

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) A King's counsel

Click or tap here to enter text.

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

Click or tap here to enter text.

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?

Click or tap here to enter text.

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

Lots of close working, often across seniority eg senior counsel working with very junior counsel. Sometimes late night working required, sometimes at people's houses. Less of a drinking culture now, but that used to exacerbate the issue. Still a 'get on with it' approach.

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

Yes. The problem is not knowledge.

- 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](#)

They should be a core duty.

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

Click or tap here to enter text.

3. Reporting mechanisms, resources, and sanctions

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

Working relationships at the bar make it hard to speak up about a variety of concerning behaviours. As examples, a junior barrister is being led by a KC who turns up to conferences smelling of alcohol. She feels powerless to do anything about it although she feels he is not doing the best for their client. The solicitor is a mate of the KC and doesn't seem to notice or mind. The KC is in a different chambers. The junior has no obvious route to complain about the KC. If she does complain then that solicitor may not instruct her again. The KC will not work with her again. The solicitor may not instruct others in the junior's chambers if he is really cross with her. There is so much at stake that she won't say anything. It is precisely that complex dynamic which would make it feel impossible for that junior to speak up if the KC started harassing her.

It is similarly hard to complain about judges. If a barrister works in a small court centre it is very hard for them to complain about a judge. The judge will know their Head of Chambers, and will know their mates. The judge may be at social events. They can't complain about a judge privately as they would want to ensure that their cases were not put in that judge's court- that would mean that their clerks and solicitors would need to know, as would listing staff at court, as it would otherwise be impossible to arrange for the barrister to avoid that court. Their practice and income would be affected as they would not be able to do some cases which were being tried by the judge they had complained about.

When I have reported a case of bullying (in my role as circuit leader) on behalf of a number of barristers, and referred the judicial complaints team to the relevant recording, I was told that they did not take body language into account and so they would not watch a Teams recording. I found that astonishing- a central plank of the complaint was that the judge's body language changed when speaking to one particular barrister, by folding his arms, rolling his eyes etc. If that behaviour is recorded then why on earth can't it be taken into account?

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

If someone makes a report against a judge then there needs to be a clear process to ensure that the barrister's cases do not get listed before that judge. Some court centres have only two courtrooms [REDACTED] and a barrister who makes a complaint about a judge in a small court centre needs particular protection. Similarly if a junior barrister makes a complaint against a senior barrister, there needs to be clear guidance on how to protect the junior barrister in a way which means they do not lose income.

- 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?

Yes

- 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?

No, see above, complainants need much more protection.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

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?

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

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](#).