

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 my view, the hierarchical nature of the Bar and interactions with the judiciary make it particularly vulnerable to bullying, harassment and sexual harassment.

For example, as a pupil barrister I was acutely aware of the need to impress my supervisors and for them to like me, so they would make a recommendation that I should be given tenancy. One of my supervisors gave feedback in a way that was very undermining to my confidence, [REDACTED] and regularly telling me I was no good at being a barrister. I didn't challenge this behaviour and instead would laugh it off but in hindsight realise it was a form of bullying, particularly as I know he went on to recommend me for tenancy and so I cannot have been performing in such a substandard way meriting such criticism. It took me a long time to rebuild my confidence after being repeatedly subject to such behaviour during my first three months as a pupil.

I have also seen bullying in court where a judge was particularly aggressive towards a junior female barrister, criticising her for things he was allowing the male KC's in the case to do without question and which in some cases she was not even doing. For example, sending his clerk out to tell her not to use her mobile phone in court when she had not used her phone, and the male silks had been using theirs.

The other feature of the Bar that makes it vulnerable to these practices is the role of barristers as servants of solicitors / clients and the need to build a practice via repeat instructions. In my experience that makes it more difficult to challenge behaviour because the decision to do so is likely to cut off that stream of work.

A final feature is the backlog and pressure on judges to meet targets for case completion. In my view, this results in the judiciary being particularly unwilling to accept reasonable delays to cases and can lead to bullying behaviour. For example, I once arrived at court an hour before a day of a long trial was supposed to start to ensure that the CCTV footage which needed to be played that day would work. Unfortunately, the court system was not working, and despite taking every effort to try and get it to work before the start of the court day I ultimately failed to do so, despite working closely with the court staff. At 10am, when the judge came into court, he proceeded to subject me to a form of cross-examination on the steps I had taken to make it work and was irate at the fact that the start of the day would need to be delayed to find a solution. [REDACTED]

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

I consider I have answered this above.

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

I think people are aware that bullying, harassment and sexual harassment are not allowed but I think that there needs to be an increased understanding of the types of behaviour that

are bullying but would perhaps in the past have been seen as acceptable, such as being dismissive or unnecessarily or over critical towards pupils and junior barristers.

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?

Yes – my view is that they should be Core Duties.

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?

Personally, I have found these sorts of behaviours to impact on my confidence and to trigger significant anxiety.

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

Yes, when I reported harassment by a solicitor client, I was acutely aware of the difficult position it put my clerk in as it had the potential to cut off work from that solicitor and potentially his firm to Chambers.

3. Reporting mechanisms, resources, and sanctions

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

The major barrier for me has been that in the current climate it feels as though doing so could harm your career prospects. For example, I was in a case where the judge was bullying the female juniors and the female court staff but we decided not to complain because it was our perception that if we did complain there was a risk that in any future applications for silk, or appearances in front of members of the judiciary who were supporters of that judge, may be negatively impacted by being seen as "complainers".

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

I think this is particularly difficult because to carry out a fair investigation the person accused of harassment would need to know the details of the complaint which, even if they are not told the complainant's name, would make it obvious who was complaining.

One option could be to ensure that those dealing with complaints are not members of the Bar / judiciary and to make all members of the Bar / judiciary involved sign a confidentiality agreement which prevents news of the complaint spreading to others, thereby potentially having a negative impact on the complainant.

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?

I think it is known about, but I do not know whether it is actually implemented in practice.

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 have not felt comfortable complaining about potential bullying and harassment and so in my view, the answer to this is no.

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.

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 do not have experience of this so cannot answer.

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?

Again, I do not have experience of this so cannot answer.

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 think compulsory training for all members of the Bar and judiciary on what constitutes bullying, harassment and sexual harassment would be helpful. Such training should include matters like how to give feedback to pupils and junior barristers in a fair and appropriate manner.

I also think independent audit of feedback to pupils by supervisors would assist because the prospect of being audited on what is said / written may help with ensuring it is more appropriate and does not involve any element of bullying.

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

I have addressed this above at 3(b).

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

More regular discussions about what sorts of behaviours that may have been considered "acceptable" in the past constitute bullying.

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

Not that I am aware of.

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

No.

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