

Discretionary administrative fines
Factors for determining level of fine

Aggravating factors would include but not be limited to:

- The regulated person was inappropriately working in an area outside their normal specialism
- Breach attributable to recklessness or intentional
- Does the complaint involve delays that have had a significant adverse impact
- Failure to address, or delay in addressing the breach
- Breach occurred over a long period or was repeated.
- Previous disciplinary history in relation to conduct which is similar or the same
- Consideration whether additional complaints received/raised since the preliminary risk
- Previous imposition of administrative sanctions for conduct which is similar or the same assessment (The case officer will provide updated information)
- Persistent pattern of behaviour
- Failure to respond to the BSB and/or inappropriate behaviour that frustrates the administration of the complaint
- Attempt to conceal the breach and wrongly place the blame elsewhere
- Direct or potential future financial loss due to the breach
- Financial gain and or intent
- Vulnerable person or child affected
- Abuse of position of authority
- Behaviour attributable to low level bullying or intimidation
- Adverse impact on public confidence in the profession
- Adverse impact on the administration of justice
- Wider implications for the whole Bar or sections of it
- Should the barrister have self-reported and failed to do so
- Failure to show insight into the consequences of the conduct
- Lack of remorse
- Impact of any new complaints on the risk assessment of this complaint
- Does the complaint involve multiple aspects?

Mitigating factors would include but not be limited to:

- Reporting of the breach as soon as possible
- Admission of the breach
- Prompt action taken to prevent a re-occurrence
- Circumstances beyond the control of the individual
- A one off breach
- No history of a previous similar breaches
- Exceptional personal and or financial circumstances
- Genuine remorse and willingness to apologise