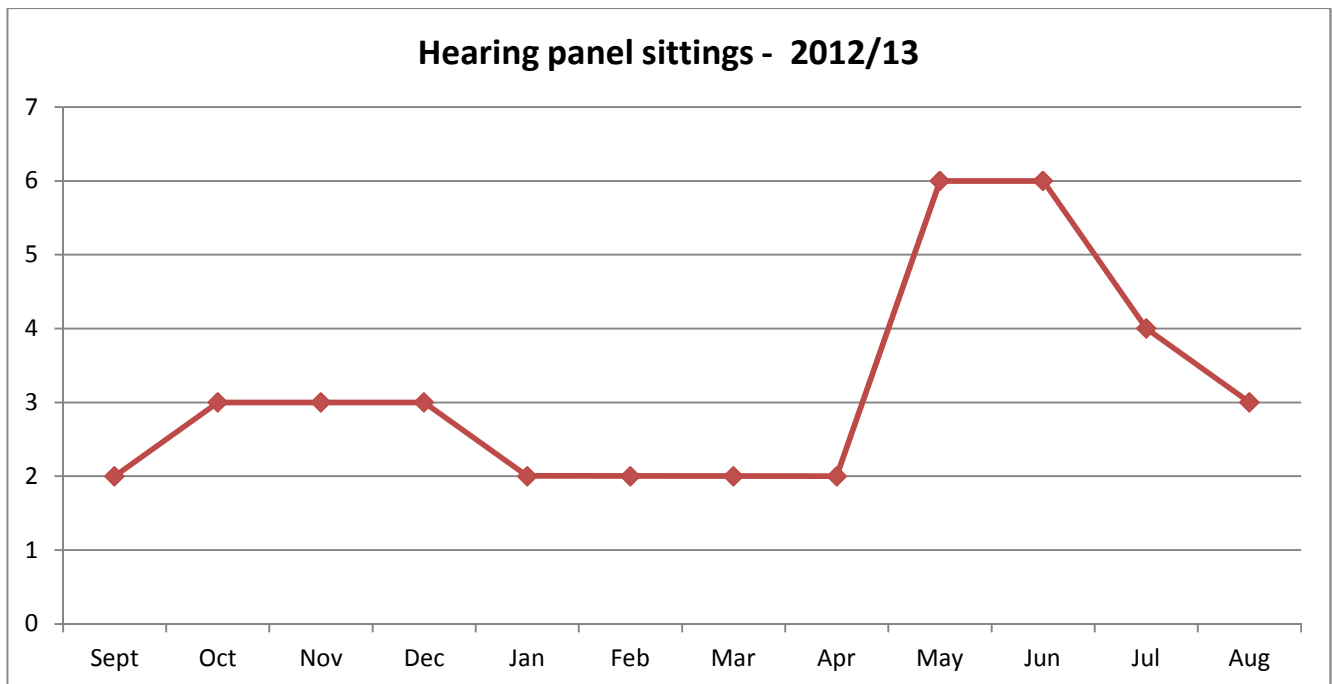


44. **Students:** In the case of students of the Inns of Court, traffic matters and referrals involving dishonesty continue to be a major proportion of the ICC's workload.
45. **Referrals to the ICC by the Inns: procedure:**
 A new departure this year has been that a referral form has been created by the ICC, building on work done by the BTAS office and the Senior Officers of the Inns, drawing on comment from the Education Departments of the Inns, to develop the referral process between the ICC and the Inns.
 This process was initiated during the academic year 2012/13, but further work was done on it after September 2013, and the form template as finalised has now been issued to the Inns.
46. The amended referral form should for the future:
- (1) Avoid or minimise the occurrence of simultaneous applications to different Inns by a single student;
 - (2) Ensure the smooth running of both the ICC and the Inns by requesting that the deadline for submissions to the ICC is the 31st of May for the next academic year. The request will further make clear that the ICC will not accept any other cases, other than on exception, and on the approval of the ICC Chair;
 - (3) Promote consistency of information between the ICC and the four Inns;

47. It should however be noted that there may remain an issue concerning intending students seeking to apply to an Inn of Court who had previously applied to another Inn but
- (a) either never became students of the Inn, because they were found not fit and proper to be admitted, or perhaps withdrew their application
 - (b) or were admitted as students but are no longer members of that Inn.

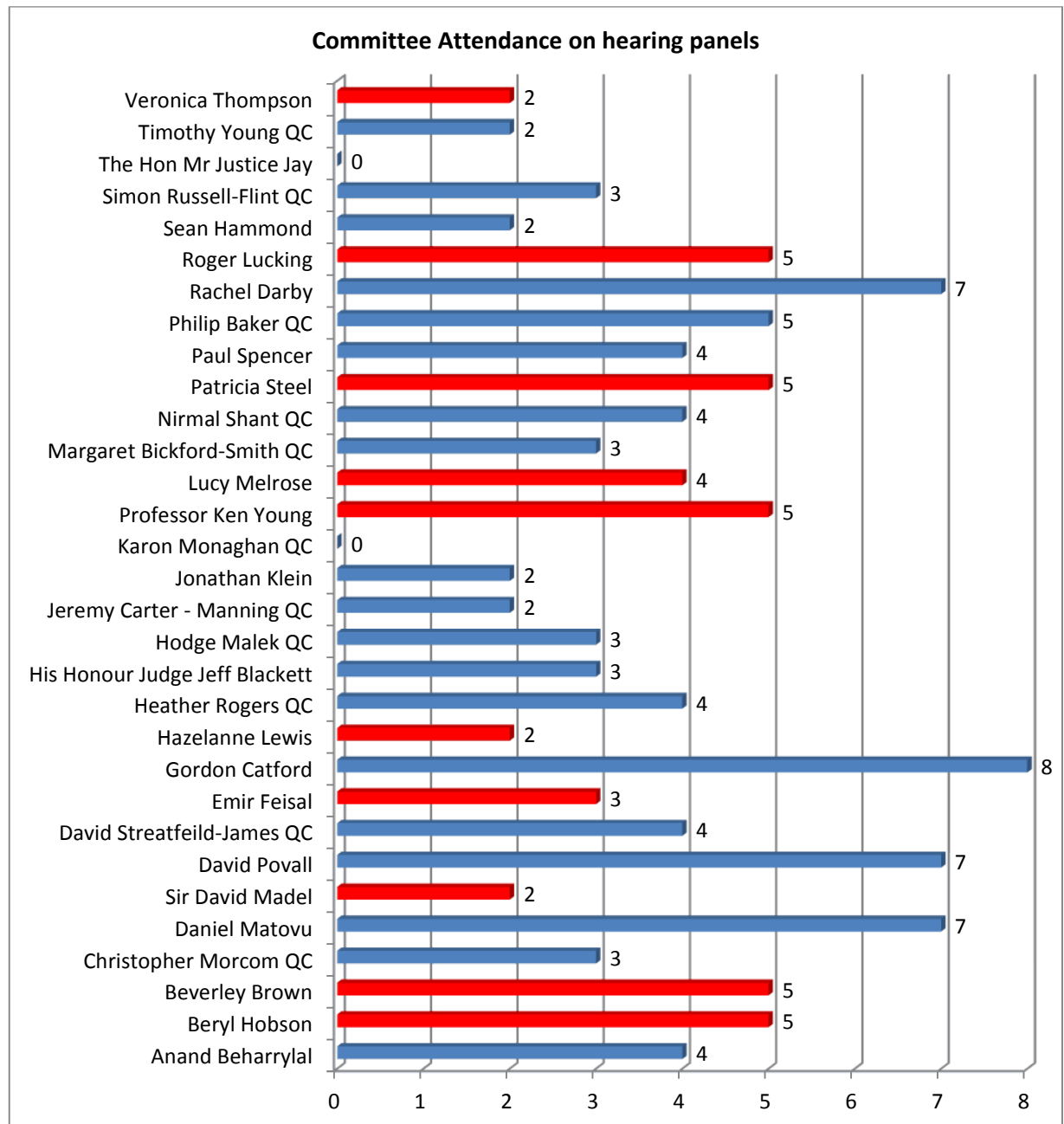
Such applicants for membership of an Inn generally come to the ICC after self-declaration of previous history of Inn application or membership; but identifying such students otherwise depends upon the comprehensiveness and accuracy of joint inter-Inn data collection, and collation of records.

48. **Referral Progression by the ICC:**
 The **83** cases referred to the ICC were considered by **11** Screening Panels, the **47** individual cases referred to Hearing Panels being considered in **38** sittings of the hearing panels.



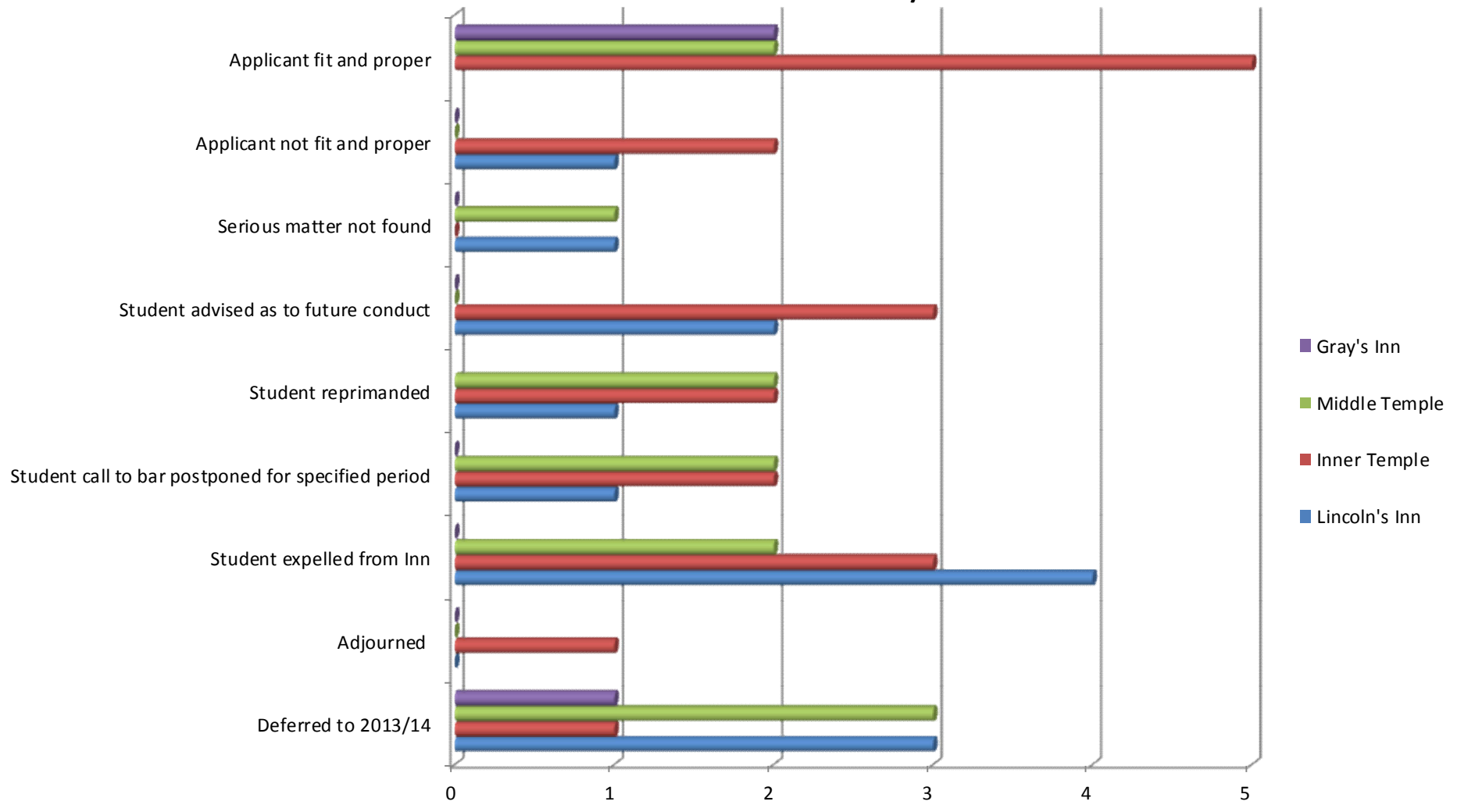
49. As to the distribution of the hearing panel sittings throughout the year, it should be noted that:
- (1) It had been decided that two screening panels would take place in May due to the official referral deadline of 31 May, but only 2 referrals were actually received during this month.
 - (2) There were a higher number of sittings in June and July 2013. This was in part because of late referrals by the Inns; but also four adjournments were granted between January and May, resulting in additional final hearings in June and July 2013 and (in one case) an adjournment which went into the year 2013/14.

50. Attendance by individual ICC members on hearing panels was as follows, where red indicates a lay member and blue a barrister member:



51. **Disposals:** A schedule of referral results overall, compiled by the BTAS office, follows:

ICC Panel Determinations - 2012/13



Appeals from the ICC

52. An applicant or student who is dissatisfied with an ICC decision may appeal against that decision to the Bar Standards Board . The appeal takes the form of a review which is dealt with on documents by the BSB's Qualifications Committee.
53. There have been 10 appeals from decisions of the ICC by way of review by the BSB. Three related back to 2011/2012 ICC determinations, and seven were from 2012/2013 determinations.
54. In 9 cases the decision of the ICC hearing panel was upheld by the BSB; in 1 case the application for review succeeded.
55. In addition, in late 2012, the ICC was for the first time named as a respondent to a judicial review application. Since the ICC had been named as a party (although, in fact, no relief was sought against it), I sent a Note to assist the court on matters relating to the ICC. I am grateful to Daniel Matovu and my Vice-Chair for their assistance, at short notice, with the preparation of the Note. The Note pointed out (amongst other matters) that there was a real question whether the ICC had legal personality and could properly be made a party to any proceedings. It was not necessary for the court to address that question, since the application was determined on other grounds.

Recommendations; and ICC Rule Changes

56. Two sets of amendments to the ICC Rules were approved by the BSB during the year 2012/2013. The first came into effect from 14 February 2013 and the second from 18 July 2013. Their import has already been explained earlier in the section of this Report dealing with Committee membership.
57. Copies of the amendments, with a short explanatory note, are in Annex F to this Report. The full up-to-date ICC Rules, as amended and currently in force, are available on the BTAS website – www.tbts.org.uk.
58. The ICC Rules are intended to be under ongoing review, so that other appropriate amendments can be identified and dealt with.
59. An ICC Working Group (chaired by the ICC Vice-Chair) has responsibility for ongoing review of the ICC Rules, and the scheme of affairs is that the Vice Chair should report (formally) to the full ICC on Rule Changes, but also (for practical purposes, so that rule changes may be discussed and actioned) to the Screening Panel.
60. The Rules Working Group is also responsible for overview of the ICC's Statement of Principles and Guidelines. This was not reviewed during the year 2012/13: there is a perceived priority need for it to be reviewed and updated (as appropriate, in the light of the ICC's continuing caseload experience), again by the Working Group: this the Vice Chair is to action shortly.
61. Looking at specific issues which affect the ICC as it currently operates, it should be observed that there is a need to ensure that a proper balance is struck between openness and transparency in relation to the ICC (on the one

hand) and the protection of privacy and other rights of those involved in the proceedings (on the other). The result of this is that careful consideration is required across a range of issues, including

- (1) whether there should be public notice of forthcoming Panel hearings
- (2) the extent to which those hearings are “public” or “private”, and
- (3) whether (and on what terms) there can be access to Panel decisions in individual cases (see now, for example, ICC Rules 23 and 32).

62. The ICC Rules do not stand alone: they are considered in conjunction with the Bar Training Regulations (BTRs), which as noted already are to be the subject of review by the BSB over the next two years.
63. **The new BTAS Website: ICC section:** Information about the ICC has been added to the BTAS website, including information about ICC members (including any registered interests). This is an ongoing process, and it is expected that further relevant ICC information, in particular as to rules and practice, will be uploaded in due course.
64. **Other Recommendation:**
The admission form from two Inns (only) states that an applicant cannot apply to more to more than one Inn. It is **recommended** that this statement is present on the admission form used by each of the Inns.



Margaret Bickford-Smith QC
Chair ICC

23 January 2014

Annexes:

- A. **List of current ICC members (barrister and lay)**
- B. **Applicants Returned to the Inns**
- C. **Students Returned to the Inns**
- D. **Applicants sent to Hearing Panel**
- E. **Students sent to hearing panel**
- F. **ICC Rule Changes**

Annex A

Name	Salutation	Inn	Chambers
Margaret Bickford-Smith	QC	Inner Temple	Crown Office Chambers
Heather Rogers	QC	Middle Temple	Doughty Street Chambers
Karon Monaghan	QC	Inner Temple	Matrix Chambers
Rachel Darby	QC	Inner Temple	Charter Chambers
Nirmal Shant	QC	Gray's Inn	23 Essex Street, London
David Streatfeild-James	QC	Inner Temple	Atkin Chambers
Robert Jay	The Hon Mr Justice	Middle Temple	The Royal Courts of Justice
Philip Baker	QC	Gray's Inn	Gray's Inn Tax Chambers
Jeremy Carter - Manning	QC	Middle Temple	Furnival Chambers
Anand Beharrylal		Lincoln's Inn	15 New Bridge Street
Gordon Catford		Lincoln's Inn	Crown Office Chambers
Christopher Morcom	QC	Middle Temple	Hogarth Chambers
Jeff Blackett	His Honour Judge	Gray's Inn	Royal Courts of Justice
Timothy Young	QC	Gray's Inn	20 Essex Street
Hodge Malek	QC	Gray's Inn	39 Essex Street
Sean Hammond		Lincoln's Inn	2 Bedford Row
Paul Spencer		Middle Temple	Serjeants Inn Chambers
Simon Russell-Flint	QC	Inner Temple	23 Essex Street
Daniel Matovu		Inner Temple	2 Temple Gardens
David Povall		Lincoln's Inn	23 Essex Street
Jonathan Klein		Lincoln's Inn	Enterprise Chambers
Patricia Steel	Miss	Lay Rep	n/a
Beverley Brown	Mrs	Lay Rep	n/a
Beryl Hobson	Mrs	Lay Rep	n/a
Lucy Melrose	Mrs	Lay Rep	n/a
Veronica Thompson	Mrs	Lay Rep	n/a
Ken Young	Professor	Lay Rep	n/a
Roger Lucking	Mr	Lay Rep	n/a
Hazelanne Lewis	Mrs	Lay Rep	n/a
David Madel	Sir	Lay Rep	n/a
Emir Feisal	Mr	Lay Rep	n/a

ANNEX B

Applicants Returned to the Inns (RTI)

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex
Applicant	Lincoln's Inn	Juvenile offence - shoplifting, theft and assault	13yr/16	25 - 44	10	10	F
Applicant	Lincoln's Inn	Mental issues	22	25 - 34	10	10	F
Applicant	Lincoln's Inn	Driving without due care and attention (Dec 1997) Driving with alcohol above the limit (June 1999)	20	25 - 34	10	10	M
Applicant	Lincoln's Inn	Caution: Taking car without consent	32	25 - 34	10	10	M
Applicant	Lincoln's Inn	Bankruptcy - discharged May 2007	25	25 - 34	10	10	F
Applicant	Lincoln's Inn	Reprimand for Shoplifting - Feb 2006	20	under 25	10	10	F
Applicant	Lincoln's Inn	Caution: Taking motor vehicle without consent; driving without a licence; using vehicle uninsured (Decr 2008)	19	under 25	10	31	F
Applicant	Inner Temple	Driving ban as a result of totting up - September 2005	46	45 - 54	10	34	M
Applicant	Inner Temple	Fine for Assault (Mauritius) - April 2005	23	25 - 34	30	30	M
Applicant	Inner Temple	County Court Judgement	28	25 - 34			M
Applicant	Inner Temple	Caution - Possession of Cannabis & Affray (1991) Arrangement to Pay (2006)	22 and 36	35 - 44	10	10	M
Applicant	Inner Temple	Non Declaration for Reprimand	23	under 25	10	10	M
Applicant	Inner Temple	Bankruptcy (annulled) (September 2009)	31	25 - 44			M

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex
Applicant	Inner Temple	Public Order Act (2010)	42	35 - 44	10	10	M
Applicant	Middle Temple	Driving with alcohol above the limit July 2012)	22	under 25	10	10	F
Applicant	Middle Temple	Criminal Damage		under 25	10	10	M
Applicant	Middle Temple	Criminal Damage	28	35 - 44	10	10	F
Applicant	Middle Temple	Resist/obstruct constable and using disorderly behaviour (2004)	18	25 - 34	10	10	M
Applicant	Middle Temple	IVA - last payment made in 2010	37	35 - 44	12	10	M
Applicant	Middle Temple	Driving: Fine (£30) (1994)	17	25 - 34	10	10	M
Applicant	Middle Temple	Possession Class A Drug; burglary; uttering counterfeit money	17	25 - 34	10	10	F
Applicant	Middle Temple	Medical Issue	n/a	under 25	10	10	M
Applicant	Middle Temple	Drink Drive(1998)	17	25 - 34			M
Applicant	Middle Temple	Disclosure (2008)	33	35 - 44	n/a	n/a	M
Applicant	Middle Temple	Disciplinary (1999)	36	43y - 54	10	10	M
Applicant	Gray's Inn	Fine (Canadian) - Fail to remain at scene of an accident	22	25 - 44	10	10	M
Applicant	Gray's Inn	Caution: Aggravated trespass	24	25 - 34	10	10	M
Applicant	Gray's Inn	Caution - Possession of Cannabis(May 2008)	20	25 - 34	10	10	M

ANNEX C**Students Returned to the Inns (RTI)**

	Inn	Matter	Age at Matter	Age	Nat	Ethn	Sex	
Student	Lincoln's inn	Public Order offence under Spanish law	32	25 - 34	10	10	M	Proceed to Call
Student	Lincoln's inn	Driving without Insurance	17	under 25	10	31	M	Proceed to Call
Student	Lincoln's inn	IVA - discharged 2010	33	35 - 44	32	32	M	Proceed to Call
Student	Lincoln's inn	Juvenile offence - Criminal Damage - August 2001	13	under 25	10	10	F	Proceed to Call
Student	Inner Temple	undeclared police reprimand for possession of cannabis	13	under 25	10	10	M	Proceed to Call
Student	Inner Temple	Non declaration of Police Reprimand - February 2006	17	under 25	10	10	F	Proceed to Call

ANNEX D

Applicants sent to Hearing Panel

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex	Determination
Applicant	Lincoln's Inn	Assault on a police constable (September 2008)	30	35 - 44	10	23	F	Not Fit and Proper
Applicant	Lincoln's Inn	Caution for Battery (Feb 2008)	39	43yrs - 54yrs	10	10	M	FAP RTI for admission
Applicant	Lincoln's Inn	Disbarred and expelled for 8 counts of professional misconduct - June 2007	42	43yrs - 54yrs	10	31	M	FAP RTI for admission
Applicant	Lincoln's Inn	Driving without Insurance Taking the vehicle without the owner's consent	19	under 25yrs	10	31	M	FAP RTI for admission
Applicant	Lincoln's Inn	Traffic Offence: Drink Driving (January 2001)	39	25 - 34	10	10	M	FAP RTI for admission
Applicant	Lincoln's Inn	Traffic Offence - Drink Drive	19	25yrs - 34yrs	10	12	F	FAP RTI for admission - however she is due to attend a panel on a matter of double application to Inns
Applicant	Lincoln's Inn	Having article with blade (2005) Fare Dodging (x3)	17yrs; 21yrs; 23yrs and 24yrs	25yrs - 34yrs	10	23	M	FAP RTI for admission

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex	Determination
Applicant	Inner Temple	Possession of a bladed article (June 1999) Possession of 2 Class A Drugs (May 2001) Failing to Provide a specimen for analysis while driving (Nov 2008)	18, 20 & 27	25 - 34	10	10	M	Not Fit and Proper but permitted to reapply for admission after a period of 3 years.
Applicant	Inner Temple	Traffic Offence - Drink Drive (2006)	25	25y - 34y	10	10	M	Not Fit and Proper
Applicant	Inner Temple	Caution: for Possession of Class A Drug (May 2010)	21	25 - 34	10	10	M	FAP RTI for admission
Applicant	Inner Temple	Readmission - Disbarment	33	25 - 34	10	10	M	Adjournment - still waiting for extra information
Applicant	Inner Temple	Possession of Class C Drug, namely, Ketamine (May 2010)	23	under 25yrs	10	10	F	FAP RTI for admission
Applicant	Inner Temple	possession of an imitation firearm in a public place contrary to Section 19 of the Firearms Act. (Feb 2010)		25 - 34	12	10	M	FAP RTI for admission
Applicant	Inner Temple	Misuse of Class B Drug - Cannabis (August 200, August 2002) Misuse of Class A Drug - Cocaine (July 2006) County Court Judgement (May 2010)	20 & 22	25 - 34	10	10	M	FAP RTI for admission
Applicant	Inner Temple	Conviction for arranging sham marriages Non declaration of said conviction contrary to BTR 84 (a) Failure to respond to Inn's enquiries according to BTR 85 (a)			23	23	M	No Panel took place - informed of death
Applicant	Inner Temple	Bankruptcy (2005)	26yrs	25yrs - 34yrs	10	80	F	FAP RTI for admission

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex	Determination
Applicant	Middle Temple	Caution: Common Assault (Nov 2009) Penalty Notice -Drunk & Disorderly (Feb 2011)	18, 20	under 25yrs	10	10	M	FAP RTI for admission
Applicant	Middle Temple	Theft - Dishonesty (1992)	22	43y - 54			F	FAP RTI for admission
Applicant	Gray's Inn	Possessing a controlled drug, Class A, (cocaine) (2008) possession of a Class A drug (MDMA) (2006) subject of a non-conviction (2010)	21,19 & 16	under 25yrs	10	10	M	FAP RTI for admission
Applicant	Gray's Inn	Caution - Common Assault (March 2012)	31yrs	25yrs - 34yrs	10		M	FAP RTI for admission

ANNEX E

Students sent to hearing panel

	Inn	Matter	Age at offence	Age	Nat	Ethn	Sex	Determination	Appeal
Student	Lincoln's Inn	Fraud (June 2004) Suspended from the GMC between June 2008 and Feb 2011	52	65+	10	30	F	Expel (89 (d))	Yes: ICC upheld
Student	Lincoln's Inn	Wilfully pretending to be a Barrister (July 2011)	65	65+	10	33	M	Expel (89 (d))	
Student	Lincoln's Inn	Fare Evasion - September 2011	23	25 - 34	10	22	M	Reprimand (89 (b))	
Student	Lincoln's Inn	2 counts of Academic Misconduct	23	25 - 34	32	32	F	Expel (89 (d))	
Student	Lincoln's Inn	Possession of a false driving license (Nov 2011) Carry out reserved legal activity (Nov 2011)	65	65+	10	33	M	Expel (89 (d))	
Student	Lincoln's Inn	Plagiarism			10	10	M	Call to the Bar to be postponed to Sept 2014 (89 (c))	
Student	Lincoln's Inn	Caution - Common Assault (August 2007)	18/19	under 25	10	10	F	Serious matter not found	
Student	Lincoln's Inn	Failing to comply with traffic sign (Mauritian offence) Driving without license and insurance (Mauritian offence)	24	25 - 34	33	33	M	Advice 89 (a)	
Student	Lincoln's Inn	Driving without valid insurance (Oct 2010)	20	25 - 34	31	32		Advice 89 (a)	

	Inn	Matter	Age at matter	Age	Nat	Ethn	Sex	Determination	Appeal
Student	Lincoln's Inn	Plagiarism	26	25 - 34	10	12	M	Call to the Bar to be postponed until after 1 October 2013	
Student	Lincoln's Inn	Plagiarism	23	under 25	32	32	F	Expel (89 (d))	
Student	Lincoln's Inn	Removed from the Magistracy	51	45 - 54	21	21	M	Expel (89 (d))	
Student	Lincoln's Inn	Fraudulent Certificate of Good Standing	26	25 - 34	32	32	M	Expel (89 (d))	
Student	Inner Temple	Complaint by a member of the Bar	39	39	10	31	M	Expel (89 (d))	Yes: ICC upheld
Student	Inner Temple	Disciplinary (GMC)	39	39	31	31	M	Expel (89 (d))	Yes: ICC upheld
Student	Inner Temple	Plagiarism	29	25 - 34	10	10	F	Expel (89 (d))	
Student	Inner Temple	Plagiarism - Collusion	23	under 25	10	32	M	Reprimand (89 (b))	
Student	Inner Temple	Plagiarism - Collusion	21	under 25	32	32	F	Call to the Bar to be postponed to Sept 2014 (89 (c))	
Student	Inner Temple	1)Representing, contrary to the fact, that he is a Barrister and is Called to the Bar 2)Conduct which otherwise calls into question whether he is a fit and proper person to become a practising barrister	31	25 - 34	10	10	M	Call to the Bar to be postponed until not before 1st March 2014	

	Inn	Matter	Age at offence	Age	Nat	Ethn	Sex	Determination	Appeal
Student	Inner Temple	1. making a false statement/representation so as to claim benefit x 1 2. making a false statement/representation so as to claim benefit x 6 3. producing/furnishing a false document/information x 1	55	43yrs - 56yrs	22	22	F	TBC	
Student	Inner Temple	Theft Assault(2)	20	under 25	10	10	M	Advised as to future Conduct (89) (a)	
Student	Inner Temple	Traffic Offence: Drink Drive (February 2013}	23	under 25	10	10	M	Advice 89 (a)	
Student	Inner Temple	Assault by beating (February 2013)	23	under 25			M	Advice 89 (a)	
Student	Inner Temple	Undeclared Reprimand (July 2006)	17	25 - 34	10	10	M	Reprimand (89 (b))	
Student	Middle Temple	Drink - driving - March 2016	44	35 - 44	10	10	M	Reprimand (89 (b))	
Student	Middle Temple	Caution - Criminal Damage (2012)	23	under 25	80	80	M	Serious matter not found	
Student	Middle Temple	Public Order under section 5	41	35 - 44	10	10	M	Reprimand (89 (b))	

Definitions

Student Disposals

- 89 (a) advise the student as to future conduct; or
- 89 (b) reprimand the student; or
- 89 (c) order that the student's call to the bar be postponed for a specific period; or
- 89 (d) direct that the student be expelled from the Inn (in which case the Inn must expel the student)
- Stud RTI . Student Returned To the Inn: may continue as student member of the Inn/ proceed to Call

Applicant Disposals

- App FAP . Finding: Fit and Proper (Applicants sent to a hearing panel)
- App RTI . Applicant Returned To the Inn: may be admitted

Annex F

I. Approved by BSB with effect from 14 February 2013

RULES FOR THE INNS' CONDUCT COMMITTEE

Part I

[No amendments proposed – rules 1-5]

Part II - Definitions

6. In these Rules, the following terms have the following meanings:

.....

~~In these Rules, references to the masculine gender should be taken to include the feminine gender.~~

Part III - Membership and Procedures of the Inns' Conduct Committee

Membership of the Inns' Conduct Committee

7. The InnsqConduct Committee shall ~~have the following members:~~~~comprise:~~
- (a) a Chair, appointed under Rule 9 below;
 - (b) 20 barristers/judges (each Inn nominating 5 barristers/judges for appointment by the InnsqCouncil); and
 - (c) 10 ~~7~~-lay representatives, appointed by the Tribunals Appointments Body.

No person shall be appointed to the InnsqConduct Committee if they are a member of the Bar Council or of any of its committees or a member of the Bar Standards Board or of any of its committees

8. ~~Subject to the transitional provisions of Rule 10, e~~ Each member of the Innsq Conduct Committee (other than the Chair and Vice-Chair) shall serve for a term of 3 years, from 1 September in the year in which they take up office and shall thereafter be eligible for renomination for a further period of three years.
9. The President of COIC shall select and appoint a Chair~~man~~ from the members. The Chair, who shall serve for 3 years from the date on which s/he takes office as Chair and ~~but~~ shall thereafter be eligible for re-nomination for a further term¹.
10. The InnsqConduct Committee shall appoint a Vice-Chair~~man~~ from amongst their number. The person appointed who shall serve as Vice-Chair for 2 years from the date on which s/he takes office as Vice-Chair and ~~but~~ shall thereafter

¹ The words in Rule 9 which are *not* underlined were part of Rule 11 in the original Rules..

be eligible for re-nomination for a further term as Vice-Chair (for a further 2 years) or as member (for a further 3 years)².

~~[10] — Save for the Chairman, the original members of the Committee shall retire by rotation: eight members chosen by lot shall retire on 1 September 2010, eight of the remainder chosen by lot shall retire on 1 September 2011 and the remaining nine shall retire on 31 September 2012, the retiring members in each case being eligible for re-nomination for a term of 3 years.~~

11. A vacancy in the membership (other than that of the Chair), however occurring, shall be filled by the body which nominated the member whose departure has caused the vacancy. A person appointed to fill such vacancy shall serve for the remainder of the term of office of the member who is being replaced and thereafter will be eligible for re-nomination for a period of three years. ~~which shall appoint a new member to serve in his place for the remainder of the term for which he was originally nominated.~~³
12. The tasked Under/Sub Treasurer shall make arrangements for Secretariat support to be provided to the InnsqConduct Committee and any panels it may appoint.

Operation of the Inns' Conduct Committee

[No amendments proposed – Rules 13-15]

Screening Panel Proceedings

16. The handling by the Innsq Conduct Committee of any case involving an applicant/student referred to it by an Inn shall be determined by a Screening Panel which shall comprise the Chair or Vice Chair of the Inns Conduct Committee and one other committee member, supported by the Secretary of the ICC. The members of the Screening Panel will generally conduct their business by meeting in person but may, at the discretion of the Chair or Vice Chair (as the case may be), do so by telephone or email. The tasked Under/Sub Treasurer may also attend meetings of the Screening Panel and participate in the conduct of their business by telephone or email.

[No amendments proposed – Rules 17-18]

Appointment of a Panel to Hear a Case

[No amendments proposed – Rule 19-21]

Notification of arrangements for a Hearing

22. As soon as practicable after a referral to a Panel for hearing, the Secretary to the Innsq Conduct Committee shall write by registered post or recorded delivery to the applicant/student $\tilde{\tilde{\cdot}}$. The letter of notification shall:
 - (a) Identify the date, time and venue of the Panel Hearing (which shall be convened as soon as practicable);

² The words in Rule 10 which are *not* underlined were part of Rule 11 in the original Rules.

³ The words in Rule 11 which are *not* underlined were part of Rule 9 in the original Rules.

(b) Inform the applicant/student of his or her right to submit a written request (with reasons) for the hearing to be adjourned. Such request shall be given within seven days of receipt of the notification letter or the applicant/student will be deemed to have waived the right to ask for an adjournment;

[No amendments proposed to (c) – (e)]

(f) Inform the applicant/student that s/he he will within the period specified in the notification letter be supplied with copies of the documents that are to be provided to the Panel;

(g) Inform the applicant/student that s/he he may within such reasonable time as may be specified deliver a written answer, explanation or other representation to the Panel in advance of the Hearing;

(h) Inform the applicant/student of his or her entitlement to attend the Hearing and ~~of his~~ right to be heard by the Panel;

(i) In the case of students only, inform the student of his or her right to appoint a representative or request the appointment of a representative;

(j) Require the applicant/student to inform the Secretary whether s/he he intends to attend the Hearing and to be represented at the Hearing;

(k) Inform the applicant/student of the Panel's right to proceed with the Hearing in his or her absence; and

(l) Include a copy of these Rules and the BTRs.

Conduct of the Hearing

23. The Hearing before the Panel shall ordinarily be in public unless the Chair of the Panel of his or her own motion or on request from an Inn or an applicant/student directs that the hearing be in private. If the Chair so directs, the reasons for sitting in private shall be recorded in writing and provided to the referring Inn and the applicant/student.

[No amendments proposed to rules 24-29]

30. Members of the Panel shall have the right at each stage of the Hearing to ask questions of the referring Inn's representative, the applicant/student (or, where applicable, his or her representative).

[No amendments proposed to rule 31]

Decision of the Panel

32. Within 14 days of the conclusion of the proceedings and on behalf of the Inns' Conduct Committee, the Panel will produce a written report setting out its findings, the reasons for those findings and its decision. A failure to provide the report within 14 days shall not (of itself) affect the validity of the decision. As soon as it is available, the written report will be sent to the applicant/student, the Inn which made the referral, the other Inns and (where

appropriate) the student's BVC Provider. Those written reports shall be retained in paper form only by the Secretary of the ICC ~~and shall be available upon request for scrutiny by a member of the public.~~ The names of those students who are expelled ~~will~~ may be published on the Inn's website. Any request for access to a written report held by the Secretary of the ICC shall be referred to the Chair who may, having had regard to the circumstances, refuse or grant such request and, if granting any access, may impose such terms or conditions as the Chair considers appropriate.

[No amendment proposed to Rule 33]

Review of the decision of the Inns' Conduct Committee

[No amendments proposed to rules 34-35]

Part IV - Admission to an Inn

[No amendments proposed – rules 36-38]

Part V – Conduct of Student of an Inn

No amendments proposed – rules 39-42.

Part VI – Review of an Inn decision by the Inns' Conduct Committee

No amendments proposed – rules 43-46

Part VII – Delegation to an Inn

No amendments proposed – rules 47-48

Part VIII - Commencement and Amendment of the Inns' Conduct Committee Rules

49. These Rules ~~shall come~~ came into force on 1 September 2009.

50.

51. The date when an amendment to these Rules shall take effect will be determined in accordance with BTR 108 (a) and (b).

.....
(1) They [note: These Rules] were further amended with effect from [...DATE TO BE INSERTED....when amendments approved by the Bar Standards Board.

52.

Notes (for information only)

The BSB approved the amendments to the rules . not these notes.

Rules 7-11

Part III of the Rules (which includes rules 7-11) contained transitional provisions, to set up the ICC and to provide appropriately for its membership (terms of office etc) over its first three years. The amendments confirm the arrangements on a long-term basis, including: (a) number of barrister and lay members; (b) a 3-year term of office (with opportunity to be re-nominated); and (c) fixed terms for the Chair and Vice-Chair (to allow for continuity and certainty).

Note the proposed change in the number of lay members . increased from 7 to 10. This was considered necessary, in the light of the number of panels each year. (See Rule 20: each 3-member ICC panel must include a lay member).

Rule 16

The proposed change expressly allows for the Screening Panel, which generally meets in person, to conduct business exceptionally by telephone or email. (This might be needed, if members were unable to attend).

Rule 32

The first part of the amendment was designed to ensure that a delay in production of the report of an ICC Panel will not (of itself) invalidate the decision. As at the date of the draft amendments, the 14-day deadline had been exceeded on only 2 occasions since the ICC was established.

The second part arose out of concern to ensure that a proper balance is struck between providing for openness in relation to the ICC (including its decisions) and providing for the protection of privacy and other rights of those involved in the proceedings. ICC Panels deal with applicants to and student members of the Inns (not practitioners). The Inns have a pastoral responsibility towards those individuals. Setting the appropriate balance is a question that is under active consideration by the ICC (through its Working Party, which will consult with the Inns) and further amendments will follow in due course. This amendment dealt with the position in the interim: instead of allowing open access to individual ICC decisions, on request (without any consideration or check), requests for access are to be considered by the Chair (who will consider any question of privacy/confidentiality). The ICC's guidelines are now freely available. Note: there is no question of restricting access to decisions by the BSB (where wanted).

Other changes

Changes to achieve gender neutrality in the Rules are in rules 6, 9, 10, 22 & 23.

Rules 49 and 51 to be updated, to show when the amendments came into force.

II. Approved by BSB with effect from 18 July 2013

Part III - Membership and Procedures of the Inns' Conduct Committee

Membership of the Inns' Conduct Committee

7. The Inns' Conduct Committee shall have the following members:
- (a) a Chair, appointed under Rule 9 below;
 - (b) 20 barristers/judges (each Inn nominating 5 barristers/judges for appointment by the Inns' Council); and
 - (c) 10 lay representatives, appointed by the Tribunals Appointments Body.

No person shall be appointed to the Inns' Conduct Committee if they are a member of the Bar Council or of any of its committees or a member of the Bar Standards Board or of any of its committees

8. Each member of the InnsqConduct Committee (other than the Chair and Vice-Chair) shall serve for a term of ~~3~~ 4 years from 1 September in the year in which they take up office and shall thereafter be eligible for renomination for a further period of four ~~three~~ years¹.
9. The President of COIC shall select and appoint a Chair from the members. The Chair shall serve for 3 years from the date on which s/he takes office as Chair and shall thereafter be eligible for re-nomination for a further term².
10. The InnsqConduct Committee shall appoint a Vice-Chair from amongst their number. The person appointed shall serve as Vice-Chair for 2 years from the date on which s/he takes office as Vice-Chair and shall thereafter be eligible for re-nomination for a further term as Vice-Chair (for a further 2 years) or as member (for a further 4 ~~3~~ years)².
11. A vacancy in the membership (other than that of the Chair), however occurring, shall be filled by the body which nominated the member whose departure has caused the vacancy. A person appointed to fill such vacancy shall serve for the remainder of the term of office of the member who is being replaced and thereafter will be eligible for re-nomination for a period of four ~~three~~ years.
12. The tasked Under/Sub Treasurer shall make arrangements for Secretariat support to be provided to the InnsqConduct Committee and any panels it may appoint.

Notes for information only

(BSB approval was for the draft amendments . not these notes)

Note 1

The amendment extends the term of office for all members of the ICC (lay and non-lay members) to 4 years (from 3 years). This harmonises with the length of term of appointment to the COIC Disciplinary Pool (for Bar Disciplinary Tribunals) under the COIC Appointments Protocol 2013 and will assist TBTAS in relation to the process for selection, induction and training of ICC members. A complete list of members - showing, for each member, their date of appointment; date of expiry of term of office; and whether eligible for re-nomination - would aid planning (for the ICC, the Inns and TBTAS).

Note 2

Although the term of office for ICC members is being extended (above), there is no change for the 3-year term of office for the Chair or 2-year term of office for the Vice-Chair (in each case, being eligible for renomination for one further term).