

Survey of Chambers' Senior Staff on Return to Working from Chambers

Between 22 and 25 June 2020, a survey was conducted with the intention of identifying general trends in the return to working from chambers' premises. The survey was emailed to the senior staff manager of 250 chambers and responses were received from 120 chambers. It was appreciated that the situation regarding the pandemic across the country remains far from certain and that chambers' current plans are likely to reflect this; hence, responses to the survey were not expected to provide definitive views, but should contribute to the developing picture of how chambers operate in the short to medium term and also of what the "new normal" for chambers might be. It is suggested that a follow-up survey should be conducted at the beginning of September to measure more specifically the steps that will have been taken and further plans made by chambers; further surveys may also be useful.

The following is a summary of the responses to this first survey. Responses were given on the basis that they would be anonymised and would be collated to produce a summary. It is not considered confidential and can therefore be distributed further at will.

Q1. Are you already seeing an increase in members working from chambers? If not, do you have any indication of when this might happen?

60% of chambers have not seen an increase in the very small number of members currently working from chambers. Even for those who have witnessed an increase, this has generally been minimal, with the substantial majority of members keen to remain working from home. For most barristers who have come into chambers, this has been for a specific purpose rather than routine work. The reasons given include:

More space to conduct remote hearings (and not liable to interruption from family);

The opportunity to have both the leader and junior in the same room for remote hearings/meetings;

Better internet connection/greater bandwidth than at home;

A slight increase of in-person meetings with clients, reported by a few sets.

Some chambers report having completely closed chambers, but this is a minority. Only one set reports a significant number of barristers now working from chambers (it is located outside London) as it is now seeing many more members attending in-person hearings.

It is felt that the number will inevitably increase as more in-person hearings recommence, but there is no indication that there is yet any enthusiasm on the part of barristers for a substantial return to routine working from chambers.

Q2. When are you planning to have an increased presence of staff in chambers and to what extent or in what stages?

The overwhelming majority of chambers are adhering to the government's current guidance that people should continue to work from home if they are able to.

Many sets envisage a slight increase in staff presence in chambers in July and August, but most do not see any larger increase until September or later, and even then the situation will be subject to close review. Increases are being planned on a rota system, and having limited hours for work in chambers, with some avoiding the traditional rush-hour arrival and departure times. Even the boldest do not seem to be planning on having more than 50% of staff in chambers at any one time in the immediate future, with just one set mentioning the possibility of a "full return in September", unless government guidance prohibits that.

Several sets are considering whether working from home might become the default, or the more common, position for some staff functions, for example fee billing and collection.

Q3. What are the main factors that are influencing or will influence your decisions to increase the level of staff working from chambers?

Currently, staff are mainly only attending chambers to deal with the essentials: mail/DX/couriers, clearing papers, copying and printing. The most common responses regarding factors influencing decisions included:

Any change in government guidance;

An increase in in-person hearings and the reliance of barristers on clerks to “get them to court”;

Whether clients want meetings in chambers;

The relaxation of distancing rules;

Wellbeing – the ability to provide a reasonably safe environment and the duty of the employer to ensure staff safety;

Public transport being considered more safe;

Schools returning to full opening.

One respondent noted the limitation faced by some smaller sets in operating as efficiently as others can, not having technology such as IP phone systems.

Many respondents commented on how efficiently staff have been working from home, though there is undoubtedly a broad view that it is more efficient to have clerks “back together again”, and several staff want to be back at work in chambers – which is itself a wellbeing issue. That said, the topic was raised of having to challenge the onset of “lockdown mentality”, which is probably going to be a national phenomenon affecting many.

Q4. It is thought that many sets are now reassessing their property needs in light of changes to working practices and financial pressure. Has your chambers given notice on its lease(s) for its premises or any part of them? If so, to what extent?

10% of respondents said that their chambers had given notice on leases, mostly for parts of their current premises, which corresponds to the 12% response from the recent HoCs’ survey. What will be of greater concern for landlords (especially, one imagines, for the Inns) is the 21% of respondents who indicated that they had not yet given notice but were reviewing their position. A few others were no longer intending to take on additional premises. The view was stated that the London Midtown commercial lettings market might become more attractive for tenants and that this could put pressure on the Inns, which continue to attract some criticism over their dealing with tenants during the crisis.

Q5. Do you have any other comments?

This was the opportunity for any additional or concluding remarks. The themes included:

More substantive hearings should be taking place remotely;

There needs to be better communication as to what is happening with the courts;

Remote hearings pose a threat to small regional chambers by allowing in solicitors and London sets;

Any junior staff brought back into chambers must be supported by the presence of senior staff;

Some staff are very keen to come back to chambers, but few want to come back for five days a week, and possibly many will never want to. There will be lasting changes to how chambers work, involving some staff and members continuing to work full-time from home. Some sets think that they will not have a full clerks’ room for many months to come.

It is good that barristers are adapting to paperless working and holding virtual meetings, and it would be an advantage if this was further embedded before any substantial return to work in chambers.

A major challenge will be to establish a “distancing protocol” to ensure that members adhere to guidance regarding moving around chambers’ rooms and offices, and stopping to talk in corridors.

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