

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)
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If you would like to submit your answers completely anonymously and confidentially, please use [Talk to Spot](#).

Name [REDACTED]

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?

[I think bullying in particular has become a normal way of working](#)

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

Yes. I am a black female, heterosexual, junior family practitioner, London based, so my experiences here may not mirror the bar as a whole. I also have not experienced sexual harassment and so views in here are purely related to bullying (which I use interchangeably with aggression) and harassment. In my experience most of the bullying comes from senior barristers, and very often senior female barristers, from any ethnic/social/racial background, and that's including other black barristers! seniority being the key. I think

that's 'generational'. They learnt it the hard way and simply passing it on. In my experience male barristers in family law (care proceedings in particular) tend to be a lot calmer and easy to work with, compared to female barristers. (not the judges necessarily) That said, i have experienced bullying up north and in the 'rural' type of circuits where there are fewer black practitioners. The basis for the bullying was undoubtedly based on race, compounded by my age.

I have reason to believe that in commercial areas of law and the corporate world, most of the aggression comes from men. Another dynamic here may be the type of work involved.

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

Definitely not. A lot of people think they are being 'assertive' or 'doing their job' and have no idea or care about the relevant standards of behaviour.

- 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

Without a shadow of doubt they should be included in the Code of conduct, i am surprised they are not. In fact there should be training from bar school, throughout pupillage and this topic must be a core part of induction. There should be regular mandatory CPD on this issue, and exalted to the same degree as annual mandatory GDPR.

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?

This behaviour ruins confidence, mental health/wellbeing and ultimately can ruin career (some very able barristers have left the bar and some have left the profession altogether). For my part I am inclined to return briefs if I should become aware that a certain barrister is involved in the case. I also think the other side is that bullying can become embedded in our culture. I remember one occasion I was defending a care case, usually I am prosecuting and on the receiving end... I found myself being 'bullyish' towards the local authority counsel, and felt very bad afterwards. I quickly realised that I had learned this behaviour which is 'acceptable'. Indeed, it's become 'acceptable' and in fact passed on from one generation to the next. I have been told 'you need to develop a thick skin' ... 'things were worse back in the day, you have seen nothing'

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

The wider impact is that there is a high turnover at the bar. Wellbeing is very low. Long term physical and mental health problems can emanate from experiencing these behaviours. Family breakdown and high divorce rates amongst those barristers affected. If not tackled bullying and aggression behaviours will be passed on from one generation of barristers to the next, and the cycle will go on!

3. Reporting mechanisms, resources, and sanctions

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

Fear of repercussion, not being believed, belittled... Talk to spot is great. Without it i wouldn't report anything.

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

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- 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?

I don't think so

- 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?

I don't think there is enough support. for my part i have no hope things will ever change. Sorry for being so gloomy, but his is a colossal task which cannot be embarked on lightly.

- 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?

I think that must depend on the seriousness and whether there is need to protect others – the latter applying more to sexual harassment.

- 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?

I don't have confidence in the internal system, not because of any experience but simply my perception that the threshold for such complaints is probably very high and there is a 'you need a thick skin' mentality. Don't know about BSB or other external bodies. I would imagine that those of ethnic minority backgrounds will face over regulation.

- 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?

Don't know.

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?

1. Posters at each entrance, robbing rooms, toilets and court rooms.
2. An announcement at the beginning of each hearing (i am serious) to remind Judge and counsel.
3. Mandatory training including communication training and this to be annual
4. Exemplary fines/naming and shaming to deter this behaviour. We need to change the culture to make these behaviours completely unacceptable and shameful.
5. Positively: promoting wellbeing in more positive ways – discount offers for massage, effective mentoring, encouraging reflective practice which enables a barrister/judge to be accountable and talks about their day/week - actually stop and say ‘ I need to say sorry for the way I spoke to him/her’.
6. I am mindful that some individuals come from neurodiverse backgrounds and so may unwittingly exhibit inappropriate behaviours. Support for such individuals very early on.
7. Some barristers come from backgrounds where they may have experienced trauma exposing them to inappropriate behaviours: encouraging and offering therapy and counselling, anonymously

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

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

This will take a life time. bullying and aggression is so embedded in the legal profession that to think of a legal profession without aggression is almost conceivable; aggression and being a lawyer are almost anonymous, this is what makes the profession. Courtesy, mildness and gentleness are not virtues. The legal 500 directory is full of entries who gloat on their ‘forthright’ ‘fearless’, which is a short-hand for bullyish and aggressive. i can only think of cleansing of the current generation. I do think that stress plays a big part of this.

To answer the question, i think this topic should be a core and key feature of any training and induction. The training needs to be conducted in such a way that its not just a tick box exercise. The detriments and damage caused by bullying and aggression needs to be made so clear that everyone entering the profession tries so hard to avoid this (the same way rules of ethics are treated very seriously at bar school)

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

I thought about changing career, and soon realised that there is no career or part of life that is immune from the issues we are discussing here, is the legal profession the worst? possibly. This is a human thing. It is a heart thing. So i have to remain at the bar because I love my job, and there are no alternatives; but I also have to find ways of protecting myself.

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

I wish you all the best in trying to tackle this issue.

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](#).