

Annex 4

Equality Impact Assessment (EIA) – Adding and Amending Referred Allegations

Date of Assessment	12/05/2025 Updated 03/03/2026 Further updated 17/09/2026, following consultation feedback
Assessor Name & Job Title	Emma Underwood, Equality and Access to Justice Manager
Name of Policy/Function to be Assessed	Adding and Amending Referred Allegations
Aim/Purpose of Policy	We propose to introduce powers in the Disciplinary Tribunals Regulations that will allow decision makers (both staff and IDB) at the post-investigation stage to: i. Add further breaches of the Handbook to those contained in the allegations or amend the wording of existing allegations and take a decision on what enforcement action to take in relation to those breaches without the need to obtain a further response from the barrister. Any such power will need to be subject to the consideration of fairness and there being sufficient nexus to the existing allegations being considered. ii. Add breaches for non-cooperation with the BSB(i.e. CD9/ rC64), where there is evidence of non engagement by the barrister under investigation without recourse to further comment from the barrister. If a breach is added then a decision can be taken as to what action should be taken.

1. Evidence

What evidence will you use to assess impact on equality?
A number of evidence sources have been acquired for this project and proposal. These include: - The following regulations set out within the handbook; rE19.4 - The Enforcement Regulations Project group, which includes individuals from across the Bar Standards Board, including those with legal expertise. - The Stakeholder Reference Group, which includes individuals of a variety of professions, both within the BSB, and external stakeholders. - Relevant legislation, primarily the Legal Services Act 2007, and the Equality Act 2010, as well as case law.

2. Impact on Equality

Consider whether the evidence listed above shows the potential for differential impact, either
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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).

Consider:

- Will people from all groups be able to access the service; will there be any barriers for certain groups?
- Could any part of the policy discriminate unlawfully; is there evidence of indirect discrimination?
- Are there changes proposed in related policy areas? Changes in one policy area can have a small impact, but the cumulative effect of changes in related areas could have significant impact.
- Think about the BSB/BC as a whole; another team may be already carrying out activities which can help to mitigate negative impacts.
- Could unconscious bias have a significant impact?
- Don't leave any box blank; if there will be no impact on a particular group then explain why.

Race	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on race.
Sex	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sex.
Disability	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on disability.
Age	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on age.
Sexual Orientation	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sexual orientation.
Religion/Belief	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on religion or belief.
Gender Reassignment	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on gender reassignment.
Pregnancy/ Maternity	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on pregnancy or maternity.
Marriage and Civil Partnership	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on marriage or civil partnership.

Other Identified Groups	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on any other identified group.
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How does the policy advance equality of opportunity?
This policy does not explicitly set out to advance equality of opportunity.

How does the policy promote good relations between different groups?
This policy does not explicitly set out to promote good relations between different groups.

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.	X
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	
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:		
The ability to add or amending referred allegations does not seem to have any tangible equalities based impacts, either adverse or positive. It is an additional power that improves the efficiency of the BSB, but does not directly impact on individuals.		
The assessment of the first half of this proposal remains unchanged, and the consultation has not given rise to any additional equalities concerns. However, the second half of the proposal clarifies that the BSB has the		

power to add the allegation of non-cooperation without the barrister's consent. When considering matters of equality, we must consider if there is any reason that any one group may be more likely to be non-cooperative. Whilst we do not have data which analyses this, it may be reasonable to assume that those who are disabled may become "uncooperative" due to illness, or that those who are neurodivergent and who may struggle to answer emails in a timely manner may have the allegation added when it is not reasonable. In order to mitigate this the BSB should be aware of any reasonable adjustment an individual may require relating to cooperation, and must withdraw the allegation if it later comes to light that the reason for the non-cooperation was health related.

One respondent to the consultation rightly pointed out that a deeper consideration on the concept of "fairness" is required. We shall address this in guidance, ensuring it is sufficiently expanded upon. At all stages, reasonable adjustments should be considered and duly implemented should we have no reason to decline them. This is true of any proposal or system.

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
The concept of fairness should be expanded on within guidance, ensuring it is sufficiently detailed to capture all major incidents.	All individuals subject to this proposal will be considered with genuine fairness.	N/A	N/A

Equality Impact Assessment (EIA)- Amending the Powers to Reconsider Post Investigative Decisions

Date of Assessment	22/05/2025 Updated 14/03/2026 Further updated on 17/09/2026, following consultation feedback
Assessor Name & Job Title	Emma Underwood, Equality and Access to Justice Manager
Name of Policy/Function to be Assessed	Amending the Powers to Reconsider Post Investigative Decisions
Aim/Purpose of Policy	Our proposal is to amend the power of reconsideration under rE61 of the Enforcement Decision Regulations (EDRs) so that the Chair/Vice Chair of the IDB (or somebody who the power is delegated to in their place) can make an initial decision on whether the criteria for reconsideration are met. The proposal is that this individual will perform a “gatekeeping” role and, where they consider the criteria are met, the matter will be referred onto an IDB Panel to determine the outcome of the reconsideration itself. As part of this change, we are also proposing a minor drafting change to rE62 to clarify that the IDB (as well as the Commissioner) may, following a reconsideration under rE61, take any further or different action as if an earlier decision had not been made.

1. Evidence

What evidence will you use to assess impact on equality?
A number of evidence sources have been acquired for this project and proposal. These include: - The following regulations set out within the handbook; rE61 and rE62 - The Enforcement Regulations Project group, which includes individuals from across the Bar Standards Board, including those with legal expertise. - The Stakeholder Reference Group, which includes individuals of a variety of professions, both within the BSB, and external stakeholders. - Relevant legislation, primarily the Legal Services Act 2007, and the Equality Act 2010, as well as case law.

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). Consider: • Will people from all groups be able to access the service; will there be any barriers for certain groups? • Could any part of the policy discriminate unlawfully; is there evidence of indirect discrimination?

• Are there changes proposed in related policy areas? Changes in one policy area can have a small impact, but the cumulative effect of changes in related areas could have significant impact. • Think about the BSB/BC as a whole; another team may be already carrying out activities which can help to mitigate negative impacts. • Could unconscious bias have a significant impact? • Don't leave any box blank; if there will be no impact on a particular group then explain why.	
Race	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on race.
Sex	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sex.
Disability	There is a possibility that avoiding delays of any nature may be a positive impact on individuals who are neurodivergent, or who are living with a mental illness, as it may reduce the stress these individuals encounter should issues in proceedings occur.
Age	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on age.
Sexual Orientation	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sexual orientation.
Religion/Belief	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on religion or belief.
Gender Reassignment	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on gender reassignment.
Pregnancy/ Maternity	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on pregnancy or maternity.
Marriage and Civil Partnership	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on marriage or civil partnership.
Other Identified Groups	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on any other identified group.

How does the policy advance equality of opportunity?

A removal of unnecessary delays will ease participation for those who are neurodivergent or are experiencing mental health difficulties.

How does the policy promote good relations between different groups?

This proposal will be applied equally across all groups.

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:

The change of powers from the Commissioner or the IDB panel to the Chair of the IDB should not materially change the risks involved within the powers themselves. Whilst there is always a risk for unconscious bias in the decision making, that risk is only exacerbated by the change from multiple people to a single person, meaning the risk of unchecked bias is heightened. On balance however, we do not feel like the risk is significant enough to alter this proposal, provided all BSB equality and diversity policies are followed, and that the IDB chair is appropriately trained on EDI matters.

Whilst the consultation did not raise any additional concerns, the ER team spoke at length regarding the likelihood and impact of unconscious bias as a result of this proposal. It was concluded that the inception point of unconscious bias is likely to be the initial decision as opposed to decisions related to the IDB, and either way, efforts to anonymise barristers will be made prior to the decision. We believe therefore that the

impacts of this proposal, based on the recommendations of this EIA are sufficiently mitigated.

One respondent has stated in their response to the second consultation that “efforts” is not a sufficient mitigation to this proposal, and that anonymisation should take place by default. However, the BSB’s current practice is not to anonymise by default and an EIA was produced at the time that operational decision was taken by the BBS. While we have not shared the EIA as part of this set, a summary of the details set out in that EIA are as follows:

- The consistent default anonymisation process was found to be leveraging significant resource upon the Investigation and Enforcement Team.
- Research demonstrated that the impact of anonymisation at this stage was having minimal impact on outputs. For example, “Reports indicate that the overall effect of redacting has been minimal. Between 2012 and 2014 the average number of cases referred to disciplinary action involving a minoritised ethnic barrister was 26.5%, this rose to around 28% in 2015-19 and is now at 25% for 2019-2024. This most recent report indicated that there was still a slight disparity in existence for the period since 2019 on the basic statistics. However, it is recognised that when allowing for regression analysis there were not “statistically significant associations” between ethnicity and decisions to refer to disciplinary action.”
- Comparative research was conducted with the GMC and SRA, both of whom have adopted approaches comparable with our present approach.
- Adequate safeguards are in place throughout the process, rendering this particular element obsolete.

Given that the BSB’s current practice is not to routinely anonymise matters before the IDB and the decision was made separate from the current proposals, it is not subject to a broader analysis within this assessment.

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
N/A	N/A	N/A	N/A

Equality Impact Assessment (EIA) - Costs

Date of Assessment	16/05/2025 Updated 06/03/2026 Updated 11/08/2026 following consultation feedback
Assessor Name & Job Title	Emma Underwood, Equality and Access to Justice Manager
Name of Policy/Function to be Assessed	Costs
Aim/Purpose of Policy	We are proposing to amend rE248 of the Disciplinary Tribunals Regulations to clarify what costs can be sought by the BSB. The proposal will allow the BSB to seek to recover costs incurred by it after referral to the Tribunal stage – e.g. Counsel's fees, witness or expert costs and other expenses (e.g. for transcripts).

1. Evidence

What evidence will you use to assess impact on equality?
A number of evidence sources have been acquired for this project and proposal. These include: - The following regulations set out within the handbook; rE248 - The Enforcement Regulations Project group, which includes individuals from across the Bar Standards Board, including those with legal expertise. - The Stakeholder Reference Group, which includes individuals of a variety of professions, both within the BSB, and external stakeholders. - Relevant legislation, primarily the Legal Services Act 2007, and the Equality Act 2010, as well as case law. - External research into earning rates, both within the Bar and nationally.

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). Consider: • Will people from all groups be able to access the service; will there be any barriers for certain groups? • Could any part of the policy discriminate unlawfully; is there evidence of indirect discrimination? • Are there changes proposed in related policy areas? Changes in one policy area can have a small impact, but the cumulative effect of changes in related areas could have significant impact. • Think about the BSB/BC as a whole; another team may be already carrying out activities which can help to mitigate negative impacts. • Could unconscious bias have a significant impact? • Don't leave any box blank; if there will be no impact on a particular group then explain why.
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Race	The primary matter in relation to the impact on barristers in this proposal is in the ability to bear the costs of that the BSB are attempting to recover. There is no one protected characteristic which may be at greater risk of increased adverse effects, only those whose protected characteristics are more likely to intersect with lower incomes. Data has been analysed to see which protected characteristics are earning a comparatively lower income than their comparators. White barristers are statistically likely to earn more than their global majority counterparts – 54% more than black barristers, and 32% more than Asian barristers (Race at the Bar: Three Years on, 2024).
Sex	Women statistically earn less at the bar than their male counterparts, this being true for both juniors and silks. For juniors, women earn 77% of their male counterpart's income, and for silks it is 67% (Bar Council, 2023).
Disability	Whilst we do not currently have access to income data by disability status, we do know that there is a 12.7% disability earning gap in the UK (ONS, 2023). Additionally, there is on average an additional spending need of £550 per month attributable to their disability (Disability at the Bar, 2019). With approximately 2.8% of barristers self identifying as disabled (BSB, 2018), the impact on this portion of the profession may be greater.
Age	As those at the beginning of their career at the Bar tend to be younger, they are more likely to be earning less than their older counterparts. This is acknowledged by the tiered approach to recovering costs, with those earlier in their career being charged a reduced fee (2-5 years PQE charged 50% less than those 10 years+ PQE).
Sexual Orientation	Whilst we do not currently have access to income data by sexual orientation, we do know that there is a 16% sexual orientation earning gap in the UK (YouGov, 2019).
Religion/Belief	Whilst we do not currently have access to income data by religion or belief, we do know that statistically some faiths are likely to have higher or lower earnings than others. For example, on average those who were Jewish earned on average £15.17 per hour, those who were Christian (any denomination) earned on average £11.64 per hour, those who were Muslim earned on average £8.50 per hour, and those with no religion earned on average £12.09 per hour (ONS, 2018).
Gender Reassignment	We were unable to find data that specifically focusses on the earnings of trans and non-binary people, and we do not have access to income data by gender reassignment status at the Bar. However, there is adequate reason to assume that a similar situation applies to those who are transgender to those who are lesbian, gay or bisexual. There is no reason to believe that their gender reassignment status does not contribute to earnings in the same way that sexual orientation does.
Pregnancy/ Maternity	Those who are pregnant or who are not working due to maternity will naturally be earning less than those who are working, and will also have additional costs associated with childcare, and may have additional costs related to health care. This is especially true at the self employed bar, where access to maternity pay that an individual at the employed bar may be entitled would not be granted.
Marriage and Civil Partnership	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on marriage or civil partnership.
Other Identified Groups	As stated above, the primary driver of potential adverse impact is lower socio-economic status, and more specifically, lower earnings altogether. The impacts identified above are compounding factors that may (intersectionally) increase the likelihood of lower earnings by proxy. Those who do have lower earnings, for whatever reason, are likely to experience an adverse impact, as the charge is a flat rate based

	on number of years PQE, as opposed to a percentage of earnings. For those with 2-5 years PQE, the following fee is quoted: “Initial instruction fee of £300, brief fee of £1,000 and refresher fee of £500 per day after the first day of the final hearing.” And furthermore; “It should be noted that often the costs incurred are higher, due to the need for additional advice through the tribunal process and Counsel’s attendance at interlocutory hearings. Generally, additional advice is paid at an hourly rate of £70, £110 or £140 for each respective band. “ For any one hearing, a barrister may be required to pay thousands of pounds once the hearing ends. This is a significant cost to anyone, but as a percentage of earnings it will naturally have a greater realised impact on those whose earnings are lower. There is the additional factor here that a hearing may result in a sanction that requires a barrister to cease practice for any length of time. Without future earnings, this fee becomes even more onerous.
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How does the policy advance equality of opportunity?

A tiered approach to the amount charged to barristers based on number of years PQE ensures more equitable outcomes. It acknowledges that those later in their careers may be more likely to be able to bear the cost of the fee.

How does the policy promote good relations between different groups?

This policy will be applied equally across all groups.

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.	
c. Adjust the policy and	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the	X

continue	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:

Whilst the impacts of this policy have the potential to impact on a broad number of protected characteristics, there are some mitigations in place to ensure that the tangible consequences on any of these characteristics are limited. In particular, a tiered approach to charging barristers based on the number of years PQE will ensure those early in their career are not disproportionately disadvantaged. Overall earnings for barristers remains significantly higher than the UK average wage - £37,430. Though there are significant differences between areas of practice (e.g. criminal and chancery), this is not necessarily a matter for an equality impact assessment. However, the matter remains as to whether or not this mitigation is sufficient to counter the impacts. Further consultation and research should be considered here, and a discussion with the ER working group should be conducted before a potential action plan is agreed upon.

Since the completion of the first analysis the ER team have provided a series of clarifications. First, that tribunals will consider an individual's circumstances "as they think fit" (as stated in rE244). This sufficiently mitigates many of the original concerns relating to barristers on lower earnings being unable to afford costs. Second, that BTAS may appoint a costs expert to assist in this. Responses to the consultation did not highlight any additional equalities impacts.

One respondent's response to the second consultation raised a concern that PQE is not necessarily a good indicator of accumulated wealth. In their view, individuals on the lower end of PQE may have accumulated more wealth in a different career and, therefore, this proposal may still potentially have discriminatory consequences for certain protected characteristics. Whilst we accept that PQE may not be the most accurate indicator, we suggest this approach is not inherently discriminatory. In the example described, a barrister who is only, for sake of argument, 2 years PQE, but previously had a high income career, is not put at a disadvantage. There may be an argument about equitable enforcement, as the BSB may not be recovering as many costs as they may otherwise have done, however this is not a matter to be considered from an equalities angle. However, the enforcement regulations team may still wish to consider an income banding scale at their discretion.

Another response to the second consultation raises concerns over an individual's circumstances being ignored due to the wording of "as they think fit". It should be noted that, under our proposed approach, an individual's circumstances would not be considered, only that they may be considered. It is still a matter for the Disciplinary Tribunal to act as they think fit. This safeguard is intended to ensure parity across all groups, and to ensure that those with lower incomes are not disproportionately acted upon. This discretionary power allows us to do this.

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

Equality Impact Assessment (EIA) – Service by Email

Date of Assessment	15/05/2025 Updated 01/03/2026 Further updated 06/08/2026, in light of consultation feedback
Assessor Name & Job Title	Emma Underwood, Equality and Access to Justice
Name of Policy/Function to be Assessed	Service by Email
Aim/Purpose of Policy	The proposal is to amend the regulations on service so that email may be the primary method of valid service without requiring the barrister's prior agreement to it or that service by email may only be relied on absent agreement where the other methods of service are not possible. Valid service will still include the other mechanisms for service provided by the current regulations where this is more appropriate – e.g. where we do not have a known email address (as may be the case in relation to unregistered barristers). In relation to the date of deemed service where service is effected by e-mail, we propose to amend the regulations so that service by email is deemed to be effective, if sent within working hours, on the day the email is sent, or otherwise if sent after working hours, the next working day.

1. Evidence

What evidence will you use to assess impact on equality?
A number of evidence sources have been acquired for this project and proposal. These include: - The following regulations set out within the handbook; rE248 - The Enforcement Regulations Project group, which includes individuals from across the Bar Standards Board, including those with legal expertise. - The Stakeholder Reference Group, which includes individuals of a variety of professions, both within the BSB, and external stakeholders. - Relevant legislation, primarily the Legal Services Act 2007, and the Equality Act 2010. - Research into digital exclusion, including the House of Lords Digital Exclusion in the UK Report (2023).

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). Consider:
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• Will people from all groups be able to access the service; will there be any barriers for certain groups? • Could any part of the policy discriminate unlawfully; is there evidence of indirect discrimination? • Are there changes proposed in related policy areas? Changes in one policy area can have a small impact, but the cumulative effect of changes in related areas could have significant impact. • Think about the BSB/BC as a whole; another team may be already carrying out activities which can help to mitigate negative impacts. • Could unconscious bias have a significant impact? • Don't leave any box blank; if there will be no impact on a particular group then explain why.	
Race	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on race.
Sex	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sex.
Disability	Service by email may in fact be have a positive impact on those with the protected characteristic of disability. Digital communication allows for a broader variety in accessibility tools and software (screen readers, contrast, zoom functions, etc.), and with email as a default, this would ease the process of being able to use those tools, providing for a positive impact.
Age	Older individuals are statistically more likely to experience digital exclusion, with 29% of people over the age of 75 having no access to the internet whatsoever. This figure is at 9% for those aged 65-74 (AgeUK, 2024). By defaulting to email communication, older individuals are significantly more likely to be impacted. However, given that this default applies only when a barrister's email address is known to the BSB, it will already be established that they have internet access. The crux of this matter is whether an individual will be at a tangible disadvantage if the methods of communication that are not electronic degrade in quality – i.e. if it takes longer to post a letter, for instance, as that is no longer the preferred method of communication for the BSB. There is no knowledge to date as to whether this may occur, however the risk must be raised and acknowledged so as to actively avoid it occurring.
Sexual Orientation	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sexual orientation.
Religion/Belief	There are a number of faiths and belief systems that restrict or prohibit the usage of certain technologies. Those who follow these are less likely to have access to the internet or to use an email address, and therefore face the same risks as above.
Gender Reassignment	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on gender reassignment.
Pregnancy/Maternity	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on pregnancy or maternity.

Marriage and Civil Partnership	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on marriage or civil partnership.
Other Identified Groups	Digital exclusion is also prevalent amongst those from a lower socio economic background, and for those with lower income. The proposal explicitly mentions unregistered barristers as being less likely to have an email address on file. Those who are unregistered may be earlier in their careers, and therefore be more likely to fit into this category. The risks and adverse impacts are the same as outlined above.

How does the policy advance equality of opportunity?

This policy will provide a greater ease of access to those needing to utilise digital accessibility tools such as screen readers and text to speech software.

How does the policy promote good relations between different groups?

This policy will be applied equally across all groups.

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.	
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	X
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:

Further investigation is required into the possible detrimental impacts on the other communication services that the BSB currently relies upon. The BSB must ensure parity in efficiency, timeliness and effectiveness of these other services so as not to disadvantage the protected characteristics outlined above. Consultation responses primarily focussed on data protection matters. Naturally however, there are potential equality impacts when it comes to data breaches. For instance, if an email is monitored by someone other than the barrister, and makes explicit reference to a protected characteristic that may otherwise have remained unknown (e.g. sexual orientation, gender reassignment, religion or belief, pregnancy or maternity) this is a potential negative impact, alongside a breach of GDPR rules, specifically when considering these fall under special category data.

I do however find that these risks are well mitigated. Barristers will be able to provide an email address of their choosing, which may be a personal address as opposed to one which may be monitored by chambers or a place of employment. As for other concerns raised within this EIA, mitigations have been provided. There will be flexibility allowed, and a barrister may opt to use service by post instead. If a barrister does not respond via email, the BSB will contact them by post, meaning that the service will remain operational.

In the second consultation, a respondent was concerned that "barristers' professional email addresses are likely to be accessible to chambers' staff, who would potentially be able to see any confidential information sent by email." This should be considered by the enforcement regulations team in part as a data protection issue.

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
Guarantees must be put in place to ensure that alternative, non-electronic forms of communication are not de-prioritised, and operate with the same effectiveness that they currently do.	Those who do not have an email address or access to the internet will not be adversely impacted.		

Equality Impact Assessment (EIA) – Listing Process

Date of Assessment	08/05/2025 Updated 06/02/2026 Further updated on 17/09/2026, in light of consultation feedback
Assessor Name & Job Title	Emma Underwood, Equality and Access to Justice Manager
Name of Policy/Function to be Assessed	Listing Process
Aim/Purpose of Policy	The complex provisions relating to the listing of Interim Panel, review and appeal hearings should be amended to streamline and simplify them by retaining the requirement for the hearing to be within a specified number of days of the referral and for reasonable notice of the hearing to be given but otherwise provide that the hearing date can be listed without reference to the availability of the barrister.

1. Evidence

What evidence will you use to assess impact on equality?
A number of evidence sources have been acquired for this project and proposal. These include: - The following regulations set out within the handbook; rE274 (referral to a panel) (specifically .1 - .3), rE280 (review hearing listing), and rE285 (appeal hearing listing) - The Enforcement Regulations Project group, which includes individuals from across the Bar Standards Board, including those with legal expertise. - The Stakeholder Reference Group, which includes individuals of a variety of professions, both within the BSB, and external stakeholders. - Relevant legislation, primarily the Legal Services Act 2007, and the Equality Act 2010, as well as case law. - Comparative research on other regulators.

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). Consider: • Will people from all groups be able to access the service; will there be any barriers for certain groups? • Could any part of the policy discriminate unlawfully; is there evidence of indirect discrimination? • Are there changes proposed in related policy areas? Changes in one policy area can have a small impact, but the cumulative effect of changes in related areas could have significant impact. • Think about the BSB/BC as a whole; another team may be already carrying out activities which can help to mitigate negative impacts.
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• Could unconscious bias have a significant impact? • Don't leave any box blank; if there will be no impact on a particular group then explain why.	
Race	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on race.
Sex	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sex.
Disability	The ramifications of this change are significant for those with the protected characteristic of disability. Clashes between hearings and medical appointments, long term illness, or other responsibility would leave disabled people in a position where they must choose between their health, and the future of their career. Not being present at a hearing may be considered a disadvantage, meaning that this policy creates an adverse impact for individuals with the protected characteristic of disability.
Age	An offered mitigation for this policy is the ability to attend online, however this may not be suitable for parts of the population. Older individuals are statistically more likely to experience digital exclusion, and therefore may be less likely to be able to use online alternatives to in person hearings.
Sexual Orientation	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on sexual orientation.
Religion/Belief	If a barrister is unable to submit an objection for a hearing date, it may be scheduled on a day of significance to that person's religion (Diwali, Sabbath, etc.) This will make it so that the barrister is unable to attend, and place them at a comparative disadvantage.
Gender Reassignment	If a barrister is unable to submit an objection for a hearing date, it may be scheduled during a person's treatment for gender dysphoria, or the recovery period. This includes appointments at Gender Dysphoria clinics, for which the wait times are exceptionally long and the cancellation of appointments can lead to consequences including discharge.
Pregnancy/Maternity	If a barrister is unable to submit an objection for a hearing date, it may be scheduled then this may clash with childcare responsibilities, or medical appointments, causing them significant disadvantage.
Marriage and Civil Partnership	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on marriage or civil partnership.
Other Identified Groups	We do not have any evidence which suggests this policy will have an adverse, or a positive impact on any other identified group.

How does the policy advance equality of opportunity?

This policy does not currently set out to advance equality of opportunity.

How does the policy promote good relations between different groups?

This policy does not currently promote good relations between different groups.

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.	
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	X
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:

The alteration to this policy and the removal of the opportunity to raise an objection could lead to significant adverse impact on the protected characteristics outlined above. The policy should only continue if due consideration is given to the recommendations outlined below.

The consultation responses did not raise any additional concerns in relation to the listing process. One respondent raised concerns regarding a lack of flexibility in its response, which have been echoed in the original EIA above. However, we believe this to be appropriately mitigated, as BTAS possesses the appropriate powers required to amend a hearing date provided the barrister gives appropriate rationale. The recommendations made within this EIA remain unchanged.

In their response to the second consultation, one respondent raised concerns over there not being adequate provisions for reasonable adjustments within the policy. This proposal has in fact been accepted and will appear in the final draft.

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
Consideration should be given to adding an additional element where it becomes permissible for a barrister to object to the date of a hearing as part of “reasonable adjustments”, or “under exceptional circumstances related to the Equality Act 2010”.	Those who would be impacted may still be impacted, but have the opportunity to voice an objection. This will mitigate the majority of the adverse impacts.		