

Review of Pupillage Advertising and Selection Criteria

**Research conducted by the Bar Standards Board
Research, Policy and Authorisations Teams
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REGULATING BARRISTERS

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Executive Summary

As part of the Pupillage Recruitment and Advertising Project, the BSB undertook research into the pupillage advertising practices of Pupillage Training Organisations (PTOs) advertising on the Pupillage Gateway in the 2018 pupillage recruitment window, as well as a review of the pupillage selection criteria used by just over 50 chambers.

The scope of the review was to:

- Look at current practices in advertising for pupillage, including on the Pupillage Gateway platform, and on PTO websites.
- Look at current practices regarding the selection criteria employed at the application sift and interview stages for chambers in recruiting pupils.
- This was undertaken to:
- Give a better understanding of which stages of the advertising and recruitment process for pupils give rise to potential barriers of entry to the Bar, particularly for those from underrepresented groups at the Bar.
- Inform current decision-making about the future of education and training of barristers in order to help improve accessibility to the profession and help ensure that the Bar better reflects the communities it serves.

Pupillage Advertising

- To review the pupillage advertising practices of Pupillage Training Organisations (PTOs), the BSB looked at all pupilages advertised on the Pupillage Gateway in the 2018 pupillage recruitment window. This consisted of 216 Pupillage Gateway adverts, and the pupillage/recruitment section of 73 external websites of chambers receiving applications outside of the Pupillage Gateway. There were 170 unique PTOs recruiting across the adverts.
- Around two thirds of pupilages could be applied for through the Pupillage Gateway. This varied considerably across area of practice – 90 per cent of pupilages for family law practices could be applied through via the gateway, in contrast to 40 per cent of criminal law pupilages.
- Around 39 per cent of pupillage places specified an upper second class or first-class degree as a minimum (excepting mitigating circumstances). This varied considerably by area of practice – 67 per cent of pupilages at PTOs principally practising in the Business and Property Courts and 40 per cent in other civil practice specified such requirements, versus 26 per cent at mixed practice PTOs (criminal and civil law), and 22 per cent at criminal PTOs.
- However, beyond academic qualifications, most pupillage training organisations did not include detailed information on their selection criteria for sifting applications for pupillage in their advertisement(s). Where provided, the most common selection criteria stated related to intellectual ability, advocacy and

communication, and drive and determination. Experience gained through mooting, mini-pupillages and other legal experience was mentioned in around three in ten of the 64 adverts including greater information on selection criteria than degree classification alone (out of 216 adverts in total).

- Overall, 13 per cent of pupillages highlighted mini-pupillages undertaken with the recruiting PTO – seven per cent of pupillages required a mini-pupillage to have been undertaken with the recruiting organisation prior to the commencement of pupillage; five per cent strongly encouraged candidates to have undertaken one with the recruiting PTO; and a further one per cent of pupillages stated that a mini-pupillage at the PTO may be required.
- The majority of adverts (just over six in ten) gave the impression of a good chance of tenancy following pupillage. Tenancy was most frequently mentioned by PTOs practising in civil areas (around 68%), particularly family (around 85%), in comparison to those principally practising in criminal law (around 45%). Eight per cent of pupillages stated that a third six was included.
- Almost half of pupillages (9 in 20) advertised cited PTO support for equality and diversity in some way, including; specifically encouraging applicants from range of backgrounds; mentioning specific Equality and Diversity policies (including in recruitment); or highlighting some commitment to equality and diversity.
- Generally, there were relatively few practices detailed in the advertisements that could potentially actively discourage greater participation in the profession from the perspective of an applicant, as long as the applicant met criteria regarding degree classification and/or legal experience.
- There are factors in the adverts potentially linked with indirect discrimination in recruitment for applicants from lower income backgrounds. These include the cost of undertaking an unpaid mini-pupillage if this is deemed mandatory, the cost of attending interview (particularly if the applicant is based outside of London, for pupillages based in London), and level of remuneration (including reimbursement of work related expenses during pupillage).
- There may be other factors that may discourage applicants from applying through their absence in pupillage advertisements, such as lack of reference to equality and diversity policies, encouraging applicants from range of backgrounds, information on the ethos in chambers, information on what to expect during the pupillage year, or information on tenancy chances or policy.

Selection Criteria

- To review the pupillage selection criteria used by 50 chambers, the BSB selected 55 Chambers offering pupillages based on their area(s) of practice, size and geographical location. The following information on their pupillage selection criteria was requested:
- the marking criteria applied to pupillage applications, or other method of determining who is selected for interview; and

- the marking criteria, or other method, used to assess who is awarded pupillage during interviews.

For the application sift:

- Intellectual ability and academic history were found to be the most important selection criteria across chambers when sifting applications for pupillage. Examples of intellectual ability cited by chambers included evidence of academic achievement, including a first class or upper second-class degree (or equivalent), Graduate Diploma in Law (GDL)/Bar Professional Training Course (BPTC) grades, and a few references to high marks for A-Level (or equivalent).
- Intellectual ability and academic factors appear to be of greater importance in application sifting for Civil: Business and Property chambers than for chambers with practice principally based in other areas of law. For Civil: Business and Property chambers, advocacy and communication skills were less frequently included in selection criteria, but are frequently more heavily weighted when they were.
- Advocacy/communication appears to be more important as selection criteria at the application sift stage for mixed practice chambers; criteria related to drive and determination or knowledge/experience are more frequently included in criteria for chambers with principal areas of practice in Civil law.

At the interview stage:

- Advocacy and communication selection criteria were found to be the most important at the interview stage across all areas of practice. Such criteria were most frequently included, and most frequently the most important criteria by weighting. Drive and determination and suitability for practice were also frequently included as selection criteria at the interview stage, although they were less frequently weighted heavily across chambers as selection criteria.
- Civil: Business and Property chambers in the sample more heavily weight Advocacy/communication selection criteria at the interview stage than the Civil or Mixed practice chambers in the sample. They also appear to place greater importance on criteria relating to suitability to practice.
- For Mixed practice chambers in the sample, the skew towards prioritising Advocacy/communication selection criteria at the interview stage overall appears to be greater than for predominantly Civil law chambers when taking into consideration the frequency of inclusion of such criteria as well as the weighting typically given to it.

Background

1. The Pupillage Recruitment and Advertising Project is part of the Future Bar Training (FBT) programme of work. The project was initiated following concerns that were raised during our previous consultations that access to pupillage was one of the biggest barriers to increasing diversity at the Bar.¹² Research we have published recently also supported this concern³.

2. As part of the Pupillage Recruitment and Advertising Project, the BSB undertook research into the pupillage advertising practices of all Pupillage Training Organisations (PTOs) advertising on the Pupillage Gateway in the latest pupillage recruitment window. The Pupillage Gateway is the online application system for pupillage: any organisation offering pupillage is currently required to advertise the pupillage(s) on the Pupillage Gateway but is not currently required to receive applications for the pupillage(s) through the system⁴. A review of the pupillage selection criteria used by just over 50 chambers formed the second part of this project.

3. The scope of the review was to:

- Look at current practices in advertising for pupillage, including on the Pupillage Gateway platform, and on PTO websites.
- Look at current practices regarding the selection criteria employed at the application sift and interview stages for chambers in recruiting pupils to the Self-Employed Bar.

Relevant background information

4. A 2016 report by the Equality and Human Rights Commission⁵, provided some key facts about current race inequality in Britain. The report found that in Britain, significantly lower percentages of those from Black, Asian and minority ethnic (BAME) backgrounds (8.8%) worked as managers, directors and senior officials, compared with White people (10.7%) and this was particularly true for those of African/Caribbean/Black ethnicity (5.7%) and those of Mixed ethnicity (7.2%).

5. The report highlighted differences in attendance at Russell Group universities by

1. Bar Standards Board (2016). Future Bar Training: Consultation on the Future of Training for the Bar: Academic, Vocational and Professional Stages of Training - Summary of responses. Accessed online at: https://www.barstandardsboard.org.uk/media/1731328/fbt_consultation_response_doc.pdf

2. Bar Standards Board (2017). Future Bar Training: Consultation on the Future of Training for the Bar: Future Routes to Authorisation Summary of Responses. Accessed online at: https://www.barstandardsboard.org.uk/media/1826462/2016_fbt_consultation_summary_of_responses.pdf

3. NatCen Social Research (2017). Research commissioned by the Bar Standards Board. Barriers to training for the Bar: a qualitative study. Accessed online at: https://www.barstandardsboard.org.uk/media/1910425/barriers_to_training_for_the_bar_research.pdf

4. <https://www.pupillagegateway.com/>

5. Equality and Human Rights Commission (2016). Healing a divided Britain: the need for a comprehensive race equality strategy. Accessed online at: <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

ethnic group, with just six per cent of Black school leavers attending a Russell Group university, compared with 12 per cent of Mixed or Asian school leavers and 11 per cent of White school leavers.

6. Also highlighted was the unemployment rate for White graduates (2.3%) being substantially lower than that for ethnic minority graduates (5.9%). It was noted that “at every level of education, jobless rates are much higher for ethnic minority workers” (p20, EHRC, 2016).

7. Research by Friedman, Laurison and Miles (2015)⁶ found that the Bar has a “particularly high concentration of those from privileged backgrounds”. Of the professions they analysed, barristers and judges had the highest percentage of parents in higher professional roles or as senior managers in comparison to other elite professions, at 55.2 per cent. The other elite professions, in turn, had a higher concentration of those from privileged backgrounds in comparison to the UK population.

8. A Sutton Trust study (2016) on the educational backgrounds of the UK professional elite found that out of the top professionals in the professions analysed (in the case of the Bar, this was the top 100 QCs as ranked by Chambers UK), barristers were those most likely to have been educated at Oxbridge, and were second to the judiciary in being the most likely to have attended a fee-paying school⁷. The 2013 Barristers Working Lives Survey returned a figure of 44 per cent for attendance at a fee-paying school across all barristers surveyed⁸.

9. The 2013 Barristers’ Working Lives survey included reporting on the demographic makeup of the profession. While the statistics for some variables, such as gender and ethnicity, are superseded by more up to date reporting based on the whole barrister population (rather than a sample), for areas where there is low disclosure of data to the BSB this report can provide a useful indicator of the makeup of the profession as disclosure rates among the survey sample were high. The report suggests:

- Four per cent of the Bar indicated that their day-to-day activities were limited because of a disability (compared to c.11% of the working population)
- 32 per cent of barristers went to Oxbridge (compared to <1% of the UK population) 50 per cent of barristers identified as Christian (compared to 59% of the general population) and 39 per cent indicated they had no religious affiliation (compared to 25% of the general population). The next most represented religion was Judaism, at four per cent (0.5% of the UK population). This suggests that some religions and beliefs (no religious affiliation, Judaism) are over-represented, whereas others (such as Islam - 5% of the UK population are Muslim) are under-represented compared to the general population.”

6. Friedman, S., Laurison, D. and Miles, A. (2015), Breaking the ‘class’ ceiling? Social mobility into Britain’s elite occupations. *The Sociological Review*, 63: 268

7. The Sutton Trust (2016) *Leading People 2016: The educational backgrounds of the UK professional elite*. Accessed online at: https://www.suttontrust.com/wp-content/uploads/2016/02/Leading-People_Feb16.pdf

8. Bar Standards Board (2013) *Barristers’ Working Lives: A second biennial survey of the Bar 2013*. Accessed online at: https://www.barstandardsboard.org.uk/media/1597662/biennial_survey_report_2013.pdf

Relevant Bar Standards Board research and statistics

10. When looking at barriers to entry at the Bar, we are principally concerned with trends regarding gaining pupillage in more recent years. Qualitative research on barriers to entry to the Bar commissioned by the BSB found that among other factors, some respondents noted⁹:

- the cost of attending an interview could act as a barrier to gaining pupillage, particularly when given short notice and the interview was in London for those based in other regions.
- Longer interviews, sometimes conducted over a week through an unpaid mini-pupillage, were seen to disadvantage those on low incomes.
- Some questions of a personal nature, which were seen as not relevant to the role and not helping to identify strong pupillage candidates.

11. The BSB's statistics on pupillage¹⁰ show that for the 2016/17 legal year, around 19 per cent of first six pupils were from Black, Asian and Minority Ethnic (BAME) backgrounds. This compares to an average of 26 per cent of UK domiciled graduates of the BPTC for 2015/16 and 2016/17 being from BAME backgrounds. As shown in Appendix I, the percentage of pupils from those that were enrolled on the BPTC between 2011/12 and 2016/17 of BAME backgrounds is around 14% overall.

12. It can also be seen that for 2016/17 around 54 per cent of first six pupils were female, which is in line with an average of 54 per cent of UK domiciled graduates of the BPTC for 2015/16 and 2016/17 being female. As shown in Appendix I, the percentage of pupils from those that were enrolled on the BPTC between 2011/12 and 2016/17 who are female is around 49 per cent overall. For other demographic indicators there is a high proportion of missing data, making comparisons more difficult.

13. The 2017 Diversity at the Bar Report, showed that of those that provided information on school attended (36.7% response rate), around 33 per cent attended an independent school in the UK, with around 30 per cent of pupils having done so (not including those that attended school outside of the UK). An average of 36 per cent of UK domiciled graduates of the BPTC for 2015/16 and 2016/17 for whom we have data attended a fee-paying school in the UK.

14. Chart 1 below, which is from the 2018 BPTC Key Statistics Report¹¹, shows the percentage of UK/EU domiciled BPTC graduates gaining pupillage when grouped by degree classification and BPTC grade (the number of those in each grouping is greater than 20 in each case). Across the groupings, a lower percentage of BAME candidates

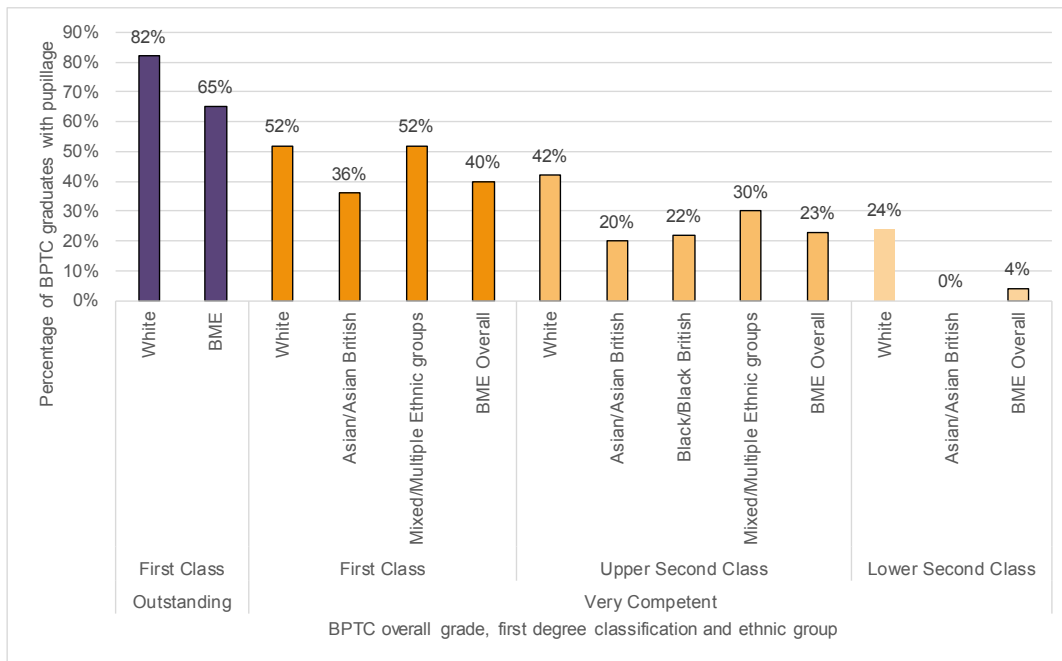
9. NatCen Social Research (2017). Research commissioned by the Bar Standards Board. Barriers to training for the Bar: a qualitative study. Accessed online at: https://www.barstandardsboard.org.uk/media/1910425/barriers_to_training_for_the_bar_research.pdf

10. Bar Standards Board (2018). Pupillage statistics. Accessed online at: <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/pupillage-statistics/>

11. Bar Standards Board (2018). BPTC Key Statistics Report. Accessed online at: https://www.barstandardsboard.org.uk/media/1932232/bptc_key_statistics_report_2018.pdf

gain pupillage in comparison to White candidates for pupillage.

Chart 1: Ethnicity, first degree classification and BPTC overall grade of BPTC graduates commencing first six pupillage UK/EU domiciled students – 2012-2016 aggregated



Source-Bar Standards Board – BPTC Key Statistics Report 2018 – Part 4, Chart A7

15. Whether this difference was statistically significant when controlling for other variables was explored in research undertaken on differential attainment on the BPTC and in gaining pupillage, alongside other potential factors influencing likelihood of gaining pupillage¹². The differential attainment research findings suggested that, even once other variables are controlled for, ethnicity has a significant predictive effect on whether BPTC graduates obtain pupillage. BAME BPTC graduates taken as a whole are roughly half as likely to obtain pupillage as White graduates with similar prior educational attainment.

16. Socio-economic status (using parental degree as a proxy) also has a significant predictive effect on whether BPTC graduates obtain pupillage, although with a smaller effect size than that of ethnicity. The differential attainment research suggests BPTC graduates with no parent with a degree are around two thirds as likely as graduates with at least one parent with a degree to obtain pupillage.

17. Attendance at Oxbridge also had a significant predictive effect on the likelihood of a BPTC graduate obtaining pupillage. Attendance at a Russell Group university also had a significant positive predictive effect, but this was less than half of that of attending Oxbridge.

12. Bar Standards Board (2017). Exploring differential attainment at BPTC and Pupillage: A quantitative study. Accessed online at: http://www.barstandardsboard.org.uk/media/1910429/differential_attainment_at_bptc_and_pupillage_analysis.pdf

18. In addition, when grouping data on those that have commenced pupillage by broad area of practice of their chambers and the number of barristers in their chambers, some interesting trends emerge. As shown in Appendix I, there are far higher proportions of those with degrees from Oxbridge, and who attended a fee-paying school between 11-18 entering into practice in some areas of practice in comparison to others.

19. There are also trends relating to entering into certain areas of practice and gender, and ethnicity, with males gaining pupillage at training organisations in civil areas of law disproportionately compared to females, and the reverse being seen for pupillage in criminal and family law areas. Trends relating to entry onto pupillage for those of BAME backgrounds appear to vary more widely by area of practice and chambers size, and are perhaps more reflective of the hiring practices of individual chambers than those for gender, but it appears that BAME candidates gain pupillage less frequently than would be expected at smaller pupillage training organisations in civil areas of law heard in the Business and Property Courts, and at mixed law chambers of a certain size.

20. We do not know the reasons for the emergence of such trends; and the extent to which hiring practices play in defining them, or how much personal preferences for what area of law to factor into the equation. However, the existence of such patterns and previous research we have conducted, would suggest that it is a worthwhile undertaking to investigate the recruitment and advertising of pupillages in order to better understand the area as part of the wider Future Bar Training Programme.

Relevant Bar Standards Board Handbook rules regarding recruitment

21. There are several rules regarding the advertising and recruitment of pupillages detailed in the BSB Pupillage Handbook¹³, and BSB Handbook¹⁴. Selection for pupillage is subject to the Equality Act 2010. PTOs must not unlawfully discriminate against any applicants. Advertising, selection for interviews, the interviews themselves, the selection for pupillage, the offers made, and contracts given to pupils are all covered by this Act.

22. The BSB Handbook rule rC110 states that chambers are obliged to ensure that there is in force a written statement of policy on equality and diversity; and a written plan implementing that policy within their chambers. The rule also obliges chambers to ensure that every member of all selection panels must be trained in fair recruitment and selection processes. Chambers or BSB entities are also required to regularly review applications to become members of their workforce, including investigating the reasons for any disparity in the data and taking appropriate remedial action. Chambers must also have a Diversity Data Officer, with several requirements stipulated for the role.

23. Rule rQ61 of the BSB Handbook requires that all vacancies for pupillage must be advertised on a website designated by the Bar Council and certain information specified

13. See Section 6: The Bar Standards Board Pupillage Handbook. Accessed online at: https://www.barstandardsboard.org.uk/media/1841538/bsb_pupillage_handbook_2017_1.8.17.pdf

14. The Bar Standards Board Handbook. Third Edition. Accessed online at: <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/the-handbook-publication/>

in rQ61 must be provided:

- the name and address of chambers or the BSB entity;
- number of tenants or the number of barristers employed by that entity;
- a brief statement of the work done by Chambers/the entity;
- the number of pupillage vacancies;
- the level of award;
- the procedure for applying;
- the minimum educational or other qualifications required;
- the closing date for applications;
- the date by which the decisions will be made.

Aims

24. With the relevant background information in mind, the rest of this report focuses on research undertaken into both;

- the advertising of pupillages; and
- the selection criteria used to sift applications for pupillage and to assess candidates for pupillage at the interview stage.

25. The aims of this research were to:

- Develop a better understanding of which stages of the advertising and recruitment process for pupils may give rise to potential barriers of entry to the Bar, particularly for those from underrepresented groups at the Bar.
- Inform current decision-making about the future of education and training of barristers to help improve accessibility to the profession and help ensure that the Bar better reflects the communities it serves.

Methodology

Pupillage Advertising

Sample

27. The sample used for the research was

- all adverts listed on the Pupillage Gateway on 5 February 2018 (including non-live adverts: closed adverts which remain on the Pupillage Gateway); and
- the pupillage recruitment sections on Pupillage Training Organisations' (PTOs) websites for those receiving applications outside of the Pupillage Gateway.

28. On 5 February 2018, there were found to be 218 live or non-live adverts listed on the Pupillage Gateway platform. Of these, two were removed as they were thought to contain errors (the chambers' name given in the deleted adverts did not match the rest of the advert) and were thought to have been subsequently re-uploaded as different advertisements with the errors corrected.

29. Of the 216 Pupillage Gateway adverts that made up the initial dataset there was a subset of 81 which required application to the PTO directly and not through the Pupillage Gateway. Such adverts directed the applicant to the external website of the chambers. Of these adverts, there were instances of more than one advert from the PTO, leaving the pupillage/recruitment section of 73 pupillage training organisations to also make up part of the dataset.

30. To summarise, the sample consisted of:

- 216 Pupillage Gateway adverts and;
- the pupillage/recruitment section of 73 external websites for PTOs receiving applications outside of the Pupillage Gateway.

Data gathering

31. The details for each advert on the Pupillage Gateway were recorded into a spreadsheet with fields for each input in the Chambers Information section, Pupillage Information Section, and the Description, Application Questions and How to Apply Sections.

32. For the external websites, the link, date accessed, and free text on pupillage recruitment were recorded.

33. The methodology chosen was a mixed methods (qualitative and quantitative) content analysis, with the free text sections of the Pupillage Gateway (Description, Application Questions, How to Apply), and of the external websites coded and classified using a coding scheme agreed upon across several meetings with the BSB project team. The coding scheme was agreed upon based upon the aims of the research and overall Recruitment Advertising Project.

34. Coding involved classifying into three broad categories using the coding scheme provided in Appendix IV:

a) More general advert content

b) Advert details that could potentially encourage a broadening of application to PTOs

c) Advert details that could potentially discourage a broadening of application to PTOs.

There were also several binary criteria for which the presence or absence was signified with a Yes/No in the spreadsheet used.

35. The adverts were coded during the period covering 19 February 2018 – 6 March 2018 by three members of staff, with one reviewing the coded adverts to ensure consistency, and two meetings were had after commencing coding to talk about any discrepancies, one of which was undertaken soon after commencing the coding to enable addition of extra codes for any unexpected themes emerging from the adverts.

Data analysis

36. The quantitative analysis of the data was aimed at producing some basic descriptive statistics on the data and was undertaken using Microsoft Excel 2016.

37. PTOs were grouped by practice area using information provided in their Pupillage Gateway advertisements following the steps laid out in Appendix III.

38. To better analyse themes in the text for the qualitative analysis of the content in the adverts, the dataset was put into NVivo Pro 11, a qualitative analysis software tool. Themes based around the coding scheme were then explored.

Limitations of the approach

39. Many advertisements did not include many of the details being coded for, and so the findings might not be fully representative of PTO policies and practices regarding many of the elements of interest for this research.

40. The original intended sample also included details on applications submitted through the Pupillage Gateway. We were intending to undertake analysis on the relationship

between advert details and applications, but the Bar Standards Board does not have access to these data. As a result, this limited the extent of the quantitative analysis that could be undertaken.

41. This part of the research was limited to a review of the content of the advertisements and did not involve views of applicants or those placing adverts for pupillage, so the aspects of the intended targeting of adverts, and the effect of advert content on pupillage candidates was not explored.

42. This part of the research also did not include advertisements on external websites of those receiving applications through the Pupillage Gateway, or the websites of chambers as a whole, as coding for these would have exceeded the resources allocated to the project. This meant that some elements of information provided by chambers that may have encouraged or discouraged applications from underrepresented groups were not examined as part of this research.

43. The omission of advertisements on the websites of those receiving applications through the Pupillage Gateway from the analysis potentially gives rise to a skew in the percentage values reported, but overall it is believed that the majority of advert details on external websites for those recruiting through the Pupillage Gateway will be present in the Gateway advert itself, as this was the case with the majority of advertisements for those not receiving application through the Gateway.

Pupillage Selection Criteria

Sample

45. Fifty-five chambers, offering pupillages, were selected based on their area(s) of practice, size and geographical location¹⁵. This was to ensure that the sample of chambers contained a broad mix of the various sectors of the self-employed Bar. The BSB sent emails to the selected chambers requesting the following information on their pupillage selection criteria:

- the marking criteria applied to pupillage applications, or other method of determining who is selected for interview; and
- the marking criteria, or other method(s), used to assess applicants during interviews, for determining who is awarded pupillage.
- The chambers were also invited to share any other thoughts they wished to contribute on the subject.

46. Fifty-two chambers provided copies/details about their marking criteria and other methods for selecting pupils after initial application and 50 of these provided information on their assessment of candidates at the interview stage for pupillage.

15. The sample was chosen from the 173 PTOs advertising pupillages in the 2018 pupillage recruitment window as of 5 February 2018.

Data Analysis

47. The data received from chambers was collated in a spreadsheet by BSB staff, with percentage values assigned to the selection criteria for each chambers based on the weight of their importance in the selection of candidates in the initial application sift and interview stages.

48. As there was an extensive list of selection criteria provided to us across the chambers surveyed, criteria were further grouped into the following categories.

- A Drive and determination
- B Personality/character
- C Intellectual ability/academics
- D Advocacy/communication
- E Suitability for specific PTO
- F Knowledge/experience
- G Suitability for practice

49. The data were analysed based upon the rank of the weighting allocated by chambers to each of the selection criteria used in the selection process; the frequency for which selection criteria were weighted as a given percentage in assessing applications (in banded ranges); and the percentage of chambers including the relevant criteria in their pupil selection criteria. Descriptive statistics of the application sift and interview selection criteria were then produced.

50. This approach was designed to establish the relative rank importance of each selection criteria category, the relative magnitude of the importance of selection criteria categories in selection of pupils, and the frequency with which each category was part of any selection process, as well as avoiding overweighting outliers in selection criteria when comparing across chambers.

51. Results were further broken down by area of practice for chambers with their main area of practice classified as “Mixed”, “Civil: Business and Property”, and “Civil”. Using data provided in advertisements on the Pupillage Gateway, chambers were classified by area of practice using the logic given in Appendix III.

52. A breakdown of chambers that replied to us is given in Table 1 below.

Table 1. Number of chambers that provided data on their selection criteria on the application sift and interview stage of pupillage

Chambers main area of practice	Number of chambers in application sift analysis	Number of chambers in interview analysis
Civil	14	13
Civil: Business and property	13	13
Criminal law	5	5
Family	2	2
Mixed	18	17
Total	52	50

53. There were too few chambers specialising in criminal practice or family practice in the sample to be able to do this for these area of practice groupings.

54. It is worth noting that when looking at results by area of practice some of the variance is likely to be down to small sample sizes, and while the findings may point to trends that may prove to hold true, further investigation would be needed to say definitively whether differences seen by area of practice are representative of recruitment practices for the overall population of chambers.

Limitations of the approach

55. While we aimed to survey a number of chambers that would give us a good picture of overall trends by area of practice, the sample sizes are quite small, and so differences between area of practice are potentially influenced by the small subset of chambers in each area of practice grouping.

56. Given the small subset sizes in the sample, we did not carry out any statistical testing on the data, so any inferences and hypotheses drawn from the results have not been statistically tested but point to trends that can be further investigated.

Findings – Pupillage Advertising

Summary

Definition: An advert/advertisement refers to a case of a given pupillage opportunity and covers both the Pupillage Gateway and external website advertisement for the relevant pupillage(s) where applicable.

57. As expected, there was lots of variety between advertisements. The most notable being the difference in length of the adverts. Basic contents in the descriptions also differed widely, with adverts differing on whether they included a description of what pupillage entailed; what core practice areas were; PTO reputation; selection criteria for pupils; details regarding tenancy, and interview process among other factors. Most adverts did not provide all the above details, and there was wide variation in the amount of information provided on each of these areas if such details were present.

58. Many PTOs highlighted their commitment to equality and diversity, and recruitment practice based upon merit. Also, frequently highlighted was a supportive atmosphere, likelihood of gaining tenancy, as well as training programmes provided during pupillage. Just over six in ten adverts gave the impression of a good chance of tenancy following on from pupillage.

59. There was a significant minority of adverts that contained brief or very brief descriptions, and these were rated poorly for clarity from the perspective of a prospective pupil who it is likely would desire greater detail on the pupillage programme and PTO.

60. Most advertisements did not include detailed information on selection criteria for sifting applications for pupillage. Where provided, the most commonly stated selection criteria were intellectual ability, advocacy and communication skills, and criteria relating to drive and determination. Regarding demonstrable experience, a candidate's academic history was the most important selection criterion overall. Experience gained through mooting, mini-pupillages and other legal experience was mentioned in around a three in ten adverts that included greater information on selection criteria than degree classification alone (n=65). Employment in other areas was less frequently mentioned.

61. Having two rounds of interviews was the predominant process for PTOs that included some information on their interview process: Of adverts that mentioned the interview process (n=68), around seven in ten specified at least two rounds of interviews. Several PTOs had an assessment day as part of the process, but it was unclear how many rounds of interview within the assessment day there would be.

Summary descriptive statistics

Note: *The true values of some of the below statistics are likely to be greater as many advertisements left out details on selection criteria and other factors.*

Application through Pupillage Gateway – (also see Appendix II)

62. There were 216 advertisements on the Pupillage Gateway in the sample, with 170 Pupillage Training Organisations (PTOs) recruiting: several were from the Employed Bar. 97 PTOs were recruiting directly through the Pupillage Gateway (57%), giving an additional 73 advertisements on PTOs' websites to analyse.

63. Of the total number of pupillages being recruited for across the advertisements (n=443), around two in three (66%) could be applied for through the Pupillage Gateway. 28 pupillages had a closing date set before the opening of the 2018 Pupillage Gateway application window (8 January 2018), and 48 pupillages had a closing date set after the Pupillage Gateway application window closed (8 February 2018). Many of the latter may have still followed the same schedule as the Pupillage Gateway for the date of pupillage offers however.

64. Pupillages in PTOs with practice focusing on criminal law were those most frequently requiring application directly to chambers (around 60%). This was followed by those in PTOs with some practice in both civil and criminal areas of law (around 50%). Pupillages in family law were most frequently those that could be applied for through the Pupillage Gateway (around 90%). It is not clear why there is such divergence in method of receiving application by area of practice, although there appeared to be some relationship between the number of PTO tenants/employees, and the likelihood the PTO would require application directly to them, with smaller organisations more likely to require direct application.

Academic requirements – (also see Appendix II)

65. Of all pupillage places on offer, 36 per cent required an upper second class degree in the selection criteria. This was by far the most common prescriptive requirement in pupillage recruitment advertising, although just under 40 per cent of these were pupillage places where the advertisement stated that mitigating circumstances in academic attainment would be taken into consideration. Three per cent of advertisements specifying an upper second class degree made it clear that only a "good" upper second class degree would be accepted. It was not made clear whether this referred to the degree or the institution attended, or the average mark calculated when awarding an upper second class degree.

67. There were fewer pupillage places that specified a first class first degree (around 3% of pupillage places) as selection criteria, giving around 39 per cent of pupillage places being recruited for specifying an upper second class or first class degree as a minimum (except in mitigating circumstances).

68. Overall, PTOs practising predominantly or wholly in civil law were far more likely to

Around 40 per cent of pupillages in PTOs defined as having a broad civil practice or specialising in family law specified an upper second class degree or first class degree as minimum (41% civil; 38% family);

- for PTOs practising predominantly or wholly in areas of law heard in the Business and Property Courts, 67 per cent of pupillages required an upper second class or first class degree as a minimum for prospective pupils;
- the corresponding proportion for criminal PTOs was 22 per cent, and for those with a mixed practice including criminal and civil law, the corresponding figure was 26 per cent.

69. We could find no evidence of advertisements including specific prescription of the first-degree institution attended, eg the stated selection criteria in the advertisements analysed did not require attendance at a particular university or group of universities (such as Oxbridge or the Russell Group). However, this does not mean that such considerations are not potentially prioritised by PTOs when sifting applications and choosing between candidates.

Third sixes and mini-pupillages – (also see Appendix II)

70. Out of all pupillage places (sum total of all pupillages offered across the pupillage advertisements, n = 443), around eight per cent of all pupillages had a third six included as part of the pupillage (a further six months of pupillage in addition to the standard 12 months), and seven per cent of pupillages required a mini-pupillage to have been undertaken with the pupillage training organisation prior to commencement of pupillage, a further five per cent of pupillage places strongly encouraged candidates to have undertaken mini-pupillage at the PTO in the pupillage advertisement, and a further one per cent of pupillages stated that a mini-pupillage at the PTO may be required as part of the selection process.

BPTC draw down and expenses

71. Advertisements covering around 31 per cent of all pupillage places referred to the potential to draw down some of the pupillage award during the BPTC year.

72. Most adverts did not specify whether expenses for attending interview were covered by the chambers: only two per cent specified that they were. The funding of expenses during pupillage, such as travel, was mentioned in advertisements covering around 29 per cent of all pupillage places. This was more frequently seen at places with some criminal practice.

73. Around half of pupillages (49%) in pupillage training organisations defined as having a broad civil practice stated that the potential to draw down some of the BPTC award was available. For those practising predominantly or wholly in areas of law heard in the Business and Property Courts, the corresponding figure was 63 per cent. The option was available for only around three per cent of pupillages at criminal PTOs, and 12 per cent of pupillages at PTOs specialising in family law, and 15 per cent for those with mixed practices.

Pupillage Advertising themes

More general advert content

74. The basic details most commonly seen across advertisements in the Description and How to Apply sections on the Pupillage Gateway, and on pupillage sections of external websites were the reputation and practice areas of PTOs; PTO ethos; the pupillage programme; the interview process, and the selection criteria for pupils. Most advertisements did not include all of these details, and it was also frequently the case for adverts to give far more space to one or two of these than any others. It is difficult to quantify the effect of promoting or leaving some of these basic details out in comparison to others, particularly as we did not have access to data on applications submitted and did not speak to those making applications.

Training programmes

75. Many adverts included some reference to what the training programme in the pupillage year would entail, including in-house advocacy sessions and rotations between pupil supervisors. There were some good examples of laying out to pupils what broadly to expect during pupillage and PTO commitment to pupils:

“As a pupil at [redacted] you will be allocated one supervisor every four months. You would also be asked to complete written work for other members of chambers. This allows pupils to get to know a variety of members and obtain a broad experience, whilst retaining continuity of supervisor at the start of the second six.”

“We continually assess and monitor the progress of our pupils. However, we believe that the object of pupillage is to learn and develop skills in a friendly and supportive environment. To this end, we do not set competitive exercises.”

“We make strenuous efforts to ensure that the assessment of pupils is open and fair, and we have measures in place to ensure that our pupils can raise any concerns they have in confidence. Individually, pupils will receive regular assessment and feedback from their pupil supervisors in relation to his or her day to day work. In addition, all pupils will be assessed every three months and have a meeting with Chambers’ pupillage training monitor at which any concerns about pupillage can be raised. Apart from the work set or authorised by pupil supervisors, there will be a number of marked written and advocacy exercises in which all pupils participate.”

76. There was also one case of chambers laying out what to expect in the first week(s) of pupillage specifically:

“At the commencement of pupillage, all pupils will receive a comprehensive written guide to pupillage at [redacted]. As well as welcoming the pupil, it sets out guidance and material in advance of the pupil’s arrival in Chambers to help them get the most out of pupillage with us. [...] during the first week in Chambers, we arrange a meeting for all pupils with our Head of Pupillage Committee and the Secretaries to the Pupillage

Committee, together with fellow pupils, to answer any further queries and to ensure that pupillage has begun smoothly.”

77. There was also one instance of chambers noting its transfer policy to another pupil supervisor if the pupil and their supervisor did not get along:

“We have a system that allows either the pupil or the Pupil Supervisor to ask for a transfer at any time during the first month of the pupillage with no questions asked. We accept that sometimes people just do not get on. It happens very rarely but it is right to have a system that acknowledges this and can deal with it swiftly and fairly.”

78. As already noted, just under three in 10 adverts (29%) noted how pupils expenses during pupillage relating to training and travel would be fully or partly covered by chambers. This was more frequently seen at places with some criminal practice.

Tenancy

79. The majority of adverts (just over six in ten) gave the impression of a good chance of tenancy following on from pupillage; such examples included stating that the pupillage was with a view to tenancy; stressing that tenants were always recruited from pupils where possible; highlighting that if tenancy criteria were met then pupils would always be taken on as tenants, as well as the number or proportion of tenants taken on from pupils across several years:

“It is our policy to offer pupillage only to those candidates whom we consider to possess real potential to join us as tenants at the end of their pupillage. [...] We carry out a process of continual assessment to determine the suitability of pupils as tenants rather than a separate, formal assessment procedure at the end of the pupillage.”

“We recruit up to 3 pupils a year with a view to offering tenancy if they are good enough. 13 of our last 16 pupils have stayed on as tenants; of the others, those that wished to practice at the Bar are successful tenants elsewhere.”

“Chambers seeks to recruit from its pupils each year and there is no artificial quota set for the number of new tenancies that will be offered.”

80. It was also frequently stated in advertisements that pupils would not be in competition with one another for tenancy positions, either due to a policy of only taking on one pupil in each round of recruitment or selecting purely against tenancy criteria and not relative performance against fellow pupils. Such examples included:

“Importantly, our pupils are not in competition with one another for a tenancy, but are assessed solely on their own abilities and performance.”

“Our pupils do not compete for a limited number of tenancies. We recruit only pupils who we believe to have the potential to become tenants”

81. Some advertisements also noted what would happen in the event of a pupil not gaining tenancy, although there were relatively few of these:

“Those not offered a tenancy are allowed to remain in chambers and are given help and advice while they search for a placement elsewhere.”

“If we are unable to take on a pupil, we will use our best endeavours to find an alternative place [...]. The fourth pupil of 2017, to whom we could not offer a tenancy, has subsequently gained a tenancy elsewhere.”

82. Tenancy was most frequently mentioned by PTOs practising in civil areas (around 68%), particularly family (around 85%), in comparison to those with criminal law as their main area of practice (around 45%). Pupillage training organisations with mixed practice across criminal and civil mentioned tenancy at around the average rate (61%).

Selection Criteria

83. Relatively few PTOs provided much detail on their selection criteria for sifting applications for pupillage in their pupillage recruitment advertisements. Around three in ten adverts contained some information regarding candidate selection above simply stating academic requirements, although in many such instances the selection criteria given were quite broad and general.

84. As noted in the summary statistics section, just over 39 per cent of pupillage positions required an upper second class degree or a first class degree as a minimum requirement. Degree classification was by far the most frequently cited selection criterion in the advertisements. Such requirements were more frequently seen for pupillages in civil practice areas, particularly those predominantly involving cases heard in the Business and Property Courts.

85. Overall, the selection criteria stated across adverts were similar where specified. Typical examples included:

“You will be a motivated, ambitious candidate who can meet the following criteria:

- *“Intellectual ability and curiosity. Usually a minimum 2:1 degree is required but special circumstances will be considered*
- *Persuasive communication in both oral and written advocacy*
- *Personal qualities which will allow you to succeed at the Bar including independence, reliability, good judgement, commercial awareness, determination and the ability to build strong working relationships”*

“In considering prospective candidates for pupillage or mini-pupillage, we concentrate on four criteria:

- *Evidence of the requisite intellectual ability, as distinct from pure legal knowledge. At this stage intellectual ability is usually measured by performance in university and school examinations and at interview and other experience. We may also require applicants to complete a piece of written work during the course of the*

selection process

- Potential as an advocate both in oral and written advocacy
- Personal qualities such as self-reliance, independence, integrity, reliability and the capacity to work effectively with clients, colleagues and Chambers' staff
- Motivation to succeed in a career at the Bar, including the steps taken to acquire the personal qualities required of a barrister."

86. Overall, the most common selection criteria stated were intellectual ability; advocacy and communication skills, and criteria relating to drive and determination. Experience gained through mooting, and other legal experience was mentioned in just under three in ten adverts which went into greater depth on selection criteria. Employment in other areas was less frequently mentioned.

87. The selection criteria for around one in 14 pupillages (7%) required undertaking a mini-pupillage with the recruiting organisation as part of the interview process, whether that was through candidates having already undertaken one with the PTO or being invited to undertake a mini-pupillage following application. The advertisements for a further one in 20 pupillages (5%) strongly encouraged undertaking a mini-pupillage with the PTO when it came to the applying for pupillage with them.

"Although not a mandatory part of our application process, anyone considering applying for pupillage is strongly encouraged to apply beforehand for a mini-pupillage."

88. The proportion of PTOs requiring a mini-pupillage with them as part of the selection process could potentially be greater. It is not clear whether mini-pupillages form a part of the recruitment process for other organisations that did not provide information on the selection process in their advertisements.

89. Only a few PTOs mentioned using a scoring system in sifting applications.

90. Selection criteria were often quite broad, and related more to qualities than demonstrable experience. It should be noted that many of the PTOs providing information about selection criteria noted that more in-depth criteria could be found on their website.

Interview Process

91. Overall, just under four in 10 adverts mentioned either the date of the interview or basic details of the interview process as a minimum.

92. This ranged from more frequently stating the dates by which applicants could expect to receive feedback as well as interview dates and number of rounds of interview, to less frequently detailing descriptions of the interview process and the selection criteria used at the interview stage.

93. As would be expected across multiple entities responsible for their recruitment

practices, there was much variation in the interview processes detailed.

94. Having two rounds of interviews was the predominant process for those that included information on their interview process: Of adverts that mentioned the interview process (n=71), around seven in ten specified at least two interview rounds. Several PTOs had an assessment day as part of the process, for which it was not clear how many rounds of interview there were within the assessment day.

95. Many of those specifying two rounds specified that one of these rounds would include an advocacy exercise and/or a discussion of a case. Overall, the interview processes detailed across the advertisements seemed to be heavily based around practical exercises:

“The interview process will involve two rounds and will include an advocacy and ethical exercise.”

“The first interview consists of a short piece of advocacy on a non-legal topic, the provision of a self-selected piece of written work and questions on your application form. [...] Approximately fifteen candidates are selected for the second interview. They are sent a brief a week in advance and are expected to produce written work and then do an advocacy exercise based on that work at the interview.”

96. There were relatively few adverts that gave a more comprehensive description of the interview process spanning multiple sentences, but there were a few examples of laying out the steps in the process for applicants:

“At the first interview, candidates will meet with a small panel of Members of Chambers. Candidates will be asked to attend Chambers shortly before interview to consider a short extract from an interesting case which will then be discussed in interview. The aim of the interview is to test the candidates’ skills of reasoning and persuasion, as well as temperament.”

Second Interview: [...] Candidates will be asked to attend Chambers in advance of the interview in order to review a set of papers and to prepare to give advice upon the merits of the case and to make a short application before the panel. A further discussion with the panel will follow. The aim of the interview is to further test candidates’ intellectual ability, analytical skills, judgment, and ability to think and express themselves clearly and persuasively under pressure. [...] The legal problem is designed to be suitable for candidates who are studying for the GDL”

“The second stage consists of a short criminal advocacy exercise such as a plea in mitigation in front of members of the Pupillage committee. This will take place on a week day after 5.30pm in the latter part of February and early March 2018 in chambers. [...]

You will be marked on the following:

- a) Ability to identify essential issues*
- b) Ability to communicate those issues clearly, fluently and persuasively;*
- c) Ability to deal on the spot or afterwards with points arising.*

d) Overall presentation.

[...] You will be informed of the outcome of the first interview within ten days unless exceptional circumstances intervene.

97. There were nine examples of interview processes lasting longer than two rounds, six of these included mini-pupillages as part of the process:

“In selecting our pupils, we have a four-stage process. Firstly, all written Pupillage Gateway applications will be reviewed by a panel of tenants [...].

Those who are short listed for interview will be invited for a 10-15 minute initial interview with a small panel of tenants.

[...] Successful applicants at this stage will be invited for a second interview which will involve an advocacy exercise. [...] The exercise will be followed by a more formal interview and the panel will be looking for candidates who display a passion and flair for advocacy...

Finally, the shortlist of candidates will be invited to chambers to see how we work and to ask questions of junior tenants and working pupils”

98. As already mentioned, only around one in 50, or two per cent of advertisements stated that some or all the expenses for attending interview would be reimbursed. It is possible more PTOs offer such reimbursement.

Advert details that may potentially encourage a broadening of application to chambers

Equality and Diversity

99. Across advertisements there were many good examples of pupillage training organisations highlighting their recruitment policies regarding equality and diversity, as well as highlighting a supportive ethos for pupils.

100. Many adverts generally encouraged applicants from all backgrounds, highlighting a commitment to equality and diversity and often noting that applications would be assessed solely upon merit. There were some notable examples of going to greater lengths to highlight how candidates from a range of backgrounds would be considered.

“We operate an equal opportunities policy and recruit without regard to race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity”

“We seek to recruit the brightest and best as our pupils. In making pupillage offers, we are committed to equality of opportunity, and we assess applications for pupillage on the basis of merit alone. Applicants are sometimes advised that a degree from Oxford or Cambridge is a prerequisite for commercial pupillage. That is not the case. We recognise that not all of the top talent is concentrated in a small number of academic

institutions and encourage applications from all”

101. Some advertisements specifically encouraged applications from candidates from a range of backgrounds, although there were relatively fewer of these.

“[redacted] is committed to equal opportunities, we encourage and welcome applications from groups under-represented in the legal sector and we are happy to make reasonable adjustments for candidates with disabilities”

“We positively encourage applications from groups who are currently under-represented in Chambers such as women and those from ethnic minorities. We have no preference for an undergraduate law degree over the one-year conversion course but wish to recruit the best and the brightest candidates whatever their background.”

“In addition, chambers has a reputation for supporting and encouraging new entrants to the Bar, in particular by promoting and undertaking social mobility initiatives, which enable those applicants who might previously have been unable to commence a career as a barrister to do so”

102. A couple of PTOs noted how this would better help them provide a service to clients they often represented.

“Chambers select candidates solely on merit, seeking to ensure that we reflect the community that we serve.”

“[redacted] Chambers are committed to the promotion of equality and diversity across all aspects of our practice. Equality of opportunity is essential for the maintenance of high standards and the provision of a high-quality service to clients. It also ensures a harmonious working environment for members of Chambers and staff.”

103. Overall, there was a sizeable minority of advertisements in which equality and diversity appeared to be taken seriously by the PTO, whether this was alluded to in one short sentence, or a longer segment of the advertisement.

“We are committed to ensuring all of our recruitment and selection processes are fair and that protected characteristics are safeguarded”

“[redacted] is committed to promoting equality and diversity in Chambers. Among other initiatives, [redacted] is actively involved in ‘FreeBar’, which aims to promote LGBT+ equality and inclusion across the Bar and for those that work for the Bar. Chambers also works with Into University, providing advice and work experience days to support those from disadvantaged backgrounds who wish to consider a career as a barrister. Further, members of the pupillage team attend events organised by the Middle Temple Students’ Association offering advice and assistance to those about to embark upon the application process.”

104. In total, around one in three advertisements mentioned or strongly suggested an equality and diversity policy was implemented by the PTO. This included reference to being an Equal Opportunities Employer; detailing regulatory equality and diversity guidelines adhered to; practices such as blind marking in assessing applications; and/or implementing their own policy on equality and diversity. Some good examples of such in

the recruitment process included:

“We seek to make our application process as transparent and fair as possible. All those who are involved in the selection process have undergone training in equality and diversity and fair selection. Each year we publish a report on our pupillage application process for that year, giving details of how we made our selections.”

“The selection panel is made up of members of chambers, with the aim to achieve maximum diversity in terms of gender, ethnicity, practice areas and seniority. All panel members have completed the Equality and Diversity training, as provided by the Bar Council. Chambers adhere to the Code of Conduct in relation to recruitment and training. The process is designed with reference to the Fair Recruitment Guide.”

“To fully support our Equality & Diversity Policy and aims, we will anonymise the applications from the Pupillage Gateway for our first sift selection process.”

105. This does not mean that PTOs with no mention of equality and diversity in the advertisements surveyed will not have a policy on the matter, but just that it was not included in the advertisement if so.

106. In total, when coding adverts, around nine in 20 adverts were coded as including content with some relevance to one or more of the following criteria:

- applicants from range of backgrounds are specifically encouraged;
- specific policies regarding equality and diversity are mentioned;
- equality and diversity would appear to be taken seriously at the chambers;
- a general sense that applicants from a wide range of backgrounds are encouraged.

Pupillage Training Organisation ethos

107. As already mentioned, many advertisements highlighted an overall supportive and friendly atmosphere for pupils; often alongside the training and processes put in place to support pupils during their pupillage.

108. Just over one in three advertisements included reference to being a friendly and/or supportive place to undertake pupillage, following analysis of advert content using a keyword search for the following words in the following order:

- Friendly; supportive; sociable; atmosphere; friendliest; nurture/nurturing; warm; welcome/welcoming

109. Such examples of chambers highlighting a supportive atmosphere within included:

“Whilst our pupils can expect to work hard and be challenged intellectually during their time with us, we offer a supportive environment where constant feedback and early courtroom experience combine to offer pupils the best possible start to a career practising at the Bar”

“We pride ourselves on the relaxed and friendly working environment in Chambers and hope that our pupil will find their time with us not only stimulating and interesting but also enjoyable. [...] Chambers considers pupillage to be a learning experience for the pupil and not a twelve month interview.”

“We pride ourselves on our reputation as a modern, approachable, supportive, and friendly place to work. Do take a look at our Twitter, LinkedIn, Facebook and the news & articles we post on our website.”

110. There were a couple of examples of chambers highlighting specific traditions they had that would help pupils feel part of chambers:

“We pride ourselves on being a friendly, approachable set, and there are regular opportunities to meet and mingle with members at all levels in an informal context. We have a very relaxed tea at 4pm where those working at their desks in chambers meet to chat about everything and anything. There are regular events in chambers, including talks and social networking events organised by our juniors, lectures and CPD sessions, monitoring groups that meet to discuss developments in a variety of areas of law and IT, dinners and celebrations”

“We also have a long-established reputation as a friendly and welcoming Chambers, [...] members are always willing to share the benefit of their legal knowledge and experience. Chambers tea is held every afternoon and pupils are encouraged to attend this to get to know Members of Chambers better.”

111. Some chambers also highlighted mentoring schemes they had, although these were in the minority:

“[...] pupils can expect to be assigned a ‘mentor’ from the ranks of junior members of chambers and to have access to a friendly and supportive network of like-minded professionals who want to ensure you thrive in your junior years of practice.”

112. Work life balance was not frequently mentioned across the advertisements. We could only find five instances of relevance for individual chambers which suggested that work life balance was a priority for them in advertising to potential pupils (out of 170 recruiting chambers).

“Chambers consider it important that family and professional life should be compatible, and we have an excellent track record of both male and female tenants remaining with us throughout their working life. We are particularly proud of the fact that all female tenants with children have continued in practice at [redacted].”

“We are currently recruiting pupils to start in April 2019 and October 2019. [redacted] is a thriving collegiate set on the [redacted] Coast that gives future tenants the opportunity to create a fantastic work-life balance”

113. There were only three instances of PTOs highlighting complaints processes they had in place for pupils and members during pupillage.

Advert details that might potentially discourage a broadening of application to chambers

114. Generally, there were relatively few practices detailed in the advertisements that could potentially actively discourage greater participation in the profession from the perspective of an applicant, as long as the applicant met criteria regarding degree classification and/or legal experience.

115. There were a few adverts that stated requests for Skype or other video interviews were not accommodated for interview. It is possible this could act as a barrier to recruitment for those who cannot afford to attend interview in person. It is not clear how many chambers do not accommodate Skype or video interviews, as this is not something they are required to state prior to application.

116. There were also PTOs that did not follow the same timetable as the Pupillage Gateway, with 28 pupillages being advertised with a closing date set before the Pupillage Gateway closed. This could discourage applicants who want to be able to choose between chambers and other PTOs at the same time. It is not clear whether this would have any impact upon the relative distributions of applicant demographics.

117. There were also some adverts which went into greater detail regarding the reputation of PTOs, and their demonstrated excellence, as well as some detailing the particularly high calibre of applicants they were seeking. There was some feedback in research undertaken for the BSB that some candidates were less likely to apply to chambers where recent pupils had exclusively been to universities seen as 'elite'. It is not clear whether including details on elite¹⁶ reputation and calibre of pupils could discourage potential applicants with the requisite qualifications and experience from applying, and if so, whether this would disproportionately apply to those from certain backgrounds. We lack the data to undertake such an analysis.

118. There are factors in the adverts that could be linked with more indirect discrimination in recruitment. The selection criteria used, as already noted, may potentially further embed bias relating to factors regarding socioeconomic background and educational disadvantage, depending upon how any selection criteria are applied.

119. In terms of other indirect discrimination on a macro level, the cost of undertaking an unpaid mini-pupillage with the PTO if this is deemed mandatory, any requirement for other potentially unpaid legal experience, the cost of attending interview (particularly if the applicant is based outside of London, for pupillages based in London), and the level of remuneration (including reimbursement of work related expenses during pupillage) could all be a source of indirect discrimination for some applicants.

120. It is also possible that no mention of tenancy in an advertisement may discourage some from applying, although whether this is the case, and who it would discourage, would be hard to determine. In any case, the awarding of tenancy is something that will depend upon many factors beyond the scope of this project.

121. There may be other factors that may discourage applicants from applying through their absence, such as a lack of reference to an equality and diversity policy and an idea

16. See page 41, NatCen Social Research (2017). Research commissioned by the Bar Standards Board. Barriers to training for the Bar: a qualitative study. Accessed online at: https://www.barstandardsboard.org.uk/media/1910425/barriers_to_training_for_the_bar_research.pdf

of the ethos at the PTO, as well as what to expect during the pupillage year. Further research would need to be undertaken on this matter to be able to better define whether this is the case or not.

122. Qualitative research commissioned by the BSB on barriers to training for the Bar, found that candidates from BAME backgrounds were more likely to apply for pupillage at places they saw as being more diverse, and female candidates were more likely to apply to places where female barristers were well-represented¹⁷. It can be inferred from this that it is likely that information PTOs provide or do not provide in their advertisements and on their websites, could affect candidates' decisions to apply for pupillage with them.

17. NatCen (2017). Barriers to training for the Bar: a qualitative study. Prepared for the Bar Standards Board. Accessed online at: https://www.barstandardsboard.org.uk/media/1910425/barriers_to_training_for_the_bar_research.pdf

Findings – Pupillage Selection Criteria

Summary

123. For the 52 chambers surveyed, overall:

- Intellectual ability and academic history are the most important selection criteria across chambers when it comes to sifting applications for pupillage.
- Advocacy and communication selection criteria are the most important at the interview stage.

124. For the application sift:

- While advocacy/communication and drive and determination are frequently included as selection criteria when sifting applications, they are typically less heavily weighted as selection criteria.
- Advocacy/communication would appear to be more important as selection criteria at the application sift stage for mixed practice chambers compared to chambers practising mainly in areas of civil law; where criteria related to drive and determination are more frequently included in criteria used for selection.
- Intellectual ability and academic factors appear to be of greater importance in application sifting for Civil: Business and Property chambers than for chambers with practice principally based in other areas of law.
- Selection criteria relating to knowledge/experience appears to be more important to chambers with principal areas of practice in Civil law not heard in the Business and Property Courts.

125. At the interview stage:

- Advocacy/communication skills are by far the most frequently included selection criteria across chambers for all areas of practice, with drive and determination, and suitability for practice also frequently included in selection criteria, although the latter are less frequently weighted heavily across chambers as selection criteria.
- Civil: Business and Property chambers in the sample, appear to more frequently heavily weigh advocacy/communication selection criteria at the interview stage than the Civil or mixed chambers in the sample. They also appear to place greater

importance on criteria relating to suitability to practice.

- For mixed practice chambers in the sample, the skew towards prioritising advocacy/communication selection criteria at the interview stage overall appears to be greater than for Civil chambers and Civil: Business and Property chambers (when taking into consideration both the frequency of inclusion of selection criteria and the weighting of the criteria when included, rather than weighting only).

126. In addition to these results:

- There were two chambers out of 52 that required applicants to provide referee details and references (at least two) before their paper/online applications are considered by chambers. These chambers considered the references when deciding if applicants should be shortlisted for interviews.
- Six chambers out of 52 stated that pupillage applications are blind marked (usually by at least two barristers), with only candidates' number (each candidate is allocated a number) being visible to the assessor and not the candidates' names or addresses. The blind marking is used to initially assess the application against their criteria to decide which applicants to call for interviews.
- Two chambers out of 52 require candidates to undertake an assessed mini pupillage (one week in duration) in their chambers as part of their pupillage application process. An assessment of all mini pupils work is carried out as part of the application process. These chambers only consider pupillage applications from applicants that have completed mini pupillages in their chambers. Other applicants will only be considered if there are exceptional reasons for not completing a mini pupillage with the chambers.
- One chambers out of 52 used an online aptitude test (administered by an external provider) to test candidates' reasoning and verbal skills as the first stage of its pupillage recruitment process. The 16 top-scoring candidates on the aptitude test are invited to interview, and the best 20 of the next 40 top-scoring candidates on the aptitude test are also invited for interview (based on assessment of their application form and aptitude test).
- Examples of intellectual ability cited by chambers included evidence of academic achievement, including: a first class or upper second-class degree (or equivalent), Graduate Diploma in Law/BPTC grades, and a few references to high marks for A-Level (or equivalent). Other factors included having the ability to:
 - o grasp complex information and identify the key issues quickly and effectively;
 - o absorb details, inconsistencies and inaccuracies;
 - o develop new solutions; and

Note: These results may not be generalisable to recruitment practices by area of practice, but they are likely to provide insight into some trends by area of practice.

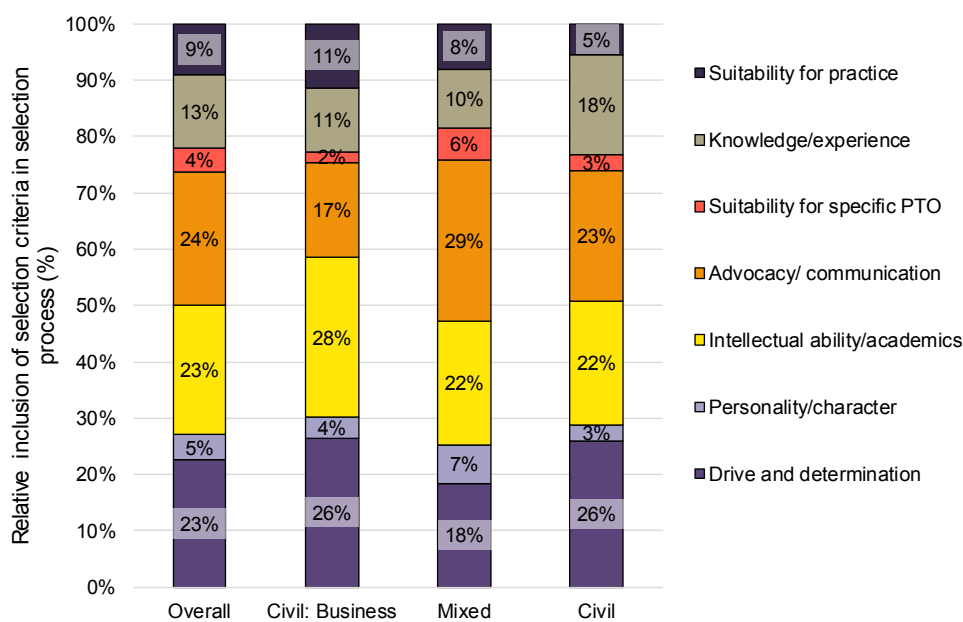
At the application stage

Frequency of inclusion of selection criteria

127. Chart 2 below, represents the relative proportion with which selection criteria groupings are included in the selection process across chambers at the initial stage of sifting applications by area of practice. A higher value for any selection criteria grouping (eg drive and determination) will mean that, across chambers, such grouped criteria are more frequently included in the selection process in comparison to other grouped selection criteria. It does not show an indication of the weighting given to the selection criteria in the selection process.

128. As can be seen, the criteria of drive and determination, intellectual ability/academics and advocacy/Communication are those most frequently included in comparison to the other selection criteria when sifting applications for pupillage overall.

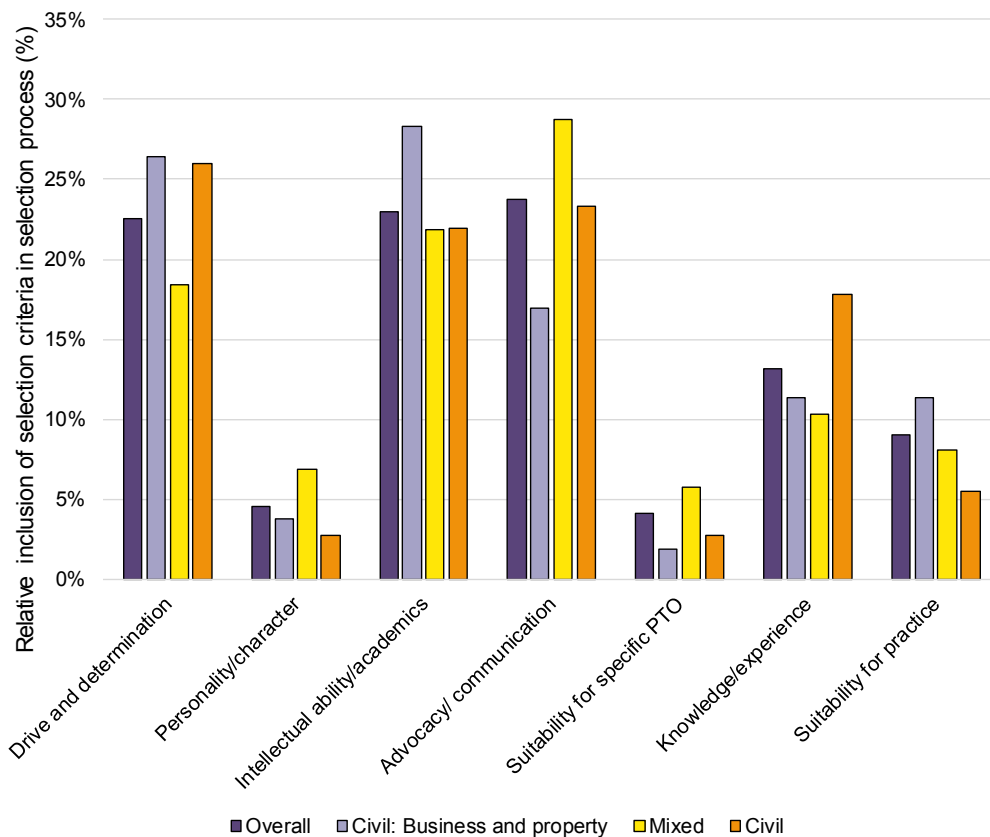
Chart 2. Inclusion of selection criteria in selection process for the sifting of applications for pupillage - by area of practice and selection criteria grouping



129. There is some variation by area of practice, with drive and determination more frequently included at chambers specialising in civil law areas, and advocacy/communication skills more frequent for chambers with a mixed practice (a practice including criminal and civil law).

130. This variation by area of practice is displayed by selection criteria grouping in Chart 3 below.

Chart 3. Inclusion of selection criteria in selection process for the sifting of applications for pupillage - by selection criteria grouping and area of practice



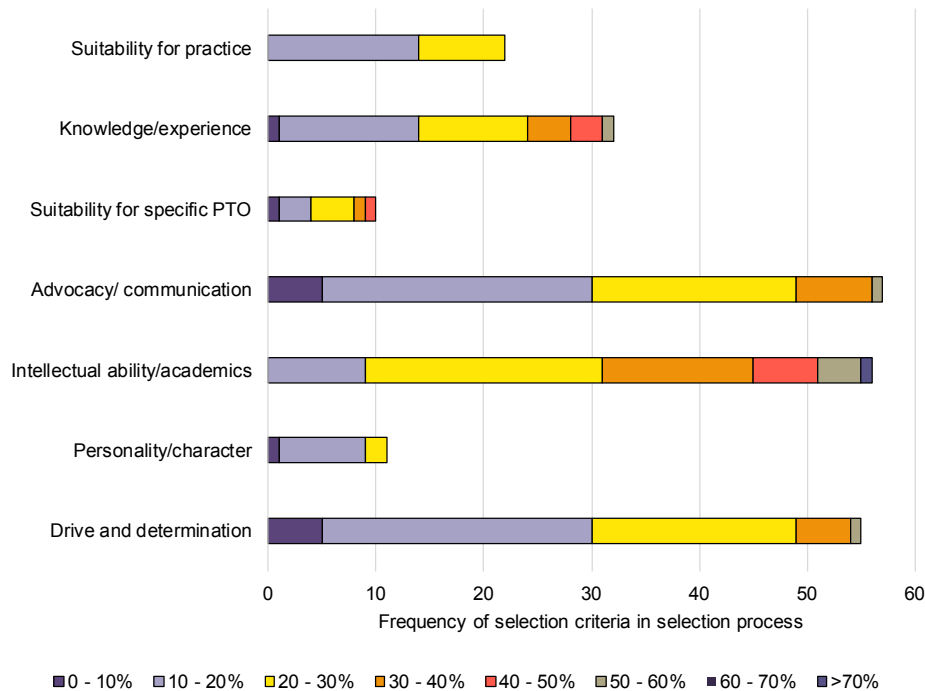
Frequency of weighting categories for selection criteria

131. Chart 4 below, shows the number of instances where criteria within each grouping are used in the selection process across chambers for the initial application sift, broken down by the weighting of the criteria in the selection process. A high value for the frequency means that the selection criteria are frequently seen in the selection process across chambers. However, this does not explain whether frequently seen selection criteria are typically assigned a heavier weighting in any selection process.

132. The weighting groupings show the relative importance of the selection criteria in the application sift. If a selection criterion has what seems to be a high proportion of heavily weighted criteria, then this means that the selection criterion is commonly of high importance when assessing applications.

133. A combination of the frequency with which the selection criteria are used across chambers, and the breakdown of the weightings of the criteria within the selection process help give a better idea of the relative importance of each selection group of criteria in the pupillage recruitment process.

Chart 4. Frequency of selection criteria broken down by weighting of criteria in selection process at initial application sift: Overall



134. As can be seen above, while drive and determination, and advocacy/communication are commonly included as selection criteria, based upon weighting groupings in the initial application sift, intellectual ability/academics would appear to be the most important of the selection criteria categories. However, this is not to discount the importance of drive and determination and advocacy/communication criteria, as both are frequently weighted at above 20% in the application sift.

135. Although criteria relating to knowledge/experience are less frequently included, when they are part of the application sift, they are also typically quite heavily weighted in the selection process. The same can be said for criteria relating to Suitability for specific PTO.

136. When breaking the results down by area of practice the same trend is generally shown, with a frequent heavy weighting for intellectual ability/academic criteria, although the relative frequency of each criteria grouping changes. This can be seen in Charts 5-7.

137. Chart 5 below also shows that drive and determination is frequently heavily weighted in selection criteria at chambers specialising in areas of practice heard in the Business and Property Courts. Advocacy and communication skills are less frequently included in selection criteria, but are frequently more heavily weighted when they are. The same can be said for knowledge/experience criteria.

Chart 5. Frequency of selection criteria broken down by weighting of criteria in selection process at initial application sift: Civil: Business and Property chambers

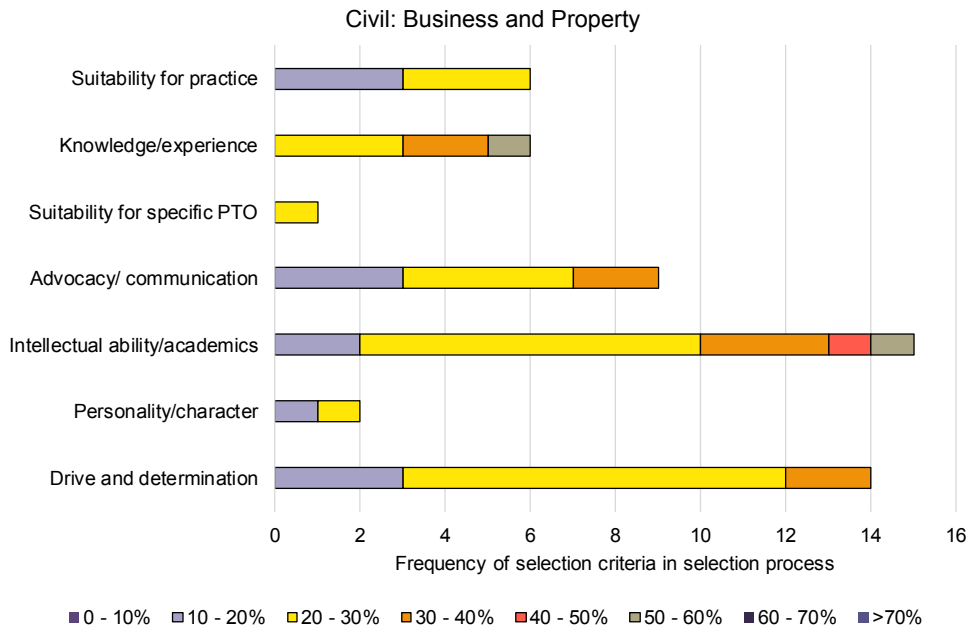
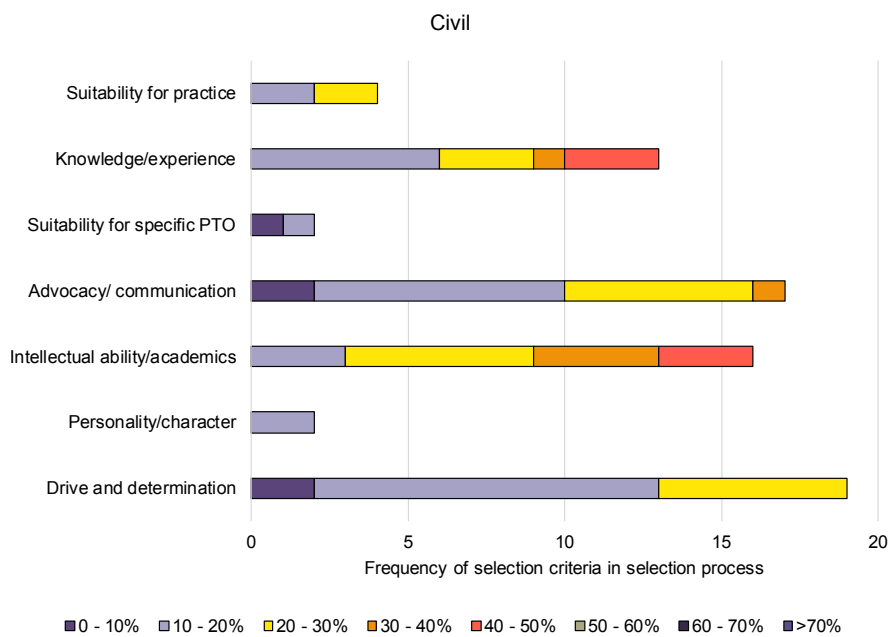
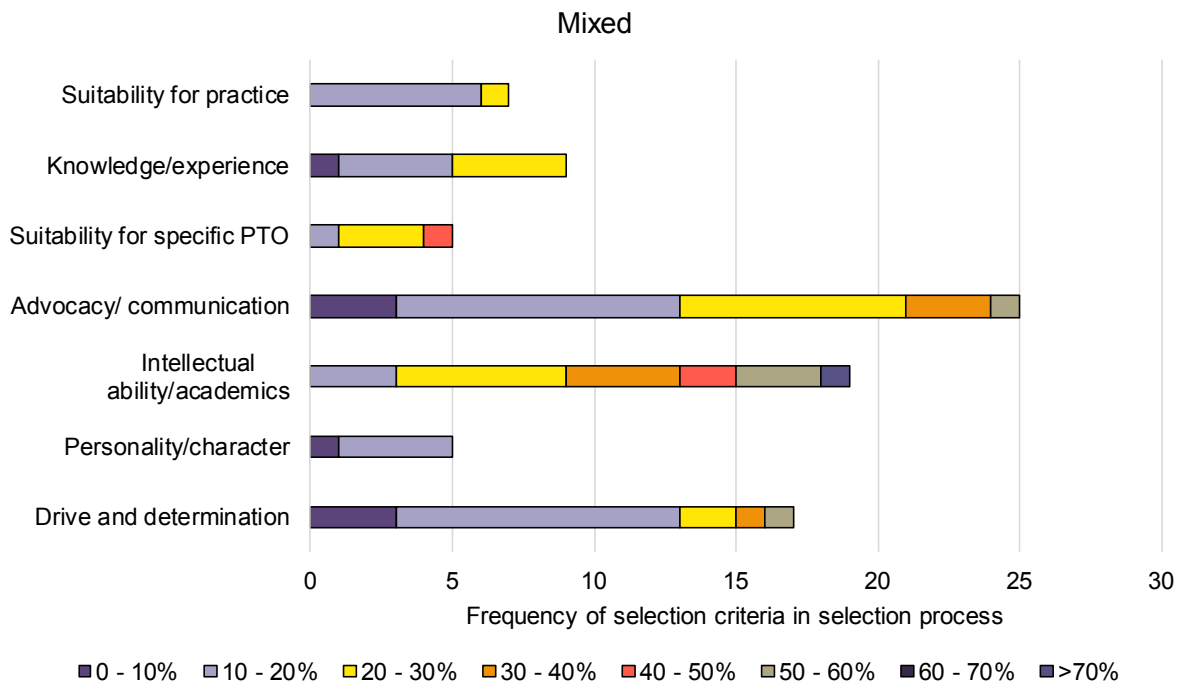


Chart 6. Frequency of selection criteria broken down by weighting of criteria in selection process at initial application sift: Civil chambers



138. Chart 6 above shows less of a skew towards heavily weighting criteria on drive and determination at other civil chambers (chambers with a civil law practice including areas of law not heard in the Business and Property Courts). Intellectual ability/communication selection criteria are also frequently included and frequently heavily weighted. There is also a more frequent inclusion of advocacy/communication and knowledge and experience in selection criteria in comparison to Civil: Business and Property chambers.

Chart 7. Frequency of selection criteria broken down by weighting of criteria in selection process at initial application sift: Mixed practice chambers



139. As shown in Chart 7 above, mixed practice chambers frequently include advocacy/communication criteria in their selection process, although where included such criteria are less frequently weighted heavily in comparison to criteria relating to intellectual ability/academics. There appears to be more emphasis on suitability for specific PTO criteria at mixed practice chambers, and less emphasis on drive and determination and knowledge/experience criteria than at the chambers surveyed in the other practice area groupings shown in Charts 5-6.

Ranking of selection criteria in pupil selection process

140. Table 2 below shows the average rank of importance for each selection criteria grouping at the application sift stage across chambers overall. A lower value means that the criteria grouping is typically ranked higher in importance in comparison to other selection criteria based upon the weighting assigned to it. A higher value means the selection criteria grouping is typically ranked lower in importance based upon selection criteria weighting.

141. To further back up the results already shown, in the application sift stage of pupillage recruitment, criteria relating to Intellectual ability/academics have by far the lowest average rank, meaning such criteria are more frequently the number one ranked selection criteria in sifting applications for pupillage.

Table 2. Average rank of importance for selection criteria groupings in application sift: Overall

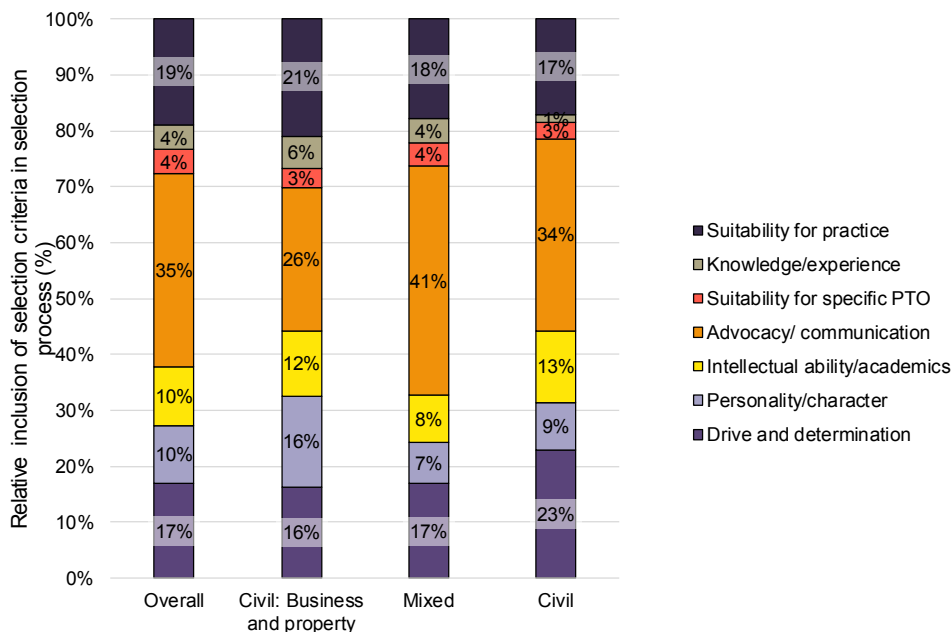
Selection criteria	Average Rank of importance of selection criteria in application sifting
Intellectual ability/Academics	1.42
Personality/Character	2.00
Suitability for practice	2.00
Knowledge/Experience	2.06
Advocacy/Communication	2.15
Drive and determination	2.42
Suitability for specific PTO	2.60

142. Advocacy/communication, and drive and determination, although frequently included as selection criteria at this stage, are far less frequently the most important selection criteria in sifting applications.

At the interview stage

Frequency of inclusion of selection criteria

Chart 8. Inclusion of selection criteria in selection process at the interview stage for pupillage - by area of practice and selection criteria grouping



143.

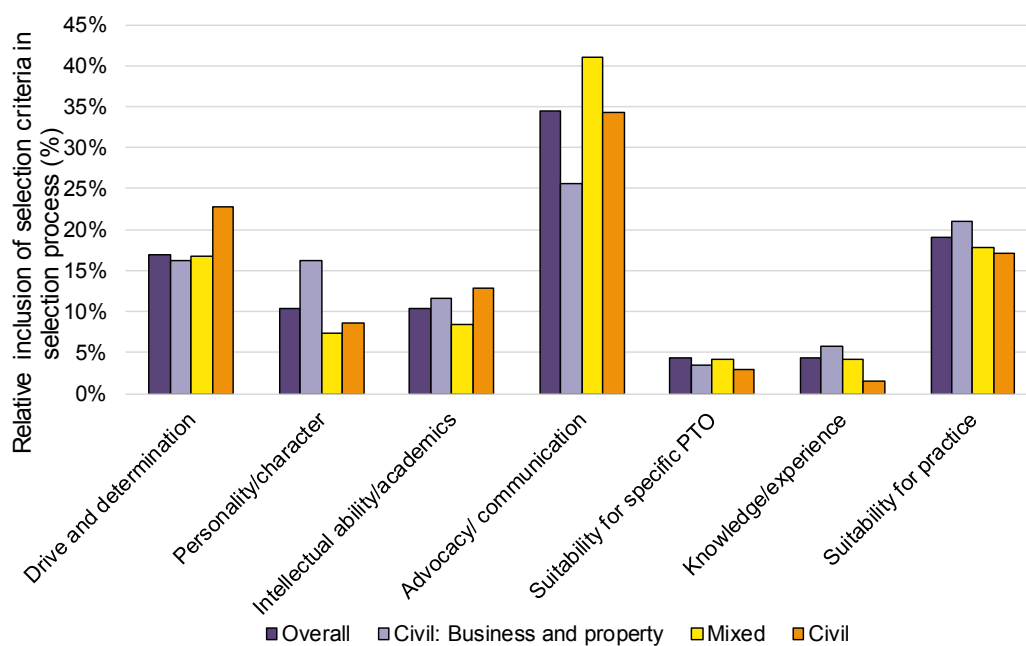
Chart 8 above, represents the relative frequency with which selection criteria groupings are included in the selection process across chambers at the interview stage for pupillage by area of practice. A higher value in comparison to other selection criteria means that the criteria are more frequently included in the selection criteria across the

sample of chambers surveyed.

144. As can be above, advocacy/communication skills are by far the most frequently included selection criteria across chambers for all areas of practice, with drive and determination, and suitability for practice also frequently included in selection criteria.

145. Differences between chambers grouped by area of practice can be seen in Chart 9 below. The greatest variance would appear to be in the relative inclusion of advocacy/communication criteria.

Chart 9. Inclusion of selection criteria in selection process at the interview stage for pupillage - by selection criteria grouping and area of practice



Frequency of weighting categories for selection criteria

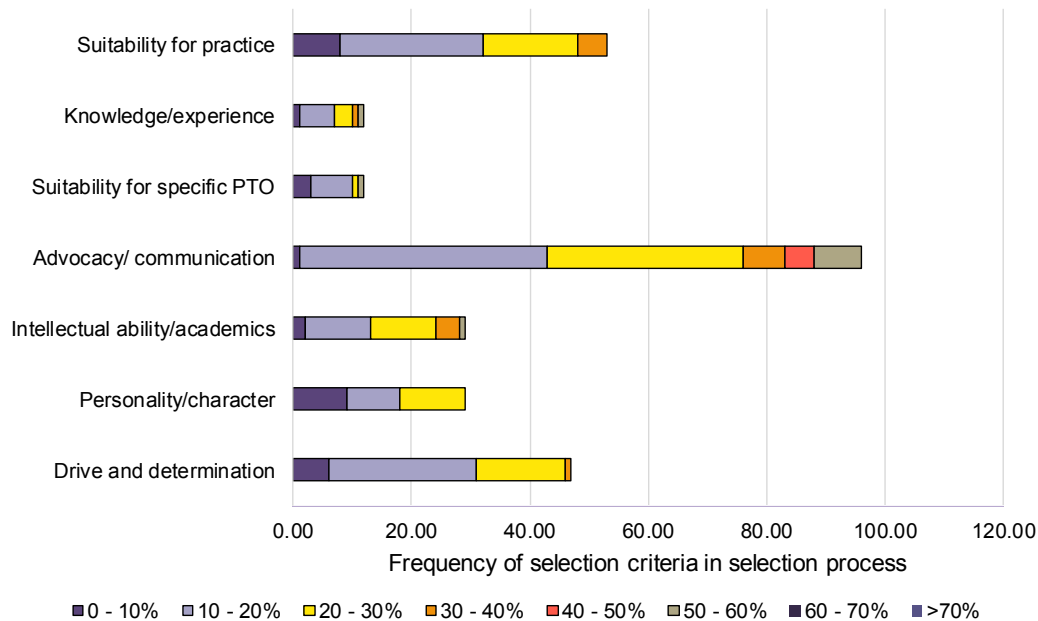
146. There are several trends on the frequency and weighting of selection criteria for pupillage recruitment at the interview stage that are quite different to that seen for the application sift across chambers.

147. Chart 10 below, shows the frequency of selection criteria in the selection process across chambers for the interview stage of recruitment, broken down by the weighting of the criteria in the selection process. A high value for the frequency means that the selection criteria is frequently seen in the selection process regarding interview success.

148. The weighting groupings show the relative importance of the selection criteria in the interview assessment. If a selection criterion has a proportionately higher frequency of heavier weighting, then this means that the selection criterion is commonly of high importance when assessing applications.

149. As can be seen in Chart 10, criteria relating to advocacy/communication are by far the most frequently included selection criteria at the interview stage, and are also frequently weighted at 20 per cent or greater. Drive and determination and suitability for practice selection criteria are also frequently included, although these would appear to less frequently be weighted heavily.

Chart 10. Frequency of selection criteria broken down by weighting of criteria in selection process at interview stage: Overall



150. When breaking the data down by area of practice, the relative importance placed upon advocacy/communication is shown across all practice area groupings, as shown in Charts 11-13 below.

151. The data in Charts 11-13 suggests that the Civil: Business and Property chambers in the sample more heavily weight advocacy/communication selection criteria at the interview stage than the Civil or mixed chambers in the sample. They also appear to place greater importance on criteria relating to suitability to practice. The selection criteria for interview used by Civil: Business and Property chambers surveyed also generally, more frequently, fall into lower weighting categories, suggesting a greater number of criteria used in selection by such chambers in the sample.

Chart 11. Frequency of selection criteria broken down by weighting of criteria in selection process at interview stage: Civil: Business and Property chambers

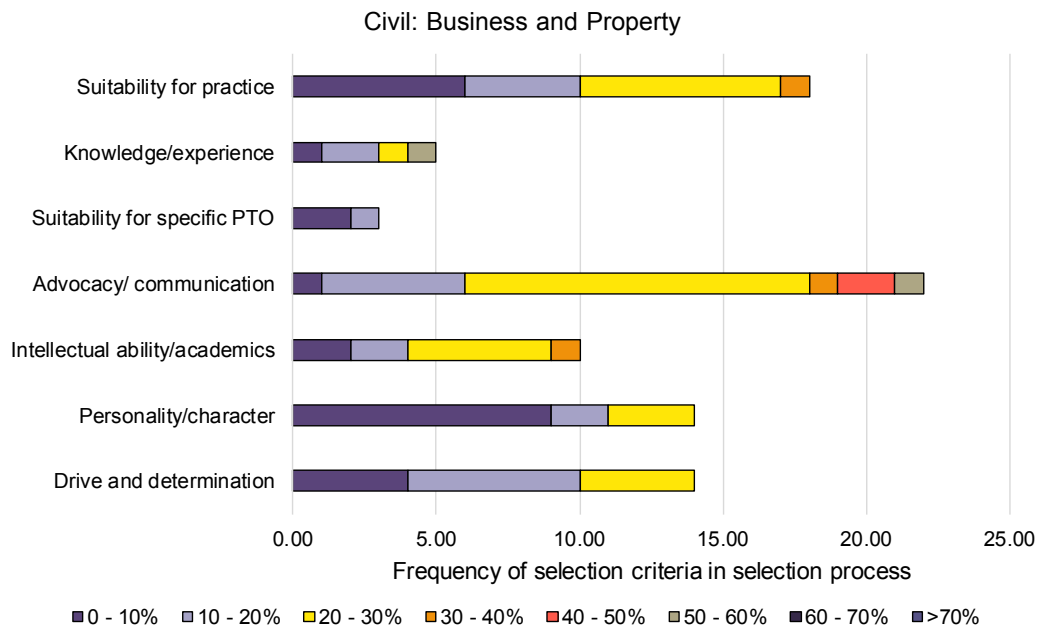
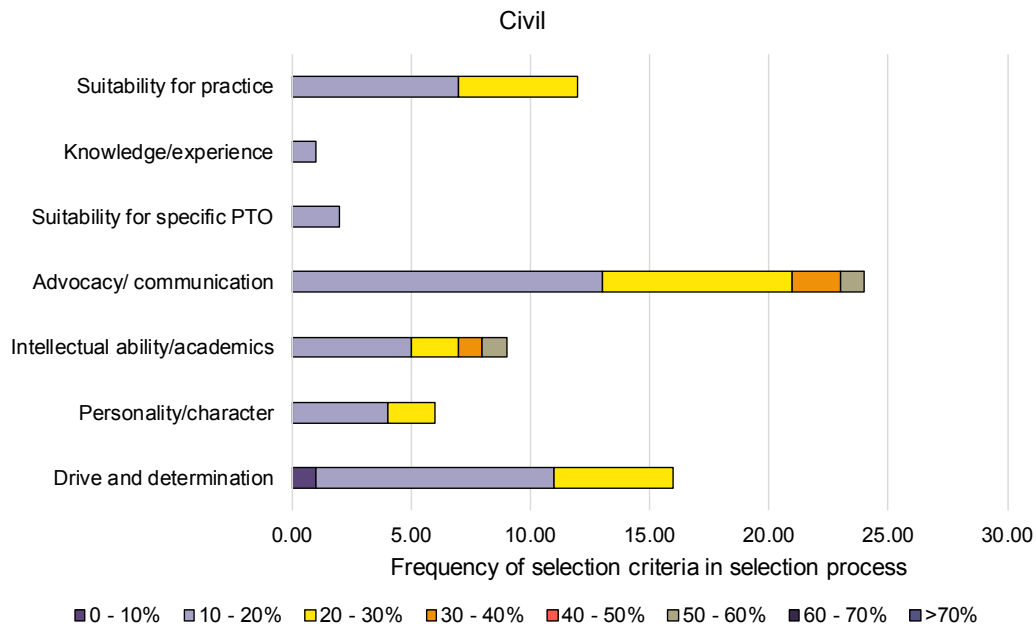
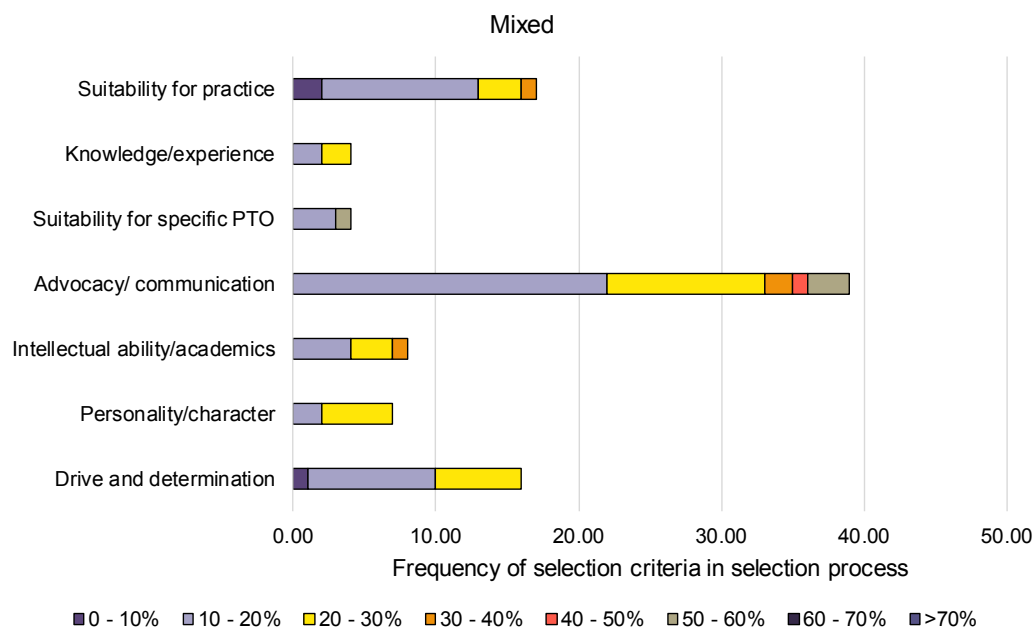


Chart 12. Frequency of selection criteria broken down by weighting of criteria in selection process at interview stage: Civil chambers



152. The selection criteria for the interview stage of pupillage recruitment used by Civil chambers in the sample appear to heavily prioritise advocacy/communication criteria, with drive and determination also frequently included. There are few instances of criteria weighted at a lower level (0 – 10%), with most criteria weighted at 10 – 20 per cent.

Chart 13. Frequency of selection criteria broken down by weighting of criteria in selection process at interview stage: Mixed practice chambers



153. As shown in Chart 13 above, for mixed practice chambers in the sample, the skew towards prioritising advocacy/communication selection criteria at the interview stage overall appears to be greater than for Civil chambers and Civil: Business and Property chambers. Drive and determination and suitability for practice criteria are next in importance, with other selection criteria of lesser importance in selection on average.

Ranking of selection criteria in pupil selection process

154. In contrast to Table 2, and further backing up results already shown, the data in Table 3 show the relative high ranking of advocacy/communication and intellectual ability/academics when included as selection criteria at the interview stage of pupillage recruitment.

Table 3. Average rank of importance for selection criteria groupings at the interview stage: Overall

Average Rank of importance of selection criteria at interview stage	
Advocacy/communication	1.85
Intellectual ability/academics	1.86
Suitability for practice	2.19
Knowledge/experience	2.25
Drive and determination	2.39
Personality/character	2.52
Suitability for specific PTO	3.42

Conclusions

155. Several interesting trends emerge from the research, some more positive, and others suggestive of some of the barriers encountered by underrepresented groups at the Bar in gaining pupillage highlighted in previous research undertaken by the BSB.

156. It is encouraging that around nine in 20 pupillage advertisements were coded as having some content highlighting that equality and diversity was encouraged and/or taken seriously at the recruiting organisation. It at the least suggests that almost half of PTOs have the aim of encouraging candidates from a range of backgrounds.

157. Just over one in three adverts highlighted a friendly and supportive atmosphere at the PTO, suggesting a significant minority of chambers and other PTOs are keen to highlight a nurturing environment in which to undertake pupillage.

158. The frequent inclusion of details regarding the likelihood of gaining tenancy may also offer an insight into the openness of the recruiting PTO to those applying for pupillage, as may inclusion of details on what to expect during pupillage

159. We were not able to analyse which advertisements received the most applications or investigate the aspects of advertisements that were related to an increase in applicants, so it is difficult to make more detailed recommendations from this research on the advert content most likely to encourage application from groups underrepresented at the Bar for PTOs interested in broadening the pool of applicants applying for pupillage with them.

160. Research undertaken by the BSB on differential attainment in gaining pupillage found those from BAME backgrounds were far less likely to attain pupillage when controlling for other variables, and those with at least one degree educated parent, and those attending Oxbridge and Russell Group universities were far more likely to gain pupillage when controlling for other variables.

161. We could find no evidence of PTOs overtly prescribing the higher education institution attended in the advertisement of pupillages, and overall, the findings from this research would suggest that such differential outcomes in gaining pupillage are less likely to be directly reflected in the advertising of pupillage, but are more likely to be related to the selection criteria used and how they are implemented.

162. However, the findings do highlight the predominance of degree classification a selection criterion for candidates when assessing their applications, particularly for PTOs practising predominantly in civil law areas. This was seen across the pupillage advertisements and in the selection criteria sent to the BSB by the sample of chambers surveyed, where in general, a relatively high weighting was given to selection criteria for intellectual ability and academic history when screening applications.

163. However, it should be noted that the analysis of the selection criteria was an exploratory quantitative one undertaken with the aim of highlighting some basic trends. It does not give an idea of the qualitative decisions involved in how the selection

criteria are applied. Issues such as whether the relative equivalence of non-legal work experience with experience gained through mooting and mini-pupillages is assessed, and whether any attempt is made to contextualise a candidate's academic history based upon their background, are not reflected in the findings for this research. Another big factor not reflected is how consistency in application of selection criteria is ensured for PTOs in order to try to mitigate unconscious bias in recruitment.

164. There are a great many variables involved in the recruitment process, as well as how the personal histories of prospective pupils may influence the outcomes of the indicators used in selecting them for interview, and ultimately for pupillage. The qualitative side of the pupil selection process is beyond the remit of this research, but it is something that requires further exploration as part of the pupillage recruitment project. However, further quantitative analysis on how the selection criteria used influences the characteristics of those shortlisted, invited for interview, and offered pupillage could be very informative if the BSB had access to the data to be able to do so.

165. It was an important finding to note the proportion of pupillages that were offered with the potential to drawdown some pupillage remuneration towards fees for the BPTC. Such a possibility will lessen the financial burden incurred when undertaking the BPTC for those that gain pupillage prior to the course. The percentage of pupillages with this possibility was surprisingly high at around 31 per cent (n =139). It is not clear how many take up this offer, and how much of the drawdown on offer they receive on average. Further research may also be required on this, particularly if rules around whether recruitment can occur prior to studying the BPTC are reassessed.

166. Across the pupillage advertisements, the lack of reference to the BPTC was quite notable, particularly as the course, and any Future Bar Training offering needs to be heavily designed around preparing candidates to meet the requirements of the Professional Statement for barristers as much as is possible to do so from the vocational stage of training. How the BPTC and future FBT offerings figure in recruitment practices at the Bar also needs to be better understood. It would be desirable to better understand whether there is an overreliance on academic achievement at undergraduate level within the academic and intellectual selection criteria and whether this is justified given the aims and purpose of the vocational stage of training.

167. In addition, with around 43 per cent of the recruiting PTOs in this analysis receiving applications outside the Pupillage Gateway, further consultation with such chambers as to the reasons for may be needed if rules around the method of application for pupillage are reassessed.

168. It would also be worthwhile to further explore whether having mini-pupillages as part of the selection process is related to the backgrounds of those that are successful in gaining such pupillage places. For the 2018 pupillage recruitment window such requirements were of relevance for 7-13 per cent of pupillage places on offer, and potentially more.

169. Overall, it is clear that this is a complicated issue that bestrides business decisions and meeting regulatory goals, and through this research and the wider Pupillage Recruitment project the BSB aims to produce evidence and guidelines which enable PTOs that want to broaden participation in the profession to be able to do so effectively.

Appendices

Appendix I – Pupil characteristics by chambers area of practice and chambers size

Appendix I continued – characteristics of those enrolled on BPTC

Appendix II: Descriptive statistics for pupillage advertisements

Appendix III: Logic used for grouping chambers by area of practice

- If chambers provided a main practice area in the Main practice area in their Pupillage Gateway advert, then this was taken as the main area of practice for chambers, unless the practice area listed was given as “mixed”.
- If chambers provided gave their main practice area as “mixed”, then this was potentially further classified based upon their practice areas listed below in the “Practice areas” field. If the practice areas listed were all in civil areas, then they were classified as such. If the practice areas listed included criminal and civil law, then they were kept as “mixed”.
- If chambers did not provide a main area of practice, then their predominant area of practice was classified based upon any practice areas they provided in the “Practice areas” field in their Pupillage Gateway advert, using the same criteria as above.
- Civil practice was classified as follows:
- Where chambers appeared to solely specialise in family law, the main practice area was given as “Family”.
- Where chambers appeared to solely specialise in areas of civil law heard in the Business and Property Courts, their main area of practice was classified as “Civil: Business and Property”.
- Other chambers specialising in civil law had their main area of practice classified as “Civil”.

Appendix IV: Coding scheme used in assessing advertisements on the Pupillage Gateway

More general Content

1. Mention of career progression
2. Mention of interview process

More positive practices

3. Specifically encouraging applicants from range of backgrounds
4. A general sense that applicants from a wide range of backgrounds are encouraged
5. Equality and diversity appear to be taken seriously at the chambers
6. Mention of specific policies regarding equality and diversity
7. Applicants can demonstrate skills outside of academia
8. Mention of work life balance
9. Mention of mentoring scheme
10. Any other potentially positive practices/details

Practices that may contribute to discouraging diversity

11. Sense of elitism in the advert
12. Mention of extra-curricular activities in academia
13. Any other potentially discouraging practices/details

Additional tags after starting the exercise

14. Mention of tenancy/retention
15. Other openness and supportive practices by chambers
16. Mention of experience other pupils have gained
17. Long description of Chamber's reputation
18. Non-interview related expenses mentioned

19. Mention of draw down on pupillage awards while on BPTC

Binary (Yes/No) Criteria

Structure

- Good clarity/Poor clarity (Y/N)
- Expenses for attending interview
- Application process through pupillage gateway

Content

- Including references to 3rd sixes as part of their pupillage ie 18-month pupillages
- Mention of mini-pupillages as part of recruitment and selection process for their vacancy
- Mention of/link to pupillage policy
- Expenses for attending interview

Practices that may contribute to discouraging diversity

- First class degree specified as academic requirement
- Upper second class or First-class degrees specified as academic requirement
- Attendance at Oxbridge specified as academic requirement
- Attendance at Russell Group specified as academic requirement
- Attendance at elite university specified as academic requirement

Appendices

Appendix I – Pupil characteristics by chambers area of practice and chambers size

For pupils who graduated from the BPTC from the cohorts covering 2011/12 – 2016/17

Data is calculated from data in the database used by the Bar Standards Board

Grouped area of practice of chambers	Size of chambers by number of barristers	% of pupils										
		Gender		Ethnicity		11-18 education			University attended for first degree			
		Female	Male	BAME	White	UK independent school	UK state school	Attended school outside UK	Oxbridge	Russell Group	Other UK university	Other university
Civil	0 to 45	43%	57%	21%	79%	27%	61%	12%	39%	26%	17%	17%
	45 to 69	43%	57%	17%	83%	39%	53%	8%	51%	24%	17%	7%
	69 to 93	47%	53%	11%	89%	40%	53%	7%	52%	31%	7%	10%
	93 to 665	54%	46%	12%	88%	38%	56%	7%	47%	34%	15%	4%
Civil: Business and property	0 to 45	41%	59%	7%	93%	32%	65%	4%	71%	29%	0%	0%
	45 to 69	35%	65%	9%	91%	62%	34%	4%	64%	27%	7%	2%
	69 to 93	29%	71%	12%	88%	38%	57%	6%	73%	14%	5%	9%
	93 to 665	37%	63%	18%	82%	45%	49%	6%	62%	29%	3%	6%
Criminal law	0 to 45	64%	36%	22%	78%	33%	60%	7%	9%	57%	30%	4%
	45 to 69	55%	45%	12%	88%	33%	67%	0%	10%	71%	19%	0%
	69 to 93	51%	49%	19%	81%	25%	70%	5%	20%	43%	31%	6%
	93 to 665	62%	38%	26%	74%	23%	71%	6%	10%	42%	45%	3%
Family	0 to 45	61%	39%	11%	89%	23%	77%	0%	12%	28%	56%	4%
	45 to 69	66%	34%	5%	95%	51%	43%	6%	39%	39%	13%	9%
	69 to 93	66%	34%	17%	83%	59%	32%	9%	17%	67%	8%	8%
Mixed	0 to 45	50%	50%	18%	82%	30%	63%	7%	10%	46%	39%	5%
	45 to 69	48%	52%	7%	93%	29%	66%	5%	17%	33%	44%	6%
	69 to 93	55%	45%	9%	91%	32%	66%	2%	28%	45%	24%	3%
	93 to 665	51%	49%	14%	86%	41%	58%	1%	34%	49%	15%	3%
Overall		49%	51%	14%	86%	36%	59%	5%	36%	38%	22%	5%

Appendix I continued – characteristics of those enrolled on BPTC between 2011/12 and 2016/17 who have commenced pupillage

		% of pupils								
		Academic law qualification		Degree Classification				Overall BPTC grade		
Grouped area of practice of chambers	Size of chambers by number of barristers	Law degree	GDL	First class	Upper second class	Lower second class	Other degree class	Outstanding	Very Competent	Competent
Civil	0 to 45	59%	41%	38%	57%	6%	2%	25%	68%	7%
	45 to 69	48%	52%	57%	42%	1%	2%	35%	64%	1%
	69 to 93	60%	40%	44%	55%	2%	5%	50%	50%	0%
	93 to 665	56%	44%	59%	40%	1%	6%	47%	51%	2%
Civil: Business and property	0 to 45	48%	52%	53%	47%	0%	1%	41%	56%	2%
	45 to 69	36%	64%	66%	34%	0%	1%	43%	56%	1%
	69 to 93	54%	46%	83%	17%	0%	4%	57%	43%	0%
	93 to 665	57%	43%	80%	20%	0%	4%	46%	51%	3%
Criminal law	0 to 45	75%	25%	24%	68%	8%	4%	9%	78%	13%
	45 to 69	60%	40%	34%	60%	6%	0%	27%	71%	2%
	69 to 93	64%	36%	28%	68%	4%	2%	25%	68%	7%
	93 to 665	60%	40%	20%	77%	3%	4%	8%	83%	9%
Family	0 to 45	76%	24%	27%	65%	7%	0%	15%	81%	3%
	45 to 69	64%	36%	32%	68%	0%	0%	26%	74%	0%
	69 to 93	56%	44%	35%	61%	3%	3%	34%	59%	6%
Mixed	0 to 45	72%	28%	33%	63%	4%	1%	27%	64%	9%
	45 to 69	61%	39%	33%	65%	2%	2%	33%	60%	7%
	69 to 93	56%	44%	31%	66%	2%	1%	25%	72%	3%
	93 to 665	54%	46%	43%	53%	4%	1%	32%	66%	3%
Overall		58%	42%	43%	54%	3%	2%	32%	64%	4%

Appendix I Continued – characteristics of those enrolled on BPTC between 2011/12 and 2016/17 who have commenced pupillage

Grouped area of practice of chambers	Size Of chambers by range of number of barristers	Number of chambers taking on pupils	Number of pupils for which we have data						
			Gender	Ethnicity	11-18 education	Academic law qualification	First degree university	Degree Classification	BPTC grade
Civil	0 to 45	18	56	53	49	56	23	54	56
	45 to 69	12	86	81	62	86	41	83	86
	69 to 93	6	60	54	43	60	29	58	60
	93 to 665	8	100	89	72	100	47	98	100
Civil: Business and property	0 to 45	23	87	74	57	87	31	84	87
	45 to 69	13	98	93	71	98	45	96	98
	69 to 93	7	83	76	53	83	44	81	83
	93 to 665	6	70	66	47	70	34	68	70
Criminal law	0 to 45	15	55	51	43	55	23	52	55
	45 to 69	8	47	43	39	48	21	47	48
	69 to 93	9	102	98	76	102	54	101	102
	93 to 665	3	86	78	65	85	31	82	86
Family	0 to 45	13	59	56	44	59	25	55	59
	45 to 69	6	47	44	35	47	23	44	47
	69 to 93	3	32	30	22	32	12	32	32
Mixed	0 to 45	38	127	116	83	128	59	124	128
	45 to 69	22	114	104	85	114	52	109	114
	69 to 93	19	150	139	97	149	67	139	150
	93 to 665	16	146	128	105	146	74	141	146
Overall		245	1605	1473	1148	1605	735	1548	1607

Note: The above tables are not normalised. They reflect those that have started pupillage overall, and the number of pupils individual PTOs have taken on is not controlled for, meaning the hiring practices of chambers that take on more pupils than others will skew the data. However, Appendix I is representative of the overall picture when it comes to gaining pupillage by area of practice and chambers size for students that have commenced pupillage as of October 2018 who were enrolled on the BPTC between 2011/12 and 2016/17.

Appendix II: Descriptive statistics for pupillage advertisements

Pupillage by award band

Table A1. Pupillages by award band

Number of pupillages by award band	% of pupillages
£0	0%
£6000	0%
£12,000 - £19,999	27%
£20,000 - £29,999	17%
£30,000 - £39,999	13%
£40,000 - £49,999	5%
£50,000 - £59,999	14%

Chart A1. Percentage of pupillages by financial award level

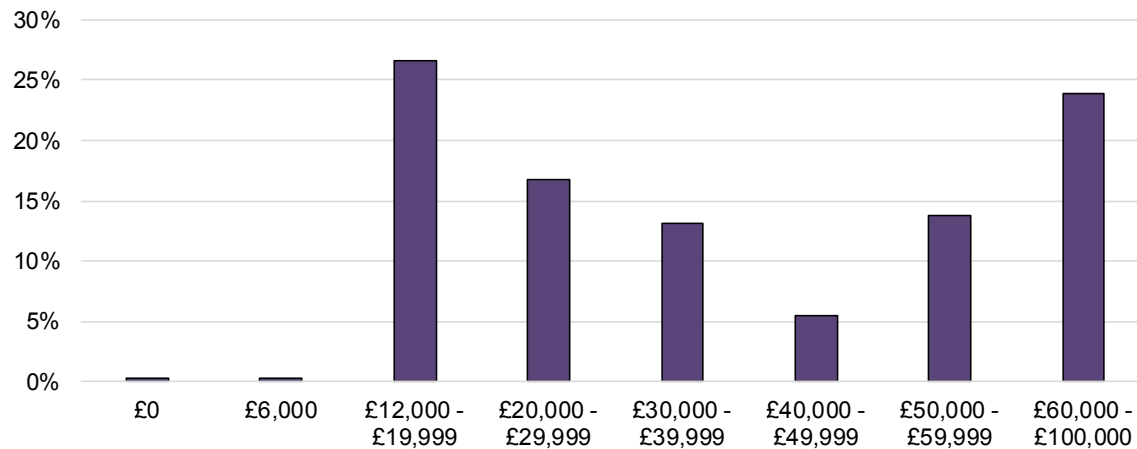
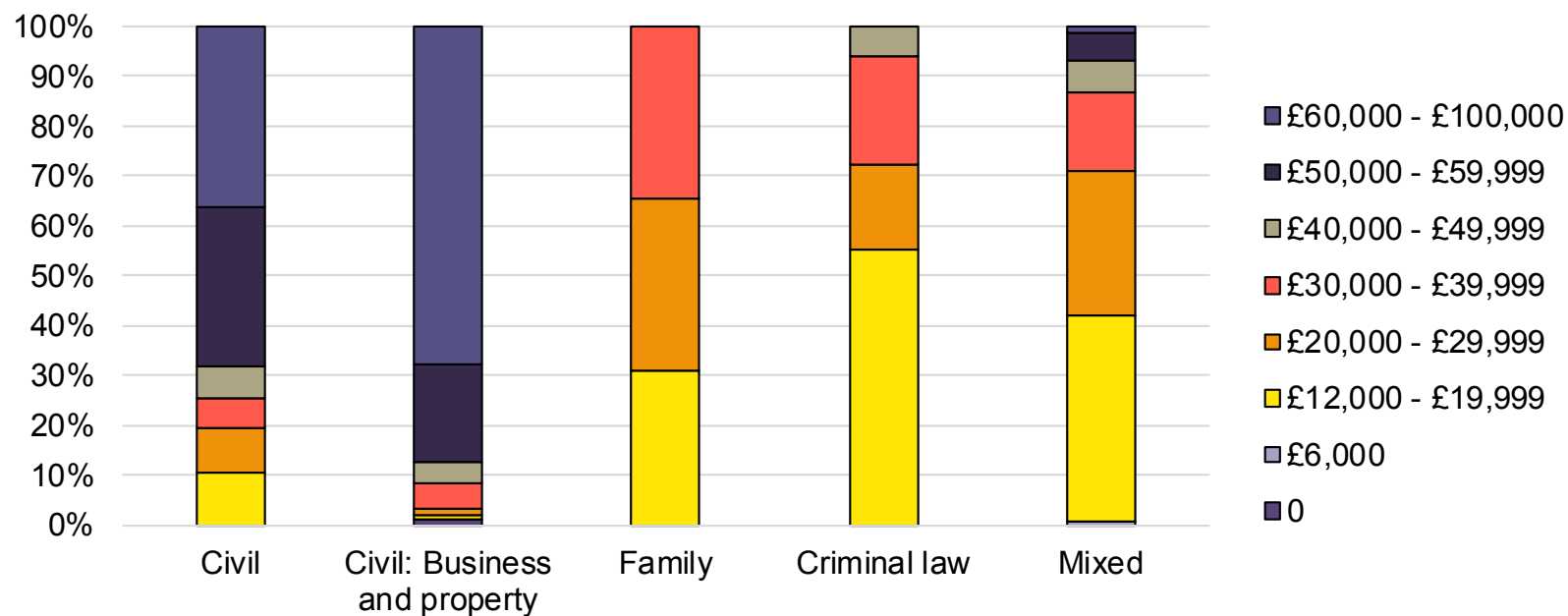


Table A2: Pupillages by financial support level and area of practice

Main area of practice	Financial support level								Grand Total
	£0	£6,000	£12,000 - £19,999	£20,000 - £29,999	£30,000 - £39,999	£40,000 - £49,999	£50,000 - £59,999	£60,000 - £100,000	
Civil			11	10	6	7	34	39	107
Civil: Business and Property	1		1	1	5	4	19	65	96
Family			8	9	9				26
Criminal law			38	12	15	4			69
Mixed		1	60	42	23	9	8	2	145

Chart A2. Percentage of pupillages by financial award level per area of practice of PTO

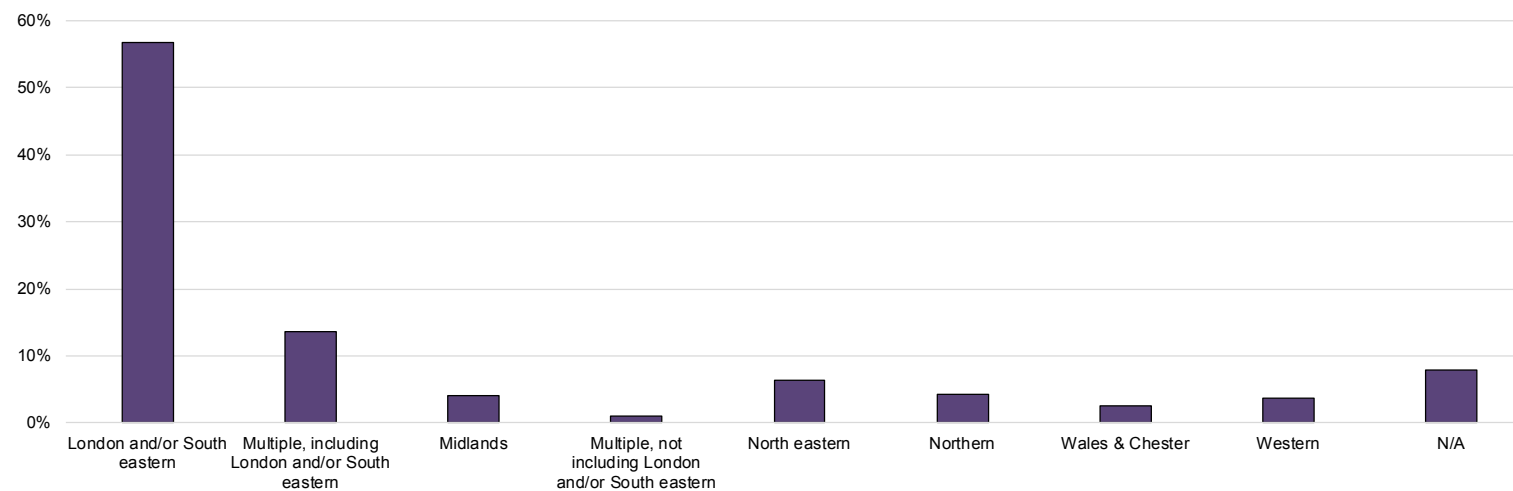


Pupillage by circuit

Table A3. Pupillages by circuit

Circuit	% of pupillages	# of pupillages
London and/or South eastern	57%	251
Midlands	4%	18
Multiple, including London and/or South eastern	14%	60
Multiple, not including London and/or South eastern	1%	5
North eastern	6%	28
Northern	4%	19
Wales & Chester	2%	11
Western	4%	16
N/A	8%	35
Grand Total	100%	443

Chart A3. Percentage of pupillages available by circuit

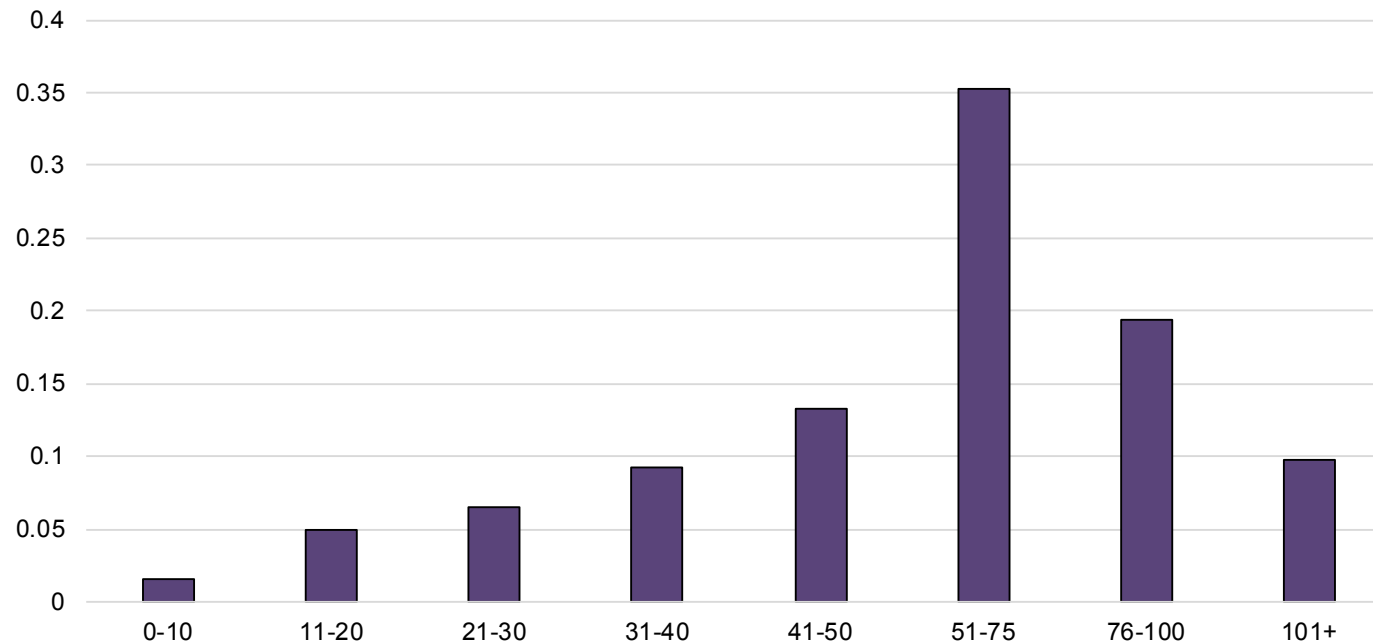


Pupillages by chambers size

Table A4. Pupillages available at PTOs by number of practising barristers at the PTO

Number of practising barristers at PTO	% of pupillages	# of pupillages
0-10	2%	7
11-20	5%	22
21-30	7%	29
31-40	9%	41
41-50	13%	59
51-75	35%	156
76-100	19%	86
101+	10%	43
Grand Total	100%	443

Chart A4. Pupillages available at PTOs by number of practising barristers at the PTO



Degree classification selection criteria

Table A5. Degree classification selection criteria for pupillages: Percentage of all pupillages

Selection criteria	% of pupillages	# of pupillages
Upper second class degree		
Pupillages generally requiring an upper second class degree	36%	159
Of these, will consider mitigating circumstances	14%	62
Of these, requiring a good upper second class degree	4%	18
First class degree		
Pupillages generally requiring a first class degree	3%	12

Chart A5. Degree classification selection criteria for pupillages: Percentage of all pupillages

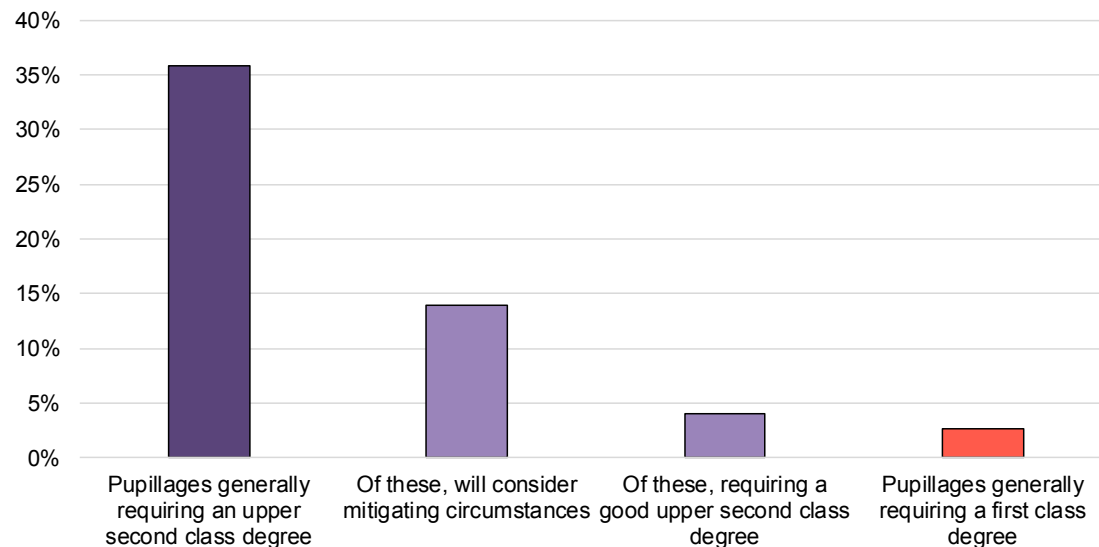
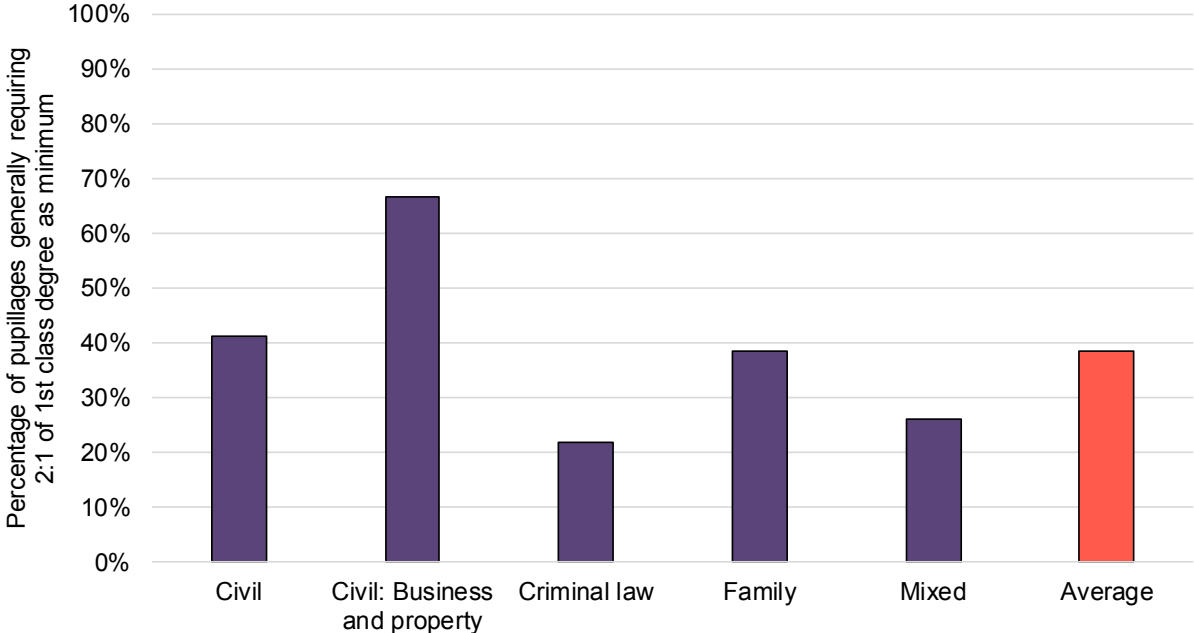


Table A6. Degree classification selection criteria for pupillages: Pupillages for which an upper second class or first class degree is generally specified as a minimum - by area of practice

Main area of practice	Pupillage selection criteria generally specifying 2:1 or 1st class degree			
	Yes	No	Yes	No
Civil	41%	59%	44	63
Civil: Business and property	67%	33%	64	32
Criminal law	22%	78%	15	54
Family	38%	62%	10	16
Mixed	26%	74%	38	107
Grand Total	39%	61%	171	272

Chart A6. Percentage of pupillages generally requiring an upper second

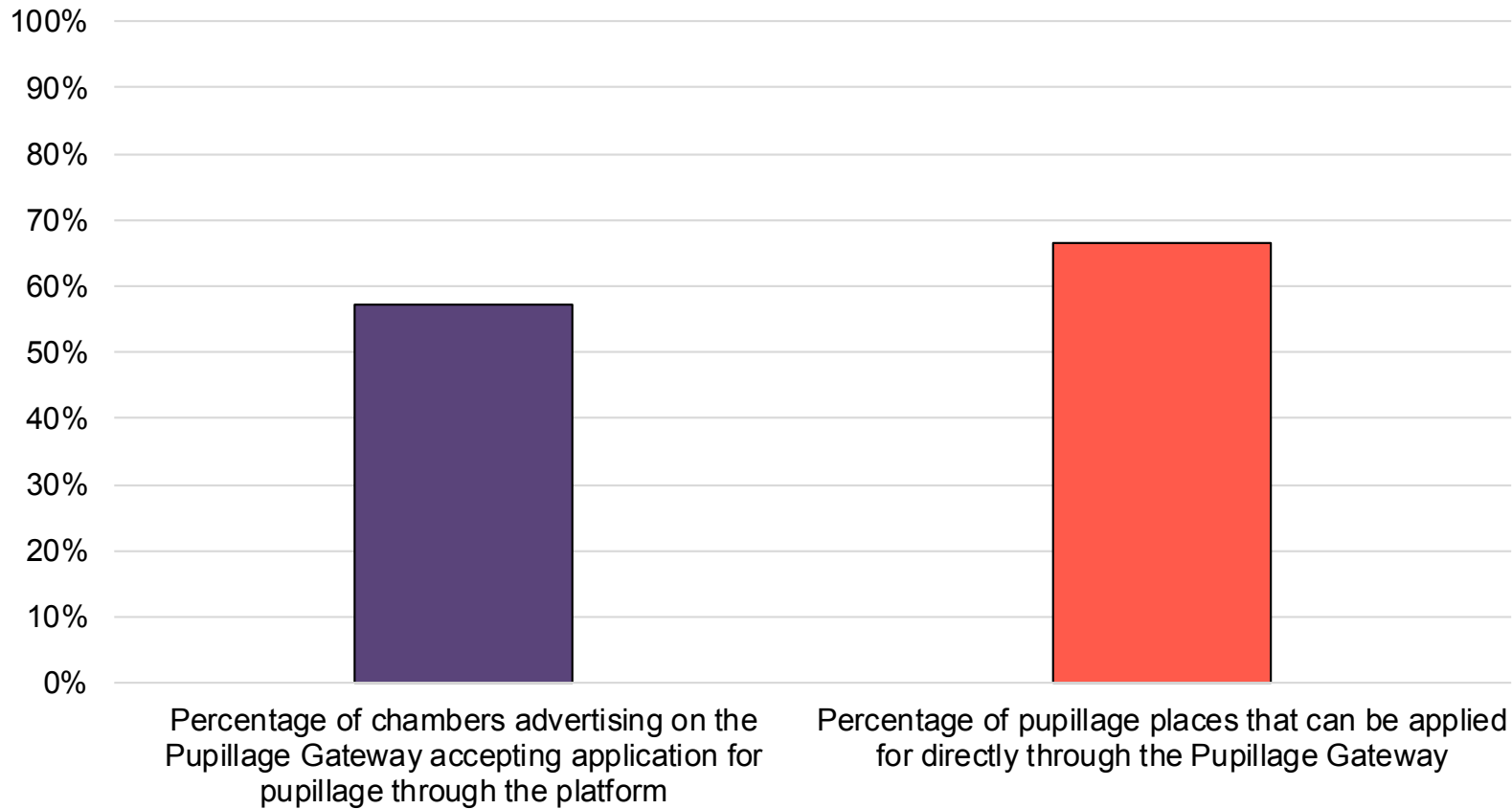


Applications through Pupillage Gateway

Table A7: Applications through the Pupillage Gateway

	%	#
PTO offering pupillage places applied for through the Pupillage Gateway	57%	97 out of 170
Pupillage places that can be applied for directly through the Pupillage Gateway	66%	294 out of 443

Table A7: Applications through the Pupillage Gateway

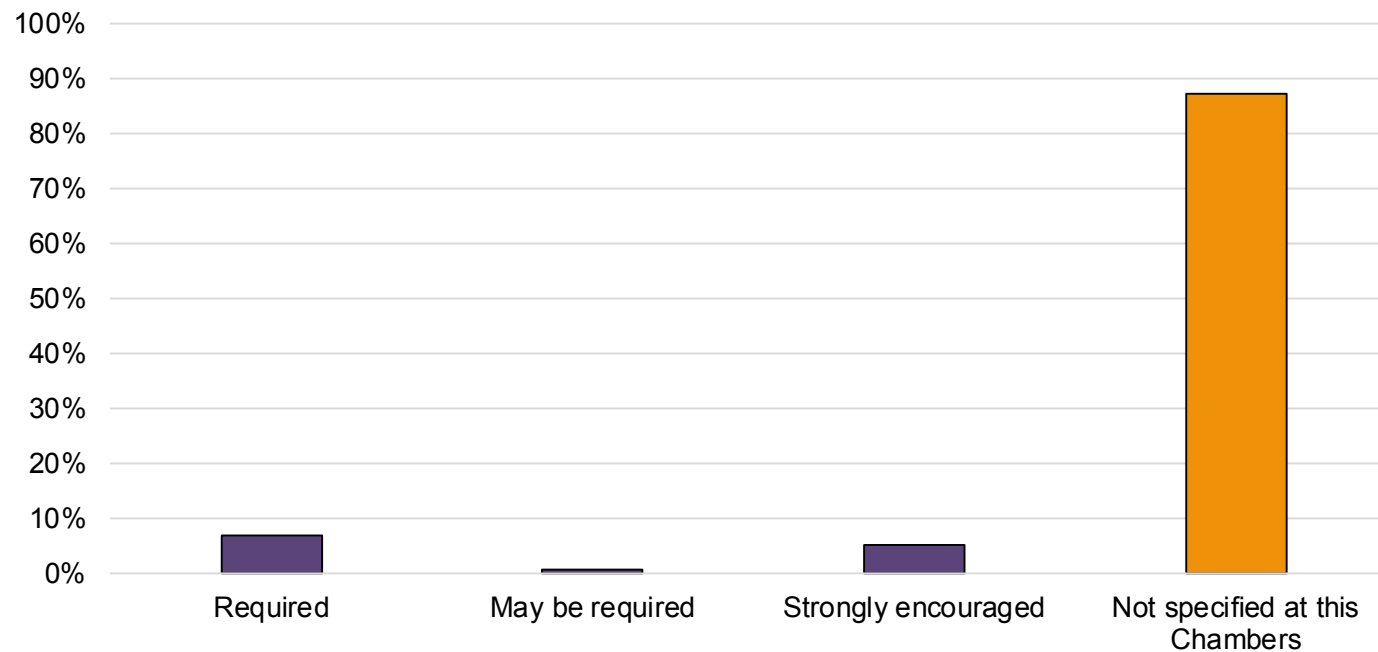


Mini-pupillages

Table A8: Requirements for undertaking a mini-pupillage at recruiting PTO for pupillage positions

Mini-pupillage requirements	% of pupillages	# of pupillages
Required	7%	31
May be required	1%	3
Strongly encouraged	5%	23
Not specified at this PTO	87%	386
Grand Total	100%	443

Chart A8: Requirements for undertaking a mini-pupillage at recruiting PTO for pupillage positions



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