

Response to submission

Please only publish responses anonymously

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?

- *From personal experience bullying and harassment remains a problem.*
- *I am aware of Barristers' experiencing bullying conduct from opponents, other members of the Bar in their Chambers (typically more senior), and the judiciary. Examples:*
 - *Barrister A seeks to exercise dominance over (more junior) Barrister B in an inappropriate way by tone and manner outside a court room – being rude, demeaning and arrogant.*
 - *Barrister A is leading Barrister B and makes unreasonable demands (work related).*
 - *A Judge is rude, unaccommodating when it comes to listing, or unreasonable in expectations as to sitting late (outside of usual court hours) such that a Barrister appearing before them feels intimidated or humiliated.*
- *Experience is of lessening of the problem(s):*
 - *Both harassment and sexual harassment were more prevalent when I commenced working at the Bar and when very Junior (c2000). At that time, I was working in a predominantly male set that was criminal focussed. I would routinely be subjected to sexually inappropriate comments. Being very junior I did not have the confidence to address it but felt that I had to accept it as 'banter'. I would not have known where to go for support. Whilst I have since moved Chambers, and a number of years have passed, no such 'banter' exists in my current set (to my knowledge). I would like to believe that such conduct would not be tolerated in any Chambers anymore.*
- *I have enduring concerns about inappropriate behaviour being widely tolerated at the Bar (not necessarily amounting to sexual harassment)*

given the number of more senior (typically male) members having extra marital relationships with more junior members of Chambers. Issues arise relate to influence, appearance of conflict/ preferential treatment, progression/ retention.

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

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

- *I am an XXXXX in my Chambers, on the XXXXX. As a result of the work we have done in Chambers and on circuit I would say yes.*
- *Within Chambers we have updated and shared our own Dignity at Work policy, which addresses standards of behaviour.*

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?

- *Sufficiently mainstreamed.*

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?

- *Loss of confidence and loss of profession.*
- *I have known a couple of junior females leave the Bar as a result of inappropriate conduct (again this was early on in my career, c 2005).*

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

- *Where any inappropriate behaviour is witnessed between Barristers it would cause the observer to question the integrity of the Bar.*
- *Where there is bullying by the judiciary this causes clients observing to question fairness and have concerns about bias/ predetermination.*

3. Reporting mechanisms, resources, and sanctions

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

- *Fear of the consequences - standing out, 'rocking the boat', or not being believed.*
- *Time demands.*

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

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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?

- *Whilst probably known I am not aware of it being implemented in practice.*

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?

- *I do not know of supporting mechanisms so cannot comment.*

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?

- *This must depend on the seriousness of the accusation.*

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?

- *Of those known of, yes.*

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?

- *Yes.*

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?

- *Judicial training.*

- *To encourage greater engagement at all levels within Chambers in ED matters.*

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

- *Publication. Perhaps with examples of how the mechanisms are successfully used.*

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

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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?

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