

The Solicitors Disciplinary Tribunal

Constituted under the Solicitors Act 1974

Tenure of Office - All Members

With effect from 30 June 2023

Purpose and Aims

1. Previous policies related to member retirement are revoked.
2. This policy applies to both solicitor and lay members. It sets out maximum lengths of service. The term '*tenure of office*' describes the length of time a person may be a member of the Tribunal.
3. This policy removes the practice of ending tenure of office by reason only of the age of the Member. The policy seeks to align with other professional conduct panels or professional fitness to practise committees in the UK by removing a retirement age and replacing it with a '*fixed terms*' model.
4. The Tribunal's legitimate aims are fully served by moving to a system of fixed terms. This balances the Tribunal's wish to encourage diversity within its membership by replicating as nearly as possible the demographics of the profession it serves, with the wish to retain the benefits of long-term membership. Long term membership enables members to build expertise to ensure skilled and experienced divisions of the Tribunal hear cases. Statute requires solicitor members to be of 10 years post qualification experience which precludes the appointment of solicitors before their early 30s.
5. A system of fixed terms will provide the appropriate synergy between new members, experienced members, and very experienced members. Regular five yearly recruitment exercises reduce the cost of more frequent recruitment exercises and lessen the costs burden on the profession. Such terms also enable those interested in joining the Tribunal to so indicate and be notified of the start of the next recruitment exercise.
6. Members will be appointed for terms of five years.
7. Members may serve no more than four such terms.
8. Re-appointment on the expiry of the first such term is not automatic. It is expected that members will be reappointed to a second term without application provided that they have upheld the requirements of the prevailing [SDT Appointments Protocol](#) and [Code of Conduct](#).

9. Members may not be re-appointed if:
 - a. they have not sat sufficiently to gain expertise; or
 - b. there have been performance concerns evidenced objectively by appraisal or complaint adjudication.
10. Any decision not to reappoint will be made by the President and one Vice-President.
11. Tenure of members may be ended before the expiry of a fixed term for good cause. "Good cause" means reasons, objectively evaluated, which would preclude reappointment. A decision to end a member's tenure of office before the end of a five year term can only be made by the Board.
12. The Tribunal's legitimate aims are advanced proportionately by requiring members when first appointed to be able to fulfil at least 2 terms of 5 years before they attain the judicial retirement age (from time to time). This is because it must be reasonable to require new members to be able to acquire the expertise necessary and have a reasonable length of service.
13. A member who wishes to serve a third or fourth term of five years will first require the approval of the President of the Tribunal and the Board. The member will need to satisfy the President and the Board that they retain the necessary skills and qualities set out in the prevailing [SDT Appointments Protocol](#) and [Code of Conduct](#).
14. Criteria for consideration of such applications for third or fourth terms of five years will include:
 - a. the workload and expected workload of the Tribunal;
 - b. the age profile of the membership at the date of re-appointment: and
 - c. the individual contribution of the Member objectively assessed and recorded during the preceding term.
15. The legitimate aim of reflecting the age profile of the profession requires there to be a provision which is a proportionate means of achieving that aim but which may preclude members being re-appointed, or whose appointments end before the end of a five-year term. Every appointment will end on the date a member would have to retire from the judiciary if the member held a judicial appointment.

16. The renewal of all terms of appointment for existing members is subject to this policy. The tenure of existing members will end no later than the 20th anniversary of their appointment or the date on which the member would retire from the judiciary if the member held a judicial appointment, whichever occurs first.

Original Policy dated: 17 May 2013

First review and update: October 2021

This policy dated: 30 June 2023

Policy issued by the Policy Committee of the Solicitors Disciplinary Tribunal