

BSB Regulatory Action Diversity Analysis

Prepared by the BSB Research Department

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BAR
STANDARDS
BOARD

REGULATING BARRISTERS

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Executive Summary

- This research focuses on analysing the outcomes of reports regarding barrister conduct processed by the BSB, and how likely barristers are to be subject to a report, with a particular focus on the characteristics of ethnicity and gender. It also aims to assess the impact of the introduction of a reform to the enforcement process at the BSB in October 2019 with regards to gender and ethnicity. It is a follow up to two previous research reports on BSB reports processing from 2015-2019, and 2011-2014.
- To address the research questions (outlined in the results section below) an exploratory analysis was undertaken, and statistical models were developed.
- Two logistic regression models were developed for report outcomes, one of which modelled the likelihood of reports about barristers being referred to the BSB Investigations and Enforcement team after initial investigation, and the other modelled the likelihood of reports being referred for disciplinary action by the Investigations and Enforcement team. One further logistic regression model was developed of the likelihood that practising barristers would be subject to any report. The period covered by these models was October 2019-March 2024. The research also undertook an exploratory analysis of the outcomes of reports referred to disciplinary action, including tribunal outcomes and sanctions received.
- In addition, an interrupted time series model was run that investigated whether the introduction of the new enforcement system had an impact on the percentage of reports referred to Enforcement or Supervision, or referred to disciplinary action, by gender and ethnicity.

Results

- The key research questions addressed were:
- ***When controlling for other factors, from October 2019-March 2024, what relationships do ethnicity and gender display with:***
- ***the likelihood of a report received by the BSB Contact and Assessment Team (CAT) being referred to the BSB Investigations and Enforcement or BSB Supervision team?***
 - For reports processed by CAT, both gender and ethnicity contained significant predictors of progression to the BSB Enforcement or Supervision teams, with reports regarding male barristers around 1.3 times more likely to be referred compared to those regarding female barristers, and reports regarding minority ethnic background barristers around 2.3 times more likely to be referred compared to those regarding White barristers.
 - It is difficult to compare results for CAT to previous research as the processing of reports was undertaken under a different system. However, in the previous research, gender and ethnicity were not significant predictors of whether a report was closed without investigation, which is the closest analogue for this purpose.

- ***the likelihood of a report being referred for disciplinary action by the BSB Investigations and Enforcement team?***
 - For reports referred to the Investigations and Enforcement team, results suggest that reports about male barristers remain more likely to be referred to disciplinary action (male barristers were around 1.8 times more likely to have a report referred to disciplinary action compared to female barristers). Ethnicity was not a significant predictor of whether reports were referred to disciplinary action.
- ***The outcomes of reports referred to disciplinary action?***
 - For reports referred to disciplinary action, results suggest that gender and ethnicity were not a significant predictor of whether reports were referred to disciplinary tribunal, or whether reports were upheld at the tribunal stage. While ethnicity was not a significant predictor of sanctions received following reports being upheld at tribunal. However, gender was a significant predictor of sanctions received, with male barristers more likely to be suspended and less likely to be fined than female barristers.
- ***the likelihood of being subject to any report for practising barristers?***
 - Male barristers appear to be more likely to be subject to a report compared to female barristers (around 1.4 times more likely). When aggregating ethnicity, barristers from minority ethnic backgrounds appear to be more likely to be subject to a report compared to White barristers. When further disaggregating by ethnicity, the major differences appear to be for those from Asian/Asian British and Black/Black British backgrounds compared to White barristers, with those from such backgrounds more likely to be subject to a report.
- ***Has the implementation of the newer reports processing system from October 2019 onwards had any adverse impact when looking at within group differences for gender and ethnicity?***
 - Results from this analysis suggest that the introduction of the newer system did not significantly relate to changes in the outcome of reports with regard to gender and ethnicity, with one exception for gender (upon introduction of the newer system, female barristers were slightly more likely to have a report referred to disciplinary action - the percentages involved were lower than those seen for male barristers in both systems/time periods however).
 - Results suggest that the proportion of reports making it past initial investigation was trending down prior to the implementation of the reformed system in October 2019, and that this trend continued over time post reform. For the proportion of reports being referred to disciplinary action, there is more of a flat trend over time, and no discernible immediate trend following the introduction of the newer system in October 2019 (there is a slight increase in reports being referred for disciplinary action in more recent time periods, but these are quite far removed from the time of the change in the system).

- ***Are there any other key trends in the data around factors that are associated with report likelihood or report outcomes?***
 - For broader understanding of the market for barristers' services, there appear to be trends regarding the likelihood of being subject to a report in relation to several variables that would appear to be worth further investigation – with these variables being; disability status, public access, area of practice, practising type (Self-Employed/Employed etc), and years of experience.

Background

The Regulation of Barristers in England and Wales

1. The Bar Standards Board is the regulatory body for barristers in England and Wales. We regulate practising barristers, pupils, unregistered barristers, certain specialised legal services businesses (known as BSB entities), and European lawyers registered with us.
2. We are responsible for:
 - setting the education and training requirements for becoming a barrister;
 - setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
 - setting standards of conduct for barristers;
 - authorising organisations that focus on advocacy, litigation, and specialist legal advice;
 - monitoring the service provided by barristers and the organisations we authorise to ensure they meet our requirements; and
 - considering reported concerns about barristers and the organisations we authorise and taking enforcement or other action where appropriate.
3. The work that we do is governed by The Legal Services Act 2007 (the Act) as well as a number of other statutes.

Processing of reports about barristers by the Bar Standards Board

4. Amongst other duties, the Bar Standards Board (BSB) is responsible for dealing with reports about barristers and carrying out investigations where there is evidence of a potential breach of the professional obligations set out in the BSB Handbook.
5. Until October 2019, reports were assessed by the BSB Professional Conduct Department. From October 2019, the BSB introduced a new centralised system for handling all types of incoming information, including information about potential breaches of the BSB Handbook.¹
6. From October 2019 reports about potential barrister misconduct are mostly received by our Contact and Assessment Team (CAT) and undergo a screening process. The CAT team acts as the first point of contact in directing reports to the appropriate place. If there is sufficient evidence that a barrister may have acted in a way that is in breach of the Code of Conduct in the BSB Handbook, and that the breach represents a sufficient risk related to the BSB's regulatory objectives, then reports are sent on to another BSB team, the Investigations and Enforcement Team in the Legal and Enforcement

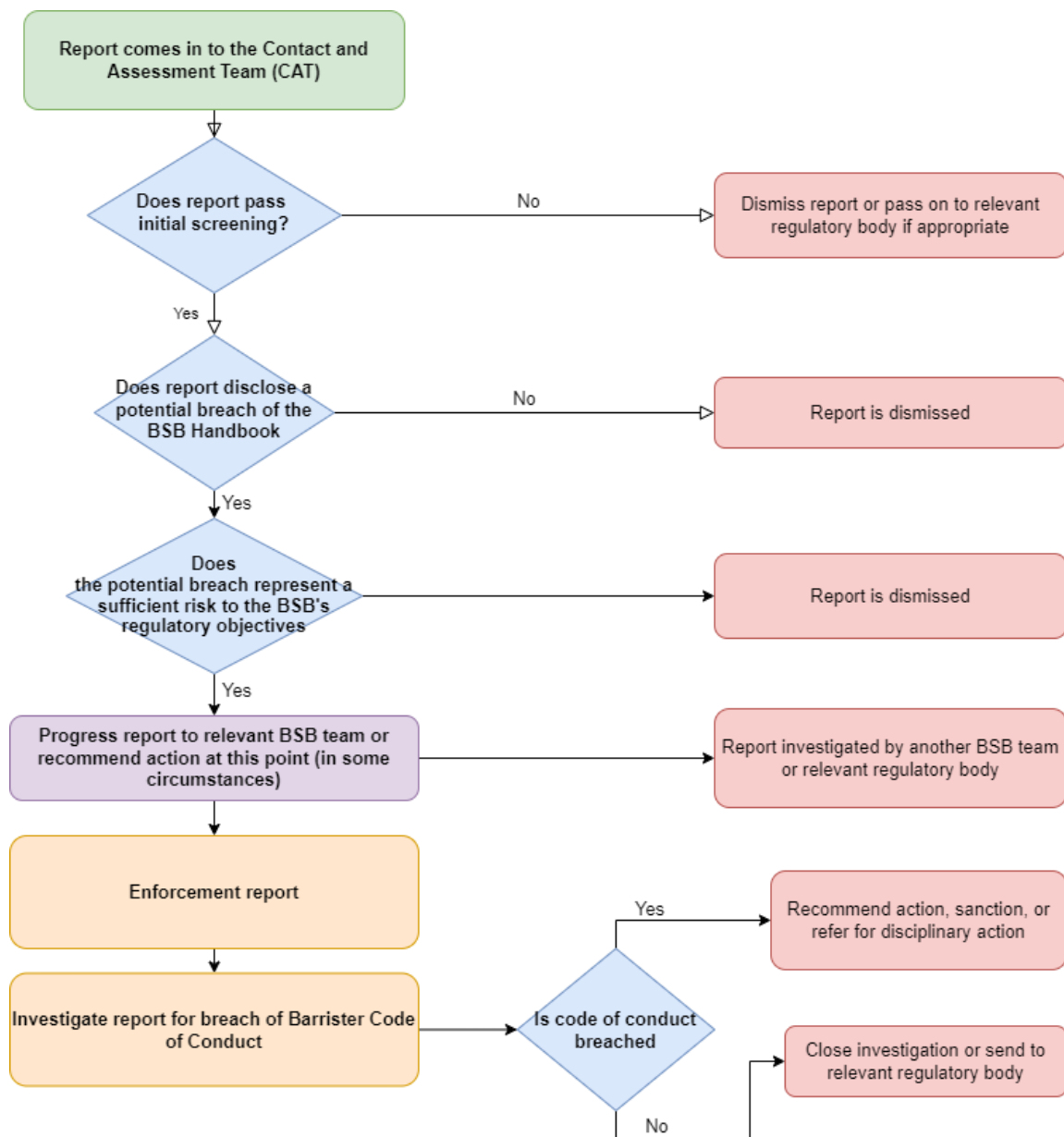
¹ With the introduction of the new system, the BSB ceased using the term “complaints”, and replaced it with “reports”, as “complaints” was considered to be misleading given that the BSB has no power to offer redress.

Department, for further investigation. Reports about a barrister may also be forwarded to another BSB team if they are best placed to deal with the risk – for example, if a report relates to an organisation that may be in breach of requirements set by the BSB it will generally be sent to the Supervision team.

7. Reports that are referred on to the BSB Investigations and Enforcement team and BSB Supervision Team are further investigated by those teams.
8. It may be found upon investigation, that no breach of the BSB Handbook has occurred, or that there is insufficient evidence, in which case investigation of the report proceeds no further. If there is deemed to be sufficient evidence of a breach having occurred, then at this point a lower level administrative sanction could be applied, or a report could be referred for disciplinary action, including to an independent disciplinary tribunal run by The Bar Tribunals and Adjudication Service (BTAS)², which can result in a finding of professional misconduct and subsequent sanction.
9. A broad overview of the process, as of May 2024, is given in figure 1 below.

² <https://www.tbta.org.uk/>

Figure I. Flow diagram of the BSB processing of reports involving breach of Barrister Code of Conduct, as of May 2024



BSB Commitment to equality, access to justice, and transparency

10. The BSB is committed to regulating in an open and transparent way. We are also committed to ensuring that we meaningfully comply with our equality duties in every aspect of our work, to demonstrate best equalities and anti-discrimination practice, and to embed equality and fairness into the day-to-day running of our organisation.

11. As part of this, we aim to continually monitor how we operate, and an important area of this monitoring is ensuring that we do all we can to eliminate bias in our regulatory processes, including in how we process reports about potential breaches of the BSB Handbook.

12. We have undertaken and published previous research investigating

- the processing of reports³ about barristers by the BSB, and
 - the likelihood of barristers being subject to a report over a given period of time.
13. The former incorporated statistical modelling which looked at whether reports were closed without investigation, and whether reports were referred to disciplinary action (the three possible outcomes at the time were for a report to be closed without a more detailed investigation due to there clearly being no breach of the Handbook, closed after further investigation, or referred for disciplinary action).
14. The latter focussed on the likelihood of being subject to a report brought by the BSB, and the likelihood of being subject to a report brought by another party (internal vs external complaints was the terminology used in these reports).⁴
15. These pieces of research altogether covered the period from 2012-October 2019 and were primarily focussed on investigating if there were any trends related to gender and ethnicity in the processing of reports about barristers and the likelihood of barristers being subject to a report.

Both pieces of research found that when controlling for other factors:

- Ethnicity did not significantly predict whether reports were closed without investigation or referred to disciplinary action (although for 2015-2019, ethnicity was close to statistical significance when looking at whether cases were referred to disciplinary action, suggesting there may be some association between being from a minority ethnic background and a greater likelihood of a report being referred for disciplinary action).
- Ethnicity significantly predicted the likelihood of being subject to an internal report⁵ - barristers from minority ethnic backgrounds were more likely to be subject to such reports compared to White barristers.
- Gender significantly predicted whether reports were referred to disciplinary action - male barristers were more likely to have reports referred to disciplinary action than female barristers.

³ “Complaints” using the previous terminology

⁴ External complaints were those received from members of the public, legal professionals or other external sources, who wished to make a formal complaint. Such complaints were registered and assessed regardless of the nature of the complaint or the evidence provided to support it. In contrast, internal complaints were those raised by the BSB based on information received other than via a formal complaint. Internal complaints were only raised by the BSB where the information received was assessed as presenting sufficient evidence of a potential breach of the BSB Handbook, and the level of risk to the regulatory objectives was considered sufficiently high, to warrant a formal investigation.

⁵ An internal report was a report initiated by the BSB.

Research covering 2015-2019 found that:

- Male barristers were also more likely than female barristers to be subject to an internal report (a case brought by the BSB). In the 2012-2014 research, this was not the case.
- Analysis of year-on-year trends of report outcomes suggested that while there were a greater proportion of reports referred for disciplinary action for barristers from minority ethnic backgrounds in comparison to White barristers prior to 2017, from 2017-2019 there was no clear trend. This suggested that the association between ethnicity and the likelihood of an internal report being referred for disciplinary action may have become weaker from 2017 onwards.
- The practising status of the barrister during the period analysed had a relationship with report likelihood. For example, each year spent as an employed barrister was associated with a decrease in the likelihood of being subject to an internal or external report, and each year as a KC associated with a decrease in the likelihood of being subject to an external report. In contrast, each year as a Public Access barrister during the period was associated with an increase in the likelihood of being subject to an external report.
- Some areas of practice also had a significant relationship with report likelihood.

Aims of this research

16. With greater information on how we are performing as a regulator, we can hope to further work towards meeting our strategic goals with regards to Equality and Access to Justice.
17. In addition, with the change in the system in October 2019, we are interested in making any inferences we can about how the newer system of receiving and progressing reports about barristers compares to the previous system, particularly in relation to impact that differs by protected characteristic.
18. The following analysis is primarily intended to determine the extent to which the ethnicity or gender of a barrister is estimated to influence the likelihood of them being subject to a report to the BSB over the October 2019-March 2023 period, and the outcomes of such reports initiated. As detailed above, previous research had identified several areas of disparity in report outcomes regarding ethnicity or gender.
19. In addition, this research also aims to investigate whether the implementation of the new reports processing system from October 2019 has had any adverse impact on the basis of gender or ethnicity when compared to the previous system.
20. Other trends in the data worthy of note will also be highlighted.
21. The key questions addressed in this research are:
 - When controlling for other factors, from October 2019-March 2024, what relationships do ethnicity and gender display with:

- the likelihood of a report received by the BSB Contact and Assessment Team (CAT) being referred to the BSB Enforcement or BSB Supervision team? and
- the likelihood of a report being referred for disciplinary action by the BSB Investigations and Enforcement team?
- the outcomes of reports that are referred to disciplinary action, including tribunal findings and sanctions handed down?
- the likelihood of being subject to any report for practising barristers?
- Has the implementation of the newer reports processing system from October 2019 onwards had any adverse impact when looking at within group differences for gender and ethnicity?
- Are there any other key trends in the data around factors that are associated with report likelihood or report outcomes?

Methodology and limitations

Overall modelling approach

22. This research made use of multiple regression analysis in order to enable analysis of different factors that may impact on report outcomes and report likelihood to be considered simultaneously. This ensures the analysis can identify which factors have the strongest relationship with the outcome being analysed.
23. The models used were based on the framework of the models used in the 2015-2019 research where possible. In some cases, consistency in data between the system in place prior to October 2019, and the system in place post October 2019 is lacking, and so the models do not match up entirely. More about this is given in the limitations section.
24. Regression analysis models the size of predictive relationships between one or more explanatory variable(s) and a single outcome variable. It provides an estimate of the size of and statistical significance of the modelled relationships, while controlling for the effects of other explanatory variables in the model.⁶ It should be noted that the size of the predictive relationships identified are statistical estimates and thus may be over or underestimated.⁷
25. The type of regression analysis undertaken for the part of this research looking at the processing of reports and the likelihood of being subject to a report was multiple logistic regression, which is a commonly used technique when the outcome variable can be modelled as a binary one (e.g. a 'Yes' or 'No' outcome), and there are potentially

⁶ An outcome variable is the variable where the outcome is of interest (e.g. the outcomes of reports). Explanatory variables are variables which may influence the value of the outcome variable.

⁷ The confidence intervals presented in the model summary tables in the appendices give some idea of the uncertainty regarding the predictive relationships presented.

multiple explanatory variables (in other words, a number of different factors may contribute to the outcome being analysed).

26. For the part of the research looking at changes between the previous system (prior to October 2019) and the newer system (post October 2019), a linear regression model was used.⁸
27. For the part of the research looking at tribunal outcomes, the use of regression modelling was not appropriate given the small numbers of cases that were referred to disciplinary action during the period covered by the analysis. Instead, the research used comparative analysis to look at differences in outcomes by gender and ethnicity.

Datasets

28. To address the research questions, three datasets were used;
 - **Dataset One** - The outcomes of reports about barristers. The data covered reports received and reports decided upon from 19 April 2015 to 14 March 2024, divided into two time periods of equal length, covering almost ten years in total.
 - Time period 1 – 19 April 2015 to 1 October 2019
 - Time Period 2 - 1 October 2019 to 14 March 2024
 - Data from the latter time period was the one investigated in the logistic regression models, and data from both time periods were used for investigating the impact of introducing the newer system.
 - **Dataset Two** - the outcomes of reports that were referred to disciplinary action. The data covered all cases referred to disciplinary action' that were resolved between 1 October 2019 to 14 March 2024.
 - **Dataset Three** - a dataset including the details of barristers that practised during the period of analysis, including whether they were subject to a report. This covered all barristers who held a practising certificate at any stage from 19 April 2015 to 14 March 2024, once again divided into two equal length time periods. The latter time period was used in the regression analysis, whereas both were used for the exploratory analysis for this part of the research.
29. Descriptions of the variables used from each dataset are given later in this report.

Modelling analysis of report outcomes

30. Data used for the analysis of report outcomes was taken from BSB data held on reports about barristers assessed by the Contact and Assessment Team (CAT), and the Investigations and Enforcement team in the Legal and Enforcement Department. The dataset included data on the nature of reports (the primary aspect of the report as

⁸ This was set up in a way to be consistent with the segmented regression approach for interrupted time series analysis laid out by Lecy and Fusi's guide on program evaluation. Lecy, J & Fusi F, Foundations of Program Evaluation: Regression Tools for Impact Analysis - <https://ds4ps.org/pe4ps-textbook/docs/> - Section on Interrupted Time Series.

classified by the BSB team processing the report)⁹, the type of reporter, and key demographic data and practising status data held on each barrister subject to a report taken from the BSB's central membership records.

31. There were many instances of barristers having more than one report against them. This is highlighted in the table below, which shows the number of individual barristers subject to a given number of reports during each period for different case types.

Table 1. Number of individual barristers subject to a given number of reports by dataset and case type

Dataset	Case Type	Number of reports barristers were subject to during the time period	Individual barristers subject to this number of reports (count)
April 2015- October 2019	Did not make it past initial investigation	1	1714
		2	457
		3	106
		4	30
		5 or more	27
	Made it past initial investigation	1	648
		2	61
		3	11
		4	5
		5 or more	8
October 2019-March 2024	CAT	1	2967
		2	588
		3	200
		4	75
		5 or more	110
	Investigations and Enforcement	1	450
		2	48
		3	14
		4	11
		5 or more	4
	Supervision ¹⁰	1	55
		2	4

32. The final dataset used for the regression analyses on report outcomes used one randomly selected case per barrister. One of the key assumptions of the regression model used is that observations are independent, so using multiple cases for each

⁹ Cases received by the BSB are given case aspects categorising the type of report received. Cases can be labelled with more than one aspect. The primary case aspect is the aspect which defines the case more than any other aspects it is given.

¹⁰ These numbers refer to reports about individual barristers. CAT will also refer reports about barrister organisations to Supervision, but these are not included in this analysis.

barrister would have introduced potential bias into the model. In order to address this, the dataset was restricted to a single case for each barrister.

33. Prior to selecting the reports used in the regression analysis, 'bulk reports' were taken out of the dataset. These were inferred to be reports that came into the Contact and Assessment (CAT) team that were likely to relate to the same event - as reports can come in from multiple sources via the BSB's online reporting form. The rules developed for removing bulk cases are given in the technical appendix.
34. The variables in the dataset could broadly be grouped into four categories; primary case aspect; barrister status and demographic information; reporter category; and time period of case decision.
35. Including a variable regarding whether a barrister had previously been the subject of disciplinary action was also considered. However, if any bias did exist in report processing, this could also have affected the outcomes of previous disciplinary findings. As such, this variable was not included in the analysis.
36. Gender and ethnicity were included in all models due to interest in their association with report outcomes in findings from previous research.
37. The models used largely followed those developed in previous research for 2015-2019.
38. The analysis of reports referred to disciplinary action was split into three stages - whether the case was referred to the Tribunal itself or resolved before this (either by being dealt with via the BSB's Determination By Consent procedure, or due to the case being withdrawn); the outcome of the tribunal itself (whether the case was upheld or dismissed by the tribunal); and the sanctions delivered by the tribunal for cases that were upheld.
39. Where there are multiple cases that were referred to disciplinary action against a single barrister, the analysis uses a single case per barrister. As with the approach used for analysis of the earlier stages of the enforcement process (see paragraph 31-32), using multiple cases involving the same barrister could have introduced bias into the analysis. Where multiple sanctions were handed down against a single barrister following their case being upheld by a disciplinary tribunal, the case was classified as resulting in the most serious of these sanctions for the purposes of the analysis.

Modelling the relationship between demographic variables and the introduction of the new reports processing system

40. To undertake this part of the analysis, an interrupted time series approach was used.¹¹ This is a type of approach that works with aggregated data to analyse the effect of some type of intervention or interruption on an outcome relating to a group as a whole, for example the effect of a ban on smoking in public places on rates on prevalence of respiratory diseases at the population level.

¹¹ Using a segmented regression model. The model was set up using the methodology of Lecy, J & Fusi F, Foundations of Program Evaluation: Regression Tools for Impact Analysis - <https://ds4ps.org/pe4ps-textbook/docs/> - Section on Interrupted Time Series, with a separate model for each group (ie, male barristers, female barristers etc).

41. For this, the data was arranged with the outcome variable calculated based upon the proportion of reports processed by CAT making it on to Enforcement for a given demographic category within a given time period (eg proportion of reports about male barristers that are referred to enforcement in time period 1). The independent variables in the model relate to periods of time, including a binary variable for whether a time period was pre or post-reform.

Modelling likelihood of being subject to a report

42. In analysing what factors are likely to contribute to reports being lodged against a barrister, it was decided that the sample should be representative of practising barristers who could be subject to a report. The approach taken was to select barristers who practised at any point during the period under consideration. This excluded from the analysis a number of individuals against whom reports were made who were not registered as practising barristers¹² at any stage during October 2019 – March 2024. This was done because the BSB has far less knowledge and oversight of provision of legal services by unregistered barristers and the population of unregistered barristers is greater than the population of registered barristers. Therefore, including them in any analysis would heavily weight the results towards trends seen for this group.
43. Under the previous enforcement system, barristers could be subject to a report for up to one year after the event occurred, and in previous research a wider timeframe for practising barristers relative to the date of report decision was included. However, as in this case there is overlap between two enforcement systems, for this research it was decided that barristers would only be included in the dataset if they practised at any point between 1 October 2019 and 14 March 2024 (for previous research the equivalent period would have been 1 October 2018 and 14 March 2024).
44. The dataset for October 2019 – March 2024 consisted of 19,775 individuals who had a practising certificate at any stage during the period under consideration, of whom 3,434 individuals (17.4%) had been the subject of at least one report during this period. The dataset from April 2015-October 2019 used in the exploratory analysis consisted of 18,636 barristers of whom 2,194 (11.8%) were subject to at least one report during this period.
45. More detail on the sample used for modelling report likelihood is given in the technical appendix accompanying this report, and details of the variables used in the model are given further on in this section. The model used was largely based on that used for the previous research for 2015-2019.

Description of variables used in the regression modelling

Table 2. Processing of reports – Variables used

Type of variable	Variable name	Variable description
Outcome – Model 1	Report referred from CAT to Enforcement	Binary variable indicating whether a report was referred from CAT to Enforcement for further investigation

¹² A registered barrister is a barrister with a practising certificate issued by the Bar Council.

Outcome – Model 2	Report was referred for disciplinary action	Binary variable indicating whether a report was referred for disciplinary action after investigation by the BSB Investigations and Enforcement team
Independent variables	Report aspect categorisation	Category of the main report aspect (nature of the report, eg. Report relating to conduct in court, or a breach of duties). For the primary aspect of the case, all categories with a frequency of over 10 occurrences in the dataset were identified and included in the analysis.
	Barrister practising status	Whether the barrister subject to the report was registered or unregistered (practising or non-practising) at the time of the report
	Case reporter is a litigant in person	A litigant in person is someone who represents themselves in court.
	Reporter category	Categorisation of case reporter (eg. Member of public, a barrister, another legal services professional etc)
	Whether barrister subject to the report is a King’s Counsel	Whether the barrister subject to the report was a King’s Counsel
	Years since first started practising	A proxy for age and experience
	Gender of barrister subject to the report	
	Ethnicity of barrister subject to the report	
	Time range within period	A control variable that divides the dataset up into six evenly spaced periods of time.

Table 3. Interrupted time series analysis – Report outcomes - Variables used

Type of variable	Variable name	Variable description
Outcome – Model 1	% CAT reports being referred to Enforcement	Outcome variables were generated and models were run for
		Gender: Male Gender: Female Ethnicity: Minority ethnic background Ethnicity: White
Outcome – Model 2	% Enforcement reports being referred for disciplinary action	Outcome variables were generated and models were run for
		Gender: Male Gender: Female Ethnicity: Minority ethnic background Ethnicity: White
Independent variables	Period of time	Integer variable based on sequential time periods- there were 12 time periods in total, 6 pre-reform, and 6 post-reform)
	Pre-reform/Post-reform	Binary variable indicating whether the period of time was pre-reform (pre-October 2019) or post-reform
	Period of time since new system was implemented	The relative period of time since the newer system was implemented (since October 2019) (value of 0, 1-6)

Table 4. Likelihood of being subject to a report – variables used

Type of variable	Variable name	Variable description
Outcome	Subject to a CAT report	A binary variable indicating whether a barrister was subject to a report processed by the BSB Contact and Assessment Team during the period

BSB Processing of Reports against barristers – 2019-2024

Type of variable	Variable name	Variable description
Independent variables	Variable for categorising type of practice	Categories for whether barrister spent: 90% or more of their practising time during the period as a sole practitioner/Self Employed Barrister/Employed barrister/Dual Capacity barrister, or if they had another mix of practising type.
	Proportion of the period spent practising as a King's Counsel (KC)	Proportion of time spent as a KC out of the period of time a barrister spent practising during the period
	Proportion of period spent practising	Categorical variable. Categories of: <25% of period spent practising, 25-50% of period spent practising, and >50% of period spent practising. Calculated as of the period in which a barrister could have practised (ie after first started practice overall).
	Average proportion of practice spent practising in Crime	Average proportion of a barrister's practice in criminal law during the period of time covered by the dataset. This is an average calculated across the practising periods declared by a barrister during the period (these were generally yearly practising periods).
	Average proportion of practice spent practising in Civil: Business and property courts	Average proportion of a barrister's practice in areas of law heard in the business and property courts during the period of time covered by the dataset
	Average proportion of practice spent practising in other Civil law	Average proportion of a barrister's practice in civil law not heard in the business and property courts during the period of time covered by the dataset
	Average proportion of practice spent practising in family law	Average proportion of a barrister's practice in family law during the period of time covered by the dataset
	Maximum average value for main area of practice during period	Eg if main area of practice was Family law, and barrister spent 60% of their time practising in this area, then the value for this would be 60%.
	Average proportion of income from legal aid	Average proportion of a barrister's income each year that comes from legal aid across the period covered by the dataset
	Average proportion of income from public access work	Average proportion of a barrister's income each year that comes from public access work (work in which a client can directly commission the services of a practising barrister) across the period covered by the dataset
	Average number of pro bono hours worked per...	Average number of hours a barrister spent on pro bono work in each practising period across the period of time covered by the dataset
	Disability	Whether barrister has a declared disability under the Equality Act 2010 (Disability declared, No disability declared)
	Ethnicity	Ethnic background of the barrister (Minority ethnic background, White)
	Gender	Sex a barrister was registered with at birth
Total number of years since first started practice	Calculated as of March 2024	

Model interpretation

46. Where differences or variables are described as 'statistically significant', this indicates that they have been tested and found to be statistically significant at the 5 per cent significance level or below (the standard significance level for social research), as indicated by a p-value. A significance below 5 per cent would suggest that there is less

than a 5 per cent likelihood that the relationship observed between two or more variables can be explained by chance alone, given the data.

47. Regression models are suited to modelling uncertainty in processes where there is variability in the outcome. Some examples of variation in the data used for this research include variance in the likelihood of reporters submitting reports about barristers; the severity of the report; the amount of evidence available; and a barrister's cooperation with the report review process.¹³
48. The outputs of regression models include estimates of the effect of each explanatory (independent) variable on an outcome variable: These are known as model coefficients.
49. In the case of categorical variables (variables which have two or more categories¹⁴) they indicate the predicted effect of a category on some outcome in comparison to a reference group. This predicted effect is independent of other variables in the model (e.g. males in comparison to females, independent of the effect of height etc).
50. In the case of numerical variables (eg. Years of age, or average percentage of time spent practising in criminal law each year), the effect shown represents the predicted effect of a one unit change on the outcome variable.
51. In this analysis, the model coefficients presented are all odds ratios. An odds ratio greater than the value of one suggests that the presence of the variable would make the outcome of interest¹⁵ more likely, and an odds ratio of less than one suggests that the presence of the variable would make the outcome of interest less likely (odds ratios are always greater than 0). For example, an odds ratio of 2.3, for males in comparison to females would indicate that males are 2.3 times more likely to be associated with some outcome compared to females, independent of other variables in the model. A p-value of less than 0.05, would additionally indicate that, based on the data, there is a less than 5 per cent chance that the association indicated by the odds-ratio is due to chance alone.
52. It should be noted that the resulting coefficients from the models are estimates only. Full model summaries, including confidence intervals, are given in the appendices.

Limitations

Overall

53. In the interests of transparency, and in order to avoid the introduction of bias into the model selection, this research did not attempt to identify more sparse models that excluded non-significant predictors.¹⁶

¹³ The measures of uncertainty in the regression models (such as p-values and confidence intervals) largely relate to the variation in the data caused by such factors.

¹⁴ For example, a variable of age range with categories of 18-24, 25-34 etc, would be a categorical variable.

¹⁵ An outcome of interest may be whether a case is referred for disciplinary action for example.

¹⁶ Not all of the variables included in the models are statistically significant, but they have been included to remain consistent with previous research, and to avoid potential model reliability issues related to model selection.

54. As already noted, regression models offer a statistical *estimate* of the relationships between variables based on the data available. Uncertainty in the models needs to be considered when looking at the results.
55. For this research, there was some difficulty in modelling changes between the previous reports processing system, and the newer one introduced in October 2019. These are broadly summarised as follows:
- There are far more reports logged in the newer system in comparison to the older one.
 - Upon the introduction of the newer system in October 2019, there are proportionately fewer reports that are referred to investigation by Enforcement
 - The majority of reports that do not make it past the initial screening stage do not have aspects attached to them, making it difficult to control for this important criteria for many CAT cases. The same is true for Topics, which are aimed at being used as a broader categorisation of the nature of a report, but are not often assigned. This means that a potentially important control variable is missing from many of the reports we receive.
 - The guidance for dealing with different types of reports has changed over time with updates to report processing protocols. This means that for reports with some aspects that were previously automatically referred through to a specific stage of the enforcement process, this may no longer be true upon the introduction of new guidance.
 - With the increase in the reports logged by the BSB, the likelihood of being subject to a report has greatly increased in the newer system in comparison to the older one. This means that comparisons between the two eras on this measure does not carry as much useful information as it could. While within group comparisons (eg. comparisons of different ethnic groups) are still useful within each period (before and post reform), comparisons between periods are less so.
 - In addition, changes in the way reports with certain aspects are dealt with, and an increase in the number of reports make it difficult to compare between periods with regard to how reports are processed. The more useful comparisons are within group for this measure.
 - Following reform to the system in October 2019, it is no longer possible to easily separate reports out into those that are internally sourced compared to those that are received externally. This was a relatively important control variable in previous research, and of use in investigating bias in the creation of reports about barristers. We can reliably determine that some reports originated from the BSB, but some reports originating from the BSB may not be tagged as such.
56. Overall, it would be beneficial to collect data and make changes to systems with regards to the evaluation of the performance of the system and how that will be measured, and this may be something that the BSB needs to monitor on an ongoing basis with future reforms.

57. In addition, non-linear relationships between independent quantitative variables and outcome variables were not modelled, and not represented in the regression model results (a linear relationship suggests that for each one unit increase in a variable, an outcome variable changes by a set value, and this value remains the same for each one unit increase. A non-linear relationship would suggest that for each one unit increase in a variable, the relative change in an outcome variable may differ along the distribution of the variable to which it relates) – some non-linearity for numerical variables can be seen in the exploratory analysis for the likelihood of being subject to a report.

Reports processing

58. The models developed for report outcomes relate to one randomly selected case¹⁷ with a decision for each barrister subject to a report from 1 October 2019 to 14 March 2024 (one case for CAT reports, and one case for Enforcement reports in separate datasets). This means that data on additional reports about barristers processed by CAT or Enforcement are not included, and so some information on the decision-making process regarding reports during the period is lost.

59. In comparison to cases received by CAT, there are far fewer reports investigated by the Enforcement department, and extra caution should be taken when making inferences on the model relating to such cases.

60. In addition, as ‘bulk’ reports are not reliably tagged in our systems currently, the methodology used for this research to remove bulk reports received by CAT may both delete some reports that are not bulk ones, and vice versa.

Likelihood of being subject to a report

61. The dataset of the full practising Bar from October 2019 to March 2024 excludes a number of individuals who were subject to reports from the analysis (those who were not practising barristers in the period under consideration). As a result, the sample used for analysis of report likelihood represents a compromise that does not include all individuals who could potentially be the subject of a report, and does not include some of the individuals who were in fact subject to a report. As a result, this section of the analysis should be interpreted with a note of caution.

62. Analysis of report likelihood uses data on key demographic characteristics, and aspects of their practising status, of barristers from the BSB’s records. The data available to the BSB covering the majority of these areas is of good quality. However, data on practising area, public access work, legal aid and other practising status indicators averaged across the period may not reflect the type of work undertaken by barristers at the time they were subject to a report.

63. Nonetheless, these data have been included within the analysis as they were seen as being potentially important predictors in whether barristers were subject to one or more reports, and the data used represents the best available record held by the BSB.

¹⁷ See paragraph 32 for an explanation as to why the analysis was restricted to one case per barrister.

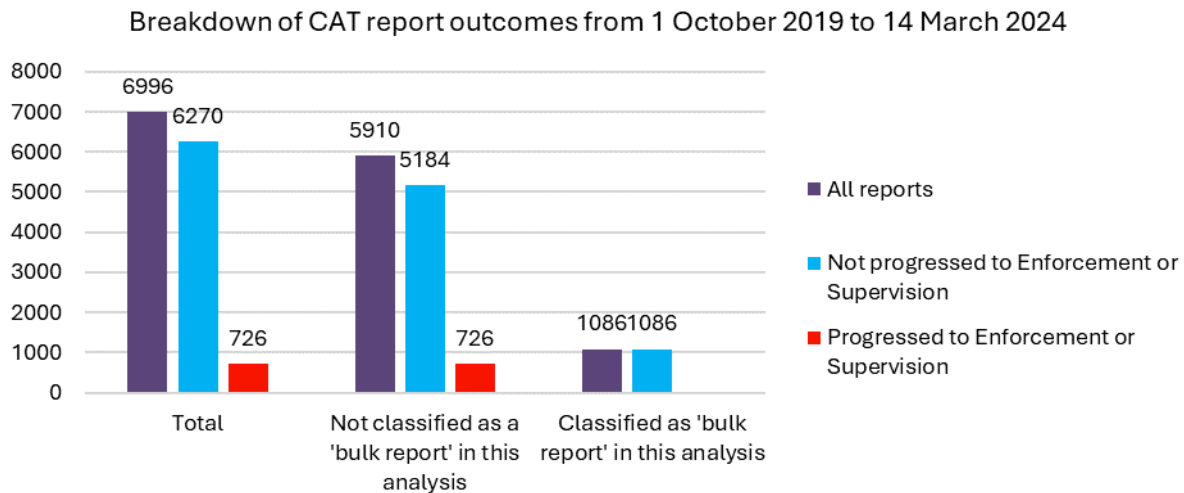
Results: Report outcomes – October 2019 onwards

Exploratory analysis

Reports referred to Enforcement or Supervision by CAT

64. Figure 2 below gives a breakdown of reports processed by CAT between 1 October 2019 and 14 March 2024. Across the period CAT processed around 7,000 reports and referred just over 700 of these onto the BSB Enforcement department or BSB Supervision team (623 were allocated to Enforcement, and 103 to Supervision¹⁸). Using the criteria developed for classifying bulk reports for this analysis, there were around 1,100 such reports during the period.

Figure 2. CAT case outcomes from October 2019 to March 2024 – Overall number of reports in dataset, and reports classified as ‘Bulk’ in this analysis



65. As can be seen in Table 5 below, the percentage of CAT reports referred to Enforcement or Supervision differs widely by primary case aspect grouping, making this a potentially important control variable in the regression models.

Table 5. Proportion of CAT reports referred to Enforcement or Supervision teams – For primary case aspect groups

Primary aspect group	% reports referred – All cases	% reports referred – Not including ‘bulk cases’	% reports referred – Regression dataset	All CAT reports (n)	Non bulk CAT reports (n)	CAT Reports in regression dataset (n)
Abuse of position as a barrister	14.5%	14.5%	11.7%	124	124	111

¹⁸ This includes reports that are initially linked to an individual barrister but then reclassified by Supervision as relating to an organisation.

Primary aspect group	% reports referred– All cases	% reports referred – Not including ‘bulk cases’	%reports referred – Regression dataset	All CAT reports (n)	Non bulk CAT reports (n)	CAT Reports in regression dataset (n)
Administration of organisation	57.8%	57.8%	50.0%	45	45	36
ATP/Holding out/Undertaking reserved legal activities	24.0%	24.0%	23.1%	692	692	631
Breach of duties	0.0%	0.0%	0.0%	12	12	10
Client interest/service issues	32.7%	32.7%	25.9%	104	104	81
Compliance with regulator/court/professional body	12.7%	12.7%	10.0%	441	441	411
Confidentiality	36.4%	36.4%	35.1%	44	44	37
Criminal conviction	56.7%	56.7%	56.6%	60	60	53
Drafting/Evidence	13.6%	13.6%	12.5%	81	81	72
General conduct	12.3%	12.3%	13.2%	1568	1568	1155
Harassment/Discrimination	29.1%	29.1%	33.0%	134	134	100
Instructions	21.3%	21.3%	20.5%	47	47	39
Money related	15.2%	15.2%	13.1%	231	231	213
No aspect recorded	0.2%	0.4%	0.4%	2820	1734	1530
Other	18.9%	18.9%	21.1%	132	132	114
Public Access	30.8%	30.8%	26.1%	26	26	23
Pupils	80.0%	80.0%	80.0%	5	5	5
Witnesses/Conduct in Court	10.2%	10.2%	10.3%	430	430	387

66. Table 6 below shows that the reporter is also a potentially important control variable, as the proportion of reports referred to Enforcement or Supervision differs widely by this variable – reports from members of the public are referred to Enforcement or Supervision in lesser proportions (around 4% overall) than those received from another barrister for example (around 30% overall).

Table 6. Proportion of CAT reports referred to Enforcement or Supervision teams – For case reporter groups

Reporter group	% reports referred– All cases	% reports referred – Not including ‘bulk cases’	%reports referred – Regression dataset	All CAT reports (n)	Non bulk CAT reports (n)	CAT Reports in regression dataset (n)
A barrister	30.3%	33.4%	32.4%	793	718	602
A member of another professional body/regulator	12.3%	13.3%	13.1%	511	474	442
BSB	10.1%	10.2%	9.8%	654	649	612
Legal services organisation	16.1%	16.1%	13.8%	31	31	29

BSB Processing of Reports against barristers – 2019-2024

Reporter group	% reports referred– All cases	% reports referred – Not including ‘bulk cases’	%reports referred – Regression dataset	All CAT reports (n)	Non bulk CAT reports (n)	CAT Reports in regression dataset (n)
Member of public	4.3%	5.6%	5.1%	3693	2858	2288
No information	9.0%	9.4%	9.3%	467	449	428
Other	13.6%	15.0%	14.1%	456	412	348
Other legal professional	22.2%	27.5%	26.6%	351	284	229
Pupil/Student/Potential barrister	27.5%	31.4%	26.7%	40	35	30

67. Table 7 below shows differences between groups for practising status, KC status, ethnicity, and gender of the barrister subject to a report in the proportion of CAT reports referred to Enforcement or Supervision. Overall, a smaller proportion of reports about KCs are referred to Enforcement or Supervision than reports involving non-KCs; the same can be said for registered barristers compared to unregistered barristers, female barristers compared to male barristers, and White barristers compared to barristers from Minority Ethnic backgrounds.

Table 7. Proportion of CAT reports referred to Enforcement or Supervision teams – For barrister status and demographic groups

Barrister status and demographic group	% reports referred– All cases	% reports referred – Not including ‘bulk cases’	%reports referred – Regression dataset	All CAT reports (n)	Non bulk CAT reports (n)	CAT Reports in regression dataset (n)
Practising status (at time of report)						
Registered	10.1%	12.1%	11.9%	5775	4810	4074
Unregistered	11.8%	13.1%	11.7%	1221	1100	934
KC Status						
Non-KC	11.3%	12.8%	12.2%	5967	5260	4518
KC	5.0%	7.8%	8.4%	1029	650	490
Ethnicity						
Minority Ethnic Background	14.2%	16.9%	17.6%	1406	1180	990
White	9.3%	11.0%	10.3%	4804	4092	3447
Gender						
Female	8.6%	10.1%	10.5%	2123	1804	1514
Male	12.0%	13.9%	12.9%	4355	3745	3211
Uses a different term for gender	5.6%	6.1%	9.5%	89	82	21

68. While the above may indicate some differences between groups in outcomes for CAT reports, some of these differences may not be present when controlling for other variables, and this is the type of information that regression modelling can help provide.

Reports referred to disciplinary action by Enforcement

69. Figure 3 below gives a breakdown of reports investigated by Enforcement between 1 October 2019 and 14 March 2024. Across the period Enforcement investigated just under 700 reports. Of these, around 170 were recommended for disciplinary action.

Figure 3. Enforcement case outcomes from October 2019 to March 2024 - Number of cases in dataset

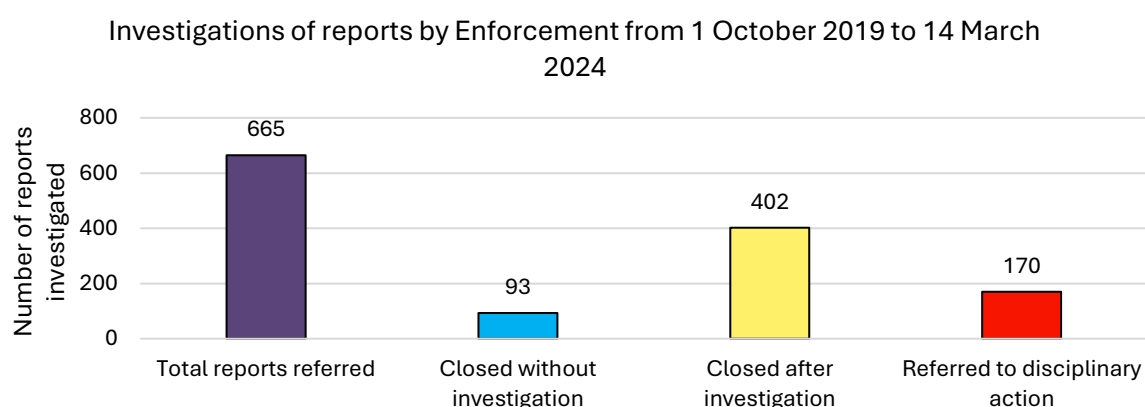


Table 8. Proportion of referred to disciplinary action – For primary case aspect groups

Primary aspect group	% reports referred – All cases	% reports referred – Regression dataset	All Enforcement reports (n)	Enforcement Reports in regression dataset (n)
Abuse of position as a barrister	30.4%	20.0%	23	20
Administration of organisation	37.5%	37.5%	8	8
ATP/Holding out/Undertaking reserved legal activities	6.9%	4.8%	160	147
Client interest/service issues	20.0%	20.0%	25	25
Compliance with regulator/court/professional body	40.3%	37.9%	62	58
Confidentiality	5.6%	5.9%	18	17
Criminal conviction	81.6%	81.1%	38	37
Drafting/Evidence	10.0%	10.0%	10	10
General conduct	30.5%	28.7%	190	171
Harassment/Discrimination	33.3%	33.3%	33	33
Instructions	10.0%	10.0%	10	10
Money related	16.7%	11.1%	30	27
No aspect recorded	Numbers are too small to report			
Other	10.0%	10.0%	10	10

BSB Processing of Reports against barristers – 2019-2024

Primary aspect group	% reports referred – All cases	% reports referred – Regression dataset	All Enforcement reports (n)	Enforcement Reports in regression dataset (n)
Public Access	Numbers are too small to report			
Pupils	Numbers are too small to report			
Witnesses/Conduct in Court	17.5%	16.2%	40	37

70. As can be seen in the above, the percentage of Enforcement reports referred for disciplinary action differs widely by primary case aspect grouping, making this a potentially important control variable in the regression models. For example, in comparison to reports with a criminal conviction as the primary aspect, a far smaller percentage of reports regarding witnesses or conduct in court are referred for disciplinary action.

71. Table 9 below shows that the reporter of a report is also a potentially important control variable, as the proportion of reports referred to disciplinary action differs widely by this variable – reports from members of the public are referred to disciplinary action in lesser proportions than those received from another barrister for example.

Table 9. Proportion of cases referred to disciplinary action – For case reporter groups

Reporter group	% reports referred – All cases	% reports referred – Regression dataset	All Enforcement reports (n)	Enforcement Reports in regression dataset (n)
A barrister	29.2%	28.1%	185	171
A member of another professional body/regulator	16.9%	15.8%	59	57
BSB	27.3%	23.0%	66	61
Legal services organisation	Numbers are too small to report			
Member of public	12.1%	10.4%	107	96
No information	34.3%	32.3%	134	124
Other	22.2%	14.6%	45	41
Other legal professional	26.2%	27.1%	61	59
Pupil/Student/Potential barrister	Numbers are too small to report			

72. Table 10 below shows differences between groups for practising status, KC status, ethnicity and gender in the proportion of Enforcement reports referred for disciplinary action. Some differences can be seen, particularly by barrister practising status, and between female and male barristers.

Table 10. Proportion of cases referred to disciplinary action – For barrister status and demographic groups

Barrister status and demographic group	% reports referred – All cases	% reports referred – Regression dataset	All Enforcement reports (n)	Enforcement Reports in regression dataset (n)
Practising status (at time of report)				
Registered	22.3%	20.7%	520	492
Unregistered	37.2%	35.2%	145	125
KC Status				
Non-KC	25.6%	23.8%	622	576
KC	25.6%	22.0%	43	41
Ethnicity				
Minority Ethnic Background	26.8%	24.7%	190	178
White	25.1%	23.1%	403	373
Gender				
Female	18.7%	15.2%	182	171
Male	28.9%	27.5%	464	429
Uses a different term for gender	Numbers are too small to report			

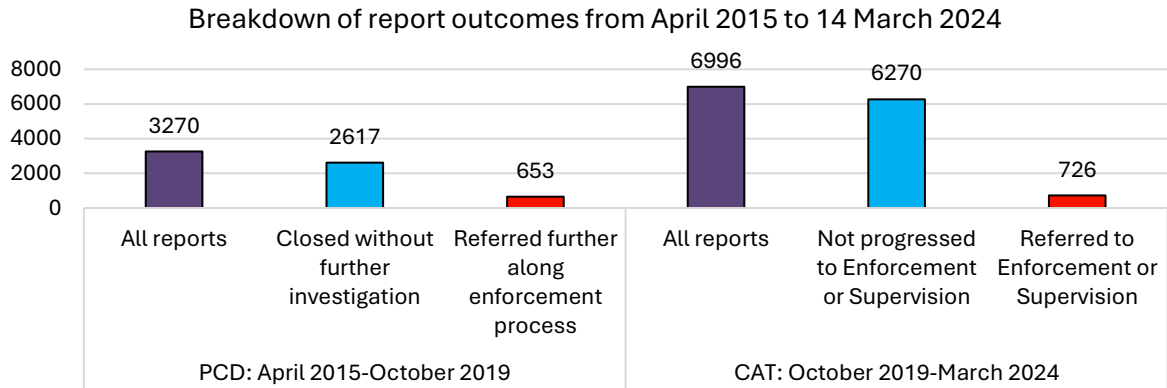
73. While the above may indicate some differences between groups in outcomes for Enforcement investigations, some of these differences may not be present when controlling for other variables, and this is the type of information that regression modelling can help elucidate.

Report outcomes over time

CAT

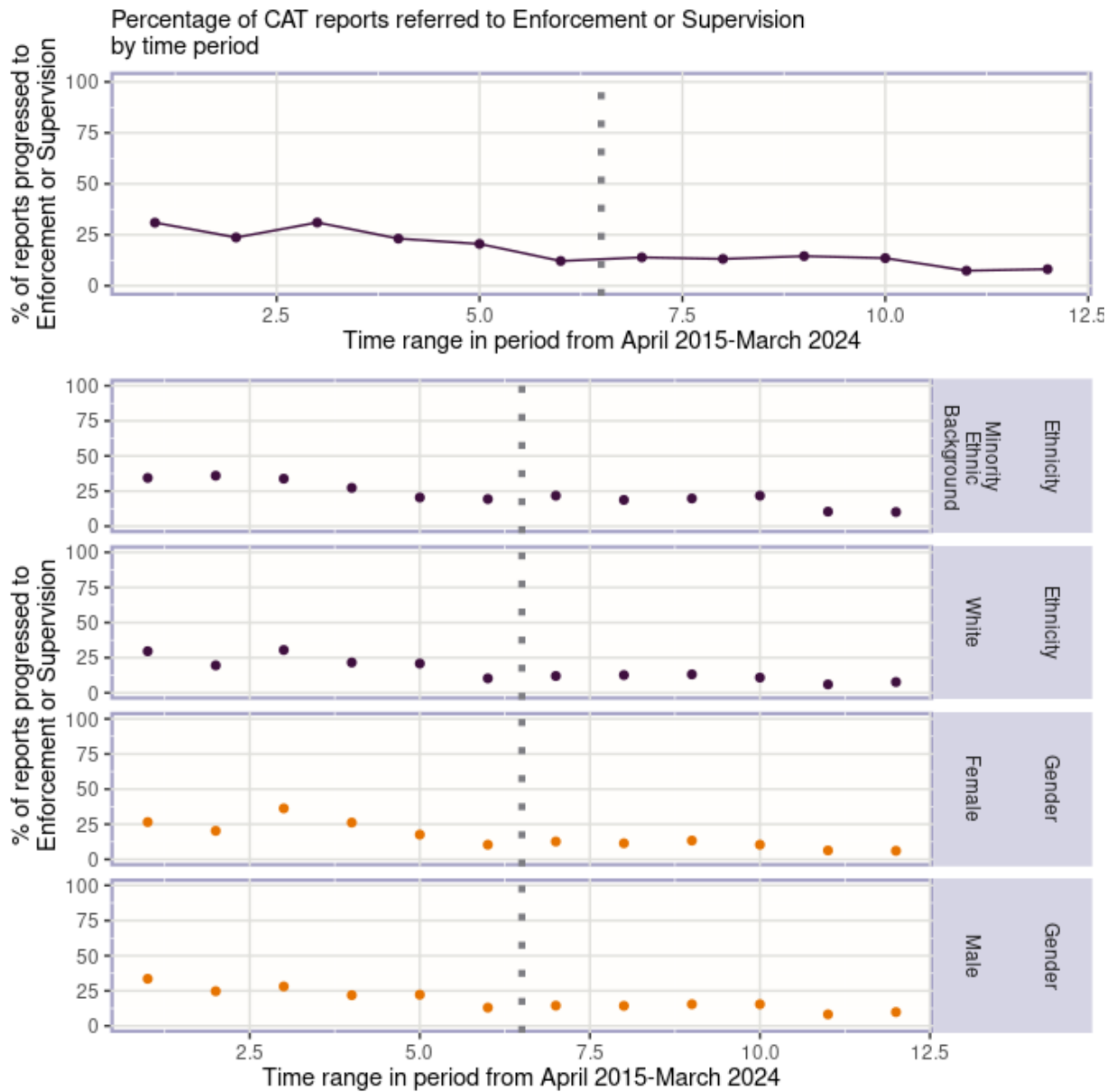
74. Figure 4 below shows a breakdown of initial report investigations over time. It can clearly be seen that the introduction of the newer system in October 2019 led to a far greater number of reports about barrister conduct being received and investigated by the BSB (or at least by a central team at the BSB).

Figure 4. Breakdown of Professional Conduct Department and CAT report outcomes from April 2015 to March 2024



75. The same trend is seen across gender and ethnicity. The figure below highlights for more disaggregated time range, overall, and by gender and ethnicity. The data used to produce it does not include bulk cases.

Figure 5. Percentage of CAT reports referred to Enforcement or Supervision by time period from April 2015 to March 2024



Enforcement

76. Figure 6 and Figure 7 below show a breakdown of Enforcement investigations over time. Overall, the introduction of the new system in October 2019 does not appear to have led to a clear trend in the percentage of reports being referred to disciplinary action, and this appears to be the case across both gender and ethnicity.

Figure 6. Breakdown of Enforcement Investigation outcomes from April 2015 to March 2024

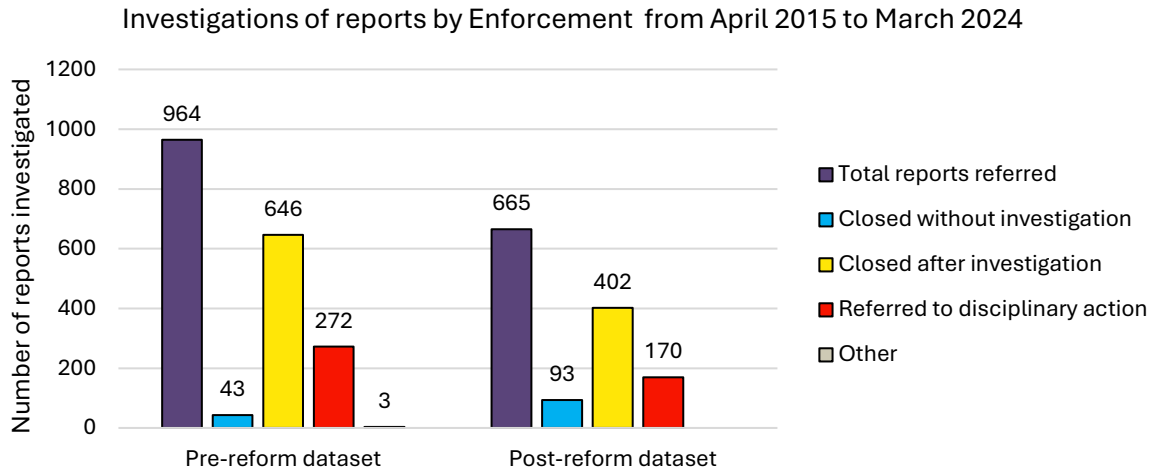
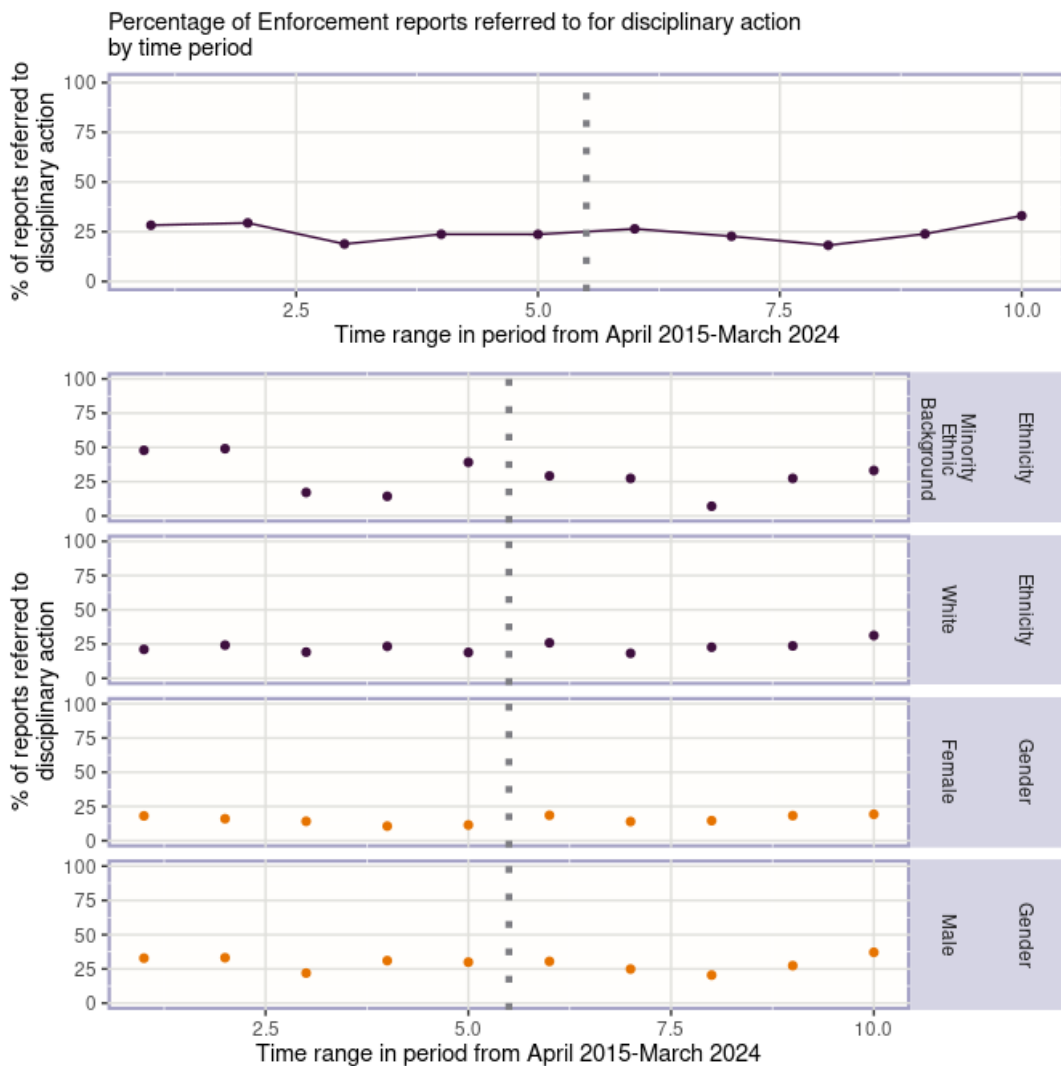


Figure 7. Percentage of Enforcement investigations ending in the report being referred for disciplinary action by time period from April 2015 to March 2024



Regression model results

Reports referred to Enforcement or Supervision by CAT

77. There were 5,008 reports included in the dataset for this regression model (fewer than the total number of CAT reports during the October 2019 to March 2024 period, as only one report per barrister was left in).
78. Charts relating to the predictive relationship between each variable and the likelihood of being referred to Enforcement or Supervision are provided in the appendices along with the full model results.

Gender, ethnicity, and experience (as a proxy for age)

- When controlling for the other variables in the model it was found that those from Minority Ethnic Backgrounds were more likely to be referred to Enforcement or Supervision than White barristers (**around 2.3 times more likely, significant, $p < 0.001$**).
- It was also found that male barristers were more likely than female barristers to be referred to Enforcement or Supervision by CAT (**around 1.3 times more likely, significant, $p < 0.05$**).
- An increase in the number of years of experience a barrister had was also found to be related to an increase in the likelihood of a report being forwarded to Enforcement or Supervision (**for every year of experience, the associated likelihood increased by around 2 per cent, $p < 0.001$**).

Other variables

Primary case aspects - compared to where primary aspect was 'Other'

- Administration of an organisation was found to be a significant predictor and associated with an increased likelihood of progression to Enforcement or Supervision (around 2.6 times more likely, $p < 0.05$).
- The grouped primary aspect was one of Compliance with court/regulator/professional body; General conduct; and Witnesses/Conduct in court, were all significant predictors and associated with a decreased likelihood of progression to Enforcement or Supervision.
- Where no aspect was recorded, cases were much less likely to go to Enforcement or Supervision – understandable, as only cases that get past the screening process in CAT are assigned aspects.
- Reports relating to abuse of position as a barrister were less likely, and close to significance
- Reports relating to money/fees were less likely, and close to significance

Case Reporter: Compared to a report that clearly came in from the BSB¹⁹

- Reports from other barristers were around 3.1 times more likely to be forwarded to Enforcement or Supervision (**significant, p < 0.001**)
- Reports from another legal professional were around 2.4 times more likely to be forwarded to Enforcement or Supervision (**significant, p < 0.001**)
- Reports from members of the public were around 1.8 times less likely to be forwarded to Enforcement or Supervision (**significant, p < 0.05**)

Other

- **KCs** – Reports about KCs were less likely to be referred to Enforcement or Supervision in comparison to reports regarding non-KCs (**around 2.1 times less likely, significant, p < 0.001**).
- Reports from **litigants in person** were less likely to be referred to Enforcement or Supervision in comparison to reports from those who were not litigants in person (**around 2.0 times less likely, significant, p < 0.001**).
- The range of **time** within the October 2019-March 2024 period (divided into five equal chunks) was also a significant predictor of the likelihood of a case being forwarded to Enforcement or Supervision, with a downward trend seen in the likelihood of a case being referred as the period referred.

79. Most case aspect groupings, being unregistered, reports coming from other professional bodies/regulators, from legal services organisations, or from other sources all had a non-significant relationship with the likelihood of a report being referred to Enforcement or Supervision.

Reports referred to disciplinary action by Enforcement

80. After ensuring there was only one report per barrister in the data used for the regression modelling there were 617 reports left in the dataset for this model.

81. Charts relating to the predictive relationship between each variable and the likelihood of being referred to disciplinary action are provided in the appendices along with the full model results.

Gender, ethnicity, and experience (as a proxy for age)

82. When controlling for the other variables in the model, male barristers were found to be more likely than female barristers to have a report referred for disciplinary action (**around 1.8 times more likely, significant, p < 0.05**).

83. No statistically significant associations were found for ethnicity, or for years of experience.

¹⁹ Some reports may have originated from the BSB but not been labelled as such in our system. This category relates to reports that were tagged as coming in from a BSB staff member, a Supervision visit, or via a Regulatory Returns.

Other variables

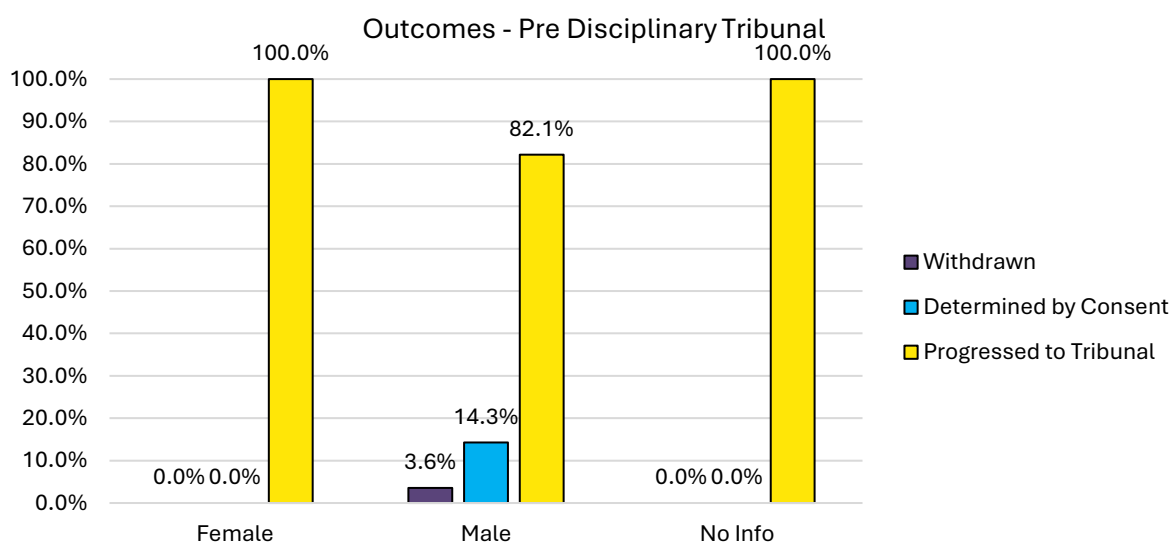
84. The only other variables that were found to be significantly predictive (at $p < 0.05$ level unless otherwise specified) of whether a report was referred for disciplinary action were:

- Reports that had ‘Criminal Conviction’ as a primary aspect (around 63 times more likely to be referred to disciplinary action compared to reports where the primary aspect was ‘Other’)
- Reports where the barrister subject to the report was unregistered at the time of the report (around 2.4 times more likely to be referred to disciplinary action compared to reports where the barrister was registered at the time of the report).
- Results also suggest that reports regarding the administration of an organisation were also more likely to be referred to disciplinary action (compared to reports where the primary aspect was ‘Other’), and the relationship was close to significance ($p < 0.10$).
- Results also suggested that compared to reports received from barristers, reports received from members of the public were less likely to be referred to disciplinary action. The predictive relationship was close to significance ($p < 0.10$).

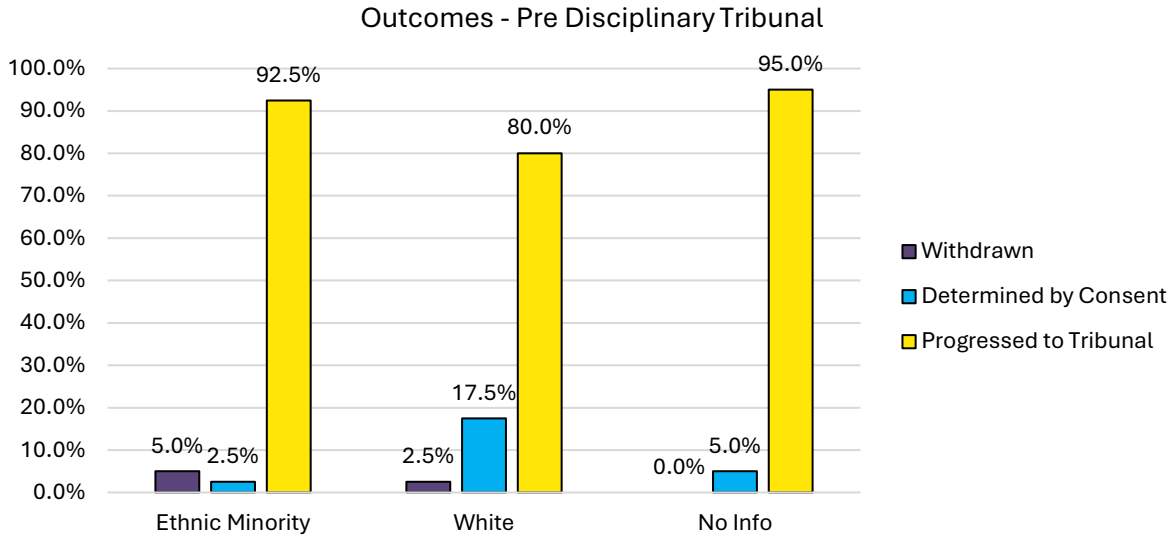
85. Most case aspect groupings, being a KC, years of experience, being a litigant in person, the report source, and the time range within the period all had a non-significant relationship with the likelihood of a report being referred to disciplinary action.

Outcomes of reports referred to disciplinary action by Enforcement

86. **Referred to Tribunal** - during the period covered by this analysis, cases against 140 barristers that had been referred to disciplinary action were resolved. Of these barristers, 112 were male, 25 were female, and the BSB did not hold gender data on three individuals. In relation to ethnicity, 40 were from minority ethnic backgrounds, 80 were from White backgrounds, and the BSB did not have ethnicity data on 20 individuals.

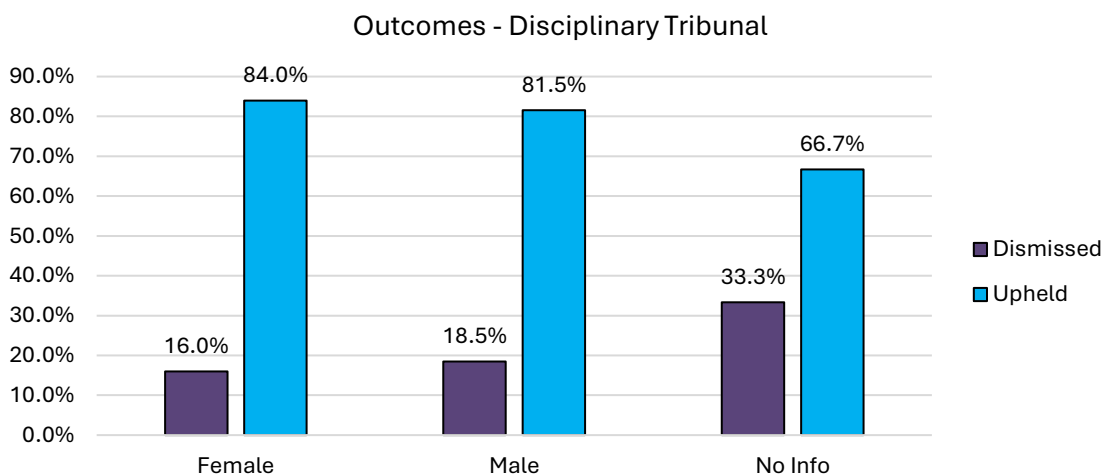


87. When looking at outcomes by gender, the vast majority of cases were referred to tribunal (indeed, for female barristers, all cases were referred). Although the proportion of cases referred was lower for male barristers, the differences between male and female barristers were not statistically significant.



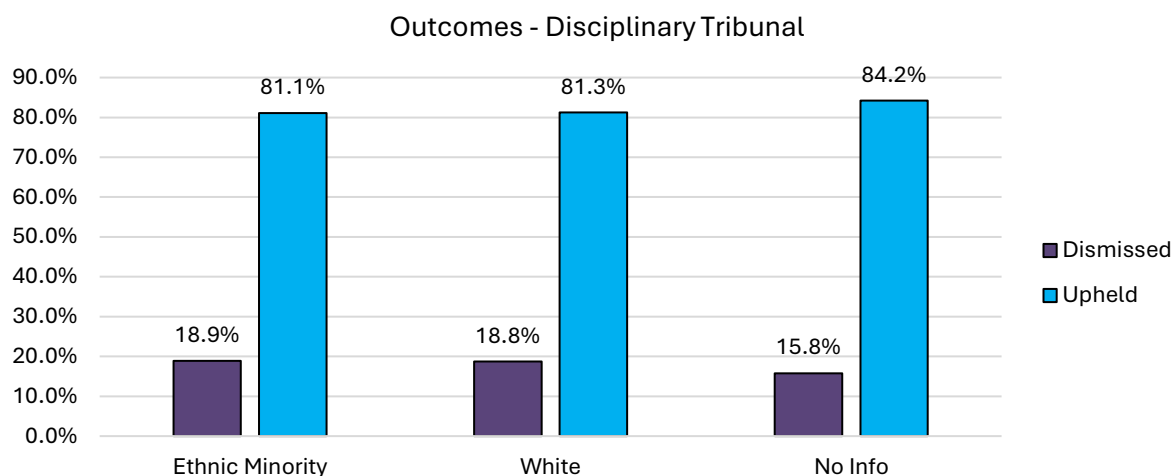
88. As with gender, there were limited differences by ethnicity in terms of the proportion of cases referred to disciplinary tribunal. While a higher proportion of cases against White barristers were determined by consent, the differences between White barristers and barristers from minority ethnic backgrounds were not statistically significant.

89. **Tribunal Outcomes** - during the period covered by this analysis, cases against 120 barristers that had been referred to tribunal were resolved. Of these barristers, 25 were female, 92 were male, and the BSB did not hold gender data on three individuals. In relation to ethnicity, 37 were from minority ethnic backgrounds, 64 were from White backgrounds, and the BSB did not have ethnicity data on 19 individuals.



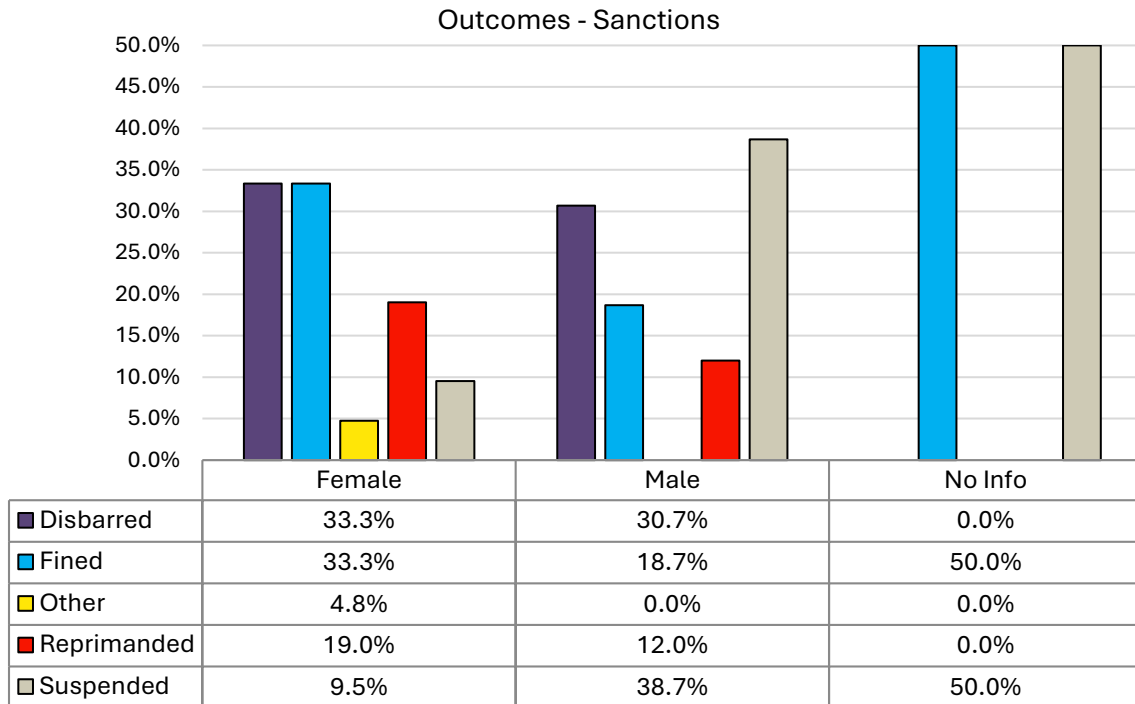
90. Looking at the outcomes of disciplinary tribunals, a very similar proportion of cases were upheld and dismissed when looking at male and female barristers – around one in eight cases were dismissed for both male and female barristers, with the remainder

being upheld. The differences in the proportions of cases upheld and dismissed between male and female barristers were not statistically significant.

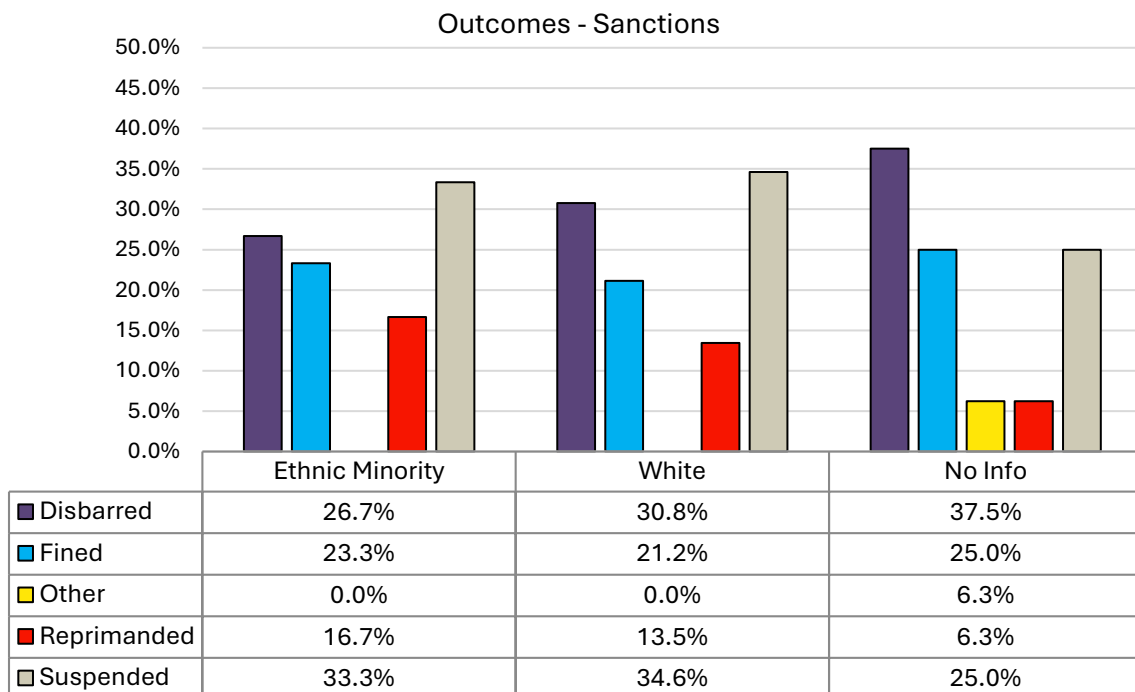


91. As with tribunal outcomes by gender, the differences between tribunal outcomes by ethnicity were minimal – there was only a 0.2 percentage point difference between the proportion of cases upheld and dismissed between White barristers and barristers from a minority ethnic background, and there was also little difference in the proportion of cases upheld and dismissed for barristers for whom the BSB did not have any data on their ethnic background. The differences in the proportions of cases upheld and dismissed between White barristers and barristers from a minority ethnic background were not statistically significant.

92. **Sanctions Received** - During the period covered by this analysis, sanctions were handed down against 98 barristers where cases had been upheld by the disciplinary tribunal. Of these barristers, 21 were female, 75 were male, and the BSB did not hold gender data on two individuals. In relation to ethnicity, 30 were from minority ethnic backgrounds, 52 were from White backgrounds, and the BSB did not have ethnicity data on 16 individuals.



93. There were some differences between the proportions of male and female barristers receiving particular sanctions as a result of sanctions handed down following cases being upheld by disciplinary tribunals. While similar proportions of male and female barristers were disbarred (around one in three), a higher proportion of female barristers were fined (33.3% compared to 18.7% of male barristers), and a higher proportion of male barristers were suspended (close to two fifths compared to less than one in ten female barristers). These differences in outcomes by gender were statistically significant.



94. In contrast to the differences observed by gender, there was little difference in the proportions of White and minority ethnic barristers receiving particular sanctions. The largest difference (the proportions of barristers who were disbarred) being 4.1 percentage points – 30.8% of White barristers were disbarred compared to 26.7% of barristers from a minority ethnic background. The differences in sanctions received between White barristers and barristers from a minority ethnic background were not statistically significant.

Report outcomes over time - Interrupted Time Series Analysis

95. Results suggested that the introduction of the new Enforcement process in October 2019 did not significantly relate to a change in the proportion of reports that made it past initial investigation, or in the proportion of reports that were referred for disciplinary action by gender, and by ethnicity, with one exception seen for female barristers for reports referred for disciplinary action.

96. Models were run for CAT processing of reports, and Enforcement processing of reports for, male barristers, female barristers, Minority Ethnic background barristers and White barristers. The only model in which there was a significant difference in the period immediately before and after October 2019 was for the model run for female barristers regarding on the likelihood of being referred for disciplinary action.

97. For this model, there was a small increase in the likelihood of female barristers being referred for disciplinary action upon the introduction of the newer system (as shown in the chart in Figure 7 showing the trend for female barristers – see the points before and after the introduction of the newer system, highlighted by the vertical line), albeit at a level below that of male barristers.

98. Results suggest that the proportion of reports making it past initial investigation was trending down prior to the implementation of the reformed system in October 2019, and that this trend continued over time post reform. For the proportion of reports being referred to disciplinary action, there is more of a flat trend over time, and no discernible immediate trend following the introduction of the newer system in October 2019 (there is a slight increase in reports being referred for disciplinary action in more recent time periods, but these are quite far removed from the time of the change in the system. These overall trends are also highlighted in Figure 5 and Figure 7 and results to the regression models reflect these charts. Full model results are given in the appendices.

Results: Likelihood of being subject to a report – October 2019 onwards

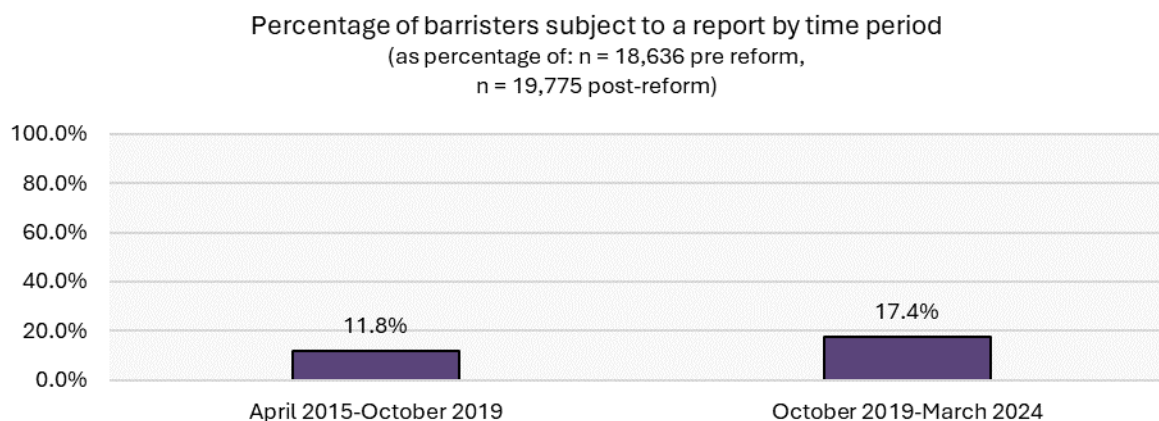
Exploratory analysis

99. Figure 8 below shows the increase in the percentage of barristers that were subject to a report upon introduction of the newer reporting system. It is thought that this is largely related to improved recording of reports that did not formerly make it to the Enforcement stage, as well as it becoming easier to report potential breaches of the Code of Conduct to the BSB upon the introduction of an online reporting form when the newer system was introduced.

100. This increase in reports makes it difficult to compare between periods regarding the likelihood of being subject to a report, and so the regression modelling will not explore such comparisons, as any comparisons made will be of limited value.

101. From October 2019 to March 2024 just over one in six (17.4%) of all barristers who practised at any point during the period was subject to a report. The vast majority of these reports did not result in an Enforcement or Supervision action.

Figure 8. Percentage of barristers who were subject to a report during the periods of April 2015-October 2019 and October 2019–March 2024



102. Table 11 below shows the percentage of practising barristers subject to a report by barrister characteristic. Percentages are given for barristers that practised at any point in each time period, for those subject to any report, and those subject to an Enforcement investigation (which is part of the larger group of those subject to any report). The number of barristers in each group in each time period is also provided.

Table 11. Proportion of practising barristers subject to a report by barrister characteristics

Barrister characteristics	April 2015-October 2019			October 2019-March 2024			% increase in reports by group from old system to new system
	Subject to any report	Subject to Enf. investigation	Number of barristers	Subject to any report	Subject to Enf. investigation	Number of barristers	
<i>Whole sample</i>	11.8%	3.3%	18636	17.4%	2.2%	19775	47.5%
Ethnicity							
Asian/Asian British	15.2%	5.0%	1210	21.2%	4.6%	1433	39.5%
Black/African/Caribbean/Black British	17.6%	7.2%	540	24.0%	4.9%	616	36.4%
Mixed/multiple ethnic groups	12.4%	3.2%	557	15.1%	1.8%	675	21.8%
Other ethnic group	15.9%	6.0%	232	21.7%	2.7%	258	36.5%
White	11.1%	2.8%	14703	16.7%	1.8%	15357	50.5%
Prefer not to say / No information	13.1%	4.7%	1394	17.6%	3.0%	1436	34.4%
Gender							
Female	10.9%	2.8%	6834	14.9%	1.6%	7609	36.7%

Barrister characteristics	April 2015-October 2019			October 2019-March 2024			% increase in reports by group from old system to new system
	Subject to any report	Subject to Enf. investigation	Number of barristers	Subject to any report	Subject to Enf. investigation	Number of barristers	
Male	12.3%	3.5%	11316	19.1%	2.5%	11512	55.3%
Another term for gender	16.7%	0.0%	36	24.4%	4.9%	41	46.1%
Prefer not to say / No information	12.7%	3.6%	450	15.8%	2.0%	613	24.4%
Disability status							
No disability declared	11.0%	2.9%	10246	17.0%	2.0%	11253	54.5%
Disability declared	14.5%	4.4%	868	21.0%	3.3%	1015	44.8%
Prefer not to say / No information	12.4%	3.7%	7522	17.4%	2.3%	7507	40.3%

103. Differences between groups can be seen across both time periods in the percentage of practising barristers subject to any report and the percentage of barristers subject to an Enforcement investigation for disability status, ethnicity, and for gender.

104. The table below shows the interquartile range values based on modelled curves for the percentages of barristers subject to any report in each percentile for several numerical variables. For example, for the variable of a percentage of the period a barrister spent practising in Family law (0-100%), the corresponding modelled percentage of those in who were subject to any report during the period is given for the 25, 50, 75 and 100 percentiles. The curves were modelled using a Generalised Additive Model (GAM) smoothing function.

Table 12. Modelled percentage of the likelihood of being subject to a report for several numeric variables on a scale from 0-100

Variable	25 percentile		50 percentile		75 percentile		100 percentile	
	Pre-reform	Post-reform	Pre-reform	Post-reform	Pre-reform	Post-reform	Pre-reform	Post-reform
Proportion of practice in Criminal law	17%	16%	11%	15%	14%	16%	11%	15%
Proportion of practice in Family law	16%	21%	14%	25%	16%	26%	13%	19%
Proportion of practice in Immigration law	18%	17%	18%	14%	32%	20%	24%	12%
Proportion of practice in Civil: Business and Property courts law	15%	17%	12%	8%	22%	20%	18%	13%
Proportion of practice in Other Civil law (not including immigration)	13%	14%	14%	10%	18%	18%	17%	14%
Primary area of practice as a proportion of entire practice	15%	22%	15%	20%	14%	19%	11%	15%

Average proportion of income from public access work	Not available	33%	-	43%	-	48%	-	32%
Proportion of period spent as a Sole Practitioner	29%	47%	30%	49%	22%	41%	20%	28%
Proportion of period spent as Self employed barrister	12%	31%	21%	28%	18%	28%	12%	17%
Proportion of period spent as Employed barrister	18%	29%	14%	30%	12%	27%	7%	10%
Proportion of period spent as Dual Capacity barrister	18%	29%	19%	35%	18%	35%	19%	32%
Proportion of period spent as a KC	6%	16%	10%	14%	13%	9%	12%	18%

105. Charts providing the full modelled curves of the above variables are given in the technical appendix.

Regression model results

106. Charts relating to the predictive relationship between each variable and the likelihood of being subject to a report are provided in the appendices along with the full model results.

Gender, ethnicity, disability and experience (as a proxy for age)

107. For those that practised at all between 1 October 2019 and 14 March 2024, when controlling for the variables in the model:

- Male barristers were more likely than female barristers to be subject to any type of report received by the BSB (**around 1.4 times more likely, significant, p <0.001**).
- Those from minority ethnic backgrounds were more likely than White barristers to be subject to any type of report received by the BSB (**around 1.2 times more likely, significant, p <0.001**).²⁰
- Those with a declared disability were more likely than those without a declared disability to be subject to any type of report received by the BSB (**around 1.2 times more likely, significant, p <0.05**).
- Every extra year spent practising was associated with a 0.012 increase in the likelihood of being subject to a report (**significant, p <0.001**). For example, for a barrister who first entered into practice 20 years ago as of March 2024, would be around 1.2 times more likely to be subject to a report during the period than a

²⁰ When running a separate model that disaggregated ethnic groups further, it was found that Asian/Asian British barristers were more likely than White barristers to be subject to any type of report received by the BSB (**around 1.3 times more likely, significant, p <0.001**), and Black/Black British barristers were more likely than White barristers to be subject to any type of report received by the BSB (**around 1.4 times more likely, significant, p <0.001**)

barrister who first started practising five years prior. This variable may partly relate to the amount and type of work taken on by barristers.

Other variables

108. For those that practised at all between 1 October 2019 and 14 March 2024, when controlling for the variables in the model:
109. Proportion of the period spent practising – Perhaps unsurprisingly, the proportion of the time period a barrister spent practising was associated with an increase in the likelihood of being subject to a report. Compared to those who spent 50 per cent or more of the period practising, barristers that spent less than 25 per cent of the period (in which they could have practised) practising were around 1.7 times less likely to be subject to a report, and those who spent 25-50 per cent of the period in practice were around 1.5 times less likely to be subject to a report (both results were significant at the $p < 0.01$ level).
110. Employed/Self Employed/Sole practitioners – Compared to those with over 90 per cent of their practice as a Self Employed barrister, those with over 90 per cent of their practice as an Employed barrister were around 1.4 times less likely to be subject to a report during the period (significant, $p < 0.001$).
111. In contrast, those with over 90 per cent of their practice as a Sole Practitioner, those working as Dual Capacity barristers, and those with another spread of type of practice (a mix of employed and self-employed practice²¹) were all more likely than Self Employed barristers to be subject to a report during the period (around 1.3 times more likely for Sole Practitioners, 2.0 times more likely for Dual Capacity, 1.4 times more likely for a mix of self employed and employed practice, and 2.6 times more likely for another mix of practising status during the period). All of these results were significant.

Area of Law

112. An increase in the proportion of a practice spent undertaking Criminal law was associated with an increase in the likelihood of being subject to a report. The same was true for Family law, and Civil Law (excluding Immigration or areas of law heard in the Business and Property Courts).
113. A higher proportion of the barrister's practice spent in a single broad area of practice (Civil: Business and Property, Other Civil law, Crime, Family, Other) was associated with a decrease in the likelihood of being subject to a report. This variable is a proxy for having a increased focus on a single area of law.
- for every 1% increase in the proportion of a barrister's practice in Crime, the likelihood of being subject to a report during the period increased by 0.20%, **significant, $p < 0.05$**
 - for every 1% increase in the proportion of a barrister's practice in Family law, the likelihood of being subject to a report during the period increased by 0.66%, **significant, $p < 0.001$**

²¹ Eg those spending some of the period as an employed barrister and some of the period as a self employed barrister.

- for every 1% increase in the proportion of a barrister’s practice in Civil Law (excluding Immigration or areas of law heard in the Business and Property Courts), the likelihood of being subject to a report during the period increased by 0.26%, **significant, p < 0.001**)

Other practising indicators

- Pro Bono – An increase in the number of hours spent on pro bono work was associated with a slight increase in the likelihood of being subject to a report (for every hour extra spent doing pro bono work on average, the likelihood of being subject to a report increased by 1.5%, significant, p < 0.001).
 - Public Access - An increase in the proportion of a barrister’s practice in public access work was strongly associated with an increase in the likelihood of being subject to a report (for every 1% increase in the proportion of a barristers practice in public access work, the likelihood of being subject to a report during the period increased by 1.72%, **significant, p < 0.001**).
114. The proportion of a barrister’s income from legal aid, having KC status, and practising in immigration, all had a non-significant association with likelihood of being subject to a report.

Conclusions

Summary of results

Report outcomes

Gender

CAT

115. Gender was a significant predictor of whether reports processed by CAT from October 2019-14 March 2024 were referred to the BSB Enforcement or Supervision teams, with reports regarding male barristers around 1.3 times more likely to be referred compared to those regarding female barristers. It is difficult to compare results for CAT to previous research as the processing of reports was undertaken under a different system. However, in the previous research, gender was not a significant predictor of whether a case was closed without investigation, which is the closest analogue for this purpose.
116. However, for the model looking at change between the older and newer enforcement systems in the proportion of reports closed without investigation/referred further along the enforcement process, no significant differences between the newer system and the previous one were found for gender.
117. This may suggest that significant results in the first model may reflect the result of having a greater amount of data in the dataset, and while the models are different and based on different datasets, as a very basic comparison, the coefficient of the models from 2015-2019 for gender compared to the model in this research is quite similar, and the finding of statistical significance may result from having a larger dataset.²²

Enforcement

118. Gender was also significant predictor of whether reports processed by Enforcement from October 2019-14 March 2024 were referred to disciplinary action, with reports regarding male barristers around 1.8 times more likely to be referred compared to those regarding female barristers. In previous research covering 2015-2019, gender also significantly predicted whether reports were referred to disciplinary action – with the same trend of male barristers being more likely to have reports referred to disciplinary action than female barristers (the magnitude of the trend is difficult to compare).
119. For the model looking at change between the older and newer enforcement systems in the proportion of reports referred to disciplinary action, one significant difference between the newer system and the previous one was found for female barristers – upon introduction of the newer system, female barristers were slightly more

²² Thiese, M.S., Ronna, B. and Ott, U., 2016. P value interpretations and considerations. *Journal of thoracic disease*, 8(9), p.E928. “A P value is also affected by sample size and the magnitude of effect. Generally the larger the sample size, the more likely a study will find a significant relationship if one exists. As the sample size increases the impact of random error is reduced.”

likely to have a report referred to disciplinary action (the percentages involved were lower than those seen for male barristers in both systems/time periods however).

Ethnicity

CAT

120. Ethnicity was a significant predictor of whether reports processed by CAT from October 2019-14 March 2024 were referred to the BSB Enforcement or Supervision teams, with reports regarding Minority Ethnic background barristers around 2.3 times more likely to be referred compared to those regarding White barristers. It is difficult to compare results for CAT to previous research as the processing of reports was undertaken under quite a different system. However, in the previous research, ethnicity was not a significant predictor of whether a case was closed without investigation, which is the closest analogue for this purpose.

121. However, in similarity with the model on gender, for the model looking at the immediate change between the older and newer enforcement systems in the proportion of reports closed without investigation/referred further along the enforcement process, no significant differences between the newer system and the previous one were found for ethnicity.

122. It appears that while the introduction of the newer system did not lead to an increase in the percentage of reports referred to Enforcement or Supervision for those from Minority Ethnic backgrounds. However, prior to the introduction of the newer system there was a large reduction in the same measure seen for those from White backgrounds, and this trend may explain the significant result seen for those from Minority Ethnic backgrounds in comparison to those from White backgrounds in the model on report outcomes for CAT. What has driven the trend requires further investigation, although it should be noted that the difference seems to have reduced in the two most recent time periods (roughly analogous to the 18 months to March 2024).

Enforcement

123. Ethnicity was not a significant predictor of whether reports processed by Enforcement from October 2019-14 March 2024 were referred to disciplinary action. The same was true in the previous research, although there were results close to significance in the previous research, and this is no longer the case (although a slightly different model was used, so it is difficult to make inferences for such comparisons).

124. Previous research highlighted that while there were a greater proportion of reports referred for disciplinary action for barristers from minority ethnic backgrounds in comparison to White barristers prior to 2017, from 2017-2019 there was no clear trend. This suggested that the association between ethnicity and the likelihood of a report being referred for disciplinary action may have become weaker from 2017 onwards. Results to this research may further back up a continuation of this trend.

125. For the model looking at change between the older and newer enforcement systems in the proportion of reports referred to disciplinary action, no significant differences between the newer system and the previous one were found for ethnicity.

Years of experience (a proxy for age as well as experience)

CAT

126. When controlling for other factors, an increase in the number of years of experience a barrister had was found to be related to an increase in the likelihood of a report being forwarded to Enforcement or Supervision. For every year of experience, the associated likelihood increased by around 2 per cent.

Enforcement

127. No significant association was found between the number of years since first started practising and the likelihood of an Enforcement report being referred to disciplinary action.
128. Previous research used years since call as a similar predictor. This was found to have no significant association with the likelihood of a report being closed without investigation, or being referred to disciplinary action.

Other variables

CAT

129. **Primary case aspects:** Reports relating to administration of an organisation were found to be associated with an increased likelihood of progression to Enforcement, whereas Compliance with court/regulator/professional body; General conduct; and Witnesses/Conduct in court, were all significant predictors and associated with a decreased likelihood of progression to Enforcement of Supervision.
130. **Case Reporter:** Compared to a report coming in from the BSB, reports from other barristers were around three times more likely to be forwarded to Enforcement or Supervision; and reports from another legal professional were around 2.4 times more likely to be forwarded to Enforcement or Supervision. Reports from members of the public were around 1.8 times less likely to be forwarded to Enforcement or Supervision. Reports from litigants in person were also less likely to be referred.
131. Similar trends were seen in the previous research, with reports brought by complainants who could generally be said to have less knowledge of the conduct expected of a barrister being more likely to be closed without investigation.
132. KCs – Reports about KCs were around 2.1 times less likely to be referred to Enforcement or Supervision in comparison to reports regarding non-KCs.
133. **Year of Report:** The likelihood of a case being referred to Enforcement or Supervision, appears to have decreased over time, with a control variable for time period being a significant predictor. A similar trend was observed in the previous research for likelihood of a report being closed without investigation.

Enforcement

134. There were relatively few significant predictors for the likelihood of an Enforcement report being referred to disciplinary action. The strongest predictor was whether 'Criminal Conviction' was a primary aspect (around 63 times more likely to be referred to disciplinary action compared to reports where the primary aspect was 'Other').
135. Reports involving barristers who were unregistered at the time the report was made were also more likely to be referred to disciplinary action.

Likelihood of being subject to a report

Gender

136. Male barristers were more likely than female barristers to be subject to any type of report received by the BSB (around 1.4 times more likely, significant, $p < 0.001$).
137. Previous research divided the type of report barristers could be subject to into those brought by the BSB, and those from external sources. In previous research, male barristers were more likely than female barristers to be subject to reports brought by the BSB, and there was a similar association for reports from external sources that was close to significance. As such, this research shows a continuation and potential increase in previous trends.

Ethnicity

138. Compared to White barristers, those from minority ethnic backgrounds were around 1.2 times more likely to be subject to any type of report received by the BSB – When running a separate model that further disaggregated ethnicity, Asian/Asian British barristers were around 1.3 times and Black/Black British barristers were around 1.45 times more likely than White barristers to be subject to any type of report received by the BSB.
139. Previous research did not disaggregate ethnicity to such an extent. In previous research Minority Ethnic background barristers were more likely to be subject to a report brought by the BSB.

Disability

140. Those with a declared disability were around 1.2 times more likely than those without a declared disability to be subject to any type of report received by the BSB. Disability status was not included as a variable for the analogous models in previous research.

Years of experience

141. Every extra year spent practising was associated with a very slight increase in the likelihood of being subject to a report. For example, for a barrister who first entered into practice 20 years ago as of 14 March 2024, they would be around 1.1 times more likely to be subject to a report during the period than a barrister who first started practising five years prior. This variable may partly relate to the amount and type of work taken on by barristers.
142. Years of call was not a significant predictor of being subject to an external report in previous research, and was associated with a lower chance of being subject to an internal report, and so this is a surprising new trend.

Other variables

143. **Area of practice** – When controlling for other variables, including (importantly) a variable indicating the proportion of a barrister's practice in one main area, an increase in the proportion of a practice spent in Crime was associated with an increase in the likelihood of being subject to a report. The same was true for Family law, and Civil Law (not including Immigration or areas of law heard in the Business and Property Courts).

Of these, family law showed the strongest association with the likelihood of being subject to a report.

144. However, there does appear to be some relationship between focussing on practising in one area of law and a decrease in the likelihood of being subject to a report. Results suggest that having a more mixed practice is associated with a slight increase in the likelihood of a barrister being subject to a report. An increase in the proportion of a barrister's practice spent in the same grouped practice area (Civil: Business and Property, Other Civil law, Crime, Family, Other) was associated with a decrease in the likelihood of being subject to a report.
145. **Practising status** – Compared to those who spent over 90 per cent of the time spent practising during the period as a Self Employed barrister, Employed barristers (over 90% of practice) appeared to be less likely to be subject to a report, and Sole Practitioners (over 90% of practice) were more likely to be subject to a report. Those with a more mixed practising type (mostly employed and self employed mix) also appeared to be more likely to be subject to a report.
146. **Pro Bono** – An increase in the number of hours spent on pro bono work was associated with a slight increase in the likelihood of being subject to a report (for every hour extra spent doing pro bono work on average, the likelihood of being subject to a report increased). It is likely that this variable is a proxy for something else not controlled in the model.
147. **Public Access** - An increase in the proportion of a barrister's practice in public access work was strongly associated with an increase in the likelihood of being subject to a report (for every 1% increase in the proportion of a barristers practice in public access work, the likelihood of being subject to a report during the period increased by 1.72%). This was quite a strong predictor in this model.

Answering the aims of this research

- **When controlling for other factors, from October 2019-March 2024, what relationships do ethnicity and gender display with: a) the likelihood of a report received by the BSB Contact and Assessment Team (CAT) being referred to the BSB Enforcement or BSB Supervision team? b) the likelihood of a report being referred for disciplinary action by the BSB Investigations and Enforcement team? C) *The outcomes of reports referred to disciplinary action?* d) the likelihood of being subject to any report for practising barristers?**

148. For reports processed by CAT, both gender and ethnicity contained significant predictors progression to the BSB Enforcement or Supervision teams. A similar trend was seen in previous research, although statistical significance was not present (although as already noted, this was under a very different system).
149. For reports referred to the Investigations and Enforcement team, results suggest that reports about male barristers remain more likely to be referred to disciplinary action, and that ethnicity was not a significant predictor of whether reports made it to the same stage.

150. For reports referred to disciplinary action, neither gender and ethnicity were not a significant predictor of whether reports referred to disciplinary tribunal, or whether reports were upheld at the tribunal stage. While ethnicity was not a significant predictor of sanctions received, gender was a significant predictor, with male barristers more likely to be suspended and less likely to be fined than female barristers.
151. Male barristers appear to be more likely to be subject to a report compared to female barristers, and barristers from Asian/Asian British and Black/Black British backgrounds appear to be more likely to be subject to a report compared to White barristers.

Has the implementation of the newer reports processing system from October 2019 onwards had any adverse impact that differs by gender or ethnicity?

152. It is hard to determine precisely the impact of the introduction of the newer Enforcement system in October 2019 in terms of the processing of reports by the BSB. The newer system has meant that the BSB now receives a far greater number of reports. As result, over time new processes have been introduced to try and process reports as efficiently as possible and lessen strain on the organisation. Changes to these internal processes are difficult to reflect in this report.
153. In addition, the extra number of reports processed has perhaps had a knock-on effect that has led to issues regarding missing data on how cases are categorised thematically (via case aspects or case topics), and whether cases are “bulk”.
154. These issues, along with changes over time in how cases with certain aspects are processed has made joining the thread between the period prior and post October 2019 not a straightforward process, and as a result it is difficult to determine how the newer system is performing in comparison to the older one regarding gender, ethnicity, and other demographic variables, other than with the relatively basic results provided by the interrupted time series analysis.
155. Results from this analysis suggest that the introduction of the newer system did not significantly relate to changes in the outcome of reports with regard to gender and ethnicity, with one exception for gender (upon introduction of the newer system, female barristers were slightly more likely to have a report referred to disciplinary action - the percentages involved were lower than those seen for male barristers in both systems/time periods however).
156. However, overall, it has not been possible to definitively clarify whether the implementation of the newer reports processing system from October 2019 onwards had any adverse impact that differs by gender or ethnicity. Overall, results suggest that the proportion of reports referred to Enforcement and Supervision has been trending down over time.

Are there any other key trends in the data around factors that are associated with report likelihood or report outcomes?

157. For broader understanding of the market for barristers’ services, there appear to be trends regarding the likelihood of being subject to a report in relation to several variables that would appear to be worth further investigation – with these variables being; disability status, public access, area of practice, practising type (Self-Employed/Employed etc), and years of experience.

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Method of classifying bulk cases

Logic, by order of precedence	Classification
Where there was only one report for a barrister in the period	Not bulk
Where report aspect was recorded	Not bulk
Where report type was Investigations or Supervision (Not a CAT report)	Not bulk
Where number days to/from next report for barrister was ≥ 20	Not bulk
Where number of cases for barrister in period was ≥ 10 and report was < 20 days before or after next case	Bulk
Where number of cases for barrister in period was ≥ 5 and report was ≤ 5 days before or after next case	Bulk
Where number of cases for barrister in period was < 5 and report was ≤ 5 days before or after next case	Bulk

Model Results and charts

Reports referred to Enforcement or Supervision

Table 13. Regression model summary for reports referred to Enforcement or Supervision

Variable	Term	odds.ratio	std.error	statistic	p.value
(Intercept)		0.3576	0.3802	-2.7050	0.0068
Aspect – compared to 'Other aspect'	Abuse of position as a barrister	0.4572	0.4179	-1.8727	0.0611
	Administration of organisation	2.5738	0.4662	2.0279	0.0426
	ATP/Holding out/Undertaking reserved legal activities	1.3148	0.3036	0.9013	0.3675
	Breach of duties	0	271.0456	-0.0506	0.9596
	Client interest/service issues	0.9105	0.3909	-0.24	0.8103
	Compliance with regulator/court/professional body	0.3477	0.3391	-3.1149	0.0018
	Confidentiality	1.8479	0.4913	1.2497	0.2114
	Criminal conviction	1.7099	0.435	1.233	0.2176
	Drafting/Evidence	0.7075	0.4728	-0.7319	0.4642
	General conduct	0.382	0.287	-3.353	0.0008
	Harassment/Discrimination	1.3869	0.3689	0.8865	0.3753
	Instructions	0.5696	0.5054	-1.1137	0.2654
	Money related	0.5257	0.3766	-1.7071	0.0878
	No aspect recorded	0.0321	0.5272	-6.5225	0.0000
	Public Access	1.1546	0.6691	0.2148	0.8299
	Pupils	5.1208	1.1778	1.3868	0.1655
Witnesses/Conduct in Court	0.467	0.3259	-2.3364	0.0195	
King's Counsel – compared to non-KCs	KC	0.4856	0.2026	-3.5645	0.0004
Barrister status group – compared to registered barristers	Unregistered	0.8115	0.2064	-1.0117	0.3117
Years since first started practising – as of when the report was opened	For every one year increase	1.0232	0.0049	4.6437	0.0000
Litigant in person – compared to non-litigant in person	Litigant in person	0.488	0.1937	-3.7044	0.0002
	No information	0.0062	1.0181	-4.9971	0.0000
Information provider/Reporter: Compared to the BSB	A barrister	3.148	0.2193	5.229	0.0000
	A member of another professional body/regulator	0.8391	0.2477	-0.708	0.4789
	Legal services organisation	0.4413	0.7279	-1.1241	0.2610

Variable	Term	odds.ratio	std.error	statistic	p.value
	Member of public	0.5465	0.2351	-2.5707	0.0101
	No information	1.1468	0.2925	0.4683	0.6396
	Other	1.2874	0.2814	0.8978	0.3693
	Other legal professional	2.4728	0.2658	3.4065	0.0007
	Pupil/Student/Potential barrister	2.7018	0.5832	1.7041	0.0884
Gender – compared to female barristers	Male	1.2818	0.1229	2.0190	0.0435
	I use a different term	1.1927	0.9884	0.1783	0.8585
	Prefer not to say/No information	0.7484	0.3573	-0.8111	0.4173
Ethnicity – compared to White barristers	Minority Ethnic Background	2.3154	0.1293	6.4958	0.0000
	Prefer not to say/No information	1.6326	0.1947	2.5171	0.0118
Time range in period- compared to period following October 2019 (time period from October 2019 to March 2024 was divided into 5 equal chunks)	2	0.7986	0.1755	-1.2812	0.2001
	3	0.516	0.1728	-3.8295	0.0001
	4	0.2743	0.188	-6.8798	0.0000
	5	0.2458	0.1906	-7.3644	0.0000

Charts

Figure 9. Predictive relationships between whether reports were referred to Enforcement or Supervision and gender, ethnicity, and years since started practising

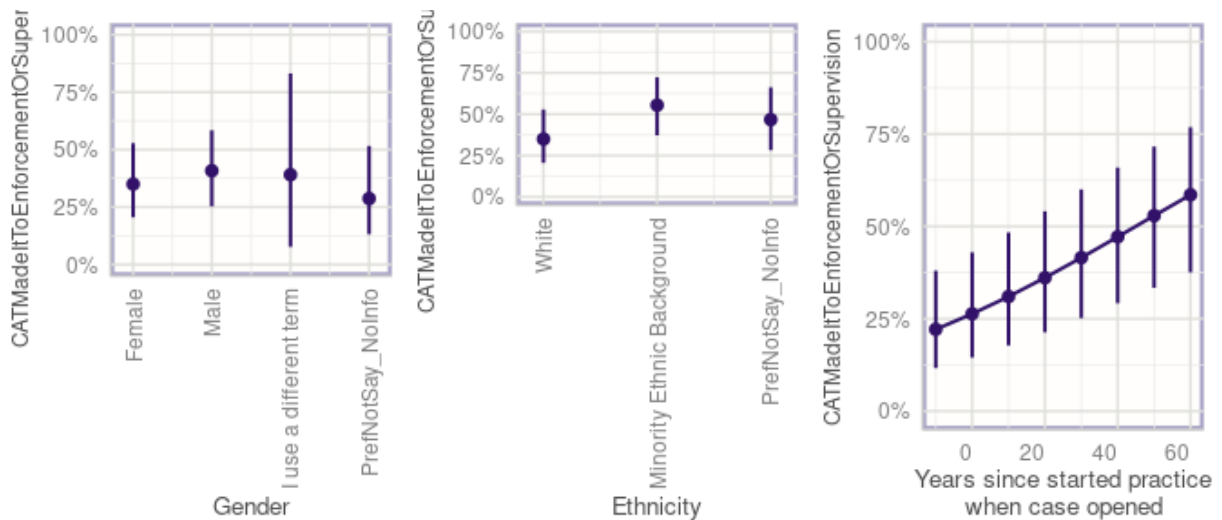


Figure 10. Predictive relationships between whether reports were referred to Enforcement or Supervision and report aspect, and reporter

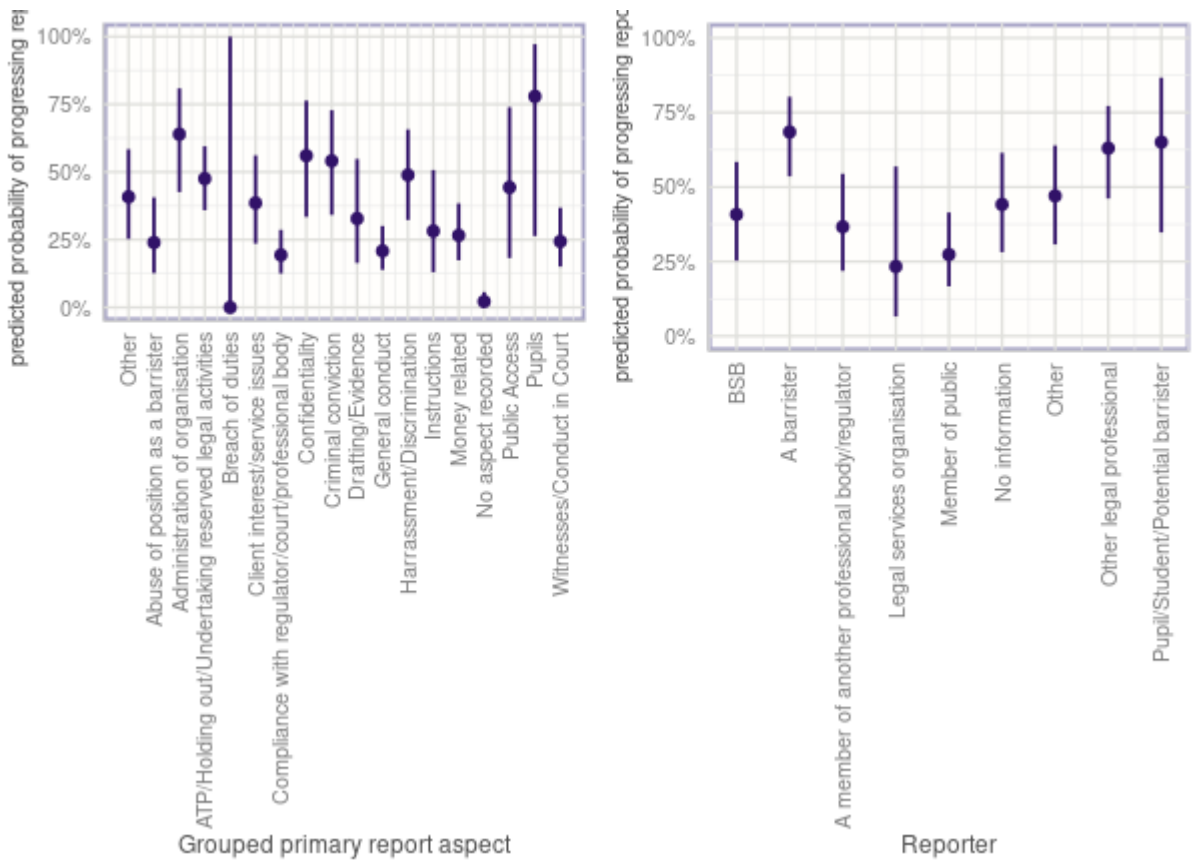
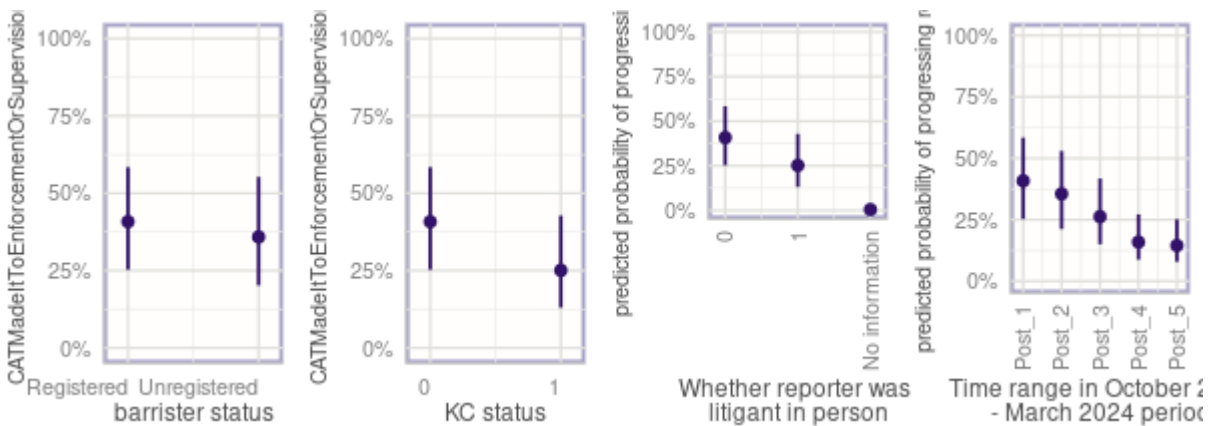


Figure 11. Predictive relationships between whether reports were referred to Enforcement or Supervision and practising status, KC status, whether reporter was a litigant in person, and time range in the period



Reports referred to disciplinary action

Table 14. Regression model summary for reports referred to disciplinary action

Variable	term	odds.ratio	std.error	statistic	p.value
	(Intercept)	0.0268	1.3027	-2.7773	0.0055
Aspect – compared to ‘Other aspect’	Abuse of position as a barrister	2.6472	1.2765	0.7627	0.4457
	Administration of organisation	10.9475	1.4024	1.7065	0.0879
	ATP/Holding out/Undertaking reserved legal activities	0.4027	1.2077	-0.7530	0.4514
	Client interest/service issues	2.5561	1.2251	0.7661	0.4436
	Compliance with regulator/court/professional body	4.4402	1.1689	1.2753	0.2022
	Confidentiality	0.9677	1.5359	-0.0214	0.9829
	Criminal conviction	62.7486	1.2497	3.3121	0.0009
	Drafting/Evidence	2.5774	1.6043	0.5901	0.5551
	General conduct	4.6878	1.1336	1.3629	0.1729
	Harassment/Discrimination	6.4995	1.1942	1.5674	0.1170
	Instructions	1.0985	1.5941	0.0589	0.9530
	Money related	1.5349	1.2879	0.3327	0.7394
	No aspect recorded	0.0000	882.7442	-0.0127	0.9898
	Public Access	1.9064	1.7404	0.3707	0.7108
	Pupils	4457355 2.4609	882.7442	0.0200	0.9841
Witnesses/Conduct in Court	2.9828	1.2174	0.8977	0.3693	
King’s Counsel – compared to non-KCs	KC	0.8734	0.4783	-0.2829	0.7772
Barrister status group – compared to registered barristers	Unregistered	2.3951	0.4276	2.0427	0.0411
Years since first started practising- as of when the report was opened	For every one year increase	1.0051	0.0120	0.4245	0.6712
Litigant in person – compared to non-litigant in person	Litigant in person	0.4852	0.6707	-1.0782	0.2809
	No information	2.1716	0.4281	1.8113	0.0701
Information provider/reporter: Compared to the BSB	A barrister	0.9531	0.5393	-0.0890	0.9291
	A member of another professional body/regulator	1.0860	0.6883	0.1199	0.9046
	Legal services organisation	7.7739	1.5135	1.3549	0.1754
	Member of public	0.3394	0.6305	-1.7138	0.0866
	No information	1.2411	0.5527	0.3908	0.6959
	Other	0.3242	0.7729	-1.4573	0.1450
	Other legal professional	0.9155	0.5910	-0.1495	0.8812
Pupil/Student/Potential barrister	0.9191	1.3429	-0.0628	0.9499	

Variable	term	odds.ratio	std.error	statistic	p.value
Gender: Compared to female barristers	Male	1.8484	0.3131	1.9623	0.0497
	I use a different term	5.0957	1.4455	1.1265	0.2600
	Prefer not to say/No information	0.8957	1.2012	-0.0917	0.9269
Ethnicity: Compared to White barristers	Minority Ethnic Background	1.1025	0.2946	0.3311	0.7406
	Prefer not to say/No information	1.3075	0.4707	0.5696	0.5690
Time range in period- compared to period following October 2019 (time period from October 2019 to March 2024 was divided into 5 equal chunks)	2	1.3198	0.4444	0.6244	0.5323
	3	1.6871	0.4858	1.0766	0.2817
	4	2.0865	0.4768	1.5427	0.1229
	5	2.5337	0.5219	1.7813	0.0749

Charts

Figure 12. Predictive relationships between whether reports were referred to disciplinary action and gender, ethnicity, and years since started practising

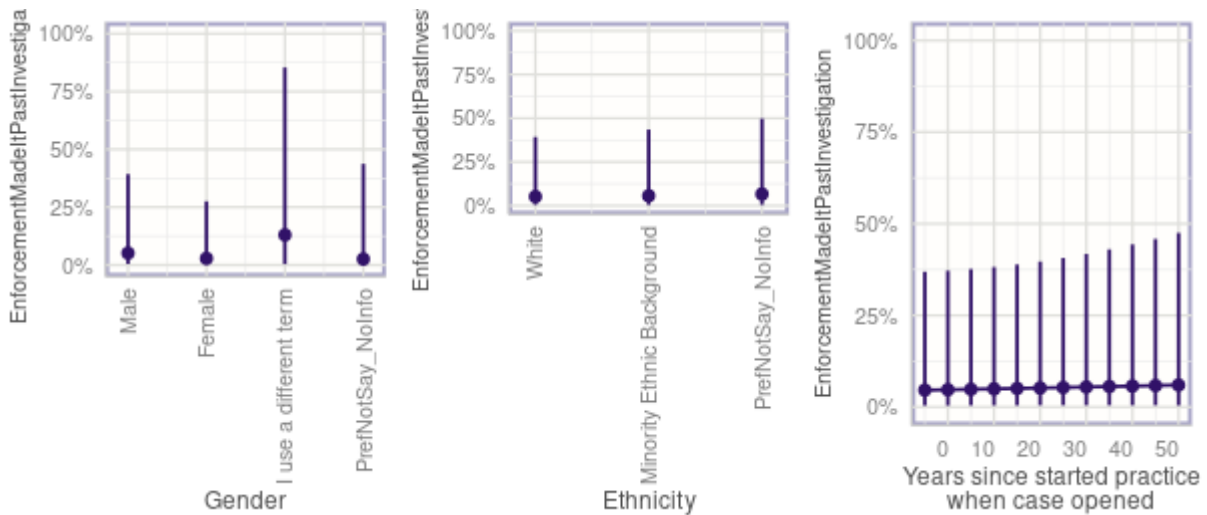


Figure 13. Predictive relationships between whether reports were referred to disciplinary action and report aspect, and reporter

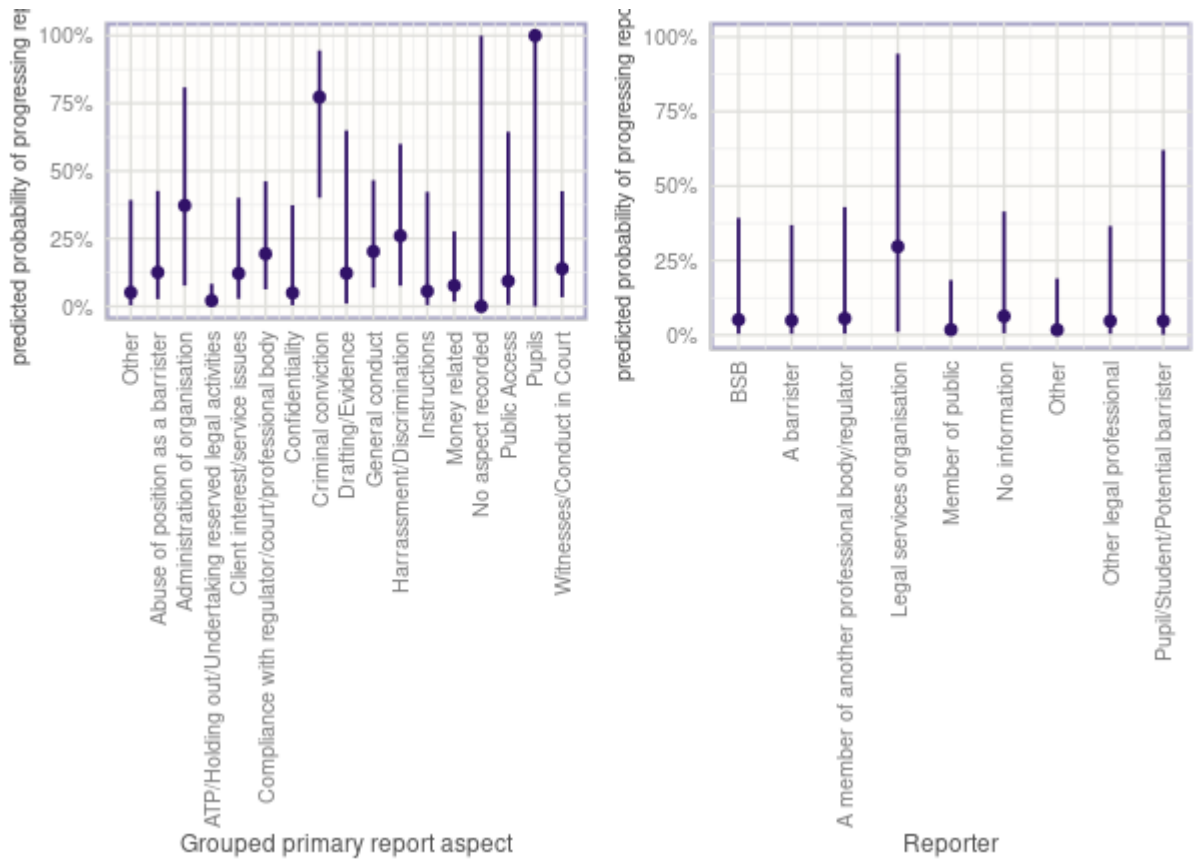
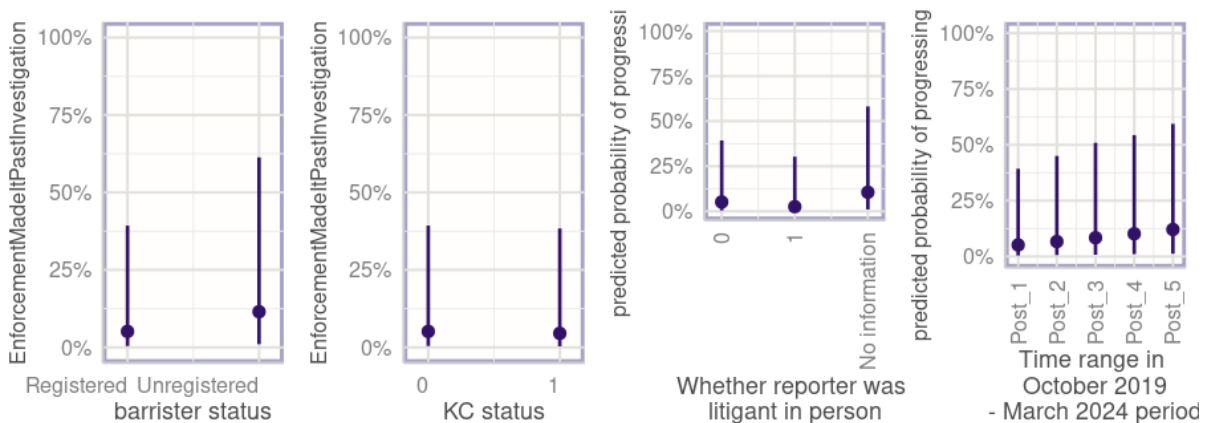


Figure 14. Predictive relationships between whether reports were referred to disciplinary action and practising status, KC status, whether reporter was a litigant in person, and time range in period

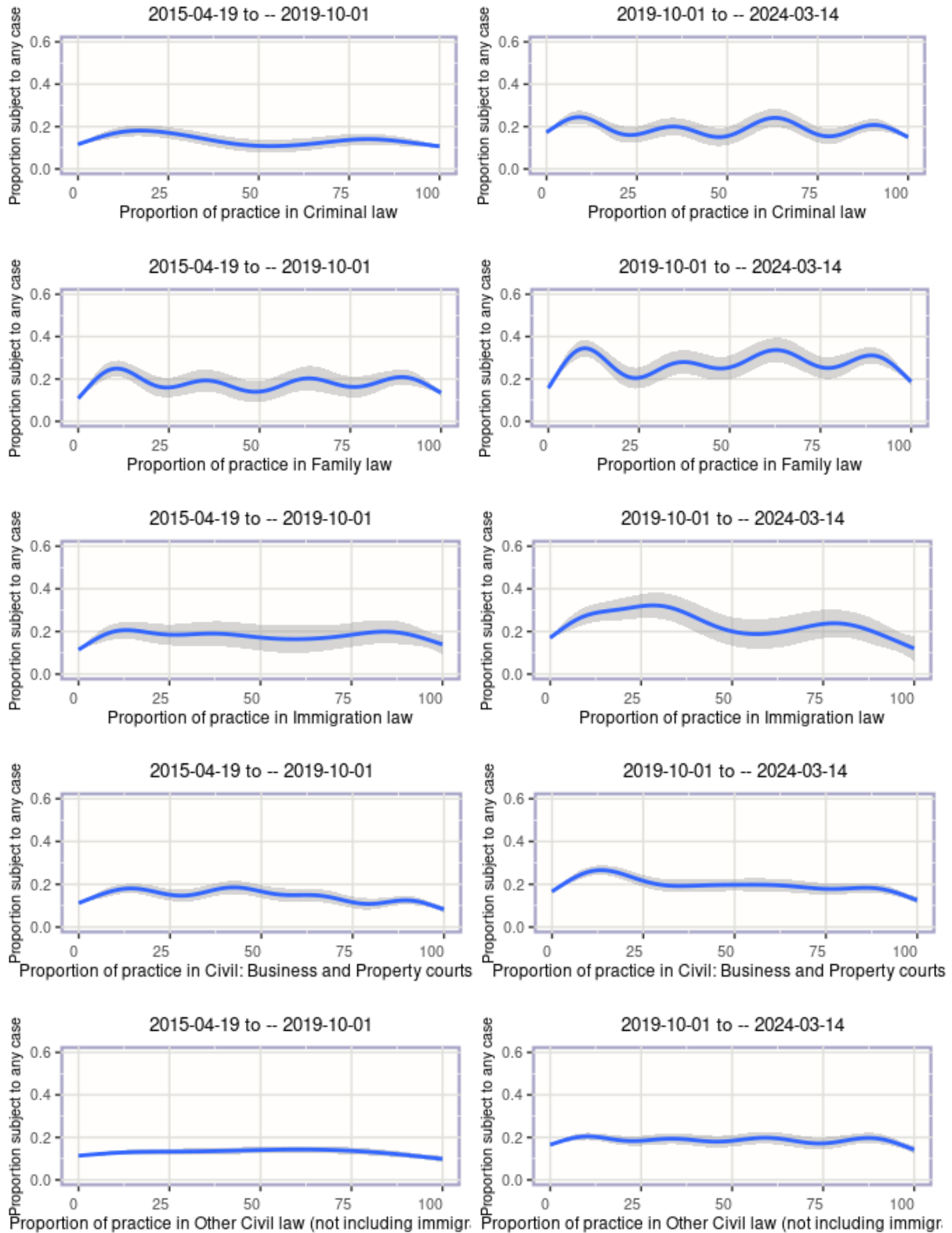


Likelihood of being subject to a report

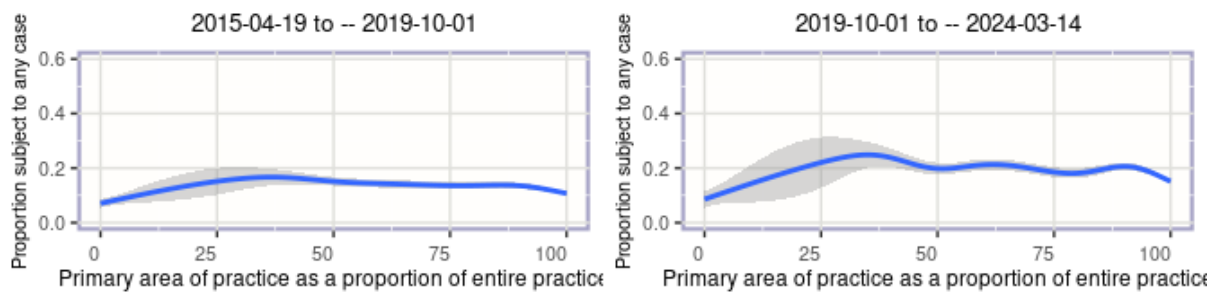
Exploratory analysis

Figure 15. Modelled proportion subject to any case by time period

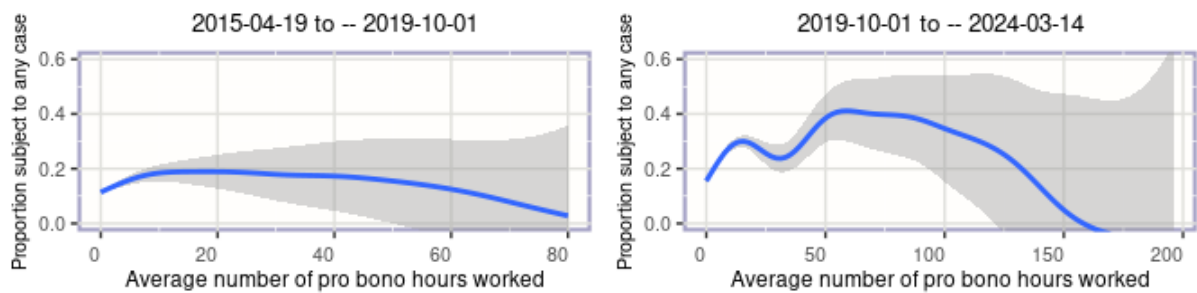
1-5: By area of practice



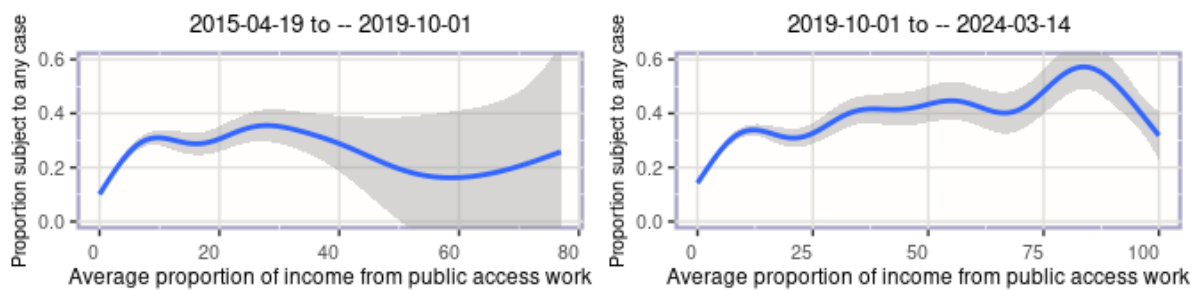
6: By proportion of entire practice taken up by primary area of practice



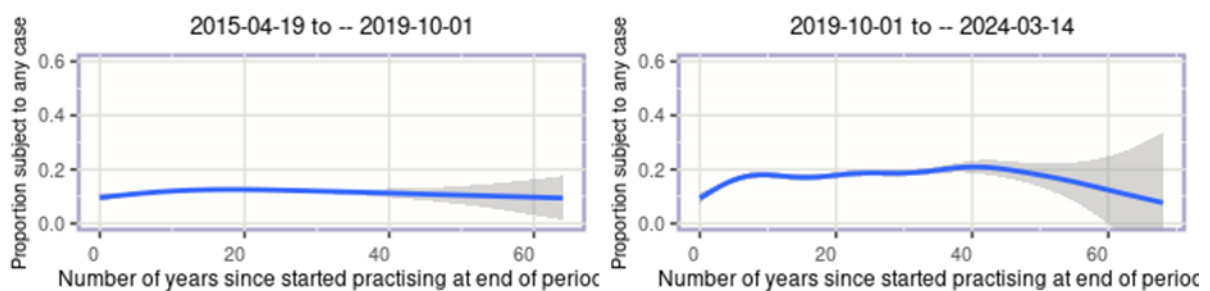
7: By number of pro bono hours worked throughout year on average



8: By average proportion of income from Public Access work

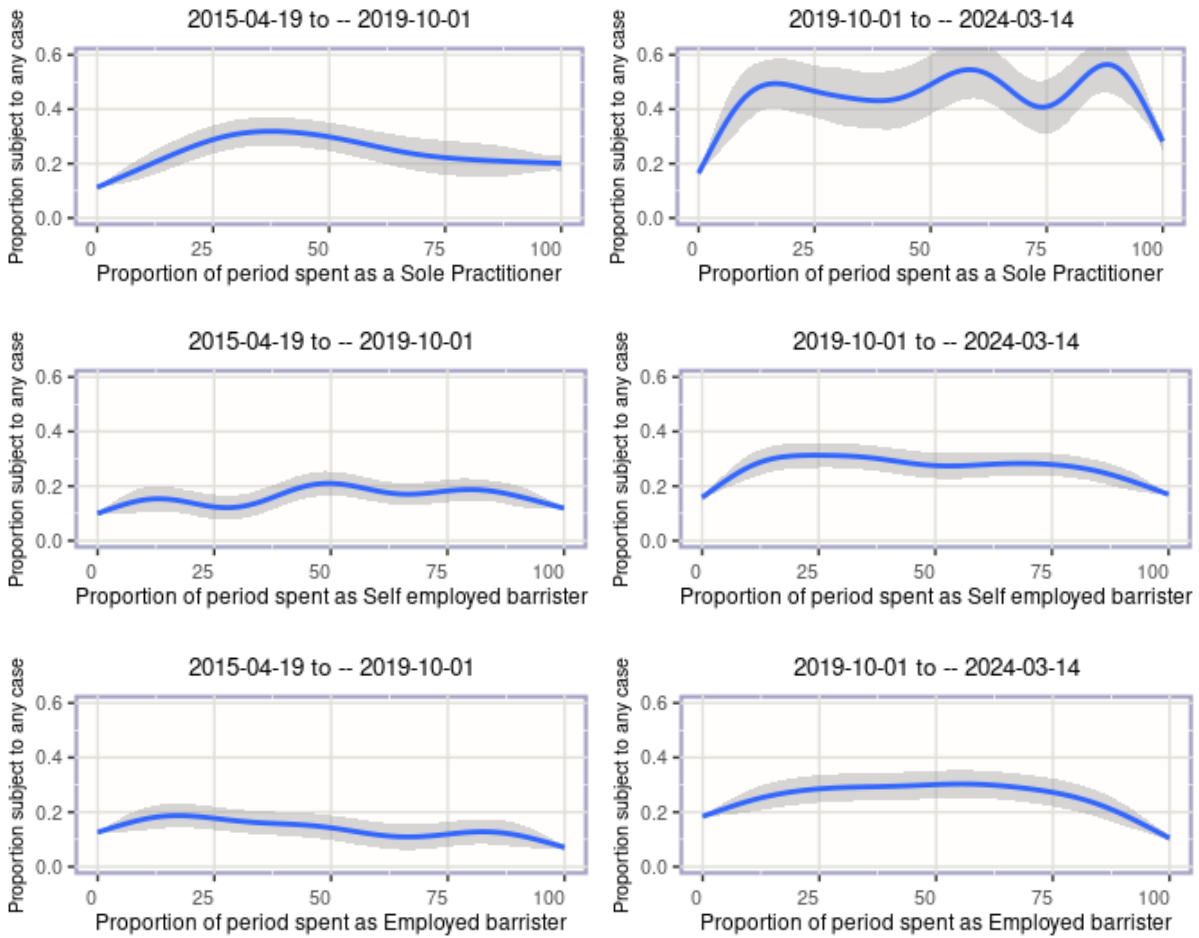


9: By number of years since started practising



10-13: By practising status group

BSB Processing of Reports against barristers – 2019-2024



Regression results

Table 15. Regression model summary likelihood of being subject to a report

Variable	term	Odds Ratio	std.error	statistic	p.value
(Intercept)		0.122	0.092	-22.863	0.0000
Practising status: compared to those with 90% or more of their practice as self employed barrister	>= 90% as Sole Practitioner	1.298	0.107	2.436	0.0149
	>= 90% as Employed barrister	0.710	0.067	-5.153	0.0000
	>= 90% as Dual Capacity	2.052	0.129	5.582	0.0000
	Mix of self employed and employed practice	1.416	0.144	2.413	0.0158
	Other mix of practising status	2.676	0.077	12.842	0.0000
KC Status: Compared to those who did not spend time as KC during period	Spent at least some of the period as a KC	0.905	0.067	-1.493	0.1353
Area of practice (for every 1% increase in practising area)	Average proportion of each year spent practising in criminal law	1.002	0.001	2.746	0.0060
	Average proportion of each year spent practising in family law	1.007	0.001	8.773	0.0000
	Average proportion of each year spent practising in immigration law	0.998	0.002	-1.043	0.2971

Variable	term	Odds Ratio	std.error	statistic	p.value
	Average proportion of each year spent practising in other civil law not including immigration law	1.003	0.001	3.783	0.0002
Proportion of practice in primary area	Average proportion of each year spent practising in primary area of practice	0.997	0.001	-3.403	0.0007
Legal Aid (for every 1% increase in proportion of income)	Average proportion of income each year from Legal Aid	1.001	0.001	0.634	0.5263
Pro bono (for every extra hour spent undertaking pro bono work)	Average number of pro bono hours worked per year	1.015	0.003	5.659	0.0000
Public Access (for every 1% increase in proportion of income)	Average proportion of income each year from public access work	1.017	0.001	11.842	0.0000
Gender: Compared to female	Male	1.374	0.044	7.286	0.0000
	Another term for gender	1.927	0.374	1.757	0.0790
	Prefer not to say/No information	1.269	0.123	1.936	0.0528
Ethnicity: Compared to White barristers	Minority Ethnic background	1.218	0.054	3.663	0.0002
	Prefer not to say/No information	1.028	0.082	0.342	0.7326
Disability status: Compared to those without a declared disability	Has a declared disability	1.222	0.085	2.364	0.0181
	Prefer not to say/No information	1.014	0.043	0.330	0.7417
Number of years since first started practice by end of timeframe (for every one year increase)		1.012	0.002	6.527	0.0000
Proportion of period spent practising: Compared to >50% of period	25-49% of period	0.657	0.132	-3.189	0.0014
	< 25% of period	0.597	0.138	-3.727	0.0002

Charts

Figure 16. Predictive relationships between whether a barrister was subject to a report during the period, and gender, ethnicity, disability status, and years since started practising as of October 2019 - March 2024.

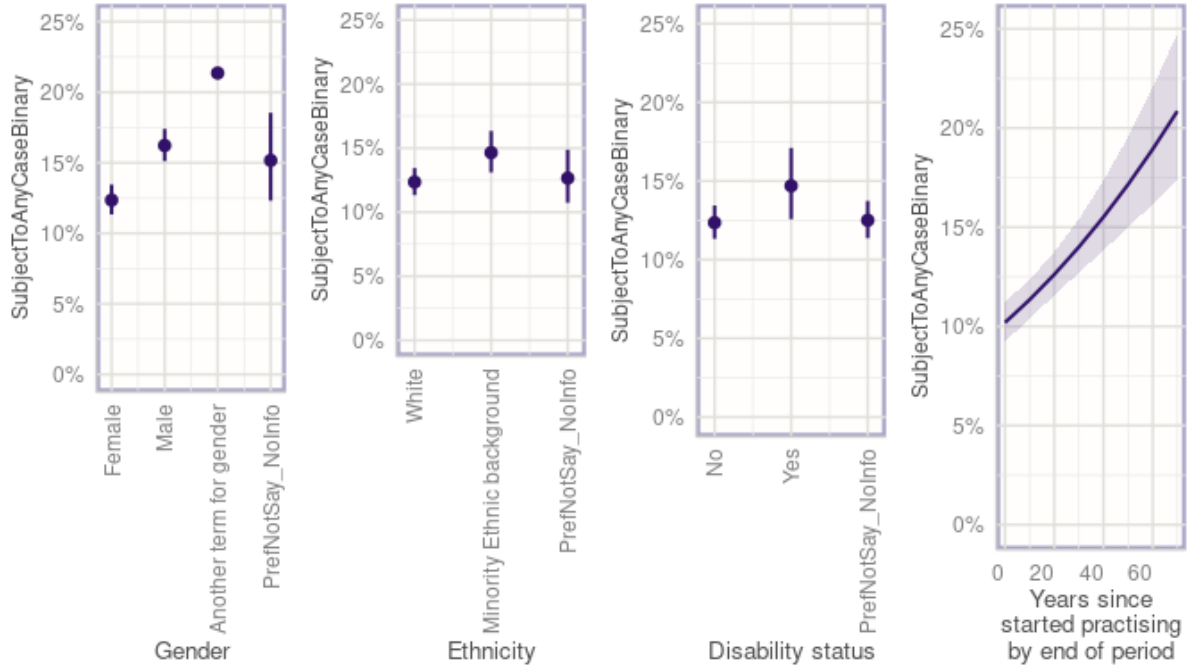


Figure 17. Predictive relationships between whether a barrister was subject to a report during the period, and gender, ethnicity, disability status, and years since started practising as of October 2019 - March 2024

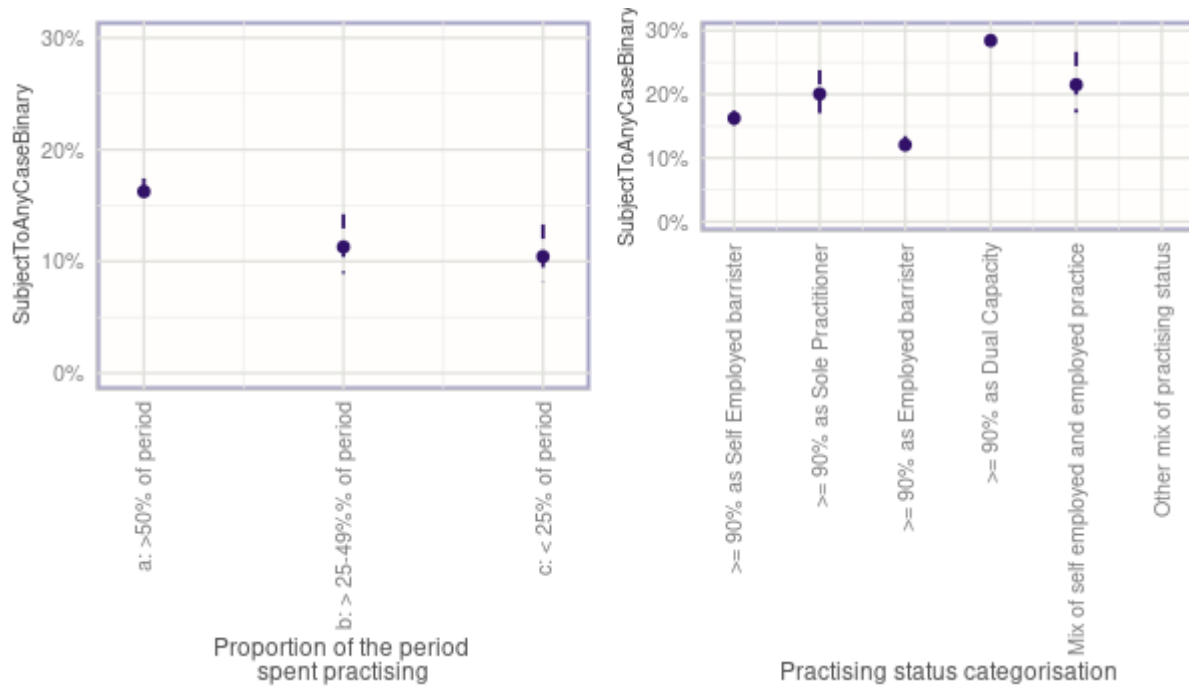


Figure 18. Predictive relationships between whether a barrister was subject to a report during the period, and area of law, and proportion of practice in one area of law as of October 2019 - March 2024

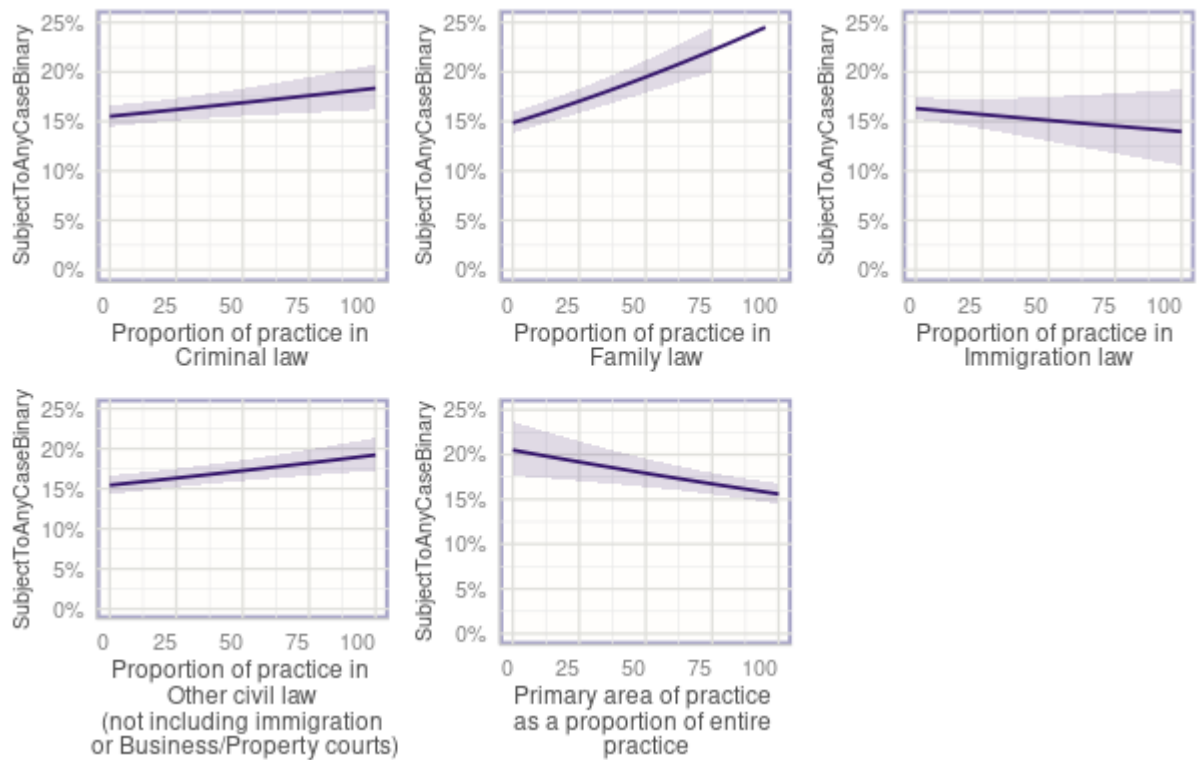


Figure 19. Predictive relationships between whether a barrister was subject to a report during the period, income from legal aid, pro bono hours worked, income from public access work, and KC status - October 2019 - March 2024

