

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Consultation:
New arrangements and rules
for first-tier complaints handling

May 2025

About the Bar Standards Board

The Bar Standards Board is the regulator of barristers and other specialised legal services in England and Wales. Our vision is to regulate the Bar in the public interest by promoting high standards, equality and access to justice.

We are responsible for:

- setting the standards of education and training to become a barrister;
- setting the standards of continuing professional development to ensure that barristers' skills are maintained throughout their careers;
- setting the standards of conduct for barristers;
- authorising organisations that deliver education and training (referred to as “Authorised Education and Training Organisations”);
- authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- monitoring the service provided by barristers and the organisations we authorise to assure quality; and
- dealing with reports about barristers and organisations we authorise and taking action where appropriate.

We have a duty to promote the regulatory objectives when discharging our regulatory functions¹. We also act in a way that is transparent, accountable, proportionate, consistent, and targeted where action is needed.

We are a values-based organisation. We aim to act with:

- fairness and respect;
- independence and integrity; and
- excellence and efficiency.

Consultation overview

Who this consultation is aimed at

1. We are seeking views on how the Bar Standards Board should support the Bar in their handling of first tier complaints, i.e. complaints handled by the profession about service issues. We are also interested to hear views on how the Bar Standards Board should collect data on these types of complaints.
2. We welcome responses from anyone involved in making, handling or dealing with this type of complaint. We are particularly interested to hear from individual barristers, barristers' clerks and practice managers, chambers and entities staff and other legal professionals. We also welcome feedback from consumer organisations representing users of barrister services, other legal services regulators, and individuals and organisations with experience of complaints handling.

¹ S28 of the Legal Services Act 2007 states that in discharging its regulatory functions, an approved regulator must, so far as is reasonably practicable, act in a way which is compatible with the regulatory objectives, and which the approved regulator considers most appropriate for the purpose of meeting those objectives.

How to respond

3. You can respond online by using our survey platform at: <https://r1.dotdigital-pages.com/p/4CGE-11YM/first-tier-complaints-consultation>
4. The closing date for responses is 6 August 2025. A summary of responses and the Bar Standard Board's decision on the proposals will be published in September 2025.
5. For queries regarding this consultation, including if you would like to access it in other formats, please email bsbconsultations@barstandardsboard.org.uk.

Why we are consulting

6. The Bar Standards Board is committed to enhancing clients² experience of the profession. Potential clients should be able to understand their options and have confidence that barristers can meet their legal needs - fundamental to accessing justice. Having an effective, fair and accessible complaints system is a key component of any legal service. The changes which we are consulting upon relate to clients as defined in paragraph 13, i.e. those who may have a right to take their complaint to the Legal Ombudsman.
7. Potential, current and past clients³, such as individuals and small businesses, must be able to raise concerns easily and expect their complaints to be resolved promptly and transparently, which is vital for maintaining trust in the profession and ensuring accountability. They should know how to raise a first-tier complaint⁴, and know their rights about second-tier complaints resolution with the Legal Ombudsman.
8. The Bar continues to perform well in delivering a positive experience for most clients. Satisfaction remains high; the Legal Services Consumer Panel's 2024 tracker survey⁵ showed that 86% of clients were very satisfied/satisfied with the service provided by their barrister. In addition, Bar Standards Board-commissioned research in 2021⁶ and 2024⁷ found that client experiences of using a barrister was largely positive and the majority were satisfied with the service they received.
9. However, there is still more we can do to ensure redress is available to all clients who need it, including those with disabilities or in vulnerable circumstances.

²The Legal Services Board's latest section 112 requirements on first-tier complaints refers to clients as: "person for whom the authorised person acts, including prospective and former clients. Once a client makes a complaint, they are referred to in these Requirements as the complainant."

³ When referring to clients in other parts of this document, we mean potential, current and past clients.

⁴ A first-tier complaint is a complaint made by a client to their barrister about service issues (but does not include conduct matters). A second-tier complaint is one that may be in the jurisdiction of the Legal Ombudsman – which would follow a first-tier complaint.

⁵ LSCP's research and reports are available here: <https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports>. The data sets are available here: <https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2024/07/LSCP-Tracker-Survey-Data-2024.xlsx>

⁶ See here: <https://www.barstandardsboard.org.uk/static/185135f6-4057-4173-8c48ae85cc67b10d/IRN-Research-Barristers-Client-Research-Report.pdf>

⁷ See here: <https://www.barstandardsboard.org.uk/static/343da267-e22e-40b0-9ea907ba19df8b36/7416abd2-0269-4901-b02b1c97e8026f5d/lpsos-survey-281124.pdf>

10. While our existing complaints rules provide a foundation, we believe that more can be done. Complaints should be resolved at first point of contact where possible, thereby avoiding unnecessary escalation to the Legal Ombudsman. This would also help the profession to better understand feedback and use it quickly to improve their services.
11. The Bar Standards Board wants to build a stronger evidence base on which we can work to understand the nature, range and impact of the complaints made about barristers' services. This includes identifying new and emerging risks but also helping us to recognise good practice, and to share intelligence and insights that can be used across the profession to support improvement and improve the consumer experience.
12. The Legal Services Board's new first-tier complaints Statement of Policy and updated statutory requirements also inform these proposals.
13. The Legal Services Board's requirements on first-tier complaints are applicable to clients (who the authorised person acts for, including prospective and former clients) who are⁸:
 - a. individuals;
 - b. a business or enterprise that is a micro-enterprise⁹;
 - c. a club/association/organisation, the affairs of which are managed by its members/a committee/a committee of its members, that has an annual income net of tax of less than £1 million;
 - d. a trustee of a trust that has an asset value of less than £1 million
 - e. a personal representative or beneficiary of the estate of a person who, before they died, had not raised a complaint with the authorised person.
14. We aim to foster a culture at the Bar which sees complaints processes as being vital to delivering improvement, and prizes early resolution and a learning culture.

What we are consulting about

15. We are updating our complaints rules to reflect the Legal Services Board's new statutory requirements. Although the Legal Services Board has already consulted on these requirements, we are now seeking views on how we can best support the Bar to comply with the new rules and underpinning expectations – for example, by establishing what further Bar-specific guidance might be helpful.

⁸ In the Legal Services Board section 112 requirements, complainants are defined as: “– has the meaning given by section 128(2) of the Act, and as prescribed under the scheme rules made by the Office for Legal Complaints under Part 6 of the Act.” A first-tier complaint is defined as; “a relevant complaint made by a complainant to an authorised person about the services provided by that authorised person”. Section 128(3)(a) of the Legal Services Act allows individuals to make complaints. Section 128(3)(c) further expands the scope, which states that complaints can be made “a person (other than an individual) of a description prescribed by order made by the Lord Chancellor. The additional persons are set out in The Legal Services Act 2007 (Legal Complaints) (Parties) Order 2010. The latest Legal Ombudsman scheme also mirrors this scope.

⁹ Article 2(a) of The Legal Services Act 2007 (Legal Complaints) (Parties) Order 2010 defines this as: an enterprise which, at the material time, is a micro-enterprise within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC. In scope are micro-enterprises that have a staff headcount of less than 10, and either a turnover of less than € 2 m, or total balance sheet under € 2 m.

16. The Bar Standards Board also wants to have greater oversight and understanding of client complaints at the Bar, which requires intelligence and data. We believe the most effective way to do this is by collecting complaints data directly from the profession, in addition to our existing sources. Chambers and Bar Standards Board entities are already required to record and analyse complaints data, to identify issues and address them. Our proposal is for the profession (excluding employed barristers in non-Bar Standards Board entities and organisations) to submit this first-tier complaints data to the Bar Standards Board. Our proposals therefore build on existing arrangements.
17. We aim to establish a proportionate, routine data collection system that delivers meaningful insights without placing undue burdens on the profession. With that in mind we are consulting on three options for how these data will be requested:
 - a. At the point of authorisation to practise process;
 - b. Through a new process in MyBar;
 - c. Via chambers or Bar Standards Board entities on behalf of their members and employees.
18. We are also seeking views on the specific types of data that should be provided and on the frequency of collection.
19. Finally, we would also welcome feedback on our overall approach to future regulatory data collection.

Impacts

20. We have completed an Equalities Impact Assessment (EIA) on the proposals and believe that they are likely to benefit consumers with certain protected characteristics, particularly in relation to age, race, sex and disability.
21. We are aware that there may be impacts for some barristers, especially ethnic minority and women practitioners who are more likely to work in areas which tend to have higher complaints levels (such as crime and family) or in smaller chambers.
22. We welcome views and evidence on these impacts, especially on whether our proposals, including on data collection, are proportionate. We would also like to hear if we have identified the correct amount of support or if we will need to provide further support for barristers and smaller chambers/Bar Standards Board entities to provide this data.

Next steps

23. The consultation will be open for ten weeks, closing on 6 August 2025. We acknowledge this is a shorter timeframe than is usual for such exercises. However, we believe it to be sufficient for the information we are collecting, and because we are not consulting on section 112 first-tier complaints requirements on complaints handling, which the Legal Services Board has already consulted upon. We also need to ensure we are in a position to meet the Legal Services Board's implementation deadline of November 2025.

24. The online consultation survey is supported by stakeholder events; dates will be set out soon after the consultation starts.
25. We intend to publish a response with our final proposals in September 2025. Following that, and subject to Legal Services Board approval, we expect the final proposals will be approved in November 2025.
26. We are also asking for feedback on our proposed implementation period. We are recommending a four-month period to enable the profession to prepare for any changes. We will set out the first data collection timeframes in our response to this consultation, although we will not expect data to be submitted for at least one year.

Background: the Legal Services Board’s requirements

27. In May 2024,¹⁰ following a public consultation, the Legal Services Board introduced updated statutory requirements (known as Section 112 requirements) for how frontline legal regulators, such as the Bar Standards Board, oversee and support first-tier complaints¹¹.
28. These latest reforms include requirements on:
- a. Effective resolution: complaints must be assessed competently, impartially, and resolved promptly and consistently.
 - b. Accessibility: processes must be inclusive for clients with additional needs, including those with hearing, sight or communication disabilities.
 - c. Transparency: clear information about how to complain must be provided at the beginning and end of a service, and upon request.
 - d. Communication: legal services providers must analyse complaints data to identify risks or recurring issues and take action to address them.
29. The Legal Services Board has also issued its first Statement of Policy on first-tier complaints. The Statement sets out broader expectations for regulators and emphasises the need to use complaints data and intelligence to improve regulatory oversight and raise standards.
30. Regulators are expected to:
- a. Monitor patterns and trends in complaints and identify providers with consistently and disproportionately high levels of first-tier complaints, and those with high levels of premature complaints being referred to the Legal Ombudsman.
 - b. Analyse thematic weaknesses and assess timeliness of resolution. Regulators are also expected to publish this information.

¹⁰ The consultation was published in November 2023. The final documents are set out here:

<https://legalservicesboard.org.uk/news/lwb-bolsters-requirements-on-how-lawyers-handle-consumer-complaints>

¹¹ The updated requirements are based on Legal Services Board’s powers under section 112 of the Legal Services Act 2007. They enable the Legal Services Board to direct how frontline regulators embed complaints handling requirements within their regulatory frameworks.

- c. Give particular consideration to consumers with certain protected characteristics¹² and those who are vulnerable or in vulnerable circumstances, focusing on groups of consumers who are underrepresented or face barriers and challenges in relation to complaints.
 - d. Support continuous improvement in the way authorised persons handle complaints through sharing best practice, training, and where necessary supervisory or remedial action.
31. All regulators must implement the Legal Services Board’s updated first-tier complaints regime by November 2025.

Our proposals

Part A: Handbook changes and statutory guidance

32. We will amend and update the BSB Handbook to meet the aims of the Bar Standards Board and to comply with the new Legal Services Board requirements, building on existing first-tier complaints practices. Draft versions of the updated Handbook rules are set out in Annex A.
33. In particular, the changes are to Part 2 of the Handbook. These include updating and consolidating our outcomes at oC19, and oC26 and oC27, to reflect the Legal Services Board’s requirement that complaints are handled efficiently, and that complaints processes are accessible, in addition to the existing requirements for fairness, promptness and effectiveness.
34. The key complaints handling rules are set out in section D of the section 112 requirements, for instance, consumer confidence, accessibility and communication provisions. We are implementing these provisions by updating rules c99 to c109 of the BSB Handbook, as set out in Annex A.
35. Further, we intend to update our first-tier complaints guidance¹³ to support the profession in complying with the new rules. This will also take account of the Legal Services Board’s latest guidance on first-tier complaints.¹⁴ Our guidance will focus on key elements such as accessibility requirements and how to assist consumers, including those who are vulnerable or are in vulnerable circumstances.
36. We are working with our peer regulators (i.e., Solicitors Regulation Authority, CILEx Regulation, Council for Licensed Conveyancers, Costs Lawyer Standards Board, Intellectual Property Regulation Board and the Faculty Office) and the Legal Ombudsman to develop model complaints handling procedures and materials for the legal services sector. We intend that these will improve the consumer experience and create useful resources for providers. These proposals, currently under development, are not included in this consultation. However, we intend to publish any agreed materials alongside our finalised guidance and Handbook rule updates.

¹² The Legal Services Board’s policy statement does not specify which protected characteristics regulators should focus – which gives us an element of discretion. These include impacts on age, sex, race, disabilities, sexual orientation, etc. We will be using our data collection proposals to understand trends and disproportionate impacts – such as on ethnic minority consumers, women, and older consumers (more set out below).

¹³ See here: <https://www.barstandardsboard.org.uk/asset/A98439C0%2D4CB6%2D4539%2D984C6A9D939D5E56/>

¹⁴ See here: <https://legalservicesboard.org.uk/wp-content/uploads/2024/05/s162-Guidance.pdf>

Question 1. Should our updated first-tier complaints guidance cover any additional topics beyond those identified above (accessibility requirements and supporting vulnerable consumers)?

Part B: Data collection, analysis and reporting

Overview

37. Consistent with the Legal Services Board’s policy statement, the Bar Standards Board sees merit in monitoring intelligence and data relating to first-tier and second-tier complaints, and identifying barristers, chambers or Bar Standards Boards entities with disproportionately high numbers of first-tier complaints and premature complaints to the Legal Ombudsman.
38. We intend, therefore, to build on our existing systems and expanding our approach to first-tier complaints data collection and analysis.
39. This includes using both current and new data sources, developing insights and sharing high-level anonymised findings with key stakeholders, such as our peer regulators, the Legal Ombudsman and the profession. These improvements will be embedded into our current regulatory functions, including regulatory insights¹⁵ and supervision.
40. Although we already receive second-tier complaints data from the Legal Ombudsman, we do not routinely collect first-tier complaints data from the Bar. We propose to begin collecting this data directly from the profession, which will improve our understanding of how the profession manages first-tier complaints.
41. Data collection from the Bar regarding first-tier complaints has previously been undertaken via targeted supervisory returns. We believe our new approach, which will be standardised and take place at clearly specified periods, will be a more effective way to gather data. Collecting the data this way will allow us to:
 - a. Build a reliable picture of the consumer experience over time.
 - b. Have complete profession wide complaints data on a consistent basis.
 - c. Identify emerging trends, risks and issues early and respond appropriately.
 - d. Share insights with stakeholders and the profession, that support learning and service improvements, including sharing best practice.
 - e. Reduce the need for ad hoc, resource intensive data exercises.
 - f. Improve transparency and public and consumer confidence of the Bar.
42. We believe this approach to be the best way to support the profession with their own monitoring and aid them in identifying training gaps. Over time, it should also reduce the numbers of concerns that become formal complaints being escalated

¹⁵ See: [Data and Intelligence Strategy 2024-2027](#)

to the Legal Ombudsman. It should also help barristers, chambers and Bar Standards Board entities improve their services. Importantly, we believe it will also help consumers, by ensuring their concerns are handled more effectively and fairly, leading to a more consistent and positive experience for those using barrister services.

43. To realise this, we propose to amend the BSB Handbook so that the profession is required to submit first-tier complaints data to the Bar Standards Board, which it is already required to collect internally. Once in place, we plan to publish an aggregated report on these data, covering issues such as timeliness of complaint resolution and the scale of premature complaints to the Legal Ombudsman.
44. As part of this consultation, we are seeking comments about precisely what data we should collect, how frequently, and in what format. Feedback received will help us to finalise our data collection expectations.

Data submission

45. Our current Handbook rules (rC106 – rC108) require the profession to review complaints for internal purposes. However, they do not require any resulting data to be submitted to the Bar Standards Board.
46. We therefore propose to amend rC108 to introduce a new rule (rC108.2) requiring the submission of first-tier complaints data. These changes would also allow us to specify in further documentation what data must be provided, how often, and in what format.
47. Barristers would be required to inform their chambers or Bar Standards Board entities of any complaints they receive. These requirements are set out in our proposed new rule, rC108.3. We want chambers to be aware of their tenants' standards, and for Bar Standards Board entities to understand complaints within their organisation, in order to reflect intelligence of this kind in regular practice management reviews and take action, such as training, where needed.
48. Having these data will allow us to take supervisory and other regulatory action where appropriate, in accordance with our existing regulatory processes. These changes align with the practices of other legal regulators (i.e. Solicitors Regulation Authority, CILEx Regulation, Intellectual Property Regulation Board) and are built on work we have undertaken to understand their approaches.
49. We will publish separate documentation alongside the updated Handbook, setting out our expectations for data formats and frequency of submission. Publishing these data collection expectations external to the Handbook means we can review our expectations in response to feedback as required, without the need to update the Handbook itself. This flexibility will allow us to ensure our approach to data collection remains proportionate, while ensuring we continue to gather meaningful insights.
50. If complaints data are not submitted as required, we may take regulatory action, including supervision and enforcement action, on the basis of non-compliance with this new requirement to submit data.

Data analysis and uses

51. The data will be analysed on a regular basis, to identify any trends and risks and provide the basis for regulatory action where needed. It will also enable us to share examples of good practice.
52. A key focus for analysis will be identification of barristers with disproportionately high levels of first-tier complaints, premature complaints to the Legal Ombudsman, or more generally identified weaknesses in complaints handling.
53. Where we identify any issues, we will consider whether any follow up action is required. This may include providing specific guidance, and where appropriate, undertaking supervisory activities¹⁶.
54. Finally, these data will also be used in the development of regular aggregated public reports on complaints.
55. Our proposed rule changes to achieve these objectives are set out in red below.

rC108

.1 A record must be kept of each *complaint*, of all steps taken in response to it, and of the outcome of the *complaint*. Copies of all correspondence, including electronic mail, and all other documents generated in response to the *complaint* must also be kept. The records and copies should be kept for 6 years from resolution of the *complaint*.

.2 A summary of complaints received shall be submitted to the BSB in a manner determined by the BSB from time to time.

.3 Barristers must ensure that details of any *complaints* they receive and deal with are provided to their chambers/BSB entity, if the complaint relates to work at those chambers/BSB entity.

We propose to amend Handbook rule rC108 to mandate the submission of a summary of first-tier complaints received to the Bar Standards Board by inserting a new requirement (rC108.2). Rule C108.2 will not specify the frequency or collection or the precise data fields to be submitted, which will be provided separately. We discuss the proposed data and collection methods below.

Question 2. Do you agree with our proposal to insert a new requirement to rC108 (rC108.2) to mandate the submission of first-tier complaints data to the Bar Standards Board?

We are proposing to insert a new requirement to rC108 which will require the barristers to inform their chambers of any complaints they have received (rC108.3). This will also apply to any complaints relating to work at BSB entities.

¹⁶ See our supervision strategy and guidance for further info: <https://www.barstandardsboard.org.uk/static/97c57fc7-b4b6-4007-a524b7912348406a/64fe22aa-66b1-4ccd-9313958cb477208f/supervisionstrategyandguidance2015.pdf>

Question 3. Do you agree with our proposal to insert a new requirement to rC108 (rC108.3) that barristers inform their chambers/Bar Standards Board entity of any complaints they receive that relate to their work for that organisation?

Options for submitting data

56. We want to collect first-tier complaints data in way that provides meaningful insight without placing a disproportionate burden on the profession, whilst meeting the Legal Services Board’s expectation on intelligence gathering to carry out actions such as identifying thematic areas of weaknesses in complaints handling, and those with disproportionately high levels of first-tier complaints.
57. In considering viable routes we have developed three options and are seeking stakeholders’ views on which is likely to be most effective. Details of the data we propose to collect are set out below.

Option 1: Using the annual ‘Authorisation to Practise’ (AtP) and entity renewal processes

- Barristers are required to complete the annual Authorisation to Practise process to renew their practising certificate. In completing their Authorisation to Practise submission they must provide or update personal details and information about their practice.¹⁷ The process runs each year at February to March, with completion by 31 March.
- As barristers already provide practising details during this process, we believe it would be possible to require complaints data to also be provided with this return, creating minimal additional administrative burden for those submitting.
- This option would mean that individual barristers would provide their own complaints data to the Bar Standards Board.
- This option builds on a process that barristers are familiar with, bringing complaints data submission alongside other annual updates. It would also create an anchor point for data submission, and we could change the frequency if needed by only requesting it be submitted cyclically, e.g. every year, or every two years. For the Bar Standards Board it is also a cost-effective option to implement and echoes similar approaches taken by peer regulators.
- It would, however, increase the time required to complete the Authorisation to Practise process, and it would take time to implement system changes, making it a less flexible approach than the other two.
- Additionally, we want to capture complaints that Bar Standards Board entities handle. This could potentially use the existing entity renewal process.

¹⁷ See here for further information: <https://www.barstandardsboard.org.uk/for-barristers/authorisation-to-practise.html>

Option 2: Using MyBar¹⁸

- As an alternative to using the Authorisation to Practise process, we would create a new first-tier complaints data collection form via MyBar. Individual barristers would submit their own data in the new forms to be hosted on MyBar. As this option is not tied to the Authorisation to Practise cycle, data could be submitted at different times of the year, helping to spread the workload for barristers, and any clerks and chambers who assist with data collection. This flexibility contrasts with option 1, where all data must be submitted during the short Authorisation to Practise window.
- Additionally, data could be submitted on a rolling basis, such as when a complaint has been closed, or on a periodic basis (e.g. every 12 or 24 months.) This option would also provide greater flexibility as it would be easier to revise or update the process compared to AtP.
- MyBar could also be used to capture Bar Standards Board entities' complaints data.

Option 3: Chambers submit data

- This option would require chambers to collect and submit first-tier complaints data on behalf of all associated self-employed barristers, including tenants, door tenants and pupils. Data would be submitted on a rolling or periodic basis. Bar Standards Board entities would also need to report any complaints received about them (this is likely to be similar to option 2 for entities).
- For chambers, this option would likely utilise a MyBar organisational account (i.e. chambers would have their own MyBar account to update data for all their members), in the same way as for Bar Standards Board entities. This approach could reduce the administrative burden on individual self-employed barristers at chambers, and staff at Bar Standards Board entities, as submissions would be made collectively. It could provide chambers and Bar Standards Board entities with greater visibility of complaints and support them in monitoring trends and training needs.¹⁹
- For this approach to work, self-employed barristers would need to ensure that any complaints they receive are passed on to their chambers for reporting to the Bar Standards Board. They would also be asked to confirm at the AtP stage that all complaints data have been submitted. Bar Standards Board entity staff would also need to ensure that they report any complaints to their organisation.
- Sole practitioners would need to report their complaints data individually. As a result, a separate reporting process would be needed for this group, potentially through MyBar.
- While this option would involve some setup costs for the Bar Standards Board, and require training for barristers, chambers, clerks and Bar Standards Board entities (to familiarise themselves with the new process), it may offer long-term efficiencies once fully embedded.

¹⁸ MyBar is an online portal, which allows barristers and their representatives (such as clerks/admin staff) to carry out a number of actions, such as renewing their practising certificate, updating contact details and uploading other information.

¹⁹ Under existing rule rC108, complaints details need to be recorded. And, under rC109, the appropriate member / chambers committee is required to annually review complaints for trends and potential training needs.

Question 4. Which of the following options for collecting first-tier complaints data would you prefer?

- Option 1: Submission via the Authorisation Practise process?
- Option 2: Submission through a new MyBar form?
- Option 3: Submission by chambers or Bar Standards Board entities on behalf of barristers/members?

Question 4b. If you prefer option 2 or 3, please also indicate whether you prefer data to be submitted incrementally throughout the year on complaint closure, or periodically (e.g. annually)?

Question 5. If we proceed with periodic data requests, how often should complaints data be submitted to the Bar Standards Board - every 12 months or 24 months? Are there any other timeframes we should consider?

Data types and implementation timelines

58. Currently under rule rC108, barristers must record complaints and actions taken to resolve them. This requirement will remain (renumbered as rC108.1), but with a new rule (rC108.2) to require submission of first-tier complaints to the Bar Standards Board. We would set out in further documentation the types of data to be collected and submitted, allowing for flexibility in data collection arrangements.
59. We are consulting on the types of data we may require, based on the Legal Ombudsman's existing framework. This would allow consistency in analysis of first and second-tier data, although our proposals adapt them, so they better reflect the nature of first-tier complaints for barristers, e.g., better distinguishing between complaint types and identifying cost-related issues.
60. We aim to collect the minimum necessary data, so that we can build meaningful insights into complaints. The data types are set out in Table 1 (below). We want in particular to meet the expectations set out in the Legal Service Board's Statement of Policy, which includes:
- Identifying thematic areas of weakness in authorised persons' handling of first-tier complaints.
 - Identifying any authorised persons with disproportionately and consistently high numbers of first-tier complaints, and premature complaints to the Legal Ombudsman.
 - Identifying any recurring issues or trends arising in first-tier complaints from which authorised persons, other regulators and others in the legal services sector can learn lessons.
 - Understanding the timeliness with which authorised persons resolve first-tier complaints to the complainant's satisfaction.
 - Better understanding the experiences of consumers with certain protected characteristics and vulnerabilities.

61. As we have discretion over what to collect, we propose to use the Legal Ombudsman's data fields but modified to reflect the first-tier complaints received by barristers.
62. Our proposed data types reflect these expectations and will allow us to take a consistent approach in analysing both first and second tier data, without adding unnecessary burden on barristers.
63. Where complaints data are submitted via chambers (option 3 for data collection), the data must include the name of the barrister involved.
64. We will not require barristers to submit any personal data to the Bar Standards Board about their clients/complainants. However, we do want to gather general details about them, specifically relating to protected characteristics and vulnerability. This will help us better understand the experiences of consumers with certain protected characteristics or with vulnerabilities. Vulnerabilities could include, but are not limited to, disabilities (such as sight and hearing issues, learning disabilities), mental health issues, health issues and low income.
65. We therefore propose to mandate the Bar to ask those who complain to provide details about their protected characteristics / disabilities and/or vulnerabilities on a voluntary basis. If complainants voluntarily supply this information to the Bar, this information will need to be provided anonymously to the Bar Standards Board. We believe this approach is proportionate and, in time, will help us gain an understanding of first-tier complaints trends and issues affecting people from these groups.
66. We appreciate not all vulnerabilities can be captured. Our upcoming updated guidance on first-tier complaints handling will set out in more detail on identifying and capturing data on vulnerability, disabilities and protected characteristics, to help the profession with this requirement. We welcome feedback on the proposed collection of this data.
67. We invite views on these proposed data sets set out at table 1 below and whether we should collect any other data.
68. The final data expectations will be published in September 2025, following consultation feedback and included in the updated Bar Standards Board documentation. We will continue to review our data requirements after implementation and ensure the profession is given sufficient notice of any changes if they are needed.

Table 1: Proposed data collection sets

Data	Options/Notes
Complaint received date	When the client made the initial complaint
Complaint acknowledged date	When the provider acknowledged the complaint
Area of law	This would be in line with the areas of law that the Bar Standards Board already sets and captures at the Authorisation to Practise process
Complaint category/reason	<p>These would include options such as:</p> <ul style="list-style-type: none"> • Costs information deficiency (relating to issues around advice and formats/information provided about costs) • Cost excessive (issues relating to the costs of services provided) • Delays (issues around service/advice delays) • Poor information (lack of clarity or sufficiency of information provided to client) • Failure to follow instructions (not adhering to client instructions) • Failure to keep informed (lack of communication to client) • Failure to respond (lack of response to client)
Client characteristics	<p>This would capture whether the client has declared any protected characteristics, and/or any other vulnerability. We would ask that providers ask their clients for this information, if not already done so, (which they could provide on a voluntary basis) when a complaint has been raised.</p> <p>This is to help us understand the experiences/needs of clients with different protected characteristics and vulnerabilities, per the Legal Services Board’s Statement of Policy on first-tier complaints and will help the profession to reflect on equality. This would be submitted anonymously, without any personal client data.</p>
<p>Complaint closure details (if resolved).</p> <p>Some of these will require the profession to ask and capture client responses to the questions, when closing a complaint (such as d. and e.).</p>	<p>This would include</p> <ol style="list-style-type: none"> a. Date closed, and reason for closure (such as resolved) b. Whether complaint was upheld c. Remedy details d. Whether the complaint was resolved to the client’s satisfaction e. Whether the client was satisfied with the way you handled the complaint
Second-tier details	<p>This would ask (if the complaint has not been resolved):</p> <ol style="list-style-type: none"> a. Whether a deadlock letter has been issued, or case taken/referred to the Legal Ombudsman if known b. If so, date of letter/referral to the Legal Ombudsman

Question 6: Do you have any comments on the first-tier complaints data fields we proposed to collect from the Bar? Are there any fields you think we should / should not collect (please specify)?

General data collection principles

69. We would also like to seek stakeholder views on how we should collect data in general in the future, across the Bar Standards Board. We want to ensure that our general approach to data collection is proportionate, efficient and is not unduly burdensome to barristers.
70. It is important for our ability to regulate effectively and efficiently that we have robust data. It aids us in monitoring risks, helps to understand trends and ensures that we develop effective policy to support barristers, clients and consumers, and helps to meet our broader regulatory objectives.
71. We are keen to understand stakeholders' preferences on how we should collect data in the future. We welcome views on what has worked well, including any challenges or barriers that barristers have experienced in the past when providing data to us. This information will be used to help us in designing future data submission requirements.

Question 7: When submitting data (excluding complaints data) to the Bar Standards Board, do you have any preferences for when to do so, e.g., at certain Bar Standards Board-mandated times, annually, or another frequency (please specify)?

Question 8: In general, how would you prefer to submit data to the Bar Standards Board, e.g., via Authorisation to Practise, MyBar forms, or some other way?

Question 9: Using any previous experiences of submitting data, what has worked well for you and what has not? How could we improve our data collection requirements?

Implementation

72. We propose to introduce the changes to our first-tier complaints data requirements in three stages, following publication of our final proposals.
 - Stage 1: Legal Services Board's requirements implemented through updates to the Bar Standards Board Handbook. Changes to be in place by November 2025, subject to Legal Services Board approval.
 - Stage 2: Barristers will then have at least four months to update their complaints handling processes to align with the new rules and create systems for data collection. This will follow publication of the final proposals and should provide sufficient time for implementation.
 - Stage 3: Data reporting arrangements in place. These will be informed by responses to this consultation and will depend on the data collection options and frequency of data submission. We will set these out in our response to this consultation, scheduled for September 2025, although we will not expect data to be submitted for at least one year.

Impacts

73. We welcome views on the potential impact of our proposals on the profession. This includes any operational challenges, resource implications or possible unintended consequences.
74. We would also welcome feedback on any benefits or efficiencies respondents feel the proposals will create.

Other information

75. Lastly, we welcome any general comments about anything set out in this consultation.

Question 10: We propose to give barristers four months from publishing the updated BSB Handbook to make any changes necessary to their first-tier complaints arrangements. Do you agree with these proposed implementation timelines?

Question 11: Do you anticipate these reforms will have any impacts (positive, negative, neutral etc.) on you and/or your organisation?

Question 12: Do you have any other comments in relation to our proposals set out in this consultation?

Equality impact assessment

76. Our EIA shows that broadly, there will be positive outcomes for consumers arising from our proposals, including for those with protected characteristics such as race, sex and age.
77. By improving complaints rules, the intended result is that consumers are more likely to understand their rights when things go wrong with the provision of legal services and have the confidence that their complaints will be dealt with efficiently, effectively and fairly. The specific proposed rules on ensuring accessibility are likely to have positive impacts such as on race, age, disabilities, and more broadly, those who are vulnerable or are in vulnerable circumstances.
78. The requirements on the profession to better understand and analyse their complaints data are likely to have broad benefits, such as allowing them to strengthen their services.
79. The impact of the updated BSB Handbook rules (implementing Legal Services Board's section 112 requirements) and our data collection proposals is likely to have disproportionate impacts on ethnic minority and women barristers. They are more likely to work in higher-risk practice areas which attract more complaints (such as crime and family) and smaller chambers with fewer resources. This could increase their exposure to complaints and the burden of complying with our changes might be higher, compared with larger chambers.

80. To mitigate this, the Bar Standards Board will provide tailored guidance and support materials and monitor trends by certain protected characteristics to identify and address any disproportionate impacts.
81. Although we do not have access to first-tier complaints data (and to characteristics of barristers to whom complaints relate to) - we are keen to further understand impacts on barristers in relation to race and age, and other factors on which stakeholders wish to provide feedback.

Question 13: Do you have any comments or views in relation to our assessment of the equalities impact at Annex B? Where possible, please provide evidence.

Full list of consultation questions

Question 1. Should our updated first-tier complaints guidance cover any additional topics beyond those identified above (accessibility requirements and supporting vulnerable consumers)?

Question 2. Do you agree with our proposal to insert a new requirement to rC108 (rC108.2) to mandate the submission of first-tier complaints data to the Bar Standards Board?

Question 3. Do you agree with our proposal to insert a new requirement to rC108 (rC108.3) that barristers inform their chambers/Bar Standards Board entity of any complaints they receive that relate to their work for that organisation?

Question 4. Which of the following options for collecting first-tier complaints data would you prefer?

- Option 1: Submission via the Authorisation Practise process?
- Option 2: Submission through a new MyBar form?
- Option 3: Submission by chambers or Bar Standards Board entities on behalf of barristers/members?

Question 4b. If you prefer option 2 or 3, please also indicate whether you prefer data to be submitted incrementally throughout the year on complaint closure, or periodically (e.g. annually)?

Question 5. If we proceed with periodic data requests, how often should complaints data be submitted to the Bar Standards Board - every 12 months or 24 months? Are there any other timeframes we should consider?

Question 6: Do you have any comments on the first-tier complaints data fields we proposed to collect from the Bar? Are there any fields you think we should / should not collect (please specify)?

Question 7: When submitting data (excluding complaints data) to the Bar Standards Board, do you have any preferences for when to do so, e.g., at certain Bar Standards Board-mandated times, annually, or another frequency (please specify), and any specific formats, e.g. via Authorisation to Practice, MyBar, or some other way?

Question 8: In general, how would you prefer to submit data to the Bar Standards Board, e.g., via Authorisation to Practise, MyBar forms, or some other way?

Question 9: Using any previous experiences of submitting data, what has worked well for you and what has not? How could we improve our data collection requirements?

Question 10: We propose to give barristers four months from publishing the updated BSB Handbook to make any changes necessary to their first-tier complaints arrangements. Do you agree with these proposed implementation timelines?

Question 11: Do you anticipate these reforms will have any impacts (positive, negative, neutral etc.) on you and/or your organisation?

Question 12: Do you have any other comments in relation to our proposals set out in this consultation?

Question 13: Do you have any comments or views in relation to our assessment of the equalities impact at Annex B? Where possible, please provide evidence.

ANNEX A: BSB Handbook Draft Changes: First-tier Complaints Rules

Changes are in red; text deletion is in strikethrough.

Part 2: Code of Conduct

Part 2 - C. The Conduct Rules

Part 2 – C3. You and your client

Outcomes

oC19

~~Clients understand how to bring a complaint and complaints are dealt with promptly, fairly, openly and effectively.~~

Guidance to Rules C22-C24 (Defining terms or basis on which instructions are accepted)

gC81

~~Disputes about costs are one of the most frequent complaints. The provision of clear information before work starts is the best way of avoiding such complaints. The Legal Ombudsman has produced a useful guide “An Ombudsman’s view of good costs service” which can be found on its website.~~

Part 2 - D. Rules Applying to Particular Groups of Regulated Persons

Part 2 - D1. Self-employed barristers, chambers and BSB entities Rules

Outcomes (C26-C29)

oC26

Clients are provided with appropriate **and accessible** information about redress, know that they can make a *complaint* if dissatisfied, and know how to do so, **including any rights they may have to make a second-tier complaint.**

oC27

Complaints are dealt with effectively, efficiently and are resolved fairly and promptly. Clients are kept informed throughout the complaints process. ~~are dealt with promptly and the client is kept informed about the process.~~

Complaints handling procedures

rC99A

- .1 You must have a *first-tier complaints* handling procedure which:
- .a enables *clients* to make a *complaint* free of charge;
 - .b is prominent and accessible;
 - .c sets out the steps that will be taken in resolving a *complaint*;
 - .d explains how a *complaint* will be handled;
 - .e provides information on the possible outcomes of a *complaint*;
 - .f is effectively communicated to each client in a format or formats reasonably tailored for the *client's* circumstances, having due regard to their information needs; and
 - .g makes provision for a *client* to be able to make a *complaint* in a way that is reasonable and accessible to the *client*.
- .2 You must ensure your *first-tier complaints* handling procedure is:
- .a documented in writing, and available across your organisation, where relevant;
 - .b endorsed by the appropriate member/committee of *chambers*, or *HOLP*, or person responsible for implementation of the complaints procedure; and
 - .c implemented consistently and periodically reviewed.
- .3 Your *first-tier complaints* procedure must provide for a *complaint* to be:
- .a assessed competently, diligently and impartially;
 - .b responded to fairly, consistently, and promptly; and
 - .c to be resolved at the earliest opportunity.

Provision of information

rC99B

- .1 You must notify *clients* in writing or in formats tailored to specific *client* information needs: when you are *instructed*, or, if that is if not practicable, at the next appropriate opportunity:
- .a of their right to make a *complaint*, including your *first-tier complaints* handling procedure, including their right to complain to the *Legal Ombudsman* (if they have such a right), how, and to whom, they can complain, and of any time limits for making a *complaint*;
 - .b that after eight weeks following the making of a *first-tier complaint*, if the *complaint* has not been resolved to the *client's* satisfaction, that they may have a right to complain to the *Legal Ombudsman*.
 - .c .2 if you are doing referral work, that the lay *client* may complain directly to you, *chambers* or the *BSB* entity without going through *solicitors*.
- .2 The information in rC99B.1 must be provided:
- .a when you are *instructed*, or if that is not practicable, at the next earliest appropriate opportunity;
 - .b at the conclusion of the matter;
 - .c upon request; and
 - .d if a *complaint* is made during a matter.

rC100

If you are doing public access, or licensed access work using an *intermediary*, the *intermediary* must similarly be informed.

rC101

If you are doing referral work, you do not need to give a *professional client* the information set out in Rules rC99B.1 and rC99B.2, in a separate, specific letter. It is enough to provide it in the ordinary terms of reference letter (or equivalent letter) which you send when you accept *instructions* in accordance with Rule rC21.

rC102

If you do not send a letter of engagement to a lay *client* in which this information can be included, a specific letter, **or communication in formats specific to the client's needs**, must be sent to them giving them the information set out at Rules rC99B.1 and rC99B.2.

rC103

Each website of *self-employed barristers*, *chambers* and *BSB entities* must display:

.1 on the homepage, the text “regulated by the Bar Standards Board” (for sole practitioners) or “barristers regulated by the Bar Standards Board” (for *chambers*) or “authorised and regulated by the Bar Standards Board” (for *BSB entities*); and

.2 in a sufficiently accessible and prominent place:

.a information about their complaints procedure, any right to complain to the Legal Ombudsman, how to complain to the Legal Ombudsman and any time limits for making a **complaint, and including details of alternative and accessible formats for accessing this information;**

.b a link to the decision data on the Legal Ombudsman’s website; and

.c a link to the Barristers’ Register on the BSB’s website.

.3 All e-mail and letterheads from *self-employed barristers* and *BSB entities*, their *managers* and employees must state “regulated by the Bar Standards Board” (for *self-employed barristers*) or “authorised and regulated by the Bar Standards Board” (for *BSB entities*).

.4 *Self-employed barristers*, *chambers* and *BSB entities* must have regard to guidance published from time to time by the *Bar Standards Board* in relation to redress transparency.

Response to, and resolution of, complaints

rC104

All *complaints* must be acknowledged promptly. When you acknowledge a *complaint*, you must give the complainant:

.1 When a *complaint* is first notified you must provide the complainant:

.a with a prompt acknowledgement of receipt of the *complaint*;

.b the name and contact details of the person who will deal with the *complaint* and a description of that person’s role in *chambers* or in the *BSB entity* (as appropriate);

.c a copy of the clear and comprehensive information about the *chambers*’ complaints procedure or the *BSB entity*’s Complaints Procedure (as appropriate) that will apply to their complaint and how it will be handled, including the information required in rC99B.1 and rC99B.2;

.d the date by which the complainant will next hear from *chambers* or the *BSB entity* (as appropriate), including the timeline for the resolution of the *complaint*.

2. Regular updates must be given to the *complainant* on the progress of their complaint.
3. You must communicate with the *complainant* clearly, using plain and appropriate language.
4. A *complainant* must be informed about the options available if the *complainant* is dissatisfied with the outcome of their *first-tier complaint*, including:
 - .a of any rights the *complainant* may have to make a *complaint* to the Legal Ombudsman (right to make a *second-tier complaint*) including the information specified in rC99B.1.b;
 - .b how to make a *second-tier complaint*;
 - .c the time limit for making a *second-tier complaint*;
 - .d information about how to make a *second-tier complaint* available from the Legal Ombudsman; and
 - e. full details of how to contact the Legal Ombudsman.
- .5 You must communicate promptly the outcome of the *complaint* to the *complainant*, and if the outcome includes any offer of a suitable remedy, comply promptly with the remedy if accepted by the *complainant*.

rC105

When *chambers* or a *BSB entity* (as appropriate) has dealt with the *complaint*, *complainants* must be told in writing, or in accessible formats which meet their information needs, of their right to complain to the *Legal Ombudsman* (where applicable), of the time limit for doing so, and how to contact them.

Documents and record keeping

rC106

All communications and documents relating to *complaints* must be kept confidential. They must be disclosed only so far as is necessary for:

- .1 the investigation and resolution of the *complaint*;
- .2 internal review in order to improve *chambers'* or the *BSB entity's* (as appropriate) handling of *complaints*;
- .3 complying with requests from the *Bar Standards Board* in the exercise of its monitoring and/or auditing functions.

rC107

The disclosure to the *Bar Standards Board* of internal documents relating to the handling of the *complaint* (such as the minutes of any meeting held to discuss a particular *complaint*) for the further resolution or investigation of the *complaint* is not required.

rC108

- .1 A record must be kept of each *complaint*, of all steps taken in response to it, and of the outcome of the *complaint*. Copies of all correspondence, including electronic mail, and all other documents generated in response to the *complaint* must also be kept. The records and copies should be kept for 6 years from resolution of the *complaint*.
- .2 A summary of *complaints* received shall be submitted to the BSB in a manner determined by the BSB from time to time.
- .3 Barristers must ensure that details of any *complaints* they receive and deal with are provided to their chambers/BSB entity, if the *complaint* relates to work at those chambers/BSB entity.

rC109

The person responsible for the administration of the procedure must report at least annually to either:

.1 the *HOLP*; or

.2 the appropriate member/committee of *chambers*, on the number of *complaints* received, on the subject areas of the *complaints* and on the outcomes. The *complaints* should be reviewed for trends, risks or issues. Reviews also need to include possible systemic issues in how *complaints* have been assessed, and resolved, and any service issues. ~~and possible training issues~~ Measures must be implemented to address those risks and issues. Appropriate training must be considered and undertaken, including provision of appropriate resources, to address the identified risks and issues.

Part 6: Definitions

complaint

means, for the purposes of Part 2, a complaint by a *client* about the standard of service received that is addressed either to the *Legal Ombudsman* or the *chambers* or the *BSB authorised person*, which can be communicated orally or in written format, and can include an expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience, or other detriment.

complainant

has the meaning given by section 128(2) of the Act, and as prescribed under the scheme rules made by the Office for Legal Complaints under Part 6 of the Act.

first-tier complaint

a relevant complaint made by a *complainant* to a *chambers* or *BSB authorised person* about the services provided.

second-tier complaint

a *complaint* made to the *Legal Ombudsman* under the scheme rules made by the Office for Legal Complaints.

Annex B: Equalities Impact Assessment

Date of Assessment	30 April 2025
Assessor Name & Job Title	Ahmet Arikan – Senior Policy Officer, Strategy, Policy and Insights Directorate, Bar Standards Board
Name of Policy/Function to be Assessed	<u>Consultation on new arrangements and rules for first-tier complaints handling</u>
Aim/Purpose of Policy	<p>Purpose and Context</p> <p>The Bar Standards Board is consulting on proposals to implement the Legal Services Board’s new and updated provisions relating to the regulatory arrangements for first-tier complaints handling.</p> <p>The requirements set out the regulatory arrangements that legal services regulators (including the Bar Standards Board) must have in place regarding how authorised persons (e.g. barristers/chambers/Bar Standards Board entities) handle consumer complaints. Such consumers can include potential, past and current clients.</p> <p>The Legal Services Board’s first-tier complaints policy statement requires legal services regulators, using data and intelligence, to oversee how their regulated community handles first-tier complaints, with a view to ensuring that the best possible complaints resolution system is in place for consumers.</p> <p>Benefits and results</p> <p><u>Consumers</u></p> <p>These proposals are largely aimed at benefiting and improving outcomes for consumers of legal services, which includes prospective, current and past clients.</p> <p>As the Legal Services Board noted in their consultation on this matter, a step-change in practise is needed because the current system is not meeting consumers’ expectations as well as it should. By improving complaints rules, it is intended that consumers are more likely to understand their rights when things go wrong with the provision of legal services and have the confidence that their complaints will be dealt with efficiently, effectively and fairly,</p> <p><u>Consumers with protected characteristics and vulnerabilities</u></p> <p>The new Legal Services Board complaints regime also intends benefits for consumers with certain protected characteristics (e.g. race, sex, age, disabilities), and those who are vulnerable. Specifically, the new requirements require greater focus on accessibility to complaints procedures, requiring service providers to tailor their communications to the needs of consumers with disabilities and those who are vulnerable or are in vulnerable circumstances. Additionally, the Legal Services Board expects regulators to consider consumers with certain protected characteristics and</p>

	<p>those who are vulnerable, when monitoring complaints data and intelligence. The result is that these consumers' needs are considered by service providers and legal services regulators (including the Bar Standards Board), to ensure they are not disadvantaged in the complaints process and journey, and that appropriate action is taken when problems are identified.</p> <p><u>Service providers – the Bar</u></p> <p>The Legal Services Board's new requirements place expectations on service providers (e.g. barristers and chambers) to review their collected complaints data at least annually, identify trends/issues and risks, and take action to address them where identified. Additionally, they require regulators to understand themes and issues in providers' handling of complaints, especially those with comparatively disproportionately high levels of complaints.</p> <p>This is likely to benefit the sector, as it will encourage barristers, chambers and Bar Standards Board entities to improve their services, including how they handle complaints, via regular analysis of feedback.</p>
--	--

1. Evidence

What evidence will you use to assess impact on equality?

This is a consultation stage Equality Impact Assessment (EIA). In addition to the evidence sources below, we will be seeking feedback, views and evidence through the consultation exercise. This feedback will be used to revise the EIA accompanying the final proposals.

We note that, despite collecting first-tier complaints data from their respective professions, our peer regulators do not typically produce any analysis around protected characteristics, for either complaint or provider. As such, we lack directly comparable insight on the impact of first-tier complaints on both groups. We also note that past Legal Services Board commissioned research²⁰ into first-tier complaints has not directly addressed the impact of the proposed new arrangements on the English and Welsh legal system regarding consumers or providers' protected characteristics.

In the absence of any direct evidence, we have instead used other appropriate evidence sources. These include: Bar Standards Board Diversity at the Bar report (2024), and the Legal Services Consumer Panel's consumer survey trackers (2024). We have also reviewed other relevant external research and reports (referenced below) to assist us in drawing up this EIA.

2. Impact on Equality

Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).	
Race	<p><u>Consumers</u></p> <p>Improved complaints handling and data monitoring may improve outcomes for ethnic minority consumers. 2021 Legal Services Consumer Panel (LSCP) research found that across legal services, ethnic minority consumers were generally less confident in making a complaint, compared to white British consumers. However, the research</p>

²⁰ <https://legalservicesboard.org.uk/wp-content/uploads/2023/07/Improving-service-complaints-in-legal-services.pdf>

	<p>also showed that despite having lower confidence, ethnic minority consumers were more likely to complain than white British consumers. Similarly, LSCP’s 2024 tracker survey showed that across legal services, Black consumers were most likely to know how to complain compared to other ethnicities.</p> <p>Our first-tier complaints data collection proposals will require the Bar to ask for a client’s protected characteristics details, which will potentially help the Bar Standards Board understand the experiences of consumers when going through a complaint and identify how a client’s race impacts their complaints journey and experience.</p> <p><u><i>The Bar</i></u></p> <p>Ethnic minority barristers are disproportionately represented in publicly funded areas of law, such as crime and family, which tend to generate more complaints. It is likely that any increase in complaints volumes, due to the new rules, may therefore disproportionately affect them. We believe this to be due to the practice area exposure and not the quality of their services.</p> <p>Available evidence suggests that ethnic minority practitioners are more likely to be overrepresented in reports made to their regulator. As the SRA noted, “we have seen an overrepresentation of Black, Asian and minority ethnic solicitors in the early stages of our enforcement processes for many years. And these troubling patterns are widely seen across many regulators and sectors.”</p> <p>Ethnic minority barristers are also more likely to work in smaller chambers or as sole practitioners, which may lack the administrative infrastructure to manage complaints and reporting efficiently.</p> <p>We will monitor complaints by practice area and race and consider targeted mitigations, such as model templates or support materials for smaller practices.</p>
Sex	<p><u><i>Consumers</i></u></p> <p>Our proposals are likely to have a positive impact on consumers in relation to sex. On the basis that the impact of the proposals is an increased awareness of complaint rights and a removal of barriers to making a complaint, there are likely to be potential benefits for consumers in relation to sex.</p> <p>LSCP’s 2024 tracker survey data shows that males are marginally more likely to complain (55%). We believe that there is the potential for an increase in the numbers of women who will seek redress, on the basis that our proposals seek to remove barriers to making complaints.</p> <p>Our first-tier complaints data collection proposals will also require the Bar to ask for a client’s protected characteristics details (i.e., race, sex, age), which will potentially help us to understand consumers’ experience of complaint processes and to assist us in develop appropriate action where needed.</p> <p><u><i>The Bar</i></u></p> <p>Women barristers are proportionately represented (as per their overall numbers in registration) in chambers of all sizes.</p> <p>However, certain areas of practice, such as family law, have higher complaints levels and more women barristers practising. If our proposed changes result in increased complaints volumes across the profession, they may disproportionately affect women barristers.</p>
Disability	<p><u><i>Consumers</i></u></p> <p>We anticipate positive impacts for consumers with disabilities; and those who are vulnerable or are in vulnerable circumstances. The updated complaints rules require barristers/chambers/Bar Standards Board entities to ensure that their complaints</p>

	<p>handling procedures are accessible to all consumers, including to those with disabilities.</p> <p>The rules also require complaints communication materials to be tailored to clients' needs, including for those with disabilities, such as those individuals with hearing and sight difficulties.</p> <p>Our first-tier complaints data collection proposals will also require barristers to ask for a client's protected characteristics details, which if gathered in sufficient amounts will have the potential to help us better understand the experiences and needs of these consumers regarding complaints processes and assist us in developing appropriate action where needed.</p> <p><u>The Bar</u></p> <p>We do not consider there to be impacts in relation to barristers with disabilities. Furthermore, disabled barristers are also represented proportionately across chambers of all sizes (as per their overall numbers in registration), and so we do not anticipate any disproportionate impacts.</p> <p>Regardless, our collection and monitoring of first-tier complaints data is likely to help in developing an evidence base about broad themes in relation to barristers with disabilities and first-tier complaints.</p>
Age	<p><u>Consumers</u></p> <p>LSCP's 2024 tracker survey shows that consumers in the 18-24 age group (63%), and 25-34 age group (56%) are more likely to be aware of their rights regarding making a complaint. However, we believe the proposals are likely to have an overall positive impact in respect of age, as they may help reduce barriers faced by consumers in older age groups.</p> <p>Our first-tier complaints collection proposals will also require the Bar to ask for a client's protected characteristics details, which will potentially help the Bar Standards Board understand the experiences of consumers of different ages when going through a complaint process and enable us to develop appropriate action where needed.</p> <p><u>The Bar</u></p> <p>Although we do not have sufficient data available to make a full assessment at this consultation stage, there may be potential impacts on barristers in different age groups.</p> <p>The new complaints rules seek to address barriers to consumers complaining about services provided, which is likely to increase complaints volumes in the Bar. However, we do not have access to first-tier complaints data, specifically which areas of law they relate to, or the ages of the barristers to whom the complaints relate.</p> <p>We have asked for views in our consultation to help develop our evidence base. We are keen to understand the proportion of complaints in relation to age groups, i.e. volume of complaints in relation to respective age groups of barristers.</p>
Sexual Orientation	<p><u>Consumers</u></p> <p>We believe that our proposals are likely to have a positive impact on consumers from a sexual orientation perspective.</p> <p>The updated complaints handling rules require barristers/chambers and Bar Standards Board entities to have complaints handling procedures which provide for complaints to be assessed and resolved fairly, efficiently, and impartially. This is likely to bring positive outcomes for all consumers, but is especially for those who are not heterosexual, particularly in respect of the requirements for fairness and impartially.</p>

	<p>Our first-tier complaints data collection proposals will also require the Bar to ask for a client's protected characteristics details, which will potentially help the Bar Standards Board understand the experiences of these consumers when going through a complaint process and develop appropriate action in the future where needed.</p> <p><u>The Bar</u></p> <p>We do not consider there to be any negative impacts in relation to a barrister's sexual orientation arising from our proposals.</p>
Religion/ Belief	<p><u>Consumers</u></p> <p>We believe that our proposals are likely to have a positive impact on consumers in relation to their religion and beliefs.</p> <p>The updated complaints rules require barristers/chambers and BSB entities to have complaints handling procedures which provide for complaints to be assessed and resolved fairly, efficiently, and impartially. This is likely to bring positive outcomes for these consumers, particularly in respect of fairness and impartiality.</p> <p>Our first-tier complaints collection proposals will also require the Bar to ask for a client's protected characteristics details, which will potentially help the BSB understand the experiences of consumers when going through a complaint process and develop appropriate action in the future where needed.</p> <p><u>The Bar</u></p> <p>We do not consider there to be any negative impacts in relation to our proposals and barristers' religions and beliefs.</p>
Gender Reassignment	<p><u>Consumers</u></p> <p>We believe that our proposals are likely to have a positive impact on consumers in relation to their gender reassignment.</p> <p>The updated complaints handling rules require barristers/chambers and Bar Standards Board entities to have complaints handling procedures which provide for complaints to be assessed and resolved fairly, efficiently, and impartially. This is likely to bring positive outcomes for consumers, particularly in respect of fairness and impartiality.</p> <p><u>The Bar</u></p> <p>We do not consider there to be any negative impacts in relation to our proposals and gender reassignment.</p>
Pregnancy/ Maternity	<p><u>Consumers</u></p> <p>We do not anticipate any impacts to consumers in relation to pregnancy/maternity matters.</p> <p><u>The Bar</u></p> <p>We do not consider there to be any impacts to barristers with respect to their pregnancy/maternity status.</p>
Marriage and Civil Partnership	<p><u>Consumers</u></p> <p>We do not consider any impacts to consumers in relation to their marriage or civil partnership status.</p> <p><u>The Bar</u></p> <p>We do not consider there to be impacts in relation to barristers' marriage and civil partnership status.</p>

Other Identified Groups	<p>LSCP's 2024 tracker survey data shows that those living in London (57%), and those with higher educational qualifications (54%) were more likely to know how to complain.</p> <p>On the basis that the proposals are intended to make complaints handling processes more accessible to all consumers, it is likely that there will be positive impacts on those in lower socio-economic groups and those living outside London.</p>
-------------------------	--

How does the policy advance equality of opportunity?
The proposals are likely to have a broad, positive impact on consumers in relation to seeking redress. This is likely to increase confidence in the provision of legal services by the Bar, and encourage more consumers, including those with certain protected characteristics to seek legal services for their needs.

How does the policy promote good relations between different groups?
These proposals are designed to help the Bar Standards Board fulfil its public sector equality duty by improving access to redress, identifying systemic risks, and fostering a fairer complaints culture. Improved transparency and accountability may help build trust among underrepresented groups, both in the profession and among consumers.

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)		
a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust, and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	X
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	
d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	

Reason for decision:

We believe the proposals are likely to have a positive impact on consumers with certain protected characteristics. The new complaints rules (section 112 Legal Services Board requirements) are also mandatory for the Bar Standards Board to implement.

Our initial view is that the proposals are likely to impact barristers with certain protected characteristics, specifically race and age. However, we do not have a sufficient evidence base to substantiate this position. As such we will seek views and evidence during the consultation that will enable us to form an evidenced position.

Furthermore, the proposals, and specifically on data collection, will help us to collect data that will help us to identify trends in complaints (e.g., numbers, themes, complainant types), that will inform future regulatory actions.

4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.

Action Required	Desired Outcome	Person Responsible	Timescale
Gather stakeholder views and evidence on equality	Better understanding of the potential effects of our proposals. Information on proportionately of differing options for first-tier complaints data collection.	Ahmet Arikan, Senior Policy officer	By September 2025
Develop ongoing monitoring system	Enable tracking of complaints trends and potential equalities issues across consumers and the Bar.	Various Bar Standards Board teams	From November 2025 onwards
Review and publish guidance based on trends	Ensure barristers /chambers/BSB entities have appropriate support to address identified risks	Bar Standards Board Policy and Operations teams	As needed
Consider targeted support for small chambers/sole practitioners	Address potential disproportionate impacts on ethnic minority barristers who may be overrepresented in smaller or under-resourced settings	Bar Standards Board Policy and Equalities teams	During implementation phase and ongoing