

Wellbeing in Family Law

Findings and recommendations from a sector-wide survey



In association with



Foreword by Juliet Harvey

National Chair, Resolution



It is easy to see concerns about wellbeing in the workplace as part of the fallout from a global pandemic. But the reality is that this was already an issue affecting many family law professionals and will continue to do so long after the virus subsides. It is vital that we do not relegate wellbeing to the back burner once we all start to return to the office, but continue to look at how we can develop and implement strategies to ensure that we look after ourselves and one another.

In my own firm, Birketts, we have taken steps to improve our team's wellbeing, including providing apps that offer mood tracking and personalised resources; guided meditation sessions; webinars on health and nutrition; and supervision training to provide additional, tailored support in-house. Above all there is a culture of watching out for one another, checking in on each other to make sure that we are all OK. I believe that the challenges of the last year have made us closer and stronger as a team.

I know this is also the case in practices and chambers across the country. Yet the unique nature of family work, and the emotional toll it can take on practitioners, creates some specific challenges for those working in this area.

The pandemic and our move to remote working has only exacerbated these challenges, and the high response rate to our survey reveals the resonance of the issue. Our findings make for sobering reading, and deserve the attention of all of us working in this area, whether we have been in role for 30 years or 30 days.

Resolution is proud to have partnered with LawCare on the survey, and we are pleased to have their support for this report. Since conducting the survey, we have had frequent conversations with other organisations about wellbeing in family law, and we are committed to working together to support practitioners as much as possible. We are delighted to be joined by the Family Law Bar Association, the Association of Lawyers for Children, the Chartered Institute of Legal Executives, and the Legal Aid Practitioners' Group in bringing you this wide-ranging and thought-provoking report.

Hannah Perry and Siobhan Kelly

Co-Chairs, Association of Lawyers for Children



The Chairing team of the Association of Lawyers for Children (ALC) are pleased to share this report with its membership and commend Resolution for commissioning it. Wellbeing is something of a buzzword currently within the family law community but as is clear from the report not being successfully achieved by many. It is vital that we do not merely pay lip service to the concept of wellbeing but that we actually all look to finding strategies to support ourselves and each other. Like Resolution, the ALC is looking at ways to support its membership with a particular focus on those junior lawyers developing careers in children law. We hope to continue to work in partnership with Resolution to support the profession.

Linda Ford

Chief Executive, CILEX



CILEX fully endorses this report, and firmly believes the insights provide invaluable evidence the sector can use to improve its understanding of wellbeing, as well as developing new services and working practices to assist family law professionals.

Mental health and wellbeing in the workplace has long been an integral part of the work CILEX undertakes on behalf of all our members, with the provision of support services acting as an intrinsic component of our membership benefits. The global pandemic has placed immense pressure and strain on many families, and the legal support network that they then seek in family law professionals, at a time of rising case backlogs and incessant adjournments, bring this vital issue into even sharper focus; particularly given the changes to how we are all working.

These thought-provoking findings will help to progress conversations around mental wellbeing and stress in a profession that has long been associated with strained working conditions, long hours and insufficient work-life balance, providing a clear picture of the wellbeing issues professionals in practice are facing today. It is clear that supporting employees' mental health and wellbeing isn't just an option for employers – but a necessity. CILEX supports the call to working together as a sector, and supporting each other as colleagues, so that we can improve wellbeing for all those who work in all specialisms of law including family practice.

Cyrus Larizadeh QC

Chair, Family Law Bar Association



Wellbeing issues affect us all directly or indirectly. What is clear is that wellbeing also affects our judiciary at every level as well as those we represent and our clerks and chambers personnel. We cannot simply ignore wellbeing issues in the hope that they will go away. I am convinced that we must all help each other. We must share awareness and work together to deal with these issues head on and urgently.

I was a member of the original Bar Council Wellbeing at the Bar Working Group which set up the ground breaking and much used Wellbeing At the Bar Website. The FLBA through our wellbeing team (Vicki Wilson, Leslie Samuels QC and Bibi Badejo) has introduced for our members many initiatives including mentoring, podcasts and practical seminars. We have encouraged dialogue about wellbeing and persuaded many chambers to adopt wellbeing policies. Our door has always been open in particular dealing with the acute wellbeing issues of our members during the pandemic.

I am aware that wellbeing issues can hit us when we least expect it. I would like you all to know that you are not alone. I want you all to know that it is ok to suffer from wellbeing issues and to talk about it. It is important to recognise these and to deal with them head on. We must put our own oxygen mask on first before helping others. We must deal with wellbeing issues by increments – bit by bit we will start to make a difference to ourselves and to our colleagues' wellbeing. There is still much to do. Working together with Resolution and with the other associations included on this survey makes us stronger and more effective in improving our wellbeing.



Chris Minnoch

Chief Executive, Legal Aid Practitioners Group

This is such an important initiative from Resolution, at such a critical time for the profession. The report makes sobering reading and the findings reinforce our own view that more needs to be done to support legal professionals. It is also clear from the report, and from our own recent research on wellbeing, that while the profession is moving forward there is still more to be done to foster a cultural change and a positive focus on mental health and wellbeing.

With almost half of the large cohort of respondents carrying out publicly-funded work, this report will be an important tool for those seeking to influence the government's review of the sustainability of the legal aid sector. For too long legal professionals have compromised their own health and wellbeing to serve their clients within a legal aid system that is not fit for purpose. This report indicates that this situation is not sustainable and needs to change. Properly funding legal aid, and instituting a proportionate and sensible system, will be a key factor in ensuring that employers have the resources to support their staff and the ability to provide the services their clients need and deserve.

Elizabeth Rimmer

Chief Executive, LawCare



I want to congratulate Resolution for taking the lead and putting mental health and wellbeing at the top of your agenda, we are proud to partner with you on this. What comes through loud and clear in these findings is that we have work to do.

Work to do as a community of practitioners, educators and regulators to start taking positive steps to change the culture in law. We need to challenge a culture that silences people from talking about wellbeing with colleagues and accepts a reactive, time pressured, crisis driven, overloaded working day as the norm. And shift it to a culture where people flourish, can be themselves, feel valued and respected and do great work for their clients. Healthy justice needs healthy lawyers.

This report is a catalyst for action to start creating every day habits in family law that support wellbeing such as good supervision, training for managers so they can manage, and a positive work life balance.

These changes start with each of us.

Introduction

Mental health in the workplace has long been an integral part of Resolution's training and support programme, and a regular topic at conferences. The global pandemic has, however, brought this vital issue into even sharper focus.

Family justice professionals and their businesses were forced to adapt quickly to the changes COVID-19 imposed on working life. From home working to remote court hearings, our members found themselves under the pressure of increased workloads while juggling new personal responsibilities, and with the added strain of feeling isolated from their peers.

Given these changes, it was imperative to build a clear, current picture of wellbeing across the whole sector. With this intention, we launched our wellbeing survey in October 2020, opening it up to members and non-members alike.

This report sets out the key findings, highlighting the wellbeing issues faced by professionals – both before and since COVID-19. It identifies the effects on individuals, over the short-term and longer term, while also signposting Resolution and partner resources that may help those experiencing similar issues. The report also reveals how individuals feel about raising wellbeing issues in the workplace, and shines a light on the role of employers.

Calling on both quantitative and qualitative data, as well as personal accounts, this represents a detailed picture of wellbeing in family justice today. Looking forwards, we will use these findings to identify the interventions that can best support all the professionals we exist to serve. Indeed, this is a process that begins right here and now, with some of our plans outlined in the final section of this report.

It is vital that wellbeing stays in the spotlight, and is not forgotten as and when COVID-19 recedes. We see this report as part of an ongoing conversation and welcome all engagement on the issues covered.

Who we heard from

Our survey drew responses from over 1,200 professionals.

Together, they represent a broad view of the family justice sector:

50% are employed full-time, 14% part-time, with just over 35% self-employed

55 of the 56 counties in England and Wales are represented

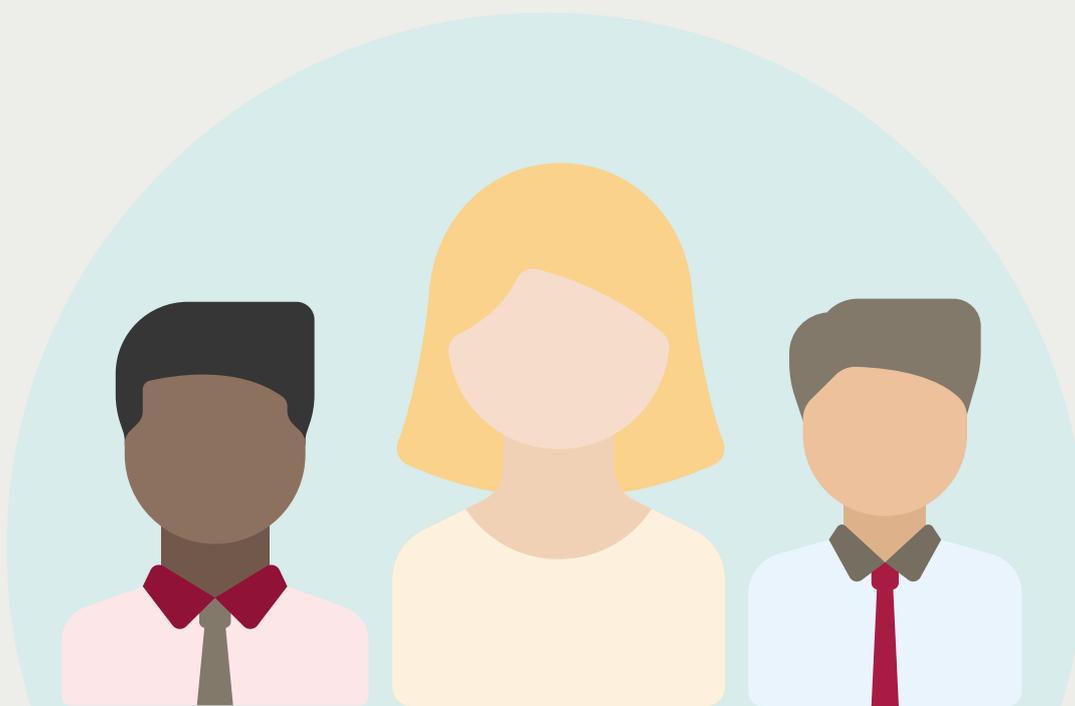
26% are not Resolution members

33% work for a high street firm, over 20% work in regional firms

While most are solicitors, nearly 25% are barristers and 5% are legal executives, with the remainder being a mix of mediators, paralegals, counsellors and financial advisors

47% deliver publicly-funded family work or mediation

For 44%, public or private children work forms the majority of their family practice, while 31% focus mostly on low-to-middle income cases



What wellbeing issues are professionals facing?



Of those we surveyed, 89% have experienced negative wellbeing issues as a result of their work.

Over the last year, however, work-related pressures or stress meant that 42% often found it difficult to cope professionally. Fewer than 4% have never found it difficult to cope.



CASE STUDY: JAY'S STORY

Jay first felt the strain of his profession on his wellbeing just over a year after qualifying as a solicitor. His mental health then spiralled downwards, after a traumatic experience with an at-risk client, and a stressful long-term case. Following a sabbatical with the RAF, he's joined a new firm with a strong culture of support and an open dialogue around wellbeing.

[Read Jay's story here](#)

Work-related changes in 2020

Although 14% of respondents saw a decrease in work-related pressures and stress following the first lockdown, 74% felt they increased.

The causes of this stress are wide-ranging. Unsurprisingly, high workload and long working hours are frequent issues, but by far the most common cause is client demands and expectations.

"We are working from home and isolation and lack of practical support is producing pressures that would not normally be as bad in the office."

Delays and difficulties at the courts were already causing problems. Since the COVID-19 pandemic, they have only become worse with 47% citing the courts as a source of stress. On top of this, enforced confinement and isolation from colleagues has caused stress for 43%. While we can't compare this to before the pandemic, it is surely no coincidence that isolation ranks so highly, given the radical changes to how we are working, in particular the prevalence of remote hearings.

Unfortunately, just 54% of family law professionals feel secure in their jobs right now. As a result of the pandemic, 27% are worried about redundancy, a forced drop in hours or a significant fall in income.

Yet it seems the changes to working practices and conditions have benefited some. Seventeen percent agree that their overall wellbeing has improved since the start of lockdown (though 58% disagree).

FIND OUT MORE

Find out more about coping with stress and anxiety on the LawCare [website](#)

Or listen to the Legal Mind podcast on stress and anxiety [here](#)

Find out what Resolution member Lehna Gardiner thinks about wellbeing in the family courts [here](#)

Get tips and advice on managing wellbeing during challenging times in this Resolution [webinar](#)

Heavy workloads

Family justice professionals have historically reported long working hours. Early starts, late finishes, and weekend working are regular features of professional life for many. Since lockdown, it seems the clash between work and home life has brought this into even sharper focus.

Fifty-three percent see long working hours as one of the main causes of work-related stress. Of this group, 95% say they regularly work more hours than they are contracted for, with 79% working more than six extra hours every week. As many as 57% work more than eight extra hours – an additional working day each week.



CASE STUDY: LILA'S STORY

Lila, a barrister at a Western Circuit chambers, had seen work gradually affect her wellbeing but found it hard to admit she was struggling. Eventually, after three weeks of almost total sleep deprivation, she found herself unable to go in to the office. With the help of medication and counselling, and her supportive colleagues, she's since learned to recognise the signs of stress before they escalate.

[Read Lila's story here](#)

“It is assumed across the profession, still, that it's perfectly acceptable to be put in a position of having to work weekends and evenings.”

Many struggle to take a break from work – including short breaks during the day, as well as annual leave. The vast majority (81%) are unable, or only sometimes able, to take regular breaks. Almost all (88%) need to work during leave, usually or sometimes. Just 3% have never had to work during planned leave. On top of this, 55% considered taking time off but did not.

Given these numbers, it's no surprise that 64% usually or always feel fatigued during the working day. Less than 1% rarely or never feel fatigued while working.

Does this all stem from the struggle to maintain a divide between work and home life? Or is it the increased pressures most are feeling? Or a combination of the two? Either way it reveals a profession under considerable stress.

FIND OUT MORE

Learn more about managing the day-to-day pressures of working in family law with this Resolution [podcast](#)

Read The Law Society's [top tips](#) for managing a lawyer's workload.

Improve your digital wellbeing with the help of the Legal Mind [podcast](#)

Why time off is an essential, not a luxury [Read this LawCare article](#) on why time off is not a luxury

Get information and support about sleep and tiredness from the [NHS](#)



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What wellbeing issues are professionals facing?

The pressure is taking a toll

It is concerning that work-related pressures are disrupting sleep, and causing anxiety and fatigue for so many.

Inevitably, it's impacting work, with one in three making – or nearly making – mistakes that wouldn't have otherwise happened. Yet all areas of life are affected. Forty percent have seen a negative impact on their physical health, with 30% experiencing problems with family life or relationships. Most concerning of all, as many as 5% have experienced suicidal thoughts or self-harm during the past 12 months because of work-related pressures and stress.

“It is difficult not to absorb some of that stress/upset/anger from our clients. Unless we have an appropriate release, carrying such emotional turmoil can be damaging.”



CASE STUDY: GEORGIA'S STORY

When Georgia qualified as a barrister, she fulfilled an ambition she'd held since childhood. But the pressure and scrutiny of pupillage made it a very anxious time, and nearly cost her her life. She'd now like to see the sector develop a more open dialogue around mental health.

[Read Georgia's story here](#)



1 in 4
are considering leaving the profession

A drain on talent?

Employers that fail to address wellbeing issues risk losing talented team members – especially those at the early stages of their careers. More than half (51%) of those we surveyed said they had considered leaving the profession at some point in the last three years because of concerns about their wellbeing.

At the time of the survey, 26% were considering leaving the profession. Thirty-six percent said they didn't see themselves working in family law in ten years because of the impact on their wellbeing. Of those who have considered leaving the profession, almost half (45%) are junior – whether trainees, assistants, associates, or junior counsel. This highlights the significant risk of a talent drain across the sector.

“I am a newly qualified solicitor, and am in the process of leaving for a non-law career. I am working for just above minimum wage and face a lot of demands, and I have developed anxiety around making mistakes that will lead to disciplinary proceedings or being struck off.”

There is also a recognition that working practices are changing, with just 9% believing their practices will return to how they were before lockdown. This shows that attempts to hunker down and wait for the storm to pass are likely to be misguided. We should perhaps instead assume that some degree of home working is likely to remain for the long term, and look at how we can begin to support each other given this new reality.

FIND OUT MORE

If you're having negative or suicidal thoughts, or are self-harming, please reach out for help. To talk with someone who will listen, without judgement or pressure, you can **call the Samaritans** at any hour on **116 123**

To find out what other support is available, please see your GP and [contact LawCare](#)

YRes is Resolution's network for family justice professionals in the early stages of their careers. [Listen to](#) National YRes Co-Chair, Matthew Richardson, discuss wellbeing for family lawyers

Making a change – how can the sector improve wellbeing?

Working together with employers and workplaces

Awareness of wellbeing has grown in recent years, yet 43% still feel uncomfortable talking to their employer or workplaces about work-related stress or pressures.

For a sector that spends so much time listening to clients' personal problems, family law professionals are surprisingly reluctant to discuss their own with employers: 54% say they would feel uncomfortable discussing personal problems, with only 24% feeling comfortable doing so.

“There is no requirement for firms to provide pastoral care or support for their family lawyers, instead the profession adopts a ‘stiff upper lip’ approach which is counter-productive and short term.”

Physical health is easier to talk about, with nearly 49% feeling no discomfort about discussing these issues with their employers. But mental health remains the taboo it has always been. Asked how they would feel discussing their mental health, less than a quarter (23%) said they would feel comfortable – 25% said uncomfortable, while 31% said very uncomfortable.

“As a profession that has spent years looking after the best interests of our clients, we need to also look to how we can look after each other.”

Overwhelmingly, professionals want their employers or workplaces to encourage a good work-life balance, as part of supporting wellbeing. The changes they see as most important are flexible working hours and support from senior management. The formal responses they want also include access to counselling, the introduction of a wellbeing policy, and appropriate supervision.

“I think it is ‘walking the talk’ that is the issue. We have a wellbeing policy and committee, but when it comes down to actual cases and demands, wellbeing is not the priority, being competitive for work is.”

FIND OUT MORE

Find out about some of the specific issues family law professionals face, and how to cope with them, in [this Resolution video](#)

Resolution members discuss wellness in family law, and the importance of [reflective practice](#)

Find out how Resolution members are using [therapeutic supervision](#) and [listen to this Podcast](#) with Gillian Bishop

Read Resolution member [Charlotte Purve's](#) perspective on wellbeing for family lawyers

And see [LawCare's guide](#) to creating a mentally healthy workplace



Making a change – how can the sector improve wellbeing?

Support for professionals

What support would professionals find most helpful? Almost 68% say training, to help them support team members experiencing wellbeing issues. Nearly as many (67%) would like to see a wellbeing toolkit for employers/workplaces. This is followed closely (60%) by a wellbeing helpline – suggesting that many aren't yet aware of the excellent support that LawCare provide.

“It is extremely helpful to have access to management who can be flexible, who are understanding and actually care about their employees and their wellbeing.”

Sharing our stories is one of the best ways that we can understand our wellbeing – and learn how to protect it. We can do this by reading the case studies of those who've experienced wellbeing issues, by talking with peers in our local area and beyond, and through mentoring.

FIND OUT MORE

We're running wellbeing training throughout 2021. Be sure to secure your place by [signing up](#) to our e-news, following us on [Twitter](#), or keeping an eye on our [training and events](#)

You can find a number of wellbeing resources [here](#) that will help you look after yourself

And you can access the Mental Health in the Legal Profession toolkit [here](#)

LawCare offers free, confidential and independent support through its helpline **0800 279 6888** Monday to Friday 9am-5.30pm. Or you can email support@lawcare.org.uk for their online chat service, Wednesdays 9am-5.30pm

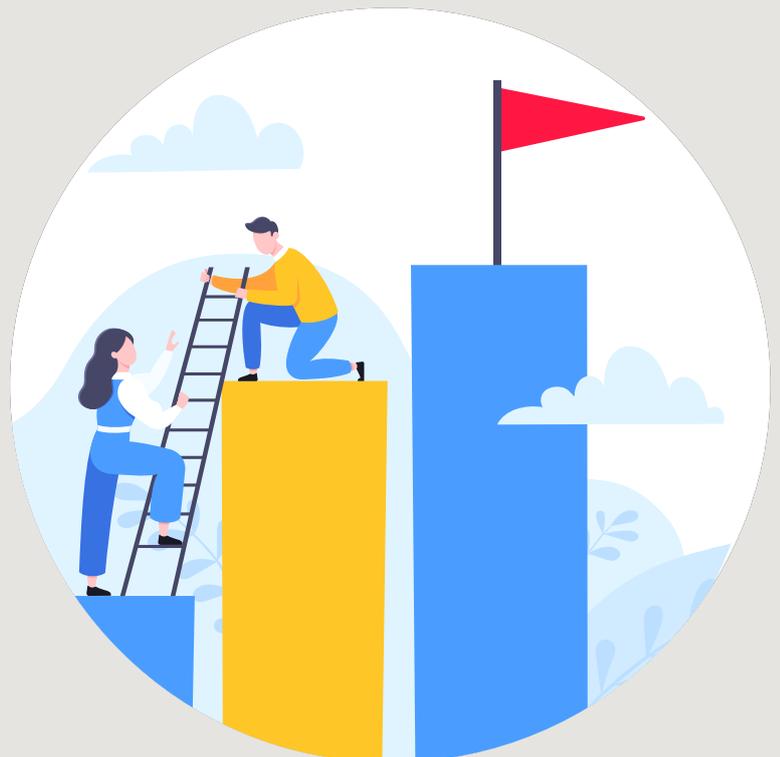


What next?

Resolution would like to thank all those who gave their time and shared their personal experiences of mental health issues. Your stories are powerful and inspiring, and they help encourage more open conversations about wellbeing.

These conversations are valuable in themselves but we also need to act. At Resolution, we are focusing particularly on what you told us would make the biggest difference to you. Our plans include setting up a mentoring programme to help support those at an early stage in their career. We will also establish a best-practice wellbeing policy for the workplace, and review our Code of Practice and wellbeing guidance for members.

Wellbeing can no longer be simply left to individuals, because the burden is often too great. It is by working together as a sector, and supporting each other as colleagues, that we can improve wellbeing for all those who work in family law.





Resolution is the leading membership organisation for anyone working in family justice. Our members lead the way in providing support to their peers on the key issues affecting the profession. Find out more about how you can be part of this 6,500 strong community who look after each other:

www.resolution.org.uk/join



91-95 Southwark Bridge Road
London
SE1 0AX

T 020 3841 0300
E info@resolution.org.uk
W www.resolution.org.uk

DX 155288 Southwark 13