



Confidential Report

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Answer to call for evidence

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Timeline

Sep 12, 2024 5:23 PM	Reporter created a report
Sep 12, 2024 5:23 PM	Incident added: "Answer to call for evidence"
Sep 12, 2024 5:23 PM	Reporter submitted the report

Incident #1: Answer to call for evidence

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

Yes

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

Junior members of chambers and pupils are in a very vulnerable position. There is no obligation for any chambers to provide any sort of sexual harassment/ anti bullying training. The leader/junior relationship and the pupillage relationship often allows sexual harassment to go unchecked, and the junior/pupil has fear of speaking out

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

No

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 <a

They should be. There should be some sort of training on it at regular time intervals, particularly for pupil supervisors.

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

The bar is a small world. Many who experience it do not raise it in any format. Low self worth and shame is a common consequence.

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

Staff - yes. They are also in a vulnerable position and the HR provisions at most chambers is severely lacking.

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

Fear of reprisal, primarily. Lack of sufficiently robust and confidential reporting channels within chambers

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

Fully anonymised reporting processes. I know we have talk to spot, but there are no anonymous means within chambers to raise issues.

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

no

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 don't think so

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 - depending on severity

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?

don't know

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?

don't know from experience

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?

training - regularly. A requirement to train all pupils on sexual harassment and bullying. All pupil supervisors should be regularly trained on this

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

mandatory internal reporting channels within chambers that are anonymous and robust. Chambers obliged to provide evidence of this to the BSB yearly. I don't know if this is already done

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

encourage training and procedures to report and alleviate harassment. Not every 'reporting' of bullying/harassment needs to be of the utmost seriousness. The safer people feel in reporting even small things, the more change we can effect.

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

look at employment law and the new duty to prevent sexual harassment. A positive obligation on barristers to take 'reasonable steps' to prevent the same, failing which the chambers will be liable or subject to scrutiny in some respect?

Other details

no

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes