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Barriers to training for the Bar: a qualitative study

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Executive summary

The Bar Standards Board (BSB) identified a lack of diversity in the legal profession and discriminatory working culture and practices as key risks in its 2016 Risk Outlook. Encouraging a diverse legal profession is a key component of its statutory regulatory objectives and the BSB is committed to ensuring that the education and training requirements for the Bar promote equality and diversity, so that all candidates for the Bar are able to achieve their full potential.

As part of their programme of reform on training for the Bar, the BSB commissioned Nat Cen Social Research to explore the barriers to participation and success in the vocational and work-based learning stages of training for the Bar, and identify changes that will encourage and support a more diverse and inclusive Bar. The study particularly focused on women, BME students and those from lower socio-economic groups.

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

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

The research comprised two strands of qualitative work carried out concurrently, as outlined below. Both strands consisted of in-depth interviews lasting up to 60 minutes conducted over the telephone.

- **Strand 1** - 25 interviews with BPTC students (2015/16 cohort), with a particular focus on BME groups and a mixture of genders; and
- **Strand 2** - 25 interviews with pupillage applicants (2013/14 cohort), with participant selection based on pupillage application outcomes (successful/unsuccessful) and lower socio-economic groups.

Key findings

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

- The Bar being seen as the preserve of an 'elite', privileged group, more accessible to white men from an 'elite' educational background than others
- Lack of access to accurate information about training for the Bar, including the tacit knowledge needed to make informed decisions to navigate the training pathway
- The financial costs of undertaking the training and access to funding.
- The potential for Higher Education Institutions to provide enhanced information and support.

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

These challenges manifested differently in experiences of the BPTC, interaction with the Inns of Court and the pupillage application process. The main issues with respect to these challenges were:

The BPTC
- The lack of information and clarity about:
  - the BPTC application process, such as the BCAT and deadlines for applications
  - the requirements in relation to time commitment, workload, and attendance requirements
  - the content of the course, and tutor and peer-to-peer interactions
- Financial challenges, including high course fees, the lack of suitable loans, and the lack of awareness of available funding opportunities.

Inns of Court
- The culture and traditional rituals at the Inns of Court resulting in participants feeling out of place and that they did not fit in.
- Completing the twelve qualifying sessions' requirement. Sessions were primarily based in London and had cost and time implications for those living outside of London.

Pupillage
- Lack of knowledge about how best to prepare an application, including accessing work experience opportunities
- Lack of informal networks in the profession to help find work experience placements
- Limited knowledge about how best to raise their profile with chambers when attending events or in their applications
- Lack of feedback on application outcomes and how to improve their application
- Financial implications of attending interviews, such as taking time off work, travel and accommodation and of unpaid mini-pupillages as preparation for applications.

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

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

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

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

The findings suggest that from an early stage, a two-tier system emerges - one of privilege and education at public schools and 'elite' universities and the other lacking these advantages. The overriding impression of the Bar as expressed by those taking part in this research was that of exclusivity and an elite, white, male-dominated profession with long-established traditions. These views were based on direct experiences as well as perceptions of barriers to entry to the Bar. Two important perspectives, those of BPTC tutors and practising barristers were outside of the scope of this study.

If the BSB chooses to address these issues, practical changes to the training pathway can be implemented more easily than instigating cultural change, a much more challenging undertaking. Individual biases may present at any stage of the training and two important areas of work would be to continue efforts to raise awareness of these issues more broadly so that essentialist characteristics (such as, gender, ethnicity, and socio-economic background) become less relevant, and to shift attitudes with targeted activities where biases have been reported.

Although the Bar Council and the Bar Standards Board have developed equality and diversity guidance for chambers, effort is still required to maintain commitment from chambers to make the training pathway fairer and more equal, and to develop an inclusive workplace culture.

Finally, perhaps the biggest challenge to creating a 'level playing field' is not about the structure of the education and training pathway or the exclusivity of the Bar but more about the individuals who maintain the elite nature of these structures – at secondary schools, universities, provider institutions, Inns of Court, and chambers, and especially those who, through conscious or sub-conscious negative attitudes, introduce and embed biases into the system.

1 Introduction

1.1 Training for the Bar

Training for the Bar is split into three distinct parts: the academic stage; the vocational stage; and the work-based learning stage. Students at undergraduate level have a number of options available to them when pursuing this career pathway. They can study for either a qualifying law degree, such as Bachelor of Laws (LLB) or Master of Laws (LLM), or for any other undergraduate degree and then complete a Graduate Diploma in Law (GDL), before proceeding to the vocational stage. To gain a better understanding of a future career at the Bar and boost their professional profile, students can take part in a range of work experience opportunities, one of which is a mini-pupillage.

Vocational requirements are currently satisfied through completion of the Bar Professional Training Course (BPTC), which can only be taken after achieving the required academic qualifications. A pre-requisite for undertaking the BPTC is successful completion of the Bar Course Aptitude Test (BCAT)[1]. The BPTC is designed to give students the skills, knowledge of procedure, and competence to undertake the final, work-based learning stage, known as pupillage. This usually comprises two six-month placements referred to as the First six and Second six. To be called to the Bar, students must also become a member of one of four Inns of Court. It is following completion of a pupillage that candidates can be fully authorised to practise as a barrister.

1.2 The policy and practice context

The Bar Standards Board (BSB) regulates barristers and their professional practice and specialised legal services businesses in England and Wales. They are responsible for setting the education and training requirements for becoming a barrister; this includes setting standards and quality assurance. To ensure meaningful compliance with statutory requirements under the Legal Services Act 2007 and the Equality Act 2010, one of the core aims of the BSB is to promote diversity in the profession at senior levels and across different areas of practice.

This study was conducted within the context of the BSB's programme of regulatory change, Future Bar Training (FBT). All BSB change programmes must adhere to three key principles: (a) fostering innovation; (b) protecting the rule of law and access to justice; and (c) safeguarding standards for all those who rely on the services of the Bar. The BSB has set out that the FBT programme must ensure training for the Bar better meets the four key criteria of:

- encouraging greater flexibility – so that the training system enables innovation in how education and training is delivered

- improving accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves

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[1] The BSB has implemented a higher pass requirement for the BCAT from 2017 after identifying a strong correlation between BCAT and BPTC performance, but that the current pass mark was too low to exclude those with a lower chance of passing the BPTC.
https://www.barstandardsboard.org.uk/media/1740488/030916_bcat_impact_and_performance_evaluation_summary__va694929_.pdf

- improving affordability – to bring down the cost of studying to students

- maintaining high standards – to ensure that any new training pathway enhances current standards.[2]

The route to the Bar is a highly competitive one. On average around 3,000 a year apply for the BPTC, 1,500 gain a place on the course, and approximately 1,000 successfully complete it[3].

From those who complete the BPTC, only around 400-450 each year are successful at the next stage, obtaining a six-month pupillage ('First six') in barristers' chambers. This success may come only after two or three rounds of applications in the years following the call to the Bar.

The limited number of places at each stage results in pinch points within the training pathway, adding to the exclusivity of the profession. The existing literature on the legal profession suggests that the competitive nature of the qualification pathway disadvantages some more than others.

The would-be barrister profile becomes successively less representative of the starting profile as each stage is undertaken[4]. There is a broad pool of law graduates who are eligible for entry to the vocational stage of training and then on to the pupillage stage, but there is a striking disparity between the diversity profile of that starting pool and those who progress through the BPTC and then on to pupillage. The diversity profile of pupillage applicants is also affected by overseas students, who may complete the BPTC but do not usually apply for a pupillage or practice law in the UK[5].

What is noticeable is that that the stages of the training pathway make it successively more difficult for women, Black and Minority Ethnic (BME) graduates, and those from lower socio-economic status groups to become full members of the Bar.[6] However, this is not a simple case of the impact of a limited number of places as previous research has acknowledged that the pupillage (and tenancy) selection process '*may tend to discriminate against applicants from less privileged or minority ethnic backgrounds, as well as those applicants who were older or had a disability*'.[7]

The Bar Standards Board's latest report on diversity at the Bar found that 12.1% of barristers are of BME background and women account for 36.5% of the practising Bar[8]. Although this signals small increases in the percentage of these groups at the Bar since 2015 (a 0.2 and 0.6 increase respectively), the success rate for BME pupillage applicants is much lower than that of white applicants.

Data published by the Sutton Trust highlights the elite nature of the Bar and the educational background of top barristers and the judiciary. While only 7% of people in

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[2] https://www.barstandardsboard.org.uk/media/1825162/032317_fbt_-_policy_statement_version_for_publication.pdf

[3] See https://www.barstandardsboard.org.uk/media/1758971/bptc_key_statistics_report_2016_-_all_parts.pdf for a detailed breakdown

[4] See pages 25-27 as regards the BPTC diversity profile in the key statistics report 2016 above in note 2, and part 4 of the same report as regards the diversity profile of those successful in obtaining pupillage.

[5] In 2014 around 300 overseas students successfully completed their BPTC (https://www.barstandardsboard.org.uk/media/1758971/bptc_key_statistics_report_2016_-_all_parts.pdf), the majority of whom do not apply for a pupillage in the UK.

[6] BSB (2017) Exploring differential attainment at BPTC and Pupillage, pages 6-9

[7] The Bar Council (2007) Entry to the Bar - Final report: http://www.barcouncil.org.uk/media/164103/finalreportneuberger.pdf

[8] The Bar Standards Board (2016) Report on Diversity at the Bar www.barstandardsboard.org.uk/media/1818210/bsb_report_on_diversity_at_the_bar_2016.pdf

the UK are privately educated and only 1 percent attends Oxford or Cambridge universities, 71% of top barristers[9] and 74% of the top judiciary[10] attended an independent school and 78% of top barristers and 74% of the top judiciary went to either Oxford or Cambridge.[11] Although not fully comparable, analyses conducted on data from 1989 and 2004 suggests that over time "*there is broad and remarkable stability in the proportion of top barristers who attended these institutions*".[12]

Examining the legal profession more broadly, research suggests that male solicitors achieve partnership at twice the rate of women[13] (Law Society, 2009), and joint research by Black Solicitors Network (BSN) and Law Society found that an average of 3% of partners, and 8% of trainees at the largest 100 firms in the UK are BME.[14] However, it is also important to note that 68% of UK educated solicitors at partner levels attended state schools.[15]

This is reflected in the wider workforce and other employment sectors in the UK where the small number of senior management and executive positions are dominated by white men, with limited progression opportunities for women and BME groups. This phenomenon has been described as 'snowy peaks'.[16] Research undertaken to examine this phenomenon in allied legal professions, including the solicitors' profession,[17] has identified a number of contextual hurdles that are difficult for many candidates to overcome:

- Lower school level grades
- Attending a university not ranked in the highest band of league tables
- A lack of access to or inability to take unpaid work experience
- A lack of strong networks within the profession
- The use of proxies by chambers during recruitment to denote excellence and desirable attributes, such as public school background, or attendance at an 'elite'[18] university.

Finally, the increasing cost of training has also been highlighted as a barrier to entry, disproportionally affecting applicants from lower socio-economic backgrounds and those with caring responsibilities.

It is likely that these factors interact to either deter law graduates applying to the BPTC in the first place, or present as hurdles within the training pathway.

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[9] Defined as 'Chambers 2015's list of their top 100 QCs'

[10] Defined as 'judges who sit on the Appeals and High Courts'

[11] The Sutton Trust (2016) Leading People 2016: The educational backgrounds of the UK professional elite. http://www.suttontrust.com/wp-content/uploads/2016/02/Leading-People_Feb16.pdf

[12] The Sutton Trust (2016) Leading People 2016: The educational backgrounds of the UK professional elite, page 31. http://www.suttontrust.com/wp-content/uploads/2016/02/Leading-People_Feb16.pdf

[13] Law Society (2009) *Trends in the Solicitors' Profession Annual Statistical Report* London: The Law Society.

[14] Hoare, S. (2006) "Ethnic minorities make up only 3 per cent of UK 100 partners" *The Lawyer* 20: 2.

[15] The Sutton Trust (2016) page 33.

[16] Basista, V. (2010)'Snowy Peaks': Ethnic Diversity at the Top. The Runnymede Trust. A report on the same issue within the NHS refers to 'snowy white peaks': https://www.england.nhs.uk/wp-content/uploads/2014/08/edc7-0514.pdf.

[17] For a detailed discussion of the relevant studies see: Sommerlad H. and Webley, L., Duff, L. Muzio, D., Tomlinson, J. (2013) Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices (London: University of Westminster Law Press),

[18] Throughout the report, the term 'elite universities' is used to denote primarily Oxford and Cambridge universities. However, this term also encapsulates universities that are perceived to be institutions of excellence for the study of law.

This research adds to the existing body of evidence on barriers to entering the Bar. It considers current training pathways to become a practising member of the Bar and explores the perceived barriers or disincentives that restrict entry into the profession.

1.3 Research aims

The Bar Standards Board has undertaken a programme of work to understand how greater diversity and a more inclusive Bar can be achieved. Within this strategic programme of work, this qualitative study explores the barriers encountered in completing the vocational training and the work-based learning stages of training for the Bar. Importantly, this study considers the way in which experiences differ based on key socio-demographic characteristics, with a view to understanding how training for the Bar might be optimised to promote successful participation by women, BME students and those from less economically privileged backgrounds. The two broad research questions and the underlying themes the study aimed to answer are:

- How does the structure and teaching of the BPTC contribute to the barriers faced in completion and attainment? More specifically this explores:

  - Perceptions and experiences of access barriers
  - Views on the suitability of the teaching and learning approach
  - Suggestions for changes to the structure of training for the Bar, or the BPTC course
  - Reflection on future Bar training options.

- How does the structure and process of applying for a pupillage contribute to the barriers faced in gaining entry to the profession? The sub-themes covered include:
  - Perceptions and experiences of barriers to applying for a pupillage
  - Suggestions for changes to the work-based learning stage.

1.4 Research approach

A qualitative research approach was used to conduct the study. Qualitative research by its very nature is designed to gather rich data on the experiences of individuals in relation to specific events in their lives. When conducted with selected groups of people within a given timeframe a purposive sampling approach is undertaken. This entails the careful selection of participants who fit criteria that are most relevant for the study. The underlying principle is to identify a group of individuals and select a sample size that will offer a range of views on the topic and issues of interest that can be explored in depth without leading to thematic repetition.

Rigour in qualitative research is achieved through a consistent approach to participant selection, replication in the conduct of interviews and the themes discussed, and the systematic analysis of data by each case and across cases. It is important to note that qualitative sampling strategies are not designed to be representative at the population level, nor is qualitative evidence generalisable in the way quantitative findings are. Rather, qualitative research evidence provides 'thick' description and insight into a particular issue and generalisability relates to emerging patterns and typologies based on the individuals involved and the topics covered.

The research comprised two strands of work that were conducted concurrently: one with recent BPTC participants and the other with successful and unsuccessful pupillage

applicants. In-depth interviews lasting up to 60 minutes were conducted over the telephone. All participants were given a £20 voucher to thank them for taking part in the study.

1.4.1 Sampling

For both strands, BSB's database of contact details for BPTC students obtained through the BCAT was used to identify a purposive sample based on the criteria of interest for the study. An opt-in consent process was undertaken; the BSB sent out information about the research and recruitment materials to all individuals in the sample. Those wishing to take part contacted the research team and eligibility was determined using a short screener questionnaire. Interviews were booked for eligible individuals based on their availability. In total, 50 interviews were conducted, 25 with those who had recently completed their BPTC (2015/16 cohort) and 25 with pupillage applicants from an earlier BPTC cohort.

1.4.2 Selection criteria and achieved sample

The primary criteria used to select the BPTC sample were ethnicity and gender. Attendance at a fee-paying or state secondary school was used as a proxy for socio-economic status. The sampling approach also captured a range of BPTC providers. Table 1.4a below outlines the achieved sample in relation to the primary criteria.

Table 1.4a BPTC participants – achieved sample

BPTC strand - achieved sample					
	Asian	Black	White	Mixed Race	Other	**Total**
Female	6	5	4	4	1	20
Male	2	2	1	0	0	5
Total	8	7	5	4	1	**25**

Pupillage applicants selected were those who had completed their BPTC in an earlier cohort (2013/2014). This helped to ensure that sufficient time had elapsed for them to have applied for a pupillage at least once. The primary selection criteria were the outcome of the application (successful/unsuccessful), and the proxy indicator for socio-economic background. Secondary sampling criteria were gender, age and ethnicity. Table 1.4b sets out the achieved pupillage sample.

Table 1.4b Pupillage participants - achieved sample

Pupillage strand - achieved sample			
	State school	Public school	**Total**
Successful application	8	3	11
Unsuccessful application	13	1	14
Total	21	4	**25**

1.4.3 Ethics

Ethical approval was sought from NatCen's Research Ethics Committee (REC). This ethics governance procedure is in line with the requirements of the Economic and Social Research Council (ESRC, 2005) and Government Social Research Unit Research Ethics Frameworks (GSRU, 2005).

In compliance with data protection requirements, the BSB database was anonymised by removing personal information (names and contact details) and assigning unique identifiers to each data record. The anonymised dataset was transferred to the NatCen research team using a secure server.

An opt-in informed consent process was adopted, with the BSB making initial contact with individuals and inviting them to opt-in to the study by contacting NatCen. Interested individuals opted in by ringing a freephone number and speaking to a member of NatCen's research team. Verbal consent was also sought before the start of each interview and participants were told how they could opt out of the study at any point prior to publication of the research findings.

1.4.4 Analytical approach

Transcribed interview data was synthesised and coded by case and theme using the Framework method embedded in NVivo 10. The range of experiences and views were critically reviewed to identify similarities and to compare contrasting views across key diversity characteristics. Verbatim interview quotations are used to illustrate relevant perspectives and narratives.

It is important to note that qualitative samples are intentionally small and qualitative data analysis is not focused on the number of people who hold a particular view, instead it thematically considers the range of perspectives.

1.4.5 Limitations

There are limitations with any research. This study is no exception; the key limitations are set out below and relate to sampling and recruitment.

- **BPTC sample composition**. The views of those who had not started the BPTC or had failed have not been included in this study due to the sample frame and selection criteria used. This means that early barriers to entering the BPTC may not have been fully captured.
- **Sample size**. As a qualitative study, the sample sizes for this research were small. The purposive sampling approach ensured that the study captured a diversity of views on training for the Bar. However, given the small sample size, the study cannot comment on the prevalence of these views.
- **Recruitment process**. An opt-in process was used to meet ethical and data security requirements for the study. This means that participants who feel strongly about the issues discussed and who want their views to be heard are more likely to opt-in. These could be individuals who have had specific positive or negative experiences of training for the Bar.

1.4.6 Structure of the report

The next chapter sets out the findings from the BPTC strand of the research covering barriers and facilitators along the BPTC pathway. Experiences of Inns of Court are explored in Chapter 3 and Chapter 4 discusses experiences of applying for a pupillage and the barriers and facilitators encountered during the application and selection process. The final chapter covers future Bar training options and presents an analytical synthesis covering cross-cutting themes affecting access and diversity across all stages of the training pathway. It concludes by setting out the implications of the study findings for consideration by the Bar Standards Board.

2 The Bar Professional Training Course (BPTC)

This chapter explores experiences of the vocational stage of training for the Bar, the BPTC, and draws mainly on the depth interviews conducted with past and present, full-time and part-time BPTC students. It examines early entry barriers to the course, as well as course delivery and peer interaction and explores views of the relevance of the course.

Throughout this chapter there are two recurring, cross-cutting factors that influenced participants' experiences of the BPTC:

- Costs and financing – including being able to afford the course and cover any associated costs and the availability of finance; and
- Access to information – both to manage students' expectations and to help them make informed decisions and be prepared for the course.

2.1 Provider interaction and selection

After the academic stage, students are required to complete the vocational stage of training for the Bar. This consists of successfully completing the BCAT and then undertaking the BPTC at one of 14 providers in England. The following section covers the initial entry into the profession through an exploration of students' interactions with providers and their choice of provider.

A range of factors influenced participants at the vocational stage, including costs and funding, lack of information and clarity regarding the course and the application process, and personal confidence[19]. These issues affected everyone, though they were more of a concern to lower socio-economic status groups and BME individuals. However, barriers around early entry were overcome to a certain extent by individual characteristics such as ambition and confidence, as discussed below.

2.1.1 Cost

Course fees were a factor for all participants when considering applying for the BPTC, but were especially pertinent for low socio-economic status groups, for whom affordability was a more important consideration. One view was that the high cost of training prevented people from taking the course, especially those from lower socio-economic backgrounds and younger people. Participants also suggested that it delayed entry into training, as people took time away from education to work and save up money. Another aspect of affordability was that those with less financial capital had to work to fund their studies simultaneously, leaving them with less time to devote to their studies compared to those with no work responsibilities outside of the course.

> *You can't really be diverse if you're gonna charge such a high price which, let's be honest, I don't know any 21 to 22 - or anyone […] under 30 to have £20,000 to spare.*

> *(female, BME)*

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[19] References to confidence are either self-reported by participants or are perceptions of confidence among their peers.

The importance of costs should also be viewed within the context of debt incurred during the completion of an LLB, or another undergraduate degree and then the GDL. This was found to be especially pertinent as students may already have accumulated debt by the time they apply for the BPTC.

> *I think if I had been like the normal student who now pays £9,000 per year…I was on a £3,000 a year bracket…so if I was like them I think I would be strongly deterred to take the course.*

> *(female, BME)*

The cost barrier came across as an important issue for those of a lower socio-economic status and those who had financial commitments outside of the course, for example rent or mortgage payments. However, individual factors such as resourcefulness and a determination to succeed helped to reduce this barrier to a certain degree. Those with these attributes were perceived to be able to better find a way around the financial barrier to undertaking the course.

> *If you really want it, you won't be that put off.*

> *(female, BME)*

Compounding the high cost barrier was the perception that some providers operated more like corporate organisations or *"money-making factories"* (B24, female, white), with a focus on profit rather than providing a high standard of education; they were seen to charge high fees without being transparent about the challenges of the course or about students' chances of progressing in the profession and securing a pupillage.

> [The providers are] *taking on so many people, some of which clearly have no prospect of success when it comes to a career at the Bar.*

> *(female, white)*

2.1.2 Funding

Linked to the high cost of the course were the options available to students for financing it. One of the main barriers described by participants was the lack of suitable loans. The type of loan available was unsuitable for two reasons: the lack of flexibility in payment terms, and the high cost of borrowing.

> *The banks were offering loans, but these loans were more or less commercial loans, and one of the consent conditions was that as soon as you finish your BPTC, I think they give you like three months' grace, and then they will expect you to start paying the money back.*

> *(male, BME)*

This was particularly pertinent for those from lower socio-economic backgrounds, who were unsure of their ability to repay such a large loan, and those that had taken out a commercial loan and then failed the course. This led to greater uncertainty and financial anxiety and the perception that those without the means to afford the course would be put off applying for the BPTC.

> *There's a lot of interest on that and I'm already in a lot of debt already with my law degree.*

> *(female, BME)*

There was a lack of awareness of the availability of funding and scholarships from the Inns of Court, discussed in more detail in Chapter 3. This was an issue, particularly for those who did not have informal connections to the legal profession.

I hadn't realised that scholarships were available at every Inn of Court, first of all because obviously not having anybody guiding me and doing it completely by myself; I missed out on quite a lot of the scholarship rounds.

(female, white)

Knowledge of Inns of Court funding approaches – that Inns of Court have different systems in place for screening applications; different numbers of scholarships available; and offer different proportions of means and merit-tested scholarships – also varied greatly. Again, those with networks within the legal profession, such as family and friends that work within the sector, had better access to accurate information about funding opportunities, and were subsequently able to benefit from these.

Views on whether Inns should offer means over merit-based assessment for scholarships also varied. One view was that means-based assessment was necessary to help those in the most financial need gain greater access to funding. However, there was also the opinion that the Bar should not compromise on excellence for the sake of increasing diversity and that applications should be considered purely on merit.

I think it's just a matter of ensuring that funding opportunities are still there for people who do need […] *more funding opportunities being offered, sort of on the basis of means rather than merits.*

(male, BME)

Those with social networks within the legal profession had tacit knowledge of the importance of funding awards in securing a pupillage. These awards from the Inns were also seen to be instrumental to future progression in the profession for three reasons beyond their obvious financial purpose:

- They conferred 'prestige' which could help differentiate students at pupillage application stage and could go some way to explaining why people who do not necessarily need funding apply for it.

- They acted as a barometer in terms of the likelihood of getting pupillage. This affected those from low socio-economic backgrounds by increasing competition for a fixed number of scholarships.

- Receiving a scholarship was perceived to lead to increased confidence in proceeding with the BPTC and progressing through the different stages of training.

I know if many of my friends applied for scholarships from the Inns, when they didn't get them they said, 'Well, if I'm not going to get a scholarship from the Inn, I'm not going to pay for the Bar course because if I'm not good enough to get a scholarship from the Inn, I'm probably not good enough to get pupillage'.

(male, BME)

2.1.3 Lack of information

Participants identified two areas in particular where the lack of information and clarity was perceived to affect decision-making about their professional choices:

- The requirements for the application process for the BPTC were not clearly set out by universities and GDL providers, and;
- The available information on the BPTC course itself was not sufficient.

This lack of information led to a reliance on other informal sources of information. In particular, this was found to disadvantage those without a family background in, or any other experience of, the legal profession.

In terms of the application process, it was felt that universities and GDL providers did not offer clear information on the overall pathway of training for and being called to the Bar. Information was more readily available for the Legal Practice Course (LPC). Respondents felt that BPTC application deadlines were also not publicised clearly by universities or providers and neither was proactive in informing applicants of impending deadlines. This led to those with family and friends in the profession having an advantage in the application process by being better informed about deadlines.

> *I and all the other people wanting to go on to the Bar in my course expected that the law school would notify us that the application* [deadline] *was impending, but they didn't. So we all filled out our application the day before the deadline.*

> *(female, BME)*

The information that was available was thought not to have been presented clearly. There were mixed views on the information available through the BSB website. Those that found it unhelpful did so because they felt it was unclear about the requirements for the BPTC. However, there was also the opinion that the BSB website was clear and useful in signposting information about the BPTC.

> *The BSB* [website] *was clear 'cause they had like a list of the nine providers obviously and then how much they cost and, you know, just a little bit about each one.*

> *(female, BME)*

The chambers' websites were also thought to be unhelpful in that they reinforced the idea that all barristers were from a certain socio-demographic background. They were perceived to perpetuate the idea of a barrister as white, male and educated at an 'elite' university,[20] which discouraged BME individuals who felt they would not fit in.

> *You look at the chambers' websites and you look at the most recent recruitment for example that they've taken on for pupillages and it just makes it a bit more challenging, 'cause you look at their background and they're all ['elite' university] students.*

> *(female, BME)*

Furthermore, participants thought that the information available on the BPTC did not sufficiently manage expectations. Some provider websites were not clear on what the course would entail, specifically regarding its time commitment and workload. This added uncertainty to what students could expect from the course and further created difficulties downstream as people struggled with the workload, having not anticipated its content and extent. Inaccurate assumptions about the course, the time commitment required and the intensity of the workload mainly affected those without networks in the legal profession and those with perceived low self-confidence.

One view was that because entrance requirements for the course (a 2.2), were lower than those required to pass the course, it created unrealistic expectations about the course workload and level of difficulty.

> *It's good to know what the expectations are like when you actually get onto the course, because graduating at university with a 2.2 and being told by the careers team, 'Well you*

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[20] See page 8 for the definition of 'elite universities' used throughout this report.

only need a 2.2 to get onto a course.' Yet in order to pass the course you need an initial 2.1.

(female, BME)

The lack of information on the course meant that people had to rely on informal sources of information, mainly friends, family and any pertinent professional connections, and this particularly disadvantaged those without networks in the legal profession.

2.1.4 Role of confidence

The notion of confidence, as expressed by participants, referred mainly to the belief in their ability to pass the course. Confidence was important for everyone, but was an especially important factor for those without pre-existing social networks in the legal profession. Participants explained that confidence helped them to overcome barriers, better handle the competitive nature of entering the profession, and to secure funding.

Those from 'non-elite' universities in particular were subject to negative attitudes from careers' services at university, lowering their confidence in pursuing a career as a barrister. Those who were more confident and determined to succeed and had family support were more able to 'push back' and ignore these types of warnings.

I remember watching webinars and things about people trying to put you off, and in fact, my university [careers' service] *tried to discourage me from applying to be a barrister.*

(female, white)

The feeling of belonging, or fitting into a profession which was perceived to be elite also required confidence. One view was that those from similar backgrounds to that of barristers were more able to navigate the training and engage in conversations with barristers and tutors.

… again there is that fear of looking stupid because a lot of the people who are on the course are very - are either from a very upper … middle-class background and have certain experiences that you may not have, so - and there, there was obviously, at least once a week, there was going to be a comment that's made that's not very appropriate … You kind of deal with it because that's life, it's not just the bar, that's the world that we live in.   …..If you aren't immersed in the culture, you have no confidence that you belong there.

(female, BME)

2.2 Bar Course Aptitude Test (BCAT)

The BCAT tests students' aptitude for critical thinking and reasoning. It aims to ensure that those undertaking the BPTC have the ability to succeed on the course. As a pre-requisite for undertaking the BPTC, the BCAT drew persistent criticism from participants for two main reasons:

- Being perceived as unfit for purpose
- Constituting an extra financial burden, especially for low socio-economic status groups.

2.2.1 Not fit for purpose

The BCAT was seen to be easy to pass, and as such it was deemed by students' as ineffective as a selection criterion or for filtering students on to the BPTC. Participants found it difficult to understand how it accurately assessed their aptitude to practise as a barrister as its content was not relevant to the BPTC, and as such it was considered to be another *"box you have to tick"* (B6, male, BME) on the way to becoming a barrister[21]. Also expressed was the view that applicants' undergraduate degree in law or their GDL, combined with their academic qualifications, should be sufficient for providers to assess their aptitude for law.

> *I had to do a BCAT but pretty much every single person I spoke with passed that so I don't know what even is the point of that. If it's a filtering system it's very ineffective and it's a waste of money on £150 so that was terrible.*

> *(female, BME)*

Despite the persistent criticisms of the BCAT, participants acknowledged that some sort of filter is needed for the Bar Standards Board to assess the aptitude of applicants.

> *I agree* [with the BCAT] *because maybe, maybe there is that kind of filter needed for people who are entering onto the Bar course to be suitable.*

> *(female, BME)*

Another view was that the BCAT was valuable insofar as it provided an additional English language test for potential students. This is pertinent in the context of peer learning discussed later in this chapter.

> *It was just a course to make sure that we were sort of literate, sufficiently literate in English to be able to do the course because there are a lot of foreign students on the course whose extent of English is not so good and they struggled with that.*

> *(male, BME)*

2.2.2 Cost

The BCAT was perceived as another "*hidden cost*" (B16, female, BME) of undertaking the BPTC. This extra financial burden contributed to the feeling of it being "*one cost after the other*" (B29, female, BME). Together, these views furthered the opinion of participants that the providers were operating more for profit than their wellbeing. Low socio-economic status groups struggled with this cost and would have seen it as a deterrent to applying for the course, as it "*felt like another hurdle that prevents people who aren't rich basically*" (female, white).

Lack of financial support for the BCAT was also mentioned as a barrier, but those who were more determined felt this could be overcome, "*if you really want this, you'll find the finance somehow*" (female, BME).

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[21] Since the cohort of participants we spoke to, the BSB has raised the pass mark for the BCAT. With this change, passing the BCAT and success with the BPTC are more strongly correlated. https://www.barstandardsboard.org.uk/media/1740488/030916_bcat_impact_and_performance_evaluation _summary__va694929_.pdf

2.2.3 Inconvenience and lack of available information

Participants also criticised the BCAT as an inconvenience due to the time commitment required to prepare and sit the test, with those working particularly affected in having to take time off to attend the assessment centre.

> *I had to take time off, so it was take leave or work extra time to make up for the time I took off.*

> *(male, white)*

The lack of available information on the test itself and what it would entail led to increased uncertainty for participants, especially for those with lower self-confidence at this stage.

> *They made it kind of sound harder than it was, and there wasn't much information online. I think there was a couple of sample questions, if I remember, but there wasn't any real detail or anything you could use, you couldn't buy anything to revise.*

> *(female, white)*

2.3 Course delivery and content

The main factors that influenced participants' experiences of the course delivery were the teaching approach and quality, the course flexibility and the sequencing of assessments. Overall, the course delivery was found to be less of an issue for higher socio-economic status groups and students from 'elite' universities due to their educational experience up to that point.

The perceived lack of flexibility in course delivery was a significant issue for those studying full-time and working, those with caring responsibilities, or both, as well as part-time students with long commutes. Another view was that students looking to boost their CV with relevant work experience during the course would be negatively affected. Those with fewer responsibilities outside the course would be less affected by any perceived rigidity in terms of the course delivery.

Factors influencing participants' perceptions of the course content can be broken down into four main areas:

- The syllabus and assessment workload
- The time commitment required
- The language competency required
- The style of teaching employed by providers.

In addition, the course was assessed based on what it offered in terms of practical application of the law. Those who felt that the BPTC had little practical application were less likely to think that the course was useful.

2.3.1 Teaching

BPTC tutors influenced participants' perception of the course in several ways, varying across groups and across providers. According to participants, tutors that were perceived to be out of touch with current practice added to the feeling of the course content as impractical.

The majority of tutors are retired criminal practitioners from normally at least over ten or 20 years ago. And they just give us anecdotes of how things were done 20 or 30 years ago. They're very, very out of touch with what's going on now.

(male, BME)

On the other hand, practising barristers were valued as tutors as they were seen to have recent and relevant practical experience that students' could learn from, potentially mitigating the criticism that the course was not practical enough. However, the perceived quality of tutors, and the fact that *"the standard* [of tutors] *did not seem to be even across the board"* (male, BME) meant that not everyone could benefit from tutors' knowledge and experience.

They [practising tutors] *knew the law, they were very engaging, and then they were very practical about things, so for example, my chancery teacher was still practising, and so she was able to show us skeleton arguments of a particular claim that she had done, and that had been successful.*

(female, white)

The attitude of tutors mattered to participants and some were reproached for negative messaging at the start of the course, including the advertising of failure rates across previous cohorts. Participants believed this adversely affected those with low self-confidence.

The teachers were all very negative about everything. They were just like you're going to fail. […] *At every single lecture or every single class they just remind us of the statistics and failure and be like, 'do you want to be one of them?'*

(female, BME)

Perceived preferential treatment from some tutors toward students based on their ethnicity or social class was also identified as an issue, this included examples of overt behaviours, which participants believed stopped students from seeking the help they needed from tutors and hindered progression on the course.

Like …when one of us met them after lectures…we've got a man from [South Asian country], he went into the office of one of the lecturers to ask a question ... the way [lecturer] responded to him, so absolutely like…you shouldn't be bothering me with this. But the way she was talking to him was not very friendly or helpful. The guy came back fuming, 'Ah, do you know what? … I'm never ever going to go to her again. I'm never going to go to her again'. But some of these lecturers, in fact all of them that I had, were very happy to have one-to-one sessions afterwards and help my white friends, because they believe, genuinely, that they didn't know this, then there must be a problem from me.

(male, BME)

Importantly, the attitude of some tutors, as described above, may have helped to form the view that some tutors believed that BME groups have a problem with learning which is intrinsic to their ethnic background. One example given was of a tutor stopping a student during a presentation:

he just interrupted and stopped and said, um, 'Where are you from?' And I just couldn't understand. I said, 'Well, um, I'm from the UK.' And he said, 'Well, where are your parents from?' I said, 'Er, this is just a bit weird.' I said, 'They're from Bangladesh.' And then he said, 'Well, why are you struggling to speak?' … I had to reschedule it with another tutor. I just couldn't physically and mentally go into that class knowing that I'll be humiliated again. And that impacted my learning as well.

(*male, BME*)

Such attitudes may lead to BME groups being viewed in some instances as less capable than their white counterparts and therefore less worthy of a considered response or support. The alternative view was that individual factors such as tenacity and determination helped to counter any negative messages and behaviours of some tutors, and *"make you wanna do even better"* (female, BME).

2.3.2 Flexibility

The perception of the flexibility of the delivery of the BPTC was mixed, depending on the provider and personal circumstances. Attempts to make the course more flexible, by offering, for example, the option to choose either morning or afternoon classes, were appreciated, primarily by those who benefited more from increased flexibility, such as those with caring responsibilities or work. Opportunities to catch up at a subsequent class, if a class was missed, were also useful.

> *I knew sort of a few mothers who did it at* [provider] *because of the flexibility and they rated it very highly as well and other friends with part-time jobs.* […] *It was very flexible. I mean, I don't think they could've done anything more to help in that regard.*

> *(male, BME)*

Participants found it hard to balance other commitments with the course, but acknowledged that the nature of the course and the amount of work that students must cover over the year may mean that it was not possible to offer more flexibility. Even though a part-time option is available, those with caring responsibilities, such as parents with small children, found it difficult to juggle their responsibilities due to the lack of flexibility.

> *I'm married, I've got children, you know, and there were people who were just 18 or, sorry, 20 - in their early 20s, you know? So they had more time because, you know, all they're doing is, you know, come to class, go back home, you know?*

> *(female, BME)*

The lack of support and flexibility on offer for those with caring responsibilities contributed to the perception of a lack of diversity at the Bar. Both those who undertook the course full-time and part-time found it difficult *"to keep the momentum going"* (male, BME).

> *Well, the* [BSB] *wants to promote diversity at the Bar so they want to promote people from all backgrounds, with children, et cetera but they're not making it user-friendly for people from diverse backgrounds to train as a barrister.*

> *(female, white)*

The mandatory class attendance requirement set by the providers added to the perception of inflexibility, as did the punctuality requirement, for example, being barred entry to a class if more than 15 minutes late. These were likened to *"being treated like a five-year-old child"* (female, BME) and adversely affected those with caring responsibilities by increasing the likelihood of failing the course.

> *I don't have kids, but I presume that if you had kids on the course it would be quite a challenge as well and, you know if they got sick and then you got sick, you know that could be three days or so, however many and you would automatically fail.*

> *(female, BME)*

Participants who were working and coming to the course straight from work found this *"incredibly irritating because it means you have very little flexibility"* (B30, male, white). However, among the persistent disapproval of these requirements was also the opinion that some students found the requirements to be a motivational factor while taking the course, as students wanted to avoid being penalised.

The attendance requirement also restricted students' availability to take on work experience placements, such as mini-pupillages.

> *It's very difficult to take three days a week off to go and do a mini-pupillage* […] *because as much as your tutors want you to do well, they also make it very difficult to take time out and to come back and do the working in your own time.*

(female, BME)

2.3.3 Workload

The course syllabus was perceived to be demanding, extensive and too large to fit into one year. This was viewed as a *"sink or swim"* experience (female, white).

Those coming from different education routes, such as directly from an LLB, a GDL or the workplace; and certain backgrounds, such as low socio-economic backgrounds, experienced the course differently. One view was that GDL students found it difficult as they have less experience with the law overall, however they had more experience of condensed learning.

> [GDL students] *are perhaps more used to sort of just looking at rules, memorising it, and then applying it.*

(male, BME)

In contrast, *"the majority who did the LLB, they found the Bar course very intense"* (female, BME), which could potentially have its basis in the difference between the practical application of the law and its academic study. Those coming to the course from the workplace reported that it was challenging to adapt to the required learning style, and there was also the view that students who worked part-time found the course challenging.

> *If I had to do a part-time job I would not have passed. I would not have passed, simple as that.*

(male, BME)

Students with English as a second language (ESL) faced an *"extra barrier"* (female, white) due to the high level of English language proficiency required in most aspects of the course, such as reading, advocacy and peer learning (discussed in more detail in the peer interaction section).

The competitive nature of the training meant that those who were struggling on the course felt they could not discuss their experiences, which led to feelings of isolation and compounded other pressures felt on the course.

> *That's the trouble. Everyone's struggling, but no one openly says they're struggling, so you're kind of left to deal with it by yourself, and then the pressure just builds up.*

(female, white)

2.3.4 Independent nature of study

Self-directed learning and independent study skills, such as studying outside of class and preparing for classes, were important as not everything required for assessments was taught in class. At a perceived advantage were students with experience of self-directed learning, which was most likely gained at an 'elite' university. Low socio-economic status groups who attended 'non-elite' universities as undergraduates struggled because they felt they had not been taught independent study skills unless they had subsequently attended an 'elite' university.

> *If you come from a disadvantaged background then perhaps you don't have the study skills of somebody who's been to Eton.*

> *(female, BME)*

2.3.5 Time commitment

Overall, participants thought the course placed *"a huge demand on your time"* (male, BME). This time commitment had two aspects. First, it meant that those with responsibilities outside the course had less time available to dedicate to their studies. Second, students struggled to balance the course work with both extracurricular activities to improve their chances of pupillage and their personal lives.

> *You could do nothing else. You had no other life.* […] *You had no days off. You had to live and breathe BPTC.*

> *(male, BME)*

Time constraints least affected those from more affluent backgrounds or those with connections to the legal profession. The perception that more affluent students did not have to work part-time to fund the course, and would therefore have more time to devote to their studies, was also seen as a way in which they benefitted over those from lower socio-economic status groups. Equally, those with professional networks in the legal profession could spend less time applying for mini-pupillages due to their connections and focus more on their studies. This all led to the perception that those without existing networks were at a disadvantage.

> *There were people who were from a more advantageous background in the sense that they had parents who were already at the Bar.* […] *It feels a bit, you know, off at times like whether you have the same hope that they do.*

> *(female, BME)*

Students without legal work experience found that the time commitment required was at odds with the advice from providers and BPTC tutors at the beginning of the course that they should be trying to get as much relevant legal experience on their CVs as possible.

> *When we started the BPTC, they were very kind of, you know, expand your CV, get as much on there as you can, but it transpired that was as long as that was between Saturday and Sunday.*

> *(female, BME)*

Again, there was the view that those who were *"obviously motivated to attend"* (female, BME) and excel on the course had the mindset to be able to deal with the workload and attendance requirement.

2.3.6 Not useful practically

The feeling that the course was not useful enough in its relation to the practical application of the law revolved around a range of issues. Some provider-approved content was considered inaccurate, and occasionally *"just wrong"* (male, BME). There was also the perception that chambers would have to re-teach students during pupillage.

> *All the barristers I spoke to said, 'It doesn't help us, or with pupillage … once they get through pupillage, and we kind of say, 'Just forget what you've learned and start from scratch'', and it just seems so disjointed from practice.*
>
> *(female, white)*

The contrasting opinion was that the course content was suitable and therefore *"set a good basis for what you would practically be doing at the job"* (female, BME). This view was expressed by those without social or professional connections to the legal profession, and may reflect the fact that they were less likely to have had exposure to accurate information about the Bar up to this point in time, and therefore any knowledge gleaned from the course was perceived to be useful.

The style of learning on the course, perceived to consist largely of memorising large amounts of information and rote learning, was not perceived to be an accurate assessment of students' aptitude to become a barrister. Associated with this issue was the perception that providers used standardised materials that are easier to assess but not necessarily useful for students. This contributed to the view of the course as impractical for future practice at the Bar.

> *I've never had to memorise as much information in my life, I think, as I did for those exams. Just…but it's just valueless because it's not testing your ability to apply it and it's not helping you practise the application of it.*
>
> *(male, white)*

2.4 Experience of peer interaction

Peer interaction was seen as beneficial where it was perceived to have taken place, but competition between students on the course was found to inhibit it. The key impediments to peer interaction were the composition of the groups for the small group sessions - either including peers with poor skills generally, or those with poor English language skills - the segmentation of the groups and the forming of cliques.   This made interaction difficult and increased competitiveness. Most affected were BME students, international students, and those with responsibilities outside the course.

2.4.1 Group composition

Factors influencing the size and composition of groups were the tutor to pupil ratio, the quality of the peers, the diversity of the group and the level of English language ability of the individuals within the group.

Smaller groups encouraged peer interaction, and meant that *"everyone had their say"* (female, BME). Participants placed in larger groups by their provider felt that tutors dedicated less time to their individual needs.

> [In smaller groups] *teachers would pay attention to what we needed and how we were doing so maybe we'd be able to perform better or understand the course material better.*

Participants felt disappointed when the composition of the group did not meet their expectations in terms of the quality of learning that would be enabled through interacting with peers. They felt misled by providers that advertised a high-quality peer-led learning environment.

> *It was advertised as being quite a selective group. I don't think that's necessarily the case. I think that it was more selected on if you had funds to pay the £15,000.*

(female, white)

A lack of diversity in the groups and groups that were not *"representative of the wider society"* (male, BME) affected the learning process for those students. They were not able to benefit from *"sharing different experiences that come from having a different background"* (female, white). There was also the opinion that increased diversity boosted learning.

> *If you've got people around you that have worked in a huge variety of different ways, then if you actually engage with those people, you can pick up ways of learning things that you haven't expected to be using.*

(female, white)

2.4.2 Peer social networks

Another key factor in the level of peer learning in the small group session was the development of social networks among peers. These helped students to deal with the pressured environment of the BPTC, by providing material and emotional support throughout the course. They also helped to mitigate some of the barriers experienced regarding the content of the course.

> *Our [group] was very relaxed, very keen to help each other and, like, support each other if need be.*

(female, BME)

These networks were also valued as participants sought to develop a legal network that might also prove beneficial once qualified. This was especially important for those without pre-existing social connections to the legal profession.

> *In the future you know, you want to have friends at the Bar, so having, so there's time to build relationships in a class of people, you know you're likely to encounter them if they do choose to, you know, practise in London and, and likely to encounter them again at the Bar if they're successful. So it would be great to have those relationships so that you don't feel like the Bar is lonely.*

(female, BME)

However, there was also a perceived lack of interaction in groups, and that the presence of other students in the class did not equate to students learning in a peer-led learning environment.

> *I don't think I would say that it is a peer learning environment. There were other people there whilst you're learning.*

(female, white)

2.4.3 Divisions and diversity

Although participants viewed mixing with people from different backgrounds as positive, the segmentation of the groups into '*cliques*' was considered another impediment to peer learning, which hindered interaction between individuals on the course - *"there was a clear divide between the group and that was in every group"* (female, white).

Low levels of English language proficiency among international students on the course were also perceived as a stumbling block to peer learning. A persistent view was that the minimum English language requirement did not match the level of legal language on the course, meaning that students with low levels of English language would struggle on the course and affect peer-learning interactions.

> *Most of the time we had such communication issues in class with different people that peer learning was almost impossible.*

> *(male, BME)*

The treatment of international students was described as unfair.   Participants explained that they struggled to contribute to group discussions and were criticised harshly by tutors, or other students on the course.

> *I think that because the expectation is the same but for international students English isn't their first language, it's not their fault if they don't catch on things as quick as we do. So I think maybe they were unfairly treated in terms of expectation maybe.*

> *(female, BME)*

International students tended to form their own subgroups, as did students from 'elite' universities who were perceived to be patronising to others.

> *Quite a few of them* [students from 'non-elite' universities] *had a problem with the ['elite' university] students. So I… the funny thing at the time 'cause I couldn't believe it, but they actually found that they were almost quite patronising to the ['non-elite' university students].*

> *(female, BME)*

This could be a very isolating experience for students and created *"social tension"* (female, white) within the small group sessions that inhibited peer learning and interaction between individuals. BME participants in particular discussed being discouraged by this; especially if they already felt under-represented at the Bar. This would also set a precedent for BME students when considering their career as barristers.

> *It just makes you feel like, you know, well, if the white students on the BPTC don't overly mix with me, then are the white people at the Bar going to be bothered with me?*

> *(female, white)*

2.4.4 Competitiveness

Lack of interaction between subgroups that emerged in the small group sessions led to 'cliques' being formed, and from that arose competition between and within groups. This created an atmosphere that was not conducive to learning.

> *Well you didn't even wanna ask a question 'cause you were so afraid that somebody else would say, oh, why are you asking that question? I'm paying for this time, you're asking all these questions. There was no peer support or peer learning.*

<div align="right">

(female, white)

</div>

Participants who did not relish this competition and whose individual factors, such as a lack of self-confidence, did not enable them to excel in this environment were put off by this atmosphere of *"peer humiliation"* (female, white). This competition made students weary of interacting in class and asking for clarifications from tutors, and had a detrimental influence on learning.

> *We're told very early on the course that, you know, these are your rivals not your friends.*

<div align="right">

(female, BME)

</div>

Older, mature students were both less affected by the perceived competition on the course and less inclined to contribute to it. Individual factors, for example focus and ambition, helped to mitigate the effect of competition on the course,

> *If somebody thinks that they're better than me, I really, I really don't have time for that. You know, this, this is an expensive course. I want to pass this course, and their opinion doesn't really matter.*

<div align="right">

(female, BME)

</div>

However, among the persistent criticisms of the peer learning environment as competitive was the point that competition was *"healthy"* (female, BME) and a necessary part of being a self-employed barrister.

2.5 Relevance of the BPTC

There were three distinct views of the usefulness of the BPTC: useful, of limited use, and harmful. Those with less knowledge and experience of the Bar profession up until that point found certain elements of the course to be helpful in their preparation for becoming a barrister. Those from 'elite' universities found that the BPTC was only valuable insofar as it allowed students to progress on the path to becoming a barrister. Negative views were expressed by participants who had progressed to a pupillage and found what they had learned on the BPTC did not reflect current practice.

2.5.1 Entering the profession

The usefulness of the BPTC was judged in terms of the skills set acquired and its value in relation to the money spent on the course. One view was that it was not worth the cost, whereas the opposite opinion was that the practical skills gained were pertinent and worth the cost.

> *I think they've done a really good job of giving you practical experience of what it's like to be a barrister. You know, getting students on their feet for the first time in a real-life court setting.*

<div align="right">

(female, BME)

</div>

However, the BPTC was viewed as a hurdle to navigate on the path to becoming a barrister and only valuable insofar as "*at the moment it's the only way of getting to my chosen career path* [being a barrister]" (female, BME).

I don't know because even though obviously it's a step [the BPTC] *that everyone is required to take … but you're not actually qualified to do anything.*

(female, BME)

The recurring view was that the BPTC focuses more on a set way of how things should be done, as opposed to how they are actually carried out in practice, and as such was not thought to adequately prepare candidates for pupillage. Students found that the course focused overly on particular ways of carrying out tasks, such as drafting, that they felt was not reflected in current practice. The rote learning style on the course was equally found to be redundant for pupillage, which frustrated students who acknowledged that the BPTC was the only path available to train for the Bar.

And so I learned all those skills as I was taught, and I learned them very well … then I went into pupillage. And they told me that everything I'd learned was wrong and I needed to sort of go back to what I'd sort of learned before the Bar course. So I, you know, I spent the first few weeks essentially unwinding the whole year's worth of learning.

(male, BME)

2.5.2 Wider benefits

Regarding the BPTC's broader relevance, it was considered to be of limited use outside the legal profession. Although providers made it clear that the BPTC is a vocational course, participants expressed concern at the lack of transferability of skills acquired.

My concern with the BPTC as a whole is that it's not a particularly versatile qualification. … if you don't have pupillage, as is the case with me, the BPTC isn't sort of particularly well received by employers.

(male, BME)

Participants also reflected on the personal benefits of the BPTC, and those who had failed the course mainly focused on their level of confidence.

In actual matter of fact it's detrimental to pursuing any other kinds of career 'cause it knocks your confidence down to nothing.

(female, white)

It's been helpful for my self-development, like, I've definitely changed I think, I'm more confident, more sure of myself.

(female, BME)

2.6 Summary

As this chapter makes clear, there are a number of perceived barriers for students to both commencing the vocational stage of training for the Bar and while on the BPTC course itself. While these problems affected all students to a varying degree, those from lower socio-economic status groups and BME individuals were further disadvantaged mainly due to two factors interacting across all of the issues highlighted above: the cost barrier and limited access to information. These cross-cutting themes will be explored in more detail in Chapter 5. The nature of peer interaction and its effect on learning also affected participants' perception of the course.

3 Inns of Court

This chapter explores participants' views on the Inns of Court which are professional associations for barristers. It covers the decision-making process around selecting an Inn of Court, an overview of the perceived role of the Inns and observations on the qualifying sessions.

Students must join one of the four Inns of Court in order to be called to the Bar. The Inns provide a number of awards and scholarships as well as educational opportunities and advice on applying for the BPTC and pupillage. Once a member of an Inn of Court, students must then attend 12 qualifying sessions and, if they have passed the BPTC, they are then eligible to be called to the Bar. Qualifying sessions, which range from formal dining sessions to educational lectures, are explored in more detail in Section 3.4.

There are two recurring cross-cutting themes that influenced participants' views on the Inns of Court and their value:

- Availability of information – including participants' level of knowledge and access to further knowledge, and their awareness of the process of applying to an Inn of Court and the benefits to doing so; and
- Perceptions of the Bar – relating to participants' views on how accessible the profession is to individuals from various backgrounds.

3.1 Selecting an Inn of Court

Participants' reasons for selecting an Inn of Court to join ranged from choosing an Inn randomly to a careful consideration of the benefits offered, including funding for the BPTC or the potential for creating a professional network. Low socio-economic status and BME groups, especially those with no background or professional network in the legal profession, were not fully aware of the funding opportunities offered by the Inns; for them knowledge was accessed more through less reliable informal social networks such as their peers. The process of selecting an Inn was also seen as quite confusing as people were not fully able to differentiate between each Inn of Court.

There were four main reasons underpinning participants' choice of an Inn of Court: funding; networking; following in the footsteps of another barrister; and diversity of the Inn.

Participants for whom funding was a key factor in their decision-making considered three factors when evaluating which Inn of Court to join:

- The value of scholarship and how much of the BPTC course fee it would cover.

- The funding assessment process and whether the Inn relied on any proportion of means-testing or solely assessed on merit. This was an important consideration for those from lower socio-economic status groups.

- The total number of scholarships available so as to increase their chance of getting any level of funding.

  They [the Inn of Court] *offer generous scholarships. I think one or two of the other Inns also offered quite generous scholarships. But I thought* [the Inn of Court] *just looked, it looked generous at the time.*

A further perception around funding was that applications for scholarships were seen as intimidating due to the possibility of being interviewed by multiple practising barristers, and the process required interpersonal skills that people with connections to the legal profession would be more likely to have, as highlighted in Section 2.1.4.

> *… you haven't got the right, sort of soft skill stuff […] people who perhaps don't have family or friends who are professionals, who are used to doing interviews, who are used to asking slightly obscure questions about things.*

(female BME)

Another factor in choosing an Inn was the potential for building a professional network among practising barristers. There was a perception that choosing a smaller Inn would facilitate closer relationships being formed with practising barristers at certain chambers, which would be advantageous when applying for pupillage at those chambers. This was especially important for those who did not have a pre-existing background in the legal profession. The Inns and their role in pupillage will be discussed further in Chapter 4.

> *Each time I've attended [a] qualifying session a lot of the barristers at the Inn have remembered me so it's not like every time you go you meet someone new and then next time they won't remember you. And so I meet a lot of people that I've become familiar with and they've become familiar with me.*

(female, BME)

Participants also considered the route taken by others in making their decision about which Inn of Court to join. This could be following in the footsteps of various people including people they knew personally, such as fellow students from their undergraduate degree. It could also be following practising barristers that participants had met with previously, for example during a mini-pupillage or through shadowing, further highlighting the role of networking at the Inns. Equally, following in the footsteps of famous barristers was also a factor.

> *I sort of connected quite well with the barristers that I was shadowing and they were both from [the Inn of Court] as well, so that was it for me really.*

(male, BME)

Diversity of the Inns of Court also factored into participants' decision-making. BME students chose an Inn that they perceived to be more ethnically diverse and therefore where they thought they would be more likely to fit in.

> *There are kind of unofficial settings which are dominated by different groups of people … The vast amount of people from Malaysia join [Inn of Court], apparently, because they have pretty good links with Malaysia. […] [Inn of Court] is a lot smaller, so I guess a lot of people said it was for people that kind of felt like they didn't fit in and wanted to get to know people more.*

(female, white)

Those that were aware of access schemes also targeted their applications to the Inns based on those that offered such initiatives. One such initiative is the Pegasus Access and Support Scheme (PASS) created by Inner Temple, which tries to ensure that all students with the capability and determination to pursue a career at the Bar have the opportunity to undertake work experience in barristers' chambers, regardless of their background or personal networks.

However, perceptions of the Inns were not always accurate and based on formal sources of information. Sources ranged from formal information and guidance to the informal and speculation. Informal social networks revolved around tacit knowledge gained from people students knew were connected to the profession. These were used as participants *"spoke to barristers again who had been to the same university as me"* (male, BME). Also consulted were barristers who students had met through family, friends or mini-pupillages.

> *"Because my barrister who I'd done mini-pupillage with I asked him for a, you know, what Inn I should join and he said oh, go for the* [Inn of Court]*, it's the best one."*

> *(female, BME)*

More formal sources such as undergraduate tutors were also consulted as well as online sources including the Inns of Court websites, chambers' websites and various online students' forums such as Chambers Student and the Student Room.

3.2 Value of the Inns of Court

Beyond financial assistance, the perceived value of the Inns of Court lay in providing students with assistance on the route to becoming a barrister. This can be divided into three key areas. First, offering the opportunity for prospective barristers to develop social networks and knowledge of the Bar.

> *It has allowed me to interact with barristers. I've been able to ask them a lot of questions like what areas of the law are, you know, should I consider or just talking about general life at the Bar. It's helped me build a network.*

> *(female, BME)*

Second, they provided educational opportunities for students and help with applying for pupillage, such as mock interviews and providing barrister mentors.

> *They've offered so much support, they've given me mentors, they've given me a mock interview. They just - they offer a lot of support.*

> *(female, BME)*

Third, they offered schemes directly aimed at non-traditional students, such as the Pegasus Access and Support Scheme (PASS) for low-socio-economic and BME students.

> *They were the inn that offered the Pegasus Access and Support Scheme* […] *It gave me really my first look at life at the Bar. Up to that point I'd just heard sort of anecdotal things from other people and, and been provided information by my tutor and, and sort of looked online.* […] *It really put me on the path.*

> *(male, BME)*

3.3 Accessing support from the Inns of Court

There were also a number of perceived barriers to accessing support from the Inns of Court. The traditional atmosphere, exemplified by the formal dinners, and the level of confidence it demands was considered to be challenging for people without prior experience of this setting and these types of events. Students from 'non-elite' universities may at first have found candlelit dinners isolating and felt *"out of place"* (male, BME) as they may not have had any prior experience of events such as this,

putting those with experience of this kind of event at an advantage. These events were perceived as *"intimidating"* (female, BME) for those from low socio-economic status groups. However, there was also the view that after getting accustomed to the tradition and history of the Inns of Court, all would subsequently feel welcome, and that although they were considered traditional, formal and slightly out of date, *"everyone's very friendly once you speak with them"* (female, BME).

There was a perceived lack of diversity within some Inns of Court in that they were mainly composed of *"white people"*. This lack of diversity was seen to negatively affect BME groups, in that it was harder for them to visualise a route to progression at the Bar.

> *I'll never be that. I'll never be able to be where they are. It just made it seem more unobtainable. It made you seem like you didn't fit in.*

> *(female, BME)*

BME groups would also then question their career choice: *"have I made the right decision? Am I doing the right thing? Is this kind of for me?"* (female, BME). This self-doubt was, to a certain extent, mitigated by individual factors such as ambition and aspiration, and that for these students it *"didn't make a difference"* (female, BME).

There was also the view that those without accurate university career support, nor a personal or a professional network in the legal sector may not have been made aware of access schemes and other opportunities.

> *I don't recall seeing it* [Pegasus Access and Support Scheme] *in any emails or anything like that. Individuals who perhaps don't have as good sort of career support at their universities may have more difficulty.*

> *(male, BME)*

3.4 Value of the qualifying sessions

Each Inn of Court offers a range of both formal learning and social networking experiences. These included: introductory sessions; residential weekends; dinners; lectures; advocacy workshops; voice coaching sessions; and talks from motivational speakers.

The three main factors influencing the perceived value of the qualifying sessions were their educational value, the opportunities they provide for networking and the insight they give into the profession.

The sessions were thought to be educationally valuable, providing lectures on topics that were of use for students studying the BPTC, but also advocacy sessions and moots that put students in good stead for applying for pupillage. In some instances, the qualifying sessions were thought to be more beneficial than the work done on the BPTC due to interaction and proximity with practising barristers.

> *The qualifying sessions that they run are really good and useful. So for example, we did one on ethics, shortly before the ethics exam, and that was a million times more useful than any of my ethics classes.*

> *(female, BME)*

They provided an opportunity for networking and for BPTC students from different BPTC providers to interact and socialise. This promoted the forming of social bonds

with other students and the sharing of issues as well as alleviating the stress and *"the headache of being in the school environment"* (female, BME). Students also had the opportunity to meet and interact with practising barristers. This was perceived to be useful as it gave students the chance to make links with barristers and chambers in order to boost their chances of securing pupillage.

> *You learn a lot from just casually speaking to barristers about how their profession is and how to do well at it and how to get a pupillage.*

> *(male, BME)*

Residential weekends in particular were considered good opportunities to mix with barristers in a relaxed setting over an extended period of time, and helped students to see them as approachable and accessible.

> *It was kind of eye-opening and you know, made you realise, you know, that they* [practising barristers] *are human-beings and they've all made mistakes and no one's perfect, and if they can do it, you can do it.*

> *(female, BME)*

The qualifying sessions were also valued for the insight they provided into the profession. They gave students *"an idea of what life at the Bar is going to be like"* (female, BME) and also gave students an insight into the history and *"the tradition of the Bar"* (female, White).

3.5 Engaging with the qualifying sessions

There were five barriers to students engaging with the qualifying sessions: the lack of diversity; their location; the scheduling of the sessions; their cost; and their delivery.

The qualifying sessions were viewed as stereotypical of the profession in that the majority of barristers were white, male and educated at 'elite' institutions. This was seen to make BME students and students from lower socio-economic status groups feel intimidated and judged. This contributed to the feeling of qualifying as a barrister being unattainable for those groups, and made them question their career choice and wonder whether those feelings of inadequacy would continue after qualifying.

The lack of diversity reflected at the dining sessions made BME groups feel like an exception and made it harder for them to approach barristers as *"you assume you have nothing in common with them"* (female, BME). This led to feelings of isolation, but individual factors, such as ambition and determination could mitigate this and, at times, even increase the determination of BME students to succeed and pursue opportunities at the bar. Dining sessions were especially isolating for those attending on their own, and for international students.

The qualifying sessions were considered to be London-centric, and more geared towards London students. It cost students based outside of London time and money in order to make the journey to attend. This led to late evenings and students struggling to get home.

> *The sessions aren't cheap to go to, especially if you aren't centred in London, because you've got the travel down and you've got the overnight cost of staying and feeding yourself.* […] *And I think that people who have commitments, like children, you know, just can't.*

> *(female, BME)*

There was also a perception that there was a lack of qualifying sessions held outside of London. Furthermore, the regional qualifying sessions were not viewed to have the same level of funding as those in London; to be more "amateurish" as they were organised by students themselves; and to not attract as many practising barristers – all contributing to them having a lower perceived value. It was also mentioned that advocacy sessions were held mainly in London, further disadvantaging those studying outside of London.

> *I don't think they have the same level of funding behind them, so I didn't find them as, as good or as helpful as the ones in London, and then, obviously, not as well attended, particularly by practitioners.*

> *(female, white)*

The qualifying sessions also competed for time with other commitments, such as studying and exams on the BPTC. This affected those from low socio-economic status groups, who found it hard to attend the qualifying sessions when they had already invested so much financially in taking the course and its other subsequent costs. Equally, this affected those with caring responsibilities, who would have to find childcare and might not be able to freely attend qualifying sessions in the evening.

> *People who have commitments, like children, you know, just can't … not necessarily at the drop of the hat, but if they don't have childcare available they can't go to some of the qualifying sessions.*

> *(female, BME)*

However, there was also the opinion that the sessions were quite flexible in that you could *"book onto* [the sessions] *almost a month in advance, you can put it into your diary and plan what you're doing around it"* (female, white). Equally, for those outside of London, some qualifying sessions held in London could count for *"three or four sessions in one"*, limiting the need for travel (female, BME).

The cost of qualifying sessions, both in terms of time and money, was perceived as a barrier. This was especially an issue for those with caring responsibilities.

> *I've got a family, and, you know, as everybody else, bills to pay and so forth. So you know, they can be quite costly.*

> *(female, BME)*

Paying to join an Inn of Court was perceived as a *"hidden cost"* associated with joining the Bar (female, BME). Further costs, such as having to pay to attend the qualifying sessions and to be called to the Bar contributed to the view of the Inns being out of touch with their new members. However, there was also the opinion that the qualifying sessions were *"good value for money"* (female, white), indicating that students felt the hidden nature of the costs more challenging than the amount. Nonetheless the qualifying sessions were seen to give the impression that students needed to raise their financial capital in order to be accepted at the Bar.

> *You have to pay even more money for the bonus dinner, so again it's sending that message that in order to fit in you have to raise your financial capital even if it's a dinner that cost 15 more pounds, that's the message that's being sent.*

> *(female, BME)*

Finally, some qualifying sessions, such as the lectures, were not viewed as engaging enough. This contributed to the feeling that the qualifying sessions were not geared towards international students, as they were *"not engaging* […] *that much"* (female,

BME) with them otherwise. They felt that these sessions were particularly hard to engage with due to their content and presentation style. Failure to engage with this group of students meant that Inns have only nominally gained a new member and that membership of an Inn was more like a *"tick-box exercise"* (female, BME).

However, there was also the opinion that as time went by the qualifying sessions became more useful, as more worthwhile and useful connections were formed.

> *Initially it was like, 'Oh why on earth do you need to do 12 qualifying sessions? What a waste of time. I'd rather not go', but then when I did go I really enjoyed it and I made connections with people.*

> *(female, BME)*

3.6 Summary

As described above, the value of the Inns of Court and the qualifying sessions they provide is clear, but not everyone is able, or feels able, to access the support on offer. While some Inns have made attempts to increase diversity through access schemes, the unfamiliarity of the setting and the traditions involved left those with less prior knowledge feeling intimidated and less likely to benefit from the networking opportunities available. As one of the main factors in choosing an Inn was financial, specifically with regards to obtaining funding, those with less access to information on the role, nature and format of the Inns and the opportunities they provide were left disadvantaged regarding pursuing their chosen career.

4 Pupillage

This chapter sets out the perspectives of participants on the process of applying for pupillage and covers the following stages:

- Higher education
- Advice and guidance
- Advance preparation for pupillage
- The application process
- Selection and interview
- Experiences of undertaking a pupillage.

The main cross-cutting themes which recur across all stages of the pupillage application process are:

- The importance of informal connections to the legal profession
- Resource constraints that hinder the application process and access to opportunities to enhance their professional profile

4.1 Higher education

It was apparent from participants' narratives that the higher education institution attended and the degree awarded mattered in preparing for a pupillage. The pre-dominant view was that an academic qualification from an 'elite' university was an established way to enhance a pupillage application as participants knew that most barristers were educated at 'elite' institutions. In this factual statement is also an acknowledgment that there may be an implicit and subjective preference of 'like attracting like'.   This would require advanced knowledge and preparation at secondary school and early advice and guidance which may not have been available to those from lower socio-economic and BME backgrounds.

Moreover, due to the competitive nature of the pupillage process, one view was that a first degree in law, even at an 'elite' university, was not sufficient, and a post-graduate degree would make an application stand out.

> *No, it was quite well known at university that if you wanted to go to, well, any, any kind of set at the Bar, any type of chambers, you needed to be as kind of well qualified as possible, and part of that was having a masters.. that chambers would look on it very favourably and… you have to have a first…. have to have a masters if you want to really go, go to the top, top set.*

> *(female, white, successful)*

The financial implication of this was highlighted, and one view was that, on balance, the cost of undertaking a post-graduate degree was not worth the potential value for a pupillage application.

> *I toyed with the idea if is it worth trying to get hold of a masters but that's clearly another big sum of money and my impression is that probably varies set to set about those that perhaps put more weight on that and those that it might not make much of a difference.*

> *(male, white, unsuccessful)*

This implies that those who attend schools with better career advice services, those from higher income backgrounds, and those who have informal connections to the

legal profession can start planning for pupillage much earlier than those who do not. It is of course also possible that for some these three factors (structural, individual, and social) co-exist, enhancing their advantageous position in relation to the advanced preparation required.

4.2 Advice and guidance

In addition to information about the general requirements to gain a pupillage and advice on the factors to consider when choosing chambers, participants sought help to check CVs and applications. They were also given information about the policies employed by some chambers such as "one strike and you are out" rule, which meant an unsuccessful applicant could not re-apply.

Advice and guidance were available from academic institutions, BPTC providers, Inns of Court and informally for those who had connections to the legal profession. Inns of Court were cited as providing a range of support in the form of mentors, career-related workshops and informal network events.

Even if there was awareness of the support available, accessing it was not always possible. For practical reasons, participants living outside London found it difficult to access the range of support available at Inns of Court.

… All of us struggled to attend any of the events in London simply because of cost and time. You know if we were training in London then it would have been a lot - or even near London it would have been a lot - easier …

(male, white, unsuccessful)

Participants knew that Inns of Court were making changes to how they schedule these events and gave the example of a taster weekend held by an Inn of Court for those living outside London. However, disparities were noted and made participants reflect on the enhanced offers of support available to 'elite' institutions.

I received an email from my Inn saying that there were going to be dinners for university students … to provide information about a career at the Bar. And there were five evenings and all ... about 100 universities got invited to one of the evenings and ['elite universities'] had invites to all five which I felt was a slightly, you know, disingenuous effort to improve diversity …

(female, white, successful)

This feeling was compounded by a general awareness that 'elite' universities provided an exceptional level of support and guidance for law students by harnessing existing contacts to barristers who were alumni of these universities.

… ['Elite' universities] organise lots of events … chambers coming in, and sort of extracurricular things that you could get involved with, like Bar society groups … you could sort of book appointments ... and they actually knew what they were talking about ... here's where you get your scholarship from, here are the application deadlines…so sort of practical stuff that...

(female, white, successful)

This was contrasted with fragmented or non-existent support available at 'non-elite' universities which instead emphasised the route to become a solicitor. Participants described struggling with the concept of pupillage and the preparation needed to apply for one.

You never heard anything about the Bar course at undergraduate level. I don't know, that's probably different at other universities, but at [participant's university] *specifically, they never promoted it.*

(female, white, unsuccessful)

For the less resourceful in seeking out information, those who do not have the means to attend pupillage information events, and those who need to combine paid work with their studies, a two-tiered system of support begins at the undergraduate level and fully manifests itself at the pupillage application stage.

4.3 Preparing for pupillage - unpaid placements

An important aspect of the pupillage application process is advance planning and participation in activities such as unpaid work experience to boost applicants' professional profiles and make them more attractive to prospective chambers. This section covers the different unpaid work experience opportunities within the legal profession described by participants, and the barriers that affect this preparatory stage. The activities covered are:

- Mini-pupillages
- Marshalling
- Other skills-based activities

4.3.1 Mini-pupillages

By far the most common work placement sought and undertaken is a mini-pupillage and this was frequently mentioned by participants. It involves shadowing a barrister for up to two weeks. Mini-pupillages are an important preparatory activity to gain direct experience of chambers and courts before undertaking the pupillage application process.

Overwhelmingly, participants believed that unpaid, mini-pupillages were very competitive and those with existing connections to the legal profession were able to seek out mini-pupillages more easily. In addition, harnessing these connections helped to create more work-placement opportunities.

It's the whole psychology that goes with having those connections, that…. it doesn't seem unusual to… fall back on those connections,….to ask to spend a week in your uncle's law firm … or my other mate who was going to work with his dad … You know, it was all of these connections.

(male, BME, unsuccessful)

Participants explained the importance of mini-pupillages lay primarily in the value they believed chambers placed on them. That is, undertaking mini-pupillages was a sign of commitment to the profession and one which chambers considered when assessing pupillage applications.

The alternative view expressed by participants was that mini-pupillages did not demonstrate commitment but instead showed that they had the financial backing to undertake these and other types of unpaid work-experience:

There's a lot of weight on mini-pupillages … my slight worry is I think if you are financially able to rack up a lot of them you rock up and say, 'Look I've done nine' and that might simply be tapping into your ability to have the means and time to do nine ...

(male, white, unsuccessful)

There were two contrasting views on the benefits of mini-pupillages. Participants who found them useful described gaining valuable insight into the profession and advice on how to make their pupillage application stand out from the rest. Alternatively, those who found mini-pupillages less useful felt that observing barristers did not help them to gain any skills.

Two main barriers to undertaking mini-pupillages were identified: the opportunity cost (that is, what is given up for this type of work experience placement), and the lack of informal connections to the legal profession.

In relation to opportunity costs, the experience of participants suggests two interlinked factors that affected the ability to undertake a mini-pupillage. The first was the cost of travel and accommodation because many mini-pupillages are available in London and thereby disadvantage those who live in other regions. The second factor was the time spent applying for mini-pupillages and if successful, the time spent away from routine activities (for example, family and paid work). The loss of income for those who were in paid work was particularly salient for those from lower socio-economic backgrounds.

If you live in central London then clearly there are lots of places that you can go to ... If like I did you were living in [Name of city] … it's really not financially that easy to get down and take time out to go to London or if you're working full-time… so this year I have done like I say more minis, but that's come at a cost because I've had to take quite a bit of unpaid leave.

(male, white, unsuccessful)

It was clear from participants' narratives that it was not only the lack of connections to the legal profession but also the inability or lack of confidence to use any existing connections. This was particularly true for those from lower socio-economic and BME backgrounds.

The lack of connections to the legal profession also led to a heightened awareness of the disparity of opportunity quite early in their legal education.

… rejection after rejection after rejection… really affect my confidence. I wasn't sure if I was good enough to be a lawyer at that stage that I couldn't even get work experience in it….I remember … being with other students who were very well connected,…hearing about other classmates…. so-and-so's dad knew this QC and he was going to go shadow him for a few days ... And I was just feeling this isn't fair….feeling quite helpless and ... not knowing where to go.

(female, BME, unsuccessful)

There were some examples of participants taking their own initiative to overcome barriers to undertaking a mini-pupillage. This included, successfully seeking support from friends who had connections to the legal profession. One factor important for using any existing connections was self-assurance or confidence to ask for help.

I… changed my mindset. Instead of being…worried about…asking people for experiences….I changed that and I actually made an active effort to get involved….

Support mechanisms that helped overcome some opportunity and financial costs were the ability to stay with friends and family to minimise travel and accommodation costs, and the offer of study leave for those in paid work.

Access schemes such as the Pegasus Access and Support Scheme[22] were also discussed and participants reflected that they were not aware of the scheme or the support available when they first applied for mini-pupillages.

4.3.2 Marshalling

Marshalling involves shadowing a judge at a court for up to three days. In some instances, Marshalling opportunities are available to BPTC students through Inns of Court.

Participants described a highly competitive process, more competitive than mini-pupillages as more chambers offer mini-pupillages than the number of judges who volunteer to take on Marshalls.

Although some Inns of Courts may have an application process for Marshalling opportunities, participants described the lack of a formalised application process, which meant that existing connections with the legal profession and with judges were instrumental to accessing this type of opportunity.

> *You definitely… either need to know a judge or have met a judge to be able to apply for it…. it's not like a mini-pupillage where you can apply to a set of chambers. You have to know someone that's involved…. it may be slightly easier for people with a more prosperous background because they might have more to do with sort of that level of society*

> *(male, white, unsuccessful)*

4.3.3 Other educational activities

Other work experience activities mentioned by participants were:

- Mooting (arguing a fictitious case)
- Advocacy
- Mock trials

In discussing these activities, a number of barriers emerged. For example, while referring to mooting, participants with lower awareness of these activities explained that they had not realised the importance of mooting for their pupillage application and had therefore paid little attention to the opportunities available.

> *I wish I knew how important mooting was…before applying for pupillage….I could have done mooting at my university… I found out … when I was doing my BPTC that…chambers, they want students to do mooting. And that's when I did mooting at… my inn of court.*

> *(male, BME, unsuccessful)*

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[22] Created by the Honourable Society of the Inner Temple, in association with participating Chambers, the Pegasus scheme was launched in 2012. It aims to support students to undertake work experience (mini-pupillages) in barristers' chambers, regardless of their background or personal networks. http://www.pegasus.me/

Those who had attended 'elite' universities had more access to these activities as their educational institutions were more likely to organise moots in partnership with a set of chambers, for example. However, an example was also given of a 'non-elite' university which facilitated students' access to these activities. Taking part in these activities, which also included social events, also helped students to develop informal connections to barristers and chambers.

> *I did couple of moots where a couple of chambers… came in… and judged. There was a faculty moot that was sponsored by a particular chambers … every term. So there was always sort of a drinks event with [name of Chambers] is coming in ... was sponsored by [name of Chambers], and then some of those barristers would come and, and mingle.*

(female, white, successful)

Similar to mini-pupillages, the key issues that prevented participants from accessing these activities was their location as most opportunities were available in London. Participants who were in paid work, and more likely to be from lower socio-economic background, also found it difficult to access these activities.

4.4 Preparing for a pupillage – paid work

Participants described undertaking different types of paid work to support their application for pupillage, including:

- Paralegal work
- Paid internships
- Other law-related positions such as policy work.

This type of work experience was useful for enhancing CVs and was used as an example during pupillage interviews to demonstrate commitment to the profession and the ability to nurture new relationships.

> *When they look on your CV they say, 'Well, you've been there for a year, you know the solicitors there… is it likely that this person can bring a relationship - bring a new relationship…? The other side is, this person has got casework with…*

(male, white, successful)

4.4.1 Other activities to prepare for a pupillage

The award of scholarships based on merit was a way for participants to show that they had taken part in a competitive process which they felt would appeal to chambers. In some instances, the realisation that it was important to apply for a scholarship came too late, sometimes after applying for a pupillage.

> *It only became apparent to me… when I applied for pupillage this year… What they should be telling you is that everyone should apply for a scholarship…. whatever their reason is for not applying for the scholarship, they're missing out on a big opportunity, because…there's a designated area on your application form for scholarship.*

(male, BME, unsuccessful)

Sponsorship schemes and mentoring schemes were other ways to prepare for a pupillage application. The ability to seek out relevant information and the confidence to

request support at this preparatory stage were important individual factors that helped to source non-standard opportunities.

> *They have a sponsorship scheme….this is normally targeted to BPTC students but I asked whether I could have one as a GDL student… I had a sponsor and had lunch with him and he basically told me the kind of things that… people would do… have on their pupillage application forms… effectively, a tick list and I just went about trying to fulfil that tick list.*

> *(male, white, successful)*

4.5 The application process

Pupillage applicants need to make a series of decisions when applying for a pupillage. They need to choose chambers that match their law specialisms and preferences, consider the profile of chambers of interest, and decide when to apply for a pupillage. These areas are discussed below alongside additional factors that influenced the application process.

4.5.1 Selecting chambers

Specialisms played an important role in the choice of chambers as did the reputation of the chambers. In instances where participants were unsure which area to specialise in, they chose chambers offering a range of specialisms. Those who had not been successful in securing a pupillage and intended to apply again were considering broadening the range of specialisms for the next application to improve their chances of success.

The profile of individual barristers including the university they had attended was an important consideration is selecting chambers. One approach taken by participants of BME background was to avoid applying to chambers where the most recent pupils had been educated at 'elite' universities.

> *… I just looked up the five recent tenants and I looked at what their qualifications were. So if there was - the five most recent tenants were all from ['elite' universities] I just wrote it off…if they all had firsts …I wrote them off as well …there's no point.*

> *(male, BME, successful)*

The main reasons given for applying to more diverse chambers was the desire to work with people with whom they were more likely to feel at ease and a belief that diversity helped to create a more positive working environment.

> *I feel comfortable working in a diverse environment… and I feel that diversity does produce better working results...I think it's important…*

> *(male, BME, unsuccessful)*

At the same time, participants noted that the strategy to target diverse chambers could have an adverse impact on the diversity within the barrister profession. That is, it could lead to the more diverse chambers experiencing a high volume of applications that they cannot accommodate, whilst the less diverse chambers continued to remain so because of lack of applications from candidates from a wide variety of backgrounds.

There were female participants who chose chambers where female barristers were well-represented. Others were undeterred by chambers that were predominantly white

and male. They felt this profile reflected the overall profile of the legal profession and accepted this as a structural given. However, in some instances female participants were actively discouraged from choosing some specialisms and chambers.

> … There was certainly a kind of "commercial law is more for the men"… That I would stand out ... certainly among the older barristers … and it's something that's even repeated by the junior barristers … that commercial law is the preserve of men. Women do slightly fluffier disciplines like family law.

> (female, white, unsuccessful)

However, even after having been advised by other barristers to avoid some chambers based on the education profile of former pupils, some still applied.

> So I wouldn't let it put me off,… it's an additional thing that I think, well, I need to emphasise a) my academic ability or b) my,… experience within the legal profession, or if I'm not successful, that may well be … a part of it. Not obviously the whole of it, but a part of it.

> (female, white, unsuccessful)

Other factors that participants considered were the location of chambers, the cost of living, and the level of pay. Some had chosen not to apply to chambers in London and the South East as the cost of living was too high and at some chambers the annual pupil award was too low.

> if I hadn't of had the support from my parents, I don't think I'd have been able to do it because working two days a week wouldn't have been enough to support my additional accommodation fees that I needed to cover plus just the cost of living itself.

> (female, white, unsuccessful)

Those with informal connections to the legal profession sought advice about chambers and how best to raise their profile when attending networking events and when completing their application. This 'insider' information was very valuable for participants as they felt that looking at chambers websites only provided partial information.

4.5.2 Completing an application

Pupillage applications can be submitted at different points within the law training pathway. Participants mentioned submitting their first pupillage application while studying for their law degree, during their GDL training, while undertaking their BPTC and after the BPTC. The overall view was that those who were educated at 'elite' universities were much better prepared to apply for a pupillage earlier in the training pathway than those who had attended 'non-elite' universities.

Pupillage applications can be submitted in two ways; online through the Pupillage Gateway (the Gateway) operated by the Bar Council, and directly to chambers that do not use the Gateway.

The Pupillage Gateway application is more formalised with standard questions and participants were not fully convinced that this was the best approach to applying for a pupillage. Their contrasting views cover two broad areas:

- The types of questions: The standardised questions were relatively easy to complete and could be used for multiple applications and therefore were less time-consuming. In contrast, the formulaic nature of the questions made it difficult for participants to demonstrate their uniqueness or make their application stand out.
- The format of the application: Time-saving features such as the automatic completion of grades and work experience for each application were found to be helpful whilst printing applications to get feedback was more problematic and the system did not make it easy or intuitive to do so.

One view was that the Gateway revealed too much about applicants' socio-demographic background such as the secondary school attended and Free School Meal (FSM) eligibility. Participants felt that along with the preference for those educated at 'elite' universities, this additional information could disadvantage applicants from lower-socio economic backgrounds even more.

Disillusionment with the 'elite' / 'non-elite' university divide, the limited number of pupillages and the volume of applications resulted in a negative view of the Gateway process among some participants.

> *This Gateway is like a total washout and I couldn't understand it ... my profile seemed to match exactly the kind of work they did and also my academics matched the…I didn't even get an interview there….*

> *(male, BME, successful)*

In addition, participants felt that it would not be prudent to disclose a disability or learning difficulty on the pupillage application form. They also thought they would be more inclined to do so if the chambers they were applying to had a diverse profile of barristers.

Due to the sheer volume of applications that chambers would have to sift through, participants felt that first sift was likely done by education institution, which would disadvantage those who had attended a 'non-elite' university.

> *… I think as well some advice we got [at] a talk on the Bar course was, 'Look at the chambers you want to apply to, look at their profiles and if most of them attended Oxford and got first class degrees or Harvard or somewhere like that and you didn't... don't apply there because they clearly wouldn't take you on, they're clearly looking for a specific person.'*

> *(female, white, unsuccessful)*

By contrast, because chambers received fewer direct applications than through the Gateway, one view was that the direct approach was less competitive, thereby increasing the chance of success for those from diverse backgrounds.

> *Maybe the individual applications favour more diverse candidates …if you have an essay question, a legal problem to do - you can really demonstrate your intelligence in that question. And you can also demonstrate your interest in chambers if it's paper-based. If it's gateway you're kind of just competing with loads of people.*

> *(male, BME, successful)*

Unlike the Gateway process where a 'cut and paste' approach could be used to respond to questions, direct applications took longer to complete and could be tailored to emphasise individual strengths.

> *… a lot of non-gateway ones will say, 'What is your experience of…?' … it makes it easier because you can write more freely about the other things that you've done.*

> *(female, white, unsuccessful)*

Although the Gateway deadline has changed to ease some of the time pressure experienced by participants, those who were juggling their training with work and other responsibilities recalled how difficult it had been to complete applications and seek support for reviewing their applications.

> *Finishing the course and doing applications … whilst also juggling full-time work…family and [name of voluntary work], the sheer time constraint really. I tend to do my applications late at night… it's something that almost gets slotted in in between everything else.*

> *(female, white, unsuccessful)*

4.5.3 Finding out about the outcome

An area of concern for participants was the lack of response from chambers which left them to conclude this '*rejection by silence*' meant that their application was unsuccessful. The Gateway process was lengthier and participants expressed a preference for direct applications because of the shorter waiting time if participants were selected for interview.

As mentioned previously, the predominant view was that a key selection criterion was the university attended by applicants. Although this was felt to disadvantage those who did not attend 'elite' universities, participants also accepted that those who had attended a university with a reputation for quality education were likely to be selected first.

This realisation did not lessen the disappointment of a negative outcome, and a concern was raised that by focusing on the university attended by applicants, chambers were ignoring important factors such as a disability or learning difficulty.

> *'I don't even get invited to first round and I can't help feeling they're just looking at my lack of [academic qualifications] and if they are taking into account my disability … it's putting them off, it's either putting them off or they're not getting that far, so I'd say my disability is affecting me in the pupillage process to some extent'*

> *(male, white, unsuccessful)*

For those of BME background this appeared to be compounded by the awareness that irrespective of how well they performed, they could also be held back due to their racial background.

> *It was just very upsetting, you know, because you get your law degree, you work really hard, and then… you're just at a disadvantage even more... Since my college tutor said, I've always felt a bit disadvantaged because of my skin colour...*

> *(male, BME, unsuccessful)*

Even when they were informed of the outcome, participants would have valued further feedback on their application as this would have helped to strengthen future applications. It can also be inferred that feedback would have been particularly helpful to those who were unable to access support at this stage of the pupillage process.

4.6 Selection and interview stage

The next stage in the journey for participants whose applications were successful was the pupillage interview. This section discusses experiences of the setup and conduct of interviews.

4.6.1 Interview setup

Key issues at the interview stage were the financial and practical implications of attending interviews and included:

- Incurring higher travel and accommodation costs
- Arranging childcare
- Taking time off work.

Participants believed these issues were more likely to affect lower income groups, those not living close to the interview location, and those working full-time or with caring responsibilities:

> *Interviews, all of mine were in London and they required really short notice travel; some of them I'd get notified the week before… which meant last minute train tickets. I was lucky in that the trains from [name of city] to London aren't that expensive. If I had done it somewhere like [name of city] it would have been eye wateringly expensive.*
>
> *(female, white, unsuccessful)*

Participants' thought that chambers could take three steps to address these: provide advance notice of interview dates to help participants to make practical arrangements, reimburse travel expenses, which not all chambers did, and offer the option to conduct interviews remotely. Their experiences included chambers rejecting a request to conduct a video interview using an online platform.

> *I think a great… help would be to do more interviews, certainly first round, by [online platform] ... I think it's becoming quite common for job applications and I don't really see a reason why it can't be done for pupillage interviews. You can still see people, you can still have a panel interviewing you, but it would be a fantastic help for people who can't afford or can't make it to London.*
>
> *(female, white, unsuccessful)*

Advance notice of interviews, along with information about the types of exercises to be used by chambers, were also important as this gave participants time to prepare for the interview. Those who had received support, such as taking part in mock interviews, from their provider, university, or Inn of Court felt more prepared.

4.6.2 Conduct of interview

Three aspects of how pupillage interviews were conducted are discussed: the length of interviews, the type of questions asked and exercises used, and the style of questioning.

Participants expressed concerns around interviews that were either very short, around ten minutes; or very long, for example, lasting a day or longer. One view about shorter interviews was that it was insufficient time to make a considered decision and likely led to quick judgements based on first impressions which could unfairly affect applicants whose personal profiles were different to those of the panel. However, longer interviews, sometimes conducted over a week through an unpaid mini-pupillage, were seen to disadvantage those on low incomes.

Generally, participants were negative about the questions asked where these were felt to be irrelevant for the role and would not help to identify strong pupillage candidates. These included questions which asked them to justify their personal and social background and to explain why they had attended a state school or a 'non-elite' university, irrespective of the academic grades achieved.

> So I'd always get asked why did I go to a metropolitan university or why are my GCSEs lower and you went to a state school? So I think these are all factors that really do pull you apart from someone who might be more well-off or has attended private school…
>
> *(female, BME, unsuccessful)*

These types of personal questions were more likely to discourage unsuccessful applicants that lacked confidence and motivation from re-applying for a pupillage.

> What constructive result can come from looking at somebody's CV in front of them and then in front of the rest of the panel sayings, 'Let's be real, your CV is nothing special, is it?'… I think that shows that there's an arbitrary element that's unpleasant when you go on pupillage interviews at chambers … my happiest experience of going on a pupillage interview [was] where I didn't feel degraded, I didn't feel demeaned or embarrassed.
>
> *(white, male, unsuccessful)*

Another category of question that participants objected to was abstract questions, which were perceived to be irrelevant for undertaking a pupillage. Other examples of type of questioning which is likely to introduce bias into the process included questions about who the interviewee would invite to a banquet or take to a desert island.

> [Being asked questions such as] 'Describe a spiral staircase without using your hands'…so some of the interviews I went to were very peculiar... I think some people that could be great advocates probably slip through the net ... because of the way … chambers that are interviewing, the people on the panel might not necessarily have interview experience.
>
> *(female, BME, successful)*

In contrast, participants' preferred type of interviews included a case or scenario, for which they were given time to prepare and present. This was seen to test the necessary skills of analysis, interpretation and presentation. However, candidates reflected that it was important that these scenarios tested their reasoning skills broadly,

rather than require specific legal knowledge; otherwise this could put those at an early stage of their legal training at a disadvantage to those with more legal knowledge.

Participants reported experiencing an adversarial approach towards questioning during interviews. Those who had attended 'elite' universities (and received an enhanced level of support and had more exposure to arguing points and defending opinions) felt better equipped to handle this style of interviewing.

> *Aggressive questioning [at the pupillage interview] ... than I thought was… reasonable in a pupillage interview. I think I can cope with that... fairly well… I went to ['elite' university] … with a tutor who would sort of prod you for your opinions and make you defend them… I think that does probably put you in better stead than perhaps where you haven't had as much experience in defending what you're saying.*
>
> *(female, white, successful)*

This can be contrasted with the views of those less prepared for this style of questioning and less able to robustly defend themselves.

> *I did definitely come up against one interviewer who seemed determined to rock me really quite strongly… they themselves aren't putting much thought into their questions…*
>
> *(male, white, unsuccessful)*

It was following the interview that participants received feedback on their lack of success which they felt would help them to improve interview techniques or, in the case of positive feedback, affirmed that they were progressing in the right direction. However, if they felt that they met the selection criteria participants questioned the veracity of the feedback and speculated that the chambers may have been looking for a specific type of candidate.

4.7 Experiences of pupillage

Having successfully gained a pupillage, participants described both negative and positive experiences which hinged on the following four factors:

- The quality of the learning experience offered
- The supervision support they received
- The working conditions
- Interaction with peers and experiences of prejudice.

Participants' judgements on the quality of their learning experience were made based on the opportunities they had to develop their skills and increase their knowledge of the law by working on cases alongside barristers. This exposure was favourably compared to the BPTC where learning was far removed from the daily work undertaken by barristers.

> *When you're on pupillage… You can prepare a cross-examination and then your pupil supervisor will say to you, 'No, wouldn't ask this, wouldn't ask this, wouldn't ask this'…I think at [the BPTC level] it's slightly more artificial. You're given a pretend scenario without a real client... at pupillage … I'm learning to refine the questions I'm asking… that skill probably didn't necessarily come at [the BPTC provider].*
>
> *(female, BME, successful)*

The time supervisors spent to support learning added to the overall experience of a pupillage. Participants identified four qualities they felt were important for good supervision: supporting involvement in cases, seeking out a range of learning experiences for pupils, providing feedback to shape their learning, and being available to spend time to discuss any concerns.

> *Probably the most fun I've had training. Because I think everybody that I had supervising me really, really took it seriously … you help your supervisor, and you're involved in their cases, and you work on those cases together, so you feel like you're contributing … massively beneficial in terms of the training.*

> *(female, white, successful)*

Supervisors also identified areas for development, and participants mentioned attending courses, for example, to improve their advocacy skills, during the first six months of their pupillage.

Accounts of unfavourable experiences included the stressful nature of undertaking a pupillage. Participants described a heavy workload, low pay, having to compete with other pupils in chambers where there were only a limited number of tenancies on offer (which hindered collaboration with peers).

> *I think pupillage is a really antiquated process where you're doing a year-long job interview that I think is unnecessary, and I don't see why the Bar can't work like other places where you've basically got a job and then you're training on the job. And I think it's unnecessarily strenuous to make someone go through a year-long job interview… barristers feel that because they've done it, then the new up and coming people should do it as well, but I don't think that's necessarily rational.*

> *(male, white, successful)*

A poor learning environment was reported in chambers that prioritised case management over learning. To address this issue, participants suggested that chambers should try to achieve a better balance between shadowing and taking on cases for pupils.

Both differences due to income background and ethnicity were mentioned in the context of 'not fitting in'. Participants also described picking up on subtle cues and hints which seemed to cause discomfort.

> *More just lots of little experiences [of prejudice]. The things like how people talk to you, how they treat you. So those are the things that are really hard to explain and a lot harder to address … Here, nobody ever says what they think and treat you in different ways because of it … you think you're just not as good? Is it a question of your quality or is it a question of who you are? And if nobody's saying anything … how do you know?*

> *(female, BME, successful)*

> *But the chambers itself was not very diverse [chuckles] and that's something I found, I actually found that I didn't really fit in so much.*

> *(male, white, successful)*

4.8 Summary

In covering the different stages of the pupillage process the importance of early advice and guidance is apparent for the advance preparation required, often years in advance of applying for a pupillage. Clearly at an advantage are those who attend 'elite' universities with strong connections to the legal profession and barristers who are alumni. A two-tier process is apparent from this early stage, and those from lower socio-economic backgrounds and, to a lesser extent, BME individuals are disadvantaged due to the financial and time commitments of undertaking unpaid work experience opportunities and attending events to develop their skills. These themes and associated implications are discussed in more detail in Chapter 5.
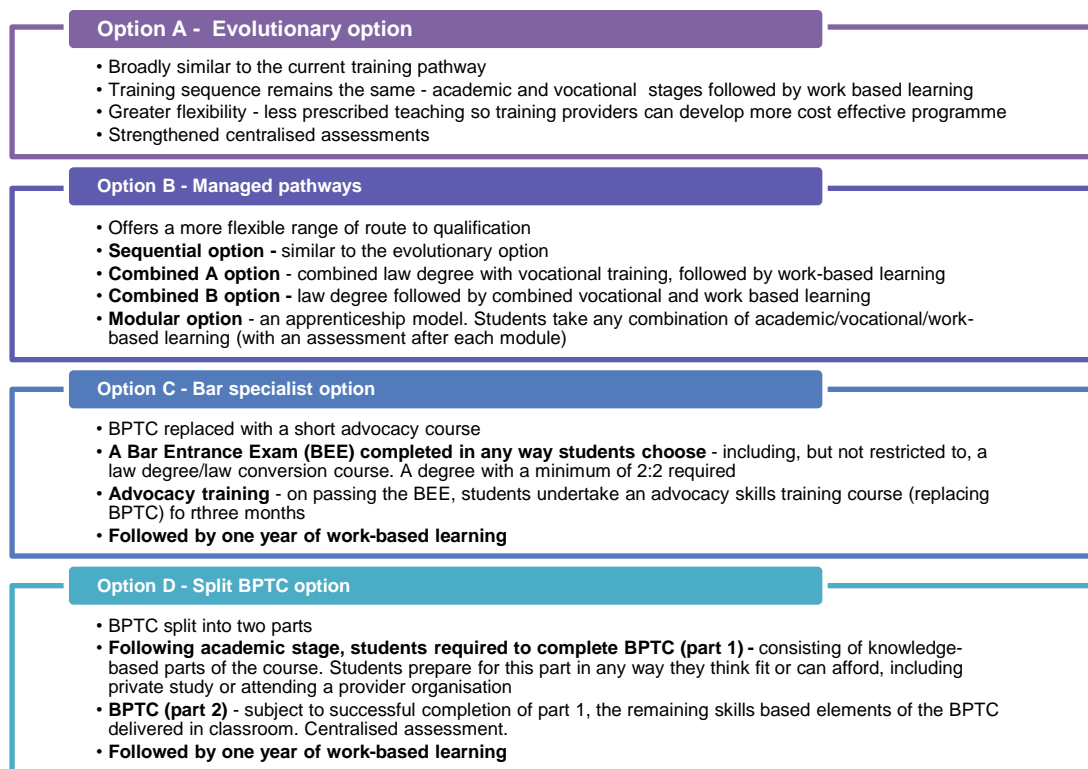
5 Findings, synthesis and implications

The research explored the barriers and facilitators at the post-academic stage of studying for the Bar for certain groups, including those from lower socio-economic backgrounds, BME groups and women. The study focused on the structure and teaching of the BPTC and the process of applying for pupillage.

This chapter brings together the findings in three ways. Firstly, it sets out views on the future Bar training options that BSB were considering at the time of the research. It then presents an analytical synthesis of the findings, drawing out the interactions between structural and individual factors that act as barriers or facilitators on the training pathway. The chapter concludes with the implications of these findings based on suggestions either made directly by participants or grounded in their views.

5.1 Future Bar training options

As part of the study, participants were asked to reflect on the various options proposed by the BSB for the future of Bar training presented in Figure 5.1 below. BSB were carrying out a consultation on these options at the time of the research as part of their programme of regulatory change, discussed in Chapter 2. As well as outlining their thoughts on each of the specific options, this section also identifies a set of broader concerns across the options.

Figure 5.1: Future Bar training options for the Bar

Option A - Evolutionary option
- Broadly similar to the current training pathway
- Training sequence remains the same - academic and vocational stages followed by work based learning
- Greater flexibility - less prescribed teaching so training providers can develop more cost effective programme
- Strengthened centralised assessments

Option B - Managed pathways
- Offers a more flexible range of route to qualification
- **Sequential option -** similar to the evolutionary option
- **Combined A option** - combined law degree with vocational training, followed by work-based learning
- **Combined B option -** law degree followed by combined vocational and work based learning
- **Modular option** - an apprenticeship model. Students take any combination of academic/vocational/work-based learning (with an assessment after each module)

Option C - Bar specialist option
- BPTC replaced with a short advocacy course
- **A Bar Entrance Exam (BEE) completed in any way students choose** - including, but not restricted to, a law degree/law conversion course. A degree with a minimum of 2:2 required
- **Advocacy training** - on passing the BEE, students undertake an advocacy skills training course (replacing BPTC) fo rthree months
- **Followed by one year of work-based learning**

Option D - Split BPTC option
- BPTC split into two parts
- **Following academic stage, students required to complete BPTC (part 1) -** consisting of knowledge-based parts of the course. Students prepare for this part in any way they think fit or can afford, including private study or attending a provider organisation
- **BPTC (part 2)** - subject to successful completion of part 1, the remaining skills based elements of the BPTC delivered in classroom. Centralised assessment.
- **Followed by one year of work-based learning**

5.1.1 A summary of the views on each option

There were six broad categories that informed views across the options; these are outlined below.

- **Affordability**. The costs of undertaking training for the Bar, and the options available to finance it, as discussed in the previous chapters.

- **Quality of learning experience ('quality')**. The two key dimensions when assessing quality were: the relevance of the course content (including the balance of knowledge about the law and practical elements), and the breadth of learning experience which was determined by (for example, class sizes, the calibre of other students and support from tutors).

- **Clarity and coherence**. Whether the option could be easily understood, offered something different from the current training pathway and was internally coherent. That is, whether the option's different components worked well together.

- **Feasibility**. Considerations around whether the option would be acceptable and workable for students and the organisations involved in the training (including whether would be able to deliver it in a cost-effective way).

- **Fairness and accessibility**. A key concern was accessibility to the training options for BME groups, women, and those from lower income backgrounds. This included reflections on whether flexible pathways help increase diversity or created a tiered system which further exacerbated inequities.

- **Flexibility and choice**. How the options enhanced the flexibility of completing training and the choices available for students.

Table 5.2 provides an outline of the use of these categories to reflect on what participants liked and disliked about each training option.

Table 5.2: Views on each of the future training for the Bar options

Option	Features liked	Features disliked
Evolutionary	**Affordability** – may reduce costs of course to students if delivery is less prescriptive for providers	**Quality** – concerns around poor quality teaching experiences, particularly in relation to bigger class sizes **Feasibility** – unclear whether delivery of the course would be cost-effective **Clarity and coherence** – option too close to current delivery model so would not change anything
Managed pathways	*Across the pathways* **Quality** – liked having more practical advocacy throughout by combining the academic and vocational. Appreciated the potential of the option to provide a more well-rounded educational experience (for example, work experience opportunities in community law practices)	*Across the pathways* **Fairness and accessibility** - a two-tiered system would exist because chambers would inevitably have a preferred pathway. Working out which option to choose to enhance their profile for pupillage may be confusing and complicated, and more difficult for those with less general and tacit knowledge of the profession.

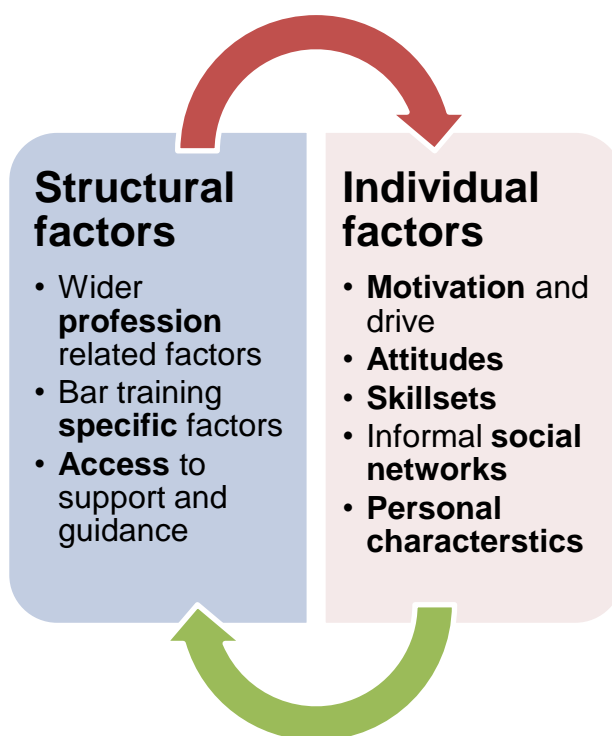| Option	Features liked	Features disliked
	Choice and flexibility – can choose the pathway that suits the student. This flexibility important for those with caring or work responsibilities	**Feasibility** – chambers may not agree to this option as they would like to be involved in training students for their workplace **Quality** – flexibility of pathways removes a consistent frame of reference which should be used to assess pupillage applications
	Combined option A **Affordability** - BPTC can be covered by student loans and so addresses cost as a barrier **Choice and flexibility** – greater choice in which institution vocational training can be done. Therefore students can study with the same provider where they did their academic/GDL course	*Combined option A* **Choice and flexibility** – route implies students will know they want to become a barrister before starting their undergraduate degree. Students should be able to decide once they have started their degree **Quality** – academic and vocational training should be kept separate as they are perceived to be fundamentally different
	Combined option B **Choice and flexibility** – would increase choice as it would be good to have a pupillage secured before choosing to invest time and money on the course **Quality** – liked the practical aspect of this pathway, and working through pupillage while learning	*Combined option B* **Clarity and coherence** – the value of the BPTC may be undermined as its purpose is perceived to be about helping to secure a pupillage
	Modular **Affordability** – the idea of learning whilst earning was seen to be appealing	*Modular* **Quality** – not valuing work experience outside of chambers, as this would not prepare them for working in chambers
Bar specialist	**Affordability** – The reduced time commitment would minimise the financial burden **Quality** – Three aspects to this: (a) a higher entrance exam would prevent people who do not have the skill sets to progress to pupillage from taking the BPTC. This will save them money and time; (b) suggested course is more practical than the BPTC and so helps learning; and (c) current BPTC seen to be unnecessarily long and so preference for shorter skills training **Flexibility and choice** – self-taught aspect allows for flexibility in how students learn, which can help individuals with commitments outside of the course. This can aid diversity	**Fairness and accessibility** – may create a two-tiered system. Students from less affluent backgrounds may opt for a cheaper way to do the BEE, which may put them at a disadvantage to those who can afford tuition **Quality** – course seems too short. Three months does not provide the level of training needed to embed learning **Feasibility** - expectation of private companies offering courses for preparing for the BEE, leading to an 'unofficial' BPTC setup but one that is not regulated
Split BPTC	**Affordability** – this option can reduce costs for two reasons: (a) if students opt to self-learn at part 1 and (b)	**Fairness & accessibility** – self-taught option for part 1 may be taken up largely by those from lower socio-

Option	Features liked	Features disliked
	students can make an informed decision about undertaking part 2 based on their performance at part 1 **Quality** - two aspects to this: (a) part 1 may lead to the weaker candidates self-selecting out of part 2 and so lead to a higher calibre of peers at the next stage; and (b) it makes sense for students to do the knowledge-based parts of the course themselves, as this part is self-taught anyway **Flexibility and choice** – will help those with caring responsibilities to self-learn at part 1	economic backgrounds, creating a two-tier pathway based on background **Quality** – Part 1 modules need to be taught by experts as they are difficult subjects to understand by students on their own **Clarity and coherence** – a waste of time if students do not progress to part 2. They would end up with half a qualification.

As the above table indicates, there were sometimes conflicts between the different categories of considerations. For example, although appreciating the importance of choice and flexibility in making training for the Bar more accessible to diverse groups, there was also an acknowledgement that the different pathways could lead to a complex two-tiered system of training that could advantage those with financial resources and social connections. The perception of a two-tiered pathway may influence chambers assessment of pupillage applications if they think that one pathway will provide the strongest pupillage candidates. Furthermore, there was also the view that pupillage places are limited and will remain so and this may affect diversity as much, if not more so, than any training option offered.

5.2 Synthesis of findings: influential factors

This section brings together the findings from earlier chapters to set out the factors that influence experiences of training for the Bar. Across both the vocational and work-based stage, the evidence indicates that there were two broad *types* of factors which interacted to create barriers or to facilitate training for the Bar. These are outlined in Diagram 5.2.

Figure 5.2: Factors influencing perceptions of the Bar

Structural factors
- Wider **profession** related factors
- Bar training **specific** factors
- **Access** to support and guidance

Individual factors
- **Motivation** and drive
- **Attitudes**
- **Skillsets**
- Informal **social networks**
- **Personal characterstics**

Structural factors were external to the students' own background and characteristics and related to three key considerations:

- **Wider profession related factors.** These relate to how the profession is setup and includes perceptions of who the profession is accessible to and how chambers function (for example, the number of pupillages available each year).

- **Factors specific to training for the Bar.** These factors related specifically to how the vocational and work-based aspects of training for the Bar operate. This includes the BPTC application process, its delivery and the process to obtain a pupillage.

- **General access to support and guidance.** These factors related to the sources of *formal* support and guidance provided by organisations (such as the BSB, chambers and provider training organisations) and, importantly, students' awareness of these. Support is defined in broad terms and includes material support (such as financial support in the form of scholarships from BPTC training providers), skills based support (for example, advice on how to tailor CVs when applying for pupillages) and sources of information and guidance (for example, what to expect when undertaking the BPTC).

Individual factors refer to students' personal attitudes, characteristics and the informal support networks they already had in place prior to entering training for the Bar, as

outlined below. These individual factors often interacted with one another and were not always static. For example, the perceived level of confidence changed over time and skillsets developed and were shaped by the experience of the Bar training.

- **The motivation and drive to be a barrister**. Students' motivation to be a barrister helped them to address some of the challenges encountered. This included their determination in finding out about and securing the experience and information they needed to succeed in training for the bar. An example is the independent sourcing of mini-pupillages despite not having any personal connections to the profession.

- **Attitudes and confidence**. Attitudes in relation to three issues played an important role in training for the Bar: (a) attitudes to risk, this included the perceived risk of the time and resources committed to training for the Bar against perceptions of how likely they would be to succeed. Assessment of risk in relation to finance and debt (e.g. taking out a loan) were also important; (b) attitudes to accessing support, including how willing students were to ask for financial support from family and/or chambers; and (c) the level of confidence of students, for example, to negotiate Qualifying Sessions at the Inns of Court.

- **Skillsets**. This included the social, academic and learning skills that individuals had when they entered training for the Bar, as well as their resourcefulness (for example, in finding out information).

- *Informal* **social networks**. In contrast to formal institutional support, the success of students was also influenced by their social networks. Importantly, having friends and family in the barrister profession or other professions allied to it (such as solicitors and the police) enabled them to access guidance and support in training for the Bar. This included advice on the best route to become a barrister and access to support to gain mini-pupillages.

- **Personal characteristics**. This included a range of personal factor that influenced success, including personal and family financial situations (such as the level of personal debt), educational backgrounds (such as the institutions where undergraduate degrees were taken) and employment experiences (for example, if they had experience of working in a legal profession).

The interaction between structural and individual factors was complex in addressing or reinforcing the barriers experienced in training for the Bar for BME students, those from lower socio-economic backgrounds and women. There were three types of interaction between these factors, as outlined in Table 5.3 and discussed in the main body of the report.

The thread running through both the structural and individual factors is culture: organisational culture in chambers which is seen by some as maintaining the profession as the domain of white male privilege, individual cultural backgrounds which are particularly pertinent for those of BME backgrounds, and lastly traditional cultural practices of wider society, some of which are exemplified by the practices, for example, dining rituals, present at the Inns of Court and may be unfamiliar to those of BME and lower income backgrounds. Importantly, culture determines social behaviour, language use, and customs, all of which influence the structural and individual factors set out above.

Table 5.3: The interaction between structural and individual factors

Type of interaction	Details and examples
Individual factors compensated for structural factors	Individual factors helped to surmount some of the barriers experienced at the structural level by, for example, promoting the mindset to overcome perceived barriers. This was case when, for example, the determination to be a barrister helped the student to look beyond the perception of who the profession is open to.
Structural factors compensated for individual factors	Structural factors helped to offset the barriers experienced at an individual level through, for example, providing financial support (e.g. scholarships from the Inns of court) and access to connections in the profession (for example, through mentoring schemes).
Both structural and individual factors worked together	Individual and structural factors also worked together to help address barriers. For example, where students from were resourceful enough to reach out to the structural support available, such as finding out about mentoring schemes).

Where individual and/or structural factors helped to address some of the challenges experienced by female students and those from BME and/or lower socio-economic backgrounds, they can be described as facilitators. These facilitators helped students access the financial resources needed, harness any social connection they had to the legal profession, and source of support and guidance they needed but otherwise had limited access to. Some examples of facilitators that were discussed in earlier chapters are summarised in Table 5.4.

Table 5.4: Facilitators

Type of support	Structural facilitators	Individual facilitators
Financial resources	**BPTC providers**. Sometimes offered scholarships that helped those from lower socio-economic backgrounds to partly fund the course **Inns of Court**. Also provided scholarships which helped non-traditional students	**Work-related**. Having earnings/savings helped to pay for their training in the absence of any support from family and friends
Support, guidance and information	**Support at the pre-academic stage**. For example, enthusiastic teachers at A-level helping students learn more about the Bar pathway **Support at the academic stage**. LLB/GDL tutors as helpful sources of information and/or talking to students on the BPTC	**Educational background**. Non-traditional students who managed to go to 'elite' institutions benefitted from the connections these had to the chambers and the social connections of peers

Type of support	Structural facilitators	Individual facilitators
	if the academic institution was also a provider	
Social connections	**Mentoring schemes**. Schemes such as Pegasus helped students access mini-pupillages and so cultivate connections within the profession	**Educational background.** See support, guidance and information

As the above discussion indicates, both structural and individual factors were seen as important in either reinforcing or addressing the barriers faced by students. This report has discussed each type of factor at different stages in the training for the Bar; however, the focus has very much been on the structural factors for two reasons: (a) structural factors played a specific role in the experiences of women, lower socio-economic groups and BME students in training for the Bar; and (b) it is largely at a structural level where important policy levers may be used to influence change.

5.3 Cross-cutting implications

There are number of specific implications relating to the BPTC, Inns of Court and the pupillage application process, which will be discussed in the sections to follow. Discussed first are the four broad implications which are relevant at each stage of the barrister training pathway. These are:

- Perceptions of accessibility
- Access to accurate information
- Role of Higher Education Institutions (HEIs).
- Financial considerations

These issues were experienced by individuals across the sample. However, financial issues were of particular concern to those from lower socio-economic groups, while information gaps were a particular issue for BME individuals and those from lower socio-economic groups who tended not to have connections to the legal profession. Perceptions of the exclusivity of the profession were relevant to these groups as well as for women training for the Bar.

5.3.1 Perceptions of accessibility

The overriding perception was that the Bar was the preserve of affluent white males who were educated at 'elite' universities. This is reflected in the view that access to the profession is likely to be more difficult due to their gender, ethnicity or disability status. It would be important for the BSB to consider how the intersectionality of key factors such as low income background, protected characteristics (such as, race, gender, and disability), and school or university attended, functions in the context of the Bar and affects attitudes, behaviours and experiences across the Bar training pathway. A potential solution suggested by participants was better 'upstream' activities to show that the Bar welcomes diversity. This promotional work could be carried out in secondary schools and universities by chambers and the BSB involving barristers from diverse backgrounds. These would be an opportunity to provide information about the Bar and present the barristers as role models.

An additional implication, not expressed by participants, is the action that could be taken to redress some of the imbalances within the system, so that along the training pathway awareness raising activities targeted at providers, chambers, and students acknowledge these issues and strive to effectively address them.

5.3.2 Access to accurate information

Linked to the above point about an elite profession where tacit knowledge and informal networks support both access and success at the Bar, participants suggested the provision of accurate information about the Bar and the training pathway. This is a particularly salient point in relation to the introduction of any changes to the training (refer to Section 5.1). In-depth and accurate information would help those thinking about a career at the Bar to make informed decisions, and more specifically:

- Help to prepare for and manage their expectations about the training

- Access the support and guidance they need.

How this information is communicated is equally important because current data and research on the low success rate of the socio-demographic groups of interest may deter students from pursuing a career at the Bar. By self-selection out, the unintended consequence would be that the status quo of an elite, white, and male profession would be maintained.

A possible way to do this would be to collate information from BPTC students, pupils and chambers. This could be done by providing media-rich content (such as videos) of students' experiences, which could be made available by the BSB, providers, HEIs and linked to chambers websites.

5.3.3 Role of Higher Education Institutions (HEIs)

Although not mentioned directly by participants, an important cross-cutting implication relates to the role of Higher Education Institutes (HEIs) in ensuring that students who are thinking about training for the Bar are given the information and support needed. This includes a consideration of the following:

- Replicating models of support and networking opportunities offered by 'elite' universities, and

- Developing a more nuanced understanding of the needs of diverse students seeking a career at the Bar and implementing support which would strengthen their professional profile and interpersonal skills. This may mean a different core package of support for women, BME groups, and those from lower-socio-economic backgrounds.

5.3.4 Financial considerations

The financial issues identified by participants were: the cost of the BPTC, unpaid work experience, and the cost of 'fitting into' the profession (for example, buying suitable clothes). These translate into specific implications relating to the costs, availability of funding and help with expenses across the different stages of training, discussed in the next section.

5.4 Specific implications

The section below details implications specifically for the BPTC, Inns of Court, and pupillage applications. All implications are grounded in participants' views; however, it will be clear in each section whether implications were made directly by participants or inferred from what they said.

5.4.1 The BPTC training pathway

The implications for the BPTC focus on the cost of the training and the transmission of accessible, timely and realistic information. These fall into the five areas set out in Chapter 2: provider selection and interaction, the BCAT, the content of the BPTC, the delivery of the BPTC, and peer interaction.

Provider selection and interaction

Although the BSB may be limited in its capacity to regulate the course fees charged by providers, there may be scope to provide greater clarity about the course and on available financial support options, to help students to decide whether to pursue the training and choose a suitable provider. Explicitly mentioned was the need for clear and accessible information on course requirements, including the financial, academic, time, and social commitments. Suggestions made by participants are:

- **Information to manage expectations:** This includes information on the course content, workload, and exam and assessment requirements. The suggestion was for the provision of realistic, first-hand experience of the challenges and how to overcome these.

- **Introduce financing options**: Consider the possibility of greater partnership work with the government on extending Student Finance to cover the BPTC, and continue exploring opportunities created by combining the BPTC with an undergraduate degree. Alternatively, the BSB could work with providers to introduce flexible payment options.

- **Information about sources of funding**: BPTC providers and BSB could work together to provide timely information on funding opportunities. One way to do this to advertise the existing range of funding opportunities through a dedicated BPTC portal on the BSB website that is search engine optimised.

- **A consistent selection process**: Providers to implement consistent selection process, including assessment days and tests. This will also help to provide a level of transparency which would help student better understand the requirements of the training and manage their expectations.

The BCAT

Two suggestions about the BCAT that can be drawn from participants' narratives are the removal of the BCAT altogether, or a fundamental modification of the BCAT to make it a more effective selection process for the BPTC. However, participants were not aware of the increase in the pass mark for the BCAT that BSB has implemented recently. This change in the pass mark suggests that the concerns around the BCAT as an inaccurate indicator of success on the BPTC have been addressed. Although not directly expressed by participants, the following implications can be inferred:

- **Provision of accurate information:** This would address current gaps in information relating to the purpose of the BCAT, its cost, format, pass rates and the available financial support.

- **Timing of the BCAT:** Participants wanted the result of the BCAT before they submit their BPTC application. This would help to ensure that those who fail the BCAT do not waste their time and money on the BPTC application process. Clearer information on how early students can sit the BCAT and associated benefits or drawbacks of timing the BCAT differently should be provided.

The BPTC

There are two areas of the course that the BSB could focus on to make the BPTC more accessible, realistic and practical: course content and delivery and student interactions (with peers and tutors).

Course content and delivery

Implications around course content focus on ensuring that it is up-to-date, realistic in its scope, and as practical as possible. Participants suggested a review of the course content to remove or add new elements and to assess the balance between rote learning and the practical skills taught on the course. The more specific suggestions made by participants are:

- **Flexibility:** Removing or relaxing the attendance and punctuality requirements would benefit students with commitments outside of the course, and allow students to take time away from the course to build their profile through work experience.

- **Assessment timetable:** Evenly space exams and assignments to accommodate those with responsibilities outside of the course.

Student - tutor interactions

To improve students' interactions with tutors, participants suggested that the BSB could work with providers on the following:

- **Tutor and teaching quality:** Consistency in tutor quality can be maintained. This may be done by reviewing existing policies and guidelines and by monitoring tutors to ensure a high standard of teaching/pastoral care within and across providers.

- **Group size:** A maximum size for group work to increase the tutor-student time. However, this implication must be viewed within the context of the BSB moving away from a prescriptive approach to control course costs.

A related concern focused on the background of tutors as those with less recent practical experience of the profession would not be able to provide the up-to-date information and realistic information that students desired. Participants however did not mention how the negative attitudes of tutors that were reported during the research could be addressed. Careful consideration needs to be given to how all professionals involved in the training pathway can develop a deeper understanding of how their own attitudes and behaviours can affect female students and those from BME and lower income backgrounds.

Peer-to-peer interaction

Issues of competitiveness and the formation of cliques were highlighted by participants. Peer-learning is an important component of the BPTC, and the following suggestions can be drawn from participants' experiences:

- **Emphasise the importance of peer-learning:** Providers should consider holding an introductory session on peer-learning at the beginning of the BPTC, so that those less familiar with it understand what it entails and its relevance for the course.

- **Developing social networks:** The ability to meet informally outside course lectures and activities would help to improve interaction and the cohesiveness of the BPTC cohort. A BPTC student room was suggested however this needs to be considered in the context of the costs associated with providing BPTC only spaces within organisations.

An implication that can be inferred from participants' narratives related to how the composition of peer-learning groups can reflect the diversity of the BPTC cohort. The BSB could send out a strong message to encourage providers to consider gender, ethnicity, age, and university attended when assigning students to peer-learning groups.

5.4.2 The Inns of Court

As with the BPTC, implications for the Inns of Court focus on helping students to access information about the Inns of Court and the available support. In terms of funding, participants directly mentioned the importance of the Inns increasing the financial support options available and ensuring that both means-tested and merit-based systems of award are available. Although not directly expressed by participants, the following recommendation can be drawn from the issues raised in the research:

- **Information about the Inns of Court:** The BSB should enhance collaborative working with Inns of Court to publicise clearly the cost of membership and the benefits associated with each Inn. Importantly, information about qualifying sessions, their format, and purpose needs to be communicated in appropriate ways to those unfamiliar with the long-standing traditions of the Inns.

- **Enhancing the Inns of Court support offer:** Consistency in the provision of access and support initiatives across the Inns would help students from diverse backgrounds. The BSB could disseminate examples of good practice, such as the Pegasus Support and Access Scheme, and harness the competitive spirit between Inns of Court to drive this forward.

- **Improving accessibility:** This related specifically to qualifying sessions and the influence that the BSB could bear upon Inns of Court to make these more accessible. Three suggestions were made by participants:
    - Reduce the cost of attendance by subsidising travel and accommodation costs
    - Deliver more regional sessions
    - Maintain a good balance between free and paid sessions

5.4.3 Pupillage applications

The pupillage findings indicate three key barriers: resource barriers related to finance and time; information gaps; and perceived biases. Drawn primarily from participants experiences are suggestions for addressing these barriers. Additional inferences and implications are clearly set out.

Resources

Resource barriers related primarily to preparing for pupillage by undertaking unpaid work experience as well as the pupillage application and interview process. Clearly at an advantage were those who had the financial means, informal networks in the profession, and few responsibilities outside of their training. Participants mentioned three ways in which the BSB could work with chambers to address this.

- **Awareness raising:** This could be done by increasing chambers awareness of the challenges of unpaid work for some groups of students.

- **Financing work experience:** Chambers could be encouraged to provide paid mini-pupillages (or at the least pay for the expenses) of undertaking a pupillage.

- **Support for managing time:** The BSB could encourage chambers to refrain from inviting pupillage candidates at short notice, so that those with caring and work responsibilities can make appropriate arrangements.

It can be inferred that there is scope for undertaking work with chambers to raise awareness of the practical issues related to accessibility, including a consideration of the financial costs of taking up a pupillage or implementing a consistent approach to interview notice periods. The approach needs to also take into consideration the possibility that chambers may agree to paid mini-pupillages but reduce the number they offer or they may introduce new filters (intentionally or unintentionally), resulting in a reduced accessibility for diverse groups.

Accurate information and feedback

Three important information gaps about the pupillage process were identified by participants: the amount of work needed to build a strong professional profile in preparation for a pupillage, the support available, and feedback from pupillage applications and interviews. Suggestions to address these are:

- **The provision of a centralised information portal**: the BSB could lead on providing information about the pupillage pathway by reviewing how information is presented currently, and secondly, how links to external websites such as the Inns of Court are presented.

- **Chambers' feedback:** The BSB could raise awareness among chambers of the need for feedback at both the application and interview stages. This may be difficult to do at the application stage due to the high volume of applications.

Based on participants' narratives, it is clear that either information was not available in sufficient detail, or participants did not know where to find this information. An important aspect of providing information is therefore to understand how different groups of student might access this information, the most appropriate modes for communicating

this information, and the support needed by some groups to fully understand the information provided. In relation to pupillage applications, feedback needs to be timely and constructive so that applicants can make informed decision on re-application or alternative career routes.

Perceptions of bias and prejudice

As discussed, there was the overall view that the profession was elitist and that there was scope for bias and prejudice throughout the pupillage application process. In response, participants explicitly suggested the following:

- **Blinding applications:** Applications could be blinded to stop the risk of applications being sifted on academic institution attended or other demographic information. This could either be informally promoted by the BSB through partnership with the Bar Council or the provision of guidelines for chambers.

- **Effective implementation of guidelines:** the BSB's Fair Recruitment Guide[23] sets out the criteria for implementing a fair and objective process. The BSB could consider how best to ensure that guidelines are implemented by chambers and the extent to which the objectivity and fairness of the process is monitored.

A further implication that can be inferred from the findings is the use of proxies for excellence by chambers. The BSB could take a role in encouraging chambers to review and broaden the proxies for excellence used (such as school or university a candidate attended) as a way to improve diversity.

5.5 Concluding comments

The above implications highlight where the BSB can directly, or in conjunction with others, help to reduce access barriers to training for the Bar. In relation to making the training more accessible and the Bar more diverse, the cross-cutting themes of perceptions of an elite profession, information flows, and financial support are salient at each stage of the training pathway. Making information more accessible and providing it earlier may be a 'quick win'. This could sit alongside efforts to raise awareness among providers, Inns of Court and chambers of the specific needs of diverse groups in relation to skills development, work-experience opportunities, and financial support packages. Whilst changing components along the training pathway may help increase access to training, it is the perceptual barriers, especially at the final stage (pupillage) which will require concerted efforts.

The findings suggest that from an early stage, a two-tier system emerges - one of privilege and education at public schools and 'elite' universities and the other lacking these advantages. The overriding impression of the Bar as expressed in this research was that of exclusivity and an elite, white, male-dominated profession with long-established traditions. These views were based on direct experiences as well as perceptions of barriers to entry to the Bar. Two important perspectives, those of BPTC tutors and practicing barristers were outside of the scope of this study.

Practical changes to the training pathway can be implemented more easily than instigating cultural change, a much more challenging undertaking. This research suggests that there exist within the training pathway some individuals whose conscious

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[23] https://www.barstandardsboard.org.uk/media/1674285/fair_recruitment_guide_2015_april_final.pdf

or sub-conscious negative attitudes introduce and embed biases within the system. These individual biases may present at any stage of the training and two important areas of work would be to continue efforts to raise awareness of these issues more broadly so that essentialist characteristics (such as, gender, ethnicity, and socio-economic background) become less relevant, and to shift attitudes with targeted activities where biases have been reported.

Although the Bar Council and the Bar Standards Board have developed equality and diversity guidance for chambers, effort is still required to maintain commitment from chambers to make the training pathway fairer and more equal, and to develop an inclusive workplace culture.

Existing approaches to addressing inequities and barriers in the training pathway and the system as a whole could be strengthened by including techniques and methods that increase reflexivity and uncover the role of individual conscious and sub-conscious biases in creating and maintaining an unequal process.

Finally, it is important to acknowledge that the Bar will remain an exclusive profession in that only the most skilled and talented law students will be called to the Bar and authorised to practise. Creating a 'level playing field' is not about altering the exclusivity of the Bar but more about equity of access and opportunity from secondary schools and universities, through to the BPTC, Inns of Court, and the pupillage process.