



By Email

Ms Francesca O'Neill  
1 Chancery Lane

18 February 2021

Dear Ms O'Neill

Thank you for your letter of 11 February following up the discussion we had at the Bar Council meeting on 30 January about the sanctions imposed on barristers in a number of recent cases of sexual assault and harassment. I very much understand the concern felt by you and by the other signatories of your letter.

The Bar Tribunals and Adjudication Service (BTAS), with the involvement of the Bar Standards Board, initiated a review of the Sanctions Guidance last year for the reasons you outline: to ensure that the Sanctions Guidance commands the confidence of the profession and of the public and properly reflects the seriousness of offences.

The review is being taken forward by the BTAS secretariat under the guidance of the BTAS Strategic Advisory Board which exists to provide an independent source of advice and challenge to BTAS. The Strategic Advisory Board has both lay and professional members. You can read more about its terms of reference and membership here: <https://www.tbta.org.uk/about-us/who-we-are/strategic-advisory-board-2/>.

It may help if I explain that under a formal Service Agreement with the Bar Standards Board and on behalf of the President of the Council of the Inns of Court, the Bar Tribunal and Adjudication Service (BTAS) is responsible for appointing and administering Disciplinary Tribunals. The BSB is responsible for bringing charges of professional misconduct against barristers, which BTAS tribunal panels then adjudicate. The sanctions imposed are then a matter for the tribunal having regard to BTAS Sanctions Guidance.

The changes to the Sanctions Guidance will be subject to consultation with both the Bar and with the wider public. The current intention is to undertake a first public consultation in April seeking views on proposals to amend the recommended ranges of sanctions for specific types of breaches, including those for sexual misconduct. In the light of that consultation, the full Guidance will then be re-drafted and submitted for a further consultation later in the year. We expect the revised Guidance to come into force before the end of 2021.

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I hope this reassures you and your colleagues that this important work is being taken forward in a transparent and open way. Mark Neale and I will also, of course, be very happy to answer questions about the progress of the review at future meetings of the Bar Council itself. Meanwhile I agree with you that it would be helpful to set out the process and timetable for the review of the Sanctions Guidance. We shall, therefore, publish statements on the Bar Standards Board and BTAS websites to follow up this correspondence.

I hope you and your colleagues find this helpful. I am sending a copy of this letter to Derek Sweeting QC.

Yours sincerely



**Tessa Blackstone**  
Chair

cc Derek Sweeting QC, Chair, Bar Council