



**ELECTORAL
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RESEARCH

General Council of the Bar Exit Survey 2011

Prepared for

The General Council of the Bar

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1 Introduction

The General Council of the Bar has been concerned for some time about the disproportionately high number of female practitioners who are leaving or changing their practice status. They also want to find out if black and minority ethnic (BME) barristers or those with disabilities were disproportionately more likely to leave or change their practice status and to understand if year of Call, area of work and the way the practice was funded (private or public) had an effect.

In 2005 the General Council of the Bar conducted a survey of individuals who had ceased subscribing or changed their practice status* between 2001 and 2004. The survey was repeated in 2007 and annually in subsequent years, covering the barristers who had left or changed status in the preceding year.

This report is based on the aggregated survey findings from these six surveys covering leavers from 2001-2010. The report has separate sections for self-employed and employed barristers because of the very different nature of their work experience although we do look at the overall trends of both groups over the last ten years.

**While this survey is based on barristers who have left or changed their practising status, for the purpose of this report all respondents will be referred to as 'leavers'.*

2 *Executive Summary*

2.1 *All leavers 2001-2010*

2.1.1 *Profile of 2001-2010 leavers*

- Self employed leavers account for 61% of all leavers.
- Male leavers have always tended to be longer serving and possibly older than female leavers.
- Up until 2007 the proportion of women and men leaving the Bar was roughly equal but the proportion of women leaving has declined to 42% in 2010.
- The criminal Bar has always had the highest proportion of leavers, 44% of leavers since 2001 come from this area.

2.1.2 *Reasons for transferring or leaving practice*

- The most common reason for leaving or changing practice was to transfer from one section of the Bar to another. In 2010 24% gave this as a reason for leaving practice, the lowest level since the surveys began.
- The number of people leaving to take up non-legal employment has increased from 8% in 2001 to 14% in 2010.
- The number of people leaving for retirement had increased from 16% in 2001 to 23% in 2010; this may be a reflection of more barristers taking early retirement because of the economic climate.

2.1.3 *Factors influencing decision to leave/change status*

- Financial factors have consistently been the most common factor causing people to leave/change status.
- The number of people citing a desire to spend time with the family has increased from 22% in 2001 to 34% in 2010.

2.1.4 *Equal Opportunities*

- The proportion of leavers saying that having children had a negative effect on their career has also remained fairly constant at around 15% of all leavers (around 30% of those having had children during their practice).

2.2 Self-employed

2.2.1 *Profile of 2010 leavers*

In order to establish the extent to which the profile of those leaving or changing practice status differs from that of practitioners, comparisons were made between the profile of those leaving in 2010 and data provided from subscription records of the General Council of the Bar. The proportion of BME barristers currently practising (10%) and the proportion leaving the Bar in 2010 (9%) are not significantly different. However women were disproportionately more likely to leave the self-employed Bar making up 32% of current practitioners but 44% of leavers in 2010.

2.2.2 *Demographics of 2001-2010 leavers*

- 48% of leavers were female.
- 4% were disabled.
- 11% of leavers were BME barristers.
- 48% of leavers were called to the Bar more than 12 years ago. Longer serving leavers were more likely to be male and white.
- Almost half (46%) of leavers worked in criminal practice, 16% left family practice and a further 16% worked in civil law.
- 59% of leavers worked in publically funded work with women more likely to have done so (66%).

2.2.3 *Reasons for transferring or leaving practice*

- 34% left to join the employed Bar, the other most common reasons for leaving were retirement (18%) and child care responsibilities (15%).
- Men more likely to say they left for retirement (28% compared to 6%).
- Women more likely to say they left for child care responsibilities (28% compared to 3%).
- Those working in criminal and commercial practice were more likely to transfer to the employed Bar.
- However, the number of people transferring to the employed Bar is in decline and no longer the dominant reason given by 2010 leavers.

2.2.4 Factors influencing decision to leave/change status

- 63% of leavers highlighted at least one financial factor influencing their decision to leave.
- Desire to spend more time with the family was given as a factor by 34% of people and this figure has been on the increase since 2008 (42% this year).
- Women were more likely to leave on account of inflexible working arrangements, the pressure of work and desire to spend time with the family. Indications from the in-depth interviews suggest that being self-employed at the Bar is difficult to combine with having children without full-time, expensive childcare arrangements.
- Despite the small base size, BME women mentioned many more negative factors which encouraged them to leave than white women or men suggesting they were treated less well.

2.2.5 Equal Opportunities

- 34% of those who had children while in practice felt it adversely affected their career, this rose to 66% amongst females.
- Of the options presented to them, the most popular among those having children was for 'more flexible working arrangements' with 30% saying it would be useful (54% amongst women).
- 71% said they were aware of an equal opportunities policy in their last chambers; this figure was slightly lower among women (69%) and BME leavers (58%).
- 54% were aware of a maternity/parental leave policy and only two thirds of them knew how long it was for. Women were more likely to know about this than men.
- Slightly less (59%) knew how long the rent relief policy was for or if there was one. Again women were more likely to know about this than men.

2.3 Employed

2.3.1 Profile of 2010 leavers

- Unlike self-employed leavers the proportion of women leaving the employed Bar is almost identical to the proportion currently practising. 46% of current practitioners are women compared to 47% of leavers.
- New entrants, particularly those who had been called less than 4 years ago were more likely to leave than others; this group represented 2% of practitioners and 6% of leavers.

- The majority of leavers were white: 64% compared to 15% BME (21% with no information). The proportion of BME leavers (15%) is about the same as the proportion of those currently practising (12%).

2.3.2 Demographics of 2001-2010 leavers

- 53% of leavers were male.
- 8% were disabled, compared to 4% from self-employed practice.
- 8% of leavers were from a BME background.
- 60% of leavers had been called to the Bar more than 12 years ago, significantly more than the 48% of self-employed leavers in this category.
- 39% of leavers were at the criminal Bar, 17% were from commercial practice and 15% from civil law.
- 35% of leavers came from publicly funded areas of work, this compares to 59% of self-employed leavers.

2.3.3 Reasons for leaving practice or changing status

- Retirement was the most commonly cited reason for leaving the employed Bar which was cited by 22% of leavers (26% of males).
- 18% transferred to self-employed practice and 12% to non-legal employment.
- 23% of women left for child care responsibilities compared to 2% of men.

2.3.4 Factors influencing decision to leave/change status

- Those leaving self-employed practice were mostly driven by financial factors and while this was still important for leavers from the employed Bar (24% mentioned at least one) the factors encouraging them to leave were much more diverse e.g. desire to spend time with family (20%) lack of career development (18%).
- However, women were still more likely to be leaving to spend time with family, because of the pressure of work or due to inflexible working arrangements.

2.3.5 Equal Opportunities

- 32% of all practising barristers with children felt it had an adverse effect on their career, this rose to 55% among women.
- Around one in five employed leavers who had children in practice felt that more flexible working arrangements, longer paternity leave and crèche and child care

facilities would have been more useful. All of these were mentioned more frequently by women.

- 78% of employed barristers said their last employer had an equal opportunities policy.
- 73% of employed barristers said their last employer had a maternity/parental leave policy and 79% of them knew how long it was for.

3 Methodology

3.1 Overview

The same approach has been used each year: self-completion questionnaires were sent to every individual who had ceased subscribing or changed their practising status in the previous year.

Until 2010 paper questionnaires were distributed by the Bar Council to leavers and the completed forms were forwarded to Electoral Reform Services *Research* (ERS:R) who were responsible for data input and editing, data analysis and the preparation of this report.

In 2011, an online approach was introduced for those leavers where the Bar Council had a valid email address; others received a paper copy. ERS:R were responsible for the despatch and receipt of both the online and paper questionnaires.

A qualitative element was included for the first time in the 2011 survey (covering 2010 leavers). In-depth telephone interviews were conducted among leavers who had responded to the survey and opted in to take part, including those who had experienced harassment, discrimination or came from areas where there was a high number of leavers.

The questionnaires were designed by ERS:R in partnership with the Bar Council; the content was very similar to those used in previous years. A copy of the 2011 survey questionnaire is shown as Appendix A together with copies of the covering letter/email.

3.2 Survey methodology

In 2011, contact details for 580 leavers were provided¹, 297 had usable email addresses; the rest (283) were sent a letter inviting them to complete the survey online. However, a small number (4) requested a paper copy. In total 200 completed questionnaires were returned: 118 through the online survey, 78 from the paper invitation and 4 completed the questionnaire over the telephone with a researcher from ERS.

¹ There were actually 687 leavers in 2010 but contact details were only available for 580.

Those contactable by e-mail were sent two reminders encouraging them to take part in the survey. Those only contactable by post were sent one reminder.

The response rate for 2011 and previous years are shown in Figure 1. It can be seen that the response rate was slightly lower than 2008 and 2009. In 2010 there had been an unusually high number of leavers and particularly low response rate. The high number of leavers in 2010 was attributed to the impact of changes in the 2007 Legal Services Act coming in to force and increases in practising fees.

Fieldwork was carried out between 8 July 2011 and 4 August 2011.

Figure 1: Response Rate

	2005 (Leavers in 2001- 4)	2007 (Leavers in 2005- 6)	2008 (Leavers in 2007)	2009 (Leavers in 2008)	2010 (Leavers in 2009)	2011 (Leavers in 2010)	TOTAL (Leavers in 2001- 10)
Issued sample	1180	808	510	554	924	580	4556
Responding sample	343	180	205	224	263	200	1415
Response rate	29%	22%	40%	40%	28%	35%	31%

3.2.1 Responses used in this report

A small proportion of leavers did so on a temporary basis, for example, because they were on maternity leave but intended to return. These ‘temporary’ leavers were excluded from the analysis from 2009 onwards, thus the number of leavers on which the analysis is based is 1,320 ‘permanent’ leavers (lower than the 1,415 who returned a questionnaire).

In the 2011 survey a further refinement was introduced allowing practitioners to indicate whether they were in dual practice; there were five such people. The responses for these five individuals have been included with both self-employed and employed practitioners.

As the detailed analysis is based on self-employed or employed barristers, prior to the 2011 survey some returned questionnaires were excluded from the detailed analysis because they did not give their last practicing location.

The final base numbers for reporting purposes are summarised in Figure 2.

Figure 2: Numbers for analysis purposes

	Number of Respondents
Returned questionnaires	1415
Temporary leavers	95
Permanent leavers	1320
Self-employed	768
Employed	483
Dual practice	5
Total self-employed for analysis purposes	773
Total employed for analysis purposes	488

A comparison between the profile of 2011 leavers and those responding to the survey can be found in Appendix C. Other than a very slight underrepresentation of BME leavers the respondents in 2011 can generally be seen to be very representative of leavers.

The statistical reliability of survey data is dependent on the size of the sample on which the data is based and also on the responses. However, as a general rule, the confidence intervals around the different sub-groups are summarised below:

- Self-employed +/- 2%-3%
- Employed sample +/- 4%.

3.3 Qualitative methodology

The final question on the survey asked respondents if they could be contacted again to take part in an interview and 57% of respondents agreed to this, giving a sample of 91 people available for interviewing.

It was planned that between 10 and 20 depth interviews would be conducted. When recruiting respondents, priority was given to key groups such as those experiencing discrimination and harassment. However, others were also included for interview because they represented relatively large categories of leavers; for example, those leaving for financial reasons or those who had been affected by recent changes in funding (eg legal aid) or because of the economic situation (employed practice). In total 15 interviews were conducted.

The potential numbers in each category willing to be interviewed and the achieved number of interviews is shown in Figure 3 below.

Figure 3: Quotas for in-depth interviews

Group	Potential Total	Target Sample	Achieved Sample
Left because of discrimination or harassment	5	3	3
BME	10	3	2
Dual Practice	2	2	1
Self-employed women	23	8	5
Those saying having children in practice had an adverse effect on their careers	14	Max 4	5
Leaving for financial reasons	50	Max 8	12
Employed	33	Max 5	6
Those leaving criminal law	35	Max 5	6

Thus, participants in the qualitative stage represented a wide span of backgrounds and time spent at the Bar. At one end of the spectrum, one had worked as a barrister for 40 years (10 as head of chambers) and at the other one had been Called only two years ago.

While some had previously been either self-employed or employed throughout their whole career to date, several had changed their status moving back and forth between employment, self-employment and dual status. A few were not practising as barristers - rather they had been working in a legal capacity in a commercial or other setting.

Fieldwork was carried out between 22nd September and 10th October. Respondents were recruited by ERS:R who were also responsible for interviewing and analysis. All interviews were digitally recorded. Respondents were aware of this and gave their consent prior to the commencement of the recording. Transcripts of these recordings were made and used for reporting; no incentives were offered.

Quality Assurance

Both the qualitative and quantitative aspects to this project have been carried out in compliance with ISO 20252, the International Standard for Market Research.

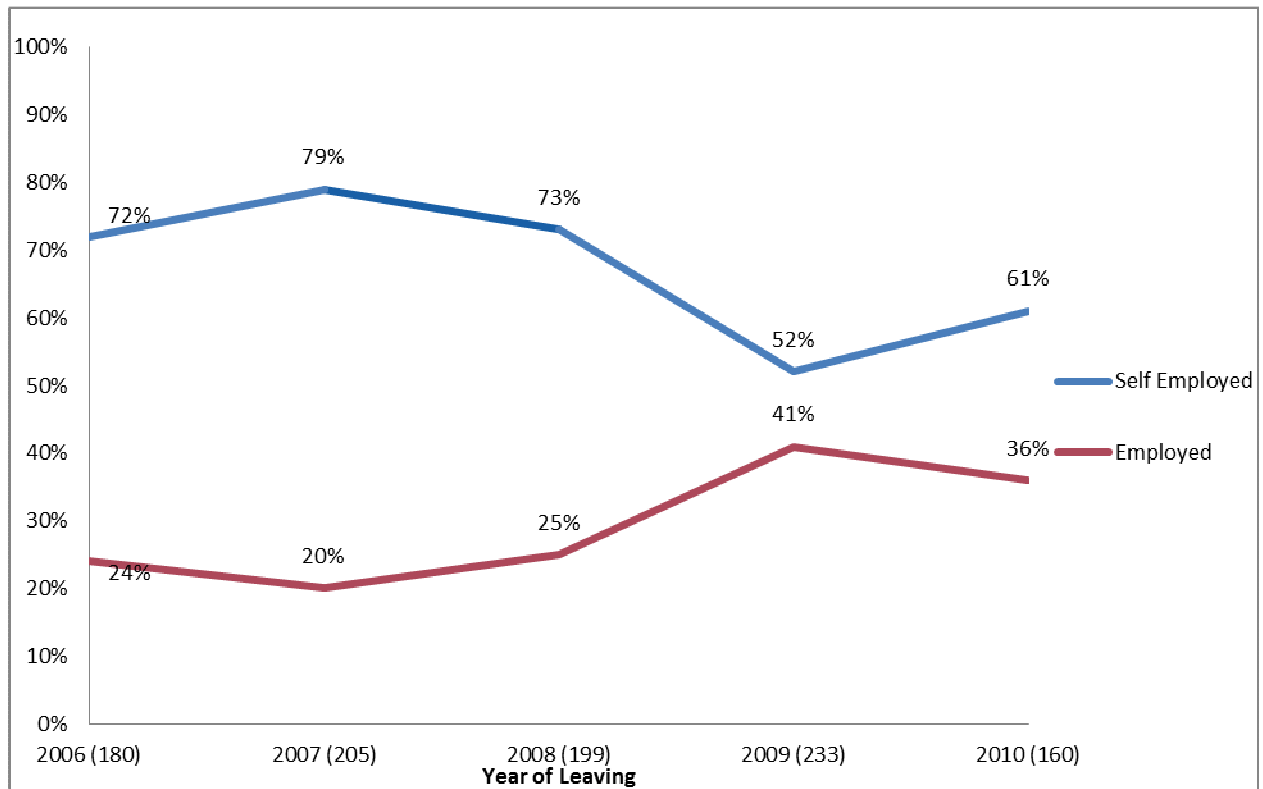
4 Overview of all leavers 2001-2010

While the experiences of those at the self-employed and employed Bar are very different, this first section looks at trends among all leavers over time.

4.1 Practising Status

The number of self-employed leavers is consistently higher than employed leavers. In 2010 61% of leavers were self-employed compared to 36% being employed.

Figure 4: Proportion of self-employed and employed leavers since 2001

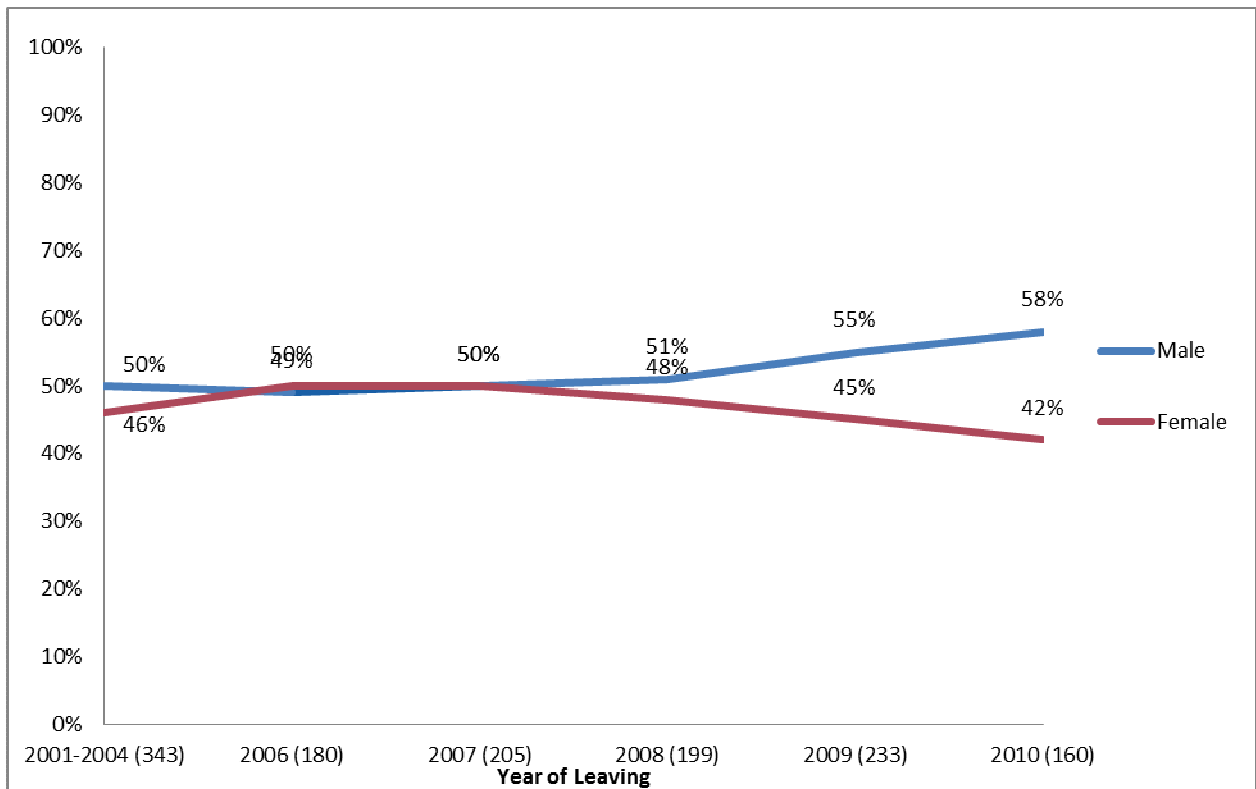


Base: All 2006-2010 leavers

4.1.1 Gender

Over time the number of male and female leavers has been relatively equal. However, since only about 34% of all practising barristers are female, this means that a much higher proportion of women have left over the past ten years. In more recent years a higher proportion of men are leaving which may indicate progress in retaining more women, although there is still some way to go before there is parity in the proportions of male and female leavers overall.

Figure 5: Proportion of male and female leavers since 2001



Base: All 2001-2010 leavers

4.1.2 Year of Call

Leavers have also tended to be long serving with 53% of them being Called to the Bar more than 12 years ago. There was quite a distinct difference between men and women with men tending to be longer serving (possibly older) members; 65% of men joined more than 12 years ago in comparison with 40% women. Meanwhile female leavers tended to be shorter serving, 23% joining 4-7 years ago (compared with 13% male leavers).

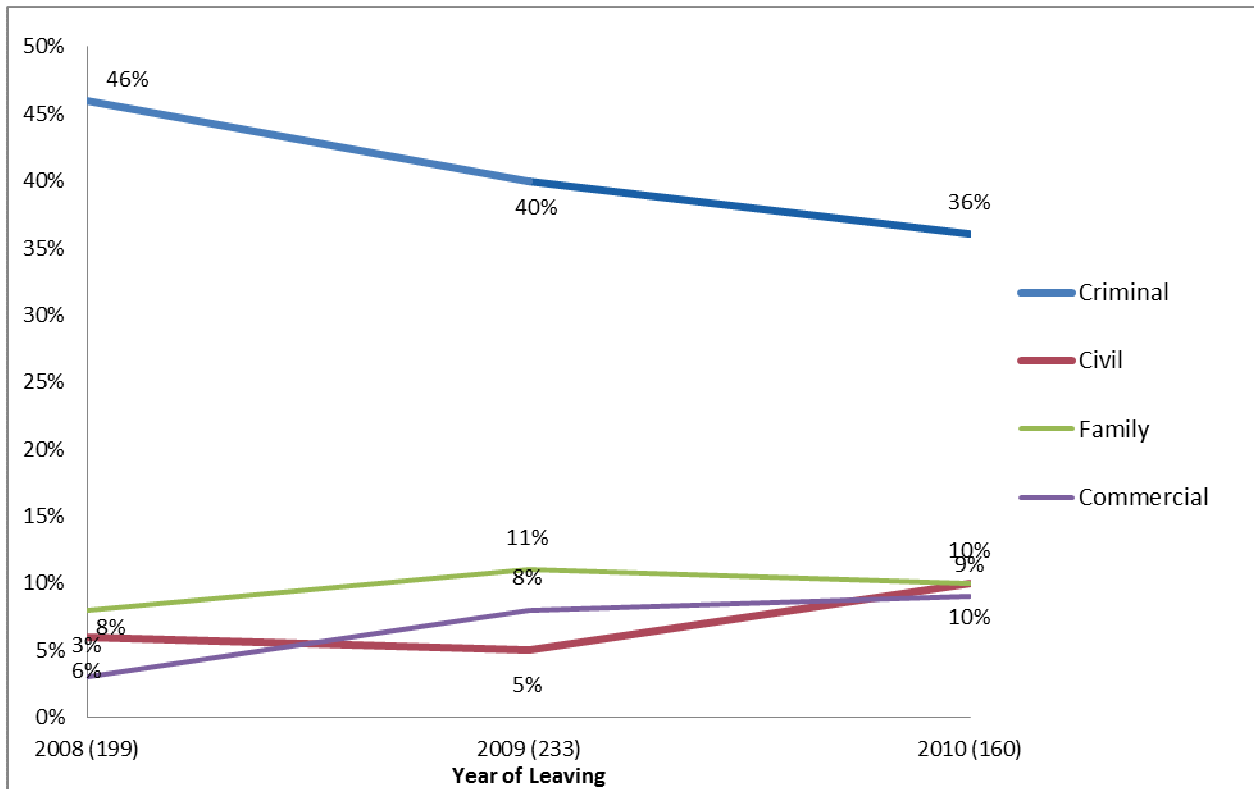
Figure 6: Year of Call by gender

	Total	Gender	
		Male	Female
<i>Base: All</i>	1320	685	620
	%	%	%
1-3 years ago	5	4	5
4-7 years ago	18	13	23
8-12 years ago	24	17	31
More than 12+ years ago	53	65	40
Not Stated	1	1	1

4.1.3 Main area of practice

The main area of practice is criminal law, although the number of leavers has been falling. We cannot look at trends before 2008 because of changes in the way the question was asked.

Figure 7: Main area of practice

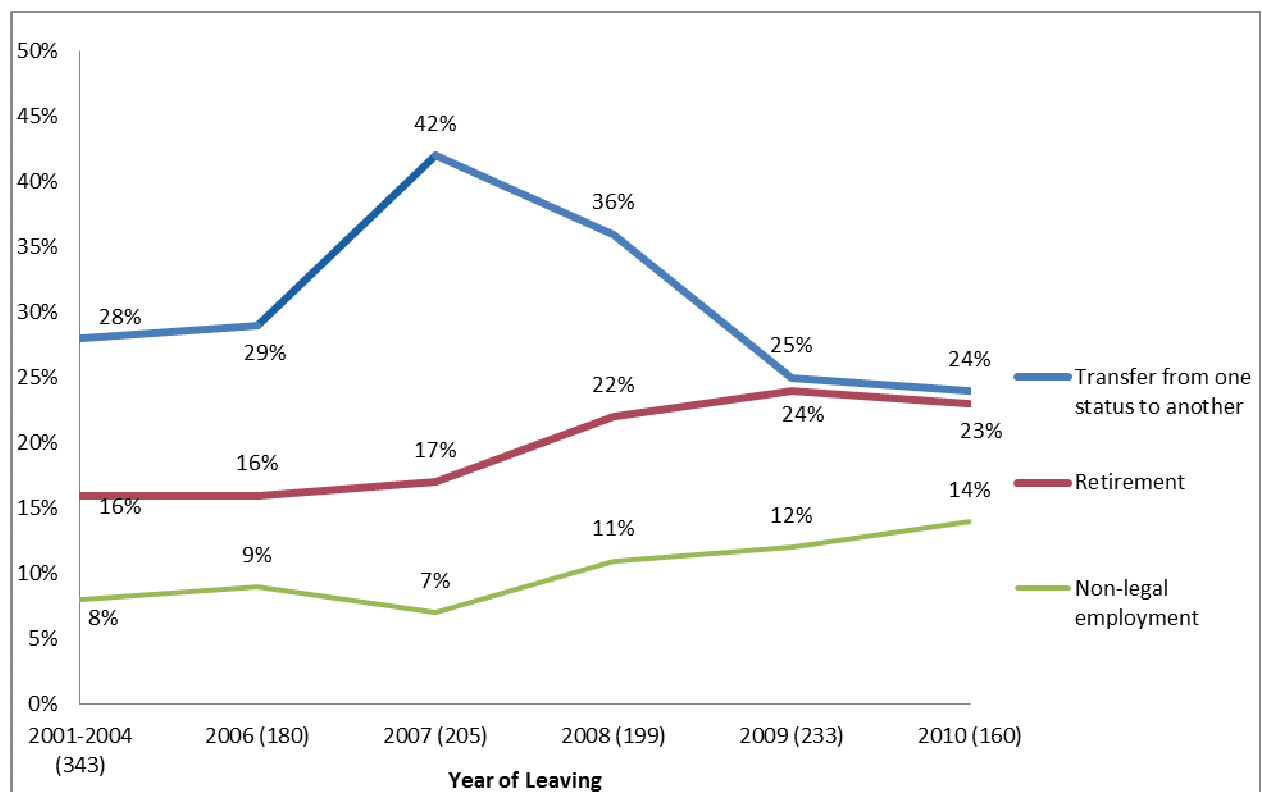


Base: All 2008-2010 leavers

4.2 Reasons for leaving or changing practice status and factors influencing decision to do so

The most common reasons for leaving or changing practice status in the last 10 years have been to transfer between the employed and self-employed Bar. However, over the last few years the number of people doing this has declined from 42% in 2007 to 24% in 2010. Meanwhile the proportion of people leaving the profession completely (retirement or to go into non-legal employment) has increased steadily.

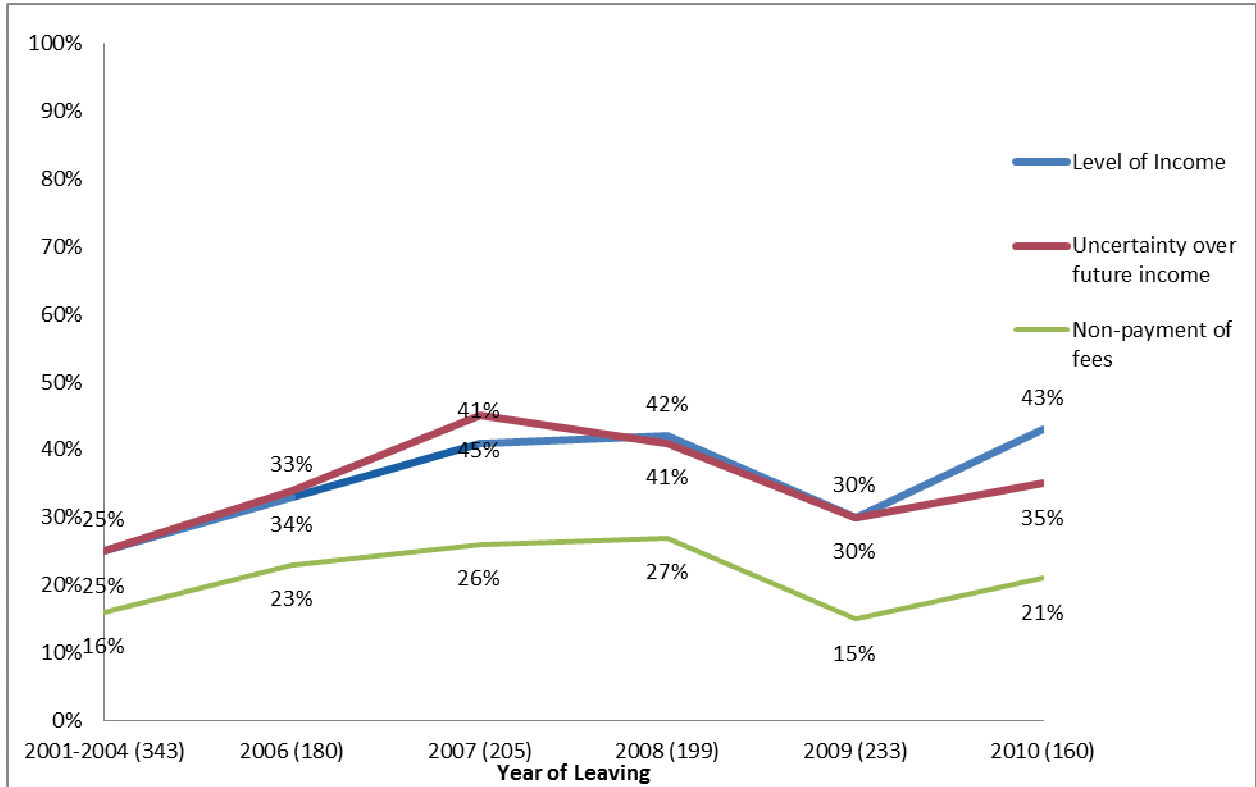
Figure 8: Reasons for leaving practice since 2001



Base: All 2001-2010 leavers

Financial factors have always been the main reason for those leaving or changing practising status. The number of people influenced by this has steadily increased from 35% to 51% since 2001; the main reason being the level of income.

Figure 9: Factors influencing decision to leave or change practising status

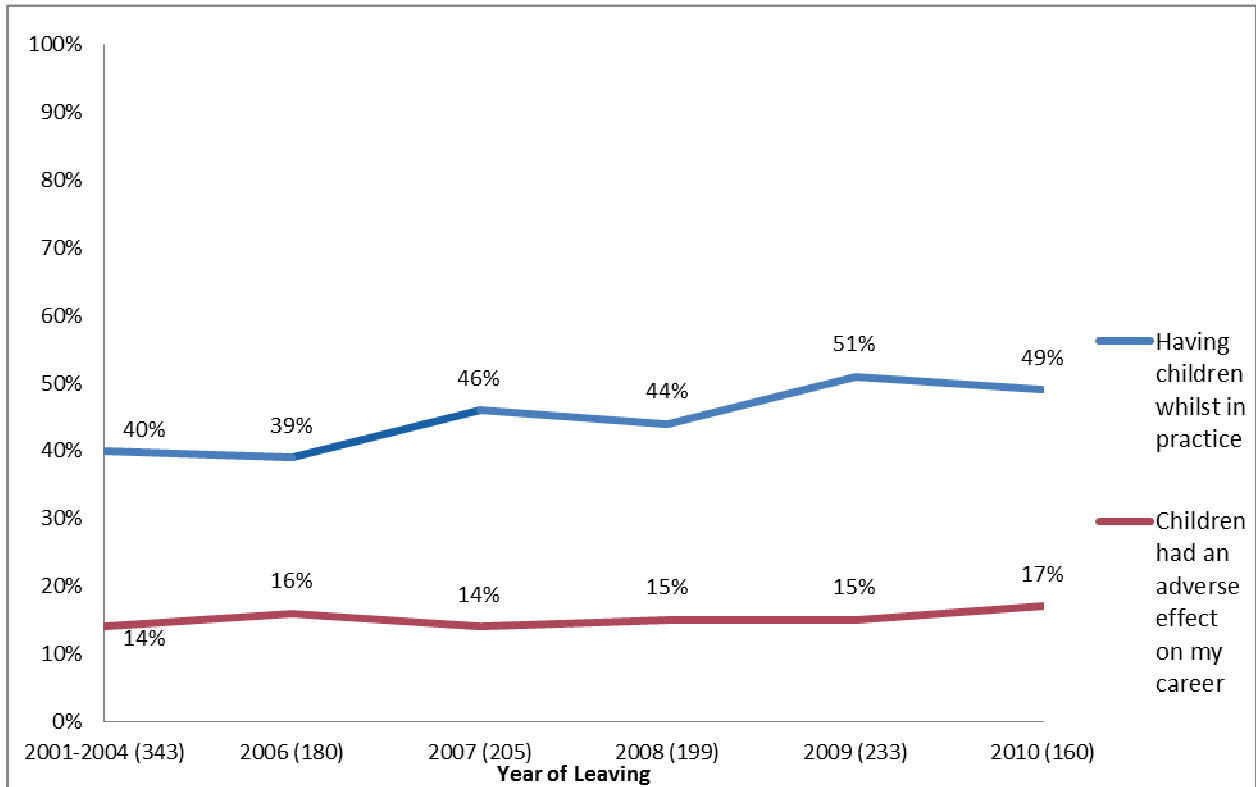


Base: All 2001-2010 leavers

4.3 Equal Opportunities

The number of people having children while in practice has increased from 40% to 49%. However, the number of people saying that children had an adverse effect on their career has not changed much since 2001 and is around one in seven.

Figure 10: The number of leavers who had children while in practice and the number saying children had an adverse effect on their career



Base: All 2001-2010 leavers

5 Last practising location

This year was the first time leavers were specifically asked if they practised in ‘sole practice’ or ‘dual practice’. Since the numbers were too small (18 and 5 respectively) to allow for separate analysis, sole practitioners were merged into self-employed and those in dual practice are counted in **both** self-employed and employed analyses.

Almost two thirds (61%) of the responding sample of leavers had been at the self-employed Bar with 39% coming from employed practice. The employed Bar are over represented among leavers since they comprise only 19.3% of those in practice (Bar Barometer, December 2011).

Figure 11: Last practising status by gender, ethnic background and disability

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All stating their last practice</i>	1261	657	595	1118	125	70	1168
	%	%	%	%	%	%	%
Self-employed practice	61	60	63	61	67	47	62
Employed practice	39	40	37	39	33	53	38

There were no significant differences in terms of gender or ethnicity relating to the last practising status; however, disabled barristers were more likely to work in employed practice.

The following sections of the report comment separately on those who were in self-employed practice and those from employed practice.

6 *Self-employed leavers*

6.1 **How the profile of leavers compares with those in practice**

In order to see how the profile of self-employed leavers differs from that of current practitioners, the profile of those leaving the self-employed Bar in 2010 was compared with the profile of the practising self-employed Bar.

The proportion of women leavers (44%) was significantly higher than the proportion of women in the profession (32%). There was no difference in terms of ethnicity: 10% of the practising Bar are from a BME background compared with 9% of leavers.

Figure 12: Profile of self-employed practitioners and leavers

	Current practitioners	2010 self-employed leavers
Source: Bar Council subscription data	12,420	419
	%	%
Gender		
Male	68	56
Female	32	44
Ethnic Origin		
White	80	77
BME	10	9
No information	11	14
Year of Call (years ago)		
1-3	5	8
4-7	14	14
8-12	18	19
13-21	29	20
Over 21	34	37
Not Stated	0	4

6.2 Demographics of leavers

This section explores the demographics of leavers in more detail based on the aggregated surveys.

6.2.1 Gender

While there were roughly equal numbers of men and women among self-employed leavers, this is disproportionate to their representation in practice (68% men, 32% women). There was also a higher proportion of BME women leavers (61%) than white women leavers (47%).

Figure 13: Gender by ethnic background and disability

	Total	Ethnicity		Disability	
		White	BME	Yes	No
<i>Base: All self-employed</i>	773	678	84	33	719
	%	%	%	%	%
Male	51	53	37	64	51
Female	48	47	61	36	48
Not Stated	1	0	2	0	1

6.2.2 Disability

4% of self-employed leavers were disabled.

Figure 14: Disability status by ethnic background and gender

	Total	Ethnicity		Gender	
		White	BME	Male	Female
<i>Base: All self-employed</i>	773	678	84	396	372
	%	%	%	%	%
Any disability	4	4	5	5	3
None	93	94	92	93	93
Not Stated	3	2	4	2	4

6.2.3 Ethnic Background

Almost nine out of ten (88%) self-employed leavers were white and 11% were BME. There were more female BME leavers than male BME leavers (14% in comparison to 8%).

Figure 15: Ethnic background by disability status and gender

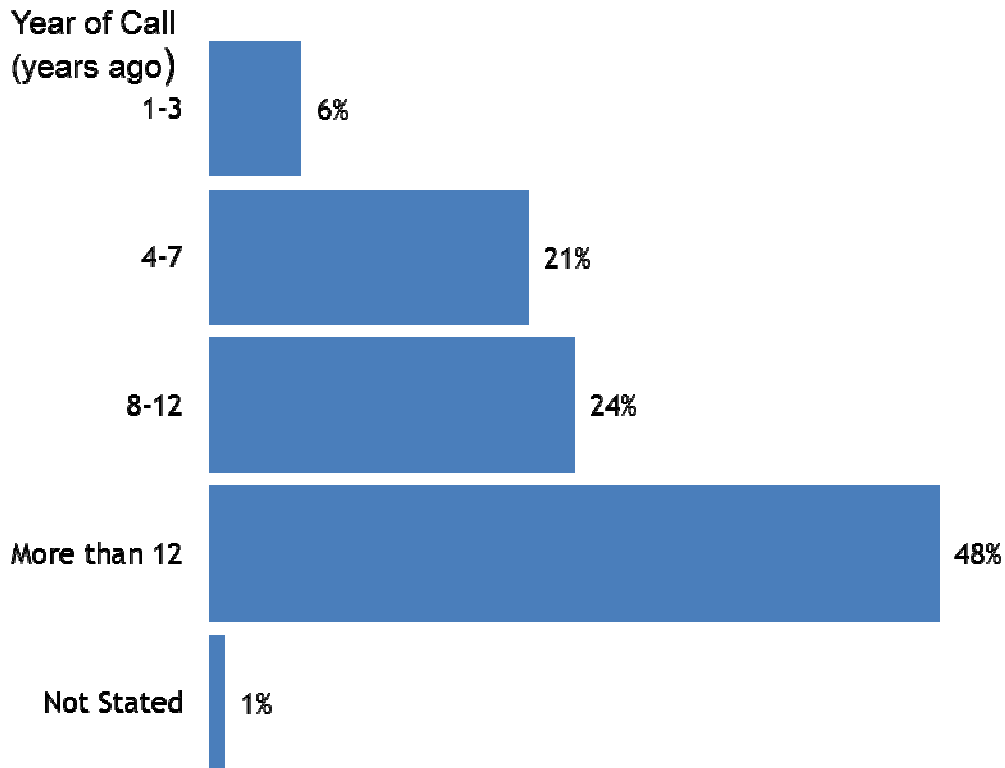
	Total	Disability		Gender	
		Any	None	Male	Female
<i>Base: All self-employed</i>	773	33	719	396	372
	%	%	%	%	%
White	88	88	88	90	85
BME	11	12	11	8	14
Not Stated	1	0	1	2	1

6.3 Professional Details

6.3.1 Year of Call

Just under a quarter (24%) of self-employed leavers had been Called to the Bar between 8-12 years ago, and a further 48% more than 12 years ago.

Figure 16: Year of Call



Base: All self-employed leavers, 2001-2010 (773)

Male leavers tended to have been practising for longer than females: 64% of men had been Called more than 12 years ago compared to 31% of women. White leavers were also more likely to have been Called for longer than BME barristers: 50% of white leavers had been Called over 12 years ago compared with 31% of BME leavers.

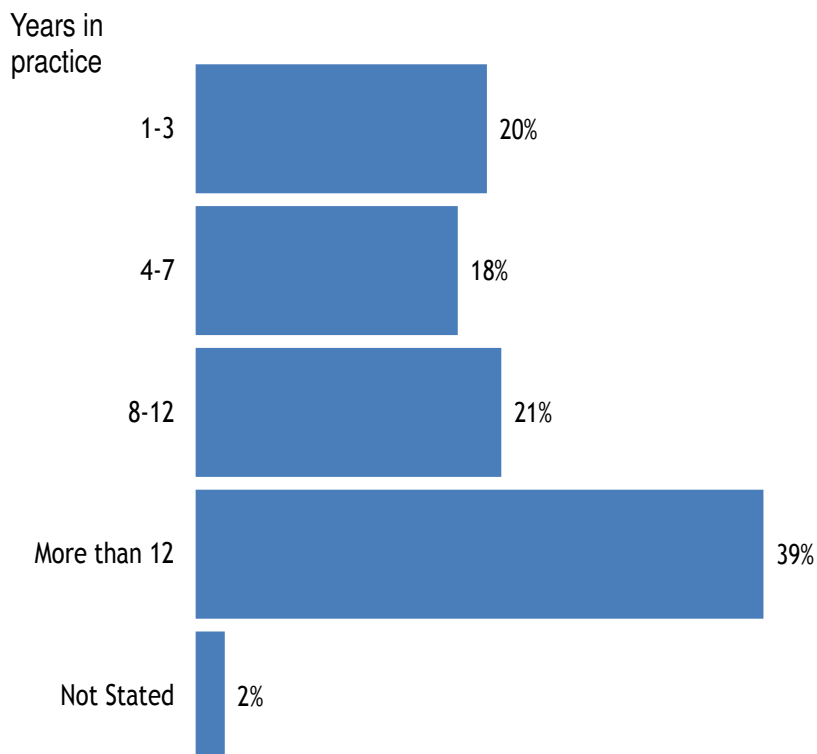
Figure 17: Year of Call by gender, ethnic background and disability

	Total	Disability		Gender		Ethnicity	
		Any	None	Male	Female	White	BME
<i>Base: All self employed</i>	773	33	719	396	372	678	84
	%	%	%	%	%	%	%
1-3 years ago	6	0	7	6	7	7	2
4-7	21	3	22	13	29	20	30
8-12	24	24	24	17	32	23	35
More than 12	48	73	47	64	31	50	31
Not Stated	1	0	1	1	1	1	2

6.3.2 Years in practice before most recent status change

Nearly four in ten (39%) of self-employed leavers had been in their most recent practice status for more than 12 years

Figure 18: Years in practice before most recent status change



Base: All self-employed leavers, 2001-2010 (773)

Male and white leavers tended to have been in their most recent status for longer than women or BME leavers. There is a noticeable gender difference of leavers in the first 7 years of practice, 26% of male leavers were in the first 7 years of practice compared to 51% of female leavers.

Figure 19: Total years in practice before most recent change by gender, ethnicity and disability.

	Total	Disability		Gender		Ethnicity	
		Any	None	Male	Female	White	BME
<i>Base: All self-employed</i>	773	33	719	396	372	678	84
	%	%	%	%	%	%	%
1-3 years ago	20	6	20	16	24	19	24
4-7	18	9	18	10	27	17	25
8-12	21	18	21	16	25	21	24
More than 12	39	64	39	55	23	41	27

6.3.3 Main area of practice

46% of self-employed leavers said that their main area of practice was criminal law. This practise area is overrepresented amongst leavers since just 31% of current self-employed practitioners said crime was their main area of practice (Barristers' working lives, a biennial survey of the Bar 2011, due to be published in January 2012). 16% of leavers worked in civil or family law.

Women were more likely to work in family law (24%) while men were more prominent in civil (19%), commercial (13%) and personal injury (13%).

Figure 20: Main area of work broken by gender, ethnic background and disability

	Total	Disability		Gender		Ethnicity	
		Any	None	Male	Female	White	BME
<i>Base: All self-employed</i>	773	33	719	396	372	678	84
	%	%	%	%	%	%	%
Criminal	46	55	46	45	47	46	49
Civil	16	15	17	19	13	16	19
Family	16	12	16	10	24	16	20
Personal Injury	10	9	11	13	8	10	11
Commercial	9	6	9	13	5	9	4
Mixed Civil and Crime	8	6	8	9	8	6	20
Chancery	7	6	7	10	5	8	4
Landlord and Tenant	7	3	7	7	6	6	15
Employment	6	6	6	6	6	5	12
Professional Negligence	5	6	4	7	2	5	2
Public Law	4	6	4	5	3	3	11
Construction	3	0	3	5	1	3	1
Planning and Environment	2	0	2	3	1	2	1
International or EC	2	0	2	3	*	2	0
Revenue	1	3	1	1	*	1	0
Admiralty or Shipping	1	0	1	1	*	1	0
Patent or IP	1	0	1	1	*	1	0
Immigration (added 2011)	*	0	*	1	*	*	2
Other*	6	9	7	6	7	5	19
Not Stated	2	3	2	2	2	2	4
** = less than 0.5%							

*Listings of 'other' responses for this and all relevant subsequent questions can be found in Appendix B

6.3.4 Public funding of practice

Six out of ten barristers leaving or changing practising status (59%) had practised mainly in publicly funded areas of work. Women (66%) were more likely than men (52%) to have been doing so.

Figure 21: Whether practice mainly in publicly funded areas of work

	Total	Disability		Gender		Ethnicity	
		Any	None	Male	Female	White	BME
<i>Base: All self-employed</i>	773	33	719	396	372	678	84
	%	%	%	%	%	%	%
Yes	59	67	58	52	66	59	62
No	36	24	36	42	29	36	27
Not applicable	4	9	4	3	5	4	7
Not stated	2	0	2	3	1	1	4

6.4 Reasons for transferring or leaving practice

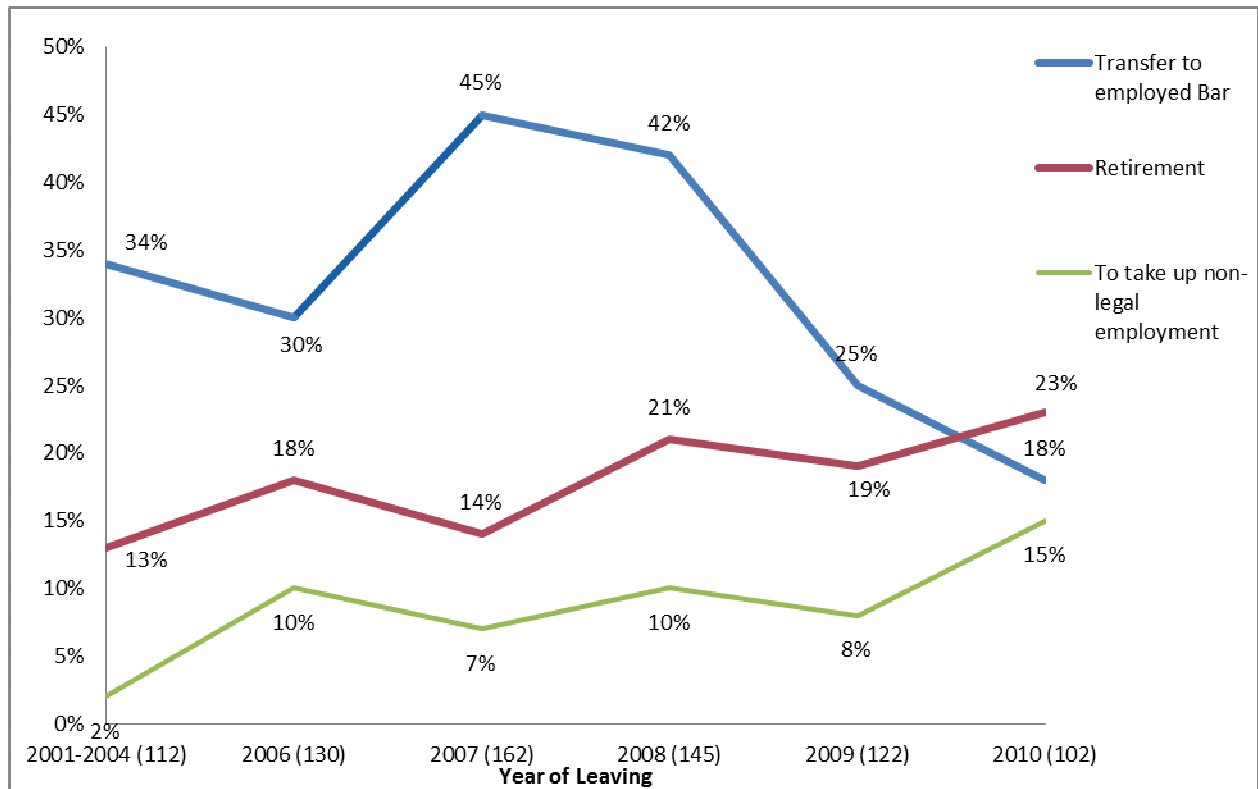
A third (34%) of self-employed leavers transferred to the employed Bar. Almost one in five (18%) leavers retired and 15% left because of child care responsibilities.

Figure 22: Reasons for leaving the self-employed Bar

	Total
Base: All <i>self-employed</i>	773
	%
To transfer to the employed Bar	34
Retirement	18
Child care responsibilities	15
To take up non-legal employment	9
Ill-health	7
Judicial appointment	4
Maternity/Parental leave (added 2011)	3
Care for other dependants	2
Sabbatical (added 2011)	1
Other	24
Not Stated	1

The chart overleaf shows that in 2010 only 15% of self-employed leavers transferred to the employed Bar compared with 34% in 2001-2004. Over that same period the number of self-employed leavers taking up non-legal employment has risen from 2% to 15%.

Figure 23: Reasons for leaving the Self-employed Bar over time



Base: All Self-employed leavers 2001-2010

It was clear from the depth interviews that leavers felt that the amount of work available to barristers was declining in all aspects of the profession, though the criminal Bar is perceived to have been hit hardest.

‘The amount of work that traditionally went to the Bar... had shrunk somewhat since 2004’ (Self-employed criminal Bar leaver upon returning to the Bar in 2009)

‘The criminal Bar... I think it was the year 2000, when it (workload) just dropped completely’ (Self-employed leaver who worked in multiple areas of the Bar)

Whereas moving to the employed Bar might have been an option once, the sentiment which came through was that there is little point moving into the employed Bar when cutbacks are happening there as well. Therefore the number of people moving into non-legal employment or simply retiring earlier than planned appears to be on the rise.

'My department was contracting - we had to lose 40 out of 200. So we were asked 'Do you want to take your pension now?' My job had also been 'downsized' - it had been about checking new legislation, but less of this was being done and I was unhappy about it. I was a perfectionist and had been very unhappy when problems arose with legislation I had worked on, due to this lack of checking.' (Employed leaver)

6.4.1 Reasons for leaving by gender, ethnicity and disability

Over a quarter (28%) of men left to retire, significantly more than women (6%). This follows the earlier finding that men had been called to the Bar longer ago than women and therefore more likely to be older.

On the other hand women (28%) are more likely to leave because of child care responsibilities than men (3%).

Figure 24: Reasons for leaving the Self-employed Bar

	Total	Disability		Gender		Ethnicity	
		Any	None	Male	Female	White	BME
Base: All self-employed	773	33	719	396	372	678	84
	%	%	%	%	%	%	%
To transfer to the employed Bar	34	21	34	34	34	33	42
Retirement	18	15	18	28	6	19	7
Child care responsibilities	15	6	16	3	28	15	18
To take up non-legal employment	9	3	9	8	9	9	5
Ill-health	7	64	4	7	6	7	4
Judicial appointment	4	3	4	6	2	4	1

Maternity/Parental leave (added 2011)	3	0	3	0	7	4	2
Care for other dependants	2	3	2	2	2	2	2
Sabbatical (added 2011)	1	0	1	1	1	1	2
Other	24	12	24	21	26	22	36
Not Stated	1	0	1	2	1	1	5

Among the small number of disabled leavers, 64% left due to ill health.

6.4.2 Reasons for leaving by area of work

Those specialising in criminal and commercial work were more likely to transfer to the employed Bar (42% and 48% respectively) while those working in personal injury and family were least likely to do so. Those in family law were more likely to leave due to child care responsibilities (23%), reflecting the fact that a high proportion of women work in this area.

Figure 25: Reasons for leaving the Self-employed Bar by area of work

Total	Main Area of Work					
		Criminal	Civil	Comme rcial	Personal Injury	Family
Base: All <i>self- employed</i>	773	358	127	67	81	126
	%	%	%	%	%	%
To transfer to the employed Bar	34	42	37	48	22	22
Retirement	18	13	10	19	22	17
Child care responsibilities	15	15	17	1	12	23
To take up non-legal employment	9	9	7	3	7	12
Ill-health	7	7	5	4	7	6
Judicial appointment	4	3	4	1	5	6
Maternity/Parental leave (added 2011)	3	3	1	1	1	6
Care for other dependants	2	2	2	0	2	2
Sabbatical (added 2011)	1	1	1	0	0	3
Other	24	20	30	25	33	29
Not Stated	1	1	2	1	2	1

6.5 Factors influencing decision to leave/change

Almost two thirds (63%) of leavers said their decision was motivated by at least one financial factor including uncertainty over future levels of income (48%), level of income (44%) and the non-payment of fees (30%).

A third mentioned the desire to spend more time with their family. Other factors mentioned by more than one in five were too much work related travel, pressure of work lack of career development, lack of support from clerks and inflexible working arrangements.

Figure 26: Factors influencing decision to leave the Self-employed Bar

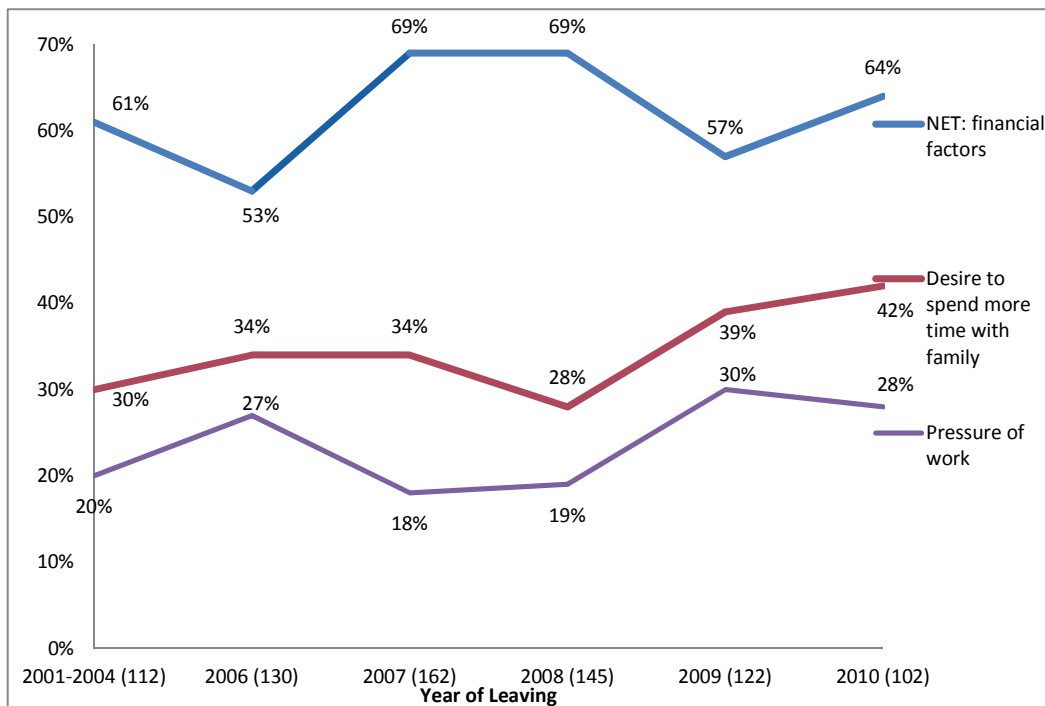
	Total
<i>Base: All self-employed</i>	773
	%
NET: Financial Reasons	63
○ Uncertainty over future levels of income	48
○ Level of income	44
○ Non-payment of fees	30
Desire to spend more time with family	34
Too much work related travel	25
Pressure of work	23
Lack of career development	22
Lack of support from clerks	22
Inflexible working arrangements	20
Lack of support from colleagues	13
Rent arrangements	13
Discrimination or harassment	4
Dual Practice Fee (added 2011)	1
Other	7
Not stated	17

6.6 Factors influencing decisions: trends over time

Financial factors have consistently been the main reasons for the decision to leave or change status. After hitting a peak in 2007 and 2008 (with more than two thirds of leavers mentioning them) they have declined slightly but remain the biggest factor.

Desire to spend more time with family has become more prominent in recent years as has the pressure of work.

Figure 27: How factors influencing the decision to leave changed over time



Base: All Self-employed Leavers 2001-10

6.7 Financial factors

Financial factors were cited more by women (66%) than men (59%) and to an even greater extent amongst BME leavers (77%) than whites (61%). Those working in publicly funded areas of the Bar were also more likely to mention financial factors as a reason to leave (mentioned by 70% in publicly funded work compared with 49% in not publicly funded work). Full details in *Figure 28*.

Figure 28: Factors influencing decision to leave the Self-employed Bar

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Any	None
Base: All self-employed	773	396	372	678	84	33	719
	%	%	%	%	%	%	%
NET: Financial Reasons	63	59	66	61	77	39	64
○ Uncertainty over future levels of income	48	46	51	47	61	27	49
○ Level of income	44	40	49	43	58	24	45
○ Non-payment of fees	30	25	34	27	48	15	30
Rent arrangements	13	11	15	12	20	6	13
Dual Practice Fee (added 2011)	1	1	1	0	1	0	1

For some, the balance between their earnings and their necessary outgoings had simply become untenable, or leavers had decided this was simply not worth struggling with any more in the context of the hours they had to work to try to make ends meet.

*‘(I) would have liked to carry on working but (it) didn’t make sense with the money.’
(Self-employed barrister leaving for financial reasons)*

The non-payment of fees was something that came up a great deal when interviewing those who worked in the self-employed Bar. Almost all barristers who left or changed status said they were owed tens of thousands of pounds creating cash flow problems.

‘It’s a massive issue throughout the profession’ (Self-employed leaver)

'I'm still owed about £10k by one firm of solicitors alone' (Self-employed leaver)

Several also bemoaned the fact that the Bar Council was 'toothless' when it came to recovering fees.

'The rules are ridiculous... and it takes so long for them to do anything about it and even when they do it seems like the solicitors are just saying... what you going to do about it?'
(Self-employed leaver)

6.8 Factors relating to area of work

The key reasons for leaving the criminal Bar were financial. Those who had left the criminal Bar talked about declining levels of potential income as the Crown Prosecution Service has moved from using self-employed barristers to in-house advocates. Coupled with the cuts to the CPS budget in recent years and rights of audience being extended to solicitors in magistrates' courts it was clear there was less work available and some criminal barristers had struggled to earn a living. One had worked in chambers which had collapsed and another for a company which had done so.

'I was staying with my parents rent free and still had to borrow money from them.'
(Criminal self-employed barrister)

In general, these leavers saw no future in the criminal Bar and some had actively advised their children/friends' children not to work in this area. The atmosphere in chambers where criminal barristers practiced was also felt to be poor.

'(It was) solitary and depressing, where everyone watches their own back.' *(Criminal self-employed barrister)*

One leaver also mentioned the rising cost of running chambers from recently imposed fees for criminal court lists and the need to increase staff to deal with increased bureaucracy.

6.9 Factors relating to family or work-life balance

After financial reasons the second highest factor to influence the decision to leave or change status was 'desire to spend more time with family'. This was mentioned by almost half of women (47%) compared with less than a quarter of men (22%). Coupled with the

high number of women citing ‘inflexible working arrangements’ (34% compared to 7% of men) and ‘too much work related travel’ (34% compared to 16%) this further supports the idea that self-employed work is difficult to manage with childcare responsibilities and many women leave because of this.

Figure 29: Family related factors influencing decision to leave the self-employed Bar

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Any	None
Base: All self employed	773	396	372	678	84	33	719
	%	%	%	%	%	%	%
Desire to spend more time with family	34	22	47	34	43	15	35
Too much work related travel	25	16	34	24	29	12	25
Pressure of work	23	14	33	25	14	15	24
Lack of career development	22	20	25	21	31	6	23
Lack of support from clerks	22	19	25	21	32	30	21
Inflexible working arrangements	20	7	34	20	23	6	21
Lack of support from colleagues	13	9	17	13	17	12	13

The inference from the survey findings that working at the Bar is not family friendly is supported by the qualitative research.

Both male and female leavers commented on the incompatibility of working at the Bar and family life. The core requirements of flexibility, travel, getting the next day’s work at the end of a conventional working day and weekend working were fundamentally not family friendly.

'You receive briefs at 6pm one night and are due in court at 9am the following morning.'
(Female leaver, Personal Injury)

'If you're due in court you can't call up and say sorry my child's ill' (Female leaver)

Leavers also commented that these aspects of family life meant that they had to turn down work and they could be perceived as unavailable.

One male leaver commented that one might be able to cope with the preparation for small cases when told late in the day that they had been allocated a slot the next day, but once major cases came into this category working at the Bar became untenable for him.

'It was very difficult to have a family life - you would be told at 4 p.m. that a case was on and have to prepare until midnight or whatever. This had always been the case for small cases, which would just get slotted in whenever there was a spare bit of court time, but it became so for even major cases which should really have had a fixed court slot. These cases needed major preparation and family life was just impossible. It's an inflexible system - is just the way that Crown Courts operate nowadays.'(Male dual practice leaver)

A particular issue for women returning to work part-time after having a family was the difficulty of arranging and affording suitable child care. Even where their chambers were very supportive, ultimately some women had just found it too difficult to reconcile the demands of work and family life.

6.9.1 Attitudes of clerks

One in five (22%) leavers said a contributory factor to the decision to leave was lack of support from clerks.

Some clerks were understanding of part-time working and of the individual's other commitments, but others were not, and they favoured those who were more available and who they perceived to be keener.

'Clerks and chambers still value people according to how much money they bring in which is of course directly related to how much time they're working' (SE leaver who worked part time for significant periods of time)

One woman described it as a very macho profession where it matters how many hours someone works (or is seen to have worked). In her chambers part-time workers (typically women) were openly accorded less status and considered less important. Another self-employed leaver emphasised the pressure placed barristers to work at all costs

'If you turn up (to court) with half your limbs missing you're a jolly good chap' (employed leaver discussing time at the self-employed Bar)

Some considered the clerk's attitude to be bordering on discrimination in that women were much more likely to work part-time or have commitments with children and therefore less likely to be given work by the clerks. Indeed those that mentioned discrimination influencing their decision to leave described it as subtle and that the difficulties faced by women may well continue.

6.10 Factors relating to ethnicity, gender and disability

The combined surveys enable us to look at gender within ethnicity, although the base numbers are still small. Figure 30 does show that BME women are more likely to experience financial difficulties than white women. They also appear to be more adversely impacted by other factors such as lack of career development and lack of support from clerks than others.

Figure 30: Factors influencing decision to leave by ethnicity and gender

	Total	Ethnicity/gender			
		White male	White female	BME male	BME female
Base: All <i>self-employed</i>	773	357	318	31	51
	%	%	%	%	%
NET: Financial Reasons	63	57	65	77	78
○ Uncertainty over future levels of income	48	45	48	52	67
○ Level of income	44	39	47	52	63
○ Non-payment of fees	30	24	31	42	51
Desire to spend more time with family	34	22	47	35	45
Too much work related travel	25	16	33	13	39
Pressure of work	23	15	35	6	20
Lack of career development	22	20	23	19	37
Lack of support from clerks	22	19	22	16	41
Inflexible working arrangements	20	7	34	3	35
Lack of support from colleagues	13	9	17	10	20
Rent arrangements	13	10	14	19	22
Discrimination or harassment	4	2	7	6	6
Dual Practice Fee (added 2011)	1	0	1	3	0
Other	7	10	5	0	0
Not stated	17	24	12	13	6

The number of people, irrespective of ethnicity, saying that discrimination affected them while working at the Bar is still fairly small (mentioned by 4% of leavers).

However, one (male) leaver spoke of the ‘glass ceiling’ and situations where he felt he was treated unfairly, one specific example being a trial attended in Sussex:

‘The first person to arrive in court... (I was) the last person to be given audience and the jury refused to hear my case... white colleagues were just given more chances...’
(BME leaver)

Other instances of perceived discrimination included a leaver who was dyslexic and who therefore needed more time to prepare for cases, finding that while judges and court staff could accommodate this, solicitors seemed reluctant to use him.

‘(Solicitors)either not sending work in the first place or not sending anymore after it’s done’ (employed leaver discussing time at the self-employed Bar)

This leaver also felt that he had experienced age discrimination. He had joined the Bar late in life and despite having 20 years’ relevant prior experience, he had struggled to get pupillage and he felt there had been a lack of willingness among solicitors to use him.

6.11 Equal opportunities

Just over four in ten (44%) had had children while in practice, 51% of men and 36% of women.

Figure 31: Whether had children while in practice

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Any	None
<i>Base: All self-employed</i>	773	396	372	678	84	33	719
	%	%	%	%	%	%	%
Yes	44	51	36	45	40	42	44
No	54	45	63	53	57	52	54
Not stated	2	4	1	2	2	6	2

Just over a third (34%) of those who had children considered it to have had an adverse effect on their career. 13% of men stated this compared with 66% of women.

Figure 32: Effect of children on career

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Any	None
<i>Base: All who had children while in practice</i>	338	202	134	303	34	14	317
	%	%	%	%	%	%	%
Yes	34	13	66	32	56	21	34
No	60	83	25	63	32	79	60
N/A	2	2	2	2	6	0	2
Not stated	4	2	6	3	6	0	4

6.11.1 Help for working parents

When presented with a list of options which may be useful to working parents, the ones thought to be most useful by those who had children while in practice were ‘more flexible working arrangements’ (30%) and ‘crèche and child care facilities’ (23%). These were both mentioned by women more than men as can be seen in Figure 31.

Figure 33: Options considered useful by working parents

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All who had children while in practice</i>	338	202	134	303	34	14	317
	%	%	%	%	%	%	%
Longer maternity leave	9	1	21	8	21	0	9
More flexible working arrangements	30	13	54	29	38	14	30
Longer paternity leave	10	11	9	10	15	14	10
Crèche and child care facilities	23	7	48	21	38	7	23
Other	3	2	4	3	6	0	3
Not stated	56	76	25	58	35	86	55

While 30% of those who have had children said more flexible working arrangements would help, it may not be possible in practice because of the nature of the profession as outlined above in section 6.9.

Flexible child care is still required when working part-time, although this becomes relatively less affordable with less incoming fees associated with part-time working. This also limits the type of trials that part-time barristers can undertake.

‘The biggest change with going down to part-time is it’s really difficult arranging child care that’s flexible enough to fit in with your court. Say you want to work Tuesday, Wednesday, Thursday and there’s a case Monday, Tuesday, Wednesday unless you have really flexible child care you can’t accept the case’ (Self-employed leaver who worked part time for significant periods of time)

Depending on the chambers some barristers still paid all or most of the rent they had to pay when working full-time, even if working part-time.

*‘I’m part time, and I have been for a long time but am still expected to pay full rent’
(Self-employed leaver)*

6.11.2 Awareness of equal opportunities and maternity policies

Seven out of ten (71%) of all self-employed leavers said their last chambers had an equal opportunities policy; and awareness was lower amongst women (69%) and BME (58%) respondents.

Figure 34: Awareness of equal opportunity policy

	Total	Gender		Ethnicity		Disability	
		Male	Female	White	BME	Any	None
<i>Base: All self-employed</i>	773	396	372	678	84	33	719
	%	%	%	%	%	%	%
Yes	71	73	69	73	58	70	72
No	4	2	6	4	6	6	4
Not sure	16	13	19	16	19	15	16
N/A	2	3	2	2	5	3	2
Not stated	7	9	5	6	12	6	6

Fewer (54%) were aware of a maternity/parental leave policy although this figure climbed to 59% amongst women and 71% amongst women who had had children whilst in practice.

Figure 35: Awareness of maternity policy

	Total	Gender		Had children while in practice		
		Male	Female	Yes	Male and Yes	Female and Yes
<i>Base: All self employed</i>	773	396	372	338	202	134
	%	%	%	%	%	%
Yes	54	49	59	62	57	71
No	9	8	11	11	9	13
Not sure	23	26	20	16	20	8
N/A	5	7	4	4	5	1
Not stated	8	11	6	7	8	7

Two thirds (66%) of those with a maternity/parental leave policy knew how long the policy held the tenancy open for. This was higher among women (74%) and those who had had children (71%).

Just over one third thought it was for less than 12 months and one fifth thought it was for more than 2 years.

Figure 36: Perceived length of open tenancy for those on maternity leave

	Total	Gender		Had children whilst in practice	
		Male	Female	Yes	No
<i>Base: All who have a maternity policy</i>	417	195	220	211	199
	%	%	%	%	%
<6 months	9	8	10	8	10
6-12 months	28	26	30	28	28
1-2 years	9	8	10	11	8
> 2 years	20	16	24	24	16
Does not hold open tenancy/job	0	1	0	0	1
Not stated	34	43	26	29	38

6.11.3 Rent Relief

Four in ten (41%) did not appear to know how long the policy granted a period of rent relief. Again women and those who had had children were more likely to know the period of rent relief; this was typically (mentioned by 24%) 6-12 months.

Figure 37: Perceived length of rent relief period

	Total	Gender		Had children whilst in practice	
		Male	Female	Yes	No
Base: All who have a maternity policy	417	195	220	211	199
	%	%	%	%	%
<6 months	20	15	25	20	21
6-12 months	24	23	26	27	22
1-2 years	4	5	2	4	3
> 2 years	8	8	8	11	5
Does not grant a period of rent relief	3	2	4	4	1
Not stated	41	48	35	35	49

7 Employed - main findings

7.1 Profile of 2010 leavers

In order to see how the profile of employed leavers differs from that of current practitioners, the profile of those leaving the employed Bar in 2010 was compared with the profile of the practising employed Bar.

In terms of ethnicity and gender employed leavers in 2010 were fairly representative of current practitioners. The main difference is in terms of Year of Call: those called 13-21 years ago were disproportionately less likely to leave/change status than other groups.

Figure 38: Current practitioner details compared to 2010 leavers

	Current practitioners	2010 Employed leavers
Source: Bar Council subscription data	2967	268
	%	%
Gender		
Male	54	53
Female	46	47
Ethnic Origin		
White	67	64
BME	12	15
No information	21	21
Year of Call (years ago)		
1-3	2	6
4-7	10	12
8-12	19	25
13-21	35	24
Over 21	34	31
Not Stated	0	1

7.2 Demographics of employed leavers 2001-2010

This section explores the demographics of employed leavers in more detail, based on the aggregated surveys.

7.2.1 Gender

Over half (53%) were male of employed leavers and 46% female. There were more women than men among BME leavers.

Figure 39: Gender

	Total	Ethnic background		Disability	
		White	BME	Yes	No
<i>Base: All employed</i>	488	40	41	37	449
	%	%	%	%	%
Male	53	55	39	62	53
Female	46	45	59	38	46
Not stated	1	1	1	0	1

7.2.2 Disability

8% of employed leavers had some health problem or disability, compared with 4% of those last practising in chambers.

Figure 40: Disability

	Total	Gender		Ethnic background	
		Male	Female	White	BME
<i>Base: All employed</i>	488	261	223	440	41
	%	%	%	%	%
Any	8	9	6	8	2
None	92	91	93	92	95
Not stated	0	0	0	0	2

7.2.3 Ethnic background

Nine out of ten (90%) employed leavers were white and 8% were BME.

Figure 41: Ethnicity

	Total	Gender		Disability	
		Male	Female	Yes	No
<i>Base: All employed</i>	488	261	223	37	449
	%	%	%	%	%
NET: WHITE	90	92	88	95	90
NET: BME	8	6	11	3	9
Not stated	1	2	1	3	1

7.3 Professional details

7.3.1 Year of Call

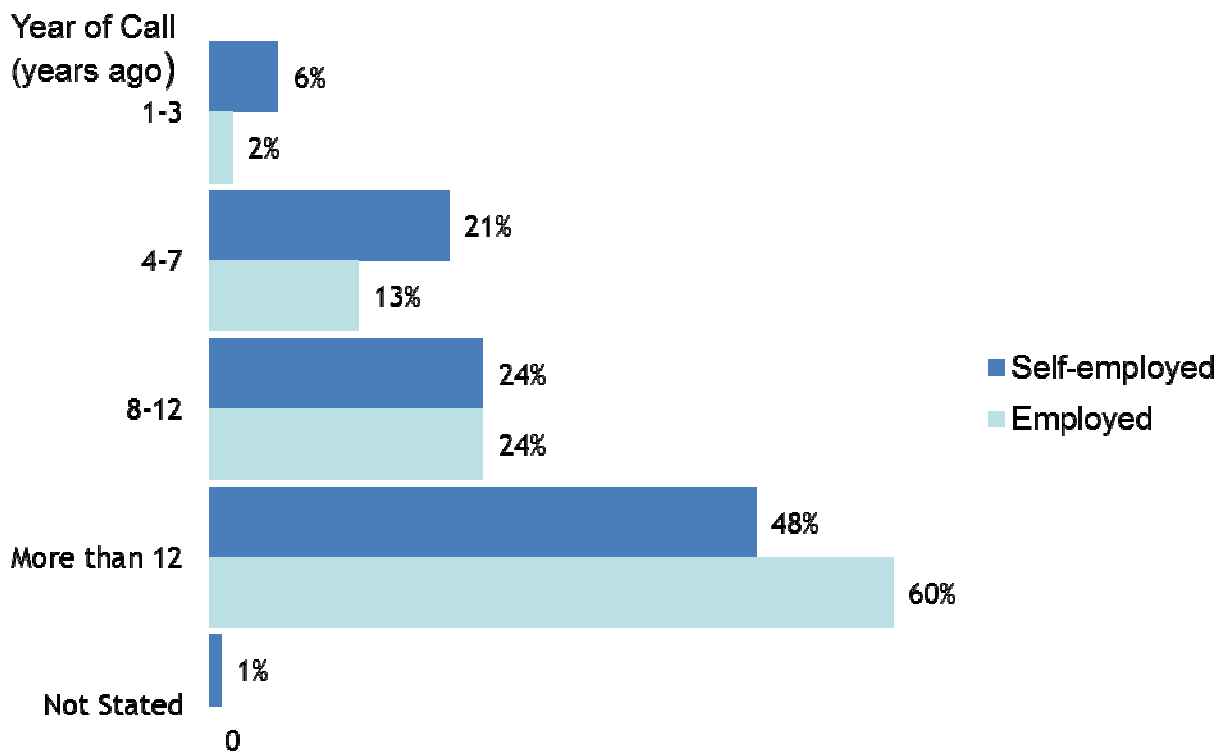
Six in ten (60%) had been Called to the Bar over 12 years ago and a further quarter (24%) between 8 and 12 years ago. Male employed leavers tended to be longer serving than female leavers: 67% of male leavers had been Called to the Bar more than 12 years ago compared with 53% of female leavers. Nearly a quarter (24%) of BME leavers had been Called within the last seven years, compared with 12% of white leavers.

Figure 42: Year of Call

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
1-3 years ago	2	2	3	2	0	3	3
4-7 years ago	13	13	13	12	24	5	14
8-12 years ago	24	18	31	25	15	11	25
Over 12 years ago	60	67	53	60	61	81	59
Not stated	*	*	*	*	0	0	*
* = less than 0.5%							

Leavers from employed practice had more years of service than those leaving chambers; 60% had been Called to the Bar over twelve years ago compared with 47% of those leaving chambers. Over a quarter (27%) of those leaving chambers had been Called within the last seven years, compared with only 15% of those leaving employed practice.

Figure 43: Year of Call Self-employed vs Employed



Base: All employed and self-employed leavers 2001-10 (488, 773)

7.3.2 Total years in practice before most recent status change

One in eight (12%) leavers had been in practice for 3 years or less before the most recent status change while nearly half (48%) had been in practice for over 12 years. Men were more likely than women to have practised for over 12 years (55% compared to 40%). Leavers from BME groups tended to have fewer years of service than white leavers; only 37% had practised for over twelve years. 24% of male and 29% of female employed barristers left in the first 7 years of practice. This contrasts with the disproportionate drop out figures for self-employed female barristers compared to male barristers in the first 7 years of practice reported on *figure 19*.

Figure 44: Years in Practice

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All</i>	448	261	223	440	41	37	449
	%	%	%	%	%	%	%
1-3 years	12	12	13	12	12	8	12
4-7 years	14	12	16	14	17	8	14
8-12 years	20	15	26	20	20	19	20
Over 12 years	48	55	40	49	37	65	47
Not stated	6	5	6	5	15	0	6

7.3.3 Main area of practice

Four out of ten (39%) did mainly criminal work, 15% mainly civil and 6% a mixture of civil and criminal work. Specialists in commercial law accounted for 17%, public law for 15%, family 11% and employment 10%.

Women were less likely than men to be doing mainly civil (13% in compared to 17%) or commercial (12% compared to 21%) work but more likely to be doing criminal work.

BME respondents were much less likely than white leavers to be practising in crime (22% compared to 41%). Full details of specialist areas of work are provided in the table below.

Figure 45: Main area of work

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
Criminal	39	37	42	40	22	38	39
Commercial	17	21	12	16	20	8	17
Civil	15	17	13	15	22	14	15
Public law	14	15	13	15	5	24	13
Family	11	9	13	11	12	3	11
Employment	10	11	8	10	2	22	9
International or EC	6	8	3	5	15	3	6
Mixed Civil and Crime	6	6	5	5	10	3	6
Personal injury	5	5	6	5	2	5	5
Planning and Environmental	4	4	4	4	5	0	4
Construction	4	5	2	4	2	3	4
Patent or IP	3	5	1	3	5	3	3
Professional negligence	3	3	3	3	2	3	3
Landlord and Tennant	3	3	2	2	12	3	3
Revenue	3	3	2	2	5	5	2
Chancery	2	3	1	2	2	3	2
Admiralty or Shipping	1	2	0	1	2	3	1
Immigration (added 2011)	0	0	0	0	0	0	0
Other	16	17	14	16	20	11	16
Not stated	3	3	2	2	10	3	3

7.3.4 Public funding of practice

A little over a third (35%) had practised mainly in publicly funded areas of work in the employed Bar. White leavers (36%) were more likely to work in publicly funded areas of work compared with BME leavers. A higher proportion of self-employed leavers work in publicly funded work (59%) than at the employed Bar (35%).

Figure 46: Publically Funded Practice

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
Yes	35	34	37	36	24	41	35
No	35	41	29	34	46	32	36
Not applicable	28	23	34	28	29	27	28
Not stated	2	2	1	2	0	0	2

7.4 Reasons for transferring or leaving practice

18% of employed leavers had transferred to self-employed practice. Men (21%) were more likely than women (14%) to have done this. 12% had left to take up non legal sector employment; this was higher amongst white leavers (13% compared with 2% for BME).

Child care responsibilities were given as a reason for leaving or changing status by 2% of men and by 23% of women. About a quarter of men (26%) had retired, compared with 17% of women.

Figure 47: Reasons for leaving or transferring practice

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
Retirement	22	26	17	23	12	27	21
To transfer to self-employed practice	18	21	14	18	17	14	18
To take up non-legal employment	12	13	10	13	2	5	12
Child care responsibilities	12	2	23	11	17	0	13
Ill-health	8	8	9	8	7	49	5
Judicial appointment	4	3	5	4	5	3	4

Care for other dependants	3	2	4	3	2	5	3
Maternity/Parental leave (added 2011)	2	0	4	2	0	0	2
Sabbatical (added 2011)	1	1	0	1	0	0	1
Other	30	30	29	28	51	16	31
Not stated	2	2	1	2	2	3	2

Among the small number of disabled leavers, around half had left or changed status due to ill health (49%).

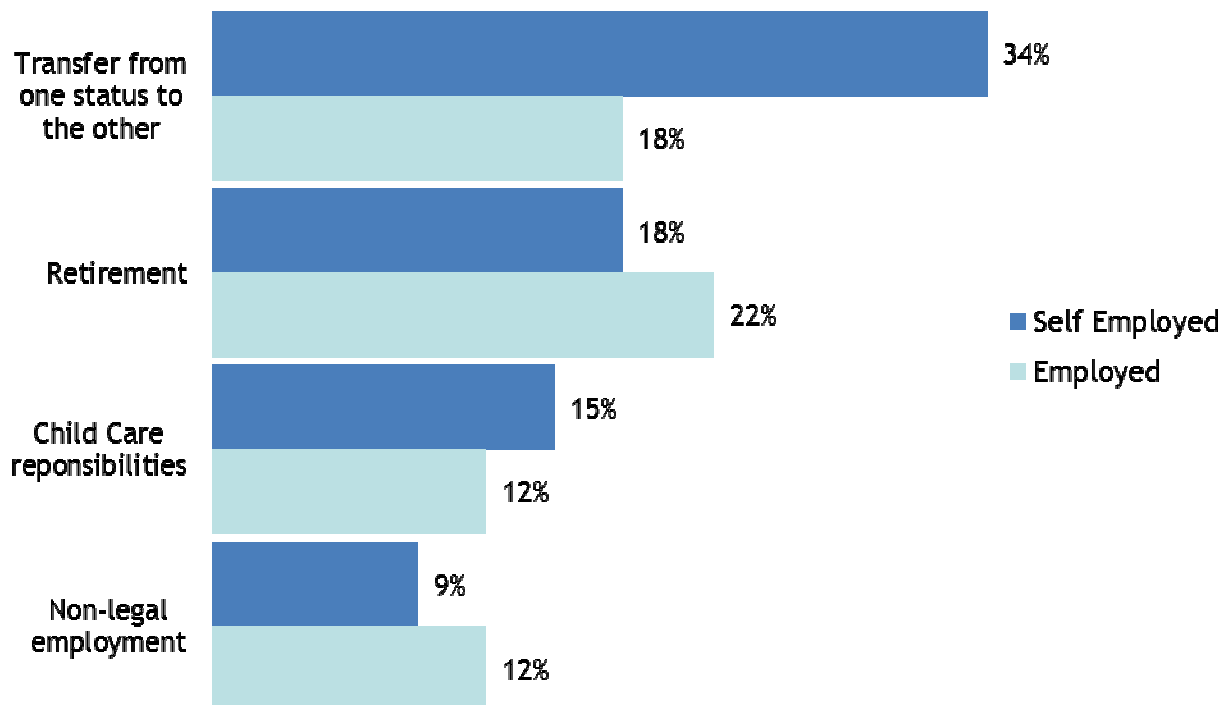
The diversity in reasons for leaving the employed Bar was reflected in the qualitative interviews. The interviews also suggested that, unlike the self-employed Bar, those leaving the employed Bar tended to do so out of choice or a better opportunity elsewhere.

‘Partly personal reasons - I’d had cancer a while back and never intended to work on to 65 so I’d have some time to enjoy life. Also, at the point where the opportunity to leave arose, I’d just stopped having to pay school fees, so had more financial flexibility.’
(Employed leaver)

‘I got promoted and became a director and it became clear to me I didn’t need to maintain my currency.’ (Employed leaver explaining why he no longer pays his subscription)

When reasons for leaving the self-employed and employed Bar were compared, it is evident that more self-employed barristers transferred to the employed Bar than the other way round. Those at the employed Bar were more likely to leave in order to retire as they tended to have been called to the Bar earlier.

Figure 48: Reasons for leaving practice, differences between employed and self-employed



Base: All employed and self-employed leavers 2001-10 (488, 773)

7.5 Factors influencing decision to leave/change

Financial reasons were cited the most important factor influencing the decision to leave the employed Bar (24%). Although other factors such as wanting to spend more time with family (20%) and lack of career development (18%) were mentioned by around one in five employed leavers.

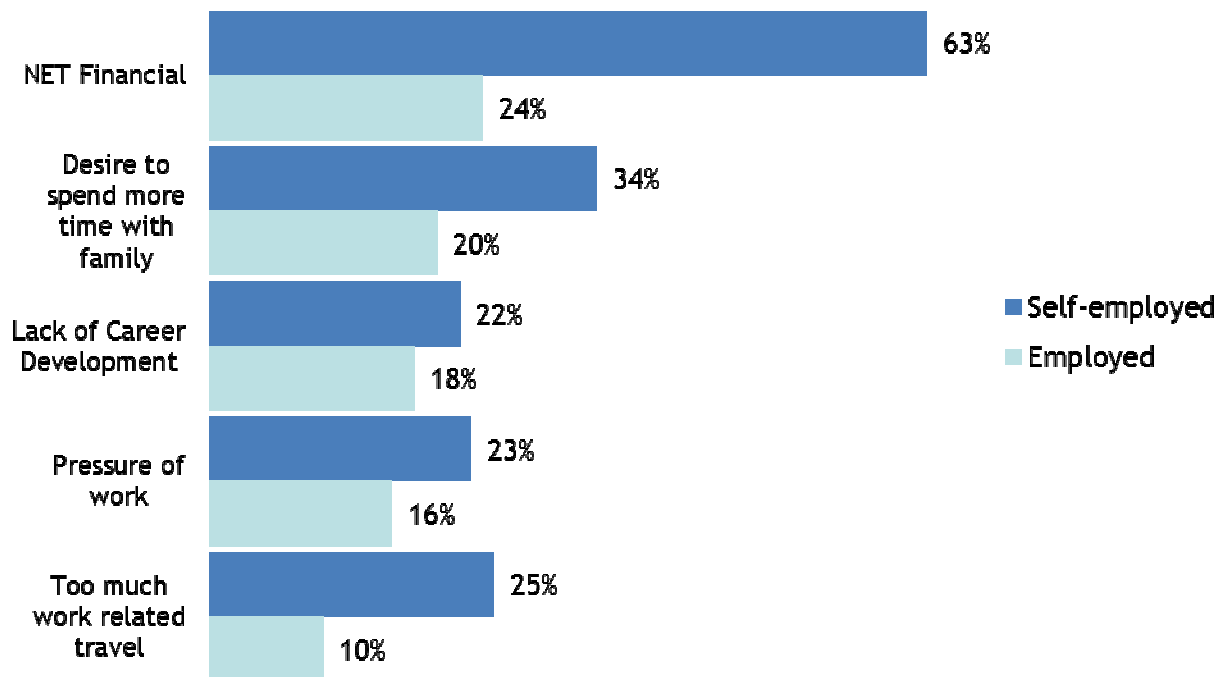
14% of men and 28% of women wanted to spend more time with their families and women were also particularly influenced by pressure of work (21%), inflexible working arrangements (18%) and lack of support from colleagues (12%). While 6% overall had been influenced by some form of discrimination or harassment, 12% of BME respondents and 24% of the disabled cited this as a factor in their decision to leave (although BME and disabled leavers sample sizes are rather small for reliable analysis).

Figure 49: Factors influencing the decision to leave/transfer from the employed Bar

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
NET: Financial	24	27	20	24	22	19	24
o Level of income	19	23	15	20	17	16	20
o Uncertainty over	13	15	10	13	7	14	13
o Non-payment of fees	8	9	6	8	5	11	7
Desire to spend more time with family	20	14	28	20	20	14	21
Lack of career development	18	20	16	18	15	14	18
Pressure of work	16	12	21	17	5	27	16
Inflexible working	15	12	18	15	10	16	14
Lack of support from colleagues	10	9	12	10	10	27	9
Too much work related travel	10	9	12	11	2	11	10
Discrimination or harassment	6	5	7	5	12	24	4
Lack of support from clerks	4	4	4	4	0	5	4
Rent arrangements	3	3	4	4	0	5	3
Dual Practice Fee (added 2011)	0	1	0	0	0	0	0
Other	9	9	9	9	2	14	8
Not stated	39	45	32	39	37	32	39

Financial factors are far more likely to play a part in the decision to leave the self-employed Bar (63%) compared with the employed Bar (24%). Other factors more likely to influence self-employed leavers including a desire to spend time with the family (34% compared to 20%) and work related travel (25% compared to 10%).

Figure 50: Factors influencing the decision to leave the employed and self-employed Bar



Base: All employed and self-employed leavers (773 and 488 respectively)

These survey findings are supported by the qualitative work which suggested that the employed Bar was seen to be a much less pressured environment and, for some, a better place to work, particularly for those with children.

'I work from home one day a week, I do flexitime and they are really understanding if the kids are ill' (SE leaver discussing benefits of current job in the employed Bar)

'What I'm doing now is more dry and a lot calmer but at the moment I'm quite happy with that, I've got young kids... I haven't closed the door to my old chambers, if I want to go back I will be able to do that' (SE leaver who moved to an employed firm)

One employed female leaver explained why she felt discriminated against. She felt she had been disadvantaged by the old-fashioned attitudes of the man she had reported to for part of her career. He simply believed that in general, women who returned to work after having a family were not committed enough. This resulted in her being consistently passed over for promotion in favour of younger, less well-qualified men. When she had challenged his decisions and complained to more senior management, it had made no difference.

'Some people just fit in, get good mentoring, get the opportunities to work with the right people on the right things - and because most of the 'right people' are men, they just seem to gravitate towards other men. It is self-perpetuating and remains harder for women.' (Employed leaver mentioning discrimination as a factor in decision to leave)

7.6 Equal opportunities

Almost half (47%) of employed leavers had children while in practice. Women in employed practice were more likely than women working in chambers to have had children (47% compared to 36%)

Figure 51: Whether had children in practice

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
Yes	47	46	47	47	46	57	56
No	51	52	51	51	51	41	52
Not stated	2	2	2	2	2	3	2

Of those who had had children while in practice a third (32%) felt this had adversely affected their career. While only 12% of men felt this, 55% of women did so. Women at the self-employed Bar (66%) were more likely to say that having children had had an adverse impact on their career than women in the employed Bar (55%).

Figure 52: Whether children had an adverse effect on career

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All who had children while in practice</i>	228	120	105	206	19	21	206
	%	%	%	%	%	%	%
Yes	32	12	55	31	42	43	31
No	64	85	39	64	58	48	65
N/A	4	3	5	4	0	5	3
Not stated	1	1	1	1	0	5	0

7.6.1 Help for working parents

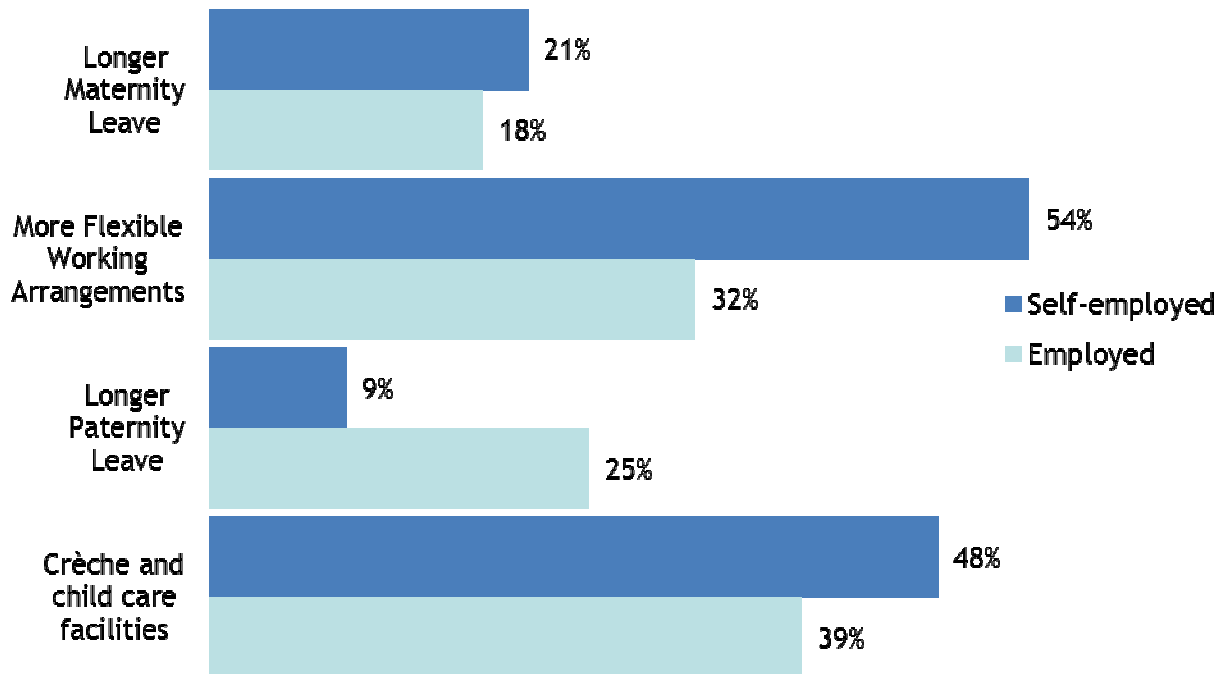
Just over one fifth (21%) of those who had children while at the employed Bar said that longer paternal leave or more flexible working arrangements would have been useful and in both cases more women said so than men. The option most favoured by women was crèche and child care facilities (39%).

Figure 53: Options considered useful for those who had children

	Total	Gender		Ethnic origin		Disabled	
		Male	Female	White	BME	Yes	No
<i>Base: All who had children while in practice</i>	228	120	105	206	19	21	206
	%	%	%	%	%	%	%
Longer maternity leave	8	0	18	9	0	14	8
More flexible working arrangements	21	13	32	22	21	24	21
Longer paternity leave	21	18	25	21	16	10	22
Crèche and child care facilities	19	2	39	17	32	19	19
Other	3	2	3	3	0	10	2
Not stated	54	72	32	53	58	52	53

Those at the self employed Bar were more likely than those at the employed Bar to believe these options would have been useful. This further supports the idea that the self-employed Bar is a much less conducive environment for barristers with childcare responsibilities than the employed Bar.

Figure 54: Options considered useful amongst self-employed and employed women leavers



Base: All employed and self-employed leavers 2001-10 (488 and 773 respectively)

7.6.2 Awareness of equal opportunities and maternity policies

Almost eight out of ten (78%) said that their last employer had an equal opportunities policy.

Figure 55: Awareness of equal opportunities policy

	Total	Gender		Ethnic background		Disability	
		Male	Female	White	BME	Yes	No
<i>Base: All employed</i>	488	261	223	440	41	37	449
	%	%	%	%	%	%	%
Yes	78	75	82	80	73	78	78
No	4	3	4	3	10	11	3
Not sure	9	10	8	8	15	5	9
N/A	5	7	3	5	2	3	5
Not stated	4	5	3	4	0	3	4

Slightly fewer (73%) were aware of a maternity/parental leave policy, although this proportion increased to 76% among men with children and 88% among women with children.

Figure 56: Awareness of Maternity Policy

	Total	Gender		Had children while in practice		
		Male	Female	Yes	Male and Yes	Female and Yes
<i>Base: All employed</i>	488	261	223	228	120	105
	%	%	%	%	%	%
Yes	73	68	79	81	76	88
No	3	3	4	3	3	3
Not sure	14	16	12	9	11	7
N/A	6	8	4	5	8	3

Not stated	4	6	2	2	4	0
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Half (51%) said that this was for a period of six to twelve months, while 21% believed it would be for a longer period. Women and those having children were more knowledgeable than men.

Figure 57: How long the maternity policy holds open tenancy for

	Total	Gender		Had children whilst in practice	
		Male	Female	Yes	No
<i>Base: All who had a maternity policy</i>	354	177	176	184	168
	%	%	%	%	%
< 6 months	6	5	7	9	4
6-12 months	51	49	53	57	44
1-2 years	10	12	8	8	13
> 2 years	11	8	14	12	10
Does not hold open tenancy/job	1	1	1	1	1
Not stated	21	26	16	14	29

A higher proportion of those in the employed Bar said parental leave of 6-12 months was the policy than in the self-employed Bar (28%).

Appendix A: Questionnaire and covering letter/email



Q1. Are you on a temporary practising break?

- Yes (GO TO Q2a)
- No (GO TO Q3).....
- Not sure (GO TO Q2a).....

Q2a. How long in total do you think your temporary break will be?

- Up to 6 months.....
- 6 months to a year
- Longer than a year
- Can't say

Q2b. Do you intend to go back to your last practising status?

- Yes
- No.....
- Not sure

Q3. Was your last practising status in: (PLEASE TICK ONE BOX ONLY)

- Sole Practice.....
- Self-employed practice in Chambers
- Employed Practice
- Dual Practice (Both employed and self-employed)
- Other

(PLEASE SPECIFY)

Q4. Year of Call:

- 1 - 3 years ago
- 4 - 7 years ago
- 8 - 12 years ago
- 13 - 21 years ago
- 22 - 30 years ago
- 31+ years ago

Q5. Total years in practice before most recent status change:

- 1 - 3 years
- 4 - 7 years
- 8 - 12 years
- 13 - 21 years
- Over 21 years

Q6. Main area of practice (more than 50%): (PLEASE TICK ONE BOX ONLY)

- | | |
|---|---|
| Criminal..... <input type="checkbox"/> | Commercial..... <input type="checkbox"/> |
| Civil..... <input type="checkbox"/> | Chancery..... <input type="checkbox"/> |
| Mixed Civil & Crime. <input type="checkbox"/> | Construction..... <input type="checkbox"/> |
| Patent or IP..... <input type="checkbox"/> | Personal Injury..... <input type="checkbox"/> |
| Professional Negligence..... <input type="checkbox"/> | Family..... <input type="checkbox"/> |
| Planning & Environment..... <input type="checkbox"/> | Landlord & Tenant... <input type="checkbox"/> |
| Revenue..... <input type="checkbox"/> | Employment..... <input type="checkbox"/> |
| International or EC .. <input type="checkbox"/> | Public Law..... <input type="checkbox"/> |
| Admiralty or Shipping..... <input type="checkbox"/> | Immigration..... <input type="checkbox"/> |
| | Other..... <input type="checkbox"/> |

Q7. Which Circuit did you mainly practise in before your recent change of practice?

- | | |
|--|---|
| South East..... <input type="checkbox"/> | Northern..... <input type="checkbox"/> |
| Western..... <input type="checkbox"/> | North Eastern..... <input type="checkbox"/> |
| Wales and Chester.. <input type="checkbox"/> | European..... <input type="checkbox"/> |
| Midlands..... <input type="checkbox"/> | |

Q8. Is your practice more than 50% publicly funded?

- Yes.....
- No
- N/A.....

**Q9. Reasons for leaving or changing practising status:
(PLEASE TICK ALL THAT APPLY)**

- To transfer to the employed Bar
- To transfer to self-employed practice
- To take up non-legal employment

(PLEASE SPECIFY)

- Judicial appointment.....
- Child care responsibilities.....
- Care for other dependants
- Ill-health
- Retirement.....
- Maternity/Parental leave.....
- Sabbatical
- Other

(PLEASE SPECIFY)

**Q10. Did any of the following factors influence your decision to transfer or leave?
(PLEASE TICK ALL THAT APPLY)**

- Level of income
- Non-payment of fees
- Rent arrangements.....
- Dual Practice Fee.....
- Lack of support from colleagues
- Inflexible working arrangements
- Too much work related travel
- Uncertainty over future levels of income
- Lack of career development
- Lack of support from clerks
- Pressure of work
- Desire to spend more time with family.....
- Discrimination or harassment.....
- Other

(PLEASE SPECIFY)

Q11. Did you have children while in practice?

- Yes (**GO TO Q12**)
- No (**GO TO Q14**).....

Q12. Do you feel that this had an adverse effect on your career?

- Yes
- No
- N/A

Q13. Which of the following, if any, may have been useful? (PLEASE TICK ALL THAT APPLY)

- Longer maternity leave.....
- More flexible working arrangements
- Longer paternity leave.....
- Creche and childcare facilities
- Other

(PLEASE SPECIFY)

Q14. Did your chambers/employer have an equal opportunities policy?

- Yes.....
- No
- Not sure
- N/A.....

Q15. Did your chambers/employer have a maternity/parental leave policy?

- Yes (**GO TO Q16**)
- No (**GO TO Q18**).....
- Not sure (**GO TO Q18**).....
- N/A (**GO TO Q18**)

Q16. For how long does the policy hold open tenancy/job for those on maternity/parental leave?

- < 6 months.....
- 6-12 months.....
- 1-2 years.....
- > 2 years.....
- Does not hold open tenancy/job

Q17. For how long does the policy grant a period of rent relief?

- < 6 months.....
- 6-12 months.....
- 1-2 years.....
- > 2 years.....
- Does not grant a period of rent relief

Personal Information:

Q18. Sex:

Male.....
 Female.....

Q19. What type of school did you mainly attend between the ages of 11 and 18?

State
 Fee paying

Q20. If fee paying: were 50% or more of the fees covered by any kind of financial award?

Yes
 No.....

Q21. Which university did you attend for your first degree and what was the class of your degree?

University:

University of Birmingham..... <input type="checkbox"/>	University of Liverpool <input type="checkbox"/>
University of Bristol..... <input type="checkbox"/>	London School of Economics, (University of London)..... <input type="checkbox"/>
University of Cambridge <input type="checkbox"/>	University of Manchester <input type="checkbox"/>
Cardiff University... <input type="checkbox"/>	University of Newcastle <input type="checkbox"/>
University of Edinburgh <input type="checkbox"/>	University of Nottingham <input type="checkbox"/>
University of Glasgow..... <input type="checkbox"/>	Queen's University Belfast..... <input type="checkbox"/>
Imperial College London..... <input type="checkbox"/>	University of Oxford <input type="checkbox"/>
King's College London, (University of London)..... <input type="checkbox"/>	University of Sheffield..... <input type="checkbox"/>
University College London, (University of London)..... <input type="checkbox"/>	University of Southampton <input type="checkbox"/>
University of Leeds <input type="checkbox"/>	University of Warwick <input type="checkbox"/>
	Other..... <input type="checkbox"/>

(PLEASE SPECIFY)

Class:

1st..... 3rd.....
 2:1..... Pass.....
 2:2.....

Q22. Ethnic Origin: (PLEASE TICK ONE BOX ONLY)

White

White British
 White Irish.....
 Gypsy or Irish Traveller.....
 Other White

Mixed

White & Black Caribbean.....
 White & Black African
 White & Asian
 Other Mixed

Asian or Asian British

Indian.....
 Pakistani.....
 Bangladeshi.....
 Chinese
 Other Asian.....

Black or Black British

African
 Caribbean.....
 Other Black.....

Other Ethnic Group

Arab.....
 Any Other Ethnic Group.....

The Equality Act defines a person as having a disability if he or she has a physical or mental impairment which has a substantial long term, adverse effect on your ability to carry out normal day-to-day activities. Long term means 12 months or more

Q23. Do you consider yourself to be disabled?

Yes.....

No.....

Q24. In order to help the Bar Council keep up to date records please complete your e-mail address in the box below.

Q25. We will shortly be conducting interviews amongst leavers to go into more depth about their reasons for leaving the Bar Council, if you would not like to take part in these interviews please tick the box below:



Thank you for your co-operation. PLEASE RETURN YOUR COMPLETED QUESTIONNAIRE IMMEDIATELY IN THE PRE-PAID ENVELOPE PROVIDED. Your completed questionnaire should be returned to reach ERS Market Research, Independence House, 33 Clarendon Road, London N8 0NW by 04 August 2011



NAME
ADDRESS LINE 1
ADDRESS LINE 2
ADDRESS LINE 3
POSTCODE

13 December 2011

Dear Mr XXXXX

EXIT SURVEY FOR BARRISTERS CHANGING PRACTICE STATUS 2011

The Bar Council has commissioned Electoral Reform Research to conduct a survey amongst barristers who changed their practice status in 2010. We are trying to find out why barristers change practice status and why drop out rates are significantly higher amongst certain demographic groups.

Electoral Reform Research is a member of the MRS and abides by its code of conduct. Among other things this means your responses will be treated in the strictest confidence and no individuals will be identifiable in the report or results tables given to the Bar Council.

Please use the web address below to start the survey, it should take no longer than 10 minutes to complete. The first question will ask for your membership number, please enter this exactly as it appears below.

Membership Number: 12345

<http://www.researchbyinternet.com/BarCouncil2011ExitSurvey/barcouncil.htm>

If you have any issues accessing the link or any questions about the survey please contact: Tim Robinson at Tim.Robinson@electoralreform.co.uk or on 0208 829 8412. If you do not wish to fill in your responses online and would like a postal copy please contact the ERS customer services helpline on 0208 889 9203.

The closing date for the survey is the 4th August; please ensure that your responses reach ERS before that time.

Kind Regards

Peter Lodder, QC
Chairman of the Bar



The Election Centre, 33 Clarendon Road, London N8 0NW
Tel: 020 8365 8909 | Fax: 020 8365 8587
www.electoralreform.co.uk | enquiries@electoralreform.co.uk

Appendix B: Listing of Open Ended Responses

The listings below are taken verbatim from the survey, the only amendments made have been to ensure respondent confidentiality.

Q9: Reasons for leaving or changing practising status:

To take up non-legal employment

Self-employed

Was offered a position as a Police Officer
Wanting a change from the legal profession; not enjoying what I was doing; too much pressure for not enough reward; fed up with having to pay for relatively expensive CPD courses when income not great; feeling isolated in provinces, having initially moved out of London a few years ago.
To work full time in vocational legal education.
To undertake an MBA and change career
To train for a different vocation while continuing to work part time as an Immigration Judge.
To start own non legal business
Teaching law full time at University
starting my own business as interior designer
Lecturer on the Bar Professional Training Course
I took up a one-year contract as xxxxxxxx, ending Aug 2010 when i was then 6 months pregnancy with my first chid (born Nov 2010). When I return to work I do not intend to work in the legal field.
I returned to work as a trade unoin organiser
I have retrained in a complementary therapy developed from Osteopathy called craniosacral therapy

Employed

to work as a mediator
My present role as Director of a company does not support or required practising status
interforeting course
Company Director
Became a full time self-employed maritime arbitrator

Other

Self-employed

To work overseas and to take up practice as an English solicitor
To take up a partnership in an American law firm/LDP
To generate more work
To gain experience in new areas of law and, in particular, international law.
seeking fertility treatment
qualified as a Canadian lawyer
Practice now only as a mediator
Not sure what I am going to do but highly unlikely that I will return to the self-employed Bar.
Left the UK to prosecute abroad international crimes abroad.
Initially I moved to abroad to work at the xxxxx. During that time I kept my practising status. Now I work part time for (the) NGO, hence the change of practising status.
I was unhappy with chambers, and not confident it could meet the new challenges of the Bar.
Emigrated to NZ (my wife is a NZ-er)
During my time in chambers, my practice had not developed as I would have wished it to, and after much thought and discussion I concluded that in order to move forward in my legal career, it was time to move on and explore other opportunities.
Concentrate on academic matters
complete disenchantment with the Bar
Bar Standards board causing problems with my practice and the system is pathetic!!

Employed

Redundancy
My employed practice has changed from full-time to part-time, and so I thought that I would supplement my income and time by opting for dual practice by trying self-employed work as well.
I left the self-employed Bar to go into employment whilst I was receiving fertility treatment. I tried whilst at the Bar and it wasn't compatible. When the treatment was unsuccessful I returned to the self-employed Bar and my former Chambers.

I am employed as a legal adviser and do not need to be a practising barrister to carry this out so my employer, HMCTS, will no longer pay for this

Her Majesty's Court Service: Legal Adviser Magistrates' Court. Practising Certificate no longer a requirement. HMCS Will no longer fund Practising Certificates.

Have requalified as a solicitor and now practise as a solicitor (so no longer practise as a barrister)

Completed QLTT for admission as solicitor to become partner in firm

Admitted to solicitors roll, to enable practising in legal profession with some rights of audience which I did not have at Bar as not completed pupillage

Admitted as a solicitor

Q10 Did any of the following factors influence your decision to transfer or leave?

Other

Self-employed

Uncertain times for the Bar ahead. High levels of bureaucracy from Bar Council, Bar Standards Board and government agencies.

late delivery of complex papers; poorly prepared papers; increasing micromanagement by government and regulatory authorities (including the senior judiciary); constant downward pressure on fees; deliberate misrepresentation by government, media and other opinion formers as to public funding rates - all down to fat cat barristers; refusal by same to admit that there is any skill, expertise or dedication; being scoffed at by them all the time yet always accountable for the handling of complex cases and intricate human behaviours; low morale. By the end it was not worth it - the low fees, the increasing demands, the new pressures and stresses arising from it all. Not worth it. The contrast with the first two decades of my career from 1970 - 1990 makes my heart ache.

lack of support from circuit and Bar Council - only contacted to complete consultations and when money demanded for subscriptions, etc.

Judicial Pension versus no pension at the Bar.

I was advised not to undertake a case for a group of trade unionists taking action against their trade union as I would be 'blacked' from obtaining trade union sponsored employment cases. In effect it would be 'career suicide'. While there was always enormous pressure to take respondent work due to the 'cab rank' rule, it seemed that members of chambers were willing to collude with my access to work being blocked by powerful solicitors simply because I had supported a group of vulnerable individuals who no-one else would represent.

I did not wish to pay for my practising certificate and insurance during such. I would have much preferred to have applied some kind of suspension which is far less drastic and complicated and would mean I could still call myself a barrister. It would also mean that there are less barriers to coming back.

Disillusionment and disenchantment with the way family law was going in England

Desire to try something different

Cost of maintaining practicing certificate for part-time work; grind of modern practice.

An overwhelming desire to do something different that took advantage of the new structures for delivering legal services

Employed

Redundancy

Offer of early retirement was attractive given the morale and uncertainty in the GLS

Not my decision--redundancy
made redundant

I disagreed with the way in which the CPS went about its most recent re-structure, specifically its selection of the new CCPs, without in my opinion a fair and open selection process. I left as a matter of principle.

Have been working in solicitor's firms, doing the same job as a solicitor, for such a long time, that it made no sense still to be a barrister. In addition, it is easier to become a partner once you are a solicitor.

end of secondment

Admitted as a solicitor

Q13: Which of the following, if any, may have been useful?

Self-employed

Nothing can be useful. In self-employment there are no certainties. If a self-employed diary is too hard then employment is the alternative.

More progressive attitude

Better support from clerks, colleagues

Employed

clear diversity guidance to managers on continuance of fitted for promotion marking status following maternity leave and part time work

Appendix C: Full Sample Profile

All

	2011 Leavers	Respondents
Total	687	200
	%	%
Self-employed	61	61
Employed	39	40

Self-employed

	2011 Leavers	Respondents
TOTAL	419	121
	%	
Male	56	53
Female	44	47
White	77	85
BME	9	6
No information	14	9
Year of Call		
1-3	8	11
4-7	14	14
8-12	19	21
13-21	20	17



Over 21	37	32
Not Stated	4	5

Employed

	2011 Leavers	Respondents
TOTAL	268	79
	%	
Male	53	54
Female	47	46
White	64	78
BME	15	10
No information	21	11
Year of Call		
1-3	6	4
4-7	12	11
8-12	25	32
13-21	24	20
Over 21	31	32
Not Stated	1	1