# LIFE IN THE LAW

## 2020/21

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# Contents


| | |
|---|---|
| Foreword | 04 |
| Executive summary | 05 |
| Introduction | 09 |
| Research methodology | 12 |
| Detailed Report Findings | |
| 1. Burnout | 16 |
| 2. Mental ill-health | 18 |
| 3. Autonomy at work | 24 |
| 4. Psychological safety | 26 |
| 5. Work intensity | 28 |
| 6. Sleep | 33 |
| 7. Alcohol consumption | 36 |
| 8. Individual characteristics | 39 |
| 9. Self-care activities | 48 |
| 10. Existing workplace measures | 52 |
| 11. Suggested workplace measures | 57 |
| 12. Responsibility | 61 |
| 13. Impact of COVID-19 | 66 |
| Conclusions | 79 |
| Appendix – Participant demographics | 85 |
| Acknowledgements | 87 |
| Further reading and resources | 88 |

# Foreword

LawCare has been supporting mental health within the legal community for nearly 25 years. In that time, we have listened to thousands of legal professionals share their struggles of working in Law, including the familiar disheartening narrative of stress, anxiety, depression, overload, difficult workplace relationships, bullying, discrimination, harassment, ineffective supervision, and poor work-life balance.

It does not have to be like this.

The last 18 months have accelerated engagement around mental wellbeing in legal workplaces, led organisations and people to embrace new working arrangements and stimulated each of us to reflect on our lives and what makes us feel better about ourselves.

It is with hope for a reimagined future and a positive narrative about a career in the law that I am proud to share LawCare's *Life in the Law* research findings. These outline the scale of the challenges we face, but they also present a tremendous opportunity as we emerge from the pandemic.

My hope is that this report will inspire each of us - whether individuals, legal workplaces, legal educators, professional bodies, or regulators - to consider the roles that we have in helping to create a mentally healthy culture in law and that we can work collaboratively to implement meaningful, long-lasting change.

I would like to express our appreciation to The Solicitors' Charity for their support with the publication and dissemination of this report.

**Andrew Caplen**
Chair, LawCare

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# Executive summary

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# Executive summary

LawCare and its research committee of practitioners and academics set out to better understand the impact of work culture and working practices in law on the wellbeing of legal professionals working in the UK, Republic of Ireland, Jersey, Guernsey, and Isle of Man. The aim of the research was to inform future steps the profession must collectively take to improve wellbeing in the sector.

Just over 1,700 legal professionals provided valuable input and insight into the study, enabling robust quantitative and qualitative data to be analysed. The data was collected from participants during the COVID-19 pandemic and will therefore need to be read within this context. The key findings are summarised below. Overall, they provide evidence that a shift in work culture and working practices is needed to safeguard and support the mental health and wellbeing of all individuals working in the law.

## Legal professionals under strain

Participants averaged a score of 42.2 on the Oldenburg Burnout Inventory, corresponding to a 'high risk of burnout'. Particularly high levels of burnout were noted in relation to exhaustion. The majority of participants (69%) had experienced mental ill-health (whether clinically or self-diagnosed) in the 12 months before completing the survey. Most common experiences of mental ill-health, experienced often to all of the time, included anxiety, low mood, and depression.

Of those participants who had experienced mental ill-health over the past 12 months, only 56.5% said they had talked about their mental ill-health at work. The most common reason for not disclosing mental ill-health at work was the fear of stigma that would attach, resulting career implications, and financial and reputational consequences.

## Negative effects of current working culture and practices

Participants who reported having low autonomy at work (inability to control what work they do, where and how) displayed higher burnout. Participants with lower psychological safety at work (inability to speak up with ideas or questions or raise concerns or mistakes they may have made) also displayed higher burnout. Being exposed to high levels of work intensity (having a high workload and working long hours) was associated with higher burnout, regardless of how much autonomy a person had, or how psychologically safe their work environment was.

## The intersectional nature of wellbeing

Our data shows that multiple factors shape the experience of wellbeing:

More female participants (72.6%) took part in the study than male (26.4%). Female participants averaged higher in burnout compared to their male counterparts. They also reported having lower autonomy and lower psychological safety at work.
The largest age group of participants (37.0%) was between 26

and 35 years old. Participants within this age group displayed the highest burnout scores. These individuals also reported having the lowest autonomy, lowest psychological safety, and highest work intensity.

Participants who identified as belonging to an ethnic minority group (11.5%) reported higher levels of burnout compared to white participants. Ethnic minorities also displayed lower average scores in terms of autonomy and psychological safety at work.

Participants with a disability (9.3%) reported higher levels of burnout compared to participants who did not report a disability. While work intensity levels did not differ between the two groups, participants with a disability reported having lower autonomy and poorer psychological safety at work.

Just over one in five participants said they had experienced bullying, harassment, or discrimination in the workplace. These participants displayed higher burnout levels, lower autonomy and psychological safety at work, and reported higher levels of work intensity.

## Individual lifestyle matters

Participants' top five self-care activities include walking and exercising, being outdoors in nature, eating healthily, reading, and practising mindfulness or meditation. Although the physical benefits of sports and exercise were commented on, most participants focused on the psychological benefits such as helping clear the mind, 'switching off', having a break from work, de-stressing and 'feeling good'. Some participants did indicate that some of their self-care practices were not always successful, because of difficulty in 'switching off' and lack of time. While individuals might know what they should be doing to look after themselves paradoxically this may result in more guilt and shame if they feel their self-care activities are not working because of work pressures.

The number of hours of sleep per night also made a significant difference on wellbeing. Individuals who estimated sleeping for longer hours each night displayed lower risk of burnout.

## The need for more effective workplace support measures and training

The most commonly provided workplace support measures were regular catch-ups or appraisals, mental health policies, mental health and wellbeing training, and signposting of information. Of these, regular catch-ups or appraisals were reported to be the most helpful. Having these in place helped to bolster confidence in personal development and reduce anxiety. However, a notable disparity was observed between the provision of workplace measures for wellbeing, particularly mental health policies, and the perceived helpfulness of such measures.

Less than a half of participants who indicated they worked in a position of management or supervisory capacity said they had received leadership, management, or supervisory training. Where training had been provided, 89.4% said it was helpful or very helpful. A recurring theme was also simply the desire to be 'heard' and listened to.

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## Acknowledging wellbeing is a collective responsibility

Participants felt responsibility for addressing wellbeing in the profession rested with individuals (86.6%), employers (84.1%), professional bodies (57.6%), regulatory bodies (46.2%) and legal education institutions (25.6%). Only 8.9% of participants believed it was their sole responsibility to look after their own health and 6.2% believed it was the sole responsibility of their employer. Participants' qualitative responses made frequent references to the collective responsibility of the legal community; how 'everyone in the profession has a role to play' and 'it should be a united effort across the board'.

## The impact of COVID-19

While most participants were not furloughed (88%) or made redundant (2%) because of the pandemic, almost half expressed concern about their job security and nearly 60% were concerned about their finances. Almost 60% of participants reported being more concerned about increased pressures around work-life balance. Participants reported difficulty in maintaining boundaries, keeping motivated and being able to concentrate on tasks. Positive aspects to working from home included greater flexibility, increased time with family, reduction in commuting time, the opportunity to develop healthy lifestyle habits and self-reflection.

## Conclusions and implications

A compelling case for action arises from the findings of this study, specifically the need to:

- Change the organisational culture of law, acknowledging the important role which those in management and leadership must play in bringing about meaningful change;
- Promote the importance of management training to provide the skills required to support individuals alongside regular catch-ups and appraisals;
- Identify and engage key stakeholders in the conversation about wellbeing, acknowledging that wellbeing is a collective responsibility which will require work to be done across professional and regulatory silos whilst recognising differences across areas of legal practice;
- Challenge the stigma surrounding mental health and wellbeing;
- Share insights, educate, and raise awareness about wellbeing across the legal community;
- Consider the intersectional nature of wellbeing within the context of multiple factors such as gender, ethnicity, disability, and sexual orientation.

The experience of living and working through a global pandemic has had a profound effect on us all and presents a real opportunity to reimagine the future and make it happen.

# Introduction

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# Introduction

There has been a steady growth in awareness and recognition about wellbeing and mental health concerns in the legal community, both in the UK and internationally.[1] Although there has been a surge of interest in issues of wellbeing and mental health during the past year from the experience of living and working through a pandemic, it is important to remember that these issues are not new.

A legal career can be hugely rewarding; many thrive on the intellectual challenge, the variety of working environments and the satisfaction gained from solving problems and helping clients. However, it is also demanding with long hours, a heavy workload and a culture that can make it hard to admit you are struggling or to ask for help. LawCare was set up in 1997 and over almost 25 years we have listened to thousands of people tell us about their realities of *Life in the Law* – of bullying and harassment, anxiety, stress, depression, or worries such as 'am I cut out for this?'

Mental health and wellbeing in law matters. It matters to legal professionals, clients, legal workplaces, educators, regulators, professional bodies and to society as a whole. Legal work requires clarity of mind and focus;  clients depend on the knowledge and skill of legal professionals to provide reliable advice and resolve problems, and they expect their lawyer to be competent and trustworthy. Lawyers with poor wellbeing are more likely to have their judgement and decision-making skills compromised. They are less likely to be able to meet the high standards expected of them by their employers, colleagues, clients and regulators.

Mental ill-health impacts the bottom line: a staggering 70 million days are lost each year due to mental ill-health in the UK, costing employers approximately £2.4 billion per year.[2] Legal workplaces that actively commit to supporting mental health, and creating workplaces where people thrive, are better able to attract and retain a diverse, valued, and experienced workforce, giving them a competitive advantage. As we move out of the pandemic, those legal workplaces that keep pace with the changes to working practices, and that meet the needs of workers for increased flexibility and support, are likely to navigate the evolving world of work more successfully.

The public place their trust and confidence in the legal profession every day to deliver competent legal services, from selling a business to making a will. Legal professionals work to ensure that the most vulnerable in society have access to justice and they hold authorities such as the government to account. The effective administration of justice and the reputation of the legal profession are undermined by poor lawyer wellbeing. Healthy justice needs healthy lawyers.

This research study builds on a number of surveys that professional bodies and key stakeholder groups have carried out focusing on the wellbeing and mental health of their members, including the wellbeing survey run by the Junior Lawyers Division of The Law Society of England and Wales (the "JLD Annual Survey") in 2017, 2018 and 2019 [3] and the 2018 IBA survey on bullying and sexual harassment in the legal profession (the "IBA *Us Too?* Report") - highlighting this is a global problem.[4] The difference with our study is that we have set out to evaluate the risk of mental ill-health and poor wellbeing across the entire profession and across the

jurisdictions in the UK, Republic of Ireland, Jersey, Guernsey and Isle of Man. While there have been plenty of anecdotal theories as to how the culture and practice of law may impact mental health, this is the first piece of research to obtain both quantitative and qualitative data in a robust and methodical way.

We are seeking to better understand the impact of work culture and working practices on the mental health and wellbeing of legal professionals and use these findings to drive long lasting cultural change in legal workplaces that will benefit both the present and future generations of legal professionals.

LawCare's research committee, which was set up to undertake this study, is made up of Nick Bloy (executive coach and founder of Wellbeing Republic), Professor Richard Collier (Newcastle University), Dr Emma Jones (University of Sheffield), Kayleigh Leonie (LawCare trustee and solicitor), Lucinda Soon (LawCare trustee, solicitor and PhD researcher), Professor Caroline Strevens (University of Portsmouth) and LawCare staff Gemma Matthews and Trish McLellan.

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# Research methodology

# Research methodology

An online questionnaire was open to anyone in the UK, Republic of Ireland, Jersey, Guernsey and Isle of Man who self-identifies as a legal professional (or as a member of support staff within the legal profession). The aim was to include participants who represent a range of interests within the legal profession, including members of the judiciary, solicitors, barristers, patent attorneys, trademark attorneys, chartered legal executives, legal apprentices, trainees, pupils, paralegals, legal secretaries, business support staff and others, both employed and self-employed. Ethical clearance was obtained from the University of Sheffield to ensure informed consent was provided from participants. All responses are kept on an anonymous and confidential basis.

LawCare advertised the research study across its social media channels and through its Thriving in Law roundtable network. LawCare also wrote to professional bodies and key stakeholder groups in England, Wales, Scotland, Northern Ireland, the Republic of Ireland, Jersey, Guernsey and Isle of Man to ask for their support in promoting the online questionnaire to their membership.

The research committee formed in 2019 and the online questionnaire was planned to launch in May 2020. Due to the COVID-19 pandemic, the research committee chose to delay the release of the online questionnaire. The research committee included an additional section in the online questionnaire looking at the wellbeing impact of the pandemic.

The questionnaire launched on 6 October 2020, ahead of World Mental Health Day on 10 October 2020. The questionnaire remained open for completion until 15 January 2021.

Most participants (60.2%) came from the solicitors' profession. Other professional groups which each represented over 5% of our sample comprised: barristers (6.7%), (chartered) legal executives (6.1%), intellectual property attorneys or examiners (5.8%), paralegals (6.2%), and business support professionals working in the legal sector (9.7%).

Most participants (35.3%) worked in large law firms (defined as having over 21 partners). Other organisation types which each represented over 5% of our sample comprised: small law firms with fewer than 5 partners (17.0%), medium-sized law firms with between 6 and 20 partners (16.9%), and large corporates/ organisations in the private, public and third sectors with over 100 employees (11.0%).

Participants working in law firms (of all sizes) comprised junior lawyers (assistant/associate or equivalent) (22.6%), partners, directors or equivalent (16.2%), senior lawyers (13.8%), business support staff (7.9%), apprentices and trainees (6.2%), and paralegals and legal assistants (5.5%).

Most participants (80.4%) were from England and Wales, 12.2% were from Scotland, 1.2% were from Ireland, 2.9% were from Northern Ireland, and 3.3% were from Jersey, Guernsey and Isle of Man.

A breakdown of other participant demographics is provided in the Appendix to this report. The questionnaire measured:

## 1. Burnout

Using the Oldenburg Burnout Inventory (the "OLBI").[5] The OLBI is one of the validated scales commonly employed to investigate levels of burnout. It comprises a total of 16 statements, eight of which are designed to measure degree of exhaustion, with the remaining eight statements measuring levels of disengagement. Possible total scores on the scale range from 16 to 64. Participants were asked to rate their agreement to statements, which included "There are days when I feel tired before starting work" and "During my work, I often feel emotionally drained".

## 2. Autonomy at work

Using items from the Basic Psychological Need Satisfaction at Work Scale (the "BPNS-WS").[6] The 7-item subscale was extracted from the BPNS-WS to specifically measure how satisfied an individual is in their experience of autonomy at work. Having high autonomy means that individuals feel they have control over where, when, and how they work. Possible total scores on the scale range from 7 to 49. Participants were asked to rate their agreement to statements, which included "I feel like I can make a lot of inputs to deciding how my job gets done" and "I feel pressured at work".

## 3. Psychological safety

Using a 7-item scale.[7] A psychologically safe wokplace is one where workers believe they will not be punished or humiliated for speaking up with ideas, questions and concerns, revealing mistakes, or asking for help. Measuring levels of psychological safety is important to assess the culture of legal practice. Possible total scores on the scale range from 7 to 35. Participants were asked to rate their agreement to statements, which included "If you make a mistake on my team, it is often held against you" and "It is difficult to ask other members of my team for help".

## 4. Work intensity

Using a 4-item scale.[8] Work intensity comprises both a time-quantity element in terms of number of hours worked, and an intensity element which looks at how intense the effort is during the time worked. Possible total scores on the scale range from 4 to 20. Participants were asked to rate their agreement to statements, which included "My workload is unpredictable" and "My work requires me to be available to clients 24/7".

## Statistical analyses

Throughout this report, we adopt established reporting methods used in social science research. We describe our observations as 'statistically significant' where our findings meet or fall below the 5% significance level ($p \leq 0.05$). Statistical significance adds rigour to our data, allowing

us to conclude there is a less than 5% likelihood that the relationship observed might be explained by chance alone. When describing the positive or negative relationships observed in our data between work intensity, autonomy, psychological safety, and burnout, respectively, we also provide the statistical correlations as denoted by an ‘r’ value.

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# Burnout

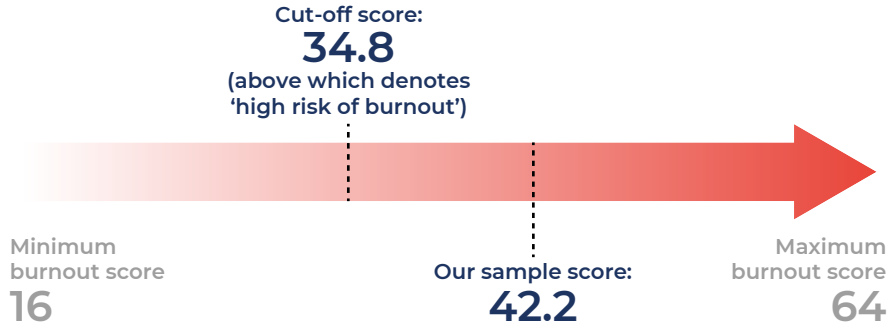
01

# 1. Burnout

Worker burnout is increasingly viewed as a concern in the mental health field and a particular risk factor for poor wellbeing and mental ill-health.[9] In 2019, burnout became recognised by the World Health Organization as an occupational phenomenon.[10] It describes the negative mental state where workers feel emotionally exhausted by, and disengaged in, their work.

Our research was the first to measure burnout in the UK, Republic of Ireland, Jersey, Guernsey and Isle of Man legal professions.

The average score for burnout in our sample of legal professionals was 42.2. Following the methodology adopted in previous studies,[11] a score above 34.8 indicates 'high risk of burnout' representing a cause for concern. Our data therefore suggests our participants as a collective displayed a high prevailing risk of burnout.




Particularly high scores were noted for the exhaustion element of burnout, which considerably exceeded the recommended cut-off point. The highest score for an individual item in the exhaustion sub-scale was 'there are days when I feel tired before starting work', which averaged at a score of 3.36 out of 4.

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# Mental ill-health

02

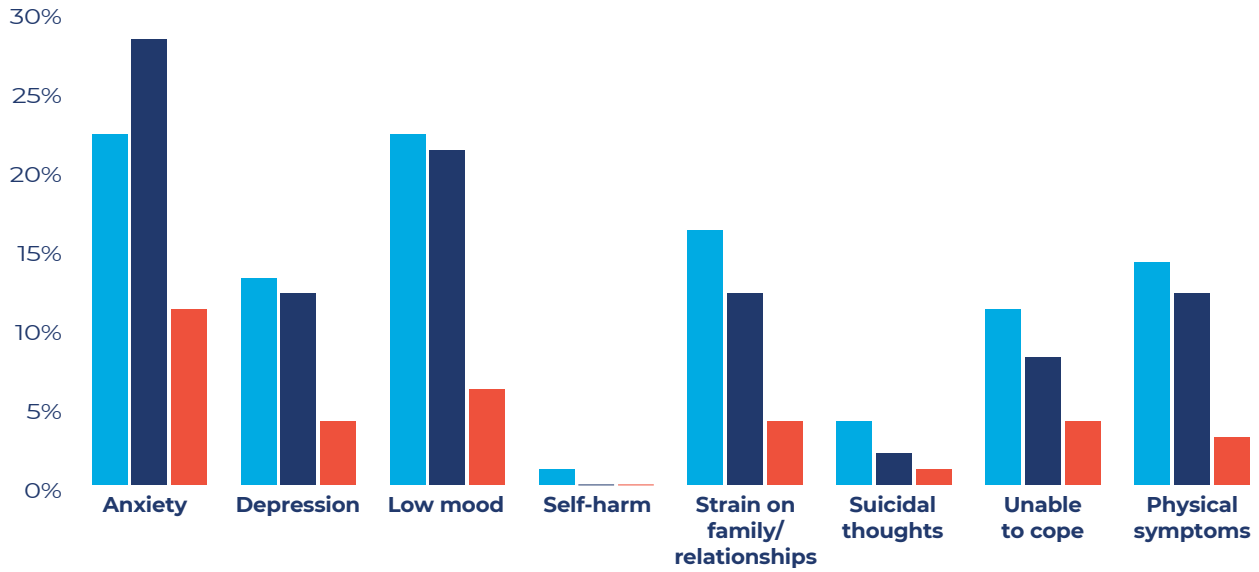
# 2. Mental ill-health

While our study focused on investigating levels of burnout as an indicator of poor mental health and wellbeing, we additionally sought to obtain a snapshot of mental ill-health across our sample. Participants were asked to self-report if they had experienced any mental ill-health (whether clinically or self-diagnosed) over the preceding 12 months before completing the questionnaire. 69% of participants said they had, while 31% said they had not.

Those participants who said they had experienced mental ill-health in the previous 12 months were then asked how often, during that period, they had experienced each of the following as a result of their work: anxiety, depression, low mood, strain on relationships or family life, stress-related physical symptoms, self-harm, suicidal thoughts, and feelings of being unable to cope due to stress.

60.7% of participants said they had experienced anxiety either often, very often, or all of the time, over the last 12 months; 48.4% had experienced low mood; and 28.9% had experienced depression. 28.9% said that often, very often, or all the time, they had experienced physical symptoms arising from work-related stress in the last 12 months, with 22% saying they felt unable to cope.

# How often have you experienced the following in the last 12 months?




| | Anxiety | Depression | Low mood | Self-harm | Strain on family/ relationships | Suicidal thoughts | Unable to cope | Physical symptoms |
|---|---|---|---|---|---|---|---|---|
| Often | 21.6% | 12.7% | 21.5% | 1.1% | 15.9% | 3.7% | 10.7% | 13.9% |
| Very often | 27.8% | 11.9% | 21.0% | 0.4% | 11.7% | 2.0% | 7.6% | 12.3% |
| All the time | 11.3% | 4.3% | 5.9% | 0.2% | 4.1% | 0.5% | 3.7% | 2.7% |

## Talking about mental health at work

Of the participants who had experienced mental ill-health over the past 12 months, only 56.5% said they had talked about their mental ill-health at work with 43.5% saying they had not disclosed their mental ill-health at work. By comparison, in the JLD Annual Survey 2019,[12] 48% of participants experienced mental ill-health (whether formally diagnosed or not) in the month before taking the survey with under 20% of those participants making their employer aware.

The most common reason for not disclosing mental ill-health at work was the fear of the stigma that would attach, and the resulting career implications, and financial and reputational consequences. It was clear that many participants considered the workplace, or their peers, would judge them negatively and that damage to their reputation and career would be long lasting. They would be labelled as unable to cope with the work required to be a legal professional.

> ***I have often deliberately not discussed feelings of low mood or anxiety with work colleagues and in particular barristers or line managers for fear of it having a negative impact on my future career development or others perceiving me as weak willed or sensitive.***
>
> Barristers' Clerk

> ***Don't want to look like I cannot cope with the workload.***
>
> Solicitor

> ***I think there would be a note on your file in case of the next round of redundancies.***
>
> Business Services

> ***I have chosen not to speak about my mental health issues at work for fear of not being supported, being labelled as not being able to cope or a person who is a problem within the workplace.***
>
> Trainee Chartered Legal Executive

The next most common reason for non-disclosure cited was that there was no point in disclosing their difficulties because it was perceived that nothing would be done about it and no support provided.

> ***No point - I did mention it once, but all I got back was 'oh well, never mind, there are some people worse off than you, keep billing'. So I have never mentioned it again and try to deal with it myself.***
>
> Trainee Solicitor

> ***There would be no point, it would involve a major change in attitude.***
>
> Barrister

> ***The support network at work and initiatives are outwardly positive but have no real substance behind them other than box ticking so that the employer can state that they offer these services... senior partners/ directors do not want to know unless it might impact their bottom line. Valid concerns are dismissed out of hand or laughed out of the room. At times, it can be a toxic place to work.***
>
> In-house lawyer

The answers indicate that some did not trust colleagues to listen to their concerns in confidence. Other participants were forced to manage on their own without support because there was no one to disclose to.

Interestingly, some participants felt they were unable to disclose their mental ill-health as the job involved huge stress and therefore they had to just get on with it because 'it came with the territory'. Others expressed they would be made to feel guilty or did not wish to burden others.

> ***Do not feel they would be supportive. Its heavily enforced that you effect the team if you fall behind or need a day off. You are made to feel guilty.***
>
> Business Services

> ***I feel those in the legal profession are more critical of mental health issues... expected to be tough and hard-nosed. Also, why would you go into this profession which is so well known to be hugely stressful if you have MH problems... therefore made to feel it's my own fault or in some way weak.***
>
> Barrister

> ***A state of near-constant anxiety is, I fear, inevitable for a litigator. I'm not sure I have ever come across a successful litigator who, if I know them well enough, has not disclosed that they have suffered from anxiety: the lawyer's phrase that a particular issue has been keeping them awake at night, may sound metaphorical but is normally literally true.***
>
> Barrister

> ***Patience is finite and we don't cope well with difference, supporting me would place additional burden on team with no support provided to them. Will keep disclosure for extreme need.***
>
> Business Services

> ***The support network (HR) within the firm does not have capacity to take this on top of everything else they deliver. They are also vulnerable to the same pressures on wellbeing and mental ill health.***
>
> Business Services

The responses indicate that there is a need to challenge the stigma that surrounds mental ill-health in the workplace and the assumption that those with poor mental health lack the ability to cope with the demands of the role. Stigma silences people from sharing their concerns. There is also a need for clear procedures to be in place for disclosure of mental ill-health issues and for adequate follow-up of such issues following disclosure.

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# 03 Autonomy at work

# 3. Autonomy at work

When workers feel they are in control of, and have choice in their work, rather than feeling coerced or controlled at work, they are considered to have high autonomy. Having high autonomy means that individuals feel they have control over where, when, how and with whom they work.

Studies have found that high job control and a supportive, collegial culture protects individuals from work-related stress and the negative effects of any stressors that are experienced.[13] Job control reflects the ability of an individual to manage and organise their own work, set their pace of work and take breaks. It also refers to the capacity to make decisions about the type and nature of work undertaken.[14] Autonomy at work has been linked to many positive outcomes such as motivation, performance, and job involvement.[15] Perceptions of agency and control over one's work have also been found to reduce the risk of burnout and health problems and enhance work-life balance and retention.[16]

The average score for autonomy across our sample was 30.5.

Our sample collectively averaged relatively high in terms of autonomy. However, significant variations across certain groups were noted, as we have reported in section 8, and these variations were observed to relate to differences in risk of burnout.

Overall, participants who reported having higher levels of autonomy displayed lower burnout.[17] The relationship between higher autonomy and lower burnout suggests organisations would benefit from focusing on fostering autonomy at work. This may be achieved in various ways, such as including workers in decisions about what work they undertake, and where and how they carry out their work tasks. Offering flexibility when required, and empowering workers with a sense of volition in the work they do will help to promote their experiences of autonomy.

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# Psychological safety

04

# 4. Psychological safety

A psychologically safe workplace is one where workers believe they will not be punished or humiliated for speaking up with ideas, questions and concerns, or revealing mistakes. The concept of psychological safety proposes that a work environment in which an individual perceives there to be a high risk of being negatively evaluated by their peers and managers provokes anxiety and higher risk of burnout. Conversely, where workers feel supported and safe in their work environment, they also display lower burnout levels.[18]

Creating a psychologically safe work environment goes to the core of good workplace culture. The psychological stress of one's work environment may be amplified by fear of embarrassment or a punitive response to mistakes, which in turn leads to psychological distress.[19] Ensuring workers feel they can speak openly about concerns or mistakes they have made and feel supported in doing so, will help to reduce the psychological distress which may contribute to exhaustion and disengagement from work, both characteristics of burnout.

The average score for psychological safety across our sample was 24.4.

Our sample collectively averaged just over the middle of the range in terms of psychological safety. However, as with levels of autonomy, significant variations across certain groups were noted, as we have reported in section 8, and these variations were observed to relate to statistically significant differences in risk of burnout.

Legal professionals who perceived their workplaces as being more psychologically safe displayed lower burnout levels.[20]

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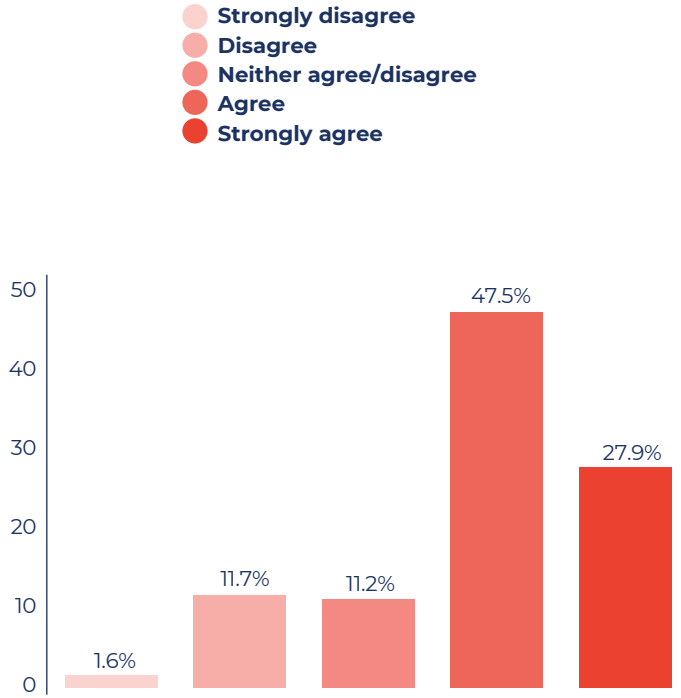
# Work intensity

05

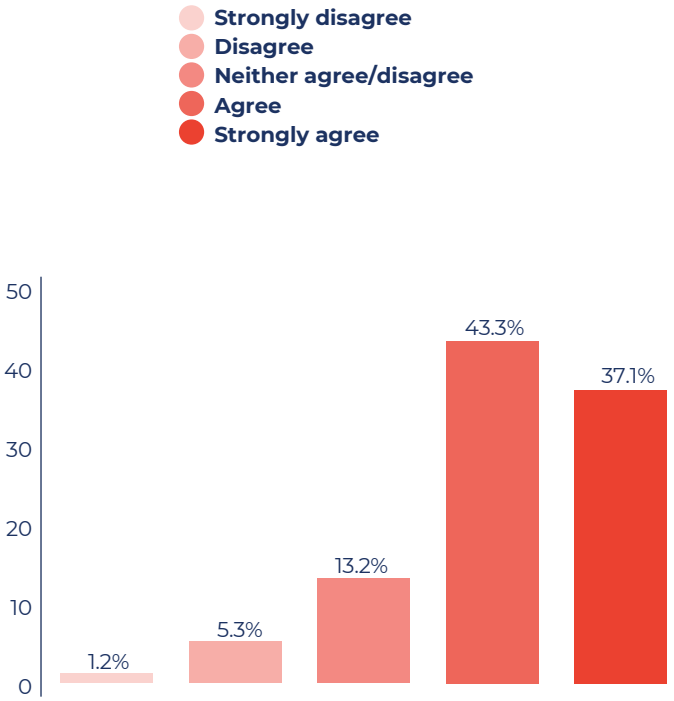
# 5. Work intensity

Work intensity comprises both a time-quantity element in terms of number of hours worked, and an intensity element which looks at how intense the effort is during the time worked. Over 75% of participants agreed or strongly agreed that their workload is unpredictable, 80% agreed or strongly agreed that their work is fast-paced with tight deadlines, almost 65% agreed or strongly agreed that they need to check their emails outside of regular work hours to keep up with their workload, and 28% agreed or strongly agreed that their work requires them to be available to clients 24/7.

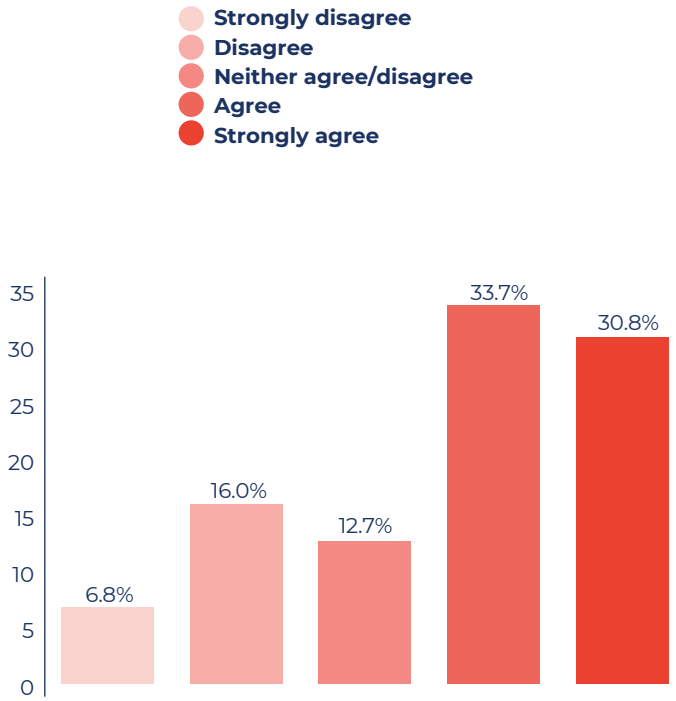
## My workload is unpredictable



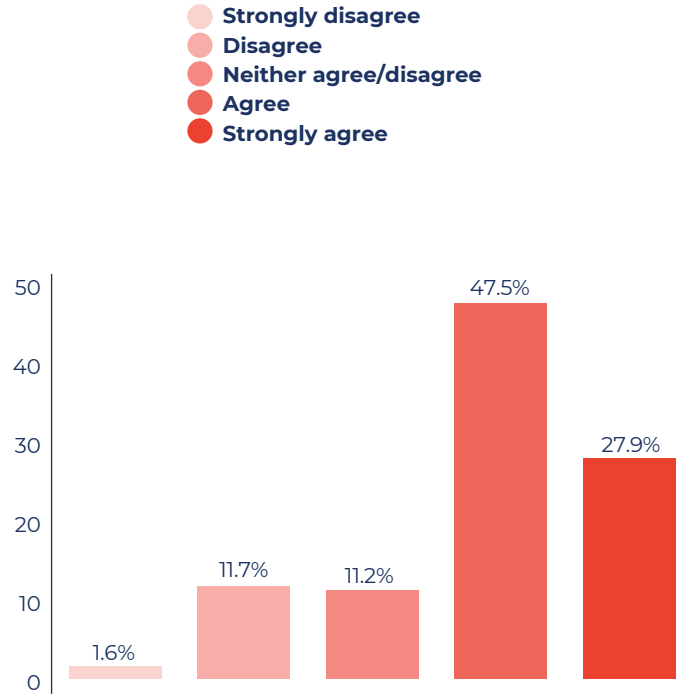
## My work is fast-paced with tight deadlines




## I need to check my emails outside of my regular work hours to keep up with my workload



# My work requires me to be available to clients 24/7



The average score for work intensity across our sample was 14.2.

On average, work intensity was relatively high across our sample collectively. While levels of work intensity only varied slightly between some groups, as noted in section 8, these variations, where present, related to statistically significant differences in levels of burnout.

Higher work intensity was associated with higher levels of burnout.[21] We also noted that regardless of how much autonomy a person had, or how psychologically safe and supportive their work environment is, the presence of high work intensity produced a negative effect and correlated with higher risk of burnout. Our data therefore suggests that organisations should not rely solely on promoting autonomy and psychological safety at work without regard to work intensity. A more holistic approach is needed, taking into account these tripartite factors, to foster autonomy and psychological safety while monitoring work intensity, particularly by ensuring that individuals feel their workload is predictable and manageable with realistic deadlines. As explored later on in the report, it will require a collective effort from individuals, employers, clients, professional bodies, regulators and legal institutions to drive forward positive change

# Sleep

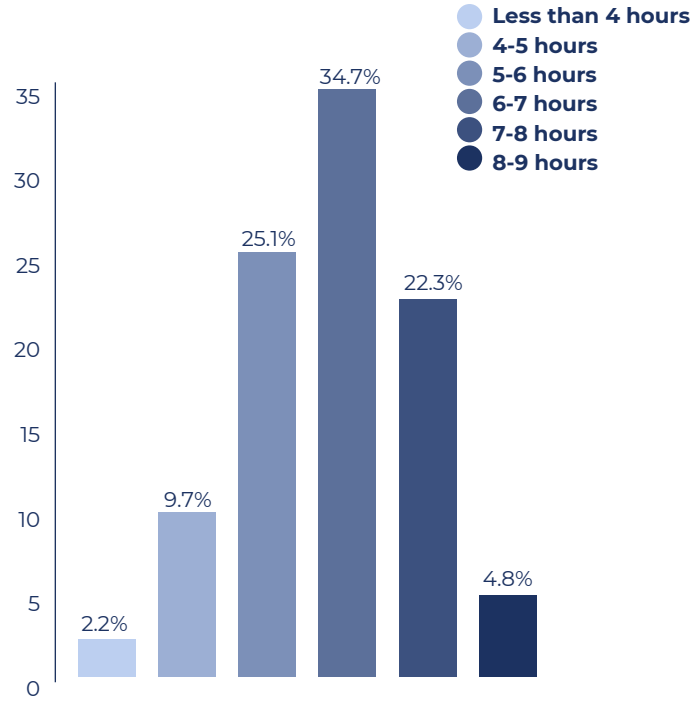
06

# 6. Sleep

Anecdotally, LawCare has observed that several individual lifestyle factors may also be related to experiences of mental health and wellbeing. We know many people may find it difficult to diagnose excessive stress or burnout in themselves. Common symptoms include poor sleep patterns, which might be a result of burnout, or alternatively might be symptomatic of it. Previous studies have supported the link between poor sleep quality and quantity and poor wellbeing, with some citing sleep deprivation as a critically important risk factor for burnout.[22]

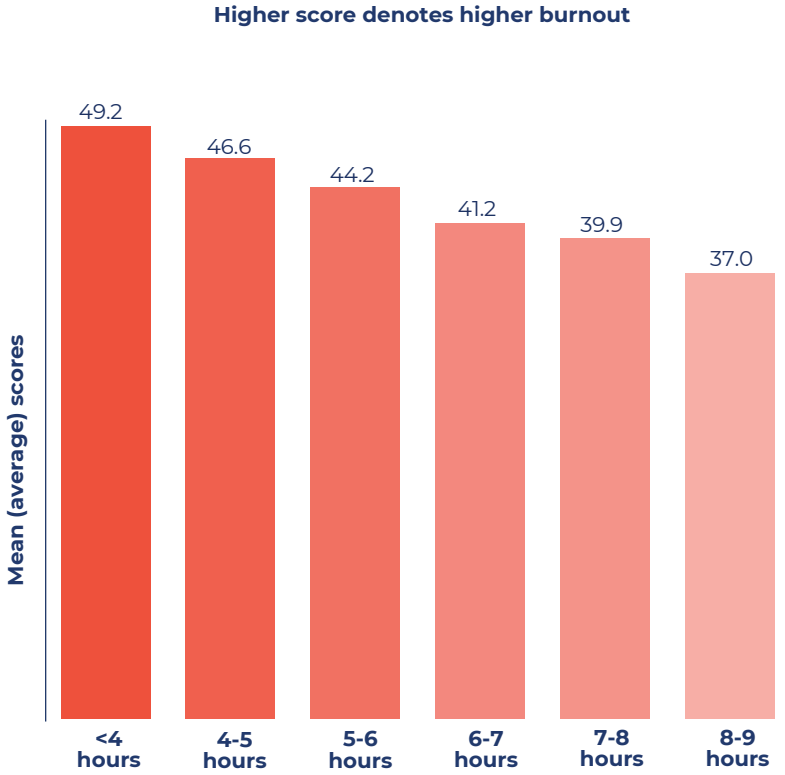
We asked participants to estimate on average how many hours they had slept each night over the last two weeks. Responses were varied, with over a third of participants (34.7%) estimating they slept on average six to seven hours each night, a quarter (25.1%) estimated an average of five to six hours, and 11.9% indicated they had had fewer than five hours.

**In the last 2 weeks, on average how long do you estimate you have slept each night?**



As the number of hours slept per night decreased, levels of burnout increased. While we cannot infer a causal link between the number of hours of sleep and risk of burnout, the relationship we observed from our data suggests that individuals who estimated they slept for longer hours each night also displayed lower levels of burnout. However, multiple other factors may have contributed to individuals' reduced burnout, such that they experienced better sleep quality.

## Number of hours slept each night against levels of burnout

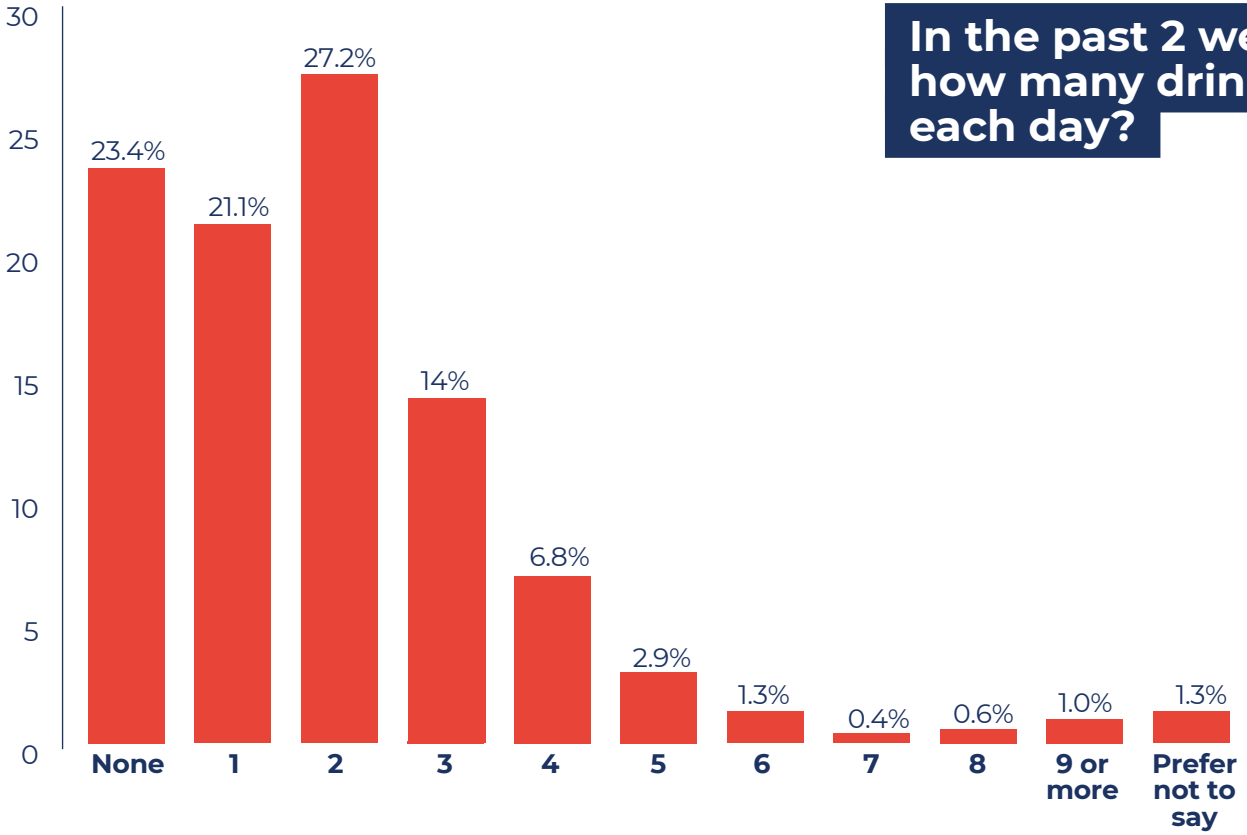


# 07 Alcohol consumption

# 7. Alcohol consumption

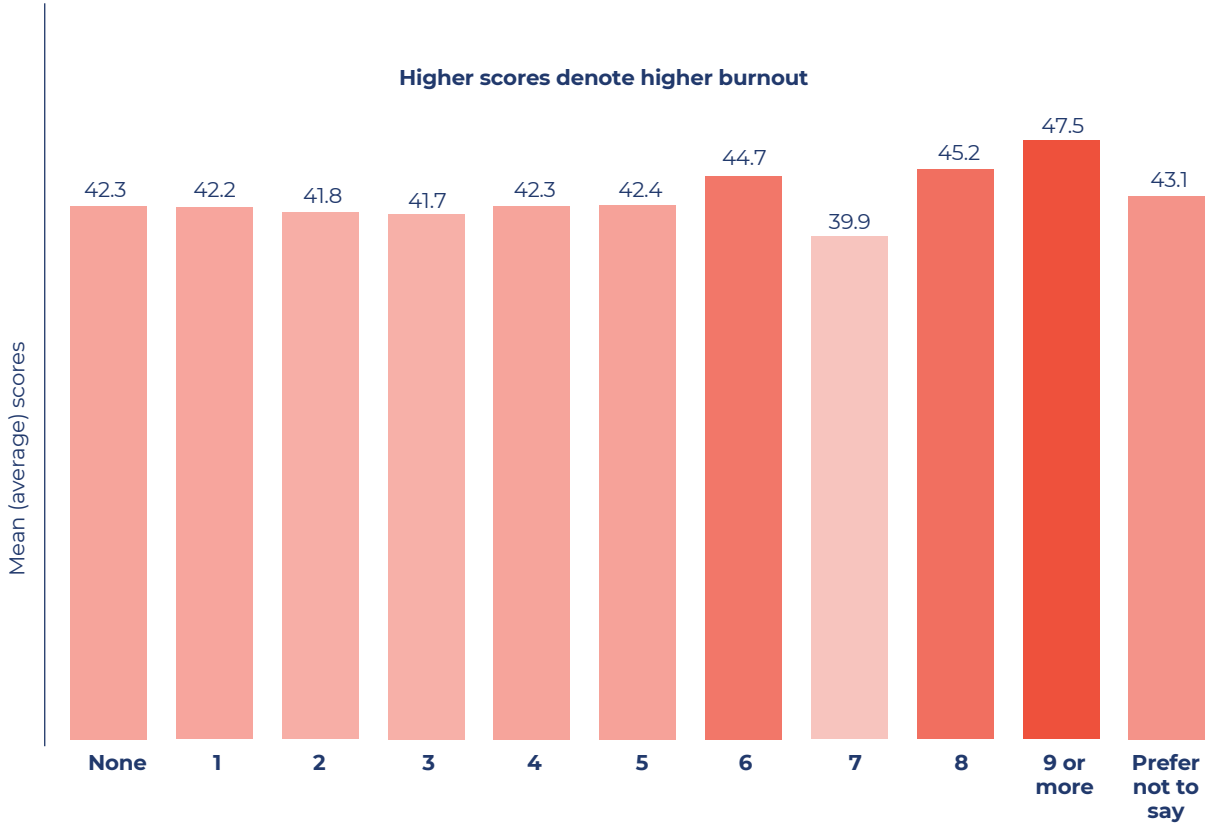
Maladaptive coping strategies such as excessive alcohol consumption can also be a sign of stress or burnout at work. We were therefore keen to benchmark alcohol consumption and analyse how different levels of consumption might relate to levels of burnout. Participants were asked how many days they had consumed alcohol over the last two weeks. The most common responses were between none and a couple of drinks each day.

**In the past 2 weeks, on average how many drinks did you have each day?**



When this data was analysed for differences in levels of burnout across amounts of alcohol consumed, participants who reported they consumed nine or more alcoholic drinks each day presented with the highest levels of burnout. No other notable differences were observed. It is worth noting that alcohol consumption of participants may be inflated due to the time of year the questionnaire was open (between October and January) and due to lockdowns because of the COVID-19 pandemic.

## Differences in levels of burnout against number of drinks of alcohol consumed each day



# 08 Individual characteristics

# 8. Individual characteristics

Our data suggests several groups are at a higher risk of burnout. These include female professionals, younger professionals aged between 26 and 35, ethnic minority groups, individuals with disabilities, and individuals subject to bullying, harassment, and discrimination at work. Detailed demographic information is set out in the Appendix, with this section focused on reporting the statistically significant differences we observed from our analyses.

Overall, higher levels of burnout in these groups coincided with these individuals experiencing lower levels of autonomy and psychological safety at work, suggesting a focus on these factors may help organisations to improve the mental health and wellbeing of these higher risk individuals.

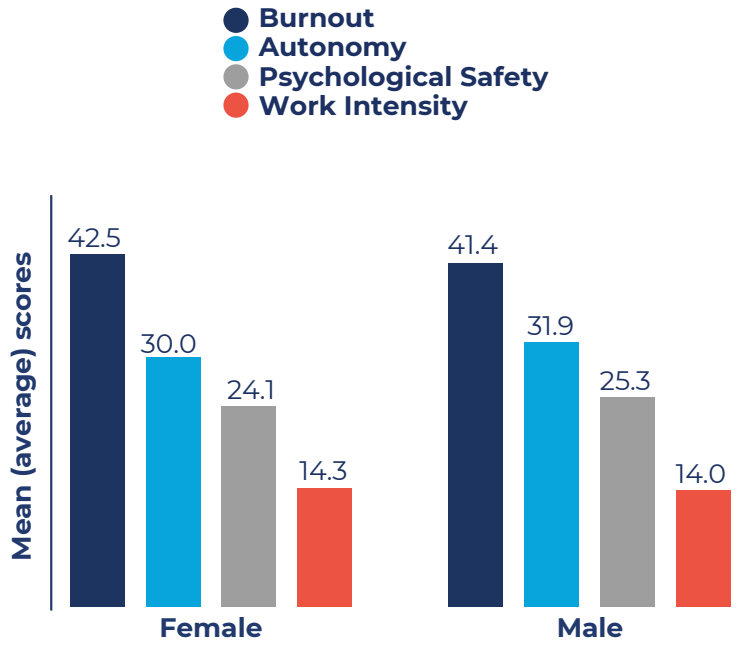
## Gender

Of the 1,713 participants who completed the questionnaire, the majority (72.6%) identified as female (26.4% identified as male). This proportion incidentally aligns with the proportions observed in the JLD Annual Surveys. While inferences cannot be drawn from our data, the larger proportion of female participants may indicate a potentially higher presence of stigma among males in relation to mental health, resulting in females being more open to taking part in questionnaires around their experiences. Other potential explanations might include the existence of gendered help-seeking behaviour towards mental health and wellbeing.

Statistically significant differences were observed, with female participants averaging higher in burnout compared to their male counterparts. They also reported having lower autonomy and psychological safety at work. No statistically significant difference was observed in work intensity between females and males.

Notably, when we cross-analysed our data on gender with data captured on caring responsibilities, 80.2% of individuals who said they were carers were females. The high percentage of carers being female is itself a revealing statistic, and together with our findings in relation to females displaying higher burnout, and lower levels of autonomy and psychological safety, raises a concern regarding the potential intersectionality between gender and unequal caring responsibilities in the profession.

## Average levels of burnout, autonomy, psychological safety, and work intensity between female and male participants

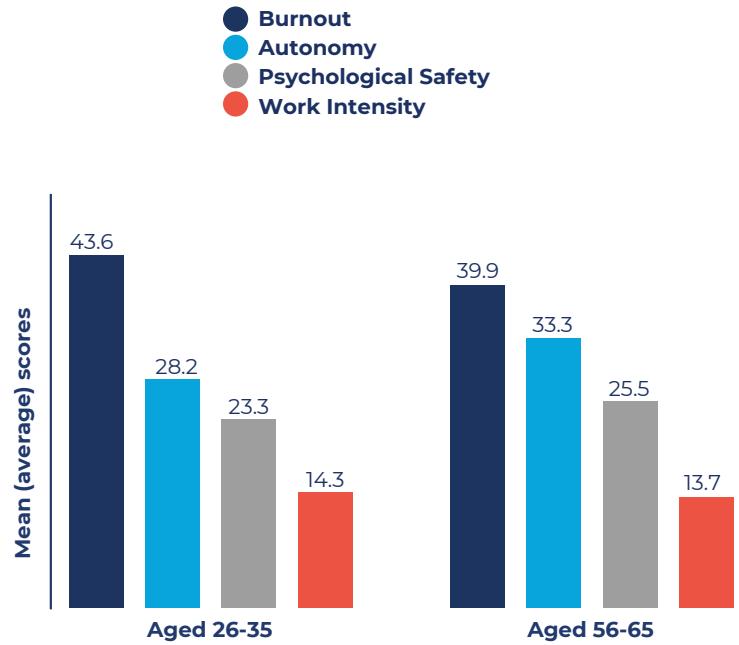



## Age

There was a good spread of responses across the age groups as presented in the Appendix. We ran statistical analyses on age groups with more than 100 participants. Professionals within the 26 to 35 age group displayed the highest burnout scores, and professionals in the 56 to 65 age group displayed the lowest burnout scores. These differences featured alongside those in the younger group reporting the lowest autonomy, lowest psychological safety, and highest work intensity scores. All of these differences were statistically significant between the two groups. High burnout observed in the younger group may therefore be explained by these individuals experiencing higher work intensity, lower autonomy, and lower psychological safety at work.

Although not included in our analyses (as participant numbers just fell below 100), it was noted that participants in the 18 to 25 age group displayed lower levels of burnout compared to those in the 26 to 35 age group. This was noted alongside the youngest group reporting lower work intensity, and higher levels of work autonomy and psychological safety. Participants in the 18 to 25 age group mostly comprised paralegals and trainees, suggesting being at this stage of one's career, pre-qualification, might be in some way a protective factor.

## Average levels of burnout, autonomy, psychological safety, and work intensity between younger and older groups

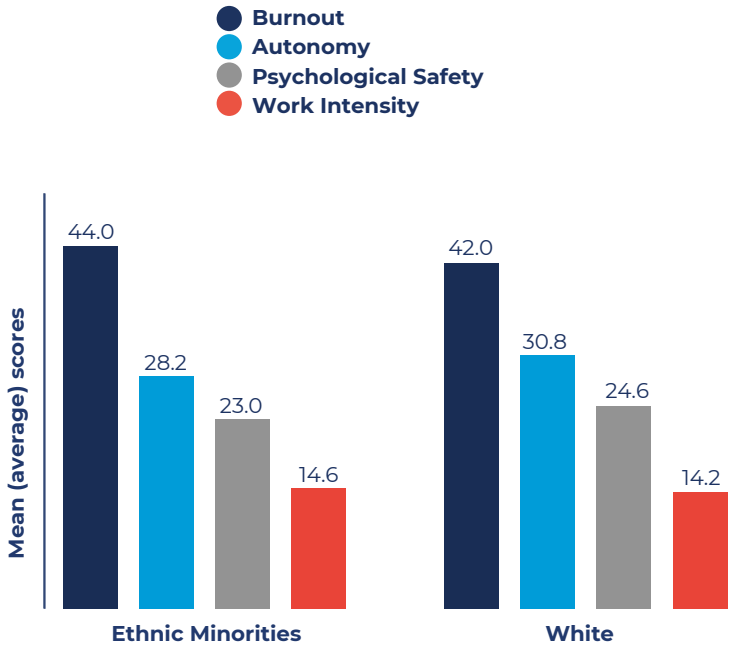



While appreciating that professionals in the age bracket of 26 to 35 cannot be assumed to be in the junior stages of their careers, many are likely to be. Our data supports the JLD Annual Survey 2019,[23] which highlighted the pressures on those at the start of their legal careers (paralegals who had completed the Legal Practice Course, trainee solicitors and solicitors up to and including five years' post-qualification experience) as they try to prove themselves to their employers, either to be awarded a training position or a newly-qualified position. It also noted the particular difficulties in managing workload in circumstances where juniors are accepting work from numerous superiors with the entrenched view that stress is a given that should be accepted.

## Ethnicity

11.5% (n = 201) of participants identified as belonging to an ethnic minority group, while 88.5% (n = 1,512) identified as being of white ethnicity. When comparing levels of burnout between these groups, a moderate but statistically significant difference was observed, with ethnic minorities reporting higher levels of burnout compared to their white colleagues. Ethnic minority groups also displayed lower average scores in terms of autonomy at work and psychological safety. As we observed these two factors correlated significantly with lower risk of burnout, our data suggests the importance of ensuring that all workers regardless of ethnicity are treated equally in terms of the level of autonomy afforded to them, and that greater efforts may be needed to ensure they feel safe, supported, and included in their work environment.

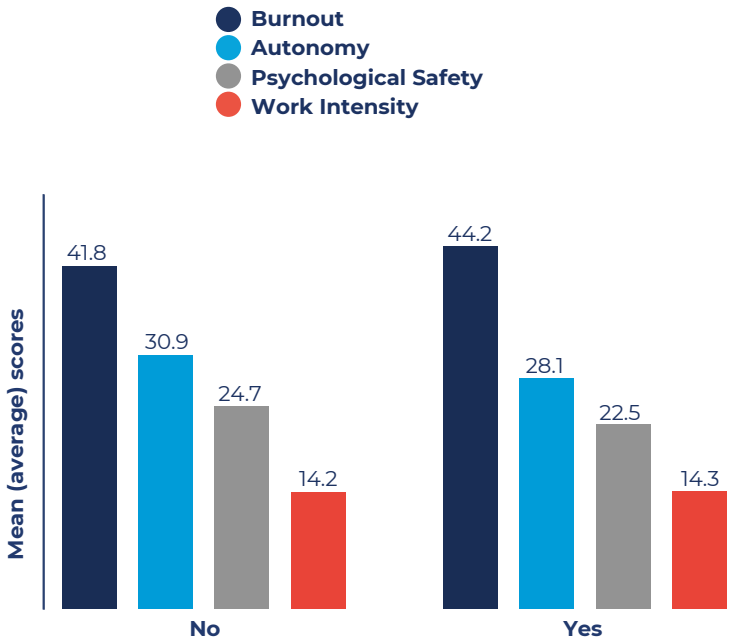
## Average levels of burnout, autonomy, psychological safety, and work intensity between white participants and ethnic minorities



## Disability

9.3% (n = 160) of all participants identified as having a disability for the purposes of the Equality Act 2010[24], while 86.5% (n = 1,482) said they did not. When comparing levels of burnout between these two groups, a moderate but statistically significant difference was observed, with participants having a disability reporting higher levels of burnout. While work intensity levels did not differ between the two groups, participants with a disability reported having lower autonomy and poorer psychological safety at work. This suggests that organisations may effectively safeguard the mental health and wellbeing of staff with disabilities by focusing efforts on fostering autonomy and a safe and supportive work environment for these individuals.

**Do you consider yourself to be disabled for the purposes of the Equality Act 2010?**

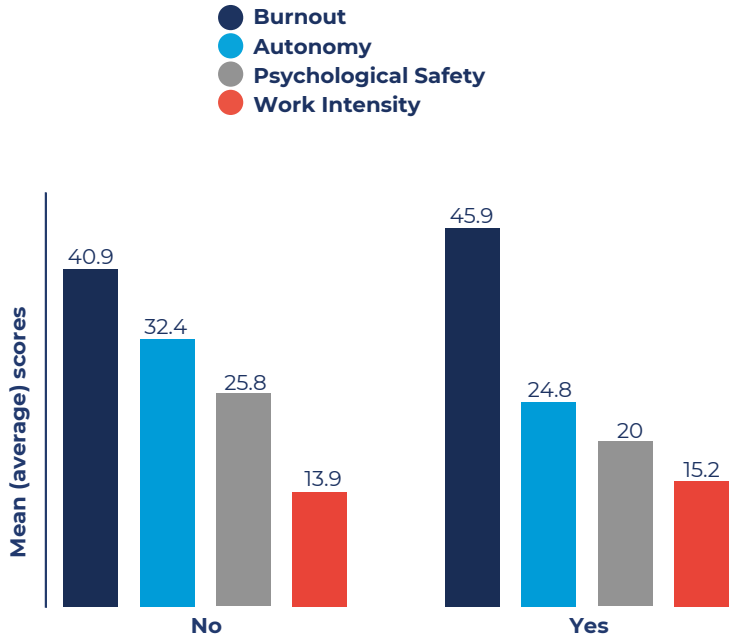


## Bullying, harassment, or discrimination at work

A greater statistically significant difference was observed in levels of burnout between participants who reported having been bullied, harassed, or discriminated against at work, compared to those who had not. Almost a quarter (21.8%, n = 373) of participants said they had been subjected to bullying, harassment, or discrimination in their workplace. These participants displayed higher burnout levels, and perhaps unsurprisingly, also reported having lower levels of autonomy and psychological safety at work. Interestingly, these participants additionally averaged higher in their levels of work intensity.

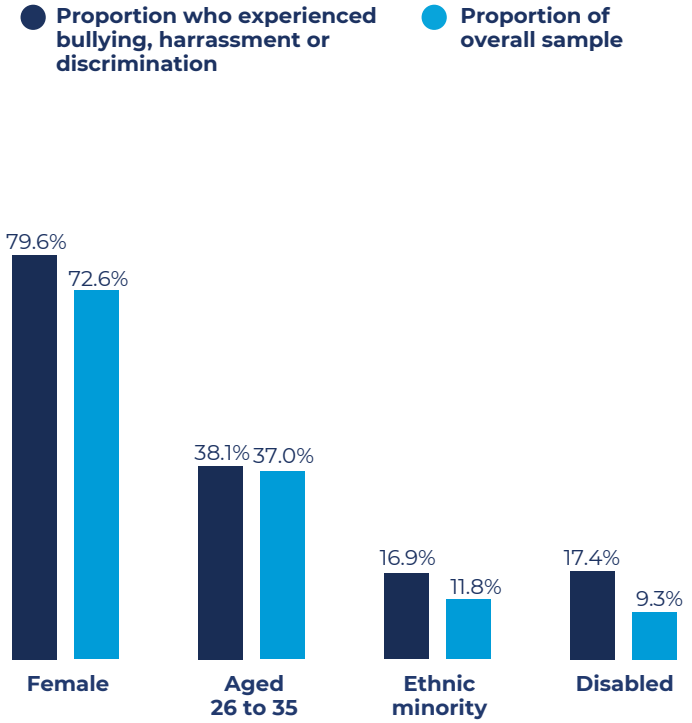
While definitive conclusions cannot be drawn, a possible explanation for the higher risk of burnout in participants who had experienced bullying, harassment, or discrimination at work might be attributable to the greater job demands being placed on them, the lower autonomy they experience in their work, and their experiences of being exposed to a psychologically unsafe work environment.

**In the last 12 months, do you feel you have been bullied, harassed, or discriminated against at work?**

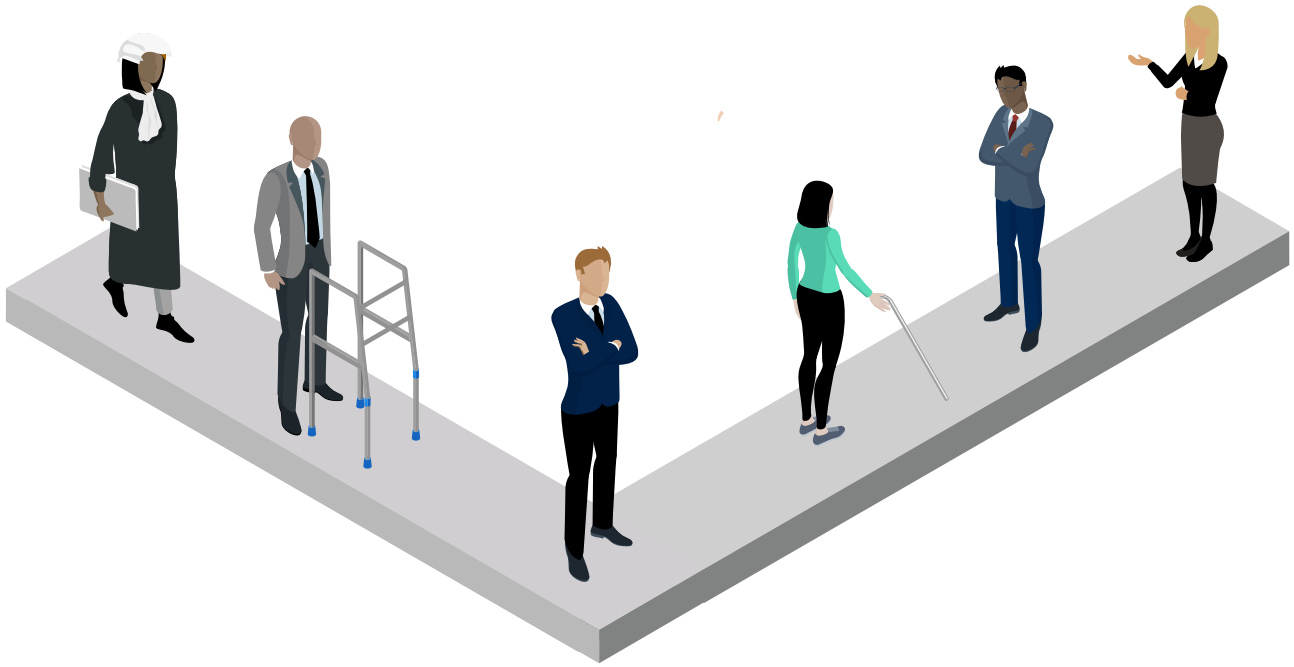


We analysed the data further to investigate if any particular individual characteristics could be identified as featuring more prominently in the group that had experienced bullying, harassment or discrimination at work. We looked at potential intersections with gender, age, ethnicity, and disability, specifically those groups discussed above where we observed statistically significant differences in burnout levels.

## Comparisons of at risk individuals and experiences of bullying, harassment, or discrimination at work



In line with the IBA *Us Too?* Report our findings suggest that a complex interplay of individual characteristics is likely to exist in individuals who experience bullying, harassment, or discrimination in their workplace. Risk factors include being female, of ethnic minority, or with a disability, with these individuals being more greatly represented in the group which had experienced bullying, harassment, or discrimination, compared to their respective representations in our sample of participants as a whole. This data points towards a critical need to look at bullying, harassment, and discrimination in the legal profession at both a granular, root-cause level, as well as holistically, appreciating the possibility of a multitude of relevant factors, in order to effectively inform policy change and the improvements that are much needed.



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# Self-care activities

09

# 9. Self-care activities

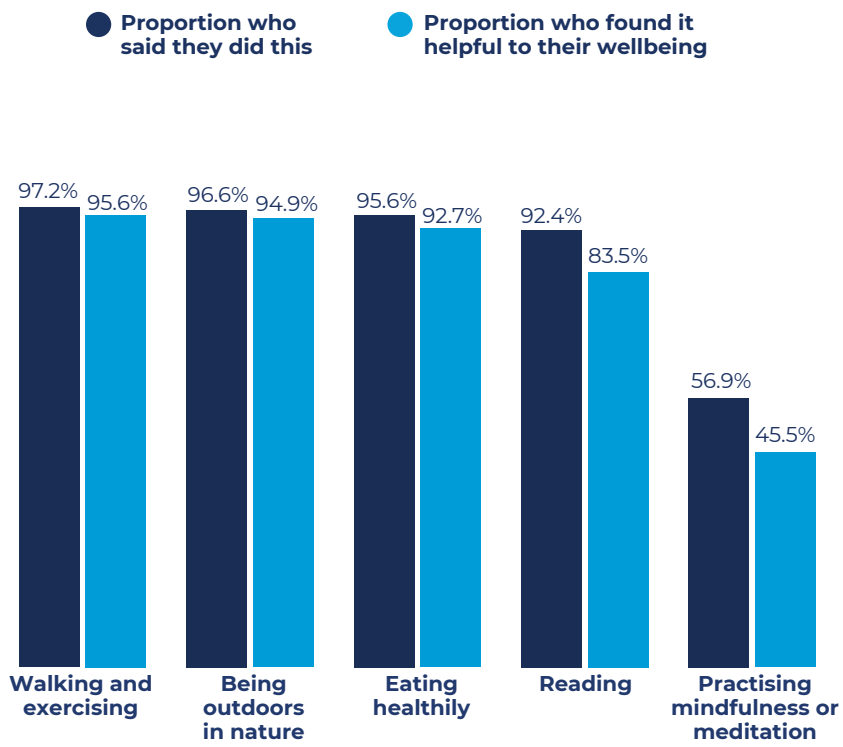
Participants undertook a wide range of positive self-care activities. We asked participants to list what self-care activities they carried out and how helpful they found each activity in promoting their wellbeing. The top five activities are presented to the right.

Of note, the only activity of the top five listed above which we found statistically significant in terms of differences in burnout between participants who carried out an activity (irrespective of how helpful they found it) and those who did not carry out the activity, was eating healthily, with those who reported doing this having lower average burnout scores.

From the open text responses received, the key benefits identified from self-care activities were in terms of providing separation and space from work. Although the key focus was on the psychological benefits from self-care, there was also an understanding of the physiological impacts and the relationship with mental health, suggesting that interventions should be directed towards addressing the wider issues that impact wellbeing, rather than trying to enhance individuals' self-care practices.

Sport and exercise were frequently referred to as helpful activities by participants. These ranged from traditional physical sports, such as swimming, running, cycling, walking, tennis, and golf, to activities with a focus on relaxation, such as Pilates, yoga and meditation. Several participants commented on the benefits of being outdoors.

## Top five self-care activities



> ***When doing exercise my mind is given a break from work.***
>
> Advocate

> ***Being outside, or doing outdoor exercise like cycling, is so different from sitting at a desk, so it helps me remember there are things outside work.***
>
> Barrister

> ***Fresh air and gentle movement helps take you out of the work and home bubble and listen to your body. Not something lawyers are good at, we always focus on our brains and are very insular.***
>
> Solicitor

Although the physical benefits of sport and exercise were commented on, most participants focused on the psychological benefits such as helping to clear the mind, 'switch off', have a break from work, de-stress and 'feel good'. A sense of feeling 'calm and grounded' was reported in relation to yoga and meditation.

Of the other self-care activities cited by participants that involved nurturing the mind and body, the most common activity reported was taking care of diet, recognising this was important in terms of energy levels. The importance of music and art was also referenced, with these helping participants switch off and lift their mood.

Talking, spending time, and getting support from family and friends were also identified as important sources of self-care. Some participants mentioned the importance of switching off from technology.

> ***Listening to music or watching Netflix to help turn an overactive mind off the day's work.***
>
> Barrister

> ***Family contact - adult children, grandchild - really important to general happiness.***
>
> Barrister

> ***The food one eats is the body and mind's fuel, so if you do not have sufficient energy then you do not perform well over a prolonged period of time at work.***
>
> Advocate

> ***I generally do not turn on or respond to work email outside the work hours I set myself, to help me manage anxiety and wind down at the end of the day.***
>
> Barrister

Several comments also suggested the social interactions involved in their self-care practices were beneficial.

Some participants did indicate that their self-care practices were not always successful. Reasons for this included difficulty in 'switching off' and lack of time or motivation. While individuals might know what they should be doing to look after themselves, paradoxically this may result in more guilt and shame if they feel their self-care activities are not working because of work pressures. In addition, a couple of participants suggested self-care practices that could potentially be detrimental to wellbeing, including 'self-medication' and 'Treating myself (usually unhealthy food i.e., take away or chocolate)'.

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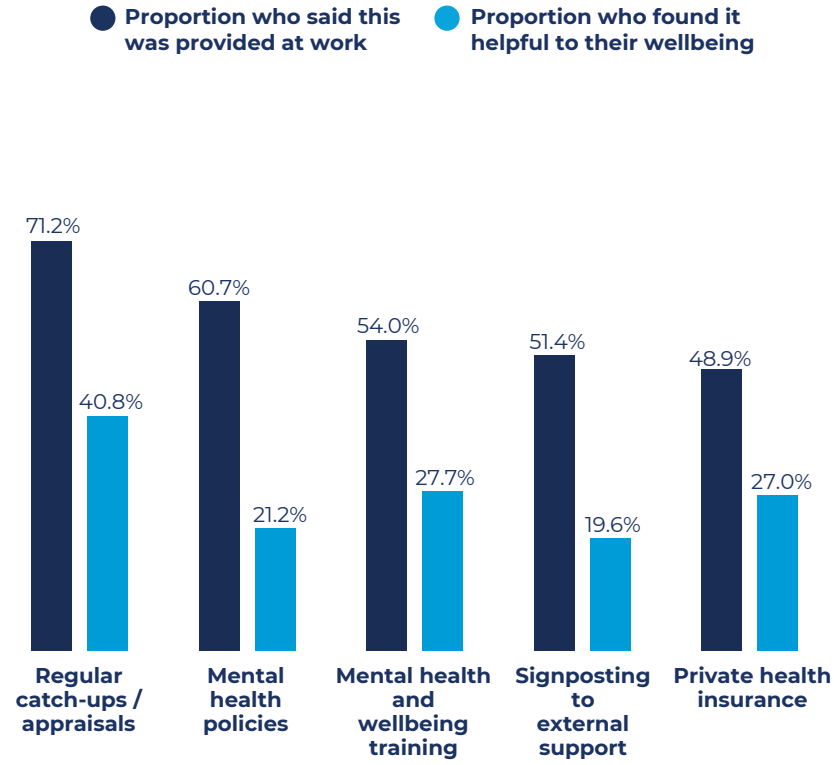
# 10 Existing workplace measures

# 10. Existing workplace measures

The questionnaire presented a list of common workplace measures for wellbeing, and asked participants to identify in relation to each whether the measure was in place at their workplace, and additionally, whether they found the measure helpful. The top five workplace measures which participants found helpful for their wellbeing are presented to the right.

For many workplace measures, participants who reported a measure as being available to them (irrespective of how helpful they found the measure) displayed lower burnout compared to participants who said the measure was not available in their workplace. This would suggest that having a suite of measures available to workers - a wellbeing 'toolkit' for workers to select what they feel would be helpful - would in itself be beneficial in creating a positive perception of organisational commitment to wellbeing at work, which may then translate to lower worker burnout. Another inference from the data might be that making workers aware of workplace measures for wellbeing increases their self-awareness and conscious evaluation of what is available to them.

## Top five workplace measures for wellbeing



An important observation from the data is the disparity between the provision of workplace measures for wellbeing, and how these measures were experienced by workers. The top five measures depicted above suggest a significant percentage of participants felt that measures provided were not in fact helpful. This is most likely to be despite the organisations' good intentions that the measure being provided is a helpful one. This disparity between perceived helpfulness of measures is an important one to flag. For example, in the case of mental health policies, while 60% of participants indicated their employer had these in place, only around 20% of participants said they were helpful. This suggests the importance of seeking regular internal feedback from workers regarding the usefulness of measures being implemented, to ensure they are achieving the results which are intended.

The most commonly provided workplace measure which participants considered helpful to their wellbeing was regular catch-ups or appraisals. In the open-text responses, participants focused mainly on the benefits of having regular catch-ups. Having these in place was cited as helpful in ensuring confidence in personal development and in the prevention of anxiety. The following quotations highlight the importance of these conversations in normalising feelings and also in keeping the team in touch with each other.

> ***Regular catch ups help you to measure how you feel compared to others and have strengthened relationships.***
>
> Barrister

> ***My review meetings allow honest and open conversations about workload and any other matters, no matter how trivial, which may be worrying me and invites an opportunity to raise any issues or concerns I have.***
>
> Advocate

Understanding how others were feeling through sharing experiences in these informal sessions was also mentioned as helpful.

> ***A chance to chat informally with colleagues who I'm not currently seeing working from home all the time and to share challenges and frustrations and know we are all struggling with similar issues.***
>
> Business Services

> ***Expressing frustrations with cases and having people give advice or simply listen and empathise is invaluable. Hearing other people's problems (anonymously) can take your mind off of your own problems and make you feel less alone, even though you haven't solved your own issues.***
>
> Barrister

> ***Regular catch ups are somewhat helpful for me to understand my role in the team and expectations of me, which is often reassuring on things I have worried about (e.g., performance on particular matters or tasks).***
>
> Solicitor

However, while 40% of participants suggested having regular catch-ups was helpful, a larger proportion of participants (59.2%) felt they were not helpful, suggesting the full benefit of this measure is not currently being realised across the legal profession.

The effectiveness of regular catch-ups between workers and those that manage them may be improved by ensuring that supervisors and line managers have the skills to effectively undertake their supervisory/managerial roles. This may be achieved via the provision of adequate management training. We observed from our data that of the 829 participants who indicated they worked in a position of management or supervisory capacity, only 47.6% (n = 395) of these said that they had received leadership, management, or supervisory training. Where training had been provided, 89.4% (n = 353) said it was helpful or very helpful.

Other workplace measures which participants found helpful included professional confidential support that could be accessed as and when needed and a culture of peer or team support where both work issues and feelings could be discussed. External support was also considered helpful as it was provided anonymously by professionals and gave reassurance that help was there when needed. Some participants mentioned the benefits of counselling. Education about mental health was also reported as useful by several participants.

> ***When needed, access to counselling through our private medical cover has been very helpful in order to help me deal with the issues caused by work.***
>
> Business Services

> ***The workshops/seminars on mental health go some way to helping people who have not experienced mental health challenges to understand them and those who have/do.***
>
> Advocate

Participants also found these measures helpful because they improved awareness of mental health issues and provided knowledge of where to seek assistance.

Overall participants found two categories of support the most helpful. The first was professional confidential support that could be accessed as and when needed. The second was a culture of peer or team support where not only client issues could be discussed but feelings. The impact of the pandemic on the workplace may explain this need in part. In order to gain a sense of how one is progressing in one's professional practice participants found regular and open discussions to be helpful.

# 11 Suggested workplace measures

# 11. Suggested workplace measures

Participants were asked to consider 'what is the one thing you would ask your employer, supervisor, or line manager to do to help improve your wellbeing?' There were surprisingly few answers to this question, and the majority of those who did answer appeared to be from the Bar. Four main categories of requests were found: communication, workload, working practices and positive steps.

## Communication

Communication was flagged by several participants either as something to address or to give an example of good practice. Several participants asked for listening to be with an open mind and in confidence, indicating there was fear of judgement and an impact upon career progression. Other participants wished for increased communication in order to share work issues and to improve team building.

> ***Listen and act confidentially on honest feedback or requests for help without judgement.***
>
> In-house lawyer

> ***My line manager could actually speak to me and ask how I am from time to time.***
>
> In-house lawyer

> ***Try to increase level of one-to-one interactions with colleagues - there are team meetings, and supervisions with just my manager, but often a phone call with other peers makes me feel much happier. You can discuss your cases/problems with colleagues in different ways than with a manager and they can share similar experiences with you.***
>
> Barrister

## Workload

Participants requested a fair and balanced workload and wished for more flexibility and choice. The request for work-life balance to be considered was also framed in terms of a request for culture change.

***Be realistic about the balance between workloads and available resources and also reduce the admin burden.***

In-house lawyer

***More staffing.***

In-house lawyer

***Less cases.***

Advocate

***Make my workflow more predictable and regular - but this is probably impossible.***

Barrister

***More realistic goal setting for workloads.***

Solicitor

***Create a culture that promotes work life balance and does not promote working long hours.***

In-house lawyer

***Look at workloads and ensure they are manageable.***

Solicitor

***Allow more flexible working. Make me take more holidays.***

In-house lawyer

***I think my current boss is very good and does not have a negative impact upon my wellbeing. However, I cannot say the same about past employers. I would ask them to oversee their employees' workloads and regularly and actively monitor workloads to ensure work is always evenly and fairly distributed.***

In-house lawyer

## Working practices

There were a number of requests to change working practices and many of these appeared to relate to the Bar. The quotations below indicate a desire for more control over workload and a concern about stigma.

> ***Explore a mechanism to hold the court accountable for its lack of support of mental health issues for practitioners.***
>
> Advocate

> ***Talk about my diary before booking.***
>
> Barrister

> ***To have as part of allotted sick days 'mental health days' because at the moment taking sick days everyone thinks you have covid so people are less likely to take sick days when they need a day off.***
>
> Trainee

## Positive steps

A few positive steps were suggested, presumably based on positive experiences by the participants.

> ***Confidential access to buddy/mentoring.***
>
> Advocate

> ***Set up a wellbeing committee if there isn't one, and make it open and known about if there is!***
>
> Barrister

# 12 Responsibility

# 12. Responsibility

## Collective responsibility

With regard to the question of who is responsible for wellbeing the qualitative responses from participants made frequent reference to the collective responsibility of the legal community; how 'everyone in the profession has a role to play' and 'it should be a united effort across the board'. The following comments from participants captured this theme:

> ***I think everyone needs to be responsible for wellbeing in the legal profession and any positive changes will be most effective if supported from all sides.***
>
> Barrister

> ***Everyone has to take personal responsibility for themselves and also for others.***
>
> Advocate

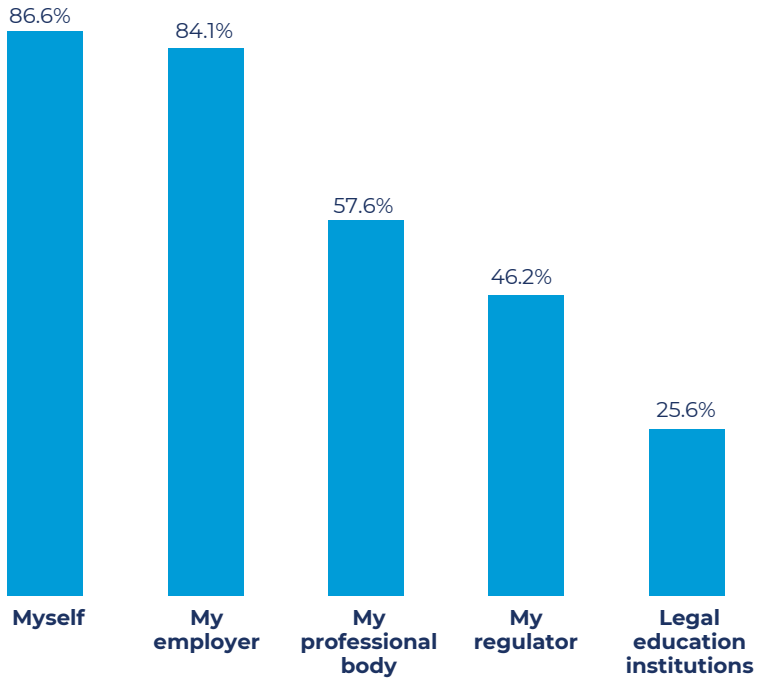
> ***I think everyone is partially responsible.***
>
> Solicitor

> ***We all have a role to play, it cannot just come from individuals.***
>
> Barrister

Almost 9 in 10 participants felt that it was the personal responsibility of individuals themselves to address their own welfare and 'look after their own health' with 8.9% (n = 131) of those believing it was their sole responsibility. This encompassed a range of factors including a sense that self-responsibility and self-reliance are 'essential for any... practitioner' and key features of being a legal professional, and a recognition that an individual should 'bear responsibility for my choices'. Personal responsibility was seen as inevitable, for example, by those who are self-employed and where "what I do is up to me... my responsibility".

> ***I am responsible for my own health.***
> ***If I wanted to do something else I could.***
> ***My choice, my responsibility.***
>
> Barrister

## Who do you think is responsible for addressing wellbeing and mental health in the legal profession?




> ***I should always be responsible for my own actions and the person that has the biggest impact upon looking after me is myself.***
>
> Advocate

However, over 84% of participants felt it was the responsibility of their employer, highlighting their power and potential role in bringing about change in the profession with 6.2% (n = 89) believing it was the sole responsibility of the employer.

> ***For the most part I think employers are responsible for the pressure they are putting on their employees (i.e. high workload and poor management).***
>
> Solicitor

Many participants noted it would be difficult to achieve meaningful change in the culture and working patterns in the legal profession without the 'buy-in' of its senior members and a willingness 'to be frank and open about their own experiences'. At the Bar, the key role of Chambers and clerks in work management was also framed as a wellbeing issue.

> ***Employers should signpost, provide resources, and at an individual level can help manage workload/hours etc which can reduce stress.***
>
> Barrister

Participants felt their professional bodies (56%) and their regulator (46%) also had a pivotal responsibility in addressing lawyer wellbeing, including a role in signposting support and advice, advocating on behalf of members, and providing pastoral care, including tailored wellbeing services.

> ***Professional bodies and the employer should offer support and provide guidance if the job contributes to mental wellbeing issues.***
>
> Barrister

> ***I believe my employer and I are most directly responsible, being closely aware of all the relevant circumstances - but I believe my professional body and regulator bear secondary responsibility for setting profession-wide standards and expectations.***
>
> Solicitor

Noting how the responsibility to engage with wellbeing issues should commence from the early stages of a career in law, a quarter of participants felt legal education institutions were responsible for the wellbeing of the legal profession. Legal education institutions should prepare students for legal practice to ensure that expectations are properly managed. They also have an important role to play in raising awareness of the mental health challenges that might be faced in practice and encouraging students to ask for help when these arise.

> ***Individuals should be taught how stressful the job is so they go in with their eyes open with the knowledge of how they can help themselves.***
>
> Advocate

> ***Legal education institutions should raise awareness with lawyers that they need to consider their mental health and signpost to resources.***
>
> Barrister

> ***I wish that my university had made me more aware of the realities of working in a small organisation/high street firm, and the impact this could have on my mental health and wellbeing.***
>
> Solicitor

Very few participants commented that the judiciary was responsible for their wellbeing (0.9% (n = 15)). This reflects the fact that the majority of participants were not at the Bar. However, several participants referenced perceived incidents of judicial bullying. Several participants 0.8% - n = 14) referred to the importance of the influence of clients and client behaviour on lawyer wellbeing and of the need to manage client expectations and enforce good working practices.

Very few participants (less than 1%) felt that wellbeing was the sole responsibility of a professional body, regulator, or legal education institutions.

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13

# Impact of COVID-19

# 13. Impact of COVID-19

> ***Working practices leapt forward by 10 years in 10 weeks.***
>
> Barrister

The questionnaire for this study was open during the later months of 2020, by which time the UK had experienced its first lockdown, followed by an easing of almost all restrictions and then a return of controls through tiers and a further strict lockdown. Throughout this period most participants had moved to working from home.

Participants addressed a range of issues relating to the psychological and health impacts of COVID-19, including the impact of the pandemic on their experiences of work and perceptions of work-life integration.

The questionnaire was only open to legal professionals who were working. While most participants were not furloughed (88%) or made redundant (2%) because of the pandemic, almost half expressed concern about their job security and nearly 60% were concerned about their finances.

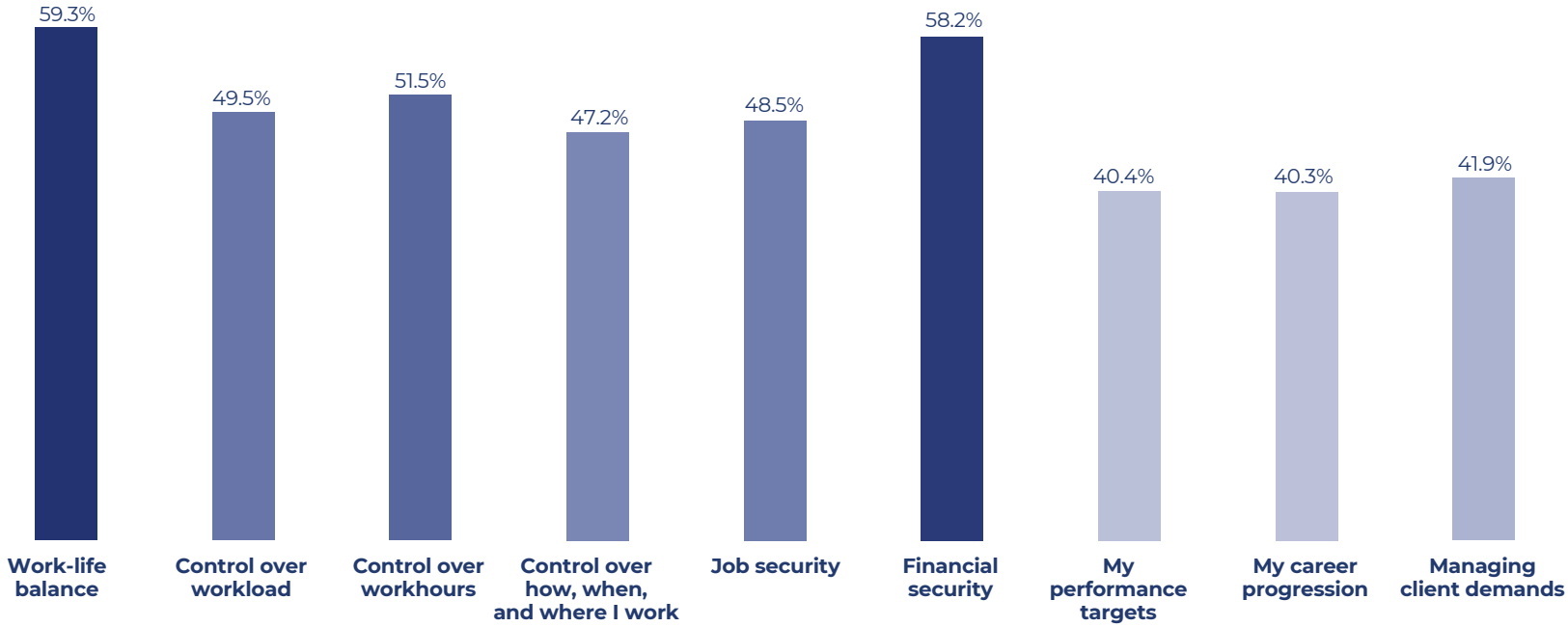
Almost 60% of participants also reported being more concerned about increased pressures around work-life balance. The difficulty in maintaining boundaries between 'home life' and 'work life' and, alongside this, the broader impacts of working from home on motivation and the ability to concentrate, were all themes to arise from the open-text responses.

> ***One is now chained to the desk, from before dawn until after dusk. There are no buffers between work and life.***
>
> Advocate

Positive aspects to working from home were, however, also reported to include greater flexibility, increased time with family, reduction in commuting time, the opportunity to develop healthier lifestyle habits and self-reflection.

> ***In many ways working from home is much easier – more time for exercise, shopping for and cooking healthy food, more time with my husband and more time generally has been blissful – I am slightly dreading having to go back to attended court hearings with the exhausting travel involved.***
>
> Barrister

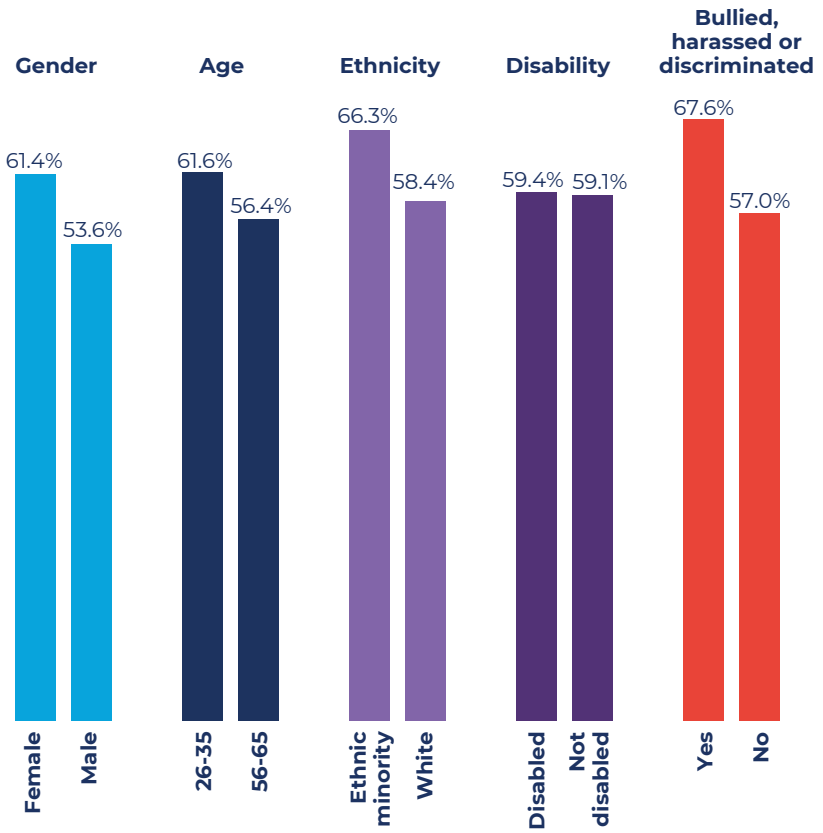
## Concerns participants had about the impact of COVID-19 on their work



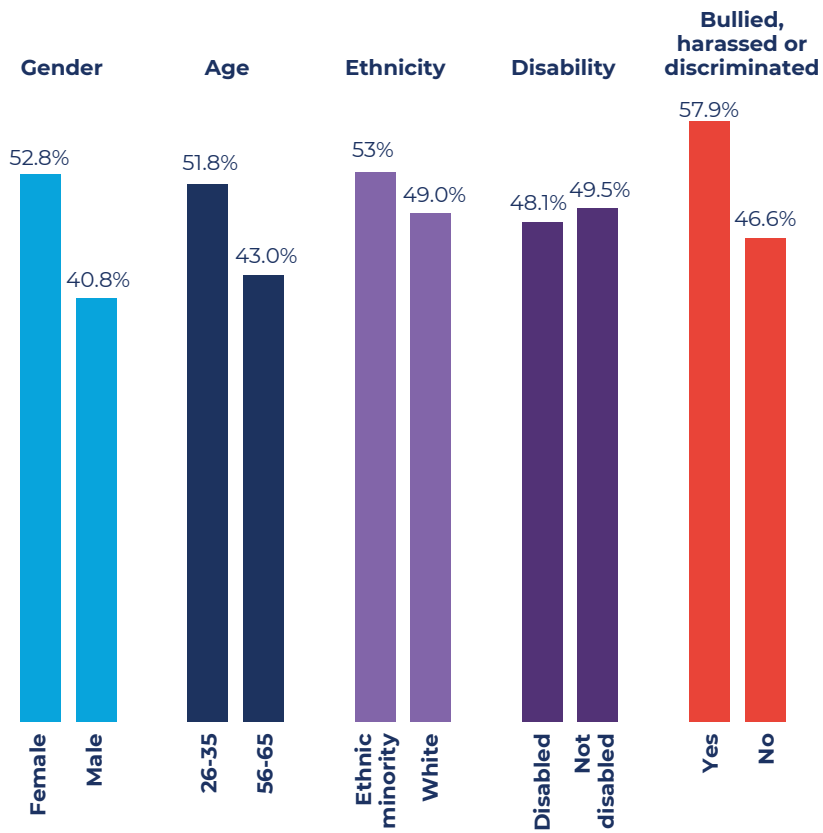

> ***Has made me want to move out of London, work from home and focus on wellbeing and relationships.***
>
> Barrister

We cross-analysed the data to investigate if any individual groups were most affected, specifically targeting those groups and their counterparts where we had found statistically significant differences in burnout levels.

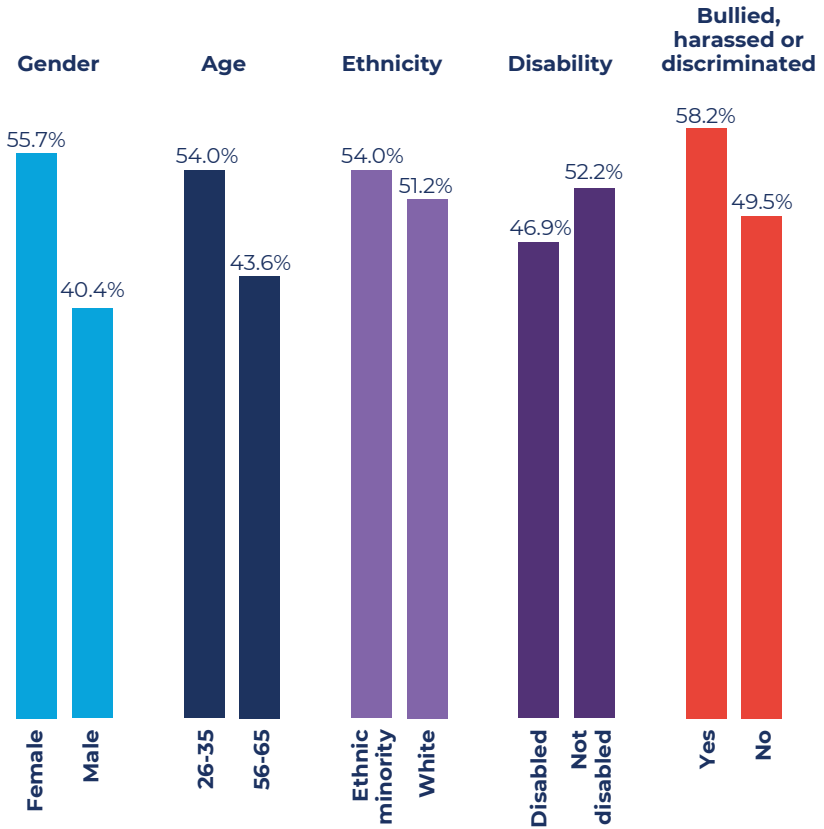
## Comparison of groups and proportion more concerned over work-life balance during COVID-19



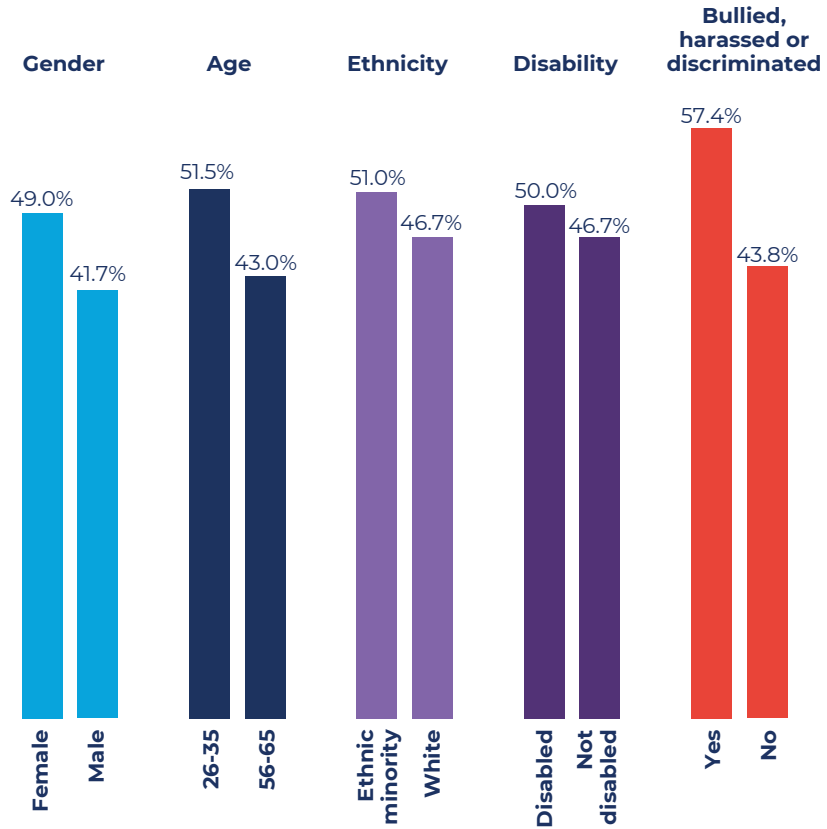

## Comparison of groups and proportion more concerned over their control over workload during COVID-19



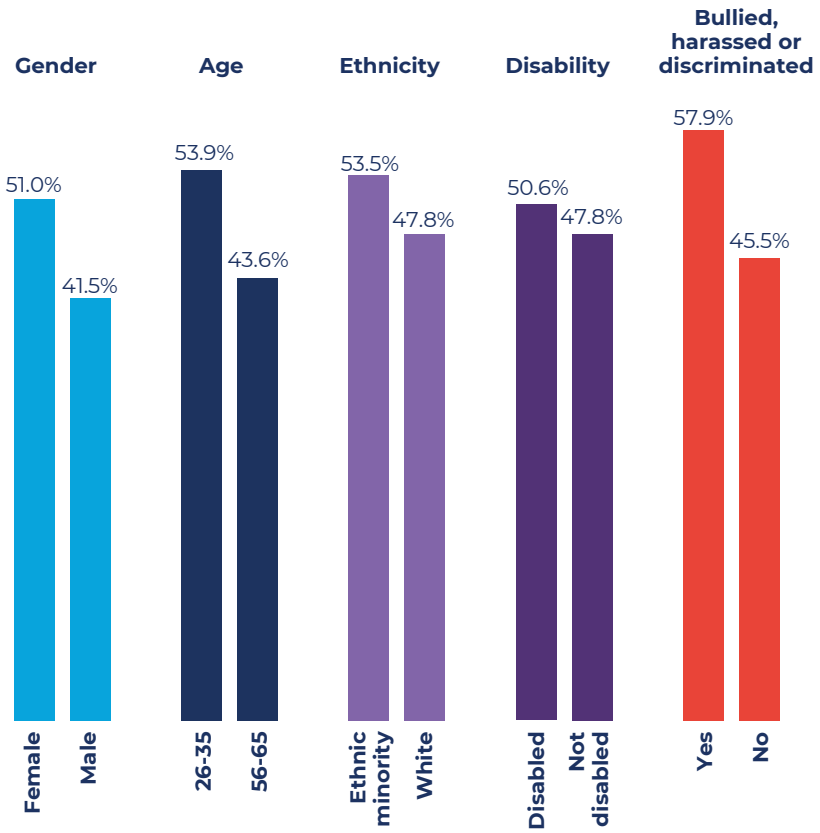
## Comparison of groups and proportion more concerned over control over work hours during COVID-19



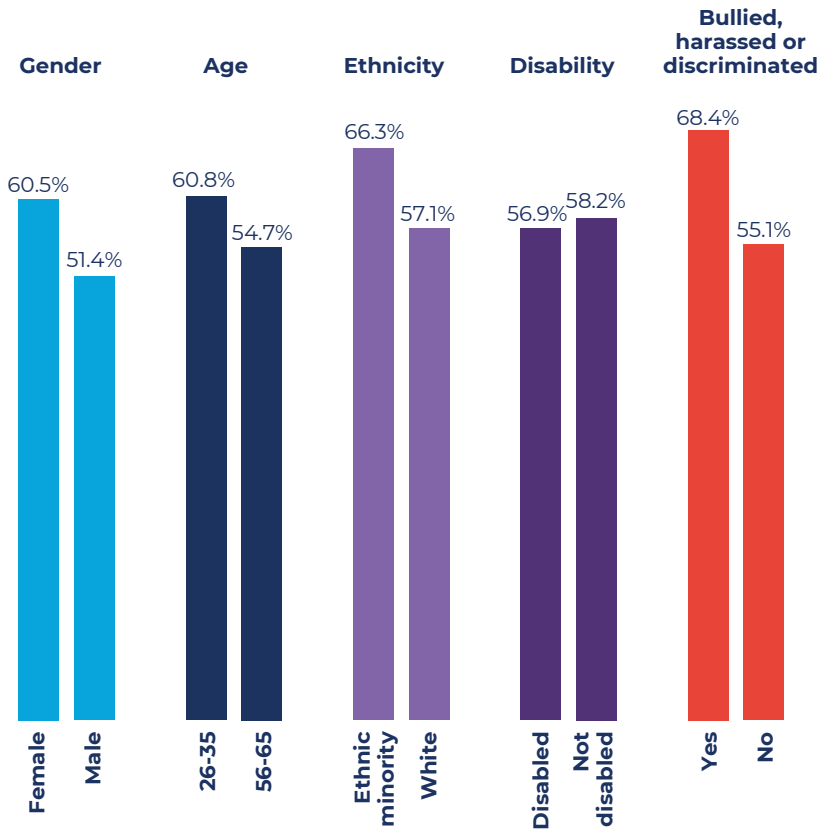

## Comparison of groups and proportion more concerned over how, when and where I work during COVID-19



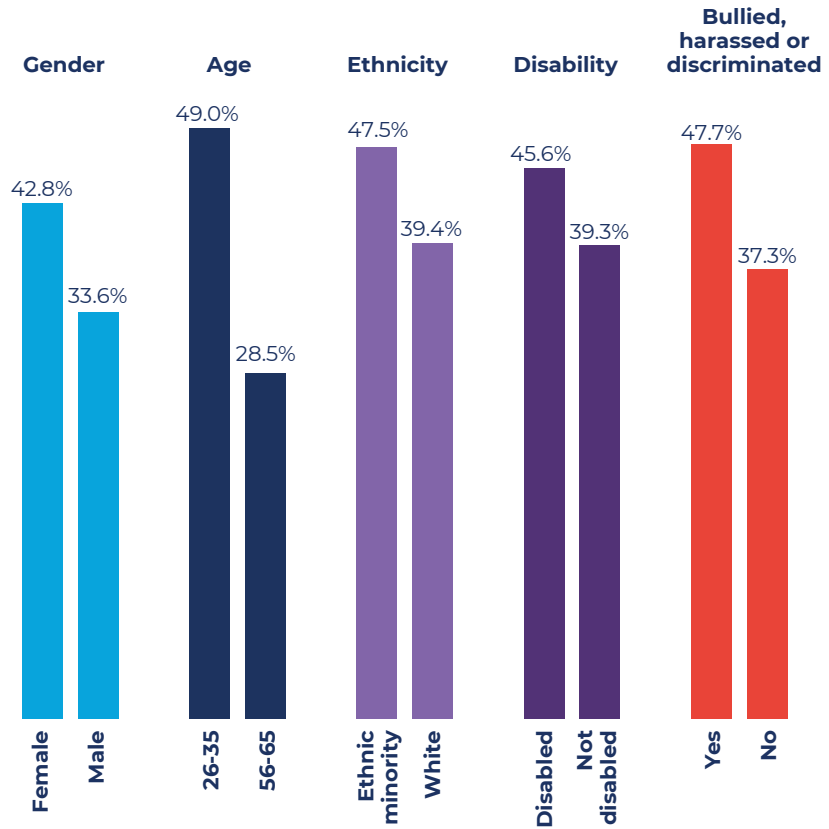
## Comparison of groups and proportion more concerned over job security during COVID-19



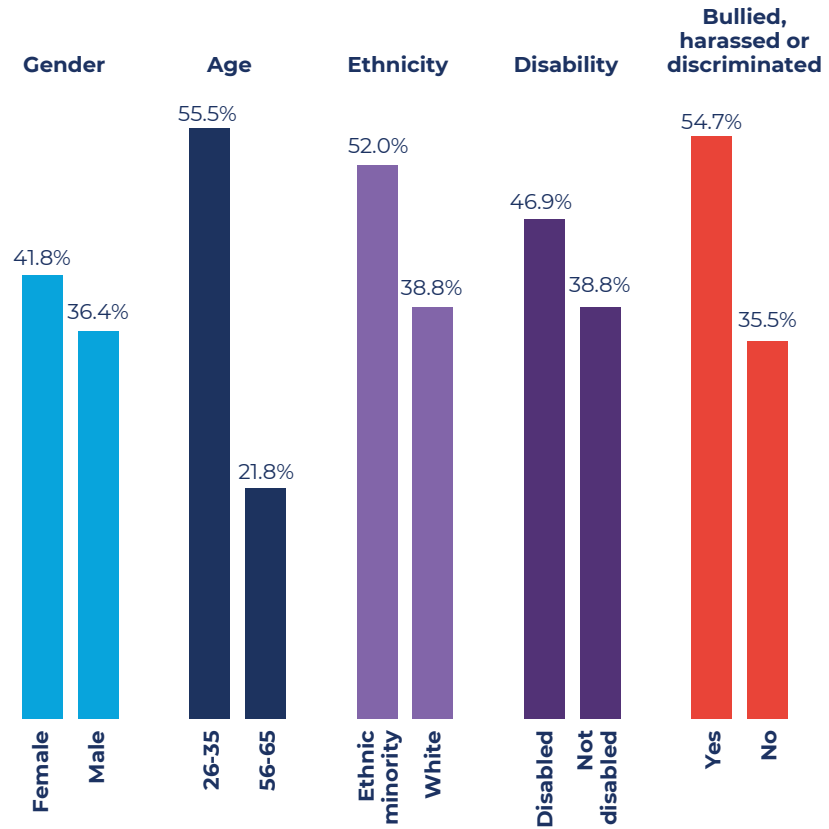

## Comparison of groups and proportion more concerned over financial security during COVID-19



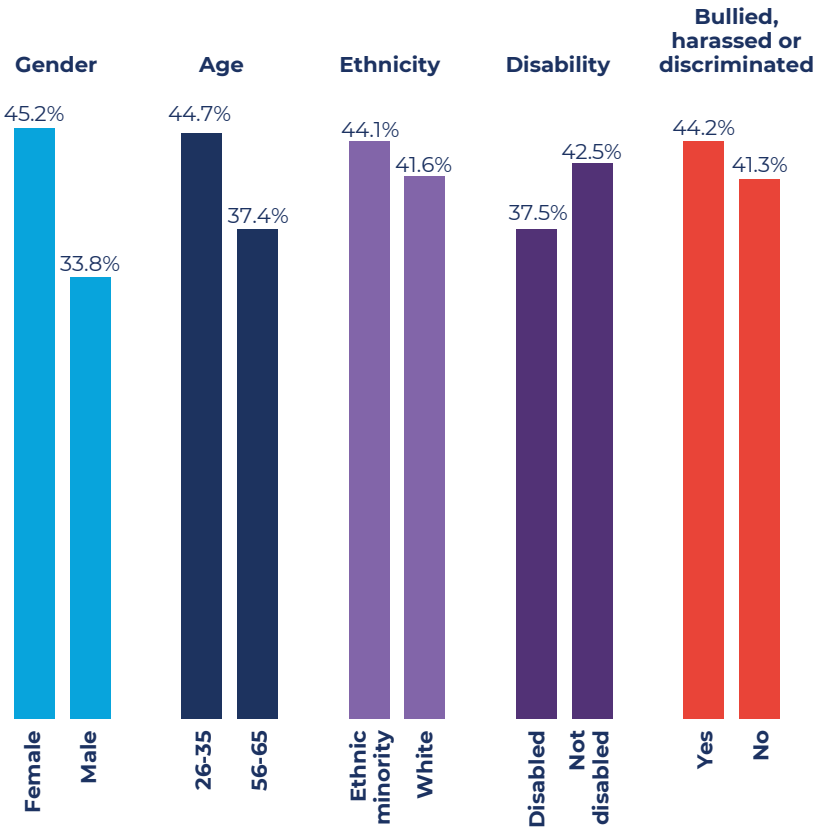
## Comparison of groups and proportion more concerned over performance targets during COVID-19




## Comparison of groups and proportion more concerned over career progression during COVID-19



## Comparison of groups and proportion more concerned over managing client demands during COVID-19




Overall, a pattern was observed in that a greater proportion of individuals in the higher risk groups (identified as displaying higher burnout in section 8 of this report) consistently reported being more concerned about their work during COVID-19, compared to their respective counterparts. This was observed for all but one group, namely individuals with a disability.

Notably, a greater proportion of individuals with a disability were more concerned than their non-disabled counterparts about the impact of COVID-19 on how, where, and when they work. With the increase in remote working from home that is likely to continue into the post-COVID-19 world of work, our data highlights the importance of organisations making sure that the home-working environments of their disabled workers are adequate and supportive, and flexibility is offered to them as to how they work, where and when.

In seven of the nine concerns (with the exceptions of 'control over work hours' and 'managing client demands'), individuals who had experienced bullying, harassment, or discrimination at work were over 10% more concerned about the impact of COVID-19 on their work, compared to individuals who had not been bullied, harassed or discriminated against at work. In particular, these individuals were almost 20% more concerned about how COVID-19 has impacted their career progression.

Younger professionals in the 26 to 35 age group were 10% more concerned (compared to their older counterparts aged 56 to 65) in respect of the impact of COVID-19 on their control over work hours, how, when, and where they worked, their job security, performance targets, and their career progression. Regarding

the latter concern – 'career progression' – younger professionals were over 30% more concerned about this than their older colleagues. While it may be not entirely unsurprising that younger professionals were more concerned about career progression, as many will likely be at the early stages of their career journey, the big disparity in the proportion of younger participants who said they were more concerned about this because of COVID-19 raises a potential concern. To avoid retention issues, organisations may wish to ensure they mitigate these concerns among their younger workers.

Isolation was also expressed in the open-text responses as a particular concern for younger participants, along with the lack of human contact and the camaraderie that the physical workplace can bring.

> ***Starting professional training entirely WFH, having never been in the office or met people face to face - appreciate being able to see people in video calls but struggle with having to be "on" for these.***
>
> Barrister

> ***Working remotely has negatively impacted my mental health due to lack of human contact, camaraderie of the team and little support from line manager.***
>
> Barrister

Female participants were over 10% more concerned than male participants in respect of their control over work hours and managing client demands during COVID-19. As mentioned earlier, this may be explained by a greater proportion of female participants indicating they had caring responsibilities compared to their male colleagues (80.2% of participants who said they were carers, were female). Indeed, participants with caring responsibilities either for children or elderly family members expressed in the open-text responses how difficult balancing working from home with domestic responsibilities during lockdown had been.

> ***As a woman also expected to undertake child care when schools closed. Not viable to work as a barrister whilst caring for a primary age child.***
>
> Barrister

> ***I had no child care. It was impossible to work with an 8 month old baby in a small apartment.***
>
> Solicitor

> ***Client demand has risen and home working plus childcare demands make the work life balance hard to maintain.***
>
> Solicitor

Overall, a key benefit of working from home was cited to be the reduction in travelling for work. This was referred to as saving both time and money as well as enhancing quality of life and being environmentally beneficial:

> ***Working just as many hours overtime but overall being away from the office and not commuting has been good for me. For the first time in years I paused, reset and paid attention to myself and what I've got to be thankful for.***
>
> Business Services

> ***I have moved to home working, which has helped massively as I have more time in the day to exercise, get outdoors, attend to minor household chores etc. because I am not commuting.***
>
> Solicitor

However, some downsides of working from home were also highlighted, including a lack of delineation between home and work-life:

> ***Working from home every day means that you are even more susceptible to being available 24/7 to clients. It makes "switching off" much more difficult, and the lines between home life and work are extremely blurred. My work/life balance has been negatively impacted as a result.***
>
> Barrister

> ***I [am] concerned about working from home and having clear boundaries between my home life and my work life.***
>
> Solicitor

> ***Initially, my work life balance went out of the window. I have worked hard to regain it over the past few months.***
>
> Chartered Legal Executive

> ***Work pressures have increased significantly, I have never worked so many hours in my life, early mornings and late nights, all boundaries between home and work life have been lost. I feel constantly anxious at the thought of work.***
>
> Solicitor

Several comments indicated a sense of unfairness, for example, around the allocation of work or where individuals were expected to increase their workload when colleagues were furloughed:

> ***[T]he volume of work expected by the people left working whilst everyone else was furloughed.***
>
> Business Services

> ***I appear to have picked up work from people who have not wanted to take it on.***
>
> Barrister

A key issue that arose from the open-text responses was around the levels of institutional support provided to legal professionals by their organisations and/or colleagues. Here most responses were positive, with references made to support provided by barristers' clerks, provision by wellbeing committees and champions, support from managers and human resources teams and comments on open and supportive workplace cultures.

> ***HR contacted everyone individually circa fortnightly for the first few weeks of lockdown to check on wellbeing.***
>
> Business Services

Those with management responsibilities also expressed the additional pressures of how to address colleague wellbeing and, in some cases, that their responsibilities had increased without the provision of additional support or resources.

> ***Increased responsibility to look out for the wellbeing of colleagues and subordinates but without an apparent increased interest in how that is achieved or my wellbeing in achieving it.***
>
> Business Services

## Imagining the future

Participants were asked about how the pandemic had impacted on how they imagined their future in the legal profession, alongside what the implications of COVID-19 may be for the law more generally. As this questionnaire was open during a time of continued uncertainty and a second lockdown in the UK, most of the responses to this question reflected the anxiety participants felt about the future and when life might revert to a new normal.

There were some positive responses about the benefits of flexibility, reduced commuting time and the opportunity to make new career choices. There was a significant call for promotion of work-life balance and the need to provide support for this.

> ***Portray work/life balance as a desirable thing to achieve at the Bar. Don't push earning more money at all costs.***
>
> Barrister

> ***It highlighted how much I value not having to commute, and where I see myself working in future.***
>
> Business Services

Participants also advocated for a change in culture where open discussions could address mental health issues, emphasising the need to challenge stigma around mental ill-health and to be listened to without judgement when communicating concerns or problems.

> ***Seminar on wellbeing was helpful but I could never admit to wellbeing problems myself.***
>
> Barrister

> ***Listen with an open mind to whatever issues I communicate to you and make it so that I am comfortable communicating with you without fear of negative outcomes or being ignored. Then take action. Make sure something changes and changes for good.***
>
> In-house lawyer

Participants also advocated for a change in culture where open discussions could address mental health issues, emphasising the need to challenge stigma around mental ill-health and to be listened to without judgement when communicating concerns or problems.

Looking at the wider impacts on wellbeing in law, some participants framed the pandemic as providing an opportunity for the profession to 'rethink its previous ways of working' in ways that might better address wellbeing. This was captured in the idea that there could be 'no going back' to how things were before COVID-19, as this is a chance to rethink existing practices and cultures.

> ***Culture is the key workplace measure to me, before counselling services etc.***
>
> Business Services

It is clear from the responses that the pandemic may potentially have a profound impact on the current discussion about wellbeing in the legal profession, reshaping the debate in far-reaching ways.

# Conclusions

# Conclusions

## Reimagine the future and make it happen

The emerging theme in the findings from this study is the need to change the organisational culture of law, which reinforces the conclusions of other similar studies of legal professionals in the USA, Australia and internationally. Culture change isn't something that happens overnight; it takes time, collaboration and innovation and, most importantly, shared core values across the legal community that prioritise wellbeing and a commonly held sense of why these matter.

To change the culture in law we need to start with changing our working practices. It's time for legal workplaces to accept that long hours, heavy workloads, poor work-life balance and the lack of effective supervision is undermining wellbeing. The digital transformation that most legal workplaces have gone through during the pandemic provides a foundation for the human transformation that is now needed. To achieve this human transformation we need a sector-wide commitment to why wellbeing matters and to start redefining the culture in law in the positive, to what it could be: a workplace where people have a positive work-life balance, feel valued, respected and supported and thrive. We also need to look at the system; we need a legal ecosystem that supports organisations and individuals to develop and maintain healthy working lives.

There are several strands from our study that can influence culture change:

## Collective responsibility

Our findings support the need to identify and engage key stakeholders in the conversation about wellbeing and the need to work across professional and regulatory silos. Wellbeing is not just an issue for legal workplaces and legal professionals. It should be a priority for regulators, professional bodies, and educational settings as well. This is a shift in the narrative from the 1990s (when LawCare was set up) where the focus then was on supporting individuals, rather than looking at the wider legal community's responsibility for wellbeing.

The conversation about wellbeing should be grounded in why wellbeing matters in the law. In particular its role in enabling both individuals and organisations to meet the high standards expected of legal professionals, its importance in ensuring both legal and ethical competency, and its effect on the bottom line of organisations. There also needs to be a clear understanding of the impact of legal work on the wellbeing of individuals, thus paving the way for the provision of appropriate support. Our research suggests that legal professionals engage in a wide range of self-care practices and that these are recognised for their value. However, it also shows a prevailing high risk of burnout is affecting individuals working in the law. Themes drawn out from our data point to certain working practices and cultures in law which are undermining wellbeing. Building a whole community approach is key to understanding, recognising, and addressing these issues, and ensuring change is embedded across the legal life-course of education, training, and practice.

## Challenging stigma

Although we have seen a growing engagement over wellbeing across the legal sector, stigma is still a fundamental issue. The stigma that surrounds talking about wellbeing concerns at work silences people from seeking help. Legal professionals fear that speaking up will compromise their legal careers, so we must continue to encourage open and honest discussions about wellbeing that challenge these negative perceptions and encourage working environments where legal professionals feel they can speak up about concerns without judgement. To achieve this employers and organisations must demonstrate a genuine commitment to open dialogue and the provision of appropriate, non-judgemental support, to create a positive working culture where people feel psychologically safe. This will require a multi-faceted approach, which acknowledges and addresses the intersection between negative and inappropriate workplace behaviours, wellbeing, and the stigma preventing individuals speaking openly about these issues at work.

## Sharing insights

There is an ongoing need for education and raising awareness about wellbeing across the legal community. This needs to be relatable and inspire people and organisations to think and behave in new ways. Those in management and leadership roles have a particularly important part to play in bringing about meaningful change. However, for effective change, legal professionals at all levels within an organisation should be consulted on their perspectives and these brought to bear on the development of policies and practices that affect wellbeing. Managers and leaders also require the training to enable them to translate aspirations into tangible working practices. The gap between what organisations think they are doing to address wellbeing and the perceptions of how effective this is needs to be plugged.

## One size does not fit all

Our findings show there is no one single wellbeing problem, with a range of wellbeing concerns evident across the legal life-course, pointing to the need to target support and interventions. The intersectional nature of wellbeing must be considered; wellbeing cannot be seen in isolation and is inseparable from a combination of multiple factors such as gender, race, ethnicity, disability, sexual orientation, gender identity, stage of career and practice area. A more concerted, collective effort is needed to understand the intersections between mental health and wellbeing, and equality, diversity, and inclusion. This will require organisational leaders to adopt a much more tailored approach, which considers individual circumstances and contexts within under-represented groups.

## Respect

Over the last twenty years there have been a range of initiatives across the legal sector to tackle bullying and harassment, yet, as evidenced by our study, these appear to have had little significant impact and the problems still persist. The IBA *Us Too?* Report provided empirical confirmation that sexual harassment and bullying is rife across the global legal community. Our study similarly found that almost 1 in 4 participants experienced bullying, harassment, or discrimination in the 12 months before completing the survey. Positive social behaviours need to be embedded in

the culture of law, with all legal professionals acting with civility and respect for colleagues every day. Creating an environment where legal professionals do not make bad decisions because of excessive work pressures and exposure to incivility at work is fundamental to ensure that the high ethical standards expected of the profession are met. A strong theme from our study is the importance of a work-life balance to support wellbeing and the challenges many legal professionals face in maintaining this. This is a clear message for legal workplaces and institutions to respect the boundaries between work and home life and ensure working practices support this. Aligned with this is developing psychologically safe workplaces where legal professionals feel able to speak up about concerns, ideas, questions, or mistakes, knowing that they will be listened to and that appropriate action will be taken.

## Reality check

There are no quick fixes to legal wellbeing issues or off-the-shelf solutions that can be bought. Providing externally procured wellbeing benefits, wellbeing education for workers or implementing wellbeing policies will only be effective if they are part of a bigger strategy of culture change within organisations and the sector, as on their own these sorts of measures are not enough. Buy-in from the top is crucial in a hierarchical profession such as law. People take their cues from senior leaders, so if they don't see their managers or seniors adopting healthy working practices or committing to wellbeing measures, nothing will change and wellbeing initiatives risk being ineffectual. The most valued wellbeing supports evidenced from our survey were confidential support and the opportunity to talk with colleagues and peers about concerns. Investing in equipping people to provide effective supervision and fostering a collegiate and supportive team/organisational culture requires commitment.

## The post-pandemic world

The experience of living and working through a global pandemic has had a profound effect on us all and presents a real opportunity to reimagine the future and move beyond the rhetoric and sticking plaster approach to wellbeing in law. This is the time to reshape the debate. We can start now to take positive incremental steps to improve the culture in law and make the legal sector a great place to work.

Our study shows the significant positive and negative impacts of COVID-19 and a greater appreciation of wellbeing issues. It has also exposed the inequalities there are across the legal sector. Although we have all 'been in it together' we have not necessarily all experienced COVID-19 equally. Certain groups have been more adversely affected as set out in our findings.

Greater flexibility, new ways of working and a chance to reflect on what individuals want from life and work have brought benefits to many but there has also been social isolation, greater blurring of boundaries between life and work, increased anxiety and workloads. The additional pressures for those with caring responsibilities have also been challenging. Young lawyers have felt the loss of peer support, and the opportunities to develop their skills and learn from more experienced members of the team. As we move out of the pandemic, considered thought is needed on how to retain and embed the positive learnings and new

working practices that support wellbeing. Alongside this, the inequalities in the profession need addressing. We need to ensure that everyone has an equal chance to reach their potential and contribute positively to the development of the legal community.

What will be COVID-19's legacy? That is up to us. The virus that has changed our lives has also shown that change is possible. We must seize the opportunity within our grasp to bring wellbeing firmly into the wider debate about how we build legal workplaces that are fit for purpose, that continue to attract and retain a diverse range of people and, most importantly, where people thrive.

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# Appendix, thank yous, further reading, resources and endnotes

# 8. Appendix – participant demographics

1,713 legal professionals completed the *Life in the Law* online questionnaire. The breakdown of those participants by (i) gender; (ii) age; (iii) ethnicity; (iv) disability; and (v) experiences of bullying, harassment, or discrimination at work, are as follows.

## Gender

| | Number | % |
|---|---|---|
| Female | 1244 | 72.6% |
| Male | 453 | 26.4% |
| My 'sex' is female. | 1 | 0.1% |
| Non-binary/Genderqueer/Non-binary transgender male | 5 | 0.3% |
| None | 2 | 0.1% |
| Prefer not to say | 8 | 0.5% |

| | Number | % |
|---|---|---|
| 18 – 25 | 95 | 5.5 |
| 26 – 35 | 633 | 37.0 |
| 36 – 45 | 443 | 25.9 |
| 46 – 55 | 327 | 19.1 |
| 56 – 65 | 179 | 10.4 |
| 66 – 75 | 19 | 1.1 |
| 75 + | 3 | 0.2 |
| Prefer not to say | 14 | 0.8 |

## Ethnicity

| | Number | % |
|---|---|---|
| Arabian or Arabian British | 3 | 0.2% |
| Ashkenazi | 1 | 0.1% |
| Ashkenazi Jewish | 1 | 0.1% |
| Asian or Asian British | 50 | 2.9% |
| Black African/Caribbean or Black British | 21 | 1.2% |
| British Sikh | 1 | 0.1% |

## Ethnicity continued...

| | Number | % |
|---|---|---|
| Cornish | 1 | 0.1% |
| Culturally Deaf | 1 | 0.1% |
| East African Asian | 1 | 0.1% |
| East Asian or East Asian British | 8 | 0.5% |
| European | 1 | 0.1% |
| Greek | 1 | 0.1% |
| Irish | 3 | 0.2% |
| Jewish | 1 | 0.1% |
| Latin American | 1 | 0.1% |
| Middle Eastern | 1 | 0.1% |
| Mixed or Multiple Ethnicities | 59 | 3.5% |
| Prefer not to say | 43 | 2.6% |
| Russian Jewish | 1 | 0.1% |
| Scottish | 1 | 0.1% |
| Welsh | 1 | 0.1% |
| White or White English or White European or White European British or White Irish or White New Zealand or White British or White Scottish or White other | 1512 | 88.5% |

For the purposes of this report 'ethnic minority' refers to any individual who did not select 'White or White English or White European or White European British or White Irish or White New Zealand or White British or White Scottish or White other'.

## Disability

The questionnaire asked whether participants were disabled for the purposes of the Equality Act 2010. You are disabled under section 6 of the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

| | Number | % |
|---|---|---|
| No | 1482 | 86.5% |
| Not sure | 43 | 2.5% |
| Prefer not to say | 28 | 1.6% |
| Yes | 160 | 9.3% |

## Bullying, harassment, or discrimination at work

The questionnaire asked participants if, in the last 12 months, they felt they had been bullied, harassed, or discriminated against at work.

| | Number | % |
|---|---|---|
| No | 1280 | 74.7% |
| Yes | 373 | 21.8% |
| Prefer not to say | 60 | 3.5% |

# Thank you

LawCare is very grateful to everyone who participated in its *Life in the Law* research study by completing the questionnaire and to those who encouraged others to do so. We also wish to acknowledge the support from The Solicitors' Charity in meeting the costs of producing this report and its dissemination.

We would like to thank the professional bodies and regulators in England and Wales, Scotland, Northern Ireland, the Republic of Ireland, Jersey, Guernsey and Isle of Man for their support in promoting the questionnaire namely:

The Law Society of England and Wales

The Law Society of Scotland

The Law Society of Northern Ireland

The Law Society of Ireland

The Law Society of Jersey

The Isle of Man Law Society

Officers of the Crown Guernsey

The Judicial Office (England and Wales)

Scottish Courts and Tribunal Service

The Bar Council of England and Wales

The Bar of Northern Ireland

The Faculty of Advocates

The Chartered Institute of Legal Executives

The Chartered Institute of Patent Attorneys

The Chartered Institute of Trade Mark Attorneys

The Institute of Paralegals

The Notaries Society

The Cost Lawyer Standards Board

The Bar Standards Board

The Council for Licenced Conveyancers

The Solicitors Regulation Authority

We would like to thank each of the local law societies and legal special interest groups that shared the questionnaire with their members and encouraged them to participate.

We would also like to thank each of LawCare's Champions who provided feedback on the draft questionnaire.

Thank you to MQ: Transforming Mental Health for supporting this research by publishing our questionnaire on its Participate platform.

And finally, a very special thank you to our research committee: Nick Bloy, Professor Richard Collier, Dr Emma Jones, Kayleigh Leonie, Lucinda Soon and Professor Caroline Strevens for all of their hard work in undertaking this research study on behalf of LawCare with support from our staff Gemma Matthews and Trish McLellan.

# Further reading and resources

## Legal profession UK

**LawCare**
lawcare.org.uk

**Fit for Law**
fitforlaw.org.uk

**Wellbeing at the Bar**
wellbeingatthebar.org.uk

**Law Society of Scotland - Lawscot Wellbeing**
lawscot.org.uk/members/wellbeing

**SRA – Your health, your career**
sra.org.uk/solicitors/resources/your-health-your-career

**IP Inclusive**
ipinclusive.org.uk

**Jonathan's Voice**
jonathansvoice.org.uk

**The Law Society of England and Wales – Supporting wellbeing in the workplace: Guidance for best practice**
lawsociety.org.uk/en/topics/hr-and-people-management/supporting-wellbeing-in-the-workplace-guidance-for-best-practice

**The Law Society of England and Wales – Stress and mental health resources**
lawsociety.org.uk/en/career-advice/career-development/stress-and-mental-health

**A Lawyer's Guide to Wellbeing and Managing Stress by Angus Lyons**
lawcare.org.uk/about-us/a-lawyers-guide-to-wellbeing-and-managing-stress

## Help and guidance

**Mind**
mind.org.uk

**Mental Health Foundation**
mentalhealth.org.uk

**NHS guidance on dealing with a mental health crisis**
nhs.uk/mental-health/advice-for-life-situations-and-events/where-to-get-urgent-help-for-mental-health

## Workplace support

**City Mental Health Alliance**
citymha.org.uk

**Mental Health at Work**
mentalhealthatwork.org.uk

**Health and Safety Executive**
hse.gov.uk

**Acas - Supporting mental health at work**
acas.org.uk/supporting-mental-health-workplace

## Research

**The Law Society of England and Wales – Junior Lawyers Division: resilience and wellbeing surveys 2017, 2018 and 2019**
lawsociety.org.uk/en/campaigns/junior-lawyers-division-campaigns/wellbeing

**Legally Disabled research**
legallydisabled.com/research-reports

**Law Society of Scotland 2019 wellbeing research**
lawscot.org.uk/members/wellbeing/our-research-into-the-status-of-mental-health-stigma-and-discrimination-in-the-scottish-legal-profession/

**The Bar Council – Wellbeing research**
barcouncil.org.uk/policy-representation/policy-issues/wellbeing.html

**International Bar Association – Mental wellbeing in the legal profession**
ibanet.org/Mental-wellbeing-in-the-legal-profession

## International

**Institute for Well-Being In Law USA**
lawyerwellbeing.net

**Australia**
wellnessforlaw.com/

For emotional support please contact **LawCare** via **lawcare.org.uk** or the **helpline** on **0800 279 6888** (Monday to Friday 9am to 5.30pm).

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If you need urgent help, contact **Samaritans** via **samaritans.org** or the **helpline** on **116 123** (24 hours a day, 365 days a year).

# Endnotes


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M., Goh, E.T., Tan, B., Kanneganti, A., Almonte, M., Scott, A., Martin, G., Clarke, J., Sounderajah, V., Markar, S. and Przybylowicz, J., 2021. Determinants of burnout and other aspects of psychological well-being in healthcare workers during the COVID-19 pandemic: a multinational cross-sectional study. Plos One, 16(4), p.e0238666.

12. https://communities.lawsociety.org.uk/Uploads/b/y/k/resilience-wellbeing-survey-report-2019.pdf

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23. https://communities.lawsociety.org.uk/Uploads/b/y/k/resilience-wellbeing-survey-report-2019.pdf

24. https://www.legislation.gov.uk/ukpga/2010/15/section/6

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