



Government Legal Department

Outcome of Consultation on changing the structure and recruitment process of the Regional Panel

We consulted earlier this year and sought comments on the proposal to introduce a tiered (A, B and C) system to the Regional Panel, to mirror the Panel structure in London. This would replace the current system where there is one panel, and hourly rate is determined on length of experience alone.

The announcement of the General Election required a pause in proceedings before the consultation findings could be reported to and considered by the Law Officers.

We received only 28 responses. The majority were against the proposals. The main concern was the level of work available in the regions, in particular the possible lack of work of an A Panel standard for those who are currently being paid at £110 per hour, the Regional "A Panel" equivalent rate. However, no real alternative to the proposals was put forward.

The views expressed by all the consultees have been carefully considered, but it has been concluded that other factors, in particular (a) creating parity with the London Panels; (b) providing value for money for Government in assisting them to instruct counsel at the relevant level of experience; and (c) ensuring promotion is based on merit, and not length of experience alone, meant that the arguments were in favour of adopting an ABC tiered Panel structure.

The intention is to now proceed as follows.

- Establish a Regional ABC Panel structure from 1 March 2018. Regional A Panel will comprise advocates who on appointment generally have at least 10 years' advocacy experience; Regional B Panel will comprise advocates who generally on appointment have between 5 and 10 years' advocacy experience; and, the Regional C Panel will comprise advocates who generally on appointment have between 2 and 5 years' advocacy experience. However only the lower level of 2 years' advocacy experience is an absolute. Someone with, say, 15 years' advocacy experience can apply for the B panel if they so wish.
- Appointments will continue to be for a period of 5 years, but an annual competition will be introduced to refresh the Regional Panel.
- Transitional arrangements will involve:
 - A Regional Panel competition will be advertised in late October 2017 and appointments will be made in March 2018;

- All members of the Regional Panel whose appointments are due to expire in 2017 will have their current appointment extended to the end of February 2018 to bring them in line with the new recruitment timetable;
- those existing members of the Regional Panel appointed in 2012 should apply in the October competition to whichever of A, B or C they choose.;
- those existing members of the Regional Panel appointed in 2015 will be placed automatically on either the A, B or C Panel depending on their hourly rate as at 30 November 2017. They will be eligible to apply in 2017 but need not do so. They can continue to finish their period of appointment (usually ending in 2020). This is a change from the consultation proposals where an unsuccessful application in 2017 would result in exit from the Panel.

It will take some time for the changes to filter through and we will of course be watching carefully to see how work is spread amongst the Regional Panel members as we go forward.

31.8.17

REGIONAL PANEL

How the ABC Panel structure will operate

The general principle will remain that any appointment to the Regional Panel will be for a period of 5 years.

Regional C Panel

The Regional C Panel will comprise advocates who generally have between 2 and 5 years' advocacy experience.

Members of the Regional C Panel are appointed for one period of five years; they can apply for promotion to the Regional B Panel once they have sufficient experience and when opportunities are advertised. Anyone serving a full 5 year term on the Regional C Panel will have to seek appointment to a higher Panel in order to remain on the Regional Panel after that 5 year term ends.

Regional B Panel

The Regional B Panel will comprise advocates who generally have between 5 and 10 years' advocacy experience.

Members of the Regional B Panel are appointed for one period of five years; they can apply for promotion to the Regional A Panel once they have sufficient advocacy experience and when opportunities are advertised. They must step down from the Panel if they take Silk. Anyone serving a full 5 year term on the Regional B Panel will have to seek appointment to the Regional B Panel in order to remain on the Regional Panel after that 5 year term ends.

Regional A Panel

The Regional A Panel will comprise advocates who generally have at least 10 years' advocacy experience.

Members of the A Panel are appointed for a period of five years and may seek further five-year appointments in competition with those applying that year. There is no limit to the number of periods of reappointment an individual can have to the A Panel. They must step down from the Panel if they take Silk.

The pay rates will be as follows:

		Amount normally payable for Regional Counsel
Regional A Panel	Over 10 years' experience	£110 hourly rate
Regional B Panel	Over 5 years' experience	£90 hourly rate
Regional C Panel	5 years' experience or under	£60 hourly rate

Annual competitions

The introduction of an annual competition does not mean that everyone on the Regional Panel must reapply annually.

An annual competition enables Government to react to changes to its business needs by seeking to refresh or supplement the Panel on a more regular basis than under the present arrangement. It will also mean those on the Regional C and B Panel will not be obliged to complete a full 5 year term before seeking promotion to the next Panel, B or A Panel respectively. If an early application to the next Panel proves unsuccessful, the individual will remain on their original appointed Panel to continue their existing appointment until they are successfully appointed to the next Panel or their 5 year term comes to an end, whichever comes first.

Timing of the next Regional Panel recruitment exercise

The Regional Panel competition due to take place in the summer of 2017 will go ahead to a revised timetable. The advert will appear in Counsel Magazine at the end of October with a closing date for applications at the end of November. Candidates will be invited to apply to join either the A, B or C Regional Panel. New appointments will commence on 1 March 2018.

From 2018 onward, an annual competition will take place in the autumn enabling new candidates to apply and offering existing Panel members the opportunity to seek promotion to a higher Panel, should they feel the time is right for them to do so. Terms of appointment for all existing Panel members will be extended so as to fit in with the new timetable.

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