



Back to the Bar

**A survey of obstacles, aids
and recommendations
for parents returning to the Bar**

Contents

Aims of the Survey	1
Summary of Findings	2-3
Recommendations	4-5
Background figures	6-7
Methodology and Limitations	8-9
Leaving the Bar	10-12
Taking a Break from the Bar	13
Support during and after breaks	14-16
What could the Western Circuit Women’s Forum do?	17
Qualitative Data	18
Difficulties Balancing Work and Family Life	19-25
Lack of Flexibility and Predictability	26-32
Financial Challenges	33-35
Attitudes in the Profession	36-38
Effect on Wellbeing	39-43
Conclusion	44

Aims of the Survey

The Western Circuit Women's Forum (WCWF) conducted the Back to the Bar survey to find out :

- what makes it possible or impossible for parents to return to the Bar after parental leave;
- why members of the self-employed Bar (and in particular women) are leaving the Bar;
- what more can be done by the Western Circuit Women's Forum, by chambers, and by the Bar to encourage and support barristers who want to return to work after a period of leave.

WCWF would like to thank the Western Circuiteers who have given up their time to take part in the survey.

Summary of findings

- Almost two thirds of those who left the Bar on the Western Circuit over a 6 year period were women. Almost all of the men who left became judges or retired. The vast majority of the women who left did not become judges or retire, but apparently left mid-career.
- Most of the women who left cited the difficulty of balancing work and family commitments as a factor in their decision.
- A significant proportion of women who leave the Bar could be retained with changes to working patterns and culture.
- Many women on the Western Circuit have taken parental leave and successfully returned to work, but 60% found it difficult to return to work.
- Male barristers on the Western Circuit rarely take parental leave for any significant period: no male barristers reported taking parental leave for a period of 6 weeks or longer.
- Many female barristers who stay at the Bar attribute their ability to remain in work after having children to significant shared care

with partners or family members. Those who are sole or primary carers are disproportionately disadvantaged.

- Inflexibility in working patterns necessitates expensive flexible or full-time childcare. Inflexibility in working patterns is seen as primarily due to traditional clerking practices and court listing procedures.
- Many working mothers seek part-time work, shorter trials or not to stay away from home which is seen to limit career development opportunities.
- There is wide variation in chambers' attitudes to parental leave, and support offered. Some chambers persist with rent arrangements and chambers' fee structures which disadvantage those who take longer breaks from work to care for children.
- Clerks have a significant role to play in supporting working parents.

WCWF intends to use this survey to inform a Back to the Bar Protocol, to assist chambers to put into place policies and procedures to increase the proportion of women who return to work after parental leave, and to support them when they do.

Recommendations

- Highlight examples of good practice in supporting women returning to work after having children, including clerks who show understanding and willingness to accommodate specific needs.
- Develop 'back-to-work' programmes for women returning to the Bar, setting out best practice for chambers to stay in touch with tenants who take leave, and structure their return to work building on existing Bar Council guidance.
- Ensure flexible rent provision is available to those taking longer breaks from practice across all chambers both during and after parental leave.
- Raise awareness amongst regulatory bodies, the wider profession and the judiciary of the challenges faced by women at the Bar, and increase recognition of the systemic factors which disadvantage those who choose to continue working after having children.
- Advocate for reasonable adjustments to be made to court listing procedures nationally, to accommodate the needs of those with care responsibilities and enable greater predictability in working pattern.

- Arrange training for clerks to increase understanding and appreciation of difficulties facing working parents.
- Improve access to networking opportunities for female barristers of all ages, with consideration of timing of events to fit around childcare commitments.
- Continue to develop and refine mentoring programmes linking younger female barristers and those with more experience, focusing on matching the right people.

Background figures

The overall pattern across the Bar for the last decade has been that men and women join the Bar in equal proportions, but more women than men leave mid-career, with the result that the senior ranks of the Bar remain overwhelmingly male. The gender balance on circuit broadly matches the rest of the country¹. Since 2000, women have made up around 50% of those called to the Bar². Only 29% of self-employed barristers over 15 yrs call are women, and only 13% of QCs. There is no trickle-up effect; women are still leaving en masse. This cannot simply be attributed to women 'choosing' not to work: the employed Bar boasts far better representation of women. There are clearly factors embedded in self-employed practice which make it difficult for some women to remain. The Bar Council Momentum Measures Report in 2015 concluded that on current patterns gender equality could never be achieved: *'The attrition is such that it would require a very long period of substantial imbalance in favour of women at Call to achieve a balance of women in practice.'*

¹ 36% barristers in Western Circuit chambers (as identified by circuit administration) are women, but only 28% of practitioners over 15 years call, and only 11% of Circuit judges.

² Bar Council momentum Measures Report 2015.

The Western Circuit is a good place to work: the recent Bar Council Survey found that barristers on the Western Circuit rate career satisfaction more highly than barristers on any other Circuit.

However, many Western Circuiteers find it challenging to balance home and family life, and they are not alone: 55% of respondents could not balance their home and work lives satisfactorily.³ This imbalance is likely to involve childcare: there is sound anecdotal evidence and material from focus groups to show that being a primary carer for children is a difficult role to combine with a career at the Bar⁴.

This affects women more than men: of the members of the practising Bar who stated to the BSB that they had primary caring responsibilities for children, 63% were women⁵. Similarly, previous studies show two thirds of women who had children while in practice felt it adversely affected their career (compared with a third of men⁶).

³ https://www.barcouncil.org.uk/media/661503/working_lives_-_final.pdf

⁴ Snapshot: The experience of Self-employed Women at the Bar

⁵ Bar standards Board 2016 provided to WCWF: a low response rate for this question means that the answers should be approached with caution

⁶ https://www.barcouncil.org.uk/media/18145/15_12_general_council_of_the_bar_leavers_report.pdf

Methodology and Limitations

We identified barristers on the Western Circuit⁷ who had left practice or had taken extended breaks of 6 weeks or more in the previous 6 years.

There were 45 who had taken breaks, and 47 leavers. We identified, where we could, which individuals had 'retired' in the traditional sense or become judges, and that cohort was not asked to take any further part in the survey. We directly emailed a link to an anonymous online survey to the remaining group, save for four for whom we could not obtain contact details or contact details of a conduit. The online survey page was accessible to anyone who had the link to the webpage. We are aware that a few direct recipients of the survey forwarded it to other barristers from the Western Circuit who had not received it directly. Recipients of the survey link were sent reminders.

All participants were required to indicate (using a tick-box) informed consent and acknowledgment of anonymity before starting the survey.

⁷ We use 'barristers on the Western Circuit' to mean barristers practising at Chambers which are identified as Western Circuit Chambers by the Western Circuit Secretary. This means in the main chambers which are located on the Western Circuit, but also those which are based elsewhere (traditionally London) but have an annex on the Western Circuit or a significant number of practitioners who regularly work on the Western Circuit.

70 people responded to the survey, of whom 64 were female.

Although information on age was not captured, the professional experience of respondents covered a broad range (lowest 4 years' call, highest 38 years, mean average 15). 54 respondents (77%) were primary carers of children at the time of completing the survey. Of these, 53 were female and 1 was male.

We have not captured data in relation to other areas where practitioners may be disadvantaged. In particular, we have not identified whether there are particular factors making it harder for BAME women to stay at the Bar, although previous research by the Bar Council suggests that is the case⁸.

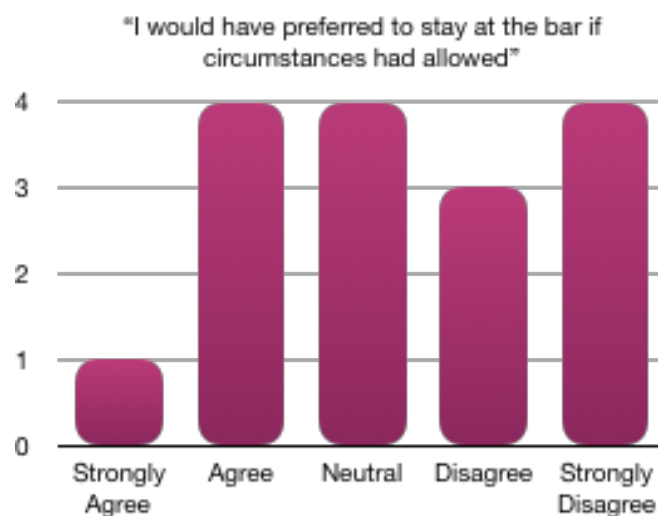
WCWF employed an independent research analyst to analyse the results of the survey.

⁸https://www.barcouncil.org.uk/media/18145/15_12_general_council_of_the_bar_leavers_report.pdf

Leaving the Bar

Over a 6 year period on the Western Circuit, we identified 47 barristers who had left the Bar, of whom 29 were women. Almost all of the men who left became judges or retired⁹. The vast majority of the women who left did not become judges or retire, but apparently left mid-career¹⁰. Among those who responded to the survey were 15 people who had left the self-employed Bar, of whom 14 were female. The average seniority was 12 years call. Most of the leavers (11) had practiced in crime.

When asked whether they would have preferred to stay at the Bar if circumstances had allowed, no definitive trend was recorded. A third of respondents indicated that they would have preferred to stay, and another third were neutral. Although this was a small sample size, it appears that if circumstances were different the attrition rate would have been lowered significantly.



⁹ 17 men left, to our knowledge 12 became judges/legal assessors & 2 retired

¹⁰ 30 women left, to our knowledge 4 became judges & 3 retired.

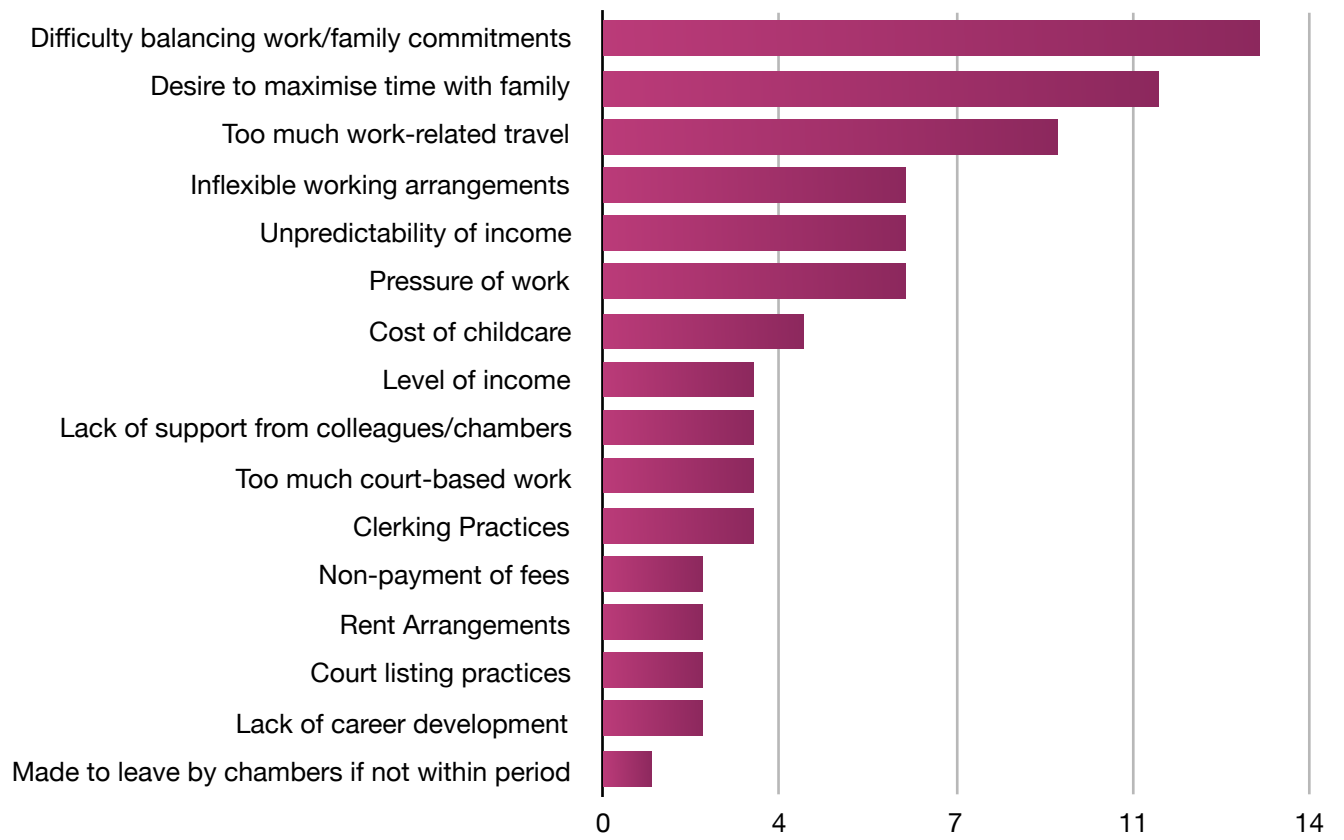
When asked to identify the different factors that influenced their decision to leave, most respondents (87%), cited the difficulty of balancing work and family commitments as a factor in their decision and 11 (73%) reported a desire to maximise time spent with their families. Other influential factors included too much travelling (60%), inflexible working arrangements, unpredictability of income and the pressure of work (each indicated by 40%).

Respondents were free to identify as many factors as they chose, and it is of note that all of those who identified problems to do with working patterns and inflexibility also identified difficulty balancing work and family commitments.

When asked to indicate the most important factor influencing their decision to leave, concerns around balancing work and family commitments again affected the most respondents (27%).

In general, responses suggest that a wide array of factors and difficulties combine to influence decisions about whether to leave the self-employed Bar, with issues around childcare taking prominence.

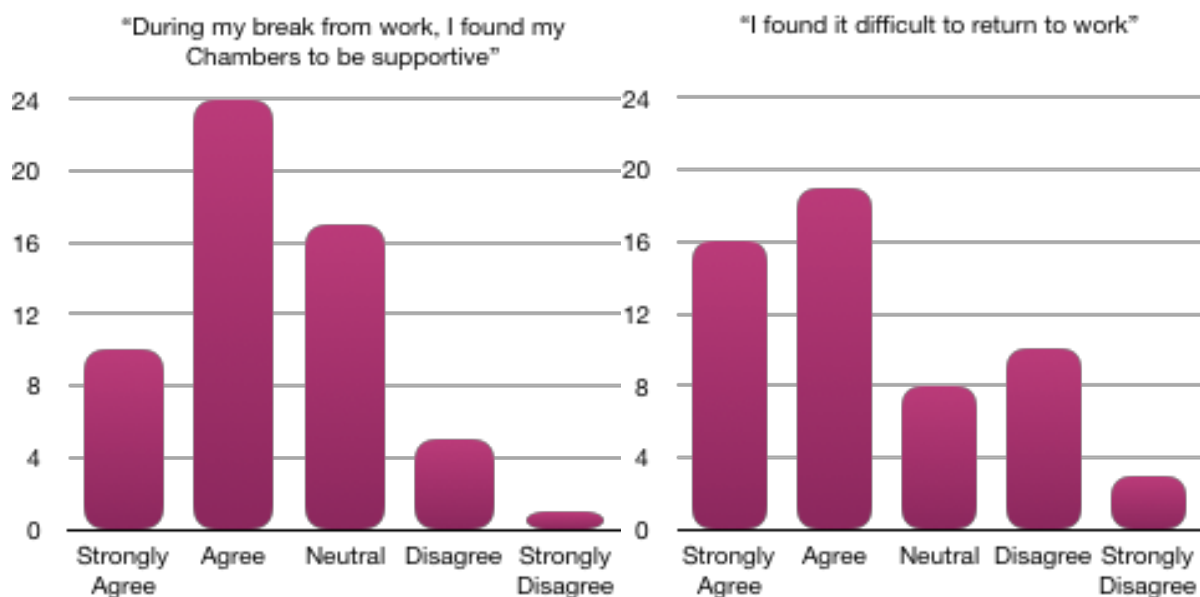
Did any of the following factors influence your decision to leave?



Taking a break from the Bar

57 out of the 70 respondents had taken a break of six weeks or more from the self-employed bar (55 female, 2 male), and some had taken more than one break. Most breaks lasted between 3 and 12 months, and the vast majority were taken either because of parental leave or childcare responsibilities. The 2 men who took breaks did so for reasons not connected to childcare, such as sabbatical. The average seniority of those who took breaks was 10 years call and almost all (50) practiced in crime or family.

Most of those who had taken a break felt that their chambers had been supportive during this time (60%). However, 61% either agreed or 'strongly' agreed with the statement "I found it difficult to return to work".

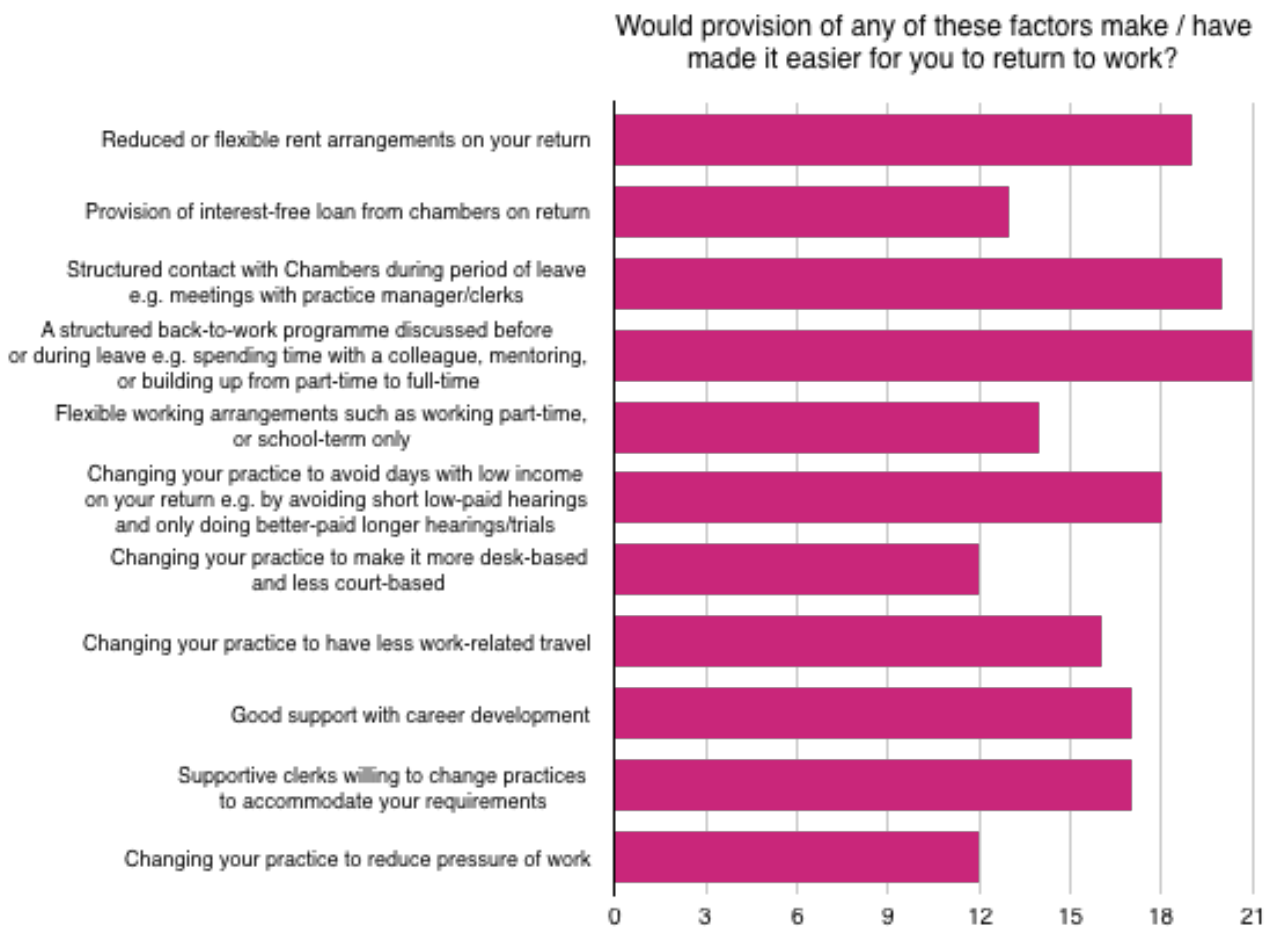


Support during and after breaks

Various sources of support were made available to these respondents during or after their breaks from work:

- 63% said that flexible working arrangements had been offered.
- Slightly less than half of respondents felt that clerks were supportive and accommodating in making changes to that respondent's practice (46%).
- It is of note that 37% were able to reduce the amount of work-related travel through changing their practice, thereby reducing one of the factors which played a part in the decision of others to leave the Bar.
- 39% had flexible rent arrangements made available to them. These factors were identified by respondents as practices by chambers which made it easier for them to return to work.

Respondents were asked to indicate whether identified interventions would have made it easier for them to return to work.

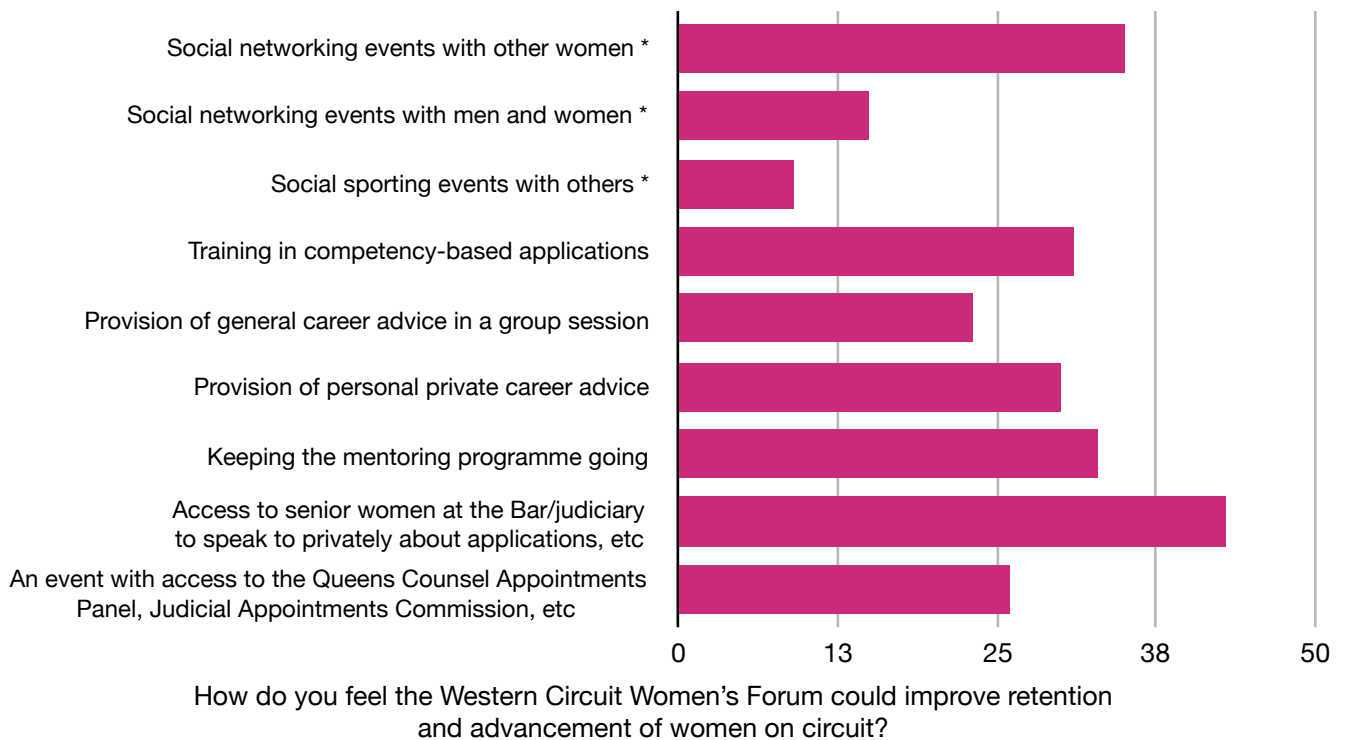


Only three respondents indicated that there was nothing that could have been done to make it any easier for them to return to work.

The factors identified by most respondents which would have made it easier to return to work were:

- A structured back-to-work programme discussed before or during leave eg spending time with a colleague, mentoring or building up from part-time to full-time (37%)
- Structured contact with chambers during the period of leave, such as meetings with practice manager / clerks (35%)
- Reduced or flexible rent arrangements on return to work (33%)

What the Western Circuit Women’s Forum can do



When asked to indicate what the Western Circuit Women’s Forum could do to improve retention of female barristers, it is notable that the three most popular options focused on developing and maintaining supportive relationships with other women (this finding is consistent with analysis of qualitative responses, discussed later). Having ‘access to senior women at the bar / judiciary’, ‘social networking events with other women’ and ‘keeping the mentoring programme going’ were identified as potentially helpful by 43 (61%), 35 (50%) and 33 (47%) respondents respectively. Many other creative suggestions were offered for improvement of retention, and are discussed in greater depth as part of the qualitative data analysis.

Qualitative Data

Overarching themes in qualitative responses from the survey centred around

- a) the challenges facing women at the self-employed bar,
- b) the impact of these challenges on their personal experience of work as a barrister, and
- c) sources of support that have allowed (or would allow) women to continue working despite these challenges.

Interpretation of these responses is presented under five thematic headings, with each section reporting an area of challenge reported by respondents followed by discussion of what helps in managing these challenges.

Difficulties balancing work and family life

Respondents reported a wide range of difficulties around managing family and professional commitments. Accounts of difficulty arranging childcare predominated in responses. It was overwhelmingly the case that the female respondents had primary care for their children, and primary responsibility for arranging childcare.

It has been extremely difficult to contemplate a real practice alongside...childcare commitments (Respondent 14)

Many female respondents reported that continuing with work at the self-employed Bar after having children was only practically possible if they had access to alternative childcare, or flexible working arrangements. For some, returning to work had been possible because they shared childcare with partners or family members. Even under these circumstances, difficulties persisted with certain aspects of life at the Bar.

I am only able to work now I have children because my husband is self-employed and is able to share responsibility for drop offs etc. If I am away from my local court or required to sit late, it can get very tricky (Respondent 42)

I have recently found that my entire family support network has disappeared, making it very difficult to return / maintain a regular court-based practice (Respondent 13)

Although the challenges of caring for younger children were seen to diminish as they got older, disruption was seen as inevitable - and particularly difficult to respond to in the context of court-based work.

[The challenge of providing childcare] changes to an extent when children reach school age - but I found often I had children off school sick when I least expected it and it was equally stressful trying to work in these circumstances. (Respondent 7)

Many respondents felt forced into the position of compromising in areas of their lives that were important to them. The consequences of this for some were quite profound: those who prioritised family life often found that this degraded the quality of their professional life considerably.

I have taken 3 periods of maternity leave. The combined effect has been severely detrimental to my practice and my income. (Respondent 54)

Those who had taken longer breaks increasingly found themselves questioning the prospect of returning to work at all.

[Difficulties around childcare] may change in another 10 years when my children go to University, but I suspect that by then, I will have been out of practice for so long that coming back will not be a realistic or sensible option. (Respondent 4)

Conversely, those who were able to focus on maintaining their practice often felt that doing so was detrimental to their family life.

The significant impact on the family is definitely not worth the money (Respondent 55)

It became very stressful trying to make sure that my children had a good quality of life and also organising my practice. (Respondent 77)

For some, this resulted in the decision to leave the self-employed Bar altogether.

[Working life] started to have an impact on my home life because, due to the nature of the last minute instructions, I committed more time to preparing cases late in the day than I did to my friends and family...I decided that quality family time and happiness were more important to me than the career I had dreamt about having when I was young, as in my mind no career is worth one's happiness. (Respondent 16)

the lengthy trials were taking too much of a toll on the children (behavioural issues / anxiety / distress etc) and had to stop. (Respondent 4)

The perception that female barristers must decide between a fulfilling family life and a successful career was commonplace, and many felt resentment at having to prioritise in this way.

There was no half-way house it seemed, one either went all out for one's career, had full time live-in childcare and hardly saw the children, or had the "half baked" option that I chose that really did not work. (Respondent 7)

Those who did remain at the bar frequently expressed a desire for more 'quality time' with their families, despite effective childcare arrangements being in place.

I do not want to take more time away from them for the purposes of advancing my career. (Respondent 54)

I wanted to maximise the time I spent with my family, therefore I did not want an au pair or "live in" nanny. There is no doubt in my mind that not using one of those two options made life very difficult for me and the family. I often felt that I spent more time organising childcare and leaving instructions for the carer than I did actually prepping my cases. (Respondent 7)

Whilst my husband can care for the children sometimes (when he does not have evening work commitments of his own) I WANT to see my children in the evenings, particularly as I work full time and do not see them during the day. (Respondent 54)

Some respondents were left with a sense of hopelessness and defeatism about the prospects of positive change for female barristers with children.

[Trying to improve retention is a] stupid idea - [it is] impossible for those with children. [Working] hours do not fit with available childcare. (Respondent 57)

Ultimately I'm not sure there is anything that can be done - the work has a huge impact on family life (Respondent 55)

What helps?

Sharing childcare was identified as a significant help, but the majority of respondents were primary or sole carers. Respondents highlighted the lack of practical advice available to those returning from maternity leave or breaks from the bar. Many suggested that access to older barristers with experience of returning to work with children would have helped them cope during difficult moments.

Practical, realistic advice on managing a career at the bar with young children would be invaluable (Respondent 42)

Although responses were characterised by difficult experiences, they also included many positive accounts of supportive cultures in chambers led by sensitive and understanding clerks.

I'm lucky as my clerks didn't put pressure on me to return and when I returned after a period of maternity leave previously they were very understanding if my child was taken ill. (Respondent 8)

The chambers I moved to were specifically set up for home working and were very helpful to me. (Respondent 7)

In some cases, accommodation was made for barristers returning after maternity leave to spend more time working from home.

One respondent identified the pressing need for childcare to be available before 8am, and another speculated about the capacity for more radical change, with chambers working together to generate creative solutions to the challenges facing women at the bar.

If the real challenge for women is about childcare, should we not be considering a intra-chambers group to discuss model maternity policies, with some more radical thinking about rent/percentages and the like? Is a Bristol creche unworkable? (Respondent 20)

Lack of flexibility and predictability

Respondents indicated that although the challenges of managing family life are considerable, the more prohibitive factor is a perceived lack of flexibility and predictability at the Bar, particularly in court-based practices. Many suggested that even a heavy workload would be manageable alongside childcare responsibilities, provided that flexible (part time) work arrangements could be implemented.

For several of those respondents who had decided to leave the bar permanently, or were considering doing so, the inflexibility of their working pattern was cited as a primary factor.

To encourage me to stay at Bar there needed to be opportunity for flexible working to ensure maximum time with family. (Respondent 30)

[I] never felt supported by my senior clerk, and was frightened he would make life even more difficult once I had my first child. I was scared he would send me to far flung courts, knowing we had no family support. (Respondent 6)

Before I left to have my boys I had a purely criminal practice. I knew that this required travelling to court every day, and not really compatible with part time hours. (Respondent 67)

The inability to work set days is a huge factor for me...the work has a huge impact on family life and I'm not convinced that the stress/inability to have set childcare days and level of prep are worth the low income in family law. (Respondent 55)

Respondents often reported that they had not been offered any practical opportunity to work part-time or on 'set days' when returning to work. Some attributed this to a lack of understanding and appreciation of the struggles of working parents amongst chambers clerks, while others highlighted the practical barriers to part time working in a court-based practice.

[What is required is] better training of clerks in how to plan ahead [and] offer flexible working patterns (Respondent 63)

Clerks need to receive training on help to be offered to those returning from parental leave...because they are thought to be too demanding when compared to other practitioners with fewer practice management needs. (Respondent 10)

Chambers and I managed [a more flexible working pattern] initially as I was more junior and my cases were shorter. However by the time I left I was frequently doing multiple week cases which meant multiple weeks of prep...and so I seemed to almost be working full time plus evenings and weekends (Respondent 55)

One factor...is the unpredictability of working at the self employed Bar, in particular if you wish to work part time. Whilst you might be able to corral your paperwork and conferences in to certain days, you cannot predict which days of the week you might be in court. (Respondent 7)

In many ways I have only myself to blame. Before I left to have my boys I had a purely criminal practice. I knew that this required travelling to court every day, and not really compatible with part time hours. (Respondent 67)

Coupled with inflexibility was the unpredictability of court listing. Many respondents described how unexpected changes to court listings often threw best-laid plans to manage childcare into disarray.

Last minute papers and diary changes are the most difficult to deal with as a working mother. (Respondent 34)

One big issue is that the courts will move hearings at short notice [which] causes real problems in terms of arranging childcare...I anticipate that there will be a point where I cannot get last minute child care, and won't be able to attend a hearing that has been moved at the last minute. (Respondent 43)

Court hearings regularly run late and the venue can be changed at the last minute leading to significantly increased travel time. (Respondent 8)

The majority of respondents in this situation struggled to find childcare support flexible enough to meet their needs, and many cited this as their greatest difficulty. Many respondents concluded that their only option was to pay for full-time childcare support, even when officially working only part-time as barristers. The expense and inflexibility of childcare prevented some women from undertaking part-time work.

The biggest issues are finding flexible childcare and attempting to have some semblance of a family life. (Respondent 8)

The amount of childcare you need in a given week might vary significantly both in terms of quantity and exactly when it is required. Sometimes you might need someone as early as 6am to 7/8pm to look after your children so that you can leave for court for a case running for all 5 days, other times you might only need childcare from 9am to 5pm for 3 days to enable you to do paperwork. Your child carer needs to be ultra flexible for this to work (Respondent 7)

It would not have been cost effective to have a full time nanny and only work part time. (Respondent 7)

I did consider changing my practice to more regular but shorter 2-3 day trials. However, this makes no financial sense as I would still need to fund full-time childcare and the financial rewards of the graduated fee scheme do not justify the costs. (Respondent 4)

I also had to commit money to a nanny even though I didn't always need her as it was the only way to make sure I had childcare available to work random hearing days. (Respondent 55)

[The necessary childcare] was extremely expensive and frequently didn't cover my earnings in a week. (Respondent 55)

What helps?

The ability to work set days was identified as a helpful working pattern. Another solution for some respondents was to diversify their career and seek out work that could more feasibly be completed in a part-time schedule, including part-time judicial work.

I have still not properly returned to practice. I have taken on some judicial work and do a very limited amount of work as a barrister. Essentially I have made my own arrangements and choices
(Respondent 14)

Once again, positive support from clerks and Chambers was central. Those who had successfully adapted their working patterns to suit their lifestyle emphasised the importance of clerks helping them through the process. One identified the obvious need for practice development meetings to be made accessible to those with childcare commitments.

Clerks need to appreciate [I] have to pick up and drop off children when listing in courts both in terms of location and timings
(Respondent 28)

On the whole I found Chambers very supportive. It was my responsibility to control my work load but my clerks were responsive and happy to communicate with me. (Respondent 19)

Clerks were supportive about changes to working pattern instigated by me (Respondent 49)

Those who struggled with last-minute changes and arranging travel often asked for greater understanding from clerks.

I have been able to refuse work requiring travel...however, Chambers has not been proactive in finding me work closer to my home, or more desk based work. Therefore, as a consequence of refusing this work my income and my practice suffer. (Respondent 54)

Respondents suggested that it would help if the judiciary understood the difficulties associated with childcare commitments.

Helping to get the Judiciary and Court Service to list in such a way that barristers can generally work set days in a week so that parents can manage organised part time work. (Respondent 55)

Financial challenges

Many of those respondents who had taken a break from the bar reported difficulty managing cash flow problems, both before and after their return to work. The payment of fulltime childcare was prohibitive, as described above. Several described having to repeatedly ask clerks to chase up aged debt in order to cover childcare and other expenses. Some described financial commitments to chambers as a factor in their decision not to return, or a barrier to flexible working.

Within 3 months of my return I was expected to pay a fixed Chambers rent which meant that I could not easily afford to work anything other than full-time. (Respondent 3)

A need to pay tax and chambers fees whilst on maternity leave also made staying at the Bar more cost prohibitive. (Respondent 30)

What helps?

Parental leave policies which gave parents a significant break from financial commitments were identified as an important factor.

Respondents who had more positive experiences of returning to work after breaks highlighted the benefits of accommodating clerking

practices and flexible rent arrangements. One suggested that rent scales could be adapted in the longterm to take into account childcare costs.

*My chambers were very supportive of maternity leave. We only paid rent on income actually received, so it was conducive to breaks.
(Respondent 50)*

My chambers rent structure is based on a simple percentage so on that basis, my rent payments reduced as my income reduced as a consequence of maternity leave. (Respondent 54)

Many also appreciated considerate clerks who were willing to prioritise billing and chasing up aged debt for those returning to work after a break.

Better recovery and predictability of fees would help one to manage finances (Respondent 30)

Some respondents also advocated collective action by women's groups to bring about wider systemic change, including opposition to the *Flexible Operating Hours* proposal for earlier starts and later finishes.

[We could help retention by] lobbying about the rates of pay at the publicly funded bar - which disproportionately affects women as they are more likely to be the primary carers of children (Respondent 61)

[We could] petition government for the same tax advantages [around] the provision of childcare for self-employed people as exist through the PAYE childcare voucher scheme. (Respondent 4)

Attitudes in the profession

A small number of respondents had encountered negative and dismissive attitudes around childcare from clerks in their own chambers, which created further difficulty in returning to work. Another respondent was reluctant to discuss problems with her clerks.

When I announced my pregnancy, the senior clerk at the time said to me, "You won't be back." I went back to work after 3.5 months, partly to prove him wrong. I did not feel supported at all with my return to work by my senior clerk but the other clerks were amazing.
(Respondent 53)

I have not wanted to tell my clerks about my problems and that I am struggling to cope as I do not want to appear unprofessional in any way. I am good at my job; I am a good barrister but I feel I am buckling under the pressure, somewhat. But the last thing I want to do is discuss it with anyone!(Respondent 13)

Respondents also highlighted the less overt (though no less impactful) examples of systemic prejudice towards professional mothers. This was particularly evident in reports of clerks and solicitors failing to brief barristers who have children.

Many respondents emphasised the importance of maintaining a positive professional reputation, which was largely seen to determine prospects

for career development. Some shared accounts of minimising or masking the difficulties of balancing family and professional life, in the interests of maintaining their reputation as dependable, 'always available' barristers.

The disruption of me not attending for that 5 day case was unthinkable - I simply had to be there. In addition to disruption there was my professional reputation to think of, I could not pull out for lack of childcare because solicitors would obviously think twice about using me again. (Respondent 7)

To give a good service as a Barrister you are never really off the hook, your instructing solicitors expect to be able to get hold of you at all times 5 days a week. (Respondent 7)

What helps?

Whilst some respondents advocated challenging institutional prejudice directly through collective action, others showed more apprehension and warned of the risks around positive discrimination.

I am concerned about the unintended consequences of trying to promote women in our workplace and whether we will get the next generation of young men onside if they think that their female counterparts have an unfair advantage in terms of mentoring, networking, interview practice. (Respondent 20)

It was suggested that working together with men would be necessary to help change attitudes around women in the profession. Respondents called upon men to show their support for equality and be more open about their own childcare challenges.

I know one man at the Bar who will not be open about his real problems juggling childcare responsibilities, giving his wife the best opportunity to succeed at a delicate point in her career and his own work because he feels he needs to 'man up'. This is a feminist issue about stereotyping, I would suggest. (Respondent 20)

Men make up most of the Bar at the moment. Unless we make women's career advancement our joint aim, and enlist their help, we aren't going to get anywhere in my view...We need to help male colleagues value domestic labour and feel able to get involved in it and respect women who prioritise it. (Respondent 20)

Effect on wellbeing

The combined effect of these challenges on the wellbeing of individual respondents was considerable, and was frequently cited as a reason for both leaving the bar and struggling with returning to work after a break.

The pressures of balancing work, family, and financial commitments led to high levels of stress for many respondents, some of whom opted to leave the bar as a result.

My overall conclusion was that either I stayed at the Bar, but worked full time, with full time childcare, or I left. There was no practical part time alternative. I therefore decided to leave and in fact I simply could not continue, my health was beginning to suffer and I think that the stress on the rest of the family was also not good.

[Having left the bar] I don't know if the pressure was self-inflicted or imposed by others (Respondent 18)

Others highlighted the already stressful impact of working with people in traumatic situations, and feeling isolated.

I also found the topic of crime increasingly toxic and didn't deal well with stress associated with defending/prosecuting increasingly serious sex crime / violence. (Respondent 11)

It became very stressful trying to make sure that my children had a good quality of life and also organising my practice. Work at the Bar is stressful anyway, others are often relying exclusively on you to help them at their own very difficult times, it is not good to add another layer of "home stress" onto this. (Respondent 7)

Despite having a keenness to get back to work you are ultimately alone. It is hard and no one is there to help you when things get a little tough, as they inevitably will. (Respondent 13)

It has been extremely difficult to contemplate a real practice alongside essentially single-parent childcare commitments. I feel that I have substantially lost contact with most of what is going on in Chambers - and bear some responsibility for that myself. (Respondent 14)

I do feel that many women lack confidence, that they feel they can't "have it all", and don't therefore try out continuing in practice/ applying for silk/judicial appointment - alongside a family. (Respondent 50)

A lack of confidence was identified as a barrier to progression.

What helps?

Feeling cut off from others was a common theme amongst those who had taken maternity leave and many suggestions focused on the idea of developing stronger relationships with work colleagues - particularly those with experience of returning to work after maternity leave- and creating stronger support networks.

Advice from other women would be the best option in my opinion.

(Respondent 7)

I feel that social networking or sporting events may assist in helping others who may be feeling such pressure to realise they are not alone; that sort of camaraderie can be incredibly helpful and supportive. (Respondent 16)

There is an increase amongst other professions for coffee morning type get togethers where women can bring their children (see Mothers Meeting). It is always a huge relief to see people in the same position and to share tips on how to stay up to speed, and know how others are approaching return to their career. If there had been the opportunity to go to one of these with my baby I would absolutely have taken it. (Respondent 35)

A note of caution was sounded by other in relation to networking events : it was frequently noted that those with childcare responsibilities struggle to attend networking events

A lot of networking also happens during post work drinks and this is not possible as a working mother. (Respondent 34)

Time for the working Mother to attend such events is going to be minimal or non existent - I would personally not feel I had time to attend extra social events. (Respondent 7)

Women at the Bar who have children do not have much time to go to networking events (Respondent 54)

The majority of respondents felt that the mentoring scheme run by WCWF was helpful, but stipulated that good management was paramount to its success. Matching of barristers with appropriate experience and interests was seen as particularly important for those considering breaks from the bar.

I did have a mentor and although she is brilliant, she does not have children so was not able to offer advice on balancing career and home life. Mentoring is good but as long as the matches are right! (Respondent 34)

What would be helpful would be to be able to speak on the telephone to a mentor or to obtain advice during the day time, or attend local networking opportunities at lunch time (although these can be difficult to attend because of court commitments or paperwork deadlines). (Respondent 54)

Respondents suggested that provision of a 'back to work programme' would be helpful in returning after a break, and reducing the impact of isolation from colleagues.

I would have liked to do a bit of 'shadowing'. I could of course arrange this myself but having a specific scheme in place would be better. A structured back-to-work programme would be very useful...perhaps include meetings (before and after return to work)...training to get up-to-date...assign a 'buddy' to check in with the person returning (Respondent 13)

I have found informal conversations with other members of chambers about how long they took before returning very reassuring: but I only saw these women when I returned to attend lectures and so on, and just happened to talk to them about it. I have not found anything formal. (Respondent 54)

Conclusion

The Western Circuit, in line with the rest of the country, is losing experienced practitioners from the Bar, particularly publicly-funded court-based work, and is losing more women than men.

This survey identifies some of the factors that make it hard for primary carers to stay at the Bar, but also identifies pockets of good practice which make it easier.

If the Western Circuit can highlight those areas of good practice and assist more chambers to adopt them retention of women at the Bar may be improved, and that in turn may go some way to address the imbalance at the senior Bar and judiciary.