



KING'S COUNSEL SELECTION PANEL

KING'S COUNSEL APPOINTMENTS SELECTION PANEL

Appointment Information 2022

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

Background

The process for the selection and appointment of King'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 annual competitions now take place.

The award of King'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 "assessors", who have seen the applicant in action, the applicant's self-assessment and summary of practice, and the applicant's 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 KCA 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. In recent years the number of applications has varied between 237 and 281; the number of applicants recommended for appointment has been between 93 and 119.

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 or six legally qualified members (of which there will be one or two retired senior judicial member, two senior barrister members and two senior solicitor members).

The following were the members of the Selection Panel for the 2022 competition:

- Monisha Shah (Chair) (lay member)
- Christina Blacklaws (legal member)
- Douglas Board (lay member)
- Katrina Easterling (lay member)
- Rachel Langdale QC (legal member)
- Sara Nathan (lay member)
- Dame Anne Rafferty DBE (legal member)
- Mena Ruparel (legal member)
- Maggie Semple OBE (lay member)
- Phillip Sycamore (legal member)
- Andrew Walker QC (legal member)

Rachel Langdale, Maggie Semple, Phillip Sycamore and Andrew Walker retire from the Panel at the end of the 2021 competition.

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 the recommendation 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 King'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 so Panel Members must act at all times in a way that does not undermine this confidence. Panel Members are expected to uphold 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 KCA;

- c. Observe the confidentiality of the process and individual applications and assessments;
- d. Co-operate with any investigation by the KC 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 listed on the KCA website (with a short biography) and identified in the application form.

Time Commitment

Each competition takes about twelve months. The Panel seeks 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. 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 between the Secretariat and Panel members. We expect that grading will take place from the end of June to late August 2023 (entailing 12-15 days' concentrated consideration of detailed assessments and applications by Panel members), pre-interview moderation in early September, interviews in September and early October 2023 and final moderation in late October 2023.

The schedule of meeting dates for 2023 has not yet been finalised, but it is expected to be as follows:

- Wednesday 8 February
- Monday 12 or Tuesday 13 June
- Monday 4, Tuesday 5 and Wednesday 6 September
- Tuesday 12 September (half day)
- Monday 16, Tuesday 17 and Wednesday 18 October
- Tuesday 5 December (half day)

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

The office of the Secretariat is in Holborn in central London. Selection Panel meetings are also held in central London. 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. Appointments are renewable for a further period (to be agreed at the time), 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.

Panel members are regarded as self-employed.

Remuneration

KCA currently pays Panel Members at the rate of £820 per day. 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.

Further information

Further information can be provided by the Chief Executive, Russell Wallman, by telephone on 020 7831 0020 or by email russell.wallman@qcappointments.org

**King's Counsel Appointments Secretariat
September 2022**