

# 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)
- ☐ Kept confidential (the submission will only be seen by the review team and not published)

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)

Barrister

### 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?

I have seen bullying etc at the Bar, but my experience is that it not an endemic issue. Sometimes I fear it is a generational issue (attitudes have changed over the last 20 years for example as to what is acceptable), sometimes it is "banter" which is not welcomed or caused by the stresses placed on people during their daily working lives. I have also witnessed Judges behave in a bullying manner and not seen it being "called out" due to the culture of defence towards the Judiciary.

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

The obvious issue is the power balance that can exist – a newly qualified member of the Bar may be unwilling to challenge certain behaviours.

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

Most of it is common sense – try and treat people with dignity and respect.

- 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](#)

You cannot solve every problem by means of legislating against it – education is likely to be far more effective.

## **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?

In simple terms they won't want to come to work.

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

There will be a loss of respect for lawyers and the law: it will become akin to politicians who are viewed as all having their snouts in the same trough, regardless of their political stripe.

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

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

Nobody wants to be a grass.

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

The Talk to Spot mechanism is good – perhaps there should be a similar system for reporting judicial bullying?

- 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 all about degree – if someone uses outdated language they can be corrected there and then – if it is significant to the degree where someone seems unsuitable to be a barrister, then of course it should be reported and taken further.

- 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 could not say as fortunately I have neither complained, nor been complained against.

- 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?

No. The presumption of innocence should apply unless the complaint is so serious that precautions are needed.

- 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 could not say.

- 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?

I could not say.

#### **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?

Education and the promotion of a culture of kindness/wellbeing. Whilst there are some numpties at the Bar, the majority of incidences will normally be caused by stress/pressure of work. My areas of practice are public law and crime – hardly a laugh a minute.

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

Expand it to include judicial bullying – that is far more significant than the behaviour of the Bar, which in my experience tends to be quite supportive.

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

Promote kindness – understanding the cause is more effective than simply disciplining people.

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

A man will always be a wolf to a man.

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

I sometimes think barristers forget our personal opinions are neither here nor there – we are not campaigning to change the world through our cases, but to represent our clients. There are certain topics that have become verboten such as trans rights. I also think the premise of your consultation is skewed – there are more decent, everyday practitioners than there are bullies or perverts.

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](#).