
Independent review of bullying, harassment and sexual harassment at the Bar

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Foreword by the Chair of the Independent Review

The imperative of high standards at the Bar

Those who are called to the Bar are called to more than legal competence. They are called to the highest of ethical standards: honesty, integrity and impartiality. Such ethical standards are owed not just to their clients, to each other and to the courts but to our system of justice. Respect for the rule of law depends on it. But when it comes to bullying, harassment and sexual harassment, the Bar does not always uphold those standards.

Those who engage in such behaviour, whether they be barristers, judges, or clerks make a misery of the lives of those who are subjected to it. Such misconduct stunts careers, drives people out of the profession and casts a stain on the reputation of the justice system. The Bar Council, to its credit, has recognised the gravity of the problem and is determined to tackle it.

The problem is the culture of impunity for those at the top who commit misconduct. Those who are subjected to it feel unable to complain. All the jeopardy is on them. Those in powerful positions whether at the Bar or in the judiciary who choose to engage in bullying, harassment or sexual harassment can be pretty confident that nothing will be done about it. And that is what must change. The jeopardy must change from the victim to the perpetrator.

The Bar's strengths are also its weaknesses

The paradox is that the very characteristics of the Bar that are its great strengths are also the reasons why bullying, harassment and sexual harassment are able to persist.

The Bar is rightly proud of its long history and traditions. But ancient institutions find it harder to change than those that are newly formed.

The Bar is highly competitive which ensures work of the highest quality. But it also means those seeking career progression in this competitive environment dare not complain for fear of losing out by becoming known as a troublemaker.

The senior Bar takes seriously its role in bringing people into the profession, nurturing young members of the Bar and bringing on the next generation of barristers, particularly those

from “non-traditional” backgrounds. Indeed, entry to the Bar depends on being taken on as a pupil by chambers or an employer and supervised by a senior member of the self-employed or employed Bar. Progress at the Bar often depends on a junior barrister being taken on by a senior barrister to assist in his or her cases. But those close and important one-to-one relationships allow for predatory abuse.

The Bar is a hierarchy. It needs to be to enable it to deal both with minor matters and with matters of the utmost seriousness including cases that can result in a life sentence or where millions of pounds are at stake. That means the Bar needs both very junior and very senior members and everything in-between. But this results in a great power imbalance which enables that power to be abused.

Our system of justice is adversarial. The evidence and the law needs to be robustly tested in cases. But that is used by those who seek to justify a macho, aggressive culture in chambers, robing rooms and courts, and is taken as licence by those who engage in bullying the counsel on the other side of a case.

The circuits (particularly outside London) are small, close-knit networks with barristers appearing regularly against each other and in front of the same judges. This small world can be highly mutually supportive, but it also makes it difficult to complain. A junior barrister will fear if they complain about a barrister who is more senior on their circuit that everyone will immediately know, they will be marked out as a troublemaker and their work will dry up. A barrister will fear complaining about a judge they know they will be appearing before regularly, worrying that it will only exacerbate the behaviour and jeopardise their clients' cases.

Across the Bar there is a commitment to ending the white, male, public-school dominance of the profession and, while change is undoubtedly under way, it is not yet complete. The pattern currently is that of a male-dominated senior Bar with many women undertaking pupillage and in the junior Bar. There are examples of senior men who have taken advantage of the arrival of young women and abused their position.

The Bar deals with evidence rather than rumour or supposition. And it is steeped in the doctrine of innocent until proven guilty. Both are essential principles of our law. But that can lead to barristers being reluctant to report concerns about a colleague at the Bar where they do not have first-hand evidence. Avoidance of the risk of passing on an unwarranted report of misconduct reinforces the bystander culture where suspicions are widespread, but no-one has reported. The aversion to risk of an unjustified report leads to an even greater risk of allowing misconduct to persist.

The Bar jealously guards its independence. Chambers are collectives of self-employed barristers. Chambers are not legal entities subject to regulation. Though most large chambers have HR support, this is not the case for smaller chambers which therefore have no in-house expertise and effectively no HR function to deal with matters in a way which supports culture change.

The judiciary commands enormous respect from the Bar. Judges are the pinnacle of our legal system and admired around the world. They are afforded deference. This gives impunity to those judges who bully or harass.

Judges have the responsibility to manage cases in their court and have a commitment to high standards at the Bar. But that enables some judges to cross the line from effective case management into bullying and harassment.

The judiciary is fiercely independent. And rightly so. It is an essential part of our constitution. It is necessary for the judiciary robustly to defend itself from unwarranted incursions on its independence. But judges should not be unwilling to hear and respond to justified criticisms merely because they originate from outside the judiciary. Working collaboratively with other parts of the legal system on the shared objective of tackling bullying, harassment and sexual harassment does not undermine their independence. Being open to hearing concerns and acting in collaboration to address them will enable the judiciary to play a leading part in change in the profession and in the judiciary itself. It is possible for the judiciary both to defend its independence and openly acknowledge and address problems. It is surprising that despite concerns being raised for many years, the

judiciary has yet to plainly and explicitly acknowledge that there are some judges who act in a way which undermines the reputation of all those in Judicial Office by bullying barristers in their courts. It is imperative that the judiciary now publicly acknowledge that there is a problem of judges bullying barristers and that they make it clear that they will be taking action to address it.

A culture of denial

While the prevailing view at the Bar is that bullying, harassment and sexual harassment is a problem which must be tackled, there are still those who seek to deny it. This is commonly expressed by acknowledging that while it used to be bad in the past, things have improved to the extent there is no longer a problem.

It is unedifying to hear those who, by virtue of their age and seniority, are in no danger of bullying, harassment or sexual harassment, dismissing the accounts of horrible experiences of those who are new to the profession. Those who do so are factually wrong. But, worse, they perpetuate a culture which enables awful behaviour that causes great suffering and injustice.

Some senior barristers are dismissive of the suggestion that there is any problem at their chambers if they have had no instances of the most egregious behaviour such as sexual assault or shouting at juniors. They fail to recognise that micro aggressions such as ignoring or being dismissive to someone, sarcastic remarks, not including someone in invites to events with clients, repeated requests by a KC to a junior to go for a drink alone with them may also meet the threshold of bullying, harassment or sexual harassment.

A culture of excuses

As well as the culture of denial, there's a culture of excuses which should have no place in today's Bar. Bullying, harassment or sexual harassment cannot be excused or justified with commonly proffered arguments such as "You have to be robust to be at the Bar. If you can't stand the heat, get out of the kitchen". Or "It's your duty to your client to attack the other side, if they've got a weak case or a weakling barrister". Or "It's not bullying, it's just robust case management". Or "Judges have to kick off to keep standards up".

Nor can there be any place for excuses such as “it was just a fleeting moment”. We know that bullying is often a course of conduct and sexual predators engage in a pattern of behaviour with multiple victims. Nor can having had too much to drink be an excuse for behaviour which harms others. There is no such thing as minor sexual harassment. For the victim it is a horrible and disconcerting experience. Excusing an act of sexual harassment as minor is no more acceptable than excusing “minor racism”.

Ignorance of the rules is no excuse. Barristers operate in a rule-based profession. But in any event, I am not persuaded by the argument that the man who grabs a junior colleague in the back of a taxi didn't realise it was wrong when he subjects her to what amounts to a sexual assault. He is making a calculation that she will not dare to protest. The same goes for the pupil supervisor who gropes his pupil. He knows she's in a powerless position and that is why he singles out someone in a position junior to his.

There must be no neutrality on this issue. Those who deny or excuse it are colluding in behaviour which ruins lives and undermines the justice system. Those who are unaware that leering or groping those in junior positions is not acceptable have no place in the profession.

An excuse often proffered is that judges' bullying by shouting and angry outbursts is caused by the pressure they are currently under. There can be no doubt that the current circumstances faced by the judiciary due to underfunding of the courts system is totally unacceptable and that needs to be addressed. But that can never be an excuse for bullying or harassing barristers, court staff or indeed anyone involved in a case. Judges are often called to sit in judgment on those who have lost control. They cannot do so if they are unable to control themselves. If they cannot regulate their own behaviour and act in a professional way they should not be in Judicial Office. They need to be able to set an example to members of the Bar and create the right atmosphere for all those in their court.

Complainant jeopardy: perpetrator impunity

The jeopardy of being a complainant is so great that the perpetrator of bullying,

harassment or sexual harassment has impunity. Whether it be a supervisor who's insisting on sex with his pupil or a judge subjecting a barrister to bullying, they are virtually guaranteed their victim will not make a formal complaint.

Everyone knows, but nothing is done and nothing will change

There is, at both the self-employed and employed Bar, an attitude of bitter resignation that the prolific offenders, whether engaging in bullying or harassment, are widely known but that nothing can or will be done; that the victim won't dare to complain; that it's not anyone else's responsibility to raise it, and even if they did, nothing would be done about it. Those who commit misconduct therefore continue to pose a risk to others in, or seeking to be in, the profession and, if they are exposed, tarnish the reputation of the entire profession.

WhatsApp groups abound, with pupils comparing notes on predatory barristers and with junior barristers complaining about particular bullying judges.

There is a wholesale lack of confidence in the complaints system, a recognition that complaining penalises the victim rather than the perpetrator, and a pervasive pessimism that, it being the Bar, nothing will change.

The ticking time bomb

This situation is not sustainable. Nor should it be. Those who've been subjected to humiliation or sexual harassment burn with resentment. There's exasperation with the absence of a complaints system of any efficacy. Despite the codes of conduct, guidance, and multiple processes, the misconduct continues. There is widespread understanding at the Bar that it can and must avoid its “me too” moment and prevent the profession being added to the list of the many institutions who, by failing to act, find their good work is overshadowed by the bad and their reputation indelibly tarnished. But they can only do so if they take radical and decisive action. So that is what I propose.

Decisive change required

The problem of bullying, harassment and sexual harassment at the Bar will not be dealt

with by way of a slow evolution of incremental change. The Bar, to its credit, has been seeking for years to eradicate this behaviour and has made numerous changes. But in acknowledgment that it hasn't worked, they have established this review. Decisive and radical change is needed to effect a reset of the culture. There needs to be clearly signalled insistence on standards, a preparedness to support those complaining and a determination to end the careers of those who commit misconduct. There needs to be an anxious vigilance at the senior levels of the Bar, both in respect of their own behaviour and in respect of their colleagues' behaviour.

Rules should be specific and consistent across the eco-system

Change cannot happen in isolation. The rules should be clear, strong and consistent across the Inns, the Bar, for clerks and the judiciary.

It must be understood by all in chambers that pupils and junior clerks are there to work, not for the sexual gratification of their seniors. There should be a new rule that it will be serious misconduct if a tenant in chambers has sex with a pupil in that chambers, with appropriately tough sanctions.

It should be made clear that it is serious misconduct to trawl for sex on LinkedIn. Women barristers and those seeking pupillage should be able to use it without being subjected to predatory trawling. LinkedIn is meant to be a professional network, not a dating app.

The bystander norm must end

Anyone who hears rumours or observes something that might constitute serious misconduct should report it. The default position must go from saying nothing because "it's not my place to get involved", "it might just be a rumour" or "I don't have firm evidence", to reporting anything that might constitute serious misconduct. The culture of collusive bystanding needs to be recognised, called out and ended.

Effective investigations and support for complainants

The complaints system needs a complete overhaul, with support for complainants and

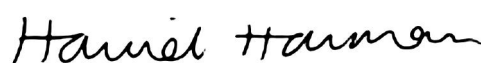
time-limits to end the problem of cases dragging on for years.

Strong sanctions

Strong sanctions are needed to send the message that things are going to change, that serious misconduct will not be met with a quiet word or a brief suspension but will be career-limiting or career-ending. All at the Bar know that if they engage in dishonesty they will not be able to continue in the profession. It is a requirement to be honest. The same must go for those who engage in bullying, harassment or sexual harassment. A major disincentive to complaining is that even if the misconduct is proved it may incur only a minor penalty. The concern is that the perpetrator will return to work as usual and the complainant's working life will be untenable. Deterrent sanctions are necessary both to deter the misconduct and incentivise the complainant. Though it will no doubt cause resentment and prompt cries of unwarranted severity and unfairness, it will only take a few cases of disbarment in serious cases for the message to get across. Those who would characterise this as unfair should focus instead on the decades of unfairness endured by the victims of impunity for bullying, harassment and sexual harassment. It must also be made clear to all that judicial bullying, harassment or sexual harassment will be dealt with by removal from the Bench.

Commissioner for Conduct to drive cultural and organisational change

To ensure that changes are implemented, that advice is available, and that standards are set high and upheld, I propose a new office of the Commissioner for Conduct who will be appointed by the Bar Council. Improving behaviour cannot rest only on the slight shoulders of the victims of misconduct.



Baroness Harriet Harman KC

Chair of the Independent Review of bullying, harassment and sexual harassment at the Bar

Executive Summary of Findings and Recommendations

1. This report sets out the principles and practical solutions that I believe are necessary to effect change. Following the publication of this report and the appointment of the new Commissioner, a considerable amount of collaborative effort will be required on the part of those responsible for implementing the recommendations. For many who have already suffered bullying and harassment at the Bar, these recommendations will come too late in the day, but I hope they will take comfort that every effort will be made to foster a new culture of zero-tolerance and accountability for misconduct.
2. My findings and recommendations are listed throughout this report. This Executive Summary sets out the full list of recommendations and identifies who is responsible for implementation.

The Code of Conduct and standards of behaviour

Recommendation 1: The standards of behaviour relating to bullying, harassment and sexual harassment must be clear and consistent across the profession

Responsibility for implementation – the BSB

3. The Code of Conduct contained in the BSB Handbook lacks clarity as to (i) the standards of behaviour required of barristers and (ii) when those standards apply. There must be clarity and consistency of standards so that everyone understands what is meant by the terms bullying, harassment and sexual harassment and knows that these behaviours are prohibited. In order to address this, I recommend the following:
 - a) The Core Duties should be redrafted to enhance clarity and accessibility. In particular, there should be an express prohibition of bullying, harassment and sexual harassment which applies at all times, including in private relationships where there is, or was, a professional nexus.
 - b) The Code of Conduct and the associated guidance must include a definition of bullying and examples of behaviours which fall within the scope of the definition. I recommend adopting the definition used by ACAS and used by this Review.
 - c) It is important that the same definitions of bullying, harassment and sexual harassment are adopted across the Core Duties and throughout the BSB Handbook and associated guidance. At present, the definition of harassment in the BSB Handbook and the BSB's guidance are not aligned. The BSB should adopt the wider definition of harassment within the Core Duties so that the Code of Conduct is in alignment with the guidance and is inclusive of all forms of harassment, irrespective of whether the harassment is related to a protected characteristic.
 - d) The Code of Conduct should prohibit victimisation to ensure that an individual does not suffer a detriment as a result of making a complaint or reporting bullying or harassment.¹

¹ I note that rC69 prohibits victimisation following a report of serious misconduct. If bullying is added to the list of potentially serious misconduct, then the existing prohibition would need to be expanded to cover victimisation following a report of bullying.

- e) The Code of Conduct should prohibit the abuse of trust placed in barristers by virtue of their power and influence. This should apply at all times, including in private relationships where there is, or was, a professional nexus. Where the abuse of power is particularly egregious, there ought to be no requirement for a professional nexus.
- f) The BSB's 'Guidance on Reporting Serious Misconduct of Others' must be updated to include bullying as an example of serious misconduct.

Recommendation 2: Anti-bullying and anti-harassment policies should be mandatory and consistent across the profession

Responsibility for implementation – the BSB, Inns, chambers, and for consideration by the judiciary

4. There is an inconsistency of approach across the profession with regard to anti-harassment and anti-bullying policies. I recognise that it is not possible to mandate training for employers, but I would encourage organisations employing barristers to adopt the same approach where possible. In order to address this, I recommend the following:
 - a) In addition to the requirement that chambers have anti-harassment policies, the BSB should also require chambers to have anti-bullying policies, pursuant to the practice management obligations set out in the Code of Conduct. These policies should cover members, pupils and employees.
 - b) Anti-bullying and anti-harassment policies, and any associated guidance, should be consistent across the Inns, chambers and the judiciary so that all members of the Bar and judiciary, and all those employed within chambers, adopt clear and consistent high standards as they move between different areas of legal practice and judicial appointments.
 - c) Within chambers, there ought to be a consistent approach to dealing with bullying and harassment that applies to members and employees as far as possible. I endorse the recommendation of the Legal Practice Management Association (LPMA) and Institute of Barristers' Clerks (IBC) in their 2023 report on workplace culture that there should be a Chambers Conduct Agreement relating to everyone in chambers.
 - d) The proposed Commissioner for Conduct should take responsibility for ensuring that anti-bullying and anti-harassment policies and training are consistent across the profession, including by disseminating model policies and training programmes to the profession.
 - e) In the meantime, at a minimum, chambers and (where relevant) the Inns and circuits ought to ensure that their policies include:
 - i. Adoption of clear standards of behaviour including express prohibitions of bullying, harassment and victimisation;
 - ii. Positive duties on leaders, such as Heads of Chambers, members of management committees, and senior clerks and practice managers, those holding key positions in the Inns and circuits, to proactively challenge bullying and harassment when witnessed;
 - iii. Identification of preventative measures including measures to be taken at social events or networking events, to build upon the existing work being done in the context of the duty to prevent harassment;

- iv. Requirements for all members and employees to have undertaken mandatory training on bullying and harassment every three years;
- v. Clear informal and formal procedures for handling complaints in relation to bullying and harassment, which follow the principles set out by ACAS in its Code of Practice for dealing with internal grievances relating to bullying, harassment, or sexual harassment, made by members or employees, with no time limit for making a complaint;
- vi. Informal processes for dealing with inappropriate behaviours (as opposed to serious misconduct) should be carried out by a dedicated person within chambers or the Inn with expertise and training in handling complaints;
- vii. Formal processes should be supported by the proposed Commissioner to ensure fairness and independence of decision-making;
- viii. Provisions for sanctions following a finding of bullying, harassment, or sexual harassment, including suspension and expulsion from chambers, prohibitions on attendance at certain events, and prohibitions on appointments to positions of responsibility;
- ix. The appointment of a dedicated person within each chambers, Inn and circuit to deal with bullying and harassment cases within chambers and to act as the point of contact for the proposed Commissioner for Conduct;
- x. A commitment to cooperate with the proposed Commissioner for Conduct when appointed. Chambers should engage the support of the Commissioner for Conduct when carrying out investigations to ensure that they are implementing independent, fair, and prompt procedures. If necessary to avoid bias, the perception of bias, or undue delay, chambers should request the Commissioner to support and guide the investigation and make recommendations as to appropriate findings, remedies, and/or sanctions.

Recommendation 3: Training on bullying and harassment should be mandatory and consistent

Responsibility for implementation – universities, the Commissioner for Conduct, Inns, chambers

- 5. Policies and procedures alone are not enough. They must be known, understood and implemented effectively. This requires regular and consistent training to ensure that the standards of behaviour are embedded across the profession. Training on bullying and harassment for barristers is currently not mandated. Such training should be mandatory for:
 - a) Students, as part of ethics training on the Bar course, prior to being called to the Bar;
 - b) All practising barristers every three years as part of CPD obligations prior to renewal of practising certificates;
 - c) All employees of chambers and the Inns.
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Recommendation 4: The Bar Council's Commissioner for Conduct should develop and deliver standardised training across the whole profession

Responsibility for implementation – the Commissioner for Conduct

6. The Commissioner for Conduct should be responsible for developing and delivering standardised training across the profession, building on the existing work of the Bar Council. The training should cover relationships across the whole eco-system of the Bar, including dynamics between barristers and judges, pupils, and chambers' employees. The training should include:
 - a) The standards of expected behaviour for barristers, chambers' employees and judges and what constitutes bullying, harassment, sexual harassment, and victimisation;
 - b) How to be an active bystander;
 - c) Reporting pathways (chambers; Inns; circuits; Talk to Spot; BSB; Commissioner for Conduct; Judicial Conduct Investigations Office (JCIO);
 - d) An overview of the formal complaints procedure following a report to the BSB and JCIO;
 - e) The duty to report serious misconduct and exemptions to the duty;
 - f) Preventive and safeguarding measures;
 - g) Signposting to avenues for advice and support.
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Handling complaints of bullying, harassment or sexual harassment

Recommendation 5: There should be a comprehensive guide to the existing complaints mechanisms

Responsibility for implementation – the Commissioner for Conduct

7. The Commissioner for Conduct should produce and disseminate a guide to the existing complaints mechanisms. This should be disseminated to all practising barristers, Bar students, pupils and chambers' employees.
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Recommendation 6: Clarity is needed as to how records will be used

Responsibility for implementation – the Bar Council

8. There are many who know about, and value, Talk to Spot as a platform for anonymous recording of incidents. However, there are also many who were unaware of its existence. Of those who know of Talk to Spot, many feel that it has "no teeth". More needs to be done to disseminate accurate information about what happens to a record entered on Talk to Spot. I recommend:
 - a) The Bar Council should set out clearly on its website and in all relevant material (i) who is eligible to use Talk to Spot (i.e. not just barristers);

(ii) how to make a record of an incident on Talk to Spot; (iii) what action can and cannot be taken in response to a Talk to Spot record being shared with the Bar Council and (iv) who is responsible for taking any follow-up action once a record is submitted to the Bar Council.

b) The Bar Council should ensure that there is a clear explanation on the Talk to Spot platform to reassure users (i) how their information is stored; (ii) who can access their information; (iii) who receives a record if it is shared with the Bar Council; and (iv) in what circumstances disclosures may be made, by whom, and to whom.

Recommendation 7: Chambers must ensure good practice and engage the support of the Commissioner for Conduct when dealing with bullying, harassment or sexual harassment cases

Responsibility for implementation – chambers

9. Chambers' practice in handling complaints ranges from good to poor. Some junior members have had to leave chambers due to mishandling of complaints. Some Heads of Chambers told me that they felt ill-equipped to deal with complaints concerning bullying, harassment or sexual harassment, either because of the conflicts of interest within chambers or because of a lack of training for those responsible for handling these procedures. I was told that a number of clerks and practice managers were unable to speak to me as a result of non-disclosure agreements used by chambers to settle grievances. I recommend:
- a) All cases of bullying, harassment or sexual harassment should be considered 'serious misconduct' and either reported to the BSB or to the

Commissioner for Conduct. Chambers should adopt the guidance set out by ACAS in its Code of Practice on disciplinary and grievance procedures when handling complaints of bullying, harassment or sexual harassment, made by members or employees. Chambers should engage the support of the proposed Commissioner for Conduct to ensure that they are implementing independent, fair and prompt procedures.

- b) Chambers must not use non-disclosure agreements as a means of covering up bullying, harassment or sexual harassment. The use of non-disclosure agreements to deal with bullying, harassment or sexual harassment should be prohibited in chambers' constitutions and it should be misconduct to sign such an agreement on behalf of chambers.

Recommendation 8: There must be a consistency of approach across the Inns in relation to bullying, harassment or sexual harassment

Responsibility for implementation – Inns

10. All the Inns should have a consistent approach to dealing with complaints

concerning bullying, harassment and sexual harassment. There should be no time limits on making complaints of this nature.

The duty to report serious misconduct

Recommendation 9: Victims and their confidants should be exempt from the duty to report serious misconduct

Responsibility for implementation – BSB

11. There is currently an obligation on all barristers to report serious misconduct to the BSB. Adherence to this duty appears to be extremely low due to a fear of repercussions and a lack of faith in the system. It also appears to be having a chilling effect in some cases where complainants feel unable to confide in others for fear of triggering the duty. The existing waiver scheme does not provide for victims of misconduct to

confide in a trusted person or persons of their choosing without triggering the duty to report. The Code of Conduct should provide for explicit exemptions from the duty to report serious misconduct for (i) victims and (ii) anyone to whom the information is disclosed for the purpose of giving advice or support to the victim. This will allow victims of serious misconduct to confide in persons of their choosing without fear of enforcement action being taken against them or their confidants.

Recommendation 10: Overcoming reporting barriers

Responsibility for implementation – all barristers, the BSB, the Commissioner for Conduct

12. There is much work to be done to overcome the significant barriers to reporting faced by those in the profession. I consider that the answer to this is multi-faceted, requiring: leadership within the profession to embed a 'speak-up' culture and the delivery of active bystander training; increased access to support and advice for potential complainants; reducing the stress involved in the complaints process by ensuring fair, prompt and independent investigations and outcomes; effective implementation of the mandatory reporting duty, especially by seniors in the profession, to take the onus off victims and demonstrate zero-tolerance by the profession's leaders and strong sanctions for failure to report. In order to assist with overcoming the barriers to reporting bullying, harassment and sexual harassment, I recommend the following:

a) All cases of bullying, harassment and sexual harassment should be considered 'serious' for the purpose of the reporting duty. This avoids the

difficulty of individuals determining for themselves whether a case of bullying, harassment or sexual harassment crosses the threshold of seriousness and whether, as a consequence, the duty to report is triggered.

- b) Amendments must be made to the reporting obligation in the Handbook to allow barristers, in cases concerning bullying, harassment or sexual harassment, to fulfil their duty to report by reporting either to the BSB or to the Commissioner for Conduct.
- c) If the Commissioner receives a report that warrants enforcement action, the Commissioner must refer the report to the BSB. In all other cases, the Commissioner can decide the appropriate course of action. If the BSB receives a report that doesn't warrant regulatory intervention, the BSB should refer the case to the Commissioner to consider whether any follow-up action is appropriate. The BSB and the Commissioner must work together to develop a protocol for referrals.

Protection and safeguarding² of students, mini-pupils, and pupils

Recommendation 11: There is a need to prevent misconduct towards aspiring barristers, juniors and employees

Responsibility for implementation – universities, GDL/BTC providers, chambers, Inns, circuits, BSB

13. Aspiring barristers, new entrants, juniors and employees are vulnerable to abuse by those in positions of power. I therefore recommend the following:
 - a) All students and pupils must be given information by their education and training providers (universities, GDL/BTC providers and the Inns) at the outset of their courses/pupillages about (i) the proper procedures for securing work experience and (ii) what constitutes bullying, harassment and sexual harassment and (iii) what to do should misconduct occur.
 - b) Prevention policies must be in place in all chambers and Inns, and circuits to protect students, mini-pupils, pupils, and those undertaking any form of work experience.
 - c) It must be proscribed as serious misconduct in BSB regulations and chambers' constitutions for a member of chambers or chambers' employee to have sexual relations with someone who is a mini-pupil, pupil, or anyone undertaking any form of work experience, in connection with that chambers.
 - d) It must be proscribed as serious misconduct in the Inns' Codes of Conduct for members who occupy a position of leadership, such as mentors or advocacy trainers, to have sexual relations with pupils and students at their Inn or with those attending courses run by their Inn.
 - e) It must be proscribed as serious misconduct for members of circuit who are in a position of leadership, or are responsible for pupils' education, to have sexual relationships with pupils.
 - f) Mini-pupillages should only take place following a formal process of appointment within chambers and not informally via individual members, in accordance with the Bar Council's guidance on fair recruitment. Mini-pupils, or anyone undertaking any form of work experience, should be given copies of chambers' protection and safeguarding policies and signposted to a trained individual within chambers who is responsible for their pastoral care. Any informal work experience placements must be notified to chambers and monitored by a relevant committee within chambers.
 - g) There are pupils who find themselves the victim of bullying, harassment and sexual harassment. Where chambers is unable to resolve the situation, their pupillage becomes untenable as a result. The Bar Council, chambers and the Inns should consider the feasibility of establishing a 'lifeboat scheme' to allow for pupils to be 'rescued' in situations where the continuation of pupillage in that chambers would otherwise be untenable due to bullying or harassment. The Inns might have a contribution to make to facilitating such a scheme and establishing protocols with willing sets of chambers.

² I use the term 'safeguarding' to mean the protection of people's wellbeing and their right to be free from harm, including bullying and harassment.

Clarifying the scope of 'professional' misconduct

Recommendation 12: The scope of professional misconduct must be clarified

Responsibility for implementation – BSB

14. The Code of Conduct and associated guidance on the regulation of non-professional conduct should be redrafted to clarify that: (i) where conduct occurs in the context of a relationship that derived from a professional context (an applicant for a mini-pupillage and a member of the

Bar), this should be treated as 'professional' even where the professional nexus is not extant; and (ii) serious sexual misconduct must always trigger regulatory action, irrespective of the context, due to its severity and the inevitable impact on the public's trust and confidence in the profession.

Overcoming barriers to reporting incidents of bullying, harassment and sexual harassment

Recommendation 13: The duty to report serious misconduct should be triggered upon reasonable suspicion and the sanction for failure to report should be strong

Responsibility for implementation – BSB and BTAS

15. There needs to be a greater sense of obligation on third-parties to take action in response to "hearsay" and "open secrets". I therefore recommend the following:
 - a) The current threshold of 'reasonable belief' sets the threshold too high. The obligation to report serious misconduct either to the BSB or to the Commissioner for Conduct should be triggered where there is a reasonable suspicion of serious misconduct.
 - b) The BSB must proactively seek to enforce the duty to report serious misconduct against those in positions

of leadership and BTAS must impose commensurate sanctions for failure to report.

- c) The sanction for failure to report serious misconduct for those in positions of seniority should be a suspension. The greater the knowledge and the greater the level of seniority, the greater the period of suspension.
- d) The Commissioner for Conduct should disseminate information across the profession to ensure that all barristers understand when their professional obligation to report serious misconduct is triggered and how it can be fulfilled (i.e. by making a report to the BSB or the Commissioner).

Recommendation 14: Protocols and data-sharing agreements are needed to ensure disclosure of protection and safeguarding concerns between relevant bodies in the profession

Responsibility for implementation – chambers, Inns, Bar Council, Bar Associations, circuits, universities and other training providers

16. Where reports have been made by a complainant or a third party and the nature of the disclosure raises protection or safeguarding concerns, organisations must have policies in place for making disclosures to other relevant bodies, including putting data-sharing agreements in place. For example, this should take place where a reported incident raises serious concerns regarding an abuse of power within chambers, such as sexual harassment of a pupil by a supervisor. The organisation with the

protection or safeguarding concern should notify the relevant Inns, chambers, Bar Council Committees and Bar Associations, subject to the complainant's consent. This is to ensure appropriate protection or safeguarding mechanisms are put in place across all relevant bodies, pending the determination of the complaint. For example, the Judicial Appointments Commission (JAC) carries out a range of character checks, but has no role in the reporting or surfacing of bullying and harassment matters. The sharing of safeguarding or protection concerns with the BSB would enable the JAC to consider them during their candidate background checks.

BSB's processes for handling complaints of bullying, harassment and sexual harassment

Recommendation 15: The BSB must implement strict time limits for processing cases concerning bullying, harassment and sexual harassment

Responsibility for implementation – BSB

17. The BSB must replace its 'targets' for dealing with a complaint with strict time limits, subject to extension only in exceptional circumstances, to ensure that the assessment and investigation of complaints, and disciplinary

enforcement proceedings, are completed in a timely manner. Whilst the quality of investigation and decision-making must not be sacrificed for the sake of speed, delays serve no-one. Promptness is an essential component of procedural fairness.

Recommendation 16: The BSB must put in place support services for complainants and respondents involved in BSB cases concerning bullying, harassment and sexual harassment

Responsibility for implementation – BSB

18. Complainants and respondents involved in BSB proceedings must be given adequate support. This need is particularly acute in cases concerning sexual misconduct, where a trauma-informed approach is required. Complainants and respondents should be offered access

to an independent support service from the point at which a complaint is made to the conclusion of the case. A witness liaison officer should be appointed within the BSB as a point of contact for all complainants and respondents to ensure that the individuals involved in proceedings are informed and guided throughout the process.

Recommendation 17: Specialist trained teams are needed in the BSB to handle sexual misconduct cases

Responsibility for implementation – BSB

19. The BSB must regularly train its case workers and investigators with expertise in

handling cases concerning sexual misconduct, to ensure a trauma-informed approach to handling sensitive cases.

Recommendation 18: Vulnerable witness training should be mandatory for persons involved in BSB cases concerning bullying, harassment or sexual harassment

Responsibility for implementation – BSB and BTAS

20. In cases concerning bullying, harassment or sexual harassment, all persons involved in liaising with witnesses throughout the

investigation and disciplinary proceedings, including BSB staff, counsel, solicitors and BTAS Tribunal members, must have undergone vulnerable witness training to ensure that a trauma-informed approach is adopted.

Recommendation 19: Regular progress updates must be given to complainants and respondents involved in BSB cases concerning bullying, harassment or sexual harassment

Responsibility for implementation – BSB

21. Complainants and respondents must be kept informed, at least monthly, of the

progress of their case and, where time limits are not complied with, reasons must be given promptly for non-compliance.

Recommendation 20: Confidentiality agreements should be signed by all parties involved in BSB investigations

Responsibility for implementation – BSB

22. Striking the right balance between confidentiality and transparency in disciplinary proceedings is challenging. Whilst investigations are ongoing, it is essential that the integrity of investigations is preserved and that the identities of the parties is protected. It is essential that all parties and witnesses understand and agree what information must be held in confidence, by whom, and for how long. So that it is clear to everyone involved what can and can't be disclosed, I suggest that all parties involved in a case should sign a statement at the beginning of a complaint setting out what can and can't be disclosed and to whom so that all parties agree to the

same terms throughout the investigation. Whilst it is important that complainants and respondents are able to confide in trusted persons and receive support throughout the process, confidentiality statements ensure that sensitive information is not disclosed in a way which might jeopardise the investigation. All parties must be informed as to: (i) who will see details of the complaint; (ii) with whom they can discuss a complaint made by them or against them; (iii) the duration of the confidentiality terms; (iv) who else is bound by confidentiality; (v) how to respond to suspected breaches of confidentiality and press interest; and (vi) the consequences of declining to sign a confidentiality statement.

Handling bullying, harassment and sexual harassment in tribunal proceedings

Recommendation 21: Anonymity orders must be dealt with promptly by the Tribunal

Responsibility for implementation – BSB and BTAS

23. Any application by a respondent for an anonymity order should be made within 14 days following a decision to charge and must be dealt with swiftly at an

interlocutory hearing. It must only be granted in exceptional circumstances. Unless an anonymity order is made, the name of a respondent must be made public by the BSB at the time the charge is made.

Recommendation 22: Decisions made by the Tribunal should be published promptly

Responsibility for implementation – BSB and BTAS

24. Given the importance of transparency, written findings of the Bar Tribunals and Adjudication Service should be published within four weeks following the handing down of a decision by the Tribunal, unless there are good reasons for delay. Written

reports must include findings in relation to all charges, setting out reasons as to why charges were proved or not proved. Regulation 243.1b must be amended to reflect this. All hearings which are available to watch live via Zoom should be recorded and be made, and remain, available online.

Recommendation 23: Changes are needed to the Tribunal's powers to award costs and compensation

Responsibility for implementation – BSB and BTAS

25. Changes are needed to BTAS's powers to award costs and compensation:
- a) Following Tribunal proceedings, where charges are found proven, the respondent should pay the BSB's costs. The BSB should pay the costs of the respondent where charges are dismissed summarily as not properly arguable. Consideration of a respondent's means to pay should not form part of the decision as to whether a costs order is imposed –

- this should be relevant only to the enforcement of that order. The BSB should seek approval from the Legal Services Board to make an amendment to regulation 105 in Part V of the Handbook (the enforcement regulations) to reflect this.
- b) Following a finding of serious misconduct, BTAS should have the power to order compensation to be paid to the complainant by the respondent for any harm such as mental suffering, loss of earnings, or damage to reputation, as well as costs incurred for legal advice.

Online abuse

Recommendation 24: Regulatory enforcement action must be taken against online bullying and harassment

Responsibility for implementation – BSB

26. If a barrister who is bullying or harassing another person online can be identified as a member of the profession (by virtue of his/her name, title, or the content of the comments), then the conduct ought to engage the remit of the regulator. Where

online abuse is aggravated by any form of discrimination, such as misogyny or racism, the threshold for regulatory action should always be triggered on the basis that it is highly likely that such conduct will undermine trust and confidence in the profession.

Sanctions

Recommendation 25: Sanctions for bullying, harassment and sexual harassment must operate as a deterrent

Responsibility for implementation – BTAS, the Lady Chief Justice (LCJ) and the Lord Chancellor

27. Sanctions must be an instrument of deterrence, used to send a clear message of zero-tolerance and of the fundamental importance of the high standards required in the profession and the judiciary. BTAS

(with respect to barristers) and the LCJ and the Lord Chancellor (with respect to the judiciary) should be mindful to ensure sanctions mark the gravity of, and the damage caused by, bullying, harassment and sexual harassment. Sanctions should be publicised and disseminated to the profession as a deterrent and as a way of engendering confidence in the system.

Recommendation 26: Findings of bullying, harassment or sexual harassment must be taken into account by relevant bodies when appointing barristers to certain leadership positions

Responsibility for implementation – BTAS, and for consideration by the Judicial Appointments Commission

28. I welcome the increase in BTAS minimum sanctions available for bullying, harassment and sexual misconduct. When determining whether to appoint a barrister to the position of a KC, Head of Chambers, pupil supervisor, mentor, judge or any other leadership position, the relevant appointments bodies must take into account any findings of bullying, harassment or sexual harassment which have been made by the BSB, the

Commissioner for Conduct, the JCIO, chambers, an employer, or the Inns. The relevant bodies must make inquiries to ensure that they are informed of any adverse findings against a candidate, or any investigations that are ongoing. Where an appointments body appoints a barrister to a leadership position despite a finding of bullying or harassment, reasons must be given for doing so. In my view, it would be very unlikely that they would proceed with an appointment of a barrister who had bullied or harassed another person.

Recommendation 27: Retribution against complainants should be an aggravating factor when determining a sanction for bullying, harassment or sexual harassment

Responsibility for implementation – BTAS, chambers, Inns, employers, and for consideration by the Lady Chief Justice and Lord Chancellor

29. If a respondent in disciplinary proceedings, or any other individual, subjects a complainant to retribution

as a result of their issuing a complaint, this should (a) be taken as misconduct and (b) be taken into account as an aggravating factor when determining sanction. The same goes for retribution against someone who reports misconduct against another.

Recommendation 28: The BSB's policy on handling complaints concerning serious criminal offences should be reviewed

Responsibility for implementation – BSB

30. I am concerned that the BSB's policy to place complaints 'on hold' whilst there is a police investigation into serious criminal offences may risk harm to individuals and the wider profession. I recommend:
- a) The policy to place complaints 'on hold' whilst there is a police investigation should be reviewed. Exceptions should be made, particularly for serious sexual offences which, if

found proven, pose a severe risk of harm to individuals and the trust and confidence placed in the profession.

- b) Where allegations concern serious sexual offences, the BSB ought to take immediate action to consider what interim measures might be necessary for the purpose of protection or safeguarding, such as interim suspension, prohibitions on occupying certain roles, or restrictions on attendance at certain places.
-

Recommendation 29: Chambers must set out in their constitutions appropriate provisions for sanctions

Responsibility for implementation – chambers

31. Chambers must set out in their constitutions appropriate provisions for sanctions. I recommend:
- a) Chambers' constitutions, and relevant employee policies, should set out clearly the range of sanctions available for findings of serious misconduct.
 - b) Constitutions, and relevant employee policies, must require members and employees to comply with policies, procedures and decisions as to sanctions.
 - c) Sanctions provisions must include a power to expel or suspend a member or dismiss an employee where the seriousness of the conduct warrants such action. The power to expel or suspend ought to be exercised by a trusted committee within chambers, which includes members and senior employees.
 - d) Chambers ought to request the support and guidance of the Commissioner when determining their powers of sanction to ensure independent oversight of decision-making.
 - e) Chambers must (a) require any applicant for tenancy to disclose whether they are, or have been, subject to any disciplinary investigations or findings whether by any of their previous chambers, Inn or BSB/JCIO, or other regulators and (b) make provision for expulsion, and reporting to BSB (for dishonesty) in the event of a false declaration.

Barristers' experience of judicial bullying

Recommendation 30: The judiciary should consider participating in Talk to Spot

Responsibility for implementation – Bar Council and Talk to Spot, and for consideration by the judiciary

32. In order to understand the nature and scale of the problem of judicial bullying of barristers, and to be in a position to respond accordingly, the judiciary should be invited to participate in the Talk to Spot platform:
- a) I recommend that the Talk to Spot platform is modified to allow users to refer their reports to a nominated team within the Judicial Office, as well as (or instead of) the Bar Council. This would allow complainants control over where to send their anonymous report. It would also allow the judiciary to understand the nature and scale of the problem, to identify patterns of behaviour and the identity of repeat 'offenders', and to employ the necessary interventions to address the behaviour.
 - b) In response to information received via Talk to Spot, the judiciary should report on and formally acknowledge any problems that it identifies and set out a strategy for tackling such problems, to reassure the Bar and others that the problem of judicial bullying of barristers has been recognised and that action will be taken.

Recommendation 31: There needs to be greater accountability for conduct in the courtroom

Responsibility for implementation – the Commissioner for Conduct, and for consideration by the judiciary

33. The independence of the judiciary is rightly fiercely guarded, but this has contributed to there being little to no accountability for judicial conduct in the courtroom. Where judicial bullying takes place, the onus is on the victim to challenge the behaviour, to speak up, and to risk the repercussions. Barristers would benefit from access to an independent court monitor to attend hearings for the purpose of observing behaviour in court and advising the potential complainant on (a) whether the

behaviour may constitute bullying or harassment and (b) what avenues are available for making complaints. The Commissioner for Conduct would be well-placed to coordinate this. In response to concerns raised, the Commissioner for Conduct, or his/her representative, should attend court proceedings to report any relevant findings to the relevant bodies. The Commissioner for Conduct must be given any recordings of proceedings on request. This would be similar to the system in Scotland where, at the request of an advocate, the Dean of Faculty can sit in court to observe and has a right to be heard in the court.³

Recommendation 32: The time limit for complaints to the JCIO should be abolished and the application of the rule on particularisation of complaints should be reviewed

For consideration by the JCIO and the Lord Chancellor

34. It is in the interests of the judiciary for complaints to be raised and handled fairly and robustly, so that misconduct is addressed. I recommend the following:

- a) The JCIO should encourage complaints, not rule them out based on an arbitrary three-month time-limit. It is surprising that the judiciary confirmed the reasonableness of this time limit after reviewing it as part of the consultation on judicial discipline in 2023. This time limit should be abolished. Whilst complainants should be encouraged to complain as

promptly as possible, there is no benefit in restricting complaints arbitrarily. Indeed, the only effect it has is to protect those engaging in misconduct. In each case the question should be one of fairness and practicality, and whether a fair investigation of a complaint is possible in all the circumstances having regard to the passage of time.

- b) The practical application of Rule 8(c) ought to be reviewed in order to address the concern that it is operating as a barrier to the consideration of legitimate complaints.
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³ I do not propose the Commissioner should have rights of audience, as in Scotland, merely a function to monitor proceedings and to report any concerns to the relevant bodies.

Recommendation 33: Accountability in court should be improved by making audio recordings of proceedings and making these available to professional court users

For consideration by the Lord Chancellor and HMCTS

35. Swift progress should be made towards ensuring that audio recordings of proceedings are made in all hearings that take place in open court. Transparency and accountability improve behaviour and provide reassurance about standards. Audio recordings should be available to all barristers involved in a case on request to HMCTS. This will allow them to

(i) review the proceedings and determine whether or not to make a complaint arising from conduct in the hearing; and
(ii) provide sufficient particulars when making a formal complaint to the JCIO. I acknowledge that there are implications for resources that will need to be considered and that this could not apply in the same way to private hearings, in chambers or those concerning children or national security.⁴

Recommendation 34: Dialogue between the Bench and the Bar should be increased

Responsibility for implementation – Circuit Leaders, and for consideration by the Circuit Presiders and the Judicial Office

36. I consider that creating an opportunity for purposeful dialogue between the Bar and the Bench about judicial bullying of barristers is essential. Regular meetings between the Circuit Presiding Judges and barristers on each circuit should be facilitated, as an opportunity to discuss judicial behaviour, identify problems and

explore solutions in an informal manner. This would allow barristers to build trust and rapport with their Circuit Presider enabling them to address these issues. It would demonstrate a genuine desire by those in leadership in the judiciary to listen and understand the experiences of barristers within their circuit. This would also enable concerns to be raised by the Circuit Presiders with more senior members of the judiciary, with a view to appropriate action being taken.

Recommendation 35: Sanctions decisions following a finding of judicial misconduct should be taken by the Lady Chief Justice, the Lord Chancellor, and an independent person

For consideration by the Lord Chancellor and Lady Chief Justice

37. At present, the appropriate sanction after a finding of judicial misconduct is decided by the Lady Chief Justice and the Lord Chancellor. There is a widespread

perception that the lack of independence in sanction decision-making contributes to unduly lenient sanctions and this too acts as a deterrent to the making of a formal complaint. I propose that an independent person should be added to the sanction decision-making panel.

⁴ This is a recommendation about audio recordings, not transcripts.

The proposal for a Commissioner for Conduct for the Bar

Recommendation 36: The Bar Council should appoint a Commissioner for Conduct to tackle bullying, harassment and sexual harassment at the Bar

Responsibility for implementation – Bar Council

38. I recommend that the Bar Council appoints a Commissioner for Conduct to tackle bullying, harassment and sexual harassment at the Bar. This would require an amendment to the constitution of the General Council of the Bar to allow for the creation of the Commissioner who would be operationally independent but occupy the same level of seniority as the Chair, the Vice Chair and the Treasurer. The role of the Commissioner would be to:
- a) Promote the agreed standards of behaviour relating to bullying, harassment and sexual harassment, and develop and disseminate standardised good practice guidance and training across all chambers and Inns;
 - b) Give advice on the various complaints pathways available to individuals who have witnessed or experienced bullying, harassment or sexual harassment, and signpost individuals to appropriate support organisations;
 - c) Provide advice and support to chambers and the Inns with regard to putting in place appropriate policies and procedures for handling allegations of bullying, harassment or sexual harassment and ensuring that best practice is followed;
 - d) Establish clear feedback mechanisms for those who have gone through the complaints process to provide their input on how the process can be improved;
 - e) Ensure that regular audits of and updates to cybersecurity measures are conducted, to maintain trust that complainant and respondent personal data is protected;
 - f) Upon request from chambers or the Inns, support investigations into allegations of bullying, harassment or sexual harassment, and make recommendations as to appropriate outcomes, advising on reporting obligations, and, where appropriate, referring matters to the BSB or JCIO for action;
 - g) Receive reports concerning allegations of bullying, harassment and sexual harassment and making enquiries in response to intelligence gathered via Talk to Spot reports and any other information given to the Commissioner which contains credible allegations of potential bullying, harassment or sexual harassment by barristers;
 - h) Upon request from barristers, attend court proceedings to identify any concerns and to report concerns either to the BSB or the JCIO, and collaborate with the relevant team in the Judicial Office to seek further action where required;
 - i) Upon request from barristers, access recordings of court and Tribunal proceedings (where available) to assess reports of judicial bullying and assist barristers in making informal or formal complaints where appropriate, subject to an agreed protocol with the Judicial Office;

- j) Ensure that policies, training programmes and procedures are subject to regular review and updating, so that they remain effective and relevant in addressing emerging issues and adapting to changes within the profession;
- k) Take initiatives to raise public awareness about the standards of behaviour expected at the Bar and the mechanisms in place to address misconduct;
- l) Jointly with representatives of other key stakeholder bodies, facilitate a task force on tackling bullying and harassment, working collaboratively alongside the Inns, the judiciary, the LPMA and the IBC;
- m) Oversee and champion the implementation of this Review's conclusions and recommendations.

Chapter 1: Background and Conduct of the Review

Bullying, harassment and sexual harassment: a serious problem for the Bar

39. Over recent years published research and surveys undertaken by numerous bodies including the Bar Council, the Bar Standards Board (BSB), and the International Bar Association (IBA) demonstrates that there is a persistent problem of bullying, harassment and sexual harassment at the Bar. The evidence arising from this is mirrored by the Judicial Attitude Survey and research carried out by the Institute of Barristers' Clerks and the Legal Practice Management Association, indicating that problems with bullying and harassment extend across the whole eco-system.⁵
40. In 2016, the BSB published their report on 'Women at the Bar', in which 40% of female barristers reported experiencing harassment during their career; female barristers from racially minoritised groups were more likely to experience it than others.⁶
41. In 2017, the Bar Council's Barristers' Working Lives survey gathered data and insights into the working lives and experiences of barristers at the self-employed and employed Bars. Over a quarter of the Bar responded to the survey. The survey found:
 - a) There was a significant increase in the number of those reporting personal experience of harassment or bullying compared with earlier surveys. 33% of female barristers, 34% of barristers from racially minoritised groups, and 37% of barristers with a disability reported that they had personally experienced bullying, discrimination or harassment in the previous two years;
 - b) The most common form of harassment or bullying was based on gender, and the next most common form was based on ethnicity;
 - c) There was a significant increase in the number of people reporting that they had observed harassment or bullying;
 - d) Nearly twice as many employed barristers reported bullying and harassment compared to members of the self-employed Bar;
 - e) Of those who reported a personal experience of harassment or bullying, more than twice as many were in criminal practice compared with commercial/chancery practice. Of those who observed harassment and bullying, the split between practice areas was similar.⁷
42. In 2019, the International Bar Association published its report 'Us Too? Bullying and Harassment in the Legal Profession', following the largest-ever survey on bullying and sexual harassment in the legal profession. The IBA report stated that 62% of female respondents and 41% of male respondents from the UK reported that they had been bullied. Further, 38% of female and 6% of male respondents from the UK reported being sexually harassed. Of those who said that they had been bullied or harassed, 74% said that they had not reported it.⁸
43. In 2021, the Barristers' Working Lives survey found that reports of bullying and harassment continued to increase. Nearly one in three respondents reported personal experiences. From this survey, it appeared that self-employed barristers in chambers were just as likely to report personal experiences as employed barristers. Female barristers were three times as likely as male barristers to have experienced bullying or harassment. More than half of female barristers in criminal practice had experienced bullying or harassment. Barristers from ethnic minority backgrounds were twice as likely to have had such experiences. Female barristers from ethnic minority

⁵ I use the term 'eco-system' to refer to all those working in and around the Bar.

⁶ [Women at the Bar, BSB, 2016](#)

⁷ [Barristers' Working Lives Survey Report, 2017](#)

⁸ [IBA, 'Us Too? Bullying and Harassment in the Legal Profession', 2019](#)

backgrounds were four times more likely to experience bullying and harassment as white male barristers. In criminal practice, those most likely to be responsible for the bullying was a member of the judiciary. In family law, barristers and judges were equally as likely to be responsible for the bullying. In other practice areas, barristers were most likely to be responsible for the bullying. Barristers rarely reported such matters to the Bar Standards Board or to the Bar Council. Reporting to another barrister or to their Chambers, or their employer, was much more common, and led to more satisfactory outcomes than reporting to the BSB or the Bar Council.⁹

44. In 2022, the Chancery Bar Association, the Commercial Bar Association and the Technology Bar Association commissioned a report into Black inclusion. In response to their survey, carried out by the Black Inclusion Group, 47 individuals (more than 10% of those responding) reported direct experience of race or ethnicity-based bullying or harassment.¹⁰ The sources of such direct bullying/harassment and bias reported showed colleagues in chambers and the judiciary to be the most significant sources but not the only ones.¹¹
45. In 2023, in response to the Bar Council's Barristers' Working Lives survey,¹² 44% of respondents¹³ said that they had experienced or observed bullying, harassment or discrimination while working either in person or online in the last two years.¹⁴ This was an increase from 31% in 2017 and 38% in 2021. The data indicates that those who have

experienced bullying or harassment are disproportionately female, junior members of the Bar, and/or from ethnic minority backgrounds; and that those complained about are generally in a senior position such as judges and senior barristers.¹⁵ In the same year, the Bar Council reported on life at the employed Bar. They found that reported experiences of bullying and harassment had increased since 2017 and 31% of employed barristers had experienced bullying or harassment personally.¹⁶

46. In 2023, the Bar Council produced a report on bullying, harassment and discrimination at the Bar, which included a summary of data from "Talk to Spot" reports received from 2019 to 2023. This summary stated that key themes emerging from "Talk to Spot" included sexual harassment and serious abuse, and patronising, belittling, overbearing and demeaning behaviour, especially by judges. The report expressed the hope that by working together, the Bar could change the culture so that everyone practising at the Bar could thrive and enjoy a fulfilling career. One of the recommendations of this report was that the Bar Council should commission a review, which would make recommendations for prevention and mitigation strategies and improvements to existing reporting and other processes.¹⁷
47. In December 2023, the Legal Practice Management Association (LPMA) and the Institute of Barristers' Clerks (IBC), commissioned Conduct Change to carry out a workplace survey.¹⁸ The survey

⁹ [Barristers' Working Lives Survey Report, 2021](#)

¹⁰ [The Specialist Commercial Bar and Black Inclusion - First Steps](#), para 174

¹¹ [The Specialist Commercial Bar and Black Inclusion - First Steps](#), para 177

¹² [Barristers' Working Lives \(barcouncil.org.uk\), 2023](#)

¹³ 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

¹⁴ [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

¹⁵ [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

¹⁶ [Life at the Employed Bar, February 2023](#)

¹⁷ [Bullying, harassment and discrimination at the Bar, Data from Barristers' Working Live 2023 and Talk to Spot reports received by the Bar Council 2019-2023](#)

¹⁸ There were a total of 605 respondents which included 72% of the members of LPMA and/or IBC, with males and females equally likely to respond. 1 in 10 respondents were from all other ethnic groups combined other than white. 62% were from clerking and practice management roles, which is representative of this being the predominant employee group across the sector.

found that, in the last two years, 27% of respondents had experienced bullying in person or online. Those responsible were barristers (49%), other employees (46%) and clients (5%). 12% had experienced harassment in person or online (one third of experiences at social events). 12% had experienced discrimination in person or online (over half related to discrimination on the grounds of sex).¹⁹

48. In 2024, the Judicial Attitude Survey was carried out by Professor Cheryl Thomas. This was a longitudinal survey of all serving judges in the UK, run by the UCL Judicial Institute on behalf of the judiciaries of England and Wales, Scotland and Northern Ireland. The survey found: 14% of all salaried judges, 7% of fee-paid, and 13% of coroners said they experienced bullying in the last two years. This was primarily by undermining judges' work, overbearing leadership, demeaning or ridiculing language. Those responsible were primarily leadership judges or another judge at their court or a local authority official for coroners. Over two-thirds who said they had experienced bullying, harassment and discrimination did not report it. This was primarily because they felt that reporting it would not make a difference and would have an adverse effect on their future in the judiciary.²⁰
49. It is clear that bullying and harassment is a problem at the Bar and the Bench, within chambers and within courtrooms, behind robing room doors and in open court. Those who are most likely to experience it are disproportionately women, those from ethnic minorities, and people with a disability. This presents a major problem

for a profession striving for equal access and inclusion.

50. There have been many excellent initiatives over the years seeking to tackle this problem, yet the problem persists. I hope that the Bar Council and its Committees, the Bar Standards Board, the Inns of Court, the Circuit Leaders, the Judicial Office, the LMPA and the IBC will join forces in recognising that this problem can most effectively be addressed in collaboration.

The scope and purpose of this Review

Establishing a Reference Group and Terms of Reference

51. In 2024, the Bar Council set up a Reference Group to develop the Terms of Reference for the Review. The purpose of the Reference Group was to provide advice to the Review. I have benefitted greatly from the commitment of the Reference Group.²¹ In addition to quarterly meetings, they have provided me with their expertise and learned guidance throughout this Review. I offer my sincerest thanks to each of them for their invaluable contribution to this Review and to our shared goal of eradicating bullying, harassment and sexual harassment from the profession.²²

The Terms of Reference

52. The Terms of Reference for the Review required me to examine the bullying, harassment and sexual harassment²³ suffered and perpetrated by members of

¹⁹ IBC and LMPA Workplace Survey Report, December 2023

²⁰ Judicial Attitude Survey 2024, published 24 February 2025, p6

²¹ <https://www.barcouncil.org.uk/support-for-barristers/bullying-and-harassment/review/meet-the-team.html>

²² The members of the Reference Group were: Elaine Banton, Co-Chair of the Bar Council Equality Diversity & Social Mobility Committee; Lucy Burrows, Institute of Barristers' Clerks; Dame Laura Cox DBE, Former High Court Judge and Member of the Independent Inquiry into the Bullying and Harassment of House of Commons Staff; Rachel Crasnow KC, Co-Chair of the Bar Council Equality Diversity & Social Mobility Committee; Esther Gamble, member of the Bar Council Retention Panel; Sara George, Chair of the Employed Barristers' Committee; Michael Harwood, former Chair of the Young Bar (2023); Stephen Hockman KC, former Chair of the Bar (2006) and former Treasurer of Middle Temple (2015); Robin James, Clerk of Standards and Privileges, House of Commons; Michael Maguire, Lay Member Judicial Conduct Investigations Office – Disciplinary Panel; Dee Masters, Chair of the Bar Council Retention Panel; Eleena Misra KC, Chair of the Bar Council Law Reform Committee; Jason Pitter KC, leader of the North Eastern Circuit; Jemma Tagg, Legal Practice Managers Association.

²³ The Review adopts the following definitions of its key terms as set out in the Bar Council's terms of reference: **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 (ACAS); **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 (See section 26 of the Equality Act 2010). **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 (See section 26 of the Equality Act 2010).

the Bar in the context of the interactions between barristers (inside and outside chambers) and between barristers and all other professionals with whom they come into contact. This includes students, mini-pupils, pupils, clerks and chambers' staff, professional clients, judges, and members and staff at the Inns of Court.²⁴

53. In accordance with the Terms of Reference, the Review sought to identify:
- a) the reasons for the unacceptable levels of bullying, harassment and sexual harassment at the Bar;
 - b) the barriers to improvement;
 - c) the impact of bullying, harassment and sexual harassment at the Bar;
 - d) the efficacy of the current reporting mechanisms, support services, and the sanctions regime; and
 - e) potential solutions for tackling bullying, harassment and sexual harassment at the Bar, including effective preventative strategies.
 - f) The Terms of Reference recognise that the Bar does not operate in isolation. The relationships between barristers and their clients, the judiciary, clerks and other chambers' employees, staff at the Inns, and court staff are an important part of the working practices at the Bar. I have adopted a holistic view in recognition of these important dynamics.²⁵

Visits to the circuits

54. I went to each of the six circuits as part of the review. I'm grateful to Caroline Rees KC, Jason Pitter KC, Jo Martin KC, Jaime Hamilton KC, Leon Kazakos KC and Harpreet Sandhu KC for hosting and facilitating my visits. During these meetings, I listened to their views and experience of the issues within my remit. I was also able to hear from students, pupils, junior and senior members of the

Bar, employed barristers, chambers' practice managers, chambers' CEOs, Heads of Chambers, chambers' employees and judges. The conclusions drawn from these meetings are mine rather than theirs.

Meetings with stakeholders

55. My team and I held meetings with many key stakeholders. A list is included in Annex 3. I am grateful to each organisation that took the time to meet with me, or to provide me with written submissions. The BSB were extremely collaborative throughout the course of the Review, facilitating numerous meetings, providing me with relevant documentation, and organising a focus group for in-depth discussions. The LSB and the Bar Tribunal and Adjudication Services (BTAS) also took time to meet with my team and provide extremely helpful information for the Review. Each of the Inns kindly facilitated meetings with the Treasurers and Sub/Under-Treasurers, and the heads of education and diversity and inclusion, and provided me with detailed written submissions. The Judicial Conduct Investigations Office (JCIO) provided me with useful information by way of written correspondence. I am also grateful to the LPMA and IBC for inviting me to their meetings and sharing their views with me. Various committees and specialist Bar associations also took the time to meet with me and provided me with extremely useful information which has shaped the findings and recommendations in this report.
56. I am grateful to every individual who took the time to engage with this Review. I am acutely aware that, for some, the process of revisiting their experience was immensely difficult. I thank those individuals for their courage and admire them for talking to me in order to improve things at the Bar. I hope that they find some comfort in the strength of my findings and recommendations.

²⁴ The full Terms of Reference are available on the Bar Council website: <https://www.barcouncil.org.uk/support-for-barristers/bullying-and-harassment/review.html>

²⁵ The full Terms of Reference can be found in [Appendix 1](#)

Comparative analysis

57. My team and I spoke with colleagues in Parliament, the NHS, and the solicitors' profession in order to learn lessons from others comparable sectors. I wrote to various Bar Councils and Law Societies in Canada, Australia, New Zealand, Hong Kong, Scotland and Northern Ireland to learn how other comparable jurisdictions are tackling similar problems. I am very grateful for their engagement and the time they took to share their experiences with me.

Call for written submissions

58. On 11 June 2024, I invited submissions from all interested parties. A copy of the Call for Submissions can be found in Annex 2. I received 185 written submissions to the Review. Written submissions have either been published in full, published with redactions,

published anonymously, or not published, in accordance with the wishes of each organisation or individual, and at my discretion.

59. At the outset I recognise that many barristers working across the Bar will have had positive experience of the profession throughout their working lives. The majority of respondents to the Bar Council Barristers' Working Lives survey say they have good relationships with colleagues and work in a supportive environment.²⁶ The majority of barristers (56%) have not experienced or observed bullying, harassment or discrimination.²⁷ Those barristers who have not experienced or observed bullying and harassment may not recognise the findings of this Review, but it is important they recognise that their positive experience of the Bar is not everyone's.

²⁶ 78% of barristers agree that within their work environment there is generally a sense of cooperation and collaboration; with just 21% expressing dissatisfaction with their job, Barristers' Working Lives 2023

²⁷ Barristers' Working Lives 2023

Chapter 2: The root causes of bullying, harassment and sexual harassment at the bar

60. In the Call for Submissions, pursuant to the Terms of Reference, I asked respondents to identify the root causes of bullying and harassment in the profession. I also asked whether there are particular dynamics or working practices at the Bar which allow for bullying, harassment and sexual harassment to persist. This chapter reflects their responses.

Hierarchies and power dynamics

61. There is near-universal consensus amongst respondents that the hierarchical nature of the profession and the resultant power dynamics enable the persistence of bullying and harassment. As noted by the Bar Council in their written submissions: "The profession is hierarchical with sometimes complex power structures in chambers, within the Inns, specialist Bar associations and circuits, on the Bench (and between Bench and Bar) and with professional clients (most often solicitors). Power dynamics are complex, and context specific. It is not always obvious where the power is being misused. For example, in some contexts a clerk may be more powerful than a barrister, in others, vice versa; equally, a solicitor may be more powerful than a junior barrister in some circumstances and be less powerful than a senior barrister in others."²⁸

62. Gray's Inn noted the attitudinal problem held by some at the top of the profession: "There remains an older cohort of barristers who consider the way they had to contend with life at the junior Bar should prevail and because of their seniority do not consider they should conform to modern norms – the existence of a cohort of 'untouchables'."²⁹ Similarly, Lincoln's Inn noted that "[s]ome senior

barristers and judges seem to believe that, because they faced bullying behaviours early in their careers, it's acceptable to perpetuate such behaviour or to dismiss complainants as being overly sensitive."³⁰

63. At the bottom of the hierarchy, entrants to the profession are vulnerable. Having faced fierce competition to obtain pupillage, many find themselves at the mercy of those, such as supervisors and clerks, who hold the keys to their tenancies. A pupil told me that in her first week of pupillage a clerk came into her room and told her she needed to sleep with him. She has also been groped by senior members of chambers at social events.³¹ One respondent recalled being told by a clerk during pupillage that pupils will be "run ragged", there would be "no slacking off" and if attendance notes were over 24 hours late then the pupils would be "dead".³² Juniors are often led in cases by their seniors. I was told that "leader junior relationships are open to abuse".³³ Another told me that "you can feel when working with a more senior barrister that they can ruin or limit your career if you don't do what they want you to or if you complain. They then feel freer to act with impunity".³⁴

64. In its written submissions to the Review, Behind the Gown, an organisation campaigning for equality at the Bar, noted that: "there are power differentials which manifest across gender, ethnicity and disability. It is unsurprising that white, male barristers were the least likely to have experienced bullying, harassment or discrimination in person or online (Working Lives Survey, 2021). When those with less power assume the rights of those with more power, they subvert the

²⁸ Bar Council written submission, BH0170, para 11

²⁹ Gray's Inn written submission, BH0099

³⁰ Gray's Inn written submission, BH0099

³¹ BH0028

³² BH0012

³³ BH0138

³⁴ BH0022

status quo which can lead to bullying and harassment. This is (at least part of the reason) why women who speak up on women's rights have been abused online; they disrupt the hierarchy."³⁵

65. The Institute of Barristers' Clerks told me that the power dynamics between barristers and clerks can make clerks vulnerable to bullying and harassment. One clerk told me about a senior barrister who threw a stapler at the door as she was leaving the room. Chambers dealt with this assault by a "quiet word". Another clerk told me about a barrister who sexually assaulted a very junior member of staff at her own leaving party. She wasn't willing to participate in a complaints process. Chambers banned the barrister from social events for 12 months. A senior female clerk told me that, as a junior, she clerked a silk who would regularly run his hand up her leg, ask if she was wearing stockings, and ask about her underwear. The Head of Chambers knew and did nothing. She knew that complaining would make her position untenable as he was a very well-regarded silk. Eventually she challenged him and asked him to stop. When this became known, she felt a great deal of hostility from the clerks' room until she left six months later.³⁶
66. One senior clerk told me that despite clerks having ostensible power, clerks are ultimately answerable to those in the hierarchy such as Heads of Chambers, who may hold outdated views about what constitutes inappropriate behaviour. This clerk raised concerns with the Head of Chambers after discovering a male senior junior in chambers was sexually harassing a female junior within chambers. The Head of Chambers took no action. The clerk was left feeling powerless.³⁷

The importance of patronage for career progression

67. Even for those who are senior in the profession, the power dynamics persist. For silk appointments, applicants require references from opponents and judges. For judicial appointments, references may also be required from judges depending on the appointment. As noted by Gray's Inn, "[e]ach career progression stage - applying for pupillage, applying for tenancy, progression to silk/judiciary and even appointment as an Inn benchers - requires approval and appraisal by others more senior within the profession. Notwithstanding the huge steps forward taken in relation to appointments and the need for transparency, appraisal and assessment is still required. Accordingly, individuals at the Bar remain vulnerable to approval from others."³⁸
68. Behind the Gown expressed a similar view: "The Bar is predicated on patronage: pupils rely on members of chambers to pay pupillage awards, juniors on senior barristers for junior briefs. Concerns over progression together with a negative complaint culture (though this is shifting), reduces the likelihood of complaints."³⁹
69. This dependency creates vulnerability. One barrister told me, "In the past I have been offered references from judges in exchange for sexual favours. Therefore, because pupillage, tenancy or indeed better quality work, or junior counsel roles are heavily dependent on receiving favourable references from senior members of the profession, junior members are terrified of speaking out and often consent reluctantly to sexual relations as they know a favourable reference will assist their career in a competitive market. Often the same senior members of the profession who are happy to sexually exploit junior members will later complain that those junior members "slept their way to the top."⁴⁰

³⁵ Behind the Gown written submission, BH0182, Q(a)

³⁶ Confidential meeting with IBC members

³⁷ Confidential meeting with senior clerk

³⁸ Gray's Inn written submission, BH0099

³⁹ Behind the Gown written submission, BH0182, Qb

⁴⁰ BH0067

The adversarial nature of the system

70. The inherently adversarial nature of the profession can be used as an excuse for unacceptable behaviour. Many respondents noted the 'blurred lines' between robust advocacy, effective case management and bullying. This supports the findings of the YouGov research undertaken in 2020 on behalf of the BSB, which found that bullying and harassment at the Bar stemmed, in large part, from "the Bar's predominantly adversarial, competitive environment, in which 'the ability to dominate over other people in order to win an argument is crucial', a dynamic which interviewees reported spilling over into aggression and bullying both inside and outside the courtroom."⁴¹
71. To assist the Review, Middle Temple facilitated a small focus group with some of its junior members. Participants highlighted that "it is easy to see bullying as an individual issue; however, it is not solely due to individual human unpleasantness. There are elements of the culture that make bullying systemically more likely and make people think it is acceptable to misbehave. There are incentives that allow, or force, people to misbehave. There is a culture that barristers should 'deal with it' as it's 'part of the job'."⁴²
72. A KC told me: "the adversarial nature of the profession means that interactions can often be more direct and aggressive than normal, day-to-day interactions generally. Those professional interactions, in intense situations, can often cross the proverbial line. Moreover, clients and solicitors often ask for 'aggressive' or 'robust' advocates, which is really another way of saying a bully; in other words, bullies are cherished by some for tactical reasons."⁴³ One barrister told me: "I have seen barristers 'harass' each other in an adversarial context both in and out of court, in

pursuance of forensic advantage on behalf of their clients, trying to rush their opponent or shake his/her self-confidence and resolve".⁴⁴ I was told that, "there are certain people who in certain fields of practice seek to intimidate or bully in order to achieve the outcome they want for their clients. It can be quite scary when you are against them holding your own"⁴⁵ and that, "there are [...] a significant number of solicitors who want a barrister who is willing to be vile to 'win' for the client".⁴⁶ Another said, "almost all barristers take very seriously their duty towards their clients and their duty to represent them 'fearlessly'. 'Fearless' can often become 'fearsome'".⁴⁷

The unconventional workplace

73. Eighty per cent of barristers are self-employed and 20% are employed. Those who are self-employed operate in chambers, which are unregulated entities, defined by the BSB as "a physical location or virtual space from which one or more self-employed barristers or BSB entities operate. It also encompasses all the barristers (excluding pupils) and BSB entities who practise from that location."⁴⁸ Many also operate in the courtroom, interacting with judges, court staff and other court users. Neither of these workplaces is a regulated entity with conventional management systems and human resource departments. The oversight and accountability one would encounter in an employment context is largely absent for most practitioners. Some sets of chambers are big enough to have the resources to employ CEOs, practice managers and HR staff, but many do not. Even for those who do have these staff in place, the usual lines of accountability do not apply. One CEO of a chambers told me: "the CEO isn't really in charge given s/he is employed by the self-employed barristers." Another CEO

⁴¹ BSB Bullying and Harassment Report, p4, citing YouGov research, p11

⁴² Middle Temple written submission, BH0113, para 15(ii)

⁴³ BH0052

⁴⁴ BH0029

⁴⁵ BH0058

⁴⁶ BH0059

⁴⁷ BH0091

⁴⁸ Part 6 of the BSB Handbook, Definitions

agreed, noting that a “CEO in chambers is not a true CEO. Power resides in the Head of Chambers who sets the tone for the culture of chambers.”⁴⁹

74. As a result, there are not the same requirements and oversight mechanisms that would operate as a matter of course in an employment context. This means that chambers, depending on the constitutional arrangements and resourcing, can be vulnerable to the consequences of unchecked power. This can present a challenge when handling complaints relating to bullying and harassment within chambers. Often those tasked with responsibility for handling complaints and conducting internal investigations are not operating from a place of independence. Chambers are relatively small entities where complainants and respondents are known to each other and to those responsible for making findings and implementing sanctions. Many chambers are financially dependent on a few of their big earners. Handling such situations fairly, and being perceived to do so, is therefore particularly challenging in the absence of any independent management structures. The report of the Legal Practice Management Association supports this view: “[t]here is complexity within the sector with barristers being self-employed, and yet through their membership of a chambers, they are also perceived to have a role as an employer. Employees and barristers often have separate policies and procedures when it comes to bullying, with differing legal protections. This creates a lack of clarity within the structures and multiple opportunities for imbalances of power and makes tackling the issues more complex.”⁵⁰
75. Behind the Gown notes that: “Barristers occasionally work on trials away from home. This might involve staying in the same hotels as others on the case, or at least nearby. It may oblige socialising after court. Away from chambers and a support

network, this working dynamic renders junior barristers potentially vulnerable to sexual harassment by increasing the opportunities for it to occur.”⁵¹

76. I was told that, “many self-employed barristers have never worked in an organisation which has corporate responsibility for conduct and have little appreciation of what appropriate behaviour looks like in the modern working world. A minority believes that it would be an improper encroachment on their individual liberty for their behaviour towards others in the workplace to be subject to that sort of accountability.”⁵² Another respondent stated that “there are a lot of men who have been at the Bar for 20 years plus who have never had a boss or a work schedule and they do not know how to conduct themselves in a workplace”.⁵³ Another comment was “barristers may have limited experience or skill in team-working so can sometimes be very unpleasant to colleagues. I suspect clerks must experience this regularly too”.⁵⁴ I was told that “self-employed barristers do not operate in a normal workplace; we do not have a human resources officer or line manager to whom we can speak; we do not just engage with others who are overseen by the same disciplinary body and so there is no one body or system who can intervene in the event of bullying or harassment, as would be the case in most workplaces. This makes bullying very difficult to monitor and manage”.⁵⁵

A culture of sweeping matters under the carpet

77. A recurrent theme in the submissions was that there is a tolerance of misconduct at the Bar which is learned and passed down from generation to generation. I was told that some barristers, particularly men of the older generation, “have no idea how outdated and offensive some of their

⁴⁹ Meeting with the LPMA

⁵⁰ [Workplace Survey Report December 2023, The Legal Practice Management Association and Institute of Barristers' Clerks](#), p13

⁵¹ [Behind the Gown written submissions, BH0182](#) Qb

⁵² [BH0074](#)

⁵³ [BH00141](#)

⁵⁴ [BH0022](#)

⁵⁵ [BH0081](#)

views are, nor do they care about the impact of sharing those views with others who may be offended by them”.⁵⁶ They consider “it is how things have always been and [there is] a lack of realisation that the same behaviour is no longer to be tolerated”.⁵⁷ There is “an unwillingness to upset the apple cart or to confront those who either demonstrate poor behaviour or who think that there is no problem”.⁵⁸ I was told that “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’”.⁵⁹

A culture of favours

78. In some areas of practice and in some chambers, there is a culture of marketing, hospitality and favours towards clients, which can provide an opportunity for misconduct. I was told that “more junior members of chambers [are expected] to do undesirable work to get other more desirable and lucrative work or consistent work into chambers. This can be a trigger for bullying. ‘Hospitality’ can also open the door to sexual harassment, for example I’ve witnessed a practice manager taking only young female barristers to a drinks event with a commercial client where only older male representatives from the client attended, which led to an uncomfortable dynamic. In this context if there was then sexual harassment it would be difficult to speak out. Similarly when a professional client behaves sexually inappropriately it is difficult to respond with the curtness you would in your private life, because you are representing your chambers and not just yourself. This is made more likely with hospitality events that involve alcohol”.⁶⁰

Allocation of work

79. The basis on which work is allocated within chambers is often not transparent, and the system of allocation may encourage exploitation or abuse. I was told that some clerks’ rooms are “very male-heavy and ‘old school’”, and that “the reliance on senior barristers or your clerks to give you work creates a power differential that can be exploited”.⁶¹ The same respondent stated that “When I got my first junior brief, a clerk said to me I only got it because of my ‘tits’ and everyone else in the clerks’ room who heard this (which comprised other clerks and barristers) laughed”.⁶² Another respondent wrote that a clerk “purposefully filled a pupil’s diary with back-to-back trials simply because he did not like something the pupil said during a chamber’s social event”.⁶³

Attitudes towards the employed Bar

80. Whilst some of the challenges facing the employed Bar are also experienced by the self-employed Bar, there are some issues which are uniquely faced by those in employed practice. One senior CPS prosecutor told the Review that the discriminatory attitudes towards the employed Bar in the court room are such that they come to “expect to be treated less favourably”. A senior CPS employee told me that she had been asked to leave a robing room as she was not considered a “proper barrister”. She also observed graffiti at a Crown Court in the robing room which referred to the CPS as “f*cking traitors” and “c*nts”. On another occasion a chambers had commenced “monitoring forms” of practitioners employed as advocates in the CPS to complete and report back on standards of practice by those employed advocates

⁵⁶ BH0137

⁵⁷ BH0090

⁵⁸ BH0140

⁵⁹ BH0042

⁶⁰ BH0022

⁶¹ BH0028

⁶² BH0028

⁶³ BH0012

they happened to observe in court. At the beginning of her time in employed practice she observed a member of the judiciary comment that an employed advocate would not be completing any work overnight on a case as they worked “9–5 hours”. At a weekend conference a senior member of the profession was observed in front of the attendees commenting that there would not be any member of the “CPS cadre” present as it was a weekend, the implication being that employed advocates worked fewer hours than their employed peers. She had observed some change in these attitudes but that was primarily due to employed advocates working extremely hard to challenge these narratives and demonstrate that self-employed barristers were as able and hard-working as their employed peers.⁶⁴

The strain of a broken system

81. Many submissions to the Review highlighted the extremely stressful context in which barristers work. This was particularly acute for practitioners in areas such as criminal, family and immigration law. Behind the Gown noted the acutely stressful context in which barristers work as an underlying factor contributing to poor behaviours: “The criminal Bar is operating under significant strain. The backlog, excessive caseloads and shortage of advocates often means cases are not prepared as well as they should be. Drafting and disclosure is done at short notice at court. This impacts morale, tolerance and greatly increases the pressures under which we work.”⁶⁵

Conclusions on the root causes

82. Like many other professions where power, autonomy and pressure are at play, the Bar has struggled to tackle bullying, harassment and sexual harassment effectively. The hierarchical nature of the profession and the resultant power dynamics enable the persistence of bullying and harassment. The Bar is predicated on patronage. This dependency creates opportunity for misconduct. The inherently adversarial nature of the profession can allow for a failure to address unacceptable behaviour, and lead to confusion as to the standards of behaviour which are acceptable. The majority of practitioners are self-employed, operating with other barristers grouped in chambers. As a result of chambers having no legal regulatable entity, it is difficult to impose the same requirements and oversight mechanisms that would operate as a matter of course in an employment context. This means that members and employees within chambers can be subjected to the consequences of unchecked power. There is an acceptance of misconduct at the Bar which is learned and passed down from generation to generation. Competition is fierce and livelihoods are at stake. The impact for some has been severe. I have heard from those who have suffered serious mental ill-health and suicidal ideation. Some have left the Bar and some never joined, such was the gravity of their experience at the hands of those in positions of power.

⁶⁴ Meeting with former chair of the Employed Barristers’ Committee

⁶⁵ [Behind the Gown written submission, BH0182](#) QB

Chapter 3: The impact of bullying, harassment and sexual harassment

The damage caused to barristers

83. In the Call for Submissions, pursuant to the Terms of Reference, I asked respondents to set out the impact of bullying, harassment and sexual harassment on those who are subject to such misconduct. This chapter gives some examples from the submissions I received.

"[S]exual harassment made me feel almost completely isolated. I was worried I would be blamed and treated as having encouraged the behaviour. As a result, I simply stopped going to any social functions where the perpetrator may be which meant I stopped having any social side to my work..... If you are sexually harassed by someone more senior than you, you feel completely helpless. The fear that your career will be destroyed if you say anything is overwhelming. Particularly in a small chambers, it feels as though if you report it, you will have to move which means you face a decision of not reporting it or potentially having to move and hugely damaging your career."⁶⁶

"The sexual harassment is degrading and makes my skin crawl. In any other environment, I would not tolerate half of the comments or conduct that has been made towards me. However, for fear of my response or complaint impacting my career, I have acted like a shell of myself, allowing degrading and demeaning conduct to be displayed towards me. I have never allowed anyone to speak to me like people have at the Bar, but because I worked so hard to get this career, I am so scared of losing it that I have allowed people to get away with bullying or sexually harassing me."⁶⁷

"The persistent bullying I experienced meant I constantly struggled with my mental health throughout pupillage. Despite this, I was lucky to get tenancy at said chambers. Nonetheless, I had already reached my breaking point and was only a tenant for a few months before falling into a mental health crisis that forced me to take time off work for 6 months. I came to the realisation during this time that returning to the Bar meant seriously risking my wellbeing. I was so scarred by my experience, that – after years of dogged hard work and personal investment – I not only left the Criminal Bar, but the law altogether."⁶⁸

84. Anonymised information provided to us by the Bar Council told a similar story:

A barrister made a senior female barrister feel extremely unsafe when she was alone with him in a conference room. She described how he leered at her and made her feel incredibly uncomfortable. She was so alarmed by his behaviour she took steps to ensure he wasn't told where she was and blocked his number on her phone.

A pupil described being sexually harassed by an older member of chambers. It made her question her choice of career and she fears for her safety at the Bar.

A male pupil reported being harassed by an older female solicitor at a marketing event. She made a sexual proposition, suggesting it could lead to work coming his way. The pupil was able to extricate himself but was left feeling very uncomfortable.

A young barrister was grabbed by a colleague after an event in chambers. It took the young barrister two years and support from friends to feel able to make a report about what had happened.

⁶⁶ BH0015

⁶⁷ BH0134 (confidential)

⁶⁸ BH0012

85. Three women shared with me the impact of inappropriate sexual conduct by a male KC:

"I did not feel welcome in this profession before I joined the Bar, and I feel even more isolated now. What faith am I to have in its people? As Bar students our ethics are hammered into us over and over again, yet we are the most vulnerable and the least likely to perpetuate these disgusting acts."⁶⁹

"[t]he Respondent's actions have sadly impacted every aspect of my life, including destroying my trust in men, especially in a professional capacity."⁷⁰

"I am constantly vigilant around male colleagues and second guess all of my interactions out of fear of sexual violence."⁷¹

86. In addition to the incident itself, the handling, or mishandling, of complaints can have a significant impact on the individual concerned. One individual said: "I left chambers and the self-employed Bar, after I was driven to self-harm and had a breakdown over my chambers' poor handling of these issues."⁷²

The damage to others and the wider system

87. Bullying, harassment and sexual harassment at the Bar has wider consequences than the impact upon the individuals at whom the misconduct is directed.

"Bullying judges have a direct impact on the efficiency at court. For example, in one court, a notorious judge regularly shouts at, and bullies, junior counsel. The result is that many barristers will prioritise any hearings they have in front of that judge, even if they are simple/straightforward mentions. This creates the absurd

situation where more important matters in other courts are delayed so that counsel can indulge one judge's inflated sense of importance."⁷³

88. One Equality and Diversity Officer gave an example of representing a psychiatrically vulnerable client whose legal proceedings involved an examination of whether workplace bullying and harassment had occurred. The client was bullied by the Tribunal judge, which compounded the client's sense of injustice and the client's existing mental health issues, leading to further decline.⁷⁴
89. In its submissions to the Review, Lincoln's Inn noted that "[r]esearch by the Bar Council and others show that women, disabled people, those from ethnic minority groups, and those from the LGBTQ+ community experience higher levels of bullying and harassment. When barristers from these groups disengage or leave a chambers or the profession as a whole, there is a loss of diversity that can further perpetuate an exclusive and negative culture. This has the potential to discourage people from joining the profession and harm its reputation."⁷⁵

Conclusions on impact

90. It is clear that for some of the respondents, their experience of bullying, harassment or sexual harassment has had severe consequences for their wellbeing. Some have lost their careers at the Bar or had their opportunities thwarted by those in positions of power. Beyond the impact at an individual level, I am concerned by the impact on the justice system more broadly, and the implications for diversity at the Bar. The following chapters consider the regulatory framework and existing complaints handling processes and put forward suggestions for change so that wellbeing, retention and diversity at the Bar can be better protected.

⁶⁹ Confidential statement

⁷⁰ Confidential statement

⁷¹ Confidential statement

⁷² BH0014 (confidential)

⁷³ BH0032

⁷⁴ BH0142

⁷⁵ Lincoln's Inn written submission, BH0165, p2

Chapter 4: The standards of behaviour relating to bullying, harassment and sexual harassment

The regulatory framework

91. The regulatory framework and governance structure of the Bar comprise a series of layers. The Legal Services Act 2007 (LSA) established an oversight regulator, the Legal Services Board (LSB), which has an overarching supervisory role of approved regulators, including the General Council for the Bar of England and Wales (GCB), who in turn directly regulate those they authorise to provide reserved legal activities, ensuring that the legal profession remains independent of government. The LSA and rules made under it provide that approved regulators like the GCB, with both representative functions and regulatory functions, are required to delegate their regulatory functions to a separate body to ensure those functions are exercised independently and not prejudiced by representative functions. The GCB fulfilled this requirement by setting up the Bar Standards Board (BSB).
92. The Bar Standards Board publishes a Handbook containing the rules governing the conduct of barristers. It is the BSB that is responsible for investigating barristers who breach those rules. In order to achieve independence for the disciplinary process, the running of the disciplinary tribunals is in the hands of the Council of the Inns of Court (COIC), which is responsible for the Bar Tribunals and Adjudication Service (BTAS).

The Core Duties

93. Barristers are governed by ten Core Duties which are set out in the BSB Handbook. These underpin the entire regulatory framework and set the mandatory standards for all BSB regulated persons (practising and unregistered barristers).
94. While bullying and harassment are not expressly mentioned as prohibited behaviours in the Core Duties, they may engage three of the duties:
 - a) Core Duty 3: "You must act with honesty, and with integrity." Core Duty 3 applies when a barrister is practising or providing legal services. There is no definition of "integrity".
 - b) Core Duty 5: "You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession." Core Duty 5 is concerned with upholding the reputation of the profession. It applies at all times and is not limited to practising as a barrister or providing legal services.
 - c) Core Duty 8: "You must not discriminate unlawfully against any person."⁷⁶ Core Duty 8 applies in all aspects of professional life and covers dealings with, for example, clients, clerks, judges, court staff, and other barristers.⁷⁷
95. Core Duty 8 is supplemented by rC12 which clarifies the duty: "[y]ou must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity, religion or belief."⁷⁸
96. The Handbook provides guidance on the Core Duties including guidance as to conduct which may constitute a breach of CD3 and/or CD5. For example, gC16 provides: "Conduct on your part which

These duties are supplemented by the Conduct Rules, which are also mandatory.

⁷⁶ Note that there is currently a specific regulation for discrimination (rC12): You must not discriminate unlawfully against, victimise, or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, or pregnancy and maternity.

⁷⁷ [BSB Supporting Information on the Equality Rules](#)

⁷⁸ BSB Handbook, rc12

the public may reasonably perceive as undermining your honesty, integrity or independence is likely to diminish the trust and confidence which the public places in you or in the profession, in breach of CD5.”⁷⁹ There is no exhaustive list of conduct which could amount to breach of CD3 or CD5, but examples given include “seriously offensive or discreditable conduct towards third parties” and “abuse of your professional position”.⁸⁰

The definition of harassment

97. The Equality Act 2010 defines three types of unlawful harassment:

- a) Harassment related to a protected characteristic: this is defined as “unwanted conduct related to a relevant protected characteristic” which has “the purpose or effect of violating [the victim’s] dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for [the victim].”⁸¹ When considering the purpose or effect of the unwanted conduct, regard must be had to the perception of the victim; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.⁸²
- b) Sexual harassment is defined as “unwanted conduct of a sexual nature” that has the same purpose or effect as above.⁸³ The Equality and Human Rights Commission guidance lists a range of behaviours that amount to “conduct of a sexual nature” including: sexual comments/jokes; suggestive looks, staring or leering; propositions/

sexual advances; sexual gestures; making promises in return for sexual favours; intrusive questions about a person’s private or sex life or a person discussing their own sex life; spreading sexual rumours about a person; sending sexually explicit emails or text messages; unwelcome touching, hugging, massaging or kissing.⁸⁴

- c) Harassment which is less favourable treatment of a victim. If a victim rejects the unwanted conduct of a sexual nature and, as a result, is treated less favourably by the perpetrator, this amounts to sexual harassment.⁸⁵
98. Although a prohibition against harassment is not explicit within the Core Duties, the BSB’s guidance on what constitutes “serious misconduct” lists “harassment” as an example.⁸⁶ Barristers are under a duty to report “serious misconduct”, and therefore by implication to report harassment, to the regulator.⁸⁷
99. Employers are under a legal duty to take “reasonable steps” to prevent sexual harassment of their employees.⁸⁸ The duty goes beyond merely an obligation to respond to sexual harassment – it requires employers to anticipate when sexual harassment may occur and take reasonable steps to prevent it. The duty is on each chambers, as an employer, to prevent sexual harassment of staff and pupils, whether by other staff; members of chambers; or any third parties such as clients, solicitors, or experts. This new obligation is enforceable by the Equality and Human Rights Commission, which has the power to take action against non-compliant employers.

⁷⁹ BSB Handbook, gC16

⁸⁰ BSB Handbook, gC25

⁸¹ Section 26(1), Equality Act 2010

⁸² Section 26(4) Equality Act 2010

⁸³ Section 26(2) Equality Act 2010

⁸⁴ [BSB, Reporting Serious Misconduct at work: technical guidance](#), accessed May 2025:

⁸⁵ Section 26(3) Equality Act 2010

⁸⁶ [BSB, Reporting Serious Misconduct](#)

⁸⁷ Rule C66 of the Handbook provides that, “subject to your duty to keep the affairs of each Standards Board client confidential and subject also to Rules rC67 and rC68, you must report to the Bar Standards Board if you have reasonable grounds to believe that there has been serious misconduct by a barristers or a registered European lawyer, a BSB entity, manager or an authorised (non-BSB) individual who is working as a manager or an employee of a BSB entity.”

⁸⁸ Worker Protection (Amendment of Equality Act 2010) Act 2023

100. The BSB Handbook adopts the same definition of harassment as that which is set out in section 26 of the Equality Act 2010.⁸⁹ However, in its guidance, the BSB adopts a slightly wider definition of harassment than the Equality Act: “[w]e see harassment as including any behaviour towards an individual which they consider to be offensive, intimidating, malicious or insulting, whether or not it is related to a protected characteristic. We see “sexual harassment” as including all forms of unacceptable behaviour of a sexual nature including harassment, sexual violence, sexual assault and sexual misconduct.”⁹⁰

The definition of bullying

101. Unlike “harassment”, there is no statutory definition of “bullying”. This Review has adopted the ACAS definition as set out in the Terms of Reference, which states that bullying is: “...offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.”⁹¹ I note that there is no consensus as to the definition of bullying. The ACAS definition is contested by some as too narrow. I recognise that some would argue the definition of bullying ought to be subjective rather than objective, arguing that the requirement for intent sets too high a threshold.⁹² Definitions of bullying vary outside the jurisdiction too. In New Zealand, for example, the Conduct Rules prohibit bullying and define it as “repeated and unreasonable behaviour directed towards a person or people that is likely to lead to physical or psychological harm”.⁹³ The Bar of

Northern Ireland’s defines bullying similarly to ACAS but specifically includes reference to the fact that bullying “may be physical, verbal, non-verbal conduct and may take place through the medium of social media”.⁹⁴ The lack of consensus as to the definition of bullying creates a problematic starting point.

102. There is no reference to “bullying” in the Code of Conduct in the BSB Handbook, or the associated guidance. Nor is it referenced in the BSB’s guidance on “serious misconduct”. In 2023, the BSB committed⁹⁵ to updating its guidance for Rule C6624 of the BSB Handbook to give bullying as an example of potentially serious misconduct. To date, this has not been done.⁹⁶ At the time of drafting, the BSB committed to ensuring that this is done imminently. The lack of clarity as to what constitutes “bullying” and when it constitutes “serious misconduct” is problematic.

The standards of behaviour must be clear

103. I note that other sectors have clear standards of behaviour which may provide a model for the Bar. Parliament, for example, has a Behaviour Code which applies to all those working in or visiting Parliament. The Code provides guidelines on expected behaviours, including:

- a) “Respect and value everyone – bullying, harassment and sexual misconduct are not tolerated”;
- b) “Recognise your power, influence, or authority and don’t abuse them”;
- c) “Speak up about any unacceptable behaviour you see”.⁹⁷

⁸⁹ BSB Handbook, Definitions, ‘harassment’

⁹⁰ [BSB’s guidance for those involved in reports of harassment](#), accessed May 2025:

⁹² BH0003

⁹³ Rule 10.3, Rules of Client Care and Conduct, Law Society of New Zealand, Letter to Baroness Harman BH0181

⁹⁴ Northern Ireland Bar Council Bullying and Harassment Policy, para 4.1

⁹⁵ [BSB report Addressing Bullying and Harassment at the Bar](#), p5 para 20

⁹⁶ [Current guidance on reporting serious misconduct of others is here](#)

⁹⁷ UK Parliament Behaviour Code

104. The Code of Conduct for Solicitors is explicitly clear with regard to addressing bullying and harassment. The Code's 'fair treatment' rules state: "You treat colleagues fairly and with respect. You do not bully or harass them or discriminate unfairly against them. If you are a manager, you challenge behaviour that does not meet this standard."⁹⁸ Partners and senior staff therefore have a personal regulatory duty to challenge bullying, harassment and discrimination. Failure to do so could result in a regulatory sanction. The BSB may wish to discuss the merits of this approach with the SRA and consider adopting a similar approach to encourage a collective responsibility amongst the Bar's leaders for challenging misconduct.
105. I asked other jurisdictions to share with us a copy of their relevant standards of behaviour. In South Australia, the Legal Practitioners Conduct Rules state that practitioners must not engage in conduct which constitutes discrimination, sexual harassment, any other form of harassment, or workplace bullying.⁹⁹ These are in addition to duties such as honesty and integrity. The Law Society of New Zealand¹⁰⁰ amended their Rules of Client Care and Conduct in 2021 to include specific reference to bullying, discrimination and harassment and a new regime introducing specific responsibilities to report this type of conduct.¹⁰¹
106. In my Call for Submissions, pursuant to the Terms of Reference, I asked whether the relevant standards of behaviour relating to bullying, harassment and sexual harassment are known, clear, accessible, and sufficiently robust. Some respondents held the view that the standards are clear, but the problem is that they have little effect. Others expressed the view that the BSB Handbook does not provide sufficient clarity and that the relevant sections on standards of behaviour are not easily accessible. It was described as "overly complex" and "like wading through mud".¹⁰² Some suggested that a statement of behavioural expectations would be clearer and more accessible. Others raised the issue that the standards of behaviour do not adequately address some of the lower-level behaviour such as bullying or micro-aggressions.
107. I also asked whether the relevant standards of behaviour relating to bullying, harassment and sexual harassment are sufficiently mainstreamed within barristers' professional obligations and whether they should, for example, be included within the Core Duties. Some respondents were concerned that there was insufficient emphasis on bullying and harassment in the Code of Conduct and noted that the word "bullying" was nowhere to be found. Conversely, some respondents expressed the sentiment that it should not be necessary to particularise bullying, harassment and sexual harassment within the Core Duties and that the general duties clearly cover these types of misconduct.
108. In 2024, Fieldfisher undertook a review of the BSB's regulatory efficacy. Amongst other findings, it concluded that "the Handbook needs to be better organised and simplified using plain English. The benefits of the changes we propose to the operating procedures, conduct rules and also to their expression in the Handbook will act as an efficiency and productivity enabler across the enforcement activities of the BSB." Fieldfisher noted that this would lead to a more simplified approach to the drafting of allegations, and thereafter charges, with a consequential reduction in the length of time spent drafting and deciding them."¹⁰³

⁹⁸ Paragraph 1.5, SRA's Code of Conduct for Solicitors, RELS and RFLs. A similar provision is included in the Code for Firms at para 1.6.

⁹⁹ Part B, Rule 42, South Australian Legal Practitioners Conduct Rules, see letter from the Law Society of South Australia. The rules apply to both barristers and solicitors.

¹⁰⁰ Regulates both barristers and solicitors

¹⁰¹ [Letter from Law Society of New Zealand, BH0181](#)

¹⁰² [BH0015](#)

¹⁰³ [BSB Enforcement Review, Fieldfisher report](#), 2024, p6

109. Members of the LPMA noted that the Code of Conduct is geared towards barristers' interactions with their clients or their duties to the court. Conduct relating to employees is not included, such that employees feel uncertain about whether they can report bullying or harassment.
110. A BTAS panel member and practising barrister told me, based on his experience of adjudicating professional misconduct cases brought by the BSB, that the Code of Conduct is problematic. In his view, it is drafted so poorly that it warrants rewriting. He advises: "go back to first principles, set out the rules clearly and shortly – with the full examples of prohibited behaviours in an Annex. It also needs to include clear guidance on how to report breaches of the Handbook." The lack of clarity in the Code, in his view, lends itself to the BSB "over-charging their cases", i.e. putting forward various charges for the same course of conduct. In his view, the Code, and its enforcement, should be much clearer and streamlined.
111. I note that in the case of the BSB v Navjot Sidhu (Jo Sidhu) KC, the BSB's Charge Sheet originally alleged ten charges in relation to Person 2 and sixteen charges in relation to Person 3. The number of charges did not reflect separate incidents of alleged professional misconduct – many of the charges were based on the same facts.¹⁰⁴
112. Fiona Horlick KC, who has a wealth of experience of prosecuting and defending for various regulatory bodies, told me that trying to demonstrate breaches of the Handbook is "a nightmare". She said: "barristers can engage in conduct that would horrify the public, but it doesn't clearly fit into the Core Duties. The Core Duties need to be torn up and drafted from scratch." Reflecting on the challenges of the regulation of barristers' private lives, she suggested that "the Code of Conduct and guidance should be redrafted so that a barrister's private life comes within the scope of Core Duty 5."

Recommendation 1: The standards of behaviour relating to bullying, harassment and sexual harassment must be clear and consistent across the profession

Responsibility for implementation – the BSB

113. The Code of Conduct contained in the BSB Handbook lacks clarity as to (i) the standards of behaviour required of barristers and (ii) when those standards apply. There must be clarity and consistency of standards so that everyone understands what is meant by the terms bullying, harassment and sexual harassment and knows that these behaviours are prohibited. In order to address this, I recommend the following:
- a) The Core Duties should be redrafted to enhance clarity and accessibility. In particular, there should be an express prohibition of bullying, harassment and sexual harassment which applies at all times, including in private relationships where there is, or was, a professional nexus.
 - b) The Code of Conduct and the associated guidance must include a definition of bullying and examples of behaviours which fall within the scope of the definition. I recommend adopting the definition used by ACAS and adopted by this Review.
 - c) It is important that the same definitions of bullying, harassment and sexual harassment are adopted across the Core Duties and throughout the BSB Handbook and associated guidance. At present, the definition of harassment in the BSB Handbook and the BSB's guidance are not aligned. The BSB should adopt the wider definition of harassment within the Core Duties so that the Code of Conduct is in alignment with the guidance and is inclusive of all forms of harassment, irrespective of whether the harassment is related to a protected characteristic.

¹⁰⁴ BSB v Navjot Sidhu KC, Report of Finding and Sanction, paras 10–13

- d) The Code of Conduct should prohibit victimisation to ensure that an individual does not suffer a detriment as a result of reporting bullying or harassment.
- e) The Code of Conduct should prohibit the abuse of trust placed in barristers by virtue of their power and influence. This should apply at all times, including in private relationships where there is, or was, any professional nexus. Where the abuse of power is particularly egregious, there ought to be no requirement for a professional nexus.
- f) The BSB's 'Guidance on Reporting Serious Misconduct' must be updated to include bullying as an example of serious misconduct.

The standards of behaviour must be consistent across policies, guidance and training

114. There is a multiplicity of policies, guidance and training materials available from different sources across the profession. For example:

- a) The equality rules contained in the BSB's Handbook require barristers to take reasonable steps to ensure that their chambers or regulated entity has a written policy on (i) equality and diversity and (ii) anti-harassment.¹⁰⁵ At a minimum, the anti-harassment policy must state that harassment will not be tolerated or condoned and that managers, employees, members of chambers, pupils, and others temporarily in chambers or BSB entity, such as mini-pupils, have a right to complain if it occurs. It must also set out how the policy will be

communicated and the procedure for dealing with harassment complaints.¹⁰⁶

The BSB Handbook also places a specific duty on Heads of Chambers to ensure there is a robust anti-harassment policy in place.¹⁰⁷ The BSB provides guidance and 'supporting information' in relation to anti-harassment policies in chambers.¹⁰⁸ The BSB also provides guidance for those involved in reports of harassment.¹⁰⁹

- b) The Bar Council provides guidance on tackling harassment as well as a template policy for chambers.¹¹⁰ The Bar Council also provides guidance on tackling inappropriate behaviours more broadly.¹¹¹ The Bar Council offers regular training on 'Equality and Diversity' and 'Tackling Bullying and Harassment' to the profession. Training is delivered as a generic course at the Bar Council, both online and in-person. The Bar Council also delivers bespoke training for chambers at their request. There is no regulatory requirement for barristers to undertake anti-bullying and anti-harassment training.
- c) The four Inns of Court have a joint anti-harassment policy governing conduct related to the activity of the Inns.¹¹²
- d) Judicial office-holders are expected to maintain the standards of conduct that are set down in the Guide to Judicial Conduct.¹¹³ There are three basic principles guiding judicial conduct: judicial independence, impartiality, and integrity. Misconduct is defined by the JCIO as "a breach of the standards of conduct expected of Judicial Office holders that is serious enough to require a

¹⁰⁵ rC110.3.j

¹⁰⁶ rC110(3)(j)(i-iii)

¹⁰⁷ rC89 – Administration of Chambers

¹⁰⁸ [Supporting Information for BSB Authorised Bodies, BSB Handbook Equality Rules](#), Section 9, Harassment

¹⁰⁹ [BSB Guidance for those involved in reports of harassment](#)

¹¹⁰ [Bar Council written submission, BH0170](#)

¹¹¹ [Bar Council written submission, BH0170](#)

¹¹² [Memorandum of understanding between the BSB and Inns of Court](#)

¹¹³ <https://www.judiciary.uk/publications/guide-to-judicial-conduct/>

disciplinary sanction.”¹¹⁴ The judiciary has adopted “Standards of Expected Behaviour” as an addendum to the Guide to Judicial Conduct. The judiciary delivers mandatory ‘inclusion’ training.¹¹⁵

115. Standards of behaviour in relation to employed barristers, clerks and chambers’ employees will be governed by the employers’ employment policies which will vary from organisation to organisation.
116. The Rt Hon Sir Ernest Ryder, former Presiding Judge for the Northern Circuit, a Lord Justice of Appeal, and a Senior President of Tribunals for the UK, told me that barristers’ “role as fearless, independent advocates is of constitutional importance but that only highlights the need for close attention to standards.”¹¹⁶ In his view, there is a need for consistent standards across the whole eco-system: “[a] focus on purpose is both a bottom-up and top-down requirement. That needs to be scoped before it can be drafted. For example, it is difficult to identify obligations that are relevant to barristers generally without knowing the standards that must apply to those who sit as fee-paid judges if those obligations do not conform to the standards (and ethics) that are published by the Judicial Office on behalf of the Lady Chief Justice. Indeed, it might be thought helpful for judicial standards to come first and to inform what follows given that the same standards are required of all Judicial Office holders and there are excellent models both internationally and domestically (see for example in Scotland) which can be used to refine the standards that ought to apply to the Bar. There is a real opportunity for the judiciary to give a lead in the development of standards for example through the Inns of Court.”¹¹⁷

Recommendation 2: Anti-bullying and anti-harassment policies should be mandatory and consistent across the profession

Responsibility for implementation – the BSB, Inns, chambers, and for consideration by the judiciary

117. There is an inconsistency of approach across the profession with regard to anti-harassment and anti-bullying policies. I recognise that it is not possible to mandate training for employers, but I would encourage organisations employing barristers to adopt the same approach where possible. In order to address this, I recommend the following:
 - a) In addition to the requirement that chambers have anti-harassment policies, the BSB should also require chambers to have anti-bullying policies, pursuant to the practice management obligations set out in the Code of Conduct. These policies should cover members, pupils and employees.
 - b) Anti-bullying and anti-harassment policies, and any associated guidance, should be consistent across the Inns, chambers and the judiciary so that all members of the Bar and judiciary, and all those employed within chambers, adopt clear and consistent high standards as they move between different areas of legal practice and judicial appointments.
 - c) Within chambers, there ought to be a consistent approach to dealing with bullying and harassment that applies to members and employees as far as possible. I endorse the recommendation of the LPMA and

¹¹⁴ JCIO [Guidance on Misconduct and Recommending Sanctions](#), June 2024

¹¹⁵ Judiciary’s written submission, BH0180

¹¹⁶ [Written submission of Sir Ernest Ryder, BH0177](#)

¹¹⁷ [Written submission of Sir Ernest Ryder, BH0177](#)

IBC in their 2023 report on workplace culture that there should be a Chambers Conduct Agreement relating to everyone in chambers.

- d) The proposed Commissioner for Conduct should take responsibility for ensuring that anti-bullying and anti-harassment policies and training are consistent across the profession, including by disseminating model policies and training programmes to the profession.
- e) In the meantime, at a minimum, chambers and (where relevant) the Inns and circuits ought to ensure that their policies include:
 - i. Adoption of clear standards of behaviour including express prohibitions of bullying, harassment and victimisation;
 - ii. Positive duties on leaders, such as Heads of Chambers, members of management committees, and senior clerks and practice managers, those holding key positions in the Inns and circuits, to proactively challenge bullying and harassment when witnessed;
 - iii. Identification of preventative measures including measures to be taken at social events or networking events, to build upon the existing work being done in the context of the duty to prevent harassment;
 - iv. Requirements for all members and employees to undertake mandatory training on bullying and harassment every three years;
 - v. Clear informal and formal procedures for handling complaints in relation to bullying and harassment, which follow the principles set out by ACAS in its Code of Practice for dealing with internal grievances relating to bullying, harassment, or sexual harassment, made by members or employees, with no time limit for making a complaint;
- vi. Informal processes for dealing with inappropriate behaviours (as opposed to serious misconduct) should be carried out by a dedicated person within chambers or the Inn with expertise and training in handling complaints;
- vii. Formal processes should be supported by the proposed commissioner to ensure fairness and independence of decision-making;
- viii. Provisions for sanctions following a finding of bullying, harassment, or sexual harassment, including suspension and expulsion from chambers, prohibitions on attendance at certain events, and prohibitions on appointments to positions of responsibility;
- ix. The appointment of a dedicated person within each chambers, Inn and circuit to deal with bullying and harassment cases within chambers and to act as the point of contact for the proposed Commissioner for Conduct.
- x. A commitment to cooperate with the proposed Commissioner for Conduct when appointed. Chambers should engage the support of the Commissioner for Conduct when carrying out investigations to ensure that they are implementing independent, fair, and prompt procedures. If necessary to avoid bias, the perception of bias, or undue delay, chambers should request the Commissioner to support and guide the investigation and make recommendations as to appropriate findings, remedies, and/or sanctions.

Training

118. In his written submission to the Review, Chris Gutteridge, founder of All Rise,¹¹⁸ states: “[t]he absence of mandatory training for (self-employed) barristers puts us out on a limb in the legal profession. The (former) LCJ introduced mandatory inappropriate behaviour training for salaried judges in 2022/23. The SRA introduced a requirement for managers in solicitors’ offices to challenge inappropriate behaviour in 2023. We are lagging behind and it is as embarrassing for the profession as it is damaging to individuals.”¹¹⁹ Sir Ernest Ryder agreed that “training in standards of behaviour should be mandatory and annually refreshed”.¹²⁰
119. I note that other jurisdictions, such as South Australia, require all legal practitioners to undertake mandatory training on bullying, discrimination and harassment.¹²¹ Under the Mandatory Continuing Professional Development (MCPD) scheme, administered by the Legal Profession Education and Admission Council (LPEAC) and overseen by the Law Society of South Australia, practitioners must complete a minimum of 10 CPD units each year to maintain their practising certificate.¹²² This jurisdiction should adopt a similar model which requires a minimum training requirement specific to bullying, harassment and sexual harassment.

Recommendation 3: Training on bullying and harassment should be mandatory and consistent

Responsibility for implementation – universities, the Commissioner for Conduct, Inns, Chambers

120. Policies and procedures alone are not enough. They must be known, understood and implemented effectively. This requires regular and consistent training to ensure that the standards of behaviour are embedded across the profession. Training on bullying and harassment for barristers

is currently not mandated. Such training should be mandatory for:

- a) Students, as part of ethics training on the Bar course, prior to being called to the Bar;
- b) All practising barristers every three years as part of CPD obligations prior to renewal of practising certificates;
- c) All employees of chambers and the Inns.

Recommendation 4: The Bar Council’s Commissioner for Conduct should develop and deliver standardised training across the whole profession

Responsibility for implementation – the Bar Council’s Commissioner for Conduct

121. The Commissioner for Conduct should be responsible for developing and delivering standardised training across the profession, building on the existing work of the Bar Council. The training should cover relationships across the whole eco-system of the Bar, including dynamics between barristers and judges, pupils, and chambers’ employees. The training should include:
- a) The standards of expected behaviour for barristers, chambers’ employees and judges and what constitutes bullying, harassment, sexual harassment, and victimisation;
 - b) How to be an active bystander;
 - c) Reporting pathways (chambers; Inns; circuits; Talk to Spot; BSB; Commissioner for Conduct; JCIO);
 - d) An overview of the formal complaints procedure following a report to the BSB and JCIO;
 - e) The duty to report serious misconduct and exemptions to the duty;
 - f) Protection or safeguarding measures;
 - g) Signposting to avenues for advice and support.

¹¹⁸ All Rise is an initiative to tackle bullying, harassment and discrimination at the Bar

¹¹⁹ BH0005. The exact wording of para 1.5 of the Code is “If you are a [manager](#) you challenge behaviour that does not meet this standard”.

¹²⁰ [Written Submission of Sir Ernest Ryder, BH0177](#)

¹²¹ [Letter from Law Society of South Australia, BH0178](#)

¹²² [Letter from Law Society of South Australia, BH0178](#)

Chapter 5: An overview of avenues for complaints

122. There are a number of different reporting pathways available to potential complainants. There is no clarity as to how these different processes might interact. Depending on the context, reports relating to bullying, harassment and sexual harassment can be made in the following ways:

- a) **Making a record on Talk to Spot:** the Bar Council facilitates a confidential online platform for a member of the Bar, or anyone working in and around the Bar, to record any incident such as bullying, harassment and sexual harassment. This is not a reporting pathway. It is a means of recording incidents rather than reporting a complaint that would initiate an investigation. It is, however, an important tool for those who may be considering making a complaint. Those who make a record can choose to share this with the Bar Council. This can be done anonymously or not. This allows the Bar Council to provide signposting and offer support where necessary. It also provides the Bar Council with an overview of the issues of concern at the Bar and allows them to identify patterns of alleged misconduct.
- b) **Complaints to chambers:** there is no standardised reporting pathway across all chambers. Each set of chambers will have its own policies and procedures governing how members and employees can make a complaint and how it will be dealt with.
- c) **Complaints to the Inns:** each Inn has its own policies and procedures for dealing with reports of bullying, harassment and sexual harassment, if the misconduct occurs on the premises of one of the Inns, or during the course of an Inn-related activity.
- d) **Complaints to the Bar Standards Board:** where an individual experiences or witnesses bullying or harassment by a barrister, a report can be made to

the Bar Standards Board as the regulatory body for barristers.

- e) **Complaints to the Judicial Conduct Investigation Office:** where an individual experiences or witnesses bullying or harassment by a judge, a report can be made to the JCIO as the body that investigates allegations of judicial misconduct.
- f) **Routes for employed barristers:** in addition to the above options, employed barristers will also have reporting pathways available to them within their organisations such as internal grievance schemes.

The need for clear guidance on reporting pathways

123. There are numerous informal and formal reporting pathways. According to the Bar Council, "it is not always clear to complainants and those enforcing policies and regulations (i) who is responsible for a handling a complaint; (ii) if processes e.g. within chambers and the BSB can run concurrently (without compromising the other); and (iii) the relationship between different processes and sanctions. This risks confusion and a complaint 'falling through the gap' – increasing the chances that an incident will not be dealt with properly."¹²³

Recommendation 5: There should be a guide to the existing complaints mechanisms

Responsibility for implementation – the Bar Council Commissioner for Conduct

124. The Commissioner for Conduct should produce and disseminate a guide to the existing complaints mechanisms. This should be disseminated to all practising barristers, Bar students, pupils, and chambers' employees.

125. To assist, I set out a brief overview of some of the main reporting pathways below.

¹²³ Bar Council submission, BH0170, p28

Complaints to the Bar Council and Talk to Spot

126. The Bar Council provides an online anonymous reporting tool called Talk to Spot.¹²⁴ It allows anyone working at the Bar (including clerks and other chambers' employees), to record inappropriate or abusive behaviour that they have experienced or witnessed. Talk to Spot is a secure web platform which enables someone to make a record of an incident. Once the individual opens the website, the 'chat bot' will ask a series of questions about exactly what happened, who did it, who saw it and where and when it happened. Individuals can share as much or as little information as they want on Talk to Spot. Records can be made anonymously. Once the record has been completed, the individual will be given a date-stamped record of the incident. No one else will see it at this stage, and the individual decides what to do next.
127. Making a record on Talk to Spot is not the same as making a formal report. It is simply a way of recording an incident or concern. If the individual so chooses, the record will be submitted to the Bar Council. The relevant team at the Bar Council will then be able to offer support and signposting to the individual concerned. The Bar Council team replies via the web platform offering, where they consider it appropriate, one-to-one support which can be provided without the person recording disclosing their name. The support from the Bar Council may include informing the individual how to make a formal report to the relevant regulator or offering to send the record on their behalf. No such records are disclosed by the Bar Council to any of the regulators without consent. There is also a range of other support the team at the Bar Council provides.
128. Reports on Talk to Spot enable the Bar Council to understand what is happening around the Bar and to intervene when they see repeated misconduct from a particular individual. As noted by the Bar Council in their submissions to the Review, "[t]he isolation experienced by people who have been bullied, harassed and discriminated against is one of the barriers to challenging perpetrators and dealing properly with toxic cultures. When the Bar Council receives multiple anonymous reports about the same individual, Spot has made it possible for us to go back to reporters and let them know others have made a complaint about the same individual. This information has empowered individuals to take their complaint further in some cases and has at the very least let them know they are not alone."¹²⁵
129. In the year 2024-2025, 198 Talk to Spot records were created and kept private. A further 161 were created and submitted to the Bar Council. The review was told that "there has been a huge increase in usage in the last 12 months with reports submitted to the Bar Council almost doubling".¹²⁶ The Bar Council is limited in what action it can take in response to a record being disclosed, beyond support and signposting. They have no powers or authority to act upon disclosures. This can lead to frustration for some individuals who erroneously assume that on the basis of their record on Talk to Spot, the Bar Council can take formal action on their behalf.
130. The Dean of Faculty of Advocates in Scotland, in his letter to the Review, reported that there is a current initiative in Scotland which provides training to Equality and Diversity Officers and practice managers on the use of Talk to Spot. Since its introduction, "there has been a noticeable increase in informal disclosures and engagement with the wellbeing and inclusion officer, suggesting improved awareness and cultural responsiveness."¹²⁷
131. During visits to the circuits and meetings with specialist Bar Associations, there were many who knew about, and valued

¹²⁴ [Talk to Spot](#)

¹²⁵ [Bar Council submission, BH0170](#)

¹²⁶ Data from Bar Council's EDI Team

¹²⁷ [Letter from Dean of Faculty of Advocates, BH0179](#)

Talk to Spot, but there were also many, including those in positions of responsibility, who were unaware of its existence. Some expressed confusion as to how Talk to Spot records are used and were disappointed to hear that it was not a complaints mechanism that would trigger an investigation.

132. In its written submissions, Behind the Gown stated: “[t]here is...an element of distrust that (a) reporting will actually do anything and (b) how confidential the details actually are. One also needs to be aware of the risks of cyber-attacks from those so minded to exploit such a mechanism, with the fear being that the technology just isn’t as sophisticated as it needs to be to protect confidentiality.”¹²⁸
133. The CEOs of Talk to Spot reassured me that “[d]ata on the Talk to Spot platform is encrypted in transit and at rest, and we routinely conduct third-party penetration tests. Talk to Spot is GDPR compliant, and data is hosted in the EU. Talk to Spot is also SOC 2 Type 2 compliant, which means it is regularly audited and consistently monitored to ensure that key industry standards for data privacy and security are upheld. Talk to Spot was established in 2017 and has never had a security incident.”¹²⁹
134. The CEO of Talk to Spot has also communicated that the Bar Council’s current implementation of Talk to Spot allows for making a record and either keeping it private or submitting it to the Bar Council only, but that it is also possible to configure the system for formal reporting and complaints; that Talk to Spot supports investigation capabilities; and that it could facilitate strategic data-sharing of anonymous and non-anonymous reports between the relevant parties (e.g. the Inns, the judiciary, the BSB, the Bar Council) required for investigations to be triggered.

Recommendation 6: Clarity is needed as to how records will be used

Responsibility for implementation – Bar Council

135. There are many who know about, and value, Talk to Spot as a platform for anonymous recording of incidents. However, there are also many who were unaware of its existence. Of those who know of Talk to Spot, many feel that it has “no teeth”. More needs to be done to disseminate accurate information about what happens to a record entered on Talk to Spot. I recommend:
 - a) The Bar Council should set out clearly on its website and in all relevant material (i) who is eligible to use Talk to Spot (i.e. not just barristers); (ii) how to make a record of an incident on Talk to Spot; (iii) what action can and cannot be taken in response to a Talk to Spot record being shared with the Bar Council; and (iv) who is responsible for taking any follow-up action once a record is submitted to the Bar Council.
 - b) The Bar Council should ensure that there is a clear explanation on the Talk to Spot platform to reassure users (i) how their information is stored; (ii) who can access their information; (iii) who received a record if it is shared with the Bar Council; and (iv) in what circumstances disclosures may be made, by whom, and to whom.

Complaints to Chambers

136. Chambers are places from which self-employed barristers operate in association with one another. They are not regulated entities. There is no model constitution. Most sets of chambers, if not all, will have its own constitution setting out, amongst other things, policies and procedures relating to complaints of misconduct.

¹²⁸ Behind the Gown, written submission, BH0182, Q3(a)

¹²⁹ Correspondence between CEOs of Talk to Spot and Review Team, 2 May 2025

137. The extent to which the BSB can place obligations on chambers is very limited. The Handbook places a duty on barristers to “take reasonable steps to ensure that chambers is managed competently and efficiently”.¹³⁰ There is also a specific obligation on barristers to have an anti-harassment policy in place.¹³¹ There is no similar regulatory requirement with respect to bullying. Where chambers employ staff, barristers must ensure, as part of their practice management responsibilities, that the chambers is complying with its legal obligations proactively to prevent sexual harassment under the Worker Protection (Amendment of Equality Act 2010) Act 2023.¹³²
138. There are clear rules set out by the BSB on how chambers should handle complaints made by lay clients in respect of the provision of legal services.¹³³ There are no such rules relating to chambers’ handling of complaints regarding bullying and harassment. However, there is a requirement for vocational and pupillage providers to have grievance policies and processes, which must be provided within the pupillage written agreement.¹³⁴
139. The regulatory expectations of the BSB in relation to bullying and harassment are aspirational rather than mandatory: “We... expect chambers to create and promote a culture in which bullying and harassment are not tolerated and in which support is provided to pupils, barristers or chambers’ staff who experience unacceptable behaviour.”¹³⁵
140. The Bar Council produces best practice guidance for chambers,¹³⁶ and the BSB sets out its ‘regulatory expectations’,¹³⁷ but there is no requirement for such guidance or expectations to be adopted or followed. There is, therefore, no standardised complaints procedure across all sets of chambers. Given the absence of standardised policies across chambers, there is, inevitably, a wide range of practice when it comes to managing reports of misconduct.
141. I have received evidence of poor practice For example:
- “In relation to the sexual assault incident [by a solicitor at a work event], I reported it to my Head of Chambers. I was told that there was nothing that could be done unless I wanted to go to the police (I did not), even though the head told me that the man in question had done it before at a similar event. The advice was just to stay away from him at events. Eventually after a different senior colleague found out what had been said and intervened, the man was at least blacklisted from our own events, but only after checking that he was not too big of a deal to do that without giving him a reason why. I felt that no one really cared and were only willing to take action if it did not disadvantage work coming into chambers.”**¹³⁸
142. One female junior told me of her experience of sexual harassment by her mentor in chambers, which led to an internal finding of gross misconduct. Reflecting on how her chambers handled the matter, she said:
- “I was concerned about the conflict of interests and the lack of independent decision-making because this member of chambers was so well known and senior and a friend to the heads of practice groups. I was asked to decide the sanctions. This was an unfair responsibility. I had the future of this man in my hands. The fair outcome would have been expulsion from chambers. In any other industry, that behaviour would have been gross misconduct and he would have been**

¹³⁰ BSB Handbook, rC89

¹³¹ BSB Handbook, rC110.3.j

¹³² [Acas press release, 25 October 2024](#)

¹³³ The Complaints Rules, set out in rules rC99-rC109 of the Handbook and the associated [First Tier Complaints Handling Guidance](#)

¹³⁴ Authorisation Framework indicator 46.8 and section 4D of the BQM

¹³⁵ [BSB Regulatory expectations of chambers](#)

¹³⁶ [Bar Council, Policies and Procedures for Chambers](#)

¹³⁷ [BSB Regulatory expectations of Chambers](#)

¹³⁸ [BH0089](#)

asked to leave. Especially given the repeated breaches of the sanctions ever since. I have raised the breaches every time, but nothing has happened. For example, he volunteered to train two female pupils which he was prohibited from doing under the sanctions. I shouldn't have to police his conduct. I already carried guilt and responsibility for this man. Now I was being put back in that position again where I had to decide his fate. There isn't a consistent approach across the profession. Friends in other chambers have said that if this happened in their set, the member would be kicked out. There should be an independent body dealing with these matters..."¹³⁹

143. Many chambers do not have HR functions, which can result in the unsatisfactory handling of complaints. A barrister practising from chambers told me:

"Complaints can be raised within chambers however most chambers do not have specialist HR staff and in any event, it is very hard for chambers to take internal disciplinary action satisfactorily. The options are in practice ignoring the issue (if raised), having a "quiet word" with an individual or expelling an individual from chambers. Chambers can be reticent to address the behaviour of individuals who 1. earn well, 2. are senior within chambers, 3. with whom good or influential personal relationships have been formed and/or 4. have had a long and/or illustrious career. This is all the more so where this may have reputational repercussions for chambers itself."¹⁴⁰

144. One female junior who was sexually assaulted as a second six pupil by a male barrister within her chambers made a formal complaint to chambers. Chambers assembled a panel to investigate and concluded that his misconduct had crossed the threshold for an expulsion, but that expulsion from chambers was not deemed

appropriate. He was fined £2000 and required to undertake a training course. The victim told me that she "felt like they [chambers] had put a price on my self-worth". Although they were "clerked apart" during the investigation, following the finding/conclusion of chambers' internal investigation, the victim was told that business would resume as normal and she returned to the prospect of appearing against him in court, which ultimately did then happen. She was advised to remain silent about what had happened and to maintain a level of civility.¹⁴¹

145. Lincoln's Inn noted that "barristers have reported feeling unsupported by their chambers when raising concerns, citing a lack of willingness to challenge those seen as more powerful in chambers, such as senior members and clerks, or a lack of independence and collective responsibility in chambers processes on reporting, grievance, and disciplinary."¹⁴²
146. Some Heads of Chambers told me that they felt unable to undertake fair, independent investigations in response to reports of bullying or harassment, due to the inevitable conflicts of interest within chambers. Some told me that they don't feel confident handling complaints of this nature as they have had no training in doing so. Some sets have, therefore, outsourced investigations to external bodies such as dispute resolution organisations or law firms, who have undertaken investigations and made findings of fact.
147. Joanna Chatterton, a partner at Fox Williams with a wealth of experience in advising chambers on handling complaints of misconduct said, "[w]e see the same patterns and issues arising within chambers as with other organisations, and in many ways, the chambers environment (with its inherent power imbalances and undertone of competition) can make it particularly vulnerable to poor behaviours. Whilst a set of chambers is a unique business

¹³⁹ Confidential meeting with female junior barrister

¹⁴⁰ BH0091

¹⁴¹ Confidential meeting with female junior barrister

¹⁴² Lincoln's Inn submissions, BH0165, p1

environment, it cannot hide behind that fact as an excuse for not tackling poor behaviours by its members or staff. Employment Tribunals will not apply different standards to those applied to any other professional organisation.”¹⁴³

148. Joanna Chatterton’s team recommends that chambers should follow the ACAS Code of Practice on disciplinary and grievance procedures, as “the gold standard” for handling complaints: “We strongly advocate a principle-based approach to managing disciplinary/ personal conduct issues for both employees and barristers and grievances/ complaints by either. Although the ACAS Code of Practice for handling disciplinary and grievance issues applies only to employees, we see no reason why it should not be a guide also to how to deal with member issues. It is the benchmark which Employment Tribunals use for how fair processes should be conducted, and it is of course the Employment Tribunals where harassment and discrimination cases brought against chambers and its members personally will be heard. Having one consistent approach for everyone working at chambers encourages a culture in which everyone feels they are treated equally when it comes to managing these issues.”¹⁴⁴
149. The LPMA and IBC told me that they were aware that a number of clerks and practice managers had signed non-disclosure agreements (NDAs)¹⁴⁵ and were, therefore, unable to speak to the Review about their experiences of bullying or harassment in chambers. In 2024, the Legal Services Board in 2023 published a report into the misuse of NDAs. The report noted: “the examples of potential misuse [of NDAs] brought to our attention typically involved an imbalance of power between a party with more influence and resources and an individual made vulnerable by their circumstances. The most frequently cited dynamic was that

between an employer and employee, where an employee was dependent on their employer for financial compensation or a reference, after experiencing misconduct and voluntarily leaving an organisation or being dismissed.”¹⁴⁶

150. I note that amendments to the Employment Rights Bill¹⁴⁷ have been tabled which seek to ban the use of NDAs by employers to silence employees who have been subjected to harassment and abuse.

Recommendation 7: Chambers must ensure good practice and engage the support of the Commissioner for Conduct when dealing with bullying, harassment or sexual harassment cases

Responsibility for implementation – chambers

151. Chambers’ practice in handling complaints ranges from good to poor. Some junior members have had to leave chambers due to mishandling of complaints. Some Heads of Chambers told me that they felt ill-equipped to deal with complaints concerning bullying, harassment or sexual harassment, either because of the conflicts of interest within chambers or because of a lack of training for those responsible for handling these procedures. I was told that a number of clerks and practice managers were unable to speak to me as a result of non-disclosure agreements used by chambers to settle grievances. I recommend:
- a) All cases of bullying, harassment or sexual harassment should be considered ‘serious misconduct’ and either reported to the BSB or to the Commissioner for Conduct. Chambers should adopt the guidance set out by ACAS in its Code of Practice on disciplinary and

¹⁴³ Joanna Chatterton, Fox Williams LLP, correspondence with Review

¹⁴⁴ Joanna Chatterton, Fox Williams LLP, correspondence with Review

¹⁴⁵ NDAs is a term used to describe any agreement containing confidentiality or non-disparagement clauses or used to describe those clauses themselves. These contracts or clauses restrict what a signatory can say, or who they can tell, about something.

¹⁴⁶ [LSB report ‘The misuse of non-disclosure agreements: call for evidence themes and summary of evidence’](#)

¹⁴⁷ [Employment Rights Bill - Parliamentary Bills - UK Parliament](#)

grievance procedures when handling complaints of bullying, harassment or sexual harassment, made by members or employees. Chambers should engage the support of the proposed Commissioner for Conduct to ensure that they are implementing independent, fair and prompt procedures.

- b) Chambers must not use non-disclosure agreements as a means of covering up bullying, harassment or sexual harassment. The use of non-disclosure agreements to deal with bullying, harassment or sexual harassment should be prohibited in chambers' constitutions and it should be misconduct to sign such an agreement on behalf of chambers.

Complaints to the Inns of Court

- 152. The four Inns of Court are professional membership organisations including students, barristers, judges, and retired barristers and judges. Their primary purpose is to facilitate the education and training of barristers. We thank each of the Inns for their written submissions and their personal engagement with the Review. It is clear to me that each Inn is firmly committed to promoting equality, diversity and inclusion and wholeheartedly collaborated with this Review.
- 153. Each Inn has its own reporting mechanisms for dealing with incidents of bullying and harassment. These vary in scope. Some Inns limited their jurisdiction to incidents that occurred on the Inns' premises or at an Inn event, and do not deal with complaints made by or against their members if the incident was not related to the activities of the Inn. As such, the scope of complaints to those Inns is much narrower than the scope of other complaints mechanisms. An overview of the different approaches taken by the Inns is set out at Appendix 4.

Recommendation 8: There must be a consistency of approach across the Inns in relation to bullying, harassment or sexual harassment

Responsibility for implementation – Inns

- 154. All the Inns should have a consistent approach to dealing with complaints concerning bullying, harassment and sexual harassment. There should be no time limits on making complaints of this nature.

Complaints to the BSB

- 155. The Bar Standards Board is the independent regulator of the Bar, exercising the regulatory functions delegated to it by the Bar Council under the Legal Services Act 2007. According to the BSB, they receive between 1,500 to 1,700 reports each year. Around 85% of these reports are assessed by the Contact and Assessment Team as not requiring further substantive action. Those assessed as requiring further action are passed either to the Supervision Team, because they relate to matters to be resolved with chambers (or similar entities), or to the Investigations and Enforcement Team, because they relate to the conduct of an individual barrister. The majority of investigations into potential conduct breaches are triggered by the BSB receiving reports from members of the public, rather than from other members of the Bar.¹⁴⁸ The procedure is set out in Appendix 4. I consider the BSB's processes in detail in Chapter 7.

Formal complaints to the JCIO

- 156. The Judicial Conduct Investigations Office (JCIO) deals with complaints about judicial misconduct. The Judicial Discipline (Prescribed Procedures) Regulations 2023, together with statutory rules,¹⁴⁹ apply to complaints made on or after 13 October 2023.¹⁵⁰ The status and role of the JCIO is set out in the

¹⁴⁸ Annual BSB report, 2023-24

¹⁴⁹ The Judicial Conduct Rules 2023 govern the consideration of complaints about salaried and fee-paid courts judiciary and coroners. Complaints are made to the Judicial Conduct Investigations Office. The Judicial Conduct (Magistrates) Rules 2023 govern the consideration of complaints about magistrates. Complaints are made to one of seven regional conduct advisory committees.

¹⁵⁰ Note that the 2014 Judicial Discipline Regulations and supporting rules apply to complaints made before 13 October 2023 and which is still live on that date

Discipline Regulations. The process the JCIO follows in considering complaints is set out in the Judicial Conduct Rules 2023. The JCIO can reject or dismiss a complaint, and can give advice to the Lord Chancellor and Lady Chief Justice on issues such as the level of disciplinary sanction recommended to them in a case, but it has no powers to discipline an office-holder. The procedure is set out in Appendix 5. I consider the JCIO's processes in detail in Chapter 11.

Informal complaints about judicial misconduct

157. There are various informal routes available for making a complaint in relation to judicial misconduct. In its submissions to

the Review, the judiciary sets out the various options available to barristers who wish to complain about judicial bullying:

- a) "The first and most obvious is for the barrister to raise the matter with the Judicial Office holder directly."¹⁵¹
- b) "The second is for the barrister to bring their complaint to the attention of the Judicial Office holder's own leadership judge. This can be done via the barrister's Head of Chambers, circuit leader, any other senior member of the Bar or indeed by the barrister personally."¹⁵²
- c) "The third is for the barrister to record the complaint anonymously on the Bar Council's "Talk to Spot" platform."¹⁵³

158. I discuss these options in Chapter 10.

¹⁵¹ Judiciary's written submission, BH0180, para 41

¹⁵² Judiciary's written submission, BH0180, para 42

¹⁵³ Judiciary's written submission, BH0180, para 42

Chapter 6: Reporting serious misconduct: the duty and the disincentives

The duty to report serious misconduct

159. Barristers must report to the BSB promptly if they have committed “serious misconduct” or if they know, or have reasonable grounds to believe, that another person regulated by the BSB has committed “serious misconduct”.¹⁵⁴ BSB guidance suggests this will be the case if “you have material before you which as it stands establishes a reasonably credible case of serious misconduct”.¹⁵⁵ This sets a relatively high threshold for a reporting obligation to arise, and gives significant discretion to barristers who may satisfy themselves they do not need to report.
160. Other professions and other jurisdictions also place mandatory reporting requirements on their members. The Solicitors Regulation Authority (SRA), for example, requires prompt reporting of “any facts or matters that you reasonably believe are capable of amounting to a serious breach of their regulatory arrangements”. The SRA also requires reporting if there is a matter which solicitors “reasonably believe should be brought to its attention in order that it may investigate whether a serious breach of its regulatory arrangements has occurred or otherwise exercise its regulatory powers”.¹⁵⁶ The SRA’s Codes of Conduct and enforcement strategy places emphasis on early reporting and makes it clear that the SRA sees sexual misconduct, discrimination and harassment as being matters which are always regarded as serious. According to Joanna Chatterton and her team at Fox Williams, “[i]n our experience advising law firms, this early reporting requirement drives a strong focus on taking steps and initiatives such

as firm-wide training, and encouraging a speak up culture, to ensure as far as possible these issues do not arise in the first place.”¹⁵⁷

161. The Dean of Faculty of Advocates in Scotland told me in correspondence that the duty to report is triggered wherever there is knowledge of misconduct that may amount to serious professional misconduct.¹⁵⁸ In New Zealand, the mandatory reporting obligation is triggered where there are “reasonable grounds to suspect” misconduct, with exceptions in place for victims and those who are providing advice and support to victims. I note with interest the view of the Law Society of New Zealand that the mandatory reporting duty, in addition to the explicit prohibition of bullying, harassment and sexual harassment in the Conduct Rules, has led to an increase in reporting of these types of cases.¹⁵⁹

The duty to report is not working

162. Some of the cases dealt with by the BSB have arisen as a result of the duty to report serious misconduct. In its second written submissions to the Review, the BSB states: “[t]he duty on barristers to report serious misconduct is the source of 9% of all the reports received by the Bar Standards Board and of 21% of bullying and harassment cases. Over the last three years we have received 24 reports on sexual harassment and bullying by this route and have taken regulatory action in response.”¹⁶⁰
163. The evidence I received indicates that the duty to report is not working effectively. As noted by Inner Temple, the duty is “dissuading members of the profession who have suffered bullying, harassment or

¹⁵⁴ Rule C66, C67 and C68 of the BSB Handbook. The duty to report serious misconduct by others is subject to the duty to keep the affairs of clients confidential. See [Guidance on Reporting Serious Misconduct of Others](#).

¹⁵⁵ [Guidance on Reporting Serious Misconduct of Others](#).

¹⁵⁶ Paras 7.7 and 7.8 of the [Code for Solicitors](#) and 3.9 and 3.10 of the [Code for Firms](#)

¹⁵⁷ Joanna Chatterton, Fox Williams LLP, correspondence with the Review

¹⁵⁸ [Letter from the Dean of Faculty of Advocates, BH0179](#)

¹⁵⁹ [Letter from Law Society of New Zealand, BH0181](#)

¹⁶⁰ [BSB’s second written submission to the Review, April 2025, BH0184](#)

sexual harassment from discussing this with other barristers, in circumstances where they do not wish to make or might not wish to make a formal complaint. The lengthy proceedings which result from a formal complaint to the BSB is also putting victims off from making such complaints in the first place. Members should be able to discuss such issues informally with other barristers.”¹⁶¹

164. In my Call for Submissions, I asked whether this duty to report is known, understood and implemented in practice. Almost all respondents who answered this question were critical of this duty. I was told:

“All it does is isolate victims so they cannot confide in anyone if they don’t want it reported to the BSB because they will be putting the person they confide in in an extremely difficult position of either reporting it against their wishes or being in breach of their code of conduct. This is so obviously counterproductive that it is unbelievable the rule was ever introduced. As someone who fell victim to this rule and became completely isolated as a result, I can tell you, it is stupid and needs to be changed.”¹⁶²

165. I was also told that “[m]any practitioners will admit, privately, that they have witnessed conduct which, with hindsight, they think they should have reported. I believe the duty is well known, but there is a great unwillingness to report each other”.¹⁶³ One respondent stated that “[w]hilst I understand the rationale behind this duty, I think its greater impact is to deter individuals from reporting behaviours, as opposed to encouraging/ensuring it. [...] I think that for an individual to know that if they tell someone, that person is then obliged to report what they have been told, creates far more difficulties than it does solutions. [...] It is my view that there is far greater likelihood of individuals coming forward if this duty did not exist.

I think individuals would feel far more able to tell people about this behaviour, particularly those more senior to them, with the knowledge that if they do that matters won’t be immediately taken out of their hands and escalated”.¹⁶⁴

The BSB’s review of the duty to report and the waiver scheme

166. As noted by the BSB in its report on bullying and harassment, “[t]he disinclination to report to the regulator is compounded by their perceptions of the BSB as ‘authoritarian’ and ‘too much of a stick and less of carrot’. Barrister participants at our roundtable discussions tended to agree that a report to the BSB was viewed as a ‘combative’ way forward, particularly for the ‘low level’ incidents the YouGov research indicates are most common. In light of this, the duty to report is seen by many as overly formal and prescriptive, and ultimately as a barrier to reporting.”¹⁶⁵
167. The BSB also recognised that: “In some cases, the duty to report may help by providing those who have experienced bullying or harassment with a regulatory justification for making a report. Without this, the focus will be on individuals to make a personal decision whether to report. Some barristers have informed us that they would not have reported an incident to us had they not been obliged to do so. We have also received feedback that the duty to report helps the profession and the public to see that the BSB takes these issues seriously.” The BSB concluded that it was not appropriate to remove the duty or create a formal exemption for those subject to harassment within the rules. However, the BSB also recognised that those subject to bullying and harassment should not have that experience compounded by fear of regulatory action, should they feel unable to report it.¹⁶⁶

¹⁶¹ Inner Temple submission, BH0167, p3

¹⁶² BH0015

¹⁶³ BH0021

¹⁶⁴ BH0164

¹⁶⁵ BSB report Addressing Bullying and Harassment at the Bar, October 2022, para 15

¹⁶⁶ BSB report Addressing Bullying and Harassment at the Bar, October 2022

168. The BSB, therefore, took the view that it would not take regulatory action against those who have been subject to harassment but have not reported it. It also concluded that a waiver scheme would be available which allows for certain persons to be exempt from the duty to report on the ground that they are providing support. An application must be made to the BSB for the grant of a waiver and certain conditions must be met.¹⁶⁷ For example, those involved in the support scheme must be suitably trained in “listening skills” and “advanced equality and diversity training”. They must also keep anonymised records to send to the BSB quarterly. They must not investigate the issues, attempt to negotiate an outcome, or contact the person responsible for the conduct.¹⁶⁸ These conditions significantly restrict the pool of colleagues from whom they may wish to seek support.

Recommendation 9: Victims and their confidants should be exempted from the duty to report serious misconduct

Responsibility for implementation – BSB

169. There is currently an obligation on all barristers to report serious misconduct to the BSB. Adherence to this duty appears to be extremely low due to a fear of repercussions and a lack of faith in the system. It also appears to be having a chilling effect in some cases where complainants feel unable to confide in others for fear of triggering the duty. The existing waiver scheme does not provide for victims of misconduct to confide in a trusted persons or persons of their choosing without triggering the duty to report. The Code of Conduct should provide

for explicit exemptions from the duty to report serious misconduct for (i) victims and (ii) anyone to whom the information is disclosed for the purpose of giving advice or support to the victim. This will allow victims of serious misconduct to confide in persons of their choosing without fear of enforcement action being taken against them or their confidants.

The disincentives to reporting

170. Despite the various complaints mechanisms available to potential complainants via chambers, the Inns, the Bar Council, the BSB, and the JCIO, reporting of bullying and harassment appears to be very low across the board.
171. The BSB processed 1724 complaints in the year March 2023 – March 2024. Only seven of these reports related to sexual harassment/misconduct.¹⁶⁹ It is unclear how many of these relate to bullying or non-sexual harassment. Of the 108 complaints which were accepted and referred to investigation, the majority related to “diminishing trust and confidence” in the profession.¹⁷⁰
172. Lincoln’s Inn, which carried out its own survey, noted that the Inn’s survey of members showed that 12% of respondents had experienced or witnessed bullying, harassment or discrimination but only 13% of those who had experienced or witnessed these behaviours said they had reported it.¹⁷¹ Gray’s Inn told me that they had only one or two reports per year.
173. In the year 2023-2024, the JCIO received 2394 complaints. The JCIO categorised 42 of these (2%) as relating to bullying or harassment.¹⁷² The JCIO does not record how many of these complaints were made by barristers.

¹⁶⁷ [BSB Harassment Support Schemes Waiver Guidance](#), para 8

¹⁶⁸ [BSB Harassment Support Schemes Waiver Guidance](#), para 7

¹⁶⁹ [BSB 2023-24 Regulatory Decisions Report](#), para 86

¹⁷⁰ [BSB Regulatory Decision-making Statistical Report 2023-2024](#), page 18

¹⁷¹ [Lincoln’s Inn submission, BH0165](#), p2

¹⁷² [JCIO Annual Report, 2023-2024](#), p15

Fear of repercussions and reputational damage

174. An overwhelming reason for not reporting bullying or harassment is the fear of repercussions for oneself, one's career, and often one's clients.
175. Lincoln's Inn notes that "[f]ear of reputational damage seems to be one of the biggest barriers to reporting. Many people seem to feel that reporting these types of behaviours will have a negative impact on their career prospects. They believe that they will be labelled as trouble makers or seen as weak and that this will follow them throughout their careers."¹⁷³
176. Participants in Middle Temple's focus group highlighted that "[t]he legal world can seem uncertain and unwelcoming to those who do not know current practitioners or have little knowledge of the way in which the profession works. This can be intimidating and can mean that individuals do not report cases of harassment or bullying, as they worry that they will get a bad reputation if they do."¹⁷⁴
177. Behind the Gown noted that pupillage is "prime time for exploitation", as someone seen as a "troublemaker" for speaking up may jeopardise their chances of tenancy.
178. The LPMa and IBC Workplace Survey Report stated that only 20% of their respondents who had experienced bullying or harassment had reported the incident. The dominant reason for not reporting was the fear of repercussions for oneself.¹⁷⁵
179. I received evidence from numerous barristers setting out their fears of repercussions:

"As a junior member of chambers, there were one or two KCs that I was particularly wary about. If those KCs knew that I had reported bullying, harassment or sexual harassment, I had no doubt that they would (a) never use

me as a junior, (b) imply to my clients that I was not to be trusted, or words to that effect and (c) ensure that the clerks knew, which would affect my practice. In the past, I would not ever have asked my clerks to support me [with] these sorts of issues, as some brushed off more minor incidents, although I now have a better relationship as a more senior member of chambers and consider there are individual clerks I can trust. I remain deeply mistrustful of making any complaint against a judge because I have no doubt, they would immediately tell senior KCs who are their friends or other judges, or otherwise seek to smear my name and reputation."¹⁷⁶

"In relation to judges, what will be done about it? When does the senior judiciary ever take proper action against judges for this sort of behaviour? Time and again you see a press release from the JCIO giving a judge a 'warning' or 'reprimand' for outrageous behaviour that would be unacceptable in any other public profession. In a recent case, a senior judge made inappropriate romantic advances to a young member of his staff. The JCIO specifically found a lack of insight or remorse. The judge received a 'reprimand' and carried on their merry way. How would that young woman feel, having had the courage to report behaviour that was so obviously inappropriate?"¹⁷⁷

"It is perceived as 'career suicide'. By way of example, chambers' complaints will go to a fellow or a group of fellow members of chambers. Such complaints often then enter the public domain. The alleged aggressor will often then start a counter-narrative. I have experienced both; former colleagues who have complained have all, without exception, then either left chambers or faced indirect reprisals, including in one instance an expulsion motion.

¹⁷³ Lincoln's Inn submission, BH0165, p2

¹⁷⁴ Middle Temple submission, BH0113, para 15(iii)

¹⁷⁵ LPMa and IBC Workplace Culture Report, 2023, p18

¹⁷⁶ BH0002

¹⁷⁷ BH0032

I have also had alleged aggressors subtly indicate to me that their complainants were not stable, rational or to be trusted. No wonder reporting is so low.”¹⁷⁸

“The people perpetuating the bullying and harassment often have a significant say over our tenancy decision. Sometimes, they are also the ‘welfare officer’ to whom we are supposed to report these incidents. This overlap is a significant barrier to reporting: there is no way for us to safely feedback our experience to a trusted, neutral party, without fear of repercussion or having our chances at tenancy threatened. Even when reporting to independent mechanisms outside of chambers, we feel we are unable to be candid for fear of the ramifications that would follow if we were honest.”¹⁷⁹

“It is seen as being a huge deal to make a complaint about someone. People regularly counsel you against it for fear it could harm the person making the complaint more than the person against whom the complaint is made. [...] You are seen as weak for the need to report anything to anyone. Peer pressure not to do so or you will be viewed as having caused a fuss.”¹⁸⁰

“It is similarly hard to complain about judges. If a barrister works in a small court centre it is very hard for them to complain about a judge. The judge will know their Head of Chambers and will know their mates. The judge may be at social events. They can’t complain about a judge privately as they would want to ensure that their cases were not put in that judge’s court that would mean that their clerks and solicitors would need to know, as would listing staff at court, as it would otherwise be impossible to arrange for the barrister to avoid that court. Their practice and income would be affected as they

would not be able to do some cases which were being tried by the judge they had complained about.”¹⁸¹

“Reports are very often leaked by word of mouth and information spreads through the profession very quickly. The second it becomes known or suspected that a junior member of the Bar has made a complaint against a senior member of the Bar that person becomes socially radioactive and branded a troublemaker. They will typically be excluded from social events outside formal Bar arrangements which unfortunately is where a lot of business is done. A report will inevitably have a very damaging effect on someone’s career and reputation even if it is upheld as other lawyers will try to avoid working with someone who has a reputation as someone who makes reports.”¹⁸²

“Confidentiality of complaints is extremely difficult to maintain and fear of recrimination is significant. Chambers are generally small to medium size concerns and the risks to the career of a complainant, whether successful or not, are high.”¹⁸³

180. It should not be ‘career ending’ to complain about bullying, harassment or sexual harassment. The fear of speaking up might be mitigated, at least in part, by decreasing the amount of power held by a few individuals, such as pupil supervisors or head clerks. Too much concentration of power in too few individuals within chambers risks creating ‘untouchables’. Consideration should be given by chambers to ways in which power can be redistributed, so that decisions as to tenancy or allocation of work are taken fairly and objectively. It is essential that complainants do not fear loss of tenancy or loss of work as a result of making a complaint.

¹⁷⁸ BH0052

¹⁷⁹ BH0012

¹⁸⁰ BH0059

¹⁸¹ BH0065

¹⁸² BH0067

¹⁸³ BH0074

Lack of faith in the reporting pathways

181. In its written submissions to the Review, the Criminal Bar Association ('CBA') stated: "There is a widespread lack of confidence that making a complaint will bring a positive result. The BSB's procedures, applicable to cases of serious misconduct, are cumbersome. The process is perceived as fair but it is far too slow. Cases typically take between one and two years to reach a conclusion. These delays deter reporting even of serious complaints. Less serious cases of bullying and harassment tend to be dealt with at chambers level. There is a lack of confidence in those processes due to a number of factors, including: perception of bias towards senior members; lack of independent adjudication; delay. Where the bullying or harassment is committed by a barrister from another set of chambers, the complaint has to be directed to those chambers. A 'third party' complaint of that nature is then investigated and adjudicated upon by barristers from the alleged perpetrator's chambers. There is an obvious conflict of interest, and a perception by the potential complainant that the handling of their complaint may be biased towards the alleged perpetrator." The CBA also noted that "[t]he confidence of the profession in the ability of the JCIO to address judicial bullying and harassment is regrettably very low."¹⁸⁴
182. Many other respondents confirmed that confidence in existing pathways for reporting misconduct is very low. A joint submission from barristers at No. 5 Chambers stated: "It is difficult for chambers, without an HR department, to conduct investigations in a way that is perceived to be sufficiently independent, robust, fair and prompt. BSB investigations are anecdotally perceived as taking too long".¹⁸⁵ Prof Leslie Thomas KC told us that "There are significant barriers to reporting, particularly for Black women. These include fear of professional retaliation, being ostracised by colleagues,

and a belief that complaints will not be taken seriously or acted upon. In many cases, Black women report feeling that their experiences of harassment are minimised, with a reluctance to address racial and gender-based misconduct in particular".¹⁸⁶ Many respondents commented that the reputation of BSB inquiries among barristers is poor. One noted that "The only incident I've had information about (which ended this year) seemed terribly ineffective, re-traumatising and useless. It was extremely slow and ended up seeming to sympathise overwhelmingly with the Respondent".¹⁸⁷ Referring to bullying by a male judge, one female barrister told us: "I did not raise this because my perception is that nothing will ever be done about it".¹⁸⁸

Lack of clarity as to pathways for reporting

183. There are various different pathways for reporting misconduct, which can lead to confusion for potential complainants. In one case, three different complainants took three different approaches. For example, one complainant confided in professional colleagues. One complainant sought guidance from the leadership of a professional Bar association. One complainant raised her concerns with her university, the police, chambers, a specialist Bar association and the Bar Council. The lack of clarity as to where to go to report serious misconduct adds a further hurdle to the existing barriers to reporting. The lack of clarity as to where to go to report serious misconduct adds a further hurdle to the existing barriers to reporting.
184. One female junior highlighted the lack of knowledge and awareness amongst Bar students regarding the avenues available for reporting. During her time as a student, she experienced three instances of serious misconduct that went unreported:

¹⁸⁴ Criminal Bar Association written submission, BH0123

¹⁸⁵ BH0175

¹⁸⁶ BH0078

¹⁸⁷ BH0022

¹⁸⁸ BH0081

"During my undergraduate degree (I was 19-20), two male barristers in their 40s made inappropriate comments about my appearance and asked if I had 'daddy issues' I needed them to resolve.

When I was 20, during a moot (dealing with R v Brown), where I was the only female, a male barrister asked me if I liked sadomasochistic sexual acts and whether he should demonstrate them for me. After the moot, he got my mobile number and messaged me, asking me to go out with him.

A male barrister offered to pay for my BPTC if I engaged in an intimate relationship with him. When I refused, he called me frigid and suggested that it was my fault for asking him post-mini to review my pupillage applications. I assumed he was being helpful, but I now understand he made similar offers to other female law students"¹⁸⁹

185. None of these incidents were reported as the individual concerned had no knowledge of how she, as a student, could report the misconduct of barristers.

The culture of tolerance

186. There is a deep-rooted "culture of silence" at the Bar which inhibits the reporting of misconduct. This is for a variety of reasons: self-interest, fear of consequences of calling it out, a misplaced sense of team spirit, unwillingness to be seen as an "informer", a belief that what was good enough for previous generations should be good enough for this one. I was told that "many criminal barristers, like their clients, dislike 'snitches'. There is an almost school-boy attitude to reporting others."¹⁹⁰ Another wrote: "Nobody wants to be a grass".¹⁹¹ One respondent told us: "The small world and long-term nature of a career at the Bar means that barristers often hesitate to complain or call out

bad behaviour. We are worried about it being 'career suicide', as frankly privacy and confidentiality is rarely observed at the Bar, which is rife with gossip".¹⁹² Another stated: "Members of the Bar turn a blind eye and allow bullying to continue unchecked. [They] laugh these issues off as isolated eccentricities to be tolerated".¹⁹³

187. In his written submissions, Chris Gutteridge, founder of All Rise, told us: "[w]hen I am training pupils and pupil supervisors on bullying and harassment, I often refer to the case of a male barrister who sexually assaulted a more junior female barrister at a Bar social event surrounded by other barristers. The victim told the Bar Disciplinary Tribunal that when the assault occurred, she felt unable to say anything as she did not want to make a scene in front of senior members of the bar. That is the perception of tolerance in action. The abuser perception that he would suffer no consequences for his actions was so strong that he assaulted the female barrister in a room filled with other barristers. The victim's perception after the assault was that she should not make a scene in front of her more senior colleagues."¹⁹⁴

The self-doubt and trivialisation of incidents

188. Behind the Gown described the process of victims of bullying or harassment "reducing down the incident after it has finished as a 'bad day' or 'part of the job' choosing to swallow a deeply unpleasant experience rather than having faith in a system of redressing the issue.....Often, we find women barristers will turn to other women barristers to discuss the incident, which in turn leads to a conversation of "me too" and sense of it affecting a large membership of the Bar who are currently suffering in silence."¹⁹⁵

¹⁸⁹ BH0134 (confidential)

¹⁹⁰ BH0031

¹⁹¹ BH0108

¹⁹² BH0052

¹⁹³ H0083

¹⁹⁴ BH0005

¹⁹⁵ Behind the Gown written submission, BH0182, Q3(a)

189. The sense of shock and humiliation engendered by bullying, harassment and sexual harassment can lead to those affected questioning their own competence and abilities and doubting whether after all they were fit to be a barrister. We were told that “particularly acute is the humiliation when it occurs in a public setting or in court. There are very few professions where being publicly humiliated in front of one’s colleagues is tolerated as an occupational hazard”.¹⁹⁶ Bullying leads to “feeling worthless, fearful, not wanting to come to work, feeling physically ill, feeling let down by people who watch it happen and do nothing.”¹⁹⁷ Self-doubt generated by the bullying can create reluctance to report an incident. One respondent wrote: “When subject to bullying behaviour, there can be a tendency to criticise oneself for not being robust enough and to explain the behaviour away as difficult as opposed to bullying”.¹⁹⁸

Recommendation 10: Overcoming reporting barriers

190. There is much work to be done to overcome the significant barriers to reporting faced by those in the profession. I consider that the answer to this is multi-faceted, requiring: leadership within the profession to embed a ‘speak-up’ culture and the delivery of active bystander training; increased access to support and advice for potential complainants; reducing the stress involved in the complaints process by ensuring fair, prompt and independent investigations and outcomes; effective implementation of the mandatory reporting duty, especially by seniors in the profession,

to take the onus off victims and demonstrate zero-tolerance by the profession’s leaders and strong sanctions for failure to report. In order to assist with overcoming the barriers to reporting bullying, harassment and sexual harassment, I recommend the following:

- a) All cases of bullying, harassment and sexual harassment should be considered ‘serious’ for the purpose of the reporting duty. This avoids the difficulty of individuals determining for themselves whether a case of bullying, harassment, or sexual harassment crosses the threshold of seriousness and whether, as a consequence, the duty to report is triggered.
- b) Amendments should be made to the reporting obligation in the Handbook to allow barristers, in cases concerning bullying, harassment or sexual harassment, to fulfil their duty to report by reporting either to the BSB or to the Commissioner for Conduct.
- c) If the Commissioner receives a report that warrants enforcement action, the Commissioner must refer the report to the BSB. In all other cases, the Commissioner can decide the appropriate course of action. If the BSB receives a report that doesn’t warrant regulatory intervention, the BSB should refer to case to the Commissioner to consider whether any follow-up action is appropriate. The BSB and the Commissioner must work together to develop a protocol for referrals.

¹⁹⁶ BH0031

¹⁹⁷ BH0042

¹⁹⁸ BH0096

Chapter 7: Sexual harassment and abuse of power

Sexual harassment at the Bar

191. I heard from a number of female juniors who made complaints to the BSB relating to sexual harassment by senior male barristers. All of them expressed extreme dissatisfaction with the BSB's handling of their cases and ultimately came to regret that they had come forward.
192. "The Review team spoke with a female junior barrister who was sexually harassed during her pupillage. Reflecting on her experience of the BSB's processes, she said that she "would not want anyone to go through this process". She told us that she cried every time she spoke to the BSB case worker, whom she felt "kept her in the dark". She didn't know for a long time whether the respondent was accepting or disputing the charges.¹⁹⁹ She was asked to prepare a victim impact statement but was subsequently told she had to redact this.²⁰⁰ Whilst the BSB had case workers and counsel, she had no-one. She asked about the procedure and decisions being made but was given very limited information. She still does not have a full understanding of the procedure or how she could have challenged the decisions that were being made. She was ultimately allowed to read out her victim impact statement, but only after having to make redactions.
193. The case took four years before a decision was made and a sanction handed down. She says that this process took four years of her life, during which time she felt like a "cog in the BSB's system". She says that she would not advise anyone to make a report to the BSB: "there is no duty of care. I have no trust or confidence in the BSB. I do not feel like they care for the person concerned."²⁰¹
194. Another female junior spoke to the Review team about being sexually assaulted as a second six pupil during a chambers social event, where a male member of chambers put his hand under her dress and into her tights three times whilst sitting around other members of chambers. The victim was left having to find a way to remove herself from the situation and ultimately locked herself in the bathroom at the venue. Following an internal investigation in chambers, the person responsible self-reported to the BSB, having been encouraged to do so by chambers. The victim told me that the BSB investigation and tribunal hearings took over a year (from the time of the report to the conclusion), during which time she felt like "a pawn in the disciplinary game". The process deprived her of agency and exacerbated her feeling of being out of control. She was given very little information about what was happening and when. There was no support in place, and no signposting to avenues for support. She was never asked for an impact statement. She felt totally "sidelined".²⁰² The respondent was suspended for three months and continues to practise.²⁰³
195. I spoke with a female junior who was sexually assaulted in a taxi when she was a law student. The perpetrator was her Inn-appointed mentor, Sam Brown. The charges were found proven by a Disciplinary Tribunal and he was suspended for six months.²⁰⁴ Reflecting on her experience as a complainant in BSB proceedings, she told me that she felt wholly unsupported and that the process was a "grinding down of [her] self-esteem". She received emails from the BSB throughout her pupillage, which

¹⁹⁹ I note the view of the BSB that disclosure of a respondent's response to a witness can be problematic and impact upon matters such as cross-examination.

²⁰⁰ I note the BSB's response that the victim impact statement was subject to legal challenge by the barrister's representatives in relation to material that could be prejudicial if seen by the panel before any decision on charge or indeed was not admissible under evidential rules.

²⁰¹ Confidential meeting with female junior barrister

²⁰² Confidential meeting with female junior barrister

²⁰³ Note that the respondent was sanctioned under the previous sanctions' regime, which had a lower range for misconduct of a sexual nature. The minimum sanction for misconduct of a sexual nature is now 12 months suspension as of 2023.

²⁰⁴ [Findings no longer available online. See BSB press notice](#)

added significant stress to an inherently stressful year. During the hearing, the special measures consisted of a screen which was placed in between the complainant and respondent – they were sat a few feet away from each other. As a criminal practitioner, she highlighted the need to ensure that the BSB's processes reflect the basic minimum standards expected in criminal proceedings concerning sexual offences: complainants need to be offered familiarisation with the Tribunal; special measures must be provided and implemented effectively; and a single point of contact who is independent from the investigation should be assigned to ensure regular communication which is sensitive to the impact on the complainant. She told me that it took years to get the BSB to take the case forward, during which time she "didn't feel safe, protected or heard".²⁰⁵

196. Another female junior told me that she was sexually harassed by a mentor within chambers who sent a proliferation of messages disclosing graphic details about his sexual history; enquiring as to her sexuality and relationship status; and making inappropriate comments about their compatibility. Following an internal chambers investigation which found that he had committed serious misconduct, the case was referred to the BSB. She was contacted by a BSB case worker who told her that it was clearly serious misconduct and that her case was "very compelling". The case then went quiet for months, during which time the respondent requested numerous extensions of time. Eventually, the case was referred to an Independent Decision-Making Panel who dismissed the case on the grounds that the complainant did not say "no" or "protest" against his behaviour. She felt blamed and let down. She didn't appeal as she had completely lost faith in the BSB.²⁰⁶

197. I spoke with one young woman who received a connection request on LinkedIn shortly after graduating from her LLB, followed by offers of trial experience and mentorship. They started communicating and he suggested they meet. He then offered her a mini-pupillage, promising to be her mentor and to introduce her to his networks. This was soon followed by an invitation for her to join him in court. He sent her the papers relating to the trial and offered to drive her. She reluctantly agreed to his offer. However, before the trip was due to happen, he started sending her messages stating that she was "good looking". At this point, she panicked and blocked all contact. Reflecting on this, she told us: "The whole profession felt so alien to me. There is lots of information on how to get pupillage but there needs to be more clarification as to what is legitimate.... This experience put me off law for two years. It was the only interaction I had had with the Bar."

198. One female junior told me that, as a law student, there were two very senior male barristers who attended all the career events at her university. They were friends with a senior lecturer in law who coordinates events. They also judged the student mooting competitions. At a moot, these male barristers told her she must be arrogant because she was a "beautiful blonde". They then added her on Facebook and got her number from a third party. One of them sent her text messages repeatedly asking her to go for a drink and inviting her to his house. He was hostile when she refused. She was aged 19–20, and he was in his mid-40s. A different male barrister told her that she had scored the highest during a moot because she was pretty. Another male barrister offered her a mini-pupillage and offered to pay for her Bar course in exchange for sex. She knew he had made the same offer to another student. None of these barristers were reported.²⁰⁷

²⁰⁵ Confidential meeting with female junior barrister

²⁰⁶ Confidential meeting with female junior barrister

²⁰⁷ Confidential meeting with female barrister

199. Professor Jo Delahunty KC and Brie Stevens-Hoare KC told me of a pupil who experienced sexual harassment who had to be “parachuted” out of her chambers as her situation was untenable. I pay tribute to their work in tackling bullying and harassment at the Bar, and for the dedication they showed to supporting a junior colleague who suffered serious misconduct as a pupil. They suggest there is a need for a formalised mechanism for ‘rescue’ pupillages for pupils who are being subjected to bullying or harassment and cannot continue at their present chambers.

Abuse of power

200. The case against Jo Sidhu KC highlights some of the systemic issues facing the Bar with regard to sexual misconduct. Jo Sidhu KC was formerly the Chair of the Criminal Bar Association. Called to the Bar in 1993, he took silk in 2012. He had been Vice Chair of the Bar Council’s Equality and Diversity Committee and President of the Society of Asian Lawyers. At one point, he was in the running for Vice Chair of the Bar Council and the Director of Public Prosecutions. He was undeniably a barrister in the upper echelons of the profession.

201. All charges related to allegations of sexual misconduct made by three female complainants who were students or mini-pupils at the relevant time (Persons 1, 2 and 3). He was charged with professional misconduct contrary to: Core Duty 3 (failure to act with integrity)²⁰⁸ and Core Duty 5 (acting in a way which is likely to diminish the trust and confidence which the public places in him or the profession).²⁰⁹ There is no provision of the Handbook which specifically refers to, or prohibits, sexual misconduct. He denied all charges. On 9 December 2024, following a hearing before a Disciplinary Tribunal over the course of eight days, the Tribunal found that he had engaged in professional

misconduct in relation to one complainant contrary to Core Duty 5. In particular, the Tribunal held that he knew or ought to have known that: the invitation to stay at his hotel in his bed was inappropriate and unwanted; that the sexual activity was inappropriate; and that this constituted a breach of Core Duty 5.²¹⁰ All charges relating to the other complainants were dismissed.” On 19 March 2025, the Tribunal (by a majority of 3 to 2) disbarred Jo Sidhu KC consequent to the findings of professional misconduct in relation to Person 2.²¹¹ He has since lodged an appeal against the sanction. The appeal is pending.²¹²

Action to ensure protection and safeguarding of entrants to the profession

202. There is an urgent need to guarantee the effective protection and safeguarding of students, mini-pupils and pupils. I am mindful of the need for the profession to assist with widening access, but this legitimate aim must not be allowed to be a vehicle to be exploited by predators. I am concerned that there is no requirement for chambers to have procedures in place for the recruitment and supervision of mini-pupils or any other person undertaking work experience. I note, for example, that the Tribunal established that Jo Sidhu KC’s chambers, at the relevant time, offered both formal mini-pupillages (i.e. by way of written application to chambers) and informal mini-pupillages (i.e. arranged by members with no notice to chambers).²¹³

203. At present, there is no regulatory prohibition on sexual relationships between mini-pupils/pupils and members of chambers or influential employees. I note the guidance from the Bar Council which states: “[a] sexual relationship between a pupil and pupil supervisor, or

²⁰⁸ This duty applies where a barrister is practising or providing legal services

²⁰⁹ This duty applies to a barrister at all times

²¹⁰ BSB v Navjot Sidhu KC, Report of Finding and Sanction, para 85. See also various media reports: [The Times: KC guilty of misconduct for inviting aspiring barrister to hotel room](#), [Tortoise](#), [The Guardian](#) and [Legal Futures](#)

²¹¹ “Person 2”: [The Times: KC disbarred for sexual misconduct towards aspiring lawyer](#), [Legal Futures](#).

²¹² [The Times](#), 6 August 2025

²¹³ BSB v Navjot Sidhu KC, Report of Finding and Sanction, para 52

between a pupil and any member of chambers or clerk who could be perceived to have any influence over that pupil's professional future, is strongly discouraged."²¹⁴ I am aware of one or two sets of chambers who have incorporated a prohibition into their constitutions. This should be a mandatory requirement for all chambers. Some argue that this is an unwarranted interference in personal relationships, and some point to the fact that many married couples at the Bar met in chambers. However, I have three points in response. Firstly, the overriding concern should be the urgent need to protect pupils from feeling pressured into sexual relationships for fear that refusal could impede their career. Secondly, pupillage is for a period of twelve months only, so it is time limited. Thirdly, a clear, hard rule is required to give protection to the often-young people who come to chambers as pupils. The postponement of a potential relationship for a period of one year is, in my view, a price worth paying to protect all pupils from any abuse. Such a rule would make it misconduct for a member of chambers to have sex with a pupil. It would not be misconduct for the pupil and would not prevent sexual relations between pupils. Some argue that, instead of prohibition, there should be mandatory disclosure where a member of chambers is having a sexual relationship with a pupil. This would certainly protect colleagues in chambers from making a decision about giving a pupil tenancy without knowing that one of their number had a vested interest because of a sexual relationship. But it creates problems. The disclosure might be very awkward for the pupil and feel intrusive rather than protective. It would be invidious for the head of chambers to have to decide whether the relationship was appropriate. And it would do nothing to protect the pupil who doesn't want to have sex with the member of chambers who's pressurising her which is the main problem which needs to be addressed.

Recommendation 11: There is a need to safeguard aspiring barristers, juniors and employees

Responsibility for implementation – Universities, GDL/BTC providers, chambers, Inns, BSB

204. Aspiring barristers, new entrants, juniors and employees are vulnerable to abuse by those in positions of power. I therefore recommend the following:

- a) All students and pupils must be given information by their education and training providers (universities, GDL/BTC providers and the Inns) at the outset of their courses/pupillages about: (i) the proper procedures for securing work experience; and (ii) what constitutes bullying, harassment and sexual harassment; and (iii) what to do should misconduct occur.
- b) Prevention policies must be in place in all chambers and Inns, and circuits to protect students, mini-pupils, pupils, and those undertaking any form of work experience.
- c) It must be proscribed as serious misconduct in BSB regulations and chambers' constitutions for a member of chambers or a chambers' employee to have sexual relations with someone who is a mini-pupil, pupil, or anyone undertaking any form of work experience, in connection with that chambers.
- d) It must be proscribed as serious misconduct in the Inns' Codes of Conduct for members who occupy a position of leadership, such as mentors or advocacy trainers, to have sexual relations with pupils and students at their Inn or with those attending courses run by their Inn.
- e) It must be proscribed as serious misconduct for members of circuit who are in a position of leadership, or are responsible for pupils' education, to have sexual relationships with pupils.

²¹⁴ [Bar Council Guidance](#), para 20

- f) **Mini-pupillages should only take place following a formal process of appointment within chambers and not informally via individual members, in accordance with the Bar Council's guidance on fair recruitment. Mini-pupils, or anyone undertaking any form of work experience, should be given copies of chambers' protection and safeguarding policies and signposted to a trained individual within chambers who is responsible for their pastoral care. Any informal work experience placements must be notified to chambers and monitored by a relevant committee within chambers.**
- g) **There are pupils who find themselves the victim of bullying, harassment and sexual harassment. Where chambers is unable to resolve the situation, their pupillage becomes untenable as a result. The Bar Council, chambers and the Inns should consider the feasibility of establishing a 'lifeboat scheme' to allow for pupils to be 'rescued' in situations where the continuation of pupillage in that chambers would otherwise be untenable due to bullying or harassment. The Inns might have a contribution to make to facilitating such a scheme and establishing protocols with willing sets of chambers.**

Chambers must be held accountable

205. In other sectors such as financial services or the solicitors' profession there are regulatory obligations imposed both on individuals and on the organisations which employ them. But the BSB does not regulate chambers, only placing duties on the barristers individually. This means that the BSB cannot hold chambers to account for collective failings. The SRA's guidance on 'risks of failing to protect colleagues' places an obligation on managers²¹⁵ to challenge inappropriate

behaviours. The SRA's enforcement strategy places emphasis on the importance of firms taking responsibility for creating a culture where bullying, harassment and sexual harassment are not tolerated, and where incidents are addressed. Firms can face financial penalties where poor systems or controls allow these types of behaviour to occur or persist. Where there are serious failings at a leadership level, leaders may be referred to a Disciplinary Tribunal to consider a more serious sanction, such as being struck off.²¹⁶

- 206. Although this is difficult to implement in an unregulated entity, those in senior management in chambers must be held to account for their actions, or inaction, if they knew, or ought to have known, that members within their set were bullying or harassing others.
- 207. In the absence of regulatory obligations, the BSB sets out its 'expectations' of chambers.²¹⁷ The BSB states that they: "expect chambers to create and promote a culture in which bullying and harassment are not tolerated and in which support is provided to pupils, barristers or chambers' staff who experience unacceptable behaviour. To this end chambers should have robust policies and processes to deal with bullying and harassment and to encourage the reporting of unacceptable behaviour. Chambers also have a role to play in arranging relevant training and encouraging barristers and staff to attend relevant training."
- 208. It is not possible to place regulatory obligations on chambers as they are unregulated entities. However, those in positions of senior leadership within chambers should be under a duty to undertake due diligence and ensure, to the best of their ability, that members and employees are not bullying or harassing others. Senior leaders within chambers must take responsibility for creating a zero-tolerance culture and must be held to account where they fail to address bullying, harassment or sexual harassment.

²¹⁵ The obligation is effectively on the owners of the firm - specifically 'managers' which means the partners in an SRA-regulated law firm that is a partnership, and their equivalents in other SRA-regulated firms. which is defined here [SRA | Glossary | Solicitors Regulation Authority](#)

²¹⁶ The relevant guidance can be accessed here: <https://www.sra.org.uk/solicitors/guidance/workplace-environment/>

²¹⁷ Regulatory expectations of chambers

Clarity needed as to when non-professional conduct is a matter for the regulator

209. Certain Core Duties and conduct rules in the BSB Handbook apply at all times. The most relevant are Core Duty 5 (CD5 – you must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession) and Rule C8 (you must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) and independence (CD4)).
210. According to the BSB's guidance on the regulation of non-professional conduct, the BSB considers two questions when deciding whether it should take a regulatory interest in non-professional conduct:
- Has the barrister been: a. Charged with an indictable offence in England and Wales; b. Charged with a criminal offence of comparable seriousness elsewhere; or c. Convicted of, or accepted a caution for, any criminal offence other than a minor criminal offence (subject to the Rehabilitation of Offenders Act 1974 (as amended))?
 - Is the conduct sufficiently relevant or connected to the practice or standing of the profession such that:
 - it is likely to diminish public trust and confidence in the barrister or the profession; or
 - it could reasonably be seen by the public to undermine the barrister's honesty, integrity or independence.²¹⁸
211. In determining whether the conduct is sufficiently relevant or connected to the practice or standing of the profession, the BSB will take into account: a) the nature of the alleged conduct; and b) the context and environment in which the conduct is said to have occurred.²¹⁹
212. Where a barrister's conduct in their non-professional life is incompatible with the high standards the public expects of them, the BSB may take regulatory action in the public interest.²²⁰ The BSB's guidance on the regulation of non-professional conduct states: "we may also have a regulatory interest where the nature of the conduct is so serious that it is capable of diminishing public trust and confidence in the barrister or the profession, regardless of the context and environment."²²¹
213. In the Sidhu case, the Tribunal did not accept that the relationship between Person 3 and Jo Sidhu KC fell within the scope of the regulator given the passage of time between her mini-pupillage and the relevant conduct. In my view, a relationship which originated in a professional context, where there is a clear power dynamic, should always be a matter for the regulator where the misconduct is likely to affect the reputation of the profession. Person 3's evidence was that she received requests for photos of naked parts of her body and requests for sexual role play and video calls.²²² The Tribunal Chair stated in the findings hearing the conduct was "reprehensible" and would "shock" the public. Nevertheless, the Tribunal held that the conduct did not fall within the scope of the regulator on the grounds that the relationship between Jo Sidhu KC and his former mini-pupil was no longer "professional".²²³
214. In my view, where sexual misconduct occurs in the context of a relationship which exists as a result of a professional connection, the misconduct ought to be considered through the lens of the professional origins and power dynamics of the relationship. Even where there was never a professional nexus at all, there may be cases where the conduct is so serious that it calls into question whether the individual can meet the high

²¹⁸ BSB Guidance on the regulation of non-professional conduct

²¹⁹ BSB Guidance on the regulation of non-professional conduct

²²⁰ The guidance relies on case law: *R (on the application of Remedy UK Ltd) v General Medical Council* [2010] EWHC 1245 (Admin); *Khan v Bar Standards Board* [2018] EWHC 2184 (Admin); *Ryan Beckwith v Solicitors Regulation Authority* [2020] EWHC 3231 (Admin); *AB v Bar Standards Board* [2020] EWHC 3285 (Admin).

²²¹ BSB guidance on the regulation of non-professional conduct, para 18

²²² Law Gazette, Former criminal bar chair Sidhu groomed aspiring lawyers for favours, tribunal hears, 14 November 2024

²²³ We rely upon contemporaneous notes which we took during the hearing and reporting Law Society Gazette.

standards expected of the profession, despite it being unrelated to professional practice. The complaint from Person 3 should have, in my view, been treated as professional misconduct. The connection between Jo Sidhu KC and Person 3 derived from her position as a law student and her desire to join the profession. Additionally, irrespective of whether there was an ongoing professional nexus, his conduct in relation to Person 3 was so serious that it justified regulatory enforcement action.

215. A woman I spoke to told me about her experience of making a complaint about a sexual relationship which developed between her and a senior member of the Bar. She was unsuccessful in her application for a mini-pupillage and he was a member of the pupillage committee and followed up with her to provide feedback, then offered an informal mentorship and mini-pupillage. Despite his senior position, the BSB concluded that the mentorship had ended before the sexual relationship began and so there had been no position of authority in existence that the barrister could have abused. I am grateful to the BSB for reviewing this case at my request but note that their view remains that their decision not to refer to a Disciplinary Tribunal reflects an appropriate view of what constitutes a professional relationship. They contend that there would have been a professional nexus if she had been a mini-pupil but there wasn't as she had failed to be selected. However, in my view, this case highlights the problematic narrowness of the BSB interpretation of what constitutes a professional relationship. Her application to his chambers for a mini-pupillage, his offer of feedback based on his role on the pupillage committee, his offer of and implementation of a mentorship and mini-pupillage with him (however it is termed), her intention to pursue a career at the Bar and his senior position at the Bar should all have been seen by the BSB as constituting both a

professional nexus and a power imbalance and therefore justified referral to a Disciplinary Tribunal.²²⁴

Recommendation 12: The scope of professional misconduct must be clarified

Responsibility for implementation – BSB

- 216.** The Code of Conduct and associated guidance on the regulation of non-professional conduct should be redrafted to clarify that: (i) where conduct occurs in the context of a relationship that derived from a professional context (an applicant for a mini-pupillage and a member of the Bar), this should be treated as 'professional' even where the professional nexus is not extant; and (ii) serious sexual misconduct must always trigger regulatory action, irrespective of the context, due to its severity and the inevitable impact on the public's trust and confidence in the profession.

Overcoming reporting barriers and open secrets

217. There is a widespread failure to report serious misconduct, including sexual harassment. I have heard from many practitioners about notorious practitioners or judges, WhatsApp groups where intelligence about perpetrators is shared in confidence, and chambers' 'blacklists'. For example, one female junior explained: "[c]onfidentially, I personally have a blacklist of known unpleasant opponents who go beyond the reach of acceptable practice, which I often consult before a hearing so I can be prepared. I am aware other colleagues do the same and many women barristers give the 'heads up' to one another of potential perpetrators."²²⁵ One female junior criminal practitioner told me that she's a part of an all-female WhatsApp group where they share information to keep each other safe.

²²⁴ Confidential meeting with complainant.

²²⁵ [Behind the Gown written submission, BH0182](#), Q3(a)

218. The view that has been expressed to me by numerous members of the Bar is that Jo Sidhu KC's approaches to young women had been noticed. This indicates that those who knew, or suspected, even those in senior positions, felt that it was not their responsibility to report him. During the course of the disciplinary proceedings, Counsel for the BSB, Fiona Horlick KC, said that "there had been 'talk' at the Bar for some time about the Respondent's conduct".²²⁶ Person 1 told me that she tried many times to raise her concerns with members of the Bar. Person 3 told me that she had made a complaint to various senior members of the Bar, to her university, and to the Criminal Bar Association. Person 3 shared with me her impact statement. In it, she states:

"Something I find very difficult is the way I was treated by female barristers when I tried to raise concerns about the Respondent's behaviour; they did not want to be associated with it and I was encouraged to report it independently, if at all. As a result, I am more hesitant of women, as well as men, than I was before.... they could see what was happening was not right, yet still chose to do nothing. It makes me question whether this behaviour is seen as acceptable within the Bar or legal practice more generally. How can any young women safely navigate their way through the industry, particularly those who don't have a legal background and/or are more vulnerable?"²²⁷

219. Person 2 told me that "I feel completely let down". Person 2 also shared with me her impact statement. In it, she described her experience as Jo Sidhu KC's mini-pupil:

"Having to engage in sexual activity, stay the night and sleep in the same bed as the person who is in charge of you, who you view as a mentor, a senior in the profession, and on your first night of your mini pupillage, is just so wrong and I should never have been put in that position...."

220. Person 2 contacted the Criminal Bar Association (CBA). The then Vice Chair of the CBA, Tana Adkin KC, contacted the then Chair of the CBA, Kirsty Brimelow KC, and the Vice Chair then notified the Bar Council of Person 2's complaint and sought advice as to how to proceed. Ms Adkin KC then met with Person 2 and advised her as to the various different options for raising a formal complaint which included signposting her to the Bar Council. Support of Person 2 by the CBA was considered by Ms Adkin KC and Ms Brimelow KC. Ms Adkin KC ensured there was a handover to the Bar Council. The Equality and Diversity Team at the Bar Council supported Person 2 in completing a Talk to Spot report. The support of the CBA at this time, including the Vice Chair of the CBA and the Equality and Diversity Team at the Bar Council, and the availability of the Talk to Spot platform, were instrumental in ensuring that this complaint was submitted to the BSB for formal investigation. Reflecting on this process, Tana Adkin KC noted that Talk to Spot is an important tool for allowing complainants to record an incident and to raise their concerns anonymously before deciding whether and when to proceed with a formal complaint to the regulator. Kirsty Brimelow KC also pointed to the importance of Talk to Spot as a means of enabling the complaint to be recorded whilst the complainant navigated their decision making. She referred to the lack of process by specialist Bar associations and how Sam Mercer, the Bar Council's executive for the Equality, Diversity and Social Mobility Committee, was a clear and important contact point in this case. She welcomed further contact points, particularly at an early stage in a potential complaint, when there might be uncertainty by the complainant on how to proceed.

221. Counsel for the complainants told me that Persons 2 and 3 "expressed fear, uncertainty and intimidation with reporting due to his seniority, leadership position, power and influence. They were

²²⁶ BSB v Jo Sidhu KC, Report of Findings and Sanction, para 40

²²⁷ Impact Statements are not published

fearful for their safety, anonymity and future legal career. They were unclear as to the legal status of his actions, and the control over the decision-making in respect of mandatory reporting and subsequent use of their information... Where disclosures were made in the hope of action, Person 3, particularly, felt disbelieved and marginalised with a reinforcement of his perceived power and influence within the profession. All three women believed that his powerful connections would ultimately lead to any report being silenced"²²⁸

222. The BSB has confirmed that, prior to the disclosure of his identity by the BSB only one third-party complaint was made by a barrister about Jo Sidhu KC's conduct.
223. The sanctions for failure to report misconduct (by oneself or another barrister) range from 'advice' to twelve-months suspension. In determining the severity of the sanction, the Tribunal will consider various factors affecting culpability and harm such as "whether there was a foreseeable risk to the public or consumer interest"; "whether the breach harmed or risked harming the public"; and whether the misconduct had an adverse impact on a third party".²²⁹ The failure to report barristers who have engaged in sexual misconduct has led to serious harm to numerous women. Everyone at the Bar has a collective responsibility for upholding standards. Everyone must be vigilant on behalf of victims, but also on behalf of the reputation and standing of the Bar. This is why the third-party reporting obligation is so important.
224. I recognise that rumours and hearsay allegations cannot be said to amount to a reasonable belief of serious misconduct such that the duty to report is triggered. I consider therefore that the threshold for reporting serious misconduct is too high and should be lowered to reasonable suspicion. The proposed Commissioner for Conduct would have an important role to play here. I have proposed that the

duty to report should be modified to allow barristers to report bullying, harassment or sexual harassment either to the BSB or to the proposed Commissioner for Conduct. Where individuals are uncertain as to whether there is sufficient knowledge or evidence to make a formal report to the regulator, information could be shared with the Commissioner who would be able to identify patterns and build a picture based on various sources of intelligence.

Recommendation 13: The duty to report serious misconduct should be triggered upon reasonable suspicion and the sanction for failure to report should be strong

Responsibility for implementation – BSB and BTAS

225. There needs to be a greater sense of obligation on third-parties to take action in response to "hearsay" and "open secrets". I therefore recommend the following:
 - a) The current threshold of 'reasonable belief' sets the threshold too high. The obligation to report serious misconduct either to the BSB or to the Commissioner for Conduct should be triggered where there is a "reasonable suspicion" of serious misconduct.
 - b) The BSB must proactively seek to enforce the duty to report serious misconduct against those in positions of leadership and BTAS must impose commensurate sanctions for failure to report.
 - c) The sanction for failure to report serious misconduct for those in positions of seniority should be a suspension. The greater the knowledge and the greater the level of seniority, the longer the period of suspension.
 - d) The Commissioner for Conduct should disseminate information

²²⁸ Written submission of Rachel Spearing KC, Counsel for the Complainants in BSB v Jo Sidhu KC, BH0183 (confidential)

²²⁹ BTAS Sanctions Guidance, Obligations to the Regulator, p66

across the profession to ensure that all barristers understand when their professional obligation to report serious misconduct is triggered and how it can be fulfilled (i.e. by making a report to the BSB or the Commissioner).

Lack of mechanisms for protection and safeguarding

226. During my discussions with various stakeholders, it has become apparent that information concerning serious misconduct is not always disclosed to other relevant bodies, such as, between chambers and the Inns. For example, in the Sidhu case, following the disclosures by the three complainants to the Bar Council, there were no mechanisms in place for onward disclosure to ensure the protection or safeguarding of other women while the proceedings were underway. As noted by Counsel for the complainants, “there was no system in place for the Bar Council or others in possession of knowledge giving rise to a serious safeguarding risk to make appropriate third-party disclosures. There were no mechanisms between the Inns of Court, Specialist Bar Associations and other access to law stakeholders to make appropriate safeguarding reports to protect other potential victims.”²³⁰

Recommendation 14: Protocols and data-sharing agreements are needed to ensure disclosure of protection or safeguarding concerns across relevant bodies in the profession

Responsibility for implementation – chambers, Inns, Bar Council, Bar Associations, Universities and other training providers

227. Where reports have been made by a complainant or a third party and the nature of the disclosure raises protection

or safeguarding concerns, organisations must have policies in place for making disclosures to other relevant bodies, including putting data-sharing agreements in place. For example, this should take place where a reported incident raises serious concerns regarding an abuse of power within chambers, such as sexual harassment of a pupil by a supervisor. The organisation with the protection or safeguarding concern should notify the relevant Inns, chambers, Bar Council Committees and Bar Associations, subject to the complainant’s consent. This is to ensure appropriate protection or safeguarding mechanisms are put in place across all relevant bodies, pending the determination of the complaint. For example, the Judicial Appointments Commission carries out a range of character checks, but has no role in the reporting or surfacing of bullying and harassment matters. The sharing of safeguarding or protection concerns with the BSB would enable the JAC to consider them during their candidate background checks.

Deficiencies in the BSB’s processes

228. Concerns regarding the BSB’s handling of complaints are longstanding.²³¹ In April 2024, the BSB published the Bar Standards Enforcement Review which set out the findings of the Fieldfisher report.²³² The Fieldfisher report identified that, while the enforcement procedure adopted by the BSB was fundamentally appropriate, there was considerable scope for improvement, as set out in the report’s nine headline recommendations.²³³ In response, the BSB has embarked upon a major programme of reform (“the Reform Programme”) which is ongoing.

229. In March 2025, the Legal Services Board (the oversight regulator) rated the BSB’s leadership and operational delivery as

²³⁰ Written submission of Rachel Spearing KC, Counsel for the Complainants in BSB v Jo Sidhu KC, BH0183, para 2.6 (confidential)

²³¹ I note the correspondence between the Bar Council and the BSB from 2019, in which the Bar Council expressed concerns regarding the quality of investigations. In particular, the letter questioned the quality of case worker support available to complainants; sought clarification on the type of training provided to those on disciplinary panels or involved in judgment drafting; and requested the use of Victim Impact Statements and greater consideration of the impact on the complainant as part of the process.

²³² Fieldfisher, Bar Standards Enforcement Review, April 2024

²³³ Fieldfisher, Bar Standards Enforcement Review, April 2024

'insufficient',²³⁴ whilst its approach to regulation was rated as 'partially' sufficient.²³⁵ It continues to be the worst performing of all nine regulatory bodies assessed by the Legal Services Board.

230. There were a number of significant failings with regard to the BSB's handling of the case against Jo Sidhu KC. All three complainants were very young women who were aspiring entrants to the profession. It took extreme courage for them to report their experiences to the BSB. Having done so, they were let down by the system. There is much work to be done to restore trust and confidence in the regulator's ability to handle cases of this nature appropriately. Improvements must focus on: (i) the prompt resolution of cases; (ii) the provision of support services; (iii) and improved communication and transparency.

Delays with the BSB's investigations

231. Person 2 told me that, at the beginning of the case, the BSB had given an estimated timeframe of 3–6 months. However, the case was subject to unacceptable delays. It took two years and three months for the complaints to result in Jo Sidhu KC's disbarment. In her impact statement given prior to the sanctions hearing, Person 2 stated:

"I am completely exhausted by these proceedings. It has taken too long to get to this stage and it has been a horrendous process."²³⁶

232. In its second written submission to the Review, the BSB states: "[t]hough timeliness is also important, public and professional confidence depends

above all on the outcome. Achieving these outcomes required our team to demonstrate meticulous attention to detail, to reassure and take statements from the witnesses, who were all vulnerable, to deal fairly and patiently with barristers' various challenges to the process and to work to the timetable set by the Tribunal. Cutting corners in any of these respects would have jeopardised what mattered most: ensuring that we could present the strongest possible case to the Tribunal."²³⁷ When I spoke with the complainants, they were all clear that they did not characterise themselves as "vulnerable". Being a young, female, aspiring barrister should not equate to vulnerability.

233. I note that the LSB's most recent Regulatory Performance Assessment rated the BSB's operational delivery as 'insufficient' due to "serious concerns about the BSB's failure to meet its targets for the timeliness of its...investigations work".²³⁸ I also note that in September 2024, the BSB amended its key performance indicator (KPI) for the timeliness of completion of investigations from 80% of investigations completed within 25 weeks, to 80% of investigations completed within 38 weeks.²³⁹ This is a matter of concern, given the protracted problems with ensuring prompt investigations and enforcement action. On 29 July 2025, the BSB announced voluntary undertakings in response to action taken by the LSB under its enforcement policy following its assessment of the BSB. These undertakings include commitments to meet the BSB's performance targets and monitoring for implementation of improvements to its disciplinary processes, as part of a wider reform programme.

²³⁴ 'Insufficient' assurance means that the regulator's performance raises serious concerns in at least one area or multiple concerns. The regulator would need to take immediate action to address these concerns, including developing its own action plans. See table on page 7 of the LSB's Regulatory Performance Assessment, March 2025.

²³⁵ 'Partial' assurance means that the regulator's performance raises one or more concerns that should be addressed before the next assessment. This rating would also be used when it has not been possible to gain sufficient assurance from the information available. See table on page 7 of the LSB's Regulatory Performance Assessment, March 2025.

²³⁶ Confidential Impact Statement of Person 2, BSB v Jo Sidhu KC

²³⁷ [BSB's second written submission to the Review, April 2025, BH0184](#)

²³⁸ Legal Services Board Regulatory Performance Assessment, March 2025, page 5, para 10

²³⁹ Legal Services Board Regulatory Performance Assessment, March 2025, para 72

Recommendation 15: The BSB must implement strict time limits for processing cases concerning bullying, harassment and sexual harassment

Responsibility for implementation – BSB

234. The BSB must replace its ‘targets’ for dealing with a complaint with strict time limits, subject to extension only in exceptional circumstances, to ensure that the assessment, investigation and disciplinary enforcement proceedings are completed in a timely manner. Whilst I recognise that the quality of investigation and decision-making must not be sacrificed for the sake of speed, delays serve no-one. Promptness is an essential component of procedural fairness.

Lack of support for complainants

235. There is currently no support service in place for complainants or respondents involved in BSB proceedings, although the BSB will always signpost to external organisations such as LawCare, Wellbeing at the Bar, and Victim Support as standard. This is currently under review as part of the BSB’s ‘modernisation review’.

236. Sarah Green, Chief Executive of Women at the Well, is a specialist in providing support to victims of sexual abuse and exploitation with experience of supporting complainants throughout the BSB’s processes.²⁴⁰ In her view, the BSB’s procedures for investigating and taking enforcement action are not set up for dealing with cases concerning sexual misconduct.²⁴¹ She believes that one size does not fit all when it comes to dealing with professional misconduct. Whilst the BSB’s systems may be well set up for dealing with, for example, financial misconduct, an entirely different approach is needed when dealing with sensitive matters concerning sexual harassment.²⁴²

237. I understand that there is no dedicated support service in place for complainants or respondents involved in BSB proceedings, although this is currently under review as part of the BSB’s ‘modernisation review’. In the Sidhu case, various efforts were made to provide support to the complainants. As they were not party to proceedings, the complainants were not directly represented. However, the Review team spoke with counsel for the BSB, Fiona Horlick KC, who felt strongly that the complainants were at the heart of the case and fought for them throughout the numerous legal challenges, the substantive hearing, and the sanctions hearing. The BSB arranged for one of the complainants to visit BTAS several months before the hearing to allow the complainant to familiarise herself with the venue and decide whether to attend the hearing in person. The Bar Council arranged for a Special Point of Contact and provided counselling over the extended period, as well as covering some other expenses and helping them secure pro bono support. A barrister and a solicitor acted pro bono to provide support to the complainants. Counsel for the complainants, Rachel Spearing KC, undertook over 500 hours of pro bono work to represent the interests of the complainants throughout the investigation and subsequent proceedings. Isabelle Mitchell, Partner at Eversheds and solicitor representing the complainants, undertook over 300 hours of pro bono work in support of the complainants. I pay tribute to everyone involved in providing support to the complainants in this particular case – their dedication to their clients and to the profession is exemplary. But support for complainants alerting the profession to serious misconduct should not depend on the good will of barristers prepared to undertake hundreds of hours of pro bono work.

²⁴⁰ She was appointed as the SPOC in December 2022 and supported two of the complainants throughout the case

²⁴¹ Meeting with Sarah Green, Chief Executive of Women at the Well, SPOC for the complainants.

²⁴² Meeting with Sarah Green, Chief Executive of Women at the Well, SPOC for the complainants.

238. In her impact statement, Person 2 states:

"I have also found the investigation process extremely disappointing from the start in terms of the way that everything has been handled, particularly with regards to delay and poor communication. Giving my witness statement was also very distressing; the process was chaotic and not trauma informed. Somehow I was left feeling that I was in the wrong. It just added layers of anxiety to an already very difficult situation. I did not feel supported or protected in the process until I received pro-bono representation."

239. The current systems in place at the BSB are not well suited for handling sensitive cases. This challenge was echoed by the Law Society of New Zealand, which noted in their letter to me that the complaints systems in their jurisdiction was designed to deal with consumer complaints and not well suited to deal with sensitive matters such as bullying and harassment. This led, in their view, to a lack of transparency and accountability and, with no ability to triage complaints, inefficiency and delay.²⁴³ In circumstances where the BSB continues to handle complaints of bullying, harassment and sexual harassment, as well as administrative misconduct, it must ensure there are specialised processes and trained teams in place to handle sensitive cases appropriately. I note that the BSB already runs two training sessions every year for their staff on handling allegations of sexual harassment and misconduct, and vulnerable witness training. Based on

the experience of complainants who spoke with me, this training does not appear to have been effective.

Recommendation 16: The BSB must put in place support services for complainants and respondents involved in BSB cases concerning bullying, harassment and sexual harassment

Responsibility for implementation – BSB

240. Complainants and respondents involved in BSB proceedings must be given adequate support. This need is particularly acute in cases concerning sexual misconduct, where a trauma-informed approach is required. Complainants and respondents should be offered access to an independent support service from the point at which a complaint is made to the conclusion of the case. A witness liaison officer should be appointed within the BSB as a point of contact for all complainants and respondents to ensure that the individuals involved in proceedings are informed and guided throughout the process.²⁴⁴

Recommendation 17: Specialist trained teams are needed in the BSB to handle sexual misconduct cases

Responsibility for implementation – BSB

241. The BSB must train its case workers and investigators to ensure expertise in handling cases concerning sexual misconduct, to ensure a trauma-informed approach to handling sensitive cases.

²⁴³ [Letter from Law Society of New Zealand, BH0181](#)

²⁴⁴ At the time of drafting, the BSB provided an update in relation to the provision of support services. The BSB has agreed to introduce a specialist support organisation, specifically for bullying and harassment cases, to provide specialist end to end support for those going through our processes. The BSB expects this service to be introduced by no later than the early part of 2026.

Recommendation 18: Vulnerable witness training should be mandatory for persons involved in BSB cases concerning bullying, harassment or sexual harassment

Responsibility for implementation – BSB

242. In cases concerning bullying, harassment or sexual harassment, all persons involved in liaising with witnesses throughout the investigation and disciplinary proceedings, including BSB staff, counsel, solicitors, and BTAS Tribunal members, must have undergone vulnerable witness training to ensure that a trauma-informed approach is adopted.

Lack of transparency (BSB)

243. The complainants I spoke with felt that the process was not transparent. They told me that they were not kept informed about the process of the assessment and investigation of their complaints, nor were they told how the information contained within their complaints would be handled. They were not told if the facts of their complaints were admitted or challenged. At times, they felt completely in the dark as to how the case was progressing. They also felt that the process was respondent-driven. For example, in the Sidhu case, the complainants were not told what the respondent had been charged with and whether the respondent accepted the charges or not. They were told that they would not be required by the respondent to give evidence before the Tribunal – but in the event this decision was reversed by the respondent a couple of months before the hearing.

244. According to counsel for the complainants, there was a complete failure to follow a victim-focused approach during the investigation: “[t]he questioning was insensitive, there were no special measures in place, and the complainants were

treated as an adjunct to proceedings. There was a revolving door of personnel, resulting in a lack of continuity of care. They were dealing with five different contacts at the BSB. Ultimately, they felt at arms-length, ostracised, in the dark, and voiceless throughout the process like passengers with a driver who refused to speak to us”.²⁴⁵

Recommendation 19: Regular progress updates must be given to complainants and respondents involved in BSB cases concerning bullying, harassment or sexual harassment

Responsibility for implementation – BSB

245. Complainants and respondents must be kept informed, at least monthly, of the progress of their case and, where time limits are not complied with, reasons must be given promptly for non-compliance.

246. Counsel for the complainants also drew my attention to the request for an undertaking of confidentiality which was used as a condition for the disclosure of certain information to the complainants.²⁴⁶ I recognise that confidentiality is vital to the integrity of investigations into misconduct. I also recognise that divulging the details of an ongoing investigation can pose a risk to the wellbeing of others involved in that process and can undermine the fairness of an investigation. However, I find the request of an undertaking of confidentiality by the BSB’s solicitors as a pre-requisite for disclosure of procedural update a matter of concern. In addition, I have been given to understand by the complainants’ legal representatives that they were also expected to give undertakings as to confidentiality. This is despite them already being under a professional obligation of confidentiality in respect to these instructions. I can

²⁴⁵ Written submission of Rachel Spearing KC, Counsel for the Complainants in BSB v Jo Sidhu KC, BH0183 (confidential)

²⁴⁶ On 13 June 2024, the BSB’s solicitors wrote to the legal team stating that they had a “substantive update” and requested an undertaking from the complainants and their legal team that the update would not be discussed with anyone else. On 19 June 2024, Person 2, Person 3, and the legal team provided the undertaking as requested. Person 1 declined to do so. On 27 June 2024, the BSB’s solicitors provided the update. This update was not shared with Person 1.

understand how the legal team took offence at the implication they would breach their regulatory obligations or be responsible for any leaks which could have come from many other sources. It is important that all those involved in investigations have clarity as to what information is confidential. Care must be taken to ensure that complainants do not feel that they are being policed or silenced. The purpose of any confidentiality agreement should be to preserve the integrity of the process and not to place undue restrictions on the individuals involved.

Recommendation 20:

Confidentiality agreements should be signed by all parties involved in BSB investigations

Responsibility for implementation – BSB

247. Striking the right balance between confidentiality and transparency in disciplinary proceedings is challenging. Whilst investigations are ongoing, it is essential that the integrity of investigations is preserved and that the identities of the parties is protected. It is essential that all parties and witnesses understand and agree what information must be held in confidence, by whom, and for how long. So that it is clear to everyone involved what can and can't be disclosed, I suggest that all parties involved in a case should sign a statement at the beginning of a complaint setting out what can and can't be disclosed and to whom so that all parties agree to the same terms throughout the investigation. Whilst it is important that complainants and respondents are able to confide in trusted persons and receive support throughout the process, confidentiality statements ensure that sensitive information is not disclosed in a way which might jeopardise the investigation.

All parties must be informed as to:
(i) who will see details of the complaint;
(ii) with whom they can discuss a complaint made by them or against them;
(iii) the duration of the confidentiality terms;
(iv) who else is bound by confidentiality;
(v) how to respond to suspected breaches of confidentiality and press interest; and
(vi) the consequences of declining to sign a confidentiality statement.²⁴⁷

Restoring faith

248. There is much work to be done to reform the BSB so that it can justify the trust and confidence of the profession to handle cases of this nature appropriately. Unless the BSB is able to handle these cases promptly, facilitate the effective participation of all parties, strike the right balance between confidentiality and transparency, and ensure that vulnerable parties receive the support they need along the way, complainants will not be prepared to come forward and impunity will persist. The profession ought to be able to have faith in its regulator. Such trust will only develop if the BSB's handling of these cases significantly improves.

249. The BSB is currently undertaking a review of its 'end-to-end enforcement' systems. At the time of drafting, the BSB has launched a consultation on first-tier complaints, a consultation on enforcement processes, and a new webpage on tackling bullying and harassment. I trust that the BSB will give serious consideration to the findings of this Review and commit to implementing my recommendations.

Deficiencies in BTAS's processes: delays with tribunal proceedings

250. The Sidhu case has also highlighted some of deficiencies in BTAS's processes. Firstly, the delays continued. BTAS has a target of reaching a final determination

²⁴⁷ See model confidentiality statement used by Parliament's Independent Complaints and Grievance Scheme. It is important to note that any confidentiality agreement must not impinge upon the duty of candidates to report ongoing investigations to the Judicial Appointments Commission (JAC) in accordance with their Good Character Guidance.

within 6 months (183 days) from the receipt of the first directions in a case. The case against Jo Sidhu KC was referred to the Tribunal on 5 December 2023. BTAS received the charges on 12 February 2024, but Directions were not agreed by the parties and had to be subsequently set by a Directions Judge on 10 July 2024. Until this was done, BTAS was unable to set a date for the Tribunal or convene a panel to hear it. The final determination was not reached until March 2025.

251. It took a year from the referral to BTAS for the case to be heard and a decision handed down, exceeding the target time limit by six months. It took a further three months for a decision to be made as to sanction. I understand that the defendant's representations about personal matters may have contributed to the significant delay and that BTAS currently has very limited powers to progress matters without the agreement of the parties. As part of the BSB's ongoing review of enforcement proceedings, the timeliness of proceedings must be addressed.

Lack of transparency (BTAS)

252. It was not until 25 October 2024 that a convening order was made by BTAS which allowed for the proceedings to be made public. This meant that there were ten months between the date of a decision to charge and the date at which the case entered the public domain. However, the name of the respondent was not disclosed due to an anonymity application being made. This anonymity application was not dealt with until the first day of the hearing on 11 November 2024. Following the BSB's decision to refer the case to the Tribunal until 11 November 2024, the respondent was known as "a barrister" before his identity was disclosed on the first day of the hearing.
253. The name of a respondent should be made public when the decision is taken to pursue charges. Applications for anonymity orders must be made promptly

following a decision to charge and must be dealt with swiftly at an interlocutory hearing. This is for three reasons. Firstly, it is in the public interest for practitioners charged with serious misconduct to be identified to ensure transparency for professional and lay clients. Secondly, it is important in order to encourage potential further complainants to come forward in the knowledge that they are not alone. Thirdly, it may serve to protect other potential victims who would otherwise have been unaware of the risks. Where anonymity applications are dealt with promptly after the charging decision is made, this mitigates the risk of any further misconduct.

Recommendation 21: Anonymity orders must be dealt with promptly by the Tribunal

Responsibility for implementation – BSB and BTAS

254. **Any application by a respondent for an anonymity order should be made within fourteen days following a decision to charge and must be dealt with swiftly at an interlocutory hearing. It must only be granted in exceptional circumstances. Unless an anonymity order is made, the name of a respondent must be made public by the BSB at the time the charge is made.**
255. Regulation E243A provides that the report of the Tribunal must be published "within a reasonable time" after the conclusion of proceedings. Despite the decision in the Sidhu case being handed down by the Tribunal on 9 December 2024, there was no final written Report on Findings until 20 May 2025.²⁴⁸ The delays in publication of the judgment are unacceptable, particularly in light of the strong public interest in this case and the severity of the misconduct.
256. The final Report on Findings and Sanction makes no mention of the particulars of the charges in relation to Person 1 or

²⁴⁸ An interim decision was published on BTAS website pending the final Report on Findings.

Person 3 and the reasons for the Tribunal's dismissal of these charges. The Tribunal found that conduct in relation to Person 1 did not cross the threshold of misconduct. Serious findings were made as to Jo Sidhu KC's "reprehensible", "shocking", "disgusting" conduct towards Person 3.²⁴⁹ None of these details, nor the reasoning for dismissal of the charges, is reflected in the Report. Regulation 243.1b of the enforcement regulations provides that, where charges have been dismissed, the Tribunal must not publish these findings on its website. The Tribunal may, however, publish an anonymised summary of the dismissed charges.²⁵⁰

257. Further, despite the hearings being publicly available on Zoom, there are no recordings of the hearings available on BTAS's website. In the absence of any recording of the hearing and serious delays with the publication of the Report, the profession and the public have had to rely on media reports.

Recommendation 22: Decisions made by the Tribunal should be published fully and promptly

Responsibility for implementation – BSB and BTAS

258. **Given the importance of transparency, written findings of the Bar Tribunals and Adjudication Service should be published within four weeks following the handing down of a decision by the Tribunal, unless there are good reasons for delay. Written reports must include findings in relation to all charges, setting out reasons as to why charges were proved or not proved. Regulation 243.1b must be amended to reflect this. All hearings which are available to watch live via Zoom should be recorded and be made, and remain, available online.**

Costs

259. At the sanctions hearing on 19 March 2025, the Tribunal made no order as to costs on the grounds of Jo Sidhu KC's impecuniosity. The Tribunal's Report states that Jo Sidhu KC's financial circumstances are "very difficult", "unlikely to improve" and that a costs order would be "harsh".²⁵¹
260. This case has been extremely costly for the Bar. The BSB's costs were £447,000.²⁵² The costs to the Bar Council included legal advice, staff time, and costs of counselling and support for the complainants. In addition, counsel and the solicitor representing the complainants undertook over 800 hours of pro bono work to support and advise the complainants who would otherwise have lacked any support.
261. Regulation 105 of the Enforcement Regulations (Part V of the Handbook) provides that "[a] Disciplinary Tribunal shall have power to make such Orders for costs, whether against or in favour of a defendant, as it shall think fit".²⁵³ Unlike in civil proceedings, BTAS decisions as to costs orders are taken following submissions as to a respondent's means. Rather than make a costs order and then seeking to enforce it, the Tribunal took account of his "financial ruin" and consequently made no costs order against the respondent. As a result, the Bar foots the bill.

Recommendation 23: Changes are needed to the Tribunal's powers to award costs and compensation

Responsibility for implementation – BSB and BTAS

262. **Changes are needed to BTAS's powers to award costs and compensation:**

²⁴⁹ Notes taken during handing down of ex tempore judgment by Tribunal Chair on 9 December 2024. [Jo Sidhu KC committed sexual misconduct, says tribunal.](#)

²⁵⁰ BSB Handbook Reg. 243A 1 (d)

²⁵¹ [Report on Findings and Sanction](#), para 104

²⁵² This breaks down into just below £94,000 for the investigation and £354,000 for tribunal proceedings.

²⁵³ Regulation 105, Part V of the BSB's Handbook

- a) Following tribunal proceedings, where charges are found proven, the respondent should pay the BSB's costs. The BSB should pay the costs of the respondent where charges are dismissed summarily as not properly arguable. Consideration of a respondent's means to pay should not form part of the decision as to whether a costs order is imposed - this should only be relevant to the enforcement of that order. The BSB should seek approval from the

Legal Services Board to make an amendment to regulation 105 in Part V of the Handbook (the enforcement regulations) to reflect this.

- b) Following a finding of serious misconduct, BTAS should have the power to order compensation to be paid to the complainant by the respondent for any harm such as psychological injury, loss of earnings, or damage to reputation, as well as costs incurred for legal advice.

Chapter 8: Online bullying and harassment

263. Freedom of expression, including online speech, is a qualified right protected by law. This protection is not absolute. Article 10 of the European Convention on Human Rights protects speech which is “offensive”, “disturbing” and “shocking”.²⁵⁴ Regulatory action must not curtail the legitimate expression of views, beliefs or opinions that others may find offensive or disturbing which are protected forms of speech. However, where speech loses its protection and crosses the threshold of bullying or harassment, the regulator must take action.
264. There are certain permissible restrictions on free speech by virtue of one’s professional obligations. Parliamentarians must refrain from attacks on judges.²⁵⁵ Judges must refrain from making political statements. What might be permissible speech by a member of the public may not be permissible to a barrister constrained by the ethics of the profession. This is not a disproportionate interference with the rights of individuals – it is a necessary and legitimate requirement to protect the integrity of the profession.
- An inconsistency of approach**
265. I am concerned that there may be an inconsistency of approach in relation to tackling online bullying and harassment. A barrister who harassed another female practising barrister, including calling her a “nasty c*nt”, was given an administrative warning and later prosecuted by the BSB and suspended from practice for two years.²⁵⁶ A barrister tweeted in response to an open letter published by a Cambridge University student calling on its English faculty to decolonise the curriculum: ‘Read it. Now; refuse to perform cunnilingus on shrill negroids who will destroy an academic reputation it has taken aeons to build.’²⁵⁷ This resulted in a BSB prosecution and a fine of £1,000. A barrister was prosecuted by the BSB for allowing tweets to be sent from his account which accused another barrister of being a “lying propagandist” and accused him of making up fraudulent stories about antisemitism. He was fined £500.²⁵⁸
266. In contrast, the social media abuse experienced by Dr Proudman was dismissed as “unpleasant”. Whilst facing charges of professional misconduct in relation to her own social media posts, Dr Proudman was the subject of online abuse comprising social media posts from more than fifty male KCs, barristers, and solicitors. One male barrister tweeted: “If you want to be a barrister, stop being a c*nt” and “It’s time she was taken down, I’m afraid”. Another wrote: “When you’re screaming into the wind on a stormy night, how long does it take for people in white coats to come and escort you back to your padded room?” Another called her an: “insufferable wanker.” Many actively encouraged complaints about her to the BSB and to her chambers. She reported this abuse to the BSB. After nine months of assessing her complaint, the BSB decided to take no action against any members of the Bar who had publicly abused a fellow member of the profession. Former Chair of the Bar, Nick Vineall KC, stated: “[s]ome of the comments made on Twitter and recorded in Dr Proudman’s article go far, far beyond what could

²⁵⁴ *Handyside v the United Kingdom*, Application No. 5493/72, 7 December 1976, para 49.

²⁵⁵ The doctrine is given in *Erskine May*: “unless the discussion is based on a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of judges of the superior courts of the United Kingdom”. A footnote gives more detail based on a Speaker’s ruling on 4 December 1973: “it can be argued that a judge has made a mistake, that he was wrong, and the reasons for those contentions can be given, within certain limits; but reflections on a judge’s character or motives cannot be made except upon a motion, nor can any charge of a personal nature be made except on a motion. Any suggestion that a judge should be dismissed can be made only on a motion”. (May, 25th ed, para 21.23 and FN4). So criticism of a judge’s rulings can be made, in very specific circumstances, but “attacks on judges” cannot be made except on a specific motion (which would be very rare) and would be out of order in any other circumstances. In addition, the Speaker has “ruled out of order language disrespectful to persons administering justice” (May 21.23 FN5).

²⁵⁶ *Hewson v BSB [2021] EWHC 28 (Admin)*

²⁵⁷ *Diggins v. BSB [2020] EWHC 467 (Admin)*. [2]

²⁵⁹ Findings not available, see *Law Gazette report*

possibly be thought to be acceptable.... the Bar ought to be a profession where everyone is capable of maintaining civil discourse. There is absolutely no place at the Bar for misogynistic, sexist, or bullying behaviour, whether online, verbal or in any other form.”²⁵⁹ I fully endorse his statement and am concerned that this online abuse was considered not to cross the threshold for regulatory action.

267. During a focus group discussion with BSB staff, the Review team discussed the BSB’s approach to the regulation of online abuse by barristers. The BSB staff explained that there were multiple reasons for not taking action in response to abusive social media posts including the historic nature of the alleged misconduct, the difficulties of determining whether social media posts fell within the scope of ‘professional misconduct’ for the purpose of taking regulatory action, and the broader challenge of ‘policing’ social media posts and pile-ons.²⁶⁰ Whilst I understand these challenges, I am concerned that robust action must be taken in response to online bullying and harassment. Abuse on social media is not more acceptable than abuse on the steps of the court or any other public forum.
268. There is no time limit for raising complaints with the BSB. The dates of social media posts should not be a barrier to taking action, particularly where such posts remain online. Secondly, where social media posts by barristers constitute

bullying or harassment of others within the profession, I consider that this ought to fall within the scope of ‘professional misconduct’. Barristers abusing barristers in a public space cannot be considered ‘personal’. Thirdly, the BSB does not appear to deal with online comments in a cumulative way. Each individual’s tweet is assessed in isolation to determine whether there was a breach of the Handbook. In my view, a pile-on was critical context for assessing whether the conduct amounted to bullying and harassment. Taken in isolation, comments may not cross the threshold. Taken together, the threshold may be surpassed.

Recommendation 24: Regulatory enforcement action must be taken against online bullying and harassment

Responsibility for implementation – BSB

269. If a barrister who is bullying or harassing another person online can be identified as a member of the profession (by virtue of his/her name, title, or the content of the comments), then the conduct ought to engage the remit of the regulator. Where online abuse is aggravated by any form of discrimination, such as misogyny or racism, the threshold for regulatory action should always be triggered on the basis that it is highly likely that such conduct will undermine trust and confidence in the profession.

²⁵⁹ Statement of Former Chair of the Bar, Nick Vineall KC: [There is no place at the Bar for misogynist and bullying behaviour](#)

²⁶⁰ Focus group meeting between Review and BSB staff members, 28 February 2025

Chapter 9: Strong sanctions as a deterrent

BTAS sanctions for bullying, harassment and sexual harassment

270. In 2019, the Bar Council raised concerns with the inconsistency in BTAS sanctions: "For example, a case where a practising barrister was awarded a more severe sentence for failing to renew a practising certificate, compared to another barrister who sexually assaulted two women at a Bar-related social event. Rather perversely and seemingly not reflective of the seriousness of offences, the practising certificate offence received a 4-month suspension as opposed to the sexual assaults receiving a 3-month suspension."²⁶¹

271. In 2021, BTAS undertook a consultation on the sanctions regime. This led to new guidance which revised the levels for fines and suspensions; created new 'misconduct groups' for particular types of behaviour; and revised the ranges for particular sanctions. In particular, the lower end of the range for sexual misconduct and for discrimination, harassment and bullying was increased to a twelve-month suspension. The guidance took effect on 1 January 2022. The guidance provides the following sanction ranges:

272. Misconduct of a sexual nature: the sanctions can range from 12 months suspension to disbarment. The guidance states that "misconduct of this type should attract serious sanctions not only to reflect the nature of the behaviour but to send a clear signal that it is entirely inappropriate and will not be tolerated at the Bar."²⁶² In order to determine the seriousness of the misconduct, the Tribunal will consider various factors affecting culpability and harm, such as whether the "misconduct took place in a professional context"; whether there was "abuse of a vulnerable person or child";

whether the barrister used their "position to pursue an inappropriate relationship."²⁶³

273. Harassment (non-sexual) and bullying: the sanctions for this type of behaviour range from 12 months suspension at the lower end and disbarment at the upper end. The guidance recognises that "such misconduct can take place in many ways, whether directly or indirectly, including but not limited to face to face, verbally, in writing (any form including social media), by phone or via images or by encouraging or instructing any other person to do so."²⁶⁴ In order to determine the seriousness of the misconduct, the Tribunal will consider various factors affecting culpability and harm, such as whether the "misconduct took place in a professional context"; whether the "misconduct occurred against a background of requests to stop", and whether the "misconduct [was] directed at a person in a vulnerable situation or place."²⁶⁵

Recommendation 25: Sanctions for bullying, harassment and sexual harassment must operate as a deterrent

Responsibility for implementation – BTAS, the Lady Chief Justice (LCJ) and the Lord Chancellor

274. Sanctions must be an instrument of deterrence, used to send a clear message of zero-tolerance and of the fundamental importance of the high standards required in the profession and the judiciary. BTAS (with respect to barristers) and the LCJ and the Lord Chancellor (with respect to the judiciary) should be mindful to ensure sanctions mark the gravity of, the damage caused by, bullying, harassment and sexual harassment. Sanctions should be publicised and disseminated to the profession as a deterrent and as a way of restoring confidence in the system.

²⁶¹ Quote from Letter to Baroness Blackstone from former Chair of the Bar, Derek Sweeting QC and Chair of the Equality, Diversity and Social Mobility Committee, Elaine Banton

²⁶² BTAS Sanctions Guidance, p41

²⁶³ BTAS Sanctions Guidance, p41

²⁶⁴ BTAS Sanctions Guidance, p44

²⁶⁵ BTAS Sanctions Guidance, p44

Recommendation 26: Findings of bullying or harassment must be taken into account by the relevant bodies when considering appointments to certain leadership positions

Responsibility for implementation – KCA, chambers management, Inns of Court, JAC

275. I welcome the increase in BTAS minimum sanctions available for bullying, harassment, and sexual misconduct. When determining whether to appoint a barrister to the position of a KC, Head of Chambers, pupil supervisor, mentor, judge or any other leadership position, the relevant appointments bodies must take into account any findings of bullying, harassment or sexual harassment which have been made by the BSB, the Commissioner for Conduct, the JCIO, chambers, an employer, or the Inns. The relevant bodies must make inquiries to ensure that they are informed of any adverse findings against a candidate, or any investigations that are ongoing. Where an appointments body appoints a barrister to a leadership position despite a finding of bullying or harassment, reasons must be given for doing so. In my view, it would be very unlikely that they would proceed with an appointment of a barrister who had bullied or harassed another person.

Recommendation 27: Retribution against complainants should be an aggravating factor when determining a sanction for bullying, harassment or sexual harassment

Responsibility for implementation – BTAS, chambers, Inns, employers, and for consideration by the LCJ and Lord Chancellor

276. If a respondent in disciplinary proceedings, or any other individual, subjects a complainant to retribution as a result of issuing a complaint, this should (a) be

taken as misconduct and (b) be taken into account as an aggravating factor when determining sanction. The same goes for retribution against someone who reports misconduct against another.

Interim measures

277. In June 2023, the BSB issued a consultation document seeking views on proposed changes which would widen the powers of the BSB and of Disciplinary Tribunals to protect the public by restricting or suspending a barrister's ability to practise on an interim basis.²⁶⁶ Following approval from the Legal Services Board, the BSB amended the rules as follows:

- a) The Disciplinary Tribunal was given the power to impose interim restrictions on a barrister's practising certificate, or the withdrawal of practising rights on an interim basis, where a finding of misconduct has been made but the decision on sanction has been deferred to a later date, in order to protect the public and the public interest; and
- b) The powers of the BSB to refer a person to an interim suspension panel were extended, by adding a new ground for referral, where it is "necessary to protect the public or is otherwise in the public interest".²⁶⁷

278. I have been told of two barristers who were under police investigation in relation to allegations of serious sexual offences. The complainants in those cases have reported the accused barristers to the BSB. The BSB's policy is not to consider the complaint whilst a police investigation is live.²⁶⁸ The BSB's Guidance states: "[d]epending at which stage of the process a report to the police is made, the regulatory case may need to be put on hold pending the outcome of the police proceedings."²⁶⁹ The Head of the Contact and Assessment Team confirmed: "It is our assessment that where there is a live

²⁶⁶ [Summary of responses to the consultation on Proposed Amendments to Powers to Take Interim Action 2023](#)

²⁶⁷ BSB Handbook, rE268.2, rE269 – rE278

²⁶⁸ BSB policy ROD02, para 171-174

²⁶⁹ [Guidance for those involved in reports of harassment](#)

criminal investigation, the BSB's immediate involvement, which is likely to result in a parallel investigation, would risk interfering, prejudicing or undermining that criminal investigation."²⁷⁰

279. Barristers accused, for example, of rape, may therefore be able to continue practising at the Bar without any assessment of risk to the profession or the public whilst a police investigation is underway.

Recommendation 28: The BSB's policy on handling complaints concerning serious criminal offences should be reviewed

Responsibility for implementation – BSB

280. I am concerned that the BSB's policy to place complaints 'on hold' whilst there is a police investigation into serious criminal offences may risk harm to individuals and the wider profession. I recommend:

- a) The policy to place complaints 'on hold' whilst there is a police investigation should be reviewed. Exceptions should be made, particularly for serious sexual offences which, if found proven, pose a severe risk of harm to individuals and the trust and confidence placed in the profession.
- b) Where allegations concern serious sexual offences, the BSB ought to take immediate action to consider what interim measures might be necessary for the purpose of protection or safeguarding, such as interim suspension, prohibitions on occupying certain roles, or restrictions on attendance at certain places.

Sanctions by chambers

281. According to the LPMA, some chambers have not provided for the power of expulsion or suspension within their

constitution such that perpetrators of serious misconduct have remained in practice at their set. Other chambers that do have powers of expulsion and suspension require such a 'super majority' that it is virtually impossible to enforce.²⁷¹ There is no model chambers constitution and no standardised best practice approach to dealing with investigations and sanctions within chambers.

282. The BSB Handbook notes that "[m]embers of chambers are not in partnership but are independent of one another and are not responsible for the conduct of other members. However, each individual member of chambers is responsible for their own conduct and the constitution of chambers enables, or should enable, each individual member of chambers to take steps to terminate another person's membership in specified circumstances. ... [Yo]ur chambers constitution should be drafted so as to allow you to exclude from chambers a member whose conduct is reasonably considered such as to diminish the trust the public places in you and your profession and you should take such steps as are reasonably available to you under your constitution to exclude any such member."²⁷²

283. A partner at a law firm told me: "[i]n many chambers' decisions about whether a senior clerk or Chambers Director should remain with the set following a disciplinary investigation require a unanimous vote of all members of chambers. This can mean it is almost impossible to terminate the employment of some individuals without breaching the constitution or comparable rules of chambers. We are aware of a case in which a senior member of staff was found after investigation to have harassed a junior clerk but remained in employment because the 40 or so members did not unanimously agree to his dismissal. It was the victim who had to leave chambers instead."²⁷³

²⁷⁰ Correspondence between Review and BSB staff

²⁷¹ Meeting with LPMA

²⁷² [Guidance to Rules C89-90, gC131](#)

²⁷³ Joanna Chatterton, Fox Williams LLP, correspondence with Review team

Recommendation 29: Chambers must set out appropriate provisions for sanctions in their constitutions

Responsibility for implementation – Chambers

284. Chambers must set out in their constitutions appropriate provisions for sanctions. I recommend:

- a) Chambers' constitutions, and relevant employee policies, should set out clearly the range of sanctions available for findings of serious misconduct.
- b) Constitutions, and relevant employee policies, must require members and employees to comply with policies, procedures, and decisions as to sanctions.
- c) Sanctions provisions must include a power to expel or suspend a member or dismiss an employee

where the seriousness of the conduct warrants such action. The power to expel or suspend ought to be exercised by a trusted committee within chambers, which includes members and senior employees.

- d) Chambers ought to request the support and guidance of the Commissioner when determining their powers of sanction to ensure independent oversight of decision-making.
- e) Chambers must (a) require any applicant for tenancy to disclose whether they are, or have been, subject to any disciplinary investigations or findings whether by any of their previous chambers, Inn or BSB/JCIO, or other regulators and (b) make provision for expulsion, and reporting to BSB (for dishonesty) in the event of a false declaration.

Chapter 10: Barristers' experience of the judiciary

The centrality of the judiciary

285. This Review of bullying, harassment and sexual harassment would not have been complete had it not encompassed barristers' experience of the judiciary. The judiciary in the courts and tribunals is largely drawn from the Bar, especially at the more senior levels. Some practising barristers also sit part-time as fee-paid judges. The judiciary is more than merely an integral part of the eco-system, it sits at the top of it.

The inclusion of judicial misconduct in this Review

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 eco-system at the Bar: [including, inter alia] interactions to and from [sic] the judiciary";
- "The Review is ... to propose reforms or changes to the whole eco-system to improve the position going forward".²⁷⁴

The evidence of judicial bullying

286. There is, pre-existing this Review, a body of compelling evidence indicating a substantial problem of judges bullying barristers. The Barristers' Working Lives report of 2023 stated that: "across the 1,233 barristers who reported experiencing or observing bullying and/or harassment the most frequently

mentioned perpetrators were 'a member of the judiciary' (53%)."²⁷⁵ The Bar Council reports that around half the records on Talk to Spot concern judicial behaviour. Types of behaviour reported include: misuse of power; unnecessary tone and abuse; rudeness; overbearing behaviour; berating and being shouted at; and inappropriate language. In addition, the recent Judicial Attitudes' Survey of 2024 has reported that 14% of all salaried judges, 7% of fee-paid, and 13% of coroners said they experienced bullying by other judges in the last two years.²⁷⁶

287. The bullying and harassment of barristers by judges takes many forms but can include shouting at a barrister; banging the bench in anger; personal and spiteful criticisms of the barrister; belittling the barrister in open court; and uncontrolled outbursts of anger. Judicial bullying is clearly a problem.

288. During the course of the Review I received abundant, disturbing and compelling accounts of judicial bullying. The Bar Council's submission to the Review noted that significant numbers of barristers complain that they experience bullying behaviour from members of the judiciary.²⁷⁷ Judicial bullying of barristers was raised as a problem in my visits to the circuits. I was told that while the majority of judges behave professionally and courteously, there are particular judges who are widely known for making everyone's lives a misery, whose courts barristers dread appearing in and which barristers seek to avoid. In some cases, there had been complaints which had not stopped the behaviour, but in most cases no one had complained for fear of repercussions.

²⁷⁴ Terms of Reference, [Appendix 1](#)

²⁷⁵ Barrister's Working Lives Report 2023, para 8.4.1

²⁷⁶ Judicial Attitude Survey, 2024

²⁷⁷ [Bar Council written submission, BH0170](#)

289. Judicial bullying was also raised in the written and oral submissions to the Review by the Criminal Bar Association, the Family Bar Association, the Employed Barristers' Committee, the Employment Law Bar Association and the Young Bar Committee. It featured in around two thirds of the written submissions to the Review from individuals and organisations. It was raised in oral evidence to the Review and I draw here on just two examples of the many concerns which were raised with me.

290. A female junior told the Review: "[t]here is a First-tier Tribunal judge.... who has a reputation for bullying juniors, particularly females. It is understood across the juniors that he's been spoken to by senior members of the profession, and it's had no effect. There is discussion about making a complaint, with some juniors willing to support the same. In a recent case, he refused to deal with female counsel and instead directed his questions to male counsel. He spoke to the female counsel in a negative tone, scoffing and rolling his eyes every time the female counsel spoke. This is apparently not uncommon. There is no recording of the First Tier Tribunal, as it is not a court of record, so it isn't easy to challenge his behaviour. His behaviour stopped temporarily, but now he is back to the same behaviour."²⁷⁸

291. A member of the Women in Criminal Law Committee told me: "There is one court centre on circuit that people detest/have anxiety going to as they have a group of particularly unpleasant judges, it is almost like there is a bullying culture that comes from the top..... I have had judges being so unprofessional and rude at that centre that court staff and other users have come up to me independently to check that I was ok given how harsh they have been. This has been in open court in front of clients."²⁷⁹

292. Among summarised examples drawn from Talk to Spot reports sent to us by the Bar Council were the following:

The judge seemed to have an anger problem and suddenly flared up and started shouting at people including the barrister and lay clients. The barrister reported that dealing with the judge was like walking on egg-shells, one minute they were perfectly calm and polite and then they would just explode and start shouting.

The barrister reported that the judge was unpleasant, unprofessional and discourteous to them and they were left feeling demeaned, embarrassed and humiliated.

The judge appeared to be hostile to women barristers and complainants. The barrister felt the judge's comments were personal, targeted and inappropriate.²⁸⁰

293. The Bar Council notes that the records submitted on Talk to Spot concerning judicial bullying relate to both male and female judges.

The impact on barristers who are bullied by judges

294. Judicial bullying undermines counsel and causes distress to others who are in court, notably the parties to the proceedings, witnesses and court staff who observe or are subjected to it themselves. It drives some out of the profession. It prevents counsel from representing their clients to the best of their ability. It distorts the outcome of cases. It can affect the fairness of trials and as such, undermines the justice system.

295. The Bar Council summarised to us the contents of some Talk to Spot reports referring to the impact of judicial bullying. These included the following:

The judge berated a senior female member of the Bar, humiliating them professionally and being rude and aggressive. The barrister reported that everyone involved in the case recognised it as bullying. It left the barrister feeling emotional, overwhelmed, embarrassed, helpless, frustrated.

²⁷⁸ Confidential meeting

²⁷⁹ [Women in Criminal Law written submission, BH0185](#)

²⁸⁰ Confidential document shared with Review by Bar Council

The judge's tone of voice, attitude and belittling and aggressive behaviour left the barrister utterly demoralised.

A barrister cried in front of a jury and client and had to leave court. They reported that as a result they lost confidence and felt very isolated.

After being bullied in court a junior barrister found it hard to sleep. They felt disrespected, belittled and humiliated. They questioned their abilities and professional worth.

A barrister who considered they had been bullied by a judge felt extremely anxious about their ability to go back before the judge on the next occasion. They woke up at night for weeks worrying and having nightmares.

A judge was harsh with a pupil on their second ever appearance in court. The pupil was left shaking and deeply troubled by the incident.

After aggressive behaviour by a judge to a senior female barrister she barely slept for a couple of days stating that the physical and mental impact of that treatment remained long after the courtroom.

Engagement with the Review and acknowledgement of the problem

296. I am grateful to the judiciary for providing written submissions to the Review and for providing me with sight of internal communications. At the outset of the Review, I wrote to members of the senior judiciary setting out the Terms of Reference and asking a series of questions about bullying and harassment by the judiciary.²⁸¹ In their response the veracity of evidence of bullying and harassing behaviour by the judiciary was challenged. In particular, they observed that accounts of judicial bullying reported via Talk to Spot and Bar Council surveys were untested, although they acknowledged that they were valuable in revealing the level of concern about issues which

otherwise remain unreported.²⁸² The judiciary has not, to date, expressly acknowledged that there is in fact a problem of judicial bullying of members of the Bar. However, I recognise that steps have been taken in recognition of their concerns, such as commissioning independent research in 2021 to gain a better understanding of inclusion, bullying, harassment and discrimination issues; the Statement of Expected Behaviour in 2023 (which covered treatment towards all court users and encouraging openness to feedback); the LCJ's statement of 1 May 2025 to the whole of the judiciary; and ongoing leadership and inclusion training. In order to effect change, a problem first needs to be acknowledged.

297. In any event, in my view, any apparent scepticism as to the credibility of the accounts of bullying simply cannot stand in the face of the discrete accounts of judicial bullying behaviour given to this Review by a large number of individual members of the Bar practising in different jurisdictions and geographical areas on different occasions. The nature and extent of the concerns raised and the similarity of the allegations being made cannot sensibly be rejected as of no forensic evidence.

298. The judiciary's submission to the Review casts doubt on the validity of complaints stating: "there can be a difference between an individual's perception of how they were treated and an objective assessment of that treatment".²⁸³ It may well be the case that some barristers mistake justifiable demands for high standards and 'robust case management' as bullying. But that cannot be a justification for refusing to acknowledge what is widely recognised everywhere, namely that there is a problem of judicial bullying of barristers. The sheer quantity and quality of accounts given to this Review cannot reasonably be categorised as misunderstandings or mistakes of perception.

²⁸¹ Letter from Baroness Harman to LJ Whipple, 25 September 2024

²⁸² For correspondence between the judiciary and the Review, please see the relevant page on the Bar Council website

²⁸³ [Judiciary's written submission, BH0180](#), para 12

299. I was told by one judge that it was right for a judge to "let rip" in order to uphold standards in court. It is inevitably the case that some barristers don't do their job properly in court. The judiciary rightly feel a responsibility to address this. But the judiciary cannot respond to those who are not doing their job properly by bullying them. When they do that, they are not doing their job properly either.

Excuses for judicial bullying

300. The LCJ has been clear in her communications with me that the judiciary has never sought to excuse inappropriate behaviour and that they have always said that inappropriate behaviour is unacceptable. Reasons advanced by the senior judiciary for bullying and harassing behaviour are: that judging is very stressful; that they didn't mean it; or they didn't know the rules.

301. Judging is stressful: in their submission to the Review, the judiciary states "the courtroom is a demanding and sometimes stressful place where events unfold quickly and sometimes unexpectedly. Sometimes things are said or done which might not have been said or done at all, or might have been said or done differently, if the person saying or doing them had had time to reflect. This is true for Judicial Officer holders and court users alike".²⁸⁴

302. But judges are not like other court users. They are in charge of their court. It is stressful for everyone, including barristers, to work in busy and under-resourced courts. But that cannot be used as a justification for unprofessional behaviour. However stressful the circumstances, it is unprofessional for judges to lose control, particularly when they are sometimes required to sit in judgement on a defendant who is in the dock because, in what might have been stressful circumstances, they had lost control.

303. "They didn't mean it." In her internal message to the judiciary about the bullying of judges by other judges, the

Lady Chief Justice states, "I firmly believe that Judicial Office holders do not intend to cause offence".²⁸⁵ However, the belief amongst many at the Bar, based on the nature of the bullying conduct they have described, is that it cannot plausibly be asserted that when it comes to bullying of barristers that no Judicial Office holders intend to cause offence.

304. "They didn't know the rules". It is encouraging that the Lady Chief Justice states that "our leadership training will include a greater focus on preventing exclusionary behaviour".²⁸⁶ But just as I said in regard to misconduct by barristers, that ignorance of the standards expected cannot be an excuse, that is even more the case for judges. Judges have to set the standards of behaviour in their court. They cannot do that if they seek to excuse their misconduct by saying they don't know what the standards of behaviour are.

The judiciary shows a failure to understand the power dynamics of bullying

305. I am concerned there is a failure to understand the power dynamics entailed in bullying. In referring to informal routes for a barrister to make a complaint the judiciary says: "The first and most obvious is for the barrister to raise the matter with the Judicial Officer holder directly. This can often be done discreetly and simply after the case or hearing has concluded".²⁸⁷

306. When I tested with barristers in each of the circuits, the judiciary's proposition of this informal route with barristers in each of the circuits, it was met with a mixture of bewilderment and incredulity. Responses included:

How could the bullied barrister directly challenge the judge who is bullying them? You certainly could not do so when the case was underway without fearing that the judge would retaliate in such a way that would harm your client's case.

²⁸⁴ Judiciary's written submission, BH0180, para 12

²⁸⁵ LCJ announcement 1 May 2025, I am grateful to the LCJ for giving me sight of this internal announcement

²⁸⁶ LCJ announcement 1 May 2025, para 2

²⁸⁷ Judiciary's written submission, BH0180, para 41

How could one side meet on their own with a judge in chambers during the course of a case? Would they have to include the other side in the "discreet" meeting? If they waited until the case had finally concluded to raise this with the Judicial Office holder directly, even if they had the courage to do so, they might risk being out of time because of the 3 months' time limit for complaints?

307. Above all, there was dismay that the judiciary could make a suggestion which was deemed so implausible and showed no understanding of the power dynamics between the bully and the bullied.

308. One female junior who experienced bullying by a judge was told by her colleagues and clients that the judge "clearly didn't like women". When she tried to resolve the matter by seeing the judge in chambers in the presence of prosecution counsel: "He shouted at me in chambers and told me that if I had anything to raise, to do it in public in open court and that it was inappropriate that I saw him in chambers."²⁸⁸

309. Later on in proceedings, the same female junior counsel attempted to address matters informally in writing:

"He accused me of making 'emotive' submissions.... When I asked why my male counterparts, who made identical submissions, were not described as emotive, the judge shouted at me and stormed out of the court room. Later that afternoon, when proceedings resumed and he interrupted me whilst I was making submissions, he commented acerbically, 'And for the record, I am not interrupting you because you are female!' When I emailed him a letter positively raising the issue with him....in an effort to alleviate the situation, he shouted at me again telling me that it was completely inappropriate to have emailed him and that I was not allowed to email him personally again. After

that, the situation became worse. The Judge repeatedly made barbed comments to the effect that if we don't like things, we can always do something about it (effectively daring us to report him officially)."²⁸⁹

310. One senior junior who is a member of Women in Criminal Law told me: "I tried to deal with bullying by a judge by seeing them in chambers i.e. not in open court, during the trial, along with the silk who was prosecuting me. That did not cure the problem. I then made submissions about the judge's behaviour in open court and that still did not cure the problem. I did a further trial with the same judge. The behaviour continued – to the point where numerous other counsel also became aware that the judge's behaviour was affecting the fairness of the proceedings and raised the problem with me. Their behaviour infected the jury- we learned that a juror made anti counsel and racist remarks about a barrister. The feeling was that this judge with their deprecating attitude had very much set the tone."²⁹⁰

311. Another female senior junior asked for a trial to be adjourned until the following day as she had a fever. The judge responded, "What is it you are actually asking for Ms x. A cuddle?" Counsel says that she was mortified. Another counsel in the trial complained on her behalf to the resident judge who did nothing other than to tell her to report on Talk to Spot or complain informally to the Circuit Leader.²⁹¹

Judicial impunity: the inability to complain, the lack of confidence in the complaints system and perceptions of the inadequacy of sanctions

312. In their submission to the Review, the judiciary notes that a barrister can bring their complaint to the attention of the Judicial Office holder's own leadership judge. This can be done via the barrister's

²⁸⁷ JCIO complaint shared anonymously, with redactions, with Review

²⁸⁹ JCIO complaint shared anonymously, with redactions, with Review

²⁹⁰ [Women in Criminal Law written submission, BH0185](#)

²⁹¹ [Women in Criminal Law written submission, BH0185](#)

Head of Chambers, circuit leader, any other senior member of the Bar or indeed by the barrister personally. The judiciary also notes that barristers can call on Judicial HR to "assist in the resolution of a matter". They collect no data on the number of barristers who use this informal process but state that "the impression gained is that this route for complaint is rarely used, even though it has long been available and provides precisely the informality that many complainants might welcome".²⁹² But many potential complainants don't welcome this as they don't have confidence either in the formal or the informal processes.

313. The fear of repercussions that inhibits complaints against senior members of the Bar is even greater in respect of complaints against the judiciary. Even where they believe the evidence of misconduct is clear and repeated, most barristers will not complain, fearing that to do so would only make the behaviour worse, could damage their case, and future cases before that judge, that it would mark them out as a troublemaker or harm their career and that anyway nothing would be done. In circumstances where senior members of the Bar who have bullied others may in future be appointed as judges themselves, the lack of confidence in the complaints process is clearly serious and self-perpetuating.
314. It is clear to me that a strong statement and a bold action plan is needed both to signal to bullying judges that unless they change their behaviour they must leave the bench and to signal to those who are victims of such bullying that there is a point in making a complaint.
315. I worry that the small number of formal complaints against judges will continue to be cited as evidence of good judicial behaviour, rather than a lack of confidence in the ability to complain.

Barriers to reporting to the JCIO

316. Very few barristers who gave evidence to the Review that they had witnessed or experienced judicial bullying had made a formal complaint to the JCIO. Those who did make a formal complaint had their complaints rejected, with one exception. The evidence I received indicated that the barriers to reporting to the JCIO reflected the same obstacles in respect of reporting to the BSB; namely fear of repercussions for one's case, one's client, and one's career. In their written submissions to the Review, *Behind the Gown* states: "[a]necdotally any members who have explored complaining about a judge have been concerned about the ramifications on practice and lack of trust in the impartiality of the process, concerned, especially in the High Court – that "they all know each other" and there will be an element of "closing ranks" ".²⁹³
317. The JCIO data shows that there were 2394 complaints in 2023-2024, but they do not know how many of these complaints were from members of the public and how many were from barristers. I recommend that the JCIO should collect and publish that information.²⁹⁴ I identified some specific barriers to reporting to the JCIO which ought to be addressed.

Identification of the complainant

318. Rule 8 of the Judicial Conduct Rules requires the complainant to state his or her name.²⁹⁵ For some, this is an absolute barrier to reporting. One female junior practising in criminal law told the Review team that she had recently made a Talk to Spot report about a judge's conduct. When asked why she didn't make a formal complaint to the JCIO, she said: "I would have to identify myself. I want to be a KC and a judge one day. We are exhausted and scared and it feels useless..... I would never report without confidentiality and

²⁹² Judiciary's written submission, BH0180, para 42

²⁹³ *Behind the Gown* written submission, BH0182, Q3(a)

²⁹⁴ JCIO Annual Report 2023-2024, p3

²⁹⁵ Rule 8(a)

anonymity.... I do love being on my feet, but when something bad happens it feels ten times worse because there are no real avenues available for redress."²⁹⁶

319. This highlights the importance of facilitating anonymous routes for reporting. Talk to Spot enables people to record, anonymously, incidents of bullying and harassment. This anonymous reporting tool allows patterns of behaviour to be discerned and perpetrators of misconduct to be identified without the person subjected to the misconduct feeling at risk of repercussions. Around half of the Talk to Spot reports from 2024 concerned judicial bullying.²⁹⁷ Yet because this information is held in confidence by the relevant staff at the Bar Council and cannot be shared with the judiciary without the permission of the person contacting Talk to Spot, the judiciary cannot take action as they don't know about it.

Recommendation 30: The judiciary should participate in Talk to Spot

Responsibility for implementation – Bar Council, Talk to Spot and for consideration by the judiciary

320. In order to understand the nature and scale of the problem of judicial bullying of barristers, and to be in a position to respond accordingly, the judiciary should be invited to participate in the Talk to Spot platform:
- a) I recommend that the Talk to Spot platform is modified to allow users to refer their reports to a nominated team within the Judicial Office, as well as (or instead of) the Bar Council. This would allow complainants control over where to send their anonymous report. It would also allow the judiciary to understand the nature and scale of the problem, to identify patterns of behaviour and the identity of repeat 'offenders', and to employ the necessary interventions to address the behaviour.

- b) In response to information received via Talk to Spot, the judiciary should report on and formally acknowledge any problems that it identifies and set out a strategy for tackling such problems, to reassure the Bar and others that the problem of judicial bullying of barristers has been recognised and that action will be taken.

321. The Dean of Faculty of Advocates in Scotland told us that, if he is made aware of judicial bullying in the course of a case, "there is an unwritten but universally accepted convention which allows him to intervene." During the course of observing proceedings, "he may intervene, object, and ask to address the judge, in open court or in chambers." He reports that "on every such occasion, the mere presence of the Dean (or Vice Dean) – which is notified to the Clerk of Court on attendance – has seen an end to judicial misbehaviour."²⁹⁸ This would appear to be a very effective model in dealing with judicial bullying and one which the Bar may wish to replicate. I consider that the proposed Bar's Commissioner for Conduct be best placed to perform this role.

Recommendation 31: There needs to be more accountability for conduct in the courtroom

Responsibility for implementation – Bar Council's Commissioner for Conduct, and for consideration by the judiciary

322. The independence of the judiciary is rightly fiercely guarded, but this has contributed to there being little to no accountability for judicial conduct in the courtroom. Where judicial bullying takes place, the onus is on the victim to challenge the behaviour, to speak up, and to risk the repercussions. Barristers would benefit from access to an independent court monitor to attend hearings for the purpose of observing behaviour in court and advising the potential complainant on (a) whether the behaviour may constitute bullying or

²⁹⁶ Confidential meeting

²⁹⁷ Statistics shared by the Bar Council

²⁹⁸ [Letter from Dean of Faculty of Advocates, BH0179](#)

harassment and (b) what avenues are available for making complaints. The Commissioner for Conduct would be well placed to coordinate this. In response to concerns raised, the Commissioner for Conduct, or his/her representative, should attend court proceedings to report any relevant findings to the relevant bodies. The Commissioner for Conduct must be given any recordings of proceedings on request. This is similar to the system in Scotland where, at the request of an advocate, the Dean of Faculty can sit in court to observe and has a right to be heard in the court.²⁹⁹

The threshold for accepting complaints is too high

323. The JCIO's latest report from 2022-23 shows that they received 1620 complaints, 27% of these which related to "inappropriate behaviour/comments".³⁰⁰ Examples of this type of behaviour include "racist, sexist or otherwise improper language".³⁰¹ Around half (757) of the complaints were not accepted for investigation, either because the complaint did not meet the criteria for a complaint to the JCIO³⁰² (658) or because the complaint was out of time (95).³⁰³ Of the 784 complaints that were accepted for investigation, 748 of these were dismissed.³⁰⁴ The majority of complaints were dismissed on the grounds that (i) the complaint was about a judicial decision or case management and raised no question of misconduct (390);³⁰⁵ (ii) the complaint was untrue, mistaken or misconceived (128);³⁰⁶ or (iii) the complaint was inadequately particularised (114).³⁰⁷ Only 36 out of the 1620 complaints were upheld. The data does not show whether these complaints were made by

barristers or others. I asked the JCIO for disaggregation of the data. In its response to us, the JCIO stated that they do not disaggregate their data by type of complainant. I do not, therefore, have any data on the number of barristers who have made a formal complaint and the outcomes of such complaints.

324. It is quite possible that the majority of complaints were, inter alia, mistaken, misconceived, pertaining to private life, or otherwise outside the scope of the JCIO. However, I am concerned by two rules that may result in the rejection or dismissal of legitimate complaints made by barristers.

Abolishing the three-month time limit for a barrister making a complaint about a judge

325. The Judicial Conduct Rules require complaints to be made within three months of the matter complained of,³⁰⁸ unless the JCIO considers that there are "exceptional circumstances".³⁰⁹ The fact that a complaint contains an allegation of misconduct will not, by itself, be a sufficient reason for the JCIO to accept a complaint outside of the three-month time limit.³¹⁰ In 2022-2023, 95 complaints were not accepted for investigation on the basis that the complaint was out of time.

326. I note that in 2023, the judiciary undertook a consultation on judicial discipline. One of the issues they reviewed was the three-month time limit. In their response document, they stated: "Regarding the three-month time limit for making a complaint, we consider that this strikes the right balance of fairness to complainants and the subjects of complaints. We are not persuaded that the time limit should be extended."³¹¹

²⁹⁹ I do not propose the Commissioner has rights of audience, merely a function to monitor and report.

³⁰⁰ JCIO Annual Report 2022-2023, p10

³⁰¹ JCIO Annual Report 2022-2023, p11

³⁰² Judicial Conduct (Judicial and other office holders) Rules 2014, Rule 8. Note that the Rules have since been revised. The JCIO report from 2022-2023 refers to the old Rules from 2014.

³⁰³ Judicial Conduct (Judicial and other office holders) Rules 2014, Rule 12. Note that 4 complaints were withdrawn.

³⁰⁴ JCIO Annual Report 2022-2023, p13

³⁰⁵ Judicial Conduct (Judicial and other office holders) Rules 2014, Rule 21(b)

³⁰⁶ Judicial Conduct (Judicial and other office holders) Rules 2014, Rule 21(g)

³⁰⁷ Judicial Conduct (Judicial and other office holders) Rules 2014, Rule 21(a)

³⁰⁸ Rule 12 in both the 2014 and 2023 Judicial Conduct Rules

³⁰⁹ Rule 15 Judicial Conduct Rules

³¹⁰ Rule 16 Judicial Conduct Rules

³¹¹ [Judicial Discipline Consultation Response](#), Para 49

327. I respectfully disagree. I acknowledge the importance of dealing with matters expeditiously but consider three months to be far too short. It is now generally well understood that in cases of bullying or harassment those affected by such behaviour may find it difficult to speak about it and may initially be unwilling to come forward. Potential complainants may need time for recovery and reflection. They may need time to request transcripts or audio recordings to review what was said and how it was said. They may need time to seek advice. There may also be instances where a barrister is involved in a lengthy trial and must continue to appear in front of the judge concerned for more than three months. This JCIO time limit appears to be an outlier in this regard. Other bodies akin to the JCIO, such as the BSB, the Solicitors Regulatory Authority (SRA), the General Medical Council (GMC), the Nursing and Midwifery Council (NMC), have no time limit for reporting a complaint of misconduct. I understand from Professor Cheryl Thomas, who produced the recent Judicial Attitudes Survey, that the three-month time limit has also been problematic for some judges who have experienced bullying by more senior judges.

328. I was told by a barrister who has an ongoing complaint to the JCIO that there should be a longer, or no time limit: "It is difficult to reach a point where you decide to submit an official complaint against a judge, especially if you are often in the same court building. It can be intimidating, especially when you are self-employed and all of the consequences which flow from the potential loss of work."³¹²

Requirement for particularisation

329. The JCIO is prohibited from accepting a complaint for consideration if it does not meet certain requirements. Amongst other things, the complaint must be "supported by relevant details as specified in guidance published by the JCIO from

time to time".³¹³ A complaint must also "state the date, or dates, that the alleged misconduct took place unless the JCIO decides that it is not necessary taking into account all the circumstances of the complaint."³¹⁴ I note that 114 complaints were rejected on the basis of inadequate particularisation in the period 2022–2023.

330. I am concerned that these requirements may be a barrier to the JCIO investigating legitimate complaints. For example, one female junior noted the following points in her complaint to the JCIO regarding a judge:

He "has spoken in an aggressive, rude and patronising manner. He has demonstrated hostility and passive aggression, towards me when I have made submissions. He has spoken to other defence counsel in an equally rude and aggressive manner, showing hostility, loss of patience and intolerance. This ongoing conduct, when considered as a whole, amounts to bullying."

"On two occasions he has shouted so loudly at me that it has caused me to cry. On one of those occasions, I left the court room and one of the ushers who was present on both occasions, has approached me to check on my well-being and to offer support. The female XXX staff have regularly checked on my well-being, having witnessed the behaviour over so many months.... On [date redacted]... I was subject to bullying behaviour by the judge in such an extreme way that it left me reeling, unable to stop crying for the rest of the day and not able to sleep at night."

Having indicated that she wanted to make submissions on a matter of law regarding the inappropriate questioning of her client: "He told me, in front of the jury, in a stern tone, "there is no matter of law, sit down! I tried again, and he again told me to sit down.... once the jury had left court, he refused to listen to my submissions and shouted at me."

³¹² BH0013

³¹³ Rule 8(c)

³¹⁴ Rule 8 (d)

"As a result of the judge's conduct towards me, the defendant felt suicidal. His wife informed me that she was fearful that he would make an attempt on his life over the weekend because he was certain that the judge's attitude towards me meant that he could not have a fair trial.... I attempted to raise my concerns with the judge but he wouldn't listen. He...instructed prosecution counsel to "ignore any vulnerability"[T]he judge repeatedly shouted at me, and contended that a deterioration in the defendant's mental health was not a legal matter. The cross examination continued until a point where I raised an objection again. The judge shouted at me in front of the jury, but they were sent out. The defendant then collapsed in the witness box." Further, "the CPN examined the defendant and was of the opinion that the judge's conduct towards me had triggered traumatic memories for the defendant that had resulted in a deterioration of his mental health."

The judge said, "I was not allowed to intervene, that none of my objections had any foundation in law and "I don't understand why you are the only person who doesn't get it, it is not rocket science!" in a patronising tone. He said this in front of my lay client and other defendants and all counsel....[W]hen I raised a matter of law, he shouted at me, in front of the jury, which was totally humiliating, saying that he needed "to get a cease-and-desist order" on me to stop me from interrupting."

331. These were just a few examples of the types of behaviour contained within the complaint sent to the JCIO. Specific dates were listed by the complainant along with a request for the JCIO to obtain the audio recordings to assess tone. Witnesses were named to allow the JCIO to corroborate her account.
332. The JCIO rejected the complaint, without consideration of the merits, on the grounds that it failed to comply with

Rule 8(c), which provides that the complaint must "contain an allegation of misconduct on the part of an identified or identifiable person holding an office, which is supported by relevant details as specified in guidance published by the JCIO from time to time." The JCIO stated that if she wished to proceed, she would need to make a new complaint and provide "specific or approximate timings of these actions or remarks during the hearings."³¹⁵ She was also told that the "judge's refusal to consider submissions, interrupting or limiting arguments and scheduling decisions, relate to his case management and judicial decision-making. These matters fall within the scope of his judicial discretion and are, therefore, not within the JCIO's remit."³¹⁶ If she chose to re-submit her complaint, "any aspects relating to events more than three months ago may still be rejected in the first instance."³¹⁷

333. I am concerned that Rule 8(c) imposes an unreasonable threshold for complainants who are unable to identify the exact or approximate timings of the alleged misconduct, particularly in the context of a trial that took place over many months. I am also concerned by the rejection of some of the allegations on the grounds that 'case management' is out of scope. Bullying can still take place in the context of case management decisions.

Recommendation 32: The time limit for complaints by barristers to the JCIO should be abolished and the application of the rule on particularisation of complaints should be reviewed

For consideration by the JCIO and Lord Chancellor

- 334. It is in the interests of the judiciary for complaints to be raised and handled fairly and robustly, so that misconduct is addressed. I recommend the following:**

³¹⁵ Letter from JCIO to complainant

³¹⁶ Letter from JCIO to complainant

³¹⁷ Letter from JCIO to complainant

- a) The JCIO should encourage complaints, not rule them out based on an arbitrary three-month time-limit. It is surprising that the judiciary confirmed the reasonableness of this time limit after reviewing it as part of the consultation on judicial discipline in 2023. This time limit should be abolished. Whilst complainants should be encouraged to complain as promptly as possible, there is no benefit in restricting complaints arbitrarily. Indeed, the only effect it has is to protect those engaging in misconduct. In each case the question should be one of fairness and practicality, and whether a fair investigation of a complaint is possible in all the circumstances having regard to the passage of time.
- b) The practical application of Rule 8(c) ought to be reviewed in order to address the concern that it is operating as a barrier to the consideration of legitimate complaints.

335. In order to assist potential complainants and the JCIO in identifying the specific comments and behaviours in issue, the existence of, and access to, audio recordings is essential. Proceedings in courts and tribunals are not always recorded. Where hearings are recorded, as I understand it, the recordings are only available to the parties upon request to the judge. Requiring a potential complainant to make such a request of the accused judge places yet another procedural barrier in the way of making a report.

Recommendation 33: Accountability in court should be improved by making audio recordings of proceedings and making these available to professional court users

For consideration by the Lord Chancellor and HMCTS

336. Swift progress should be made towards ensuring that audio recordings of proceedings are made in all hearings that take place in open court. Transparency and accountability improve behaviour

and provide reassurance about standards. Audio recordings should be available to all barristers involved in a case on request to HMCTS. This will allow them to (i) review the proceedings and determine whether or not to make a complaint arising from conduct in the hearing; and (ii) provide sufficient particulars when making a formal complaint to the JCIO. I acknowledge that there are implications for resources that will need to be considered and that this could not apply in the same way to private hearings, in chambers or those concerning children or national security.

The need for greater dialogue and understanding

- 337. Whilst there is much talk of “notorious” judges and court centres where bullying is said to be prevalent, it is not clear to me the extent to which this is known by the rest of the judiciary. There are WhatsApp groups amongst barristers where warnings are shared about certain judges. There are ‘blacklists’ of judges in some chambers. However, whilst one might expect Circuit Presiding Judges to be likely to be aware of such problems on their circuits, this information is not necessarily known about by all of them or by those in more senior leadership positions in the judiciary.
- 338. The challenge of tackling bullying in a hierarchical system is threefold. Firstly, those at the top are less likely to experience the problem. The sexual harassment or bullying experienced by a pupil is less likely to be inflicted on a judge. Secondly, they are less likely to be told about problems. In a hierarchical system those at the top tend to be told what others think they want to hear. The higher up in a hierarchy someone is the less likely they are to hear the views of those further down the system. The particular deference afforded to more senior judges compounds the problem of them not hearing concerns which are widely circulated but not reported to them. Thirdly, those at the top who commit misconduct themselves are less likely to be challenged by those at the bottom of the hierarchy.

Recommendation 34: Dialogue between the Bench and the Bar should be increased

For consideration by the Circuit Presiders, Circuit Leaders, Judicial Office

339. I consider that creating an opportunity for purposeful dialogue between the Bar and the Bench about judicial bullying of barristers is essential. Regular meetings between the Circuit Presiding Judges and barristers on each circuit should be facilitated, as an opportunity to discuss judicial behaviour, identify problems and explore solutions in an informal manner. This would allow barristers to build trust and rapport with their Circuit Presider enabling them to address these issues. It would demonstrate a genuine desire by those in leadership in the judiciary to listen and understand the experiences of barristers within their circuit. This would also enable concerns to be raised by the Circuit Presiders with more senior members of the judiciary, with a view to appropriate action being taken.

Sanctions

340. I am aware of the case of Paul Kirtley, a fee-paid judge who had sex at court. A woman submitted a complaint to the JCIO. Paul Kirtley was found to have committed misconduct and issued with a formal warning. He remains on the Bench. In my view, the courts are a place for the administration of justice not for sexual activity. They are workplaces in which those who are at work should not fear that they will walk in on sexual activity. Above all, a judge must command respect and set an example to all those who work in or attend their court. I cannot see how it is acceptable for a judge to continue on the Bench when he has had sex in his judicial chambers during an adjournment.³¹⁸

Recommendation 35: Sanctions decisions following a finding of judicial misconduct should be taken

by the LCJ, the Lord Chancellor, and an independent person

For consideration by the Lord Chancellor and Lady Chief Justice

341. At present, the appropriate sanction after a finding of judicial misconduct is decided by the Lady Chief Justice and the Lord Chancellor. There is a widespread perception that the lack of independence in sanction decision-making contributes to unduly lenient sanctions, and this too acts as a deterrent to the making of a formal complaint. I propose that an independent person should be added to the sanction decision-making panel.

Conclusion

342. I have heard widespread complaints about 'notorious' judges who are well-known for their bullying behaviours. Barristers complain to each other, but few make an official complaint. The courtroom must become a place where no bullying is tolerated. There must be transparency and accountability for judicial behaviour. Barristers must feel able to challenge bullying and report it to the relevant bodies, confident that they will suffer no repercussions and secure in the knowledge that their action will be appreciated as an effort to improve the judiciary not as an attempt to undermine it. The Bar and the judiciary must work in tandem, recognising the interrelationship between the profession and judicial office-holders and the shared objective of eradicating misconduct for the benefit of all.

343. The nature and scale of judicial bullying of barristers that has emerged in the course of the Review is disturbing and needs urgently to be addressed. I hope that the judiciary will respond positively to the findings and proposals of this Review. Progress can swiftly be made if the leadership of the judiciary acknowledges the problem of judicial bullying of barristers and works collaboratively with the Bar to address it.

³¹⁸ [Statement from the Judicial Conduct Investigations Office re Recorder Paul Kirtley, JCIO 37/25, 20 August 2025](#)

Chapter 11: The case for a Commissioner for Conduct

The existing work of the Bar Council

344. The Bar Council has acquired considerable knowledge and experience of challenging bullying and harassment in the profession, by (i) facilitating anonymous recording of complaints via Talk to Spot; (ii) providing support to members of the profession, law students, and chambers' employees who have experienced or observed bullying and harassment; and (iii) advising and supporting barristers and their employees dealing with allegations of bullying and harassment, as well as providing support to victims of these behaviours. They have supported and advised individuals across the whole eco-system, including Heads of Chambers; chambers' Equality & Diversity Officers (EDOs); practice managers and clerks; Inns' employees; and other senior members of the profession. Their work has been instrumental in bringing certain cases to light and empowering others to tackle misconduct effectively. The Equality and Diversity team at the Bar Council is currently responsible for dealing with bullying and harassment as part of their wider portfolio. I believe that the work they do needs to be strengthened and given even greater priority in the Bar Council.

Recommendation 36: The Bar Council should appoint a Commissioner for Conduct to tackle bullying, harassment and sexual harassment at the Bar

Responsibility for implementation – Bar Council

345. I recommend that the Bar Council appoints a Commissioner for Conduct to tackle bullying, harassment and sexual harassment at the Bar. This would require an amendment to the constitution of the General Council of the Bar to allow for the creation of the Commissioner who would be

operationally independent but occupy the same level of seniority as the Chair, the Vice Chair and the Treasurer. The role of the Commissioner would be to:

- a) Promote the agreed standards of behaviour relating to bullying, harassment and sexual harassment, and develop and disseminate standardised good practice guidance and training across all chambers and Inns;
- b) Give advice on the various complaints pathways available to individuals who have witnessed or experienced bullying, harassment or sexual harassment, and signpost individuals to appropriate support organisations;
- c) Provide advice and support to chambers and the Inns with regard to putting in place appropriate policies and procedures for handling allegations of bullying, harassment or sexual harassment and ensuring that best practice is followed;
- d) Establish clear feedback mechanisms for those who have gone through the complaints process to provide their input on how the process can be improved;
- e) Ensure that regular audits of and updates to cybersecurity measures are conducted, to maintain trust that complainant and respondent personal data is protected;
- f) Upon request from chambers or the Inns, support investigations into allegations of bullying, harassment or sexual harassment, and make recommendations as to appropriate outcomes, advising on reporting obligations, and, where appropriate, referring matters to the BSB or JCIO for action;
- g) Receive reports concerning allegations of bullying, harassment and sexual harassment and make

enquiries in response to intelligence gathered via Talk to Spot reports and any other information given to the Commissioner which contains credible allegations of potential bullying, harassment or sexual harassment by barristers;

- h) Upon request from barristers, attend court proceedings to identify any concerns and to report concerns either to the BSB or the JCIO, and collaborate with the relevant team in the Judicial Office to seek further action where required;
- i) Upon request from barristers, access recordings of court and Tribunal proceedings (where available) to assess reports of judicial bullying and assist barristers in making informal or formal complaints where appropriate, subject to an agreed protocol with the Judicial Office;
- j) Ensure that policies, training programmes and procedures are subject to regular review and updating, so that they remain effective and relevant in addressing emerging issues and adapting to changes within the profession;
- k) Take initiatives to raise public awareness about the standards of behaviour expected at the Bar and the mechanisms in place to address misconduct;
- l) Jointly with representatives of other key stakeholder bodies, facilitate a task force on tackling bullying and harassment, working collaboratively alongside the Inns, the judiciary, the LPMA and the IBC;
- m) Oversee and champion the implementation of this Review's conclusions and recommendations.

346. This chapter sets out my rationale for the creation of this role and proposals for the Commissioner's remit.

Complementing the role of the BSB

347. In its report on bullying and harassment, the BSB recognised that the disinclination to report to them is compounded by perceptions of the BSB as "authoritarian" and "too much of a stick and less of carrot".³¹⁹ A less combative, less formal avenue in addition to the BSB may be more likely to encourage people to come forward and speak up.

348. The BSB undertakes investigations and regulatory enforcement action where misconduct reaches the requisite level of seriousness. It is not always clear how they apply this threshold, particularly in cases concerning bullying. The proposed Commissioner is not intended to duplicate the role of the regulator which would remain the body responsible for enforcement action but there would be key differences. Firstly, the Commissioner would, unlike the BSB, be able to receive any reports of bullying, harassment or sexual harassment without applying a threshold test of 'seriousness'. Secondly, the Commissioner would not be limited to considering complaints of misconduct by barristers. The remit of the proposed Commissioner must, in my view, take a holistic approach to the profession and be able to consider dynamics within chambers, for example between employees and members, as well as dynamics in court or at the Inns. Thirdly, the Commissioner would be able to act upon intelligence from third parties and make enquiries in the absence of any complainant. For these reasons, I consider that the role of a Commissioner for Conduct at the Bar Council could complement, and not duplicate, the role of the BSB as regulator. A protocol should be agreed between the Bar Council and the BSB to set out clearly the parameters of the role and to govern the relationship between the two entities to avoid duplication and ensure

³¹⁹ BSB Bullying and Harassment report, p5, para 15

transparency as far as is appropriate. The new role of a Commissioner does not detract from the urgent need for the BSB to improve its own practices and take appropriate action in response to reports of serious misconduct that warrant enforcement action. I hope that the role of the Commissioner will ensure that bullying and harassment is dealt with appropriately and proportionately and, where necessary, referred to the BSB for regulatory enforcement action.

349. I recognise the work done by the BSB's Supervision Team, in providing guidance to chambers and in following up on reports which engage chambers' policies and culture. However, it is my view that the BSB ought to focus its resources on reforming its mechanisms for assessment, investigations and enforcement of serious misconduct. Offering support and guidance to chambers would be best done by the Commissioner, rather than the regulator.

Providing support for chambers

350. Lincoln's Inn notes that "[m]ost chambers do not employ HR professionals who in an employer context would provide advice and support on conducting grievance and disciplinary investigations. This may be an area where the Bar Council could provide some form of support to chambers."³²⁰
351. Behind the Gown notes that each chambers operates their own procedures, some more transparent than others. They state that: "[o]ften the route is simply to go to the Head of Chambers, but what if the issue stems from this individual – or someone very close to this individual."³²¹ Further, "with the greatest respect to Head of Chambers, it is a thankless job often not remunerated and dealt with by a busy practitioner/silk who already has a high caseload. Often these individuals do not have the time nor proper resources to deal with delicate complaints of harassment/bullying and poor decisions are made."³²²
352. Members of the LPMA raised that they felt uncertain about what constituted serious misconduct. They felt that there was nobody they could talk to about barristers' misconduct. They suggested that an independent Commissioner that could look at interactions between barristers and employees would be welcome.³²³
353. In its written submissions to the Review, the Criminal Bar Association recommended the appointment by the Bar Council of an independent ombudsman to oversee the handling of complaints within chambers, believing this would be a useful mechanism to promote greater fairness, consistency and effectiveness. The CBA also suggested that chambers should be required to offer independent mechanisms to resolve complaints, including the use of external adjudicators.³²⁴
354. Joanna Chatterton and her team at Fox Williams who have extensive experience of advising chambers, told us: "In our experience, many of those with management responsibilities in chambers, other than professional staff, hold those roles alongside their legal practices, have had no training, may never have been employed themselves, managed or been part of teams or worked other than at the Bar. Management practices which are standard in other professional businesses are often alien to them (unless they are employment specialists). When faced with the modern workplace culture in which barristers, pupils and staff are increasingly prepared to speak up about concerns, they are ill equipped to respond effectively. Practical guidance and skills-based training and support is essential. The Bar Council provides some good resources and some skills-based training but what chambers might benefit from is more focussed support and guidance on how they can look holistically and critically at aspects of their business which may have a bearing on their culture and the likelihood of

³²⁰ Lincoln's Inn written submission, BH0165, p3

³²¹ Behind the Gown written submission, BH0182, Q3(a)

³²² Behind the Gown written submission, BH0182, Q3(a)

³²³ Meeting with LPMA

³²⁴ Criminal Bar Association written submission, BH0123

bullying, harassment and discrimination arising, not just at how they manage it when it arises. That may speak to having a person at the Bar Council or BSB with a specific remit to provide this.”³²⁵

355. I recognise the heterogeneity that exists across the 400 plus sets of chambers across the jurisdiction due to variations in size, practice areas, location, and resource. Some chambers are better resourced than others to handle reported incidents of bullying and harassment. But even those which are well-resourced and benefit from HR professionals are not always able to carry out investigations which are independent and fair due to the many conflicts which often arise. The office of the Commissioner for Conduct would provide an independent avenue for chambers to deal with allegations of bullying and harassment and to ensure that they are handled fairly.

The need for accountability in the courtroom

356. I note that the Dean of Faculty in Scotland, the equivalent of the Chair of the Bar Council in England and Wales, is able to intervene in court where there are concerns regarding judicial misconduct in the courtroom. Many barristers with whom I spoke about judicial bullying expressed a desire for oversight in the courtroom. Where the Commissioner receives intelligence that a particular judge may be bullying barristers, the Commissioner, or his/her representative, should undertake court visits to monitor proceedings and to act on any observed bullying or harassment.

A holistic approach to the whole eco-system

357. There are numerous reporting pathways available to complainants which can cause confusion and inconsistency of approach and outcome. I believe that a centralised office for dealing with bullying and harassment across the profession would

reduce some of the barriers to reporting and ensure a consistency of approach.

358. I also recognise that there are different mechanisms available depending on whether the individual concerned is a barrister, chambers’ employee, student, or member of court staff. I believe that a ‘One Bar’ approach would assist with streamlining the handling of misconduct and simplifying the reporting pathways. The Commissioner’s office would be mandated to take a holistic approach to the profession, including those who work in and around the profession.

Resourcing

359. I acknowledge that the establishment of a new Commissioner will have resource implications for the profession. Costs could be saved elsewhere by ensuring costs orders are made appropriately at the end of disciplinary proceedings. I am aware that some chambers have spent significant sums on outsourcing investigations to external third parties – these costs could be reduced as chambers would be able to call upon the Commissioner’s office for support and advice. But ultimately to bring about the change necessary to prevent misconduct and protect victims and the reputation of the Bar there will need to be investment.

Lessons learned from Parliament

360. My proposal for a Commissioner for Conduct draws upon experience within the House of Commons of the work of the Parliamentary Commissioner for Standards (PCS). I note below that there are similarities between the situation of Parliament and that of the Bar, and we draw some lessons for the Bar from recent experience within Parliament, while acknowledging that there are differences between the institutions. I set out detailed factual background on the PCS’s role, and on the recent steps taken by Parliament to tackle bullying, misconduct and sexual harassment, in Appendix 8 to this report.³²⁶

³²⁵ Joanna Chatterton, Fox Williams LLP, correspondence with Review team

³²⁶ The comments that follow focus on the House of Commons, though we note that the House of Lords has also reformed its procedures and that in many ways the new parliamentary standards system operates on a bicameral basis involving both Houses.

361. The House of Commons, like the Bar, is an ancient institution with a key role to play in modern life. Like the Bar, it has a proud tradition of self-regulation. However, in the recent past some of the House's mechanisms of self-regulation, particularly in relation to allegations of bullying, harassment and sexual misconduct, had become widely regarded as grossly inadequate and profound changes have been made. The evidence marshalled in this report shows that the Bar today is in a comparable situation.
362. In response to criticism, and following separate reviews by two senior retired judges, the House of Commons has put in place a series of reforms that are widely seen as models of good practice, putting the Westminster Parliament in many ways in advance of other comparator legislatures. While the core principle of self-regulation has been retained, new mechanisms have been introduced to create a system which can command the confidence of both complainants and respondents, recognising the rights of both, but sending out a message that bullying, harassment and sexual misconduct are hugely serious matters that will no longer be tolerated. A series of high-profile cases in which senior politicians have been found to have been in breach of the rules and have been appropriately sanctioned (often with career-ending effect), has established that the old culture of deference and impunity within Parliament has gone.
363. At the core of the House's system is the post of Parliamentary Commissioner for Standards. Originally created as part of the first tranche of parliamentary conduct reforms in the 1990s, the role has been adapted to form a key part of the current system. The role of the PCS is to monitor the operation of the Code of Conduct for Members of Parliament; to maintain the Register of Members' Financial Interests and any other registers approved by the Committee on Standards; to advise that Committee on the interpretation of the Code; to provide confidential advice to Members and others subject to registration; and to investigate, if they think fit, specific matters which have come to their attention relating to the conduct of Members and to report on those investigations to the Committee on Standards. The Commissioner also oversees investigations and makes findings in complaints against Members under the Independent Complaints and Grievance Scheme and refers cases in which he has upheld a complaint to an Independent Expert Panel to determine a sanction if the seriousness exceeds his powers.³²⁷
364. The proposed Commissioner for Conduct will have a role closely analogous to the PCS's role in providing advice, with the Bar Standards Board continuing to be the Bar's regulatory body, and analogous to the PCS's role as investigator, though I envisage the Commissioner will have some limited capacity to conduct investigations in defined circumstances, as set out in our specific proposals.
365. The advisory role of the PCS has developed over the years. He is in effect the House of Commons' chief adviser on any matters relating to standards. He monitors the system and assesses the need for changes and improvements – for instance by giving advice to the Committee on Standards on its five-yearly review of the Code of Conduct. He takes initiatives and may act as an informal link and enabler between other Commissioners and bodies within the system, thus reducing its tendency to become "siloed". He and his small team of staff are widely trusted within Parliament as sources of authoritative, impartial and helpful guidance to individual MPs and others.
366. The PCS is the lynch-pin of the standards system and has played a crucial part in ensuring that the system is kept updated, is responsive to public opinion, and can offer authoritative advice and, where necessary, support to Members and others involved in issues relating to standards.

³²⁷ Erskine May's Parliamentary Practice, 25th ed., chapter 5, para 5.5

367. Sir Ernest Ryder, legal adviser to the House of Commons Standards and Privileges Committees,³²⁸ endorsed my proposal for a Commissioner for Conduct within the Bar Council, advising: “That person needs to be sufficiently senior to understand best practice, to command the respect of the Bar and to have a professional relationship with other legal services providers, regulators and the judiciary. The role should encompass scrutiny of process and practice in chambers with an obligation to report in public about these issues. Given that complaints have a factual cross-over with some members of the judiciary, either in relation to historic matters pre-appointment or because the person concerned is a fee-paid judge, the Commissioner should have a direct relationship with the JCIO. The Commissioner should have default powers to initiate a complaint where others have failed to do so and there is *prima facie* evidence of a breach of standards.”
368. The recommendations contained within this report will need to be implemented and monitored by a dedicated Commissioner and his/her team over the coming years. This is needed to ensure my proposals are acted upon and the impact is monitored and evaluated.

The need for collaboration

369. The Bar does not operate in isolation. Barristers work closely with their chambers’ employees (for self-employed barristers) or their fellow employees (for employed barristers). Most operate in the court room at least some of the time, engaging with judges, court staff and other court users. All barristers are members of one of the four Inns of Court, where training, mentoring, dining, and educational events facilitate interactions between students, pupils, non-benchers, and benchers. Research undertaken by the Legal Practice Management Association, the Institute of Barristers’ Clerks, and the judiciary indicates that experiences of bullying and harassment are mirrored across the whole eco-system. In order to tackle these behaviours effectively, a collaborative approach is needed. Greater dialogue and understanding between the constituent parts of the justice system is required. A cross-profession task force to tackle bullying and harassment should therefore be created, mandated to tackle bullying and harassment across the entire eco-system. The Commissioner would be well-placed to take the lead.

³²⁸ Also former Lord Justice of Appeal and Senior President of Tribunals for the United Kingdom.

Acknowledgements

I'm grateful to the Bar Council for appointing me to conduct this Review on their behalf. In particular I'd like to thank Sam Townend KC who was Chair in 2024 and Barbara Mills KC who is Chair in 2025. I would also like to thank Malcolm Cree, Chief Executive, Sam Mercer, Head of Policy: equality and diversity and corporate social responsibility at the Bar Council, and Rachel Kryz, Equality and Diversity Consultant at the Bar Council. I have been so impressed by their acknowledgement that there is a problem of bullying, harassment and sexual harassment at the Bar, their recognition of the misery it causes those who are subjected to it and their clear-eyed determination to rid the Bar of it. Not all institutions, particularly those rooted in ancient traditions are so willing to look such problems in the face. I've always had the solicitors' admiration for the Bar (I used to be a solicitor) and that has only been enhanced by my experience of working with the Bar Council.

I was able to rely on the Reference Group appointed by the Bar Council for this Review. I experienced at first hand the willingness of busy, senior members of the Bar to help improve their profession. We benefited greatly from those non-bar members of the Reference Group who had experience as clerks or had participated in regulation in other fields.

This report would not have been possible without the work of counsel to the Review, Sam Granger. Her intelligence, professionalism and commitment is extraordinary and the Bar is lucky to have such as her in its ranks.

Thanks go to Tom Pollard who was an essential part of my team assisting with everything from travel arrangements to collating highly confidential submissions, drafting and amending.

I'm grateful to Robin James, who having retired after many years working as a Clerk at the House of Commons, including serving as Clerk to the Standards and Privileges Committees, joined the Reference Group and played a key role in drafting, checking and amending the report.

Though it's not usual to make a dedication in a report such as this, I dedicate this report to my mother Anna Harman who died in 2018 aged 100. Though she was called to the Bar, she was not able to practise because she married my father and had 4 children. In those days being a housewife and mother was regarded as incompatible with the profession. Her wig and gown were in our dressing up box. The women who are now KCs, sit as judges and have even achieved the highest Judicial Office of Lady Chief Justice, are pioneers whose progress my mother would have loved to see.

Appendix 1: Terms of Reference

Finalised on 31 May 2024

Context

The Bar Council believes that bullying, harassment, including sexual harassment, is a problem at the Bar (see Appendices 1 & 2).

Key themes emerging from 'Talk to Spot,' which is an artificial intelligence tool used by the Bar Council to allow barristers to report their experiences, include:

- Sexual harassment and serious abuse
- Patronising, belittling, overbearing and demeaning behaviour, including by judges.
- Sexist, racist and ableist behaviours
- Online abuse
- Failure to make reasonable adjustments to meet the needs of disabled barristers and difficulties faced by those with caring responsibilities.

Data gathered by the Bar Council suggests that these problems are increasing rather than decreasing.

The Bar Council is concerned that the current regulatory framework relies on vulnerable individuals to bring complaints. It is felt that a more effective system/culture is needed so that issues can be safely and efficiently identified, raised, investigated, resolved and effective, fair and proportionate action taken against the perpetrators.

The Bar Council will appoint the Review Chair who is to conduct an independent review of bullying, harassment, including sexual harassment, and to make recommendations to bring about such change (**the Review**).

Independent Chair

The Chair is Rt Hon Ms. Harriet Harman KC.

The Chair may appoint an assistant to provide administrative support in relation to the Review.

Review Reference Group

The Bar Council proposes to appoint a group of experts on whom the Review Chair may call for advice and to test findings and recommendations. Membership will be agreed with the Review Chair.

The terms of reference for the Review Reference Group will be:

Membership [tbc]

Appointment Process. Members of the Review Reference Group are appointed by the Bar Council (based on their expertise in B&H and understanding of the Bar)

Time period. The Group will be convened for the period of the Review

Purpose: To provide advice to both BC and the Review.

Limit of authority: The RRG will be advisory only.

Review Purpose

The purpose of the Review is to make recommendations for action that will reduce the levels of bullying, harassment and sexual harassment at the Bar.

Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient ([ACAS](#)).

Harassment is as defined in s 26 of the Equality Act 2010 as being unwanted conduct 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.

Harassment will be within the Equality Act 2010 if it relates to any of the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

Sexual harassment is as defined in s 26 of the Equality Act 2010 as being 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.

The purpose of the Review is to examine the whole ecosystem at the Bar: informal/formal work experience, mini-pupillages, pupillage, tenancy, the culture within chambers, interactions with opposing counsel, interactions to and from the judiciary, interactions with staff/clerks and interactions with solicitors, available Bar Council support, the BSB's rules/guidance/policies.

In short, the Review will examine bullying, harassment and sexual harassment, both 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 they come into contact within their working lives.

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.³²⁹

The Review should examine how bullying, harassment and sexual harassment affecting and perpetrated by the Bar has been addressed up until 31 May 2024, and how other sectors have successfully addressed these problems.

Output

The Review will identify:

- The reasons for the unacceptable levels of bullying, harassment and sexual harassment at the Bar
- Barriers to improvement
- The appropriateness of the current sanctions regime
- Possible solutions, including whether it is realistic to expect bullying/harassment/sexual harassment to be addressed via a system which is premised on formal complaints being advanced by victims or observers.
- Preventative steps that can be taken to stop bullying, harassment and sexual harassment happening in the first place.
- Steps to bring about cultural change.
- The current support available to vulnerable complainants and witnesses.

The output of the Review should be a set of recommendations which the Bar Council can then consider and seek to implement or influence others to implement. The Review can refer to current examples of good practice in other sectors if and to the extent relevant.

The Review Chair may consider such other matters as they deem materially relevant and necessary to discharge the stated purpose of the Review. However, if the Review Chair considers that matters have arisen such that they may fall outside the defined scope of this Review, then these should be raised with the Bar Council and Review Reference Group before work is undertaken.

³²⁹ This part of the terms of reference was included by the Bar Council to make it clear that Ms Harman had no locus to conduct investigations of complaints and that any misconduct complaint should continue to be directed to the existing complaints processes. It is not intended to preclude her from discussing individual cases as part of the process of identifying problems facing the Bar and proposing solutions to tackle those problems.

Process and timelines

Stage 1	Review Chair calls for written evidence from bodies at Appendix 3. Review Chair calls for written evidence from bodies at Appendix 4 at their discretion. These calls for evidence should remind the recipients of the existing regime and the current obligations under it. The Review Chair may call upon members of the Reference Group for assistance. Review Chair makes an anonymous survey available which focuses on the complaints process and any measures used by consultees to prevent or address bullying and harassment prior to [1 May 2024]. It must be made clear that Stage 1 is not a mechanism for making complaints (signposting should be provided to redirect any such complaints) and there will need to be a process – led by the Review Chair – of reviewing answers so that no personal information/names, including alleged perpetrators are identified.	June – end Sept 2024
Stage 2	Evidence from Stage 1 received.	Sept – Nov 2024
Stage 3	Review Chairs reviews the evidence received. Review Chair will determine whether additional evidence is required and if so, call for that evidence. The Review Chair may find it useful to discuss with the bodies identified at Appendix 4 how their processes are working and whether potential changes to the status quo would or would not be constructive.	Dec 24 – Feb 2025
Stage 4	Any new evidence received.	March – Early April 2025

While the phases are intended to follow a sequential timeline, it is understood that some activities from subsequent phases may commence earlier or later as required by project needs.

The Review Chair will advise the Bar Council and Review Reference Group after each stage above is completed.

Findings

By the end of May 2025, the Review Chair will produce a report. It will not refer to specific chambers, law firms or individuals whether they

be alleged perpetrators or victims of bullying, harassment or sexual harassment.

The report will initially be sent to the Bar Council and Review Reference Group which will review whether it discharges the Terms of Reference and stated purpose of the Review.

The Review Chair will not provide a copy of the report (or any drafts), or any material seen or gathered during the Review to any other person unless required to do so in accordance with the law or any regulatory obligation. If the Review Chair concludes that they are required to disclose the report or any material, they must consult with the Bar Council before taking any action.

Access to advice on data protection matters

The Review Chair will be able to call upon the Bar Council's internal data protection experts to advise them in relation to any relevant matter on which assistance is required.

Publishing a report

The Bar Council will publish the full report of the Review save for any redactions required by applicable law or policy, including employment law, confidentiality, data protection, and Bar Council's policies. The Bar Council will consult with Review Reference Group and the Review Chair in respect of its approach to necessary redactions.

The Bar Council may, at its discretion, also publish summaries of the report so long as the purpose is to provide an accessible and / or digestible version of the report.

Regulatory obligations

In so far as the Chair or assistant are subject to BSB regulatory obligations, they are exempt from any obligation to report misconduct derived from information gathered during the Review.

Relevant Bar Council policies and guidance

All policies and guidance of the Bar Council will be made available to the Chair who will determine which are relevant to the Review.

Relevant BSB rules, policies and guidance

All rules, policies and guidance of the BSB will be made available to the Chair who will determine which are relevant to the Review.

Appendix 1	<u>Barristers' Working Lives and Spot data</u>
Appendix 2	<u>LPMA/IBC report</u>
Appendix 3	List of bodies that must be asked to provide evidence
Appendix 4	List of bodies that may be asked to provide evidence

Appendix 1

Bar Council Report: [Bullying, harassment and discrimination at the Bar 2023](#)

Appendix 2

[IBC/LPMA Culture Report](#)

Appendix 3

- The Bar Council
- The BSB
- Judiciary (Current and Former Chair of the EDI Committee)
- CEO of Judicial Complaints Investigations Office
- The Law Society
- All Heads of Chambers in the UK
- Equality Diversity Officers within Chambers in the UK
- Inns of Court
- [BPP](#)
- [Inns of Court College of Advocacy](#)
- [The University of Law](#)
- [City, University of Law](#)
- [Institute of Barristers' Clerks](#)
- [Legal Practice Managers Association](#)
- [International Bar Association](#)
- The Circuits ([South-Eastern Circuit, North-Eastern Circuit, Northern Circuit, Wales & Chester Circuit, Midlands Circuit, Western Circuit](#))
- Women's Fora. [Western Circuit Women's Forum](#); North-Eastern Circuit Women's Forum; [Midlands Circuit Women's Forum](#), Northern Circuit Women's Forum, Western Circuit Women's Forum; Wales & Chester Circuit Women's Forum.
- The Young Barristers Committee/Young Barrister Groups on Circuits and based at the Inns of Court.
- Barrister Networks including but not limited to the [Black Barristers' Network](#); [FreeBar](#); [BDABar](#), [Behind the Gown](#); [HerBar](#); [All Rise](#).
- Judicial networks e.g., Association of Women Judges
- Wendy Nicholas, Psychologist (North-Eastern Circuit)
- Student and Pupil Networks

Appendix 4

- The '4 Bars' (NI, Ireland, Faculty)
- [American Bar Association](#)
- [New Zealand Bar Association](#)
- Australian Bar Association

Appendix 2: Call for Submissions

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), 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 eco-system 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).

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."
 - **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."
 - **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."

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, as well as reports to 'Talk to Spot', 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, 44% of respondents said that they had experienced or observed bullying, harassment or discrimination while working either in person or online in the last two years. 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 backgrounds; and that those complained about are generally in a senior position such as judges and senior barristers.

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 Management 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 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 or, if you would prefer not to disclose your identity to the Review team, submissions can be made via 'Talk to Spot'.
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?

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 for victims). 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 by **5pm on the 27th of 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:
 - 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/> 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/documents/sexual-harassment-information-chambers/>
 - Bar Council Guidance for individual barristers: <https://www.barcouncil.org.uk/support-for-barristers/bullying-and-harassment.html>
 - BSB Guidance re reporting requirements: <https://www.barstandardsboard.org.uk/resources/resource-library/reporting-serious-misconduct-of-others-pdf.html>
 - BSB serious misconduct reporting form: <https://www.barstandardsboard.org.uk/ask-us-a-question-or-report-a-concern-landing.html>
 - BSB Information Line T: 0207 6111 444
 - Judicial Conduct Investigations Office: <https://www.complaints.judicialconduct.gov.uk/makeacomplaint/> (note: complaints should preferably be lodged within 3 months of the incident)

Appendix 3: List of key stakeholder meetings

1. The Bar Council: Chairs, CEO, EDI Team
2. The Inns of Court: the Treasurers, Sub-Treasurers, Under-Treasurers, Directors of Education and Heads of EDI
3. The Bar Standards Board: the Chair, Director-General, Director of Enforcement, and representatives from the Contact and Assessment Team, the Investigations and Enforcement Team, and the Supervision Team
4. The Bar Tribunals and Adjudication Service
5. Circuit leaders and other key representatives from the circuits
6. The Bar Council Young Barristers' Committee
7. The Women in Criminal Law Committee
8. The Employed Barristers' Committee
9. The Commercial Bar Association
10. The Employment Law Bar Association
11. The Criminal Bar Association
12. The International Bar Association
13. The Solicitors Regulation Authority
14. The Legal Services Board
15. The Institute of Barristers' Clerks
16. The Legal Practice Management Association
17. Talk to Spot

Appendix 4: An overview of the Inns' approach to tackling bullying, harassment and sexual harassment

Gray's Inn

Code of conduct

In early 2023, Gray's Inn introduced a Code of Conduct which, they believe, has supported cultural change within the Inn: "Our Code of Conduct is working. In a recent example, unacceptable behaviour has been addressed and sanctions taken against a barrister as a result of this Code. Before the Code, this individual would not have been reported and would almost certainly have continued inappropriately. Had the complainant made a formal complaint (which they did not want to do) the case would have most certainly gone to BTAS."³³⁰

Reporting pathway

Gray's Inn operates a complaints procedure which deals with complaints relating to the conduct of members at Inn events or when volunteering for the Inn.³³¹ There are two pathways available under this procedure: informal (which requires little or no investigation) and formal (where matters cannot be resolved informally and/or require an investigation).³³²

Gray's Inn states that it may consider increased sanctions, including formal suspension of attendance at the Inn for training and events. With regard to "precautionary exclusion", the Inn comments that it "can and does suggest, in some cases, non-attendance until a matter is concluded and would not, for example, select as a trainer for interaction with students someone about whom there was an outstanding complaint. Nothing formal is in place, it is a case by case basis".³³³

Lincoln's Inn

Survey

In 2022, Lincoln's Inn carried out a survey of

members to understand if the experiences of barristers, as reported in the Bar Council Working Lives Survey, were mirrored within the Inn. In its submissions, the Inn notes that it was "dismayed that 12% of respondents to our survey had experienced or witnessed bullying, harassment, discrimination, or another form of unwelcome or unacceptable behaviour while using an Inn service or attending an Inn event in the past five years."³³⁴ Of those who had experienced or witnessed such misconduct, only 13% had made a complaint. The Inn noted that it generally only receives one or two complaints on member behaviour per year, and commented that "examination of complaints under our code of conduct can be hampered by complainants' desire to remain anonymous, even to the Inn's staff and the panel conducting the examination".

Code of Conduct

In December 2022, the Inn launched a Code of Conduct for members. The Inn is working on other initiatives "to improve inclusive behaviour", such as training, mentoring, and anonymised reporting mechanisms to sit alongside its formal complaints process.

Reporting pathway

Lincoln's Inn's complaints procedure only covers complaints about Inn members in relation to their behaviour while at the Inn or engaged on Inn business. Formal complaints must be made in writing and within three months.³³⁵ The step-by-step process is set out within the policy. The Inn aims to conclude cases within thirty working days of the receipt of the complaint. The Under Treasurer is responsible for taking forward recommendations. The complainant or respondent has a right to request a review of the outcome within twenty days of the decision.³³⁶

³³⁰ Stephen Cartwright

³³¹ [20250129_Grays-Inn-Complaint-Procedure-v6.2.pdf](#)

³³² The process for each pathway is set out in detail under the complaints procedure

³³³ [BH0099](#)

³³⁴ [BH0165](#)

³³⁵ The complaints policy states: "It is normally better to raise a concern as soon as possible while memories are still fresh and issues can be addressed promptly. As such we will not normally consider complaints which relate to matters dating back further than 3 months. If you wish to raise an issue that took place longer than 3 months ago please contact the Under Treasurer or another designated Inn employee to discuss." Complaints - [Lincoln's Inn](#)

³³⁶ Complaints - [Lincoln's Inn](#)

Middle Temple

Statement of Values

Middle Temple is guided by its 'Statement of Values' which outlines the values of the Inn and sets the standards of expected conduct for members. This includes "treating our fellow members, staff, and visitors with dignity and respect".³³⁷

EDI and Training

The Equality, Diversity & Inclusion Committee is one of the Inn's standing committees. The Committee has carried out work to tackle bullying and harassment. For example, the Committee has implemented a programme of Unconscious and Implicit Bias Training sessions: "In the first instance, all members with student-facing roles, namely Advocacy Trainers and Scholarship Interviewers, are being trained."³³⁸ The Inn will provide training if individuals have not had training elsewhere, for example, in chambers or as part of judicial training. The Inn is also considering how training can be expanded to reach more members. Other work of the Committee, with invaluable input from the LGBTQ+ Forum, includes the implementation of the LGBTQ+ Commitments. The purpose of the commitments is to ensure that all people feel welcomed, regardless of sex, sexual orientation, or gender identity."³³⁹

Wellbeing

Middle Temple notes that "bullying and harassment are inextricably linked with wellbeing, particularly as harassment and bullying can lead to poor mental wellbeing."³⁴⁰ Middle Temple's Wellbeing Policy sets out the Inn's objectives to develop a supportive culture for members and reduce discrimination, exclusion, and stigma. The Inn also provides members with appropriate support through the following services: the Disability Forum, the Inns of Court Alliance for Women (ICAW), the LGBTQ+ Forum, the Mentoring Scheme, the Pre-Pupillage Wellbeing Assistance Programme, the Counselling Scheme, the Link Scheme, Pupils'

Courses, the Survive & Thrive Programme, and the Talent Retention Working Group.

Complaints mechanisms

In addition to the joint Anti-Harassment Policy, Middle Temple has designated members of Inn staff who are trained to respond to instances of bullying and harassment. Middle Temple will consider complaints "relating to the behaviour or actions of the Inn's members or tenants in the context of their involvement with the Inn."³⁴¹ There are two ways open to an individual wishing to make a complaint - informal or formal. In all cases, initial contact should be made with a designated Inn employee, as soon as reasonably possible after the incident. Formal complaints must be made to the Under Treasurer. On receipt of a formal complaint, if it is one which can be dealt with by the Inn, a case will be opened and undertaken by the Under Treasurer, though they may appoint a separate person to investigate. If the Under Treasurer is conflicted, another Director of the Inn will be asked to lead the investigation.³⁴² There are no set timescales given for handling and responding to complaints. If a matter requires more detailed investigation, complainants will receive an interim response describing what is being done to deal with the matter, and when a full reply can be expected and from whom. Following an outcome, complainants may ask for their complaint and the response to be further reviewed.³⁴³ Any complaints about professional standards or conduct of Inn members already Called to the Bar should be directed to the Bar Standards Board. This is stated in the [Middle Temple Complaints Process](#).

Inner Temple

Code of Conduct

The Inn's Volunteer and Participant Code of Conduct Relating to Education & Training Activities makes clear that the Inn will not tolerate any form of harassment, discrimination

³³⁷ [Middle Temple submission, BH0113](#), para 8, Appendix 2

³³⁸ Since March 2023, 29 Advocacy Trainers and 26 Scholarship Interviewers have received training, and rollout will continue throughout 2024 and in 2025.

³³⁹ [Middle Temple submission, BH0113](#), para 9

³⁴⁰ [Middle Temple submissions, BH0113](#), para 10

³⁴¹ [Middle Temple Complaints Process | Middle Temple](#)

³⁴² [Middle Temple Complaints Process | Middle Temple](#)

³⁴³ [Middle Temple Complaints Process | Middle Temple](#)

or inappropriate behaviour (falling short of the legal definition of harassment).³⁴⁴ The Inn notes that the implementation of this Code has led to the increased reporting of such behaviour and several members of the Inn have since been banned from delivering education and training as a result of breaches of the Code.³⁴⁵

Reporting pathway

Inner Temple operates a Complaints Policy which can be accessed on the public area of the Inn's website. It covers among other things delivery of the Inn's services and activities and conduct of members and/or staff of the Inn. It covers complaints relating to behaviour in any location and is not limited to the Inn's events. The policy does not apply to complaints made by clients concerning practising barrister members or their employees, which are covered by barristers' clients' complaints procedures and, where necessary, should be reported directly to the Bar Standards Board (BSB); nor to complaints about a judicial member's decision on a point of law or the way a judicial member has managed a case, which should be discussed with a solicitor, law centre or Citizens Advice. Complaints about the personal conduct of a judicial member may be referred directly to the Judicial Conduct Investigations Office. However, the Inn's Bench Table Orders (Inner Temple's statutes) provide, where necessary, for protective interim sanctions even where a case is sent to the BSB.

The Inn's procedures for dealing with conduct and discipline of members are set out in the Bench Table Orders (and in separate instructions to staff). Where complaints are made or it comes to the Inn's attention that behaviour has taken place which constitutes, or might constitute, a breach of the BSB Handbook, the case is referred to the BSB. The Inn will then implement any decision by the BSB relating to disbarment or suspension from the profession and from membership rights.³⁴⁶

Cases which do not fall under the BSB Handbook but which may nevertheless concern "relevant misconduct" are dealt with

internally by the Inn. A member of the Inn whose conduct is being investigated may be suspended or deprived of their membership rights while this process is being carried out.³⁴⁷

EDI and training

The Equality, Diversity and Inclusivity (EDI) Sub-Committee is one of the Inn's standing committees and the Chair also sits ex-officio on the Inn's Executive Committee. Its mandate includes making proposals to develop a culture of EDI within the Inn. It has overseen the updating of the Inn's EDI training course. A few years ago this was made mandatory for all members who deliver education and training; members of all the Inn's committees and Masters of Activity (who supervise areas of the Inn's business); and for newly appointed Governing Benchers. This requirement has been strictly enforced and individuals who after several warnings have failed to complete the training have been stood down. Refresher training is required every five years. The Inn also has a robust Equality and Diversity Policy in place. Scenario-based training on sexual harassment is included in the Inn's Pupil Supervisor course.

The Inn provides a Qualifying Session for Bar Course students every year on Tackling Harassment in which a panel of experienced and junior practitioners discuss issues relating to harassment at the Bar, from a number of intersectional viewpoints. Students work in small groups to consider a variety of hypothetical scenarios, drawing on the shared experience of bullying culture and discrimination during pupillage, practice and beyond. The session aims to better prepare students to advocate for themselves and others and to work towards better attitudes and behaviours at the Bar.

All staff are trained on sexual harassment awareness. The Inn's policy on Dignity at Work covers bullying and harassment in the workplace and in work-related settings and is relevant to all employees of the Inn.

³⁴⁴ Inner Temple Volunteer and Participant Code of Conduct

³⁴⁵ Inner Temple Submission, BH0167, p3

³⁴⁶ Inner Temple Submission, BH0167, p2

³⁴⁷ Inner Temple Submission, BH0167 p2. The complaints policy for the Inn can be found at <https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/complaints/>, under which complaints can be made about the Inn's members and staff.

Wellbeing

Inner Temple believes that wellbeing provision is linked to dealing with bullying and harassment and has had a Master of Wellbeing for several years, assisted by an Assistant Master and sitting ex-officio on the Education & Training Committee. The Inn has organised several Wellbeing conferences and provides members with appropriate support through a variety of means including the Inns of Court Alliance for Women, the LGBTQ+ Society, the Racial Equality Society, the Student Mentoring Scheme, the Pre-Pupillage Wellbeing Assistance Programme and the Movers and Returners Conference.

Social Media

Conscious of the fact that bullying and harassment can take place through social media, Inner Temple has a detailed social media policy which embraces the values of being professional, transparent, sensible and respectful.

Joint initiatives

The four Inns have adopted the same anti-harassment policy which was introduced in 2020.³⁴⁸ Any complaints of harassment will be dealt with under this policy. The policy emphasises a zero-tolerance approach to harassment in any form and applies to all members of the Inns. Individuals who feel that they have been subject to harassment or inappropriate conduct in connection with the activities of an Inn (or witnesses to the harassment of others) should make initial contact with the Under Treasurer or Sub-Treasurer of the Inn concerned, or another designated Inn employee.³⁴⁹

The purpose of this initial contact is to inform the individual of the options available to them, including both formal and informal resolution, and to assess the seriousness of the issue. If the issue cannot be resolved at this stage, it will progress to a formal complaint procedure.³⁵⁰

³⁴⁸ [Inns of Court Anti-Harassment Policy](#)

³⁴⁹ [Policies - graysinn.org.uk](#)

³⁵⁰ [Middle Temple submission, BH0113](#) para 7

Appendix 5: BSB complaints procedure

BSB assessment and investigations of reports

The BSB follows a four-stage process:

Stage 1 – Initial assessment

The Contact and Assessment Team (CAT) will carry out an initial assessment. The assessment will consider if: the barrister, or other person the BSB regulates, may have broken a rule in the BSB Handbook; there is anything which would prevent the concern from being investigated fairly; and the risk the concern presents is potentially serious enough to warrant a formal investigation.

Where the assessment shows that: the potential breach presents sufficient risk; it can be fairly and properly investigated; and there is no more appropriate body to deal with the matter, an initial investigation is carried out. The CAT can decide to (i) take no action; (ii) give informal advice; (iii) pursue enforcement action.

If the BSB decides to carry out a formal investigation, the CAT will pass the case on to the Investigations and Enforcement Team (I&E Team). Referrals can also be made to the Supervision Team, or both teams simultaneously.

If the case is passed to the Supervision Team, the team can provide guidance to chambers and follow up reports which engage chambers' policies and cultures.

Stage 2 – Investigation

The Investigations and Enforcement Team will carry out a formal investigation. They will write to the barrister and any other people who can provide information, asking for their comments and any relevant documents they can provide.

Stage 3 – Decision by staff or the Independent Decision-Making Body

The I&E Team considers whether there is enough evidence that (i) the Handbook has been breached and (ii) the risk is high enough for enforcement action to be taken. The I&E Team only has the power to (i) take no action

or (ii) to impose administrative sanctions (a written warning or a fine up to £1,000 for an individual barrister). If the I&E Team does not have the power to decide the outcome of a case, it will be passed to a panel – the Independent Decision-Making Body (IDB) – to make a decision. The IDB will assess whether there is enough evidence to show that the barrister has breached the Handbook and will decide what action to take, if any. The IDB might decide to impose an administrative sanction or, if the issue is more serious, they could refer the case to (i) a Disciplinary Tribunal or (ii) to the 'determination by consent' procedure.

Stage 4 – Determination by consent' or Disciplinary Tribunal

If the barrister who has been complained about consents and the conduct is not considered to be serious, the IDB can make decisions on some charges of professional misconduct (a 'determination by consent'). They only do this where the barrister does not dispute what happened and the conduct is not serious. The IDB has the power to: impose a fine; impose conditions on their licence or authorisation to practise; issue a reprimand; give advice about their future conduct; or order them to complete continuing professional development. If the matter is more serious, or the barrister disputes what happened, the BSB will refer the case to a Disciplinary Tribunal.

There is a right to appeal a decision by the Independent Decision-Making Body to fine or give a formal warning under the administrative sanctions system. If appealed, the decision will be looked at first by a senior decision-maker at the BSB. If they decide there has been a clear error in the decision to impose the fine and/or warning they have the power to withdraw the sanction and dismiss the case. If they decide there is no obvious reason to overturn the sanction, the appeal will be passed to the Bar Tribunals and Adjudication Service who will arrange for a three-person panel to consider the appeal. Appeals are normally carried out on the papers, although one can request an oral hearing.

Bar Tribunals and Adjudication Service

Disciplinary Tribunal hearings are arranged by an independent organisation called the Bar Tribunals and Adjudication Service (BTAS). The BSB does not act on behalf of the person who reported the concern, but as the regulator of the profession. The BSB therefore makes the decisions about what charges to bring against the person, and what evidence to present. At the Tribunal, the barrister has the opportunity to present evidence in their defence.

If a matter does go to a Disciplinary Tribunal, the person who reported the concern may need to appear as a witness. The Tribunal will make the final decision on whether the barrister has committed professional misconduct and what action should be taken. They have the power to impose a fine of up to £50,000, or suspend for a period of up to three years, or disbar the barrister. Findings and sanction determined by a Disciplinary Tribunal can be appealed to the High Court.

Supervision Team

As well as dealing with reports of harassment by individuals, the BSB also has the power to take action where a report indicates that there may be a wider problem. The Supervision Team supervises barristers, chambers, BSB entities, and organisations that deliver Bar training courses and pupillage, by working with them to improve their regulatory compliance with the BSB Handbook and with the authorisation frameworks, and to manage risk.

Cases of harassment might initially come to the attention of staff in the Supervision Team as a result of a referral from our Contact and Assessment Team, or occasionally via a report made directly to the team. Allegations of harassment by a regulated individual will typically be referred to I&E, but if there has been a wider failure in the organisation to deal with the issues raised and manage reports in the way the BSB would expect, it may be appropriate to involve Supervision as well. Referrals can therefore be made to both teams simultaneously, or only one, depending on the facts of the report, and the Supervision Team may also refer cases to I&E at any point during their handling of the case.

Appendix 6: JCIO complaints procedure

Procedure

The Judicial Conduct Investigations Office (JCIO) guidance sets out the different stages of considering a complaint:

- a) Stage 1: Decide whether the facts amount to misconduct
- b) Stage 2: Decide the level of seriousness (taking into account the nature of the misconduct, integrity factors, and harm or risk of harm). The levels are: misconduct; serious misconduct; or gross misconduct.
- c) Stage 3: Select the indicative sanction. For misconduct, the sanction is a formal advice or warning. For serious misconduct, the sanction is a reprimand. For gross misconduct, the sanction is removal from office.
- d) Stage 4: Apply aggravating and mitigating factors, finalise the recommended sanction.

As part of its investigation, the JCIO may listen to the audio recording of a hearing, obtain comments from third parties such as court staff or legal professionals, and obtain comments from the office-holder against whom the complaint has been made. A complaint which the JCIO has not rejected must be dealt with under the summary process or referred to a nominated judge.

Summary process

The summary process is an expedited process designed to deal with cases in which removal from office is recommended without a requirement for further investigation. Examples include conviction for a serious criminal offence and persistent failure, without reasonable excuse, to meet sitting requirements.

Nominated judges, investigating judges and disciplinary panels

Where a complaint is not dealt with by way of the summary process, it will be referred to one of the following three options:

Nominated judges: The Lady Chief Justice selects nominated judges following an expressions of interest exercise. The number of nominated judges at any given time is based on having the ability to deal with complaints promptly while giving each nominated judge regular experience of the work. At present, there are eight nominated judges, three from the Court of Appeal and five High Court judges. Nominated judges consider complaints to decide whether misconduct has occurred and, if so, recommend a sanction. Approximately 20–30 cases per year are referred to a nominated judge.

Investigating judges: Cases which are especially serious or complex may also be referred to an investigating judge. They are appointed on a case by case basis to consider complaints which need more in-depth enquiry to decide whether misconduct has occurred and, if so, an appropriate sanction. There are typically fewer than five such cases per year.

Disciplinary panels: disciplinary panels, composed of two judicial and two lay members appointed by the Lord Chancellor, consider cases in which an office-holder has been recommended for suspension or removal from office before deciding whether misconduct has occurred and, if so, recommending a sanction.

Final decision

Following consideration of a case by a nominated judge, investigating judge or disciplinary panel, the JCIO refers the case to the Lady Chief Justice (or her senior judicial delegate) and the Lord Chancellor for a final decision. By convention, the Lady Chief Justice considers the case first followed by the Lord Chancellor.

Appendix 7: The recently reformed House of Commons standards system

Parliamentary Commissioner for Standards

1. The Parliamentary Commissioner for Standards (PCS) is an independent officer of the House, appointed by the House on a non-renewable time-limited basis (to secure their independence), with a remit set by standing order.³⁵¹ The post was first created in 1995.
2. The PCS is given specific responsibilities under standing order: (1) to investigate matters relating to alleged breaches of the Code of Conduct for Members of Parliament, and oversee investigations and make findings relating to allegations of bullying, harassment and sexual misconduct by Members (as part of the Independent Complaints and Grievance Scheme (ICGS)); (2) to maintain the Register of Members' Financial Interests and other registers; and (3) to advise the House, its committees and Members on the interpretation of the Code of Conduct and on "matters of propriety". The PCS is independent and the House has approved the principle that MPs do not seek to direct his operational decision-making.
3. In relation to alleged breaches of the Code of Conduct, the PCS has complete discretion over whether to start an inquiry (either in response to a complaint or self-initiated). If he concludes that there has been a serious breach, he refers to the matter to the Committee on Standards (containing a mix of MPs and lay members) for consideration and recommended sanction. In the case of minor breaches, the PCS can "rectify" the matter by agreement with the Member concerned (usually involving an acknowledgement there has been a breach, an apology, and if necessary remedial action). In the cases of alleged bullying, harassment or sexual

misconduct, the PCS oversees a separate independent investigation process under the ICGS. If he concludes that an ICGS allegation against a Member has been made out, the House has given him power to deal with the matter by informal resolution or requiring an apology. The House has also authorised the PCS to give informal or formal words of advice in circumstances where no breach has been established. Higher-level sanctions (including withdrawal of services and facilities, suspension or expulsion) are for the House's Independent Expert Panel to impose or recommend to the House.³⁵²

4. The Office of the PCS (OPCS) consists of a team of 12 people with a staffing budget of £1.08 million.³⁵³

Independent Complaints and Grievance Scheme

5. The Independent Complaints and Grievance Scheme (ICGS) is a scheme set up jointly by the House of Commons and House of Lords with an independent helpline and its own set of investigators to deal with complaints of bullying, harassment and sexual misconduct within the wider parliamentary community (not just by MPs).³⁵⁴ Investigations relating to MPs are conducted under the oversight of the Parliamentary Commissioner for Standards.
6. The ICGS was set up because of widespread dissatisfaction with the House's previous strategy for dealing with bullying, harassment and sexual misconduct by Members of Parliament (known as the 'Respect' policy). As often with reforms of the House's standards system, this was prompted by public concern arising from a particularly egregious case, that of a young 'whistleblower', a former House of

³⁵¹ House of Commons Standing Order No. 150

³⁵² A table of sanctions in ICGS cases was approved by the House of Commons on 21 April 2021.

³⁵³ UK Parliament, The Parliamentary Commissioner for Standards: Annual Report 2023-24 (HC 252), published November 2024, p 9

³⁵⁴ Information in paras 5 and 8 to 10 of this appendix is taken, mostly verbatim, from House of Commons Committee on Standards, Third Report of Session 2023-24, *The House of Commons standards landscape: how MPs' standards and conduct are regulated* (HC 247), published 29 May 2024, paras 35-39.

Commons clerk who bravely chose to go on national television to speak of the failure of the existing system to deal effectively with her allegations of bullying made against a senior MP who chaired a select committee.

7. The House of Commons Commission authorised the then Leader of the House to convene a panel to bring forward recommendations for reform. The panel published its findings in July 2018 and in response the House set up the ICGS, as well as approving a Parliamentary Behaviour Code.³⁵⁵ A separate inquiry by the former judge Dame Laura Cox QC reported in October 2018 and as a result the ICGS was modified to implement Dame Laura's recommendation that "the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament" should be "an entirely independent process in which Members of Parliament will play no part".³⁵⁶ An Independent Expert Panel, chaired by a retired judge, was set up to hear appeals in ICGS cases; MPs or former MPs are ineligible to sit on the Panel.
8. The ICGS applies to all current and former members of the parliamentary community and complaints about their behaviours on the parliamentary estate or elsewhere in connection with their parliamentary activities. "The parliamentary community" includes Members of the Commons and the Lords, their staff (including constituency staff), staff of the two Houses, the bicameral Parliamentary Digital Service, contractors and visitors to the estate. The Scheme describes itself as "the first of its kind in any Parliament in the world".³⁵⁷
9. The ICGS consists of:³⁵⁸
 - The Parliamentary Behaviour Code, which clearly sets out the behaviour expected of all members of the parliamentary community.
 - An independent bullying, harassment and sexual misconduct helpline and an Independent Sexual Misconduct Advisory (ISMA) service, provided by the independent charity Victim Support.
 - Policies relating to (a) bullying and harassment and (b) sexual misconduct, originally contained in separate documents but since June 2025 consolidated in a single policy framework, supported by ICGS procedures approved by an ICGS Assurance Board.
 - Independent investigators.
 - Provisions in the House of Lords Codes of Conduct for Lords Members and their staff, which mean that bullying, harassment and sexual misconduct constitute a breach of those Codes.
10. A complaint against a Member of Parliament made to the helpline will be assessed by an external independent investigator. If, after an initial assessment, the complaint meets the criteria for investigation under the Scheme it will move forward to a full investigation which will be carried out by an external independent investigator. The Parliamentary Commissioner for Standards has oversight of the investigation and if he concludes that the case against the Member has been made out, the House has given him power to deal with the matter in various ways or refer it to the Independent Expert Panel which may impose or recommend to the House higher-level sanctions (see para 3 above).³⁵⁹

³⁵⁵ [Votes and Proceedings](#), 19 July 2018

³⁵⁶ Dame Laura Cox DBE, p 6. [The House of Commons Commission accepted Dame Laura's recommendation](#) (statement issued on 24 October 2018; published in Committee on Standards, Fifth Report of Session 2017-19, [Implications of the Dame Laura Cox report for the House's standards system: Initial proposals](#) (HC 1726), published 10 December 2018, p 22), and the House subsequently implemented key proposals in her report. As noted above, the House retains the power to decide on the serious sanctions of suspension or expulsion, though motions to impose such sanctions must be taken without debate or the possibility of amendment.

³⁵⁷ [LAN0014](#), para 1

³⁵⁸ The following information is taken from [LAN0014](#), para 2, and from House of Commons, Independent Complaints and Grievance Scheme Policy Framework (2025). The Policy Framework was approved by the House on 16 June 2025 as part of a series of changes made to improve the governance of the ICGS.

³⁵⁹ The Commissioner also has power to instigate informal discussions, indicate concern or give words of advice on a Member's reported attitude, behaviour or conduct (see Standing Order No. 150(5) and OPCS's published Explanatory Notes – UK Parliament).

11. As of May 2024, the ICGS employed 13 staff. In financial year 2023/24 it spent £1.8 million and in financial year 2024/25 it spent £1.9 million. These figures are for spending in both the Commons and the Lords, and include external services (the helpline, independent investigators and training) and staffing costs.³⁶⁰
12. As noted, the ICGS, like the Commissioner and the Independent Expert Panel, is independent of MPs. A further element of independence in the parliamentary standards system is provided by the lay members who sit alongside MPs (and have a voting majority) on the Committee on Standards.

³⁶⁰ [ICGS Annual Report, 2024-25](#), p34

Appendix 8: Support services

If you experience or witness bullying or harassment at the Bar there is support available.

Speak to the Bar Council

Email the Equality and Diversity team in confidence for support and advice about bullying, harassment, or sexual harassment issues. This is available to all members of the profession, and their staff. This includes members of chambers, employed barristers, pupils, and Bar students.

Email equality@barcouncil.org.uk for advice; you can also request a callback.

Use [Talk to Spot](#) to record it, anonymously if preferred.

Talk to Spot is a way for people who've experienced inappropriate behaviours to raise the alarm and get support to take the next step. It's a secure and confidential online tool which will help you to make a record of an incident or inappropriate behaviour.

If you decide to submit your record, click on the option to send the record to the Bar Council. The Equality and Diversity team will contact you via the platform to give you information about your options and provide support whatever you decide to do. Following that conversation, you may decide to proceed with a complaint to your chambers, employer and/or regulator. In the case of criminal behaviour, the record can form part of a report to the police.

Records can be submitted to the team at the Bar Council completely anonymously, and it can open a route to more support. It also enables the Bar Council to build a picture of what's happening, and where it's happening.

Call the Assistance Programme

Anyone working in or around the Bar can call if they're feeling stressed or overwhelmed. The AP is run by Health Assured and provides fully funded, confidential support.

[Visit our Wellbeing at the Bar website](#)

Call 0800 169 2040

Get in touch with LawCare

LawCare is the mental health charity for the legal sector. Volunteers provide free and confidential emotional support. The helpline is open 9am to 5pm every weekday (except bank holidays).

[Visit the LawCare website](#)

Call 0800 279 6888

Making a complaint

To make a complaint about a barrister or to report a barrister, [contact the Bar Standards Board](#)

To make a complaint about a judge, contact the [Judicial Conduct Investigations Office](#)

If the incident occurs at your Inn, follow any complaints process laid out in your Inn's complaints/anti-harassment policy.

To make a complaint in chambers, either speak to the Equality & Diversity Officer (EDO) or Head of Chambers and follow any process laid out in your chambers' complaints/anti-harassment policy.

If you are an employed barrister, speak to your HR department and follow any process laid out in your organisation's complaints/anti-harassment policy.

If you have experienced criminal behaviour, make a report to the police.

