

Bar Barometer



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Trends in the Barristers' Profession

The General Council of the Bar of England and Wales



Pilot statistical report

01 March 2011

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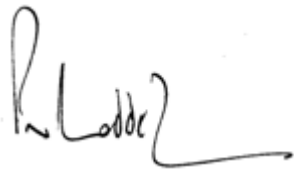
Research Department

Foreword

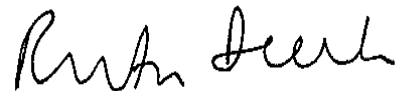
We are delighted to be able to publish the first annual *Bar Barometer*. The first publication of the Bar Council's newly formed Research Department, the *Bar Barometer* provides statistics and trends about the Bar of England and Wales over the period 2005-2010.

It is increasingly important for all professions to provide clear and transparent data and statistics about their composition which can be made available to anyone with an interest. The Bar is no exception. We intend to refresh this publication on an annual basis, so that the trends and statistics within it may be monitored over a prolonged period of time.

Continuing to enhance equality, diversity and fair access to the profession are strategic priorities and fundamental objectives of the Bar Council and Bar Standards Board. An essential component in achieving those objectives is the ability to track our progress. The *Bar Barometer* is a welcome step in that direction.



Peter Lodder QC
Chairman of the Bar



Baroness Ruth Deech
Chairman of the Bar Standards Board

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Introduction

Bar Barometer provides statistics and trends about the Bar of England and Wales over the period 2005-2010. Particular focus is on figures relating to the profile of the profession and those in the training stages over the past five years. This is the first report to unite information in this format, outlining general statistical information on the composition of the barrister profession since the introduction of the Legal Services Act (2007).

Bar Barometer details the figures that account for the different stages of the practising Bar and its training pathways. The data supporting this report is supplied by those people training for and those who constitute the practising profession.

The first edition of *Bar Barometer* is intended as a pilot report. Plans are being developed for a series of publications that chart and monitor trends in the barrister profession. This will be done once comments, feedback and suggestions have been incorporated from the initial pilot report. Subsequent editions will be issued on a regular basis incorporating the latest annual statistics as they become available. Related reports that focus on particular areas of the profession such as the Bar Professional Training Course (BPTC) and Pupillage are also planned for publication.

The Research Department

This is the first major report produced by the newly formed Research Department. It was established in 2010 to provide research and information support to the regulatory, representative and corporate functions of the General Council of the Bar of England and Wales (the Bar Council). The Research Department monitors, assesses and evaluates any changes to the profession through the design, conduct and commissioning of studies about the Bar. *Bar Barometer* is a key output of the *Research Policy* and *Strategy* which serve to ensure a consistent approach on key issues in support of the work of the Chairman of the Bar, Bar Standards Board (BSB) and the various respective committees.

The Research Department has designed this report to be a useful source of evidence for those with an interest in the Bar, such as potential and current students, those at the Bar and the wider legal services market. *Bar Barometer* is also intended to be a resource that supports policy formulation, the conduct of equality impact assessments and the development of evidence-based equality objectives. *Bar Barometer* also aids the fulfilment of the data collection requirements of those with regulatory and representational responsibilities.

Sources of data

Bar Barometer relies on anonymised statistical information from the secure database maintained by the Bar Council's Records Department for the majority of the information presented in this report. Data held in the Records Department relates to barristers from the beginning of their training, through the different stages of their career until retirement. *Bar Barometer* enhances existing statistics held by the Bar Council's Records Department and develops further the information that is held in other areas of the Bar Council and the Bar Standards Board.

Another data source is the Annual Chambers Return. This compulsory questionnaire is sent to all chambers requesting information about the barristers who practise in that set of chambers. Other sources include the Annual Pupillage Registration Survey and the Annual Monitoring Reports of the Bar Professional Training Course providers.

Percentages are usually represented to the nearest whole number in the tables presented in the course of the report. The academic year date format has been used as the timescale indicator in this pilot report. This is in order to align and incorporate all of the data from the variety of sources within one date format.

Acknowledgements

The *Bar Barometer* is the first published output from the Bar Council Research Department, headed by Nicola Power who led in the development of this report. Particular thanks also go to Smita Shah of the Bar Council Records Department for providing the majority of the raw data. The Research Department would also like to acknowledge the assistance and support of many colleagues across the Bar Council and Bar Standards Board for their help in the production of *Bar Barometer*.

Feedback

This first edition of *Bar Barometer* is presented as a pilot report. Further data categories will be included in subsequent editions as more data becomes available. The Research Department would be most grateful for any suggestions or general feedback on the content and format of the report. Please contact Dr Jennifer Sauboorah with your comments by email:

JSauboorah@barcouncil.org.uk

Summary: Key Facts

The Bar of England and Wales: Profile 2009/10

This report details the composition of the barrister profession illustrating and identifying trends with a *Glossary of Terms* provided at the end.

The size and composition of the profession and those in the training stages are outlined here:

The Practising Profession in 2009/10

- 15,270 barristers held practising certificates, an increase of 0.5% (88) from 2008;
- the practising profession has grown steadily over the past five years, averaging a growth rate of just over 1.2% during that period;
- the largest annual increase in the last five years was in 2006/07 of 1.8% (267) practising barristers;
- the practising profession constituted self-employed barristers 12,241 (80%) and employed barristers 3,029 (20%);
- the total practising profession consisted of 65.6% (10,011) men and 34.4% (5,259) women;
- the total practising profession included 10.1% (1,545) barristers from a black and minority ethnic group (BME);
- 76.7% (11,721) were white barristers; and
- 13.1% (2,004) of barristers did not disclose their ethnicity.

The Self-Employed Bar in 2009/10

- The self-employed Bar comprised 80% (12,241) of the whole practising profession;
- the self-employed Bar comprised 68.5% (8,381) men and 31.5% (3,860) women;
- the self-employed Bar consisted of 9.6% (1,175) BME barristers;
- 79.4% (9,724) were white barristers;
- 10.9% (1,342) barristers did not disclose their ethnicity;
- self-employed barristers are members of 734 chambers; and
- there are 391 sole practitioners.

The Employed Bar in 2009/10

- The employed Bar comprised 20% (3,029) of the whole practising profession;
- the employed Bar comprised 53.8% (1,630) men and 46.2% (1,399) women;
- the employed Bar consisted of 12% (370) BME barristers;
- 66% (1,997) were white barristers; and
- 22% (662) of barristers did not disclose their ethnicity.

Called to the Bar in 2009/10

- 1,852 barristers were Called to the Bar in 2009/10. Of those Called to the Bar:
- 70% (1,256) were British;
- 30% (596) were non-UK nationals;
- 47% (876) were men;
- 53% (976) were women;
- 41% (721) were BME barristers;
- 58% (1,020) were white; and
- 2% (31) of barristers did not disclose their ethnicity.

The Bar Professional Training Course in 2009/10

- 1,793 students were enrolled on the BPTC in 2009/2010; and
- 1,432 (80%) passed the BPTC, (76% in 2008/09).

The Bar Professional Training Course in 2008/09¹

- In 2008/09 there were 1,749 students enrolled; an increase of 2.5% (44) from 2007/08);
- in 2008/09 there were 48% (858) men and 52% (935) women students;
- 44% (790) were BME students;
- 34% (602) were white students; and
- 22% (401) of students did not disclose their ethnicity.

¹ Only monitoring data for 2008/09 is available at present.

Pupillage in 2009/10

- 460 first six pupillages were registered in 2009/10, a decrease of 0.6% (464 in 2008/09); and
- 495 second six pupillages were registered, a decrease of 4.4% (518 in 2008/09).

Pupillage in 2008/09²

- In 2008/09 54% of (280) pupils were men;
- 40% (210) of pupils were women;
- 5% (25) of pupils did not disclose their gender;
- 13% (68) of pupils were BME;
- 82% (420) pupils were white; and
- 5% (27) of pupils did not disclose their ethnicity.

New Tenants and Newly Employed Barristers in 2009/10

- In 2009 497 tenancies were registered, an increase of 0.6% on the previous year (494 in 2008);
- in 2009, 213 barristers began work as newly employed barristers, a decrease of 10.8% on the previous year (239 in 2008);
- 56% (356) of tenants and newly employed barristers were men;
- 44% (282) were women;
- 11% (70) of tenants and newly employed barristers were BME;
- 78% (496) white; and
- 11% (72) of tenants and newly employed barristers who did not disclose their ethnicity.

Queen's Counsel in 2009/10

- In 2009/10 there were 1,318 members of Queen's Counsel (QC);
- QCs constituted 8.6% of the practising profession;
- QCs comprised:
- 89% (1,179) men;
- 11% (139) women;
- 4.3% (57) BME barristers;
- 91.5% (1,207) white barristers; and
- 4.1% (54) of barristers who did not disclose their ethnicity.

² Only monitoring data for 2008/09 is available at present.

1 The Practising Bar

- 1.1 Barristers in England and Wales are trained specialist legal advisers and courtroom advocates who represent the interests of their lay and professional clients. Barristers usually specialise in particular areas of the law such as criminal, family and civil law.
- 1.2 In December 2009 the number of barristers in England and Wales that held practising certificates was 15,270. This was an increase of 0.5% on the same number for 2008.
- 1.3 Currently, practising barristers are either classified in one of two categories: self-employed or employed. In 2009, four fifths (12,241) of barristers comprised the self-employed Bar and a fifth constituted the employed Bar.
- 1.4 The total number of barristers in practice over the five year period 2005/06 to 2009/10 is represented in Figure 1. The total has been rising steadily for the past five years showing an average annual increase of 1% over the period 2005/06 to 2009/10.

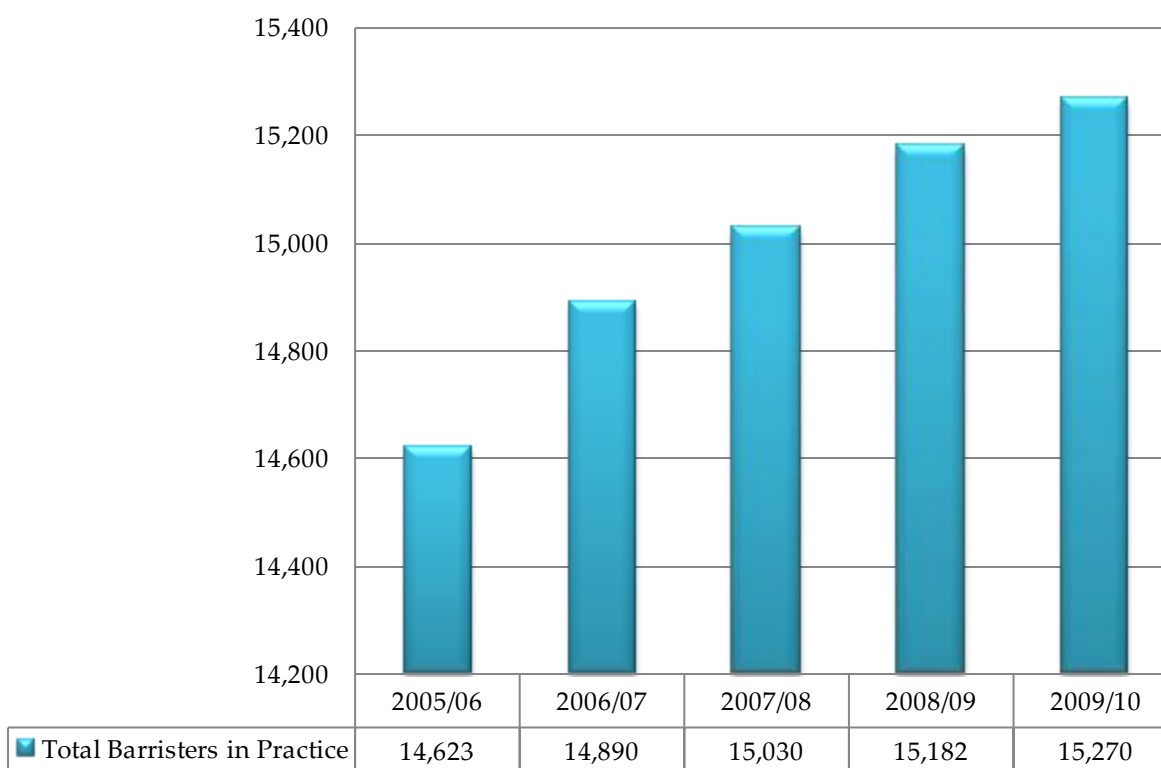


Figure 1: Total number of practising barristers

- 1.5 The smallest annualised increase in the number of practising barristers can be seen last year (2009-10) when the profession grew by 0.5% (88) barristers. The biggest increase in the number of practising barristers can be seen in 2005/06 to 2006/07 when the profession grew by 1.8% (267).
- 1.6 Figure 2 shows that over the past five years the growth rate of the profession is declining, slowing from a rate of 1.8% in 2005/06 to just 0.5% in 2009/10.

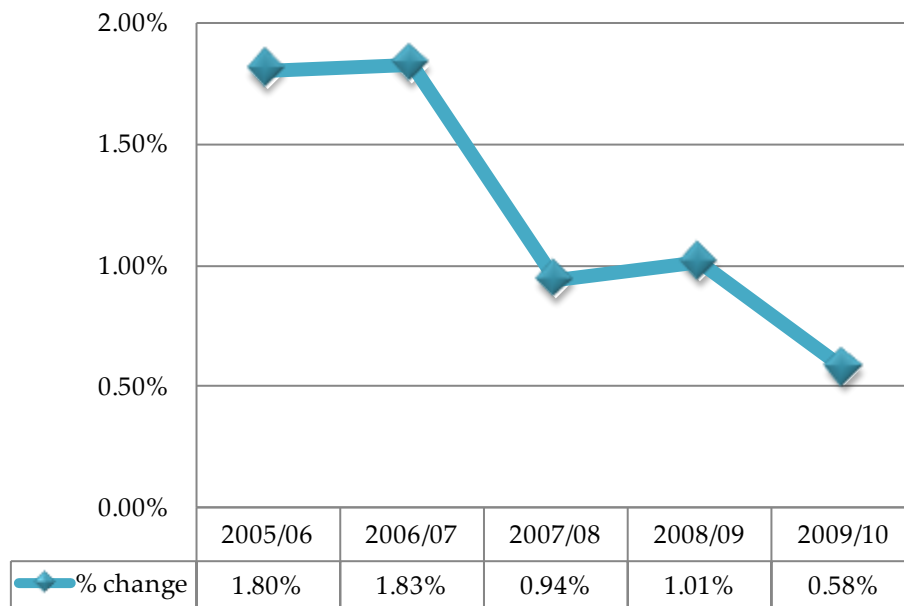


Figure 2: Percentage growth of practising barristers

2 Barristers at the Self-Employed Bar

- 2.1 Self-employed barristers operate from sets of chambers. They comprise about four fifths of the practising profession, currently 12,241 barristers.
- 2.2 Figure 3 below illustrates the growth in the number of practising self-employed barristers from 2005/06 to 2009/10.

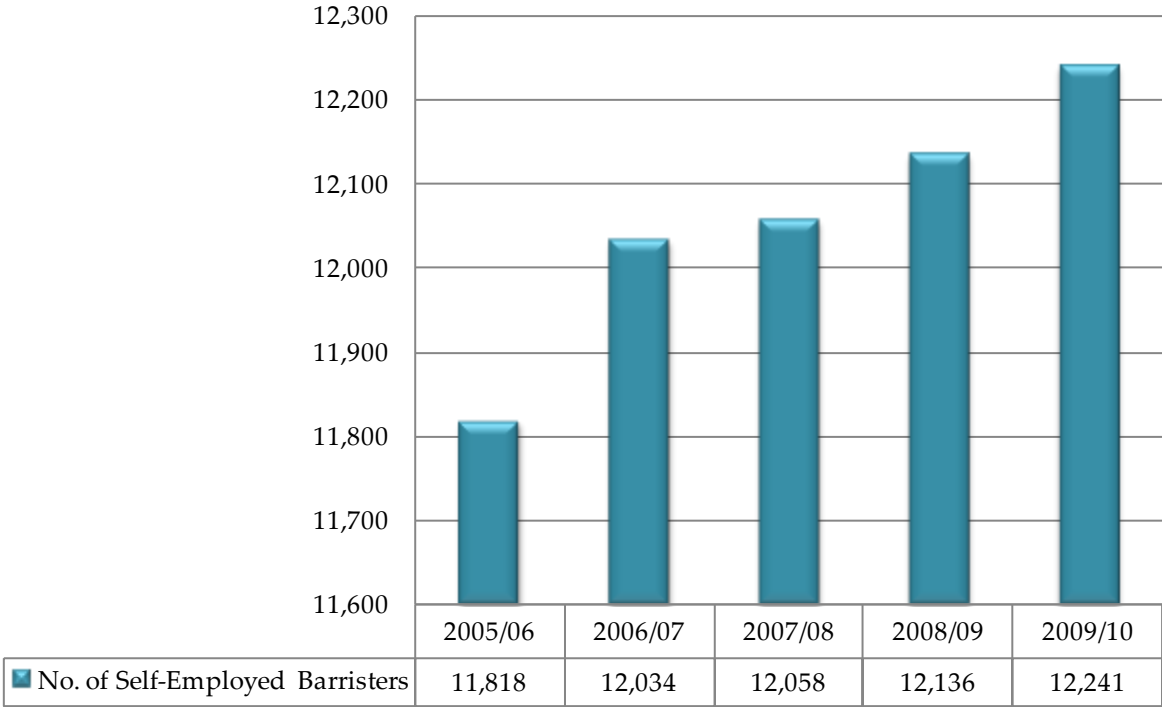


Figure 3: The number of barristers at the self-employed Bar

- 2.3 The smallest increase in the number of self-employed barristers can be seen between 2006/07 and 2007/08. Growth in that year was 0.2% (24) barristers. Growth in the number of self-employed practising barristers was 1.9% over the five year period 2005/06 to 2009/10.
- 2.4 The average annualised percentage increase over the last five years was 0.8%. The corresponding average annualised percentage increase for the employed Bar was 1.9%.

Sole Practitioners

- 2.5 Sole practitioners are self-employed barristers who meet the requirements to practise independently of a set of chambers or an employer as stipulated by the *Bar Council Code of Conduct*, (see *Glossary*). Sole practitioners have increased as a proportion of the profession over the last five years as can be seen in Figures 4 and 5.
- 2.6 Sole practitioners are barristers who have been in practice for at least three years following the completion of pupillage and decide to practise independently of chambers.

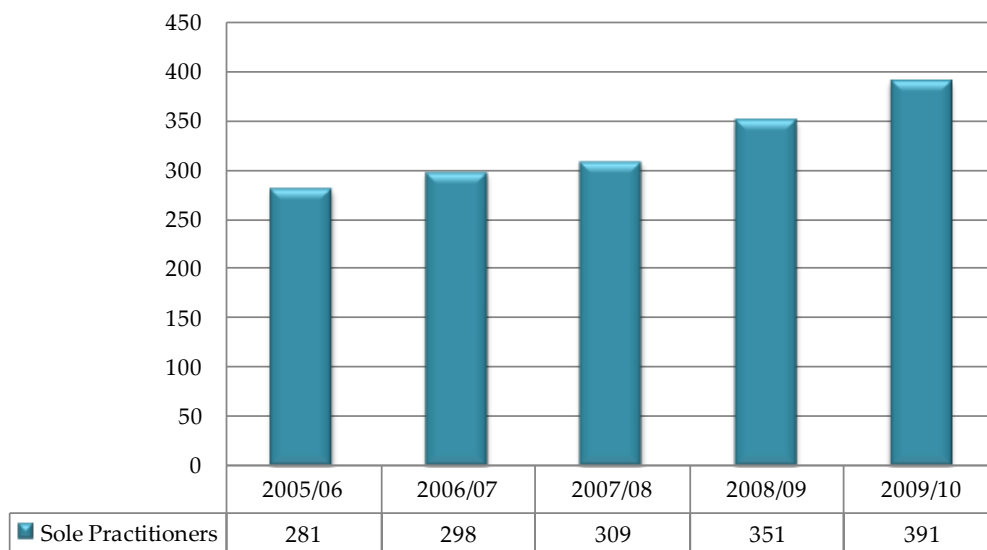


Figure 4: Sole practitioners

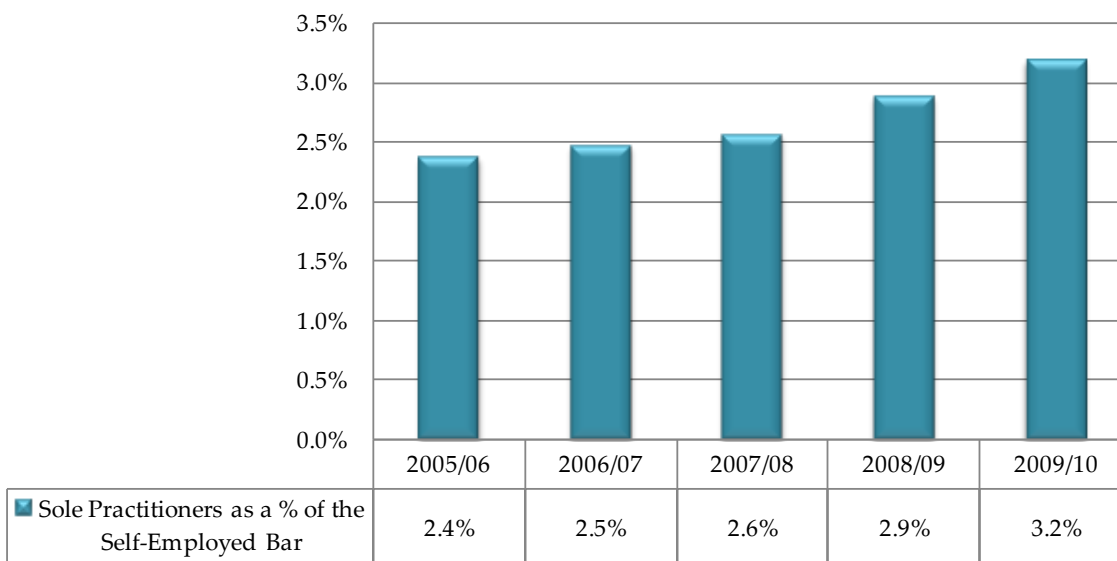


Figure 5: Sole practitioners as a proportion of the self-employed Bar

- 2.7 Overall, during the last five years sole practitioners have increased as a proportion of the self-employed Bar by 11.7%. In 2005/06 sole practitioners accounted for 2.4% (281) of the self-employed Bar growing to 3.2% (391) in 2009/10.

3 The Employed Bar

3.1 Employed barristers practise in a number of organisations and sectors varying from the Crown Prosecution Service to the financial and service sectors. They comprise one fifth of the practising profession, totalling 3,029 barristers in 2009. Figure 6 illustrates the number of practising employed barristers from 2005/06 to 2009/10.

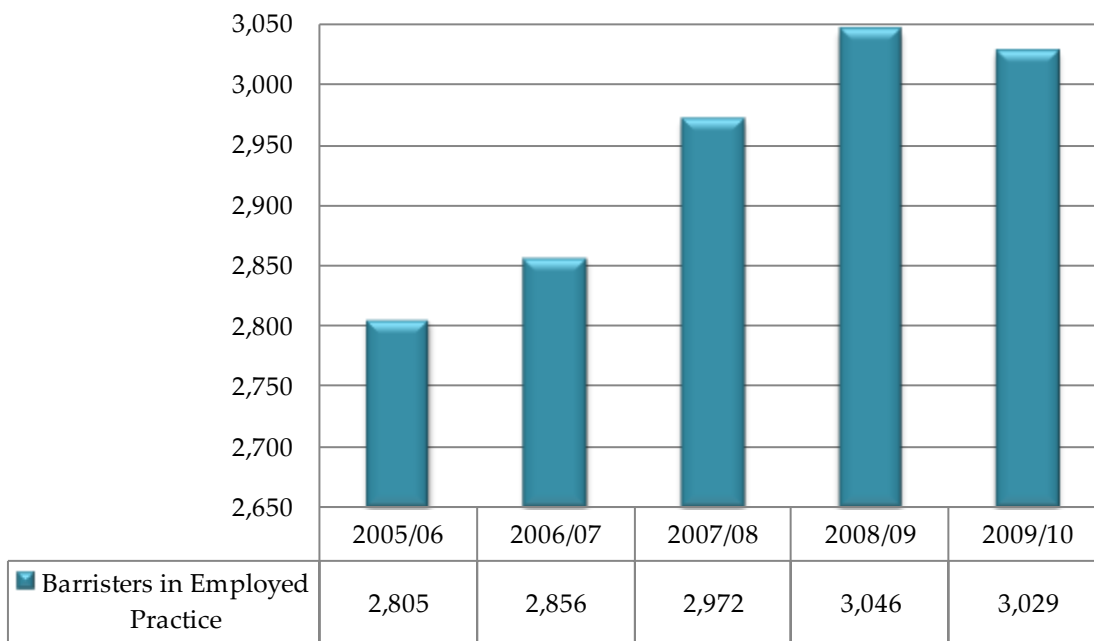


Figure 6: Barristers at the employed Bar

3.2 The number of barristers at the employed Bar has grown by an average annual rate of 1.9% over the period 2005/06 to 2009/10. The largest increase of 4% (116) was between 2006/07 and 2007/08. Last year the employed Bar decreased in size by 0.5% (17) barristers whereas the self-employed Bar grew by 0.8%(105).

4 Gender Composition at the Bar

- 4.1 The composition of men and women at the Bar is depicted in Figures 7 and 8. Women have comprised an increasingly larger part of the profession over the last five years. In 2005/06 there were 67.1% men and 32.9% women. In 2009/10 the proportion of men in the practising profession comprised 65.6% and 34.4% women. The average growth rate over the last five year period was 2.2% for women and for men it decreased by 0.5%.
- 4.2 The biggest increase in the number of women practising at the Bar was between 2005/06 and 2006/07. Growth at this time was 3.2% (156). The smallest increase in women practising at the Bar was seen in the years 2008/09-2009/10 when growth was 1.4% (76).

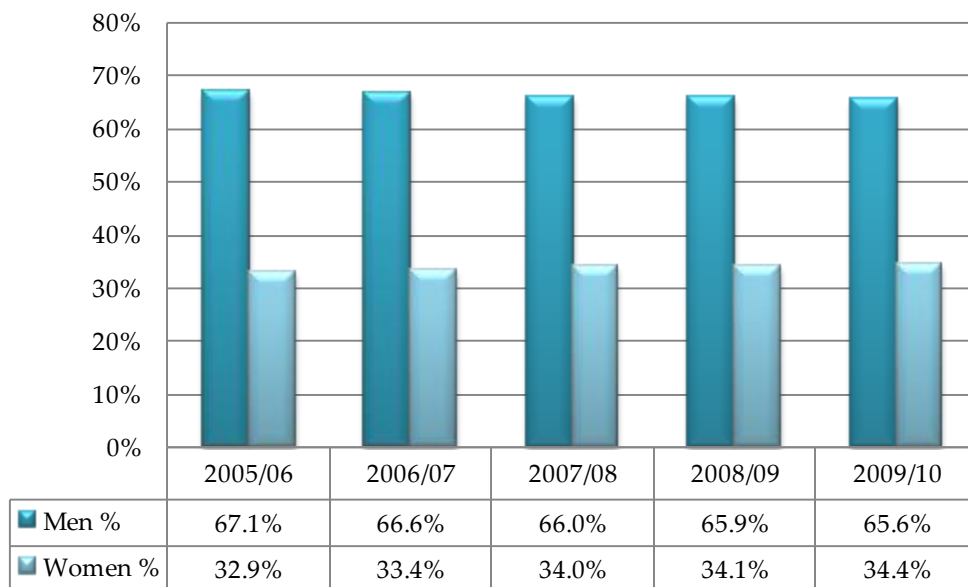


Figure 7: Gender composition at the Bar (%)



Figure 8: Gender composition at the Bar (figures)

Gender Composition: The Self-Employed Bar

- 4.3 The number of women at the self-employed Bar has increased as a proportion of the profession over the last five year period, 2005/06 to 2009/10, growing to almost one third. Figure 9 below shows that in 2005/06 women comprised 30% of the profession rising to 31.5% in 2009/10. The average percentage increase over the five year period was 2.2%.
- 4.4 The proportion of men at the self-employed Bar has fluctuated slightly year on year but has decreased slightly, for the five year period, 2005/06 to 2009/10. Figure 9 shows that in 2005/06 men comprised 70% of the profession decreasing to 68.5% in 2009/10.

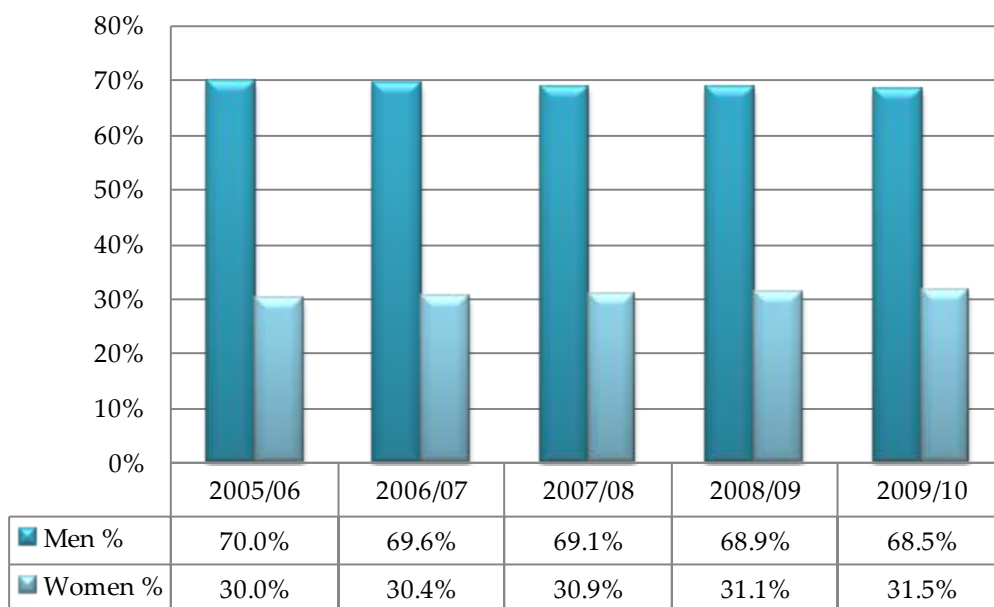


Figure 9: Self-employed Bar gender composition (%)

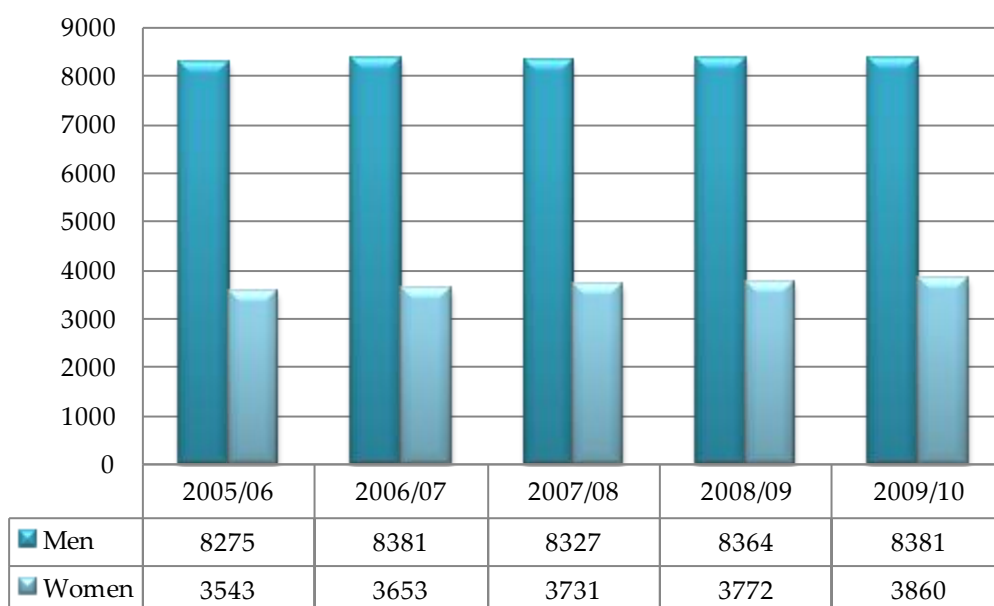


Figure 10: Self-employed Bar gender composition (figures)

Gender Composition: The Employed Bar

- 4.5 The number of women at the employed Bar has increased slightly as a proportion of the profession, growing to almost half of the employed Bar over the last five year period, 2005/06 to 2009/10. Figure 11 below shows that in 2005/06 women comprised 45.3% of the profession rising to 46.2% in 2009/10. The average percentage increase over the five year period was 2.7%.
- 4.6 There has been little variation in the number of men at the employed Bar as a proportion of the profession over the past five years, 2005/06 to 2009/10. Figure 11 below shows that in 2005/06 men comprised 54.7% of the profession decreasing to 53.8% in 2009/10.

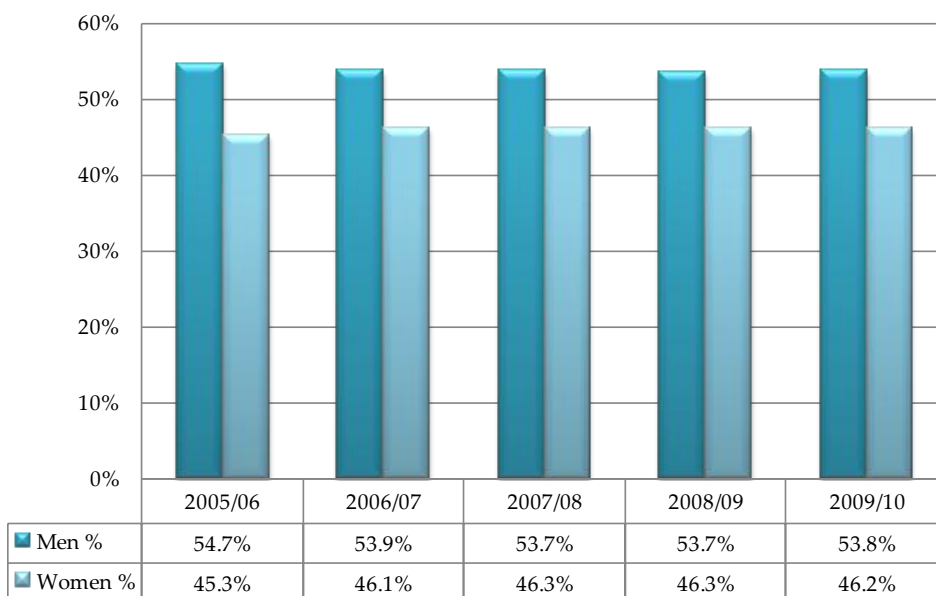


Figure 11: Employed Bar gender composition (%)

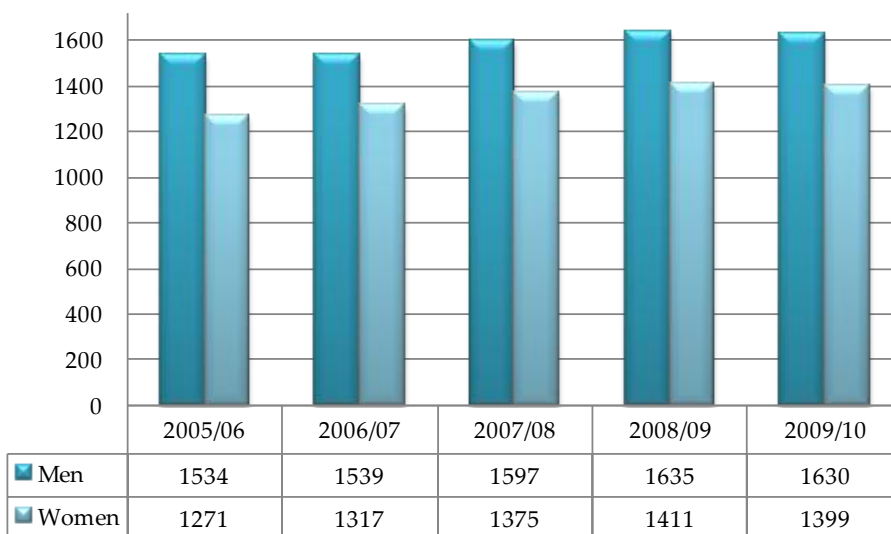


Figure 12: Employed Bar gender composition (figures)

5 Ethnicity at the Bar

5.1 Figures 13 and 14 depict the ethnic profile of the Bar over the last five years. In 2005/06 Black and Minority Ethnic barristers comprised almost 10% of the practising profession. The proportion of BME barristers has increased slightly from 9% to 10% over the past five years. This represents an average annualised increase of 2.8% in BME barristers over the period.

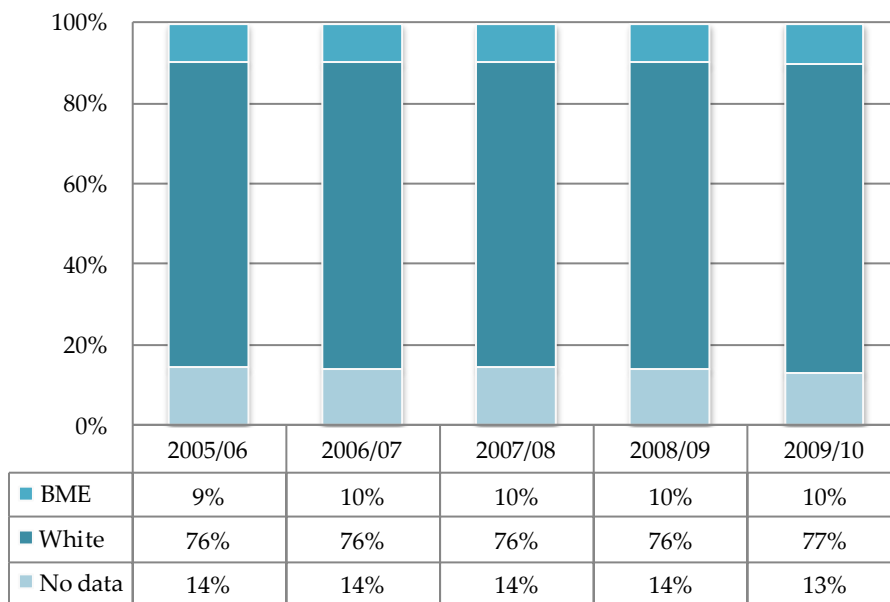


Figure 13: Practising Bar ethnicity composition (%)

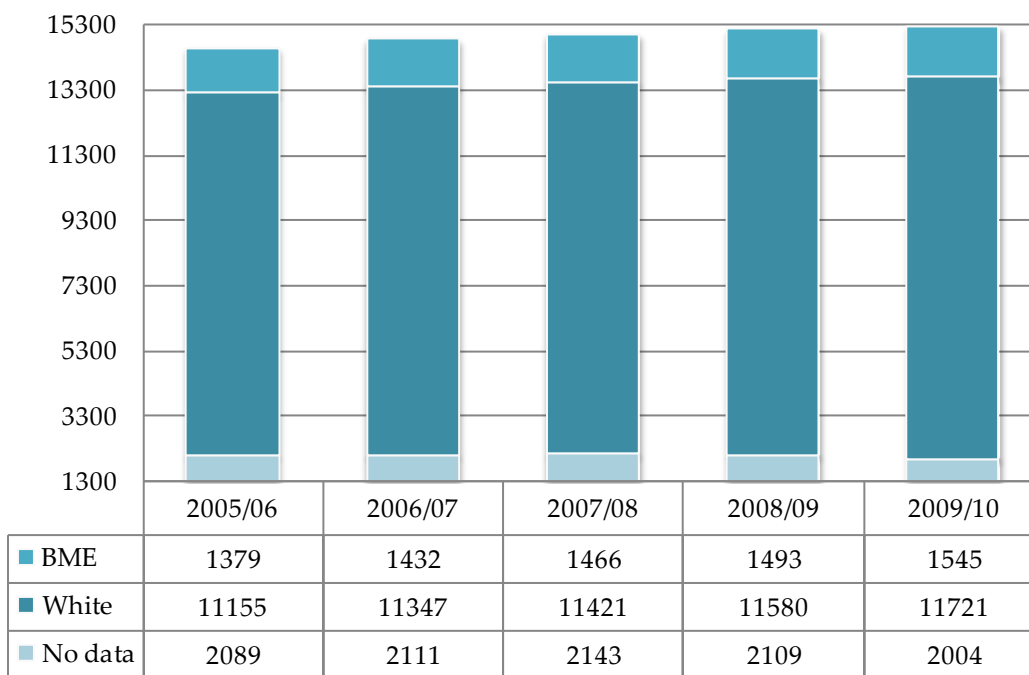


Figure 14: Practising Bar ethnicity composition (figures)

Ethnicity: the Self-Employed Bar

5.2 Figures 15 and 16 depict the ethnic profile of the self-employed Bar over the last five years. In 2005/06 BME barristers comprised 9% of the self-employed Bar. Over the five years to 2009/10 that number grew by 1%. The annualised average percentage increase over that five year period was 2.6%.

5.3 The smallest increase in the BME category in the last five years was between 2006/07 and 2007/08 when it grew by 1% (11). The largest increase was between 2008/09 and 2009/10 when growth was 3.8% (43).

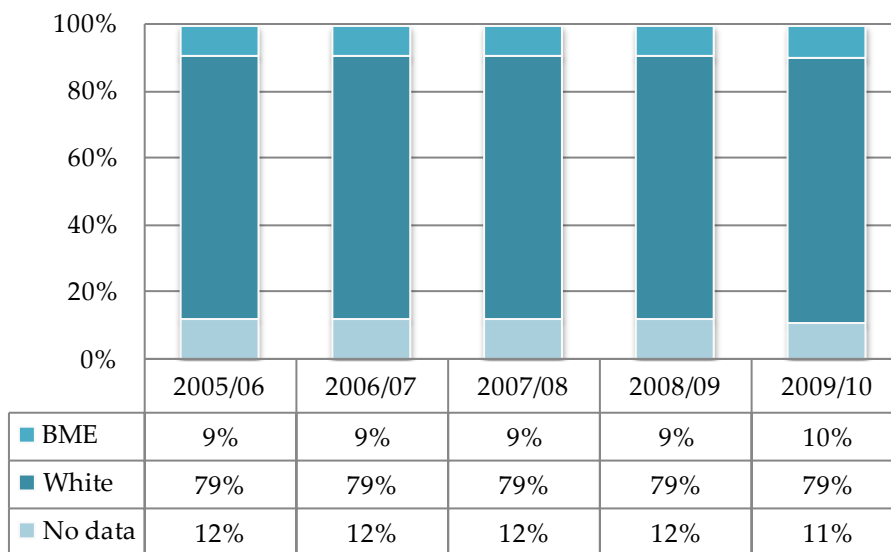


Figure 15: Self-employed Bar ethnicity composition (%)

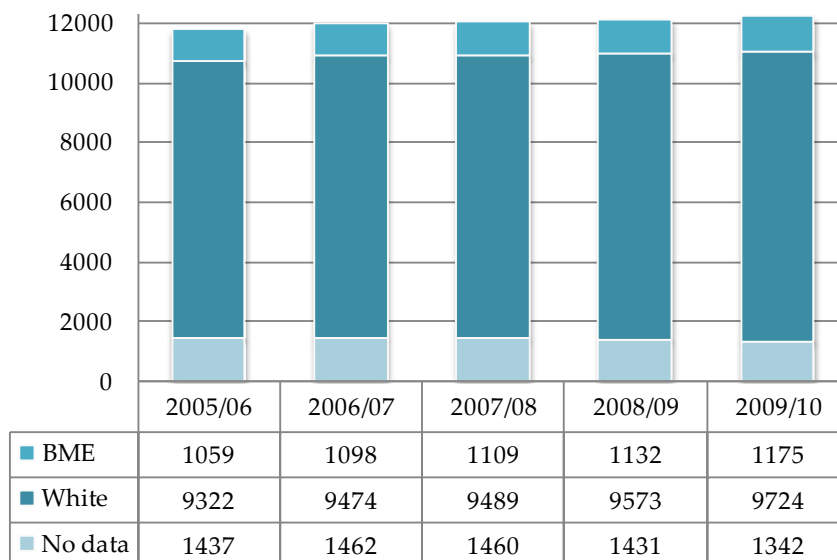


Figure 16: Self-employed Bar ethnicity composition (figures)

Ethnicity: the Employed Bar

- 5.4 Figures 17 and 18 depict the ethnic profile of the employed Bar over the last five years.
- 5.5 In 2005/06 BME barristers comprised 11% of the employed Bar. Over the five years to 2009/10 that percentage grew to 12.2%. The average increase in BME barristers over that five year period was 3.7%.
- 5.6 The smallest increase in the BME category in the last five years was between 2007/08 and 2008/09 when growth was 1.1%. The largest increase was between 2006/07 and 2007/08 when growth was 6.8%.

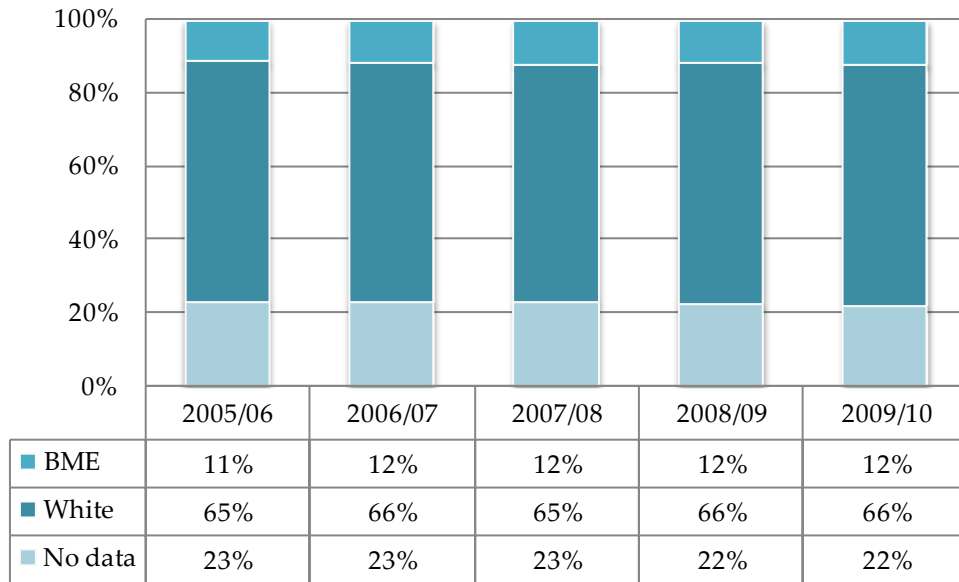


Figure 17: Employed Bar ethnicity composition (%)

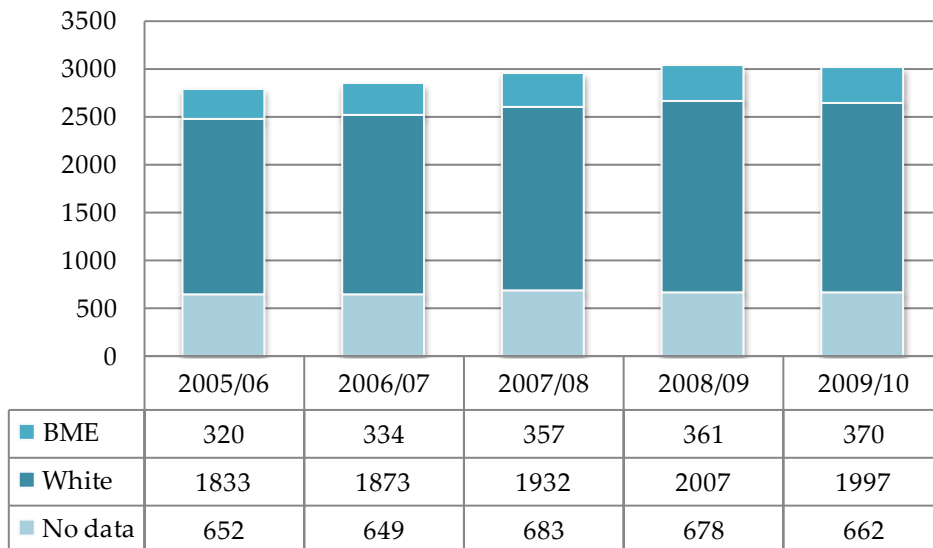


Figure 18: Employed Bar ethnicity composition (figures)

6 Tenancy and Newly Employed Barristers

- 6.1 Obtaining 'tenancy' means being accepted as a permanent member of chambers. Barristers normally seek tenancy in the set where they completed their pupillage, although it is also possible to apply elsewhere.
- 6.2 Chambers normally decide whether to offer a candidate tenancy by voting but the tenancy procedure varies among chambers. Some chambers take on more pupils than they will offer tenancy to and others take on more or most of their pupils. Some chambers widen their tenancy recruitment and invite pupils from other chambers to apply whilst others only recruit their tenants from their own pupils.
- 6.3 The number of tenancies and new starter positions at the employed Bar has fluctuated as depicted in Figure 19. Over the period 2005/06 to 2009/10 the average annualised change in registered tenancies was a decrease of 3.1%. The largest increase was between 2007/08 and 2008/09 when tenancies grew by just 0.6% (3). The biggest decrease was 6% (32) during the period 2005/06 and 2006/07.

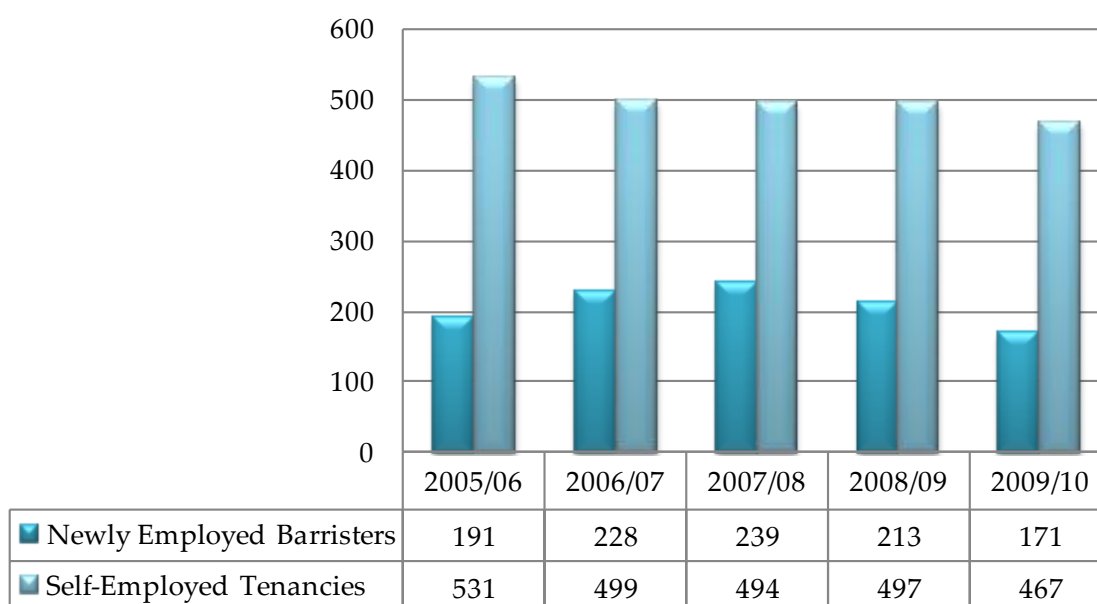


Figure 19: Tenancies & newly employed barristers

Gender Distribution: Tenancy and Newly Employed Barristers

6.4 Figure 20 shows that in 2010 the gender composition of those securing tenancy and positions as newly employed barristers was: 56% (356) men and 44% (282) women.³

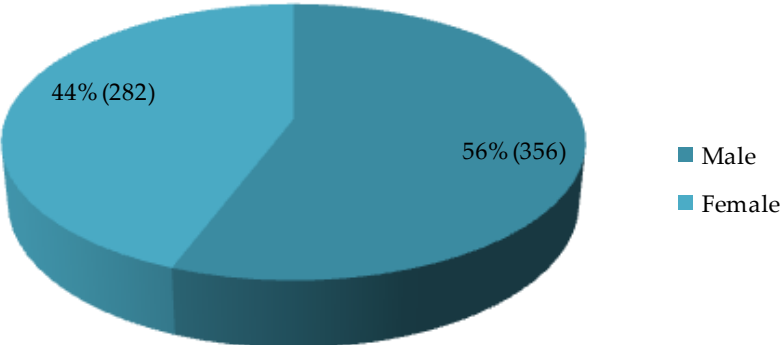


Figure 20: Tenancy gender composition

Ethnicity Distribution: Tenancy and Newly Employed Barristers

6.5 Figure 21 shows that in 2010 the ethnic composition of those securing tenancy and newly employed positions was 11% (70) BME barristers; 78% (469) white barristers and 11% (72) of barristers did not disclose their ethnicity.

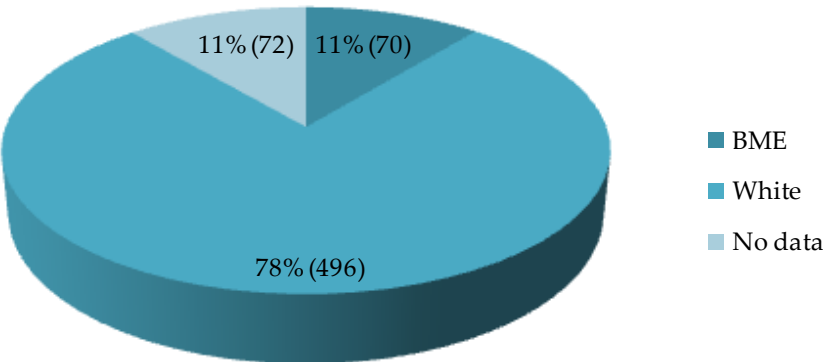


Figure 21: Tenancy ethnicity composition

³ Only 2010 monitoring data is available at the present time.

7 Queen's Counsel

- 7.1 Barristers can apply to be appointed as members of Queen's Counsel. Once chosen they are considered as experts in their field. They are very experienced and skilled senior barristers, generally with a minimum of ten years of practice. When barristers are confirmed as a member of the Queen's Counsel (QC) this is known informally as 'taking silk'; they are now entitled to wear black silk gowns in court instead of the standard court dress.
- 7.2 Over the last five years QCs comprised between 7% and 9% of the practising profession.

Gender Composition: Queen's Counsel

- 7.3 The number of women who comprise Queen's Counsel has slightly increased over the last five year period, 2005/06 to 2009/10. Figures 22 and 23 below show that in 2005/06 women comprised 8% of all QCs, rising to 11% in 2009/10.

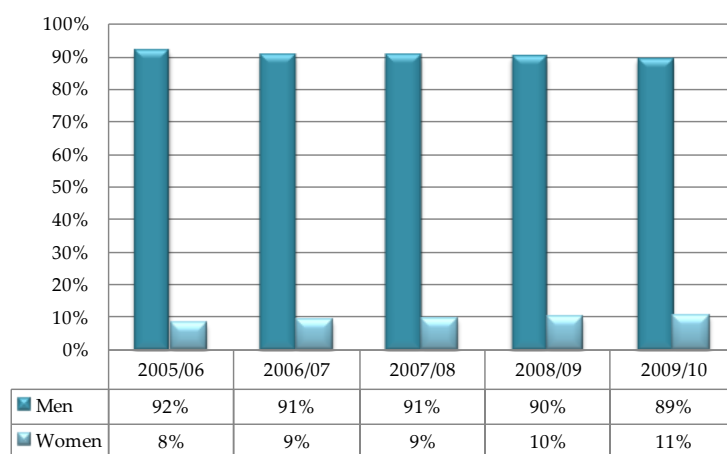


Figure 22: Queen's Counsel gender composition %

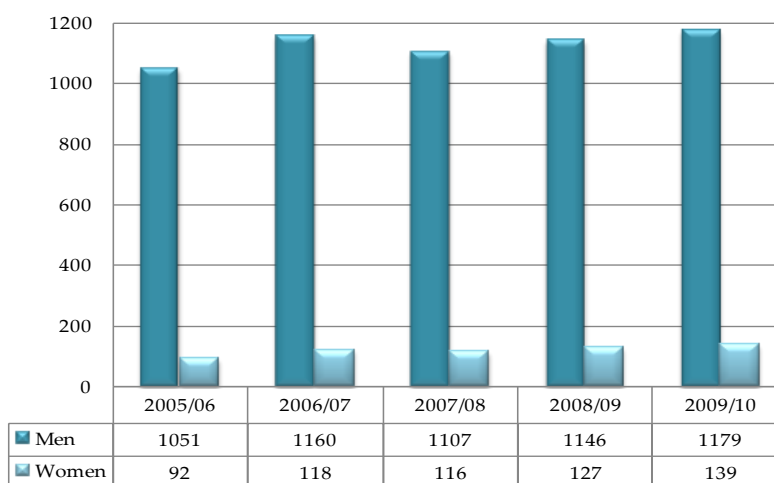


Figure 23: Queen's Counsel gender composition (figures)

Ethnicity Composition: Queen’s Counsel

7.4 Figures 24 and 25 depict the ethnic profile of members of Queen’s Counsel over the last four years.⁴ The data on the respective ethnic categories has remained constant over the period.

7.5 In 2006/07 BME barristers comprised 4% of Queen’s Counsel. Over the four years to 2009/10 that proportion grew to 4.3%.

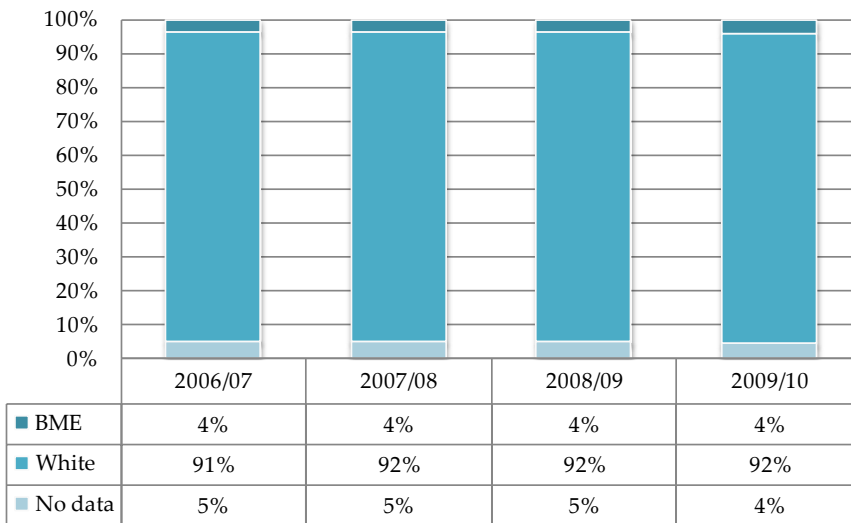


Figure 24: Queen’s Counsel ethnicity composition (%)

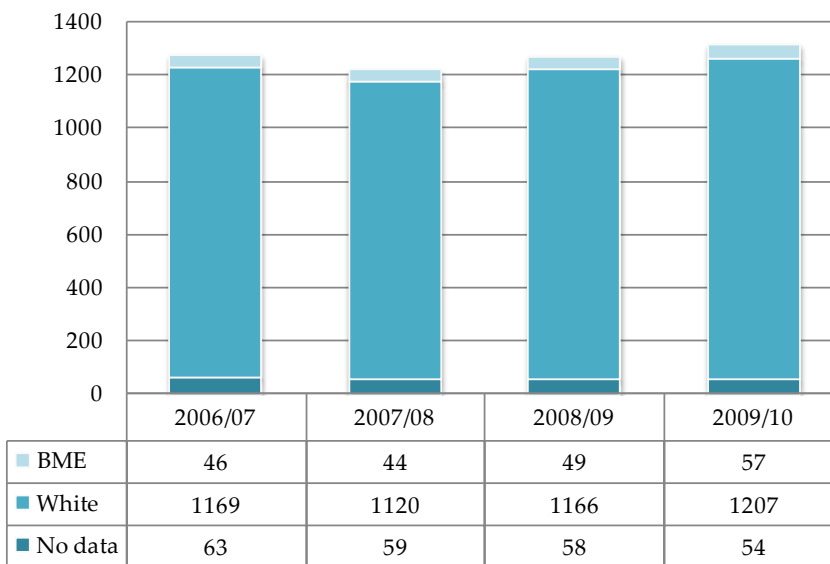
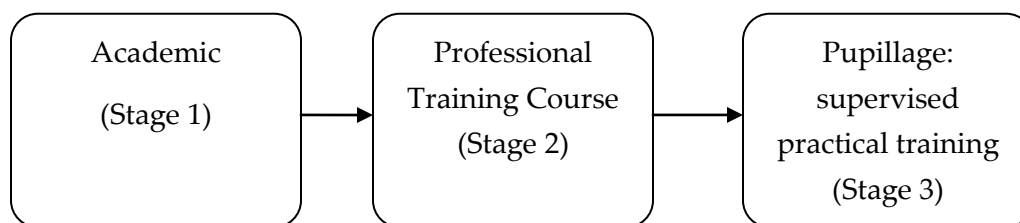


Figure 25: Queen’s Counsel ethnicity composition (figures)

⁴ Data was not collected in 2005/06.

8 Training for the Bar

- 8.1 There are three stages that must be completed in order to qualify as a practising barrister in England and Wales.



- 8.2 The Academic Stage requires successful completion of an undergraduate degree in law or an undergraduate degree in any other subject and a one year conversion course, the Common Professional Examination (CPE).⁵
- 8.3 The Professional Training Course Stage requires successful completion of the Bar Professional Training Course (BPTC) over one year full-time or two years part-time.⁶ During the BPTC there are 12 compulsory qualifying sessions (previously known as ‘dining’) that the Inns hold for their members. Those who pass the BPTC are Called to the Bar by their respective Inn of Court.⁷
- 8.4 The third stage in training for the Bar is Pupillage. This is an overall period of 12 months split into two six month periods referred to as First Six and Second Six.⁸ Pupillage is spent in an approved pupillage training organisation (either barristers’ chambers or another approved legal environment).
- 8.5 The BPTC has attracted between 2,500 and 3,000 applicants each year for the period 2005-2010. Of those applicants, between 1,700 and 2,000 students were enrolled. Of those enrolled between 2005-2010, between 1,400 and 1,800 passed. The pass rate for 2009/2010 was 80%.

⁵ A lower second class degree is the minimum standard of achievement.

⁶ The Bar Professional Training Course prior to Autumn 2010 was called the Bar Vocational Course.

⁷ The Inns of Court are Lincoln’s Inn, Inner Temple, Middle Temple and Gray’s Inn.

⁸ First Six and Second Six do not have to be completed in a full calendar year.

9 The Bar Professional Training Course

Statistics

9.1 Figure 26 illustrates the percentage of applicants who enrolled as students on the Bar Professional Training Course (BPTC) and those who subsequently passed the course.

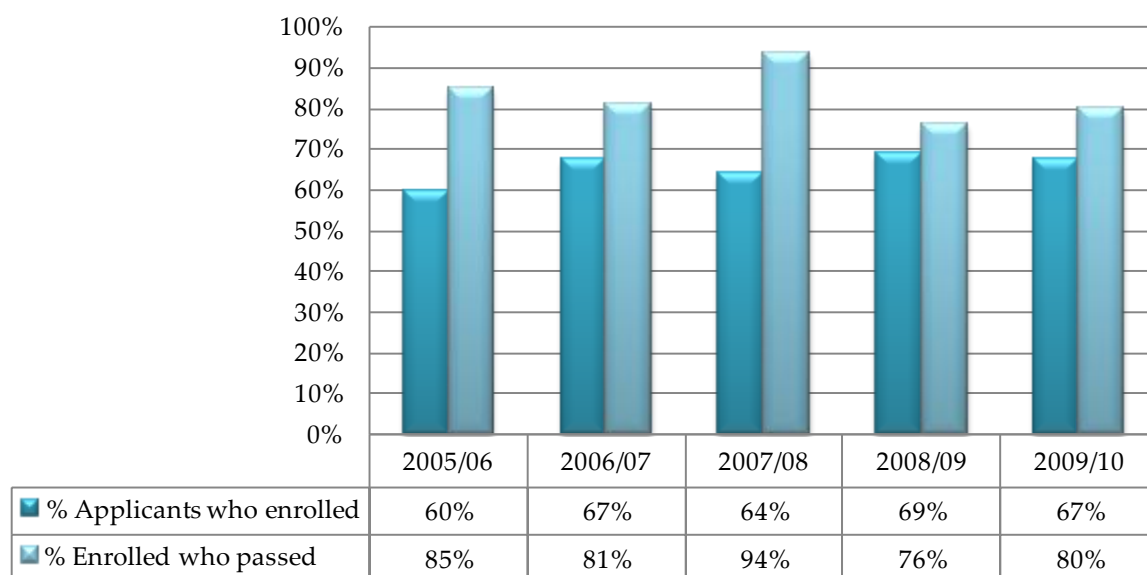


Figure 26: Student statistics for the BPTC (%)

9.2 Figure 27 illustrates applications, enrolment and passes of those students on the BPTC.

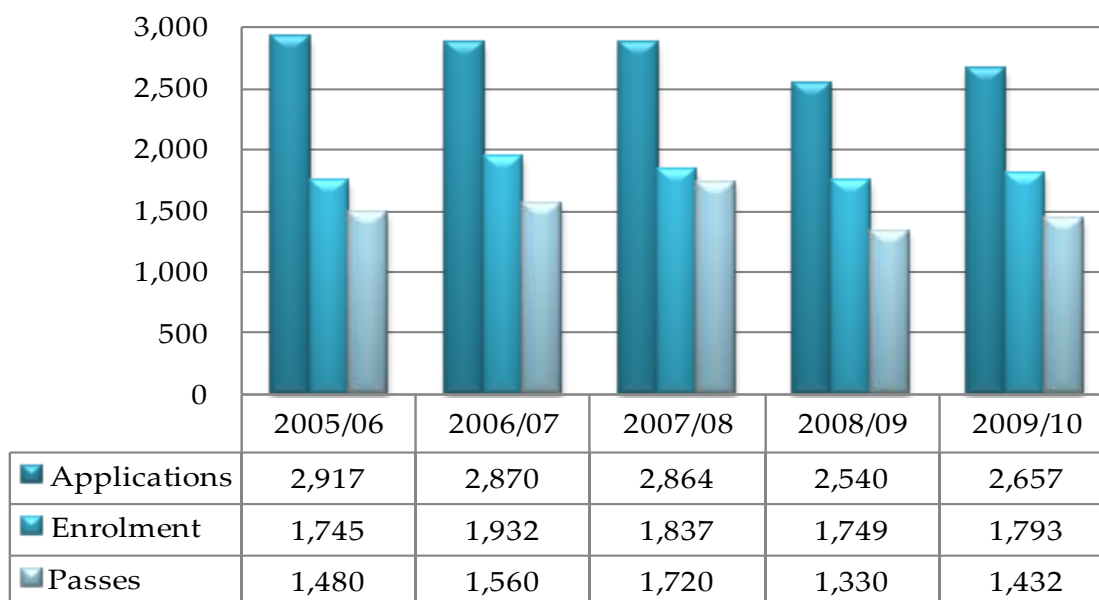


Figure 27: Student statistics for the BPTC (figures)

Applications

- 9.3 The Bar Professional Training Course has seen an overall drop in application numbers for the period 2005/06-2009/10. The annualised percentage change rate for the last five years in terms of applications for the course has declined by 2.3%. The biggest fall in the application rate was between 2007/08 and 2008/09 when applications fell from 2,864 to 2,540 (11.3%).

Enrolments

- 9.4 Enrolments have seen an increase with the annualised percentage growth rate for the last five years being 0.6%. The biggest increase in enrolments was between 2005/06 and 2006/07 when 10.7% (187) more students began the course. The biggest drop in enrolment was between 2006/07 and 2007/08 when 4.9% (95) fewer students enrolled.

Pass Rates

- 9.5 The average pass rate for the past five years is 83.1%. The highest pass rate was 94% in 2007/08 and the lowest pass rate was 76% in 2008/09.

- 9.6 The purpose of the BPTC as outlined in the Bar Professional Training Course Specifications and Guidance is:

To enable students, building on their prior learning, to acquire and develop the skills, knowledge and values to become effective members of the Bar of England and Wales. As part of the continuum of training, from the academic stage through to pupillage and continuing professional development of practising barristers, it acts as the bridge between the academic study of law and the practice of law. It aims to move the student from the classroom to the courtroom. It is, therefore, different in its culture and the nature of its demands from that of the academic stage of training, the Qualifying Law Degree (QLD) or Common Professional Examination (CPE).⁹

⁹ <http://www.barstandardsboard.org.uk/assets/documents/BPTC%2009-11-10.pdf>

Gender: BPTC

9.7 The distribution between men and women on the BPTC is depicted in Figures 28 and 29. The gender composition is mostly even. Women have comprised an increasingly larger part of the BPTC in the last three years and have started to outnumber men at the training stage.

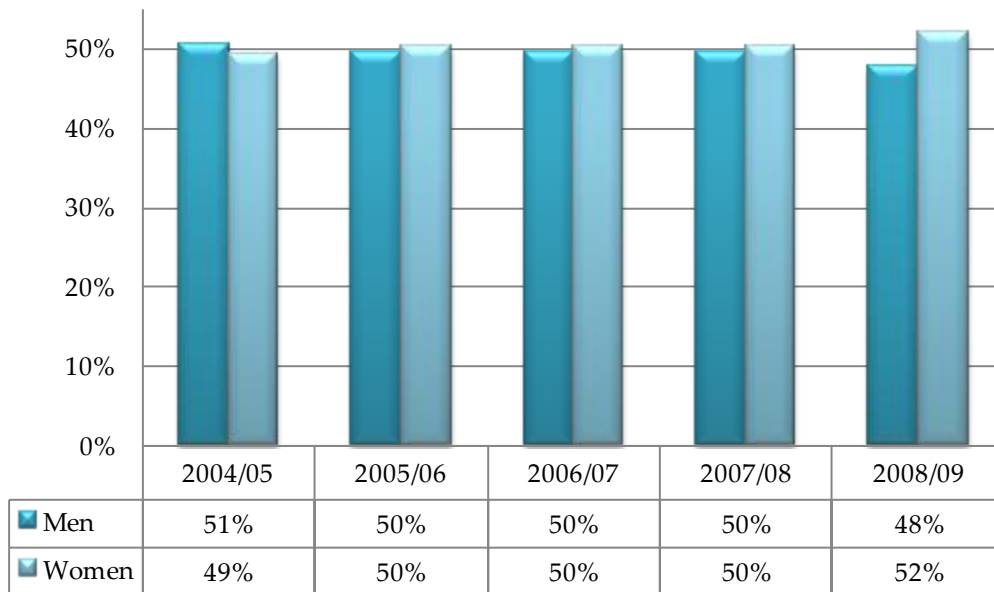


Figure 28: BPTC gender composition (%)

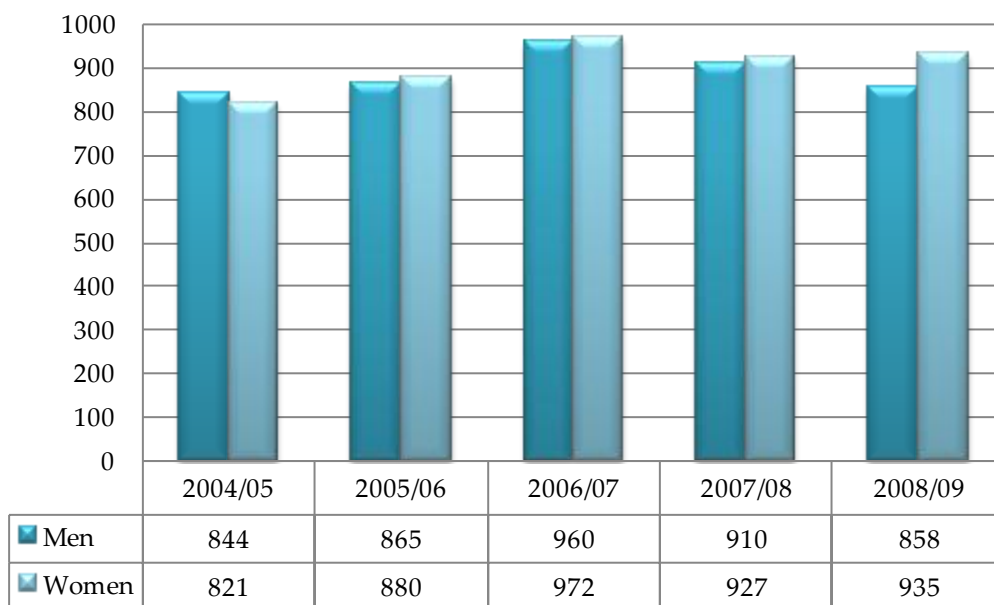


Figure 29: BPTC gender composition (figures)

Ethnicity: BPTC

9.8 In 2004/05 BME students comprised 35% of those on the BPTC and this grew to 44% in 2009/10.¹⁰

9.9 Figures 30 and 31 depict the ethnic profile of those students on the BPTC over the last five years.

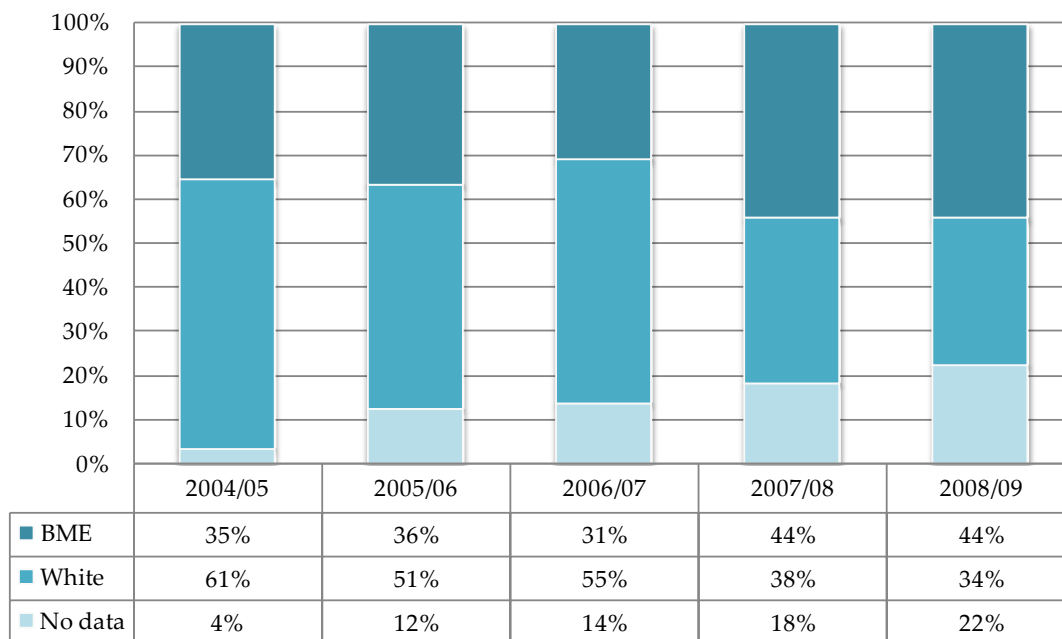


Figure 30: BPTC ethnicity composition (%)

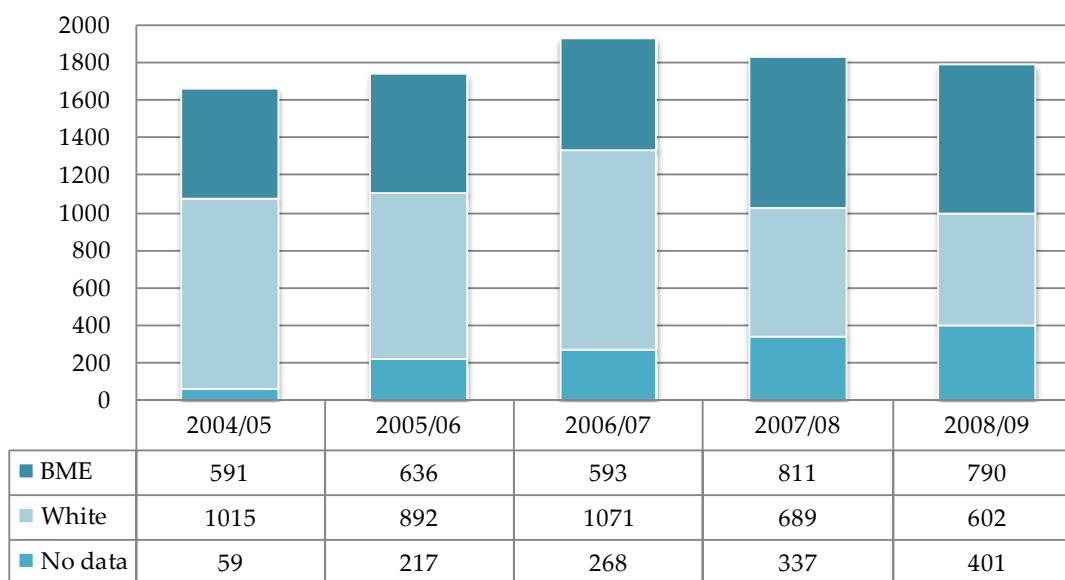


Figure 31: BPTC ethnicity composition (figures)

¹⁰ It should be noted that between 20-30% of students on the BPTC are non-EU nationals.

10 Called to the Bar

Gender: Called to the Bar

- 10.1 Call to the Bar is the date from which a barrister is formally recognised to have passed the professional stage of training and has been admitted to the Bar.
- 10.2 Over the five years to 2009/10 the average annual percentage growth in the number of people Called to the Bar was 3%.
- 10.3 The number of women Called to the Bar has increased as a proportion of the profession, growing to 53% over the last five year period. Figure 32 below shows that in 2005/06 women comprised 51% of the profession rising to 53% in 2009/10. The average annualised percentage increase over the five year period was 6%.
- 10.4 The number of men Called to the Bar has decreased as a proportion of the profession, over the past five years, 2005/06 to 2009/10. Figure 32 shows that in 2005/06 men comprised 49% of the profession decreasing to 47% in 2009/10.

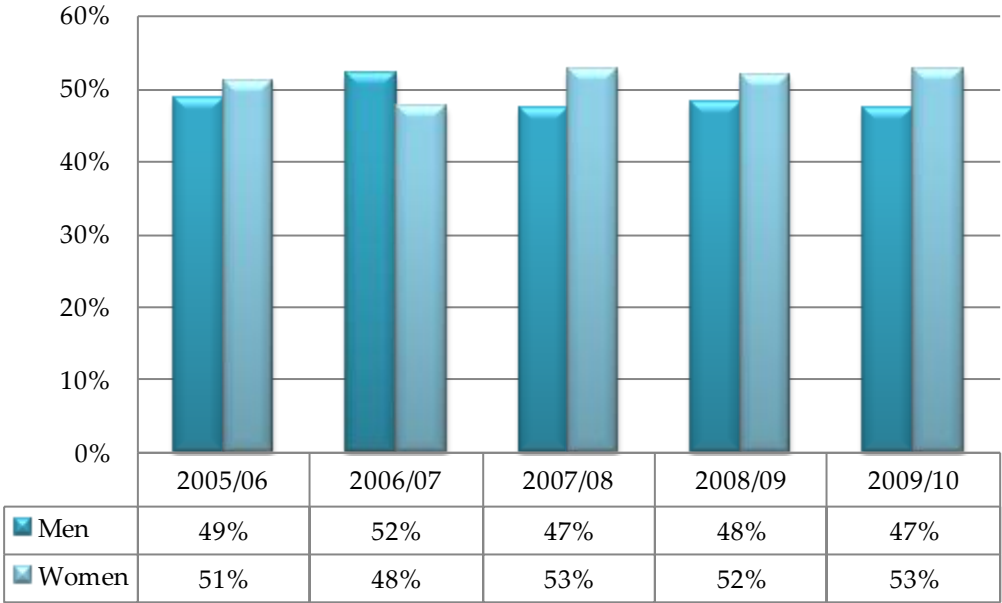


Figure 32: Called to the Bar: gender composition (%)

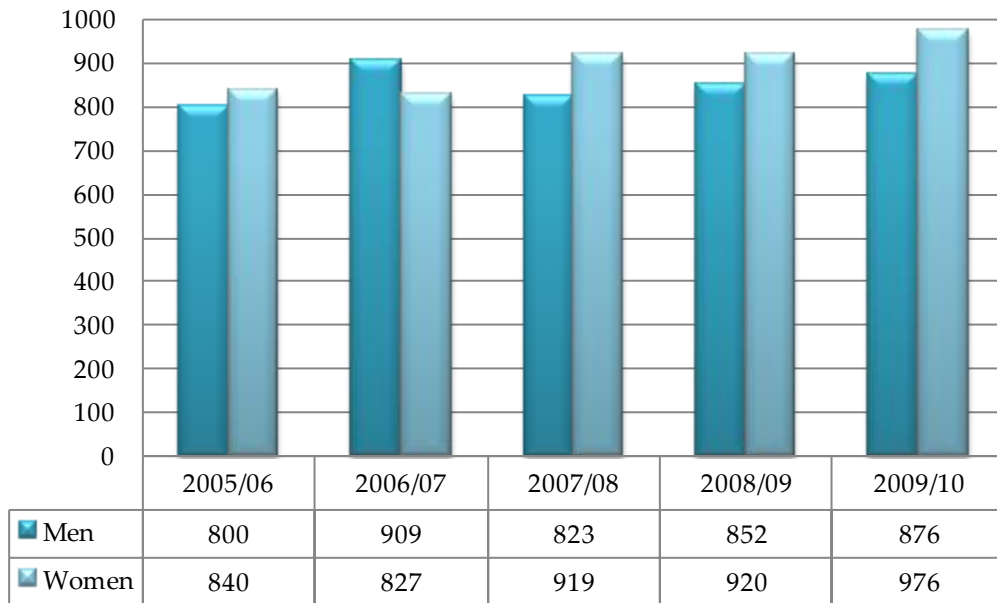


Figure 33: Called to the Bar: gender composition (figures)

Ethnicity: Called to the Bar

- 10.5 Figures 34 and 35 depict the ethnic profile of those Called to the Bar over the last five years.¹¹
- 10.6 In 2005/06 BME barristers comprised 25.2% and white barristers 50.6%. In the last three years the percentage of missing data has been far lower than in previous years.
- 10.7 The increase in the BME barristers Called to the Bar has steadily increased over the last five years.



Figure 34: Called to the Bar: ethnicity composition (%)

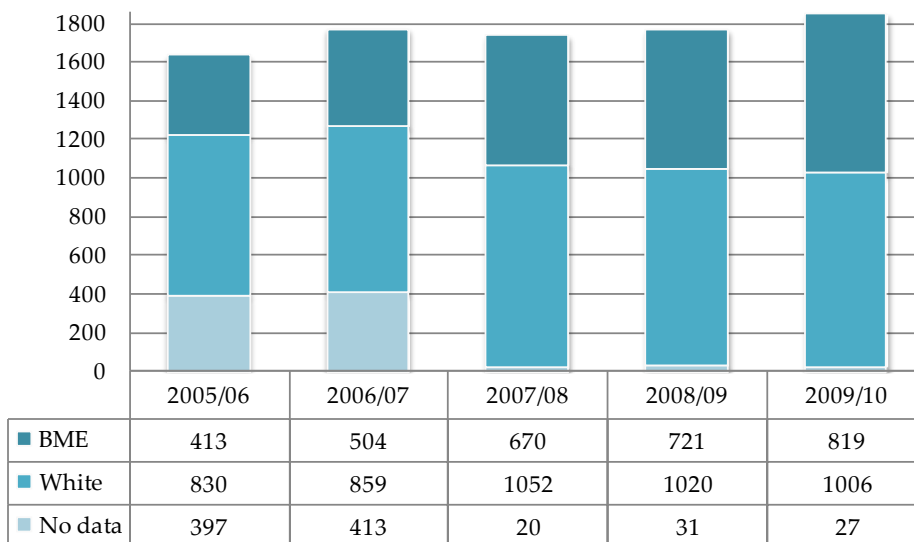


Figure 35: Called to the Bar: ethnicity composition (figures)

¹¹ It should be noted that between 20-30% of those called to the Bar are non-EU nationals.

11 Pupillage

- 11.1 Pupillage is compulsory training that must be completed before a member of the Bar is eligible to have a practising certificate. Pupillage is a one-year training period spent in an authorised training organisation (either barristers' chambers or another approved legal environment).
- 11.2 Pupillage is split into two six month periods: First Six months (Non-practising) and the Second six months (practising). During the First Six months pupils may not accept any instructions, except for noting briefs, where they have the permission of their pupil supervisor or head of chambers. A pupil is entitled to supply legal services and exercise Rights of Audience as a barrister during the Second Six months, provided that he or she has the permission of his or her pupil supervisor or head of chambers.
- 11.3 There is very fierce competition for pupillage places each year. Not only do each year's BPTC graduates apply for pupillage but additionally those graduates are joined by those who did not obtain pupillage the year before. Graduates of the BPTC can apply for pupillage for up to five years from when they pass.¹²

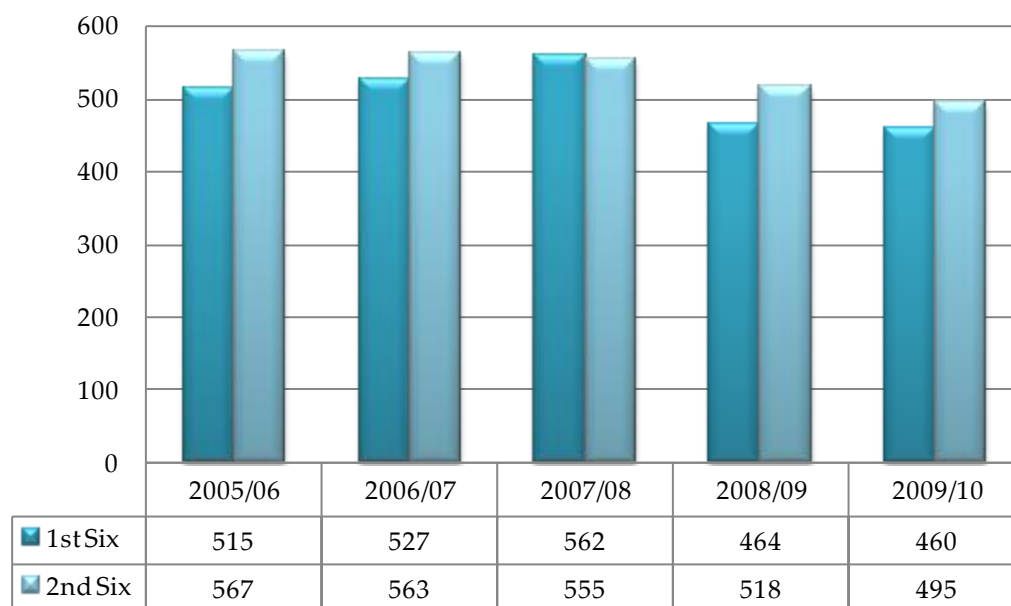


Figure 36: Registered pupillages: 2005-10

¹² The latest monitoring data available is currently that of 2008/09.

Gender: Pupillage

11.4 The gender composition of men and women undertaking pupillage over the last five years is illustrated in Figures 37 and 38 below. The biggest difference between genders was in 2008/09 with men outnumbering women by 13.6% and the smallest difference was in 2005/06 when women outnumbered men by 2%.

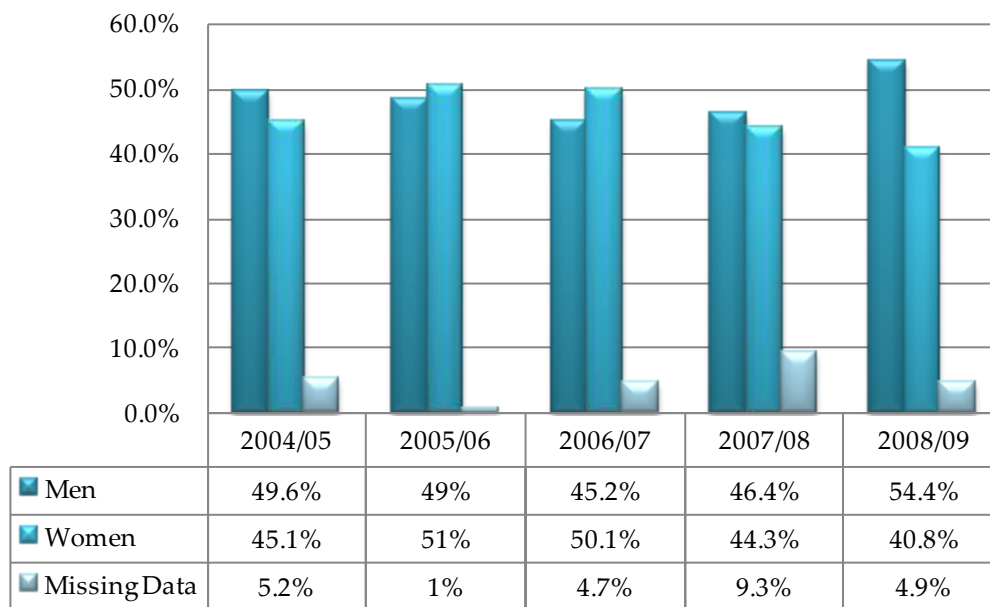


Figure 37: Gender composition (%)

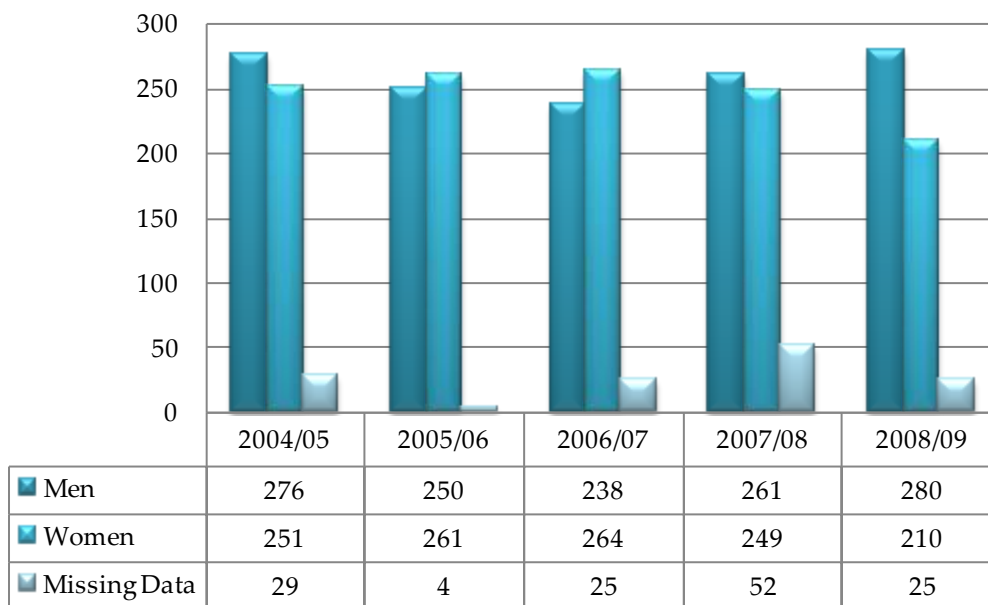


Figure 38: Gender composition (figures)

Ethnicity: Pupillage

11.5 Figures 39 and 40 below illustrate the ethnic composition of those in pupillage. The ethnic profile of those undertaking pupillage has varied over the five year period. 2008/09 saw the lowest proportion of pupils who classified themselves as BME at 13% (68). 2006/07 saw the highest proportion of BME pupils at 20% (107).

11.6 The average annualised percentage change in BME pupils over the period 2004/05-2009/10 is a decrease of 4.4%.

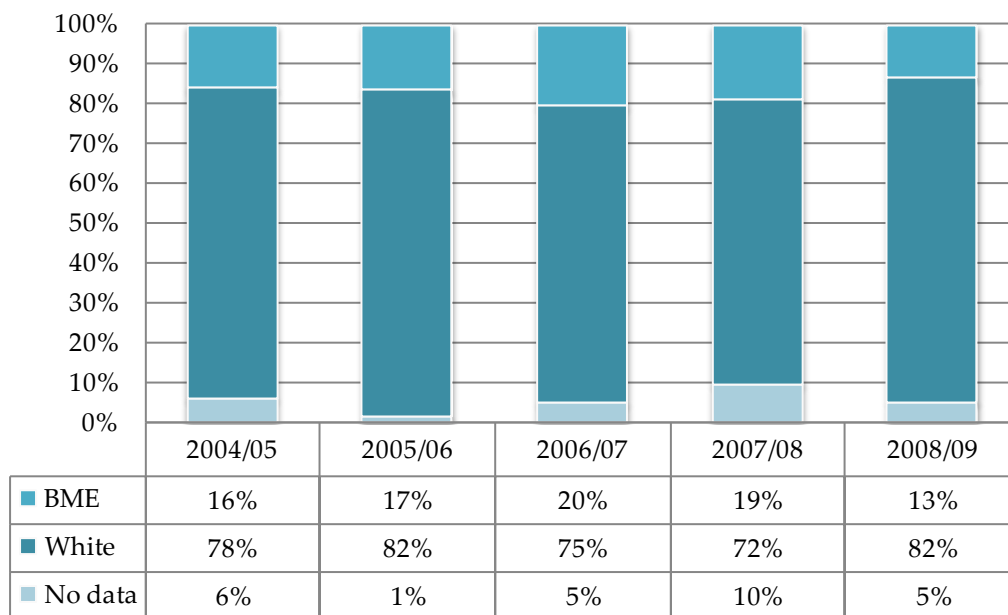


Figure 39: Ethnicity composition (%)

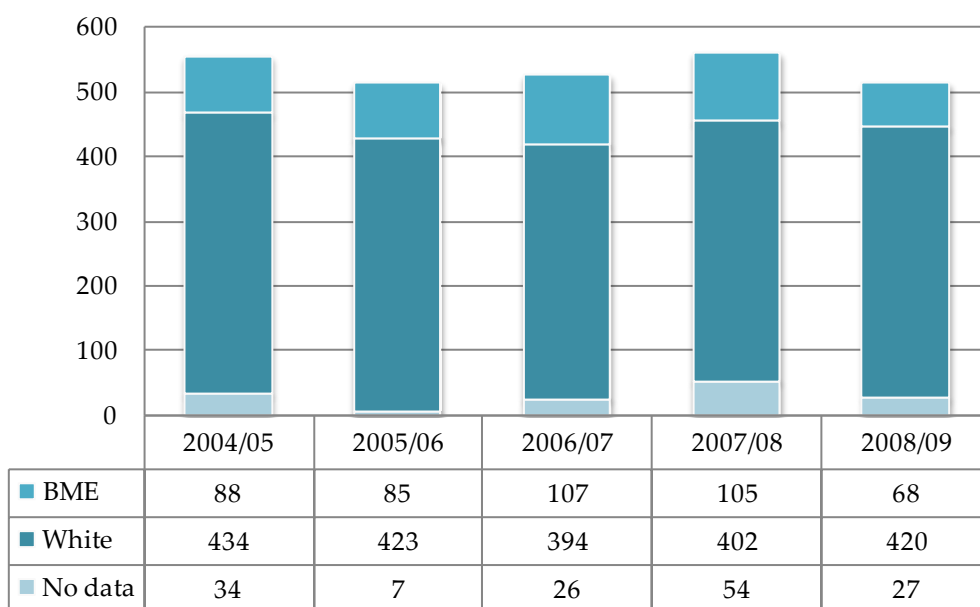


Figure 40: Ethnicity composition (figures)

11.7 Figure 41 depicts the amount of First Six and Second Six pupillages against the number of those beginning work at the self-employed and employed Bar. The number of tenancies and new starter positions available at the Bar has exceeded those completing the Second Six period of pupillage.

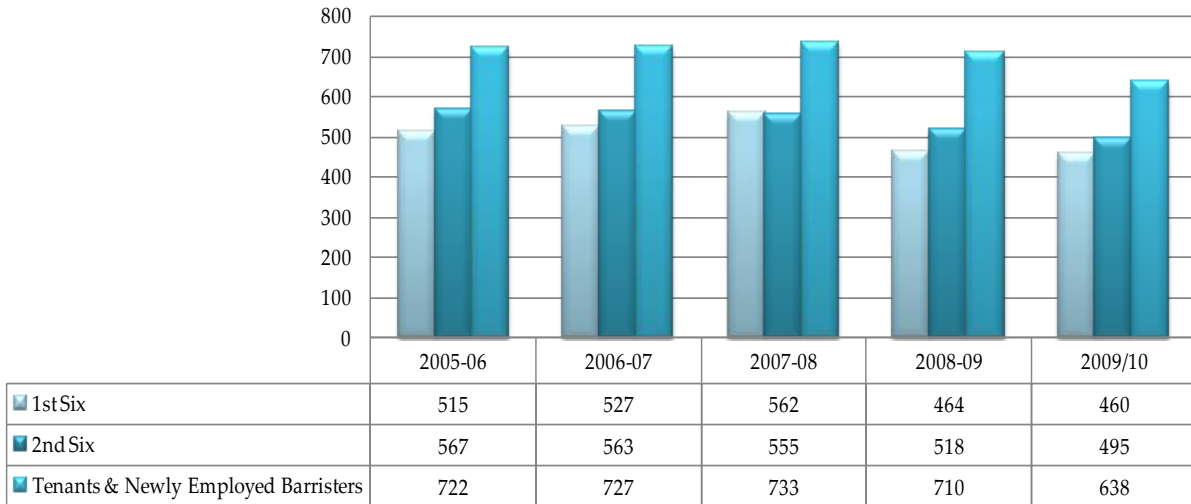


Figure 41: Pupillages vs tenants & newly employed barristers

12 Bar Matrix

	Applications	BPTC Student Enrolment	BPTC Successful Students	Called to the Bar (UK Nationals)	Called to the Bar (Non-UK Nationals)	Called to the Bar Total	First Six Pupillages	Second Six Pupillages	Tenancy at the Self-Employed Bar	Barristers who entered Employed Practice	Queen's Counsel Members	Barristers at the Self-Employed Bar	Barristers at the Employed Bar	Total Barristers in Practice	Number of Chambers (London)	Number of Chambers (Provinces)	Total Number of Chambers (London + Provinces)
2004/05	2,883	1,665	1,392	1,091	385	1,476	556	598	554	156	1,180	11,564	2,800	14,364	310	296	606
2005/06	2,917	1,745	1,480	1,196	444	1,640	515	567	531	191	1,143	11,818	2,805	14,623	323	318	641
2006/07	2,870	1,932	1,560	1,256	520	1,776	527	563	499	228	1,278	12,034	2,856	14,890	332	312	644
2007/08	2,860	1,837	1,720	1,196	546	1,742	561	554	494	239	1,223	12,058	2,972	15,030	330	313	643
2008/09	2,540	1,749	1,330	1,255	517	1,772	463	518	497	213	1,273	12,136	3,046	15,182	342	348	690
2009/10	2,657	1,793	1,432	1,256	596	1,852	460	495	464	171	1,318	12,241	3,029	15,270	347	387	734

13 Glossary of Terms

Bar Professional Training Course (BPTC)

The Bar Professional Training Course (formerly known as the Bar Vocational Course) can be completed full-time over one year or part-time over two.

During the BPTC year a student is required to undertake 12 qualifying sessions (previously known as 'dining') with their Inn. Once a student successfully completes the BPTC their Inn of Court Calls them to the Bar.

Black and minority ethnic barristers (BME)

Black and minority ethnic barristers comprise those of a non-white or mixed ethnicity. This category does not include those white minority groups.

Call to the Bar

Date at which a barrister is formally recognised to have passed the vocational stage of training and has been admitted to the Bar (being "at the Bar" is the term used to describe the profession of being a barrister).

Chambers

A place at or from which one or more self-employed barristers carry on their practices and also refers where the context so requires to all the barristers (excluding pupils) who for the time being carry on their practices at or from that place.¹³

Essentially, therefore, after completing their training, those barristers who want to work in self-employed practice seek tenancy at a set of chambers. 'Sets of chambers' are sometimes referred to as 'chambers' and sometimes 'sets'. Barristers who work together in sets of chambers share administrative teams, office costs and so on. Each barrister therefore pays their share towards the cost of running the chambers. Chambers typically specialise in certain areas of law.

Employed Barrister

A practising barrister who is employed other than by a Recognised Body either under a contract of employment or by virtue of an office under the Crown or in the institutions of the European Communities and who supplies legal services as a barrister in the course of his employment.¹⁴ The barrister is employed as an employee of a company/firm to give legal advice to their employer and/or clients of their employer.

Non-practising but registered with the Bar Council to provide legal services

A barrister who does not hold a current practising certificate, but is able to provide limited legal services to members of the public without being fully regulated by the Bar Standards Board.

¹³ Bar Council Code of Conduct 2010:

http://www.barstandardsboard.org.uk/standardsandguidance/codeofconduct/section1codeofconduct/partx_definitions/

¹⁴ Recognised Body means a partnership, LLP, company or sole principal authorised to provide reserved legal services by an Approved Regulator. See:

http://www.barstandardsboard.org.uk/standardsandguidance/codeofconduct/section1codeofconduct/partx_definitions/

Overseas practitioner with a Practising Certificate

A barrister who qualified in England and Wales and practises overseas giving advice on English and Welsh law.

Practising certificate

A certificate awarded to all barristers who meet the requirements to practise as a barrister in England and Wales upon payment of the annual Practising Certificate Fee.

Public Access

A scheme under which a member of the public may instruct a suitably qualified barrister directly to act on their behalf, rather than by going through another person such as a solicitor. Any barrister wishing to undertake public access work must have completed a training course and must have registered with the Bar Council. For further information please refer to: www.barstandardsboard.org.uk/standardsandguidance/PublicAccess/

For the purposes of the Register, some barristers are listed as not undertaking public access work when they are eligible to do so because they are permitted not to advertise the fact that they can undertake such work. If you are unsure about whether or not a barrister is a legitimate public access practitioner, please contact the Bar Council Records Office on 020 7242 0934.

Pupil supervisor

A barrister who has trained and is registered to train a pupil throughout a compulsory period of pupillage is recognised as a pupil supervisor.

Pupillage

Pupillage is a one-year training period spent in an authorised pupillage training organisation (either barristers' chambers or another approved legal environment). Pupillage is compulsory training that must be completed before a member of the Bar is eligible to have a practising certificate.

Pupillage: First Six / Non-Practising Six Months

This must be undertaken in a continuous period of six months in England and Wales, in an Authorised Training Organisation. During the first six months pupils may not accept any instructions, except for noting briefs, where they have the permission of their pupil supervisor or head of chambers.

At the end of the First six months, pupils must submit to the Bar Standards Board a certificate from their pupil supervisor certifying that the first six has been satisfactorily completed. They will then be granted a Practising Certificate by the Bar Standards Board. Unless exempted from the requirements, chambers must pay each pupil a minimum of £833.33 per month during the First Six (i.e. £5000 total).¹⁵

¹⁵ For details on exemptions please see:
<http://www.barstandardsboard.org.uk/Educationandtraining/whatispupillage/filedownloads/>

Pupillage: Second Six / Practising Six Months

The Practising Six must commence no later than twelve months after the completion of the Non-Practising Six Months and be undertaken in a continuous period of six months or with only such intervals (each not exceeding one month) as to ensure that the Practising Six Months is completed within an overall period of nine months. All of the Practising Six Months must be undertaken after Call: this means that pupils must be Called to the Bar before they can undertake their Second Six.

A pupil is entitled to supply legal services and exercise Rights of Audience as a barrister during the Practising Six Months provided that he or she has the permission of his or her pupil supervisor or head of chambers.

Unless exempted from the requirements, chambers must pay each pupil a minimum of £833.33 per month (i.e. £5000 during the Second Six Months), either by way of an award or guaranteed receipts. If chambers pay the pupil by way of guaranteed receipts, then the pupil must receive no less than £833.33 each month. This means that chambers may have to make up any difference between what the pupil has billed and what chambers actually received.

At the end of the Second Six Months, pupils must submit to the Bar Standards Board a certificate from their pupil supervisor certifying that the Second Six has been satisfactorily completed. Provided that the compulsory further training has also been completed, the pupil will be granted a Full Qualification Certificate.

Pupillage: Third Six

Commonly this is where ex-pupils are invited to come into chambers where they have not previously worked on a probationary basis, with a view to a tenancy. During the probationary period the barrister will undergo further training and supervision from a member of chambers, as if he or she were a pupil. This is commonly called a 'Third Six'. In practice, the period may be more or less than six months, and in some cases it may be more than a third so-called pupillage. Third Sixes are especially useful where the ex-pupil has been provisionally accepted as a tenant in new chambers but is transferring into an area of practice in which he or she has not yet been fully trained.¹⁶

Queen's Counsel (QC)

The award of Queen's Counsel (QC) is for excellence in advocacy in the higher courts. It is made to experienced advocates, both barristers and solicitors who are successful in their application to the Queen's Counsel Appointments Panel. Awards are made if the Panel concludes that the candidate is judged to have achieved excellence in respect of each of the competencies. QCs are very experienced skilled senior barristers (at least ten years of practice) and are considered as experts in their field. When a barrister is confirmed as a QC this is known informally as 'taking silk'; they are now entitled to wear silk black gowns. For further information please see: <http://www.qcappointments.org>

¹⁶ Review of Pupillage, Report of the Working Group, Bar Standards Board, p.97, 2010.

Rights of Audience

Any person Called to the Bar automatically has Rights of Audience. In order to exercise those Rights of Audience further experience is required.¹⁷

Self-employed

Working either in chambers (a place from which one or more self-employed barristers carry on their practices) or alone as a sole practitioner.

Sole practitioner

Sole practitioners are barristers who have been in practice for at least three years following the completion of pupillage from a chambers or Pupillage Training Organisation (PTO). In such an establishment there must be a barrister or solicitor who has been in practice for six years out of the last eight and who, for the previous two years has made such a practice their primary occupation and held full rights of audience.

Tenancy

Obtaining 'tenancy' means being accepted as a permanent member of chambers. Barristers normally seek tenancy in the set where they completed their pupillage, although it is also possible to apply elsewhere.

Chambers normally decide whether to offer a candidate tenancy by voting but the tenancy procedure varies from set to set. Some sets take on more pupils than they will offer tenancy to and others take on more or most of their pupils. Some chambers open up their tenancy vacancies and others only recruit tenants from their own pupils.

The Bar Standards Board

The Bar Standards Board (BSB) was established in January 2006 as a result of the Bar Council separating its regulatory and representative functions. The BSB provides specialist regulation of advocacy and legal advice in the public interest. The BSB is responsible for regulating barristers Called to the Bar in England and Wales. This involves setting the training requirements for becoming a barrister; setting continuous training requirements to ensure that barristers' skills are maintained throughout their careers; setting the standards of conduct for barristers; monitoring the service provided by barristers to assure quality and handling complaints against barristers and taking disciplinary or other action where appropriate.

The General Council of the Bar of England and Wales

The General Council of the Bar (known as the Bar Council) was founded in 1894 to represent the interests of barristers. As the governing body for the Bar its role is to promote and improve the services and functions of the Bar, and to represent the interests of the Bar on all matters relating to the profession, whether trade union, disciplinary, public interest or in any way affecting the administration of justice.

¹⁷ Please see the Bar Code of Conduct (206.1) at this link for further information:

http://www.barstandardsboard.org.uk/standardsandguidance/codeofconduct/section1codeofconduct/partii_practisingrequirements/