



Self-employed Bar survey (December 2020)¹

Summary of Findings

We are seeing signs of recovery at the Bar. Court work is picking up, and workload and fee income are gradually returning towards normal levels. However, barristers remain stressed, weary and worried about the sustainability of their profession. In the absence of government financial support, many have taken on significant personal debt to prop up the faltering justice system in the last nine months.

- The biggest problem for barristers is still the interruption to court work – cited by **40%**.² Hours worked and fee income, while increased since the summer, remain considerably down.
- Barristers are now typically working just over **40** hours a week, and **16%** are working fewer than **18** hours. Before the pandemic, **59%** of barristers were working over **50** hours per week and **1%** fewer than **18** hours.
- **72%** of barristers are still experiencing a significant reduction in new fee income, with the median reduction **25–30%**.³
- **24%** of respondents have taken on additional paid work to make ends meet/because their earnings decreased. Nearly two-thirds (**61%**) have taken on personal debt or used savings, with **17%** incurring debts above **£20,000**.
- Managing wellbeing is an increasing concern, with a quarter (**25%**) of respondents feeling that this is very difficult at present.⁴ **51%** of respondents feel more stressed than usual.
- Nearly a fifth (**18%**) of self-employed barristers actively want to leave the profession.⁵
- Barristers are concerned that pupils (trainee barristers) are finding it harder to secure pupillage (especially at the criminal Bar), not getting the training and support they need and not being exposed to advocacy.

¹ The survey was sent to all 17,078 practising barristers in England and Wales by direct email link on 25 November 2020. It closed on Monday 14 December 2020 at 12:00. Response rates were 9.9% for self-employed barristers (1,344 of 13,502 self-employed barristers).

² Down from 64% in July.

³ In July, fee income had reduced by an average 59% across the profession, and hours worked had halved.

⁴ Up from 18% in July.

⁵ Up from 16% in July.

It is by no means clear that the courts are a safe working environment or that Covid Operating Hours (COH) will be an effective means to clear the backlog.

- Of barristers who have attended court in the last month, **84%** had safety concerns. This has not improved since the summer.⁶ Courts often feel dirty and poorly ventilated, and Covid-19 safety measures are not consistently enforced.
- **35%** of our respondents had worked in court under COH. Of these, **31%** experienced problems with technology, **23%** had a lack of time to prepare their client, and **18%** felt they were tired/unable to perform at their best. Barristers feel that COH do not take into account the time needed to prepare a case.
- There are serious concerns about the disproportionate impact of COH on women counsel, with many commenting they would have to turn down work if COH were rolled out widely. **29%** of women and **30%** of men had returned or adjourned a case that was scheduled to take place under COH; **9%** of women who did so gave childcare as the reason, compared to **5%** of men. While women are more affected, the need to balance work and family life also impacts male barristers' ability to work under COH. This is a significant discriminatory issue for all parents of young children at the Bar.
- While **64%** of barristers want remote working to be a feature of their work in the future, the technical investment/infrastructure is not yet in place to support that.
- Many barristers are simply unavailable for in-person court work. Almost a third of the Bar (**31%**) are or have been shielding/self-isolating/vulnerable/caring for those self-isolating or vulnerable.

Barristers remain extremely concerned about access to justice.

- Almost three-quarters (**72%**) of respondents do not feel that access to justice is at an acceptable level, with **81%** citing the backlog in the courts as a major obstacle. Other major justice concerns are scheduling/listing issues (**67%**), problems with remote hearings (**53%**) and problems experienced by vulnerable clients (**50%**).

The impact of the continued lack of access to work is not being felt evenly across the profession.

- Those who earned under **£30,000** last year are seeing the highest reduction in hours worked, at **50%**. **29%** of this group are unsure whether they will still be practising next year.
- Barristers from ethnic minority backgrounds are disproportionately suffering financially and questioning whether they can stay at the Bar. Around a half (**48%**) of barristers from ethnic minority or mixed backgrounds are currently experiencing financial hardship and **72%** have at some point during the pandemic; **32%** of white

⁶ In fact, it is slightly worse. In July, 82% of those who had attended court had concerns about court arrangements.

respondents are currently experiencing financial hardship and 59% have at some point during the pandemic.⁷

- However, there are no notable differences between men and women's experiences at this point in the pandemic. Male and female respondents are intending to renew their practising certificates in 2021 at about the same rate (85% women and 86% men). Male and female respondents are currently experiencing financial hardship at around the same rate. Proportionally, more women than men *were* in hardship (12% to 6%).
- The Young Bar (YB) (those under seven years in practice) were struggling financially at a greater rate than the rest of the Bar in summer 2020.⁸ Now, a quarter (25%) of the YB are experiencing financial hardship compared to 35% of the Bar over eight years in practice.

The impact of the pandemic is still being disproportionately felt by the publicly funded Bar, which is the most diverse part of the Bar.

- 84% of the publicly funded Bar are still billing lower fee income compared to their pre-Covid-19 usual. 43% of the publicly funded Bar told us their fee billing remains down by over half, with the median fee income reduction in the region of 41–50%.
- Over half (51%) of the publicly funded Bar are experiencing financial hardship as a result of the pandemic.⁹
- 80% of the publicly funded Bar have incurred personal debt or used savings to support their practice. 37% have taken on personal debt; around a quarter (24%) have taken on personal debt of over £20,000.
- A fifth (20%) of the publicly funded Bar are unsure whether they will renew their practising certificates in 2021.

The criminal Bar remains under serious existential pressure.

- Over half (56%) of criminal barristers are currently experiencing financial hardship and a further 19% expect to.
- 83% of the criminal Bar have incurred personal debt or used savings to support their practice through the pandemic; over a quarter (27%) have taken on personal debt of over £20,000.
- There is imminent risk of an exodus from the profession. A fifth (20%) of criminal barristers are unsure whether they will renew their practising certificates in 2021.¹⁰

⁷ We would have liked to break the statistics on ethnicity down in more granular detail but did not have the data to do so on this occasion.

⁸ In July, 67% of young barristers had suffered a drop in income over 50% and for 43% it was over 70%.

⁹ This has increased slightly since July, when 49% were experiencing financial hardship.

¹⁰ Down from 38% in July.