

Response to Barristers' Working Lives/Wellbeing Research 2021



The Bar is a high performance and highly pressured profession. A barrister's resilience and wellbeing lie at the heart of successful practice. The Wellbeing at the Bar Working Group led by Bar Council has now championed wellbeing within the profession for the last 6 years. We know legal professionals struggle to maintain wellbeing and work/life balance due to the demanding nature of the job. The Pandemic has intensified these challenges and emphasised the vital importance of work on this agenda.

The Portsmouth Barristers' Wellbeing research commissioned by Wellbeing at the Bar enables us to take stock and to establish the next steps we need to take to support the wellbeing and mental health of our profession.

BACKGROUND:

Wellbeing at the Bar was born out of [2015 research](#) on wellbeing in the profession. This research identified:

- 2 in 3 barristers felt that showing signs of stress equals weakness;
- 1 in 6 barristers felt in low spirits most of the time; and
- 1 in 3 find it difficult to control/stop worrying

With these findings, leaders across the Bar agreed wellbeing needed to be a bar-wide priority and we needed a cross Bar response. Bar Council convened a *Wellbeing at the Bar* working group. This working group (established on the back of the 2015 research) continues to meet regularly to steer an ongoing programme of wellbeing work across the Bar. Membership includes representatives from all the Circuits, Specialist Bar Associations, Inns of Court as well as other interested parties, including the Institute of Barristers Clerks and the Legal Practice Managers Association.

Wellbeing at the Bar objectives are to...

- Provide members of the profession with the information and skills they need to stay well;
- Support members of the profession as they deal with difficulties that arise in so far as they affect a barrister's professional life; and
- Provide assistance to those with responsibility (or taking on a supporting role) for those in difficulty or crisis.

ACHIEVEMENTS TO DATE:

1. [Wellbeing at the Bar](#) website – a comprehensive online resource providing [advice and support on a wide range of wellbeing related issues](#). The site contains
 - case studies demonstrating steps and ideas for chambers and others to support wellbeing;
 - advice and guidance on [supporting colleagues](#) (for barristers) and on [supporting members and staff/ responsible for introducing a wellbeing strategy](#) (for chambers);
 - links to [resources](#), [inspiration and materials to educate on the importance of wellbeing](#)
 - [the site has had 469,017 hits to date].
2. [Assistance Programme for the Bar](#) – a 24/7 professional helpline, providing triage and counselling when required free of charge for self-employed barristers and pupils] – kindly funded by BMIF. Use of the service has grown since introduction in 2019 from 61 calls to the helpline in the first year to 102 calls (to date) in 2021, a total increase of 67.21%. 28 counselling sessions were taken up in 2019 which has increased by 242% to 96 sessions to date this year.
3. [Certificates of Recognition](#) for Chambers and other Bar based stakeholders. The Bar Council has awarded 78 Certificates to date.
4. Mental Health Training for the Bar in partnership with [Wellness for Law](#) ensuring members of the Bar have the knowledge to assist others.
5. Support and advice to individual bar-based stakeholders to support their own initiatives and activity.

NEW RESEARCH – TAKING THE TEMPERATURE

In 2020 we agreed to revisit our 2015 research to identify progress, areas of concern and determine – based on evidence – where next for the programme. A new methodology for measuring barristers' wellbeing has been developed - the *Barrister Wellbeing Index* - which establishes a baseline for wellbeing in the profession. Use of the new Index means results are not directly comparable to our 2015 research. From now on we will use this Index to establish robust data for future benchmarking and will measure wellbeing via the Bar Council's Biennial Barristers' Working Lives Survey in future.

THE NEW BARRISTERS' WELLBEING SCALE

- **Psychological Wellbeing (PWB)**. Items are associated with aspects of psychological wellbeing and mental health, for example, "I tend to feel down or low in spirits".
- **Perfectionism (PER)**. Picks up on the tendency for individuals to attempt to be perfect in their working behaviours and the negative psychological consequences when this is unachievable, for example, "I tend to dwell on my mistakes".
- **Workload Management (WLM)**. Relates to perceived ability of an individual to control their workloads and the impact of this on their wider life. An example WLM question is: "I have significant control over the content and pace of my work".
- **Supportive working Environment (SWE)**. Relates to evaluations of workplace relationships and the extent to which an individual can influence their role: for example, "Within the environment in which I work, I feel comfortable to express my opinions, thoughts and ideas".

A combination of these subscales provides for an overall wellbeing score. It also provides for an analysis of the most important issues affecting the overall wellbeing of barristers allowing for targeted interventions.

* For more information on the Scale please see the [report](#)

COVID-19 PANDEMIC & WELLBEING

The new research was delayed by 12 months due to the Covid Pandemic. During this period, we have endeavoured to maintain support and monitor barristers' wellbeing. We know barristers have faced different challenges – too little work; too much work; financial stress; anxiety with accommodating new technologies; isolation (and a lack of isolation!); inadequate working environments; home schooling; fear for selves and loved ones; being forced to work in unsafe environments at court.

The response to the Pandemic from the Bar has been a testimony to the collegiality of our profession - with many chambers prioritising wellbeing in a way they haven't before. It has been heartening to see the very practical steps that so many chambers have taken, and the recognition of the importance of our wellbeing and that of colleagues to us all.

Further, we acknowledge that the 2021 survey took place whilst the Pandemic was ongoing, and this will have influenced the responses of those participating in the research.

BARRISTERS' WORKING LIVES & WELLBEING 2021: KEY FINDINGS

- 1 in 3 have low overall wellbeing;
- 1 in 3 feel down or in low spirits;
- Less than half are managing their workload well, and worryingly 1 in 3 are not coping with their workload;
- 2 in 3 report high levels of perfectionism (dwelling on mistakes/being critical of oneself);
- 2 in 3 get support from their colleagues and workplace;
- Women and younger barristers have lower wellbeing than men and more senior barristers;
- Barristers working in crime have lower overall wellbeing than those in other practice areas;
- Employed barristers have better wellbeing than self-employed barristers;
- Those working in the Greater London area have higher wellbeing than those on Circuit; and
- Those who report any type of bullying or harassment report lower levels of wellbeing
- Those who have poor wellbeing are using the Wellbeing at the Bar resources.

WHAT HAS CHANGED IN THE LAST FIVE YEARS?

Whilst the research is not directly comparable, and the ongoing Pandemic has undoubtedly had a huge impact, the data does suggest the number of barristers in low spirits has doubled – from 1 in 6 to 1 in 3. This is very concerning.

WHAT THIS TELLS US WE NEED TO DO

While the report indicates Psychological Wellbeing (PWB) is the best predictor of job satisfaction ratings, we are more limited in the interventions we can make as this is related to the totality of someone's own experience. Where we can make the most meaningful difference is in Supportive Work Environments (SWE) and workplace culture at the Bar which is where this action plan focuses.

We therefore clearly need to prioritise:

- Workload management, particularly in crime;
- Low/inadequate incomes;
- Tackling bullying and harassment

We need to target support towards more junior members of the profession; and recognise there are particular challenges for women, those on circuit and in lower income groups.

We will also continue to promote initiatives that support wellbeing across chambers - not just in the support made available via e.g. wellbeing officers, access to helplines

and counselling, in the promotion of healthy working practices and social support (supporting PWB), but also in the way chambers support individual barristers re:

- Practice management - support and development (addressing workload and income);
- Flexibility (work-life balance);
- Inclusive cultures (zero tolerance on bullying and harassment); and
- Tackling unhealthy/excessive perfectionism

We welcome feedback on our proposed actions. If you would like to know more about Wellbeing at the Bar and our work, please contact equality@barcouncil.org.uk

See Action Plan on page 6

WELLBEING AT THE BAR ACTION PLAN: 2021-2023

ACTION NO.	ACTION	DETAIL	WHO IS RESPONSIBLE ¹	BY WHEN
1.	Promote practice management and regular practice review (supports Workload Management & Perfectionism)	Embed wellbeing considerations/workload/work-life balance/managing perfectionism into practice management guidance and education materials currently being developed by Bar Council for barristers and chambers' staff/clerks as part of the Accelerator/Modernising the Bar programme.	BC; IBC/LPMA; CHAMBERS	End 2022
2.	Continue to work to improve income and working practices (e.g. online/in person hearings; EOH; listing) across the Courts and Bar (Supports Workload Management)	Ensure the impact on wellbeing and resilience within the profession/CJS is factored into ongoing discussions with the Judiciary; HMCTS; MOJ and Govt. Collaborate effectively with the Judiciary, Solicitors and other stakeholders in the legal profession on wellbeing.	BC; CIRCUITS; CBA (other SBAs)	Ongoing
3.	Tackle Harassment and Bullying at the Bar (Supports Psychological Wellbeing)	Encourage chambers/others to take a zero-tolerance approach to harassment and bullying behaviours (introduce codes of behaviour); Work with the judiciary on judicial training in this area;	CHAMBERS; BC; INNS; CIRCUITS; SBAs; IBC/ LPMA	Ongoing

¹ Based on Working Group Membership

		Promote and improve (as required) Talk to Spot anonymous and other reporting (including work with BSB); Support training and bystander initiatives in this area.		
4.	Continue to promote chambers-based and Bar-wide initiatives on healthy working practices (supports Supportive Work Environment & Psychological Wellbeing)	Launch Phase 2 of the Wellbeing at the Bar Certificates of Recognition Programme; Continue to promote the introduction of wellbeing policies and infrastructure in chambers; Maintain high quality up to date resources on the Wellbeing at the Bar website; Maintain focus on strategies to prevent poor wellbeing; Explore options for a wellbeing-based communications campaign around cultivating kindness in the profession	CHAMBERS; BC; INNS; CIRCUITS; SBAs; IBC/ LPMA	Phase 2 – March 2022; ongoing
5.	Promote networking; collegiality and mentoring (Supports Supportive Working Environments)	Support Networks and encourage them to work with Bar-Based stakeholders in partnership; Expand mentoring – particularly on circuit, for young barristers and under-represented groups Increase opportunities for self-employed barristers to socialise and have more supportive contact with colleagues (including e.g. via clubs and societies) across the profession	BC/YBC; CIRCUITS; SBAs; CHAMBERS; INNS	Ongoing
6.	Monitor and report on wellbeing and resilience in the profession	Ensure this new <i>Barrister Wellbeing Scale</i> is included in future bar surveys to enable comparison over time; encourage use of the scale across other bars and elsewhere to support comparison with other countries.	BC	Next BC BWL/Wellbeing Survey is 2023

		Consider the further research in advance of the next survey comparing Barrister Wellbeing to general Workplace/targeted professional groups.		
--	--	--	--	--

Abbreviations:

- BC Bar Council
- SBA Specialist Bar Associations
- IBC Institute of Barristers' Clerks
- LPMA Legal Practice Mangers Association
- YBC Young Barristers' Committee