

# Perceptions of barristers

*Research study conducted for the  
Bar Standards Board by*

**Ipsos MORI**

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## 1

## Foreword

This is the Bar Standards Board's first major research report. It will be of interest to everyone involved in the delivery of legal services and it covers many important issues. The research reveals the views and experiences of today's Bar from consumers, barristers, solicitors and others. We believe it forms an important body of evidence, both for the Board in developing regulatory responses to the problems identified, and for the profession in maintaining its reputation for quality.

The need to commission substantive independent research was identified as an early priority for the Board. Our regulatory responsibilities require us to take an evidence-based approach to our work but in many areas the evidence we needed did not exist. Our objectives in commissioning Ipsos MORI were therefore two-fold:

- To gather evidence on areas of concern to users and to the profession in order to highlight where the Board should be focusing its activities;
- To take a snapshot of attitudes and experience of the Bar against which we can track user opinions and the impact of our work over time.

The findings of the research show that there is a great deal that is positive about the performance of the Bar. It is perceived to be a strong, highly competent profession providing a good quality service. Even amongst prisoners, whose views of the Bar are generally more negative than those of the general public, the majority remain at least fairly positive about the overall quality of service they received. Solicitors readily acknowledge the good or excellent advice they receive from the Bar. As professionals, barristers are thought to be people of integrity, honesty and intellect.

But as we look in more detail at the experiences of clients and those who instruct barristers, and review the opinions of barristers themselves, it is clear that there

are a number of pressing issues that require attention. In this brief foreword, we want to highlight six of these and describe the approach that the Board intends to take in addressing them.

First, one of the most striking findings of the research is the significant mismatch between clients' experience of using a barrister and barristers' own views of the level of service they provide. Modern consumers have come to expect a client-focused attitude from service providers. This means that, alongside excellent advocacy and advice (rightly acknowledged to be delivered by the Bar), clients expect continuity of care, adequate time for briefing and the ability to raise concerns in an appropriate way. The research suggests that clients are not satisfied currently with these aspects of service. It is not sufficient for the Bar to say that these are the inevitable consequences of the legal system; whilst some problems may be unavoidable, the way in which they are managed on a day-to-day basis must be improved. The Bar must develop its approach to client care.

We are reinforcing and strengthening the obligations on chambers in terms of local complaint handling. These new requirements will go some way to addressing the issues clients face in raising concerns directly with barristers. We will continue to work with the Bar to explore how a more client-focused approach to service delivery can be achieved.

Second, the research shows widespread concerns about all stages of training and development. The Bar Vocational Course is alleged to have significant gaps in the skills it equips those aspiring to the Bar with. Pupillage, whilst on the whole very well regarded, is observed to be 'patchy' depending on individual pupil supervisors. Continuing Professional Development (CPD), a critical component of any profession's ongoing pursuit of excellence, is seen by too many practitioners as a

'tick-box' exercise. We must also consider the concerns of over a quarter (27%) of barristers who feel that the chambers system is not wholly effective at supporting and developing barristers.

We are conducting a fundamental review of the aims and objectives of the BVC to look at whether the current course is fit for purpose. We will be developing more robust procedures for accrediting CPD courses to ensure high-quality training provision. And we will consider carefully how consistency of training can be ensured during pupillage.

Third, the report reveals some enthusiasm for new models of practice. Almost a quarter of the barristers surveyed (24%) believed they could improve the service they deliver to clients by adopting a partnership/corporate structure, similar numbers (23%) wanted to offer some of the services provided by solicitors, whilst close to a fifth (18%) believed involvement in chambers by other professions would improve the service given to clients. Almost half of the employed Bar expressed an interest in providing services with other professionals. These are results that must be considered carefully in our response to the opportunities offered to the profession by the Legal Services Act.

Our review of the Code of Conduct anticipates the implementation of the Legal Services Act and its potential for alternative business structures for barristers.

Fourth, whilst the report contains some positive messages about diversity of the Bar, with 84% of barristers stating that there is a greater diversity of barristers than ever before, almost half of barristers (47%) believe diversity needs to improve further. This must be kept front of mind in all of our work and we must guard against complacency.

We are developing a comprehensive equality and diversity action plan, setting out a clear programme by which we will work to improve access to the profession from a representative and diverse cross-section of society, and to promote policies that encourage diversity and equality of opportunity within the profession.

Fifth, we recognise that there are strong messages about our own work that we must take on board from this report. Significant numbers of the profession believe that the current regulatory framework is not effective at dealing with barristers who are not up to standard (57%), incompetent (50%) or unethical (48%). This may in part be due to the reported low awareness of our complaints and disciplinary system, with only a third of barristers reporting a degree of familiarity (36%), but whatever the reason, ensuring the confidence of those we regulate has to be a fundamental objective of the Board.

A significant programme of work is already under way to improve all aspects of our complaints and disciplinary system. The output is expected to be a system that is easily accessible to all complainants, both lay and professional, and transparent in outcome and process.

Finally, we know already that maintaining and improving quality of service is integral to meeting the needs of consumers and the public interest. All of the issues raised here are potential barriers to the profession being able to meet those needs now and in the future.

Assuring quality in the provision of barristers' services is at the heart of what we do. Our programme of work for 2008 includes a major project to develop a quality framework for barristers so that we can ensure the profession reaches and maintains the necessary standards.

This report, our first comprehensive survey of perceptions of the Bar, reveals a number of considerable challenges, but we are working from strong foundations and are confident the challenges will be met. In a number of areas we must delve deeper to gain a fuller understanding of the reasons for the problems reported and much of this is already in our forward work programme.

We look forward to reporting on progress as we track changing attitudes and experiences in future years.

**RUTH EVANS**

*Chair, Bar Standards Board*

## 2

## Executive summary

This report details the findings of an extensive research exercise amongst barristers, clients, solicitors and other instructors and others with an interest in the delivery of legal services. The research comprised both qualitative and quantitative elements. The detailed results included in this report are based on the quantitative exercise supplemented by additional context from the qualitative exercise.

The key findings are:

### Image of barristers

- Barristers do not fully appreciate how the general public perceives them. On all of the criteria tested, barristers believe that the general public hold more extreme opinions than they do in fact hold. For instance:
  - 47% of barristers believe that the public think barristers are out of touch whereas only 16% of the public think this;
  - 56% of barristers believe the public think barristers are a trusted and highly regarded profession when in fact only around three in ten members of the public feel this;
  - Conversely, barristers expect the public to think barristers are well paid. Whilst this is true of 60% of the public, barristers think that over 80% of the public think that. For their own part, only 27% of barristers believe they are well paid.

### Perceptions of quality of service and performance

- Barristers are perceived to be competent, highly qualified and dedicated professionals providing a high-quality service. Specialist advocacy skills set them apart. Even where clients, most notably prisoners, felt that their barrister had performed poorly or terribly in court, as a group they remained fairly positive about the overall service received. The general public and solicitors/other instructors shared this positive perception.
- There are conspicuous similarities between the views of solicitors, prisoners and lay clients. They share concerns about value for money and the ability to raise problems whilst generally agreeing that barristers are easy to talk and get views across to. Prisoners and clients also expressed dissatisfaction with control over barrister selection. Prisoners expressed particular concerns about having adequate time with their barrister and continuity of case handling.
- Although some barristers pick up on issues of continuity, few recognise concerns about spending enough time with their clients. For instance, 89% of barristers feel they are effective at ensuring they spend enough time with clients but only 43% of prisoners, 57% of the general public and 66% of solicitors/other instructors are satisfied on this point.

- Similarly 62% of barristers believe their clients are satisfied with the opportunity they have to express any concerns when in fact fewer than half of prisoners, lay clients and solicitors/other instructors actually are satisfied.
- Barristers consistently mentioned lack of time as a barrier to providing ideal client care (62%). At the criminal Bar, 50% of those surveyed believed the court system was a barrier to client care and 48% believed that not being paid to provide aspects of client care was an issue for them. Overall though, only 19% of barristers felt that better pay would improve their service with only 9% suggesting better pay for legal aid work would improve service.

## Entry into the profession and training

- While 62% of male barristers believe that the Bar is able to attract the best candidates, fewer female barristers agree (50%).
- More experienced barristers are the most likely to believe that standards at the Bar have risen since they joined the profession, with 54% of Queen's Counsel (QCs) holding this view.
- The Bar is considered to be a high-risk career, with nearly nine in ten barristers believing that uncertainty of acceptance into chambers (89%) and the cost of training (88%) are barriers to entry. There is some concern that these factors affect diversity at the Bar.
- There are significant concerns about barristers' vocational training, with 47% of barristers believing that the current Bar Vocational Course (BVC) has important skills gaps. Pupil barristers are the most likely to hold this view (67%) whilst only 37% of QCs agree that the BVC has skills gaps.
- The concerns about the BVC can be contrasted with views about other forms of training. Ninety-seven per cent of barristers believe that on the job

experience is effective at developing relevant skills and 93% believe that pupillage is effective. Low satisfaction ratings are given to Continuing Professional Development (CPD) – with only 51% of barristers believing it is an effective training route.

- Fewer than half of barristers believe that any of a number of skills areas are covered adequately. Only 24% of barristers believe witness-handling skills are adequately covered, rising to 48% feeling advocacy and legal knowledge are adequately covered.

## Diversity

- There is general agreement amongst barristers that diversity at the Bar has improved over time, with 84% holding this view. Yet there remains concern that diversity can still be improved. Only 31% of barristers do not believe diversity needs to improve further. Solicitors/other instructors observe that there is not enough diversity of social class at the Bar (41%).

## Chambers system

- Whilst 83% of barristers believe the chambers system enables a good quality service to be delivered to clients, a relatively high proportion believe that improvements to the system could be made. Specifically:
  - 31% believe greater direct access for clients would be beneficial;
  - 24% would like to see a partnership/corporate structure;
  - 23% would like to offer some of the services provided by solicitors;
  - 18% would like involvement from other professionals.
- More than a quarter of barristers (27%) expressed concerns that the chambers system is ineffective in supporting and developing barristers. Of those, 13% favoured the introduction of more/better in-house training and career monitoring.

## Regulation

- Barristers are generally more familiar with their own chambers' complaints system (71% familiar) than that of the BSB's (36% familiar). QCs are the barristers most likely to be familiar with the BSB's system (71% familiar).
- Whilst many in the profession appear complacent about regulation, maintaining that the market regulates itself and that poor barristers will not get work, there are concerns about the effectiveness of the current system:
  - 57% of barristers believe the current system is ineffective at dealing with barristers who are not up to standard;
  - 50% of barristers believe the current system is ineffective at dealing with barristers who are incompetent;
  - 48% of barristers believe the current system is ineffective at dealing with barristers who are unethical.
- When asked who should be responsible for dealing with problems that may arise, almost equal numbers of barristers felt that those not up to standard should be dealt with by chambers (39%), as did by the BSB (38%). There was a clearer picture in relation to incompetent or unethical barristers with larger numbers of barristers (48%) believing that these issues should be dealt with outside of chambers.
- In relation to complaints about poor service:
  - 76% of barristers felt that their chambers' complaints system was effective in dealing with these complaints;
  - 23% felt that the BSB system was effective in dealing with these complaints;
  - 53% believed that chambers should be responsible for dealing with complaints about poor service; only 28% believed these complaints should be the responsibility of the regulator.

- In relation to complaints about misconduct:
  - 72% of barristers felt that their chambers' complaints system was effective in dealing with these complaints;
  - 28% felt that the BSB system was effective in dealing with these complaints;
  - Only 8% believed that chambers should be responsible for dealing with complaints about misconduct; 50% believed these complaints should be the responsibility of the regulator.
- In relation to complaints about client's concerns:
  - 76% of barristers felt that their chambers' complaints system was effective in dealing with these complaints;
  - 24% felt that the BSB system was effective in dealing with these complaints;
  - 55% believed that chambers should be responsible for dealing with complaints about misconduct; 25% believed these complaints should be the responsibility of the regulator.

## Employed barristers

- Solicitors and other instructors who employ barristers believe the key skills difference between barristers and solicitors is the former's superior advocacy skills, although 38% of the group felt that there was no longer a difference between the two professions.
- Employed barristers, when asked what motivated them to join the employed Bar, cited a number of factors including predictable income (65%), more interesting work (50%) and family friendly policies (29%). Nearly one in five reported being unable to get a pupillage or place in chambers.
- Forty-five per cent of those employed barristers surveyed expressed interest in providing services with other professionals.





## 3

## Introduction

This report contains the findings from a survey of barristers and those who instruct or interact with barristers, conducted by the Ipsos MORI Loyalty Division on behalf of the Bar Standards Board (BSB).

### Background and objectives

The Bar Standards Board is committed to being an evidence-based regulator. It commissioned Ipsos MORI to explore attitudes to the Bar among both practitioners and users in order to establish a baseline for tracking user opinion and measuring the impact of the Board's work over time. The results of this research are required to inform decisions on policy and to highlight areas where there may be scope for improvement in systems and structures. In particular, the Board expects the results to help in considering the following questions:

- In respect of entry to the profession, whether the current system provides the right number of practitioners, trained to the right level;
- In respect of the rules governing the profession, whether:
  - There are unnecessary restrictions which limit the ability of barristers to provide services that the consumer needs;
  - The rules and procedures promote a high quality of work by barristers;
- In respect of complaints, whether the system is known, understood and enjoys the confidence of users.

### Methodology

The survey consisted of initial qualitative research followed by a quantitative survey.

#### Qualitative element

Ipsos MORI conducted sixty-nine interviews and two focus groups with barristers and those who instruct barristers, as follows:

- 32 interviews with barristers;
- 9 interviews with judges;
- 15 interviews with lay clients (acquitted defendants, commercial clients and prisoners);
- 2 focus groups with solicitors (15 solicitors in total);
- 13 interviews with others who instruct barristers (including accountants, local authorities and the Crown Prosecution Service (CPS)).

These sessions took place between December 2006 and March 2007. The aim of the qualitative element was to explore perceptions of barristers in depth with respondents and to inform the questionnaire for the quantitative research. The findings from this stage were presented to the Bar Standards Board on 5 April 2007.

#### Quantitative element

The qualitative stage was followed by a quantitative survey, to establish a baseline from which opinions of barristers and the effect of Bar Standards Board actions can be measured over time.

Postal questionnaires were sent to 1,741 barristers and 1,000 solicitors and other instructors. In addition, packs of between fifty and seventy questionnaires were sent to seven prisons to be completed by prisoners. Finally, questions were placed on Ipsos MORI's weekly omnibus and asked to 3,659 members of the public in England and Wales. The responses from each audience are shown below:

- 441 completed postal surveys from barristers;
- 97 completed postal surveys from prisoners;
- 159 completed postal surveys from solicitors and other instructors;
- 3,659 interviews with a representative sample of the population of England and Wales.

The response rates for the postal surveys are as follows:

- Barristers: 25%;
- Prisoners: 22%;
- Solicitors/other instructors: 16%.

The fieldwork took place in July and August 2007 and the findings from this stage were presented to the Bar Standards Board on 20 September 2007.

## Report layout

This report presents the key findings in each topic area covered by the quantitative research supplemented, where appropriate, by observations from the qualitative stage.

The appendices contain a detailed guide to understanding the statistical reliability applying to the various elements of the research, a copy of the sample profiles and marked-up questionnaires.

## Interpretation of the data

When interpreting findings, it is important to remember that the results are based on samples of barristers, solicitors, prisoners, or members of the public who took part in the survey and not the entire population of each audience. Consequently,

results are subject to sampling tolerances, and not all differences between sub-groups will be *statistically significant* (a statistically significant difference is one that we can be sure did not occur just by chance). A guide to statistical significance is included in Appendix 1.

Throughout the report, differences between sub-groups within each audience are highlighted – on the basis, for example, of age, gender, ethnicity and area of law. Differences are only commented on where they are statistically significant. Where percentages in the charts or tables in the report do not add up to 100%, it is due to multiple answers, computer rounding and/or the exclusion of neutral, don't know or not stated responses. Throughout the tables, an asterisk (\*) denotes a value greater than zero, but less than 0.5%.

In the report reference is made to “net” figures. These represent the balance of opinion on attitudinal questions and provide a useful means of comparing the data for a number of variables. In the case of a “net satisfaction” figure, this represents the percentage of respondents who are satisfied with a particular issue, less the percentage who are dissatisfied. For example, if 75% of solicitors are satisfied with the service they receive from barristers while only 15% are dissatisfied, the “net satisfied” figure is +60 points.

## Acknowledgments

Ipsos MORI would like to thank Mark Stobbs and Julie Myers at the Bar Standards Board for their help and advice throughout this project as well as the barristers, solicitors, prisoners and members of the public who gave up their time to take part in this research.

## 4

## Image profile of barristers

Figure 1 shows how people perceive barristers. The points on the chart represent the following:

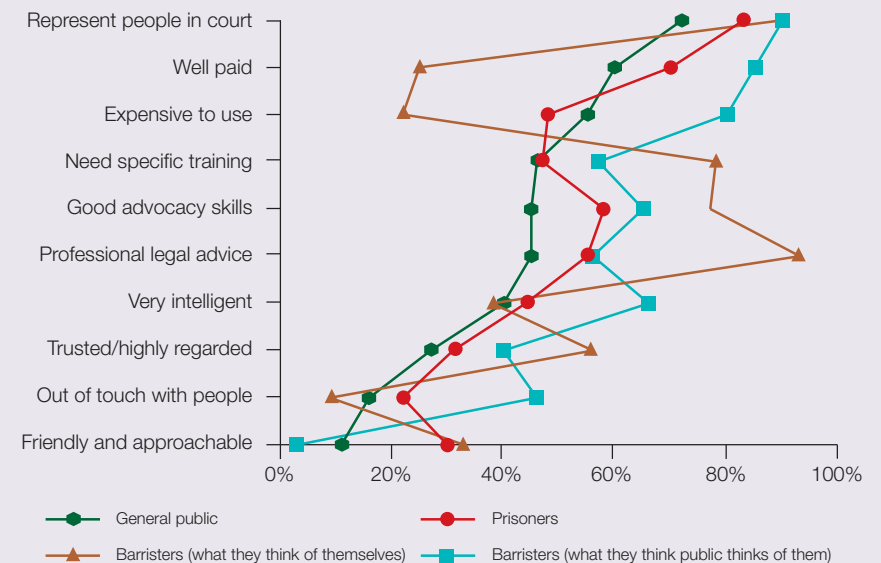
- The green points represent the views of the general public;
- The red points represent the views of prisoners;
- The blue points represent what barristers think the public thinks of them;
- And, the brown points represent what barristers think of themselves.

The figures along the bottom of the chart represent the percentage of respondents who believe each statement applies to barristers.

It can be seen that 85% of barristers believe the public thinks that they are well paid, and 80% of barristers think the public see them as expensive to use. But they feel this is not a fair representation – only 27% of barristers believe they really are well paid, while only 22% think they are expensive to use. In reality, the public falls somewhere in between – with around half (56%) saying barristers are expensive and 60% saying they are well paid.

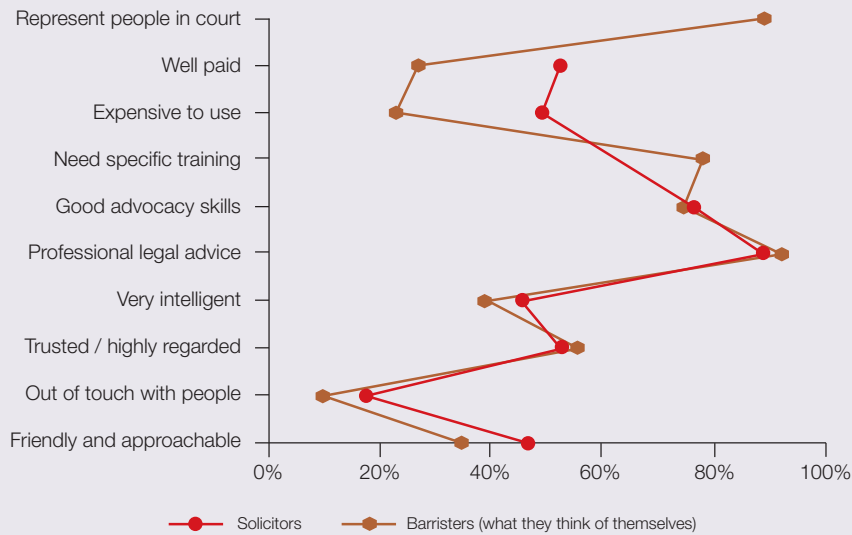
Although 47% of barristers believe the public think they are out of touch with ordinary people, only 16% of the public actually do think this. On the other hand, while 56% of barristers think they are trusted and highly regarded, only around three in ten members of the public and prisoners believe this to be the case.

Figure 1 Barristers – image profile by audience



Base: all responding from each audience

Figure 2 **Barristers – image profile by audience**



Base: all responding from each audience

An interesting finding to emerge regarding the image profile of barristers is the strong similarity between the views of solicitors (and other instructors) and barristers. Figure 2 illustrates this – the red points represent how solicitors view barristers, the brown how barristers view themselves. The only prominent, and perhaps not unexpected, divergence in the views of these two groups is that solicitors (and other instructors) believe barristers are better paid than barristers think they are.

# 5

## Quality of service and performance

Barristers are generally perceived to provide a high quality service. As shown by Figure 3, solicitors (and other instructors) are the most positive, with 96% saying barristers provide good or excellent advice and guidance. Prisoners are the least positive group – 28% believed that their barrister performed poorly or terribly in court and 26% believed they provided poor or terrible advice and guidance. But, even among this group, the majority are at least fairly positive about the overall service they received.

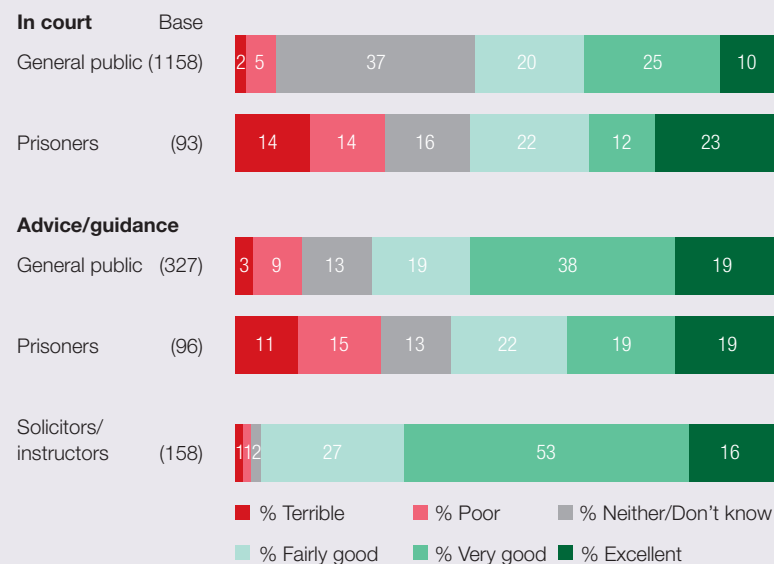
The qualitative research undertaken prior to the quantitative survey supports and adds to the above findings. The interviews conducted with those who come into contact with barristers suggest that most see barristers as competent, highly qualified and dedicated people, with specialised skills. In particular, the advocacy skills of barristers are perceived to set them apart from others. The Bar overall is perceived to be a somewhat eccentric, but charming profession; it is almost seen to be a Romantic ideal – old-fashioned, but unique, and made up of barristers, for the most part, of high integrity, honesty, and intellect.

With reference to specific audiences, we found that:

**Judges** are keen to support the Bar. They have some concerns about gaps in training of new barristers, but are very positive overall about the Bar.

*“I think that the overall impression is absolutely superb. The Bar can be rightly proud of its standards.” (Judge)*

Figure 3 **Barristers’ performance**



**Barristers** are proud of the way things are done and perceive the Bar to be a system that creates the very best.

**Lay clients** feel that there is a mystique attached to barristers, whom they see as bright, but aloof. They feel that barristers can be cut off from clients, and out of touch with clients' needs. Some commented that barristers can be 'over-complex', when often what clients want are simple solutions. However, there were many positive comments too – for example:

*"They've got this air about them, they're so confident, they know exactly what they're doing – it's very impressive to watch, very impressive."*

(Commercial client)

*"Couldn't have asked for anything better, made me proud really."* (Prisoner)

**Solicitors** appeared to be prepared to put up with barristers' eccentricity and lack of people skills because they valued their expert knowledge and advocacy. For example:

*"You can be a terrifically good barrister, but absolutely hopeless with clients. As long as you can get the job done, if you can get up and you can advocate well, you're going to do well and you're going to continue to be instructed. That's to a degree. We instruct someone, I think he's got hopeless client skills, but we instruct him regularly because he gets really good results and he's very sharp."*

(Solicitor)

*"There is something about the profession which draws the slightly autistic! It can't really be denied. It's a profession that kind of seems to draw those kinds of people. I don't think it's necessarily a problem, they can be extremely good advocates, you just can't have a conversation with them!"* (Solicitor)

## Satisfaction with specific aspects of service

In order to gain a greater understanding of quality of service, individual groups were asked about different aspects of the service provided by the Bar. Figure 4 shows the findings amongst members of the public who have used or consulted a barrister. It can be seen that the majority rate barristers positively in relation to all aspects of the service they provide, with the exception of the opportunity to express concerns (48% satisfied), control over selection of barristers (43% satisfied), and value for money (45% satisfied). But, even here, many more are satisfied than dissatisfied.

It is clear that there is a strong relationship between case outcome and satisfaction with service; those who are satisfied with the outcome of their case are significantly more satisfied about their barrister's performance. Figure 5 demonstrates this – the scores in green show the 'net' satisfaction scores across the different measures of those who were positive about their case outcome, while the scores in red show the net satisfaction scores of those who were unhappy with the outcome of their case.

Members of the public who are not in work are also more likely to be dissatisfied about their barrister's performance. For example, 23% of this group say they were dissatisfied about their ability to control the selection of their barrister, compared with 14% of those in work; a quarter (25%) were dissatisfied about the amount of time they were able to spend with barrister, compared with 15% of those in work; 21% were dissatisfied about how well they felt their barrister understood their needs, compared with 12% of those in work; and 18% were dissatisfied about how easy they found it to speak to their barrister, compared with 7% of those in work.

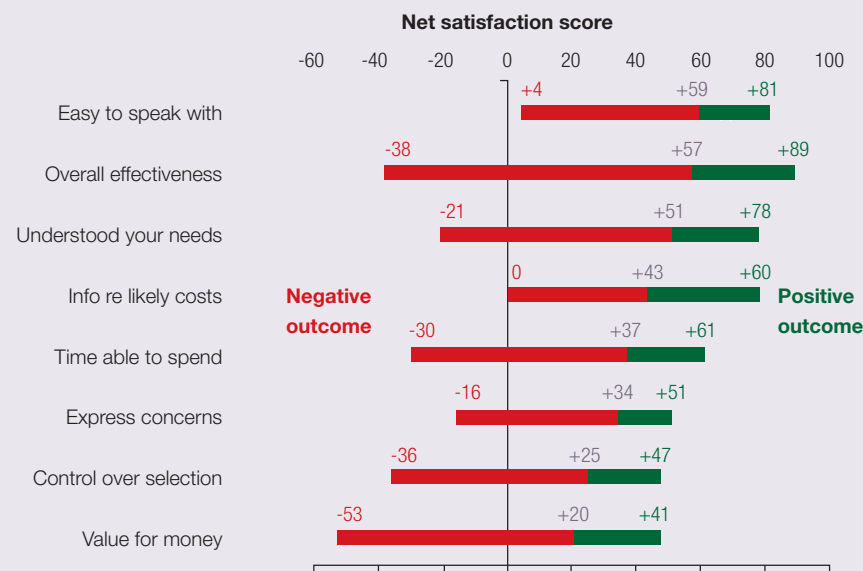
<sup>1</sup> A "net" figure represents the balance of opinion on attitudinal questions and provides a useful means of comparing the data for a number of variables. In the case of a "net satisfaction" figure, this represents the percentage of respondents who are satisfied with a particular issue, less the percentage who are dissatisfied. For example, if only 75% of the public are satisfied with the service they receive from barristers while 15% are dissatisfied, the "net satisfied" figure is +60 points.

Figure 4 Satisfaction with aspects of service – general public



Base: all general public used or consulted a barrister (327)

Figure 5 Service satisfaction by case outcome



Base: all general public used or consulted a barrister (327)



Figure 6 Satisfaction with aspects of service – prisoners

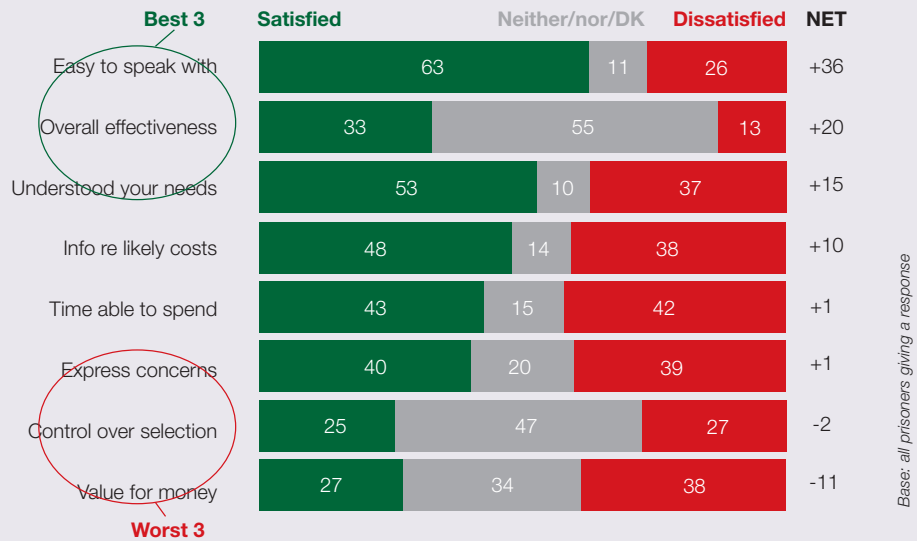
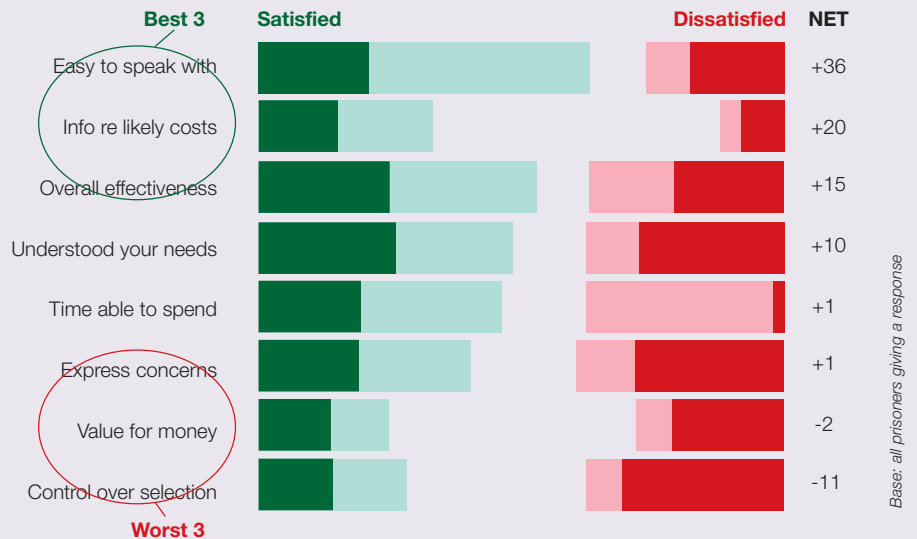


Figure 7 Satisfaction with aspects of service – prisoners



As might be expected, prisoners are more negative about barristers than lay clients as a whole. In particular, figure 6 shows that more prisoners are dissatisfied than satisfied with the opportunity they have to control the selection of their barrister and, despite 93% saying they received legal aid, with value for money. The relative positions of the different aspects of service as regards satisfaction are very similar for prisoners and members of the general public who have used barristers – for example, the three aspects which result in the lowest overall satisfaction – ability to express concerns, value for money, and control over selection – are the same for both audiences.

It is worth noting that prisoners who are dissatisfied tend to be very dissatisfied rather than just fairly dissatisfied, as illustrated by figure 7.

Given that the base sizes are very small for subgroups of prisoners, it is difficult to draw comparisons between subgroups. However, it appears that having the same barrister all the way through a case is associated with finding a barrister more effective across aspects of service. So, for example, while 58% of those who had the same barrister were satisfied with how effective their barrister was and 32% were dissatisfied, only 33% of those who had a change of barrister were satisfied, while the majority (61%) were dissatisfied.

Having used a barrister within the last twelve months also appears to be influential: for example, while 70% of those who had used a barrister within the past year were satisfied with his or her effectiveness, this is true of only 41% of those who had last used a barrister longer ago. In addition, there is some indication that female prisoners as well as younger prisoners are more positive about their barrister’s effectiveness – 81% of female prisoners were satisfied in this regard, along with 63% of those under 34, compared with only 42% of male prisoners and 41% of those aged 35 and over.

These findings indicate that gender, age, continuity and time since you have used a barrister may be important indicators of satisfaction with a barrister’s effectiveness – however, as mentioned, owing to the small base sizes involved, these results should be considered as indicative only.

Solicitors (and other instructors) are positive about all aspects of the service they receive from barristers as can be seen in figure 8. However, value for money and the ability to express concerns are again rated less positively than other aspects. In addition, it should be noted that, although solicitors are very positive about the service they receive from barristers, most are *fairly* satisfied rather than *very* satisfied, suggesting that there is room for improvement.

Considered together, these results suggest that, while solicitors (and other instructors) are the most positive about barristers, and prisoners the least (with the lay clients from the general public falling in between), there is consistency between the three audiences: while it would appear that barristers are considered easy to talk to and effective overall, there are some concerns over opportunities to express concerns, value for money and – amongst lay clients – control over selection.

### What would improve service?

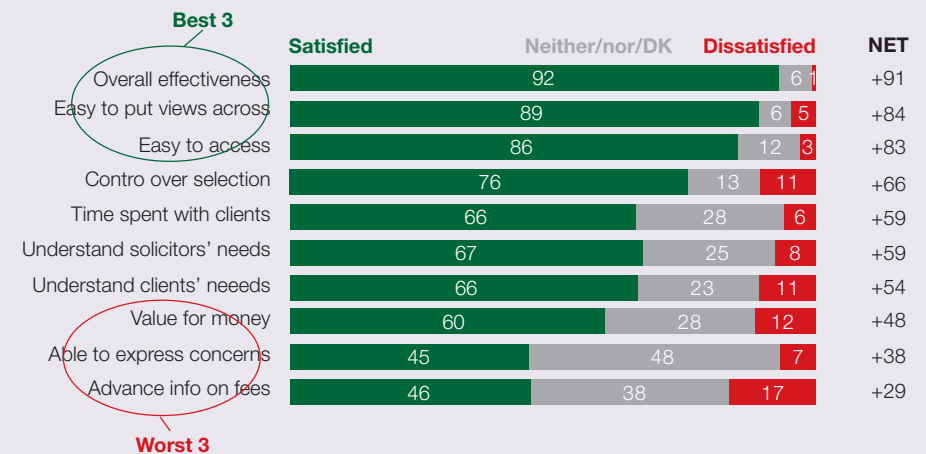
When asked what would improve the service they receive from barristers, solicitors mention a range of factors, with 12% mentioning cost issues or the need for fees to be 'commercially proportionate'. Examples of verbatim comments are provided below to illustrate the range of issues raised:

*“Better client care – really trying to understand a client's needs and learning to deliver bad news in a way that makes client feel all options have been thoroughly examined.”* (Solicitor)

*“Where the barrister has represented the client without the need for solicitor's attendance, prompt feedback from the barrister on the outcome and reasons will help.”* (Solicitor)

*“Chambers should not double book barristers in the hope that something will come out of their diary. Very frustrating when a specific barrister has been booked and somebody else is given the work at the last minute.”* (Solicitor)

Figure 8 Satisfaction with aspects of service – solicitors/other instructors



Base: all solicitors/other instructors giving a response

When asked what they believe would have improved the service they received, prisoners also mention issues around continuity, as well as the lack of time their barrister spent with them, for example:

*“I would have liked to have seen him more than once before the court case. Due to not seeing him enough my confidence in him was very low prior to my case being heard by the court etc.”* (Prisoner)

*“My barrister abandoned my case the day before my trial which left someone less than 24 hours to look over my case which resulted in my representation being poor – they should stick with the case they have.”* (Prisoner)

The qualitative research is consistent with these findings. For example, the following quotes illustrate this same frustration around continuity and time spent with clients:

*“Quite often you’ll dash to get all the information across. There isn’t time to get it all done usually.”* (Prisoner)

*“The most frustrating thing is continuity. All of a sudden the client gets landed with another barrister; doesn’t know them, they haven’t met.”* (Criminal solicitor)

The qualitative research also shed light on some interesting comments from lay clients about barristers’ perceived lack of client care skills or ‘human touch’. While solicitors reported that barristers tend to leave client care tasks to them, clients felt that their barrister could have got to know them better and thought that this lack of personal knowledge was often visible in the courtroom.

*“I think that the human element of actually knowing the person whose case they’re representing is missing. In court that really is obvious sometimes.”*  
(Commercial client)

*“The barrister doesn’t know the person they’re representing...so how can he talk about me to a court when he doesn’t know me?”* (Prisoner)

But, when asked for their own opinions about this, some barristers argued that this distance is useful – because it helps them to remain independent and objective.

### How do barristers perceive themselves?

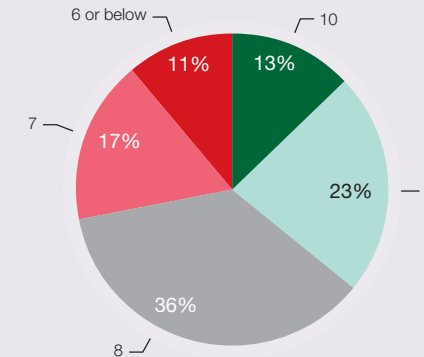
As well as asking those who use barristers about quality of service at the Bar, barristers were also asked for their opinion of quality of service provided by the Bar. Figure 9 shows that barristers, in general, rate themselves highly. Overall, 13% rate the service that the Bar provides as ten out of ten, while a further 23% rate it nine out of ten. Only one in ten (11%) rate their service six or below. It should be noted, however, that the criminal Bar are significantly less positive about the service they provide than other barristers: 17% rate their area of law between 4 and 6 compared with 6% of those not working in criminal law, while 79% of those at the criminal Bar rate their area of law 7-10 compared with 91% of barristers who do not work in criminal law.

When asked how effective they believe they are at specific aspects of client care, barristers again give themselves high ratings. As shown in figure 10, barristers are most positive about their ability to be friendly and approachable – 93% feel they are effective in this regard. Ensuring continuity is the area which barristers feel they are least strong, although, even here, more than seven in ten (72%) believe they are effective at ensuring continuity, including 80% of self-employed barristers (many employed barristers said that this question was not relevant to them).

There are some conspicuous differences between sub-groups on these questions. In particular, while 94% of QCs, 87% of pupil supervisors and 84% of Heads of Chambers believe they personally are effective at ensuring continuity of service, this is true of only 45% of pupil barristers. This may be, in part, because pupil barristers have less control over their cases. In addition, 17% of the criminal Bar believe they are not effective at ensuring continuity of service compared with 6% of those who do not practise criminal law.

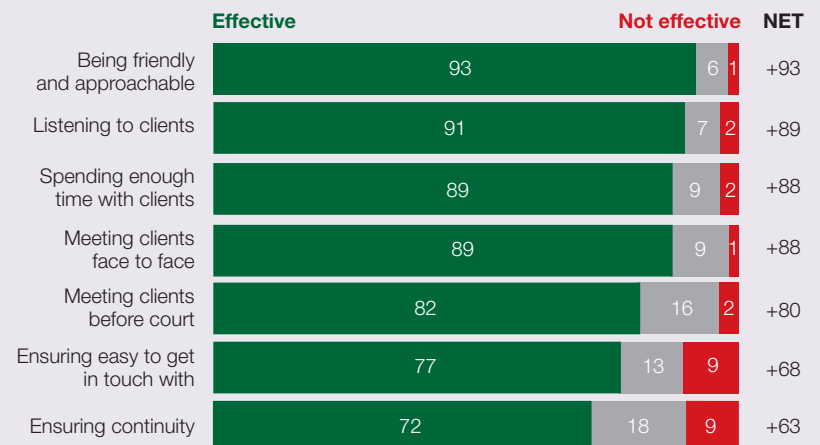
Figure 9 So what do barristers think of themselves?

Q. On a scale of 1 to 10, please rate the service that you believe the Bar, overall, provides to its clients in your area of the law?



Base: all barristers giving a response (439)

Figure 10 How effective do barristers think they are?

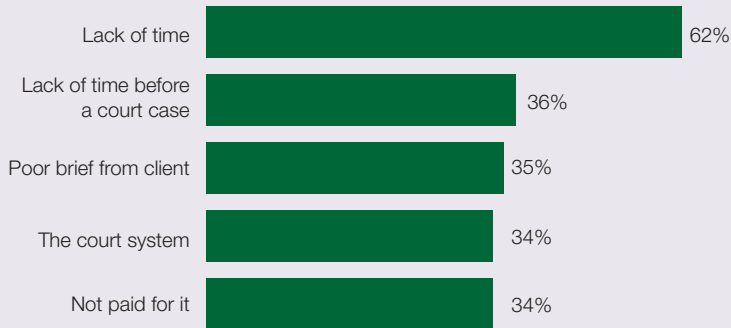


Base: all barristers giving a response

Figure 11 **Barriers to good client care**

**Q. What, if anything, stops you from delivering the level of client care you would like to deliver?**

All responses over 10%



Base: all barristers giving a response (358)

It is also worth noting that a number of those surveyed from the employed Bar felt that many of the questions about aspects of their service were not relevant to them – this means that the percentage of barristers saying they are effective would be even higher if the employed Bar were not included.

Overall, these findings suggest that barristers rate themselves quite highly compared with those who use them. While some barristers do mention issues around continuity, few pick up on the concerns around spending enough time with clients and meeting clients before court.

The views that barristers have of themselves correspond with findings from the qualitative research, where barristers were found to be proud of their profession. This was commented on by a member of the Education Department at an Inn of Court:

*“The people that I meet in the Bar are very proud of the profession, proud to be part of it and they like the perception to be that they are the best.”*  
(Inns, Education Dept)

### What prevents barristers from providing ideal client care?

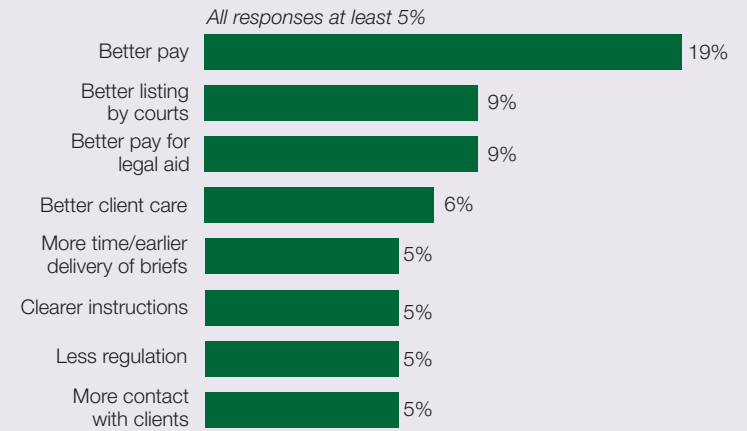
Barristers were asked about barriers to providing ideal client care. Figure 11 shows that lack of time is a key factor, with 62% of barristers mentioning this and 36% saying, more specifically, lack of time before a court case. Lack of time is consistent across all sub-groups of barristers. Criminal barristers are more likely than others to mention that the court system is a barrier to client care (50%) and are also the group most likely to say that not being paid to provide aspects of client care is a barrier (48%).

Linked to these barriers, when asked what would improve the service that they provide, 19% of barristers say better pay, 9% more specifically, say better pay for legal aid, and 9% say better listing by courts as shown in figure 12.

The qualitative research revealed that both barristers and judges are concerned about the negative impact on standards that changes to the criminal Bar and low remuneration are having in this area of law. It was clear that the criminal Bar is an area suffering from low morale. Judges and barristers were the audience who noted disquiet around the future of the criminal Bar.

Figure 12 What would improve service?

Q. What, if anything, do you think would improve the service that the Bar provides?



Base: all barristers giving a response (226)



## 6

## Entry into the profession and training

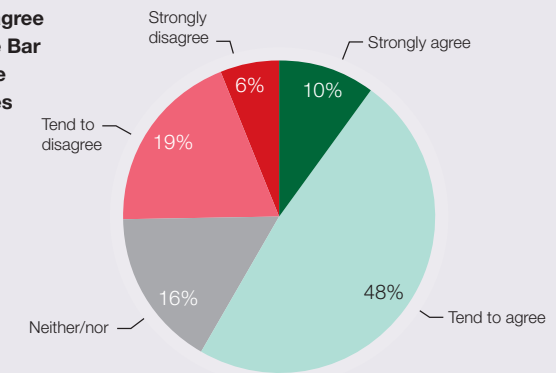
The majority of barristers (58%) believe that the Bar is able to attract the “very best” candidates to the profession as can be seen in figure 13. However, a quarter (25%) disagrees. While 61% of the self-employed Bar agree, this is only true of 50% of the employed Bar. In addition, criminal barristers are more negative, with only 49% agreeing. There is also a gender divide – while 62% of male barristers think the Bar attracts the best candidates, this is true of only half (50%) of female barristers.

Forty percent of barristers believe that standards at the Bar are similar now compared with when they joined the profession. Just over one in five (22%) believe standards have risen, while 18% believe standards have dropped (see figure 14). QCs are more likely than others to believe that standards have improved (54% say this with only 3% believing standards have dropped). Pupil supervisors, on the other hand, are more polarised in their views – while 31% believe standards have risen, 27% believe they have dropped. 84% of pupil barristers, meanwhile, feel that they have been at the Bar for too short a period to comment.

There is also a distinction between employed and self-employed barristers: 25% of self-employed barristers believe standards have risen, compared with 12% of the employed Bar – employed barristers are more likely to feel that standards have stayed the same (53% say this). There are no striking differences in opinions by area of law at this question.

Figure 13 Entry into the profession

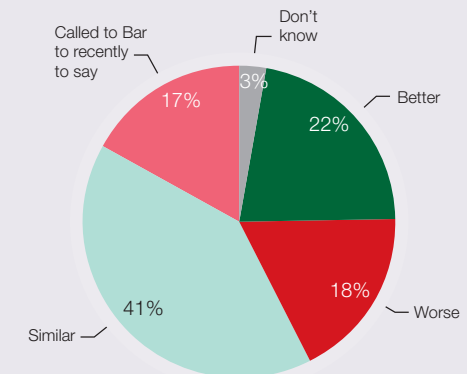
**Q. Overall, do you agree or disagree that the Bar is able to attract the very best candidates possible into the profession?**



Base: all barristers giving a response (440)

Figure 14 Entry into the profession

**Q. Do you think that candidates nowadays are of a better, worse or similar standard than when you started at the Bar?**

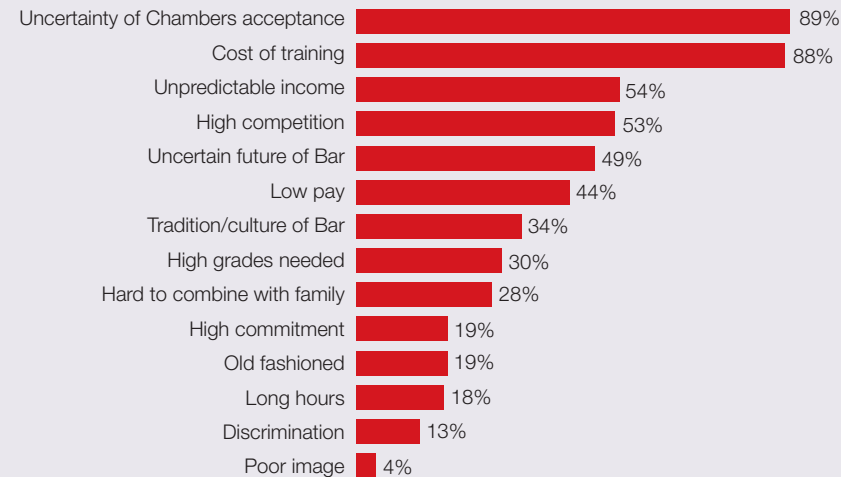


Base: all barristers giving a response (440)



Figure 15 Barriers to becoming a barrister

Q. What, if anything, do you think are the barriers for those considering becoming a barrister?



Base: all barristers giving a response (438)

## Barriers to entering the Bar

Nearly nine in ten barristers believe that the uncertainty of acceptance into chambers (89%) and the cost of training (88%) are barriers for those considering joining the profession. More than half also mention the unpredictable income associated with being self-employed (54%) and high competition for entry (53%) as can be seen in figure 15.

Those at the criminal Bar are more likely than others to mention the uncertain future of the Bar (61%) and low pay (55%). Those at the employed Bar are more likely to say that the tradition or culture of the Bar are barriers (46% mention this compared with 29% of self-employed barristers) as are female barristers (44% compared with 28% of male barristers).

It should be noted that 23% of pupil barristers mention discrimination being a barrier to those joining the Bar, as do 26% of barristers from minority ethnic backgrounds. This question was however only asked of those who, to some extent, can be considered to have successfully overcome these barriers. Future research may wish to seek the views of a wider audience who never managed or decided against a career at the Bar.

Those interviewed during the qualitative research mentioned very similar barriers. Here too, it was clear that the Bar is considered by many to be a high risk career for applicants because of factors such as the lack of certainty of being accepted into chambers, the cost of training, and the risks and insecurities associated with being self-employed. It was noted that training to become a barrister is a big commitment both financially and in terms of the time that it takes. A number of barristers expressed concern that such barriers have a negative impact on the diversity of the Bar – as summed up by the comment below:

*“If I had a magic wand, what would I do? I think I would make it easier for the starters. There’s always a fear that things become difficult and then they only get those coming through who’ve got money and things behind them.”*  
(Barrister)

## Training

Figure 16 shows that nearly half of barristers (47%) believe that there are important skills gaps in the Bar Vocational Course (BVC) – only 13% disagree, with the remainder neither agreeing nor disagreeing (or saying they are unsure). In addition, nearly two in five (39%) believe that more pupillages would be available if the rules governing them were liberalised. In particular, 67% of pupil barristers agree that the BVC has important gaps, compared with 45% of pupil supervisors and 37% of QCs. This is also true of 51% of self-employed barristers, compared with 36% of employed barristers.

Concerns over the effectiveness of the BVC are confirmed by figure 17. Both the BVC and Continuing Professional Development (CPD) are considered to be less effective forms of training than pupillages, other ‘on the job’ experience or training by Inns of Court. While more than half of barristers nonetheless feel that the BVC and CPD are effective, more than a third (35%) say the BVC is not effective and 43% feel CPD is not effective.

In the qualitative research, too, many of the complaints around training focused on the BVC. An example of the feeling of many is provided below:

*“Quite often pupils say they learn more in the weekend of advocacy training we run than on the whole BVC, on advocacy. The people that do the training are people who were in court yesterday, today, tomorrow... those on the BVC are not always practitioners so they can teach the theory but aren’t necessarily able to refer it back to real life.”* (Inns, Education Department)

However, Directors of BVC courses were keen to defend it:

*“I feel that we’re always getting people saying oh the Bar course is rubbish, blah, blah, blah...without them knowing what the Bar course is really like now.”* (Director, BVC)

Figure 16 BVC and Pupillages

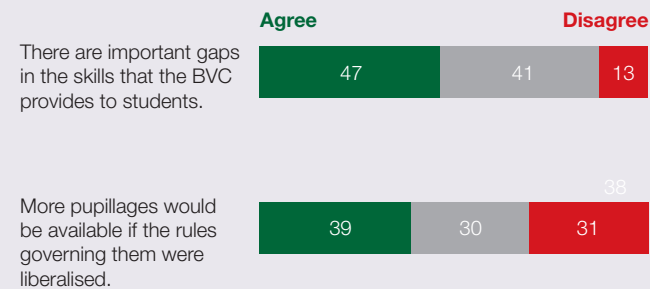
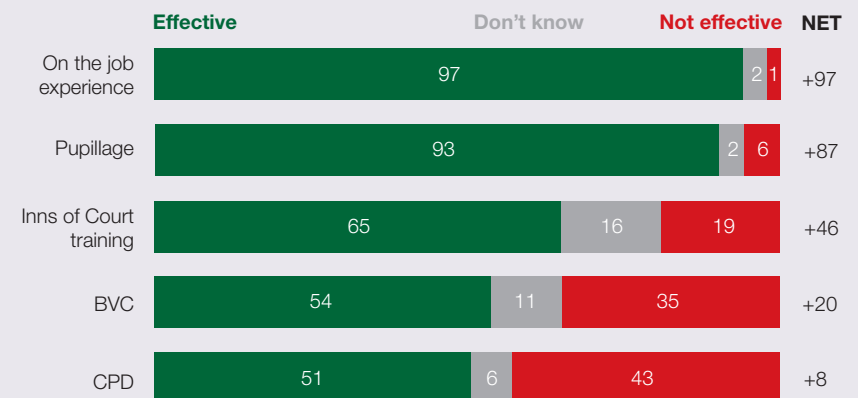


Figure 17 How effective is training at developing relevant skills?



Base: all barristers giving a response

Pupillages were overall perceived more positively than the BVC, although some thought that they were 'patchy' and their quality dependent on the pupil supervisor. Overall, there was a sense that the pupillage system is *"an unwieldy process but does produce the very best pupils"*.

As in the quantitative research, another area of criticism focused around CPD – this was almost unanimously felt to be limited and not worthwhile. For example:

*"I just see it as a very competitive profession and those who are going to fall behind, those who are not keeping up to date with the trends, are not just going to get the work anyway and they will go to the CPD lectures, sit at the back of the hall, listen to the speaker or not, as the case may be and collect their points. I don't quite see what it serves other than be it to be able to say to the public, every member profession has done it."* (Barrister)

*"Requiring him [a barrister] to do 12 hours CPD, I'm not sure makes a great deal of difference to the service at the end that he provides."* (Barrister)

*"Well, I think it's [CPD] absolutely useless. I think it's useless. Anyone can go on a training day, I'm selling my CPD hours by the way. What do they learn from it? I think you have to ask, what is the point of training if they can't show that there is a development from it? Why have they used it? Why have they gone on it?"* (Barrister)

However, there were also positive comments about the progress of training at the Bar – for example:

*"Educational programs have become much more serious, more intensive."*  
(Inns, Education Department)

In the qualitative research it was possible to explore concerns around training and entry to the Bar in more depth than the quantitative research. This highlighted that, while it was generally agreed that the Bar attracts exceptional candidates, it was felt that a broader pool start training, who are not all well

qualified. In other words, people wishing to become barristers were felt to be accepted onto training programmes when they would ultimately stand little hope of being accepted into training. Judges and barristers were the most likely to mention concerns around this and judges, in particular, questioned the ethics and sense of such a wide intake:

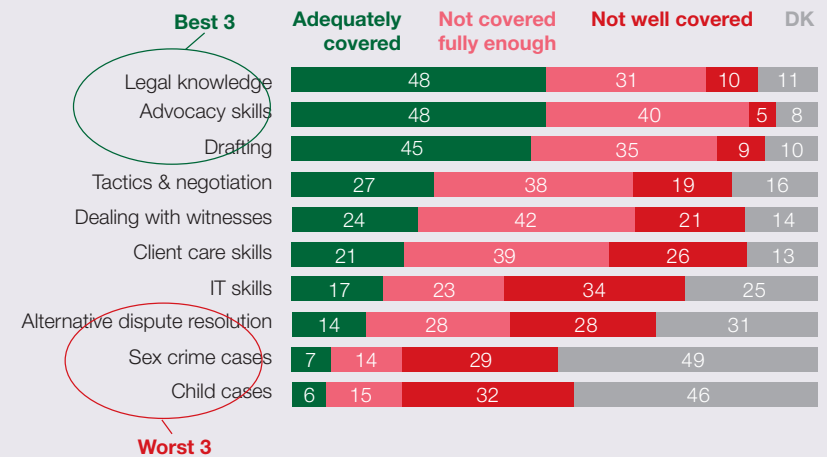
*“The granting of university places to up to 50% of the population has led to far too many people qualifying at Law and far too many trying to practise it. The standard of people joining the legal professions, at the top end, has never been higher. But there is a huge rump.” (Judge)*

It was also clear from the qualitative research that some of those surveyed believed there was a tension between how the system can adapt to accept diversity, while maintaining the highest possible standards. Views on the diversity of the Bar are explained in section 7.

### Specific aspects of training

Barristers appear to feel that there is room for improvement in training. As shown by figure 18, fewer than half believe that any area of training mentioned is adequately covered. In particular, it can be seen that around a third of barristers believe that IT skills and child cases are not well covered by training and less than half (48%) believing advocacy skills are adequately covered.

Figure 18 How adequately does training cover the relevant skill areas?



Base: all barristers giving a response



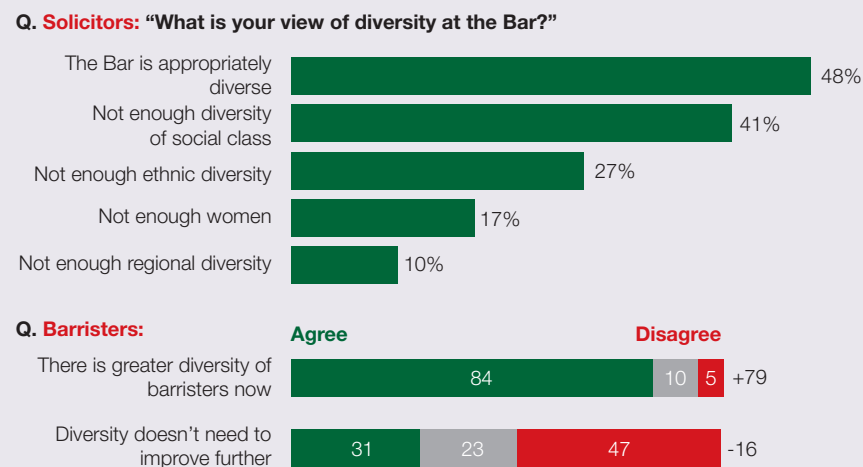
# 7

## Diversity

As shown in figure 19, nearly half of solicitors and other instructors believe that the Bar is appropriately diverse, but 41% feel there is not enough diversity of social class, 27% believe there is not enough ethnic diversity, 17% feel there are not enough women, and 10% believe regional diversity needs to improve. Barristers too see room for improvement – while 84% agree that diversity has improved, only 31% believe it does not need to improve further.

The results of these two questions to barristers were cross-tabulated against each other and the findings shown in figure 20. The key point that this demonstrates is that over three-quarters of those believing diversity needs further improvement recognise that some improvement has occurred already, whereas only one in ten think there has been no progress.

Figure 19 Diversity at the Bar



Base: all barristers giving a response/all solicitors giving a response

Figure 20 Diversity at the Bar

There is a greater diversity of people qualifying as barristers now than in the past	Diversity at the Bar does not need to improve further	
	% Agree	% Disagree
% Agree	92	77
% Disagree	2	10

Base: all barristers giving a response/solicitors giving a response



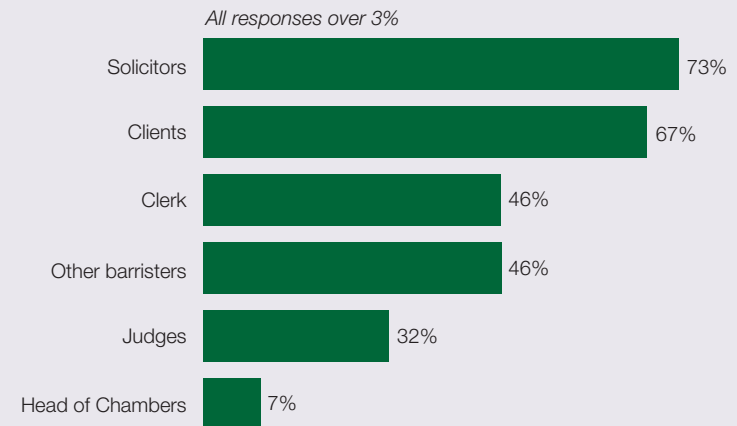
## 8

## Feedback

Nearly three-quarters of barristers say that they receive feedback from solicitors, while 67% say they obtain it from clients (see figure 21). Although fewer than half (46%) of barristers receive feedback from other barristers, it is worth noting that this is true of 81% of pupil barristers. While a number of barristers receive feedback regularly, 17% say that they receive it less than once every six months, with 2% saying they never receive feedback. It should be noted that it is not simply a case that very senior barristers say that they rarely or never receive feedback – while 5% of Heads of Chambers say this, along with 11% of QCs, this is true of 19% of pupil barristers and 20% of pupil supervisors.

Figure 21 Who gives feedback?

Q. Who do you receive feedback from?



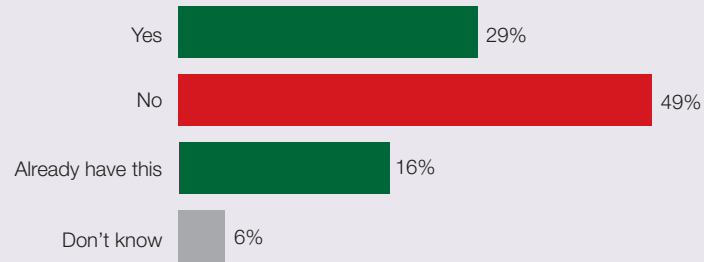
48% receive feedback at least once a month, 35% at least once every 6 months. But 17% get it less often than this, with 2% saying they never get feedback.

Base: all barristers giving a response (427)



Figure 22 **Would formal feedback be useful?**

**Q. Do you think it would be helpful to have a more formal feedback system in place, such as a regular appraisal system?**



Base: all barristers giving a response (429)

Views are mixed about the possibility of having a more formal feedback system as can be seen in figure 22. Almost half (49%) say they would not want this, but nearly three in ten (29%) would. In particular, 69% of QCs say they would not want a formal feedback system in place. The employed Bar are significantly more likely than the self-employed Bar to say that they already have a formal feedback system in place (39% say this) emphasising the different work practices of these two groups of barristers.

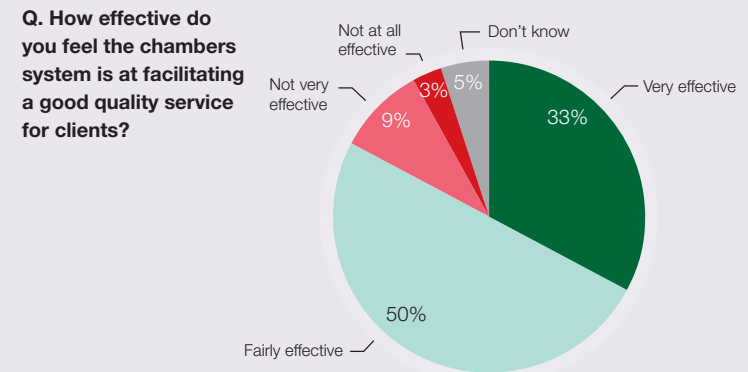
## 9

## Chambers system

Barristers are largely positive about the way in which the chambers system facilitates good quality service for clients: 83% believe it does so, with only 12% feeling it is not effective (see figure 23).

Despite being generally positive about the role of chambers in providing a good quality service, barristers do feel that changes could be made to the chambers system to improve quality. For example, 31% feel that greater direct access for clients would be beneficial, while around a quarter feel that a partnership/corporate structure would be helpful (see figure 24 overleaf). A similar proportion feel that providing some of the services solicitors provide would improve the service that can be provided to clients.

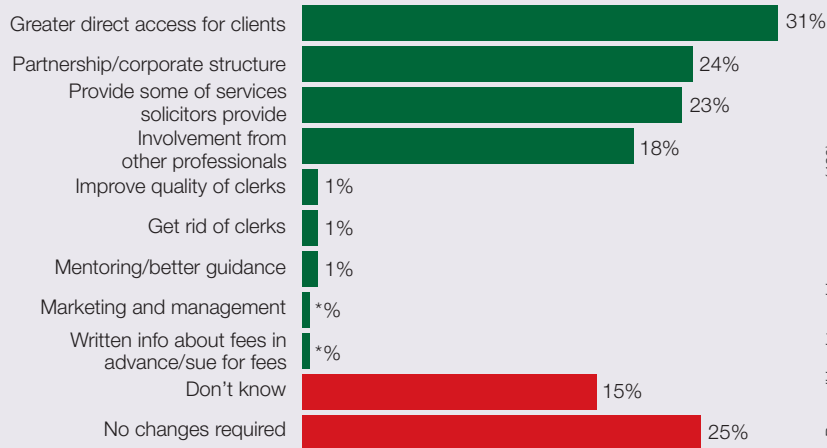
Figure 23 **How well does the Chambers system facilitate good quality service?**



Base: all barristers giving a response (433)

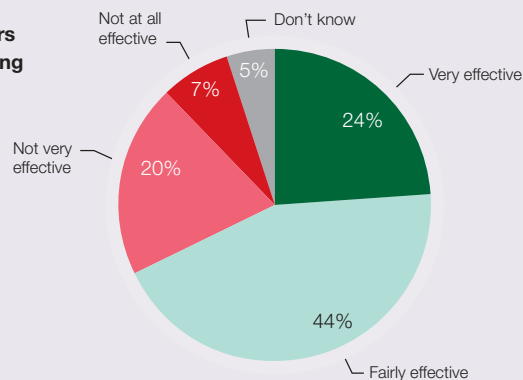
**Figure 24** What should Chambers do to improve service?

**Q. Which of the following possible changes, if any, do you think should be made to the chambers system in order to provide a better service to clients?**



**Figure 25** How well does Chambers system support and develop barristers?

**Q. How effective do you feel the Chambers system is at supporting and developing barristers?**



Barristers are less positive about the effectiveness of chambers at supporting and developing barristers: although the majority (68%) are positive, more than a quarter (27%) believes that the chambers system is not effective in this regard (see figure 25). In particular, 43% of the employed Bar believe it is not effective, compared with 22% of the self-employed Bar.

When asked what chambers should do to support and develop barristers, 13% mention introducing a monitoring system. The same proportion mention improved in-house training (see figure 26 opposite).

More context for these results, can be found in the examples of verbatim comments from barristers included below:

*“There is a great deal needed to support and develop barristers but the self-employed Chambers structure cannot fund that except in probably the top sets. Young people need support and guidance but older practitioners haven’t got the time and/or money to devote.”*

*“Regular and structured 360 degree appraisals involving both clerks and colleagues and seeking explicit feedback from lay and professional clients.”*

*“A more formal mechanism of performance management and feedback – not left to the market and/or clerks.”*

The qualitative research provided additional insights into perceptions of the chambers system. There was a sense from barristers that the structure of chambers allows barristers the freedom to practise at their own pace, and provides a peer group for discussion. It was also mentioned that practice managers increasingly help barristers to offer a more slick and professional organisation (for example, with IT, client refreshments, etc). It was felt that these developments would be beneficial. Many noted that chambers can appear to be a somewhat old fashioned system and recognised the increasing demands of corporate clients, in particular, in requiring uniformity of delivery, and high quality client servicing.

In keeping with the comments above from the quantitative survey, barristers also mentioned that it is important to think about whether clerks are sensibly distributing work. There was suggestion that barristers need to be more proactive in finding out why they did/did not get a piece of work and that greater transparency is needed in the role of the clerk. The following quote provides useful insight into such perceptions:

*“A great deal of reliance is placed on the trust that every barrister has that your clerks are in a better position to judge the relative merits of the different barristers than you are. But I think probably we ought to think more carefully about having transparent procedures between counsel and the clerk as to why they allocate a case in a particular direction.”* (Barrister)

In addition to such perceptions, many barristers noted that the chambers system does not always facilitate resolving issues that are not serious enough to take to the Bar Standards Board, but are too serious to resolve by simply having a quiet word with colleagues or with the clerk. The following quotes illustrate this feeling:

*“I don’t think the mechanism or the way the Bar runs itself and the Chambers system makes it that easy to get sorted out those sorts of issues which are in the middle.”* (Barrister)

*“There’s no structure in the Chambers system as you would have in a solicitors firm for getting rid of people who are not pulling their weight or for making people pull their weight... Other than, of course, that they don’t earn as much if they’re not working.”* (Head of Chambers)

**Figure 26** What more should Chambers do to support and develop barristers?

**Q. What more, if anything, should Chambers do to support and develop barristers?**



Base: all barristers giving a response (1177)



# 10

## Regulation

The results of the quantitative survey reveal that there are concerns around the ability of the prevailing regulatory system to deal with poorly performing barristers. More than half of barristers believe that the current system is not effective at dealing with barristers who are not up to standard, half think it is ineffective at dealing with incompetence and 48% believe it is not able to sort out unethical practice amongst the Bar (see figure 27).

These findings are strongly supported by the qualitative research, where a number of barristers interviewed complained that there are no effective mechanisms in place for dealing with barristers who provide a poor service or, worse still, are unethical or dishonest. This was felt to be a particularly important area for improvement because of a feeling amongst many that, while the majority of barristers are good, there is a 'tail end' who are perceived to be of poor quality. Such feelings are summed up by the following:

*“The miscreants, who we all know about, get away with it.”* (Barrister)

Barristers, judges and experienced instructors were most likely to express concerns over the complaints system and regulation of the Bar.

These findings are linked to comments made in the qualitative research of a sense amongst barristers that there is a 'grey area' or, as one barrister called it, a *“middling range of issues”* between clear negligence and acceptable practice which is left unaddressed. It was felt that there are times when an issue is *“not big enough to refer to the Bar Council”* and that, at times like this, barristers struggle to decide where to refer an issue in order to resolve it.

Figure 27 How effective is the system at dealing with poor quality?



Figure 28 Who should be responsible for dealing with poor quality?

Q. Who do you think should be responsible for dealing with barristers who are...?

	Not up to standard	Incompetent	Unethical
Bar Standards Board	38	48	48
Bar Council	19	28	40
Chambers	39	20	11
Inns of Court	7	7	8
Another body	5	4	3
Don't know	4	4	3

Base: all barristers giving a response

## Who should be responsible for dealing with poor quality?

When asked who should be responsible for dealing with poor quality, barristers appeared to feel that chambers should deal with those who are not up to standard, while the Bar Standards Board should deal with ostensibly more serious issues, such as incompetence and unethical conduct.

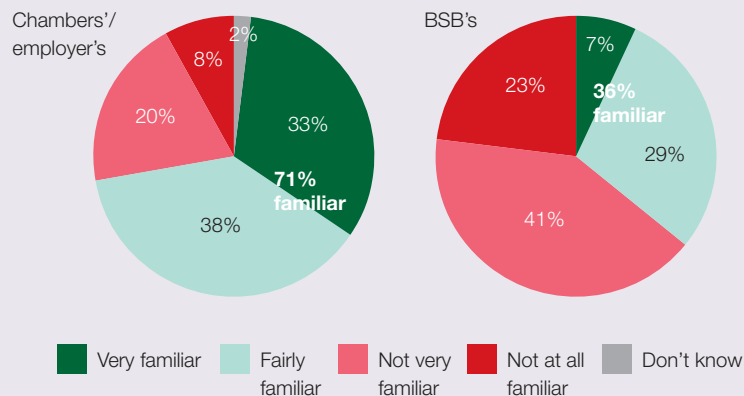
Figure 28 also illustrates that there are some differences in opinion about the roles of the Bar Council and the Bar Standards Board on these issues.

## Familiarity with and perceived effectiveness of complaints system

As shown by figure 29, barristers are much more familiar with their chambers' complaints system than with the procedures and systems for dealing with complaints that are in place at the Bar Standards Board. QCs are more likely than others to be familiar with these procedures (71% compared with 36% overall) while pupil barristers are the least familiar (21% familiar).

Figure 29 Familiarity with complaints system

Q. How familiar are you with your Chambers'/employer's Bar Standards Board's procedures and systems for dealing with complaints?



Base: all barristers giving a response

In part linked to familiarity, barristers are more positive about the ability of their chambers' complaints system to deal with complaints about poor service, misconduct and client concerns – around three quarters of barristers believe that their chambers deals effectively with poor service, misconduct and client complaints. The employed Bar is less positive about poor service than the self-employed Bar, but is more positive about misconduct (see figure 30).

While around three-quarters of barristers believe that their chambers deals effectively with poor service, misconduct and client complaints, most say they do not know how effective the BSB's complaints system is (see figure 31).

QCs are more likely than others to think that the BSB complaints and disciplinary system is effective, most probably linked to their greater levels of awareness of it. However, many QCs also say they simply do not know how effective the BSB's complaints system is, suggesting that the BSB may need to focus on improving awareness of its system and its results.

**Figure 30 How effective is Chambers'/employer's complaints system?**

**Q. How effective do you think your Chambers'/employer's complaints system is at dealing with...?**

	Poor service	Misconduct	Client's concerns
Effective	76	72	76
Not effective	7	7	7
Don't know	17	22	17

Base: all barristers giving a response

**Figure 31 How effective is Bar Standards Board's complaints system?**

**Q. How effective do you think the Bar Standards Board's complaints system is at dealing with...?**

	Poor service	Misconduct	Client's concerns
Effective	23	28	24
Not effective	11	8	10
Don't know	<b>66</b>	<b>64</b>	<b>66</b>

Base: all barristers giving a response



Figure 32 Who should be responsible for dealing with complaints?

Q. Who do you think should be responsible for dealing with complaints about...?

	Poor service	Misconduct	Client's concerns
Bar Standards Board	28	50	25
Bar Council	14	37	16
Chambers	53	8	55
Inns of Court	3	6	2
Another body	1	2	2
Don't know	6	6	6

Base: all barristers giving a response

When asked who they believe should be responsible for dealing with complaints, barristers believe that chambers should deal with poor service and client concerns, while the Bar Standards Board should deal with misconduct (see figure 32).

The qualitative research raised some interesting points about complaints. Firstly, there was some concern about the way the complaints system currently runs – for example:

*“People who act in an unethical and inappropriate manner and are often well known, the Bar Council often don’t react.”* (Barrister)

There was also a perception that the Bar Standards Board comes down too hard on those who don’t ‘tick the boxes’ (e.g. complete required CPD hours), but do not always act when barristers act inappropriately. Some barristers felt that suspensions for not completing required CPD hours trivialise the disciplinary system.

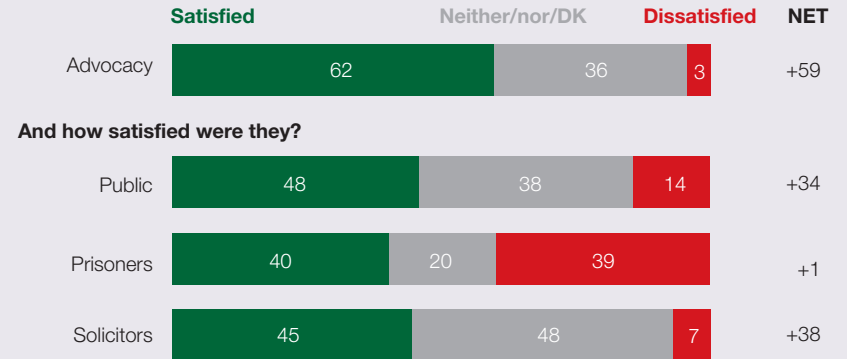
In general, the qualitative research suggested that there is a degree of complacency within the profession around regulation. Many of those questioned say that the market for barristers’ services regulates itself, and that poor barristers will not get work. Some barristers did however say that they would welcome a simpler way of complaining about other barristers other than through the current formal complaints system and others felt that it is important to provide opportunities to hear negative feedback in order to improve performance and prevent calls for external regulation.

## Opportunities for concerns to be expressed

Figure 33 provides an informative comparison between how satisfied barristers believe their clients are with the opportunity they have to express concerns and how satisfied their clients actually are. It can be seen that 62% of barristers believe that their clients are satisfied in this regard, when fewer than half are in reality. The implication being that barristers think clients will speak up with any concerns, but actually clients feel that they need a forum or at least more of an opportunity to express concerns.

Figure 33 Opportunity for expressing concerns

Q. How satisfied do you think your clients are with the opportunity they have to express any concerns they may have had with any aspects of your work?



Base: all barristers giving a response (433)



## 11

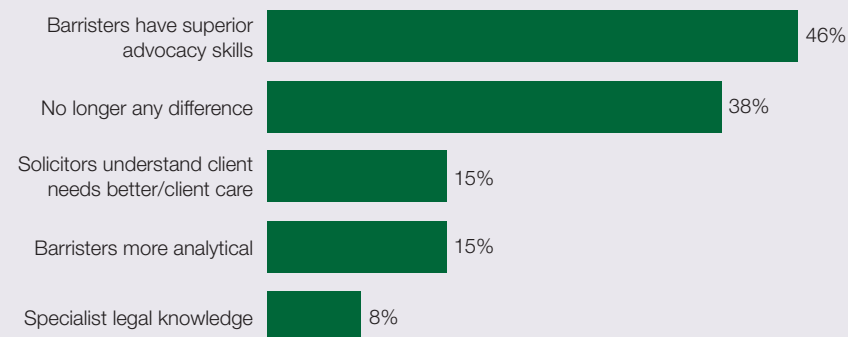
## Employed barristers

## Views of employed barristers amongst solicitors/other instructors

Solicitors (and other instructors) who employ in-house barristers were asked about the differences between the skills of barristers and solicitors in their organisations. However, given the small base size (only 13 solicitors answered this question), caution should be exercised in interpreting results and they should be seen as indicative only. Forty-six percent feel that barristers have superior advocacy skills, while 38% feel that there is no longer any difference. Fifteen percent felt that solicitors understand client needs better or are better at client care, while the same proportion feel that barristers are more analytical than solicitors. Finally, 8% mention that barristers have specialist legal knowledge. These results are shown in figure 34.

Figure 34 Differences between solicitors and in-house barristers

**Q. What key differences, if any, are there in the skills which barristers and solicitors bring to your firm/company/organisation?**



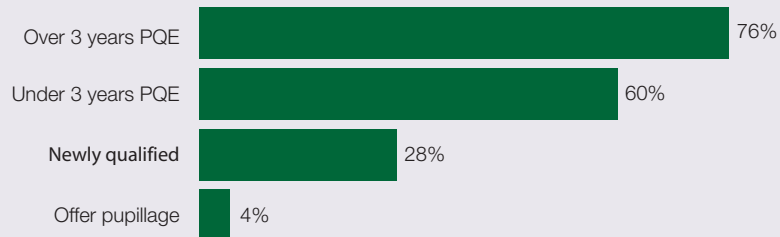
Base: all solicitors/other instructors giving a response who employ barristers (13)

**Figure 35 Solicitors employing in-house barristers**

**Q. How important are the following skills to your firm/company/organisation when employing a barrister?**



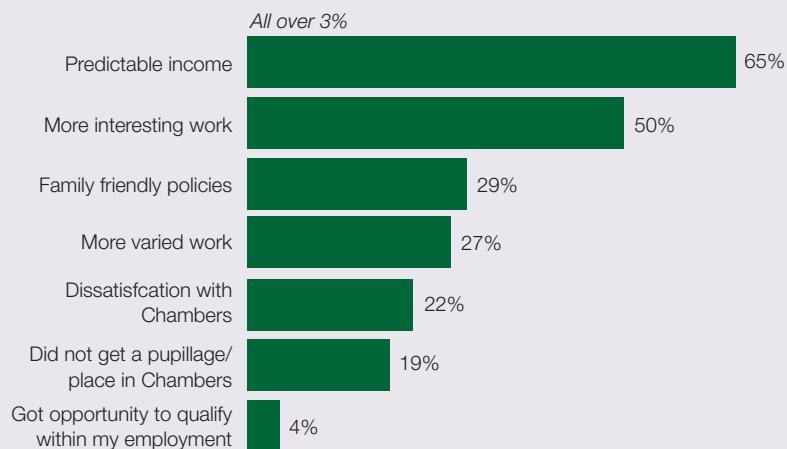
**Q What level of experience do you typically recruit at?**



Base: all solicitors/other instructors giving a response (25)

**Figure 36 What do employed barristers say?**

**Q. What motivated you to join the employed Bar?**



Base: all employed barristers giving a response (113)

Figure 35 shows the skills that solicitors and other instructors typically employ barristers for and the level of experience they recruit at.

Only 20 solicitors and other instructors answered the question about whether they would consider offering pupillages – two said yes, nine said no and three said they already do. However, six said that they do not meet the criteria for becoming an approved pupillage training organisation.

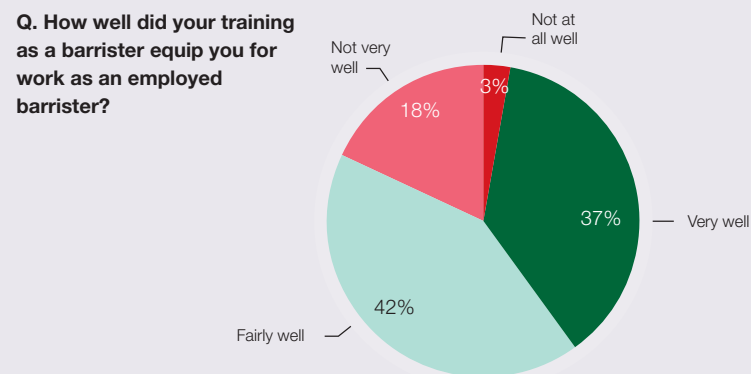
### Views of the employed Bar

Employed barristers were asked a series of questions about their motivations for joining the employed Bar and experiences as employed barristers. Figure 36 shows that a key incentive for joining the employed Bar is the prospect of a predictable income (65% mention this). Half of employed barristers also mentioned a view that the employed Bar does more interesting work, while just over a quarter believe that the work is more varied. Twenty-nine percent valued the family-friendly policies in their organisation, while 4% of employed barristers say that they were given the opportunity to qualify within their employment. While the reasons above can be considered ‘positive’ factors – i.e. seeing something good about the employed Bar, 22% mention that they joined the employed Bar because of dissatisfaction with chambers. Only one in five of those surveyed joined the employed Bar because they did not get a pupillage or a place in chambers.

The majority of employed barristers feel that the training they received equipped them well for life as an employed barrister. However, a significant minority (21%) feel that it did not (see figure 37).

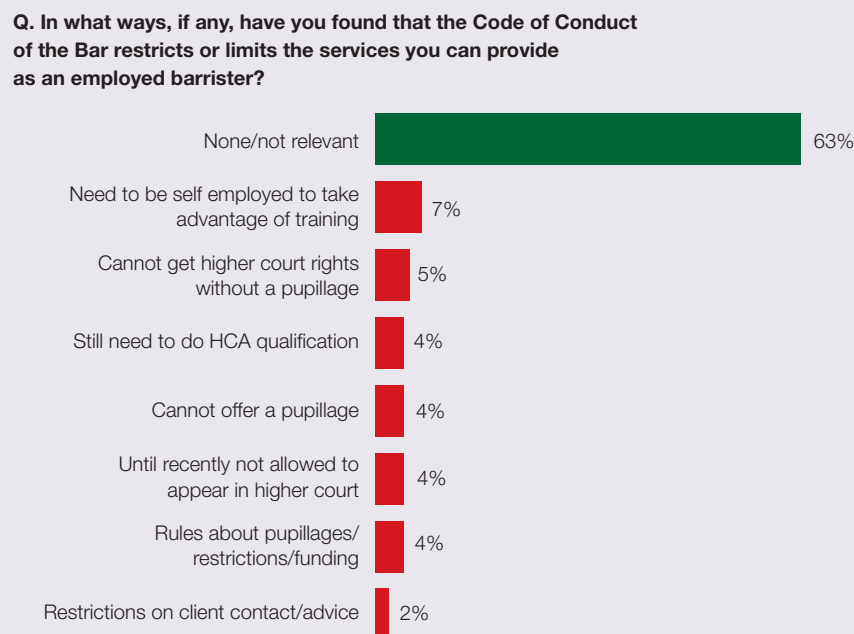
In terms of the work they may do as employed barristers, 63% reported that the Code of Conduct does not restrict or limit the services that they can provide. However, 7% mention that they feel the Code leaves them unable to take advantage of training (see figure 38).

Figure 37 Is training suitable for employed barristers?



Base: all employed barristers giving a response (1113)

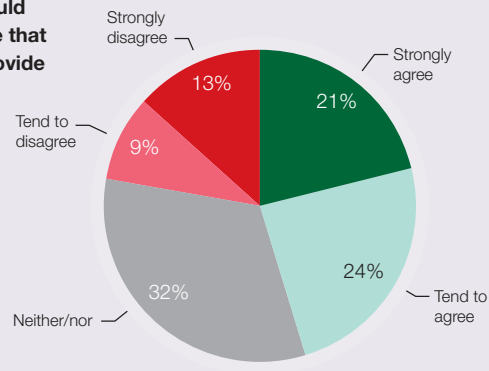
Figure 38 What do employed barristers say?



Base: all employed barristers giving a response (66)

Figure 39 Providing services with other professions

**Q. To what extent would you agree or disagree that you would wish to provide services with other professionals – e.g. as part of a firm owned by non-lawyers?**



Base: all employed barristers giving a response (113)

Finally, many employed barristers are positive about the idea of providing services with other professions – for example, as part of a firm owned by non-lawyers: 21% strongly agree that they would wish to do this, while a further 24% tend to agree. However, a significant minority (13%) strongly disagree, suggesting a degree of polarisation on this issue (see figure 39).

# Appendix 1: Guide to statistical reliability

It should be remembered that samples, not the entire populations of the various audiences, have been interviewed in the quantitative stages of this survey. Therefore the figures obtained may not be exactly those if everybody had been interviewed (the “true” values). However, the variation between the sample results and the “true” values can be predicted from knowledge of the sizes of the samples on which the results are based and the number of times that a particular answer is given. The confidence with which this prediction can be made is usually chosen to be 95% – that is, the chances are 95 in 100 that the “true” value will fall within a specified range.

The table below illustrates the predicted ranges for different sample sizes and percentage results at the “95% confidence interval”.

Sample size	Approximate sampling tolerances applicable to percentages at or near these levels		
	10% or 90%	30% or 70%	50%
	±	±	±
<b>3,659</b> (general public)	1.0	1.5	1.7
<b>327</b> (general public used/ consulted a barrister)	3	5	6
<b>441</b> (barristers)	3	4	5
<b>159</b> (solicitors/other instructors)	5	7	8
<b>97</b> (prisoners)	6	9	10

Therefore, with a total general public sample size of 3,659 completed interviews, where 50% give a particular answer, the chances are 19 in 20 that the “true” value (which would have been obtained if the whole population had been interviewed) will fall within the range of  $\pm 1.7$  percentage points from the sample result; in fact the actual result is proportionately more likely to be closer to the centre (50%) than the extremes of the range (48.3% or 51.7%).

When the results are compared between separate sub-groups within a sample, different results may be obtained. The difference may be “real,” or it may occur by chance (because not everyone in the population has been interviewed). To test if the difference is a real one – i.e. if it is “statistically significant” – it is again necessary to know the total population, the size of the samples, the percentage giving a certain answer, and the degree of confidence chosen.



Assuming the “95% confidence interval”, the differences between the two sub-sample results must be greater than the values given in the table below:

Sample sizes	Differences required for significance at or near these percentage levels		
	10% or 90%	30% or 70%	50%
	+	+	+
3,659 and 500 (Total general public vs sub-group)	3	4	5
441 and 100 (Total barristers vs sub-group)	7	10	11
159 and 100 (Total solicitors vs sub-group)	8	12	13
97 and 50 (Total prisoners vs sub-group)	10	16	17
500 and 300 (Sub-group vs sub-group)	3	4	4
500 and 100 (Sub-group vs sub-group)	6	9	9
300 and 200 (Sub-group vs sub-group)	7	9	9
300 and 100 (Sub-group vs sub-group)	9	11	12
100 and 100 (Sub-group vs sub-group)	10	14	14

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