

The Bar Council

Barristers' Working Lives 2017

Third survey of barristers' attitudes towards their working lives

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Foreword

We are in a period of unprecedented change, not least through a major programme of court reform, a criminal justice system at breaking point and uncertainty over Brexit. At the same time, we are seeing an inexorable increase in the demands on barristers, and the longer-term impact of legal aid cuts on the publicly funded Bar is becoming ever more critical.

It is at times like these that it is crucial that we collect hard evidence upon which to base our policy making and the design of support services for the profession.

This (our third) survey of the Bar provides a snapshot of aspects of barristers' working lives. Unlike previous Working Lives surveys (2011, 2013), the 2017 survey questionnaire was sent to every practising barrister. The response rate was 26.4% (4,092 usable responses). An analysis of respondents suggests that they broadly reflect the profile of the Bar, making the survey a reliable and statistically significant source of evidence about the matters that it addresses.

Whilst there are some clear positives, there is a notable difference between those practising in crime (and, to a degree, in family work) and the rest of the Bar. It should also be recognised that the survey was conducted in the summer of 2017, since when legal aid fees have been eroded further by inflation.

The fact that many saw their workload, stress and work-life balance deteriorate further is a worrying trend. It shows that we must all maintain our efforts across the Bar to support those who are finding practice ever more difficult to sustain, both financially and in terms of maintaining and enjoying a healthy and fulfilling life both at work and at home. It shows, too, how important it is for the leadership of the Bar to be making our case to the Government, in Parliament and to the public about the long-term consequences of failing to value and pay properly for the delivery of justice in England and Wales.

I thank all those barristers who took part in the survey. Doing so required you to give us your valuable time, but while your impact individually might be modest, together you have done a very important service to the profession.

The evidence in this report will be used widely by the Bar Council and others, to inform debate and policy making and to support the long-term health of the profession and the interests of the public and of the clients we serve. We will all be striving to make a difference.

**Andrew Walker QC,
Chair of the Bar, 2018**

Executive Summary

The Working Lives Survey in 2017 was part sponsored by the Specialist Bar Associations (SBAs) and the Circuits. One of the key objectives of the survey was to gather data and insights into the working lives and employment experiences of barristers at both the self-employed and employed Bars. Similar questions to those in the 2011 and 2013 Working Lives surveys were asked to enable us to identify trends.

The usable response rate was 26.4%, which is 4,092 usable responses from 15,515 valid email addresses. The profile of respondents broadly reflects that of the Bar when compared to other sources of information about the characteristics of barristers, albeit with a slight (3%) over-representation of women amongst respondents.

This report focuses specifically on survey findings related to barristers' attitudes towards their working lives. Further reports, due to be published later this year, based on the survey findings, will look at other aspects of barristers' working lives.

Key Findings

Work pressure is too much as more barristers report difficulties in balancing work and home lives

- Only 45% of barristers said they could balance their home and working lives satisfactorily, down from 50% who said they could in 2011.
- Barristers practising in criminal and family law said they were struggling the most with work-life balance - 48% of criminal and 58% of family barristers said they could not balance their home and work lives adequately.
- Criminal practitioners (50%) and family barristers (62%) are more likely to indicate that they are emotionally drained by their work.
- In terms of work pressure, 58% of criminal barristers and 66% of family barristers said they felt under too much pressure from work.
- Across the whole Bar, only 26% of respondents said they were not under too much pressure from work in 2017, compared with 34% in 2011.

Interest and enthusiasm

- 89% of barristers across all areas of practice agreed that they found their work interesting.

- 61% of barristers across all areas of practice agreed that most days they are enthusiastic about their work.

Overall:

- There is a clear difference in views about working lives between practice areas, for example criminal and family practitioners were more negative about their working lives than those in commercial or chancery practice.
- Workload, stress and work-life balance were worse in 2017, than in 2013.
- A barrister's current situation (e.g. their workload and level of income) influences their views of their working life. Those who believe their needs are met and who are enjoying increased income have a more positive view of their working life. Increased workload can have a positive impact on perception of career progression, but a negative impact on stress and work-life balance. Generally, those for whom there has been little or no change in workload and income in the last few years were more positive about their working life.

1. Introduction

1.1 Background

In June 2017, the Bar Council commissioned the Institute of Employment Studies (IES) and Employment Research Ltd (ERL) to undertake the third Working Lives Survey of the Bar. Previous surveys took place in 2011 and 2013.¹ The main objective was to provide better information on a range of working lives issues and an improved evidence base from which to formulate new policies and monitor trends in the profession.

The objectives of the 2017 survey included:

- Providing demographic data and information on the profile of the Bar, including information on equality and diversity issues within the Bar.
- Gathering data and insights into the working lives and employment experiences of barristers.
- Gaining a better understanding of career aspirations, motivations and intentions to stay in or leave the profession.
- Making comparisons with data and findings from the 2011 and 2013 Working Lives Surveys of the Bar.

The survey was part sponsored by the SBAs and Circuits.

We are grateful to those who took time in their busy schedules to provide information about their working lives and give their views about their profession

1.2 Survey

Much of the content of the survey was predetermined in the objective of providing continuity with the 2011 and 2013 surveys.

Attitude questions addressed a range of working life issues, including: working hours/workload, income, job satisfaction, morale and motivation, career progression, views of the profession and the Bar as a career. These sections were kept as similar to the 2011 and 2013 surveys as possible to ensure that reliable comparisons could be made.

Other information was also collected, including year of Call, practice area, whether the respondent was employed/self-employed, age, gender, ethnic origin, disability, childcare responsibilities, schooling, religious affiliation and sexual orientation. In 2017, we added questions on Circuit and SBA membership to assist these organisations in supporting their members.

¹ The two previous surveys were commissioned jointly by the Bar Council and the Bar Standards Board

We also asked questions about barristers' current situations to support our analysis. Responses to these questions are in Appendix 1.

The survey incorporated suggestions from the Bar Council, SBAs and the Circuits and was launched in late June 2017.

1.3 Sample

To provide sufficient responses from important sub-groups of barristers, all practising barristers were surveyed. In the previous two surveys only half of practising barristers were invited to participate in each survey, with the 2013 survey contacting barristers who had not been surveyed in 2011.

1.4 Survey Sample

The two main objectives were, first, to gain the maximum possible response, while covering as many of the questions as possible that the Bar Council wanted to answer, and secondly, to ensure that the process was cost effective. To this end, the 2017 survey was online only and started with an email invitation to all 15,826 barristers on the Bar Council database whose record contained email contact details. After one week, a reminder email was sent.

1.5 Response Information

The survey was in the field for approximately five weeks in all, but all responses that were received the week after the closing date were included in the final data set.

There were 3,651 completed questionnaires received before the survey closing date of 31 July 2017, (a further 657 partial responses were collected, of which 441 contained enough information to be usable in the analysis). The usable response rate was 26.4 per cent – 4,092 usable responses.

In 2013, there were 3,276 usable returns. In 2011, there were 2,965 usable returns.

The profile of respondents broadly reflected the whole Bar (based on the available records of barristers' personal characteristics):

- 40% of survey respondents were women (women make up 37%² of the Bar).
- 13% of survey respondents identified as BAME³ (13% of the Bar identify as BAME).
- 6% declared a disability.

² <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/practising-barrister-statistics/>

³ Black, Asian Minority Ethnic

- 6% identified as gay, lesbian or bisexual.
- 13% were employed and 83% self-employed (in chambers)⁴.
- of those respondents who only practised in a single practice area⁵ (2,133 respondents) 44% practised only criminal law, 23% only family law and 7% only chancery & commercial law. 48% (1,959 respondents) practised in more than one practice area.⁶

⁴ The balance of respondents were either in mixed employed/self-employed practice or were sole practitioners

⁵ The balance (4%) had a mixed practice (respondents could indicate up to three different areas of practice in their responses)

⁶ Respondents could list up to three practice areas and were only asked to list practice areas where they spent at least 30% of their time

2. Findings

Issues covered in the survey included:

- pay and terms and conditions
- career progression
- working hours
- workload
- professional development.

Respondents were presented with a series of statements against which they were asked to indicate the degree to which they agreed or disagreed with the statement in question on a five-point scale ranging from 'strongly disagree' to 'strongly agree'.

Where possible we provided the same wording in 2017 as in 2011 and 2013, to enable us to assess any change in views over time. The number of questions was, however, reduced in 2017 to shorten the length of the survey to encourage participation and completion.

In the 2017 survey, we asked respondents whether they practised in one or more areas. Where tables indicate 'multiple responses' findings include responses from all those who ticked either **one** or **more than one** practice area. Where tables indicate 'single' response, data includes only those who ticked **one** practice area (this facilitates better comparison of experience between practice areas). Comparing the two enables us to assess the extent to which practising in more than one area influences responses.

2.1 Views on Working Life

Table 9.1 presents the summary results, comparing results for the 2011, 2013 and 2017 surveys.

To assist in interpreting the results and comparing responses, all the items have been worded 'positively'.⁷ The percentages given in the table show the proportion of barristers who indicated 'agreement' or 'strong agreement' with each item.

⁷ Items marked * in the left-hand column indicate where the results have been reversed so that all items are worded positively. For example, percentages disagreeing with 'I would leave the Bar if I could' are reported as agreeing with 'I would NOT leave the Bar if I could'

Table 9.1: View of Working Life (whole Bar, per cent agree, 2011 vs 2013 vs 2017)⁸

	<u>2011</u>	<u>2013</u>	<u>2017</u>
	<i>% agree</i>	<i>% agree</i>	<i>% agree</i>
I feel able to balance my home and work lives	50	47	45
I have good opportunities to progress my career	47	40	43
I am satisfied with the choice I have over the work I do	58	52	54
I am able to cope with the level of stress in my job	69	64	58
I am paid fairly considering my expertise	44	42	45
I am paid fairly in comparison with my colleagues [^]	52	46	50
Most days I am enthusiastic about my work	69	65	61
I am happy with my working hours	49	46	40
I do not feel emotionally drained by my work*	45	41	38
My work is interesting	88	88	89
Work is allocated fairly where I work	57	59	64
I do not feel I am under too much work pressure*	34	33	26
I would not leave the Bar if I could*	64	57	59
I do not feel under pressure to take work I would rather not*	-	64	63
There are no skills I need that at present I do not have*	-	58	61
I would recommend the Bar as a career	45	40	48

[^] Item changed slightly to include colleagues/other barristers

^{*} Items marked * in the left-hand column indicate where the results have been reversed so that all items are worded positively. For example, for item 22 percentages disagreeing with 'I would leave the Bar if I could' are reported as agreeing 'I would not leave the Bar if I could'

- Question was not asked in 2011

Tables 9.2 and 9.3 show differences by practice area, comparing responses from respondents only practising in one area (Table 9.2) and those practising in more than one area (Table 9.3). Findings were broadly similar (< 1 or 2%).

Findings suggest 48% criminal and 58% of family barristers felt unable to balance their home and work lives, whilst 30% of family and 34% of criminal barristers felt able to balance home and work. This compares with 61% in chancery and commercial practice.

⁸ Figures are colour coded in each table – red figures indicate the most negative findings; green figures indicate the most positive findings

27% of criminal and 19% of family barristers said they did not feel emotionally drained by their work. This compares with 58% of commercial and chancery practitioners who said they did not feel drained by their work.

Whilst 58% of criminal barristers and 66% of family barristers said they felt under too much work pressure, 21% of criminal barristers and 12% of family barristers said they did not feel under too much work pressure. This compares with 32% of chancery and commercial practitioners who said they did not feel under too much work pressure.

Whilst half of criminal practitioners said they would not leave the Bar, 33%⁹ said they would leave if they could (as a comparison 12% of those in chancery and commercial practice said they would leave if they could).

⁹ See Appendix 2, Table 9.2b

Table 9.2 Views of working life by single areas of practice (whole Bar, percent agreeing) 2017

	Criminal	Civil	PN/PI¹⁰	C&C¹¹	Family	Other
	<i>% agree</i>	<i>% agree</i>	<i>% agree</i>	<i>% agree</i>	<i>% agree</i>	<i>% agree</i>
I am able to balance my home and work lives	34	59	54	61	30	51
I have good opportunities to progress my career	32	49	41	58	40	39
I am satisfied with the choice I have over the work I do	42	64	53	75	54	69
I am able to cope with the level of stress in my job	50	62	68	70	46	69
I am paid fairly considering my expertise	18	54	57	77	42	52
I am paid fairly in comparison with my colleagues	36	55	63	69	55	52
Most days I am enthusiastic about my work	55	56	58	66	56	64
I am happy with my working hours	29	55	48	59	19	58
I DO NOT feel emotionally drained by my work*	27	46	49	58	18	44
My work is interesting	90	89	75	93	91	87
Work is allocated fairly where I work	60	64	64	71	73	53
I DO NOT often feel I am under too much work pressure*	21	28	32	31	12	32
I would NOT leave the Bar if I could*	50	65	57	75	49	55
I DO NOT feel under pressure from chambers/my employer to take work I would rather not*	53	72	72	80	51	68
There are NO skills I need in my job which at present I do not have*	64	59	64	62	64	53
I would recommend the Bar as a career	37	54	46	66	39	46
<i>N= (max)</i>	887	289	147	138	439	62

Items marked * in the left-hand column indicate where the results have been reversed so that all items are worded positively. For example, percentages disagreeing with 'I would leave the Bar if I could' are reported as agreeing 'I would not leave the Bar if I could'

¹⁰ Professional Negligence/Personal Injury

¹¹ Commercial & Chancery

Table 9.3 Views of working life by areas of practice multi-coded (whole Bar, percent agreeing) 2017

	Criminal % agree	Civil % agree	PN/PI % agree	C&C % agree	Family % agree	Other % agree
I am able to balance my home and work lives	36	52	51	58	32	53
I have good opportunities to progress my career	34	48	45	51	38	48
I am satisfied with the choice I have over the work I do	44	57	53	62	51	61
I am able to cope with the level of stress in my job	52	62	64	68	49	65
I am paid fairly considering my expertise	22	55	56	67	38	50
I am paid fairly in comparison with my colleagues	38	53	56	60	49	49
Most days I am enthusiastic about my work	58	62	63	67	59	67
I am happy with my working hours	31	48	46	53	24	49
I DO NOT feel emotionally drained by my work	29	44	44	50	22	47
My work is interesting	90	87	83	89	90	92
Work is allocated fairly where I work	59	62	64	65	69	58
I DO NOT often feel I am under too much work pressure	21	29	31	32	16	31
I would NOT leave the Bar if I could	52	64	62	68	51	65
I DO NOT feel under pressure from chambers/my employer to take work I would rather not	55	68	67	74	50	67
There are NO skills I need in my job which at present I do not have	62	59	63	62	60	58
I would recommend the Bar as a career	39	52	48	58	41	50
<i>N= (max)</i>	<i>1,247</i>	<i>1,184</i>	<i>580</i>	<i>658</i>	<i>651</i>	<i>411</i>

Items marked * in the left-hand column indicate where the results have been reversed so that all items are worded positively. For example, percentages disagreeing with 'I would leave the Bar if I could' are reported as agreeing 'I would not leave the Bar if I could'

2.2 Work life themes

In 2011 and 2013, using factor analysis, four work/life themes were generated that combined the responses for items addressing similar work-related issues, providing one aggregate score for each theme. Re-running this analysis on the 2017 data produces similar results but the removal of some questions alters the output to some extent. The higher the result (closest to 5) the more positive the response.

The factors that were generated in 2017 are as follows:

Factor 1: Workload stress and work-life balance

- I am able to balance my home and work lives
- I am able to cope with the level of stress in my job
- I am happy with my working hours
- I do not feel emotionally drained by my work
- I do not often feel I am under too much work pressure

This is the same as 2013.

Factor 2: Pay, career progression and equity¹²

- I have good opportunities to progress my career
- I am satisfied with the choice I have over the work I do
- I am paid fairly considering my expertise
- I am paid fairly in comparison with my colleagues
- Work is allocated fairly where I work

This is also the same as 2013 with one change 'Work is allocated fairly where I work'. This was considered in Factor 3, Workplace support and equality, in 2013).

Factor 3: Job and career satisfaction

- Most days I am enthusiastic about my work
- My work is interesting
- I would NOT leave the Bar if I could
- I would recommend the Bar as a career

Two new items were added in 2017 compared to 2013. These are 'I would not leave the Bar if I could' and 'I would recommend the Bar as a career').

Factor 4: Appropriate skills

- I do not feel under pressure from chambers/my employer to take work I would rather not
- There are no skills I need in my job which at present I do not have

¹² By equity, we mean giving everyone what they need to be successful

This is the same as the 2013 Working Lives Survey.

Adopting this methodology, we established reliable data for only three factors in 2017 (Table 9.4) – these are ‘workload, stress and work-life balance’, ‘pay, career progression and equity’ and ‘job and career satisfaction’.

Tables 9.5 and 9.6 compare single and multiple practice areas through analysis of factor scores by practice area. Findings suggest that practising in multiple practice areas slightly depress positive findings, but overall commercial and chancery practices score most highly across all factors.

Family scores lowest in ‘workload, stress and work-life balance’, while crime scores lowest in ‘pay, career and equity’ and ‘job and career satisfaction’. Here practising in more than one area generates more positive results across each factor (for example: ‘workload, stress and work-life balance’ scores 2.54 for those in family practice only, versus a higher 2.66 for those in a mixed including family practice, where scores closest to 5 are the most positive).

When we cut data based on responses to questions about barristers’ current work situation/career intentions¹³ (Table 9.7), those who responded that it was ‘ideal and all/nearly all needs were met’ scored more positively than those who responded that they were ‘not satisfied and considering options or not at all satisfied and planning to change as soon as possible’.

Comparing performance against these factors between the last survey 2013 and current survey 2017 (Table 9.8), showed barristers scored ‘pay, career progression and equity’ and ‘job and career satisfaction’ more highly in 2017, than in 2013. Scores for ‘workload, stress and work-life balance’ were higher in 2013, suggesting barristers felt less positively about this area of their working life in 2017, compared to 2013.

Analysing data based on responses about workload¹⁴ (Table 9.9), revealed that those for whom workload had not changed were most positive. Those who were least positive with respect to ‘pay, career progression and equity’ and ‘job and career satisfaction’ were those for whom workload had fallen, whereas ‘workload, stress and work-life balance’ was least positive for those for whom workload was substantially more.

Cutting data based on answers about income¹⁵ (Table 9.10), showed that whilst those for whom income had increased were most positive about their working lives across all three factors, those who had seen a fall in income were most negative about their working lives across all three factors.

¹³ Respondents were asked how they would describe their work situation/career intentions, asking them to tell us whether it was ideal, all or nearly all needs met/not ideal, but most needs met/more or less satisfied/not satisfied and considering options or not at all satisfied and planning to change as soon as possible

¹⁴ Respondents were asked if - over the previous two years - their workload was substantially less/somewhat less/there was no change/somewhat more/substantially more

¹⁵ We asked respondents if - over the previous two years - their income had increased, remained broadly unchanged or decreased

When we combined workload and income findings (Table 9.11), those barristers who were doing more work but for less money were the least positive across all three factors. Those who were the most positive were those doing the same work but for more money with respect to ‘pay, career progression and equity’ and ‘job and career satisfaction’; those who were doing less work but for more money were the most positive with respect to ‘workload, stress and work-life balance’.

2.3 Views of working life by Circuit/Specialist Bar Association membership

Looking at the responses of SBA and Circuit (Table 9.12) members provides a mixed picture and some of the findings should be treated with caution (only 69 respondents identified as members of the Wales and Chester Circuit). Overall, barristers on the Wales and Chester and North Eastern Circuits appear to be the least positive about their working lives, whilst members of COMBAR¹⁶ appear to be the most positive about their working lives.

Across the three factors, members of the Northern Circuit are the most positive about ‘workload, stress and work-life balance’; whilst those on the Western Circuit are most positive about ‘pay, career progression and equity’ and ‘job and career satisfaction’. Members of the Chancery Bar Association are most positive about ‘workload, stress and work-life balance’ and members of COMBAR are most positive about ‘pay, career progression and equity’ and ‘job and career satisfaction’. Members of the Wales and Chester Circuit are least positive on two of the three factors (‘workload, stress and work-life balance’, ‘job and career satisfaction’) with North Eastern Circuit members least positive about ‘pay, career progression and equity’. Members of the FLBA¹⁷ are the least positive about ‘workload, stress and work-life balance’ and members of the CBA¹⁸ are least positive about ‘pay, career progression and equity’ and ‘job and career satisfaction’.

2.4 Job Satisfaction at the criminal Bar

In an examination of criminal Bar responses (Table 9.14), looking at questions which influence ‘job and career satisfaction’ (Factor 3) we compared 2017 responses with the two earlier surveys (in 2011 and 2013). Noting responses here in terms of ‘disagree’, responses to these questions by criminal practitioners suggest that respondents believe they have better opportunities to progress their careers in 2017 (up 1% on 2011, and 14% on 2013 and with respect to recommending the Bar as a career (up 13% on 2011 and 21% on 2013). Respondents were more likely to disagree with respect to choice over work and perceptions of fair pay (i.e. perceive they had less choice, and were not paid fairly) when compared to 2011, with 4% more criminal practitioners less satisfied with their level of choice in work and 5% less satisfied with levels of remuneration. It should however be noted respondents were more likely to be unhappy with their level of choice in work in 2013, and in levels

¹⁶ Commercial Bar Association

¹⁷ Family Law Bar Association

¹⁸ Criminal Bar Association

of remuneration. In 2017, 33% of criminal respondents said they would leave the Bar if they could, whilst this is down 2% on 2013 overall, it is still an increase of 8% since 2011.

Table 9.14: Views of criminal barristers

Criminal Bar (%)	2011	2013	2017
I have good opportunities to progress my career (disagree)	41	54	40
I am satisfied with the choice I have over the work I do (disagree)	28	39	32
I am paid fairly considering my expertise (disagree)	62	75	67
I would leave the Bar if I could (agree)	24	35	33
I would recommend the Bar as a career (disagree)	48	56	35

Table 9.4: Summary statistics for the key work life factors

	No. of items	Alpha reliability	Valid cases N=	Mean score^
Workload, stress and work life balance	5	0.846	3,780	3.03
Pay, career progression and equity	5	0.789	3,773	3.28
Job and career satisfaction	4	0.793	3,778	3.64
Appropriate skills	2	0.321	<i>Not a reliable factor</i>	

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.5: Mean scores for each factor by main area of practice - single coded (Mean scores whole Bar)

	Criminal	Civil	PN/PI	C&C	Family	Other
Workload, stress and work life balance	2.77	3.28	3.31	3.48	2.54	3.37
Pay, career progression and equity	2.92	3.48	3.41	3.78	3.30	3.37
Job and career satisfaction	3.46	3.79	3.47	3.89	3.48	3.67
Base N=	889	292	148	138	441	62

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.6: Mean scores for each factor by main area of practice – multi-coded (Mean scores whole Bar)

	Criminal	Civil	PN/PI	C&C	Family	Other
Workload, stress and work life balance	2.81	3.20	3.21	3.34	2.66	3.25
Pay, career progression and equity	2.95	3.40	3.37	3.55	3.23	3.35
Job and career satisfaction	3.50	3.72	3.62	3.80	3.53	3.79
Base N=	1,251	1,190	581	658	654	413

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.7 Mean scores on the working life factors by views of current work situation (whole Bar)

	Workload, stress and work life balance	Pay, career progression and equity	Job and career satisfaction
It is ideal, all or nearly all my needs are met	3.79	4.03	4.28
It is not ideal, but most of my needs are met	3.12	3.44	3.87
I am more or less satisfied with my work situation	2.98	3.27	3.62
I am not satisfied and am considering my options	2.43	2.59	2.95
I am not at all satisfied and plan to change as soon as possible	2.22	2.16	2.49

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.8 Mean scores on the working life factors by views of current work situation (whole Bar) 2013 vs. 2017

	Workload, stress and work life balance		Pay, career progression and equity		Job and career satisfaction	
	2013	2017	2013	2017	2013	2017
It is ideal, all or nearly all my needs are met	-	3.79	-	4.03	-	4.28
It is not ideal, but most of my needs are met	3.2	3.12	3.4	3.44	3.8	3.87
I am more or less satisfied with my work situation	3.1	2.98	3.1	3.27	3.5	3.62
I am not satisfied and am considering my options	2.7	2.43	2.3	2.59	2.9	2.95
I am not at all satisfied and plan to change as soon as possible	2.6	2.22	1.8	2.16	2.5	2.49

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.9 Mean scores on the working life factors by recent change in workload (whole Bar)

	Workload, stress and work life balance	Pay, career progression and equity	Job and career satisfaction
Substantially less	3.28	2.91	3.27
Somewhat less	3.20	3.20	3.57
No change	3.20	3.51	3.78
Somewhat more	2.85	3.19	3.59
Substantially more	2.46	2.92	3.40

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.10 Mean scores on the working life factors by recent change in total receipts (self-employed Bar)

	Workload, stress and work life balance	Pay, career progression and equity	Job and career satisfaction
Increased	2.99	3.58	3.84
Remained broadly unchanged	2.97	3.29	3.61
Decreased	2.91	3.00	3.37

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.11 Mean scores on the working life factors by combined recent change in workload and earnings (self-employed Bar)

	Workload, stress and work life balance	Pay, career progression and equity	Job and career satisfaction
more work, less money	2.32	2.65	3.06
same work, less money	2.97	3.29	3.62
less work, less money	3.17	2.99	3.34
more work, same money	2.56	2.99	3.40
same work, same money	3.13	3.45	3.71
less work, same money	3.21	3.30	3.54
more work, more money	2.77	3.42	3.70
same work, more money	3.17	3.80	3.98
less work, more money	3.24	3.18	3.73

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response.

Table 9.12 Views of working life by Circuit/SBA (whole Bar, mean score)

	Western Circuit	Midland Circuit	South Eastern Circuit	Wales and Chester Circuit	Northern Circuit	North Eastern Circuit	FLBA	LCLCBA ¹⁹	COMBAR	CBA	Chancery Bar
I am able to balance my home and work lives	2.94	2.87	2.85	2.68	2.99	2.65	2.62	3.32	3.30	2.66	3.42
I have good opportunities to progress my career	3.12	3.11	3.16	2.88	3.04	2.87	3.10	3.55	3.71	2.94	3.47
I am satisfied with the choice I have over the work I do	3.41	3.40	3.29	3.25	3.37	3.14	3.29	3.62	3.69	3.14	3.66
I am able to cope with the level of stress in my job	3.40	3.35	3.36	3.17	3.46	3.20	3.21	3.66	3.69	3.25	3.64
I am paid fairly considering my expertise	2.91	2.72	2.75	2.86	3.03	2.72	2.88	3.83	3.99	2.21	3.86
I am paid fairly in comparison with my colleagues	3.33	3.23	3.21	3.28	3.37	3.15	3.30	3.62	3.75	2.97	3.70
Most days I am enthusiastic about my work	3.59	3.46	3.54	3.19	3.39	3.34	3.47	3.71	3.69	3.42	3.64
I am happy with my working hours	2.92	2.71	2.80	2.51	2.89	2.54	2.50	3.35	3.30	2.61	3.38
I DO NOT feel emotionally drained by my work	2.85	2.76	2.78	2.59	2.91	2.85	2.45	3.39	3.33	2.61	3.33
My work is interesting	4.27	4.17	4.27	4.29	4.21	4.07	4.20	4.23	4.26	4.30	4.26
Work is allocated fairly where I work	3.74	3.78	3.57	3.64	3.85	3.60	3.77	3.74	3.70	3.52	3.76
I DO NOT often feel I am under too much work pressure	2.73	2.53	2.58	2.37	2.62	2.45	2.34	2.95	2.94	2.44	2.95
I would NOT leave the Bar if I could	3.51	3.43	3.51	3.22	3.34	3.22	3.35	3.98	4.03	3.27	3.90
I DO NOT feel under pressure from chambers/my employer to take work I would rather not	3.71	3.56	3.56	3.29	3.56	3.47	3.32	4.08	4.15	3.44	4.11
There are NO skills I need in my job which at present I do not have	3.60	3.73	3.59	3.60	3.74	3.57	3.57	3.61	3.69	3.62	3.65
I would recommend the Bar as a career	3.20	3.06	3.24	2.92	3.11	3.03	3.12	3.70	3.81	2.96	3.65

[^] MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response

¹⁹ London Common Law and Commercial Bar Association

Table 9.13: Mean scores for each factor by Circuit/SBA (mean scores whole Bar)

	Western Circuit	Midland Circuit	South Eastern Circuit	Wales and Chester Circuit	Northern Circuit	North Eastern Circuit	FLBA	LCLCBA	COMBAR	CBA	Chancery Bar
Workload, stress and work life balance	2.97	2.84	2.87	2.68	2.99	2.74	2.63	3.33	3.32	2.71	3.35
Pay, career progression and equity	3.30	3.25	3.19	3.17	3.34	3.09	3.26	3.68	3.77	2.95	3.69
Job and career satisfaction	3.64	3.52	3.63	3.37	3.54	3.42	3.53	3.90	3.94	3.49	3.85
Base N=	277	241	867	69	203	194	478	303	430	725	381

^ MEAN scores are between 1 and 5 where the higher the mean score (closer to 5), the more positive the response

2.5 Open Question Responses

Within the Working Lives Survey, we also asked *‘What do you believe would most improve your wellbeing and quality of life?’* as an open question (free text response).

Responses (2,464) were analysed and then coded using content analysis techniques.

The top issues mentioned were:

1. Fair pay (and faster payment) (774 mentions)
2. Work-life balance (including flexible working, more preparation time) (583 mentions)
3. Chambers/employer-related practices (including fair allocation of work, internal structure, colleagues) (240 mentions)
4. Greater certainty, higher quality or less pressure of work (273 mentions)
5. Improving conditions in the courts (including challenging flexible operating hours, improving court facilities, warned lists and floating trials) (238 mentions)

Notable quotes from respondents with respect to improving their wellbeing included:

Fair pay and faster payment

‘...earning as much as a train driver, let alone a doctor [would help]’

‘...cash flow, by being paid within a reasonable time of the work being conducted, rather than waiting months, even years and having to chase solicitors for payment’

‘...it is not about money, it is about a ‘just’ reward for the level of skill, work, stress and life interruptions that are the demands of the career’.

‘I would like to be paid properly for the work I do, so that I did not have to undertake the amount of work that I do to achieve a reasonably good income. On average I work 6.5 days a week, usually for 12 hours or more. That is no life’.

‘Criminal litigation/advocacy is inherently stressful, but it is made more so by poor rates of pay and the pressures that arise from a poorly resourced court system. I have 10 years’ experience in this field and have the skills to practise and represent clients effectively. However, I am looking to stop practise in this field completely and move to other areas. I believe my peers are doing the same in this area’.

Work-life balance

‘...we do the extra unpaid hours of work because the system would fail if we did not and judges and solicitors do not recognise the severe impact it has’

'Fewer hours of work per day and per weekend; receipt of papers far earlier than currently happens, not having to do all the administrative leg-work which should be done by a solicitor's assistant but actually ends up being done by the Bar. Courts sitting for the hours they say they will (in family cases the court will frequently sit till 5:30 or later, and occasionally things are listed at 9:30). The proposed shift system makes me think for the first time ever about leaving the Bar'.

'Paid preparation for legal aid cases (currently fixed fee) [would help] so I can justify a paperwork day where a case is complex and requires substantial preparation. At the moment nearly all weekday evenings and Sundays are set aside to prep, but it would make a huge difference to my wellbeing to at least have the weekends free'.

'...fairer pay in criminal work, less work outside court hours - my wife and children do not see me as much as they should because I am often at court all day and then working in the evening/weekends'.

'An increase in fees that would mean that I could take more time out of court to prepare cases. At present the pressure to be in court is intolerable, a better understanding from the judiciary about family commitments and NOT having split sitting hours which would frustrate any child care, travel and work-life balance'.

'Better control over workload... The workload is inherently unpredictable and uncontrollable, with many effectively immovable deadlines (hearings and court timetable)'.

'Virtually all of the issues stem from a lack of fair remuneration and lack of resources in the Criminal Justice System. It is those twin problems that lead to all the stress, over-the-top workload, feeling that we are not respected or valued'.

Chambers/employer-related practices

'Greater understanding and support from my line manager rather than a complete lack of understanding as to what I do and constant criticism as to how I do it'.

Greater certainty, higher quality or less pressure of work

'...more predictable work levels and steady payment'

'...less pressure from the judiciary'

Improving conditions in the courts

'...removing politics from criminal work, paying fairly and letting me get on with my job. Stop judges from feeling they have to case manage at the cost of justice when work is not or cannot be done due to legal aid cuts'

'Not having politicians constantly mouthing off about how awful lawyers are and how the judiciary should operate like civil servants. I feel the independence that we enjoyed 30 years ago is being constantly eroded'.

'The Crown Prosecution Service treat us badly and constantly get us to do more for less. We are forced to do ridiculous hearing record sheets and fill in their ludicrous forms. There are no thanks in this job. In fact, they queue up to blame us for anything that goes wrong. It is disgusting they expect us to provide equipment to play their evidence using court equipment that's rubbish. In short, this is very interesting work but an appalling 'job'.

'Being paid fairly for work done e.g. sentencing notes, defence conferences. An expectation that work is done within normal working hours i.e. Judges not expecting work to be done every evening and being more understanding of the work out in. An improvement in the fabric of Courts. Working under pressure for no thanks and little reward is compounded by, for example, having nowhere to sit and nothing to eat during the (inevitable) working lunch'

'Less stress caused by [the] fact [the] criminal justice system is [its] on knees so everything [happens] at [the] last minute, court buildings falling down around you, judges under massive time pressure'.

'1. Only working on weekdays, not weekday nights and weekends as well, i.e. 7 days (and evenings/nights a week); 2. Being paid for the work at weekends and in evenings/ nights, e.g. all written work including 'skeleton' arguments, applications, opening 'notes' [NB 'note' is completely misleading as they are anything but a 'note']. All this work is a. completely unpaid; and b. if you don't do the trial/ hearing, then you don't even reap any benefit from that sacrifice of time and effort. Even a plumber or any workman gets a call-out fee yet I am expected to work for free; 3. Being able to afford to have days off (even a few days a year); 4. Not requiring criminal barristers to buy, from their own pocket, equipment for the court, e.g. to play DVDs through our own personal laptop 5. Stopping treating criminal barristers like dirt and worthless, which treatment would not be tolerated for any other member of society in normal life; 6. Being able to leave the Bar. But after nearly 25 years ensconced in this living hell, this would not be easy.'

2.6 Key Findings

Although barristers are marginally more positive than negative, as in 2011 and 2013, about their working lives, there are some significantly negative findings:

- 54% are satisfied with the choice they have over the work they do, while this is up 2% on 2013, it is still lower than the high of 58% in 2011 (*'I am satisfied with the choice I have over the work I do'*).
- 43% believe they have good opportunities to progress their careers (*'I have good opportunities to progress my career'*) up 3% from 2013 (but still down on the original finding of 47% in 2011, and less than half of respondents).
- Less than half (45%) believe they are paid fairly for the work they do (*'I am paid fairly considering my expertise'*) though again this is up 3% on 2013 (42%) and improves on the previous high of 44% in 2011.

- Whilst 61% feel enthusiastic about their job (*'Most days I am enthusiastic about my work'*) this is down 4% from 2013 (65% statistic) and 8% from the 2011 (69%) statistic showing a significant downward trend.

However, there were also positive findings:

- 89% of barristers find their work interesting, this is similar to responses in 2013 and 2011 (*'My work is interesting'*).

And some good signs of progress:

- 64% believe work is allocated fairly where they work, up 5% from 2013 (59%). It was 57% in 2011, representing a steady improvement (*'Work is allocated fairly where I work'*).
- 59% of respondents want to stay at the Bar (*'I would not leave the Bar if I could'*) up 2% from the low in 2013 (57%) although not as high as the original 64% finding in 2011.
- Although only 48% of respondents would recommend the Bar as a career, this is steadily increasing, up 8% on the 2013 findings, which had dipped from an initial finding of 45% in the first survey in 2011 (*'I would recommend the Bar as a career'*).
- 54% are satisfied with the choice they have over the work they do, while this is up 2% on 2013, it is still lower than the high of 58% in 2011 (*'I am satisfied with the choice I have over the work I do'*).
- 43% believe they have good opportunities to progress their careers (*'I have good opportunities to progress my career'*) up 3% from 2013 (but still down on the original finding of 47% in 2011, and less than half of respondents).
- Less than half (45%) believe they are paid fairly for the work they do (*'I am paid fairly considering my expertise'*) though again this is up 3% on 2013 (42%) and improves on the previous high of 44% in 2011.
- Whilst 61% feel enthusiastic about their job (*'Most days I am enthusiastic about my work'*) this is down 4% from 2013 (65% statistic) and 8% from the 2011 (69%) statistic showing a significant downward trend.

Areas of significant concern are work-life balance, working hours and stress:

- Less than half the Bar (45%) feel able to balance home and work life (*'I feel able to balance my home and work lives'*) down 3% on 2013 and 5% overall from 50% in 2011.
- 58% feel able to cope with the stress in their job (*'I am able to cope with the level of stress in my job'*) down from 64% in 2013 and 69% in 2011.

- Just 40% are happy with their working hours (*'I am happy with my working hours'*) down 6% from 46% in 2013, continuing the downward trend from 2011 (49%).
- Only 38% said they didn't feel drained by their work (*'I do not feel emotionally drained by my work'*) down from 41% in 2013 and 45% in 2011.
- 26% do not feel under too much work pressure (*'I do not feel I am under too much work pressure'*) down 6% on 2013 (33%).

Having considered responses to the three key aspects of working lives identified through analysis of responses, we found:

- Workload, stress and work life balance were worse in 2017, than in 2013.
- A barrister's current situation (e.g. their workload and level of receipts) influences their view of their working life. Those who believe their needs are met and who are enjoying increased income have a more positive view of their working life. Increased workload can have a positive impact on perception of career progression, but a negative impact on stress and work-life balance. Generally, those for whom there has been little or no change in workload and income in the last few years were more positive about their working life.
- There is a clear difference in views about working lives between practice areas, for example criminal and family practitioners were more negative about their working lives than those in commercial or chancery practice.
- Geographical location may impact on perceptions of working life where barristers on different circuits were generally more positive than others. However, response rates on some circuits were relatively low so further data collection would be required before findings based on location could be verified.²⁰

²⁰ 69 respondents out of 275-300 Wales and Chester Circuit members

2.7 Opportunities for further investigation

Data can be interrogated further to establish:

- ✓ Variations in experience and attitude by e.g. age, gender, ethnicity, Call, geographical location, income etc.

Appendix 1

Table: 5.12 Hours worked (per week) unpaid, by practice area (multiple practice area, self-employed only) %

	Criminal	Civil	PN/PI	Commercial & Chancery	Family	EU/Int./Other	Total
None	2	3	4	6	1	3	3
5 or less hours	7	17	16	22	12	20	12
6-10 hours	28	39	41	40	36	35	34
11-20 hours	28	24	26	18	30	20	27
More than 20 hours	34	15	12	10	20	22	23
Not applicable to me	1	2	1	3	1	1	1
<i>N</i> =	945	916	298	275	655	115	2094

Table 4.5: Working Hours by practice area 2017 (% whole Bar, multiple response)

	Criminal		Civil		PN/PI		Commercial & Chancery		Family		EU/Int./Other		Total	
	2017	2013	2017	2013	2017	2013	2017	2013	2017	2013	2017	2013	2017	2013
30 or fewer hours	6	9	9	13	6	10	9	9	6	10	10	7	8	9
31-40 hours	11	16	16	20	14	14	15	20	11	16	15	22	14	18
41-50 hours	27	30	33	37	35	36	35	40	23	27	32	44	30	34
51-60 hours	30	29	24	21	26	30	26	23	26	28	26	19	27	26
More than 60 hours	27	16	17	9	18	10	15	8	33	20	17	7	22	13
N=	1,346		1,756		708		944		727		489		4,069	

Table 6.2a: Views on current work situation by practice area (% whole Bar, multiple response)

	Criminal	Civil	PN/PI	Commercial & Chancery	Family	EU/Int./Other	Total
It is ideal, all or nearly all my needs are met	11	21	21	27	9	25	18
It is not ideal, but most of my needs are met	27	33	30	33	32	30	31
I am more or less satisfied with my work situation	28	27	27	24	34	24	27
I am not satisfied and am considering my options	29	17	19	13	23	17	21
I am not at all satisfied and plan to change as soon as possible	5	3	3	2	2	4	3
N=	1,342	1,756	706	943	728	489	4,066

Table 6.10: Reasons for a change in employment status (% single practice area)

	Criminal	Civil	PN/PI	Commercial & Chancery	Family	EU/Int./O ther	All in single area
New challenge/interests	26	42	37	53	33	43	32
Funding/legal aid cuts	47	9	14	0	28	11	32
Career prospects/promotion	28	32	27	21	25	23	27
Improve earnings/fees	27	27	23	23	11	34	23
Job security	10	6	9	9	6	11	9
Dissatisfaction with employer/chambers	12	10	20	19	5	9	11
Workload/stress	37	23	29	16	49	20	36
Dislike the profession/work	7	6	16	2	11	3	8
Retirement	8	12	11	19	11	23	11
Ill health	2	3	2	2	4	3	3
Relocation	2	5	4	2	(0.4)	11	2
Work life balance	42	30	45	33	54	23	42
Other	3	5	7	2	5	6	4
<i>N=</i>	<i>458</i>	<i>108</i>	<i>56</i>	<i>43</i>	<i>223</i>	<i>35</i>	<i>923</i>

Note: percentages may sum to more than 100 as respondents could tick up to 3 options.

Table 3.6: Respondents who have supervised pupils, employed vs self-employed Bar (%)

	Employed Bar	Self-employed Bar	Both	Total
Yes, I am currently supervising (i.e. in the last 12 months)	5	11	9	10
Yes, between 1-3 years ago	4	9	6	8
Yes, but more than 3 years ago	10	27	13	23
No, I have never supervised pupils	82	53	72	59
N=	723	3,272	90	4,085

Table 3.8: Respondents who mentor others

	Employed Bar	Self-employed Bar	Both	Total
Yes	45	28	34	31
No	55	72	66	69
N=	720	3,258	90	4,068

Table 5.14: Reasons for working additional hours, unpaid (self-employed by practice area %), single practice area only

	Criminal	Civil	PN/PI	Commercial & Chancery	Family	EU/Int./Other	All single practice
Solicitor does less than previously	70	37	43	25	60	0	62
It is difficult to calculate hourly fee rate	23	37	25	56	27	0	26
Cases (and work load) are unpredictable	60	62	43	25	63	60	60
Client can't afford more	6	42	18	37	37	0	21
Litigant in Person requires extra work/support	2	20	7	6	33	0	15
Other	41	23	32	37	35	40	38
<i>N</i> =	655	92	28	16	459	5	1255

Appendix 2

Table 9.2b Views of working life by single areas of practice (whole Bar, per cent disagreeing) 2017

	Criminal <i><u>disagree</u></i>	Civil <i><u>disagree</u></i>	PN/PI²¹ <i><u>disagree</u></i>	C&C²² <i><u>disagree</u></i>	Family <i><u>disagree</u></i>	Other <i><u>disagree</u></i>
I am able to balance my home and work lives	48	25	22	24	58	25
I have good opportunities to progress my career	40	22	28	15	25	28
I am satisfied with the choice I have over the work I do	32	12	18	5	23	14
I am able to cope with the level of stress in my job	26	15	11	10	28	13
I am paid fairly considering my expertise	67	25	23	13	43	24
I am paid fairly in comparison with my colleagues	31	17	15	11	19	18
Most days I am enthusiastic about my work	21	13	21	16	20	8
I am happy with my working hours	49	24	25	16	61	18
I DO NOT feel emotionally drained by my work	50	33	27	18	62	16
My work is interesting	2	2	9	2	2	3
Work is allocated fairly where I work	18	11	13	9	9	20
I DO NOT often feel I am under too much work pressure	58	43	35	32	66	28
I would NOT leave the Bar if I could	33	13	28	12	31	11
I DO NOT feel under pressure from chambers/my employer to take work I would rather not	26	9	8	10	25	14
There are NO skills I need in my job which at present I do not have	16	23	14	19	14	19
I would recommend the Bar as a career	35	14	21	12	26	17
<i>N= (max)</i>	887	289	147	138	439	62

²¹ Professional negligence/personal injury

²² Commercial and chancery

Table 9.3b Views of working life by areas of practice multi-coded (whole Bar, per cent disagreeing)

	Criminal % disagree	Civil % disagree	PN/PI % disagree	C&C²³ % disagree	Family % disagree	Other % disagree
I am able to balance my home and work lives	47	32	30	27	54	29
I have good opportunities to progress my career	37	25	27	22	29	24
I am satisfied with the choice I have over the work I do	31	17	21	15	24	19
I am able to cope with the level of stress in my job	25	15	14	13	25	17
I am paid fairly considering my expertise	64	29	29	20	45	33
I am paid fairly in comparison with my colleagues	31	20	18	16	20	25
Most days I am enthusiastic about my work	20	15	18	15	17	12
I am happy with my working hours	47	28	27	23	54	28
I DO NOT feel emotionally drained by my work	48	32	30	23	56	26
My work is interesting	3	3	6	2	2	2
Work is allocated fairly where I work	18	14	15	14	10	17
I DO NOT often feel I am under too much work pressure	55	41	38	37	60	38
I would NOT leave the Bar if I could	30	16	20	14	28	14
I DO NOT feel under pressure from chambers/my employer to take work I would rather not	26	15	16	12	27	14
There are NO skills I need in my job which at present I do not have	18	21	16	18	18	19
I would recommend the Bar as a career	32	19	22	16	26	18
<i>N= (max)</i>	<i>1,247</i>	<i>1,184</i>	<i>580</i>	<i>658</i>	<i>651</i>	<i>411</i>

²³ Commercial and chancery