

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?

It's a high stress environment, which is naturally adversarial where one is pitted against another. There's also a lack of employee-employer type accountability. Even where Chambers' have good practices in place to address this type of behaviour, those not in Chambers wouldn't necessarily know how any complaint would be received/dealt with, and there is a reticence to get the BSB involved over what could be relatively minor matters (but which equally could form a pattern of behaviour)

This is all not helped by Judges, who often put counsel under significant pressure, and some of which can become quite personal in their attacks. This only encourages members of the bar to behave similarly, knowing that they can do so with impunity.

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

See above. The expectation that you'll be available 24/7 via email/phone is also exhausting as there's no escape when you're against someone who just won't stop piling the pressure on, causing significant additional stress

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

I would say people know the theory, they just don't think they apply to them or their behaviour! There seems to be a particular tranche of older, male barristers who have no idea how outdated and offensive some of their views are, nor do they care about the impact of sharing those views with others who may be offended by them.

- 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](#)

They ought to be fairly obvious. My experience is that those who wish to ignore them will continue to do so, regardless of where they are published or included.

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?

I nearly left the Bar. That's the bottom line. The Bar is losing exceptional Barristers because it simply isn't worth staying. Luckily the (very senior) Barrister who was causing me to have panic attacks and bullying me, making false complaints (which were never upheld either against me or others because they had no merit) left Chambers, and so I was able to return after a sabbatical into a wonderful set who support me.

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

Of course, given people are leaving.

3. Reporting mechanisms, resources, and sanctions

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

Internally through Chambers; talk to spot; complaint to BSB; speak to the Bar Council.

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

They are already there – but they mean little when it comes to the risks of much more subtle snubs/repercussions which might impact people moving forward – it's difficult to prove briefs aren't given, fees aren't chased etc.

- 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?

I would say it's known by those at the junior end who have been subject to mandatory ethics training. I wouldn't necessarily say the same of those who are more senior, and wouldn't say it was implemented. The only time I've seen it implemented was, ironically, when a false allegation was made, and reported to the BSB as a mechanism of silencing the person who was (wrongly) alleged to have committed the misconduct. He was subsequently ruled not to have behaved wrongly at all, but by then the damage was done (reputationally to both the individual and to Chambers', and to his prospects of becoming a Judge during that applications process)

- 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?

Not at all

- 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?

Given what I've said above about false allegations, such measures should be taken with great care

- 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?

No. When I had my own issues with someone at the Bar bullying me (I believe due to my junior status, and the fact I'm a woman who wouldn't just bow down to everything he said) I spoke to the Bar Council and they basically told me that whilst I could complain to the BSB, it would take over my life for likely years, and not a lot would come of it. This was despite the fact that I had documentary proof of his behaviour. He was on the management committee so I didn't feel able to complain to Chambers.

- 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?

If I'm honest, I don't think many of the older, male members of the Bar realise just how offensive they are at times, so I don't think they realise that their behaviour could be subject to sanction, so whatever the sanction is doesn't act as a deterrent because they don't think it'll ever apply to them!

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?

Better training given what I've said about people not realising their behaviour is objectionable and could have a greater impact on people than they intend.

I would also say setting clear expectations and good communication. I feel supported by Chambers now because there is no longer a climate of fear. I can tell my clerks/Head of Chambers/Management Committee things that are concerning me and know that appropriate action will be taken. I feel much more able to challenge poor behaviour when I see/hear it because I know Chambers will support me in that challenge.

- 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?

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?

Click or tap here to enter text.

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](#).