

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)
- ☐ 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)

██████████

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

██

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?

The professional is hierarchical and much unprofessional behaviour goes unseen or at least undetected.

Judge's though more public in their role, nevertheless have tremendous license and opportunity to in short, behave badly.

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

Leader junior relationships are open to abuse

Barrister / clerk relationships were also vulnerable, but have greatly improved.

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

Yes

- 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](#)

They are implicit in the core duties

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?

It is demeaning and demoralising and may well weaken retention rates at the bar.

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

There is a clear impact on our clients, whose interests may be affected by judicial bullying for example. In turn the justice system as a whole is degraded.

3. Reporting mechanisms, resources, and sanctions

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

The bar is a small profession. Loyalties and peer pressure can make it difficult for even the most experienced of practitioners to disclose a complaint. There may be perceptions that a complaint would deter colleagues who may be friends of a perpetrator from providing references in support of career development.

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

The culture needs to change.

It's fine to say there should be no repercussions, but the really serious repercussions are around opportunity cost: X will think less of me if I tell him what Y did.

- 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?

If it is widely known, it is not widely complied with

- 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?

The obligation should begin with the chambers to provide this support. Mediating this responsibility through the Bar Council or the BSB will not tackle systemic deficiencies as action through a chambers.

- 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 would leave that to the discretion of their chambers

- 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?

Hard to generalise, but the tools are there for them to use.

- 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?

Anti-bullying awareness and training course should be a mandatory requirement

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

Creating awareness of the data across the profession

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

Greater interaction with the bar, to recognise courts as share working spaces requiring mutual respect among colleagues

- 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?

Just to emphasise that bullying behaviour may be exhibited across all levels of the profession and by those most highly regarded within it. There is a degree of esteem and value attributed to many senior practitioners which can insulate them from proper scrutiny and accountability.

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](#).