

PRESSURES OF PRACTICE – HANDLING YOUR WELLBEING

YOUNG BAR ANNUAL WORKSHOP

SATURDAY 9 JUNE 2018

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CHAIRMAN, CHANCERY BAR ASSOCIATION

1. Thank you very much for inviting me here this afternoon to speak to you all. Over the last two years I have used my involvement with the Chancery Bar Association to push forward wellbeing initiatives for our members. My ability to do so has been based on the fantastic work done by the Bar Council in this area and the enormous amount it has done to raise awareness and understanding about wellbeing.
2. Wellbeing – or being well – should quite frankly be part of our everyday professional lives. It is and should be the norm. That is particularly so when the 2017 Barristers’ Working Lives Survey¹ published by the Bar Council at the end of May identifies, as one of its key findings, that “*across the whole Bar, only 26% of respondents said they were not under too much pressure from work in 2017, compared with 34% in 2011*”². That means that three out of four respondents (and there were just over 4,000 useable responses) said they were under too much pressure at work and that situation is worse than the position six years’ earlier in 2011.
3. In preparing for this talk I came across a short article published by LawCare³ – the charity which promotes good mental health and wellbeing in the legal community – entitled “Look after yourself in the Summer Holidays”⁴. It is a page long and, as with all of LawCare’s publications, it is enormously useful. (I am delighted to see Law Care here today – please do take time to talk to them and familiarise yourself with their excellent work). I will come back to holidays at the end of this talk, but the article says this:

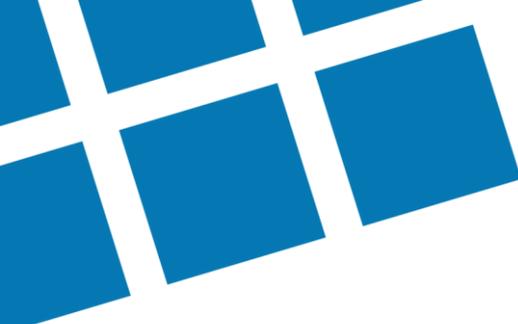
¹ Barristers’ Working Lives 2017: Barristers’ attitudes towards their working lives”:

<http://www.barcouncil.org.uk/media-centre/news-and-press-releases/2018/may/new-report-from-the-bar-council-reveals-true-impact-of-struggling-justice-system-on-barristers%E2%80%99-profession/>.

² See the Executive Summary at page 3.

³ LawCare: <https://www.lawcare.org.uk/>.

⁴ <http://www.chba.org.uk/for-members/wellbeing/best-practice-policy/view>.



“What do we mean when we talk about wellbeing? Wellbeing is subjective and it does mean different things to different people, but it’s how about how we feel, how we think, our relationships, and how we find meaning and purpose in our lives. In a professional context wellbeing matters because it brings a number of benefits – greater self-esteem, optimism, resilience, positive relationships with colleagues, better physical and mental health, greater motivation and more productive work.

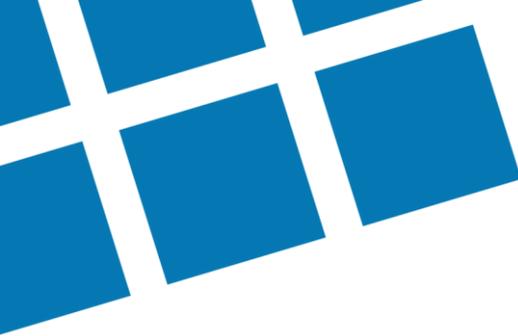
But what is it about the culture and practice of the law that can compromise wellbeing? ... It is about the well known culture of poor work life/balance, long hours and presenteeism; the competitive environment; the fear of failure, and the drive and perfectionist personalities that can be drawn to law.”

4. Building on this I want to focus on a few aspects of two particular topics: looking after yourself and looking out for others. I say aspects because, in the time available, I can only mention a very few points. This is an enormous topic. However, as you have heard from Nick Peacock⁵, there is a wealth of material on the Wellbeing at the Bar Website⁶ and also on the Wellbeing page of the Chancery Bar Association’s website⁷ (which is open to all). Please do take time to look at the materials on these websites.
5. **Looking after yourself.** I appreciate that many of you are starting out in practice, or building up your practice, and you are concerned to do well and to succeed. However, and although it may sound trite, there is more to life than work. Most people think, and it is certainly my view, that the most important things in life do not happen at work. There will be things you love doing, whether it is spending time with your family, having a meal with a friend, going for a bike ride, meditating and so on. Make sure this is part of your week. Do not cut it out. It is time away from work that give you the resilience to do your job. You are all high performing individuals and time away from the work place is how you can and should look after yourself.
6. The second point about looking after yourself is learn to say “No”. The ability to say “No” is remarkably liberating and it is not a sign of weakness. This is because it enables you to take control of situations. I often hear barristers say when they have missed some personal commitment: “My clerk put this in my diary”, “My clerk made me do this” etc etc. When ever I hear that I think – really? At the heart of this is communication – and that applies whether you are starting out in practice or have been in practice for a very long time. The clerk’s job is to fill your diary but, as against that, it is your job to tell your clerk what you have on, how long it will take, and what other commitments you have outside work. It is

⁵ Vice-Chair Wellbeing at the Bar Group, Hailsham Chambers.

⁶ <https://www.wellbeingatthebar.org.uk/>.

⁷ <http://www.chba.org.uk/for-members/wellbeing>.

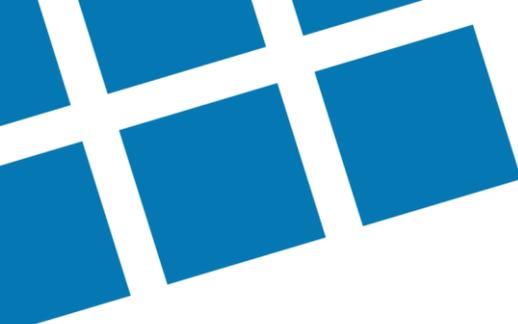


crucial that you do so, otherwise you risk being overwhelmed, and what then happens is you let yourself get into situations which are, or will become, difficult to manage. The same goes for working for leaders (or indeed judges). If you cannot do something within the time stipulated, or you have some commitments outside work, then say so. They will not know, unless you tell them. Speak to them. Talk to them. And by this I mean do not just send emails. Talking to people is a crucial part of communication, and it is much more difficult for somebody to get cross with you (if that is what you are anxious about) if you actually go and see them, and explain the situation.

7. I learnt this lesson the hard way. It was only when, after about 8 years' in practice, my now Head of Chambers wandered into my room late on a Friday night and asked me what I was still doing at my desk. Somewhat wearily I listed all that I had to do for various solicitors and said that, yet again, I would be working all weekend. He pointed out – correctly - that the only person I was letting down was myself. I should not have got myself into a position having agreed to do so much work for others, without leaving anytime for myself. He was right and the message was transformative. If what you are being asked to do is too much – say “No”. Make and keep time for yourself.
8. To this end, I would commend the Best Practice Policy⁸ for Wellbeing put together by the Chancery Bar Association and the Institute of Barristers Clerks and published in October 2017. It is directed at good working relationships. It was drafted particularly with the Junior Bar in mind, in order to identify best practice. Further, if you are concerned about what is happening to you, it is there for you to use as a policy or document to provide backbone to what you want to say. We have encouraged all Chancery sets to adopt this policy and, if you would like to use it for your own chambers, then please do not hesitate to get in touch with me, or our administrator⁹ and we would be delighted to help.
9. **Looking out for others.** The deepest level of support at the Bar comes from colleagues within chambers. Before I became enlightened about wellbeing, one of the things that troubled me was what to do if you are concerned about a colleague. The difficulty is that none of us like confrontation with people we know well or may be working with. On top of that, if you ask someone you are concerned about whether they are “Ok”, they will inevitably say that they are “fine”. You are therefore none the wiser.
10. Now as young barristers you may well be in a situation where you are working with a leader, or other more senior barristers. In fact you may see more of a particular person than their family or clerks. In relation to signs of stress, one often needs to look no further than someone's face. However, irritability, mistakes, forgetfulness, misuse of alcohol, are all

⁸ <http://www.chba.org.uk/for-members/wellbeing/best-practice-policy>.

⁹ Francesca Compton at admin@chba.org.uk.



hallmarks that something is not right and that someone is going off-track and potentially heading for ill health. You do not have to have any history of mental illness to be in this situation. Too much pressure is enough to put you there.

11. So what do you do? Well the key message is that doing nothing is not an option. If something does not seem right with a colleague, the chances are that they are not right, and steps need to be taken to get that person back on track. Your knowledge, or even hunch, about this means that you can take action. You can take the person out for a coffee and a chat outside the work place. If you do this, people often open up and recognise there may be issues that need sorting out or they need help with. Alternatively, speak to your Head of Chambers or Senior clerk. It may be that others have also noticed something of concern. Or, if you have one, go and speak to your Chambers' Wellbeing Officer.
12. The reason doing nothing is not an option is that something worse could happen and you are in a position to alert the person to your concerns about them or speak to more senior colleagues. That, in itself, may be enough to get your colleague back on track, and the road to better health and wellbeing. It is a leadership point – and in relation to wellbeing leadership can arise in many different ways. The fact you are more junior to the person you are concerned about or indeed a junior practitioner, is irrelevant. You may well know, or have seen, a lot more than anyone else.
13. Finally, and reverting to the topic of Summer Holidays, they are precious. Do take the time to be with family and friends, relax and switch off completely. Leave your emails and work phone behind. It can be done and it should be done. This is for your own wellbeing and, in terms of looking after yourself, that is for the here and now as well as the many years of successful practice that lie ahead of you.

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9 June 2018

ChBA - Next Wellbeing event: On Wednesday 17 October 2018 Dr Bill Mitchell of the Mitchell Practice <http://www.mitchellpractice.co.uk/Default.aspx> will be speaking to the Chancery Bar Association about Resilience at work. This event will be chaired by Nigel Jones of the City Mental Health Alliance <http://citymha.org.uk/>. Will East will be speaking about the ChBA's Best Practice Policy for wellbeing – one year on. The event will be held at the IDRC from 5.30pm to 7pm, followed



by a reception. The event is for members of the Chancery Bar Association, their clerks and staff. The event will also be open to Members of the Young Bar, who are very welcome to attend. Full details, together with information about registration, will be provided to the YBC nearer the time

Speaker Profile: Amanda is the Chairman of the Chancery Bar Association (2016-2018), and Chairman of its Wellbeing & CSR sub-committee. In November 2017 the ChBA was awarded a Certificate of Recognition by the Bar Council for all its wellbeing work and was one of the first SBAs to receive such an award. Amanda took silk in 2011, is a Crown Court Recorder (2009) and Deputy High Court Judge (2013). She was Chairman of the YBC in 1997.

