

The Rt Hon. the Baroness Harman KC
Chair, Independent Review of Bullying
and Harassment at the Bar

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LEGAL SERVICES
BOARD

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Dear Baroness Harman,

Independent review of bullying and harassment at the Bar

I am writing in response to the call for submissions to support the independent review of bullying and harassment at the Bar. The review is a welcome step to tackling this issue which has such profound effects on those it affects.

The Legal Services Board (LSB) is the oversight regulator of legal services in England and Wales. Independent from both the legal profession and government, we operate within a statutory framework set by the Legal Services Act 2007. The nature of our role means that we have a view, and an evidence base, which cuts across the legal profession. We therefore write to share insights where these may prove useful to your work.

Bullying, harassment and misconduct in the profession: what our evidence tells us

That the Bar is facing serious issues of bullying, harassment, sexual and other forms of misconduct is well evidenced by research undertaken and reports published by representative and regulatory bodies in the sector. We know also that issues of bullying, harassment and misconduct are not isolated to the Bar, nor experienced only by barristers, with [evidence from the legal charity, LawCare](#), suggesting concerning levels of bullying, harassment and/or discrimination in the wider legal profession. Research undertaken by the LSB supports these findings and suggests that such behaviour poses significant risks to individual lawyers and the wider profession.

In 2023, the LSB published the findings of a [qualitative study of the lived experiences of legal professionals](#) and the barriers to 'getting in, being in and getting on' in a career in law, particularly for minoritised and underrepresented groups. This report suggested structural and cultural barriers, including mistreatment based on sex, ethnicity, disability and/or socio-economic background. Critically, this research suggested that the conduct and actions of individual professions or organisations reflect negatively on and risk the reputation of the profession as a whole.

More recently, the LSB commissioned The Social Change Agency to undertake a literature review alongside primary research through interviews with key stakeholders in the legal sector (including those working at or with the Bar). The [resulting report](#), published in August 2024, highlighted a number of inappropriate cultural practices in the profession, including bullying and harassment, noting that such behaviour was clearly evident in the literature and from the discussions with interviewees participating in the research. Crucially, this report suggests that concerning cultural practices are entrenched and systemic in nature, and that solutions must focus on changing the professional culture as a whole.

Our role in encouraging an independent, strong, diverse and effective legal profession

We know from the evidence base that diversity, and the complex range of issues which relate to a diverse profession, often interacts with bullying and harassment, where it occurs. For example, evidence from the sector, including the Bar Council's own research and analysis, suggests women and racially minoritised lawyers are often more likely to experience bullying and harassment.

Our work and the activities of the organisations we oversee are underpinned by a regulatory objective to encourage an independent, strong, diverse and effective legal profession. Despite ongoing efforts across the sector, challenges to achieving the regulatory objective remain. Progress in improving diversity and inclusion in the legal services sector has been too slow – in particular, the pace of change in closing progression gaps at senior levels. Workplace cultures and practices are contributing to widespread mental ill-health and wellbeing issues in the profession.

We believe that regulation can play an important role in addressing systemic barriers in the legal profession. Our 10-year sector-wide [strategy to reshape legal services](#) includes the challenge to dismantle barriers to a diverse and inclusive profession at all levels.

We require legal services regulators to collect and publish data on the diversity of their respective regulated communities and, critically, ensure this is embedded in all regulatory activity. We monitor this work through our regulatory performance framework. Our [diversity dashboard](#) brings together the latest diversity and inclusion information collected by the regulators. In 2022, the LSB, along with eight legal services regulators and two disciplinary tribunals, reaffirmed our commitment to ensuring more inclusive workplaces for lawyers through the publication of a [shared set of principles on tackling counter-inclusive misconduct through disciplinary processes](#).

The wider impact of professional misconduct on clients, the justice system, and public trust and confidence

The behaviour of barristers and other legal professionals has an impact not only on lawyers and the profession itself but also on clients, and the justice system, as well as public trust and confidence in the legal sector more widely. The LSB has been working in partnership with stakeholders to better understand the range and types of professional ethical conduct that may not be consistent with upholding the rule of law. We are leading a debate and discussion in the legal services sector to gain consensus on these behaviours, and how to establish high standards of professional ethical conduct.

As part of this programme of work, we are exploring the role that regulation can play in ensuring the professional ethical conduct of legal professionals is upheld when drafting, enforcing or otherwise advising on non-disclosure agreements (NDAs). In February 2024, we published a [summary report of evidence](#) submitted to the LSB in response to a call to hear peoples' experiences with NDAs. The report highlights a potential overuse and misuse of NDAs, where the intention is to cover up misconduct, intimidate or silence people. This includes evidence relating to misuse of NDAs within the professions themselves, and to silence accusations of inappropriate behaviour.

Those regulated under the Act have a responsibility to maintain professional conduct, including to act ethically as individuals and across their work, and when adhering to their duty to uphold the rule of law, the administration of justice, and when meeting their other regulatory obligations. This is essential to maintain public trust and confidence in the legal profession. The [research and evidence](#) we have undertaken has shown that regulators have a role to play in ensuring that any conduct that may undermine public trust and confidence and fail to protect the public interest is swiftly recognised and addressed, including instilling a culture of adherence to professional ethical conduct, the rule of law and the administration of justice.

Steps the LSB is taking to drive change through regulation

As the oversight regulator, we have a role to play in setting standards and expectations for the organisations we oversee, to ensure that regulatory levers and tools are being used to tackle entrenched systemic issues in the legal profession. Recent data tells us that efforts to date have resulted in some progress, but more targeted and disruptive action may be required to bring about the change necessary to achieving a fair, healthy, diverse and inclusive legal profession – including the Bar.

In terms of professional ethics, we expect to consult on proposals later in 2024/25. Alongside this activity, we are reviewing our current guidance for regulators to encourage a fair, diverse and inclusive profession. We are aiming to develop a refreshed policy approach that utilises the array of formal and informal regulatory levers at our disposal, with plans to consult by Spring 2025.

We trust that the results of this independent review of the Bar will, importantly, provide a critical challenge to and possible ways forward for the sector in our collective efforts to eliminate bullying, harassment and misconduct. Should the review wish to publish this response in full as part of the review's report, it has our consent to do so, and we would be pleased to discuss any of its contents should that prove useful.

Yours sincerely,



Craig Westwood
Chief Executive