

Barristers' Working Lives

A Biennial Survey of the Bar 2011

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BAR
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Executive summary

The 2011 survey of the Bar gave practising barristers the opportunity to describe their current work situation and future career plans, and give their views about their life at work and their profession. This is the first in a planned series of biennial surveys, and as such gives not only a fascinating insight into barristers' working lives, but also a baseline which will enable changes over time to be tracked. Around half of practising barristers were asked to participate, and just under 3,000 did so, representing a response rate of 38 per cent.

Profile

Women represent an increasing number of practising barristers – 37 per cent of respondents, and 57 per cent of those aged under 30 (the average age of barristers overall is 44). Women at the Bar are less likely than their male peers to be married or have children, and more likely to be divorced. If they do have children, they are far more likely to take main responsibility for providing and organising childcare (two thirds of female barristers with children do this, compared to just four per cent of men). After 12 years' Call it appears that the number of women in practise declines suggesting that at around this point more women than men are leaving the profession. Attrition of women is much higher in the self-employed Bar than in the employed Bar and this appears to take place at around 20 years' Call.

One in ten barristers are from **Black and Minority Ethnic** (BME) groups, with this proportion appearing not to have increased over time, in that there are similar proportions of BME barristers in different entry cohorts and age groups.

Barristers, as would be expected, are **highly educated** and they continue to follow traditional academic routes. Forty-three per cent went to a fee-paying secondary school, although more female and BME barristers went to state schools. Almost a third went to Oxbridge, and only 14 per cent to a university in the old polytechnic sector. Three quarters gained either a first or an upper second-class degree.

Among barristers with more than 21 years' Call, a quarter have '**taken Silk**' *i.e.* achieved Queen's Counsel (QC) status. Men are twice as likely as women to be a QC, due at least in part because they are more than twice as likely to have applied; women are equally likely to be successful in their application and, on average, have made one less application.

There are some big differences in profile between the **self-employed** and **employed** Bar. Almost half of the barristers in the employed Bar are female, compared to a third in the self-employed Bar. Just under a third

of the employed Bar went to a fee-paying school compared to almost half of the self-employed Bar, and 16 per cent went to Oxbridge compared to 34 per cent in the self-employed Bar. Twice as many barristers in the self-employed Bar are QCs compared to the employed Bar.

Barristers at work

Practice area

One in three barristers have **criminal law** as their main practice area, with another one in seven working mainly in **family law**. These areas contain more women and fewer people with fee-paying school or Oxbridge backgrounds. All other practice areas have a fairly even distribution of barristers.

Employed Bar

Just under a quarter (22 per cent) of survey respondents work in the employed Bar. The majority of the employed Bar work in the **public sector**: 29 per cent in the Crown Prosecution Service (CPS), 24 per cent in the Government Legal Service (GLS), and 15 per cent elsewhere. One in five employed barristers indicate that their workplace offers pupillages, although this varies considerably by type of employer, with the GLS being most likely to have pupillage opportunities. Most have **rights of audience**, 61 per cent full rights and 16 per cent in lower courts only.

There are some **benefits** of working for an employer. Almost all employed barristers have their practising certificate paid in full by their employer, most report that their employer has policies and/or procedures for work-related issues such as maternity/paternity leave and work-life balance, and they are very likely to have their Continuing Professional Development (CPD) paid for. There seem to be more (though still limited) opportunities for part time working, with 45 per cent of female barristers with dependent children working part time. The main self-reported reasons for working in the employed Bar are (for women) working hours, work-life balance and terms and conditions of employment, and (for men) variety and challenge of work.

However, the picture is **not all positive**. Thirty-seven per cent said their workload had increased in the last year, compared to only seven per cent reporting a decrease; barristers working in criminal law were most likely to report an increase (on average, full-time barristers in the employed Bar work 46 hours a week). Perhaps related to increased work pressure, one in five report that they have observed bullying and harassment in the workplace and 13 per cent say they have personally experienced it, in the two years prior to the survey.

Self-employed Bar

The majority (78 per cent) of survey respondents work in the self-employed Bar. Almost all work in **chambers**, with just nine per cent being sole practitioners. The average size of chambers is 60, although there is a lot of variation. The majority (58 per cent) said their chambers was Bar Mark accredited, although one in five did not know. Just under two thirds feel it would be a positive future development for clerks and practice managers to be required to adhere to a code of conduct.

Some aspects of working in the self-employed Bar vary considerably, depending on practice area. This particularly applies to the amount of work that is **publicly funded**; a quarter of self-employed barristers have no publicly funded work at all, while for 43 per cent, over half of their work is publicly funded (and therefore heavily affected by any changes to availability of public funding). In **criminal practice**, the majority of barristers report that 90 per cent of their work is publicly funded. One area of the self-employed Bar, **family law**, is dominated by women; nearly two thirds of female self-employed barristers work in this area.

On average, full time self-employed barristers work 53 hours per week, yet despite these long hours, one in four report that their **workload has decreased** over the previous year. This is particularly noticeable in criminal practice, where nearly a third report a decrease. Despite this, criminal practice barristers, along with family law barristers, work the longest

hours on average (55 hours per week) and take the fewest number of days' holiday. The decrease reported by self-employed criminal barristers is in sharp contrast to the increased workload of their peers in employed practice.

In line with a decreased workload, some barristers report a decline in **gross billed income**. Across the whole self-employed Bar four in ten barristers reported that their gross billed income has increased in the past two years, but for three in ten it has decreased. For those working mainly in criminal practice, five in ten report a decrease.

Despite income pressures and long hours working, **bullying, harassment and discrimination** seem less prevalent than in the employed Bar, with just six per cent saying that they had personally experienced bullying and harassment at work and a similar proportion experiencing discrimination.

The main reasons for working in the self-employed Bar are independence, autonomy, control over working life, and flexibility. For sole practitioners, these aspects dominated barristers' reasons for opting out of working from chambers.

Continuing Professional Development (CPD)

Most self-employed barristers (90 per cent) have to pay for their own CPD (unlike their counterparts in the employed Bar) which may explain why they are more critical of it. Just six per cent thought that the CPD they had undertaken over the past two years had enhanced their professional development to a great extent, and 34 per cent said 'not at all'. The comparative figures for the employed Bar are 13 per cent and 15 per cent.

Barristers who are considering new working arrangements (see below) are understandably more likely to have undertaken some CPD not specifically related to areas of legal practice (such as practice management, HR or IT).

New ways of working

There is cautious interest in working for a Barrister Only Entity (BOE), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS).

Half of employed barristers are considering, or may consider, these ways of working, while for self-employed barristers the proportion is even higher, at well over two-thirds; the BOE appears particularly attractive to self-employed barristers, with almost eight in ten barristers being prepared to consider this option. Those working in criminal practice are especially likely to show an interest in new ways of working.

By contrast, the dual qualification route does not seem attractive. Only four per cent overall are qualified as a barrister and a solicitor, with just one per cent of the self-employed Bar and two per cent of the employed Bar intending to pursue a dual qualification over the next two years.

Barristers' views

Overall, **barristers are proud of what they do** and the contribution they make to society, and enjoy the variety, interest and challenge of their work. Most (70 per cent) would still opt for the Bar if they could start their career again, and four out of five think the Bar is a respected profession. The picture is **not uniformly rosy**, however. Only 38 per cent feel satisfied with the amount they earn, and most feel under pressure at work and find life as a barrister stressful. Barristers' **status, place of work and experiences at work** impact significantly on their views about some aspects of work:

- Male employed barristers are most positive about issues around workload, stress and work-life balance, while self-employed female barristers are least.

Views of the profession (self-employed / employed) means/percentages

| | Self-employed | | Employed | |
|--|---------------|-------|----------|-------|
| | Mean | agree | Mean | agree |
| The Bar is a 'family friendly' profession in which to work | 2.5 | 21 | 2.3 | 9 |
| A career at the Bar is accessible to everyone of ability | 3.0 | 44 | 2.5 | 22 |
| Too many students are being recruited onto the Bar | 4.5 | 89 | 4.1 | 76 |
| Professional Training Course for the number of available pupillages | | | | |
| The Bar is attracting the best quality people, regardless of background | 2.9 | 32 | 2.4 | 12 |
| Junior barristers need a 'champion' in order to progress | 3.0 | 29 | 3.4 | 10 |
| Employed practice offers good opportunities for career progression | 2.9 | 13 | 3.5 | 60 |
| The new entities enabled under the Legal Services Act represent exciting opportunities for the Bar | 2.7 | 17 | 3.2 | 25 |
| There are insufficient pupillages to support the future demand for work | 2.6 | 49 | 3.2 | 17 |
| The rewards of a career at the Bar more than compensate for the initial financial outlay | 3.0 | 41 | 2.6 | 15 |

Source: IES/ERL, 2011

- Barristers who went to fee-paying schools, who went to Oxbridge, who have better degree classifications, and/or who have achieved QC status, are notably more positive than others about their pay and career progression – perhaps because they tend to work in the better-remunerated areas of the Bar.
- QCs seem to be particularly satisfied, with 81 per cent saying that most days they are enthusiastic about their work, compared to 67 per cent of those who are not QCs.
- Views about, and experiences of, bullying and harassment vary a lot. Male self-employed barristers are most likely to say that bullying and harassment is not a problem and female employed barristers least likely.
- The Bar is not seen as a family-friendly profession and two thirds think it is difficult to work part time as a barrister.
- A lack of optimism is evident, with more than half of barristers believing that demand for their services is decreasing.
- Within the self-employed Bar barristers engaged mainly in criminal practice work are much less positive, with 40 per cent saying they would not opt for the Bar if they could start their career again.
- In the employed Bar, half of those who report having experienced discrimination indicate that they would not opt for the Bar if they could start their career again.

There are some notable areas where there are statistically significant **differences in view between the employed and the self-employed Bar.**

The following two years bring economic uncertainty, combined with new ways of working for barristers. The 2013 survey will enable the Bar Council and Bar Standards Board (BSB) to assess the impact of these on the profession, and will also highlight any changes to the demographic profile, experiences and views of practising barristers.

1 Introduction

1.1 Background

The Bar Council and Bar Standards Board (BSB) commissioned the Institute for Employment Studies (IES) and Employment Research Ltd (ERL) to undertake the first working lives survey of the Bar which they plan to repeat on a biennial basis. The main objective of this project was to carry out a baseline survey of the Bar to provide better information on a range of working lives issues and an improved evidence base from which to formulate new policies and, in the future, to monitor trends in the profession.

The aims of the survey included:

- providing improved demographic data and information on the profile of the Bar, including information on equality and diversity issues within the Bar
- gathering data and insights into the working lives and employment experiences of barristers, including their attitudes to recent changes in the legal services market
- gaining a better understanding of career aspirations and motivations and intentions to stay in or leave the profession.

For the longer term it was considered important to design an approach (that can be developed and refined in subsequent surveys) to provide the best methodology for maximising response from the Bar. The survey tested alternative methods such as online, postal and telephone techniques to assess the willingness of barristers to engage with each approach and recommend a methodology that can be repeated biannually.

1.2 The survey

The survey was designed to maximise both the coverage of work-related issues and the response rate. Maximising response rates is essential to successful surveys, to ensure the data gathered are as representative of the population as possible.

1.2.1 Questionnaire design

In commissioning the work, the Bar Council and BSB provided a list of broad issues they wanted to see addressed through the working lives survey. From this starting point the team drafted a questionnaire that covered most of the issues to at least some extent, and after two project meetings and a series of discussions a final version of the form was created. The questionnaire was structured under seven broad areas that covered:

- a Current work situation:** including time spent working in different areas of the Bar, actual and preferred areas of practice, pupillages and pupil supervisors, qualifications and dual capacity registration, working hours and perceptions of workload, workplace policies and procedures and experience of harassment and discrimination.
- b Working in employed practice:** this section covered further details of the nature of employment in this section of the Bar, including type of employer, mode of working, the Member Services Fee (MSF) and rights of audience. Respondents were also asked to indicate their main reasons for wanting to work in employed practice.
- c Working in self-employed practice:** as above but containing questions more pertinent to the self-employed Bar and also questions for those working as sole practitioners.
- d Practice development and career intentions:** this section focused on views of current work situation and career intentions, exploring reasons for intentions to change and whether or not respondents might consider working in an ABS, BOE or LDP. The section also covers career development issues and applications to be a QC or for judicial appointments.

- e Continuing professional development:** this included mentoring, CPD undertaken and its impact on careers.
- f Views on working life:** attitudinal questions addressed a range of working life issues, including: working hours/workload, income, job satisfaction, morale and motivation, career progression, views of the profession and the Bar as a career. The section also included questions about the Bar Council and BSB and reflections on the best aspects, and challenges, of being a barrister.
- g Demographic information:** the final section of the questionnaire sought a range of background information including age, gender, ethnic origin, disability, childcare responsibilities, schooling, religious affiliation, sexual orientation and career breaks.

The questionnaire was initially designed in paper format to ensure it was contained within the agreed eight page limit (any longer was felt to be detrimental to response rates).

This draft of the questionnaire was circulated within the Bar Council and BSB for comment, and the project team within the Bar Council and BSB met with the researchers to discuss the content in more detail. In addition, a pilot was undertaken by email among 100 barristers to test the routing and design of the online survey. There were 14 respondents to the online pilot who also completed a short feedback form that asked for thoughts on the length and content of the survey, any areas that were ambiguous, issues that might be included in the survey, and its relevance to the profession.

The final questionnaire was redrafted slightly to incorporate some suggestions from the pilot and the Bar Council/BSB project board.

1.2.2 Sample

In order to provide sufficient responses from important sub-groups of barristers it was decided to survey approximately half the population. This included 8,000 barristers drawn at random from the main membership

record, of whom 7,281 had email contact addresses as well as postal addresses.

The sample was analysed to ensure that against key variables (self-employed Bar/employed Bar, gender, QC status, age and experience) it was representative of the population of barristers. All barristers had an equal chance of selection to the sample. The sample was drawn in late May in preparation for a mid-June survey launch.

1.2.3 Survey process

The two main objectives in devising a suitable approach to the survey were firstly to gain the maximum possible response to the survey, while covering as many of the issues as possible that the Bar Council/BSB wanted to address, and secondly to ensure that the process was cost effective. To this end the survey started on 13 June with an email invitation to all barristers whose membership record contained email contact details. After one week, on 21 June (using a different day of the week to maximise opportunities to respond) a reminder email invitation was sent. Approximately 1,300 barristers completed the email survey by the beginning of July.

After removing all barristers who did not wish to take part in the survey, and those who had responded via email, 6,474 invitations were mailed by post on 7 July, together with a cover letter, signed by the Chairman of the Bar Council and the Chair of the BSB, and a reply paid envelope. After a two week interval on 20 July a reminder letter signed by the Research Manager at the Bar Council (including a replacement questionnaire and second reply paid envelope) was mailed with a deadline to complete the survey of 1 August. On this date a final email was sent giving a last chance to participate in the survey.

1.3 Response information

The survey was in the field for approximately six weeks, but all responses that were received within three weeks of the closing date were processed and coded and included in the final data set (72 online and paper

questionnaires were received after the closing date). After removing identifiable duplicates, this response included a total of 2,965 returns. Of these:

- 1,829 had been completed online, of which 231 were only partially completed to varying degrees, but have all been included in the final data set
- a further 56 were completed online but via the link provided on the paper questionnaire
- 1,080 completed their survey using the paper format mailed in the post (some of these respondents had not given their identifier).

The final valid sample was 7,780 (8000 mailed less the Post Office returns and 'not applicable' responses *i.e.* those barristers who had retired or reported that they were not working in the profession). Using this figure the valid response rate is 38 per cent. The final response suggests that the adopted approach of using postal and email communication was effective; approximately two thirds of responses were by email and a third by post. This response rate compares favourably with the last large scale survey on the profession in 2007¹ which achieved 35 per cent, especially considering that the last four years have seen a decline in response rates to surveys.

With hindsight, following the telephone follow-up of non-respondents, there is some evidence that mailing the survey just before the summer holiday might not have been the best time and we would recommend bringing the timetable forward by at least one month for any future working lives survey of the profession.

Table 1.1 shows the main categories of recorded response. However, it should be noted that a number of returns were received without any identifiers, hence the disparity between the above figures and those in the table.

To explore how representative the respondents are of the population of barristers, the response information was analysed against key biographical and work

¹ Price D and Laybourne A (2010) Report of the analysis of demographic data collected from the practising Bar in November 2007, Bar Council/Institute for the Study of Public Policy, 2010

related data provided in the sample. It is apparent that there are only marginal differences in the likelihood of barristers responding by key biographical variables e.g. gender, age, experience, ethnicity, self-employed/employed, QC status, pupil supervisory status and head of chambers status. If the response set was entirely representative all response rates would be 38 per cent.

Table 1.2 summarises the response rates for different groups of barristers. Whether or not a barrister is a pupil supervisor is most strongly correlated with response rate, followed by ethnicity, employed/self-employed status, gender and age. However, the differences are not sufficiently significant, either statistically or in scale, to warrant weighting the data, so the response set can be said to be a good representation of the population on these key biographical variables. For exact numbers on the make-up of the Bar, please refer to the Bar Council's publication *Bar Barometer: Trends in the profile of the profession 2011*.

Table 1.1: Aggregate response information

| Response | Number | % |
|---|--------------|------------|
| Not completed | 4,669 | 58 |
| Completed (online) | 1,595 | 20 |
| Partially completed (online) | 231 | 3 |
| Completed (paper) (including online completions via paper link) | 1,116 | 14 |
| Retired/Not applicable (e.g. teaching) | 9 | <1 |
| Post Office Return | 79 | 2 |
| Email failed | 134 | 2 |
| Refused/rejected (by email) | 93 | 1 |
| Late returns (not included) ² | 27 | <1 |
| Total | 8,000 | 100 |

Source: IES/ERL, 2011

Table 1.2: Response rates by demographic/employment characteristics

| | % | Number |
|-------------------------|----|--------------|
| Gender | | |
| Men | 39 | 1,851 |
| Women | 35 | 1,079 |
| Ethnicity | | |
| White | 39 | 2,394 |
| BME | 27 | 196 |
| Missing | 29 | 301 |
| SEB/EB | | |
| Self-employed Bar | 36 | 2,323 |
| Employed Bar | 39 | 607 |
| QC status | | |
| Not QC | 36 | 2,608 |
| QC | 40 | 322 |
| Time since Call | | |
| Under 10 years | 37 | 830 |
| 10-19 years | 35 | 987 |
| 20-29 years | 39 | 689 |
| 30 years plus | 36 | 424 |
| Age bands | | |
| Under 30 | 40 | 270 |
| 30-39 | 37 | 830 |
| 40-49 | 36 | 748 |
| 50-59 | 38 | 257 |
| 60 plus | 34 | 66 |
| Pupil supervisor | | |
| Yes | 42 | 867 |
| No | 35 | 2,063 |
| Head of Chambers | | |
| Yes | 32 | 117 |
| No | 37 | 2,813 |
| Domicile | | |
| UK | 37 | 2,824 |
| Overseas | 30 | 84 |
| All respondents | | 2,930 |

Source: IES/ERL, 2011

² It should be noted that there was a steady flow of returns after the survey deadline (which was also extended to 18 August) and a further 27 forms were returned.

As mentioned on p8, a short telephone survey was undertaken to follow-up non respondents to investigate reasons for not responding to the survey and what might be changed to improve response rates and to assess the preferred medium in which barristers would like to participate in the survey in future. At the outset, this element of the research was to act, additionally, as a final reminder to non-respondents but with the online and postal surveys ending in early August it was deemed infeasible to conduct a telephone survey at this time, when many barristers were on holiday. For future working lives surveys it is recommended that a final telephone reminder might be undertaken in June/July.

The follow-up survey was undertaken in early September. A sample of 1,000 was drawn at random among those who had not responded to the survey and interviews undertaken with 100 barristers (or clerks in some cases where an indication of why the barrister may not have completed the survey was provided in their absence) from this sample. It proved extremely difficult to speak to barristers during the working day with most having work contact numbers. In most cases, barristers were in court or away from chambers/work and clerks tried to steer the interviewer to contact the barrister by email (this seems to be the preferred means of communication for barristers).

Of the respondents four in ten (36%) said that they 'might' have sent it back as a result of the prompt. Of those who said they were unlikely to have sent it back (64%), 72 per cent said they were *too busy*, 18 per cent said *it was too long*, 20 per cent said they *see no benefit*, 38 per cent said they *do not do surveys*. Of those who said there was something that might be done to encourage them to take part, five said *make it shorter*, three said *some financial incentives* and two said *do it at different times of year*.

The current approach of emailing and post appears to be the preferred method of completing the survey among those who say they are willing to do so (48% said they would not do it in any format), although some (22%) said they do not mind; but nobody said they would prefer to do the survey by telephone interview.

1.4 Report structure

The remainder of this report is structured so that first the demographic details of the Bar are presented, then the report looks in detail at the work experiences and views of the employed and self-employed Bar, drawing out differences between the two. The report then considers the attitudes of barristers on a range of working life issues.

2 Respondent profile

It is important at the outset of a working lives survey, be it of a profession, sector of the economy, or occupational group, to present the demographic and employment profile. This serves three main functions:

- 1 It describes the population being surveyed.
- 2 It sets a benchmark of demographic and characteristics of working practice, to enable comparisons to be made over time within the profession and with other professional groups.
- 3 It introduces variables used in the subsequent analysis comparing responses to the main survey questions within the population between different sub groups of barristers, be it demographically or in their working lives' experiences.

The picture drawn from the working lives survey is particularly valuable, as it affords a unique view of the cross-section of the Bar as a whole. Given the sample size and more than 2,900 respondents, we can be confident in the reliability of the results, as the demographic profile of respondents to the survey is broadly in line with the population characteristics of the Bar as a whole, as shown in the respondent profile section of Chapter 1.

2.1 Biographical profile

To simplify the analysis and presentation of results a number of variables have been reduced into broad groups. For example, respondents were asked to give their 'Year of Call'. This has been grouped into five broad categories:

- 1 The Young Bar (new entrants) *i.e.* those 1-3 years into their careers
- 2 The Young Bar *i.e.* those 4-7 years' Call
- 3 Middle Juniors *i.e.* 8-12 years into their careers
- 4 Senior Juniors *i.e.* 13-21 years
- 5 Seniors *i.e.* more than 21 years since they were called to the Bar.

It is important to note though that the length of time since Call is not necessarily commensurate with length of service, as some respondents may well

have taken career breaks. Similarly, the age of barristers has been conflated into five broad groups, under 30s, 30-39, 40-49, 50-59 and 60 plus. The main equality and diversity variables (*i.e.* ethnicity, sexuality, religious affiliation and civil/marital status) have also been collapsed into broad groups, as the numbers of barristers in the minority groups are not sufficient to enable further analysis.

2.1.1 Gender, age and time since Call

Nearly two thirds of all barristers are men, with women representing 37 per cent of the profession. The age distribution of the Bar finds nine per cent of all barristers aged under 30; 30 per cent are aged 30-39; 31 per cent 40-49; 20 per cent 50-59; and nine per cent are aged 60 plus. In terms of time since Call, seven per cent of barristers are 'The Young Bar (new entrants)' (1-3 years' Call); 13 per cent are 'The Young Bar' (4-7 years); 19 per cent are 'Middle Juniors' (8-12 years into their careers); 29 per cent are 'Senior Juniors' (13-21 years); and 33 per cent are 'Seniors', 22 years or more since they were called.

As might be expected, there is some variation in the proportion of women between different age groups and by year of Call. For example, among those aged under 30 women represent more than half of all barristers (57%); reducing to 44 per cent among those aged 30-39; 35 per cent of those in their 40s; 30 per cent among those in their 50s; and just 15 per cent of barristers in their 60s are women. Similarly, there is correlation between gender and time since Call, grouped as above.

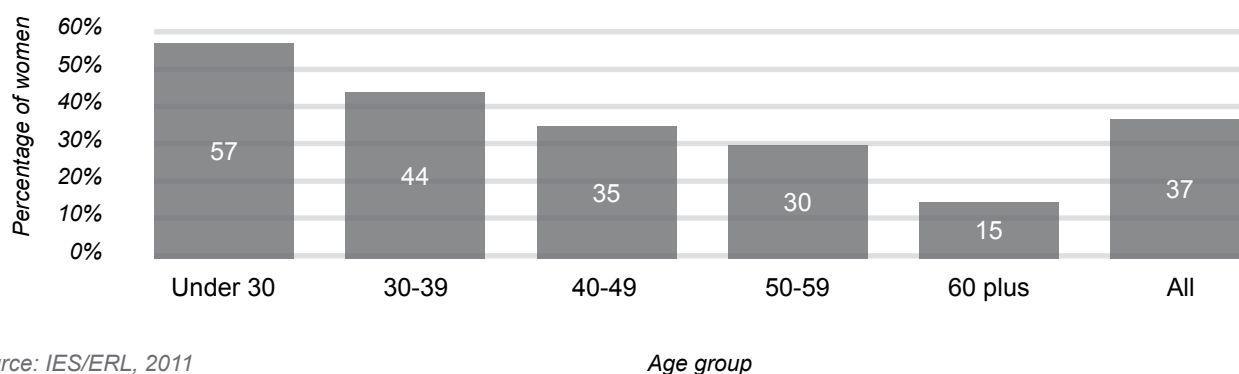
The proportion of women in the profession reduces after approximately 13 years' Call. There is little difference in the numbers of women at the Bar 1-3 years, 4-7 years and 8-12 years' Call at around 47 per cent of all barristers at these points in their careers. However, among those 13-21 years into their careers the proportion of women reduces to 39 per cent and to 23 per cent among those 22 years or more into their careers. Taking these figures together suggests that the number of women working at the Bar is likely to result both from generational changes and increases in the

Table 2.1: Male and female barristers by time since Call (percentages)

| | Men | Women | Base N=100 |
|--|-----------|-----------|---------------|
| The Young Bar (new entrants) (1-3 years' Call) | 54 | 46 | 198 |
| The Young Bar (4-7 years' Call) | 52 | 48 | 378 |
| Middle Juniors (8-12 years) | 54 | 46 | 561 |
| Senior Juniors (13-21 years) | 61 | 39 | 848 |
| Seniors (22 plus years) | 77 | 23 | 977 |
| All barristers | 63 | 37 | 2,962 |

Source: IES/ERL, 2011

Figure 2.1: Female barristers by age group (percentages)



Source: IES/ERL, 2011

numbers of women entering the profession; and as a result of more women than men leaving the profession, perhaps to take career breaks, with around 13 years into their careers being the point at which it would seem more women start to leave the Bar. This issue is explored in a little more detail later in the report.

The average age of the Bar is 43.6 but among men the average is 45.4 and women 40.5. Similarly on average women have been qualified slightly less time at 14.6 years compared to 19.6 years among men (17.8 years across the whole Bar).

Figure 2.1 and Table 2.1 present these summary statistics.

Although this is explored further later in the report it is worth noting here that among 'Senior' barristers with 22 years' Call or more who have QC status, just 13

per cent are women compared to 27 per cent among 'Senior' barristers without QC status.

In addition to time since Call, the data also allow us to explore the age at which barristers were called to the Bar. Approximately one in five (18%) were called to the Bar aged 30 plus. The most frequent age at which barristers are called to the Bar is 24 (about one in five qualified within one year of this age) and 62 per cent were called aged 25 or under. It would seem, though, that the number of barristers qualifying later in life is increasing with 25 per cent of new entrants to the Bar being aged 30 plus when they were called. There is no difference in age at Call by gender.

2.1.2 Ethnic origin and other minority groups

One in ten (10%) of the Bar are from BME backgrounds, 83 per cent are from white British

backgrounds, three per cent white Irish and four per cent from other white ethnic backgrounds. The largest black and minority ethnic group is Asian Indian at two per cent, with all other ethnic groups containing one per cent or fewer respondents.

There is mixed evidence of growth in the proportion of barristers from BME origins. On the one hand 12 per cent of those aged under 40 are from BME origins compared to 11 per cent of those aged 40-49, seven per cent of those aged 50-59, and six per cent of the 60 plus age group, suggesting growth in the proportion of barristers from black and minority ethnic backgrounds. On the other hand only nine per cent of new entrants to the Young Bar (1-3 years) are from BME origins.

One in eight (13%) female barristers are from BME origins compared to just one in 12 (8%) of male barristers.

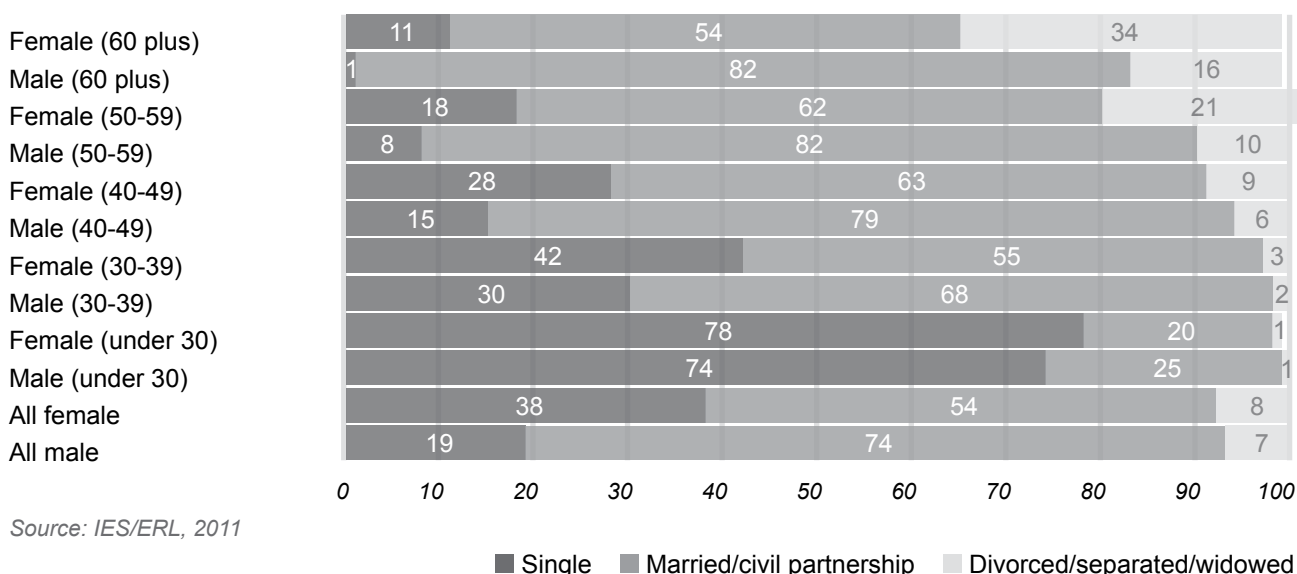
When asked about their religious affiliation, 37 per cent of barristers indicated that they had no religious affiliation; 54 per cent said they are

Christian; four per cent Jewish; and five per cent indicated other religions in more or less equal numbers. There is some correlation with age, with more younger barristers indicating that they have no religious affiliation (47% of those under 30 and 41% of barristers in their 30s, compared to 31% of those aged 50 plus). There is no difference between men and women in their religious affiliation.

Nine in ten (90%) barristers indicated that they are heterosexual/straight, four per cent preferred not to say and six per cent said they were gay men/women or bisexual. Men were nearly twice as likely to indicate they were gay/bisexual as women (8% compared to 4%). These figures are identical to the 2007 Bar wide survey³.

Just four per cent of respondents said that they suffer from a limiting health problem or disability that has lasted for a year or more, with no correlation by age, gender, or ethnicity. The 2007 survey found that seven per cent of the self-employed Bar suffered from poor health or a disability. Clearly, the definition of disability in the two surveys renders any comparisons problematic.

Figure 2.2: Marital status by age group and gender (percentage)



³ Price D and Laybourne A (2010) Report of the analysis of demographic data collected from the practising Bar in November 2007, Bar Council/Institute for the Study of Public Policy, 2010

2.1.3 Marital status and caring responsibilities

Two thirds of the Bar are married (64%) or in a civil partnership (2%), a further eight per cent are divorced, separated or widowed and 26 per cent are single. There is a strong relationship between age group and gender in the likelihood of barristers being single, married or divorced/separated/widowed. Firstly, across the whole Bar, women are twice as likely as men to be single (38% compared to 19% of men). As one might expect, age is also a key variable. Three quarters (77%) of barristers in their 20s are single compared to 35 per cent of those in their 30s; 20 per cent in their 40s; 11 per cent in their 50s; and three per cent of those in their 60s. However, although there is little difference between men and women in their 20s, among those in their 30s 42 per cent of women are single compared to 30 per cent of men; 28 per cent in their 40s compared to 15 per cent of men; and 18 per cent in their 50s compared to eight per cent of men; and 11 per cent in the 60s compared to just one per cent of men (Figure 2.2).

It is also apparent that female barristers are more likely to be divorced than male barristers. For example, in their 50s and 60s 17 per cent of women are divorced compared to just seven per cent of men.

It is also noticeable that barristers from BME backgrounds are more likely to be single (34% compared to 25% of white barristers) while those with no religious affiliation are also more likely to be single (32%). However, this is primarily a function of the fact that more barristers from BME backgrounds are in the younger age groups and a higher proportion of BME barristers are women; this also explains much of the difference in marital status by religious affiliation.

Just under a half of all barristers have dependent children (48%). Fewer women have dependent children (41% compared to 52% of male barristers). By age group, just three per cent of respondents in their 20s have dependent children and this rises to 44 per cent of those in their 30s and 68 per cent in their 40s, then declines slightly to 55 per cent in their 50s and 18 per cent in their 60s. Barristers from BME

backgrounds are more likely to have dependent children (54% compared to 47% of white barristers).

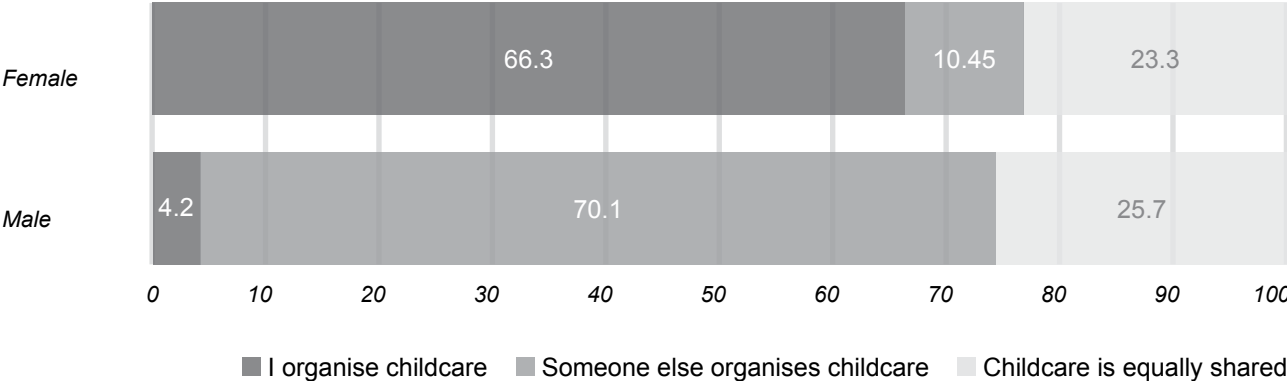
Respondents were also asked to indicate whether they had ever taken any maternity/paternity leave lasting three months or more. Overall, 13 per cent of all barristers have had this amount of maternity/paternity leave but again gender differences are significant (33% of women and 2% of men). Among barristers who have dependent children, three quarters (77%) of women and three per cent of men have had this level of maternity/paternity leave. Take up of longer term paternity leave remains low at the Bar, and there has been no discernible increase in take up among younger age groups.

On the other hand, there would seem to have been an increase in the proportion of women at the Bar who have taken extended maternity leave. Among women aged under 40, 88 per cent have taken maternity leave of three months or more at some stage in their careers, compared to 78 per cent of women aged 40-49 and 56 per cent of women aged 50 plus. However, it is likely that this is as much a retention issue as it is a result of increase in take up, with more women who take extended maternity leave subsequently leaving the profession.

Where respondents have indicated that they have childcare responsibilities, in 38 per cent of cases they have children under the age of five; 39 per cent aged 5-10; 36 per cent 11-16; and in 25 per cent of cases their children are aged 17 plus.

Respondents who have dependent children were also asked to indicate who takes the main responsibility of providing/organising child care. Two thirds (66%) of all female barristers take the main responsibility for this, in 23 per cent of cases it is equally shared between them and a partner, and in 11 per cent of cases someone else takes the main responsibility for providing/organising childcare. However, among men just four per cent take the main responsibility for childcare; in 26 per cent of cases it is equally shared; but for 70 per cent of men someone else organises their childcare (Figure 2.3). Among barristers aged 50 plus, more responded indicating that childcare is equally shared (35%),

Figure 2.3: Childcare responsibilities by gender (percentages)



Source: IES/ERL, 2011

however this is mainly due to a higher proportion of this group’s children being aged 17 plus, where there is less requirement for a parent to be away from work to arrange or deliver childcare. There is little difference by ethnicity in the division of childcare responsibilities. Just one in 11 (9%) barristers has a regular caring responsibility for an elderly relative or other adult. Older barristers are more likely to have these responsibilities (15% of those aged 50 plus compared to 9% of those in their 40s and 4% of those aged under 40). Again, more women (11%) than men (7%) have adult caring responsibilities, but there is little difference by ethnicity.

As well as looking at maternity/paternity leave, the survey also asked barristers to indicate whether or not they had taken any other form of long-term leave lasting three months or more (e.g. long-term sick leave, career break, study leave or leave to care for an adult relative). Across the whole Bar, 13 per cent had taken a long-term career break rising to 23 per cent among those who indicated they have adult caring responsibilities and 39 per cent of those who said they have a health problem or disability that limits their day-to-day activities.

It is also worth noting that a higher proportion (21%) of barristers who said they were divorced, separated, or widowed, had taken this form of career break. Also one in five barristers (19%) who said they were mainly responsible for childcare said they had taken a career break (in addition to any maternity leave taken). There

was also some correlation with age, but this was more a function of the other life experiences mentioned previously, than any link to age per se.

2.1.4 Education

To gather information about the educational background of barristers, the survey asked for responses to four questions relating to educational history. First, barristers were asked to indicate whether they went to a state or fee-paying school between ages 11-18. If the school was fee-paying they were then asked to indicate if 50 per cent or more of the fees were covered by an educational award. The next two questions concerned barristers’ higher education i.e. the university they attended and the class of their degree.

Four in ten (43%) of all barristers went to a fee-paying school and 57 per cent went to a state school between ages 11-18. Of those who went to fee-paying schools one in four (25%) said that 50 per cent or more of their fees were covered by a financial award. In the subsequent analysis it was found that whether or not fees were covered by a financial award was not an important factor correlated with other working life experiences.

There has been little recent change in the profession in terms of the types of educational backgrounds of barristers. Although a slightly higher proportion of

respondents aged under 30 (63%) indicated that they went to state schools there is no difference within the 30-59 age groups (58% of each age band indicating they went to state schools). However, looking further back, among respondents aged 60 plus just 42 per cent said they went to a state school. These findings are corroborated when comparing year of Call with school sector. In fact there has been a small decrease in recent years in the proportion of barristers who have been educated in state schools with 60 per cent of those 1-3 years into their careers from state schools, compared to 62 per cent of those 4-7 years' Call and 64 per cent of those 8-12 years from when they were called to the Bar. Just under half (49%) of barristers 22 years or more into their careers were from state schools.

It is noticeable that women (67%) and barristers from BME backgrounds (65%) were more likely to have attended a state school than male (51%) and white barristers (56%).

It is also worth noting that barristers who went to state schools were more likely to have started a career at the Bar later in life, with 21 per cent being called to the Bar aged 30 plus, compared to 12 per cent of those who went to fee-paying schools.

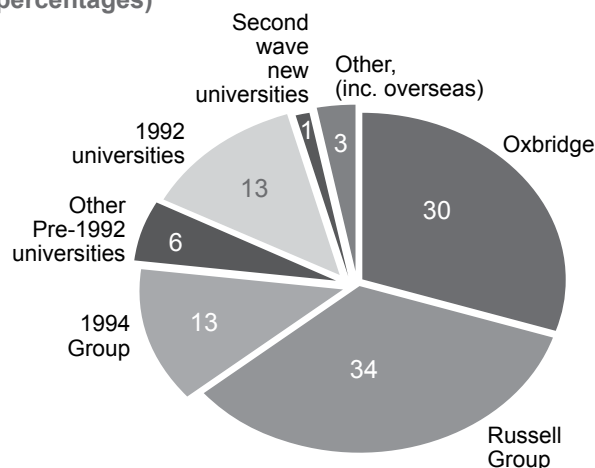
The second set of educational background questions concerned the university attended by respondents to the survey. Survey respondents were asked to write in the name of the university they attended and these were then coded into six broad groups that relate to current concepts of university hierarchy, and can be used to monitor changes in the profession in future years. However, this might be viewed as a somewhat crude measure and it may be that when older barristers qualified different universities were considered of a higher status, depending on the subjects they studied. Notwithstanding these considerations the groups used are:

- Oxbridge (Oxford and Cambridge)
- Russell Group universities (e.g. Bristol, Edinburgh, Imperial, LSE, KCL)
- 1994 Group universities (e.g.. Bath, Durham, Exeter, York)

- Other pre-1992 universities (e.g. Keele, Aston, Brunel, Salford)
- 1992 universities (e.g. Brighton, De Montfort, Leeds Metropolitan, Sunderland)
- Second wave new universities (e.g. Bath Spa, Solent, Gloucestershire)
- Others including overseas and Open University.

Across all barristers three in ten (30%) went to Oxbridge, 34 per cent went to Russell Group universities and 13 per cent went to 1994 Group universities. Just 14 per cent went to the old polytechnic sector of higher education.

Figure 2.4: University attended by barristers (percentages)



Source: IES/ERL, 2011

There appears to have been minimal change in the source of new barristers in terms of their higher education with 35 per cent of new entrants to the Bar (last three years) having attended Oxbridge; and there being little or no correlation by age of barristers or time since Call. A higher proportion (34%) of barristers aged under 40 went to Oxbridge than was the case among barristers aged over 40 (27%). More male barristers went to Oxbridge than female barristers (33% compared to 25% respectively) and there was a similar difference between white and BME barristers (31% compared to 22%).

More than four in ten (43%) barristers who attended a fee-paying school also attended Oxbridge, compared to 21 per cent of barristers who went to a state school. Similarly, a lower percentage of those who entered the

Table 2.2: University/school attended by age group (percentages)

| | <i>Under 30</i> | <i>30-39</i> | <i>40-49</i> | <i>50-59</i> | <i>60 plus</i> | <i>All Barristers</i> |
|--|-----------------|--------------|--------------|--------------|----------------|-----------------------|
| State school/Oxbridge | 16 | 15 | 10 | 7 | 12 | 12 |
| State school/ 1994/Russell Group university | 41 | 26 | 27 | 31 | 20 | 28 |
| State school/other university | 7 | 15 | 22 | 19 | 11 | 17 |
| Fee-paying/Oxbridge | 15 | 20 | 18 | 17 | 24 | 19 |
| Fee-paying/1994/Russell Group | 19 | 19 | 17 | 18 | 24 | 19 |
| Fee-paying/other university | 3 | 4 | 6 | 8 | 9 | 6 |
| <i>Base N=100%</i> | <i>243</i> | <i>774</i> | <i>802</i> | <i>531</i> | <i>218</i> | <i>2,568</i> |

Source: IES/ERL, 2011

Table 2.3: University/school attended and class of degree (percentages)

| | <i>First</i> | <i>2:1</i> | <i>2:2</i> | <i>3rd</i> | <i>Pass</i> | <i>Base N=</i> |
|---|--------------|------------|------------|------------|-------------|----------------|
| State school/Oxbridge | 24 | 64 | 11 | 1 | 0 | 294 |
| State school/1994/Russell Group university | 12 | 60 | 26 | 2 | 1 | 707 |
| State school/other university | 8 | 54 | 34 | 2 | 1 | 426 |
| Fee-paying/Oxbridge | 26 | 62 | 9 | 3 | 0 | 471 |
| Fee-paying/1994/Russell Group | 12 | 57 | 29 | 3 | 0 | 476 |
| Fee-paying/other university | 10 | 49 | 35 | 6 | 1 | 144 |
| All barristers | 15 | 59 | 23 | 2 | 1 | 2,518 |

Source: IES/ERL, 2011

Bar later in life (aged 30 plus) went to Oxbridge (16% compared to 33% of younger new entrants).

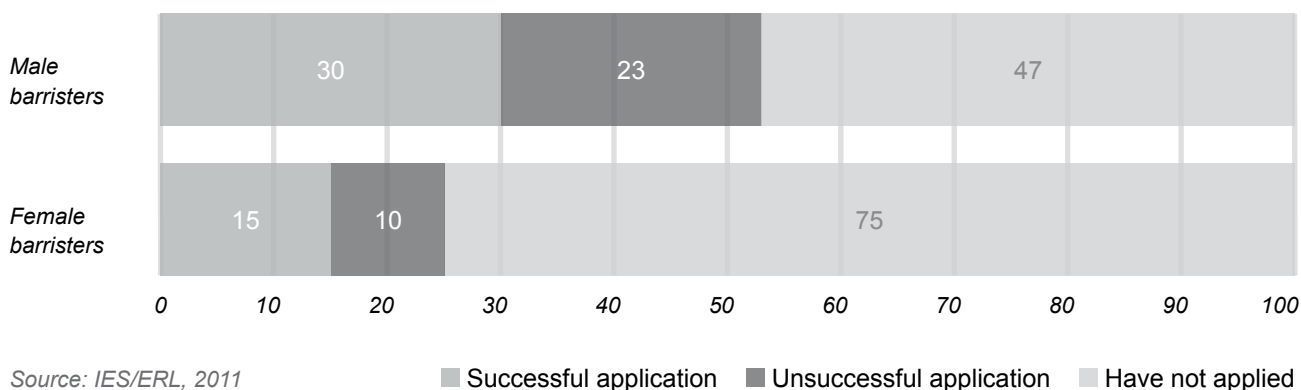
To develop a composite educational background variable, we merged the type of school and university attended. This compound variable was created with six categories:

- 1 State school and Oxbridge (12% of all barristers)
- 2 State school and Russell/1994 Group universities (28%)
- 3 State school and other universities (17%)
- 4 Fee-paying school and Oxbridge (19%)
- 5 Fee-paying school and Russell Group/1994 Group universities (19%)
- 6 Fee-paying school and other universities (6%).

It would seem that a slightly higher proportion of younger barristers have a 'state school/Russell Group university' background (41%) today than was the case in previous generations (see Table 2.2), suggesting some change in the distribution of barristers between these educational categories. However, there is little consistent variation between age bands to indicate a gradual and steady change in the educational 'class' of the profession.

It is also apparent that women are less likely to have had a fee-paying school/Oxbridge educational background than men (15% and 22% respectively); and conversely, more have had a state school and Russell/1994 Group university

Figure 2.5: Applying for Silk (percentages of barristers with 22 years or more experience)



education (35% compared to 24%). Among BME barristers more (27%) had been through a state school with 'other' university education, when compared with white barristers (16%).

All these correlations are important factors in considering differences in working life experiences and views later in the report; to establish causal links in the data will require more detailed further analysis.

In terms of class of degree, across all barristers 15 per cent achieved a first class degree, 59 per cent a 2:1, 23 per cent a 2:2 and three per cent a 3rd or Pass. Those who went to Oxbridge were more likely to have attained a first class degree (26%) (see Table 2.3).

Much of the variation in degree class can be attributed to whether or not respondents attended Oxbridge (where there were more first class degrees). However, it is interesting to note that more men achieved first class degrees than women across all educational backgrounds. This is commensurate with results across most degree courses where more men than women achieve first class degrees, but more women achieve 2:1s and fewer are awarded 2:2s⁴.

2.1.5 Silk

One in nine barristers (11%) are a QC and a quarter (25%) have applied to be a QC at some point in their careers, making on average two to three applications each before achieving QC status. QC status is typically achieved after at least 20 years in the profession (just 4% of respondents with less than 22 years' Call had achieved QC status compared to 26% of those with 22 years' or more experience), so leaving aside age and experience the key variables that appear to be most strongly correlated with QC status are gender and educational background (school, university and class of degree – in particular the university attended). As shown, though, other factors will confound this analysis and small sub-sample sizes reduce the reliability of the analysis.

To control for different demographic profiles of barristers by length of experience, and looking only at QCs with 22 years' Call or more, men (30%) are twice as likely as women (15%) to have achieved QC status but only one in four (25%) of women has applied to become a QC compared to more than a half of men (53%).

When applying for Silk women are at least as successful as men (60% of women who applied for Silk achieved QC status compared to 57% of men) and

⁴ John T.E. Richardson (2007) *Degree attainment, ethnicity and gender: a literature review*, Institute of Educational Technology, The Open University. Published by the Higher Education Academy

indeed have, on average, made one less application than men to get there. However, the main gender difference is in propensity to apply for QC status as opposed to success or otherwise when applying; just 25 per cent of women applied for Silk compared to 53 per cent of men. This discrepancy between men and women in applying for Silk is apparent independent of the university and schooling attended. For example, 67 per cent of men who went to Oxbridge applied for Silk compared to 38 per cent of women. Among Russell/1994 Group graduates 44 per cent of men applied for Silk compared to 20 per cent of women. Finally, of those who went to fee-paying schools 25 per cent of women applied for Silk compared to 57 per cent of men; and of state school educated barristers 19 per cent of women applied compared to 38 per cent of men.

Taking this one step further, barristers' educational history is strongly correlated with the likelihood of applying for Silk and success when applying among men, but among women there is little or no correlation between type of school/university and propensity to apply for or obtain Silk. Similarly, there is correlation between class of degree and applying for and obtaining Silk, but again this is much stronger among male barristers than it is among female barristers.

It should be noted that some of this correlation is accounted for by more women working in the employed Bar, and barristers working in the

employed Bar are less likely to apply for Silk and be a QC. However, even taking the section of the Bar into account women are still less likely to apply for QC status.

Gender, educational background and class of degree are all correlated with the likelihood of barristers achieving QC status and it may be worth noting that of those male barristers responding to the survey who went to a fee-paying school, then Oxbridge, and attained a first class classification, 73 per cent are now QCs (n=26).

This survey found little additional correlation between Silk application and other demographic variables such as ethnicity, disability, and other caring responsibilities. And, interestingly, unlike in some areas of work where women are seeking higher level positions, there is little or no correlation among women by their marital status or whether or not they have dependent children, in Silk applications. However, it may be that this is partly down to sample sizes not allowing sufficiently detailed analysis – note should be taken here of the findings from the 2007 survey analysis of the self-employed Bar where a strong correlation between ethnicity and QC status was found, but as far as can be determined, year of Call and educational background had not been controlled for in this 2007 analysis.

Of those barristers who have applied for QC status but not been successful, 21 per cent say they intend to apply again within the next two years. There is little discernible

Table 2.4: Applying for and obtaining QC status by gender and university (percentages of those 22 years or more since called to the Bar)

| | Men | | | Women | | |
|--------------------------|----------|-------------------------|------------|----------|-------------------------|------------|
| | Oxbridge | 1994/Russell Group uni. | Other uni. | Oxbridge | 1994/Russell Group uni. | other uni. |
| Successful application | 50 | 25 | 17 | 32 | 15 | 8 |
| Unsuccessful application | 17 | 19 | 12 | 5 | 5 | 6 |
| Have not applied | 33 | 56 | 72 | 62 | 80 | 85 |
| Base N=100% | 226 | 275 | 131 | 37 | 114 | 48 |

Source: IES/ERL, 2011

Table 2.5: Applying for part-time judicial appointments and QC status (percentages of those with 13 years' Call experience)

| | QC | Not QC (applied) | Not QC (did not apply) | All respondents |
|---|------------|---------------------|------------------------------|---------------------|
| Successful judicial application | 61 | 32 | 15 | 25 |
| Unsuccessful judicial application | 18 | 32 | 25 | 24 |
| Have not applied for part-time judicial appointment | 21 | 36 | 60 | 5 |
| <i>Base N=100%</i> | <i>290</i> | <i>168</i> | <i>1,158</i> | <i>1,616</i> |

Source: IES/ERL, 2011

variation by any of the demographic variables, but the numbers of cases involved are too small for reliable analysis.

2.1.6 Judicial appointments

The questionnaire also sought information on judicial appointments (e.g. Recorder, Deputy District Judge, Tribunal Chair). Respondents were asked to indicate firstly whether or not they had ever applied for a part-time judicial appointment and then, if they had, whether or not they were successful and, if not, whether they intended to apply in the following two years.

A third (33%) of all respondents had applied for a part-time judicial appointment, of whom a half (49%) had been successful. Applying for judicial appointments is undertaken in the later stages of barristers' careers with 51 per cent of barristers with 22 years or more experience having applied, compared to 36 per cent of those with 13-21 years' Call, and six per cent of barristers with less than 13 years' Call.

So, again to ensure that demographically the analysis compares like with like, we only include those with more than 12 years' Call in the sample (although nevertheless age remains strongly correlated with likelihood of applying for judicial appointments, with 57 per cent of those aged 45 plus applying compared to 38 per cent of the under-45 age group). The most significant correlation with part-time judicial application behaviour is applying for and attaining QC status. Eight in ten barristers who have attained QC status also applied for a part-time

judicial appointment, compared to 61 per cent of those who had applied but were not successful, and 42 per cent of those who had not applied for Silk.

Similar to QC applications, respondents who went to Oxbridge and men (54% of each group) were more likely to have applied for part time judicial appointments. However, class of degree was inversely correlated with likelihood of applying for a part-time judicial appointment, in that fewer barristers with first class degrees had applied (40% compared to 51% of barristers with second or third class degrees).

Of those who applied for a part-time judicial appointment, half (51%) were successful. Applying for QC status (and success or otherwise) is the key determinant in whether or not barristers applied for, and were successful in, their part-time judicial applications.

Fewer BME barristers applied for (37%) and were successful in attaining (39%) a part-time judicial appointment compared to white barristers (51% of whom applied and 52% were successful).

Just under a third of barristers (again with 13 years or more experience), who had not applied for a part-time judicial appointment to date, intended to do so in the next two years. Here, younger barristers with less experience were more likely to indicate that they would apply (38% of those in their 30s and 40s, compared to 19% of those aged 50 plus, most of whom will have made a decision already whether or not they want to apply for the part-time judiciary).

One in ten (10%) barristers with 13 years' Call or more intend to apply for a full-time judicial appointment in the next two years. There is some evidence again of an inverse correlation with degree class in propensity to consider a full-time judicial application (7% of those with firsts compared to 10% of those with 2:1s, 11% of those with 2:2s and 13% of those with 3rds or passes at degree level), otherwise there was little variation by demographic variables.

2.2 Biographical differences between the employed and self-employed Bar

This section summarises the demographic and educational differences between barristers currently working in the employed and self-employed Bar. The main purpose of this summary is to inform the following two chapters. Here we have included barristers who indicated on the questionnaire they work in both parts of the Bar in each summary; however, where we analyse differences between the two parts of the Bar we use the database field⁵ for employed/self-employed Bar. Table 2.6 provides summary statistics for employed and self-employed barristers.

Perhaps the most important difference relating to the demographic makeup of the two groups is that many more women work in the employed Bar (49% of all barristers in the employed Bar are female) than is the case in the self-employed Bar (34%). It should be noted that in the self-employed Bar there has been an increase in the proportion of women practising, from 28 per cent in the 2007 survey of the self-employed Bar⁶ to 35 per cent in this survey.

Interestingly, there is a much steeper reduction in the number of women practising in the self-employed Bar than is the case in the employed Bar by time since Call. Among self-employed barristers in the first 12 years' Call,

⁵ This was taken from the Bar Council membership record as an indicator of which part of the Bar the respondent worked in.

⁶ Price D and Laybourne A (2010) op. cit. hereafter referred to in the text as the 2007 Bar wide survey.

Table 2.6: Biographical summary of employed and self-employed Bar

| | <i>Employed Bar</i> | <i>Self-employed Bar</i> |
|--|---------------------|--------------------------|
| Percentages/means | | |
| % female barristers | 49 | 34 |
| % under 45 | 52 | 55 |
| Average age | 43.5 years | 43.7 years |
| % single | 28 | 25 |
| % divorced/widowed/separated | 9 | 7 |
| % dependent children | 49 | 47 |
| % organise childcare (me) | 33 | 22 |
| % 3 months maternity/paternity leave | 19 | 12 |
| % 3 months career break | 18 | 12 |
| % adult care responsibility | 10 | 9 |
| % with long term health problem/disability | 6 | 4 |
| % Black and Minority Ethnic group | 13 | 9 |
| % no religious affiliation | 33 | 39 |
| % Christian | 59 | 53 |
| % gay/lesbian | 7 | 6 |
| Average time since Call | 17.6 years | 18.1 years |
| % qualified age 30 plus | 20 | 17 |
| % less than 8 years' Call | 16 | 21 |
| % fee-paying school | 31 | 47 |
| % fees covered by financial award | 27 | 25 |
| % Oxbridge | 16 | 34 |
| % Russell Group/1994 Group | 49 | 46 |
| % First Class degree | 8 | 18 |
| % 2:1 degree | 58 | 59 |
| % 2:2 | 32 | 21 |
| % QC | 6 | 13 |
| % not applied for QC | 90 | 71 |
| % part-time judiciary | 8 | 43 |
| % not applied for part-time judiciary | 76 | 29 |
| Base N=100% (based on gender responses) | 622 | 2,212 |

Source: IES/ERL, 2011

Table 2.7: Women at the Bar (percentages of women by years' Call)

| | <i>Self-employed Bar</i> | <i>Employed Bar</i> |
|--------------------------|--------------------------|---------------------|
| Under eight years' Call | 46 | 51 |
| eight-12 years' Call | 43 | 57 |
| 13-21 years' Call | 36 | 49 |
| 22 years plus since Call | 18 | 43 |
| <i>All barristers</i> | 34 | 49 |

Source: IES/ERL, 2011

46 per cent are women compared to 51 per cent among employed barristers. After 22 years' Call however, this figure reduced to just 18 per cent of the self-employed Bar but has fallen to only 43 per cent among the employed Bar. This suggests strongly that women are leaving the self-employed Bar in much larger numbers after about 20 years' Call than is the case at the employed Bar.

This key difference is strongly correlated with other results, for example the proportion of respondents in each group who organise their childcare and/or have taken career breaks, as discussed in the overall demographic summary.

The age distributions of each section of the Bar are more or less the same but there are more New Entrants and Young Bar among self-employed barristers. A

higher proportion of the employed Bar are from BME origins (13% compared to 9% of the self-employed Bar).

Comparing the results here for the self-employed Bar with data from the 2007 survey of the Bar, it is noticeable that among the respondents to this survey 61 per cent are white male barristers (compared to 65% in 2007), 5 per cent are BME male (7% in 2007), 30 per cent are white female (24% in 2007) and four per cent are BME female (4% in 2007). This implies that the main demographic change since 2007 in the demographic make up of the Bar is that there are more female practising barristers, but that the proportion of BME barristers remains largely unchanged since 2007.

Educational background is also a key difference between the self-employed and employed sections of the Bar, with twice as many, proportionally, in the self-employed Bar having been to Oxbridge (34% compared to 16%) and similarly twice as many having achieved first class degrees (18% compared to 8%). Nearly a half of the self-employed Bar (47%) went to a fee-paying school compared to less than a third (31%) of the employed Bar.

2.2.1 Silk in the employed and self-employed Bar

Across all respondents, six per cent of barristers in the employed Bar are QCs compared to 13 per cent in the self-employed Bar. However, among barristers with 22 years' Call or more, a third (32%) of the self-employed

Table 2.8 Applying for and obtaining QC status by gender and section of the Bar (percentages of those 22 years or more since called to the Bar)

| | <i>Men</i> | | <i>Women</i> | |
|--------------------------|----------------------|-----------------|----------------------|-----------------|
| | <i>Self employed</i> | <i>Employed</i> | <i>Self employed</i> | <i>Employed</i> |
| Successful application | 34 | 10 | 23 | 2 |
| Unsuccessful application | 26 | 5 | 15 | 3 |
| Have not applied | 40 | 85 | 62 | 95 |
| <i>Base N=100%</i> | 638 | 111 | 141 | 84 |

Source: IES/ERL, 2011

Table 2.9: University/school attended by section of the Bar (percentages)

| | <i>Self employed Bar</i> | <i>Employed Bar</i> | <i>All Barristers</i> |
|--|----------------------------------|-------------------------|---------------------------|
| State school/Oxbridge | 13 | 8 | 12 |
| State school/1994/Russell Group university | 27 | 34 | 28 |
| State school/other university | 14 | 28 | 17 |
| Fee-paying/Oxbridge | 21 | 8 | 19 |
| Fee-paying/1994/Russell Group | 19 | 16 | 19 |
| Fee-paying/other university | 6 | 7 | 6 |
| <i>Base N=100%</i> | <i>2,017</i> | <i>552</i> | <i>2,569</i> |

Source: IES/ERL, 2011

Bar are QCs and 56 per cent had applied for Silk, compared to seven per cent of the employed Bar being QCs and just 11 per cent applying.

Women are less inclined to apply for Silk than men, and this difference remains within each section of the Bar. Among the self-employed Bar just 38 per cent of women (22 years or more into their careers) had applied compared to 60 per cent of men; and only 23 per cent of women with 22 years' Call working in the self-employed Bar are QCs compared to 34 per cent of men. However, success rates are more or less the same between men and women when applying for QC status.

In the employed Bar just five per cent of women (with 22 years' Call) had applied to be a QC and two per cent were QCs at the time of the survey, compared to 15 per cent of men having applied and ten per cent being QCs⁷.

2.2.2 Applications to the Judiciary

In a similar vein to QC status, more self-employed Barristers with 22 years' Call or more apply for part-time judiciary appointments (71%) than Employed barristers (24%); and more are currently in part-time judicial appointments (43% compared to 8% of employed Barristers). Among QCs in the self-employed Bar with

22 years' Call, two thirds (67%) are in a part-time judicial appointment.

2.2.3 Educational profiles: employed and self-employed Bar

There are significant differences between the employed and self-employed Bar in their educational profiles. Higher proportions of self-employed barristers went to fee-paying schools (47% compared to 31% of employed barristers) and more than twice the proportion of self-employed barristers went to Oxbridge (34%) than was the case among employed barristers (16%). In addition to this, a higher proportion of self-employed barristers attained a first class degree (18% compared to 8% of employed barristers).

It is noticeable that even when gender and university are controlled (both of which are also correlated with degree class), barristers in the self-employed Bar are more likely to have first class degrees than barristers working in the employed Bar, and on average have a higher degree class.

2.3 Area of practice

To establish in which areas of practice barristers are predominantly engaged, the survey covered a series of

⁷ Sub sample numbers here are small, 84 women and 111 men having applied to be a QC in the employed Bar.

four questions aimed at identifying first which areas of work barristers were employed in for at least 20 per cent of their time, then, if more than one area, in which area they practise 'most' of their time, then whether or not this is their preferred area of work and finally if not, what would be their preferred area of work.

On average barristers work (*i.e.* spend 20% or more of their time) in two areas of practice. Criminal law is comfortably the main area of practice across both employed (45%) and self-employed barristers (31%). Even though a large proportion of barristers, again in both sectors of the Bar, practise in civil law, this does not form the main part of their practice. This is similarly the case in commercial, chancery, personal injury and public law. Where barristers indicated that they practise in family law, however, this is more likely to form their main area of practice. The vast

majority of barristers are working in their preferred area of practice (92%) with no difference between self-employed and employed barristers in likelihood of working their preferred area. In terms of main areas of practice, those barristers working in civil, landlord and tenant and immigration (18%), revenue (16%) and personal injury (14%), are all slightly less likely to be working in their preferred areas of practice.

The numbers are too small to establish any reliable patterns in what would be the preferred areas among this group of barristers who are not satisfied with their area of practice.

As far as it is possible to analyse with these high levels of satisfaction with preferred area of practice, there is little or no difference in response between the key demographic and work related variables discussed above.

Table 2.10: Area of practice (percentages, employed and self-employed Bar).

Main area of practice in brackets (where barristers spend MOST of their working time)

| Practice area | <i>Self employed Bar</i> | <i>Employed Bar</i> | <i>Whole Bar</i> |
|--------------------------|----------------------------------|-------------------------|----------------------|
| Criminal | 37 (31) | 52 (45) | 40 (34) |
| Civil | 36 (6) | 22 (5) | 33 (6) |
| Patent or IP | 1 (1) | 4 (2) | 2 (1) |
| Professional negligence | 10 (2) | 1 (1) | 8 (1) |
| Planning and environment | 3 (2) | 3 (2) | 3 (2) |
| Revenue | 3 (1) | 4 (3) | 3 (2) |
| International or EU | 4 (1) | 14 (4) | 6 (2) |
| Admiralty or shipping | 2 (1) | 1 (<1) | 2 (1) |
| Commercial | 17 (6) | 18 (11) | 17 (7) |
| Chancery | 15 (7) | 6 (1) | 13 (6) |
| Construction | 3 (1) | 2 (1) | 3 (1) |
| Personal injury | 19 (10) | 3 (1) | 15 (8) |
| Family | 21 (17) | 7 (2) | 18 (14) |
| Landlord and tenant | 10 (3) | 2 (1) | 8 (2) |
| Employment | 10 (5) | 10 (5) | 10 (5) |
| Public law | 11 (3) | 23 (12) | 14 (5) |
| Immigration | 4 (2) | 3 (1) | 4 (2) |
| Other area | 4 (2) | 7 (4) | 5 (2) |
| Base N= | 2205 (2190) | 598 (593) | 2803 (2783) |

Source: IES/ERL, 2011

Table 2.11: Demographic profiles of each area of practice (main practice, percentages, whole Bar)

| | Female | BME | Childcare responsibility | 1st | Oxbridge | Fee-paying school | Under 45 | QC | PT judiciary | Base N=100% |
|--------------------------|-----------|-----------|--------------------------|-----------|-----------|-------------------|-----------|-----------|--------------|-------------|
| Criminal | 37 | 9 | 45 | 6 | 15 | 35 | 53 | 10 | 15 | 953 |
| Civil | 27 | 12 | 42 | 19 | 38 | 46 | 55 | 9 | 19 | 173 |
| Patent or IP | 29 | 3 | 53 | 32 | 50 | 68 | 60 | 13 | 4 | 31 |
| Professional negligence | 35 | 3 | 60 | 21 | 63 | 51 | 44 | 16 | 20 | 37 |
| Planning and Environment | 19 | 2 | 40 | 26 | 43 | 37 | 39 | 23 | 18 | 47 |
| Revenue | 38 | 16 | 54 | 30 | 41 | 47 | 53 | 16 | 10 | 45 |
| International or EU | 36 | 13 | 40 | 42 | 47 | 48 | 59 | 16 | 4 | 50 |
| Admiralty or shipping | 41 | 14 | 41 | 64 | 67 | 71 | 64 | 32 | 19 | 22 |
| Commercial | 24 | 11 | 56 | 32 | 53 | 59 | 58 | 18 | 11 | 206 |
| Chancery | 20 | 3 | 52 | 29 | 60 | 61 | 51 | 15 | 24 | 155 |
| Construction | 41 | 13 | 42 | 20 | 44 | 48 | 42 | 31 | 31 | 32 |
| Personal injury | 21 | 5 | 58 | 10 | 36 | 50 | 56 | 12 | 22 | 227 |
| Family | 64 | 10 | 45 | 8 | 22 | 40 | 55 | 4 | 14 | 394 |
| Landlord and tenant | 38 | 15 | 45 | 14 | 31 | 43 | 61 | 1 | 11 | 68 |
| Employment | 40 | 18 | 44 | 17 | 35 | 41 | 69 | 6 | 15 | 128 |
| Public law | 43 | 12 | 53 | 31 | 41 | 38 | 69 | 16 | 9 | 133 |
| Immigration | 47 | 32 | 48 | 11 | 24 | 26 | 65 | 2 | 11 | 45 |
| Other | 30 | 7 | 55 | 11 | 42 | 41 | 27 | 20 | 38 | 54 |
| All barristers | 37 | 10 | 48 | 15 | 31 | 43 | 55 | 11 | 16 | 2800 |

Source: IES/ERL, 2011

Looking at the main area of practice for the whole Bar, there are some significant demographic differences in the profiles of each practice. The most striking difference is between criminal/family law and most of the other areas of practice. More women are employed in these two areas, and proportionally fewer barristers in criminal and family law went to fee-paying schools, Oxbridge or hold first class degrees. It should be noted, however, that these variables are correlated with each other, as shown.

For the remainder of this report we have grouped together some of the practice areas to ensure there are sufficient numbers of respondents in each

category, so that (separately for the employed and self-employed Bar) reliable analysis can be carried out on the data. These groups are formed as below and will be used where further analysis of main practice area is required:

- **Criminal,**
- **Civil,** including patent or IP, planning and environment, revenue, admiralty or shipping, construction, landlord and tenant, employment, public law and immigration,
- **Professional negligence and personal injury,**
- **Commercial and chancery,**
- **Family,**
- **International, EU and other.**

2.4 Chapter 2: Key points

This chapter has described the demographic and educational profile of the Bar. The main points to emerge from this analysis include:

Gender

Four in ten barristers are women (37%) and this number has been increasing over the last 30 years – with fewer women in the older age groups. However, after 12 years' Call it appears the number of women in the profession starts to decline, suggesting that from around this point, more women than men are leaving the profession.

The demographic profile of women is different to that of men:

- Fewer have dependent children (41%) compared to men (52%)
- Two thirds of women barristers take main responsibility for providing and organising childcare in their families, compared to just 4% of men
- Women are twice as likely as men to be single (38% compared to 19% of men)
- More women are divorced than men (in the 50 plus age group 17% of women are divorced compared to 7% of men)
- A third of women barristers have taken three months' maternity leave compared to two per cent of men taking three months' paternity leave
- Attrition of women is much higher in the self-employed Bar than in the employed Bar and this appears to take place mainly at around 20 years' Call

- The average age of barristers is 44
- One in ten barristers are from BME origins but this proportion appears not to have increased significantly, with similar proportions of BME barristers in different entry cohorts and age groups
- Thirteen per cent of the Bar have taken an extended career break (for reasons other than maternity/ paternity leave). Among barristers with adult caring responsibilities 23 per cent have taken a career break and 39 per cent of those with a disability (4% of all barristers) have taken a three month career break. It is also apparent that more barristers who are divorced, separated or widowed have taken a career break.

Educational background

There has been little change in the educational background of Barristers:

- The survey found 43 per cent of all barristers went to a fee-paying secondary school (more women (67%) than men and BME (65%) than white barristers went state schools)
- Thirty per cent of all barristers went to Oxbridge, 34 per cent to a Russell Group and 13 per cent to a 1994 Group university – just 14 per cent went to a university in the old polytechnic sector
- The main change is that slightly more barristers in the under 30 age group went to a state school/ Russell or 1994 Group university. This is partly linked to the increase in numbers of women, more of whom came through this route
- Commensurate with the wider population more male than female barristers obtained first class degrees but fewer 2:1s.

Silk

Obtaining QC status is the main indicator the survey has to measure career progression and achievement among barristers. The main findings are:

- 11 per cent of the Bar are QCs but this rises to 26 per cent among those with more than 21 years' Call with 21 years being the key period when QC status is achieved – few barristers have achieved QC status earlier
- Other than age and experience, gender and educational background are the two variables most strongly correlated with QC status
- Among those barristers with more than 21 years' Call, men (30%) are twice as likely as women (15%) to have obtained QC status
- However, the main reason for this is that women are much less likely to have applied for QC status (25% of all women compared to 53% of men with more than 21 years' Call); women who apply for QC status are equally likely to be successful in their application and, on average, will have made one less application
- Educational experience is strongly correlated with QC status among men but is not correlated with QC status among women.

Judicial appointments

- Approximately a half of all barristers with more than 21 years' Call applied for a part-time judicial appointment, of whom around a half were successful
- Whether or not barristers have applied and were successful in obtaining QC status is the main determinant in application behaviour and success in obtaining a part-time judicial appointment.

Self-employed and employed Bar

- The key differences between the employed and self-employed Bar are the relative number of women working in each sector and the educational profiles of barristers in each section
- Just under a half of barristers in the employed Bar are women (48%) compared to 34 per cent in the self-employed Bar
- Just 31 per cent of the employed Bar went to a fee-paying school compared to 47 per cent of the self-employed Bar and 16 per cent went to Oxbridge compared to 34 per cent in the self-employed Bar; more also obtained first class degrees in the self-employed Bar, although these factors are all correlated
- Proportionally, twice as many barristers in the self employed Bar are QCs (13%) compared to six per cent in the employed Bar
- Women are less likely to have applied for QC status in both the employed and self-employed Bar.

Area of practice

- Criminal practice accounts for one in three (34%) of all barristers' main area of practice; family law is the next largest practice area (14%) and the remainder are distributed across the other practice areas fairly evenly
- On average, barristers work in two different practice areas
- More women are employed in criminal and family law and proportionally fewer barristers in criminal and family law went to fee-paying schools, Oxbridge or hold first class degrees.

3 The employed Bar

Altogether, 622 people indicated that they work in the employed Bar (597 in employed practice only, 25 in both employed and self-employed practice). This represents almost one-quarter (22%) of survey respondents. This chapter describes the working lives of the employed Bar: career history, current position (workplace, workload, wider roles, income), and participation in CPD.

3.1 Career history

Some of the data relevant to this section, such as the length of careers to date (as measured by time since Call), and the demographic profile of employed barristers, have been covered in Chapter 2. This section summarises the career history of employed barristers, including how long they have spent working in different parts of the Bar, and looks at their current areas of practice and their demographic profile.

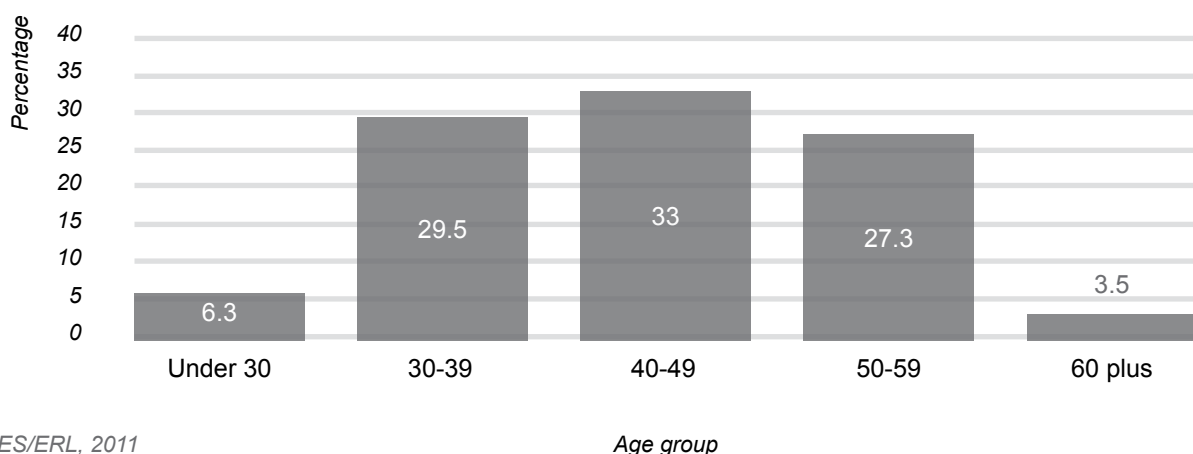
3.1.1 Career path

The age breakdown of the employed Bar (see Figure 3.1) shows that there are very few barristers in the youngest and oldest age groups. Almost a third (31%) are in their 50s or 60s and only six per cent are under 30. This suggests there might be a considerable loss of expertise over the next five to ten years as older barristers retire, with relatively few people at the younger end of the age spectrum coming through, over the long term, to replace them.

Table 3.1 shows how many years, on average, employed barristers have spent in their careers to date in different practice situations. The data should be treated with some caution, firstly because there is a lot of variation in barristers' responses, so the mean average is a somewhat crude measure; secondly because some barristers answered the year of Call question, but not the question relating to time spent in different situations; and thirdly because some barristers have had career breaks. Nevertheless, some inferences can be drawn:

- On average barristers in the employed Bar have spent about three quarters of their careers in employed Practice and a quarter in self-employed Practice.
- Female and BME barristers in the employed Bar have spent less of their time than male and white barristers in the self-employed Bar.
- Younger barristers in the employed Bar with low lengths of time since Call, seem to have spent very little time in the self-employed Bar, suggesting that they have opted for the employed Bar at the start of, or very early on in, their careers.
- By contrast older barristers in the employed Bar appear to have had, on average, several years of experience of the self-employed Bar.
- Very few barristers in the employed Bar have worked for any length of time as a sole practitioner.

Figure 3.1: Employed Bar: age breakdown (percentages)



Source: IES/ERL, 2011

Table 3.1: Employed Bar: Time (in years) since Call in different situations

| | <i>EP as pupil</i> | <i>EP as employee</i> | <i>Total EP</i> | <i>SEP as pupil</i> | <i>SEP as chambers tenant</i> | <i>SEP as sole practitioner</i> | <i>Total SEP</i> | <i>Total</i> |
|-------------------|--------------------|-----------------------|-----------------|---------------------|-------------------------------|---------------------------------|------------------|--------------|
| Gender: | | | | | | | | |
| male | 0.7 | 13.0 | 13.7 | 0.8 | 2.7 | 0.1 | 3.6 | 18.2 |
| female | 0.4 | 11.2 | 11.6 | 0.7 | 2.2 | 0.1 | 3.0 | 16.1 |
| Ethnicity: | | | | | | | | |
| white | 0.5 | 12.2 | 12.7 | 0.8 | 2.6 | 0.1 | 3.5 | 17.3 |
| BME | 0.5 | 11.7 | 12.2 | 0.6 | 1.5 | 0.1 | 2.2 | 16.4 |
| All employed | 0.5 | 12.1 | 12.7 | 0.8 | 2.4 | 0.1 | 3.3 | 17.2 |

Source: IES/ERL, 2011

3.1.2 Recent areas of practice

As shown in Chapter 2, most barristers working in the employed Bar are working in criminal practice (52% work for at least 20% of their time in criminal work and 45% specialise in criminal work as their main area of practice). After this, 12 per cent of the employed Bar work in public law as their main area of practice, and 11 per cent in commercial; no other area accounts for more than five per cent of the employed Bar. On average, employed barristers work in 1.8 areas, with a range of one to nine and a median value of one.

Using the conflated practice areas described in chapter 2, it is noticeable that more barristers in the employed Bar working in civil practice (27%) and commercial and chancery (19%) went to Oxbridge than is the case for those working in criminal practice (7%) and across the employed Bar as a whole (17%). In addition to this more barristers working in civil practice are aged under 45 (62%) than is the case across the whole employed Bar (53%) and in criminal practice (51%). A similar, albeit less marked, difference is apparent in terms of schooling and class of degrees. Other than this there was little difference within the employed Bar between demographic variables and areas of practice.

3.2 Current position

Here we look at the current position of barristers working in employed practice. This covers details of their workplace and employer, workload, income and current satisfaction.

3.2.1 Workplace

Several questions sought responses from barristers in the employed Bar on the type of employer they work for, whether or not their employer pays for their practising certificate and if they pay for their Member Services Fee (MSF).

Employer

The CPS is the largest employer within the employed Bar accounting for 29 per cent of all barristers responding to the question. The GLS accounts for 24 per cent of the employed Bar, elsewhere in the public sector 15 per cent, solicitors' firms 13 per cent and elsewhere in the private sector 16 per cent.

There is some variation in response by educational history of the employed Bar: barristers working in solicitors' firms (16%) and the GLS (13%) are more likely to hold first class degrees than those working for

the CPS (3%) and other private sector organisations (2%). Similarly (as the two variables are strongly correlated) higher proportions of barristers working for these two employers went to Oxbridge (23% and 29% respectively compared to 16% overall and 5% of barristers working for the CPS). Again, higher proportions of barristers in the CPS and solicitors' firms are aged under 45. Higher numbers of those working in solicitors' firms and elsewhere in the private sector went to fee-paying schools (42%) compared to 30 per cent overall.

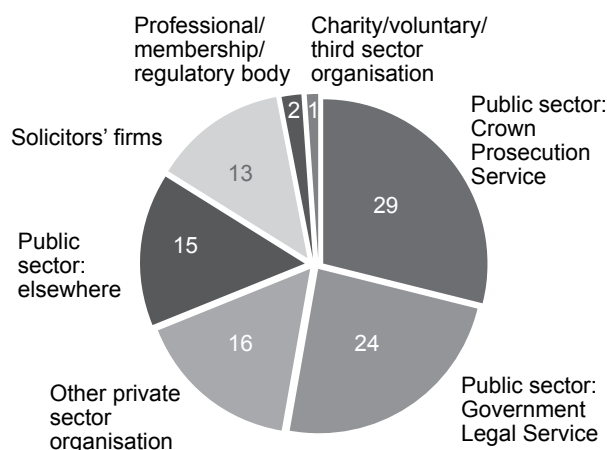
However, there is no significant difference in type of employer within the employed Bar by gender, ethnicity or other demographic variables.

Looking at area of practice, it is noticeable that commercial and chancery is practised predominantly in other private sector organisations (76%), criminal mainly in the CPS (64%) and civil in the GLS (49%).

Practising certificate and MSF

For nine in ten (90%) barristers in the employed Bar, their employer pays for their practising certificate in full, in a further three per cent of cases it is paid for in part, and for just six per cent of barristers their employers do not contribute at all. There is little discernible correlation by type of employer.

Figure 3.1: Employed Bar: age breakdown (percentages)



Source: IES/ERL, 2011

A third (36%) of the employed Bar pay the optional MSF. This varies significantly by type of employer. Barristers working in solicitors' firms and elsewhere in the private sector (66%) are much more likely to pay the optional fee than those working in the GLS (18%) and the CPS (12%). Just under a half of those working elsewhere in the public sector pay the MSF.

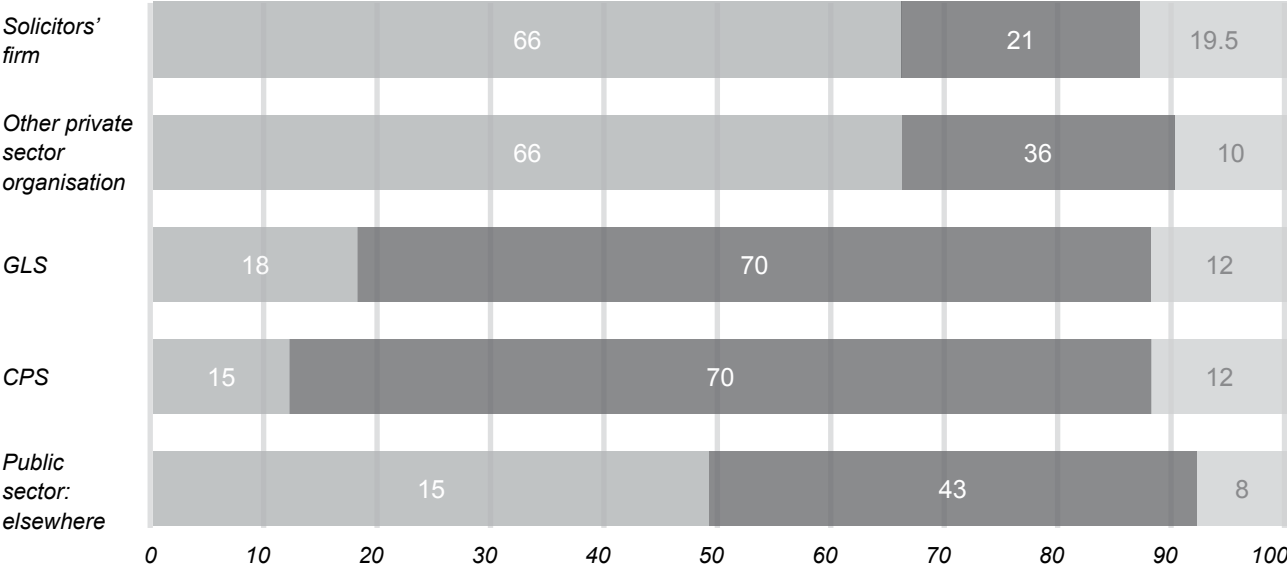
Table 3.2: Employer type by area of main practice area⁸ (percentages)

| Type of employer | Criminal | Civil | Commercial and chancery | International/EU and other | All employed practice |
|---------------------------|----------|-------|-------------------------|----------------------------|-----------------------|
| Solicitors' firm | 10 | 16 | 13 | 15 | 13 |
| Other private sector org. | 0 | 14 | 76 | 22 | 16 |
| GLS | 11 | 49 | 4 | 32 | 24 |
| CPS | 64 | 1 | 0 | 0 | 29 |
| Other public sector | 15 | 15 | 0 | 24 | 14 |
| Base N=(approx.) | 262 | 179 | 68 | 41 | 573 |

Source: IES/ERL, 2011

⁸ Professional negligence/personal injury and family contained too few cases (n<20).

Figure 3.2: Paying for optional Member Services Fee: employed practice only (percentages)



Source: IES/ERL, 2011

■ Yes ■ No ■ Don't know

Table 3.3: Paying the optional MSF fee by area of main practice area (percentages)

| | Criminal | Civil | Commercial and chancery | International/EU and other | All employed practice |
|------------------|----------|-------|-------------------------|----------------------------|-----------------------|
| Yes | 20 | 44 | 69 | 41 | 36 |
| No | 67 | 45 | 21 | 54 | 53 |
| Don't know | 13 | 10 | 10 | 5 | 11 |
| Base N=(approx.) | 262 | 179 | 68 | 41 | 573 |

Source: IES/ERL, 2011

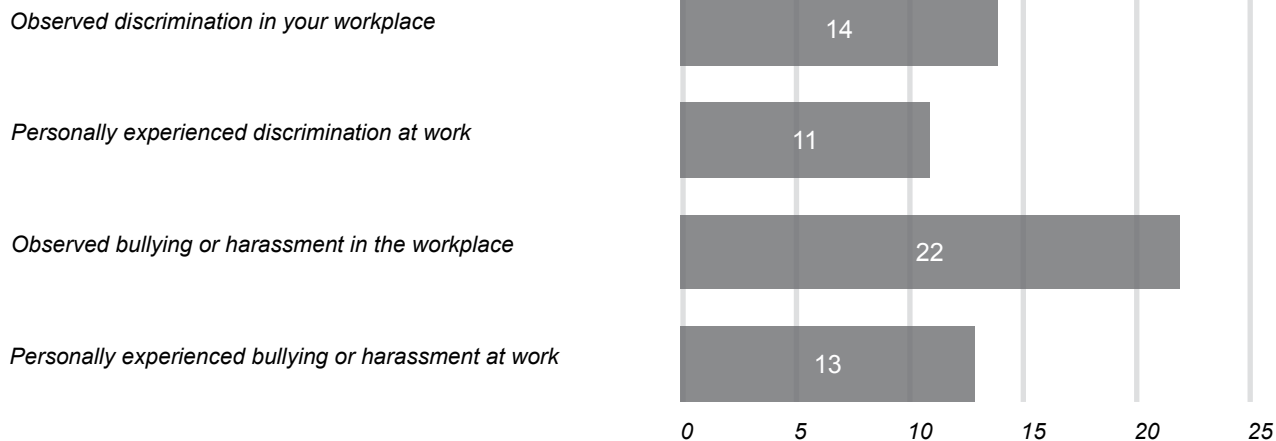
In addition, and this applies generally across all types of employer, approximately twice as many full time employed barristers pay the MSF (39%) as do part time barristers (20%).

Again there is significant variation in whether or not barristers pay the MSF by area of practice, although this is of course linked to the type of employer. Two thirds (69%) of barristers practising in commercial and chancery law pay the fee compared to just one in five (20%) of those working in criminal and around four in ten from other areas of practice.

Policies and procedures

In employed practice most employers have policies/procedures on most of the work related issues listed in the questionnaire. All but four per cent of respondents indicated that they have policies on equal opportunities and maternity/paternity leave and between 87 and 89 per cent said they have flexible working/work-life balance policies/procedures, return to work and reasonable adjustments policies in place.

Figure 3.3: Bullying, harassment and discrimination in the workplace: employed practice only (percentages)



Source: IES/ERL, 2011

The only type of employer where these policies/procedure were less evident was solicitors' firms where 81 per cent of barristers reported that they had equal opportunities policies, 79 per cent maternity/paternity leave, 64 per cent reasonable adjustments policies/procedures, 61 per cent return to work after long term absence policies and 50 per cent flexible working/work-life balance policies/procedures. Interestingly this disparity between solicitors' firms and other types of employer was more about respondents 'not knowing' whether or not there was a policy in place. Around one in four barristers working for solicitors' firms answered they did not know, compared to between five and ten per cent of those working for other employers.

Across most employer types (solicitors' firms being the exception) more respondents indicated that there were policies/procedures on each theme than was the case among barristers in the self-employed Bar.

Bullying, harassment and discrimination

One in five (22%) of barristers working in employed practice report that they have observed bullying and

harassment in the workplace and 13 per cent say they have personally experienced it, in the two years prior to the survey. Also, 14 per cent say they have observed discrimination⁹ and 11 per cent say they have personally experienced discrimination (Figure 3.3). There is little or no correlation with type of employer in likelihood of having witnessed or experienced bullying and harassment or discrimination.

However, looking at personal experience of bullying and harassment and discrimination, there is significant variation by disability and gender, while more BME barristers report experiencing discrimination.

- **Gender:** one in five women (18%) report having experienced bullying and harassment at work compared to eight per cent of men, and 15 per cent say they have experienced discrimination at work compared to seven per cent of men. Women are also more likely say they have witnessed bullying and harassment (28% compared to 16% of men) and discrimination at work (17% compared to 10% of men).

⁹ The questionnaire did not define 'discrimination'.

- **Disability:** the numbers of respondents here are small but nevertheless significant in that a third (32%) of barristers who report having a long term health problem or disability (lasting a year or more) say they have experienced bullying and harassment and the same proportion report personally experiencing discrimination (33%), compared to just nine per cent of the remainder of the employed Bar. In both cases, barristers with a disability are more likely to report having observed bullying and harassment (43%) and discrimination (36%) too.
- **Ethnicity:** there was no significant variation by ethnicity in numbers reporting having experienced or observed bullying and harassment, but twice the proportion of BME barristers in employed practice report having personally experienced discrimination (20% compared to 9% of white barristers).

Other than these variables there was no significant difference in views between sub groups of barristers working in employed practice. However, reports of bullying, harassment and discrimination are significantly more prevalent in the employed than in the self-employed Bar. Proportionally, around twice as many barristers in the employed Bar indicated they had experienced or witnessed bullying, harassment and discrimination. And looking at the Bar as a whole, whether barristers are in the employed or self-employed Bar explains most of the variation in reported incidence of bullying, harassment and discrimination.

Pupillages

One in five (19%) barristers working in the employed Bar indicated that their workplace currently offers pupillages. In the GLS this proportion rises to 55 per cent but in the CPS only ten per cent of barristers indicated that their workplace offers pupillages. In solicitors' firms it is 11 per cent, elsewhere in the public sector seven per cent and in other private sector organisations just one per cent said their workplace offers pupillages.

Rights of audience

Nearly two thirds (61%) of all employed barristers report that they have 'full rights of audience', a further 16 per cent told us they have rights of audience in the lower courts only, and 11 per cent said they have no current entitlement to exercise rights of audience (12% did not know). Again, the main factor influencing whether or not respondents have rights of audience is where they work.

Nine in ten (93%) barristers working in solicitors' firms have full rights of audience, compared to 56 per cent of those in the GLS and 71 per cent of CPS barristers. A third (32%) of those working in 'other private sector' organisations do not know the rights of audience that they have.

Younger barristers (*i.e.* those under 45) are more likely to be entitled to exercise full rights of audience, but

Table 3.4: Rights of audience: (percentages indicating 'Yes'/'Maybe')

| Rights of audience: | <i>Solicitors' firms</i> | <i>GLS</i> | <i>CPS</i> | <i>Other private sector</i> | <i>Other public sector</i> | <i>All employed practice</i> |
|---|--------------------------|------------|------------|-----------------------------|----------------------------|------------------------------|
| Full rights of audience | 93 | 56 | 71 | 29 | 55 | 61 |
| Rights of audience in lower courts only | 3 | 15 | 27 | 11 | 12 | 16 |
| No entitlement to exercise rights of audience | 3 | 10 | 2 | 29 | 22 | 12 |
| Don't know | 1 | 19 | 1 | 32 | 11 | 12 |
| <i>Base N=100%</i> | <i>71</i> | <i>135</i> | <i>163</i> | <i>91</i> | <i>83</i> | <i>564</i> |

Source: IES/ERL, 2011

Table 3.5: Mode of working by main practice area (percentages)

| Mode of working | <i>Criminal</i> | <i>Civil</i> | <i>Commercial and chancery</i> | <i>International/ EU and other</i> | <i>All employed practice</i> |
|-------------------------|-----------------|--------------|--------------------------------|------------------------------------|------------------------------|
| Full time | 85 | 86 | 91 | 88 | 85 |
| Part time | 15 | 14 | 9 | 12 | 15 |
| <i>Base N=(approx.)</i> | 262 | 179 | 68 | 41 | 573 |

Source: IES/ERL, 2011

this is largely as a result of more of the younger group working in solicitors' firms.

3.2.2 Workload

This section looks at working hours, mode of working, workload and holidays taken among barristers in the employed Bar.

Full- and part-time working

Approximately one in six (15%) of the employed Bar work part time. Part-time working is more apparent in the public sector: 20 per cent of those working for the GLS, 14 per cent in the CPS, and 17 per cent working elsewhere in the public sector are part time, but only nine per cent of those working for solicitors' firms or elsewhere in the private sector.

Women (27%), those with children (22%) and those with adult care responsibilities (27%) are all more likely to work part time in the employed Bar. Among female barristers in employed practice with dependent children, the proportion who work part time rises to 45 per cent, while only one per cent of men in the same situation work part time. Eight per cent of women without children work part time compared to seven per cent of men.

Interestingly, the likelihood of women with dependent children working part time is not related to who organises childcare. Where the woman organises childcare herself, 45 per cent work part time, where someone else organises it 46 per cent still work part time, and where it is equally shared 47 per cent work

part time. For men there is no correlation with division of childcare responsibility and working part time.

Typical weekly hours

Barristers in the employed Bar working full time work an average (mean) of 46 hours per week while those working part time work an average of 29 hours per week. Controlling for mode of working, barristers working full time in solicitors' firms work the longest hours (mean average of 51 hours) compared to 46 hours on average in the CPS and 43 hours in the GLS. Elsewhere in the private sector barristers work an average of 48 hours and elsewhere in the public sector 44 hours per week.

The numbers working part time are too small to allow analysis by type of employer.

Workload changes

Two questions in the survey assessed workload changes. First, respondents were asked whether or not their workload had 'changed much over the last year' and then if they responded positively a supplementary question asked whether it had increased or decreased.

Overall, more than a third (37%) said their workload had increased in the last year and 60 per cent said it had not changed. Most of those reporting a change in workload are employed in criminal practice with nearly a half (46%) saying that their workload had changed and of these 54 per cent said their current workload is 'somewhat' more than previously while a further third (34%) said it was 'substantially' more than previously.

Across all barristers in employed practice, 82 per cent of those indicating a change in workload said that their workload had increased with just 18 per cent reporting a decrease in workload. These figures are very different to those reported by the self-employed Bar, where most respondents indicated a decrease in workload in the previous 12 months.

Looking at employer type, barristers working in the CPS (46%), solicitors' firms (41%) and elsewhere in the public sector (47%) are most likely to report a change in workload over the last year, and in most cases these changes represent an increase in workload compared to previously.

There was no discernible variation in workload changes by the key demographic and educational background variables.

Holidays

Across the whole employed Bar barristers took on average 25 days' holiday in the last full working

year. There was some variation here by type of employer (ranging from 23 days among barristers working in solicitors' firms to 27 days among those working in the CPS) but not by the key demographic variables.

3.2.3 Wider roles

A series of questions sought information from respondents on whether or not they hold dual qualifications and their views on new working arrangements.

Dual qualifications

Just four per cent of barristers in the employed Bar hold a dual qualification and of those that do not hold one currently just two per cent anticipate pursuing one in the next two years. The numbers here are too small to allow any more detailed analysis of the sample. There is no difference here in the proportion of barristers holding or intending to pursue a dual qualification between the employed and self-employed Bar.

Table 3.6: Changes in workload over the last year (percentages)

| Change in workload in last year: | <i>Criminal</i> | <i>Civil</i> | <i>Commercial and chancery</i> | <i>International/EU and other</i> | <i>All employed practice</i> |
|---|-----------------|--------------|--------------------------------|-----------------------------------|------------------------------|
| Yes | 46 | 32 | 21 | 23 | 37 |
| No | 53 | 64 | 79 | 72 | 60 |
| Not applicable (new starter/ career break) | 1 | 4 | 0 | 5 | 2 |
| <i>Base N=100%</i> | 265 | 184 | 71 | 43 | 587 |
| Current workload is...: | | | | | |
| Substantially less than previously | 4 | 8 | 11 | 0 | 6 |
| Somewhat less than previously | 9 | 13 | 22 | 20 | 12 |
| Somewhat more than previously | 54 | 50 | 44 | 40 | 51 |
| Substantially more than previously | 34 | 29 | 22 | 40 | 31 |
| <i>Base N=100%</i> | 125 | 62 | 18 | 10 | 230 |

Source: IES/ERL, 2011

Dual capacity

Five per cent of the employed Bar are registered with the BSB to practise in a dual (both employed and self-employed) capacity (whereas only one per cent of the self-employed Bar indicated that they are registered to act in a dual capacity).

New working arrangements

Barristers were asked to indicate whether or not they would consider working in a BOE, LDP and ABS. Across all three approximately one in five employed practice barristers indicated they would, with approximately a third saying they might consider these new working arrangements. Figure 3.4 summarises the data for employed practice.

The main factor correlated with the way employed barristers responded to the possibility of these new working arrangements was whether or not they worked in solicitors' firms. In particular this was the case when considering LDPs and ABSs where, proportionally, twice as many barristers working in solicitors' firms responded positively as was the case across the whole employed Bar. More also said they would 'maybe' consider one of these arrangements in the next two years.

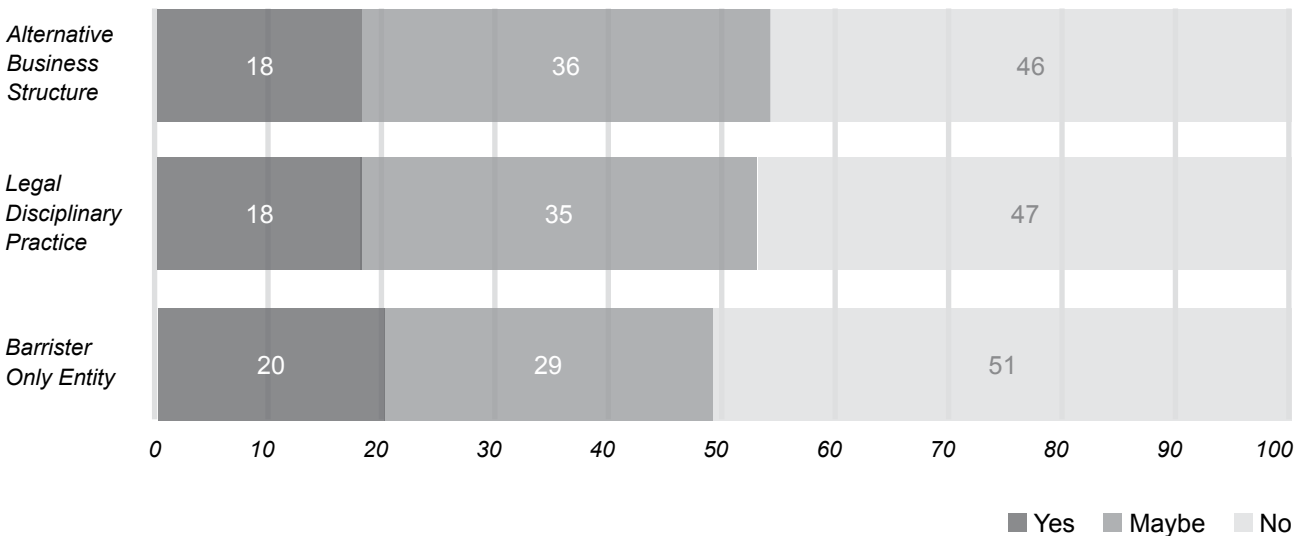
There was little variation by area of practice, apart from more barristers working in civil and commercial/chancery practice saying they would consider ABSs (24% and 23% respectively). Finally, there was no difference by gender and other demographic variables.

3.2.4 Income

Approximately half (51%) of all employed barristers told us that their income had remained about the same over the last two years (Figure 3.5). One in nine (11%) said it had decreased (8% said somewhat and 3% substantially). Nine per cent said that their income had increased substantially and 28 per cent said it had increased somewhat.

Again, the major factors influencing this were type of employer and, to a lesser extent, area of practice. Table 3.8 summarises these data for type of employer. Fewer barristers working in the public sector (CPS and GLS and elsewhere) reported that their income/salary had increased when compared to those working in solicitors' firms and other private sector organisations. This suggests that many employed barristers working in the private sector have not suffered markedly from the economic recession – although 15 per cent of those working in solicitors' firms reported a decrease.

Figure 3.4: New working arrangements: employed practice only (percentages considering each)



Source: IES/ERL, 2011

Table 3.7: New working arrangements: (percentages indicating 'Yes'/'Maybe')

| Consider working in: | <i>Solicitors' firms</i> | <i>GLS</i> | <i>CPS</i> | <i>Other private sector</i> | <i>Other public sector</i> | <i>All employed practice</i> |
|--------------------------------|--------------------------|------------|------------|-----------------------------|----------------------------|------------------------------|
| Barrister Only Entity | 29/32 | 13/32 | 21/25 | 13/30 | 23/30 | 19/30 |
| Legal Disciplinary Practice | 35/52 | 14/34 | 11/27 | 16/33 | 21/35 | 17/35 |
| Alternative Business Structure | 36/48 | 12/35 | 9/29 | 26/38 | 21/30 | 18/36 |
| <i>Base N=100%</i> | <i>69</i> | <i>130</i> | <i>150</i> | <i>90</i> | <i>76</i> | <i>534</i> |

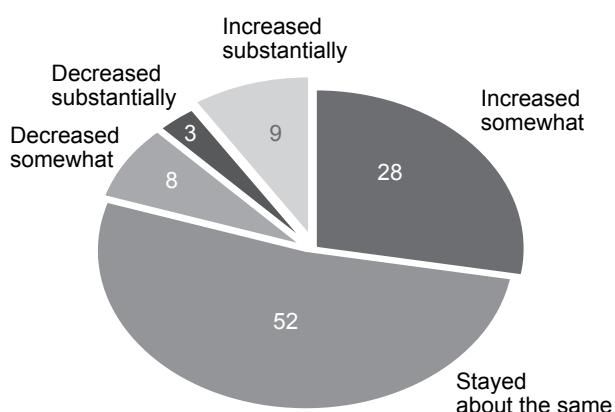
Source: IES/ERL, 2011

Table 3.8: Changes in income over the past two years: employed practice (percentages)

| Change in income in last two years: | <i>Solicitors' firms</i> | <i>GLS</i> | <i>CPS</i> | <i>Other private sector</i> | <i>Other public sector</i> | <i>All employed practice</i> |
|--|--------------------------|------------|------------|-----------------------------|----------------------------|------------------------------|
| Increased | 51 | 29 | 32 | 13/30 | 24 | 37 |
| Stayed about same | 33 | 56 | 57 | 16/33 | 68 | 51 |
| Decreased | 15 | 15 | 11 | 26/38 | 8 | 11 |
| <i>Base N=100%</i> | <i>72</i> | <i>136</i> | <i>164</i> | <i>90</i> | <i>84</i> | <i>568</i> |

Source: IES/ERL, 2011

Figure 3.5: Change in income/salary over last two years: employed practice only (percentages)



Source: IES/ERL, 2011

Considering area of practice, the most notable finding was that 59 per cent of barristers working in commercial and chancery practice said their income/salary had increased and just four per cent said it had decreased in the previous two years. This compares to equivalent figures of 32 per cent and 12 per cent among barristers working in criminal practice.

3.2.5 Why work in the employed Bar?

Barristers working in employed practice were asked to give three reasons as to why they opted to work in this section of the Bar. Their free text responses were then coded into themes. Respondents were then asked to indicate how satisfied they are with their current work situation and their intentions for the following two years.

The top reasons for working in employed practice are given in the table on p38, showing the proportion who mentioned the reason at all and the proportion who mentioned it as the first, most important reason. Financial security was mentioned by 40 per cent of all barristers working in the employed Bar. This theme included issues around the certainty and reliability of a flow of work and income, and having a fixed and regular salary. Linked to financial and income security was job security, security of tenure and stability in employment, which was mentioned additionally by 27 per cent of employed barristers.

Table 3.9: Reasons for working in the employed Bar: (percentages)

| Consider working in: | Mentioned | First |
|--|------------------|--------------|
| Financial security/certainty of work/income/fixed salary/regular income (e.g. for mortgage) | 40 | 16 |
| Work-life balance/family responsibilities | 27 | 13 |
| Job security/security of tenure/stability | 24 | 10 |
| Preferred area or type of work/degree of control over work/opportunity to specialise | 23 | 10 |
| Terms and conditions/employment rights (pension/sick pay/maternity/paid holidays etc) | 22 | 1 |
| Standard/quality/variety/challenge of work/new challenge/opportunity to gain experience | 21 | 6 |
| Working hours (reduced/part time working availability)/flexibility | 14 | 4 |
| Availability of pupillages/tenancies/seat in chambers | 12 | 9 |
| Career/work opportunities/interesting job offer or promotion arose/job availability | 9 | 4 |
| Higher income/pay/favourable salary package vs SE (inc. benefits minus high overheads of SE) | 8 | 2 |
| Better location/single location/improved travel/less or no commuting | 7 | 1 |
| Qualified in employed practice/employer sponsored education (pupillage) /first job/first offer | 5 | 4 |
| Didn't enjoy chambers structure/SEB culture/practice/work allocation/clerks/pupillage | 5 | 2 |
| Past or previous employment or experience/better fit for temperament/personality | 5 | 2 |
| Defined career structure/career progression opportunities/professional development/ training quality | 4 | 0 |
| Public service ethos/lack of public service law work at SEB/prefer public service/ tackling social injustice | 4 | 1 |
| Job satisfaction | 3 | 1 |
| Team working/working with people from diff backgrounds/collaborative ethos/support | 3 | 1 |
| Regularity of work/routine nature of work/working conditions | 3 | 0 |
| Cost of pupillage/tenancy/chambers rent | 3 | 2 |
| Discrimination/problems with background/race at SEB/equal opportunities/more meritocratic | 3 | 1 |
| Could not afford self-employed Bar | 2 | 1 |
| Alternative/change of career/change of environment (culture/working conditions) | 2 | 1 |
| Burnout/stress in SEB/less stress | 2 | 1 |
| Work in business/non-legal organisation/preferred over private | 2 | 1 |
| Client contact/face-to-face/direct client access | 1 | 1 |
| Returning to work after a (long) break/after illness/after looking after dependants | 1 | 1 |
| Specific circumstances | 1 | 1 |
| Base N= no. of cases | 564 | |

Source: IES/ERL, 2011

One in four (23%) also highlighted reasons associated with the area of practice, their ability to specialise in the preferred work area and flexibility and control over their work. Linked to this and mentioned by one in five respondents (21%) was the standard, quality, variety and challenge of the work undertaken.

Work-life balance and having family responsibilities was cited by 27 per cent of respondents and, in a similar vein, 14 per cent mentioned working hours issues (*i.e.* regular/reduced working hours (part time working and availability of flexible working patterns). Also linked to this is the availability of better terms and conditions, pension, maternity leave and holidays and sick pay etc.

One in eight (12%) also mentioned the availability of pupillages, tenancies and seats in chambers. It should be noted that BME respondents (23%) were twice as likely as white respondents (11%) to cite the availability of pupillages as a reason why they opted for the employed Bar.

Women, especially if they were primarily responsible for childcare arrangements, were more likely to cite working hours, work-life balance and terms and conditions of employment than men, while men were more likely to cite variety/challenge of work.

3.3 CPD

The final section in this chapter covers responses to a series of questions concerning CPD. This included: whether or not barristers in the employed Bar had a 'champion' (someone who takes an active role in their career, providing advice and guidance etc.); the degree to which respondents felt that the CPD they have undertaken has enhanced their professional development; whether any time has been spent learning about aspects of working life not related to legal practice *i.e.* business management, IT etc.; and finally who pays for barristers' CPD.

Having a champion

Eight per cent said they had a champion now, while 15 per cent had had one in the past and three quarters (77%) of respondents have not had a champion at all.

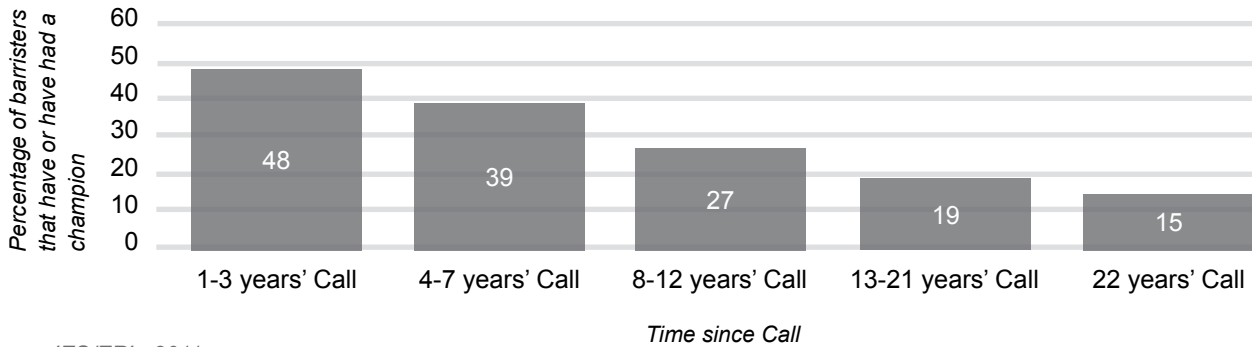
Whether or not barristers currently have, or have had in the past, a champion is strongly correlated with the length of time since they were called to the Bar. Younger barristers are more likely to have, or have had a champion (42%), while

Table 3.10: Reasons for working in the employed Bar, main themes by gender: (percentages multiple response)

| | Men | Women |
|--|------------|------------|
| Financial security/certainty of work/income/fixed salary/regular income | 39 | 41 |
| Work-life balance/family responsibilities | 22 | 33 |
| Job security/security of tenure/stability | 24 | 24 |
| Preferred area or type of work/degree of control over work/opportunity to specialise | 23 | 23 |
| Terms and conditions/employment rights (pension/sick pay/maternity/paid holidays) | 17 | 28 |
| Standard/quality/variety/challenge of work/opportunity to gain experience | 26 | 16 |
| Working hours (reduced/part-time working availability)/flexibility | 8 | 19 |
| Availability of pupillages/tenancies/seat in chambers | 15 | 10 |
| Career/work opportunities/interesting job offer or promotion arose/job availability | 10 | 7 |
| Higher income/pay/favourable salary package (inc. benefits minus high overheads of SE) | 10 | 6 |
| Base N= no. of cases | 281 | 284 |

Source: IES/ERL, 2011

Figure 3.6: Barristers in employed Bar who have (or have had) a champion: employed practice only (percentages)



Source: IES/ERL, 2011

among older barristers (22 years' or more Call) a champion was comparatively rare (85% said they had not had a champion). Figure 3.6 shows the relationship between years' Call and whether or not barristers in the employed bar have had, or currently have, a champion.

Where barristers have, or have had, had a champion, one in four (23%) said it was their pupil master/supervisor, 19 per cent said that it was their line manager or other senior manager at their workplace and 17 per cent said it was a colleague or other barrister.

Impact of CPD

Thirteen per cent thought that the CPD they had undertaken over the past two years had enhanced their professional development 'to a great extent', 72 per cent 'to some extent', and 15 per cent 'not at all'. This is notably more positive than in the self-employed Bar, where only six per cent opted for 'to a great extent' and 34 per cent said 'not at all'. There was very little to differentiate between barristers in employed practice in relation to their responses to this question, either in terms of the employment situation or their demographic characteristics.

Non-legal practice CPD

Two thirds (66%) of the employed Bar said that they had spent some time learning about things not specifically related to areas of legal practice.

More than 80 per cent of those with a main practice area of civil, planning and environment, and revenue and commercial had spent time learning about non-legal aspects such as business administration or people management. In the biggest area, criminal, the figure was 54 per cent of barristers engaging in non-legal CPD.

Barristers working for professional/membership/regulatory bodies, the private sector (outside solicitors' offices) and the GLS were most likely to have had this type of CPD, while those in the CPS were least likely.

Although linked to the above it is worth noting as well that barristers working in civil (79%) and commercial/chancery (84%) law were most likely to have undertaken non-legal practice CPD and those working in criminal law least likely (54%).

Paying for CPD

Only seven per cent of respondents paid for all their CPD; 11 per cent paid some, while 82 per cent said that their employer paid it all. Again, the most significant relationship between likelihood of respondents paying for CPD themselves is with employer: solicitors' firms are least likely to pay for all the CPD (75%), while the GLS is most likely to (94%).

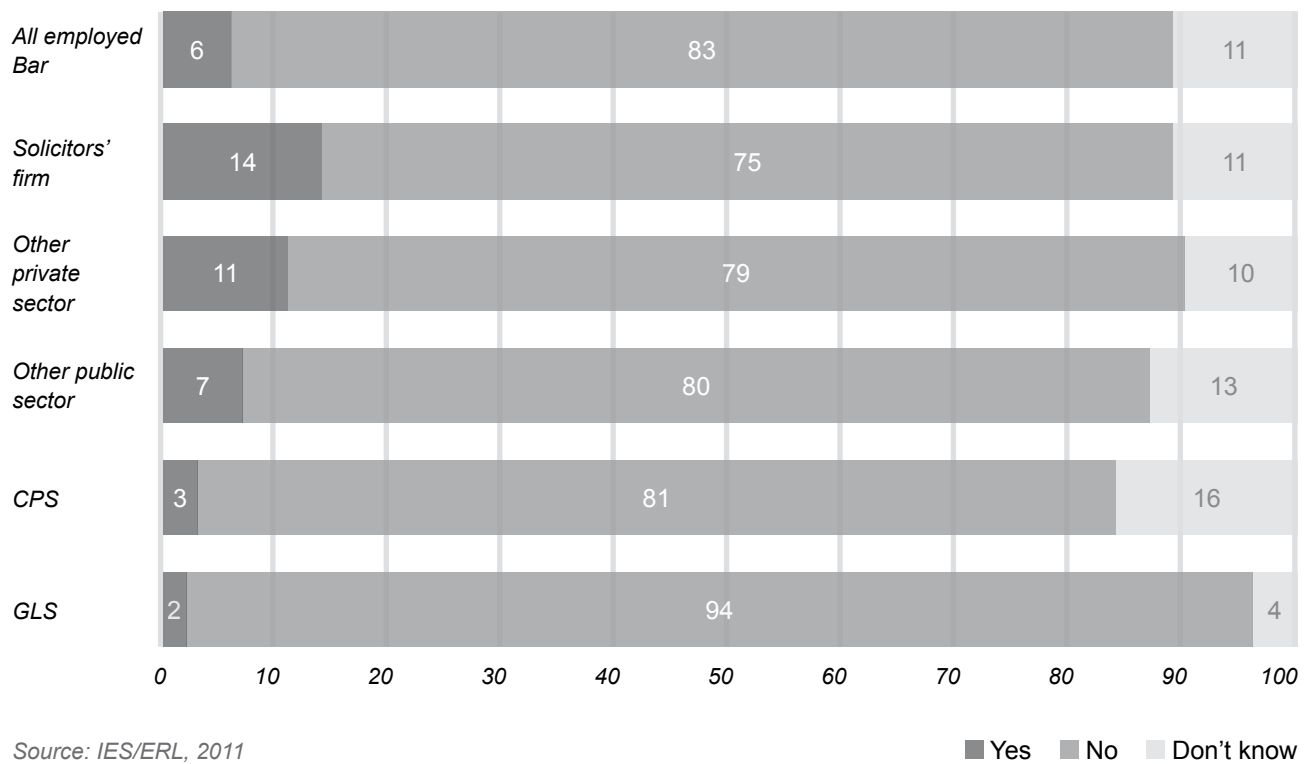
There is little variation in likelihood of CPD being paid in full or in part by practice area.

Figure 3.7: Non-legal CPD by type of employer: employed practice only (percentages)



Source: IES/ERL, 2011

Figure 3.8: Who pays for CPD? By type of employer: employed practice only (percentages)



Source: IES/ERL, 2011

■ Yes ■ No ■ Don't know

3.4 Chapter 3: Key points

This chapter has summarised the working lives experiences of the employed Bar. The main points to emerge from this analysis include:

Employer

- The Crown Prosecution Service (CPS) is the largest employer within the employed Bar accounting for 29 per cent of all barristers responding to the question, the Government Legal Service (GLS) accounts for 24 per cent of the employed Bar, elsewhere in the public sector 15 per cent, solicitors' firms 13 per cent and elsewhere in the private sector 16 per cent
- Type of employer accounted for much of the variation in barristers' responses within the employed Bar.

Practising certificates and MSF

- For nine in ten (90%) barristers in the employed Bar their employer pays for their practising certificate in full, in a further three per cent of cases it is paid for in part and for just six per cent of barristers their employers do not contribute at all
- A third (36%) of the employed Bar pay the optional Member Services Fee (MSF). This varies significantly by type of employer
- In employed practice most employers have policies/procedures on most of the work related issues covered in the survey.

Pupillages

- One in five (19%) barristers working in the employed Bar indicated that their workplace currently offers pupillages; in the GLS this proportion rises to 55 per cent but in the CPS only 10 per cent and in solicitors' firms it is 11 per cent.

Rights of audience

- Nearly two thirds (61%) of all employed barristers report that they have 'full rights of audience', a further 16 per cent told us they have rights of audience in the lower courts only, 11 per cent said they have no

current entitlement to exercise rights of audience (12% did not know); the main factor influencing whether or not respondents have rights of audience is where they work.

Working part time and workload

- Just 15 per cent of the employed Bar work part-time
- Women (27%), those with children (22%) and those with adult care responsibilities (27%) are all more likely to work part time in the employed Bar; among female barristers in employed practice with dependent children, the proportion who work part time rises to 45 per cent while just one per cent of men in the same situation work part time
- Overall, more than a third (37%) said their workload had increased in the last year and 60 per cent said it had not changed; most of those reporting a change in workload are employed in criminal practice.

Income

- Approximately a half of all employed practice barristers told us that their income had remained about the same over the last two years.

Why work in the employed Bar?

- Women, especially if they were primarily responsible for childcare arrangements, were more likely to cite working hours, work-life balance and terms and conditions of employment than men, while men were more likely to cite variety/ challenge of work.

Champions and CPD

- Whether or not barristers currently have, or have had in the past, a champion is strongly correlated with the length of time since they were called to the Bar
- Thirteen per cent thought that the CPD they had undertaken over the past two years had enhanced their professional development 'to a great extent', 72 per cent 'to some extent', and 15 per cent 'not at all'
- Only seven per cent of respondents paid for all their CPD; 11 per cent paid some, while for 82 per cent, their employer paid it all.

4 The self-employed Bar

Altogether, 2,214 people indicated that they work in the self-employed Bar (2,189 in self-employed practice only, 25 in both self-employed and employed practice). This represents over three-quarters (78 per cent) of survey respondents. Using more or less the same structure as for Chapter 3 this chapter describes the working lives of the self-employed Bar: career history, current position (workplace, workload, wider roles, income), and participation in CPD.

4.1 Career history

Some of the data relevant to this section, such as the length of careers to date (as measured by time since Call) and the demographic profile of the self-employed Bar, have been covered in Chapter 2. This section summarises the career history of self-employed barristers, including how long they have spent working in different parts of the Bar, and looks at the current areas of practice of the self-employed Bar, chambers' structures, workload and income, CPD and interest in new forms of working arrangements.

4.1.1 Career path

On average, the time since Call for self-employed barristers is 17.9 years. This is notably longer for men (19.9 years) than women (14.1 years), and for white barristers (18.3 years) than those in BME groups (14.9).

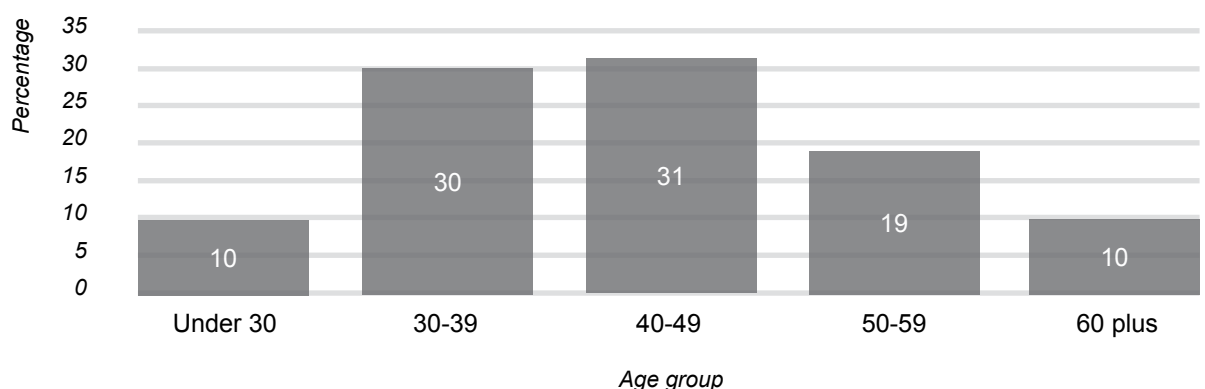
The age breakdown of the self-employed Bar (see Figure 4.1) shows that there is a reasonable age balance, with around ten per cent in both the youngest and oldest age groups. This suggests a good future supply of people at the younger end of the age spectrum, over the long term, to replace any loss of expertise through retirement.

Table 4.1 shows how many years, on average, self-employed barristers have spent in their careers to date in different practice situations. The data should be treated with some caution, firstly because there is a lot of variation in barristers' responses, so the mean average is a somewhat crude measure; secondly because some barristers answered the year of Call question, but not the question relating to time spent in different situations; and thirdly because some barristers have had career breaks. Nevertheless, some inferences can be drawn:

- Self-employed barristers have, on average, spent very little time working in the employed Bar, suggesting that the self-employed Bar is, for almost everybody, a career choice right from the start.
- Working as a sole practitioner is unusual until self-employed barristers reach the latter part of their career in terms of age and time since Call.

Only nine per cent of respondents overall in the self-employed Bar had spent some time in employed practice. Those who had been to Oxbridge were least

Figure 4.1: Self-employed Bar: age breakdown



Source: IES/ERL, 2011

Table 4.1: Self-employed Bar: time (in years) since Call in different situations

| | EP as pupil | EP as employee | Total Employed Practice | SEP as pupil | SEP as chambers tenant | SEP as sole practitioner | Total self employed practice | Total time since Call |
|--------------------------|-------------|----------------|-------------------------|--------------|------------------------|--------------------------|------------------------------|-----------------------|
| Gender: | | | | | | | | |
| male | 0.1 | 0.3 | 0.4 | 1.1 | 17.5 | 0.6 | 19.1 | 18.2 |
| female | 0.0 | 0.2 | 0.3 | 1.0 | 11.7 | 0.2 | 12.9 | 16.1 |
| Ethnicity: | | | | | | | | |
| white | 0.1 | 0.3 | 0.4 | 1.0 | 15.9 | 0.5 | 17.4 | 17.3 |
| BME | 0.0 | 0.5 | 0.5 | 1.0 | 11.7 | 0.4 | 13.1 | 16.4 |
| All self-employed | 0.1 | 0.30 | 0.4 | 1.0 | 15.5 | 0.5 | 17.0 | 17.2 |

Source: IES/ERL, 2011

likely to have spent time in employed practice (6%) while those who had attended non-Russell Group universities were most likely (12%). BME respondents (15%) were more likely than white respondents (9%) to have worked in employed practice at some stage in their careers.

4.1.2 Recent areas of practice

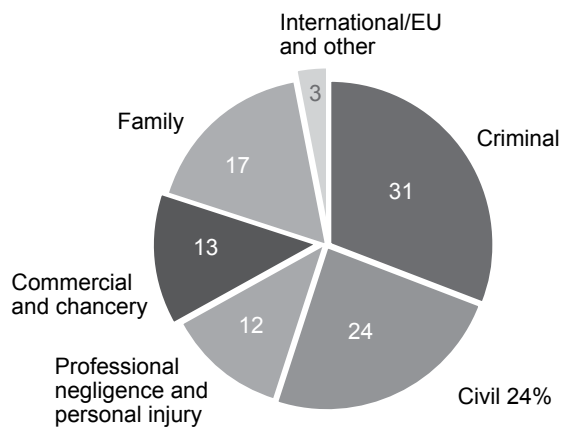
As shown in Chapter 2 the largest area of practice among barristers working in the self-employed Bar is criminal practice (37% work for at least 20% of their time in criminal work and 31% specialise in criminal work as their main area of practice). On average, self-employed barristers work in 2.1 areas, with a range of one to seven and a median value of two.

More than a third report that they work for at least 20 per cent of their time in civil law but for only six per cent does it represent their main area of practice (i.e. where they spend most of their time). After this one in five (21%) work in family law, at least some of the time, with 17 per cent working in family law as their main area of practice; 19 per cent work in personal injury (10% as their main area of practice); 17 per cent work in commercial; and 15 per cent in chancery, although not as many work in these areas as their main practice (6% and 7% respectively). Then approximately one in

ten work in professional negligence, landlord and tenant, public law and employment law for at least 20 per cent of their time.

Using the conflated practice areas (as shown in Chapter 2) we use six main groups: criminal (31%), civil (including patent or IP, planning and environment, revenue, admiralty or shipping, construction, landlord and tenant, employment, public law and immigration) (24%),

Figure 4.2: Self-employed Bar: conflated main areas of practice (percentages)



Source: IES/ERL

professional negligence and PI (12%), commercial and chancery (13%), family (17%) and international/EU and other (3%) (Figure 4.2).

For the self-employed Bar, and this to some extent differentiates it from the employed Bar, there are many significant differences by area of practice in the demographic profiles. Table 4.2 below summarises these in order to enable a more complete interpretation of the subsequent data for the self-employed Bar. The key ones to note are:

- Proportionally twice as many women work in family law as any other area of practice in the self-employed Bar (64%). This is then also correlated with the lower number of barristers who are married in this area of practice and the higher numbers who have taken

maternity/paternity leave lasting three months or more.

- BME barristers in the self-employed Bar are most likely to work in civil law (14%) and family (10%).
- Much higher proportions of barristers working in commercial and chancery, civil and international/EU/other went to Oxbridge, a fee-paying school, and gained a first class degree, than in the other areas of practice. However, as shown, these demographic characteristics are also correlated with gender.
- Similarly, high numbers of QCs and part time judiciary also work in commercial/chancery and international/EU and other areas of practice.
- Those working in international/EU and other areas of practice are much more likely to be aged 45 years plus and have 22 years' Call or more.

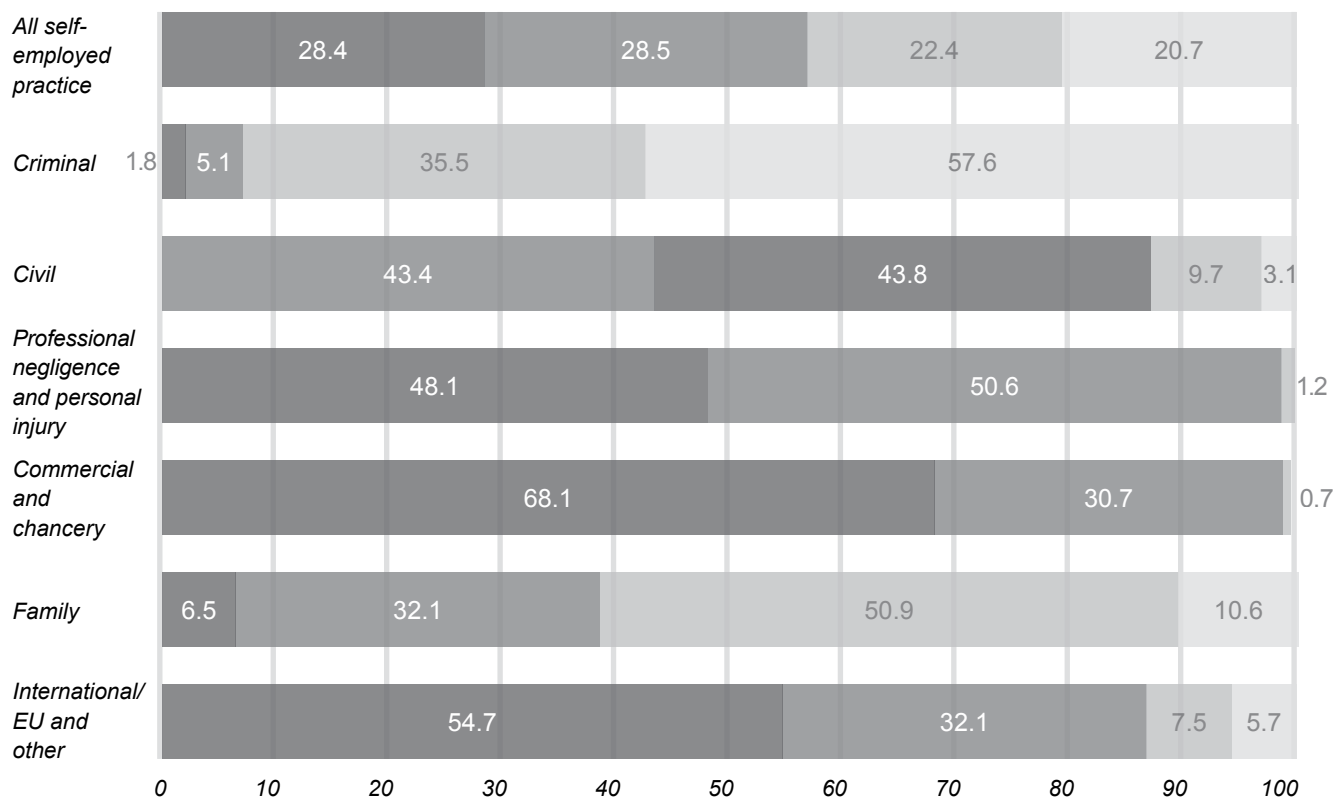
Table 4.2: Demographic profile of the self-employed Bar¹⁰ by main area of practice (percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/ Prof Neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/EU</i> | <i>SE Bar</i> |
|--|-----------------|--------------|-------------------------|----------------|---------------|-----------------|---------------|
| Female | 31 | 32 | 21 | 19 | 64 | 27 | 34 |
| BME | 8 | 14 | 4 | 6 | 10 | 5 | 9 |
| QC | 13 | 15 | 13 | 20 | 4 | 27 | 13 |
| PT judiciary | 19 | 18 | 22 | 20 | 15 | 35 | 19 |
| Married | 65 | 65 | 77 | 74 | 63 | 76 | 67 |
| 1st | 7 | 27 | 12 | 38 | 8 | 33 | 18 |
| Oxbridge | 18 | 44 | 40 | 66 | 23 | 50 | 35 |
| 45 plus | 46 | 41 | 44 | 43 | 44 | 70 | 45 |
| 22 years' Call plus | 34 | 29 | 35 | 38 | 28 | 53 | 33 |
| Qualified age 30 plus | 17 | 20 | 10 | 13 | 21 | 16 | 17 |
| Disability | 4 | 5 | 4 | 4 | 3 | 5 | 4 |
| Dependent children | 42 | 45 | 59 | 53 | 45 | 51 | 47 |
| Adult care responsibility | 8 | 8 | 9 | 8 | 9 | 5 | 8 |
| Fee-paying school | 41 | 46 | 51 | 64 | 40 | 45 | 46 |
| Maternity/paternity lasting three months or more | 9 | 11 | 10 | 8 | 22 | 13 | 12 |
| Long term sick/career break lasting three months or more | 11 | 15 | 9 | 13 | 13 | 13 | 12 |
| Base N=100% | 679 | 531 | 254 | 289 | 377 | 60 | 2190 |

Source: IES/ERL, 2011

¹⁰ For ease of space following abbreviations have been used PI: Personal injury, Prof neg.: Professional negligence, C&C: Commercial and chancery

Figure 4.3: Proportion of all work that is publicly funded in the self-employed Bar by main area of practice (percentages)



Source: IES/ERL, 2011

■ None ■ 1-50% ■ 51-90% ■ More than 90%

Barristers completing the questionnaire were asked to indicate approximately what proportion of their income is publicly funded. One in four (28%) said that none of their work is publicly funded, a further three in ten (29%) reported that up to 50 per cent was publicly funded and the remaining 43 per cent said that more than half their work is publicly funded. Figure 4.3 shows the amount of publicly funded work by main area of practice.

Most criminal practice work is publicly funded, with 58 per cent of respondents saying that more than 90 per cent of their work is funded this way. Across all barristers in self-employed criminal practice, 87 per cent of total income is publicly funded, compared to 58 per cent of all family work, 19 per cent of international/

EU and other, 18 per cent of civil, eight per cent of professional negligence and personal injury, and just four per cent where commercial/chancery is the main area of practice¹¹.

4.2 Current status of practice

Here we look at the current work situation of barristers engaged in self-employed practice. This covers details of their workplace, workload and income.

4.2.1 Workplace

Just nine per cent of the self-employed Bar indicated that they work as a sole practitioner, which suggests 91

¹¹ It should be noted that this proportion covers all work undertaken by the respondent which will in some cases be a mix of practices, although here it is correlated with the main practice area.

Table 4.3: Bar Mark accreditation by main area of practice (percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/ Prof neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/EU</i> | <i>SE Bar</i> |
|--------------------|-----------------|--------------|-------------------------|----------------|---------------|-----------------|---------------|
| Yes | 67 | 51 | 60 | 26 | 72 | 60 | 58 |
| No | 20 | 29 | 24 | 38 | 18 | 13 | 24 |
| Don't know | 13 | 20 | 16 | 35 | 10 | 27 | 18 |
| Base N=100% | 644 | 501 | 249 | 277 | 360 | 52 | 2083 |

Source: IES/ERL, 2011

per cent work in chambers. There is little to differentiate barristers with regard to their likelihood of working as sole practitioners other than older barristers (aged 45 plus) are twice as likely to work as sole practitioners (12% compared to 6% of those aged under 45) and barristers who indicate they have a long term health problem or disability that affects their day-to-day activities are also more likely to work as sole practitioners (23% compared to 9% of those with no disability).

Size of chambers

The average size of chambers is 60 with one in four having fewer than 40 members, 40 per cent fewer than 50 members and 20 per cent 75 or more members. There is no significant variation by type of practice, although where respondents indicate professional negligence and personal injury as their main area of practice, they would appear to be in larger chambers with an average of 74 members.

Bar Mark accreditation

Nearly six in ten (58%) barristers reported that their chambers is Bar Mark accredited, one in four (24%) said it was not accredited and 18 per cent did not know. There is strong correlation with size of chambers. Where respondents indicated that their chambers is Bar Mark accredited the average size of chambers is 70 members compared to 42 where the chambers is not Bar Mark accredited. Main area of practice is the key variable correlated with whether or not respondents' chambers are Bar Mark accredited. In criminal and family practices around 70 per cent of chambers are accredited

compared to just one in four (26%) of commercial and chancery practices.

Although the correlation with area of practice is stronger, and area of practice is also correlated with the proportion of income that is publicly funded, it is nevertheless worth noting that the likelihood of respondents' chambers being Bar Mark accredited is linked to the proportion of public funding received. Where more than 90 per cent of respondents' income is publicly funded, two thirds (69%) of chambers are Bar Mark accredited, compared to just 37 per cent of chambers where publicly funded income is zero.

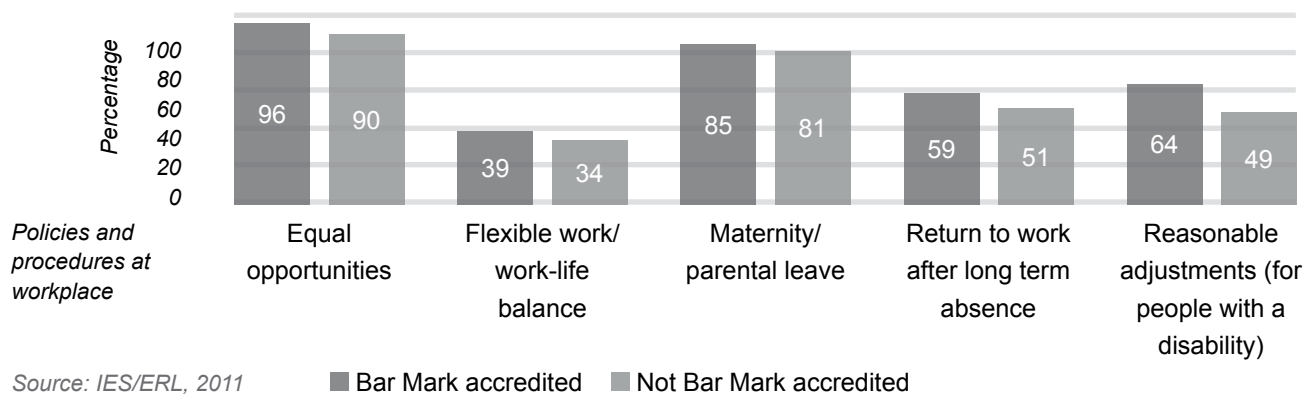
Code of conduct for clerks and practice managers

Respondents were asked for their views on the influence of the structural/administrative arrangements in their chambers, including clerking and allocation of work issues. Three spheres of influence were given to frame barristers' thinking: first, the development of their practice, second, their income and, third, their choice to stay in or move chambers.

By and large respondents responded positively, with around six in ten saying that the structural arrangements are a positive influence on each theme. Fewer than ten per cent responded negatively on each item, and around 35 per cent were ambivalent, neither positive nor negative.

Women and BME respondents are slightly less likely to respond positively about the structural/administrative arrangements and how they impact on their practice and work. There is no significant difference by main area of practice.

Figure 4.4: Policies and procedures at workplace by whether or not respondents' chambers are Bar Mark accredited (percentages)



Just under two thirds (63%) of the self-employed Bar think that it would be a positive development if clerks/practice managers were required to adhere to a code of conduct. Barristers working mainly in commercial/chancery practice were less inclined to agree (50%) while those working family practice were more likely to (70%). There is little variation by size of practice or level of public funding.

Higher proportions of women (73%), barristers from BME origins (78%) and younger barristers aged under 45 (67%) indicated that it would be a positive development if clerks/practice managers were required to adhere to a code of conduct.

Policies and procedures

Across all self-employed practising barristers almost all (92%) said their chambers had an equal opportunities policy. Four fifths (82%) said there was a maternity/paternity leave policy or procedure in place and just over a half (54%) reported having a written policy on returning to work after a long term absence (33% did not know if there was one or not). However, just a third (35%) reported having a written flexible working/work-life balance policy, with another third (34%) not knowing if there was one or not. Fifty-seven per cent said there was a policy/procedure on reasonable adjustments in the workplace (for people with a

disability). Figure 4.4 shows that chambers that are Bar Mark accredited appear, on average, to be more likely to have policies and procedures on the five items identified in the questionnaire.

There was little consistent correlation with main area of practice or the amount of publicly funded work on which respondents' income was dependent. There was some correlation with size of chambers, with larger chambers (50 plus members) being more likely to have written policies/procedures on each item. The largest difference was in relation to reasonable adjustments at work, with 62 per cent of respondents in larger chambers indicating their workplace has a written policy/procedure on this, compared to 52 per cent in smaller chambers.

Bullying, harassment and discrimination

Bullying, harassment and discrimination¹² were reported as less prevalent by self-employed barristers than in the employed Bar. Just six per cent of respondents from the self-employed Bar indicated that they had personally experienced bullying and harassment at work in the previous two years, and the same proportion said they had experienced discrimination.

The numbers saying they had observed bullying and harassment were not much higher at nine per cent and seven per cent respectively. Although the aggregate

¹² As noted in the previous chapter, the questionnaire did not define 'discrimination'.

numbers indicating that bullying, harassment and discrimination in the workplace are low, nevertheless three to four times as many women as men indicate that they have experienced or witnessed these actions. For example, just three per cent of men have experienced discrimination in their workplace compared to 13 per cent of women.

Looking at ethnicity, there is no difference between BME and white respondents in the proportion indicating that they have experienced or witnessed bullying and harassment in their chambers, but there is some difference in relation to discrimination with twice as many BME barristers (12%) saying that they have personally experienced discrimination than white respondents (6%). The proportions indicating they have observed discrimination are the same as those reporting they have experienced discrimination, although they are not necessarily the same people.

As in the employed Bar, disability is also a factor in likelihood of barristers experiencing bullying, harassment and discrimination. Proportionally, more than three times as many barristers with a long term health problem or disability that affects their day-to-day activities (18%) have personally experienced bullying and harassment than is the case among those with no disability or long term health problem (5%). Furthermore, 16 per cent have witnessed bullying and harassment compared to just nine per cent of those

with no disability. Also, 13 per cent of barristers with a disability have personally experienced discrimination compared to just six per cent of those with no disability.

Pupillages and pupil supervisors

Ninety per cent of self-employed barristers said that their chambers offer pupillages. Those that did not are in the main sole practitioners. Where pupillages are offered, the average number is 2.4, with some correlation by size of chambers, as would be expected (chambers with fewer than 50 members typically have 1.8 pupillages and those with more than 50 members have 2.8 pupillages).

The average number of pupil supervisors per chambers is ten with again more (13) in larger chambers (more than 50 members) than in smaller chambers (seven for those with up to 50 members).

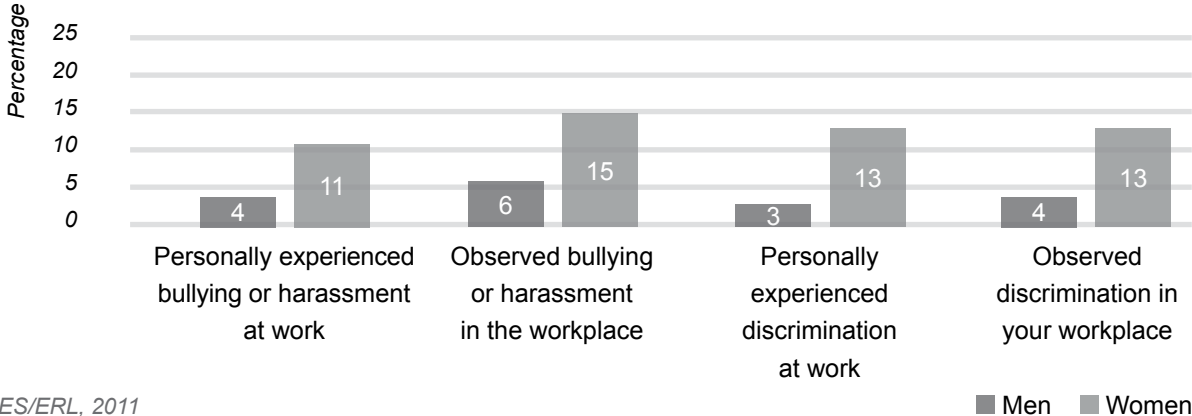
4.2.2 Workload

This section looks at working hours, mode of working, workload and holidays taken among barristers in the self-employed Bar.

Typical weekly hours

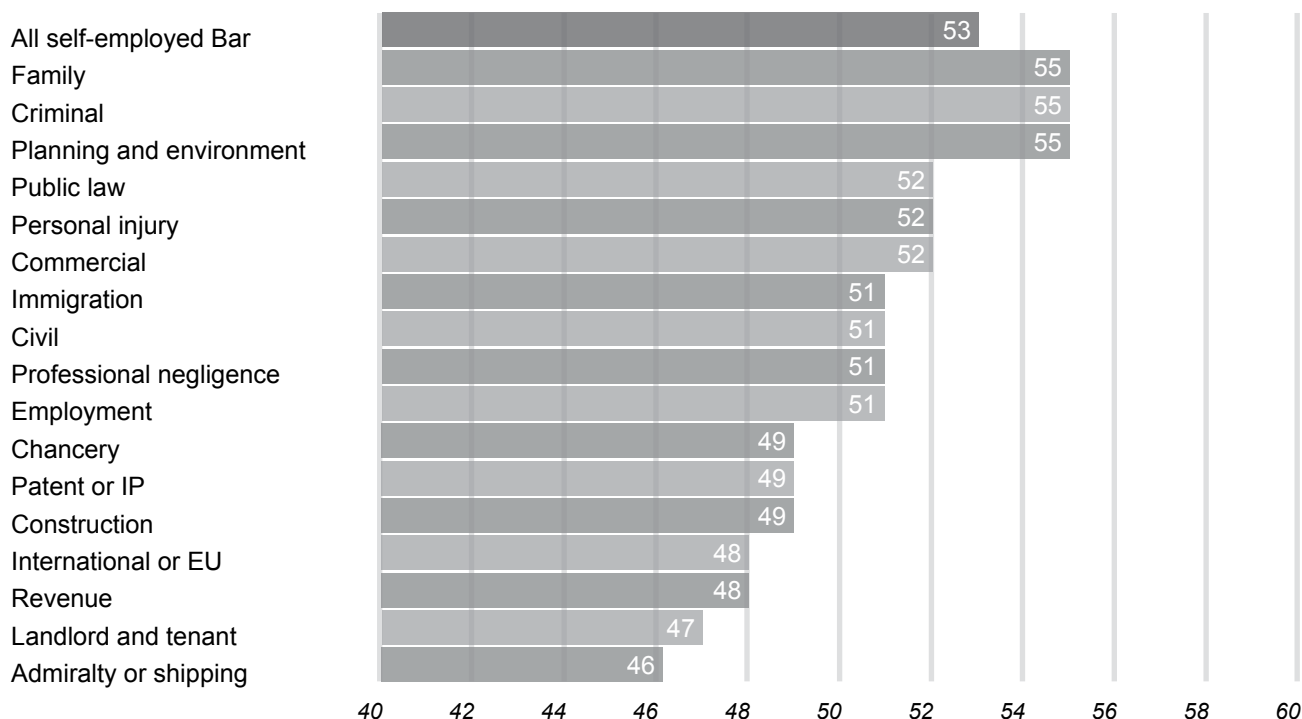
The self-employed Bar is almost exclusively a full time occupation/job. Just one in ten barristers in self-

Figure 4.5: Bullying, harassment and discrimination in the workplace by gender: self-employed Bar only (percentages)



Source: IES/ERL, 2011

Figure 4.6: Average (mean) working hours by main area of practice (self-employed Bar: hours per week)



Source: IES/ERL, 2011

employed practice do less than 37 hours per week with only four per cent working less than 30 hours per week. Half of the self-employed Bar work 50 hours or more per week with an overall average (mean) working hours of 53 per week. Figure 4.6 highlights the range of average working hours by main area of practice with barristers working in family and criminal practice working the longest hours on average.

Men work slightly longer hours than women, but this is largely because the small amount of part time working that does take place in the self-employed Bar is predominantly undertaken by women. The gender difference in working hours holds for different areas of practice.

There is some correlation in working hours in relation to the proportion of barristers' income that is publicly funded, although this is also related to area of practice. Barristers whose income is 90 per cent

publicly funded or more typically work 55 hours per week, compared to 50 hours per week among those where none of their income is publicly funded.

Workload changes

A similar proportion of the self-employed, when compared to the employed Bar indicated that their workload had changed over the last year (40% compared to 37%). However, there is a significant difference in the numbers indicating it has increased or decreased between the two sections of the Bar. Nearly six in ten (58%) of self-employed barristers who reported a change in workload said that their workload had decreased over the last year with just four in ten (41%) indicating that it had increased. This means that, across the whole self-employed Bar, one in four (24%) barristers reported that their workload had decreased in the previous 12 months. This compares to just seven per cent of the employed Bar.

Table 4.4: Changes in workload by main area of practice (self-employed Bar: percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI / Prof neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>SE Bar</i> |
|------------------------------------|-----------------|--------------|--------------------------|----------------|---------------|----------------------|---------------|
| Yes | 50 | 35 | 35 | 31 | 39 | 26 | 40 |
| No | 47 | 60 | 64 | 65 | 57 | 69 | 57 |
| Not applicable | 3 | 5 | 2 | 4 | 4 | 5 | 4 |
| <i>Base N=100%</i> | 671 | 523 | 253 | 284 | 366 | 58 | 2155 |
| Substantially less than previously | 28 | 21 | 26 | 19 | 14 | 39 | 23 |
| Somewhat less than previously | 32 | 41 | 35 | 44 | 29 | 22 | 35 |
| Somewhat more than previously | 26 | 28 | 32 | 26 | 40 | 22 | 29 |
| Substantially more than previously | 13 | 10 | 7 | 11 | 17 | 17 | 12 |
| <i>Base N=100%</i> | 348 | 189 | 95 | 96 | 154 | 18 | 900 |

Source: IES/ERL, 2011

Criminal practice is where the most significant reductions have taken place with 30 per cent of all barristers in this area of work saying that their workload is substantially less or somewhat less than previously. By contrast, in criminal practice in the employed Bar 84 per cent of barristers (where their workload has changed) said that their workload has increased in the previous year. Family law has seen the biggest increase, with over half (57%) of the 39 per cent reporting a change in workload stating that it was more than previously.

The higher the proportion of total income that is publicly funded, the more likely self-employed respondents are to indicate that their workload has changed in the previous year (52% of those whose income is 90% or more publicly funded compared to 33% of those where they have no publicly funded income). However, interestingly there is little difference in whether or not this change represents an increase or decrease by level of public funding.

Holidays

On average barristers working in self-employed practice took 24 days' holiday in the last full working year, this figure being significantly lower in criminal practice at 20 days, despite working hours being longer in this section of the Bar than any other area

apart from family practice. Other than in criminal practice there was little difference in the number of days' holiday taken by barristers by main area of practice.

In a similar pattern to the figures reported, where barristers' income is 90 per cent or more publicly funded, the number of days' holiday taken in the previous year is lower at 21, compared to 28 days' holiday where none of their income is publicly funded.

4.2.3 Wider roles

A series of questions sought information from respondents on whether or not they hold dual qualifications and their views on new working arrangements.

Dual qualification

Similarly to the employed Bar, very few barristers in self-employed practice hold a dual qualification (as a barrister and a solicitor), just four per cent. There is almost no variation by practice area, size of chambers, level of publicly funded income, or by demographic variables.

Of those respondents who do not hold a dual qualification just one per cent said they intend to

pursue one over the next two years and six per cent were unsure. In criminal practice two per cent said they intend to pursue a dual qualification in the next two years and 11 per cent were unsure, otherwise there was little to separate different practice areas.

Dual Capacity

Only one per cent of the self-employed Bar are registered with the BSB to practise in a dual capacity *i.e.* both as a self-employed and employed barrister compared to five per cent of the employed Bar.

New working arrangements

Barristers responding to the survey were presented with a series of three new working arrangements that they may or may not be considering. Figure 4.7 shows the summary data. A half (50%) of the self-employed Bar say that they are considering working in a BOE and 28 per cent indicated that this is 'maybe' an option. BOEs were looked on more favourably than LDPs, where just 18 per cent said they were considering working in this way with 39 per cent 'maybe'. Twenty-one per cent are considering ABSs and 43 per cent 'maybe'.

For LDPs and ABSs, these figures are more or less the same as those reported for the employed Bar but nearly three times as many self-employed Barristers are considering BOEs than employed barristers (20%).

Main area of practice was the significant variable that differentiated self-employed barristers in their views of new working arrangements. Barristers in criminal practice were more likely to be considering each of the three arrangements while barristers working in 'International/EU and other' areas were least likely. It is possible that this is partly resulting from the challenges facing criminal practice, as outlined above.

Although linked to main area of practice, it is noticeable that, where more than half of barristers' income is publicly funded, they are more likely to view new working arrangements positively. For example, where up to 50 per cent of barristers' income is publicly funded 14 per cent would consider working in a LDP compared to 23 per cent of those where more than half their total income is publicly funded. Interestingly, there is little or no relationship between whether or not workload has changed/reduced and likelihood of considering new forms of working.

Figure 4.7: Considering new working arrangements (self-employed Bar: percentages)

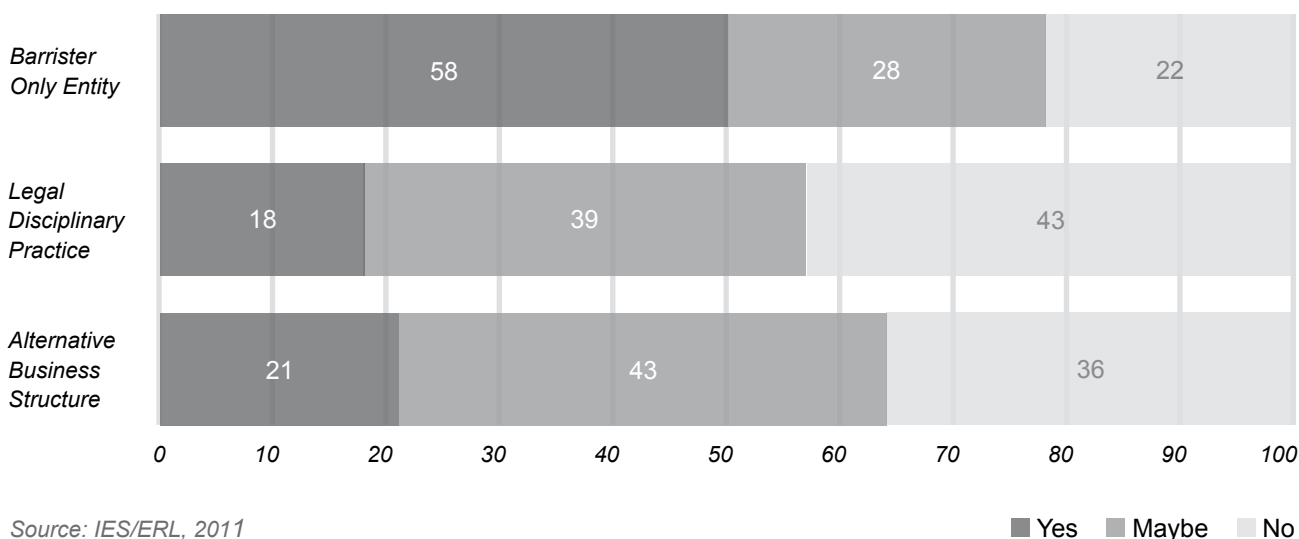


Table 4.5: Considering new working arrangements by main area of practice (self-employed Bar: percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/Prof Neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>SE Bar</i> |
|--------------------------------|-----------------|--------------|------------------------|----------------|---------------|----------------------|---------------|
| Barrister Only Entity | 54 | 49 | 52 | 48 | 45 | 43 | 50 |
| Legal Disciplinary Practice | 23 | 18 | 19 | 10 | 17 | 11 | 18 |
| Alternative Business Structure | 27 | 20 | 19 | 13 | 21 | 13 | 21 |
| <i>Base N=100%</i> | 618 | 479 | 242 | 271 | 339 | 54 | 2003 |

Source: IES/ERL, 2011

Table 4.6: Change in gross billed income in last two years by main area of practice (self-employed Bar: percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/Prof Neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>SE Bar</i> |
|-------------------------|-----------------|--------------|------------------------|----------------|---------------|----------------------|---------------|
| increased substantially | 5 | 20 | 20 | 26 | 8 | 22 | 14 |
| increased somewhat | 18 | 30 | 35 | 25 | 27 | 18 | 25 |
| stayed about the same | 28 | 30 | 29 | 30 | 37 | 36 | 30 |
| decreased somewhat | 23 | 12 | 11 | 12 | 20 | 9 | 17 |
| decreased substantially | 26 | 7 | 6 | 7 | 8 | 15 | 13 |
| <i>Base N=100%</i> | 624 | 489 | 243 | 271 | 343 | 55 | 2025 |

Source: IES/ERL, 2011

4.2.4 Income

There is a very mixed picture in terms of how income levels are perceived to be changing. Across the whole self-employed Bar approximately four in ten (39%) barristers reported that their gross billed income has increased in the past two years (14% substantially and 25% somewhat), for 31 per cent it has stayed about the same and for 30 per cent it has decreased (17% somewhat and 13% substantially).

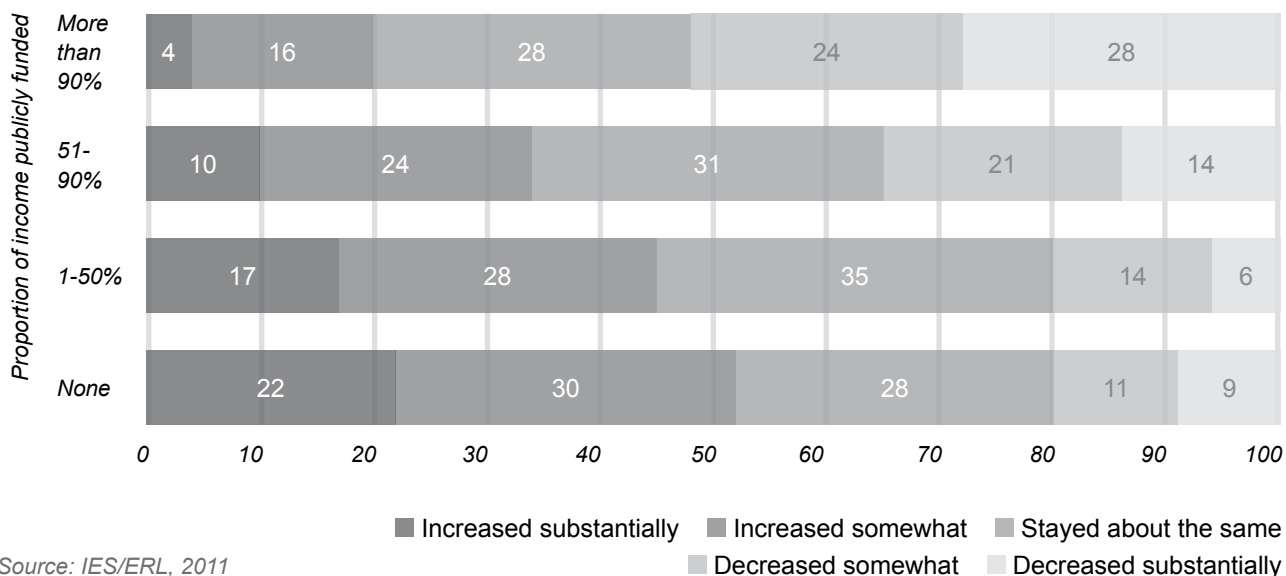
The key difference between barristers is in their main area of practice and the percentage of total income that is accounted for by public funding. Table 4.6 summarises the variation in response by main area of practice and Figure 4.8 shows the change in gross billed income for different levels of public funding.

Fewer than one in four (23%) barristers working in criminal practice in the self-employed Bar say that

their gross billed income has increased, similarly just 35 per cent of barristers working mainly in family practice say their income has increased. These figures compare unfavourably to 39 per cent overall and increases among 51 per cent of commercial and chancery barristers and 55 per cent of personal injury and professional negligence barristers. Nearly a half (49%) of all barristers working mainly in criminal practice indicated that their gross billed income has decreased in last two years compared to 30 per cent overall and just 19 per cent among barristers working in civil, commercial, chancery and personal injury and professional negligence practices.

Among those barristers where more than 90 per cent of their work is publicly funded more than half (52%) have experienced a reduction in gross billed income in last two years. This compares with just one in five (20%) of those who do not rely on publicly funded income at all.

Figure 4.8: Changes in gross billed income by proportion of work that is publicly funded (self-employed Bar: percentages)



Source: IES/ERL, 2011

As would be expected, changes in income levels are related to changes in workload, so where workload has increased in the last two years, more barristers report that gross billed income has increased, and vice versa where it has decreased.

Although there is some correlation between demographic variables such as gender and educational background this is largely as a result of links to main area of practice within these groups *i.e.* more women work in family and criminal law and fewer barristers with Oxbridge and first class degrees work in these areas.

It is clear from the combination of data here and in the previous chapter, and comments concerning the challenges facing the profession shown in Chapter 5, that criminal practice is experiencing significant difficulties at present. Many barristers report reducing workloads and reducing income levels, at the same time as fewer holidays than barristers working in other areas.

4.2.5 Why work in the self-employed Bar?

Barristers working in self-employed practice were asked to give three reasons why they opted to work in this section of the Bar, and a similar question was also posed

of those working as sole practitioners with the self-employed Bar. Their free text responses were then coded into themes.

Clearly from Table 4.7 barristers working in the self-employed Bar are highly motivated by independence, autonomy, control over their working life and flexibility which was mentioned by almost all respondents. For two thirds of self-employed barristers it was mentioned first, as the most important feature of their working life. One in five barristers said that working in the self-employed Bar provides access to the best quality and most challenging work and 14 per cent of self-employed barristers indicated that the self-employed Bar has greater opportunities for higher income streams and financial returns.

Women were more likely than men to cite control over work patterns/working hours (59% compared to 34% of men), while men particularly valued 'independence' (35% of men to 24% of women). BME respondents favoured 'independence' and control over work patterns/working hours, while white barristers were more likely to say access to best work/variety/challenge and the structure of the profession.

The numbers of responses for sole practitioners were too small to carry out more detailed analysis but the most frequently-cited reasons for becoming a sole practitioner were:

- autonomy (59)
- independence (26)
- control over work patterns (25)

- lower overheads compared to chambers' costs (21)
- access to best work/variety/challenge (16)
- better fees/income (13).

Female sole practitioners particularly valued control over work patterns, while men cited access to best work/variety/challenge and independence.

Table 4.7: Reasons for working in the self-employed Bar: (percentages)

| | <i>Mentioned</i> | <i>First</i> |
|--|------------------|--------------|
| Autonomy (self-determination)/own boss/no boss/control of practice/work/freedom/independence/responsibility | 58 | 22 |
| Control over work patterns/flexibility (school holidays etc.)/working hours | 42 | 13 |
| “Independence” (on its own – could mean autonomy and/or independence of the Bar) | 32 | 23 |
| Access to best/quality/variety/challenging work/greater intellectual challenge | 21 | 6 |
| Better fees/income/financial return/job security/lower overheads | 14 | 1 |
| All barristers were self-employed at time/only option/always have been/structure of the profession/that is way it is | 13 | 10 |
| Advocacy/representing clients/(best route to excel at advocacy) | 11 | 0 |
| Culture/lifestyle/atmosphere of chambers/self-employed practice/collegiality of chambers/camaraderie of the Bar/dynamic | 9 | 1 |
| Link between hard work and rewards (financial and/or professional achievement)/competitive/meritocratic | 7 | 1 |
| Career/work opportunities/ambition/best career option/better prospects | 6 | 2 |
| Nature of the work (need to be SE to do the work) | 4 | 2 |
| Specialisation/areas of interest/Better fit for preferred type of work | 4 | 2 |
| Impartiality/independence of the work/Bar/commitment to the independent Bar/ethics (work ethos of) | 4 | 2 |
| Job satisfaction/enjoyment | 3 | 1 |
| Always wanted to be in chambers/practice independently/long-held desire or ambition to be a self-employed barrister etc. | 3 | 3 |
| Importance of the work (to society)/desire to ‘make a difference’/do something worthwhile/providing best quality service | 2 | 1 |
| Work-life balance (control over) | 2 | 1 |
| Status/highly regarded profession/prestige/respect | 2 | 1 |
| Has never considered any alternatives/wasn’t aware of any alternatives/does not perceive there to be any alternative | 2 | 1 |
| Tried both (prefer SEB)/did not like employed practice | 1 | 1 |
| Because they were lucky enough to secure a pupillage/tenancy (natural progression from such hard-to-get situation) | 1 | 1 |
| <i>Base N= no. of cases</i> | <i>1980</i> | |

Source: IES/ERL, 2011

4.3 CPD

The final section in this chapter covers responses to a series of questions concerning continuing professional development. This included: whether or not barristers in the self-employed Bar had a 'champion' (someone who takes an active role in their career, providing advice and guidance etc.); the degree to which respondents felt that the CPD they have undertaken has enhanced their professional development; whether any time has been spent learning about aspects of working life not related to legal practice (*i.e.* business management, IT etc.); and finally who pays for barristers' CPD.

4.3.1 Having a champion

Eleven per cent said they had a champion now, while 20 per cent have had one in the past.

As was the case with the employed Bar, whether or not barristers currently have, or have had in the past, a champion is strongly correlated with the length of time since they were called to the Bar. Younger barristers (those qualified most recently *i.e.* last seven years) are more likely to have, or have had, a champion (41%), while among older barristers (22 years or more since year of Call) a champion was comparatively rare (76% said they had not had a champion). Correlated with this relationship between time since Call and use of champions, women are more likely to have had a champion than men.

There is no difference in likelihood of having a champion by main area of practice.

Where barristers have had a champion, a third (33%) said it was their pupil master/supervisor, 23 per cent said it was a colleague or other barrister and 13 per cent said it was their head of chambers. Other champions included QC/Silk, Judge, mentor (unspecified), clerks and friends/family.

Impact of CPD

Six per cent thought that the CPD they had undertaken over the past two years had enhanced

their professional development to a great extent, 60 per cent to some extent, and 34 per cent not at all. New barristers (one to three years from Call) were a little more likely to feel their CPD had enhanced their development; 78 per cent rated it as 'to a great extent' or 'to some extent'. Those working mainly in criminal practice or commercial/chancery were most likely (40%) to say that the CPD they had undertaken in the previous two years had not enhanced their professional development at all. As noted in the previous chapter, these views are notably less positive than those expressed by barristers in the employed Bar.

Non-legal practice CPD

Four in ten (40%) self-employed barristers indicated that over the last two years they have spent some time learning about things not specifically related to areas of legal practice (e.g. business management, IT, etc.). There is no variation by main practice area or size of chambers. However, where barristers are considering the LDP and ABS new working arrangements, more indicate that they have undertaken some CPD not specifically related to their legal practice. For example, 49 per cent of those who have considered working in an LDP or ABS said they have done some non-legal CPD, compared to 36 per cent of those who are not considering these new working arrangements. There is no significant difference between those thinking about BOEs and those not.

Paying for CPD

Ninety per cent had to pay for all their CPD. Two per cent said their chambers paid for all their CPD, while eight per cent had some of the cost paid. These figures are almost the reverse of those for the employed Bar, where only seven per cent paid for all their CPD.

Younger barristers were a little more likely to get some of their CPD paid for (22% of barristers who are one to three years from Call, and 16% of those four to seven years from Call).

4.4 Chapter 4: Key points

This chapter has summarised the working lives experiences of the self-employed Bar. The main points to emerge from this analysis include:

Career profile

- On average, the time since Call for self-employed barristers is 17.9 years; this is notably longer for men (19.9 years) than women (14.1 years), and for white barristers (18.3 years) than those in BME groups (14.9)
- Proportionally twice as many women work in family law as any other area of practice in the self-employed Bar (64%)
- One in four (28%) said that none of their work is publicly funded, a further three in ten (29%) reported that up to 50% was publicly funded, and the remaining 43 per cent said that more than half their work is publicly funded
- Most criminal practice work is publicly funded with 58 per cent of self-employed barristers saying that more than 90 per cent of their work is publicly funded
- Just nine per cent of the self-employed Bar indicated that they work as a sole practitioner.

Chambers' structures

- The average size of chambers is 60 with one in four under 40 having fewer than 40 members, 40 per cent fewer than 50 members and 20 per cent 75 or more members
- Nearly six in ten (58%) barristers reported that their chambers is Bar Mark accredited, one in four (24%) said it was not accredited and 18 per cent did not know
- Around six in ten self-employed barristers say that the structural arrangements in their chambers are a positive influence on each theme
- Just under two thirds (63%) of the self-employed Bar think that it would be a positive development if clerks/practice managers were required to adhere to a code of conduct.

Working hours and workload

- Half of the self-employed Bar work 50 hours or more per week with an overall average working hours of 53 per week
- Barristers working in family and criminal practice work the longest hours on average (55 hours per week)
- One in four (24%) barristers reported that their workload had decreased in the previous 12 months; this compares to just seven per cent of the employed Bar
- Workload has reduced most in criminal practice, where 14 per cent of all barristers said that their workload is substantially less than previously and a further 16 per cent said that it is somewhat less than previously; this compares to criminal practice in the employed Bar, where 84 per cent of barristers (where their workload had changed) said that their workload increased in the previous year.

Dual qualifications and new working arrangements

- Similar to the employed Bar, very few barristers in self-employed Practice hold a dual qualification (as a barrister and a solicitor), just four per cent, and of those respondents who do not hold a dual qualification just one per cent said they intend to pursue one over the next two years and six per cent were unsure
- Only one per cent of the self-employed Bar are registered with the BSB to practice in a dual capacity
- More than twice as many self-employed barristers (50%) are considering BOEs as is the case among employed barristers (20%)
- Barristers in criminal practice are more likely to consider each of the three new arrangements.

Income

- Across the whole self-employed Bar approximately four in ten (39%) barristers reported that their gross billed income has increased in the past two years (14% substantially and 25% somewhat), for 31 per cent it has stayed about the same and for 30 per cent it has decreased (17% somewhat and 13% substantially)
- Nearly a half (49%) of all barristers working mainly in criminal practice indicated that their gross billed income has decreased in last two years compared to 30 per cent overall
- Criminal practice is experiencing significant difficulties at present; many barristers report reducing workloads and reducing income levels, at the same time as taking fewer holidays than barristers working in other areas of practice.

Bullying, harassment and discrimination

- Bullying, harassment and discrimination were reported as less prevalent by self-employed barristers than in the employed Bar; just six per cent of respondents from the self-employed Bar indicated that they had personally experienced bullying and harassment at work and the same proportion said they had experienced discrimination.

Motivation to be self-employed

- Barristers in the self-employed Bar are mostly motivated by independence, autonomy, control over their working life and flexibility; for two thirds these aspects were mentioned first, as the most important feature of their working life.

CPD

- Just six per cent thought that the CPD they had undertaken over the past two years had enhanced their professional development to a great extent, 60 per cent thought it had to some extent, but 34 per cent said 'not at all'
- Where barristers are considering the LDP and ABS working arrangements, more indicate that they have undertaken some CPD not specifically related to their legal practice
- Ninety per cent had to pay for all their CPD, two per cent said their chambers paid for all their CPD, while eight per cent had some of the cost paid.

5 Barristers' attitudinal analysis

This chapter explores barristers' views of their working lives. The issues covered in the survey included: pay and terms and conditions, career progression, working hours and workload, professional development, and the extent of bullying and harassment and discrimination at work. Respondents were presented with a series of statements against which they were asked to indicate the degree to which they agreed or disagreed with the statement in question on a five point scale ranging from 'strongly disagree' to 'strongly agree'.

Table 5.1 presents the summary results, differentiating between the self-employed and employed Bar. To assist in interpreting the results and comparing responses, all the items have been worded 'positively'¹³. The percentages given in the table show the proportion of barristers who indicated 'agreement' or 'strong agreement' with each item. In addition those items where there is a statistically significant difference ($p < 0.001$)¹⁴ between the mean scores for self-employed and employed barristers have been highlighted¹⁵.

By and large, barristers were positive about most areas of their working life and, looking at the whole Bar, the items where most barristers were in agreement were the following:

- I am proud to be a barrister (88% agree)
- My work is interesting (88% agree)
- Bullying and harassment are not a problem where I work (84% agree)
- My workplace is supportive to newcomers (80% agree)
- My work is varied (77% agree).

On the downside, though, fewer than 40 per cent registered agreement with the following items (note, as explained, where in capitals the scales for these items were reversed to facilitate comparisons). These can be summarised as items relating to work pressure and workload, although also just four in ten barristers report that they are satisfied with the amount they earn.

- I get enough notice of my new assignments (39% agree)
- My workload is NOT too unpredictable (39% agree)
- I am satisfied with the amount I earn (38% agree)
- I DO NOT often feel I am under too much work pressure (34% agree)
- Working as a barrister is NOT stressful for me (32% agree).

Differences between the self-employed and employed Bar were widest when considering the following items. The first list highlights where the self-employed Bar respond more positively than the employed Bar (by ten percentage points or more). These include issues such as bullying and harassment, career progression and pay and how supportive they perceive their workplace to be to newcomers.

- Bullying and harassment are not a problem where I work (87% of the self-employed Bar compared to 71% of the employed Bar)
- I have good opportunities to progress my career (50% compared to 37%)
- My workplace is supportive to newcomers (83% compared to 71%)
- I am paid fairly considering my expertise (46% compared to 37%).

¹³ Items marked * indicate where the results have been reversed so that all items are worded positively. For example, for item 22, percentages disagreeing with 'I would leave the Bar if I could' are reported as agreeing with 'I would NOT leave the Bar if I could'.

¹⁴ i.e. we are 99% certain that these differences between the self-employed and employed Bar are real differences between the groups.

¹⁵ Items marked ** indicate statistical significant difference in ANOVA mean score ($p = 0.01$)

**Table 5.1: Views of working life (self-employed and employed)
means/percentages¹⁶**

| | Self-employed | | Employed | |
|--|---------------|-------|----------|-------|
| | Mean | agree | Mean | agree |
| 18 My work is interesting** | 4.2 | 89 | 4.1 | 86 |
| 24 I am proud to be a barrister** | 4.3 | 89 | 4.2 | 86 |
| 6 Bullying and harassment are not a problem where I work** | 4.3 | 87 | 3.9 | 71 |
| 10 My workplace is supportive to newcomers** | 4.1 | 83 | 3.7 | 71 |
| 11 My work is varied | 3.9 | 78 | 3.8 | 74 |
| 9 Most days I am enthusiastic about my work | 3.7 | 69 | 3.6 | 67 |
| 4 I am able to cope with the level of stress in my job** | 3.6 | 67 | 3.8 | 73 |
| 22* I would NOT leave the Bar if I could | 3.7 | 63 | 3.8 | 67 |
| 3 I am satisfied with the choice I have over the work I do | 3.5 | 59 | 3.5 | 56 |
| 20 Work is allocated fairly where I work** | 3.6 | 59 | 3.4 | 52 |
| 23 Overall, I am satisfied with my current position | 3.5 | 59 | 3.5 | 62 |
| 15 My workplace is supportive to people returning to work | 3.6 | 57 | 3.6 | 58 |
| 8 I am paid fairly in comparison with my colleagues | 3.4 | 53 | 3.3 | 50 |
| 2 I have good opportunities to progress my career** | 3.3 | 50 | 2.9 | 37 |
| 19* I DO NOT have to do too much travelling** | 3.3 | 49 | 3.7 | 70 |
| 1 I feel able to balance my home and work lives** | 3.1 | 47 | 3.5 | 63 |
| 5 I am paid fairly considering my expertise | 3.0 | 46 | 3.0 | 37 |
| 25 I would recommend the Bar as a career | 3.2 | 46 | 3.1 | 42 |
| 12 I am happy with my working hours** | 3.1 | 45 | 3.6 | 64 |
| 14* I DO NOT feel emotionally drained by my work** | 3.1 | 43 | 3.4 | 52 |
| 17 I get enough notice of my new assignments | 3.1 | 40 | 3.1 | 37 |
| 13 I am satisfied with the amount I earn | 2.9 | 39 | 2.9 | 35 |
| 16* My workload is NOT too unpredictable** | 2.9 | 34 | 3.4 | 56 |
| 21* I DO NOT often feel I am under too much work pressure | 3.0 | 34 | 3.1 | 38 |
| 7* Working as a barrister is NOT stressful for me** | 2.8 | 28 | 3.4 | 48 |

Source: IES/ERL, 2011

Where the employed Bar are more likely to respond positively is in relation to items concerning working hours, workload and stress.

- My workload is NOT too unpredictable (56% of the employed Bar compared to 34% of the self-employed Bar)
- I DO NOT have to do too much travelling (70% compared to 49%)
- Working as a barrister is NOT stressful for me

(48% compared to 28%)

- I am happy with my working hours (64% compared to 45%)
- I feel able to balance my home and work lives (63% compared to 47%)
- I DO NOT feel emotionally drained by my work (52% compared to 43%).

There is less difference between the self-employed and employed Bar in responses to job satisfaction items.

¹⁶ The mean score relates to the average of all responses with each individual being able to respond between 1 'strongly disagree' to 5 'strongly agree'. A response of 3 represents a 'neutral' midpoint. The higher the mean score, the greater the level of agreement with the statement.

5.1 Developing working life themes

The attitude statements covering barristers' working lives are a relatively large collection of variables, with responses ranging from 1 'strongly disagree' to 5 'strongly agree'. These can be used as they are, *i.e.* a list of items which may or may not be related to each other item in some way, or factor analysis can be used to break the list down into groups of related variables. Factor analysis is a commonly used statistical method of examining the nature of the relationships between variables in a survey. This statistical procedure identifies variables where responses to items are similar between individuals and brings them together as 'themes' and is a more reliable way of bringing together the variables than merely using common sense or intuition.

In analysing the survey data this way using only the responses to the views of working life questions, four discrete themes (or factors) emerged from the data set¹⁷. These are listed in the table below.

To check the internal consistency of the scales, reliability analyses were performed on each scale. The tables below summarise the factors and working life themes they embrace. The table also shows their 'alpha reliability'¹⁸, which in all four

cases is high, but especially so in the 'workload' and 'pay' factors where we can be very confident of their congruence and reliability as scales.

The items included in each factor or theme are shown below:

Factor 1: Workload, stress and work-life balance (Mean score: 22.2)

- 1 I feel able to balance my home and work lives
- 4 I am able to cope with the level of stress in my job
- 7 Working as a barrister is NOT stressful for me
- 12 I am happy with my working hours
- 14 I DO NOT feel emotionally drained by my work
- 16 My workload is NOT too unpredictable
- 21 I DO NOT often feel I am under too much work pressure

It is interesting to note the variables included in Factor 1 – that where respondents report good work-life balance and are happy with their working hours they are also less likely to report being under pressure at work, being unable to cope with the level of stress or emotionally drained. In many surveys, working hours and workload might emerge in separate factors or themes but this demonstrates the link between working hours and workload pressure at the Bar, perhaps more so than in other professions.

| Scale/Factor: | Workload <i>Workload, stress and work-life balance</i> | Pay <i>Pay and progression</i> | Satisfaction <i>Job satisfaction</i> | Support <i>Workplace support and discrimination</i> |
|-------------------|---|---------------------------------------|---|--|
| No. of items | 7 | 6 | 3 | 4 |
| Alpha reliability | 0.849 | 0.850 | 0.728 | 0.717 |
| Valid cases N= | 2,611 | 2,612 | 2,703 | 2,638 |
| Mean Score | 22.2 | 19.0 | 11.8 | 15.3 |

Source: IES/ERL, 2011

¹⁷ Only high loading variables (correlation of 0.5 or higher) were included in each factor. This ensures a high degree of reliability between variables, and validity in the factor..

¹⁸ Alpha reliability is a measure of the internal consistency of the factor. This ranges between 0 and 1 with figures over 0.7 considered high.

Factor 2: Pay and career progression

(Mean score: 19.0)

- 2 I have good opportunities to progress my career
- 5 I am paid fairly considering my expertise
- 8 I am paid fairly in comparison with my colleagues
- 13 I am satisfied with the amount I earn
- 23 Overall, I am satisfied with my current position
- 25 I would recommend the Bar as a career

In this factor are items concerning pay and satisfaction, equity in pay compared to colleagues and career opportunities. Interestingly, the broader theme 'I would recommend the Bar as a career' is also included in this factor suggesting that pay is strongly correlated with overall career satisfaction.

Factor 3: Job satisfaction (mean score: 11.8)

- 9 Most days I am enthusiastic about my work
- 11 My work is varied
- 18 My work is interesting

This factor includes items concerned with the day-to-day job satisfaction barristers get from their work in terms of the variety of work, its interest to them, and their enthusiasm for their work.

Factor 4: Workplace support and discrimination (mean score: 15.3)

- 6 Bullying and harassment are not a problem where I work
- 10 My workplace is supportive to newcomers
- 15 My workplace is supportive to people returning to work after being away for a long period
- 20 Work is allocated fairly where I work

Four items were not included in any scales as they were not sufficiently correlated with the other items and did not form an independent, consistent cluster of items. These items included:

Items not included in a factor

- 3 I am satisfied with the choice I have over the work I do
- 17 I get enough notice of my new assignments
- 22 I would NOT leave the Bar if I could
- 24 I am proud to be a barrister

However, 'I would leave the Bar if I could' can be seen as a key cumulative item where it could be argued if individuals score negatively on each of the four scales it might be expected that they would be more likely to indicate they would leave the Bar if they could.

The following sub-sections look at each of the four factors and differences between groups of barristers in their scores on each scale.

5.1.1 Workload, stress and work-life balance

As mentioned above, it is interesting to find such strong correlation between working hours, work-life balance and workload stress. For example, of those who agree with the statement 'I feel able to balance my home and work lives', 86 per cent agree that they are able to cope with the level of stress in their job; and conversely of those that do not feel they have balance in their home and work lives just 45 per cent feel able to cope with the level of stress in their job.

Figure 5.1 shows the summary results for each item in the workload factor.

Just over a third (35%) agree with the statement 'I do not feel I am under too much work pressure' a third (34%) say that their workload is unpredictable and 45 per cent say that working as a barrister is stressful for them. It was noted above that the employed Bar was more likely to respond positively to items concerning working hours, workload and stress.

Looking at this in more detail, it is noticeable that employed male barristers are significantly more likely to respond positively to the factor containing workload items (mean score: 24.3), particularly when compared to self-employed women (mean score: 20.2).

In terms of gender, the key items are 'feeling emotionally drained by their work', where 39 per cent of women agree with this statement compared to 24 per cent of men; and proportionally fewer women feel able to cope with the level of stress in their jobs *i.e.* 61 per cent of women compared to 73 per cent of men. This may be linked to the high proportion of women working in family law.

Figure 5.1: Working hours, work-life balance and workload (percentages)



Source: IES/ERL, 2011

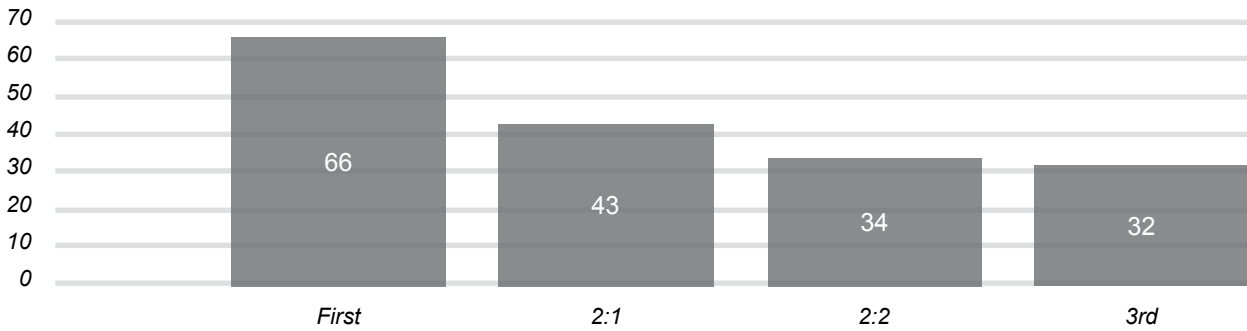
■ Strongly disagree ■ Disagree ■ Neutral ■ Agree ■ Strongly agree

Table 5.2: Workload satisfaction items by main area of practice (percentage agree)

| | Criminal | Civil | PI / Prof neg | C&C | Family | Int'l/ EU | Whole Bar |
|---|----------|-------|------------------|-----|--------|--------------|--------------|
| I feel able to balance my home and work lives | 48 | 56 | 56 | 61 | 31 | 55 | 50 |
| I am able to cope with the level of stress in my job | 65 | 75 | 72 | 76 | 57 | 72 | 69 |
| Working as a barrister is NOT stressful for me | 31 | 37 | 33 | 34 | 21 | 41 | 32 |
| I am happy with my working hours | 45 | 55 | 51 | 64 | 31 | 59 | 49 |
| I DO NOT feel emotionally drained by my work | 38 | 53 | 53 | 59 | 24 | 55 | 45 |
| My workload is NOT too unpredictable | 36 | 45 | 41 | 45 | 28 | 49 | 39 |
| I DO NOT often feel I am under too much work pressure | 33 | 36 | 35 | 43 | 24 | 46 | 34 |

Source: IES/ERL, 2011

Figure 5.2: I am paid fairly considering my expertise (percentages)



Source: IES/ERL, 2011

Table 5.3: Pay satisfaction items by main area of practice (percentage agree)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/Prof neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>Whole Bar</i> |
|---|-----------------|--------------|--------------------|----------------|---------------|------------------|------------------|
| I have good opportunities to progress my career | 33 | 55 | 57 | 65 | 46 | 53 | 47 |
| I am paid fairly considering my expertise | 24 | 53 | 63 | 73 | 33 | 55 | 44 |
| I am paid fairly in comparison with my colleagues | 40 | 59 | 63 | 63 | 50 | 52 | 52 |
| I am satisfied with the amount I earn | 23 | 43 | 56 | 59 | 30 | 47 | 38 |

Source: IES/ERL, 2011

Using multiple regression techniques to identify which demographic and working lives features of the profession are most strongly correlated with ‘workload’ issues, a number of key themes emerge from the analysis of the whole Bar. Firstly, whether or not actual workload has changed much over the previous year is a key factor.

Barristers working mainly in family law (self-employed), especially, but also criminal practice (both employed and self-employed) are less likely to respond positively. For example, only 24 per cent of barristers working mainly in family practice and 38 per cent of those working in criminal practice ‘do not’ feel emotionally drained by their work.

Also, those barristers who have experienced bullying and harassment (both employed and self-employed) and discrimination at work are less likely to respond positively to workload themes. Looking at those

who have experienced bullying and harassment in the previous two years, just 30 per cent ‘do not’ feel emotionally drained by their work. This compares unfavourably to 46 per cent of those who indicate they have not experienced bullying and harassment at work. A similar difference in response to this item is apparent between those who have experienced discrimination and those who have not.

5.1.2 Pay and career progression

The strongest demographic correlations with this factor were observed in the class of first degree and in addition to this whether or not respondents had achieved QC status or not. For example, barristers with first class degrees were twice as likely as those with 2:2s or lower to agree with the statements ‘I have good opportunities to progress my career’, ‘I am paid fairly considering my expertise’ and ‘I am satisfied with the amount I earn’.

QCs are also much more likely than those who have not obtained Silk to feel they have good opportunities to progress their careers, feel fairly paid considering their expertise, and be satisfied with what they earn. The mean score for the pay factor among QCs was 21.6 compared to 18.5 among those who have not obtained QC status (or who have not applied for it). Among those with first class degrees it was 21.6 compared to 19.1 for barristers with 2:1s, and 17.5 for those with 2:2s/Thirds.

There was also some additional correlation between the schooling and university background variable, but much of this can be explained by the class of degree and QC status. However, the pay satisfaction score rises to 23.9 among those barristers who went to a fee-paying school/Oxbridge and achieved a first class degree.

Main area of practice is also a key variable correlated with pay and career satisfaction, primarily within the self-employed Bar. Where barristers are working mainly in criminal practice, but also family law, their pay and career satisfaction is significantly lower than those working in other areas (this is highlighted in Table 5.3). Whether or not barristers are working in commercial practice areas (including chancery) is an important factor within the employed Bar, criminal practice less so.

For both sections of the Bar, whether or not barristers indicated that they have experienced discrimination at work is an important correlation with pay and career satisfaction. For example, just 22 per cent of respondents who have experienced discrimination at work indicated that they have good opportunities to progress their career, compared to a half (49%) of all barristers who did not report that they have experienced discrimination at work. Correlations relating to discrimination and bullying and harassment at work have a stronger correlation with work life views of the employed Bar than the self-employed.

5.1.3 Job satisfaction

There are high levels of job satisfaction among barristers with more than two thirds (69%) agreeing

with the statement 'most days I am enthusiastic about my work'; three quarters (77%) saying their work is varied; and nine in ten (88%) agreeing with 'My work is interesting'. Partly resulting from this high level of agreement there is little variation in the 'satisfaction' scale by different groups of barristers.

The one variable that does differentiate between respondents is whether or not they have QC status. On all three items those who have achieved QC status are more likely to agree than those who either have not applied or who have not obtained QC status (with little difference between the latter two groups). For example, 81 per cent of QCs agree that most days they are enthusiastic about their work compared to 67 per cent of those who are not QCs or have not applied for Silk.

Again, experiencing discrimination at work impacts upon barristers' job satisfaction. For example, 59 per cent of those who indicate they have experienced discrimination agree 'most days I am enthusiastic about my work' compared to 69 per cent of those who say they have not experienced discrimination.

Barristers who are mainly practising in commercial and chancery are significantly more likely to respond positively, saying their work is varied and that most days they are enthusiastic about their work.

5.1.4 Workplace support and discrimination

The items contained within this scale include 'bullying and harassment are not a problem where I work', 'my workplace is supportive to newcomers', 'my workplace is supportive to people returning to work after being away for a long period' and 'work is allocated fairly where I work'. Again views on this group of items were positive. Overall, there are relatively high levels of satisfaction across respondents with a scale mean score of 15.3 where 12 would be 'average' *i.e.* a balance between people who agree and disagree with each statement in the factor. For example, 84 per cent agree that bullying and harassment is not problem where they work.

Again though, gender and the part of the Bar in which barristers work are key explanatory variables, as is QC

status. Men generally, and the self-employed Bar, are both more likely to agree with all the statements contained within the 'support' factor. For example 87 per cent of the self-employed Bar and 89 per cent of all men, say that bullying and harassment is not a problem where they work compared to 71 per cent of the employed Bar, and 75 per cent of women. Among men in the self-employed Bar, 91 per cent agree with this statement compared to 65 per cent of women in the employed Bar.

As would be expected here, those barristers who have experienced discrimination and/or bullying and harassment at work are significantly less likely to feel supported at work in variables included in the theme.

There is little additional correlation by main area of practice in views of support at work.

5.1.5 Intentions to leave the Bar or change work situation

Just under one in five respondents indicated agreement with the statement 'I would leave the Bar if I could' with two thirds (64%) disagreeing with the statement. The scales most strongly correlated with this item are 'pay and progression' (0.528), 'job satisfaction' (0.456) and 'workload' (0.400). A supportive working environment is not strongly correlated with desire to leave (0.222).

The most strongly correlated biographical variable with desire to leave the profession is the type of university attended – just 13 per cent of barristers who went to Oxbridge say they would leave the Bar if they could, compared to 19 per cent of Russell/1994 Group university alumni and 24 per cent of other university graduates.

Again it is apparent that whether or not barristers feel they experienced discrimination at work conditions how they feel about leaving the Bar. More than one in four (28%) of those who have experienced discrimination at work say they would leave the Bar if they could compared to 18 per

cent of those who say they have not experienced discrimination at work in the previous two years.

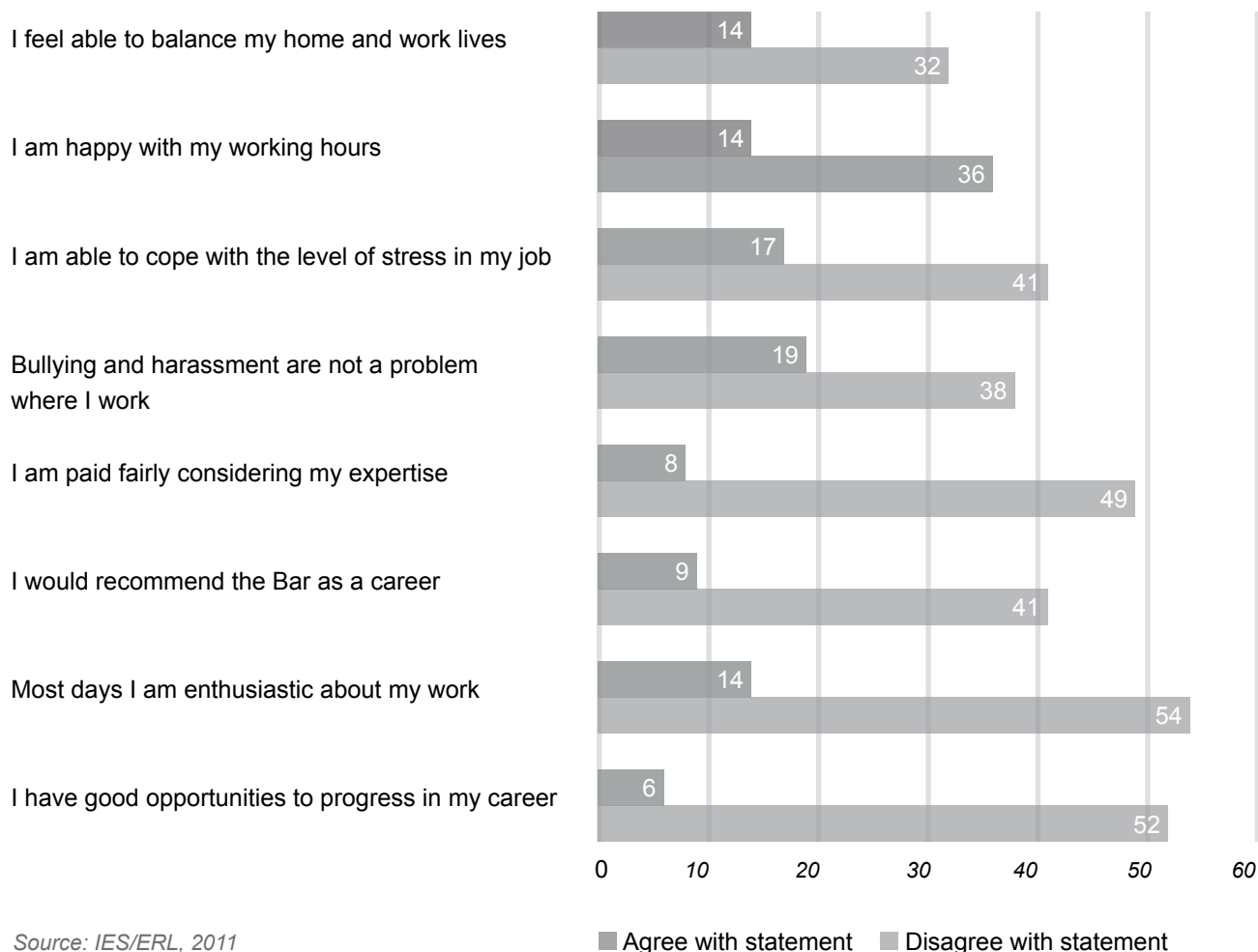
Changing work situation

A further indicator of intention to stay in or leave the profession can be generated from how barristers described their current work situation. The employed Bar is more likely to indicate that their current work situation is 'ideal or mostly ideal' (59%) than the self-employed Bar (53%). The main demographic characteristic associated with a positive view on their current work situation was whether or not respondents were QCs or not, in particular within the self-employed Bar, where 32 per cent of QCs indicated that their current work situation was ideal (with all or nearly all needs met) compared to 18 per cent of barristers who were unsuccessful in their QC application or had not applied.

Also correlated with 'current work situation' are the four working life themes. Most strongly correlated with responses to 'current work situation' is the career progression theme (-0.641). For example, where barristers agree "I have good opportunities to progress my career" just six per cent say that they are not satisfied in their current position and plan to change or are considering their options, compared to 52 per cent of barristers that do not agree that they have good opportunities to progress their career. This suggests that in assessing their current work situation it is career opportunities that influence barristers' thinking more than other factors, e.g. workload/working hours, support in the workplace and even job satisfaction. The correlations are similar for men and women, suggesting that both are influenced by similar issues in assessing their current work situation.

The job satisfaction scale (-0.408), workplace support (-0.367) and the workload and working hours scale (-0.356) are also significantly correlated with views of their current work situation. Figure 5.3 presents the proportion of respondents who are not satisfied with their current work situation by whether they agree or disagree with each statement relating

Figure 5.3: Not satisfied with current work situation (percentages by whether or not agree with statement, whole Bar)



Source: IES/ERL, 2011

to their working life. These have been selected as examples with high correlations from each theme relating to working life. They are ordered in terms of strength of correlation.

Perhaps surprisingly, the strength of correlation between work life balance issues, *i.e.* satisfaction with working hours and feeling able to balance home and work lives, are not as strongly correlated as other items and this pattern is similar for both men and women.

In the self-employed Bar it is apparent that main area of practice is a key factor in related to satisfaction with current work situation. Table 5.4

shows how barristers mainly working in criminal practice (44%) and, to a lesser extent, family (50%) are much less likely to say that their current work situation is ideal or not ideal (but most needs are met) than all other areas of practice (55%) but especially commercial and chancery and international/EU (68%) and civil (61%). In addition one in three of the criminal Bar are not satisfied and are considering their options or intend to change as soon as possible, compared to 21 per cent overall.

In the employed Bar main area of practice is not correlated with satisfaction in current work situation.

Table 5.4: Satisfaction with current work situation by main area of practice (self-employed Bar, percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/Prof neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>SE Bar</i> |
|--|-----------------|--------------|------------------------|----------------|---------------|----------------------|-------------------|
| It is ideal, all or nearly all my needs are met | 15 | 22 | 23 | 35 | 14 | 38 | 21 |
| It is not ideal, but most of my needs are met | 29 | 38 | 39 | 33 | 36 | 30 | 34 |
| I am more or less satisfied with my work situation | 24 | 24 | 25 | 21 | 28 | 15 | 24 |
| I am not satisfied and am considering my options | 27 | 14 | 10 | 9 | 20 | 17 | 18 |
| I am not at all satisfied and plan to change as soon as possible | 6 | 2 | 3 | 2 | 2 | 0 | 3 |
| <i>Base N=100%</i> | 916 | 691 | 257 | 351 | 382 | 98 | 2965 |

Source: IES/ERL, 2011

In the employed Bar reported experience of bullying and harassment and discrimination are more important variables in explaining satisfaction with current work situation. For example, of those who have experienced discrimination at work just one in three (33%) say that their current work situation is ideal or mostly ideal compared to 62 per cent of those who did not report having experienced discrimination at work.

Career intentions

When looking at career intentions over the next two years, it is interesting to note that the workload and working hours theme is most strongly correlated with barristers' plans and in particular satisfaction with working hours (Figure 5.5). Across all barristers, just under half (49%) say they are satisfied with their working hours and 28 per cent are not satisfied. However, among those who want to move from self-employed to employed practice just 32% are satisfied with their working hours with 43% not satisfied, while among the employed Bar who want to move to the self-employed Bar 53% are satisfied with their working hours and one in five (22%) are not.

Also, among those barristers who intend to leave the profession and work elsewhere (20%) or leave the profession temporarily (31%), low proportions are satisfied with their working hours and more than half, of both groups, are not satisfied.

In the self-employed Bar, again criminal practice barristers, and to a lesser extent family practice barristers, are much less likely to say they intend to remain where they are (62% of criminal and 68% of family compared to 73% overall and 86% of commercial and chancery barristers). More criminal practice barristers want to leave the profession and work elsewhere.

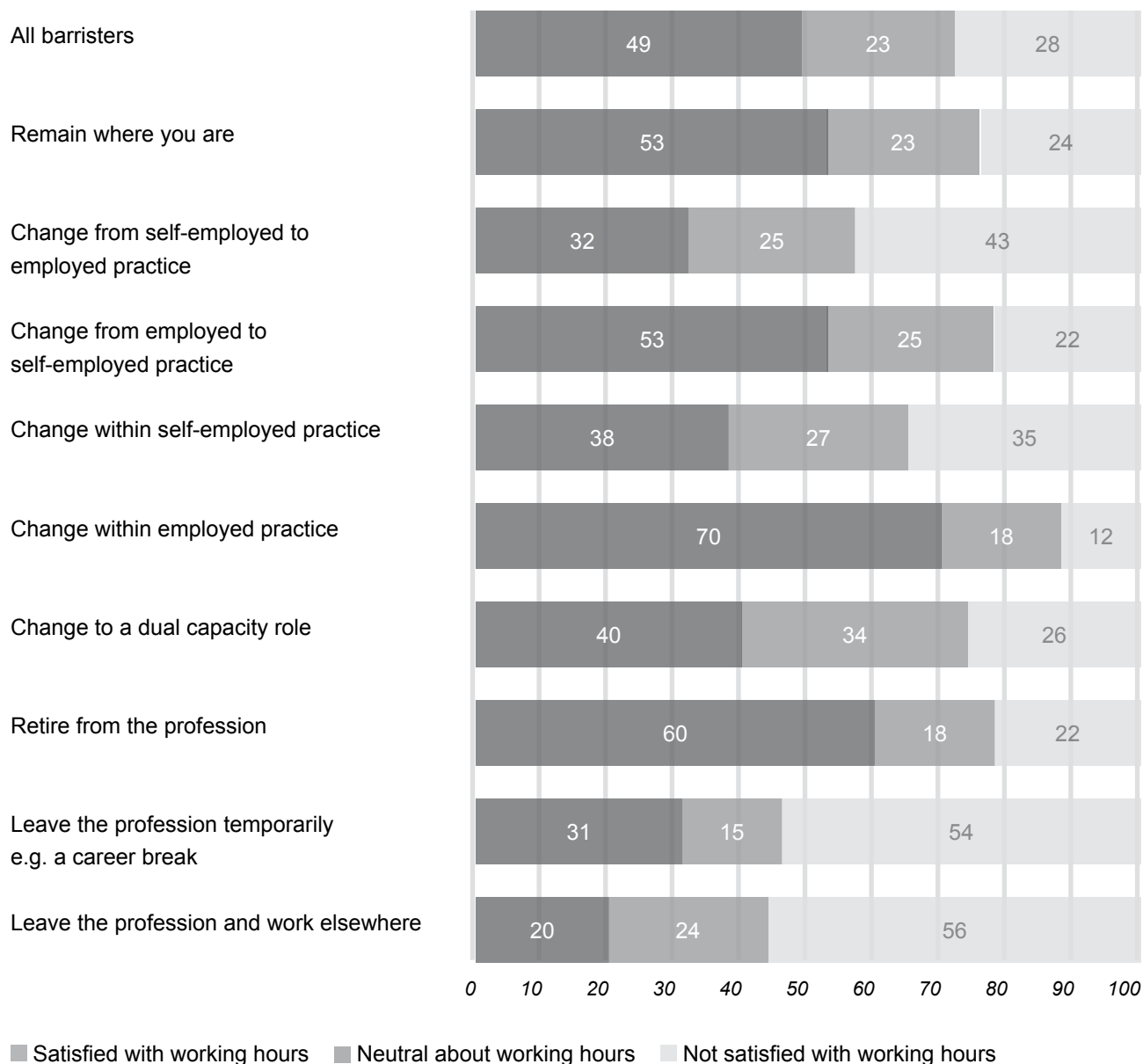
5.2 Views about the profession

A range of items were included in the questionnaire that sought barristers' views of their profession and recent developments and issues facing the profession. Table 5.6 summarises the findings, comparing results for the self-employed and employed barristers, where views differed significantly on many of the items.

It is clear from the table that very few barristers in either the self-employed or employed Bar see the profession as 'family friendly' although proportionally twice as many barristers in the self-employed Bar (21%) see it as family friendly as in the employed Bar (9%). Also, most (70% of self-employed and 60% of employed barristers) agree that it is difficult to work part time as a barrister.

Views on these statements are correlated with gender, with more men responding positively in terms of how family friendly the profession is,

Figure 5.4: Career intentions in next two years by satisfaction with working hours (percentages, whole Bar)



Source: IES/ERL, 2011

although perhaps the correlation is not as strong as might be expected. One in four (24%) men in the self-employed Bar think that the profession is family friendly compared to 17 per cent of women (in the employed Bar the difference is 12% to 7%) while two thirds (67%) of men in the self-employed Bar think it is difficult to be a barrister and work part time

compared to three quarters (75%) of women. Here the equivalent figures for the employed Bar are 52 per cent and 68 per cent.

Four fifths of all respondents agree that the Bar is a respected profession (82% of self-employed and 84% of employed barristers).

Table 5.5: Career intentions by main area of practice (self-employed Bar, percentages)

| | <i>Criminal</i> | <i>Civil</i> | <i>PI/Prof neg</i> | <i>C&C</i> | <i>Family</i> | <i>Int'l/ EU</i> | <i>SE Bar</i> |
|--|-----------------|--------------|------------------------|----------------|---------------|----------------------|---------------|
| Remain where you are | 62 | 78 | 80 | 86 | 68 | 78 | 50 |
| Change from self-employed to employed practice | 3 | 1 | <1 | <1 | 1 | 0 | 73 |
| Change from employed to self-employed practice | 0 | 0 | 0 | 0 | <1 | 0 | 1 |
| Change within self-employed practice | 8 | 6 | 5 | 5 | 7 | 5 | 0 |
| Change within employed practice | <1 | 0 | 0 | <1 | 0 | 0 | 7 |
| Change to a dual capacity role | 2 | 2 | 1 | 1 | 1 | 0 | 0 |
| Retire from the profession | 4 | 3 | 2 | 3 | 2 | 9 | 1 |
| Leave the profession temporarily, e.g. a career break | 3 | 2 | 1 | <1 | 6 | 3 | 3 |
| Leave the profession and work elsewhere | 10 | 2 | 5 | 1 | 7 | 3 | 6 |
| Other | 8 | 6 | 4 | 3 | 8 | 2 | 6 |
| <i>Base N=100%</i> | <i>645</i> | <i>504</i> | <i>248</i> | <i>279</i> | <i>364</i> | <i>58</i> | <i>2098</i> |

Source: IES/ERL, 2011

**Table 5.6: Views of the profession (self-employed / employed)
means/percentages¹⁹**

| | <i>Self-employed</i> | | <i>Employed</i> | |
|---|----------------------|--------------|-----------------|--------------|
| | <i>Mean</i> | <i>agree</i> | <i>Mean</i> | <i>agree</i> |
| 1 The Bar is a 'family friendly' profession in which to work ** | 2.5 | 21 | 2.3 | 9 |
| 2 The Bar is a respected profession | 4.0 | 82 | 4.0 | 84 |
| 3 A career at the Bar is accessible to everyone of ability ** | 3.0 | 44 | 2.5 | 22 |
| 4 Pupils need a lot of support | 4.0 | 86 | 4.0 | 82 |
| 5 New tenants need a lot of support | 3.9 | 77 | 3.9 | 74 |
| 6 Too many students are being recruited onto the Bar Professional Training Course for the number of available pupillages ** | 4.5 | 89 | 4.1 | 76 |
| 7 It is difficult to be a barrister and work part time | 3.8 | 70 | 3.7 | 60 |
| 8 The Bar is attracting the best quality people, regardless of background ** | 2.9 | 32 | 2.4 | 12 |
| 9 Demand for barristers' services is increasing | 2.4 | 10 | 2.7 | 9 |
| 10 Junior barristers need a 'champion' in order to progress ** | 3.0 | 29 | 3.4 | 10 |
| 11 Employed practice offers good opportunities for career progression ** | 2.9 | 13 | 3.5 | 60 |
| 12 The new entities enabled under the Legal Services Act represent exciting opportunities for the Bar ** | 2.7 | 17 | 3.2 | 25 |
| 13 The cab rank rule is an important principle to maintain | 3.8 | 69 | 3.7 | 64 |
| 14 There are insufficient pupillages to support the future demand for work ** | 2.6 | 49 | 3.2 | 17 |
| 15 The rewards of a career at the Bar more than compensate for the initial financial outlay ** | 3.0 | 41 | 2.6 | 15 |

Source: IES/ERL, 2011

¹⁹ items marked ** indicate statistical significant difference in ANOVA mean score (p=0.01). Again, similar to table 5.1, a higher mean score represents higher levels of agreement with the statement.

There is a worrying lack of optimism about demand for barristers' services across both sides of the profession with just one in ten respondents thinking that demand for barristers' services is increasing. More than half (52%) of the self-employed Bar think that demand is decreasing (36% of employed Bar feel this way). Perhaps partly reflecting this pessimism about the future, just four in ten (41%) of the self-employed Bar feel that the rewards of the profession more than compensate for the initial outlay; but only 15 per cent of the employed Bar agree with this statement.

On some items there was considerable variation in response between self-employed and employed barristers. In particular, there is disparity in views as to whether or not the Bar is accessible to everyone of ability (twice as many self-employed barristers agreeing (44%) as employed (22%)). Similarly, fewer employed barristers (12%) feel the Bar is attracting the best quality people regardless of background, compared to self-employed (32%).

Self-employed barristers do not consider there to be good career progression opportunities in employed practice, with only 13 per cent agreeing that this is the case in contrast to 60 per cent of barristers working

in employed practice. Two thirds of the Bar think that that the Cab-rank rule is an important principle to maintain, with little difference in views between the self-employed and employed Bar.

There was barely lukewarm support for new working arrangements, as indicated by agreement with the statement 'the new entities enabled under the Legal Services Act represent exciting opportunities for the Bar' as just 17 per cent of self-employed barristers, and 25 per cent of employed barristers, agreed with the statement.

Three in ten (29%) of the self-employed Bar agreed that junior barristers need a 'champion' in order to progress in their careers (just 10% of barristers in employed practice agreed with this statement).

Again, using the same procedures as above we explored the data to identify any common themes/factors within the set of items. Three factors emerged from the data. These can be summarised as Rewards, Entry and Family.

This factor includes a slightly mixed group of items, although there is good reliability between the items

| Scale/Factor: | Rewards <i>Rewards, respect and access</i> | Entry <i>Support for new entrants</i> | Family <i>Family-friendly and part-time working</i> |
|----------------------|--|---|---|
| No. of items | 4 | 2 | 2 |
| Alpha reliability | 0.665 | 0.831 | 0.496 |
| Valid cases N= | 2650 | 2694 | 2691 |
| Mean Score | 12.6 | 4.1 | 4.7 |

The items included in each factor or theme are shown below:

Factor 1: Rewards, respect and access (Mean score: 12.6)

- 2. The Bar is a respected profession
- 3. A career at the Bar is accessible to everyone of ability
- 8. The Bar is attracting the best quality people, regardless of background
- 15. The rewards of a career at the Bar more than compensate for the initial financial outlay

meaning that they are related to each other statistically. The main variables that correlate with this factor are the type of school background of barristers where more from fee-paying schools feel the Bar is accessible to everyone of ability (47% as opposed to just 32% of barristers who went to state schools).

A similar difference, between barristers who have come through fee-paying as opposed to state schools, is also apparent in views as to whether or not the Bar is attracting the best quality people regardless of background (33% of barristers who went to fee-paying schools agree with this statement compared to 23% of those from state schools). These two items are also strongly correlated with whether or not respondents have obtained QC status *i.e.* QCs are more likely to indicate that the profession is attracting the best quality people and that the Bar is accessible to everyone of ability (59% of QCs in the self-employed Bar think that the Bar is open to everyone of ability compared to 42% of non-QCs and 44% of QCs think the Bar is attracting the best quality people compared to 30% of non-QCs).

Factor 2: Support to new entrants to the profession (Mean score: 4.1)

4. Pupils DO NOT need a lot of support
5. New tenants DO NOT need a lot of support

This factor includes responses to two items about support needed for new entrants to the profession, pupils and tenants. There is a high level of reliability and consistency between these items, and high levels of agreement across the Bar with little variation between sub-groups of barristers. Overall, 86 per cent of barristers think pupils need a lot of support and 75 per cent think tenants need a lot of support.

Factor 3: Family friendly (Mean score: 4.7)

1. The Bar is a 'family-friendly' profession in which to work
7. It is difficult to be a barrister and work part time

These two items are strongly correlated and can be seen together as indicative of the degree to which the profession offers a family-friendly work-life balance. Again, views across the Bar were fairly homogenous on

this aspect of working life with only 19 per cent thinking that the Bar is a family-friendly profession in which to work and 11 per cent agreeing that it is NOT difficult to be a barrister and work part time. Gender was the only differentiating characteristic with 73 per cent of women agreeing that the Bar is a difficult place to work part time, compared to 64 per cent of men; and 61 per cent of women do not think the Bar is a family-friendly profession in which to work, compared to 51 per cent of men. Controlling for gender there was no difference in views by caring responsibilities.

Within self-employed practice it is clear, again reinforcing the above findings, that barristers mainly working in criminal, and again to a lesser extent family, practice hold more negative views about most aspects of the profession than is the case among barristers engaged in other areas of practice. Within the employed Bar those who reported having experienced discrimination hold more negative views of the profession.

5.3 Views about the Bar Council and BSB

The final section of the questionnaire which sought responses to attitude statements on life working at the Bar related to views of the Bar Council and the Bar Standards Board (BSB). Three statements were presented:

- The Bar Council represents the interests of the profession well
- The BSB is an effective regulator of the barrister profession
- The Member Services Fee represents good value for money.

Figure 5.6 presents the summary data for each of the three statements.

Just under a third of the Bar think that the Bar Council represents the interests of the profession well (31%) or that the BSB is an effective regulator of the barrister profession (31%), with 34 per cent on the Bar Council and 47 per cent on the BSB 'neutral' about the issue. Only 14 per cent agree that the MSF represents good value for money, with again a high number indicating they are 'neutral' (45%). Combining these three items as one factor

Figure 5.5: Views of the Bar Council and BSB

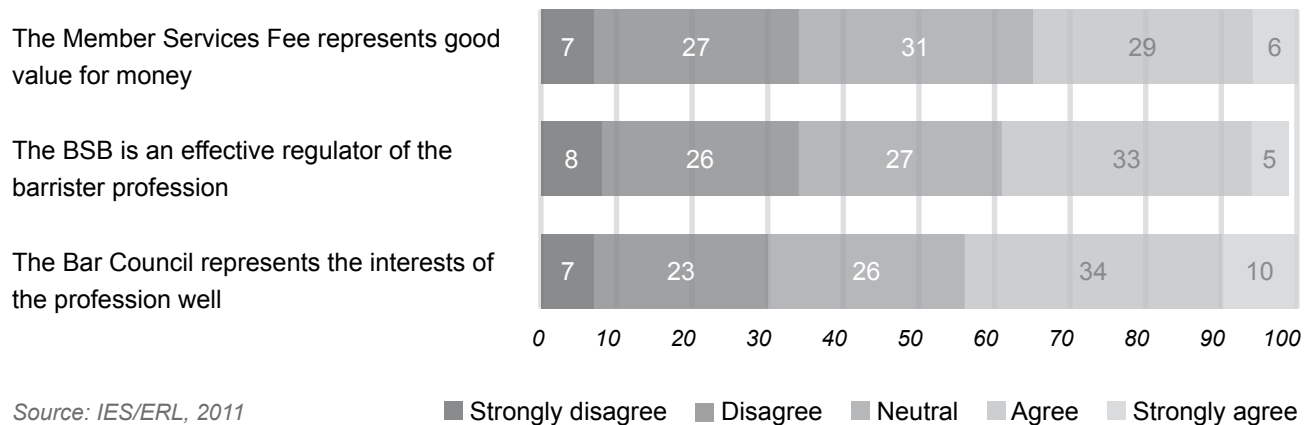


Table 5.7: Views of the Professional Body/Regulator (self-employed/employed) /means²¹/percentages²⁰

| | Self-employed | | Employed | |
|--|---------------|----------|----------|----------|
| | Mean | disagree | Mean | disagree |
| 1 The Bar Council represents the interests of the profession well ** | 2.8 | 38 | 3.0 | 25 |
| 2 The BSB is an effective regulator of the barrister profession ** | 3.0 | 26 | 3.2 | 11 |
| 3 The Member Services Fee represents good value for money ** | 2.5 | 45 | 2.8 | 30 |

Source: IES/ERL, 2011

relating to views of the representative and regulatory bodies, the key variable that differentiates between barristers' views is whether working in self-employed or employed practice.

Although there is little difference in the proportions who agree with each statement by type of practice, barristers working in self-employed practice are much more likely to disagree with each statement than is the case among employed practice barristers, who in turn are more likely to respond 'neutrally'. More barristers in self-employed practice hold negative views of the Bar Council as 45% do not think the MSF represents good value for money and 38% do not think the Bar Council represents the interests of the profession well. More barristers in self-employed practice also hold negative views of the BSB as 26% do not think the BSB is an effective regulator

of the profession. All these figures are much higher than among employed barristers.

There was little variation in response by the other key sub groups of barrister.

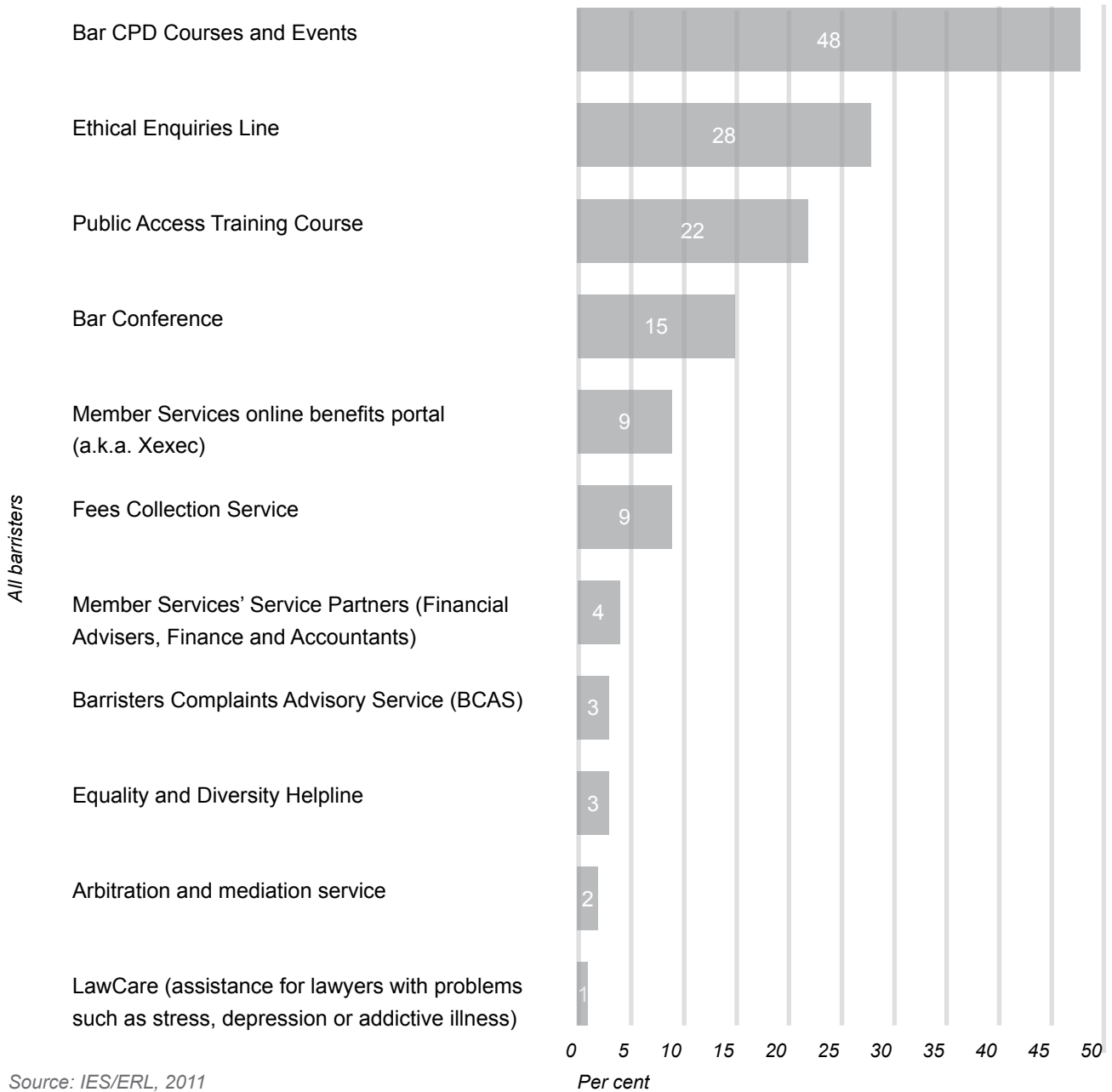
5.4 Services used by barristers

Respondents were asked to indicate which services provided by the Bar Council they had made use of in the previous 12 months. Figure 5.6 shows the summary data, demonstrating that Bar CPD courses and events were the most frequently used, although still by fewer than a half of all respondents (by 48% of the Bar). The ethical enquiries line was used by 28 per cent; public access training courses by just under a quarter (22%); and the Bar Conference was attended by 15 per cent

²⁰ Note in the table % disagree has been used as this distinguishes between the views of self-employed and employed barristers more clearly

²¹ Items marked ** indicate statistical significant difference in ANOVA mean score (p=0.01)

Figure 5.6: Services used, whole Bar



of respondents. It should be noted that 31 per cent of all respondents (who answered other questions on the page) did not select any option.

The services have been accessed to varying degrees partly dependent on which part of the Bar respondents worked in. Table 5.8 presents the data for self-employed, sole practitioners and employed barristers. One in four

(24%) self-employed barristers had not made use of any of the services listed; 28 per cent of sole practitioners had not done so; more than twice as many (57%), proportionally, of employed barristers had not made any use of any of the services listed. Not surprisingly age and time since Call were also correlated with take-up of Bar CPD courses and events, with 56 per cent of those within seven years of their Call having used these courses and

Table 5.8: Services used by (self-employed, sole practitioner and employed Bar)

| | <i>Self employed</i> | <i>Sole practitioner</i> | <i>Employed</i> |
|---|--------------------------|------------------------------|-----------------|
| Bar CPD courses and events | 51 | 51 | 35 |
| Ethical enquiries line | 34 | 24 | 7 |
| Public access training course | 27 | 20 | 1 |
| Bar Conference | 16 | 18 | 7 |
| Fees collection service | 11 | 11 | 1 |
| Member services online benefits portal (a.k.a. Xexec) | 11 | 6 | 4 |
| Member services' service partners (Financial advisors, finance and accountants) | 5 | 6 | 2 |
| Equality and diversity helpline | 4 | 2 | 4 |
| Barristers Complaints Advisory Service (BCAS) | 4 | 2 | 1 |
| Arbitration and mediation service | 2 | 4 | 1 |
| LawCare (assistance for lawyers with problems such as stress, depression or addictive illnesses) | 1 | 0 | <1 |
| <i>Base N=</i> | <i>2,128</i> | <i>142</i> | <i>569</i> |

Source: IES/ERL, 2011

events, compared to 43 per cent of those with 22 years or more experience. In addition to this, fewer had not selected any of the services *i.e.* 22 per cent of barristers with seven years' Call, compared to 37 per cent of those with more than 21 years' Call, and 33 per cent of those with 13-21 years' Call.

For employed barristers there is some variation, by type of employer, with who accesses CPD courses/events – those working in the CPS are less likely to have used this service in the last 12 months (21%), while those working elsewhere in the public sector (42%) and in solicitors' firms (47%) were more likely.

Among the self-employed Bar there is little difference by size of chambers.

Table 5.9 shows the proportion of barristers indicating that they have accessed each of the main services used²² by the largest areas of practice²³. Barristers working in employment law and chancery are most likely to say they

have used the Ethical Enquiries Line (40%) while only one in five barristers working in commercial law used this service. There was little variation in use of CPD courses and events at around 48 per cent of all respondents. Public access training was most used by the barristers working in criminal (27%) and family law (32%) while the fees collection service was most used by barristers working in chancery (22%) and there was little variation by area of practice in numbers taking up member services online.

5.5 Reflections on life at the Bar

The questionnaire sought open responses from barristers about their working lives. First they were asked to give their views about what are the best things about working in the profession, second they were asked to comment on what they see as being the two main challenges facing the profession, and third to give suggestions as to what would make the Bar Council and the BSB more effective. All responses were coded into broader categories to enable some quantitative analysis of the free text responses.

²² *i.e.* where numbers of respondents are sufficient to enable comparisons.

²³ *i.e.* where number of cases exceeds 100 (whole Bar).

Table 5.9: Services used by area of practice (percentages)

| | <i>Ethical enquiries line</i> | <i>Bar CPD courses/ events</i> | <i>Public access training</i> | <i>Fees collection service</i> | <i>Member services online</i> | <i>Base N=</i> |
|-----------------------|-------------------------------|--------------------------------|-------------------------------|--------------------------------|-------------------------------|----------------|
| Criminal | 25 | 50 | 27 | 5 | 6 | 910 |
| Civil | 28 | 48 | 19 | 10 | 12 | 164 |
| Commercial | 20 | 43 | 4 | 5 | 11 | 198 |
| Chancery | 40 | 46 | 15 | 22 | 13 | 152 |
| Personal injury | 27 | 48 | 20 | 15 | 14 | 221 |
| Family | 23 | 53 | 32 | 10 | 8 | 378 |
| Employment | 41 | 40 | 20 | 9 | 13 | 120 |
| Public law | 21 | 39 | 11 | 5 | 7 | 122 |
| All barristers | 28 | 48 | 22 | 9 | 9 | 2674 |

Source: IES/ERL, 2011

Respondents were also asked ‘if they could start their career again would they still opt for the Bar?’. Seven in ten barristers say they would and there was little variation in views between groups of barristers. Class of degree emerges as the main variable explaining variation in response to this question, with 79 per cent of barristers with a first class degree saying they would still opt for the Bar if they could start their career again, compared to 71 per cent of those with a 2:1, 65 per cent of those with a 2:2 and 59 per cent of those with a third. It was noted above that degree class was correlated with QC status and with income.

As might be expected, length of time working at the Bar was also correlated with the likelihood of respondents responding negatively. Twice as many, proportionally, of those with more than 12 years’ Call (34%) said they would not opt for the Bar again, compared to 24 per cent of those with 4-12 years’ Call and 15 per cent of those 1-3 years since Call.

Within the self-employed Bar, those working in criminal practice are much less likely to say they would still opt for the Bar if they could start their career again (60%

compared to 72% of all self-employed barristers and 83% of commercial and chancery).

5.5.1 Best things about working at the Bar

As has been demonstrated earlier in this chapter, barristers are generally positive about their working lives with (for example) two thirds (69%) saying that most days they are enthusiastic about their work; and only one in nine (11%) disagreeing, indicating they are not enthusiastic about their work most days.

The codes for this open section were further conflated into nine broad codes, as presented in Table 5.10. These broader codes show the difference in views of self-employed and employed barristers as to what gives them satisfaction in their work. Intellectual challenge, variety and interest give satisfaction to approximately two thirds of each group of barristers, but after this working life feature employed and self-employed barristers mention quite separate aspects of their working lives. The employed Bar are much more likely to cite ‘respect and status’ (26%), the quality of the work and the fact that it is a good qualification, while a higher proportion of self-

²⁴ It should be noted here that it was often difficult to differentiate responses referring to the independence of the advocacy role and independence experienced in not having an employer. These two separate themes have been grouped together here.

employed Barristers mention autonomy, independence, flexibility and control they have over their working lives²⁴.

Similar differences are apparent between male and female barristers: women are more likely to mention challenge, variety and job satisfaction as the best things about being a barrister and less likely to say that autonomy, flexibility and control are positive aspects of their work. However, within the employed Bar there is less difference in views between men and women around autonomy and independence and more around the social contribution aspects of the work (see Table 5.11).

5.5.2 Challenges facing the profession

Barristers had a lot to say about the challenges facing the profession, with many comments being provided on

a wide variety of topics. Nine in ten of all respondents gave details of challenges they felt the profession was currently facing. The full list of responses and frequencies is given in Appendix B. These categories were collapsed into six broad themes which are presented in Table 5.12, showing differences in response by each part of the Bar.

Four fifths of the Bar (81%) are concerned about cuts to fees, legal aid, funding issues, the recession more generally and lack of work. Linked to this are the implications of changing structures and business models, competition generally, and especially from solicitors, and more generally an uncertain future. More than half (57%) of all respondents mention issues linked to future changes in the profession. The 'uncertain future' was again more likely to be mentioned by self-employed (59%) than employed Barristers (44%).

Table 5.10: Best things about being a barrister (self-employed/employed)

| | <i>Self employed</i> | <i>Employed</i> | <i>All barristers</i> |
|--|----------------------|-----------------|-----------------------|
| Challenge, interest, variety and job satisfaction | 63 | 67 | 64 |
| Autonomy, independence, freedom, control and flexibility | 69 | 22 | 60 |
| Social contribution, helping people | 18 | 17 | 18 |
| Respect and status | 7 | 26 | 11 |
| Advocacy work, expert, specialist | 10 | 15 | 11 |
| Rewards of career (financial and other) | 11 | 11 | 11 |
| Culture, colleagues and environment | 11 | 9 | 11 |
| Good qualification, professional standards | 5 | 16 | 7 |
| Other | 2 | 4 | 3 |
| Base N= | 2,024 | 499 | 2,523 |

Source: IES/ERL, 2011

Table 5.11: Best things about the profession (self-employed/employed by gender)

| | <i>Self-employed Bar</i> | | <i>Employed Bar</i> | |
|--|--------------------------|--------------|---------------------|--------------|
| | <i>Men</i> | <i>Women</i> | <i>Men</i> | <i>Women</i> |
| Challenge, interest, variety and job satisfaction | 60 | 70 | 62 | 71 |
| Autonomy, independence, freedom, control and flexibility | 72 | 64 | 24 | 21 |
| Social contribution/helping people | 17 | 21 | 22 | 13 |
| Base N= | 1,319 | 705 | 248 | 251 |

Source: IES/ERL, 2011

Table 5.12: Challenges facing the profession (self-employed/employed)

| | <i>Self- employed Bar</i> | <i>Employed Bar</i> | <i>All barristers</i> |
|--|-----------------------------------|-------------------------|---------------------------|
| Cuts (legal aid)/recession/reduced fees/work/funding generally | 84 | 64 | 81 |
| The future - structural changes/implementation of ABS/ increased competition | 59 | 44 | 57 |
| Maintaining quality | 9 | 6 | 8 |
| Issues with Bar Council/BSB representation/understanding | 16 | 14 | 16 |
| Supply side issues – support of Young Bar/flexible working/recruiting best people/access/equality | 16 | 46 | 22 |
| Other issues | 6 | 7 | 6 |
| <i>Base N=</i> | <i>2,016</i> | <i>476</i> | <i>2,508</i> |

Source: IES/ERL, 2011

The next largest batch of responses can broadly be labelled ‘supply side issues’ cited by one in five respondents (22%) *i.e.* how best to support the Young Bar, lack of pupillages, the financial difficulties faced by young barristers, routes to the qualification, access to the profession and equality issues, how to recruit the best people, and, in terms of retention issues, flexibility in work issues, and work-life balance. It is noticeable here that many more of the employed Bar (46%) mentioned access and retention issues than was the case among the self-employed Bar; and within the employed Bar, women were much more likely to cite these issues than men, while there was little difference between men and women in the self-employed Bar.

5.5.3 Improving the effectiveness of the Bar Council and BSB

More than half of all respondents (57%) provided comments as to what might make the Bar Council more effective and just under half of all respondents (48%) provided comments as to what might make the BSB more effective. Comments given were often detailed and covered a wide variety of issues on both the Bar Council and the BSB. Often comments on each overlapped, and clearly there is confusion among some members as to their separate responsibilities or they were using either space to comment on each – for

example if they had more to say about the Bar Council they used the space for the BSB to add additional comments. The two tables in Appendix B below summarise the comments on each organisation.

In relation to the Bar Council, the main themes that emerged were for the Bar Council to show more teeth and lobby harder on behalf of its members, and act more like a trade union in campaigning on their behalf. This might involve better PR and communication, listening to the needs of members better, and communicating with and representing ALL strands of the Bar more effectively (especially the employed Bar and the regions and provinces). Barristers who aired these views were more likely to be in the self-employed Bar, especially those working in criminal and family practice. There were also comments concerning the cost effectiveness of the organisation (reducing size) and the need for better and improved leadership (structures and quality).

In relation to the BSB, the main concerns were to reduce bureaucracy, regulation and interference, with a significant minority taking this further and suggesting that it should be abolished. Again, barristers want to see the BSB listening to, and understanding better, the needs of members. These views were more often held by self-employed barristers, but there was not such a clear distinction by area of practice.

5.6 Chapter 5: Key points

This chapter has summarised the views of barristers on their working lives, the profession and the Bar Council and Bar Standards Board (BSB). The main points to emerge from this analysis include:

Working lives

Most barristers are satisfied with their working lives, enjoy the variety and challenge of their work and feel positive about the contribution they make to society. For example 88 per cent say they are proud to be a barrister and the same percentage find their work interesting. However, on the downside, only 38 per cent feel satisfied with the amount they earn and lower percentages still agree that they are not under pressure at work or that they do not find life as a barrister stressful.

The analysis found four themes (factors) where there was significant correlation in views between barristers. These are summarised as:

- Workload, stress and work-life balance. It was found that the part of the Bar in which barristers worked and their gender were key variables explaining variation in response to this theme. In summary, employed male barristers responded most positively to this theme and self-employed female barristers least positively.
- Pay and career progression included items concerned with pay satisfaction and career advancement/opportunities. More positive responses were found here from barristers with better degree classifications and those who had achieved QC status.
- Job satisfaction. Again QC status was strongly correlated with a sense of job satisfaction with 81 per cent of QCs saying that most days they are enthusiastic about their work, compared to 67 per cent of those who have not achieved QC status, or have not applied.
- Workplace support and discrimination. The final group of items included perceptions of the support given to pupils and new tenants, and

the degree of bullying/discrimination in the work place. Again gender and the part of the Bar in which barristers are engaged are key variables. Male self-employed barristers are most likely to say that bullying and harassment is not a problem (87%) and female employed barristers least likely (65%).

Views of the profession

There is a worrying lack of optimism in the profession with more than half thinking that demand is decreasing. The Bar is not seen as a family-friendly profession and although twice as many barristers in the self-employed Bar see it as family-friendly as is the case in the employed Bar, two thirds think it is difficult to work part time as a barrister.

Four fifths of respondents see the profession as respected.

There is a high level of ambivalence about the role of the Bar Council and BSB, with fewer than a third of respondents agreeing that the Bar Council represents the interests of the profession well, or that the BSB is an effective regulator of the profession, and only 14 per cent say that Member Services Fee represents good value for money. Nearly a half responded 'neutrally' to these items.

Seventy per cent said if they could start their career again they would still opt for the Bar.

Within the self-employed Bar barristers engaged mainly in criminal practice work, and to a lesser extent family law, are much less positive about their working lives – 40 per cent of all self-employed criminal practice barristers would not opt for the Bar if they could start their career again. In the employed Bar those who report having experienced discrimination hold more negative views, with 48 per cent of this group indicating that they would not opt for the Bar if they could start their career again.

Appendix A: diversity data

Table A.1: Demographic data (self-employed/employed and whole Bar) (percentages)

| | <i>Self-employed Bar</i> | <i>Employed Bar</i> | <i>All barristers</i> |
|------------------------------|--------------------------|---------------------|-----------------------|
| Gender | | | |
| Male | 66 | 51 | 63 |
| Female | 34 | 49 | 37 |
| <i>Base N=100%</i> | <i>2331</i> | <i>614</i> | <i>2945</i> |
| Age Band | | | |
| Under 30 | 10 | 6 | 9 |
| 30-39 | 30 | 29 | 30 |
| 40-49 | 31 | 33 | 31 |
| 50-59 | 19 | 27 | 21 |
| 60 plus | 10 | 4 | 9 |
| <i>Base N=100%</i> | <i>2245</i> | <i>604</i> | <i>2849</i> |
| Dependent children | | | |
| Yes | 47 | 51 | 48 |
| No | 53 | 49 | 52 |
| <i>Base N=100%</i> | <i>2111</i> | <i>577</i> | <i>2688</i> |
| Aged under 5 | | | |
| Aged 5-10 | 39 | 35 | 38 |
| Aged 11-16 | 39 | 41 | 39 |
| Aged 17 plus | 36 | 36 | 36 |
| <i>Base N=100%</i> | <i>988</i> | <i>289</i> | <i>1277</i> |
| Organising childcare | | | |
| Me | 22 | 34 | 25 |
| Someone else | 55 | 36 | 50 |
| Equally shared | 23 | 31 | 25 |
| <i>Base N=100%</i> | <i>987</i> | <i>291</i> | <i>1278</i> |
| Marital status | | | |
| Single | 25 | 28 | 26 |
| Married | 66 | 62 | 65 |
| In a civil partnership | 2 | 1 | 2 |
| Divorced | 4 | 5 | 5 |
| Separated | 2 | 2 | 2 |
| Widowed | 1 | 2 | 1 |
| <i>Base N=100%</i> | <i>2051</i> | <i>568</i> | <i>2619</i> |
| Ethnicity | | | |
| White British | 84 | 80 | 83 |
| White Irish | 3 | 3 | 3 |
| White Gypsy/Irish traveller | <1 | 0 | <1 |
| Other white background | 4 | 4 | 4 |
| Mixed: White/Black Caribbean | <1 | 1 | <1 |
| Mixed: White/Black African | <1 | <1 | <1 |
| Mixed: White/Asian | 1 | 1 | 1 |
| Mixed: other | 1 | 1 | 1 |
| Asian: Indian | 2 | 3 | 2 |
| Asian: Pakistani | 1 | 1 | 1 |
| Asian: Bangladeshi | <1 | 1 | <1 |
| Asian: Chinese | <1 | 1 | <1 |
| Asian: other | 1 | 1 | 1 |

| | <i>Self-employed Bar</i> | <i>Employed Bar</i> | <i>All barristers</i> |
|---|--------------------------|---------------------|-----------------------|
| Black: African | 1 | 2 | 1 |
| Black: Caribbean | 1 | 1 | 1 |
| Black: other | <1 | <1 | <1 |
| Other: Arab | 0 | 0 | 0 |
| Other: other ethnic group | 1 | 1 | 1 |
| <i>Base N=100%</i> | <i>2083</i> | <i>569</i> | <i>2652</i> |
| Disability (long term health problem of disability that affects day-to-day activities) | | | |
| Yes | 4 | 5 | 4 |
| No | 96 | 95 | 96 |
| <i>Base N=100%</i> | <i>2107</i> | <i>578</i> | <i>2685</i> |
| Adult care responsibility | | | |
| Yes | 8 | 10 | 9 |
| No | 92 | 90 | 91 |
| <i>Base N=100%</i> | <i>2059</i> | <i>572</i> | <i>2631</i> |
| Religious affiliation | | | |
| No religion | 38 | 32 | 37 |
| Christian | 53 | 59 | 54 |
| Buddhist | <1 | 1 | <1 |
| Hindu | 1 | 1 | 1 |
| Jewish | 4 | 3 | 4 |
| Muslim | 2 | 1 | 2 |
| Sikh | 1 | 1 | 1 |
| Other | 1 | 1 | 1 |
| <i>Base N=100%</i> | <i>2063</i> | <i>564</i> | <i>2627</i> |
| Sexual orientation | | | |
| Bisexual | 2 | 1 | 2 |
| Gay Man | 3 | 4 | 4 |
| Gay Woman/Lesbian | 1 | 1 | 1 |
| Heterosexual/Straight | 90 | 90 | 90 |
| Other | <1 | <1 | <1 |
| Prefer not to say | 4 | 3 | 4 |
| <i>Base N=100%</i> | <i>2053</i> | <i>559</i> | <i>2612</i> |
| Type of school attended | | | |
| State | 53 | 70 | 57 |
| Fee-paying | 47 | 30 | 43 |
| <i>Base N=100%</i> | <i>2074</i> | <i>574</i> | <i>2648</i> |
| 50%+ fees (financial award) | | | |
| Yes | 25 | 27 | 25 |
| No | 75 | 73 | 75 |
| <i>Base N=100%</i> | <i>896</i> | <i>165</i> | <i>1061</i> |
| University attended | | | |
| Oxbridge | 34 | 16 | 30 |
| Russell Group | 34 | 36 | 34 |
| 1994 Group | 13 | 13 | 13 |
| Other Pre-1992 universities | 6 | 8 | 6 |
| 1992 universities | 10 | 22 | 13 |
| Second wave new universities | 1 | 2 | 1 |
| Other (inc. overseas) | 2 | 2 | 2 |
| Open university | <1 | 1 | <1 |
| Did not attend university | <1 | <1 | <1 |
| <i>Base N=100%</i> | <i>2056</i> | <i>556</i> | <i>2612</i> |

Appendix B: comments on the Bar Council and BSB

Table B.1: Comments on the Bar Council (percentage of cases)

| Comment on the Bar Council | N |
|---|-----|
| 2 More teeth/stand up to politicians/oppose public funding cuts/lobby louder/harder/ more assertive/aggressive representation | 339 |
| 3 Better PR/More information for public/improve relationship with government/law society etc | 117 |
| 16 LISTEN TO/UNDERSTAND/TRUST/SUPPORT/EMPATHISE with members/Too remote/ Provide contact persons (representatives from all chambers/sectors) | 103 |
| 28 BROADER (fairer) representation of the whole Bar/better balance (esp. between SEB and Employed Bar) | 96 |
| 15 BETTER COMMUNICATION with profession/open meetings/visibility/ transparency/provide clearer definition of council and/or board's role(s) | 95 |
| 35 BETTER REPRESENTATION GENERALLY/Enhance trade union function/Act like TRADE UNION (more in touch with shop floor) | 89 |
| 33 Better understanding/support/representation of EMPLOYED Bar | 86 |
| 18 More cost effective/reduce fees/reduce costs/spend less on marketing/ Slim organisation/stop growing/fewer members/fewer member services/cut discounts/reduce pensions | 83 |
| 36 Better understanding/support/representation of REGIONS/PROVINCES – too London centric | 70 |
| 5 Better LEADERSHIP of BC/BSB – get rid of amateur QC leadership/longer terms for chairpersons (3,4,5 yrs/permanent)/Senior posts meaningless if only a stepping stone to high court posts. | 69 |
| 1 More proactive/cohesive/coherent voice + strategy/clear remit/ More professional approach/ More Efficient/consistent admin/faster response | 65 |
| 8 Reduce/remove regulation (bureaucracy)/Less interference/Do less | 53 |
| 17 Proper DEMOCRATIC structure/purpose/elections/ballots (all members should vote for senior posts in BC/direct elections) | 51 |
| 32 Better understanding/support/representation of JUNIOR counsel/Bar | 40 |
| 12 Consultation with barristers/Allow more input from barristers to proposals/to inform lay members (BSB)/More members who are barristers/better informed members | 34 |
| 42 Chase old fees/Enforce prompt payment/Right to sue for fees/right to fee share | 34 |
| 6 More regulation/control over chambers/BPM providers/zero tolerance of kick-backs/referral fees/ Maintaining | 32 |
| 47 Recognise that things have changed/cant maintain status quo/Embrace change/ MODERNISE (PRO CHANGE) | 32 |
| 50 Abolition/It's too late/Beyond saving/Cannot see the need for it | 27 |
| 48 Recognise that the profession is under threat/no longer respected/preserve the independence of the Bar (Bar as the only advocacy service) | 23 |
| 23 More realistic/practical approach/ less complex infrastructure /better guidance/ethics advice/ more user friendly/less trivial – no empire building – no change for sake of appearing to be doing something – these are particularly re the BSB rather than BC | 22 |
| 13 Doing a good job/Already fulfilling its role | 20 |
| 40 Better understanding/support/representation of PUBLICLY FUNDED Bar | 20 |
| 14 Needs to be more effective/conceptually flawed/cannot/does not support profession effectively | 13 |
| 20 Better/more relevant/more flexible CPD/more focus on ethics + standards within CPD/make easier to understand rules | 13 |
| 37 More emphasis on accessibility/diversity – more women/understand family life | 12 |
| 4 Less adherence to political correctness/market not the best tool of regulation/worry less about equality | 9 |
| 27 Ensure fair competition/Adjust balance solicitors vs. barristers – allow competition on level playing field between the two | 9 |

| Comment on the Bar Council continued | <i>N</i> |
|---|----------|
| 29 Better understanding/support/representation of CRIMINAL function | 8 |
| 30 Better understanding/support/representation of CIVIL counsel (not all Crime/Family) | 8 |
| 34 Split Bar Council into criminal and civil/public and private/self-employed and employed barristers | 8 |
| 22 Reduce CPD requirement/do not increase/Abolish CPD/Complete overhaul required | 7 |
| 24 More independence | 7 |
| 51 Never heard of BC/BSB/ Unsure or No idea what they do | 7 |
| 7 Self regulation of profession/lobby for deregulation | 6 |
| 41 Better understanding/support/representation of SELF-EMPLOYED Bar/(LESS on Employed) | 6 |
| 43 Identify and pursue business opportunities for barristers | 6 |
| 19 Improve Access to Justice | 5 |
| 45 Allow private orgs. to offer pupillages/Provide more help creating/securing pupillages | 4 |
| 10 Better advocacy monitoring/power to bar incompetent/bankrupt practitioners | 3 |
| 38 MERGE with SRA/merge with Law Society (improve structure through merger) | 3 |
| 39 Maintain equality principles/access (esp. in face of reduction of public funded work)/ Equal opportunity at the Bar | 3 |
| 52 Allow Greater Direct Access | 2 |
| 11 Better screening (improved)/response to complaints (+ speed dealt with)/issues/reform complaints procedure | 1 |
| 25 Clearer distinction from Bar Council/Clearer delineation between the two | 1 |
| 26 More affordable/free CPD courses (esp. for juniors) | 1 |
| 31 Better understanding/support/representation of ill/disabled counsel | 1 |
| 44 Change staff | 1 |
| 88 Other (not relevant/understandable) unable to code | 249 |

Source: IES/ERL, 2011

Table B.2: Comments on the BSB (percentage of cases)

| Comment on the BSB | <i>N</i> |
|---|----------|
| 8 Reduce/remove regulation (bureaucracy)/Less interference/Do less | 154 |
| 16 LISTEN TO/UNDERSTAND/TRUST/SUPPORT/EMPATHISE with members/Too remote/Provide contact persons (representatives from all chambers/sectors) | 109 |
| 50 Abolition/It's too late/Beyond saving/Can't see the need for it | 92 |
| 15 BETTER COMMUNICATION with profession/open meetings/visibility/transparency /Provide clearer definition of council and/or | 86 |
| 12 Consultation with barristers/Allow more input from barristers to proposals/to inform lay members (BSB)/More members who are barristers/better informed members | 50 |
| 10 Better advocacy monitoring/power to bar incompetent/bankrupt practitioners | 47 |
| 23 More realistic/practical approach/less complex infrastructure/better guidance/ethics/advice/ More user friendly/(Less trivial – No empire building – no change for sake of appearing to be doing something – these are particularly re. the BSB rather than BC | 45 |
| 20 Better/more relevant/more flexible CPD/more focus on ethics + standards within CPD/make easier to understand rules | 44 |
| 11 Better screening (improved)/response to complaints (+ speed dealt with)/issues/ reform complaints procedure | 39 |
| 18 More cost effective/reduce fees/reduce costs/spend less on marketing/Slim organisation/ stop growing/fewer members/fewer member services/cut discounts/reduce pensions | 36 |

| Comment on the BSB continued | | <i>N</i> |
|-------------------------------------|---|----------|
| 1 | More proactive/cohesive/coherent voice + strategy/clear remit/More professional approach/More Efficient/consistent? | 35 |
| 22 | Reduce CPD requirement/do not increase/Abolish CPD/Complete overhaul required | 34 |
| 6 | More regulation/control over chambers/BPM providers/zero tolerance of kick-backs/referral fees/Maintaining/advancing | 32 |
| 51 | Never heard of BC/BSB/ Unsure or No idea what they do | 31 |
| 13 | Doing a good job/Already fulfilling its role | 30 |
| 28 | BROADER (fairer) representation of the whole Bar/better balance (esp. between SEB and employed Bar) | 20 |
| 2 | More teeth/stand up to politicians/oppose public funding cuts/lobby louder/harder/more assertive/aggressive representation of members' interests | 19 |
| 3 | Better PR/More information for public/improve relationship with government/law society etc | 19 |
| 33 | Better understanding/support/representation of EMPLOYED Bar | 18 |
| 36 | Better understanding/support/representation of REGIONS/PROVINCES – too London centric | 17 |
| 47 | Recognise that things have changed/cant maintain status quo/Embrace change/MODERNISE (PRO CHANGE) | 17 |
| 27 | Ensure fair competition/adjust balance solicitors vs. barristers – allow competition on level playing field between the two | 11 |
| 21 | Improve CPD monitoring/registration (variable standards of CPD courses/providers) | 8 |
| 48 | Recognise that the profession is under threat/no longer respected/Preserve the independence of the Bar (Bar as the only advocacy service) | 8 |
| 9 | Better balance in disciplinary role/more publicity of disciplinary matters | 7 |
| 25 | Clearer distinction from Bar Council/Clearer delineation between the two | 7 |
| 32 | Better understanding/support/representation of JUNIOR counsel/Bar | 7 |
| 26 | More affordable/free CPD courses (esp. for juniors) | 6 |
| 42 | Chase old fees/Enforce prompt payment/Right to sue for fees/right to fee share | 6 |
| 4 | Less adherence to political correctness/market not the best tool of regulation/worry less about equality | 5 |
| 5 | Better LEADERSHIP of BC/BSB – get rid of amateur QC leadership/longer terms for chairpersons (3,4,5 yrs/permanent)/Senior posts meaningless if only a stepping stone to high court posts. | 5 |
| 14 | Needs to be more effective/conceptually flawed/cannot/does not support profession effectively | 5 |
| 35 | BETTER REPRESENTATION GENERALLY/Enhance trade union function/Act like TRADE UNION (more in touch with shop floor) | 5 |
| 37 | More emphasis on accessibility/diversity – more women/understand family life | 5 |
| 44 | Change staff | 4 |
| 38 | MERGE with SRA/merge with Law Society (improve structure through merger) | 3 |
| 39 | Maintain equality principles/access (esp. in face of reduction of public funded work)/Equal opportunity at the Bar | 3 |
| 7 | Self regulation of profession/lobby for deregulation | 2 |
| 17 | Proper DEMOCRATIC structure/purpose/elections/ballots (all members should vote for senior posts in BC/direct elections) | 2 |
| 24 | More independence | 2 |
| 52 | Allow Greater Direct Access | 2 |
| 34 | SPLIT BC into Criminal and Civil Bar Council/Public and Private/SEB and employed barristers | 1 |
| 41 | Better understanding/support/representation of SELF-EMPLOYED Bar/(LESS on employed) | 1 |
| 88 | Other (not relevant/understandable) unable to code | 356 |

Source: IES/ERL, 2011