

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)
- ☐ Kept confidential (the submission will only be seen by the review team and not published)

If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)

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

LawCare, the mental health charity for the legal sector, we provide direct emotional support for anyone in the legal sector across the UK and advocate for better working practices that support mental health.

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?

LawCare found in its Life in the Law Study in 2021, that 20% of respondents (from across the legal sector in the UK) had experienced bullying or harassment, this finding is in line with a long history of data over several decades that these issues have been a persistent problem in the legal sector. The International Bar Association's study, Us Too, published in 2019, the largest global study ever on these issues, found that these problems are evident in jurisdictions around the world, and reported that one in two female respondents and one in three male respondents had experienced workplace bullying. One in three female respondents had been sexually harassed in a workplace context, as had one in fourteen

male respondents. The data suggests that these problems are related to the prevalent culture and working practices in the sector.

Reasons for these problems:

Power imbalances – the hierarchical structure of the profession and in particular the Bar and Judiciary, where barristers are often in positions of dependency on senior colleagues for work, pupillage, career progression, can create an environment where these behaviours go unchecked, as those who experience it may fear the consequences for their career or employment if they call out the behaviour.

Self-employment – most barristers work within chambers and are self-employed, the independent nature of the work may make it harder to access HR support and the reporting structures may not be clear.

High pressured environments – long hours, heavy workloads, meeting the expectations of clients and colleagues in a highly regulated environment can foster aggressive behaviour where these then become accepted as part of every day life at the Bar, that sense that it's part of the experience of being 'toughened up' or 'well it was like that for me, so just get on with it'.

Culture – the driven, competitive, perfectionist legal mindset, adversarial nature of the work, unpredictable income, can drive toxic behaviour that has little grounding in empathy or respect, and can lead to environments where harassment and bullying are tolerated or trivialised. Despite increased awareness about these issues over the last decade in particular, change has been slow, this may be due to resistance in some quarters to acknowledging and addressing these issues.

Lack of accountability – there may be inadequate mechanisms for preventing and responding to bullying and harassment, there may be policies in place, but they may live in a filing cabinet and are not enforced. A common situation we hear about at LawCare through our support channels, is that practitioners have no faith in the system, so they don't see any point in reporting inappropriate behaviour as they think nothing will be done about it. Or practitioners have seen colleagues go through a process of bringing a complaint, which can be lengthy, stressful and in some cases re-traumatising, so this discourages others from raising issues as they don't want to go through that experience. This can then mean that those in powerful positions are able to evade the consequences of their inappropriate behaviour and this fosters a culture of silence. Strong, independent regulatory bodies are needed to enforce ethical workplace conduct, regulators need to be resourced adequately to carry out this role. Concerns about confidentiality or the length of time it takes to resolve a complaint may also lead to under reporting.

Fear - those who experience bullying, harassment or sexual harassment may be reluctant to come forward due to a fear of damaging their careers, a loss of income, or being ostracised by colleagues. At the bar where personal and professional reputations are important, and barristers rely on these, it can make it hard to report these issues for fear of damaging relationships with colleagues.

Financial concerns – those in the early stages of their careers often experience financial uncertainty due to low pay and student debt, this may prevent them for calling out inappropriate behaviour as the ability to put a roof over their head may be at stake. This may also be a particular concern for those from poorer socio-economic backgrounds who may not have access to family financial support during the early stages of their careers.

Diversity – a lack of diversity in terms of gender, race and socio-economic background is a concern, homogenous environments are more likely to foster bias, discrimination and exclusion. Women, those from minority ethnic backgrounds or LGBTQ+ individuals may face additional barriers in calling out inappropriate behaviour.

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

See above

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

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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?

The impact of these behaviours on individuals is significant, affecting both their professional and personal lives and wellbeing. The consequences can be both immediate and long term. They may also undermine a barrister's competence to practice.

Mental health - experiencing bullying, harassment or sexual harassment can lead to anxiety, stress and depression. We are directly aware of this from our work at LawCare. Individuals may feel it's their fault and blame themselves for the behaviour of the perpetrator. Individuals can feel overwhelmed and unable to cope and may have sleep difficulties too. They may need formal psychological intervention such as counselling.

Loss of confidence and self-esteem - being subjected to these behaviours erodes self-esteem and confidence, leading individuals to doubt their abilities and suitability for a career at the Bar.

PTSD - this can happen in severe cases.

Career implications – being subjected to these behaviours may stall career progression, individuals may feel forced to leave their role or the profession entirely. The impact may reduce productivity with an increased risk of making mistakes or missing deadlines. Individuals may experience social isolation in chambers.

Financial impact – as outlined above, these behaviours may force individuals to leave their role without another job lined up, they may have expensive legal costs to pursue a complaint, over the longer term they may experience career setbacks and a loss of earnings.

Personal relationships – being subjected to these behaviours may impact relationships with friends and family negatively, individuals may withdraw from social circles out of embarrassment or shame which can lead to isolation and loneliness.

Professional reputation – may be damaged as set out above which may limit career opportunities.

Impact on the Bar – these behaviours can create a toxic culture across the sector which can lead to low morale, fear and mistrust; barristers may feel powerless to effect change.

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

These behaviours and their impact on barristers undermine the reputation of the profession and the public's trust and confidence in the justice system.

3. Reporting mechanisms, resources, and sanctions

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

Outlined above.

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

1. Confidential, anonymous reporting channels that individuals can trust.
 2. Transparent and clear process for how concerns are investigated, with regular updates on progress.
 3. An accepted zero tolerance approach to this conduct across the profession
 4. Effective communication across the profession about these issues and why this behaviour is unacceptable and what appropriate behaviour looks like.
 5. Independent external investigations to build confidence that raising a complaint will not result in negative consequences.
 6. Strict confidentiality protocols.
 7. Support for complainants – access to counselling if needed, LawCare's peer support programme or similar to provide emotional support during and after the process.
 8. Leadership accountability.
 9. Promote psychological safety to encourage a speak up culture and incentivise positive behaviours.
- 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?

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- 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?

We do not believe there is sufficient support in place for complainants and those accused of these behaviours, both should be referred to external organisations including LawCare that can provide support, ideally a formal mechanism rather than relying on signposting. We have raised safeguarding concerns when providing support for both those who have experienced these behaviours and those accused of them. LawCare is currently developing a specific peer support service for those in the formal disciplinary process, this could be extended to include those who have experienced bullying, harassment or sexual harassment or accused of these behaviours.

- 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?

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- 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?

We would ask what evidence there is that enforcement action acts as a deterrent and would suggest that a preventative approach to these behaviours is the way forward – foster healthy cultures that mitigate the risk of this conduct in the first place, rather than dealing with it once it has happened, should be the priority.

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?

See above answers to Q3 and

Implement agreed profession wide policies that define what is unacceptable behaviour, how to report it and the consequences that apply to everyone at the Bar and in the justice system
Compulsory relevant training for all - the bar, judiciary, court staff, which includes what to do if you witness a colleague begin subjected to these behaviours
Leadership training for seniors so they understand the issues, are equipped to manage

conflict and can model positive behaviours

Promote respect and civility – so these become core values in the profession

Promote Diversity and Inclusion

Accountability – report on progress of implementing any new measures, ensure consistency in applying policy, effective and efficient investigations that avoid delay, transparent enforcement

Invest in training and supporting those that manage and lead others so they are able to handle sensitive situations, support colleagues appropriately and spot early signs that individuals may have been subjected to these behaviours.

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

Support services see answer above

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

Acknowledge and accept this is a problem for the entire Bar and related professionals, agree to a Bar wide collective responsibility to address these issues, and also consider how the Bar could work with other parts of the legal profession eg solicitors and other legal professionals as these problems are not limited to the Bar. Those working at the Bar interact regularly with a range of other legal professionals. We would like to suggest that the findings from this review could potentially be adopted by the legal sector in the UK. This could be a tremendous opportunity to deal with a problem that has been around for decades and improve working practices in the entire legal sector for both the benefit of the people who work in it but also those we serve.

The steps, if implemented to mitigate the risks of bullying, harassment and sexual harassment would have a wider impact than just dealing with these behaviours, they would lead to a healthier working culture in law where everyone is welcome, is respected and valued, and able to progress thriving, rewarding careers. This ultimately contributes to upholding the trust and confidence of the legal profession in the administration of justice.

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

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

Consider how those in legal education on the pathway to a career at the Bar could be supported to understand these issues and how to raise them if they are affected. Also promote diversity, inclusion, respect and civility during early stage career education.

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](#).