

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Appointment of the Chair of the Independent Decision-Making Body

Application Pack

March 2023

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Overview

The Bar Standards Board (BSB) is seeking to appoint a Chair for its Independent Decision-Making Body.

Key Dates

- Closing date 9:00am Monday 27 March 2023
- Shortlisting w/c 3 April
- Interviews Wednesday 19 April 2023

Competencies For the full list of competencies, see [Annex 4](#)

Remuneration £308 per day and £154 per half day

Time Commitment Members are likely to be required to sit on a panel every four to eight weeks on average, subject to availability and the number of cases needing decisions. Panel meetings are scheduled to last either a full or half-day. The additional time commitment for the Chair is up to two days per month.

Duration of appointment An initial period of up to three years, subject to a satisfactory appraisal on completion of 18 months' and three years' service.

Application Process Applications must only be submitted through the BSB's dedicated email address:
IDBapplications@BarStandardsBoard.org.uk

Contact Jeanette Fordyce-Harvey at
JFordyce-Harvey@BarStandardsBoard.org.uk or
telephone number 0207 611 1422

Bar Standards Board

Introduction

The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest.

We are responsible for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Setting standards of conduct for barristers;
- Authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- Monitoring the service provided by barristers and the organisations we authorise to assure quality; and
- Considering reports about barristers and the organisations we authorise and taking enforcement or other action where appropriate.

The work that we do is governed by the Legal Services Act 2007 (the Act) as well as a number of other statutes.

Our objectives are laid down in the Legal Services Act. We share them with the other legal services regulators. They are:

- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of consumers;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of citizens' legal rights and duties; and
- Promoting and maintaining adherence to the professional principles.

The BSB Board, which is responsible for the strategic leadership and oversight of the operation of the BSB, is made up of a combination of lay people and barristers. The Board has a lay majority, as required by the Internal Governance Rules made by the Legal Services Board¹. The Board is committed to regulating in the public interest and to following best practice for modern regulators.

The Board has four committees to help it discharge its responsibilities:

- **Governance, Risk and Audit** - responsible for ensuring the Board's corporate governance standards and internal controls are maintained. The Committee keeps under review and advises the Board on all matters relating to the risk management framework and the BSB's internal audit function;
- **Nomination** - advises the Board on fair, inclusive and transparent approaches to recruitment to the Board and senior executive roles and oversees, on behalf of the Board, some aspects of the recruitment process;
- **Performance and Strategic Planning** - leads work in relation to development of the BSB's strategic direction and plans and the allocation of

¹ <https://legalservicesboard.org.uk/wp-content/uploads/2019/07/IGR-2019.pdf>

resources to deliver the strategic and business plans. It oversees performance against relevant service levels and considers whether financial and operational resources are properly and effectively allocated and efficiently managed across the organisation; and

- **Remuneration** - makes recommendations to the Board on the remuneration and terms of engagement of BSB staff, its non-executive members and advisers.

All committees have barrister and lay members. All Board and committee members are appointed in accordance with the Seven Principles of Public Life, a copy of which is at Annex 2.

Our organisational values

The way in which we undertake our work is very important to us. We do this by adhering to a number of organisational values. Our organisational values are:

Fairness and Respect
Independence and Integrity
Excellence and Efficiency

Our people have told us that the behaviours they expect everyone to demonstrate for each value are:

Fairness and Respect:

- Listen and include
- Respect and celebrate differences
- Challenge bias

Independence and integrity

- Be accountable
- Be open
- Act on evidence

Excellence and efficiency

- Learn and develop
- Collaborate
- Seek feedback to improve.

Independent Decision-Making Body (IDB)

The Independent Decision-Making Body (IDB) is a non-executive body responsible for taking regulatory decisions that require independent input, and it has been operating since October 2019. It consists of a pool of suitably qualified decision makers from which panels of lay and barrister members are formed to take decisions on individual cases - panels of five are used for decisions on enforcement cases and panels of three are used for appeals against authorisation decisions (primarily exemptions and waivers from training requirements).

The IDB has a Chair and at least one Vice Chair. These roles are responsible for supporting the members, appraising their performance and reporting to the BSB Board on the work of the IDB. The Chair also has a direct decision-making function in relation to the imposition of immediate interim suspensions, where it is necessary

to stop a barrister practising immediately because of the risk posed by the barrister's conduct.

Most of the decisions for which the IDB is responsible are in relation to whether enforcement action, including disciplinary action, should be taken where breaches of the professional obligations, as set out in the BSB [Handbook](#), may have occurred. For these decisions, IDB members will be required to apply the Enforcement Decision Regulations under [Part 5, Section A of the BSB Handbook](#)². In most cases where the IDB considers disciplinary action should be taken, the matter will be referred to an independent disciplinary tribunal to determine charges of professional misconduct. However, the IDB also has limited powers under the Determination by Consent procedure to make disciplinary findings where the barrister consents, there is no dispute on the facts and the likely sanction that will be imposed is a fine or less.

The IDB is also responsible for, amongst other things, taking decisions in relation to appeals against executive decisions not to grant certain waivers from the Handbook requirements or decisions not to authorise or license a body to provide legal services.

All IDB panels have a lay majority. Each panel meeting has a Chair, drawn from the IDB pool.

The vacancy

The Chair of the IDB may be either a practising barrister or a lay person.

We welcome applications from all people who meet the role requirements regardless of background and particularly encourage those from groups that are currently underrepresented in our independent decision-making processes such as people from ethnic minority groups, people who are LGBT, and people with disabilities.

We also welcome applications from those located outside London as facilities will be provided to attend IDB panel meetings remotely, and papers are provided electronically. However, there is an expectation that the Chair will, from time to time, attend meetings/training in person in London for which reasonable expenses will be paid.

Time commitment

We estimate the time commitment of the Chair of the IDB to be up to two days per month, in addition to the time commitment required of all IDB members (see following paragraphs). The non-exhaustive list of activities which constitute providing the leadership of the IDB are set out at Annex 5 and include appraisals of members, giving feedback to members where issues are identified, hosting quarterly training sessions, meeting quarterly with senior staff involved in operational delivery, contributing to the quarterly newsletter and approving and presenting the IDB's annual report to the Board. The Chair also has the power to impose immediate interim suspensions or disqualifications on any applicable person.

All IDB members, including the Chair, are expected to play a full part in the work of the panel, and to prepare for and attend all panel meetings to which they are appointed. Three or four panel meetings are usually held per month, but members are likely to be required to sit on a panel approximately once every four to eight

² <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=BA9E823E-F26B-496D-9726736F9F069FAC&q=Part+5+-+A.+The+Enforcement+Decision+Regulations+2019>

weeks on average, subject to availability and the number of cases needing decisions. Panel meetings are scheduled to last either a full day (seven hours including a lunchbreak) or half-day (up to four hours), but a minimum half day fee will be paid for each meeting (see below). The fee includes reading time prior to the panel meeting, which can be considerable.

Panel meetings are typically held during the day on Mondays - Thursdays, (although it may occasionally be necessary to schedule meetings after 5pm). This is an important aspect to consider in deciding whether you wish to apply.

Panel members are also expected to attend four training sessions a year and we generally expect the Chair's attendance to be in person for most of these sessions. The training sessions normally last half a day but can extend to a full day and the relevant fee is paid for attendance. Attendance in person at panel meetings from time to time is also encouraged.

Criteria for appointment

It is crucial for the reputation of the regulatory system that those appointed should be of sufficient standing, integrity and judgement to inspire public confidence in the regulatory arrangements. Candidates must be prepared to commit the time necessary to be an effective Chair.

Barristers cannot concurrently be members of the IDB and also members of the Bar Council or any of its representative committees. Barristers who are members of these bodies at the time of appointment, will be expected to resign from any representative committee of the Bar Council or from the Bar Council itself for the duration of their BSB appointment.

Barrister members of the IDB must be practising barristers i.e. they must hold a practising certificate at the time of appointment and continue to hold it during the course of their membership of the IDB.

Lay members cannot be (or ever have been) barristers or solicitors, as defined in paragraph 2(4) of Schedule 1 of the Legal Services Act 2007³. Full time judges and judicial tribunal chairs are not eligible for appointment in this category either, but lay magistrates, and those who sit as lay members of tribunals, who are not legally qualified, are welcome to apply.

Competencies, Experience and Attributes

Core competencies for all BSB members

All applicants are expected to be able to demonstrate a commitment to the public interest and the Seven Principles of Public Life.

For the full list of competencies, experience and attributes, see [Annex 4](#).

Terms and conditions

The following is intended as a general guide; specific terms and conditions will accompany letters of appointment.

³ <https://www.legislation.gov.uk/ukpga/2007/29/schedule/1>

Appointments will be for an initial period of up to three years, subject to a satisfactory appraisal on completion of 18 months' service.

All members (including the Chair and Vice Chair(s)) are remunerated at the rates of £154 per half day or £308 per day (plus VAT, if the member is VAT registered). A half day is up to four hours and a full day is seven hours. All members will be able to claim travel costs, especially if based outside London, but travel time will not be paid.

The expectation is that shortlisted candidates will attend interviews in person for which standard class travel fares or other reasonable travel costs will be reimbursed upon production of receipts. Facilities will be available for remote participation in interviews where candidates cannot travel to London.

Applicants should not normally be the subject of criminal convictions/cautions, misconduct findings by other regulators, directors' disqualification orders or be undischarged bankrupts, and should expect any declarations to be explored by the executive prior to confirmation of an interview and also by the selection panel (see below for more detail).

Barrister applicants must not be the subject of orders or undertakings under the BSB's Fitness to Practise Rules or Interim Suspension Rules.

Unspent criminal convictions, cautions, regulatory reprimands or final warnings and any previous or pending supervisory action, complaint, investigation, or disciplinary proceedings or findings by a professional regulator (including the BSB) will not preclude further consideration of your application. Such information should be disclosed and, where provided, will be considered by the executive during the recruitment process and may be explored further with candidates at interview by the selection panel if this is deemed appropriate.

Any declaration will be treated in confidence by the BSB.

How to apply

Application Form

To apply please visit the News and Publications section of our website [here](#).

Candidates are asked to provide a covering letter (maximum two pages of A4 font size 12) outlining how they meet the core competencies for the role, together with a brief CV (maximum two pages of A4 font size 12). Applications will be assessed only against the content of their applications, including whether the length requirements have been adhered to. All applications will be anonymised up until the interview stage. A separate Supporting Details form must also be submitted which will not be disclosed to the interview panel.

Candidates with queries regarding the position, should contact Jeanette Fordyce-Harvey at JFordyce-Harvey@BarStandardsBoard.org.uk or telephone number 0207 611 1422 in the first instance to arrange an informal discussion. Applications should be sent to IDBapplications@BarStandardsBoard.org.uk

The BSB operates the Disability Confident Scheme. Candidates with a disability who meet the essential criteria for this role will be guaranteed an interview under this scheme.

Reasonable Adjustments

Candidates with a disability who require reasonable adjustments should contact Jeanette Fordyce-Harvey at JFordyce-Harvey@BarStandardsBoard.org.uk or telephone number 0207 611 1422.

The Bar Standards Board is deeply committed to inclusive working practices, so during the application process we commit to:

- Paying for care and childcare if required whilst you attend interviews.
- Paying travel costs for interviews held in person.
- Making any reasonable or (where possible) alternative adjustments – for example ensuring we have a sign language interpreter organised in advance if you'd like them and/or providing alternative adjustments which fall outside the scope of reasonable adjustments as defined by the Equality Act 2010.
- Providing documents in accessible formats readily available to download.

If there is anything else you are concerned about or think we could provide, please let us know.

Equality & Diversity Monitoring form

We consider it is important that the BSB should reflect the diversity of the society that the Bar serves, and applications from all sections of the community are welcomed. We also want to ensure that our recruitment and selection processes are fair. To enable us to monitor this properly, you are asked to complete the Equality & Diversity monitoring form supplied with this pack.

Timetable

The timetable for the process is as follows:

Closing date for applications: **Monday 27 March 2023 at 9am.**

Interviews will take place in London on **Wednesday 19 April 2023**. Remote participation can be arranged if there is good reason to do so. The date may change, including the possible addition of other dates, depending on interview panel and applicant availability.

Interviews

The selection panel will comprise:

Jeff Chapman KC (barrister member of the BSB Board);
Sara Jagger (BSB Director of Legal and Enforcement); and
Jacqui Francis (independent lay member).

Annex 1

Bar Standards Board Membership

Chair:

Kathryn Stone OBE

Vice-Chair:

Andrew Mitchell KC

Barrister Members:

Jeff Chapman KC

Simon Lewis

Irena Sabic

Leslie Thomas KC

Lay Members:

Gisela Abbam

Alison Alden OBE

Emir Feisal

Steven Haines

Stephen Thornton CBE

Annex 2

The Seven Principles of Public Life (“Nolan” Principles)

The Committee on Standards in Public Life in its First Report has set out '**Seven Principles of Public Life**' that it believes should apply to all in the public service. These are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 3 - Terms of Reference of the IDB

The Terms of Reference of the IDB from 1 December 2022 are:

Role

1. The Independent Decision-making Body (the “IDB”) is a decision-making body of the Board, from which it derives its authority to provide members for Independent Decision-making Panels (IDPs) which carry out the functions and exercise the powers given to IDPs pursuant to the Enforcement Decision Regulations under Part 5A of the BSB Handbook, and to consider applications for review made under Part 3 C6, Part 3 E11, or Part 4 B4, or reviews of decisions taken under Part 1 A4, of the BSB Handbook

Membership

2. The IDB shall be comprised of a Chair and at least one Vice Chair, and sufficient numbers of lay persons and practising barrister members to enable it to carry out its duties expeditiously. The IDB Chair can be either a lay or practising barrister member.
3. A member of the Board, or the Bar Council or any of its representative committees, may not be a member of the IDB.
4. The IDB Chair may carry out the functions and exercise the powers given to the IDB Chair under Part 5 of the BSB Handbook.
5. Appointments to the IDB shall be made in accordance with the Appointments Policy.

Proceedings and composition

6. The proceedings and composition of IDPs are as prescribed in Schedule 1 to Part 5A of the BSB Handbook (the Enforcement Decision Regulations).

Reporting responsibilities

7. The IDB Chair will report to the Board on its proceedings at least annually on all matters within its duties and responsibilities, but more often if required.

Annex 4

Competencies, Experience and Attributes

Panel Members

Responsibilities

To undertake the necessary induction training and observation visits.

To act in accordance with the BSB values and apply them, as well as the regulatory objectives, to the decision-making process.

To attend panel meetings and undertake the necessary preparatory work on cases due to be considered at meetings.

To undertake any required follow-up action, such as approval of any decision sheets.

To ensure confidentiality of all information provided by the BSB.

To provide feedback on fellow panel members participation after each meeting.

To participate in the annual appraisal process, including completing a self-appraisal.

To attend and participate in quarterly training and, if applicable, Away Day events.

To declare any actual or potential conflicts of interest.

Competencies

Decision making

Ability to understand and to apply legislation, regulations and guidelines (including legal and regulatory obligations under GDPR);

Ability to analyse information and reach reasoned decisions including on complex or sensitive issues;

Sound judgement;

Working as part of a team and contributing strongly and robustly to debates, whilst also being open to receiving and making challenges, to reach a consensus decision;

Willingness to willing to challenge, in a constructive manner, views expressed particularly those that may have adverse equality and diversity implications;

Organisational/Social awareness

An interest in and commitment to the effective operation and integrity of the justice system;

A knowledge of the Bar and its structures or a demonstrable ability to develop this knowledge;

Understanding of professional regulation or a commitment to gain such understanding based on demonstrable experience of operating in similar areas;

Demonstrable commitment to working in the public interest including the ability to act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership;

A demonstrable commitment to equality and diversity;

A demonstrable awareness of the ways in which unconscious bias can impact on decision-making;

Technical/administrative

A working knowledge of standard office systems and competent in use of them in day-to-day work;

Ability, or willingness to learn, to use web-based digital case preparation software;

Time management skills.

Office Holders – Chair and Vice Chair

Responsibilities (see also Annex 5)

All panel members and panel Chair responsibilities; and

To provide the leadership of the IDB.

To provide support to members on an individual and/or or collective basis.

To decide upon Interim Suspension cases referred by the BSB executive for decisions in a timely manner, where appropriate (Chair only).

To carry out the annual appraisals process, including reviewing appraisals of panel members, providing constructive feedback where necessary and confirming eligibility for reappointment.

Competencies

All panel members competencies; and

Experience in a leadership role.

To be able to make robust decisions independently;

Ability to work effectively with an executive team including the ability to develop an understanding of the environment in which the team works and prioritise demands accordingly;

Ability to chair meetings effectively including ensuring that agendas are dealt within the time constraints.

Ability to give well structured, meaningful feedback as part of an appraisal process;

Ability to provide leadership and direction to a team, panel or organisation.

Skills and Experience

All panel members skills and experience; and

Experience of representing an organisation to external stakeholders at all levels, including public speaking; and

The experience and the level of respect in their own field to carry the confidence of the public and stakeholders.

Annex 5

Independent Decision-Making Body Chair and Vice Chair – Roles and Responsibilities

The Bar Standards Board Governance Manual provides that the Independent Decision-Making Body (IDB) must have a Chair and at least one Vice Chair. This document explains the roles and responsibilities of each of these posts, either of which can be a lay or practising barrister member.

Joint responsibilities

The Chair and Vice Chair generally perform the same functions. Both the Chair and Vice Chair are expected to participate in the day-to-day work of the IDB as ordinary members including preparing for, attending and/or chairing IDB meetings and providing feedback on individual performance at meetings.

Both roles are responsible for providing the leadership of the IDB. This includes conducting the following activities:

- Carrying out appraisals of IDB members, both at the halfway point of a member's appointment and towards the end of the term of appointment to inform reappointment, using attendance and other information provided by the executive (the distribution of the work between the roles to be agreed between the roles and the executive).
- Addressing with panel members performance issues where they are identified during the course of the routine provision of feedback following meetings.
- Being a point of contact for IDB members to discuss any concerns they may have; the choice as to who to approach being a matter for individual members.
- Attending quarterly meetings with the executive staff team to discuss issues arising from the work of the IDB.
- Hosting the IDB quarterly training sessions, with content usually being provided by the executive and/or external facilitators.
- Contributing content to the IDB Newsletter, as required.
- Agreeing the content of the annual IDB report, which is published in the name of the Chair. In practice a draft of this report is always prepared in advance by the executive, which is then sent to the Chair and Vice Chair for comment and editing.
- Agreeing the content of any other report which may be required arising from the work of the IDB, at the request of the Governance, Risk & Audit Committee or the Board. Lead responsibility for any such report will be agreed according to who is best placed to complete it, factoring in areas of expertise and availability of the Chair and Vice Chair, as well as any specific request from GRA/the Board.

Specific responsibilities of the Chair:

- Imposing immediate interim suspensions or disqualifications on any applicable person under [see BSB Handbook, rE270 – rE272].
- Approving the Chair's introductory message to the monthly IDB newsletter, having consulted with the Vice Chair.
- Approving the final content of the IDB Annual Report and presenting the report to the Board of the BSB.

- Leading on any lessons to learn exercises arising from successful challenges to IDB decisions unless this responsibility is designated to the Vice Chair in a specific case e.g., where the Chair was involved in the original decision.