

Anonymous- please do not disclose name or circuit

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?

Members of the bar turn a blind eye and allow bullying to continue unchecked.

Members of the bar laugh these issues off as isolated eccentricities to be tolerated.

There are no employment protections or duties as we are self-employed. There is no clear structure for reporting.

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

My observation is silks are themselves above bullying anyone and are protected and removed from it to the point they do not believe it exists.

If a senior junior is bullying people it will be reported to a silk who may minimize, excuse or ignore the behavior. The senior junior may already have gone to the silk for 'advice' (to blame the complainee for the situation and to intimidate them from complaining)

By nature the person who has been bullied is in a position of weakness, does not have the protection of someone in their Chambers and is vulnerable. Hence the bully knows they can get away with it.

The senior junior probably works on big cases with those to whom complaints may be made, share a friendship group and instructing solicitors.

The person making the complaint is excluded from the group in power and their feelings may be ridiculed. They will come off worse from the situation as their complaint will not be withheld and they will not be recommended for work by their colleagues.

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

Not whatsoever

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](#)

There should be a core duty to offer support to anyone who is being targeted by a bully.

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?

Bullying causes isolation, humiliation, stress and trauma.

Further negative encounters with the bully, however 'minor', are re-traumatizing.

This affects work performance, and creates further vulnerability, exposing the victim to greater risk of further bullying. It is a vicious circle for them.

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

Yes it will be all too apparent to lay clients when a barrister is being bullied by a judge or their opponents. This will undermine public confidence in the justice system.

3. Reporting mechanisms, resources, and sanctions

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

As above

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

A duty to step in when this is happening

Dedicated teams on circuits who will tackle this issue without fear or favour.

- 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?

The difficulty may be with the definition of 'serious misconduct' as a victim of bullying may be encouraged to play things down or make light of the situation. It would be difficult to implement a duty to report if a victim does not want to report an incident as serious misconduct due to their own fears of ridicule or repercussions.

- 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?

As above

- 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?

I don't know

- 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?

I do not know the BSB process and cannot comment on that.

For sets of chambers, see above.

- 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?

I am unaware of outcomes

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?

An expectation to have a word with anyone who is mistreating another member of the bar and call it out whether it is in court, conferences or group emails.

Training for heads of chambers and for teams tasked with dealing with this. Training to be trauma informed.

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

Reminders that these exist and of how to access them

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

As above. Call it out when it is in front of you. Not belittle members of the bar when they are trying to do their job and not allow others to do so.

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

I don't know

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

Please keep this anonymous as to name and circuit.

Thanks for raising awareness of the issue.