

Independent Review into Bullying, Harassment, and Sexual Harassment at the Bar

Call for Submissions

The Independent Review

1. The Bar Council has appointed the Rt. Hon. Harriet Harman KC (the “Chair”) to chair an independent review into bullying, harassment, and sexual harassment at the Bar (the “Review”). The Chair is supported by Samantha Granger (Counsel to the Review),¹ and Clare Gosbee (Administrative Assistant). This is the Chair’s Call for Submissions, by which she invites evidence for the Review from key stakeholders. In particular, she invites responses to the questions set out in paragraph 8 below.
2. The Bar Council has established this Review in response to evidence which indicates that there is a persistent problem with bullying, harassment, and sexual harassment at the Bar which must be addressed. The Review will examine bullying, harassment and sexual harassment suffered and perpetrated by members of the Bar in the context of the interactions between barristers (inside and outside chambers) and all professionals, including aspiring barristers, with whom they come into contact.
3. The Review will seek to identify:
 - the **reasons** for the unacceptable levels of bullying, harassment and sexual harassment at the Bar;
 - the **barriers** to improvement;
 - the **impact** of bullying, harassment and sexual harassment at the Bar;
 - the **efficacy** of the current reporting mechanisms, support services, and the sanctions regime; and
 - potential **solutions** for tackling bullying, harassment and sexual harassment at the Bar, including effective preventative strategies.
4. The purpose of the Review is to propose reforms to the whole ecosystem to improve the position going forward. The Review will not be dealing with complaints – these will continue to be dealt with under the existing mechanisms (see paragraph 15 below for signposting).

¹ Note that Samantha Granger is exempt from the duty to report serious misconduct to the Bar Standards Board (rule rC66) in her capacity as Counsel to the Review.

Key terms

5. The Review adopts the following definitions of its key terms:

- **Bullying** is defined as “...offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.”²
- **Harassment** is defined as “unwanted conduct which has the purpose or effect of violating the victim’s dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim.”³
- **Sexual harassment** is defined as “unwanted conduct of a sexual nature which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It also includes situations in which an individual is treated less favourably because they have rejected sexual conduct or submitted to it.”⁴

Bar Council’s data on bullying, harassment, and discrimination at the Bar

6. Research data from the Bar Council’s biennial survey of the Bar,⁵ as well as reports to ‘Talk to Spot’⁶, and calls to the Bar Council’s helplines, indicate that there is a persistent problem with bullying, harassment and sexual harassment at the Bar. In its 2023 survey,⁷ 44% of respondents⁸ said that they had experienced or observed bullying, harassment or discrimination while working either in person or online in the last two years.⁹ This is an increase from 38% in 2021 and 31% in 2017. The data indicates that many of those who have experienced bullying or harassment are disproportionately female, junior members of the Bar, and/or from ethnic minority

² ACAS

³ See section 26 of the Equality Act 2010

⁴ See section 26 of the Equality Act 2010

⁵ [Barristers' Working Lives \(barcouncil.org.uk\)](https://www.barcouncil.org.uk/barristers-working-lives)

⁶ An online tool used by the Bar Council for confidentially recording and reporting instances of bullying, harassment, and discrimination

⁷ [Barristers' Working Lives \(barcouncil.org.uk\)](https://www.barcouncil.org.uk/barristers-working-lives)

⁸ 3,535 barristers responded (of the 16,900 barristers who received messages to participate in the survey) which is a response rate of 20.9%. The bullying, harassment and discrimination questions were optional within the survey and 7% of all respondents wished to skip this section, leaving 3,030 respondents willing to complete the bullying, harassment and discrimination questions (17.4% of the Bar). [Bullying, harassment and discrimination at the Bar](#), Data from Barristers’ Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p9

⁹ [Bullying, harassment and discrimination at the Bar](#), Data from Barristers’ Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p10

backgrounds; and that those complained about are generally in a senior position such as judges and senior barristers.¹⁰

7. The Bar Council has established that the scope of the Review is to consider bullying, harassment and sexual harassment at the Bar. The Review team acknowledges that discrimination can be an aggravating feature of this type of misconduct and will therefore consider discriminatory behaviours in the context of bullying, harassment and sexual harassment.

Call for submissions

8. The Chair now invites submissions from all interested parties. The Chair is especially keen to receive views from key stakeholders including the Bar Council, the Bar Standards Board, the judiciary, the Judicial Complaints Investigations Office, the Law Society, Heads of Chambers and Equality and Diversity Officers within Chambers, organisations employing barristers, the Inns of Court, the providers of the BPC course, the Institute of Barristers' Clerks, the Legal Practice Managers Association, the International Bar Association, the Circuits, specialist Bar associations, women's fora and other Bar networks, young barrister committees, and student and pupil networks.
9. All submissions to the Review will be published on the Review's [webpage](#) on the Bar Council's website at the conclusion of the Review. However, a submitting party may request that submissions:
 - a. Be published anonymously (meaning that the name of the submitting party will not be published); and/or
 - b. Be published with certain redactions applied; or
 - c. Be kept confidential (i.e. seen only by the Review team and not for publication).
10. The Review team acknowledges that some respondents will require the protection of their identity given the sensitive nature of the evidence and the potential fear of repercussions. The Review team, therefore, undertakes to fully protect the confidentiality of all submissions made in confidence and seeks to reassure respondents that such submissions will not be viewed by anyone outside of the Review team. If you would like to ask the Review to accept your submission

¹⁰ [Bullying, harassment and discrimination at the Bar](#), Data from Barristers' Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p10 - 11

anonymously (meaning it will be published but without your name), or confidentially (meaning it won't be published at all), please state clearly in your email to us which of these options you would like to request. Submissions can be sent to the Review team either by email [BHReview@barcouncil.org.uk] or, if you would prefer not to disclose your identity to the Review team, submissions can be made via 'Talk to Spot' here [<https://app.talktospot.com/flows>].

11. The Chair reserves the right to reject or redact any evidence as she sees fit; for example, if third parties are named who may not have consented to their personal details being included in the submission.

Questions

12. The Chair welcomes responses to the following questions:

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 is a culture, one learned through generations of barristers and judges. I also feel that too many judges take out their frustration and impatience out on barristers at times. Barristers see it, see that as the way, and repeat it. If the mothers and fathers of our legal system are at it, then so will we.

I am junior, very junior, but given the pressures on the criminal and family Bar now, particularly of late and the mass exodus of junior barristers from the criminal Bar (me nearly one of those), the workload is higher. We are under increasing pressure from a justice system that is hanging on by a thread. So, many are upset, stressed, overworked and frankly fed up. Some therefore take that out on those around them. And why? Because we are supposed to be resilient. We are supposed to not complain, or cry, or have a problem with anything. We are supposed to just get on and do, and seemingly take the bullying laying down as well, when it occasionally happens.

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

Yes. I think the primary reason bullying is tolerated is because of the sense of imposter syndrome that most barristers have. We seek to please and receive positive feedback. Those who bully are often more senior, and

in a position of greater influence and power in chambers and on the wider circuit. We don't want our reputations to be damaged by standing up to bullying from a person who may be longer in the tooth and more eloquent than I am.

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

I wasn't even aware there were any.

- 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?¹¹

Absolutely they should be included within the professional obligations – 'to treat colleagues with dignity and respect'. That way it will be clear, to those who are ingrained in their bullying practices, that the profession will not tolerate it. It is a good idea also because it will foster an environment in which barristers feel safe, valued and respected. That will lead to happier barristers, and ultimately more able and efficient barristers, and indeed less people leaving.

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 have been bullied by judges, other barristers, and solicitors. Sometimes tensions are high, given our work, but there is a line. I was led in a case by a senior barrister [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED] My work was constantly criticised in a way that did not give me constructive feedback, and ultimately my written work he described as [REDACTED] when I demonstrated why I had not made a mistake in my drafting. He then had me sacked from the case because of a minor error without giving

¹¹ [BSB Code of Conduct](#)

me the opportunity to explain that error or rectify it and without coming to me personally. It seemed that he constantly looked for reasons to belittle me and humiliate me. Many will read this and perhaps think well there is no smoke without fire, and you must have deserved that treatment. You must be incompetent. It must be you that's the problem. That's exactly the problem in this profession. No understanding. One can do 100 things right and one or two wrong and that's that, you'll be judged on that. It seems as if barristers forget to be human, to embrace mistakes and learn from them, and accept they will happen, particularly early on. There are evidently those among us who think that imperfection should be punished. The reality is that mistakes will happen, but it is how they are dealt with that really makes a difference to undoing that mistake and not making again in the future. A culture of fear on the other hand encourages younger barristers like me to pick a different job before I become type cast, or just learn to get on with it and accept it and chalk it up to experience. Thus, if I want to keep practicing law at the independent Bar, I must just get on with it and accept it. Maybe later in my career I will be so familiar with it, that I myself will be telling junior barristers to just get on with it and I will be unconstructive and nasty in the feedback I give them when they make their mistakes. The culture is rotten and toxic and needs reforming.

Barristers are capable people and should be encouraged to flourish and learn from one another in a supportive and constructive environment, one where you're not kicked and humiliated for making mistakes, or given worse treatment in court by the judge, or by other barristers because you are female.

So the ultimate impact is either leave or shut up and put up.

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

I am unsure.

3. Reporting mechanisms, resources, and sanctions

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

It's a small world. No one wants to be known as a trouble causer in an environment where we are just expected to put up with it. No one wants

to go to work and get looks, or the silent treatment, or more bullying because we spoke out.

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

The BSB might consider placing an obligation upon Chambers entities and fining them where they fail to stamp it out. No one wants to pay more rent because of a couple of hardened bullies in the set. This will encourage those who do bully to be more thoughtful and to modify their behaviour.

Make it an unmistakably clear obligation within the professional obligations to treat other colleagues with dignity and respect. It ought to be a core duty in my opinion. Create a specific panel to deal with complaints with a power to make 'resolutions' on specific cases, and if need be in extreme cases to take disciplinary action.

Much comes from the judiciary too. The professions are imbedded with one another. These obligations should be placed upon judges too, to treat barristers with dignity and respect. However, I suspect if the judiciary see that the Bar are taking it very seriously, they will follow suit.

Finally, I think barristers should have to complete mandatory training regarding workplace bullying. That training should be in person, and not just some online module people can flick through ticking boxes. It should feature as part of the CPD for both those on the new practitioners' programme and those on the established practitioner's programme. Group sessions looking at the different kinds of bullying and how to foster a better working environment etc. A one-day course or something like that within each CPD cycle would really get the message home and make barristers feel able to talk in small groups about their experiences of bullying. CPD courses on circuit are often led by senior barristers and judges, and so it is a good opportunity for both the professions to talk about it in a safe training environment. Surely only very few people are truly mean, so this will give the majority the opportunity to introspect and consider the impact of their actions at work on others. Judges and barristers all doing that together in a training event can only lead to a better environment at work. I imagine at first many will be highly uncomfortable, but through time more and more people will talk and it

could well become common place to be open about dignity and respect among colleagues. That will surely reduce bullying at work.

- 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).¹² Is this duty to report known, understood and implemented in practice?

It is not implemented where bullying is concerned. Barristers don't want to throw their stressed colleagues under the bus because they have been bullied by them. A specific panel, and training, may well be able to respond more sensitively to workplace bullying.

- 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?
- 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?

No. They have a living to make and may well not deserve to lose their income in the short term over what could just be an indiscretion they will rectify, and particularly if it is found they did not bully.

- 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?

Not at all. All one has to do is consider the case of Dr Proudman to see that.

- 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?

¹² rC66 of the BSB Code of Conduct

I do not know what they are.

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?

The Bar Council and BSB should encourage and empower all barristers to point it out and challenge it on the spot. I once had to say to a judge who was been awful to me that I do not come to work to be bullied and belittled by the Bench. The judge raised his eyebrows and swiftly moved on without addressing my point, but he stopped treating me that way and I was able to efficiently get on with my job. I should not have to do that. I am not even sure I am really entitled to do that. The vast majority of us will not call it out. We will bow and tolerate it. That cannot be right. This should be encouraged by the Bar whether it be bullying from the Bench or from other members of the profession. We need to be frank with each other as and when because if we cannot talk about it and challenge it, it will just carry on.

- b. What improvements could be made to existing reporting mechanisms and support services?
 - c. In what ways could the judiciary, clerks, chambers professionals, and others work together with the Bar to bring about change?
 - d. Are there any other comparable professions which can offer examples of best practice in tackling bullying, harassment, and sexual harassment?
5. Is there anything else that you would like to share with the Review?

Timeline

13. Please send submissions through to the Review team at BHReview@barcouncil.org.uk by 5pm on 27 September 2024.

14. The Chair will aim to publish her report by June 2025.

Signposting

15. If you need any support or advice concerning bullying, harassment or sexual harassment, the following avenues of support are available:

- Bar Council Equality and Diversity Confidential Helpline T: 0207 611 1426; equality@barcouncil.org.uk
- Talk to Spot – a secure online tool to support anyone working at and around the Bar to confidentially raise concerns about inappropriate and abusive behaviour
- Wellbeing at the Bar (resources for Barristers' wellbeing)
<https://www.wellbeingatthebar.org.uk/ap/> and, in particular, the Assistance programme – 24/7 helpline 0800 169 2040 and counselling (if required); the bullying page of Wellbeing at the Bar.
- Lawcare (free and confidential helpline for lawyers, providing wellbeing and mental health support), T: 0800 2796888
- Bar Council Guidance for chambers re sexual harassment:
<https://www.barcouncilethics.co.uk/subject/developing-equality-diversity-policies-forchambers/>
- Bar Council Guidance for individual barristers:
<https://www.barcouncil.org.uk/supporting-the-bar/equalityand-diversity/bullying-and-harassment>
- BSB Guidance re reporting requirements:
https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol_.pdf
- BSB serious misconduct reporting form:
https://www.barstandardsboard.org.uk/media/1702477/140619_-_pg22_-_procedure_for_dealing_with_reports_of_serious_misconduct_-_annex_a_-_form_-_live_updated_october_2015_.pdf
- BSB Information Line T: 0207 6111 444
- Judicial Conduct Investigations Office
<http://judicialconduct.judiciary.gov.uk/making-a-complaint/> (note: complaints should preferably be lodged within 3 months of the incident)