



Trends in retention and demographics at the Bar: 1990-2020

Published July 2021

If you would like this report in an alternative format, please contact the BSB
Research Team on Research@BarStandardsBoard.org.uk

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Contents

Executive Summary	4
Trends in the profile of the Bar 1990/91-2019/20	4
Pupils and those in their first year of practice	4
Practising barristers	5
Trends in retention at the Bar 1990/91-2019/20	6
Those leaving the Bar each year	6
Cohort analysis of those starting practice during the period of analysis	7
Background	9
The available evidence	10
Aims and objectives	14
Overall approach, data used, and limitations	15
Overall approach	15
Data	17
Data source	17
<i>Issues with the data and data cleaning</i>	17
Data analysis	17
Limitations	18
Findings	19
Profile of the Bar over time	20
Pupillage and alternative routes into the Bar	20
Pupils and those entering the via other routes - Gender	21
Pupils and those entering practise via other routes - Ethnicity	22
Key findings – Pupillage and alternative routes	24
Those in their first year of practice from 1990/91-2019/20	25
First year of practice - Gender	26
First year of practice - Ethnicity	27
Those in their first year of practice - Ethnicity and gender	29
Key findings – first year of practice	30
Those at the practising Bar from 1990/91-2019/20	31
Practising barristers - Age	32
Practising barristers - Gender	35
Practising barristers – Ethnicity	38
Key Findings – the practising Bar	40
Retention at the Bar over time	41
Those leaving the Bar or spending time away from practice from 1990/91-2019/20	41

Those leaving the Bar or spending time away from practice - Overall	41
Those leaving the Bar or spending time away from practice – Gender	43
Those leaving the Bar or spending time away from practice – Ethnicity	49
Key Findings – leaving the Bar and spending time away from practice	53
Retention by cohort from 1990/91 to 2019/2020	54
Pupils who had more than three years of practice	54
Proportion of pupillage cohort who were registered as of December 2020	56
Those currently practising by cohort	57
Proportion of cohort who were practising and proportion of cohort that had indefinitely left practice at various snapshots in time	59
Relative differences across age ranges in retention by cohort	67
Key Findings – retention by cohort	71
Conclusions/Summary	72

Executive Summary

- This report details trends seen in retention at the Bar of practising barristers (employed and self-employed) in England and Wales covering the 30-year period from 1990/91-2019/20. It also contains information on trends in recruitment into the Bar, as well as the cohort of practising barristers each financial year over the same time-frame. The research detailed in this report was undertaken by the BSB Research Team from October 2020-July 2021.
- The research has a focus on age, ethnicity, and gender. The original intention was to also analyse other characteristics, but this was not possible due to the limitations of historical data.
- Overall, the number of practising barristers each year has grown substantially from 1990/91-2019/20; the proportion of practising barristers who are female, and the proportion from an ethnic minority background has almost doubled; and representation at the Bar has become notably older in terms of average age during the same period.
- Retention at the Bar appears to have improved substantially on several measures over time. The number of those leaving practice and having time away from practice has not shown an increase alongside the aging of the Bar, and the proportion of a cohort leaving in the early stages of a career also appears to have decreased substantially, particularly when comparing with those that started practising in the 1990s. This was true across gender and ethnicity.
- However, although retention appears to have improved, a consistent trend of female barristers leaving practice indefinitely¹ after the early stages of their career in greater proportions than male barristers was found. Although the size of the relative difference has decreased over time, this difference between male and female barristers still exists. Minority ethnic barristers were not found to be more likely to leave practice indefinitely than White barristers during the period analysed. However, barristers from ethnic minorities were found to be more likely to spend periods out of practice during the earlier stages of their career than White barristers.
- A more detailed summary of the key findings of the research is given below.

Trends in the profile of the Bar 1990/91-2019/20

Pupils and those in their first year of practice

- Throughout the 1990s, particularly the first half of the decade, there was a far higher number of pupils in comparison to the numbers seen during the 2000s and 2010s. From a peak of 882 pupils in 1992/93, the number decreased year on year until it plateaued at around 450 pupils each year from 2008/09 until 2014/15. It then showed an increase from this point during the latter half of the 2010s. These patterns may be related to changes in the regulation of pupillages, as it was not a requirement that pupillages were paid until 1 January 2003.
- The number of those in their first year of practice averaged around 777 during the 1990s, around 643 during the 2000s, and around 553 during the 2010s. From 1990/91-2019/20, the proportion of all practising barristers who were in their first year of practice has more than halved.

¹ For the purposes of this research, leaving practice 'indefinitely' means that a barrister left practice and had not returned to practice as of December 2020

- During the 2000s there was an increase in the number of those entering practice via non-pupillage routes, increasing from 11 such barristers in 2000/01 to a peak of 100 in the 2016/17 financial year. The makeup of those that enter practice via non-pupillage routes generally skews more towards males than females, and the average age of such barristers upon entering practice is around ten years higher than that seen for those that enter practice via pupillage.
- The average age of pupils, and those in their first year of practice has increased over time. From 1990/91 to 2019/20 the average age of pupils increased by around 1.3 years from 27.2 to 28.5, while the average age of those in their first year of practice who qualified via pupillage has gone from around 27.2 to 30.3 years old.
- There has been an increase in the proportion of pupils who were female over time. The proportion of pupils who were female increased from around 40 per cent in the early 1990s to around 50 per cent in 1999/00 and then remained at around that level through to 2019/20. The proportion of female barristers in their first year of practice showed a corresponding increase and has fluctuated at between 45-50 per cent from 2000/01-2019/20.
- The proportion of pupils from minority ethnic backgrounds overall has increased by around five percentage points from the 1990/91-1994/95 period to the 2015/16-2019/20 period (from 13.8% to 18.8% on average), but with varying trends for ethnic groups within this broader category. The proportion of Black/Black British pupils over time has remained at around the same level, whilst the proportion of those from Asian/Asian British backgrounds and Mixed/Multiple ethnic group backgrounds has increased overall. Similar trends are seen for those in their first practising year by ethnicity.

Practising barristers

- The number of practising barristers in a given year has increased substantially over time. The number of those with a Practising Certificate at any point in a given financial year almost doubled from 1990/91 to 2019/20, going from 9,541 barristers in 1990/91 to 17,351 in 2019/20. Much of the increase came before 2008/09. For no year from 1990/91-2019/20 were there fewer practising barristers than in the year preceding it.
- The average age of practising barristers also increased substantially during the period, going from 38.5 years in 1990/91 to 46.5 in 2019/20. Male barristers in 2019/20 were around six years older than female barristers on average (a difference which stayed relatively consistent over the period of analysis). There are also differences in the average age of practising barristers by ethnicity. In 2019/20 the average age of White barristers was around 46.7; this compares to figures of 43.5 for Asian/Asian British barristers, 47.0 for Black/Black British barristers, and 41.8 for barristers from Mixed/Multiple ethnic backgrounds. Such findings are likely to be related to trends in an increase in recruitment to the Bar for those from Asian/Asian British and Mixed/Multiple ethnic group backgrounds since 1990/91, which skews the age distribution of these groups younger.
- When disaggregating by age range, the proportion of the practising Bar over the age of 50 has increased from around 13.1 per cent of barristers in 1990/91 to just under 40 per cent in 2019/20 (15% of this group were aged 60+). The proportion of those aged under 35 has shown a corresponding decrease over the same period from around 40.3 per cent of practising barristers in 1990/91 to around 18.4 per cent in

2019/20. Compared to the distribution of the UK working population aged over 25, in 1990/91 the Bar could generally be said to be younger, whereas in 2019/20 the opposite appears to be the case.

- The period covering 1990/91-2019/20 has seen a large increase in the proportion of practising barristers who are female, as well as the proportion of practising barristers from minority ethnic backgrounds.
- From 1990/91 to 2019/20 the proportion of practising barristers who were female increased from around 21.6 per cent to around 38.1 per cent and the proportion of practising barristers from minority ethnic backgrounds has gone from 7.8 per cent to 14.8 per cent: However, there are some notable differences between groups within this broader category, with the largest increases being seen for those from Asian/Asian British ethnic backgrounds and those from Mixed/Multiple ethnic group backgrounds.
- The increases in the proportion of practising barristers who were female, and practising barristers from a minority ethnic background has increased across all age ranges (under 35, 35-49, 50-64, and 65+) during the period of analysis.

Trends in retention at the Bar 1990/91-2019/20

Those leaving the Bar each year

- The analysis looked at trends in those leaving practice indefinitely each year and those otherwise spending time away from practice each year. Overall, the proportion of the Bar who leave the Bar each year and who had not returned as of December 2020 remained relatively stable from the mid-1990s through to 2019/20 at around 2.5 per cent. This was an unexpected finding, given the increase in the proportion of those aged over 50 at the Bar, which might have been expected to lead to an increase in the proportion leaving practice in any given year due to the older profile of the profession.
- There were also relatively stable proportions each year of those who left practice and later returned in a subsequent year and those who had a non-full practising year. The proportion of the Bar having a full year away from practice before returning in a subsequent year showed a general increase during the 1990s and remained relatively stable from 1999/00.
- The proportion of female barristers within those who left the Bar in the year and returned to practice at some point; or those who had a full unregistered year before returning to practice at some point, was noticeably higher than the proportion of all practising barristers in the year who were female. This was also the case when further disaggregating by age. This suggests that female barristers are more likely than male barristers to spend one or more years away from practice before later returning during a career at the Bar. It also appears that more females in younger age bands have left practice indefinitely than would be expected when comparing with the proportion of practising barristers in the age range who are female. This indicates that among barristers under the age of 50, female barristers are more likely to leave the profession permanently than male barristers. The average age of male barristers who left practice indefinitely in a given year is notably higher than that seen for female barristers, although there has been a large increase in this measure seen across both male and female barristers. In the first half of the 1990s the average age of female barristers that left practice indefinitely was around 37 and the figure was 48

for male barristers. For the 2014/15-2019/20 period the comparative figures were 48 years of age for female barristers and 57 for male barristers on average.

- There is also a gap between the average age of female and male barristers who left practice in the year and later returned, who had a partial practising year; or who spent the full year unregistered. However, the average age of female barristers in such groups stayed relatively flat from around 2002/03, whereas the average age of male barristers having these types of year has consistently trended upwards over time. This differs markedly from the increase in average age of those leaving practice indefinitely for both male and female barristers over this period. This may be reflective of childcare pressures affecting female barristers, who have been shown in previous research to be more likely than male barristers to have primary caring responsibilities for children.
- Over time there was, overall, a greater proportion than would be expected of those from a minority ethnic background either spending the full year unregistered, or leaving practice and later returning at some point. This was also the case when further disaggregating by age range, although the trend is perhaps less pronounced for those aged under 35. The average ages of minority ethnic and White barristers leaving practice indefinitely; spending the year unregistered; and leaving before later returning to practice are generally quite similar. This suggests that barristers from ethnic minority backgrounds are more likely to spend periods of their career not in practice than White barristers during the period analysed.
- However, the proportion of those from a minority ethnic background leaving practice indefinitely was not greater than would be expected overall, and for many financial years was less than would be expected based upon a comparison with the proportion of all practising barristers from a minority ethnic background. This remained the case when further disaggregating by age.
- This contrasts with the findings for gender, and suggests that ethnicity appears to be less strongly related than gender to whether a barrister leaves practice indefinitely in the early and mid stages of a career at the Bar. There would appear to be some pressures relating to remaining in practice faced by female barristers in particular that are reflected in the lower retention rates for women compared to men during the early and mid stages of their career.

Cohort analysis of those starting practice during the period of analysis

- The analysis looked at a few main measures of retention at the Bar for cohorts that first started practising during 1990/91-2019/20 (financial years), this included; the proportion of a pupillage cohort that spent three or more years with a Practising Certificate following pupillage; the proportion of a cohort that did not practise at all during years 3, 5, 10, 15, 20 and 25 relative to the year they first started practice; and the proportion of a cohort that had left practice and not returned (as of December 2020) before years 3, 5, 10, 15, 20, and 25 relative to the year they first started practice.
- The progression of pupils appears to have improved over time. The proportion of pupils who did not go on to practise for at least three years decreased markedly for those undertaking pupillage from 2000/01 onwards. The proportion of pupils who did not go on to practise for at least three years is around twice as high for those started pupillage during the 1990s compared to those that started pupillage from 2000/01 onwards. This trend is seen across gender and ethnicity and is likely to have been impacted by the reduction in the number of pupillages in the early 2000s, as there is

likely to have been more competition in places for tenancy before this point due to the larger numbers of pupils.

- Overall, for cohorts who first practised from 1990/91-2019/20, the likelihood of having left practice indefinitely before a given year relative to when a barrister first started practising, and the likelihood of not practising during a given year relative to when a barrister first practised appears to have decreased over time. This particularly appears to be the case when comparing more recent cohorts with those starting practice in the first half of the 1990s. This suggests that retention at the Bar improved during the period from 1990/91-2019/20. This is the case across gender and ethnicity.
- The reduction in the proportion of those in a cohort that had left practice indefinitely over time was particularly notable for those in the earlier stages of a career (at years 5, 10 and 15 relative to first practising year), suggesting a decrease in the likelihood of leaving the Bar during the earlier stages of a career.
- By gender, overall, the proportion of those not practising during year 3 or year 5 appears to have decreased over time for both male and female barristers. The same can be said for the proportion of a cohort leaving the Bar indefinitely before year 5, and before year 10, particularly for more recent cohorts.
- From year 10 relative to first practising year, a more noticeable difference by gender can be seen, with female barristers being slightly more likely to have left the Bar indefinitely than male barristers, although the difference between female and male barristers on this measure may have lessened slightly for more recent cohorts.
- At year 15, this gap between female and male barristers in terms of the proportion not practising during the year, and proportion that left practice indefinitely before the year, widens slightly. Although once again, the difference between female and male barristers on this measure may have lessened slightly for more recent cohorts, particularly for those starting practice from the latter half of the 1990s onwards. Similar trends are seen at years 20 and 25.
- Overall, years 5-15, and to a lesser extent 15-19 see a larger proportion of female barristers leaving practice indefinitely than that seen for male barristers. The difference has lessened over time for more recent cohorts.
- When disaggregating further by age range, it generally appears to be the case that female barristers in younger age ranges are more likely than male barristers in the same age range to not be practising during a given year, and to have left practice indefinitely before a given year, although this is another trend which may have slightly decreased over time when looking at more recent cohorts.
- For ethnicity, across all years relative to first year of practice, those from minority ethnic backgrounds appear to be no more likely to leave practice indefinitely than White barristers.
- However, the proportions of barristers from minority ethnic backgrounds not practising during years 3 and 5 is higher than that seen for White barristers in most years. This may suggest some difficulties in early career progression for those from minority ethnic backgrounds compared to White barristers, although the situation may have improved over time compared to that seen for cohorts starting practice during the 1990s. From year 10 relative to first practising year any difference between White barristers and barristers from minority ethnic backgrounds regarding in the proportion not practising in a given year is minimal.

Background

1. The Bar Standards Board (BSB) has a statutory duty to encourage an independent, strong, diverse, and effective legal profession. Patterns of retention at the Bar relate directly to this commitment and are of significant policy interest to the BSB.
2. This research has resulted from a jointly identified need by the Bar Standards Board and the Bar Council to improve our evidence base on issues relating to retention at the Bar as well as how the profile of the Bar has changed over time. This need was identified due to independent programmes of work and strategic aims of the BSB and Bar Council based around wellbeing and retention at the Bar.
3. The BSB and the Bar Council both have independent initiatives to improve retention and wellbeing, and encourage a profession that is more diverse and inclusive at all levels.
4. The BSB has a key commitment in our strategic plan for 2019-2022 relating to better understanding the well-being of the profession, along with a commitment to implement our equality and diversity action plans as laid out in our Equality and Diversity Strategy. The current strategy and previous ones have led to a number of programmes and initiatives with some relation to retention and wellbeing, including:
 - A commitment to undertake Equality Impact Assessments as part of any policy proposal;
 - a commitment to improve diversity data monitoring across all diversity characteristics;
 - The Race Equality Taskforce and its associated action plan;
 - a commitment to developing policy recommendations in addressing wellbeing challenges at the Bar;
 - research into bullying, discrimination and harassment at the Bar;
 - and various projects that have been and are part of the reform of training to become a barrister such as the Recruitment and Advertising project.
5. The Bar Council has a number of programmes relating to wellbeing at the Bar and equality and diversity. This includes the Wellbeing at the Bar programme; the provision of helplines and reporting channels; mentoring and leadership programmes; programmes designed around access to the profession; and the projects covered by the Accelerator programme which serve to support under-represented groups at the Bar.²
6. In addition, the BSB Handbook³ includes Equality Rules introduced in 2012. These include rules on fair access to work, equality and diversity monitoring, reasonable adjustments, flexible working, and parental leave. These rules have a strong relation to some of the factors likely to be involved in determining retention and wellbeing at the Bar.
7. An alteration to the rules governing parental leave was brought in in November 2017:

² See <https://www.barcouncil.org.uk/support-for-barristers.html> and <https://www.barcouncil.org.uk/media-campaigns/campaigns.html> for more information on the programmes run by the Bar Council.

³ The BSB Handbook contains the rules about how barristers must behave and work. It also contains the Code of Conduct for barristers. See: <https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html>

The impact of the change in rules has not yet been studied. In addition, a wide-reaching programme of work to review the BSB Handbook Equality Rules is currently being undertaken by the BSB, having started in 2019/20.

8. Prior to undertaking this project there was a lack of research that allowed us to satisfactorily comment on recent trends in retention at the Bar. The regular monitoring of those who have left practice and the monitoring topics relating to retention of cohorts still practising at the Bar is not currently undertaken.
9. While more recent trends in recruitment into the Bar have been noted in statistics published by the BSB in the Diversity at the Bar Reports, and on our website, differential trends in retention at the Bar can lead to a very different cohort remaining in practice. By better understanding trends in retention and the profile of the Bar over time, we can better understand some of the issues faced by those in practice, or at least particular areas that may be of concern and worthy of further research. We can also better understand how trends in retention may affect the profile of the Bar, and how the makeup of those at the Bar has changed over time.
10. Overall, prior to undertaking this project, it was identified that there was a lack of evidence on:
 - How patterns of retention at the Bar have changed over time;
 - how previous trends in recruitment into the Bar have influenced the current profile of the practising Bar;
 - how the profile of practising barristers in each year has changed over time.

The available evidence

11. The evidence we had on retention at the Bar prior to undertaking this research largely came from:
 - BSB and Bar Council research on the experience of Women at the Bar;⁴
 - the Bar Council's Barristers Working Lives surveys;⁵ and
 - an Exit Survey that was previously sent out by the Bar Council which was discontinued due to a lack of resources needed to administer the survey, and a reluctance of those leaving practise to complete the survey;
 - The Momentum Measures research commissioned by the Bar Council in 2014.⁶
12. In addition, those leaving the Bar can update their reason for leaving practice in the MyBar system. However, the majority of barristers leaving the profession each year, do not provide a reason for leaving practice, and so the current data we collect on leaving the profession overall is not as useful as it could be. Previously, there was

4 Bar Standards Board (2016). Women at the Bar; Bar Standards Board (2018). Research exploring solutions to promote gender equality; The Bar Council (2015). Snapshot: The Experience of self-employed women at the Bar: Available online at: <https://www.barcouncil.org.uk/resource/snapshot-the-experience-of-self-employed-women-at-the-bar.html>

5 The Bar Council (2017). Barristers Working Lives 2017. Available online at: <https://www.barcouncil.org.uk/resource/working-lives.html>

6 The Bar Council (2015). Momentum Measures: Creating a diverse profession Summary of Findings. Available online at: <https://www.barcouncil.org.uk/resource/momentum-measures.html>. The research explored the topic of retention at the Bar with a view to predicting when the makeup of the Bar would be likely to reflect the diversity of society in England and Wales.

also an Exit Survey of those leaving practice that was sent out by the Bar Council.⁷

13. The below gives a brief summary of some of the key findings and background information from the existing evidence.
14. The **2020 Diversity at the Bar Report**,⁸ showed that there has been some progression in recent years towards a greater proportion of practising barristers being female, and being from a minority ethnic background.
15. As of 1 December 2020, female barristers constituted around 38.2 per cent of the practising Bar, an increase of around 2.3 percentage points since 2015. The proportion of female pupils was found to be equal to that of male pupils. When excluding those that have not provided information on ethnicity; since 2015, the proportion of all practising barristers at the Bar from a minority ethnic background has increased from 13 per cent to 15.3 per cent.
16. However, women make up only 16.8 per cent of QCs and those from minority ethnic backgrounds make up only 9.3 per cent of QCs. This suggests that there may be issues with the retention and progression of female barristers and barristers from minority ethnic backgrounds.
17. Although there was a relatively low response rate for other characteristics, the available data suggests that disabled barristers, barristers with primary caring responsibilities, and state school educated barristers are underrepresented at the Bar compared to the UK working age population.
18. The **Bar Council's Momentum Measures report** was commissioned by the Equality, Diversity and Social Mobility Committee in 2014. The Committee was particularly interested in understanding when the profession might reflect the population profile of England and Wales. It also found some issues regarding the retention of female barristers following on from pupillage.
19. It found there was a clear movement towards gender equality at Call to the Bar, with an approximate 50:50 balance being achieved in 2000 and having been maintained since, and that there was no evidence that women were under-represented in the attainment of pupillage. However, female barristers had a lower propensity to move from Call to practice and a higher attrition rate once in practice in comparison to male barristers, particularly in the middle years of practice.
20. A higher rate of attrition for female barristers was also found through **Internal BSB Research** in February 2020 on unregistered barristers. The research found that when looking at the proportion of barristers still practising based upon the year in which they completed pupillage, female barristers were more likely to have unregistered status in comparison to male barristers. The difference emerged for cohorts starting pupillage more than five years prior and increased based on the number of years since pupillage completion. This trend was not observed for ethnicity.
21. Following on from the Momentum Measures research, the Bar Council conducted research involving focus groups and questionnaires into the **experience of self-employed women at the Bar in 2014-15**. The difficulties of practising at the Bar while having childcaring responsibilities (particularly primary childcare responsibilities) was

⁷ The survey was discontinued in January 2017 due to a lack of resources needed to administer the survey, and a low survey response rate.

⁸ Bar Standards Board (2020). Diversity at the Bar 2020. Available online at: <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/bsb-research-reports/regular-research-publications.html>

discussed extensively at each focus group and was raised in all questionnaire responses. Balancing family life and a career at the Bar was seen as hugely problematic and a real barrier to retention for women in the profession.

22. Being able to remain in practice was put down to practice area, luck and the availability of either a partner as the primary carer or other support. In the conclusions it notes that the dominant cause for the higher attrition rate for female barristers in practice appears to be that practice is difficult to combine with primary caring responsibilities for children.
23. Similar findings were found through the **BSB Women at the Bar research**, which consisted of a questionnaire answered by 1,333 female barristers (conducted in 2016), and a series of workshops exploring the issues faced by women at the Bar (held in 2017).
24. The questionnaire found that 68.3 per cent of respondents had considered leaving the Bar. Respondents from a minority ethnic background, who had caring responsibilities for children, and who said they had experienced discrimination and/or harassment at the Bar were all more likely to have considered leaving.
25. As with the 2014-15 Bar Council research on the experience of self-employed female barristers, the most common causes for considering leaving the Bar were for family reasons and/or the difficulty of combining a career at the Bar with caring responsibilities. In addition, minority ethnic female barristers and those with child caring responsibilities were more likely to state they had experienced discrimination at the Bar than White female barristers and those without child caring responsibilities, respectively.
26. In a series of discussions exploring issues facing female barristers, experience of work allocation; flexible working; parental leave and responsibilities; and discrimination and harassment were all further highlighted as being important factors regarding retention at the Bar.
27. The issue of work allocation is likely to have some overlap with income at the Bar. Research conducted by the BSB into **Income at the Bar by Gender and Ethnicity**⁹ highlighted that female barristers and barristers from minority ethnic backgrounds are likely to earn less than male and White barristers respectively.
28. Income differences were particularly stark when looking at gender and ethnicity together, with female barristers from minority ethnic backgrounds the lowest earning group, and White male barristers the highest earning group. Even when barristers were grouped by their main area of practice and seniority by year of Call, female and barristers from minority ethnic backgrounds still earn less on average than equivalent male and White barristers who are working in the same areas of practice and have the same seniority.
29. Work allocation was also highlighted in research commissioned by the BSB into **Bullying, Discrimination and Harassment at the Bar**¹⁰, published in 2020, with many female and minority ethnic barristers having the impression that they do not get the same case load as others, and those of all backgrounds also highlighting the sometimes unreasonable work requests that made work-life balance difficult. In the interviews, gender discrimination regarding work allocation was most commonly experienced or observed when female barristers had children or were pregnant.

9 Bar Standards Board (2020). *Income at the Bar by Gender and Ethnicity*.

10 YouGov (2020). *Bullying, Discrimination and Harassment at the Bar*. Research commissioned by the BSB.

30. **Barristers Working Lives Surveys:** Results of the 2017 Barristers Working Lives Survey conducted by the Bar Council suggested that the percentage of barristers disagreeing with the statement 'I would leave the Bar if I could' has declined since 2011 from 64 per cent of respondents to 59 per cent of respondents (there was an increase from 2013 of two percentage points however): Response to this question varied widely by area of practice. Despite this, there was an increase in the proportion of those surveyed who indicated that they would recommend a career at the Bar to others (48% compared to 45% in 2011). Other findings included:
- That the amount of work pressure barristers felt under, and their experience of balancing their home and working lives varied widely by practice area, as did the proportion of those stating that they wished to leave the profession.
 - Women, minority ethnic, and disabled practitioners were more likely to report that they had personally experienced harassment/bullying and/or discrimination in comparison to male, White and non-disabled practitioners respectively. Discrimination based upon gender was the most frequent reason given for less favourable treatment for those that had experienced harassment/bullying and/or discrimination (53% of respondents noted this as the type of harassment, bullying or discrimination they had experienced). This was followed by age (21%), ethnicity (19%), and pregnancy/maternity (12%).
31. Similar trends to the above were also found in the 2013 survey.¹¹ Results of the 2013 survey also highlighted that female barristers with children are far more likely to take the main responsibility for childcare (57%, compared with 4% of male barristers). This highlights pressures disproportionately faced by female barristers, although it was stated that there had been some progress since 2011 towards equal sharing of childcare. It is not clear whether such a trend has continued.
32. While the above have provided valuable evidence on retention at the Bar, projections of the future practising Bar, and issues faced by those in deciding whether or not to stay at the Bar, none of them have provided a more comprehensive picture in terms of historic trends. The evidence available to us is largely based around questions asked as part of wider programmes, research that was conducted before an improvement in the data we have on the profession, and surveys that are no longer conducted. We lack evidence on how the profile of the Bar has changed over time, and on how patterns of retention have changed, including patterns relating to retention at different points of a career at the Bar.
33. This research aims to fill in some of the gaps in our evidence base, and also to provide an insight into changes in the profile of the Bar over time. It is hoped that it will serve as a reference point for those involved with the Bar; and as evidence when developing policies at the BSB, and at the Bar Council. This research only touches upon some of the trends seen in retention at the Bar and is a quantitative one only. This research is based around presenting the trends seen in the data, and not the many factors involved in whether a barrister remains in practice or not.

11 BSB and Bar Council (2013). Barristers' Working Lives - A second biennial survey of the Bar 2013.

Aims and objectives

34. This research has two principal aims, which both make use of the historic data we have going back to 1990/91:

- To track cohorts through their career at the Bar, and to track patterns in those leaving the Bar each year, with the aim of commenting on meaningful patterns of retention and identifying key moments where certain groups are likely to leave practice.
- Better understanding how recruitment into the Bar and the profile of the practising Bar has changed over time. This will help us understand how patterns in retention at the Bar and patterns in recruitment into the Bar have influenced the current profile of practising barristers.

35. It was our objective to try to answer the following research questions:

- How have patterns in recruitment into the Bar changed since 1990/91? Including, trends in terms of the number of pupils, the progression of pupils, and the proportion of pupils by demographic characteristic?
- How has the profile of the practising Bar changed since 1990/91?
- What are the patterns of retention at the Bar, broken down by gender, ethnicity and age?
- Has this changed over the period 1990-2020? Have patterns changed following the introduction of the new parental leave rules in 2017?
- Are there key moments in a barrister's career when they are likely to leave the Bar?
- Has there been a change in the likelihood of leaving the Bar, and of practising at a certain point in a career at the Bar over time?
- Are there other variables which have some impact on patterns seen in retention at the Bar, and if there is a relationship between these factors and demographic characteristics?
- What might the implications of this research be?

36. We initially intended to widen the analysis to other characteristics, but this was not possible due to the limitations of historical data

Overall approach, data used, and limitations

Overall approach

37. This is a quantitative research project. An exploratory approach was taken, as limitations with the data were not well understood prior to commencing the project. This made it more suitable for an exploratory analysis that focussed on determining the best approach to answering the research questions around retention and changes to the makeup of the Bar using the data available.
38. In order to explore the research questions, several datasets were needed.
- **Cohorts dataset:** In order to answer questions which involve career progression following on from entry to the Bar (such as how the proportion practising 10 years after entering practice has changed over time for example), we used data on cohorts entering the profession at particular times, and subsequently tracked their practising status at set points post-qualification. This required accurate information on the practising status of all barristers in each financial year, which was only available from 1990/91 onwards.
 - **Those leaving the Bar and practising barristers each year dataset:** To answer questions relating to patterns of those leaving the Bar each financial year, a dataset looking at those at the Bar each financial year was needed. Although the data on barristers starting practice before 1990/91 was less complete, if they were still practising after 1990/91, the record of their practising status by year was complete: This meant that a dataset of the number of those practising and leaving practice by financial year could be calculated from 1990/91 onwards.
 - **Pupils dataset:** A dataset of pupils over time and those entering into practice via alternative routes was used to research questions regarding trends in pupillage and entry to the Bar.
39. When looking at trends in the proportion of cohort practising or the proportion who had left the Bar over time, it was decided that looking at snapshots at points in time relative to when a barrister first started practising would help provide some insight. The snapshots used were at years 3, 5, 10, 15, 20, and 25 after starting practice. Use of snapshots at these points would help highlight points at which barristers may leave the Bar in greater proportions than at other points in time.
40. When looking at trends in those leaving the Bar each year, several categories were needed in indicating the type of year it was for a barrister. For example, in a given year, a barrister could have a full practising year, or a full unregistered year, or a year in which they left the Bar and returned in a subsequent year, or year in which they left and did not return at a later point, and so on. The main measures used in this report in indicating trends in those leaving the Bar are:
- A: Those who left the Bar in the year who had not yet returned to practice as of December 2020;
 - B: Those who left the Bar in the year who returned to practice at some point later;

- C: Those who had a full unregistered year (a full year out of practice) who returned to practice at some point later;
 - D: Those who had a partial practising year; ie those who only had a Practising Certificate for part of the financial year, but were not captured in category B.¹²
41. The criteria for classifying someone as being at the practising Bar in a given year was if they had at least one day as a registered barrister in the year.
 42. We were interested in attempting to study trends in retention regarding as many characteristics as possible, including characteristics and indicators relating to practice (such as area of practice). Unfortunately, the data we have did not allow for this, as much of the data was not previously collected, or not provided.
 43. Age, gender and ethnicity were complete enough to be included across the board, although, age in some cases was imputed. More information on some of the issues with the data is given below.
 44. The data presented throughout this report, are descriptive statistics based around summary measures for each financial year over time. Financial years instead of legal years were used due to the record being more complete for financial years during the 1990s, in addition to it corresponding with the timing of Practising Certificate renewals undertaken for the Authorisation to Practise (AtP) process each year.

¹² This category covers barristers returning to practice that year, as well as barristers who may have both left and returned to practice in the same year, as well as other situations where the direction of travel in terms of whether someone returned to practice or left practice in the year was unclear.

Data

Data source

45. The source of the data was the BSB and Bar Council Data Warehouse. A dataset using a record of one financial year per barrister for any barristers who practised at any point from 1990/91 onwards was put together: From this dataset, the datasets on those leaving the Bar, and on cohorts starting at the Bar from 1990/91-2019/20 were created. The dataset on pupillage and entry to the Bar was put together using a separate dataset on the record of those undertaking pupillages and those entering the Bar via alternative routes over time.
46. The data used for this report was pulled from our records on 21 December 2020.

Issues with the data and data cleaning

47. There were several issues with the data, mostly relating to missing information, and in some cases the information on the date when first practised. This resulted in some of the data in this analysis being imputed for age, and for first practising date. Details for this process are given in the appendices.
48. As already noted, of the characteristics we currently monitor, it was only gender for which the historic record of the data was mostly complete. The record on ethnicity further back in time was patchier than that seen for gender but was better than that of the other characteristics. For example, for ethnicity, we had information on around 50-70 per cent for those that left practice more than 10 years ago who started practising from 1990-95, in comparison to response rates of generally less than 10 per cent for those that left practice more than 10 years ago for disability.
49. In addition, data relating to area of practice and income, both of which may be factors in influencing retention at the Bar, has only been collected in more recent years, and so it was not possible to use these as variables in the research.
50. As a result of patterns in the completeness of the data, this report mainly contains information on trends in retention at the Bar by ethnicity and gender and does not account for differences in area of practice or income and how these and other such factors may relate to retention at the Bar.

Data analysis

51. Once the datasets had been cleaned, they were aggregated into a form giving one record per barrister, giving three datasets. There were:
 - 20,131 unique records in the cohorts dataset. Each record represents a barrister who first practised at the Bar between the 1990/91 and 2019/20 financial years.
 - 29,611 unique records in the dataset on those leaving the Bar/practising bar each financial year dataset. Each record represents a barrister who had practised at some point between the 1990/91 and 2019/20 financial years.
 - 26,304 unique records in the dataset on pupils and those entering the Bar via alternative routes. Each record represents a barrister who had undertaken pupillage at some point between 1990/91 and 2019/20, or who had entered practice via an alternative route between 1990/91 and 2019/20.

52. From these datasets, the statistics found in the findings section of this report were calculated. In some cases, in calculating statistics, financial years were grouped together in order to provide a better insight into broad trends over time. The same can be said for age and years since a barrister started practising, as grouping these in some cases would better highlight trends in retention the Bar that differ at different points in a career at the Bar.
53. Data were cleaned and analysed using a mixture of R, Python and Microsoft Excel.

Limitations

54. As already highlighted, there were several issues with the data. The biggest limitation to this research was caused by the amount of historic data missing, and the limits this placed on what could be analysed and what could be inferred from the data.
55. The assumptions made around the imputation of the age and date of first practice in the data are another limitation already highlighted.
56. The report contains no statistical modelling, and so more rigorous testing of the data based upon factors which may be related to retention at the Bar and how the patterns involved have changed over time was not possible.
57. This research was quantitative in nature, and so the reasons for the trends seen within the report were not explored in greater depth, and reasons provided by barristers for leaving the Bar in MyBar were not analysed. This research can serve as a source of evidence for better understanding overall trends in retention at the Bar but cannot tell us the reasons for their occurrence. There are many factors involved in whether a barrister remains in practice or not.
58. The use of whether a barrister had a Practising Certificate as a measure of whether they were practising does not take into account the amount of work that such barristers may take on in a year, and periods away from practice while a barrister has a valid Practising Certificate. Some barristers may take relatively few cases over the course of a year and this is not reflected in the analysis. Trends in the amount of work taken on, and those who were not working while registered as a barrister have not been included in this analysis as the data did not allow for this.

Findings

59. The results for this research are presented in five sections relating to different areas which can help provide evidence in answering the research questions. The sections are:

- **Profile of the Bar over time:**
 - i. Trends in the profile of pupils and those taking alternative routes into the Bar;
 - ii. Trends in the profile of those in their first year of practise from 1990/91-2019/20;
 - iii. Trends in the profile of those at the practising Bar from 1990/91-2019/20;
- **Retention at the Bar over time:**
 - iv. Trends in those leaving the Bar or spending time out of practise for all of those at the Bar from 1990/91-2019/20;
 - v. Trends in retention at the Bar for those in cohorts who first started practise at the Bar between 1990/91 and 2019/20.

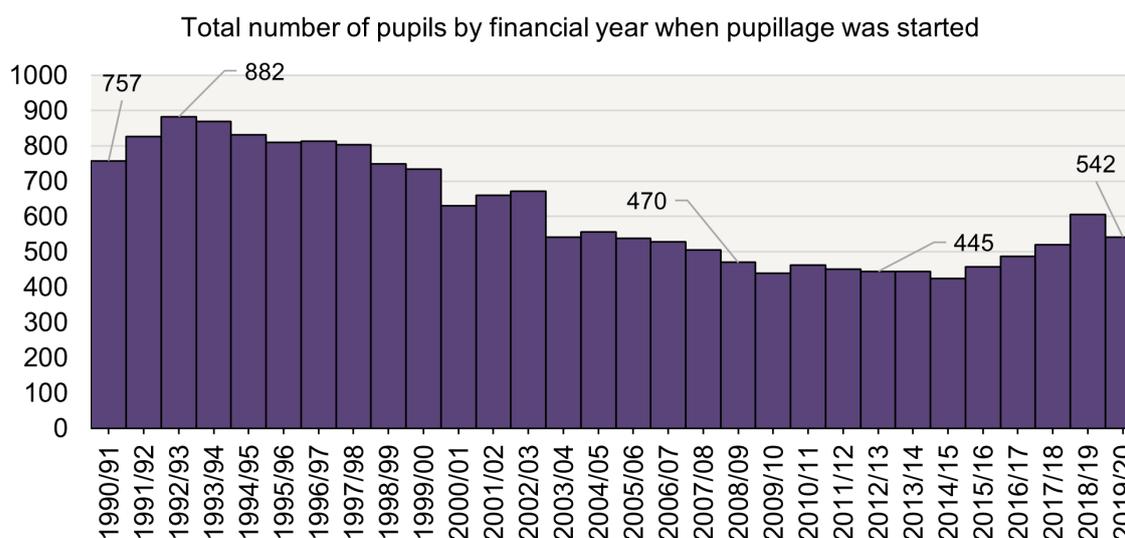
Profile of the Bar over time

Pupillage and alternative routes into the Bar

60. The following section details trends in pupillage and those entering the Bar via alternative routes over time.¹³

61. As can be seen in the chart below, the number of pupils by financial year of pupillage start peaked during the 1990s, going from 757 in 1990/91 to 882 in 1992/93. It then showed a relatively linear decline until plateauing at around 450 pupils from 2008/09-2015/16, and subsequently increasing again to a lesser peak of 605 in 2018/19.

Chart 1. Number of pupils by financial year in which pupillage started

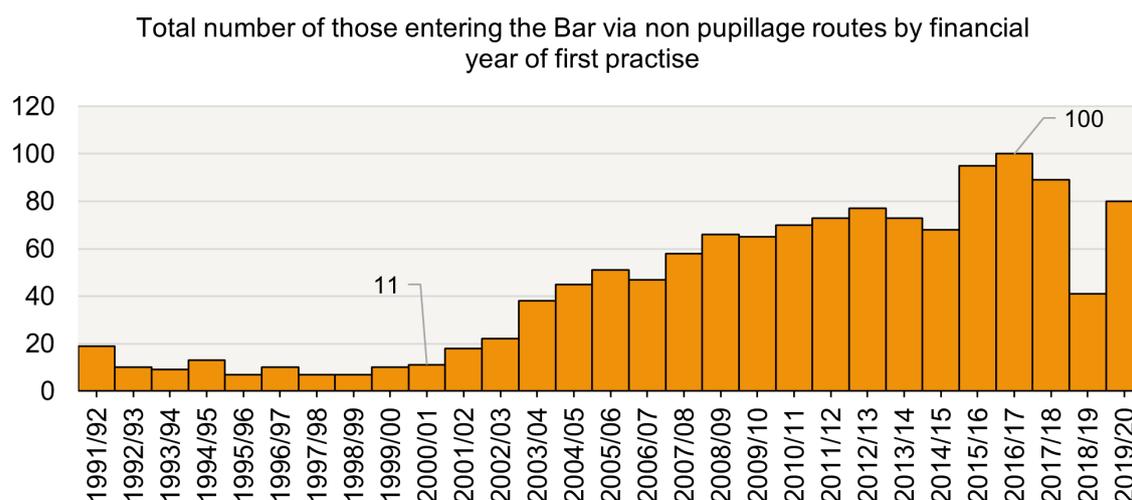


62. Overall, the number of those undertaking pupillage decreased every decade since the 1990s. In total, 8,078 individuals undertook pupillage from 1990/91-1999/00; compared to 5,541 from 2000/01-2009/10; and 4,840 from 2010/11-2019/20.

63. Over a similar period, the number of those entering the Bar via non-pupillage routes has increased. It generally increased year on year from 2001/02 onwards, reaching a peak of 100 in 2016/17, as shown in the below chart.

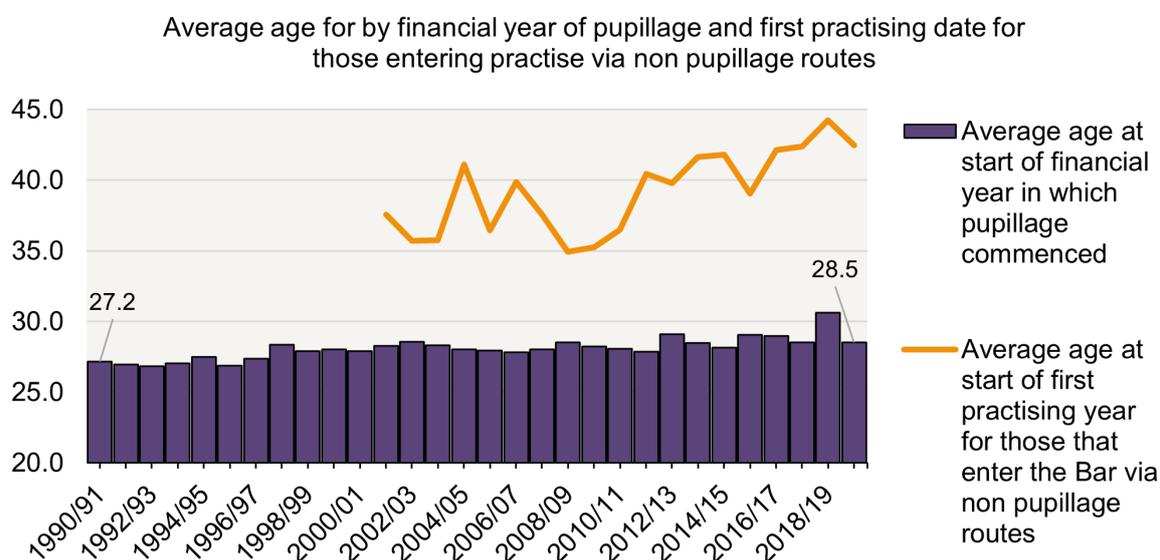
¹³ Alternative routes to the Bar are available for qualified solicitors, qualified lawyers from other jurisdictions, and legal academics who wish to practise as a barrister in England and Wales. Those seeking to transfer are required to fulfil the requirements, or provide proof they already meet the requirements for training for the Bar in England and Wales.

Chart 2. Number of those entering the Bar via non-pupillage routes by financial year of entry



- 64. The average age of pupils at the start of pupillage by financial year of pupillage start has also increased over time, increasing from around 27.2 years of age in 1990/91, to 28.1 in 2011/12, and 28.5 in 2019/20; meaning the average pupil was around 1.3 years older in 2019/20 than the average pupil in 1990/91.
- 65. The average age of those that enter the Bar via non-pupillage routes is significantly higher than that of pupils, but as the numbers involved are smaller, there is more variation from year to year.

Chart 3. Average age of pupils over time

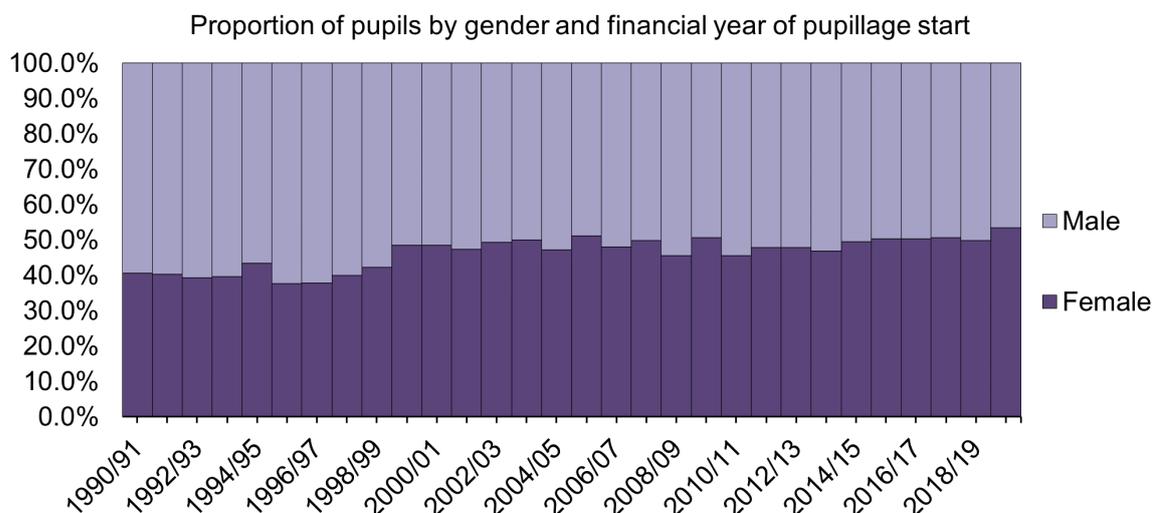


Pupils and those entering the via other routes - Gender

- 66. When breaking down the proportion of pupils by gender, the below chart shows that from around 1999/00, the proportion of female and male pupils have both been around even. The proportion of female pupils in 1999/00 was 48.5 per cent, and it has not dropped below 45 per cent for any year since then. Overall, the proportion of female pupils was greater than 40 per cent through much of the latter half of the 1980s and into the 1990s. It then became closer to 50 per cent of pupils in 1999/00,

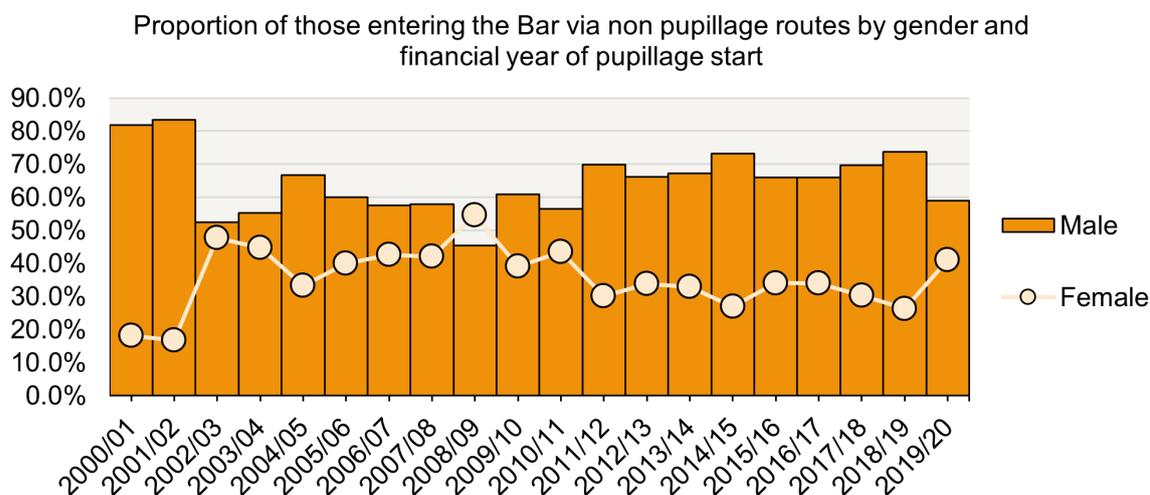
and remained at that level from 2000/01-2019/20.

Chart 4. Proportion of pupils by gender over time



67. In contrast, men have consistently made up the majority those entering the Bar via non-pupillage routes from 2000/01-2019/20, generally making up around 60-70 per cent of those that entered the Bar via such routes in each financial year. Earlier years have been left out of the below chart due to the small numbers involved.

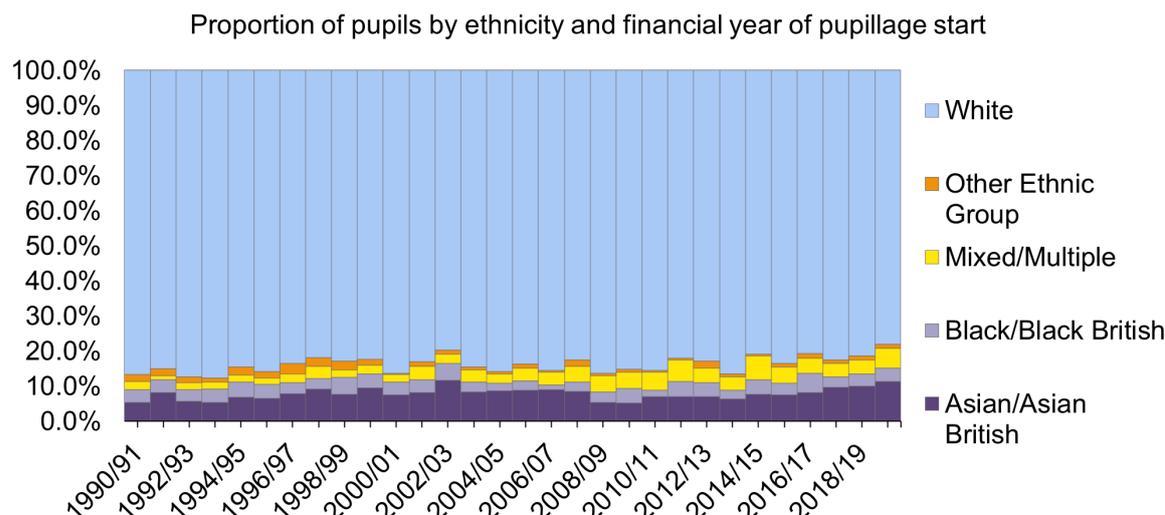
Chart 5. Proportion of those entering the Bar via non-pupillage routes by gender over time



Pupils and those entering practise via other routes - Ethnicity

68. When looking at those who have provided information on ethnicity, the below chart shows that there was a gradual increase in the proportion of pupils from minority ethnic backgrounds from 2015/16 to 2019/20 (going from 16.4% to 21.9%). The relative proportion during the 1990s also showed an increase as the decade progressed, but in the 2000s, and up until 2015/16, there was less of a defined trend.

Chart 6. Proportion of pupils by ethnicity over time



69. The below table shows the proportion of pupils by ethnicity in five year financial year groupings since 1990/91.

Table I. Proportion of pupils in each five year grouping by ethnicity

Ethnicity	Financial year group						Total count
	1990/91 - 1994/95	1995/96 - 1999/00	2000/01 - 2004/05	2005/06 - 2009/10	2010/11 - 2014/15	2015/16 - 2019/20	
Asian/Asian British	6.3%	8.1%	9.0%	7.5%	7.1%	9.5%	1290
Black/Black British	3.8%	3.7%	3.4%	2.7%	3.3%	3.8%	581
Mixed/Multiple ethnic groups	1.9%	2.5%	3.0%	4.2%	5.2%	4.4%	543
Other ethnic group	1.9%	2.3%	0.9%	1.0%	0.8%	1.1%	237
Minority Ethnic Group - overall	13.8%	16.6%	16.3%	15.4%	16.4%	18.8%	2651
White	86.2%	83.4%	83.7%	84.6%	83.6%	81.2%	13830
Total Count	3617	3477	2522	2179	2141	2545	16481

70. As can be seen, there has been a relatively large increase in the proportion of pupils from the Mixed/Multiple ethnic groups category, going from 1.9 per cent of pupils from 1990/91-1994/95 to 4.4 per cent during 2015/16-2019/20. Over the same period the proportion of those from Asian/Asian British backgrounds has also grown, going from 6.3 per cent of pupils from 1990/91-1994/95 to 9.5 per cent during 2015/16-2019/20.

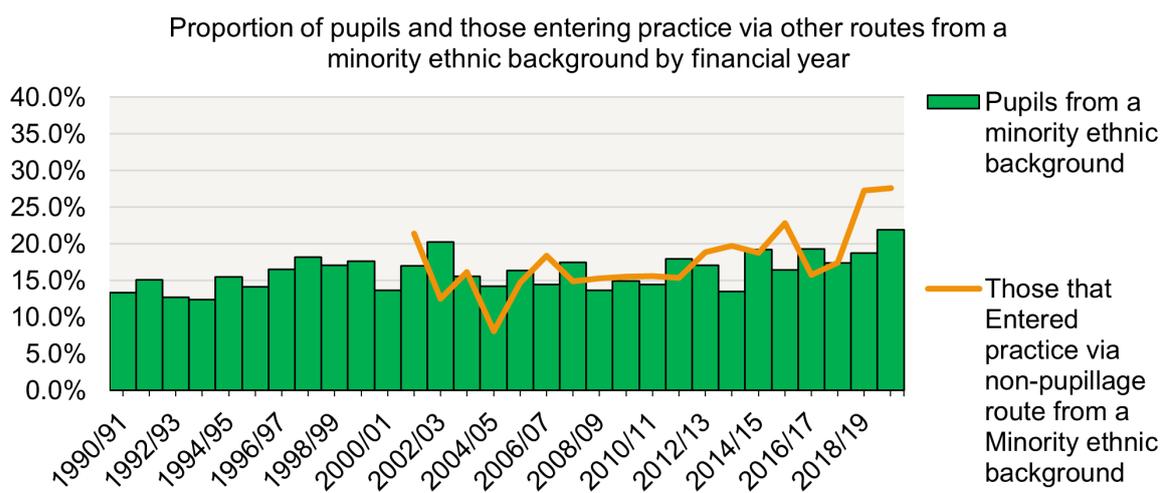
71. Chart 6 highlights that there was a relatively large drop in the proportion of Asian/Asian British pupils from 2007/08 (8.6% of pupils) to 2008/09 (5.5% of pupils). The proportion of pupils from such backgrounds remained lower than it had been in 2007/08 until 2017/18.

72. In contrast to those from ethnic groups where the relative proportion of pupils has generally increased since 1990, the proportion of pupils from Black/Black British backgrounds was the same from 2015/16-2019/20 as it was in 1990/91-1994/95 (at

3.8%), and the proportion of pupils from another ethnic group has fallen over time.

73. The below chart more clearly shows the overall proportion of pupils from a minority ethnic background by financial year of pupillage. It also shows the proportion of those entering the Bar via non-pupillage routes who are from such backgrounds. The proportions for each quite closely match. It can more clearly be seen that the proportion of pupils from a minority ethnic background was generally around 15 per cent of those for whom we have information on ethnicity throughout the 1990s and 2000s. During the 2010s, the proportion of those from minority ethnic backgrounds increased, and has generally been close to 20 per cent of pupils from 2014/15.

Chart 7. Proportion of pupils and those entering practice through non-pupillage routes from a minority ethnic background



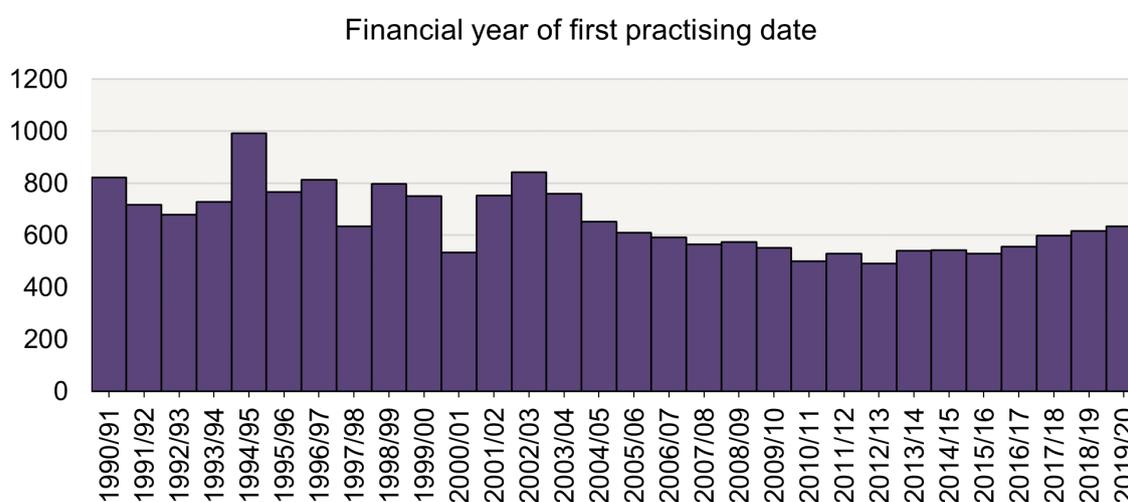
Key findings – Pupillage and alternative routes

- Throughout the 1990s, particularly the first half of the decade, there was a far higher number of pupils (compared to that seen during the 2000s and 2010s).
- From 2000 onwards there was an increase in the number of those entering practice via non-pupillage routes. The makeup of those that enter practice via non-pupillage routes generally skews more towards males than females, and the average age of such barristers upon entering practice is around ten years higher than that seen for those that enter practice via pupillage.
- The average age of pupils, has increased over time: From 1990/91 to 2019/20 the average age of pupils increased by around 1.3 years from 27.2 to 28.5.
- Around half of all pupils each year were female from 1999/00 onwards.
- The proportion of pupils from minority ethnic backgrounds overall has increased by around five percentage points from the 1990/91-1994/95 period to the 2015/16-2019/20 period (from 13.8% to 18.8% on average), but with varying trends for ethnic groups within this broader category

Those in their first year of practice from 1990/91-2019/20

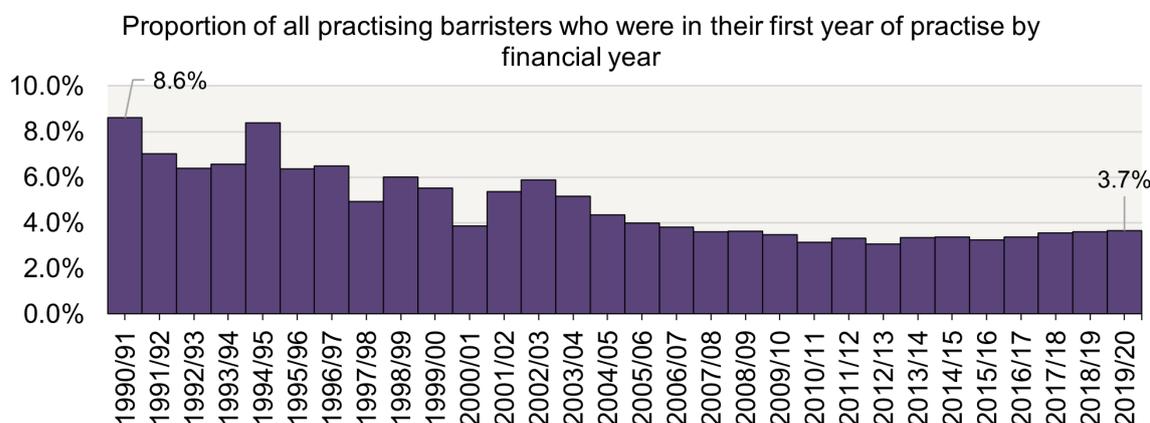
74. The following section details trends in those in their first year of practice over time. The data underlying it relate to those who started practising from 1990/91 only, as the first year of practice data is less accurate before this point.
75. As with Chart 1 displaying the total number of pupillages, Chart 8 clearly shows that during the 1990s recruitment into the Bar was higher than it was throughout much of the 2000s and 2010s. The exception to this was the 2001/02-2003/04 period. Overall, we have a record of 7,701 barristers having their first year of practice between 1990/91-1999/00; for 2000/01-2009/10 the comparative figure is 6,430 barristers; and for 2010/11-2019/20 the comparative figure is 5,537 barristers; meaning around 2,100 fewer barristers first practised during the 2010s compared to the 1990s.

Chart 8. Number of barristers in their first practising year, by financial year



76. The proportion of all practising barristers who were in their first year of practice was also substantially higher during the 1990s. In 1990/91, around 8.6 per cent of all barristers who practised during the year were in their first year of practice, compared to a figure of 3.7 per cent for the 2019/20 financial year. The trend over time is reflected in the below chart.

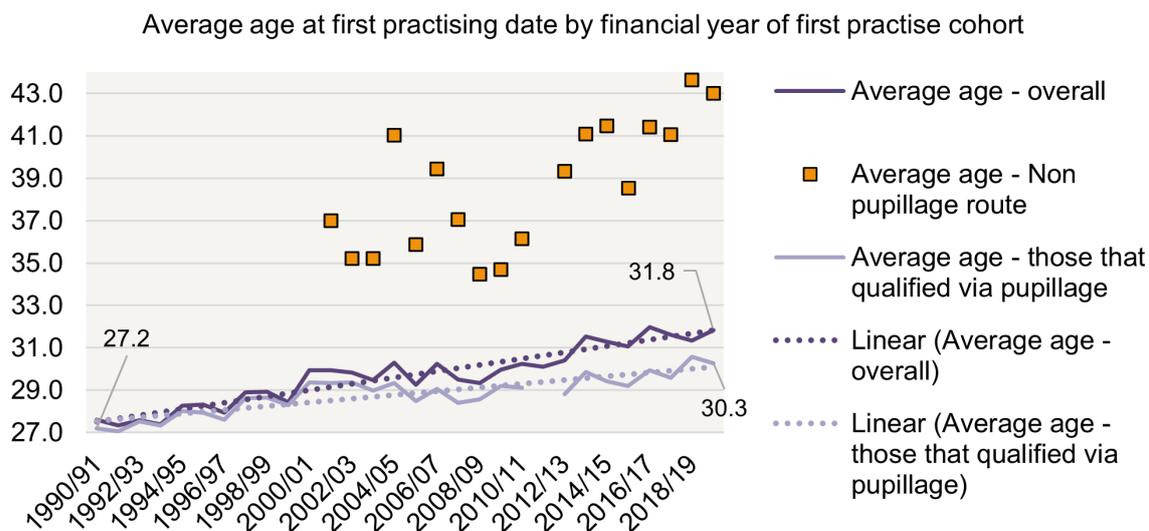
Chart 9. Proportion of all barristers who practised during a given financial year who were in their first year of practice



77. In contrast, the average age of those in their first year of practice was lower during the 1990s as shown in Chart 10 below. The average age of those in their first year of

practice has shown a relatively consistent upward trend over time.

Chart 10. Average age at first practising date over time

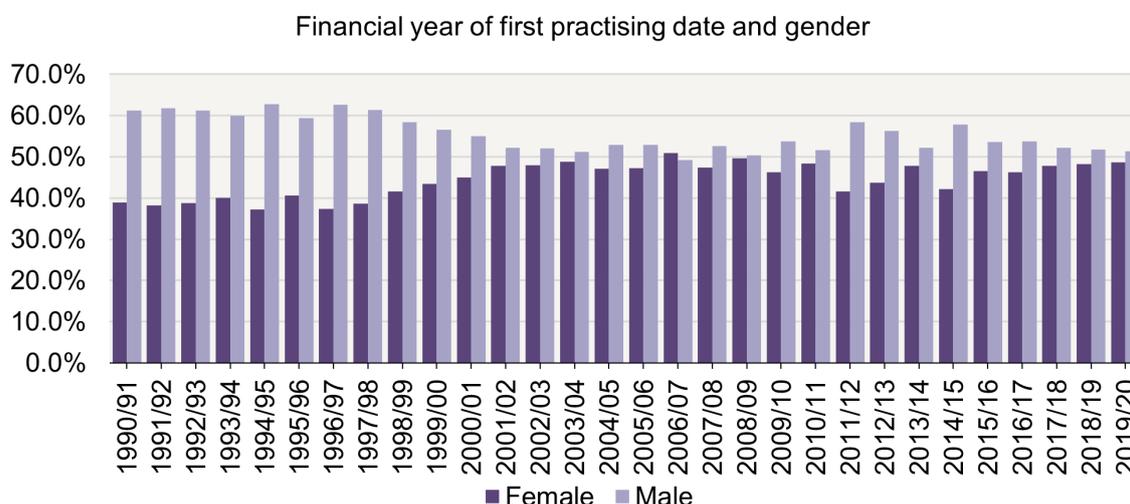


78. For those that qualified for the Bar via pupillage, the average age of those in their first year of practice has increased from just over 27 years old in 1990/91 to just over 30 years old in 2019/20. The average age of those in their first year of practice overall has increased by more than this owing to the increase in the number of those qualifying for the Bar through non-pupillage routes and the older age on average of such barristers in their first year of practice.

First year of practice - Gender

79. As with the chart on the proportion of pupils by gender, the proportion of those in their first year of practice who are female increased towards the end of the 1990s, and in most years since, fluctuated between 45-50 per cent of barristers in their first practising year. This is shown in Chart 11 below. The proportion is generally slightly lower than that seen for pupils, partly as there is a greater relative proportion of males in the group of those who qualify for the Bar via non-pupillage routes.

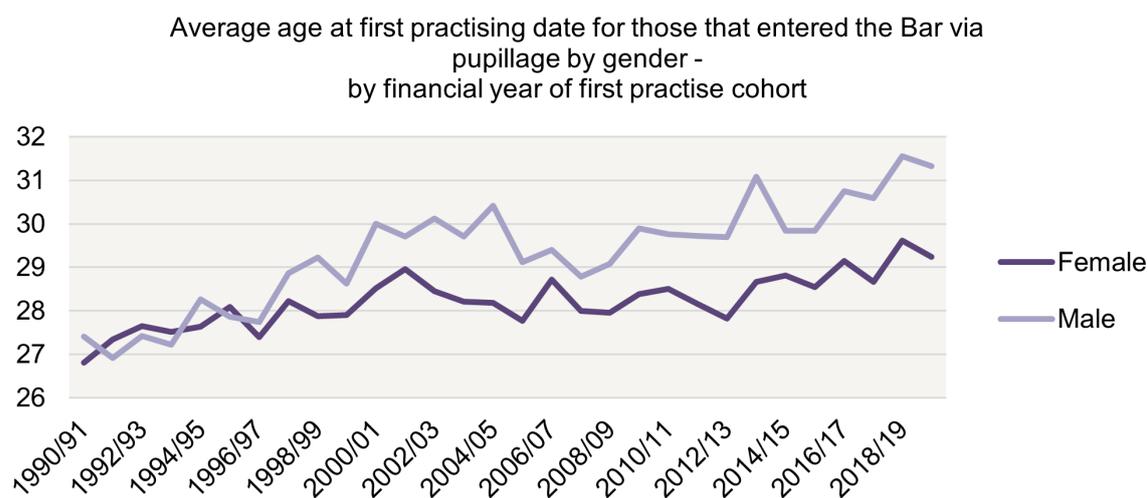
Chart 11. Those in their first practising year – proportion by gender for financial year



80. The below chart shows the average age by gender for those in their first year of

practice who entered practice via pupillage. Towards the end of the 1990s, the average age by gender for this group started to diverge, with the average age of male barristers in their first practising year, becoming higher than female barristers in their first practising year. The gap in average age between male and female barristers in their first year of practice remained through to 2019/20. From 2015/16-2019/20 male barristers in their first year of practice (who qualified for practice via pupillage) were around 1.8 years older than the comparative figure for female barristers.¹⁴

Chart 12. Average age at first practising date - Those qualifying for practice via pupillage by gender

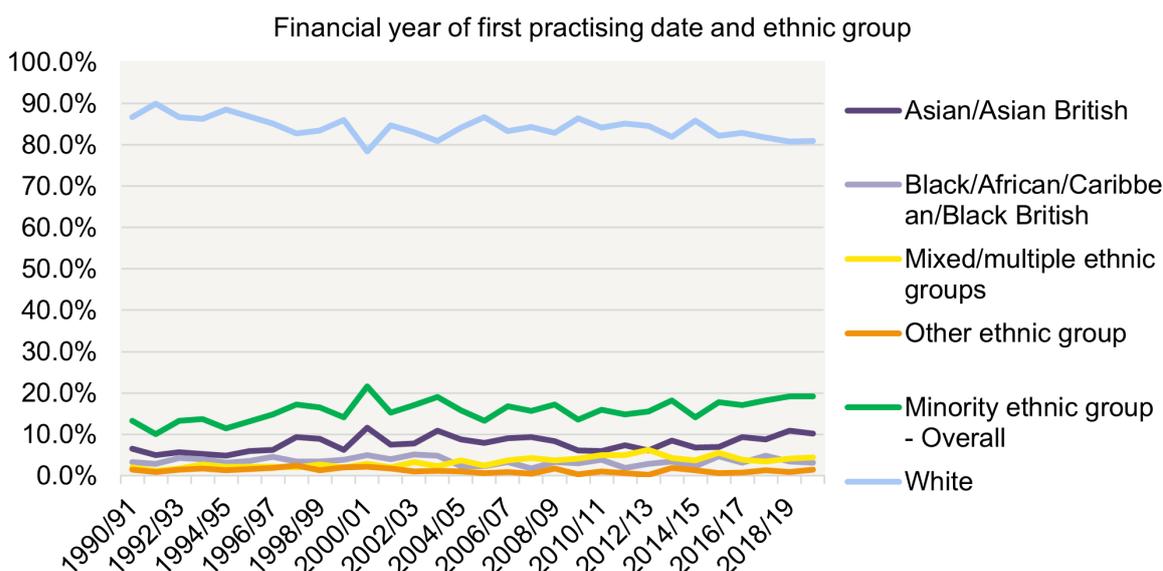


81. Overall, the average age of male barristers in their first year of practice who entered via the pupillage route has increased from around 27.4 for 1990/91-1994/95 to 30.8 years of age for 2015/16-2019/20, an increase of around 3.4 years; the comparative figure for female barristers is an increase in average age of around 1.7 years (from 27.4 for 1990/91-1994/95 to 29.05 years of age for 2015/16-2019/20).

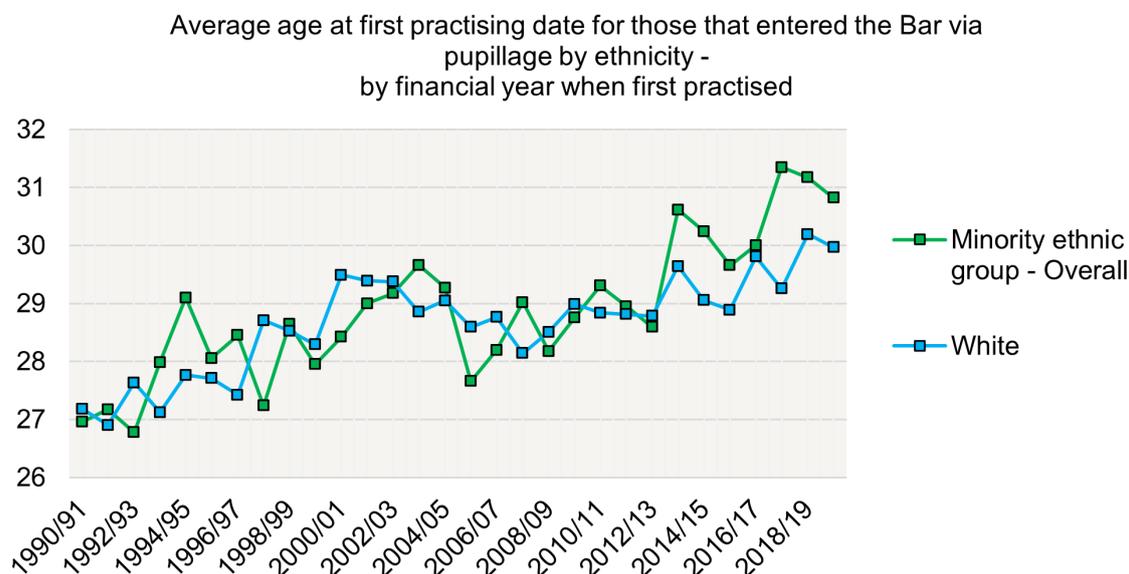
First year of practice - Ethnicity

82. Chart 13 below closely reflects the trends seen in the proportion of pupils by ethnicity over time. It shows how the proportion of those from minority ethnic backgrounds increased during the latter half of the 1990s, showed no clear trend during the 2000s, and then displayed a gradual upwards trend during the latter half of the 2010s.
83. During the first half of the 1990s the average proportion of first year barristers from minority ethnic backgrounds each year was around 12.3 per cent. For the latter half of the 2010s, this figure had increased to around 18.3 per cent and was trending upwards during that time, largely driven by an increase in the proportion of Asian/Asian British barristers.

14 When averaging across the average figure for each financial year.

Chart 13. Those in their first practising year – proportion by ethnic group for financial year

84. The previously highlighted increase in average age seen for those in their first year of practice from 1990/91-2019/20 has been seen both for barristers from a minority ethnic background and for White barristers. The below chart highlights the average age by ethnicity of barristers in their first year of practice who qualified for practice via the pupillage route.

Chart 14. Average age at first practising date for those who qualified for practice via pupillage by ethnicity

*the values for 2011/12 in the above are calculated as an average across 2010/11 and 2012/13 owing to issues with the data for this year.

85. Over time those from Black/Black British ethnic backgrounds have had a higher average age when entering their first year of practice than those in any other ethnic group. For more recent cohorts, those from Asian/Asian British backgrounds have been older than those from White ethnic backgrounds, whereas before 2010 they were on average younger than White barristers in their first year of practice. Those from Mixed/Multiple ethnic groups have a younger average age in comparison to

those from other ethnic groups, although in more recent years, the average age for such barristers has been quite similar to that seen for White barristers. The below table helps highlight these overall trends.

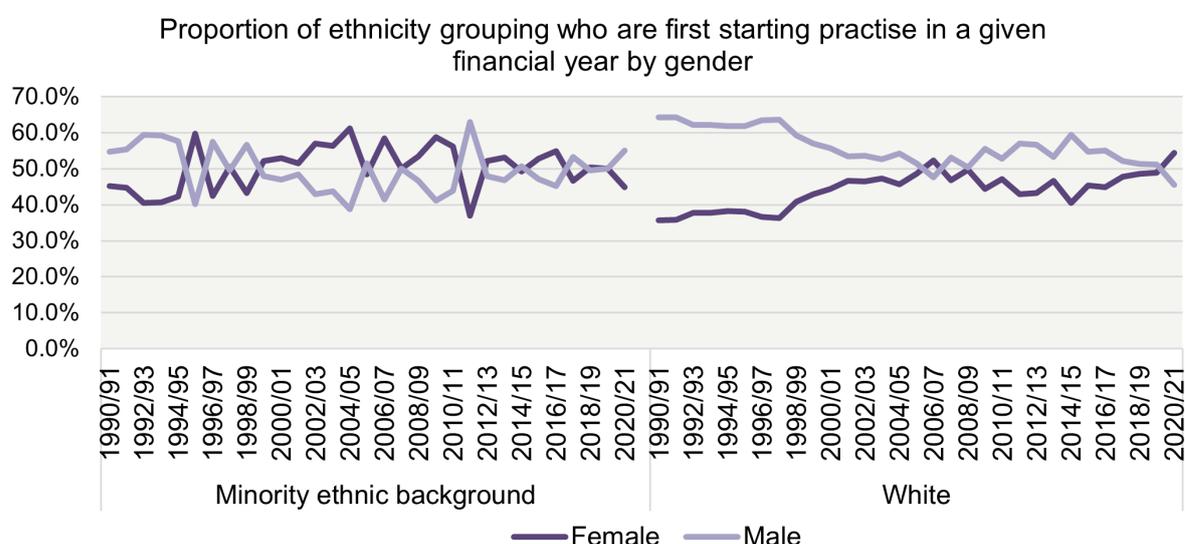
Table 2. Average age by decade for those in their first year of practice who qualified for practice via pupillage - by ethnic group

Decade	Asian/ Asian British	Black/ Black Brit- ish	Mixed/Mul- tiple ethnic groups	White	Overall
1990/91 - 1999/00	27.0	29.6	27.8	27.8	27.8
2000/01 - 2009/10	28.1	31.1	27.8	28.9	28.9
2010/11 - 2019/20	30.8	31.6	28.7	29.4	29.6

Those in their first year of practice - Ethnicity and gender

86. Chart 15 below shows that for those in their first year of practice, the proportion of female barristers in comparison to the proportion of male barristers has been more even over time for those from minority ethnic backgrounds than that seen for White barristers. Overall, there is no clear trend seen for those from minority ethnic backgrounds in terms of whether a majority of those in their first year of practice are male or female.

Chart 15. Proportion of those in ethnicity grouping in first practising year by gender



87. There is a clearer trend seen for White barristers. The proportion of White barristers in their first year of practice who were male was around 20 percentage points higher than that seen for female barristers throughout much of the 1990s, and was also substantially higher in several of the years following on from the 2007/08 financial crisis. In the first half of the 2000s, and again in the latter half of the 2010s, the proportions of female and male barristers in their first year of practice was more even for those from White ethnic backgrounds.

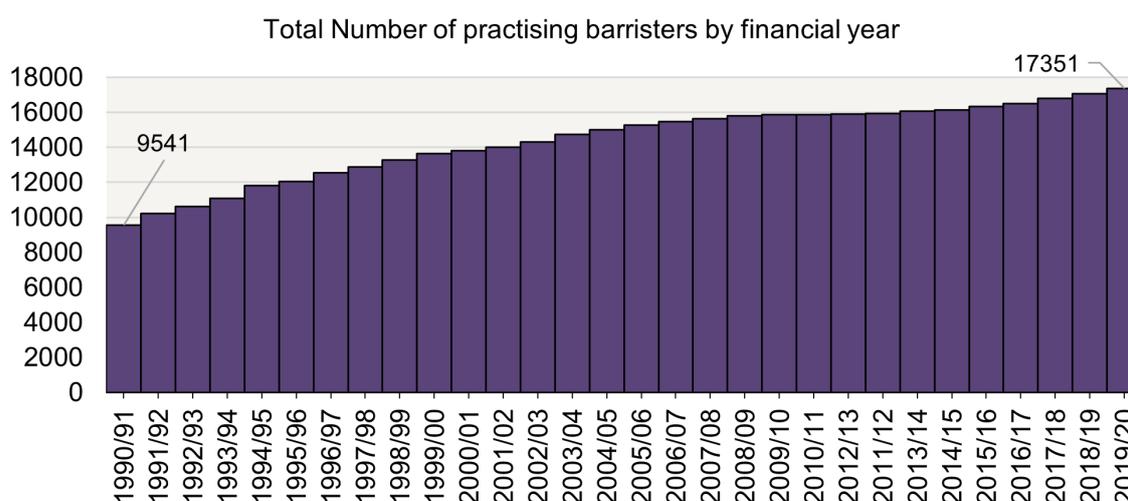
Key findings – first year of practice

- The number of those in their first year of practice averaged around 777 during the 1990s; around 643 during the 2000s; and around 553 during the 2010s. From 1990/91-2019/20, the proportion of all practising barristers who were in their first year of practice has more than halved (from 8.6% in 1990/91 to 3.7% in 2019/20).
- The average age of those in their first year of practice who qualified via pupillage has gone from around 27.2 in 1990/91 to 30.3 years old in 2019/20. Male barristers in this group were on average around 1.8 years older than the comparative figures for female barristers (average for the period from 2015/16-2019/20).
- There are differential trends by ethnicity for average age of those in their first year of practice who qualified via pupillage. Over time those from Black/Black British ethnic backgrounds have had a higher average age when entering their first year of practice than those in any other ethnic group. For more recent cohorts, those from Asian/Asian British backgrounds have a higher average age than those from White ethnic backgrounds, whereas before 2010 the opposite was seen. Those from Mixed/Multiple ethnic groups have a younger average age in comparison to those from other ethnic groups, although in more recent years, the average age for such barristers has been quite similar to that seen for White barristers.
- The proportion of those in their first year of practice who were female increased towards the end of the 1990s, and in most years since then has fluctuated between 45-50 per cent of those in their first practising year.
- During the first half of the 1990s the average proportion of first year barristers from minority ethnic backgrounds each year was around 12.3 per cent. This increased to around 18.3 per cent for the latter half of the 2010s, largely driven by an increase in the proportion of Asian/Asian British barristers.

Those at the practising Bar from 1990/91-2019/20

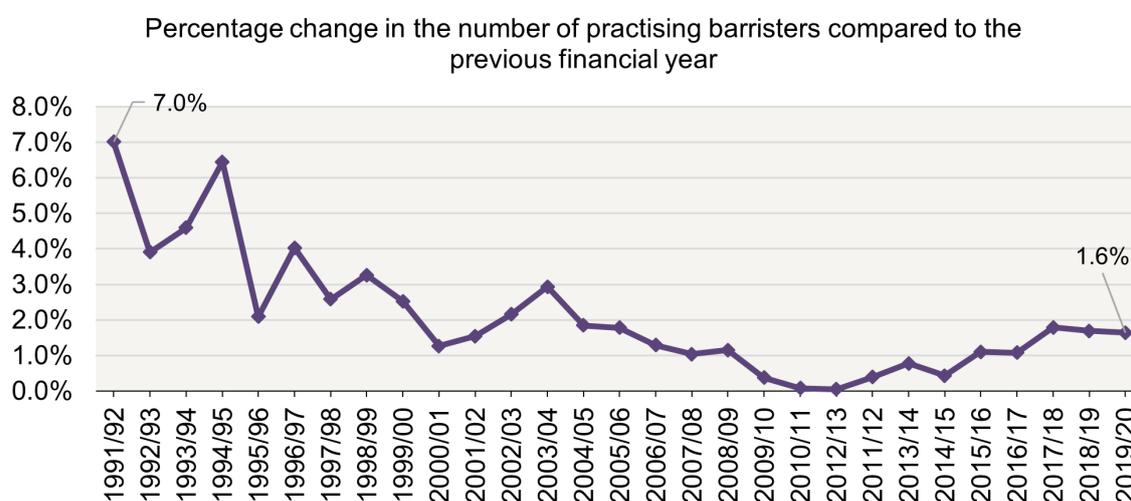
88. The following section details trends in those who had a Practising Certificate (they were a registered barrister) at any point during a given financial year over time. These barristers are assumed to have practised during the year, and the bulk of this group is made up of those who held a Practising Certificate for the entire year. The data underlying this section relates to those starting practice from 1990/91 only.
89. As shown in Chart 16 below, there has been a large increase in the number of practising barristers in each financial year over time, with the increase being particularly notable from 1990/91 to around 2004/05.

Chart 16. Total number of barristers that practised at any point during the financial year



90. The number of practising barristers increased from 9,541 barristers in 1990/91 to 17,351 in 2019/20; an increase of just over 7,800 barristers. During and following on from 2007/08 the number of practising barristers in each financial year remained relatively stable. It started increasing more substantially once more during the latter half of the 2010s, as shown in the chart below.

Chart 17. Year on year percentage change in the number of practising barristers over time



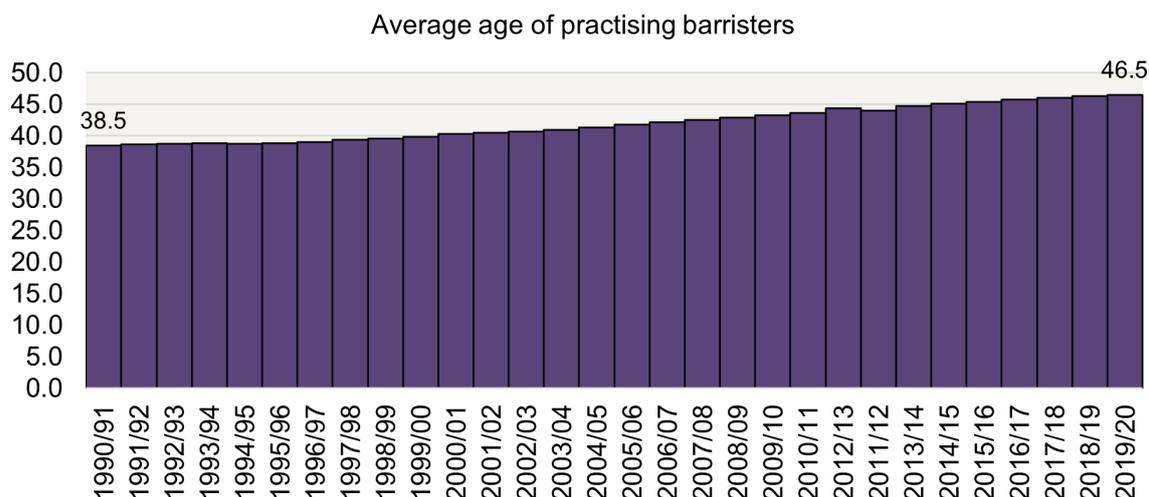
91. For no year since 1990/91 has there been fewer practising barristers in a financial

year than in the year preceding it.

Practising barristers - Age

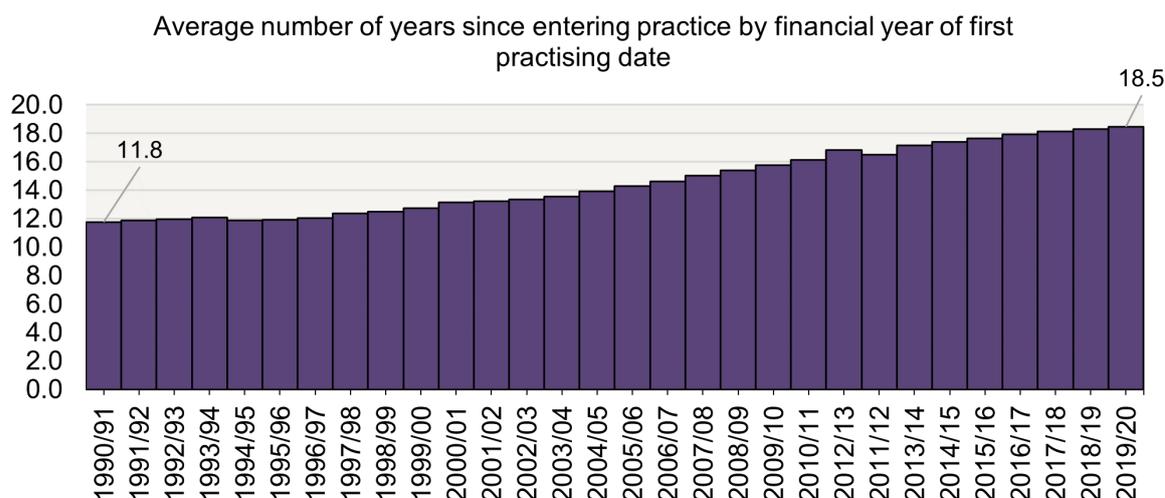
92. Alongside the growth in the number of practising barristers over time, there has been an increase in the average age of practising barristers, as shown in Chart 18 below. The average age of practising barristers has increased by around eight years from 1990/91 to 2019/20 (from 38.5 to 46.5).

Chart 18. Average age of all barristers that practised at any point during the financial year



93. As would be expected, the average number of years since entering practice has also increased over time since 1990/91. This is shown in Chart 19 below. In 1990/91, the average practising barrister would have entered practice around 12 years prior, whereas in 2019/20 the average practising barrister would have entered practice around 19 years prior.

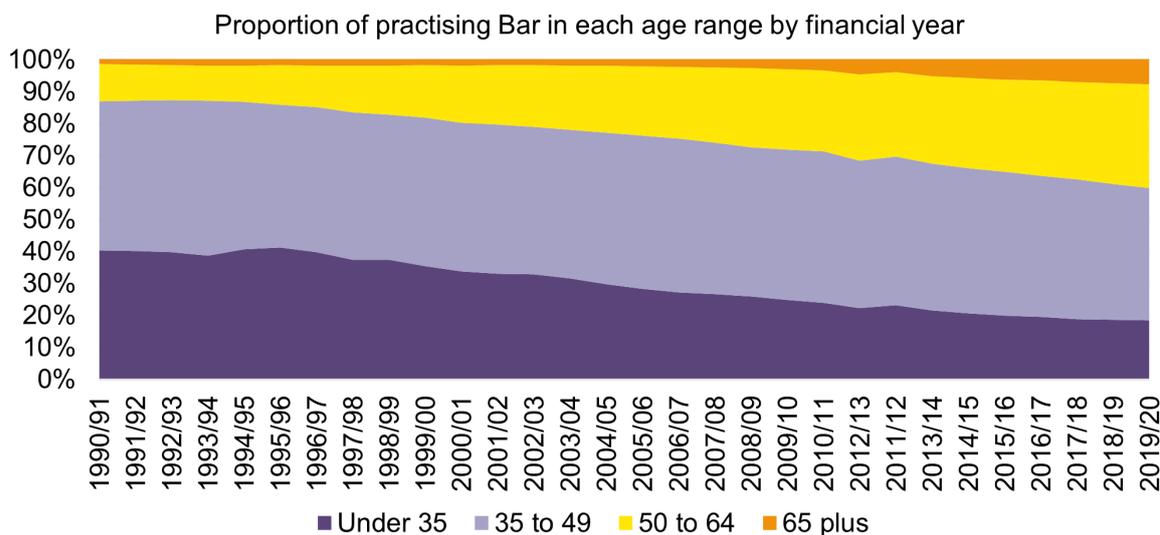
Chart 19. Average number of years relative to when started practising for all barristers that practised at any point during the financial year



94. The trends seen for in the above two charts are further highlighted when disaggregating by age range and years since first practised groupings.
95. As shown in Chart 20 below, the proportion of practising barristers who were aged

50 plus in a given financial year has become far greater over time, with the increase being particularly notable in the 50-64 age range. In 1990/91 around 13.1 per cent of barristers were aged over 50: In 2019/20 the comparative proportion was 39.3 per cent. In contrast, the proportion of those aged 35 and under has gone from around 40.3 per cent of practising barristers in 1990/91 to around 18.4 per cent in 2019/20 (from around two in five barristers to just under one in five barristers).

Chart 20. Age range as proportion of those who practised at any point during the financial year – overall



96. Table 3 below shows the proportion of the UK population aged over 25¹⁵ in work by age range as of Sep-Nov in a given year¹⁶, compared to the proportion of practising barristers by age range in the financial year. The proportion of practising barristers aged under 35 has fallen by over 20 percentage points from 1992/93 to 2019/20, compared to a fall of around five percentage points for those aged 25-34 in the UK population aged 25+ in work.

97. Compared to the UK population the proportion of the practising barristers in each age range has grown more similar to that of the UK working population aged 25+ over time. The most notable difference in 2019/20 is the relatively low proportion of practising barristers aged under 35 compared to the proportion of those aged 25-34 in work in the UK. In 1992/93, the most notable difference between the two populations was seen for those aged 50-64.

Table 3. Proportion of UK population aged over 25 in work by age range as of Sep-Nov in the given year, compared to proportion of practising barristers by age range as of Sep-Nov in the financial year

Year	UK				Practising barristers			
	25-34	35-49	50-64	65+	< 35	35-49	50-64	65+
1992/93	31.1%	43.4%	23.3%	2.1%	39.7%	47.7%	10.9%	1.8%
1999/00	29.6%	42.6%	25.9%	1.9%	35.4%	46.4%	16.4%	1.8%
2004/05	25.9%	44.1%	27.8%	2.2%	29.8%	47.3%	21.0%	2.0%
2009/10	25.1%	43.2%	28.6%	3.0%	24.7%	47.2%	25.1%	3.1%

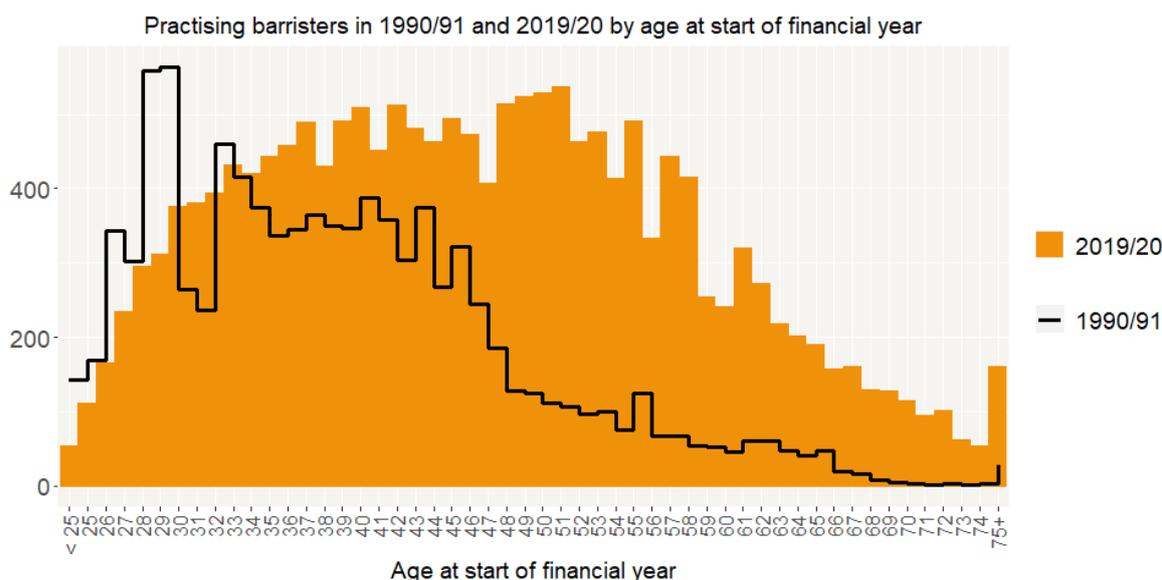
¹⁵ This is used as the comparator, as there are relatively few practising barristers beneath this age

¹⁶ Calculated from ONS: A01 Labour market statistics summary data tables, Table 2: Labour market activity by age group (seasonally adjusted). This dataset begins in 1992, and so that is why this is the first year in the table.

2014/15	25.9%	39.9%	30.0%	4.2%	20.7%	45.3%	28.3%	5.8%
2019/20	26.1%	37.4%	31.9%	4.5%	18.4%	41.4%	32.4%	7.8%

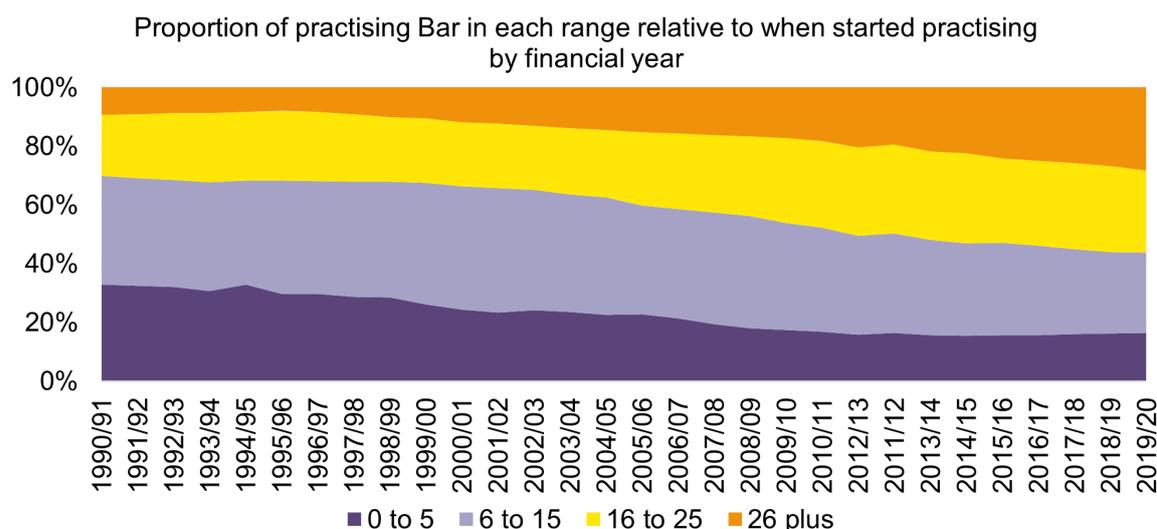
99. The trends on age may suggest that over the next 10 to 15 years, the Bar may undergo a period in which greater numbers of barristers retire, owing to the size of the cohort of barristers aged 50-64.
100. Chart 21 below shows a number of practising barristers of each age in 1990/91 and 2019/20. Overall, the age distribution of barristers is flatter in 2019/20 compared to that seen in 1990/90.
101. The increase in the number of practising barristers who are of, or who are approaching retirement age can clearly be seen. It also appears that the number of barristers above the age of 50 shows a relatively linear downward trend as age increases. There is a large cohort of barristers aged between 45 and 59 in 2019/20 (around 6,750 in 2019/20 compared with around 1,850 in 1990/91), and it will be interesting to see what happens with the number of practising barristers as those in this age range get closer to retirement age.

Chart 21. Number of barristers of each year of age (for all of those who practised at any point during the year) – comparison of 1990/91 with 2019/20



102. In line with the above has been an increase in the proportion of practising barristers who first started practise 26 years or more prior. The proportion in this group has gone from around 9 per cent in 1990/91 to around 28 per cent in 2019/20.

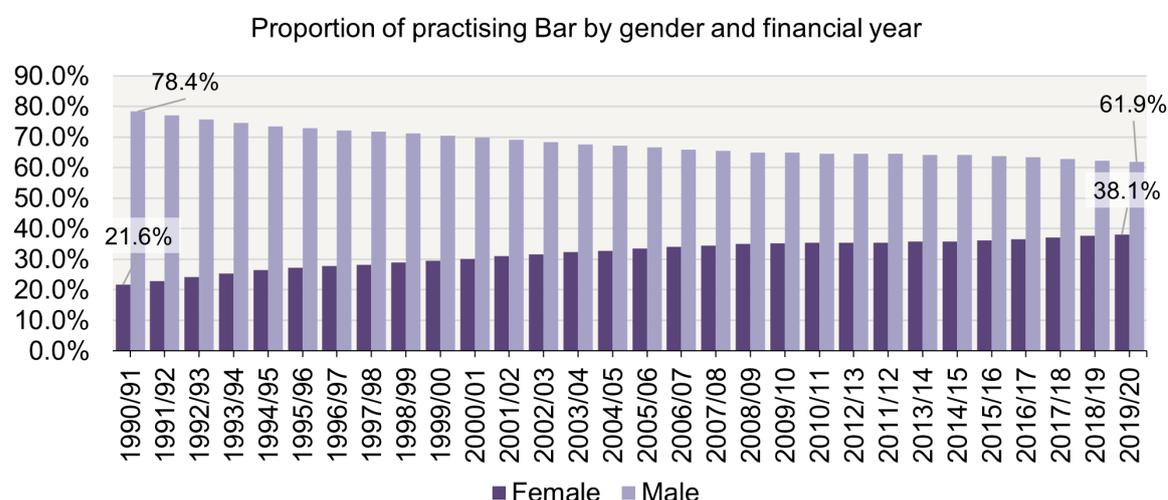
Chart 22. Number of years relative to when first practised as proportion of all of those who practised at any point during the year - overall



Practising barristers - Gender

103. Chart 23 below shows the proportion of practising barristers by financial year and gender. It shows a large increase in the proportion of practising barristers who were female over time, going from 21.6 per cent in 1990/91 to 38.1 per cent in 2019/20.

Chart 23. Proportion of those who practised at any point during the financial year by gender

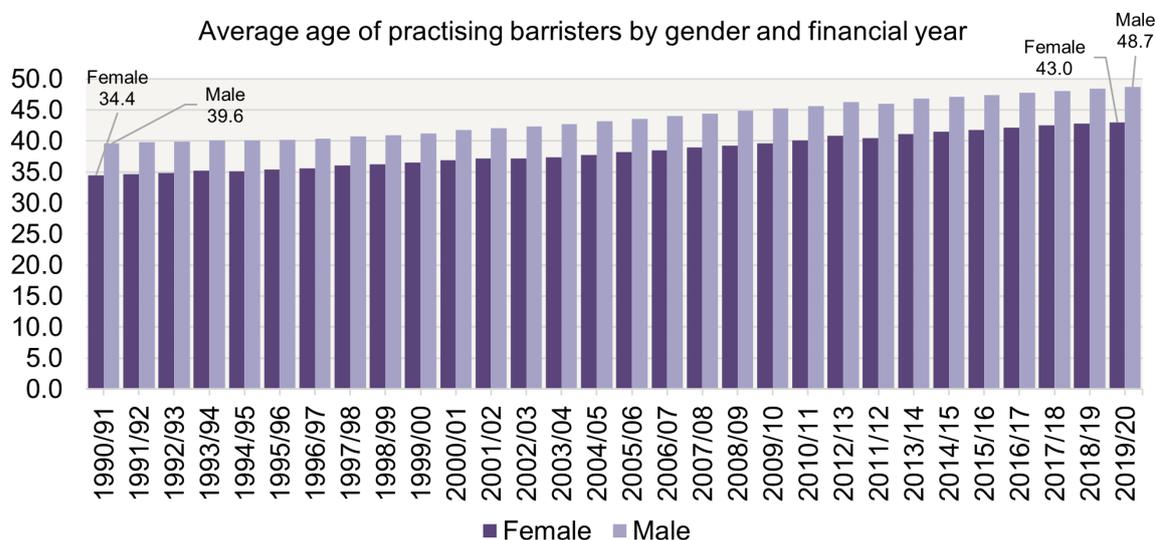


104. In 1990/91 there were 2,058 female practising barristers compared to 7,460 male practising barristers. In 2019/20 there were 6,679 female practising barristers compared to 10,640 male practising barristers. This means that from 1990/91 to 2019/20 there was a net addition of 4,621 practising female barristers compared to a net addition of 3,180 practising male barristers.

105. Overall, the rate of change in the proportion of practising barristers who were female has shown a decrease over time. The proportion of female barristers in 1999/00 was 7.9 percentage points higher than it had been 10 years earlier, whereas for 2009/10 and 2019/20, the comparative figures were 5.1 percentage points and 2.6 percentage points higher than ten years before, respectively.

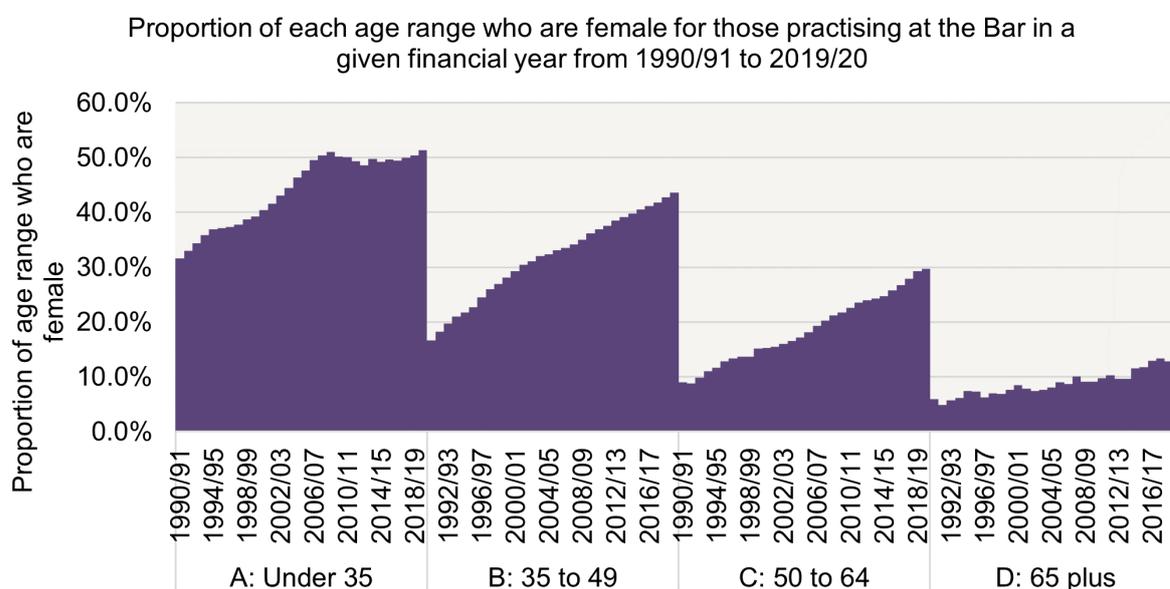
106. Chart 24 below highlights the increase in the average age of practising barristers over time by gender. There is a consistent difference in the average age of practising male barristers compared to practising female barristers. In 2019/20, the difference was almost six years, and in 1990/91, the difference was just over five years.

Chart 24. Average age of all barristers that practised at any point during the financial year by gender



107. Chart 25 below highlights the increase in the proportion of female barristers as a proportion of all practising barristers in a given year in each age range over time.

Chart 25. Proportion of all barristers in age range that practised at any point during the financial year who were female



108. It can clearly be seen in the above that the proportion of practising barristers who were female increased rapidly in those aged under 35 throughout the 1990s and 2000s, reaching a plateau of around half of practising barristers in this age range around 2006/07. For the other ranges, the upward trajectory in the proportion in practising barristers who were female has been consistent throughout the period of analysis.

109. The below table gives an idea of the proportion of the overall number of practising

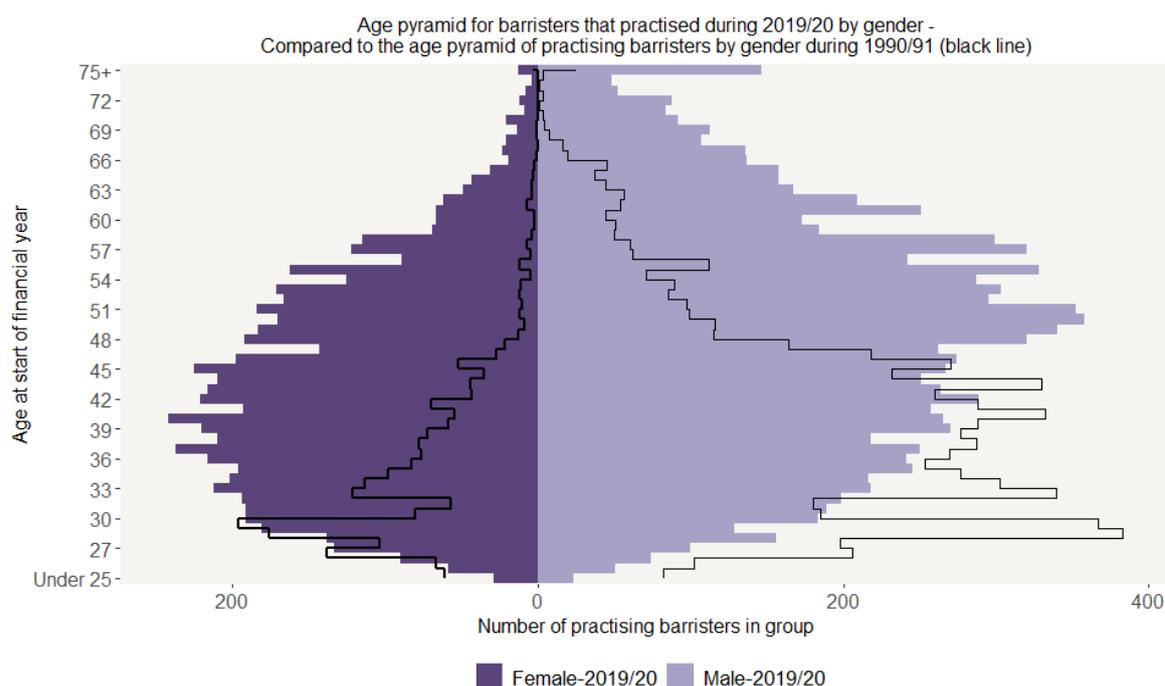
barristers in each age range by gender for 1990/91 and 2019/20. In 1990/91, those over 50 made up around 13 per cent of practising barristers, and there were around 11 times more male barristers in this group than female barristers. In comparison, in 2019/20, those over 50 made up around 40 per cent of practising barristers and there were around 2.8 times more male barristers than female barristers in this group. It will be interesting to see whether the proportion of female barristers as a proportion of all practising barristers begins to approach 50 per cent more rapidly as the large cohort of male barristers aged over 50 approach retirement in the future.

Table 4. Proportion of all practising barristers in 1990/91 and 2019/20 by age range and gender

Financial Year	Age Range	Proportion of all practising barristers in year	
		Female	Male
1990/91	Under 35	12.7%	27.6%
	35 to 49	7.8%	38.9%
	50 to 64	1.1%	10.6%
	65 plus	0.1%	1.3%
Number of practising barristers in 1990/91		9517	
2019/20	Under 35	9.4%	8.9%
	35 to 49	18.0%	23.3%
	50 to 64	9.7%	22.8%
	65 plus	1.0%	6.8%
Number of practising barristers in 2019/20		17196	

110. The overall trends highlighted in the above are also seen in the age pyramid of practising barristers in 2019/20 by gender, which is overlaid with a line showing the number of each age for those practising in 1990/91.

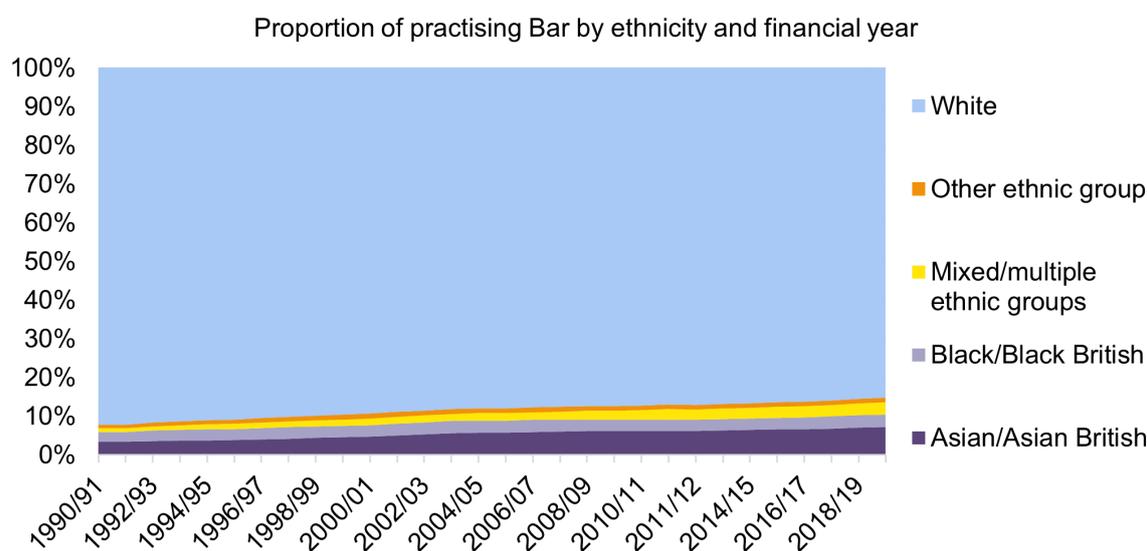
Chart 26. Number of barristers of each year of age that practised during 2019/20 by gender compared with 1990/91



Practising barristers – Ethnicity

111. Chart 27 below shows the proportion of practising barristers in a given financial year by ethnicity. Overall, it shows a gradual increase in the proportion of practising barristers from a minority ethnic background over time, going from 7.8 per cent in 1990/91 to 14.8 per cent in 2019/20.

Chart 27. Proportion of those who practised at any point during the financial year by ethnicity



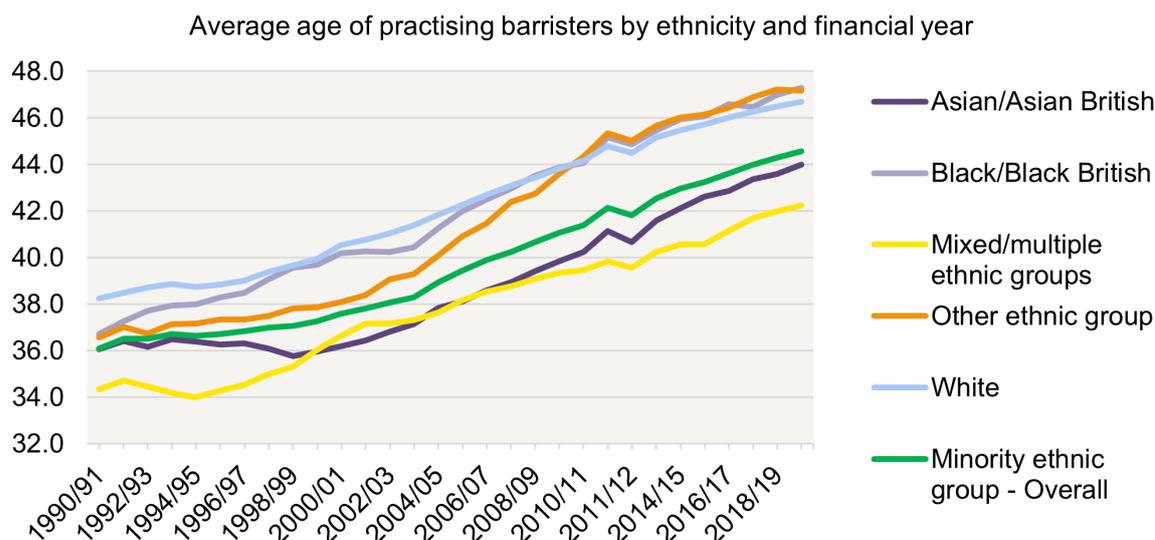
112. Much of the increase seen in the proportion of practising barristers who are from minority ethnic backgrounds is driven by those who are from Asian/Asian British backgrounds, and from Mixed/Multiple ethnic group backgrounds. This is highlighted by the table below, which shows the 1990/91 and 2019/20 figures and the difference between the two by ethnicity.

Table 5. Proportion of practising barristers in the 1990/91 and 2019/20 financial years by ethnicity

Ethnicity	Financial Year		Percentage point diff.
	1990/91	2019/20	
Asian/Asian British	3.4%	7.2%	3.9pp
Black/Black British	2.5%	3.2%	0.7pp
Mixed/multiple ethnic groups	1.0%	3.2%	2.2pp
Other ethnic group	0.9%	1.2%	0.3pp
Minority ethnic group - Overall	7.8%	14.8%	7.0pp
White	92.2%	85.2%	-7.0pp

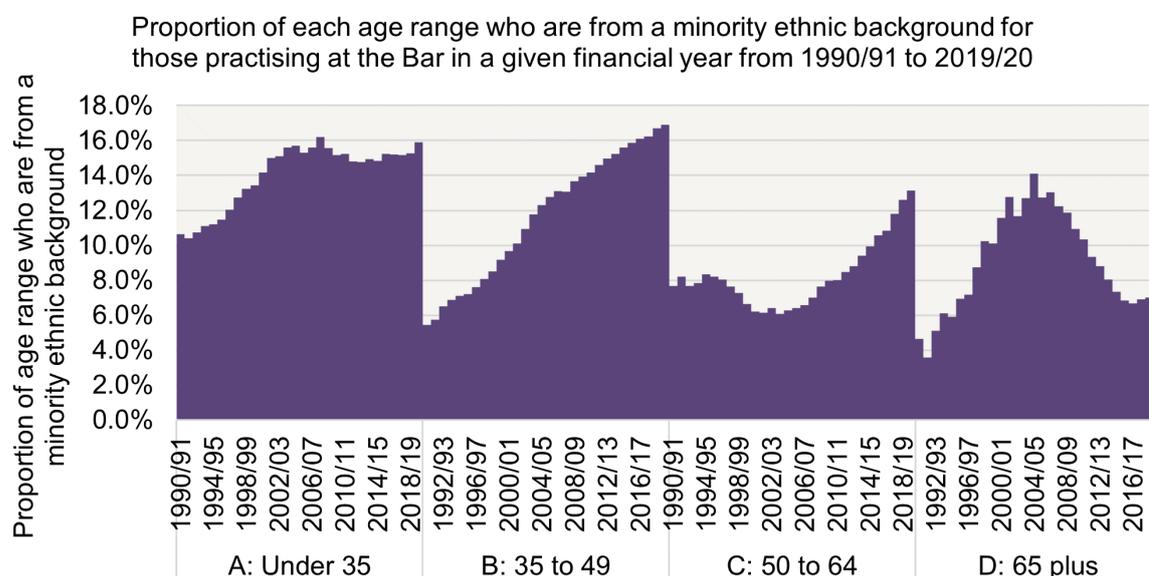
113. Chart 28 below shows that over time, the average age of practising barristers has increased for all ethnic groups. The increases and average ages seen are likely to reflect patterns in recruitment into the Bar. Sharper increases in average age are seen for groups where the proportion of those in their first year of practice has fallen or remained relatively stable over time (Black/Black British barristers, and those from Other ethnic groups), whereas more gradual increases in average age are seen for groups where the proportion of those in their first year of practice has increased (barristers from Mixed/Multiple ethnic groups in particular).

Chart 28. Average age of all barristers that practised at any point during the financial year by ethnicity



114. Chart 29 below shows the proportion of practising barristers in a given age range from a minority ethnic background from 1990/91-2019/20. For those aged 35 and under, the proportion fluctuated around 15 per cent throughout the 2000s and 2010s after increasing during the 1990s. For those aged 35-49, the proportion increased throughout the period, whereas for those in older age ranges, the proportion was increasing as of 2019/20, but had shown more variable trends over time.

Chart 29. Proportion of all barristers in age range that practised at any point during the financial year who were from a minority ethnic background

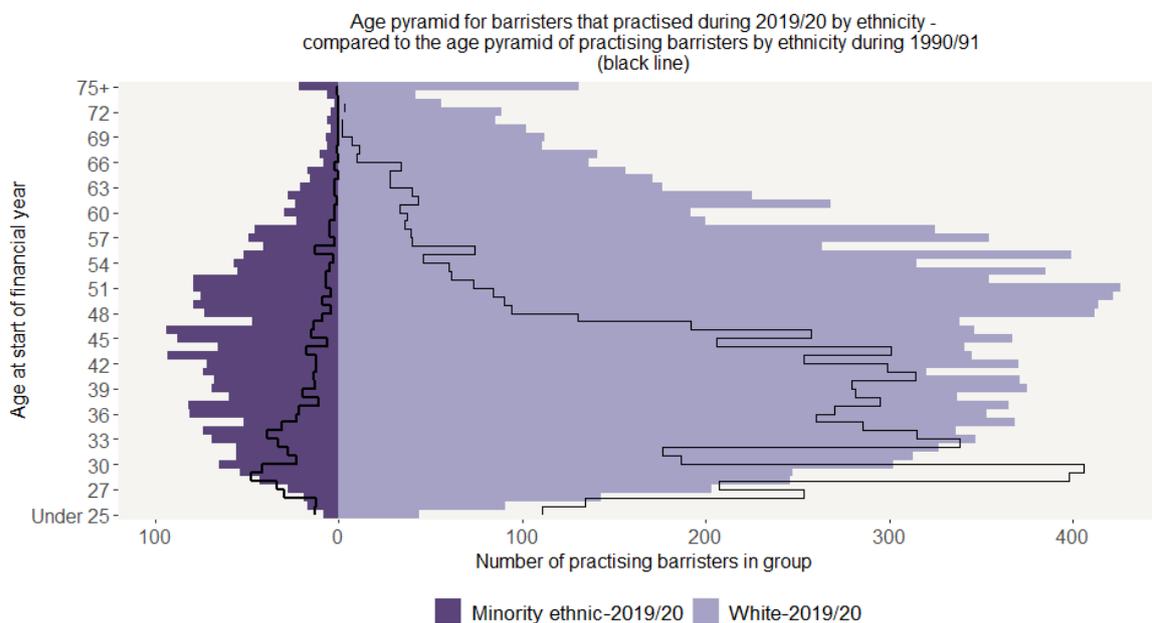


115. There is an interesting peak seen for those aged 65+. This is likely to be largely related to patterns seen in those who are remaining in practice beyond the age of 65 in more recent years, and a large increase in the numbers of such barristers. From 1990/91 to 2004/05 the proportion of practising barristers aged 65+ stayed at around 2 per cent each year: Since 2004/05, the proportion increased every year to around 7.8 per cent in 2019/20.

116. Chart 30 below shows the the number of barristers from minority ethnic backgrounds

and number of White barristers by year of age from 2019/20 and 1990/91. It can be seen that the age distribution of each cohort has become less peaked and more spread out across different years of age over time.

Chart 30. Number of barristers of each year of age that practised during 2019/20 by ethnicity compared with 1990/91



Key Findings – the practising Bar

- The number of those with a Practising Certificate at any point in a given financial year almost doubled from 1990/91 to 2019/20, going from 9,541 barristers in 1990/91 to 17,351 in 2019/20.
- The average age of practising barristers also increased substantially during the period, going from 38.5 years in 1990/91 to 46.5 in 2019/20. Male barristers in 2019/20 were around six years older on average than female barristers. There are also differences in the average age of practising barristers by ethnicity, which are likely to be related to trends in an increase in recruitment to the Bar for those from Asian/Asian British and Mixed/Multiple ethnic group backgrounds over time.
- The proportion of the practising Bar over the age of 50 has increased from 13.1 per cent of barristers in 1990/91 to just under 40 per cent in 2019/20. The proportion of those aged under 35 has decreased over the same period from 40.3 per cent to 18.4 per cent in 2019/20.
- From 1990/91 to 2019/20 the proportion of practising barristers who were female increased from 21.6 per cent to around 38.1 per cent. There has also been an increase in the proportion of practising barristers from minority ethnic backgrounds over time from 7.8 per cent to 14.8 per cent, with the largest increases being seen for those from Asian/Asian British ethnic backgrounds and those from Mixed/Multiple ethnic group backgrounds.
- The increases in the proportion of practising barristers who were female, and practising barristers from a minority ethnic background has increased across all age ranges (under 35, 35-49, 50-64, and 65+) during the period of analysis.

Retention at the Bar over time

Those leaving the Bar or spending time away from practice from 1990/91-2019/20

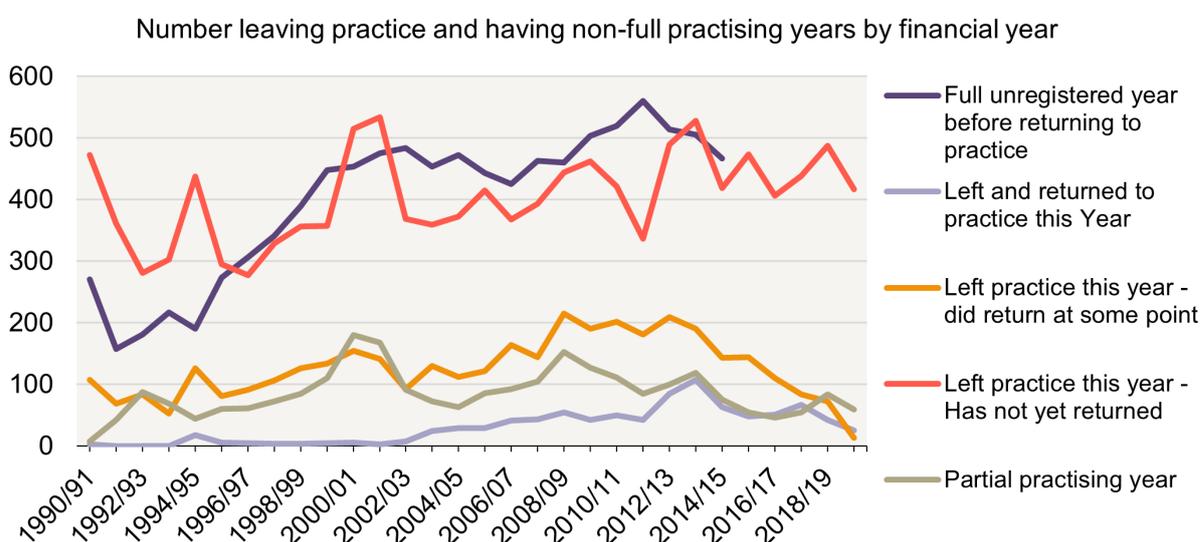
117. This section of the report details trends in those leaving the Bar by financial year from 1990/91-2019/20. It includes disaggregation by a classification of the type of year for each barrister: The classifications used are:

- Those that left the Bar in the year and had not returned to practise as of 22 December 2020.
- Those that left the Bar in the year who did later return at some point.
- Those who spent the full year as an unregistered barrister but did later return to practise at some point.
- Those who had a partial practising year (those who had a Practising Certificate for part of the year only), but where the direction of travel in terms of whether someone returned to practice or left practice in the year was less clear based upon the data available.

118. For more recent years, it should be noted that many of those having full unregistered years may return to practice but have not yet done so as of December 2020, and the same can be said for those who have left practice and had not returned.

Those leaving the Bar or spending time away from practice - Overall

Chart 31. Number leaving practice and having non-full practising years by financial year¹⁷



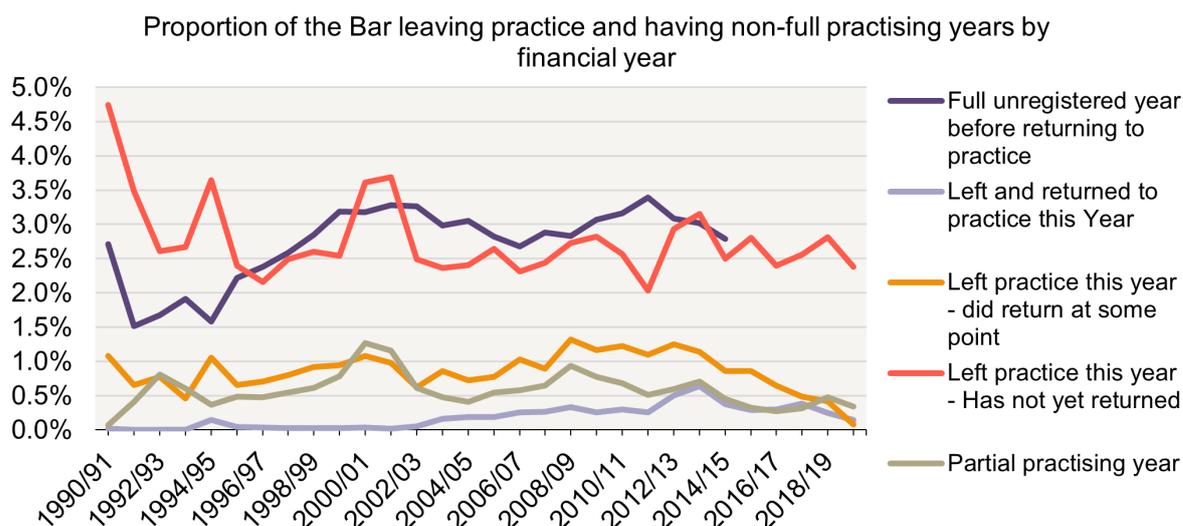
119. Chart 31 shows the number of barristers in each of the groups above by year from 1990/91-2019/20. The number of those leaving practice who had not returned as of December 2020 has fluctuated between 300 to 500 over the period, and was generally relatively close to 400 each year from 2000/01. Part of the increase seen for the

¹⁷ The record of those having full unregistered year in the above is truncated, as many of those currently unregistered may still return to practise at some point. In addition, the record of those leaving practise and returning in a given year in the 1990s may not be as comprehensive as the record since 2000.

latter half of the 2010s is likely to be due to including a greater proportion of barristers who will later return to practice in this category.

120. The number of those spending a full year unregistered, leaving and returning to practice within a year, and the number of those leaving practice in the year and returning at some point has generally increased over time. This appears largely to be in line with the growth in the numbers of barristers at the Bar from 1990/91 to 2019/20. When controlling for this, there is a relatively stable proportion of barristers in these categories over time, except for the proportion in the category of those having a full unregistered year, which increased during the 1990s and then remained relatively stable after this point.

Chart 32. Proportion of the Bar* leaving practice and having non-full practising years by financial year



* In the above, the Bar includes practising barristers and those included in the above categories.

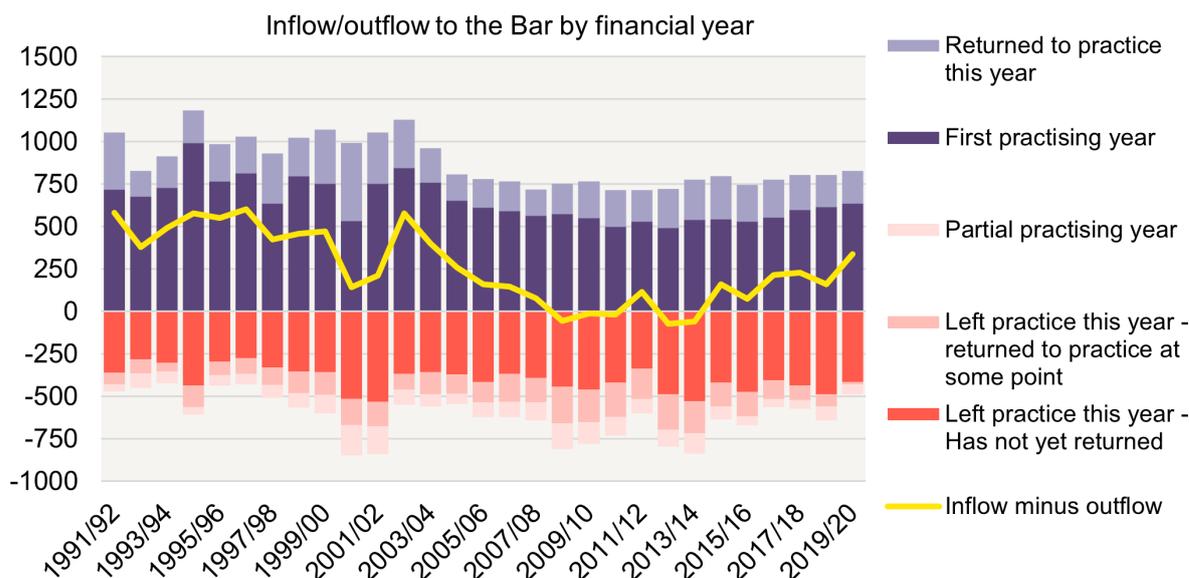
121. The proportion of those leaving the Bar each year who had not returned as of December 2020 declined during the 1990s and has been relatively stable at around 2.6 per cent from 2002/03 onwards. This contrasts with an increase in the proportion of the Bar who are in older age ranges. It does not yet seem to be reflected in an increased proportion of the Bar retiring.

122. For other categories of year, from 2000/01-2014/15:

- the proportion of the Bar spending the year unregistered averaged around 3.0 per cent;
- the proportion of the Bar leaving practice and returning in a subsequent year averaged 1.0 per cent; and
- the proportion having a partial practising year averaged 0.7 per cent.

123. Chart 33 below gives an approximation of inflow and outflow to the Bar over time. The decline in net inflow to the Bar around the time of the 2007 financial crisis until 2013/14 can clearly be seen, as can the large increases in the number of barristers seen during the 1990s.

Chart 33. Number in each category of financial year, and an estimation of inflow/outflow to the practising Bar over time



Those leaving the Bar or spending time away from practice – Gender

- 124. When looking at those leaving the Bar and having time away from practice by gender (when not controlling for age), there are a couple of noticeable trends that were present throughout the entire period of analysis.
- 125. The first is that the proportion of female barristers who had a partial practising year; who left the Bar in the year and later returned to practice at some point; or who had a full unregistered year before returning to practice, was noticeably higher than the proportion of all practising barristers in the year who were female. This is shown in Charts 34 and 35 below (the chart for partial practising year is given in the appendices).

Chart 34. Proportion of barristers who had not retired from practice who had a full unregistered year by gender compared to the proportion of female practising barristers

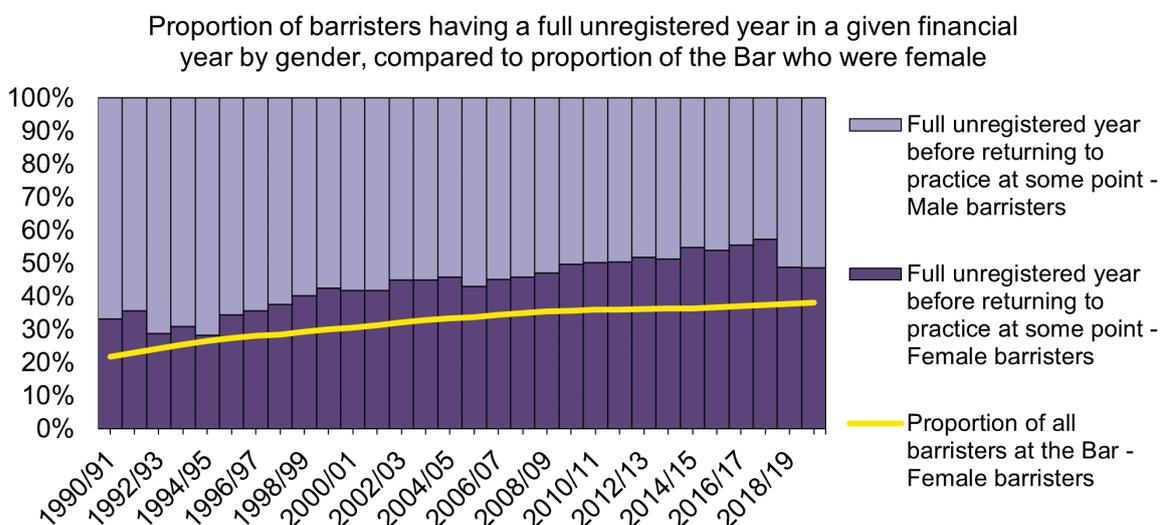
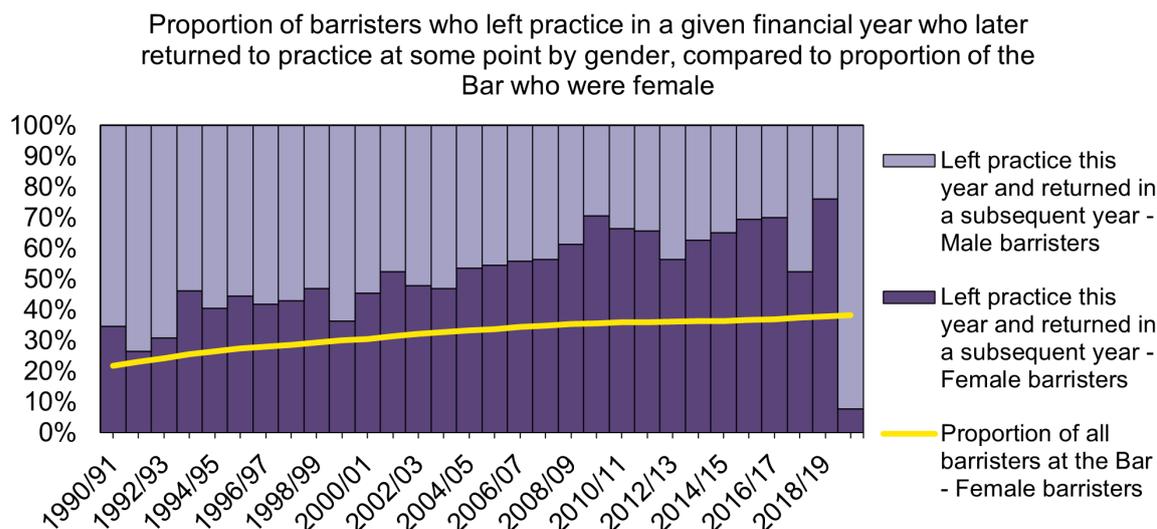
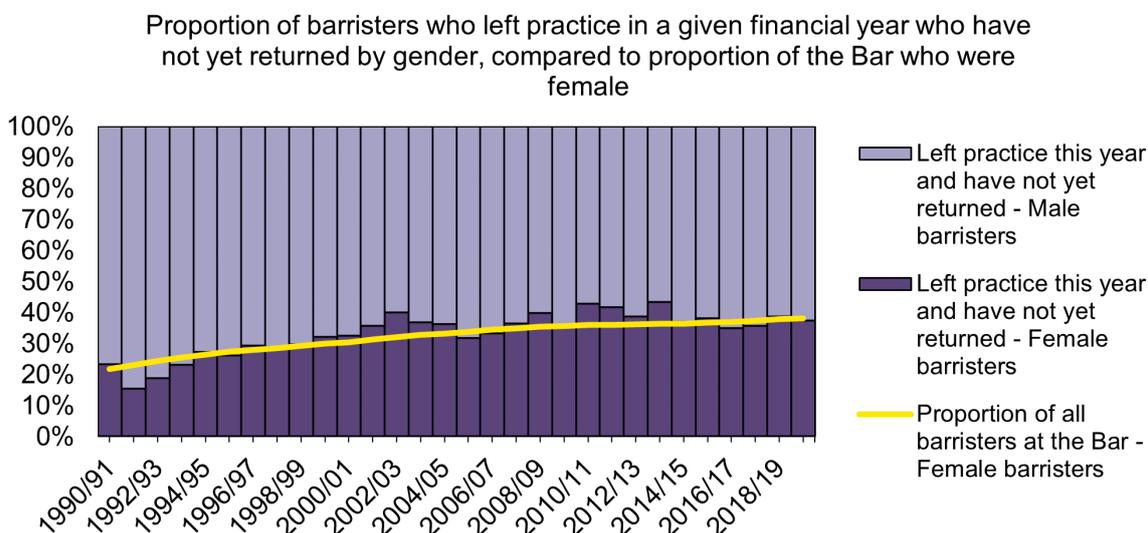


Chart 35. Proportion of barristers who left practice in the year and later returned in a subsequent year by gender - compared to the proportion of female practising barristers



126. The second noticeable trend is that the proportion of those who left the Bar in a given financial year who had not returned as of December 2020 is very similar to the proportion of practising barristers who were female in the same financial year. This is shown in Chart 36 below.

Chart 36. Proportion of barristers who left practice in the year and had not returned as of December 2020, by gender - compared to the proportion of female practising barristers



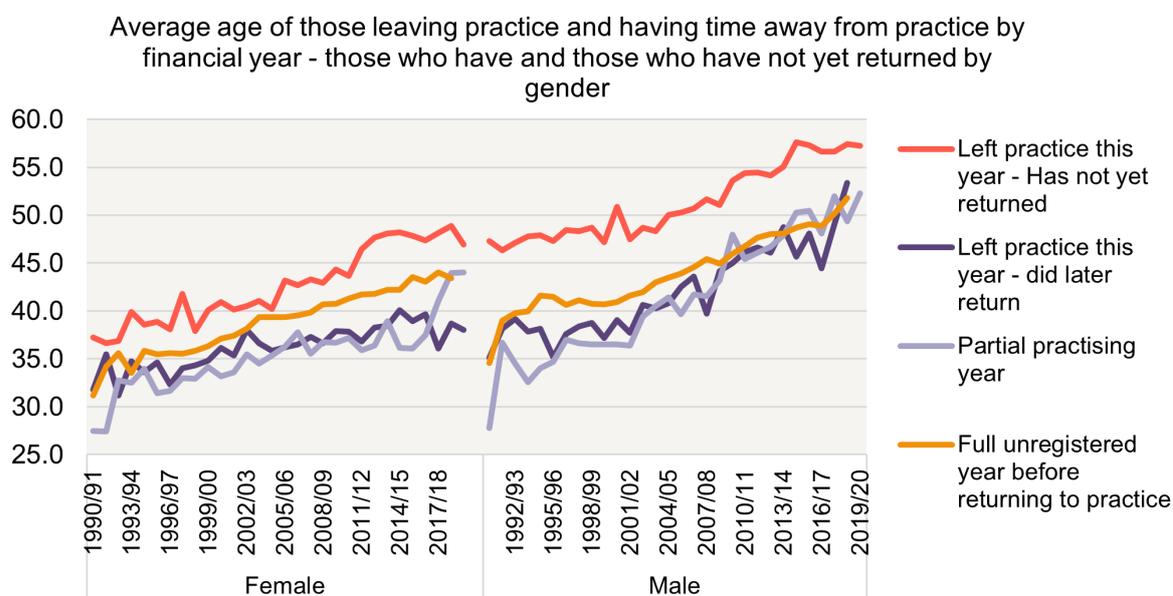
127. As a proportion of female barristers at the Bar, the proportion leaving practice indefinitely has remained relatively constant over time, at around 2.8 per cent during the 1990s, 3.0 per cent during the 2000s, and 2.8 per cent during the 2010s. The comparative figures for male barristers are 3.0 per cent (1990s), 2.7 per cent (2000s) and 2.5 per cent (2010s).

128. Together, this suggests that female barristers may be more likely to be unregistered, be out of practice for part of a year, or to temporarily leave practice than would be expected in a given year, but are perhaps not more likely to retire from a career as a practising barrister in a given year than would be expected. However, as the general

profile of male barristers is older, we may expect them to be leaving practice at higher rates than female barristers, something which does not appear to be the case.

129. When further disaggregating by age in addition to gender, it is clear to see that the average age of female and male barristers in each category shows a couple of differential trends. Overall, the age differences by type of year reflect the large difference in average age between practising male and female barristers.

Chart 37. Average age for type of year by gender over time



130. However, the gap between the average age of female barristers who left practice in the year and later returned, or who had a partial practising year, started to diverge from that of male barristers from around 2002/03 onwards. The average age of female barristers in such groups stayed relatively flat from around the same time through to 2019/20, whereas the average age of male barristers in all groups in the above chart consistently trended more steeply upwards over time. These patterns may be reflective of trends relating to childcare responsibilities for female barristers.
131. The same trend may be present to a lesser extent from around 2008/09 for the average age of those having a full unregistered year before later returning to practice at some point. The average age for this category for female barristers is closer to that of female barristers who had left practice who had not returned. As such, the decision to spend a year unregistered may more closely relate to the decision of whether to retire from practice or not for female barristers.
132. The trends seen in Chart 37 are summarised in Table 6 below.

Table 6. Average age for those having each type of year by gender - over five year period

Ethnicity	Left the bar - Had not yet returned		Left practise - did return at some point		Partial prac- tising year		Full unreg- istered year before return- ing	
	Fe- male	Male	Fe- male	Male	Fe- male	Male	Fe- male	Male
1990/91-1994/95	37.8	47.3	33.4	37.7	30.8	33.1	34.1	39.0
1995/96-1999/00	39.3	48.0	34.0	37.4	32.6	36.3	35.8	40.9
2000/01-2004/05	40.6	49.1	36.4	39.7	34.4	38.8	38.3	42.2
2005/06-2009/10	43.3	51.5	36.9	43.0	36.6	42.8	40.0	45.0
2010/11-2014/15	46.8	55.1	38.3	46.7	36.9	47.3	41.8	47.8
2015/16-2019/20	47.8	57.1	38.3	48.7	40.5	50.4	43.8	50.9

133. Similar trends to those seen in Charts 34 to 37 are seen in Charts 38 to 40 below, which look at the classification of year by gender and age range for five year groups over time. Not all age ranges are presented across the charts owing to small numbers in some categories.
134. There are a couple of notable differences in Charts 38 to 39 however. The proportion of female barristers either having a full unregistered year; who left the Bar in the year and later returned to practice; or who had a partial practising year is noticeably higher than would be expected for the lower age ranges, particularly for those aged 35 and under, but is generally not as noticeably different from what would be expected for those aged 50-64.

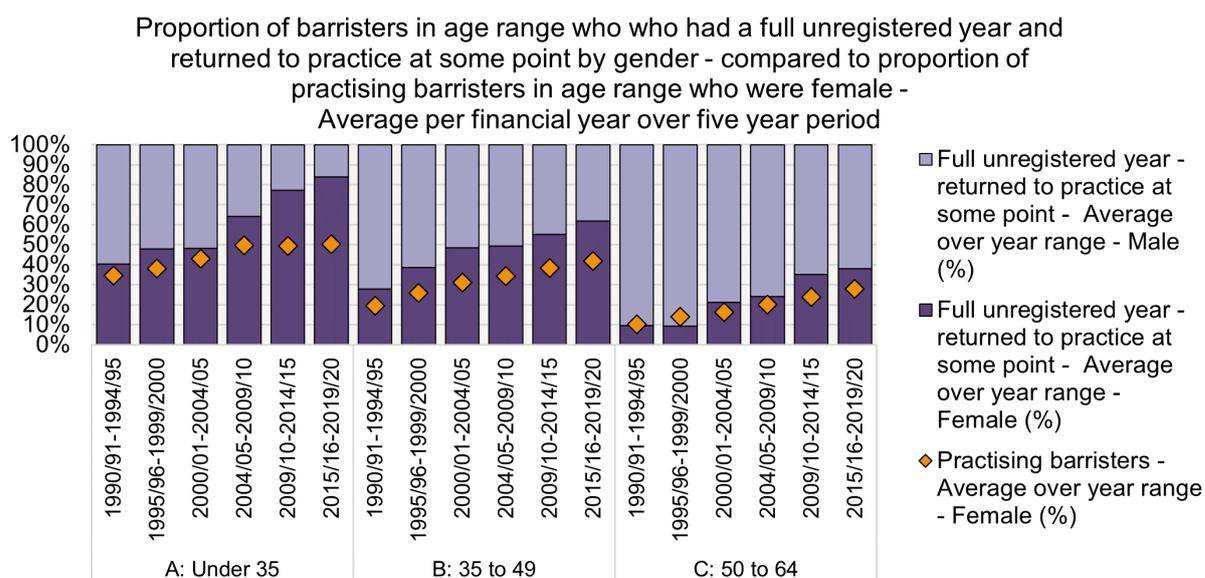
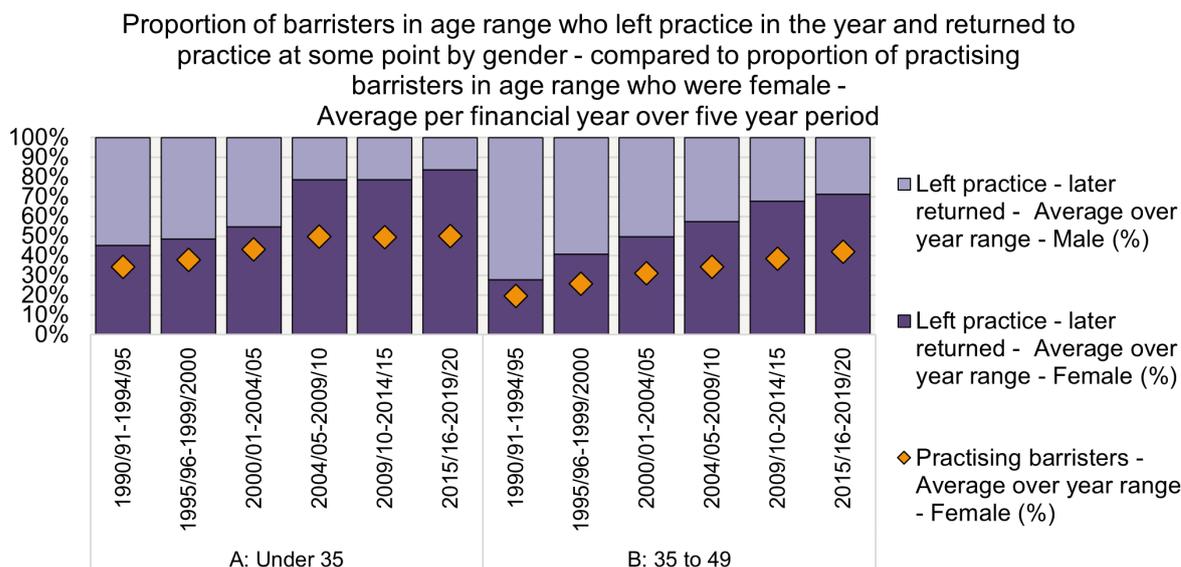
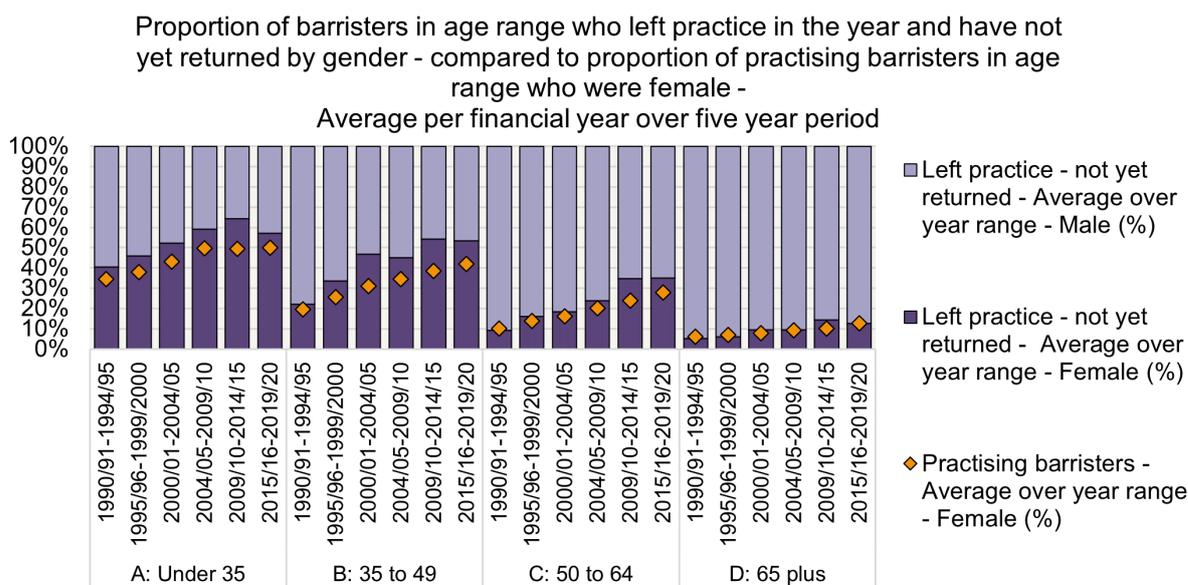
Chart 38. Average proportion of barristers during five year period who had a full unregistered year, by gender and age range - compared to the proportion of practising barristers who were female in the age range

Chart 39. Average proportion of barristers during five year period who left practice in the year and later returned in a subsequent year, by gender and age range - compared to the proportion of practising barristers who were female in the age range



135. Similar trends can be seen across the age ranges for those who left the Bar in the year who had not yet returned as of December 2020. The below chart suggests that a greater proportion of female barristers aged 35 and under, and aged 35-49 had left practice indefinitely than would be expected. This also appears to be the case to a lesser extent during the 2010s for those aged 50-64.

Chart 40. Average proportion of barristers during five year period who left practice in the year and had not returned as of December 2020, by gender and age range - compared to the proportion of practising barristers who were female in the age range



136. As the age profile of the practising Bar has changed over time, so has the average number per year leaving the Bar indefinitely in each year in each age range. From 1990/91-1994/95, each year, around 40 female barristers aged under 35 left the Bar indefinitely, compared to around 59 male barristers. For 2015/16-2019/20, the num-

bers for each group were 19 and 14 respectively. This and the numbers per year involved for other age ranges are shown in the below table.

Table 7. Average number of barristers leaving practice indefinitely per year in each five year period by gender

Year Range	A: Under 35		B: 35 to 49		C: 50 to 64		D: 65 plus	
	Female	Male	Female	Male	Female	Male	Female	Male
1990/91-1994/95	40.0	58.6	30.2	106.8	10.0	97.6	1.4	26.0
2009/10-2014/15	26.8	14.8	75.8	64.2	66.6	125.4	9.4	55.4
2015/16-2019/20	18.6	14.0	73.0	63.6	58.4	108.6	13.4	92.0

137. If the proportion of female barristers leaving practice indefinitely each year on average was the same as the proportion of practising barristers who were female, then for 2015/16-2019/20 this would equate to:
- Around two fewer female barristers aged under 35 leaving practice indefinitely each year;
 - around 16 fewer female barristers aged 35-49 leaving practice indefinitely each year; and
 - around 12 fewer female barristers aged 50-64 leaving practice indefinitely each year.
138. As would be expected given the above charts, the proportion of female barristers out of all of those returning to practice was higher than the proportion of practising barristers who were female over time. This is particularly the case for those in lower age ranges. The chart on this is given in the appendices.

Those leaving the Bar or spending time away from practice – Ethnicity

139. When looking at those leaving the Bar and having time away from practice by ethnicity (when not controlling for age), the trends seen are similar to those seen by gender, with there being a greater proportion of those from a minority ethnic background than would be expected either spending the full year unregistered, or leaving practice and later returning at some point.

Chart 41. Proportion of barristers who had not retired from practice who had a full unregistered year by ethnicity - compared to the proportion of practising barristers from a minority ethnic group

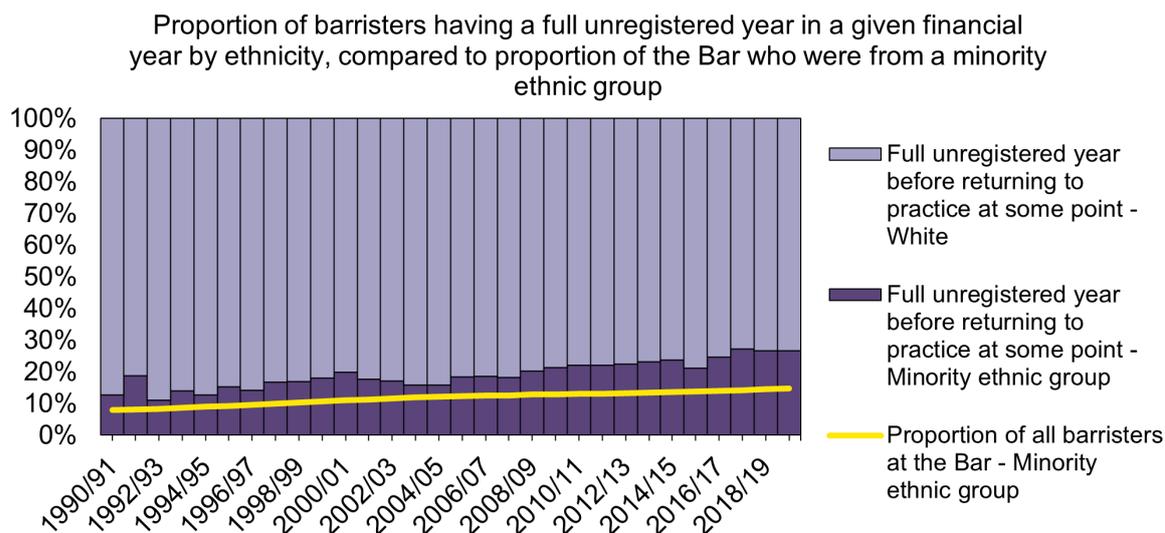
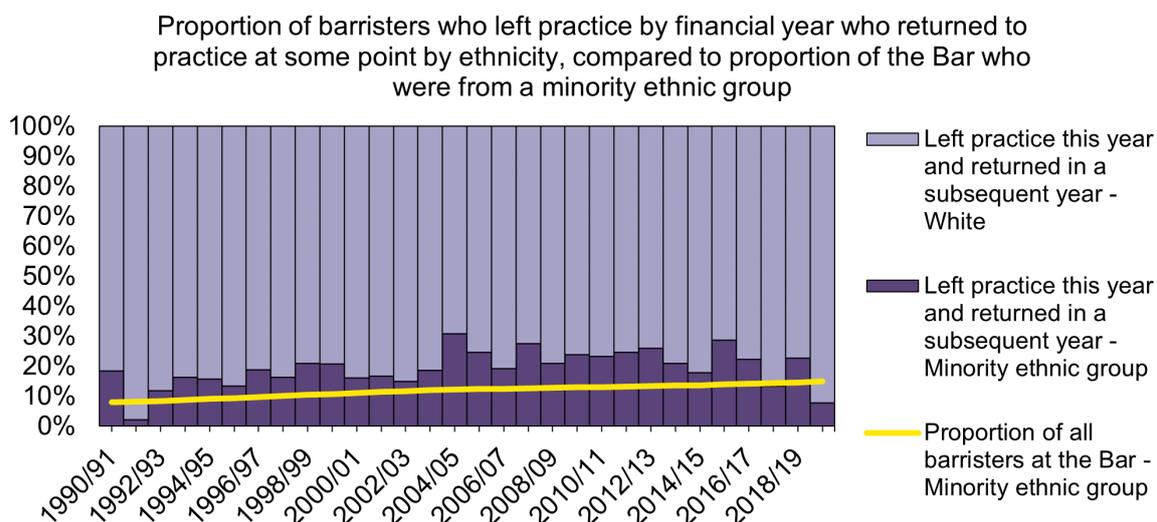
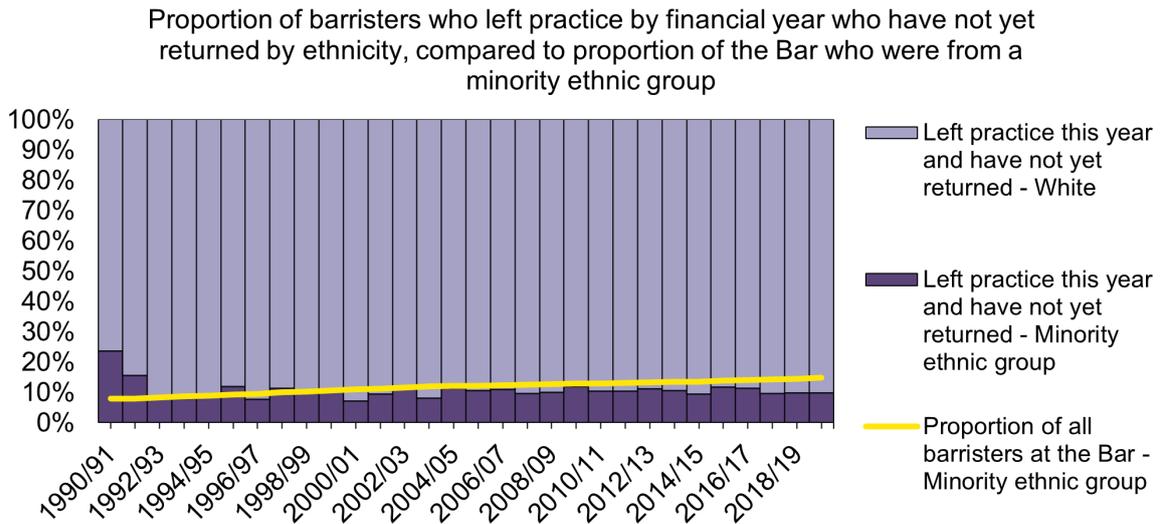


Chart 42. Proportion of barristers who left practice in the year and later returned in a subsequent year, by ethnicity - compared to the proportion of practising barristers from a minority ethnic group



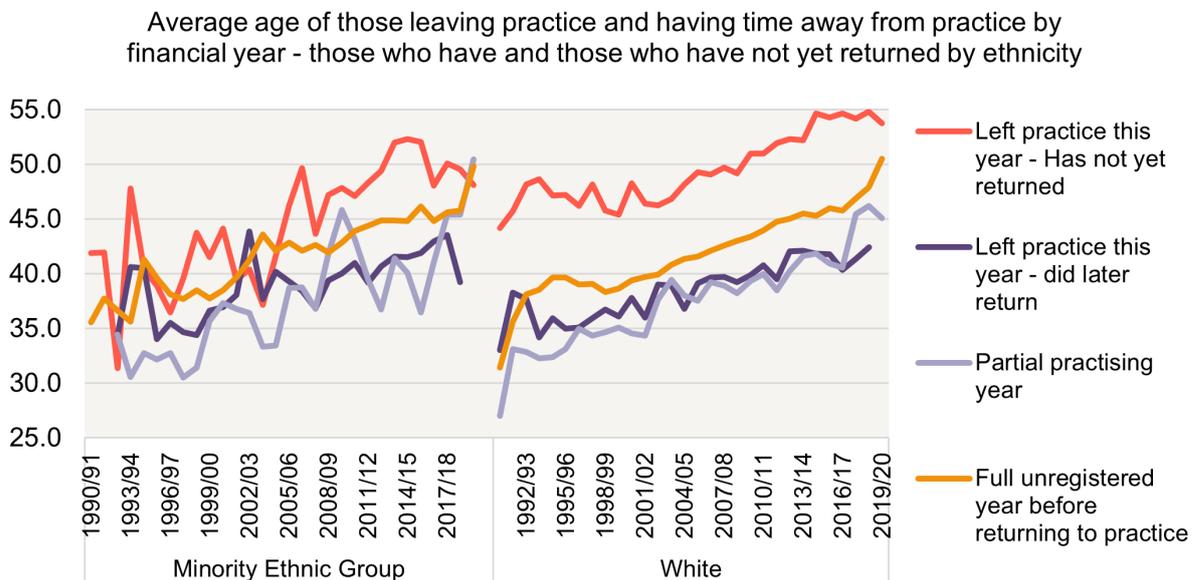
140. However, as shown in Chart 43, the proportion of those from minority ethnic backgrounds leaving the Bar in a given financial year who had not returned as of December 2020 was not higher than would be expected, and in more recent years, was slightly lower than would be expected, meaning barristers from minority ethnic backgrounds do not appear to be leaving practice indefinitely in greater proportions than White barristers.

Chart 43. Proportion of barristers who left practice in the year and had not returned as of December 2020, by ethnicity - compared to the proportion of practising barristers from a minority ethnic group



141. When further disaggregating by age, the average age of minority ethnic and White barristers by type of year track one another quite closely, with a consistent trending upwards over time across all year types. However, the chart below may suggest that those from minority ethnic backgrounds retire from the Bar at a slightly younger age on average, although the proportion is quite variable from year to year, which is likely partly to be related to the small numbers involved.

Chart 44. Average age for type of year by ethnicity over time



142. Similar overall trends to those seen in Charts 41 to 44 are seen in Charts 45 to 47 below, which look at the classification of year by ethnicity and age range for five year groups over time. Not all age ranges are presented across the charts owing to small numbers in some categories.

Chart 45. Average proportion of barristers during five year period who had a full unregistered year, by ethnicity and age range - compared to the proportion of practising barristers from a minority ethnic group in the age range

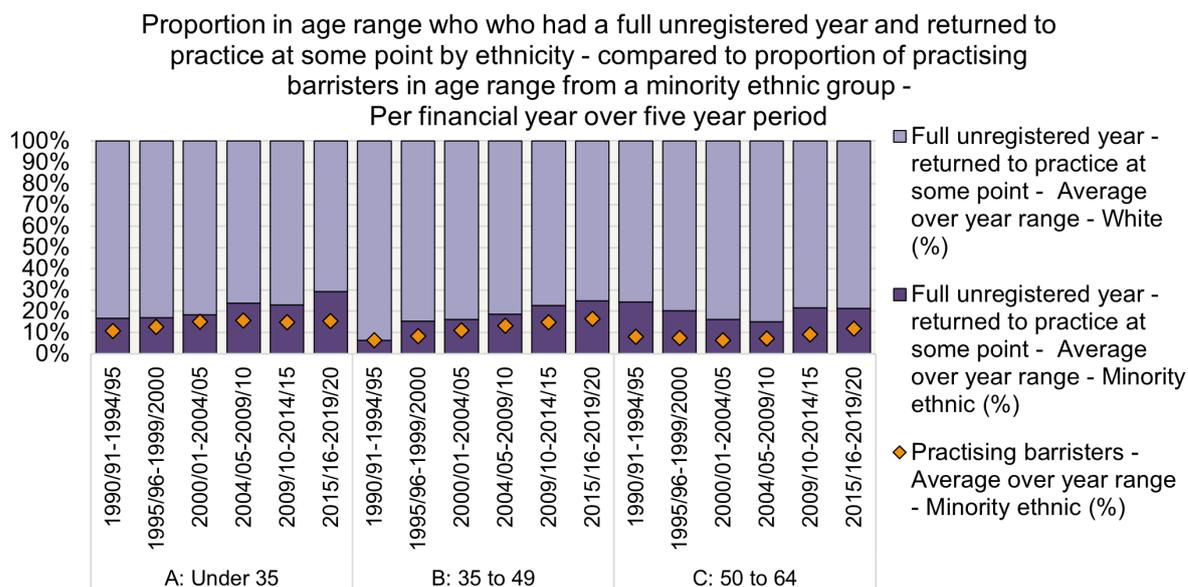
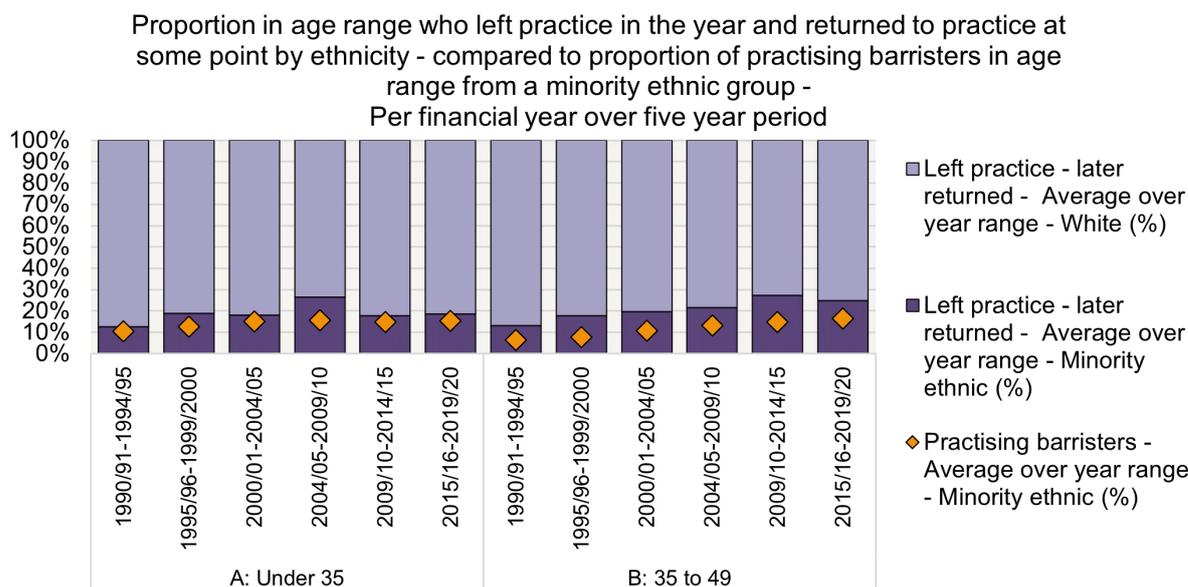
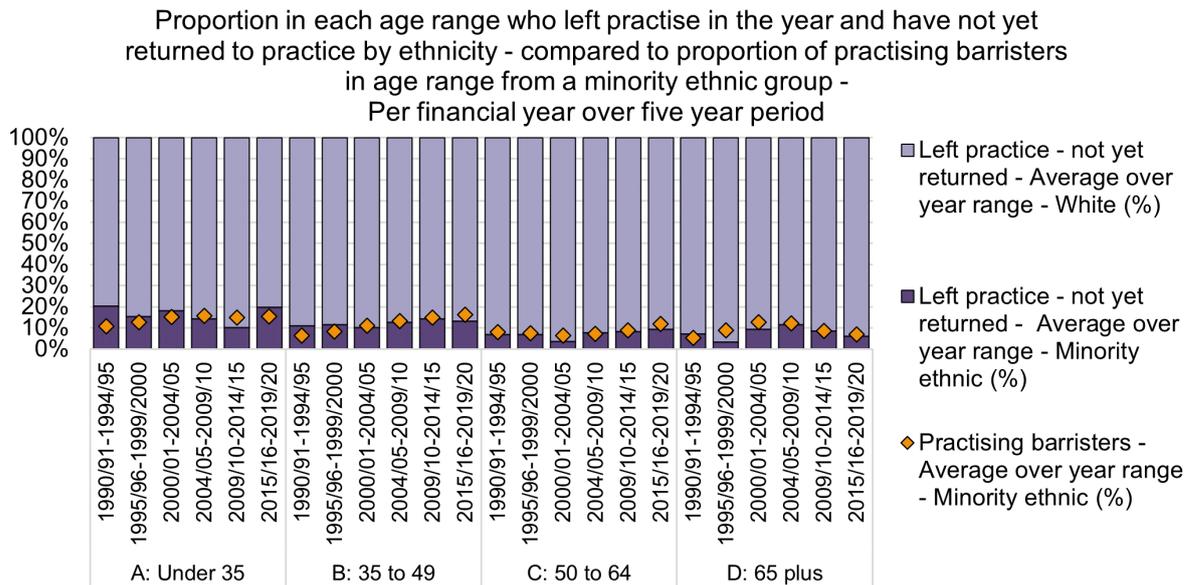


Chart 46. Average proportion of barristers during five year period who left practice in the year and later returned in a subsequent year, by ethnicity and age range - compared to the proportion of practising barristers from a minority ethnic group in the age range



143. The proportion of barristers from a minority ethnic background either having a full unregistered year; who left the Bar in the year and later returned to practice; or who had a partial practising year is higher than would be expected across all age ranges presented. This is not the case for the proportion leaving practice in a given financial year who had not returned to practice as of December 2020 as shown in Chart 47 below.

Chart 47. Average proportion of barristers during five year period who left practice in the year and had not returned as of December 2020, by ethnicity and age range - compared to the proportion of practising barristers from a minority ethnic group in the age range



144. As would be expected given the above charts, the proportion of minority ethnic barristers out of all of those returning to practice in a given year was slightly higher than the proportion of practising barristers from a minority ethnic background, particularly for those aged 50-64. The chart for this is given in the appendices.

Key Findings – leaving the Bar and spending time away from practice

- The proportion of the Bar leaving practice indefinitely each year remained relatively stable from the mid-1990s through to 2019/20 at around 2.5 per cent. There were also relatively stable proportions each year of those who left practice and later returned in a subsequent year and those who had a non-full practising year. The proportion of the Bar having a full year away from practice before returning in a subsequent year remained relatively stable from 1999/00.
- The proportion of female barristers within those who left the Bar in the year and later returned; or within those who had a full unregistered year before returning to practice, was higher than the proportion of all practising barristers in the year who were female. This was also the case when disaggregating by age range.
- The average age of male barristers and female barristers who left practice indefinitely in a given financial year has trended upwards over time at a similar rate; from around 37 years of age for females and 48 for males in the first half of the 1990s, to around 48 years of age for females and 57 for males from 2014/15-2019/20.
- The average age of female barristers who left practice in the year and later returned; who had a partial practising year; or who spent the full year unregistered stayed relatively flat from around 2002/03, whereas the average age of male barristers having these types of year consistently trended upwards over time. These patterns may be reflective of pressures relating to childcare responsibilities for female barristers.
- The proportion of those from a minority ethnic background leaving practice who had not returned as of December 2020 was not greater than would be expected based upon a comparison with the proportion of all practising barristers from a minority ethnic background. This remained the case when further disaggregating by age. This contrasts with the findings for gender, and suggests that overall, compared to gender, ethnicity appears to be less strongly related to whether a barrister leaves practice indefinitely in the early and mid stages of a career at the Bar.
- However, over time there was a greater proportion than would be expected of those from a minority ethnic background either spending the full year unregistered, or leaving practice and later returning at some point. This was also the case when further disaggregating by age range, although the trend is perhaps less pronounced for those aged under 35.

Retention by cohort from 1990/91 to 2019/2020

145. This section of the report details trends in retention at the Bar for those that first started practising between 1990/91-2019/20. Cohorts are grouped by the financial year in which they first started practice. This section includes information on:

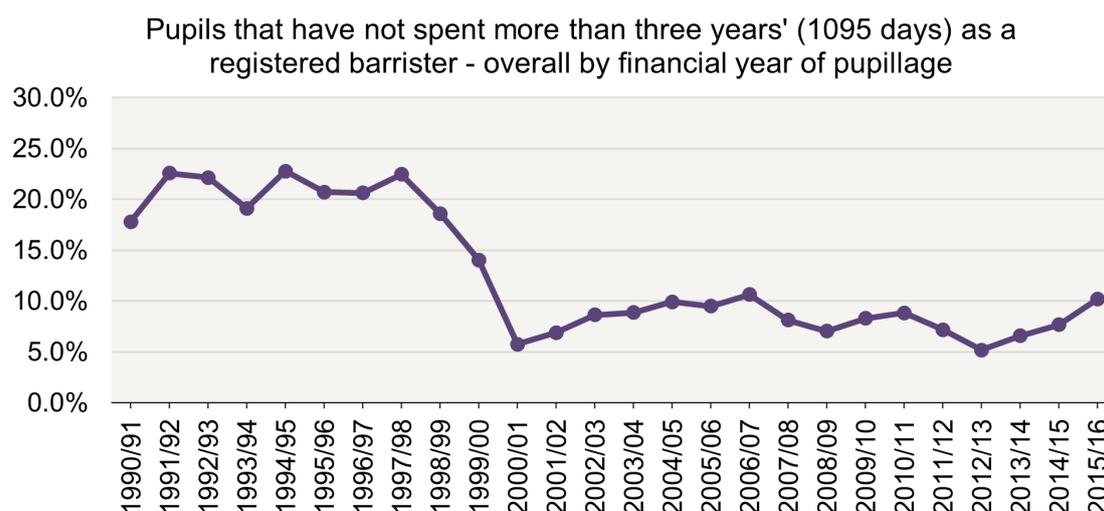
- The proportion of a pupillage cohort that had spent three years or more as a registered barrister as of December 2020;
- the proportion of a pupillage cohort registered as of December 2020, and the proportion of a cohort of fully qualified barristers who were registered as of December 2020;
- the proportion of a given cohort who were practising during a year: after a certain amount of time since first starting practice, and;
- the proportion of a given cohort who had left the Bar and have not returned as of December 2020: before a certain amount of time since first starting practice.

146. For more recent years, it should be noted that many of those who have left practice and not yet returned as of December 2020 are more likely to return to practice at some point in the future than those who left practice longer ago.

Pupils who had more than three years of practice

147. The below chart shows the overall proportion of a pupillage cohort who had been registered for at least three years in total since entering practice as of December 2020. This would be likely to closely correspond with the proportion of a pupillage cohort that could go onto practise independently without requiring an appropriate Qualified Person.¹⁸

Chart 48. Proportion of pupillage cohort that had not spent more than three years' (1095 days) as a registered barrister as of December 2020



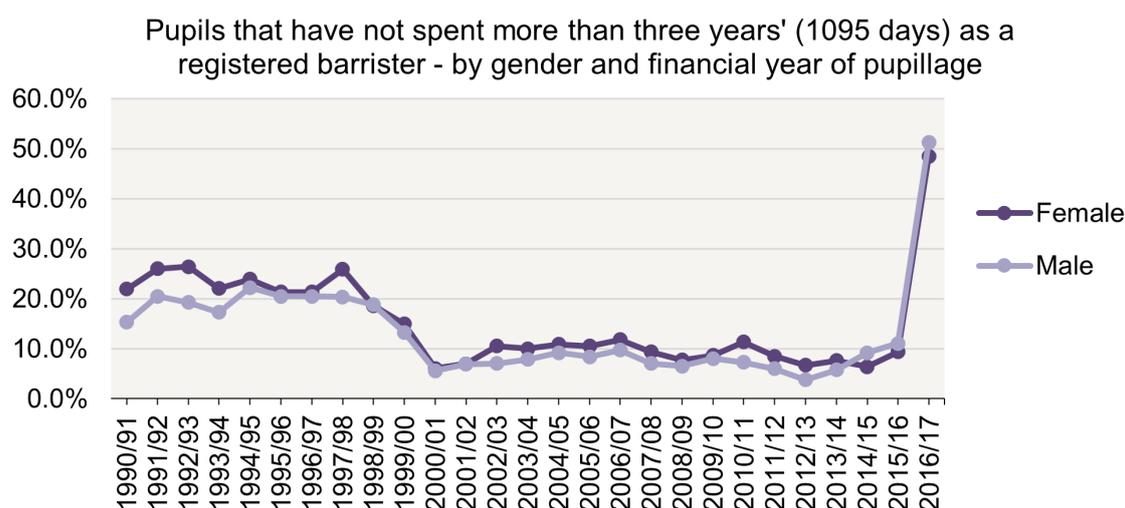
148. The proportion of a cohort who had not practised for at least three years as of December 2020 is far higher for those that undertook pupillage during the 1990s than the comparative figure for those who undertook pupillage from 2000/01 onwards. As

¹⁸ As of the time of writing, barristers with less than three years' standing are required by the BSB Handbook to have guidance from an appropriate Qualified Person (QP) in order to provide legal services to the public, exercise rights of audience, or conduct litigation.

previously shown in Chart 1 the number of pupils was far higher during the 1990s, and it is therefore likely that there was greater competition amongst pupils for tenancies during this period.

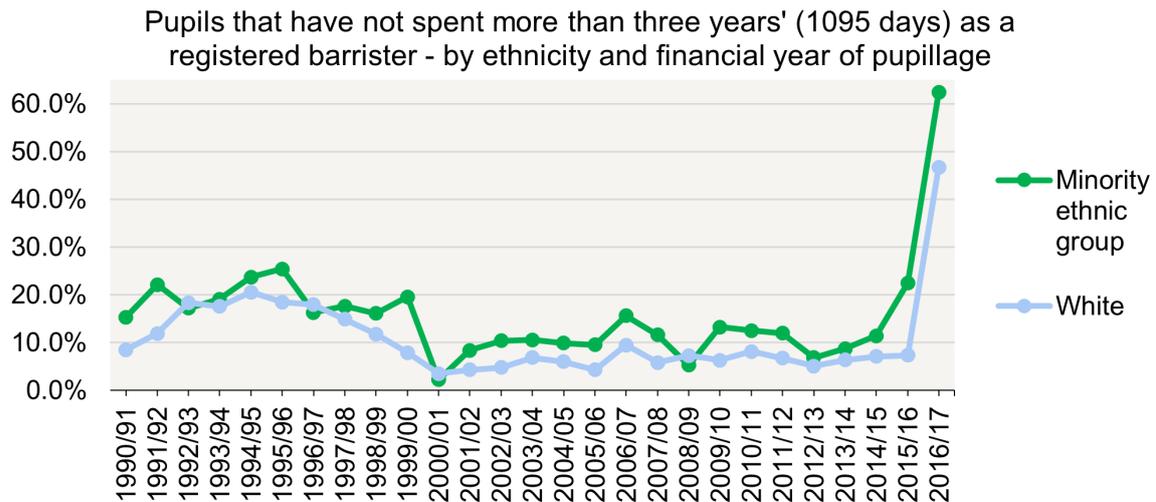
149. It was not a requirement that pupillages were paid until 1 January 2003. It may be the case that the announcement of and subsequent introduction of mandatory paid pupillages resulted in a reduction in the number of pupillages, but a corresponding increase in the likelihood of gaining tenancy, or at least gaining more than three years' worth of practice for those that undertook pupillage from 2000/01 onwards. It is possible that those who completed pupillage during the late 90s and early 2000s may have been more likely to get tenancy once the number of pupillages started decreasing from the late 1990s onwards, among other potential factors.
150. Chart 49 below suggests that female pupils may be slightly less likely to practise for more than three years following on from pupillage, although the two lines generally quite closely track one another and the difference has generally been around 1-2 percentage points since 2000/01, which in a cohort of 300 female pupils, and 300 male pupils would relate to between 3-6 female barristers.

Chart 49. Proportion of pupillage cohort that had not spent more than three years' (1095 days) as a registered barrister as of December 2020, by gender



151. As shown in Chart 50 below, there is less of a clear trend in the proportion of a cohort who did not gain more than three years of practice as of December 2020 by ethnicity. The proportion of White pupils in this group remained relatively stable at between 5-7 per cent from 2000/01-2015/16, but the comparative figure for those from a minority ethnic background was far more variable over the same period, and often around five percentage points higher than that seen for those from White ethnic backgrounds.
152. In more recent years, the two lines increasingly diverge, which may potentially highlight some difficulties in the early career stages for those from minority ethnic backgrounds. For the 2016/17 pupillage cohort for example, around 62.4 per cent of those from a minority ethnic background had not gained more than three years of practice as of December 2020 compared to 46.7 per cent of those of White ethnicity in the same cohort.

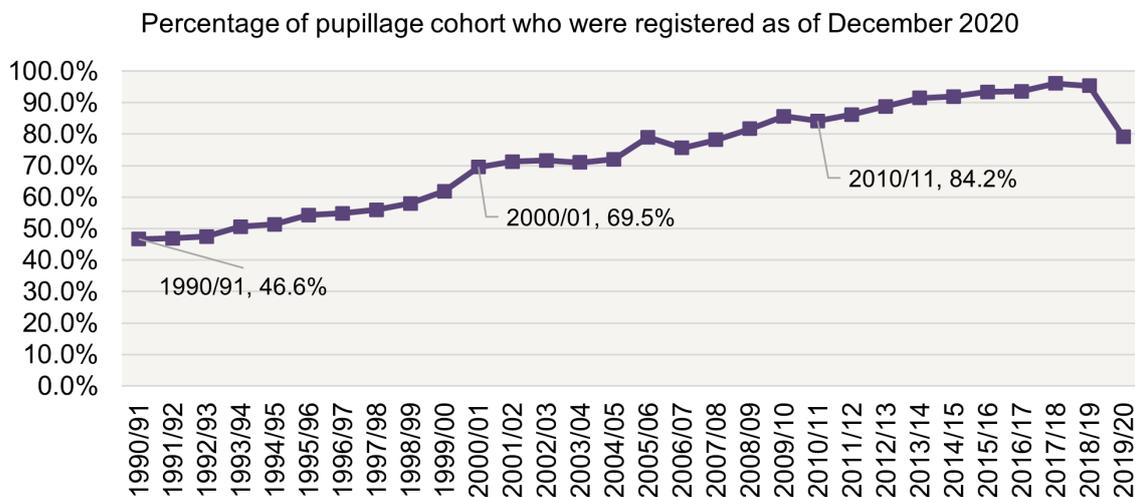
Chart 50. Proportion of pupillage cohort that had not spent more than three years' (1095 days) as a registered barrister as of December 2020, by ethnicity



Proportion of pupillage cohort who were registered as of December 2020

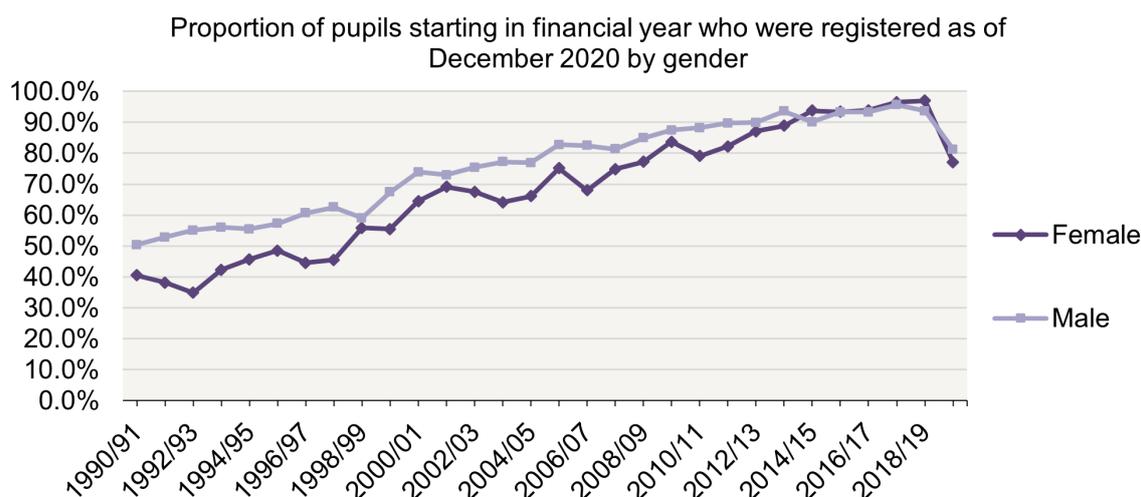
153. As would be expected, the proportion of a pupillage cohort who were practising as of December 2020 decreases the further back in time it was when the pupillage was undertaken: It decreases in a relatively linear pattern, as shown in Chart 51 below.

Chart 51. Overall proportion of pupillage cohort who were registered as of December 2020



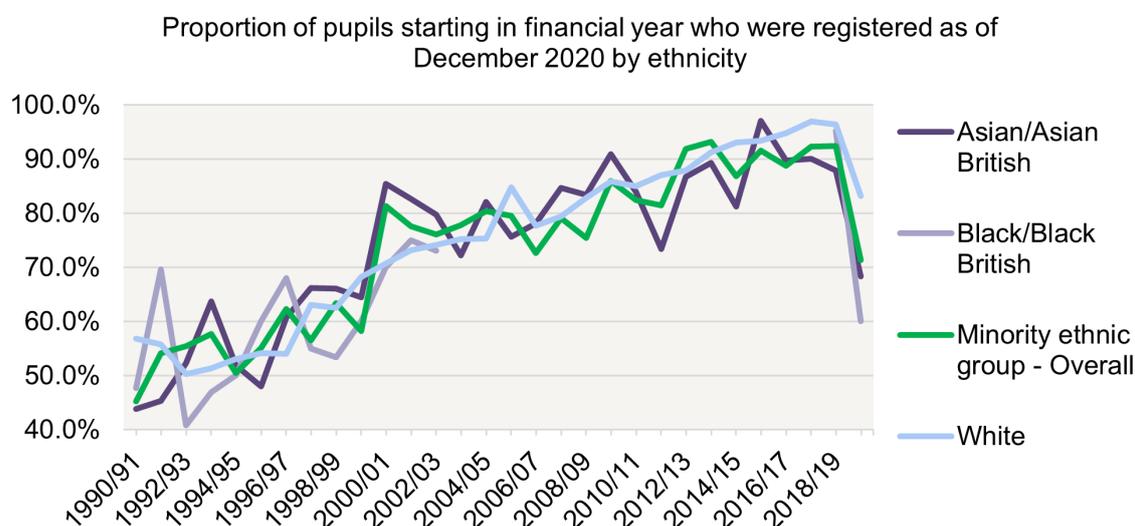
154. The same pattern can be seen when disaggregating by gender, as shown in Chart 52 below. It can also be seen that there is a divergence in the proportion of female pupils and of male pupils who were practising as of December 2020, with the gap between the two showing an increase the further back in time it was when pupillage was undertaken, particularly prior to the latter half of the 1990s. The two lines track quite closely for those that undertook pupillage between 2012/13-2019/20.

Chart 52. Proportion of pupillage cohort who were registered as of December 2020, by gender



155. There is no consistent difference one way or another between the proportion of pupils who were practising as of December 2020 by ethnicity. There is more variability seen for those from minority ethnic backgrounds overall, which may partly be due to smaller numbers of pupils in such groups. The proportion of 2019/20 pupils from minority ethnic backgrounds who were registered as of December 2020 is noticeably lower than that seen for the comparative group for those from White ethnic backgrounds.

Chart 53. Proportion of pupillage cohort who were registered as of December 2020, by ethnicity



Those currently practising by cohort

156. Charts 54-56 below, show the proportion of a cohort by first year of practice who were registered as of December 2020; overall, and by gender and ethnicity. They show very similar trends to that seen in Charts 51-53.

Chart 54. Overall proportion of first practising year cohort who were registered as of December 2020

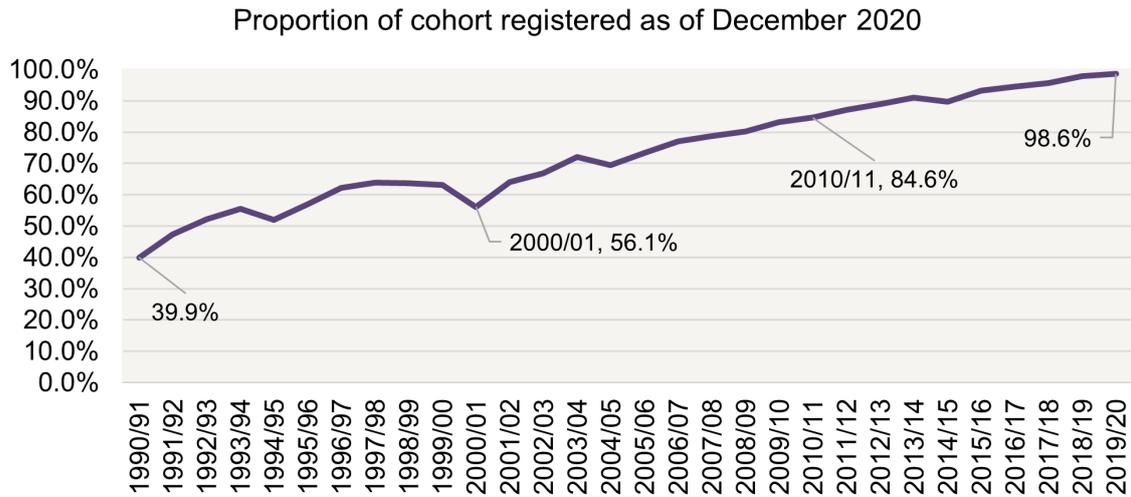


Chart 55. Proportion of first practising year cohort who were registered as of December 2020, by gender

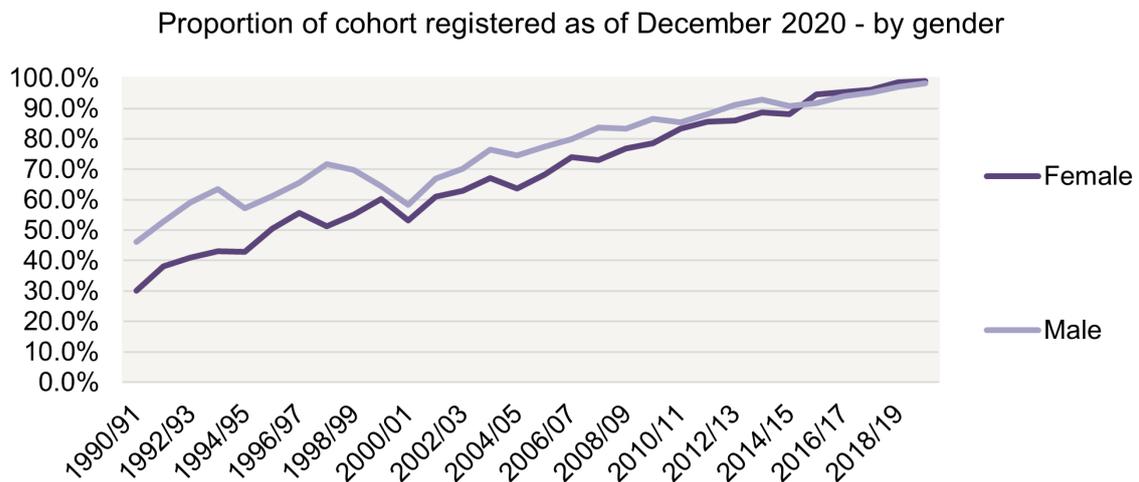
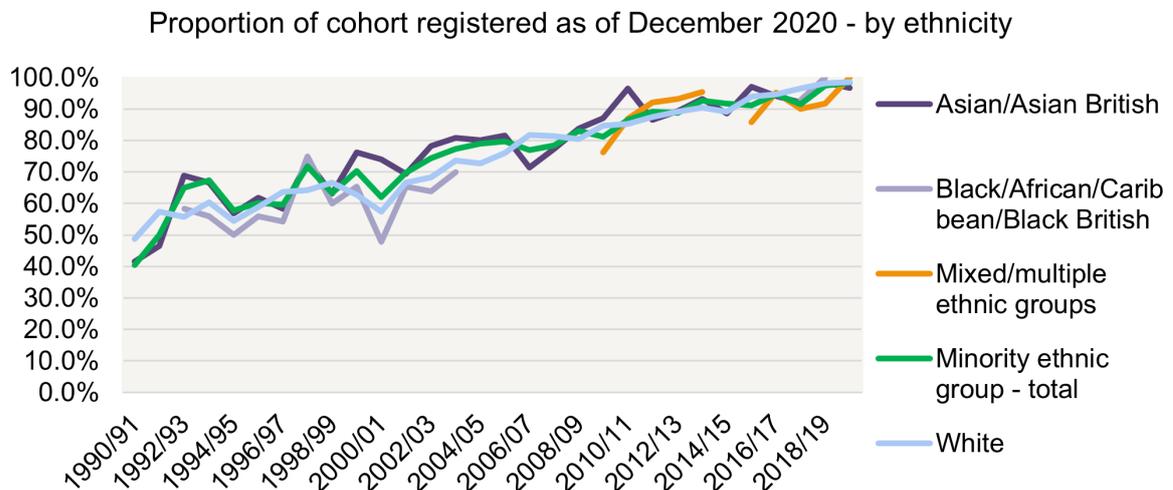


Chart 56. Proportion of first practising year cohort who were registered as of December 2020, by ethnicity

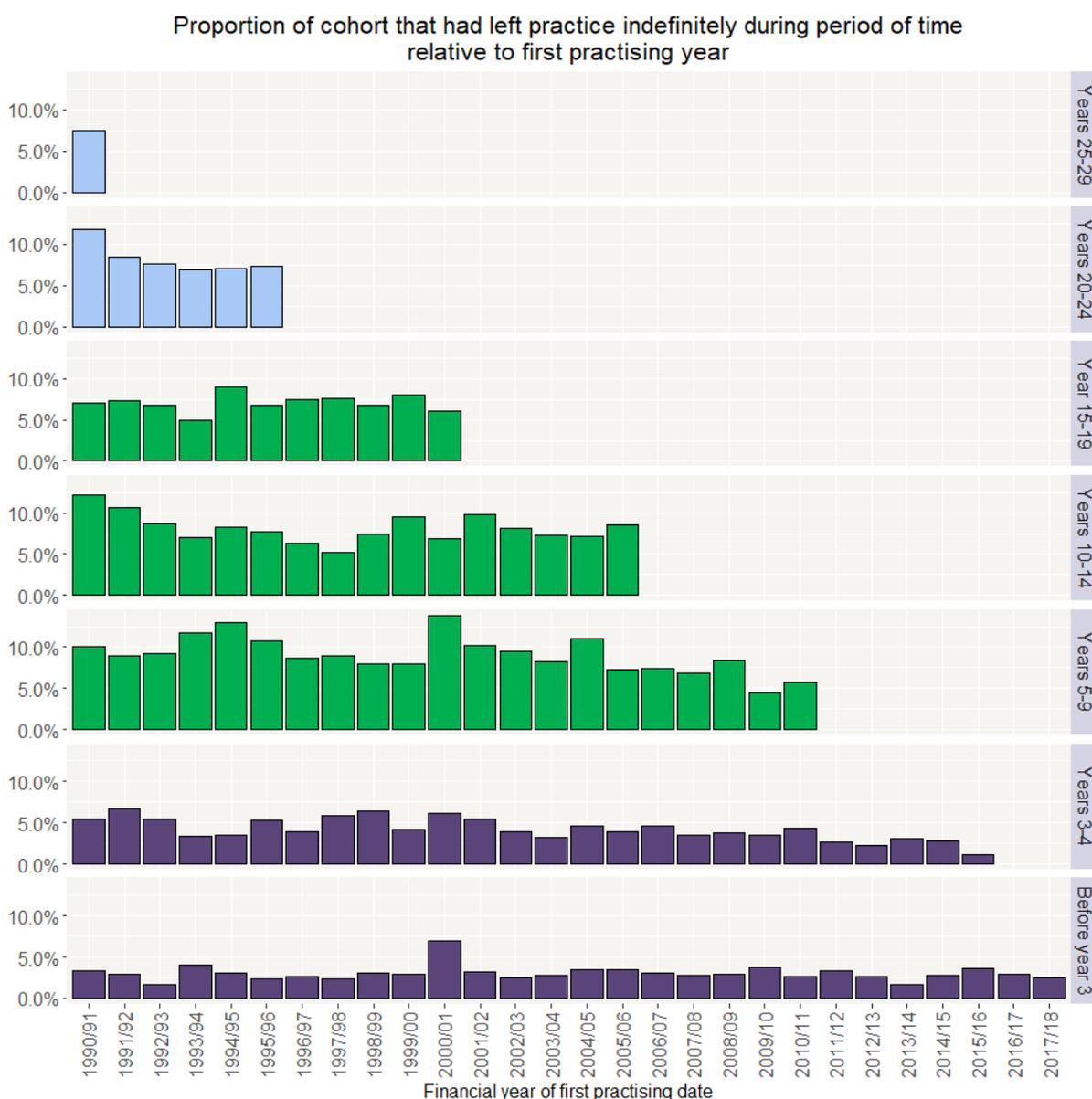


Proportion of cohort who were practising and proportion of cohort that had indefinitely left practice at various snapshots in time

Overall

157. Chart 57 below shows the overall proportion of a cohort that had left practice and not returned as of December 2020. It breaks this down by the period during which a given proportion of the cohort left practice.

Chart 57. Proportion of cohort that left practice indefinitely by time period relative to first practising year



158. Overall, it is quite noteworthy how much variation there is on a year to year basis between cohorts. It also appears to be the case that the proportion of a cohort leaving during years 5-9 relative to the first year of practice appears to have trended downwards over time. The same could be said for years 3-4, particularly for those starting from 2011/12-2015/16, and particularly in comparison to those starting practice between 1990/91-2001/02. For other relative periods, there appears to be less of a defined trend.

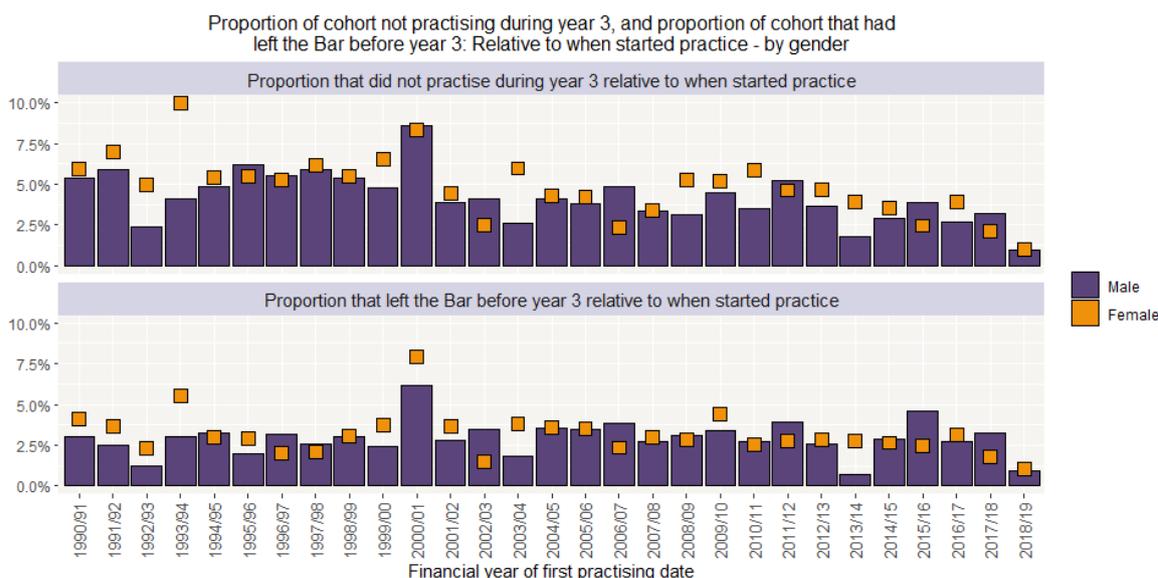
159. It is worth noting that the trends seen in the above are those seen when not con-

trolling for any additional factors. The evidence seen so far suggests that there may be some differential trends in retention by gender and ethnicity, and so the above chart would largely obscure these.

By gender

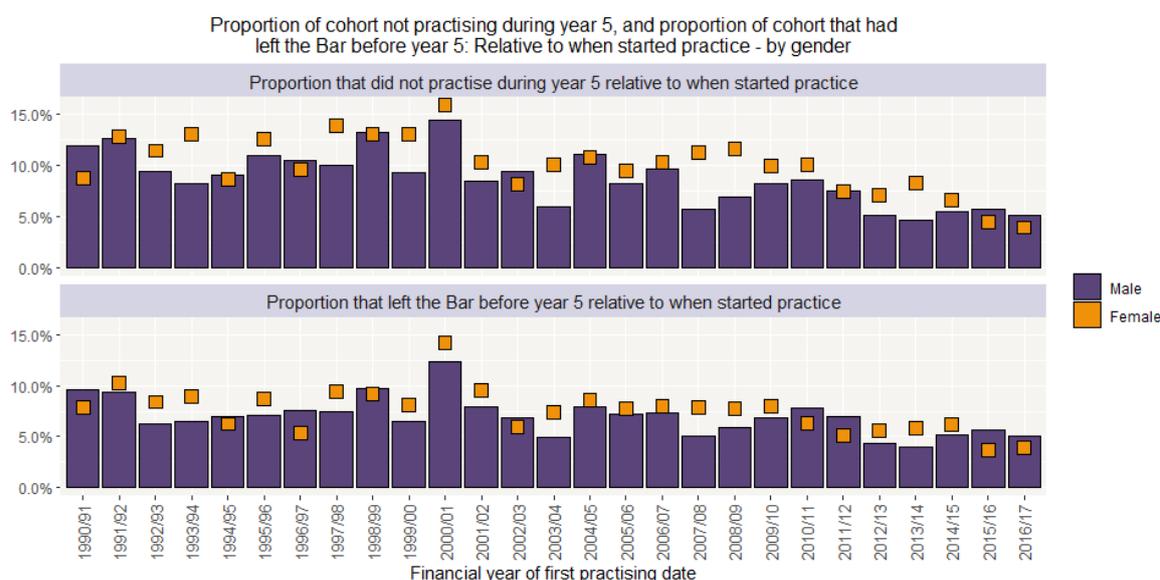
160. The below chart shows, by gender, the proportion of a cohort that did not practice at all during the third year (year 3) relative to the first year of practice, and the proportion who had left the Bar before year 3 and not returned as of December 2020. The proportions for both measures track quite closely for female and male barristers, suggesting that there is not a consistent difference in the proportion of barristers not practising during year 3, or leaving the Bar indefinitely before year 3 by gender.
161. The proportion not practising during year 3 has trended downwards over time for both female and male barristers. For those who started practice from 1990/91-1994/95, around 6.7 per cent of female barristers and 4.5 per cent of male barristers did not practise during year 3 on average: This compares to figures of 4.5 per cent (for females) and 3.4 per cent (for males) of those who started practice from 2010/11-2014/15.

Chart 58. Year 3 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by gender



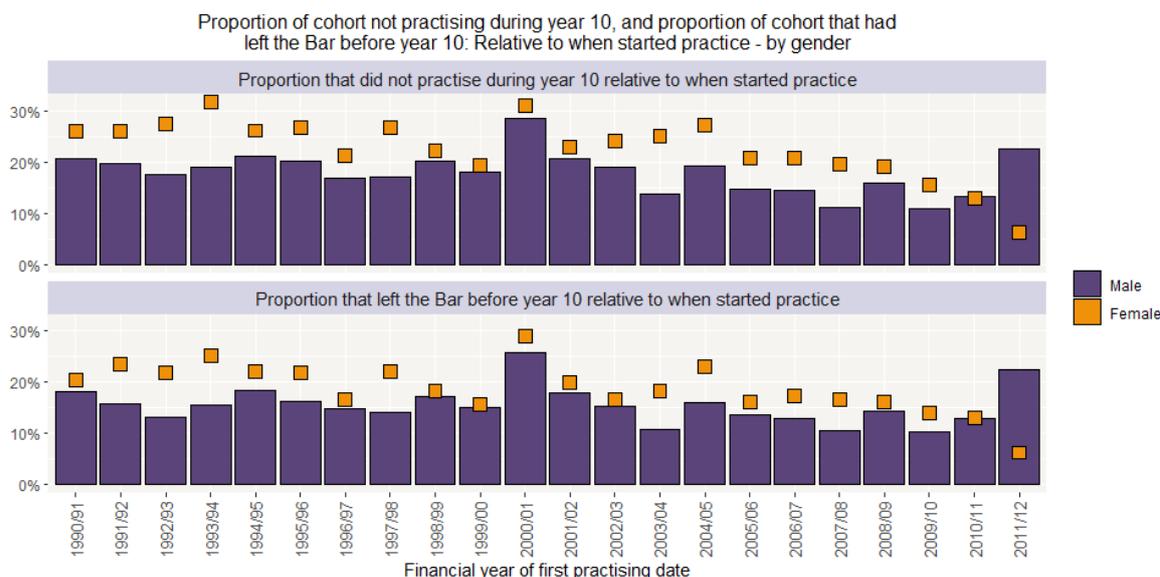
162. The same could generally be said for year 5 relative to the first year of practice by gender, particularly for more recent years.

Chart 59. Year 5 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by gender



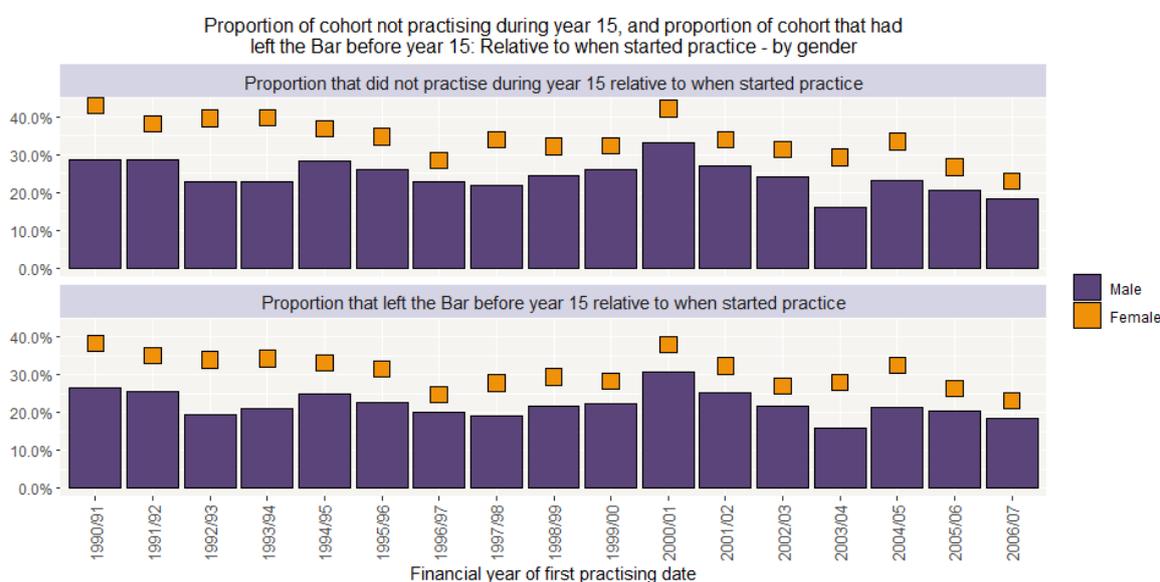
163. It is also worth noting that overall, the proportion of those not practising during year 5 appears to have decreased over time. The same can be said for the proportion of a cohort leaving the Bar indefinitely before year five.
164. For example, the average proportion across years of those who started practising during the 1990s who did not practise during year 5 is around 11.0 per cent (11.7% for females and 10.5% for males), and the proportion that had left practice indefinitely before year 5 is around 7.9 per cent (8.2% for females and 7.7% for males). The comparative figures for those starting during the 2010s is around 6.3 per cent for the proportion not practising during year 5 (6.8% for females and 6.0% for males), and 5.4 per cent for the proportion that had left practice and not returned as of December 2020 before year 5 (5.2% for females and 5.6% for males).
165. From year 10 relative to first practising year, a more noticeable difference by gender can be seen, although overall the proportion not practising and proportion who had left the Bar indefinitely has decreased over time for both female and male barristers.
166. Overall, across more years than not, female barristers appear to be slightly less likely to be practising during year 10 compared to male barristers. They are also slightly more likely to have left practice indefinitely before year 10, although the gap between female and male barristers on this measure has decreased slightly over time compared to the situation for those who started practising during the first half of the 1990s. For those who first practised during the 1990s, there was an average difference of around 4.9 percentage points between the proportion of female barristers in a cohort who had left practice indefinitely before year 10 compared to male barristers in the same cohort. For those first practising from 2000/01-2009/10, the difference had decreased to around 4.0 percentage points

Chart 60. Year 10 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by gender



167. At year 15, a consistent difference across years can be seen between female and male barristers on both measures, with female barristers being more likely than male barristers not to practise during year 15, and to have left practice indefinitely before year 15: This is shown in Chart 61 below.

Chart 61. Year 15 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by gender

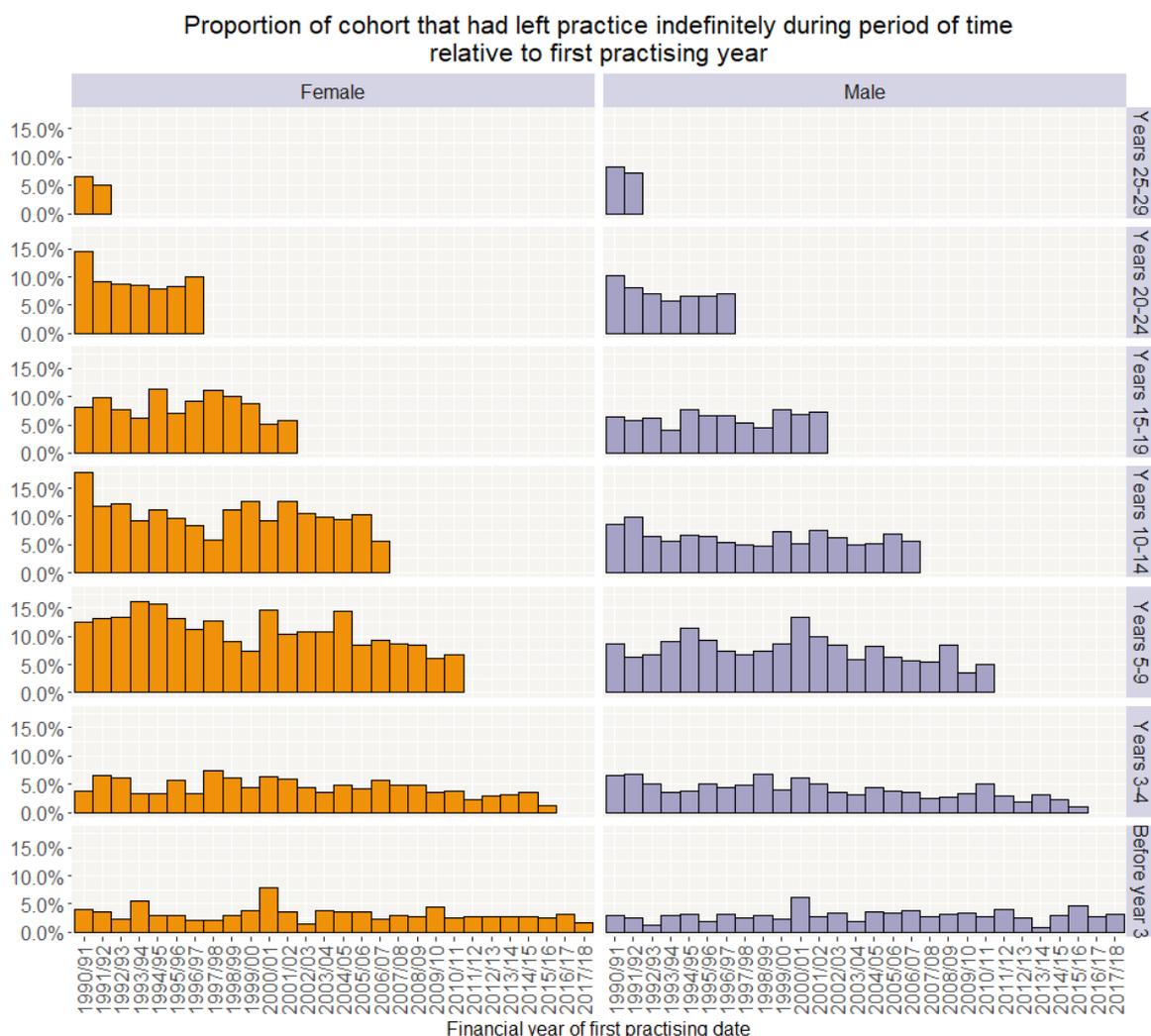


168. The overall proportions for both female and male barristers once again appears to have decreased over time for both measures however, particularly compared to those who first started practising in the first half of the 1990s: For those starting practice during this period, when averaging across years, around 24 per cent of male barristers had left practice indefinitely before year 15, compared to around 35 per cent of female barristers starting during the same period. The comparative figures for those starting practice during the five year period from 2002/03-2006/07 was around

20 per cent for male barristers, and 27 per cent for female barristers, suggesting an improvement over time. The charts for year 20 and year 25 relative to when first practised show similar trends to than seen in Chart 61: These are given in the appendices.

169. The below chart relates to the proportion of a cohort leaving during each period relative to the first year of practice by gender. The proportion of a cohort leaving in years 3-4, and 5-9 appears to have trended downwards over time for female and male barristers. There appears to have been a slight downward trend in the proportion of female barristers leaving practice in years 1-2 as well. For other periods, there appears to be less of a defined trend. It is interesting that the proportion of female barristers leaving practice indefinitely during years 5-9 and 10-14 decreases for cohorts starting towards the latter half of the 1990s, and then increases again afterwards, before once again showing a gradual downward trend. It is potentially the case that the second increase coincides with the aftermath of the 2007/08 financial crisis as well as cuts in legal aid.¹⁹

Chart 62. Proportion of cohort that left practice indefinitely by time period relative to first practising year, by gender

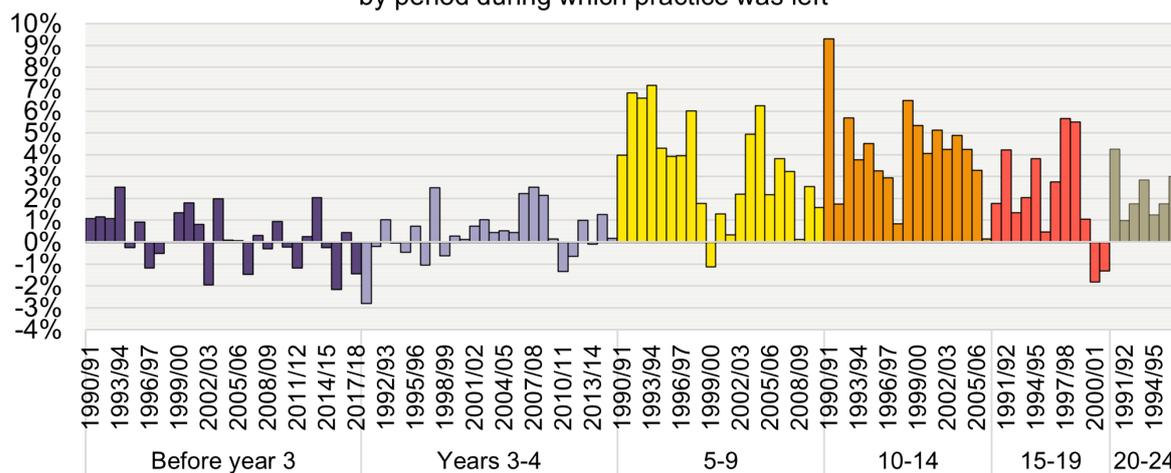


¹⁹ Cuts to legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which came into effect on 1 April 2013.

170. Chart 63 shows the percentage point difference between the proportion of female barristers and male barristers in cohort having left practice indefinitely during a given period. The difference appears to be decreasing for the more recent cohorts at each relative period of time

Chart 63. Percentage point difference between female and male barristers in the proportion of a cohort that left practice indefinitely, by period during which practice was left relative to first practising year

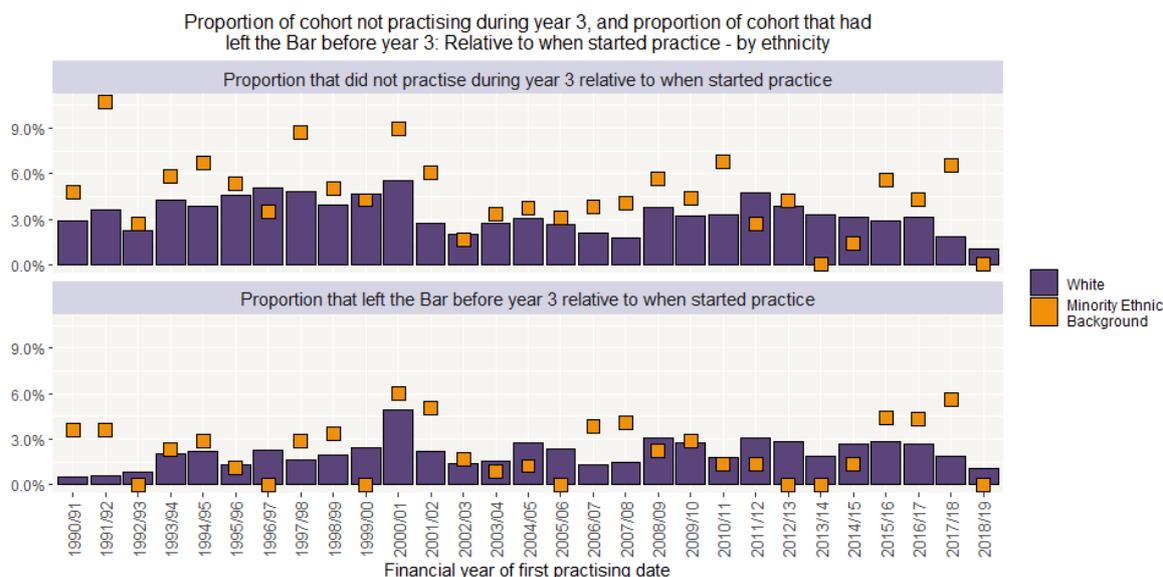
Percentage point difference between female and male barristers in the proportion of a cohort that left practice and had not returned as of December 2020 -
by period during which practice was left



By ethnicity

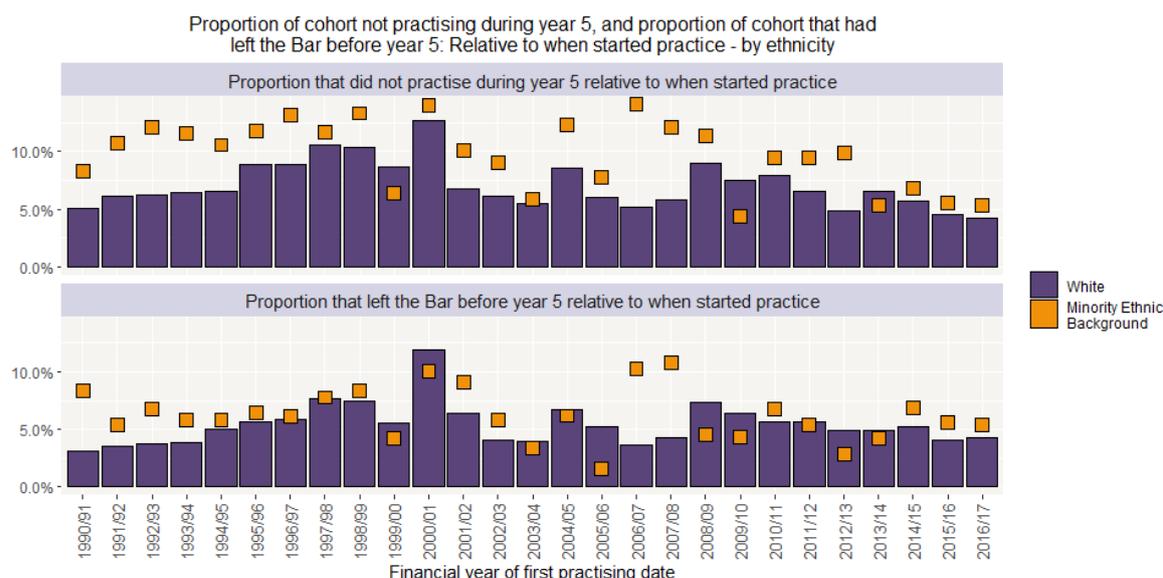
171. This section presents statistics on the proportion of a cohort not practising during a given year relative to the first date of practice, and the proportion of a cohort who had left practice and not returned as of December 2020 by ethnicity. It is worth noting that some of the trends seen may covary with gender, owing to greater proportions of female barristers within the cohort of those from minority ethnic backgrounds in comparison to White barristers. This is particularly the case for those in earlier cohorts, and was shown in Chart 15.
172. Chart 64 below shows the proportion of a cohort that did not practise at all during the third year relative to the first year of practice, and the proportion who had left the Bar and had not returned as of December 2020 before the third year relative to the first year of practice by ethnicity.
173. The proportion of those not practising during year 3 is generally higher for those from minority ethnic backgrounds in more years than not, although the proportion does fluctuate quite widely. This may suggest some difficulties in early career progression for those from minority ethnic backgrounds, although the situation may have improved over time compared to that seen for cohorts starting practice during the 1990s. The proportion of those leaving practice indefinitely before year 3 perhaps show less of a defined trend

Chart 64. Year 3 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by ethnicity



174. The proportion of those not practising during year 5 is also generally higher for those from minority ethnic backgrounds in more years than not, as seen in Chart 65, although in the four most recent cohorts the difference was smaller than that generally seen in previous years. The proportion of those from minority ethnic backgrounds not practising during year 5 averaged 11.0 per cent for those starting practice during the 1990s; 10.1 per cent for those starting during the 2000s, and 7.4 per cent for those starting during the 2010s: These compare to figures of 7.8 per cent (1990s); 7.3 per cent (2000s); and 5.8 per cent (2010s) for those from White ethnic backgrounds.

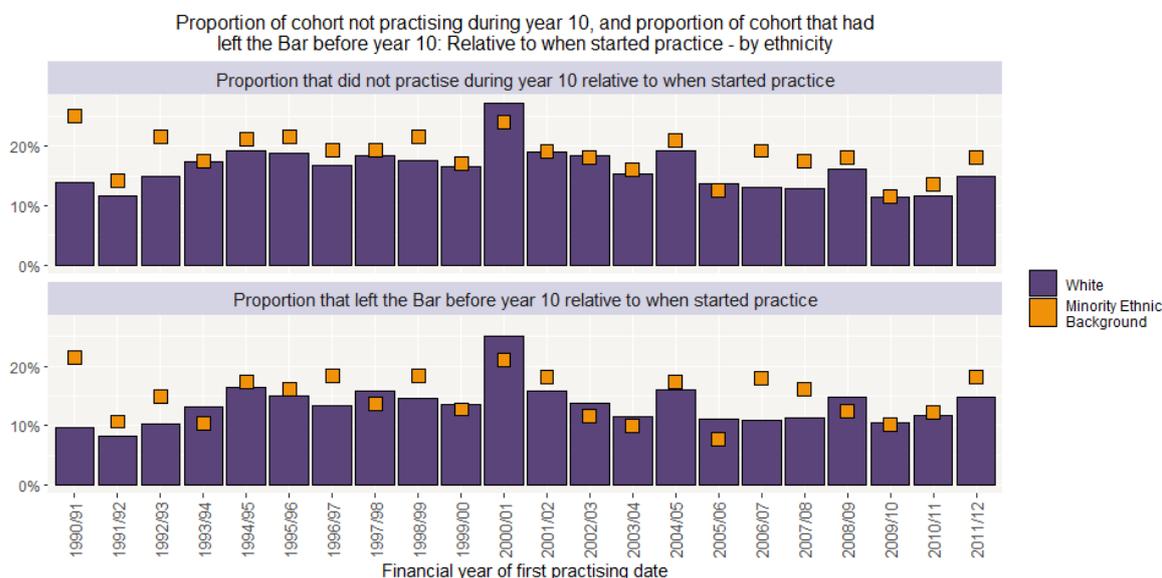
Chart 65. Year 5 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by ethnicity



175. In contrast to the above two charts, the proportions for these measures for minority ethnic and White barristers track one another quite closely over time at year 10, as shown in Chart 66 below. The same pattern is seen at years 15, 20 and 25, the

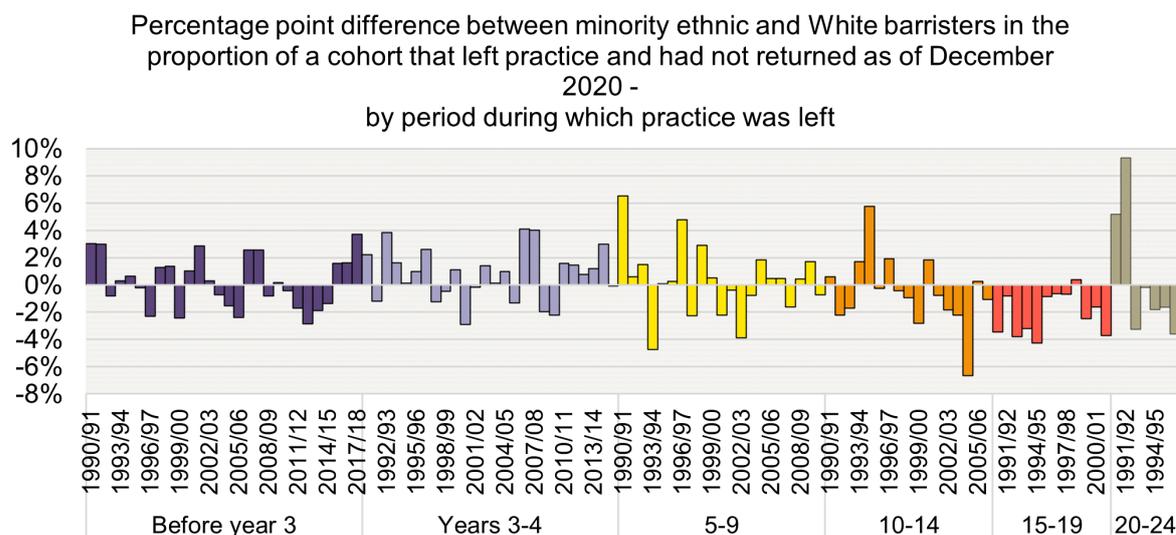
charts for which can be found in the appendices. Indeed, in many of the cohorts in these charts, those from minority ethnic backgrounds appear to be less likely to have indefinitely left practice or to not be practising in a given year.

Chart 66. Year 10 relative to first practising year – Proportion of cohort that did not practise during the year, and proportion of cohort who left practice indefinitely before the year, by ethnicity



176. Overall, this may suggest some particular difficulties faced in the early stages of a career as a barrister affecting a greater proportion of those from minority ethnic backgrounds compared to White barristers, but that from year 10 onwards at least, the differences in likelihood of practising during a given year are far less pronounced by ethnicity. Overall, those from minority ethnic backgrounds do not appear to be more likely to have left practice indefinitely in comparison to White barristers at any of the snapshots in time analysed.
177. The proportion of minority ethnic barristers and proportion of White barristers in a given cohort who left practice during a period of time relative to first practising year track one another quite closely. This is highlighted in Chart 67 below. Before year 10, the difference between the two fluctuates close to 0 throughout the period. From year 10 onwards, it appears that those from minority ethnic backgrounds were slightly less likely to leave practice in any given period for more cohorts than not.
178. For example, during year 15-19, those from minority ethnic backgrounds who started practice during the 1990s were around 2 percentage points less likely to have left practice indefinitely than White barristers; and during year 10-14 those from minority ethnic backgrounds who started practice during the 2000s were around 1.5 percentage points less likely to have left practice indefinitely than White barristers.

Chart 67. Percentage point difference between the proportion of minority ethnic background barristers and White barristers in the proportion of a cohort that left practice indefinitely, by period during which practice was left relative to first practising year



179. A chart on the proportion of a cohort leaving practice indefinitely by ethnicity and period relative to first practising year is given in the appendices.

Relative differences across age ranges in retention by cohort

180. This section aims to highlight whether there are differences by gender and ethnicity in the proportion of those in particular age ranges not practising during a given year, as well as the proportion who had left practice before a given year and not returned (as of December 2020). The cohort years presented have been put into two-year groupings, and proportions for those within the grouped years were calculated. The age ranges presented are calculated as at the start of the relative year (eg age at start of year 5 relative to when started practising).

181. The statistics presented in the charts are ratios between proportions of female and male barristers, and between minority ethnic and White barristers. A value of one would indicate that there is no difference between female and male barristers in a given age range in terms of the proportion not practising during year 5 for example: A ratio of two would indicate that the proportion of female barristers in a given age range not practising during year 5 is twice as high as that seen for the comparative group of male barristers.

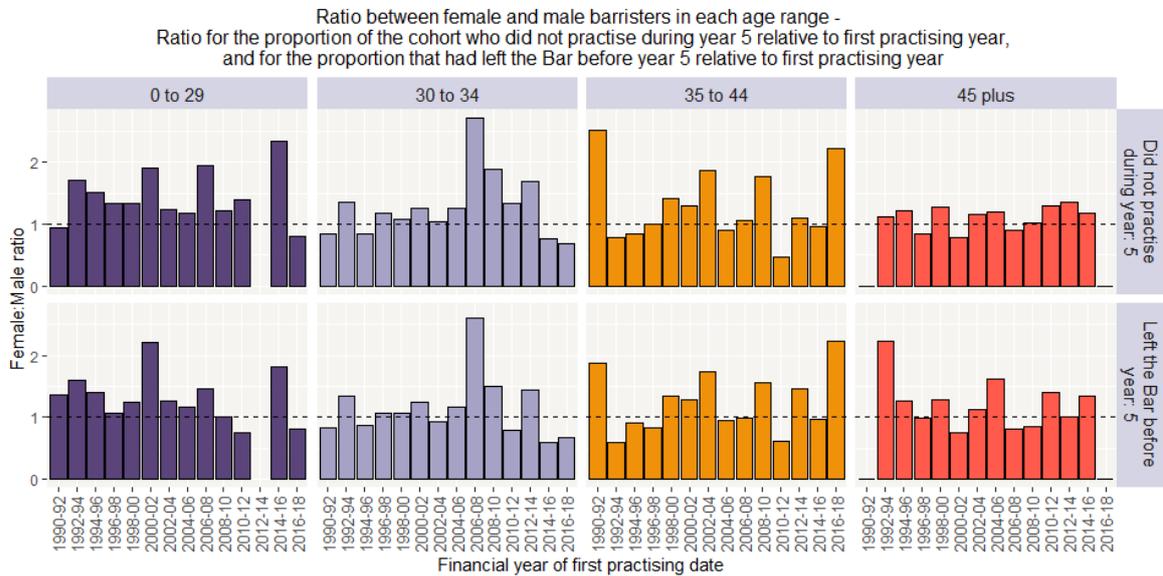
182. It is worth bearing in mind the trends showing an improvement in retention seen in the previous section, as well as that generally, those in lower age ranges are less likely to have left practice at a given time than those in higher age ranges: The ratios are a comparison of those in each age range with one another and do not reflect this. As the numbers of those who have left the Bar before year 3, and who are not practising during year 3 are quite small, the ratios can be quite variable, and so charts for this year relative to first practising year are not given.

By gender

183. Chart 68 below suggests that female barristers aged below 30 are generally more likely than male barristers in the same age range not to be practising during year 5, and more likely to have left practice indefinitely before year 5. The ratio between the

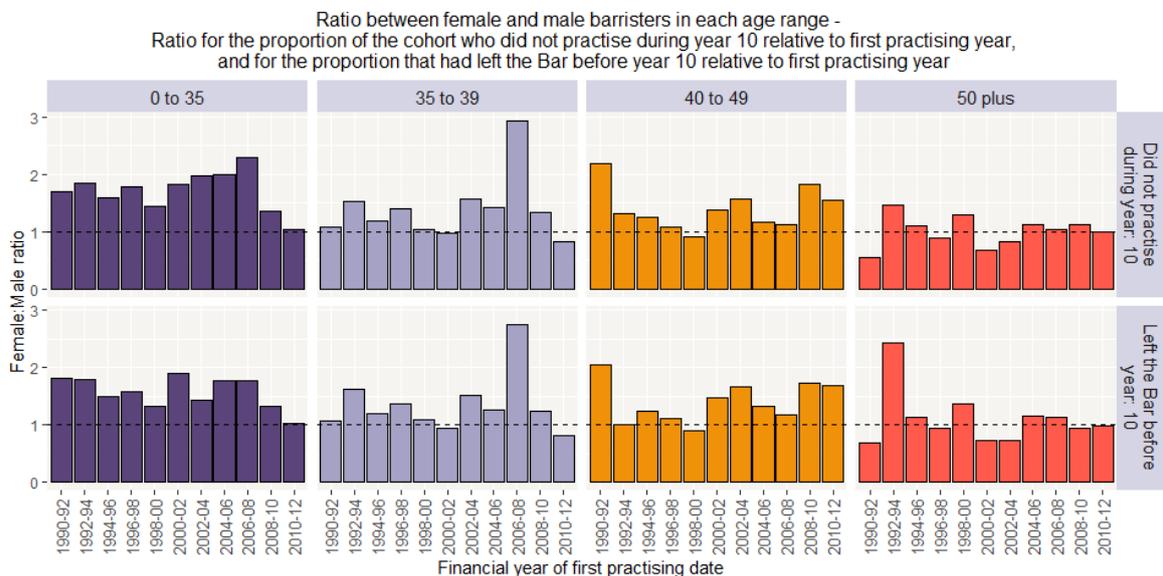
two has fluctuated over time, around a value of 1.25. A similar sort of pattern is seen for those aged 30-44. The ratio for those aged 45 plus is generally closer to one.

Chart 68. Year 5 - Ratio between female and male barristers in age range for the proportion that did not practise during the year, and the proportion who had left practice indefinitely before the year



* An outlier for 2012/13-2013/14 for those aged 0-29 was removed from the above.

Chart 69. Year 10 – Ratio between female and male barristers in age range for the proportion that did not practise during the year, and the proportion who had left practice indefinitely before the year

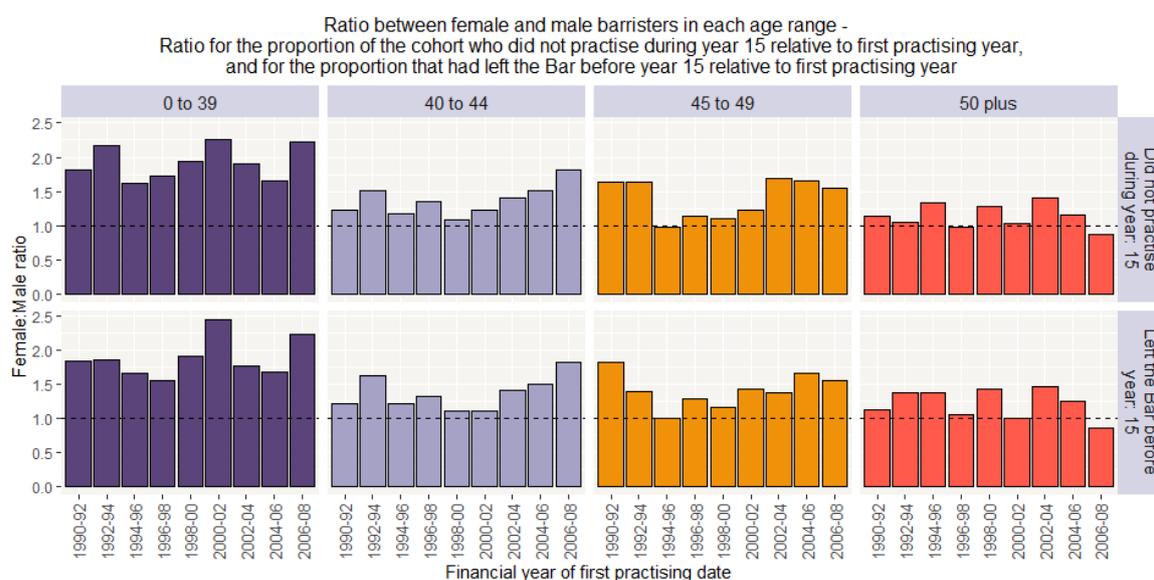


184. A similar sort of pattern to the above can be seen in Chart 69 above, with female barristers aged under 35 being more likely than male barristers aged under 35 not to be practising during year 10 (typically between 1.5-2.0 times more likely), and to have left practice indefinitely before year 10 (on average around 1.5 times more likely). An exception to this is seen for those starting practice between 2010/11 and 2011/12. The ratios between females and males are generally closer to 1.0 across other age ranges, but are still above 1.0 for more cohorts than not. There is a noticeable increase in the ratio for both measures for those aged 40-49 for those starting practice

between 2008/09 and 2011/12.

185. Generally, the same trend holds for years 15 and 20 as well, with female barristers in the lowest age range being around two times more likely than male barristers in the same age range to have left practice indefinitely before year 15 or 20, and also not to be practising at any point during the relevant year (overall, the proportions involved are quite small and have decreased over time however). There is also an increase in the respective ratios presented for those in their 40s at the start of year 15 for those starting practice between 2002/03 and 2006/07. The chart for year 20 is given in the appendices.

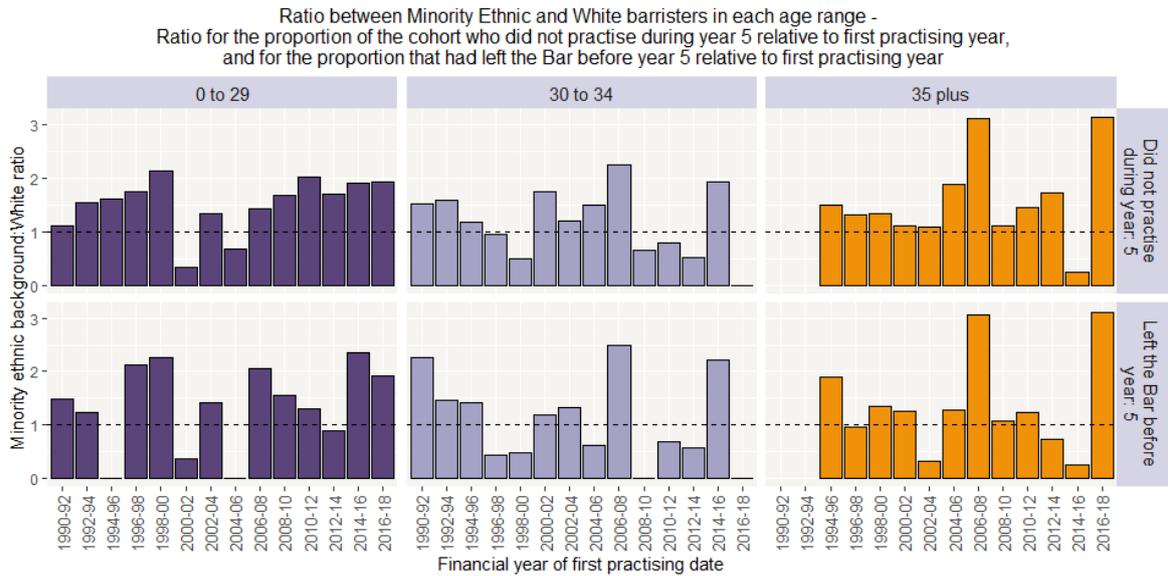
Chart 70. Year 15 – Ratio between female and male barristers in age range for the proportion that did not practise during the year, and the proportion who had left practice indefinitely before the year



By ethnicity

186. Chart 71 below suggests that minority ethnic barristers aged below 30 are generally more likely than White barristers in the same age range not to be practising during year 5; and for more cohorts than not, are more likely to have left practice indefinitely before year 5. Barristers under 30 from minority ethnic backgrounds are generally between 1.5 and 2.0 times more likely than White barristers to not be practising or have left practice at year 5, although it is worth bearing in mind that there are typically fewer than 30 barristers aged below 30 in either type of grouping each year. The trends for the other age ranges are more variable, with ratios closer to one more frequently seen, indicating little difference by ethnicity in terms of whether barristers over 30 had left practice or were not practising at year 5.

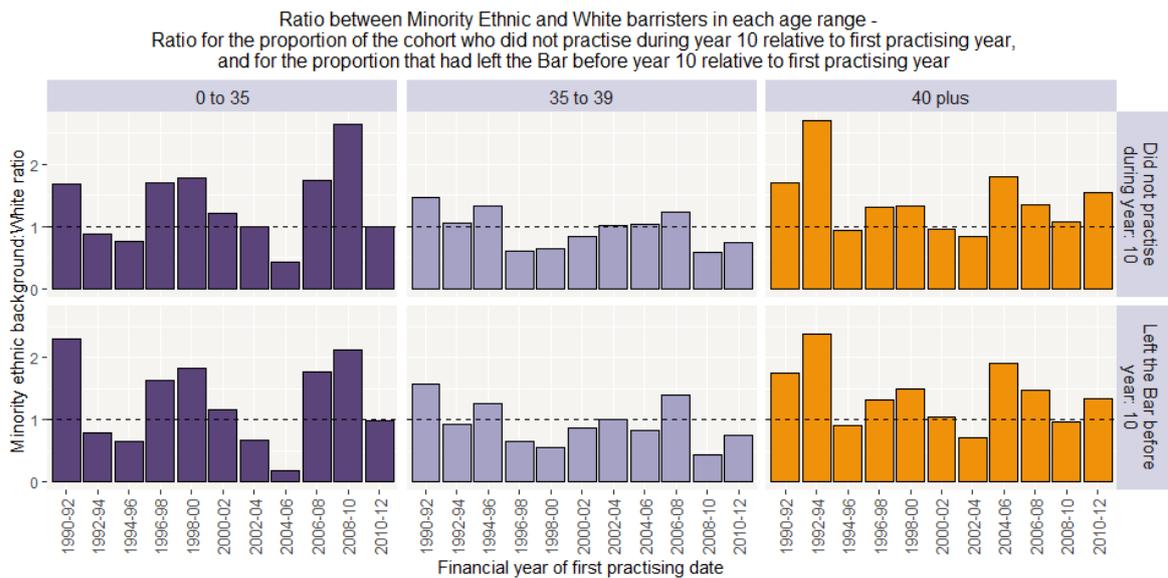
Chart 71. Year 5 – Ratio between minority ethnic and White barristers in age range for the proportion that did not practise during the year, and the proportion who had left practice indefinitely before the year



** two outliers for 1990/91-1991/92 and 1992/93-1993/94 have been removed from the above

187. At year 10, there is less of a clear trend for those in the lowest age range, particularly for the ratio between minority ethnic and White barristers in terms of the relative proportion of those that did not practise at all during the year. Overall, the ratios are closer to one for the measures across the age ranges, and continue to trend that way at years 15 and 20. The charts for years 15 and 20 are given in the appendices.

Chart 72. Year 10 – Ratio between minority ethnic and White barristers in age range for the proportion that did not practise during the year, and the proportion who had left practice indefinitely before the year



Key Findings – retention by cohort

- Overall, several indicators suggest that retention at the Bar appears to have improved from 1990/91 to 2019/20. This is true across gender and ethnicity.
- The progression of pupils appears to have improved over time. The proportion of pupils who did not go on to practice for at least three years decreased markedly for those undertaking pupillage from 2000/01 onwards. This trend is seen across gender and ethnicity, although trends seen for this measure may highlight some difficulties in the early career stages for those from minority ethnic backgrounds.
- For cohorts who first practised from 1990/91-2019/20, the likelihood of having left practice indefinitely after a given amount of time since entering practice appears to have decreased over time. The same is true for the likelihood of not practising during a given year relative to first entering practice. This is particularly the case when comparing more recent cohorts with those starting practice in the first half of the 1990s.
- Over time, the reduction in the proportion of a cohort that had left practice indefinitely was particularly noteworthy for those in the earlier stages of a career (years 5, 10 and 15 relative to first entering practice).
- By gender, the proportion of those not practising during year 3 or 5 appears to have decreased for both male and female barristers over time. The same can be said for the proportion of a cohort leaving the Bar indefinitely before year five, and before year 10, particularly for more recent cohorts.
- Years 5-15 since entering practice, and to a lesser extent years 15-19, typically see a larger proportion of a female barristers leaving practice indefinitely than that seen for male barristers. The difference has lessened over time however.
- When disaggregating further by age range, it generally appears to be the case that female barristers in younger age ranges are more likely than male barristers in the same age range not to be practising during a given year, and to have left practice indefinitely before a given year, although this is another trend which may have slightly decreased over time when looking at more recent cohorts.
- For ethnicity, across all years relative to first year of practice, those from minority ethnic backgrounds appear to be no more likely to have left practice and not returned as of December 2020 than White barristers.
- However, the proportions of barristers from minority ethnic backgrounds not practising in the early stages of a career (during years 3 and 5) is generally higher than that seen for White barristers in most years. From year 10 relative to when started practising any difference regarding in the proportion not practising in a given year is minimal between White barristers and barristers from minority ethnic backgrounds. These results may suggest some difficulties in early career progression for those from minority ethnic backgrounds compared to White barristers, although the situation may have improved over time compared to that seen for cohorts starting during the 1990.

Conclusions/Summary

188. This section will largely be focussed around attempting to answer the research questions. Some of the questions have been combined in the below, as there is some overlap between them.

How have patterns in recruitment into the Bar changed since 1990/91? Including, trends in terms of the number of pupils, the progression of pupils, and the proportion of pupils by demographic characteristic?

189. Throughout the 1990s, particularly the first half of the decade, there was a far higher number of pupils in comparison to the numbers seen during the 2000s and 2010s. From a peak of 882 pupils in 1992/93, the number decreased year on year until it plateaued at around 450 pupils each year until from 2008/09 until 2014/15. It then showed an increase from this point during the latter half of the 2010s.
190. During the 2000s there was an increase in the number of those entering practice via non-pupillage routes, increasing from 11 such barristers in 2000/01 to a peak of 100 in 2016/17. The makeup of those that enter practice via non-pupillage routes generally skews more towards males than females, and the average age of such barristers upon entering practice is around ten years higher than the average age of those entering practice via pupillage.
191. From 1990/91 to 2019/20 the average age of pupils increased by around 1.3 years from 27.2 to 28.5. Over the same period the proportion of pupils who were female increased from around 40 per cent to around 50 per cent in 1999/00. It has remained at around that level through to 2019/20. The proportion of pupils from minority ethnic backgrounds overall has increased by around five percentage points from the 1990/91-1994/95 period to the 2015/16-2019/20 period (from 13.8% to 18.8% on average) 1990/91-2019/20, but with varying trends for ethnic groups within this broader category. The proportion of Black/Black British pupils over time has remained at around the same level, whilst the proportion of those from Asian/Asian British backgrounds and Mixed/Multiple ethnic group backgrounds has increased overall.
192. The progression of pupils overall appears to have improved over time. The proportion of pupils who did not go on to practise for at least three years decreased markedly for those undertaking pupillage from 2000/01 onwards, which coincides with the introduction of paid pupilages. This trend is seen across gender and ethnicity.

How has the profile of the practising Bar changed since 1990/91?

Those in their first year of practice

193. As would be expected, the trends seen for those in their first practising year closely reflect those seen for pupils. The number of those in their first year of practice averaged around 777 during the 1990s, around 643 during the 2000s, and around 553 during the 2010s. From 1990/91-2019/20, the proportion of all practising barristers who were in their first year of practice has more than halved.
194. The average age of those in their first year of practice who qualified via pupillage has increased over time, going from around 27.2 in 1990/91 to 30.3 years old in 2019/20. This is a larger increase than that seen for pupils. When disaggregating this group by gender, the average age of male barristers in their first year of practice has increased from 27.4 on average from 1990/91-1994/95 to 30.8 during 2015/16-2019/20: This is

a greater increase than that seen for female barristers (an increase from 27.4 from 1990/91-1994/95 to 29.05 from 2015/16-2019/20).

195. For ethnicity, the increase in average age of minority ethnic background barristers in their first year of practice who qualified for practice via pupillage has overall increased in line with that seen for White barristers. There are some differential trends when further disaggregating by ethnic group, however.
196. The overall proportion of those in their first year of practice who are female overall increased from less than 40 per cent in 1990/91 to 45 per cent in 2000/01. It generally fluctuated between this level and 50 per cent from then through to 2019/20. For those from minority ethnic backgrounds the trends seen were more variable, with the proportion of those from Mixed/Multiple ethnic groups generally increasing over time, the proportion of those from Asian/Asian British backgrounds increasing in the 1990s, falling in the years following the 2007/08 financial crisis, and then increasing again in the latter half of the 2010s. The proportion of such Black/Black British barristers has shown a slight increase over time overall, whereas the proportion of White barristers has shown a gradual decrease over time overall.
197. The proportion of those in their first year of practice from a minority ethnic background who were female has been at around 50 per cent throughout the entire period of analysis, but for White barristers, parity was reached from around 2000/01 onwards, although there was a dip in the years subsequent to the 2007/08 financial crisis.

All barristers practising in a given year

198. The number of those practising in a given financial year almost doubled from 1990/91 to 2019/20, going from 9,541 barristers in 1990/91 to 17,351 in 2019/20; an increase of just over 7,800 barristers. Much of the increase came in the period before 2008/09. After remaining relatively stable for several years after this point, there has been a smaller increase from around 16,000 barristers in 2012/13 to the total seen for 2019/20. For no year from 1990/91-2019/20 were there fewer practising barristers in a given financial year than in the year preceding it.
199. Alongside the growth in the number of practising barristers over time, has been an increase in the average age of practising barristers. This is one of the standout trends seen in the profile of the practising bar overall. The average age of practising barristers has increased by around eight years from 1990/91 to 2019/20 (from 38.5 to 46.5). Compared to the distribution of the UK working population aged over 25, in 1990/91 the Bar could generally be said to be younger, whereas in 2019/20 the opposite appears to be the case.
200. Alongside this has been a marked growth in the average number of years since the financial year in which a barrister first practised for practising barristers. In 1990/91, the average practising barrister would have first entered practice around 12 years prior, whereas in 2019/20 the average practising barrister would have first entered practice around 19 years prior.
201. When disaggregating by age range, the proportion of the practising Bar over the age of 50 has increased from around 13.1 per cent of barristers in 1990/91 to just under 40 per cent in 2019/20 (around 25% of the practising Bar in 2019/20 were aged 50-59, and 15% were aged 60+). It will be interesting to see what happens with the number of practising barristers as this cohort passes closer to retirement age.

202. The proportion of those aged under 35 has shown a corresponding decrease over the same time from around 40.3 per cent of practising barristers in 1990/91 to around 18.4 per cent in 2019/20. These trends may disguise an increase in part-time forms of working amongst barristers at or close to retirement age, but this is not possible to determine without available data on working patterns at the Bar.
203. From 1990/91 to 2019/20 the proportion of practising barristers who were female increased from around 21.6 per cent to around 38.1 per cent. The increase in this measure has slowed over time, but was still increasing year on year as of 2019/20.
204. There has also been an increase in the proportion of practising barristers from minority ethnic backgrounds over time, although there are some notable differences between those within this broader category, with the largest increases being seen for those from Asian/Asian British and those from Mixed/Multiple ethnic group backgrounds.
205. There is a gap in the average age of practising barristers by gender. Practising male barristers in 2019/20 were on average 48.7 years of age, which was almost six years older than the average age for practising female barristers. The age gap has remained relatively consistent over time. The average age of practising female barristers increased by around 8.6 years from 1990/91 to 2019/20, with the corresponding increase for male barristers being 9.1 years.
206. There are also differences in the average age of practising barristers by ethnicity. For example, in 2019/20 the average age of White barristers who practised at some point during the year was around 46.7; this compares to figures of 43.5 for Asian/Asian British barristers, 47 for Black/Black British barristers, and 41.8 for barristers from Mixed/Multiple ethnic backgrounds. Such findings are likely to be related to an increase in recruitment to the Bar for those who are from Asian/Asian British backgrounds and those from Mixed/Multiple ethnic group backgrounds over time, meaning the makeup of these cohorts skews younger.
207. Overall, the proportion of practising barristers who are female in all age ranges has increased substantially over time. It plateaued in those aged under 35 at around 50 per cent from around 2007/08 onwards but was still increasing in other age ranges as of 2019/20.
208. The same can be said for those aged over 35 for those from minority ethnic backgrounds, whereas the proportion of practising barristers aged under 35 in this group generally fluctuated between 14-16 per cent from 2000/01-2019/20.

What are the patterns of retention at the Bar, broken down by gender, ethnicity and age? Has this changed over the period 1990-2020? Have patterns changed following the introduction of the new parental leave rules in 2017?

Overall

209. Overall, the proportion of the Bar leaving practice each year and who had not returned as of December 2020 remained relatively stable from the mid-1990s through to 2019/20 at around 2.5 per cent. This was an unexpected finding, given the increase in the proportion of practising barristers aged 50-64 and over 65, which might have been expected to lead to an increase in the proportion of the Bar leaving practice in any given year due to the older profile of the profession.

210. There were also relatively stable proportions each year of those who left practice and later returned in a subsequent year and those who had a non-full practising year. The proportion of the Bar having a full year away from practice before returning in a subsequent year showed a general increase during the 1990s and appears to have remained relatively stable from 1999/00.
211. As already noted, it appears that the progression of pupils overall appears to have improved since the 1990s.
212. It is not possible to determine whether the parental leave rules have resulted in trends reflected in the data analysed for this research. It is very difficult to determine from the data used, as the historical record regarding the question of who became a carer or a child under 18 and at what point in their career this happened is not there for comparison. Those on parental leave may retain a Practising Certificate, and so only looking at those who are unregistered would not account for such barristers. It being a relatively recent rule change also makes it difficult to compare with longer run trends using the approach taken for the analysis of those leaving practice each year.
213. Overall, the proportion of the Bar taking temporary time away from practice in recent years does not appear to have changed, although this was not controlling for the length of time away from practice: Conducting a more detailed analysis would be recommended to highlight in greater detail the effect of the rule change.

Gender

214. When looking at those leaving practice indefinitely and those having time away from practice by gender, some notable trends emerge.
215. The proportion of female barristers within those who had a partial practising year; those who left the Bar in the year and returned to practice at some point; or those who had a full unregistered year before returning to practice at some point, was noticeably higher than the proportion of all practising barristers in the year who were female.
216. This was also the case when further disaggregating by age range, although the trend appears to be less pronounced for those aged 50-64, and more pronounced for those in lower age ranges (those aged under 35 and from 35-49). These trends have stayed relatively consistent over time.
217. For those leaving practice indefinitely, overall, the proportion of those leaving practice in the year who were female relatively closely tracks the proportion of practising barristers who were female. However, when further disaggregating by age range, it appears that more females in lower age ranges have left practice indefinitely than would be expected when comparing with the proportion of practising barristers in the age range who are female. In the 2010s, this also appears to be the case for those aged 50-64.
218. The average age of male barristers who left practice indefinitely in a given financial year has trended upwards over time, as has that of comparative female barristers. Both have trended upwards in parallel to one another from around 37 years of age for females and 48 for males in the first half of the 1990s, to around 48 years of age for females and 57 for males from 2014/15-2019/20. As can be seen, the average age for males leaving practice indefinitely has remained noticeably higher than that seen for females.

219. There is also a gap between the average age of female and male barristers who left practice in the year and later returned (2014/15-2019/20: Females - 38.3; Males - 48.7); who had a partial practising year; or who spent the full year unregistered (2014/15-2019/20: Females – 43.8; Males – 50.9). However, the average age of female barristers in such groups stayed relatively flat from around 2002/03, whereas the average age of male barristers having these types of year has consistently trended upwards in a relatively linear motion over time. These patterns may be reflective of pressures relating to childcare responsibilities for female barristers: As noted in the Background section, previous research suggests that female barristers are more likely to have primary childcaring responsibilities than male barristers.

Ethnicity

220. When looking at those leaving the Bar and having time away from practice by ethnicity, when not controlling for age, the trends seen are similar to those seen by gender; with there being a greater proportion than would be expected of those from a minority ethnic background either spending the full year unregistered, or leaving practice and later returning at some point. This was also the case when further disaggregating by age range, although the trend is perhaps less pronounced for those aged under 35, and more pronounced for those aged 50-64 in some cases, particularly in comparison to the trends seen for gender.

221. Also as with that seen for gender, the proportion of those leaving practice who had not returned as of December 2020 who were from a minority ethnic background was not greater than would be expected overall, and for many financial years was less than would be expected: This is based upon a comparison with the proportion of all practising barristers from a minority ethnic background. This remained the case when further disaggregating by age, and suggests that overall, compared to gender, ethnicity appears to be less strongly related to whether a barrister leaves practice indefinitely in the early and mid-stages of a career at the Bar. However, there may be differences in the trends seen between ethnic groups, and also between genders within ethnic groups. This analysis did not examine whether this was the case. This would be a potential area for further research in the future.

222. The average age of minority ethnic and White barristers by type of year tracks one another quite closely, with a consistent trending upwards over time across all year types. However, those from minority ethnic backgrounds may retire from the Bar at a slightly younger age on average, although as there are relatively small numbers involved, the average age figure for minority ethnic barristers having this type of year fluctuates more widely than the comparative figure for White barristers.

Has there been a change in the likelihood of leaving the Bar, and of practising at a certain point in a career at the Bar over time? Are there key moments in a barrister's career when they are likely to leave the Bar?

223. Overall, over time, for cohorts who first practised from 1990/91-2019/20, the likelihood of having left practice indefinitely before a given year relative to when a barrister first started practising, and the likelihood of not practising during a given year relative to when a barrister first practised appears to have decreased. This particularly appears to be the case when comparing more recent cohorts with those starting practice in the first half of the 1990s. This suggests that retention at the Bar has improved during the period from 1990/91-2019/20.

224. The reduction in the proportion of those in a cohort that had left practice indefinitely

over time was particularly notable for those in the earlier stages of a career (years 5, 10 and 15 relative to when started practising). This is an encouraging finding, and suggests that there has been a decrease in the likelihood of leaving the Bar during the earlier stages of a career. Generally the proportion of a cohort that have left practice indefinitely before year 3 was quite low, and remained at around three per cent over the period of analysis.

225. As would be expected, at every snapshot further forward in time relative to when a cohort first started practising, the proportion of the cohort who have left the Bar increases. For those that first practised between 1990/91-2004/05, there was a relatively large proportion leaving the Bar between years 5-9 after starting practice. The proportion leaving during these years appears to have decreased for those starting practice from 2005/06-2010/11. Additionally, the proportion leaving during years 3-4 appears to have decreased for those starting practice from 2011/12-2015/16.
226. However, the proportion of a cohort having left practice before a given point in time does vary from year to year. For example, those starting practice between 2000/01-2001/02 appear to be more likely to have left practice prior to year 15 than those in preceding and in subsequent cohorts. It is possible that such trends reflect difficulties in career progression in years subsequent to the financial crisis in 2007/08, and that trends in retention are quite responsive to the wider economic situation. It may also be the case that those in some stages of a career may feel the brunt of such economic shocks to a greater extent than others.

Gender

227. Overall, there were found to be no large differences in the proportion of barristers not practising during year 3 or leaving the Bar indefinitely before year 3 by gender. The same could generally be said for year 5 relative to first practising year. It is also worth noting that overall, the proportion of those not practising during year 3 or year 5 appears to have decreased over time for both male and female barristers. The same can be said for the proportion of a cohort leaving the Bar indefinitely before year five, and before year 10, particularly for more recent cohorts.
228. From year 10 relative to first practising year, a more noticeable difference by gender can be seen, with female barristers being slightly more likely to have left the Bar indefinitely than male barristers, although overall the proportion has decreased over time for both female and male barristers and the difference between female and male barristers on this measure may have lessened slightly for more recent cohorts.
229. At year 15, this gap between female and male barristers in terms of the proportion not practising during the year, and proportion that left practice indefinitely before the year, widens slightly. Although once again, overall the proportion has decreased over time for both female and male barristers and the difference between female and male barristers on this measure may have lessened slightly for more recent cohorts, particularly for those starting practice from the latter half of the 1990s onwards. Similar trends are seen at years 20 and 25.
230. Overall, when looking at the proportion of female barristers leaving practice indefinitely at each period relative to when first started practising, years 5-15, and to a lesser extent 15-19 see a larger proportion of a cohort leaving than that seen for male barristers. The difference has lessened over time for more recent cohorts, however. These indicators are worth tracking into the future to better see whether this decrease becomes a longer-term trend.

231. When disaggregating further by age range, it generally appears to be the case that female barristers in younger age ranges are more likely than male barristers in the same age range not to be practising during a given year, and to have left practice indefinitely before a given year, although this trend may also have slightly decreased over time when looking at more recent cohorts in the early stages of a career at the Bar.

Ethnicity

232. Across all years relative to first year of practice, those from minority ethnic backgrounds do not appear to be more likely to have left practice and not returned as of December 2020 in comparison to White barristers. However, the proportions of those not practising during years 3 and 5 is generally higher for those from minority ethnic backgrounds than that seen for White barristers in more years than not, although the proportions involved fluctuate quite widely.

233. For years 10, 15, 20 and 25, there is no significant differences in likelihood of practising during a given year when disaggregating by ethnicity. These trends are generally reflected fairly evenly across age ranges.

234. Overall, results suggest that in terms of the likelihood of practising during a given year, there appear to be differences between those from minority ethnic backgrounds and White barristers in the early stages of a career at the Bar, but that from year 10 relative to when started practising any difference is minimal. This may suggest some particular difficulties in early career progression affecting a greater proportion of those from minority ethnic backgrounds compared to White barristers, although the situation may have improved over time compared to that seen for cohorts starting practice during the 1990s.

Are there other variables which have some impact on patterns seen in retention at the Bar, and if there is a relationship between these factors and demographic characteristics?

235. Unfortunately, it was not possible to address this research question given the data available. As already noted, and shown in the 2020 Diversity at the Bar Report, the available data we have suggests that disabled barristers, barristers with primary caring responsibilities, and state school educated barristers are underrepresented at the Bar compared to the UK working age population. It was not possible to further investigate why this may be.

236. Ideally, in the future it should be possible to conduct an analysis into the relationship between these characteristics and retention, and to control for additional factors such as area of practice and income.

Implications

237. Overall, this report contains an exploration of how the profile of the Bar has changed over time, and some broad patterns in retention. It will hopefully serve as a source of evidence for issues relating to retention and for those interested in how the Bar has changed in the 30-year period covering 1990/91-2019/20. It is recommended that monitoring of the proportion of barristers in a cohort leaving practice indefinitely at given points in time relative to first practising year should be undertaken more regularly. It may also be worth monitoring the types of classification of year in terms of leaving the Bar and having time away from practice more regularly in order to pick up any changes that occur.

238. It is possible that some of the trends seen, such as the female and minority ethnic barristers representing a greater proportion of those having time away from practice before later returning, may have some relationship with career progression at the Bar. As such, mentoring or programmes relating to work allocation may have some beneficial impact for those returning to practice after some time away.
239. Overall, there are some encouraging trends, and retention by gender and ethnicity appears have improved during the period of analysis, with barristers generally leaving practice at a later age on average. This may mean that steps being taken across the profession, and policies implemented by the Bar Council and BSB over time that have been targeted at improving retention at the Bar have had some positive impact. It is as yet unclear what, if any, medium or long-term effect the global Covid-19 pandemic will have on patterns of work and retention at the Bar.

Contacting us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations. Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

Write to us

Bar Standards Board
289-293 High Holborn
London WC1V 7HZ

Tel: 020 7611 1444

contactus@barstandardsboard.org.uk

www.barstandardsboard.org.uk

Twitter: @barstandards

www.linkedin.com/company/the-bar-standards-board

In addition, if you would like this report in an alternative format, please contact the BSB

Research Team on 020 7611 1467 or email Research@BarStandardsBoard.org.uk