



Confidential Report

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Submissions on bullying 26.09.24

Report ID: LJMWB-LUGST

Timezone: Europe/London

Timeline

Sep 26, 2024 8:18 PM	Reporter created a report
Sep 26, 2024 8:18 PM	Incident added: "Submissions on bullying 26.09.24"
Sep 26, 2024 8:18 PM	Reporter submitted the report

Incident #1: Submissions on bullying 26.09.24

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

No response provided

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

Judges are authority figures who have a lot of power, they will be friends with senior members of circuit and other judges where junior members are not. It is easy for them to use their position to intimidate and bully, particularly when junior members will feel inexperienced and isolated in comparison

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

They are not well known and no training is provided on them during pupillage or otherwise

**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 **

part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=&q="target="_blank">BSB Code of Conduct?

They should appear as part of the code, it would be of benefit if they were part of the core duties to highlight them. In theory, the core duties should already encapsulate this behaviour

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

I have experienced judicial bullying and it left me feeling like an empty shell, I felt as if I was not good enough to do the job and it destroyed my confidence in the court room. It took me 6 months to get it back. I now dread being in front of the same judge and I will be incredibly anxious appearing before him again and I won't be able to think about anything else until the hearing is over.

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

Yes, when I experienced judicial bullying the judge had an agenda in the case and was trying to push me into a corner and agree with him. Had I not taken advice from more senior counsel I likely would have caved in from the aggression and threatening behaviour from the judge.

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

The process takes a significant emotional toll on those reporting. Those reporting will have to appear in front of that judge again at some point. People talk and it is likely others in the robing room will find out. If your report is not upheld it would be humiliating and whether it is upheld or not it will likely make the relationship with the judge or other barrister worse who you will see again and have to work with in the future.

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

Do not make the complainant work with that person again until the complaint is resolved.

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, rC66 of the BSB Code of Conduct). Is this

duty to report known, understood and implemented in practice?

No

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 dont know

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?

They should still be allowed to work but there should be measures put in place akin to bail conditions i.e. not to contact X whilst it is being adjudicated.

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 only have experience of my chambers which was independent, robust and fair

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 dont know

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?

Provide training on bullying, posters in the robing room giving examples of bullying and who to contact would be helpful

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

I dont know

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

All should receive the same training on bullying, harassment etc and be under the same obligation to report it

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

I dont know

Other details

No

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes