

Independent Review into Bullying, Harassment, and Sexual Harassment at the Bar

Call for Submissions

The Independent Review

1. The Bar Council has appointed the Rt. Hon. Harriet Harman KC (the “Chair”) to chair an independent review into bullying, harassment, and sexual harassment at the Bar (the “Review”). The Chair is supported by Samantha Granger (Counsel to the Review),¹ and Clare Gosbee (Administrative Assistant). This is the Chair’s Call for Submissions, by which she invites evidence for the Review from key stakeholders. In particular, she invites responses to the questions set out in paragraph 8 below.
2. The Bar Council has established this Review in response to evidence which indicates that there is a persistent problem with bullying, harassment, and sexual harassment at the Bar which must be addressed. The Review will examine bullying, harassment and sexual harassment suffered and perpetrated by members of the Bar in the context of the interactions between barristers (inside and outside chambers) and all professionals, including aspiring barristers, with whom they come into contact.
3. The Review will seek to identify:
 - the **reasons** for the unacceptable levels of bullying, harassment and sexual harassment at the Bar;
 - the **barriers** to improvement;
 - the **impact** of bullying, harassment and sexual harassment at the Bar;
 - the **efficacy** of the current reporting mechanisms, support services, and the sanctions regime; and
 - potential **solutions** for tackling bullying, harassment and sexual harassment at the Bar, including effective preventative strategies.
4. The purpose of the Review is to propose reforms to the whole ecosystem to improve the position going forward. The Review will not be dealing with complaints – these will continue to be dealt with under the existing mechanisms (see paragraph 15 below for signposting).

¹ Note that Samantha Granger is exempt from the duty to report serious misconduct to the Bar Standards Board (rule rC66) in her capacity as Counsel to the Review.

Key terms

5. The Review adopts the following definitions of its key terms:
- **Bullying** is defined as “...offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.”²
 - **Harassment** is defined as “unwanted conduct which has the purpose or effect of violating the victim’s dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim.”³
 - **Sexual harassment** is defined as “unwanted conduct of a sexual nature which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It also includes situations in which an individual is treated less favourably because they have rejected sexual conduct or submitted to it.”⁴

Bar Council’s data on bullying, harassment, and discrimination at the Bar

6. Research data from the Bar Council’s biennial survey of the Bar,⁵ as well as reports to ‘Talk to Spot’⁶, and calls to the Bar Council’s helplines, indicate that there is a persistent problem with bullying, harassment and sexual harassment at the Bar. In its 2023 survey,⁷ 44% of respondents⁸ said that they had experienced or observed bullying, harassment or discrimination while working either in person or online in the last two years.⁹ This is an increase from 38% in 2021 and 31% in 2017. The data indicates that many of those who have experienced bullying or harassment are disproportionately female, junior members of the Bar, and/or from ethnic minority

² ACAS

³ See section 26 of the Equality Act 2010

⁴ See section 26 of the Equality Act 2010

⁵ [Barristers' Working Lives \(barcouncil.org.uk\)](https://www.barcouncil.org.uk)

⁶ An online tool used by the Bar Council for confidentially recording and reporting instances of bullying, harassment, and discrimination

⁷ [Barristers' Working Lives \(barcouncil.org.uk\)](https://www.barcouncil.org.uk)

⁸ 3,535 barristers responded (of the 16,900 barristers who received messages to participate in the survey) which is a response rate of 20.9%. The bullying, harassment and discrimination questions were optional within the survey and 7% of all respondents wished to skip this section, leaving 3,030 respondents willing to complete the bullying, harassment and discrimination questions (17.4% of the Bar). [Bullying, harassment and discrimination at the Bar](#), Data from Barristers’ Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p9

⁹ [Bullying, harassment and discrimination at the Bar](#), Data from Barristers’ Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p10

backgrounds; and that those complained about are generally in a senior position such as judges and senior barristers.¹⁰

7. The Bar Council has established that the scope of the Review is to consider bullying, harassment and sexual harassment at the Bar. The Review team acknowledges that discrimination can be an aggravating feature of this type of misconduct and will therefore consider discriminatory behaviours in the context of bullying, harassment and sexual harassment.

Call for submissions

8. The Chair now invites submissions from all interested parties. The Chair is especially keen to receive views from key stakeholders including the Bar Council, the Bar Standards Board, the judiciary, the Judicial Complaints Investigations Office, the Law Society, Heads of Chambers and Equality and Diversity Officers within Chambers, organisations employing barristers, the Inns of Court, the providers of the BPC course, the Institute of Barristers' Clerks, the Legal Practice Managers Association, the International Bar Association, the Circuits, specialist Bar associations, women's fora and other Bar networks, young barrister committees, and student and pupil networks.
9. All submissions to the Review will be published on the Review's [webpage](#) on the Bar Council's website at the conclusion of the Review. However, a submitting party may request that submissions:
 - a. Be published anonymously (meaning that the name of the submitting party will not be published); and/or
 - b. Be published with certain redactions applied; or
 - c. Be kept confidential (i.e. seen only by the Review team and not for publication).
10. The Review team acknowledges that some respondents will require the protection of their identity given the sensitive nature of the evidence and the potential fear of repercussions. The Review team, therefore, undertakes to fully protect the confidentiality of all submissions made in confidence and seeks to reassure respondents that such submissions will not be viewed by anyone outside of the Review team. If you would like to ask the Review to accept your submission

¹⁰ [Bullying, harassment and discrimination at the Bar](#), Data from Barristers' Working Lives 2023 and Talk to Spot reports received by the Bar Council 2019-2023, The Bar Council, December 2023, p10 - 11

anonymously (meaning it will be published but without your name), or confidentially (meaning it won't be published at all), please state clearly in your email to us which of these options you would like to request. Submissions can be sent to the Review team either by email [BHReview@barcouncil.org.uk] or, if you would prefer not to disclose your identity to the Review team, submissions can be made via 'Talk to Spot' here [<https://app.talktopot.com/flows>].

11. The Chair reserves the right to reject or redact any evidence as she sees fit; for example, if third parties are named who may not have consented to their personal details being included in the submission.

Questions

12. The Chair welcomes responses to the following questions:

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?
- b. Are there particular dynamics or working practices at the Bar which allow for bullying, harassment and sexual harassment to persist?
- c. Are the relevant standards of behaviour relating to bullying, harassment and sexual harassment known, clear, accessible, and sufficiently robust?
- 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?¹¹

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

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

- a. What are the barriers to reporting incidents of bullying, harassment and sexual harassment?
- b. What mechanisms could be put in place to mitigate any repercussions against a complainant who has reported bullying, harassment or sexual harassment?
- 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

¹¹ [BSB Code of Conduct](#)

for victims).¹² Is this duty to report known, understood and implemented in practice?

- 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?
 - 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?
 - 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?
 - 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?
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?
 - b. What improvements could be made to existing reporting mechanisms and support services?
 - c. In what ways could the judiciary, clerks, chambers professionals, and others work together with the Bar to bring about change?
 - d. Are there any other comparable professions which can offer examples of best practice in tackling bullying, harassment, and sexual harassment?
5. Is there anything else that you would like to share with the Review?

Timeline

13. Please send submissions through to the Review team at BHReview@barcouncil.org.uk by **5pm on 27 September 2024**.

14. The Chair will aim to publish her report by June 2025.

Signposting

15. If you need any support or advice concerning bullying, harassment or sexual harassment, the following avenues of support are available:

¹² rC66 of the BSB Code of Conduct

- Bar Council Equality and Diversity Confidential Helpline T: 0207 611 1426; equality@barcouncil.org.uk
- Talk to Spot – a secure online tool to support anyone working at and around the Bar to confidentially raise concerns about inappropriate and abusive behaviour
- Wellbeing at the Bar (resources for Barristers' wellbeing) <https://www.wellbeingatthebar.org.uk/ap/> and, in particular, the Assistance programme – 24/7 helpline 0800 169 2040 and counselling (if required); the bullying page of Wellbeing at the Bar.
- Lawcare (free and confidential helpline for lawyers, providing wellbeing and mental health support), T: 0800 2796888
- Bar Council Guidance for chambers re sexual harassment: <https://www.barcouncilethics.co.uk/subject/developing-equality-diversity-policies-forchambers/>
- Bar Council Guidance for individual barristers: <https://www.barcouncil.org.uk/supporting-the-bar/equalityand-diversity/bullying-and-harassment>
- BSB Guidance re reporting requirements: https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol_.pdf
- BSB serious misconduct reporting form: https://www.barstandardsboard.org.uk/media/1702477/140619_-_pg22_-_procedure_for_dealing_with_reports_of_serious_misconduct_-_annex_a_-_form_-_live_updated_october_2015_.pdf
- BSB Information Line T: 0207 6111 444
- Judicial Conduct Investigations Office <http://judicialconduct.judiciary.gov.uk/making-a-complaint/> (note: complaints should preferably be lodged within 3 months of the incident)