



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

**Derek Sweeting QC, Chair of the Bar Council**

**Elaine Banton, Chair of the Equality, Diversity and Social Mobility Committee**

18 March 2021

Dear Derek and Elaine,

Thank you for your letter of 12 March. We understand that a similar letter was sent to the Bar Standards Board. Your letter raises issues both as to investigations and as to sanctions. We anticipate that the BSB will respond directly to you about the investigations.

The BTAS Advisory Board has already put in hand a review of the Sanctions Guidance, and a timetable for a two-stage consultation process has been announced to which we are determined to adhere. As James Wakefield mentioned to you in his email of Friday 12 March, we will be in touch again to ask for your assistance in making sure that the consultation is brought to the attention of as many people as possible. It is essential that we succeed in securing a high level of engagement. We would very much welcome your invaluable contribution particularly as the consultations will, as you say, cover sensitive areas.

As previously indicated, we do not believe that we have ever seen your letter of 29 May 2019 to Vanessa Davies. Nevertheless, we are happy to provide you with further information regarding those matters that are the responsibility of the Bar Tribunal and Adjudication Service, namely panel recruitment and training.

We are grateful to James Wakefield for the following information in response to your questions.

**The Bar Tribunals & Adjudication Service**

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### Panel Recruitment/Composition

Every three years the Tribunal Appointments Body (TAB) undertakes a recruitment exercise on behalf of BTAS. This last occurred in 2019. TAB was closely supported by an equality and diversity expert (Bindi Dholakia) and external recruitment consultants (Gatenby Sanderson) in both the design of the process (from advertising to appointment) and in training those responsible for selecting. The next recruitment exercise will be in 2022 when expert advice will again be sought and great care will be taken to apply lessons learned from the 2019 exercise.

As at 31 December 2020 the composition (by gender) of the Panel and pool of Clerks was as follows:

	Male	Female	
Barrister	7 – 50%	7 – 50%	14
Lay	8 – 57%	6 – 43%	14
QC	10 – 77%	3 – 23%	13
Clerk	6 – 67%	3 – 33%	9
Total	31 – 62%	19 – 38%	50

In the last exercise, it proved particularly difficult to secure a sufficient number of female QC applicants. Every effort will be made to ensure that 2022 recruitment exercise does all that is possible to ensure a diverse and representative a panel is recruited. Again, as we seek to recruit, it may be that your assistance will be invaluable in seeking applications from under-represented groups.

### Disciplinary Panel Training

In late 2019 and early 2020 all panellists received training (in part delivered by external specialists) which included:

- Unconscious & Implicit Bias
- Equality legislation
- Harassment, bullying and victimisation
- Structured decision making (including the use of a judgment checklist)
- Case law updates
- Panel deliberation role play

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- The completion of required reading, a training log and tribunal observations

Training is planned for November 2021 which is likely to include (though plans are yet to be finalised):

- The new Sanctions Guidance, including sentencing exercises.
- Complainant anonymisation & Data Protection
- Vulnerable witnesses

Please do not hesitate to contact us if you would like to discuss these matters further.

Yours sincerely,

Lady Justice Simler

His Honour Judge Carroll

Chair of the Tribunal Appointments Body

Chair of the Disciplinary Tribunal

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