THE CRIMINAL BAR ASSOCIATION

GOVERNANCE PAPER

Hardship and Bursary Framework

Made under clauses 1.6(j) and 10.12 to 10.14 of the Constitution

1. Purpose and Scope

1.1 This Framework establishes the basis on which the Criminal Bar Association ("the Association") provides hardship support, scholarships and bursaries to members and prospective members of the criminal Bar.

1.2 It gives effect to:

(a) clause 1.6(j) of the Constitution (object: to support members experiencing hardship or professional difficulty through such charitable or support arrangements as may from time to time be established);

(b) clauses 10.12 to 10.14 of the Constitution (financial separation, restriction on use of operating funds, designated and restricted funds);

(c) the Sponsorship and External Funding Protocol.

1.3 The Framework comprises:

(a) the Hardship Fund and the Hardship Panel (Sections 2 to 7);

(b) the Bursary and Scholarship arrangements (Section 8);

(c) the financial arrangements common to both (Section 9).

2. The Hardship Fund

2.1 The Association maintains a Hardship Fund for the support of members experiencing hardship or professional difficulty.

2.2 The Hardship Fund is a designated fund within the meaning of clause 10.14 of the Constitution. It is, where practicable, funded separately from the general operating funds of the Association through sponsorship, donations, fundraising and designated contributions, in accordance with clause 10.12.

2.3 The principal operating account of the Association shall not ordinarily be used to fund the Hardship Fund, in accordance with clause 10.13 of the Constitution.

3. Eligibility

3.1 Applications to the Hardship Fund may be made by:

(a) Full Members of the Association;

(b) such other categories of applicant as the Hardship Panel, with the approval of the Officers, may from time to time determine.

3.2 Hardship for the purposes of this Framework includes (without limitation):

(a) short-term financial difficulty arising from illness, bereavement or family caring responsibilities;

(b) financial difficulty arising from interruption to professional practice;

(c) financial pressure arising from the demands of pupillage or the early years of practice;

(d) such other circumstances as the Panel considers properly fall within the spirit of clause 1.6(j) of the Constitution.

4. The Hardship Panel

Composition

4.1 The Hardship Panel shall consist of not fewer than six individuals, appointed by the Executive Committee from amongst Voting Members of the Association.

4.2 The Officers shall nominate a Chair of the Hardship Panel from amongst its members. The Chair of the Panel shall not be the Chair of the Association.

4.3 Members of the Panel shall serve for a term of three years, renewable for one further term.

4.4 The composition of the Panel shall, so far as practicable, reflect the diversity of the criminal Bar.

4.5 The Panel shall include at least one member of not fewer than ten years' call.

Quorum and conflicts

4.6 The quorum for a meeting of the Panel shall be three members.

4.7 A Panel member with an actual or potential conflict of interest in respect of an application (including any personal or chambers connection with the applicant) shall declare the conflict and withdraw from consideration of that application. Conflicts shall be recorded by the Administrator.

5. Application Process

5.1 Applications shall be made in writing to the Administrator on such form as the Hardship Panel may prescribe.

5.2 An application shall include:

(a) a statement of the circumstances giving rise to the request for support;

(b) an indication of the level of support sought;

(c) such information about the applicant's financial circumstances as is reasonably necessary for the Panel to consider the application;

(d) such supporting evidence as the applicant chooses to provide.

5.3 The Administrator shall acknowledge receipt of an application within five working days, and shall handle the application strictly confidentially.

5.4 The Panel may, through the Administrator, request further information from the applicant. Such requests shall be reasonable and proportionate.

6. Decisions

6.1 The Panel shall consider applications:

(a) confidentially;

(b) sensitively;

(c) fairly;

(d) proportionately to the resources available to the Hardship Fund.

6.2 The Panel may:

(a) approve an application in full;

(b) approve an application in part;

(c) decline an application;

(d) defer consideration pending further information;

(e) refer the applicant to alternative sources of support, including the Bar Benevolent Association, the Inns of Court, or the Wellbeing Framework referral pathways.

6.3 Decisions shall be communicated to the applicant in writing, with brief reasons, by the Administrator.

6.4 An applicant dissatisfied with a decision of the Panel may seek a review by the Officers within twenty-eight days of the decision. The Officers may uphold the decision, vary it, or refer the matter back to the Panel for reconsideration. The Officers' decision is final.

7. Confidentiality and Records

7.1 All deliberations and decisions of the Panel shall remain confidential.

7.2 The Administrator shall maintain a confidential register of applications and decisions. The register shall record:

(a) the date of application;

(b) a unique reference identifying the application (without naming the applicant in routine correspondence);

(c) the decision;

(d) the amount, if any, awarded.

7.3 Aggregated and anonymised data on applications and awards shall be reported to the Executive Committee not less than annually, and shall be reported in summary form in the Treasurer's annual report.

7.4 Records shall be retained in accordance with the Information Governance Policy.

8. Bursaries and Scholarships

8.1 The Association may from time to time offer bursaries, scholarships and educational support arrangements for the benefit of prospective and early-years members of the criminal Bar.

8.2 Bursary and scholarship funding shall ordinarily derive from sponsorship, donations or designated fundraising. The principal operating account of the Association shall not ordinarily be used to fund bursary or scholarship schemes (clause 10.13 of the Constitution).

8.3 Each bursary or scholarship scheme shall have its own terms approved by the Executive Committee, including:

(a) the purpose of the scheme;

(b) eligibility;

(c) the number, value and duration of awards;

(d) the application process and selection panel;

(e) reporting and recognition (including any sponsor recognition under the Sponsorship and External Funding Protocol);

(f) evaluation arrangements.

8.4 Awards shall be made fairly and consistently with the published terms of the scheme. No member of the selection panel shall participate in the consideration of an application in respect of which they have an actual or potential conflict.

8.5 Awards under bursary and scholarship schemes shall not be restricted to the family, chambers or personal connections of any donor or member of the Association, save where the published terms of the scheme so provide and the restriction has been approved by the Executive Committee.

9. Financial Arrangements

9.1 The Treasurer, with the support of the Administrator, shall:

(a) maintain the Hardship Fund and any bursary and scholarship funds as designated funds within the Association's accounts;

(b) ensure that designated funds are not used for any other purpose without the express approval of the Executive Committee;

(c) report on the state of the funds to the Executive Committee not less than half-yearly;

(d) present an account of the funds at the Annual General Meeting.

9.2 The Officers may approve fundraising activity for the support of designated funds. Donations are to be acknowledged in accordance with the Sponsorship and External Funding Protocol.

10. Review

10.1 This Framework shall be reviewed by the Hardship Panel, in conjunction with the Officers and the Treasurer, not less frequently than every three years.

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