

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.

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):

- ☐ Published in full
- ☐ X 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)
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If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)

[Click or tap here to enter text.](#)

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?

I think there is a persistent problem because, even though a complaint is made, I don't think some complaints are taken seriously. I think spot, is not an adequate reporting tool for complaints to the bar.

[Click or tap here to enter text.](#)

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

Many problems arise because sometimes there is a lack of privacy in chambers, also sometimes the allocation of work may cause problems between colleagues.

Sometimes even if a complaint is made in chambers, it is not kept confidential and not dealt with appropriately.

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

Yes, we have standards, they are clear, but they are all online, which means Barristers are not necessarily going to go and search for them. Perhaps each Barrister should be given a physical copy of all the rules and regulations once during practice. Are they sufficiently robust? No they are not, because we wouldn't be having the problems we are having.

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- 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](#).

[They should be outlined in the Barristers professional obligations, within the core duties in the BSB code of conduct.](#)

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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?
It has a mental and emotional impact, it causes a person to become withdrawn and affects their work and home life. It causes, stress, anxiety and depression. It also affects a persons sleep.

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

It affects a person's work and causes them to lose confidence. Therefore, this has a detrimental effect on clients and the criminal justice system.

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3. Reporting mechanisms, resources, and sanctions

- a. What are the barriers to reporting incidents of bullying, harassment and sexual harassment?
The barriers are that there could be repercussions from colleagues and the work may be affected.

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

The accused, could be given an internal restraining order whilst the complaint is being investigated.

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- 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?

I think this duty is known and understood, but I don't think it's implemented in practice.

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- 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?

The support is not sufficient for either party. The mechanisms, appropriately balance the need for confidentiality and transparency.

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- 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, I don't think exclusion unless there's a really serious allegation. I think perhaps an internal restraining order should be implemented during the investigation.

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- 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?

The whole procedure takes to long, but it is sufficiently independent and fair.

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- 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?

In some circumstances, the sanctions imposed are appropriate, but in other circumstances the sanctions are not appropriate. The punishment should fit the allegation. The enforcement action, I think it acts as a deterrent for the majority of barristers.

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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?

Perhaps the criminal justice system as a whole, should invest in training every two years or five years. This would take the form of factbase scenarios.

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- b. What improvements could be made to existing reporting mechanisms and support services?
Additional training for the whole criminal justice system.

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

Perhaps, an aide memoir of inappropriate behaviour could be drafted between all parties.

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

I don't think so, there seems to be a problem in all professions and in the workplace generally across England and Wales. Perhaps this stems from a lack of training at an early age, which is not tackled in schools or at home. It's endemic in schools and not properly addressed at school age. This behaviour seems to be carried through to adult education and into the workplace. Some people just don't know how to behave.

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

I would like to share one example. A friend of mine was in a set of chambers, and the head of chambers took a dislike to her, for whatever reason. My friend left the chambers but owed the set £300. (A lot of money for a junior criminal barrister) Unfortunately, it took some time to find a new set. Whilst doing so, her former head of chambers made a complaint to the BSB, who sanctioned her with an administrative sanction. This was totally unfair the debt was paid to the chambers eventually. It was unfair because, this was done out of spite, not because of the debt. But the junior barrister, did not have the confidence or the support at the time to say, this is being done out of spite and hate.

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](#).