

**Notification under Exemption direction 181
in respect of proposed alterations to the BSB Handbook**

22 April 2026

Summary / Overview

1. The Bar Standards Board (BSB) is seeking to make several changes to the BSB Handbook, its core regulatory text. The proposed changes have been identified as being a priority ahead of more extensive Handbook updates.
2. These Handbook changes are being notified via the LSB's 'Exemption direction 181' route, which requires the BSB to notify the LSB at least 14 calendar days before the Handbook changes are due to come into effect. We have concluded that our proposed Handbook changes comply with requirements of Exemption direction 181 – in particular, paragraphs 3 and 4 of the direction.
3. We plan to seek further Handbook changes during the first half of 2026, using both the 'exempt alteration' and 'full alteration' route. We would be happy to meet with the LSB to discuss these planned alterations to our regulatory arrangements, and to outline their purpose and scope.
4. Our proposed schedule for LSB submission is as follows:
 - In late May, we will submit an exempt alteration to rQ40, regarding AETO appeal rights to the High Court. This was initially proposed as an Exemption direction 181 notification, but the BSB has elected to change the approval route sought;
 - In June, we will submit a full application to update the BSB Handbook to accommodate various recent post-Brexit trade agreements (i.e. Swiss lawyers), and the legal sunset of the registered European lawyer concept. This was initially scheduled to be an exempt alteration, but the approval route was changed on the advice of the LSB.
 - Also in June 2026, we will seek permission to insert the "promoting the prevention and detection of economic crime" regulatory objective into the BSB Handbook. This will be an exempt alteration consequential to legislative change.
5. Given the variances in the LSB documentation requirements for each route, and the varying scale of Handbook changes proposed, we will submit each separately.

Appropriateness for exemption direction 181 route

6. Our assessment is that the changes set out in this notification fall within two categories permitted by the exemption direction 181 route (paragraph 3 formalities). That is:
 - a. The correction of minor drafting errors that have been identified in the current Handbook; and / or
 - c. Minor consequential changes that arise from alterations previously approved by the LSB.
7. We summarise which Handbook changes fall within each category below, and also in the accompanying annex.
8. Complying with paragraph 4 formalities, the proposed changes are not intended to affect the substantive meaning of existing Handbook provisions and/or effect a change in BSB policy. Instead, they are intended to clarify the meaning of existing Handbook provisions, more clearly align Handbook wording with existing BSB policies, and / or align BSB practises with explicit LSB expectations.
9. The proposed changes do not require extensive Handbook restructuring or renumbering. As indicated in table 2 below, two of the changes (rE4, rE44) are intended to clarify or enhance consumer rights that already exist.
10. We have previously engaged with the LSB's statutory decision team regarding the suitability of our proposed Handbook changes for the exemption direction 181 route. Based on the summary we provided, the LSB's team indicated that our proposed approval route was appropriate.

Summary of proposed alterations, their purpose, intent, effect, and impact

11. Following recent engagement with the LSB's statutory decisions team, we understand there is no minimum threshold for informing the LSB of alterations to our regulatory arrangements (i.e. our Handbook) under the Exemption direction 181 procedure. We therefore include a comprehensive summary of the proposed alterations to the BSB Handbook, along with their purpose, intents, effect and impact, in the attached annex: *Proposed amendments to the BSB Handbook via the Exemption Direction 181 route*. The proposed alterations are, so far as possible, organised sequentially by Handbook section, and include a side-by-side comparison of current and proposed Handbook provisions.
12. Most proposed alterations summarised in the annex are typographical and formatting corrections, for which no further explanation is required. The principal impact of these changes, and others similar in nature, will be to improve a user's comprehension of the Handbook. These changes include:

- fixing typographic errors (i.e. l2, rC68.1, rS22, rE114, rE129, rE140.1 etc);
- fixing layout-related errors (i.e. rC98);
- updating the date of a Bar Council document which has a new edition (rC30.9 (c));
- correctly indicating when the latest Handbook comes into force (rl2).

13. For other changes, their intended impact is to rectify previously identified sources of confusion, by reference to the meaning of specific Handbook provisions (i.e. rC8, rE4).

14. This covering document focuses on those Handbook changes where a fuller explanation of our proposed changes is appropriate.

rC8 – Professional obligations

15. This Handbook change is intended to clarify that rC8's professional obligations regarding honesty, integrity and independence operate separately, and each must be adhered to in their own right. This approach is already significantly signposted in Core Duties, where "independence" is a standalone duty (Core Duty 4). This point was also reinforced in a January 2019 update to the Handbook, where Core Duty 3 and rC9 were amended to clarify that honesty and integrity were separate duties. This change was approved by the LSB on 19 December 2018¹, "to make it clear that honesty and integrity are separate concepts."

16. Because the Core Duties regard each of these obligations as operating independently from each other, the revision of rC8 does not represent a change in BSB policy. The Handbook update is also a minor consequential change that arises from alterations previously approved by the LSB in 2018. As a result, it is suitable for the Exemption direction 181 route.

17. To align rC8 with the Core Duties and rC9, we propose to replace rC8's current wording from 'You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) **and** independence (CD4)' to 'You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) **or** independence (CD4).' The key change is highlighted in **red**.

18. This change will regularise a long-standing BSB approach, consistent with the Core Duties and rC9, where enforcement action can be brought against barristers by reference to each obligation within rC8, rather than (necessarily) all three

¹ Legal Services Board. Direction 132 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board (BSB). Available [here](#).

limbs of the rule. We do not intend for the Handbook change to vary the number of referrals for enforcement action opened against barristers under rC8.

19. Focusing specifically on cases opened since 2018-2019, which was ultimately decided on by a disciplinary tribunal (i.e. not discontinued, or resolved by another means): our case management system indicates there are 115 of such cases where the rC8 ground was cited, involving 96 barristers – some barristers were involved in multiple (separate) cases, each logged as individual rC8 cases. The number of rC8 disciplinary cases opened each year ranges from two in 2018-2019 to 22 in 2022-2023. On an average full year (2018-2019 to 2024-2025, excluding 2025-2026), just over 16 rC8 cases are opened, which are ultimately decided on by a disciplinary tribunal.
20. Table 1 (below) sets out how many disciplinary tribunal cases have been opened under the various limbs of rC8 since 2018-2019 and logged as such in our case management system, in all possible combinations. The second most common combination was honesty and integrity, which also aligns with the wording of Core Duty 3. However, table 1 also identifies the most common basis for opening an rC8 case against a barrister is related solely to a potential breach of integrity, (which is one limb of Core Duty 3.)

Table 1: disciplinary tribunal cases opened under rC8 since 2018-2019 – various combinations

rC8 focus	Number of cases
Honesty alone	8
Integrity alone	30
Independence alone	0
Honesty and integrity	21
Honesty and independence	0
Independence and integrity	1
Honesty, integrity and independence	3

21. On this basis, and for the avoidance of any doubt, we are updating the Handbook to clarify the BSB's ability to bring enforcement action against barristers on any permutation of breaches of professional obligations within rC8. This will help us deliver on our regulatory objectives RO1 and RO6.

rE4 – Investigations

22. This change updates rE4 to bring it into line with the BSB’s existing, and publicly stated, interpretation of rE4: that the BSB (though the Commissioner) is permitted to carry out investigation into barristers’ conduct in parallel, rather than sequentially, with a related Legal Ombudsman investigation – which focuses on service issues².
23. The LSB asked us to reconsider our interpretation of the current wording rE4 in early 2024, shifting our interpretation of this provision from a focus on sequential BSB / Legal Ombudsman investigations to parallel investigations. At that time, we agreed to do so in response to this LSB request. It was agreed that such an approach was compatible with the existing wording of the rule. This proposed change seeks to formalise our revised interpretation of rE4, which has now operated for more than two years.
24. To codify our revised interpretation of rE4, we propose to remove the words that mandate a referral / signposting to the Legal Ombudsman “without further consideration”. Under one possible interpretation of “without further consideration”, the BSB might be expected to halt its own investigation into conduct issues until the Legal Ombudsman has concluded its (separate) investigation into the service aspects of the same report. Removing these words removes any possibility of interpreting rE4 in this way, while retaining the BSB’s obligation to refer / signpost reports to the Legal Ombudsman, as appropriate.
25. We therefore proposed to change the wording of rE4 from:

*‘If a report is received by the Bar Standards Board from a person entitled to complain to the Legal Ombudsman about the subject of the **report**, the Commissioner must refer the **report without further consideration** to the Legal Ombudsman or signpost the provider of the **report** to the Legal Ombudsman.’*

to:

*‘If it appears to the Commissioner that a **report** or part of a **report** raises a service issue within the jurisdiction of the **Legal Ombudsman**, the Commissioner must:*

- 1. refer the **report** to the Legal Ombudsman; or*
- 2. signpost the provider of the **report** to the Legal Ombudsman.’*

² The BSB’s existing position is stated [here](#), under the heading “If the concern is about a practising barrister who has been working for you”.

26. The new rE4 wording also reflects current practices where both conduct and service issues are raised. Here, the entirety of the report is made available to both the Commissioner and Legal Ombudsman – no attempt is made to split the report into its component parts, with each (partial) report considered separately by the BSB and the Legal Ombudsman.
27. Taking the LSB’s early 2024 request as the key reference point, we reviewed our case management system records for evidence of parallel investigations, starting in 2024-2025, the first full year following our adoption of this policy. In 2024-2025, there were a total of 35 parallel cases, involving 34 individual barristers. For the year-to-date 2025-2026, there have been a total of 98 cases, involving 95 individual barristers. Nearly two years’ worth of data analysis indicates year-on-year fluctuations in the number of parallel BSB / Legal Ombudsman investigations, albeit only affecting a small minority of the barrister population each year. We do not anticipate any further shift in parallel case totals as a result of the introduction of our proposed rE4 wording.
28. However, we do not believe the number of parallel cases to be a material consideration when updating our Handbook to reflect existing practices. The principal justification for the change is to ensure we can consider barristers’ conduct reported to us in a timely manner, aiding us in achieving our consumer protection regulatory objective (RO4), as well as maintaining confidence in the regulatory system (RO1).

rE44 – Publishing reports of findings

29. This change focuses on the BSB’s Determination by Consent process (DBC), a paper-based process providing an alternative to referral to a disciplinary tribunal. It is reserved for cases where: 1) a barrister agrees to take part in the process; 2) there is no substantial dispute of the relevant facts; and 3) the sanction imposed is unlikely to be a suspension or disbarment.
30. This change will clarify our longstanding policy (which has never been challenged) of publishing a report³ of findings under the DBC disciplinary procedure⁴ on the BSB’s website. The proposal makes clear that publication goes beyond ‘finding and sanctions’ alone (the current wording) to also include to ‘a report of this decision’, including background details of the proved charges.

³ BSB. LED 24. Policy on the publication of disciplinary findings of professional misconduct. 16 April 2021. Available [here](#).

⁴ BSB. Determination by Consent Explanatory note for barristers and authorised bodies (in particular, paragraphs 24 – 26, which focus on publication of DBC findings). Available [here](#).

31. To align the Handbook with existing BSB publication policy, the wording of rE44 will be updated (key changes in red) from:

‘The *Commissioner* must publish any finding and sanction resulting from the *determination by consent procedure* to the same extent as such publication would have taken place **on a finding and sanction** by a *Disciplinary Tribunal*, **as provided for in** the Disciplinary Tribunal Regulations.’

to

‘The *Commissioner* must publish any finding **(s)** and sanction, **and a report of the decision**, resulting from the *determination by consent procedure* to the same extent as such publication would have taken place by a *Disciplinary Tribunal*, **in accordance with** the Disciplinary Tribunals Regulations.’

32. Our case management analysis identified 22 cases opened since 2020-2021 that were pursued under the DBC procedure. Fifteen cases were self-reported, and 11 (i.e. half) involved proven criminal convictions for drink driving. Case numbers opened each year ranged from a high of six in 2020-2021 to a low of two in 2024-2025, with the most common annual frequency being four (2022-2023/2023-2024). In line with our two-year publication policy of such cases, we currently have five⁵ published DBC findings on our website.

33. Publication of lawyers’ disciplinary cases is an important and useful indicator of the quality of lawyers, for the benefit of consumers⁶. It is therefore both in the public interest (RO1), and for the benefit of consumers more specifically (RO4), that the reports of the outcomes of published DBC hearings should continue to be published in full. Whilst we have previously interpreted the rules as permitting this, the proposed clarification puts it beyond doubt, should any barrister seek to challenge our approach.

Rule 9 assessment: compliance with regulatory objectives

34. Not all of our planned Handbook changes meaningfully engage any of the regulatory objectives, as many changes correct typographical errors in the Handbook. For those Handbook changes that do engage our regulatory objectives, details are summarised in table 2, and explained in more detail in the narrative text above and below.

⁵ For examples of the BSB’s existing reporting of determination by consent cases, click [here](#).

⁶ For example: LSB. Statement of policy on empowering consumers (paragraph 18a). 11 April 2022. Available [here](#). Legal Choices. “Disciplinary and regulatory records”. Available [here](#).

Table 2: Handbook changes impact on our regulatory objectives

Regulatory objectives	Handbook change
<i>RO1 – protecting and promoting the public interest</i>	All of our proposed changes to our Handbook, including the correction of typographical errors, are intended to protect and promote the public interest. The typographical corrections are intended to enhance comprehension of the Handbook, mostly by signalling (via corrections to our approach to italicisation, punctuation and capitalisation), where definition of specific terms can be found in the Handbook. Several of our proposed Handbook changes engage multiple regulatory objectives, including RO1. Our rC8 proposal principally engages with the encouraging “diversity” element of RO6, but is also intended to enhance public confidence in the regulatory system, one aspect of RO1. Similarly, our rE4 and rE44 proposals are also intended to enhance public confidence in the regulatory system, principally by protecting and promoting the interests of consumers (RO4).
<i>RO2 – Supporting the constitutional principle of the rule of law</i>	Our planned Handbook changes are not intended to impact on this regulatory objective.
<i>RO3 – Improving access to justice</i>	Our planned Handbook changes are not intended to impact on this regulatory objective..
<i>RO4 – Protecting and promoting the interests of consumers</i>	Our rE4 proposal will protect and promote the interests of consumers (RO4), as well as promoting public confidence in the regulatory system (and element of RO1). On the advice of the Legal Services Board, the current wording of rE4 has recently been interpreted to permit parallel investigations by the BSB and Legal Ombudsman, where a report potentially contains both service and conduct elements. The revised wording of rE4 will put the BSB’s right to undertake parallel investigations beyond doubt, by removing the words (“without further consideration”). Our rE44 proposal is intended to promote the interests of consumers (RO4) while also protecting and promoting the public interest (RO1) by ensuring public confidence in barristers’ disciplinary hearings operated via the ‘determination by consent’ (DBC) process. The proposed Handbook change will align the wording of rE44 with the BSB’s longstanding publication policy regarding proven

	disciplinary findings. The change will clarify that the BSB can publish a 'report' of the outcome of proven disciplinary proceedings, undertaken via the DBC route – and not just publish the 'finding' and 'sanctions' element of the report. Our proposed amendments to rE44, set out above, will protect and promote the interests of consumers, and the public interest, by ensuring continued publication of the "report", alongside the publication of the (more limited) "finding" and "sanctions" in DBC cases that have been found proved. The publication of these types of reports are regarded by key legal sector stakeholders as "quality indicators".
<i>RO5 – Promoting competition in the provision of services</i>	Our planned Handbook changes are not intended to impact on this regulatory objective.
<i>RO6 – Encouraging an independent, strong, diverse and effective legal profession</i>	Our rC8 proposal is intended to encourage an independent, strong, diverse and effective legal profession – most obviously, because the revised wording of rC8 directly refers to the "independence" in the context of a barristers' professional obligations. More substantively, the proposed Handbook update clarifies the BSB's longstanding approach of enforcing each professional obligation within rC8 in its own right. This is consistent with the approach taken in the Core Duties, where they are expressed as freestanding duties. Of particular relevance to RO6, the "integrity" obligation within rC8 is often used as part of sexual harassment cases against barristers, typically without the need also to prove "honesty" and "independence" as part of the case being brought. Our proposed Handbook change clarifies that rC8 can continue to be used in a manner that achieves this objective, hence promoting a diverse legal profession. In helping to deliver RO6, the Handbook change is also intended to promote the public interest, by maintaining public confidence in the regulatory system.
<i>RO7 – Increasing public understanding of the citizen's legal rights and duties</i>	Our planned Handbook changes are not expected to impact on this regulatory objective.
<i>RO8 – Promoting and maintaining adherence to the</i>	Our rC8 proposals relate directly to the professional principles set out in s1 (3) (a) of the Legal Services Act 2027. Like this section of

<i>professional principles</i>	the Act, the wording of rC8 also relates to barristers' 'independence' and 'integrity'. Our rE44 proposal, outlined in RO4 above, is intended to assist the BSB in enforcing professional principle "b", which requires authorised persons to maintain proper standards of work.
<i>RO9 - Promoting the prevention and detection of economic crime</i>	Our planned Handbook changes are not expected to impact on this regulatory objective.

35. We believe all proposed changes are compatible with our regulatory objectives, and that none will have negative impact on our ability to regulate in alignment with those objectives.

Rule 9 assessment: compliance with better regulation principles

36. **Transparency:** These changes aim to bring about additional transparency to the manner in which the BSB regulates. The Handbook changes identified above aim to more closely align the wording of our public-facing Handbook with the manner in which we already regulate, removing ambiguity. Many of the typographical changes listed in Annex one provide greater clarity over how we interpret specific Handbook terms, by signalling (via italicisation) that such terms are defined in Handbook Part 6.

37. We plan to update our Handbook as transparently as practicable. We will signpost when and how we have changed the Handbook on our website and support that with direct communications to stakeholders, including via our monthly Regulatory Update.

38. **Accountability:** Internal oversight and sign off was conducted in accordance with the BSB's scheme of delegations. This process included initial approval by the BSB Board, oversight by the BSB's Handbook Programme Board, and internal approval of our final proposals by the BSB's Director of Strategy, Policy and Insights. We have also shared our initial proposals with the LSB for feedback, ahead of final notification.

39. **Proportionality:** The BSB's Handbook team identified and prioritised these changes after engagement within the BSB, to establish their necessity. The changes are minor in nature. Engagement used to formulate the changes is proportionate to the problem identified.

40. **Consistency:** these proposals are specifically intended to enhance the consistency of the Handbook; both in relation to consistency of the Handbook with existing policies and procedures; and internal consistency, in terms of typography.
41. **Targeting:** As indicated above, BSB's Handbook team identified and prioritised these changes after engagement within the BSB, to establish their necessity. Extensive internal engagement has sought to identify, and minimise, the risk of side effects.

Impact on persons with protected characteristics

42. The Handbook changes which simply correct minor drafting errors do not have any relevance to equality or our obligations under the Equality Act 2010, including the Public Sector Equality Duty (PSED).
43. The planned changes to rC8, rE4, and rE44 aim to align the Handbook with existing BSB policies and practices. Even though our intention is to retain existing BSB policies and practices, the act of considering a Handbook update to facilitate this continuation requires us to have due regard to the PSED⁷.
44. The need to have due regard to the PSED is particularly relevant given that each of these Handbook changes relates, directly or indirectly, to investigations into the BSB's consideration of barristers' conduct. We are aware of prior research, conducted across various professional services sectors (including solicitors), which has found that persons with certain protected characteristics are more likely to be subject to conduct complaints, when compared with that profession's overall population⁸. Indeed, this finding is broadly replicated in recent BSB research, which indicates differential impacts at various stages of an investigation, by reference to barristers' protected characteristics, notably sex (gender), race (ethnicity), disability and age (years' experience)⁹.
45. In considering the potential impact of these changes we have evaluated the protected characteristics of barristers involved in recent rC8, rE4 and rE44 cases and compared them with the most recently available population-wide barrister data. For example, in our rC8 analysis (below), we compare the barrister demographics of rC8 cases opened from 2018-2019 to the present day, with

⁷ Equality and Human Rights Commission. Technical guidance on the Public Sector Equality Duty: England. March 2023 update. Available [here](#).

⁸ University of York. Lancaster University. Cardiff University. Overrepresentation of Black, Asian and minority ethnic solicitors in reports to the SRA: A review of the relevant literature. June 2023. Available [here](#).

⁹ BSB. Regulatory Action Diversity Analysis. February 2025. Available [here](#).

barrister demographics available for either 2024¹⁰ or 2025¹¹. All percentages are therefore approximate.

46. This evaluation serves two purposes: firstly, it benchmarks the current equalities impact of rC8 / rE4 and rE44 cases; secondly it provides a basis for any future impact evaluation of these reforms, which can be benchmarked against these recent / current norms. However, since these changes are intended to regularise our existing approach for handling rC8, rE4 and rE44 cases, we do not believe future impacts will vary significantly from recent / current equalities impacts.

Consideration of proposed rC8 change

47. On average, 16 rC8 cases reach the disciplinary tribunal stage each year. rC8 cases are wide-ranging in nature, covering issues as diverse as providing inaccurate information to a legal regulator, unlicensed drug importation, making untruthful statements in court, and serious sexual offences. Consequently, it is difficult to draw significant inferences regarding the protected characteristics of barristers involved in each type of case, because such analysis would be based on a small number of barristers.

48. To mitigate against this we have focused our analysis on aggregate level impacts, over a multi-year period. Our analysis is based on 115 rC8 cases, involving 96 barristers – some barristers were involved in multiple cases. At this level, we note that barristers with certain protected characteristics are significantly more likely to be investigated for potential breaches of rC8, compared with the wider barrister population: in particular, male barristers, barristers aged 65+, barristers from minority ethnic backgrounds, and disabled barristers. There are also minor variances by reference to barristers' sexual orientation and religion or belief, albeit comprising a small sample size.

49. Key findings are set out in table 3 below, compared with the wider barrister population. Where specific protected characteristics are not provided, this is either because:

- investigated barristers are under-represented compared with the general barrister population, and therefore show no clear detrimental impact;
- there is a very low difference between the investigated barrister cohort and the general barrister population; or
- the unavailability of protected characteristics data regarding the investigated barristers.

¹⁰ BSB. Diversity at the Bar 2024. A summary of the latest available diversity data for the Bar. January 2025. Available [here](#).

¹¹ For current (i.e. 2025) profession-wide statistics, see [here](#).

50. As indicated above, we doubt the value of further disaggregating these totals into their discrete case types. However, we do note that 15 rC8 cases related to harassment (including sexual harassment), other forms of discrimination, or sex-related criminal conduct, including sexual assault and rape. This is particularly pertinent to RO6, encouraging an ‘independent, strong, **diverse** and effective legal profession’ (our emphasis) and also other current areas of regulatory action, notably the Harman Review and the LSB’s consultation on ‘Encouraging a diverse workforce’. Within this sub-set of rC8 cases we note that every case involved a male barrister.

Table 3: barrister characteristics in rC8 investigations

Protected characteristic	rC8 investigations – barrister characteristics	General barrister population percentages
Sex	Male barristers: 77.1% of barristers investigated (74 in total)	Male barristers: 57% of population (2025)
Age	Barristers aged 65+: 15.6% of barristers investigated (15 in total)	Barristers aged 65+: 7% of population (2025)
Ethnicity	Barristers from minority ethnic backgrounds: 30.1% of barristers investigated (29 in total)	Barristers from minority ethnic backgrounds: 18% of population (2025)
Disability	Disabled barristers: 13.5% of barristers investigated (13 in total)	Disabled barristers: 5.7% of population (2024)

51. Within these 15 cases, nine were opened on the singular rC8 limb of ‘integrity’, with a further three cases opened on the basis of ‘integrity’ in combination with ‘honesty’. None of these cases involved all three limbs of rC8, including ‘independence’. Ensuring we can continue to bring rC8 cases on each of the different limbs is therefore important to our ability to deliver on our general equality duty to eliminate discrimination, harassment and victimisation, as well as allowing us to deliver on regulatory objective RO1 and RO6, as set out in table 2 (above) and explained further below.

52. In light of the nature of these cases, we believe it is appropriate to bring forward our proposed change, notwithstanding the pre-existing differential impact on barristers with certain protected characteristics, i.e. male barristers. The change will not have a positive or negative impact on this.

Consideration of proposed rE4 change

53. Key findings regarding our proposed rE4 change are set out in table 4, with the same explanation for non-reporting as set out above. The findings indicate higher levels of parallel investigations involving male barristers, older barristers (55+), barristers from minority ethnic backgrounds, and disabled barristers, compared with the general barrister population. Fractionally higher impacts were also indicated by barristers' sexual orientation and religion, albeit involving very low verified numbers and high levels of non-reporting. The proposal will not have a positive or negative impact on these findings.

Table 4: BSB to LeO parallel investigations

Protected characteristic	BSB to LeO referral– 2024-2025, 2025 – 2026 to date.	General barrister population percentages
Sex	Male barristers: 70.4% of barristers investigated (88 in total)	Male barristers: 57% of population (2025)
Age	Barristers aged 55 – 64: 27.2% of all barristers investigated (34 in total)	Barristers aged 55 – 64: 18% of population (2025)
	Barristers aged 65+: 12.0% of barristers investigated (15 in total)	Barristers aged 65+: 7% of population (2025)
Ethnicity	Black and Asian Minority Ethnic background barristers: 29.6% of barristers investigated (37 in total)	Black and Asian Minority Ethnic background barristers: 18% of population (2025)
Disability	Disabled barristers: 9.6% of barristers investigated (12 in total)	Disabled barristers: 5.7% of population (2024)

Consideration of proposed rE44 change

54. Our analysis regarding the future publication of rE44 cases is set out in table 5 below, with the same explanation for non-reporting as set out above. These figures show that male and older barristers are currently over-represented in these processes. However, it is important to note that a majority (15 out of 22) of these cases are self-reported. As such, the BSB is not the main driver of such cases. We do not anticipate that the proposed change to rE44 will alter this dynamic, and thus the demographics of barristers involved in DBC proceeding. As such, the Handbook change will not have a positive or negative impact on future rE44 cases, by reference to the protected characteristics of barristers affected.

55. For completeness, we note that 11 of the 22 cases that form the basis of this analysis (and comprise 9 of the 15 self-reported cases) have a single common attribute: self-reporting for drunk driving. Examining this cohort more closely, we

note – among wider society¹² – men are responsible around 84% of drunk driving convictions, during approximately the same timeframe as shown above. This percentage is broadly comparable with the 90.9% figure for male barristers, shown above. This statistic can help explain why male barristers feature so highly in DBC cases, including those where barristers self-report for drunk driving.

56.

Table 5: Determination by consent cases

Protected characteristic	Barristers affected	General barrister population percentages
Sex	Male barristers: 90.9% of barristers investigated (20 in total)	Male barristers: 57% of population (2025)
Age	Barristers aged 65+: 18.2% of barristers investigated (4 in total)	Barristers aged 65+: 7% of population (2025)

57. The impact of drink driving convictions on DCB cases is harder to establish by reference to age, due to the different ways data is collected by the BSB and the Ministry of Justice. However, over a multiyear period, MOJ statistics suggest that those aged 60+ are responsible for around 4% of drink driving convictions in the general population. Focusing purely on DBC cases involving drink driving, two of the 11 cases we identified (approximately 18%) involved barristers aged 65+. Older barristers therefore appear more likely than the general population to be convicted for drink driving offences and, as a result, involved in DBC cases.

Equality impact summary and next steps

58. For all three changes outlined above (rC8 cases opened, parallel BSB / Legal Ombudsman investigations, and the publication of DBC findings) we have concluded that they are unlikely to alter the impacts of existing policies on barristers with certain protected characteristics, on the basis of their being specifically intended to realign the Handbook with existing BSB practices.

59. Moreover, we have also concluded the proposed changes to be suitable as a proportionate means of achieving a legitimate aim, i.e., namely, the BSB's regulation of barristers in the public interest and complying with our regulatory objectives and / or our PSED.

60. Our rC8 change, aligning Handbook wording with our existing approach to investigations, has de facto already proven to be effective in allowing us pursue

¹² Gov.uk. *Criminal Justice Statistics Quarterly: September 2025*, 29 January 2026. Available [here](#). Drink driving conviction analysis focused on the five-year period starting "Year ending September 2021".

cases involving harassment (including sexual harassment), other forms of discrimination, or sex-related criminal conduct, where other limbs of rC8 are not relevant. It aligns with RO6 (independent, strong, diverse and effective legal profession), and RO1 (promoting the public interest), RO8 (promoting and maintaining adherence to the professional principles), as well as our general equality duty to have regard to the need to eliminate discrimination, harassment and victimisation.

61. Our rE4 change will ensure that we can continue to investigate split jurisdiction regulatory/service-related cases in a timely manner, thereby protecting and promoting the interests of consumers (RO4), and promoting the public interest (RO1).

62. Our rE44 change will provide confirmation of our powers to publish full reports of the outcomes of upheld DBC cases to the same extent as those referred to the Disciplinary Tribunal. We see no reason for having a different approach to the publication of such cases, depending on which route a disciplinary hearing is heard. This approach is also in line with contemporary regulatory policy of publishing complaints information, for the benefit of consumers, as a quality indicator. Our proposed approach to publication will align with RO1 (protecting and promoting the public interest), RO4 (protecting and promoting the interests of consumers), and RO8 (promoting and maintaining adherence to the professional principles).

Timeframe for implementation

63. In the event there are no objections to our proposals within the 14-day period for making our Exemption direction 181 notification, we plan to implement the amendments at the first available opportunity.

Summary of supporting consultation and if not, why

64. The Exemption direction 181 notification changes have primarily been developed in response to issues identified within the BSB: specifically, our Legal team and our Investigation and Enforcement team. Given that policy-related changes are intended to align the Handbook wording with existing BSB policies, we do not consider it necessary or proportionate to consult on these changes.

65. As the proposed Handbook changes will regularise existing BSB policies, we do not believe they substantively change our existing arrangements with key stakeholders. Nevertheless, in addition to our normal communication and engagement activities that surround Handbook updates, we intend to inform the Legal Ombudsman of our proposed rE4 changes, due to their direct interest in it who have a direct interest in specific Handbook updates.

Summary of evaluation and monitoring of impacts following enactment

66. For the changes principally intended to improve clarity, our primary method of monitoring and evaluation will be post-implementation engagement with internal BSB teams, to gauge their satisfaction with the change.

We will also monitor any inquiries we receive about these changes to see if they create any increase in queries from both internal and external parties. We will use the number of queries received as a key indicator to evaluate their implementation and impact.

67. For those changes aligning Handbook wording with existing BSB policies and procedures (rC8, rE4, rE44), we will retrospectively evaluate impact annually for two years, starting in 2026-2027. We believe two years to be a proportionate period for review, considering they are minor in nature, that they will give effect to existing BSB policies, and the natural variance in such occurrences over time.

68. We intend to evaluate the changes through our case management system, as described above.

- For rC8 cases, reviewing the number of disciplinary tribunal cases processed under each limb of rC8, assessing any annual variation against recent totals.
- For rE4 cases, reviewing the number of parallel cases handled by us and Legal Ombudsman, benchmarked against recent norms.
- For rE44 DBC cases reviewing the number of cases published, again monitoring for any variance from recent norms.

69. For each change we will also consider the protected characteristics of the barristers affected, using all available data. We will benchmark new matters handled, against both recent norms for those types of cases (as revealed by our investigation above) and the barrister profession as a whole.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Annex

71. Proposed amendments to the BSB Handbook via the Exemption direction 181 route.