

# 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)
- ☐ 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)

██████████

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 is an intellectual snobbery with the judiciary and senior members of the Bar. They forget what it is like to still be learning what they deem to be 'obvious' or 'the basics'. I am a strong believer in you don't know what you don't know. Somehow even the slightest oversight by a very junior barrister is met with sarcasm, rudeness and short temperedness.

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

Yes. Junior barristers are overloaded with cases and have less time to prepare. They, therefore, can seem ill prepared when they are simply overworked and overwhelmed. This allows bullying and harassment to persist.

So far as sexual harassment is concerned, there remains a timidity around 'calling out' inappropriate behaviour immediately. It is still laughed off even if the behaviour itself is wildly inappropriate. In the workplace, HR would be involved immediately.

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

No.

- 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 don't believe they are sufficiently mainstreamed. Perhaps they should form of mandatory CPD for barristers each year.

## **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?

In my experience, the recipient of such behaviour is often treated worse than the perpetrator. It is as though they can't hack the demands of the job if they complain.

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

Absolutely. Certain barristers won't attend certain court centres for fear of being bullied by specific Judges. This makes the clerks' lives more difficult.

It is also extremely difficult to manage a client after they have witnessed you being bullied or talked down to by a Judge. The client feels you can't do the job properly.

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

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

I am aware of Talk to Stop. I used it once and nothing came of it.

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

Anonymity is crucial. It may also assist to have a 'champion'/'helper' in each court to voice concerns on behalf of professional colleagues (again, anonymously).

- 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 and understood but not implemented as much as it could be.

- 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?

I don't have enough experience of this to comment.

- 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?

No. They could be fairly placed in professional environments away from their accuser. It would be heavy handed to exclude their income stream for an unproven or untested allegation.

- 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?

The BSB are slow to act in these scenarios. My own chambers deals well with such matters but inevitably there will be inconsistencies in approach nationwide.

- 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?

The BSB impose lenient sanctions, in my view.

#### **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?

As simple as this seems, Judges should be actively encouraged (where appropriate) to speak directly to a barrister they have mistreated and apologise. This would go a long way and happens shockingly rarely.

Bullying and sexual harassment need to be reported immediately and acted upon quickly. There needs to be an environment where people feel free and supported to report such behaviour.

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

I believe a 'champion' or 'helper' in each Court centre would be a helpful person to have. They could communicate concerns and assist in identifying patterns.

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

The training given to the judiciary and the Bar needs to mirror each other, so each side of the profession understands the standards expected of each other. It could be delivered in a question and answer type way. This will give people more clarity and confidence to know when there has been a breach of any rules of behaviour.

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

I don't know of any other professions set up in a similar way in order to draw suitable comparisons.

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

I am very pleased that this timely review is taking place. Thank you.

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](#).