

Independent review of bullying and harassment at the Bar

Call for submissions response form

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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):

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

Name (optional)

Professor Leslie Thomas KC

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

Individual, these are my own thoughts and beliefs and not published on behalf of any organisation

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?

Bullying, harassment, and sexual harassment persist at the Bar due to deeply entrenched power imbalances, a culture of silence, and a lack of accountability. The hierarchical nature of the Bar and the traditional structures of chambers, which often operate with little external oversight, allow these issues to fester. This is particularly

acute for Black women, who face compounded challenges of both racial and gender bias. Despite various diversity initiatives, the Bar remains an insular institution, where Black women are often marginalised and underrepresented.

Too often, the profession believes that it is already doing enough, or that there isn't a sufficiently widespread problem to warrant meaningful change. It was not until the global outcry following the death of George Floyd in 2020 that there was a noticeable shift in thinking within the Bar. The Bar Council and the BSB published a series of reports in 2020, 2021, and 2022 that consistently showed Black women at the bottom of key metrics in the profession. These reports were essential in pushing the Bar to start acknowledging the systemic barriers that Black women face.

For example, in the **BSB's 2020 Diversity at the Bar Report**, it was evident that Black barristers—particularly Black women—were underrepresented in senior roles and overrepresented among those facing discriminatory treatment and bias in work allocation and career progression. Similar findings were echoed in the **2021 and 2022 reports**, which repeatedly highlighted the disparities in opportunities, earnings, and promotion faced by Black women at the Bar.

A pivotal moment in recognising the depth of racial bias within the justice system was the **2022 report titled "Racial Bias and the Bench,"** co-authored by **Keir Monteith KC**, alongside several leading academics. This report raised urgent questions about the racial attitudes and practices within the judiciary in England and Wales. The report drew on a survey of 373 legal professionals, with a staggering **95%** of respondents confirming that racial bias plays some role in the justice system. Alarmingly, **29%** of respondents said racial bias played a 'fundamental role' in shaping judicial outcomes.

The report highlighted the particularly pernicious impact of judicial bias on Black communities. The majority of respondents had witnessed judges acting in racially biased ways, especially towards Black lawyers, defendants, and witnesses. The evidence painted a picture of systemic bias, with **young Black male defendants** being the most frequent targets. This report brought into sharp relief how the combination of structural racism and unchecked judicial power harms access to fair trials and professional development for Black barristers.

As I said in the report's Foreword: *"Judges need to sit up and listen because it is a myth that Lady Justice is blind to colour. Our judiciary as an institution is just as racist as our police forces, our education system, and our health service—this is something that cannot be ignored any longer."*

Keir Monteith KC further emphasised this need for change, stating: *"Racism in the justice system has to be acknowledged and fought by those at the highest level, but at the moment there is complete and utter silence—and as a consequence, there is no action to combat racial bias."*

Despite the judiciary wielding enormous power, the system remains alarmingly under-scrutinised, and the report rightly calls for a "hard reboot" to protect and revitalise the rule of law for all citizens. These findings reflect a broader institutional failure to address the deep-rooted racial bias that impacts barristers and defendants alike.

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

Yes, the Bar's hierarchical structure, lack of diversity at the senior level, and reliance on informal networks all contribute to the persistence of these issues. Judges and senior barristers often operate with a high degree of autonomy and power, and there is an ingrained culture that protects those in authority. This is particularly evident in the judiciary, where bullying from judges has been reported yet rarely addressed due to the deference afforded to them.

The "**Racial Bias and the Bench**" report found that judicial bias was a common experience for Black barristers, with Black lawyers reporting regular instances of racism from judges, magistrates, and panel members. Despite this, there remains a profound lack of acknowledgement of racial bias at the judicial level. As the report highlights, race training for judges is neither compulsory nor provided regularly—only **49%** of judicial office holders surveyed had received any race training in the preceding three years.

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

While standards exist, they are often not robust enough to bring about meaningful change, particularly when it comes to protecting vulnerable groups like Black women. The standards may be accessible, but they are inconsistently applied and lack the necessary enforcement to make a real difference. There is often a disconnect between the existence of these standards and their actual implementation, especially when senior figures or judges are involved.

The **Equal Treatment Bench Book**, while a key resource for judges, has also come under criticism for its inadequate framing of racial bias. The **2022 Monteith report** found that the Bench Book fails to properly address anti-Black racism within the justice system, further underscoring the lack of robust guidance on the issue.

d. Are the relevant standards of behaviour 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, these standards should be mainstreamed and explicitly included within the Core Duties of the Bar Standards Board (BSB) Code of Conduct. I believe that the BSB's recent consultation on Core Duty 8, which proposes strengthening the existing duty not just to avoid unlawful discrimination but to actively promote equality, diversity, and

inclusion (EDI), is a step in the right direction. Shifting from a reactive to a proactive stance on EDI is essential in tackling the systemic issues within the profession.

However, I recognise that there may be significant pushback from within the profession. Many may see these changes as burdensome or unnecessary, but they are crucial to fostering a more inclusive and equitable Bar. The success of these reforms will depend on providing clear guidance and robust enforcement mechanisms to ensure that all members of the profession are held to the same standards.

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 on those subject to bullying and harassment, particularly Black women, is devastating. Many suffer long-term mental health consequences such as anxiety, depression, and diminished self-confidence. Professionally, the toll is immense: Black women, already underrepresented in the profession, find their career progression further stymied by these experiences. Many report that they are less likely to seek promotions or leadership positions due to the hostile environment they face, resulting in fewer Black women rising to senior positions.

The years of silence in the profession have meant that these experiences often go unreported, compounding the harm as Black women feel they cannot speak out without risking their careers.

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

Absolutely. The failure to address bullying and harassment undermines the integrity of the profession and the justice system as a whole. When bullying, harassment, and discrimination are allowed to persist, it deters talented individuals from entering or remaining in the profession, particularly those from underrepresented groups, such as Black women. This not only stifles diversity but also robs the Bar of a broad range of perspectives, ideas, and skills that are crucial for a healthy, forward-looking legal system.

By failing to attract and retain diverse talent, the Bar is depriving itself of the richness that comes from having barristers with different life experiences, cultural backgrounds, and insights. These are essential to effectively serve an increasingly diverse public. Clients, particularly those from marginalised communities, may lose faith in a legal system that appears to tolerate such misconduct and which lacks representation that reflects their own experiences. A profession that is not inclusive fails to fully understand

and meet the needs of the society it serves, thereby compromising the quality of justice delivered.

Moreover, when individuals from diverse backgrounds are driven out or held back due to bullying or harassment, the public is ultimately deprived of a legal system that is truly representative. The justice system loses credibility and legitimacy in the eyes of the public if it is seen to exclude or mistreat those from minority communities. The result is a system that risks becoming insular, narrow-minded, and disconnected from the lived realities of the people it is meant to serve.

The public deserves access to a Bar that draws from the full spectrum of talent in society, one that reflects the diversity of the population. When discrimination and bullying go unchecked, the profession not only alienates potential talent but also undermines public confidence in the justice system's fairness and impartiality. If the profession continues to fail in addressing these issues, it risks becoming out of touch with modern society, both in terms of its workforce and the quality of service it provides to the public.

3. Reporting Mechanisms, Resources, and Sanctions

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

There are significant barriers to reporting, particularly for Black women. These include fear of professional retaliation, being ostracised by colleagues, and a belief that complaints will not be taken seriously or acted upon. In many cases, Black women report feeling that their experiences of harassment are minimised, with a reluctance to address racial and gender-based misconduct in particular.

The judiciary itself presents a specific barrier, as judges hold a unique position of power. Barristers may be reluctant to report bullying or harassment by judges due to the significant influence judges have over their careers. This creates an additional layer of fear and silence in the reporting process.

4. Potential Reforms to Tackle Bullying, Harassment, and Sexual Harassment

a. Are there preventative steps that can be taken to tackle bullying, harassment, and sexual harassment?

Yes, several preventative steps can be taken. Chambers and the wider profession should introduce mandatory anti-racism and anti-harassment training, with a particular focus on intersectionality. It is essential that all members of the Bar, including judges, are educated on how race and gender can compound experiences of harassment and discrimination. Chambers should also adopt zero-tolerance policies for harassment,

with clear sanctions for those found to have engaged in bullying or harassment, regardless of their seniority.

Furthermore, the lack of diversity within the judiciary, particularly at senior levels, must be addressed. Greater representation of Black women in the judiciary would not only provide role models but also ensure that the profession is more reflective of the society it serves. Without significant changes at the top, the culture of bullying and harassment will continue to persist.

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

Reporting mechanisms need to be more transparent, accessible, and independent. There should be clear guidelines on how to report misconduct and what steps will be taken once a complaint is made. Support services, such as mental health counselling and independent legal advice, should be available to all complainants, particularly those from underrepresented groups who may feel isolated within their chambers or profession.

The Bar Standards Board's (BSB) proposed reforms in the recent consultation, which include mandatory Equality, Diversity, and Inclusion (EDI) policies and annual equality monitoring, are important steps in this direction. The focus on disaggregated data and outcome-based equality policies is crucial to identifying and addressing disparities in work distribution and career progression. However, it is essential that the BSB provides adequate support, particularly to smaller chambers, to ensure compliance without overwhelming them with administrative burdens.

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

“Not everything that is faced can be changed, but nothing can be changed until it is faced.” — James Baldwin

This review has a real opportunity to suggest meaningful change that should not be squandered. The issues of bullying and harassment are not isolated problems; they are deeply intertwined with the broader structural inequalities that pervade the Bar. Black women, in particular, face compounded challenges of both racial and gender discrimination, which are further exacerbated by the profession's long-standing culture of silence and inaction. If these issues are not fully confronted and addressed, we will only perpetuate a cycle of inequality, exclusion, and injustice.

To truly address bullying and harassment at the Bar, we must go beyond surface-level reforms. The Bar must actively dismantle the barriers that prevent Black women and other marginalised groups from thriving in this profession. This requires more than just

stronger standards and reporting mechanisms—it demands a fundamental shift in how we promote diversity and inclusion at every level of the profession, especially within the judiciary, which wields immense power over the careers of barristers and the outcomes of justice.

Without meaningful reforms, the profession will continue to fail those who are most vulnerable to harassment and discrimination. The judiciary, which remains alarmingly homogenous and often insulated from scrutiny, must also be held accountable for addressing the systemic racial and gender biases that plague the legal system. As **Keir Monteith KC's** 2022 report on racial bias in the judiciary so clearly demonstrated, the judiciary is not immune to the same structural inequalities that affect the wider Bar. If the judiciary does not reflect the diversity of the society it serves, it cannot hope to deliver fair and impartial justice for all.

The Bar Standards Board's (BSB) proposals to strengthen Core Duty 8 by introducing a broader duty to actively promote equality, diversity, and inclusion (EDI) are a crucial step in the right direction. While I recognise that there may be resistance from certain quarters of the profession, I firmly believe that these reforms are necessary. Resistance to change cannot be an excuse to maintain the status quo, which has already failed too many.

The BSB's focus on transparency, accountability, and practical support will be key to ensuring that these changes are not merely symbolic but lead to tangible progress in tackling harassment and discrimination. The profession must embrace this moment and push for transformative change that reflects the values of fairness, justice, and inclusivity. Anything less would be a disservice to those who have endured these systemic inequalities for far too long, and to the future generations of barristers who deserve a profession that values and supports them.