



Good Law Project
167-169 Great Portland Street
5th Floor
London
W1W 5PF
W: goodlawproject.org

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

By email to: [REDACTED]
[REDACTED]

Our ref: P349
8 May 2026

Dear The Bar Standards Board,

Complaint concerning Sarah Victoria Phillimore - Request for Independent Review
Your references: 301599B3 and 2025/3545

1. Thank you for your letter dated 27 March 2026, informing us that The Bar Standards Board (BSB) has decided not to commence an investigation into the conduct of Sarah Phillimore and that no further action will be taken in this matter.
2. We request an independent review of that decision due to a material misapplication of law and policy, and material factual mistakes.

Law and policy

[BSB's guidance on the regulation of non-professional conduct \(20 September 2023\)](#)¹

3. The guidance on non-professional conduct identifies the boundaries of regulation for conduct outside a barrister's professional life and the circumstances where there may be regulatory interest.

¹ <https://www.barstandardsboard.org.uk/asset/E803D194%2D972C%2D43B4%2D84BF162568CEE383/>

4. We invite the BSB to consider that guidance as a whole, but specifically bring to the reviewer's attention that the regulator does not need to show a nexus between the conduct and Ms Phillimore's practice or profession. The guidance states there may be a regulatory interest, *"where the nature of the conduct is so serious that it is capable of diminishing public trust and confidence in the barrister or the profession, regardless of the context and environment."*²
5. The guidance specifically notes there is a regulatory interest in conduct which demonstrates a barrister's attitude towards people from certain groups (particularly minority and/or vulnerable groups) that might indicate how they will interact with such people in future and may present a risk to access to justice.³
6. It does not specifically require the BSB to find that the barrister's conduct online shows how they or another member of the Bar will treat a member of a certain group or affect their access to justice.

BSB's guidance for barristers using social media (20 September 2023)⁴

7. The BSB guidance on social media is particularly relevant to this complaint but has not been referred to once in the BSB's response to our submission.
8. This guidance notes that the threshold for regulatory interest in social media activity is met where posts are seriously offensive, or where they are discriminatory, harassing, threatening, or bullying such as to diminish trust and confidence in the barrister or the profession.⁵
9. The posts need only satisfy one of these characterisations, they need not be all of them.
10. The guidance acknowledges barristers' rights under Article 8 and 10, but underscores these are qualified rights and certain restrictions are justified in respect of comments made by members of the Bar on social media, due to their special status in the legal profession.

² Id. para. 18

³ Id. para. 35

⁴ <https://www.barstandardsboard.org.uk/asset/61D13750%2D880C%2D4423%2DA4BF80CF96D3F06C/>

⁵ Id. para. 18

11. The guidance notes that the kind of conduct that may amount to a breach of the BSB Handbook (Handbook) include comments targeting a person or groups of people that are seriously offensive, discriminatory, harassing, threatening or bullying. This includes making comments that are indecent, obscene or gratuitously abusive.

Bar Council Independent Review of Bullying, Harassment and Sexual Harassment at the Bar (8 September 2025)⁶

12. Baroness Harman KC's report on bullying, harassment and sexual harassment at the Bar specifically addresses online bullying and harassment and how it should be dealt with by the regulator.

13. The report acknowledges freedom of expression, including online speech, is a qualified right protected by law but notes that protection is not absolute. Although Article 10 of the ECHR protects speech which is "offensive", "disturbing" and "shocking", the report notes that where speech crosses the threshold into bullying or harassment, the speech loses its protection and the regulator must take action.⁷

14. The report acknowledges that what might be permissible speech by a member of the public may not be permissible from a barrister constrained by the ethics of the profession.⁸

15. The report highlights the inconsistent approach that the BSB has taken towards tackling online bullying and harassment. The sentiments of Former Chair of the Bar Nick Vineall KC were fully endorsed that, *"the Bar ought to be a profession where everyone is capable of maintaining civil discourse. There is absolutely no place at the Bar for misogynistic, sexist or bullying behaviour, whether online, verbal or in any other form."*⁹

16. The report cites a focus group discussion with BSB staff, and highlights the reasons raised for not taking action in response to abusive social media posts, including *"the difficulties of determining whether social media posts fell within the scope of*

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<https://www.barcouncil.org.uk/static/8ae513e7-07e2-4b20-b49c1c8dbbfa1377/563cbd91-791f-4ce0-9aa12600331609c8/Report-master-file-6.pdf>

⁷ Id. para. 263

⁸ Id. para. 264

⁹ Id. para. 266

“professional misconduct” for the purpose of taking regulatory action, and the broader challenge of ‘policing’ social media posts and pile-ons.”¹⁰

17. The response of Baroness Harman KC to these concerns was that, notwithstanding those challenges robust action must be taken in response to online bullying and harassment: *“Abuse on social media is not more acceptable than abuse on the steps of court or any other public forum.”¹¹*
18. The report notes that the BSB does not appear to deal with online comments in a cumulative way, assessing each tweet in isolation to determine if there is a breach of the Handbook: *“In my view, a pile-on [i.e. other people following up on a comment made by an individual] was critical context for assessing whether the conduct amounted to bullying and harassment. Taken in isolation, comments may not cross the threshold. Taken together, the threshold may be surpassed.”¹²*
19. Recommendation 24 of the report is that, *“Regulatory enforcement action must be taken against online bullying and harassment: If a barrister who is bullying or harassing another person online can be identified as a member of the profession (by virtue of his/her name, title, or the content of the comments), then the conduct ought to engage the remit of the regulator. Where online abuse is aggravated by any form of discrimination, such as misogyny or racism, the threshold for regulatory action should always be triggered on the basis that it is highly likely that such conduct will undermine trust and confidence in the profession.”¹³*

Legal Definitions

20. The BSB defines bullying as unwanted behaviour from a person or group that undermines, humiliates or causes physical or emotional harm to someone. It can take different forms including a pattern of behaviour that takes place on social media.¹⁴

¹⁰ Id. para. 268

¹¹ Id. para. 267

¹² Id. para. 268

¹³ Id. para. 269

¹⁴

<https://www.barstandardsboard.org.uk/for-barristers/bullying-and-harassment.html#:~:text=How%20our%20teams%20can%20help>

21. The Equality Act definition of harassment encompasses unwanted conduct related to a protected characteristic with the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
22. Behaviour that does not meet the statutory definition set out in s26 of the Equality Act may still amount to a breach of the Handbook¹⁵, for example where it constitutes harassment as defined under the Protection from Harassment Act 1997 i.e. a course of conduct targeted at an individual, calculated to cause alarm and/or distress. The test is an objective one and requires conduct on at least two occasions of such conduct.

Submissions

- a) The BSB's response incorrectly implies that a barrister can rarely, if ever, breach the Code through social media posts
23. The BSB's guidance and its case studies of unacceptable behaviour online clearly demonstrate that barristers' social media posts can still breach the code of conduct.¹⁶
24. Harassment and bullying can occur online and over social media; the casual nature of social media does not immunise conduct from amounting to harassment or bullying.
25. In *Wilson v Mandelsohn* the court found that eight tweets from the defendant crossed the boundary between unattractive and unreasonable conduct to conduct that was oppressive and unacceptable, even when due regard was had to free expression.¹⁷
26. In *Bukhari v Bukhari* the court found five tweets and three videos amounted to a campaign of online harassment and awarded damages.¹⁸

¹⁵ Ibid.

¹⁶ BSB guidance for barristers using social media, Case Study 2, p. 6, <https://www.barstandardsboard.org.uk/asset/61D13750%2D880C%2D4423%2DA4BF80CF96D3F06C/>

¹⁷ *Wilson v Mendelsohn* [2023] EWHC 231 (KB)

¹⁸ *Bukhari v Bukhari* [2025] EWHC 2391 (KB)

27. In *Miller v Turner* the court found the claimant's conduct towards the defendant on Twitter could objectively be described as bullying, even if it fell short of criminal gravity.¹⁹
28. In relation to the Bar, action has previously been taken by the BSB in circumstances where a barrister has called another barrister "a nasty c*nt"²⁰, and where barristers have contributed to public posts expressing views and accusing others of dishonesty.²¹
29. If the courts and BSB considered it appropriate to take action in those cases, then it would be consistent with the rules and guidance for the regulator to take action in this case.
- b) The BSB has misapplied *Stocker v Stocker* in its consideration of the online context of this complaint
30. The BSB's reliance on *Stocker* is misplaced in this context. That case concerned the meaning of a single Facebook post and the ordinary reader's impression of a phrase used by the Respondent, which made the transient nature of social media relevant in the judgment.
31. In this case, Ms Phillimore's comments were not ambiguous. They were made repeatedly, over 50 times, and were amplified beyond transient social media engagement, including two lengthy [REDACTED] articles concerning [REDACTED].
32. The content invited engagement and pile-on responses, increasing its impact and remains publicly accessible through a simple search of [REDACTED]
[REDACTED]
33. The BSB was also wrong to conclude that it "cannot prevent" pile-ons and that "a regulatory interest is not created as a result of others commenting on SP's posts". This approach is completely opposite to the approach recommended by Baroness Harman KC in her report, which refers to the contextual significance of pile-ons as an indicator of bullying and harassment.

¹⁹ *Miller v Turner* [2023] EWHC 2799

²⁰ *Hewson v BSB* [2021] EWHC 28 (Admin)

²¹ *Diggins v BSB* [2020] EWHC 467 (Admin)

c) The BSB failed to consider whether Ms Phillimore's conduct amounted to bullying and/or was seriously offensive

34. In considering the question "*Is there a potential breach of CD5?*" at page 6, the BSB addressed whether the posts taken together amount to a course of victimisation, discrimination or harassment, but did not specifically consider whether Ms Phillimore's posts taken together amounted to bullying or amounted to conduct that was seriously offensive, indecent or obscene, as required by the BSB's social media guidance.

35. These are lower standards than the test for harassment outlined in the BSB's response to our complaint.

36. Key examples of this include Ms Phillimore's response to the news of [REDACTED] [REDACTED]. If the appropriate guidance was applied, it is difficult to understand how the BSB could not find this seriously offensive and/or bullying.

37. Ms Phillimore's repeated use of [REDACTED] dead name was also distressing and impactful for reasons set out in more detail below.

38. The BSB's assertion that "*It is not appropriate to simply the count [sic] the number of times SP misgenders/deadnames [REDACTED] it is necessary to consider the context in each case, and consider then whether there is a course of harassment*", is correct however, the decision fails to apply that approach properly, by still only considering select posts and failing to take into account that the majority of Ms Phillimore's posts were unprovoked and not in response to any comments directed at her.

39. Taken together Ms Phillimore's conduct was so serious that [REDACTED] attempted to take her life.

40. Ms Phillimore acknowledged that [REDACTED] felt suicidal but had little sympathy. This is reflected in her post on [REDACTED]

41. Our complaint in this case is not that Ms Phillimore failed to agree with [REDACTED] that she is a woman, but how Ms Phillimore expressed herself and how often.
42. In this context it is difficult to see how Ms Phillimore's conduct does not align with the examples of what might amount to bullying conduct online in the BSB's guidance.
- d) Ms Phillimore's conduct does not need to be unlawful to breach the Code of Conduct
43. It is not necessary for conduct to be criminal or for there to be an Equality Act relationship in order for breaches of CD5 or rC8 to have occurred. The BSB's social media guidance makes clear that lawful speech may breach professional obligations where its manner is inconsistent with the Handbook.
44. The guidance includes a non-exhaustive list of conduct that may breach the Handbook, including targeting a person or groups with seriously offensive, discriminatory, harassing, threatening, or bullying comments, or comments that are indecent, obscene, menacing, or gratuitously abusive.
45. Ms Phillimore's conduct may constitute an offence under s.2 of the Protection from Harassment Act 1997, however the fact she has not been charged with an offence reflects the fact this matter has been reported to the BSB rather than the police.
46. Whether or not Ms Phillimore has been charged should not influence the BSB's consideration of its own guidance which does not require a charge or conviction.
47. Bearing in mind police and CPS delays in charging and delays in trial listing it would also be unreasonable to expect a case against Ms Phillimore to be determined before a report was made to the BSB.
- e) Ms Phillimore is identifiable as a barrister online
48. The BSB's assertion that Ms Phillimore's "X" profile does not identify her as a barrister is incorrect because her profile links to the Child Protection Resource

website, which clearly identifies her as a family lawyer and has a hyperlink back to her “X” profile.²²

49. This is relevant to the BSB’s applications of the guidelines outlined above, and how proximate Ms Phillimore’s personal life is to her professional life.

f) The BSB has overstated the protections of Ms Phillimore’s Article 8 and 10 rights

50. The BSB’s guidance on the regulation of non-professional conduct explicitly acknowledges that Articles 8 and 10 are qualified rights which means regulatory investigation may still be appropriate even in circumstances where these rights are engaged.

51. The guidance specifically notes that Article 10 may protect a barrister’s right to hold and express an opinion, but the way it is expressed may still be a potential breach of the Handbook.

52. As stated above, this is because barristers are held to a higher standard of conduct than ordinary members of the public.

53. This is consistent with the decisions in *Forstater*²³ and *Peggie*²⁴ that the right to hold gender critical beliefs does not bestow a carte blanche right to the manner of their expression; and referring to trans persons in terms other than they would wish can amount to harassment or discrimination depending on the circumstances.

54. Even though many of the cases concerning these issues are determined in an equality law context, the principles should still have been considered by the BSB when weighing the considerations outlined in its own guidance as to the conduct of barristers in a non-professional context and when engaging with social media.

55. In our submission, Ms Phillimore’s use of misgendering, deadnaming and graphic reference to [REDACTED] clearly went beyond speech protected under Article 10 and amounted to bullying behaviour if not harassing and discriminatory behaviour.

²² <https://childprotectionresource.online/>

²³ *Forstater v CGD Europe and others* UKEAT/0105/20

²⁴ *Peggie v Fife Health Board Employment Tribunals* [2025] WLUK 249 [1024]

56. The BSB's decision not to investigate whether such conduct breached CD5 and rC8 is perverse and fails to apply the BSB's guidance and the relevant case law.

g) The context and duration of Ms Phillimore's conduct goes beyond reasonable participation in public discourse

57. The decision of the Supreme Court in *For Women Scotland* was issued in April 2025; Ms Phillimore's conduct towards ██████████ spans from ██████████ ██████████, a period exceeding one year.

58. Few of Ms Phillimore's posts were responses to contributions ██████████ was making on the issue of trans rights and, to the extent they were, Ms Phillimore repeatedly chose to respond to ██████████ rather than one of the many other users of X at that time who were expressing similar views on trans rights and Ms Phillimore chose to do so in gratuitously personal and derogatory terms.

59. Ms Phillimore's conduct also included derogatory commentary even when ██████████ ██████████ was not engaging in debate but sharing personal life events, such as the news she was ██████████.

60. Disclosing this information online may have left ██████████ exposed to public comment, but that does not excuse or exempt Ms Phillimore from upholding professional standards in the way she expressed herself in response to them.

h) The comments made by ██████████ were not of the same volume and quality as those made by Ms Phillimore

61. The suggestion in the BSB's response that there was an equal and public dispute between two people online is a mischaracterisation that fails to take into account the small number of messages that ██████████ actually directed at Ms Phillimore, the heft of Ms Phillimore's following and the different qualifications to their Article 10 expression.

62. Most of Ms Phillimore's comments about ██████████ were unprovoked. None of the examples of language used by ██████████ online on page 2 and 4 of the BSB's letter were directed at Ms Phillimore. In fact, between ██████████, ██████████ only mentioned Ms Phillimore in five tweets, all of which were critical of

Ms Phillimore but civil. Therefore, the majority of the 54 posts by Ms Phillimore complained of were not in response to posts made by ██████████ to or about Ms Phillimore.

63. The number of followers that Ms Phillimore has (40,000) compared to ██████████ ██████████ is relevant as it relates to the volume of 'pile-on' comments to Ms Phillimore's posts, which led to further hurtful pile-ons against ██████████ by others.

i) The regulatory obligations that place limits on Ms Phillimore's Article 10 rights do not apply to ██████████.

64. The regulatory obligations that place limits on Ms Phillimore's Article 10 rights do not apply to ██████████. Therefore, the BSB should have considered whether Ms Phillimore's conduct upheld her professional standards independently of ██████████ ██████████ actions online.

65. We do not dispute that Ms Phillimore may have received harassment and abuse from others for her views. However, this should not be a relevant factor in whether her conduct towards ██████████ breaches the BSB code of conduct. Ms Phillimore is answerable for her own conduct as a regulated person.

66. ██████████ reference to ██████████ may have brought ██████████ into the public arena, however it does not excuse or justify the volume of other unsolicited and unjustified comments made by Ms Phillimore against ██████████ prior to, and after the complaint was made. It must be remembered that ██████████ ██████████ only referred to Ms Phillimore on five occasions during the period of conduct about which this complaint is concerned, each of those five posts was about the ██████████ and while they were critical of Ms Phillimore, they were civil.

67. ██████████
██████████
██████████

j) The fact [REDACTED] dead name could be found online is irrelevant to the question of whether Ms Phillimore's use of it breached professional standards.

68. The fact that [REDACTED] dead name might be found somewhere online does not minimise the impact of Ms Phillimore using it and making it more accessible to others.

69. It is well-known that purposefully referring to trans people by their dead name can be a means of abuse, even if their dead name is widely known (though that was not the case for [REDACTED]).

70. Ms Phillimore's frequent use of [REDACTED] dead name made it significantly easier for people to access this information e.g. [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]

71. Such a reference to [REDACTED] by her dead name therefore goes beyond legitimate contribution to an issue of public discourse, but involves specific targeting of [REDACTED] [REDACTED] in terms designed to inflict damage upon her, in a way that also facilitated others to abuse [REDACTED] online.

72. As a consequence of Ms Phillimore's conduct, it is now significantly easier for people to find [REDACTED] dead name. [REDACTED]
[REDACTED]
[REDACTED] This again undermines the BSB argument in respect of *Stocker v Stocker* that any comments made online are transitory and casual.

Conclusion

73. For the reasons above, we respectfully request an independent review of the decision not to investigate. The BSB should apply its guidance on non-professional conduct and social media properly to the conduct complained of and should determine that there is at least a realistic prospect of a breach of CD5 and/or rC8 warranting investigation.

74. Please confirm receipt of this request and the next steps in the review process.

Yours faithfully,

Good Law Project

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Enc:

1. Letter to the Bar Standards Board dated 26 August 2025
2. Chronology of Sarah Phillimore's publications re [REDACTED]
3. Copies of Sarah Phillimore's publications re [REDACTED]
4. Witness Statement of [REDACTED]