



Confidential Report

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Response from a semi-retired employed barrister.

Report ID: JDIAF-BWHAY
Timezone: Europe/London

Timeline

Sep 22, 2024 9:18 PM	Reporter created a report
Sep 22, 2024 9:18 PM	Incident added: "Response from a semi-retired employed barrister."
Sep 22, 2024 9:18 PM	Reporter submitted the report

Incident #1: Response from a semi-retired employed barrister.

In your view, why is bullying, harassment and sexual harassment a persistent problem at the Bar?

In my view, it is not a persistent problem at the Bar.

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

No response provided

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

Yes.

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 <a href="https://www.barstandardsboard.org.uk/the-bsb-handbook.html?"

part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=&q="target="_blank">BSB Code of Conduct?

They are sufficiently clear and are in line with the law. I do not believe that they need to be expanded in any way that would result in uncertainty or would create a "cottage industry" in compliance functions.

What is the impact of bullying, harassment and sexual harassment on those subject to such misconduct?

No response provided

Is there a wider impact upon barristers' staff, clients, or the justice system more broadly?

No response provided

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

There are no barriers that would prevent complaints.

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

It is unclear what is meant by this question. There appears to be an assumption that there are barriers to complaining. I believe that this is called begging the question.

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, rC66 of the BSB Code of Conduct). Is this duty to report known, understood and implemented in practice?

Yes.

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?

I believe so.

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?

No. This would result in a penalty being applied without or in advance of any adjudication. The repetitional damage to a practising barrister may be severe.

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 believe so.

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?

Yes.

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, at the Bar more widely to assist in preventing such misconduct?

Again, this is begging the question. First we are asked if there is misconduct, where the rules governing it are clear and enforced and then we are asked questions which assume that the respondent agrees with the assertion that misconduct occurs and that the current rules are insufficient.

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

No response provided

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

No response provided

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

No response provided

Other details

Why have the review at all if the result is already decided?

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes