

TAXHZ-MENUJ

Incident:15th July 2024

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

Some of those whose personality is not best suited to holding a judicial position have been allowed to remain in place for so long. And therefore barristers are reluctant to stick their head above the parapet to right what can be often very wrong.

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

Age old power imbalance.

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

Relevant standards can be boiled down to a single word; respect. It is not that expected standards are not high, but reaction to a departure from those standards is not swift enough.

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?

The expected standard of behaviour exists within society. If the Bar needs it to be reduced to writing then we are doomed. We need robust sanctions. Not the blindingly obvious to be pointed out to well educated people.

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

Ultimately damaging their career prospects and causing psychological harm.

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

Yes. Where a judge has free rein to behave in such a way that the recipient feels bullied or that observers conclude someone is being bullied - this does no end of harm to the justice system. Ultimately it serves to leave an impression that justice is not seen to be done.

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

Reluctance to expose yourself to a perceived defensive 'push back' and the apportioning of blame often in an attempt to justify dreadful behaviour. I have experience of a judge complaining to my HoC about me, after he behaved in an appalling fashion towards me. So

appalling was his behaviour a number of court staff openly passed comments about it. Lack of support from colleagues.

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

A robust complaints procedure.

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 <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=&q=>guidance for victims, rC66 of the BSB Code of Conduct). Is this duty to report known, understood and implemented in practice?

I don't think they are widely 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 am unaware what mechanisms are in place.

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?

I think each case needs to be considered on its merits.

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?

I think the independence of Chambers might be a difficult balance to strike especially if the complainant and accused are in the same chambers.

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?

No response provided

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?

Perhaps a circuit wide committee could initially deal with local matters raised about bullying in court rooms?

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

There should be a longer time limit for complaints to the JCIO by barristers. It is difficult to reach a point where you decide to submit an official complaint against a judge, especially if you are

often in the same court building. It can be intimidating, especially when you are self-employed and all of the consequences which flow from the potential loss of work.

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

People know which judges fail to behave in an acceptable fashion - that is not the issue. The issue is the apparent lack of appetite to extinguish bullying behaviour.

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

No response provided

Other details

[REDACTED]

Stay anonymous?

Yes

Consent for evidence downloaded and submission

No

Consent for publishing

Yes