



Law Society
of Scotland

Law Society of Scotland

In-house Solicitors - Online Survey - Analysis of Research

July 2020



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Background

The ongoing coronavirus pandemic continues to extensively affect our daily lives. Although there have been a number of restrictions relaxed recently on movement, social gatherings and on certain businesses, we still have to adapt both our working and personal lives in order to minimise its impact. Emergency legislation passed at both Westminster and Holyrood and health protection regulations made by Scottish Ministers have imposed stringent conditions on us all which often run counter to the normal freedoms which we take for granted.

This report complements the [telephone survey of in-house Heads of Legal/General Counsel undertaken in May 2020](#).

In terms of that report, it was disclosed that workloads had increased for about 70% of those in-house legal teams surveyed and that for those in-house legal teams which had furloughed staff, twice as many non-solicitors than solicitors had been furloughed.

In-house teams working for organisations in both the hospitality and retail sectors did, however, report decreased workloads. Some also reported staff furlough, recruitment freezes and salary reductions.

That telephone survey had been undertaken to allow the Society to gain a better understanding on how the provision of in-house legal services had been affected.

However, in order to get a better understanding of how the pandemic has affected all in-house solicitors professionally and what steps the Society could consider to help minimise the impact on individuals, this online survey was also undertaken. This survey not only contained questions relating direct to the impact of Covid-19 and changes in both type of work and working practice, but also contained questions relating to support the Society may consider, wellbeing and preferred training the Society could make available to the in-house community.

In terms of adapting to necessary change in working practice e.g. home working as a result of Covid-19, this survey disclosed that 93.8% of respondents answered that they had adapted to the necessary change in working practice as a result of Covid-19 either very well or satisfactorily. It also disclosed

that 56.96% of respondents had experienced either a significant increase or some increase in workload as a result of Covid-19.

These figures are comparable to those in the telephone survey. 80% of Heads of Legal/General Counsel reported that their in-house legal team had adapted very well and 20% satisfactorily.

Also comparable are the figures obtained in relation to change in workload. The telephone survey indicated that overall, just under 70% of in-house legal services had experienced either a significant increase or some increase in workload, albeit those working in retail and hospitality had seen a decrease in workload.

In this survey and in terms of impact on workload, 24.41% of in-house solicitors indicated significant increase on their workload and 32.55% indicated some increase.

This survey also disclosed that the top three areas of legal work where there now had to be more of a focus on as a result of Covid-19 were employer's regulatory /statutory compliance (44.7%) contracts and commercial including debt recovery (39.74%) and employment law/HR matters/furlough (24.5%). Again, this is in line with the overall response received in the telephone survey.

There was also an open question asking how the Society's In-house Committee could best support the in-house community and which conferences should be made available. These drew wide and varied responses from respondents, including free CPD, greater support for home working and more Covid-19 related guidance/practice notes.

A further open question asked respondents to share positive changes that they or their in-house legal team had seen in relation to their role or working practice as a result of the crisis. This again drew a large number of wide and varied responses. There was some focus on the benefit of home working, more flexible working, virtual meetings, adapting to more efficient and effective ways of working and having to learn how to communicate on new platforms. For some respondents, there was a general recognition of being able to work in a way that before wasn't considered practicable and hadn't been encouraged by certain employers.

A separate question was asked on wellbeing, inviting different levels of agreement on a number of prepared statements. On balance, work was not having a negative effect on wellbeing during the outbreak.

27.68 % agreed with the statement that work was having a negative effect on wellbeing, 30.04% neither agreed nor disagreed and 41.2 % disagreed with the statement that work was having a negative effect on wellbeing .16.74 % agreed with the statement that they had concerns about job security, 22.53% neither agreed nor disagreed and 59.23 % disagreed with this statement. There was on balance agreement with the statement that respondents were being adequately supported by both their managers and their organisations during the outbreak.

However, there was less of a consensus on the statement "I feel positive about returning to the workplace when the time comes". 37.04% agreed, 29.12% neither agreed nor disagreed and 30.62% disagreed with the statement.

The remaining questions focused on CPD training. There was a general consensus for participation in a fully online conference with varying preferences for the proposed length of conference.

An open question on topics or speakers that respondents would like to see in the on-line conference agenda. There was a wide range of responses covering almost all aspects of law both substantive and procedural from property, contract, criminal law, human rights etc. where the in-house community would be likely to provide advice. There was some focus on the Covid-19 impact. A number of responses suggested new ways of working and GDPR compliance, particularly while home working.

Finally, respondents were invited to provide contact details on a confidential basis should they like to participate in a conference by either presenting a session or attending as a panel member. 36 respondents indicated that they would like to participate and provided contact details.

Methodology

The Society's In-house Lawyers Committee co-conveners Sheekha Saha and Vlad Valiente sent the survey by e-mail to all in-house solicitors on 5th June 2020 and invited them to complete the survey by 26th June 2020.

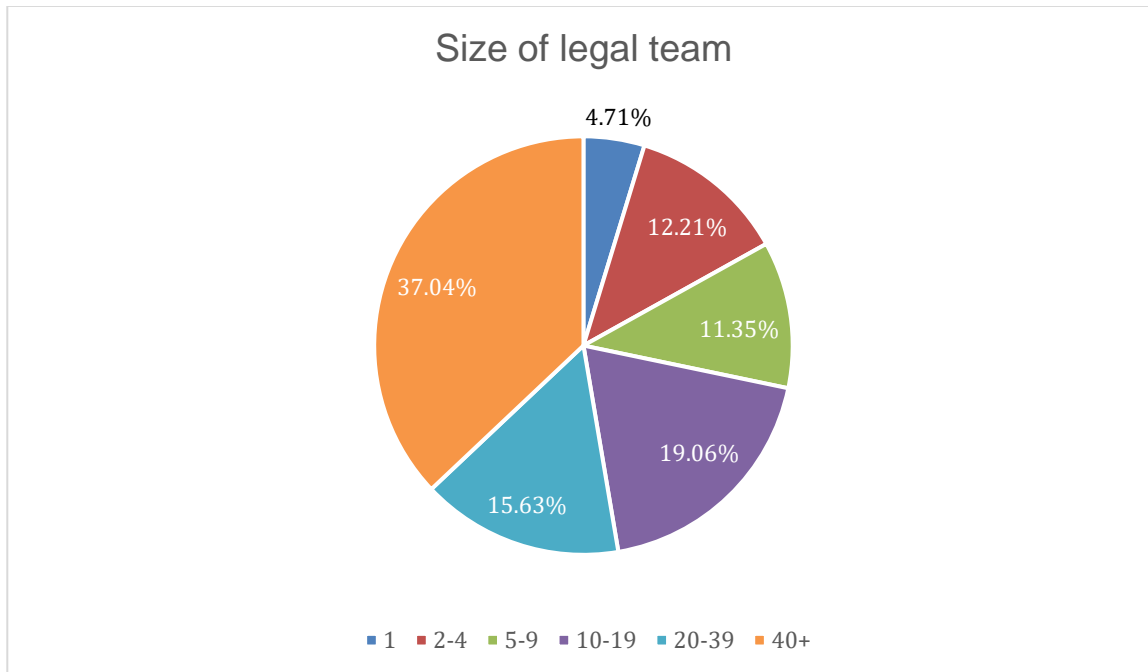
The Survey was also publicised in the Journal online, Lawscot News and on social media.

468 responses were received.

The questions and answers are set out below.

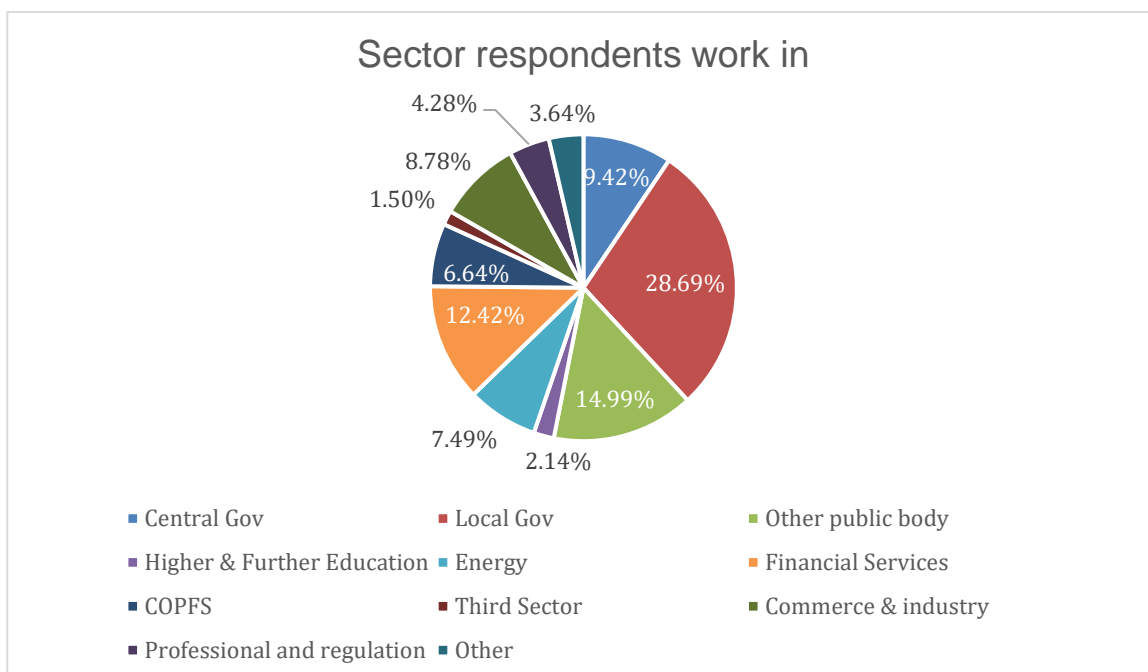
Questions 1 to 6 were asked in order to provide a profile of respondents

1. What is the size of the legal team in your organisation, including solicitors, paralegals and trainee solicitors?



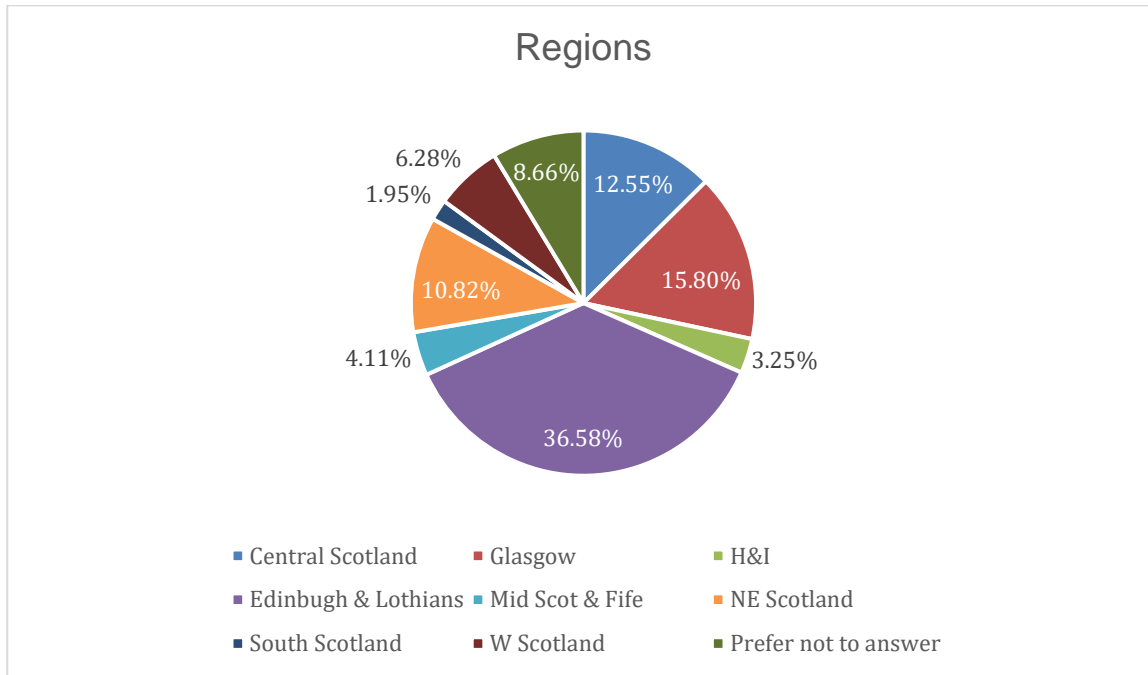
A significant number of respondents (173) or 37% were working for organisations with a legal team of 40 or more staff. This would suggest that a large number of respondents are working in the public sector and correlates with the current constitution of the in-house community.

2. Which sector do you work in?



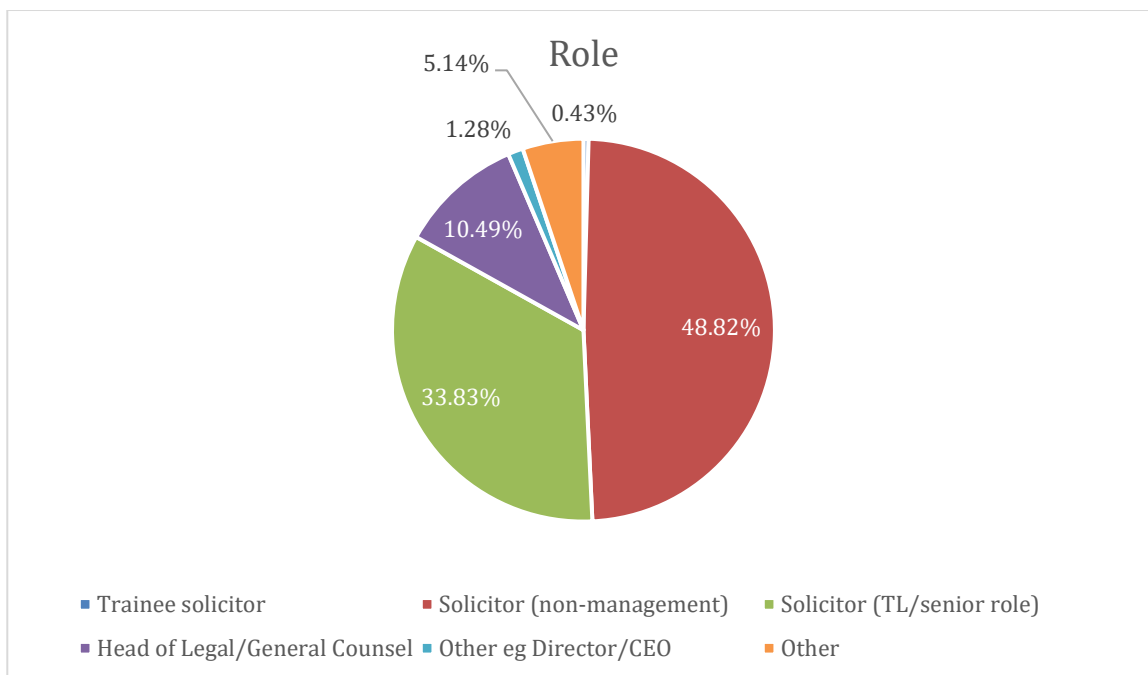
Again, it is of note that the majority of respondents are working in the public sector. Of particular significance is that over one quarter of respondents (134) are working in local government. In terms of private sector, the highest respondent sector was financial services (58 respondents). These responses as percentages are more or less in line with the overall sectoral spread of the in-house community.

3. Which of the following regions best describes where you work?



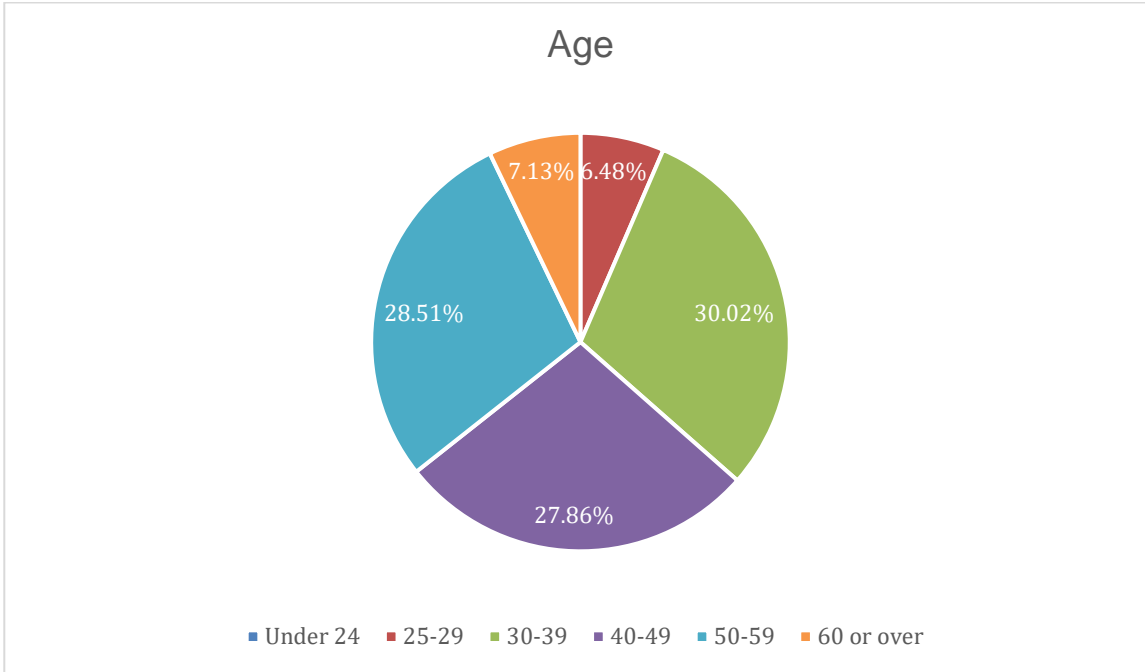
While this represents a good representative response on a regional basis, over one third of respondents (169) were based in Edinburgh and the Lothians and 15% (73) based in Glasgow.

4. Which of the following best describes your position in the in-house legal team?



Almost one half of respondents (228) stated that they were solicitors in a non-management role while one third were team leaders or in a senior role and one tenth were heads of legal /general counsel. Only two respondents were trainee solicitors.

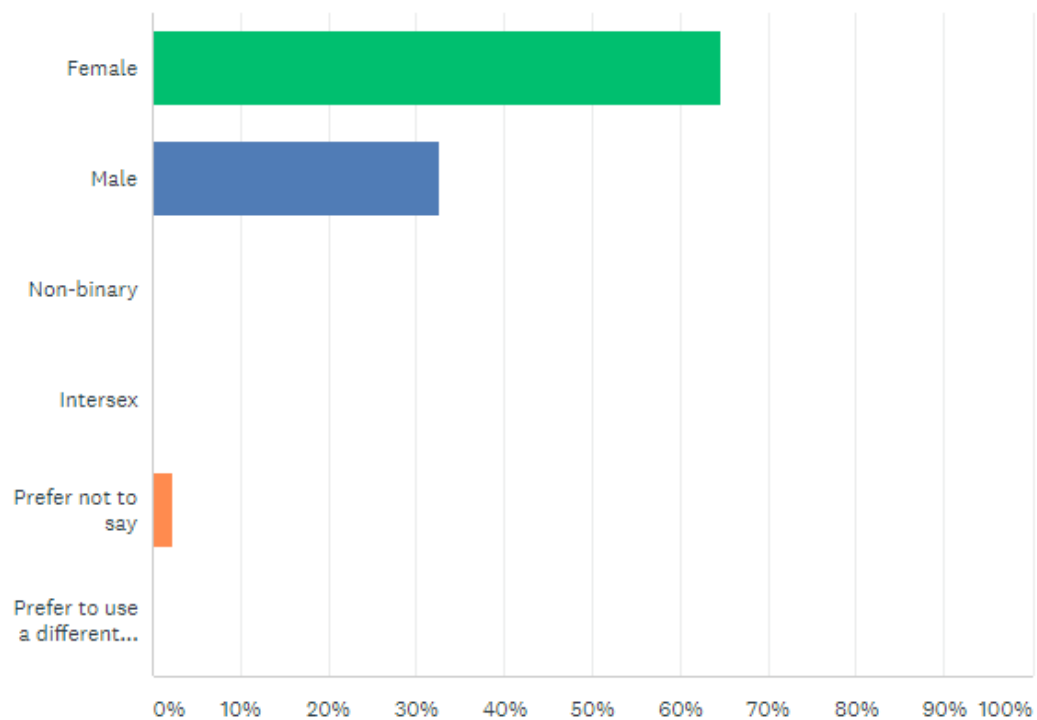
5. Which of the following age brackets do you fall into?



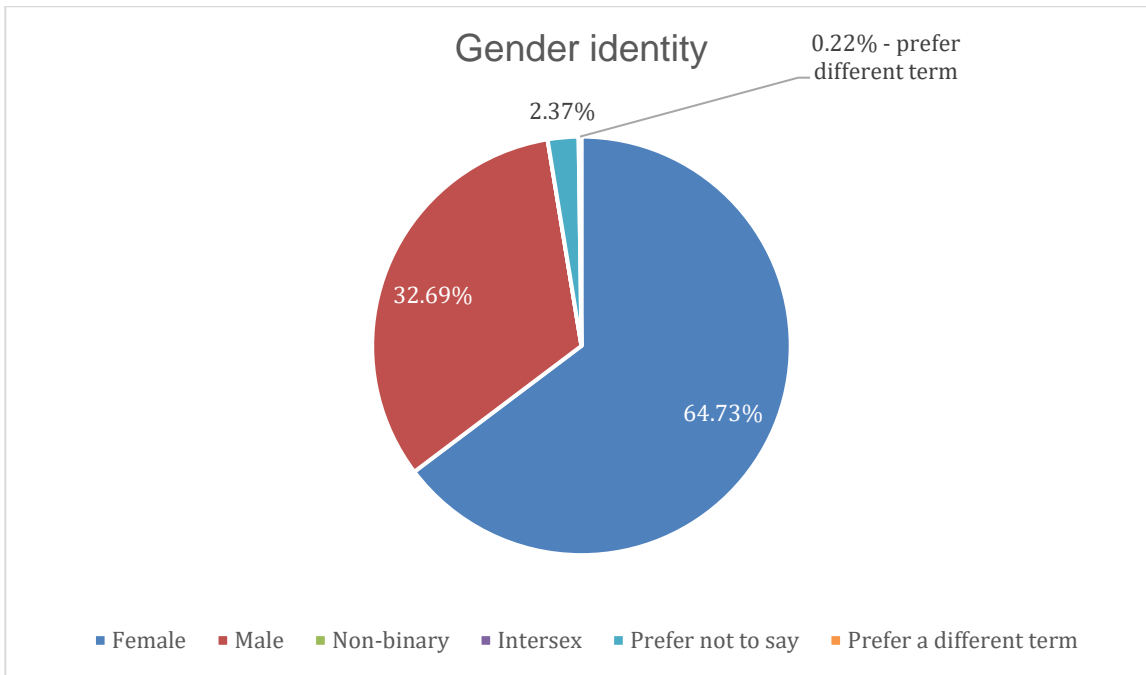
This spread would appear to correlate with the solicitor profession's general age range. It is certainly a fairly even spread over the age brackets provided.

6. What is your gender identity?

Answered: 465 Skipped: 3

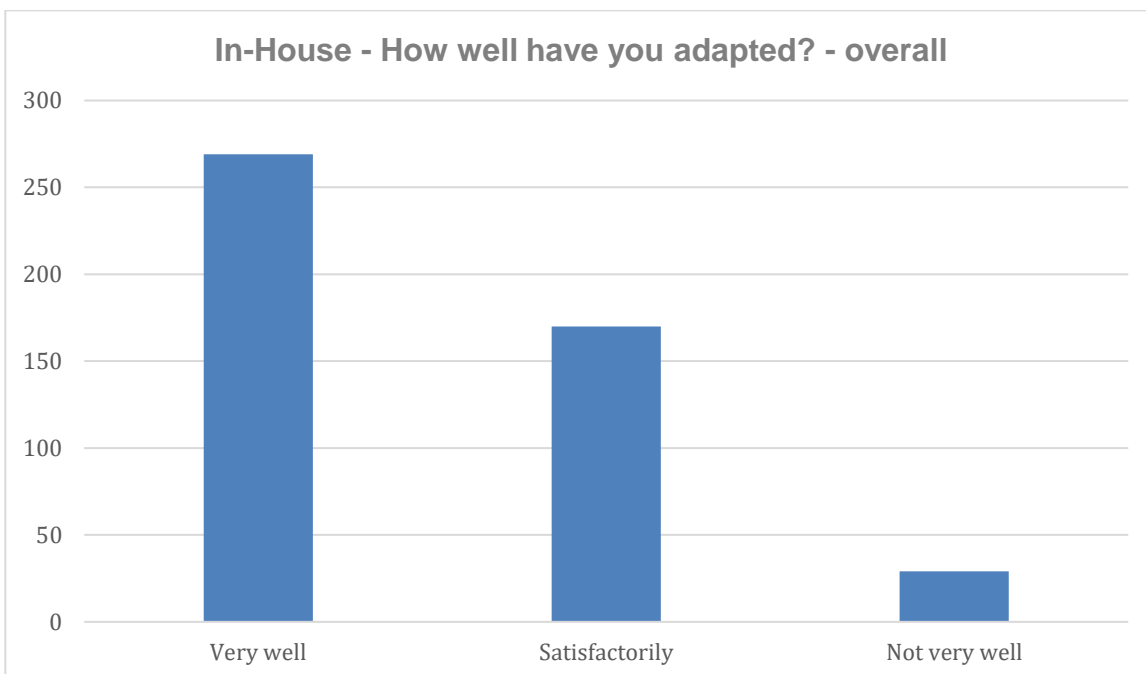


| ANSWER CHOICES | RESPONSES | |
|---|-----------|------------|
| Female | 64.73% | 301 |
| Male | 32.69% | 152 |
| Non-binary | 0.00% | 0 |
| Intersex | 0.00% | 0 |
| Prefer not to say | 2.37% | 11 |
| Prefer to use a different term (please specify) | 0.22% | 1 |
| TOTAL | | 465 |



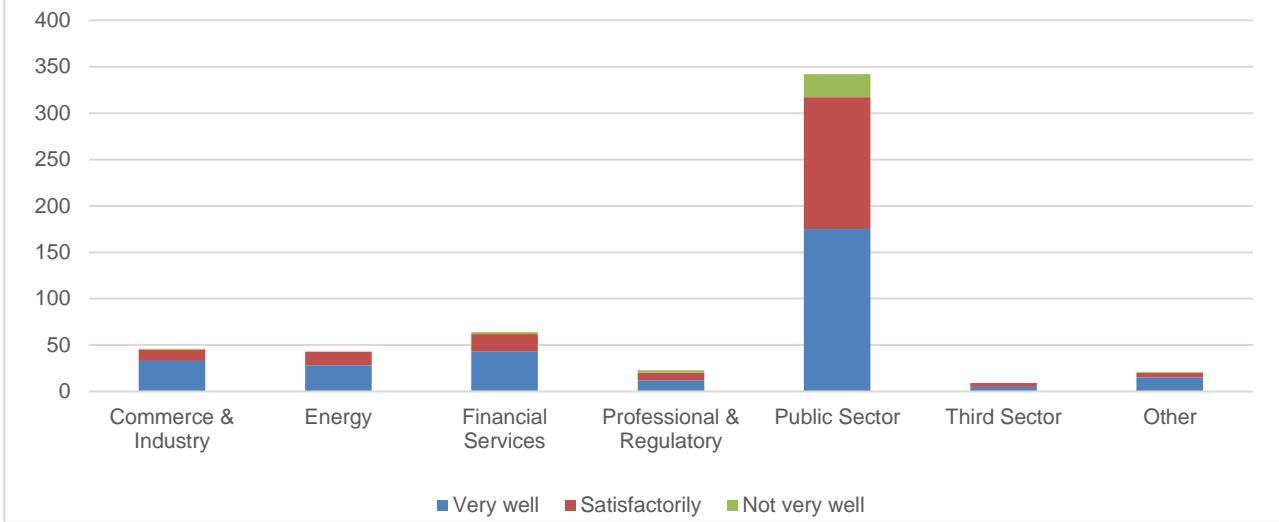
The gender split was almost two thirds female and one third male. 11 respondents preferred not to answer this question and one respondent answered “person”.

7. How well do you feel you have adapted to the necessary change in working practices as a result of Covid-19 (e.g. working from home)?



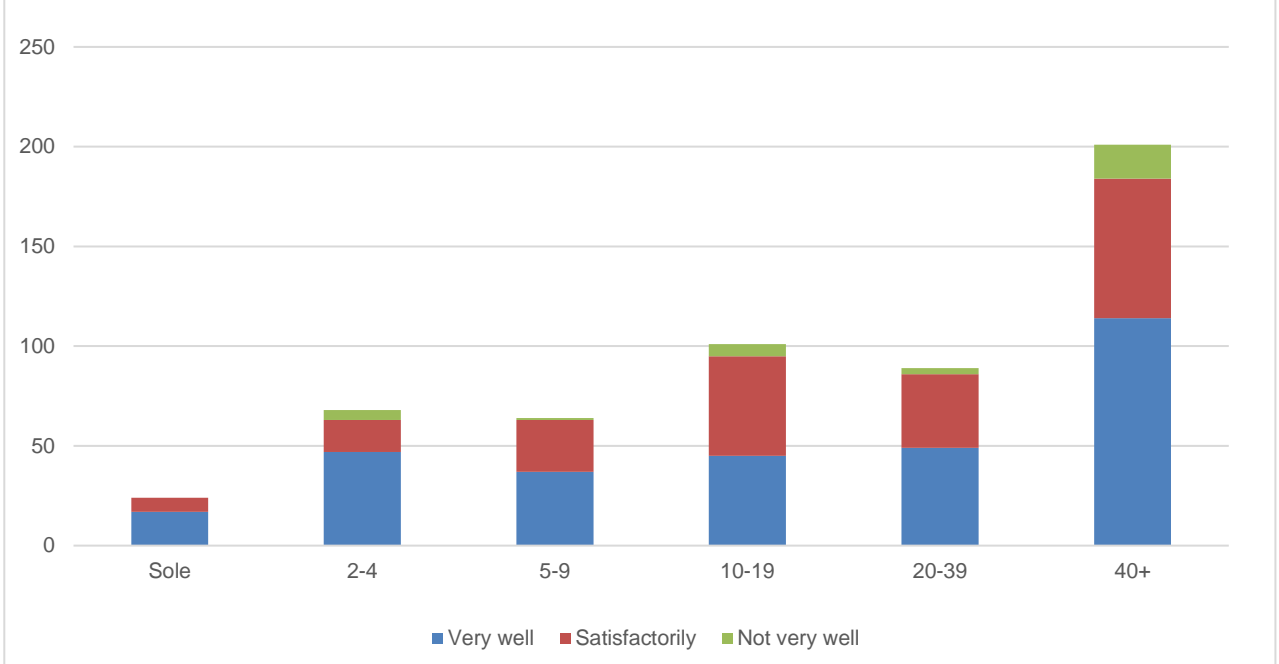
The vast majority of respondents answered that they had adapted to necessary changes such as home working either very well (269) or satisfactorily (170). 29 respondents indicated that they had adapted not very well.

In-House - How well have you adapted? - by Sector

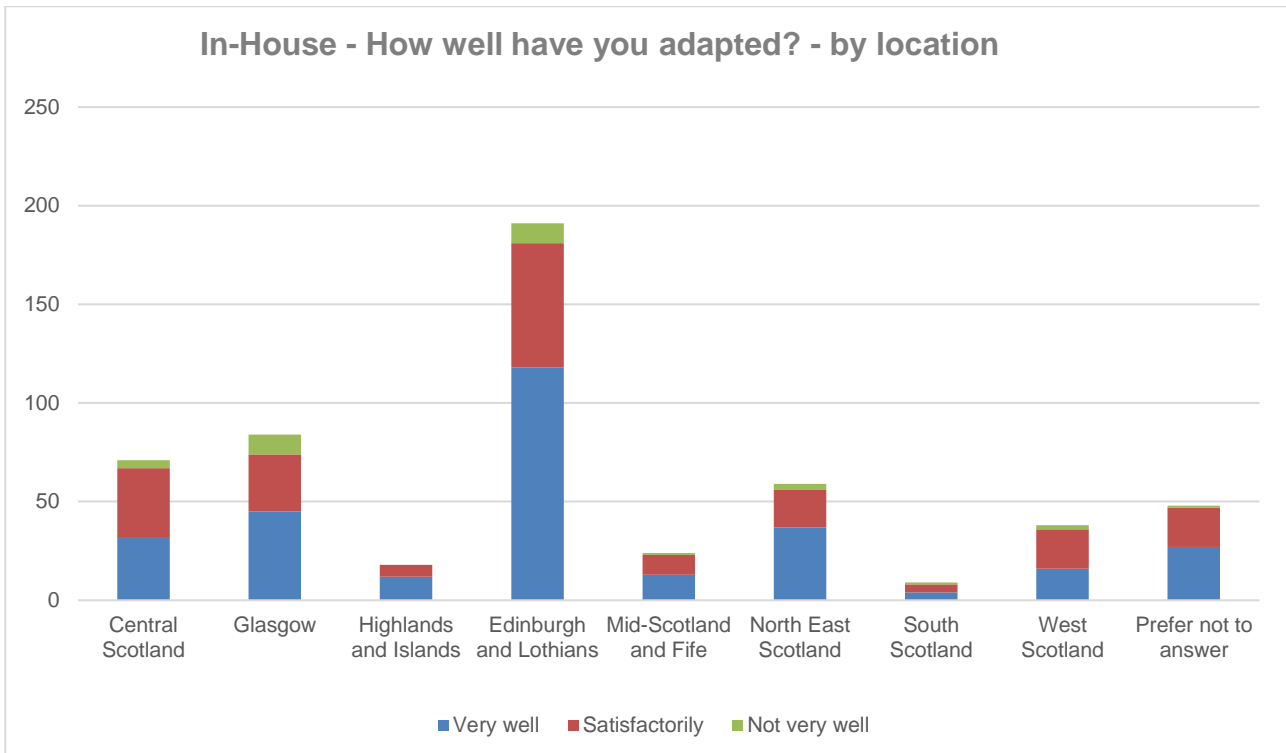


In considering this question by team by sector there is no significant difference.

In-House - How well have you adapted? - by team size

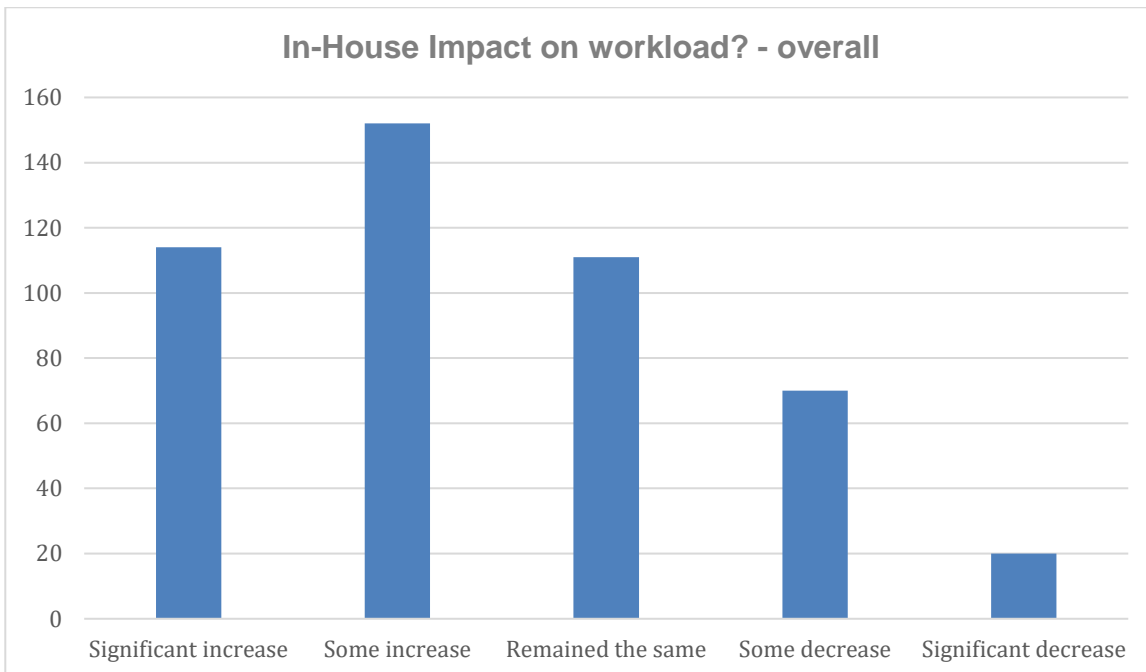


Also, there appears to be no significant difference in comparing by team size although a higher proportion in the 10-19 bracket answered satisfactorily rather than very well. Of some note is that the majority of those respondents who answered not very well are in the 40+ team size bracket.



Again, there appears to be no significant difference when considering responses according to location.

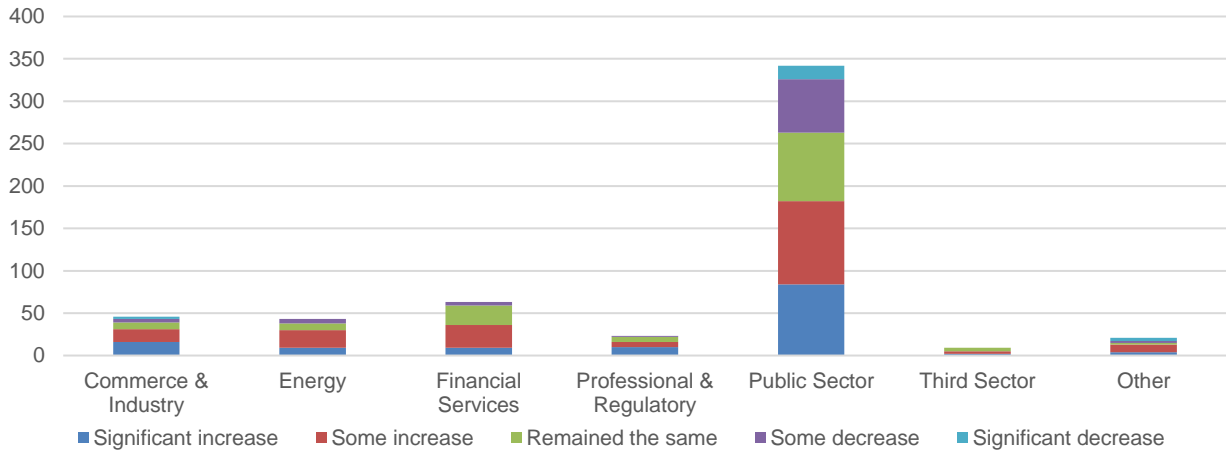
8. What impact has Covid-19 had on your workplace?



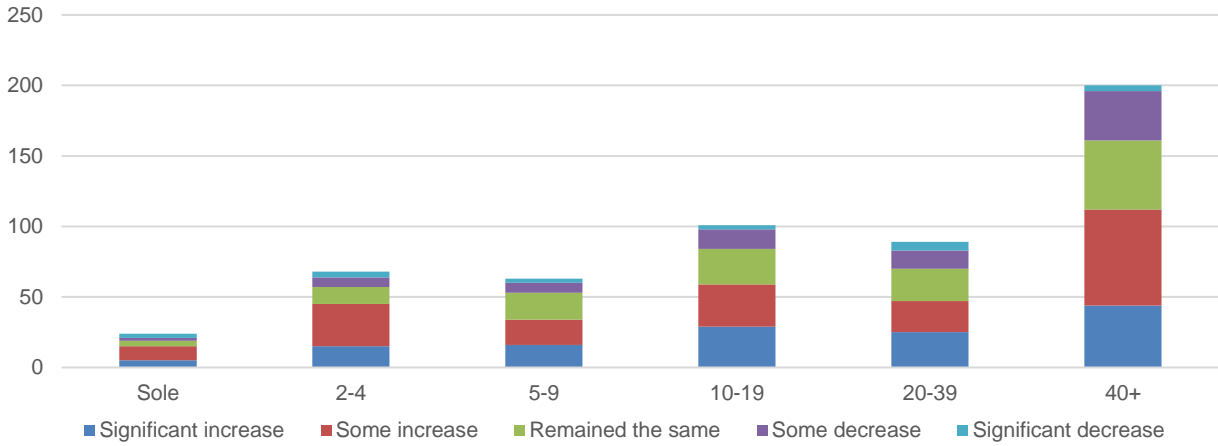
Over half of the respondents indicated that there had been a significant increase in work as a result of Covid-19 (114) or some increase (152).

Almost a quarter of respondents (111) indicated that this had remained the same while just less than one fifth answered that there had been either some decrease (70) or a significant decrease (20).

In-House Impact on workload? - by Sector

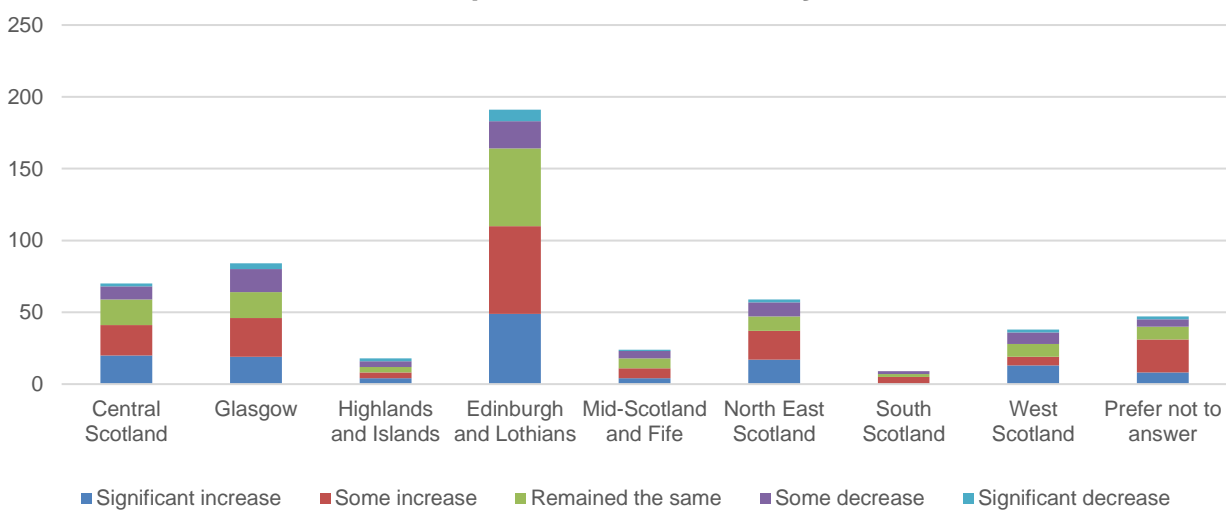


In-House Impact on workload? - by team size



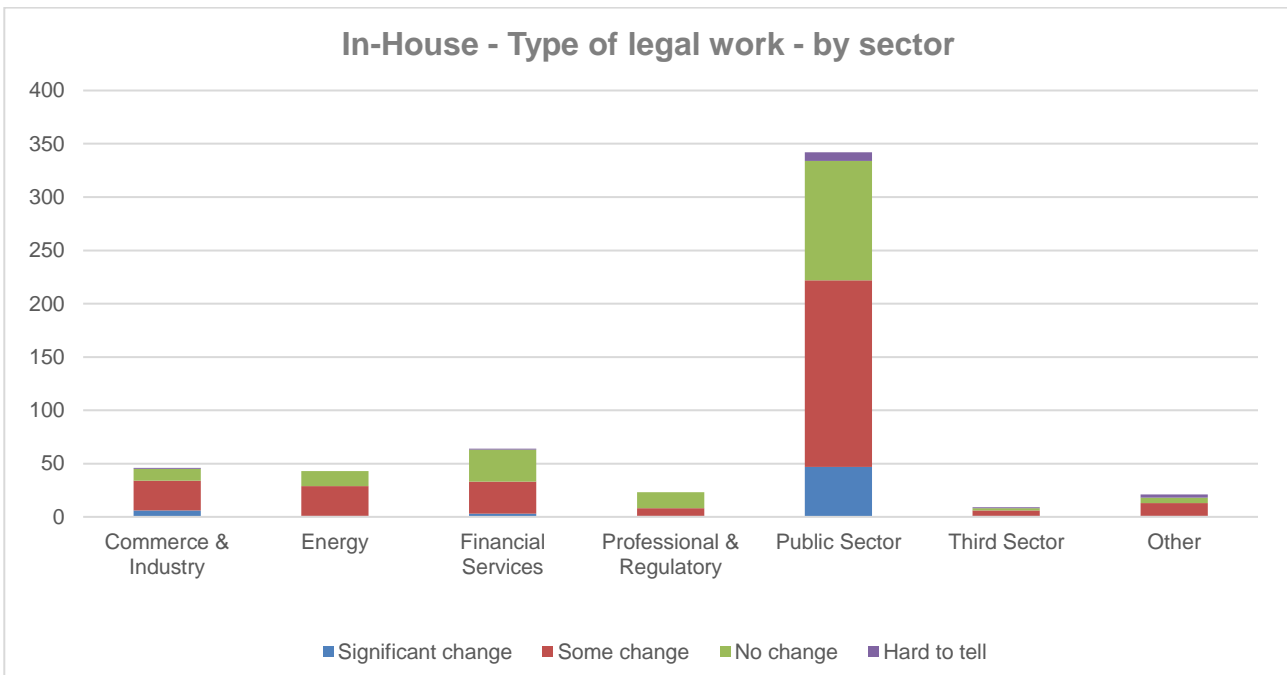
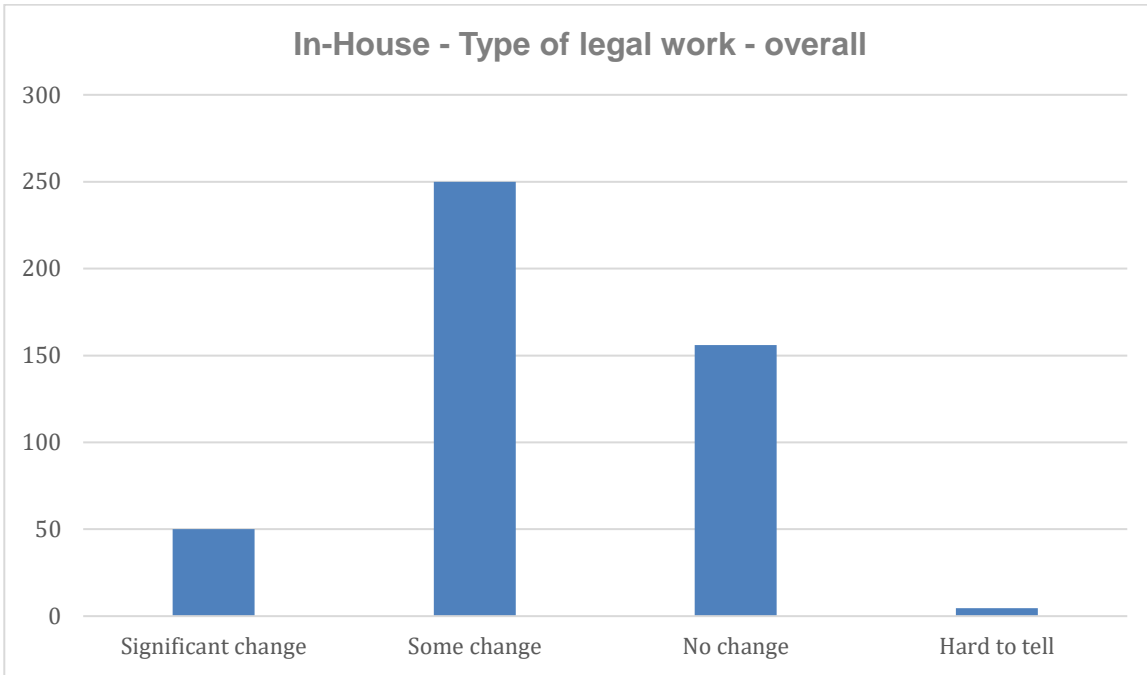
There was no significant inference that could be drawn when this question was compared by sector or team size.

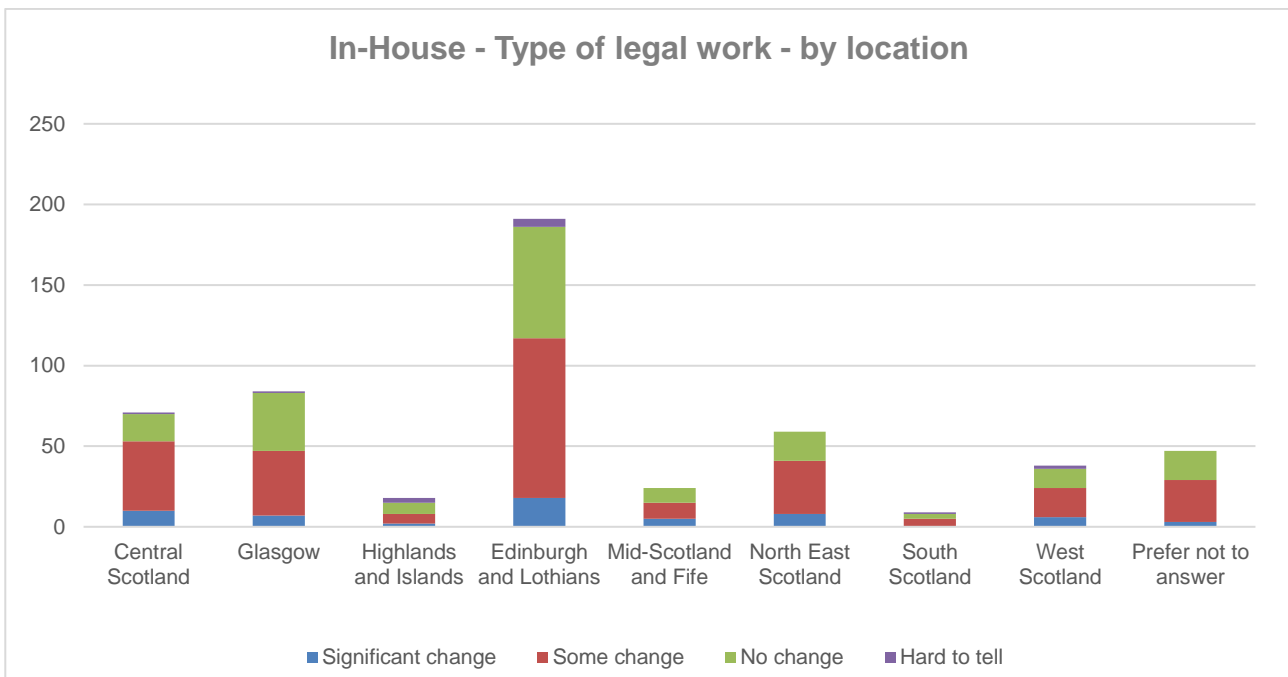
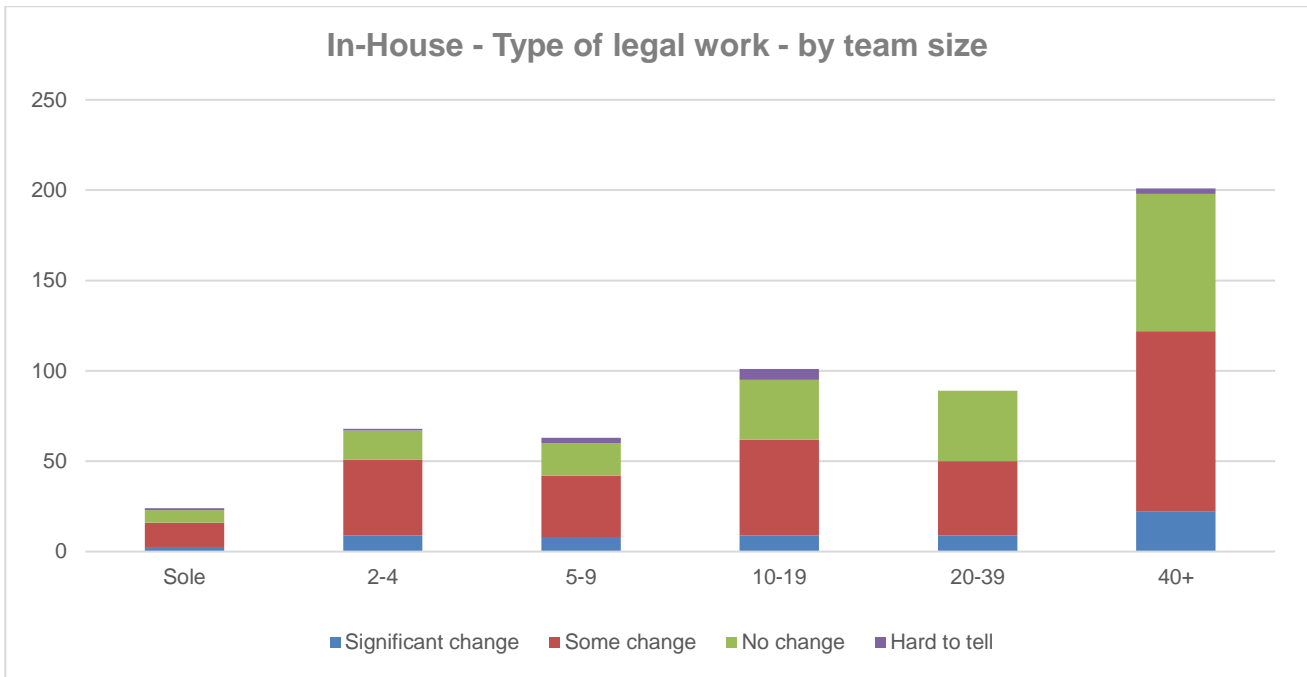
In-House Impact on workload? - by location



Similarly, when providing a breakdown by location, there was no significant inference to be drawn other than mid-Scotland and Fife where a slightly higher proportion indicated that it remained the same.

9. Has Covid-19 change the type of legal work have you been doing?





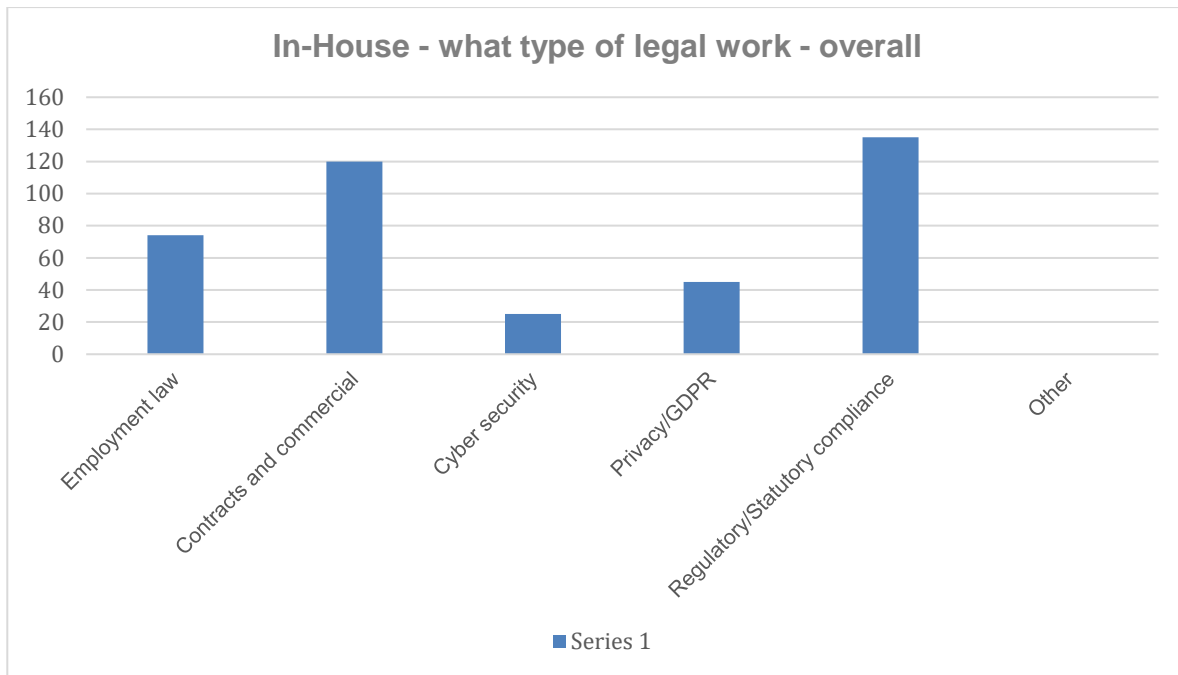
Almost two thirds of respondents indicated that there had been either a significant change (50) or some change (250) in the work they do as a result of Covid-19. One third indicated that there had been no change. A small number of respondents (12) indicated that it was hard to tell.

In considering this question by sector, there is nothing of significance although a slightly higher proportion of respondents in the financial sector indicated there had been no change.

By team size, a slight trend in there being more of a response to no change in bigger teams.

By location, this slight trend would be reflected in the two biggest areas, Edinburgh and Lothians and Glasgow.

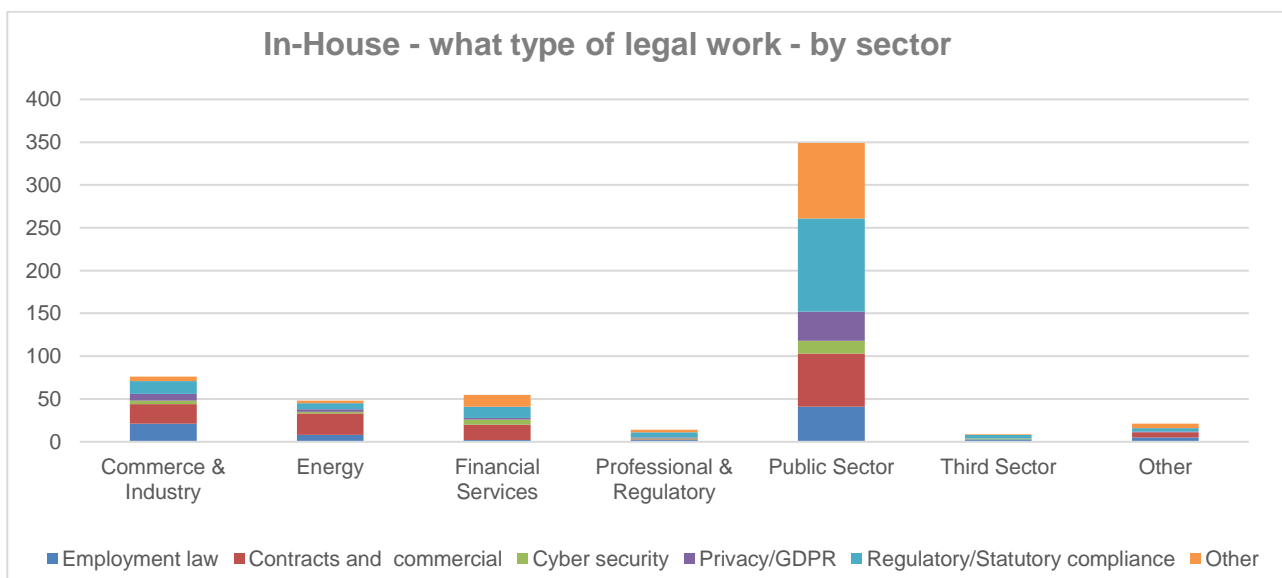
10. If Covid-19 has changed the type of legal work you have been doing, which areas have you had to focus on more than usual?

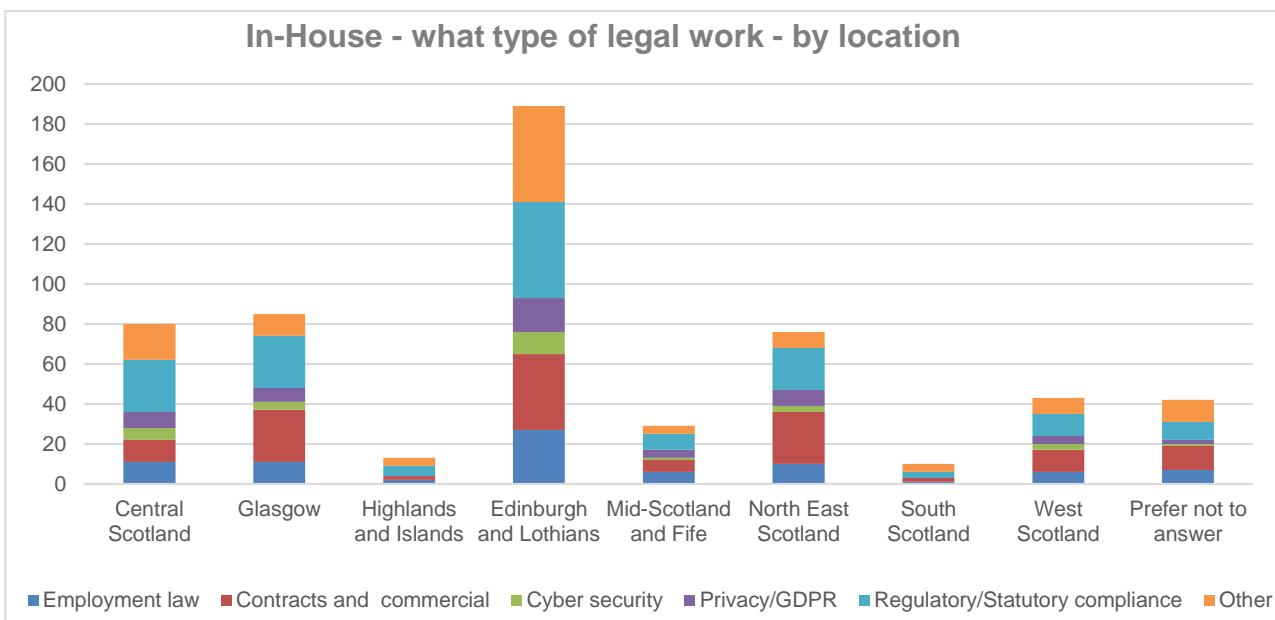
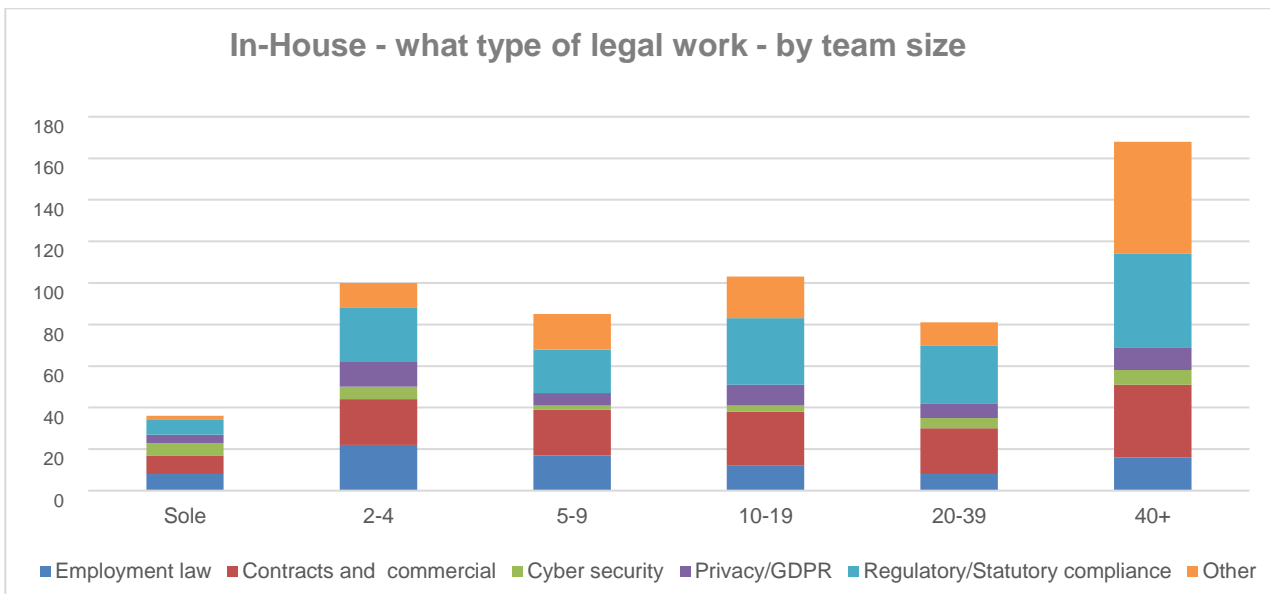


This question drew a smaller sample of 302 respondents. 166 respondents didn't answer the question.

However, almost half who did answer this question indicated that there now had to be more of a focus on their employer's regulatory and statutory compliance. Almost two-fifths stated that there had been an increased focus on contracts and commercial, including debt recovery and almost one quarter indicated that there was now more of a focus on employment law, including HR matters and furlough.

Over one third answered other areas such as property, construction, electronic communications and business continuity. Some who marked "other" gave examples such as Covid-19 related emergency legislation which may have been considered by others as falling within compliance.





There does not appear to be any significant change when this question is considered by sector, by team size or by location.

11. How could the Law Society of Scotland and in-house Lawyers Committee best support you in our role during this time?

This question was answered by 331 out of the 468 respondents and drew a wide a varied number of responses for the Society to consider

A large number of responses identified free CPD and online training. Professional support, particularly in relation to new technology was also identified,

Some respondents had identified advice on health and safety issues to be considered as they return to work and also new systems to help remote working as being relevant.

Particular areas identified in respect of training were around remote execution of documents.

Some concerns were also expressed around the start up of courts and tribunals as a topic where the Society could offer support.

One particular comment suggested an information and advice hub dedicated to in-house solicitors on the Society’s website.

12. Please share any positive changes that you or your in-house legal team have seen in relation to your role or working practices as a result of the COVID-19 crisis.

This question was answered by 340 out of the 468 respondents.

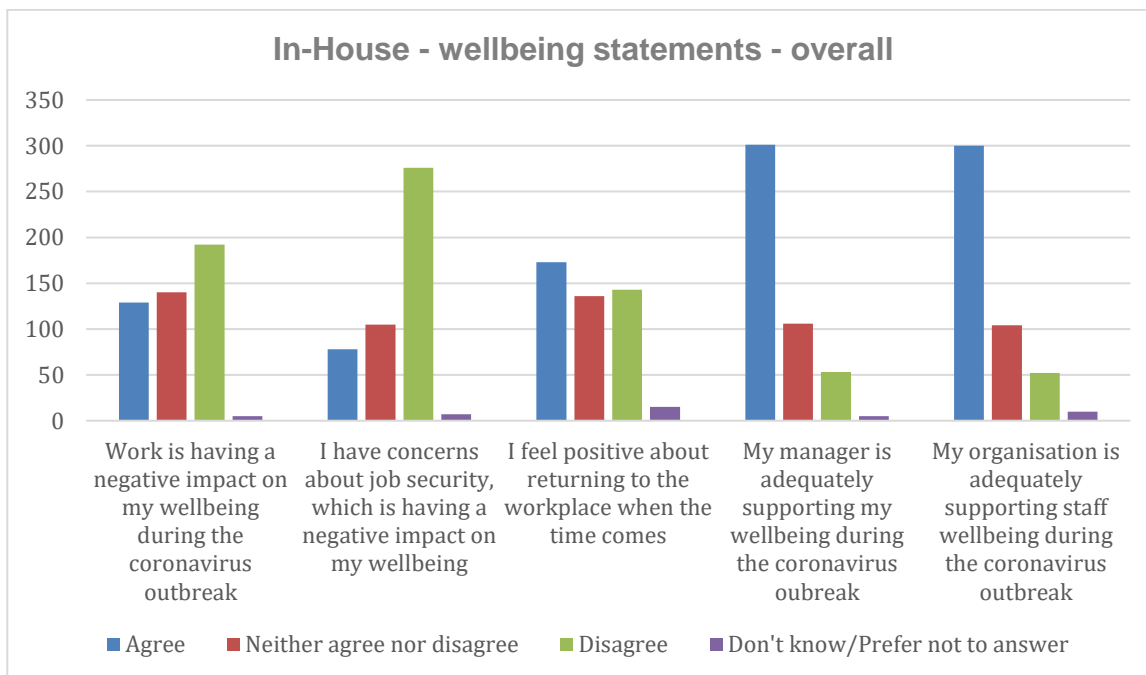
Again, a wide and varied number of responses were received for the Society’s consideration.

There was a particular focus on improvements in home working and remote communication. Reduction in commuting, greater flexible working and paperless working were also highlighted.

These responses would tend to suggest that employers may encourage more home and flexible working at the end of the crisis in a way that was perhaps not encouraged so much before.

They would also suggest that a greater focus on work/life balance could be achieved post crisis.

13. In relation to your current wellbeing, do you agree/disagree with the following statements?



These responses to the above pre-set questions were provided by all but one respondent. In general terms, they indicate that in-house solicitors have been relatively positive throughout the pandemic, with some reservations. While over one quarter agreed that work was having a negative impact, almost half disagreed with this statement and almost a third neither agreed nor disagreed.

The response to job security was more positive, almost two thirds disagreed with having any concerns.

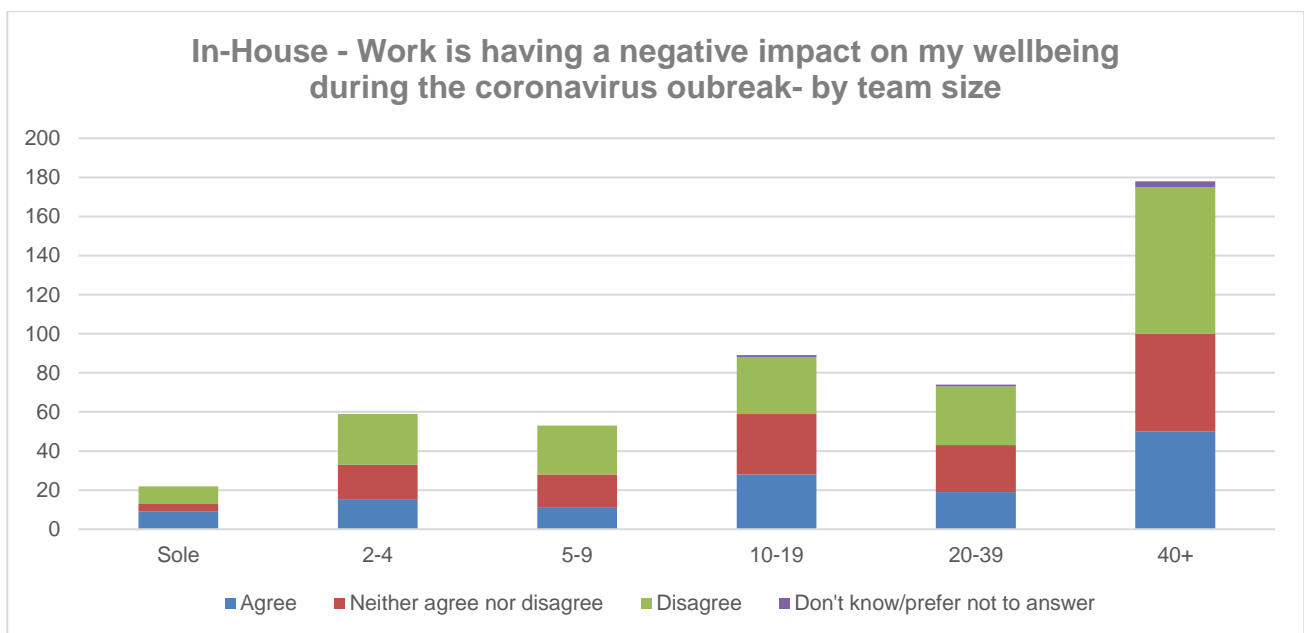
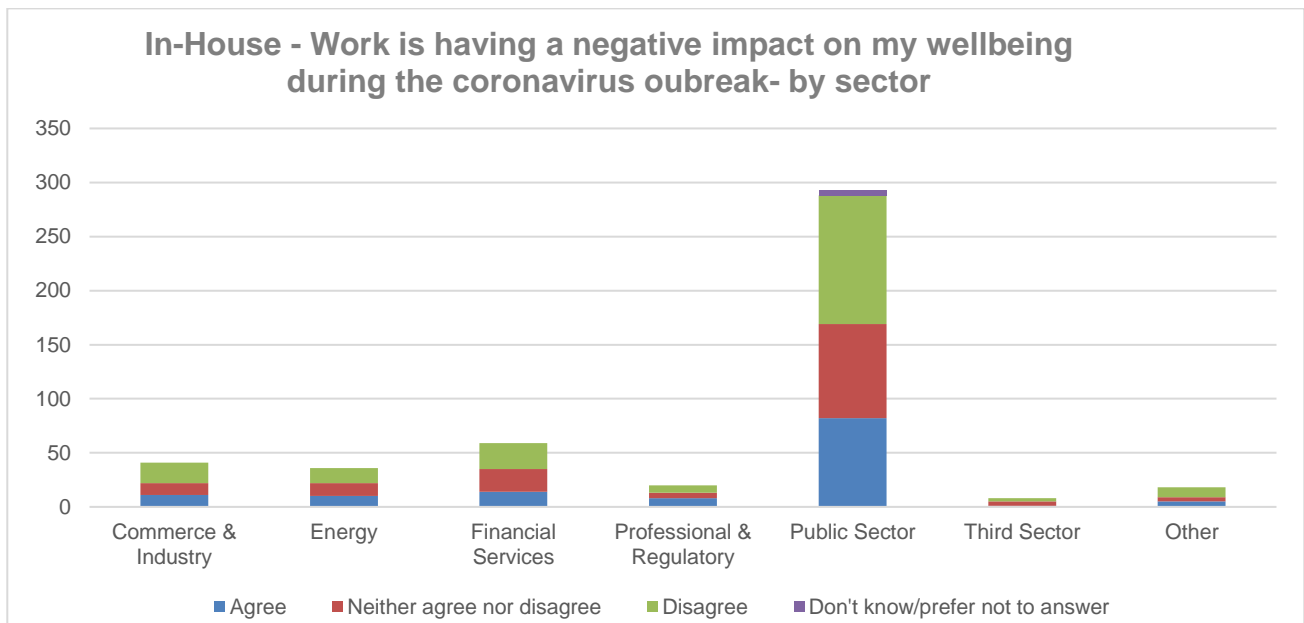
Positivity on return to the workplace provided a more mixed response, although slightly more respondents (173) felt positive about returning than not (143).

There was a relatively high response to the statement that managers are adequately supporting wellbeing. Almost two thirds of respondents agreed with this statement, just over one tenth disagreed.

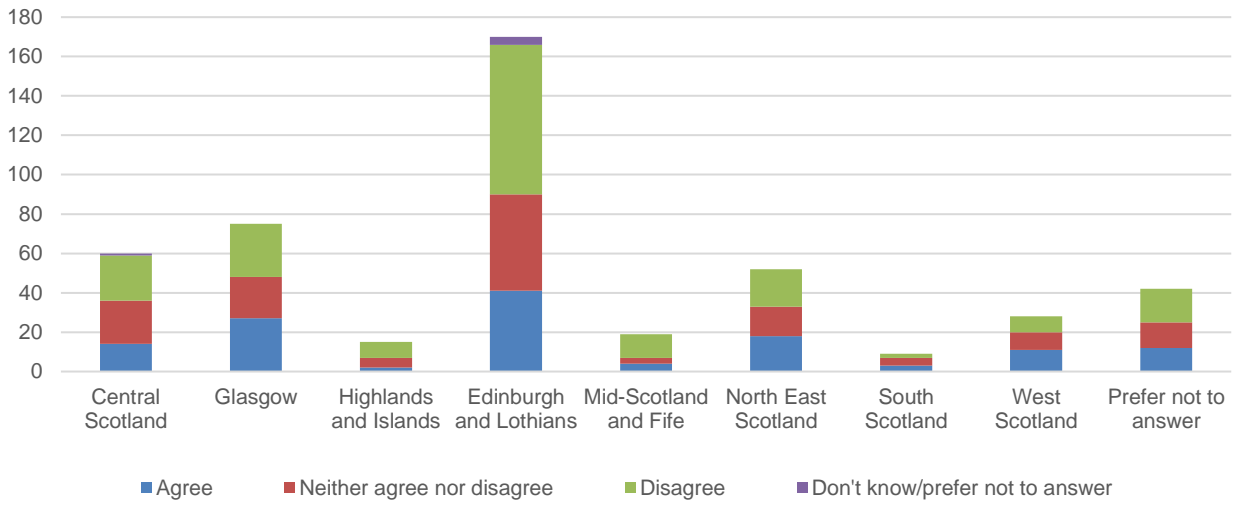
Finally, almost exactly the same responses were made to the statement on respondents' organisations adequately supporting them during the crisis.

Each of these statements has been broken down by sector, team size and location as indicated in the tables below.

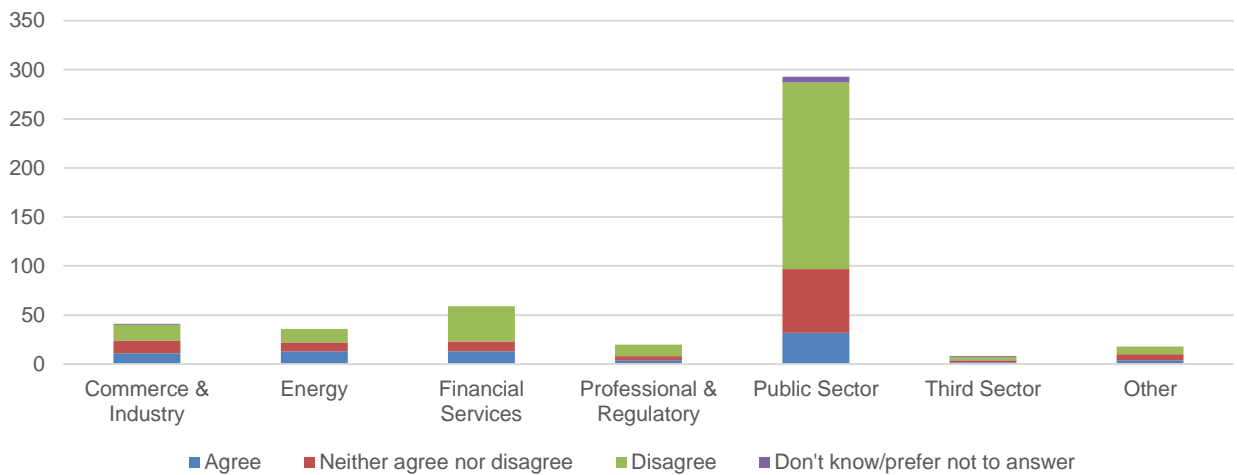
Again, there does not seem to be any significant variance when considered against these breakdowns other than there being slightly more of a concern around job security in the both the commerce/industry and energy sectors.



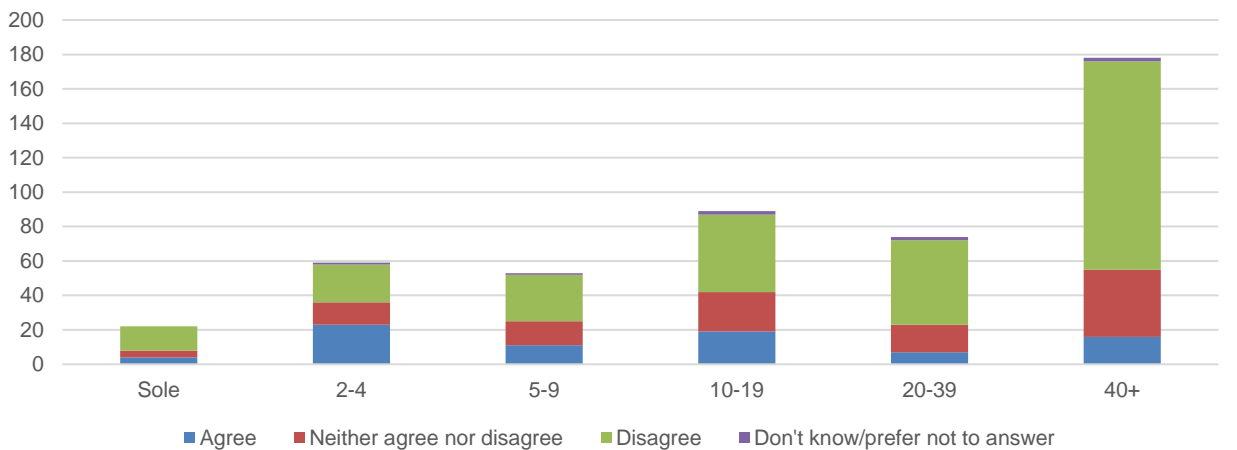
In-House - Work is having a negative impact on my wellbeing during the coronavirus outbreak- by location



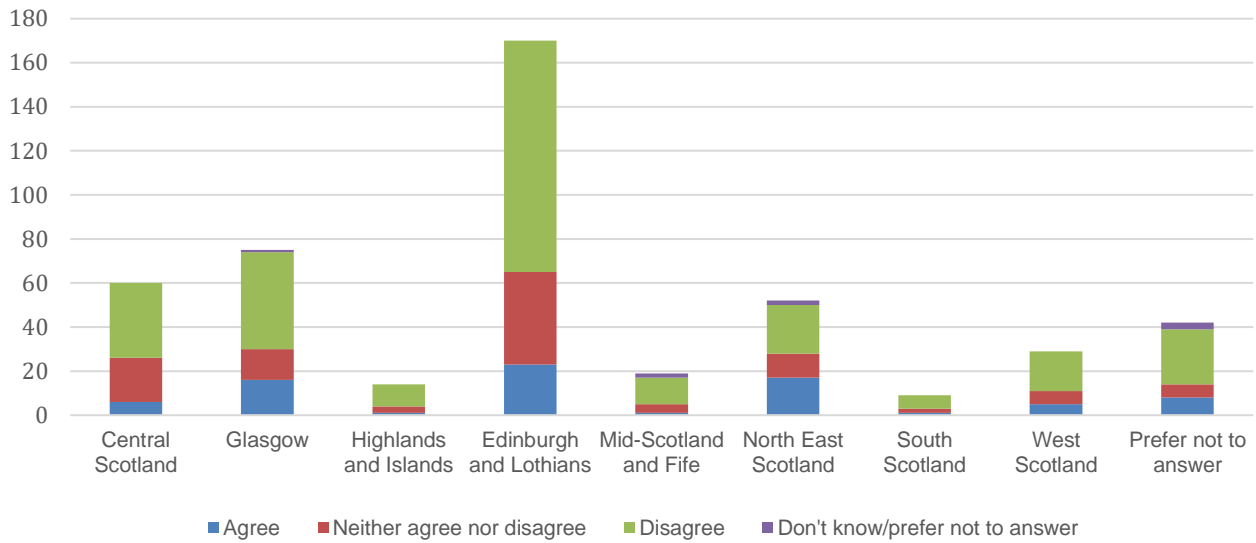
In-House - I have concerns about job security, which is having a negative impact on my wellbeing- by sector



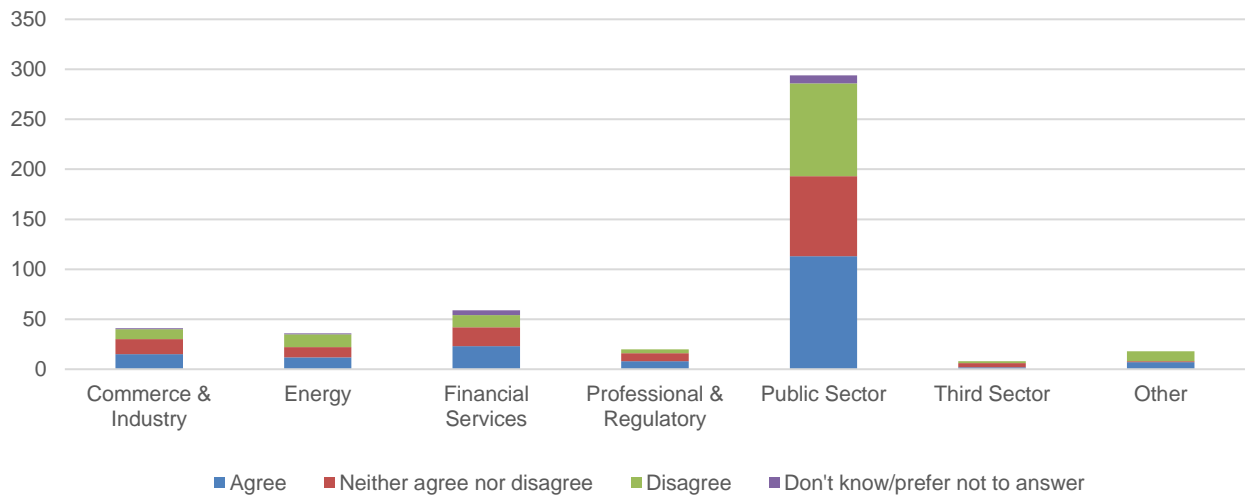
In-House - I have concerns about job security, which is having a negative impact on my wellbeing - by team size



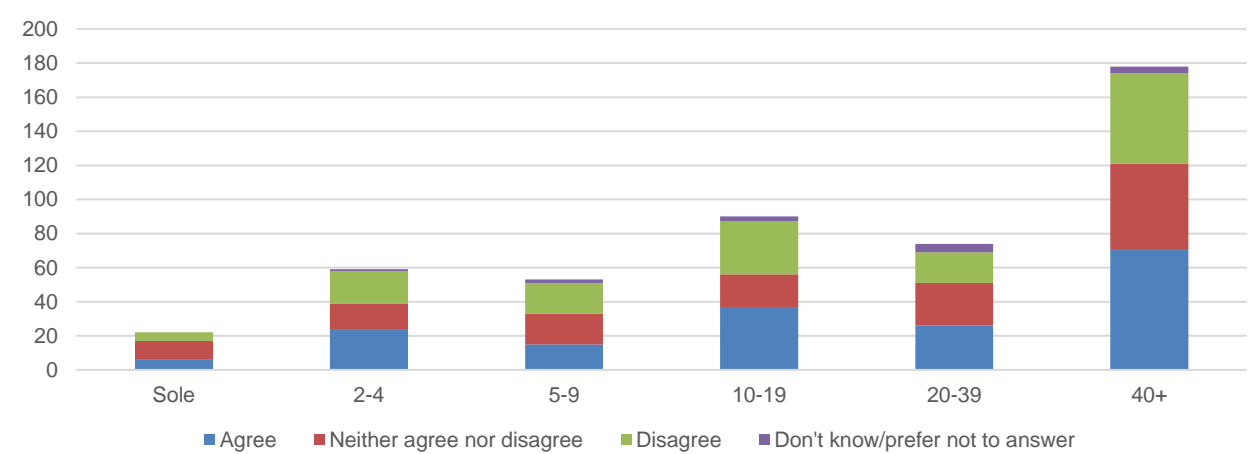
In-House - I have concerns about job security, which is having a negative impact on my wellbeing - by location



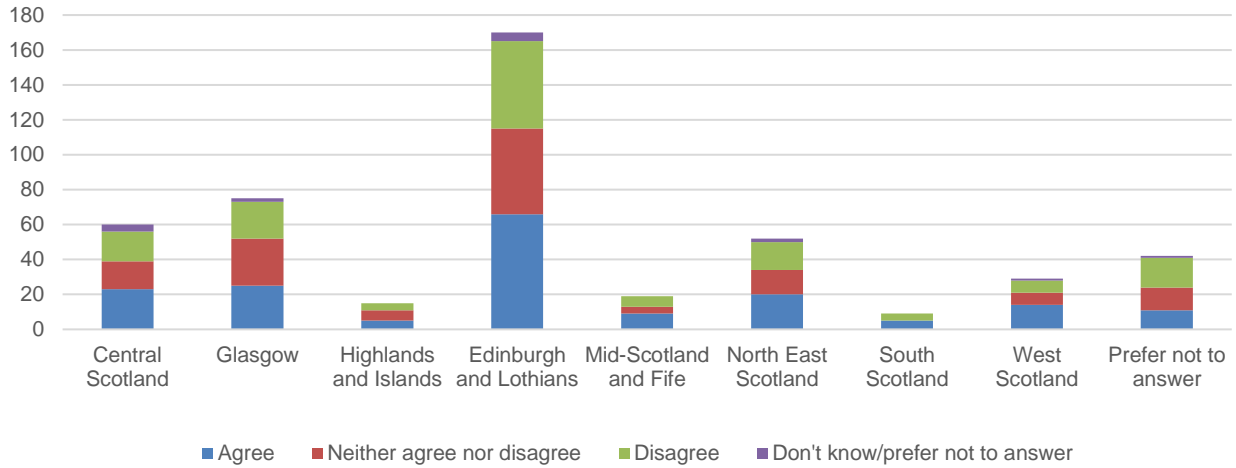
In-House - I feel positive about returning to the workplace when the time comes - by sector



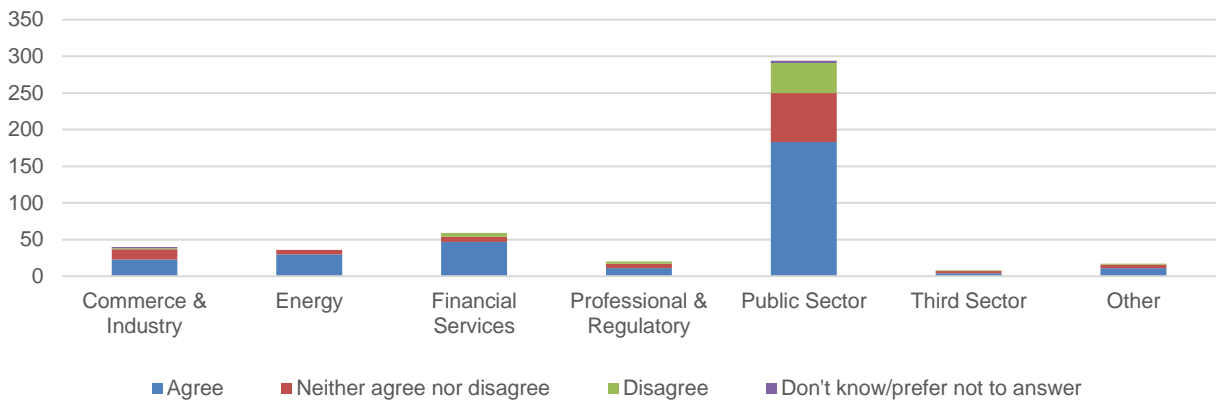
In-House - I feel positive about returning to the workplace when the time comes - by team size



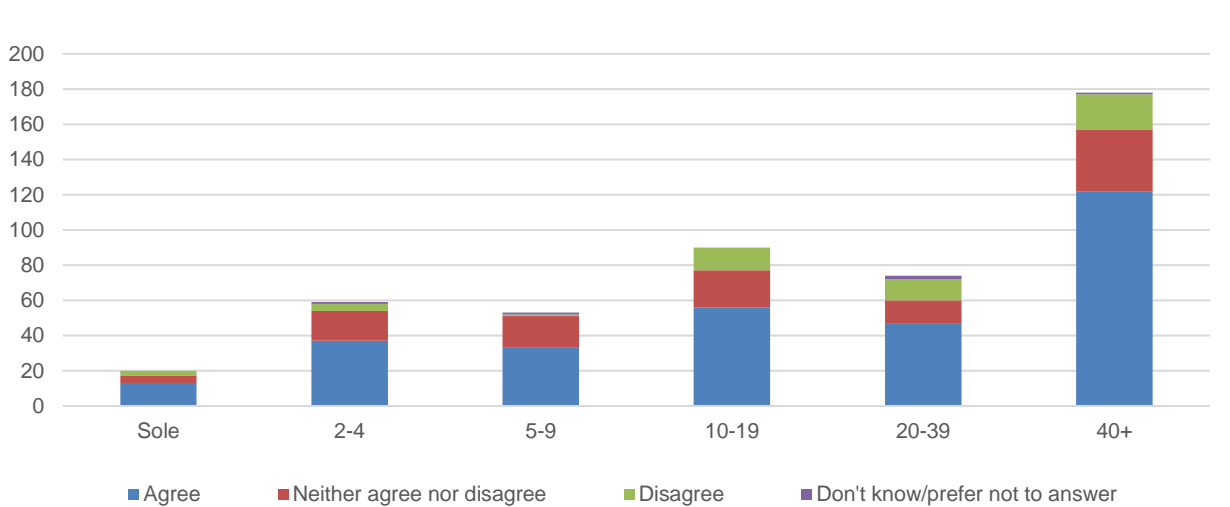
In-House - I feel positive about returning to the workplace when the time comes - by location



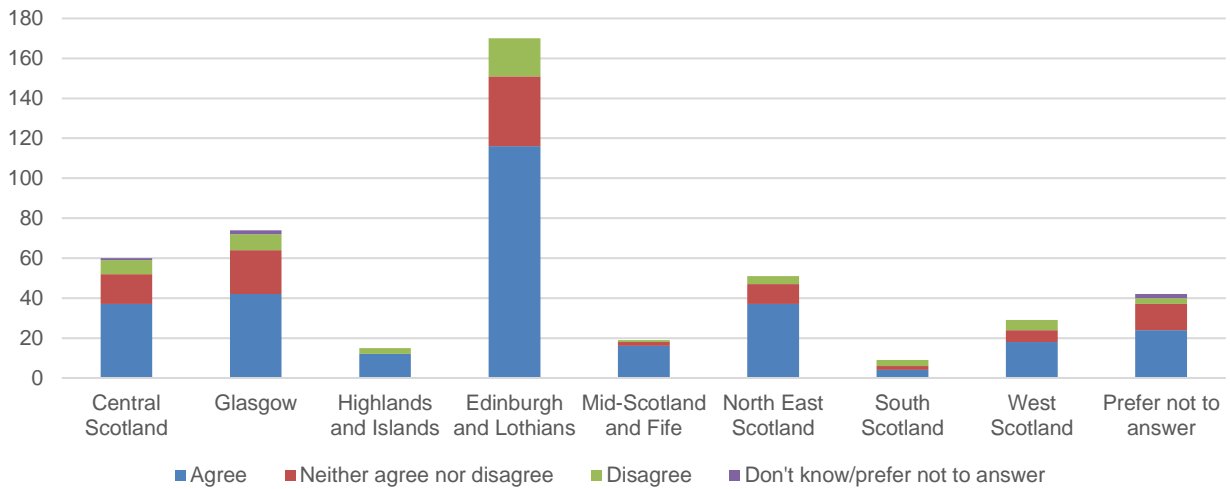
In-House - My manager is adequately supporting my wellbeing during the coronavirus outbreak - by sector



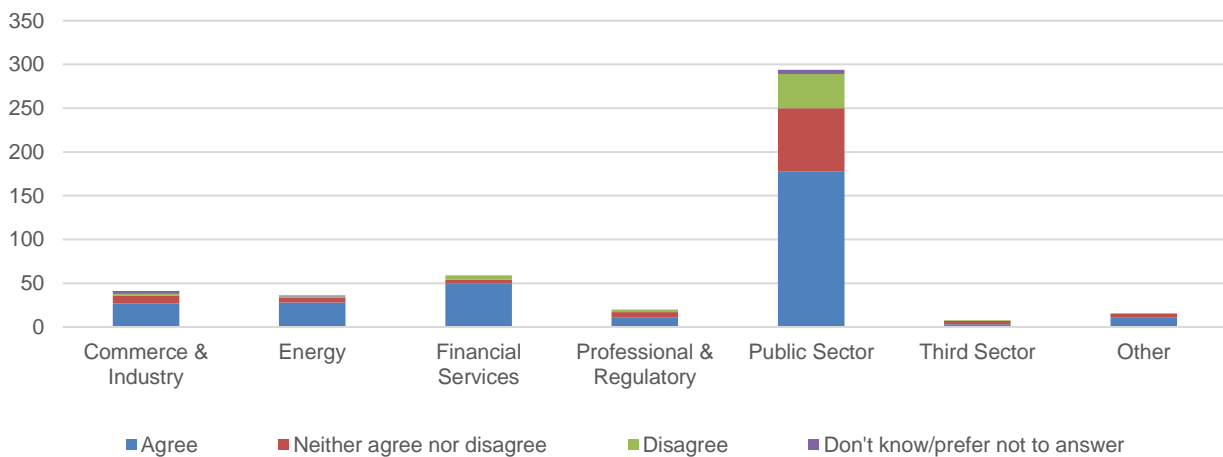
In-House - My manager is adequately supporting my wellbeing during the coronavirus outbreak - by team size



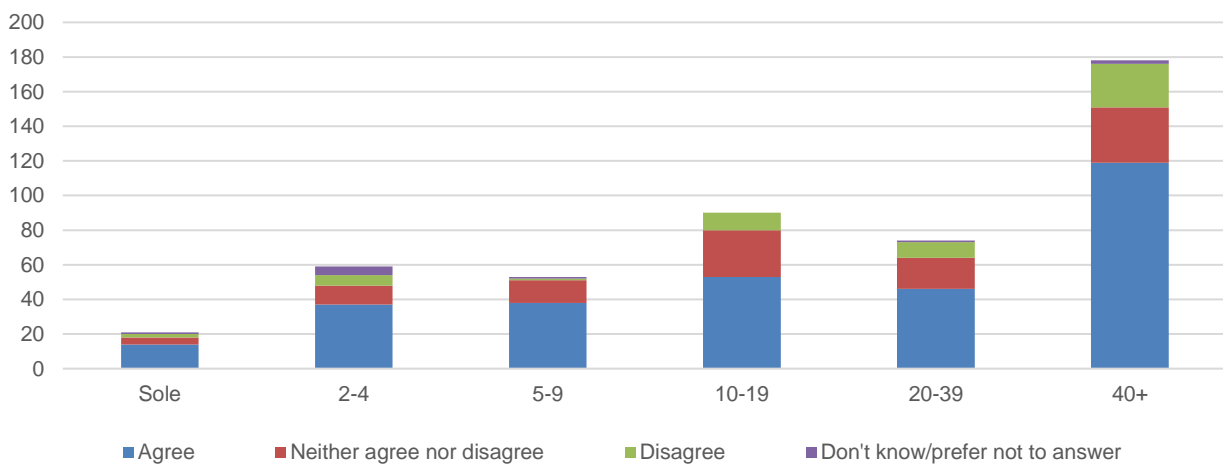
In-House - My manager is adequately supporting my wellbeing during the coronavirus outbreak - by location



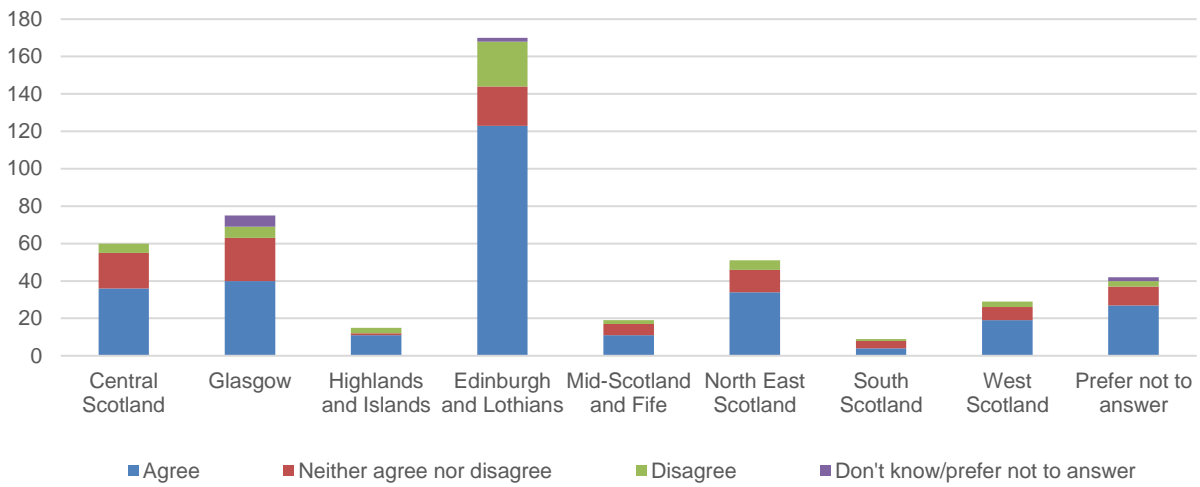
In-House - My organisation is adequately supporting staff wellbeing during the coronavirus outbreak - by sector



In-House - My organisation is adequately supporting staff wellbeing during the coronavirus outbreak - by team size

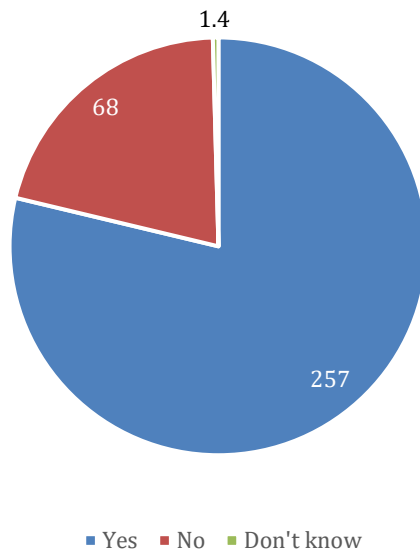


In-House - My organisation is adequately supporting staff wellbeing during the coronavirus outbreak - by location



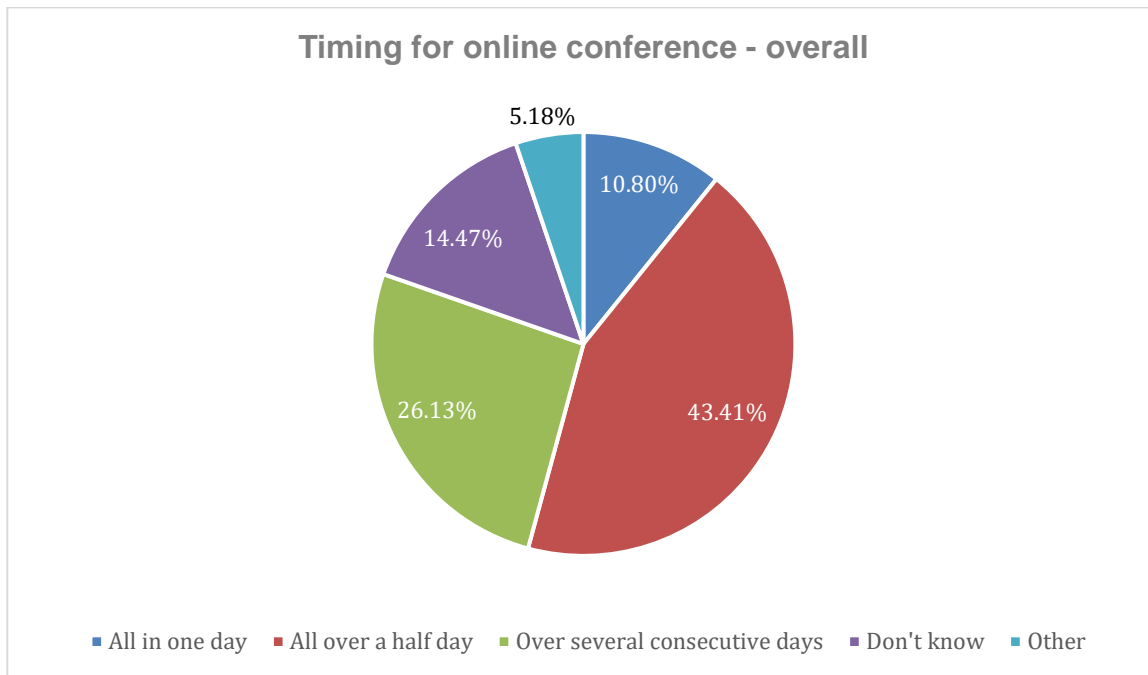
14. Would you sign up to watch a conference that was fully online?

Online conference - overall



This question was answered by 465 out of 468 respondents. 257, or over one half, indicated that they would sign up to watch a conference online, 68 indicated they would not and 140, almost one third, didn't know.

15. In terms of scheduling an online conference, which would be preferable?



The responses to this question would indicate that half day conferences would be more popular than any other format, with just under one half of respondents indicating this preference.

16. What topics or speakers would you like to see on the agenda?

This free text question was answered by 266 out of the 468 respondents. While the information received will be considered internally, there was some focus on Covid-19 impact. Substantive and procedural law topics covered, among others, property, contract, criminal law and human rights. There was also some focus on new ways of working, home working and GDPR compliance.

17. If you'd like to participate in presenting a session or as a panel member, please give your name and contact information. Please note this information will only be used by the Law Society of Scotland for the purposes of contacting you to discuss your interest in participating in the in-house conference. It will not be shared with third parties and will not be used to attribute any of the previous answers given to an individual respondent.

Respondents were invited to provide contact details on a confidential basis should they like to participate. 36 respondents indicated that they would like to participate and provided their contact details.

The Society is pleased to note this level of proposed participation and will progress with those contacts accordingly.

For further information, please contact:

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