

Direction 204 issued under paragraph 19 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board

1. This is a direction to exempt alterations pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the Act).
2. Unless stated otherwise, words in this direction have the meanings given to them in the Act.
3. In accordance with paragraphs 19(3) and (4) of Schedule 4 to the Act, the LSB has directed that the following alterations by the Bar Standards Board (**BSB**) be treated as an exempt alteration for the purposes of paragraph 19(2)(c) of Schedule 4:

BSB Handbook, Guidance gC96.2 and gC96.2 as related to the Commissioner for Conduct.

Background and proposed changes

4. On 08 September 2025, Baroness Harriet Harman KC published a report following an independent review into bullying, harassment and sexual harassment at the Bar of England and Wales¹. Recommendation no.10 of the Harman Report stated that:

“All cases of bullying, harassment and sexual harassment should be considered ‘serious’ for the purpose of the reporting duty.....Amendments must be made to the reporting obligation in the Handbook to allow barristers, in cases concerning bullying, harassment or sexual harassment, to fulfil their duty to report by reporting either to the BSB or to the Commissioner for Conduct. If the Commissioner receives a report that warrants enforcement action, the Commissioner must refer the report to the BSB. In all other cases, the Commissioner can decide the appropriate course of action.”

5. Following the Harman Report findings and recommendations, the General Council of the Bar (**GCB**) established a Commissioner for Conduct role. The Commissioner's role is to oversee the reform set out in the Harman report, ensure that changes put forward are implemented and that advice is available, ultimately leading to higher standards of conduct across the barrister profession. The LSB welcomes the appointment of a Commissioner for Conduct to help address the significant issues affecting the Bar, as set out in the Harman Report.
6. The Commissioner will serve as an independent office-holder within the GCB and be responsible for overseeing the implementation and ongoing adoption of the recommendations of the Harman Report. The Commissioner for Conduct will provide a second pathway for raising concerns and allegations related to bullying, harassment and sexual harassment cases within the Bar, in addition to reporting allegations to the BSB under existing disciplinary arrangements.

¹ [Report of the independent review of bullying, harassment and sexual harassment at the Bar](#)

7. The commissioner has a number of responsibilities, one of which is to be responsible for receiving and making enquiries regarding reports from the profession about bullying, harassment and sexual harassment.
8. The BSB and the GCB engaged with the LSB during spring 2026 about the practicalities of establishing the Commissioner for Conduct and have since created a Protocol² for handling reports of bullying, harassment and sexual harassment which sets out the agreed framework governing the relationship between the Commissioner for Conduct and the BSB.
9. The BSB shared the draft protocol with the LSB which noted its support for implementing the Harman Report recommendations in recognition of the benefit to consumers and the profession.
10. Paragraphs 25 and 26 of the Protocol detail how the Commissioner is to proceed once an allegation has been received, either deeming the allegation as *“serious misconduct”* or not. If the Commissioner determines the allegation does not meet the definition of *‘serious misconduct’*, *“the Commissioner may proceed to undertake any action which she/he deems appropriate in accordance with the functions and responsibilities set out at paragraph 14 of the Protocol”*. The Protocol explains at paragraph 26 that if the allegation meets the definition of *‘serious misconduct’*, or if there are doubts as to whether a complaint crosses the threshold of serious misconduct, *“the Commissioner shall refer the report to the BSB”*.
11. The LSB sought assurances from the BSB about compliance with the LSB’s Internal Governance Rules³ (IGR) in relation to the BSB’s regulatory disciplinary and enforcement functions. The BSB provided information detailing how the Commissioner for Conduct will receive and handle cases/allegations when raised. This information provided assurance that the arrangements to enable the Commissioner for Conduct to operate in their role are sufficiently IGR compliant.
12. The BSB, the GCB and the LSB agreed that the arrangements underpinning the role of the Commissioner for Conduct, as set out in Protocol, should be piloted for the first year, with the BSB monitoring any impact on its regulatory functions and keeping the LSB updated about any IGR compliance related concerns.
13. To facilitate barristers’ reporting to the Commissioner for Conduct, the BSB requests approval of changes to two paragraphs of guidance in the BSB’s Handbook⁴. The proposed changes enable barristers to refer allegations of misconduct related to bullying, harassment or sexual harassment to the Commissioner for Conduct.
14. The BSB is proposing to apply the following changes:

After guidance gC92.2 *‘Serious misconduct includes, without being limited to: assault or harassment (CD3 and/or CD5 and/or CD8); insert ‘It may also include serious instances of bullying (persistent, unwanted behaviour from a person or group that is either intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.)*

² [Microsoft Word - Signed Protocol Harman FINAL 05062026 with annex \(002\)](#)

³ [Internal Governance Rules 2019](#)

⁴ <https://www.barstandardsboard.org.uk/static/d7fa5ddd-97d1-48d5-b0a9786704040f2e/The-BSB-Handbook-Version-49.pdf>

New guidance gC98A (inserted after gC98): *This section applies where alleged serious misconduct relates to bullying, harassment or sexual harassment:*

1. *The duty to report this type of serious misconduct may be satisfied by reporting either to the BSB or to the Bar Council's Commissioner for Conduct.*
2. *Given the importance of identifying and responding to this type of misconduct, the BSB recommends making such a report where there is a reasonable suspicion that it occurred.*
3. *The BSB will not take enforcement action against you if you have been the subject of this type of misconduct and you do not report it. The same shall apply in relation to individuals whom the subject has acknowledged as a confidant. For the purposes of this guidance, a confidant is someone in whom a person confides for the purpose of seeking emotional or pastoral support or guidance in response to bullying, harassment or sexual harassment."*

15. The BSB also noted that similar amendments will be made to standalone Reporting Serious Misconduct of Others Guidance⁵.

16. The LSB notes that because the relevant BSB's handbook rules (CD3, CD5, CD8 and rC66) are one-line statements, the details about what the rules mean in practice are contained in the guidance in the BSB's Handbook. For this reason, the proposed addition to the guidance alters the meaning of the Rules and so requires LSB approval.

Reason for exemption direction

17. The LSB notes that the changes are expected to have a positive impact on the regulatory objectives and the better regulation principles, as they relate to efforts from the BSB and the GCB to tackle significant issues within the Bar regarding bullying, harassment, and sexual harassment, as evidenced by the Harman Report.

18. We note that where the Commissioner determines there is a case of serious misconduct, it will be referred to the BSB and addressed under existing disciplinary arrangements within the BSB. Those existing arrangements are not affected by the creation of the role of the Commissioner for Conduct which means that cases of serious misconduct will face the same disciplinary processes as is the case now.

19. It is also expected that the changes will have a positive impact for the wellbeing of the profession and therefore for the wider public interest and consumers more generally. The LSB notes that the role will support cultural change in the profession as well as provide an additional route for reporting misconduct alongside existing reporting routes to the BSB. The LSB notes the expectation that this should deliver benefits to individuals with protected characteristics, particularly young women who were the majority of examples included in the Harman report, over time.

20. This direction is to be deemed made on and effective from 10 June 2026.

For and on behalf of the Legal Services Board
10 June 2026

⁵ <https://www.barstandardsboard.org.uk/static/1e61994f-c558-430b-9c7b7034081df4b7/Reporting-Serious-Misconduct-of-Others.pdf>