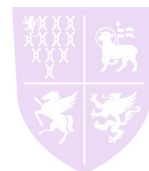
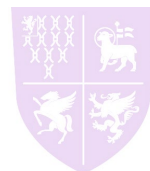
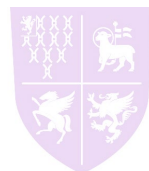
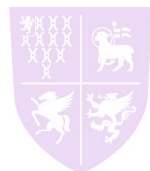
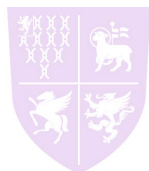
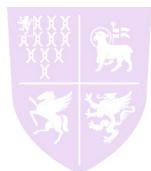
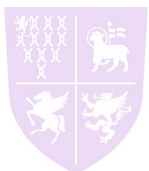


The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

ANNUAL REPORT 2022



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Introduction

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

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

This Report is composed of three parts, each prepared on behalf of the key committees that oversee aspects of our work. The Report forms part of our commitment to openness and accountability in all we do and is intended to provide a summary of all key developments and data on our activities during the course of 2022.

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

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

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

The Strategic Advisory Board's Report

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

2.Its membership is composed of lay and legally qualified professionals who are appointed because of their expertise in disciplinary and regulatory work and includes representatives of both BTAS Disciplinary Pool Members and the Bar Standards Board (BSB). As at 31 December 2022, its membership was as follows:

Antony Townsend (Lay Chair of the SAB)

HHJ Jonathan Carroll (Chair of the Disciplinary Tribunal Service)

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

Saima Hanif KC (legally qualified Disciplinary Pool panel member)

Mark Neale (Director General of the BSB)

Paul Robb (Lay Disciplinary Pool panel member)

Louise Fisher (Lay member of the TAB)

Emir Feisal (Lay BSB board member)

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

4.The 2021 Annual Report set out a number of priorities for the work of BTAS during 2022:

2022 Priorities	2023 Status
<p><u>Recruit</u> - through the work of the Tribunal Appointments Body, recruit and train new panel members and clerks. This recruitment exercise takes place every third year and will be the main BTAS project for 2022.</p>	<p>Completed (see the TAB report below).</p>
<p><u>Sanctions Guidance</u> - Monitor the implementation of the new Sanctions Guidance.</p>	<p>Completed /ongoing. Throughout 2022 BTAS asked users for feedback on the Guidance. All amendments were minor and made throughout the year.</p>
<p><u>Guidance</u> – online hearings. Oversee the continued and appropriate use of online hearing facilities and the creation of guidance to aid Directions Judges and Panels when determining whether a hearing should be in person, hybrid or remote.</p>	<p>Completed.</p>
<p><u>BSB Disciplinary Regulations</u> - support the BSB as they scope a review of the Disciplinary Tribunal Regulations (including the use of three and five person panels).</p>	<p>Outstanding. See below.</p>
<p><u>Case progression</u> - work with the BSB to analyse the time it takes for reported matters to be finally determined and as part of that analysis to understand why there are an increasing number of cases</p>	<p>Ongoing. See below.</p>

that are taking longer than six months to progress from directions to final determination.	
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5. Following the successful introduction of the new Sanctions Guidance in 2022, during 2023 SAB’s and BTAS’s priority will be to advance the two main outstanding matters from 2022, that is; case progression and taking part in the BSB review of the disciplinary/enforcement process, with the objective of reducing delays and further improving the efficiency and effectiveness of the system.

6. Case Progression – BTAS, using BSB data, analysed the 67 cases that received a final determination between 1 July 2020 and 28 November 2022. BTAS aims for the final determination to take place within six months of receiving the first directions in the matter. 32 cases (48%) met that target, and 35 cases (52%) did not. Of the 35 cases that took longer than 6 months, 16 cases took up to 9 months, 10 cases took up to 12 months, 4 cases took up to 18 months and 5 cases took over 18 months. The main reasons as to why the six months target were not met were as follows:

- BTAS often did not receive information regarding availability from the parties until a month after the date of the directions; that availability often did not commence until three months after it was provided. Consequently, four months of the six months target was not available for BTAS to list a hearing;
- Cases exceeded their initial time estimate and had to go part heard, taking the matter over the six months point;
- Some cases, particularly those that take over a year, involved a number of directions hearings and interim applications and went part heard.

7. BSB Review of Disciplinary Regulations – Of the 67 cases that received a determination, the BSB did not meet their own end-to-end target of 558 days (approximately 18 months) in 53 (79%) of cases. Of the 32 cases where BTAS met its six-month target, 20 cases did not meet the BSB’s end to end target.

The BSB have been very clear that ensuring the timely progression of cases is a priority for them. To this end, the BSB review has evolved into a review of the BSB's whole enforcement process (including but not limited to the regulations). During the first half of 2023 the BSB are inviting tenders from external consultants. BTAS will encourage the consultants to give careful consideration to BTAS's case management powers so that BTAS can actively case manage and ensure all parties act to promote the timely progression of cases, for the public good.

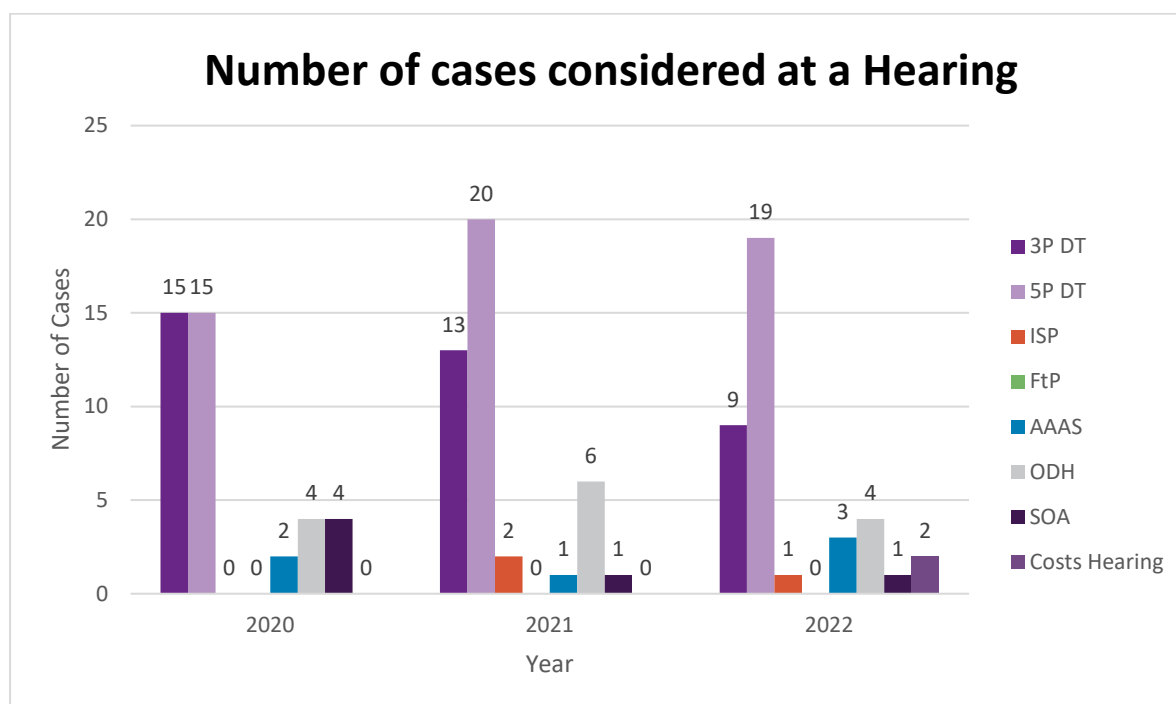
8. The SAB's Report covers hearings delivered by BTAS under the terms of its Service Agreement with the BSB, which are as follows:

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

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

Number of Cases considered by BTAS Panels in 2022

10. The following chart sets out the total number of Tribunals and Hearings that took place in 2022. Data is also provided for the two previous years for the purposes of comparison:



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

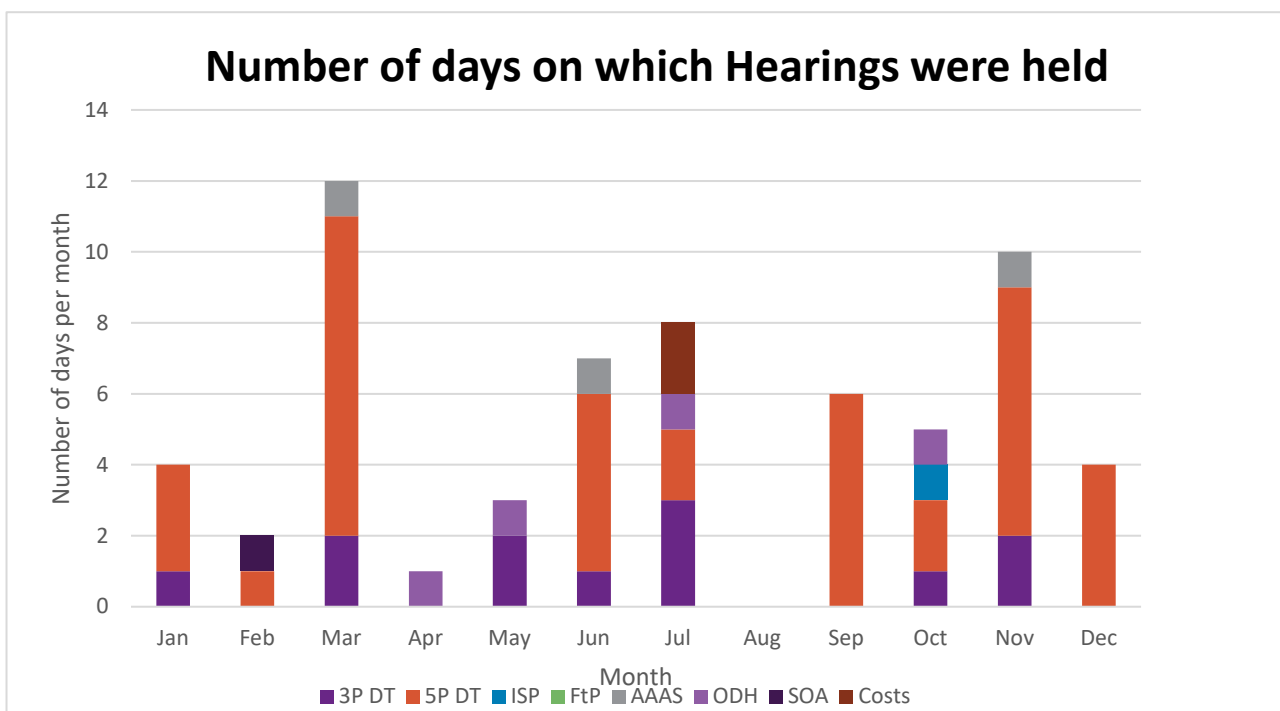
11. A total of 39 hearings took place at BTAS in 2022, as compared to 44 in 2021 and 40 in 2020.

12. There were 5 fewer hearings in 2022 as compared to 2021. This is mostly accounted for by the fact that there were 9 three-person panels as compared

to 13 the year before. The proportionate decrease in three-person panels is probably due to the introduction of new Sanctions Guidance at the start of 2022 and it may be that an anticipated increase in 5 panel member cases is still working its way through the system. The new Guidance sets the lower end of sanctions for matters such as discrimination and sexual misconduct at 12 months suspension; this is the maximum sanctioning power for three person panels, anything above that requiring a five-person panel.

Number of Days on which Hearings were held in 2022

13. While many cases can be concluded within one day, others are more complex and are scheduled to take place over several days; others must be adjourned and be concluded at another date. The following chart sets out the number of days (broken down by month) on which hearings took place in 2022:

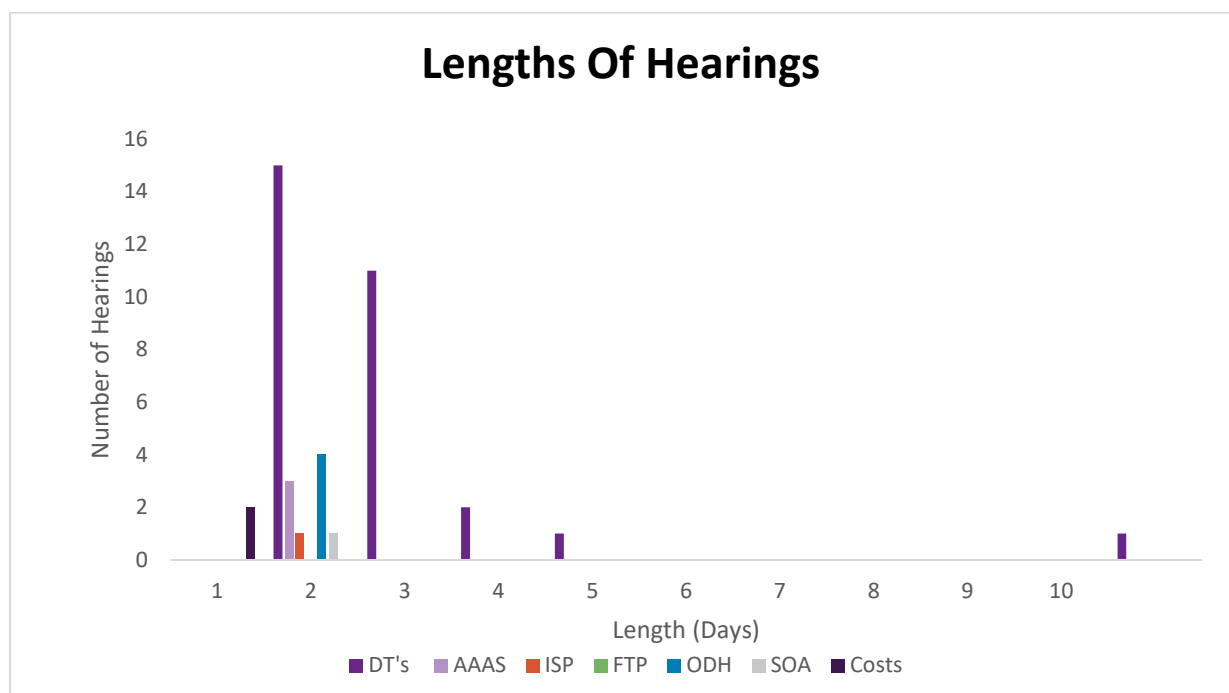


14. During 2022 BTAS continued to host a mix of in-person, remote and hybrid hearings. Of the 39 hearings, one was a hybrid hearing, 17 were in person and 21 hearings took place remotely. It should be noted that a number of the remote hearings had originally been listed as in-person but switched online due to train strikes and due to participants testing positive for Covid. Remote

hearings have provided a degree of flexibility. Hybrid hearings continue to be unpopular with concerns being raised about enabling effective participation by all. During 2022 BTAS introduced written guidance to assist Directions Judges when they are required to determine whether a hearing should be in person, remote or hybrid.

15. When funds allow, BTAS will give further consideration to improving the provision of documents (electronically) at remote/hybrid hearings and the provision of remote access equipment for the main tribunal room.

16. In 2022 39 hearings took place on a total of 64 days, representing an average of 1.65 days per hearing. In 2021 the average figure was 1.89 days per hearing. It is important to bear in mind however that this is an average figure, so the information on the length of individual hearings is set out below. It can be seen that one hearing took 10 days thereby bringing up the average number of days per hearing. The median hearing length was 2 days.



Panel Outcomes in 2022

17. The table below sets out information on the outcomes of all final Tribunals hearings that took place during 2022. A number of matters were part heard or awaiting the outcome as at 31 December 2022 as set out below.

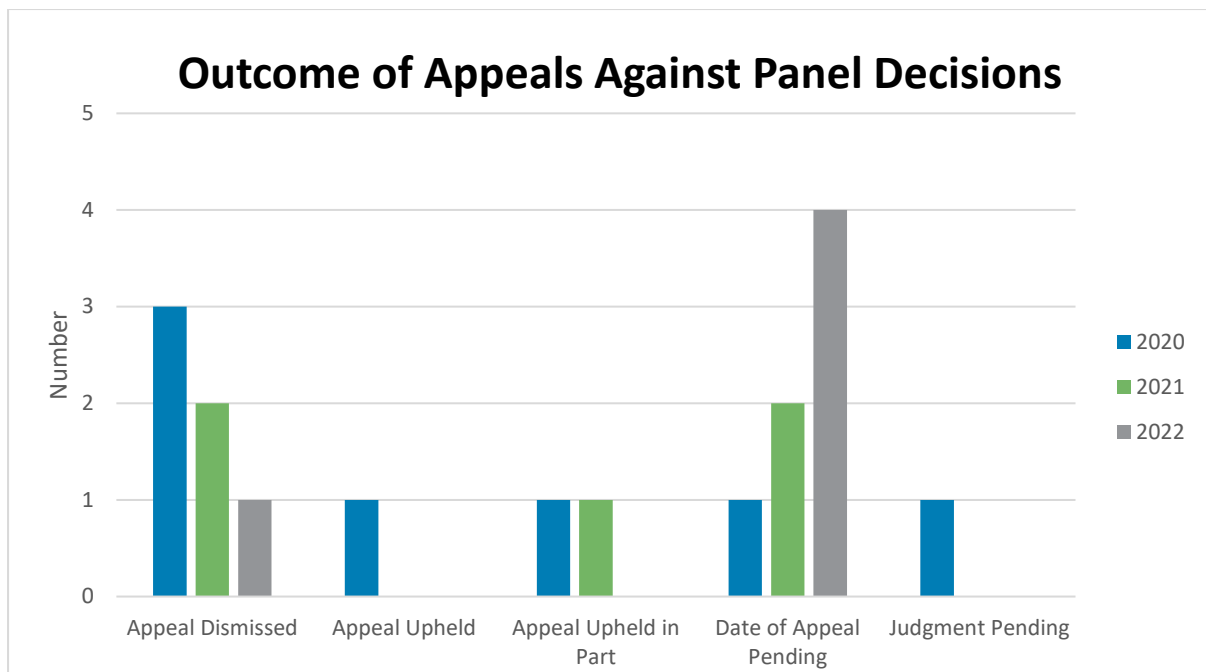
Outcome	3P DT	5P DT	ISP	FtP	AAAS
Disbarred					
Disbarred / Reprimanded / Suspended 12 months / Costs to BSB £1560		1			
Disbarred / Suspended 6 months / Costs to BSB £5900		1			
Disbarred / Costs to BSB £2670		1			
Disbarred / No Costs		3			
Suspended					
Suspended 12 and 3 months concurrent / Costs to BSB £18600		1			
Suspended 6 months / Costs to BSB £4680		1			
Suspended until conclusion of DT			1		
Suspended 4 months / Costs to BSB £2000	1				
BSB not to issue Practising Certificate for 3 years and Respondent to complete pupillage before PC can be issued. Pupillage not to start before 14.12.2024 / Costs to BSB £1800 [effectively a suspension]		1			
Fined					
Fined £500 / Reprimanded / Costs to BSB £500	1				
Fined £1500 / Reprimanded / Costs to BSB £5820	1				
Fined £4250 / Costs to BSB £3300	1				
Fined £5000 / Costs to BSB £3570 / Ordered to attend Public Access Course	1				
Fined £500 / Reprimanded / No Costs to BSB		1			
Fined £2000 / Costs to BSB £1560		1			
Reprimand					
Reprimand / No Costs to BSB		1			
Reprimand / Costs to BSB £2100		1			
Dismissed					
Dismissed / No Costs to BSB		1			
Dismissed / No Costs to BSB	1				
Dismissed / BSB to pay Costs to Respondent for SOA £22000	1				
Other					
Appeal Upheld					2
Appeal Dismissed					1
Referred to 5 Person Tribunal	1				
TOTAL	8	14	1	0	3
Cases Part heard / awaiting outcome / not concluded in 2022	1	5			
Other Hearings: Directions x4, Strike Out x1, Costs x2					

18. Only five-person Disciplinary Tribunals can impose a sanction of disbarment. In 2022 43% of five-person outcomes were disbarment. This compares with 35% in 2021.

19. There were three Appeal Against Administrative Sanctions applications during 2022, two of which were upheld and one dismissed. There were no Fitness to Practise hearings and there was one Interim Suspension hearing in 2022. In addition to the hearings above there were four Oral Directions Hearings, one Strike Out Application and two Costs hearings.

Outcomes of appeals in 2022 against the decisions of Disciplinary Tribunals

20. Barristers have the right of appeal in the Administrative Court against the decisions and sanctions imposed by Disciplinary Tribunals. The chart below sets out the outcomes or progress of appeal hearings that were extant in 2022 (although the Tribunals in question may have taken place in previous years). Numbers for the last two years are provided for the purposes of comparison:



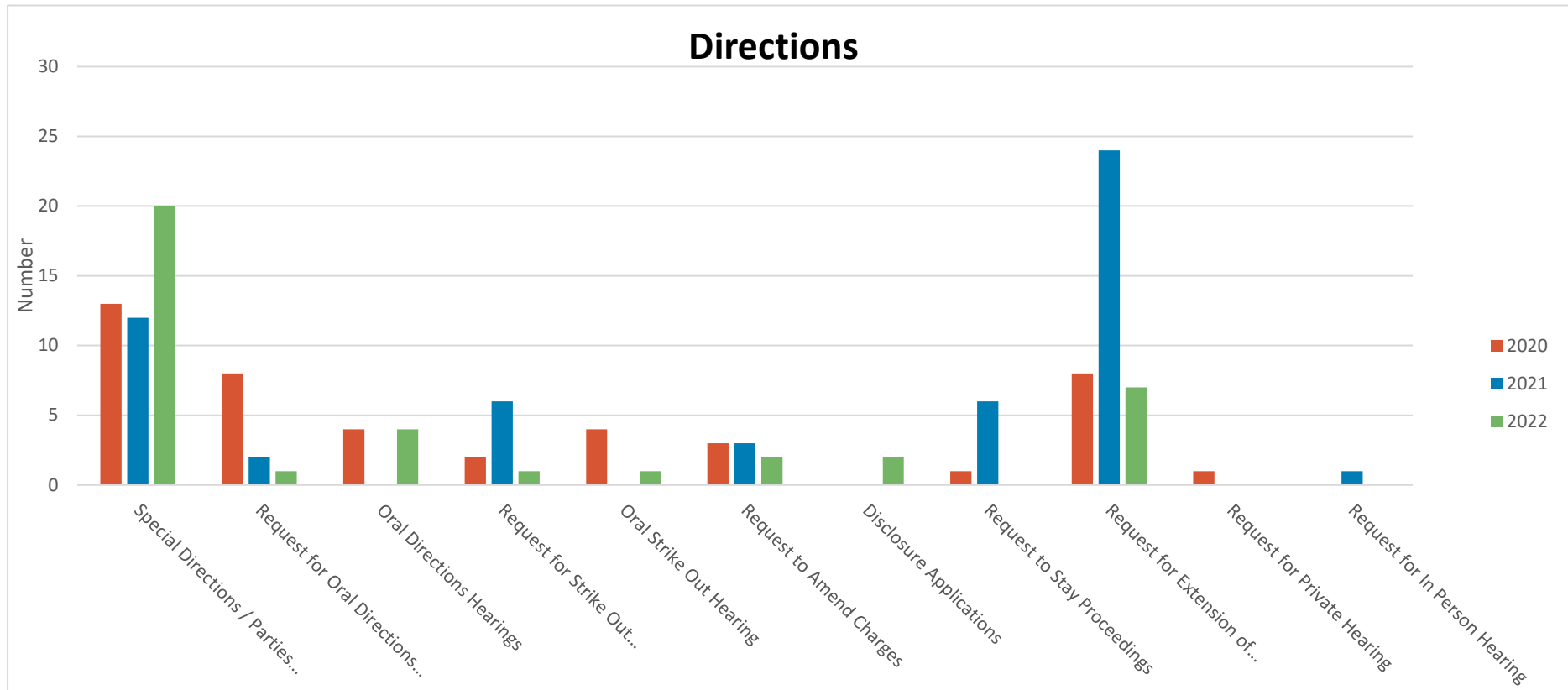
21. BTAS carefully considers the outcomes of all appeals, and particularly those where the actions or decisions of a Tribunal may have been called into question, with a view to improving the training, guidance and resources available to those who serve as members of Disciplinary Tribunals. As at 31 December 2022, of the appeals in the system during the year, one had been dismissed and four had yet to be heard.

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

Directions

23. In addition to the hearings themselves, BTAS is also responsible for arranging the giving of Directions by appointed Judges or KCs, establishing the procedures and timetable for hearings to both parties where necessary. More than one Direction may be given in a single matter. The following chart sets out data on the number and type of Directions given in 2022, with figures for the last two years provided for the purposes of comparison. The intention is to provide information on the broad nature of the Directions requested, but it should be borne in mind that many requests for Directions will be multi-faceted.

24. It can be seen that requests for special directions increased as compared to previous years. As mentioned above, over a two and a half year period BTAS only met its target of determining the final outcome of case within six months of initial directions in less than 50% of cases. BTAS will be inviting the BSB to consider strengthening BTAS's case management powers so as to ensure that special directions are a means of advancing cases as quickly as possible, rather than embedding delay.



Disciplinary Tribunal Panel Costs 2022

25. Panel Members and Clerks were entitled to claim reasonable expenses, and fees, for their attendance at hearings and training. 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 2022 were as follows:

Hearings Costs

Fees to Lay members for attendance at hearings	£23,550
Fees to Clerks for attendance at hearings	£12,500
Fees to Barristers for attendance at hearings	£8,880
Fees to KC Chairs for attendance at hearings	£10,980
Expenses to Lay members for attendance at hearings	£619
Expenses to Clerks for attendance at hearings	£1,048
Expenses to Barrister members for attendance at hearings	£3,192
Expenses to KC Chairs for attendance at hearings	£171
Expenses to Judicial Chairs for attendance at hearings	£531

26. In addition to these fee and expense payments, BTAS also incurs standard operational expenditure such as staff costs, committee costs, training costs, rent and IT infrastructure etc. In total BTAS's annual expenditure was approximately £500,000 which was broadly the same as its expenditure in 2021 and for a number of years prior to that.

The Inns' Conduct Committee Report

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

Memorandum of Understanding with the Bar Standards Board

3. In 2019 the Bar Standards Board entered into a Memorandum of Understanding (MOU) with the Council of the Inns of Court, specifically in relation to the operation of the ICC, and the Inns. The MOU sets out the roles and responsibilities of the parties in relation to qualification as a Barrister in England and Wales. It provides the parties with assurance that only those who are fit and proper are called to the Bar and that the related work is completed in accordance with the BSB's four principles of Bar training which are: accessibility, flexibility, affordability and high standards:
4. **Accessibility** – The ICC's services are accessible to students and applicants wherever they are in the world as hearings take place remotely, unless there

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

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

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

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

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

produced in collaboration with the BSB and in conformity with BSB regulations;

- the provision of appeal and complaints processes.

Membership of the Inns' Conduct Committee

8.As at 31 December 2022, the membership of the Inns' Conduct Committee was as follows:

Ian Clarke KC (Chair)

Colin Wilby (Vice Chair – Lay)

Siobhan Heron (Barrister member)

Helen Carter-Shaw (Lay member)

Dr Howard Freeman (Lay member)

John Hamilton (Barrister member)

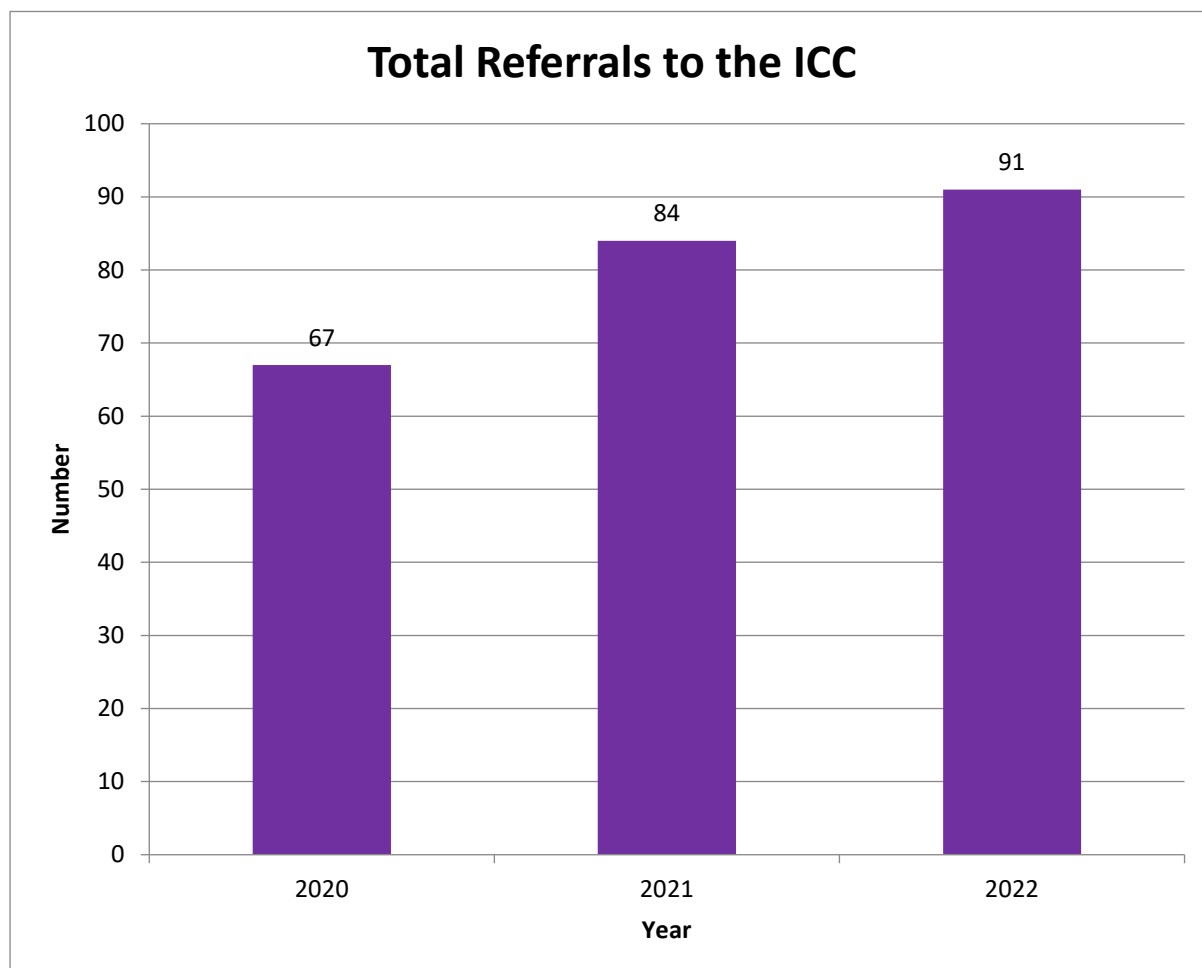
Jennifer Jones (Barrister member)

Catherine Taskis KC (Barrister member)

9.There was no change in the membership of the ICC during 2022. It can be reported that during 2023 the Chair of the ICC, Ian Clarke KC was replaced by Lyndsey de Mestre KC and the Vice Chair of the ICC (Barristers), Claire Lindley, was replaced by Jonathan Glasson KC. The ICC would like to thank Ian and Claire for their services and invaluable contribution and wish them well for the future.

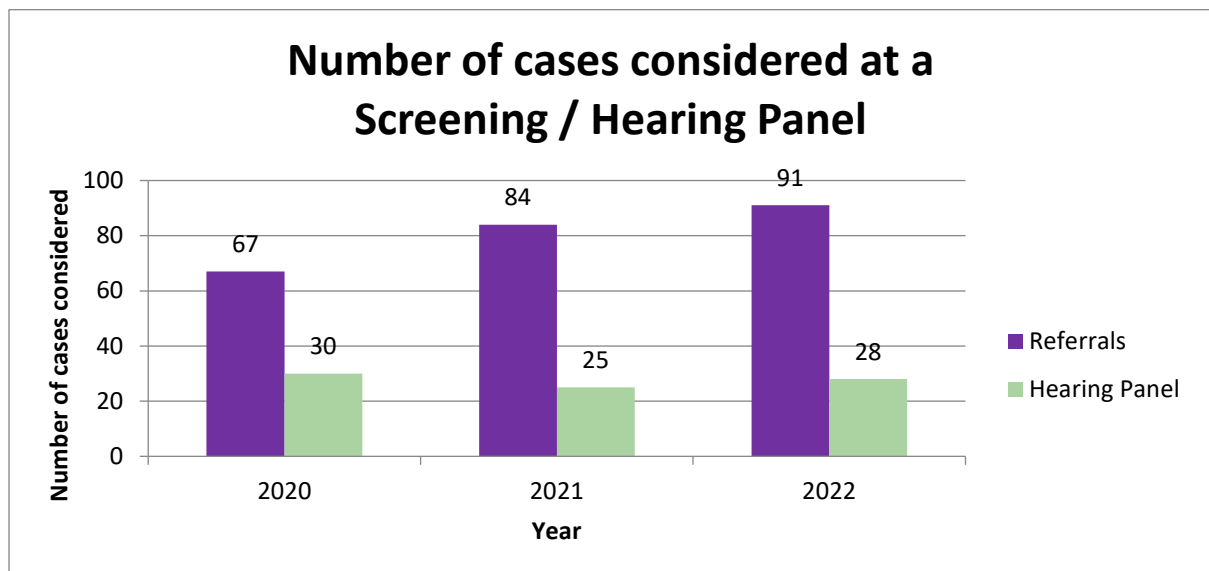
Referrals to the ICC: data and trends

10. During 2022, a total of 91 individuals were referred to the ICC by the four Inns of Court:



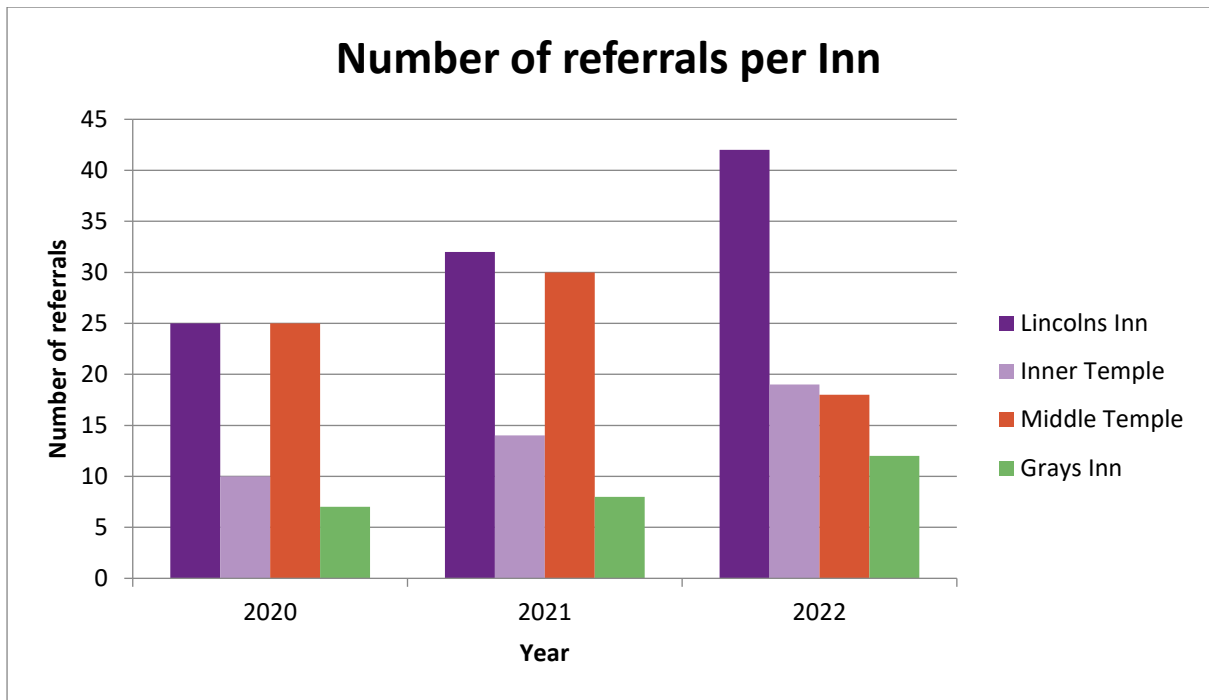
11. This represents an 8% increase in referrals as compared to 2021 and a 35% increase as compared to 2020. This increase was considered in the 2021 Annual Report and, as set out there and repeated here: 'Having considered the matter carefully, no underlying cause for this growth can be identified save that it should be noted that over the last five years the student membership of the Inns has grown by approximately 30%...'

12. In 2020, 45% of cases referred to the ICC were passed to a Hearing Panel. In 2021 that figure was 30% and in 2022 31%. The 2022 figure should be considered with caution as 6 of the 91 referrals were received in December and were not considered by a Screening Panel until 2023. It is believed that the lower referral rate for the last two years is due to the fact that the Screening Panels have become more experienced and able to deal with more matters at that stage. For example, the Screening Panels have, for the most part, not been referring the less serious academic misconduct cases such as first time, first year undergraduate matters. It is also believed that the lower referral rate may have been due to that fact that the Screening Panels have been following the BSB ‘Guidelines for determining if a person is fit and proper to become a practising barrister’ since its publication in 2019.

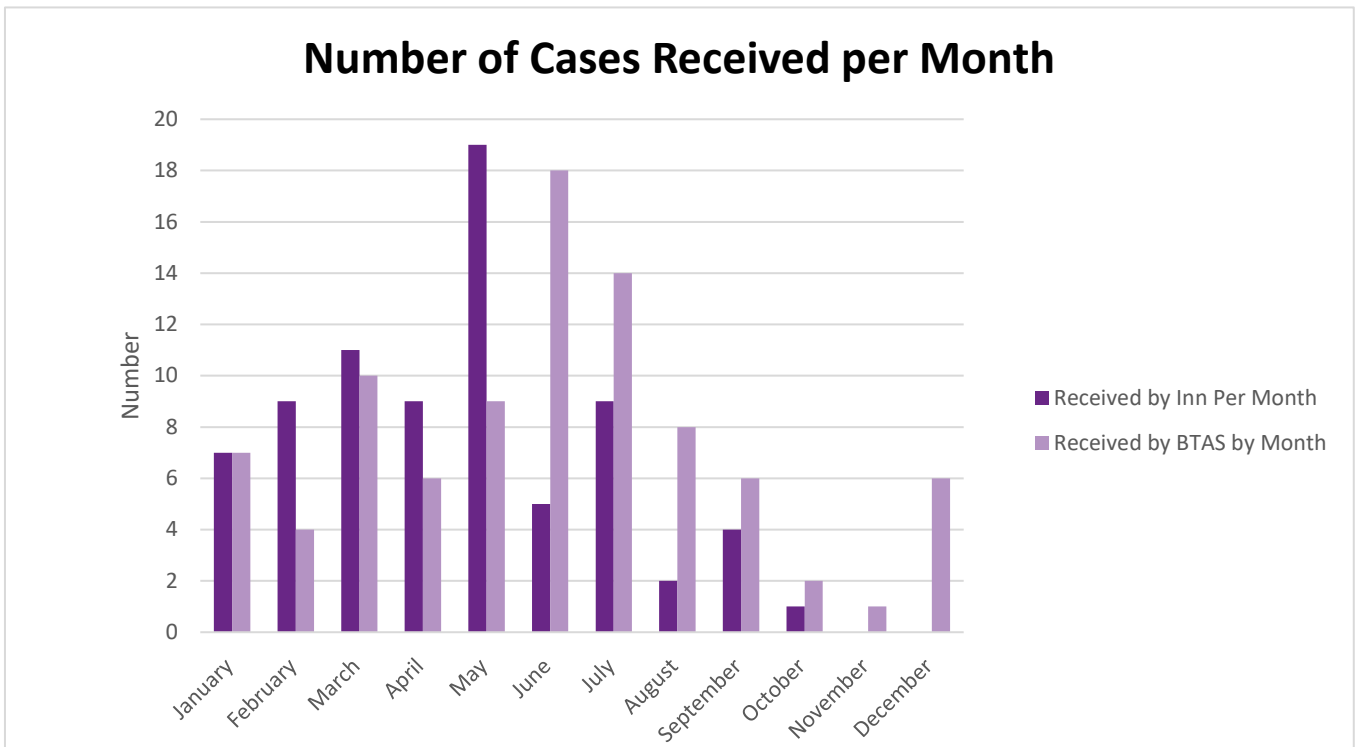


13. The number of referrals, according to the Inn of Court that made them, is set out in the table below. The proportion of the referrals made by each Inn is very broadly, though not exactly, proportionate to the number of admission applications received by each Inn:

- Lincoln’s Inn had 45% of admissions and 46% of referrals;
- Middle Temple had 30% of admissions and 20% of referrals;
- Inner Temple had 13% of admissions and 21% of referrals;
- Gray’s Inn had 11% of admissions and 13% of referrals.



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

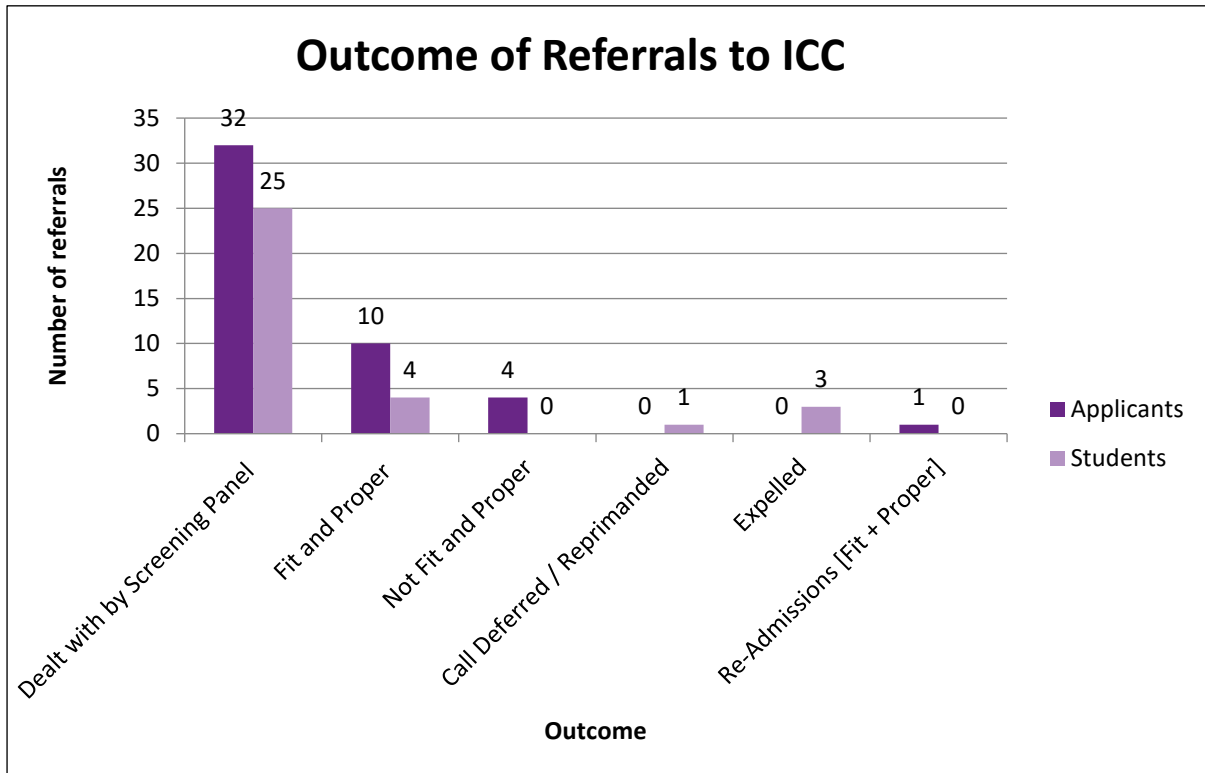


15. Set out below are the detailed outcomes of the **91** cases referred to the ICC in 2022.

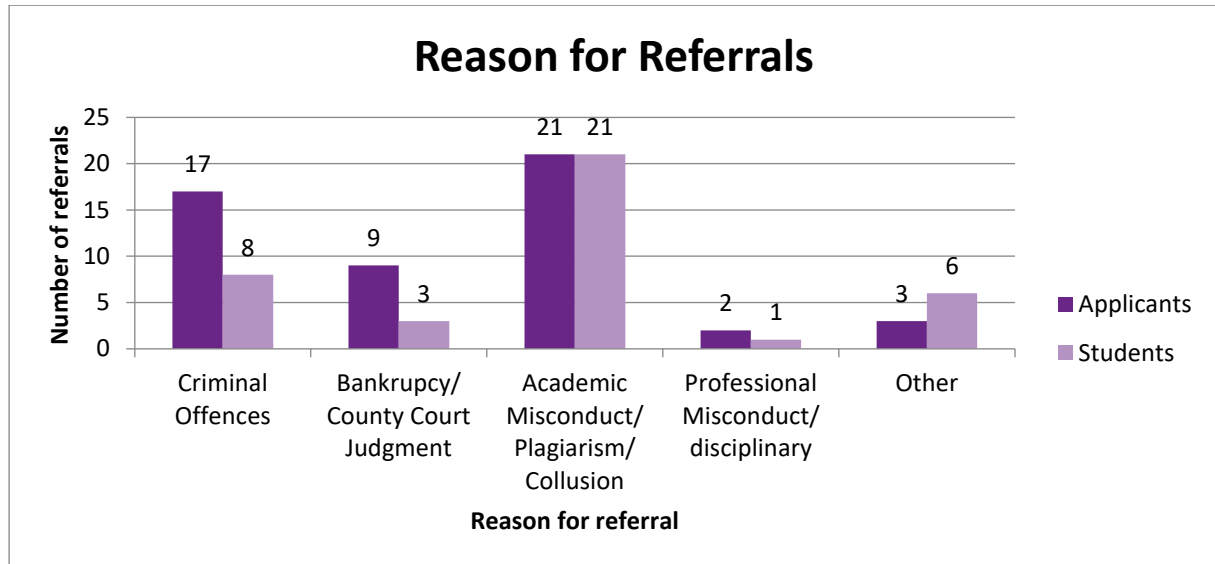
- (1) **52** were 2022 **applicants** to join an Inn. As to these:
 - (a) **5** applicant referrals were received in December 2022 and were to be considered in 2023.
 - (b) In **32** instances the Screening Panel found that a referral to a Hearing Panel was not required in order to determine whether the Applicant was 'fit and proper' to become a practising barrister. Each of these Applicants was returned to the Inn to which they had applied, to be admitted as a member.
 - (c) **15 individuals** received an outcome from an ICC Hearing Panel:
 - (i) **10** individuals were found to be 'fit and proper'. Accordingly, they would be admitted as a member of the Inn to which they had applied.
 - (ii) **4** individuals were found not to be 'fit and proper'. Accordingly, the referring Inn was instructed not to admit them as a member.
 - (iii) **1** individual was found to not be 'fit and proper' to be readmitted as a members of an Inn, having previously been disbarred.

- (2) **39** were **student** members of an Inn. Of these:
 - (a) **1** student referral was received in December 2022 and was to be considered in 2023.
 - (b) In **25** instances, the Screening Panel found that it was not necessary to refer the person to a Hearing Panel. The Inn was so informed.
 - (c) **8** individuals received an outcome from an ICCA Hearing Panel.
 - (i) **4** were found 'Fit and Proper' and able to be called by their Inn.

- (ii) **1** was reprimanded and had their Call to the Bar delayed;
- (iii) **3** were expelled.
- (d) **5** matters remained to be dealt with by a Hearing Panel in 2023.

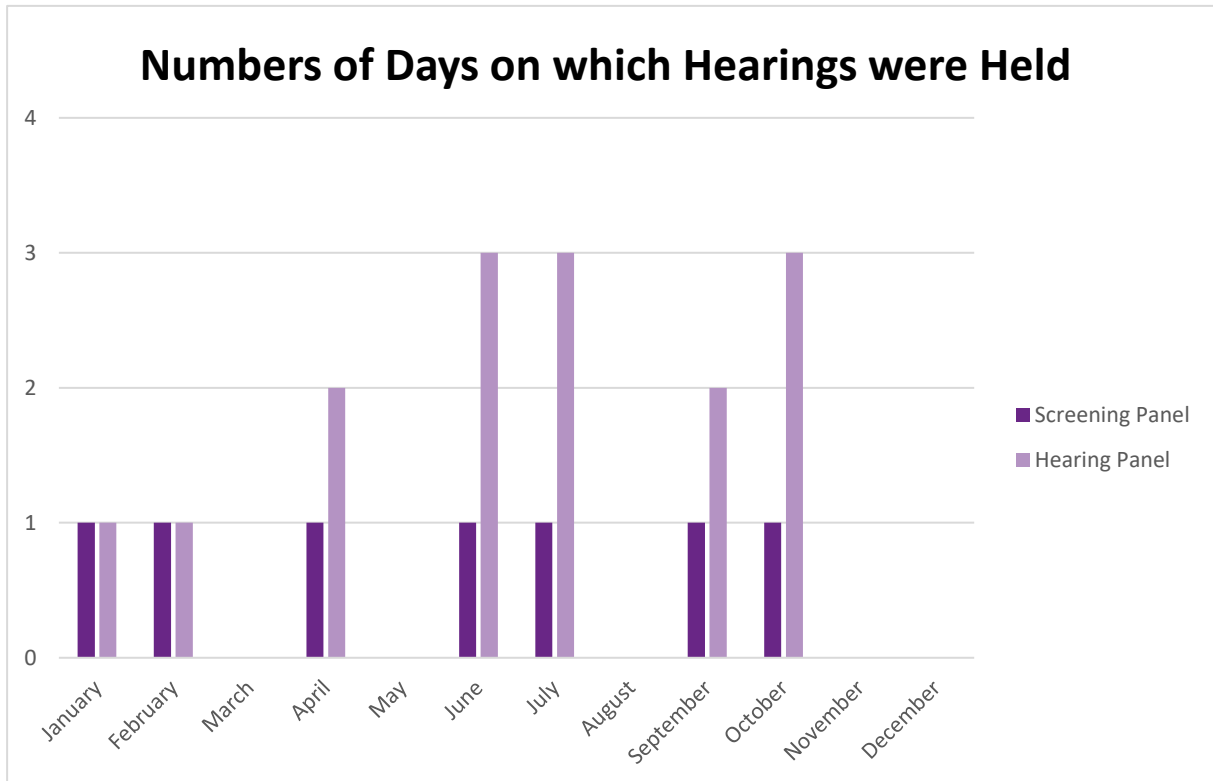


16. The Table below gives a break-down of referrals to the ICC by subject-matter, in relation to applicants and students:



17. It is evident that a large proportion of the ICC’s time in 2022, as in previous years, was spent considering cases of academic misconduct and criminal convictions. With regard to academic misconduct, it should be understood that many of these cases involved two or even three students colluding on a piece of academic work (which they were meant to complete independently). Such cases would be counted in the above graph according to the number of students involved, rather than the number of incidents themselves.

18. The following chart sets out the number of Screening Panels and Hearing Panels that took place each month. Over the course of 2022, there were **7** Screening Panels and **15** Hearing Panels. For efficiency, both Screening Panels and Hearing Panels often consider more than one individual referral.



Applications for review of ICC decisions & Complaints

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

20. In 2022, an application for review was submitted to and upheld by the BSB on the basis that the ICC panel had placed undue reliance on the fact that the applicant had not reported certain matters to another regulator. The BSB review panel was provided with references that had not been provided to the ICC panel.

21. In 2021 one application for review was submitted. The ICC’s decision was upheld.

22. **Complaints** - BTAS has a 'Service Complaints Policy' which sets out how and when complaints can be made regarding all aspects of the service including the ICC. No complaints were received in 2022.

Development/Action Points and Plans

23. During 2022 and 2023 the ICC planned/s to work through the following development points:

- **Online Hearings** – all Panels and Hearings are conducted online/remotely by default subject to the ICC considering any representations as to why the matter should be heard in person. In 2022 BTAS introduced guideline factors that Panels should take into account if asked to decide whether a hearing should take place in person or remotely;
- **Panellist Training** – a programme of panellist training was delivered during the Autumn of 2022. This included, but was not limited to, information security and unconscious bias training;
- **Guidance and Guidelines** – The ICC will continue to work with the BSB to develop guidance and guidelines. In early 2023 the ICC Chair and BTAS Registrar met with the BSB to ask them to:
 - move the burden of proof from the Inns to the applicant in applications for Call (to align with applications for admission). Once this is done the ICC will review its 'Disputed Facts Protocol';
 - consider the introduction of guidance on dealing with 'low level' academic misconduct;
 - review the BSB 'Fit and Proper Guidelines' to ensure that it aligns to the new BTAS Sanctions Guidance and to develop the guidelines on health, readmission, 'low level' academic misconduct and exclusion from another profession;
- **Recruit a new ICC Chair and Vice Chair.** This was done in early 2023 with appointment of Lyndsey de Mestre KC and Jonathan Glasson KC.

The Tribunal Appointments Body's Report

- 1.The Tribunal Appointments Body ('the TAB') is the independent body responsible for appointing barrister, lay and KC members of the Disciplinary Tribunal Pool, and barristers to act as clerks at hearings. It is also responsible for ensuring that those appointed are fit and proper to act, both at the time they were appointed and throughout the entirety of their term of office.
- 2.Panel members and clerks of the Disciplinary Tribunal Pool serve at Hearing Panels for barristers convened to hear Disciplinary Tribunals (both three and five-person Panels), Interim Suspension Panels, Fitness to Practise Hearing Panels and Appeals Against Administrative Sanctions (imposed by the Bar Standards Board). Panel members also hear cases considered in accordance with the Rules of the Inns' Conduct Committee (ICC) to determine whether prospective barristers are fit and proper persons to undertake this role.
- 3.As at 31 December 2022 the membership of the Tribunal Appointments Body was:

Lady Justice Simler (Chair)

Keith Morton KC (Lincoln's Inn member)

Brie Stevens-Hoare KC (Middle Temple member)

Ruby Sayed (Inner Temple member)

Marie Spenwyn (Gray's Inn member)

Christopher Kennedy KC (Gray's Inn member)

Rachel Effey (Lay representative)

Louise Fisher (Lay representative)

Nick Paladina (Lay representative)

Dean Riggall (Lay representative)

4. In 2021 TAB only incurred nominal costs. In 2022 TAB's costs and activities increased substantially as the triannual Panellist and Clerk recruitment and training exercise took place (see below). The TAB's 2022 committee operating costs (fees, expenses for meetings and so on) amounted to £8,310. There were £42,000 of recruitment costs (including employing temporary staff) and £16,866 of training costs. This is funded by the four Inns of Court as part of their annual grants to the Council of the Inns of Court.

Pool Members and Clerks in 2022

5. Those Panellists and Clerks recruited during 2022 did not become eligible to sit on Tribunals until 2023 and are not counted in the statistics contained in this section of the Report.

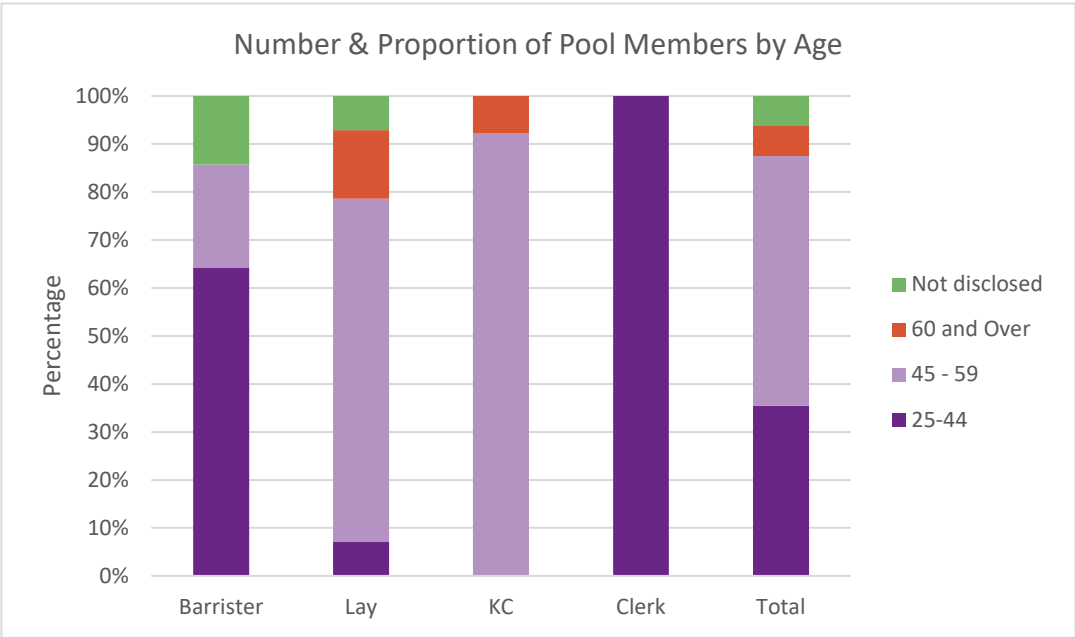
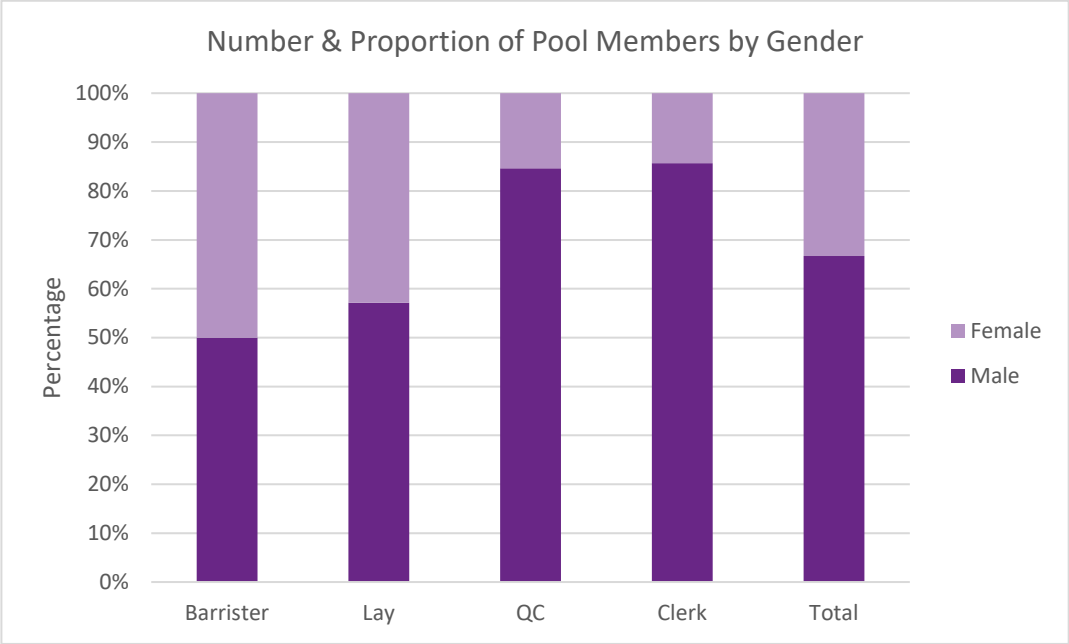
6. As at 31 December 2022, the membership of the Disciplinary Tribunal Pool was:

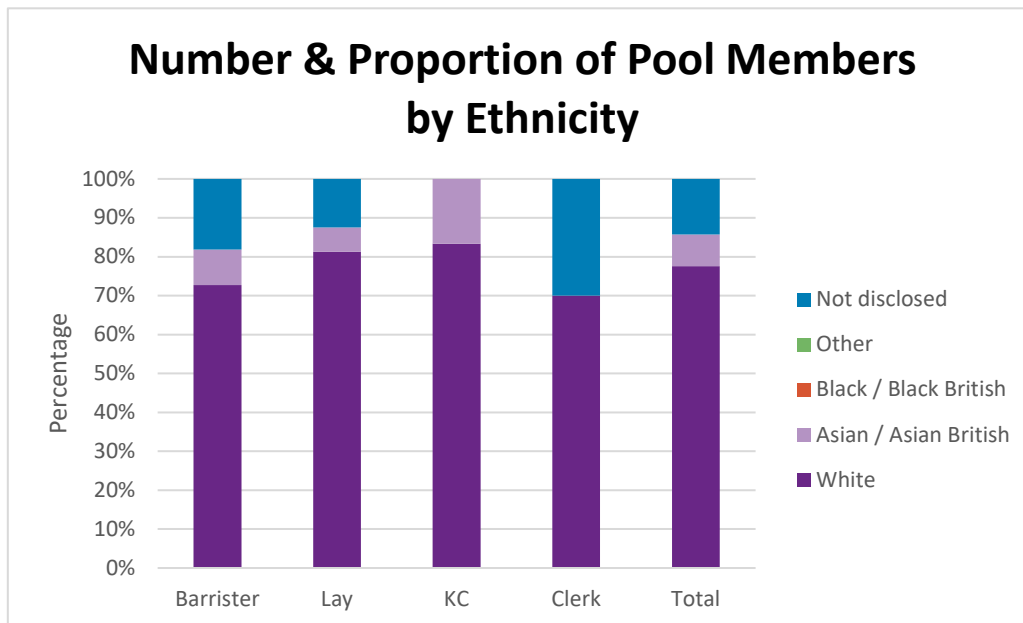
Role	31 December 2022
Barrister	14
Lay	14
KC	13
Clerk	7

7. Full details of the current membership of the Disciplinary Pool can be found [here](#).

Composition of the Pool in 2022

8.The following charts sets out information about the composition of the Pool by gender, ethnicity and age (as at 31 December 2022):



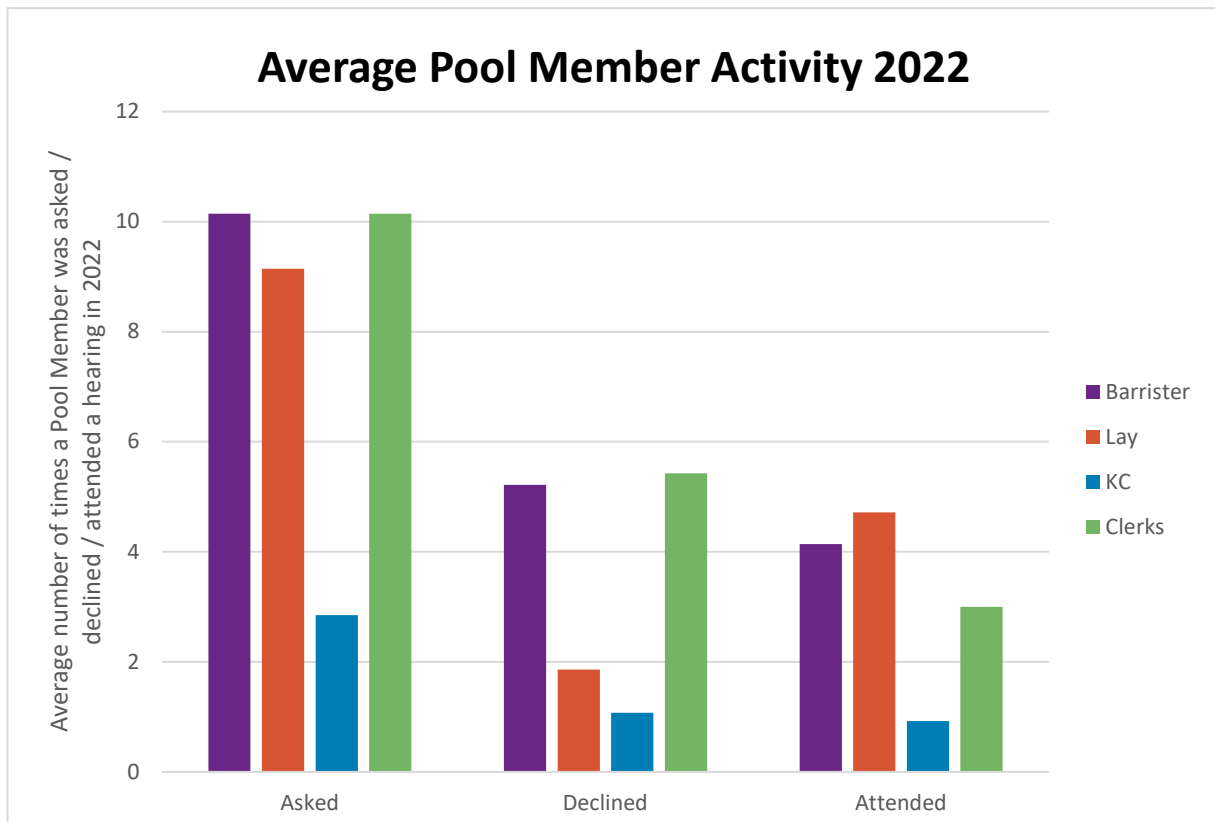


9. It is of particular concern that:

- Gender – whilst 50% of barrister members were female, taken as a whole, only 35% of members were female with there being few female Clerks and KCs.
- Ethnicity – only 9% of members declared an ethnicity other than white with no members declaring black ethnicity.

Panellist Activity in 2022

10. During 2022 there were 28 disciplinary hearings for barristers (not including oral directions, interim applications and costs hearings), and 15 days of ICC hearings for prospective barristers. That meant the number of Tribunals on which the average Pool member had the opportunity to serve in the year was low. This is set out in the chart below:



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

12. While the TAB’s priority is ensuring that the Pool is large enough that sufficient members will always be available to serve on a Tribunal whenever one needs to be convened, it is always mindful that Pool members should, if possible, sit sufficiently often to maintain familiarity and expertise in the role. The TAB would ideally like to see the average number of hearings attended by a Pool member each year increase to about 5.0. In 2020 this number was 4.0, in 2021 4.1 and in 2022 3.9. The Bar Standards Board has advised that it is likely that the number of hearings will increase in 2023. This was taken into

account when deciding how many new panellists to recruit in 2022; nevertheless, it is expected that the average number of hearing per panellist will increase in 2023.

Recruitment Exercise 2022

13. The TAB undertakes a recruitment exercise every third year. TAB reviewed 175 applications (including sample double marking), interviewed 75 candidates and appointed: 4 KC Panellists, 27 Barrister Panellists, 8 Lay Panellists and 9 Clerks. Recruitment targets were met save that BTAS would have preferred to recruit 15 Clerks. Another Clerk recruitment exercise will be undertaken if needed.
14. TAB, in devising and implementing the recruitment, shortlisting and interview processes was supported by a recruitment consultancy, and a specialist equality and diversity consultant.
15. During the shortlisting stage, following the identification of a possible anomaly with the marks awarded to lay applicants (based on E&D data), a further round of double marking took place with the support of the consultant. The TAB were satisfied that the process had generated an accurate reflection of those who should be interviewed. The TAB reviewed an analysis of appointments by diversity, ethnicity and disability and were satisfied that progress had been made as compared to the 2019 recruitment exercise but also recognised that there was still need for improvement. Key statistics include:
- Gender – 50% of appointees were female and 48% male. This represents an improvement on the composition of the panel at the end of 2022 when 35% of members were female. However, of the new KC appointees only one was female. This perhaps reflects the fact that one in five KCs are female. Similarly, only one of the new clerks was female;

- Ethnicity – 26% of all appointees declared non-white ethnicity. This is an improvement on the composition of the panel at the end of 2022 when only 9% of members declared ethnicity other than white. Disappointingly there were very few black appointees and no non-white lay or KC appointees;
- Disability – only one appointee declared a disability with three candidates preferring not to say;
- Age – 20% of appointees were aged 25-34, 37% aged 35-44, 23% aged 45-54 and 13% 55 and above. Lay appointees were mostly aged 45 and above whilst Clerks were mostly ages 34 and below.

16. The TAB made a number of recommendations for improving future recruitment exercises. Of most significance was the recommendation that BTAS should provide information, guidance and webinars on how best to complete the application form and undertake the interview. The BTAS team has begun to investigate how other tribunals attract and support a diverse field of applicants.

Tribunal Panellist Training 2022/23

17. During 2022 and the early part of 2023 new and continuing panellists undertook six hours of training delivered in two sessions.

Session A – ‘Fair Tribunals’ – In person training, delivered by the Chair of the Tribunal Panel and the Registrar covering the:

- role of the Bar Standards Board in the disciplinary process;
- distinctive features of Inns’ Conduct Committee hearings;
- importance of a structured, collective, approach to decision-making, including by the use of a ‘Judgment Checklist’ and writing a ‘Report of Finding and Sanction’;
- application of BTAS’ Sanctions Guidance, and its underlying principles – applied to role play scenarios (the main focus of the training);
- latest developments in professional disciplinary case law;

- the effective facilitation of the participation by vulnerable participants and reasonable adjustments;
- requirements and practicalities for keeping information secure.

Session B – ‘Unconscious Bias’ – live online, delivered by a specialist external trainer. The training covered the:

- main provisions of the Equalities Act 2010;
- importance of an awareness of unconscious and implicit bias, harassment, bullying and counter-inclusive practices – applied to scenarios.

Required Reading – All participants completed a log to confirm they had undertaken the required reading:

- General Information
- Disciplinary Tribunals (a detailed ‘what happens on the day’ guide)
- Fitness to Practice Hearings
- Appraisal Policy

Observation – All new panellists and clerks observed a hearing and completed a log.

The New Sanctions Guidance & Training - The new Sanctions Guidance featured heavily in both training sessions. The new Guidance transformed the nature of the training providing a structure for the training and for panel discussions.