

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)
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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?

Total lack of oversight with a culture of not wanting to take responsibility for upholding proper standards resulting in almost no accountability whatsoever for an individual's actions outside of the most extreme/illegal behaviour.

The vast majority of the bar are self-employed. While chambers exist as conglomerations, they rarely seem to engage with issues of more general behaviour. It is remarkable that people who are well known for being absolutely vile opponents, even within their own chambers, are almost never confronted about it. Despite the potential reputational damage, these individuals are allowed to continue acting as they are with the only potential consequence is a loss of instructions which is intangible at best anyway. Sadly, there are

also a significant number of solicitors who want a barrister who is willing to be vile to 'win' for the client, so there is a market for this sort of behaviour too.

The BSB is toothless and far too concerned about not preventing people from working and, therefore, earning their living. That is, of course, important but they regularly do a disservice to all other barristers who act properly and very regularly permit the standing of our profession to be harmed to protect 'one of our own'.

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

It is seen as being a huge deal to make a complaint about someone. People regularly counsel you against it for fear it could harm the person making the complaint more than the person against whom the complaint is made.

Speaking directly to that person is, frankly, unworkable in most of these contexts. They are possibly someone you may continue to be against for future hearings on that case and barristers are very concerned not to harm their client's position due to their own personal issue.

Speaking to their Head of Chamber is also. Complete gamble. Their Head of Chambers is likely to be a senior member of the bar and they are often (albeit hopefully incorrectly) viewed as thinking anyone making a complaint is a bit 'soft'. It is viewed widely as a massive step and one only taken for serious issues: racism, sexism, etc.. Often there is a system whereby the right moves are then made but there's no real consequence nor a future change in behaviour.

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

No. There is a misunderstanding about how people can disagree as to the interpretation of something without falling out or making it personal. Likewise, that there is a difference between a barrister's position adopted on instructions from their client and a neutral assessment of the correct legal interpretation. We are not our clients, nor are we our clients' cases.

A surprisingly large number of barristers do not know about Talk to Spot.

The judiciary do very little to prevent poor behaviour in the court room.

- 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 more prominent in. any way possible. With far clearer examples of what might seem inconsequential to some but important for others.

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?

An inability to enjoy their professional lives and to continue in the profession. I know two barrister who quit the profession after fewer than 2 years due to the totally unnecessary stress of working with/against ridiculous opponents. The impact coarsens our profession and cheapens its worth in modern life.

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

Fewer good people remain in the profession. That is bad for everyone.

3. Reporting mechanisms, resources, and sanctions

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

Shame. You are seen as weak for the need to report anything to anyone.

Peer pressure not to do so or you will be viewed as having caused a fuss.

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

Wider use of Talk to Spot for every day micro-aggressions or poor behaviour. The build up against certain individuals would, I predict, be pretty steady.

- 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 is known but the standard is set so high it is practically never reached. There is gulf beneath that which is totally unacceptable but does not meet the threshold.

- 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?

From what I have heard, no, unless it is very serious indeed and then much support kicks in.

- 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?

Yes. There needs to be something which is not 'the nuclear option'. Perhaps X period after a complaint there is a meeting to discuss it. Then if there is a second complaint it is mandatory to set up a process to address the offending behaviour. Third complaint – the corrective process (a course etc) has to be referred to the BSB who note it. Etc.. I'm sure far better options are available from other professions as guidance.

- 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?

From reported cases, no. These are people who often cause others to become physically and mentally very unwell by their behaviour – there should be clear and stringent rules. Once broken the onus should be on the bully to show they will no longer act that way. They should have to undertake a course, some sort of professional assessment and have a period of being overseen by someone who has a duty to report them back to the BSB if there's an issue.

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?

The court should mandate civility at all times. It is shocking how often when disagreeing, counsel are permitted to personally undermine or goad the other side. The court should not permit that in any way.

Chambers should want a shining image of being pleasant, hard working, tenacious advocates who never need to stoop to such underhand tactics. There should be a mandatory element of pupil training, likely undertaken by the circuits or inns to show proper examples of this behaviour.

There should be a process whereby people who are simply rude, aggressive, or other such unacceptable behaviour are noted to someone. It need not be anything large or significant but a process of "X shouted which is not acceptable in a workplace" or "Y referred to me as a child who would not understand the complex bit of law".

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

Lower the reporting bar. So many people experience horrid events but do not think it gets up high enough. If they never make the report the bar will never know about the scale of the problem.

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

Actually act and not simply let the bar get on with it in isolation.

- 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?

Unless a more aggressive regime is put in place with real consequences for those 'offending', nothing is going to happen. Barristers are too good at playing a system and paying lip service when needed. There must be concrete steps about which everyone will likely complain but which may save someone people really negative impacts.

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](#).