



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 by ethnicity. In order to expand our evidence around recruitment to pupillage, the BSB committed to undertake research into two elements - a qualitative piece of research looking at the experiences of organisations who have adopted particular approaches to recruitment, and a quantitative analysis focused on recruitment outcomes. The qualitative research was undertaken by Community Research for the BSB based on interviews with pupillage providers and other stakeholders, whereas the quantitative research was undertaken internally using existing data on pupillage providers and pupils.

Pupillage Recruitment research (Community Research)

In 2023, the BSB appointed Community Research to undertake research to understand the experiences of organisations who have adopted various approaches to pupillage recruitment, to understand whether these approaches might be beneficial to a diverse range of candidates, and to explore organisations' experiences to date using these approaches. The research comprised a series of interviews – ten with stakeholder organisations, including the Inns of Court, and thirty with pupillage providers, including organisations from both the self-employed and employed Bar.

The research highlighted some of the challenges associated with encouraging greater diversity. Chambers are typically recruiting small numbers of people each year and the people responsible for recruitment tend to have limited time to dedicate to the process. The impact of any changes made to their recruitment processes were also hard to measure as most providers only recruited a small number of pupils each year, so changes were inevitably slow to make an impact. There was considerable variety in terms of the approaches adopted to recruitment across providers - while there were some evident similarities (in particular around the selection criteria employed), no two processes described by pupillage providers were exactly the same. It was evident that much effort is expended by pupillage providers to recruit for more diverse outcomes – both in collaboration with other organisations and individually. Some participants felt that advantages are 'baked into the system' much earlier than the recruitment process for pupillage and others are difficult to tackle (for instance, 'accentism' and the use of language impacting on interview stages). It was flagged that it can be very difficult attracting diverse applicants to less diverse areas of law (and less diverse chambers). While culture was rarely seen as an outright barrier to recruiting for more diverse outcomes, several pupillage providers did recognise that there could be an issue with affinity bias within their recruitment process. Some pupillage providers noted that while applicants from diverse backgrounds were making it through the initial application and potentially the first interview, for the final interview it became more difficult to ignore the 'polish' of more advantaged candidates.

Pupillage Recruitment at the Bar – Quantitative Analysis (BSB)

This research was undertaken by the BSB Research Team, using available data and information on both pupillage providers, and pupils recruited, from 2010 to 2023. The scope of this 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); and the extent to which the profile of pupils at the Bar varied dependent on the approaches to recruitment at different pupillage providers.

The profile of pupils has changed considerably 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. 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 practice area and ethnicity were generally smaller than those observed for gender, although immigration law was an outlier, with the majority of immigration pupils coming from minority ethnic backgrounds. The employed Bar has notably higher proportions of female pupils and pupils from a minority ethnic background than the self-employed Bar. Organisations practising in certain areas of law are also more likely to adopt particular approaches to recruitment, in particular use of contextual recruitment and blind recruitment which were most common among commercial law organisations. Overall, organisations that had adopted a number of the recruitment approaches analysed – such as contextual or blind recruitment panels - had a higher proportion of male pupils and a higher proportion of White pupils than organisations that did not. This suggests that the adoption of certain approaches to recruitment such as contextual or blind recruitment may not always increase the proportion of female and minority ethnic pupils. However, organisations requiring a 2:1 degree and organisations requiring a mini-pupillage with the recruiting organisation as a condition of consideration saw 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 the statistical analysis suggests there has been progress in terms of moving towards the recruitment of more diverse pupils, it also 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 qualitative research indicates that although much is being done by providers to improve diversity in recruitment, progress can be slow and there are numerous challenges. These can include a limited time and resources to devote towards recruitment, difficulty in attracting diverse applicants to certain areas of law, advantage that is already 'baked in' to training for the Bar at an earlier stage, and biases that can exist within the process such as affinity bias, 'accentism' and a preference for candidates exhibiting middle-class 'polish'.

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 overall profile of pupils as part of our annual reporting on the diversity of the profession and those training for the Bar;
- Consider the findings as part of our review of our Equality Rules and how they can support access to the profession.