

Independent review of bullying and harassment at the Bar

Call for submissions response form

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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):

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Name (optional)

████████████████████

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?
 - 1- Standards- often high standards are given as an excuse or justification for bullying behaviour. If a judge or another barrister perceives that a particular barrister is not meeting their own personal standards, then that can be used by them as a reason for bullying
 - 2- Stress- the Criminal Bar is adversarial in nature and, in the current climate, operates in underfunded and stretched conditions. Most people are working very hard with fewer resources. This can cause tiredness, impatience and frustration, all of which can lead to some people behaving in unnecessarily aggressive ways
 - 3- The system- self-employed barristers do not operate in a normal workplace; we do not have a Human Resources officer or Line Manager to whom we can speak; we do not just engage with others who are overseen by the same disciplinary body and so there is no one body or system who can intervene in the event of bullying or

harassment, as would be the case in most workplaces. This makes bullying very difficult to monitor and manage. In most cases that I am aware of which concern allegations of judicial bullying, words of advice are given and that is the end of the matter. There is therefore no clear, transparent single system for dealing with all instances of bullying and harassment experienced at the Bar.

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

The adversarial and time-sensitive nature of criminal trials allows bullying to persist; it becomes acceptable to be rude and aggressive with an opponent because you have different positions at trial and aggressive and incessant emails can continue until late in the evening.

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

No. In my experience, this is not something that is openly spoken about often enough and can quickly be forgotten during the cut and thrust of a trial.

Some simple ways of trying to achieve this could be:

- 1) Signs in courts (the Bar mess, robing rooms, judicial corridors) reminding all of the need to behave in courteous and respectful ways to others
 - 2) Better leadership at the Criminal Bar. Those in Silk or senior juniors could do much better at speaking up when they see an episode of bullying or harassment. Obviously, this needs to be done in a way that is sensitive and not demeaning or patronising to the person on the receiving end of the treatment but there is not enough support, and this kind of behaviour needs to be more actively “called out”
 - 3) Specific persons (I’d suggest a designated judge) at criminal courts who are designated to deal with incidents of bullying or harassment at those courts and similar persons within barristers’ chambers
- 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](#)

In my view, they should be included in the Code of Conduct.

This question, however, does not address judicial bullying which, in my experience, is more of a problem than bullying between barristers. I would urge the Review to also tackle whether there is any way of persuading the judiciary to adopt a similar code, by which judges could then be held to account.

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?

Bullying and harassment gradually undermine and chip away at the confidence of the victim. In the criminal courts, we do our job, to the best of our ability, in public, in circumstances where our opponent is looking to expose any mistake made by us and the matters with which we are dealing are of the utmost gravity to those involved. In my experience, all

barristers treat their job with respect and we genuinely care about what we do. To be put down, demeaned, belittled or mistreated whilst trying to genuinely do our best, and for this to happen in front of our professional and lay clients, colleagues and the general public is mortifying. This is a job which requires a great deal of stamina, energy, confidence and zeal and bullying and harassment eat away at all of those things.

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

Being bullied or harassed at court can have an effect upon our clients. It can undermine their faith in us and, for the lay client, may make them feel that their case is not being treated fairly.

3. Reporting mechanisms, resources, and sanctions

- a. What are the barriers to reporting incidents of bullying, harassment and sexual harassment?
 - 1- As far as judicial bullying is concerned, there is the concern that it is not taken seriously enough. As far as I am aware, no serious sanctions have ever taken place in relation to a Crown Court circuit judge as a consequence of bullying. [REDACTED]
[REDACTED] has received several complaints of bullying. It does not appear to have had any effect upon his behaviour. I appeared in front of him for three months [REDACTED] and my experience was not good. Whilst I do not think I could classify it as active bullying, it was demeaning and dismissive and was noted by all my colleagues in the case, all of whom commented upon it to me. He would fail to acknowledge me when I stood up to address him, often ignore things that I said and, on occasion, when other counsel and I addressed him, would thank other counsel and deliberately fail to mention me. This made me feel anxious the whole time I appeared in front of him (three months). I did not raise this because my perception is that nothing will ever be done about it, and I don't want to exacerbate the situation and have another miserable time in front of him when I next appear before him. From what I have heard, others have had much worse experiences with him and, aside from him being spoken to, nothing of note has been done.
 - 2- There is a concern that raising bullying or harassment will have an effect upon one's case in court and therefore indirectly affect the client's prospects of success. Connected to this is the feeling that, when in court, we are never acting in our personal interests and so, to raise something which is very personal, is counterintuitive.
 - 3- There is still a perception that making a complaint could be seen as "rocking the boat" and potentially hampering future professional relationships or career prospects.
- b. What mechanisms could be put in place to mitigate any repercussions against a complainant who has reported bullying, harassment or sexual harassment?

Click or tap here to enter text.

- 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?

No.

- 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?

This is difficult for me to answer as I have no experience of making or being on the receiving end of a complaint. As a matter of common sense, it seems that all entities which have responsibility for investigating complaints, should automatically provide the complainant and the accused person with avenues of support.

- 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?

Yes, in very serious instances of bullying or harassment. Thought should also be given to ways in which both the complainant and the accused person could continue to go about their work without having to encounter one another, if possible.

- 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 in relation to the BSB or Chambers but, as per my comments above, would appreciate greater transparency in relation to how judicial complaints are addressed. It seems that the “word in the ear” system still applies. In my opinion, that is not sufficient as it is not sufficiently clear and open and provides little reassurance to the victims of bullying.

- 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?

Again, I have no experience of this and don't feel able to offer an opinion.

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?

See answer above to question 1c.

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

Each court and set of chambers should have an allocated person who can be approached to report, formally or informally, instances of bullying or harassment. In my experience, most sets of Chambers have such procedures in place but I am not aware of any Crown Courts having allocated judges who deal with complaints of bullying or harassment. I would encourage such a system. There should be training that goes along with such a role and a clear system so that the complainant understands from the outset how their complaint will be addressed and when they can expect to hear of the outcome.

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

All Continuing Professional Development should consider anti-bullying and harassment training and I would also suggest that the JSB should consider including anti-bullying and harassment training too.

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

Not that I am aware of.

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

No

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](#).