

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
- ☒ 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)
- ☐ Kept confidential (the submission will only be seen by the review team and not published)

If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)

██████████

Organisation (if you are responding on behalf of an organisation)

Click or tap here to enter text.

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?

Pressures of time and work and a lack of resources in the court system and the ever-present risk of an abuse of power mean that these problems occur. Tho' it's also important to say that, in my experience at least, such misconduct is extremely rare. Only once in my professional life (30 years at the Bar) have I witnessed a judge going being rudeness and impatience to bullying and harassment. That was when I was very junior and, to my shame, I did not object to it or report it even though the judge was notorious for such misconduct and there was clearly an element of class and sexual and racial discrimination involved.

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

Click or tap here to enter text.

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

I think so. More publicity about reporting and the need for chambers and the judiciary to prevent this sort of thing is what is needed.

- 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's a case for that.

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?

Click or tap here to enter text.

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

Click or tap here to enter text.

3. Reporting mechanisms, resources, and sanctions

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

The vulnerability of those likely to be victims, the inevitability of embarrassment, the fear of gaining a reputation as a complainer, apprehension as to how a judge may react.

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

There needs to be an acknowledgment of the right to make such complaints whether or not, ultimately, they are well-founded, it being a professional and judicial responsibility to treat them as made in good faith and thus requiring a serious good faith response.

- 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?

Yes it is well understood in my view. I do not know if it is observed in practice. I am not aware of any failure to report when a report was required.

- 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?

Click or tap here to enter text.

- 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 think that is necessary or sensible as I do not think it is fair to the accused. Chambers or the employer etc should be encouraged to address their minds to the need to take other steps such as may be sensible to protect all concerned while the complaint is under consideration.

- 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?

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

- 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?

It seems to me that recent decisions are on the right track in this respect.

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?

Acknowledged procedures for reporting and investigation and a culture in which such things can take place without undue impediment are what are needed in my view.

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

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

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

Working together is crucial. This should not be a reform which inspires fear and loathing. It is an opportunity to improve relations between all concerned not to damage them. That particularly applies to relations with the judiciary where it is vital that Bar and Bench get along and have a good working relationship. The judiciary need to be on board with what the Bar is doing and vice versa.[Click or tap here to enter text.](#)

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

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

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

The reports of misconduct are very concerning. On the other hand, speaking only from my own experience it is also important to bear in mind that the vast majority of barristers, staff, and judges behave extremely well even, sometimes, under very difficult and pressing

conditions. That too needs to be borne in mind, as does the need for us all to get along. It is vital therefore that the judiciary are in step with what the Bar is doing, particularly so far as complaints about judges are concerned, and indeed judges' complaints about barristers as it is not unheard of for a barrister to harass a judge. It is also important in my view that low-level complaints should be resolved in a way which recognises the wrongdoing but enables people to continue to work together. Otherwise, the remedy will be worse than the disease.

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](#).