

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 (optional)

[REDACTED]

Organisation (if you are responding on behalf of an organisation)

N/A

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?

Because, for some reason, the job attracts a lot of narcissists and sociopaths. Behaviours go unchecked because no-one is really in charge. The culture is one of entitled people who weren't told off enough growing up. Bullying persists because there is no consequence to it. People are protected by cliques, old boy attitudes and long-standing associations with the right people and people don't feel supported coming forward. Behaviours are simply waved away on the basis of "ah well, that's just how s/he is" etc.

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

I have accidentally already answered this above. My teachers always used to say “read ahead” and I have still yet to learn this lesson!

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

No. But, really, should they be? I know not to bully people or harass women. I don't need a sign on the wall telling me about it.

- 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](#)

No because they are too hard to define. Some bullying is subjective.

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?

Feeling worthless, fearful, not wanting to come to work, feeling physically ill, feeling let down by people who watch it happen and do nothing. And, in some cases, feeling suicidal. But, if you've got the right breeding and RP accent, you get a free pass and no-one does a thing about it. And, let's face it, they never will.

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

Possibly – sometimes the bullying is passed on. Hurt people hurt people. But also, it has an impact on the quality of representation. When I am in front of the bullying Judges in my local Court, my advocacy suffers and that is bound to impact on the client.

3. Reporting mechanisms, resources, and sanctions

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

I am XXXXX and male so I don't get harassed, sexually or otherwise. I do get a bit of bullying from the older nasty posh boys though. Mostly childish behaviour, talking behind my back, regular scoffing and – on occasion – jibes suggesting that I'm undeserving of my place in Chambers and at the Bar. The barrier for me is that no-one would believe that someone of my XXXXX and outgoing nature could possibly feel bullied.

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

None. Because if all they do is mitigate, that's not enough of a remedy. There should be no repercussions. But there are. Because nasty people are protected by their positions and long-standing relationships with people who can make my life difficult.

- 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 know about these. I wouldn't know how to report someone and I wouldn't dare do so anyway. It would backfire when the BSB inevitably wave it away and I would be out on a limb, unsupported.

- 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 have genuinely no idea. I wouldn't even know where to look to find this answer.

- 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?

Tricky. That could bankrupt someone and they might not be guilty of it.

- 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 have no idea having never been involved in one.

- 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?

I don't know what they are. I suspect they are very minor though. The BSB has that reputation.

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?

Bullying is hard to define. You know it when you feel it.

Harassment and sexual harassment are easily defined though. And anyone with half a brain surely knows when they are doing it. The only preventative steps are for people in leadership to make it known that it will not be tolerated. But that assumes they are innocent of such things themselves. A leading Silk in my Chambers, for example, is one of the worst, nastiest, bullies I have ever met.

Bullying in the Courtroom is another matter. A judicial appointment appears to be seen by some as a bullying licence. But absolutely nothing is ever done about it. The worst Judge for it XXXXX was recently encouraged by the Resident Judge to apologise to one of his many (usually female) victims in writing. XXXXX it was nice to see something like that XXXXX There needs to be a better, anonymous "bullying box" in every court centre. People should be able to state dates and times when they experienced judicial bullying and DARTS be listened to by someone independent. Judges who engage in that sort of behaviour ruin it for the proper judges and should simply be removed from their positions. I have never

understood why so many unchecked sociopaths are allowed free reign in protected positions like this while we have to stand there, crying on the inside, having to take it, say we're sorry for whatever it is we're being shouted at for.

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

I've done it again haven't I? I didn't read ahead. See above!

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

The only way to achieve this is for leadership by example. If I were ever in charge, or a Judge, neither of which I expect I will ever be, I would make sure everyone was mindful of how they were coming across to others, how important it is to value people, encourage them and to not make them feel worthless. There are some brilliant candidates for this locally. I wish I could name them here because they deserve it. Sadly, they are let down by their colleagues of equal rank.

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

I don't think so. In fact, I think most public service jobs have the same bullying issues.

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

This is a very good and welcome idea. It will change nothing if the sanctions remain as weak as they are though. I do honestly wonder sometimes what you have to do to get disbarred.

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](#).