



Bar Council Heads of Chambers Survey – Summary Findings June 2020

Background

The Bar Council conducted its first survey of Heads of Chambers at the end of March 2020 to help understand the initial impact that Coronavirus was having on the Bar. Since then, we made [5 recommendations to the Government](#) to address the precarious situation barristers are in. So far, none has been adopted. In this second survey of Heads of Chambers, the Bar Council surveyed 343 chambers, of which 157 (46%) have responded.

The Bar wants to get back to normal court work/jury trials with appropriate social distancing and safety measures, supplemented by remote hearings.

- 72% of those surveyed had even greater concerns about the sustainability of the justice system in England and Wales than they had before Covid-19.
- 74% cited the interruption to court work/lack of court work as their biggest concern.

The Bar has been hit hard by the pandemic, due to courts being closed.

- 75% of chambers have had their court work reduced by over half since the pandemic, because hearings were suspended, adjourned or courts refused to hear cases remotely.
- Nearly all sets (99%) have seen a considerable reduction in work.
- Almost two-thirds of all chambers reported that fee income from new work had reduced by over 40%.

Many adjournments were unnecessary, exacerbating the unacceptably high backlog of court work.

- Almost 75% of respondents felt that over a quarter of all hearings/trials listed during the preceding six weeks that had been adjourned could have gone ahead entirely or partly remotely.
- We note that the Government holds no data for Covid-19 related adjournments, saying: “Comprehensive figures for adjournments are not held for (1) family courts (2) civil courts (3) magistrates’ courts (4) crown courts and (5) most tribunals.”¹
- The Bar Council has received feedback on adjournments from members of the Bar, indicating mass or unnecessary adjournments day-to-day.

¹ Parliamentary Written Questions and Answers (4 June 2020) Lord Keen of Elie
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-06-04/HL5292>

Despite chambers making considerable savings, other efficiencies and full use of the furlough scheme, the Bar is facing an existential threat.

Even with the support of current Government measures:

- 29% of chambers do not think they will survive more than 3-6 months;
- 58% of chambers will not last 6-12 months; and
- 71% of chambers have furloughed clerks, and a further 54% have furloughed other staff.

The publicly funded Bar – particularly the Criminal Bar – is in an even more desperate state.

Chambers doing mainly criminal publicly funded work:

- 84% have seen their income reduce by over 40%
- 63% have seen their income reduce by over 60%
- 26% have seen their income reduce by over 80%

Chambers doing mainly civil/family publicly funded work:

- Civil: 33% have seen their income reduce by over 40%
Family: 75% have seen their income reduce by over 40% and 18% had a reduction of over 80%

Without additional financial support or financial conditions changing, chambers will disappear:

- 86% of sets that receive over half their income from publicly funded criminal work will go under within a year.
- 69% of those that receive over half their income from publicly funded family work will go under within a year.
- Chambers outside London are generally suffering more: 31% of all chambers (compared to 16% of London sets) will go under within six months. This has serious implications for access to justice, particularly in regions with fewer sets.

The future sustainability of the Bar remains at risk:

- 22% of all chambers have delayed the start of pupillages for 2020.
- 27% of chambers have suspended recruitment of pupils for 2020 or 2021.
- A further 26% are keeping their pupillage plans under review, meaning over half of pupillages across all practice areas are at risk.

**The Bar Council
June 2020**