



Confidential Report

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Title

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Timeline

Jul 24, 2024 4:13 PM	Reporter created a report
Jul 24, 2024 4:13 PM	Incident added: "Title"
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Incident #1: Title

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

Due to the self-employed nature of the Bar, there is no HR function and so there are not proper channels for this to be addressed.

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

The lack of HR functions which means any reporting has to be to other members of Chambers who would often know any perpetrator well and/or be friends with them. Also because everyone is self-employed, the negative impact on a reporter could be severe as they don't have the protection of an employer who will support them and continue to pay their wages.

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

No. The whole conduct manual has become so overly complex it is almost impossible to fine anything. It was better before we moved to the solicitor model with all these outcomes and sub-headings and used to just have clear rules. Now it is like wading through mud.

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 whole code of conduct is impossible to navigate. The whole thing should be overhauled and made much less complicated.

I think it would be better to have a separate document making clear what the obligations are than to hide it within the code.

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

Speaking from personal experience, sexual harassment made me feel almost completely isolated. I was worried I would be blamed and treated as having encouraged the behaviour. As a result I simply stopped going to any social functions where the perpetrator may be which meant I stopped having any social side to my work. At the time there was that ridiculous rule making it mandatory for anyone who became aware of sexual harassment to report it which meant I was unable to speak to any of my colleagues about it for fear they would either have to report it or be in breach of their code of conduct. This was isolating and completely counterproductive.

If you are sexually harassed by someone more senior than you, you feel completely helpless. The fear that your career will be destroyed if you say anything is overwhelming. Particularly in a small chambers, it feels as though if you report it, you will have to move which means you face a decision of not reporting it or potentially having to move and hugely damage your career.

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

I don't know. It may lead to some women leaving the bar which is not good for the justice system more broadly.

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

If the perpetrator is a senior established barrister and the victim is a junior relatively new barrister, then there is no up side to reporting it. There is an overwhelming fear that any report will lead to you being blamed in some way, people taking the side of the senior barrister who is well-established and you being marginalised and pushed out. I cannot

imagine anyone being willing to report it unless they were fully accepting of the fact that they might have to (probably would have to) move Chambers. It is often going to be your word against theirs and that is very difficult if you are in a small group (as a lot of Chambers are) where the perpetrator is senior and well respected.

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

I cannot think of any. I think there is always going to be the risk that you will have to leave your current chambers.

Possibly some sort of rule that if a complaint is made, details of the complaint (including that a complaint has been made at all) cannot be disclosed to anybody else at the Bar (except a Barrister instructed by the perpetrator in any disciplinary proceedings) including by the perpetrator. However, there would have to be an extreme sanction for a breach of that rule such as complete disbarment otherwise it simply wouldn't be followed.

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

I have searched for the guidance for victims with the exception and I cannot find it. Your link didn't take me to it. I still have no idea what this is.

I am aware there was a rule that it was mandatory to report a barrister for sexual harassment but I thought due to completely understandable backlash against such a ridiculous rule that this had been changed so you didn't have to report it if the victim didn't want you too. If you still haven't changed this rule, then you should. All it does is isolate victims so they cannot confide in anyone if they don't want it reported to the BSB because they will be putting the person they confide in in an extremely difficult position of either reporting it against their wishes or being in breach of their code of conduct. This is so obviously counterproductive that it is unbelievable the rule was ever introduced. As someone who fell victim to this rule and became completely isolated as a result, I can tell you, it is stupid and needs to be changed (if it hasn't already).

In answer to the question though - no I don't think this is widely known and I don't think it is at all clear. And the guidance you refer to is impossible to find.

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?

No. Is there any support 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?

How can you possibly do this while keeping the complaint and the complainant's identity confidential? I don't think you have any understanding on how terrifying it is to fear that any report you make will destroy your career.

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 have no idea. I would never risk reporting it.

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?

I don't know what the sanctions are.

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?

Yes. It needs to be talked about. Openly and a lot. Not in terms of people reporting it. In general terms. Every specialist bar association should have to have a talk on what it is and what impact it has at every conference they run. In my experience, the more it is talked about in general terms, the less it happens in real life. My personal experience was that as soon as the Metoo movement became huge and everyone started talking about it, the sexual harassment I was experiencing stopped. It needs to be constantly rammed down the throats of predators.

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

It has to be completely confidential. The victim has to be able to choose if any action is taken at all even after they have reported it. They should have the option to receive advice and support only without the fear of repercussions.

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

I don't know

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

Not really because the Bar has a very unique dynamic of self-employed individuals working in groups without a proper HR structure. No other industry or profession seems similar.

Other details

No

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes