



THE COUNCIL OF THE INNS OF COURT

# **The Bar Tribunals & Adjudication Service**

## **ANNUAL REPORT 2016**

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 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 over the last year. We hope you find it both interesting and informative.

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

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

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## INTRODUCTION

2016 was a busy year for the Tribunal Service.

A 40% increase in the total number of Tribunal hearings taking place occurred while BTAS was engaged with the first large-scale recruitment of new panel members and clerks since 2012. Full details of both, along with other key developments and information about the work of the Tribunal Service, are set out below.

This was a demanding period for our staff and for all those involved with BTAS' work, and our Annual Report provides the opportunity to gratefully and publicly thank and acknowledge them for all their efforts.

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.

## DISCIPLINARY TRIBUNALS AND OTHER HEARINGS REPORT

1. BTAS organises Disciplinary Tribunals for barristers facing charges of professional misconduct by the Bar Standards Board. It maintains an independent Panel made up of barrister, lay and QC members who hear the cases and, if appropriate, determine the appropriate sanctions to be imposed. Disciplinary Panels are made up of three persons, or for the most serious cases five persons. BTAS also administers Interim Suspension Panels (which take place when the BSB believes that it is in the public interest that a barrister be immediately suspended), Fitness to Practise Hearings, where the BSB has concerns about the capacity of a barrister to act on medical grounds, and appeals by barristers against the outcomes of Administrative Sanctions imposed by the BSB.
2. BTAS and its Panel are wholly independent of the Bar Standards Board. Its relationship with the BSB is governed by a Service Agreement which defines the standards and performance expected by one party of the other.
3. Operationally, in 2016 BTAS has met or exceeded all the Key Performance Indicators it has set for itself, and which have been agreed and are carefully monitored by both its Strategic Advisory Board and the Bar Standards Board.

*(Case studies are provided to illustrate the nature of the work that BTAS undertakes)*

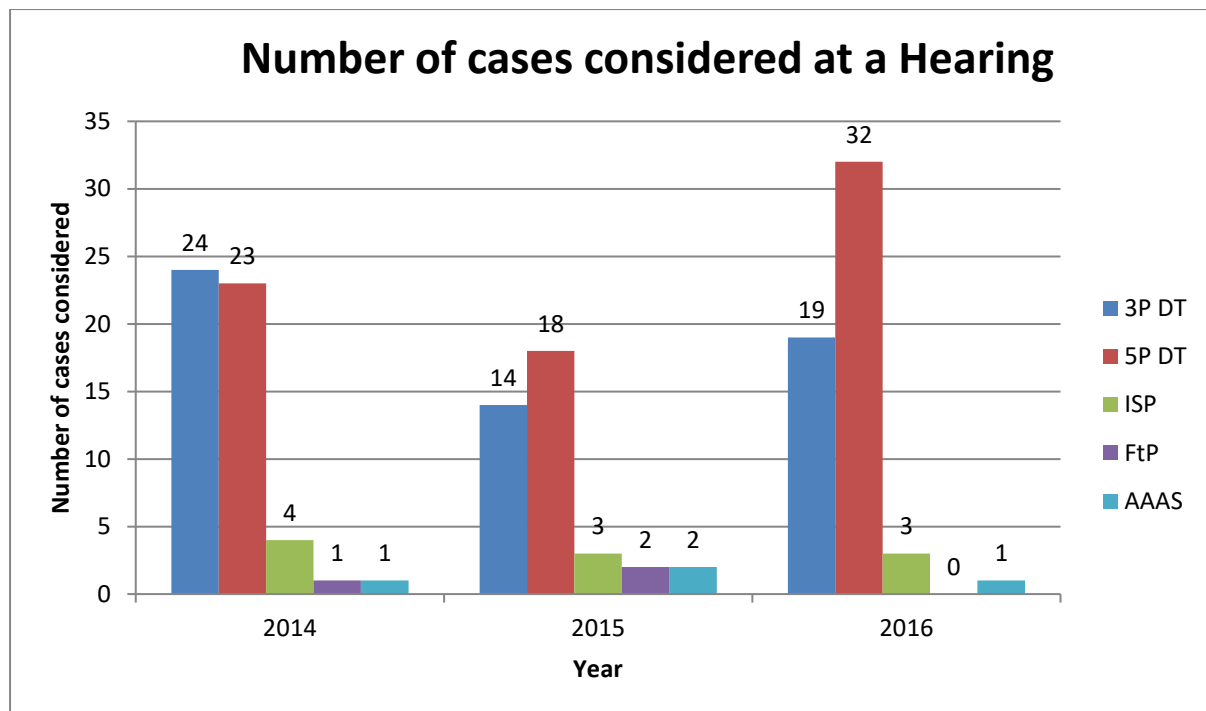
**Case Study 1:** 'A', a barrister, had been convicted of two counts of theft of cash and gold bars for which they were sentenced to four years imprisonment and ordered to pay compensation, a victim surcharge and a deprivation order totalling approximately £150,000.

'A' was charged by the Bar Standards Board with engaging in conduct likely to diminish the trust and confidence which the public places in a barrister or in the profession, and with failing to report the matter to the BSB.

'A' admitted the charges and the Tribunal imposed a sentence of disbarment.

## Number of Cases considered by BTAS Panels in 2016

4. The following chart sets out the total number of Tribunals and Hearings that took place in 2016. Data is also provided for the two previous years for the purposes of comparison:



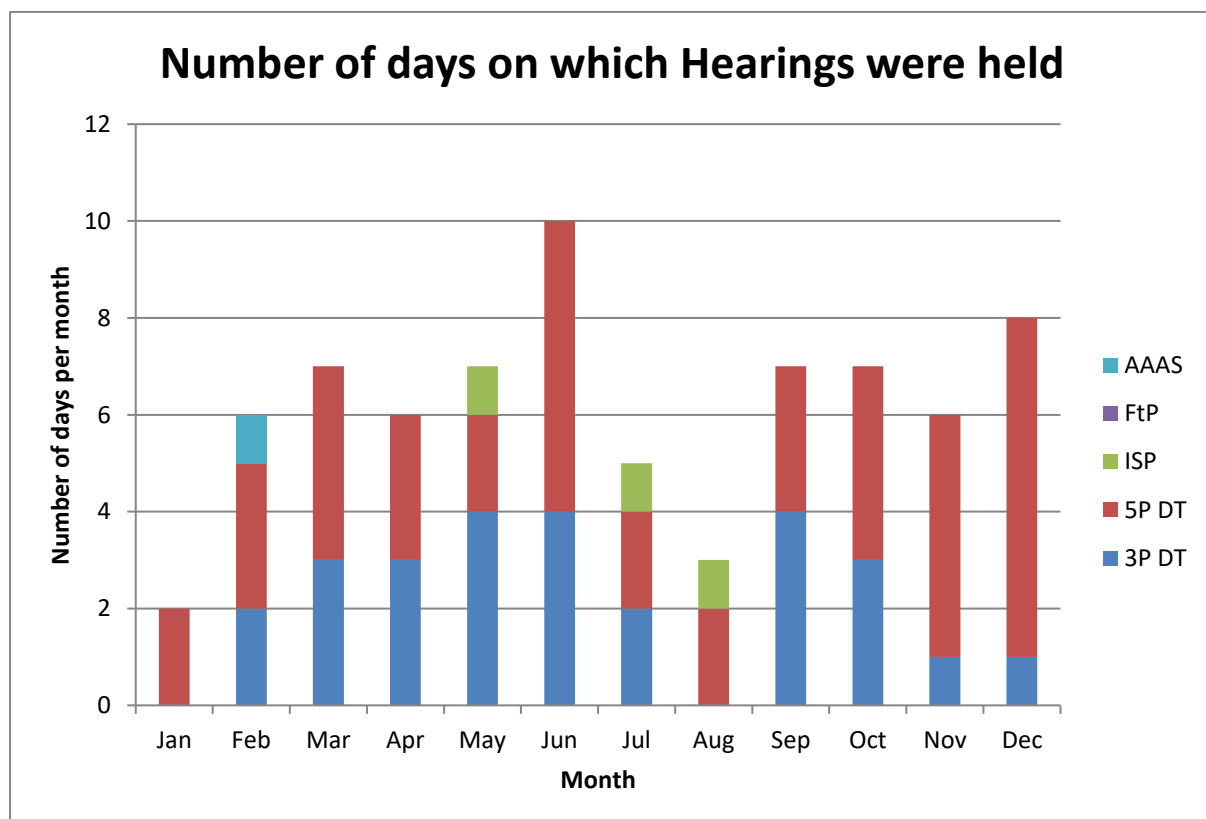
[Key: 3P DT: 3-Person Disciplinary Tribunal  
5P DT: 5-Person Disciplinary Tribunal  
ISP: Interim Suspension Panel  
FtP: Fitness to Practise Panel  
AAAS: Appeal against Administrative Sanctions]

5. 2016 clearly shows a marked increase in the number of Disciplinary Tribunals. This is not expected to represent a significant or ongoing trend. Rather, this should be understood as a temporary 'spike' in the volume of cases being investigated and referred to BTAS by the BSB (for reasons which are not fully understood). Indications from the BSB (who consider and investigate complaints about barristers for several months before determining that they should be referred to BTAS for a Tribunal) are that their caseload has returned to normal levels, and so the expectation is that the number of Tribunals taking place in 2017 will also return towards the levels seen in 2014 and 2015.

6. What may be of greater significance is the increased proportion of Tribunals being heard by five-person panels. 63% of all Tribunals in 2016 were convened as five-person panels, compared with 56% in 2015 and 49% in 2014.
7. The decision as to whether a three- or five-person panel should be convened in each case is made by the Bar Standards Board rather than BTAS, and by implication the BSB must have identified a greater proportion of its cases as more serious and requiring greater sentencing powers that would be available to a three-person panel.

### Number of Days on which Hearings were held in 2016

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

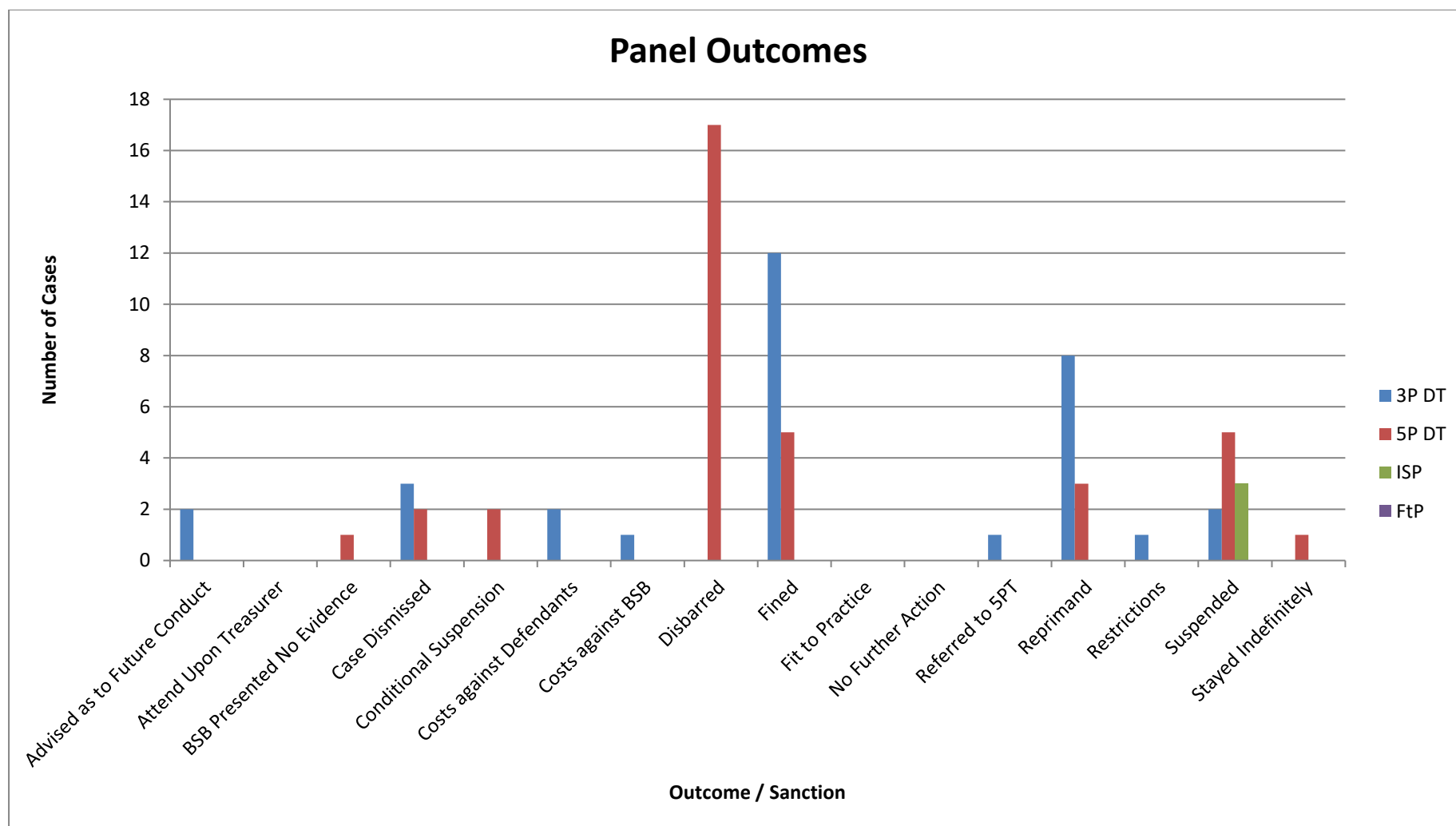


9. In 2016 Hearings took place on a total of 74 days, representing an average of 1.4 days per case. This compares with a total of 51 days and an average of 1.3 days per case in 2015.
10. The negligible change in the average Tribunal length suggests that while the overall number of cases increased, their level of complexity did not.

### **Panel Outcomes in 2016**

11. The Chart below sets out information on the outcomes of all Tribunal and other hearings heard during the course of 2016:



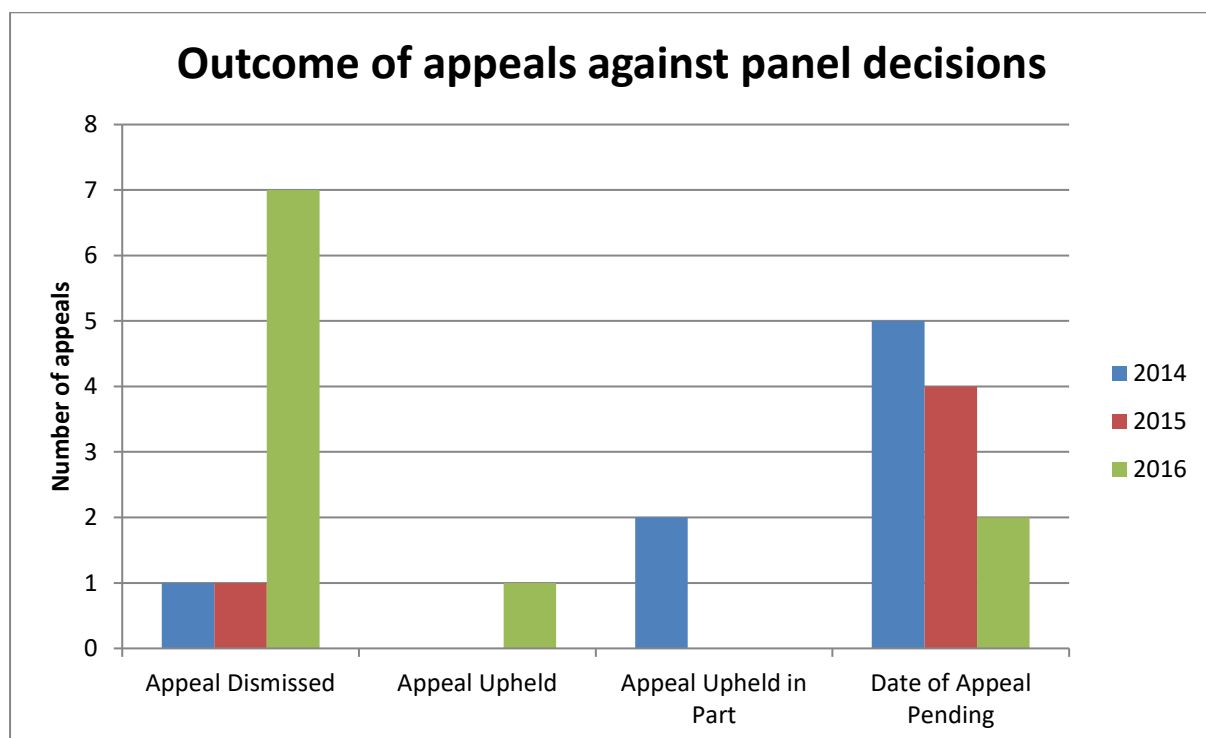


*[Please note that in a number of cases in 2016 Tribunals imposed multiple sanctions (e.g. a fine and suspension) which to aid comprehension have been represented separately on this chart. The effect of this is that the total number of panel outcomes in the chart does exceed the number of panels in 2016].*

12. In 2016, 17 of the 55 Hearings (31%) resulted in the defendant's disbarment. This compares with 18% in 2015 and 32% in 2014.
13. As only Five-Person Disciplinary Tribunals can impose a sanction of disbarment, it is appropriate to highlight that this equates to 53% of such Hearings resulting in an outcome of disbarment. This compares with 39% in 2015 and 74% in 2014.

### Outcomes of appeals against the decisions of Disciplinary Tribunals in 2016

14. Barristers have the right of appeal in the Administrative Court against the decisions and sentences imposed by Disciplinary Tribunals. The chart below sets out the numbers of challenges made to the outcomes of Disciplinary Tribunals in 2016, with numbers for the last two years provided for the purposes of comparison:



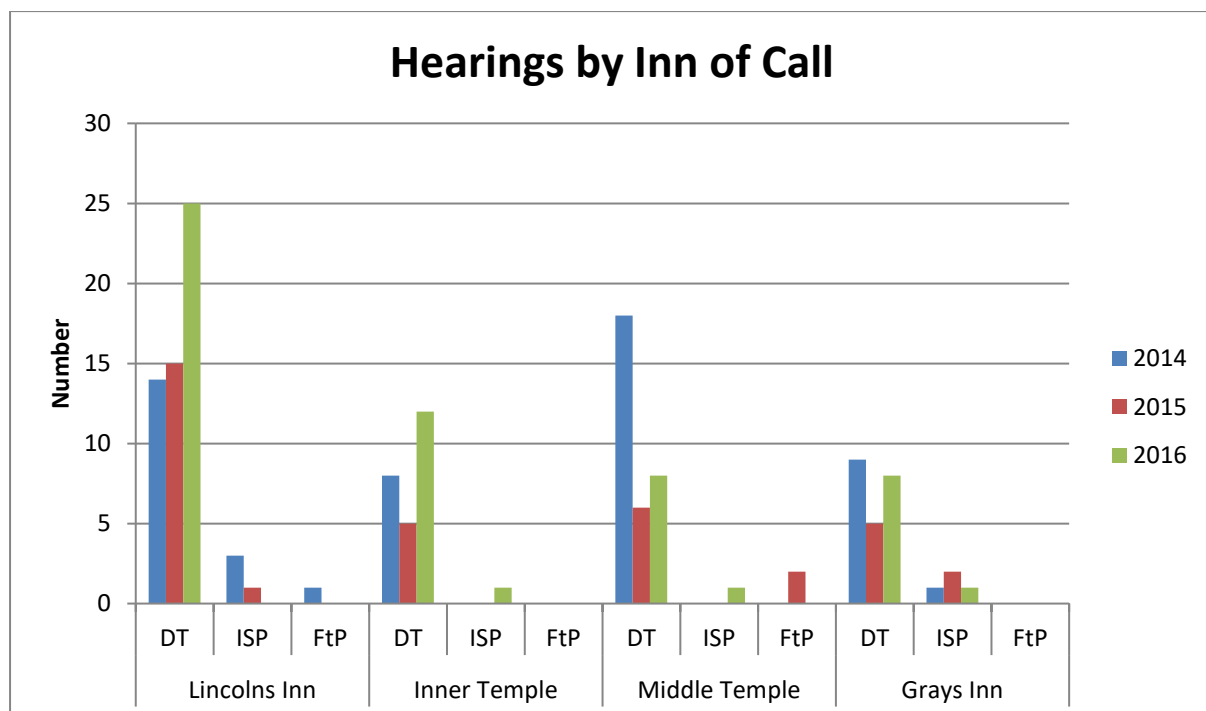
15. While one appeal against a Tribunal's decision was upheld in 2016, this should be seen in the context of a greater proportion of cases being heard, with a further seven appeals dismissed. Nonetheless BTAS carefully

considers the outcomes of all appeals, and particularly those where the actions or decisions of a Tribunal may have been called into question, with a view to further improving the training, guidance and resources available to those who serve as members of Disciplinary Tribunals.

16. In the interests of openness and transparency the judgements of all appeals against the outcomes of Tribunals are posted on the BTAS website.

### Hearings by Barrister's Inn of Call

17. The following chart sets out data on the number of Hearings broken down by the barrister's Inn of Call in 2016, with figures for the last two years provided for the purposes of comparison.



### Directions

18. In addition to the Hearings themselves, BTAS is also responsible for arranging the giving of Directions by appointed Judges or QCs, establishing

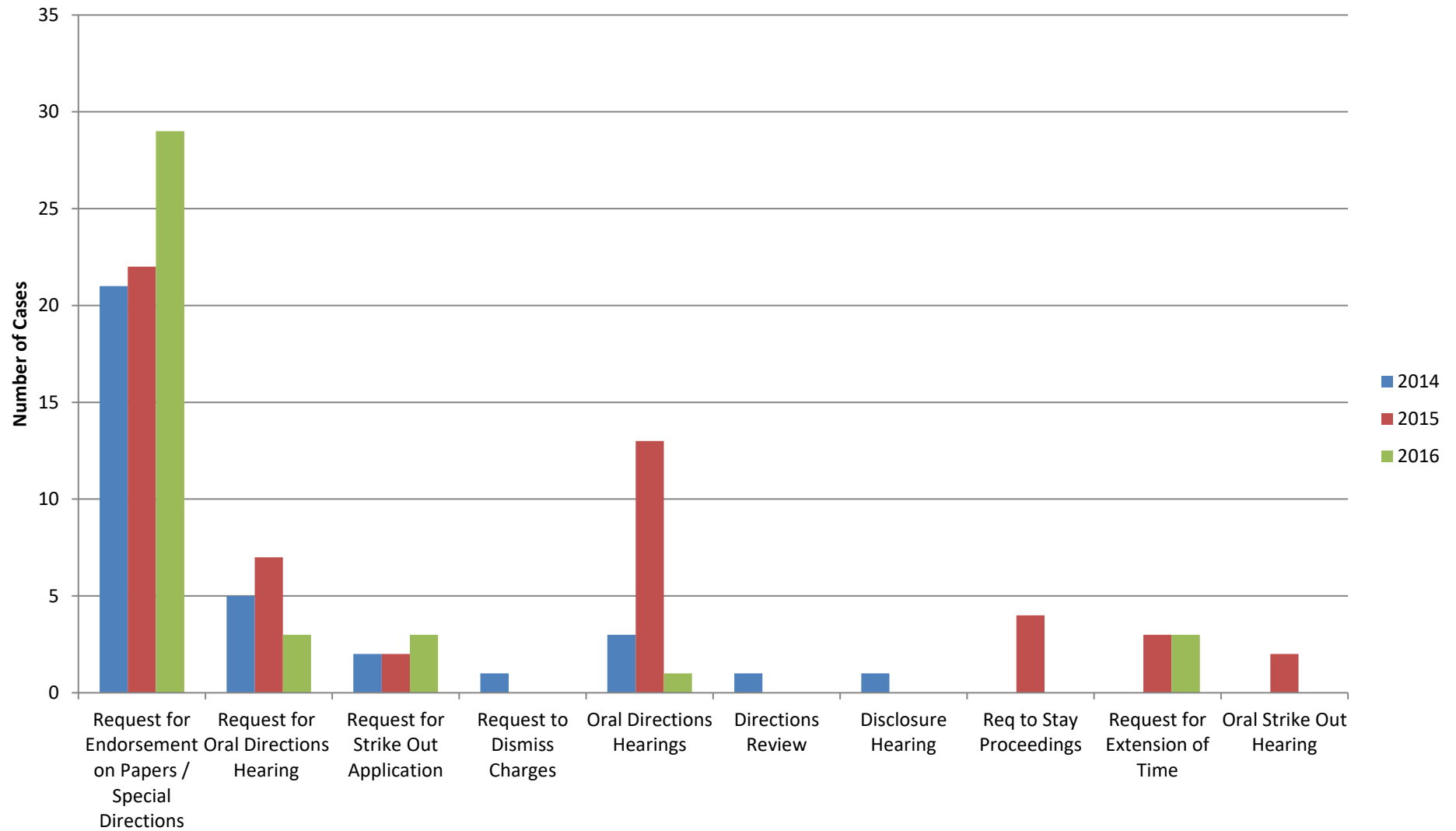
the conduct and timetable for Hearings to both parties where necessary. The chart on the following page sets out data on the number and type of Directions given in 2016, with figures for the last two years provided for the purposes of comparison.

**Case Study 2:** 'B', a barrister was charged by the BSB with authorising covert surveillance of other legal professionals in order secure advantage by improper means.

'B' claimed that they had acted in accordance with legal advice and that the surveillance was legitimate and necessary.

The Tribunal dismissed all the charges against 'B', and found that while those conducting the surveillance had inadvertently included other individuals outside the scope of the investigation, this had not been authorised or caused by 'B'.

## Directions



19. The Directions data also serves to indicate the ‘behind the scenes’ complexities of administering Tribunals, with requests for Directions to be endorsed on the papers or for Special Directions to be approved increasing in proportion to the overall number of Tribunals. As in 2015, in over half of all Tribunal cases, the parties could not reach agreement, and a Judge had to consider submissions and then order Special Directions to be put in place.

### **Disciplinary Tribunal Panel Costs 2016**

20. Panel members and Clerks are entitled to claim reasonable expenses, and in some cases fees, for their attendance at Hearings. Full information about the fees and reimbursement of travel and subsistence expenses for Panellists can be found in the Expenses Policy on the BTAS website. In the interests of transparency and openness, information on payments to Members and Clerks of the Panel in 2016 were as follows:

#### **Hearings Costs**

Fees to lay members for attendance at hearings	£32,775
Fees to clerks for attendance at hearings	£11,880
Expenses to lay members for attendance at hearings	£11,681
Expenses to barrister members for attendance at hearings	£1,980
Expenses to Chairs for attendance at hearings	£1,268

### **Policy and Future Developments**

21. In 2016 BTAS’ Strategic Advisory Board (‘SAB’) commenced a review of the *Sentencing Guidance* provided to Tribunals. Having carefully considered the evidence arising from a review of three years of Tribunal decisions, the outcome of appeals regarding Bar Tribunal decisions in the Administrative Court, and information available from other regulatory bodies, the SAB was satisfied that the existing guidance remained broadly appropriate. It found no grounds to suggest that guidance was clearly too harsh or too lenient,

and was reassured that the review confirmed that the guidance was being followed by Tribunals when determining sentence.

The SAB did however determine that the Guidance should be developed to ensure it covered all the most frequent grounds for Tribunal (by adding sections to cover sexual offences and breach of Direct Access Rules), and then reorganised and restructured to make the guidance more accessible and 'user-friendly' during a Tribunal. This will be done in 2017.

22. On 31 December 2016 BTAS' Service Agreement with the Bar Standards Board was due to expire. BTAS is very pleased that the BSB had no hesitation in renewing this agreement, and that it did so for the maximum possible term of three years.

## THE INNS' CONDUCT COMMITTEE REPORT

23. This is the Report of the Inns' Conduct Committee (**ICC**) for the period from 1 September 2015 to 31 December 2016. This fifteen month period is to enable the ICC to move to a reporting period based on calendar years, rather than academic years as in previous reports. Such a change is intended to make the information in the report more readily understood, and to be consistent with the remainder of the BTAS Annual Report (of which this ICC Report is a constituent part).
24. The ICC is responsible for considering applications for admission to an Inn of Court where there is any matter which might affect whether the applicant is a 'fit and proper' person to become a practising barrister. It also considers disciplinary cases against any student member of an Inn of Court. The ICC's role is referred to in the Bar Training Rules (Part 4B of the Bar Standards Board "Handbook") and its procedures are set out in the ICC Rules. The ICC also publishes a Statement of Principles and Guidelines.
25. Applicants wishing to join an Inn of Court must disclose information about themselves, as required in their Admission Declaration. This includes information about criminal convictions, bankruptcy proceedings and disciplinary matters. Student members of an Inn are also subject to obligations to disclose matters to their Inn, including as required in their Call Declaration and by the Bar Training Rules. Where a relevant matter is disclosed, 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.

### Membership

26. Grateful thanks are recorded to each of the members of the ICC, whose care and commitment in participating in Panels and otherwise in dealing with



matters referred to the ICC, which takes considerable time and energy, is much appreciated.

27. Heather Rogers QC kindly accepted reappointment as Interim Chair of the ICC in August 2016 and until such time as the new ICC rules are implemented (see below for further information).

28. Gordon Catford continued to act as Vice-Chair throughout this period.

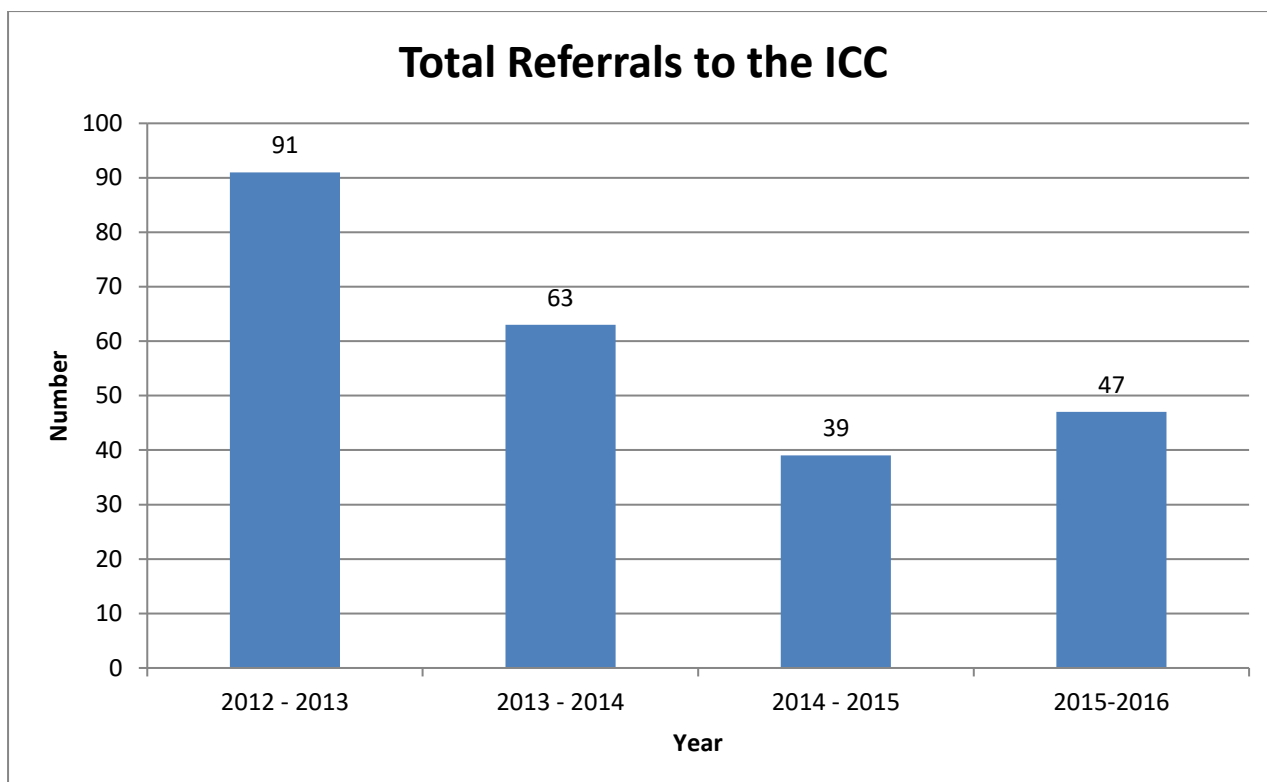
29. It is fully appropriate that grateful thanks be acknowledged to both these individuals for the considerable time and efforts they have devoted to the work of the ICC in 2015-2016. The Chair and Vice-Chair have in turn asked that thanks be recorded to Francis Leeder for his efficiency and tireless efforts in his work as administrator of the ICC.

### **Meeting of the ICC**

30. A meeting of the ICC is planned for early 2017 to discuss the introduction and implementation of new ICC rules during 2017.

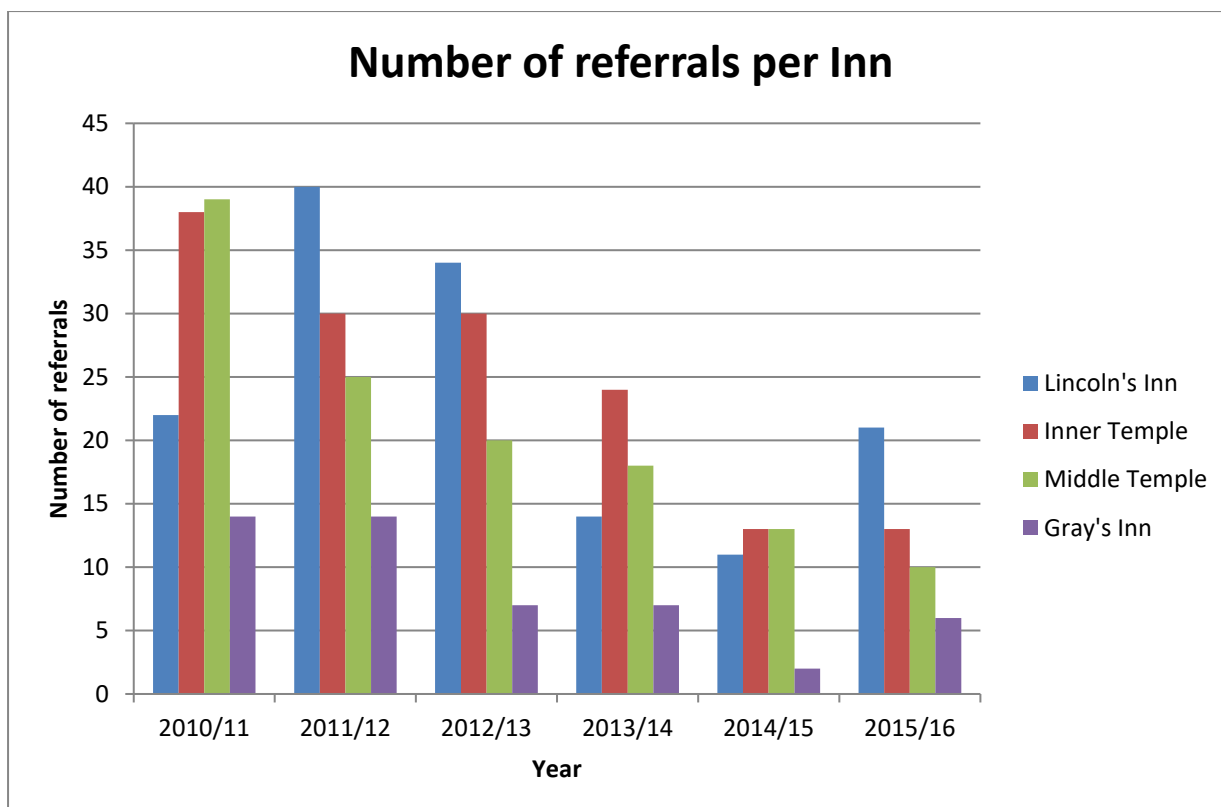
### **Referrals to the ICC**

31. During this period, a total of 47 individuals were referred to the ICC by the Inns:



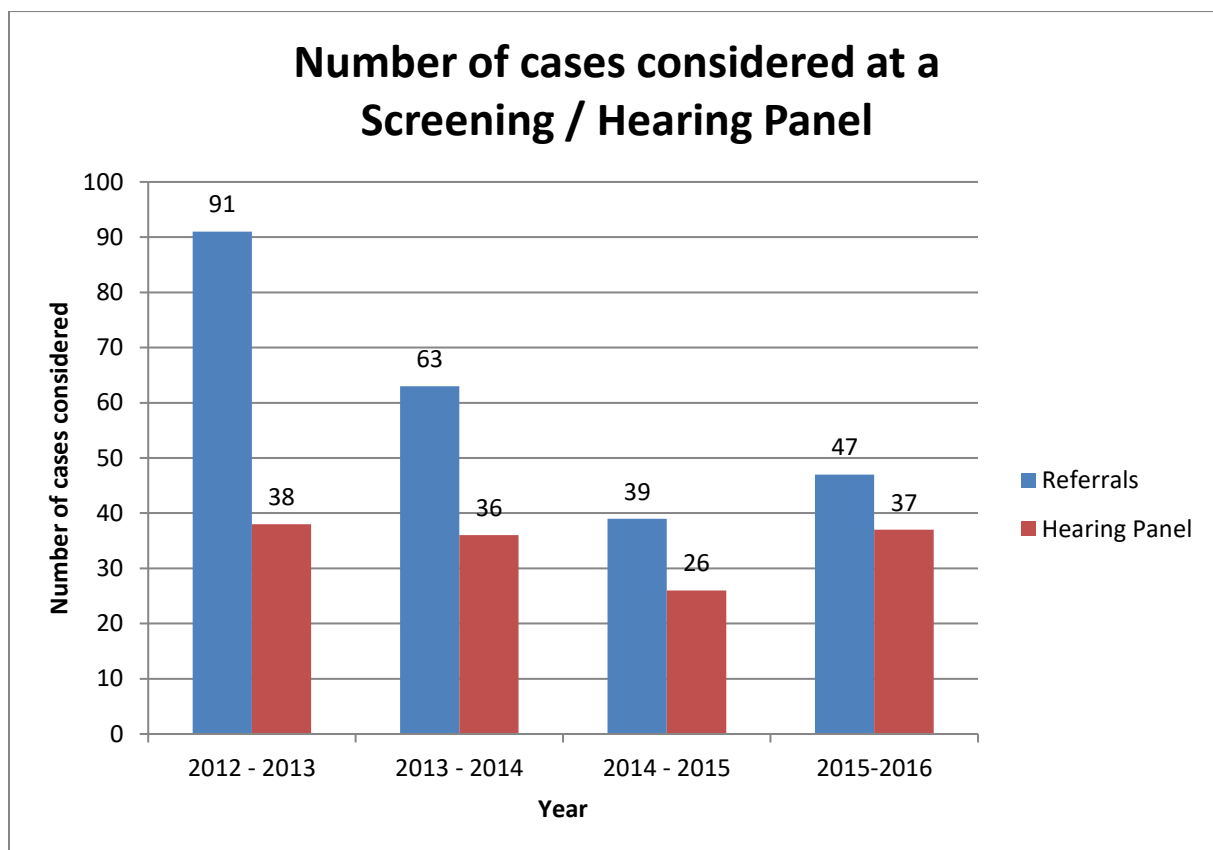
32. This appears to indicate the slight reversal of a previously downwards trend. However, it must be understood that 12 of the cases included in the 2015 – 2016 column were referred in the three month additional reporting period. Thus a like-for-like comparison with previous years would include 35 referrals, which suggests that the number of referrals has broadly plateaued.

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



34. The apparent increase in referrals from Lincoln's Inn in 2015-2016 is not thought to be significant, and the proportions should be seen as a return to previously seen levels (i.e. 2011/12, 2012/13) where it was reflective of the respective student numbers of the Inns.

35. The increase in the total number of cases referred to the ICC during this reporting period inevitably increases the number subsequently referred to a Hearing Panel for consideration:

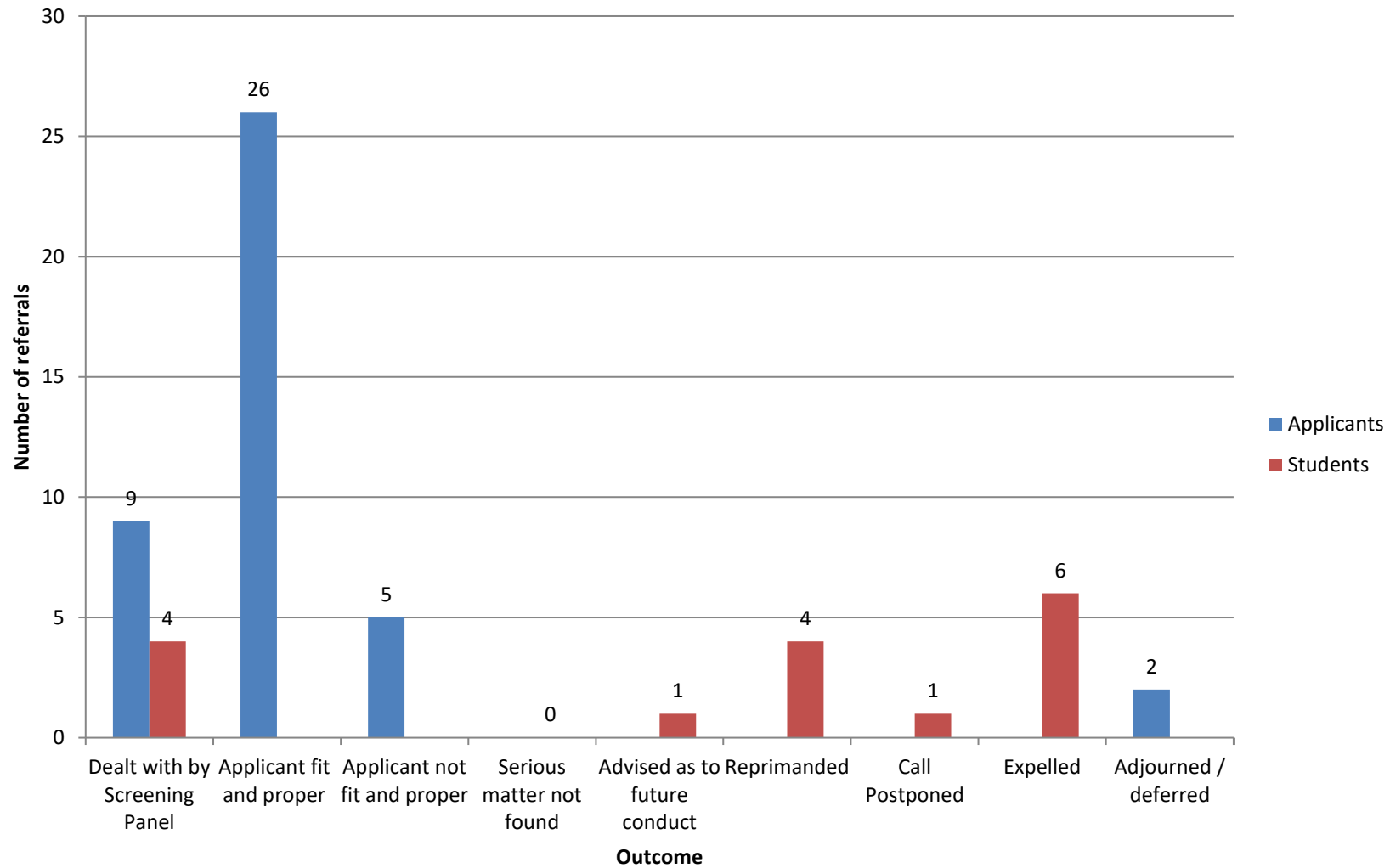


36. What is more significant to note is the consistent and sustained increase in the proportion of referred cases being considered by a Hearing Panel. This has risen from 42% in 2012-2013 to 79% today. Since the overall number of Hearing Panels has remained broadly constant since 2012, this would seem to suggest that the policies and thresholds for referring cases to the ICC are becoming better understood by applicants, students and the Inns, and that the process is working efficiently.

37. In addition to the cases *referred* to the ICC during the reporting period, for transparency it should be noted that additional cases had been referred to the ICC during the previous (2014-2015) reporting period, but which were only concluded in the 2015-2016 period. This meant that the total number of cases dealt with by the ICC during 2015-2016 was in fact 58.

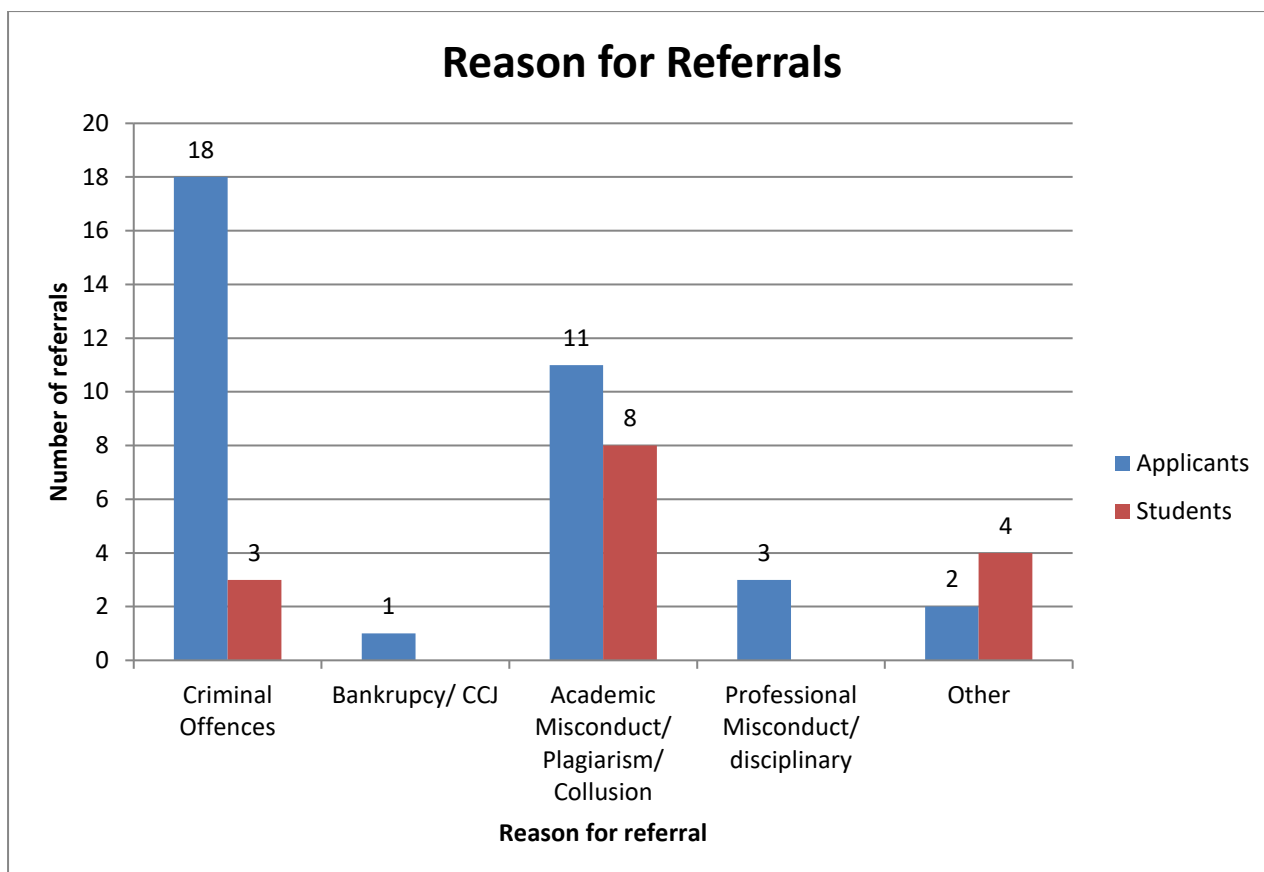
38. The outcomes of the **58** cases dealt with by the ICC in 2015/2016 were as follows:

## Outcome of Referrals to ICC



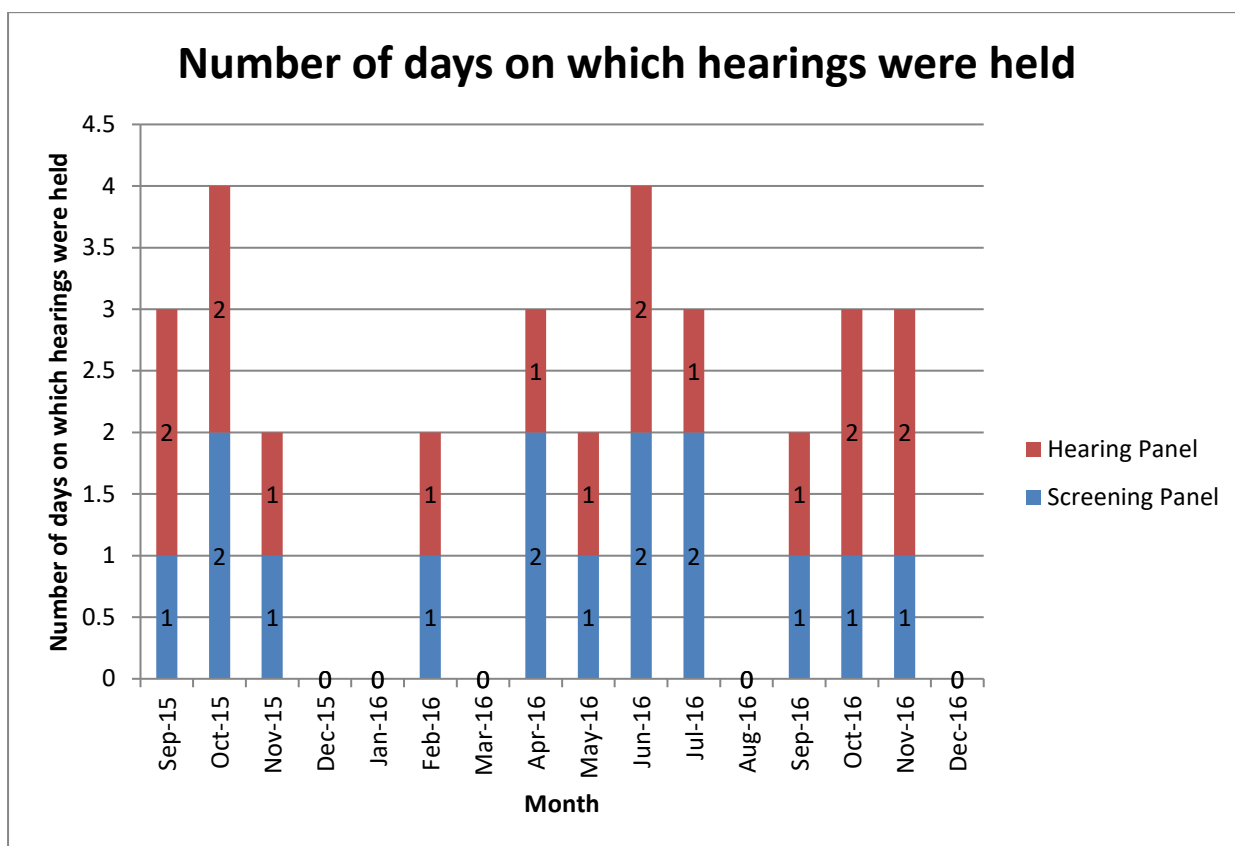
- (1) **42** were applicants to join an Inn. As to these:
  - (a) The Screening Panel found in **9** instances that a referral to a Hearing Panel was not required in order to determine whether the Applicant was 'fit and proper' to become a practising barrister. Each of these Applicants was returned to the Inn to which they had applied, to be admitted as a member.
  - (b) **31** were referred to an ICC Hearing Panel.
    - (i) **26** 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) **5** individuals were found not to be 'fit and proper'. Accordingly, the referring Inn would not admit them as a member.
    - (iii) **2** individuals had their referrals adjourned or deferred into the 2015-2016 ICC year.
- (2) **16** were student members of an Inn. Of these:
  - (a) In **4** instances, the Screening Panel found that it was not necessary to refer the person to a Hearing Panel. The Inn was so informed.
  - (b) **12** individuals were referred to an ICC Hearing Panel for determination.
    - (i) In **6** instances, where a Serious Matter was found proved, the individual was expelled from their Inn.
    - (ii) In the remaining **6** cases, where a Serious Matter was found proved, the student was either reprimanded, advised as to their future conduct and in **1** instance their Call to the Bar was delayed by 9 months . These students remained a member of their Inn.

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



40. As in previous years, the most frequent reason for referrals related to the commission of criminal offences. However, there has been a significant increase in the proportion of referrals related to academic misconduct (amounting to 38% of all referrals in 2015/16) compared in 2014-2015 (8%). Given the low numbers involved this may simply be a statistical anomaly, and this will be monitored in future years.

41. The following Table sets out the number of Screening Panels and Hearing Panels which took place each month. Over the course of 2015/2016, there were **15** Screening Panels and **16** Panel Hearings. Both Screening Panels and Hearing Panels often consider more than one individual referral.



**Case Study 3:** 'C', a student member of one of the Inns of Court, disclosed they had previously been convicted for a joint enterprise offence occasioning grievous bodily harm for which they had received a custodial sentence.

The ICC Panel carefully questioned 'C' on their involvement in this crime. The Panel noted that the mind-set behind the offence would be the same as that of murder had the victim died of their injuries. Indeed, the injuries of the victim were significant and included multiple fractures to the skull as a result of being hit with a metal object. The Panel noted that in time which had elapsed since 'C's release from custody there was no record of reoffending but, when questioned by the ICC Panel about the offence, 'C' sought only to distance themselves from the crime, denied responsibility, blamed their representation and provided several inconsistent accounts of the events.

It was noted that the motive behind the original offence had been to prevent the victim from exercising their legal rights and the ICC Panel concluded that that this was inconsistent with the cardinal values of the profession. It was directed that 'C' be expelled from their Inn.



## Applications for review of ICC decisions

42. An applicant or student who is dissatisfied with the outcome of a referral to the ICC may apply to the Bar Standards Board (**BSB**) for a review of the ICC decision. Applications for review are dealt with, on the basis of consideration of documents submitted to it, by the BSB's Qualifications Committee.
43. In 2015/16 **one** application for review was submitted to the BSB. This compares with 5 in 2013-14 and none in 2014-2015.

## Other Developments

### Disputed Facts Protocol

44. The great majority of cases referred to the ICC consider issues for which the facts have previously been determined elsewhere (convictions following criminal conduct; or bankruptcy after business failure etc). The ICC Rules themselves make clear that such facts must be regarded as 'sufficient evidence' of an individual's conduct, and that the ICC's role in such cases is to give such weight to these facts and any mitigating / aggravating factors as it considers reasonable.
45. However, the *Bar Training Rules* also set out that students may also be referred by an Inn if they have "otherwise been guilty of any conduct discreditable to a member of an Inn" (BTR rQ104.f). While in some cases the facts of a matter might be admitted, in others they might be fiercely disputed by the individual in question, and it became clear that the members of the ICC had insufficient guidance to ensure such cases were fairly and reasonably considered.
46. Accordingly the ICC's *Disputed Facts Protocol* has been developed, and is available in the public domain at: <http://www.tbta.org.uk/wp-content/uploads/2013/07/ICC-Disputed-Facts-Protocol.pdf>

## Revisions to the ICC Rules

47. In January 2017 it was confirmed that the BSB have received an Exemption Order from the Legal Services' Board allowing the implementation of new ICC rules.
48. The revisions to the ICC Rules were developed by a Working Group, with input from the Inns of Court; they were reviewed by external solicitors and by the lay and legally-qualified members of the BTAS Strategic Advisory Board; and they were reviewed and approved by the members of the ICC and the Board of Trustees of the Council of the Inns' of Court (**COIC**). The key changes proposed can be summarised as follows:
- (a) To reform the ICC so as to be an executive committee responsible for policy and standards (and no longer responsible for hearing individual cases).
  - (b) That established practice is, wherever possible, detailed in the new Rules to increase transparency and regularise existing arrangements.
  - (c) For members of the Disciplinary Tribunal Pool to be delegated responsibility to hear ICC matters (both on the grounds of operational efficiency and because members of the Pool are already subject to rigorous selection, training and appraisal mechanisms).
49. It is intended that the new Rules will come into effect on or shortly after 24 April 2017.
50. While further changes to the ICC Rules had been previously considered (such as specifying a burden and standard of proof; and to provide for hearings to take place in private), these potentially more contentious proposals were withdrawn for the time being so that the remainder of the new Rules could come into effect as soon as possible.

**Case Study 4:** When applying to become a Member of one of the Inns of Court, 'D' disclosed several previous criminal convictions including assault occasioning actual bodily harm, theft and criminal damage. These offences had resulted in at least one custodial sentence.

The ICC Hearing Panel noted that the offences were committed during 'D's youth and that many of these were the result of racially aggravated bullying which 'D' had been the victim of over many years. The Panel noted that in the more than 10 years following the convictions there was no record of reoffending and indeed during this time 'D' had forged an impressive and successful career, started a family and found religion. 'D' was supported by a number of excellent character references, all from persons who were fully aware of the detail of the convictions. The ICC panel agreed that 'D' could now with confidence be regarded as a fit and proper person to become a practising barrister.

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

52. Members of the Disciplinary Tribunal Pool and clerks serve at Hearing Panels convened to hear Disciplinary Tribunals (both three and five-person Panels), Interim Suspension Panels, Fitness to Practise Hearing Panels and Appeals Against Administrative Sanctions (imposed by the Bar Standards Board). During 2016 they had no involvement with matters before the Inns' Conduct Committee (ICC), which was the responsibility of an entirely separate Panel.

### **Reappointments to the Panel in 2016**

53. Twenty four members of the Pool completed their first term of office in the first few months of 2016 (these individuals had been appointed in 2013 for an initial term of three years). Having first considered their continuing eligibility, completion of any mandatory training, and confirmed that they had satisfactorily taken part in the appraisal process, the TAB recommended to the President of the Council of the Inns of Court that twenty two of these Panellists be reappointed for a second term of three years, as required by the terms of the *Appointments Protocol*. This recommendation was subsequently accepted and approved by the President. The two remaining individuals were unable to be reappointed for a second term due to the pressure of other commitments.

## **Panellists and Clerks in 2016**

54.As at 31 December 2016, the Disciplinary Tribunal Pool was made up as follows:

- 25 Barrister Panel Members
- 30 Lay Panel Members
- 11 QC Panel Members
- 11 Clerks

55.The following individuals stepped down from the Pool during the course of the year:

- Barrister Panel Members: Marcus Tregilgas-Davey, following his appointment as a Circuit Judge.
- Lay Panel Members: Sheila Brougham, due to other professional commitments.
- QC Panel Members: Stephen Rubin QC due to other professional commitments, and Amanda Tipples QC, due to her appointment as Chair of the Chancery Bar Association.
- Clerks: Nicola McKinney, due to other professional commitments.

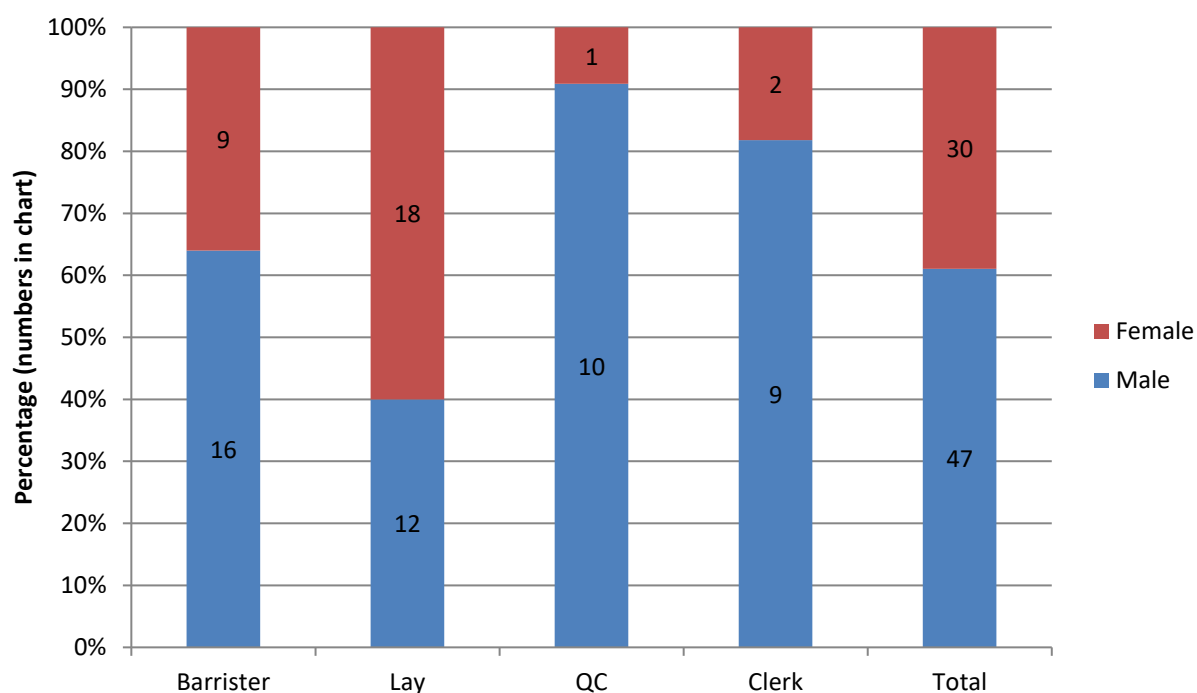
The TAB would like to record its sincere appreciation for their efforts over the years, and wish them every success for the future.

56.Full details of the membership of the 2016 Pool is available at (<http://www.tbta.org.uk/about-us/who-we-are/panel-members/> ).

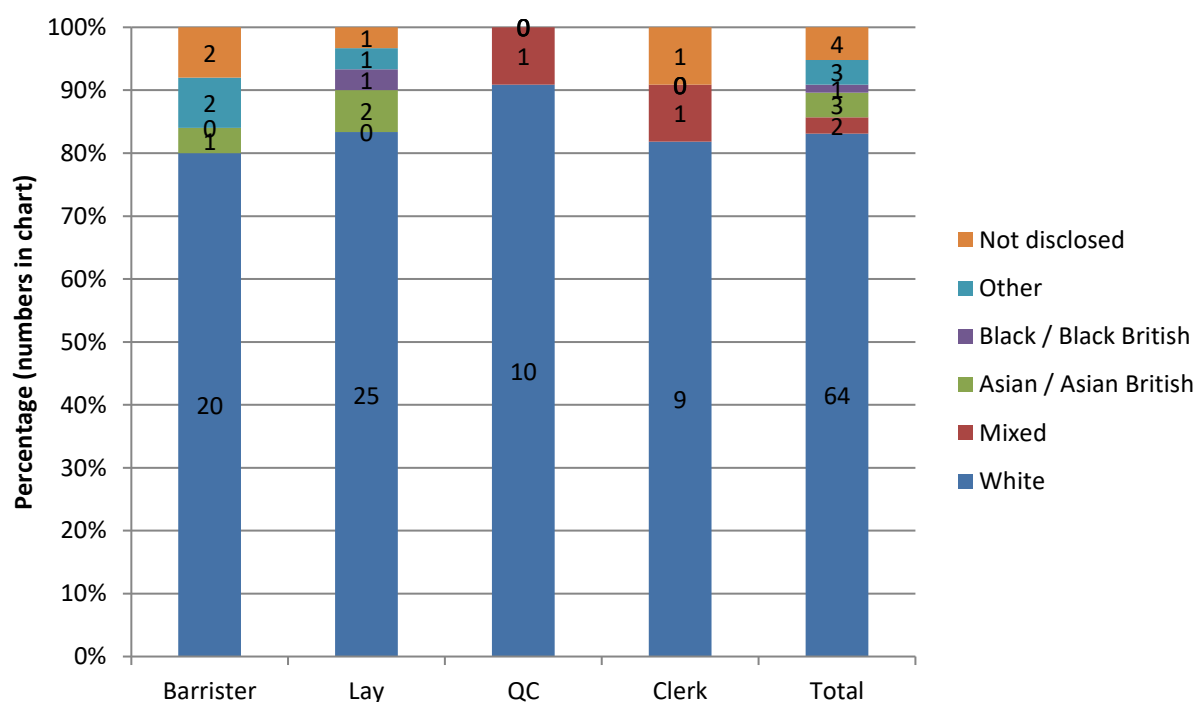
## **Composition of the Pool in 2016**

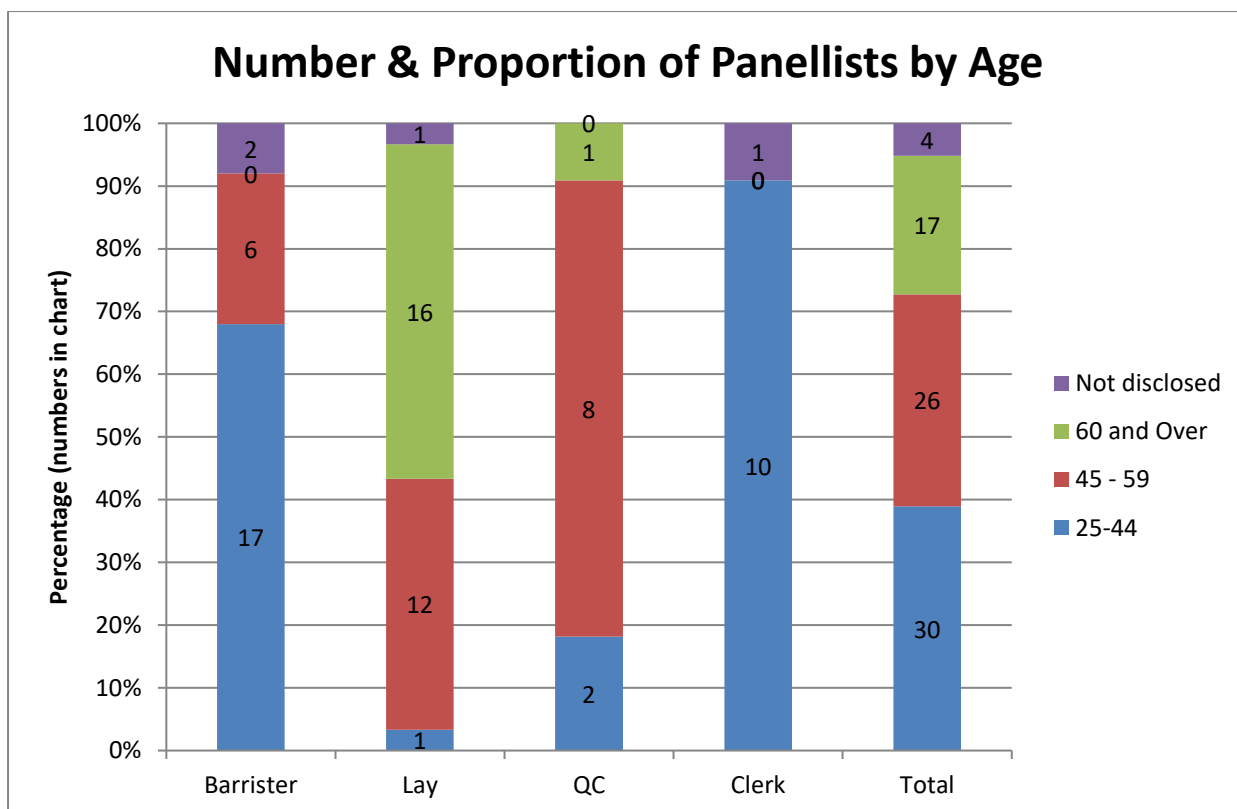
57.The following charts sets out information about the composition of the Pool by gender, ethnicity and age (as at 31 December 2016):

## Number & Proportion of Panellists by Gender



## Number & Proportion of Panellists by Ethnicity

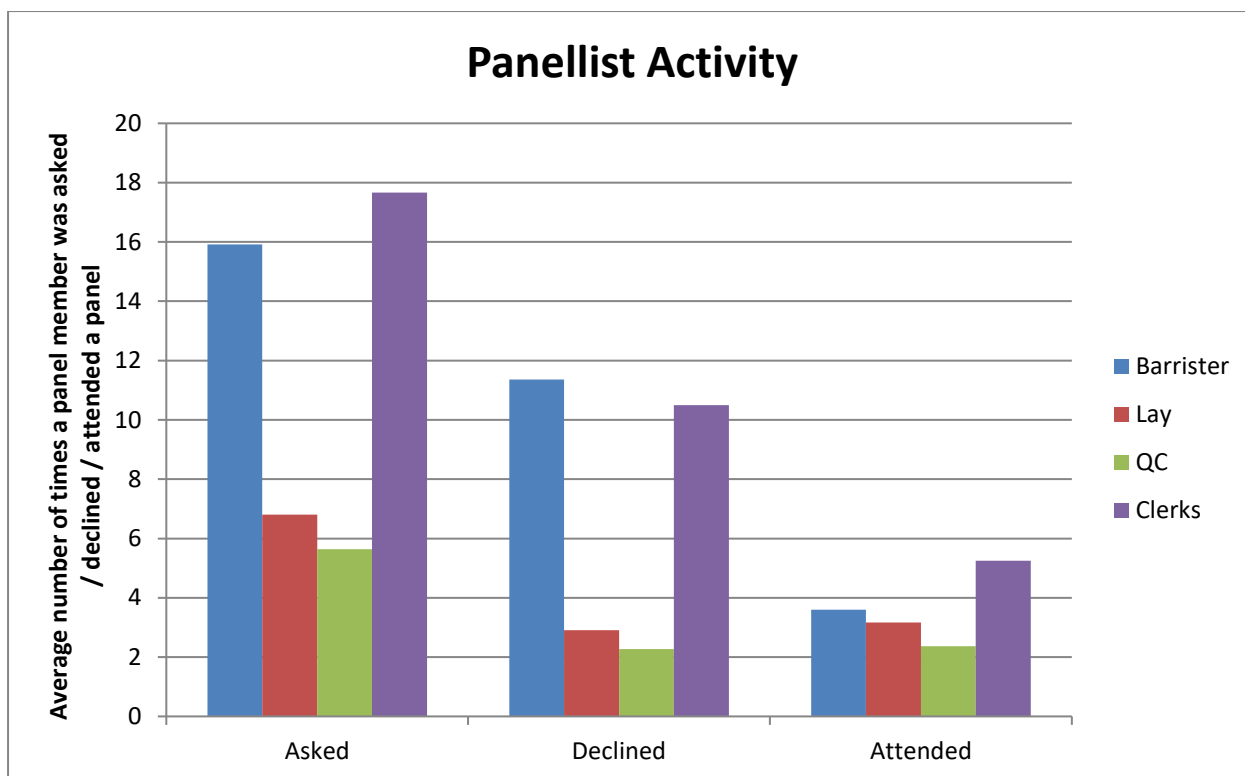




58. Three Members of the Pool consider themselves disabled, and in all cases BTAS has made reasonable adjustments to enable them to act.

### Panellist Activity in 2016

59. Given that a total of 55 Hearings took place in 2016, the number of Tribunals which the average Panellist had the opportunity to serve in the year is inevitably rather low. This is demonstrated in the chart below:



*As well as the number of Hearings ‘attended’, the chart also sets out (‘Asked’) the average number of times members were contacted and asked to serve on a Tribunal, and (‘Declined’) the average number of times members declined a request to serve on Tribunals (due to other commitments, etc).*

60. While some Hearings are complex cases and can last for several days, it is equally possible for others to be concluded in a matter of hours. The average length of a Hearing in 2016 was 1.4 days, which means that the data in the chart above is not unrepresentative of the total average contact time Panellists had with BTAS Tribunals during the year.

61. It should be understood when considering the chart above that, to encourage diverse panels, care is taken to avoid simply appointing the same individuals time after time. Therefore, individuals with poor availability may be asked a large number of times over the course of the year, whereas individuals who accept and attend (for example) the first three hearings they are contacted about in a year may not be contacted again.

62. The size of the current Pool, when recruited in 2012, was based on the assumption that there would be many more hearings taking place than at



present. This is because the BSB subsequently changed its procedures enabling it to deal with less-serious matters itself, under its 'Administrative Sanctions' procedures.

63. While the TAB's priority is ensuring that the Pool is large enough that sufficient Panellists will always be available to serve on a Tribunal whenever one needs to be convened, it is nevertheless mindful that Panellists are likely to require a certain level of activity to develop familiarity and expertise in the role. The TAB would like to see the average number of Hearings attended per Panellist to increase from the current level of approximately 3 per year. This however can only be achieved if the number of Hearings were to return to previous levels, or the size of the Pool is reduced.

64. As reported in the Inns' Conduct Committee Report, revisions to the ICC Rules due for implementation in 2017 will mean that responsibility for considering the conduct of applicants to, and students of, the Inns of Court will transfer from the membership of the Inns' Conduct Committee itself, to the members of the Disciplinary Pool. When this comes into effect there will be some uplift in the activity levels of Panellists.

### **Recruitment to the BTAS Disciplinary Pool in 2016**

65. Throughout 2016 the TAB's work was dominated by the recruitment of individuals to act as new Members and Clerks of the Disciplinary Pool.

66. Advertisements for new Members and Clerks of the BTAS Disciplinary Pool were placed in *The Times*, in *Counsel Magazine*, and disseminated via the Inns, Circuits and SBAs in early 2016. Applications were submitted via a website developed to the TAB's requirements by an external specialist recruitment company.

67. Applicants were required to provide details about their career, education and other qualifications/awards. In addition, applicants were required to answer a number of competency-based questions (such as *“Please provide an example of a time when you challenged others’ thinking in order to reach a shared, balanced way forward”*). Applications closed in April 2016.
68. Shortlisting was conducted by the members of the TAB, after receiving specialist training. All applications were anonymised before shortlisting, with all identifying information (including the names of Chambers of barrister applicants) removed to avoid the possibility of bias. While equality and diversity data was collected from applicants, again this was not shared with those conducting the shortlisting.
69. All TAB members (excluding the Chair) were allocated an equal ‘share’ of applications for them to assess online. One application was received in hard copy on the grounds of it being a reasonable adjustment due to disability, and was reviewed by the Chair. Each element of an application was eligible for the award of a numerical mark, which were summed to provide a total score for each candidate.
70. The shortlisting process was completed in early July 2017. The TAB Chair consistency checked / double-marked approximately 15% of all applications, with these applications taken from just above or below the ‘cut off’ score needed to receive an interview.
71. Interviews commenced in September 2016, and were preceded again by specialist training for the members of the TAB. The last interview took place in late October 2016.
72. Interview Panels were convened with three members of the TAB. In circumstances where one interviewer had to unexpectedly stand down from the panel (due to illness or sudden unavailability etc) the interview still took place subject to it conforming to the agreed policy for all interviews – namely that there must be at every interview at least one legally qualified and one lay member of the TAB present. In addition, a QC

member of the TAB was present whenever QC applicants were being interviewed. Interviews took the form of an initial 10 minutes of questions for member applicants on a scenario (such as whether or not to adjourn a Tribunal on the day of the hearing) for which candidates were given 30 minutes to prepare, and 35 minutes of competency-based questions for all applicants. Again, all elements of the interview were eligible for the award of a numerical mark, which were summed to provide a total score for each candidate.

73. The numbers to be offered appointment were agreed by the TAB based on the forecast future workload of the Disciplinary Pool, and those selected were simply those who had achieved the highest scores at interview. In addition it was agreed that some candidates deemed of appointable standard, but surplus to expected requirements, would be offered the opportunity to be put on a 'reserve' list so that they might be approached should the future workload of the Panel unexpectedly increase.

74. All appointments are subject to two satisfactory references being received, plus mandatory induction training including the observation of a Tribunal).

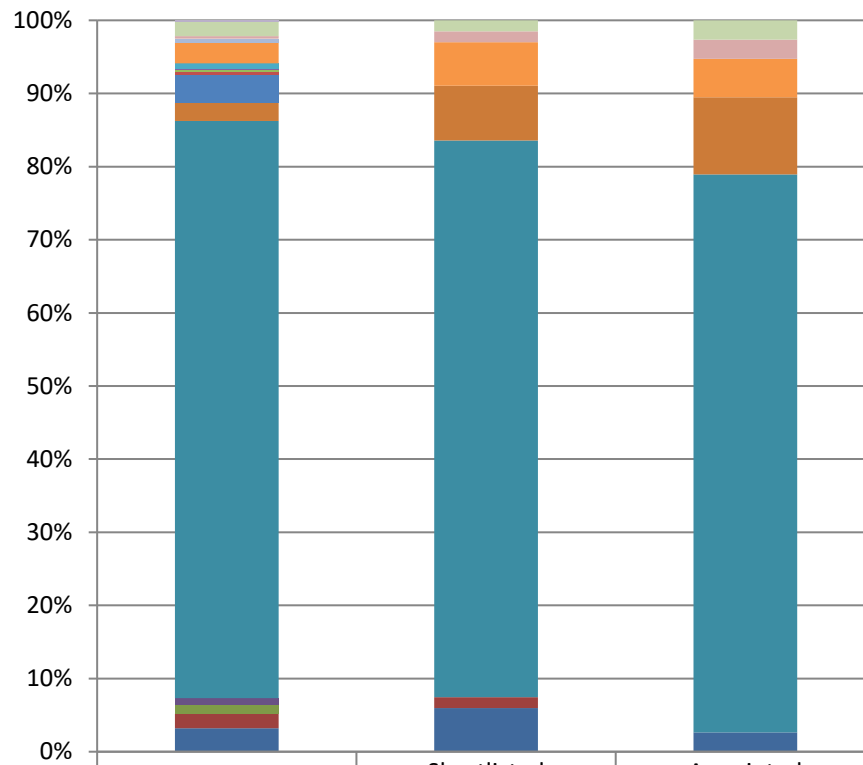
75. A summary of the activity is as follows:

	Total applications received	Number invited to interview	Interviews Held*	Candidates selected	Reserves
Barrister Members	72	19	16	10	4
Lay Members	451	25	24	9	3
QC Members	22	12	12	8	3
Clerks	16	11	10	7	2
Total	561	67	62	34	12

*\* The apparent discrepancy between the numbers invited to interview and the number held is due to a small number of candidates choosing to withdraw from the process.*

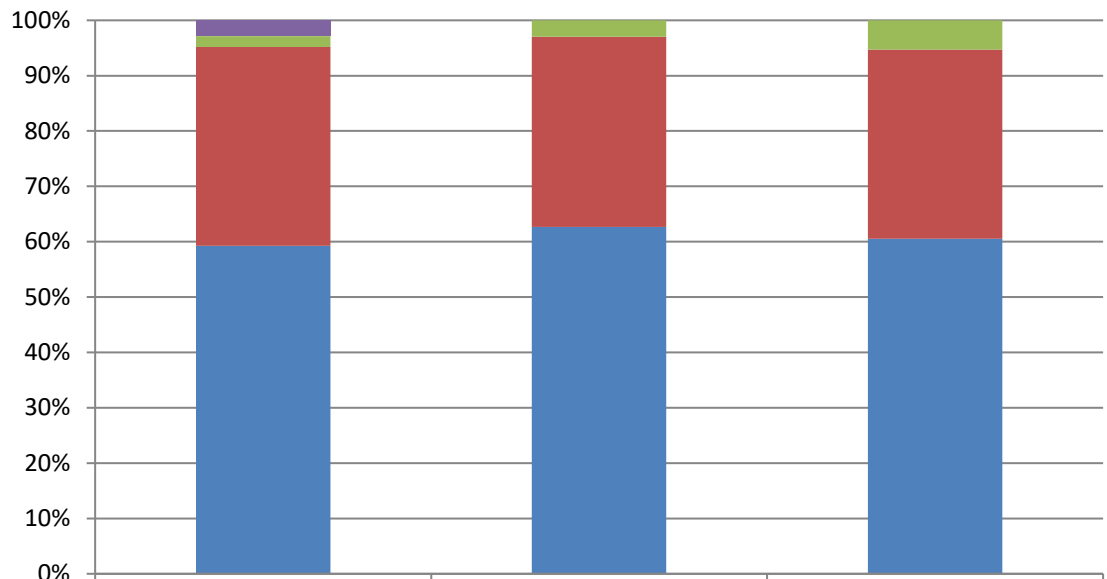
76. Equality and diversity data for those candidates who applied to become members of the Pool in 2016 (and submitted an equality and diversity monitoring form) is as follows:

## All Candidates - Ethnic Origin



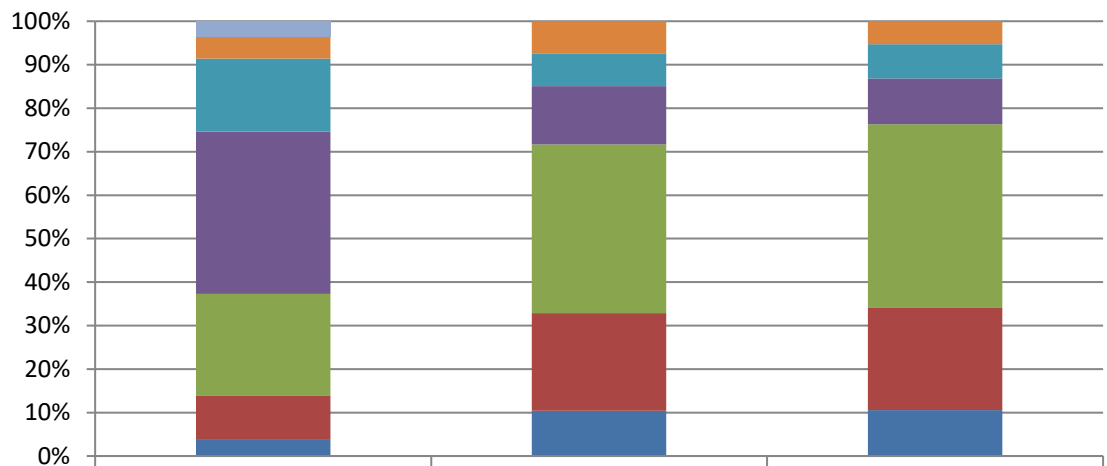
	All Candidates	Shortlisted Candidates	Appointed Candidates
Bangladeshi	1	0	0
White Other	11	1	1
White Black Caribbean	2	1	1
White Asian	3	0	0
Prefer not to say	16	4	2
Other	4	0	0
Mixed other	1	0	0
Black Other	1	0	0
Asian Other	3	0	0
No answer	21	0	0
Irish	14	5	4
White British	442	51	29
African	5	0	0
Caribbean	7	0	0
Pakistani	11	1	0
Indian	18	4	1

## All Candidates - Gender



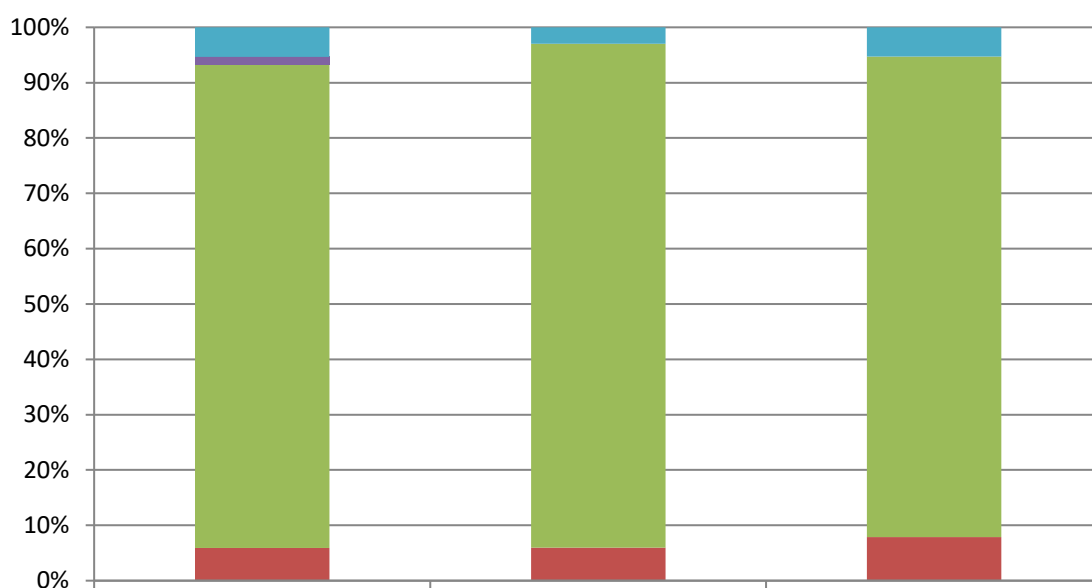
	All Candidates	Shortlisted Candidates	Appointed Candidates
No answer	16	0	0
Prefer not to say	11	2	2
Female	201	23	13
Male	332	42	23

## All Candidates - Age



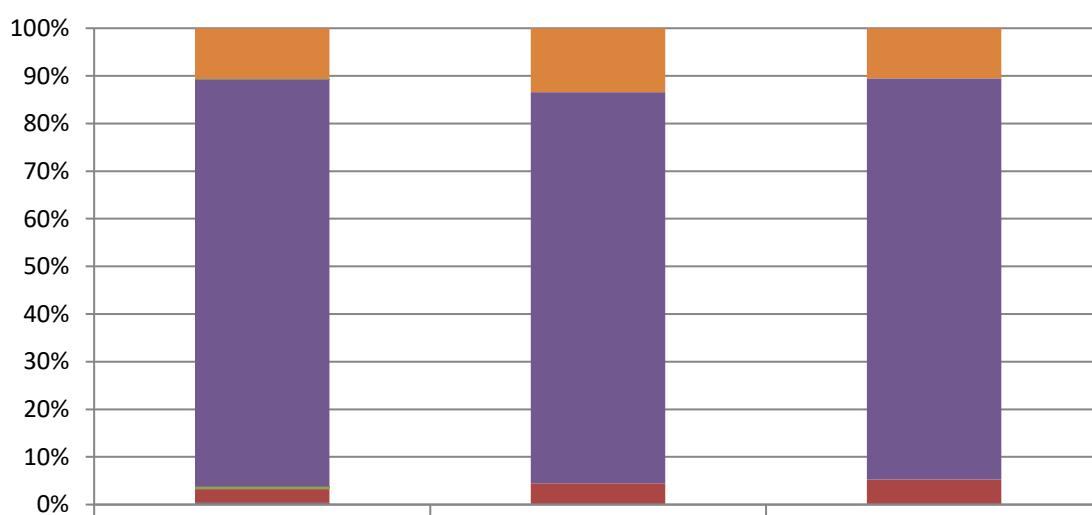
	All Candidates	Shortlisted Candidates	Appointed Candidates
No answer	20	0	0
Prefer not to say	28	5	2
65 and over	94	5	3
55-64	209	9	4
45-54	131	26	16
35-44	57	15	9
25-34	21	7	4

## All Candidates - Disability

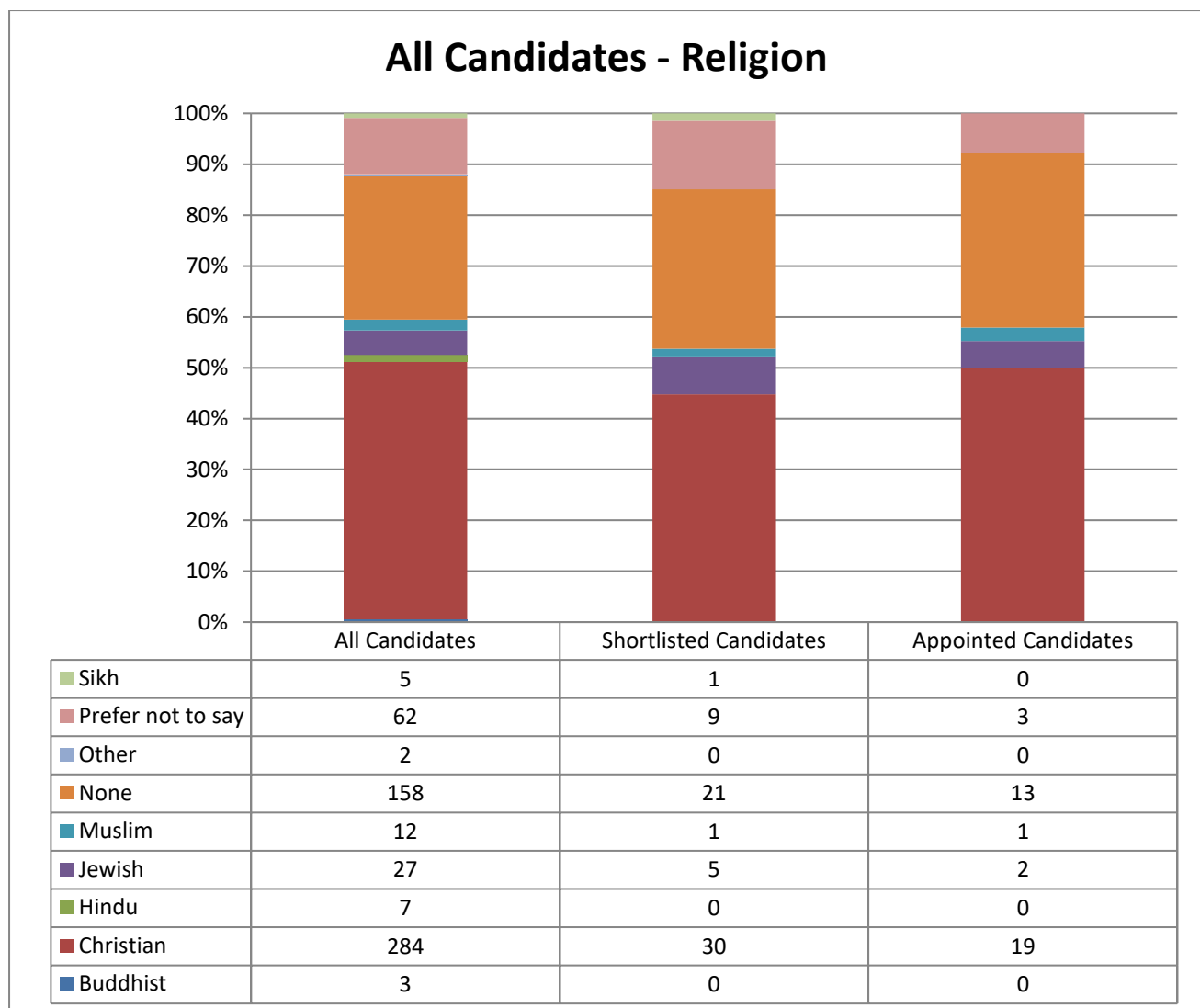


	All Candidates	Shortlisted Candidates	Appointed Candidates
Prefer not to say	30	2	2
No answer	8	0	0
No	489	61	33
Yes	33	4	3

## All Candidates - Sexual Orientation



	All Candidates	Shortlisted Candidates	Appointed Candidates
Prefer not to say	60	9	4
Other	1	0	0
Heterosexual	478	55	32
Gay woman	3	0	0
Gay man	16	3	2
Bisexual	2	0	0



77. With one exception, it can be seen that the overall proportions of applicants broken down according to their reported equality and diversity data remained broadly constant throughout the selection process.

78. The exception to this picture is that of age. It is noticeable that while less than 40% of the overall body of applicants was aged 54 and under, that proportion changed to over 70% following shortlisting for interview. It should be kept in mind that the shortlisting was done 'blindfolded' with no information about candidates' age (including dates that qualifications were achieved) made available to TAB members. The reasons for this shift, and its significance, are not fully understood and will be considered further and monitored in future.



79. In the interests of transparency and openness, information on the costs of the 2016 recruitment exercise are as follows:

Fees and expenses for TAB Members for attendance at training, interviews and decision-making meetings	£9,777
Advertising and application website development costs	£23,173
Recruitment Consultancy and Training Costs	£5,316

80. The next recruitment exercise is scheduled to take place in 2019.