

WORKPLACE SURVEY REPORT

FOR PROFESSIONAL EMPLOYEES AND CONTRACTORS OF BARRISTERS' CHAMBERS

DECEMBER 2023







COMMISSIONED BY

THE LEGAL PRACTICE MANAGEMENT ASSOCIATION (LPMA) & INSTITUTE OF BARRISTERS' CLERKS (IBC)

Acknowledgments

The author is indebted to Clare Bello and Jemma Tagg at the LPMA and Geoff Carr and Lucy Burrows at the IBC as well Chair of the Bar Nick Vineall KC and other colleagues at the Bar Council for their support, oversight and assistance in getting the survey out as widely as possible across the Bar. We also acknowledge the work of Darren Van Laar at the University of Portsmouth for the questions on wellbeing which were originally created for the Bar Council.

Legal Practice Management association (LPMA)

The Legal Practice Management association (LPMA) is a supportive networking forum for legal practice management. Their aim is to keep members informed of regulatory and other issues affecting the legal sector, in particular the Bar by bringing together the knowledge, expertise and connections of practice managers across the UK.

The Institute for Barristers Clerks (IBC)

The Institute for Barristers Clerks (IBC) offers support and advice for their members. Their mission is to drive and demonstrate the excellence of the UK's clerking profession though supporting the development and interests of members and helping them uphold the high standards of the bar. They believe that each and every clerk should receive the support and advice they need to make the very most of their career.

Conduct Change

Conduct Change is an independent organisation providing consultancy, coaching and training solutions rooted in the prevention of workplace bullying. Our work is underpinned by our unique 3Rs Model of Dynamic Conduct Change[™] - Recognise; Resolve and Recover*; developed in partnership with academics and experts whose work focuses on prevention and resolution of workplace bullying. Our consultancy services provide frameworks and solutions that are underpinned by our work in workplace behavioural development.

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Foreword

The Legal Practice Management Association (LPMA) and the Institute of Barristers' Clerks (IBC) exist to provide supportive networks for their members, and they are working together closely to ensure that the Bar provides a workplace environment that is professional, provides good career development, and gives priority to the wellbeing of employees as well as the barristers.

We felt that the Workplace Survey was an important exercise to capture the experiences of employees across the Bar in their workplaces and we aim to use the data that has been collated to provide us with valuable benchmarks moving forward.

We have been encouraged by the support and collaboration on this project from the Bar Council and have felt that our organisations are being listened to as key stakeholders in the sector. We look forward to working closely with the Bar Council in developing recommendations for sector-wide improvements and then repeating this exercise once those recommendations have been implemented.

We recognise that the survey may have covered difficult subject areas for some of the respondents, and offer our deepest gratitude to you for taking the time and having the courage to speak up about your experiences.

Thank you.

Clare Bello & Jemma Tagg







Support Services

If at any time you experience any concerns or distress, please do access support services available via

Wellbeing at the Bar: Help for Clerks and Staff.

Confidential support is available to members of the <u>IBC</u> by contacting admin@ibc.org.uk. Concerns can be raised confidentially with the <u>LPMA</u> by contacting admin@lpma.org.uk

Executive Summary: Workplace Survey Report 2023

There has been increased focus on the culture at the Bar in recent years and in October 2022 the Bar Standards Board (BSB) noted that "culture change at the Bar is necessary to address the issues of bullying, discrimination and harassment. This type of behaviour has no place in a modern, inclusive Bar…".

The Bar Council conducts Working Lives surveys for barristers and the report on bullying, harassment and discrimination at the Bar published in December 2023 showed an increasing trend in experiences or incidences of bullying and harassment. Although this report did not cover the employees and contractors working in chambers who were not barristers, they are likely to have had similar experiences, and may also be the people that barristers turn to for advice in these situations, although the Bar Council does also offer support lines and a "Talk to Spot" online recording service.

The survey for the professionals who support barristers and the running of chambers was therefore designed with the aim of broadly aligning with the Working Lives Survey to allow for a level of consistency with the questions that are asked of barristers. A summary of the findings are shown in this report.

Demographics

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.

Working practices

Respondents work on average 41-50 hours per week, with 80% working 5 to 11 hours outside their

contractual hours per week. 77% have the option of hybrid or fully remote working, and 35% have flexible working practices in place. 61% are worried about the cost of living, which correlated to increased income being the main change wanted, alongside more flexible working to improve work/life balance and more remote working. Opportunity for personal and professional training and development was identified as being important to support career development, as well as structure and management.

Wellbeing

67% of respondents are satisfied with their job as a whole, which is higer than the national level of satisfaction with current job (2020 to 2021) as shown on the <u>ONS UK Measures of National Wellbeing</u> <u>Dashboard</u> at 59.7%. However, only 50% are able to integrate everything that they want for their life/work balance, which is unsurprising with over half the workforce working extended hours.

Two thirds of respondents tend to be very critical of themselves and feel that a work situation or project going badly will impact their confidence. 1 in 5 do not find their workload manageable, and the same

This is lower than the ONS figure of 23.8% of UK adults reporting high feelings of anxiety in January to March 2023. Reported evidence of depression or anxiety is the highest it has been since 2009 to 2010.

This may be because nearly 4 in 5 people agree there is a high sense of cooperation and collaboration and 3 in 4 believe that relationships with colleagues are as good as they want them to be.

Executive Summary: Workplace Survey Report 2023

Bullying, Harassment & Discrimination

When considering employees working in chambers, there is an additional layer of complexity due to the barristers being self employed and having different processes, policies and protections from employees. The sector itself is negotiating substantial moves from historic behaviours and power dynamics, whilst also introducing larger employee teams to support chambers.

In common with many sectors, there is evidence from the survey responses that the definitions are not widely understood, but having allowed for duplicates, the findings from showed that, in the last two years: • 27% experienced bullying in person or online

- 12% experienced harassment in person or online (one third of experiences at social events)
- 12% experienced discrimination in person or online (over half related to sex)

By way of comparison, national data published by the Chartered Institute of Personnel and Development (CIPD) in 2020 showed that 27% of people experienced bullying and harassment at work. 12% of those experiences related to harassment, and 15% to non-discriminatory bullying.

The Bar Council's Report on bullying, harassment and discrimination at the Bar 2023 said that 44% of all barristers had personally experienced or observed bullying, harassment, or discrimination at work either in person or online.

The International Bar Association published results of a global survey in 2019 in their "Us too?" report which showed that 1 in 2 females (50%) and 1 in 3 males (33%) were affected by bullying.

Across other sectors, you will find statistics varying from 20% in construction, 30% in the NHS, 46% in film and

TV, and 62% for the military (females only). Globally, the figure is 21% (ILO, Lloyd's Register & Gallup); in the US 30% (43% for remote workers); Australia 50%, and New Zealand 20-33%

Examples provided in the response to the survey included a range of physical, verbal and psychological behaviours as well as those driven by embedded working practices. The most common reason for not reporting these experiences is a fear of repercussions for oneself. The impact on physical and psychological health is significant, and this has a knock on impact on the business, increasing absenteeism and attrition, while reducing productivity and competitiveness and redirecting resources into time for damage control/limitation, and rebuilding trust and reputations.

Wellbeing items most likely to be affected by personal experience of bullying, harassment and discrimination include reducing the sense of co-operation and collaboration; making people feel down or low in spirits; damaging relationships with other colleagues, and overall job satisfaction.

Recommendations for shaping the work in this area moving forward can be found at the end of the report. In broad terms, they include awareness raising, improvements in inclusion, safety and structure, increasing accountability, and collaboration with other stakeholders. Changes need to be made at both organisational and sector level and that the only way that can be achieved is by the various institutional organisations working collectively.

WHO TOOK PART

78% of LPMA membership

39% of IBC membership

605

respondents of which 72% were members of LPMA and/or IBC

years average experience

15

98%

work in Chambers

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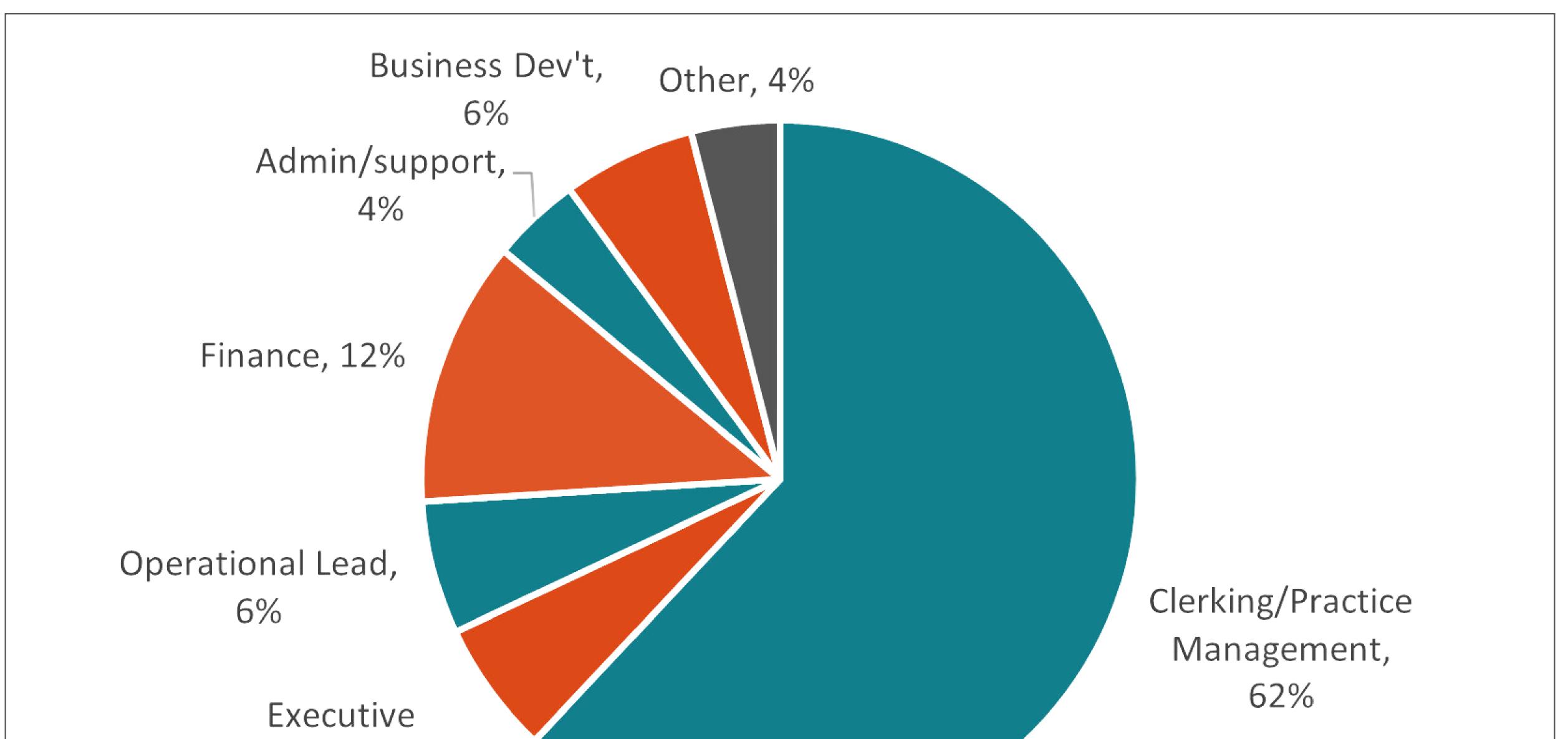
Respondents were equally likely to be male as female. 1 in 25 do not identify as either gender.

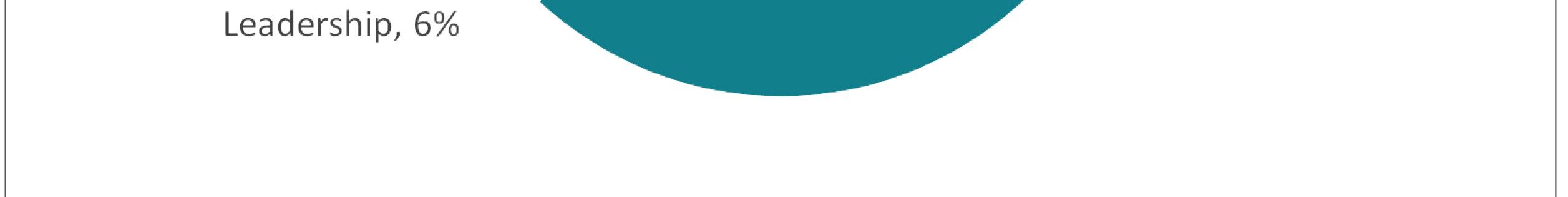
9 in 10 were white, and only 1 in 10 from all other ethnic groups combined



act as a mentor for other employees







WORKING PRACTICES



41-50 hours

average working week



80% work

between 5 and 11

additional unpaid

hours every week



29%

found appraisals not at all or not very valuable



found appraisals very valuable

COST OF LIVING

17%

are very worried

44%

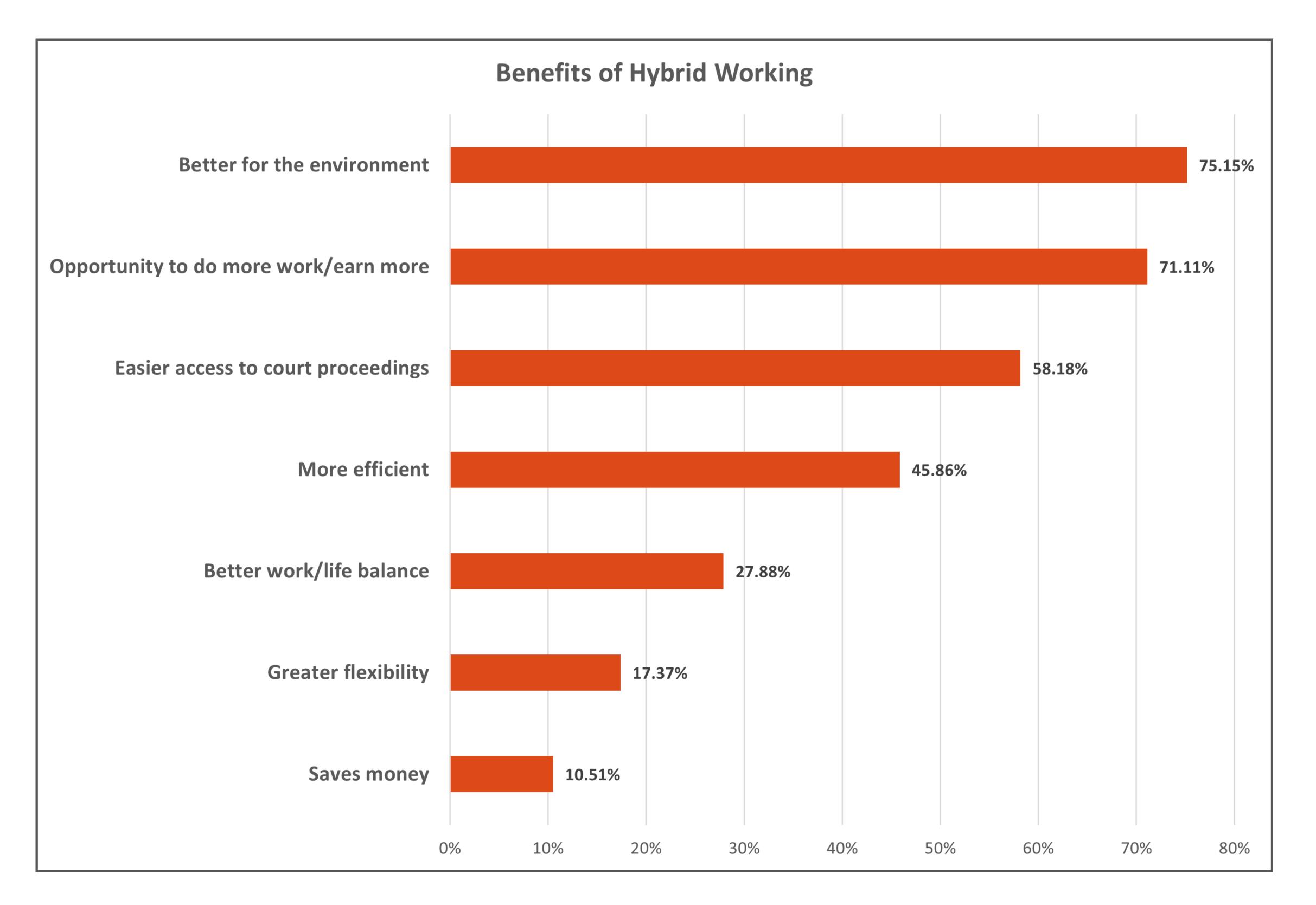
are fairly worried

6%

not at all worried



HYBRID WORKING



TOP NEEDS & WANTS

The survey asked people what they would like to change with regard to their working practices in the future, and for suggestions to support their career development.

Future changes to working patterns requested :

- 61% were very or fairly worried about the impact of the cost of living. 55% identified increasing income as a key change.
- 35% would like more flexible working to improve work/life balance
- 77% have the option of hybrid/remote working but 19% do not and would like it

Areas requested for improvement to support career development:

• 42% wanted to see more opportunities for training &

development

- 39% felt that there could be improvements to use of space (including flexible working and hot-desking)
- 39% thought improvements to organisational structures

and management would support their career development

• 23% would like a **mentor**; 65% had never been offered this as

an option

WELLBEING

JOB SATISFACTION



satisfied with their job as a whole

WORKLOAD MANAGEMENT

Over half of the workforce are working extended hours

4 in 10 work evenings/early mornings 1 in 10

also regularly work weekends

54%

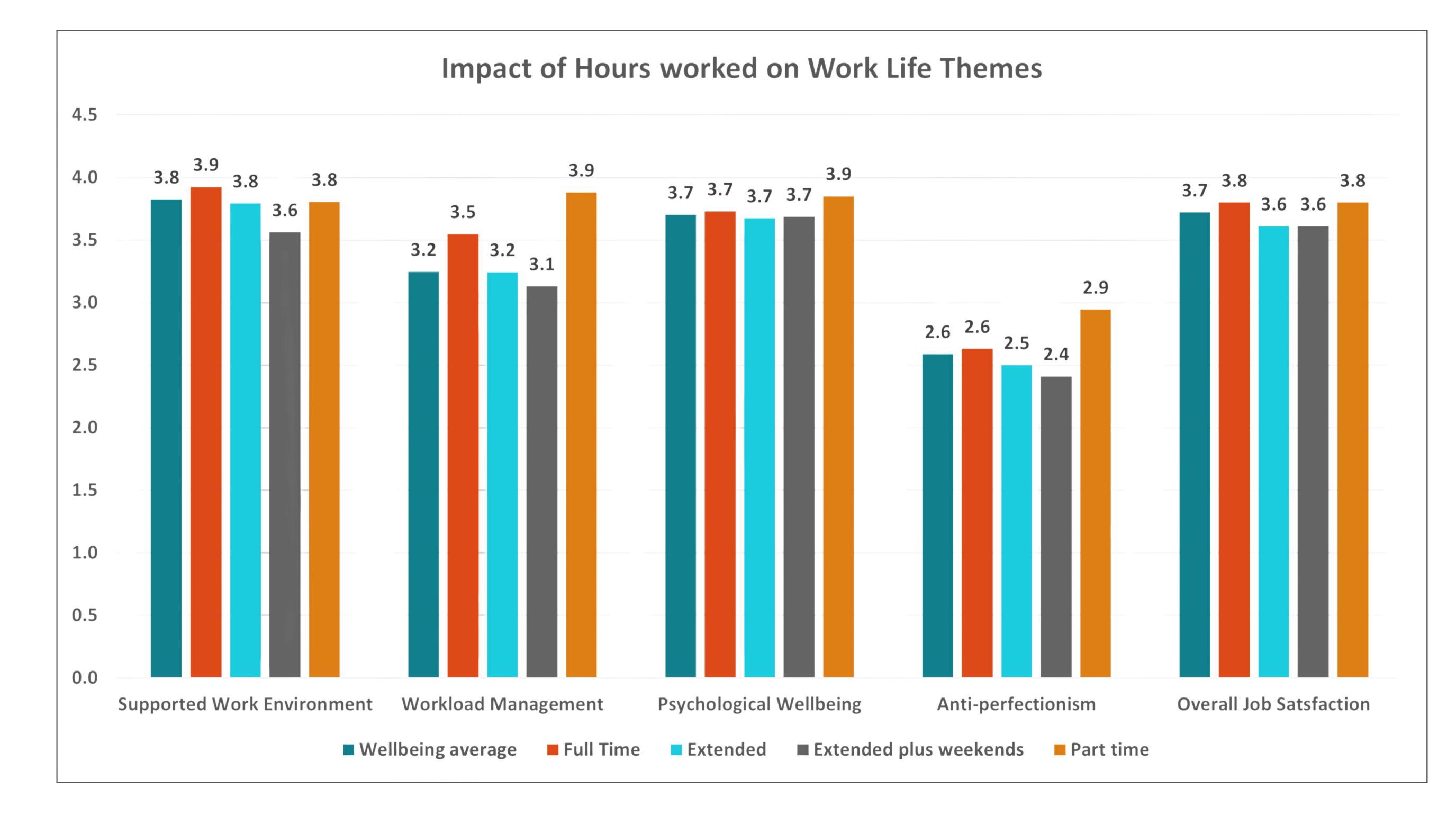
feel that they have **significant control** over the content and pace of work

50%

of the respondents felt they were able to integrate life work balance 20%

do not find their workload manageable.

IMPACT



This chart shows which working patterns have the greatest positive impact on wellbeing. It is clear from the chart that working part time creates the greatest positive impact and that people working the highest number of hours see a drop in all of the work life themes and have a lower level of job satisfaction.

SUPPORTIVE WORK ENVIRONMENT

78%

agree there is a high sense of cooperation and collaboration

67%

of respondents felt able to confide in colleagues about challenges they face with their work



believe that relationships with colleagues are as good as they want them to be

PSYCHOLOGICAL WELLBEING

72%

feel that their current mood is good with

71%

stating that they experience pleasure and interest in doing things.

20%

tend to **feel down or low** in spirits, with

51% feeling the opposite.

ANTI-PERFECTIONISM

67%

tend to be Very critical of themselves



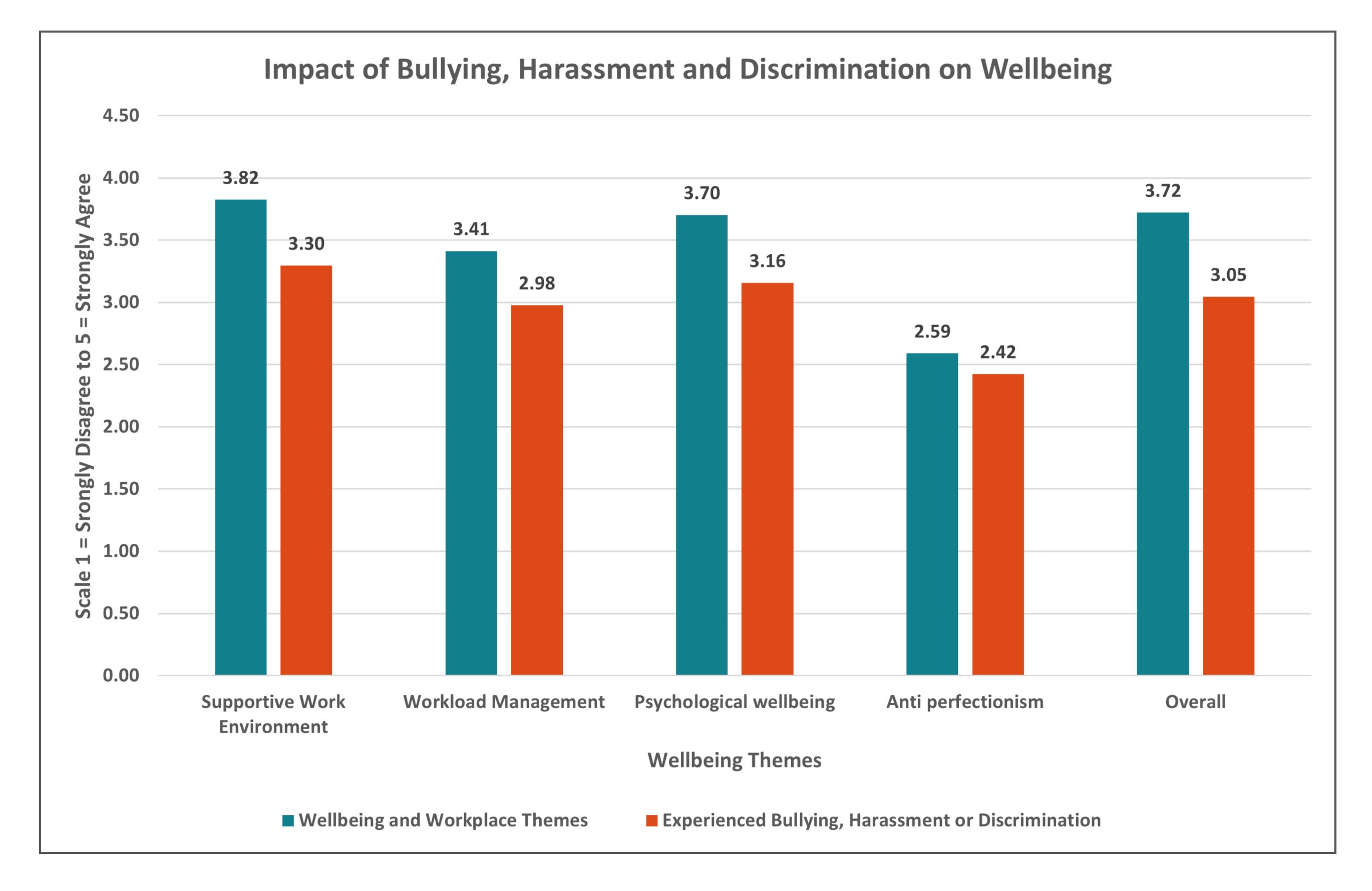
feel that a work situation or project going badly will impact their



tend to dwell on their mistakes



IMPACT OF BULLYING, HARASSMENT & DISCRIMINATION ON WELLBEING



This chart shows the impact of exposure to bullying behaviours on wellbeing by each of the work life themes, which decrease in every area. The Barristers' Working Lives Report 2021 noted that the correlation between these two variables is stronger than for any other variable and overall wellbeing.

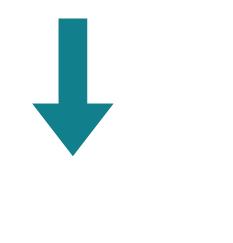
The wellbeing items which are most likely to be affected by exposure to bullying behaviours were also identified, and the impact on job satisfaction overall.

Wellbeing items most likely to be affected by personal experience of bullying, harassment and discrimination



People are **less likely** to agree that "within the environment in which I work, there is generally a sense of co-operation and collaboration"

People are **more likely** to "tend to feel down or low in spirits"



People are **less likely** to agree that "relationships with other colleagues are as good as I would want them to be"



Overall, taking everything into consideration, people are **less likely** to be satisfied with their job as a whole

BULLYING, HARASSMENT & DISCRIMINATION

There is inevitably a level of subjectivity as to what each person may consider bullying. It is therefore important to understand that there is a continuum of behaviours from incivility and rudeness up to those which may cause physical and/or psychological harm.

Definitions were provided within the survey, using the ACAS definition of bullying (in the absence of a legal definition) and the Equality Act definitions of harassment, discrimination and victimisation. There is evidence from the survey responses that generally speaking the definitions are not universally understood, and that the way in which we use language differs on a day to day basis compared to the formal definitions. This is common across most workplaces, and reinforces the need to raise awareness and increase understanding.

As far as possible, duplicates have been removed from the data in order to reflect the reported statistics shown below. Although there were 605 respondents to the survey, not all of them chose to answer the questions on bullying and harassment. Evidence for bullying was provided by a total of 460 respondents with 111 providing additional evidence; harassment by a total of 443 of which 34 gave additional details; and for discrimination, by a total of 436 respondents with 42 providing further evidence.

In the last 2 years...

27%

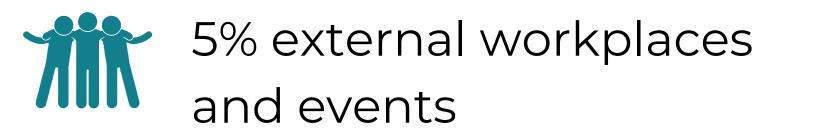
experienced **bullying** in person or online 12%

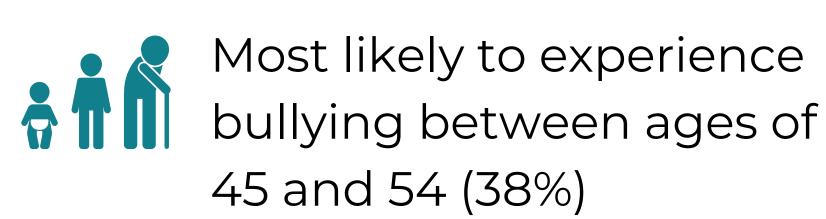
experienced harassment in person or online 12% experienced discrimination in person or online

DISCRIMINATION

BULLYING







55 - 64 age band most likely to experience bullying online

HARASSMENT



69% in the workplace



31% social events



65% related to sex



21% related to race

dto roco



95% in the workplace

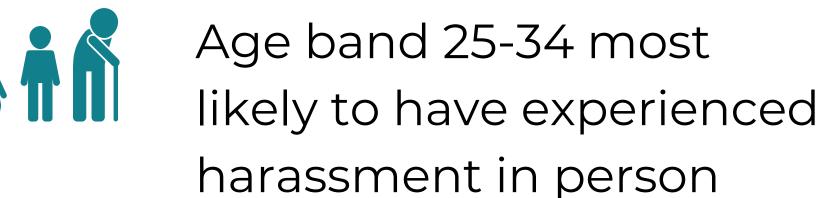


5% social events



52% related to sex







BULLYING, HARASSMENT & DISCRIMINATION

Bullying and harassment can take place downwards, upwards or sideways between peers and colleagues. Across the legal industry, this can also extend across external workplaces including courts and client premises and events. Every group needs to take responsibility and hold themselves accountable for their own behaviours.

There 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, but not insurmountable.

WHO WAS PRIMARILY RESPONSIBLE?

BULLYING		HARASSMENT		DISCRIMINATION	
Barristers	49%	Barristers	31%	Barristers	34%
Employees	46%	Employees	63%	Employees	61%
Clients	1%	Clients	3%	Clients	5%
External	4%	Other	3%		

Every category within the survey questions were reported to have been responsible for **bullying**. Collectively, barristers were primarily considered to be responsible as a group (49%) but this was closely followed by employees at 46%. The remaining 5% related to people external to the organisation, including clients.

Breaking this down further, Managers were most likely to be seen to be primarily responsible (26%) followed by King's Counsel (including Heads of Chambers) at 21%. Members of the support services team accounted for 20% of the responses, with senior barristers at 16%. Junior barristers accounted for 6% of the responses.

Females were more likely to be bullied than males (3 females for every 2 males).

Members of the support services team were considered to be responsible for 44% of the **harassment** experienced or observed, followed by managers at 19%. Barristers account for 31% of behaviours overall, (KC and HoC 13%; Senior barristers 9%; Junior barristers at 6%; level not specified 3%). There is a rise compared to bullying (1%) in harassment experienced from clients to 3%. The Other 3% related to a

Overall, females are equally likely to feel harassed by members of the support services teams and managers (both at 36% of responses) with each level of barrister at 7% of responses received.

The primary groups found to be responsible for **discrimination** were members of the support services team (27%, although 22% for females) and managers at 24% (rising to 35% for females). The management committee, who are also likely to be seen as the decision makers on policy, accounted for 17% (13% for females).

Sex and race were the most common forms of discrimination again, but it should be noted that 9% of responses received said that age was a factor.

BEHAVIOURS

There is a continuum of behaviours that can be described as bullying or harassment, ranging from moments of rudeness and incivility to repeated patterns that increase the risk of injury, both physical and psychological. Some are unlawful; some are not, but are still capable of causing significant harm particularly when there is a pattern of repeated behaviours.

The behaviours described have been categorised between individual (physical, verbal and psychological) and those driven by working practices. Within each of these categories, you will find multiple examples in the literature and research. Physical can range from microaggressions, small movements such as eye rolling, right up to physical violence. Verbal can range from not speaking through to gossiping and up to shouting and screaming. Psychological behaviours make people doubt themselves and their own sanity, making the work environment feel unsafe.

Working practices can also influence behaviours, whether through unrealistic expectations that lead to workplace stress, poor management or discriminatory decision making.

The examples below were those shared by respondents.

PHYSICAL

Other than aggression, the examples provided for physical behaviours all related to sexual harassment, ranging from unsolicited flirtation and leering up to unwanted physical contact and sexual harassment at work events by clients. The most concerning was an example of pressuring younger female colleagues into sexual encounters.

VERBAL

There were multiple incidents reported of verbal behaviours from blanking or ignoring someone to rudeness and right up to shouting, screaming, and angry outbursts. Many respondents reported the use of a degrading or curt tone and demeaning language.

A common theme was being belittled in front of others, and using challenging language to put others under pressure.

Gossip and so called "banter" was also a prevalent theme, and this also crossed over into harassment. Young female employees in particular, but not exclusively, are still facing sexually aggresive language, misogynistic comments and intrusive questions about their personal life.

There were also examples of offensive racist comments, as well as homophobia and offensive language about being LGBT.



PSYCHOLOGICAL

Respondents also reported examples of controlling behaviour and of others twisting their words/conversations, using the term gas lighting to describe this behaviour and its impact. Some found themselves excluded from meetings, and from the team.

Other behaviours included being on eggshells waiting for the next episode to occur when someone is unpredictable.

There was more than one example of body shaming, and also making assumptions based on

gender stereotypes (bias).

WORKING PRACTICES

The most common themes related to out of date authoritarian and poor management, and holding onto outdated working practices sometimes described in terms of a "master/servant relationship". The issues with management also result in practices such as favouritism and micromanagement. The resulting lack of clarity and direction is known to be a key driver of bullying complaints.

Examples that are common to many sectors included excessive and unreasonable demands and unrealistic expectations. This included contacting out of hours and when on holiday.

There were multiple examples linked to unlawful harassment and discrimination including inappropriate private meetings and clients refusing to deal with a female. There were reports of being overlooked following maternity leave, discrimination against single parents, salary disparity based on gender, and age being used as a factor to be passed over for opportunities. In one example, potential candidates for a role were not considered due to race.

In a smaller number of cases, it was felt that physical disability or neurodivergence were not being taken seriously. There was also a lack of acceptance about the menopause.

Finally, the lack of action even when complaints are raised was included as a concern.



INDIVIDUAL IMPACT

This survey has allowed the opportunity to share experiences of workplace bullying, harassment and discrimination, some of which occurred more than two years ago but are still having an impact on the targets of this behaviour.

As noted above, there are a wide range of bullying behaviours and the impact, particularly where there is a repeated pattern and an imbalance of power within the relationship, should be the most important consideration. The impact of workplace bullying and harassment on all areas of wellbeing – physical, psychological, social, cognitive and work related, and personality changes - are well researched[1] and evidenced.

[1] Diagnosis and Treatment: Repairing Injuries Caused by Workplace Bullying Dignity and Inclusion at Work pp 1-34 Evelyn M. Field (1) Patricia Ferris (2) Living reference work entry First Online: 12 December 2019 Part of the Handbooks of Workplace Bullying, Emotional Abuse and Harassment book series (HWBEAH, volume 3)

HOW DID IT MAKE YOU FEEL?

People describe feeling a whole range of emotions as a result of experiencing these behaviours. These feelings range from anger and hatred to fearful and vulnerable. They feel intimidated, humiliated, belittled and devalued. They feel unsupported or marginalised in their roles, exposed and isolated. They are upset, unhappy, devastated. It's soul destroying. In some cases, they described feeling left financially vulnerable.

WHAT WAS THE IMPACT?

Both physical and psychological symptoms were reported particularly fatigue and exhaustion, and also digestive issues. The experience left people feeling less resilient and psychologically unsafe. It became difficult to concentrate. They started avoiding people and places.

The experience impacted not only on their own mental health, with examples of constant rumination and replaying of events, depression and anxiety, but also impacted on family members. In a small number of cases, respondents reported suicidal ideation.

It left them feeling like they weren't good enough, losing their confidence in their work and ability, doubting their own competence, feeling inferior. It damaged trust and relationships, and made them feel that they weren't themselves any more; it had broken them.

BUSINESS IMPACT

Poor behaviour is a risk to every business, and the prevention of workplace bullying and harassment should be a strategic goal for every business, regardless of sector. There is both a moral and a competitive imperative for this approach, with <u>conflict costing the UK economy £28.5bn pa</u> as a result of factors including lost productivity, absenteeism, presenteeism, resignation, management time on formal procedures and litigation.

In a psychologically safe workplace, where people are able to speak up with both ideas and concerns without fear of humiliation or retribution, creativity, innovation and competitiveness thrive.

Everyone deserves to feel heard, valued and appreciated at work. The examples below show the impact

PRODUCTIVITY & INCREASED SICKNESS

Poor and unacceptable behaviours affect working relationships, creating a difficult workplace. When people feel constantly overlooked and under appreciated, and their loyalty goes unrewarded, they become demoralised and demotivated. This is accentuated further when others are paid more for doing the same job. The impact leads to health issues and increased sickness absence.

When people <u>experience incivility (Porath et al)</u> and don't feel psychologically safe at work, 48% intentionally decrease their work effort and 66% said that their work declined

INCREASES ATTRITION; INCREASE HIRING COSTS

The lack of regulation, sanctions and accountability for offensive behaviours are leaving people disillusioned with the profession. It's making good people leave. Some people said that they feel helpless with nowhere to turn to for help without fear of repercussions, and this was exarcabated as a female, feeling isolated and outnumbered.

The <u>Society for Human Resource Management (SHRM)</u> estimates that the cost of replacing an employee is estimated to be between 6 & 9 months salary, rising to more than 2 x salary for highly educated executive positions

DAMAGE CONTROL/LIMITATION & REPUTATION

A bullying case does not only affect those directly involved, but has an impact more widely, leaving people feeling unsettled. It raises concerns for managers about team members' exposure to unacceptable and

offensive behaviours, and distracts their attention from other work. It makes people question all of the work on equality, and feel disappointed to be part of an organisation with poor values.

Every moment spent on managing a complaint or grievance adds to the cost target, perpetrator, trusted colleague, HR, line manager, Heads of Chambers, and the ripple effect of decreased productivity.

REPORTING BULLYING, HARRASMENT OR DISCRIMINATION



have a policy about bullying and harassment at their workplace

of which



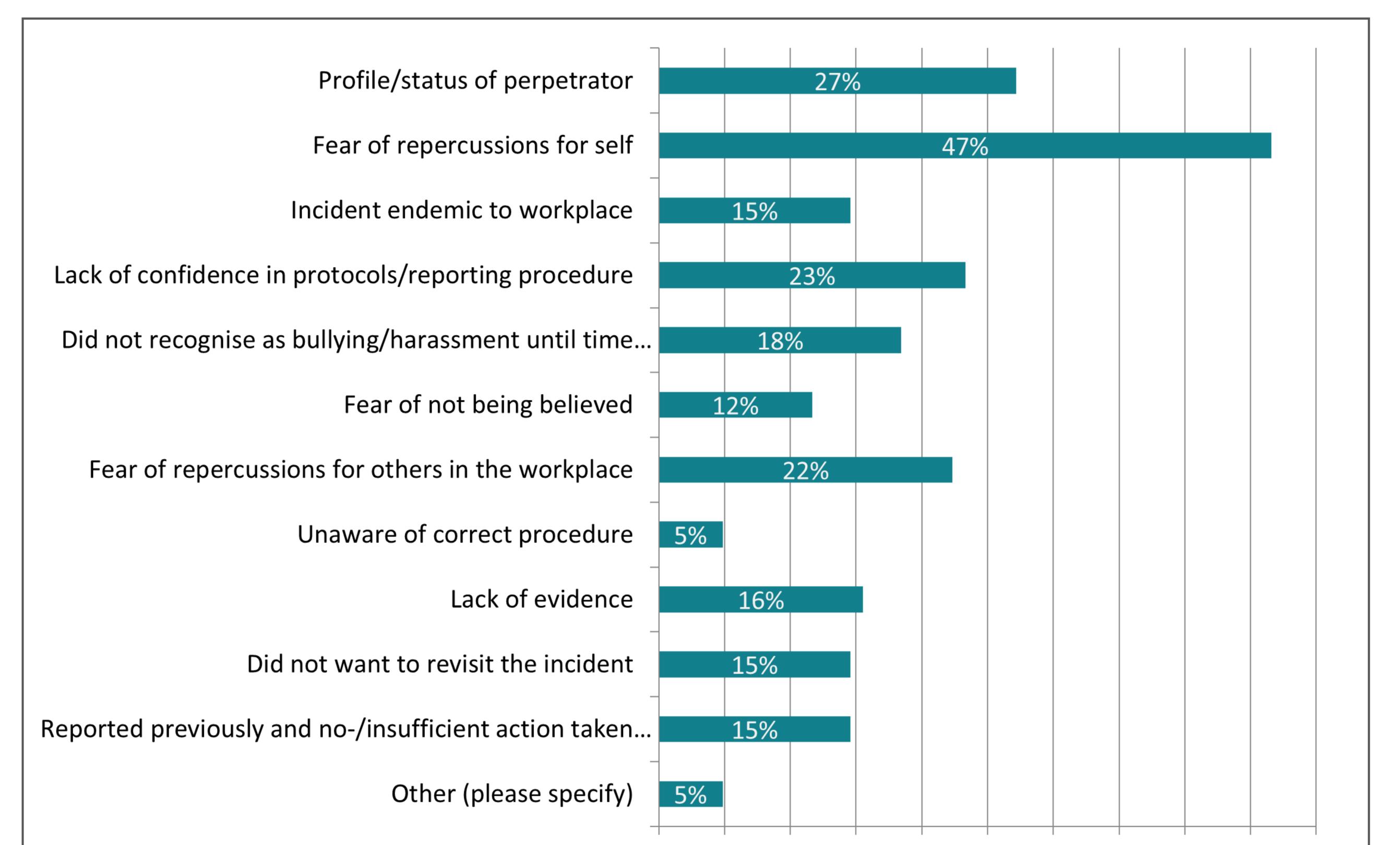
Only



have reported or disclosed an incident

were satisfied that the incident was dealt with appropriately

REASONS NOT TO REPORT



0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50%

RECOMMENDATIONS

At the outset of this work, the objectives of the survey and this report included:

- Raising awareness of the size of the problem and increasing trend across the Bar as a whole, not just barristers
- Improving understanding of the spectrum and complexity of bullying behaviours being experienced, both on and offline
- Reflecting on current working practices and their potential to lead to bullying complaints and associated trauma
- Identifying the focus of bullying and harassment and measures that will support a shift to prevention

and early intervention when conflict occurs to prevent it escalating into bullying

• Evidence of the changes wanted and needed to mitigate risk in this area

The findings have been included in this report by Conduct Change, co-created with LPMA and IBC, to shape the work in this area moving forward for their own members, and to highlight opportunities to influence the Bar as a whole through the respective organisations' memberships on committees of the Bar Council.

It is recognised that time will be needed to implement cultural change across the sector. In the meantime, action is needed as a priority to ensure that there is a supportive process for dealing with serious incidents with the focus on creating psychologically safe environments for people to come forward without fear of retribution. This must be backed up with clear and transparent action.

The LPMA and IBC will also consider the recommendations made in the context of their own training programmes as well as in the suggestions that they feed into the Bar Council for further training and guidance that they might provide at a bar-wide level.

It is clearly recognised that there is a need to take the issues identified in this report very seriously and to that end, a summary of high level recommendations of work across a range of areas is provided below. In broad terms, the recommendations for shaping the work in this area moving forward include awareness raising, inclusion, safety, structure, accountability and collaboration.

These recommendations are designed to be the starting point of moving towards new and sustainable working practices, to be implemented at an individual chambers level. However, the data and the recently published report on bullying, harassment and discrimination by the Bar Council suggest that these issues are not only experienced at an organisational level but also at a systemic level. On that basis, both the LPMA and IBC intend to work closely with all other stakeholders across the sector in addressing these serious issues.

RECOMMENDATIONS

Raise awareness

Share this report

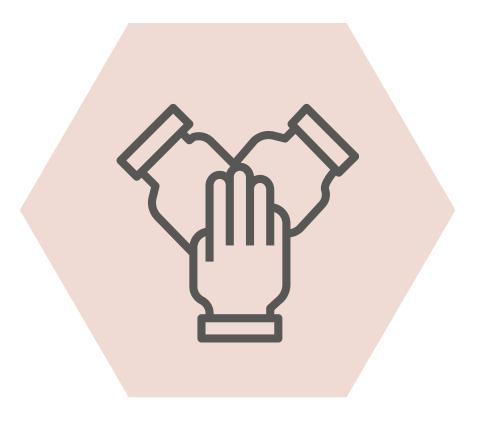
Have open conversations about bullying and harassment,

both internally and across the sector

Provide training and education



Collaboration



Work with all stakeholders across the sector to drive change Have a joined up approach to policies in Chambers Create a Chambers Conduct Agreement for ALL parties

Accountability

Use the Conduct Agreement to hold EVERYONE accountable Create a consistent system of both support and sanctions

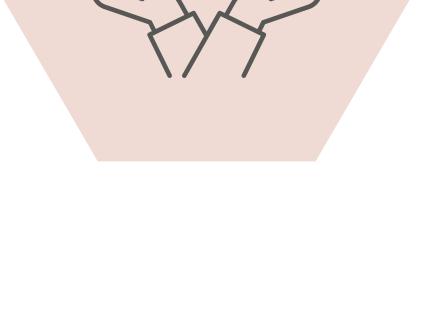






- Upskill managers and leaders in inclusive and practices Be proactive, not reactive
- Explore the reasons preventing people entering the profession,
- and the reasons for leaving
- Address the gender pay gap







Embrace both psychological and physical safety Make people feel safe to speak up without fear of retribution Be Active Bystanders/Upstanders Communicate support services more effectively Make formal processes a last resort





Structure

Provide clarity about roles and management structures Share best practice in flexible and remote working Link appraisals to value driven behaviours





