



THE COUNCIL OF THE INNS OF COURT

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**THE COUNCIL OF THE INNS OF COURT (COIC) IS GRATEFUL FOR THE OPPORTUNITY TO
RESPOND TO THE LEGAL SERVICES BOARD CONSULTATION ON
“CHAIRS OF REGULATORY BODIES”.**

The Council of the Inns of Court (COIC) is an overarching body comprising senior members of the Bar and Judiciary who represent the Inns in making policy on matters referred to it by the Inns and Bar Council. It formulates and co-ordinates the policies of the Inns. It has the power to bind the Inns by its decision on any matter referred to it. COIC also serves as a forum in which matters of common interest can be discussed with the representatives of the Bar Council and the Bar Standards Board. It meets eight times a year.

COIC is also responsible for the Bar Tribunals and Adjudication Service (BTAS). BTAS appoints and administers Disciplinary Tribunals, through which the Bar Standards Board prosecutes barristers for breaches of the Code of Conduct, and it administers the Inns' Conduct Committee which considers admission and disciplinary cases brought by the Inns of Court against student members or applicants for admission to an Inn of Court. Further, COIC oversees the Advocacy Training Council (ATC), which provides leadership and guidance in the pursuit of excellence in advocacy, through advocacy training and the provision of materials on its website.

COIC takes direct interest in this issue as its relationship with both the Bar Standards Board and the Bar Council is a close one as described above. On the regulatory front, COIC undertakes a number of delegated functions, most notably to do with the Admission and Call of students and the provision of the Bar Tribunal and Adjudications Service. As all members of the Bar are required to be members of an Inn of Court, our relationship with the Bar Council is also collaborative.

COIC took an active role in the Clementi Review and thereafter the discussion and pre-legislative scrutiny of the Legal Services Act 2007, and we fully supported the Bar Council in setting up a “shadow” Bar Standards Board in anticipation of the legislative requirement for one. It is worth mentioning that its first Chair was a lay member of the Board, Miss Ruth Evans.

We have found the current regulatory framework to work well, with the respective roles of the Bar Council and Bar Standards Board clearly understood.

In essence, our response to this consultation is a simple one – our profession is best served by the Bar Standards Board having as its chair the best person qualified for the job and willing to give their time to it. This is what the Legal Services Act 2007 provides for and we see no need to change it. There is a clear job description for the role, it is advertised widely when the position falls vacant, and we understand the incumbent is subject to a rigorous annual appraisal process. Indeed, had the Legal Services Act 2007 proposed that the chair of the Bar Standards Board must be a lay person, we would not have embraced the regulatory regime with such enthusiasm and would have lodged an objection at the time.

COIC recognises the immense contribution that lay members have made to the work of the Bar Standards Board and to the functioning of the Bar itself. Our twinning scheme allows lay members to be hosted by one of the Inns where they can visit both the staff and members, as well as attend and observe a range of training sessions and lectures. This helps to address the point that lay members need a period of time to become well-acquainted with the nature of a barrister’s work and duties.

Since the Bar Standards Board has a lay majority, those appointing the chair may take the view that of the candidates before them a particular person with a legal professional background may be best positioned to take on the role. Those appointing may decide not to take that view; the point is that they should be free to take all factors into account and form their own view.

We also note that the conclusions in your consultation paper are not supported by a coherent body of evidence but rely more on perceptions that the approved regulators are still tied too closely to their individual branches of the profession. Similarly, with the assertion that the changes envisaged with the creation of the front line regulators have not progressed as fast as might have otherwise been possible with lay chairs at the helm. This has not been our

experience, indeed there have been occasions when rule changes (notably to the Bar Training Regulations) have been delayed while the Legal Services Board assesses and approves them.

Baroness Deech is the very independent current Chair who fits neither the “lay” nor the “professional” category, being a non-practising member of the Bar with a very distinguished background as a legal academic and in the supervision of regulatory bodies. We also note that the senior staff at the Bar Standards Board have now grown into a highly professional team and whose advice a chair, lay or not, can rely upon.

The regulator, the Bar and those who come into contact with the profession are best served by having the best person for the job, and the wider the catchment area, the higher the calibre of candidates for the role are likely to be.

Therefore, we respond to your consultation as follows.

Question 1

We do not agree with the changes to the internal governance rules for the reasons set out above. We would consider however, a requirement that where there is a “lay” chair there should be a “professional” vice-chair and vice-versa.

Question 2

Given our response to Question 1 this question is not relevant.

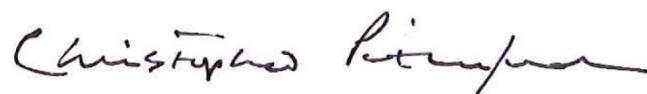
Question 3

Again, not relevant given our response to Question 1.

Question 4

We have no view on the proposed exclusion of the Master of Faculties from the proposed change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Pitchford', written in a cursive style.

The Rt Hon Lord Justice Pitchford

President, The Council of the Inns of Court