

The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

ANNUAL REPORT 2021



Contents

Introduction	3
The Strategic Advisory Board’s Report	4
Number of Cases considered by BTAS Panels in 2021	8
Number of Days on which Hearings were held in 2021 & COVID-19 Impact	9
Panel Outcomes in 2021	12
Outcomes of appeals in 2021 against the decisions of Disciplinary Tribunals	13
Directions	16
Disciplinary Tribunal Panel Costs 2021	18
The Inns’ Conduct Committee Report	19
Memorandum of Understanding with the Bar Standards Board	19
Membership of the Inns’ Conduct Committee	21
Referrals to the ICC: data and trends	22
Case Study 4:	31
The Tribunal Appointments Body’s Report	32
Pool Members and Clerks in 2021	33
Composition of the Pool in 2021	34
Panellist Activity in 2021	36

Introduction

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

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

This Report is composed of three parts, each prepared on behalf of the key committees that oversee aspects of our work. Additionally, a number of case studies are provided to illustrate the nature of the work that BTAS undertakes. The Report forms part of our commitment to openness and accountability in all we do and is intended to provide a summary of all key developments and data on our activities during the course of 2021.

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

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

If you would like any further information about BTAS please visit our website at www.tbta.org.uk.

The Strategic Advisory Board's Report

1.The Strategic Advisory Board provides BTAS with independent advice, information and support on its strategic and operational activities and risks.

2.Its membership is composed of lay and legally qualified professionals who are appointed because of their expertise in disciplinary and regulatory work, and includes representatives of both BTAS Disciplinary Pool Members and the Bar Standards Board (BSB). As at 31 December 2021, its membership was as follows:

Antony Townsend (lay Chair of the SAB)

HHJ Jonathan Carroll (Chair of the Disciplinary Tribunal Service)

Ian Clarke QC (Chair of the Inns' Conduct Committee)

Saima Hanif (legally qualified Disciplinary Pool panel member)

Mark Neale (Director General of the BSB)

Paul Robb (lay Disciplinary Pool panel member)

3.During 2021 Joan Martin completed her term on SAB as the lay member of the Tribunal Appoints Body. We are very sad to record that Lara Fielden (lay Bar Standards Board member) passed away. The SAB would like to record their thanks and appreciation for Joan and Lara's many years of service and for their invaluable contribution to the work of SAB. During 2022 Louise Fisher joined the SAB as the TAB member and Emir Feisal as the BSB member.

4.BTAS and its Pool of panel members are wholly independent of the BSB. Its relationship with the BSB is governed by a Service Agreement which defines the standards and performance expected by one party of the other. Both the SAB and the BSB monitor BTAS' performance against Key Performance Indicators (KPIs), which are set out in the Service Agreement.

5. During the course of the year, the SAB has regularly reviewed the performance of BTAS and is pleased to be able to record that, despite the continuing challenges posed by the pandemic, the Service has continued to operate to a high standard and to maintain service levels and case progression.

6. The main project undertaken by BTAS during 2021 was the review and almost complete redrafting of the Sanctions Guidance. Whilst the Guidance had been updated every few years, there had not been a complete review since 2014 and the Guidance had been subject to criticism regarding the sanctions ranges for misconduct of a sexual nature. This work was overseen by a working group chaired by His Honour Judge Carroll. The review entailed two consultations to which many substantial responses were received. The resulting Guidance includes a new six step methodology and revised sanctions ranges, with notable increases in the lower end of the sanctions ranges for misconduct of a sexual nature and discrimination, non-sexual harassment, and bullying. The new Guidance came into force on 1 January 2022.

7. During 2021 SAB undertook a survey of tribunal users regarding remote and hybrid hearings and decided that such hearings should remain an option available for the longer term (see paragraph 15 below).

8. During the coming year SAB (and other BTAS committees) will:

- through the work of the Tribunal Appointments Body, recruit and train new panel members and clerks. This recruitment exercise takes place every third year and will be the main BTAS project for 2022;
- monitor the implementation of the new Sanctions Guidance
- work with the BSB (who hold the data) to review diversity in proceedings;
- oversee the continued and appropriate use of online hearing facilities and the creation of guidance to aid Directions Judges and Panels when determining whether a hearing should be in person, hybrid or remote;

- support the BSB as they scope a review of the Disciplinary Tribunal Regulations (including the use of three and five person panels);
- work with the BSB to analyse the time it takes for reported matters to be finally determined and as part of that analysis to understand why there are an increasing number of cases that are taking longer than six months to progress from directions to final determination.

9. The SAB's Report covers hearings delivered by BTAS under the terms of its Service Agreement with the BSB, which are as follows:

- i. **Disciplinary Tribunals** for barristers facing charges of professional misconduct by the Bar Standards Board. Tribunal Panels are made up of three persons (referred to elsewhere in this report as '3P DT'), or for the most serious cases five persons ('5P DT');
- ii. **Interim Suspension Panels** ('ISP') which take place when the BSB believes that it is in the public interest that a barrister be immediately suspended in advance of a full hearing;
- iii. **Fitness to Practise Hearings** ('FTP'), where the BSB has concerns about the capacity of a barrister to act on medical grounds; and,
- iv. **Appeals against Administrative Sanctions** ('AAAS') imposed by the BSB on barristers for matters which are deemed not serious enough to amount to professional misconduct.

10. Where necessary BTAS also administers hearings to determine directions and interim applications; figures for these hearings are set out in the relevant sections of this report.

Case Study 1:

'A', a barrister, informed his client that he had – as requested - lodged an application in the courts and sought a date for the case to be heard. Over a number of months following this, 'A' sent a series of emails intended to reassure the client about the progress of the case.

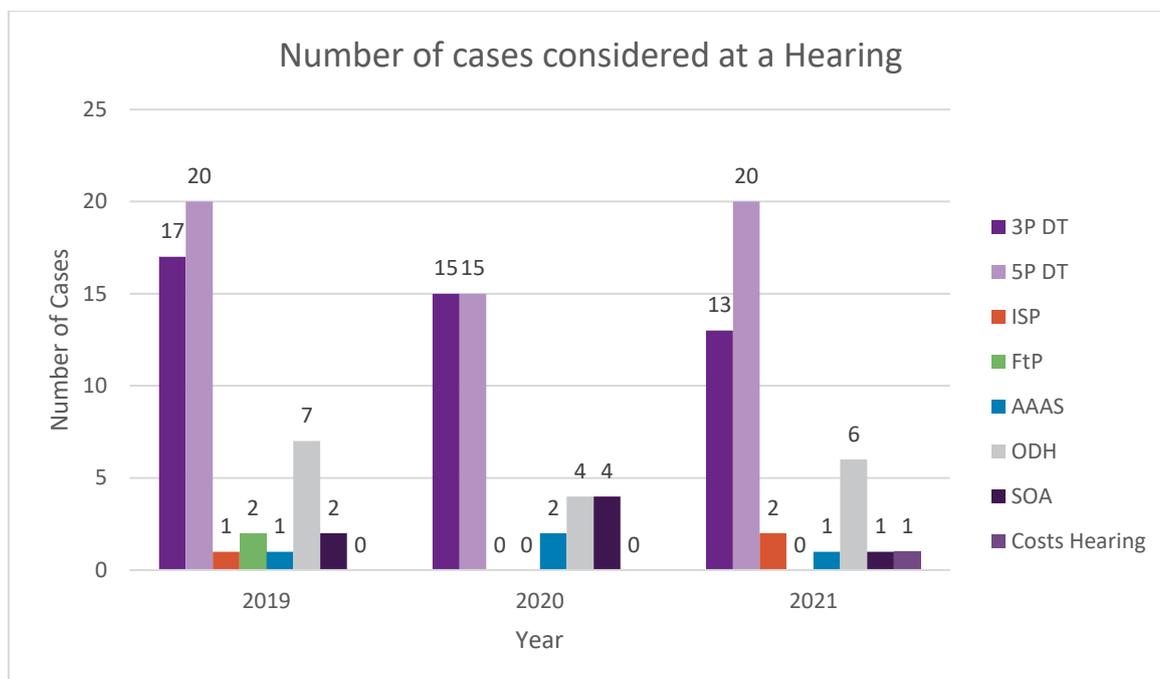
However, 'A' had not, in fact, issued any such proceedings, nor sought a hearing date. The emails 'A' had sent had given his client a misleading impression regarding the progress of the case for over a year.

'A' was charged by the Bar Standards Board with acting dishonestly and in a way that was likely to diminish the trust and confidence which the public places in the profession.

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

Number of Cases considered by BTAS Panels in 2021

11. The following chart sets out the total number of Tribunals and Hearings that took place in 2021. Data is also provided for the two previous years for the purposes of comparison:



Key: 3P DT: 3-Person Disciplinary Tribunal
 5P DT: 5-Person Disciplinary Tribunal
 ISP: Interim Suspension Panel
 FtP: Fitness to Practise Panel
 AAAS: Appeal against Administrative Sanctions
 ODH: Oral Directions Hearing
 SOA: Strike Out Application

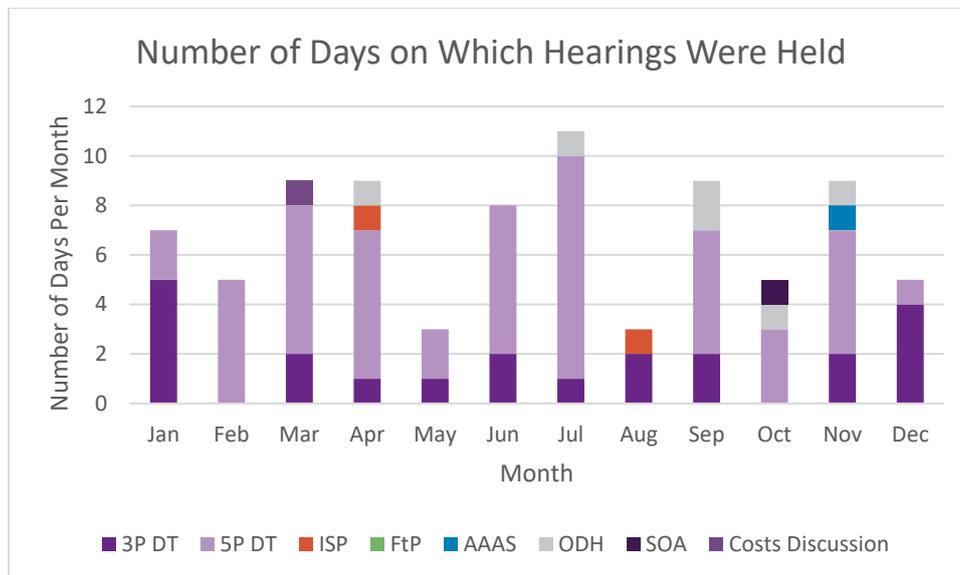
12. A total of 44 hearings took place at BTAS in 2021, as compared to 40 in 2020 and 50 in 2019).

13. The majority of the increase of 4 hearings from 2020 to 2021 is accounted for by five-person panels, up to 20 hearings from 15 hearings, returning the number of five-person panels to the 2019 position. The decision as to whether a three-person or five-person panel should be convened in each case is made by the Bar Standards Board rather than BTAS, and so by implication the BSB must have identified that a greater

proportion of its cases in 2021 involved the most serious misconduct that required the greater sanctioning powers available to a five-person panel.

Number of Days on which Hearings were held in 2021 & COVID-19 Impact

14. While many cases can be concluded within one day, others are more complex and are scheduled to take place over several days; others have to be adjourned and be concluded at another date. The following chart sets out the number of days (broken down by month) on which hearings took place in 2021:



During 2021 BTAS continued to host a mix of in person, remote and hybrid hearings in accordance with prevailing Government guidance and taking into account the views and needs of all participants. Safe working practices continued to be developed and equipment such as screens provided.

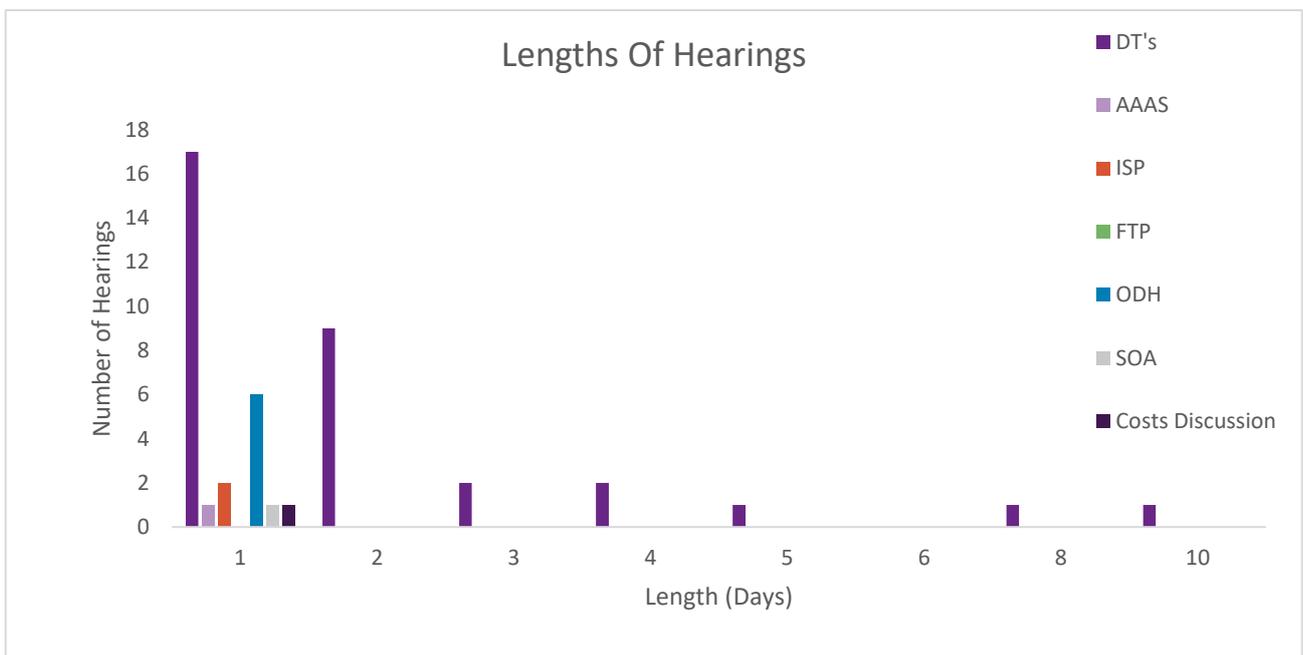


15. At the end of 2021 BTAS undertook a survey of tribunal users regarding remote and hybrid hearings. Having reviewed the results of the survey and taking into account the limitations of such hearings, the Strategic Advisory Board recommended that:

- Remote and hybrid hearings should continue to be used where appropriate and should remain part of BTAS's 'toolkit';

- Guidance should be produced to assist Directions Judges when they are required to determine whether a hearing is to be in person, remote or hybrid;
- Further thought should be given to improving the provision of documents at remote/hybrid hearings;
- BTAS should investigate the provision of remote access equipment for the main tribunal room.

16. In 2021 44 hearings took place on a total of 83 days, representing an average of 1.89 days per hearing. In 2020 the average figure was 1.45 days per hearing. It is important to bear in mind however that this is an average figure, so the information on the length of individual hearings is set out below. It can be seen that one five-person panel hearing took 8 days and another days 10 days thereby bringing up the average number of days per hearing.



Panel Outcomes in 2021

17. The table below sets out information on the outcomes of all final Tribunals hearings that took place during 2021. Note that a number of matters were part heard or awaiting the outcome as at 31 December 2021 as set out below.

Outcome	3P DT	5P DT	ISP	FtP	AAA S
Disbarred					
Disbarred / Costs to BSB £1,200		2			
Disbarred / No Costs to BSB		1			
Disbarred / Costs to BSB £1,200 / BSB not to provide PC if applied for		1			
Disbarred / Suspended 12 months / BSB to withdraw PC and not to provide PC if applied for / No costs to BSB		1			
Disbarred / Costs to BSB £2,100		1			
Suspended					
Suspended 3 Years / BSB not to issue PC / Costs to BSB £1,770		1			
Suspended 12 months on each charge Concurrent		1			
Suspended 12 months / Costs to BSB £600	1				
Suspended 9 and 3 month concurrent / Costs to the BSB £2,000		1			
Suspended 6 months / Costs to BSB £3,000 / Advised as to Future Conduct [not to take on pupils / work experience]		1			
Suspended 6 months / Reprimanded / Advised as to Future Conduct / To attend BSB approved Direct Access Course before returning to practise / Costs to BSB £2,000		1			
Suspended for 6 months or until DT concluded			1		
Suspended 6 months / Reprimanded / Costs to BSB £3,000		1			
Suspended 4 months / Costs to BSB £1,200	1				
Suspended 3 months / Costs to BSB £900	1				
Suspended 2 months / Reprimanded / Costs to BSB £1,050	1				
Fined					
Fined £6000 / Reprimanded / Costs to BSB £3,600	1				
Fined £3,000 / Costs to BSB £7,542		1			
Fined £2000 / Reprimanded/ Costs to BSB £1,560 / Imposed order that R shadows experienced practitioner for 6 months and submit to the BSB a Certificate of Competence following that period of supervision		1			
Fined £2000 / Reprimanded/ Costs to BSB £3,240	1				
Fined £1,500 / Costs to BSB £800	1				
Fined £750 / Reprimanded / Costs to the BSB £500		1			
Other					
Reprimanded / Not able to accept Direct Access Cases either himself or another entity for 2 years Has to attend DA Course before returning to PA Work.		1			

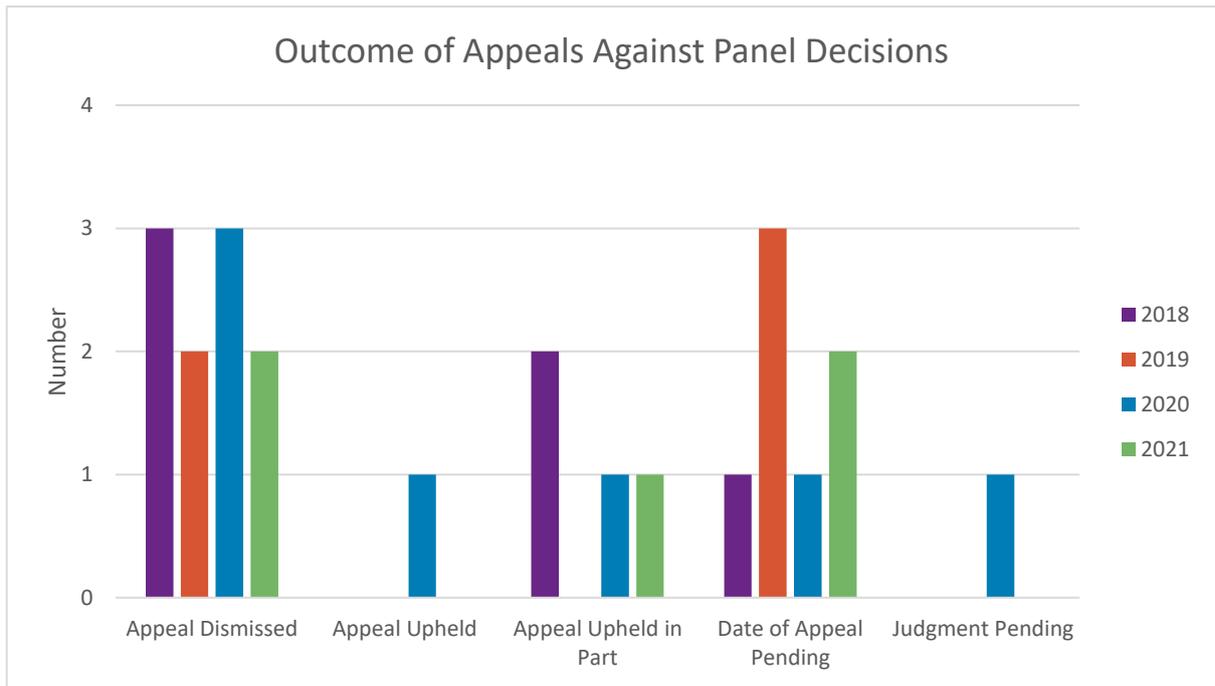
Reprimanded / Costs to BSB £2,460	1				
Reprimanded / Costs to the BSB £500	1				
Panel accepted R's undertaking not to practise until outcome of DT			1		
Charges Dismissed	2	1			
Total Outcomes	11	17	2	0	0
Part heard/awaiting outcome	2	3	0	0	1

18. Only five-person Disciplinary Tribunals can impose a sanction of disbarment; in 2021 30% of such hearings resulting in an outcome of disbarment. This compares with 31% in 2020, 65% in 2019 (which would appear to be something of a spike), 30% in 2018.

19. There was only one Appeal Against Administrative Sanctions application during 2021, the outcome of which was not known at the end of 2021. There were no Fitness to Practise hearings and two Interim Suspension hearings in 2021. In addition to the hearings above there were six Oral Directions Hearings, one Strike Out Applications and one costs hearing.

Outcomes of appeals in 2021 against the decisions of Disciplinary Tribunals

20. Barristers have the right of appeal in the Administrative Court against the decisions and sanctions imposed by Disciplinary Tribunals. The chart below sets out the outcomes or progress of appeal hearings that were extant in 2021 (although the Tribunals in question may have taken place in previous years). Numbers for the last two years are provided for the purposes of comparison:



21. BTAS carefully considers the outcomes of all appeals, and particularly those where the actions or decisions of a Tribunal may have been called into question, with a view to improving the training, guidance and resources available to those who serve as members of Disciplinary Tribunals. As at 31 December 2021, of the appeals in the system during the year, two had been dismissed and two had yet to be heard.

22. One appeal was upheld in part and the sanction reduced from a 2 year suspension to 1 year suspension. No criticism was made of the tribunal. The successful aspect of the appeal was based on fresh matters not put before the tribunal.

23. Details of appeals relating to the outcomes of BTAS Tribunals appear on the [BTAS website](#).

Case Study 2:

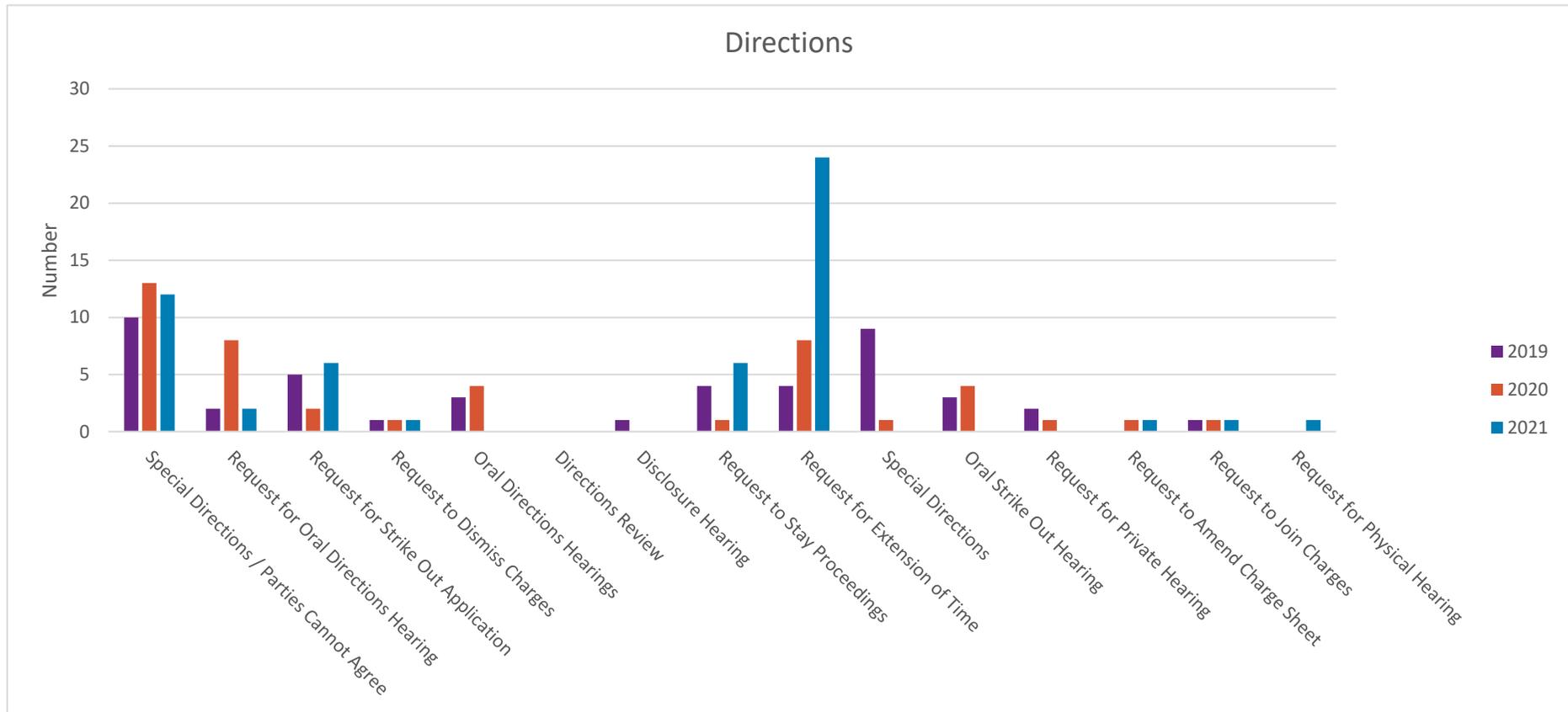
During a meeting 'B', a barrister, shouted at a solicitor in an aggressive manner and briefly prevented them from leaving the room in which the meeting was taking place by holding the door. Immediately after this had taken place, 'B' approached their lay client and informed them that 'B' was withdrawing from the case. This caused the client considerable distress.

'B' was charged by the Bar Standards Board with acting in a way that was likely to diminish the trust and confidence which the public places in the profession.

'B' admitted the charges, showed genuine remorse and provided details of exceptional mitigating circumstances. The Tribunal reprimanded 'B' and imposed a fine of £750.

Directions

24. In addition to the hearings themselves, BTAS is also responsible for arranging the giving of Directions by appointed Judges or QCs, establishing the procedures and timetable for Hearings to both parties where necessary. More than one Direction may be given in a single matter. The following chart sets out data on the number and type of Directions given in 2021, with figures for the last two years provided for the purposes of comparison. It can be seen that requests for extensions of time increased as compared to previous years. Directions Judges remained vigilant so as to ensure that matters progressed in a timely way; nevertheless it is a matter of concern that cases are taking longer to conclude. In 2020 71% of cases were determined within 6 months of directions being finalised. In 2021 that figure had fallen to 49%. The reasons for delay and steps that may need to be taken will be considered during 2022.



Disciplinary Tribunal Panel Costs 2021

25. Panel Members and Clerks were entitled to claim reasonable expenses, and fees, for their attendance at hearings. Full information about the fees and reimbursement of travel and subsistence expenses for Panellists can be found in the Expenses Policy on the BTAS website. In the interests of transparency and openness, information on payments to Members and Clerks of the Panel in 2021 were as follows:

Hearings Costs

Fees to Lay members for attendance at hearings	£34,650
Fees to Clerks for attendance at hearings	£12,500
Fees to Barristers for attendance at hearings	£23,280
Fees to QC Chairs for attendance at hearings	£5,040
Expenses to Lay members for attendance at hearings	£1,164
Expenses to Clerks for attendance at hearings	£354
Expenses to Barrister members for attendance at hearings	£1,138
Expenses to QC Chairs for attendance at hearings	£0
Expenses to Judicial Chairs for attendance at hearings	£188

26. In addition to these fee and expense payments, BTAS also incurs standard operational expenditure such as staff costs, training costs, rent and IT infrastructure etc. In total BTAS's annual expenditure was approximately £500,000 which was broadly the same as its expenditure in 2020. As in 2020, Covid-19 caused some costs to go down (such as travel expenses) but other costs to go up (such as upgrading IT equipment). Costs in 2022 are likely to increase as BTAS will undertake the recruitment and training of a new cohort of panellists. BTAS' costs are entirely funded by grants from the Inns of Court.

The Inns' Conduct Committee Report

1. Inns' Conduct Committee (**ICC**) is the body responsible for considering applications for admission to and Call by an Inn of Court where there is any matter which might affect whether the applicant is a 'fit and proper' person to become a practising barrister. It is also responsible for considering disciplinary cases involving student members of an Inn of Court which call in to question whether the student is fit and proper to practise and hearing appeals by student members against disciplinary decisions of their Inn with regard to more minor matters.
2. Applicants wishing to join an Inn of Court must disclose information about themselves, as required in their Admission Declaration. This includes information about criminal convictions, bankruptcy proceedings and disciplinary matters. Student members of an Inn are also subject to obligations to undertake a Disclosure and Barring Service check and disclose matters to their Inn, including as required in their Call Declaration and by the Bar Training Rules. Where a relevant matter is disclosed (or comes to light), the Inns must refer it to the ICC for consideration. An ICC 'Screening Panel' considers whether the matter referred needs to be considered by an ICC 'Hearing Panel'. All ICC Panels include lay and legal members.
3. During 2021 Covid-19 continued to have limited impact on the hearings. All matters were dealt with via remote hearings.

Memorandum of Understanding with the Bar Standards Board

4. In 2019 the Bar Standards Board entered into a Memorandum of Understanding (MOU) with the Council of the Inns of Court, specifically in relation to the operation of the ICC, and the Inns. The MOU sets out the roles and responsibilities of the parties in relation to qualification as a Barrister in England and Wales. It provides the parties with assurance that only those who are fit and proper are called to the Bar and that the related work is completed in accordance with the BSB's four principles

of Bar training which are: accessibility, flexibility, affordability and high standards:

5. Accessibility – The ICC’s services are accessible to students and applicants wherever they are in the world as hearings take place remotely, unless there is a particular need for an in-person hearing. Hearings are less formal (though not informal) than disciplinary tribunals, with panels taking their time to guide applicants and students through the process. Those appearing before a panel are given clear information as to how to prepare and what to expect on the day. The ICC, as part of BTAS, has policies covering reasonable adjustments and vulnerable witnesses. Panel members and staff receive equality and diversity training.

6. Flexibility – The ICC seeks to make its operations as convenient for applicants and students as possible with a view to completing proceedings within the timeframes required for Inn admission or Call. Screening Panels and Hearing Panels take place throughout the year with additional panels convened should the need arise.

7. Affordability – The ICC, which is funded by the Inns, is delivered at no charge to applicants or students. All those appearing before a hearing panel are given information regarding ‘Advocate’ who provide free representation – though most people represent themselves.

8. High Standards/Quality Assurance – The quality of the service provided is ensured in a number of ways by:

- the production of this report which sets out data regarding referrals, hearings, outcomes and trends;
- oversight and reviews undertaken by the Inns Conduct Committee which is made up (as with panels) of a mixture of members of the Bar and lay members and in turn oversight by the BTAS Strategic Advisory Board;
- the provision of training to all BTAS panellists with those training needs being overseen by the Tribunal Appointments Body;

- careful recruitment and selection of panellists by the Tribunal Appointments Body (who receive training in recruitment and selection);
- the provision of rules and guidance documents to ensure fair processes and consistent outcomes, such documents being produced in collaboration with the BSB and conformity to BSB regulations;
- the provision of appeal and complaints processes.

Membership of the Inns' Conduct Committee

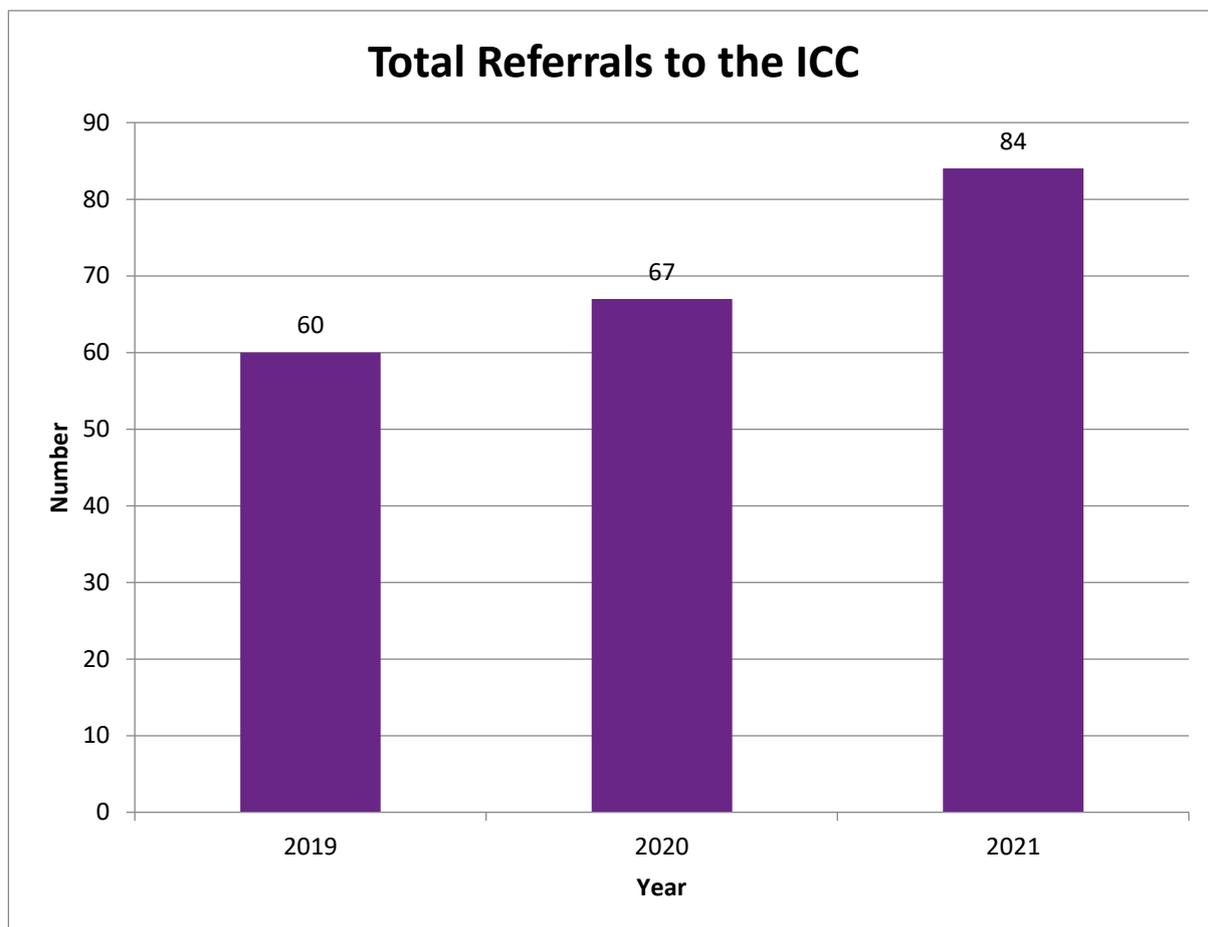
9.As at 31 December 2021, the membership of the Inns' Conduct Committee was as follows:

Ian Clarke QC (Chair)
Colin Wilby (Vice Chair – Lay)
Siobhan Heron (Barrister member)
Helen Carter-Shaw (Lay member)
Howard Freeman (Lay member)
John Hamilton (Barrister member)
Jennifer Jones (Barrister member)
Catherine Taskis (Barrister member)

10.During 2021 Claire Lindley stepped down as the ICC 'Vice Chair-Barristers'
The ICC would like to thank Claire for her service and invaluable contribution and wish her well for the future. A new Vice Chair-Barristers will be recruited in 2022.

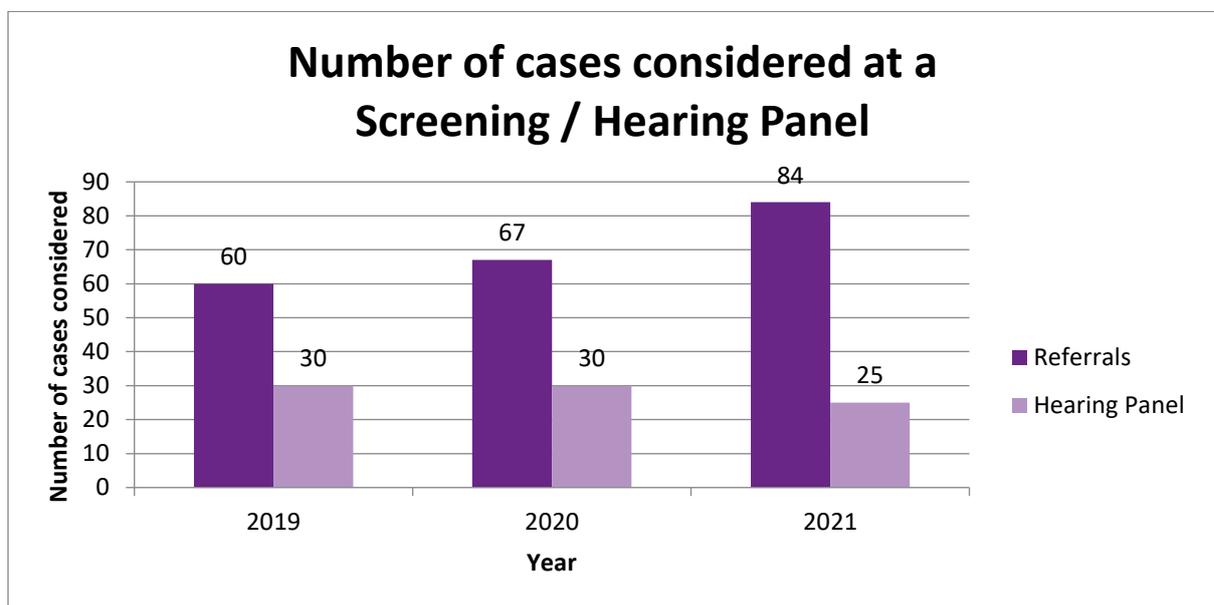
Referrals to the ICC: data and trends

11. During 2021, a total of 84 individuals were referred to the ICC by the four Inns of Court:



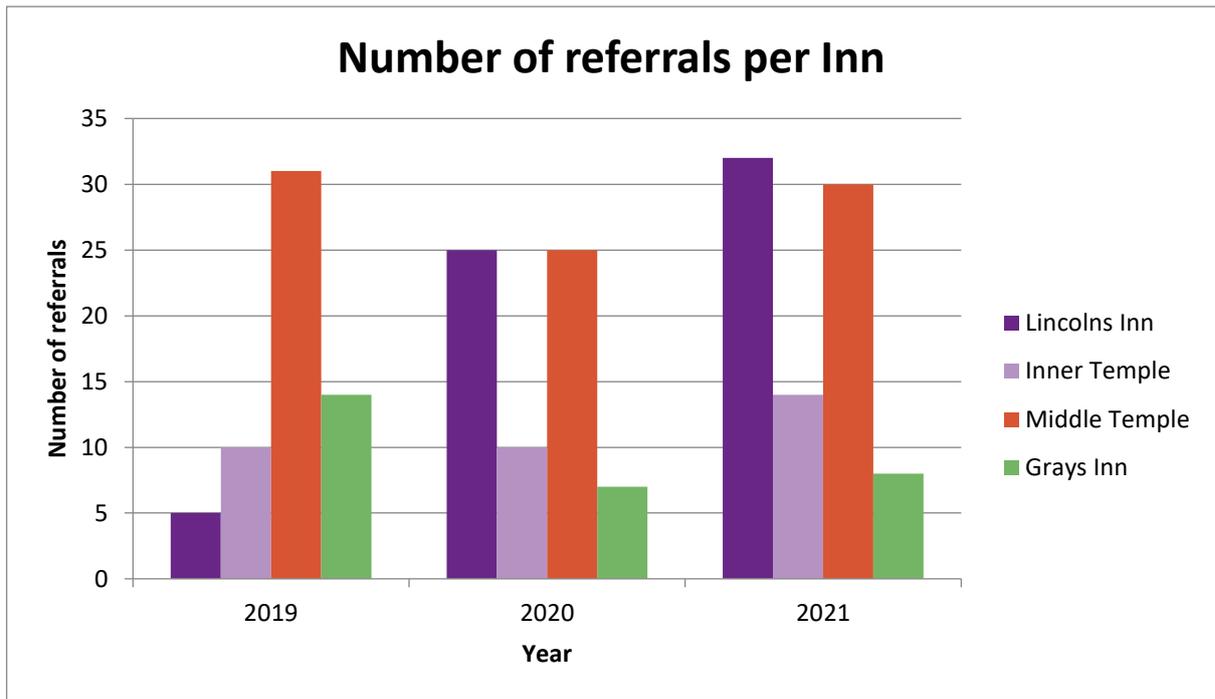
12. This represents a 25% increase in referrals as compared to 2020 and a 40% increase as compared to 2019. Having considered the matter carefully, no underlying cause for this growth can be identified save that it should be noted that over the last five years the student membership of the Inns has grown by approximately 30% and there were 12.5% more admission applications in 2021 than in 2020.

13. In 2019, 50% of those cases referred to the ICC were passed on to a Hearing Panel. In 2020 that figure was 45% and in 2021 30%. The ICC has considered whether there were any discernible underlying factors giving rise to the lower proportion of cases referred to a Hearing Panel. None were identified save that it may be that as the Screening Panels have become more experienced, they feel able to deal with more matters without the need for a hearing. For example, the Screening Panels have generally not been referring the less serious academic misconduct cases such as first time, first year undergraduate matters.



14. The number of referrals, according to the Inn of Court that made them, is set out in the table below. The proportion of the referrals made by each Inn is broadly, though not exactly, proportionate to, for example, the number of admission applications received by each Inn:

- Lincoln’s Inn had 41% of admissions and 38% of referrals;
- Middle Temple had 26% of admissions and 36% of referrals;
- Inner Temple had 18% of admissions and 17% of referrals;
- Gray’s Inn had 14% of admissions and 10% of referrals.



Case Study 3:

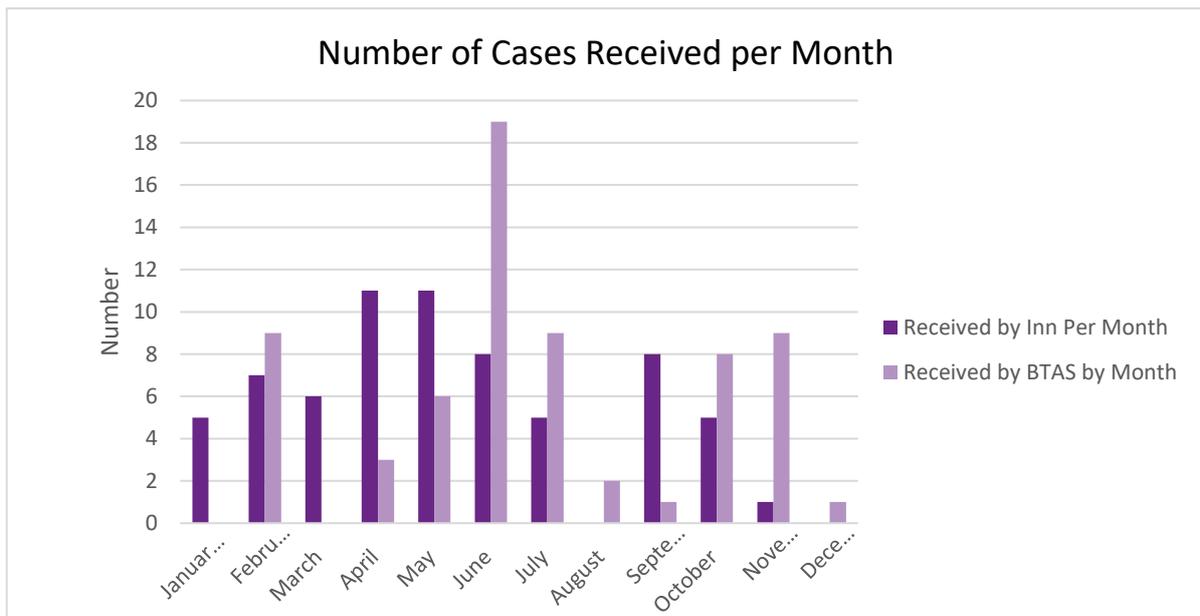
‘C’, a student, had been convicted of criminal offences for a battery committed two years ago (which resulted in a Caution) and found guilty one year ago of two charges of assault by beating.

‘C’ claimed that they had been wrongly convicted and that they had intended to appeal the convictions but had not done so. ‘C’ expressed no remorse, apology or assurance that something like this would not happen again.

The Panel concluded that a serious matter had been proved against ‘C’, that merited the student being expelled from their Inn.

‘C’ subsequently appealed this decision to the Bar Standards Board. The appeal was dismissed; and the ICC’s decision upheld.

15. The following graph shows the number of ICC cases received per month by the Inns of Court, in comparison to when they were subsequently passed on by the Inns to BTAS. As in previous years the Inns experience a peak of activity in April and May, which is then echoed at BTAS in June as cases are forwarded to it in time to meet the deadline for students to be Called to the Bar.



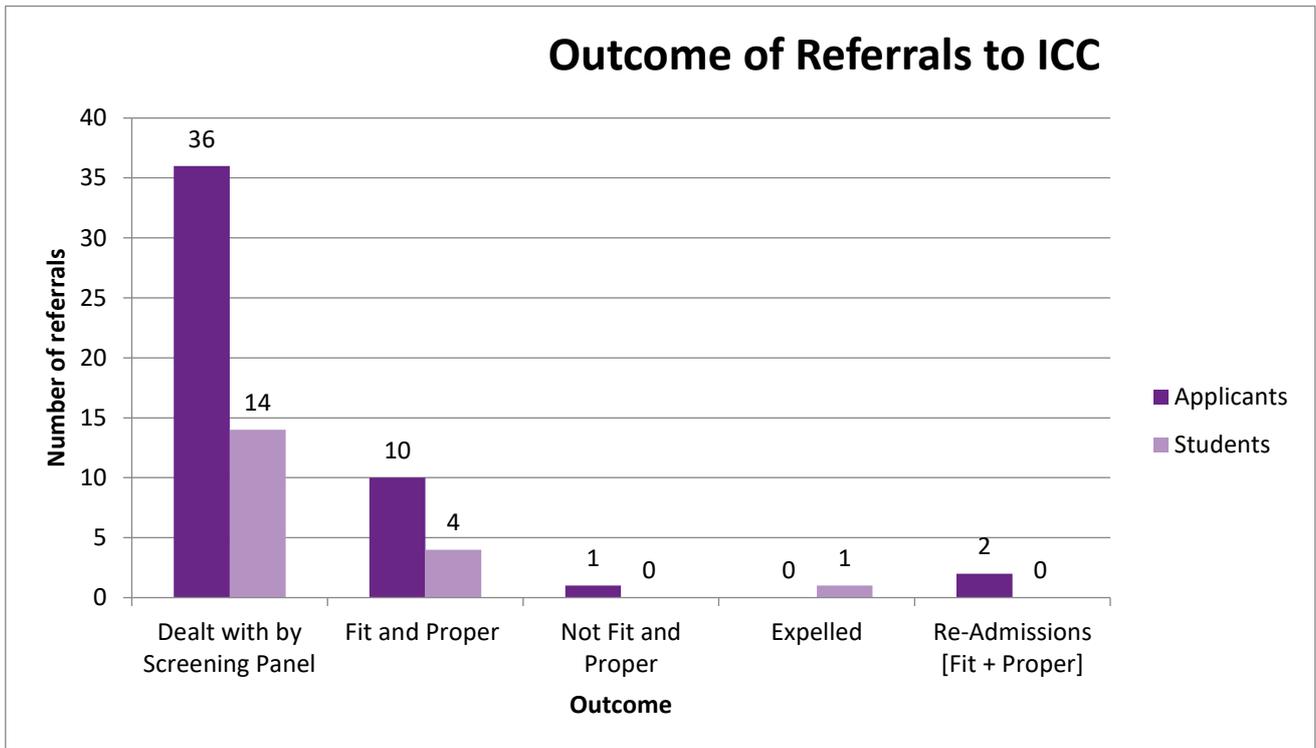
16. The ICC monitors how long it takes between a matter being brought to an Inn’s attention and it being referred to the ICC. In the vast majority of cases this occurs within ten weeks.

17. Set out below are the detailed outcomes of the **84** cases referred to the ICC in 2021 .

- (1) **55** were 2021 **applicants** to join an Inn. As to these:
 - (a) In **36** instances the Screening Panel found that a referral to a Hearing Panel was not required in order to determine whether the Applicant was ‘fit and proper’ to become a practising barrister. Each of these Applicants was returned to the Inn to which they had applied, to be admitted as a member.

- (b) **13 individuals** received an outcome from an ICC Hearing Panel:
- (i) **10** individuals were found to be 'fit and proper'. Accordingly, they would be admitted as a member of the Inn to which they had applied.
 - (ii) **1** individuals were found not to be 'fit and proper'. Accordingly, the referring Inn was instructed not to admit them as a member.
 - (iii) **2** individuals were found to not be 'fit and proper' to be readmitted as members of an Inn, having previously been disbarred (either voluntarily or following a Disciplinary Tribunal).
- (c) **6** matters remain to be dealt with for the following reasons
- 2 adjourned pending the outcome of court proceedings,
 - 1 deferred until the expiry of a conditional discharge
 - 2 adjourned for the provision of more information/documents
 - 1 listed for 2022 (having been referred late 2021)
- (2) **29** were **student** members of an Inn. Of these:
- (a) In **14** instances, the Screening Panel found that it was not necessary to refer the person to a Hearing Panel. The Inn was so informed.
- (b) **7** individuals received an outcome from an ICCA Hearing Panel.
- (i) **4** were found 'Fit and Proper' and able to be called by their Inn.
 - (ii) **2** were reprimanded and had their Call to the Bar delayed;
 - (iii) **1** was expelled.
- (c) **8** matters remain to be dealt with for the following reasons
- 1 adjourned pending the outcome of court proceedings,
 - 1 matter adjourned as the referral was referred as an applicant but was a student

- 1 adjourned for the provision of more information/documents
- 5 listed for 2022 (having been referred late 2021)

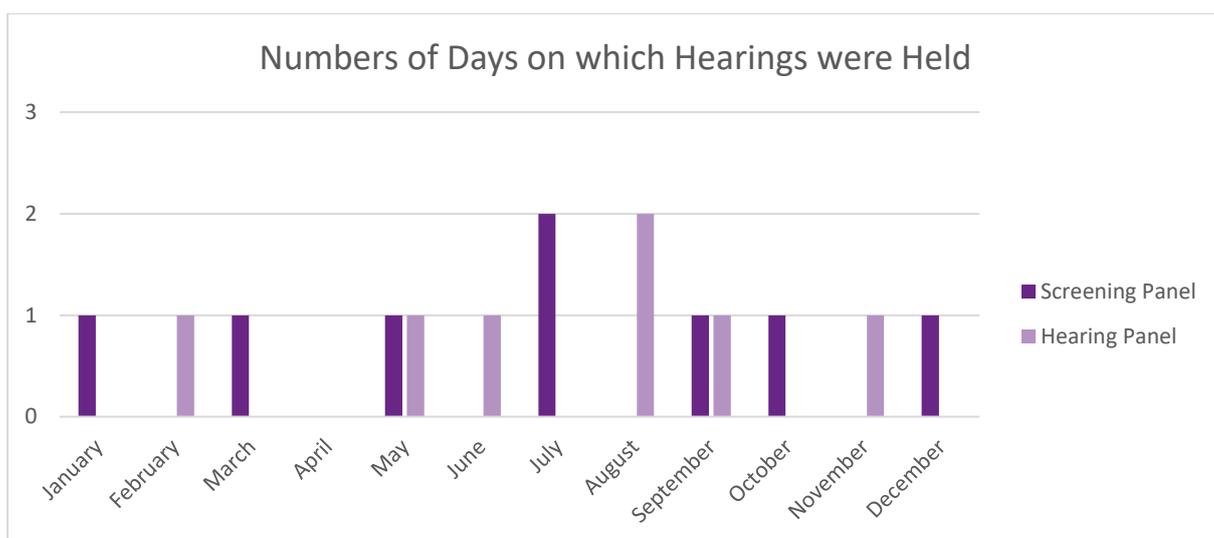


18. The Table below gives a break-down of referrals to the ICC by subject-matter, in relation to applicants and students (note that some matters are referred for more than one reason):



19. It is evident that a large proportion of the ICC’s time in 2021, as in 2020, was spent considering cases of criminal convictions and academic misconduct. With regard to academic misconduct, it should be understood that many of these cases involved two or even three students colluding on a piece of academic work (which they were meant to complete independently). Such cases would be counted in the above graph according to the number of students involved, rather than the number of incidents themselves.

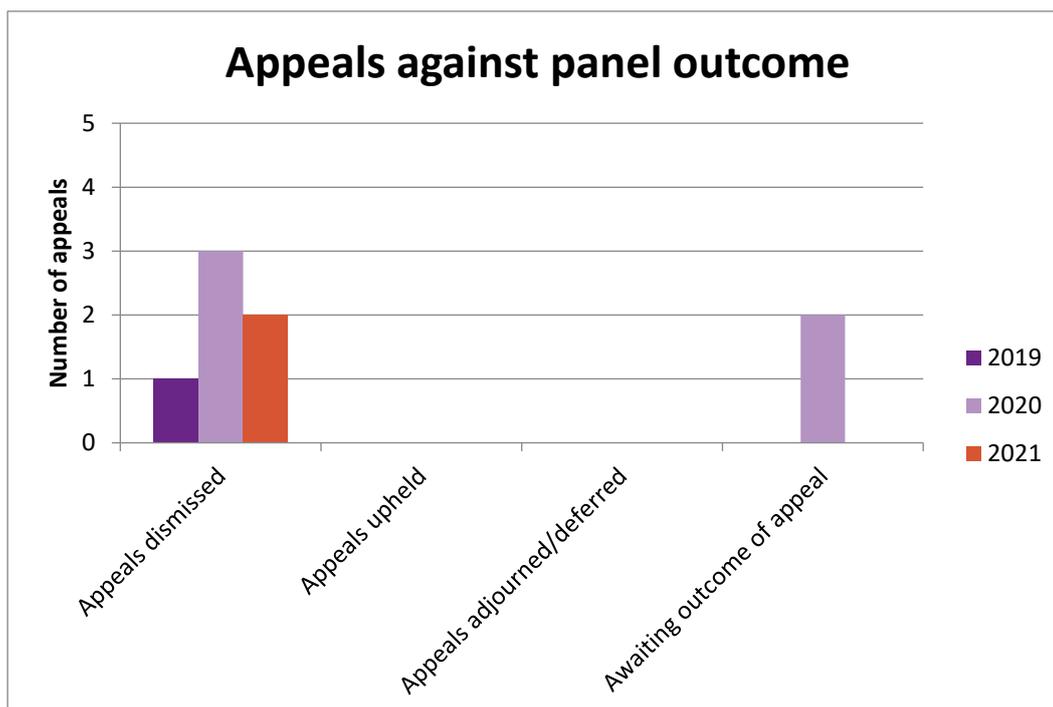
20. The following chart sets out the number of Screening Panels and Hearing Panels which took place each month. Over the course of 2021, there were **9** Screening Panels and **7** Panel Hearings. For efficiency purposes, both Screening Panels and Hearing Panels usually consider more than one individual referral.



Applications for review of ICC decisions & Complaints

21. An applicant or student who is dissatisfied with the outcome of a referral to the ICC may apply to the BSB for a review of the ICC decision. Applications for review have been dealt with on the basis of consideration of documents submitted to it by the BSB's Authorisations Department.

22. In 2021 two applications for review were submitted to the BSB – both were dismissed. This compares with five in 2020 and one in 2019.



23. **Complaints** - BTAS has a 'Service Complaints Policy' which sets out how and when complaints can be made regarding all aspects of the service including the ICC. No complaints were received in 2021.

Development/Action Points and Plans

24. During 2021 and 2022 the ICC planned/s to work through the following development points:

- **Online Hearings** – in 2021 all Panels and Hearings were conducted online/remotely by default subject to the ICC considering any representations as to why the matter should be heard in person. In 2022 BTAS plans to introduce guidance including factors that Panels should take into account if asked to decide whether a hearing should take place in person or remotely;
- **The ICC/BTAS website** – during 2022 BTAS will continue to review the provision of information on its website, including ICC information;
- **BSB Self Evaluation Report** – this report has been adapted to conform to the new BSB requirements for regulated activity 'Self Evaluation Reports' that are to be completed by the ICC and Inns;

- **Panellist Training** – a programme of panellist training is being scheduled for the Autumn of 2022. This will include, but not be limited to, information security and unconscious bias training;
- **Guidance and Guidelines** – The ICC will continue to work with the BSB to develop guidance and guidelines. In particular, in 2022 the ICC would like to consider the introduction of guidance on dealing with ‘low level’ academic misconduct.

Case Study 4:

‘D’, an applicant to an Inn, was referred to an ICC Hearing Panel due to two criminal convictions that took place over ten years ago. The first conviction was for failing to notify a change in circumstances in relation to benefit payments, the second for possessing a controlled drug or substance thought to be a drug with the intent to supply.

‘D’ explained to the Panel that, following the convictions, they had relocated to start a new life and enrolled at university. ‘D’ provided excellent testimonials from senior lecturers of the university, which also confirmed ‘D’s commitment to a voluntary scheme assisting litigants in person with practical advice.

The Panel agreed that ‘D’ had put the criminal convictions behind them. ‘D’ understood the full gravity of the offences and had showed remorse and contrition. The Panel were reassured that ‘D’ was very unlikely to reoffend and concluded that ‘D’ was a fit and proper person to be admitted to an Inn and become a practising barrister.

The Tribunal Appointments Body’s Report

1. The Tribunal Appointments Body (‘the TAB’) is the independent body responsible for appointing barrister, lay and QC members of the Disciplinary Tribunal Pool; and barristers to act as clerks at hearings. It is also responsible for ensuring that those appointed are fit and proper to act, both at the time they were appointed and throughout the entirety of their term of office.

2. Members and clerks of the Disciplinary Tribunal Pool serve at Hearing Panels for barristers convened to hear Disciplinary Tribunals (both three and five-person Panels), Interim Suspension Panels, Fitness to Practise Hearing Panels and Appeals Against Administrative Sanctions (imposed by the Bar Standards Board). They also hear cases considered in accordance with the Rules of the Inns’ Conduct Committee (ICC) to determine whether prospective barristers are fit and proper persons to undertake this role.

3. During 2021 a number of TAB members’ terms of office came to an end. The TAB would like to record its thanks for the contribution and years of service of: Hugh Jackson, Anne Kelly, Joan Martin, Margia Mostafa, Ian Stern QC and, Caroline Willbourne. As at 31 March 2022 the membership of the Tribunal Appointments Body was:

Inn	Members
Chair	Lady Justice Simler
Lincoln’s Inn Member	Keith Morton QC
Middle Temple Member	Brie Stevens-Hoare QC
Inner Temple Member	Ruby Sayed
Inner Temple Member	Julia Dias QC
Gray’s Inn Member	Marie Spenwyn
Gray’s Inn Member	Christopher Kennedy QC

Lay Representative	Rachel Downer
Lay Representative	Louise Fisher
Lay Representative	Nick Paladina
Lay Representative	Dean Riggall

4. During 2021 the TAB had no operating costs as all meetings took place remotely.

5. In 2022 TAB's costs and activities will increase substantially when the triannual Panellist and Clerk recruitment exercise will take place. This will involve taking specialist recruitment and equality and diversity advice in order to devise, implement and monitor a recruitment and selection process. The recruitment exercise will be followed by training for both the new panellists and those commencing their second term. As well as general training, that training shall include, but not be limited to: the new BTAS Sanctions Guidance; complainant anonymisation; vulnerable witnesses and data/information protection.

Pool Members and Clerks in 2021

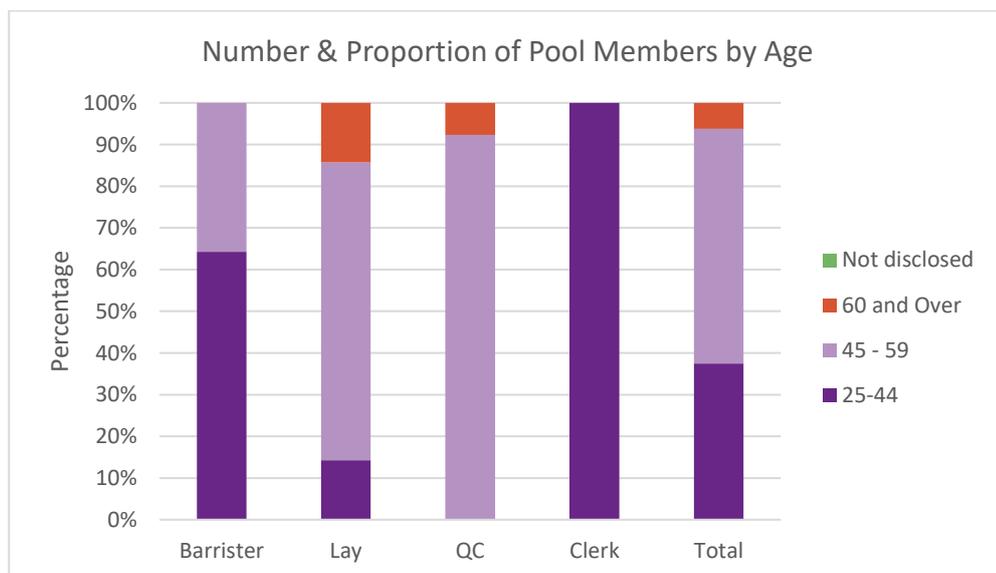
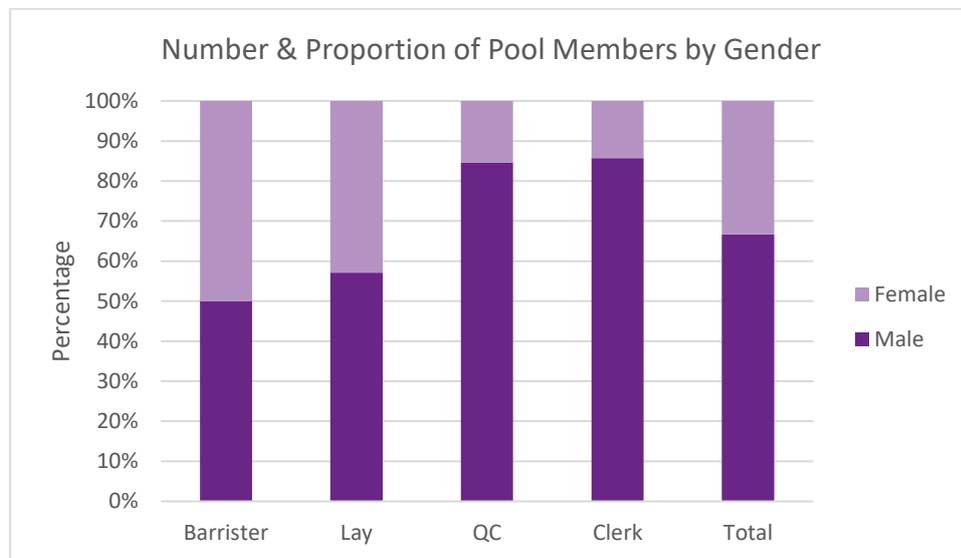
6. As at 31 December 2021, the membership of the Disciplinary Tribunal Pool was as follows:

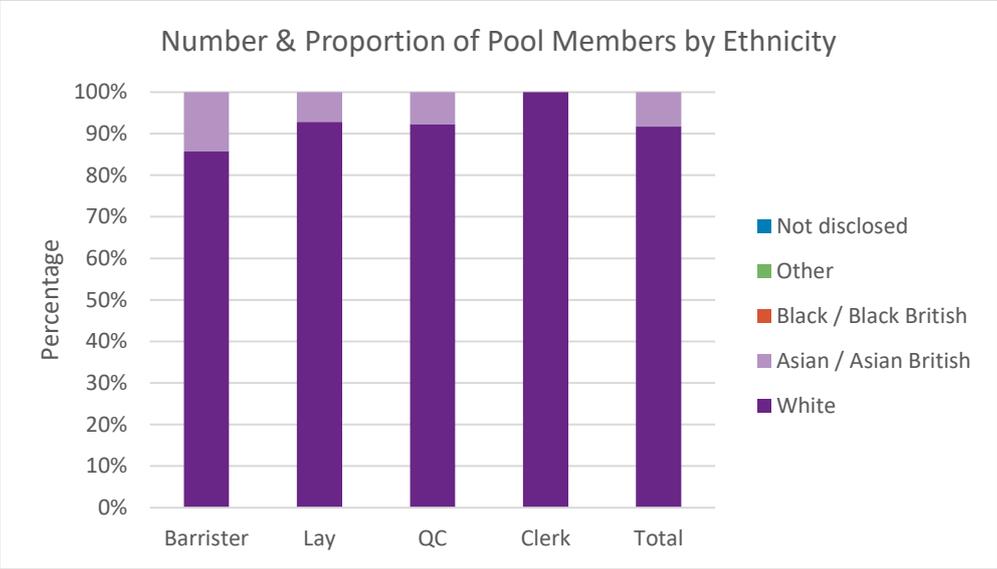
Role	31 December 2020
Barrister	14
Lay	14
QC	13
Clerk	9

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

Composition of the Pool in 2021

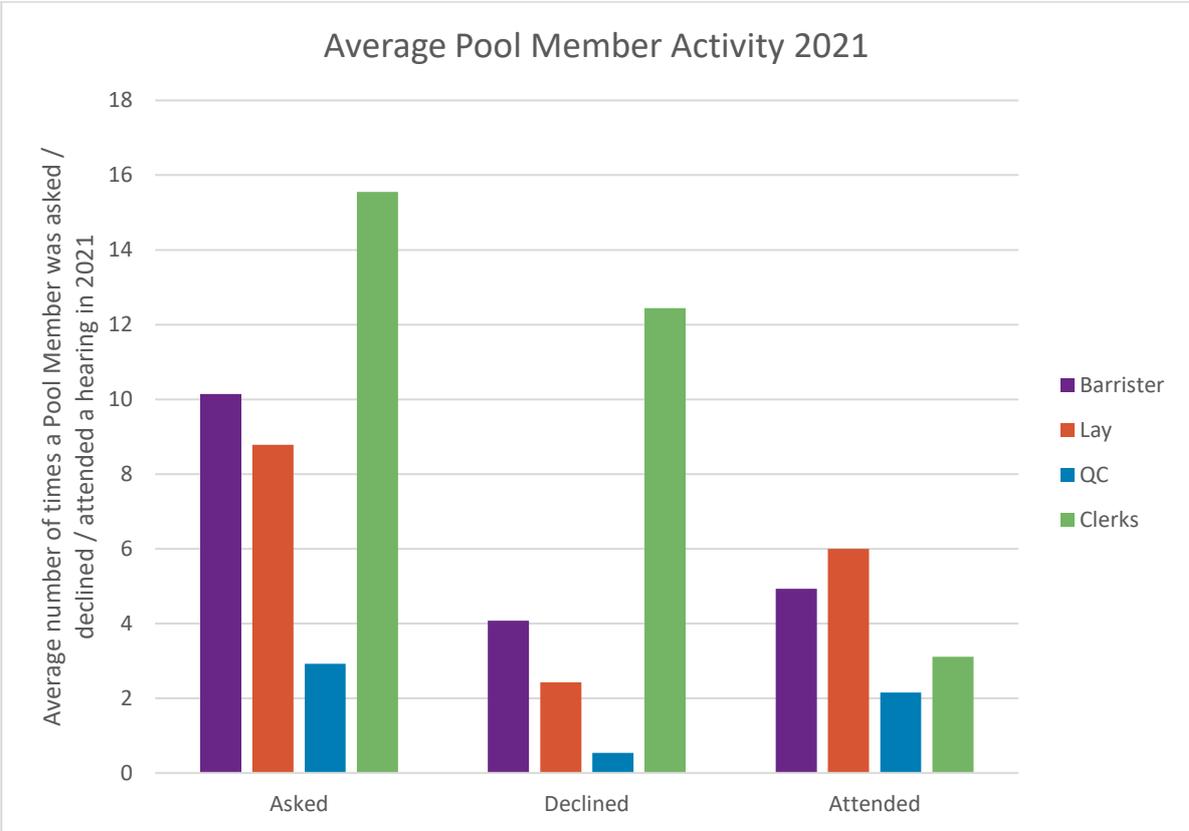
8. The following charts sets out information about the composition of the Pool by gender, ethnicity and age (as at 31 December 2021) and will be used to inform the TAB's design of its 2022 recruitment plan:





Panellist Activity in 2021

9. During 2021 there were 34 disciplinary hearings for barristers (not including oral directions and interim applications), and seven days of ICC hearings for prospective barristers. That meant the number of Tribunals on which the average Pool member had the opportunity to serve in the year was inevitably low. This is set out in the chart below:



10. As in previous reports, as well as the number of hearings attended, the chart also sets out the average number of times members were asked to serve on a Tribunal or declined a request to serve on Tribunals. For the avoidance of any confusion, please note that the number of hearings ‘attended’ is not necessarily the number ‘asked’ minus the number ‘declined’ - inevitably some hearings (which members of the Pool had agreed to attend) were adjourned or did not take place for other reasons.

11. While the TAB's priority is ensuring that the Pool is large enough that sufficient members will always be available to serve on a Tribunal whenever one needs to be convened, it is always mindful that Pool members should, if possible, sit sufficiently often to maintain familiarity and expertise in the role. The TAB would ideally like to see the average number of hearings attended by a Pool member each year increase to about 5.0. In 2019 this number was 4.0 and again in 2020 it was 4.0 and 4.1 in 2021.