



Confidential Report

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Apply some science, with a dose of realism, please

Report ID: BSMDT-NBTXR
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Timeline

- Sep 12, 2024 11:00 PM Reporter created a report
- Sep 12, 2024 11:00 PM Incident added: "Apply some science, with a dose of realism, please"
- Sep 12, 2024 11:01 PM Reporter submitted the report

Incident #1: Apply some science, with a dose of realism, please

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

Human beings are fallible. Whilst I accept the factual assertion in your loaded question that these things are "a persistent problem" I do not accept that they are widespread or everyday

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

People holding positions of power over each other, just the same as most jobs that are worthwhile doing. In addition, competition between practitioners can lend itself to inappropriate responses.

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

Yes. They are everywhere. We are reminded about them all the time.

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](https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=&q=)?

What, a core duty to NOT sexually harass a colleague? A core duty to NOT bully people? Don't be ridiculous. These are all covered under professionalism and general conduct.

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

Varies from person to person. The bullying I received had zero impact on me. For less robust individuals it may be debilitating. I mean, this is really basic sociology - why is this a question on this consultation? Read a textbook or something.

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

Again, work it out. It's not hard. It depends on the type and extent of the behaviour as to how far it has ripples.

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

None

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

What repercussions? Which chambers has endorsed or organised repercussions against a complainant? Where is the evidence that this is a problem before you go trying to fix it. In most cases, either the complainant or the other person will move chambers.

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](https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=&q=)). Is this duty to report known, understood and implemented in practice?

Yes. This question is clearly designed for those with a chip on their shoulder to gripe about some perceived systemic failure.

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?

Yes and yes

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, don't be silly. Self-employed barristers are self-employed. Without a factual determination, no one in chambers should have a right to pick a side and exclude one party. Perhaps exclude them both until determination?

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?

Yes, yes, yes and yes. Loving your multiple part questions btw....wouldn't get past an intermediary but hey ho.

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?

What in the name of St Augustine's bones sort of question is this?? Which upheld complaint? Which sanction? Against whom?? This sort of generalised "tell me your feelings" question lacks any scientific empirical value whatsoever.

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?

People are by and large decent. Barristers are more likely than your average citizen to call people out when they are being inappropriate. Chambers nowadays will have policies to ensure that pupils and the more junior end of chambers are placed with persons who are reliable and decent.

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

None. They are plentiful

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

What sort of question is this? What does "change" mean? This is not Obama's 2008 presidential campaign. There will always be people who let their behaviour slide into unacceptable, whether for a short time arising from stress or illness, or in a longer term as a result of a growing personality disorder. We cannot and should not think that we can force everyone working around the court system to undergo a psychological assessment to see whether these traits are present. We have to rely on the professionalism of the Bar to weed it out when it sprouts. Let's not go thinking we can create some pre-crime detection system here

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

Not medicine, not policing, not banking, not accountancy, not teaching. No, they all have to deal with humans too

Other details

"Share"??? What is with this language? I expected a bit more science here and less a therapy session. If the findings of this consultation end up wrapped in the language of feelings and victimhood, it would do a great disservice to the Bar.

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes