

BY EMAIL

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Dear Margaret,

### **Consultation response: Sanctions Guidance Review**

Thank you for the opportunity to comment on the emerging proposals from the sanctions review. We found the document very clear and easy to engage with, and we commend you and your team for that.

We would make the following key points, which we hope will be helpful.

The first is to make clear our welcome for the clear focus on matters that might impact on diversity and inclusion. We consider it important that regulation (encompassing professional standards of behaviour and disciplinary activity) sends very clear messages about the sorts of workplaces we all want to see in the legal sector: environments in which anyone, regardless of their background or characteristics, can achieve their potential. That means, we think, taking demonstrably firm action on behaviours that undermine that objective, such as sexual misconduct, abuse of trust and discrimination and harassment in all its forms. As you know, we are keen to extend that principle across the whole sector. This links to a broader point on which my Board is anxious to make progress, which is achieving better consistency of outcomes of disciplinary action in different parts of the legal services sector.

On a more technical point, we would encourage you to consider how the groups of misconduct can be organised in a way that minimises repetition and overlap so as to ensure clarity and avoid ambiguity.

On a related matter, we would suggest exercising caution before finalising the misconduct group "use of social media and other forms of digital communications" as it risks becoming focused on the *means* of communication as opposed to the communication itself. In our view, legal professionals should ensure that their public communications do not undermine public confidence in them as individual lawyers or in the professions more widely. Whether that communication takes the form of a tweet, a newspaper article, a conference speech or similar is immaterial; what matters is that what is said is compatible with the confidence and trust we expect the public - in all its diversity - to place in barristers and other lawyers.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'M' followed by a horizontal line.

**Matthew Hill**  
Chief Executive

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