

# 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](mailto: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](mailto: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)
- ☐ Kept confidential (the submission will only be seen by the review team and not published)

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?

Whilst chambers have moved some way in terms of wellbeing initiatives and a group dynamic, we ultimately remain self-employed persons working in a silo, subject to the working practices of leaders and solicitors with little recourse to protect ourselves other than in extreme cases. There remains a perception that life at the Bar is supposed to be for tough cookies, a minimisation of the importance of individual wellbeing and a total vacuum of management or wellbeing training amongst those in positions of power. A friend recently told me about an incident in her workplace where someone considered that a senior colleague had been overly critical about her work and how much group learning had been taken from that experience about how to give constructive criticism in a way that protects the junior person's esteem. I told her about the time when I was about 3 years call when a silk 25 years my senior sent me back a 50 page draft appeal I had produced overnight for him in a

really complex case under great stress with nothing but the words “I would expect better from a mini pupil”. Of course I just swallowed my tears and stayed up another 24 hours trying again. Or the time a senior silk shouted at me in public “I thought you wanted to do serious work” when I said I couldn’t drop everything to travel abroad with him immediately for an arbitration. Can you imagine that happening in any other workplace, with absolutely no support in place and no recourse to hold these people to account or to teach them better people management skills, other than refusing to work with them in future and thereby holding your own career back?

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

The power silks hold over juniors, and that solicitors and judges hold over all of us. The constant threat that you’re only as good as your last piece of work. The endless need to impress the next leader/client/Judge who doesn’t know you.

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

They just don’t address the lower level everyday stuff I’ve described above. In relation to my only serious experience (of sexual assault at a work event by a solicitor, now 9 or so years ago) they totally failed – I was not aware of them so reported it to those who were also not aware of them, who did not follow the right procedures at all.

- 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](#)

Yes

## **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?

The incident I describe above really affected my confidence for a while, as it occurred after I had given a talk. I was feeling respected as a professional which made it all the more shattering when someone groped me. It sat with me for a long time. These more serious incidents sit on top of the everyday sexism and micro aggressions we live with (e.g. being mistaken for my leader’s secretary by clients, being told to ‘cheer up’ by an opponent when trying to concentrate in court, being invited to an event at a men-only club and when questioning it being told ‘that everyone who is anyone at the Bar is a member’. Over time it wears you down.

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

Not sure.

### 3. Reporting mechanisms, resources, and sanctions

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

The power dynamics. The dependence on silks for work as a junior. The worry about being perceived as a snowflake.

- 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?

This duty is difficult when you yourself are reported to with an attendant duty of confidentiality to a victim (e.g. as a member of a chambers equality and diversity committee).

- 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?

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- 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?

In relation to the sexual assault incident I describe above, I reported it to my head of chambers. I was told that there was nothing that could be done unless I wanted to go to the police (I did not), even though the head told me that the man in question had done it before at a similar event. The advice was just to stay away from him at events. Eventually after a different senior colleague found out what had been said and intervened, the man was at least blacklisted from our own events, but only after checking that he was not too big of a deal to do that without giving him a reason why. I felt that no one really cared and were only willing to take action if it did not disadvantage work coming into chambers.

- 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?

I think chambers should do more to foster a focus on our existence as a group and to protect each other's wellbeing. In particular, I think it should be easier for silks to be given robust feedback about their management style.

- 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](mailto: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](#).