



General Council of the Bar and Bar Standards Board

Protocol for handling reports of bullying, harassment and sexual harassment following the appointment of the Bar Council's Commissioner for Conduct

I. Introduction

1. This Protocol sets out the agreed framework governing the relationship between the Commissioner for Conduct (“the Commissioner”), an office-holder of the General Council of the Bar (“GCB”), and the Bar Standards Board (“BSB”).
2. The relationship between the GCB and the BSB is governed by a set of Internal Governance Rules (IGRs) issued by the Legal Services Board (LSB). These IGRs are designed to ensure that regulatory functions are carried out independently from representative functions. Nothing set out in this Protocol is intended to undermine the separation and independence¹ (which have been delegated to the Bar Standards Board) from its representative functions. This Protocol (and in particular paragraph 14 below) is to be construed and interpreted at all times in a manner which is consistent with that separation and independence, and which respects and does not purport to change the regulatory powers, functions and responsibilities of the BSB or the ‘residual role’ of the Approved Regulator.
3. The GCB and the BSB share a commitment to addressing the culture of bullying, harassment and sexual harassment at the Bar. They agree that this can only be addressed through collaboration. Whilst the profession is best placed to manage the majority of instances of such behaviour, the regulator shall continue to set minimum standards of behaviour and obligations on individuals in relation to professional conduct and individual practice management, and take disciplinary action in cases that are sufficiently serious.

¹ As defined in Section (27(1) of the Act, except functions relating to arrangements for delegation of regulatory functions to a regulatory body, and assurance of compliance with Section 28 of the Act, in accordance with IGR 2 [and 3]. *Taken from IGR 2019 (definitions)*

II. Purpose of the Protocol

4. The purposes of this Protocol are as follows:
 - a. To establish a clear and consistent procedure for the handling of reports concerning bullying, harassment and sexual harassment at the Bar;
 - b. To establish a clear and consistent procedure for the making and managing of referrals between the Commissioner and the BSB;
 - c. To ensure that reports of bullying, harassment and sexual harassment at the Bar are either addressed by the BSB (where they amount to serious misconduct) or by the Commissioner (where they do not amount to serious misconduct) in accordance with their respective roles and responsibilities;
 - d. To ensure that the new procedures relating to the role of the Commissioner are in accordance with the IGRs and regulatory objectives.

III. Scope

5. This Protocol applies to all staff and officers of the GCB and the BSB involved in the handling of reports of bullying, harassment and sexual harassment.

IV. Definitions of key terms

6. The GCB and the BSB agree that these terms are defined as follows:
 - a. **Bar:** self-employed or employed barristers and pupils, and BSB entities², in England and Wales.
 - b. **Bullying:** unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.³
 - c. **Complainant:** an individual who submits a report either to the Commissioner or to the BSB concerning alleged misconduct.
 - d. **Confidant:** an individual in whom a victim confides for the purpose of seeking emotional or pastoral support or guidance.
 - e. **Harassment:** unwanted conduct (once or repeated) related to a relevant protected characteristic, which has the purpose or effect of violating an

² For an explanation of BSB entities, see here: <https://www.barstandardsboard.org.uk/for-barristers/bsb-entities.html>

³ Whether conduct amounts to bullying will be determined by reference to the perspective of the victim (i.e. a subjective assessment), as long as it is reasonable objectively for the target of the behaviour to have felt this way. This is to be assessed with regard to all the surrounding circumstances. This reflects the approach to the interpretation of harassment in section 26 of the Equality Act 2010.

individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.⁴

- f. **Persons working with the Bar:** employees of chambers; employees, owners and managers of BSB entities; employees of Inns, Circuits and SBAs; professional clients, contractors to chambers, law school and Bar school students, and those undertaking work experience at the Bar.⁵
- g. **Serious misconduct:** bullying, harassment or sexual harassment that significantly breaches the standards expected of a barrister that may warrant regulatory action and which (subject to exceptions) must be reported by barristers to the BSB.⁶
- h. **Sexual Harassment:** unwanted conduct (once or repeated) of a sexual nature that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

V. Appointment and Accountability of the Commissioner for Conduct

- 7. The Commissioner is appointed by the GCB to serve as an independent office-holder within the GCB.
- 8. The Commissioner shall have the status of an officer of the Bar alongside the Chair, Vice Chair and Treasurer.
- 9. The Commissioner's mandate is limited to addressing bullying, harassment and sexual harassment as set out in paragraph 14 below.
- 10. The Commissioner is responsible on behalf of the GCB for overseeing the implementation and ongoing adoption of the recommendations of the Independent Review into Bullying, Harassment, and Sexual Harassment at the Bar ("the Harman report").
- 11. The Commissioner is accountable to the Bar, via the General Management Committee (GMC), and will work with relevant external bodies, including but not limited to the BSB, Bar Tribunal and Adjudication Services (BTAS), Judicial Office, the Judicial

⁴ The definition of harassment in the Protocol is to be interpreted in accordance with the Equality Act 2010.

⁵ This does not include the public who interact with the Bar in other capacities.

⁶ The BSB does not provide an exhaustive definition of 'serious misconduct' in its rules or guidance. A non-exhaustive list of examples is set out in its Guidance on Reporting Serious Misconduct. Regard must be had to this Guidance when determining the meaning of 'serious misconduct' under this Protocol. Whether bullying, harassment, or sexual harassment constitute serious misconduct will depend on the individual circumstances of the case, including the nature, frequency and severity of the alleged misconduct. Paragraph 24 of this Protocol sets out a list of factors that must be taken into account by the Commissioner when considering whether an allegation amounts to serious misconduct.

Conduct Investigations Office (JCIO), Inns of Court, Circuits, Institute of Barristers Clerks, Legal Practice Management Association, Legal Services Board, and The Law Society.

12. The Commissioner shall report annually to GMC and the Bar Council and may make interim reports or recommendations to GMC as necessary. The Commissioner shall share annual reports with the BSB. Reports shall include information that is abridged and redacted as necessary, with the aim of giving the BSB assurance that cases potentially appropriate for regulatory action are being referred to the BSB, in accordance with paragraphs 21- 26 of this Protocol. The Commissioner may provide interim reports to the BSB where the Commissioner considers this would be appropriate. The Commissioner and the BSB shall share information on a regular basis to ensure that cases are being referred appropriately between the two bodies and to identify any cultural or systemic concerns within the profession.
13. The Commissioner shall be independent in the exercise of their functions and shall not be subject to direction in individual cases.

IV. Functions and Responsibilities

14. The role of the Commissioner is to carry out the following activities and responsibilities in accordance with this Protocol on behalf of the representative body (for the avoidance of doubt, the Commissioner will not exercise regulatory functions, but will act in a way that supports the regulatory objectives):
 - a. Support the implementation of standards of behaviour, good practice and training relating to bullying, harassment and sexual harassment across the Bar.
 - b. Ensure those who experience or witness bullying, harassment or sexual harassment at the Bar know how, and have the confidence, to complain and where to get appropriate support.
 - c. Support barristers' chambers, the Inns of Court and other organisations around the Bar to have in place appropriate policies and procedures for handling allegations of bullying, harassment or sexual harassment and ensuring that best practice is followed. The policies should be as consistent and aligned as possible, preferably supported by the same reporting tool, with data shared as appropriate.
 - d. Advise barristers' chambers, the Inns of Court and other organisations around the Bar on their investigations into allegations of bullying, harassment or sexual harassment, and make recommendations as to appropriate outcomes, advising on reporting obligations, and, where appropriate, referring matters to the BSB for action.
 - e. Receive and make enquiries regarding reports containing credible allegations of bullying, harassment and sexual harassment which come into the office of the

Commissioner and determining next steps which may include making further enquiries or making a referral to the relevant regulator.

- f. Work with stakeholders around the Bar to tackle bullying, harassment and sexual harassment in the context of a regulated profession.
- g. Champion and monitor the implementation of the Harman Review's conclusions and recommendations.

15. The Commissioner shall be supported by a senior policy specialist and subject matter expert, who will set up and manage the small office of the Commissioner, under the direction of the Head of Policy for Equality and Diversity and CSR.

VI. Reporting

i. The duty to report serious misconduct

16. Rule C66 imposes a duty on barristers to report serious misconduct to the BSB. The BSB shall clarify in guidance that such serious misconduct, where it relates to bullying, harassment or sexual harassment may be reported either to the BSB or to the Commissioner. Where reports are made to the Commissioner, the Commissioner will determine whether the report is from someone who is exempt from the duty to report to the BSB (such as a victim or confidant) or from someone who would otherwise be obliged to report. The Commissioner will then determine whether to refer to the BSB in accordance with paragraphs 22-30. In reporting to either the BSB or the Commissioner, the barrister has discharged his or her duty to report serious misconduct.⁷

ii. The threshold for reporting serious misconduct

17. The duty to report arises where a barrister has reasonable grounds to believe that the individual concerned has committed serious misconduct.⁸ The BSB will publish guidance recommending that in the case of bullying, harassment and sexual harassment, a report should be made where there is a reasonable suspicion.⁹

⁷ This implements recommendation 10 of the Independent Review into Bullying, Harassment and Sexual Harassment at the Bar, at paragraph 12(b), page 15 of the Report. Prior to amendments made pursuant to the Harman report, all barristers were under a duty to report serious misconduct pursuant to rule C66, which provides/provided that, subject to a barrister's duty to keep the affairs of each client confidential and subject also to Rules C67 and C68, a barrister must report to the BSB if they have reasonable grounds to believe that there has been serious misconduct by a barrister or a registered European lawyer.

⁸ This implements recommendation 13 of the Independent Review into Bullying, Harassment and Sexual Harassment at the Bar, at paragraph 15(a), page 17 of the Report.

⁹ As per paragraph 16, BSB guidance will confirm that the duty to report serious misconduct may be satisfied by a report to the Commissioner for Conduct

iii. Exemptions from the duty to report serious misconduct

18. Complainants who are members of the Bar and the subject of alleged bullying, harassment or sexual harassment are not obliged to report the misconduct to the BSB. The BSB will publish guidance clarifying that the same is true of their Confidants.¹⁰

VII. Procedure for handling reports of bullying, harassment and sexual harassment submitted to the Commissioner

19. The Commissioner is mandated to consider reports from barristers, or other persons working with the Bar, which fall within the following categories:
- a. bullying, harassment or sexual harassment perpetrated by barristers; and
 - b. bullying, harassment or sexual harassment perpetrated by other persons working with the Bar.
20. For the avoidance of doubt, the Commissioner is not mandated to take action in respect of reports concerning:
- a. allegations of misconduct which do not constitute bullying, harassment or sexual harassment;
 - b. allegations of misconduct which amount to serious misconduct;
 - c. allegations of misconduct made by members of the general public.

i. Decision-making process

21. If the Commissioner receives information that discloses a real risk of serious harm, the Commissioner must make the necessary disclosures (without consent if necessary) to the BSB and any relevant third parties such as the Inns, Chambers, specialist bar associations or Circuit Leaders, in accordance with the Commissioner's safeguarding policy.
22. In circumstances where an incident of bullying, harassment or sexual harassment is reported to the Commissioner, the Commissioner must determine whether the report falls within his/her remit as set out at paragraph 19 of this Protocol (otherwise, the Commissioner will direct the reporter to an alternative Bar Council support service.) The Commissioner's assessment shall include the following considerations:
- a. whether the facts disclose allegations of conduct amounting to bullying, harassment or sexual harassment;

¹⁰ This implements recommendation 9 of the Independent Review into Bullying, Harassment and Sexual Harassment at the Bar, at paragraph 11 of the Report.

- b. whether the complainant is a barrister or person working with the Bar; and
- c. whether the alleged perpetrator is a barrister or a person working with Bar.¹¹

23. If criteria (a) – (c) at paragraph 21 are satisfied, the Commissioner must then consider whether the alleged facts may constitute ‘serious misconduct’ in accordance with the definition set out in paragraph [6(g)] of this Protocol.

24. For the purpose of deciding whether a matter must be referred to the BSB, the Commissioner will consider whether or not it may amount to serious misconduct, with reference to the BSB’s Guidance on Reporting Serious Misconduct, and in accordance with processes agreed with the BSB. The Commissioner may take account of the following considerations:

- a. The intent and motivation of the alleged perpetrator;
- b. The harm to, and impact on, the complainant, others working with the Bar, or the wider public;
- c. Whether the misconduct was sexual, predatory, violent, or discriminatory in nature;
- d. The vulnerability of the complainant or any other affected parties;
- e. The role, experience and seniority of the accused individual and whether there was a potential abuse of power;
- f. Whether the alleged misconduct formed part of a pattern of behaviour;
- g. The risk that the misconduct will continue or be repeated;
- h. Any remediation or personal mitigation such as expressions of apology, remorse, or cooperation with any investigations.

25. If, in the Commissioner’s view, the allegations do not meet the definition of ‘serious misconduct’, the Commissioner may proceed to undertake any action which she/he deems appropriate in accordance with the functions and responsibilities set out at paragraph 14 of this Protocol. Where the Commissioner receives multiple allegations about the same individual which individually may not alone meet the threshold of “serious misconduct” but, taken together may constitute a cause for concern, the Commissioner may need to consider passing these onto the BSB. The Commissioner will keep records about any reports that are not passed onto to the BSB for this purpose, in line with the Commissioner’s data retention policy. The Commissioner’s

¹¹ Note that where reports, or parts of the report, concern judicial misconduct, the Commissioner will follow a separate Protocol which is to be agreed with the Judicial Office and JCIO. The Commissioner may refer the relevant allegations to the Judicial Conduct Investigations Office (“JCIO”) subject to the consent of the complainant; attend court proceedings; request access to recordings; and/or relay concerns to the appropriate body for further investigation.

view on, or determination whether or not, a matter constitutes serious misconduct shall not be binding on the BSB.

26. Subject to sub-paragraphs (a) and (b), if, in the Commissioner's view, the allegations meet the definition of 'serious misconduct', the Commissioner shall refer the report to the BSB. If there is any doubt as to whether a complaint crosses the threshold of serious misconduct, the Commissioner shall refer the matters to the BSB:

- a. Where the complainant is either (i) the victim of the bullying, harassment or sexual harassment (ii) a Confidant or (iii) not a barrister, and is therefore exempt from, or not subject to, the duty to report serious misconduct, the Commissioner may only refer the report to the BSB with the consent of the complainant.
- b. Where the complainant is a barrister and is neither the victim of the bullying, harassment or sexual harassment, nor a Confidant, the Commissioner shall:
 1. inform the complainant of the Commissioner's reasons for determining that the allegations amount to serious misconduct;
 2. inform the complainant of the Commissioner's intention to refer to case to the BSB;
 3. allow the complainant an opportunity to respond to the Commissioner's views;
 4. take into account any objections or further representations made by the complainant;
 5. make a final determination as to whether the case will be referred to the BSB.

27. If the Commissioner receives a report that requires action in relation to a particular set of chambers or BSB entity, the Commissioner may offer support to chambers to ensure that any allegations of bullying, harassment or sexual harassment are handled appropriately; that the correct policies and procedures are implemented; and that the outcomes of any investigations are fair and proportionate.

28. The Commissioner shall maintain a secure record of all referrals received, and all referrals to BSB and others, including the date of referral; summary of the issues disclosed in the report; details of any actions taken upon receiving the report; and the reasoned decisions.

ii. Information-sharing between the Commissioner and the BSB

29. Where a referral is made by the Commissioner to the BSB, it is treated as a report by the BSB, and the Commissioner shall submit all relevant documentation to the BSB along with a memorandum setting out:
 - a. an index of the documentation;
 - b. a summary of the Commissioner's assessment of the report;
 - c. the Commissioner's reasons for determining that the report warrants regulatory action.
30. Acknowledgement of receipt shall be provided by the BSB within 10 working days.
31. Reports will be considered by the BSB in line with its usual assessment process.
32. Where a referral has been made to the BSB by the Commissioner, the BSB may periodically inform the Commissioner (as the source of information) of the stage in the BSB assessment process that the case has reached.
33. Following its assessment of the report, and if the complainant consents, the BSB shall inform the Commissioner of the outcome (either to take no action or to refer to the investigations and enforcement team.)
34. Where the complainant requests that updates should be provided to the Commissioner, the BSB shall do so on the same basis that updates are provided to complainants.
35. The Commissioner shall not seek to influence the BSB's investigation.
36. For the purpose of the investigation the Bar Standards Board shall be able to contact the complainant directly in order to advance the case.
37. The Commissioner may raise matters with the BSB if requested to do so on behalf of a complainant who has made a report directly to the BSB in respect of bullying, harassment or sexual harassment. In doing so, the Commissioner shall not seek to influence the BSB's decision-making but will submit relevant information to the BSB (subject to consent, if required.)
38. The Commissioner shall consult the BSB on any proposed guidance that may affect the regulatory functions of the BSB. The BSB shall consult the Commissioner on any proposed guidance or amendments to the Code of Conduct that may affect the functions of the Commissioner.
39. To the extent that this section requires the BSB to share information with the Commissioner, this is a courtesy that will be treated as a pilot and will be

reviewed by the BSB and the Commissioner. It will be removed by the BSB if there is any risk to the BSB's regulatory independence. Other than as described in this protocol, the Commissioner is not entitled to enter into correspondence on the detail of the case, to be involved in the management of any case or to receive updates.

VIII. Procedure for handling reports of bullying, harassment or sexual harassment to submitted to the Bar Standards Board

40. Where reports of bullying, harassment, or sexual harassment are made to the BSB, the Contact and Assessment Team ("CAT") will assess whether the report contains allegations amounting to serious misconduct.
41. Where the CAT team determines that the allegations constitute serious misconduct, the case will be retained by the BSB for further investigation and potentially enforcement action in accordance with its usual policies and procedures.
42. Where the CAT determines that the allegations do not constitute serious misconduct, the BSB will retain the evidence as part of its ongoing risk assessment of individuals/chambers. The relevant caseworker within the CAT may refer the matter to the BSB's supervision team and/or ask the complainant if she/he wishes for the report to be referred to the Commissioner. If the complainant does not give consent for the case to be referred to the Commissioner, the BSB may consider what further action will be taken. If the complainant gives consent for the report to be referred to the Commissioner, the CAT shall disclose the report to the Commissioner along with a note of the BSB's reasons for its assessment.
43. If the BSB receives reports from barristers concerning judicial bullying or harassment, these may be referred to the JCIO or the Commissioner, subject to the consent of the complainant.
44. The BSB shall maintain a secure record of all referrals received from the Commissioner, including the date of referral; summary of the issues disclosed in the report; details of any actions taken upon receiving the report; and the reasoned decisions. The Commissioner will also maintain a secure record of decisions regarding whether to refer matters to the BSB.

IX. Resolution of disputes under this Protocol

45. Where a dispute arises between the parties to this Protocol which relates to any aspect of the Internal Governance Rules, the pre-existing Internal Governance Rules Dispute Resolution Protocol should be followed. For the avoidance of doubt, the BSB is responsible for determining any question of whether a matter involves the exercise of a regulatory function.
46. Where a dispute arises under this Protocol that does not engage the Internal Governance Rules, the following dispute resolution procedure should be followed.
47. The GCB and the BSB agree to address any disputes arising under this Protocol in good faith, adopting a victim-centred approach [principle of best interests of victim], and shall seek to identify mutually acceptable solutions before escalating the process.
48. The GCB and BSB shall continue to perform undisputed obligations during the dispute resolution process.
49. The party identifying a potential dispute shall notify the other party in writing (“Notice of Dispute”), providing:
 - a. A description of the issue;
 - b. The relevant facts and background; and
 - c. The outcome sought.
50. Within ten business days, designated representatives from each party will meet (in person or virtually) to discuss the issue. The parties shall seek to reach an informal resolution within twenty business days of the Notice of Dispute.
51. If the dispute has not been resolved informally within twenty business days of the Notice of Dispute, the Chief Executive of the GCB and the Director General of the BSB shall be notified. The Chief Executive and the Director General shall meet within ten business days to seek a resolution of the matter.
52. In the event that the Chief Executive and Director General are unable to agree a resolution within a reasonable period of time, the matter shall be referred to the Joint Chairs’ Committee.

X. Review and Oversight

53. This protocol will be reviewed annually by the GCB and BSB. If there are sufficient numbers of reports to facilitate meaningful assessment, it will be reviewed more regularly in the first year of operation.

54. Subject to paragraph 39 any amendments to this Protocol must be approved by the GCB and BSB.

XI. Signed

55. On behalf of the **Bar Council**:

Rt Hon Dame Maria Miller DBE,
Bar Commissioner for Conduct

Date: 03/06/2026

Jim Morris CB DSO,
Bar Council CEO

Date: 05/06/2026

56. On behalf of the **Bar Standards Board**:

Professor Christopher Bones,
Bar Standards Board Chair

Date: 03/06/2026

Steve Haines, Bar Standards Board
Director General

Date: 03/06/2026

XII. Points of Contact

57. **Bar Council Referral Contact:**

Sam Mercer, Head of D&I and CSR
smerc@BarCouncil.org.uk

58. **BSB Referral Contact:**

Rebecca Thomas, Head of Equality and Access to Justice
RThomas@barstandardsboard.org.uk

Annex to Protocol between the General Council of the Bar and the Bar Standards Board

How the Commissioner for Conduct will receive and handle concerns when raised

The channel for receiving and processing concerns is via [Talk to Spot](#).

TtS is an online platform used by the Commissioner for Conduct which enables recording and reporting (including anonymous recording and reporting) of bullying, harassment, and inappropriate behaviours at the Bar. The system enables the Commissioner for Conduct to identify those who need help and support, while building a more accurate picture of the contexts in which issues arise. This insight supports the improvement of policies and responses to bullying, harassment and sexual harassment across the Bar.

Individuals are able to make a record and correspond about it with the Bar Council/Commissioner for Conduct without giving their name. However, if the individual wants to pursue a report to the BSB/another body, they will eventually have to provide their name.

How the Commissioner will respond to an issue raised on Talk to Spot

The Commissioner for Conduct intends to be victim centred, and the primary role of the Commissioner (for the purposes of this protocol) is to support victims of bullying, harassment and sexual harassment.

The process to be followed by the Commissioner will vary depending on the source or nature of the report received. There are broadly three scenarios:

1. A report (from any source) that raises immediate concerns that trigger the Commissioner's Safeguarding Policy;
2. A report submitted by a victim or confidant;
3. A report by a barrister who is neither a victim nor a confidant.

Path one: a safeguarding concern

1. As set out in the Commissioner's safeguarding policy, if the Commissioner becomes aware of information (from any source) that suggests there may be a real risk of serious harm to an individual.
2. If the risk of serious harm results from a perpetrator who is a barrister, the Commissioner will notify the BSB as soon as possible, to enable the BSB to consider whether interim action is necessary to protect the individual or the public interest.
3. The Commissioner will refer to other bodies (such as the Police) where appropriate.

Path two: a report is received from a victim of bullying, harassment or sexual harassment, or his/her confidant

1. **A reporter submits a record** via Talk to Spot to the Office of the Commissioner for Conduct. A confirmation is sent within 10 days (subject to initial triage, below.)
2. **The Commissioner's office triages the record.** They read it. They work out the issues and possible next steps. All reports received during the working week are looked at within 24 hours, and will be prioritised if they appear to be serious.
3. **The Commissioner's office goes back to the reporter to explore options:**
 - They may ask the reporter to talk about their report (if they made an anonymous report, they can be contacted via the platform without knowing their identity).
 - They may want to know if the reporter has spoken to anyone else or reported the incident to anyone.
 - They explore what support and assistance the reporter may want from the Commissioner.
 - They outline the options for action.

Note: This stage can involve many conversations over an extended period of time. The Commissioner is providing information and support not acting as an intermediary, nor advocating on behalf of the reporter.

4. **The Commissioner and the reporter jointly agree a way forward.**

Examples of options include (but are not limited to):

- no action – the reporter may decide not to take the issue any further, in which case a record will be retained in line with the Commissioner's policy on data and record keeping.
- supporting the reporter to raise a concern in chambers/their Inn/SBA or other
- passing a concern on their behalf to chambers and supporting chambers to make sure they have processes in place to address any concerns raised
- referring concerns to the judiciary under their informal reporting protocol
- escalating and referring to the BSB. Once consent is granted, the Commissioner's office will have a target of 2 working days to refer to the BSB. If consent is not granted, a record will be retained in line with the Commissioner's policy on data and record keeping.

Note: Action is always led by the reporter and the Commissioner will not do anything without their agreement. The decision to report to the BSB lies with the reporter.

Path three: a report is received from another barrister

1. **A reporter submits a record** via Talk to Spot to the Office of the Commissioner for Conduct.
2. **The Commissioner's office triages the record** in order to be satisfied there is no risk of serious harm (if so, see path one) and that the report falls within the Commissioner's remit (if not, the barrister will be referred to the appropriate Bar Council advice service.) As above, all reports received during the working week are looked at within 24 hours, and will be prioritised if they

- appear to be serious, with a target of referring matters to the BSB within 2 working days once potentially serious misconduct is identified.
3. **The Commissioner's office discusses the matter with the BSB's Contact and Assessment team:**
 - The CAT team will advise on whether the matter should be referred, as it may constitute serious misconduct.
 4. **The Commissioner's office will consider any representations** from the barrister making the report (maximum two working days) and seek further advice from the CAT team, as necessary.
 5. **The Commissioner refers the matter to the BSB.**
(This will not be necessary if the barrister self-reports.)

Information sharing with the BSB

The Commissioner's office and the BSB's Contact and Assessment Team will meet at least monthly (although the BSB will be available to discuss any emerging issues as necessary.) The purpose of these meetings will be to:

- Discuss (anonymously, if necessary) cases that have arisen and the Commissioner's view as to whether they were / were not potentially serious misconduct;
- Track volumes and prioritisation, including whether the Commissioner's office has capacity to refer potentially serious cases promptly to the BSB;
- Share intelligence, including where lower-level reports might suggest regulatory risk in certain areas/chambers, or where multiple reports have been received about a barrister where the pattern of behaviour may present a serious concern (even if individual instances of misconduct did not meet the 'serious misconduct' threshold); and
- Review the operation of the protocol.

Data and record keeping

TtS records are kept securely on the system for 7 years. This period is appropriate based on (i) the time it can take victims of bullying and sexual harassment to decide to make formal report; (ii) the need to identify repeat offenders/repeat reporters over an extended period.

Data (records) are stored on the TtS platform (information on data protection and privacy is published on their platform).

If a report is to be transferred, the Commissioner's office will:

- secure explicit consent to transfer (where necessary)
- download the record from TtS and password protect the document which is then held in a dedicated area of SharePoint
- forward via email to the appropriate party, e.g. the BSB's CAT team.

Records and reports are logged on a password protected excel spreadsheet in a dedicated area of SharePoint. The log includes:

- TtS reference
- date received
- anonymised summary of issue
- status (open/closed)
- action taken (and when)/justification

No personal data or information is included in the log, which is used for tracking and reporting purposes.

In the event that the BSB transferred records to the Office of the Commissioner for Conduct (if deemed below the regulator's threshold for action and with the explicit consent of the complainant), the record would be password protected and held on a dedicated area of SharePoint; logged and deleted after 7 years.

Records are redacted when they are summarised and either (i) put onto the password protected spreadsheet; (ii) used for training/reporting (on report handling) purposes.

Consent

Explicit consent is required for data or a record to be transferred to any other party, unless the Commissioner for Conduct determines they must report/take action in accordance with the BSB protocol and/or the Commissioner's safeguarding policy.