



Bar Council Survey April 2020: Key Findings

The justice system has ground to a halt with courts not functioning, cases not being heard, and justice not being done according to barristers taking part in the latest survey.¹

75% of barristers do not believe that people are able to access justice at an acceptable level during the Covid-19 pandemic. Only 7% think access to justice is currently acceptable.

Before the crisis, 60% of barristers worked over 50 hours a week (and many over 70 hours); because of the drop in work brought about by Covid-19, only 7% now work these hours. Over half of barristers surveyed now work under 18 hours per week, whereas before the crisis only 1% did. 68% cited interruption to court work as a major difficulty and 62% cited reduction in fee income. The Bar, particularly the publicly funded Bar and the young Bar, is at risk of sinking, as a result of the limited access to work.

Headline findings

If work streams and earnings do not improve, the future for the Bar is bleak.

Short-term sustainability

Those surveyed said that, without financial aid:

- 56% of barristers cannot survive in their chambers for six months; 77% cannot survive a year.
- 71% of the Young Bar (up to seven years in practice) cannot survive six months; 83% cannot survive a year.
- 30% of barristers are currently experiencing financial hardship as a result of Covid-19 and a further 53% expect to in the near future.
- 14% of the self-employed Bar are applying for the Government's (Covid-19) Self-employment Income Support Scheme (SEISS)
- Only 5% will apply for the Coronavirus Business Interruption Loan Scheme (CBILS). There is considerable reluctance to take on further debt when it is unclear when and how it can be paid back.

¹ This survey was sent to all 17,000 barristers in England and Wales. Some 25% of the self-employed Bar responded by the deadline of 13 April 2020. This is the third Covid-19 survey that the Bar Council has conducted. Previous surveys were sent to Heads of Chambers only, at the end of March and beginning of April 2020.

The publicly funded Bar is already in crisis

Those surveyed said that, without financial aid:

- 30% of those earning half or more of their income from publicly funded work cannot survive three months without financial aid; 69% cannot survive six months; and 89% cannot survive a year.
- 31% of criminal barristers will not be in practice in chambers within 3 months; 87% will not last six months and 88% will not last a year.
- 92% of criminal barristers are already experiencing or expect to experience financial hardship as a result of the crisis.

Long-term sustainability

Diversity and social mobility at the Bar are likely to decline as a result of the crisis.

Black, Asian and Minority Ethnic (BAME) and state-educated barristers are doubly hit – by being more likely (i) to be in publicly funded work and (ii) to face greater financial pressures.

- 55% of BAME barristers earn more than half their income from legal aid work, as compared to 47% of white barristers.
- 84% of BAME barristers cannot survive a year without financial aid.
- 39% of BAME barristers are already experiencing financial hardship.
- 32% of barristers educated in state schools or through means-tested bursaries are suffering financial hardship, and a further 56% expect to.

Many women who are pregnant, or are on or have just returned to work from, parental leave, expressed very serious concern about their ability to remain in the profession as a result of the downturn in their work and income.

Conclusion

Work and the ability to earn money has dramatically disappeared for many barristers, with over half fearing for their future in the profession. Those barristers from more diverse backgrounds are disproportionately affected. The young, the publicly funded and especially the criminal Bar - the most diverse parts of the Bar - are unsustainable without financial aid from the Government, even in the short term. Without financial aid, 87% of criminal barristers do not expect still to be in practice by October 2020.

The Bar Council
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