

# Respect is everything



Harriet Harman KC: 'I look forward to hearing from the Bar, and all those connected with the profession, about the changes that are necessary to ensure that bullying, harassment and sexual harassment become a thing of the past.'

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**The Harman Review is a seminal moment for the Bar and provides an opportunity to promote tolerance and inclusivity as core values, says Dr Arun Midha**

**Even to someone with over 20 years' experience in professional standards and conduct, this is shocking.**

In June 2024, the Bar Council announced its appointment of Harriet Harman KC to chair the independent review of bullying and harassment, including sexual harassment, at the Bar. **Submit your views by 27 September.** You can find out more about the review at: [tinyurl.com/yrb6x9](https://tinyurl.com/yrb6x9). See also *Bullying, harassment and discrimination at the Bar 2023*: [tinyurl.com/4fk4hvt](https://tinyurl.com/4fk4hvt)



**About the author**

Dr Arun Midha has a background in regulation, standards and conduct, serving on a number of UK regulatory bodies including the Professional Conduct Committee (Bar Standards Board) and Committee on Standards, House of Commons.

**T**he Bar Council's recent report *Bullying, harassment and discrimination at the Bar 2023* makes salutary reading. Drawing on data from *Barristers' Working Lives*, the biennial survey of the profession, it provides evidence of a long-term systemic problem with bullying and harassment, as well as inappropriate and undermining behaviour. Nearly half (44%) of those barristers who participated in the survey had experienced or observed some form of workplace discrimination through bullying or harassment. Even to someone with over 20 years' experience in the area of professional standards and conduct, this is shocking.

By the very nature of their roles, barristers hold a significant position in society. It should therefore be incumbent on all barristers not just to hold themselves back from discriminating. It is about setting an example by proactively promoting diversity, equality, and inclusion – in their words, 'behaviours and actions'.

As such, the independent bullying and harassment review commissioned by the Bar Council and led by Harriet Harman KC has come at a very important moment for the profession. The Bar Council in partnership with the Bar Standards Board (BSB) now have an opportunity to promote tolerance and inclusivity as core values and re-examine the Code of Conduct to make it explicit that bullying, harassment, sexual harassment, which can manifest in racist attitudes, have no place in the profession. The Review's reference group has significant expertise and two in particular, Professor Michael Maguire and Dr Robin James, have developed approaches to similar issues in the context of MPs' conduct.

The BSB, under the leadership of its Chair Kathryn Stone (Parliamentary Commissioner for

Standards 2018-22) already has a succinct, 10-point code of conduct. Crucially, it does contain a general statement requiring barristers not to discriminate unlawfully against any person (Core Duty 8).

However, should the profession, through this review, take the opportunity to be more active and specific in its code about combating bullying, sexism and racist attitudes? I think so. Having a code of conduct that states a general opposition to discriminatory attitudes is seldom sufficient, as appears clearly to be the case given the volume of cases involving allegations of bullying, racism and misogyny levelled at members of the profession.

The Bar should go significantly further than the sentiments set out in the current code. In addition to Core Duty 8, the Bar Council could promote a change to the BSB Code of Conduct that could incorporate specifically the values of anti-racism and anti-sexism with a specific clause for all the profession to actively promote anti-discriminatory attitudes and behaviours through the promotion of anti-racist and anti-sexist attitudes. This could be:

*'Barristers can only be effective when they inspire trust by setting a good example of anti-discriminatory attitudes and behaviours through the promotion of anti-bullying, anti-racism, anti-sexism, inclusion, and diversity.'*

Should not everyone connected with the profession, not least barristers themselves, believe in and uphold anti-discriminatory values of anti-racism and anti-sexism? This is not about requiring barristers to be 'politically correct' or 'woke'. Rather, these values are rooted in basic respect for one another.

Regulators often refine codes of conduct as a reaction to a seminal moment. In 1994, the 'cash for questions' affairs where some MPs had accepted payments in exchange for tabling questions in the Commons, acted as a catalyst for fundamental change in the way standards and conduct matters were addressed. This should be another seminal moment to stand against all forms of bullying and harassment, and demand that all barristers demonstrate this in words and actions. ●