

Wellbeing Initiative



CHAIRMAN'S COLUMN

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Readers of the Monday Message will need no reminders of the stresses and strains we all face. I welcome the publication of the Public Accounts Committee Report: *Efficiency in the Criminal Justice System* published on May 27. Here at last is a cross-party report that recognises what the CBA has been telling politicians, civil servants and journalists – anyone who will listen – for years.

The 26% cuts inflicted on the CJS, the prosecution and defence, in the last few years have gone too far and have been counter-productive. What better “back-up” could we have to counter any future fights with the Treasury than the PAC saying “the cuts have damaged justice and hurt the interests of victims”?

It is easy to forget how far we have come in the last year. Summer 2015 saw a strike and turmoil as we contemplated the existential threat of “two tier”. This threat has gone completely.

I believe we are on the cusp of a number of potential positive reforms to the world in which we operate. You all know what ambitions I have for the replacement of AGFS, the panel scheme and our attempts to kill warned lists. I hope by the end of July that there will be significant news to report on one or more of these fronts. A sense of optimism helps me function day to day, but of course not everyone will have so much faith that things are getting better.

Every day, hard pressed professionals struggle with ever diminishing supplies of “sticky back plastic” to hold the fabric of our part of the universe together. Often we deal with the most gruesome human behaviour and are expected to be

unaffected, day in and day out, month after month and year after year. The rise of sexual offences in the Crown Court is relentless and these are difficult and stressful cases and can strike at the heart of who we are and our own mental health. I regret to say that notwithstanding the best of intentions the most well run set, or conscientious friend, can sometimes fail to note the human cost as people work longer and harder in evenings and at weekends, for less reward, bills mount and prospects sometimes seem bleak. It is so easy to be wrapped up in daily existence that one can forget the wider picture.



Wellbeing is about having the resilience and ability to carry out your professional duties in a healthy way



On June 6, I attended an evening run by the Association of Women Barristers. The keynote speaker was Lord Justice Fulford and there was a very distinguished panel of brilliant silks. The point of mentioning the evening is a remark made by one of the panel, who spoke of her own mental health difficulties several years ago before she took silk. It takes real courage to speak publicly of such matters. We all need to look around ourselves and ask what more we can do within chambers, when illness, money woes and other problems arise. A dear friend of mind took his own life some 14 years ago and even now few days pass without me thinking of him.

So “wellbeing” is on many people’s lips and with good reason. I cannot be alone when I think of the friends at the Bar I have lost to alcohol, stress and depression. The CBA is utterly committed to helping the Bar Council with its “wellbeing” initiative. This is a perfect example of how we, a Specialist Bar Association, cannot do without the work of the Bar Council. We gain from sharing what the best of what the rest of the Bar has to offer. I know that the other officers share my views and I am particularly grateful to our secretary, Sarah Vine, who is at the forefront of our efforts. But what practical steps are being taken and why? In one sense the “why?” is easy to answer. We need to do more to encourage the young, so often intimidated by colossal debts, to come to and remain at the publicly funded Bar. We also need to do more to encourage returners and to sustain established practitioners.

To borrow someone else’s description: “Wellbeing is about having the resilience and ability to carry out your professional duties in a healthy way.” The “Wellbeing at the Bar” programme is designed to: (i) provide members of the profession with the information and skills they need to stay well; (ii) support members of the profession as they deal with difficulties that arise in so far as they affect a barrister’s professional life; and (iii) provide assistance to those with responsibility (or taking on a supporting role) for those in difficulty or crisis.

The project has its genesis in research¹ done in 2014 funded by the four Inns of Court, the Bar Council and Charlie Waller Memorial Trust. A survey of 2,500 barristers found:

- 1 in 3 find it difficult to control/ stop worrying.
- 2 in 3 feel showing signs of stress equals weakness.
- 1 in 6 feeling in low spirits most of the time.
- 59% demonstrate unhealthy levels of perfectionism.
- Psychological wellbeing within the profession is rarely discussed.

1. For a full copy of the research see: http://www.barcouncil.org.uk/media/348371/wellbeing_at_the_bar_report_april_2015_final_.pdf

Since the research has been completed work has continued on the practical steps to be taken. The Bar Council says that in 2016 the Wellbeing at the Bar programme will:

1. Deliver online resources for individuals (pupils/new practitioners/practising barristers) and those with a management/other responsibility for barristers (Heads of Chambers, Clerks/Practice Managers, Pupil Supervisors and EDOs). These will be accessed *via* a Bar Wellbeing portal (hosted by the Bar Council).
2. Expand and support any/all Bar mentoring programmes.
3. Work with third parties supplying support for those in crisis (eg, LawCare, MIND etc).
4. Keep up a steady stream of articles and stories (lived experience) aimed at normalising wellbeing and encouraging members of the Bar to talk about wellbeing issues.

The wellbeing website is now planned for the autumn. There will be guidance available that will address the following areas:

1. How to spot a wellbeing issue in yourself (for individuals) and in others (for chambers).
2. How to have a conversation about wellbeing (for individuals – who recognise they have an issue) with others (for chambers – when they see someone has a problem).
3. Interventions – including how to choose/secure the best/most suitable support. And to try others if one doesn't work. How to spot poor quality advisors/trainers/courses etc. Specific reference to counselling and mindfulness.
4. Rumination and perfectionism.
5. Bullying, and
6. Secondary Stress.

The CBA is looking for individuals to tell their stories. The more senior the better, because a willingness to disclose really needs to come from all levels of the profession. Those at the junior end are going to be reluctant



to speak about something that is already stigmatised as impermissible weakness without the lead from those at the top. And they are going to be most encouraged by hearing about those people who have survived the problems they have faced and emerged on the other side.

I am increasingly concerned that the new digital age that we are entering has created a number of other challenges for which we must prepare. When I joined chambers as a pupil in the autumn of 1992, most members of chambers lived in zones 1, 2 or 3 – central London. Almost everyone passed through the clerks' room on a daily basis. Almost no one had mobile phones and computers were still a real novelty. (For the first several years I survived on putting 10p pieces into telephone boxes – including when I wanted to make personal calls which I was certainly not going to do from chambers!)

The result was that chambers was a real community and there was a culture of daily meetings. It was not quite a question of all taking tea together, but it was not far off. Times change, not least because the world, and those who work in the City of London, have bought out central London property. Now no one who practises in the South East who has children can afford to buy a family home in London on publicly

funded incomes. As people move to the outer regions of the capital and the Home Counties the social cohesion of chambers is damaged. We see our friends less. Now our cases appear on the Digital Case System the need to come to chambers has hugely diminished. As we have all sought to cut costs by reducing the amount of space rented by chambers, or by expanding our numbers, we have all ended up sharing desks. This may be more efficient, but it means people are more likely to work from home when they can.

“Chambers” as a vital and thriving idea depends on social cohesion. This derives in many ways, from the silk who works in chambers, whose door is always open to juniors who want to ask questions, to those juniors all being around to go out together in the evenings. In our digital age, junior tenants and pupils in many chambers now depend on whatsapp groups to seek advice and contact their friends. This is all very well but it is not the answer. The sad truth is that if they came into chambers they might be far less confident of finding someone around to ask for help or with whom to chat about the saga of the day's events in court. And if this trend continues unabated we are going to lose something very precious.

I am going to close with a story I think may be illuminating. One of my oldest friends was in the British army. So was his younger brother. Both were stationed in the former Yugoslavia during the tumult of the 1990s, but served in very different roles. One was isolated and alone for many months as a UN liaison officer; the other flew helicopters and returned each night after missions to an airbase with fellow pilots and aircrew. Both saw some of the most awful things one could see in that ghastly civil war. One was able to “debrief” each night in the mess with his close friends. The other remained alone for many months without that kind of social contact. One suffered from debilitating PTSD; the other did not.

We want ideas as to what will help you most, so please do not be shy about coming forward. ■