



Confidential Report

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The forgotten barristers.

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Timeline

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Incident #1: The forgotten barristers.

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

Yes and it's often senior junior counsel and also who abuse their position of power seeing the victim as inferior because of in my experience their sexuality or being from the regions - most abuse is by london counsel - and it is done a lot by women. They do not see gay men as real men. Similarly such solicitors worn instruct gay men. They are female male chauvinists. There is a change as we are addressing racism and women at the bar but this is leading to the alienation of men especially gay men who are seen as not real men, largely by women who are dominating by their position.

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

The power play of 1) silks 2) arrogance of london barristers who think the regions are inferior.

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

Inclusive behaviour is not widely known. The judicial college runs brilliant course on this. Homophobia is not given any airtime re the bar council and the JAC - so its seems as irrelevant and confine exclusionary practices l

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?

A culture change of respect is required not change to the codes who have little effect. It's about leadership from the judiciary and senior counsel

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

Gay Men leaving the bar, not doing work and suffering with mental health. The last taboo. There is no support available to discuss this. The circuit leaders do not endorse or acknowledge the issue and so there are real issue as well as visibility in silk and judiciary - there are no gay role models. We now have BAME and female role models but gay people are consistently marginalised , not instructed, treated insidiously by judges and silks , there are no gay or judicial role models - no one will talk about it. Sexual preference is totally different to race and female empowerment.

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

Yes there are homophobic barristers representing gay clients to a lesser standard and just acting for the money . The justice system is therefore inequitable. The few gay judges are not supported a won't put their head above the judicial parapet the help gay barristers.

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

You're labelled a victim, you're outed, your have to explain homophobia, chambers have no idea how to address a complaint and it take 9months plus. Barristers whose it turn a blind eye and silks and women think they can act however they want because there is a "pecking order "

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

It is education and culture. The insidious nature of the bar is gossip and getting solicitors not to instruct gay barristers. That is happening and clerks in chambers keeping gay counsels diary light for years- gas lighting them.

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?

It is understood and ignored. Totally ignored by senior silks who see it happen and do nothing thereby exposing junior members to ridicule gossip labelling and mental health breakdowns.

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?

There is no bar council support for victims of homophobia. It is not apparent and the BC has a perception problem of not helping barrister but just regulating them and letting the CBA do the heavy lifting. The bar council is an historic hangover- it doesn't give leadership or comfort

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 this would be unlawful and unenforceable.

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?

They are so slow and it makes it worse. Chambers need clear policies on timeframes and how to help complainants and offer counselling.

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?

No response provided

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?

Judges are too busy and under too much pressure to be bothered about well being.

No one has the time to make think about this as they're too busy, still less offer support. The circuit leaders need to do more on this as should the inns and on the circuits. It's all very london centric.

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

Offer support. Trained counsellors. Offer a network of gay Lawyers and subsidise payents to attend events for all calls the bar is so fractured , people don't know who to turn to. Start taking about gay barrister and judges. The JAC does not bother with representative considerations of gay judiciary. The fact that it or unimportant to them sends the wrong signal to all. Why isn't is on the diversity month form. Where are the the stats for gay judiciary - the JAC do not collect this data and their is not good reason why not. The current position does nothing to encourage inclusivity of gay judges and gay barristers.

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

Education. Leadership. Training. Visibility. Events. Bar mess. Speakers. Support of gay barristers and gay judges by no gay barristers and judges.

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

Almost any that are not law based. Teaching and academia is way ahead in this and I'm. Or taking about pronouns but actual support and experience or empowering gay barristers who get overlooked for briefs by solicitors and clerks and led work and you can bet the pay gap between gay and non gay is significant. But one one is willing to discuss it.

Other details

The role of solicitors is really important in terms of briefing patterns. What date does the government legal department, the Crown prosecution service, the health and safety executive, the care quality commission, the environment agency and the office of rail and Road have in terms of ensuring that gay barristers are not excluded and have equal access to briefs and are not excluded by, those solicitors who have bias against gay men and are seen? No such thought exists in these leading organisations.

Stay anonymous?

Yes

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes