

## **Future Bar Training – Publication of Research Findings**

### **Quantitative Analysis: Differential Attainment at the Bar Professional Training Course (BPTC) and Pupillage stages (BSB Research Team)**

#### [Qualitative study: Barriers to Training for the Bar \(NatCen Social Research\)](#)

The Bar Standards Board is engaged in a major programme of reform of legal education and training known as Future Bar Training, in the context of which a series of research projects have been undertaken. Those projects aim to provide a qualitative and quantitative evidence base to inform the development of proposed changes to the system for qualification as a barrister. As such they support the BSB's statutory and strategic regulatory objectives and enable the BSB to further the principles it has adopted in relation to Future Bar Training: flexibility, accessibility, affordability and maintaining high standards.

The findings from two methodologically very different research projects are published today.

Together, they afford important insights into current issues in the education and training system for qualification as a barrister. The findings will inform both the specification for further, more refined BSB data collection and research, and our decisions on specific action to address issues uncovered by the research. We hope these findings will also be drawn on by those responding to our current consultation on Future Bar Training.

#### [Differential Attainment at the BPTC and Pupillage stages \(BSB Research Team\)](#)

This research report is a quantitative analysis of high level, aggregate data in relation to the performance of students on the compulsory Bar Professional Training Course and the extent to which BPTC graduates succeed in progressing to the final stage of training, known as pupillage. The research was conducted by the BSB's in-house team and has been subjected to two separate independent peer review processes.

The findings in this research indicate that ethnicity has a significant predictive value for BPTC average module scores, and that ethnicity and socio-economic status both have a significant predictive value for success at obtaining pupillage. It is important to note in this latter respect that the study is based on the performance of those home (ie UK) based students who have graduated from the BPTC and not on actual pupillage applicants.

## ***BPTC module scores***

The findings of this research, based on regression modelling, suggest that even after other variables are controlled for, ethnicity has a significant predictive effect on average module scores, with Black Minority Ethnic (BME) students as a whole scoring lower on average than equivalent white students.

This predictive effect is largest across centrally assessed modules, but also exists in advocacy modules and other compulsory BPTC modules set by Providers rather than the BSB.

Socio-economic status (using parental degree as a proxy) has a small predictive effect for centrally assessed and advocacy modules, but not for other compulsory BPTC modules, where students with no parent with a degree score slightly lower than students with at least one parent with a degree.

Gender and disability do not have a significant predictive effect for any modules once other variables are controlled for.

These sorts of educational attainment differences by ethnicity are not unique to the BPTC. There is a substantial body of research which highlights similar differences in other disciplines and at other academic stages.

## ***Obtaining Pupillage***

The findings suggest that even once other variables are controlled for, ethnicity has a significant predictive effect on whether BPTC graduates obtain pupillage. BME BPTC graduates taken as a whole are (statistically) roughly half as likely to obtain pupillage as white graduates with similar prior educational attainment.

Socio-economic status (using parental degree as a proxy) also has a significant predictive effect on whether BPTC graduates obtain pupillage, although the statistical model predicts a smaller effect than that of ethnicity. BPTC graduates with no parent with a degree are statistically around two thirds as likely as graduates with at least one parent with a degree to obtain pupillage.

Gender and disability do not have a significant predictive effect once other variables are controlled for.

## ***Research now needed to understand these findings in more detail***

Further investigation into the experiences of providers and students has the potential to improve our understanding of these issues and identify how attainment levels among apparently disadvantaged students can be improved. In particular, analysis of performance in BPTC modules broken down by provider is needed, as is analysis of, for example, performance correlations to different sub-categories of BME identity.

A more granular analysis of data in relation to ethnicity and socio-economic status, particularly based on actual pupillage applications rather than BPTC graduate status

alone, may lead to further and more refined insights which can support the development of the reform programme. We anticipate that this analysis might be conducted using data now emerging from the Bar Council's Pupillage Gateway, through which some 50% of available pupillages are handled. We will also seek to obtain data in relation to pupillage applicants outside the Gateway, and are grateful to the Bar Council for the assistance they have agreed to provide in obtaining and studying pupillage applicant data.

### **Barriers to Training for the Bar (NatCen Social Research)**

This research is very different in design and purpose to the research described above.

The BSB commissioned NatCen Social Research to explore perceptions of barriers to participation and success in the vocational and work-based learning stages of training for the Bar, and identify changes that might encourage and support a more diverse and inclusive Bar. The qualitative study particularly focused on women, BME students and those from lower socio-economic groups. Such studies based on direct experiences and perceptions can be especially useful to help those working on policy proposals really understand the feelings of those who may be affected by reforms and to facilitate both more accurate impact assessments (especially Equality Impact Assessments) and better targeted possible solutions.

This report presents findings from the NatCen study, the key aims of which were to address the research questions:

1. How does the structure and teaching of the Bar Professional Training Course (BPTC) and Qualifying Sessions – the vocational stage – contribute to barriers faced in completion and attainment on the course?
2. How does the structure and process of applying for a pupillage – the work-based stage – contribute to barriers faced in gaining entry to the profession?

The research consisted of two strands of qualitative work carried out concurrently. Both strands involved in-depth interviews lasting up to 60 minutes conducted over the telephone. There were 25 interviews with BPTC students (2015/16 cohort); and 25 interviews with pupillage applicants (2013/14 cohort), successful and unsuccessful. The 50 interviewees were a self-selecting sample from a larger population with the specific characteristics being focused on in this research.

### ***Key findings***

The study found that four broad themes underpinned participants' perceptions and experiences of the BPTC, the pupillage application process, and their interaction with the Inns of Court:

- Participants tended to see the Bar as the preserve of an 'elite', privileged group, more accessible to white men from an 'elite' educational background than to others.

- They felt there was a lack of access to accurate information about training for the Bar, including the tacit knowledge needed to make informed decisions to navigate the training pathway.
- The financial costs of undertaking the training and access to funding constituted a further theme.
- There was thought to be significant potential for Higher Education Institutions and other bodies such as the BSB to provide enhanced information and support.

These themes were experienced variously by individuals across the groups of interest for this study. However, financial considerations particularly affected those from lower socio-economic groups, and information gaps were an issue for those from BME and lower socio-economic backgrounds who lacked personal networks and connections to the profession. Gender was also thought to affect entry to the Bar, with women participants feeling themselves to be at a disadvantage irrespective of their ethnic or income backgrounds.

The range of issues influencing participants' experiences and perceptions can be grouped into two broad categories of factors: structural and individual. Structural factors were unrelated to any individual student characteristics but reflected the nature of the training pathway, the long-standing traditional practices at the Inns of Court, the number of available pupillage places, and the attitudes and behaviours of individuals who are part of the profession as a whole. At the same time, individual factors in relation to the participants' own personal attitudes, socio-demographic characteristics, and their personal access to informal networks also affected training and access to opportunities.

The interaction between these two factors was complex and worked in three main ways:

- Individual factors compensated for structural factors – the determination and drive to be a barrister helped students to overcome the perception that the profession was not open to them.
- Structural factors compensated for individual factors – such as financial support from the Inns helping to offset the financial barriers experienced at an individual level.
- Both structural and individual factors worked together – for example in cases where students were resourceful enough to access the structural support available.

The thread running through both the structural and individual factors was culture: there was a perception that the organisational culture in chambers influenced the pupillage application and selection process, helping to maintain the profession as the domain of white male privilege. Importantly, cultural background as a determinant of social behaviour, language use, and customs, is likely to influence the structural and individual factors set out above.

## **Next steps for the BSB and Future Bar Training following these research findings**

We are clear that the quantitative analysis in relation to Differential Attainment represents a starting point and not an endpoint: it illuminates the problem but does not explain the causes.

We have already started to analyse in greater detail outcomes on BPTC modules and in pupillage applications, including against more differentiated characteristics. For example, we know from preliminary analysis of module results broken down by BPTC provider that correlations with ethnicity are more marked at some providers than at others; and that, for example, differential attainment is more acute in some centrally assessed modules than others. Initial analysis of data from the Pupillage Gateway, covering approximately 50% of pupillage places available, indicates that applicants from some ethnic backgrounds appear to have appreciably greater likelihood of success than others, and that outcomes on the basis of gender but within the same ethnic sub-category may be different.

It is clear from the study conducted by NatCen Social research that availability of good information and guidance for those considering a career at the Bar is critical to fair access to the profession. The BSB will seek to make major improvements in its provision of information to assist students.

This will also be a necessary consequence of the opening up of more pathways to training, which has already been decided for Future Bar Training. Providing more and better information may also assist in addressing negative perceptions where those may be based on limited access to facts, especially in relation to the Inns of Court.

The BSB cannot address all the challenges implied in these research findings alone. It will aim to set mandatory requirements for collection and analysis of data in relation to differential attainment through its Authorisation Framework for providers of education and training, requiring those providers to work with the BSB to do whatever is necessary and appropriate to work towards the elimination of unfairness and help maintain a strong, independent and diverse profession, in the public interest.

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