

Dear review team

My response is below. It does not need to remain anonymous if you choose to publish it. I have not answered all the questions.

With thanks for your efforts,

Flora

1. Reasons for bullying, harassment, and sexual harassment

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

No, I think it is a cultural issue, rather than a result of dynamics or working practices. We do have dynamics and working practices which require us to be more robust than we would be if we worked in most offices (such as the one I worked in while at the Financial Conduct Authority), because we deal with conflict and confrontation more than is required in most workplaces, and that means we have to be able to withstand strongly expressed disagreement without taking it personally. However, there is a clear distinction between strongly expressed disagreement and bullying/harassment.

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

I am not sure that this is the issue to focus upon. We all know the difference between bullying/harassment and robust disagreement on the issues arising in the case or trial, and anyone who does not know the difference is unsuited to the job.

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?

Again, I do not think this is the issue to focus upon to reduce bullying/harassment across the board. It will require a change in culture, not a change of rules.

3. Reporting mechanisms, resources, and sanctions

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?

This issue goes beyond bullying/harassment. Many practitioners will admit, privately, that they have witnessed conduct which, with hindsight, they think they should have reported. I believe the duty is well known, but there is a great unwillingness to report each other. However, that is probably as it should be. Barristers need to self-police. We would not want to rely too heavily on policing each other to reduce bullying and harassment, or any other misconduct, because that would encourage us to take positions on behalf of others, rather than being self-reflective and conscious of our own conduct. Reducing bullying and harassment across the board will not be achieved by identifying and dealing with the worst culprits, although that obviously needs to happen as well. Reducing the regular, lower-level misconduct requires us to develop strong, positive working relationships, and that is not compatible with encouraging barristers to report each other more regularly. It seems to me that the goal is to somehow encourage everyone towards self-reflection and self-policing

behaviour, so that the worst culprits become outliers, rather than part of a continuum of bad behaviour.

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