



Confidential Report

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A female silk's observations.

Report ID: MLFSE-UZVGM

Timezone: Europe/London

Timeline

Sep 25, 2024 1:38 PM	Reporter created a report
Sep 25, 2024 1:38 PM	Incident added: "A female silk's observations. "
Sep 25, 2024 1:38 PM	Reporter submitted the report
Sep 25, 2024 3:35 PM	The Bar Council sent an email

Incident #1: A female silk's observations.

In your view, why is bullying, harassment and sexual harassment a persistent problem at the Bar?

Partly because of the type of people that the Bar attracts - self confident / arrogant / egocentric. Partly because what constitutes bullying can often be subtle, and under the radar. Eg 'funny' nicknames, blanking someone at court, reporting how you've beaten someone in a case. Some of these attitudes are not easy to describe and can sound silly if reported.

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

The element of 'seniority' according to call might contribute to the persistence of bullying and harassment. As in all fields, the more senior someone becomes, the more difficult it is to report their behaviour because juniors don't want to be seen as troublemakers and may depend on senior members of chambers for work.

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

Yes. But people will behave inappropriately however clear the relevant standards are.

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?

No response provided

What is the impact of bullying, harassment and sexual harassment on those subject to such misconduct?

It can cause anxiety, lack of confidence, depression. Depending on the nature and severity of bullying, harassment and sexual harassment these can be severe and long lasting.

Is there a wider impact upon barristers' staff, clients, or the justice system more broadly?

Yes. The knock on effects can be far reaching and can prevent people from doing their job effectively.

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

(1) people might think that barristers will close rank; (2) there is a concern that one will be seen as a troublemaker / weak / a prude / pathetic; (3) repeated minor incidents do not feel serious enough to report, but can have effects; (4) people might feel that they will lose work.

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

This is really difficult. In our chambers we have encouraged people to call out other people's behaviour if they witness it, so that the person directly affected doesn't have to do it. We encourage juniors to speak to senior members of chambers. We make clear that this behaviour will not be tolerated.

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, rC66 of the BSB Code of Conduct). Is this duty to report known, understood and implemented in practice?

Yes.

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 response provided

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 response provided

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 don't know if the BSB investigations are adequate. The only incident of bullying I am aware of in our chambers was dealt with quickly and adequately.

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 don't know.

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, at the Bar more widely to assist in preventing such misconduct?

In the courtroom, Judges need to make clear that they are not interested in bombastic / overbearing behaviour / point-scoring / humiliating witnesses, that it does not serve their client well, and that cross examination does not need to be aggressive. When members of the Bar are given carte blanche to behave in an aggressive and overbearing manner in court, they take that behaviour out of the courtroom as well.

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

No response provided

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

The judiciary could do more to encourage civilised behaviour! Unfortunately there are members of the judiciary who were pompous, overbearing and unpleasant at the Bar, who then become judges. Being a kind person does not appear to be a prerequisite to becoming a judge.

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

Teaching has low level reporting.

Other details

No response provided

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes

Messages sent to reporter

Sent: 25 September 2024 at 3:35 PM

Template: custom

Subject: Submission to the independent review into bullying and harassment at the Bar

Message:

Thank you for your submission - it has been forwarded to the review team

Many thanks

Rachel Krys