

Independent review of bullying and harassment at the Bar

Call for submissions response form

Submissions can be sent in any format directly to the review team via BHReview@barcouncil.org.uk.

If you find it easier, you can complete any or all of the questions below and email your completed form to BHReview@barcouncil.org.uk.

Unless told otherwise, submissions will be published alongside the final report on the Bar Council's website.

Please indicate how you would like your responses to be treated (check the box):

- ☐ Published in full
- ☒ Published anonymously (the content will be published but not the name of the submitting party)
- ☐ Published with certain redactions (please indicate this in the responses)
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If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)



Organisation (if you are responding on behalf of an organisation)

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1. Reasons for bullying, harassment, and sexual harassment

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

There are often imbalance of power dynamics with junior barristers concerned about reprisals or consequences from speaking up. There is also a sense in some respects (eg about some behaviour that could nowadays be viewed as bullying) that it is how things have always been and a lack of realisation that the same behaviour is no longer to be tolerated.

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

I think the insecurity that comes with being self-employed and not having guaranteed work to rely upon can add to the imbalance of powers that exist. Also it is often unclear as to who has responsibility for improving matters, or it falls upon barristers themselves who are often

extremely busy and people don't want to trouble with matters. Or those barristers are more senior members who may be seen to have loyalty or friendships with the perpetrators. Where the perpetrators are not other barristers, but for example are solicitors or clerks there can a problem created because the "victim" is still reliant on those people to get work. In the past I would also have said the drinking culture and there being so much alcohol at events or so many events centred around alcohol, although I think things have improved in this respect in the last 5-10 years.

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

Probably – I think almost everyone would now the relevant standard – the problem is the perpetrators are choosing not to think about that and others are requiring evidence before they are willing to act which is not always easy to provide regarding such matters.

- d. 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 am unsure if it would make much difference to have the relevant standards are part of the Code of Conduct because I think it would be clear that those types of behaviour would already be contraventions of other parts. What may help is to provide more obligation to take complaints seriously. And it may be a good idea to have a charter for the Bar and which chambers could sign up to rather like the recent NHS England sexual harassment charter.

2. Impact of bullying, harassment, and sexual harassment

- a. What is the impact of bullying, harassment and sexual harassment on those who are subject to such misconduct?

I am fortunate that I have not experienced it directly but from what I have seen doing employment law cases it can have a massive, detrimental effect on those subjected to it. It can destroy confidence of the person subjected to, it can cause serious health problems, it may cause people to unwillingly change places of work to escape it etc.

- b. Is there a wider impact upon barristers' staff, clients (professional and law), or the justice system more broadly?

Yes because if concerns or incidents of it are not dealt with then it undermines confidence in the profession and who can be trusted. It can also perpetuate the feeling of power imbalances that already exist even without such behaviour. Often it is minority or disadvantaged groups that are more likely to be subjected to such behaviour and then it increases problems that already exist as to lack of diversity at the Bar. It can also contribute in terms of disadvantages that female members of the Bar face, including but not limited to the known gender pay gap.

3. Reporting mechanisms, resources, and sanctions

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

People not being believed. People worrying about reprisals or negative consequences on them.

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

Greater training. More ways to report anonymously within chambers (if someone doesn't want to go to Talk to Spot but wants it to be dealt with internally).

- c. 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). Is this duty to report known, understood and implemented in practice?

It probably isn't known about enough. But also, it is difficult to know when there are reasonable grounds, especially if someone only knows about it because of being told by one party, it is denied by the other party, and it is unclear what the truth is.

- d. 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?

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- e. 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?

Only in extreme and clear cases, otherwise I think the risk of irretrievable damage to someone wrongly accused, and going against the adage of innocent until proven guilty, is too great.

- f. 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?

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- g. 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?

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4. Potential reforms to tackle bullying, harassment, and sexual harassment

- a. 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, and at the Bar more widely, to assist in preventing such misconduct?

Providing support to more junior members. Moving away from alcohol-based events (or the predominance of such events). Providing more widespread training that is targeted not just about how to avoid such behaviours, but also about how to support those who have experienced them.

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

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

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

I think the NHS England charter is a positive step.

5. Is there anything else you would like to share with the review?

Click or tap here to enter text.

Please answer as many of the questions as you are able and submit your answers via email to BHReview@barcouncil.org.uk. Please note your responses will not be seen by the Bar Council unless you have opted to have them published.

The review team is not able to respond to specific concerns or reports. Please report these via the usual channel in Talk to Spot or to the BSB. [Find out more](#).