

SURVIVING

ECONOMIC

A B U S E

Guidance on reporting a current or former partner who is a solicitor or barrister for misconduct

July 2021

This publication has been produced for Surviving Economic Abuse in conjunction with a leading law firm.

It does not contain a comprehensive review of all developments in the law and practice in this area. Readers should take independent legal advice before applying the information contained in this publication to a specific case.

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1. Introduction

This guide is aimed at individuals subjected to economic abuse by a current or former partner who works in the legal profession, either as a solicitor or barrister. The purpose of this guide is to assist individuals in:

- (a) identifying potential regulatory breaches;
- (b) understanding how to report a barrister or solicitor to the relevant regulatory body; and
- (c) understanding the sanctions that the relevant regulatory body may impose for misconduct.

Please note that the contents of this guide are to be used as guidance only. Independent legal advice should be sought before applying the contents of this guide to a specific case.

Please note that this guide does **not** contain guidance relating to any potential criminal liability, family law or professional negligence issues. Further, this guide does not provide guidance on the possible actions that another regulator might take, where relevant.

It is important to note that the regulatory bodies:

- (a) do **not** provide compensation;*
- (b) may publish details of their decisions publicly;*
- (c) may disclose confidential information to third parties in the context of undertaking an investigation and will usually have to disclose a complainant's complaint/allegation and identity to the current or former partner being investigated or the firm in which the current/former partner works;*
- (d) may ask you to provide a witness statement and evidence at a hearing;*
- (e) may impose restrictions on a solicitor's or barrister's ability to practise; and*
- (f) may disqualify a barrister or solicitor from practising indefinitely (which may mean that they can no longer earn a living as a barrister or solicitor).*

Who can I report my current or former partner to?

There are two different bodies that regulate legal professionals: the Solicitors Regulation Authority (the "**SRA**") and the Bar Standards Board (the "**BSB**").

Solicitors are regulated by the SRA and barristers are regulated by the BSB.

1. SRA



The SRA also regulates European lawyers and foreign lawyers registered with the SRA. The SRA can take action against anyone working in a law firm it regulates. This includes barristers working for law firms regulated by the SRA.

If your current or former partner is a **solicitor** or is regulated by the **SRA**, please go to **Part 2: REPORTING A SOLICITOR TO THE SRA** of this guide (page 3).

2. BSB



REGULATING BARRISTERS

A barrister is a person who holds a practising certificate issued by the Bar Council allowing them to practise as a barrister.

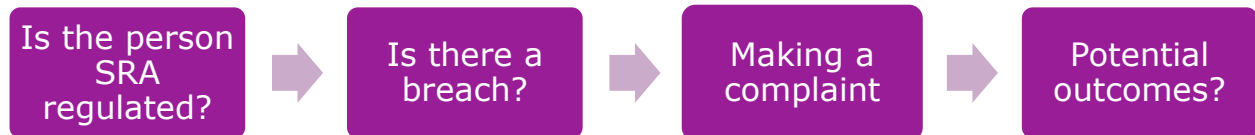
Barristers are regulated by the BSB Code of Conduct. This code is published by the BSB and applies to all practising barristers, as well as to barristers undertaking pupillages, unregistered barristers, registered European lawyers and individuals providing legal services under the employment of a BSB-authorized person.

If your current or former partner is a **barrister** or is regulated by the **BSB**, please go to **Part 3: REPORTING A BARRISTER TO THE BSB** (page 14).

2. Reporting a solicitor to the SRA

2.1 Overview

The diagram below sets out the process associated with making a complaint to the SRA.



2.2 Is the individual regulated by the SRA?

The SRA will only consider complaints against individuals it regulates. If your current or former partner falls within one of the below categories, then the SRA may consider a complaint made about them (if certain other requirements are met).

The SRA regulates:

- (a) solicitors - please see Part 1 (Introduction) for the definition of 'solicitor';
- (b) law firms of England and Wales;
- (c) managers or employees of law firms regulated by the SRA; and
- (d) registered foreign lawyers and registered European lawyers.

2.3 Has there been a breach of the SRA rules?

The SRA will consider an individual's conduct in their private life if it poses a risk to the delivery of safe legal services in the future. The closer any behaviour is to a professional activity or the more it reflects how a solicitor might behave in a professional context, the more seriously the SRA is likely to take it. The SRA will also be interested in matters that are so serious that they are capable of damaging public confidence in the profession, such as dishonest or discriminatory conduct.

When the SRA is investigating a case, it will take into account any action being taken by another regulator or prosecuting authority in relation to the same or similar facts. For example, it is not unusual for the SRA to be investigating the conduct of a solicitor who is also being investigated by the police or being sued in a civil case.

The SRA will only investigate a complaint about someone it regulates if the individual has allegedly breached one of its rules. Before 25 November 2019, the rules were set out in the SRA Code of Conduct (the "**Code**"). A new and updated set of rules, set out in the SRA Standards and Regulations (the "**Regulations**"), came into force on 25 November 2019. The key points in the Code and the Regulations are fundamentally the same.

If you are considering reporting an individual for misconduct which took place:

- (a) before 25 November 2019, please go to section 2.3.1; or
- (b) on or after 25 November 2019, please go to section 2.3.3.

This section 2.3 sets out guidance about which SRA rules may have been breached in the context of economic abuse undertaken by a current or former partner. If you think one of the rules has been breached by your current or former partner, you may mention the specific sections of the rules that you

consider have been breached when completing your complaints form (see section 2.4 for information on reporting an individual to the SRA). Although this is not a requirement, it may assist the SRA when they are considering your complaint.

2.3.1 Potential breaches occurring before 25 November 2019

The Code is relevant to misconduct occurring before 25 November 2019 and can be accessed [here](#).

The Code is divided into a number of sections. The boxes below reference the sections of the Code that are likely to be most relevant in the context of economic abuse perpetrated by a current or former partner.

CODE PRINCIPLES

All solicitors must comply with a set of principles set out in the Code (the "**Code Principles**").

Relevant Code Principles

Solicitors must:

Code Principle 1: uphold the rule of law and the proper administration of justice;

Code Principle 2: act with integrity;

Code Principle 6: behave in a way that maintains the trust the public places in them and the provision of legal services; and

Code Principle 7: comply with their legal and regulatory obligations and deal with their regulators and ombudsmen in an open, timely and co-operative manner.

CHAPTER 11 – RELATIONS WITH THIRD PARTIES

Relevant Outcome:

All solicitors must comply with a range of outcomes set out in the Code (the "**Outcomes**"). The Outcome most likely to be relevant when making a complaint in the context of economic abuse by a current or former partner is set out below.

Outcome 11.1: you do not take unfair advantage of third parties in either your professional or personal capacity.

Relevant Indicative Behaviours (IBs):

IBs are examples of behaviours that demonstrate that a solicitor is complying with the Code Principles and the Outcomes. If a solicitor does not behave in line with the IBs in the Code, it could suggest that they are not complying with the Code, and therefore could be in breach of it.

IB(11.7): you must not take unfair advantage of the other party's lack of legal knowledge where they have not instructed a lawyer;

IB(11.8): you must not demand anything for yourself (or on behalf of a client) that is not legally recoverable; and

IB(11.9): you must not use your professional status or qualification to take unfair advantage of another person in order to advance your personal interests.

2.3.2 Examples of potential breaches of the Code (pre-25 November 2019)

DISHONESTY

Forging documents

Misleading a court or tribunal

Abuse of position in order to commit fraud

Example: A solicitor signed a statement of truth in a document in respect of his divorce proceedings. This document was submitted to the court. The signed document failed to declare certain material facts about the solicitor's assets. The Solicitors Disciplinary Tribunal (the "**SDT**") found that the solicitor had breached Code Principles 1, 2 and 6 (see section 2.3.1 above for details of these Code Principles). The full SDT judgment of this case (containing further detail) can be accessed via this [link](#).

RULE OF LAW

Example: A solicitor acting in breach of a restraining order setting out steps to control their behaviour, and imposed upon them by the court. The full SDT judgment of this case (containing further detail) can be accessed via this [link](#).

CRIMINAL BEHAVIOUR

The SRA will always investigate criminal offences given the key role that solicitors play in the administration of justice. The SRA and SDT regard a conviction as conclusive proof of a person's guilt and the underlying facts. This could include assaulting or racially abusing a current or former partner. For example, in 2016, a solicitor was fined by the SRA following a conviction of common assault against his partner.

Example: A solicitor was fined £10,000 by the SRA having pleaded guilty to an offence of malicious communication. The solicitor had been convicted as a result of sending inappropriate messages on social media. The full SDT judgment of this case (containing further detail) can be accessed via this [link](#).

The SRA's guidance provides that even if a solicitor is acquitted of a criminal offence, it may nonetheless investigate allegations relating to professional misconduct arising from the same facts.

2.3.3 Potential breaches occurring on or after 25 November 2019

The Regulations are relevant to misconduct occurring on or after 25 November 2019 and can be accessed [here](#).

The Regulations are divided into a number of sections. The boxes below reference the sections of the Regulations that are likely to be most relevant in the context of economic abuse perpetrated by a current or former partner.

PRINCIPLES

All solicitors must comply with a set of principles, as well as standards and requirements, set out in the Regulations (the "**Regulation Principles**" and "**Regulation Standards**").

Relevant Regulation Principles

Solicitors must act:

Regulation Principle 1: in a way that upholds the constitutional principle of the rule of law and the proper administration of justice;

Regulation Principle 2: in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons;

Regulation Principle 4: with honesty; and

Regulation Principle 5: with integrity.

SECTION 1: MAINTAINING TRUST AND ACTING FAIRLY

Relevant Regulation Standards

Regulation Standard 1.2: you do not abuse your position by taking unfair advantage of clients **or others**; and

Regulation Standard 1.4: you do not mislead or attempt to mislead your clients, the court **or others**, either by your own acts or omissions, or by allowing or being complicit in the acts or omissions of others (including your client's).

2.3.4 Examples of potential breaches of the Regulations (on or post-25 November 2019)¹

<p style="text-align: center;">DISHONESTY</p> <p style="text-align: center;">Forging documents</p> <p style="text-align: center;">Misleading a court or tribunal</p> <p style="text-align: center;">Lying to or misleading someone</p>	<p style="text-align: center;">RULE OF LAW</p> <p style="text-align: center;">A solicitor acting in breach of a restraining order setting out steps to control their behaviour, and imposed upon them by the court.</p>	<p style="text-align: center;">CRIMINAL BEHAVIOUR</p> <p>The SRA will always investigate criminal offences given the key role that solicitors play in the administration of justice. The SRA and SDT regard a conviction as conclusive proof of a person's guilt and the underlying facts. This may, for example, include assaulting or racially abusing a current or former partner. For example, in February 2021, a solicitor received a written rebuke from the SRA after receiving a conditional caution for assaulting a female family member. The full SRA decision in this case (containing further detail) can be accessed via this link.</p> <p>The SRA's guidance provides that even if a solicitor is acquitted of a criminal offence, it may nonetheless investigate allegations relating to professional misconduct arising from the same facts.</p>
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2.4 Reporting a solicitor to the SRA

2.4.1 Time limits

There are no time limits on reporting an individual to the SRA.

2.4.2 Completing the report form

If you would like to report a current or former partner for dishonesty or for a breach of the Code or the Regulations, you must complete the SRA's report form.

The form (as at 11 February 2021) can be accessed [here](#) and is attached to this guide at Appendix 1.

Prior to completing and submitting the form, it is important to be aware that the SRA will usually have to disclose a complainant's identity and complaint to the person complained about or to the firm by which that person is engaged. If you (as the individual making a complaint) do not want to be identified, the SRA will try to respect that. However, if the SRA is unable to progress a complaint without disclosing this information in circumstances where

¹ Please note that as a result of the Regulations coming into force on 25 November 2019, there are limited numbers of decisions available that have been taken under the new rules to date.

it thinks there is an overriding need to protect the public, it may decide to disclose your identity anyway.

The reason for this is that, as a regulator, the SRA's aim is to serve the public interest and protect consumers of legal services. As such, where information is provided to the SRA on a confidential basis, it will take appropriate steps to protect the complainant's identity. **However, because the SRA has a statutory obligation to investigate serious concerns raised with it about those it regulates, the SRA is not able to guarantee that it will not disclose the complainant's name where non-disclosure is likely to impede the SRA's ability to investigate the complaint.**

COMPLETING THE FORM

Make sure you:

- ✓ Provide a chronology of events
- ✓ Set out your concerns clearly and concisely
- ✓ Identify the individual(s) you consider to be responsible for breaching the rules and explain your relationship with them
- ✓ Include specific dates for events wherever possible
- ✓ Avoid using legal or formal language
- ✓ Attach as much evidence as possible
- ✓ Only send copies of supporting documents (**not** originals)
- ✓ Make a copy of the completed SRA report form for your records
- ✓ Try not to use inflammatory or emotional language - focus on the facts

Evidence

The importance of evidence...

Including evidence with your application is very important to enable the SRA to assess your case.

*This might include **letters, emails or court papers** so it is important that you keep any evidence that you may have.*

Consider whether there are any witnesses who could support your complaint and whether they can provide a letter confirming what they saw or heard. Make sure their contact details and connection to the incident(s) are included with the evidence submitted. In asking witnesses whether they could support your complaint, they should be made aware that they may be asked to provide further evidence by the SRA (such as a witness statement or oral testimony at an SDT hearing). Further information on witness evidence in the context of an SRA investigation can be accessed on the SRA website [here](#).

Although the more information and supporting evidence you are able to provide, the better, the SRA does not need a fully documented report. Where you are unable to obtain or do not hold much by way of evidence, use the report form to explain your concerns and circumstances as fully as possible, as well as the likely availability of any key evidence (even though you have not been able to obtain such evidence at the time of submitting the report form). You should also explain why any such key evidence may be difficult to obtain.

The table below provides an indication of the type of evidence you could include when completing the SRA report form.

CLAIM	EVIDENCE
Former partner lied about financial situation in divorce proceedings	<ul style="list-style-type: none"> • Court documents containing false statements • Financial statements • Income statements • Any other documents supporting your report • Property title deeds • Land registry deeds • Any court decisions showing that any information/statements provided by your former partner were false • Any other evidence highlighting a pattern of coercive control (e.g. medical evidence of domestic abuse and letter from an independent domestic violence advisor providing you with support) • You may wish to ask for evidence from the courts, the police, social services, a health professional, your bank or your employer if relevant to your report

The Crown Prosecution Service has produced guidance on relevant behaviours in the context of the offence of controlling or coercive behaviour in an intimate or family relationship under section 76 of the Serious Crime Act 2015. Evidence of these behaviours may also be worth including in a report to the SRA:

- Financial abuse including control of finances
- Taking wages, benefits or allowances
- Repeatedly putting the individual down
- Depriving access to support services
- Limiting access to family, friends and finances

Further information relating to this offence is available via this [link](#).

Please note that whilst individuals may present as much evidence as they wish, there is a risk that any information provided by way of evidence could be disclosed in proceedings. There is no guarantee that any information provided would remain confidential.

2.4.3 Sending the report form

Send the completed report form to the SRA reports team, as follows:

By post:

Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham
B1 1RN

By email: report@sra.org.uk

2.4.4 What to expect

The SRA will look at the information you have provided carefully alongside all other information it holds about the individual. At this stage, the SRA may decide that:

- it needs to pursue a detailed formal investigation which could lead to disciplinary sanctions or restrictions on the way the individual operates; or
- it does not need to take any further action in light of all of the other information in its possession. The SRA will, however, keep the information on file in case it is needed in the future.

Further details on what to expect can be accessed [here](#).

2.4.5 When can you expect to hear from the SRA?

The SRA will aim to write to you within 25 days of receiving your report form to let you know whether the matter will be considered further.

2.4.6 How long will the investigation take?

According to the SRA, many cases are concluded within three months, and the majority of cases within 12 months, of receiving the report form.

2.4.7 Witness statement and evidence

The SRA may decide that it needs to interview you to obtain a witness statement. The SRA will use this as evidence to support its case against the individual under investigation. **This statement may be disclosed to other law enforcement agencies or regulators, and to the individual under investigation.**

If the SRA decides to refer the case to the SDT (see section 2.5 below for further details), you may be asked to give evidence at a hearing in person² and you may be cross-examined by your current or former partner, or their representative.

SDT hearings are **usually held in public**. However, as your evidence is likely to be about emotional or sensitive matters and/or you may be particularly worried about giving evidence in person and/or being cross-examined by your current/former partner, the SRA may be able to ask the SDT to provide certain measures to support you. In assessing whether to apply for such measures, the SRA will consider the particular circumstances of the case and will consider taking steps to protect the interests of a vulnerable witness (taking into account their wishes and particular vulnerability). These measures could include:

- holding the hearing or part of the hearing in private;
- allowing regular breaks when you are giving evidence;

² As at 24 February 2021, as a result of the COVID-19 pandemic, SDT hearings are currently taking place remotely unless otherwise notified ([link](#)).

- using remote live video links so you can give evidence outside the room where the hearing is taking place;
- using screens to shield a witness from another party or the public while they are giving evidence; and
- making reasonable financial contributions towards legal representation for the individual being investigated (i.e. the current or former partner). This would mean that the legal representative of the current or former partner under investigation would conduct any cross-examination, as opposed to the current or former partner.

The SDT will decide whether to provide such measures for the hearing.

Further guidance on witness evidence in the context of an SRA investigation can be accessed [here](#) (as at 15 February 2021).

2.5 Potential sanctions

Set out below is an overview of some of the sanctions the SRA can impose if it finds that the allegations against an individual it is investigating are proven.

SANCTION	DESCRIPTION
Letters which contain advice and warning	The SRA may write a letter to the individual under investigation to: (a) advise them that they have committed a breach, (b) warn them that should their conduct/behaviour be repeated, more serious action will be taken against them, and (c) promote understanding of SRA rules and raise standards by encouraging positive behaviour.
Rebuke	The SRA may issue a written rebuke i.e. a written statement expressing strong disapproval of the individual's actions or behaviour. The purpose of taking this action would be to deter the individual and others from similar behaviour in the future.
Financial penalty	The SRA may ask an individual to pay a financial penalty when there has been serious misconduct, or a series of incidents which are cumulatively serious. The maximum financial penalty the SRA can impose is £2,000. The purpose of a financial penalty is to deter the individual and others from similar behaviour in future. This penalty is paid to the SRA (and then often passed to the state) and is not compensation for the complainant for economic harm caused by a current/former partner's behaviour. If the SRA consider that a financial penalty of a higher magnitude/amount is justified, it can refer the matter to the SDT for the SDT to consider imposing a financial penalty of an unlimited amount.
Referral to the SDT	The SRA will refer the most serious cases to the SDT.

2.5.1 SDT

In the most serious cases (e.g. dishonesty or a criminal offence), the SRA may refer the case to the SDT. The SDT is an independent tribunal and can impose more serious penalties than the SRA. In particular,

it can prevent a solicitor from practising by suspending them for a fixed period, or permanently striking them off the roll so that they can no longer practise.

The SDT will consider evidence at a hearing and decide whether the allegations against an individual are proven.

The sanctions the SDT may impose include:

- a) issuing a reprimand, meaning a formal expression of disapproval;
- b) striking a solicitor off the roll, meaning they can no longer practise so cannot receive an income as a solicitor;
- c) suspending a solicitor from practising for a specified period of time;
- d) imposing an unlimited fine (payable to HM Treasury, **not** the complainant); and/or
- e) imposing restrictions on the way in which a solicitor can practise, including limiting their ability to hold client money or undertake legal aid work.

Fines imposed to the SDT are payable to HM Treasury. The SDT has **no power to award compensation to the complainant (or otherwise)**.

2.5.2 Examples of sanctions

SUSPENSION	STRIKE OFF	FINE
<p>Solicitor sexually harassed a junior colleague and sent inappropriate and offensive messages.</p> <p>This conduct was deemed to breach Code Principles 2 and 6 (see section 2.3.1 above).</p> <p>Suspended for 18 months and ordered to pay costs of £7,837.</p> <p>The full SDT judgment in this case (containing further detail) can be accessed via this link.</p>	<p>Solicitor failed to disclose ownership of a second property on the financial statement for his personal divorce proceedings. Solicitor acted dishonestly and breached Code Principles 1, 2 and 6 (see section 2.3.1 above).</p> <p>Struck off and ordered to pay costs of £29,000.</p> <p>The full SDT judgment in this case (containing further detail) can be accessed via this link.</p>	<p>Solicitor convicted of breaching a restraining order imposed on him.</p> <p>Issued with a £5,000 fine and ordered to pay costs of around £1,800.</p> <p>The full SDT judgment of this case (confirming further detail) can be accessed via this link.</p>

The reference to 'costs' immediately above refers to the **SRA's** costs incurred as a result of taking regulatory action and any litigation (for example, the SRA's costs of taking a case to the SDT). In such instances, the SRA may take steps to recover such costs and the SDT has the power to order an individual or firm to pay the **SRA's** costs (if the SRA is successful).

2.5.3 Further guidance on the complaints process

If you have any questions or would like further information on making a complaint to the SRA, you can contact the SRA using the details below:

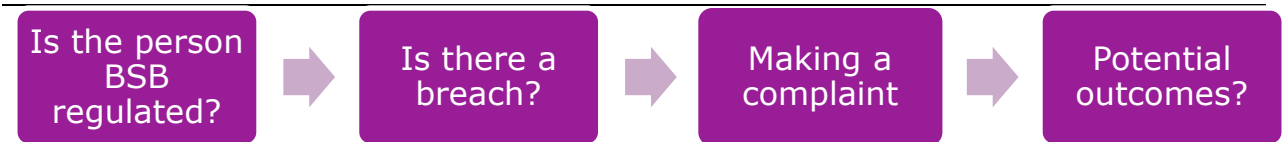
Tel: 0370 606 255

E-mail: contactcentre@sra.org.uk

3. Reporting a barrister to the BSB

3.1 Overview

The diagram below sets out the process associated with making a complaint to the BSB.



3.2 Is the person regulated by the BSB?

The BSB will only consider complaints against individuals it regulates. If your current or former partner falls within one of the below categories, then the BSB may consider a complaint made about them (if certain other requirements are met).

The BSB regulates:

- (a) barristers – please see section 1 (Introduction) for the definition of 'barrister';
- (b) unregistered barristers, i.e. barristers who do not have a practising certificate;
- (c) BSB Authorised Bodies, i.e. a company or law firm regulated by the BSB;
- (d) managers, owners, partners, directors, Head of Finance Administration and Head of Legal Practice of BSB Authorised Bodies;
- (e) Registered European Lawyers; and
- (f) employees of BSB Authorised Bodies and Registered European Lawyers.

3.3 Has there been a breach of the BSB Code of Conduct?

The BSB does not usually look into what a person has done in their private life, unless it involves abuse of their professional position or the commission of a criminal offence.

All barristers must comply with a set of duties and rules set out in the BSB's Code of Conduct. The rules and duties most likely to be relevant when making a complaint in the context of economic abuse by a current or former partner are set out below:

Core Duty 5	You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession. This is a Core Duty and therefore a mandatory standard that all barristers are required to meet.
Rule C8	You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity and independence. The BSB's Code of Conduct Rules are also mandatory standards that all barristers are required to meet.

3.3.1 Examples of potential breaches of the BSB Code of Conduct:

<p>DISHONESTY</p> <ul style="list-style-type: none">Forging documentsLying in court proceedingsMisrepresenting assets owned in court documents	<p>CRIMINAL BEHAVIOUR</p> <ul style="list-style-type: none">Misleading the courtFailing to disclose finances to court when ordered (including in the family court)Breaching non-molestation orders <p>Example: In June 2018, the BSB suspended a barrister from practice for three months and imposed a £1000 fine against him for breaching a non-molestation order on two occasions. The Disciplinary Tribunal found that the barrister had behaved in a way which was likely to diminish the trust and confidence which the public placed in him or in the profession. The BSB stated that the public expect barristers to comply with court orders of this type, even if they arise from matters in their personal lives.</p> <p>The Bar Tribunals & Adjudication Service's report on the Disciplinary Tribunal's finding in this case can be accessed via this link.</p>	<p>ABUSE OF POSITION</p> <p>Using one's position as a barrister to intimidate or threaten somebody</p>
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3.4 Reporting a barrister to the BSB

3.4.1 Time limits

There are no time limits on reporting an individual to the BSB.

3.4.2 Completing the report form

If you would like to report a current or former partner for a breach of the BSB Code of Conduct, you must complete the BSB's report form.

The form (as at 22 February 2021) can be accessed [here](#) and is attached to this guide at Appendix 2.

Prior to completing and submitting the form, it is important to be aware that the BSB may disclose your identity and complaint to the person complained about or other parties. If you (as the individual making a complaint) do not want to be identified, you should make this clear in your report form. The BSB will respect your wish to not be identified if, further to assessing your report, it decides to take no further action (against the person complained about). **However, if further to assessing your report and concerns the BSB decides to formally investigate your concerns, it will then be difficult for it to keep your identity confidential. Further, in the context of an investigation, your identity and/or any documents or information you provide may be disclosed to other parties.**

COMPLETING THE FORM

Make sure you:

- ✓ Provide a chronology of events
- ✓ Set out your concerns clearly and concisely
- ✓ Identify the individual(s) you consider to be responsible for breaching the rules and explain your relationship with them
- ✓ Include specific dates for events wherever possible
- ✓ Avoid using legal or formal language
- ✓ Attach as much evidence as possible
- ✓ Only send copies of supporting documents (**not** originals)
- ✓ Make a copy of the completed BSB report form for your records
- ✓ Try not to use inflammatory or emotional language – focus on the facts

You should not feel the need to list the rules that you think were broken – the BSB will look into this itself.

Evidence

The importance of evidence...

Including evidence with your application is very important to enable the BSB to assess your case.

*This might include **letters, emails or court papers** so it is important that you keep any evidence that you may have.*

*Consider whether there are any **witnesses who could support your complaint** and whether they can provide a letter confirming what they saw or heard. Make sure their contact details and connection to the incident are included with the evidence submitted.*

Although the more information and supporting evidence you are able to provide, the better, the BSB does not need a fully documented report. Where you are unable to obtain or do not hold much by way of evidence, use the report form to explain your concerns and circumstances as fully as possible, as well as the likely availability of any key evidence (even though you have not been able to obtain such evidence at the time of submitting the report form). You should also explain why any such key evidence may be difficult to obtain.

The table below provides an indication of the type of evidence you could include when completing the BSB report form.

CLAIM	EVIDENCE
Former partner lied about financial situation in divorce proceedings	<ul style="list-style-type: none">• Court documents containing false statements• Financial statements• Income statements• Any other documents supporting your claim such as relevant emails or letters• Property title deeds• Land registry deeds• Any court decisions showing that any information/statements provided by your former partner were false

- Any other key evidence highlighting a pattern of coercive control (e.g. medical evidence of domestic abuse and letter from an independent domestic violence advisor providing you with support)
- You may wish to ask for evidence from the courts, the police, social services, a health professional, your bank or your employer if relevant to your claim.

The Crown Prosecution Service has produced guidance on relevant behaviours in the context of the offence of controlling or coercive behaviour in an intimate or family relationship under section 76 of the Serious Crime Act 2015. Evidence of these behaviours may also be worth including in a report to the BSB:

- Financial abuse including control of finances
- Taking wages, benefits or allowances
- Repeatedly putting them down
- Depriving them of access to support services
- Limiting access to family, friends and finances

Further information relating to this offence is available via this [link](#).

Please note that whilst individuals may present as much evidence as they wish, there is a risk that any information provided by way of evidence could be disclosed in proceedings. There is no guarantee that any information provided would remain confidential.

3.4.3 Sending the report form

Send the completed report form to the BSB, as follows:

By post:

The Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ

By email: contactus@barstandardsboard.org.uk

Online: There is also an option to complete the online report form which can be accessed [here](#).

3.4.4 What to expect

When the BSB receives a complaint, it is first assessed by the Contact and Assessment Team to determine whether it relates to an individual regulated by the BSB. If so, the team will then carry out a secondary risk assessment to determine whether the issue complained about has, or could have, harmed people or their legal rights, and/or public confidence in the profession.

If the Contact and Assessment Team decides action is required, your concern will be passed on to the Investigations and Enforcement Team. The barrister against whom the complaint has been made will be sent a summary of the issues being investigated and asked for his/her comments and any relevant documents.

3.4.5 When can you expect to hear from the BSB?

The BSB will try to assess your concern within eight weeks and will contact you if they need further information.

3.4.6 How long will the investigation take?

The investigation stage usually takes about six months from the date the BSB decides to investigate. It may take longer if the issues involved are complicated.

3.4.7 Witness statement and evidence

The BSB may decide that it needs to interview you to obtain a witness statement. The BSB will use this as evidence against the individual under investigation.

If the BSB decides to refer the case to the Disciplinary Tribunal (see section 3.5 below for further details), you may be asked to give evidence at a hearing by video-link or in person and you may be cross-examined by your current or former partner, or their representative.

Disciplinary Tribunal hearings are **usually held in public**. However, you or the BSB may apply to the tribunal to request that your identity is not revealed to the public. In addition, having regard to the particular circumstances of the case, the Disciplinary Tribunal will always consider taking steps to protect the interests of a vulnerable witness (taking into account their wishes and particular vulnerability). These measures may include:

- holding the hearing or part of the hearing in private;
- using screens or other measures to prevent (i) your identity being revealed to the public and (ii) your current or former partner coming into contact with you;
- remote live video links so you can give evidence outside of the room where the tribunal hearing is taking place; and/or
- the use of pre-recorded evidence (i.e. you can record your statement in advance), provided that you can be present at the hearing for further questioning, if required.

3.5 Potential sanctions

Set out below is an overview of some of the sanctions the BSB can impose if it finds that the allegations against an individual are proven.

SANCTIONS	DESCRIPTION
Informal advice	The BSB may provide informal advice to the individual that has been reported to prevent the situation recurring.
Informing the Supervision Team	The BSB's Investigations and Enforcement Team may inform its Supervision Team of the potential breach. The BSB's Supervision Team may then require the individual to cease or take an action to improve the situation. The Supervision Team will then continue to monitor the individual's compliance with the BSB Code of Conduct for a duration of their choosing.
Letters which contain advice and warning	The BSB may write a letter to the individual under investigation to: (a) advise them that they have committed a breach, (b) warn them that should their conduct/behaviour be repeated, more serious action will be taken against them, and (c) ensure the individual understands their obligations under the BSB Code of Conduct.
Financial penalty	The BSB may ask an individual to pay a financial penalty when there has been serious misconduct, or a series of incidents which are cumulatively serious. The maximum financial penalty the BSB can impose is £1000. The purpose of a financial penalty is to deter the individual and others from similar behaviour in the future. It is not compensation for the complainant for

	the economic harm caused by the individual's behaviour.
Referral to the Disciplinary Tribunal or for determination by consent (see below)	The BSB will refer the most serious cases to the Disciplinary Tribunal or for determination by consent.

3.5.1 Determination by consent

Where the BSB is certain that the BSB Code of Conduct has been breached due to minor misconduct and the regulated individual does not dispute what has happened, the BSB can:

- order a fine;
- impose conditions on the individual's licence or authorisation to practise;
- reprimand them;
- advise them about their future conduct; and/or
- order them to complete continuing professional development.

This is called 'determination by consent', as it requires the regulated barrister to agree to the BSB making this decision.

3.5.2 Disciplinary Tribunal

Where the BSB has investigated a complaint and believes it to be sufficiently serious, it will refer the matter to the Bar Tribunals and Adjudication Service (BTAS), an organisation which arranges hearings at the Disciplinary Tribunal. The Disciplinary Tribunal is an independent tribunal that can impose more serious penalties than the BSB. Please note that it normally takes several months to arrange a tribunal hearing, which should take place within a year (although it may be longer).

The Disciplinary Tribunal will consider evidence at a hearing and decide whether the allegations against the relevant individual are proven.

The sanctions the Disciplinary Tribunal can impose include:

- a) a fine of up to £50,000;
- b) suspending the barrister from practice for a period of up to three years (i.e. in the June 2018 case referred to in 3.3.1 above, a barrister was suspended from practice for three months for breaching a non-molestation order on two occasions);
- c) disbarment, meaning that the individual can no longer practise as a barrister so cannot receive an income as a barrister;
- d) disqualification, meaning that the individual can no longer work for anyone the BSB regulates.

3.5.3 Examples of sanctions

REPRIMAND AND FINE

Committed criminal offence of driving under the influence of alcohol.

This diminished the trust and confidence the public placed in him.

Fine of £500

The BSB determination is available via this [link](#).

DISBARRED

Took action on behalf of a client that served merely to harass or maliciously injure another.

His conduct adversely reflected on his fitness to practice law.

No longer able to practice as a barrister

The BSB's summary of this case is available via this [link](#).

SUSPENSION AND FINE

Acted in breach of a non-molestation order.

This was conduct that diminished the trust and confidence which the public placed in him and was deemed discreditable to a barrister.

3 month suspension and fine of £1000

The BSB's summary of this case is available via this [link](#).

3.6 Further guidance on the complaints process

If you have any questions or would like further information on making a complaint to the BSB, you can contact the BSB using the details below.

Tel: 020 7611 1444

E-mail: contactus@barstandardsboard.org.uk

Appendix 1 - SRA Report Form Template



Report form

This form is to help you make your report about the professional conduct or regulatory concerns about a person or firm regulated by the SRA. The information that you provide will assist us to regulate in the public interest and deal with your concerns quickly.

For all other enquiries or complaints, please refer to the services listed at the end of this form.

You can complete this form electronically or print it and fill it in manually.

Please return this form, with supporting documents, by email to report@sra.org.uk or post to:

Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Please provide evidence to support your allegations.

Please do not send us original documents with your report. We scan incoming reports onto our systems and the paper copies are destroyed.

In all cases please tick the relevant boxes.

Contact details
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other – please specify
Your surname:

Your first name(s):

Your firm (if applicable):

Your address and postcode:

Your contact phone numbers(s):

Your email address:

If you have a disability, and require any assistance or adjustment in making this report, please tell us here:

Details of your report

Name of the person you are reporting:

Name of the firm:

Firms' address and postcode:

Firms' phone number:

Has the person you are reporting acted for you in the past?

It is important for us to know if you are complaining about someone who is or has acted for you as your solicitor. Please note that if you want to complain about the service that you received from your solicitor, you need to contact the Legal Ombudsman directly – see contact details at the end of this form.

a) Has the solicitor's firm acted for you in the past about this matter?

Yes No

b) Does the individual you're reporting to us act for another person?

Yes No

If the answer to the above question is "Yes", who is the solicitor acting for?

Please tell us your concerns as clearly as possible:

- **provide as much relevant information as possible as this is what we will use to assess your report.**
- **include dates where appropriate.**
- **If you are reporting more than one solicitor/firm, please make clear what you think each has done wrong.**
- **If you have already contacted another organisation about this matter please tell us the outcome.**

Please send in copies of any relevant documentation that supports your report together with a copy of this form. Please do not send us original documents. We scan incoming reports onto our systems and the paper copies are destroyed.

Your signature:

Date:

We recommend that you keep a copy of this form before you send it to us.

Data protection notice

The information you have provided in this form may be shared with third parties.

We usually have to disclose a complainant's complaint and identity to the person complained about or to the firm in which that person is involved. If a person making a complaint does not want to be identified we will try to respect that. However, if we are unable to progress a complaint where we think there is an overriding need to protect the public we may decide to disclose a person's identity.

If you'd like to know more about how we collect and use your information please read our privacy notice, available on our website at:

www.sra.org.uk/privacy

Useful contacts

Legal Ombudsman

We do not investigate or offer compensation for issues about the service that you received from your solicitor.

If you were a client of a solicitor and you want to complain about the service that you received from your solicitor, please contact the Legal Ombudsman.

Legal Ombudsman

PO Box 6806

Wolverhampton

W V1 9WJ

www.legalombudsman.org.uk

Tel: 0300 555 0333

email: enquiries@legalombudsman.org.uk

Contact Centre

For general SRA enquiries, including applications and renewals, please contact us at:

Solicitors Regulation Authority

The Cube

199 Wharfside Street

Birmingham

B1 1RN

Our telephone lines are open from 08.00 to 18.00, Monday, Wednesday, Thursday, Friday
09.30 to 18.00, Tuesday on 0370 606 2555. You can also email us at www.sra.org.uk/contactus

Professional Ethics Helpline

For solicitors regarding advice on the Code of Conduct, please contact Professional Ethics helpline on 0370 606 2577.

Appendix 2 - BSB Form Template

BAR STANDARDS BOARD

REGULATING BARRISTERS

Report something to the BSB.

We will use your personal information as well as the information you give us in the form below to carry out our work regulating barristers. You will get a confirmation from us once we have received your form and you can expect to hear from us again within five working days. This will include an indication of how long it might take us to assess your report.

About completing this form

When you complete the form, you should set out the facts as clearly as possible. You do not need to use formal or legal language. And you do not need to refer to the BSB Handbook. The important thing here is that we have enough information to understand what your concern is.

It is also important that we have all the relevant information and documents to assess your concern. Please provide any supporting documents that you think we need to see (such as emails or letters). Unless you think we need it, you do not need to send all the documents related to any case you were involved in. The key documents that support your concerns will normally be enough. If we think we need more information, we will ask you for it.

Section 1 – Personal details

We may need to follow up with you on some details of your question or report, for example, if we need more information from you. Please give us your details so that we can contact you.

You can submit information anonymously, without giving us your contact details (unless you are a barrister reporting your own serious misconduct), but please note that it may limit our ability to take action on the information you provide or to contact you.

Title	
Name	
Address	
Postcode	
Email	

Phone Number	
Do you have any specific communication needs? (Please give details)	
We normally contact people by email, but please say if you want us to contact you in another way. For more information about the adjustments we can make to how we communicate with you, please read our reasonable adjustments policy.	
I am:	
Are you filling in this form for someone else?	If yes, please complete Section 2 If no, please go straight to Section 3

Section 2 – Details of the person you are filling in this form for

Title	
Name	
Address	
Postcode	
Email	
Phone Number	
Relationship to the form filler	
Do they have any specific communication needs? (Please give details)	
Has the other person given their consent for you to contact the BSB?	
Who should we contact about this?	

Section 3 – Who do you want to tell us about?

It is okay if you do not know all of the information in this section, but we will need to know the name of the barrister or body to help us identify them.

Please note: We will not normally assess information from clients of barristers or entities. If you wish to make a complaint about your own barrister or entity, you may be able to complain to the Legal Ombudsman. If you submit a report to us about your own barrister or entity, we may pass the matter on to the Legal Ombudsman.

Please give us the following details:

Who do you want to tell us about?	
If you selected “A barrister” or “An entity”, who was/is the barrister/entity acting for?	
If you selected “An Approved Education & Training organisation”, which type of organisation?	
Name of person or organisation you want to tell us about?	
Address of person or organisation?	
Postcode	
Email address of person or organisation?	
Phone number of person or organisation?	
Is this about more than one person or organisation?	
If yes, please complete Section 3b If no, please go straight to Section 4	

Section 3b – Additional people or organisations

Who do you want to tell us about?	
If you selected "A barrister" or "An entity", who was/is the barrister/entity acting for?	
If you selected "An Approved Education & Training organisation", which type of organisation?	
Name of person or organisation you want to tell us about?	
Address of person or organisation?	
Postcode	
Email address of person or organisation?	
Phone number of person or organisation?	

Who do you want to tell us about?	
If you selected "A barrister" or "An entity", who was/is the barrister/entity acting for?	
If you selected "An Approved Education & Training organisation", which type of organisation?	
Name of person or organisation you want to tell us about?	
Address of person or organisation?	
Postcode	
Email address of person or organisation?	
Phone number of person or organisation?	

Section 4 – What do you want to tell us about?

<p>Does this relate to any other report that has previously been made to the BSB?</p>	
<p>If yes, please give the reference number and/or details</p>	
<p>Please tell us when the thing you want to report took place. If it happened more than once please tell us the date of the last time it happened</p>	

Please set out as clearly as possible the information you want to tell us

Please give us details of anybody who may be able to give us further information about your concerns, for example details of anyone who might have seen or heard what you say happened. Please indicate if you have their consent for us to contact them

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Does this matter relate to a court case?

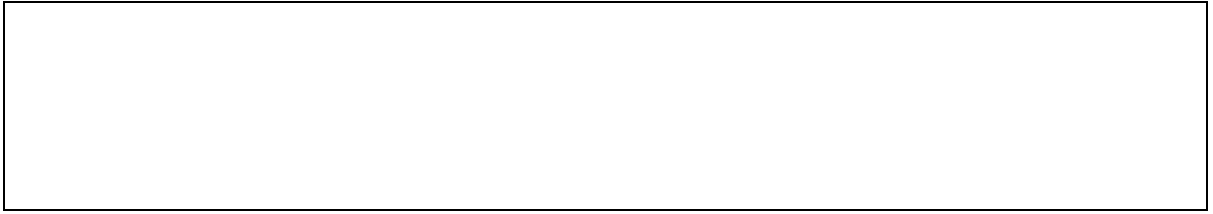
If yes:	Name of case	
	Name of court	
	Reference number	
	What is your relationship to the case?	
	Is the case ongoing?	
	Dates of any upcoming hearings	

Have you made a report about this to any other organisation?

Please tell us about what happened with your report or complaint, including reference numbers and the details of any outcome

--

Is there anything else you want to tell us?



Declaration

By signing the box below and submitting the form you are:

- declaring that all the information you have given in this form is, as far as you know, true, complete and accurate; and
- agreeing that, if you have filled this form in for, or on behalf of someone else, that they have authorised you to make this report or reports for them.

I confirm that the information given in this form is true, complete and accurate.

Signed

Printed name