

Code of Practice for the Legal Services Board (LSB)

Aims

1. In carrying out their work Members of the Legal Services Board (hence forward Members) should ensure that they adhere to the overall aim of the LSB. This aim, defined in the LSB Management Statement with the Ministry of Justice (MoJ),

“is to improve the delivery of legal services to the general public, and to businesses, by providing consistent oversight regulation to the legal services sector. The LSB will improve performance by ensuring that the Approved Regulators and the Office for Legal Complaints carry out their functions to the required standards.”

Collective responsibility of the Board

2. The Board will act on a collective basis. As the body charged with governing the LSB's strategic direction, the Board will abide by the following principles:
 - the Board will operate on the principles of collective responsibility, support and respect;
 - Members will seek access to all the information necessary to ensure vigorous debate and effective decision-making;
 - in all situations, all Members will be deemed to have agreed with all decisions and ensure this is reflected both inside and outside the LSB;
 - individuals members views will not be made public internally or externally; and
 - if a Member resigns he or she may state the basis for the disagreement, but may not publicly rehearse the arguments of other Members.

Corporate Governance

3. The Board as a whole has a responsibility to ensure that the LSB complies with its statutory requirements as set out in the Legal Services Act 2007 (here after the Act); all other appropriate legislation; and government accounting rules in reference to its use of public funds. The LSB takes account of the Combined Code, insofar as possible for a public body to do so, in regard to its corporate governance polices and in doing so:
 - has clear procedures for how it carries out its work including ensuring that:
 - accurate minutes are taken that record decisions taken
 - the LSB meets at regular intervals (usually monthly) throughout the year
 - Board meetings take place with a quorum of no less than 5 Members comprised of both lay and non-lay Members with the majority being lay;

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- ensures that all Members of the LSB and staff are properly inducted;
- has an Audit and Risk committee, the terms of reference for which are attached at **Annex A**;
- has a Remuneration and Nomination committee, the terms of reference for which are attached at **Annex B**;
- works to a clear performance framework in terms of the performance of individuals and the organisation as a whole;
- adopts a clearly defined policy to risk management that is communicated and implemented effectively throughout the organisation (will be attached as an Annex at a later date);
- in ensuring best practice complies with all its obligations under legislation notably on health and safety, equality and diversity and sustainability;
- in accordance with Government policy on **openness and responsiveness**, complies fully with the Freedom of Information Act 2000.
- has a robust and workable expenses policy, which includes a policy on the registering of hospitality and the acceptance of gifts, which is attached at **Annex C**;
- has conflict of interest policy, as attached at **Annex D**, including the register of individual interests;
- produces a corporate and business plan, and annual report as set out in the Management Statement; and
- has complaint procedures, including a whistleblowing policy, for both internal and external complainants about the LSB as an organisation and Approved Regulators (will be included as an Annex at a later date).

Delegation

4. The LSB may delegate such functions as it deems appropriate to Members, staff, committees or sub-committees. When delegating specific functions to staff, the LSB will ensure that this is done within a clearly understood framework of financial and strategic control. It should be noted that Schedule 1 of the Act excludes the delegation of the rule making powers of the LSB under the Act.
5. Any delegation of responsibility for specified matters to a committee or sub-committee of the Board must ensure that decisions are recorded and reported to the Board as a whole.
6. The Board's financial responsibility is carried out through the Audit and Risk committee; Budgetary responsibility will be carried out by the CEO in his/her role as Accounting Officer as defined in the Management Statement between the MoJ and LSB. Members are expected to contribute actively to the formation of policy, to check and challenge the executive. The Board as a whole is accountable for all decisions taken and for the sign off of all plans and accounts.

The LSB as an employer

7. The LSB shall have responsibility for the recruitment, retention and motivation of its staff. To this end the LSB shall ensure that:
 - it complies with all relevant legislation and that it employs suitably qualified people who will discharge their responsibilities in accordance with the highest of standards;
 - its rules for the recruitment and management of staff create an inclusive culture in which diversity is fully valued; where appointment and advancement is based on merit; and where there is no discrimination and a positive environment where differences in respect to gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background and age are valued;
 - the structure, level and number of staff is appropriate to its functions and the requirements of value for money;
 - a **remuneration policy** is in place, which has a performance related element;
 - a performance management system is in place against which employees' performance is formally assessed at least annually;
 - a training and development policy is in place to ensure that employees maintain/attain the necessary skills and expertise to fulfil the LSB's objectives;
 - proper consultation with staff takes place;

- a code of conduct is in place for staff, which includes whistleblowing, grievance and disciplinary procedures (to be attached as an Annex at a later date).

Responsibility of individual Members

8. Members must ensure they follow the LSB's conflict of interest policy attached at **Annex D** and therefore declare all relevant interests in the LSB's register of interests when known about and at meetings where applicable.
9. Members must ensure that during the period of their tenure they are committed to and conduct themselves in accordance with the seven principles of public life (see **Annex E**).
10. All Members will undergo yearly appraisals with the Chairman. These appraisals will be used as the basis for assessment of Members at the point of re-appointment. The Chairman will also undergo appraisals.

Public services values

11. Members must at all times:

- observe the highest standards of propriety involving **impartiality, integrity and objectivity** in relation to the stewardship of public funds and the management of the LSB;
- maximise **value for money** by ensuring that functions are performed in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable. Value for money is not the lowest price: it is the optimum combination of whole life costs and quality to meet the organisation's objectives; and
- be **accountable** to Parliament, stakeholders, individual citizens and staff for the activities of the bodies concerned, their stewardship of public funds and the extent to which key performance targets and objectives have been met.

Conduct

12. Where the Members are cautioned for or charged with any criminal offence, other than a parking or speeding offence without aggravating circumstances, they should report the matter at once to the Chairman, or in the case of the Chairman, the MoJ. Consideration will be given to whether the appointment should be terminated.
13. Behaviour which could cause offence, particularly on racial or religious grounds, or amounting to sexual harassment, is not consistent with the standards expected of Members of the LSB. A complaint which after investigation has been substantiated as being of conduct of this kind, whether or not previous complaints have been made, will be regarded as misbehaviour and therefore is likely to be deemed appropriate to terminate the appointment.
14. Members should also notify the Board if they get into serious financial difficulties, particularly if legal proceedings appear likely to be, or have been, initiated. If the Members are aware of matters relating to conduct which may affect their position, or which reflect on the reputation and standing of public appointees at large, they should advise the Board at the earliest opportunity.
15. **Misuse of office** – Members should avoid any action which involves, or may be seen as involving, the exploitation or misuse of their position or title for private purposes, e.g. in connection with business opportunities for themselves as individuals or other employers.
16. Any complaints about individual Members will be dealt with in accordance with the complaints procedure agreed with the MoJ, attached at **Annex F**.

Criminal and civil liability

17. If Members have acted honestly and in good faith they will not be liable for damages for anything done or omitted in their exercise or the purported exercise of the functions conferred on the LSB by virtue of schedule 1 of the Act or any other enactment.

Public speaking and journalists

18. The Chairman and Chief Executive will act as the spokesperson for the organisation. If members attend events where issues related to LSB policy maybe discussed, members should make it clear that any opinions they are offering they are given in a personal capacity and no way reflect the view of the organisation. In all cases members should not express views at variance from agreed LSB policy. Subject to the above Members are not restricted from access to the media in their personal non-LSB capacity, or in pursuit of a professional interest, for example as performers, experts, critics, or commentators.

19. Members should make the Board Secretariat aware of all events they are attending which may involve the discussion of issues related to LSB policy or areas of interest.

Terms of Reference of the Audit and Risk Committee

Duties

1. The duties of the Committee shall be:

Internal Controls

- To consider any matters brought to it by any sub-committees that it has set up.
- To review the annual Statement on Internal Control.
- To consider other topics, as directed by the Board.

Risk Management

- To oversee risk management throughout LSB, and ensure that the risk management policy is effective, consistent with the Board's policies towards risk. Risk management will include a review of the insurance arrangements and treasury and cash management policies.

Internal and External Audit

- To consider the appointment of the internal auditors, the audit fee, and any questions regarding the resignation or dismissal of the internal auditors, and to review the independence and objectivity of the auditors and matters related to the provision of non-audit services, and to manage the appointment of the NAO as statutory external auditor.
- To discuss with the external auditor, before the audit commences, the nature and scope of the audit and to review the cost effectiveness, independence and objectivity of the auditor.
- To discuss with the internal auditors and approve the strategic internal audit plan, and in each year the nature and scope of their audit programme.
- To consider any issues arising from the interim and final audits, and any matters which the external auditors may wish to discuss (in the absence of LSB executive staff, if the Committee so determines).
- To set and monitor performance measures for the internal and external auditors.
- To review the external auditor's management letter, if any, and the management response and action plan.
- To advise the Board in relation to the annual report of the Head of Internal Audit, particularly in respect of the opinion provided regarding the organisation's risk, governance and internal control framework.
- To consider and advise the Board regarding the major findings of internal audit, if any, and the management response and action plan.

Finance

- To review the annual budget and recommend it to the Board.
- To approve the financial authority framework.
- To advise the Board and make any recommendations with respect to the content of the draft Annual Financial Accounts.

Authority

2. The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from LSB colleagues, and LSB colleagues are directed to co-operate with any request made by the Committee.
3. The Committee is authorised to obtain external legal or other independent professional advice if it considers this necessary.

Membership

4. The Committee and its Chair shall be appointed by the Board from amongst its non-executive members.
5. A quorum shall be two Members. Members' attendance through telephone or videolink is permissible for the purposes of determining a quorum. Where the Chairman of the Committee considers it appropriate decisions may be taken by email.

Attendance at Meetings

6. The Chief Executive, Head of Finance and Corporate Services and a representative of the internal and external auditors shall normally attend meetings. Other (independent) LSB Board Members shall have a right of attendance.
7. The Board Secretary or such other person as the Committee decides shall be the Secretary to the Committee.

Frequency and Purpose of Meetings

8. Meetings shall be held not less than three times a year with at least one meeting held to review the LSB Annual Report.
9. Reports from the Internal Auditors relating to operational reviews will be presented to each meeting of the Audit Committee on completion and in accordance with an agreed timetable. Any Member of the Board or the external auditors may request a meeting if they consider that one is necessary.

Access

10. The Head of Internal Audit and the representative of External Audit will have free and confidential access to the Chairman of the Audit Committee.

Reporting Procedures

11. The Secretary to the Committee shall circulate the minutes to all Members of the LSB Board.
12. The Chairman of the Audit Committee will provide a written report at the next available LSB Board meeting of any significant issues arising from the previous Audit Committee meeting.

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13. The Chairman shall report annually to the Accounting Officer on the activities of the Audit Committee.

Terms of Reference for the Remuneration and Nomination Committee

Duties

1. The duties of the Committee shall be:

In relation to **Remuneration**

- To decide and review terms and conditions of service, including remuneration, pensions, allowances, gratuities, early retirement and redundancy, of the Chief Executive and of such Members of the senior management team and of any other colleague(s) as agreed between the Chairman of the Committee and the Chief Executive Officer.
- To oversee the process for determining the terms and conditions of employment, including remuneration of all other LSB colleagues, committee Members and other appointments (including those in relation to the Consumer Panel and OLC but excluding the Chairman and other Non-Executive Members of the LSB Board).
- To oversee and decide upon issues relating to the pension arrangements established by LSB for all LSB colleagues, Board and other Committee Members including approval of Schedules of Contributions.
- To oversee the process for linking the performance assessment of all LSB colleagues with reward.

In relation to **nomination**

- to regularly review the structure, size and composition (including the skills, knowledge and experience) of the Board and to make recommendations to the Board as appropriate; to consider the succession plan for all Members, both Executive and non-executive at least once annually.
- to be responsible for the process for appointing executive Members to the Board and to make appropriate recommendations to all the non-executive Members of the Board.
- To oversee LSB's talent management strategy and succession planning for such Members of the senior management team and of any other colleague(s) as agreed between the Chairman of the Committee and the Chief Executive Officer.
- to ensure evaluation of the performance of Members on a regular basis and appropriate follow-up development action.

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- to advise the Chairman on appropriate recommendations to the MoJ concerning re-appointments of non-executive Members when appropriate (it being understood and agreed that no member of the Committee shall participate in any evaluation about their own performance or succession).
- to ensure that on appointment to the Board non-executive Members receive an appropriate induction including briefings and meetings with relevant LSB colleagues.

Authority

2. Decisions of the Committee in respect of the terms and conditions of service of the Chief Executive are subject to the consent of the Chairman and other Members of LSB.
3. The Committee is authorised to seek such information as it requires and may employ legal or other professional advisers to inform its activities within its remit.

Membership

4. The Board shall appoint the Committee and the Chairman shall also be selected by the Board. It shall consist of not less than three (non-executive) Members. A quorum shall be two Members.

Attendance at Meetings

5. The Committee shall, if it thinks appropriate to do so, ask LSB colleagues (including executive Members) or specialists from outside LSB to attend meetings. Other LSB Members shall have a right of attendance. No Member or LSB colleague should be present at any meeting of the Committee when his or her own terms and conditions are discussed.
6. The Board Secretary or such other person as the Committee decides shall be the Secretary to the Committee.
7. Members' attendance at meetings through telephone or video link is acceptable for the purposes of determining a quorum.
8. Decisions by Members will normally be taken by consensus, although any Member may call for a vote to be taken. In such cases, the Chairman has a casting vote. Where the Chairman of the Committee considers it appropriate, decisions may be taken by email.

Frequency of Meetings

9. Meetings shall be held at least once a year. Any Member of the Board may request a meeting if they consider that one is necessary.

Reporting Procedures

10. The Committee Secretary shall circulate the minutes to Members of the Committee. They will otherwise remain confidential.
11. The Chairman of the Committee shall report regularly to the Chairman of the LSB and annually on a formal basis to the LSB Board as a whole, and at any other times as considered appropriate.

Annex C

Expenses policy – from the point of financial handover

Purpose

1. The purpose of this policy is to set out the responsibilities of Members when accepting or giving gifts and hospitality and claiming travel and Subsistence.

Expenses claims

2. Claims for reimbursement, with supporting receipts for each item, should be prepared on a spreadsheet to be collected by the Board Secretariat at each Board meeting. The Secretariat will then submit the claim form to the financial controller for processing. Claims will not normally be authorised when supporting receipts are not provided. Credit card slips alone will not be acceptable.

Hospitality Policy

General Principles

3. It is not expected that Members will generally be in a situation that requires them to offer or receive corporate hospitality and/or gifts as individuals, however, it is understood that under certain circumstances this may be appropriate. **Members may exercise discretion as to cost in respect of his/her own dealings.**
4. Members should ensure that in offering or accepting any offer of hospitality that they are abiding by the conflict of interest policy as defined in Annex D.
 - Members and Members' families should refuse to accept gifts or hospitality which could influence or appear to influence decisions they make on behalf of the Board.
 - The acceptance and/or offer of small gifts and or/causal hospitality is acceptable within reasonable grounds as long as it is a normal and appropriate expression of business courtesy and provided that it is reported to the Chief Executive.
 - **Under no circumstances should Members enter into reciprocal entertaining arrangements.**
 - All given/ accepted hospitality and gifts must be reported to the Chief Executive to be recorded on the LSB Gifts & Hospitality register.
5. The following principles apply to invitations from external organisations to functions:
 - Event-based hospitality that allows Members to meet stakeholders, and so which might shape or promote the LSB's work, is generally acceptable. For example, going to an industry awards dinner.

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- Work-related hospitality from a single stakeholder or licensee is acceptable where it can clearly be seen to be of value to LSB set up and future work (that is, working lunches or dinner).
- Members should avoid hospitality that benefits him/her personally if it is difficult to justify as being of benefit to the LSB, or if there is risk of possible bias or libel. Examples would be tickets to certain sporting events or the opera.

Gift and hospitality register

6. Members may entertain visitors and guests only where it is approved by the Chairman and is likely to help the LSB to further its objectives. Entertainment received on behalf of LSB must be recorded in the LSB's. Working lunches at LSB premises or the offices of the entertaining company/individual need not be registered.
7. The name of each person attending must be noted on the claim, identifying which attendees are there on behalf of the LSB and which are external guests. You must also include in the text of the claim the reason for the entertainment. The LSB may require this information to prove that no tax is payable on the entertainment.

Travel and Subsistence (T&S)

Allowance

8. The general principle is that nothing may be reimbursed beyond extra expenditure actually incurred on the necessary business of the LSB and travel to and from its offices.

Train

9. Members may travel first class, however, the availability of first class seating should always be checked before a first class booking is made. Standard class bookings should be made on routes which do not normally have first class, or for short journeys (up to 30 minutes).
10. Tickets should usually be purchased in advance and Members customarily make their own travel arrangements.

Air

11. In the unlikely event a member needs to travel by air, it should normally be by economy class. Business class is acceptable where the scheduled flight duration is more than six hours with the prior approval of the Chief Executive.
12. Within the UK, air travel should only be used when it is cost effective, e.g. cheaper than by train, or where the time saving is sufficient to justify any extra expense over road and rail travel.

Taxis

13. Taxis may be used where there is no other public transport available or when they are more cost effective than other forms of transport. They may also be used for short journeys with heavy luggage.
14. Claims for taxi fares, including gratuities, (which should not exceed 10 percent of the fare) should be supported by receipts. All taxi drivers will produce a receipt if requested.

Meals

15. Subsistence expenses will be paid to or on behalf of Members performing business away from their normal place of work who are prevented from taking a meal that they would normally take at their home (breakfast or evening meal) or place of work (lunch).

Current Rates of Travelling and Subsistence for the Members of the LSB

This Annex may be re-issued, from time to time, to reflect any alterations in the rates paid.

Travel

1. By rail: 1st class fare.
2. By car: rates *per mile*:
First 10,000 miles 40p
Over 10,000 miles 25p
3. Motorcycle allowance: 24p per mile
4. Pedal cycle allowance: 20p per mile
5. Passenger supplement (not payable for motorcycle travel) 5p per mile for passengers whose fares would otherwise be paid from public funds

Subsistence

Night subsistence per night:

Hotels and private clubs in London Actual expenditure up to a ceiling of £120 for bed and breakfast costs plus 24-hour allowance of £21 and personal incidental expenditure allowance of £5

Hotels and private clubs elsewhere Actual expenditure up to a ceiling of £100 for bed and breakfast costs plus 24 hour allowance of £21 and personal incidental expenditure allowance of £5

Conflict of interest

Introduction

1. Members are entitled to manage their own affairs in privacy. However, the work of the LSB must be seen to be carried out in an environment, which is free from any suggestion of improper influence. Those providing information to the LSB must be confident that it will be properly handled and that conflicts of interests are quickly identified and properly handled.

General principles

2. Members must ensure that, while holding appointment, they conduct themselves in a manner consistent with the authority and standing of their role. They must not, in any capacity, engage in any activity, which might undermine, or be reasonably thought to undermine, their independence or impartiality.
3. All steps must be taken to ensure that any conflict of interest to which a Member may be subject does not affect a decision taken by the LSB.
4. Members should declare any personal or business interests, which may in reality or appearance apparently conflict with their responsibilities as Members of the LSB.
5. The LSB recognises the value and input of its statutory non-lay members. It is not felt that their professional status alone represents a conflict when dealing with LSB matters. However, Members should always declare any potential conflicts relating to the specific activities of businesses and organisations of which they may be involved.
6. Members must not exploit or appear to exploit to their personal advantage, any personal or professional relationships gained through the course of their work with the LSB.
7. Member should not use information gained through their work at the LSB to gain improper advantage in their own affairs.

Outside interests

8. Members may not undertake any task or engage in any activity, which in any way limits their ability to discharge their statutory duties to the full. They should so conduct their private affairs as to minimise the possibility of conflict or embarrassment, including:

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- Not-for-profit bodies -If Members are involved in not-for-profit activities, including holding the directorship or trusteeships of a charity, they should be on their guard against circumstances arising, which might be seen to cast doubt on their impartiality.
- Political or other activities - The LSB is covered by the House of Commons Disqualification Act 1975 which disqualifies Members of the House of Commons from being Members of the LSB. A member of the LSB, who is adopted as a prospective candidate or decides to stand, should resign from the LSB. Members should be on their guard against circumstances arising in which their involvement in any outside activity might be seen to cast doubt on their impartiality or conflict with their statutory office.

Register of Members' interests

9. The LSB will keep a **register of Members' interests** appropriate to the LSB's activities. The register should, as a minimum, list direct or indirect pecuniary or other interests which may in reality or appearance apparently conflict with Members of the public might reasonably think could influence Members' judgement. Members are strongly encouraged to register non-pecuniary interests which relate closely to the body's activities, and interests of close family Members and persons living in the same household as the Member.
10. The LSB's conflict of interest register will be made available in its annual report. Members are required to update their entry as and when changes to their circumstances occur.

Dealing with potential conflicts of interest

11. Members of the LSB should not participate in the discussion or determination of matters in which:
 - they have a direct pecuniary interest; and
 - that when an interest is not of a direct pecuniary kind, Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of the reality or appearance of bias.
12. Where, in accordance with the above, Members do not participate in the discussion or determination of a matter, they should normally withdraw from the meeting. This is because the continued presence of someone who had declared an interest might be thought likely to influence the judgement of the other Members present. Their absence from the discussion should be recorded in the minutes.
13. Whether or not Members are able in the light of the considerations above to participate in the discussion or determination of a matter, they should declare as soon as practicable after a meeting begins if they have an interest, pecuniary or

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other, in a matter being considered. They should also disclose any interests in it of which they are aware on the part of close family Members and persons living in the same households as them. In addition, Members should consider whether they need to disclose relevant interests of other persons or organisations which Members of the public might reasonably think could influence the member's judgement.

The seven principles of public life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and action to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example

Annex F

Complaints and disciplinary process for individual Members

Introduction and scope

1. This policy will be agreed and where necessary reviewed with the Ministry of Justice (MoJ).
2. This disciplinary procedure is to be used in the event of an allegation of personal misconduct or impropriety by a Member. These procedures should be followed if there is an alleged or suspected breach of duty by the Chairman and any other Member.
3. In the case of an executive Member, these procedures do not cover his/her appointment as a member of LSB staff. An executive Member's appointment as a member of staff is subject to the LSB's internal disciplinary procedures for staff.
4. The Lord Chancellor may delegate his/her functions under these procedures to any person he/she directs.
5. Nothing in this document restricts the powers of the Lord Chancellor in his/her ability to appoint or terminate individuals to the LSB, as contained in Schedule 1 to the Legal Services Act 2007.

Professional complaints

1. If a complaint in relation to the conduct of a Board member in a professional capacity is made to the relevant professional body, it should be registered immediately with the Chairman and declared at the next Board meeting.
2. If the complaint is relevant to the work of the Board, the member should seek advice from the Chairman to determine whether a fair-minded and well-informed observer might think there was a real possibility that decisions made by the Board were biased by an individual's presence on the Board or participation in discussions. If the Chairman judges that this is a real risk, the member should exclude themselves from discussions that directly relate to the work and disciplinary functions of the relevant Approved Regulator or work by the LSB that could have a unique effect on the governance arrangements of the Approved Regulator concerned.
3. If the member receives a formal disciplinary finding against them, they should declare this immediately to the Chairman and the Lord Chancellor. A view will be formed on whether paragraph 7 of Schedule 1 of the Act is relevant. If the

member remains on the Board, the fact of the finding should be declared in the register of interests.

4. If the member chooses to appeal, the member should report the matter to the Chairman and consideration will be given to whether the member concerned should voluntarily stand down until the matter is resolved.

Legal representation

5. At any stage of an investigation into allegations made against a Member, the Member is entitled to legal representation. This representation would be at the Member's expenses. However, in light of the outcome of the investigation, some or all of such costs can be reimbursed at the discretion of the Accounting Officer. The Member will be reminded of this entitlement to advice at each relevant stage of the procedure.
6. If the Member chooses to be legally represented, he/she must inform the Chairman or the Lord Chancellor in writing of the name and address of the legal representative.

Procedure for investigating alleged breaches of duty in relation to Members other than the Chairman

A. Preliminary consideration

7. On receipt of an allegation of a breach of duty by a Member, the Chairman must, having sought such clarification as he/she thinks necessary:
 - (i) inform the Member in writing of the details of the allegation and invite him/her to submit written comments within 14 days, or such other period as may be specified; and
 - (ii) notify the Lord Chancellor that he/she has done so.
8. Following consideration of the Member's written comments, if the Chairman is satisfied, on the basis of all the information available to him/her, that the allegation is unfounded, no further action will be taken. The Chairman must inform the Member, the Lord Chancellor and the person who made the allegation of his/her decision.
9. If the Chairman is satisfied, on the basis of all the information available to him/her, that a breach of duty may have occurred, he/she must immediately write to the Member concerned:
 - (i) stating that the allegation will be investigated;
 - (ii) enclosing a copy of these procedures;
 - (iii) setting a date for the individual to meet the Chairman (preferably within 14 days from receipt of the letter); and

- (iv) informing the individual of his/her entitlement to be accompanied or legally represented at the meeting and at any subsequent stages of the investigation.

B. Meeting with the Chairman of the Legal Services Board

- 10. The Chairman of the LSB will meet the Member concerned to discuss the alleged breach of duty and the Chairman will then decide the appropriate course of action to be taken.
- 11. The Member may be accompanied or legally represented at the meeting by a person of his/her choosing.
- 12. After the meeting, the LSB Chairman, having regard to all relevant factors, including the outcome of any further investigation he/she may consider necessary, will submit a report to the Lord Chancellor in which he/she may recommend that the Lord Chancellor should take one or more of the following courses of action:
 - (i) dismiss the allegation;
 - (ii) direct further investigation of the allegation;
 - (iii) suspend the individual's appointment to the LSB pending further investigation;
 - (iv) terminate the individual's appointment to the LSB; and
 - (v) direct such other action as the Chairman considers necessary.
- 13. If the Lord Chancellor suspends the non-executive Member's appointment, he/she may direct whether such suspension is to be with or without remuneration.
- 14. If the LSB member's appointment is terminated, the Lord Chancellor will consult the Lord Chief Justice before doing so.
- 15. The Member must be informed in writing without delay of the Lord Chancellor's decision.

C. Further investigation

- 16. If the Lord Chancellor directs further investigation, he/she may appoint a person of his/her choosing as Investigating Officer. The Investigating Officer may be an official of the Ministry of Justice or any other person at the Lord Chancellor's discretion.
- 17. Subject to the LSB's whistleblowing policy, the Investigating Officer may seek any further evidence and interview any person, as he/she considers necessary.

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18. The Investigating Officer must report his/her findings of fact to the Member concerned and invite his/her comments within 14 days, or such other period as may be specified.
19. At the conclusion of the investigation, the Investigating Officer will report his/her findings together with the Member's comments, if any, to the Lord Chancellor. The Investigating Officer may also make recommendations to the Lord Chancellor.

D. Notification of decision

20. After consideration of the Investigating Officer's report and any recommendations and of any comments made by the Member, the Lord Chancellor will determine the matter.
21. The Lord Chancellor's decision must be communicated to the Chairman and Member either in person or in writing at the earliest opportunity. If the decision is communicated in person, it must be confirmed in writing.
22. At the conclusion of the investigation, the Lord Chancellor may publicly announce his/her final decision. Any such announcement would normally be brought to the attention of the Office of the Commissioner for Public Appointments.

Investigations relating to the Chairman

23. Any allegation of a breach of duty by the Chairman should be made to the Lord Chancellor via the LSB Sponsoring unit.
24. The Lord Chancellor will inform the Chairman of the allegation as soon as possible.
25. Any investigation relating to the Chairman of the LSB will be carried out by the Lord Chancellor, or on the Lord Chancellor's behalf.
26. The procedures set out in this document will apply, save that references to the Chairman in the conduct of the investigation will be substituted by 'the Lord Chancellor' or any person he/she directs.