

# 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](mailto: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](mailto: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)
- ☐ Published with certain redactions (please indicate this in the responses)
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If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)

[Click or tap here to enter text.](#)

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

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### 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?

These are regrettable examples of human nature among certain people. However, in my opinion the statistics should be treated with caution. We live in a society much more given to complaint than in the past. For example, the quantity of complaints against nurses giving rise to misconduct proceedings before the regulator has vastly increased in the past 30 years, but it would not be right to conclude that nurses behave far worse than they did 30 years ago. The threshold of sensitivity has changed. What would just be shrugged off as ill-mannered behaviour in the past is now apt to be remembered.

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

Barristers are particularly vulnerable to bullying by judges because for the sake of their clients they (a) have to assert their clients' rights and (b) accept a situation in which they need to try to get on with the judge. That said, people are much more likely to complain about judges who raise their voice or make a sarcastic remark, when faced with a fatuous or repetitive remark.

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

Yes. Everyone knows that these can lead to a complaint to the BSB.

- 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](#)

I do not think that more needs to be done with the drafting. The real point is that people who are victims of serious bullying etc need support and the bullies/harassers need to be proceeded against with proper regard to the seriousness or otherwise of their conduct.

## **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?

It depends on the severity of what is done and the robustness of the victim.

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

There can be.

## **3. Reporting mechanisms, resources, and sanctions**

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

I have never been faced with this situation, but based on the knowledge acquired of a male friend and a female friend, both of whom were raped, it must be the fear of having to re-live what happened, go through the legal process, be challenged etc.

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

Anonymity, a sympathetic hearing by trained listeners, not being compelled to give evidence.

- 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 know of one instance where with great regret a QC reported another QC for what she believed to be disgraceful conduct, after receiving advice that she was bound to do so. The QC complained of was charged and acquitted.

I imagine not everyone who thinks they are under a duty to report does so, but it is very difficult to know.

- 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 never been in either situation or acted in such a case, so I do not know.

- 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 the conduct alleged is of the sort of severity which if proved would be bound to result in being disbarred.

- 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 have no experience of this in my 43 years as a barrister.

- 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?

From what I have read, the penalties have increased and whereas they may have erred on the side of leniency before, I think that does not apply now.

#### **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 that examples of barristers facing these charges should be brought to the attention of Bar Students in ethics courses.

I suggest that judges should be ready to write to Heads of Chambers where they come across minor incidents of this (viz. no more than discourtesy); and of course to report to the BSB if serious.

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

It is easy to complain about a barrister or a judge. Probably the best way to stop someone developing a reputation for obnoxious behaviour is for someone they respect to point out the risks, the impact on career development, the reputational consequences of complaints etc.

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

By maintaining a high level of integrity, being polite to each other and calling out bad behaviour.

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

The Nursing & Midwifery Council is good on this area.

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

Please do not lose sight of the fact that most people will go through their professional lives not being seriously troubled by this, and Bar organizations which promote good feeling between the members are invaluable.

Please answer as many of the questions as you are able and submit your answers via email to [BHReview@barcouncil.org.uk](mailto: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](#).