



The Bar Council

Ethics at the Bar

June 2026



Introduction

Legal ethics are currently being subjected to critical examination as we move towards an increasingly global and “socially conscious” set of expectations for lawyers.¹ In England and Wales in recent years, three areas have prompted questions to be raised around the conduct of lawyers; the Post Office Horizon IT Scandal, Strategic Lawsuits against Public Participation (SLAPPs) and the use of Non-Disclosure Agreements (NDAs). Against this backdrop, ethics has formed a key area of focus for the legal sector regulators and professional bodies. For example, ethics has been a key workstream for the oversight regulator, the Legal Services Board (LSB). Following consultation, they recently issued a statement of policy on ethics,² which the regulators will be obliged to comply with. This regulatory measure aims to strengthen lawyers’ ethical standards.

In our experience, based on our extensive engagement with barristers on the Bar Council’s representative committees and through the Bar Council’s Ethical Enquiries Service (EES), barristers take their ethical obligations very seriously. The EES assists barristers to identify, interpret and comply with their professional obligations under the BSB Handbook.³ Our team answered 3, 948 calls and responded to 550 written queries in 2024/25.⁴ We regularly host ethics webinars and continually review and update ethics guidance documents for the profession. Our ethics and practice website⁵ houses this ethics and practice management guidance for barristers and chambers. It aims to promote understanding of and compliance with the BSB’s Handbook rules as well as encouraging best practice.

However, we required more robust evidence to inform our policies and guide our programme of support for the Bar. To achieve this, we commissioned a series of survey questions – answered by 27% of the practising Bar – with the aim of learning about the type of ethical issues barristers face and if they feel well supported to help understand their ethical obligations. We wished to determine whether the Bar Council could provide additional support and/or resources, for example, additional pieces of guidance or training.

¹ <https://www.ibanet.org/document?id=IBA-Chatham-House-roundtable-summary-role-of-lawyers-as-ethical-gatekeepers-2024>

² <https://legalservicesboard.org.uk/wp-content/uploads/2026/03/LSB-Upholding-Professional-Ethical-Duties-March-2026.pdf>

³ <https://www.barstandardsboard.org.uk/static/de77ead9-9400-4c9d-bef91353ca9e5345/ed6e2ac3-507e-404b-9a248803935f1a45/BSB-Handbook-Version-48.pdf>

⁴ <https://www.barcouncil.org.uk/resource/the-bar-council-annual-report-2024-25.html>

⁵ <https://www.barcouncilethics.co.uk/>

Key findings

- Most barristers report a very good understanding of the code of conduct and their professional ethical obligations. The mean score across all barristers is 8.45 out of 10.
- One in three barristers said they had undertaken training/CPD on ethics in the last year, and a similar proportion said they had done so within the last five years. Only 6% said they had never received training/CPD on ethics (and 5% did not know).
- The most significant factor causing challenges with professional ethics was pressure from clients to act unethically, with 51% saying this had caused issues to some extent or a great extent. Maintaining independence was the next biggest challenge, with 31% of barristers reporting this had caused problems.

Methodology

This report was compiled using a mixed methods approach within the Bar Council's Policy team. We combined desk-based research on the landscape around ethics at the Bar with quantitative data-gathering through a survey of barristers.

Every two years the Bar Council surveys barristers to conduct a temperature take on the profession examining key issues of the moment while also producing longitudinal data on the characteristics and working life experience of the profession; the Barristers' Working Lives (BWL) survey. This year a specific question set on barrister ethics was included. This was designed with the support of the Ethics Committee and the Employed Barristers' Committee.

BWL 2025, the most recent in the longitudinal series, was undertaken by the Bar Council in April/May 2025. The anonymous survey was distributed to all barristers on the Bar Council database. This represented a slight change in methodology from 2023 when only those who had opted in to communications from the Bar Council were included. It resulted in a better response rate, particularly among higher earners and KCs.

The survey remained open for completion for six weeks, during which time three reminders were sent out, as well as various further communications from different professional practice groups within the Bar, Specialist Bar Associations, the Circuits, and Inns, as well as directly from the Chair. The survey was closed in early June. After removing insufficiently completed questionnaires this response included a total of 4,603 returns (including usable partial returns – identified as anyone who had completed at least one of the substantive sections of the questionnaire). Approximately 17,800 barristers received emails or messages to participate in the survey, giving a response rate of 27%, considerably higher than achieved in 2023 and 2021.

In our analysis for this report, we have focused our attention on two main variables, the employment status of barristers and the period of time for which they have been practising.

In terms of employment status, the majority of barristers are self-employed, which means they operate their own business, and typically work from a chambers with other self-employed barristers. Around a fifth of the Bar are employed, receiving a regular salary for their work. Sometimes this means they work for a larger legal team within, for example, the Crown Prosecution Service or a large law firm. Sometimes an employed barrister may be the only legal professional or one of a very few within, for example, a charity or public body. A small number of barristers are dual capacity, which means they work in both an employed and self-employed capacity.

We additionally considered the level of experience barristers had. We looked specifically at New Practitioners (those with under three years of experience), the rest of the Young Bar (those with 4 to 7 years of experience), those in their middle practice years (8 to 15 years of experience), and those in their later practice years (16 or more years of experience). We separately considered Kings Counsels (KC) also known as silks, who are those senior barristers recognised for excellence in advocacy. Leadership positions in the profession are often occupied by KCs.

Barrister ethics

The BSB Handbook code of conduct

Barristers have a professional obligation to act in a clearly defined ethical manner. This is set out in the Bar Standards Board (BSB) Handbook⁶ and barristers are regulated by the BSB. Barristers have 10 Core Duties (CD) under the Handbook:

CD1 You must observe your duty to the court in the administration of justice.

CD2 You must act in the best interests of each client.

CD3 You must act with honesty, and with integrity.

CD4 You must maintain your independence.

CD5 You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.

CD6 You must keep the affairs of each client confidential.

CD7 You must provide a competent standard of work and service to each client.

⁶ <https://www.barstandardsboard.org.uk/static/de77ead9-9400-4c9d-bef91353ca9e5345/ed6e2ac3-507e-404b-9a248803935f1a45/BSB-Handbook-Version-48.pdf>

CD8 You must not discriminate unlawfully against any person.

CD9 You must be open and co-operative with your regulators.

CD10 You must take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations.

These are supplemented by rules, guidance (which offers further explanation of the rules and their application), and expected outcomes from following the rules. The Bar's regulator, the Bar Standards Board (BSB) is responsible for ensuring these rules are upheld and if there is a potential breach of them, they will investigate and this may lead to disciplinary proceedings being initiated against a barrister. A range of sanctions can be imposed if a misconduct finding is made against a barrister, for example, a fine, temporary suspension or disbarment. In the event that a barrister commits serious misconduct, or has reasonable grounds to believe another barrister has, they have a duty to report this to the BSB.⁷

Ethics education during Bar training

There is typically no ethics component to law degrees or law conversion programmes. Ethics education begins on the Bar course and is continued during pupillage. There are two ethics exams. One takes place on the Bar Course, set by the provider. The second takes place during pupillage and is set and administered by the BSB. The pupillage-based ethics component was added by the BSB in 2020.⁸

Ethics education once qualified and practising

There is a mandatory ethics component to the Continuing Professional Development (CPD) programme in the first three years of practice. On the established practitioner programme, for barristers that are beyond the first three years of practice, further ethics education is not required. However, the BSB recommends it as an area of focus.

The Bar course providers, Inns of Court and chambers all play a role in ethics education. The SBAs and Bar Council also offer ethics training to practitioners.

Further information on barristers' ethics training is in Annex 1.

⁷ <https://www.barstandardsboard.org.uk/static/de77ead9-9400-4c9d-bef91353ca9e5345/ed6e2ac3-507e-404b-9a248803935f1a45/BSB-Handbook-Version-48.pdf>

⁸ <https://www.counselmagazine.co.uk/articles/everything-you-need-to-know-about-the-bsb-ethics-exam>

Ethics in practice

Bar practice can throw up a range of ethical issues, often due to tensions between various core duties, for example the duty to act in the best interests of a client on one hand and on the other hand, the duty to the court in the administration of justice. Ethical dilemmas can arise as a result of court listing practices creating diary clashes. Sometimes there are conflicts or issues around independence or the perception of independence and challenges with the lay client or instructing solicitor. Ethical issues can also arise within the context of chambers, for example relating to discrimination or sexual harassment (see the Bar Council's Report⁹ of the independent review of bullying, harassment and sexual harassment at the Bar by Baroness Harman). For employed barristers, there can be additional tensions between professional ethics and the demands of an employer, who is also the client.

Ethical support for barristers

As the research reveals, the Bar Council is just one of many sources of ethics support and guidance for barristers. There is a support network made up of any of the following: the Bar Council, the barrister's Inn of Court, Specialist Bar Association, fellow chambers' members, colleagues and friends.

As mentioned, the Bar Council provides an ethical enquiries service, an online resource of ethics guidance and ethics webinars to assist barristers (and their clerks and other staff connected with barristers' professional practices) to identify, interpret and comply with their professional obligations under the BSB Handbook.

Our most recent survey of the profession showed how widely used these ethical support services are. In the previous two years, 38.4% of barristers had used the Ethical Enquiries Service and 31.1% had used the resources on the Ethics and Practice Hub.¹⁰

The data on ethics at the Bar

Obtained from a question set as part of the biennial Barristers' Working Lives Survey (see Annex 3), the following data allows us to better understand barristers' views on their understanding of their professional ethical responsibilities.

Barrister views on professional ethics

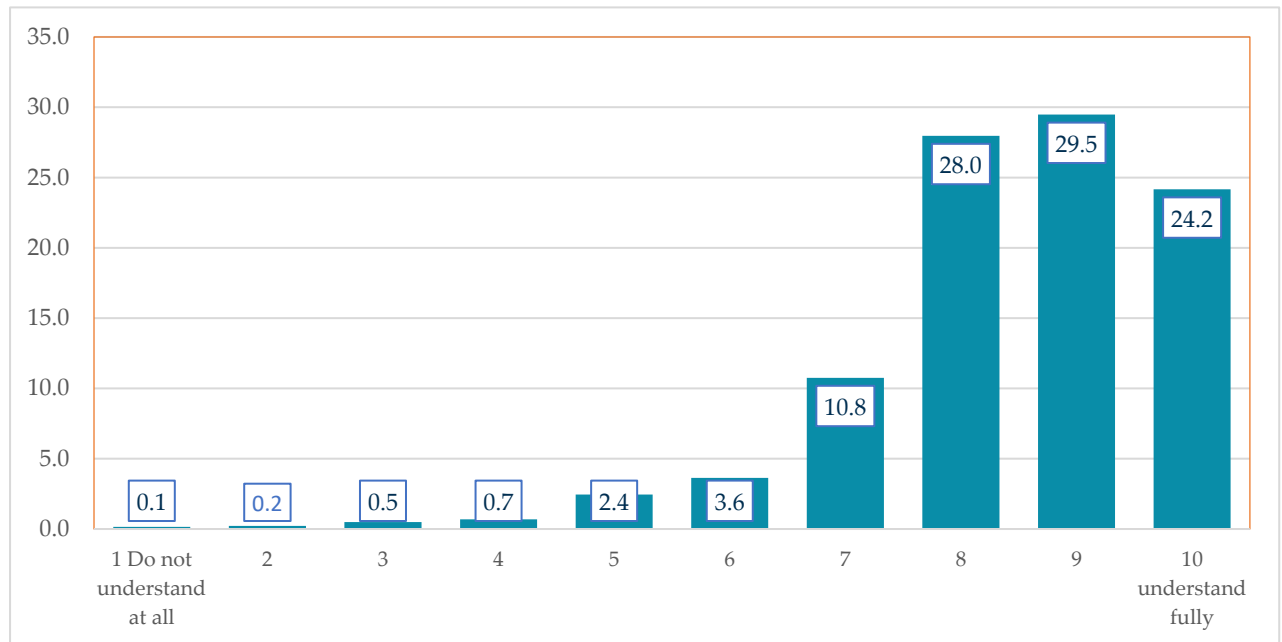
Barristers were asked to rank their understanding of the barristers' code of conduct and their professional ethical obligations from 1 'do not understand at all' to 10 'fully understand'. As Shown in Figure 1, most barristers reported a very good understanding. The mean score

⁹ <https://www.barcouncil.org.uk/resource/independent-review-bullying-harassment-sexual-harassment-report.html>

¹⁰ <https://www.barcouncil.org.uk/resource/bar-council-barristers--working-lives-report-2023-pdf.html>

across all barristers is 8.45 with 3,300 out of 4,044 barristers (81.7%) scoring themselves at either 8, 9, or 10 out of 10.

Figure 1: Understanding of the code of conduct and ethical obligations 2025 (percentages)

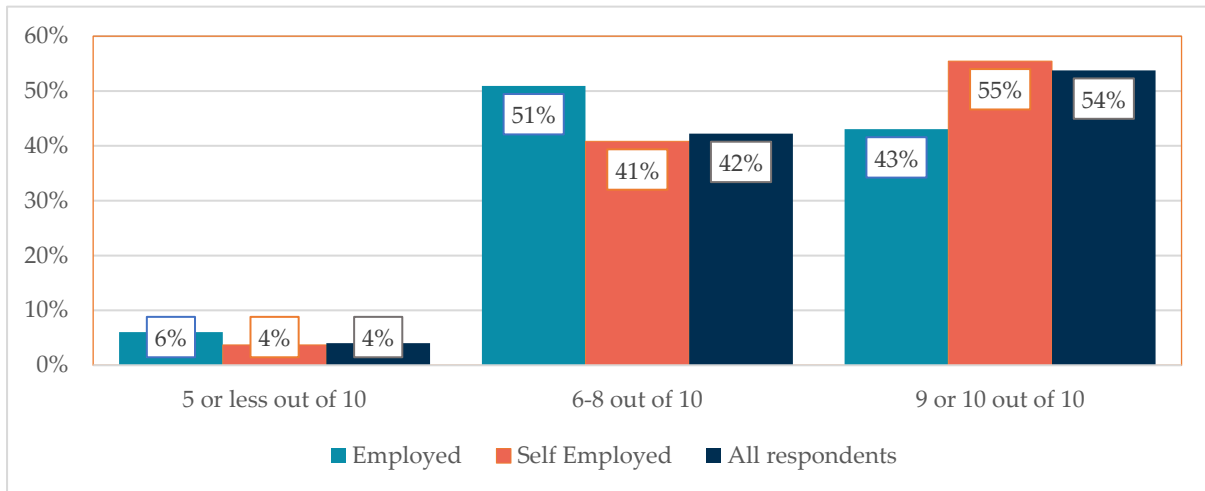


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025 (n=4,044)

Employed barristers reported a lower mean score of 8.13 compared to self-employed barristers reporting at 8.50 and employed/self-employed barristers at 8.36.

To present this information more simply and analyse the difference between groups of barristers, responders were classified into three groups; those who scored between 1-5, 6-8 and 9-10. Looking only at employed and self-employed barristers, Figure 2 summarises these differences in a condensed format.

Figure 2: Understanding of the code of conduct and ethical obligations 2025 (percentages)



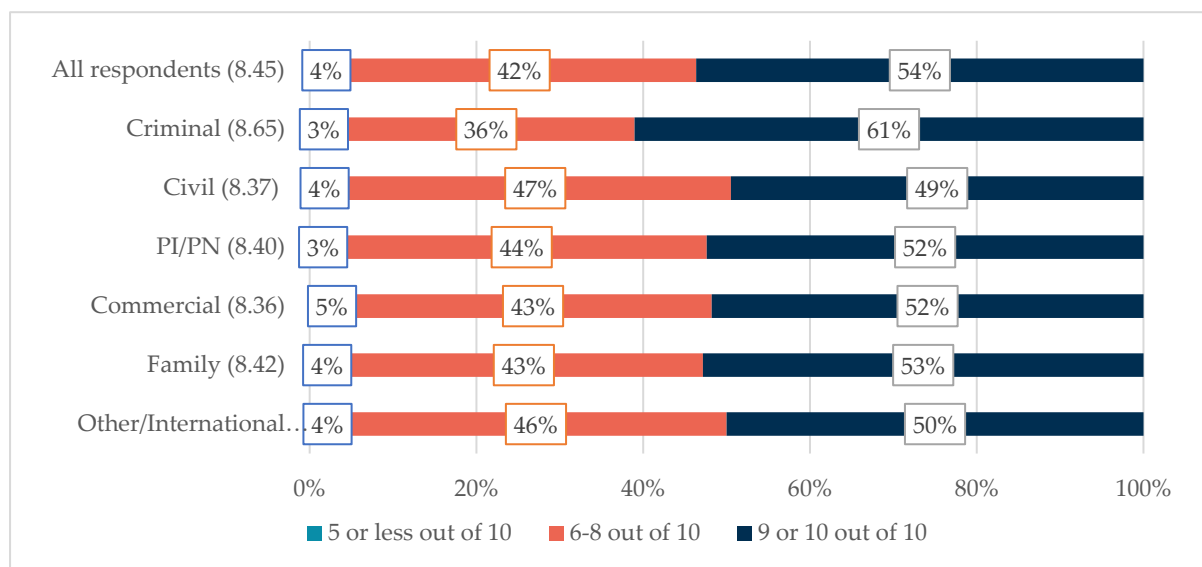
Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

More than half (55%) of self-employed barristers scored 9 or 10 out of 10 indicating that they had full or almost full understanding of the code of conduct and their professional ethical obligations. This compared to 43% of employed barristers. Only very small proportions of both groups indicated 5 or less on this dimension.

Looking at practice areas using the same split, criminal barristers reported the highest overall mean score at 8.65 with 61% indicating a score of 9 or 10. Comparatively, those in commercial and civil reported the lowest overall scores at 8.36 and 8.37 with around 50% reporting scores of 9 or 10.

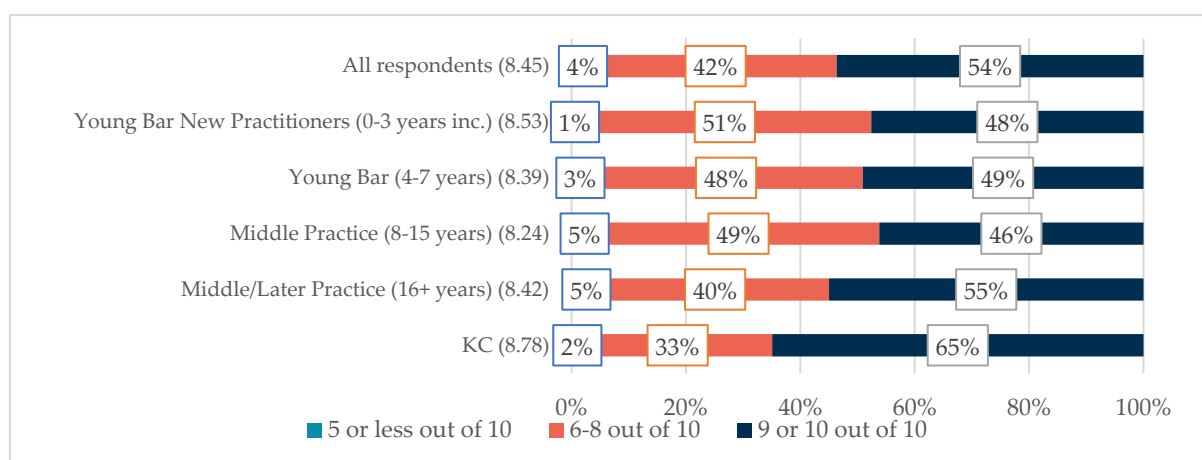
By time since call/seniority, understanding of the code of conduct and professional ethical obligations was the highest amongst KCs (8.78), followed by new practitioners (8.53) then those with 16+ years (8.42). The lowest understanding was amongst 8 to 15 years since Call (8.24).

Figure 3: Understanding of the code of conduct and ethical obligations by area of practice 2025 (percentages and mean scores in brackets)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Figure 4: Understanding of the code of conduct and ethical obligations by Seniority/Call band 2025 (percentages and mean scores in brackets)

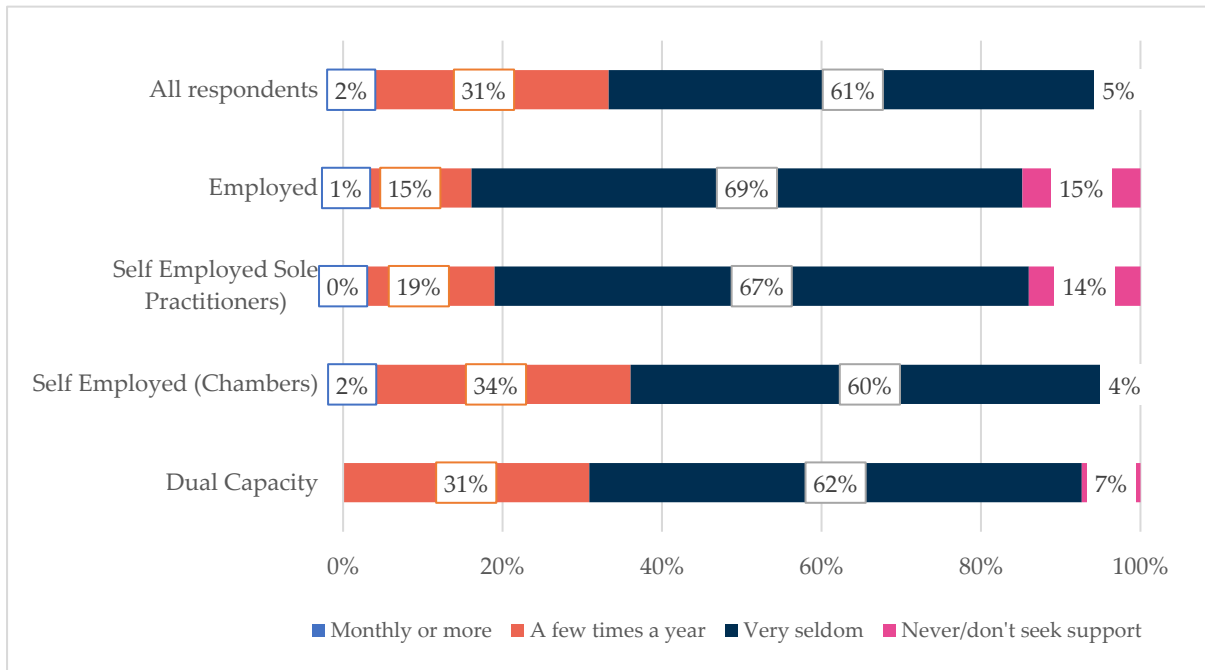


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

The next question in the survey asked barristers how often they find they have ethical questions that require them to seek support.

Only 2% said they had ethical questions in need of monthly support or more. 31% of respondents reported needing support a few times a year, 61% very seldom and 5% never. Self-employed barristers in chambers were most likely to seek support for ethical questions. 36% sought support a few times a year or more frequently compared to just 16% of barristers at the employed Bar.

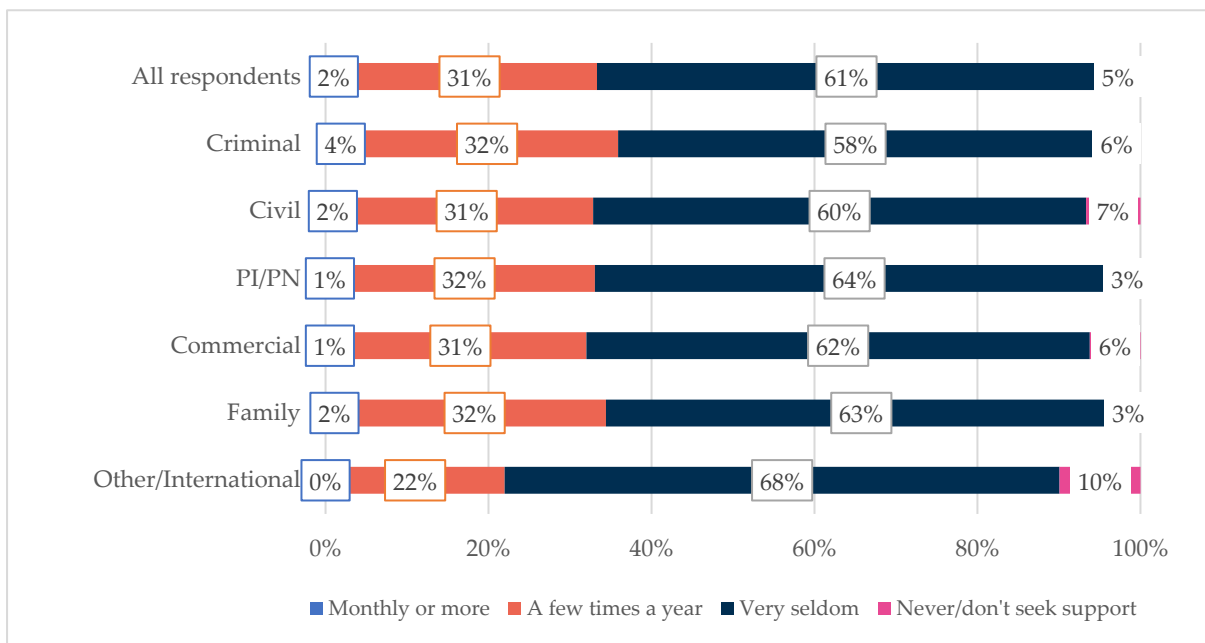
Figure 5: Frequency of ethical questions that require support by sector 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Generally, there is little to separate between the different practice areas. However, those working in other areas/international practice were less likely to seek support than those in the other areas (for example, 36% those working as criminal barristers said they sought support at least several times a year).

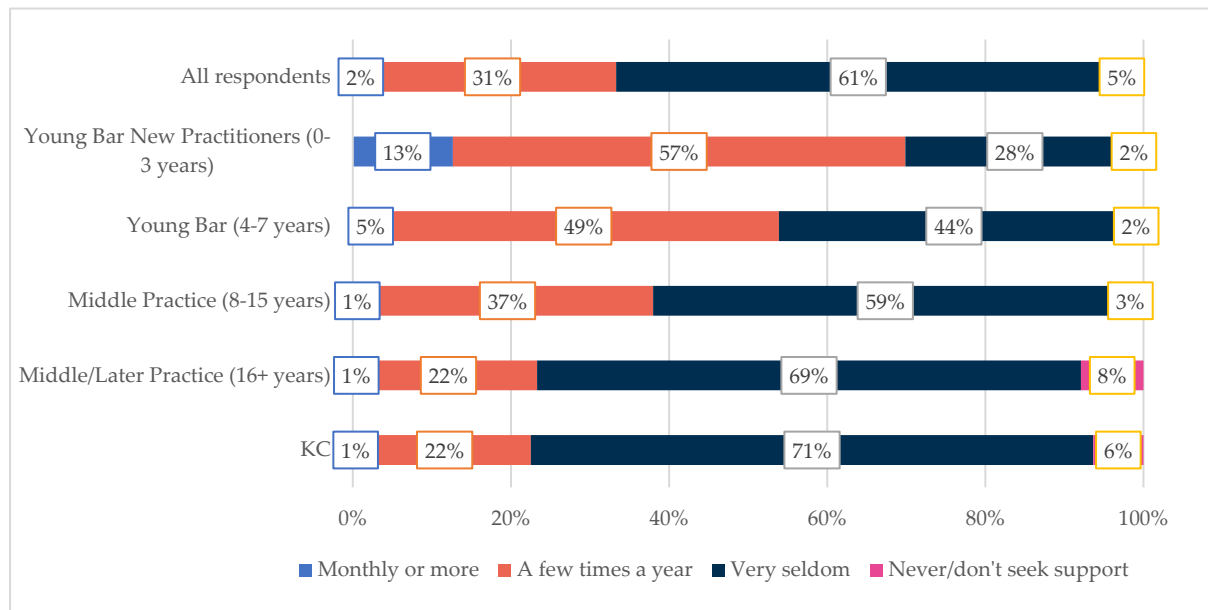
Figure 6: Frequency of ethical questions that require support by area of practice 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

When looking at experience level, support was most frequently sought by those in the Young Bar (barristers in their first 7 years of practice). 70% of new practitioners (the first 3 year of practice) sought support at least a few times a year and 13% sought support monthly. KCs and those in Later Practice (16 plus years) were least likely to have ethical questions that required support. Three quarters or more indicated that they only seldom or were never in need of ethical support.

Figure 7: Frequency of ethical questions that require support by experience level 2025 (percentages)

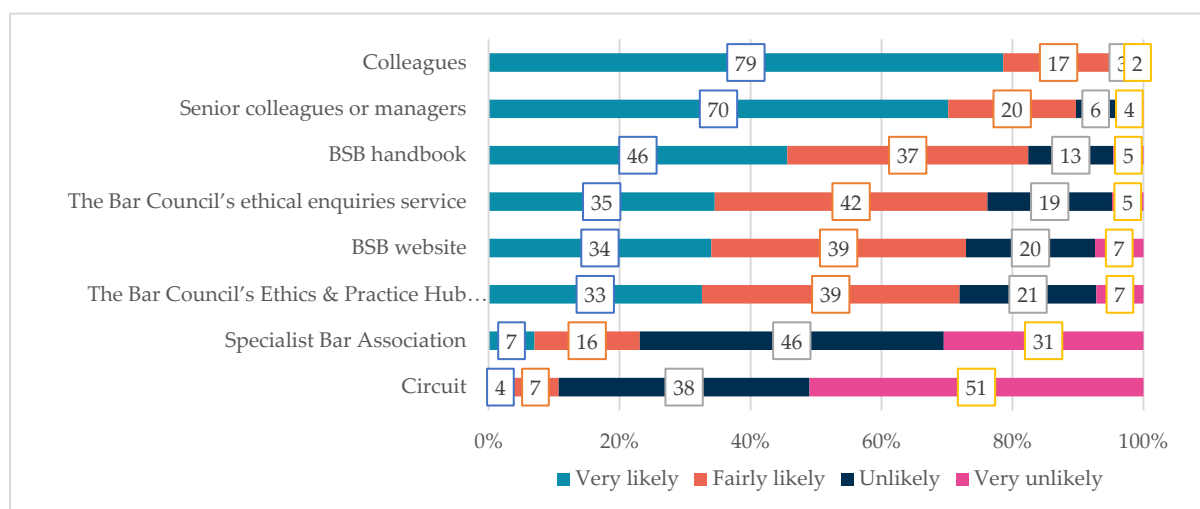


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Next, barristers were asked to indicate how likely they would be to use different options if they needed ethical support.

For most barristers, their colleagues (peers) are the most likely source of support, closely followed by senior colleagues/managers. Nearly eight in ten indicated that they would be 'very likely' to use colleagues as a source of support if they had ethical questions. Next would be senior colleagues or managers (70% indicated they would be 'very likely' to seek this support). After this, barristers might turn to the BSB website, the Bar Council ethical enquiries service or the Bar Council ethics and practice hub website. Around one in four said they would be 'unlikely' or 'very unlikely' to use these options. Barristers were least likely to seek support on ethical matters from SBAs or their Circuit. Just one in four (23%) would be 'very likely' or 'fairly likely' to use their SBA and just one in nine (11%) indicated they would be likely to seek out their circuit (Figure 8).

Figure 8: Likelihood of accessing different sources of ethical support 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Employed barristers were less inclined to report that they would consult any of the support sources. The widest gaps were in their likelihood of using the Bar Council ethics and practice hub website. 33% said they were unlikely to use it compared to 27% of self-employed barristers. 24% of employed barristers said they would be very likely to use it compared to 34% of the self-employed Bar.

Turning to area of practice, 50% of barristers working in family practice said they were 'very likely' to use the Bar Council's ethical enquiries service, with 35% of civil/criminal barristers and 27% of commercial/Personal Injury (PI)/Professional Negligence (PN) respondents reporting the same. There was little difference by area of practice in likelihood of using the Bar Council ethics and practice hub. More barristers working in civil (49%) and commercial practice (56%) indicated they would be 'very likely' to use the BSB Handbook, and there was a similar pattern of response in relation to the BSB website.

Experience is also important with a gradually reducing likelihood of using the different support sources where barristers are more experienced. In terms of the four BSB/Bar Council services, this difference is widest in relation to the BSB Handbook. Seven in ten (69%) of the new practitioner young Bar said they would be 'very likely' to use the Handbook for support compared to 59% of the young Bar (4 to 7 years since call), 45% of middle practice (8 to 15 years), 37% of middle/late practice (16 years plus) and 46% of KCs. The correlation is weaker among the other BSB/Bar Council sources of support but nevertheless is still there.

Next, barristers were asked if they feel they have sufficient support in meeting their professional ethical obligations. More than half (56%) said they 'definitely' have sufficient support, and 37% said they have support 'to some extent'. 5% recorded a 'not really' response, less than 1% responded 'not at all' and 2% said they did not know.

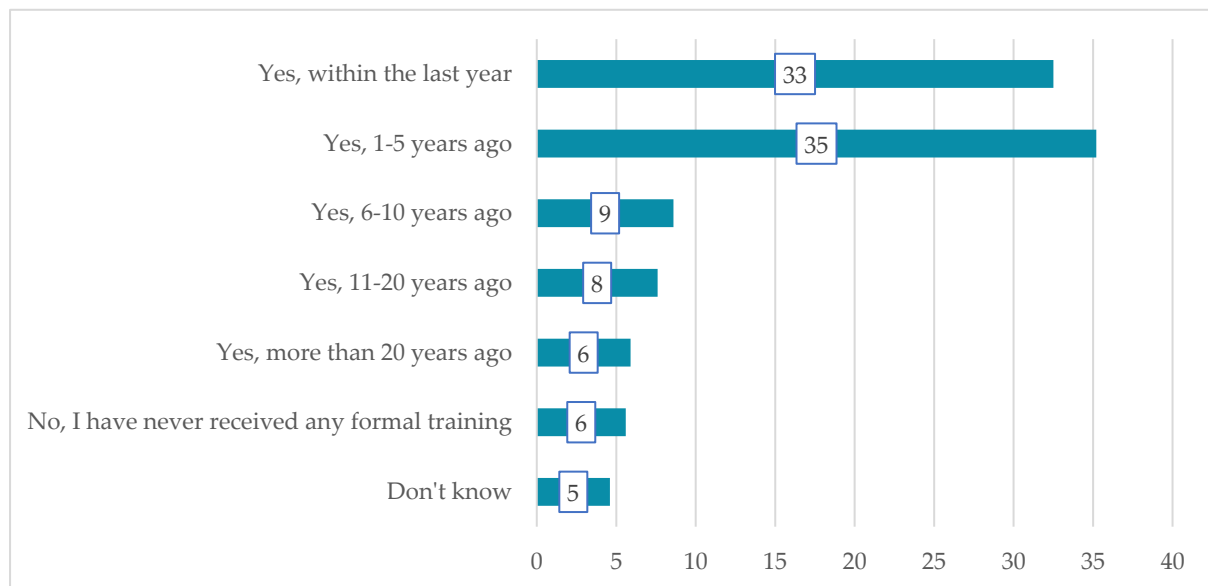
Self-employed sole practitioners were less likely than others to say they definitely have sufficient support and were more likely to respond 'no, not really' (13%), 'definitely not'

(4%) or they 'did not know' (9%). There was no significant variation by practice area or time since Call, although KCs were much more likely to say they 'definitely' get enough support in meeting their professional ethical obligations (66%).

Barristers were then asked if they have undertaken any training or other form of continuous professional development (CPD) on professional ethics.

One in three (33%) barristers said they had undertaken training/CPD on ethics in the last year. A similar proportion (35%) said they had within the last five years. One in four (23%) said they had undertaken training more than 5 years previously, and only 6% said they had never received training/CPD on ethics. 5% did not know).

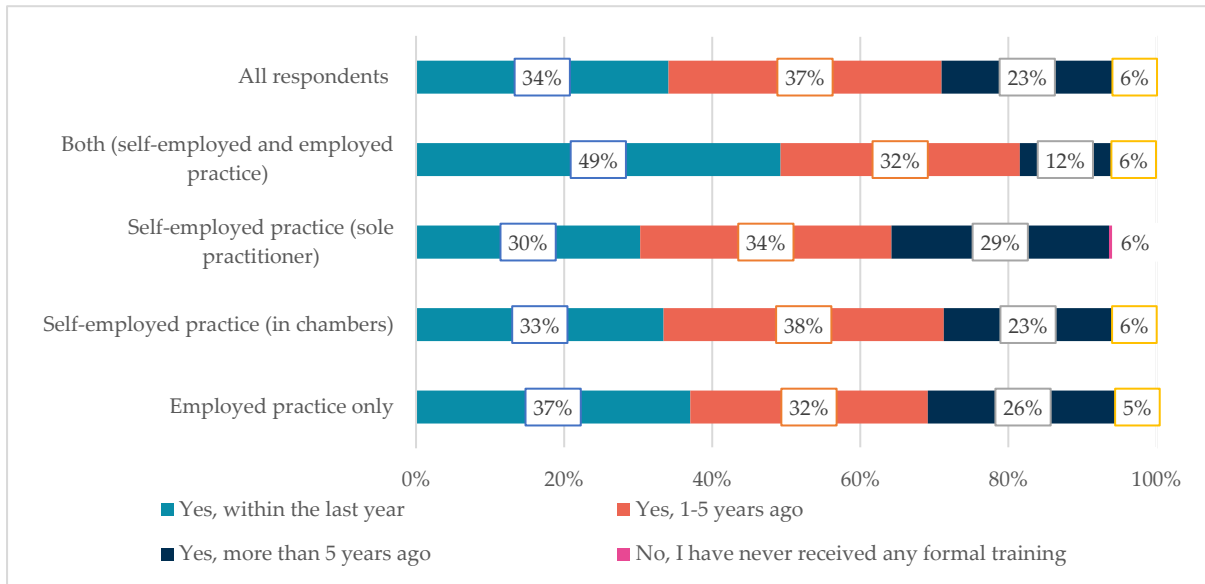
Figure 9: Training or other form of continuous professional development (CPD) on professional ethics: 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Of those who knew if they had undertaken training or not, both employed and self-employed barristers were most likely to say they had undertaken training/CPD on ethics in the last year (49%). There was no significant variation by area of practice.

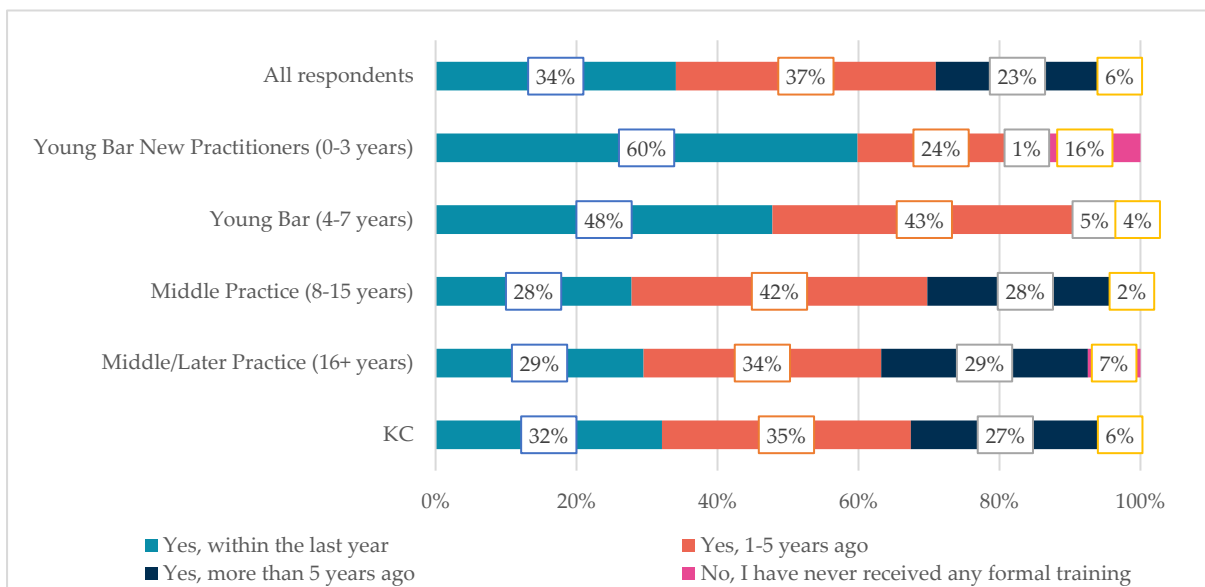
Figure 10: Training or other form of continuous professional development (CPD) on professional ethics by employment status: 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

As might be expected, there was a strong correlation with training by time since Call. New practitioners were most likely to say they had undertaken training in the last year (60%), however, 16% also reported having never received any training. Around 30% of barristers with more than 8 years since Call said they had received training in the last year and this varied little for those with more experience or amongst KCs.

Figure 11: Training or other form of continuous professional development (CPD) on professional ethics by experience level: 2025 (percentages)

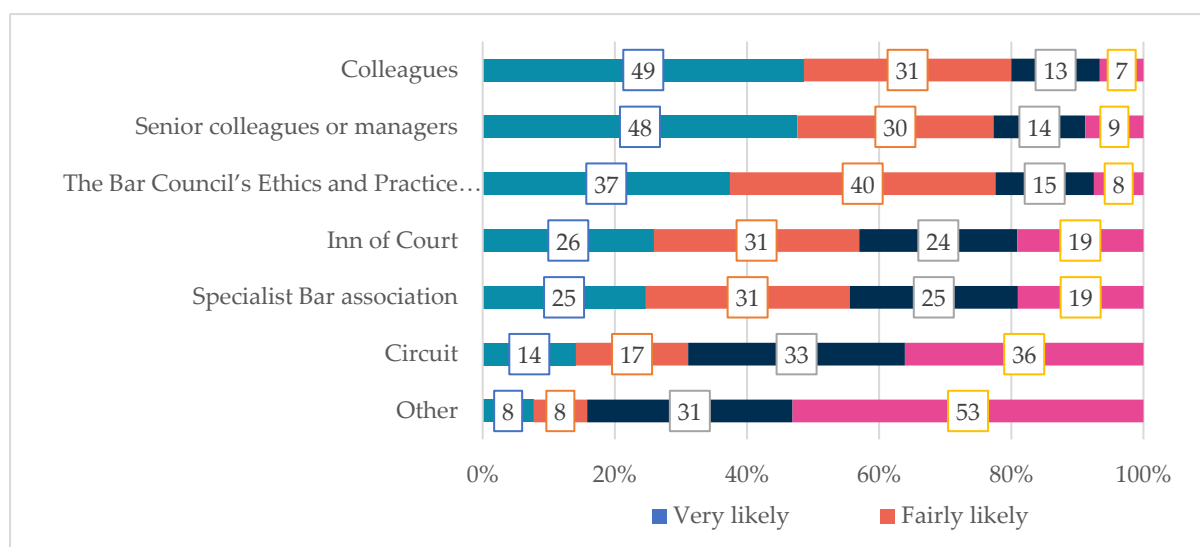


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Barristers were also asked to indicate how likely they would be to use each of the following options for ethical training: colleagues, senior colleagues or managers, the Bar Council’s Ethics and Practice Hub, Inns of Court, SBAs, Circuits or other.

Colleagues (peers) and senior colleagues/managers were most likely to be used for ethical training, while Circuits were least likely.

Figure 12: Likelihood of using different options for ethical training: 2025 (percentages)

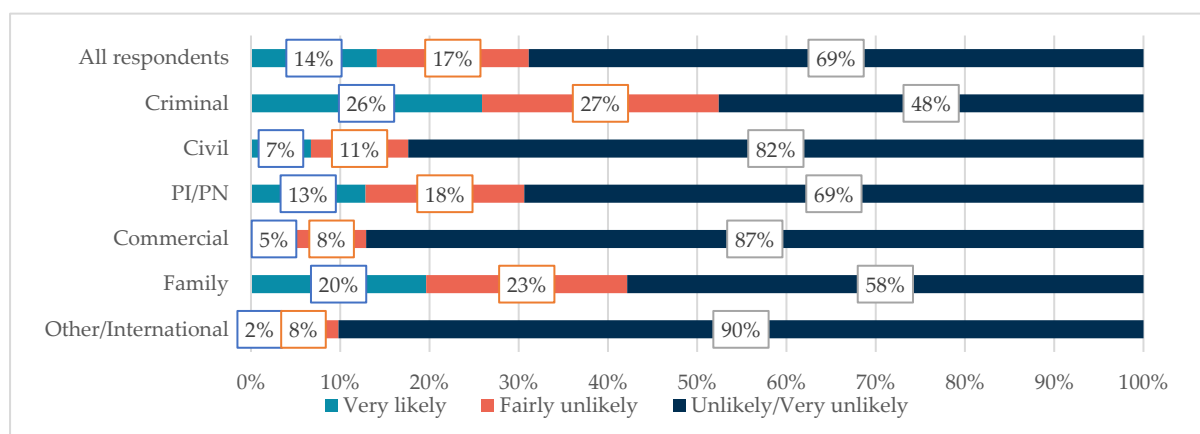


Source: IES/Bar Council: Barristers’ Working Lives Survey, 2025

When considering colleagues as a support option, the biggest differences were by area of practice with more barristers working in criminal (49%)/ PI/PN (50%) and family (58%) saying they were ‘very likely’ to use this option as a source of support. For senior colleagues or managers, more barristers practising in family law indicated this as a source of support/advice (58% very likely). Experience was a factor when considering the Bar Council Ethics and Practice Hub website with 54% of new practitioners (0-3 years since Call) and 48% of young Bar (4 to 7 years) saying they were very likely to consider this option compared to 34% of all other barristers.

Specialist Bar Associations (SBAs) were much less likely to be considered as a support option by the employed Bar. 69% indicated they would be unlikely or very unlikely to consider them for ethical training, compared to 40% of self-employed barristers indicating the same. Family barristers were most inclined to say they were likely to use SBAs (69%). Similarly, the employed Bar were least likely to consider circuits as a support option - 83% said they were unlikely or very unlikely to) compared to 66% of the self-employed. There was wide variation in response to circuits by area of practice as figure 13 demonstrates.

Figure 13: Likelihood of using circuits for ethical training: 2025 (percentages)

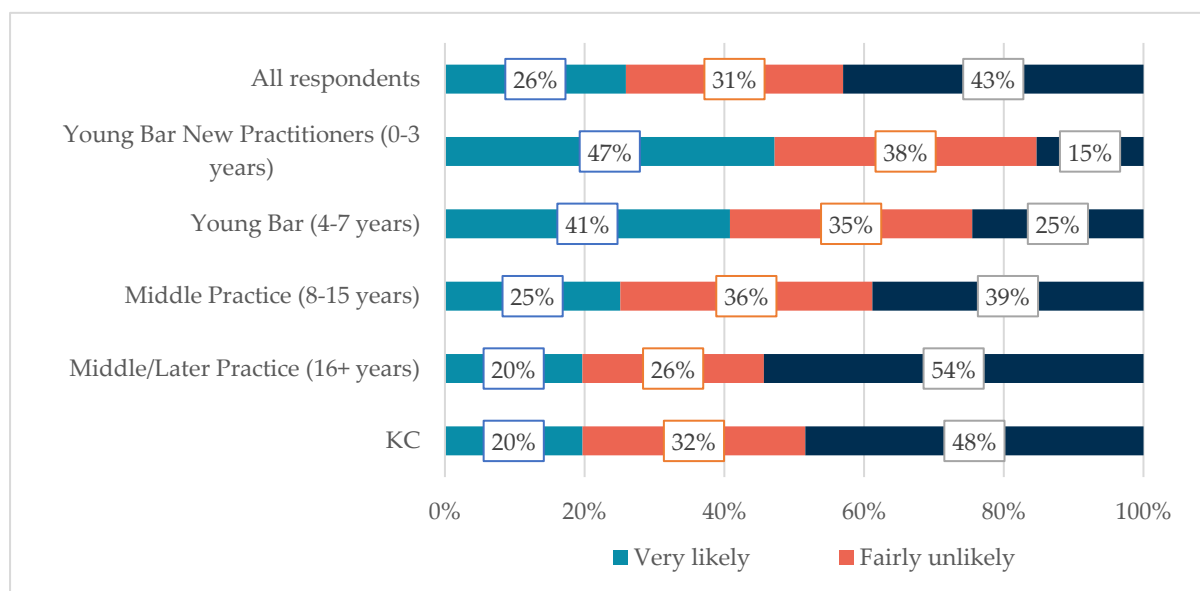


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Circuits were also slightly more likely to be considered by the young Bar compared to their more experienced colleagues (23% very likely to compared to 11% of those with 8 or more years since Call).

In referring to an Inn of Court as a support source, there was no difference by area of practice or section of the Bar, however, there was a significant variation by experience level (Figure 14). Nearly half of the young Bar would be very likely to consider their Inn of Court as an option to provide ethical training compared to between one in four and one in five of all those with 8 or more years' experience since Call.

Figure 14: Likelihood of using Inns of Court for ethical training: 2025 (percentages)

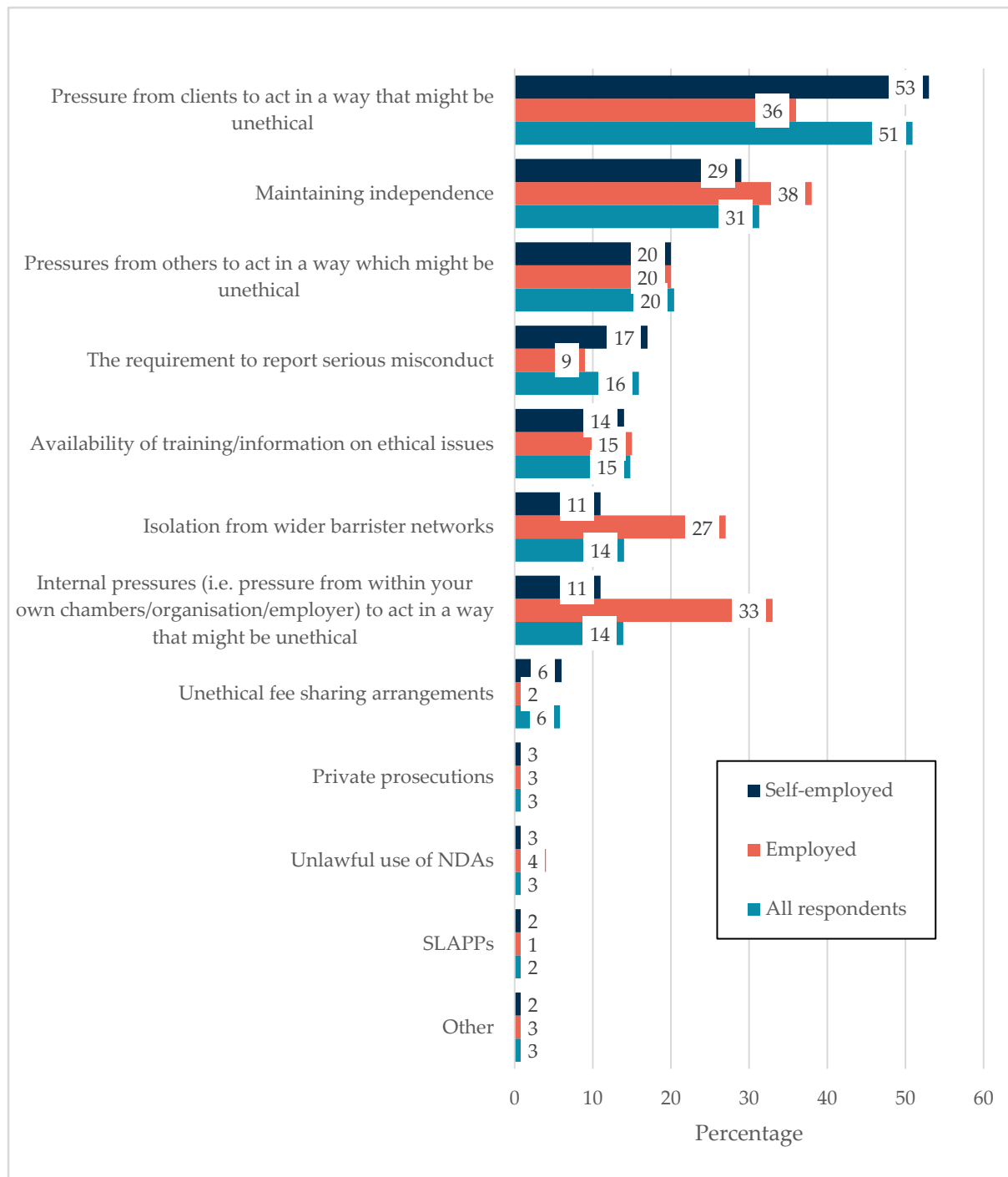


Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

Finally, barristers were asked the extent to which certain factors have caused them challenges in their work. The most significant factor causing challenges with professional

ethics was pressure from clients to act unethically. 51% said this had caused issues to some extent or a great extent. This was followed by maintaining independence (31%), pressure from others to act in a way which might be unethical (20%) and the requirement to report serious misconduct (16%). Figure 15 summarises this data for the employed and self-employed Bar.

Figure 15: Challenges faced in relation to professional ethics by section of the Bar: 2025 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2025

For employed barristers, maintaining independence (38%), internal pressures (33%) and isolation from wider networks (27%) were listed as problems, whilst pressure from clients (53%) and the requirement to report misconduct (17%) were more of a problem for self-employed barristers.

Interestingly, while SLAPPs and NDAs have been the subject of much coverage, they only concern very small numbers at the Bar, which suggests that any further work on these subjects should be highly specialised and targeted.

Finally, barristers were given the opportunity to comment on ethical issues/challenges, ethical training, guidance and support available to them and the profession. Other than those who indicated no comment or that the question was not applicable to them, 294 respondents gave feedback of a very varied nature. These were coded into themes and, very broadly, can be summarised as per the following paragraphs:

BSB Handbook

Criticisms of the Handbook were mentioned by 15% of all respondents. 4% of respondents thought that there was inconsistent or incorrect advice, and some criticised the search tools and helpline. Specifically, there were comments that the BSB's Handbook and code of conduct is complicated, poorly organised and difficult to navigate. The shift from rule-based to outcomes-focused regulation was seen by some as vague, impenetrable and unhelpful in addressing practical ethical dilemmas. Suggestions included a return to a clear, concise, rules-based framework with more practical, scenario-driven guidance. Some representative comments include:

“ The Code of Conduct now contains a range of "core duties", "rules", "outcomes" and "guidance". This might be a helpful structure in other professions or contexts, but I find it difficult and time-consuming to navigate, and often vague in terms of its substantive content. The Code of Conduct is extremely hard to navigate and often too vague to be of much use. I have found it hard to find even things which I know are there. I know others have similar trouble with it. It obviously has to be referred to on any ethical questions, but it is not of much use. ” Barrister A

Training and resources

Training provision was cited by 12% of barristers as being inadequate with gaps for experienced barristers. Some training was viewed as being too limited and too expensive. There were requests for better, more frequent, and relevant training on ethics for both new and experienced barristers. Some expressed frustration that existing training tends to focus mainly on entry-level practitioners, with limited CPD or refresher opportunities for established members of the profession. Practical, accessible online training and scenario banks were requested, along with better signposting to available resources.

“ I think this is an area in which more training and resources would be useful. I studied all the relevant provisions in the BSB Handbook and Bar Council documents etc during the bar course and pupillage ethics courses, and would know the answers to

the standard scenarios raised in the exams for these. However, I find the ethical issues I sometimes encounter in practice not to have been covered by these. The options for ethics training seem to be quite limited. I understand that there is an ethics part of the new practitioner course but I have not been able to do the NP course as there's a backlog and I'm still in my first year of tenancy. There has been a couple of Bar Council ethics sessions that I've seen advertised but nothing other than that. I think the creation of a scenario bank covering various ethical scenarios that arise in practice would be very useful, as well as the appointment of dedicated ethics advisers in chambers (ie a more senior person in chambers who could be a go-to adviser for ethics issues). ”

Barrister B

Support and advice

26% of respondents gave comments on sources of support and advice. 10% commented on the quality of advice and support provided by colleagues and senior practitioners, and feedback on support services such as the Ethics Helpline was mainly positive. Some barristers praised its usefulness, while a few criticised it for being formulaic, vague and sometimes staffed by individuals lacking practical legal experience. The Bar Council was sometimes regarded as more helpful than the BSB for advice, but some felt that both could be unresponsive to the needs of practitioners.

“ Colleagues (particularly senior colleagues) remain the very best source of advice, and many times when I have seen (or read about) potentially unethical behaviour at the Bar, the lack of such support has appeared to be an obvious factor. ”

Barrister C

“ The Bar Council resources on the website are excellent but could do with a refresh (many of the notes are outdated) and perhaps need sorting out to make accessing them easier. The BSB is next to useless on this front and the extent of overlap and duplication remains a waste. Let the Bar Council do the advice and guidance and let the BSB focus on investigations and enforcement. ”

Barrister D

Ethical dilemmas in practice

A third (31%) of all respondents cited ethical issues and challenges in their practices. Common ethical issues reported included conflicts of interest, fee arrangements, pressure from clients or solicitors, disclosure duties, political pressure, clerk, chambers issues/behaviour including bullying and harassment (this was cited in several areas of the system). Abuse of power and lack of clarity around reporting misconduct were also cited. Several respondents note the negative effect of mandatory reporting requirements, especially in cases involving sensitive interpersonal issues.

“ Most professional ethics issues in my practice arise out of client instructions. I am regularly contacted by more junior members of chambers to assist when they have difficulties. We have a strong team ethos which enables more junior colleagues to feel able to reach out in such a way. Most issues are easily

resolved, but in event or more tricky issues, I will refer to the hotline, which is usually able to assist quickly. ” Barrister D

“ Like many at the bar I worry that the requirement to report serious misconduct has a chilling effect on people's willingness to discuss problems they encounter. If you can't discuss something with a colleague without being concerned that they will then file a report even if you or the complainant (to the extent different) does not want that, I think it can be inhibitive of constructive dialogue and cultural change. I also think that it robs those who have suffered or been the victim of some form of misconduct of their agency, which strikes me as deeply problematic. ” Barrister E

Employed Bar challenges

4% of respondents commented specifically about the needs of employed barristers where there was a reported lack of tailored guidance to support the unique dilemmas they face, alongside the need for training and rules which reflect the reality of their work environments. This was also reflected in comments we received in the survey from the Employed Bar, .

“ Very few ethical resources are available for the employed Bar and almost no practical guidance whatsoever. I feel that the BSB has been extraordinarily deficient in this regard. ” Barrister F

“ The training is directed towards self-employed barristers in the main so feels less relevant to my team and me. Day to day the civil service code also plays a huge part in our ethical conduct and this isn't really covered by any training provided by the bar that I have seen. ” Barrister G

Culture and collegial support

Senior barristers were often seen as the best source of informal advice and guidance – 10% of the free text comments mentioned colleagues and senior barristers providing useful support - with chambers culture and peer support being important safeguards for ethical standards. However, concerns remained about diminishing access to seasoned advisors, especially as the profession becomes more fragmented or as time spent in chambers decreases.

“The best resource as a junior barrister is guidance from more senior members with greater experience, based largely on personal relationships. I would be concerned this is lost as less time is spent in chambers. ” Barrister H

Calls for improvement

43% of respondents to the open question suggested that improvements could be made. These included:

- More regular, free and accessible ethics training, including CPD refreshers for all levels of seniority
 - Clearer, more practical ethical guidance, especially for complex or specialised areas
 - Reforms to the structure of regulatory codes and the functioning of support resources, emphasising practical help over bureaucratic detail.
 - More robust action against unethical behaviour involving fee arrangements and bullying, especially from solicitors or within chambers
 - Enhanced resources for employed barristers and those working outside traditional chambers models
- “ Really useful to have informal discussions about practice points and real-life examples. BSB videos & online seminars very useful. Ethics helpline often too vague and will not give committed advice. ”
- “ Ethics training is not given much profile. I'm unaware of specific opportunities for this. If free online training opportunities were advertised I would feel more up to date. ”
- “ I'd like to see more accessible (online) and cheaper training courses run by the Bar Council, this is a really important area of our profession for fair recruitment, retention and understanding or practice obligations. ”
- “ I would welcome training relevant to my practice areas of immigration and extradition. ”
- “ There should be more / more regular free CPD refresher ethics course for senior barristers / throughout career. ”
- “ The helpline does not sufficiently analyse the problem with you. It just repeats the rules. Sometimes I need more help at applying the rules than just hearing them (I can read them for myself online). ”
- “ Often there are no clear answers to issues, which causes me great discomfort. While I understand that that is the nature of ethics, given the potential impact on a barrister's career if there is a misstep, it would be helpful if answers were clearer and/or guidance was binding wherever possible eg the position in relation

to secondments. Further, some of the ethical expectations placed on barristers feel unattainable at times - it can feel like nothing short of perfection will do. ”

“ Would like more support for in house barristers e.g. to ensure post office does not happen again. ”

These themes reflect a broad desire for straightforward, relevant support that empowers barristers to uphold the highest ethical standards in a changing legal landscape. However, while it is important to reflect on the issues raised, it should be noted that only 6% of all respondents chose to comment, suggesting that there is a broadly positive view of the current system and provision in this regard. Furthermore, as stated at the start of this section, the majority of barristers feel that they have a very good understanding of the code of conduct and their professional ethical obligations.

Conclusion

Our analysis of barristers’ understanding of their professional ethical obligations leads us to conclude that there is at present a solid system of training and support for professional ethics in place at the Bar. However, there are areas that require improvement.

Therefore, the Bar Council will continue to:

- Provide free ethics webinars for both new and experienced practitioners, and make recordings of them available online
- Organise a first-tier complaints handling webinar annually
- Deliver the Ethical Enquiries Service (comprising the telephone helpline and email service) and continue to train and develop the expertise of our staff who answer the calls
- Maintain up to date guidance on the Bar Council’s Ethics and Practice Hub
- Work with the Employed Bar Committee and BACFI to keep under review the areas where the employed Bar needs more assistance
- Make representations on ethics issues to government and regulators

Additionally, as a result of our analysis of the Barristers’ Working Lives Survey, we have identified some of barristers’ concerns and the key challenges facing professional ethics and we will endeavour to provide further support in these areas. We will consider the following actions:

- Focussing on the topics of maintaining independence and dealing with pressure from clients to act unethically at our free ethics webinar events
- Exploring the feasibility of online on demand ethics training
- Publishing new guidance documents for barristers at the self-employed and employed Bar on maintaining independence and dealing with pressure from clients to act unethically

- Exploring establishing an ethics champions network
- Carrying out further research in two to four years' time to check whether the issues have changed

Annex 1

Ethics training at the Bar

1. Bar course

The syllabus is provided by the BSB. The BSB provides a practice ethics assessment to use for developmental purposes.

The Bar course provider sets the ethics exam. The BSB will provide high-level outcomes for the assessment. Students must be graded competent or not competent.

The BSB curriculum and assessments strategy says:

Professional ethics

At the end of the vocational component of training, a student should be able to demonstrate the learning outcomes below to the level set out in the professional statement mapping at the end of this document.

Professional statement:

- 1.1 a) Thoroughly recall and comprehend the Core Duties and their interrelationship
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
 - i. applying the Core Duties and in particular their paramount duty to the court in the administration of justice
 - ii. complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]
 - iii. demonstrating a thorough comprehension of the professional statement for barristers
- 1.16 a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with
- b) Recognise potential ethical situations and identify ethical issues
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations

2. Working towards Call to an Inn of Court

Call to the Bar at one of the four Inns of Court is necessary before someone can begin pupillage. To be eligible for Call they must complete ten qualifying sessions and at least one of these must be on ethics.

3. Pupillage work-based component

There is a centralised assessment of professional ethics during pupillage.

There are three opportunities each year to sit the centralised assessments for the vocational component of training: in January, April and July.

Questions and mark schemes for professional ethics are devised by suitably qualified individuals (including academics working at authorised education and training organisations (AETOs), barristers and solicitors) recruited specifically as question writers and are agreed by the examining team. Questions and mark schemes are also written by the examining team. The professional ethics assessment is marked by the BSB's pool of markers (including academics working at AETOs, barristers and solicitors) and the examining team.

In order for the mark required to achieve the passing standard for the professional ethics assessments to be determined, a standard setting exercise is undertaken. The identification of the level of candidate performance that, for the purposes of any given question, should attract a grading of "satisfactory" ie minimally competent will be determined following an appropriate sampling exercise and markers' meeting, and the agreed standard will then be applied during the live marking exercise by comparing answers with question-specific descriptors of "satisfactory" and "unsatisfactory". Participants in the standard-setting exercise will be a combined pool of practising barristers and academics. They will express their judgement (as to the appropriate standard for any given question) in accordance with the professional statement. There is recognition that whilst newly qualified barristers should meet a minimum standard on 'day one' of practice, they cannot be expected to demonstrate the level of excellence that might be expected of a barrister of some years' standing. Standard setters will consider information and judgements about the assessment content as well as the assessment takers themselves. They will also bear in mind also that the assessment is open book.

Cohort results for professional ethics will be confirmed by the BSB's Central Examinations Board before being remitted to pupils via their MyBar accounts. The Central Examination Board is concerned only with overall consistency and does not discuss the profiles of individual candidates or candidates' extenuating circumstances.

Continuing professional development (CPD) in ethics

CPD requirements are set by the BSB.¹¹

¹¹ <https://www.barstandardsboard.org.uk/for-barristers/cpd.html>

The New Practitioner Programme (NPP)

The requirements of the NPP are at least 45 hours of CPD during the first three years of practise. This must include at least nine hours on advocacy and at least three hours on ethics (rQ132 and rQ137 of the BSB Handbook).

The Inns of Court (Inns) and the Circuits provide advocacy and ethics courses for barristers on the NPP. A barrister is not restricted to attending the training at their own Inn or Circuit.

The Established Practitioner Programme (EPP)

The BSB does not prescribe what CPD activities a barrister needs to complete or how much CPD they need to complete as part of the EPP. However, it does provide ample guidance¹² on how to carry it out and some examples of ethics related CPD in its templates for established practitioner CPD forms.

¹² <https://www.barstandardsboard.org.uk>

Annex 3

1. The landscape around ethics at the Bar

Regulators and representative bodies' approach to legal ethics has been informed by some recent events and trends, which are summarised below by way of context. The approach of different actors in the regulatory space to ethics is also briefly looked at.

The Post Office Horizon IT scandal

Between 1999 and 2015, more than 900 sub-postmasters working for the Post Office across Britain were wrongly prosecuted for false accounting, fraud and/or theft. The only evidence against each of these individuals was inaccurate accounting information from Fujitsu's Horizon computer system.¹³ Many sub-postmasters went to prison, many were financially ruined, and the impact on their lives and the lives of their families was incalculable. These events were the single biggest series of wrongful convictions in British legal history.¹⁴ As such, the Post Office Horizon Scandal has been called 'a moment of calamity' for the legal profession.¹⁵

In discussion of the scandal, there have been two particular focus points around the law and lawyers. The first is the use of private prosecutions. Roughly two thirds of cases brought against sub-postmasters were private prosecutions brought by the Post Office.¹⁶ Many commentators have pointed towards the need for increased oversight and scrutiny of private prosecutions in light of the scandal, particularly in instances where the organisation (such as the Post Office), which is the alleged victim, is also the investigator and prosecutor.¹⁷

Since the extent of the scandal has been uncovered, a second strand of critique has been centred on the professional conduct and ethics of in-house lawyers. It has been suggested that in-house solicitors and barristers were 'at the heart' of the scandal and engaged in unethical practices. Allegations against lawyers involved in the Post Office scandal include

¹³ <https://www.bbc.co.uk/news/articles/c1wpp4w14pgo>

¹⁴ <https://ccrc.gov.uk/news/the-ccrc-and-post-office-horizon-cases/>

¹⁵ Richard Moorhead, Hamlyn Lecture 1, Unreliable gods and their fearless logics: what drives ethical error? University of Exeter <https://law.exeter.ac.uk/about/thehamlyntrust/lectures/>

¹⁶ [Alan Bates considers private prosecutions of Post Office bosses - BBC News](#)

¹⁷ Then chair of the Bar, Sam Townend KC, in a comment piece for The Guardian, pointed towards the need for safeguards around private prosecutions. Specifically, he suggested there should be enhanced oversight and possible regulation of private prosecutions to avoid abuse of the power to prosecute. He added, "some lawyers will face heavy criticism when the inquiry makes its findings. There could be systemic problems identified and the Bar Council will play its part to ensure they are addressed." <https://www.theguardian.com/uk-news/2024/jan/13/safeguards-are-needed-against-the-abuse-of-private-prosecutions-the-post-office-scandal-shows;>
<https://www.counselmagazine.co.uk/articles/the-post-office-trial-the-future-of-private-prosecutions>

aggressive litigation tactics, misleading the court, failing to disclose material evidence and destroying potentially relevant documents, obstructing the administration of justice and purporting to be independent where this was not in fact the case.¹⁸ As a result of these allegations, there have been concerns raised about the level of training and support in-house lawyers receive on their ethical obligations and of their ability to raise concerns with management.¹⁹

An ongoing statutory government inquiry, the Post Office Horizon IT Inquiry, led by Sir Wyn Williams, is establishing a definitive account of the IT and procedural failings that led to the suspension, termination of sub-postmasters' contracts, prosecution and conviction of sub-postmasters.²⁰ The inquiry has published volume 1 of its report and is working on the final report. The BSB is assessing the evidence against barristers and whether disciplinary action is required.²¹

The Post Office Project

The Post Office Project is an academic project based at the University of Exeter, where Professor Richard Moorhead and colleagues look at evidence from the scandal with a focus on legal ethics. They consider, "the lessons for lawyers' ethics and corporate governance (within and beyond the scandal) as well as lessons for a criminal justice system that failed."²²

Moorhead's research aims to show how ethical and systemic failure can lead to profound injustice. He asserts that immoral and unreliable lawyering can combine with unbalanced organisations to create significant legal harm. The project also looks at possible reform, through considering individual and systemic solutions.

A report in 2025 by Professor Moorhead and other academics on legal representation received by sub-post masters identified issues with the legal advice and representation they received on.²³

¹⁸ <https://clsb.info/ethics-hub/learnings-from-the-post-office-horizon-scandal/>

¹⁹ <https://www.lawgazette.co.uk/commentary-and-opinion/post-office-scandal-already-a-wake-up-call-for-in-house-lawyers/5120355.article>

²⁰ <https://www.postofficehorizoninquiry.org.uk/about-inquiry>

²¹ <https://www.barstandardsboard.org.uk/resources/press-releases/update-on-bar-standards-board-s-work-in-relation-to-the-post-office-horizon-it-scandal.html>

²² <https://postofficeproject.net/>

²³ <https://news.exeter.ac.uk/wp-content/uploads/2025/11/WP11-FINAL-clean-copy-Accessing-Injustice.pdf>

Non-Disclosure Agreements (NDAs)

Non-Disclosure Agreements (NDAs) can be a useful legal means of preserving the confidentiality of information. Nonetheless, there have been concerns raised that NDAs may not always be used by lawyers in a way which is compliant with their professional and ethical obligations. For instance, Professor Moorhead asserts that lawyers can deploy legitimate legal tools, such as NDAs, to protect legitimate rights and interests but can also use those tools for illegitimate ends such as covering up misconduct or making it harder to prosecute.²⁴ He cites NDAs as a reason why the Post Office was able to contain criticism of its Horizon Software.²⁵

In response to the call for evidence on the misuse of NDAs issued by the Legal Services Board (LSB),²⁶ the Bar Council acknowledged that NDAs raise key policy issues, such as when they are used to particularly benefit one party or in a way which is contrary to the public interest.²⁷ However, it is the Bar Council's position that this should be addressed openly and democratically by Parliament; not obliquely or opaquely by regulators.²⁸ Further, it would be inappropriate for legal regulators to restrict when lawyers can lawfully advise their clients to use NDAs without there first being legislative change.

There has since been clarification on the enforceability of confidentiality clauses in certain circumstances in the Victims and Prisoners Act 2024. The use of NDAs to cover up harassment and discrimination in the workplace has been addressed through the Employment Rights Act 2025. Also, certain NDAs in higher education were banned through legislation.

From a regulatory perspective, barristers are already subject to various professional duties under the BSB Handbook when advising on NDAs, such as the duty to act with honesty and integrity, the duty to maintain independence and the duty to act in the best interests of each client, which is subject to the duty to the court in the administration of justice. The BSB would be expected to take enforcement action where appropriate in cases of a breach or non-compliance with the Core Duties or the Rules of the BSB Handbook.

The SRA has issued a warning about NDAs to those it regulates²⁹ in light of evidence heard by the Women & Equalities Select Committee, where settlement agreements included clauses that appeared to interfere with the reporting of alleged crimes to the police.³⁰ The

²⁴ Richard Moorhead; Steven Vaughan, Kenta Tsuda, Kenta, 'What Does It Mean for Lawyers to Uphold the Rule of Law?' (2023) Legal Services Board, 34

²⁵ *ibid*

²⁶ <https://legalservicesboard.org.uk/wp-content/uploads/2023/04/LSB-Call-for-Evidence-Misuse-of-NDAs.pdf>

²⁷ <https://www.barcouncil.org.uk/static/a4fb239d-1b28-4f52-baa79f38784b67d9/BCEW-response-to-LSB-call-for-evidence-on-the-misuse-of-NDAs-July-2023.pdf>

²⁸ <https://www.barcouncil.org.uk/static/a4fb239d-1b28-4f52-baa79f38784b67d9/BCEW-response-to-LSB-call-for-evidence-on-the-misuse-of-NDAs-July-2023.pdf>

²⁹ <https://www.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/>

³⁰ <https://publications.parliament.uk/pa/cm201919/cmselect/cmwomeq/215/215.pdf>

SRA expressed particular concern about the use of NDAs to prevent reporting to regulators and law enforcement agencies or to prevent disclosures which are protected by law.³¹

Strategic Lawsuits Against Public Participation (SLAPPs)

Strategic Lawsuits Against Public Participation (SLAPPs) can broadly be defined as legal claims which are perceived to be brought in order to silence a critic by engaging them in costly litigation, rather than because of their legal merit.³²

In the context of economic crime, section 195 of the Economic Crime and Corporate Transparency Act 2023 (which came into force on 18 June 2025) introduces a statutory definition for SLAPPs claims:

“Section 195

(1) For the purposes of section 194 a claim is a “SLAPP claim” if—

- (a) the claimant’s behaviour in relation to the matters complained of in the claim has, or is intended to have, the effect of restraining the defendant’s exercise of the right to freedom of speech,
- (b) any of the information that is or would be disclosed by the exercise of that right has to do with economic crime,
- (c) any part of that disclosure is or would be made for a purpose related to the public interest in combating economic crime, and
- (d) any of the behaviour of the claimant in relation to the matters complained of in the claim is intended to cause the defendant—
 - (i) harassment, alarm or distress,
 - (ii) expense, or
 - (iii) any other harm or inconvenience,beyond that ordinarily encountered in the course of properly conducted litigation.”

A significant proportion of SLAPPs are used in cases related to economic crime, with at least 70% of cases referenced in a report published in April 2022 about SLAPPs being connected to financial crime and corruption.³³ Nonetheless, Coe et al argue that the definition within section 195(1) ‘is inadequate because it is too narrow and rigid’ due to only covering economic crime and not tackling the use of SLAPPs in other contexts such as environmental

³¹ <https://www.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/>

³² Joanna Dawson, ‘SLAPPs: Strategic litigation against public participation’, House of Commons Library, 21 February 2024, <https://researchbriefings.files.parliament.uk/documents/CBP-9962/CBP-9962.pdf>

³³ ‘[London Calling’: The issue of legal intimidation and SLAPPs against media emanating from the United Kingdom](#), a report by Foreign Policy Centre and ARTICLE 19 published in April 2022

harms or sexual misconduct.³⁴ A significant number of MPs are in favour of legislation for universal anti-SLAPPs measures, to address these gaps.³⁵

The Bar Council's position on SLAPPs is that we are in favour of procedural or legislative solutions but don't agree with the concept of making barristers responsible for assessing and policing their clients' motivations, as was once discussed as an option. A barrister cannot be expected to judge the motivations of their client and in any case their client may conceal their true motivation for litigating an issue. It would be very challenging to make barristers responsible for judging if a SLAPP is in play.

We think it is most effective to apply a legislative or procedural solution to the issue of SLAPPs as has been achieved through provisions in the Economic Crime and Corporate Transparency Act 2023. This gives judges the power to strike out claims at an early stage in proceedings as was recently done in the case of *Kamal v Tax Policy Associates Ltd & Anor* [2026] EWHC 551.^{36,37}

The barristers' Code of Conduct already contains important safeguards against abusive litigation. Rule C9.2 states:

"You must not draft any statement of case, witness statement, affidavit or other document containing: ...

.b any contention which you do not consider to be properly arguable;"

Therefore, a barrister cannot bring unarguable claims, or put another way, those that have no legal basis.

2. The regulation of ethics

The Legal Services Board (LSB)

The LSB has been focussing on professional ethics for the last few years, alongside other strands of work. It considers that regulation has a role to play in responding to unethical conduct by lawyers, and in upholding the rule of law.³⁸ It has expressed particular concern

³⁴ Coe, P., Moosavian, R., & Wragg, P. (2025). Addressing strategic lawsuits against public participation (SLAPPs): a critical interrogation of legislative, and judicial responses. *Journal of Media Law*, 1–40

³⁵ <https://www.cityam.com/starmer-urged-to-tighten-law-on-slapps-following-mandelson-scandal/>

³⁶ <https://www.bailii.org/ew/cases/EWHC/KB/2026/551.html>

³⁷ <https://www.legalfutures.co.uk/latest-news/barristers-claim-against-neidle-ruled-first-statutory-slapp>

³⁸ <https://legalservicesboard.org.uk/research/what-does-it-mean-for-lawyers-to-uphold-the-rule-of-law#:~:text=The%20report%2C%20by%20Professor%20Richard%20Moorhead%20and%20Professor,he lping%20resolve%20disputes%20in%20the%20interests%20of%20justice.>

about the use of SLAPPs and NDAs in addition to the Post Office Horizon IT scandal.³⁹ It issued a consultation on ethics related recommendations to the regulators in March 2025.⁴⁰

The result of this consultation exercise was the recent publication of their new statement of policy⁴¹ on upholding professional ethical duties. This sets out five expectations for the legal sector regulators to uphold. These give increased prominence to ethics in education and training, guidance and workplace culture. Regulators will also be expected to pursue three outcomes in relation to training and education, rules and guidance and support and empowerment of lawyers. The LSB has also clarified a hierarchy of some of the key ethical duties.

The Bar Standards Board (BSB)

Ethics features heavily in the BSB's draft five-year strategy.⁴² It proposes a new statement of vision, purpose and ambition and summarises the context within which it is operating. Some of these contextual factors are access to justice, technology, the culture within chambers, the prevalence of bullying, discrimination and harassment and the Post Office Inquiry. The call for evidence outlined key areas of focus (consumer empowerment, diversity and inclusion and a competent and ethical profession) and set out its intended approach to regulation and how it measures and reports its regulatory performance. They are particularly interested in ethics training and ongoing development. They are expected to address these issues wider Handbook reform later this year.

The BSB has also worked with the Bar Association for Commerce, Finance and Industry (BACFI) to develop some new BSB guidance for employed barristers, entitled, "Professional conduct issues for barristers practising in house". The guidance, recently published,⁴³ focuses on knowing who your client is (usually the most senior decision maker in the organisation), ensuring your independence is not compromised and how to avoid conflicts. It features some mock scenarios and suggested ethical considerations for each of them.

³⁹ <https://legalservicesboard.org.uk/wp-content/uploads/2024/01/06.-Paper-24-04-PERL-update-January-2024.pdf>

⁴⁰ <https://legalservicesboard.org.uk/wp-content/uploads/2025/03/PERL-Consultation-Documents-February-2025.pdf>

⁴¹ [LSB statement of policy on upholding professional ethical duties](#)

⁴² <https://www.barstandardsboard.org.uk/static/b4c1e062-3596-4602-b186f4d1c0cb600a/Strategy-call-for-evidence-document-final.pdf>

⁴³ <https://www.barstandardsboard.org.uk/static/935a055d-6744-4bbb-a26e290b4199270c/Professional-conduct-issues-for-barristers-practising-in-house-April-2026.pdf>

The International Bar Association (IBA)

The IBA has an ongoing research project⁴⁴ exploring the role of Lawyer's as 'Ethical Gatekeepers' within wider society.

Although the Bar Council disagrees with the characterisation of lawyers as 'ethical gatekeepers'⁴⁵ and notes the Cab Rank Rule prevents English and Welsh Barristers from refusing to provide legal services outside of a narrow range of circumstances, the overall project provides some informative points to consider when discussing legal ethics.

For example, the report titled 'the role of lawyers as ethical gatekeepers and related issues'⁴⁶ gives an overview of the key themes from a roundtable hosted by the IBA and supported by the Legal Policy and Research Unit. The report summarises that during the discussion, it was noted that ethical obligations of the Bar of England and Wales already 'go beyond the strict parameters of the law'⁴⁷ and that where 'self-regulation had not dealt effectively with SLAPPs... it was now widely agreed that legislation was necessary'.⁴⁸ This supports our view that further regulation without legislation would be an incorrect approach and that, in some areas, legislation– with its democratic and representative power – is the best approach to addressing areas of concern.

The Solicitor Regulation Authority (SRA)

The SRA undertook a thematic review of in-house solicitors' ethics in 2023.⁴⁹ They undertook research into the challenges that in-house solicitors face in upholding ethical standards, looking at issues such as independence, risk management, managing pressure and meeting regulatory obligations and managing ongoing competence.

A question arises as to whether employers of lawyers are necessarily aware of their professional duties, and the extent to which, if any, lawyers are subject to unreasonable pressure from their employers to act in an unethical manner. The Solicitors Regulatory Authority recently issued a suite of guidance documents on ethics for in-house solicitors as well as guidance for governing boards, CEOs and senior officers in organisations that employ solicitors.⁵⁰

⁴⁴ International Bar Association, 'Lawyers as Ethical Gatekeepers' <https://www.ibanet.org/IBA-launches-new-project-examining-the-role-of-lawyers-as-ethical-gatekeepers>

⁴⁵ <https://www.barcouncil.org.uk/resource/why-lawyers-as-gatekeepers-is-a-dangerous-mantra.html>

⁴⁶ <https://www.ibanet.org/document?id=IBA-Chatham-House-roundtable-summary-role-of-lawyers-as-ethical-gatekeepers-2024>

⁴⁷ *ibid*, 5

⁴⁸ *ibid*, 6

⁴⁹ <https://www.sra.org.uk/sra/research-publications/in-house-solicitors-thematic-review/>

⁵⁰ <https://www.sra.org.uk/sra/news/press/2024-press-releases/support-in-house-solicitors/>

The Law Society

In 2023, the Law Society commissioned the University of Leeds to research solicitor in-house ethics and formulate a new ethical practice framework.⁵¹ The in house ethical practice framework⁵² has been published, and this intends to complement existing regulation and the SRA's guidance. It is a different way of trying to raise ethical standards; it acknowledges that ethics can be complex and examines the question of how in-house solicitors can maintain their independence. Their resources look at ethical decision making and how to positively influence the culture of the organisation. They have produced a suite of protocols to assist in house solicitors with their employment contracts and whistleblowing.

⁵¹ <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/law-society-developing-new-resource-to-support-in-house-members-with-ethical-practice>

⁵² <https://www.lawsociety.org.uk/topics/in-house/in-house-ethics-framework>

Annex 3: Question set on ethics from the Barristers' Working Lives survey 2025

J1. How would you rate your understanding of the barristers' code of conduct and your professional ethical obligations? From 1 no understanding at all to 10 understand it fully.
 1 Do not understand 10 understand fully at all

J2. How often do you find you have ethical questions that require you to seek support?
 Monthly or more
 A few times a year
 Very seldom
 Never
 Don't know
 I don't tend to seek support for ethical questions I may have

J3. How likely would you be to use each of the following options for ethical support?

	Very likely	Fairly likely	Unlikely	Very unlikely
Colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior colleagues or managers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Bar Council's ethical enquiries service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Bar Council's Ethics and Practice Hub	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BSB Handbook	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BSB website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist Bar Association	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Circuit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please indicate other source of ethical advice

J4. Do you feel you have sufficient support in meeting your professional ethical obligations?
 Yes, definitely
 Yes, to some extent
 No, not really
 Definitely not
 Don't know

J5. Have you undertaken any training or other form of continuous professional development (CPD) on professional ethics?
 Yes, within the last year
 Yes, 1-5 years ago
 Yes, 6-10 years ago

- Yes, 11-20 years ago
- Yes, more than 20 years ago
- No, I have never received any formal training
- Don't know

J6. How likely would you be to use each of the following options for ethical training?

	Very likely	Fairly likely	Unlikely	Very unlikely
Colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior colleagues or managers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Bar Council's Ethics and Practice Hub website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist Bar association	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Circuit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inn of Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please indicate other source of ethical training

J7. To what extent have any of the following caused you challenges with your professional ethics?

	To a great extent	To some extent	Not at all	Don't know
Internal pressures (i.e. pressure from within your own chambers/organisation/employer) to act in a way that might be unethical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure from clients to act in a way that might be unethical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressures from others to act in a way which might be unethical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintaining independence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The requirement to report serious misconduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private prosecutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Availability of training/information on ethical issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Isolation from wider barrister networks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SLAPPs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unlawful use of NDAs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unethical fee sharing arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe any other ethical challenges you have experienced

- J8. If you have any comments on the ethical training, guidance and support available to you/other barristers, or any comments on the nature of ethical challenges you face in your own practice please describe in the space below.
