



RESPONSE TO THE INDEPENDENT REVIEW ON BULLYING, HARASSMENT AND SEXUAL HARASSMENT AT THE BAR

As a key stakeholder, the Honourable Society of the Inner Temple (Inner Temple/The Inn) is pleased to have the opportunity to contribute to this important review. The Inn is committed to promoting equality, diversity and inclusion within the profession.

This response addresses matters within the Inn's purview and experience as a professional membership association and as an educational establishment which trains students, pupils and barristers

Inner Temple has been cognisant of the previous work undertaken by the Bar Council and its current work which has demonstrated the widespread history of bullying, harassment and sexual harassment at the Bar and has taken steps to address this within the scope of its own environment and influence.

The Inn, therefore, is aware that such behaviour can have a negative impact on the progression and productivity of barristers and wider relationships within the profession. There may also be a disproportionate impact on those with protected characteristics.

It is not possible to pinpoint precisely why this behaviour has been found to remain a persistent problem at the Bar. However, as in any professional workplace setting, the Inn considers that it is essential to create an inclusive and supportive culture where individuals feel that inappropriate behaviours are never tolerated and that complaints or allegations are always taken seriously and properly followed up.

Therefore, key to eradicating this behaviour is to ensure that there is appropriate leadership, and training and policies in place that visibly communicate a zero tolerance approach to bullying, harassment and sexual harassment at the Bar and which promote equality, diversity and inclusion.

The fact that this behaviour has been found to continue to persist across the Bar as a whole suggests that there has been a failure to embed that culture and provide proper training to all relevant stakeholders and those in leadership roles including the judiciary whose own behaviour towards the Bar can perpetuate poor behaviour within the profession.

The Inn aspires to be an example of best practice in dealing with bullying, harassment and sexual harassment, but we are not complacent and always remain open to further improvements in our procedures.

To address this issue, the Inn has put in place a number of procedures and policies for dealing with such conduct, which it considers have been productive in creating the necessary environment towards reducing this behaviour.

Structure for dealing with issues of conduct and discipline

By way of overview, the Inn addresses issues relating to conduct and discipline in line with the following approach:

1. By applying our statutes (known as Bench Table Orders and accessible to all our members but not publicly available) which set out the Inn's procedures for dealing with conduct and discipline.
2. Where complaints are made or it comes to the Inn's attention that behaviour has taken place which constitutes or might be a breach of the Bar Standards Board (BSB) Handbook, including in any of the areas that are the subject of this review, the case is forwarded to the BSB for review. The Inn will then implement any decision by the BSB relating to disbarment or suspension from the profession and from membership rights.
3. Cases which do not fall under the Handbook but are seen as potential "relevant misconduct" are reviewed internally. A member of the Inn whose conduct is being investigated may be suspended or deprived of their membership rights while this process is in train and beyond that if a complaint is upheld. The complaints policy for the Inn can be found at <https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/complaints/>, under which complaints can be made about the Inn's members and staff.

The Inn's Leadership, Training and Policies

The Inner Temple is committed to providing an educational and mentoring environment in which all are treated with dignity and respect.

Inner Temple believes that training is an essential component of dealing with bullying, harassment and sexual harassment. Embedding awareness of these issues helps to create and maintain a culture of zero tolerance of such behaviours.

As a response to the problem of bullying, harassment and sexual harassment, the Inn provides volunteers and participants in the Inn's education and training activities clear guidance as to the standards of behaviour expected by the Inn.

This has been provided in the form of a detailed Code of Conduct (<https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/volunteer-and-participant-code-of-conduct/>), which makes clear that the Inn will not tolerate any form of harassment, discrimination or inappropriate behaviour (falling short of the legal definition of harassment).

This has led to the increased reporting of such behaviour and several members of the Inn have since been banned from delivering education and training as a result of breaches of the Code.

Inner Temple has a robust equality and diversity policy (<https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/equality-diversity/>) and an EDI Sub-Committee (<https://www.innertemple.org.uk/who-we-are/how-we-operate/equality-diversity-and-inclusivity/>) which reports to the Inn's Executive Committee and which meets frequently. Its mandate includes making proposals to develop a culture of EDI within the Inn.

The Sub-Committee recently oversaw the introduction of updated online EDI training (an enhanced version of training introduced a few years ago) which is specifically linked to scenarios which might arise in the course of the Inn's activities and events. This training has been made mandatory for all members who deliver education and training; all those who undertake governance activities, for example participating in the Inn's committees; and all newly appointed Governing Benchers (who sit on Bench Table, the Inn's board of management).

The Inn is also very conscious that bullying, harassment and sexual harassment do not merely take place in person but can occur on social media – many barristers have become frequent users of social media. Inner Temple has a detailed social media policy which embraces the values of being professional, transparent, sensible and respectful. A version of the policy which applies to our student societies is at <https://drive.google.com/file/d/12EWm-LIFGSRGKBDOyewVxPOTJDrLZLWi/view?pli=1>.

Inner Temple also partners with the other Inns of Court in addressing these issues. A four Inns' Anti-Harassment Policy was introduced in 2020 and has recently been updated: it can be found at <https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/anti-harassment/>.

The Inn also participates in the Inns of Court Alliance of Women (ICAW – originally the Temple Women's Forum) which holds events relating to the subject matter of this review. For example, a recording of an ICAW event on judicial bullying can be viewed at <https://www.innertemple.org.uk/education/education-resources/inns-of-court-alliance-for-women-recordings/icaw-tackling-judicial-bullying/>.

The Inn is currently looking at options to provide online training on bullying, harassment and discrimination and training on leadership and management for its senior members.

Possible impediments to reporting misconduct

Inner Temple is concerned that there is evidence that the BSB's duty to report (<https://www.barstandardsboard.org.uk/for-barristers/reporting-serious-misconduct.html>) is dissuading members of the profession who have suffered bullying, harassment or sexual harassment from discussing this with other barristers, in circumstances where they do not wish to make or might not wish to make a formal complaint. The lengthy proceedings which result from a formal complaint to the BSB is also putting victims off from making such complaints in the first place. Members should be able to discuss such issues informally with other barristers.

The Bar Council's "Talk to Spot" (<https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>) provides a partial solution to these difficulties by allowing anonymous reporting of incidents and the Inn congratulates the Bar Council on having put this valuable tool in place.

Final comments

Inner Temple stands ready to work with the Bar Council and the other Inns of Court on any new initiatives to address the problem of bullying, harassment and sexual harassment.

The Inn has put in place a number of policies and provides training to ensure that this problem is understood and addressed properly within its own purview.

The Inn considers that having comprehensive and compulsory training and robust anti bullying and harassment policies for inappropriate behaviour together with formal and informal reporting channels are essential to enabling more people to speak up across the profession. This will create the necessary culture where such behaviour is not tolerated and is challenged and sanctioned transparently.