

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Ian Clarke, QC
C/o James Wakefield
Council of the Inns of Court
Ground Floor, 9 Gray's Inn Square
London WC1R 5JD

By email

27 August 2020

Dear Mr Ian Clarke, QC

Letter of Understanding

We refer to the Memorandum of Understanding dated 27 March 2019 and made between the **Bar Standards Board and The Council of the Inns of Court, The Honourable Society of The Inner Temple, The Honourable Society of The Middle Temple, The Honourable Society of Gray's Inn and The Honourable Society of Lincoln's Inn (the Agreement)** which clarifies the roles and responsibilities of each Party in the education and training of prospective barristers.

This letter records the fact that, due to the coronavirus pandemic, there will be a significantly higher number of students entering the pupillage/work-based learning component of Bar training without having been Called to the Bar. Where a student progresses to undertake the pupillage/work-based learning component of Bar training prior to being Called to the Bar, their conduct continues to be overseen by their Inn until Call. This is a change from normal practice, where most pupils would have been Called and therefore would be subject to the BSB's disciplinary regime rather than that of the student's Inn and the Inns Conduct Committee (ICC).

Further to our discussions on this matter, the BSB, the Inns and the ICC recognise that it is desirable that any conduct matters that occur in the period before Call should be treated, as far as possible, as if that pupil were already Called to the Bar. When considering conduct matters which occur during the non-practising period of pupillage, the ICC will take into

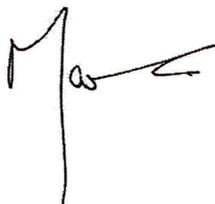
account the context in which alleged conduct occurs, as in all matters, and consider, where appropriate, whether any alleged conduct would amount to a breach of the BSB Handbook.

If a conduct matter is proven, when considering the seriousness of the conduct, the ICC will consider and also have regard to any relevant parts of the Bar Tribunals and Adjudication Services "Sanctions Guidance: Breaches of the BSB Handbook (and BSB Handbook), which would apply to a pupil had they been Called, when reaching decisions. Once a decision is reached in a matter, regardless of outcome, the BSB will be informed of the outcome by the ICC, in accordance with Schedule 3 (Data Sharing Protocol) to the MoU.

The ICC further acknowledges that the BSB and the Parties to the Agreement are to amend the Data Sharing Protocol in order to clarify that previous findings by the ICC may be taken into consideration as part of any later enforcement action by the Bar Standards Board, for example where it may demonstrate a pattern of behaviour.

The BSB and the Chair of the ICC sign this letter to acknowledge their understanding of the matters set out above.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mark Neale', with a long horizontal stroke extending to the right.

Mark Neale

Director General, Bar Standards Board

A handwritten signature in black ink, appearing to be 'Ian Clarke', with a large loop on the left side and a horizontal stroke at the end.

Ian Clarke QC

Chair, Inns Conduct Committee (ICC)