



Pupillage Recruitment - Quantitative Analysis Research report

May 2024

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Executive Summary

- The objective of this research is to strengthen our evidence base around pupillage recruitment to inform the development of the BSB's policies and recommendations in relation to this area. The research consists of an analysis of pupillage recruitment, looking at changes over time and the extent to which the diversity of recruitment varies between different types of pupillage provider.
- 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, and key information on pupillage providers. This was supplemented with information drawn from the Authorised Education and Training Organisation applications submitted by pupillage providers as part of their re-authorisation as a result of the Future Bar Training reforms.
- This research looked at three key demographic characteristics of pupils – 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

- 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.
- The profile of pupils often differs markedly depending on the type of organisation, in particular 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.
- The type of organisation also has a relationship with the profile of pupils by ethnicity, although these differences 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.
- 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.
- 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.

- 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 for 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
- 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 for many organisations, adopting particular recruitment approaches such as contextual or blind recruitment may have a relatively limited impact in terms of increasing the proportion of their pupils who are female or from minority ethnic backgrounds.
- Organisations using certain approaches – using diverse recruitment panels or committing to provide feedback to unsuccessful 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.
- 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.
- This research suggests that while encouraging progress has been made over time in terms of improving access to the profession to those from historically underrepresented groups, there remains scope for improvement, particularly at the self-employed Bar and for certain areas of practice. In particular, barriers still appear to exist for potential pupils from minority ethnic backgrounds and from lower socio-economic status groups.

1 Introduction

1.1. The Bar Standards Board (BSB) is the regulator for barristers in England and Wales. The BSB is responsible for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Setting standards of conduct for barristers;
- Authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- Monitoring the service provided by barristers and the organisations we authorise to assure quality;
- Responding to concerns about barristers and the organisations we authorise and taking disciplinary or other action where appropriate.

1.2. Our regulatory objectives are laid down in the Legal Services Act 2007 and are:

- Protecting and promoting the public interest;
- Supporting the constitutional principle of the rule of law;
- Improving access to justice;
- Protecting and promoting the interests of clients;
- Promoting competition in the provision of services;
- Encouraging an independent, strong, diverse and effective legal profession;
- Increasing public understanding of citizens' legal rights and duties;
- Promoting and maintaining adherence to the professional principles;¹ and
- Promoting the prevention and detection of economic crime.

1.3. The Legal Services Act 2007 requires the BSB to regulate in a transparent, accountable, proportionate, consistent and targeted way. We also have a responsibility to base our regulatory activities on risk and take an evidence-based approach to determine the priority risks. To achieve this, we allocate our resources where we think they would be most effective in addressing these priority risks and constantly monitor the market for barristers' and advocacy services.

Background

1.4. Training for the Bar comprises three components: academic; vocational; and

1. As defined in the Legal Services Act (2007), the "professional principles" are (a) that authorised persons should act with independence and integrity, (b) that authorised persons should maintain proper standards of work, (c) that authorised persons should act in the best interests of their clients, (d) that persons who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised persons should comply with their duty to the court to act with independence in the interests of justice, and that the affairs of clients should be kept confidential.

pupillage. To complete the academic component, students must complete a law degree which meets the requirements set out in the Bar Qualification Manual, before proceeding to the vocational component.

- 1.5. Vocational requirements are currently satisfied through completion of a Bar training course which can only be taken after achieving the required academic qualifications and becoming a member of one of four Inns of Court. The Bar training courses are designed to give students the skills, knowledge of procedure, and competence to qualify and be called to the Bar. Work-based requirements are currently satisfied through the completion of pupillage (usually one year) and consist of gaining practical training under the supervision of an experienced barrister. Pupillage can only be commenced following successful completion of the Bar training course and being called to the Bar.
- 1.6. The BSB has a regulatory role in all three components of Bar training: we set out the academic qualifications required from the academic component,² the terms of entry to and the content of the vocational training which follows, including the elements of centralised assessment; and we regulate the provision of pupillage, including prescribing a centralised assessment during pupillage. The BSB is responsible for authorising vocational and pupillage training organisations. The BSB is also responsible for supporting fair access to the profession, including at the vocational and pupillage stages of training.
- 1.7. Previous research conducted by the BSB has identified differential outcomes in terms of success at obtaining pupillage. In 2017, the BSB published research that looked at success at obtaining pupillage, looking at the impact of demographic factors while controlling for other factors such as prior academic attainment.³ This research found that both ethnicity and socio-economic status were strongly linked with success at obtaining pupillage – BPTC graduates⁴ from minority ethnic backgrounds were half as likely to obtain pupillage as White graduates with similar prior educational attainment, and graduates with no parent with a degree were around two thirds as likely as graduates with at least one parent with a degree to obtain pupillage.
- 1.8. Also in 2017, the BSB published qualitative research with vocational course students that looked at barriers to training for the Bar.⁵ The research found that students viewed the Bar as largely the preserve of an ‘elite’, privileged group, more accessible to White men from an ‘elite’ educational background than others. Barriers experienced by historically underrepresented groups included a lack of informal networks in the profession to help find work experience placements, the

2. Note that the BSB does not regulate the content of undergraduate degrees or authorise the providers for those degrees and we expect a Higher Education Institution (HEI) or body with degree-awarding powers to do so independently of us within the framework of the relevant competent bodies for HEI quality assurance and regulation.

3. [Exploring Differential Attainment at BPTC and Pupillage \(BSB, 2017\)](#)

4. The BPTC (Bar Professional Training Course) was the previous name for the vocational training course, prior to the introduction of a number of reforms to vocational training for the Bar in 2020. The vocational component course names now vary with provider but are referred to generically as vocational Bar training.

5. [Barriers to Training for the Bar \(BSB, 2017\)](#)

financial implications of attending interviews and unpaid mini-pupillages for those from lower income backgrounds, and a perception that the organisational culture in some chambers influenced the pupillage application and selection process in a way that disadvantaged certain groups.

- 1.9. In 2018, the BSB published research looking at selection criteria detailed in pupillage advertisements and sifting criteria provided by pupillage provider's websites.⁶ The research found that close to half of pupillage organisations cited their support for equality and diversity in some way. Intellectual ability – as demonstrated by prior academic attainment – was the most common criterion for selection given in advertisements, with many providers specifying a minimum degree requirement for consideration (around 39 per cent of pupillage places specified an upper second class or first-class degree as a minimum). Prior academic attainment was also the most important factor in sifting applicants. The focus on prior attainment has the potential to favour those from more privileged backgrounds. Notably, 13 per cent of pupillage advertisements highlighted mini-pupillages undertaken at the recruiting pupillage provider as a requirement for consideration, a requirement that could indirectly impact applicants from lower income backgrounds due to the cost of undertaking an unpaid mini-pupillage and the increased difficulty of obtaining one for those without existing links to the profession.
- 1.10. Our annual Key Statistics reports⁷ have also shown that students from minority ethnic backgrounds are less successful than White students at obtaining pupillage after completing the vocational stage of training for the Bar. For example, the 2021 Key Statistics report found that of UK/EU domiciled BPTC graduates with an upper-second class degree and Very Competent overall BPTC grade, 41 per cent of those from White backgrounds had commenced pupillage, compared to around 23 per cent of those from a minority ethnic background. Previous years' reports had similar findings in relation to ethnicity and pupillage.

Research Objectives

- 1.11. The objective of this research is the production of a research report that provides an evidence base to inform the development of the BSB's policies and recommendations in relation to recruitment to pupillage. The research consists of a quantitative analysis of pupillage recruitment, looking at changes over time and the extent to which the diversity of recruitment varies between different types of pupillage providers.
- 1.12. 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

6. [Review of Pupillage Advertising and Selection Criteria \(BSB 2019\)](#)

7. [Bar Training Statistical reports](#)

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.

1.13. The findings from this research project will be used to inform our supervision work with pupillage providers and to develop the BSB's policies in the area of pupillage recruitment and promoting a diverse profession.

2 Methodology

- 2.1. 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 applications submitted by pupillage providers as part of their re-authorisation following the Future Bar Training reforms⁸ – these applications included information on the approaches taken to recruitment by different organisations.
- 2.2. 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.
- 2.3. Data held on organisations included their location, size (by number of barristers), and whether they were part of the employed or self-employed Bar. In addition, information gathered as part of Authorisation to Practise was used to classify organisations by practice area. The proportions of income by practice area were averaged across barristers working at that organisation – if over 50% of income came from a single area of practice the organisation was classified as representing this practice area. If over 50% of income came from two areas of practice, the organisation was classified as being a ‘Mixed’ organisation focused on those two practice areas (e.g. Mixed – Family and Criminal). If the two most common areas of practice did not total 50% or more of income, the organisation was simply classified as ‘Mixed’.
- 2.4. Data from Authorised Education and Training Organisation applications was used to classify pupillage providers by recruitment approach. Two of the sections of the application for authorisation focused on recruitment, asking which steps organisations took during recruitment to support fair access to the profession, and which steps they took to ensure that their recruitment processes ensured those they recruited had the required competences for practice at the Bar. The questions used are included in the appendices of this report. The applications were then analysed to look for evidence of organisations adopting a number of approaches. These included:
 - Blind recruitment – at least some stages of the recruitment process used blind/ anonymised applications;⁹
 - Contextual Recruitment – the recruitment process used contextual recruitment

8. The Future Bar Training (FBT) reforms were a series of reforms to training for the Bar intended to improve affordability, accessibility and flexibility, while maintaining high standards.

9. Blind recruitment is where those shortlisting aren't given personal information about applicants and can include removing information such as their name, demographic information such as their age, or details of the educational establishments they attended

techniques;¹⁰

- Multiple application review – the recruitment process committed to having two or more individuals review each application independently;
- Panel Diversity – the recruitment process committed to using diverse review/ interview panels by gender, ethnicity, seniority etc.;
- Minimum 2:1 – the organisation required a minimum of a 2:1 grade for an applicants undergraduate degree;
- Feedback to unsuccessful applicants – the organisation committed to giving feedback to all unsuccessful applicants, or all applicants that progressed to a certain stage in the process (e.g. invited to interview);
- Mini-pupillage required – the organisation required applicants to undertake a mini-pupillage at that organisation, either prior to applying or as part of the application process; and
- Interview Expenses Reimbursed – the organisation committed to reimbursing expenses of those candidates it invited to interview.

2.5. In addition, the Bar Council's data on which pupillage providers recruited through the Pupillage Gateway was used to identify if organisations undertook their recruitment process fully through the Gateway, or whether pupillages were only advertised through the Gateway but recruitment was run directly through the organisation.

2.6. Analysis was then undertaken to see if the profile of pupils recruited (in terms of gender, ethnicity or type of school attended) varied depending on key characteristics of the recruiting organisations. The first part of this analysis looks at whether the profile of pupils recruited varied dependent on key characteristics of organisations as a whole (i.e. employed vs self-employed, inside or outside of London, main area of practice). The second part of this analysis looks at whether the profile of pupils varied dependent on approaches taken to recruitment (i.e. did the organisation use blind recruitment, contextual recruitment, or recruit through the Pupillage Gateway).

2.7. For the part of this analysis which analysed outcomes by recruitment approaches, this only looked at pupils recruited after 2020, as this was when organisations were required to submit their applications for authorisation. This ensured that the analysis was not classifying organisations as using particular recruitment approaches back to 2010 based on their responses in 2020 (as they may have only recently adopted particular approaches at that point, and therefore would not have been using them when undertaking earlier recruitment exercises).

2.8. It is worth noting that rather than looking at recruitment by individual organisations, this analysis compares all pupils recruited to the profession over the relevant

10. Contextual recruitment approaches consider an applicant's personal circumstances when assessing or scoring their application. This could include scoring systems that calibrate disadvantage and measure candidates outperformance against their peers, scoring academic attainment from candidates to account for the extent to which they overperform against other students at the same institution, or including scoring criteria that consider the extent to which candidates have overcome disadvantage

period by organisations with particular characteristics (e.g. all pupils recruited by organisations based in London compared to all pupils recruited by organisations based outside of London). This means that organisations which recruit more pupils have a greater weight in the analysis (as a greater proportion of pupils recruited over a given period will be recruited by these organisations). This approach was taken to ensure a larger dataset for analysis and thus draw more reliable conclusions.

Research limitations

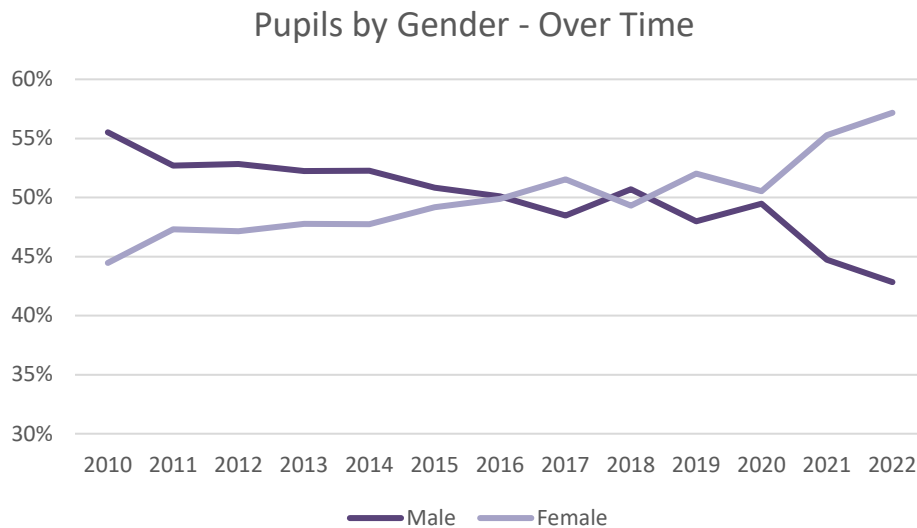
- 2.9. As described above, information used to classify pupillage providers by recruitment approaches was taken from their applications for authorisation. As such, this means that any analysis by recruitment approach is restricted to looking at more recent pupillage cohorts, and is therefore based on a smaller sample than the analyses that look at other characteristics of pupillage providers such as location. In addition, in some cases organisations that were classified as not using particular approaches, may actually use them (but did not mention them in their applications). Therefore there is an element of unreliability in the parts of this report that look at recruitment approaches taken.
- 2.10. As noted in paragraph 2.8, the analysis of recruitment approaches looked at pupil demographics overall, rather than looking at individual organisations. As such, it does not enable an analysis of whether particular organisations were able to recruit more diverse pupils when using/not using particular recruitment techniques, which is also a key area of interest.
- 2.11. The BSB data on the demographics of pupils has missing data in some instances – while gender and ethnicity had roughly 95% disclosure rates across the dataset as a whole, for type of school attended the disclosure rate was only 56%. Where data were missing for a particular characteristic, pupils were not included in the analysis, meaning that – particularly for school attended – the analysis does not take into account all pupils recruited over the relevant period.

3 Research Findings

Pupillages Over Time

- 3.1. As indicated in previous reporting by the BSB, the profile of pupils has changed over time. Chart 1 looks at pupillages by gender from 2010 to 2022. Prior to 2015, the proportion of male pupils was at least 5 percentage points higher each year than that of female pupils. However, from 2015 to 2020 the proportions were closer to equal, and in 2021 and 2022 a notably higher proportion of pupils were female – a difference of 10.6 percentage points in 2021 and 14.4 percentage points in 2022.

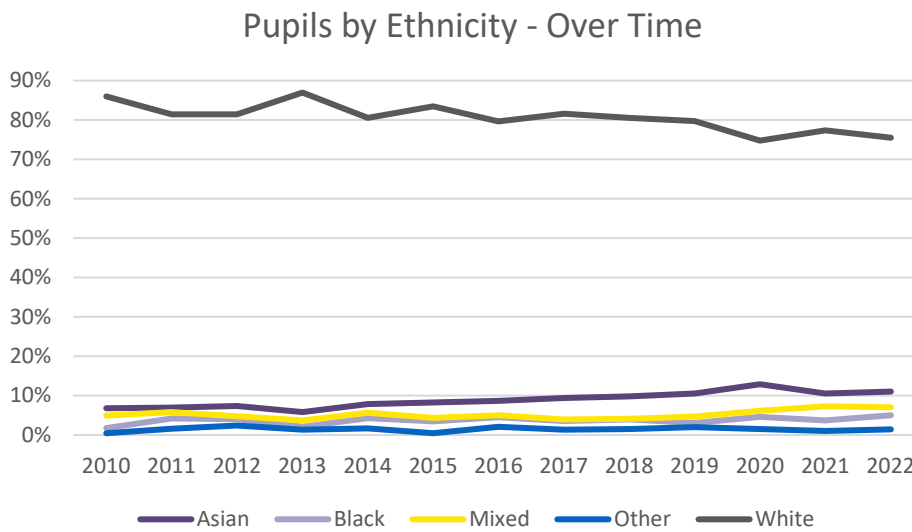
Chart 1



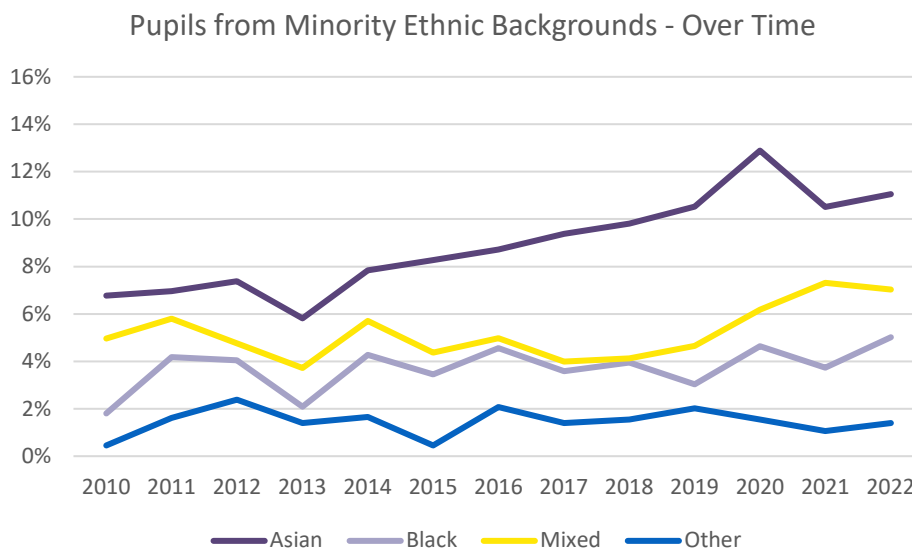
N: Many/Lots

- 3.2. As with gender, the ethnicity of pupils has seen some changes over the same period, although the changes are more gradual. In 2010, 86% of pupils were from White ethnic backgrounds, but this had fallen to 75.5% by 2022, a fall of over 10 percentage points. Among pupils from minority ethnic backgrounds, those from Asian backgrounds have consistently made up the largest proportion, with those from Other ethnic backgrounds the lowest. Notably, a higher proportion of pupils are from mixed ethnic backgrounds than from Black ethnic backgrounds, which differs from the population of England and Wales as a whole, where those from Black backgrounds make up a higher proportion of the population (4.0% compared to 2.9% as of the 2021 census¹¹).

11. England and Wales Ethnicity over time, available [here](#)

Chart 2

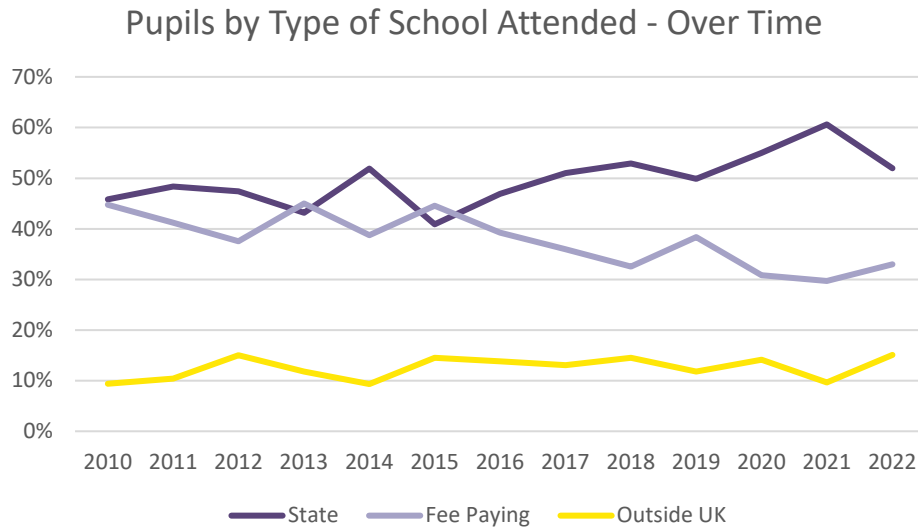
- 3.3. Chart 3 focuses on the proportions of pupils from minority ethnic backgrounds and suggests that the proportion of pupils from Asian backgrounds has increased fairly steadily since 2010. In contrast, the proportion of pupils from Other ethnic backgrounds has remained relatively constant, making up close to 2% of pupils on most years. The proportion of pupils from Black and Mixed ethnic backgrounds has varied year on year, but 2022 saw the highest proportion of pupils from both groups over the period covered.

Chart 3

- 3.4. The proportion of pupils by type of school attended shows a relatively consistent proportion who attended school outside the UK from 2010 to 2022, varying from 10% to 15% over this period with relatively limited variation year on year. However, the proportion from state and fee-paying schools has varied more over time. Prior to 2016, the proportions from state and fee-paying schools varied year on year but differences were often relatively small, with 2013 and 2015 actually seeing slightly higher proportions of fee-paying school pupils (although in most years a higher

proportion were from state schools). From 2016 there has been a more consistent trend of a higher proportion of pupils attending state schools than fee-paying schools, with the largest difference being observed in 2021 (a difference of 31 percentage points).

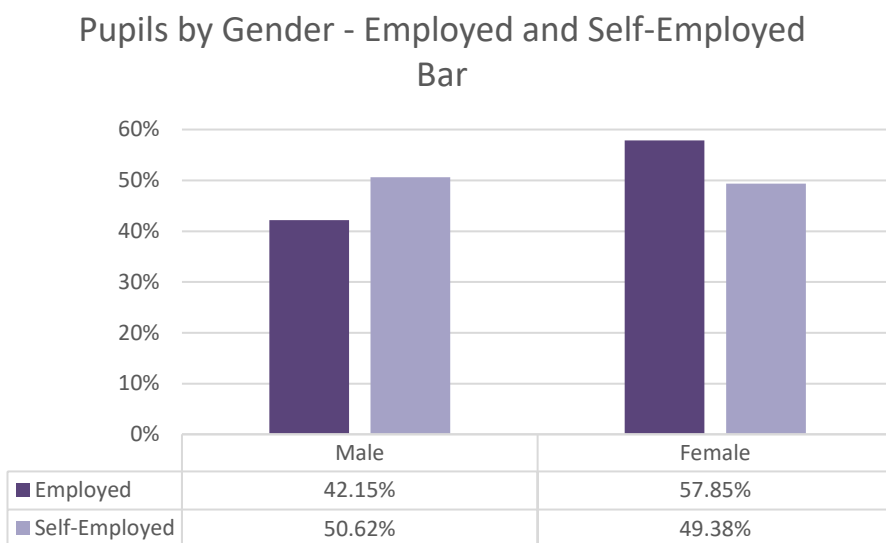
Chart 4



Pupillages by Organisation Type

3.5. The profile of pupils at the employed Bar over the relevant period differs markedly by gender when compared to pupils at the self-employed Bar. While pupils at the self-employed Bar were roughly equally split between male and female pupils, a significant majority of pupils recruited to the employed Bar were female (57.9%).

Chart 5

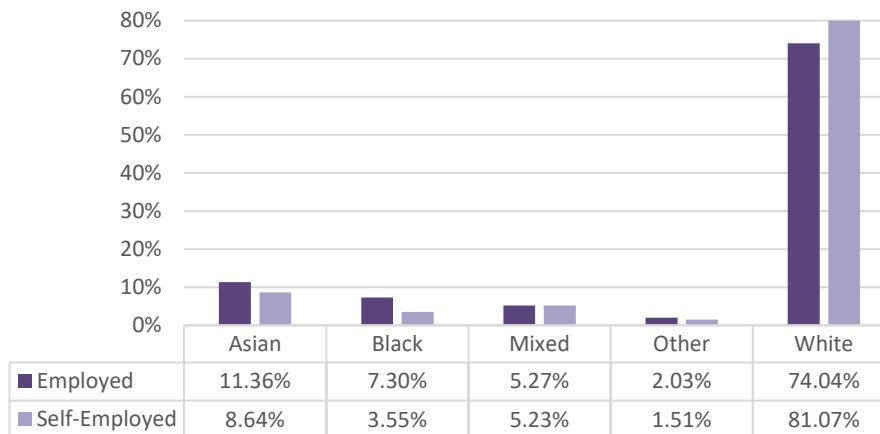


3.6. As with gender, the profile of pupils at the employed Bar over the relevant period differs by ethnicity compared to the self-employed Bar, although the differences are

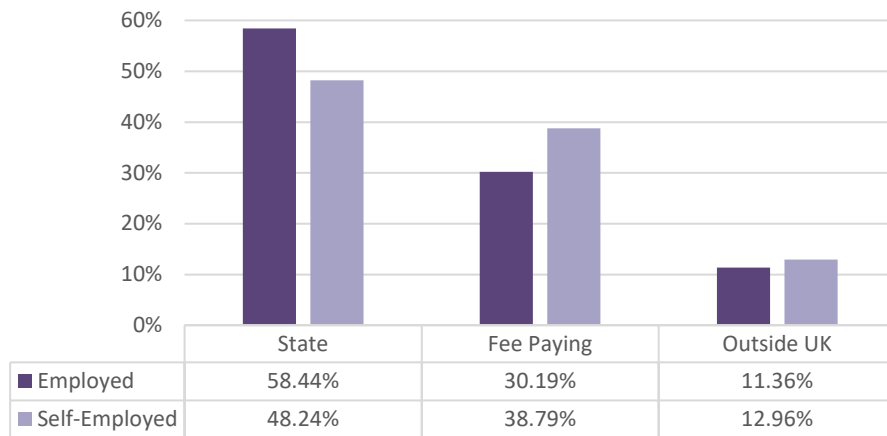
not as marked as those observed for gender. While the proportion of pupils from mixed or 'Other' backgrounds are similar for employed and self-employed pupils, the proportion of pupils from White backgrounds is 7.3 percentage points lower at the employed Bar, whereas the proportion from Asian and Black backgrounds were 2.7 and 3.8 percentage points higher. This is a particularly notable difference in the proportion of pupils from Black backgrounds, which is more than twice the proportion of pupils from Black backgrounds at the self-employed Bar.

Chart 6

Pupils by Ethnicity - Employed and Self-Employed Bar



- 3.7. The profile of pupils at the employed Bar over the relevant period also differs by type of school attended compared to the self-employed Bar, with self-employed pupils over the relevant period having higher proportions who attended fee-paying schools than the employed Bar, and lower proportions who attended state schools. However, proportions who attended school outside the UK are similar across both the employed and self-employed Bar, with a 1.6 percentage point difference (compared to a difference of 10.2 and 8.6 percentage points respectively for state school pupils and fee-paying pupils).

Chart 7**Pupils by Type of School Attended - Employed and Self-Employed Bar**

- 3.8. The profile of pupils by gender differs significantly when comparing pupils based in London with those based outside of London, with a higher proportion of London pupils being male, and a higher proportion of pupils outside of London being female, a difference of 8.7 percentage points in both instances.

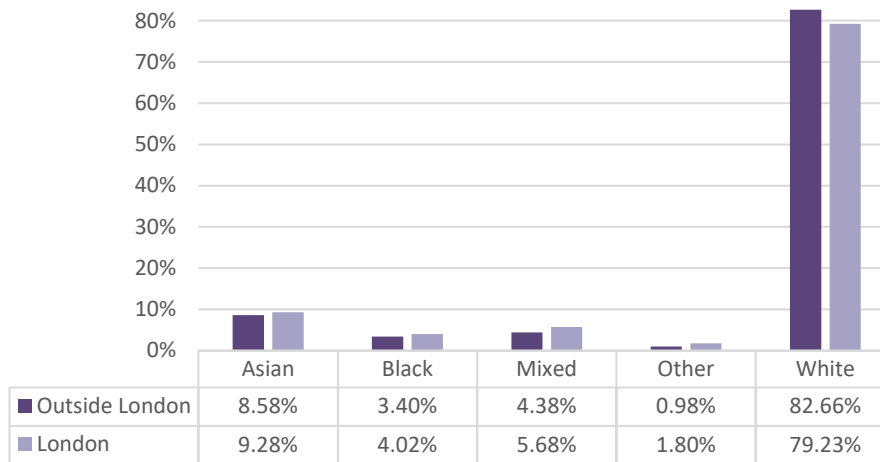
Chart 8**Pupils by Gender - Inside and Outside London**

- 3.9. As with gender, the profile of pupils in London differs by ethnicity when compared to pupils outside of London, although for most groups the differences are relatively small, being less than one percentage point difference for all ethnic groups other than White (the proportion of pupils from White backgrounds is 3.43 percentage points lower in London) and Mixed backgrounds (the proportion of pupils from Mixed backgrounds is 1.3 percentage points higher in London). This is likely in part to reflect the greater

ethnic diversity in London, where 46.2% are from Asian, Black, mixed and Other ethnic backgrounds, compared to 18.3% across England and Wales as a whole.¹² It is worth noting that despite having a higher proportion of pupils from minority ethnic backgrounds than the rest of the country, pupilages in London had a significant over-representation of those from White backgrounds when compared to the London population as a whole (79.2% as opposed to 53.8%) and a corresponding under-representation of those from minority ethnic backgrounds.

Chart 9

Pupils by Ethnicity - Inside and Outside London



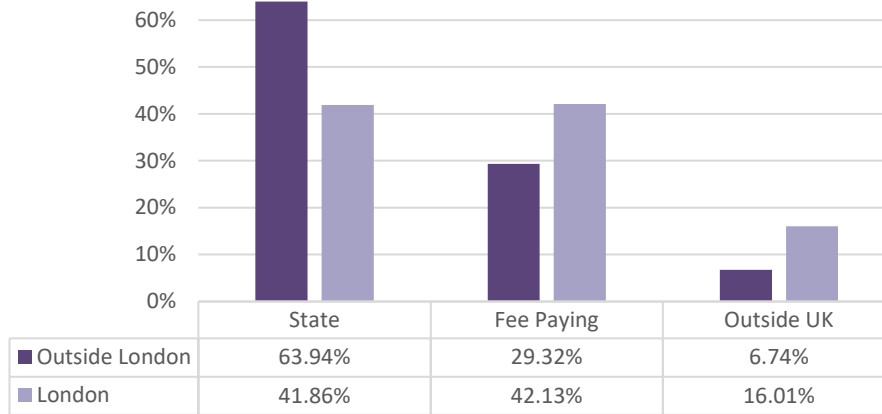
3.10. The profile of pupils by type of school attended differs significantly for pupils inside and outside of London, with larger differences than observed for ethnicity or gender. The proportion of pupils who attended fee-paying schools is 12.8 percentage points higher in London, whereas the proportion who attended State schools is 22.1 percentage points higher outside of London. London also has a higher proportion of pupils who attended school outside the UK, with a difference of 9.3 percentage points from pupils outside of London. It is worth noting that the proportion of pupils from fee-paying schools is significantly higher than estimates for the population as a whole - approximately 6 per cent of school children in England at any age, and 9.8 per cent of UK domiciled young full-time first degree entrants, attended a fee-paying school in 2021/22.¹³

12. 2021 Census Ethnicity data, available [here](#)

13. Higher Education Statistics Authority: Widening participation summary: UK Performance Indicators, available [here](#)

Chart 10

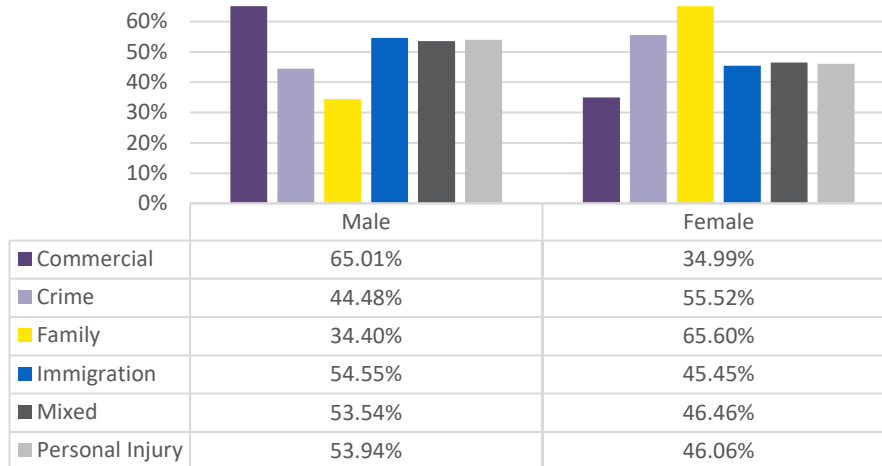
Pupils by Type of School Attended - Inside and Outside London



3.11. Chart 11 shows the proportion of pupils by gender for all practice areas which recruited at least 50 pupils over the period covered. This shows marked variation in the proportion of male and female pupils in particular areas of practice, ranging from 65.6% female in family law, to 65% male in commercial law. Criminal law and family law are the only areas where women make up the majority of pupils.

Chart 11

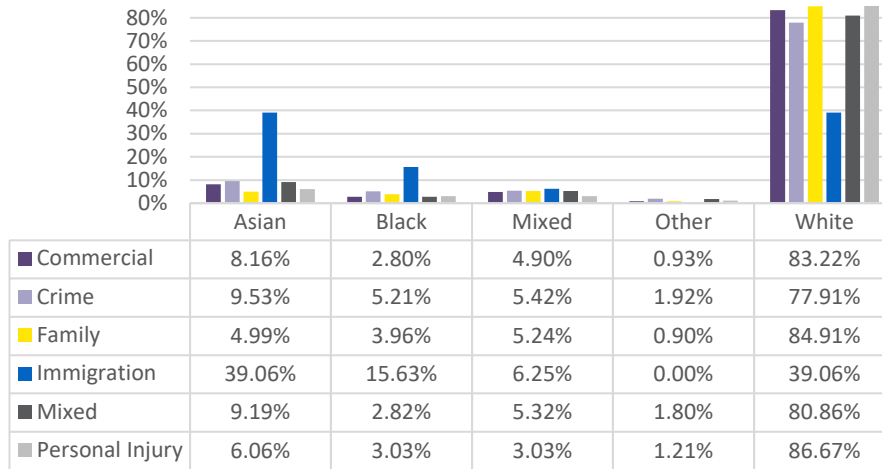
Pupils by Gender - Practice Area



3.12. The profile of pupils by ethnicity does not vary as much as by gender when looking across practice areas, with the marked exception of pupils in immigration law. Pupils recruited by immigration practices have a majority of pupils from minority ethnic backgrounds (60.9%), with the next highest proportion being in criminal law (22.1%). The lowest proportions of pupils from minority ethnic backgrounds are seen in personal injury (13.3%) family law (15.1%) and in commercial law (16.8%).

Chart 12

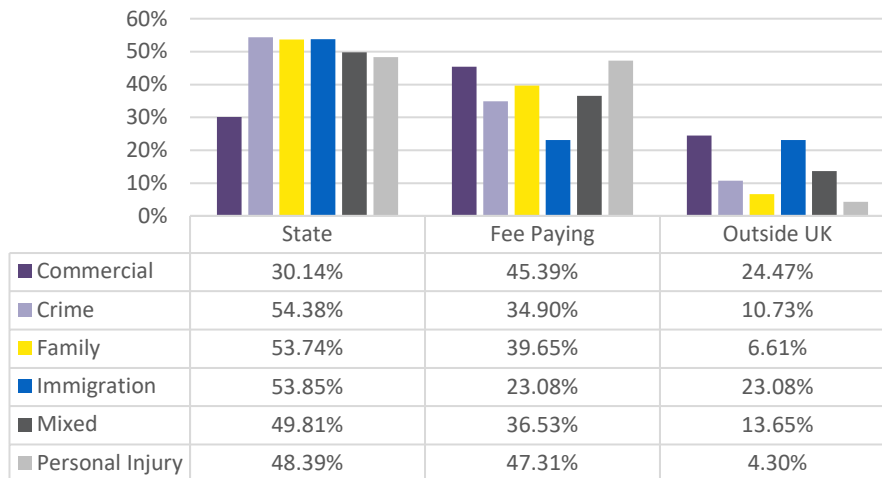
Pupils by Ethnicity - Practice Area



3.13. The type of school attended by pupils also varies across different areas of practice. personal injury has the highest proportion of pupils who attended fee paying schools, with close to half of pupils recruited by organisations in personal injury law attending fee-paying schools as opposed to state schools or schools overseas. Commercial has the next highest proportion from fee-paying schools, and also has the lowest proportion from state schools, at less than a third of pupils. Excluding commercial and personal injury law, state school attendees make up between 50 and 55 per cent of pupils across other practice areas. Commercial law and immigration law are also noteworthy as having the highest proportion of pupils who went to school outside the UK, with close to one in four pupils studying overseas in both practice areas.

Chart 13

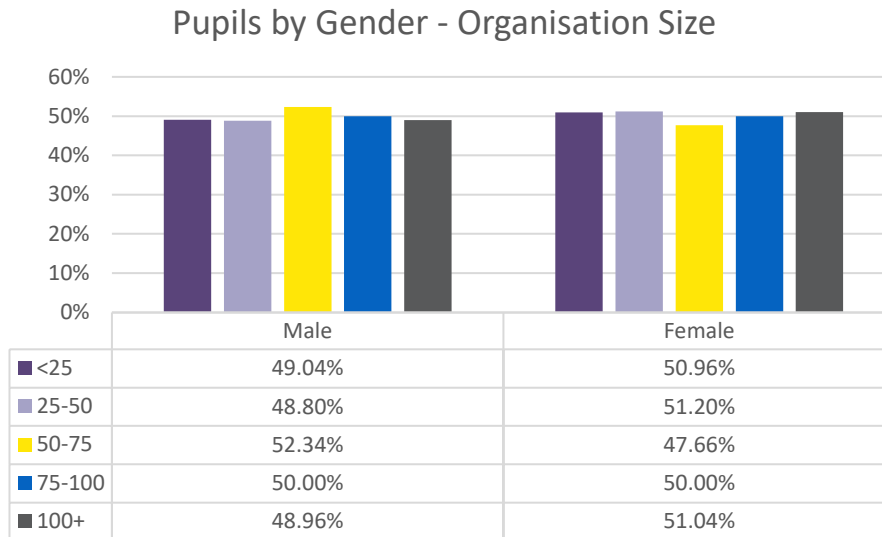
Pupils by Type of School Attended - Practice Area



3.14. There seems to be little significant difference in terms of the gender of pupils by organisation size. Smaller organisations (in terms of the number of barristers)

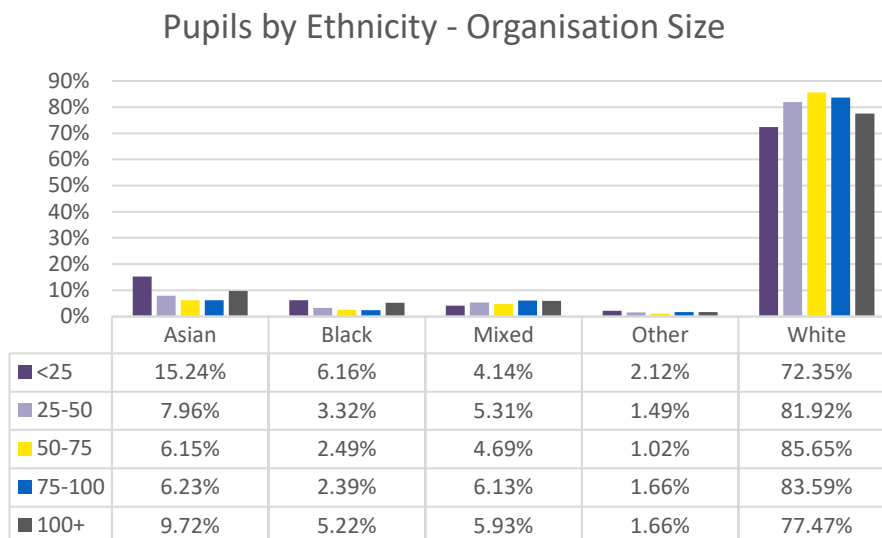
and the largest organisations have slightly higher proportions of female pupils compared to mid-sized organisations (those between 50-100 barristers) but the differences are fairly small, with the largest difference being less than three percentage points.

Chart 14



3.15. Unlike gender, the ethnicity of pupils appears to have a stronger relationship with the size of organisations. The smallest organisations (under 25 barristers) have the highest proportion of pupils from minority ethnic backgrounds, making up 27.6% of pupils at these organisations. The next highest proportion of pupils from minority ethnic backgrounds is found in organisations with over 100 barristers at 22.5%, whereas in organisations with between 25 and 100 barristers less than 20% of pupils are from minority ethnic backgrounds.

Chart 15

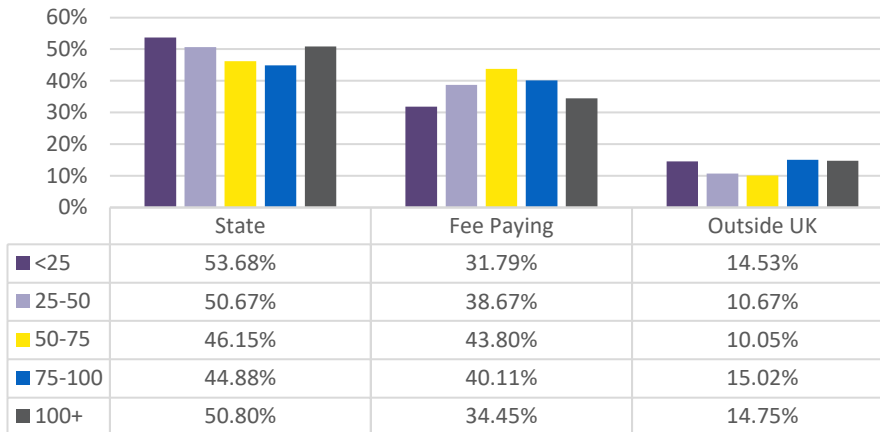


3.16. The type of school attended by pupils also seems to bear a relationship to the

size of the organisation, although differences are relatively small. The highest proportions of state school educated pupils are found in organisations with under 50 and over 100 barristers, whereas the highest proportions from fee-paying schools are found in organisations with between 50 and 100 barristers.

Chart 16

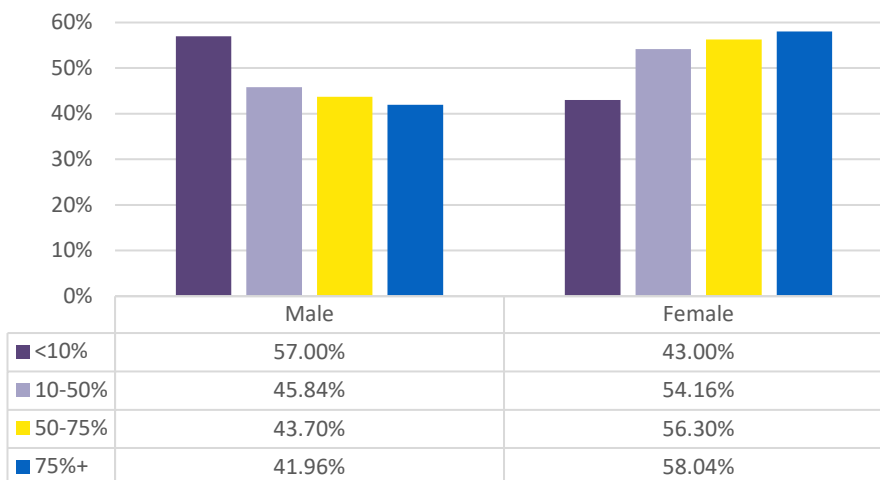
Pupils by Type of School Attended - Organisation Size



3.17. There is a relationship between the proportion of chambers income that comes from publicly funded work and gender of pupils. The higher the proportion of publicly funded work, the higher the proportion of female pupils, and the lower the proportion of male pupils. This is in line with the findings around practice area, where higher proportions of female pupils are found in practice areas where public funding is available, such as crime and family law.

Chart 17

Pupils by Gender - Publicly Funded Work

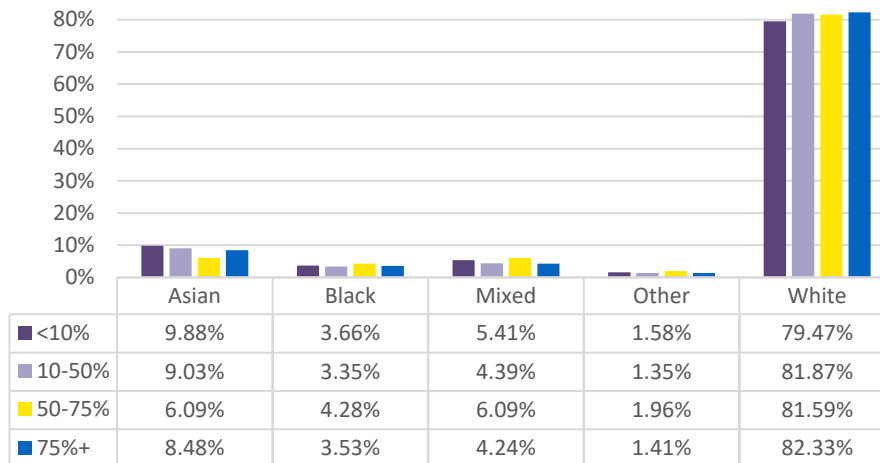


3.18. In contrast to gender, the proportion of publicly funded work undertaken by organisations seems to have little relationship to the ethnicity of pupils, with little

clear pattern in terms of changes to the makeup of pupils by ethnicity between the organisations with the highest proportion of publicly funded work and organisations with the lowest proportions. The highest proportion of pupils from a minority ethnic background is found in organisations with the lowest proportion of public funding (with 20.53% from a minority ethnic background) and the lowest in organisations with the highest proportion of publicly funded work (17.67%).

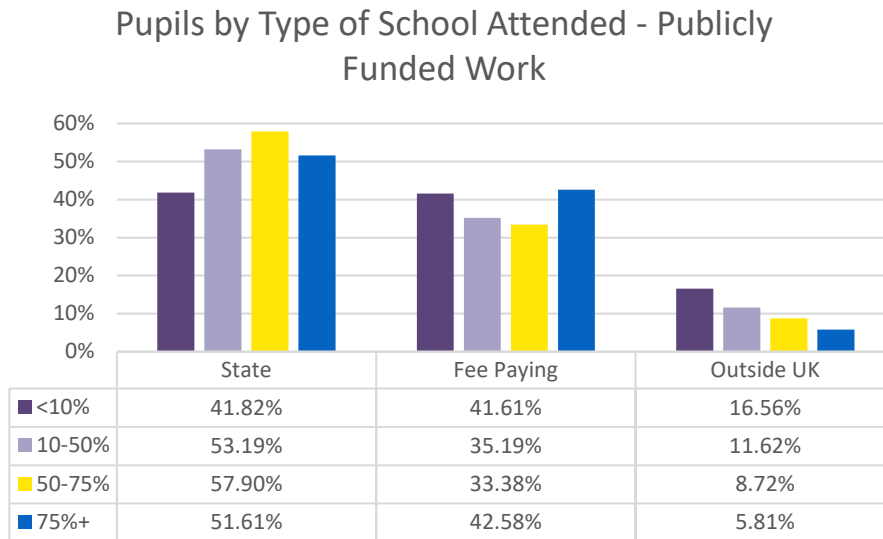
Chart 18

Pupils by Ethnicity - Publicly Funded Work



3.19. Looking at type of school attended by the proportion of publicly funded work (chart 19), there appears to be a clear pattern of higher proportions of pupils who went to school overseas in organisations with lower proportions of publicly funded work. However, the proportions of pupils from state and fee paying schools seems to have a less clear trend. The highest proportion of pupils who attended fee-paying schools are found in organisations with the lowest proportions of publicly funded work (under 10%) and organisations with the highest proportions (over 75%), with lower proportions found in organisations with between 10% and 75% publicly funded work. The lowest proportion of pupils who attended state schools is found in organisations with the lowest proportion of publicly funded work – however, the proportion of state school educated pupils is lower in the organisations with over 75% publicly funded work than it is in organisations where between 10% and 75% of work is publicly funded.

Chart 19



Key Findings - Organisation Type

3.20. Notably, the widest differences in terms of the makeup of pupils by gender relate to practice area. 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. Criminal law also has a notably higher proportion of female pupils, at over ten percentage points higher than male pupils. The employed Bar, and organisations outside of London, also have notably higher proportions of female pupils, close to ten percentage points higher than the self-employed Bar and London organisations. While there seems little difference by gender related to the size of organisation, higher proportions of public funding are associated with higher proportions of female pupils – this may well reflect the fact criminal law and family law have higher proportions of female pupils than the average.

3.21. For ethnicity, differences are generally less stark than those observed for gender. For practice area, immigration law is an outlier, with the majority of immigration pupils coming from minority ethnic backgrounds. The other practice area with a notably higher proportion of pupils from a minority ethnic background is criminal law (close to one in four pupils), whereas for other practice areas investigated less than one in five pupils come from minority ethnic backgrounds. In contrast to gender, there seems not to be a strong relationship between the proportion of publicly funded work and the ethnicity of pupils. Organisations within London have a slightly higher proportion of pupils from minority ethnic backgrounds than organisations outside (perhaps in part due to the profile of London's population, although it is worth noting that the profile of pupils in London is considerably less ethnically diverse than London's overall population) and pupils from minority ethnic backgrounds make up a notably higher proportion of pupils at the employed Bar, at over a quarter of pupils. Unlike gender, there appears to be a relationship between size of organisation and the ethnicity of pupils – the smallest and largest

organisations have a higher proportion of pupils from minority ethnic backgrounds, whereas more mid-sized organisations have higher proportions of White pupils.

3.22. As with gender, the widest differences in terms of type of school attended relate to practice area. Commercial law and immigration law have the highest proportion of pupils who attended school overseas, at close to one in four pupils for both areas of law – this may reflect the fact these areas of law are more likely to have international clients. Criminal, family and immigration law have the highest proportions from state schools, whereas commercial law and personal injury law have the highest proportion of pupils from fee-paying schools. Pupils who attended fee paying schools are also more common within London and in organisations from the self-employed Bar. The clearest relationship between public funding and type of school attended is the decreasing proportion of pupils who attended school abroad as proportions of public funding increase, although it is noteworthy that the highest proportions of pupils from fee-paying schools are in organisations with the lowest and highest proportions of public funding, whereas state school pupils are more common in organisations where between 10% and 75% of funding comes from publicly funded work. In a similar pattern to how ethnicity varied by size, the largest and smallest organisations appear to have the highest proportions from state school backgrounds, whereas mid-sized organisations have higher proportion of pupils who attended fee-paying schools.

Research Findings – Recruitment Approaches by Organisation

3.23. As detailed in the methodology section of this report, as well as looking at variations in the profile of pupils by organisation characteristics, this analysis also looked at differences in the profile of pupillage providers in terms of the recruitment approaches used. This information was taken from Authorised Education and Training Organisation applications made by pupillage providers. As the analysis was focused on looking at approaches that differed across the providers, aspects of recruitment that are required for all pupillage providers – such as monitoring of recruitment data and fair recruitment training – were not investigated as these were assumed to be standard across all organisations recruiting pupils.¹⁴

3.24. The following aspects of recruitment were analysed as part of this research:

- Blind recruitment – at least some stages of the recruitment process used blind/ anonymised applications;¹⁵
- Contextual Recruitment – the recruitment process used contextual recruitment techniques;¹⁶
- Multiple application review – the recruitment process committed to having two or more individuals review each application independently;
- Panel Diversity – the recruitment process committed to using diverse review/ interview panels by gender, ethnicity, seniority etc.;
- Minimum 2:1 – the organisation required a minimum of a 2:1 grade for an applicant’s undergraduate degree;
- Feedback to unsuccessful applicants – the organisation committed to giving feedback to all unsuccessful applicants, or all applicants that progressed to a certain stage in the process (e.g. invited to interview);
- Mini-pupillage required – the organisation required applicants to undertake a mini-pupillage at that organisation, either prior to applying or as part of the application process;
- Interview Expenses Reimbursed – the organisation committed to reimbursing expenses of those candidates it invited to interview; and
- Gateway Recruitment – whether the organisation recruitment process was run through the Pupillage Gateway (rather than advertising via the Gateway but running recruitment directly through the organisation).

3.25. This section of the report covers the proportions of the organisations that utilised each of the approaches listed in paragraph 6.2, as well as where there were

14. The BSB Supervision Team monitors compliance against these requirements from the BSB Handbook and Authorisation Framework.

15. Blind recruitment is where those shortlisting aren’t given personal information about applicants and can include removing information such as their name, demographic information such as their age, or details of the educational establishments they attended

16. Contextual recruitment approaches consider an applicant’s personal circumstances when assessing or scoring their application. This could include scoring systems that calibrate disadvantage and measure candidates outperformance against their peers, scoring academic attainment from candidates to account for the extent to which they overperform against other students at the same institution, or including scoring criteria that consider the extent to which candidates have overcome disadvantage

notable differences in the prevalence of particular approaches based on the characteristics of the pupillage providers. There was a considerable variation in how widespread the use of particular approaches were across pupillage providers, with the most common being use of the Pupillage Gateway (59.3% of organisations in the sample ran their recruitment process through the Gateway) and the least common being the requirement to undertake a mini-pupillage with the recruiting organisation and the reimbursement of interview expenses (both of these were only a recruitment feature of 4% of organisations in the sample). Full tables of the different proportions by organisation characteristics are given in the appendices of this report.

- 3.26. After recruitment through the Gateway, the next most common recruitment approach among providers was the use of blind recruitment. Use of blind recruitment for at least some stages of the application process was mentioned by 42% of organisations analysed. This was slightly less prevalent among organisations from the employed Bar (38.9% compared to 42.3% of organisations from the self-employed Bar) and organisations based outside of London (39.1% compared to 43.9% among London-based organisations). Use of blind applications was also more common among organisations with lower proportions of public funding (45.3% of organisations where less than 50% of their income was from publicly funded work used blind applications, whereas for organisations where more than 50% of their income was from publicly funded work this was 37.1%). There was also a difference based on the number of barristers within the organisation – the lowest proportion was for organisations with fewer than 25 barristers - 24% - whereas the highest proportion was for organisations with 100 or more barristers (65.4%).
- 3.27. Looking at organisations by practise area is less robust statistically due to the fact in many cases there are only a few organisations covered by the analysis where over half their income came from individual areas of practice, and therefore they were classified as a specialised rather than a mixed chambers (see paragraph XX). However, there were notable differences in the prevalence of blind recruitment by practice area – of the most common practice areas in the sample, blind recruitment was most common among organisations specialising in commercial law (66.7%) and least common among organisations specialising in immigration law (where none of the organisations in the sample used blind recruitment techniques). Of the other practice areas covered by this analysis, both criminal law and family law organisations had lower use of blind recruitment than the average across all organisations (39.5% of criminal law organisations and 31.6% of family law organisations). In contrast, mixed organisations had higher proportions using blind recruitment than the average (used by half of mixed providers and 44.4% of personal injury providers).
- 3.28. Use of contextual recruitment approaches was notably less common than blind recruitment, but was still used by close to one in five of organisations in the sample (18.1%). As with blind recruitment, this was less common among organisations from the employed Bar (11.1% compared to 18.8% of organisations from the self-employed Bar) and organisations based outside of London (13.8% compared to

20.9% among London-based organisations). Among organisations where over 75% of their income came from publicly funded work, none of the organisations in the sample stated that they used contextual recruitment approaches, whereas for organisations with less than 75% of their income from publicly funded work it was used by 19.7%. As with blind recruitment, in general larger organisations were more likely to use contextual recruitment than smaller ones – only 1.3% of organisations with fewer than 25 barristers, in contrast to 34% of organisations of 50 barristers or more.

- 3.29. There were also notable differences in the prevalence of contextual recruitment by practice area – of the most common practice areas in the sample, contextual recruitment was most common among organisations specialising in commercial law (33.3%) and least common among organisations specialising in immigration law (where none of the organisations in the sample used contextual recruitment techniques). Of the other practice areas covered, family, personal injury and criminal law organisations had lower proportions using contextual recruitment than the average (5.3%, 11.1% and 14% respectively) whereas mixed practice area organisations had higher proportions using contextual recruitment than the average (used by 22.8%).
- 3.30. Among the sample as a whole, 31.4% of organisations stated that applications were reviewed by multiple individuals. There was little difference in terms of the proportions of providers from the employed or self-employed Bar, although it was much less prevalent among organisations based outside of London (20.7% compared to 38.1% among London-based organisations). Organisations with over 75% of their income from publicly funded work were more likely to use this approach than organisations with under 75% publicly funded income (50% for organisations with 75% publicly funded income compared to 30.7% of other organisations). As with both blind recruitment and contextual recruitment, use of this approach was less common among smaller organisations, used by only 18.7% of organisations with fewer than 25 barristers, and 24.1% of organisations with 25-50 barristers, whereas 45.4% of organisations with over 50 barristers used this approach.
- 3.31. Multiple application review also varied by practice area, being most prevalent among commercial law providers (75%) and least common with immigration law providers (with no organisations stating they took this approach). Among other practice areas, criminal and personal injury had higher proportions than average using this approach (41.9% and 33.3% respectively) whereas family law and mixed organisations had lower proportions than average (21.1% and 27.2%).
- 3.32. Among the sample as a whole, 15.9% of organisations stated that they committed to using diverse interview and/or recruitment panels. There was little difference in terms of the proportions of providers from the employed or self-employed Bar, although it was slightly less common among organisations based outside of London (12.6% compared to 18% among London-based organisations). Proportions were broadly similar when looking at organisations in terms of their percentage of public funding. However, it differed notably by organisation size –

only 5.3% of organisations of fewer than 25 barristers, and 9.3% of organisations with 25-50 barristers, took this approach, in contrast to 28.7% of organisations with 50 barristers or more.

- 3.33. In contrast to many of the other recruitment approaches covered by this analysis, there did not appear to be major differences by practice area in terms of the prevalence of diverse panels. Other than family law (where only 7.9% of organisations mentioned this was a part of their approach to recruitment) the other practice areas covered by this analysis all had proportions relatively close to the overall average, varying from 11.1% of personal injury providers to 20.7% of mixed providers.
- 3.34. Overall, 28.8% of organisations stated that they required or expected a minimum 2:1 class undergraduate degree before they would consider applicants. There was little difference in terms of the proportions of providers from the employed or self-employed Bar, although it was slightly less common among organisations based outside of London (24.1% compared to 31.7% among London-based organisations). While the proportion of organisations with a 2:1 requirement did vary depending on both proportion of public funding and size of organisation, there was little discernible trend in terms of being more or less prevalent for organisations with more publicly funded work, or for larger or smaller organisations.
- 3.35. There were notable differences in the prevalence of a 2:1 requirement by practice area – of the most common practice areas in the sample, a 2:1 requirement was most common among organisations specialising in commercial law (66.7%) and least common among organisations specialising in criminal law (16.3%) and immigration law (where none of the organisations in the sample required a 2:1 minimum). Of the other practice areas covered by this analysis, both family law and personal injury law organisations had higher proportions stating this was a requirement than average (34.2% and 33.3% respectively) whereas at 27.2% the proportion of mixed practices stating this was a requirement differed little from the 28.8% across all organisations.
- 3.36. Overall, 31.9% of organisations stated that they had a commitment to give feedback to unsuccessful applicants – this sometimes covered all applicants, and sometimes covered only applicants that reached a certain stage in the process (such as reaching the interview stage). This was more common for organisations from the employed Bar, with 50% of employed pupillage providers providing feedback compared to 30.3% of self-employed pupillage providers. There was little difference by location, with similar proportions both outside and inside of London. Similarly, there was little relationship with organisation size or the proportion of their income that came from publicly funded work. When looking at practice area, organisations whose income came predominantly from commercial and criminal law had higher proportions giving feedback than the overall average (58.3% and 44.2% respectively) whereas organisations with family law practices (28.9%) mixed practices (27.2%) personal injury practices (11.1%) and immigration law practices (none) all had lower proportions than the overall average.

- 3.37. Organisations that stated they required applicants to undertake mini-pupillage with their organisation (either as part of the recruitment process, or as a prerequisite before applying) were rare, with only 4% of organisations stating this was a requirement. All of these organisations were from the self-employed Bar, and most were based in London (seven out of nine). Nearly all (seven out of nine) were from organisations where less than 10% of their income came from publicly funded work, and from organisations with fifty barristers or more. The majority (five) were from mixed practice organisations, with the remainder from organisations specialising in commercial law (two) family law (one) and employment law (one).
- 3.38. As with the requirement for a mini-pupillage, only a small proportion of organisations (4%) stated it was their policy to reimburse applicants interview expenses. All of these organisations were from the self-employed Bar, and most were based in London (six out of nine). Most (six out of nine) were from organisations where less than 10% of their income came from publicly funded work, and from larger organisations (six of the nine were from organisations with 75 barristers or more). The majority (six) were from mixed practice organisations, with the remainder from organisations specialising in commercial law (two) and criminal law (one).
- 3.39. The majority of organisations (59.3%) ran their recruitment process entirely through the Pupillage Gateway. This was more common for organisations from the self-employed Bar, where 61.6% ran their recruitment this way, compared to 18.2% of employed Bar organisations. It was also more common among London-based organisations (69.6% compared to 41.8% of organisations outside of London). The proportion using the Gateway to recruit declined with higher levels of public funding – it was used by 71.4% of organisations who received less than 10% of their income from publicly funded work, but only 38.5% of those with 75% or more of their income from publicly funded work. It was least common for organisations with fewer than 25 barristers (only 28.9% of these organisations ran recruitment through the Gateway, compared to 67.5% of organisations with 25 or more barristers).
- 3.40. Looking at use of the Gateway by practice area, nearly all commercial law organisations (90.9%) used the Gateway for their recruitment process, and personal injury organisations also had higher proportions than the average (71.4%). Mixed and criminal law had similar proportions using the Gateway to the overall average, but its use was less common in family law practices (45.9%).

Key Findings – Recruitment Approach by Organisation

- 3.41. While there is a fair amount of variation in how different organisations adopt certain recruitment approaches, what is perhaps most noteworthy is that the types of organisation that were seen in section five of this analysis to have higher proportions of male and/or White pupils were often more likely to adopt the approaches listed. For example, blind recruitment and contextual recruitment were more common among organisations that specialised in commercial law, and less common in organisations specialising in immigration, family and criminal law.

Similarly, they were both more common at the self-employed Bar than at employed Bar organisations. Use of the Pupillage Gateway to manage recruitment was most common at commercial law and personal injury law organisations, and significantly more common at the self-employed Bar than at the employed Bar. This suggests that in some cases, organisations may be adopting approaches that are seen as helping to boost diverse recruitment in order to address a lack of diversity in their own pupillage intake – however, with the data available to the BSB we cannot determine the extent to which changes to recruitment approaches have impacted on the diversity of pupils at individual organisations.

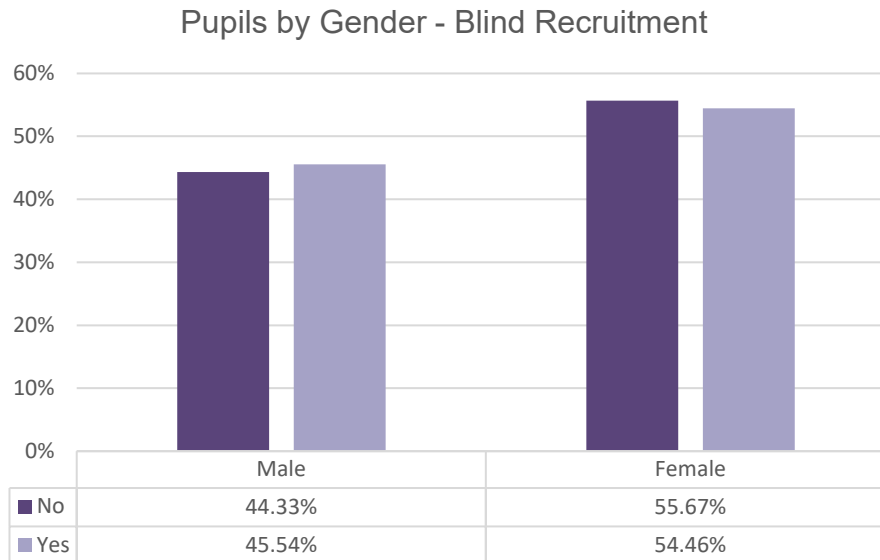
- 3.42. A notable difference here was the requirement to have a 2:1 minimum for an applicant's first degree class, which was most common at commercial and personal injury law organisations, and least common at criminal and immigration organisations. . In contrast to most of the recruitment approaches analysed, this requirement for prospective pupils could be seen as a barrier to access for some groups, and were generally more prevalent in areas of law where pupils were more likely to be male, White, and privately educated (and less common in areas where pupils were more likely to be female, from a minority ethnic background, or from a state school background).
- 3.43. Another noteworthy trend was for organisations with fewer barristers to be less likely to adopt approaches that are likely to be associated with more input from a wider number of individuals in the recruitment process, or more resources required to adopt them. In particular, 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, and in general are likely to have less financial and staff resources in order to manage approaches to recruitment that may require more time and money to adopt.

Research Findings – Outcomes by Recruitment Approach

3.44. This analysis also looked at differences in the profile of pupils by the recruitment approaches used by pupillage providers. This analysis was restricted to pupils from 2020 onwards, as this was when organisations were required to submit their applications for (re)authorisation, which is where the data on recruitment approaches was drawn from. The types of recruitment approach analysed are detailed in the previous section of this report in paragraph 3.24.

3.45. Looking at organisations that stated they used blind recruitment approaches for at least some stages of the recruitment process, there was relatively little difference in terms of the profile of pupils by gender. Organisations that used blind recruitment had a slightly higher proportion of male pupils, and a correspondingly lower proportion of female pupils, than organisations that did not. However, the difference was relatively small (at 1.21 percentage points).

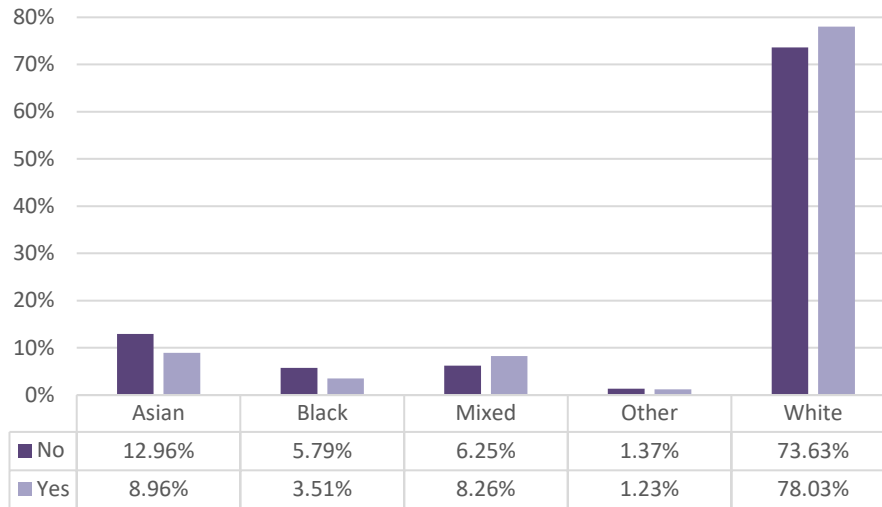
Chart 20



3.46. When looking at the ethnicity of pupils recruited by organisations using blind recruitment (chart 21), differences were slightly more noticeable than those observed for gender. Organisations using blind recruitment had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds, than organisations that did not use blind recruitment. Overall, 21.97% of pupils at organisations practising blind recruitment were from minority ethnic backgrounds, compared to 26.37% for organisations that did not use blind recruitment approaches. This meant that the proportion of pupils from minority ethnic backgrounds at organisations that did not use blind recruitment was 4.4 percentage points higher.

Chart 21

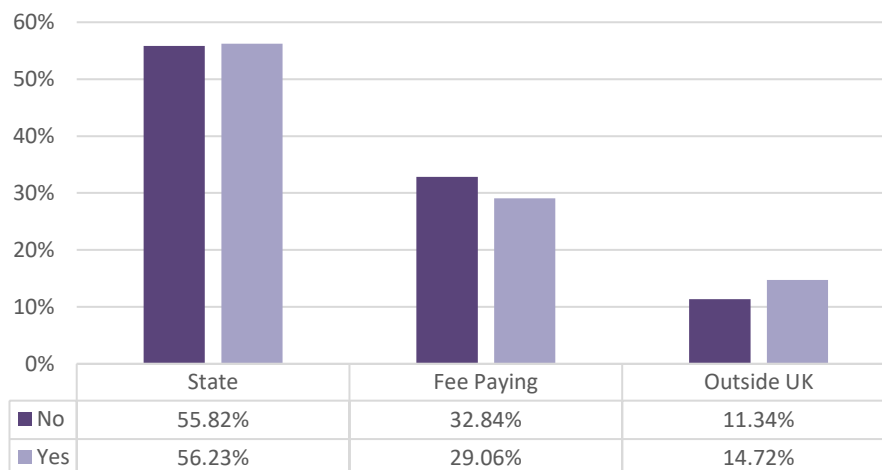
Pupils by Ethnicity - Blind Recruitment



3.47. Looking at the type of school attended by pupils, organisations using blind recruitment approaches had a slightly higher proportion of pupils from state schools than organisations that did not. Larger differences were observed in the proportion of pupils from fee paying schools and from schools outside the UK – while the proportion of state school attendees was only 0.41 percentage points higher at these organisations, the proportion of pupils who attended school outside the UK was 3.38 percentage points higher, and the proportion of pupils who attended fee-paying schools was 3.78 percentage points lower.

Chart 22

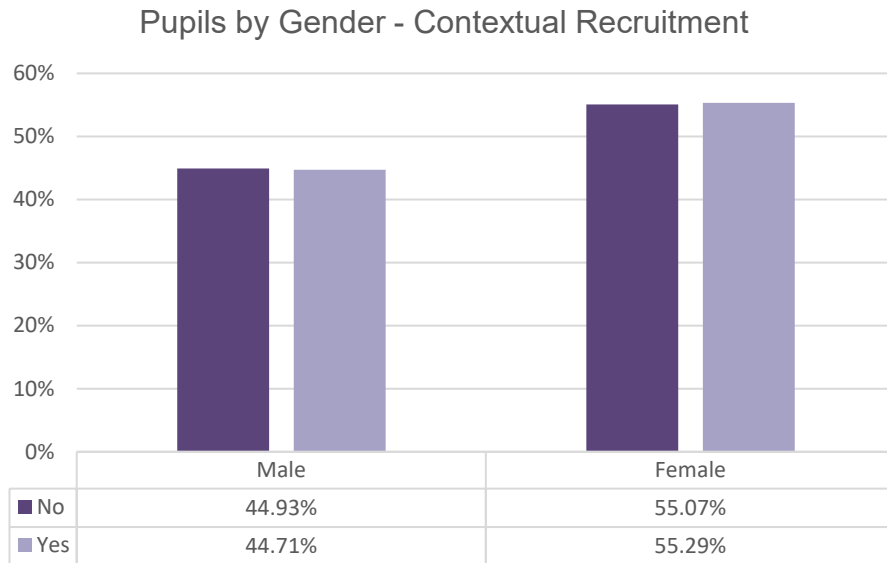
Pupils by Type of School Attended- Blind Recruitment



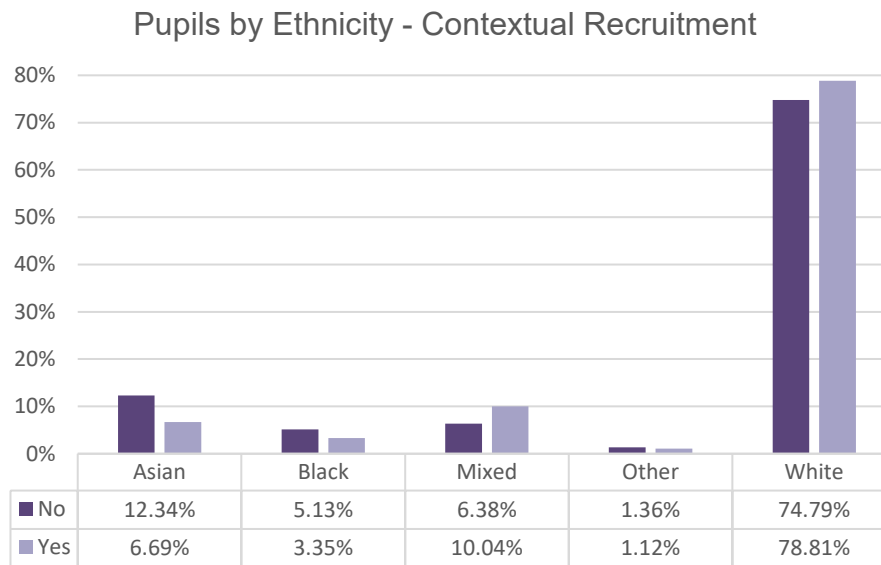
3.48. When looking at organisations that stated they used contextual recruitment approaches, there was very little difference in terms of the gender of pupils, although as with blind recruitment, organisations that stated they used these approaches had a slightly higher proportion of male pupils and a slightly smaller

proportion of female pupils than those that did not (a difference of 0.22 percentage points).

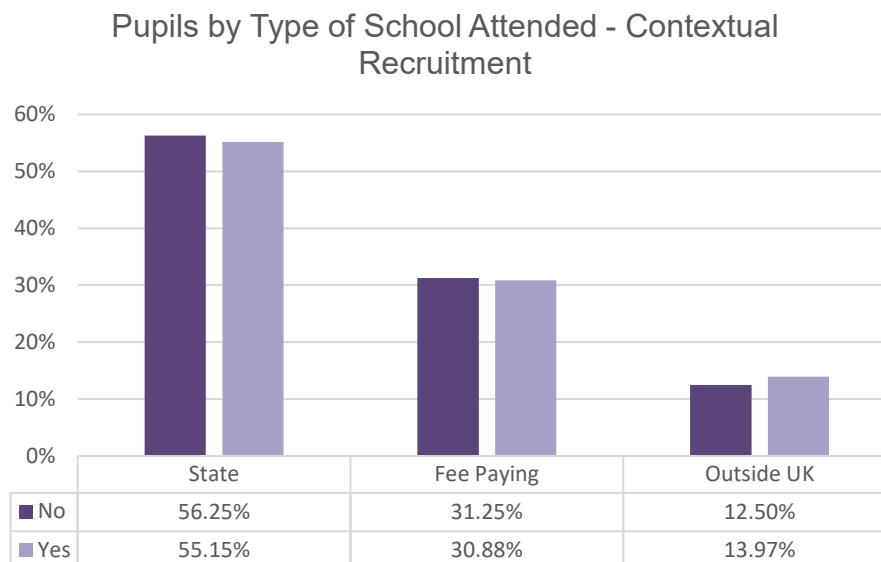
Chart 23



3.49. However, larger differences were observed when looking at the ethnicity of pupils from organisations that did and did not use contextual recruitment (chart 24). In a similar pattern to that observed for organisations using blind recruitment, organisations using contextual recruitment had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds. The difference was particularly notable when looking at pupils from Asian backgrounds, where organisations that did not use contextual recruitment having nearly double the proportion of Asian pupils. Overall, 25.21% of pupils at organisations practising blind recruitment were from minority ethnic backgrounds, compared to 21.19% for organisations that did not use this approach, a difference of 4.02 percentage points.

Chart 24

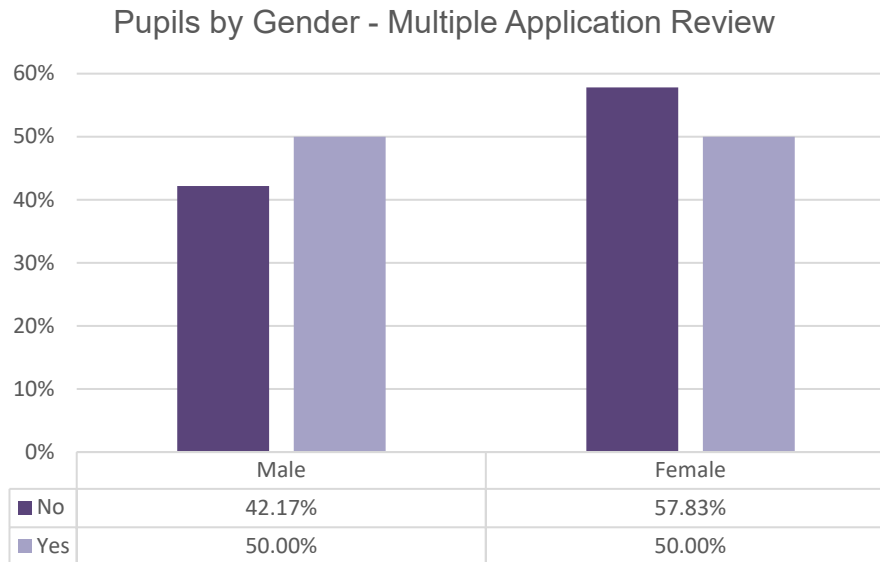
3.50. Looking at type of school attended by pupils, there were relatively small differences across organisations using or not using contextual recruitment. The largest difference was in the proportion of pupils who attended school outside the UK, which was 1.47 percentage points higher at organisations that used contextual recruitment. In contrast, these organisations had slightly lower proportions of pupils who attended state school (a difference of 1.1 percentage points) and pupils who attended fee-paying schools (a difference of 0.37 percentage points).

Chart 25

3.51. Looking at the gender of pupils across organisations that did and did not have pupillage applications reviewed by multiple individuals, there were much more pronounced differences than those observed for blind and contextual recruitment. Organisations that used multiple application review had equal proportions of male and female pupils – however, organisations that did not use this approach had

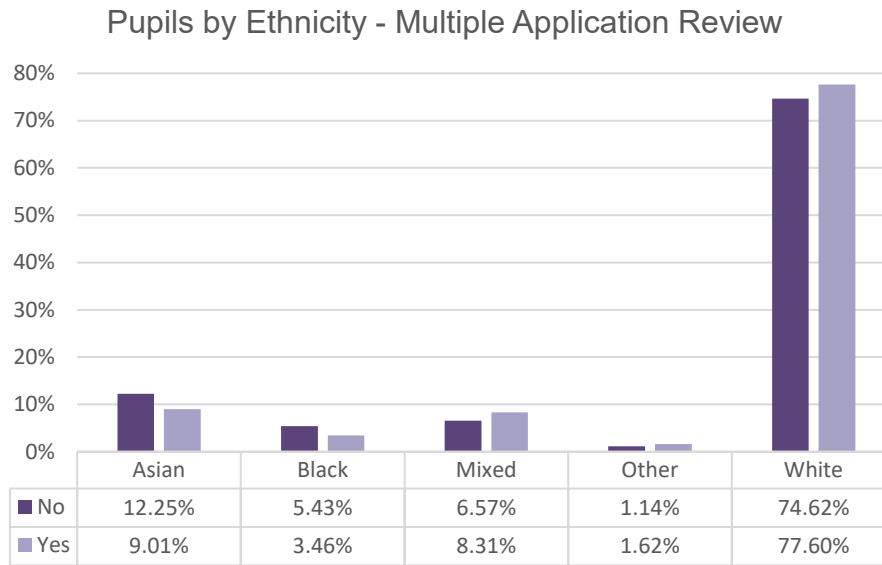
significantly higher proportions of female pupils, with a proportion of female pupils that was 7.83 percentage points higher than organisations that did not mention using this approach (and a correspondingly lower proportion of male pupils). For organisations that did not use multiple application review, the proportion of female pupils was 15.66 percentage points higher than the proportion of male pupils.

Chart 26



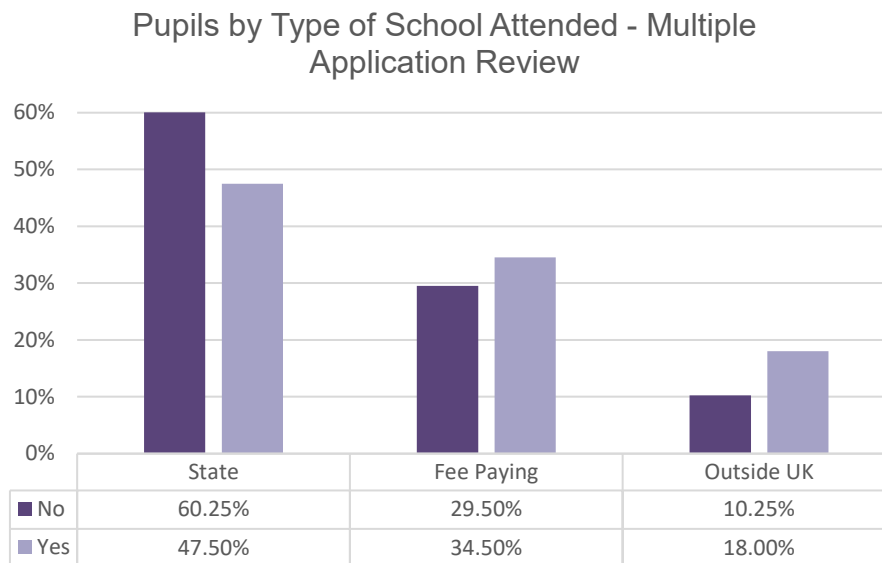
3.52. There were also differences in the ethnicity of pupils when looking at organisations that did and did not use multiple application review (chart 27), although the differences were smaller than those observed for gender. Organisations which did use this approach had had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds. Overall, 22.4% of pupils at organisations practising multiple application review were from minority ethnic backgrounds, compared to 25.38% for organisations that did not use this approach, a difference of 2.98 percentage points.

Chart 27



3.53. Looking at type of school attended by pupils, the differences between organisations that did and did not use multiple application review were notably larger than that observed for ethnicity. Organisations using this approach had notably lower proportions of pupils from state school backgrounds, and higher proportions from fee-paying schools and who attended school outside the UK. The largest difference was for pupils who attended state schools, where there was a difference of 12.75 percentage points between organisations that did and did not use multiple application review. Differences in the proportions attending fee paying schools outside the UK were smaller (at 5 percentage points and 7.75 percentage points respectively).

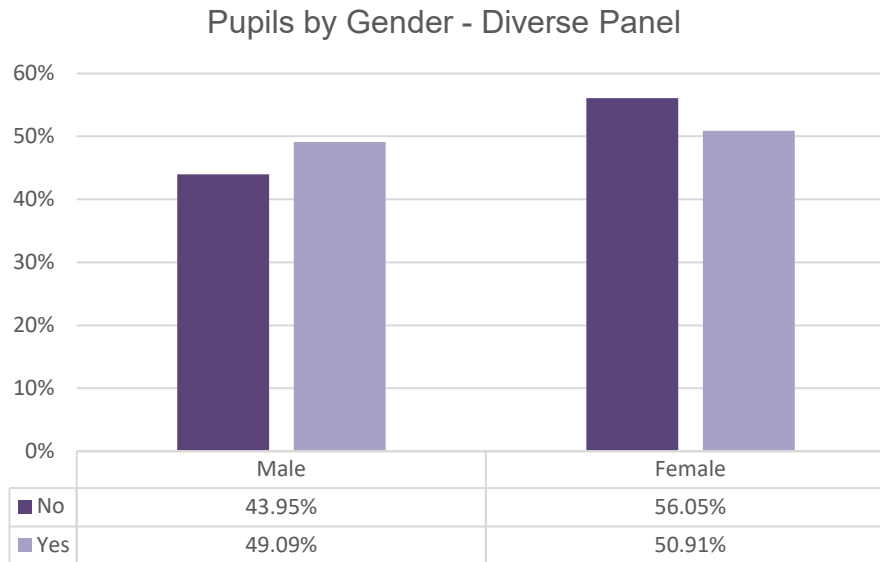
Chart 29



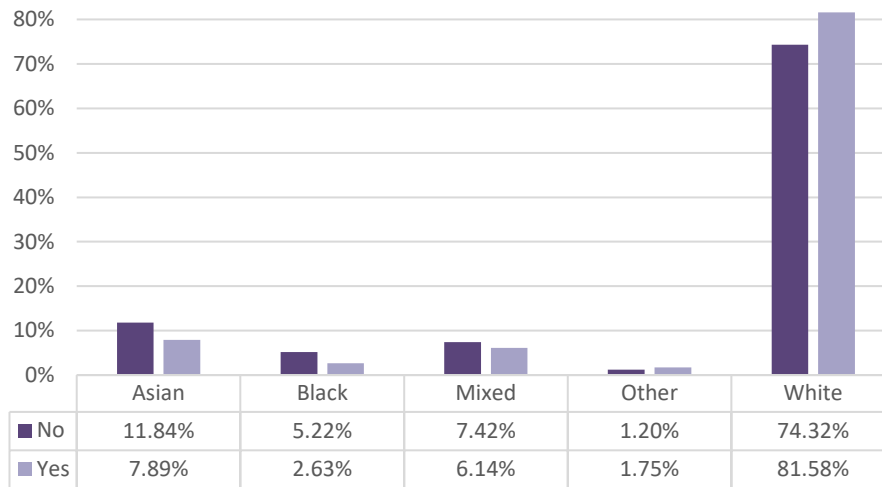
3.54. Looking at differences by pupil gender across organisations that used diverse selection and/or interview panels as part of the recruitment process, while both

types of organisation had higher proportions of female than male pupils, the proportion of female pupils was higher for organisations that did not use diverse panels. For organisations that used diverse panels, the proportion of female pupils was 5.14 percentage points higher than organisations that did not mention using this approach (and a correspondingly lower proportion of male pupils). For organisations that did not use diverse panels, the proportion of female pupils was 12.01 percentage points higher than the proportion of male pupils.

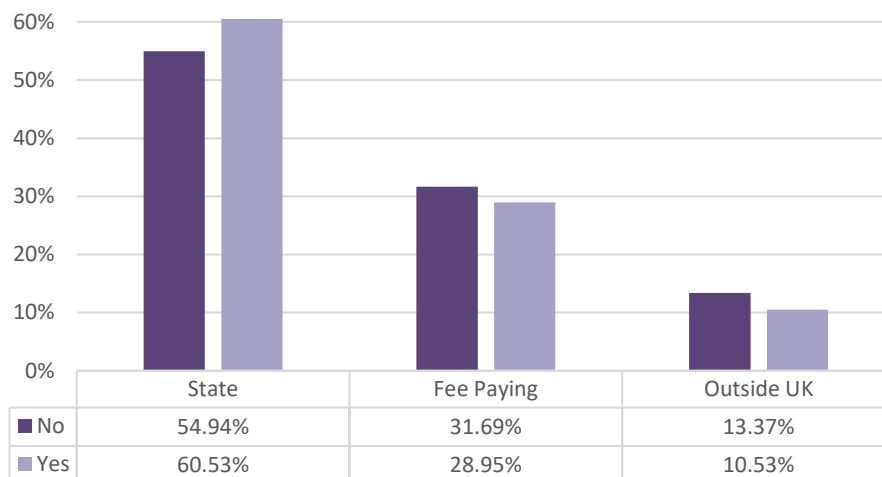
Chart 30



3.55. There were also differences in the ethnicity of pupils across organisations that did and did not use diverse recruitment panels (chart 31), with organisations that did use diverse panels having lower proportions of pupils from Asian, Black and Mixed backgrounds, and higher proportions of pupils from White and Other ethnic groups. Overall, 18.42% of pupils at organisations using diverse recruitment panels were from minority ethnic backgrounds, compared to 25.68% for organisations that did not use this approach, a difference of 7.26 percentage points.

Chart 31**Pupils by Ethnicity - Diverse Panel**

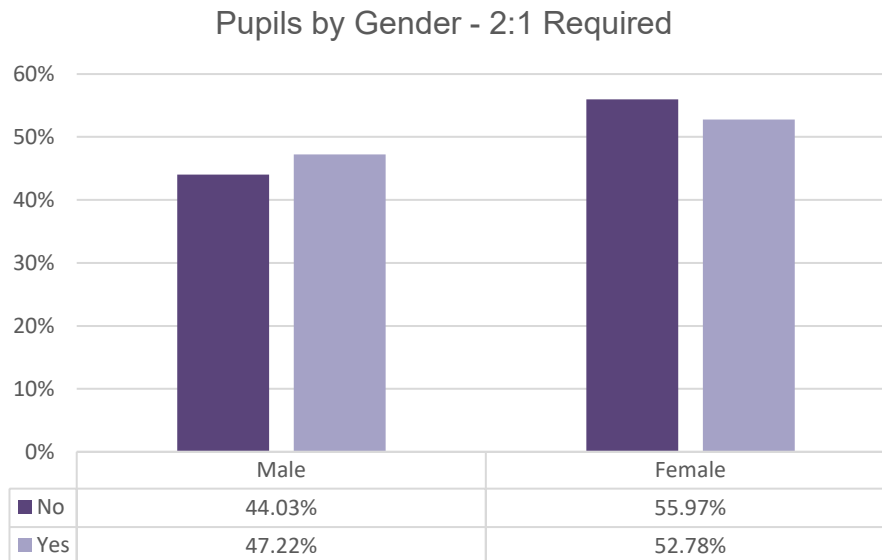
3.56. Looking at the type of school attended by pupils, organisations using diverse recruitment panels had a higher proportion of pupils from state schools than organisations that did not, and lower proportions of pupils who attended fee-paying schools or attended school outside the UK. The largest difference was in the proportion of state school pupils, which was 5.59 percentage points higher at organisations using diverse panels, whereas the proportion of pupils who attended fee-paying schools was 2.74 percentage points lower, and the proportion of pupils who attended school outside the UK was 2.8 percentage points lower.

Chart 32**Pupils by Type of School Attended - Diverse Panel**

3.57. Organisations that stated they required a minimum 2:1 degree class for potential applicants had a lower proportion of female pupils than organisations that did not state this as a requirement, although the majority of pupils were female for both organisations that did and did not state this was a requirement. For organisations

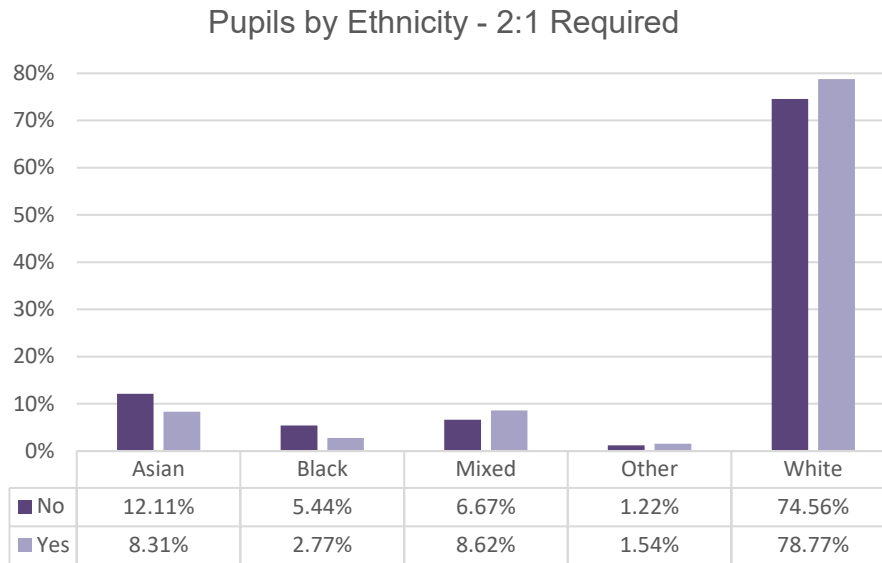
that required a 2:1 undergraduate degree, the proportion of female pupils was 3.19 percentage points lower than organisations that did not mention this as a requirement (and a correspondingly higher proportion of male pupils). For organisations that did not require a 2:1 undergraduate degree, the proportion of female pupils was 11.94 percentage points higher than the proportion of male pupils.

Chart 33



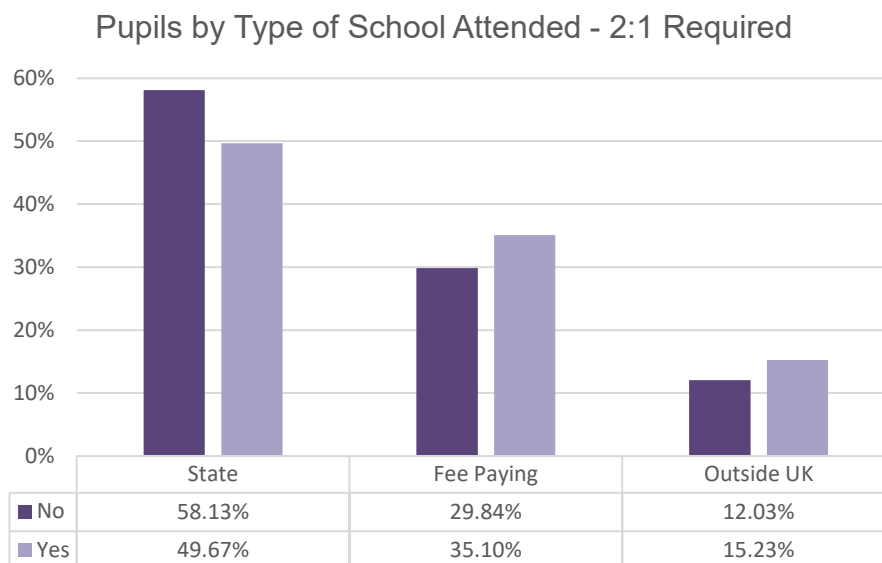
3.58. There were also differences in the ethnicity of pupils when looking at organisations that did and did not require a 2:1 undergraduate degree, with larger differences than those observed for gender (chart 34). Organisations which did use this approach had had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds. In particular, while the percentage point difference for pupils from Black backgrounds was smaller than for some ethnic groups, organisations that required a 2:1 had close to half the proportion of pupils from Black backgrounds than those that did not have this as a requirement. Overall, 21.23% of pupils at organisations requiring a 2:1 were from minority ethnic backgrounds, compared to 25.44% for organisations that did not have this as a requirement, a difference of 4.21 percentage points.

Chart 34



3.59. Looking at type of school attended by pupils, the differences between organisations that did and did not require a 2:1 undergraduate degree were larger than that observed for ethnicity. Organisations using this approach had notably lower proportions of pupils from state school backgrounds, and higher proportions from fee-paying schools and who attended school outside the UK. The largest difference was for pupils who attended state schools, where there was a difference of 8.46 percentage points between organisations that did and did not require a 2:1 undergraduate degree. Differences in the proportions attending fee paying schools and schools outside the UK were smaller (at 5.26 percentage points and 3.2 percentage points respectively).

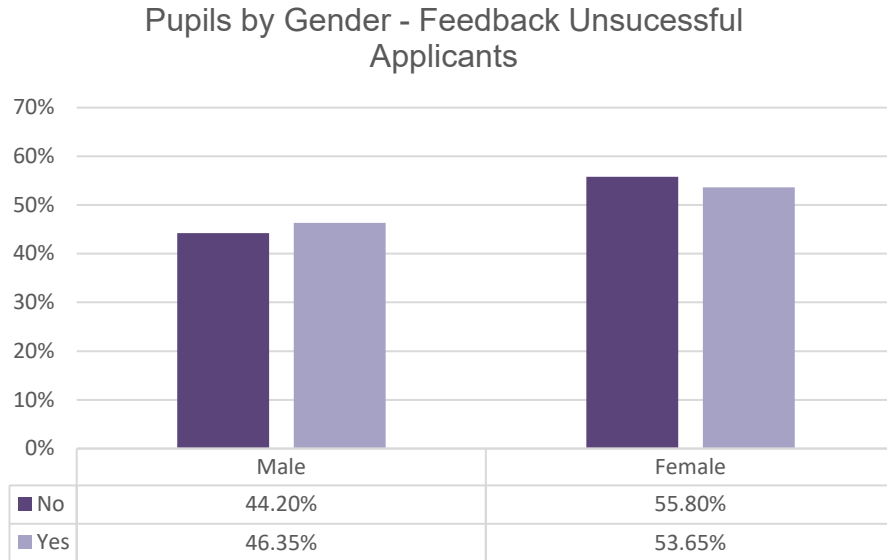
Chart 35



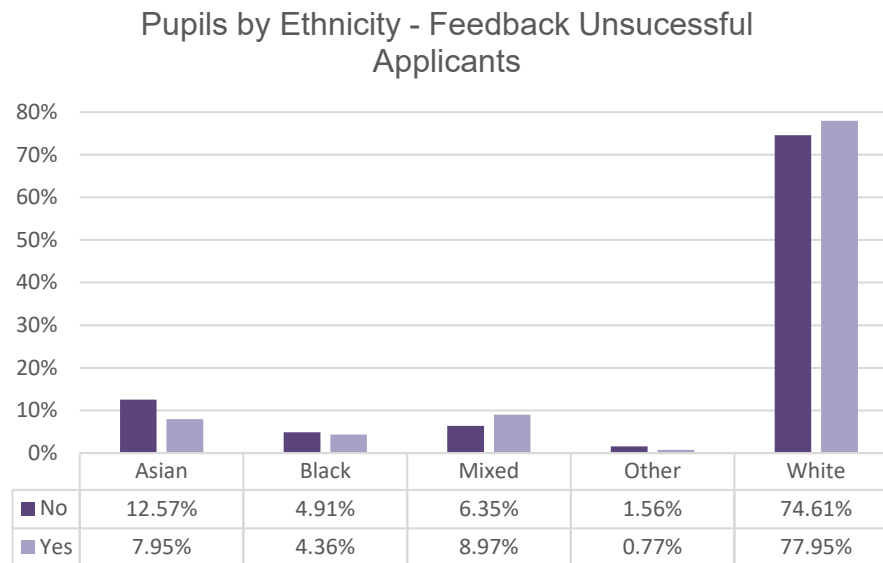
3.60. When looking at organisations that stated they committed to giving feedback to unsuccessful applicants, there was very little difference in terms of the gender of

pupils, although organisations that stated they committed to giving feedback had a slightly higher proportion of male pupils and a slightly smaller proportion of female pupils than those that did not (a difference of 2.2 percentage points).

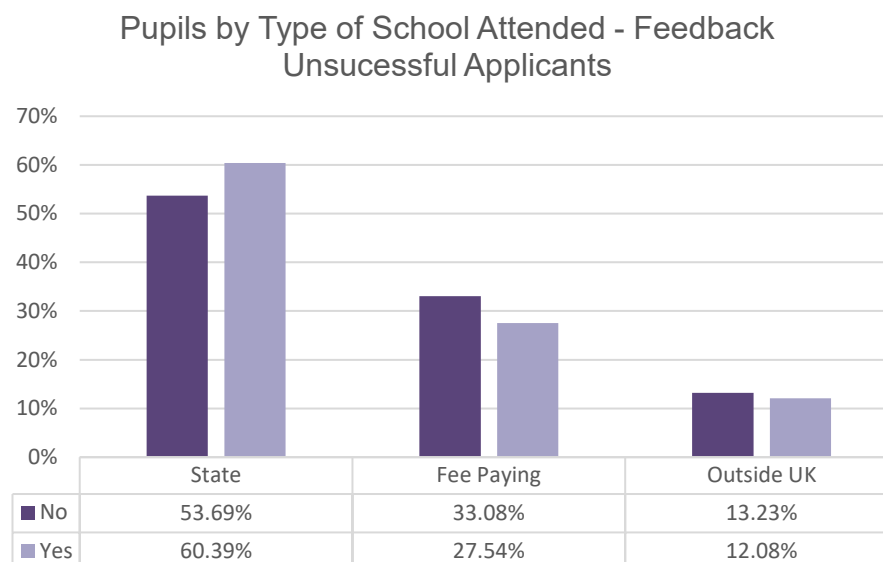
Chart 36



3.61. There were also differences in the ethnicity of pupils when looking at organisations who did and did not commit to giving feedback, with larger differences than those observed for gender (chart 37). Organisations which did use this approach had had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds. The smallest difference was in the proportion of pupils from Black backgrounds (0.55 percentage points lower at organisations providing feedback when compared to other organisations) whereas the largest difference was for pupils from Asian backgrounds (4.62 percentage points lower). Overall, 22.05% of pupils at organisations providing feedback were from minority ethnic backgrounds, compared to 25.39% for organisations that did not have this as a requirement, a difference of 3.34 percentage points.

Chart 37

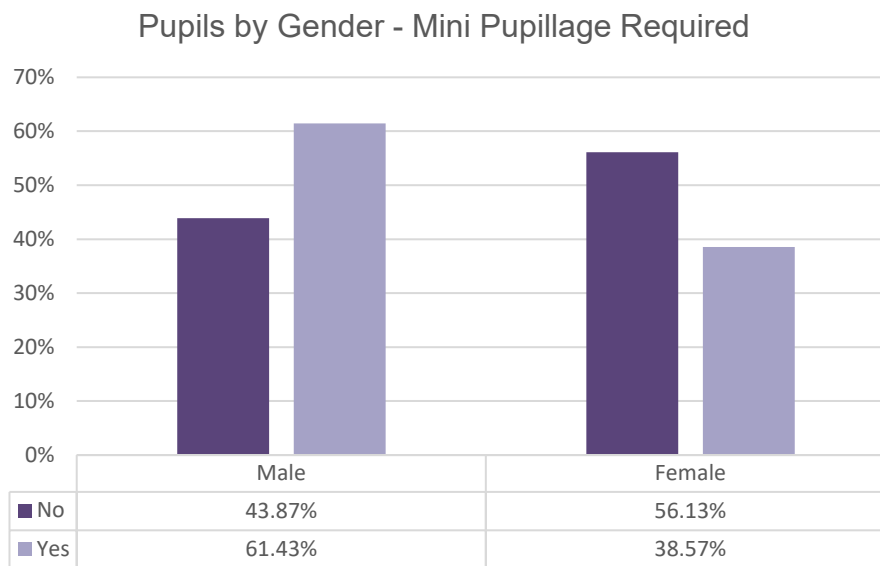
3.62. Looking at the type of school attended by pupils, organisations providing feedback to unsuccessful applicants had a higher proportion of pupils from state schools than organisations that did not, and lower proportions of pupils who attended fee-paying schools or attended school outside the UK. The largest difference was in the proportion of state school pupils, which was 6.7 percentage points higher at organisations providing feedback, whereas the proportion of pupils who attended fee-paying schools was 5.54 percentage points lower, and the proportion of pupils who attended school outside the UK was 1.15 percentage points lower.

Chart 38

3.63. When looking at organisations that required applicants to undertake a mini-pupillage at their organisation (either as part of the recruitment process, or as a prerequisite before applying), it is worth noting that given these organisations made up a very small proportion of pupillage providers (see paragraph 3.37) they

made up a correspondingly small proportion of pupils recruited during the period analysed. When looking at pupils by gender and ethnicity, only 5.7% of pupils in the sample analysed were recruited by organisations that required a mini-pupillage (70 pupils in total). This was even lower when looking at type of school attended, as missing data for school meant the overall sample analysed was smaller, and pupils recruited by organisations that required a mini-pupillage with their organisation made up 4.2% of the sample (a total of 25 pupils). Findings relating to organisations that required a mini-pupillage are thus less statistically robust than those for other recruitment approaches.

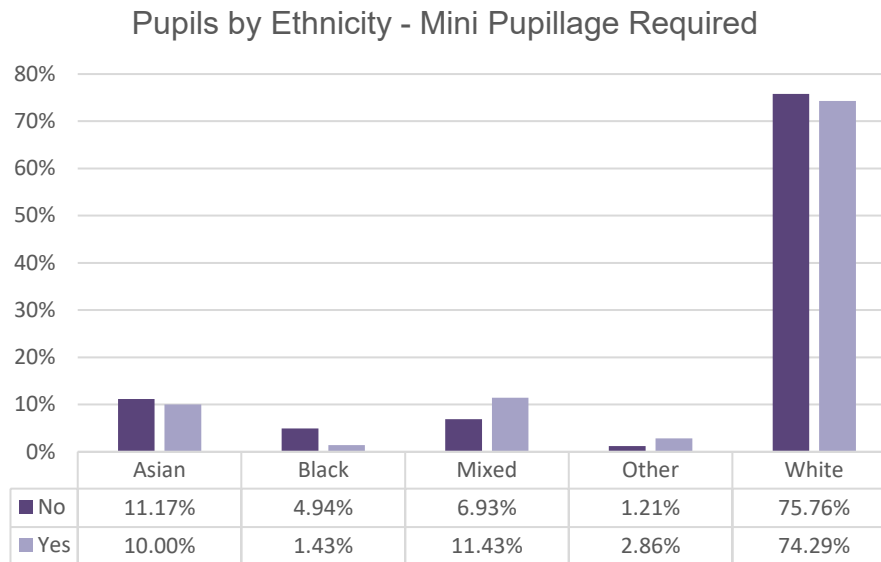
Chart 39



- 3.64. The differences by gender for pupils recruited by organisations that required a mini-pupillage with the recruiting organisation are particularly large when compared to the differences observed for other recruitment approaches. The proportion of male pupils was significantly higher for organisations that required a mini-pupillage with their organisation – over the period analysed, the proportion of male pupils was 17.56 percentage points higher than for organisations that did not require a mini-pupillage with their organisation. For organisations that did not require a mini-pupillage, the proportion of female pupils was 12.26 percentage points higher than the proportion of male pupils – in contrast, for organisations that stated this was a requirement, the proportion of male pupils was 22.86 percentage points higher than the proportion of female pupils.
- 3.65. When looking at ethnicity, the differences were less stark than those observed for gender, although there were particularly noteworthy differences for certain ethnic groups (chart 39). When looking at the overall proportion of pupils from minority ethnic backgrounds, the difference was relatively small – 25.71% of pupils at organisations that required a mini-pupillage with the recruiting organisation were from minority ethnic backgrounds, compared to 24.24% for organisations without this requirement, a difference of 1.47 percentage points. However, while the overall proportion of pupils from minority ethnic backgrounds was higher for organisations with this requirement, the proportion of pupils from Asian backgrounds was slightly

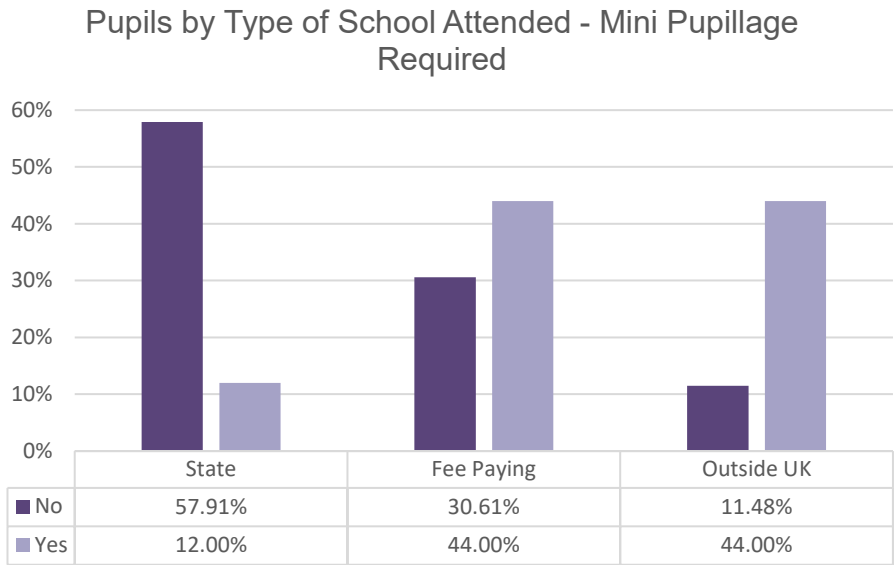
lower, and the proportion of pupils from Black backgrounds was notably lower, than for other organisations. For pupils from Black backgrounds in particular, the proportion at organisations that did not require a mini-pupillage was more than three times higher than at organisations that did. In contrast, the proportion of pupils from Mixed and Other ethnic backgrounds was higher among pupils from organisations that required applicants to undertake a mini-pupillage with them.

Chart 39



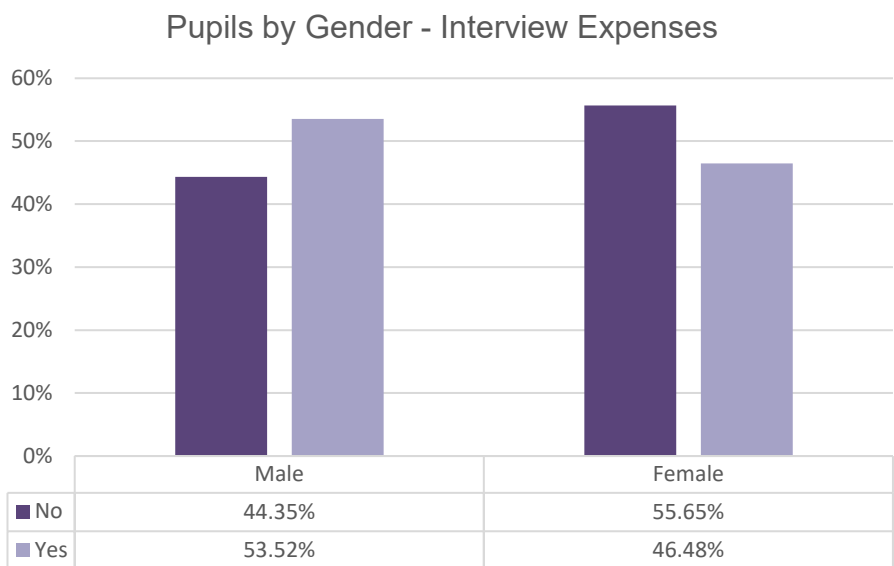
3.66. For type of school attended, organisations that required applicants to undertake a mini-pupillage with the recruiting organisation had a particularly low proportion of pupils that attended state school, making up less than one in eight pupils at these organisations (chart 40). The difference observed in the proportion of state school pupils when comparing organisations that required a mini-pupillage with other organisations was 45.91 percentage points. These organisations also had a particularly high proportion of pupils who attended school outside the UK, with a difference of 32.42 percentage points, and a higher proportion of pupils who attended fee-paying schools, 13.39 percentage points higher than organisations without this requirement.

Chart 40



3.67. As with organisations that required a mini-pupillage with their organisation, organisations that committed to repaying applicants interview expenses were a very small proportion of pupillage providers and therefore a correspondingly small proportion of pupils recruited during the period analysed. When looking at pupils by gender and ethnicity, only 5.9% of pupils in the sample analysed were recruited by organisations that reimbursed interview expenses (72 pupils in total). This was even lower when looking at type of school attended, as missing data for school meant the overall sample analysed was smaller, and pupils recruited by organisations that reimbursed interview expenses made up 4.8% of the sample (a total of 29 pupils).

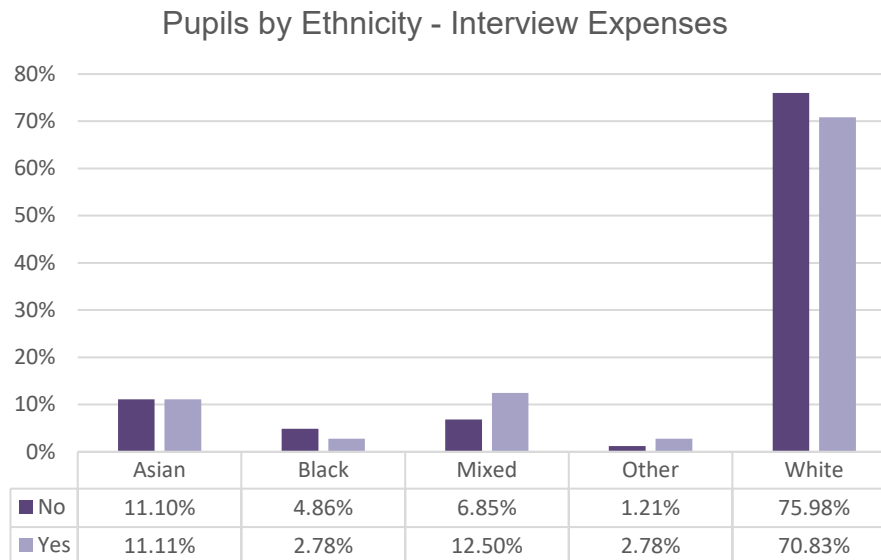
Chart 41



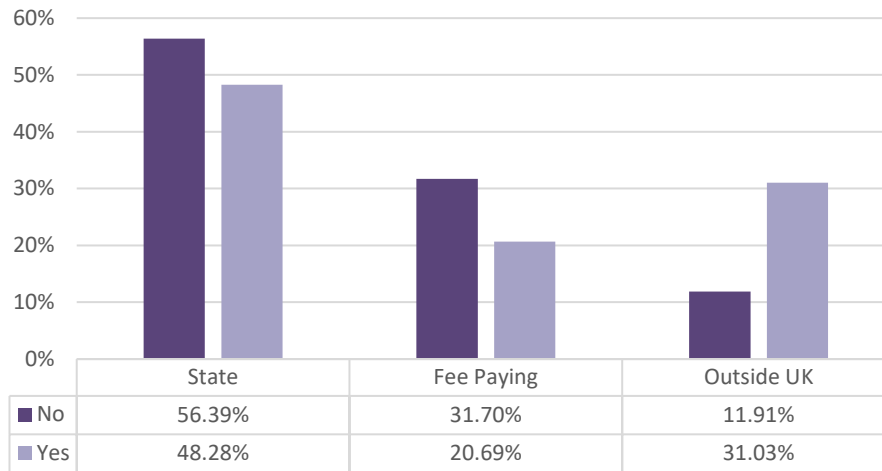
3.68. The proportion of male pupils at organisations that reimbursed interview expenses was higher than for other organisations— over the period analysed, the proportion

of male pupils was 9.17 percentage points higher than for organisations that did not state that they reimbursed expenses. For organisations that reimbursed expenses, the proportion of male pupils was 7.04 percentage points higher than the proportion of female pupils – in contrast, for organisations that did not state that they reimbursed expenses, the proportion of female pupils was 11.3 percentage points higher than the proportion of male pupils.

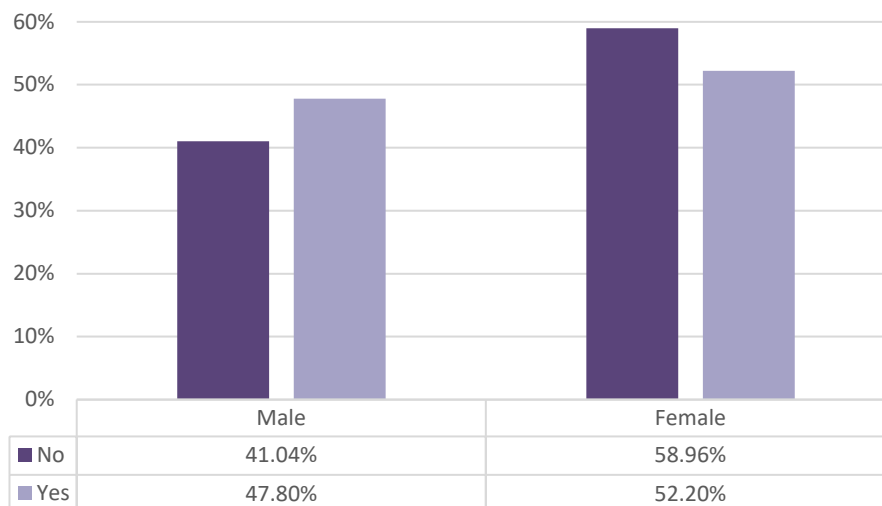
Chart 42



3.69. Looking at type of school attended by pupils (chart 43), the differences between organisations that did and did not reimburse interview expenses were larger than that observed for ethnicity. Organisations using this approach had lower proportions of pupils from state school and fee-paying school backgrounds, and higher proportions who attended school outside the UK. The largest difference was for pupils who attended school outside the UK, where there was a difference of 19.12 percentage points between organisations that did and did not reimburse expenses. Differences in the proportions attending fee paying schools and state schools were smaller (at 11.01 percentage points and 8.11 percentage points respectively).

Chart 43**Pupils by Type of School Attended - Interview Expenses**

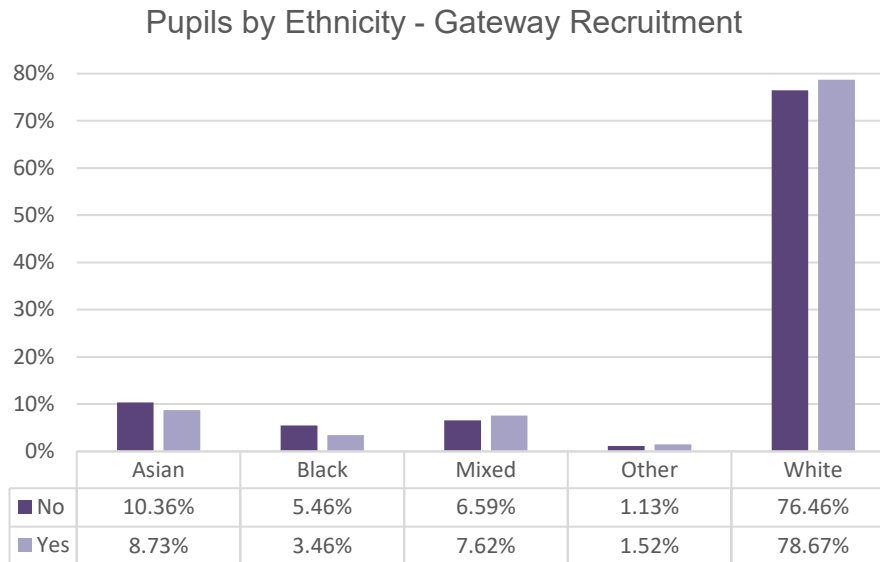
3.70. When looking at differences by gender among pupils recruited by organisations that ran their recruitment process through the Bar Council’s Pupillage Gateway, the proportion of male pupils was higher at organisations that used the Gateway. Over the period analysed, the proportion of male pupils was 6.76 percentage points higher for organisations using the Gateway than for other organisations. For organisations using the Gateway, the proportion of male pupils was 4.41 percentage points higher than the proportion of female pupils – in contrast, for organisations that did use the Gateway, the proportion of female pupils was 17.9 percentage points higher than the proportion of male pupils.

Chart 44**Pupils by Gender - Gateway Recruitment**

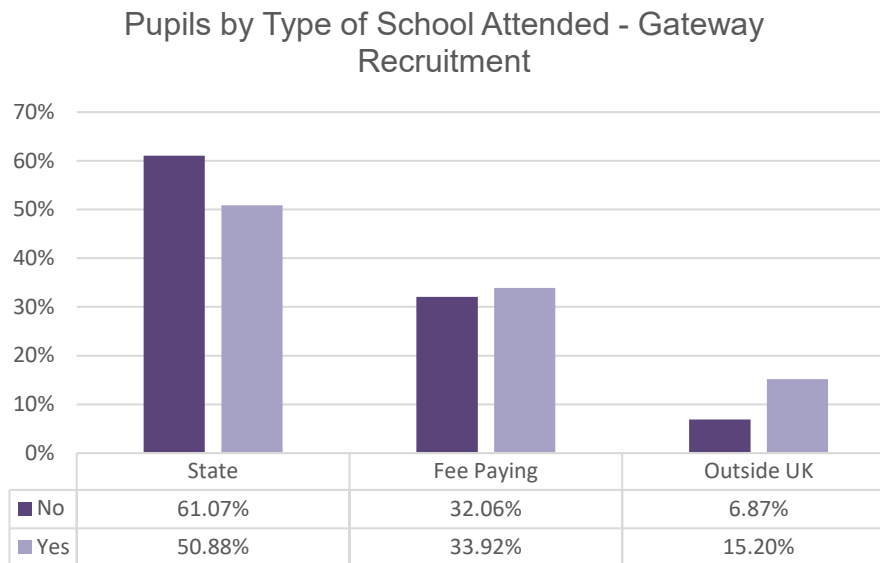
3.71. There were also differences in the ethnicity of pupils when looking at organisations that did and didn’t use the Gateway for recruitment, although the differences were smaller than those observed for gender. Organisations which used the Gateway

had had lower proportions of pupils from Asian and Black ethnic backgrounds, and higher proportions of pupils from Mixed or White ethnic backgrounds. Overall, 21.33% of pupils at organisations using the Gateway were from minority ethnic backgrounds, compared to 23.54% for organisations that did not use this approach, a difference of 2.98 percentage points.

Chart 45



3.72. Looking at the type of school attended by pupils, the differences between organisations that did and did not recruit through the Gateway were larger than that observed for ethnicity (chart 46). Organisations using this approach had lower proportions of pupils from state school backgrounds, and higher proportions from fee-paying schools and those who attended school outside the UK (although the difference in the proportion of pupils from fee-paying schools was relatively small). The largest difference was for pupils who attended state schools, where there was a difference of 10.19 percentage points between organisations that did and did not use the Gateway. Differences in the proportions attending fee paying schools and schools outside the UK were smaller (at 1.86 percentage points and 8.33 percentage points respectively).

Chart 46

Key Findings – Outcomes by Recruitment Approach

- 3.73. The most striking finding relating to differences in outcomes by approaches to recruitment is that – in general - organisations that adopt the recruitment approaches analysed have a higher proportion of male pupils and a higher proportion of White pupils than organisations that do not. Given that the majority of the approaches listed are seen as supporting the widening of access to the profession, it is perhaps surprising that organisations that have adopted these approaches – presumably in many cases as a way of supporting increased diversity at their organisation – have higher proportions of White and male pupils than organisations that have not done so. While in some cases the differences are small – organisations using blind and contextual recruitment see little differences from those that do not in terms of the gender of pupils, for example – in many cases the differences are notable.
- 3.74. In contrast, two of the approaches to recruitment analysed relate to requirements for applicants - the requirement for a 2:1 degree and the requirement to undertake a mini-pupillage with the recruiting organisation as a condition of consideration. Both of these could be seen as a barrier to access for some groups, and in both cases organisations that adopt this approach see lower proportions of female pupils and lower proportions of pupils from minority ethnic backgrounds, with the differences particularly stark for organisations requiring a mini-pupillage.
- 3.75. For type of school attended, the findings are more varied. For contextual recruitment, for example, organisations using this approach had lower proportions of pupils from fee-paying schools and higher proportions of pupils who attended school overseas than organisations that did not, although the difference was relatively small, and for both contextual and blind recruitment the proportion of pupils from state schools differed little when compared to organisations that did not use these approaches. Organisations using diverse recruitment panels or

committing to provide feedback to unsuccessful applicants saw a higher proportion of pupils from state school backgrounds when compared to organisations that did not, and lower proportions of pupils from fee paying schools or who attended school overseas. If we assume that type of school attended is a proxy for socio-economic status, it seems that some approaches may be effective at improving access for potential pupils from lower socio-economic status backgrounds, although this is not the case for all approaches investigated.

- 3.76. As with gender and ethnicity, the two approaches that could be seen as restricting access (the requirement for applicants to have a 2:1 degree and the requirement for applicants to undertake a mini-pupillage with the recruiting organisation) saw higher proportions of pupils from fee-paying schools, and lower proportions from state schools, than organisations without this requirement. In the case of organisations requiring a mini-pupillage, the differences were particularly stark, with less than one in seven pupils at these organisations attending state school, with the remainder equally divided between fee-paying schools and schools overseas (although it should be noted that this approach was adopted by a relatively small number of pupillage providers).
- 3.77. What this analysis does not address is whether organisations adopting particular approaches saw an increase in proportions of female pupils, pupils from minority ethnic backgrounds, or pupils from state school backgrounds, after adopting them – in other words, if these approaches led to different outcomes at particular organisations, rather than across pupillage providers as a whole. As highlighted in the key findings on recruitment approach by organisation, in many cases particular approaches to recruitment are more prevalent at particular types of organisations (such as commercial law organisations, the self-employed Bar, or larger organisations with more staff/barristers that can therefore be assumed to have more staff resources to support recruitment activities). In several such cases (such as particular practice areas, or the self-employed Bar as opposed to the employed Bar) these represent organisations that have higher proportions of male, White and privately educated pupils. In contrast, organisations with more diverse pupillage intake (such as the employed Bar, or organisations practising criminal or immigration law) are less likely to adopt many of the approaches analysed – in part this may reflect the fact there is little incentive to devote additional resources to recruitment when their pupil intake already seems deliver wider access to historically underrepresented groups. As such, individual organisations may have seen increases in the proportion of female pupils, pupils from minority ethnic backgrounds, and pupils from state school backgrounds, after adopting particular approaches to recruitment, but still have higher proportions of male, White and privately educated pupils than organisations that did not use these approaches.

4 Summary and Conclusions

- 4.1. As has been noted in our annual Diversity at the Bar reports, and again shown by the analysis in this report, the profile of pupils has changed over time. There are higher 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. For gender, the change was particularly notable after 2020, whereas for ethnicity and type of school attended the change has been a more gradual trend over time.
- 4.2. The analysis in this report shows that the profile of pupils often differs markedly dependent on the type of organisation, in particular 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. Criminal law organisations, the employed Bar, and organisations outside of London also have notably higher proportions of female pupils, as do organisations with higher proportions of publicly funded work.
- 4.3. The type of organisation also has a relationship with the profile of pupils by ethnicity, although these differences 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 minority ethnic backgrounds. There seems to be little relationship between the proportion of publicly funded work and the ethnicity of pupils, but there is a link between the location of organisations and ethnicity (with London having higher proportions of pupils from minority ethnic backgrounds). The Employed Bar has a notably higher proportion of pupils from minority ethnic backgrounds. Unlike gender, there appears to be a relationship between size of organisation and the ethnicity of pupils – the smallest and largest organisations have a higher proportion of pupils from minority backgrounds, whereas mid-sized organisations have higher proportions of White pupils.
- 4.4. As with gender, the widest differences in terms of type of school attended relate to practice area. Commercial law and immigration law have the highest proportion of pupils who attended school overseas, at close to one in four pupils for both areas of law – this may reflect the fact these areas of law are more likely to have international clients. Criminal, family and immigration law have the highest proportions from state schools, whereas commercial law and personal injury law have the highest proportion of pupils from fee-paying schools. Pupils who attended fee paying schools are also more common within London and in organisations from the self-employed Bar.
- 4.5. This analysis suggests that organisations practising in particular 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 more common for commercial law organisations. The use of the Pupillage Gateway was more common among commercial law

and personal injury law organisations. Both commercial law and personal injury law have higher proportions of White pupils compared to other areas of law, commercial law has lower proportions of state-school educated and female pupils, and personal injury law has higher proportions of privately educated pupils. This suggests that for some organisations the adoption of particular approaches to recruitment may be driven by a desire to address a lack of diversity in their own pupillage intake. Another notable finding was that the requirement to have a 2:1 minimum for an applicant's first degree class was most common at commercial and personal injury law organisations, and least common at criminal and immigration organisations.

- 4.6. This analysis also suggests a link between organisation size and the adoption of recruitment approaches that are likely to be associated with more input from a wider number of individuals in the recruitment process, or more resources required to adopt them. In particular, 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, and in general are likely to have less financial and staff resources in order to manage approaches to recruitment that may require more time and money to adopt. This conclusion is supported by qualitative research undertaken by the BSB, which highlights the challenges in adopting approaches such as contextual recruitment for smaller and less well-resourced chambers.
- 4.7. The most striking finding relating to differences in outcomes by approaches to recruitment are that organisations that many of the recruitment approaches analysed have a higher proportion of male pupils and a higher proportion of White pupils than organisations that do not. It is surprising that organisations that have adopted these approaches – which are likely to be seen as a way of supporting increased diversity at their organisation – have higher proportions of White and male pupils than organisations that have not done so. This may in part reflect the profile of organisations that are most likely to adopt these approaches - in particular, the fact they are more common in areas of law that have had a less diverse pupillage intake over time - or that areas of law that have more diverse pupillage intake may have less incentive to devote additional resources to recruitment when their pupil intake already seems deliver wider access to historically underrepresented groups.
- 4.8. However, this analysis also suggests that for many organisations, adopting particular recruitment approaches such as contextual or blind recruitment may have a relatively limited impact on the diversity of their pupils by gender or ethnicity. Qualitative research for the BSB¹⁷ suggests that some organisations find that approaches such as blind recruitment and contextual recruitment have been successful at increasing the diversity of those shortlisted for interview, the impact

17. [Pupillage Recruitment Research \(BSB 2024\)](#)

on actual pupils appointed has been more limited. In addition, previous research has suggested that potential pupils may be discouraged from applying to less diverse organisations as they think they have less chance of success.¹⁸

- 4.9. In contrast, organisations using certain approaches – contextual recruitment, blind recruitment, and diverse recruitment panels - have higher proportions of state school pupils and fewer pupils from fee-paying schools. Using school attended as a proxy for socio-economic status, this suggests these approaches may be having an impact in improving access for potential pupils from lower socio-economic status backgrounds.
- 4.10. Two of the approaches to recruitment analysed relate to requirements for applicants - the requirement for a 2:1 degree and the requirement to undertake a mini-pupillage with the recruiting organisation as a condition of consideration. Both of these could be seen as a barrier to access for some groups, and in both cases organisations that adopt this approach see lower proportions of female pupils, lower proportions of pupils from ethnic minority backgrounds, higher proportions of pupils from fee-paying schools, and lower proportions from state schools.
- 4.11. This analysis does not address whether organisations adopting particular approaches saw an increase in proportions of female pupils, pupils from minority ethnic backgrounds, or pupils from state school backgrounds, after adopting them. The BSB's Equality Rules require pupillage providers to monitor their recruitment processes by diversity characteristics, as providers themselves are in a better position to monitor the impact of any changes to their recruitment processes. However, impact can be difficult to monitor due to the low numbers of pupils recruited annually by most organisations. Qualitative research undertaken for the BSB also suggests that for some organisations, incomplete data or the difficulty of identifying suitable measures (such as proxy measures for socio-economic status) are a further challenge to monitoring the impact of any changes to recruitment approach. Nonetheless, monitoring at an organisational level is likely to be the most reliable indicator as to the impact of approaches to recruitment in terms of the diversity of pupils recruited.
- 4.12. This research suggests that while encouraging progress has been made over time in terms of improving access to the profession to those from historically underrepresented groups, there remains scope for improvement. While statistics overall suggest that women do not face significant barriers in terms of recruitment to pupillage overall (although this analysis suggests there may be barriers in some areas of practice) the available statistics from this report, as well as from our annual reports on barrister training,¹⁹ alongside the previous analysis undertaken on success rates at obtaining pupillage and barriers to training for the Bar,²⁰ suggest that barriers remain for potential pupils from minority ethnic backgrounds and from lower socio-economic status backgrounds.

18. [Barriers to Training for the Bar \(BSB 2017\)](#)

19. [Bar Training Statistical reports](#)

20. [Future Bar Training - Research Findings](#)