



Confidential Report

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What goes on behind closed doors amongst the "best" of us is a disgrace.

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Timeline

Sep 12, 2024 2:54 PM	Reporter created a report
Sep 12, 2024 2:54 PM	Incident added: "What goes on behind closed doors amongst the "best" of us is a disgrace. "
Sep 12, 2024 2:54 PM	Reporter submitted the report

Incident #1: What goes on behind closed doors amongst the "best" of us is a disgrace.

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

The profession is still male dominated at the senior level and there are certain attitudes which have persisted despite changes to the diversity of the Bar. Those attitudes centre around trying to prove power and authority over other people often in insidious ways. People are slow to report and slow to sanction so much of this behaviour simply goes unpunished.

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

For many years as a junior you are trying to be lead and therefore to gain the favour of more senior people and you are also trying to get good work from your clerks. The power imbalance is baked in.

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

Yes they are well known and poorly adhered to.

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?

Bullying can be a nebulous term and so I would not think that adding it to core duties is wise unless done with a great deal of care and supporting guidance. However harassment which is unlawful under Equality Act 2010 should be caught by the prohibition on discrimination anyway but this could be spelled out usefully. The BSB's consultation proposals on amending core duties will dilute not help.

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

Loss of confidence, shame, fear, and worst case doing something similar to others through learned behaviours.

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

There is bound to be as any culture permeates throughout.

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

Fear of reprisal or embarrassment, fear of loss of work or opportunities, fear of loss of reputation or being branded a troublemaker. Fear of there being no effective sanction or outcome if you do.

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

Regulatory provisions akin to whistleblowing protections.

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, rC66 of the BSB Code of Conduct). Is this

duty to report known, understood and implemented in practice?

No and hardly anyone ever reports incidents that clearly cross the threshold to the BSB.

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?

No - everyone fears that the BSB will barge in and create more chaos.

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?

This should be possible.

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?

Probably but the problem lies in what is done with the report in the end.

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 - serious behaviour is often swept under the carpet and a fireside chat deemed to be enough for even offences that could be criminal in nature. I knew of a former Head of Chambers who basically covered up for a tenant who he had brought into chambers against all protocols and who turned out to be engaging in criminal practices and harassing people as well. [REDACTED]

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?

Effective sanctions will act as a deterrent.

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

Not sure.

In what ways could the judiciary, clerks, and chambers professionals work together

with the Bar to bring about change?

By uniting in a zero tolerance approach and supporting the right to complain etc. By being openly respectful to all barristers themselves and by checking their own jokes and banter and realising that even small comments can build an atmosphere.

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

I think that all of the regulated professions are struggling with this. Financial services is trying very hard to repair its reputation but even though it is cash rich regulator it is unclear that it is making headway.

Other details

Some of the people who commit bullying and harassment are the very leaders of the profession. They are leading judges, silks, benchers, prominent and well respected members of the Bar and Bench. They often adopt the fireside chat approach which is utterly harmful to progress. What goes on behind closed doors is a disgrace and I think the public would be shocked to know.

Stay anonymous?

Yes wish to be anonymous.

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes