



Confidential Report

This document was created using Spot. Spot is an online tool that helps individuals report misconduct, raise issues, and give feedback.

Some Observations Regarding Bullying/Harassment at the Bar

Report ID: VGYF-CNEXU
Timezone: Europe/London

Timeline

- Sep 12, 2024 10:01 PM Reporter created a report
- Sep 12, 2024 10:01 PM Incident added: "Some Observations Regarding Bullying/Harassment at the Bar"
- Sep 12, 2024 10:01 PM Reporter submitted the report

Incident #1: Some Observations Regarding Bullying/Harassment at the Bar

In your view, why is bullying, harassment and sexual harassment a persistent problem at the Bar?

In my view, this is largely because there is either no HR function or a limited HR function within chambers. As a result, there is often no process within sets for managing bullying, harassment and sexual harassment complaints and frequently no disciplinary action. Chambers may suggest colleagues approach the Head of Chambers or a specified representative within a set who is able to act on bullying complaints, but this can be ineffective as it can be uncomfortable to raise a complaint with a colleague and representatives are sometimes representatives all but in name. There is also a systemic issue in particular with bullying, harassment and sexual harassment of pupils. Since these individuals have fought so hard to be awarded a pupillage, they are uncomfortable to come forwards if bullied/harassed as they feel it will compromise their chances of tenancy. The power play that occurs even within pupillage interviews, the very start of a journey into chambers, sets the tone itself and should be something looked at closely by the Bar Council.

Are there particular dynamics or working practices at the Bar which allow for bullying, harassment and sexual harassment to persist?

Yes. The power differential between more senior barristers and juniors/pupils will always exist, naturally; but it is particularly exaggerated at the Bar - it is an extremely hierarchical industry to work in, and that can lead to bullying and harassment dynamics. In my view, long working hours typically bring out the worst in colleagues, triggering such unpleasant incidents as described. The treatment pupils in particular is significantly impacted by these dynamics and working practices.

Are the relevant standards of behaviour relating to bullying, harassment and sexual harassment known, clear, accessible, and sufficiently robust?

No, the relevant standards are neither known, clear, accessible or sufficiently robust, but in any event I would argue that it is extremely difficult to implement such measures if individuals do not feel comfortable to come forwards. Something needs to be done to realistically implement such standards within chambers.

Are the relevant standards of behaviour relating to bullying, harassment and sexual harassment sufficiently mainstreamed within barristers' professional obligations? Should they, for example, be included within the Core Duties set out in the BSB Code of Conduct?

Yes, I would agree with the suggestion of including them in the BSB code of conduct.

What is the impact of bullying, harassment and sexual harassment on those subject to such misconduct?

No response provided

Is there a wider impact upon barristers' staff, clients, or the justice system more broadly?

No response provided

What are the barriers to reporting incidents of bullying, harassment and sexual harassment?

No response provided

What mechanisms could be put in place to mitigate any repercussions against a complainant who has reported bullying, harassment or sexual harassment

No response provided

The Bar Standards Board (BSB) rules place a duty on barristers to report to the BSB in circumstances where there are reasonable grounds to believe there has been serious misconduct (with an exception set out in

No, for fear of impact upon one's own career.

Is there sufficient support in place both for complainants and persons accused of bullying, harassment, or sexual harassment? Do the existing mechanisms appropriately balance the need for confidentiality and transparency?

No

Should there be interim measures which permit a person accused of bullying, harassment, or sexual harassment to be subject to a precautionary exclusion from Chambers, their employer, or from practice during the adjudication of a complaint?

No response provided

Are investigations into complaints (by the BSB, Chambers or any other relevant body) concerning bullying, harassment or sexual harassment sufficiently independent, prompt, robust, and fair?

No response provided

Following an upheld complaint of bullying, harassment or sexual harassment, are the sanctions imposed appropriate and fair? Is enforcement action sufficiently robust to act as a deterrent?

No response provided

Are there any preventative steps which can be taken to tackle bullying, harassment, and sexual harassment? In particular, what could be done in the court room, in Chambers, at the Bar more widely to assist in preventing such misconduct?

No response provided

What improvements could be made to existing reporting mechanisms and support services?

No response provided

In what ways could the judiciary, clerks, and chambers professionals work together with the Bar to bring about change?

No response provided

Are there any other comparable professions which can offer examples of best practice in tackling bullying, harassment, and sexual harassment?

No response provided

Other details

No response provided

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes