The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Respondent	Mr Rasib Ghaffar
Case reference	2024/0394/D5
Inn of Court	Lincoln's Inn (July, 1995)
Status at hearing	Unregistered
Hearing date/s	08 October 2026
Tribunal Type	5 Person Tribunal

Tribunal members

Chair	HHJ Alice Robinson
Barrister member	Stephanie Dodd
Barrister member	Matthew McGhee
Lay member	Stephen Dann
Lay member	Clara Cheetham

Representatives

Bar Standards Board	Gareth Tilley
Respondent	Not in attendance and not represented

Outcome

Findings	Charge found proved
Sanction	Disbarment (interim suspension order, pending appeal)
Costs	£2,937 to the Bar Standards Board

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 23 September 2026 the Tribunal sat on 08 October 2026 to hear and determine 1 charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against, Mr Rasib Ghaffar, barrister of the Honourable Society of Lincoln's Inn.

Charges

2. The following charge was admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the BSB's Handbook (9th Edition).

Particulars of Offence

Rasib Ghaffar, a barrister, acted in a way which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a manner which could reasonably be seen by the public to undermine his integrity, in that on 14 February 2024 he was convicted at Southwark Crown Court of conspiracy to dishonestly make false representation to make gain for self/another/cause loss/expose other to risk contrary to s1(1) of the Criminal Law Act 1977 for which he was sentenced on 21 June 2024 to three years imprisonment.

Parties Present and Representation

3. The Respondent was not present and was not represented. The Bar Standards Board ("BSB") was represented by Mr Gareth Tilley.

Preliminary Matters

4. The Panel first considered whether it should proceed with the hearing in the absence of the Respondent or any representative on his behalf. On behalf of the BSB, Mr Tilley submitted that it would be appropriate, fair and reasonable to proceed in the Respondent's absence. The required documentation has been served in accordance with the relevant regulations on his solicitor who stated he was instructed to accept service. It is clear from the correspondence that the Respondent is aware of the proceedings. The charge is serious and there is a public interest in it being resolved

with due expedition. It is clear that the Respondent has voluntarily waived his right to attend. He does not seek an adjournment. He has also filed written submissions on sanction from which it follows that (1) he accepts the charge and does not intend to contest it; (2) the Respondent has said what he wants to say by way of mitigation in written form.

5. Regulation rE.183 of the BSB's Handbook (version 4.7) states that where the Respondent has not attended at the time and place appointed for the hearing, the Tribunal may proceed to hear and determine the charge if it considers it just to do so and it is satisfied that the relevant procedure has been complied with (that is, the Respondent has been duly served (in accordance with rE249 of the Regulations) with the documents required by rE102, rE103, and rE132.3.c (as appropriate)).

6. By an exchange of emails between the BSB and Mr James Preedy of Solomon Ross solicitors dated 13 and 16 April 2026, Mr Preedy informed the BSB that he was instructed on behalf of the Respondent to accept service of matters pertaining to his professional issues including to accept service of the charge sheet and the BSB's documents by email, thus satisfying rE249.2.b. The BSB then duly served the documents required by rE.102 (a copy of the charge and Disciplinary Tribunal Regulations) and rE103 (the BSB's documents and the draft standard directions) by email on Mr Preedy on 27 April 2026 which was within the required timescale.

7. As to the document required by rE132.3.c (the Convening Order), this was emailed to Mr Preedy on 23 September 2026, a date which was within the required timescale. Therefore, for the purposes of rE.183, the relevant procedure has been complied with.

8. As to whether it is just to proceed in Mr Ghaffer's absence, the Tribunal took into account the guidance given in GMC v Adeogba [2016] EWCA Civ 162 paragraphs 17 to 23. The first question is whether all reasonable efforts have been made to serve the Respondent with notice of the hearing. For the reasons already given, we are satisfied that is the case. It is also clear that the Respondent was fully aware of the hearing taking place on 8 October. In an email dated 1 October 2026 to the BSB, Mr Preedy wrote "We confirm, as set out in the attached representations, that Mr Ghaffar will not be attending or be represented at the hearing next week. We mean no disrespect in our non-attendance as Mr Ghaffar does not have the means to finance representation and our representations are set out in the attached document."

9. The second question is whether or not as a matter of discretion, and having regard to all the circumstances of the case, with fairness to the Respondent being a prime

consideration but also taking into account fairness to the BSB and the public interest, the Tribunal ought to proceed. We were satisfied that we should.

10. In our judgment, the Respondent voluntarily waived his right to attend the hearing. Although Mr Preedy's email states that the Respondent could not afford to pay for representation, we have been provided with no evidence about the Respondent's means (something we return to later) and, in any event, that would not have prevented the Respondent from attending in person. We note that paragraph 32 of the Respondent's written representations states that ill-health is the reason for his non-attendance. However, the Tribunal was provided with no evidence to substantiate that assertion. Further, if that were the case the Respondent could have made an application for an adjournment and did not do so. The Tribunal was informed that the Respondent was due to have a psychiatric assessment the week before the hearing but that no report of that had been provided. Further, as we have already said, the Respondent has submitted written representations which extend to 8 pages and has therefore made the points he wishes the Tribunal to take into account. These include an admission to the charge he faces.

11. In these circumstances we are satisfied that there was no unfairness to the Respondent by proceeding in his absence. Further, there is no evidence that an adjournment for a period of time would result in any different position so an adjournment would serve no purpose. The Respondent faces a serious charge which he has admitted in his written representations and the Tribunal considered that there was a strong public interest in proceeding.

Pleas

12. Although the Respondent did not attend the hearing his written representations admit the charge. Paragraph 1 starts *"The Respondent makes these representations following his decision to admit the disciplinary charge..."*. Paragraph 33 states *"He has nevertheless ensured that his position is placed before the Tribunal in writing, admits the charge and seeks to narrow rather than prolong the proceedings."* Paragraph 49 states *"... He admits the charge, does not seek to call evidence to challenge the convictions and does not seek to relitigate the factual findings already made by the criminal courts..."*

Evidence and submissions

13. In addition to the admissions referred to above, the evidence relied upon by the BSB comprises (1) the certificate of conviction for conspiracy to commit fraud, (2) the

judge's sentencing remarks and (3) the decision of the Court of Appeal refusing leave to appeal conviction.

14. By virtue of rE169.1 the certificate of conviction is conclusive proof the Respondent committed the offence. Further, a transcript of the sentencing remarks "shall be proof of those facts, unless proved to be inaccurate", rE169.2.

15. Mr Tilley submitted that the fraud conviction itself demonstrated the Respondent had acted in a way which was likely to diminish the trust and confidence which the public places in him or in the profession contrary to Core Duty 5 and/or that he had acted in a manner which could reasonably be seen by the public to undermine his integrity contrary to rC8.

16. He also submitted this was supported by the facts underlying the conviction as set out in the sentencing remarks and the decision of the Court of Appeal. The conspiracy related to making fraudulent claims for legal costs to the National Taxing Team in relation to a multi-handed criminal matter in which the Respondent was instructed. Claims totalling £1.8m-odd were submitted in respect of defence legal costs of which the Respondent received £146,732.87, or some 31%. The sentencing judge found that the Respondent played a "leading role" in the conspiracy, which was sophisticated and involved significant planning over a sustained period of time. The judge considered the harm to fall in Category 1 of the applicable guidelines and that as the intended victim of the fraud was HMCTS, "it may be said that the offences were such as adversely affected the integrity of the justice system".

Findings and reasons

17. We are entirely satisfied that the Respondent has been convicted of a serious conspiracy to defraud the facts of which demonstrate shocking dishonesty and professional misconduct as set out in the charge against him.

18. Core Duty 5 states: "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." Rule rC8 states "You must not do anything which could reasonably be seen by the public to undermine your... integrity..."

19. The facts of the offence of which the Respondent was convicted are set out in the sentencing remarks. Six defendants were prosecuted for employing staff in breach of immigration laws. After some negotiation, a deal was done whereby two of the defendants would plead guilty and the case would be dropped against the other four. As the judge said:

"The conspirators, including you, knew that if these four could be put forward as genuine private clients that would create the opportunity to submit false and fraudulent claims to the National Taxing Team, the NTT, which is what happened." (p.3D-E)

"The cost claims involved systematic and determined offences to claim both non-existent and inflated costs. The claims were supported by false attendance notes, false fee notes, false invoices, and false correspondence including false client care letters in order to further the fraud. After the claims had been submitted to the NTT, further false representations were made in writing and orally in order to secure payments." (p.3G-4A)

"Claims totally £1,856,584 were submitted in respect of the defence legal costs. £469,477, 25% of that sum, was paid out to four firms of solicitors representing the four acquitted defendants. Of that £146,732.87 was paid to you representing 31% of the sums obtained." (p.4C).

The judge also said he was satisfied the Respondent knew the costs claims and covering documents were false.

20. The judge went on to say that the Respondent played a leading role and was aware of the full extent of the conspiracy. The most damning passage follows:

"Accordingly, therefore I now turn to the applicability of the guidelines. I assess your culpability as high because of the following, first you played a leading role in the offending as part of a group activity. Although as I have said, the fraud did not begin until the summer of 2011, you were the first counsel instructed and your wife was your instructing solicitor, and guided the Miah defendants to different firms, and your leading role is reflected in the fact that you received the most of any of the conspirators involved in the fraud.

Secondly, as to the sophisticated nature of the offence and significant planning, there was evidence of common documents and co-ordination in respect of the four linked claims, and you opened an account in the name of Kandy Consulting, a purported legal services firm, very shortly after you received your first payment in the Miah case, and you used the Kandy account and invoices created to support the payments as cover for the payments you were receiving.

Thirdly, this was fraudulent activity over a sustained period of time. The claims were followed up by further communications with the NTT and the provision of false information, and/or documents intended to secure payment on the claims.

Each of the claims were followed up by further communication with the NTT, and the provision of false information and/or documents intended to secure payment on the claims. As I have said, you would supply a note on taxation which was intended to support the fraudulent claim.

As to harm, I accept the prosecution's submission that I should assess the harm by reference to the value of the intended loss, that is the sums claimed to be paid out of central funds as reflected in the cost claims rather than the value of the actual gains received or the actual losses incurred. And I accept, as I have already stated, as the claims in Miah totalled £1.8m odd the harm is Category 1 harm for which the intended loss is over £500,000. Accordingly, the starting point for any sentence is seven years' imprisonment based on an intended loss of £7m, and a range of five to eight years' custody. It is not disputed by the defence that there are aggravating features although they are not listed in the guideline. First of all, the actual or intended victim of the fraud was the Her Majesty's Court Service. It may be said that the offences were such as adversely affected the integrity of the justice system. Second, the intended, and in respect of some of the claims, the actual victim was the public purse. And third, you were a barrister using the conduct of legal proceedings to dishonestly make fraudulent claims for costs." (p.9B-10A)

The judge went on to impose a sentence of 3 years' immediate custody.

21. The Tribunal has received no evidence or submissions which show those sentencing remarks to be inaccurate.

22. Having regard to the Certificate of Conviction, the judge's sentencing remarks, the facts set out in the Court of Appeal decision refusing leave to appeal and Mr Ghaffar's admissions, we have no hesitation in saying the charge of professional misconduct is made out.

Sanction and Reasons

23. The Tribunal applied the Sanctions Guidance Version 6 (the "Guidance") applicable to all decisions on sanctions regardless of when the misconduct occurred. The Tribunal bore in mind the purpose of sanctions for professional misconduct. The following were of particular importance: the maintenance of public confidence and trust in the profession and the enforcement system; the maintenance and promotion of high standards of behaviour at the Bar; the deterrence to the individual barrister and to the wider profession from engaging in the misconduct subject to the sanction.

Misconduct group

24. The misconduct falls within Misconduct Group A, Dishonesty. The Guidance in Section 5 of the Guidance on the approach towards particular types of misconduct states:

> *"5.1 A finding of dishonesty will almost invariably lead to disbarment in all but the most exceptional circumstances. Barristers are required to discharge their professional duties with integrity, probity and the utmost trustworthiness. The most serious lapse from these required high standards is proven dishonesty, whether or not leading to criminal penalties. No matter how strong the mitigation, a disbarment will normally be the appropriate sanction for dishonesty in whatever circumstances the dishonesty occurs. The primary issues for a Tribunal panel will be the need to maintain public trust and confidence in the profession and address the risk of harm to the public – these factors outweigh the interests of the individual barrister.*
>
> *5.2 Nevertheless, there is a residual category of cases where a sanction less than disbarment may be appropriate in "exceptional circumstances".*
>
> *5.3 ...What amounts to exceptional circumstances is not prescribed and depends upon the various factors and circumstances of each individual case. However, caselaw indicates that the most significant factors carrying the most weight, and which therefore must be the primary focus of any evaluation of exceptional circumstances, are the nature and extent of the dishonesty and the degree of culpability. That is, the exceptional circumstances must relate in some way to the dishonesty. Factors such as the length of time the dishonesty was perpetrated, whether it was repeated and the harm which it caused are more significant in the balancing exercise in determining exceptional circumstances than personal mitigation. Exceptional circumstances are more likely to be found where the dishonesty was momentary, isolated and occurred on the spur of the moment*
>
> *5.4 While mental health issues, such as stress and depression due to workplace conditions (as well as other personal mitigation), should be considered in assessing whether there are exceptional circumstances, these issues, without more, are unlikely to amount to exceptional circumstances."*

Culpability and harm

25. The Tribunal identified the following multiple factors from the list in Misconduct Group A and in Annex 2 in relation to culpability and harm. As to culpability, this was intentional misconduct whose motivation was financial gain. It involved sophisticated planning and was sustained. The Respondent used and acted in breach of his position of power for

which he had full responsibility. He also acted in combination with others where he took a leading role and was heavily involved. The victim – the National Taxing Team and the public purse – was targeted. The harm was obvious and the misconduct involved the commission of a serious criminal offence.

26. As to harm, the actual loss (the money paid out) was substantial, £469,477, of which over £146,000 was paid to the Respondent, more than was paid to any other conspirator, and the risk of loss (the claim) was enormous, £1.8m. Although there was only one victim, the loss to the public purse meant the money was not available to those who needed and deserved it. The impact on public confidence in the legal profession is incalculable and, as the judge put it, adversely affected the integrity of the justice system.

Sanction range

27. Having taken all of the above factors into account, the unanimous conclusion of the Tribunal is that the misconduct falls within the upper range (significant culpability and significant harm) where the indicative sanction is disbarment.

Aggravating and mitigating circumstances

28. The following aggravating circumstances were noted by the Tribunal. We consider there is a lack of remorse and insight. The Respondent had throughout maintained his innocence of the criminal charges and after the Court of Appeal rejected the application for leave to appeal, although the Respondent applied for voluntary removal from the roll of Barristers, he was still maintaining his innocence. At no stage did he accept any responsibility for his misconduct until his written representations were served a week before the substantive hearing. Even that does not accept responsibility for his core offending, being couched in terms which recognise that his misconduct flows from the fact of the conviction.

29. The Respondent was also very experienced, having been called to the Bar in 1995, and he practised as a barrister for 23 years.

30. Turning to mitigating circumstances, although the Respondent admitted the disciplinary charge, that admission was made only shortly before the substantive hearing and carried limited mitigating weight, particularly given his continued failure to accept responsibility for the underlying criminal conduct. He self-reported the original charges against him, but he did not recognise any misconduct had in fact taken place. The same was true of his decision to seek voluntary removal from the Register. More importantly so far as mitigation is concerned, the Respondent has no previous

convictions or disciplinary findings and the sentencing judge referred to his positive good character: *"evidence was given of a powerful nature at trial... of all the good works that you have done" (*p.6C). In addition to self-reporting, the Respondent agreed to give undertakings in relation to practice in 2018 and in 2024 after an interim suspension was imposed following his conviction.

31. As to the further mitigation replied upon, the loss of career and livelihood, the custodial sentence already served, serious health circumstances, and the Respondent's present financial position, we consider these have limited relevance to the question of sanction in the light of the guidance in paragraphs 5.1 to 5.4 to which we have already referred.

32. We have carefully considered all the mitigation relied upon. Whether matters are considered individually or collectively, in our judgment the mitigating factors do not provide exceptional circumstances justifying departing from the indicative sanction of disbarment in this case.

Sanction

33. For all these reasons, we are satisfied that the only appropriate and proportionate sanction in this case is disbarment. The finding and sanction were made in the absence of the Respondent in accordance with rE183.

Interim Order

34. In accordance with rE225 and rE226, the Tribunal sought representations from the BSB as to the appropriateness or otherwise of taking action under rE227. By virtue of rE239 and rE240, the Respondent automatically has a period of 21 days in which to appeal our decision. His undertaking in relation to practice however ceased on the day of the hearing. Mr Tilley submitted that it would be appropriate to place an interim suspension on the Respondent's practice. There had been no representations on this particular matter submitted from the Respondent. Having heard Mr Tilley's representations, we require the Respondent to suspend his practice immediately for the same reasons as for the substantive sanction of disbarment. This is to cover the 21 day appeal period and to last until any appeal has concluded.

35. The Treasurer of the Honourable Society of Lincoln's Inn is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017 to disbar the Respondent.

Costs

36. We took into account the guidance in paragraph 8.6 of the Guidance that costs should normally follow the event. We consider the costs claimed are reasonable in quantum and they cover only an Advice fee and Mr Tilley's brief fee.

37. In his written representations the Respondent asserts that he is suffering serious financial hardship. On 2 October 2026 the BSB emailed the Respondent's solicitor requesting a copy of the Respondent's financial information to support his assertions as to lack of means. No evidence was provided. The Respondent states in paragraph 30 of his written representation that he invites the Tribunal to proceed on evidence rather than unsupported assertion. We also note that, in relation to imposing a fine, paragraph 4.10 of the Guidance states that

> *"In the absence of evidence as to means panels are entitled to assume that the respondent's means do not justify any form of adjustment to the level of fine otherwise indicated for the seriousness of the misconduct. Also, unsupported statements of a lack of means should be treated with caution and explored further with the respondent."*

38. In all the circumstances we consider it appropriate to order the Respondent to pay the BSB's costs in the sum of £2,937.

Dated: 21 October 2026

HHJ Alice Robinson
Chair of the Tribunal