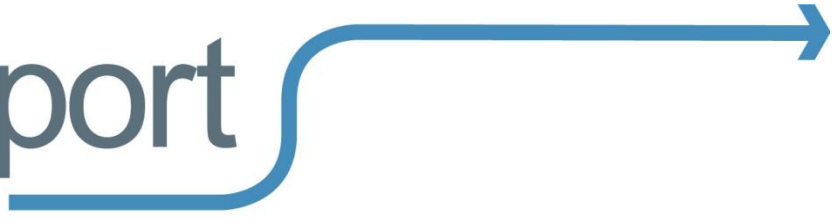


ies Report

Institute for Employment Studies



Barristers' Working Lives

2023 survey of the Bar

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Institute for Employment Studies

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Executive summary

The 2023 survey of the Bar is the latest in the series of surveys of barristers' working lives undertaken by the Institute for Employment Studies and Employment Research Ltd for the Bar Council, building on previous surveys carried out in 2011, 2013, 2017 and 2021. The survey was designed to explore the lived experience of working as a barrister in 2023, and asked questions about the impact of the changes to the court system brought about as a result of the pandemic; and sought barristers' views on aspects of wellbeing and work-life balance, working hours and patterns, experiences of bullying, harassment or discrimination, practice development and working practices, and Bar Council services.

The full results to the survey are presented within the report (and deeper explorations into wellbeing will be published in a separate report), while two key themes – barristers' experiences of court, and of bullying, harassment, and discrimination – are summarised below:

Experiences of court

The Covid-19 pandemic resulted in significant changes in ways of working in the justice system, and indeed the repercussions for ways of working have continued in the year or so since restrictions were lifted, as the system seeks ways to alleviate the backlog of cases and hearings.

Nine out of ten respondents to the survey had attended court in person or remotely in the three months prior to the survey, with 86% having attended in person, and 64% having attended a remote hearing. Barristers working in family practice or personal injury/professional negligence were more likely than average to have attended remote hearings. There were regional differences too with barristers in Greater London and the East of England least likely to have attended any hearings, and particularly in-person hearings.

Views on how well the magistrates and crown court systems were functioning for in-person hearings were generally negative, with more than half of barristers who had attended them in person rating them as working badly or very badly. Views were more positive about the civil, family and tribunal systems, with a majority of barristers who attended them rating them as good or very good. This pattern was also evident when considering how well court systems were functioning remotely, with views about the civil, family and tribunal systems being more positive than for magistrates and crown court. Overall, views were more positive about how well systems were functioning for remote hearings than for in-person hearings.

The most commonly mentioned problems that barristers experienced in attending courts and tribunals in the previous three months were the backlog of cases, and

scheduling/listing not considering their availability, with around half of respondents citing these problems, followed by technical problems with video platforms, and limitations on the types of remote hearings courts will permit. Backlogs of cases were particular problems in criminal and family practice, and also landlord and tenant hearings and employment hearings.

The main benefits of remote/hybrid hearings were greater flexibility, better work/life balance for barristers, and saving money. Barristers working in criminal and family practice were more likely than average to mention greater flexibility and better work/life balance as benefits.

Around half of barristers felt that remote hearings should be used more frequently than they are at present, and only one in ten felt they should be used less frequently or not at all. Again there were substantial differences by practice area, with barristers in criminal and family practice being much more likely than those in other practice areas to state that remote hearings should be used more frequently. There were also regional differences with barristers in Greater London being much less likely than those in other regions to state they should be used more frequently.

Respondents were asked to give general comments on the current functioning of the courts and tribunals, and on remote/hybrid hearings. Responses were coded into a number of general themes:

- The most common response (44% of respondents) was that remote hearings were more appropriate in general, or most appropriate for certain types of hearings such as shorter applications, case management meetings, preliminary hearings, administration hearings, and small claims hearings – there were views that remote should be the default, except for trials or if in-person hearings were not possible.
- Nearly one in five respondents (17%) described some form of exemption that should be applied to remote/hybrid hearings, with a wide range of exemptions mentioned. Some barristers mentioned duration of hearing as a factor, with trials over one hour, or three hours, or one day being the exception to the norm of remote hearings. Others mentioned particular types of hearing as exceptions from remote hearings – trials, (immigration) appeals, contested evidence hearings, or those involving vulnerable clients.
- Court resistance or bias against remote hearings was mentioned by nearly one in five respondents (17%), describing an obstinacy or unwillingness by the courts to accept the benefits of remote hearings, or to improve the remote infrastructure to ensure they worked as well as they possibly could.
- The inconsistency of approach to remote hearings from different judges and courts was mentioned by 13% of barristers, and they felt that consistency and predictability of approach was key to improve effectiveness of remote hearings.

Other problems included: issues with technology; communication problems from the court and between parties in advance of hearings, particularly when translators were involved; court management and listing/block listing of hearings, also floating lists; and issues from the judiciary including entrenched views or even apparent hostility to remote hearings.

Other benefits mentioned included: remote/hybrid hearings being inclusive of Covid-vulnerable professionals and hard-up clients, and they were also viewed as less intimidating; they allowed counsel to cover a wider geographical area; they were more likely to allow for better continuity of counsel and they lent themselves to a more solution-focused approach to hearings; they reduced time spent travelling to hearings and improvement in work/life balance; and their flexibility was positive in retaining women and improving disability inclusion.

Experiences of bullying, harassment, and discrimination

Reports of bullying, harassment, and discrimination have increased since the previous survey of barristers' working lives in 2021, as they had between the 2017 and 2021 surveys.

In the 2021 survey, one in four (25%) of all barristers responding to the survey indicated that they had personally experienced bullying, harassment and/or discrimination **in person** at work, while in the current survey this had risen to 30% of all respondents. In addition, 15% of respondents said that they had experienced bullying, harassment and/or discrimination while **working online**. Taking these figures together, just over one third (35%) of barristers had personally experienced bullying, harassment or discrimination at work, either in person or online, compared with 30% in 2021, 17% in the 2017 survey, and 13% in the 2013 survey.

While there have been some changes to the questions on bullying, harassment and discrimination between the different surveys, and in the latest survey barristers were given the option of skipping the section (7% of respondents wished to skip the section), the difference in reported incidences between 2021 and 2023 is so large that it is unlikely to be due solely to changes in the survey.

Barristers were also asked if they had observed any incidents of bullying, harassment or discrimination. Around one in ten respondents (9%) had observed incidents but not personally experienced any themselves. Thus 44% of barristers had either experienced incidents themselves, in person or online, or observed them, up from 38% in 2021 (and 31% in 2017).

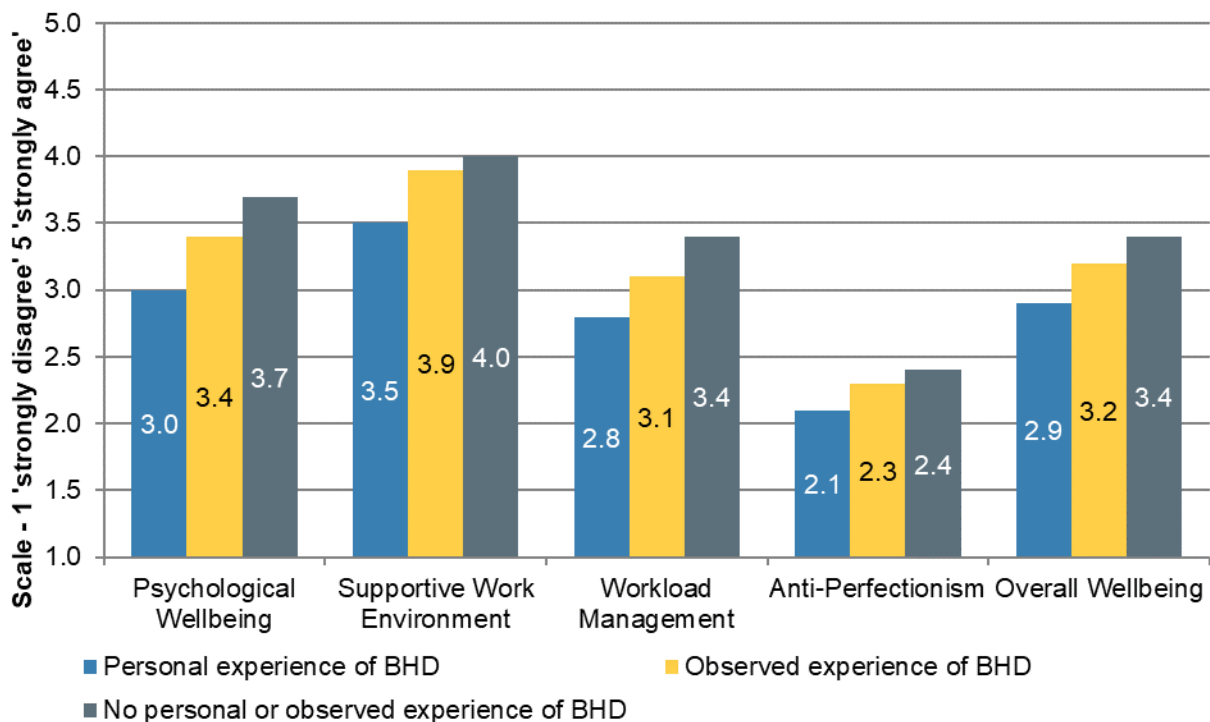
Bullying or harassment was more prevalent than discrimination – 30% of barristers reported that they had experienced bullying or harassment in person or online (and a further 9% had observed it but not experienced it), while 18% reported that they had experienced discrimination in person or online (and a further 6% had observed it but not experienced it).

Nearly half (48%) of barristers working in criminal practice had personally experienced incidents of bullying, harassment or discrimination, as had 39% of those in family practice. Barristers in the Young Bar were most likely to have experienced incidents (46%, compared with 38% of those in the Middle Bar and 30% of those in Later Practice). However, there was relatively little difference between employed and self-employed barristers in their experiences of bullying, harassment or discrimination.

Female barristers, those from ethnic minority backgrounds, and those with a disability were much more likely than other barristers to report experiences of bullying, harassment or discrimination. Ethnicity was a stronger influence on the likelihood of experiencing discrimination, and the intersection between gender and ethnicity resulted in 52% of female barristers from ethnic minority backgrounds reporting experiences of bullying and harassment, and 43% reporting experiences of discrimination. Just over half of all barristers with a disability (52%) said they had experienced bullying, harassment or discrimination. There were also strong associations between the other protected characteristics and the likelihood of experiencing bullying, harassment or discrimination, while school education and caring responsibilities were also associated with increased likelihood of experiencing negative behaviour.

As was the case in the 2021 survey, experiencing incidents of bullying, harassment or discrimination, or even observing them, had a negative impact on barristers' working lives. Figure 1 shows this disparity in wellbeing by experience of bullying, harassment, and discrimination, which is greatest for psychological wellbeing and workload management. Experiences or observation of bullying/harassment only (i.e. not experiencing or observing discrimination as well) had a greater negative impact on the psychological wellbeing and workload management factors than experiencing or observing discrimination only.

Figure 1: Factors of wellbeing by observing and experiencing bullying, harassment or discrimination in person or online (score: higher score more positive)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,010)

Delving deeper into the individual statements that form the broader wellbeing factors, the items that were affected the most by personal experiences of bullying, harassment or discrimination were:

- Overall, taking everything into consideration, I am satisfied with my job as a whole.
- Within the environment in which I work there is generally a sense of cooperation and collaboration.
- Within the environment in which I work I feel comfortable to express my opinions, thoughts and ideas.

This suggests that a culture in which bullying, harassment or discrimination is present can become toxic for everyone, not just the individual on the receiving end of the negative treatment.

When asked what the bullying, harassment or discrimination related to, gender was the most common response (39%), while age and race were also commonly mentioned (19% and 18% respectively). Looking at discrimination separately from bullying or harassment, half (52%) of respondents who experienced/observed discrimination only said that it was related to gender, and 32% said that it was related to race, while 41% of respondents who experienced/observed bullying or harassment only said that it was not linked to any protected characteristics. Despite the high incidence of bullying, harassment, and discrimination reported by disabled barristers, only 5% of all barristers reported that the negative behaviour related to disability.

In this year's survey, a new question asked about the type of bullying or discriminatory behaviour that barristers had experienced or witnessed. The most common types were ridicule or demeaning language, and misuse of power or position, each mentioned by around three fifths of those who had experienced or observed bullying, harassment or discrimination, followed by overbearing supervision, undermining of work output or constant unproductive criticism (30%). A further new question asked about the form that sexual harassment had taken, for those respondents who had experienced or observed it. Sexual or sexist comments, remarks or sounds were the most common forms, mentioned by 82% of barristers who had experienced or observed this, followed by inappropriate physical contact (43%) and sexual propositions (35%).

Members of the judiciary and more senior barristers (but not Heads of Chambers) were most commonly cited as the individuals responsible for the bullying, harassment and discrimination – half (53%) of barristers who experienced or observed bullying or harassment said that a member of the judiciary was responsible, and 31% said it was a more senior barrister, while 34% of barristers who experienced or observed discrimination said that a member of the judiciary was responsible, and 29% said that it was a more senior barrister.

Bullying, harassment or discrimination most commonly occurred at court or the barrister's workplace, mentioned by 59% and 36% respectively of those who had experienced or witnessed bullying, harassment or discrimination. Bullying and harassment were more likely to occur at court than at the workplace, whereas discrimination was more likely to occur at the workplace than at court.

Around one in four (26%) respondents who had experienced or witnessed bullying, harassment or discrimination had reported the incident, most commonly to their employer or Chambers, or to another barrister (45% and 29% respectively). Relatively few had reported to the Bar Standards Board (BSB) or used the Bar Council's Talk to Spot app (12% and 18% respectively). Reporting incidents to employers/Chambers or another barrister generally led to more satisfactory outcomes than reporting to the BSB or the Talk to Spot app.

The most common reasons for not reporting an incident of bullying, harassment or discrimination was fear of repercussions, mentioned by 42% of those that did not report an incident after experiencing or observing one, followed by profile/status of the perpetrator (36%), lack of confidence in reporting procedures (29%), not wanting to revisit the incident (26%) and feeling that the incident was endemic to the workplace (23%).

1 Introduction

In autumn 2022 the Bar Council commissioned the Institute for Employment Studies (IES) to undertake the fifth working lives survey of the Bar. These surveys, first conducted in 2011 by IES, and supported by Employment Research Ltd, provide a wealth of data and insight into the profession. In 2020 the Covid-19 pandemic forced a delay to the survey, which was put back just over a year, to April 2021. As such the 2021 survey was something of an anomaly being conducted in unusual times: the impact of the pandemic led to a series of changes to working patterns, backlogs in cases and new modes of working. In 2023 the survey was conducted at a point in time when a 'new normal' had been established, and as such provides a valuable insight into a changing profession.

The main objectives of the 2023 survey and report included:

- Providing demographic and employment data and information on the profile of the Bar, including information on equality and diversity issues within the Bar for different areas of practice, Silk and sectors of the Bar (i.e. employed and self-employed, both within chambers and sole practitioners).
- Evaluating remote hearings, looking at the extent of remote versus physical attendance at courts and hearings, the functioning of the court systems, problems experienced in attending courts/tribunals and the benefits, if any, in having remote/hybrid hearings.
- Examining the views of the Bar in relation to sustainability and Net Zero including strategies, policies and initiatives currently employed or seen as worthwhile in improving sustainability.
- Understanding the current wellbeing of barristers and their views on work-life balance, comparing responses with an identical series of questions in 2021.
- Exploring current workload and working hours, distribution of work, levels of pro-bono work provided and views of how barristers would like to see their working lives change. This section also includes analysis of barristers' views of extended operating hours.
- Investigating the degree of bullying and harassment and discrimination at the Bar, both experienced in person or online and witnessed, and views of the sources and how it has been dealt with by employers and the profession.

Data are also presented on working practices and practice development, international instructions, level of public access work, use of mentors and practice reviews, the take up of Bar Council services as well as any additional services barristers would like from the Bar Council, and barristers' use of different news sources and social media.

Where possible comparisons are made with data and findings from previous surveys of the Bar in 2017 and 2021.

1.1 The survey

The survey in 2023 followed a very similar approach to those adopted in 2017 and 2021 being entirely online and marketed through a wide variety of communication channels over a period of approximately six weeks. The survey was anonymous, so it was not possible to identify and follow up directly with non-respondents.

1.1.1 Questionnaire design

Much of the content of the survey was predetermined to provide some continuity with previous versions. As in 2021, questions developed at the University of Portsmouth concerning work-life balance and wellbeing (see Chapter 3) were included, to allow for changes over time in the wellbeing of the profession between the two years to be explored. Also, the Bar Council was interested in examining the extent of bullying, harassment, and discrimination at the Bar, and comparing these figures with previous surveys.

As well as containing some minor changes to refine the wording of the questions, the last three surveys have taken place in very different contexts, pre-pandemic, during the pandemic and after in a changing workplace environment. So, in places there are caveats to some conclusions drawn from these comparisons.

Most questions were formulated by the Bar Council in conjunction with IES and discussed in a series of steering group project meetings between the Bar Council and IES.

The final survey was redrafted several times to incorporate suggestions from the Bar Council and a small pilot survey of barristers, and was finalised in early April 2023 for emailing to members on 18 April.

1.2 Sample

Following the methodology established in 2017 and successfully repeated in 2021, the whole population of UK practising barristers was surveyed – direct email invitations were sent to around 9,000 barristers who had opted in to taking part in research, and the rest of the Bar had an opportunity to engage with the survey through BarTalk emails (an e-newsletter that goes to all practising barristers) and social media and adverts/mentions in *Counsel* magazine. With a response rate of approximately 20%, this provides sufficient responses to allow for analysis by important sub-groups of barristers. The Barristers' Working Lives survey is the only mechanism for surveying the entire Bar and, as such, provides key monitoring data for the profession.

The total population of barristers registered with the Bar Council contains around 17,000 records. Approximately 16,900 barristers are on the Bar Council email circulation list, and

it is this sub-population which forms the sample on which we can base the response rates to the survey.

1.2.1 Survey process

The first email was distributed on 18 April 2023 and the survey remained open for six weeks, during which time three reminders were sent out, as well as various further communications from different professional practice groups within the Bar, Specialist Bar Associations, the Circuits, and Inns, as well as directly from the Chair. The survey was finally closed on 5 June.

1.3 Response information

After removing identifiable duplicates and insufficiently completed questionnaires, this response included a total of 3,535 returns (including usable partial returns – identified as anyone who had completed at least one of the substantive sections of the questionnaire). Approximately 16,900 barristers received emails or messages to participate in the survey, giving a response rate of 20.9%, almost identical to the figure achieved in 2021. For an online survey of this type, not targeted to individuals, this response is excellent and shows little change from 2017, during which time there has been a general deterioration in response rates for online surveys.

Before presenting the main substantive analysis and commentary it is useful to show the distribution of respondents comparing these figures with the Bar population data. This gives an indication of where there may be some bias in the respondent profile. Tables 1.1 to 1.3 show the aggregate response information across some key variables of interest.

Table 1.1 shows that across the main areas of practice (where barristers spend at least 70% of their working time) the respondent profile is broadly similar to the Bar population. Table 1.2 presents the analysis by area of practice, along with broad categories in which each individual area of practice was grouped. Throughout the tables here and the remainder of the report the figures in brackets are the 2021 figures.

Table 1.1 Broad area of practice: respondents to the survey and Bar population (2021 figures/proportions in brackets)

| | Survey respondents | % respondents | % Bar Population |
|--|---------------------------|----------------------|-------------------------|
| Criminal | 960 (921) | 27.2 (26.5) | 28.1 |
| Civil | 790 (776) | 22.3 (22.4) | 22.4 |
| Personal Injury/Professional Discipline & Negligence | 404 (420) | 11.4 (12.1) | 11.1 |
| Commercial | 584 (571) | 16.5 (16.4) | 17.1 |
| Family | 725 (699) | 20.5 (20.1) | 17.0 |
| Other/International | 72 (88) | 2.0 (2.5) | 4.3 |
| All responses | 3,535 (3,479) | 100.0 (100.0) | 100.0 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

There is very little difference between the response distribution of participants compared with 2021 or the Bar population. The one area of the Bar that is significantly underrepresented in the respondent profile is the employed Bar. This has been a perennial problem in conducting this survey since its inception in 2011 and once again, despite ever more strenuous efforts to try and ensure that the views and experiences of employed barristers are catered for in the survey, it remains the case that this group appear to see the survey as mainly relevant to the majority, self-employed Bar and so are less inclined to respond. Table 1.2 highlights this disparity with just 9.8% of respondents working in the employed Bar despite the employed Bar being 17.6% of the Bar population. Similarly, 1.4% of respondents work in both the self-employed and employed Bar, despite dual capacity barristers being 2.8% of the Bar population.

Table 1.2 Area of practice: respondents to the survey and Bar population (2021 figures in brackets)

| | <i>Respondents</i> | Percentage in survey | Percentage across the whole Bar | Main groups for analysis |
|-------------------------------------|----------------------|---------------------------------|--|-------------------------------------|
| Admiralty | 2 (3) | 0.1 | 0.1 | Civil |
| Arbitrator or Umpire or Mediator | 16 (16) | 0.5 | 1.2 | Civil |
| Chancery (Contentious) | 194 (175) | 5.5 | 4.2 | Commercial |
| Chancery (Non-Contentious) | 10 (10) | 0.3 | - | Commercial |
| Commercial & Financial | 317 (329) | 9.0 | 11.0 | Commercial |
| Competition | 24 (21) | 0.7 | 0.8 | Commercial |
| Construction | 60 (47) | 1.7 | 1.3 | Civil |
| Crime | 960 (921) | 27.2 | 27.0 | Criminal |
| Defamation | 20 (20) | 0.6 | 0.4 | Civil |
| Employment | 146 (152) | 4.1 | 3.6 | Civil |
| European | 1 (7) | 0.0 | 0.2 | Other/Int'l |
| Family (Children) | 578 (553) | 16.4 | 17.0 | Family |
| Family (Other) | 147 (146) | 4.2 | - | Family |
| Immigration | 68 (69) | 1.9 | 2.3 | Civil |
| Insolvency | 39 (36) | 1.1 | 0.8 | Commercial |
| Intellectual Property | 24 (25) | 0.7 | 1.1 | Civil |
| International | 33 (31) | 0.9 | 1.5 | Other/Int'l |
| Landlord & Tenant (Non-Residential) | 21 (20) | 0.6 | 2.2 | Civil |
| Landlord & Tenant (Residential) | 61 (57) | 1.7 | - | Civil |
| Licensing | 3 (3) | 0.1 | 0.1 | Civil |
| Other Common Law | 58 (99) | 1.6 | 1.8 | Civil |
| Personal Injury | 307 (328) | 8.7 | 7.2 | PI/PN |
| Planning | 42 (47) | 1.2 | 1.4 | Civil |
| Professional Discipline | 61 (46) | 1.7 | 1.7 | PI/PN |
| Professional Negligence | 36 (46) | 1.0 | 0.6 | PI/PN |
| Public Law | 225 (166) | 6.4 | 5.6 | Civil |
| Revenue | 44 (52) | 1.2 | 1.2 | Civil |
| Other | 38 (39) | 1.1 | 1.3 | Other/Int'l |
| Mixed | 0 (11) | 0.0 | 0.6 | Other/Int'l |
| Total | 3,535 (3,479) | 100 | 100 | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

This difference in response rate between self-employed and employed barristers again points to a possible need to weight the data so that the aggregate response profile is representative of the population and employed barristers are represented in the data set in the same or similar proportions as across the whole Bar. However, as in 2021, analysis of key variables demonstrated that there was no need, as aggregate results showed little

difference between the weighted and unweighted data – partly because the Bar is predominantly formed of self-employed barristers. Where relevant though, differences between the employed and self-employed Bar are reported in the tables and commentary that follow.

Table 1.3 Section of the Bar: respondents to the survey and Bar population (2021 figures/ proportions in brackets)

| | Survey respondents | Percentage respondents | Percentage Bar population |
|--|--------------------|------------------------|---------------------------|
| Employed practice only | 345 (375) | 9.8 (10.8) | 17.6 |
| Self-employed practice (in Chambers) | 3067 (2930) | 86.8 (84.2) | 79.6 ¹ |
| Self-employed practice (Sole Practitioner) | 73 (111) | 2.1 (3.2) | |
| Both (Self-employed AND employed practice) | 50 (63) | 1.4 (1.8) | 2.8 |
| All responses | 3,535 (3479) | (100.0) | 100.0 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

The only other areas where there was a significant difference in the respondent profile compared with the population was in 'stage of career' as indicated by 'year of Call' and sex. To simplify the analysis and presentation of results, a number of variables are conflated into broad groups, including time since call. This has been grouped into six broad categories:

1. The Young Bar (new entrants) (0–2 years into their careers)
2. The Young Bar (3–7 years since 'Called to the Bar')
3. Middle Practice (8–12 years)
4. Middle Practice (13–17 years)
5. Middle Practice (18–22 years)
6. Later Practice (more than 22 years).

It is important to note though that the length of time since Call is not necessarily commensurate with length of service, as some respondents may well have taken career breaks. The age of barristers has also been conflated into five broad groups, under 25s, 25–34, 35–44, 45–54, 55–64 and 65 plus. It is interesting to note that there are a small number of barristers among respondents aged 65 plus who are in the Young Bar (n=12).

¹ In 2023 the population data does not break the self-employed Bar down in to 'Chambers' and 'sole practitioners'.

Table 1.4 Time since Call: respondents to the survey and Bar population

| | No. respondents 2023 | Percentage respondents 2023 | Percentage respondents 2021 | Percentage respondents 2017 | Bar Population 2023 |
|---|----------------------|-----------------------------|-----------------------------|-----------------------------|---------------------|
| Young Bar New Practitioners (0-2 years) | 94 | 2.7 | 2.2 | 3.6 | 3.7 |
| Young Bar (3-7 years) | 391 | 11.1 | 13.5 | 11.0 | 13.9 |
| Middle Practice (8-12 years) | 491 | 13.9 | 14.8 | 14.9 | 13.4 |
| Middle Practice (13-17 years) | 496 | 14.0 | 13.9 | 28.72 | 14.1 |
| Middle Practice (18-22) years | 459 | 13.0 | 15.8 | | 13.7 |
| Later Practice (23 years or more) | 1,604 | 45.4 | 39.7 | 41.9 | 41.3 |
| All | 3,535 | 100.0 | 100.0 | 100.0 | 100.0 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Nearly half (45%) of respondents were from the later stages of their careers, compared with 41% of the population. There was also a difference in response patterns by sex, although this has narrowed slightly since 2021, with 47% of all respondents being female compared with 39% of the Bar population. The split of the whole Bar by sex has changed little in the last 10 years. In 2011 female barristers made up 37% of the whole Bar.

Again, some analysis of the impact of these disparities was conducted and there was little evidence that weighting the data altered the results significantly when compared with the unweighted data. We decided that the data should not be weighted as this provides for easier comparisons with previous years, more transparent reporting, as well as more easily interpreted data but, again, differences by stage of career and sex will be highlighted in the analysis in the following chapters where necessary.

Table 1.5 highlights a tendency for older barristers to be slightly more likely to respond to the survey than younger colleagues. This is typical of surveys of this nature and the differences are marginal, and slightly smaller than in 2021.

² In 2023 Middle Practice (13-21 years category) was split into two; 13-17 years and 18-22 years.

Table 1.5 Age band: respondents to the survey and Bar population

| | No. respondents 2023 | Percentage respondents 2023 | Bar Population 2023 |
|-------------------|----------------------------|-----------------------------------|---------------------------|
| 25 - 34 | 518 | 16.9 | 18.6 |
| 35 - 44 | 790 | 25.8 | 28.0 |
| 45 - 54 | 901 | 29.5 | 27.9 |
| 55 - 64 | 622 | 20.3 | 18.8 |
| 65 plus | 227 | 7.4 | 6.5 |
| Valid total | 3,058 | 100.0 | 100.0 |
| Prefer not to say | 67 | | |
| Missing | 410 | | |
| All | 3,535 | | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

This year the Bar Council supplied population data for the income band supplied at the most recent practising certificate renewal. It can be seen from Table 1.6 that there is a response bias in the data here whereby the population of barristers contains a higher proportion of lower income barristers than is the case among the respondents – 15% of all barristers declared an income of £30,000 or less but only 6% of respondents said their declaration was £30,000 or less. Smaller differences between respondents and the population, in the same direction, were apparent for those declaring incomes up to £90,000, while for those on higher incomes there were proportionally more in the response set than was the case in the population. Again, we tested weighting the data by income level but found it made little or no difference to the key variables, gender, type of practice and stage of career.

Table 1.6 Income band declared at practising certificate fee renewal: respondents to the survey and Bar population

| Income band | No. respondents 2023 | Percentage respondents 2023 | Bar Population 2023 |
|-----------------------------|----------------------|-----------------------------|---------------------|
| Band 1 £0-£30,000 | 199 | 5.7 | 15.0 |
| Band 2 £30,001-£60,000 | 358 | 10.3 | 11.1 |
| Band 3 £60,001-£90,000 | 482 | 13.8 | 14.7 |
| Band 4 £90,001-£150,000 | 935 | 26.8 | 21.8 |
| Band 5 £150,001-£240,000 | 679 | 19.5 | 15.5 |
| Band 6 £240,001-£350,000 | 324 | 9.3 | 8.1 |
| Band 7 £350,001-£500,000 | 204 | 5.9 | 5.2 |
| Band 8+ £500,001 and higher | 302 | 8.7 | 8.5 |
| Valid total | 3,483 | 100.0 | 100.0 |
| Missing | 52 | | |
| All | 3,535 | | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

The other main equality and diversity variables (i.e. ethnicity, sexuality and religious affiliation) have also been collapsed into broad groups, as the numbers of barristers in the minority groups are mostly not sufficient to enable further analysis. However, where there are large statistical differences in specific smaller groups, in particular specific ethnic minority groups, these will be reported in the commentary.

In summary, the data are broadly representative of the population but where differences in the data are reported by sector (employed/self-employed), stage of career and sex, there will be a marginal impact on the aggregate results for these particular questions.

1.4 Report structure

The following chapters report on the substantive sections of the questionnaire, highlighting differences between key employment break variables including area of practice, type of work (employed/self-employed), Junior/KC status, income banding, and reliance on publicly funded work. In addition, differences in response within key demographic variables (age, sex, ethnicity) and others including disability, sexuality and caring responsibilities and region will also be explored.

The report is divided into the following chapters, broadly following the structure of the questionnaire:

- Chapter 2: Employment and demographic profile of respondents.
- Chapter 3: Courts and tribunals: experiences of in-person/remote hearings.

- Chapter 4: Sustainability and the Bar Council's involvement in supporting progress toward net zero.
- Chapter 5: Wellbeing and work-life balance
- Chapter 6: Working hours and patterns.
- Chapter 7: Pro bono work.
- Chapter 8: Bullying, harassment, and discrimination.
- Chapter 9: Practice and career development.
- Chapter 10: Bar Council services.
- Chapter 11: Bar Council communications and marketing.

2 Respondents to the survey

This chapter summarises the respondents to the survey, presenting correlations between different employment and demographic variables to help understand the patterns of response to the main substantive sections of the survey. First, we look at the main correlations between the key demographic variables used in the survey, and we highlight where there are notable differences to figures reported in 2021.

2.1 Demographic profile

The data here are presented as summaries for each variable. In summary:

- 48% of all respondents were women.
- 43% were aged under 45 and 28% were 55 plus.
- 14% of all respondents were from ethnic minority backgrounds.
- Just under half of respondents indicated they had no religion and 44% said they were Christian.
- One in ten of all respondents said they were LGBTQ.
- One in five respondents (18%) said they have adult caring responsibilities and four in ten (37%) have caring responsibilities for a child.
- Two thirds (65%) of respondents indicated that they went to state schools (29% independent schools).

There was significant variation in the demographic make-up of different sub-groups of barristers and these are explored further below, alongside changes in the profession over time comparing demographics in this survey with those presented in previous BWL surveys, as well as comparing with the Bar Council's own statistics.

Appendix A.1 presents summary demographic data for each of the key variables, showing differences by sector (employed versus self-employed Bar), stage of career (in decades), stage of practice (Young, Middle, Later), age band, type and area of practice, region, Circuits, Specialist Bar Associations, Inns and income bands and KC/junior barristers.

2.1.1 Sex

As shown above, female barristers were more likely to have responded to the survey than male barristers. Just under a half of all respondents (47%) were female barristers (2% did not want to say). In 2017 the equivalent figure was 40%.

The key demographic differences between male and female barristers are:

- Female barristers were more likely to be in the younger age groups. Just 18% were aged over 54, compared with 37% of male barristers in the same age group. Conversely, 22% were aged under 35, compared with 12% of male respondents.
- Fewer female barristers were in their 'Later Practice' (23 or more years since call – 36% compared with 54% of male barristers). As might be expected given the above statistic, both these figures are slightly higher than in 2021 when the equivalent figures were 29% and 50%.
- Partly reflecting the above age profile, and partly societal norms, nearly half of female barristers (45%) were the main carer for children under the age of 18, compared with one in four male barristers (28%). Both these figures are slightly higher this year than in 2021.
- In addition, despite more male barristers being of an age that might suggest they were more likely to have elderly relatives to care for, more female barristers reported having regular caring responsibilities for elderly relatives or other adults with care needs (20%, compared with 16% of male barristers). As with childcare responsibilities both figures are slightly higher in 2023 than in 2021, perhaps suggesting that there is a gradual shift towards more barristers assuming caring responsibilities.
- More male barristers reported having been educated at independent schools than female barristers (41% and 31% respectively).
- There are no differences between male and female barristers in sexuality and religious affiliation.

Of all those who answered the question, fewer than 1% reported that the gender they identify with is not the same as the sex registered at birth, and 3% did not want to say.

2.1.2 Ethnic and religious composition of the Bar

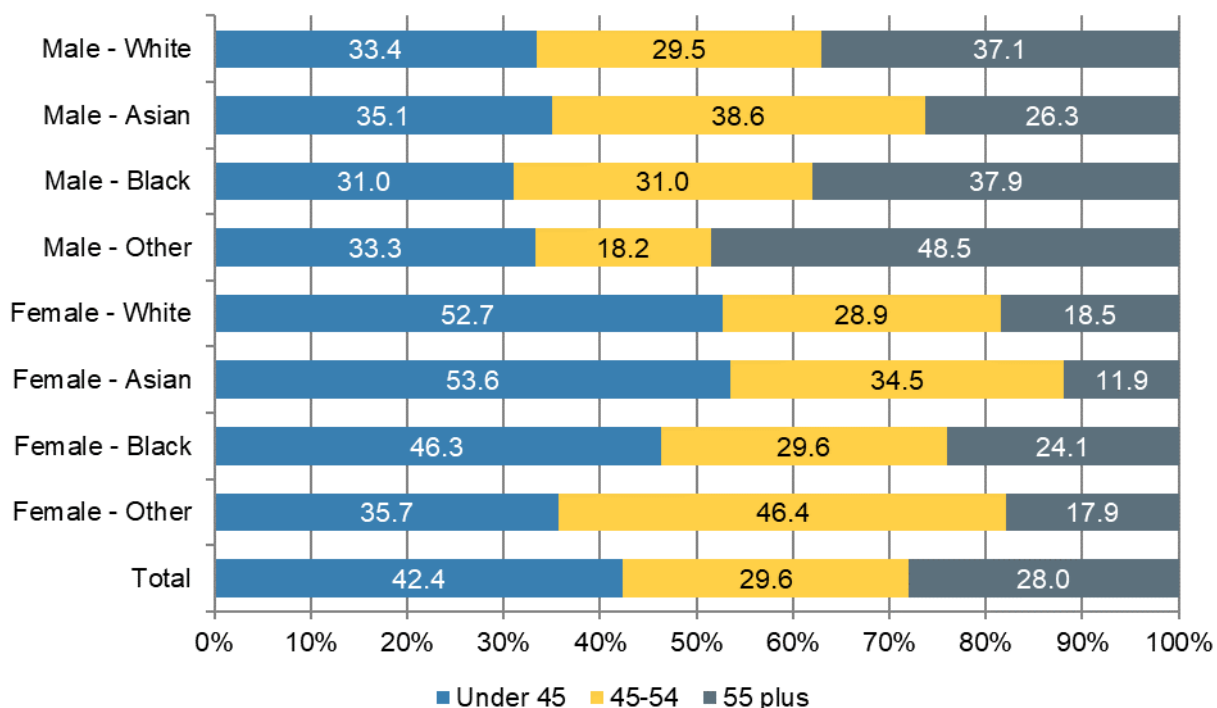
This sub-section summarises the key demographic differences for the main broad ethnic groups. Of those who answered the question, nearly nine in ten respondents identified as white (86%), 5% from Mixed backgrounds, 5% as Asian/Asian British, 3% black or black British and 2% as from other ethnic origins (3% did not want to report their ethnic origin). The largest ethnic minority group was Indian, which accounted for 2% of all respondents. These figures are almost identical to those reported in 2021 and 2017.

- As in 2021, reinforcing the reliability of the data, more black and black British barristers were female than across the whole profession (66%, compared with 47% of white barristers). Across all barristers from ethnic minority backgrounds, 58% were female.
- Slightly fewer barristers from ethnic minority backgrounds were aged 65 plus (3% compared with 8% of white barristers responding to the survey).
- Unlike 2021 when there were some differences in stage of practice between ethnic minority backgrounds and white barristers, this survey showed there to be no differences in the proportion at different stages of their practice – Young Bar, Middle or Later Practice.

- There is no significant difference between different ethnic minority groups in their likelihood to report being a main carer for a child under 18. However, many more Asian or Asian British respondents reported having adult caring responsibilities (30%) and 26% of all barristers from ethnic minority backgrounds had caring responsibilities for adults, compared with 17% of barristers from white backgrounds.
- Many more barristers from white backgrounds reported having no religious affiliation (47%, compared with 31% of barristers responding to the survey from ethnic minority backgrounds).
- In terms of education, more barristers from ethnic minority backgrounds reported being educated abroad or in international schools (10% compared with 5% of white barristers) and more were educated in non-selective state schools (42% compared with 37% of white respondents) while fewer were educated in UK independent or fee-paying schools (22% compared with 32% of white respondents).
- Looking at responses to the religious affiliation question, nearly half of barristers from ethnic minority backgrounds (47%) said they do not identify with any religion. This represents an increase from the figures reported in 2021 (45%) and 2017 (40%). This may reflect the higher proportion of younger respondents who did not report any religious affiliation (59% of those aged under 35). A similar, albeit lower than previous years, proportion (44%) said they were Christian, with the next largest groups being Jewish (4%) and Muslim (2%). Taken together, barristers reporting Buddhist, Hindu and Sikh religions amounted to 2% of the total.

The intersectionality of ethnicity and sex is an important differentiating characteristic at the Bar, and to this end a composite variable has been created that incorporates both variables. Appendix Table A1j summarises the key demographics of this composite variable.

Looking at the age of respondents, Figure 2.1 highlights the broad age profiles of male and female barristers of different ethnic groups, demonstrating that male barristers, and white males in particular, had an older age profile than female barristers.

Figure 2.1 Sex and ethnicity: age profiles (percentages)

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,963)

2.1.3 Age and the Bar

This section presents a brief summary of the demographic differences between the age bands included in the survey (under 35, 35–44, 45–54, 55–64 and 65 plus). Across all respondents, one in five – 17%, slightly fewer than in 2021 (20%) – were aged under 35, one in four (26%) were aged 35–44, 30% aged 45–54, 20% were between the ages of 55 and 64 and 7% were aged 65 plus. Comparing with the Bar Council records these figures were more or less the same as across the whole Bar. The demographics of respondents by age group are summarised in Appendix Table A1e.

Female barristers made up 48% of all respondents but just 40% of barristers responding to the survey aged 45 plus (48% of respondents aged 45–54, 37% of those aged 55–64 and 16% of those aged 65 plus). Given that female barristers have made up relatively higher proportions of the younger age groups in the Bar in previous surveys as well as this one, it would seem that attrition from the Bar in Middle and Later Practice is significantly higher among women than it is among men.

- One in four (28%) white respondents were aged 55 plus, compared with 21% of those from mixed origins, 18% from Asian/Asian British backgrounds and 30% of those from black or black British backgrounds and 34% of those from 'other' backgrounds.
- Older barristers in the survey were more likely to declare that they have a religious affiliation (64% of those aged 65 plus compared with 50% of those aged under 45).

- More barristers aged under 35 reported being LGBTQ (18% compared with declining proportions among the older age groups and just 4% of the 65 plus age group). Both these figures have increased slightly since 2021 (from 16% and 2% respectively).
- Older barristers responding to the survey were more likely to have attended UK independent schools – 34% of those aged 45 plus compared with 26% of those aged under 45. Among those aged 65 plus, 44% went to UK independent schools.
- One in four (25%) respondents aged 45 plus had adult caring responsibilities compared with 9% of those aged under 45. More of the over 44s now have adult caring responsibilities compared with 2021 when the figure was one in five (20%).
- Barristers aged 35-44 and those aged 45-54 were most likely to have childcare responsibilities (respectively: 60%, up from 54% two years ago; and 54% up from 49% two years ago). This compares with 37% across all respondents and just 12% of those aged 55 plus and 13% of those aged under 35.

Table 2.2 shows how the key demographics of the Bar have changed over time, showing cohorts of barristers by when they were called to the Bar.

Table 2.2: Decade in which Called to the Bar: key demographics³

| | Female | Eth. Min. ⁴ | No religion ⁵ | LGBTQ | Independent school ⁶ | Disability ⁷ | Main child carer ⁸ | Adult carer ⁹ | Base N= ¹⁰ |
|------------------------|-------------|------------------------|--------------------------|------------|---------------------------------|-------------------------|-------------------------------|--------------------------|-----------------------|
| Pre-1990 | 24.2 | 10.0 | 35.8 | 5.3 | 45.5 | 8.1 | 7.6 | 25.9 | 494 |
| 1990 to 1999 | 42.1 | 15.8 | 43.8 | 6.5 | 41.3 | 10.6 | 39.4 | 25.9 | 992 |
| 2000 to 2009 | 57.2 | 14.2 | 47.9 | 8.8 | 36.0 | 10.3 | 59.6 | 16.6 | 985 |
| 2010 to 2019 | 55.6 | 15.6 | 55.7 | 15.0 | 28.4 | 11.9 | 28.1 | 9.0 | 936 |
| 2020 to 2023 | 62.7 | 15.0 | 54.6 | 17.3 | 25.3 | 13.4 | 12.0 | 4.9 | 128 |
| All respondents | 48.1 | 14.5 | 47.3 | 9.5 | 36.3 | 10.6 | 36.8 | 18.2 | 3535 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

³ Percentages of key demographics listed. All the subsequent tables use the same categories. The data here serves the purposes both of quantifying the demographic and employment composition of respondents as well as pointing to variables that are correlated to inform subsequent analysis of differences between groups of respondents.

⁴ Ethnic minorities (Eth. Min): see Table A1j for more detail on this broad group and its constituent demographics.

⁵ Barristers identifying as not having a religious affiliation.

⁶ Respondents indicating they were educated at an independent school at secondary level as opposed to state school educated (selective and comprehensive).

⁷ Respondents reporting that they have a disability according to the definition of the Equality Act 2010.

⁸ Barristers that report being the primary carer for a child/children under the age of 18.

⁹ Barristers indicating that they have a caring responsibility of at least an hour a week for an adult (or relative) with long-term physical or mental health needs.

¹⁰ The base is based on the maximum number of respondents i.e. by area of practice.

Appendix Table A1d contains summaries of the demographic distributions across the different stage of practice categories.

2.1.4 Other characteristics

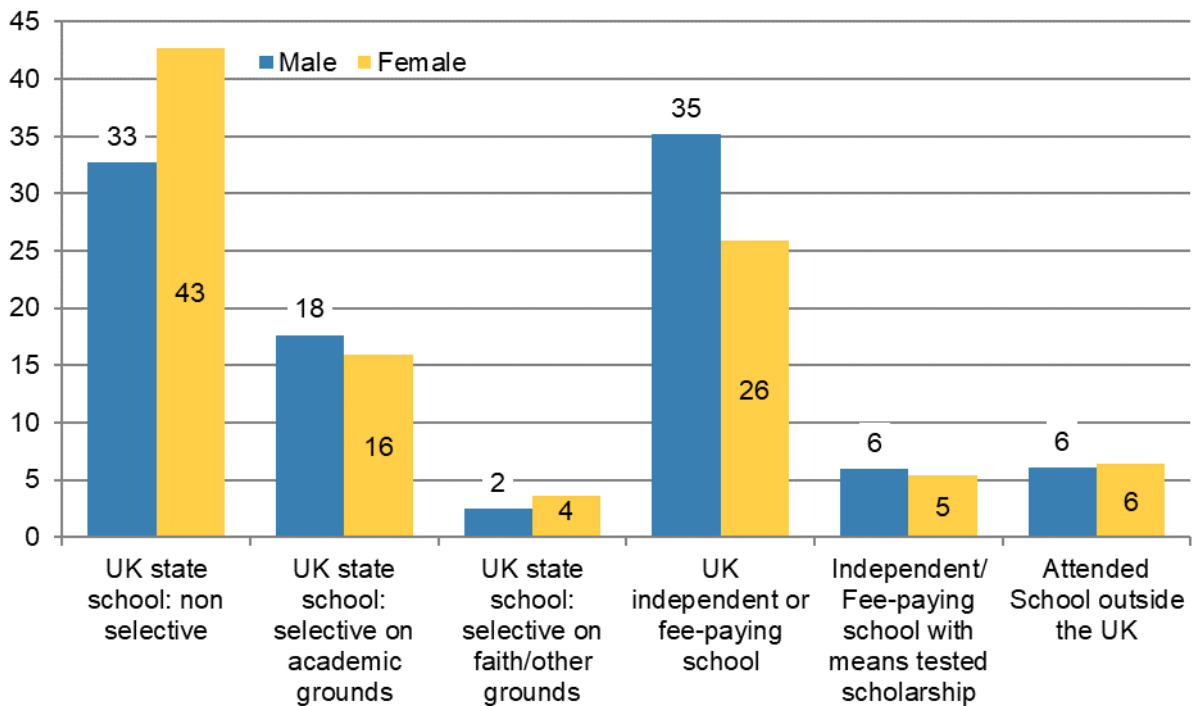
Nine in ten (91%) respondents to the question on sexuality indicated they were straight or heterosexual, 4% gay man, 4% bisexual, 1% gay woman/lesbian, 1% 'other' and 7% preferred to not say. These figures are more or less the same as in 2021 following gradual increases in numbers reporting they were not heterosexual between 2011 and 2021, driven by increases in numbers from younger age groups who were more inclined to report that they were not straight/heterosexual. This pattern might have plateaued out now.

In 2021 the question on schooling was altered to differentiate between respondents who had been to selective schools and those who went to independent schools on a bursary compared, respectively, with all those attending state and independent schools. It is worth noting here that female barristers included in the survey were more likely to have attended state schools than male barristers (62% compared with 53% of male barristers), although this gender difference has narrowed slightly since 2021 – 64% and 51% respectively).

One in five (19%) of those who provided an answer said they went to a selective (on academic, faith or other grounds) UK state school, 37% (32% in 2021) went to non-selective UK state schools, 6% went to a UK independent school with a bursary, and a third (30% - up from 24% two years ago) went to a UK independent school with no bursary. Other schools, including those outside the UK, were attended by 6%, and 3% preferred to not say.

There are correlations with stage of practice/age. Fewer Young Bar (28%) went to independent state schools, compared with 42% of those in Later Practice.

Figure 2.2 Secondary school background by sex (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,782)

One in nine (11%) respondents had a disability. This figure is more or less the same as that recorded by the Bar Council database (8% of those providing information).

A third of respondents (36%) were the primary carer for a child aged under 18 (slightly higher than the 32% of those providing information direct to the Bar Council), and around one in five (18%) had regular caring responsibilities for adults. Both of these figures for caring responsibility were slightly higher than those recorded in 2021. The demographic profile of different sections of the Bar are summarised in the tables contained in Appendix A.

2.2 Employment profile

This section looks first at the main employment variables, then at demographic differences in where and how barristers are employed and the correlations between them. This helps to provide a biographical context to underpin the findings from the more substantive sections of the survey.

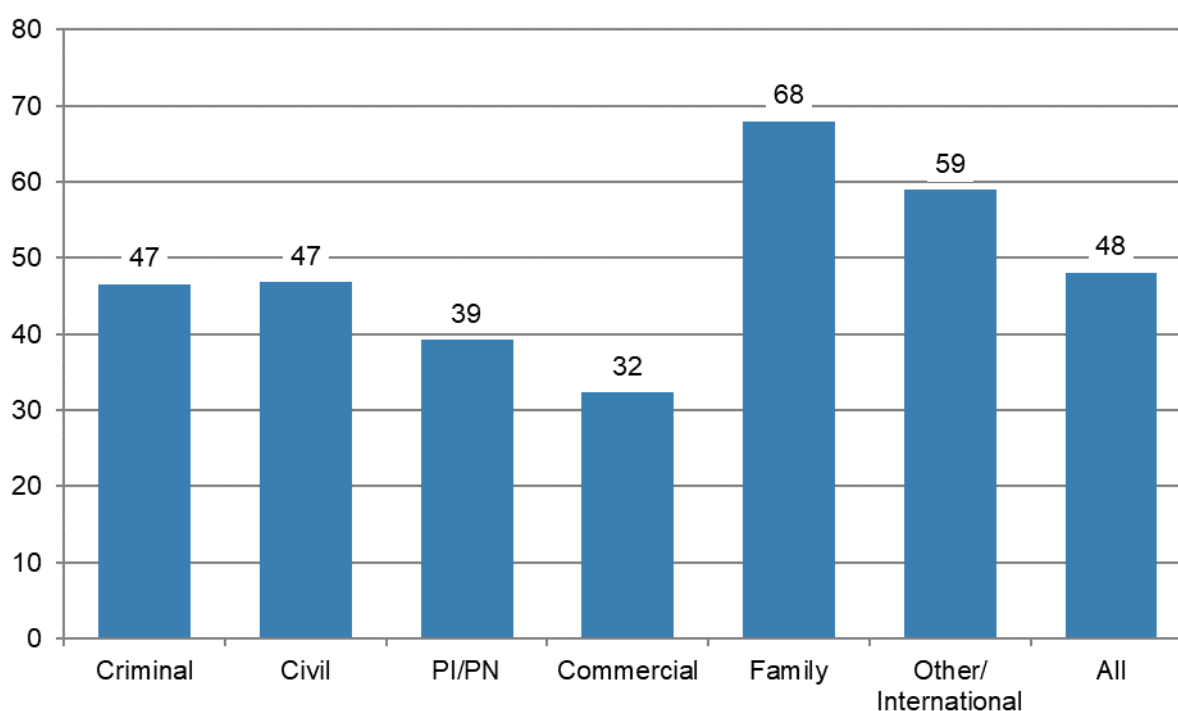
2.2.1 Area of practice

One in four (27%) respondents to the survey worked in criminal practice, the largest area of practice. One in five (22%) worked in civil practice (including admiralty, arbitration, construction, defamation, employment, immigration, intellectual property, landlord and tenant, licensing, other common law, planning, public law and revenue). One in five (21%)

worked in family practice (children and other), 17% worked in commercial (including chancery, competition, and insolvency) and 11% worked in personal injury or professional discipline/negligence. A further 2% worked in other or international fields of practice. These figures are almost identical to those reported in 2021 and more or less the same as those collected by the Bar Council in their population statistics. Appendix Tables A1b and A1c contain summaries of the demographic distributions across the main areas of practice.

Difference between respondents in where they worked was correlated most strongly with sex and schooling – again the same correlations as in 2021. Female barristers were much less likely to work in commercial areas of practice; just a third (32%) of respondents in this area are female, compared with 48% of all respondents – and they were much more likely to work in family practice, where 68% of respondents are female. Female respondents were represented in civil (47%), criminal (47%), personal injury/professional discipline & negligence (PI/PN) (39%) areas of practice in similar proportions to the average across respondents from the whole of the Bar.

Figure 2.3 Area of practice: proportion of female barristers (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,043)

Four in ten barristers (37%) who worked in commercial practice were educated in independent schools, compared with one in four of those respondents who worked in criminal (24%) and family practice (30%). Among respondents to the survey there has been a reduction in numbers working in commercial practice and crime from independent schools from (42% and 33% respectively in 2021).

Respondents who worked in civil practices were more likely to have disabilities (16%, the same as in 2021) than barristers who worked in all other areas of practice (9%). Finally, partly because more commercial barristers were male, barristers who worked in this area of practice were less likely to have the main childcare responsibility than barristers who worked in other areas. Further detail is provided in Appendix Tables A1b and A1c.

There is little difference in where the Young Bar are employed, being distributed across the main areas of practice in similar proportions to the other stages of practice.

2.2.2 Type of employment

Barristers were classified as 'employed' or 'self-employed – Chambers' or 'self-employed – Sole Practitioner'. Very few barristers (1%) worked in both employed and self-employed roles – similar to the national Bar Council statistics (3%). Overall, 10% of respondents said they worked at the employed Bar, 87% self-employed (Chambers), and 2% self-employed (sole practitioners). Appendix Table A1a contains summaries of the demographic distributions by type of employment.

Table 2.1: Broad area of practice by type of work (row percentages)

| Area of practice | Employed | Self-employed (Chambers) | Self-employed (Sole Practitioner) | Both employed/ Self-employed | Base N= |
|------------------------|------------|--------------------------|-----------------------------------|------------------------------|--------------|
| Criminal | 12.0 | 84.0 | 3.0 | 1.0 | 921 |
| Civil | 14.1 | 80.9 | 2.4 | 2.7 | 776 |
| PI/PN | 5.9 | 92.8 | 0.5 | 0.7 | 420 |
| Commercial | 11.0 | 86.6 | 1.2 | 1.2 | 571 |
| Family | 1.7 | 95.9 | 1.8 | 0.7 | 699 |
| Other/International | 26.4 | 63.9 | 4.2 | 5.6 | 88 |
| All respondents | 9.8 | 86.8 | 2.1 | 1.4 | 3,475 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

There were fewer barristers who worked in family practice and personal injury/professional negligence at the employed Bar, but otherwise the distribution of respondents between the different types of employment was similar by area of practice.

Fewer barristers early in their careers, the Young Bar, were self-employed working as sole practitioners – just 1% compared with 14% across the whole Bar being at this stage of career. Working independently as a Sole Practitioner would seem to be a later stage career move with 74% of sole practitioners being in Later Practice (23 years into their careers or more). Sole practitioners were also more likely to have reported having a disability than other respondents (20% compared with 8% of barristers working in Chambers and 15% of those in employed practice). There was a higher likelihood of female barristers working in employed practice (51%), while more male barristers worked as sole practitioners or both employed and self-employed.

Barristers from ethnic minority origins were significantly more likely to be working as sole practitioners or both self-employed and employed (29% and 43% respectively, compared with 14% across barristers who are either employed or in chambers).

Among the employed Bar, one in five (21%) respondents were working in solicitors' firms (26% in 2021). One in five (18%) were working for the Crown Prosecution Service (CPS), 16% for the Government Legal Profession (GLP, formerly the GLS) and 17% elsewhere in the public sector. Just 5% were working for professional, membership or regulatory bodies, 4% in BSB-regulated entities (including Alternative Business Structures (ABS)), and 2% were employed in charitable, voluntary or third sector organisations.

Employed barristers at the Young Bar were more likely to be working in solicitors' firms (27%) while those in Later Practice were more likely to be at the CPS (18%). More than half (58%) of barristers employed in criminal practice are working at the CPS, while 34% of those in civil practice are employed at the GLP. A third (30%) of those working in commercial practice worked in solicitors' firms and 41% worked in other private sector organisations. There were insufficient numbers employed in other areas of practice to assess the distribution across different employer types.

2.2.3 Region and circuits

Respondents were asked to indicate which region their practice was MOSTLY based in. There was a higher rate of non-response to this question than to others about work/employment, which suggests that some respondents found it difficult to indicate one region because their practice is national or in more than one region. Appendix Table A1f presents summaries of the demographic distributions across the different regions.

Table 2.2: Region of practice by area of practice (percentages)

| Region | Criminal | Civil | PI/PN | Commercial | Family | Other/Int'l | All respondents |
|-----------------|------------|------------|------------|------------|------------|-------------|---------------------|
| Wales | 2.6 | 0.4 | 1.2 | 1.0 | 3.3 | 0.0 | 1.8 |
| North East | 9.4 | 4.3 | 6.6 | 1.4 | 6.7 | 10.3 | 6.1 |
| North West | 11.3 | 5.4 | 19.1 | 6.0 | 12.0 | 6.9 | 10.1 |
| Yorks. & Humber | 4.5 | 2.1 | 3.9 | 1.2 | 4.5 | 1.7 | 3.3 |
| West Midlands | 6.2 | 2.4 | 3.6 | 3.0 | 5.1 | 3.4 | 4.3 |
| East Midlands | 3.3 | 1.2 | 3.3 | 0.8 | 6.7 | 1.7 | 3.1 |
| South West | 6.9 | 3.0 | 8.1 | 5.6 | 9.1 | 0.0 | 6.3 |
| South East | 33.1 | 14.9 | 14.9 | 8.4 | 22.5 | 3.4 | 20.4 |
| East of England | 1.3 | 0.6 | 0.3 | 0.4 | 3.2 | 1.7 | 1.3 |
| Greater London | 21.0 | 62.7 | 39.1 | 67.6 | 26.8 | 55.2 | 41.5 |
| Europe | 0.1 | 0.7 | 0.0 | 1.4 | 0.0 | 6.9 | 0.6 |
| Other overseas | 0.3 | 2.2 | 0.0 | 3.2 | 0.2 | 8.6 | 1.3 |
| <i>Base N=</i> | <i>873</i> | <i>671</i> | <i>335</i> | <i>500</i> | <i>627</i> | <i>58</i> | <i>3,064</i> |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Just under two thirds (62%) of barristers worked in London and/or the South East, with 68% of commercial practice barristers based in Greater London. This year there was no option for barristers to indicate that they worked in more than one region or pan-nationally, so the figures are not directly comparable with 2021.

Demographic data on Circuits, Inns and Specialist Bar Associations are included in Appendix Table A1i.

2.2.4 King's Counsel (KC) – Silk

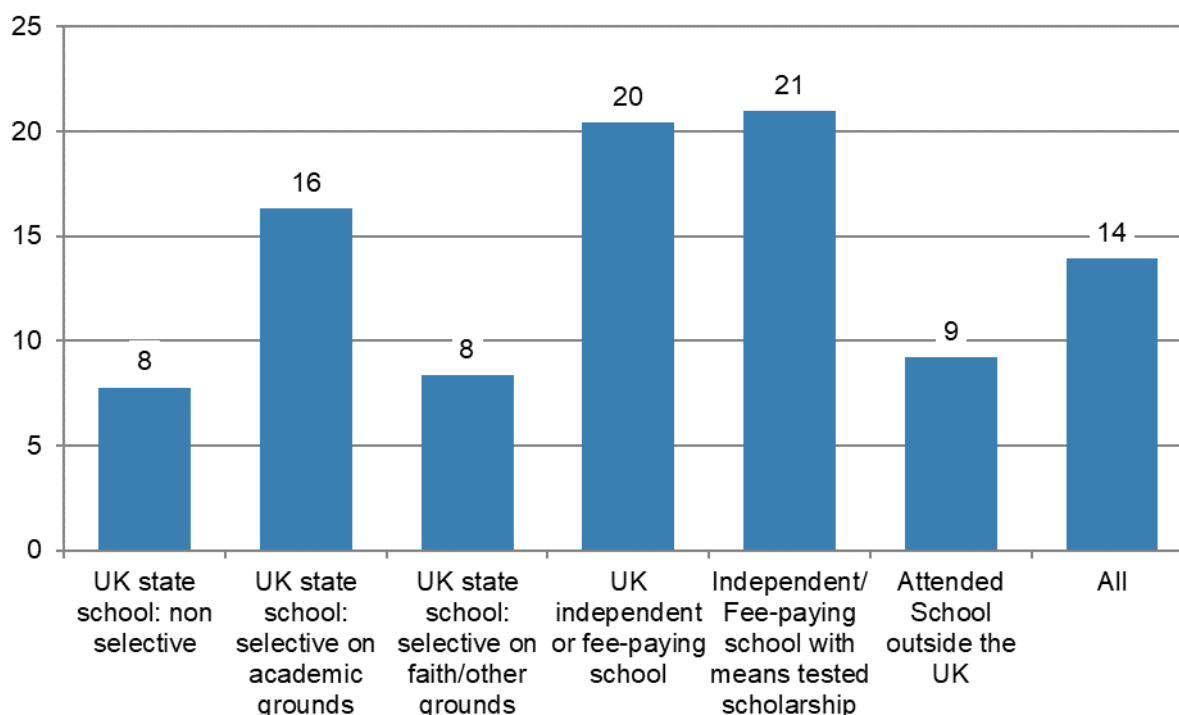
Across all barristers who responded to the survey, 14% were King's Counsel having obtained Silk, the same figure as reported from the 2021 survey as Queen's Counsel. A further 6% were not KCs but hoped to be in the next two years and four in five (80%) were not KCs. The demographics of respondents by Silk status are summarised in Appendix Table A1g.

Three in ten (27%; 29% in 2021) respondents in Later Practice (23 years or more) were Silks compared with 10% of those in Middle Practice (18–22) years and 2% of those in Middle Practice (13–17 years), and among those 12 years or less into their careers, fewer than 1% had obtained Silk. Just over one in five of those respondents in commercial practice (22%) were Silks compared with 17% of those in civil practice, 12% in criminal, and 16% of those in PI/PN, and just 7% of barristers who worked in family practices.

The low proportion of barristers achieving Silk in family practice was not connected with stage of career, as 42% of barristers in family practices had been in the profession for 18 years or more, compared with 29% of those working in commercial areas of practice, similar to the other areas of practice. It may, however, be connected with sex, as just 10% of female barristers had achieved Silk, compared with 18% of male barristers; and female barristers were more likely than male barristers to be employed in family practice (29% compared with 13% of male barristers).

However, female barristers were on average younger than male barristers, but even controlling for age and experience, it was noticeable that female barristers were still disadvantaged; for example, 31% of male barristers in Later Practice were KCs, compared with 22% of female barristers in the same bracket. This disparity between male and female barristers was also similar across all 45 plus age groups. There was no difference in the distribution of Silks by ethnicity, religious affiliation, or sexuality.

Another key variable, though, is schooling. Nearly twice as many barristers educated at independent schools had achieved Silk (21%), compared with those educated at state school (12%). This difference is also apparent for different types of state school (selective/comprehensive) and independent school (bursary/fee paying); see Figure 2.4.

Figure 2.4 King's Counsel by type of school attended: percentages

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,822)

2.2.5 Income bands

Respondents were asked to provide details, as per their declaration at their Practice Certificate fee renewal (authorisation to practise) in 2023, of their income bands.¹¹ These are categorised as: up to £30k; £30–60k; £60–90k; £90–150k; £150–240k; £240–350k; £350–500k; £500–750k; £750k–1m and more than £1m.

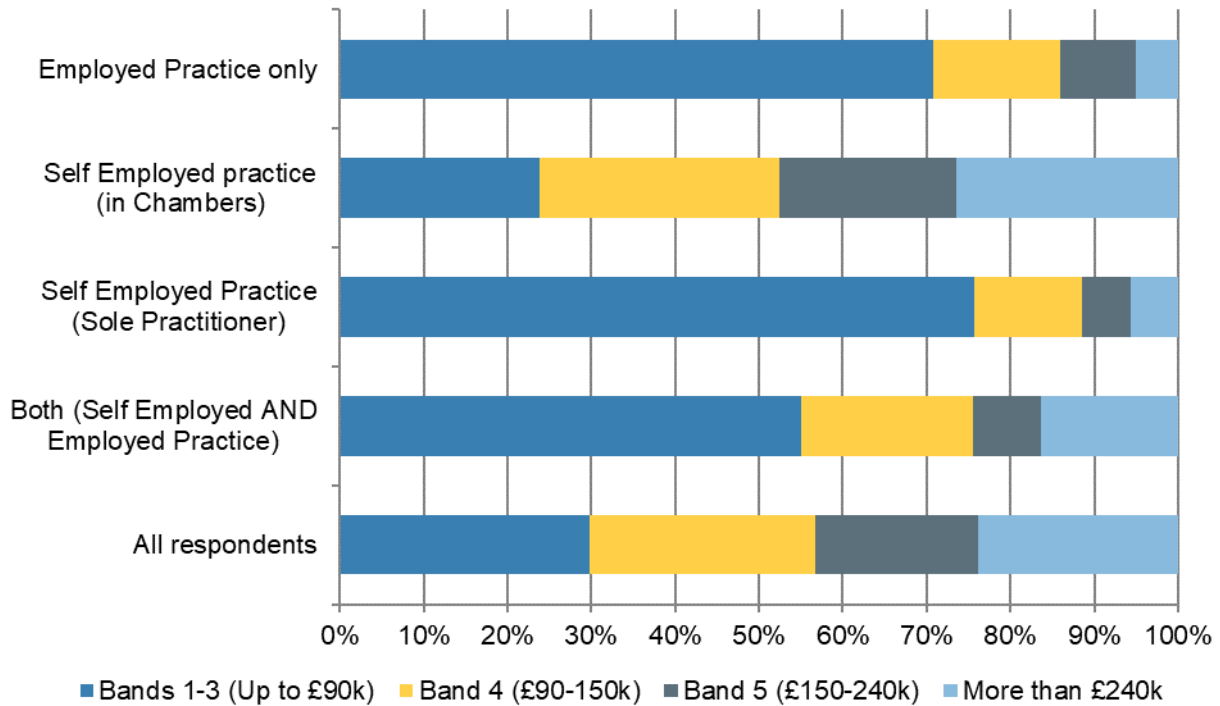
Just 5% of respondents earned up to £30,000 per annum, 10% declared their income in the £30–60k bracket, 14% £60–90k, one in four (27%) £90–250k, 20% £150–240k, 10% £240–350k and 6% more than £350–500k – 9% declared more than £500k. Appendix Table A1h presents demographic breakdowns by income band, while summary tables for income bands by type of work, area of practice and stage of practice are shown in Appendix Tables A2a-c.

The main variables that were correlated with income band were area of practice, years in practice, sex, and schooling. All these variables were correlated strongly with income band, even when controlling for years in practice. For example, in commercial practice, looking only at those with more than 17 years in practice, 51% of female barristers earned

¹¹ For the one-fifth of barristers who are employed, 'income' refers to their gross income before tax and national insurance etc. For the four-fifths of barristers who are self-employed, their 'income' is their total fee income (excluding VAT) before they pay the costs of their chambers, which is estimated to typically take between 20% and 40% of their income, and other costs of self-employment such as professional insurance and pensions.

more than £240,000 compared with 63% of male barristers. Furthermore, looking only at male barristers in commercial practice for more than 17 years, 51% of those who were educated in state schools earned more than £240,000, compared with 59% of those who went to independent schools. However, it is worth noting that in both gender and type of education the gap between male and female and state and independent schools has narrowed slightly.

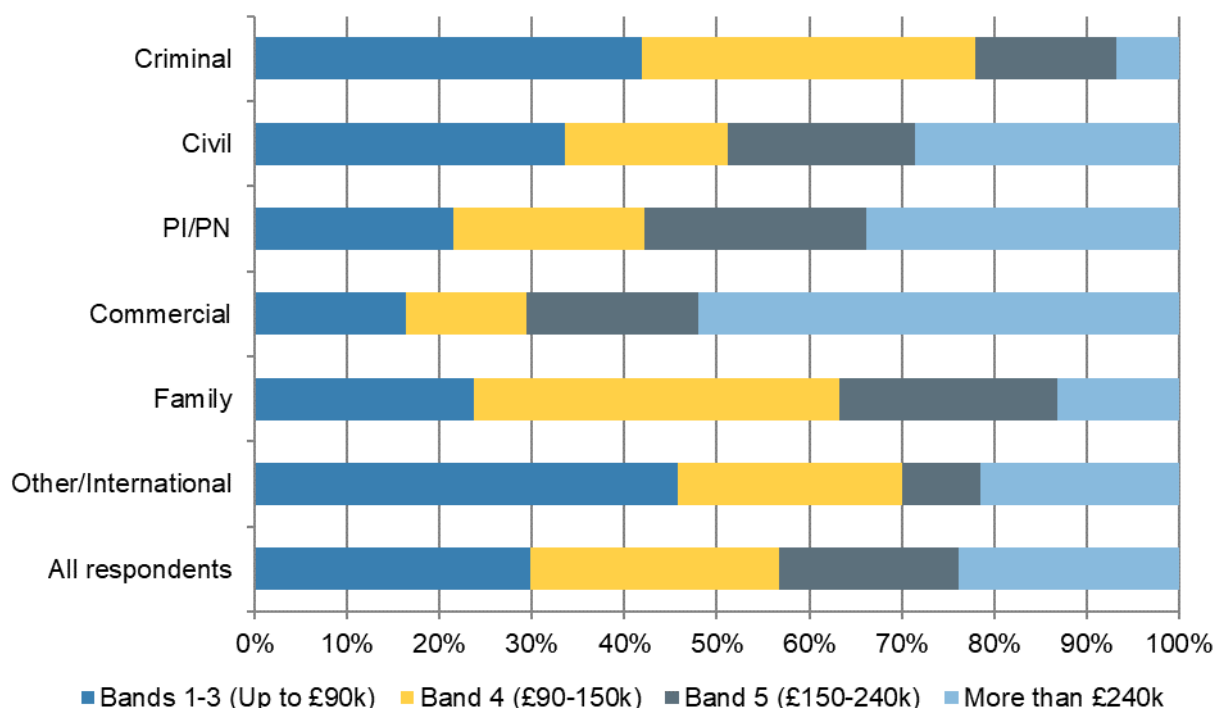
Figure 2.5 Income bands by type of employment (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,483)

Figure 2.5 summarises the income data by type of employment and Figure 2.6 summarises them by broad area of practice. Three quarters of all respondents who indicated that they work as sole practitioners said they earn less than £30k per year. Nearly the same proportion of those working as employed barristers earn that figure (71%), while just one in four of those working in chambers earn less than £30k per year and one in four earn more than £240k.

Four in ten (42%) barristers working at the Criminal Bar are earning up to £30k per year, compared with a third (34%) of those working in civil areas of practice, one in four (24%) of those in family practice, one in five (22%) of those in personal injury or professional negligence (PI/PN) and fewer than one in six (16%) of those in commercial practice.

Figure 2.6 Income bands by area of practice (percentages)

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,483)

This year the survey asked respondents to provide their hourly rate for work which is charged in this way. Of those who responded, 13% said that they don't charge an hourly rate for their work. These barristers were primarily in the employed Bar where 57% did not charge an hourly rate. One in four (24%) of the Criminal Bar did not charge an hourly rate. Aside from experience, as measured by years since call, and age, the main variables that are correlated with the level of hourly rate are area of practice, gender and type of schooling, all similar to the data presented above. Looking only at those who charge an hourly rate for their work, four in ten (43%) of respondents at the Criminal Bar charge £100 or less, compared with less than 10% of all the other main groups and just 2% of those who worked in commercial areas of practice.

The differences between men and women in the hourly rate charged for work was widest in civil and commercial practice and narrowest in family. Four in ten (38%) men in commercial practice charged £400 per hour or more compared with 20% of women. In the Criminal Bar the differences were more apparent at the lower end of the scale where a half (51%) of women charged less than £100 per hour compared with 35% of men.

When looking at schooling there was little or no overall difference between independent and state schooled respondents in family, PI/PN and criminal practice, but a significant gap by type of schooling in civil and commercial practice, particularly at the higher-earning levels. For example, 43% of barristers working in commercial practice charged more than £400 per hour compared with 26% of barristers who were state school educated and working in these areas of practice. A similar difference was apparent in civil practice (25% and 15% respectively).

3 Courts and tribunals: experiences of in-person/remote hearings

The Covid-19 pandemic resulted in a significant change in ways of working in many sectors. The Bar was not immune to this change, and indeed the repercussions for ways of working have continued in the year or so since restrictions were lifted, as the justice system seeks ways to alleviate the backlog of cases and hearings. Since working lives have started returning to 'normal' there has been some debate within the Bar around the future use of remote and hybrid hearings, with some wanting them to be retained, and even extended, while others would like to see in-person hearings return as the norm and many seeing a mix as being appropriate. This section of the survey sought to collect barristers' experiences of working in the justice system remotely and their views of how effective different modes of working have been in the last 12-24 months.

3.1 Experience of in-person/remote hearings

Nearly nine in ten (86%) of all respondents had attended a court or tribunal *in person* in the three months prior to the survey. And two thirds (64%) had attended a court or tribunal *remotely* in the previous three months. Just 10% had neither attended in person or remotely. Six in ten (60%) of all respondents had attended a court and/or a tribunal both in person and remotely in the three months prior to the survey.

Barristers working at the employed Bar (24%) were much less likely than those in chambers (69%) to have attended hearings or tribunals remotely. Those respondents working in personal injury/professional discipline and family areas of practice were most likely to have conducted remote hearings/tribunals (80% and 77% respectively, compared with 61% of those working at the Criminal Bar, 58% of those in civil practice and 54% of those in commercial). The variable most strongly correlated with participation in remote hearings/tribunals, however, was age (Table 3.1).

Three quarters (78%) of barristers under the age of 35 had attended a court/tribunal remotely compared with 68% of those aged 35-44, 65% of the 45-54 group, 57% of 55–64-year-olds and 48% of those aged 65 plus.

The age disparity was widest among barristers working in civil practice where 77% of those aged under 35 had attended court/tribunals remotely compared with 32% of those aged 65 plus.

Table 3.1: Court attendance *in person* and *remotely* by age group (percentages)

| | Age group | | | | | All respondents |
|------------------------------|------------|------------|------------|------------|------------|-----------------|
| | 25-34 | 35-44 | 45-54 | 55-64 | 65 plus | |
| Both remote and in person | 76 | 64 | 61 | 53 | 42 | 61 |
| In person only | 17 | 22 | 26 | 32 | 31 | 25 |
| Remote only | 2 | 5 | 4 | 4 | 5 | 4 |
| Neither remote nor in person | 5 | 10 | 9 | 11 | 22 | 10 |
| <i>Base N=</i> | <i>516</i> | <i>780</i> | <i>884</i> | <i>602</i> | <i>212</i> | <i>2,994</i> |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

The comments concerning remote hearings and the current operation of courts and tribunals highlighted some regional differences. Table 3.2 shows the proportion of respondents based in each area that have attended court in person or remotely in the three months prior to the survey.

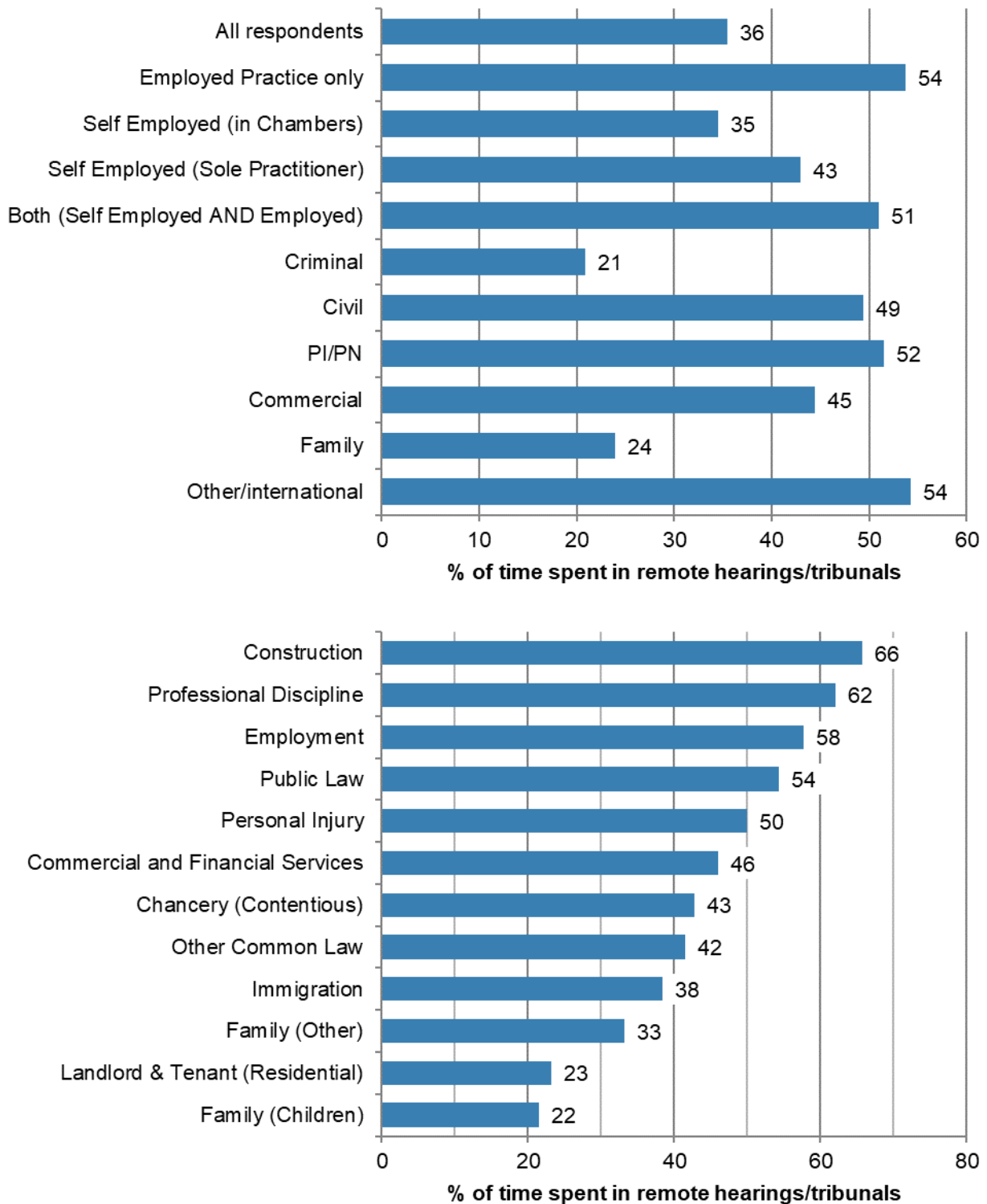
Table 3.2: Court attendance *in person* and *remotely* by region (percentages)

| | Both remote and in person | In person only | Remote only | Neither remote nor in person | <i>Base N=</i> |
|--------------------------|---------------------------|----------------|-------------|------------------------------|----------------|
| Wales | 68 | 20 | 4 | 9 | 54 |
| North East | 69 | 24 | 2 | 5 | 187 |
| North West | 71 | 23 | 2 | 4 | 303 |
| Yorkshire and the Humber | 74 | 13 | 5 | 8 | 100 |
| West Midlands | 79 | 18 | 1 | 3 | 128 |
| East Midlands | 75 | 18 | 2 | 5 | 93 |
| South West | 67 | 25 | 2 | 6 | 190 |
| South East | 61 | 29 | 2 | 8 | 602 |
| East of England | 56 | 23 | 5 | 15 | 38 |
| Greater London | 54 | 26 | 6 | 14 | 1252 |
| All respondents | 61 | 25 | 4 | 10 | 2,999 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Of the respondents (2,155 cases) who had attended a court or tribunal in the previous three months, both in person *and* remotely, the average proportion of total *hearing time* that was conducted remotely was 36%. This varied considerably for different areas of practice with less time in criminal (21%), landlord and tenant (23%) and family (24%) hearings/tribunals conducted remotely than in other areas of practice, in particular construction (66%), professional discipline (62%) and employment, public law and personal injury where more than 50% of hearing/tribunal time was undertaken remotely.

Figure 3.1 Mean % of time spent in remote hearings by status and practice area (top chart), and by selected area of practice (bottom chart)



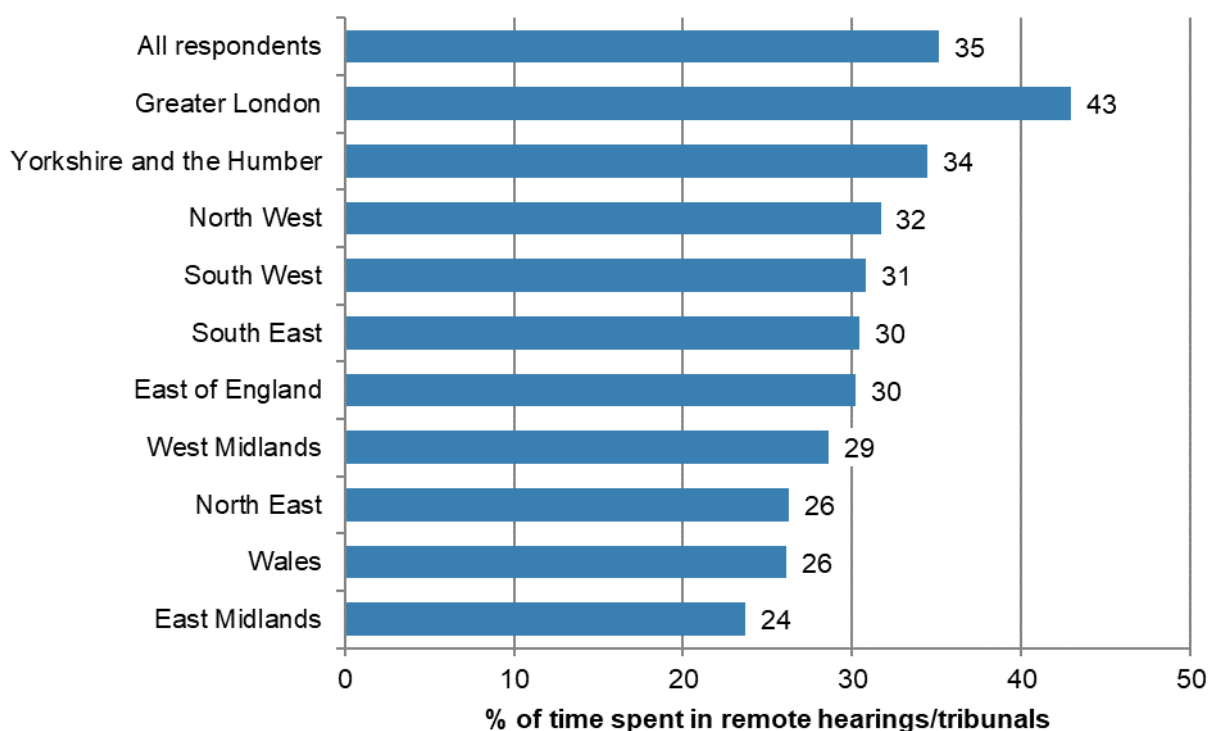
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,183, practice areas N>30)

Although barristers in the employed Bar were less likely to have undertaken remote hearings/tribunals, those that did spent more than half their total tribunal/hearing time remotely (54%), compared with 35% of the time spent this way by barristers in chambers.

There was no difference by any of the other demographic variables in either likelihood of having attended courts/tribunals remotely or the proportion of hearing time having been conducted remotely.

A number of respondents commented on the move away from remote hearings by some courts in certain regions. Figure 3.2 shows that there is some variation in the average proportion of time spent in remote hearings by barristers working mainly in each region. It shows that remote hearings are more prevalent in Greater London than all the other regions and particularly compared with those working in the East Midlands, Wales and the North East (this will be largely as a result of more commercial and civil hearings being conducted in Greater London than in other areas (see Table 2.2)).

Figure 3.2 Mean proportion of time spent in remote hearings/tribunals by region

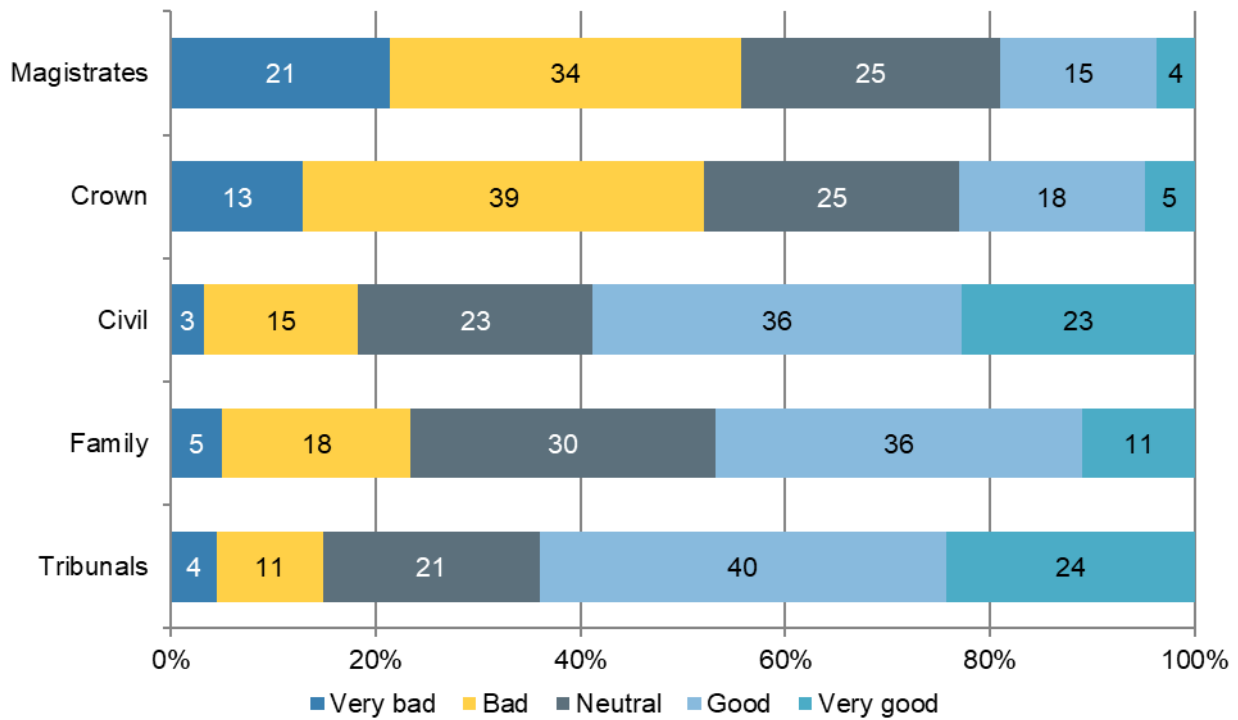


Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=1,913)

Respondents were asked for their views as to how the court system was functioning when they had used it in the three months prior to the survey. They were asked to give their views on each of the different court systems they have used; magistrates, crown, civil, family and tribunals.

More than half of all respondents who have attended magistrate and crown courts in person reported that they feel the system was working very badly or badly (56% and 52% respectively). Views of how the other three court systems were functioning *in person* were more positive with approximately six in ten respondents indicating they were good or very good (Figure 3.3).

Figure 3.3 Views of how the court systems function *in person* (percentages)

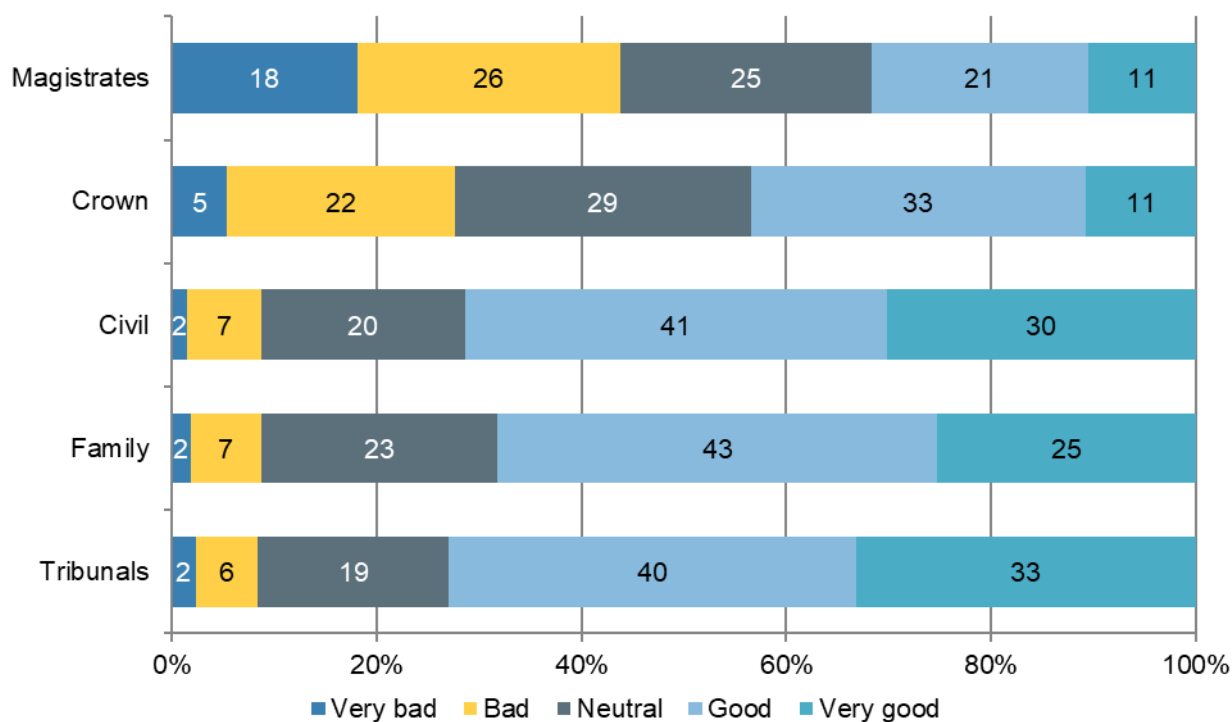


Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023

Barristers early in their career were more likely to respond negatively in relation to the in-person functioning of magistrates’ courts. More than two thirds (68%) of the Young Bar said that the courts were functioning badly or very badly in this regard. This compares with 57% of those in Middle Practice and 44% of barristers in Later Practice. A similar difference was apparent with responses to the civil courts but otherwise there was little difference by stage of career.

Across all the court systems there was a pattern of response whereby those barristers reporting higher hourly rates of £400+ per hour were more likely to respond positively saying the court system was good or very good. In particular this was the case in the operation of civil courts – 36% of those charging up to £100 per hour said the in-person civil court system was good or very good compared with 51% of those charging £101-200, 55% of those charging £201-300, and up to 78% of those charging more than £400 per hour.

Unfortunately, there weren’t quite sufficient numbers of cases to conduct analysis by region and the only area where there was a clear, significant correlation by circuit was in the South East circuit where family courts attended in person were seen as good/very good by 35% of respondents compared with 50% of all others.

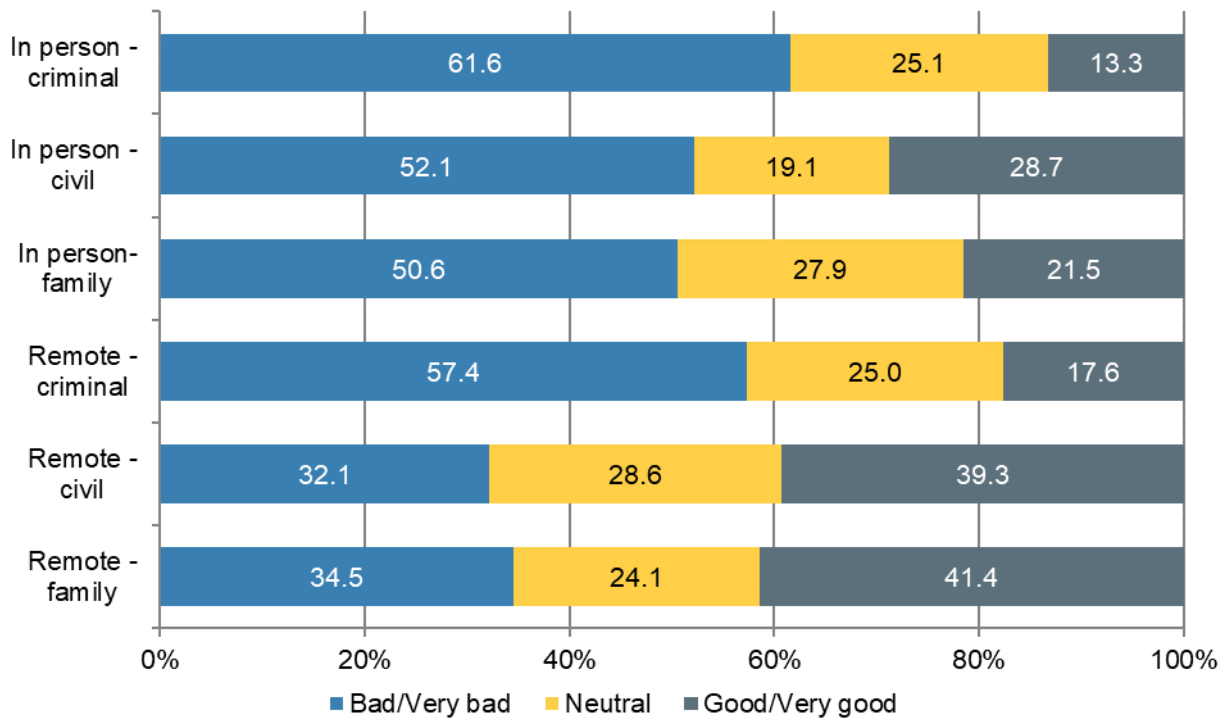
Figure 3.4 Views of how the court systems function *remotely* (percentages)

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Looking now at views of how remote hearings are functioning in the courts and tribunals, Figure 3.4 summarises the responses from barristers for each of the five different systems. Views are generally more positive for each of the five systems. The differences in response were widest for the crown and family courts. For crown courts 23% of respondents said their experiences of how the system was operating *in person* were good or very good compared with 45% responding this way when considering how they were working *remotely*. The equivalent difference in the family court system was 47% and 68% indicating their experience was good or very good.

For magistrates' courts there was a significant difference in opinion in how the system was working remotely between family practice barristers and those working in crime. Nearly six in ten (57%) of those working in crime felt their experience was bad or very bad compared with 35% of those working in family practice. Conversely, 41% of those working in family practice said their experience was good or very good compared with just 18% of those working in crime.

Figure 3.5 Views of how the magistrates’ court systems function (percentages)

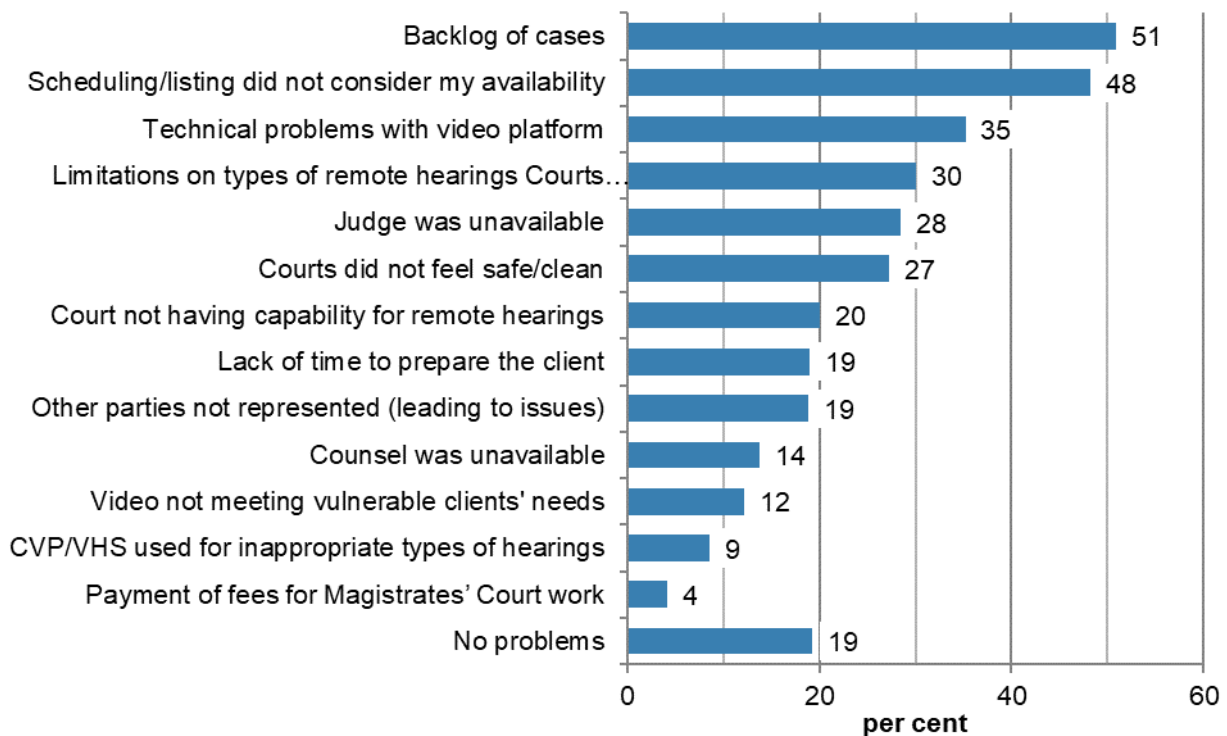


Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023

3.2 Problems experienced attending court/tribunals

Next, respondents were asked to indicate if they had experienced problems with attending courts/tribunals in the three months prior to the survey. A list of 13 possible items were presented against which respondents indicated if they had experienced them or not. Figure 3.6 presents the list ordered by the most frequently cited. Clearly the backlog of cases is the most pressing problem – around half of all respondents indicated this issue (51%). Scheduling/listing not considering barrister availability was also cited by approximately half the respondents (48%).

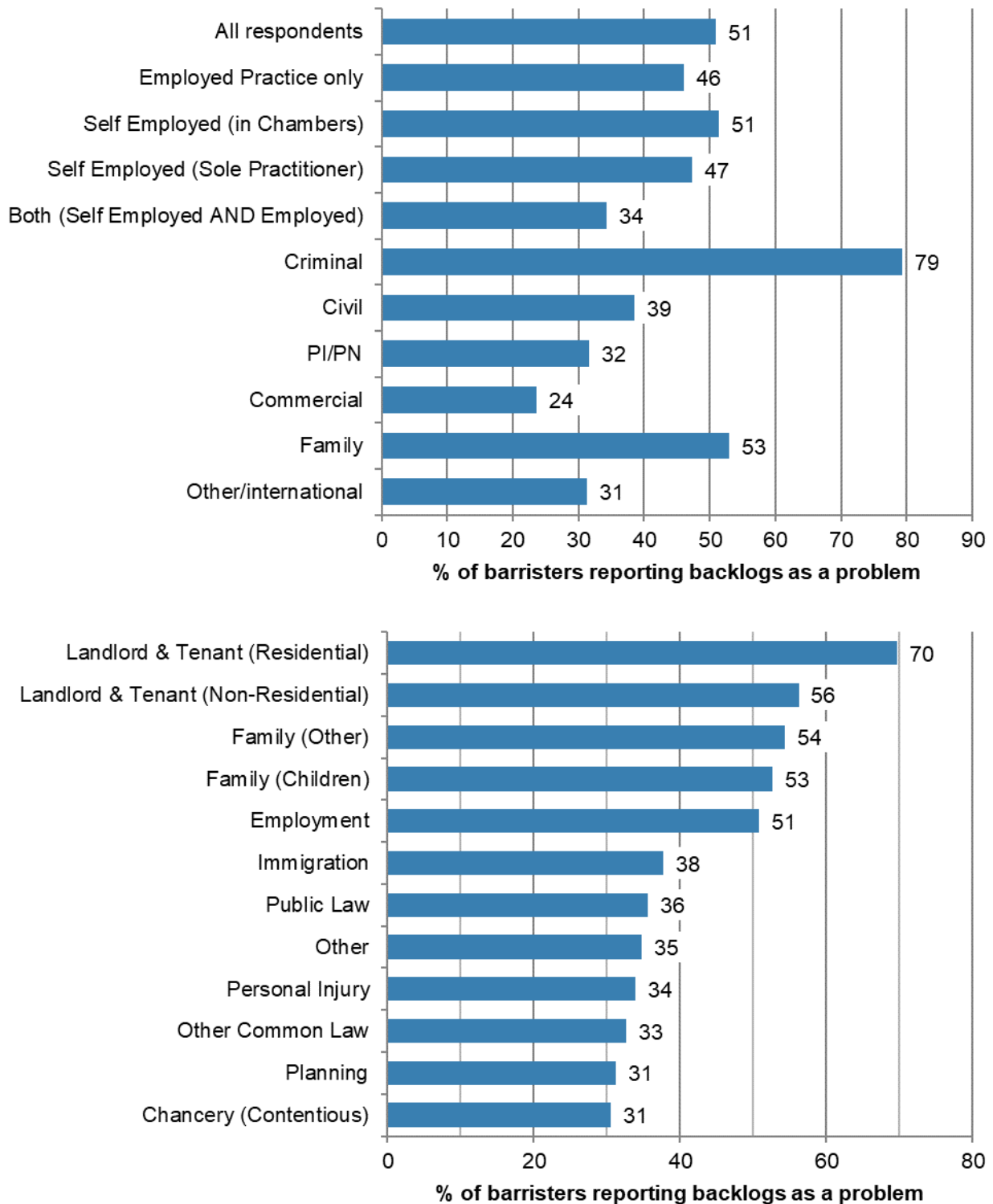
Respondents who worked in commercial practice (47%), PI/PN (30%) and civil (26%) were also much more likely to indicate that they had experienced no problems attending courts or tribunals in person in the three months prior to the survey. This compares to just 9% and 4% of barristers working in family and crime respectively.

Figure 3.6 Problems attending courts/tribunals in last 3 months (n=2,999)

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Figure 3.7 shows that it is at the Criminal Bar where most respondents are concerned about the backlog of cases. However, it is also possible that the backlog in cases relating to crime might be affecting other areas of the bar. By region the backlog was mentioned by more barristers in the East of England, East Midlands, South East, North West and West Midlands where six in ten barristers highlighted this issue. Scheduling not taking account of availability was cited by more barristers in Wales, Yorkshire and Humberside, East Midlands, South East and North East where six in ten respondents cited this issue.

Figure 3.7 Backlog of cases cited as a problem by status and practice area (top chart), and by selected area of practice (bottom chart)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,999, practice N>30)

Although there are correlations between likelihood of mentioning a backlog of cases and other demographic/employment variables, such as stage of career, age band, income and

fees charged etc., these are largely as a result of the demographic make-up of the Criminal Bar than any additional effect.

Barristers working in crime and family were more likely to have experienced all the problems listed than those working in other areas. When offered the option that there were no problems, nearly ten times as many barristers in practice areas other than crime and family said there were no problems, as was the case among those at the Criminal Bar. The difference between barristers in crime and family practice areas and those in other areas was particularly apparent in the following problem areas, listed in Table 3.3.

Table 3.3: Problems attending court/tribunals experienced by barristers working in crime and family areas of practice compared with others (percentages indicating problem area)

| Problem | Criminal Bar | Family Bar | Others | All respondents |
|--|---------------------|-------------------|---------------|------------------------|
| No problems | 3.8% | 8.7% | 34.0% | 19.2% |
| Scheduling/listing did not consider my availability | 76.6% | 51.2% | 29.0% | 48.2% |
| Backlog of cases | 79.3% | 53.0% | 32.1% | 50.9% |
| Courts did not feel safe/clean | 45.1% | 31.1% | 14.3% | 27.3% |
| Limitations on the types of remote hearings that the court will permit | 45.0% | 38.9% | 16.6% | 30.1% |
| Technical problems with video platform | 53.4% | 37.9% | 22.4% | 35.2% |
| Video platform not meeting the needs of vulnerable clients | 14.8% | 21.6% | 5.7% | 12.1% |
| Lack of time to prepare the client | 37.3% | 21.3% | 6.3% | 19.0% |
| Counsel was unavailable | 40.7% | 3.9% | 1.7% | 13.8% |
| <i>Base N=</i> | <i>889</i> | <i>689</i> | <i>1,421</i> | <i>2,999</i> |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

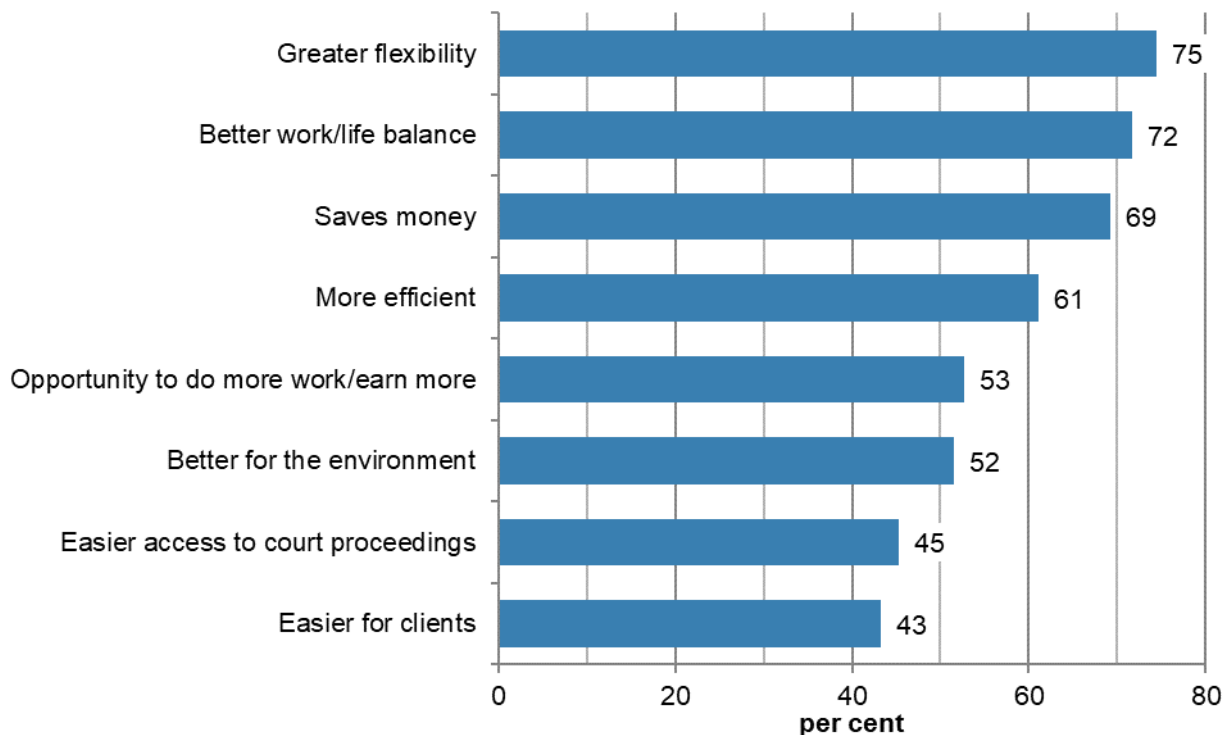
Again, with many of the demographic and employment-related characteristics being correlated with area of practice, it is not possible to discern additional effects of these variables.

3.3 Benefits of remote/hybrid hearings

Conversely, the vast majority of barristers could see various benefits of remote/hybrid hearings. Of the 3,070 who responded to this question area just 6% said they had no experience of remote/hybrid hearings and fewer still (3%) of those that had experience said there were no benefits of remote/hybrid hearings. More people responded to the question on benefits of remote hearings (3,070) than the number who said they had attended court remotely in the last three months (2,257), which suggests some people were answering this question based on perceived benefits.

The main benefit was viewed as remote/hybrid hearings offering ‘greater flexibility’ (75%) and ‘better work/life balance’ (72%). Seven in ten respondents (69%) indicated that remote/hybrid hearings save them money and six in ten (61%) said that they thought this format was more efficient. A half (53%) said they could work/earn more working this way and a similar proportion (52%) thought that it was better for the environment. Fewer than half (45%) thought there was better access to court proceedings and 43% said it was easier for clients.

Figure 3.8 Benefits of remote/hybrid hearings



Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023 (N=3,070)

The most significant differences in most of the benefits were between criminal/family practice barristers and the others, with barristers working in crime/family practice generally more likely to indicate each benefit. However, in relation to it being ‘easier for clients’ where the differences were greatest, just one in four (26%) of barristers working in criminal practice thought it was easier for clients, the lowest proportion of all the practice areas and particularly so compared with 61% of barristers in family practice.

Table 3.4: Benefits of remote/hybrid hearings by area of practice (percentage)

| Problem | Crime | Civil | PI/PN | Commercial | Family | All respondents |
|---------------------------------------|--------------|--------------|--------------|-------------------|---------------|------------------------|
| Greater flexibility | 84.9% | 68.1% | 75.1% | 57.6% | 78.5% | 74.5% |
| Saves money | 77.7% | 62.6% | 73.0% | 60.2% | 69.5% | 69.3% |
| Easier for clients | 26.0% | 47.2% | 42.5% | 45.5% | 61.0% | 43.3% |
| Easier access to court proceedings | 48.6% | 42.8% | 40.6% | 35.2% | 52.6% | 45.3% |
| More efficient | 67.4% | 52.6% | 63.9% | 52.5% | 66.0% | 61.1% |
| Better work/life balance | 77.6% | 65.5% | 76.5% | 49.7% | 82.4% | 71.7% |
| Opportunity to do more work/earn more | 65.2% | 44.2% | 54.0% | 33.0% | 57.7% | 52.7% |
| Better for the environment | 57.8% | 42.9% | 52.4% | 36.7% | 61.9% | 51.6% |
| Other | 2.9% | 3.8% | 4.8% | 2.0% | 4.7% | 3.6% |
| <i>Base N=</i> | <i>887</i> | <i>631</i> | <i>374</i> | <i>455</i> | <i>688</i> | <i>3,070</i> |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Barristers in criminal practice were significantly more likely to identify benefits associated with financial savings, flexibility, efficiency and work/life balance, and through providing opportunities to do more work or earn more. Barristers with dependent children and/or adults were more likely to see benefits of flexibility and work/life balance, as were women and younger barristers.

It is worth noting that barristers in higher income bands and charging higher hourly fee rates are less likely to identify some benefits of remote/hybrid hearings. For example, in relation to 'better work/life balance', eight in ten (79%) of those earning up to £200 per hour said this format enables better work/life balance, compared with 65% of those charging £300-400 per hour and just 46% of those charging £400 or more.

When considering regional differences in the reported benefits of remote/hybrid hearings it is noticeable that barristers based predominantly in Greater London were less likely to indicate all the listed benefits other than them being 'easier for clients'. In particular, there was a large difference between barristers in London and those based elsewhere in the proportion reporting remote/hybrid hearings benefited 'work life balance' (76% of those based outside London compared with 64% of London-based barristers). Similar differences emerged between these two groups when considering 'opportunity to do more work/earn more', 'better for the environment' and 'saves money' as benefits of remote/hybrid hearings.

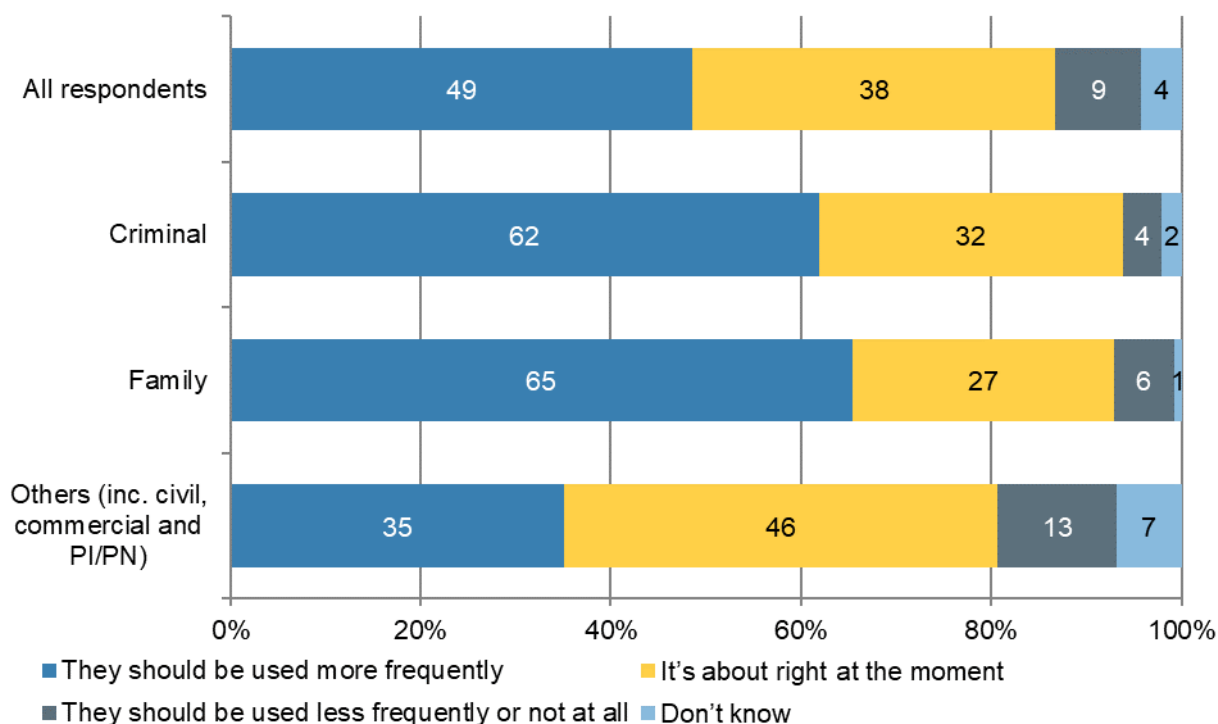
3.4 Going forward

The views of barristers on the problems of attending courts/tribunals or the benefits of remote/hybrid hearings were differentiated primarily by area of practice with the views of those working in family and criminal practice generally different to the remainder of the bar; they were more likely to see problems in attending court at present and more likely to see benefits in remote/hybrid hearings. Looking to the future, participants were asked *'should remote links continue to be used/used as frequently as they are at present in your main area of practice?'*

Overall, out of 3,491 responses a half (49%) said remote links 'should be used more frequently', 38% said 'it is about right at the moment', 8% said 'they should be used less frequently', 1% said they 'should not be used at all' and 4% said they 'did not know'.

Barristers in the employed Bar were much more likely than those working as sole practitioners or in chambers to indicate that they did not know if there should be a change or not in the prevalence of remote links in their area of work (28% compared with 2% and 10% respectively). This is probably because fewer barristers working in the employed Bar had first-hand experience of remote hearings, so felt unable to offer an opinion.

Again, the main split in the profession is between barristers working in criminal or family practice and the remainder, as Figure 3.9 demonstrates. Two thirds of those working in family practice (65%) and 62% of barristers in criminal practice said that remote hearings should be used more frequently, compared with 35% of all those working in other areas of practice and 30% of barristers in commercial practice. There was some correlation by age with 53% of barristers under the age of 35 indicating that remote hearings should be used more, compared with 36% of those aged 65 plus. Barristers with adult caring responsibilities were no more or less likely than those without to say that there should be an increase in the use of remote links. However, more respondents with childcare responsibilities would like to see remote hearings used more frequently (51%) compared with 46% of those with no childcare responsibility.

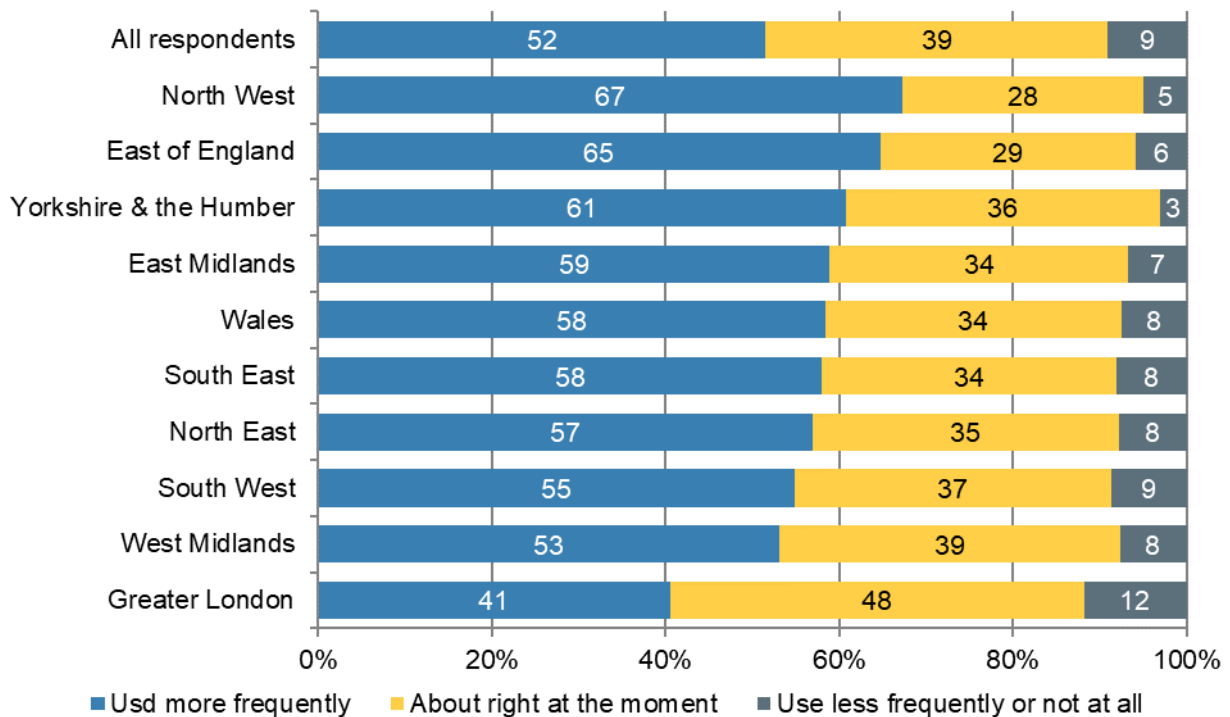
Figure 3.9 Using remote links in the future by area of practice

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,491)

Income and fee rates were both strongly correlated with views of future use of remote links. More than half (54%) of those earning up to £240k per year thought there should be more frequent use of remote links compared with a third of those reporting income of £240k plus. And twice as many barristers charging up to £100 per hour (60%) think there should be an expansion in use of remote links as those charging £400 or more (29%).

Region of practice came out as a differentiating factor and largely because, as above, there is a difference in opinion between those working in the Greater London area compared with those working elsewhere in England and Wales (Figure 3.10). Four in ten respondents working in London would like to see remote links used more extensively compared with more than a half of all other respondents and up to two thirds of those working in the North West and East of England.

Figure 3.10 Using remote links in the future by region



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,899)

It was noticeable from the comments that a number of disabled barristers welcomed remote hearings and this was also reflected in responses to this question. More than half (54%) of disabled barristers said they should be used more frequently compared with 42% of those with no disability. There was no difference between men and women in responses to this question.

It is worth noting here that among respondents who had more experience of remote hearings, fewer felt that 'they should be used more frequently' (60% of those who had spent up to 30% of their time in remote hearings thought they should be used more frequently compared with 34% of those who had been in remote hearings for more than half the time). This is perhaps not surprising as answers to the question will depend to a degree on how much exposure to remote hearings respondents have had. So, those who had spent more time in remote hearings were more likely to indicate that the amount of time should remain the same. And further, twice as many who spent more time in remote hearings (more than 40% of their hearing time) (12%) said that remote hearings should be reduced or not used at all compared with 6% of those who spent up to 40% of their time in remote hearings. But still, it is a small minority who feel the use of remote hearings should reduce, let alone be stopped.

3.5 Views of remote/hybrid hearings and the functioning of courts/tribunals

Respondents were invited to comment on their experience of the functioning of the courts and tribunals and/or remote/hybrid hearings. Respondents could write as much as they wanted, and we coded up to eight different points. Sometimes a point might be made more than once, in several different ways, but in these instances only one code would be given. It was not always straightforward to interpret the point being made and often points would be nuanced with a positive or negative reference to remote hearings but given with caveats. For example:

'Remote hearings are great for short hearings/directions/administrative hearings. For hearings where advice is required they are not, in my view, appropriate or effective.'

As far as possible we have tried to capture this nuance of response but it is not always straightforward when reducing sometimes very detailed remarks to a broad code.

Table 3.5: Comments on the functioning of courts/tribunals and remote/hybrid hearings

| Label | Percentage of cases |
|--|---------------------|
| Remote: most/more appropriate | 44.4% |
| Remote: exceptions | 17.4% |
| Court resistance/bias against remote | 16.5% |
| Benefits: other specific | 13.5% |
| (In)consistency in application | 12.9% |
| Benefits (repeated from previous question) | 12.8% |
| Problems: technology | 11.7% |
| Remote: inappropriate/too many (Cloud Video Platform esp.) | 11.2% |
| Court/justice system issues | 11.2% |
| Problems: communication | 9.4% |
| Problems: management etc. | 8.4% |
| Judiciary (issues) | 7.1% |
| Benefits: general (non-specific) | 6.8% |
| Problems: professional | 4.6% |
| Hybrid/telephone problems/ineffective | 2.6% |
| Solutions | 2.6% |
| Base N=1,388 | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

There were some strong and repeated themes that emerged from the comments and the overall direction of comment was relatively clear. Remote hearings in particular, less so when considering hybrid hearings, were seen as being useful and important for a variety of reasons as demonstrated in the data above; i.e. they improve work life balance, save time and money, are efficient and allow greater flexibility, among other benefits. However, there was a mitigating view offered by some barristers that the benefits were seen to be for the profession and not, necessarily, in relation to the administration of justice. These and other points are described in a little more detail below.

Table 3.5 shows that the most frequently articulated view was that remote hearings are appropriate in most cases – 44% of all those who commented said something along these lines. This corroborates the findings above that show barristers, in the main, are supportive of remote hearings and most would like to see them extended or maintained.

The summary headings presented conceal considerable detail and, as intimated above, many comments were nuanced and tempered with caveats and exceptions. The following notes cover many of the issues addressed within each of the broad categories covered in the table and an example quote is provided to give a little more insight. Some comments were extremely critical of the courts, their management, the infrastructure and judiciary. This commentary does not give weight to the strength of opinion held by many in the profession.

3.5.1 Remote: most/more appropriate (mentioned by 44% of respondents)

These comments included phrases such as: it should be used more, it should be the default, especially for shorter applications, case management meetings, preliminaries, administration hearings, First Directions Appointments (FDA), Commission for Conciliation, Mediation and Arbitration hearings (CCMA), Plea and Trial Preparation Hearings (PTPH), Costs and Case Management Conference hearing (CCMC), Pre-trial reviews (PTRs), sentencing, credit hire, permissions, mentions, directions, interim hearings, applications, reviews, lay client requests, interlocutory, small claims, absent client. Some said they should be used for everything, and others said that except for trials, remote should be the default, only in person if not possible. More detail might also be given such as the obstacles to effective remote hearings should be addressed but an obstacle should not necessarily result in an in-person hearing.

Remote/hybrid hearings were also appreciated by international clients. They work well for regional courts. Should be used if all parties agree. Some said clients prefer it. Other comments included it is depressing how nothing has been learnt from the pandemic, we need to modernise, it's coming whatever, it's a matter of when, not if.

'I see no reason why the majority of interim hearings cannot continue as remote hearings. There are very few which are sufficiently complex or difficult to require in person attendance. Conversely, the benefit of remote hearings for barristers cannot be understated. It allows far greater flexibility, enhancing work life balance and family commitments. Particularly for primary carers. Barristers (most likely female barristers who are adversely affected by the problems at the Bar) could continue with the childcare responsibilities whilst attending remote hearings. It is cost efficient for everyone involved. Systems are in place and generally work smoothly. It reduces travel - I once travelled 5 hours plus each way to attend a 5 minute in person hearing. This could all be done remotely now.'

3.5.2 Remote: exemptions (mentioned by 17% of respondents)

There was a long list and not all of the detail of what respondents felt should be exemptions to remote/hybrid hearings can be given in this overview. Often there were

conflicting messages, and where some might say any trial over one hour, others might say any trial over three hours, and others one day, or even multi-day trials being the exception from a norm of remote hearings. The list of exceptions included: trials; (immigration) appeals; contested evidence hearings; final/long hearings (>1.5hrs, 1, 2, 3 or longer); multiple party involvement; financial dispute resolution hearings (FDRs); vulnerable clients; international issues; housing possessions; cases involving witnesses; taking witness evidence/cross examination; complex cases (caveats given: unless all parties agree); and for anything other than short case hearings. Some mentioned exceptions should include cases where interpreters are involved.

'Litigated trials should not be heard remotely. Live witness evidence has to be the gold standard. Procedural/non witness work is highly suitable for remote hearings.'

'They are inappropriate for contested removal hearings, when parents are separated from their children. As well as being emotionally difficult for the parent, I perceive at times that they create additional risks to the children.'

'I would suggest all interim hearings are remote save where client is vulnerable. The blanket insistence that all hearings are in person appears dogmatic and old fashioned. Access to Justice is not predicated on physical attendance. Our system needs to adapt to changing world post pandemic and I don't understand why it's just in person is better when in fact all interim hearings, save where a client is vulnerable, could be remote. Many courts lack any conference space so you are conducting sensitive conversations in a waiting area or in the car park. There is nowhere to get food or drinks. Clients are face to face often with the other side whom they would prefer not to see and the number of times I have sought special measures for clients which gets lost or the court simply can't help with.'

3.5.3 Court resistance/bias against remote (mentioned by 17% of respondents)

One in six respondents indicated that there seems to them to be some court resistance/bias against remote/hybrid hearings. There was some feeling that this was an 'illogical position', others felt there was an obstinacy or unwillingness to accept the benefits of remote hearings, or an inability/unwillingness to improve the remote infrastructure to ensure that they could work as well as possible. Others were concerned that there was an element of protectionism to maintain the court estate, exacerbated by a fear that not using the estate will ultimately result in losing it.

Some felt there were double standards in remote access – allowing some hearings but not others. Also, a view was expressed that some courts were intent on protecting the local Bar by moving back to in-person hearings, as remote hearings benefited out of town counsel. Some demanded that courts listen to the Bar and try to be objective. Ignoring the opportunities of remote hearings was felt to penalise the Young Bar in particular and damage the wellbeing of counsel. Why return to in person when remote was efficient and working well, again a feeling that no lessons had been learnt from the pandemic? Some

argued that small courts sometimes seem more resistant to remote/hybrid hearings than larger courts.

'Both parties requested that the hearing be heard remotely because there was a train strike and for costs saving reasons (no witnesses needed to be examined for example). The court refused, and I had to travel the night before, stay the night so that I could make it to the hearing in time which lasted all of 45 minutes. There was absolutely no reason why the hearing could not have been heard remotely and it is a waste of everyone's resources for the Court with no reason to insist upon procedural hearings of that nature to be listed in person.'

3.5.4 Benefits: other specific (mentioned by 14% of respondents)

As well as benefits listed that were repeated from the previous questions there were also comments about other not previously listed benefits. These included remote/hybrid hearings being inclusive of Covid-vulnerable professionals and hard-up clients, and were also viewed as less intimidating. They allow counsel to cover a wider geographical area. The lack of physical court space implied to some respondents that these types of hearings are essential. Some respondents felt that remote hearings were more likely to allow for better continuity of counsel and lent themselves to a more solution-focused approach to hearings.

Many barristers commented about the balance of travel to hearing time and how much time is wasted travelling to and from courts. Remote hearings were also felt to be good for clients with care responsibilities and vulnerable clients, although the exact opposite was argued by others. Time keeping was felt to be better in remote hearings, with remote hearings more likely to start on time and less likely to be over-listed.

Remote hearings were also viewed by some as good for retaining women at the Bar, and as more inclusive in a variety of ways; for example, disability inclusion was mentioned by quite a few respondents. It was felt they made hearings easier for staff at all levels. Another benefit was seen to be that remote hearings improve choice and competition. Remote hearings were seen to address the issues of a lack of counsel and judges.

Also, in a work-life balance context, these forms of hearings were thought to enable counsel to live outside London. Also mentioned were the problems associated with inferior court space and facilities – some were scathing about this issue. They are also useful with short notice hearings seen to have cost savings for clients and to protect practitioners from in-person abuse from litigants.

'More remote hearings would help to retain women at the Bar and help with work/life balance. There has been very little recognition of this amongst the judiciary. Judges have refused to convert simple interim applications to remote during train strikes and when opponents have suffered an accident. It would also allow disabled practitioners to have greater access to work.'

3.5.5 (In)consistency in application (mentioned by 13% of respondents)

There were many comments about the inconsistency of approach from different judges and courts, and that the system needs clarity, in process and rules, and between the courts and judges; it was mentioned that there appeared to some to be a general lack of leadership and overall policy direction. Some felt it would help if there was a standardised Digital Case System (DCS) page and if there were general standards for which hearings should be remote and which not, so that it is not left to the whim of judges and courts as to which is preferred.

Consistency and predictability were viewed as key to improving effectiveness, and it was seen as important that counsel for both the prosecution and defence are either in court or remote; it was not seen as appropriate when one is in court and the other is remote. There was thought to be a need to reduce court/process idiosyncrasies. A few responses indicated that prosecution was given more remote allowance than defence.

'I think that remote hearings have huge benefits but are not always used for the right hearings. By way of example, I am commonly required to travel for 2 or 3 hour hearings in the county court for matters on the small claims track with no substantial witness evidence. By contrast, I regularly conduct 4-day discrimination trials remotely. The practices are inconsistent and often illogical.'

3.5.6 Problems: technology (mentioned by 13% of respondents)

There were numerous comments concerning issues with the technology, faults/connectivity, technical skill limitation etc. Some wanted to know why the Cloud Video Platform (CVP) was preferred over Teams/Zoom which function much better and have been tested thoroughly – why reinvent the wheel?

Issues with client access were mentioned as well as the need for backup systems in case of technology fail (telephone seen as inappropriate though by many). Bandwidth issues with multiple parties also reinforced the need for better equipment. Remote hearings were also seen to necessitate better court staff training. Counsel should use external microphones and there is seen to be a need for blurred backgrounds and other refinements to improve the performance of the system.

Some mentioned hearing impairment equipment problems. There is a need to improve/introduce a better system to allow the display of documents. Some mentioned problems when interpreters were involved and the need for translation facilities.

Issues with the remote waiting room were raised by many, as well as poor communication which meant counsel and clients/witnesses could be left waiting for ages not knowing when they were needed. Links with prisons were viewed by some to be particularly bad. Some said that the audio/visual equipment in the criminal justice system needs immediate improvement.

'The management of the courts and the equipment and software used by the courts is terrible. HMCTS is dysfunctional and unfit for purpose. Remote hearings would work if the courts had any interest in anyone's costs other than their own. A competent court would embrace them. They have been used in overseas courts for 20 years with no problem. Technology needs to be improved. There are too many courts with faulty technology.'

3.5.7 Remote: inappropriate/ too many (CVP esp.) (mentioned by 11% of respondents)

There was a perception among some that in theory remote/hybrid hearings can be good but that the reality is different. Remote hearings were perceived as only used to suit practitioners.

The 'weakest link' of poor quality of interaction meant that the hearing would be rendered poor for everybody – it was seen as a lowest common denominator issue. This type of hearing was also viewed by some as 'demeaning' the profession, and contrary to the opinion outlined above NOT good for vulnerable/defendants.

Some definitely favoured a return to in-person hearings and viewed remote hearings as inappropriate for any substantive sessions, although there were some concessions that they may be useful outside London but not inside. Some said that remote hearings do not and have not reduced the backlog of hearings. They were viewed by some as not fit for purpose, but this was often mitigated by direct criticisms of technology (primarily CVP); there were too many problems with it and a feeling among some of the Bar that the disadvantages outweigh the advantages. From a professional perspective some respondents said they found it harder to read judges/witnesses. The quality of evidence was viewed as poorer. Some said that settlement/resolutions pre-hearing were less common, again in contrast to similar comments saying they were more likely.

There were personal work-life comments such as it being depressing to be at a screen all day. A few comments concerned the possibilities that remote hearing processes can be abused by greedy counsel with allegations of dishonesty in charging/fees. It was suggested that remote hearings are difficult for unrepresented parties. There were some concerns about fairness, and criticisms that it can be inefficient. It was also thought that lay clients don't take them seriously. Some mentioned difficulties with facilitating remote hearings in prisons. Some commented that remote is only used for convenience with no thought to the quality of justice. Some were worried about the skill development opportunities for younger counsel with fewer in-person court appearance training opportunities. Remote hearings were also thought to lead to judges listing mentions that aren't needed.

'I think we lose a lot through remote hearings. Not just in terms of open justice and public access to hearings but because the human/personal interaction between participants is lost. I feel that judges are sometimes more reluctant to interrupt counsel to ask questions in a remote hearing than they would be at an in-person hearing. I have had at least one case where the judge has raised an issue in the

course of his written judgment that I suspect would have been raised and dealt with at an in-person hearing.'

3.5.8 Court/justice system issues (mentioned by 11% of respondents)

These respondents raised similar issues to the technology reported above. But a lot of comments concerned poor administration; variable quality; overworked courts; backlogs; some tendencies to lose things; unreasonable expectations of counsel; all should have enhanced technology; better scheduling; poor communications; antiquated, unclean, poorly maintained courts; unfit for purpose; with in some cases seemingly a need for sound-proofed rooms.

Some courts were criticised for not providing skeleton arguments/drafting orders. There were comments around court flexibility to cope with new practices. In many cases respondents commented around the need for investment in the court infrastructure. Respondents would suggest that the problems are with the courts (staffing, technology and infrastructure) and not remote hearings per se. Respondents felt they lacked capacity with a reported need for more courts and judges, and that the perceived faults of remote hearings are not relevant. Many barristers commented about issues with listing, communication, timing, and unreasonable expectations, with a large backlog exacerbating matters. Several respondents indicated that the higher the court the better it functions.

Some felt that the justice system was in freefall.

'I sit as a civil recorder and from that standpoint the functioning of the courts is poor. Buildings and facilities are poor. Workload is huge. Backlog is massive. Preparation time is nil. Parties are often told there is judicial unavailability. Courts also insist that minor hearings are listed in person, which inconveniences parties and counsel.'

3.5.9 Problems: communication (mentioned by 9% of respondents)

Nearly one in ten respondents who provided comments said that there were problems with communication between different interested parties with a need for more communication before hearings. There was a reported need for better, more frequent and timely updates, and problems linked to late notices/cancellations, and difficulties were cited when translators were involved. The phone lines were criticised in some cases and there was a perception among some that some courts were not communicating adjournments/times of hearings well with a frequently mentioned practice of listing remote hearings at the last minute, and that this caused problems.

'The only issue I have had with a remote hearing recently was when the court failed to communicate a revised hearing time to the parties. This meant that we were all effectively waiting in front of our computers for hours for no good reason while the judge dealt with other matters.'

3.5.10 Problems: management etc. (mentioned by 8% of respondents)

Related to communication issues there were some criticisms of court management, listings/block listing (seen by some to be incompatible with remote hearings and inefficient), which can lead to problems. Floating lists were also seen as an issue of concern by some and there were reported problems with listing back to backs. Some mentioned a need to establish better ground rules for all participants when undertaking remote hearings (including public and press).

'Each crown court is different, it is impossible to know what the practice is, and some judges are very distrusting of counsel using CVP. If we can't be there, surely better to have CVP than nobody at all. Utterly desperate at Crown court at the moment, impossible to cover all the work, back to back trials with [no] time to prepare them, and if you do prepare a case it doesn't get listed. We are all exhausted and depressed. Feel letting people and justice down.'

3.5.11 Judiciary (issues) (mentioned by 7% of respondents)

There were many comments concerning an apparent hostility to remote hearings, lack of flexibility, entrenched views and inconsistency of approach among some members of the judiciary. Other criticisms included a lack of remote preparation, the need for judges to insist on better remote/teleworking facilities rather than attendance, bias against remote hearings and unreasonably tight expectations when remote hearings are provided.

Some mentioned training needs for magistrates. There were a number of references to the shortage of judges and counsel and that the judiciary do not recognise that this means remote hearings are more essential, not less. There was a perceived failure among the judiciary to recognise that there are significant issues and problems affecting the profession and if more flexibility is not provided, more will leave. Some felt that judges were either deliberately failing to recognise or at least were not sufficiently considering the potential benefits to the profession and counsel of remote hearings, and how they might affect on shortages and improve work life balance.

Members of the judiciary were also criticised by a few for not taking sufficient account of the needs of vulnerable witnesses/defendants/clients who might well find it easier to participate remotely. A more general feeling among some was that the judiciary could be change-averse.

'Judges unreasonably refuse CVP, it is very much an attitude of "if we have to go to court so do counsel". Judges seem to be demanding in-person hearings simply for the sake of getting back to how things were pre-covid. There does not seem to be any organised thought about how remote hearings could work/benefit going forward in the future. The judiciary are being far too dogmatic.'

3.5.12 Benefits: general (non-specific) (mentioned by 7% of respondents)

Remote hearings are seen by some as more effective, functioning well (given speed of introduction) but with room for improvement, and as one of the benefits of the pandemic.

'Remote hearings are convenient for clients, witnesses and representatives, they save money for those parties, they are better for disabled parties and caregivers and they help to reduce everyone's carbon footprint.'

3.5.13 Problems: professional (mentioned by 5% of respondents)

There were a few comments around how remote hearings affected the profession. Some felt that taking instructions was harder, that there could be difficulties getting points across remotely and that they were sitting at screens for too long. It was also said that it was not safe to have parties on their own remotely as the content of some hearings can be distressing and cause problems for participants, witnesses, clients or victims. Clients lack understanding of the process and it can be harder to convey what is required remotely. Remote attendance by counsel was thought by some respondents to take work from away from local counsel. Some also felt that remote hearings might improve the volume of justice administered but reduce the quality. A few commented along the lines of remote attendance destroying the social element of the job and opportunities for networking.

'Short directions hearings are probably appropriate for remote hearings, but it does mean advocates don't meet to discuss matters in advance (so areas of contention are not narrowed). I do not think remote trials are justifiable: cross examining over video is not appropriate. Similarly, longer applications with detailed submissions should be made in person, on the simple basis that communication is better in person. Too many remote hearings also erode the community of the Bar.'

3.5.14 Hybrid/telephone problems/ineffective (mentioned by 3% of respondents)

When mentioned, the comment was generally that hearings should either be entirely remote or all in person; hybrid hearings were not thought to work well, partly because the court system was not viewed as adequate for hybrid ways of working – again it was the infrastructure and technology that were criticised as opposed to the principle. It was felt also that in hybrid hearings the absent party was at a disadvantage. Several comments indicated that telephone hearings should be abandoned.

'In my experience fully attended or fully remote hearings are the most effective. Hybrid hearings are the worst of all worlds. Often those on the screen cannot see or hear properly those in court. Witnesses often cannot see or fully identify those asking the questions.'

3.5.15 Solutions (mentioned by 3% of respondents)

Respondents suggested using Teams (like in the high court, apparently) or Zoom and there were several comments around CVP reinventing the wheel. Flexibility and compromise were needed; some suggested the need to be move away from a dogmatic approach either advocating remote or in-person hearings. Some courts/judges were perceived as overly enthusiastic, while others were thought to be overly negative. One suggestion was for devising a pre hearing questionnaire to assess suitability for conducting it remotely or in person.

It was suggested that providing notes pre-meeting was helpful for remote hearings. More administration staff were thought to be needed before remote hearings would run efficiently and effectively. Other thoughts included earlier communication of links, and providing policy/guidance/rules for remote hearings; using solicitors'/barristers' offices for clients where there are technology issues. Counsel should be able to observe progress of hearings so while waiting they can use their time better.

Generally, it was felt by many that there needed to be a significant investment in remote infrastructure so that they could run effectively – this, it was thought, would remove many of the criticisms of remote hearings.

Some argued that remote or in-person hearings should not be the default, and there needs to be assurance that whatever system is deployed, it is implemented to benefit clients not just counsel. Counsel should have a say but the decision should be made on a case-by-case basis.

'I would encourage parties to be given the following directions for remote hearings. Counsel must provide their contact details to each other, by 6pm the preceding day. Counsel for defendant must have had a conference with their client before the hearing commences. Counsel for the defendant must have clear confirmed instructions on how the hearing is to proceed. Counsel for prosecution and defence must liaise prior to the hearing and provide a note to the court of how the hearing is expected to proceed and a summary of any agreements/areas of disagreement.'

4 Sustainability and progress towards net zero

For the first time, the working lives survey asked barristers questions about sustainability and progress towards net zero.

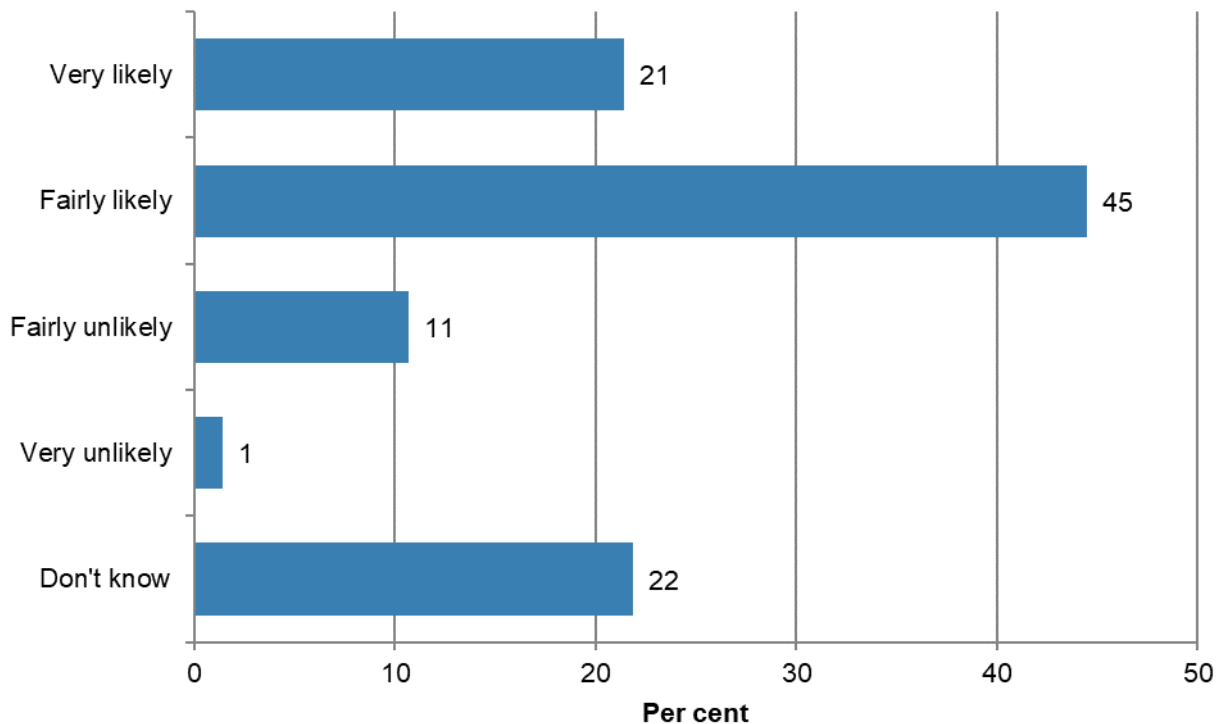
4.1 Progress towards net zero

Around one in five respondents (18%) reported that they were aware of the activities undertaken by the Bar Council to support reaching net zero (the remaining 82% said that they were not aware). The proportion was higher among employed barristers (23%) and sole practitioners (26%) than among self-employed barristers in chambers (18%), and by practice area was highest among barristers in commercial and chancery (22%) and civil practice (20%). There was a clear pattern by time since call, with only 8% of New Practitioners (0-2 years since call) aware of Bar Council activity, compared with 12% of the Young Bar (3-7 years), 15% of Middle Practice barristers (8-22 years), and 24% of Later Practice barristers.

Only a third (31%) of respondents reported that their chambers or employer had an action plan to reduce carbon footprints, with more than half (56%) being unaware of the matter and indicating 'don't know'. Overall, those in employed practice were more likely to state that their employer had such a plan and that they were aware of it (54%), compared with self-employed barristers in chambers (28%) or in sole practice (19%). Barristers in chambers were most likely to be unaware of whether their chambers had an action plan (59%).

An even smaller proportion of those surveyed (13%) indicated that their chambers or employer were aspiring towards net zero by 2030, with 11% saying that their chambers/employer was not aspiring towards net zero, and three quarters (77%) being unaware of the subject and indicating 'don't know'. Employed barristers and those in sole practice were most likely to state that there were aspirations towards this goal (24% of both groups), although there was little variation by area of practice, and those in the Young Bar were most likely to report that they did not know.

Barristers who responded that their chambers or employer was aspiring to net zero by 2030 were asked to say how likely they felt it was that their chambers or employer would reach net zero by 2030 or earlier. One in five (21%) said that it was very likely that their chambers/employer would reach net zero by 2030 or earlier, 45% said it was fairly likely, 12% said it was unlikely, and 22% did not know (Figure 4.1). There was very little variation in views between employed and self-employed barristers, by area of practice, or by time since call.

Figure 4.1 Likelihood of chambers/employer reaching net zero by 2030 or earlier

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=429)

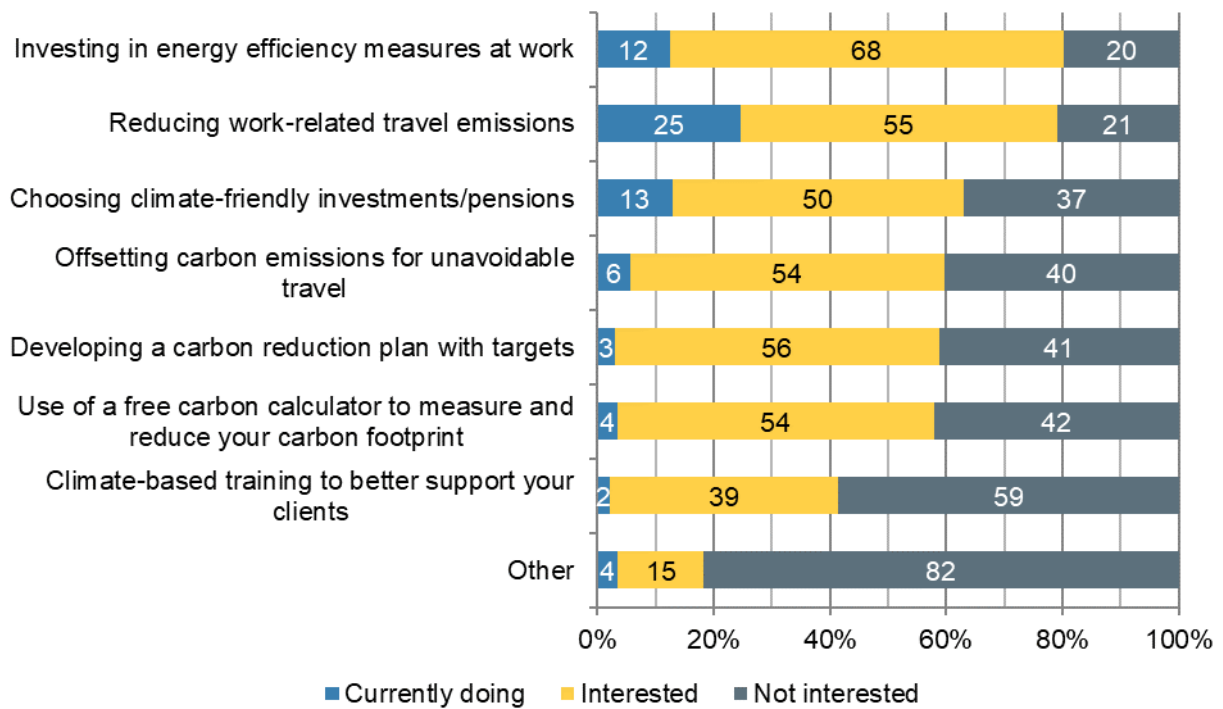
4.2 Sustainability initiatives

Barristers were also asked which of a range of sustainability initiatives they were currently supporting or would be interested in supporting, and the responses are presented in Figure 4.2.

The initiatives with the most involvement/interest were investing in energy efficiency measures at work, and reducing work-related travel emissions, with four fifths of barristers either currently doing these, or interested in them. Twice as many respondents said that they were involved in reducing travel emissions than were involved in energy efficiency measures (25% and 12% respectively).

Behind these came choosing climate-friendly investments/pensions, offsetting carbon emissions for unavoidable travel, developing a carbon reduction plan with targets, and use of a free carbon calculator to measure and reduce carbon footprints, with around 60% of barristers currently doing these or interested in these (current use was highest for choosing climate friendly investments/pensions). Only two fifths of barristers were currently doing climate-based training to better support their clients or were interested in this (2% were currently involved, and 39% were interested).

Figure 4.2 Involvement/interest in sustainability initiatives



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,736)

5 Wellbeing and work-life balance

This chapter presents key findings on the views of barristers towards their working lives. A full analysis of barristers' views is presented in a separate report.

The Bar Council worked with Darren Van Laar from the University of Portsmouth's Quality of Working Life Research Group to incorporate the Barrister Wellbeing (BWB) scale into the survey. The BWB scale has an overall wellbeing score, made up of sub-scales assessing a person's psychological wellbeing (PWB), perfectionism (PER), workload management (WLM) and supportive work environment (SWE). The scale has been developed in barrister populations in England and Wales, and in Australia. In the survey, barristers were asked to indicate the degree to which they agreed or disagreed with the statements in question on a five-point scale ranging from 'strongly disagree' to 'strongly agree'. The statements were as follows:

1. Within the environment in which I work, there is generally a sense of co-operation and collaboration.
2. I have significant control over the content and pace of my work.
3. I am able to integrate the things that are most important to my life and work.
4. I tend to feel down or low in spirits.
5. I experience little interest or pleasure in doing things.
6. A case going badly has an impact on my confidence.
7. Overall, I find my workload manageable.
8. I tend to dwell on my mistakes.
9. My current mood is good.
10. I tend to be very critical of myself.
11. My relationships with other colleagues are as good as I would want them to be.
12. Within the environment in which I work, I feel comfortable to express my opinions, thoughts and ideas.
13. I am able to confide in work colleagues regarding challenges experienced with my cases.
14. Overall, taking everything into consideration, I am satisfied with my job as a whole.

These questions were first asked in the 2021 survey of barristers' working lives, which allows for comparisons to be made to track changes in barristers' views over time.

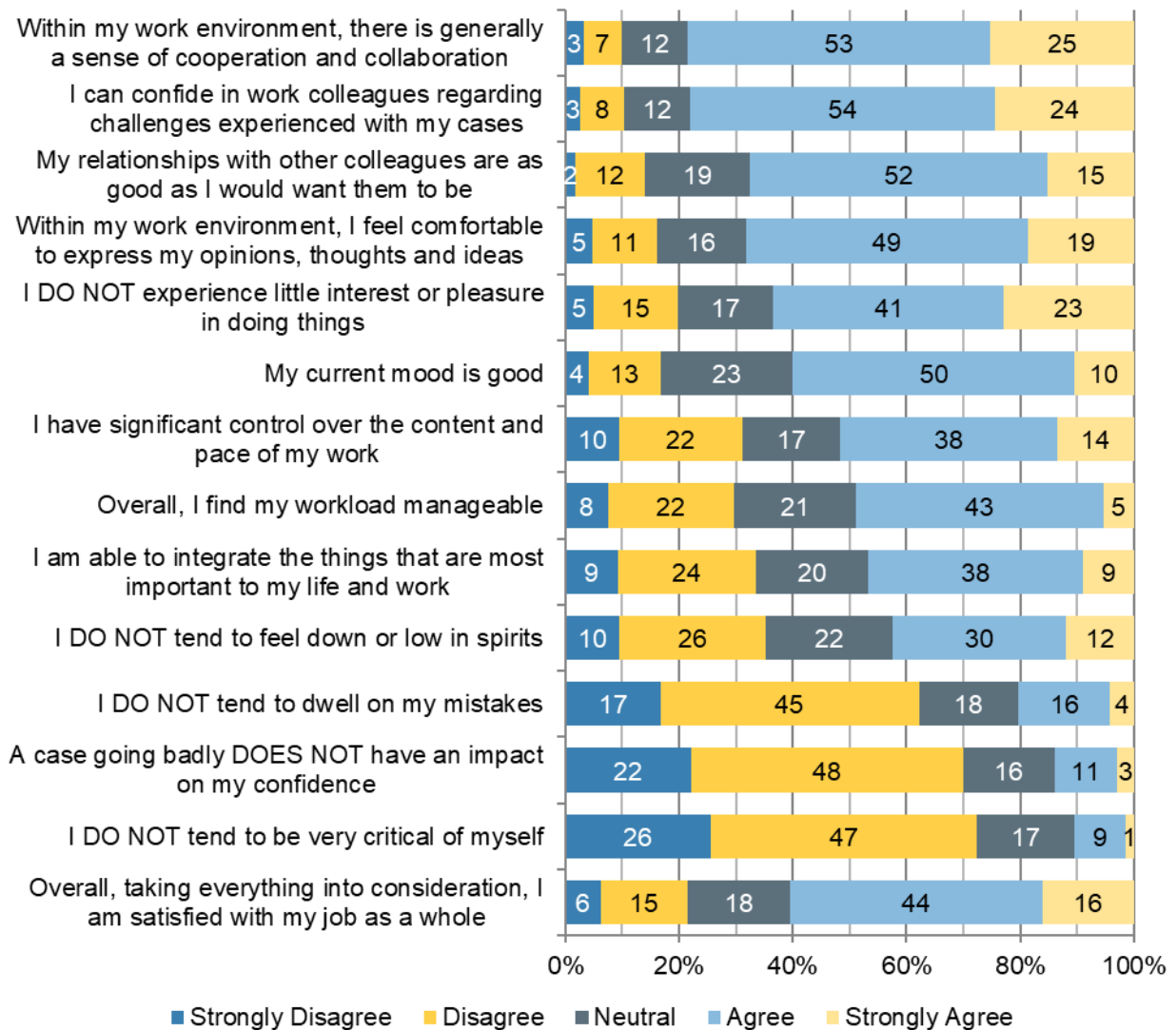
5.1 Views about individual statements

Some of the statements were negatively worded (e.g. 'I tend to feel down or low in spirits', where agreement represents a negative view rather than a positive view), and these have been reversed so that all of the items are scaled in the same direction, with disagreement being negative, and agreement positive.

Figure 5.1 shows the responses to the individual statements. Key points to note are:

- More than three-quarters of respondents agreed that there is a sense of co-operation and collaboration in barristers' workplaces, and that they can confide in work colleagues about challenges in their cases.

Figure 5.1 Responses to the wellbeing questions



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,294)

- Views were also positive about relationships with colleagues being as respondents would want them, feeling comfortable about sharing ideas at work, experiencing interest and pleasure in doing things, and having a good current mood, with at least 60% of respondents agreeing with these statements.
- Views were fairly positive about having control over the content and pace of work, having manageable workloads, being able to integrate important things in life with work, and not feeling down or low in spirits.
- Views were negative about not dwelling on mistakes, cases going badly not having an impact on barristers' confidence, and not being very critical of themselves (that is, on average barristers agreed that they dwelt on mistakes, were self-critical, and were affected by cases going badly).
- Overall, barristers were satisfied with their job as a whole, taking everything into account, with 60% agreeing, and only 21% disagreeing.

5.2 Changes since 2021

Comparing the responses to the wellbeing items in the current survey with those in the 2021 survey shows that there has been a general improvement in views about wellbeing. There have been large improvements in views about relationships with other colleagues, having significant control over the content and pace of work, and ability to integrate things that are most important in life and work, although there has been a small decline in workload manageability.

Table 5.1 Average scores to the wellbeing questions, 2021 and 2023 (mean scores, 1 = strongly disagree, 5 = strongly agree)

| | 2021 | 2023 | change |
|---|------|------|--------|
| My relationships with other colleagues are as good as I would want them to be | 3.32 | 3.67 | 0.35 |
| I have significant control over the content and pace of my work | 2.99 | 3.25 | 0.25 |
| I am able to integrate the things that are most important to my life and work | 3.01 | 3.13 | 0.12 |
| My current mood is good | 3.43 | 3.49 | 0.07 |
| I DO NOT experience little interest or pleasure in doing things | 3.55 | 3.62 | 0.07 |
| Within the environment in which I work, I feel comfortable to express my opinions, thoughts and ideas | 3.61 | 3.66 | 0.05 |
| I am able to confide in work colleagues regarding challenges experienced with my cases | 3.85 | 3.89 | 0.05 |
| I DO NOT tend to dwell on my mistakes | 2.42 | 2.46 | 0.04 |
| I DO NOT tend to feel down or low in spirits | 3.07 | 3.10 | 0.03 |
| Within the environment in which I work, there is generally a sense of cooperation and collaboration | 3.89 | 3.91 | 0.02 |
| I DO NOT tend to be very critical of myself | 2.13 | 2.14 | 0.01 |
| A case going badly DOES NOT have an impact on my confidence | 2.25 | 2.25 | 0.00 |
| Overall, I find my workload manageable | 3.22 | 3.17 | -0.05 |
| Overall, taking everything into consideration, I am satisfied with my job as a whole | 3.47 | 3.49 | 0.02 |

Source: IES/Bar Council: Barristers' Working Lives Surveys, 2021 and 2023

5.3 Work-life themes

The first 13 statements (i.e. excluding the final statement about overall job satisfaction) reflect four underlying themes about working lives:

Supportive work environment

1. Within the environment in which I work, there is generally a sense of co-operation and collaboration.
11. My relationships with other colleagues are as good as I would want them to be.
12. Within the environment in which I work, I feel comfortable to express my opinions, thoughts, and ideas.
13. I am able to confide in work colleagues regarding challenges experienced with my cases.

Workload management

2. I have significant control over the content and pace of my work.
3. I am able to integrate the things that are most important to my life and work.
7. Overall, I find my workload manageable.

Psychological wellbeing

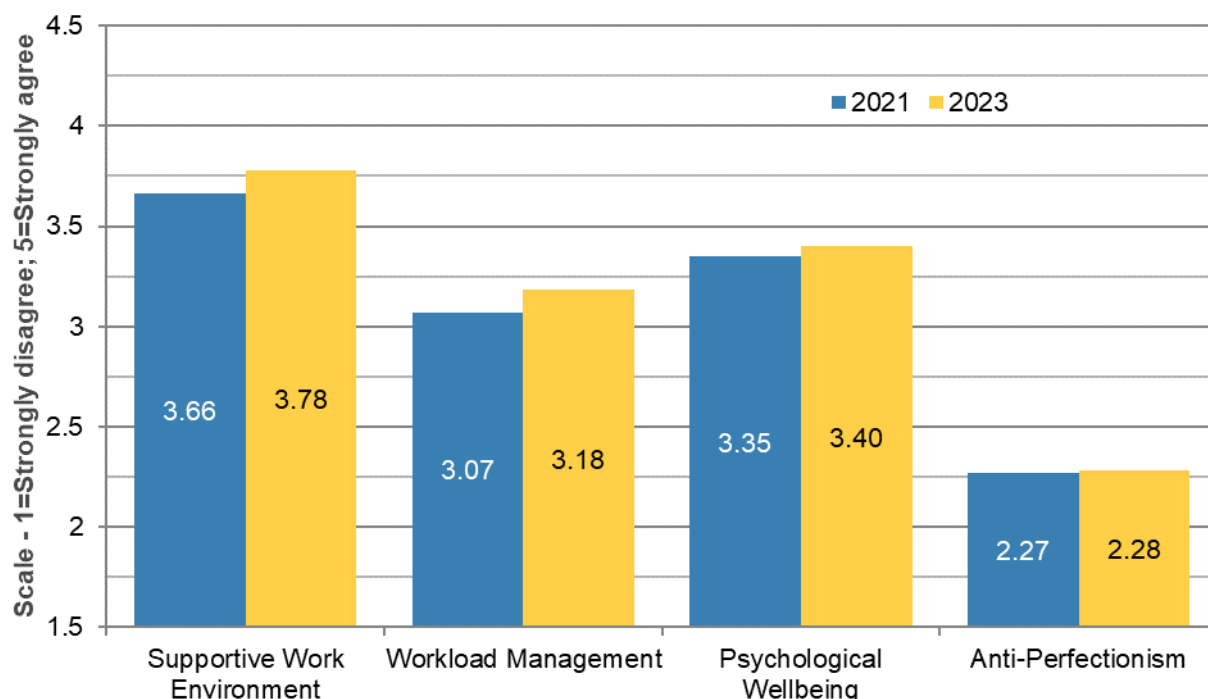
4. I DO NOT tend to feel down or low in spirits.
5. I DO NOT experience little interest or pleasure in doing things.
9. My current mood is good.

Anti-perfectionism (this is reversed so the scale runs in the same direction as other factors)

6. A case going badly DOES NOT have an impact on my confidence.
8. I DO NOT tend to dwell on my mistakes.
10. I DO NOT tend to be very critical of myself.

5.3.1 Changes over time

There have been large improvements in the scores for supportive work environment and workload and management, and a small improvement in the score for psychological wellbeing since 2021, although little change in views about anti-perfectionism.

Figure 5.2 Views on work-life themes, 2021 and 2023

Source: IES/Bar Council: Barristers' Working Lives Surveys, 2021 and 2023

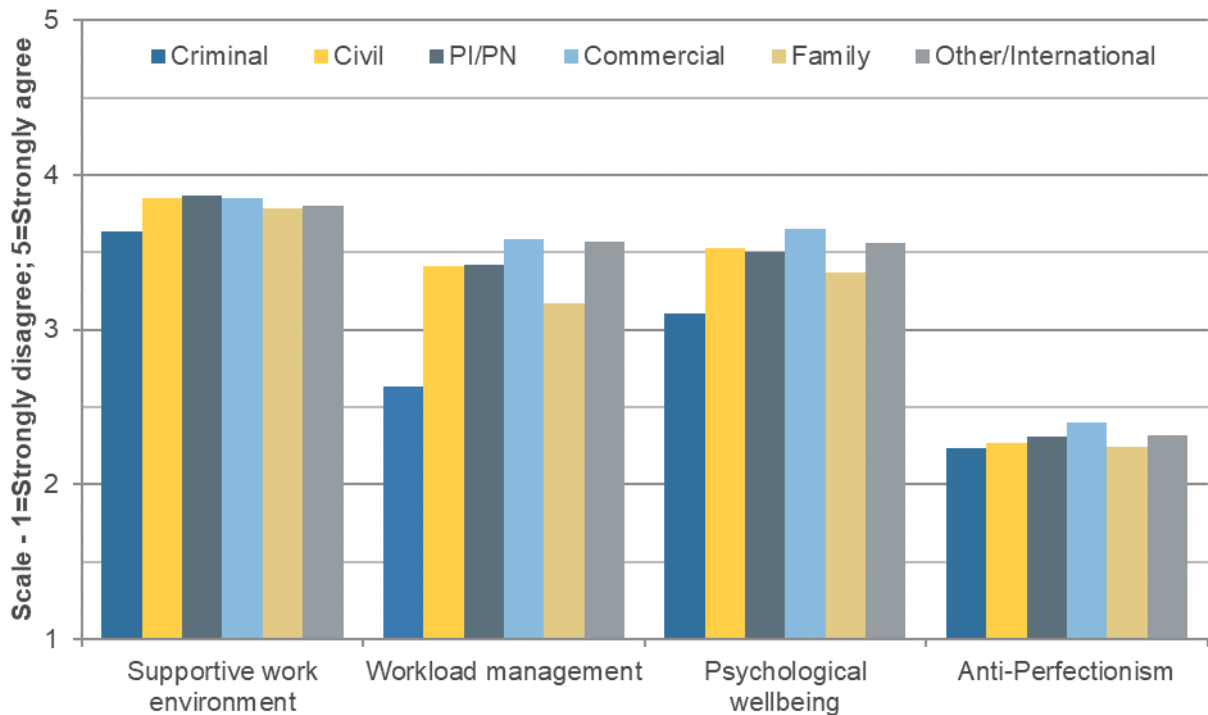
5.3.2 Variation by barristers' characteristics

There were significant differences in views on the themes by barristers' characteristics. The separate report on wellbeing presents full details of these, although we have picked out some of the key breakdowns here, and the relationship between the work characteristics presented later in this report, and views on these themes, are summarised within each chapter.

Figure 5.3 shows variation in views on the four working lives themes by area of practice. Barristers in criminal practice were less positive about all four themes than barristers working in other practice areas. The difference was particularly marked for workload management, where criminal barristers were negative overall about this theme, while barristers in all other practice areas were positive (although family barristers were only just positive overall about this). Barristers in international/other practice were most positive about workload management, psychological wellbeing, and anti-perfectionism.

In comparison with the 2021 findings, barristers in civil, PI/PN and commercial practice were much more positive about supportive work environment, workload management and psychological wellbeing than they had been in 2021, while criminal and family barristers were only slightly more positive than in 2021.

Figure 5.3 Views on work-life themes by area of practice



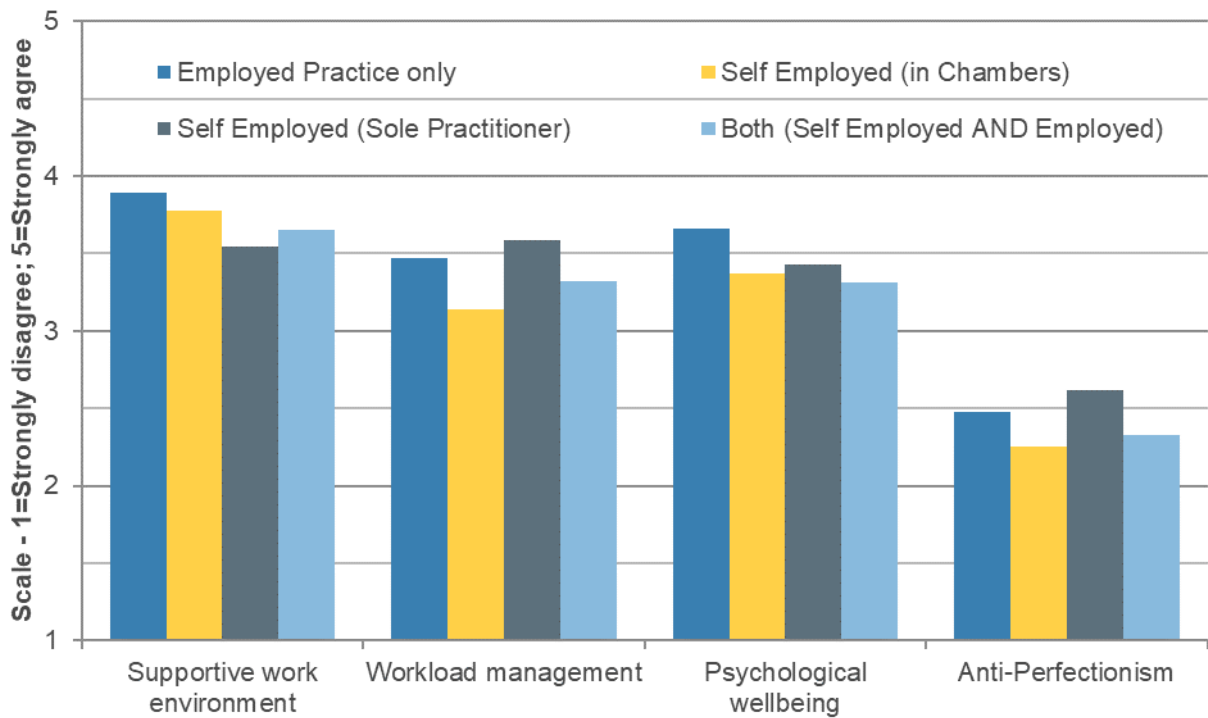
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,324)

Figure 5.4 shows how views on the themes vary by barristers' employment status. The patterns are similar to those found in 2021, with sole practitioner barristers reporting the least positive views about supportive work environment, but the most positive views about workload management and anti-perfectionism. However, employed barristers reported the most positive views about psychological wellbeing, whereas in 2021 sole practitioner barristers were most positive about this theme.

There was substantial variation in views by KC status, with KCs giving the most positive responses for each theme. However, barristers who were hoping to become a KC in the next two years were much less positive about workload management than other non-KC barristers, suggesting that there is a substantial workload pressure in preparing for taking silk.

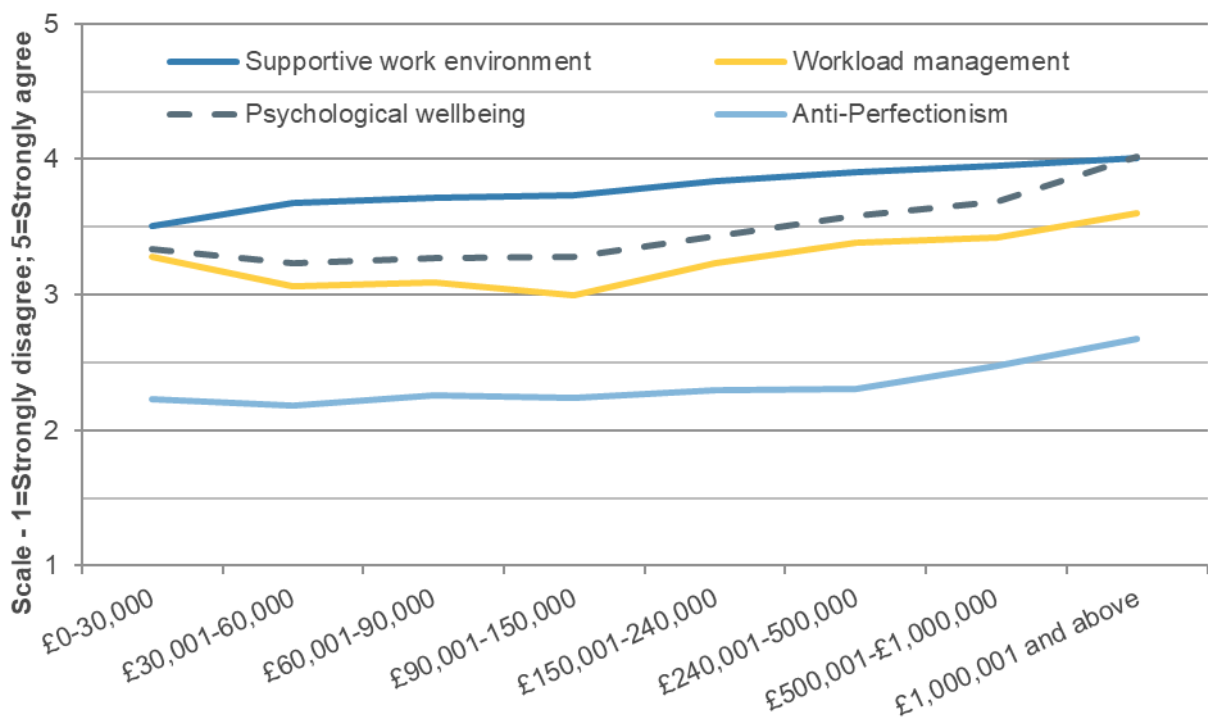
The highest earning barristers were the most positive about all working life themes, as was the case in 2021 (see Figure 5.5). Views on supportive work environment became more positive as incomes increased, although for the other three themes there was little variation in views in the lower income bands (below £240,001), and barristers in the lowest income band were slightly more positive about workload management and psychological wellbeing than those in the next bands up.

Figure 5.4 Views on work-life themes by employment status



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,324)

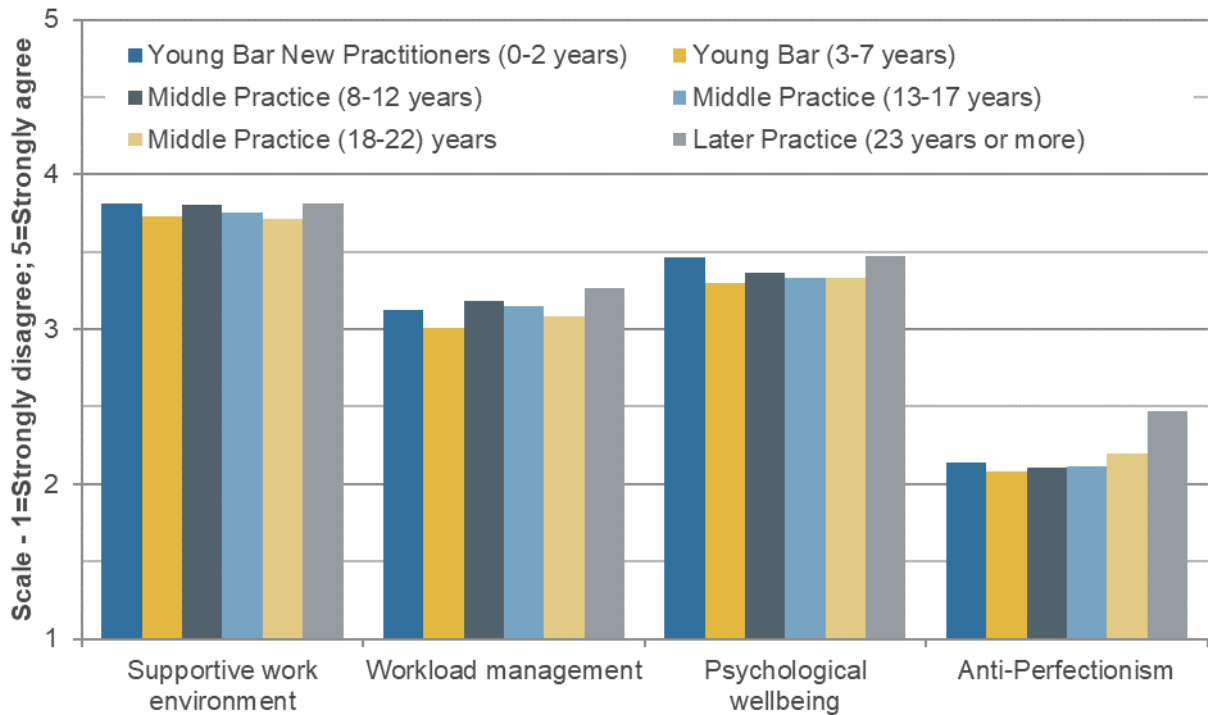
Figure 5.5 Views on work-life themes by income band



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,278)

Figure 5.6 shows variation in views by time since Call. There is relatively little variation in views about supportive work environment, and views about psychological wellbeing are most positive amongst the shortest-serving and longest-serving barristers, with little variation in between. In comparison with the 2021 findings, New Practitioners have become much more positive about all themes.

Figure 5.6 Views on work-life themes by time since Call



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,324)

6 Working hours and patterns

This section explores issues around barristers' working hours, working patterns, and work practices.

6.1 Working hours

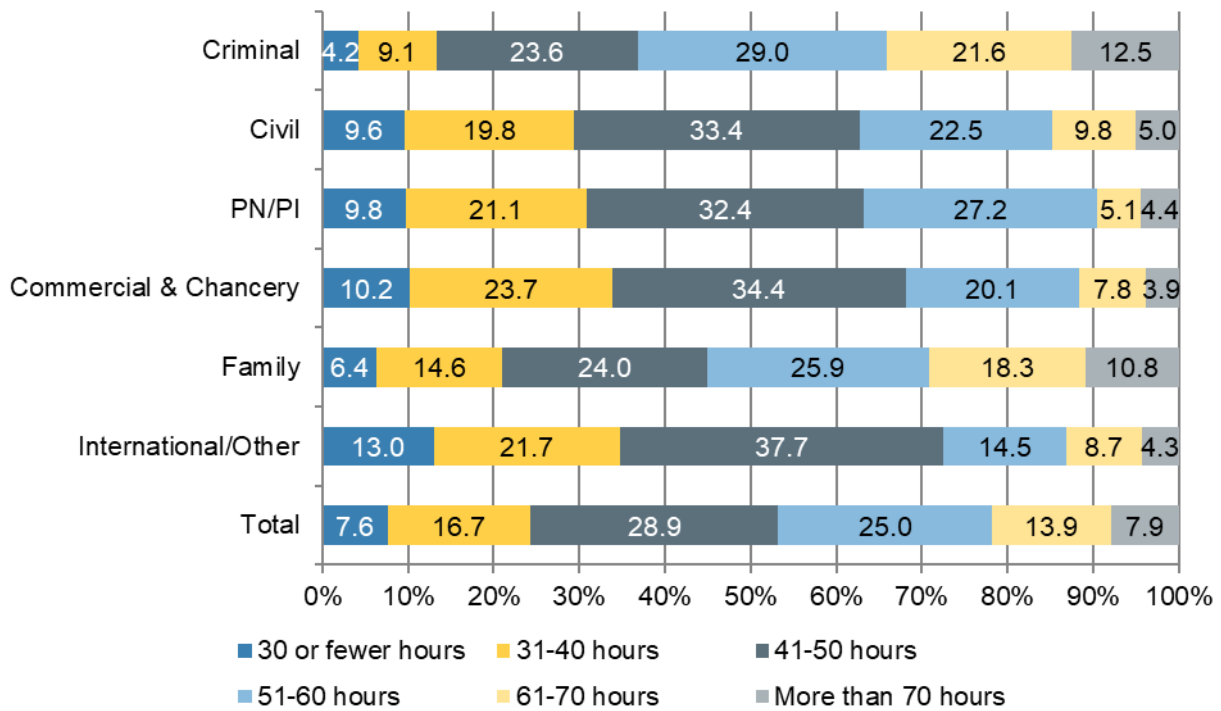
6.1.1 Typical and actual hours

Typical working hours

Just under one in three barristers (29%) reported that they typically worked between 41 and 50 hours per week, with one in four (24%) working fewer than 40 hours per week, and 47% working more than 50 hours per week (25% working 51 to 60 hours, 14% working 61 to 70 hours, and 8% working more than 70 hours). In comparisons with the findings from the 2021 survey, there were fewer barristers working between 41 and 50 hours (34% in 2021) and more working more than 50 hours per week (43% in 2021).

Barristers in criminal and family practice were most likely to have long typical working hours of 60 hours or more (34% and 29% of barristers respectively), while there was relatively little variation by practice area in the proportion working short weeks of 30 or fewer hours (Figure 6.1).

Figure 6.1 Typical working hours by practice area



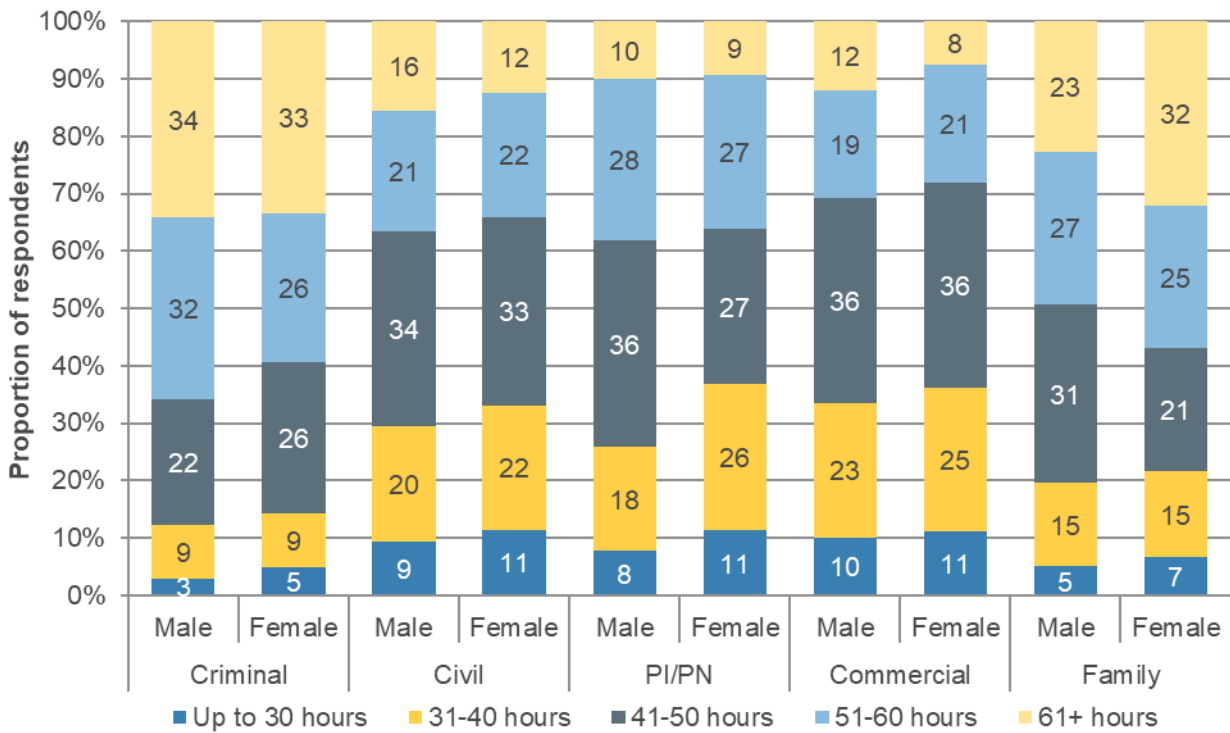
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,321)

Around seven out of ten employed barristers (71%) typically worked between 31 and 50 hours per week (down from 76% in 2021), compared with around four out of ten (43%) self-employed barristers in chambers (down from 48% in 2021). Half of self-employed barristers in chambers (50%) worked more than 50 hours per week, compared with one in five employed barristers (19%).

There was relatively little difference in the distribution of typical working hours between male and female barristers. Female barristers were slightly more likely to work short weeks of 30 hours or less (8% compared with 7% of male barristers) but were more likely to work very long weeks of 61 or more hours (23% compared with 20% of male barristers).

Figure 6.2 shows the distribution of typical working hours by sex within the five main practice areas (international/other has too few respondents for this analysis). The only practice area in which there is a significantly different distribution of hours for males compared with females is family, where female respondents have much longer working weeks on average than male respondents; one in three (32%) female respondents worked 61 or more hours in a typical week compared with one in four (23%) male respondents. In all other practice areas the distribution of hours for females was very similar to that for males.

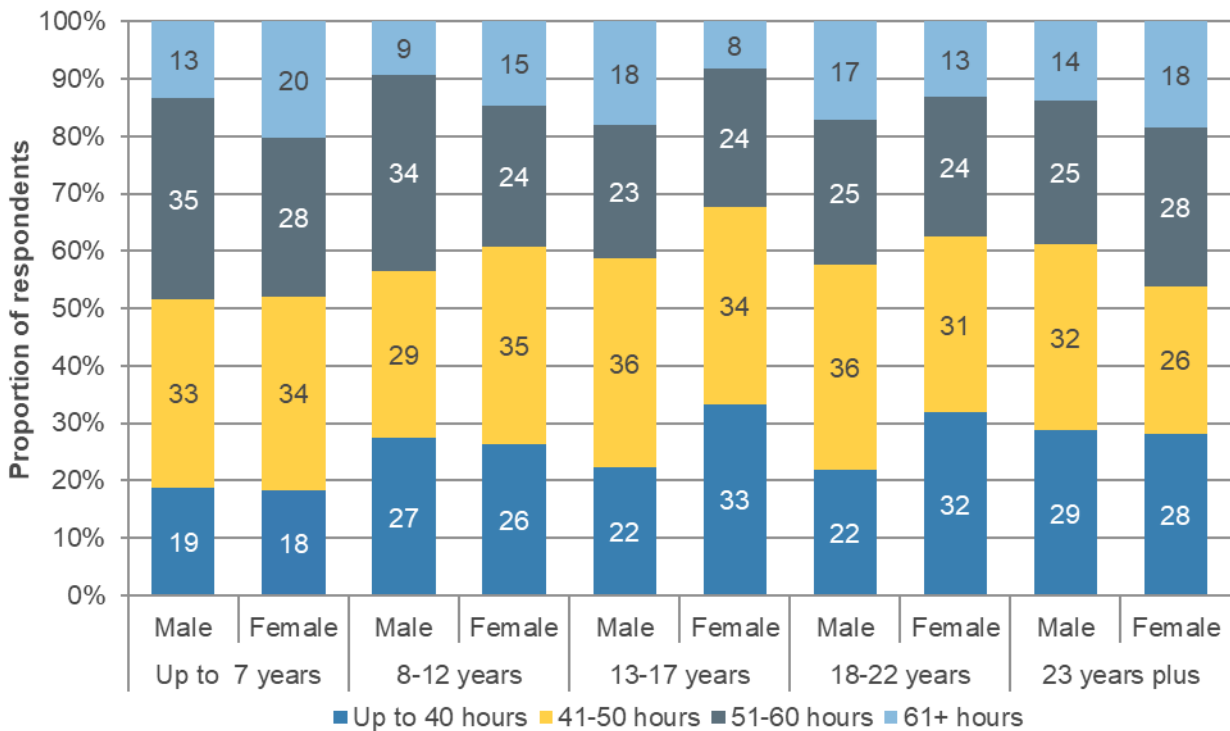
Figure 6.2 Typical working hours by sex and practice area



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,028)

Figure 6.3 looks at the patterns of working hours by sex and also by time since Call. For barristers in the Young Bar (0-7 years) and in early Middle Practice (8-12 years) there was very little difference in the distribution of hours. However, among the later Middle Practice years (13-22 years since Call), female barristers were more likely than male barristers to work short weeks of up to 40 hours, and were less likely to work long weeks of 61 hours or more, and this difference was statistically significant for those with 13-17 years since Call). Turning to those in the Later Practice years (23 years plus since Call), female barristers were more likely than male barristers to work for 51 or more hours per week and this difference was also statistically significant. These patterns may reflect childcare responsibilities that female barristers experience in their middle years of practice, followed by a tendency to work longer hours to increase lifetime earnings in Later Practice while their male colleagues begin to reduce hours.

Figure 6.3 Typical working hours by sex and time since Call



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,028)

Hours worked in most recent week

Barristers were also asked how many hours they had worked in their most recent week, to help understand how actual working hours may vary from typical working hours. In comparison with barristers' typical working hours, there were more working shorter hours, with 35% working 40 hours or fewer per week in their most recent week, compared with 24% who typically worked this number of hours, and only 43% worked between 41 and 60 hours in their most recent week, compared with 53% typically working this many hours. However, the proportion who worked 61 or more hours in their most recent week was the same as the proportion who typically worked long hours, at 22%. Patterns by practice area and employment status were similar to those for typical hours, with criminal and family barristers, and self-employed barristers in chambers most likely to be working long hours.

Overall, 33% of barristers worked fewer hours in their most recent week than they typically worked, 50% worked the same hours, and 17% worked more hours than they typically worked. There was only minor variation by practice area, with barristers in professional negligence/personal injury least likely to work fewer hours (26%), and commercial and chancery barristers most likely to work more hours (22%). Nearly two thirds of employed barristers worked the same hours in their most recent week as they typically worked (62%). New Practitioner barristers (less than three years since Call) were most likely to have worked fewer hours in their most recent week than they typically worked (37%).

6.1.2 Full or part-time working

Respondents were asked to describe their typical working hours as full-time or part-time, based on the following distinction:

- Full-time (you are available to work all day in office hours on each working day).
- Full-time extended hours (you regularly work weekday evenings and/or early mornings but try not to work weekends).
- Full-time extended but including weekends (you regularly work on one or both weekend days).
- Part-time (there are working days where you do not or try not to work as a barrister).

Nine out of ten barristers (89%) reported that they worked full-time, with just over half (52%) working full-time including weekends (up from 49% in 2021), while 23% worked in the evening but not at weekends (21% in 2021), and 15% worked full-time hours during the working week (20% in 2021). Women barristers were nearly twice as likely as men to work part-time (14% and 8% respectively) but less likely to work standard full-time hours with no extended hours (11% and 18% respectively), and were just as likely to work extended hours, and over weekends.

The patterns of working hours by practice area are also reflected in full and part-time working, with criminal and family barristers most likely to work full-time including weekends (71% and 59% respectively, compared with 64% and 60% respectively in 2021). Employed barristers were most likely to work full-time during office hours only (36%), and only 18% of employed barristers regularly worked at weekends, while 56% of self-employed barristers in chambers regularly worked weekends. Sole practitioner barristers were most likely to work part-time (29%). Barristers in the Young Bar between three and seven years since Call were most likely to regularly work weekends (59%), followed by Later Practice barristers (23 years plus since call, 53%), while part-time working was most common among those with 12 years or more since call.

6.1.3 Unpaid hours

Nine out of ten barristers (89%) reported that they worked additional hours (other than pro bono work) for which they felt they were not paid, the same proportion as in 2021, although they were doing fewer unpaid hours on average than in 2021. Just over one in four barristers reported that they did up to five hours unpaid per week (28%, compared with 22% in 2021), while one in three reported working six to 10 hours unpaid per week (33%, compared with 35% in 2021), and a further 28% reported working 11 or more hours unpaid per week (33% in 2021).

Doing unpaid work was associated with working patterns, with full-time workers who regularly worked weekends being most likely to do any unpaid hours (94%), and particularly long unpaid hours of more than 10 per week (41%), while those who worked full-time but during office hours only or part-time were least likely to do unpaid hours (20% and 18% respectively did no unpaid hours).

Criminal and family barristers, self-employed barristers in chambers, and those in the Young Bar (three to seven years since Call) were most likely to work unpaid hours. Female barristers were more likely than male barristers to work unpaid hours (92% worked any, and 31% worked more than 10 unpaid hours, while among male barristers the proportions were 88% and 25% respectively).

6.2 Flexible working arrangements

Just under one in four barristers (22%, up from 19% in 2021) reported that they had a flexible working arrangement in place – a formal agreement with their chambers or employer that allows them to work in a way that suits their needs; for example working part-time, job sharing, flexible start and finish times, or compressed hours. One in five barristers (20%) said that they did not have a flexible working arrangement but would like one, and 58% said that they did not have one and that suited them.

There was substantial variation by respondents' work and personal characteristics:

- Six out of ten (59%) employed barristers had a flexible working arrangement, compared with 17% of self-employed barristers in chambers (in 2021 the proportions were 50% and 14% respectively).
- One in three barristers in international/other practice areas had a flexible working arrangement, as did 28% of those in family practice and 26% of those in civil practice, compared with 17% of criminal barristers and those in commercial and chancery.
- New Practitioner barristers (less than three years since Call) were most likely to have flexible working arrangements (30%) followed by those with 13 to 17 years since call (27%), while barristers in the Young Bar with three to seven years since Call were least likely (16%).
- Just over half of barristers who typically worked less than 30 hours per week reported having a flexible working arrangement, compared with 11% of those who typically worked more than 60 hours per week. Similarly, 63% of those who worked part-time said that they had a flexible working arrangement, compared with 12% of those who regularly worked weekends.
- More than one in four female barristers (28%) had a flexible working arrangement, compared with 17% of male barristers.

Barristers who wanted a flexible working arrangement but did not have one were more likely to be female (57% compared with 48% of all barristers), aged 34 or younger (21% compared with 17% of all barristers), and from ethnic minority backgrounds (22%, compared with 14% of all barristers). They were much more likely to be working in criminal or family practice, with 45% of those wanting a flexible arrangement working in criminal practice and 24% working in family practice, while across all barristers 27% worked in criminal practice and 21% in family practice.

6.3 Changes in practice/working patterns

Barristers were asked whether there was anything about their practice or working patterns they would like to change in the future. The responses are shown in Table 6.1.

Increasing earnings was the most common desired change, mentioned by 55% of barristers, followed by more remote working (44%) and more flexible working for work/life balance reasons (43%). Other changes were much less commonly mentioned, with 15% wanting to leave the Bar, another 15% wanting to do less legal aid work, 11% wanting to work part-time, 9% wanting to move to a different employer/chambers, 9% looking to retire, and 9% wanting to move area of practice.

Table 6.1 Changes in practice/working patterns

| | Number | % |
|---|--------|------|
| Increase my earnings | 1,736 | 55.1 |
| More remote working | 1,398 | 44.4 |
| More flexible working for work/life balance reasons | 1,366 | 43.4 |
| Leave the Bar | 471 | 14.9 |
| Do less legal aid work | 468 | 14.9 |
| Work part-time | 331 | 10.5 |
| Move to a different employer/chambers | 292 | 9.3 |
| Looking to retire | 291 | 9.2 |
| Move area of practice | 280 | 8.9 |
| Less remote working | 134 | 4.3 |
| Look to become employed | 134 | 4.3 |
| Look to become self-employed | 43 | 1.4 |
| Do more legal aid work | 37 | 1.2 |
| Other change | 199 | 6.3 |
| Nothing I would like to change | 314 | 10.0 |
| Total | 3,151 | - |

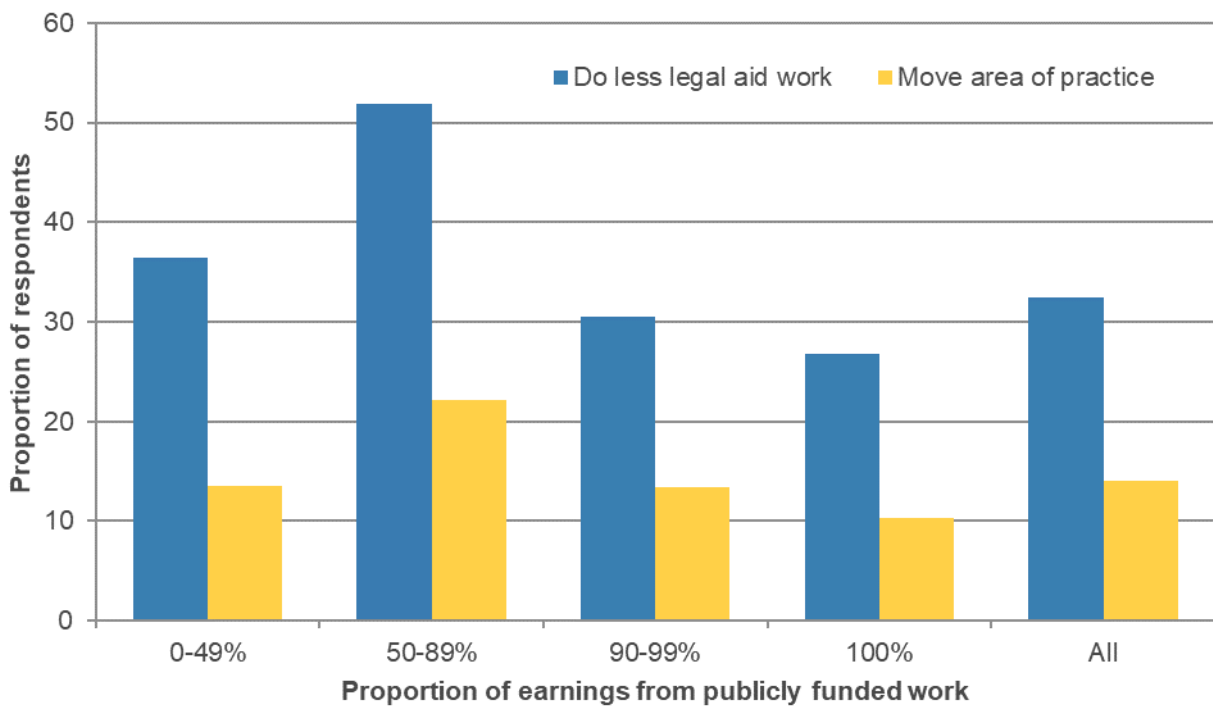
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Barristers who said that they wanted to leave the Bar were most likely to be working in criminal practice, with one in four (25%) saying that they want to leave the Bar, and they were more likely to be sole practitioners or working as both employed and self-employed (22% and 26% respectively). New Practitioner barristers, with less than three years since Call, were least likely to want to leave (4%) although 15% of the Young Bar (3-7 years since Call) said they wanted to leave, above the proportion of Middle Practice barristers with eight to 12 years since call (11%).

Further analysis was undertaken to examine the influence of the proportion of respondents' earnings from publicly funded work on intentions to do less legal aid work and to move area of practice. Looking first at criminal barristers, Figure 6.4 shows that

those who earned more than half of their earnings from publicly funded work, but less than 90%, were most likely to report that they would like to do less legal aid work (52% compared with 32% overall) or that they would like to move area of practice (22% compared with 14% overall), while those who received all of their earnings from publicly funded work were least likely to report wanting to do less legal aid work (27%) or move area of practice (10%).

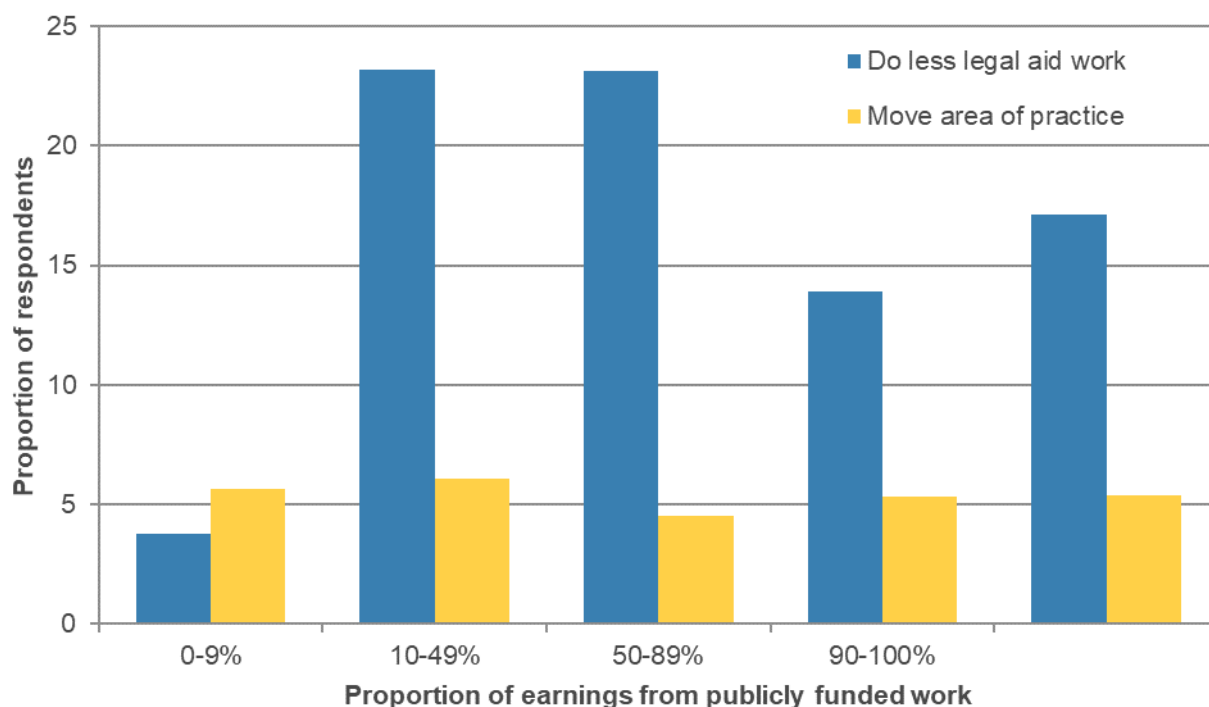
Figure 6.4 Intentions to do less legal aid work or move area of practice by proportion of earnings from publicly funded work, barristers in criminal practice



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=739)

Turning to barristers in family practice, those who received between 10% and 89% of their earnings from publicly funded work were most likely to want to do less legal aid work (23%), followed by those who received 90% or more of their earnings from publicly funded work (14%), while very few barristers who earned less than 10% from publicly funded work wanted to do less legal aid work (4%; Figure 6.5). However, there was very little variation in the proportion who reported that they wanted to move area of practice by the amount they received from publicly funded work.

Figure 6.5 Intentions to do less legal aid work or move area of practice by proportion of earnings from publicly funded work, barristers in family practice



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=574)

Looking now at barristers in civil practice, there was a clear relationship between the proportion of earnings from publicly funded work and the likelihood of barristers reporting that they wanted to do less legal aid work, as shown in Figure 6.6. Just over one in five respondents who received more than half of their earnings from publicly funded work wanted to do less legal aid work, compared with 17% of those who received between 15 and 49% of their earnings from publicly funded work, and 5% of those who received between 1% and 14% of their earnings from publicly funded work. The proportion wanting to change area of practice was highest among those with between 15 and 49% of their earnings from publicly funded work (16%, compared with 10% overall) and was lowest among those with no earnings from publicly funded work (6%).

Figure 6.6 Intentions to do less legal aid work or move area of practice by proportion of earnings from publicly funded work, barristers in civil practice



Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023 (N=475)

Self-employed barristers in chambers were asked which areas they thought their chambers could improve on to better support the day-to-day management and overall development of their practice. Opportunities for personal and professional training and development was the most commonly mentioned improvement, mentioned by 40% of self-employed barristers in chambers, followed by improved use of space/flexible working/hot desking (30%), improving staffing structures and management (29%), sharing legal resource help e.g. paralegals or PAs (27%) and flexibility of chambers’ charging structure (26%).

6.4 Impact of the cost-of-living crisis

The impact of the recent period of high inflation and cost-of-living crisis on barristers was investigated by asking respondents about the extent to which they were concerned about the impact of the cost of living in relation to their own situation. There was a fairly even spread of views, with 14% being very worried, 35% being fairly worried, 38% being not very worried, and 13% being not at all worried.

Employed barristers were less likely to report being very worried (11%) while more than a quarter of sole practitioners (27%) were very worried. By practice area, barristers in criminal practice (21%) and family practice (17%) were most likely to be very worried. One in five New Practitioner barristers (0-2 years since call) were very worried, while there was relatively little variation among more experienced barristers.

There was a very strong association between barristers' earnings and their concern about the impact of the cost of living. One in four barristers earning up to £60,000 per year (26%) were very worried, compared with 16% of those earning between £60,000 and £150,000, 9% of those earning between £150,000 and £350,00, and 2% of those earning £350,000 or more.

6.5 Distribution of work

Some barristers feel that work within their organisations can be distributed unfairly. To explore this more systematically the Bar Council decided to include a question this year that asked respondents directly whether or not they felt that work was distributed fairly at their chambers or employing organisation, and if they did not think it was fairly distributed what might be done to change this situation.

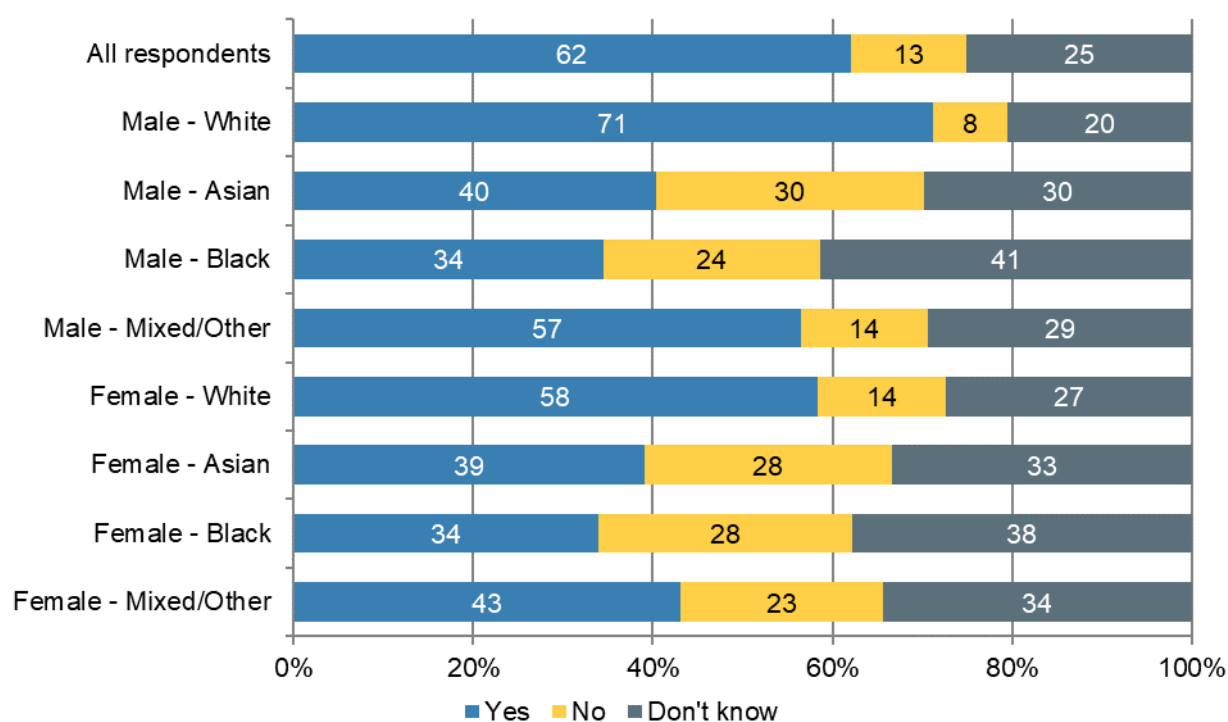
Across all barristers, six in ten (62%) thought that work was distributed fairly within their chambers/employer, 14% did not think it was and one in four (25%) did not know. There was significant variation among most demographic and employment-related variables but in particular by ethnicity, gender and pay band.

Two thirds (65%) of white barristers said that work was distributed fairly at their employer/chambers, compared with around four in ten (43%) of those from ethnic minority backgrounds. And respondents from ethnic minority backgrounds were twice as likely as white barristers to think that work was not distributed fairly (24% compared with 11%). Seven in ten male barristers (69%) said work is distributed fairly compared with 55% of female barristers. There were similar albeit smaller differences between other key variables:

- barristers earning more than £240k per annum were more likely to report that work was distributed fairly (71% compared with 57% of those earning less than £150k per annum, and 63% of those earning between £150k and £240k);
- barristers with a disability were less likely to feel that work was distributed fairly (55% compared with 63% of those without a disability);
- barristers who were primary carers for children were less likely to feel that work was distributed fairly (57% compared with 65% of those who did not have childcare responsibilities); and
- barristers who went to non-selective state schools were less likely to feel that work was distributed fairly than those who went to independent schools or those that were selective on academic grounds (58%, compared with 64% for independent school attendees and 67% for academically selective state school attendees).

Barristers in employed practice (72%) were more likely to say that work was distributed fairly than those in chambers (60%). However, differences by area of practice were narrower with 59% of those working at the Criminal or Civil Bar satisfied that work is distributed fairly in comparison to 64% of those working in commercial, family and PI/PN.

Figure 6.7 Is work distributed fairly at your chambers/organisation in your area of practice (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,962)

Figure 6.7 shows that among barristers from ethnic minority origins there was no difference between men and women, while among white barristers the difference was significant at 71% of men compared with 58% of women reporting that work was distributed fairly.

Next, those who reported that work was not distributed fairly at their employer/chambers were asked what they thought could be done to improve the situation. Comments were coded into broad groups with examples and detail summarised too. Responses were coded using up to five different categories. Table 6.2 summarises the responses to the question.

Table 6.2 How to improve fairness in work allocation

| Theme | Examples | % cases |
|---|--|---------|
| Reduce favouritism/ equal access | Less favouritism/nepotism/cliques etc./fair allocation process/ingrained unconscious/conscious biases/preferences/hard-wired bias/less discrimination | 33% |
| Formalise/transparency | Clear to all/open procedures/access to all/best person for job/use of diaries/less paying lip service to fairness/fair allocation policies | 28% |
| Clerks more accountable | Less about fraternising/pubs etc./reliance on clerks needs addressing/change bonuses/way they are rewarded/formal training/be stronger with biased clerks/abandon clerking system/clerks be more discerning on taking work | 20% |

| | | |
|---|---|-----|
| Reviews/monitoring | Charging rates (different groups)/active centralised mandatory monitoring/audits/assess unallocated work management control/independently assessed/produce stats to Bar Council/external investigations/logging telephone enquiries | 18% |
| Reduce pay/work access disparities | Esp. gender, promote more women, end junior exploitation | 12% |
| Practice development/positive discrimination | For seniors/Young Bar/engage with skills/promotion/experience/preference those returning to work/more opportunities | 11% |
| Better management control | Managing poor performance/supervision/gender-based training/more partner involvement/open practice meetings | 9% |
| Can't be done | Difficult/nature of the work is favouritism/nepotism/changing attitudes takes ages/due to government policies | 5% |
| Other | Unsure/decline to comment | 5% |
| Childcare issues | Understanding of needs of carers/working mothers/lone parents/returners | 4% |
| Recruitment | Reduce/increase (too many/few staff) | 3% |
| Solicitors | Need educating/be open minded/bias (unconscious) | 3% |
| Allocation | Independent/take all factors into account | 1% |
| Base N=316 | | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

A third of all responses mentioned the need to improve equality, fair access to work and to reduce favouritism, cliques and discrimination/bias. There was a feeling expressed by many respondents that even if there is not necessarily/always overt discrimination, there is unconscious bias and preferences that are based on traditional prejudices, in particular that women are suited to certain types of work (lower status and less well paid) and men more prestigious, higher status work. The following two comments highlight and explain the impact of favouritism and lack of fairness and equal access in the way work is offered for some barristers.

'There is clearly an issue with the more junior men being promoted and used on bigger cases earlier on in their careers than the women. As younger women, we never had the opportunity to act on equivalent cases and therefore our careers have not progressed as fast as theirs. I have spoken to my clerks many times about this but it is normally dismissed and I am told this is not an issue. I am assured that unallocated work is distributed fairly, and that may well be the case, but the difficulty is the men who get more exposure to better clients etc. earlier in their careers are then asked for more often than we are further down the line and that affects the quality of the work that is then distributed to the rest of us. In my view every effort ought to be made to ensure the more prolific senior barristers are using different juniors (especially women, as well as men) from the outset of the juniors' careers, to try to limit the issues that as a 13-year-call barrister I now face.'

'The work is distributed according to favouritism and often worse nepotism. There is no distribution according to ability. I've been in 2 chambers and they are both the same. It is corrupt and not good for The Bar. But all deny or have "policies" but the policy is useless unless it is applied. The Bar is going to kill itself off if it carries on this corruption.'

Improving the transparency of how work is allocated and formalising the procedures and policies around the allocation of work was seen as the key improvement that would help address the perceived lack of fairness.

There is a feeling among some respondents that policies alone are insufficient, and some cynicism that they can sometimes only pay lip service to fair allocation. Some suggested that allocation needs independent monitoring, provision of transparent reporting, feedback and data that contributes to professional development. The following comments illustrate this.

'I think greater transparency about allocation of junior work ... I am disturbed about the extent to which my (male) co-pupil's practice is both more interesting, better paid and taking off compared with mine (female), for no reason other than his gender.'

'Transparency reports so we know the general split and we can see where we sit in this.'

'Actually applying the fair allocation policy rather than paying it lip service.'

Sometimes connected to these two issues is the perception that the clerking process in some chambers needs to be more transparent, eliminate any favouritism and base the allocation process on objective measures. Clerks can make or break individual opportunities and careers. It was noticeable that some barristers have benefited from clerking bias but felt uncomfortable about this in relation to their colleagues. There was a feeling among some that the process was opaque and too reliant on informal fraternising. Some felt there should be more accountability and obligation to report and explain allocation decision making. Respondents called for improved training of clerks and some felt the whole clerking system should be overhauled or abandoned.

'More transparent clerking. Clerks should be obliged, Bar-wide, to provide regular written information to each barrister of opportunities they are being put forward for, and to explain disparities. My sense is they just do whatever they want. There is too much cloak & shadow, sucking-up, favouritism and self-importance amongst clerking. Remind them that they are here to provide an agency service to barristers, not the other way around.'

'Clerks trained on such matters and specifically told not to favour barristers they are personal friends with ... I benefit from this but I am conscious of it being unfair to others.'

'First and foremost, abandon the current clerking system which is the root of the problem.'

However, there were suggestions that in some chambers it is senior barristers who are the main issue in terms the fairness of work allocation.

'Silks having favourites in chambers is a huge issue and there is nothing the clerks can do about it.'

To enhance accountability, one in five respondents who felt that the allocation of work was unfair mentioned the need for more data on and reviews of charging rates for

different groups of barristers. Some wanted to see more active, centralised and/or mandatory monitoring or auditing to assess unallocated work, as well as better management control, independent assessment with reports and stats submitted to the Bar Council or other external investigation.

'Objective monitoring of work allocation - by data collection - central action plan to address any inequitable distribution of work types/quality.'

'Better checking by the Bar Council that monitoring of equal distribution takes place, compulsory submission of stats annually to the BC of 10 years call and below when practices are developing.'

Connected to unequal access, there were many comments concerning pay disparities and development of practices including several suggestions that women returning from maternity leave are supported to build their practices.

'There needs to be consideration of whether more of the better paid work is going to the men in chambers, as it seems it may be, and if so a policy put in place to ensure fair distribution. Also, a consideration of whether members of chambers willing to undertake legal aid work are getting a fair opportunity to supplement that with privately paid work.'

Improving management control of work allocation was also mentioned by around one in ten respondents and this might include any or all of the following: managing poor performance, better supervision, gender-based training, more partner involvement and open practice meetings.

'Better management of cases between genders. Educating instructing solicitors to be fairer in instructions and not to stereotype, educate clerks to challenge solicitors asking for male/female barristers.'

Challenging solicitors was highlighted as an important issue by a number of barristers, suggesting that solicitors should be challenged more frequently as to their preferences for certain barristers, and challenged in their stereotypes and biases.

Finally, there were a significant number of responses that were somewhat defeatist implying that it was not possible to change the situation. For example:

'I wish I knew the answer - but clerks always have favourites and they cream off the best work for them. It's only when I complain that things change but then I get a reputation for being a moaner.'

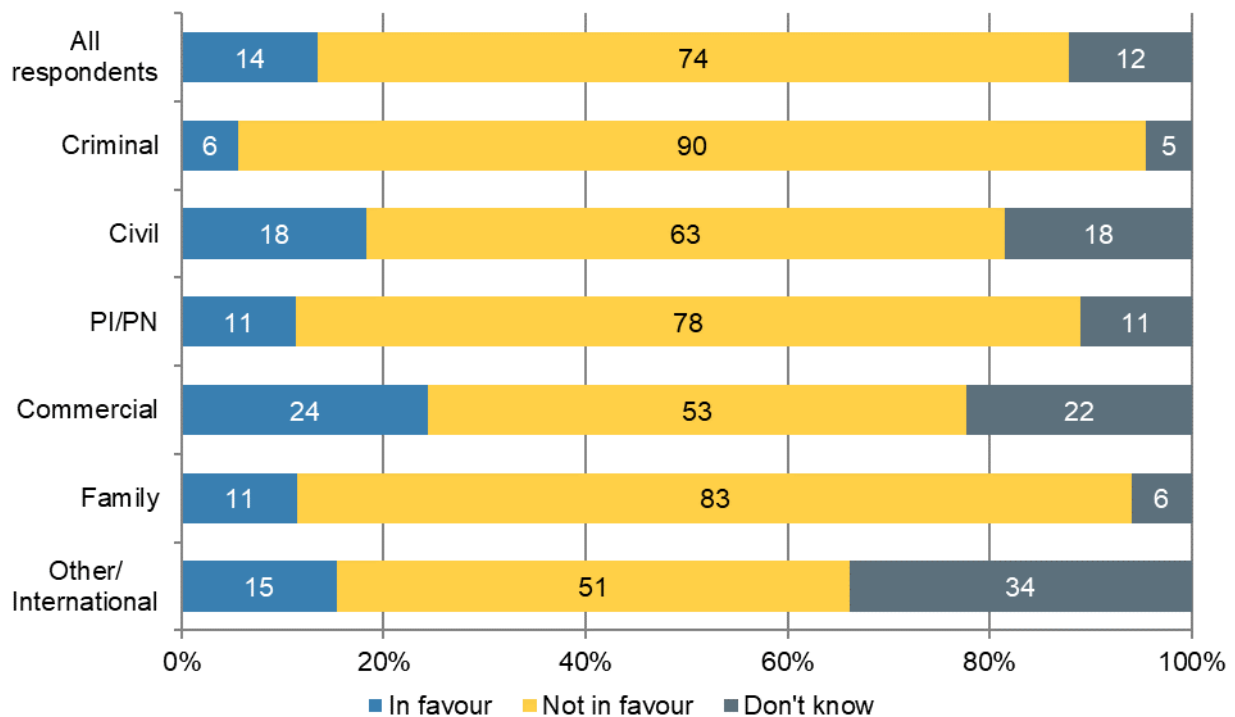
6.6 Extended operating hours

The Covid-19 pandemic resulted in a significant increase in the backlog of cases and the justice system is still trying to catch up. To try and address this the government has previously floated the idea of introducing extended operating hours (EOH) for courts and has piloted it in several areas. This proposal is controversial, and to try and establish the

degree to which the Bar supports the proposal, respondents (N=3,251) were asked if they supported the proposal and to give reasons for their response.

Respondents were asked, ‘If this was suggested again, would you support the introduction of extended operating hours?’. Across all respondents 14% said they would support the introduction of EOH, 74% said they would not and 12% said they did not know.

Figure 6.8 Views of the introduction of Extended Operating Hours (EOH) by broad area of practice (percentages)



Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023 (N=3,251)

Several demographic and employment variables were correlated with responses to this question, in particular, area of practice. Just 6% of barristers working at the Criminal Bar reported that they would be in favour of the introduction of EOH, compared with 11% of those working in family practice or PI/PN and 18% of those working in civil and 24% in commercial practice.

In addition to this, there is a significant correlation with gender. More than nine in ten (93%) of women working at the Criminal Bar are against the introduction of EOH. The difference between men and women was widest in civil practice where twice as many men were in favour of the change than women (24% compared with 12%). Across all respondents 70% of men opposed the introduction of EOH compared with 80% of women.

Just 3% of female primary child carers were in favour of the introduction of EOH (93% opposed it). Across all respondents, eight in ten barristers who reported that they were primary child carers (79%) said that they opposed the introduction of EOH compared with

72% of those who were not primary child carers. There was little difference in responses by disability or ethnicity.

Respondents were invited to comment on why they supported or opposed the introduction of EOH. They could write as much as they wanted and we coded up to five responses for those in favour and nine for those opposed – differences due to the volume of comments provided. Sometimes a point might be made more than once, in different ways, but in these instances only one code would be given.

6.6.1 Support for extending operating hours

First, looking at responses for those in favour of the introduction of EOH, Table 6.3 summarises the data. The main reason respondents gave, mentioned by more than half (53%) of all respondents, was in support of the government rationale for proposing EOH, i.e. to reduce the backlogs in cases. This view was expanded upon with the suggestion given by some that EOH was perceived to be the only 'realistic' way to deal with the problem.

There was a feeling among many that the backlog situation is 'intolerable' and needs to be addressed quickly and 'we as the profession owe it to society to do our best to clear the backlog'. The following comment illustrates the message given by some supporting this view.

'The backlog undermines the system and needs to be addressed. It is better to take the pain in the short term than let the system be further undermined in the eyes of the public.'

Expanding on this view, some used a phrase to summarise the impact of backlogs as 'justice delayed is justice denied'.

Table 6.3 Comments in support of EOH

| Theme | Examples | % cases |
|---|---|---------|
| Dealing with backlogs | Cases need to be heard in a reasonable time, only way to address problem | 53% |
| Access to justice | Currently impaired. County courts poor. Justice delayed is justice denied. | 20% |
| Flexibility (working hours/patterns) | Fits with normal working hours/court times are old fashioned. Longer hours but fewer days (potentially!) | 19% |
| Conditions...only if... | Not disadvantage carers, if temporary measure/return to normal hours, if paid appropriately (overtime rates) (trials not appropriate), if not compelled (voluntary–cab rank rule). Need more judges. If more remote. Not at expense of wellbeing. If parties agree. If implemented properly. Only with proper investment. | 17% |
| Volume of work/financial | Opportunity to work/earn more | 10% |
| Convenience (self/counsel) | Cheaper and easier travel options. | 7% |
| The court day is too short | It needs to move in line with other areas of work | 6% |
| Efficiency (time/less dead time) | Courts available so use them. Effective use of public funds. | 6% |

| | | |
|------------------------------|--|----|
| Better (for clients) | Convenience | 4% |
| Work these hours now | | 4% |
| Flexibility (timings) | | 3% |
| General good idea | Justifies any adverse impact. Pilot worked well. | 3% |
| Works in other areas | e.g. arbitrations are 9-5 | 2% |
| Base N=326 | | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

One in five of those supporting the introduction of EOH identified access to justice as an important factor. The following comment captures the views of some respondents worried about the impact of the backlogs.

'The back log of cases is causing injustice. I am willing to work in court longer hours to help achieve a better justice system. This should be on a temporary basis only, limited to say 2 years.'

The comment also touches on one of the many caveats that barristers frequently gave as conditions to their support for EOH; that it should only be a temporary measure. As will be seen below, some respondents opposing the measure were worried that EOH would quickly become the norm instead of an emergency short-term measure.

A further one in five barristers supporting the introduction of EOH (19%) mentioned the opportunities for flexibility in working hours as being a positive reason for EOH. The following comment highlights this but again demonstrates that there is some anxiety in how EOH might be introduced, even among those who are broadly positive.

'Appropriately deployed it can clear back logs. It can even assist in non-standard work patterns. BUT you have to be careful it does not adversely affect practitioners with, for example, child care responsibilities.'

A similar point recognises that EOH is beneficial in terms of flexible working for some counsel but not all, but suggests nonetheless that courts are not there for the convenience of counsel.

'I'm happy to (and can) work extended hours. I know others can't, but court does not sit for the convenience of counsel.'

Others said it *'might'* allow them greater work flexibility, or *'could'* enable longer but fewer days. As hinted in these comments many respondents, who might be generally supportive of EOH, had conditions for their support or caveats where it might not be appropriate (17% commented in this way). The range of 'conditions' placed on respondents' support included the following:

- The condition mentioned most often was for remote/CVP hearings only, not additional face-to-face time. For example:

'If attending remotely, I have no real issue; it could be a more efficient use of court resources but if in person, I am against it.'

- Providing counsel availability is checked and barristers are not compelled to work unsocial hours with an impact on their work-life balance. The following comment articulates this position:

'Provided the cab rank rule was applied such that taking on out of hours work was optional rather than an obligation then this would be fine by me and a matter of personal choice for the professionals involved.'

- Only if it is managed properly and funded adequately, with appropriate compensation, in particular 'overtime rates' were highlighted.
- Only if courts opened earlier – but didn't close later. Some also mentioned certain types of hearings e.g. applications but would not want to see hours extended for trials as these are seen as tiring enough as it is.

Some felt that EOH was something of a red herring but were willing to support it in principle. For example:

'Only IF it will actually help. I suspect that greater efficiency in processing cases (by investing in court clerical staff) would give more benefit.'

One in ten respondents indicated that they supported the idea because they thought it would provide an opportunity to do more work/earn more. But again, there were concerns that it needed to be implemented in a well thought through fashion.

'It provides the opportunity of work for more people, providing it is properly and thoughtfully implemented.'

'Extending the amount of work available to the Bar should increase opportunities across the profession. This might work really well for some who have caring responsibilities during the week but have caring options at the week-end. But we need to recognise that for some working early mornings, into the evenings, or at week-ends, will not work, so a flexible and non-penal approach is needed.'

Cheaper and easier travel was seen as potentially beneficial by 7% of respondents and this was seen as helpful for some lay clients too.

'Many lay clients work during the day and travelling during peak times can be quite demanding for us all. Remote hearings open-up the possibility for more hearings in each day and would help with backlogs.'

Other reasons for being supportive of EOH included suggestions that the court day needs to move more in line with other areas of work, feeling that it has worked well in other areas of the Bar and in some of the pilots and it is convenient for clients, but these were only mentioned by small numbers of respondents.

6.6.2 Opposition to extending opening hours

The number of respondents opposing the extension of court operating hours far outweighed those supporting it – 2,140 respondents commented in opposition compared

with 326 supporting the introduction of EOH, and these respondents typically had a lot more to say about the issue than those who supported it.

Table 6.4 Comments in opposition to EOH

| Label | % cases |
|--|---------|
| Impact on childcare/family/work-life balance | 48.7% |
| Impact on working hours | 43.4% |
| Discriminatory | 20.0% |
| Case processes | 14.9% |
| Increased pressure/workload | 12.0% |
| Impact on health/mental health/wellbeing | 9.1% |
| Wrong focus | 8.5% |
| Resources needed | 7.9% |
| Impact on morale/profession | 7.1% |
| Would leave/retention | 6.3% |
| Bad/terrible/disastrous idea | 4.7% |
| Impact on court staff/users | 4.5% |
| It doesn't work | 3.9% |
| Remuneration | 3.3% |
| Impact on quality/justice | 3.2% |
| Impact on young bar | 1.8% |
| Only if... | 0.8% |
| Not needed | 0.7% |
| Safety issues | 0.4% |
| Base N=2,140 | |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Nearly a half (49%) of all respondents opposing the introduction of EOH were concerned about the impact on family life, work-life balance and childcare. Sometimes it was difficult to differentiate between these issues, but in hindsight it might have been preferable to attempt to separate out childcare issues from work-life balance, as at times they were clearly two different issues. This example highlights this demonstrating that the impact on childcare responsibilities is separate to the impact on work life balance.

'I would struggle to balance my caring responsibilities with extended court hours. I think extended court hours are likely to impact negatively on everyone's work/life balance regardless of caring responsibilities.'

There were many comments that demonstrated extreme anxiety around the possible change in operating hours. These usually centred around family life and childcare, indicating that many are already at breaking point and running at full capacity and the impact on their lives could be disastrous. Here are a couple of examples:

'I work long hours as it is. I have no work life balance as it is. I cannot have extended sittings further encroaching into my time. The thought makes me panic.'

'It would have a VERY adverse effect on anyone who had caring responsibilities for children or elderly or sick AND it promotes and exacerbates the idea that we will work every hour of every day which is not a healthy work-life balance.'

Many commented on the likely impact on their physical and mental health, some said that it would spell the end of their marriages, others said it would drive them out of the

profession, if it didn't kill them. There was a high degree of anger expressed in their responses at the prospect of EOH, from many respondents. There was a feeling among many that the court day is long and intense enough already, no account is taken of the time required to prepare and interview clients etc. or the travel times necessary at the beginning and end of each day.

'It would have a severe impact on my family life and mental health. I rely on being able to work in the evenings and so would need to keep the following day free for prep to counter-balance that, which would impact on my income. I already work too much. Attention spans wane by 4/5pm both for clients, judges and professionals. I would seriously think about leaving the Bar if this happened.'

'I work way too much already. I will literally kill myself if I were forced to do more!'

The impact on working hours was highlighted by four in ten respondents (43%, 52% of those working in the Criminal Bar). Many said they already work long hours, all day, evenings and/or weekends, suggesting that they already work EOH and there is no room in their lives to do more. Court hours were viewed as the 'tip of the iceberg' and there was a feeling that there is a lack of respect for the work required of barristers outside court. Some said there are just not enough hours in the day to do any more and that the hours are already unsocial and not conducive to a healthy family life. Some said their diaries were already unmanageable and many suggested that their life was already devoted to their work and they can't do any more. On top of this the working hours can be unpredictable and travel problems can add to the burden. The following comments give some insight into the concerns of some barristers.

'Barristers' (and others') wellbeing and family life. I am often exhausted by 5.00pm and get insufficient sleep as it is due to preparing and working in evenings. I would be a mental and physical wreck if I also had to do hearings starting early in the morning or late in the evening. With regard to in-person hearings, with travel time and the fact that I like to get earlier trains to play it safe in case there are delays, I would probably be pulling regular all-nighters if I had in-person hearings starting earlier than the usual 10.00am (I usually have to arrive at court at 9.00am for party or client discussions). Even with remote hearings this would be detrimental as early mornings and evenings can be precious in terms of mentally recharging/downtime or catching up on work.'

'I already struggle to get time with my children - this would put even more pressure on me and eat into what is very precious time with my children and husband at the end of a working day. I honestly feel that if I were told that my court day would extend beyond the usual hours that I would consider leaving the Bar (and it would not make me keen to be a judge either). We already work horrendously long hours, and with IT there is just no escape from work. The Court day is traditionally 10:30 to 4:30 for a very good reason - it is exhausting work - please do not take this detrimental step: it will lead to yet further discrimination against women and those with caring responsibilities.'

The final sentence of this comment highlights a concern expressed by 20% of all those commenting on this that they feel extending operating hours disadvantages primary carers, parents, and those who are providing care for children or elderly relatives, still seen as predominantly women in the profession. This was also thought to be especially the case for lone parents and those caring for disabled children or relatives. The above issues taken together were seen as possibly leading to retention and career progression problems, in particular among women, in a profession that is already seen as under pressure and short-staffed. It was seen as detrimental to diversity and could be viewed as discriminatory, with several respondents going so far as to say the initiative was 'misogynistic'.

Some respondents also felt that the initiative was discriminating against disabled barristers.

'This would be indirectly discriminatory against parents (and women) and disabled barristers and court users. It would also adversely affect work-life balance and would drive people away from the Bar.'

A further 2% of respondents thought that proposals would adversely affect the Young Bar, who would be expected to pick up much of the additional work.

'It would place incalculable pressure on predominantly younger members of the Bar, and those with caring responsibilities. Older members/those without caring responsibilities are likely to be able to accommodate a level of flexibility.'

A couple of respondents were also concerned that the quality of representation would be affected, as insufficiently experienced practitioners would be required to step in in place of experienced colleagues who were not extending their hours.

'...this would bring huge pressure on junior practitioners and in my opinion lead to a reduction in the quality of representation.'

There was a feeling among many respondents that those responsible for introducing this initiative do not take into account the nature of work undertaken at the Bar. Of the respondents, 15% said that 'case processes' have not been considered. Court time is only one part of the job; there is also the need for preparation, client meetings, interviews, debriefs etc. These factors do not seem to be considered and add to a sense of increased pressure and workload that will result from EOH (12% mentioned this).

'It fails to recognise we have conferences before and after court and need time to prepare our case before and after court – we already work longer hours than a standard working day and the court hours allow us to do so. They are there for a reason. Plus we all don't live in close proximity due to the nature of our work, so need time to travel and drop off/collect children – very strongly opposed to this.'

'Typically barristers work before and after the court day begins and ends, often late into the evening, extending court hours will reduce the time available to work outside court hours and negatively impact on a barrister's ability to prepare for court hearings, tend to other cases, and maintain a work life balance which is already incredibly difficult.'

While it has been alluded to in many of the results above, around one in ten barristers (9%) explicitly mentioned the likely impact of EOH on their wellbeing and mental health. A number of barristers said they are already working at their limit and could be considered burnt out, and EOH would be the final straw. The following comment comes from a barrister who does not see a problem for themselves but is worried for the sake of their profession and highlights many of the arguments put forward in opposition to extended operating hours.

'I am very lucky. I have returned to the Bar to "help out" because I enjoy the Criminal Bar. I am not working for the money! And at 66 have control over my practice. But my colleagues are exhausted and utterly demoralised. They are grossly underpaid and over worked. The criminal justice system is in crisis and as ever the Bar bears a burden which is unreasonable but borne by barristers out of a sense of duty and professionalism. The idea that my colleagues should somehow work even longer hours is ludicrous. Those who suggest such a thing clearly have no idea of the reality of the working life of most criminal barristers (and solicitors, paralegals and clerks). Such a proposal would put intolerable strains on over worked, under paid court staff and probation. The system can't get prisoners to court most days in most court centres - longer court hours would exacerbate the current unacceptable situation.'

Of the respondents, 7% thought that EOH would further impact the morale of the profession which some feel is already 'on its knees' and not sufficiently valued or respected.

There was a view from 9% of respondents that EOH was not appropriate because it does not address the root causes of the problems, which some believe are the fault of the government and not the profession, which is being expected to pick up the pieces. Many commented on lack of investment and funding, especially in the Criminal Bar.

'This is not the solution. The solution lies in investment in the justice systems so that more court rooms/staff can function effectively.'

'Unsustainable...we couldn't work Saturdays or evenings indefinitely. Worth noting I was open to persuasion about the idea immediately post-covid when others weren't but it's only appropriate as a crisis response, and only for a limited period. That doesn't match the present situation where we are dealing with a chronic situation caused by, for example, my own local court having been closed by the government so they can turn it into flats!'

This argument was often made in conjunction with an expressed need for better resources, both in terms of staffing and infrastructure. There are perceived to be insufficient counsel already, and investment in resources is needed to support the justice system with more judges and staff. Courts were often criticised as being dilapidated and there is a sense among many that the court system can't cope in some areas, while in others it would seem to be underused at present. In addition to this, 3% of respondents said that improved remuneration would be required to make it worthwhile.

'There is not likely to be any increase in fees, which will therefore mean longer working hours for less money.'

The upshot of these and other reasons given, for example, safety issues for women travelling home late, perceived impact on users of the court system and quality of justice as some thought preparation time will be eroded, appeal rates will increase and generally a poorer level of service would be provided. Also mentioned was the possible impact on retention: 6% of respondents indicated they would leave the Bar or that colleagues might. Twice as many barristers working in criminal and family areas of practice mentioned retention or intention to leave as was the case for those working in other areas of the bar.

'I would leave the profession if extended operating hours were introduced. I can barely manage my working commitments around childcare as it is - there are no providers of childcare after 6pm where I live so I would not be able to work.'

'Because the stress of the hours of this job, often including trying to mend major deficiencies in the court system, is already causing many to leave, consider leaving or simply not do their job to the standard they should. I have insisted on a drastic cut in earnings and the workload expected by my chambers to avoid a need to quit the bar. We will not keep good barristers working to acceptable standards otherwise.'

'It won't work and/or would push barristers to breaking point/out of the profession. Time outside of court time is needed for preparation. In addition, barristers have the usual other commitments on their time, be they work, family or other commitments. I would strongly oppose extended operating hours.'

'It would make life intolerable, and I would leave the bar.'

7 Pro bono work

In this wave of the Barrister's Working Lives survey, the proportion of barristers that had undertaken pro bono work in the last 12 months was 49%, somewhat higher than the proportion in the previous survey (43%), but similar to the level in 2017 (48%; the proportion was 39% in 2013). One in three barristers surveyed (35%) had provided five or fewer days of pro bono work in the last year, 7% had undertaken 6-10 days and 7% had provided more than ten days.

Just over half of barristers in self-employment in chambers (52%) and half of sole practitioners (50%) had provided pro bono days in the last 12 months, whereas those in employed practice were much less likely to have done so (28%). Similar to the last wave of the survey in 2021, criminal barristers were the least likely to have provided any pro bono days in the last year (34%), while barristers in civil practice were most likely to have provided pro bono days (66%).

When respondents were asked about the benefits of undertaking pro bono work, making a difference by helping people or charities (77% of those who provided pro bono days), as well as finding the work interesting and professionally fulfilling (51%) were the most commonly reported benefits (Figure 7.1).

Employed barristers were more likely than self-employed barristers to report broadened practice areas as a benefit (23% compared with 18%), and were less likely to report additional advocacy experience (9% compared with 15%) or experience in higher courts or new tribunals (4% compared with 11%). Barristers in civil and commercial practice were more likely than average to say that pro bono work gave them additional advocacy experience (19% and 24% respectively). New Practitioner barristers (less than two years since Call) were more likely than more experienced barristers to report all benefits except making a difference or helping people, and the proportion of barristers mentioning the other benefits tended to decrease with time since Call.

Figure 7.1 Benefits of undertaking pro bono work



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=1,620)

Turning to pro bono costs orders in civil proceedings, or pro bono costs as part of a settlement agreement, more than half of those surveyed said that they had never undertaken any civil pro bono work (56%), while among those that had, only a small minority (11%, or 5% of all barristers including those that had not done any civil pro bono work) said that they had applied for pro bono costs orders or included pro bono costs in a settlement agreement. Barristers in civil, and commercial and chancery practice areas were most likely to have applied for pro bono costs.

Of those that had not applied for pro bono costs, 22% said that they were not aware of the option (thus implying that they could have in the circumstances), while 20% said that they did not represent the winning party, and 7% said that the process was too onerous. Other reasons given included costs not being given in the type of case (e.g. family, employment law), cases being settled early/without a formal settlement agreement, and pro bono work being advisory rather than part of litigation.

8 Bullying, harassment and discrimination

In this section we explore the prevalence and nature of bullying, harassment, and discrimination in the workplace, and who was responsible. Although based as closely as possible on the 2021 survey questions to allow comparisons to be made between the two surveys there were some refinements to improve the clarity of the questions, and to allow barristers who were not happy completing questions around what can be sensitive issues, the opportunity to skip the section and certain questions within it.

At the start of the section respondents were asked if they were 'happy to complete questions on bullying, harassment and discrimination'. Those who wished to skip the section comprised 7% of all respondents, leaving 93% (3,030 respondents) willing to complete the section. Men (9% compared with 4% women) and sole practitioners (16%), working more independently (as one might expect), were more likely to want to skip the section. It is possible that giving this option to respondents slightly skews the data although it is difficult to determine in which direction this might be.

The questions posed in the survey were presented as below with a simple yes/no option to each.

During the past two years, have you:

- a) Personally experienced bullying or harassment in person at work?
- b) Personally experienced bullying or harassment while working online (via email, CVP, videoconferencing, networking or other online space)?
- c) Observed bullying or harassment in your workplace, in person at work?
- d) Observed bullying or harassment in your workplace while working online?
- e) Personally experienced discrimination in person at work?
- f) Personally experienced discrimination while working online (via email, CVP, videoconferencing, networking or other online space)?
- g) Observed discrimination in your workplace, in person at work
- h) Observed discrimination in your workplace while working online?

On top of the option this year to not complete the section, the question structure differs slightly from 2021 by separating out the observation of bullying and harassment and discrimination statements to in person and working online. In 2021 they referred simply to observation in any situation. In addition, there is a widening appreciation of what constitutes bullying and harassment, and a growing willingness to call out what might previously have been overlooked or ignored as incidents of bullying/harassment.

Comparisons have been drawn with the 2021 data throughout the chapter but where there might be some ambiguity due to question changes these are highlighted. It is worth noting here, however, that the response set is very similar to that generated in 2021, increasing the reliability of the findings, and enabling some confidence in the comparability of the findings between surveys.

8.1 Prevalence

Comparing like with like, in 2021 one in four (25%) of all barristers responding to the survey indicated that they had personally experienced bullying, harassment and/or discrimination **in person** at work, in the previous two years. In 2023 this figure had risen to 30% (out of a total including those who did not answer this section). In addition:

- 15% said they had experienced it while working online (13% in 2021).
- 24% said they had observed bullying or harassment in person at work and 11% said they had observed it while working online. In 2021 21% said they had observed bullying or harassment in person or online.
- 16% (14% in 2021) said they had personally experienced discrimination at work in person and 7% (6% in 2021) said they had personally experienced discrimination while working online.
- 15% said they had observed discrimination in their workplace in person and 7% had observed it while working online (15% in 2021 had observed discrimination either online or in person).

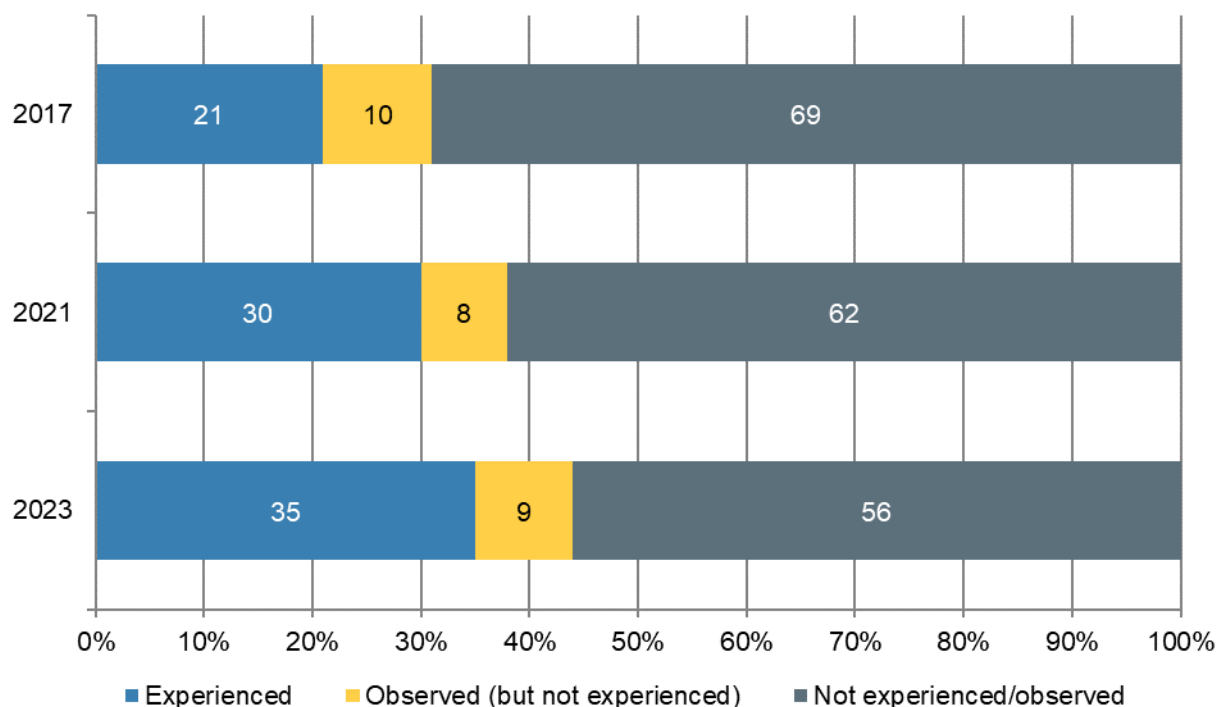
Taking these figures together a third (35% – 30% in 2021) of all barristers completing the questions had personally experienced bullying, harassment, or discrimination at work (either in person or online).

Three in ten (31% – 26% in 2021) reported that they have observed it (in person or online) at work. Of those observing it some will have personally experienced it *and* observed it. To avoid double counting, if a respondent indicates that they have observed and experienced bullying and harassment or discrimination they are counted as having personally experienced it. Only if they have observed it but NOT experienced it are they counted as having observed it. This ensures each respondent is only counted once.

Following on from this, more than four in ten (44%) had personally experienced (35%) and/or observed (9%) bullying, harassment or discrimination at work, either in person or while working online. This figure represents a large increase from 2021 (38%), even allowing for the refinements in the questionnaire and the option to not complete the section.

It is worth noting that in 2017, notwithstanding changes in the question wording, the equivalent figure for the proportion of respondents who had personally experienced or observed bullying, harassment or discrimination at work was 31% (although online experience was not explicitly covered in 2017). Bullying, harassment and discrimination would appear to be an increasingly pressing issue for the Bar. Figure 8.1 demonstrates this.

Figure 8.1 Personal experience and observation of bullying, harassment or discrimination in person or online 2023, 2021 and 2017 (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Up until 2017 there was a difference in experience between the self-employed and employed Bar with employed barristers more likely to report having experienced bullying, harassment, or discrimination than self-employed (Chambers or sole practitioners).

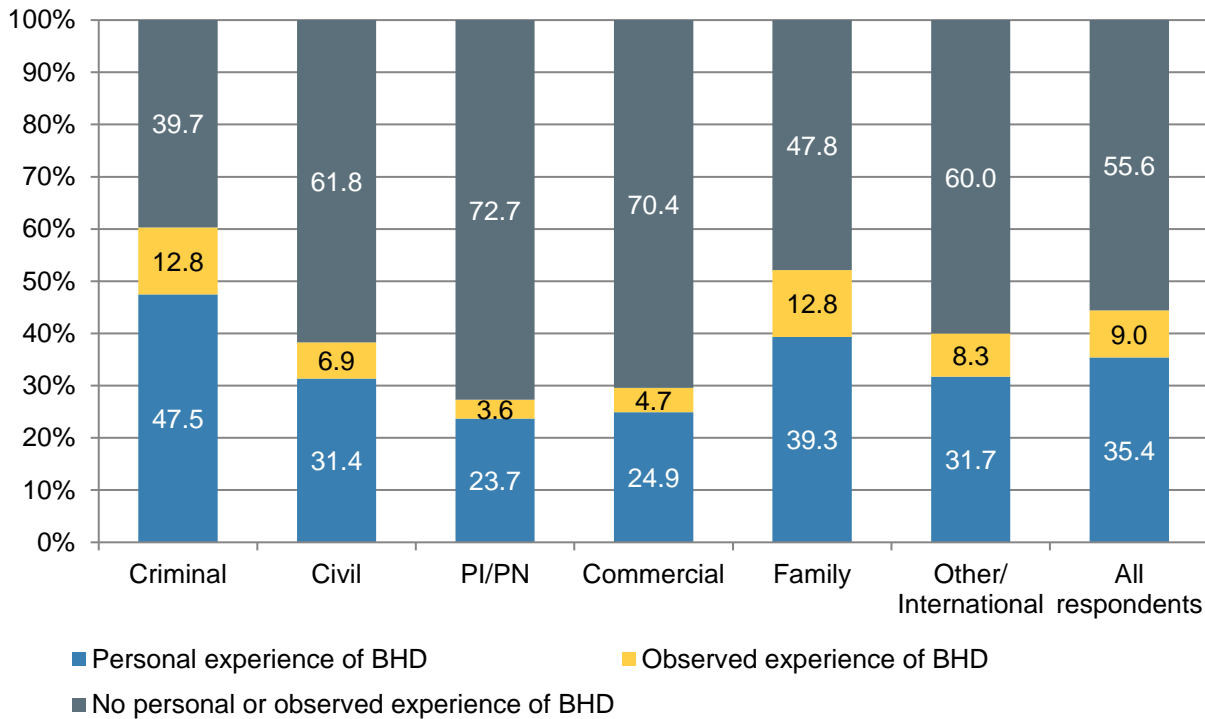
However, in 2021 there was relatively little difference between employed and self-employed barristers in their experiences of bullying, harassment or discrimination, and that remained the case this year with little discernible difference between types of work, or at least the employed Bar and those working in Chambers (35%), although sole practitioner self-employed barristers, and dual practitioners (those working in both the self-employed and employed bar) reported higher levels of bullying and harassment (41% and 44% respectively).

Stage of practice exhibited some correlation with likelihood of reporting experience of bullying, harassment and discrimination with 46% of the Young Bar saying they had experienced it compared with 38% of those in Middle Practice and 30% of Later Practice barristers.

Figure 8.2 shows the variation in personal experience and observation of bullying, harassment, and discrimination by broad area of practice. In the Criminal Bar nearly a half of all respondents (48% - 37% in 2021) reported having personally experienced bullying harassment or discrimination and a further 13% say they have observed it (12% in 2021) – six in ten respondents indicated that they have experienced or witnessed this behaviour at work, 10 percentage points higher than the equivalent figure in 2021. Slightly fewer

reported this behaviour in the Family Bar but both figures were considerably higher than those reported in the Commercial Bar where just one in four (30% - up from 25% in 2021) reported having witnessed or experienced this type of behaviour at work.

Figure 8.2 Personal experience and observation of bullying, harassment or discrimination by area of practice (percentages)

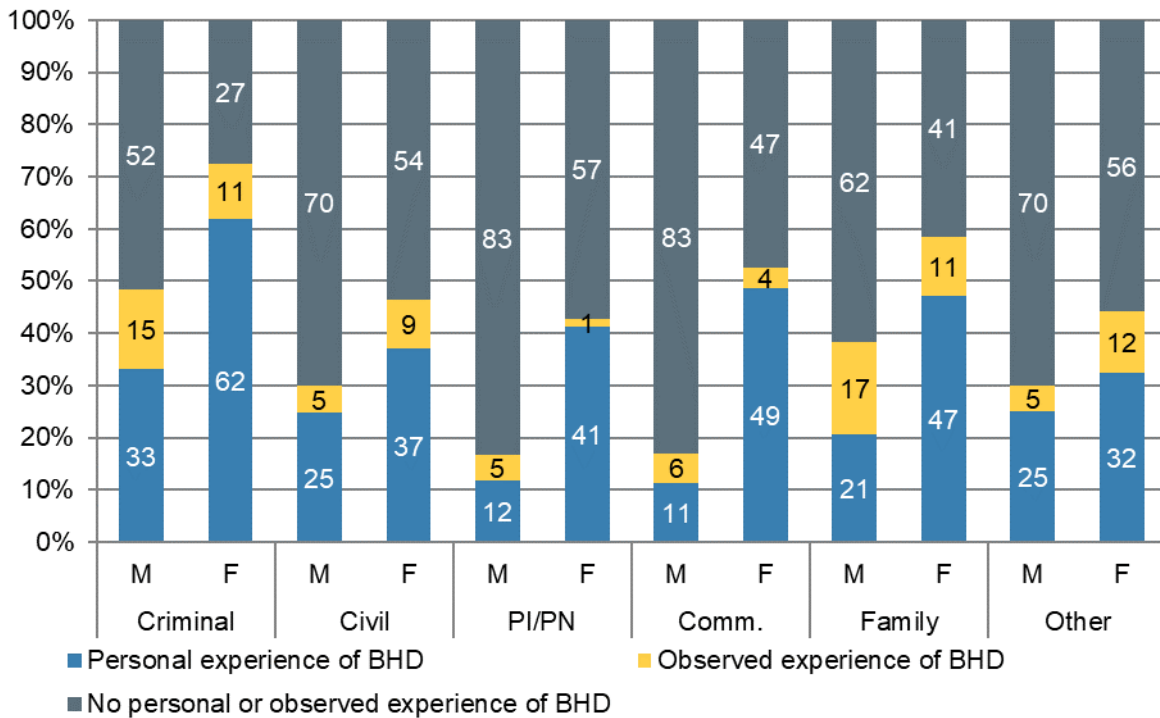


Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023 (N=3,030)

The gap between men and women in their experience remains wide with half (48%) of female barristers having experienced bullying, harassment or discrimination at work **in person**, compared with 22% of male barristers (these figures are both five percentage points higher than in 2021). More than a third of female barristers had personally experienced *bullying and harassment* at work (35%) compared with 16% of male respondents, and similarly 23% of female barristers had personally experienced *discrimination* at work compared with 8% of men. If incidents of observing bullying, harassment, and discrimination are included along with experiences, the numbers increase to six in ten female barristers (57%) experiencing or observing bullying, harassment or discrimination, nearly twice the figure for male barristers reporting the same (31%).

Figure 8.3 presents the same data but by sex and broad area of practice. Multivariate analysis was undertaken to explore the demographic and employment characteristics of barristers who are personally experiencing bullying and harassment and/or discrimination. Sex, ethnicity and area of practice are most strongly correlated with personal experience of bullying and harassment and discrimination.

Figure 8.3 Personal experience and observation of bullying, harassment or discrimination by gender and area of practice (percentages)

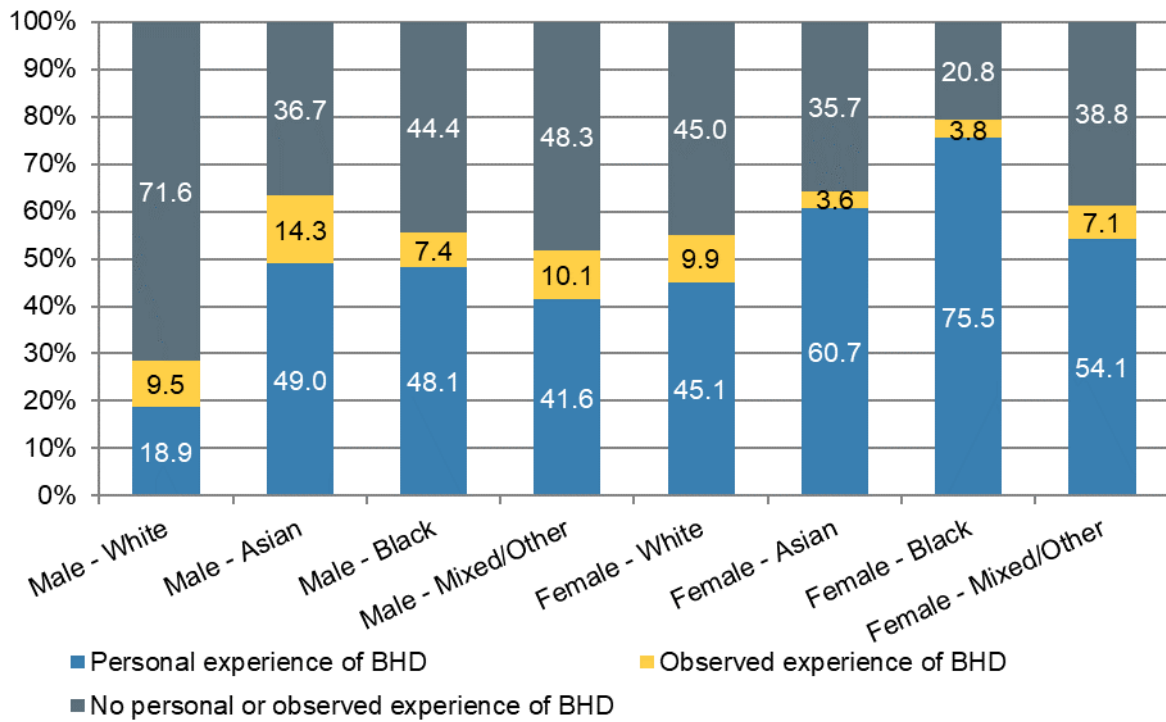


Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,847)

Additionally, ethnicity is a strong correlate with bullying, harassment, and discrimination. Two thirds (67% – a big increase from 53% in 2021) of all barristers with black/black British, African and Caribbean backgrounds reported that they had personally experienced bullying, harassment or discrimination while working at the Bar. The equivalent figures were for 56% for Asian/Asian British (47% in 2021), 46% for those of mixed backgrounds (46% in 2021) and 31% for white respondents (26% in 2021).

As well as highlighting the differences in experiences between barristers from different backgrounds, Figure 8.4 highlights the compounding effect of sex and ethnicity on the likelihood of barristers experiencing bullying and harassment. Six in ten (61%, up from 58% in 2021) female barristers from ethnic minority backgrounds had personally experienced bullying and harassment at work or online compared with one in five (19%) of white male barristers (up from 15% in 2021). A large majority of three quarters (76%) of women from black/black British, African and Caribbean backgrounds reported having personally experienced bullying, harassment or discrimination at work in the two years prior to the survey, up from 63% in 2021 (this figure is based on responses from 53 black women).

Figure 8.4 Personal experience and observation of bullying, harassment or discrimination by gender and ethnicity (percentages)



Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023 (N=2,803)

In addition, disability demonstrates a significant correlation with bullying and harassment and discrimination, with 52% (45% in 2021) of all barristers who reported they have a long-term disability saying they have experienced bullying, harassment, and discrimination, compared with a third (32% - 27% in 2021) of those with no disability.

There was little difference in responses to these questions by religion or sexuality. However, barristers who were educated in state schools were more likely to indicate experience of bullying, harassment and/or discrimination than those from independent schools (38% compared with 28% respectively, 32% and 24% in 2021). However, most of this difference is accounted for by differences by sex already mentioned. Differences by age are largely accounted for by stage of practice, but nevertheless nearly half (46%) of barristers aged under 35 reported personal experience of bullying, harassment or discrimination compared with 37% of those aged 35-44, 34% of 45-54 year olds, 29% of 55-64 year olds and just 17% of those aged 65 plus.

8.1.1 Prevalence of experiences of bullying and harassment versus discrimination

This section examines the prevalence of experiences of bullying and harassment, and experiences of discrimination, separately, in contrast to the previous section which explored experiences of any type of negative behaviour.

Overall, 30% of respondents said that they had experienced bullying or harassment in person or online, while a further 9% had observed it (in person or online) but had not experienced it themselves. The prevalence of experiences of discrimination was lower, with 18% of respondents reporting that they had experienced it in person or online, and a further 6% had observed it but not experienced it.

Bullying and harassment

Barristers working in criminal and family practice were more likely than average to have experienced bullying or harassment (43% and 37% respectively), as were sole practitioners and those working as both employed and self-employed (38% and 36% respectively). Barristers in the Young Bar (3-7 years since Call) were most likely to have experienced bullying or harassment (44%) followed by those in Middle Practice with eight to 17 years since Call (34%), and New Practitioners with less than three years since Call (32%). There was significant variation by personal and social characteristics:

- 41% of female respondents had experienced bullying or harassment compared with 19% of male respondents;
- 40% of barristers aged 34 and younger had experienced bullying or harassment compared with 31% of those aged 35 to 54, 23% of those aged 55 to 64, and 14% of those aged 65 and over;
- 43% of barristers from ethnic minority backgrounds had experienced bullying or harassment compared with 27% of white barristers;
- more than half (52%) of female barristers from ethnic minority backgrounds had experienced bullying or harassment, compared with 39% of white female barristers, 31% of male barristers from ethnic minority backgrounds, and 17% of white male barristers;
- 38% of barristers with non-Christian religious beliefs had experienced bullying or harassment, compared with 30% of those with Christian beliefs, and 27% of those with no religion;
- 38% of LGBTQ barristers had experienced bullying or harassment, compared with 28% of straight barristers;
- 46% of barristers with a disability had experienced bullying or harassment, compared with 28% of those without a disability;
- 33% of barristers who went to a state school had experienced bullying or harassment, compared with 24% of those who went to an independent school; and
- 52% of barristers who had adult caring responsibilities for 50 or more hours per week had experienced bullying or harassment, compared with 38% of those who cared for an adult relative for up to 50 hours per week, and 27% of those with no adult caring responsibility.

Discrimination

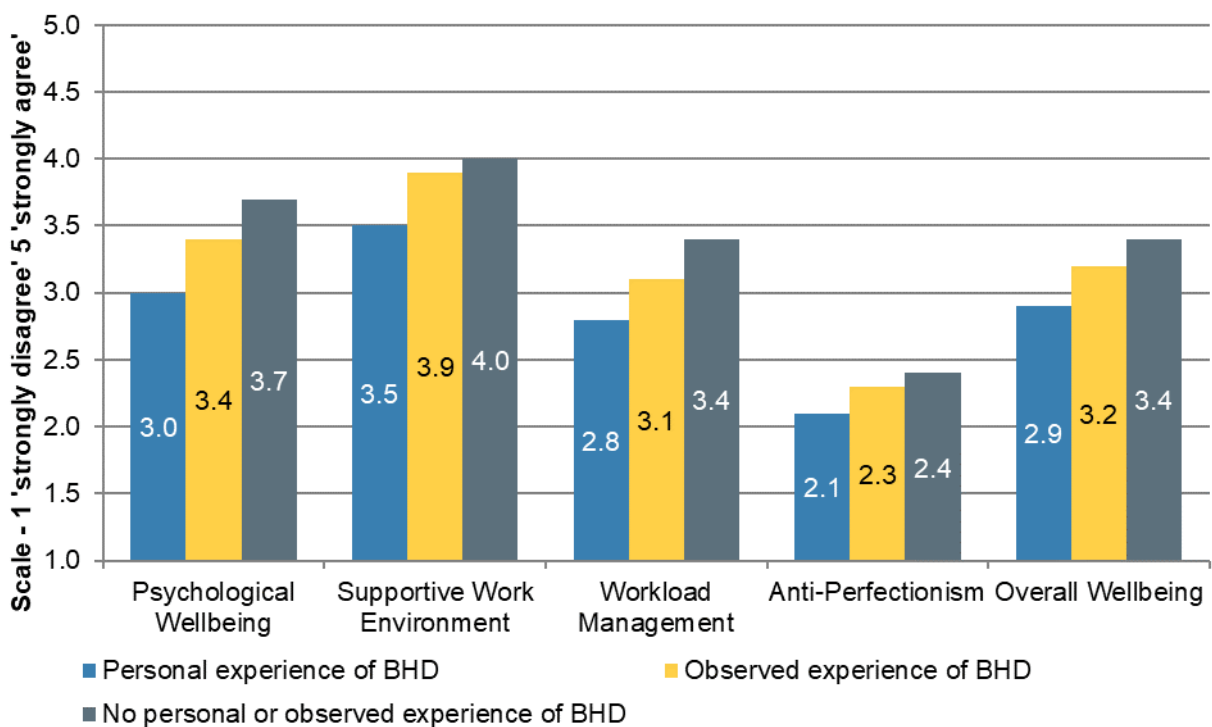
Turning to variation in the prevalence of discrimination, barristers in criminal practice were most likely to report having experienced discrimination (in person or online), with 24% experiencing discrimination, followed by those in civil practice (18%, same as overall figure). Sole practitioners and barristers working as both employed and self-employed were much more likely than average to have experienced discrimination (26% and 33% respectively), as were barristers in the Young Bar (3-7 years since Call, 23%) and in early Middle Practice (8-12 years since Call, 22%). There was significant variation by personal and social characteristics:

- 26% of female respondents had experienced discrimination compared with 9% of male respondents;
- 22% of barristers aged 34 and younger had experienced discrimination compared with 19% of those aged 35 to 44, 17% of those aged 45 to 64, and 6% of those aged 65 and over;
- 39% of barristers from ethnic minority backgrounds had experienced discrimination compared with 14% of white barristers;
- 43% of female barristers from ethnic minority backgrounds had experienced discrimination, compared with 32% of male barristers from ethnic minority backgrounds, 22% of white female barristers, and 7% of white male barristers;
- 31% of barristers with non-Christian religious beliefs had experienced discrimination, compared with 18% of those with Christian beliefs, and 14% of those with no religion;
- 22% of LGBTQ barristers had experienced discrimination, compared with 16% of straight barristers;
- 31% of barristers with a disability had experienced discrimination, compared with 16% of those without a disability;
- 20% of barristers who went to a state school and 27% of those who were educated overseas had experienced discrimination, compared with 14% of those who went to an independent school;
- 21% of barristers with childcare responsibilities had experienced discrimination compared with 16% of those with no childcare responsibilities; and
- 44% of barristers who had adult caring responsibilities for 50 or more hours per week had experienced bullying or harassment, compared with 36% of those who cared for an adult relative for between 20 and 49 hours per week, 24% of those who cared for up to 20 hours per week, and 16% of those with no adult caring responsibility.

8.2 Wellbeing and bullying, harassment and discrimination

The wellbeing of barristers is reported on in Chapter 5 and shows that there was significant variation by some of the demographic variables; in particular, stage of career, sex, and area of practice. It is also the case that there was a strong correlation between the experience of bullying, harassment and discrimination and wellbeing at the Bar. It is worth noting that the questions concerning wellbeing were asked before the questions concerning bullying, harassment, and discrimination. The correlation between these two variables is stronger than for any other variable and overall wellbeing. Figure 8.5 highlights this disparity in wellbeing by experience of bullying, harassment, and discrimination. This relationship is almost identical to that reported in 2021 albeit wellbeing among respondents marginally (but statistically not significant) improved from 2021.

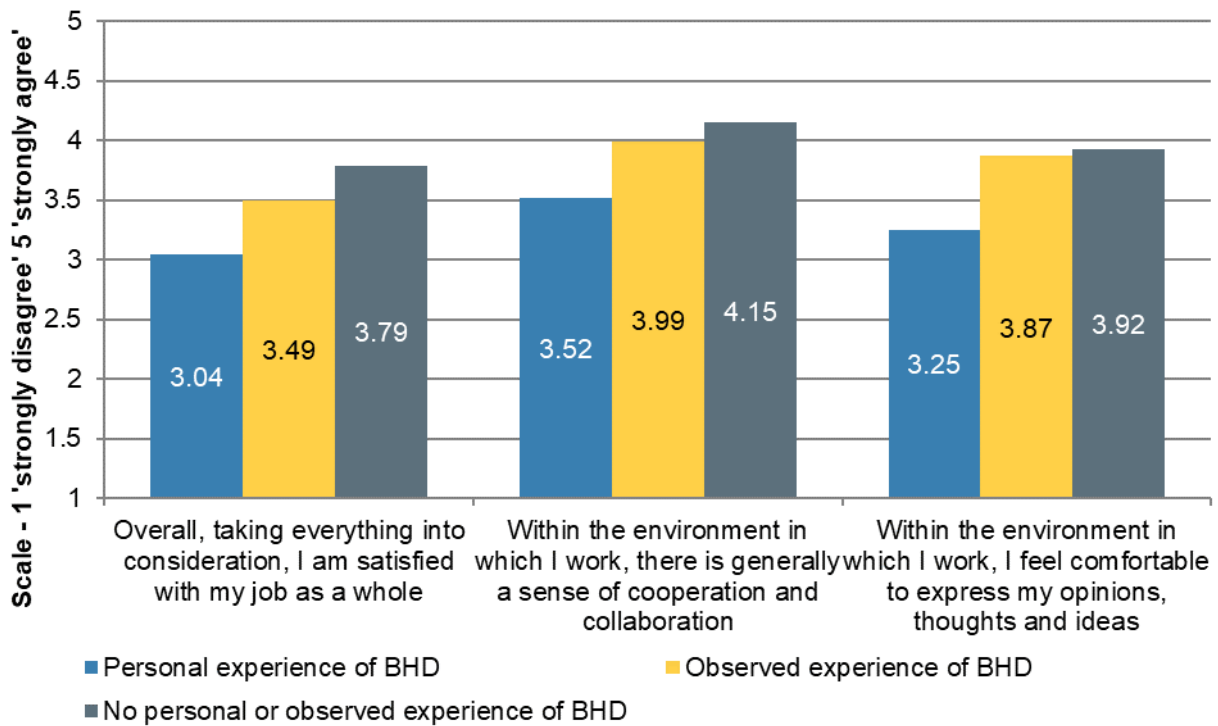
Figure 8.5 Wellbeing factor scores by experiences of bullying, harassment or discrimination



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,010)

Looking at each of the factors underpinning overall wellbeing, i.e. psychological wellbeing, perfectionism, supportive working environment and workload management, it is noticeable that exposure of respondents to bullying, harassment and discrimination is correlated with all aspects of wellbeing. This is the case in relation to 'supportive working environment' (or lack of) and 'workload management' (Figure 8.5 above).

Figure 8.6 Personal experience and observation of bullying, harassment or discrimination by gender and ethnicity (percentages)

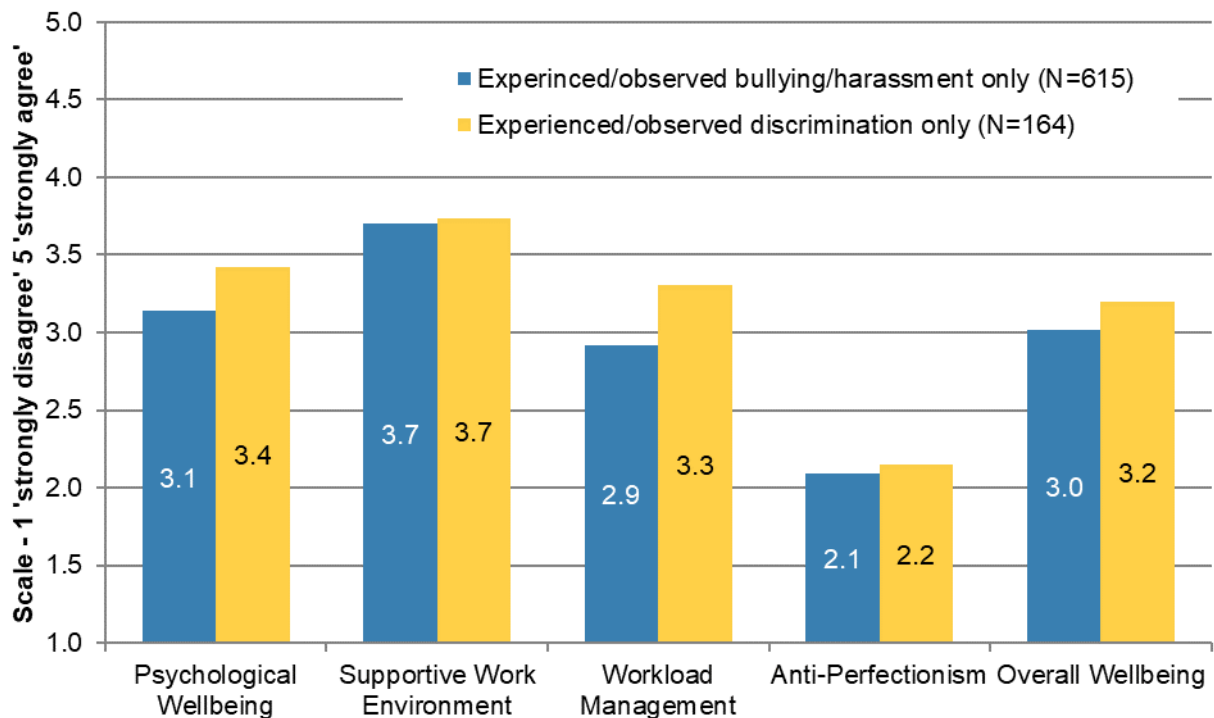


Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,004)

Although there was a significant relationship between exposure to bullying, harassment and discrimination and all the wellbeing items and factors, the three items with the strongest links are highlighted in Figure 8.6. As in 2021, the most significant impact of experiencing this type of negative behaviour was that barristers report lower overall job satisfaction, taking everything into consideration. But this year the second most significant item was *'within the environment in which I work there is generally a sense of cooperation and collaboration'*. This item did not feature in the three most significant impacts of bullying, harassment and discrimination in 2021 and is the item that has shown most change from 2021. Thirdly, the item that was the second most significant impact in 2021 *'within the environment in which I work I feel comfortable to express my opinions, thoughts and ideas'* was third this year. These are the three aspects of wellbeing that barristers find are most affected by experiences of bullying, harassment, or discrimination.

8.2.1 Impact on wellbeing of experiences of bullying and harassment versus discrimination

Figure 8.7 shows the wellbeing factor scores separately for barristers who reported experiencing or observing bullying or harassment only (i.e. did not experience or observe discrimination as well), and those who reported experiencing discrimination only (i.e. did not experience or observe bullying/harassment as well). As Figure 8.7 shows, bullying or harassment had a larger negative impact on barristers' wellbeing than discrimination, particularly in relation to psychological wellbeing, and workload management.

Figure 8.7 Wellbeing factor scores by experiences of bullying or harassment, and of discrimination

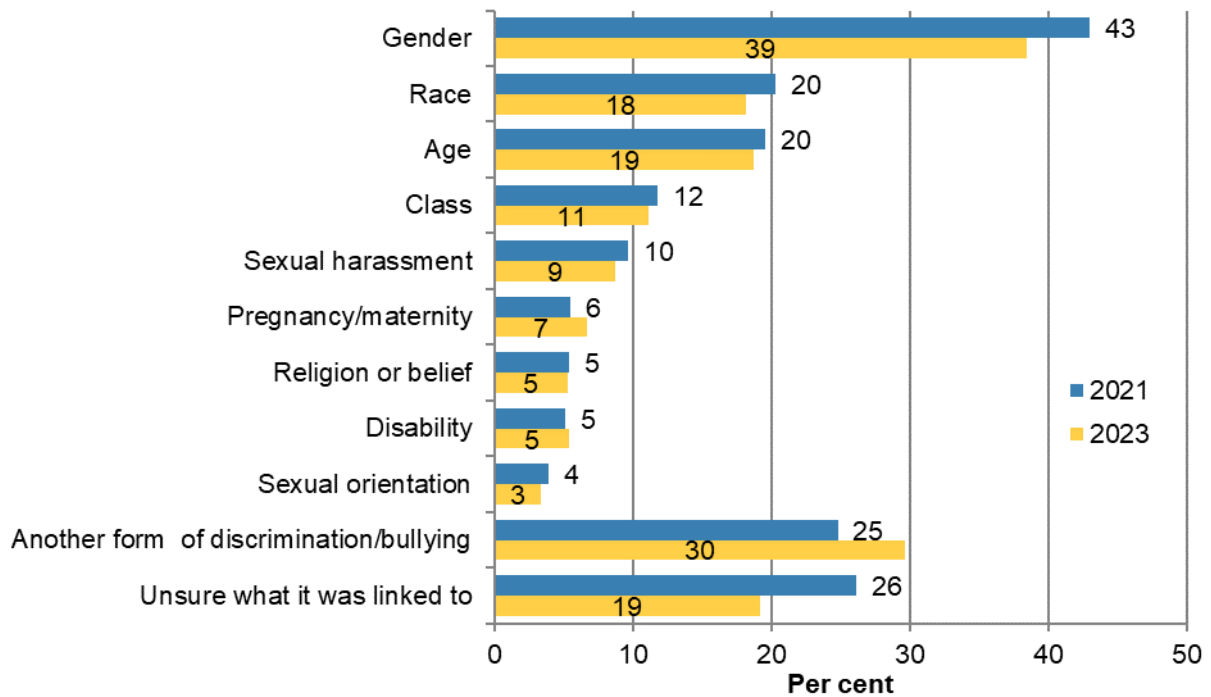
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

8.3 Type of bullying, harassment, and discrimination

This year the question on the focus of bullying, harassment and discrimination was removed and instead was changed to explore the type of experience. Respondents were asked to indicate what it was they experienced or observed. Figure 8.7 summarises the headline figures.

Respondents who had indicated that they had experienced or witnessed bullying, harassment or discrimination were asked to indicate what they saw as the nature of what they had experienced or observed, based on a pre-populated list. As might be expected given the figures above, gender was seen as the most common link. Four in ten respondents said what they saw or experienced was linked to gender (39%) but this figure was slightly lower than recorded in 2021 (43%). One in five (19%, down from 26% in 2021) said they were unsure what it was linked to and one in four (26%, same as in 2021) said it was linked to 'other' issues. One in five (18%) said it was linked to race (again slightly down from 2021 - 20%) and more or less the same proportion said it was linked to age (19%). Social class was mentioned by 11%, 9% said sexual harassment, and 7% or fewer said either pregnancy/maternity, religion, disability, or sexual orientation.

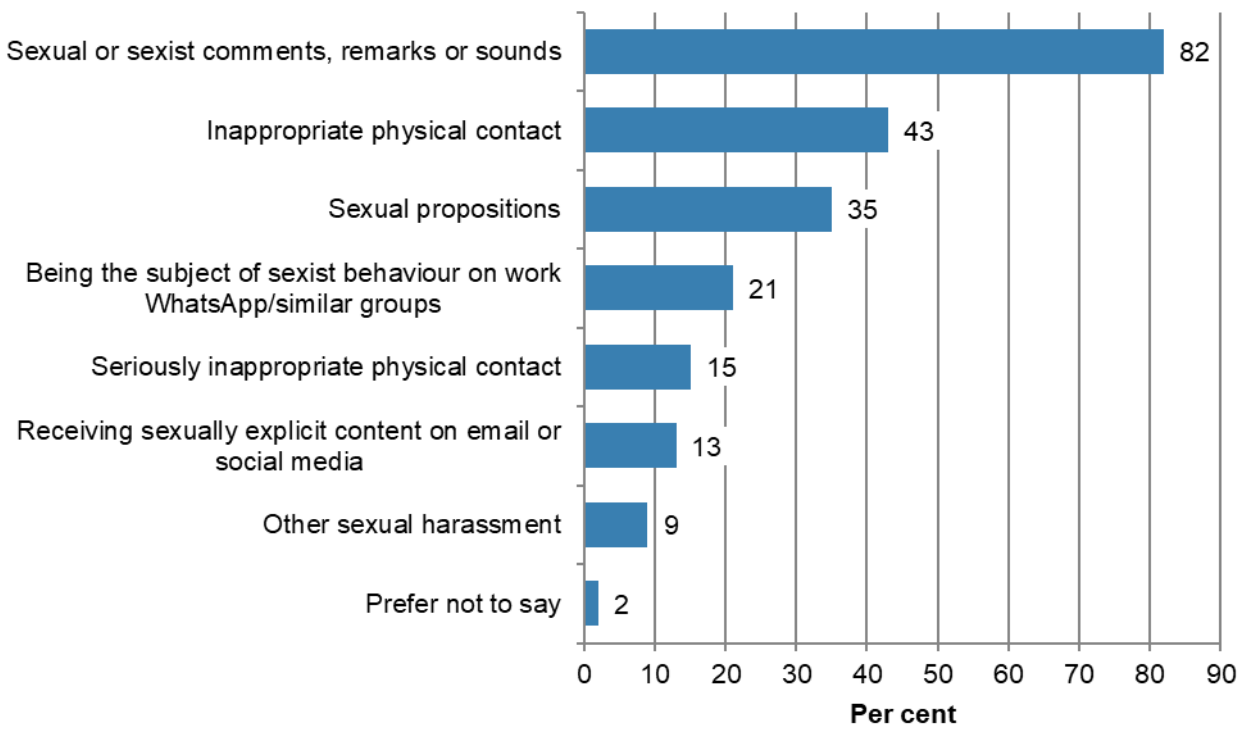
Figure 8.8 Nature of bullying, harassment or discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=1,344)

This year those who reported that they had experienced or witnessed sexual harassment (122 respondents) were asked what form it took. Again, those who did not want to answer the question were given the option to not give any further details. With the relatively small number of cases it is difficult to conduct any reliable further analysis but it is possible to say with confidence that women were much more likely to report *'inappropriate physical contact'* (53% compared with 23% of men). This was also the case among barristers from ethnic minority backgrounds (67%, compared with 40% of white barristers).

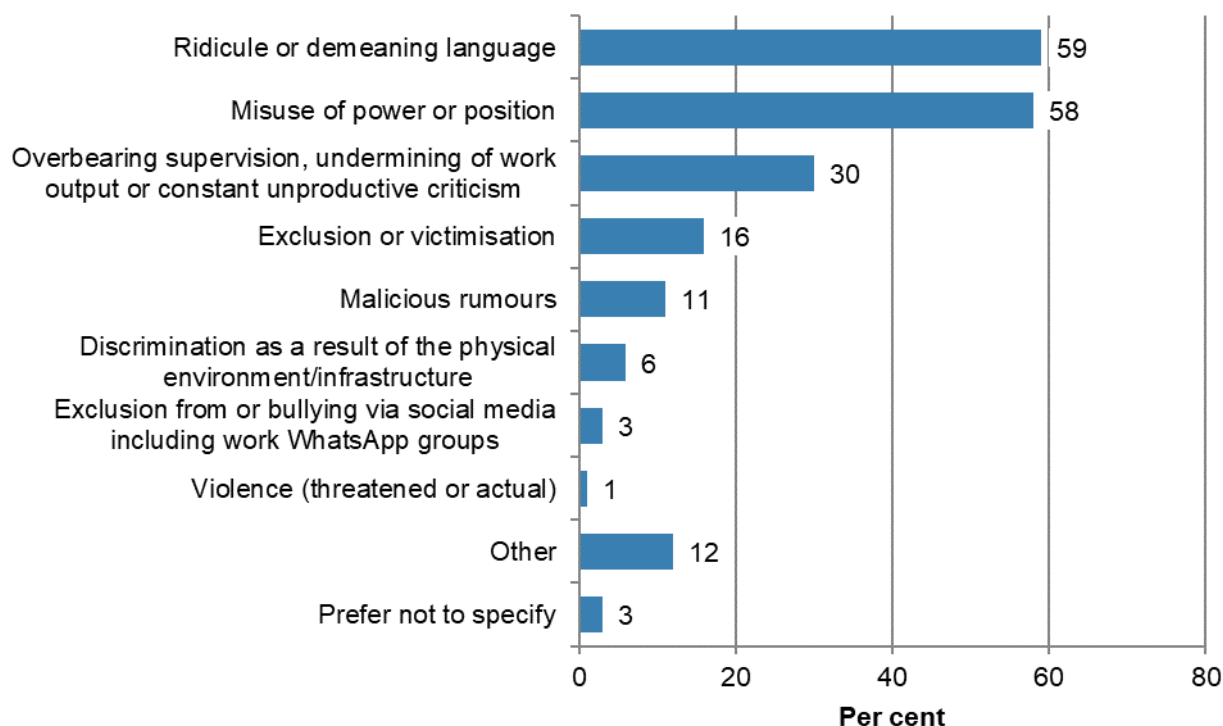
Figure 8.9 Nature of sexual harassment (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=122)

Other types of behaviour mentioned included bragging, use of demeaning language, stalking and unwanted attention.

All respondents (n=1,344) who had indicated that they have experienced or witnessed bullying, harassment or discrimination were also asked to indicate the type of behaviour they experienced or witnessed.

Figure 8.10 Type of bullying/harassment/discrimination (percentages)


Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=1,344)

Figure 8.10 shows that the two most common forms of bullying, harassment or discrimination concern the use of ridicule and demeaning language and the misuse of power and position, mentioned by around six in ten of all those who have experienced or witnessed bullying, harassment or discrimination.

Table 8.1: Type of bullying/harassment by area of practice (percentages)

| Area of practice | Criminal | Civil | PI/PN | Commercial | Family | All |
|--|------------|------------|-----------|------------|------------|--------------|
| Ridicule or demeaning language | 69% | 53% | 57% | 55% | 63% | 62% |
| Overbearing supervision, undermining of work output or constant unproductive criticism | 38% | 35% | 24% | 32% | 20% | 31% |
| Misuse of power or position | 66% | 57% | 49% | 54% | 62% | 60% |
| Exclusion or victimisation | 15% | 22% | 16% | 24% | 13% | 17% |
| Base N= | 490 | 262 | 99 | 144 | 325 | 1,344 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Where numbers of respondents were large enough to allow further analysis, area of practice was correlated with all four most commonly mentioned types of bullying (Table 8.1). For barristers working in crime and family who had experienced or observed bullying, harassment or discrimination, more reported experience of ridicule or demeaning language, overbearing supervision, and misuse of power or position. In the commercial

Bar more respondents reported experiencing exclusion or victimisation than barristers working in other areas.

Other than by age there was little difference in responses between barristers from different demographic groups. Nearly three quarters (73%) of barristers under the age of 35 who had reported bullying, harassment or discrimination stated that they had received ridicule or demeaning language compared with 42% of those over the age of 65 and 56% of those aged 55-64.

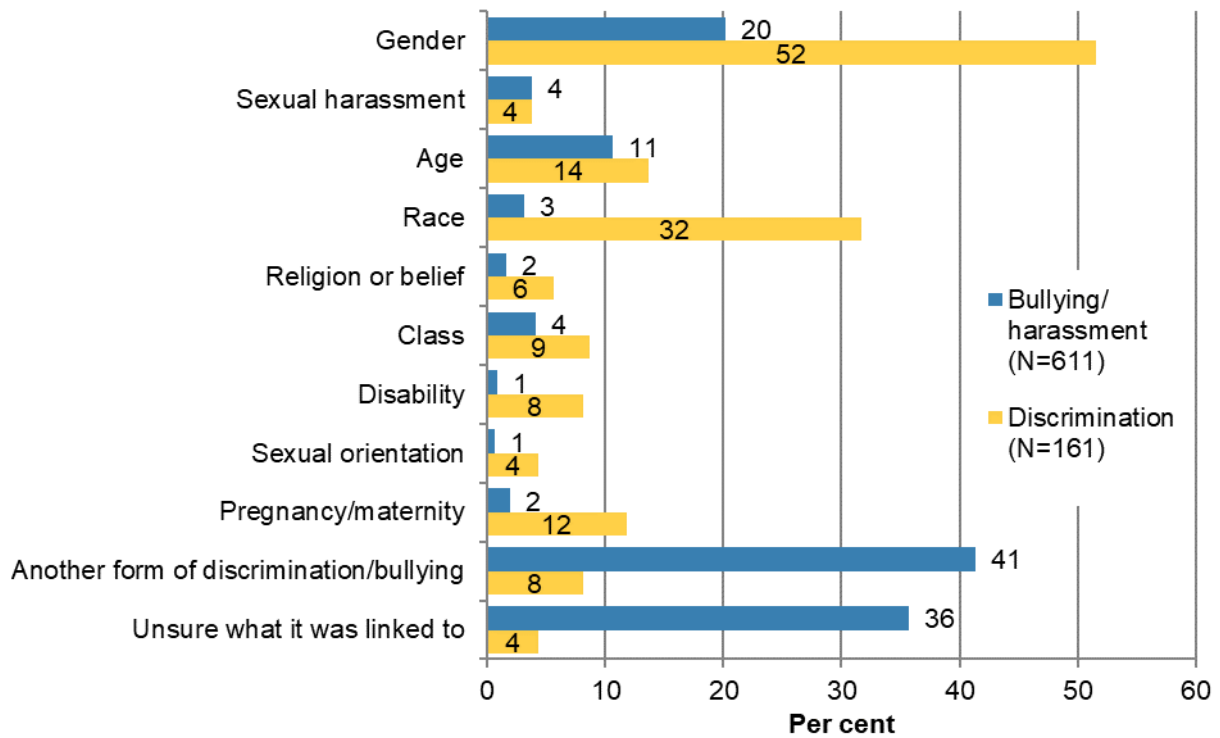
8.3.1 Type of experiences of bullying and harassment versus discrimination

Having looked at the nature of any type of negative experiences – bullying/harassment or discrimination – this section looks at the nature of the two broad types of negative behaviour separately. The analysis was conducted separately for barristers who reported experiencing or observing bullying or harassment only (i.e. did not experience or observe discrimination as well), and those who reported experiencing discrimination only (i.e. did not experience or observe bullying/harassment as well). The analysis therefore excludes respondents who said that they experienced or observed both types of negative behaviour as the responses would be then ambiguous as to whether they were referring to bullying/harassment or discrimination.

Figure 8.11 shows that discrimination was predominantly linked to gender or race, with half (52%) of barristers who reported experiencing or observing discrimination saying that it was related to gender, and one in three (32%) saying that it was related to race. While gender was the most common specific factor behind bullying or harassment, it was mentioned by only 20% of barristers who reported experiencing or observing bullying/harassment, and age was more commonly mentioned than race as the factor behind bullying/harassment. Bullying or harassment was commonly related to other factors than protected characteristics (41%), or barristers were unsure what it was linked to (36%).

There were too few respondents who experienced either bullying/harassment or discrimination (but not both) and said that it was linked to sexual harassment to report on differences in the nature of sexual harassment (23 respondents said that bullying/harassment was sexual harassment, and 6 respondents said that discrimination was sexual harassment).

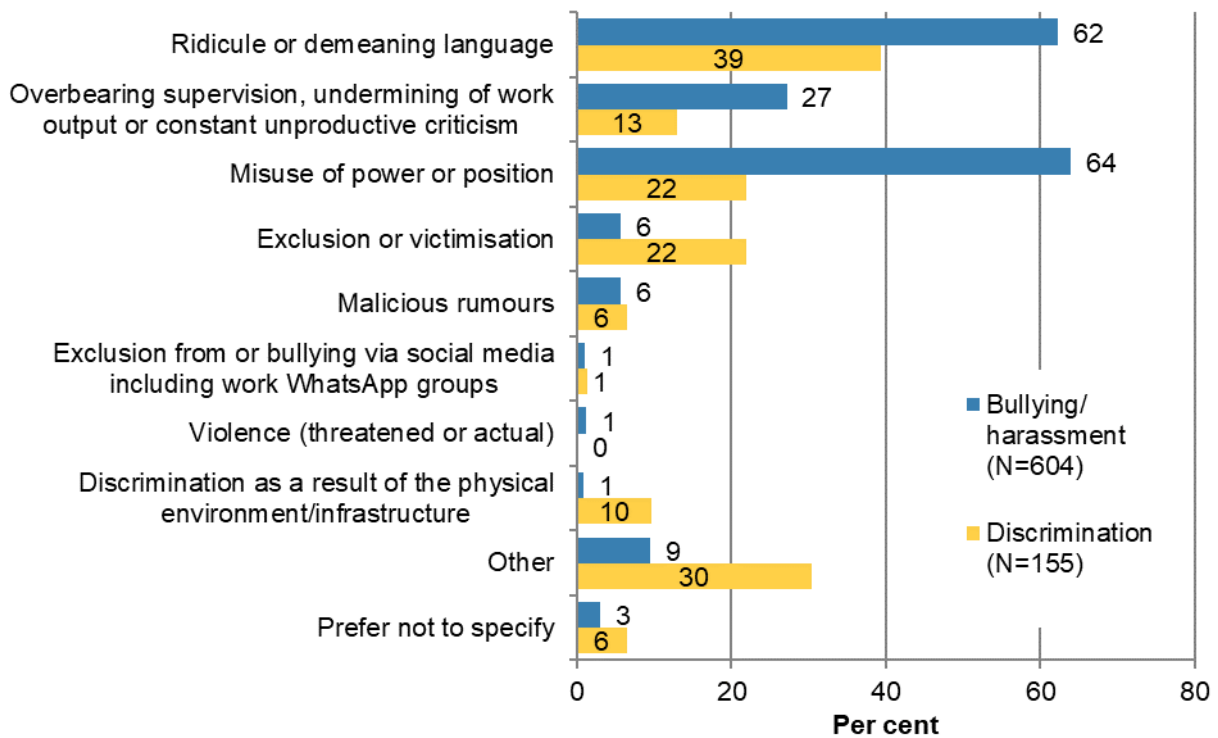
Figure 8.11 Nature of bullying or harassment, and discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

There were some differences in the type of negative behaviour between those who reported bullying/harassment only and those who reported discrimination only, as Figure 8.12 shows. Misuse of power, and ridicule or demeaning language, were the most common types of bullying/harassment and of discrimination, mentioned by 64% and 62% respectively of barristers who experienced/observed bullying/harassment only, while ridicule or demeaning language was the most common type of discrimination, mentioned by 39% of barristers who experienced/observed discrimination only. Overbearing supervision, undermining of work output or constant unproductive criticism was more commonly mentioned as a type of bullying/harassment than as a type of discrimination (27% and 13% respectively), while exclusion or victimisation was more commonly mentioned as a type of discrimination than as a type of bullying/harassment (22% and 6% respectively).

Figure 8.12 Type of bullying/harassment, and discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

8.4 Who was responsible?

The next set of questions asked respondents to indicate who they saw as responsible for the **bullying and/or harassment** they experienced or observed, and then they were asked separately about the **discrimination** they experienced or observed. Last year the questions were framed around bullying, harassment and discrimination taken together. This means the statistics for 2021 given below are not directly comparable to the 2023 figures.

8.4.1 Reported perpetrators of bullying and harassment

Across the 1,233 barristers who reported experiencing or observing bullying and/or harassment the most frequently mentioned perpetrators were 'a member of the judiciary' (53%, 45% in 2021). In 2021 we provided the option 'another barrister' and 48% selected this. This year a little more nuance was required and respondents were offered 'a more senior barrister' (31%), 'a barrister of the same level' (14%), and 'a more junior barrister' (6%). These total 51%, although as explained above these figures are not directly comparable. Head of chambers was cited by one in ten respondents (10%), a clerk or practice manager also by 10%, a professional client (6%), a lay client (6%), court staff (4%) and another person (8%).

Looking in more detail at ‘members of the judiciary’, barristers working in crime (67%, 62% in 2021) and family practice areas (55%, 48% in 2021) were more likely to cite the judiciary, compared with 38% (21% in 2021) of those working in civil practice and 33% (30% in 2021) among commercial practice barristers experiencing bullying/discrimination. It is noticeable that the largest increase in numbers reporting the judiciary as responsible for the bullying and harassment was among those working in civil practice areas.

Looking at when ‘a more senior barrister’ is cited as the source of bullying/discrimination, the variable most strongly associated with this response is stage of practice. Six in ten (40%) barristers in the Young Bar who have experienced bullying/discrimination mention a more senior barrister as the source compared with 37% of those in Middle Practice and 21% of those in Later Practice.

Female barristers are also more likely to cite a more senior barrister as the source of their experience or observation of bullying or harassment (36% compared with 23% of male barristers). This is perhaps given more weight by the finding that where other types of barrister or individuals in the justice system are cited, there is no difference between male and female barristers.

Among those who reported incidents of bullying or harassment, respondents in the employed Bar are less likely to indicate any of the categories listed apart from ‘head of chambers/manager’. In particular, where members of the judiciary are responsible, just 21% of the employed Bar cited this group compared with 56% of the self-employed bar.

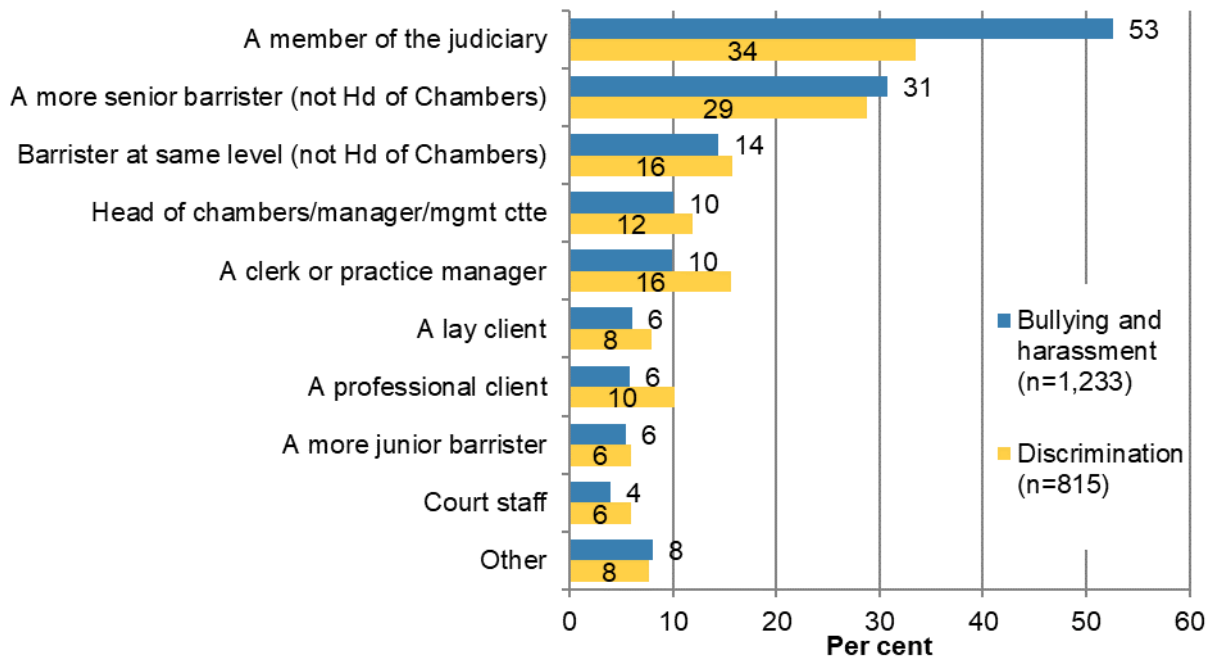
Finally, and this ties in with some of the findings in the remote hearings evaluation above, there are several regions where the judiciary are more likely to be cited as sources of bullying or harassment; the North West (72%), Wales (64%) and East Midlands (64%) reported experience of this behaviour by the judiciary as the source of it. Nearly three quarters (72%) of those who are members of the Northern Circuit reported experience of this behaviour from members of the judiciary, higher than any other circuit.

8.4.2 Reported perpetrators of discrimination

Discrimination is less frequently reported by barristers and the aggregate figures here are based on 815 respondents who reported experiencing or observing discrimination.

Figure 8.13 shows the proportion of those experiencing or observing bullying or harassment and discrimination by the type of person reported.

Figure 8.13 Person responsible for bullying, harassment or discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Similar to the bullying and harassment reported above, members of the judiciary are viewed as the main perpetrators of discrimination (34% cited this group). Three in ten (29%) mentioned a senior barrister colleague (but not head of chambers). It's worth noting that in terms of discrimination, proportionally more respondents cited clerks/practice managers (16% to 10%) and professional clients (10% compared with 6%) than was the case when thinking about bullying and harassment.

Similar again to the data presented on bullying and harassment, barristers in the employed Bar (12%) were significantly less likely to have experienced or observed discrimination among members of the judiciary than was the case among those working in a self-employed capacity (either chambers (36%) or as sole practitioners (55%)). Area of practice is also correlated with reports of members of the judiciary discriminating, either experienced or observed. Four in ten (44%) of barristers working in crime said they had experienced or observed members of the judiciary discriminating, compared with a third (34%) of those working in family and 27% of those in civil areas of practice, 23% of PI/PN and 20% of the commercial bar.

Barristers from black, black British, African and Caribbean backgrounds (46%), and from 'other' ethnic minority groups (68%) were more likely to report discrimination by members of judiciary than white barristers (32%) and Asian or Asian British (34%) barristers. There were no differences by gender, childcare responsibility and disability in the proportions reporting the judiciary as discriminating against them.

8.5 Where the incident occurred

Next, respondents were asked where the bullying, harassment or discriminating incident took place. In most cases this was at court (59%); a third (36%) occurred in the respondent's workplace. One in five (20%) said that it took place online (e.g. Teams/Zoom etc.) and a further 4% said it was on social media. In 8% of cases it was at a work social event and in 3% of cases at the offices of a client or other third party. Finally, 6% reported another location.

Among those who indicated that the incident took place in a court nearly three quarters of respondents working in family and crime practice areas (72% and 71% respectively) indicated that they had experienced or observed discrimination, compared with 39% of barristers working in other areas. Women are more likely to experience discrimination in court than men (63% to 56%) and those charging lower fee rates are also more likely to say they have experienced or observed bullying, harassment or discrimination in court. KCs were less likely to say they have experienced this behaviour in court than non-silk barristers (45% compared with 61%).

More than 70% of barristers who have experienced or observed bullying harassment and/or discrimination based in the North West, Yorkshire and Humberside, Wales and the East Midlands said that it took place in court, compared with fewer than 50% of those based in Greater London. Barristers linked to any circuit were much more likely to indicate that bullying, harassment or discrimination took place in court settings (67%) than those who said they were not linked to a circuit (45%). And the circuits where this was most likely were Midland (73%), Northern (72%) and Western (71%). Otherwise, there was little or no difference between sub-groups of barristers.

Two thirds (66%) of barristers who experienced/observed bullying/harassment but not discrimination said that it had occurred at court, compared with 36% of those who experienced/observed discrimination but not bullying/harassment. Conversely, half (50%) of barristers who experienced/observed discrimination but not bullying/harassment said that it had occurred at their workplace, compared with a quarter (25%) of those who experienced/observed bullying/harassment but not discrimination.

8.6 Policies and reporting procedures

Four fifths (84%, 81% in 2021) of all respondents reported that their workplace has a policy relating to bullying/harassment; just 1% (2% in 2021) said there was no policy and 15% (17% in 2021) said they were not aware of a policy. The proportion saying their workplace has a policy rises to 94% of employed Bar compared with 83% of those in chambers. Looking only at those respondents who are not sole practitioners, just 82% and 81% respectively of barristers working in crime and family practice areas have bullying and harassment policies in the place where they work. Respondents with first-hand experience of bullying and/or harassment were less likely to say that there was a policy in place where they work (79%, compared with 87% of those who had not experienced or observed bullying/harassment).

If we ignore those working as sole practitioners, those working in the Criminal and Family Bar were more likely to indicate that they were not aware of whether or not their employer/chambers had a policy (19% and 22%).

Of those who indicated that there was a policy in place, three quarters (76%) said that it was 'fit for purpose'. This figure is significantly lower than reported in 2021 when 92% of respondents said that they thought the policy was fit for purpose. This represents a considerable reduction and perhaps indicates a frustration with the lack of impact of current policies on the extent and prevalence of bullying and harassment at the Bar (6% said it was not fit for purpose and 17% did not know).

Barristers working in the employed Bar (63%) are much less likely to report that the policy is fit for purpose than those working chambers (78%). Members of the Criminal Bar were more likely to say that the policy in place where they work was *not* fit for purpose (9% compared with 6% of those working in other areas of practice) but otherwise there was little difference in response by area of practice.

However, barristers who had experienced bullying, harassment or discrimination were much less likely to say the policy was fit for purpose (61% compared with 77% of those who had observed it only and 84% of those who had not experienced or observed this behaviour). Furthermore, 17% said it was not fit for purpose (rather than saying that they did not know) compared with less than 1% of those with no experience and 5% of those who had observed it only.

8.7 Reporting incidents of bullying or harassment

Barristers were next asked to indicate if they had ever reported an incident of harassment or bullying at the Bar. The question was framed differently this year in two stages so is not directly comparable to the 2021 data. Overall, 15% said they had reported an incident of harassment or bullying at the Bar (n=424), 42% said they had not, while 43% said they had never observed or experienced any incidents of this form of behaviour. Ignoring those who indicated 'not applicable, I have not observed or experienced any incidents', one in four (26%) said that they reported the incident.

Likelihood of reporting is not linked to type of practice: employed barristers are no more or less likely to have reported an incident than self-employed working in chambers. Similarly, there was no variation by area of practice. Gender and ethnic origin were most strongly correlated with women more likely to have reported an incident than men (28% compared with 20% of male barristers). And among women, 41% of female black barristers reported an incident compared with 28% of Asian women and 26% of white women. The numbers were too small to discern any difference between men by ethnic origin.

Looking now at where incidents were reported, 12% reported to the Bar Standards Board (BSB), 29% to another barrister, 45% to their employer/chambers, 18% to the Bar Council Talk to Spot tool and 23% reported the incident to another individual/organisation. Where barristers had reported the incident to their employer or another barrister, around a half were satisfied that the incident was handled appropriately with three to four in ten not satisfied. But where incidents were reported to the Bar Standards Board (BSB), half of

barristers were not satisfied that the incident was handled appropriately, and just one in five were satisfied. Where respondents had reported the incident to the Bar Council’s Talk to Spot tool, around four in ten (37%) said they did not know how they felt about the way the incident was handled.

Table 8.2: Satisfaction with reporting incident to different people/organisations (percentages)

| Reported the incident to: | Satisfied | Not satisfied | Don't know | Still ongoing | N= |
|---------------------------------|-----------|---------------|------------|---------------|-----|
| The Bar Standards Board (BSB) | 19 | 48 | 14 | 19 | 48 |
| Another barrister | 47 | 32 | 17 | 4 | 119 |
| Employer/Chambers | 50 | 39 | 6 | 5 | 189 |
| Bar Council's Talk to Spot tool | 28 | 20 | 37 | 15 | 75 |
| Other | 37 | 38 | 11 | 14 | 95 |

Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023

The numbers are too small to provide any further insight into who was satisfied or otherwise, or sub-groups of barristers who had reported or disclosed the incidents.

Following this up, those who had chosen to not disclose were asked for their reasons for not reporting based on a list (1,140 respondents gave details). Figure 8.14 summarises the findings.

Figure 8.14 Reasons for not reporting bullying, harassment or discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=1,159)

Four in ten respondents (42%) who had experienced an incident of bullying and/or harassment but had not reported it said that the reason they had not was fear of repercussions to themselves. A further 14% said that they feared repercussions for other colleagues in their workplace. A third (36%) said that the profile/status of the perpetrator was a factor in deciding to not report or disclose the incident. Three in ten (29%) said that they lacked confidence in the reporting procedure and protocols.

Women were much more likely than men to say they feared repercussions in the workplace to themselves (48% compared with 32% of men) and they were also three times more likely to fear not being believed than men (13% compared with 4%). Otherwise, there was little differences in the responses of men and women. There was little difference by ethnicity, although barristers from ethnic minority backgrounds were more likely to indicate that they did not have confidence in the reporting procedures or protocols (37% compared with 27% of white respondents).

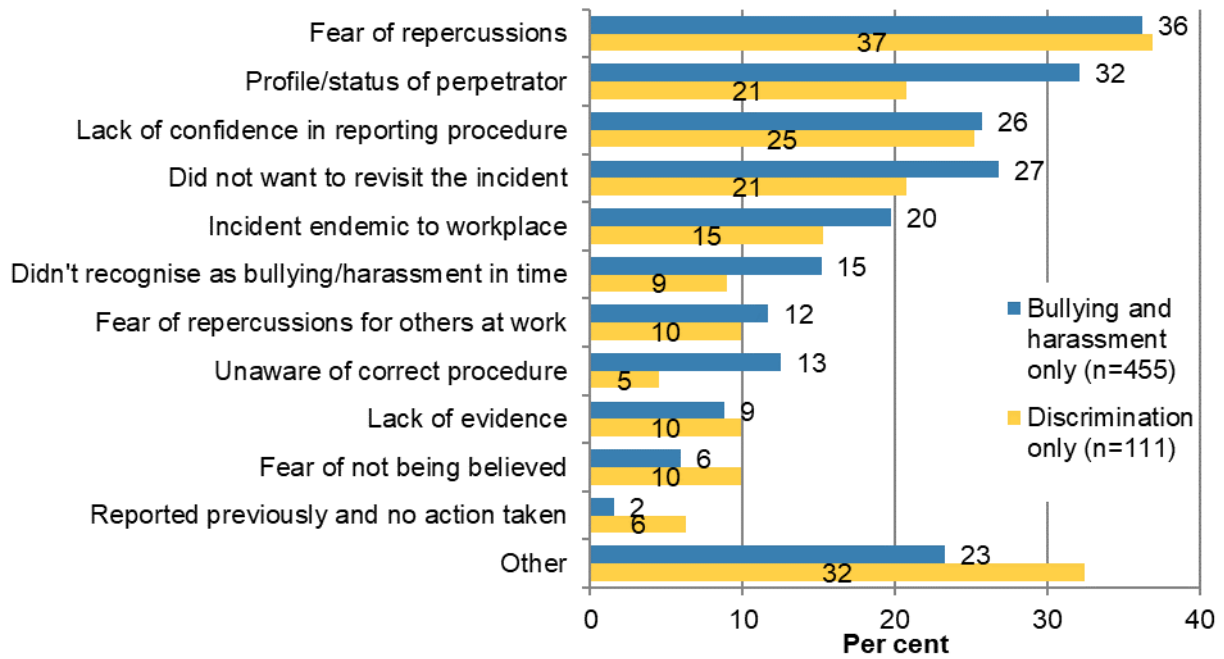
Differences by other sub-groups of respondents were minimal.

8.7.1 Reporting of incidents of bullying and harassment versus discrimination

Rates of reporting were broadly similar between barristers who had experienced/observed bullying/harassment only and those who had experienced/observed discrimination only, with 19% of the former reporting an incident of bullying/harassment and 16% of the latter reporting an incident of discrimination. The barristers' employer or chambers was the most common organisation that reports were made to (45% of those experiencing/observing bullying/harassment and 48% of those experiencing/observing discrimination), while barristers who experienced/observed bullying/harassment were more likely than those who experienced/observed discrimination to report it to another barrister (30% and 20% respectively), and those who experienced/observed discrimination only were more likely to report it to the BSB (16% compared with 5% of barristers who experienced/observed bullying/harassment only). Rates of reporting to the Bar Council's Talk to Spot tool were the same, at 20% for both groups. Sample sizes were too small to report on outcomes/satisfaction of reporting separately for bullying/harassment and for discrimination.

Figure 8.15 presents the reasons for not reporting incidents of bullying/harassment separately from the reason for not reporting incidents of discrimination, among barristers that had experienced/observed only one type of negative behaviour. There were relatively minor differences, with those who experienced/observed discrimination less likely to say that the profile/status of the perpetrator was a reason for them not reporting it, or that they were unaware of the correct procedure.

Figure 8.15 Reasons for not reporting bullying/harassment, or discrimination (percentages)



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

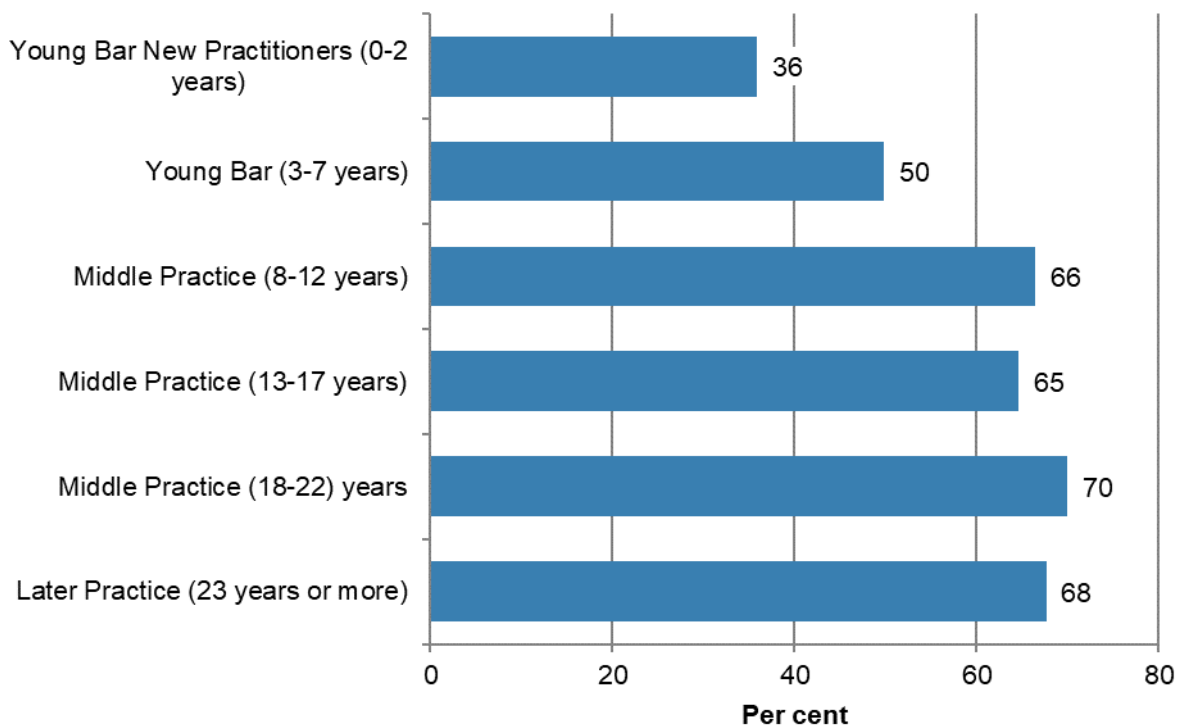
9 Practice and career development

This section looks at barristers' experiences of mentoring – either as a mentor or mentee – and issues around practice reviews and career development.

9.1 Mentoring

Two thirds of the respondents to the survey (65%) indicated that they acted as a mentor for other barristers, and there was relatively little variation by area of practice. However, self-employed in sole practice barristers were less likely to act as mentors to others compared with self-employed barristers in chambers or those in employed practice (46%, compared with 64% for self-employed barristers in chambers and 71% for those in employed practice). The likelihood of a barrister acting as a mentor increases with time since call, from 36% of New Practitioners (0-2 years since Call), to 50% of those in the Young Bar (3-7 years), and two thirds (67%) of more experienced barristers (8 plus years since Call).

Figure 9.1 Acting as a mentor for other lawyers by time since Call

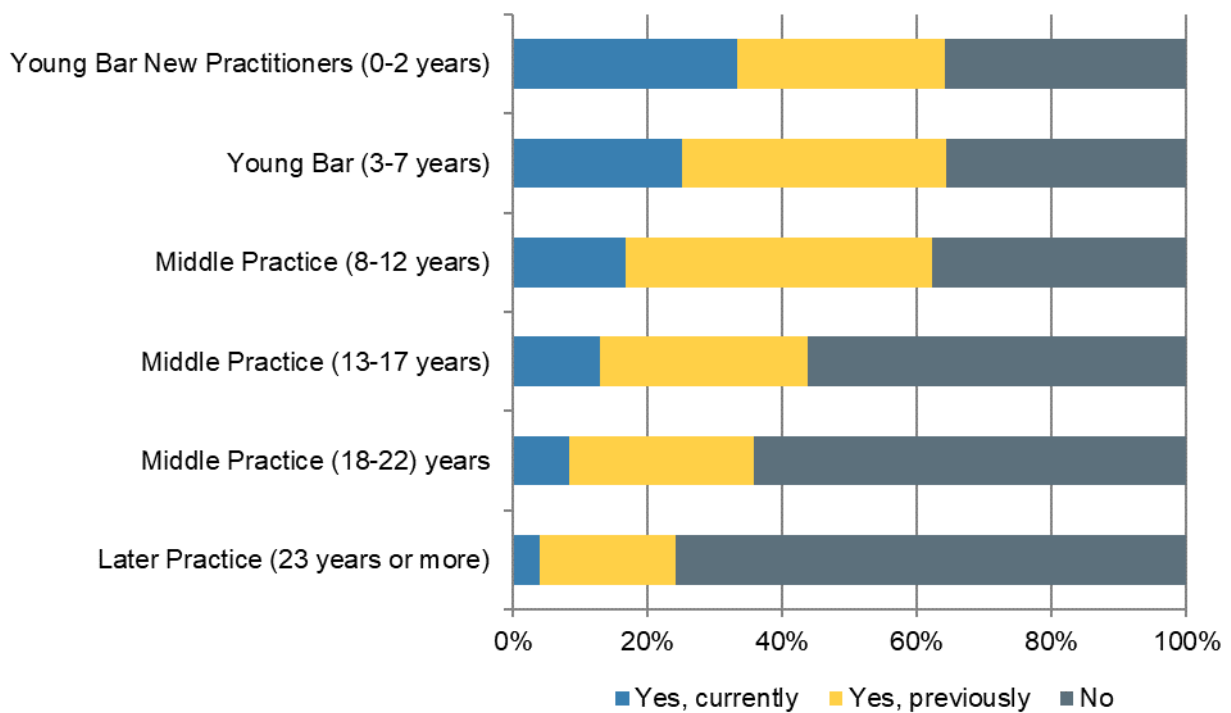


Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,180)

Looking at experience of being a mentee, only 11% of respondents stated that they currently had a mentor, and a further 28% stated that they had previously had a mentor, while 61% stated that they had never had a lawyer mentor. There was little variation by type of employment or area of practice. Barristers in criminal and family practice were least likely to have had a mentor, either currently or previously, and sole practitioner barristers were much less likely to have or have had a mentor (2% currently and 25% previously) while employed barristers were most likely (11% currently and 39% previously).

As with being a mentor, there was significant variation in experiences of having a mentor by time since call, with younger lawyers more likely to have a mentor than those who have been in practice longer.

Figure 9.2 Have a lawyer mentor by time since Call



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,190)

Barristers who reported having a lawyer as a mentor either currently or previously felt that it was valuable, with half responding that it is/was 'very valuable' (50%) and a third responding that it is/was 'fairly valuable' (33%), and only 18% finding it 'not very valuable' or 'not at all valuable'. There was relatively little variation in views on the value of having a mentor by type of employment, practice area, or time since call.

Relatively few barristers that did not currently have a mentor stated that they would like one (23%), while 57% said they would not like one, and 20% had no opinion. There was significant variation by the time since Call; 39% of New Practitioners (0-2 years) stated they wanted a mentor, as did 37% of those with three to 12 years since Call, 34% of those

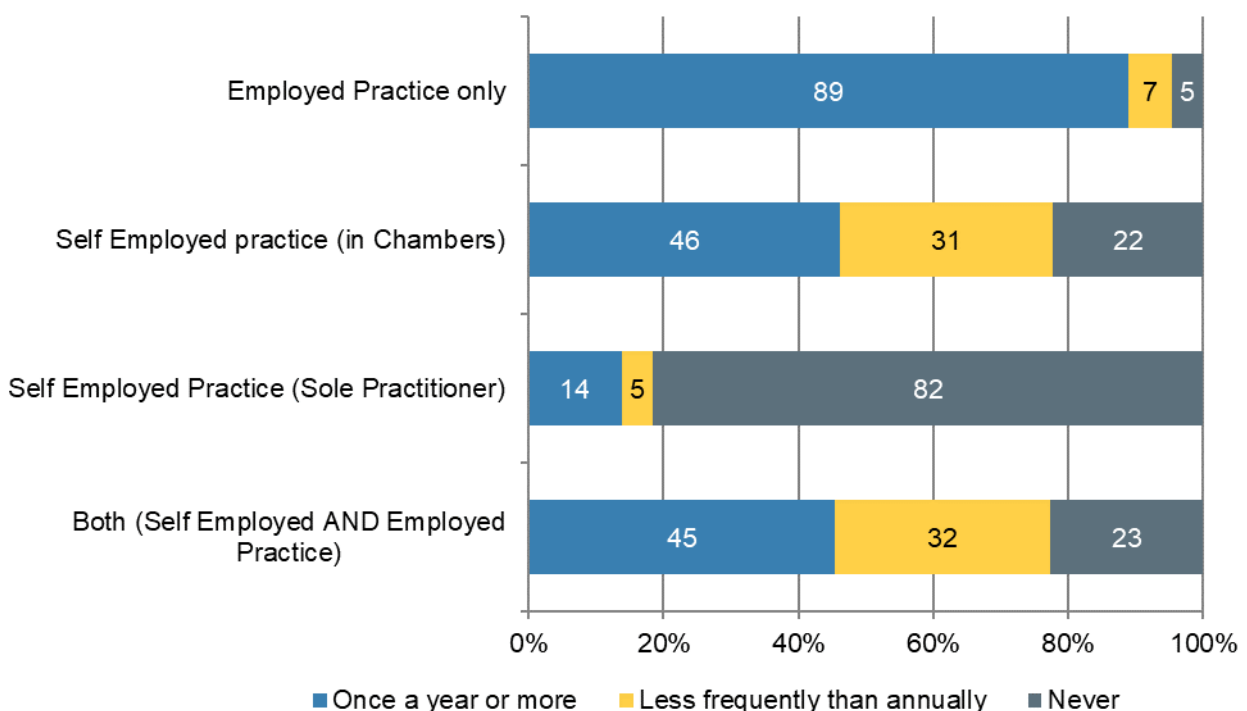
with 13 to 17 years since Call, and 29% of those with 18 to 22 years since Call, while only 12% of Later Practice barristers (23 years or more) said they wanted a mentor.

Barristers who wanted a mentor were asked where they would look to find a mentor, and the most commonly mentioned places were Inns (25%) and chambers (24%), with some respondents indicating they would seek a mentor via recommendations/word or mouth (15%), in the Bar Council (13%), or within their circuit (10%). Relatively few mentioned that they would look for mentor in the SBA (5%), in their employer (4%) or via other avenues (5%).

9.2 Practice reviews

Just under half of all respondents (50%) indicated that they have practice reviews annually or more often, 28% stated that practice reviews take place but less frequently than annually, and 22% stated that they never have practice reviews. This differed significantly by employment status, with those in employed practice much more likely to respond that they have annual or more frequent reviews (89%). Sole practitioner barristers were most likely to never have had a practice review (82%).

Figure 9.3 Frequency of a practice review by type of employment



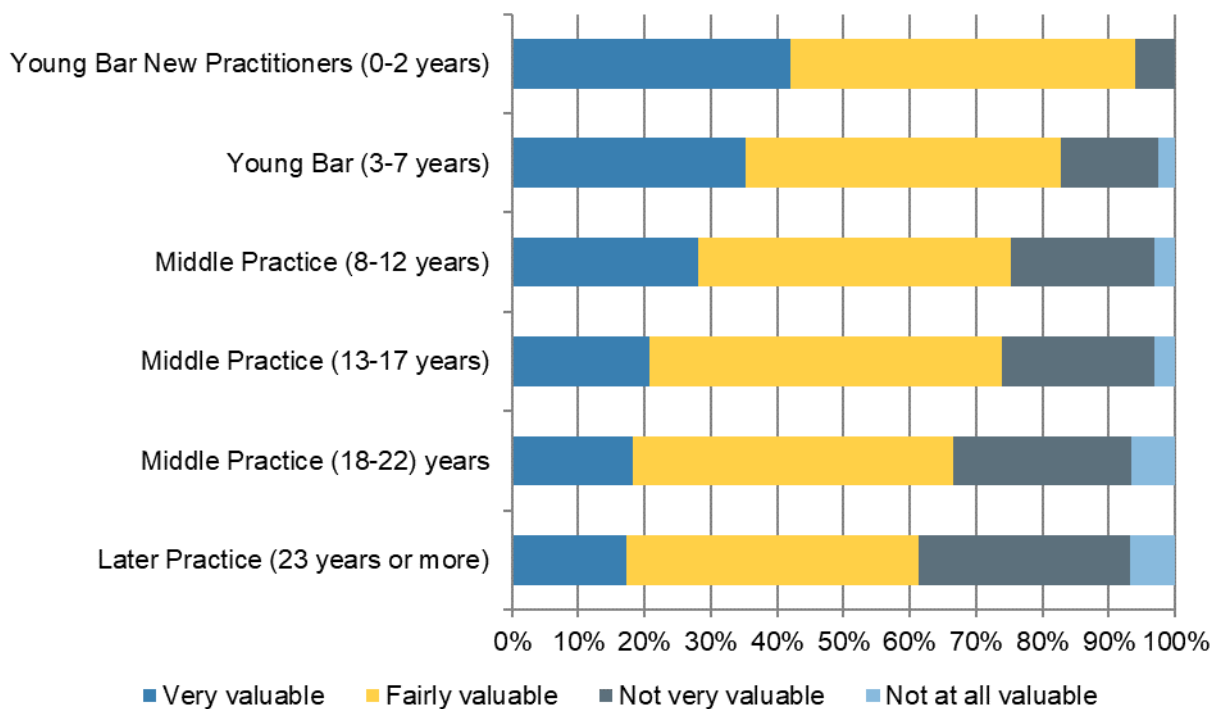
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=3,181)

Barristers in criminal (32%) and family practice (27%) were much more likely to report never having had a practice review than those in commercial, civil, and personal injury/professional negligence (14-15%). When sorting by time since call or practice duration subgroups, New Practitioner respondents were the most likely (33%, twice the

proportion in the Young Bar of 16%) to have never had a practice review, followed by Later Practice barristers (25%). Among self-employed barristers in chambers, there was a strong association between pay and practice reviews, with 58% of those earning £240k or more having annual practice reviews, compared with 44% of those earning £90-240k, and 38% of those earning up to £90k.

When survey respondents were asked to assess the value of performance or practice reviews, about half (47%) found these 'fairly valuable', about a fifth of all respondents found them 'very valuable' (22%), and a quarter found them to be 'not very valuable' (26%) and only a very small proportion found them 'not at all valuable' (5%). Overall, early career barristers were more likely to find reviews valuable (42% and 35% for New Practitioners and Young Barristers, 28% for those in Middle Practice 8-12 years), and those with more years of practice found this progressively less valuable (21% for those in Middle Practice 13-17 years and about 17% for those 18 years or more since call).

Figure 9.4 Value of review by time since call



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=2,471)

9.3 Public access work

Of the barristers surveyed, about two fifths (38%) indicated that they accepted work on a public access basis. Those in self-employment in chambers (41%) and sole practice (55%) were much more likely than barristers in employed practice (4%) to take on such work. There was also sub-group variation by time since Call or practice duration with New Practitioners (3%) and Young Barristers (21.7%) least likely to take on public access work.

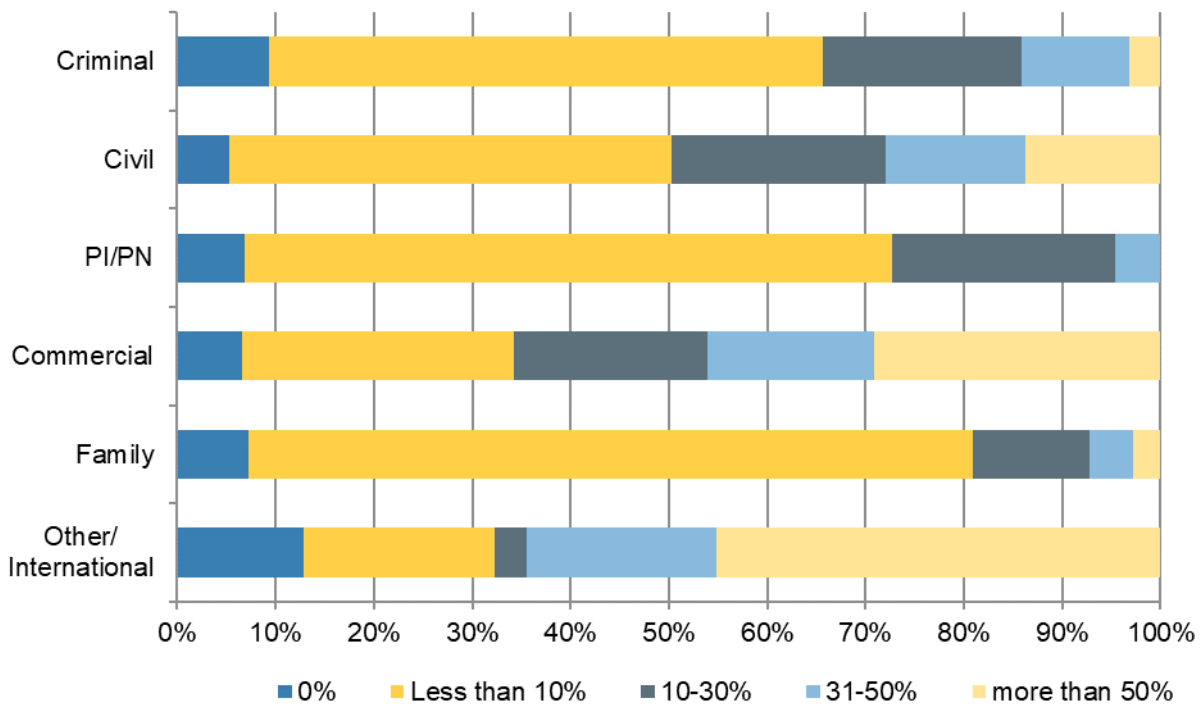
The large majority of respondents that do take on public access work (78%) spend less than 10% of their time on such work; 14% of respondents spend between 10% and 30% of their time on public access work and a very small fraction spend more than 31% (7%) of their time on public access work. It is worth noting that those in self-employment (in chambers) were much more likely (80%) to spend less than 10% of their time on such work. Barristers working in criminal (88%) or and personal injury/professional negligence (96%) were most likely to report spending less than 10% of their time on this type of work.

9.4 International instructions

Around a quarter (27%) of barristers responding to the survey indicated that they received international instructions (that is, a dispute where at least one party is domiciled outside England and Wales or advice about a foreign individual/entity). This type of work is primarily the domain of commercial and chancery practice barristers (67%) and those working in international/other practice (53%), similar to the patterns in 2021, when 57% of barristers in each of these practice areas received international instructions. Receiving international instructions was also related to income – among barristers working in commercial or international practice, those on higher incomes were most likely to be receiving international instructions (85% of those earning more than £240k compared with 48% of those earning £90-240k and 41% of those earning up to £90k per year).

Those barristers who did receive international instructions were asked to give the percentage of their total instructions that were from lay clients based outside the UK, and lay clients based inside the UK, using bands of percentages, from 0% up to more than 50%. In terms of the amount of overseas work, 43% of surveyed barristers that received international instructions reported having fewer than 10% of lay clients outside the UK, and 7% stated that they have no international lay clients. Looking at subgroup variation by area of practice, barristers in civil, commercial, and other/international areas of practice are more likely to have international clients.

Figure 9.5 Proportion of international lay clients by area of practice



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=821)

Instructions for international work were most likely to be provided by the solicitors' firm (36%) in the UK, foreign law firms abroad (23%), or foreign law firms in the UK (10%). In some cases, instructions were provided by in-house counsel for companies abroad (7%), foreign governments (6%), public access from abroad (5%) or in-house counsel for UK companies (5%). Lastly in a few select cases, instruction were given by public access from within the UK (3%), the UK government (3%) or licensed access from within the UK or from abroad (2%).

Table 9.1 shows the jurisdictions from where international instructions are received, both at present and looking to the future. A half of respondents who indicated that they received international instructions said that they get them from Europe (excluding UK) but this figure reduces to 42% when respondents look to future instructions. There is also a forecast small reduction in instructions originating from the UK from 43% today to 37% looking to the future.

The next most significant jurisdictions are the Middle East (27%) and the US (26%). It is also expected that more respondents expect to receive instructions from the Middle East in future than is the case today (30%).

Table 9.1 Current and future jurisdictions for international instructions

| | Current instructions | Future instructions |
|---|----------------------|---------------------|
| Africa (not South Africa) | 5% | 4% |
| Australia/New Zealand | 5% | 2% |
| BVI | 7% | 9% |
| Canada | 1% | 1% |
| Caribbean | 10% | 7% |
| Cayman Islands | 7% | 9% |
| Channel Islands (& IoM) | 18% | 15% |
| China | 4% | 6% |
| Commonwealth/British Overseas Territories | 4% | 6% |
| Europe EU (not Ireland) | 30% | 26% |
| Europe (non-EU) | 5% | 5% |
| Europe (non-specific) | 10% | 7% |
| Hong Kong, Korea, Far East | 8% | 7% |
| India | 4% | 4% |
| Ireland | 5% | 4% |
| Japan | 1% | 1% |
| Middle East/Gulf States/Israel | 27% | 30% |
| Other South Asia | 3% | 5% |
| Russia | 2% | 2% |
| Singapore/Malaysia | 7% | 7% |
| South America/Latin America | 2% | 0% |
| US | 26% | 23% |
| UK (GB and NI) | 41% | 37% |
| Random/Mix/Query | 3% | 3% |
| Don't know | 0% | 2% |
| <i>Base N=</i> | <i>642</i> | <i>460</i> |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

9.5 Publicly funded work

Barristers working in practice areas in which there could be publicly funded work – criminal, civil and family practice – were asked to indicate what proportion of their earnings and caseload came from publicly funded work.

Among criminal barristers, the majority of their earnings and caseload came from publicly funded work – 83% of earnings and 87% of their caseload. The proportions were lower for family barristers (59% of earnings and 61% of caseload), and much lower for civil barristers (25% of earnings and 27% of caseload).

The proportion of earnings and caseload accounted for by publicly funded to work tended to decrease as total earnings level increased, across the three practice areas of criminal,

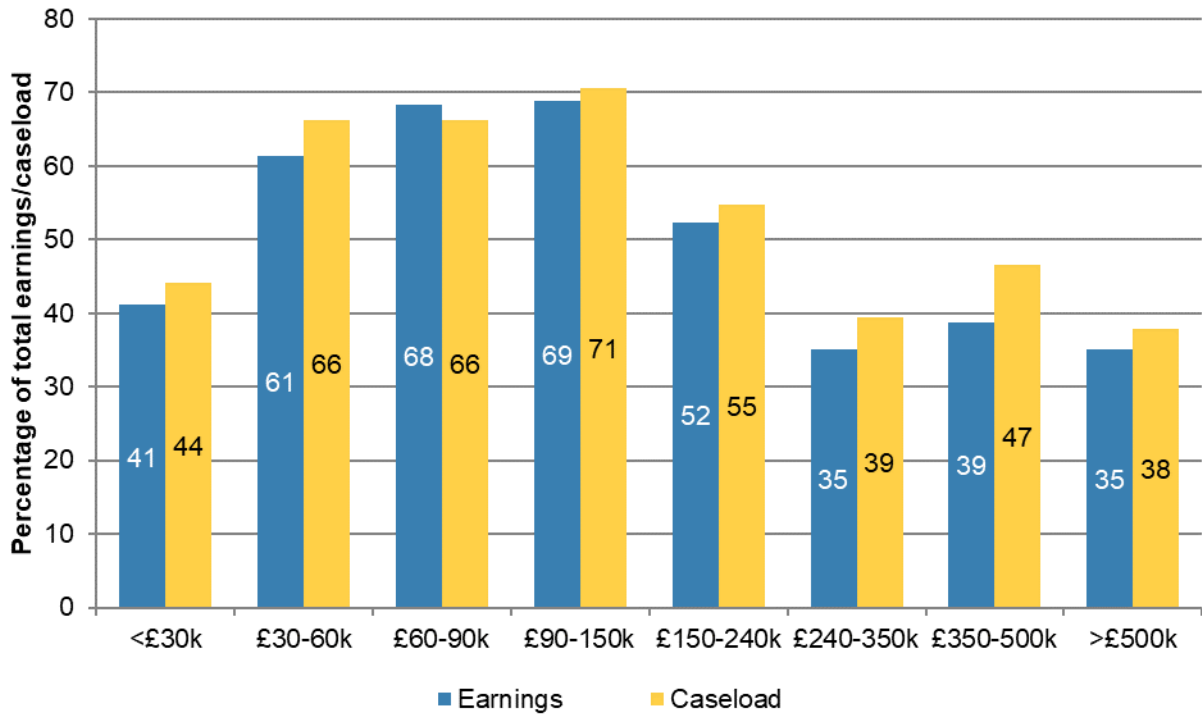
family and civil. The difference is most stark for criminal barristers, where publicly funded work makes up at least 80% of earnings of barristers earning up to £240k per year, but less than 40% of earnings of barristers earning £350k or more per year (Figure 9.6). Similar patterns are also shown for family barristers in Figure 9.7 and for civil barristers in Figure 9.8.

Figure 9.6 Mean proportion of earning/caseload from publicly funded work by total earnings level, Criminal Bar



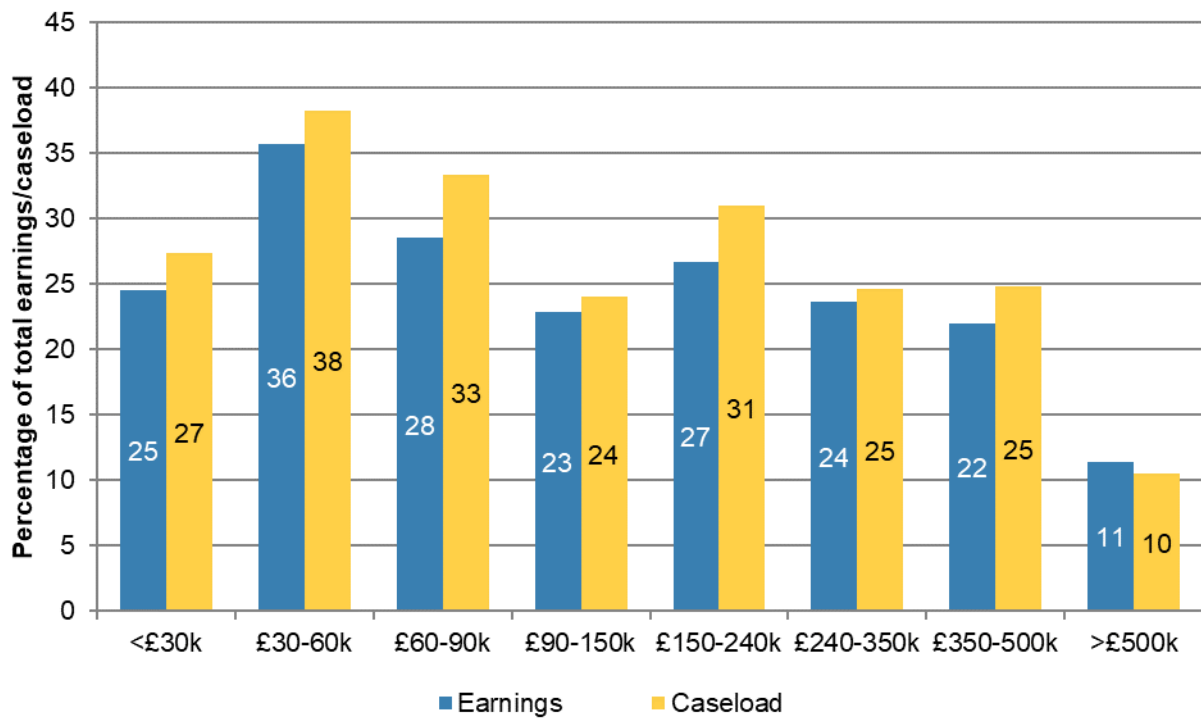
Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=715)

Figure 9.7 Mean proportion of earning/caseload from publicly funded work by total earnings level, Family Bar



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=561)

Figure 9.8 Mean proportion of earning/caseload from publicly funded work by total earnings level, Civil Bar



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=479)

10 Bar Council services

This section looks at the services that the Bar Council offers and respondent reports of whether they have made use of any services and what additional services (paid/unpaid) they would like to see offered.

10.1 Services used

Overall, just under two thirds of barristers (62%) said that they had used Bar Council services in the previous two years, although this proportion was much lower among employed barristers, at 40%. The use of services tended to decrease with time since call, from 76% of New Practitioners, to 56% of Later Practice barristers.

Table 10.1 shows the services used by those respondents that had used Bar Council services in the last two years. The most frequently accessed service was the Ethical Enquiries Service (38%), followed by Bar Council Training (32%), the resources on the Ethics and Practice Hub website (31%) and the Bar Council member benefits portal (20%). Use of the Pupillage Gateway was much lower than in the 2021 survey (12% compared with 23% in 2021).

Table 10.1 Bar Council Services used

| | Number | % |
|---|--------|------|
| Ethical Enquiries Service | 742 | 38.4 |
| Bar Council Training e.g. Public Access, Equality and Diversity, Fair Recruitment | 624 | 32.3 |
| The resources on the Ethics and Practice Hub website | 601 | 31.1 |
| Bar Council member benefits portal (Reward Gateway) | 386 | 20.0 |
| The resources on the Wellbeing at the Bar website | 319 | 16.5 |
| Conferences and Seminars e.g. Annual Bar and Young Bar Conference | 318 | 16.5 |
| Bar Council Media and Briefings e.g. Bar Council Newsletters and Social Media | 315 | 16.3 |
| Direct Access Portal | 304 | 15.7 |
| Pupillage Gateway | 226 | 11.7 |
| Partner Benefits and Discounts e.g. BMW, Fleet Street Wealth, Cameron Chase | 124 | 6.4 |
| Pupillage Fair and Careers Information | 111 | 5.7 |
| Appointments Service | 55 | 2.8 |
| Bar Complaints Advisory Scheme | 28 | 1.5 |
| International Business Development Initiatives | 27 | 1.4 |
| Debt Recovery Panel and Costs Judge Decisions Database | 13 | 0.7 |
| Immigration Support Scheme | 9 | 0.5 |
| Total used services in last 2 years | 1,931 | - |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Employed barristers were less likely than self-employed barristers to have used the Ethical Enquiries Service (29%) or Bar Council Training (25%), but were more likely to have used Bar Council Media and Briefings e.g. Bar Council Newsletters and Social Media (29%), and Conferences and Seminars e.g. Annual Bar and Young Bar Conference (22%).

There were some differences by area of practice. Barristers in criminal, civil and family practice were much more likely than others to have used the Ethical Enquiries Service (43%, 41% and 41% respectively), while barristers in commercial practice were most likely to use the resources on the Ethics and Practice Hub website (40%; those in PI/PN and family practice were least likely with 25% using it), and barristers in civil, PI/PN and commercial practice were most likely to use Bar Council Training (37%).

There were also patterns by time since Call. New Practitioner barristers (0-2 years since Call) were most likely to use conferences and seminars (27%), Pupillage Gateway (38%), Pupillage Fair and Careers Information (14%) and Bar Council media and briefings (21%), but they were least likely to use Bar Council training (27%), and the Reward Gateway portal (13%). Young Bar barristers (3-7 years since Call) were most likely to use the Ethical Enquiries Service (47%, as did 43% of those with 8-12 years since Call) and the resources on the Ethics and Practice Hub website (44%), and they were also more likely than average to use conferences and seminars and the Pupillage Gateway (21% and 15% respectively), but they were least likely to use the Direct Access Portal (8%, along with 11% of New Practitioners).

In the 2021 survey, there were associations between use of wellbeing services and barristers' wellbeing scores, and between use of wellbeing services and experiences of bullying, harassment or discrimination. In the current survey these associations are also evident – those barristers that had used wellbeing services scored significantly lower on the psychological wellbeing scale (3.17 compared with 3.47), and 22% of barristers with personal experience of bullying, harassment or discrimination had used wellbeing services compared with 14% of those with no personal experience or observations. These findings suggest that the wellbeing resources are proving useful to those who need it.

10.2 Services wanted

Nearly three fifths of barristers (58%) said that there were services that they would like to see the Bar Council offer that it does not already, although this proportion was much lower among employed barristers, at 36%. In terms of services wanted, the most common was income protection insurance, mentioned by two thirds (65%) of those wanting additional services, followed by cybersecurity insurance (36%), access to High Security Courts, using the existing ID Card Scheme (32%) and a Mini Pupillage Gateway (20%).

Table 10.2 Bar Council Services wanted

| | Number | % |
|---|---------------|----------|
| Income Protection Insurance | 1,182 | 65.2 |
| Cybersecurity Insurance | 661 | 36.4 |
| Access to High Security Courts, using the existing ID Card Scheme | 585 | 32.2 |
| Mini Pupillage Gateway | 360 | 19.8 |
| Greater Chambers and BSB Entity Management Resources and Events | 303 | 16.7 |
| Hobbies and Leisure Insurance | 198 | 10.9 |
| Bespoke International Business Development Advice | 126 | 6.9 |
| Access to Solicitors' Agents Work Stream | 119 | 6.6 |
| Other | 128 | 7.1 |
| Total wanting services | 1,814 | - |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Employed barristers were less likely to want income protection insurance (36%) but more likely to want a Mini Pupillage Gateway (43%). Early career barristers (49% of New Practitioners and 31% of Young Bar barristers with 3-7 years since call) also wanted a Mini Pupillage Gateway.

11 Bar Council communications and marketing

This appendix presents results from questions on Bar Council communications and marketing, to help the Bar Council communications and marketing team understand how best to provide news and information to barristers in addition to email and print communications.

Just over half of responding barristers (53%) said that they did use social media for work-related purposes, with usage higher among younger barristers (65% of those aged under 35 and 62% of those with less than 13 years since Call), and those working in civil practice areas (65%). Also, female barristers were more likely than male barristers to use social media for work (57% and 50% respectively), barristers from ethnic minority backgrounds were more likely than average to use social media (67% and 61% respectively), and using social media was associated with a lower score for the anti-perfectionism wellbeing theme.

The most common use of social media among those who used it for work was to keep abreast of news relating to barristers' work, mentioned by three quarters (77%) of those who used social media for work, followed by making connections and networking (63%), to increase barristers' professional profile (57%) and finding out about training and events (43%).

Table 11.1 Uses of social media for work-related purposes

| | Number | % |
|--|--------|------|
| To keep abreast of news relating to my work | 1,292 | 76.8 |
| To make connections/network | 1,066 | 63.3 |
| To find out about training and events | 715 | 42.5 |
| To increase my professional profile | 954 | 56.7 |
| To ask questions and gain insight/advice from others in the legal sector | 233 | 13.8 |
| Other | 20 | 1.2 |
| Total using social media for work | 1,683 | - |

Source: IES/Bar Council: *Barristers' Working Lives Survey, 2023*

Employed barristers were more likely to use social media to find out about training and events (48% compared with 42% of self-employed barristers), while self-employed barristers were more likely than employed barristers to use it for increasing their profile (58% and 46% respectively). Female barristers were much more likely to use social media to find out about training and events (48% compared with 37% of male barristers).

Younger barristers were more likely to use social media for all work-related purposes than older barristers, particularly for networking and increasing their profile.

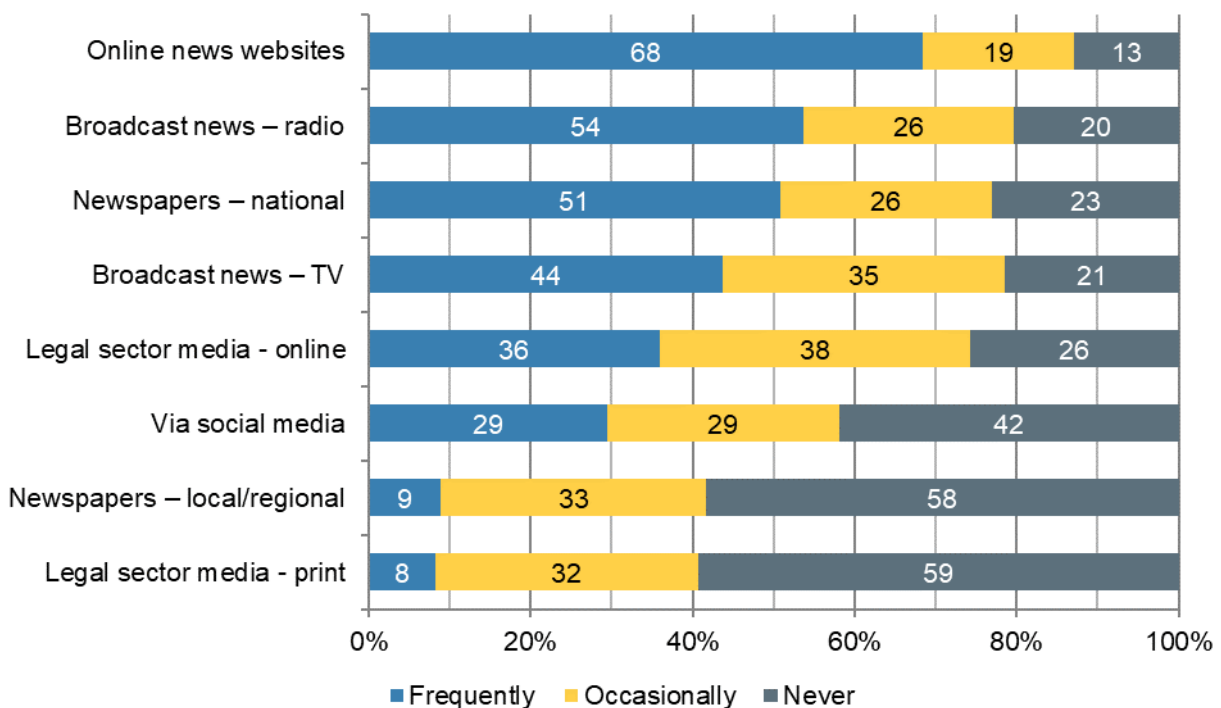
LinkedIn was by far the most used social media channel for work-related purposes, used by 83% of barristers who used social media for work, followed by 'X' (formerly Twitter, until July 2023) (52%), Facebook (9%), and Instagram (5%). Less than 1% of barristers used TikTok or Mastodon for work-related purposes.

Barristers in commercial and chancery were most likely to use LinkedIn (97% of those using social media for work) and were least likely to use X/Twitter (27%), while among criminal barristers there were similar levels of usage of the two main platforms (69% used LinkedIn and 61% used X/Twitter). Facebook was predominantly used by older barristers – only 2% of those aged under 35 used it compared with 10% of those aged 45 to 54, and 17% of those aged 55 and over.

LinkedIn was used most commonly for networking (95% of those who used social media for networking used LinkedIn) and to increase barristers' professional profile (94%), while X/Twitter was commonly used to ask questions and gain insight from others in the legal profession, and to keep abreast of news related to work.

Barristers were also asked how frequently they used a range of news sources, and the results are shown in Figure 11.1. Online new websites were the most frequently used sources, with two thirds (68%) of barristers using them frequently, followed by news on the radio (54% used this frequently), national newspapers (51%), news on the TV (44%), legal sector online media (36%), and news via social media (29%).

Figure 11.1 Frequency of use of news sources



Source: IES/Bar Council: Barristers' Working Lives Survey, 2023 (N=698)

In addition to being asked about the sources presented in Figure 11.1, barristers were asked to give their main regular news sources, using an open text response. Responses were varied from the very general ‘newspapers, radio and websites’ to particular individual journalists and radio programmes etc. These were coded into broad categories with some additional detail provided. Table 11.2 summarises these responses. It needs to be noted that these are percentage of cases not responses so although some individuals might have indicated several different professional news sources they will only have been coded once.

Table 11.2 News sources mentioned in free text (percentage of respondents)

| Main source | Detail | % cases |
|--------------------------|---|---------|
| BBC | Non-specific | 43.5% |
| The Guardian/Observer | | 38.8% |
| The Times/ST | | 35.4% |
| BBC Radio | 3/4/5/6 World Service | 28.1% |
| BBC TV | News programmes, Newsnight, Panorama | 13.4% |
| Professional/Legal | Included numerous publications, circulars, sites etc. | 11.5% |
| BBC online | BBC website/online | 10.4% |
| Financial Times | | 8.5% |
| Other weekly/monthly | Economist/Private Eye/The Week/The Spectator | 8.4% |
| Sky | | 8.3% |
| The Telegraph/ST | | 7.7% |
| ‘Overseas’ outlets/sites | RTE/NBC/Washington Post/Al Jazeera/CNN/NYT/WSJ | 7.6% |
| Web based/Online | Mentioned in addition to detail e.g. Guardian online | 7.2% |
| X/Twitter | Sometimes specific journalists | 6.2% |
| Channel 4 | Channel 4 news | 6.0% |
| Other TV/radio | GB News4/LBC/ClassicFM/Times radio/Virgin | 5.2% |
| Other online/social med. | Inc. general non-specific mention of sources | 4.5% |
| Podcasts | Various | 3.5% |
| Other newspapers | Local publications inc. Evening Standard/Metro | 3.0% |
| ITV | | 2.7% |
| Independent/The i | | 2.7% |
| The Mail/Mail on Sunday | | 2.1% |
| Apps | Mentioned in addition to detail e.g. BBC App | 1.9% |
| Apple | | 1.8% |
| Newspapers | Non-specific | 1.6% |
| LinkedIn | | 1.1% |
| Facebook | | 0.5% |
| Base N=1,899 | | |

Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023

Sometimes it was difficult to ascertain the difference between a blog, podcast, website or social media, so some professional sources might be coded in different categories.

Professional sources, publications/sites etc. that received most mentions included: Counsel Magazine, CPS News, Law Soc Gazette, Free movement, Bar Council, Family Law Week, Civil Litigation Brief, Nearly Legal, Inner Temple Library, UK Law Weekly, Law Gazette, Counsel Magazine, New Law Journal, The Lawyer, Practical Law, Lexis Nexis, Legal Cheek, Family Law Week/Journal/Report, FLBA, Crimeline, Criminal Law Weekly/Review, Lexology, Planning Resource/Portal, Legal Week, Roll on Friday, Suspicious Minds, New Law Journal, and others.

1 Appendix 1

Table A3: Decade in which Called to the Bar: key demographics¹²

| Area of the Bar | Female | Eth. Min. ¹³ | No religion ¹⁴ | LGBTQ | State school ¹⁵ | Disability ¹⁶ | Main child carer ¹⁷ | Adult carer ¹⁸ | Base N= ¹⁹ |
|------------------------|--------------|-------------------------|---------------------------|-------------|----------------------------|--------------------------|--------------------------------|---------------------------|-----------------------|
| Pre-1990 | 24.2% | 10.0% | 35.8% | 5.3% | 33.3% | 8.1% | 7.6% | 25.9% | 494 |
| 1990 to 1999 | 42.1% | 15.8% | 43.8% | 6.5% | 33.6% | 10.6% | 39.4% | 25.9% | 992 |
| 2000 to 2009 | 57.2% | 14.2% | 47.9% | 8.8% | 29.5% | 10.3% | 59.6% | 16.6% | 985 |
| 2010 to 2019 | 55.6% | 15.6% | 55.7% | 15.0% | 23.8% | 11.9% | 28.1% | 9.0% | 936 |
| 2020 to 2023 | 62.7% | 15.0% | 54.6% | 17.3% | 18.8% | 13.4% | 12.0% | 4.9% | 128 |
| All respondents | 48.1% | 14.5% | 47.3% | 9.5% | 29.3% | 10.6% | 36.8% | 18.2% | 3535 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

¹² Percentages of key demographics listed. All the subsequent tables use the same categories. The data here serves the purpose both of quantifying the demographic and employment composition of respondents as well as pointing to variables that are correlated to inform subsequent analysis of differences between groups of respondents.

¹³ Ethnic minority origin (Eth. Min). See Table A1j for more detail on this broad group and its constituent demographics.

¹⁴ Barristers identifying as not having a religious affiliation.

¹⁵ Respondents indicating they were state school educated (selective and comprehensive) at secondary level as opposed to independent school educated.

¹⁶ Respondents reporting that they have a disability according to the definition of the Equality Act 2010.

¹⁷ Barristers that report being the primary carer for a child/children under the age of 18.

¹⁸ Barristers indicating that they have a caring responsibility of at least an hour a week for an adult (or relative) with long-term physical or mental health needs.

¹⁹ The base is based on the maximum number of respondents i.e. by area of practice.

Table A4a: Sector of the Bar: key demographics

| Area of the Bar | Female | Eth. Min. | Young Bar²⁰ | No religion | LGBTQ | State school | Disability | Main child carer | Adult carer | Base N= |
|--|---------------|------------------|-------------------------------|--------------------|--------------|---------------------|-------------------|-------------------------|--------------------|----------------|
| Employed practice | 53.3% | 13.7% | 9.9% | 47.0% | 7.7% | 72.1% | 15.3% | 40.5% | 16.1% | 345 |
| Self-employed practice (Chambers) | 47.9% | 13.8% | 14.4% | 48.1% | 9.6% | 64.8% | 9.9% | 36.2% | 18.1% | 3067 |
| Self-employed practice (Sole Practitioner) | 35.9% | 29.0% | 1.4% | 23.3% | 11.3% | 73.6% | 14.8% | 26.6% | 29.0% | 73 |
| Both (self-employed AND employed) | 43.6% | 42.9% | 14.0% | 34.3% | 16.1% | 69.4% | 17.9% | 16.3% | 21.1% | 50 |
| All respondents | 48.1% | 14.5% | 13.7% | 47.3% | 9.5% | 65.8% | 10.6% | 36.1% | 18.2% | 3535 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

²⁰ Young Bar defined as barristers with up to seven years' practice experience.

Table A5b: Sector of the Bar: key demographics

| Area of practice | Female | Eth. Min. | Young Bar | No religion | LGB | State school | Disability | Child carer | Adult carer | Base N= |
|-----------------------------------|---------------|------------------|------------------|--------------------|------------|---------------------|-------------------|--------------------|--------------------|----------------|
| Admiralty | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 50.0% | 0.0% | 100.0% | 0.0% | 2 |
| Arbitrator or Umpire or Mediator | 25.0% | 35.7% | 0.0% | 38.5% | 7.7% | 62.5% | 7.7% | 38.5% | 28.6% | 16 |
| Chancery (Contentious) | 28.9% | 10.6% | 13.4% | 41.6% | 9.7% | 55.2% | 12.9% | 25.0% | 16.5% | 194 |
| Chancery (Non-contentious) | 42.9% | 0.0% | 0.0% | 71.4% | 0.0% | 40.0% | 12.5% | 37.5% | 50.0% | 10 |
| Commercial and financial services | 32.5% | 12.5% | 14.8% | 47.1% | 7.3% | 53.3% | 6.8% | 31.4% | 17.8% | 317 |
| Competition | 35.0% | 20.0% | 8.3% | 50.0% | 12.5% | 37.5% | 5.0% | 52.4% | 42.9% | 24 |
| Construction | 34.7% | 10.2% | 8.3% | 42.6% | 2.2% | 60.0% | 10.0% | 32.0% | 11.8% | 60 |
| Crime | 46.6% | 14.3% | 15.5% | 50.2% | 7.2% | 72.0% | 9.2% | 36.4% | 17.0% | 960 |
| Defamation | 37.5% | 27.8% | 0.0% | 40.0% | 16.7% | 50.0% | 5.9% | 17.6% | 29.4% | 20 |
| Employment | 49.6% | 18.5% | 14.4% | 50.4% | 14.3% | 68.5% | 22.0% | 44.8% | 21.1% | 146 |
| European | 0.0% | 100.0% | 0.0% | 100.0% | 0.0% | 0.0% | 100.0% | 100.0% | 0.0% | 1 |
| Family (Children) | 72.0% | 16.0% | 15.6% | 42.5% | 14.2% | 72.7% | 10.6% | 37.4% | 21.3% | 578 |
| Family (Other) | 52.3% | 7.9% | 9.5% | 43.5% | 6.0% | 65.1% | 3.2% | 43.7% | 13.7% | 147 |
| Immigration | 52.8% | 38.5% | 11.8% | 46.9% | 20.5% | 66.2% | 21.6% | 29.4% | 14.0% | 68 |
| Insolvency | 46.9% | 12.5% | 20.5% | 56.3% | 3.3% | 61.5% | 0.0% | 46.4% | 6.7% | 39 |
| Intellectual Property | 33.3% | 4.8% | 16.7% | 47.4% | 17.6% | 41.7% | 4.8% | 26.3% | 31.8% | 24 |
| International | 60.0% | 13.8% | 9.1% | 82.1% | 8.0% | 57.6% | 6.7% | 43.3% | 23.3% | 33 |
| Landlord & Tenant (Non-Res) | 31.6% | 21.1% | 9.5% | 36.8% | 15.8% | 66.7% | 21.1% | 31.6% | 21.1% | 21 |
| Landlord & Tenant (Res) | 50.0% | 26.4% | 21.3% | 46.2% | 6.4% | 78.7% | 14.0% | 38.9% | 13.7% | 61 |
| Licensing | 0.0% | 0.0% | 0.0% | 66.7% | 0.0% | 100.0% | 33.3% | 66.7% | 0.0% | 3 |
| Other Common Law | 34.0% | 26.5% | 20.7% | 46.9% | 0.0% | 69.0% | 18.0% | 31.4% | 18.0% | 58 |

Table A6b (continued.): Sector of the Bar: key demographics

| Area of practice | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child carer | Adult carer | Base N= |
|-------------------------|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|-------------|
| Personal Injury | 37.8% | 9.5% | 8.8% | 50.0% | 5.6% | 61.2% | 6.6% | 39.1% | 17.2% | 307 |
| Planning | 30.6% | 5.4% | 9.5% | 47.2% | 6.3% | 64.3% | 10.8% | 30.6% | 18.9% | 42 |
| Professional Discipline | 45.3% | 14.8% | 8.2% | 33.3% | 2.1% | 73.8% | 14.8% | 43.6% | 14.8% | 61 |
| Professional Negligence | 41.2% | 15.2% | 11.1% | 45.5% | 19.4% | 50.0% | 9.1% | 31.3% | 18.2% | 36 |
| Public Law | 58.9% | 11.0% | 13.3% | 49.7% | 18.4% | 62.7% | 16.4% | 44.8% | 19.9% | 225 |
| Revenue | 41.2% | 31.4% | 15.9% | 44.1% | 6.7% | 55.8% | 13.9% | 37.8% | 8.6% | 44 |
| Other | 60.0% | 13.8% | 10.5% | 48.1% | 10.7% | 70.3% | 16.1% | 24.1% | 20.7% | 38 |
| All respondents | 48.1% | 14.5% | 13.7% | 47.3% | 9.5% | 65.8% | 10.6% | 36.8% | 18.2% | 3535 |

Table A7c: Broad area of practice: key demographics

| Area of practice | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child carer | Adult carer | Base N= |
|------------------------|--------------|--------------|--------------|--------------|-------------|--------------|-------------|--------------|--------------|-------------|
| Criminal | 43.7% | 11.2% | 15.7% | 47.1% | 8.4% | 61.3% | 9.7% | 33.5% | 17.0% | 921 |
| Civil | 46.9% | 17.9% | 15.4% | 46.9% | 11.0% | 52.3% | 15.9% | 32.8% | 14.9% | 776 |
| PI/PN | 43.4% | 8.3% | 13.6% | 48.8% | 7.0% | 55.9% | 6.9% | 37.0% | 15.2% | 420 |
| Commercial | 34.2% | 11.6% | 17.0% | 44.3% | 8.1% | 47.0% | 7.3% | 26.0% | 11.4% | 571 |
| Family | 68.8% | 11.9% | 17.0% | 38.5% | 10.9% | 65.8% | 6.9% | 34.7% | 16.7% | 699 |
| Other/International | 42.0% | 17.5% | 13.0% | 34.2% | 13.2% | 47.5% | 11.0% | 27.7% | 12.7% | 77 |
| All respondents | 47.8% | 12.7% | 15.8% | 44.8% | 9.4% | 56.8% | 9.7% | 32.6% | 15.2% | 3464 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Table A8d: Stage of practice: key demographics

| Stage of practice | Female | Eth. Min. | No religion | LGB | State school | Disability | Child care | Adult carer | Base N= |
|--------------------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|-------------|
| Young Bar (0-2 years) | 61.6% | 13.9% | 48.6% | 19.0% | 74.5% | 14.5% | 14.1% | 5.6% | 94 |
| Young Bar (3-7 years) | 59.8% | 13.5% | 59.0% | 16.9% | 66.9% | 15.8% | 14.0% | 8.0% | 391 |
| Middle (8-12 years) | 55.1% | 16.9% | 56.5% | 14.2% | 68.0% | 9.5% | 34.4% | 8.4% | 491 |
| Middle (13-17 years) | 53.0% | 13.6% | 52.1% | 11.4% | 65.0% | 10.9% | 57.1% | 14.3% | 496 |
| Middle (18-22) years | 57.9% | 14.6% | 44.9% | 6.7% | 67.9% | 10.2% | 61.7% | 15.4% | 459 |
| Later (23 years or more) | 38.1% | 14.2% | 40.9% | 6.2% | 63.9% | 9.5% | 30.5% | 26.2% | 1604 |
| All respondents | 48.1% | 14.5% | 47.3% | 9.5% | 65.8% | 10.6% | 36.8% | 18.2% | 3535 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Table A9e: Age band: key demographics

| Age band | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child carer | Adult carer | Base N= |
|------------------------|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|-------------|
| Under 35 | 62.3% | 14.9% | 56.6% | 59.0% | 17.5% | 66.6% | 13.5% | 12.7% | 6.1% | 518 |
| 35-44 | 56.9% | 15.5% | 7.3% | 52.6% | 10.8% | 61.0% | 10.0% | 60.1% | 10.9% | 790 |
| 45-54 | 48.1% | 14.6% | 4.4% | 42.2% | 7.6% | 55.1% | 9.1% | 53.6% | 24.1% | 901 |
| 55-64 | 36.8% | 14.8% | 1.8% | 42.7% | 6.1% | 66.3% | 11.4% | 15.5% | 28.0% | 622 |
| 65 plus | 15.9% | 5.4% | 1.3% | 36.1% | 3.5% | 56.8% | 8.6% | 4.0% | 17.9% | 227 |
| All respondents | 48.1% | 14.2% | 13.2% | 47.4% | 9.5% | 61.0% | 10.5% | 36.8% | 18.0% | 3058 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Table A10f: Region of practice: key demographics

| Region | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|--------------------------|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|-------------|
| Wales | 45.7% | 4.4% | 14.3% | 43.5% | 2.7% | 80.4% | 9.3% | 45.5% | 22.2% | 56 |
| North East | 46.1% | 12.3% | 17.6% | 59.4% | 7.9% | 75.8% | 7.9% | 35.8% | 16.5% | 188 |
| North West | 50.2% | 15.2% | 18.2% | 45.7% | 8.4% | 75.3% | 11.8% | 36.0% | 19.0% | 308 |
| Yorkshire and the Humber | 54.9% | 6.6% | 18.8% | 41.8% | 6.0% | 72.3% | 9.1% | 58.9% | 16.7% | 101 |
| West Midlands | 48.6% | 19.3% | 19.1% | 40.2% | 7.3% | 85.5% | 9.4% | 32.7% | 18.9% | 131 |
| East Midlands | 63.0% | 16.7% | 20.0% | 48.0% | 11.0% | 80.0% | 12.7% | 36.6% | 20.0% | 95 |
| South West | 45.3% | 8.8% | 15.1% | 58.4% | 10.3% | 69.8% | 8.8% | 31.2% | 12.7% | 192 |
| South East | 51.2% | 17.6% | 9.1% | 40.5% | 8.8% | 66.0% | 10.9% | 36.7% | 21.3% | 624 |
| East of England | 55.2% | 17.9% | 10.3% | 33.3% | 12.0% | 71.8% | 7.1% | 28.6% | 17.9% | 39 |
| Greater London | 47.8% | 14.9% | 15.3% | 51.1% | 11.6% | 57.1% | 11.3% | 37.7% | 16.7% | 1273 |
| Europe/overseas | 40.6% | 22.6% | 7.5% | 42.1% | 15.5% | 65.0% | 9.1% | 28.7% | 13.9% | 57 |
| All respondents | 49.1% | 14.8% | 14.7% | 48.0% | 9.9% | 65.9% | 10.6% | 37.1% | 17.8% | 3064 |

Table A11g: King’s Counsel: key demographics

| Silk status | Female | Eth. Min. | Later Practice | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|------------------------|--------------|--------------|----------------|--------------|-------------|--------------|--------------|--------------|--------------|-------------|
| Yes | 33.1% | 11.5% | 87.8% | 44.7% | 6.4% | 54.1% | 6.3% | 29.5% | 23.0% | 492 |
| No | 51.2% | 14.8% | 36.8% | 47.8% | 10.3% | 67.8% | 11.3% | 37.3% | 16.7% | 2809 |
| Next two years | 42.9% | 18.7% | 60.0% | 44.5% | 6.3% | 66.5% | 10.7% | 48.3% | 27.9% | 200 |
| All respondents | 48.2% | 14.5% | 45.3% | 47.2% | 9.5% | 65.8% | 10.6% | 36.8% | 18.2% | 3501 |

Source: IES/Bar Council: Barristers’ Working Lives Survey, 2023

Table A12h: Income Band: key demographics

| Income Band | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|--------------------------|---------------|------------------|------------------|--------------------|--------------|---------------------|-------------------|-------------------|--------------------|----------------|
| Band 1 £0-30,000 | 58.5% | 22.6% | 28.1% | 41.0% | 9.9% | 71.2% | 22.8% | 33.9% | 22.4% | 199 |
| Band 2 £30,001-60,000 | 61.4% | 18.9% | 27.9% | 50.0% | 13.5% | 79.3% | 16.8% | 31.6% | 16.1% | 358 |
| Band 3 £60,001-90,000 | 54.7% | 15.3% | 18.0% | 46.7% | 9.7% | 69.5% | 11.7% | 37.8% | 18.7% | 482 |
| Band 4 £90,001-150,000 | 53.5% | 13.6% | 16.7% | 49.2% | 10.2% | 66.4% | 11.8% | 36.9% | 16.2% | 935 |
| Band 5 £150,001-240,000 | 49.1% | 14.7% | 6.2% | 48.5% | 9.4% | 67.2% | 8.4% | 42.1% | 18.5% | 679 |
| Band 6 £240,001-350,000 | 32.5% | 13.2% | 7.1% | 48.2% | 6.5% | 62.0% | 5.9% | 38.9% | 18.3% | 324 |
| Band 7 £350,001-£500,000 | 36.5% | 7.8% | 2.9% | 42.0% | 6.8% | 55.9% | 6.3% | 35.2% | 21.1% | 204 |
| Band 8 £500,001-£750,000 | 23.6% | 13.9% | 2.3% | 42.0% | 11.2% | 47.7% | 6.0% | 30.4% | 15.5% | 130 |
| Band 9 £750,001-£1m | 18.2% | 13.8% | 0.0% | 51.6% | 5.3% | 45.8% | 3.0% | 24.6% | 24.2% | 72 |
| Band 10 £1,000,001-£1.5m | 27.3% | 5.3% | 0.0% | 48.2% | 5.7% | 39.1% | 8.8% | 36.2% | 26.7% | 69 |
| Band 11 £1,500,001 plus | 14.3% | 7.7% | 0.0% | 40.7% | 7.7% | 45.2% | 0.0% | 29.6% | 22.2% | 31 |
| All respondents | 48.1% | 14.5% | 13.6% | 47.5% | 9.5% | 65.7% | 10.7% | 36.9% | 18.3% | 3483 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Table A13i: Circuits, Inns and Specialist Bar Associations: key demographics

| Circuit | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|---|---------------|------------------|------------------|--------------------|--------------|---------------------|-------------------|-------------------|--------------------|----------------|
| None | 45.9% | 14.1% | 13.7% | 45.6% | 10.2% | 60.9% | 12.0% | 37.1% | 17.7% | 1266 |
| Midland Circuit | 51.7% | 15.1% | 16.2% | 39.4% | 8.7% | 77.5% | 6.4% | 32.4% | 17.6% | 272 |
| Northern Circuit | 50.2% | 14.0% | 16.2% | 44.4% | 7.1% | 74.9% | 11.8% | 35.5% | 18.7% | 346 |
| North Eastern Circuit | 50.0% | 9.6% | 17.1% | 53.9% | 7.8% | 74.7% | 8.6% | 45.1% | 16.8% | 298 |
| South Eastern Circuit | 51.8% | 18.3% | 11.4% | 44.8% | 9.7% | 62.8% | 10.3% | 37.0% | 18.5% | 912 |
| Wales and Chester Circuit | 47.6% | 8.2% | 14.3% | 46.0% | 6.0% | 79.2% | 13.3% | 41.7% | 15.3% | 77 |
| Western Circuit | 47.6% | 6.6% | 12.2% | 47.3% | 9.5% | 63.0% | 8.4% | 31.2% | 18.1% | 254 |
| European Circuit | 32.0% | 23.1% | 3.7% | 36.0% | 9.5% | 44.4% | 23.1% | 48.0% | 36.0% | 27 |
| Inn | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
| Gray's Inn | 45.5% | 13.7% | 13.7% | 48.8% | 6.9% | 65.3% | 11.6% | 34.0% | 17.8% | 708 |
| Lincoln's Inn | 47.9% | 16.0% | 12.3% | 46.6% | 9.0% | 66.4% | 8.7% | 41.3% | 18.0% | 867 |
| Inner Temple | 48.9% | 13.5% | 15.5% | 50.5% | 11.6% | 66.0% | 11.6% | 33.5% | 18.3% | 869 |
| Middle Temple | 49.3% | 14.5% | 13.1% | 44.9% | 10.0% | 65.4% | 10.3% | 37.7% | 18.4% | 1059 |
| Specialist Bar Association | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
| None | 47.2% | 19.1% | 13.8% | 45.7% | 6.4% | 74.8% | 11.2% | 35.3% | 15.2% | 514 |
| Administrative Law Bar Association | 54.7% | 15.6% | 16.8% | 49.8% | 14.8% | 57.4% | 19.2% | 35.1% | 20.5% | 256 |
| Bar Association for Commerce Finance and Industry | - | - | - | - | - | - | - | - | - | 28 |
| Bar Association for Local Government and the Public Service | - | - | - | - | - | - | - | - | - | 2 |
| Bar European Group | 41.3% | 12.9% | 8.2% | 47.5% | 7.3% | 43.8% | 10.9% | 25.4% | 20.6% | 73 |
| Chancery Bar Association | 34.2% | 11.7% | 12.8% | 44.5% | 10.4% | 55.2% | 7.9% | 29.3% | 17.3% | 375 |
| Commercial Bar Association | 36.6% | 11.9% | 14.3% | 51.1% | 8.2% | 50.1% | 6.7% | 34.8% | 17.4% | 385 |

Table A14i (continued): Circuits, Inns and Specialist Bar Associations: key demographics

| Specialist Bar Association (...cont.) | Female | Eth. Min. | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|--|---------------|------------------|------------------|--------------------|--------------|---------------------|-------------------|-------------------|--------------------|----------------|
| Criminal Bar Association | 47.4% | 14.3% | 14.0% | 48.2% | 8.2% | 68.7% | 9.9% | 37.8% | 17.7% | 814 |
| Employment Law Bar Association | 50.3% | 20.1% | 14.1% | 50.6% | 13.3% | 64.9% | 23.5% | 44.0% | 18.6% | 185 |
| Family Law Bar Association | 67.3% | 14.4% | 14.9% | 44.0% | 12.9% | 70.5% | 8.9% | 39.1% | 21.3% | 613 |
| FDA | - | - | - | - | - | - | - | - | - | 7 |
| Intellectual Property Bar Association | 33.3% | 9.5% | 16.7% | 47.4% | 21.1% | 37.5% | 9.1% | 26.3% | 19.0% | 24 |
| London Common Law and Commercial Bar Association | 33.5% | 11.7% | 6.0% | 42.8% | 5.1% | 49.5% | 8.6% | 32.7% | 17.3% | 182 |
| Midland Chancery and Commercial Bar Association | - | - | - | - | - | - | - | - | - | 13 |
| Northern Chancery Bar Association | - | - | - | - | - | - | - | - | - | 28 |
| Parliamentary Bar Mess | - | - | - | - | - | - | - | - | - | 6 |
| Personal Injuries Bar Association | 39.1% | 10.7% | 10.2% | 48.6% | 9.9% | 63.6% | 8.4% | 37.2% | 17.5% | 374 |
| Planning and Environmental Bar Association | 32.1% | 5.6% | 13.1% | 52.9% | 8.9% | 67.2% | 13.2% | 20.8% | 20.4% | 61 |
| Professional Negligence Bar Association | 33.2% | 8.6% | 5.9% | 41.5% | 7.0% | 53.2% | 6.5% | 30.7% | 16.6% | 220 |
| Property Bar Association | 31.4% | 14.3% | 14.2% | 47.4% | 11.7% | 65.7% | 11.2% | 26.7% | 16.1% | 134 |
| Public Access Bar Association | - | - | - | - | - | - | - | - | - | 17 |
| Revenue Bar Association | 36.4% | 30.3% | 16.3% | 46.9% | 3.3% | 59.5% | 11.8% | 28.6% | 12.1% | 43 |
| Technology and Construction Bar Association | 33.8% | 11.3% | 8.6% | 41.8% | 1.3% | 52.7% | 8.6% | 31.3% | 8.6% | 93 |
| Western Chancery and Commercial Bar Association | - | - | - | - | - | - | - | - | - | 2 |
| All respondents | 48.1% | 14.5% | 13.7% | 47.3% | 9.5% | 65.8% | 10.6% | 36.8% | 18.2% | 3535 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2023

Table A15j: Intersection of gender and ethnic origin: key demographics

| Income Band | Young Bar | No religion | LGBTQ | State school | Disability | Child care | Adult carer | Base N= |
|------------------------|------------------|--------------------|--------------|---------------------|-------------------|-------------------|--------------------|----------------|
| Male - white | 10.0% | 48.7% | 9.5% | 57.2% | 8.2% | 28.8% | 14.2% | 1364 |
| Male - Asian | 8.8% | 25.9% | 12.0% | 60.7% | 16.7% | 29.6% | 32.1% | 57 |
| Male - black | 13.8% | 21.4% | 10.7% | 65.5% | 3.6% | 28.6% | 21.4% | 29 |
| Male – Mixed/other | 13.8% | 48.9% | 8.3% | 48.9% | 13.6% | 27.5% | 19.6% | 94 |
| Female - white | 17.3% | 51.4% | 9.7% | 62.9% | 12.7% | 44.7% | 18.8% | 1197 |
| Female - Asian | 18.4% | 17.9% | 7.6% | 72.1% | 6.0% | 45.8% | 30.0% | 87 |
| Female - black | 14.5% | 20.0% | 5.8% | 81.8% | 17.0% | 34.5% | 27.8% | 55 |
| Female – Mixed/other | 7.8% | 42.7% | 10.1% | 63.7% | 14.1% | 53.0% | 21.2% | 102 |
| All respondents | 13.3% | 47.4% | 9.5% | 60.5% | 10.6% | 36.6% | 17.6% | 2985 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2021

Table A2a: Income Bands: type of work

| Income Band | Employed | SE (Chambers) | SE (Sole Practitioner) | Both | All respondents |
|-------------------------|-----------------|----------------------|-------------------------------|-------------|------------------------|
| Band 1 £0-30,000 | 6.0% | 4.8% | 27.1% | 32.7% | 5.7% |
| Band 2 £30,001-60,000 | 28.7% | 7.9% | 24.3% | 14.3% | 10.3% |
| Band 3 £60,001-90,000 | 36.1% | 11.2% | 24.3% | 8.2% | 13.8% |
| Band 4 £90,001-150,000 | 15.2% | 28.6% | 12.9% | 20.4% | 26.8% |
| Band 5 £150,001-240,000 | 9.0% | 21.2% | 5.7% | 8.2% | 19.5% |
| Band 6 £240,001-350,000 | 1.5% | 10.4% | 1.4% | 8.2% | 9.3% |
| Band 7 £350,001-500,000 | 1.5% | 6.5% | 2.9% | 2.0% | 5.9% |
| Band 8 £500,000 plus | 2.1% | 9.6% | 1.4% | 6.1% | 8.7% |
| <i>Base N=100%</i> | 335 | 3029 | 70 | 49 | 3,253 |

Table A2b: Income Bands: area of practice

| Income Band | Criminal | Civil | PI/PN | Commercial | Family | Other/Int'l | All respondents |
|-------------------------|-----------------|--------------|--------------|-------------------|---------------|--------------------|------------------------|
| Band 1 £0-30,000 | 6.0% | 8.2% | 4.0% | 4.7% | 3.9% | 10.0% | 5.7% |
| Band 2 £30,001-60,000 | 15.2% | 12.3% | 5.8% | 5.2% | 8.0% | 11.4% | 10.3% |
| Band 3 £60,001-90,000 | 20.7% | 13.1% | 11.8% | 6.4% | 11.7% | 24.3% | 13.8% |
| Band 4 £90,001-150,000 | 36.1% | 17.6% | 20.6% | 13.0% | 39.6% | 24.3% | 26.8% |
| Band 5 £150,001-240,000 | 15.2% | 20.3% | 24.1% | 18.6% | 23.7% | 8.6% | 19.5% |
| Band 6 £240,001-350,000 | 4.3% | 10.4% | 16.0% | 15.1% | 6.8% | 4.3% | 9.3% |
| Band 7 £350,001-500,000 | 1.2% | 6.5% | 11.3% | 11.5% | 3.7% | 7.1% | 5.9% |
| Band 8 £500,000 plus | 1.4% | 11.7% | 6.5% | 25.4% | 2.7% | 10.0% | 8.7% |
| <i>Base N=100%</i> | 949 | 780 | 399 | 575 | 710 | 70 | 3,483 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2021

Table A2c: Income Bands: stage of practice

| Income Band | Young Bar New Practitioners (0-2 years) | Young Bar (3-7 years) | Middle Practice (8-12 years) | Middle Practice (13-17 years) | Middle Practice (18-22) years | Later Practice (23 years plus) | All respondents |
|-------------------------|--|--------------------------------------|---|--|--|---|----------------------------|
| Band 1 £0-30,000 | 28.1% | 8.1% | 3.3% | 6.3% | 4.4% | 4.8% | 5.7% |
| Band 2 £30,001-60,000 | 34.8% | 18.0% | 11.0% | 9.7% | 8.1% | 7.6% | 10.3% |
| Band 3 £60,001-90,000 | 16.9% | 18.8% | 15.4% | 12.6% | 13.8% | 12.4% | 13.8% |
| Band 4 £90,001-150,000 | 19.1% | 36.2% | 33.6% | 28.4% | 26.7% | 22.5% | 26.8% |
| Band 5 £150,001-240,000 | 1.1% | 10.7% | 21.4% | 22.9% | 21.9% | 20.3% | 19.5% |
| Band 6 £240,001-350,000 | 0.0% | 6.0% | 6.8% | 7.9% | 10.9% | 11.3% | 9.3% |
| Band 7 £350,001-500,000 | 0.0% | 1.6% | 3.9% | 4.9% | 6.3% | 8.0% | 5.9% |
| Band 8 £500,000 plus | 0.0% | 0.8% | 4.6% | 7.3% | 7.9% | 13.0% | 8.7% |
| <i>Base N=100%</i> | <i>72</i> | <i>450</i> | <i>491</i> | <i>452</i> | <i>517</i> | <i>1271</i> | 3253 |

Source: IES/Bar Council: Barristers' Working Lives Survey, 2021