

Independent review of bullying and harassment at the Bar

Call for submissions response form

Submissions can be sent in any format directly to the review team via BHReview@barcouncil.org.uk.

If you find it easier, you can complete any or all of the questions below and email your completed form to BHReview@barcouncil.org.uk.

Unless told otherwise, submissions will be published alongside the final report on the Bar Council's website.

Please indicate how you would like your responses to be treated (check the box):

- Published in full
- Published anonymously (the content will be published but not the name of the submitting party)
- Published with certain redactions (please indicate this in the responses, marked yellow)
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If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name (optional)

Click or tap here to enter text.

Organisation (if you are responding on behalf of an organisation)

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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?

Race (see Mills & Regis, 2021 and Monteith KC et al., 2022), gender, misguided superiority, perceived hierarchy of class and/or intelligence, superiority complex, poor character

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

Click or tap here to enter text.

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

No, concern is that it often goes unchecked, and/or unreported. Despite the platforms in place, the psychological and emotional impact of bullying behaviour means that it requires a lot of confidence building to report the experience and by so doing relieve it.

- 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](#)

Click or tap here to enter text.

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 had a recent and rather profound experience of judicial bullying – at a level unlike anything I have previously experienced.

[REDACTED] I had received my brief two days before the hearing. [REDACTED]

[REDACTED] The matter proceeded to court notwithstanding, and I did my best to canvass arguments that could still assist the court in determining whether [REDACTED]

[REDACTED] ...all set out in my position statement and, it was hoped, to ameliorate any costs applications. [REDACTED]

[REDACTED] I was left alone to carry the weight of an ill-advised application, and I had very much hoped that the judge would see how delicately I had addressed the situation in my PS and determine the issue swiftly.

The client... [REDACTED]

[REDACTED] content for me to address succinct points that would highlight that the application was not completely without merit which would contribute to opposing costs. My hands were tied, I was putting my best arguments forward.

With all of this in mind, I believed that the matter would be disposed with quickly, in the hope that my PS carefully constructed a balance between concessions and putting forward points on merits in so far as to the question of whether the hearing was in any event not a waste and the reasonableness/proportionality of costs.

If the arguments were overly creative, optimistic or academic, she need only say so – and reject them courteously. Instead, the judge proceeded to relentlessly question me, with interruptions, badgering, shouting (I jumped at one point!), being dismissive, challenging my integrity and demanding that I reveal my fee etc when it came to the issue of costs and when I did, she reacted in disbelief. In essence I argued that costs should be summarily assessed at a %, she challenged me on whether I thought it was fair that my learned friend received that fee compared to mine (but of course that was not the essence of arguing against a lesser costs award (combined costs) – my opponent had to intervene at one point). She was aggressive, impatient, repeated cut me mid-sentence after posing a question that she wanted answered, it was a nightmare.

At the end, she stated that the hearing was not a complete waste and then apologised to me for being “harsh” but in my view, she was too far gone for it to mean anything. I was deeply

embarrassed. It is a nightmare (personal and professional) that I would like to forget. I think of my opponent, his solicitor and the court clerks who witnessed it all.

[REDACTED]

[REDACTED]

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

Click or tap here to enter text.

3. Reporting mechanisms, resources, and sanctions

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

Emotional and psychological impact, building the confidence to do so, having the strength to relive the experience

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

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

- 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?

Click or tap here to enter text.

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?

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

5. Is there anything else you would like to share with the review?

Click or tap here to enter text.

Please answer as many of the questions as you are able and submit your answers via email to BHReview@barcouncil.org.uk. Please note your responses will not be seen by the Bar Council unless you have opted to have them published.

The review team is not able to respond to specific concerns or reports. Please report these via the usual channel in Talk to Spot or to the BSB. [Find out more](#).