



Confidential Report

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More needs to be done to prevent bullying, harassment and pupil abuse.

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Timeline

Sep 23, 2024 1:26 PM	Reporter created a report
Sep 23, 2024 1:26 PM	Incident added: "More needs to be done to prevent bullying, harassment and pupil abuse."
Sep 23, 2024 1:26 PM	Reporter submitted the report

Incident #1: More needs to be done to prevent bullying, harassment and pupil abuse.

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?

Lack of a more stringent process to qualify as a pupil supervisor. I was bullied by a pupil supervisor. When I shared my experiences at a pupil supervisor training event my experiences was labelled 'pupil abuse'.

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

Not known and not communicated very well, my chambers did not deal with the situation very well.

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 they should. Chambers should be encouraged to adopt these policies internally and communicate these with all members including and more importantly new and junior members.

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

Lack of confidence, which has taken years to rebuild. Impact on mental health and wellbeing. Impact upon practice as the senior member of chambers no longer asked me to assist on cases or undertake smaller cases for their clients. Left the self-employed bar as a consequence. Chambers did little to support me after the final bullying event and was a catalyst to me leaving the self-employed bar.

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

If the bullying / harassment occurs in a public setting in front of Chambers' staff then it can affect working relationships between barristers and staff, staff may consider it is ok to treat junior barristers in that way. It affected my confidence significantly which probably affected my performance in court and the service delivered for my clients.

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

In my case, the bully was and still is a senior member of chambers. Who (I discovered later) had several pupils prior to myself and each pupil had left chambers prior to me. I didn't report the behaviour to the Bar Council because I didn't want to go through the traumatic experience again and I wanted to try and move on and rebuild.

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

I suggest that the perpetrator should be temporarily suspended from practice, that the victim's details should be kept anonymous if the victim wishes.

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 <a href="https://

Not as far as I am aware. This wasn't suggested to me by Chambers or other senior members.

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?

Not from Chambers. As eventually I received an apology from Chambers, not from the perpetrator. In terms of the support from the Bar Council, I can't comment.

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, exactly this. I really felt that the accused person in my case was shielded by chambers, because they bring in so much money for chambers, there was no repercussions for them.

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?

Can't comment on this as I've not complained.

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?

N/A - can't comment on this.

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?

There needs to be a clear policy in place which is communicated and implemented by all Chambers. Pupils are vulnerable when they join chambers, they rely on their pupil supervisors heavily and should not be subjected to pupil abuse, overworked, made to fold up laundry and make beds etc in the pupil supervisor's house. I wasn't aware of any bullying / harassment policy. I didn't feel I could say no to the pupil supervisor. What about a 3 strikes and you're out policy for Chambers'. In my case, as I've said my pupil

supervisor had previous pupils prior to me, who all left Chambers prior to me, which can't be a coincidence. If more was done by Chambers via a strict bullying / harassment policy, the treatment I received may not have occurred.

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

Communication is key. It should be made mandatory for Chambers to display any policy information regarding support and / or bullying / harassment around their premises and ensure their members are trained on this and aware that bullying / harassment will not be tolerated, but that if you experience the same, the Bar Council have support services available.

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

There should be a regular working committee held to discuss the implementation of a more robust policy and process for dealing with bullying & harassment and how to prevent the same from occurring within Chambers.

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

Not sure

Other details

Bullying & harassment does occur at the self-employed bar and at Chambers unfortunately. As well as the instances of pupil abuse I've mentioned. The incident which eventually led me to leave chambers was after my pupil supervisor (at this point in time I had been on my feet for 2 years) left me some work whilst they were on holiday. I did some ground work - a chronology, but felt that the issue at hand was too complex and I was unsure how to approach the same, so I checked with the supervisor's clerk when the supervisor was back from leave and advised the client that the supervisor would deal with the work on their return. When the supervisor returned they rang me and flew off the handle on the phone stating I should have known when they were back from leave (i.e. on a Saturday and not the date given to me by the clerk). They were that annoyed that they then said they doubted my advocacy skills and they would never allow me to work on any of their cases ever again. A few weeks later I bumped into the supervisor in chambers, who was seething (literally) at the sight of me. The supervisor dressed me down in front of the clerks' desks and the practice manager stating they'd rather have ■■■ deal with their work than someone like me and that I had an unprofessional LinkedIn profile. It was just a barrage of abuse. I was told by the practice manager to go and sit in the civil room upstairs

and senior members of chambers had heard what had happened and came to find me to tell me they were on my side and their disapproval of that behaviour. As stated the management committee eventually gave me an apology on behalf of the supervisor, but the supervisor was never made to apologise directly to me. This experience shattered my confidence and it's taken until I changed careers 2 years ago (although I still have my practising certificate) to feel that I am capable.

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes