



Confidential Report

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...its been a long time

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Timeline

Sep 12, 2024 6:04 PM	Reporter created a report
Sep 12, 2024 6:04 PM	Incident added: "...its been a long time"
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Incident #1: ...its been a long time

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

Barristers are self-employed and so there is no HR and no firing of them so to speak. I believe it's poor education and also exacerbated by stress within the profession.

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

We work very closely together often in an adversarial context. Bullying is not new to the bar and there has been an intention to eradicate it for +30 yrs without success. It requires cultural change in my opinion

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

Yes but we need to promote positive behaviours more actively and instances of good practice and show juniors and leaders how to act well and appropriately towards others - this has to be part of training and there needs to be time for people to reflect- the court system is under so much pressure there is little time for these things to take place.

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?

I believe the regulation of barristers further is not going to be the answer. This is something that needs to be adopted in the same way that people no longer are willing to tolerate racism or sexism like they might have done 20 yrs ago. It relies on education and training and leading by example at all levels. If there was an opportunity for those who make efforts to act well within the profession to be better acknowledged that could help

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

Its impact is women in particular get fed up and leave the profession. This is particularly so at higher levels. Other more junior barristers also believe that there are better places to work.

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

Yes there are not enough criminal barristers because the system has become so worn down - everyone is stressed and behaviours within court suffer as a result. This is not an excuse but it is the reality. If there are not enough barristers in crime then justice is not happening and the backlog gets worse. The system is at breaking point in all aspects in crime. I don't think this is the only reason though. The buildings are all falling apart so even working in a building which has broken lifts or toilets or no where to get a coffee or a sandwich is demoralising.

It is multi-factorial and the result is perhaps poor behaviours.

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

fear of making it worse, fear of being seen as a trouble maker, knowing that the reporting can be as bad as the incident itself, knowing that it will be causing alot of upset and grief to the person reporting it.

What mechanisms could be put in place to mitigate any repercussions against a

complainant who has reported bullying, harassment or sexual harassment

Supporting them and making sure that they feel supported. When I once reported a Judge on Talk to Spot for poor behaviour it said that unless others reported the Judge and that unless i could contact others reporting similarly bad behaviour nothing would happen. I didn't see that as my role in reporting it.

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, rC66 of the BSB Code of Conduct). Is this duty to report known, understood and implemented in practice?

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?

I don't know. It depends on the chambers and the support there and also it depends on the leadership in the professional organisations. In the old days heads of chambers and circuit leaders and leaders of specialist bar associations had more time to be involved in matters such as this - that has disappeared almost completely. Also people mixed professionally more frequently in person which allowed for more support and advice to be given. the wellbeing at the bar website signposts well resources and talk to spot would be useful if it led to better outcomes

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 that seems unfair

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?

Definitely not prompt. I don't know how fair or robust they are by the BSB. It depends on the chambers. The chambers that is a happier well set up one is less likely to have people experience bullying and harassment in my opinion.

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 think so

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?

Instances of good behaviour being acknowledged and rewarded. The focus being in positive behaviours would promote those and it would not be commonplace for bad behaviours to exist or go un noticed or not reported

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

I don't know

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

By agreeing to help one another and meeting more regularly. However the possibility of barristers doing this is reduced due to the time pressures that everyone now works under

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

Companies that have an excellent wellbeing culture and support their employees with training etc are well known for having less instances of this type of behaviour

Other details

No thank you

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes