



The Bar Council

Whole Bar Survey July 2020: Summary of findings

Covid-19 continues to have a profound and acute impact on an already stretched justice system. The Bar Council is very concerned about the sustainability of the Bar and the unequal impact of the pandemic on the justice system, through lack of investment and support.

Summary of findings

Access to justice is in peril: 80% of barristers do not feel that people are able to access justice at an acceptable level during Covid-19.

The criminal justice system is close to breaking point, with 38% of criminal barristers uncertain whether they will still be practising law in 2021.

Publicly funded barristers, who are the most diverse part of the Bar, have been hit very hard.

- Publicly funded barristers have seen a 69% reduction in fee income.
- 49% of those doing mainly publicly funded work are already suffering financial hardship and a further 41% expect to.
- 29% of publicly funded barristers are uncertain whether they'll renew their practising certificate next year and 36% of immigration practitioners are uncertain.
- Only 20% think they will still be practising from their current chambers in a year.
- Women, state-educated, and BAME barristers are more likely to work in publicly funded areas of law.

The closure of the courts has been devastating to access to justice and the Bar.

- 64% of all barristers cite interruption to court work as their biggest problem.
- The number of hours worked by self-employed barristers has halved. Whereas before the pandemic 59% of barristers were working over 50 hours per week and 1% fewer than 18 hours, now 41% are working less than 18 hours a week and only 12% are working over 50 hours per week.
- This huge reduction in working hours has a direct impact on access to justice – barristers not working means citizens are not accessing justice now.
- Fee income has reduced by an average of 59% across the profession.
- 74% of all barristers are already suffering or expect to suffer financial hardship.
- The impact is not limited to barristers doing publicly funded work: for example, 9% doing commercial, 10% of barristers doing chancery, 18% doing personal injury and 22% doing family (children) work are uncertain if they will renew their practising certificate in 2021.

- 16% of self-employed barristers actively want to leave the Bar as a result of the pandemic (whereas for 20 years, our normal turnover has been between 2-4% yearly).
- Many women who are pregnant or are on parental leave or have just returned to work from it, expressed very serious concern about their ability to remain in the profession, due to the downturn in their work and income.

The criminal Bar needs urgent and immediate support if it is not to collapse entirely.

- Criminal barristers have suffered a 75% reduction in fee income.
- 38% of criminal barristers are uncertain whether they'll renew their practising certificate in 2021.
- Only 14% think they will still be practising from their current chambers in a year.

Young barristers have been very badly affected

- 69% of barristers up to 7 years in practice cannot survive at the Bar for a year without financial help and only 22% of those 0-2 years in practice will survive more than a year.
- 67% of young barristers have suffered a drop in income over 50% and for 43% it is over 70%; for those 0-2 years in practice, 75% have a drop of over 50% and for 46% it is over 70%.

Government support has only had a limited impact on the sustainability of the Bar.

- Of the 16% of barristers who applied for a BBLS loan, 43% were unsuccessful. Only 21% of barristers have benefited from SEISS.
- With the support available, 43% of self-employed barristers don't think they will be practicing from their current chambers in six months and 62% won't survive the year.
- 34% of barristers 0-2 years in practice were already experiencing financial hardship in April. That has now risen to 42%.

Looking ahead, barristers want to get back to court and help clear the backlog, but how this is done needs careful consideration.

- Of barristers who have physically attended court during Covid-19, 82% had concerns about the practical court arrangements for their safety and wellbeing.
- 68% of barristers would like targeted remote hearings to be an ongoing feature of future court work, even though many barristers have been experiencing problems with court provision in remote hearings.
- 32% of barristers are or have been shielding/self-isolating/vulnerable/caring for others self-isolating or vulnerable.
- 33% of all barristers are primary carers for children aged under 18. This rises to 42% of women barristers and 43% of BAME barristers.
- Diversity and social mobility are likely to decline at the Bar unless deliberate, preventative measures are implemented. BAME, women and state-educated barristers are triply hit – they are more likely to (i) be in publicly funded work (ii) face greater financial pressures and (iii) be primary carers for young children.