Research Summary

Pupillage Recruitment at the Bar - Quantitative Analysis

BAR STANDARDS BOARD
REGULATING BARRISTERS

Research Background

The Bar Standards Board (BSB) has a statutory duty to encourage an independent, strong, diverse, and effective legal profession. The BSB's annual statistical reports on Bar training have for a number of years highlighted differential rates of obtaining pupillage, particularly by ethnicity. In order to expand our evidence around recruitment to pupillage, the BSB committed to undertake research into two elements - a quantitative analysis focused on recruitment outcomes, and a qualitative piece of research looking at the experiences of organisations who have adopted particular approaches to recruitment. The qualitative research was undertaken by Community Research for the BSB based on interviews with pupillage providers and other stakeholders and is published separately (link). This project is the quantitative analysis, which has been undertaken internally by the BSB using existing data on pupillage providers and pupils.

The scope of the research was to assess:

- The extent to which the profile of pupils has changed over time
- The extent to which the profile of pupils varied by characteristics of the organisation providing the pupillage (such as size, location or main areas of practice)
- The extent to which the profile of pupils at the Bar varied dependent on the approaches to recruitment at different pupillage providers

Research Approach

This research uses a quantitative approach, using available data and information on both pupillage providers, and pupils recruited, from 2010 to 2023. The source of the data was the BSB and Bar Council Data Warehouse, which holds demographic information on pupils, the organisation at which they undertook their pupillage, as well as key information on pupillage providers. This was supplemented with information drawn from the Authorised Education and Training Organisation (AETO) applications submitted by pupillage providers as part of their re-authorisation following the Future Bar Training reforms – these applications included information on the approaches taken to recruitment by different organisations.

Data on pupils used for this research included three key demographic characteristics – gender, ethnicity and type of school attended (as a proxy for socio-economic status). These were the key areas of interest identified by statistical reporting and previous research in terms of access to pupillage.

Key Findings

Over Time - The profile of pupils has changed over time. There have been increases in the proportions of female pupils, pupils from minority ethnic backgrounds (particularly from Asian/Asian British backgrounds) and an increase in the proportion of pupils who attended state schools.

Practice Area- The profile of pupils often differs markedly by the practice area of the pupillage provider. Commercial law has the highest proportion of male pupils, at nearly two thirds of pupils, whereas the reverse holds true for family law where nearly two thirds of pupils are female. Differences by ethnicity are generally smaller than those observed for gender. Immigration law is an outlier, with the majority of immigration pupils coming from minority ethnic backgrounds. Criminal law also has a higher proportion of pupils from a minority ethnic background compared to the rest of the Bar. Criminal, family and immigration law have the highest proportions of pupils from state schools, whereas Commercial law and Personal Injury law have the highest proportion of pupils from fee-paying schools.

Type of Organisation - The employed Bar has notably higher proportions of female pupils and pupils from a minority ethnic background than the self-employed Bar. Organisations with higher proportions of publicly funded work also have a higher proportion of female pupils and pupils from minority ethnic backgrounds..

Recruitment Approaches - Organisations practising in certain areas of law are more likely to adopt particular approaches to recruitment, in particular use of contextual recruitment and blind recruitment approaches. Contextual recruitment and blind recruitment were most common among commercial law organisations. The use of the Pupillage Gateway was more common among commercial law and personal injury law organisations. The use of multiple application review, diverse recruitment panels, and blind and contextual recruitment were all significantly less common in smaller organisations, and more prevalent in larger ones. This is likely to reflect the fact that smaller organisations have fewer barristers from whom to draw individuals to work on pupillage recruitment.

Recruitment Approaches - Organisations that had adopted a number of the recruitment approaches analysed – such as contextual or blind recruitment, multiple application review, or using diverse recruitment panels - have a higher proportion of male pupils and a higher proportion of White pupils than organisations that do not (although in many cases these differences are relatively small). This suggests that adoption of certain approaches to recruitment such as contextual or blind recruitment may not always increase the proportion of female and minority ethnic pupils.

Recruitment Approaches - Organisations using certain approaches – using diverse recruitment panels or committing to give feedback to unsucessful applicants - have higher proportions of state school pupils and fewer pupils from fee-paying schools. This suggests these approaches may be effective at improving access for potential pupils from lower socio-economic status backgrounds. However, organisations using other approaches analysed, such as contextual or blind recruitment, had no difference in the proportions of state school pupils when compared to organisations that did not use these approaches.

Recruitment Approaches - Organisations requiring a 2:1 degree and organisations requiring a mini-pupillage with the recruiting organisation as a condition of consideration see lower proportions of female pupils, lower proportions of pupils from minority ethnic backgrounds, higher proportions of pupils from fee-paying schools, and lower proportions from state schools.

How will the BSB use these findings?

While statistics suggest there has been some progress in recruitment to pupillage, the analysis suggests that there may be barriers to gender advancement in some practice areas and also suggests that barriers remain for pupils from ethnic minority backgrounds and from lower socio-economic backgrounds. The accompanying qualitative research suggests that changes to recruitment processes can be slow to make an impact due to the low numbers of pupils recruited annually, and that while some approaches such as blind and contextual recruitment may have been successful at increasing the diversity of those shortlisted, the impact on pupils appointed has sometimes been more limited.

This evidence will be used by the BSB to inform the next phases of its work around access to the profession. We will:

- Work with other stakeholders to identify where the BSB can help support access to opportunities and remove barriers for diverse pupils;
- Continue to monitor changes in the profile of pupils as part of our annual reporting on the diversity of the profession;
- Consider the findings as part of our review of our Equality Rules and how they can support access to the profession.

What do the findings mean for key stakeholders?

The BSB encourages the Bar to reflect on implementing a more inclusive recruitment process. These are a few suggested topics the Bar can explore:

- Implementing an evidence-based approach to inclusive recruitment by using DEI data (from Gateway or from chambers' own surveys) as the basis of strategic DEI activity across the full spectrum of the employee lifecycle;
- Provision of diversity, equity and inclusion (DEI) training focusing on raising awareness and understanding of the difference between positive action (legally permissible) and positive discrimination (illegal);
- Conducting an inclusive recruitment audit which can involve the analysis of recruitment data, reviews of recruitment policies and practices, and utilising focus groups and employee surveys to enhance understanding of the current workplace culture;
- Inclusive recruitment training for those recruiting to help reduce biases towards candidates from underrepresented groups;
- Working collaboratively to share best practice and to create a standardised inclusive and accessible recruitment process e.g. through a cross-chambers inclusive recruitment working group.

The main report can be found at https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/