



Confidential Report

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Bullying at the Bar

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Timeline

- Sep 11, 2024 4:23 PM Reporter created a report
- Sep 11, 2024 4:23 PM Incident added: "Bullying at the Bar"
- Sep 11, 2024 4:23 PM Reporter submitted the report

Incident #1: Bullying at the Bar

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

I think a lot of powerful barristers come from selected and privileged backgrounds which perpetuate the idea that some are better than others and that people who don't come from that background (usually women and minorities) are "less" or don't fit in at the Bar. I think there are a lot of outdated and old fashioned views amongst more senior barristers who wield considerable influence. I think a lot of these people can't believe that their conduct could ever be classified as "wrong".

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

I think that senior barristers having free reign over who they might select to be their juniors puts juniors in competition with each other and/or makes them less likely to report, or be comfortable to report, harassing or bullying behaviour. I also think the tough competition for pupillages makes younger and more vulnerable potential barristers unlikely to report inappropriate conduct for fear of jeopardising their chances to get pupillage or tenancy.

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

No. I don't think I am aware of any objective standards.

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?

I think they should be contained within the Code of Conduct and taught on the Bar course.

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

Low self esteem. More likely to drop out of the profession. Depression and anxiety

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

I think it allows for tolerance of inappropriate behaviours by barristers' staff and I think bullying behaviour in court (which can go unchecked by judges) brings the justice system into disrepute.

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

Not wanting to lose work; not wanting to draw more attention or criticism

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

I think the talk to spot service is good. I think changing things will require a cultural shift by barristers as a whole to show that these matters are not to be tolerated

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 guidance for victims, rC66 of the BSB Code of Conduct). Is this duty to report known, understood and implemented in practice?

I think it could be better known

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?

I don't know what support exists, so that's probably the starting point

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?

I don't know if exclusion is helpful where a complaint has not yet been proven but certainly measures to keep them away from the complainant would be helpful

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.

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.

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?

A cultural shift as above

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?

Judges could stop demonstrating rude and bullying behaviour in court for a start!

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