

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.

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):

- ☐ Published in full
- ☒ Published anonymously (the content will be published but not the name of the submitting party)
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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)

Click or tap here to enter text.

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?

Two main reasons: (1) power dynamics, (2) the legitimate concern that 'falling out' with a judge or opponent will have a knock-on negative effect on one's client.

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

Yes. (1) a fixation on artificial hierarchies (2) a misguided and outdated belief that being aggressive and hostile is necessary to fight for your client's interests. (3) a significant disparity in race and gender at the senior levels – put bluntly, old white straight men are unlikely to recognise or empathise with the issues faced by young women of colour.

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

The standards are clear. There is plenty of guidance. Training is available. It is not a question of understanding – it is a question of implementation, enforcement and accountability. If people do not suffer any consequences then they have no incentive to put these principles into practice.

- 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](#)

They plainly fall within our core duties – bullying, harassing or sexually harassing others is behaviour that lacks integrity, and brings the profession into disrepute. The difficulty is that there are cases on the margins where different people may reasonably disagree about what amounts to 'bullying'. Tweaking the core duties / code of conduct will not solve that issue.

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 effects are obvious – anxiety, shame, hopelessness, fear. But particularly acute is the humiliation when it occurs in a public setting or in court. There are very few professions where being publicly humiliated in front of one's colleagues is tolerated as an occupational hazard.

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

It is not uncommon for barristers and solicitors under pressure to unfairly take it out on chambers' clerks, who are under immense pressure. Bullying judges have a direct impact on the efficiency at court. For example, in one XXXXX court, a notorious judge regularly shouts at, and bullies, junior counsel. The result is that many barristers will prioritise any hearings they have in front of that judge, even if they are simple / straightforward mentions. This creates the absurd situation where more important matters in other courts are delayed so that counsel can indulge one judge's inflated sense of importance.

3. Reporting mechanisms, resources, and sanctions

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

In relation to judges, what will be done about it? When does the senior judiciary ever take proper action against judges for this sort of behaviour? Time and again you see a press release from the JCIO giving a judge a 'warning' or 'reprimand' for outrageous behaviour that would be unacceptable in any other public profession. In a recent case, a senior judge made inappropriate romantic advances to a young member of his staff. The JCIO specifically found a lack of insight or remorse. The judge received a 'reprimand' and carried on their merry

way. How would that young woman feel, having had the courage to report behaviour that was so obviously inappropriate?

As for other barristers, the key must be that junior members feel there are more senior people to go to, who can push a complaint forward for them, even anonymously.

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

Preventing, discouraging or interfering with complaints must itself be treated as serious misconduct.

- 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, it is understood, it rarely happens. The irony is that many criminal barristers, like their clients, dislike 'snitches'. There is an almost school-boy attitude to reporting others. In some instances it is, frankly, career suicide as one will inevitably be ostracised for reporting others.

- 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?

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- 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?

Only if complaints can be resolved swiftly (less than 3 months).

- 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?

Independent and fair, I think so.

Prompt – no.

Robust – no.

- 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?

No.

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?

How to report these things should be part of one's training during pupillage.

There must be better ways for a pupil to change supervisor – so much of the worst bullying or inappropriate behaviour happens by supervisor to pupil, because they feel unable to change or challenge their supervisor for fear of missing out on tenancy.

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

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

The judiciary is wholly lacking in accountability. The JCIO needs to show some teeth and impose more severe consequences to send out a clear message to other judges that the era of this sort of behaviour is over. Simply issuing the odd warning or reprimand is pointless and does nothing to materially deter those judges who continue to bully.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

Please answer as many of the questions as you are able and submit your answers via email to 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](#).