

The Rt Hon Baroness Harriet Harman KC
Chair of The Independent Review of Bullying
and Harassment at the Bar

The Right Honourable the Baroness Carr of Walton-on-the-Hill
Lady Chief Justice
HMCTS
The Royal Courts of Justice
Strand
London
WC2A 2LL

25th September 2024

Dear Sue,

On 22 July, I met with Lady Justice Whipple. I am very grateful to her for agreeing to provide us with a written submission on behalf of the judiciary.

I would like to follow up on an important issue raised by your letter.

Your letter states that it is “self-evidently not for the Bar Council/Review to investigate, let alone make findings, recommendations or give guidance on judicial behaviour.”

At the outset I would emphasise that I am acutely conscious of the importance of the constitutional principle of judicial independence, and I am sure that the Bar Council were equally conscious of this in setting up the Review. I am also, if I may say so, conscious of your own position as Head of the Judiciary which comprises many hundreds of judges at various levels up and down the country.

As you know:

- This Review has been commissioned by the Bar Council and is framed by the Terms of Reference dated 31 May 2024 which were drafted by the Bar Council;
- As Chair of the Review, I am required to conduct the Review by reference to those Terms of Reference;
- *Inter alia*, it is stated in the Terms of Reference that:
 - The context for the Bar Council’s decision to commence the Review includes evidence that it has gathered of “*Patronising, belittling, overbearing and demeaning behaviour, including by judges*”;
 - “*The purpose of the Review is to examine the whole ecosystem at the Bar: [including, inter alia] interactions to and from [sic] the judiciary*”;
 - “*The Review is not to comment on individual cases but to propose reforms or changes to the whole ecosystem to improve the position going forward*” (original emphasis);
 - “*The Report will identify: The reasons for the unacceptable levels of bullying, harassment and sexual harassment at the Bar [...]; Possible solutions [...]; Preventative steps [...]; and Steps to bring about cultural change [...]*”; and
 - My report will initially be sent to the Bar Council and Review Reference Group which will then review whether it “*discharges the Terms of Reference and stated purpose of the Review*”.

The Rt Hon Baroness Harriet Harman KC
Chair of The Independent Review of Bullying
and Harassment at the Bar

- It is incumbent upon me to make appropriate findings based on the submissions I receive, including where such findings relate to the judiciary.

The Terms of Reference for the Review require me to undertake a comparative perspective and to examine how bullying, harassment and sexual harassment has been dealt with by other comparable sectors.

It is therefore inevitable that the Review will consider and report on such evidence as it has received or may yet receive relating to judicial behaviour as it affects advocates in court or in chambers.

I would greatly welcome submissions from the judiciary to assist me with this important aspect of the Review. Clearly the submission from Lady Justice Whipple will be of the greatest assistance. I am however also keen to hear from a wide range of individuals and organisations who are interested in, or affected by, bullying, harassment and sexual harassment at the Bar. I aim to conduct this Review in a way which is as open, inclusive, and holistic as possible. There may be individual members of the judiciary who have practised, or continue to practise, at the Bar who have either experienced or witnessed such behaviours and who may have valuable contributions to make to this Review. I hope that any such individuals will feel able to share their experiences and observations with us freely. I would, therefore, be grateful if you could allow, and perhaps even encourage individual judges to engage with us by responding to our Call for Submissions. I do not anticipate that the Review will be concerned with judicial behaviour towards other judges.

I attach a copy of a letter I am sending to the CEO of the JCIO.

In my previous email, I suggested that we meet to discuss the Review. On 25 June you replied declining a meeting and referring me to Lady Justice Whipple. Perhaps it would be helpful if we could meet at the start of next year when I will have received all the submissions.

I hope that we can collaborate so that bullying, harassment and sexual harassment at the Bar becomes a thing of the past.

Best wishes,

Harriet