



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Recruitment and Selection Policy

Contents

1. Introduction	2
2. Statement of intent.....	2
3. Purpose of this policy	2
4. Scope of the policy	2
5. General principles.....	3
6. Recruitment	4
7. BTAS' Response to Complaints Received	5
8. Appointment.....	6

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The Bar Tribunals & Adjudication Service

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1. Introduction

- 1.1 The Bar Tribunals and Adjudication Service ('BTAS') is responsible for recruiting; appointing, administering and adjudicating Disciplinary Tribunals, including Tribunals which consider the most serious allegations of professional misconduct against barristers.
- 1.2 In addition to Disciplinary Tribunals, BTAS has similar responsibilities for Fitness to Practise hearings and Interim Suspension Panels for barristers.
- 1.3 BTAS also administers and supports the Inns' Conduct Committee (ICC), a committee responsible for adjudicating on any misconduct issues arising from applications for admission to an Inn of Court or misconduct matters relating to student members of an Inn.

2. Statement of intent

BTAS is committed to:

- i. provide a hearings service that is efficient, effective, timely, professional and transparent and one that uses up to date practises and approaches.
- ii. facilitate high quality decision-making in the public interest; and,
- iii. be independent, providing clear separation of the adjudicatory function from the BSB, as the prosecuting body for the Bar.

3. Purpose of this policy

- 3.1 The purpose of this policy is to promote a fair and transparent recruitment process, which is efficient and effective whilst ensuring equality of opportunity.
- 3.2 This policy outlines the recruitment process and the responsibilities of individuals involved in the process. This will allow BTAS to achieve its aim of recruiting and retaining the right people for the role/post.

4. Scope of the policy

- 4.1 This policy is to be applied to the recruitment of persons to the BTAS disciplinary pool and includes members of the ICC.

- 4.2 BTAS reserves the right to depart from this policy where there is an urgent need to fill a temporary vacancy subject to agreement by the President of COIC.
- 4.3 It must be noted here that although this policy is not intended to apply to BTAS staff, the general approach and the commitment to fair recruitment and selection are common features shared with the COIC Policy on staff recruitment and retention.

5. General principles

5.1 Criteria and Competency

BTAS is committed to fair selection based on merit. No one should be appointed to a post/role unless they are competent to do the tasks required by that post/role; therefore, it is important to set a clear, objective and justifiable criteria and a set of competences for applicants to be marked against.

5.2 Authority for recruitment

5.2.1 Panel members, clerks and chair

The Registrar will review the list of those appointed to the disciplinary pool and the ICC at least once per calendar year. The Registrar will communicate the recruitment need to the Tribunals Appointments Body, who will make a recommendation to the President of COIC.

5.2.2 Staff

In overseeing BTAS the Registrar will manage the administrative staff and any others who from time to time may be commissioned to undertake specific or time limited roles. This management will include recruitment, performance and appraisal.

5.3 Record Keeping

BTAS will ensure that a full record of the recruitment and selection process is made and retained for a specified period. Personal data will be stored securely at all times. Data Protection is of the highest importance to BTAS, full details can be found in the BTAS Information Security Policy.

5.4 Confidentiality

BTAS will seek to ensure confidentiality is maintained throughout the recruitment process. However, this will not prevent BTAS from disclosing information where necessary for the discharge of duties or as required by law.

5.5 Eligibility and conflicts

- 5.5.1 BTAS will employ all due diligence to ensure transparency and avoid conflicts by defining the eligibility requirements to become a member of BTAS. The eligibility requirements are set out in the Appointments Protocol.

5.6 Equality and diversity monitoring

BTAS is committed to eliminating discrimination and encouraging diversity. We will monitor and publish equality and diversity data in line with any similar requirement placed upon the BSB by the Legal Services Board. Similarly, we will monitor and publish equality and diversity data to describe our disciplinary panel members, clerks and ICC members. We oppose all forms of unlawful and unfair discrimination.

6. Recruitment

6.1 Recruitment need

Recruitment shall be triggered by a number of factors:

- i. Significant increase in work load.
- ii. Resignation of members of the Disciplinary Tribunals or ICC members.
- iii. A temporary need to cover health, maternity or other long term absence.
- iv. Time expiry of the members of the Disciplinary Tribunals or ICC members.

6.2 Role description & Person specification

- 6.2.1 Full details of the BTAS recruitment and selection processes and procedures are set out in the BTAS recruitment guidance, which is updated as necessary.
- 6.2.2 Before recruiting to a new or existing position, BTAS will provide an outline role description and person specification. The BTAS role description will set out the

duties, aims and objectives of the position and where the position fits within the hierarchical structure (where appropriate).

- 6.2.3 The person specification will include a list of objective and justifiable criteria. The person specification will list core competences that applicants will be assessed against, these core competences may change depending on the post/role. An awareness of and commitment to equality and diversity, will be included in all person specifications.

6.3 Advertising

All roles will be openly advertised. Advertisements will be non-discriminatory and must consider the target audience and the expected level of applications. BTAS is committed to the principle of inclusion and will target specific groups through the publication of adverts in a wide range of media sources.

7. BTAS' Response to Complaints Received

- 7.1 The Tribunal Appointments Body (TAB) will be responsible for shortlisting candidates for the Disciplinary Tribunals pool or ICC members. Members of TAB should have attended recent and appropriate training in fair recruitment and selection processes.
- 7.2 The Registrar will be responsible for arranging administrative support. All applications will be redacted of personal data.
- 7.3 As a matter of policy all interviews will be competency based.
- 7.4 BTAS will adhere to the Equality Act 2010, and ensure that no questions relating to the candidates sickness record, absence, disability or any other protected characteristic are asked.
- 7.5 BTAS will ensure that reasonable adjustments are provided when necessary.
- 7.6 To ensure transparency of process the interview panel will make written notes for each candidate. It is BTAS policy that a candidate may request feedback following interview only.

8. Appointment

- 8.1 BTAS is committed to the principle of selection based on merit and will select the best candidate for the post/role based on the competency scores. Candidates will be informed of the outcome of their application as soon as it is practicable for BTAS do so.
- 8.2 Following the recruitment process, the Registrar on behalf of BTAS will make recommendations to the TAB for appointments. If the TAB approves the recommendations, a pre-appointment letter will be sent by the Registrar on behalf of the TAB.
- 8.3 All pre-appointees will then be subject to successful completion of any required training set by BTAS.
- 8.4 It is BTAS policy that references will be checked following the final selection and prior to appointment. BTAS will also undertake all due diligence and request confirmation from the Bar Council/BSB that candidates are not ineligible for appointment by dint of membership of any Board or Committee as defined in the Appointments Protocol (paragraph 25).
- 8.5 Monitoring potential conflicts of interest is of the highest importance to BTAS. Successful candidates will be asked to complete a declaration of interests form and an equality monitoring form prior to appointment.
- 8.6 The TAB on behalf of BTAS will send to the President a list of appointable candidates for approval. An appointment letter will be sent by the President to successful candidates.
- 8.7 BTAS is committed to due process and as such a candidate may appeal any decision made by the TAB in writing to the Registrar. The Registrar will give reasons for non-selection following an interview in writing. Please note no feedback will be provided to candidates not invited to interview. If still dissatisfied the candidate may appeal to the Chairman of TAB.