



The Law Society

Queen's Counsel Complaints Committee

PRIVATE AND CONFIDENTIAL

REPORT OF THE QUEEN'S COUNSEL COMPLAINTS COMMITTEE 2021

Introduction

1. This is the report of the Queen's Counsel (QC) Complaints Committee ('the Committee/QCCC') in respect of the QC Competition 2021.
2. Since its last report the Committee has considered one complaint in relation to the QC Competition 2021 which it did not uphold.
3. It also addressed a further aspect of the complaint that it considered in relation to the QC Competition 2020 about which it reported in its previous report.
4. There are also some changes in personnel to report.

Personnel

5. The members of the Committee who have dealt with the complaint arising from the 2021 Competition are Lady Justice Nicola Davies, Adrian Seelhoff, Lisa Ball and Robin Allen QC.
6. Lady Justice Nicola Davies took over the role of Chair of QCCC for this competition on the retirement of Sir Christopher Floyd at the end of 2019.
7. With effect from the 1st October 2021, Adrian Seelhoff, the Law Society appointee to the Committee was appointed a Judge of the First-tier Tribunal, Immigration and Asylum Chamber. The other members of the Committee congratulate him on his appointment though regret that it means he must leave QCCC. His replacement for the next competition is to be Paul Cummins, a Law Society Council member and Head of Adjudications at the General Pharmaceutical Council.

8. Judge Seelhoff's appointment did not affect the Committee's work on the single complaint from the 2021 Competition as it took place after its consideration of that complaint was concluded.
9. Dr Ross Hutchison, senior governance adviser to the Law Society, has provided the secretariat support to the Committee for this competition as he has for previous years. Following organisational change in the Law Society this is his last competition, and his role will be undertaken in future by Mark Harris a team leader in the Law Society's governance team.
10. The remaining members of the Committee wish to express their great thanks to Sir Christopher, Judge Seelhoff, and Dr Ross Hutchison, and to welcome their replacements.

COVID and its effects on the Committee's process

11. In its last annual report, the Committee noted the effect of the Covid pandemic on its work. Once again, the Committee has adjusted its working methods to the challenges posed by Covid by making use of remote meetings. During 2021 the Committee has exchanged over 120 emails and met virtually on 8 occasions.

The 2021 Complaint

12. The 2021 Complaint raised a number of matters with a specific focus on the assessment of Competency D (Diversity). On analysis the Complaint resolved to two principal points: (i) a comparison with the way in which the Complainant's application was assessed in an earlier competition; and (ii) the Complainant's own assessment of the evidence for this Competency.
13. On the first point the Committee noted that the decision of QCA was based only on the written application, the views of the assessors and performance in interview in the competition. The Committee was clear that it is well established that each competition is a discrete exercise and that the process of application is not iterative, so that any assessment in an earlier competition was neither admissible nor relevant.
14. On the second, the Committee noted that it is for QCA to assess an application as a whole, including the evidence which is provided in the written application, the comments of the assessors and performance at interview. Having reviewed the documentation the Committee did not find that there was an inadequate basis for the QCA's assessment on this competency.

Further observation

15. The Committee reviewed the assessment of the candidate's application as a whole and found no evidence of unfairness or impropriety. It did, however, say that QCA may in the future wish to review how Competency D is to be demonstrated and the quality of the evidence tested and assessed.

The Committee's Report on the previous competition (2020)

16. The committee noted with concern the fact that QCA did not accept all the conclusions it had reached in the preceding year's report. This led to discussions regarding the position of the committee with the chief executives of the Law Society and Bar Council. It is a concern that should similar claims relating to discrimination in the future arise the Committee could find itself bound to reach the same conclusions for similar reasons.

17. The committee also notes that the complainant from the preceding year chose to discuss the complaint in detail with the press. The committee chose not to comment when approached by the press.

The Rt. Hon. Dame Nicola Davies
20 December 2021

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