



Draft consultation feedback statement: Proposal 1

Introduction

1. Between July and October 2025, the Bar Standards Board (BSB) held a public consultation on its Enforcement Powers and Procedures (Proposed revisions to the Enforcement Regulations: Part 5 of the BSB Handbook).
2. The consultation paper can be found [here](#). Our analysis of the responses to the consultation is ongoing and will be published in full in 2026. However, we set out in this paper the analysis and response to one proposal which we indicated would be adopted sooner than the publication of revised enforcement regulations in early 2027.
3. In particular, we consulted on a proposal to change our approach to the communication of detailed, written allegations (see Proposal 1), before any regulation changes come into effect. The purpose of this statement is to communicate clearly to the profession and the public that the BSB will now introduce this change, prior to formally amending the regulations.

The BSB Consultation: Proposal 1

4. Our consultation arose from a comprehensive review and redesign of our end-to-end enforcement process, informed by the recommendations following an independent review of our enforcement system. The proposals formed part of our wider programme to modernise the delivery of our gatekeeping and enforcement functions, ensuring they are efficient, effective and responsive, whilst maintaining the highest standards of quality.
5. In the consultation, we sought views on a proposal concerning the communication of detailed, written allegations (Proposal 1). Under this proposal, we would defer the point at which detailed, written allegations are communicated to the barrister until the investigation is more developed. Deferring the point at which we communicate detailed, written allegations to the barrister will allow the BSB to gather more evidence before drafting particularised allegations, which should reduce delays in the process and lead to a more open investigative approach. We considered that this revised approach is permitted by the current regulations and, therefore, proposed to introduce it without the need for immediate changes to the enforcement regulations. However, in the longer term, we also proposed to amend the regulations to clarify this position.



6. We recognised that this proposal represents a significant change from our current practice. Accordingly, before implementation, the consultation invited views on any practical and legal implications of introducing this new approach, ahead of any formal regulatory change.
7. We indicated that, subject to any feedback, we will implement this proposal once the consultation has closed.

Summary of responses and next steps

8. We received eight responses to the consultation. Of the responses, two were from individual barristers, one was from a chambers' representative, four were from legal regulatory/representative organisations and one was from a member of the public.
9. There was broad support for our proposal to defer the point at which detailed, written allegations are formulated and sent to the barrister for comment until later in the investigation, once relevant information has been gathered. However, some respondents raised concerns about the timeliness of the process, fairness to barristers and the need for further clarity in BSB guidance. These points are explored in greater detail below.
10. Following the consultation, in summary, we have decided to proceed to:
 - a. **Implement the change in practice** – in line with Proposal 1 – with effect from **1 December 2025**, without any immediate change to the existing regulations.
 - b. **Continue to analyse the feedback** received on the remaining proposals and publish a formal response in 2026;
 - c. With the benefit of the feedback, **undertake a second consultation** next year focusing on drafting changes to the enforcement regulations.
11. Our aim remains to introduce a revised set of enforcement regulations with effect from early 2027, which will include regulations clarifying the new approach to allegations as captured in Proposal 1.

Response to proposal 1

Enforcement Decision Regulations: Part 5A

Question 1. Do you agree with our proposal to defer the point at which detailed, written allegations are formulated and sent to the barrister for comment to later in the investigation when relevant information has been gathered? Please give the reasons for your response.

Question 2. Do you envisage any issue (legal or practical) with our proposal to introduce the new approach to the communication of detailed, written allegations, before any change to the regulations? Please give the reasons for your response.

12. Most respondents were supportive of our new approach to communicating detailed, written allegations. They agreed that this approach has the potential to improve efficiency and avoid a more rigid investigation process – both issues identified in the Enforcement Review.
13. Some respondents expressed concern that the change in approach could impact the timeliness of communicating written, detailed allegations to barristers. They highlighted a potential risk that investigations may “drift” or lose priority, once the initial summary of the potential breaches and relevant underlying facts has been shared. One respondent also noted that any delay in the process could make it more difficult to obtain reliable evidence, with the passage of time.
14. One respondent recommended that barristers should be entitled to provide voluntarily the BSB with a response to the potential breaches at any stage of the process.
15. Several respondents emphasised the importance of clear guidance to support effective implementation of the new approach. They also suggested that clear time limits would promote accountability and ensure fairness to barristers.

BSB Response

16. We welcome the depth of feedback provided by stakeholders on this proposal and, having considered the views, we have decided to proceed with the implementation of it as proposed. Our intention is for the new approach to investigations to be effective from **1 December 2025**.



17. We recognise the importance of providing further procedural clarity through updated BSB guidance. In line with the feedback we have produced updated guidance to explain the level of information that will be provided to barristers at each stage of the process and the timeframes that apply. The updated guidance will be published alongside implementation.
18. In relation to the concerns expressed about the impact of Proposal 1 on the timeliness of investigations, our existing overall timeframes for investigating reports will be retained. The timeframe for informing barristers that there is a concern being investigated and the timeframe for providing responses to the investigation will both remain. However, under the new approach, the detailed, written allegations will be communicated at a later stage of the investigation (still within the overall existing timeframe), ensuring that the new approach does not introduce delays or any risk of investigations drifting once barristers have been notified of potential breaches. The guidance on our new approach to allegations will be published alongside implementation, scheduled for 1 December 2025.
19. We agree with the feedback that barristers should be able to provide the BSB with a response to the potential breaches at any stage of the process. Under the new approach, barristers will continue to be entitled to do so prior to the drafting of the detailed, written allegations, but there will be no requirement or expectation that they do. This will be reflected in the updated guidance.

November 2025

Bar Standards Board