



## **New arrangements and rules for first-tier complaints handling: Bar Standards Board Response**

### **Introduction**

1. Between May and August 2025, the Bar Standards Board (BSB) held a public consultation on proposals for changing the way that barristers handle first-tier complaints, i.e., complaints raised directly with legal professionals, rather than those escalated to the Legal Ombudsman.
2. The consultation paper can be found [here](#). This report summarises the responses received, the BSB's response, and next steps.

### **The BSB Consultation**

3. Our consultation set out proposals to improve how self-employed barristers, chambers and BSB entities handle first-tier complaints.<sup>1</sup>
4. These proposals were developed as part of our ongoing commitment to improving transparency, fairness and accessibility for those using barristers' services, particularly for consumers who are vulnerable or face additional barriers when seeking to make a complaint.
5. The consultation sought views on several proposals aiming to improve both regulatory oversight and the quality of complaints handling at the first point of contact. It also underpinned our work to implement the Legal Services Board's new statutory requirements on first-tier complaints handling in the legal services sector, and its accompanying statement of policy on first-tier complaints.<sup>2</sup> Both of these

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<sup>1</sup> The proposals and first-tier rules do not apply to the employed bar, apart from those in BSB entities,

<sup>2</sup> See here: <https://legalservicesboard.org.uk/news/lwb-bolsters-requirements-on-how-lawyers-handle-consumer-complaints>

initiatives require front-line legal services regulators to have greater oversight of complaints within their respective regulated communities.

6. The consultation asked about:

- a. What additional guidance and support the profession might need in relation to the proposed complaints handling rules;
- b. Proposed new rules mandating the profession to collect and submit complaints data to the BSB; they included options for how and when data should be submitted, and specific categories of data;
- c. Feedback on general data collection principles; and
- d. Views on implementation timelines, possible impacts (positive and negative), and on our Equality Impact Assessment.

### **Summary of Responses and BSB Next Steps**

7. We received 16 responses in total, including written responses from: the Criminal Bar Association, the Bar Council, South Eastern Circuit, Legal Ombudsman, Legal Services Consumer Panel, five chambers, two software companies, two other legal professionals, one barrister, and an academic.
8. We supported the consultation with a series of roundtables with stakeholders, to raise awareness of the consultation and to encourage written responses. Attendees were from the profession and representative bodies, including the Bar Council, Institute of Barristers Clerks, Bar Circuit leaders, and the Legal Practice Management Association. We also engaged with consumer and pro bono groups.
9. We received broad support for the general aim of improving first-tier complaints handling through enhanced guidance, more consistent data collection, and the proposed rule changes. However, some respondents raised concerns about the proportionality of data collection requirements, the potential administrative burden on chambers and barristers, and the need for further clarity in BSB guidance.
10. Following the consultation process, in summary, we have decided to proceed to:
  - a. Implement Legal Services Board's new section 112 first-tier complaints handling rules, by updating the existing provisions in the BSB Handbook, i.e. updating outcomes C26 and C27, and rules in C99-C109. We will also update the definitions of what makes a complaint and who can complain. More information

on the final rules, which is subject to Legal Services Board approval, including other minor changes, is set out in Annex A;

- b. Implement rule C108.2, allowing us to mandate collection and submission of specific complaints data (set out in Annex A);
- c. Implement rule C108.3, requiring barristers to inform their chambers/entity of any first-tier complaints they have received, if work relates to those organisations (set out in Annex A).

11. Stakeholders' strong preference was for data to be collected via chambers/entity on an annual basis, and so we will adopt this approach. We will give the profession at least one year to start collecting the data, following publication of the final requirements; likely to be in November 2025, and after a four-month implementation period, subject to Legal Services Board approval.

12. The BSB's first-tier complaints data policy statement, at Annex B, sets out the process in further detail, including the specific data types to be collected. We are publishing a draft at this stage for information, which is subject to Legal Services Board approval, and will publish a final version of the statement alongside the final BSB Handbook changes.

13. Following publication of the new rules and requirements, the profession will then have four months from that date to implement them. In summary we intend to:

- a. give the profession four months from the date of publication of the final rules (likely to be November 2025, subject to approval by the Legal Services Board) to implement and familiarise themselves with the new rules and arrangements (which we consulted upon, and most stakeholders agreed was reasonable).
- b. Thereafter, the profession to start collecting the new data collection fields (which will be set out in the new BSB FTC data policy statement and new additional guidance). We propose that the first data collection exercise will take place at least one year following.

14. Sole practitioners, chambers and entities will be given access to a new form in MyBar to upload complaints data. Barristers will also need to confirm at the authorisation to practise process (AtP) that they have provided all relevant complaints information to their chambers/BSB entity – timings for this will be confirmed by the BSB in due course.

## Responses to Individual Consultation Questions

### *Part A: Handbook changes and statutory guidance*

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

15. Most respondents supported the guidance providing details on accessibility and vulnerable consumer support. We also received feedback on additional areas to include in the guidance.
16. The Bar Council emphasised the need for clear guidance on the scope of reportable complaints, aligning with the Legal Services Board's definitions of complainants and first-tier complaints. They raised concerns about the possible requirements of capturing complaints about a barrister from those who are not their clients, such as the opposing side. On guidance, they suggested it should provide greater clarity around appropriate signposting to the Legal Ombudsman and the BSB, particularly for complainants not represented by a barrister about whom they wish to raise a concern. They suggested materials be made available to lay clients to assist them to understand what constitutes good service and inadequate service, as well as guidance for the profession and complainants on how disagreement on points of legal opinion should be dealt with. Lastly, they suggested that specific guidance/templates should be provided for barristers on how to use and anonymise data, including using privacy notices if client data on protected characteristics and vulnerability is required.
17. The Legal Ombudsman welcomed the emphasis on accessibility and encouraged the BSB to incorporate best practice examples and steps to support early complaint resolution.
18. The South Eastern Circuit agreed that guidance should be clear but warned against imposing vague or overly subjective obligations. They also recommended the guidance be focussed on practical measures and set out realistic expectations, especially for smaller or publicly funded chambers.
19. One of the chambers asked for guidance from the BSB or the Legal Ombudsman on what is reasonable in terms of adjustments to be made for those with disabilities or in vulnerable circumstances. Another wanted clarity on definitions, specifically on what makes something a complaint and what are 'services provided', rather than the focus being on what comprises 'negligence'.

20. The academic respondent recommended including advice around how barristers deal with clients who use Generative AI to challenge advice given to them, including guidance on how to respond.
21. The Legal Services Consumer Panel also suggested further materials and topics to be covered. For consumers this included complaint templates that had been developed and tested with consumers, guidance for consumers on expected timeframes for acknowledging and resolving complaints, and on how to escalate a complaint to Legal Ombudsman. For the profession this included advice to improve ‘cultural competence’, to ensure better understanding of the needs of people from minoritised communities, and guidance on feedback mechanisms for chambers. In particular, the Legal Services Consumer Panel noted that our “proposals do not adequately confront the defensiveness and reluctance to engage with complaints that have been identified by the Legal Ombudsman and echoed in consumer feedback. Embedding a culture of openness, empathy and learning is critical to improving the consumer experience and restoring confidence in the profession.”
22. One chambers raised concerns over new requirements in rules rC99B.1 and rC99B.2, which define the occasions on which a barrister must provide a lay client with complaints process information, and are proposed to include, “at the conclusion of the matter”. They proposed this be amended to “at the conclusion of the barrister’s involvement with the client in the matter” instead, on the basis that it is often hard to define when the totality of a legal matter has been concluded, and as the provider of often only part of a legal remedy, barristers may often not be informed of when the full legal matter has been concluded. The Legal Practice Management Association also requested clarification on rC99B.2, on the same basis.
23. The chambers also asked for advice on the types of alternative formats acceptable for complaints information to be provided to clients, in order to be able to meet the requirement to tailor this information to individual client needs.
24. Other stakeholders suggested that guidance should also be provided to clarify what a client complaint is, and issues which would be considered a first-tier complaint under the new proposed rules. Other suggestions included providing clarity on application of the new complaints rules on pro bono practitioners.

#### BSB’s response

25. We welcome the clear direction provided by stakeholders on how to improve existing guidance and ensure the new approach to complaints handling is well supported.

26. In line with the feedback, we will be producing updated guidance and support materials for the profession, as well as additional resources for consumers, taking into account feedback received from stakeholders. We will be publishing this alongside our updated BSB Handbook rules on complaints handling, scheduled for November 2025 (subject to Legal Services Board approval and timings).
27. In relation to Legal Services Board’s feedback, we are working with the Legal Ombudsman and our peer regulators in developing model complaints handling materials for legal professionals and consumers, which will include consistent templates for dealing with complaints, including communication materials. We will seek to incorporate relevant materials specifically for the Bar and will publicise these materials when available, including setting out best practice.
28. We note the feedback on proposed rule rC99B.2, about providing information at the conclusion of a legal matter. However, as this is an section 112 requirement, we will proceed with implementing this rule change without modification, but we will update our guidance to provide clarification on this issue, using scenarios to illustrate where a barrister’s involvement in a legal matter may be considered to have concluded.

## ***Part B: Data collection, analysis and reporting***

### **Data submission, analysis and uses**

Question 2. Do you agree with our proposal to insert a new requirement to rC108 (rC108.2) to mandate the submission of first-tier complaints data to the Bar Standards Board?
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29. Most respondents generally agreed with this proposal, although some set out concerns. Consumer bodies strongly supported the principle of mandatory data collection to help improve standards. However, some chambers and professional groups raised concerns that the work required to meet it would be disproportionate to the outcome to be achieved, due to the increased administrative burden placed on them.
30. The Legal Services Consumer Panel and the Legal Ombudsman supported the proposal, arguing that systematic data submission is important for identifying systemic issues and promoting accountability. The Legal Ombudsman noted that moving from ad-hoc returns to a standardised, periodic data collection model would generate more consistent insights, and would be in line with their own

approach to sharing more data and insight on complaint trends across the legal services sector. Taken together they believed the increase in data would facilitate a richer understanding of issues at both the first- and second-tier levels.

31. The Criminal Bar Association supported this proposal, contingent on the data collection requirements not being ‘burdensome’, especially for small chambers and sole practitioners. They also noted that the level of detail required should be limited to what is necessary to achieve the stated aim, and that data should be anonymised to ensure chambers and barristers are compliant with GDPR obligations. A number of chambers were also supportive of the principle, although they wanted further clarity on data collection and submission requirements.
32. The Bar Council agreed that mandatory submission of first-tier complaints data is necessary but stressed the need for the BSB to clearly outline its requirements on content and submission arrangements. Additionally, they noted the need to minimise the administrative burden placed on the profession, maintain consistency of data requests over time, and allow sufficient lead time for barristers, chambers, and entities to adapt to new reporting obligations.
33. The South Eastern Circuit and some chambers opposed this proposal. The South Eastern Circuit noted that there is an existing requirement for chambers and barristers in the BSB Handbook (rC109) which places an obligation on them to collect and review complaints data internally, and so did not see a need for further submission to the BSB. They requested that should this rule change be implemented, new data submissions should follow the existing arrangements so as not increase administrative burden on chambers. Additionally, a few stakeholders in the profession suggested that first-tier complaints levels are likely to be low, at least from their organisational perspective, so collecting data might be disproportionate.
34. More broadly, the Legal Services Consumer Panel highlighted that we have not made a clear commitment to publish complaints data.

#### *BSB's response*

35. We welcome the feedback, and that respondents were broadly supportive of the proposals. However, we are mindful of the concerns raised by some chambers and professional groups about proportionality and a potential increase in administrative burdens.
36. On that basis we will introduce this requirement, as we believe the benefits of having a standardised, periodic approach to complaints data submission outweigh

the potential impacts. Importantly, having these data will enable us to build a clearer picture of complaints trends across the profession over time, support a richer understanding of new and emerging issues at both first and second-tier levels, and consequently ensure our regulatory interventions are appropriately targeted. We note the comments about first-tier complaints volumes - we do not have the data at first tier, so it is difficult judge complaints volumes across the profession at this stage. Our data collection proposal will help us build a more reliable picture across the profession.

37. As noted in our consultation, we plan to initially publish aggregate reports based on the collected complaints data on an annual basis, which will show anonymous and broad trends in complaints within the profession, and will help improve transparency.

38. However, we note the concerns about administrative impact, particularly for smaller chambers. To address these, we will ensure that the level of data required is proportionate and limited to what is necessary to achieve our stated aims. We have developed a separate first-tier complaints data policy statement (Annex B) which sets out the scope of data that is to be collected, how it is to be submitted, and how often. We will provide guidance to support the profession in collecting and submitting these data to the BSB, scheduled for November 2025 (subject to Legal Services Board approval of our changes).

Question 3. Do you agree with our proposal to insert a new requirement to rC108 (rC108.3) that barristers inform their chambers/Bar Standards Board entity of any complaints they receive that relate to their work for that organisation?
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39. We received mixed responses to this proposal. Some respondents recognised the benefit of internal transparency, but others were concerned about enforceability and duplication.

40. The Legal Services Consumer Panel supported the proposal on the basis that chambers or entities need visibility over issues arising within their organisation, which they argued supports a culture of learning and continuous improvement. The Criminal Bar Association agreed with the proposal and noted that it would formalise current practice.

41. Several chambers agreed with this proposal. One highlighted that the rules should go further, as there is a potential gap in the new rules in terms of the recording of



complaints where a barrister is instructed directly. They noted that the rules should also require that barristers report any complaints made to them to all of the chambers and associations with which they are associated, including any work/complaints not dealt with by a chambers or associations.

42. The Bar Council also agreed with our proposal, noting that centralised complaints handling is already common practice in many chambers and entities. They saw value in all barristers involved with chambers and entities being aware of complaints made about those working under their auspices, to better support their understanding and development. However, they noted that smaller chambers and sole practitioners may not gather enough data to identify any wider profession level issues.

43. The South Eastern Circuit and several chambers expressed reservations. The South Eastern Circuit did not agree with the rationale for the proposal, as chambers are already required to record complaints and retain them for six years under rule rC108. They requested that should the new rule be implemented it must be made clear when notifications are to be made and that it only relates to service complaints.

#### *BSB's response*

44. We welcome the range of views provided by stakeholders on this proposal, and having considered the feedback will proceed with this requirement.

45. This new measure is intended to close a potential gap in the current framework and complement rC108. It will help ensure chambers and BSB entities themselves have a complete and accurate picture of first-tier complaints relating to work undertaken by their members, owners or those working for them. It will also ensure they can provide better and more comprehensive data to the BSB. Under these rules, barristers will need to report complaints to their chambers.

46. We have also noted requests for the rules to go further, i.e. requiring barristers to report complaints to all chambers or associations with which they are affiliated, even where the chambers is not directly handling the matter. While we understand the intention behind these suggestions, we have chosen not to extend the rule to this extent, to ensure the administrative burden is proportionate to the stated aim and avoid excessive duplication.

## **Options for submitting data**

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

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

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

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

47. Overall, most respondents supported submission by chambers or entities (option 3). Nearly all respondents, including chambers, South Eastern Circuit, Criminal Bar Association, Legal Services Consumer Panel, and technology providers, stated that it would be the most efficient method for data collection.
48. The Bar Council did not give a preference for any one option but supported an approach that was 'streamlined' and designed to minimise the burden on practitioners. They identified drawbacks with the Authorisation to Practise (AtP) option, including added administrative burden for barristers. They noted that while the MyBar option offered flexibility and an opportunity for barristers to reflect on what they provided, it could lead to inconsistency in what was submitted and would be difficult for the BSB to process and enforce. They supported chambers and entities submitting data for those directly involved with them, as many already handle complaints centrally and so this would be a natural extension of current practice.
49. Most respondents preferred annual data submissions, but suggested flexibility where needed. Several respondents suggested that it should not be done in February/March, as this is when AtP and insurance renewals fall.
50. The Legal Services Consumer Panel, the Legal Ombudsman and several chambers supported annual submission, as this would provide a sufficient period for oversight, without being unduly onerous. However, some chambers favoured a 24-

month window. The Bar Council suggested incremental uploads but favoured annual submission if periodic submission is required.

*BSB's response*

51. We welcome the feedback received from stakeholders on this proposal, and having considered the range of responses, we will adopt option 3, requiring chambers and BSB entities to collect and submit data to the BSB annually.
52. We consider this approach to be proportionate and practical, offering the most effective way to ensure we receive data from across the profession while minimising the administrative burden on individual barristers. Submissions will be made via MyBar, using a system that will be designed to support ease of use and consistency in the information provided.
53. Sole practitioners will also be required to submit the same information via MyBar.
54. To clarify the scope of the data we will be requesting and the methods for data collection, we have developed a new first-tier complaints data policy statement, available at Annex B.
55. The statement sets out the scope, format and purpose of the data we will collect from the profession and defines the types of complaint that fall within scope, i.e. those meeting the Legal Services Board's definition of first-tier complaints, which has been transposed into the BSB Handbook definitions. It also provides an overview of the categories of data to be collected.
56. It is intended to support a consistent, proportionate and transparent approach to how data are collected across all practice settings, and to assist chambers, entities and sole practitioners in meeting their new obligations. We expect the requirements set out in the statement to evolve over time as we develop this work, based on emerging insights, feedback from those providing the data and stakeholder engagement.
57. We will be submitting the data collection policy statement to the Legal Services Board for approval; we have included a draft with this report for information. The final version is due to be published in November, alongside the final BSB Handbook rule changes, subject to Legal Services Board approval and timings.

## Data types

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

58. We received a range of responses to this question, with many raising concerns about data safety and processing issues, particularly on collecting client vulnerability and demographic data.
59. Several respondents raised concerns about the requirement to voluntarily collect data about clients' protected characteristics and vulnerability. Some cited practical difficulties in collecting these data directly from clients and raised privacy and data protection concerns.
60. The South Eastern Circuit noted that where the client is a direct access lay client, requiring them to provide further information on protected characteristics could cause them further frustration or difficulty at a time when the professional relationship may be under tension. The Bar Council took a similar view.
61. The Legal Services Consumer Panel and the Legal Ombudsman were in favour of our proposal to collect client data on protected characteristics and vulnerability to identify and address any disparities in complaint outcomes. The Legal Services Consumer Panel also suggested we collect complaint outcome categories including: upheld, partially upheld, not upheld, withdrawn; resolution method: informal resolution, formal investigation, referral to Legal Ombudsman; and time to resolution.
62. Two chambers noted that the proposed data fields are proportionate, as they are data that they already collect, although they do not currently collect it on client protected characteristics or vulnerability.
63. The academic respondent suggested creating an additional field under 'complaint category/reason', which should also include poor advice. This would not necessarily be poor advice that amounts to professional negligence but would capture data about the quality of advice that could inform future education and training. The Legal Practice Management Association suggested adding 'counsel failing to turn up to court'.
64. The Bar Council suggested additional fields to give further context to complaints data including on: case funding, instruction classification (e.g. via solicitor, direct

access), case outcome if concluded, and whether advice was sought from the Bar Mutual Indemnity Fund (BMIF) about how the complaint should be handled. They also noted potential issues with the profession's ability to collect second-tier data.

65. The Legal Ombudsman welcomed the wider data types proposed. They noted that using their data fields and expanding them to reflect the first-tier complaints received by barristers will enable consistency in analysis of complaint issues. To add this approach will also enable us both to have a better understanding of the types of complaints resolved at first tier, and those more likely to progress to Legal Ombudsman.

66. Some chambers made more general comments about complaints. One noted that many complaints are 'vexatious', and so data collection requirements should take this into account, and its potential to impact the overall data. Other chambers noted that they receive low levels of complaints.

#### BSB's response

67. We welcome the feedback provided and in line with the general tenor will implement most of the fields set out in the consultation, including the additional suggestions from stakeholders. They are set out in the draft data collection policy statement (see Annex B).

68. We agree with the suggestions for capturing other reasons for complaints (such as those given by respondents), and have therefore created a miscellaneous category, as a free text option. This will allow the inclusion of any reason for a complaint being made that are not listed in our current categories. We will review these free text submissions regularly to see if any should be added as a new category.

69. We have also taken on board the Bar Council's suggested additional fields, such as case funding details and source of instructions, as these are important to give further context to complaints. These have been added as additional categories, which are set out in the data collection policy statement. We note their concern around collecting second-tier data and have decided to not proceed with this data field. Instead, we will get these data directly from the Legal Ombudsman. The Legal Services Consumer Panel's suggestions are already captured by our proposals, although this will be made clear in data capture forms and guidance.

70. We note and accept the feedback given about the practical difficulties that barristers and chambers may face when seeking to capture client protected characteristics and vulnerabilities. On that basis we have decided not to implement this field.

71. However, this does present us with a challenge, as this type of data is vital to understanding the experiences of clients with different protected characteristics, disabilities and vulnerabilities. To ensure we are able to gain some insight into these issues, we plan to draw on existing research in this area, such as the Legal Services Consumer Panel's annual tracker survey. We believe this will provide equivalent and Bar specific insights sufficient for our needs, without creating extra difficulties for these clients and their barristers. We will also consider running our own surveys in the future with barrister clients to gather further insights.

### **General data collection principles**

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

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

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

72. Most respondents did not indicate any preferences regarding general data collection timings, although the South Eastern Circuit, the Bar Council and some chambers suggested avoiding February/March timeframes, as these are when Authorisation to Practise (AtP) and insurance renewals are required.

73. On data submission formats (other than complaints data), respondents had a range of preferences, including submission via email or MyBar forms. Most recommended not using the Authorisation to Practise (AtP) process. The Bar Council recommended using MyBar for individual barristers, and online forms for chambers. The Legal Services Consumer Panel noted that a dual system may be preferable, i.e., using AtP for standardised annual submissions, with MyBar for ad hoc updates.

74. Respondents also offered views on what has worked well and what could be improved. Chambers generally found simple, structured forms workable, but noted the importance of proportionate, well-guided processes. Some highlighted previous data returns (i.e. BSB regulatory returns) as burdensome and requested more timely feedback from the BSB on their returns.

75. A barrister respondent and some of the other legal professionals noted experiences of unclear processes for making data returns and a lack of contactable IT support hindering uploads. One suggestion given was for the addition of a ‘miscellaneous submission’ tab and emphasised the need for guidance to clearly define what data are required.

76. The academic respondent preferred straightforward tick-box formats. The software companies recommended having features such as ‘auto-save’, ‘staged data entry’, and ‘automated reminders’ to improve usability and reduce administrative burdens on those submitting information.

#### *BSB’s response*

77. We welcome the depth of feedback provided by respondents and will ensure they are considered when developing any future data requests; for first-tier complaints data and data more generally.

#### **Implementation**

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

78. Most respondents, including chambers, agreed four months was reasonable and achievable, but only if clear guidance and support were provided promptly. A minority of respondents suggested other timeframes for implementation, including six months to one year.

#### *BSB’s response*

79. We are aiming to publish our final updated BSB Handbook complaints rules in November 2025 (subject to LSB approval and times). The profession will have four months from the date when final BSB Handbook rules are published to implement the new requirements, and to start collecting complaints data in formats specified in the new BSB FTC data policy statement (at Annex B).

#### **Impacts**

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

80. Respondents expressed a mix of views on the likely impact of our proposals, with both positive expectations and some concerns.

81. The Legal Services Consumer Panel supported the reforms, citing several positive impacts. These included increased consumer confidence and engagement, improved reputational standing for chambers and barristers, enhanced oversight of service quality and better regulatory intelligence for the BSB. They acknowledged that some increase in the administrative burden and wider cultural change may be required but considered that these could be managed through phased implementation and effective support.
82. The Criminal Bar Association noted that there could be disproportionate impacts on criminal barristers and chambers, as they attract higher levels of complaints. They also noted impacts on ethnic minority and women practitioners, who are more highly represented in criminal work. They suggested the provision of further information and guidance to help practitioners to make complaint processes work more efficiently, effectively and transparently.
83. The Bar Council stated that it expected the reforms to offer benefits such as improved data for chambers/entities to analyse internally, and facilitate more reflection on complaints handling processes, leading to further improvements. However, they raised concerns about the potential added administrative burden on chambers and sole practitioners, and especially on ethnic minority and women barristers who are more likely to be working in higher complaints areas, such as family law and crime.
84. The South Eastern Circuit also expressed concerns about the potential disproportionate impacts on the Bar, especially those in smaller sets or publicly funded practices such as crime and family. They noted that additional reporting requirements could reduce barristers' capacity and willingness to provide legal services in these areas, thereby reducing access to justice. The South Eastern Circuit also emphasised that these areas of work already attract higher numbers of complaints, and are attracting barristers who are women, from ethnic minorities, neurodiverse or from disadvantaged backgrounds. They noted that additional reporting requirements could increase stress experienced by barristers and chambers staff.
85. Other respondents, including some chambers, recommended that further support be provided to barristers when dealing with vexatious or unfounded complaints, for example when a client is unhappy with a judge's decision.



### BSB's response

86. We acknowledge the wide range of views given by respondents and recognise the importance of ensuring our requirements do not unnecessarily impact on the profession or those using their services.
87. On that basis, and to ensure our complaints data collection requirements are proportionate and not unnecessarily burdensome, we will collect only data that are necessary to achieve the aims we have stated. The new first-tier complaints data policy statement, and additional planned guidance for the profession will contain clear and comprehensive information to assist those collecting and submitting these data.
88. We will be publishing updated guidance on the new Handbook complaints handling rules simultaneously with the final rules, to support the profession with compliance. We are also working with the Legal Ombudsman and peer regulators in developing model complaints handling materials, to support both the profession and consumers in raising and resolving complaints efficiently, effectively and at the earliest opportunity.
89. We will monitor impacts from the new arrangements, including data collection requirements and complaints handling rules, following implementation; on both consumers and the profession.

### **Other information**

Question 12: Do you have any other comments in relation to our proposals set out in this consultation?
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90. Several stakeholders provided additional comments on the proposals. One barrister and a chambers expressed concern about the impact of vexatious or unfounded complaints on the new approach. They urged the BSB to provide clearer support for barristers and to avoid encouraging unnecessary complaints. Some respondents felt that underpinning many complaints are broader system failings (e.g. delays, costs) rather than service quality. Others highlighted the burden of time taken to respond to unfounded complaints.
91. Some chambers sought clarification on how rules around complaints handling and wider impartiality rules would apply to self-employed barristers in chambers, given that chambers cannot compel individual barristers to accept complaint outcomes. One chambers highlighted the risk of burdening them with additional work for an issue (i.e., complaints) not seen 'at scale' in commercial practice. Software

companies emphasised the benefits of automation in data collection, which could generate time and efficiency savings.

92. The South Eastern Circuit noted a lack of independent guidance for self-employed and smaller or virtual chambers on handling complaints, particularly in direct access cases. They recommended that guidance should be produced, and existing rules should continue to be in place, with a further assessment conducted after the guidance has had time to bed in, to see how well existing complaint rules are working.
93. The Bar Council noted that sole practitioners sometimes outsource complaints handling to a third party, meaning further thought will be needed regarding the feasibility of the sole practitioner collecting and submitting data in these circumstances.
94. The Criminal Bar Association suggested clearer guidance on when chambers should report or encourage a complainant to report the issue to the BSB. They also proposed further guidance on remedies, and for clarification on how first-tier complaints rules apply in cases where the barrister is not acting for the complainant, e.g. when a complaint is from a defendant against prosecution counsel.

#### *BSB's response*

95. We note the concerns and points raised by stakeholders and recognise the need for greater support and clearer guidance. We will use this feedback in developing our first-tier complaints guidance, to provide clarity on the issues raised, including those facing sole practitioners.
96. Concerns or complaints against third-party counsel do not fall under the scope of first-tier complaints rules. Such issues can be reported to the BSB – guidance and details on the process is available here: <https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>.
97. We note the South Eastern Circuit's suggestion of undertaking an assessment of the current complaints rules and their use before introducing new rules. However, our proposals stem from the Legal Services Board's mandatory section 112 requirements, which we are obliged to implement by November 2025.

## **Equalities Impact Assessment**

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

98. The Criminal Bar Association highlighted that the proposed amendments need to be carefully worded to avoid disadvantaging vulnerable clients or those with protected characteristics. They emphasised the need for reasonable adjustments to be made available to those who need them, to support complainants through the process while also ensuring fairness to barristers. They also raised concerns about disproportionate impacts on smaller chambers, people from ethnic minorities, women and sole practitioners.
99. The South Eastern Circuit asked why there is no plan to collect data on who is being complained about or how many of those complaints are upheld, despite the consultation recognising the likely disproportionate impact on women and ethnic minority barristers; this sentiment was shared by the Bar Council. They also suggested that data on how instructions are funded could be useful, mirroring the Bar Council's suggestion. We have taken this on board in our proposals.
100. The Bar Council highlighted that the data collection requirements could disproportionately impact women, who are more likely to work in areas with higher complaints volumes, such as family law. They viewed this as possibly worsening existing inequalities, including under-representation at senior levels. They also asked for the BSB to monitor impacts post implementation.
101. The Legal Services Consumer Panel supported our equalities impact assessment in relation to consumers and recommended further engagement with consumer groups representing disabled and marginalised communities, monitoring of complaints data by protected characteristics, and inclusion of accessibility audits in chambers' compliance reviews.
102. One chambers felt that the BSB lacked understanding of how chambers operate and should have consulted clerks more directly. They recommended more dialogue with those handling complaints on a day-to-day basis. One software company agreed that the impact on smaller chambers may be higher but supported the BSB's proposed mitigations.

### **BSB's response**

103. We are grateful for this feedback and are committed to mitigating any disproportionate impacts on barristers with protected characteristics, particularly

those highlighted in the consultation, women barristers and barristers from ethnic minority backgrounds.

104. We recognise that certain areas of law will attract higher levels of complaints and so will ensure the data are reviewed contextually. Our intent is to ensure we have robust data that can help us to understand the wider picture regarding complaints in general and so we will ensure our analysis and any resulting regulatory activity are mindful of the challenges facing specific areas of practice.
105. We will provide additional guidance to support the profession in both implementing and complying with the new rules and data collection requirements. We will work with the Legal Ombudsman and our peer regulators to provide guidance materials for the profession and consumers, to encourage early resolution and reduce the administrative burden from these new requirements, with a focus on smaller chambers and any groups who have been identified as being disproportionately impacted.
106. Barristers already provide data about their own protected characteristics (on a voluntary basis) to the BSB at the authorisation to practice (AtP) stage. Combining this data set, on an anonymous and aggregated basis with new first-tier complaints data will give us a better understanding of complaints trends and prompt us to undertake further reviews and assessments on impacts where necessary. One example for this approach is that these data will help us to see if there are any trends in respect of complaints made against barristers by protected characteristics, and to take appropriate action where needed.
107. In relation to engagement with clerks, we ran an extensive engagement programme to support this consultation, including with the Institute of Barristers Clerks. We will continue this engagement as we move into implementation.

**October 2025**

**Bar Standards Board**

## ANNEX A – FINAL PROPOSED HANDBOOK RULE CHANGES

### BSB Handbook Proposed Final Changes: First-tier Complaints Rules

*Changes are in red; text deletion is in strikethrough.*

#### Part 2: Code of Conduct

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##### Part 2 – C3. You and your client

###### Outcomes

###### **oC19**

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

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

###### **gC81**

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

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

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

###### Outcomes (C26-C29)

###### **oC26**

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

###### **oC27**

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

###### Rules C99-C109 - Complaints rules

###### **Complaints handling procedures**

###### **rC99A**

***.1 You must have a first-tier complaints handling procedure which:***

- .a enables clients to make a complaint free of charge;***
- .b is prominent and accessible;***

- .c sets out the steps that will be taken in resolving a *complaint*;
- .d explains how a complaint will be handled;
- .e provides information on the possible outcomes of a complaint;
- .f is effectively communicated to each client in a format or formats reasonably tailored for the client's circumstances, having due regard to their information needs; and
- .g makes provision for a client to be able to make a complaint in a way that is reasonable and accessible to the client.

.2 You must ensure your *first-tier complaints* handling procedure is:

- .a documented in writing, and available across your organisation, where relevant;
- .b endorsed by the appropriate member/committee of *chambers*, or *HOLP*, or person responsible for implementation of the complaints procedure; and
- .c implemented consistently and periodically reviewed.

.3 Your *first-tier complaints* procedure must provide for a *complaint* to be:

- .a assessed competently, diligently and impartially;
- .b responded to fairly, consistently, and promptly; and
- .c to be resolved at the earliest opportunity.

## Provision of information

### rC99B

.1 You must notify *clients* in writing or in formats tailored to specific *client information needs*: ~~when you are instructed, or, if that is if not practicable, at the next appropriate opportunity:~~

- .a of their right to make a *complaint*, including your *first-tier complaints handling procedure*, including their right to complain to the *Legal Ombudsman* (if they have such a right), how, and to whom, they can complain, and of any time limits for making a *complaint*;
- .b that after eight weeks following the making of a *first-tier complaint*, if the *complaint* has not been resolved to the *client's* satisfaction, that they may have a right to complain to the *Legal Ombudsman*.
- .c .2 if you are doing referral work, that the lay *client* may complain directly to *you*, *chambers* or the *BSB entity* without going through *solicitors*.

.2 The information in rC99B.1 must be provided:

- .a when you are *instructed*, or if that is not practicable, at the next earliest appropriate opportunity;
- .b at the conclusion of the matter;
- .c upon request; and
- .d if a *complaint* is made during a matter.

### rC100

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

## rC101

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

## rC102

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

## rC103

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

- .1 on the homepage, the text “regulated by the Bar Standards Board” (for sole practitioners) or “barristers regulated by the Bar Standards Board” (for *chambers*) or “authorised and regulated by the Bar Standards Board” (for *BSB entities*); and
- .2 in a sufficiently accessible and prominent place:
  - .a information about their complaints procedure, any right to complain to the Legal Ombudsman, how to complain to the Legal Ombudsman and any time limits for making a *complaint*, **and including details of alternative and accessible formats for accessing this information**;
  - .b a link to the decision data on the Legal Ombudsman’s website; and
  - .c a link to the Barristers’ Register on the BSB’s website.
- .3 All e-mail and letterheads from *self-employed barristers* and *BSB entities*, their *managers* and employees must state “regulated by the Bar Standards Board” (for *self-employed barristers*) or “authorised and regulated by the Bar Standards Board” (for *BSB entities*).
- .4 *Self-employed barristers, chambers* and *BSB entities* must have regard to guidance published from time to time by the *Bar Standards Board* in relation to redress transparency.

## Response to, **and resolution of**, complaints

### rC104

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

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

- .a with a prompt acknowledgement of receipt of the *complaint*;
  - .b 4 the name and contact details of the person who will deal with the *complaint* and a description of that person's role in *chambers* or in the *BSB entity* (as appropriate);
  - .c ~~2 a copy of the~~ clear and comprehensive information about the *chambers'* complaints procedure or the *BSB entity's* Complaints Procedure (as appropriate) that will apply to their complaint and how it will be handled, including the information required in rC99B.1 and rC99B.2;
  - .d 3 the date by which the *complainant* will next hear from *chambers* or the *BSB entity* (as appropriate), including the timeline for the resolution of the *complaint*.
2. Regular updates must be given to the *complainant* on the progress of their complaint.
3. You must communicate with the *complainant* clearly, using plain and appropriate language.
4. A *complainant* must be informed about the options available if the *complainant* is dissatisfied with the outcome of their *first-tier complaint*, including:
- .a of any rights the *complainant* may have to make a *complaint* to the Legal Ombudsman (right to make a *second-tier complaint*) including the information specified in rC99B.1.b;
  - .b how to make a *second-tier complaint*;
  - .c the time limit for making a *second-tier complaint*;
  - .d information about how to make a *second-tier complaint* available from the Legal Ombudsman; and
  - e. full details of how to contact the Legal Ombudsman.
- .5 You must communicate promptly the outcome of the *complaint* to the *complainant*, and if the outcome includes any offer of a suitable remedy, comply promptly with the remedy if accepted by the *complainant*.

## rC105

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

## Documents and record keeping

### rC106

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

- .1 the investigation and resolution of the *complaint*;



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

#### **rC107**

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

#### **rC108**

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

#### **rC109**

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

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

## Part 6: Definitions

### **complaint**

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

### **complainant**

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

### **first-tier complaint**

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

### **second-tier complaint**

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

## ANNEX B – DRAFT BSB FIRST-TIER COMPLAINTS DATA COLLECTION POLICY STATEMENT



### Bar Standards Board First-tier Complaints Data Policy Statement

#### Purpose and Background

1. This statement sets out the Bar Standards Board's (BSB) approach to the collection of first-tier complaints data from the profession, that is the self-employed bar, chambers and BSB entities, as of [November 2025]. Our aim is to ensure that data on complaints handled at first-tier (i.e., made directly to a barrister, chambers, BSB entity) is captured consistently and systemically across the Bar. This will strengthen our regulatory oversight, improve our understanding of the consumer experience, and enable us to identify emerging issues, encourage good practice and promote continuous improvement across the profession.
2. This follows the Legal Services Board's introduction of section 112 complaints<sup>1</sup> handling requirements, and a new policy statement on first-tier complaints in May 2024. The BSB consulted on options for implementing the LSB's new complaints arrangements and published its final BSB Handbook rule changes in [November 2025].
3. Rule C108.1 of the BSB Handbook requires that a "record must be kept of each *complaint*, of all steps taken in response to it, and of the outcome of the *complaint*". Rule C108.2 requires that a "summary of *complaints* received shall be submitted to the BSB in a manner determined by the BSB from time to time."
4. This document sets out the detail and scope of complaints data that the profession is required to collect and submit, per rule C108.2 of the BSB Handbook. This policy statement may be updated from time to time.

5. Further specific guidance on data collection and reporting/using BSB systems will also be published ahead of the first data collection exercise.

## Scope of Data

6. These data sets, and scope only apply to data that needs to be submitted to the BSB, for the purposes of rule C108.2. The profession will need to collect and submit data that falls under the definitions as set out in the BSB Handbook:
  - a. A complaint is defined as: “for the purposes of Part 2, a complaint by a *client* about the standard of service received that is addressed either to the *Legal Ombudsman* or the *chambers* or the *BSB authorised person*, which can be communicated orally or in written format, and can include an expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience, or other detriment.”
  - b. A first-tier complaint is “relevant complaint made by a *complainant* to a *chambers* or *BSB authorised person* about the services provided.
  - c. A complainant “has the meaning given by section 128(2) of the Act, and as prescribed under the scheme rules made by the Office for Legal Complaints under Part 6 of the Act.”
7. This means data about complaints that fall under these definitions, i.e. first-tier complaints, will need to be collected, and where the clients (who the authorised person acts for, including prospective and former clients) are<sup>8</sup>:
  - a. individuals;
  - b. a business or enterprise that is a micro-enterprise<sup>9</sup>;
  - c. a club/association/organisation, the affairs of which are managed by its members/a committee/a committee of its members, that has an annual income net of tax of less than £1 million;
  - d. a trustee of a trust that has an asset value of less than £1 million
  - e. a personal representative or beneficiary of the estate of a person who, before they died, had not raised a complaint with the authorised person.
8. Complaints that fall under these definitions relate to self-employed barristers and BSB regulated entities.

## Data Collection Methods

9. Chambers and BSB regulated entities will need to capture and report complaints data that fall within the scope of this policy statement to the BSB.

10. Chambers will need to collect and submit first-tier complaints data on behalf of all associated self-employed barristers, including tenants, door tenants and pupils. Self-employed barristers will need to ensure that their chambers are aware of any complaints relating to work stemming from the associated chambers. Barristers in multiple chambers will need to ensure that each chamber is aware of any complaints relating to work stemming from the respective chambers. The entity to which the work relates is usually set out in engagement letters.
11. BSB entities will also need to report any complaints received about them.
12. Data submission will be on an annual basis. Timeframes will be communicated further by the BSB.
13. For chambers and BSB regulated entities, data will be collected via MyBar organisational accounts, i.e. chambers and BSB entities using their own MyBar account to update data for all registered barristers who work for or to them.
14. Self-employed barristers will need ensure that any complaints they receive are passed on to their chambers for reporting to the BSB. They will also be asked to confirm at Authorisation to Practise (AtP) that all of their complaints data has been submitted for that reporting year. Staff employed by a BSB entity, including contractors will need to ensure any complaints are reported to the entity's administration, in relation to work at those entities.
15. Sole practitioners will need to report their complaints data directly through MyBar.
16. Standardised MyBar forms will be developed to capture complaints data. Guidance on how to use and upload data onto MyBar will be provided to the profession.

## **Data Fields**

17. The following complaints data fields will need to be collected for each complaint that falls under the definitions and scope of this statement. A template format for the complaint fields below, and additional guidance will be issued.
18. Chambers, BSB entities and sole practitioners may record the data below in formats that work best for them, but they will need to complete standardised MyBar forms.

<b>Data</b>	<b>Options/Notes</b>
Complaint received date	When the client made the initial complaint
Complaint acknowledged date	When the provider acknowledged the complaint
Funding type	Whether privately funded, or by legal aid, or other
Classification of the instruction	Whether via solicitor, insurer, union, public access, and others, for instance accountants, licensed access
Area of law	This is in line with the areas of law that the Bar Standards Board already sets and captures at the Authorisation to Practise process.
Complaint category/reason	<p>These include:</p> <ul style="list-style-type: none"> <li>• Costs information deficiency (relating to issues around advice and formats/information provided about costs)</li> <li>• Cost excessive (issues relating to the costs of services provided)</li> <li>• Delays (issues around service/advice delays)</li> <li>• Poor information (lack of clarity or sufficiency of information provided to client)</li> <li>• Failure to follow instructions (not adhering to client instructions)</li> <li>• Failure to keep informed (lack of communication to client)</li> <li>• Failure to respond (lack of response to client)</li> <li>• Miscellaneous (free text, to capture other complaint reasons)</li> </ul>
Case outcome, if case concluded	To help understand the level of complaints brought by clients regarding dissatisfaction with case outcomes
Whether advice sought from Bar Mutual	To help understand the wider context of complaints and outcomes when advice from Bar Mutual is sought
Complaint closure details Some of these will require the profession to ask and capture client responses to the questions, when closing a complaint (such as d. and e.).	<p>These include:</p> <ol style="list-style-type: none"> <li>a. Date closed, and reason for closure (such as resolved/upheld, partially resolved etc)</li> <li>b. Whether complaint was upheld</li> <li>c. Remedy/resolution details</li> <li>d. Whether the complaint was resolved to the client's satisfaction</li> <li>e. Whether the client was satisfied with the way you handled the complaint</li> </ol>

**[November] 2025**

**Bar Standards Board**