

Bullying, Discrimination and Harassment at the Bar

Technical report prepared by YouGov.

For the Bar Standards Board

October 2020

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Or: equality@barstandardsboard.org.uk





Contents

Research objectives2

Method and sample frame.....3

Invite text.....6

Recruitment screener questions8

Discussion guide for barristers13

Discussion guide for non-barristers.....18

Research objectives

The Bar Standards Board (BSB) is the regulator for barristers in England and Wales and is overseen by the Legal Services Board. The BSB is a public body for the purposes of the Equality Act 2010 and is bound by, and committed, to meeting the requirements of the general public equality duty. This role includes paying due regards to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons.

Since July 2018 the BSB has been working on a 'Addressing Bullying and Harassment at the Bar' project, and as part of this, commissioned YouGov in 2020 to undertake a series of one on one interviews with those who have experienced or observed discrimination, harassment or workplace bullying. This qualitative study will contribute towards a wider evidence base that will inform BSB's policies and actions to address discrimination and harassment at the Bar. The focus of the research is gender, ethnicity, disability and sexual orientation, as these are the protected characteristics that the BSB have identified as having the strongest evidence of experiences of discrimination and harassment (see research context section below).

The specific research questions for this qualitative study included:

- How have experiences of discrimination, harassment and workplace bullying at the Bar impacted lives and careers of those affected?
- What actions, if any, have barristers taken in response to these experiences? What are the barriers and enablers to taking action?
- What support is available at the Bar around issues of discrimination, harassment and workplace bullying?
- To what extent have the Equality Rules impacted on experiences of discrimination, harassment and workplace bullying at the Bar?
- How can issues around discrimination and harassment at the Bar be addressed by the BSB or other stakeholders?

Method and sample frame

As the study is exploratory and the topic is highly sensitive and personal, in-depth one on one interviews were deemed the most appropriate method. All interviews were conducted over the telephone¹ by dedicated qualitative experts at YouGov across May, June and early July 2020. The interviews lasted 30 – 45 minutes.

30 interviews were conducted with barristers who self-reported experiencing (the majority of the sample) or observing discrimination, harassment or workplace bullying within the last ten years. This was supplemented by 5 interviews with non-barristers² who had observed discrimination, harassment or workplace bullying towards barristers or had Equality and Diversity responsibilities at the Bar.

The sample was identified by the BSB from their contact database. The BSB sent out invites to three waves of randomised contacts who matched the profile of participants desired for this study (i.e. focussing on female, BAME, and LGBT barristers, barristers with a declared disability, and with a mix of other characteristics, such as practising status, primary area of practice and region).

The invite text explained the objectives of the research, that the study was being conducted by YouGov, the data protection guidelines followed, timings of the fieldwork and how to take part. Interested contacts were asked to click on a link to an online recruitment survey designed by, and hosted on, YouGov's secure survey platform. The recruitment screener collected the following information from the interested respondents:

Demographics (including gender, age, sexuality, disability status, ethnicity)

- Role, length of time at the Bar, size and type of organisation
- Whether they had observed or experienced any form of discrimination, harassment or workplace bullying, and which type
- Time period of any discrimination, harassment or workplace bullying experienced or observed
- An open-ended question to capture their experiences
- GDPR compliant research opt-in question
- Their contact details and availability to take part in an interview.

¹ YouGov's proposal included provision for a small number of face to face interviews. However, these could not be offered during summer 2020 due to COVID-19 government restrictions.

² By non-barristers we mean other people in legal services who work with barristers.

For the purposes of this research, the definition of Discrimination³ and the definition of Harassment were taken from the Equality Act of 2010⁴. For the purposes of this research, we also include experiences of bullying which will be examined under “Harassment”⁵.

YouGov provided these definitions at the recruitment stage only and were not prescriptive in the interviews about what could or couldn't be discussed – this allowed respondents to share their own personal experiences of what they felt was discrimination, harassment or bullying. Across the interviews, discrimination broadly covered less preferential treatment (such as work allocation, or a lack of promotion/progression). Harassment broadly covered both sexual harassment, and harassment related to protected characteristics (such as insults, ‘jokes’ related to gender, ethnicity). Bullying often overlapped with harassment (i.e. behaviour felt to be malicious, intimidating, or degrading) but was not always directly related to a protected characteristic, in contrast to harassment. Bullying was also seen as evidence of discrimination in some cases (e.g if some individuals or groups with particular protected characteristics were bullied by an individual and others who did not share these characteristics were not).

Data from the recruitment screener were only made available to YouGov. YouGov then selected and invited a mix of relevant barristers and non-barristers to take part in a telephone interview. All depths were scheduled in by YouGov's recruitment administrator. No data were shared with the BSB on who took part in the recruitment screener or the interviews.

³ **Direct Discrimination** - A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favorably than A treats or would treat others.

Indirect Discrimination - A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

Discrimination arising from disability - A person (A) discriminates against a disabled person (B) if—

(a) A treats B unfavorably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

⁴ The **definition of Harassment** is from the Equality Act of 2010 – i.e. unwanted conduct related to a relevant protected characteristic, 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. The definition will also include sexual harassment as defined in the Sex Discrimination Act of 2005, i.e. unwanted conduct on the grounds of someone's sex; and unwanted physical, verbal or non-verbal conduct of a sexual nature.

⁵ **Workplace bullying** maybe characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. For more information, please see the ACAS guidance: <https://archive.acas.org.uk/media/304/Advice-leaflet--Bullying-and-harassment-at-work-a-guide-for-managers-and-employers/pdf/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

Figure 1: Sample overview

Barrister	Male, BAME
Barrister	Female
Barrister	Female, BAME, Disability ⁶ , LGBTQ+
Barrister	Female, BAME
Barrister	Male, BAME
Barrister	Female, LGBTQ+, Disability
Barrister	Female, Disability
Barrister	Female
Barrister	Female, LGBTQ+
Barrister	Female, LGBTQ+, Disability
Barrister	Female, BAME, Disability
Barrister	Female, LGBTQ+
Barrister	Male, LGBTQ+
Barrister	Female
Barrister	Male, NA
Barrister	Female, Disability
Barrister	Female
Barrister	Female
Barrister	Male, BAME, Disability
Barrister	Male, BAME
Barrister	Female, Disability
Barrister	Female, BAME, Disability
Barrister	Male, Disability
Barrister	Female, Disability
Barrister	Female, BAME, Disability
Barrister	Male, BAME, LGBTQ+, Disability
Barrister	Male, LGBTQ+
Barrister	Female, LGBTQ+, Disability
Barrister	Female
Non-Barrister	Male, LGBTQ+, Disability
Non-Barrister	Male, LGBTQ+
Non-Barrister	Male, LGBTQ+
Non-Barrister	Female
Non-Barrister	Male, NA

⁶ Disability as defined by the ONS: *Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?*

1. Yes, limited a lot
2. Yes, limited a little

Invite text

Below is a copy of the invite text that BSB emailed to barristers on their contact database, inviting them to take part in a short online screener hosted by YouGov to determine if they were eligible for the study. The invite below was revised slightly for non-barrister contacts.

Dear xx,

As part of their work to promote Equality, Diversity and Access to Justice, the Bar Standards Board (BSB) has commissioned YouGov (an independent market research agency) to conduct one on one interviews with those who have experienced and/or observed bullying, harassment and discrimination in the workplace. The BSB has commissioned this research to look at experiences of bullying, discrimination and harassment at the Bar, the impact on those affected, and any actions they have taken in response. The research will also look into what actions could be taken by the BSB or other stakeholders in order to address issues around bullying, discrimination and harassment in the profession.

We are very conscious of the severe pressures on members of the Bar from the current pandemic but, in view of the importance of this issue, we hope you will understand why we have decided to try to proceed with this research. Your participation will help us to gather vital information to help us in our work to address discrimination and harassment at the Bar.

Please note that the BSB are contacting you on behalf of YouGov to ensure your details are not passed to YouGov without your consent - however, if you decide to participate YouGov will not share your details with the BSB, they will not inform the BSB who has taken part in the study or not, and your anonymity will be preserved. If you have any queries about this research, you can contact research@barstandardsboard.org.uk or Olivia Joyner (Qualitative Director) at Olivia.joyner@yougov.com.

YouGov would like to invite you to take part in a short online survey (three – four minutes) to confirm if you are eligible or not to take part in a 30 - 45-minute telephone or face-to-face interview on this topic.

If you are eligible and willing to take part in an interview, YouGov will contact you directly to schedule in the interview at a time that suits you between 13 May and the 30th June 2020 **(Monday – Friday, 9am – 7pm)**.

Please [click on this link](#) to complete a few questions to determine if you are eligible for this study.

Please note that by submitting your details in this form you are giving consent for YouGov to have your personal contact information and to communicate with you for the purpose of this research project only.



*Please note that interviews will be scheduled on a first come first served basis. Whilst we hope that everyone will be able to share their views, expressing an interest to take part does not guarantee your participation. The deadline to complete this short survey to show your interest is **xxxxxxx**.*

*Many thanks and kind regards,
BSB and YouGov*

Confidentiality

YouGov will manage all aspects of this research to ensure objectivity and confidentiality. On completion of the research a written report – including anonymised quotes – will be produced by YouGov for the Bar Standards Board. **Your feedback will not be directly attributed to you / your organisation.**

Telephone interviews will be audio recorded for note taking purposes. **The audio recording will not be shared with the Bar Standards Board or any other third parties.**

YouGov will store your data securely. The data will not be kept for longer than necessary and won't be used for any other purpose than that stated above. This project is being conducted within the market research industry's codes and guidelines, the UK Data Protection Act 2018, and the General Data Protection Regulation (GDPR) (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

You can read the Bar Standards Board privacy statement here:
<https://www.barstandardsboard.org.uk/privacy-statement.html>

You can read YouGov's privacy statement here: <https://yougov.co.uk/about/client-privacy-and-cookies-notice/>

To find out more about YouGov please visit yougov.co.uk

Recruitment screener questions

Please note these recruitment questions were hosted on YouGov's online survey platform. Data were only accessible by the YouGov team. The questions ensured we invited relevant people and a mix of key demographics.

Introduction to the screener:

Thank you for expressing an interest to take part in this research conducted by YouGov (independent market research agency).

Bar Standards Board have invited barristers to take part in the research, but will not be told who has opted in to complete an interview.

YouGov will manage all aspects of this research to ensure objectivity and confidentiality. On completion of the research a written report – including anonymised quotes – will be produced by YouGov for Bar Standards Board. **Your feedback will not be directly attributed to you / your organisation.**

So we (YouGov) know who we are speaking to and to assess if you are suitable for this study, we need to ask you for some personal details and questions.

Please note that by submitting your details in this short survey you are giving consent for YouGov to have your personal contact information and to communicate with you for the purpose of this research project only.

YouGov will store your data securely. The data won't be kept for longer than necessary and won't be used for any other purpose than that stated above. This project is being conducted within the market research industry's codes and guidelines, the UK Data Protection Act 2018, and the General Data Protection Regulation (GDPR) (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

If you have any questions about this research please contact **Olivia Joyner (Research Director) at olivia.joyner@yougov.com**

Demographic questions

YouGov ask standard demographic questions on the following. People can say 'prefer not to say' as is personal data / sensitive

1. Enter your age

2. Are you...?

- 1) Male
- 2) Female
- 3) Other

3. What ethnic group best describes you? Please select one option only.

- 1) English / Welsh / Scottish / Northern Irish / British

- 2) Irish
- 3) Gypsy or Irish Traveller
- 4) Any other White background
- 5) White and Black Caribbean
- 6) White and Black African
- 7) White and Asian
- 8) Any other Mixed / Multiple ethnic background
- 9) Indian
- 10) Pakistani
- 11) Bangladeshi
- 12) Chinese
- 13) Any other Asian background
- 14) African
- 15) Caribbean
- 16) Any other Black / African / Caribbean background
- 17) Arab
- 18) Any other ethnic group
- 19) Prefer not to say

4. Which of the following best describes your sexuality?

- 1) Heterosexual
- 2) Gay or lesbian
- 3) Bisexual
- 4) Other
- 5) Prefer not to say

5. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

- 1) Yes, limited a lot
- 2) Yes, limited a little
- 3) No

5.1. Have you been diagnosed with any of the following? Please tick all that apply.

- 1) Alzheimer's
- 2) Arthritis - Osteoarthritis
- 3) Arthritis - rheumatoid arthritis
- 4) Arthritis - other / unsure which type
- 5) Asthma
- 6) Autism
- 7) Cancer
- 8) Cerebral Palsy
- 9) Cystic fibrosis
- 10) Dementia
- 11) Diabetes
- 12) Dyslexia
- 13) Epilepsy
- 14) Heart disease
- 15) Hearing impairment

- 16) High cholesterol
- 17) HIV/ Aids
- 18) Multiple Sclerosis
- 19) Osteoporosis
- 20) Parkinson's disease
- 21) Mental health illness
- 22) Visual impairment
- 23) Prefer not to say
- 24) None of these

Work status / company information

6. What areas of law do you practice in as a barrister? Please tick all that apply

- 1) Crime
- 2) Family
- 3) Commercial
- 4) Personal injury
- 5) Other – please explain your role

7. Are you a...? Tick all that apply

- 1) Self-employed barrister in chambers
- 2) Sole practitioner
- 3) Employed barrister
- 4) Dual capacity barrister
- 5) Other (please specify)
- 6) I am not a barrister

8. Which area of the UK is your workplace mainly based in?

- 1) North East
- 2) North West
- 3) Yorkshire and the Humber
- 4) East Midlands
- 5) West Midlands
- 6) East of England
- 7) London
- 8) South East
- 9) South West
- 10) Wales
- 11) Based outside of England and Wales

#Screen out if 11

9. For how long have you been qualified as a barrister?

- 1) Less than 5 years
- 2) 5 years or more but less than 10 years
- 3) 10 years or more but less than 15 years
- 4) 15 years or more but less than 20 years
- 5) 20 years or more but less than 25 years
- 6) 25 years or more

Show question **IF** Self-employed barrister in chambers

10. Including yourself approximately how many barristers are based at your chambers in the UK?

- 1) 1 person (just me)
- 2) 2
- 3) 3 to 5
- 4) 6 to 9
- 5) 10 to 19
- 6) 20 to 34
- 7) 35 to 49
- 8) 50 to 99
- 9) 100 or more
- 10) Don't know
- 11) Not applicable

Experience

We now want to explore whether you have **experienced, or observed, bullying, discrimination or harassment at work** to understand if you are relevant for this study. We understand that this can be a sensitive topic, but please remember your **answers will always be treated anonymously**. A “prefer not to say” option is provided at sensitive questions, which you can select if you do not wish to share your experiences.

For the purpose of this research, we will be using the definition of **discrimination and harassment** as defined in the Equality Act 2010. For more information, please see: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Workplace bullying maybe characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. For more information, please see the ACAS guidance: <https://archive.acas.org.uk/media/304/Advice-leaflet---Bullying-and-harassment-at-work-a-guide-for-managers-and-employers/pdf/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

11. Thinking about your career at the Bar, in the last 10 years, have you personally experienced or observed bullying, harassment or discrimination at work? Please tick any that apply.

- [Q_1] Harassment
 - [Q_2] Sexual harassment
 - [Q_3] Bullying
 - [Q_4] Discrimination
- <1> I have observed this happening to a barrister
<2> I have personally experienced this
<3> I have not observed or experienced this happening
<4> Don't know
<5> Prefer not to say

12. Please explain what type of bullying, harassment or discrimination you have experienced as a barrister in the last 10 years, or what you have observed within the workplace towards barristers.

Please say as much as possible including; frequency of the incidences occurring and impacts on you / your colleagues.

Invite text:

Thank you for completing the questions, which will enable us to see if you are suitable for this particular research project. We will be in touch via email in the next few weeks, if you are eligible for this study. The interviews will take place between the xx and xxx. The duration of the interviews will be 30 – 45 minutes long. If you are still interested in taking part then please complete the following questions.

1. Please tell us your name
2. What is the best email address to contact you on to arrange the interview?
3. What is the best telephone number to reach you on for the telephone interview?
4. Please tell us your availability to complete a telephone or face to face interview between DATES (Monday – Friday, 9am – 7pm). If possible, we'd appreciate it if you could provide a minimum of three times / dates to support us with scheduling.
5. YouGov will be conducting these interviews both as telephone calls and face to face interviews. You will be able to decide the location of face to face meetings. Please confirm which method of interview you would prefer:
<1> Telephone interview
<2> Face to face interview at my chosen location
<3> Either method
6. Please let us know the address of the location you would like to complete the face to face interview. Please note, this can be at home, in your office, or another public location.

Discussion guide for barristers

The guide was designed in partnership with BSB.

BSB discussion guide for barristers

Experiences of discrimination, harassment and workplace bullying

45 minutes telephone interviews

Narrative approach – questions below are just a guide / examples of probes

Introduction and warm up (5 minutes)

Thank you for taking part in this interview. Today we're going to be talking about your experiences with discrimination, harassment or / and workplace bullying in your role as a barrister. I understand this is a sensitive topic, please feel free to take a break at any stage.

We will **audio record** the interview for note taking purposes but this will not be shared outside of YouGov and will be destroyed within 6 months of the project completing. YouGov will have this interview transcribed and your comments will be used for our analysis and report writing. Your **anonymised comments** will be published as part of a report for the Bar Standards Board, but will **not be directly attributed to you or your organisation**.

There are no right or wrong answers, it's your honest feedback that I'm hoping for today. Do you have any questions for me before we begin?

- To start with could you please can you tell me a little bit about your role and workplace –
 - How many employees does your organisation have in total? (*maybe a sole practitioner*)

- How would you briefly describe the general culture within your workplace? How does this make you feel? *Probe: positives and negatives*
 - What / who is driving this culture?
 - Do you generally feel supported? Why or why not? By who?
 - Has it changed or not in recent years? If so, how and why?

Experiences, potential drivers and impacts (10 mins)

- We understand from the recruitment form you completed for us that you have experienced discrimination, harassment and / or workplace bullying within the last 10 years. **Please talk me through your experiences.** *Probe if needed:*
 - *When the incident(s) occurred and frequency*
 - *Where did it occur? e.g. in chambers, online (email, social media, what's app, text etc), outside the workplace, court, solicitors offices etc*
 - *Who was the perpetrator? (no names but roles / seniority / within or external to their organisation)*
- How has this made you **feel**? What emotions come to mind?
- What **impact**, if any, has this experience had? *Probe if needed:*
 - *Well-being / mental health*
 - *Physical health e.g. diet, sleep patterns*
 - *Confidence*
 - *Relationships within the wider organisation / work social life*
 - *Work / life balance*
 - *Career path e.g. work allocation, promotions, pay, opportunities, likelihood to stay within the role, the chambers (if in one) and profession*
 - *Finances*
 - *Relationships external to the workplace e.g. families, partner*
- *Ask if event has occurred within last 2 – 5 years:* Thinking ahead, say 3 – 5 years' time, do you imagine there being any **long term impacts** from this experience? If so, what?
- Do you have any ideas on what may have been the **drivers / reasons behind the perpetrator's behaviour**? I understand this may be a difficult question to answer
Possible examples to probe if needed:
 - *Workplace culture*
 - *Roles / power dynamics*
 - *Structure / nature of legal profession*
 - *Reasons external to the workplace*
 - *Their mental health / stress / well-being*
- What do you think was the **main focus (es)** of the discrimination / harassment?
E.g. your....
 - *Age*
 - *Sexuality*
 - *Ethnicity*
 - *Social grade*
 - *Gender*
 - *Education status*
 - *Role / work status*

- *Personality*
- *Other*

Actions taken – barriers and enablers (8 mins)

- What **actions if any** have you taken or may take? Why? *E.g. moved role, spoken to anyone, avoided contact*
- Have you ever **reported** the bullying, discrimination or harassment you have experienced? Why/ why not?
 - Can you imagine doing so in the future? Why / why not? If so, to who?
 - What if anything would encourage you to report it? Why?
- **For those who did report their experience:** how did you go about doing this?
 - Probe - Who did you speak to? Why them? etc.
 - How would you describe the process of reporting it? Why do you say this?
 - Did you feel listened to? What makes you say this?
 - What was the outcome of reporting your experience? Did you feel it was resolved?
 - Were you happy with the outcome? Was it what you expected?
- **For those who chose not to report your experience:** Why did you make this decision?
 - *Probe – workplace culture, relationship with colleagues, concern about the outcome, fear*
 - What might have helped you to report the incident(s)?
 - What would you expect to happen if you did report it?
- Looking back, do you think you made the **right decision to report or not** to report it? Why?
 - Is there anything you wish you could change about the process? If so, what and why?
- Thinking more generally, what **barriers** do you think there are to reporting harassment, discrimination and bullying in the workplace?
 - What about barriers within your workplace / working situation? *Then probe: within the Bar / Legal Professional and then any within workplaces in general*
 - *Probe: stigma, gaps in knowledge/understanding, impact on job/job prospects, confidence, trust, concerns over confidentiality*
 - *Probe if needed: the role of the Duty to report under Bar Standards Board handbook – is it a barrier or enabler?*
 - How do you think these could be overcome? (**Enablers**)

Support at the Bar (8 mins)

- What **support**, if any, do you think is available at the Bar for barristers who have experienced harassment, discrimination or bullying within the workplace?
 - How do you know about this?
 - What are your views on the effectiveness of this type of support?
- Did / do you **feel supported**? By who? Why or why not?
 - What impact has this support or lack of support had? Was it valuable?
 - How did it make you feel?
 - How could it have been improved?
- What support, if any, **would you like** to be offered and why? From who?
 - **Probe possible sources of support – awareness and use:** *Employer / chambers, Bar Council (e.g. their reporting App, Ethical Enquiries Services), Government, Bar Standards Board, other professional bodies, Women at the Bar Association, other networks (e.g. Behind the Gown female barristers network), LawCare (free helpline)*
 - How would it be ideally offered? E.g. f2f, online, telephone. How often? For how long?
- Are there any **barriers** to gaining support? If so, what? E.g. fear, trust, lack of supports

Equality Rules and BSB's role (8 minutes)

- Are you aware of the **Equality Rules (2012 +)**? What comes to mind? What is their role and purpose?
 - How do you know this? e.g. *employer comms, own research, own study etc*
- **Moderator to read out brief description of the Rules:**

The rules set the minimum requirements that chambers and entities must meet, with the aim of improving working cultures. In summary, chambers and entities must have a number of policies, including:

- *equality and diversity;*
- *parental leave;*
- *anti-harassment;*
- *flexible working; and*
- *reasonable adjustments*

Chambers and entities must also ensure that work is allocated fairly and they appoint an Equality and Diversity Officer (EDO) and a Data Diversity Officer (DDO); they are responsible for monitoring compliance with the equality and diversity policy and taking any appropriate remedial action, and monitoring the diversity data of the workforce respectively.

- Any surprises here?
 - What are your perceptions of these rules? Positive or negative? Why?
 - Have they made a difference? If so, how?
 - How helpful are they? Why do you say this?
 - Would they / have they impacted on you and your decisions around taking any action since experiencing the incident(s)? If so, how? Why / why not?
 - How effective or not do you think your employer / chambers have been in implementing them? What makes you say this?
- What role or further role, if any, do you think the **Bar Standards Board** can have in addressing these types of issues? What should this look like and why?
 - What about the **role of other stakeholders**, such as the Bar Council, Inns of Court, The Legal Practice Management (LPMA), Institute of Barristers Clerks (IBC), Legal Services and the Specialist Bar Associations (SBAs)?

Conclusions (2 minutes)

- Is there anything that you would like to share that we haven't covered in our discussion?

Thank you. We have now come to the end of the interview. I really appreciate you taking the time to share your views with me today. If you have any questions after we get off the call today, please don't hesitate to drop us an email and we'll get back to you.

Signposting if needed:

If you would like any more information, need advice, or support, you can go to any of the following places for help:

- **Acas - 0300 123 1100 (Monday to Friday 8am-6pm) - www.acas.org.uk/bullying**
- **LawCare - 0800 279 6888 (Free and confidential, Monday to Friday)**
- **Citizen's Advice - 03444 111 444 (Monday to Friday 9am to 5pm) - www.citizensadvice.org.uk/work/problems-at-work**

Discussion guide for non-barristers

BSB discussion guide for non-barristers

Perceptions of discrimination, harassment and workplace bullying

45 minutes telephone interviews

Narrative approach – questions below are just a guide / examples of probes

Introduction and warm up (5 minutes)

Thank you for taking part in this interview. Today we're going to be talking about your perceptions of discrimination, harassment or / and workplace bullying at the bar.

We will **audio record** the interview for note taking purposes but this will not be shared outside of YouGov and will be destroyed within 6 months of the project completing. YouGov will have this interview transcribed and your comments will be used for our analysis and report writing. Your **anonymised comments** will be published as part of a report for the Bar Standards Board, but will **not be directly attributed to you or your organisation**.

There are no right or wrong answers, it's your honest feedback that I'm hoping for today. Do you have any questions for me before we begin?

- To start with could you please can you tell me a little bit about your role and workplace –
 - What is your role?
 - How many employees does your organisation have in total? (*maybe a sole practitioner*)
- How would you briefly describe the general culture within your workplace? *Probe: positives and negatives*
 - What / who is driving this culture?
 - Has it changed or not in recent years? If so, how and why?

Experiences, potential drivers and impacts (10 mins)

- We understand from the recruitment form you completed for us that you have observed discrimination, harassment and / or workplace bullying towards a barrister(s) within the last 10 years. **Please talk me through your general observations of the most recent examples.** *Probe if needed:*
 - *When the incident(s) occurred and frequency*

- *Where did it occur? e.g. in chambers, online (email, social media, what's app, text etc), outside the workplace, court, solicitors offices etc*
- *Who was the perpetrator? (no names but roles / seniority / within or external to their organisation)*
- What **impact** has this had on the barrister(s), if known?
- Has it had any **impact** on other staff or the workplace culture?
Probe if needed:
 - *Well-being / mental health*
 - *Physical health e.g. diet, sleep patterns*
 - *Confidence*
 - *Relationships within the wider organisation / work social life*
 - *Work / life balance*
 - *Career path e.g. work allocation, promotions, pay, opportunities, likelihood to stay within the role, the chambers (if in one) and profession*
 - *Finances*
 - *Relationships external to the workplace e.g. families, partner*
- Do you have any ideas on what may have been the **drivers / reasons behind the perpetrator's behaviour for any of the cases you are aware of?**
Possible examples to probe if needed:
 - *Workplace culture*
 - *Roles / power dynamics*
 - *Structure / nature of legal profession*
 - *Reasons external to the workplace*
 - *Their well-being / stress / mental health*

Actions taken – barriers and enablers (8 mins)

- Do you know if any of the barristers who experienced bullying, discrimination or harassment **reported** it? If so to who?
 - What role if any did you play here?
- What do you think may be the **barriers** to barristers reporting any harassment, discrimination and bullying in the workplace?
 - *Probe barriers within the Bar / Legal Professional and then any within your workplace and then workplaces in general*
 - *Probe: stigma, gaps in knowledge/understanding, impact on job/job prospects, confidence, trust, concerns over confidentiality*
 - *Probe if needed: the role of the Duty to report under Bar Standards Board handbook*
- Are there any **enablers** to barristers reporting any harassment, discrimination and bullying in the workplace? *E.g. role of the Duty to report under the Bar Standards Board handbook, any workplace support initiatives or policies, workplace culture*

Support at the Bar (8 mins)

- What **support**, if any, do you think is available at the Bar for barristers who have experienced harassment, discrimination or bullying within the workplace?
 - What are your views on the effectiveness of this type of support?
 - How could the support be improved? Is anything missing?
- What support, if any, do you think should be offered and why? From who?
 - **Probe possible sources of support – awareness and use:** *Employer / chambers, Bar Council (e.g. their reporting App, Ethical Enquiries Services), Government, Bar Standards Board, other professional bodies, Women at the Bar Association, other networks (e.g. Behind the Gown female barristers network), LawCare (free helpline)*
 - How would it be ideally offered? *E.g. f2f, online, telephone.*
 - How often? For how long?
- Are there any **barriers / challenges** to gaining support do you think for barristers? If so, what? *E.g. fear, trust, lack of supports*

Equality Rules and BSB's role (8 minutes)

- Are you aware of the **Equality Rules (2012 +)**? What comes to mind?
 - What is their role and purpose?
 - How do you know this? *e.g. employer comms, own research, own study etc*

- **Moderator to read out brief description of the Rules:**

The rules set the minimum requirements that chambers and entities must meet, with the aim of improving working cultures. In summary, chambers and entities must have a number of policies, including:

- *equality and diversity;*
- *parental leave;*
- *anti-harassment;*
- *flexible working; and*
- *reasonable adjustments*

Chambers and entities must also ensure that work is allocated fairly and they appoint an Equality and Diversity Officer (EDO) and a Data Diversity Officer (DDO); they are responsible for monitoring compliance with the equality and diversity policy and taking any

appropriate remedial action, and monitoring the diversity data of the workforce respectively.

- Any surprises here?
 - What are your perceptions of these rules? Positive or negative? Why?
 - Have they made a difference? If so, how?
 - How helpful are they? Why do you say this?
 - Would they / have they impacted on you and your decisions around taking any action since experiencing the incident(s)? If so, how? Why / why not?
 - How effective or not do you think your employer / chambers have been in implementing them? What makes you say this?
- What role or further role, if any, do you think the **Bar Standards Board** can have in addressing these types of issues? What should this look like and why?
 - What about the **role of other stakeholders**, such as the Bar Council, Inns of Court, The Legal Practice Management (LPMA), Institute of Barristers Clerks (IBC), Legal Services and the Specialist Bar Associations (SBAs)?

Conclusions (2 minutes)

- Is there anything that you would like to share that we haven't covered in our discussion?

Thank you. We have now come to the end of the interview. I really appreciate you taking the time to share your views with me today. If you have any questions after we get off the call today, please don't hesitate to drop us an email and we'll get back to you.

Signposting if needed:

If you would like any more information, need advice, or support, you can go to any of the following places for help:

- **Acas - 0300 123 1100 (Monday to Friday 8am-6pm) - www.acas.org.uk/bullying**
- **LawCare - 0800 279 6888 (Free and confidential, Monday to Friday)**
- **Citizen's Advice - 03444 111 444 (Monday to Friday 9am to 5pm) - www.citizensadvice.org.uk/work/problems-at-work**