

# 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](mailto: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](mailto: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)

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?

In the case of the older generation, I think a settled view of held by privileged people of their superior position of the world combined with a lack of understanding of how the world works for other groups and other people. In some cases this is also combined with an indifference to that difference. But even for the well intentioned, it takes a lot of research or exposure to content to inform one about what is and is not felt by others, and it is difficult to imagine what you have never experienced.

In the case of the younger generation, I am afraid that misogynistic internet content including pornography is really poisoning the well.

There is also an unwillingness to upset the apple cart or to confront those who either demonstrate poor behaviour or who think that there is no problem. And it's difficult and tiring to always being the person who is pointing these things out.

Generally, I think the "culture wars" are not helping either.

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

Certainly people are unwilling to complain because of fear of not getting pupillage/tenancy/work. While those particular "goods" are specific to the bar, I don't think the problem is – I am aware of very similar issues in the medical profession for example. Another issue is the way in which complaints are treated, with much more emphasis on the rights of the perpetrator than the rights of the complainant.

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

Not sufficiently known. I have been involved in trying to get standards agreed and promulgated, and I think that on the whole they are clear and robust; but it is very easy for material to pass by busy barristers without notice.

- 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](#)

Surely they are covered by Core Duty 8?

## **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?

Unhappiness; demotivation; anecdotal evidence suggests that people leave their place of work; waste of time dealing with a complaint, if you are brave and motivated enough to make it.

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

See above – if people leave then yes, the Bar becomes more diverse even more slowly than the already slow pace of change.

## **3. Reporting mechanisms, resources, and sanctions**

- a. What are the barriers to reporting incidents of bullying, harassment and sexual harassment?
  1. The obligation to report serious misconduct.
  2. Fear of potential consequences.
  3. Lack of taking it seriously by the investigating authorities – who are likely people of the same type (ie old white male) as the perpetrators
  4. Attitudes such as "the complainant has to act rationally and politely", or even worse.

5. Lack of publicised repercussions to those acting wrongly – people believe that nothing will happen.
  - b. What mechanisms could be put in place to mitigate any repercussions against a complainant who has reported bullying, harassment or sexual harassment?

I do think that all the Inns should have barristers who are excused from the reporting duty, as I believe the ethics hotline is, in order that there can be more ability to go to more senior people and complain to them without triggering a BSB investigation. A complainant's right to privacy ought to override the reporting obligation.

- 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?

Known, but often not executed because of the concern that the complainant ought to be able to decide whether or not to take it further.

- 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.

- 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, and it should be a requirement of chambers constitutions

- 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?

I think the problem is mostly in the fact that complaints are not reported. However, I have seen some complaints dealt with in a way which I think goes too far in protecting the perpetrator.

- 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?

I am not aware of any enforcement action which has acted as a deterrent; certainly none has been publicised.

#### **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?

I don't know what action is taken as a result of the reporting to Spot; I think that at least in relation to the judiciary, there should be some body monitoring reports and taking steps to admonish, train or discipline if there is a pattern (perhaps two or more complaints) in relation

to particular judges.

In Chambers, it is much more difficult. A culture of encouraging speaking out, and making clear from the top that bullying or harassment of any sort is unacceptable, is important.

In the Inns, it might be possible to impose mandatory training on benchers, either existing benchers or those who wish to become benchers?

- 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?

The judiciary could lead by example. Much more training of the judiciary (who can be forced to do it) would be a good idea.

- 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?**

While I would like my submission published anonymously – and that tells you something about the culture – I am happy to be contacted by the review team

([REDACTED]). I am a head of chambers, and have been active in an Inn and briefly with a [REDACTED] in this area.

Please answer as many of the questions as you are able and submit your answers via email to [BHReview@barcouncil.org.uk](mailto: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](#).