



QUEEN'S COUNSEL SELECTION PANEL

QUEEN'S COUNSEL APPOINTMENTS SELECTION PANEL

Appointment Information 2017

This document summarises key information about the Queen's Counsel Appointments Scheme and the requirements of its Selection Panel members.

Background

The Process for the selection and appointment of Queen's Counsel in England and Wales was developed by the Bar Council and the Law Society, with support from the (then) Department for Constitutional Affairs (now Ministry of Justice). The first competition took place in 2005-06 and the Selection Panel is at present conducting the twelfth competition, which commenced in February 2017.

The award of Queen's Counsel is made for excellence in advocacy in the higher courts. Applicants are judged against a competency framework. To recommend appointment the Selection Panel must conclude that the applicant demonstrates excellence in the competencies in cases of substance, complexity or particular difficulty or sensitivity.

"Advocacy" includes both oral and written advocacy before the higher courts, arbitrations and tribunals and equivalent bodies. There is no specific requirement as to the amount of in - court or written advocacy, so long as there is sufficient evidence for the Panel to reach a conclusion as to excellence in respect to each of the competencies.

Apart from regulatory checks to be undertaken by the respective professional bodies, evidence is gathered from those who have seen the applicant in action, the applicant's self-assessment and summary of practice, and their answers at interview (if called). There are three types of assessor: judicial, practitioner (fellow advocates) and client (usually instructing solicitors).

The scheme is self-funding through applicant fees. Responsibility for the management and financing of the appointment scheme rests with the QCA Company, the Directors of which are appointed by the Bar Council and Law Society.

The level of applications varies from year to year, as does the number of appointments made on the recommendation of the Selection Panel. This year there were 272 applications, last year were 254 applicants. In the three competitions before that, there were between 224 and 238. In that period, the number of applicants recommended for appointment has been between 93 and 113.

Selection Panel

The Process is overseen by a Selection Panel, which is supported by its own small Secretariat. The Selection Panel comprises a lay (non-legally qualified) chair, four other lay members and five legally qualified members (of which there will be a senior judicial member, two senior barrister members and two senior solicitor members).

In addition to you and two other new members, the following will be members of the Selection Panel for the 2018 competition:

- Sir Alex Allan (Chair- appointed 2016, appointed lay Panel member 2013)
- Ed Nally (senior solicitor member—appointed 2015)
- Ranjit Sondhi (lay member—appointed 2014)
- Tony King (senior solicitor member – appointed 2014)
- Shaun Smith, QC (senior barrister member-appointed 2014)
- Wanda Goldwag (lay member- appointed 2015)

Panel Members' Duties

The Panel works in a collegiate manner, with all Panel members playing a full and equal part in discussion and decision-making. Panel members share the work as equally as possible, subject to the specific requirement for the Panel members to work in pairs of legally qualified and lay members ('Panel Pairs'). The key tasks are to:

- Provisionally grade applicants as part of a Panel pair; that is assess evidence from an applicant's self-assessment, summary of practice and assessments against the competency framework, and reach a view as to whether the competencies are sufficiently demonstrated to justify interviewing the applicant; and, if so, identifying lines of questioning to be addressed at interview: The grading of applicants is now carried out through an online system.
- Interview applicants as part of a Panel pair and reach a view as to whether the applicant should be recommended for appointment;
- Prepare a full note following the interview and record evidence to justify your recommendations and present this evidence, if required, to the full Selection Panel;
- Collectively, as a member of the Selection Panel, review the conclusions on each applicant, and settle recommendations for Queen's Counsel, and agree the Report to the Lord Chancellor and Secretary of State for Justice;
- Approve written feedback for applicants who are unsuccessful at any stage ; and
- Contribute to the work and decisions of the Selection Panel and, if requested, act as a member of any Sub-Committee (e.g. Character Issues Sub-Panel).

The Selection Panel must command public confidence and as such Panel Members must act at all times in a way that does not undermine this confidence. Panel Members are required to maintain and contribute to the integrity of the appointments system and, in particular to:

- a. Act competently and in good faith at all times;
- b. Working within the agreed Process established by the professional bodies, abide by decisions of the full Panel, by Panel policies and the policies of QCA;
- c. Observe the confidentiality of the process and individual applications and assessments;
- d. Co-operate with any investigation by the QC Complaints Committee (which deals with any formal complaints from applicants);
- e. Disclose to the Chief Executive any conflict of interest or connection which might appear to give rise to such a conflict. Panel members must also make a full declaration of interest when requested to do so; and
- f. Ensure that the principles of equal opportunities are fully observed.

All Panel members are subject to an appraisal process conducted by the Chair of the Selection Panel.

Panel members are asked to undertake that they will not, whilst a member of the Selection Panel or within five years of leaving the Panel, provide on a commercial basis any training or advice for prospective applicants for appointment.

Panel members are named on the QCA website (with a short biography) and identified in the application form.

Time Commitment

Each competition takes about twelve months. The Panel and the professions seek to follow a settled timetable for the annual competitions. Panel members may be required to provide slightly varying numbers of days of service depending upon such factors as their availability and the allocation of cases (agreed by the full Selection Panel). As a general guideline, and based upon recent levels of applications, Panel members can expect to work 30- 40 days during any competition. However, this number can be higher or lower depending upon the number of applications received and number of interviews held. The time commitment is not evenly spread throughout the year. Individual dates for interviewing are agreed with the Secretariat and other Panel members. We expect that grading will take place from late June-late August 2018 (entailing 12 -15 days' concentrated consideration of papers by Panel members), interviews in September and early October 2018 and final moderation (a series of full day meetings, and preparation) in late October 2018.

The Panel has already agreed schedule of meeting dates for 2018. The dates are as follows:

Tuesday 14 February

Tuesday 13 June (Benchmarking)

Tuesday 18 July

Monday 4, Tuesday 5, and Wednesday 6 September

Tuesday 24, Wednesday 25 and Thursday 26 October

Tuesday 5 December (Half day am)

Panel Members are expected to make every effort to attend Panel meetings. In addition, new Panel members can also be expected to spend some time on training and induction.

Location

Selection Panel meetings and interviews with applicants will take place at fixed times and places, but the bulk of work grading applicants i.e. examining applications and assessments can be done at the Panel Members' convenience in their own homes or other offices, on the condition that papers are kept in a confidential manner and securely held when not in use.

The office of the Secretariat is in central London. Selection Panel meetings are also held in central London, at present in a Conference Room at the Bar Council's offices in High Holborn. Interviews of applicants for appointment as QC will be held predominantly in London, but a small number will be in Manchester.

Tenure

Appointments will initially be made for two competitions, those of 2018 and 2019. Appointments are renewable for a further period (to be agreed at the time), subject to balancing the needs to refresh the Panel and to retain established expertise, and your performance on the Panel, and normally subject to an overall maximum of five years' continuous service. In this context, 'competition' means from the point of opening for applications to the submission of the report to the Lord Chancellor and settling the feedback to unsuccessful applicants.

Membership of the Panel will end on:

- a. The expiry of your term of appointment, unless membership is renewed;
- b. The resignation of the Panel member (by giving three months' notice in writing to the QCA Directors);
- c. A decision being taken by the QCA Directors to terminate the appointment as a result of gross misconduct or serious, knowing or repeated breach of the expectations made of Panel members;
- d. Physical or mental incapacity to undertake the work; or
- e. A decision by the Bar Council and Law Society to bring to an end the current arrangements for appointing Queen's Counsel (including winding up of the company).

Panel members are regarded as self-employed.

Remuneration

In general, QCA pays Panel Members for their services on a full day basis (more than four hours work) or half day basis (between two and four hours' work). However, for grading work, Panel Members are paid for the hours worked on a pro-rata basis using the full day rate. Reading time for ordinary meetings, time taken to write up conclusions and travelling time is included in this rate and is not remunerated separately, but there is separate payment for preparation for the pre-interview and final moderation meetings. The current rate of remuneration is £720 per day. This rate is reviewed periodically. Panel members are also paid reasonable travelling and other expenses incurred necessarily as a result of their work as a member of the Selection Panel. The Chief Executive can provide a fuller note of payment arrangements.

Person Specification

It is essential that the Selection Panel as a whole should command the confidence of the judiciary, the legal profession and the public at large as having the necessary skills, commitment and integrity to make appropriate recommendations for appointment in accordance with the agreed competency framework for QCs.

As a lay member of the Selection Panel you will have:

- Held a senior position of authority and responsibility in the public, private or third (ie community, not-for-profit and voluntary) sectors, or been a similarly senior member of an analogous organisation;
- Served in the wider public interest and be able to command public confidence;
- Experience of interviews and selection processes.

Some experience of the legal profession may be an advantage, but it is not essential. You must not be a barrister, solicitor or judge from any jurisdiction. You may be (or have been) a Justice of the Peace.

Selection Panel members must be able to demonstrate:

- A commitment to the seven Nolan Principles of Public Life (Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership);
- The ability to judge evidence against a competency framework and a standard of excellence;
- The skill to sift through evidence amassed from a number of sources and to reach an incisive judgment based entirely on that evidence;
- The ability to manage their own workload and meet targets and deadlines;
- The facility to record the reasons for decisions and to be able to justify them;
- The capability to work as part of a senior team or committee and to form good working relationships with colleagues on the Panel and others;
- The facility to make collective decisions and abide by and support those decisions;
- The ability to maintain the confidentiality of applicants, assessors and, more generally, the internal workings of the Panel;
- Well-developed interviewing skills;
- A high-level of respect and integrity;
- A commitment to equality of opportunity and the promotion of diversity; and
- Competence and confidence in using IT. In particular, for carrying out the grading work.
- Subject to the principle of appointment on merit, it is important for the Selection Panel as a whole to be diverse in composition, particularly in relation to gender and ethnic background.

There is no age requirement for Panel members.

Applications from all sections of the community are welcomed, particularly those which are currently under-represented on the Panel.

Further information

Further information about Queen's Counsel Appointments or the role of Panel Members can be provided by the Chief Executive, Russell Wallman, by telephone on 020 7831 0020 or by email russell.wallman@qcappointments.org

**Queen's Counsel Appointments Secretariat
September 2017**