



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2018/0491/D5 & PC 2019/1479/D5

Ms Sky Bibi

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of the Inner Temple

Disciplinary Tribunal

Ms Sky Bibi

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 6 May 2021, I sat as Chairman of a Disciplinary Tribunal on 1-3 June 2021 and 23-24 September 2021 to hear and determine five charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Ms Sky Bibi, barrister of the Honourable Society of the Inner Temple.

Panel Members

2. The other members of the Tribunal were:

Paul Robb [Lay Member]

John Vaughan [Lay Member]

Hayley Firman [Barrister Member]

Isabelle Watson [Barrister Member]

Brett Wilson (1-3 June) and Vincent Scully (23-24 September) acted as clerks to the Tribunal.

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Charges

3. The following charges were found proven.

PC 2018/0491/D5

Charge 1

Statement of Offence

Professional misconduct contrary to Core Duty 5 and/or rC8 of the Bar Standards Board's Handbook [versions 2-2.2].

Particulars of Offence

Ski Bibi behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession and/or acted in a way which could reasonably be seen by the public to undermine her honesty and integrity in that between 13 April 2015 and 6 September 2016, she was required but failed to disclose a change in her financial circumstances, namely, a change of employment status and receipt of income, which she knew would affect her entitlement to a council tax benefit, or affect the amount of any reduction in council tax payments under the council tax reduction scheme of Manchester City Council ['the Council']. The failure to disclose the change of circumstances was contrary to Regulation 8[1] of the Council Tax Reduction Schemes [Detection of Fraud Enforcement] [England] Regulations 2013 ['the Regulations']. This resulted in Ms Bibi receiving an overpayment of £1,054.24 to which she was not entitled. Sky Bibi was convicted on the 6 December 2018 of an offence under Regulation 8 of the Regulations, at Cheshire Magistrates Court, having pleaded not guilty. Ms Bibi was sentenced to a 12-month conditional discharge, a fine of £1000 and a victim surcharge of £20. This sentence was later varied on appeal by way of a re-hearing at the Crown Court of Chester, on the 13 September 2019 to a 12-month Community Order with a curfew requirement [operative between 7pm-7am daily for 28 days], a costs order of £25 and ordered to pay a victim surcharge of £85.

Charge 2

Statement of Offence

Professional misconduct contrary to Core Duty 5 and/or rC8 of the Bar Standards Board's Handbook [versions 4.2].

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Particulars of Offence

Ski Bibi behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession and/or acted in a way which could reasonably be seen by the public to undermine her honesty and integrity in that, following her appeal by way of a re-hearing at Chester Crown Court, on the 12 and 13 September 2019, Ms Bibi gave evidence and made submissions at that hearing on the subject matter of her appeal [her liability under Regulation 8 of the Regulations]. It was the judgment of the Court, that the appeal be dismissed, and that Ms Bibi's sentence increased to a 12-month Community Order with a curfew requirement [operative between 7pm-7am daily for 28 days], a costs order of £25 and ordered to pay a victim surcharge of £85. In delivering the judgement, the Recorder recorded the Court's findings that Ms Bibi had dishonestly stated in evidence that:

[i] she had disclosed all of her bank accounts to the Council when completing the initial claim form at the Council; [ii] she had taken evidence of all of her bank statements to the Council; [iii] she had declared all of the sums relied upon by the Respondent and/or listed in the schedule used by the Crown Court in the appeal to the Council either over the phone or in person; [iv] the process of presenting the documents to the Council had changed in 2015, including that in 2015 Council officers did not always scan the documents, and/or when they did scan documents they sometimes returned the original documents to her and sometimes did not; [v] she attended the Council Offices in or around September 2014 to provide documents and that these included bank statements of her five different bank accounts; [vi] she had not worked for PLS; and [vii] sums received by Ms Bibi and relied upon by the Council and considered by the Court had not been for legal work. Ms Bibi did make each or all of these statements to the Court and, either individually or in combination, were untrue.

PC 2019/1479/D5

Charge 1

Statement of Offence

Professional misconduct contrary to Core Duty 3 of the Bar Standards Board's Handbook [version 4.0].

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Particulars of Offence

Ms Bibi failed to act with honesty and with integrity in that she [i] failed to disclose the fact of her conviction and sentence pursuant to or during the course of the recruitment process leading to her employment with Backhouse Jones Solicitors; [ii] in June 2019 provided a Disclosure and Barring Service [DBS] certificate which she had obtained on 27 November 2018 prior to her conviction on the 6 December 2018 and which accordingly did not reflect the true state of her criminal record; and [iii] between 12 June 2019 and 20 October 2019 during her employment with the Solicitors failed to disclose the fact of her conviction and sentence. These matters either individually or in combination, amount to professional misconduct.

Charge 3

Statement of Offence

Professional misconduct contrary to rC9.1 of the Bar Standards Board's Handbook [version 4.0].

Particulars of Offence

Ms Bibi knowingly and recklessly misled her employer in she [i] failed to disclose the fact of her conviction and sentence pursuant to or during the course of the recruitment process leading to her employment with Backhouse Jones Solicitors; [ii] in June 2019 provided a Disclosure and Barring Service [DBS] certificate which she had obtained on 27 November 2018 prior to her conviction on the 6 December 2018 and which accordingly did not reflect the true state of her criminal record; and [iii] between 12 June 2019 and 20 October 2019 during her employment with the Solicitors failed to disclose the fact of her conviction and sentence. These matters either individually or in combination, amount to professional misconduct.

Parties Present and Representation

4. The Respondent was present but was not represented. The Bar Standards Board ("BSB") was represented by Leo Davidson. The Tribunal took place via the Zoom platform.

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Preliminary Matters

5. On 23 September, at the conclusion of her evidence, Ms Bibi made an application for disclosure of the contract between Backhouse Jones and Sacco Mann. The Chair of the panel clarified with the parties that this was not in the possession of the BSB, and the BSB disclosed a telephone attendance note with Steven Meyerhoff dealing with this issue. There was therefore no material in respect of which an application for disclosure could be made.
6. At the same time, Ms Bibi made a further application for a stay of the regulatory proceedings pending the final determination of her CCRC case. Having heard from the parties, the panel retired to consider this, and dismissed the application giving the following reasons:

This is a renewed application for a stay arising from Ms Bibi's perception that she has new circumstances to add – she is encouraged by the fact her case is now given a number by the CCRC, she is hopeful that the CCRC can resolve their part of matters in her favour and within something like 3mths. Of course, they would have to refer back to the Court of Appeal (Criminal Division) if it does go in her favour. However, we have considered the matter together, and we are unanimously of the view that the matters raised do not affect the ruling we made, would not have affected it if they had been known to us at the time, and they do not now. In considering the matter now, we have come to precisely the same conclusion. Without repeating the ruling made, we stand by it for precisely the same reasons as we expressed before, all of which are set out in the transcript. (T61-T67)

Pleas

7. Ms Bibi denied all the charges.

Evidence

8. The panel heard live evidence from the following witnesses
 - a. Linda Hindmoor
 - b. Steven Meyerhoff
 - c. Ms Bibi

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9. The panel also had access to several bundles of documentary evidence, including the transcript of Recorder Hannon's decision in the Crown Court at Chester and the papers before the Crown Court on appeal.

Findings

10. The decision of the Panel was unanimous. The first set of charges, under the reference 2018-0491B5, consists of two charges, the first to be proved under the criminal standard, which alleges that Ms. Bibi behaved in a way which was likely to diminish the trust and confidence which the public places in her or in the profession or acted in a way which could reasonably be seen by the public to undermine her honesty and integrity in that she failed to disclose a change in financial circumstances in relation to a claim for a Council Tax reduction and in respect of which she was convicted in the Magistrates' Court on 6th December 2018. That charge relates to the conduct which was the background to the particular conviction in the Magistrates' Court and later the re-hearing in the Crown Court. In the Magistrates' Court she was sentenced to a 12 months' conditional discharge. In the Crown Court, a 12 months' community order was imposed with a curfew requirement. There was also a costs order and victim surcharge.
11. Charge 2 arises from that appeal, and it has to be proved to a civil standard of proof. In respect of that, the allegation is that Ms. Bibi behaved in a way which was likely to diminish the trust and confidence which the public places in her or in the profession and/or acted in a way which could reasonably be seen by the public to undermine her honesty and integrity arising from the evidence which she gave at the particular hearing before Recorder Hannan and Justices who sat with him. Numbers (i) through to (vii) are the matters which, as stated in evidence, are alleged to have been untrue and therefore said dishonestly.
12. There is a separate set of charges which relate to separate conduct and this in case number 2019-1479D5. These three charges relate to the same course of conduct in each case. The first alleges that she failed to act with honesty and with integrity: under (i) that she failed to disclose the fact of her conviction during the course of the recruitment process leading to her employment with Backhouse Jones Solicitors; (ii) that she provided a DBS certificate which did not reflect the true state of her criminal record; and (iii) that she failed to disclose the fact of her conviction and sentence to the solicitors during her employment with Backhouse Jones.

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13. The same course of conduct is alleged in Charge 2 which charges her with behaviour in a way which could be reasonably be seen by the public to undermine her honesty and integrity. There follow the same allegations as in Charge 1. In Charge 3 once again the same course of conduct is alleged but it is alleged that in respect of that course of conduct, she had knowingly or recklessly misled her employer.
14. Dealing with Ms. Bibi's answer to these charges, in respect of the first set of charges her response is that she is not guilty of the offence and therefore did not act in a way which would undermine her honesty and integrity because she says that she did make the disclosures which she had to make. Each of her bank accounts was disclosed and the sums were disclosed and therefore the conviction, she says, was unjust. She appealed it unsuccessfully, as I have mentioned already, but she has also more recently referred it to the CCRC with a view to it being referred back to the Court of Appeal because she says she is not guilty of the offence. She says she made all the appropriate disclosures that she had to make, and the conviction was unjust.
15. In respect of the other set of charges, she says that she did inform those she was dealing with of her conviction and conditional discharge but that that information was given as part of the recruitment process to the recruitment consultants Sacco Mann. She said that she recollected that in fact she spoke about it to those at Sacco Mann who dealt with her and indeed intended to send an email to Ellie Walkden of Sacco Mann. That appears to have gone astray because she says she failed to spell "Mann" with two "n's"; it was spelled with one "n" and did not reach its destination. But she says that she did make the disclosure and therefore that she did make the disclosure as part of the recruitment process.
16. In respect of the DBS certificate her response is that it did not come from her- she did not provide it. It must have been obtained by others in the course of the recruitment process and reached the solicitors Backhouse Jones that way but it was never provided by her. She says that having disclosed the matter as part of the recruitment process to Sacco Mann, she did not at any stage intend to mislead or conceal her conviction and conditional discharge at that time.

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17. In respect of the first two charges, of course, the background is the same. I will summarise it briefly in the way that it emerged from the evidence before us. The case against her in the Magistrates' Court and subsequently in the Crown Court was that she had disclosed only one bank account, a NatWest account numbered 25513486. It came to light subsequently that she had more bank accounts and those were accounts not just with the NatWest but the Halifax as well and that a large number of significant payments had been made into accounts which had not been disclosed. In all, during the relevant period, she had received just under £40,000 into bank accounts which had not been disclosed. She had also worked for PLS Solicitors in Manchester and received payment in that regard. She had done public access work and received just under £1,000 from that; Leeds Solicitors £600; company-related professional advice, £3,000; and a further £6,000 was paid by the managing director of the particular company; A.P. Berkeley Limited, £3,590; Mirabelle Communications £900, £4,800 and £9,000 respectively and further significant deposits as well. It was claimed that she had been over-credited with £1,105.24.
18. An investigator, a Mr. Radford, was called. It emerged that he had discovered that there were other accounts because he realised at some stage that she had a mortgage and there were no mortgage repayments made out of the account that he knew about. So, he continued the investigation and discovered the other accounts in due course.
19. Liessa Hardman was called. She is employed by the Council as a Customer Services Manager. She spoke about the general procedures. There was evidence called of the systems that were in place in order to scan fresh material which might come in and added to the file of the particular applicant. Ms. Pendlebury gave evidence that the respondent was in receipt of the maximum rebate. A Mr. O'Keefe gave evidence that there were, from time to time, difficulties and arrears in her payment. Their understanding was that she was unemployed and looking for work. Ann Harrison gave evidence as a solicitor for a firm by the name of Stephenson in Wigan, that the appellant was due to work and did attend for work for a very short period at Stephenson.
20. The dispute therefore centred around whether the respondent had made the disclosures that she claimed she had made. In her evidence she said that she did disclose all her bank accounts, she declared all the sums that she was in receipt of and she had disclosed to

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the Council at various stages both over the phone and in person all the matters which she was duty-bound to disclose.

21. In respect of PLS she denied actually working for them and she said that the payslips did not reflect the true reality in respect of that. Regarding Mirabelle Communications she agreed that she did receive £14,700 but she denied at one point that that was for work. She said she could not remember what the £900 and £4,800 were for. She said that the final £9,000 was a gift from a friend. She could not remember the A.P. Berkeley Ltd. payment. In respect of Louis Jackson and Soni International Trading she said Louis Jackson was a friend of hers.
22. The Crown Court hearing was presided over by Recorder Hannan. He made clear in his ruling that her account was rejected. Indeed, he directed that the record of his ruling should be referred to the regulator, the BSB, because he expressed the view on behalf of the court that the respondent had deliberately set out to deceive the Council and that she had been a dishonest witness in respect of the matters set out in Charge 2 of the first set of charges.
23. That finding in fact sets the background for the decision that we have to make as to whether we find – proved to a criminal standard in respect of Charge 1, civil standard in respect of Charge 2 – that those matters are proved. The unanimous decision of the Panel is that those matters have been proved to the requisite standard. The reason is that it is simply impossible to accept the respondent's evidence that she made all those disclosures at different times to different officials and none of them made their way to the relevant records. We, on the evidence before us, which emerges from the documents before us, do find that she had dishonestly stated in evidence that she had disclosed all of her bank accounts and that she had taken evidence of all her bank statements to the Council, that she had declared all the sums relied upon and listed a schedule in respect of them, in saying that the process had changed as stated in (iv); in stating that she had attended the Council offices and provided documents including bank statements of five different bank accounts; in stating that she had not worked for PLS and in stating that the sums received and which were referred to had not been for legal work. Those statements were made by her in evidence and we find proved that they were untrue.

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24. Accordingly, the first charge in respect of her conduct in relation to non-disclosure of a change in financial circumstances and behaviour in a way which was likely to diminish the trust and confidence which the public places in her or in the profession and acting in a way which could reasonably be seen by the public to undermine her honesty and integrity, is made out to a criminal standard so that we are sure of it.
25. In respect of Charge 2, on the balance of probabilities, the civil standard of proof, we do find that she behaved in a way which was likely to diminish the trust and confidence which the public places in her or in the profession and acted in a way which could reasonably be seen by the public to undermine her honesty and integrity by making false statements, untrue statements, in the course of her evidence and doing so dishonestly.
26. I turn to the other set of charges which concern the solicitors Backhouse Jones. We have heard evidence from two witnesses. The first of them was Linda Hindmoor and the second was Steven Meyerhoff. I am going to take them in reverse order simply because it was really Mr. Meyerhoff who spoke on behalf of the firm. He said (and this is in his witness statement paragraph 5): “I can confirm that at no point during the recruitment process did Ms. Bibi inform me about a dispute with Manchester City Council or a criminal conviction nor did I or any colleague receive any information from Sacco Mann about this.” He said lower down in the same paragraph: “I would have had serious reservations about offering her the position” – “I would have needed further information before I could make a decision” if he had known of the conviction.
27. He was cross-examined. In the course of cross-examination by Ms. Bibi it was put to him that he did know about the conditional discharge. He said, “That is patently untrue.” It was put to him, “You are lying and you did know.” He said, “That is not true.” In respect of paragraph 5, to which I have already made reference, he said, “I spoke to James and Julie who had no idea and were as shocked as I was.” He therefore made clear that he did not know about the conviction and sentence throughout his evidence.
28. In respect of the DBS certificate (Disclosure and Barring Service certificate) the evidence came from Ms. Hindmoor. In her statement she stated that she believed that Ms. Bibi brought her original DBS certificate into the office. “I do remember that she physically handed it to me.” She said that “It stated, ‘None recorded’. I therefore proceeded with

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the induction.” She was cross-examined. It was put to her that she would have had to make a further check and she said that she has never done a further check in those circumstances. She did accept that that was possibly an error on her part in not following it up because, of course, if she had sought to obtain an up-to-date certificate then the conviction might well have come to light.

29. We accept the evidence of those two witnesses and we are sure, indeed we are satisfied to the required standard and, beyond it, to a criminal standard, that the solicitors did not know, in accordance with Steven Meyerhoff’s evidence and also that the DBS certificate was provided by the Respondent. Two points were made on that by Mr. Davidson on behalf of the BSB which we find compelling: first of all, it was obtained at a time when Backhouse Jones would not have had any reason to obtain it; and, secondly, it was her address that was on the particular certificate and there was no indication that it had gone directly either to Sacco Mann or to Backhouse Jones.

30. As I have mentioned earlier, the Respondent has given evidence that she did inform Sacco Mann. The cross-examination by Mr. Davidson on behalf of the BSB took us through the documents. First at C4, to the email which did not have the address accurately on it, in other words, one “n” instead of two, and was never therefore delivered. But beyond that document, reference was made to the document at B16 where there is a communication from Ellie Walkden from Sacco Mann to James Lomax. In that, reference is made to Ms. Bibi and that she is keen to meet him in respect of the employment and so on. No mention is made of any disclosure of a conviction. The inference which is drawn by the Panel from that is that no such disclosure ever reached anyone at Sacco Mann because, if it had, they would have informed the solicitors. The solicitors and, more specifically, Steven Meyerhoff would have known about the matter, and we are satisfied that he did not.

31. We find, in relation to the second set of charges, Charge 1 proved, namely, that in that course of conduct Ms. Bibi failed to act with honesty and with integrity. We do not find it necessary to make any finding on Charge 2. Charge 2, it seems to us, was needed as a potential alternative to Charge 1 if that had not been proved. We are reluctant to base too many charges on the same course of conduct. Therefore, we will make no finding on Charge 2 at all. However in respect of Charge 3, the Panel feels that it captures the

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gravamen of the allegation because it alleges that she knowingly or recklessly misled her employer by that course of conduct. We find Charge 3 proved accordingly.

Sanction and Reasons

32. We heard submissions from the BSB and from Ms Bibi on the question of sanction by reference to the Sanctions Guidance 2019, and retired to consider our decision.
33. As I indicated to Ms. Bibi earlier, our view is that the most serious charge is Charge 2, that is the second of the charges under 2018-0491D5, which effectively is a finding that matters were stated in evidence under oath which were untrue.
34. The decision of the Panel is that in respect of that charge there has to be disbarment. In doing so, we have taken into account the guidance which is provided to us (and which has been referred to) starting with page 20 where it is made clear that what is expected of members of the Bar is the highest standards of honesty and integrity. The public, of course, have to be protected with regard to the honesty of members of the Bar because that is an integral part of the barrister's profession ie the trust that is placed in that barrister.
35. It is in respect of that charge that we find it impossible to do other than disbar. Of course, we bear in mind the aggravating features which have already been pointed out: there is the element of premeditation because it is difficult to escape the conclusion that this was a premeditated course of conduct which was intended to deceive the Council. Although financial gain did not feature to such a large extent, there was an element of it. It was certainly persistent conduct over a period. The undermining of the profession in the eyes of the public has been pointed out. Attempts to hide misconduct and lay blame on others; lack of remorse and lack of insight; all those are aggravating features which are present.
36. On the side of mitigation, Ms. Bibi has pointed out her good character. It is quite apparent that she can be a good advocate and is spoken of highly in that regard by Mr. Meyerhoff in his reference. It is clear to us that she has had all sorts of difficulties to contend with in relation to her health and bereavement. It is not that we are without sympathy: it is just that Charge 2 involves lying to the court under oath in a number of different respects. It seems to us that we can do nothing less.

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37. Charge 1 is part of the same series of events and there is going to be disbarment in respect of that concurrently.

38. In respect of the other charges, 2019-1479B5, that relate to the solicitors, Backhouse Jones, we would not have disbarred if they stood alone, but we would have suspended for a period of 12 months concurrently on charges 1 and 3. We make that clear in case it becomes relevant hereafter that that is the course we would have taken but for Charge 2 as I have referred to it. We explained to Ms Bibi that the effect of the order is suspended pending appeal and that if an appeal is lodged within 21 days, as it must be, then there is a stay associated with that which takes over.

39. Having heard further submissions from Mr Davidson and Ms Bibi, and requested procedural advice from our clerk, we determined that Ms Bibi should be required to suspend her practice immediately and the BSB to suspend her practising certificate with immediate effect under rE227 of the Disciplinary Tribunal Regulations 2017.

40. The Treasurer of the Honourable Society of the Inner Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Approved and Amended: 20 October 2021

His Honour Alan Greenwood
Chairman of the Tribunal

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