



Confidential Report

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Reflections from 46 years of professional life

Report ID: XOYBD-XQNAC
Timezone: Europe/London

Timeline

Sep 13, 2024 7:02 PM	Reporter created a report
Sep 13, 2024 7:02 PM	Incident added: "Reflections from 46 years of professional life"
Sep 13, 2024 7:02 PM	Reporter submitted the report

Incident #1: Reflections from 46 years of professional life

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

It is a societal problem. Moreover the nature of the work at the Bar may attract individuals who are more likely to bully/harass e.g. narcissistic/sociopathic individuals. Also there is a culture in parts of the Bar of drinking alcohol (and in more recent years taking drugs) which seem to go with inappropriate behaviour.

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

The tendency when working in Chambers to work in rooms rather than open plan offices facilitates unobserved bad behaviour. The prevalence of social differences between clerks and barristers and a culture of drinking with professional clients is also likely to exacerbate other problems. The system of hierarchy, KCs being accorded higher status in the physical lay out of court rooms etc

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

I think so

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?

Yes

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

I know this can be most unfortunate and can have significant destabilising effects on the victims career. However I have also observed accusations of bullying/harassment which were not made out having equally disruptive and disturbing effects on the person wrongly accused. Generally encouraging a more old fashioned formal politeness particularly in dealing between those with unequal status would perhaps reduce the tendency for the informality to be taken too far.

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

Yes - I have seen accusations destabilising a whole clerks room and having significant knock-on effects in Chambers governance.

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

In my experience the barriers to reporting are an inherent fear of those abusing positions of authority or influence or of adverse reaction from those in authority (whether justified or not).

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

The best mechanisms to facilitate appropriate complaint/reporting etc is to make sure 1. clear procedures for complaint are in place 2. clear guidelines on what behaviour is in/appropriate 3. trainign for all, so those who might be victims are clear that they are not alone and those who are potential offenders know they will be found out. Moreover there should not necessarily be a cliff edge in procedures. e.g. so behaviour which falls short of being forbidden or in breach of the rules may nevertheless be near the boundary. Everyone should be encouraged to recognise and caution such behaviour even when it

falls short of what is forbidden so that individuals know that they have been near the boundary and need to reign in their behaviour.

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

So far as I am aware yes.

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?

On balance I suspect insufficient thought is given to support individuals who are accused of bullying/harassment, as supporting them better might facilitate informal and constructive resolution of some cases which are borderline

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?

A full range of responses to suit the behaviour in question and the individual's record of behaviour would make sense

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?

In my limited experience yes.

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 response provided

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?

See previous answers - the greatest single deterrent to bad/prohibited behaviour is the

expectation that it will be detected and that the offender will be brought to book. That expectation is likely to be higher where Chambers training of members is taken seriously and particularly if it occurs in group sessions where the likely potential offenders can see how seriously others of similar seniority etc take the issues.

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

See above

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

Training increasing awareness of what is unpleasant, what is prohibited, what could and is likely to happen if there is an offence.

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

No response provided

Other details

The more behaviour is in front of others of similar seniority/authority the less likely it is to be inappropriate - this has implications for the physical arrangements within Chambers etc. However since judicial misbehaviour in open court seems to be a persistent problem, training is also absolutely necessary.

Stay anonymous?

Yes

Your details

Your name	[REDACTED]
Chambers/employer	[REDACTED]
Contact information	[REDACTED]

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes