

BAR STANDARDS BOARD

REGULATING BARRISTERS

Publication of Disciplinary Findings on the Bar Standards Board's website

1. This document sets out the Bar Standards Board's (BSB) policy on the publication of disciplinary findings on the BSB's website. The judgment is the responsibility of BTAS under the regulations. This policy is effective from 1st April 2009.
2. The BSB will publish on its website all findings of professional misconduct, and the consequent sentences, made by public Disciplinary Tribunals or through the Determination By Consent (DBC) procedure (the rules relating to DBC are contained in rE67 – rE83 of the BSB Handbook (Part 5, Section A) and further information on the DBC procedure can be found on the BSB website. All findings of public Disciplinary Tribunals are also published on the Bar Tribunals and Adjudication Service's (BTAS) website, and this policy should be read in conjunction with BTAS's Publication Policy.
3. Where a charge in front of a Disciplinary Tribunal, or processed through the DBC procedure, is found not proved, the finding will **not** be published on the website unless the relevant person charged so requests. Such requests should be addressed to the Investigations & Hearings Team Manager of the BSB.
4. All findings referred to under paragraph 2 above will be posted on the relevant website(s) within **seven days** of the finding being made by the relevant panel/body, regardless of whether the sentence has been pronounced or an appeal has been submitted.

Length of publication

5. All findings, including the report, will remain on the website for a minimum of 2 years.
6. Findings of Disciplinary Tribunals that do not result in a sentence involving a period of suspension, disbarment, or removal of the authorisation of the authorised body will be taken down from the website after 2 years. However, a relevant person's full disciplinary record can be obtained indefinitely by contacting the Professional Conduct Department (PCD) direct.
7. Where a finding of a Disciplinary Tribunal involves a period of suspension from practice of 12 months or less, the finding will be taken down from the website after 10 years (a full disciplinary record is also available from the PCD indefinitely).
8. Where a finding of a Disciplinary Tribunal involves a period of suspension from practice of over 12 months, disbarment or removal of an authorisation of an authorised body, the posting will remain on the BSB's website indefinitely (a full disciplinary record is also available from the PCD indefinitely).
9. Where a finding of a Disciplinary Tribunal involves a finding that includes a suspension of more than 12 months, disbarment or removal of an authorisation of an authorised body, combined with other orders, the full details of the finding will remain posted on the website indefinitely.
10. All Disciplinary Tribunal findings will be listed initially as "open to appeal" and such listings will remain in place until either the 21-day period for submission of a Notice of Intention to Appeal has expired without such a Notice being submitted or, in cases where a Notice of Appeal is submitted, until the appeal has been determined by the High Court¹, whichever is later.
11. The 2 and 10-year periods, referred to under paragraphs 5 and 7 above, will run from the following dates:

¹ Appeals against Disciplinary Tribunal decisions made on or before 6 January 2014 will be heard by the Visitors, if submitted before 1 April 2014, in accordance with the Hearings before the Visitors Rules 2010. All other appeals will be made to the High Court.

- a) where no Notice of Appeal has been submitted against a Disciplinary Tribunal decision within the 21-day period, from the date of the Disciplinary Tribunal finding; or,
- b) where a Notice of Appeal is submitted within the 21-day period, from the date the High Court determines the appeal; or,
- c) in the case of DBC decisions, from the date the decision is formally accepted by the relevant person.

12. Where an application to appeal out of time has been accepted by the High Court, the 2 or 10-year period, if applicable, will recommence from the date of the High Court's determination of the Appeal regardless of any period of publication on the website prior to the appeal determination.

13. Where the High Court decides to allow an appeal in full, the whole record will be removed from the website. A relevant person may request that the fact the appeal has been allowed be published on the website, however, the entry will not include any details relating to the appeal apart from a statement that it was allowed. Such requests should be addressed to the Investigations & Hearings Team Manager of the BSB.

14. Where an appeal is allowed in part, the findings which were overturned on appeal will be removed from the website, unless the relevant person requests otherwise (see paragraph 13 above). All other findings will remain on the website for the relevant period stipulated by this policy.

Right of review

15. Under rE243 and rE243A of the BSB Handbook, the publication of disciplinary findings is mandatory and there is no right of review.

Professional Conduct Committee March 2018

Date of first issue: April 2009

Revised: March 2012, November 2014, October 2015, June 2017