



Confidential Report

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Reply to independent bullying review questionnaire

Report ID: AZLSB-XPNYA
Timezone: Europe/London

Timeline

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| Sep 12, 2024 7:51 PM | Reporter created a report |
| Sep 12, 2024 7:51 PM | Incident added: "Reply to independent bullying review questionnaire" |
| Sep 12, 2024 7:51 PM | Reporter submitted the report |

Incident #1: Reply to independent bullying review questionnaire

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

There is an historic power balance issue. Those more senior may feel able to act in a way which we now recognise as bullying

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

I suspect a drinking culture in certain areas facilitates the decrease in inhibitions which permit sexual harassment, per various recent bar standards board decisions

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

I believe so

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?

Yes, I believe they already are. Core duties are sufficiently clear without needing amendment

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

Not having experienced this I wouldn't be able to comment

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

Insofar as these behaviours are not (and should not be) tolerated in the wider society, yes.

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

I don't know, not having experienced this behaviour first hand

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

Appropriate whistleblowing processes

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?

Probably not sufficiently well known

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 both parties should be entitled to confidentiality until conclusion of any investigation

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?

This depends on the nature of the complaint but a cautious approach must be taken. An individual is after all innocent until proven guilty. If the complaint relates to behaviour in chambers, I would expect chambers to have a policy on whether the individual is to, for example, work from home during the investigation

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?

They appear to be from the reports I have seen on reported incidents

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?

I believe so

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?

Judicial bullying needs a firm approach from the judiciary, chambers should have clear policies on steps they will take (non attendance at chambers during an investigation)

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

Make reporting mechanisms and support services clearer. One stop shop?

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

Clear sanctions against judicial bullying

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

Not as far as I am aware

The Solicitors Regulation Authority approach appears Draconian

Other details

No response provided

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes