

Barristers' Working Lives

A second biennial survey of the Bar

2013



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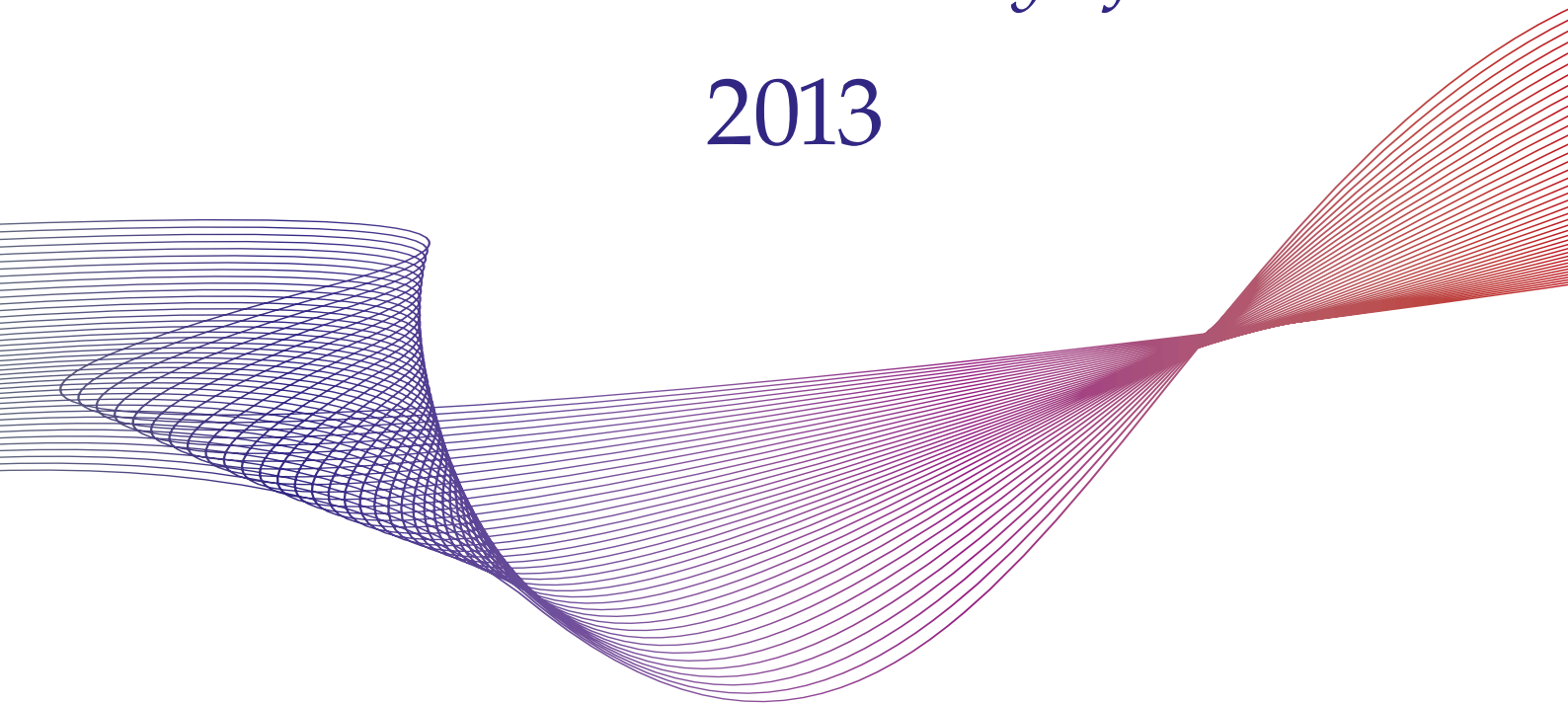
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Regulatory Foreword

This is the second biennial survey of the Bar. Since the first survey was carried out, things have changed.

There is now much more emphasis on regulatory activity being evidence based. The Legal Services Act 2007 requires that all regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases where action is needed. The Regulatory Standards Framework issued by the Legal Services Board in December 2011 builds upon these statutory elements and requires of all regulators:

- An outcomes-driven approach to regulation that gives the correct incentives for ethical behaviour and has effect right across the increasingly diverse market.
- A robust understanding of the risks to consumers associated with legal practice and the ability to profile the regulated community according to the level of risk.
- Supervision of the regulated community at entity and individual level according to the risk presented.
- A compliance and enforcement approach that deters and punishes appropriately.

Our ability to profile the regulated community, i.e. barristers, must therefore be linked to the risks to the regulatory objectives and aimed at obtaining information

that will inform our regulatory activity. Historically the biennial survey has been carried out jointly with the Bar Council. The Bar Council's representative role requires quite a different focus to the Bar Standards Board's statutory and regulatory one. Given these competing demands the Bar Standards Board considers that a jointly-commissioned and published document of this nature is unlikely to meet our future needs for information so this will be the last biennial survey in this joint format.

There will still be a strong need for the Bar Standards Board to obtain the views of the profession and, given the high response rate to this survey, there is a correspondingly strong desire by members of the profession to put forward their views. The Bar Standards Board will be working towards ensuring opportunities are available to give those views and a survey of this nature is very likely to form a part of the future. We look forward to being able to tailor our information gathering and regulation even better in the future.

Baroness Deech QC (Hon)
Chair of the Bar Standards Board



Representative Foreword

This second Biennial Survey of the Bar provides a snapshot of the Bar and of aspects of barristers' working lives over the last two years. The survey questionnaire was sent to a representative sample of half of the Bar and achieved a response rate of 44 per cent, which both demonstrates the Bar's willingness to engage with its representative body and makes the survey a reliable source of evidence about the matters addressed.

The survey was designed with both regulatory and representative objectives in mind. However, both parts of the Bar Council were keen to obtain hard evidence on the same issues, including in particular the effects of the unprecedented changes and continuing pressures which we have seen in recent years on the Bar and its work and working environment.

Overall, more barristers report changes to their work pattern than was the case in 2011, with marginally more reporting an increase in their workload rather than a decrease. It is no surprise to learn, however, of marked differences between different sectors of the Bar. Thus, some parts of the profession continue to go from strength to strength. Yet other parts of the Bar, and in particular the publicly funded Bar, have fared less well, with falling fee rates for all and for many less work than before.

For example, out of the self-employed barristers in criminal practice who responded to the survey: 67 per cent reported that their earnings had fallen between 2011 and 2013; 58 per cent stated that they were not satisfied and were either planning to change or considering their

options; and 18 per cent stated that they intended to leave the profession and work elsewhere (in addition to the 11% intending to leave for retirement or for a career break or to take up judicial office). 78 per cent of those barristers in criminal practice, and 77 per cent of those family barristers, who said that they were considering a change in employment status gave legal aid cuts as a reason for doing so. We should be concerned for what this means for the future of the profession, of the criminal, family and civil justice systems and of the public they serve.

As was to be expected, the survey shows that more barristers than before are employed by solicitors' firms. But it also shows that a significantly higher proportion of employed rather than self-employed barristers reported that they had experienced bullying, harassment or discrimination.

The Bar Council intends to use the evidence in the Survey to inform debate and policy-making in its efforts to support the long-term health of the profession and the interests of the clients it serves.

Finally, it is good to see that, despite challenging conditions, the Bar's commitment to *Pro bono* work is unwavering. Nearly 40 per cent of barristers undertook some work *Pro bono* or were engaged in other charitable legal work (such as acting as school governors, charity volunteers or trustees) in 2012/13.

Nicholas Lavender QC
Chairman of the Bar Council

Overview of the 2013 working lives survey of the Bar

The 2013 survey of the Bar is the second in a biennial series. It asks barristers about their working lives: employment status, practice area, working hours and workload, earnings, professional development, satisfaction with their current position, experiences at work, plans for the future, and views about the profession. Around half of practising barristers were asked to participate, and almost 3,300 did so, representing a response rate of 44 per cent.

The Bar is one profession but containing a wide range of people, roles and experiences. A key aspect for the 2013 survey has been on publicly funded work undertaken by barristers. This issue impacts significantly on workload, earnings, satisfaction with current position, intention to stay (both in current position and in the profession) and willingness to recommend the Bar as a career. This recurring theme is developed further in the sections below.

This overview focuses on the differences within the Bar, and the main changes between 2011 and 2013. The full report delves deep into the data to provide a detailed analysis.

Employed and self-employed Bar: a tale of two Bars

The first major difference is between the employed Bar and the self-employed Bar.

Employed Bar

Around 16 per cent of survey respondents work at the employed Bar. Just over half of employed barristers work in the public sector, mainly for the Crown Prosecution Service (CPS) or the Government Legal Service (GLS). However, there has been a big drop in public sector employment, from 66 per cent of employed barristers in 2011 to 56 per cent in 2013 – and a corresponding increase in employment in solicitors' firms, from 13 to 22 per cent. This is particularly marked in the criminal practice area where in 2011, 90 per cent of employed barristers worked for the public sector, compared with 73 per cent in 2013. Another big shift has been in entitlement to exercise full rights of audience – up from 62 per cent in 2011 to 71 per cent in 2013.

Barristers in the employed Bar report workload increasing over the past two years, with 48 per cent saying their workload has increased substantially or somewhat. This is particularly marked in the criminal practice area, especially in the CPS, where 66 per cent report an increased workload. There is a clear relationship between time since Call and workload at the employed Bar, in that as time since Call goes up, so does the likelihood of increased workload.

The ratio of men to women at the employed Bar is 50:50. Unlike the self-employed Bar, there is little change in the number of women working in employed practice by time since Call. Seventeen per cent of employed barristers work part-time, with part-time working being more common within the public than the private sector: 23 per cent of barristers in the GLS and 18 per cent in the CPS are part-time.

Just two per cent of Senior Practitioners (over 21 years since Call) at the employed Bar have taken Silk.

Self-employed Bar

The majority (82%) of survey respondents work entirely at the self-employed Bar. Over three-quarters (78%) of all barristers work in chambers, with four per cent being sole practitioners and two per cent having a dual career, at both the employed and self-employed bar.

In contrast to the employed bar, the ratio of men to women is unequal, at 65:35. There is a progressively steep reduction in the proportion of female barristers by year since Call (see Figure 1), especially after 12 years, in self-employed practice. The proportion of female barristers compared with the proportion of male barristers drops from 48 per cent at 12 years' Call to 36 per cent at 21 years' Call. The proportion of women drops even further above 22 years' Call to just 21 per cent.

Another big difference is that workload has tended to decrease rather than increase: 31 per cent of self-employed barristers report that their workload has decreased substantially or somewhat, with those in the criminal and family practice areas being most affected.

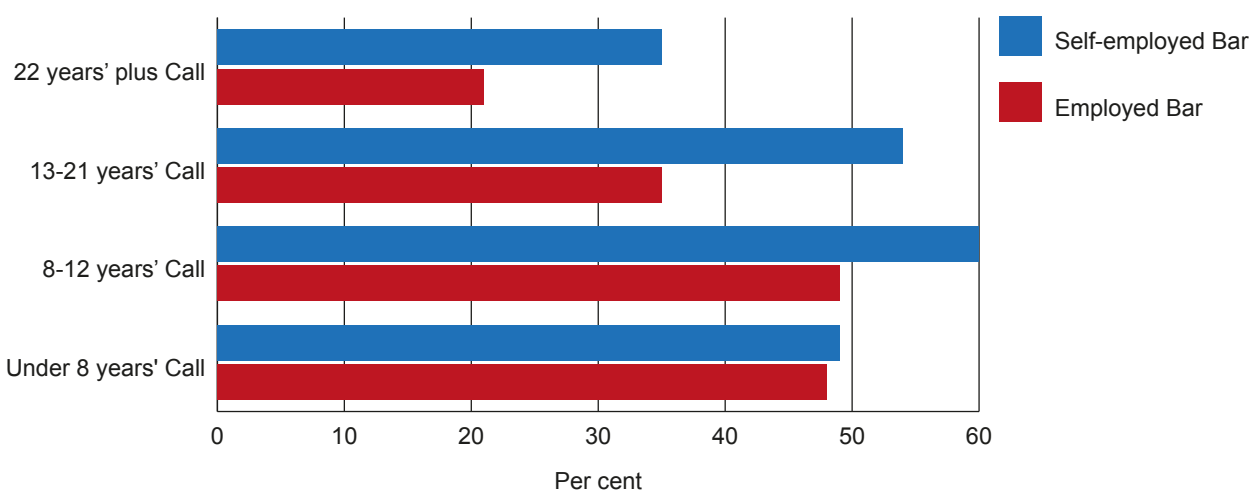
At the self-employed Bar, over one third (35%) of Senior Practitioners are QCs, and it is notable that 78 per cent of Senior Practitioners in chambers who are QCs share the characteristics of having attended a fee-paying school, studied at Oxbridge and achieved a (first) class undergraduate degree.

Practice area

Barristers' working lives vary markedly by practice area. The biggest practice area is criminal: 31 per cent of all barristers (43% of the employed Bar) work in this area, although this has dropped from 34 per cent in 2011. In most other areas – notably family and personal negligence/personal injury – work is almost entirely based in chambers.

- Family is the only practice area where women outnumber men, with 61 per cent of family barristers being female.
- The commercial and chancery area has the highest percentage of barristers who were educated at Oxbridge (56%) and achieved a First (36%).
- Average (median) weekly working hours are highest in family (52) and criminal (51), and lowest – although still high – in personal negligence/personal injury (47).

Figure 1: Time since Call by section of the Bar (women only) (% , 2013 survey)



Earnings and workload

In general, barristers' earnings position is less favourable in 2013 than in 2011. The key issue here is the amount of publicly funded work that barristers do; the higher the proportion of fees received from this source, the more likely barristers are to report decreased earnings. Overall, a sizeable minority (22% of the employed Bar and 39% of the self-employed Bar) report a decrease in earnings. However, this masks considerable differences by practice area: in two areas, criminal and family, a higher percentage report a decrease than an increase, while in all other areas the reverse is true. Within the criminal practice areas, for example, where many clients have traditionally relied on legal aid, 57 per cent of barristers report a decrease in earnings – although the picture is not uniform, as those working for a solicitors' firm have experienced an increase.

More than half (58%) of barristers report that their workload has changed over the past two years – considerably higher than in 2011 (41%). Table 1 gives more details, by practice area and whether employed or self-employed.

Using a combination of earnings and workload, it can be seen that barristers in different practice areas are having very different experiences. In the criminal area, for example, 32 per cent are doing at least the same amount of work for less money, and 26 per cent are doing less work for less money – while in commercial and chancery, 29 per cent are doing the same amount or less work for more money.

An increase in bullying, harassment and discrimination

Reports of personal experiences of bullying, harassment or discrimination have increased overall since 2011, especially at the employed Bar. Overall, 13 per cent of respondents reported personal experience of one or more of these, although this masks a big difference between the self-employed (12%) and employed (22%) Bars. Barristers working in the personal negligence/personal injury area are least likely to report bullying, harassment or discrimination (5%), while those working in criminal are the most likely (17%). Further analysis of the criminal practice areas indicates that the greatest level of reported personal experience is at the employed Bar (29%), especially within the CPS (35%). At the self-employed Bar, the highest levels of personal experience of bullying, harassment or discrimination are found in the family practice area.

Barristers with the following personal characteristics are more likely than average to have experienced bullying, harassment or discrimination: female, BME, disabled, main responsibility for childcare, responsibility for adult care, minority sexual orientation, and non-Oxbridge university. When asked what the bullying, harassment or discrimination related to, the top answer was gender (48%), with pregnancy/maternity also featuring highly (12%).

The person responsible was most likely to be another barrister in chambers for self-employed barristers, and a manager for employed barristers.

Table 1: Change in workload over the past two years, by work area and section of the Bar, 2013 (row per cent)

		Substantially less	Somewhat less	No change	Somewhat more	Substantially more	N=
Criminal	Employed	4	7	33	30	27	223
	Self-emp.	20	18	30	21	11	678
Civil	Employed	4	4	52	27	13	161
	Self-emp.	11	17	47	19	5	632
Personal negligence/ personal injury	Employed	0	0	50	30	20	10
	Self-emp.	7	20	49	20	4	243
Commercial and Chancery	Employed	4	3	51	24	17	70
	Self-emp.	9	14	57	18	3	361
Family	Employed	0	0	39	31	31	13
	Self-emp.	13	20	39	17	10	441
International/other	Employed	3	3	47	30	17	30
	Self-emp.	9	4	51	23	13	47

Source: IES/ERL, 2013

Are barristers satisfied with their working lives?

On the whole, the answer to this question is a qualified 'yes', although less so than in 2011. Figure 2 shows that one third (32%) of self-employed barristers are not satisfied with their current role.

As usual, the overall figures hide considerable differences by practice area. Figure 3 shows that there are high levels of dissatisfaction in the criminal and family work areas, while barristers in other areas – notably commercial and chancery – are mostly satisfied.

Not surprisingly, satisfaction with current position is influenced heavily by changes in earnings and workload. Figure 4 illustrates the impact of changes in earnings on three working life factors: pay and career progression, overall career satisfaction, and current job satisfaction.

Other aspects are also influential, however BME and disabled barristers are less positive about their position than their white, non-disabled counterparts, and experiencing bullying, harassment or discrimination has a clear negative effect, with 44 per cent of barristers who report having personally experienced one or more of these being dissatisfied with their role.

Despite growing dissatisfaction overall, 63 per cent of barristers intend to stay in their current position – although the 37 per cent wishing to change is higher than in 2011 (30%). The top reason given for wishing to change for those working in the criminal or family practice areas is legal aid cuts, cited by over three-quarters of barristers in these areas. Improving earnings is the second most important reason for criminal barristers, while for family barristers it is to lessen workload and stress. At the self-employed Bar, those wanting to move to an employed

situation are particularly motivated by a wish for greater job security. It is also noteworthy that eight per cent of all barristers wish to leave the profession altogether (compared with five % in 2011), almost entirely due to an increase in the desire to leave the profession at the self-employed bar. In particular, 16 per cent of barristers working in the criminal area, and ten per cent of those in family, wish to leave the profession altogether. The group most likely to wish to leave the profession altogether is those who are doing either more or less work, for less money, compared with two years ago.

Barristers' views

An analysis of barristers' views about their work and their profession shows that they are proud to be a barrister and find their work interesting and varied. However, they are dissatisfied overall with their earnings, the unpredictability of their workload, and work pressure and stress. Overall, 40 per cent of barristers would positively recommend a career at the Bar, and 51 per cent would opt for the Bar if they started their career again.

For barristers in the criminal and family practice areas, the response to statements within the following themes are notably less positive compared with their counterparts in other practice areas: workload, stress and work-life balance; pay and progression; and career and professional pride. These two areas are those most affected by legal aid cuts and associated proposals to restrict access to barristers, so it is not surprising that over half would *not* recommend the Bar as a career. Only nine per cent of barristers who are completely or almost completely reliant on public funding are satisfied with their earnings and think they are paid fairly considering their expertise. Table 2 illustrates the big differences, by practice area, in satisfaction with different aspects of working life.

Figure 2: Views on current work situation by section of the Bar, 2011 and 2013 (%)

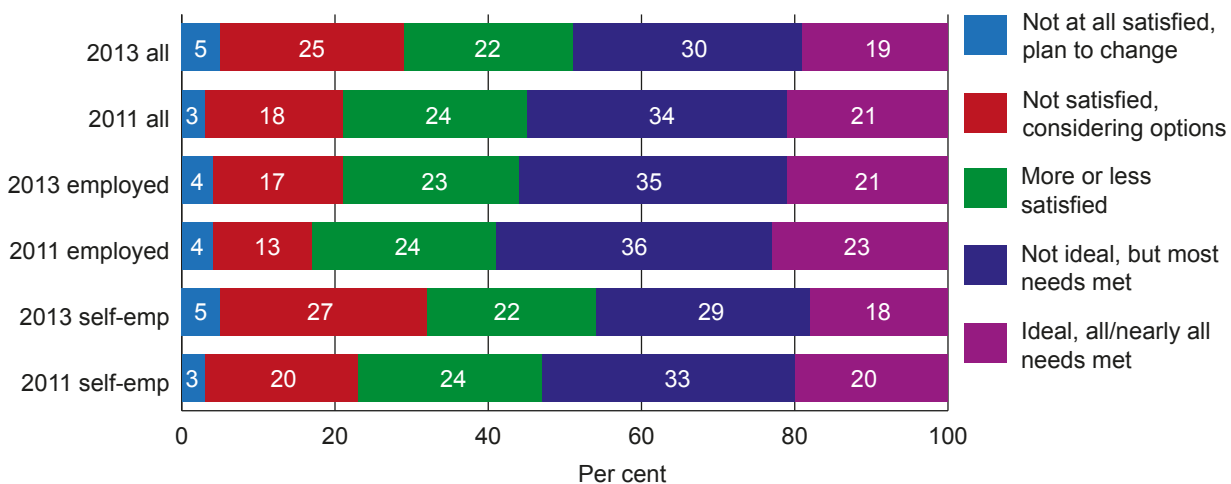
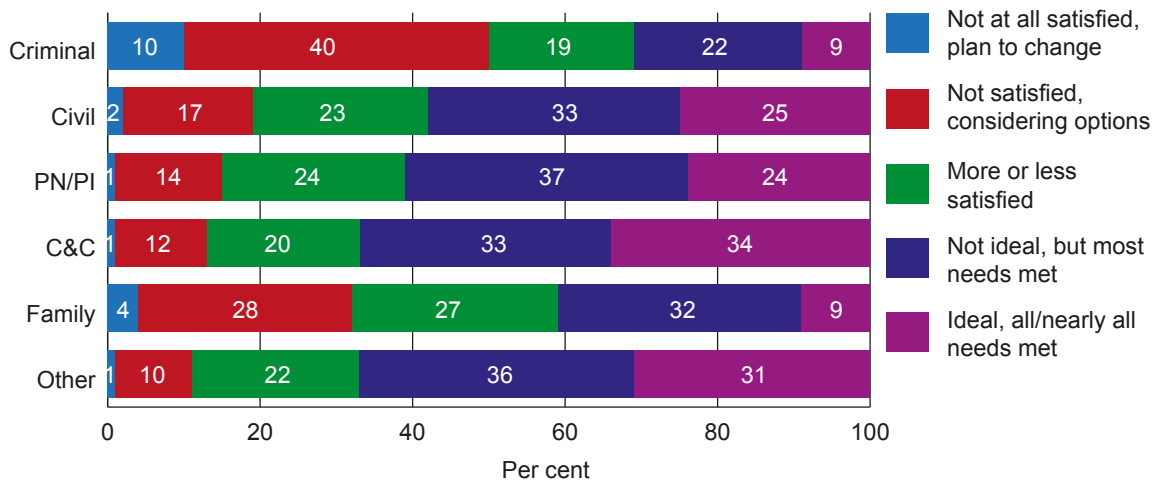
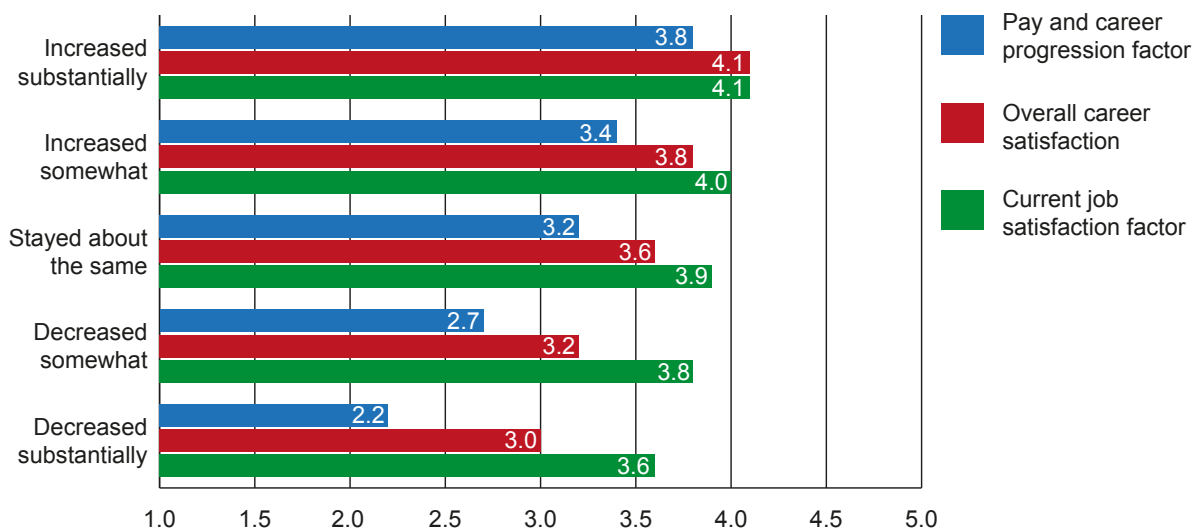


Figure 3: Views on current work situation by work area, 2013 (%)



Source: IES/ERL, 2013

Figure 4: Mean scores on the three key working life factors by recent change in earnings/fees, whole Bar, 2013



Mean (or arithmetic mean) is a type of average. It is computed by adding the values and dividing by the number of values, therefore offering an important insight into the strength and relative relevance of the key work / life factors, and supporting a hierarchal factor analysis and consistency check.

Source: IES/ERL, 2011 and 2013

Pro bono and other charitable legal work

Despite working long hours in a challenging profession, many barristers are generous in giving time for *Pro bono* and other charitable legal work. Overall, 39 per cent of barristers (15% of the employed Bar and 44% of the self-employed Bar) do *Pro bono* work; this ranges from 33 per cent of those working in criminal practice, to 44 per cent of those in civil practice. In addition, 36 per cent of all barristers do other charitable legal work.

What next for the profession?

On the whole, barristers' views about their profession have not changed significantly since 2011. They feel that the Bar is a respected profession; however, women in particular feel it is not a family-friendly area in which to work, and it is hard to work-part time. There is a high level of support for the 'cab rank rule'. There is disagreement about the use of aptitude tests for entry to the Bar, although there is also disagreement (especially at the employed Bar) that the Bar attracts the best quality entrants, regardless of background. Self-employed barristers do not feel that proposals to merge the training of solicitors and barristers are a good idea. At the employed Bar and the criminal and practice

work areas, there is disagreement (much more so than in 2011) that 'the rewards of a career in my area of practice more than compensate for the initial financial outlay'.

In preparation for new ways of working, 21 per cent of barristers (24% of the self-employed Bar) intend to undertake public access training over the next two years. Overall, 21 per cent of barristers are considering 'maybe' setting up or joining in a BSB-regulated entity, with those working in the family and criminal practice areas being most likely to do so. A 'barrister only entity' is the most popular type of entity being considered, with 34 per cent of family barristers and 26 per cent of criminal barristers thinking they may opt for this in the future.

Profile of barristers

The majority of barristers (63%) are male, and one in ten is from a BME background; these statistics have not changed since 2011. Female barristers are more likely to be single or divorced than their male counterparts, particularly those aged 45 and over. Women with children are far more likely to take the main responsibility for childcare (57%, compared with 4% of male barristers), although there has been some progress since 2011 towards equal sharing of childcare. The age profile is well-balanced across the profession.

The Bar is a hard-working profession, in that barristers report a median average of 50 hours a week, with 13 per cent saying they work over 60 hours a week. Part-time working is not prevalent, at only 13 per cent overall. One in five female barristers works part-time, rising to 46 per cent of those with main responsibility for childcare. Part-time working is also more common among those aged 60 and over (23%).

Barristers are highly qualified academically. Overall, 32 per cent (45% of the Young Bar, *i.e.* those one to three years since Call) went to Oxbridge, and 46 per cent to a Russell or 1994 Group university. In addition, 18 per cent (41% of the Young Bar) have Firsts; the percentage of Firsts has risen from 15 per cent in 2011.

The 2013 survey

This is the second biennial survey of barristers' working lives conducted on behalf of the Bar Council and Bar Standards Board. As in 2011, half of all practising barristers (7,406) were surveyed, using a combination of email and postal invitations. A total of 3,276 usable returns were received, representing a response rate of 44 per cent. When tested for factors such as gender, employed or self-employed status, and time since Call, the response proved to be representative of barristers as a whole. Barristers are thanked for making time in their busy schedules to provide information about their working lives and give their views about their profession.

Table 2: Mean scores for each working life aspect by main area of practice

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	Whole Bar
Workload, stress & work-life balance	2.9	3.2	3.2	3.4	2.8	3.4	3.1
Pay and progression	2.5	3.4	3.5	3.6	3.0	3.5	3.1
Workplace support & equality	3.8	3.9	4.1	4.0	4.0	3.9	3.9
Career and professional pride	3.2	3.8	3.7	3.9	3.3	3.8	3.5
Job satisfaction	3.8	4.0	3.8	4.0	3.7	4.1	3.9
Appropriate skills	3.6	3.6	3.6	3.7	3.5	3.6	3.6
Base N=	1,015	880	281	477	503	83	3,239

Source: IES/ERL, 2013

1 Introduction

1.1 Background

In February 2013, the Bar Standards Board (BSB) and the Bar Council jointly commissioned the Institute for Employment Studies (IES) and Employment Research Ltd (ERL) to undertake the second biennial working lives survey of the Bar. The first, conducted in 2011 by IES/ERL, tested a methodology and provided a wealth of data and insight into the profession and the intention is to monitor changes every two years.

The main aim of the 2013 survey was to examine changes and developments in the profession, comparing results in 2013 with those obtained in 2011 on a range of working lives issues, and to continue to provide a solid evidence base from which to formulate new policies and monitor trends in the profession.

The objectives of the 2013 survey included:

- Providing demographic data and information on the profile of the Bar, including information on equality and diversity issues within the Bar.
- Gathering data and insights into the working lives and employment experiences of barristers, including changes in workload, working hours, accessing CPD and preparation for new ways of working.
- Gaining a better understanding of career aspirations and motivations and intentions to stay in or leave the profession.
- Collating information on the fees and earnings of barristers, the contributions made to chambers, proportion of fees from publicly funded work and international instructions and time spent on *Pro bono* and charitable work.
- Making comparisons with data and findings from the 2011 survey of the Bar.

In 2011, alternative methods such as online, postal and telephone techniques were tested to assess the willingness of barristers to engage with each approach and recommend a testing methodology that could be repeated biennially. The outcome of this was to use a combination of postal and online methodologies

1.2 The survey

The survey in 2013 followed a very similar approach to that developed successfully in 2011, maximising both the coverage of work related issues and the response rate.

1.2.1 Questionnaire design

Much of the content of the survey was predetermined by the objective of providing continuity with the 2011 survey. However, in commissioning the work, the Bar Council and Bar Standards Board provided a list of broad issues they wanted to see addressed in the 2013 working lives survey. From this starting point the team drafted a questionnaire that covered most of the issues and after a project meeting and a series of discussions a final version of the form was created. The questionnaire was structured slightly differently compared with 2011, under seven broad areas that covered:

1. **Current work situation:** including areas of practice and why barristers chose their area of practice, involvement in pupil supervision, the part of the Bar worked in i.e. self-employed in chambers/sole practitioner, employed or working in a dual capacity. For those in employed practice, details were sought on type of employer, rights of audience and whether or not the employer paid for the practising certificate. These questions were broadly designed to be comparable with the first survey of the Bar in 2011.
2. **Working hours and workload:** this section covered details of typical and actual working hours, changes in workload since 2011 and experience of any bullying and/or harassment; again these issues can be compared with results from 2011.
3. **Practice development and career intentions:** here barristers were asked to indicate their satisfaction with their current roles/positions and their immediate career intentions (next two years) and reasons for considering these changes. Details of applications and success in obtaining Silk were collected in this section of the questionnaire.
4. **New ways of working:** this section asked respondents to consider their intentions to form BSB regulated entities and what they might do in preparation for new ways of working. Those working in self-employed practice were asked about their intentions to use BARCO, whether or not they take international instructions, the structural/administrative arrangements in chambers and quality marks/standards and views of their value.
5. **Earnings, income and unpaid work:** self-employed barristers were asked to indicate the proportion of income that is publicly funded and comes from international instructions. As well as income respondents were asked to give details of unpaid and *Pro bono* work.

6. **Views on working life:** attitudinal questions addressed a range of working life issues, including: working hours/workload, income, job satisfaction, morale and motivation, career progression, views of the profession and the Bar as a career. These sections were kept as similar to the 2011 survey as possible to ensure that reliable comparisons could be made.
7. **Demographic information:** the final section of the questionnaire sought a range of background information including age, gender, ethnic origin, disability, childcare responsibilities, schooling, religious affiliation, sexual orientation. This year respondents were also asked if their gender was the same as at birth.

The final survey was redrafted to incorporate suggestions from the Bar Council and BSB and was finalised in late April 2013 for mailing in early May 2013.

1.3 Sample

In order to provide sufficient responses from important sub-groups of barristers in 2011, it was decided to survey approximately half the population. The rationale behind this decision was that in 2013, when the second survey was conducted, the other half of the population could be surveyed so reducing the survey burden on individual barristers and helping to ensure the maximum possible response rate could be achieved.

The Bar Council Core Database contains a population of 15,289 barrister records. From this list all those surveyed in 2011 were removed leaving 7,710 records. This dataset was analysed for duplicate records (95) and these were removed as well as incomplete records and those not containing valid email or postal addresses, leaving a valid sample of 7,406. The sample was also analysed to ensure that against key variables (self-employed Bar/employed Bar, gender, QC status, age and experience) it was representative of the population of barristers.

1.3.1 Survey process

The two main objectives in the adopted approach to the survey were firstly to gain the maximum possible response to the survey, while covering as many of the issues as possible that the Bar Council and BSB wanted to address, and secondly to ensure that the process was cost effective. To this end, the survey started on 15 May 2013 with an email invitation to all barristers whose membership record contained email contact details. This start date was a month earlier than in 2011 as it transpired that towards the end of the survey in July many barristers were leaving for their holidays. After one week, on 23 May (using a different day of the week to maximise opportunities to respond) a reminder email invitation was sent. Approximately 2,000 barristers completed the email survey by the beginning of June. This represented a faster response to the survey than was the case in 2011.

Table 1.1: Aggregate response information: 2013 and (2011)

Response	Number	%
Not completed	4,078 (4,669)	53 (58)
Completed (online)	2,288 (1,595)	30 (20)
Partially completed (online)	334 (231)	4 (3)
Completed (paper) (including online completions via paper link)	783 (1,116)	10 (14)
Post Office returns	13 (79)	<1 (2)
Email failed/duplicates	104 (134)	1 (2)
Refused/rejected (by email)	109 (102)	1 (1)
Late returns (not included)	72 (27)	1 (<1)
Total	7,709 (8,000)	100 (100)[†]

[†] It would seem from these figures that the accuracy of the database has improved in the last two years but also more attention was given to ensuring invalid email addresses were removed from the sample prior to mailing.

Source: IES/ERL, 2011

After removing all barristers who did not wish to take part in the survey, and those who had responded via email, 5,273 postal invitations were mailed by post on 5 June, together with a cover letter, signed by the Chairman of the Bar Council and the Chair of the BSB, and a reply paid envelope. After a three week interval on 26 June, a reminder letter, including a replacement questionnaire and second reply paid envelope, was mailed with a deadline to complete the survey of 14 July. In 2011, on the closing date a final email was sent giving a last chance to participate in the survey. This, however, was seen as being too intrusive by some and as a result was not adopted this year. However, in future surveys it might be worth considering should the response rate decline at all. In the final event, the survey was closed on 18 July and all questionnaires received up to this point have been included in the data set.¹

In 2011, there was also a short follow up telephone interview to try to persuade some of those who had not taken part to date to respond and find out why some of those who had not participated had chosen not to. This was not thought to be very beneficial to the study so was not adopted this year.

1.4 Response information

The survey was in the field for approximately seven weeks in all, but all responses that were received within a week of the closing date were processed and coded and included in the final data set (32 online and paper questionnaires were received during this period). After removing identifiable duplicates, this response included a total of 3,276 returns (including usable partial returns). In 2011, there were a total 2,965 usable returns, so with a slightly smaller sample a higher total response and response rate had been achieved.

Of these:

- A total of 2,493 questionnaires had been completed online, of which 205 were partially completed at least up to Section D (a further 129 were removed as being insufficiently complete). In 2011, all 211 partially completed forms were included in the dataset.
- A further 69 were completed online but via the link provided on the paper questionnaire (in 2011 this figure was 56).
- Altogether, 714 completed their survey using the paper format mailed in the post (some of these respondents had not given their identifier). In 2011, 1,080 completed their questionnaire on paper suggesting that in the two years leading up to this survey there has been an increase in take up of online methods of participating in surveys by barristers.

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

¹ It should be noted that there was a steady flow of returns after the survey deadline (which was also extended to 18 July) up to the time of writing with a further 72 forms returned (approximately one% of the valid sample). This suggests that in future surveys it might be worth building in a longer period after the closing date when forms can be returned and included in the data set before analysis and reporting is started.

The final valid sample was 7,406 (7,780 in 2011) (7,709 in the original sample; less the Post Office returns and 'not applicable' responses *i.e.* those barristers who had retired or reported that they were not working in the profession). Using this figure, the valid response rate is 44 per cent, representing a significant increase in response rate from 38 per cent in 2011. The final response suggests that the adopted approach of using postal and email communication was effective although the paper option was not as effective as in 2011.

This response rate compares very favourably both with the last survey of the profession and other recent surveys of barristers. Furthermore, the last four years have seen a decline in response rates to surveys generally, suggesting that the Bar is bucking a wider trend and, in that high numbers of barristers are moved to complete the survey, is relevant to the interests and concerns of barristers. It is also likely that the slightly earlier timing of the survey allowed more barristers to take part than was the case in 2011.

To explore how representative the respondents are of the population of barristers, the response information was analysed against key biographical and work-related data provided in the sample. It is apparent that there are only marginal differences in the likelihood of barristers responding by key biographical variables *e.g.* gender, experience, self-employed/employed and QC status. If the response set was entirely representative all response rates would be 45 per cent.

Table 1.2 summarises the response rates for different groups of barristers. Whether or not a barrister is a QC is most strongly correlated with response rate, followed by gender. However, the differences are not sufficiently significant, either statistically or in scale, to warrant

weighting the data. The response set can be said to be a good representation of the population on these key biographical variables. It is interesting to note that in 2011 a higher proportion of men than women responded to the survey but in 2013 the opposite was true.

The current approach of emailing and post continues to be an effective method of completing the survey with an excellent response rate across the board and among all types of barrister. This ensures that the data can be used as a reliable indicator of the views and experiences of the profession.

1.5 Report structure

The remainder of this report is structured so that first the demographic details of the Bar are presented, then the report looks in detail at working hours and workload, experience of bullying or discrimination, earnings, career intentions and new ways of working, views of working life, and finally views of Bar Council services. Each chapter draws out differences in the Bar by key demographic and employment characteristics as well as exploring change in response since 2011.

* Data in tables may add up to more or less than 100 per cent due to rounding.

** N = may vary depending on numbers of respondents that answered a particular question.

Table 1.2: **Response rates by demographic/employment characteristics**

		% responded	Respondents
Gender	Men	44 (39)	2,074 (1,851)
	Women	47 (35)	1,250 (1,079)
SEB/EB	Self-employed Bar	46 (36)	2,779 (2,323)
	Employed Bar	45 (39)	518 (607)
QC status	Not QC	44 (36)	2,999 (2,608)
	QC	52 (40)	382 (322)
Time since Call	1-3 years	46	331
	4-7 years	47	487
	8-12 years	43	536
	13-21 years	44	964
	22 years plus	47	1,063
	All respondents	45	3,381 [†]

[†] This includes online, partial respondents (129) who did not complete up to Section D. This is for comparative purposes with 2011 data.

Source: IES/ERL, 2011 and 2013

2 Demographic Profile of the Bar

This chapter summarises the demographic profile of the Bar in 2013 and compares the profile today with that reported in 2011, identifying any changes in the profile of the Bar over the last two years. Later in the chapter, we also examine any differences between the self-employed and employed sections of the Bar and profile barristers working in the main areas of practice.

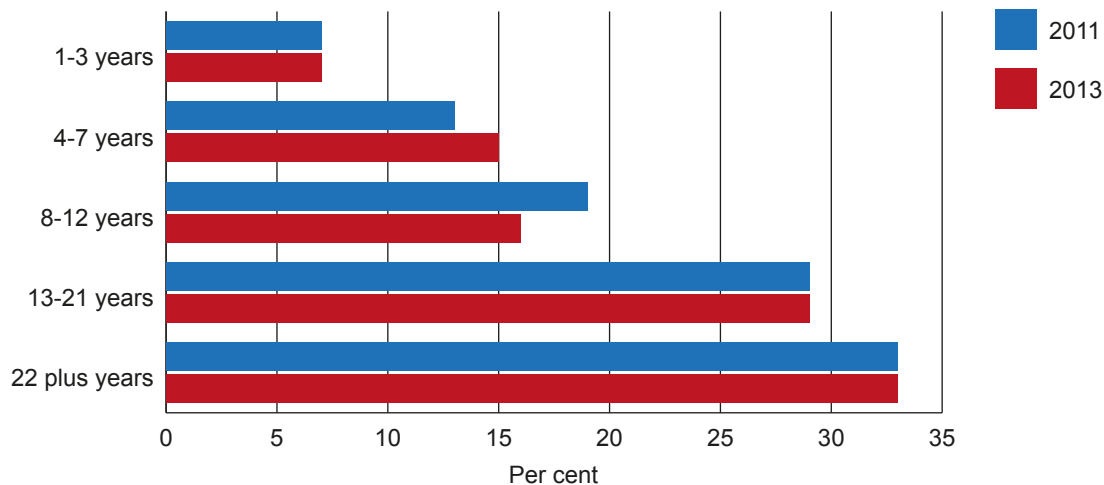
2.1 Biographical profile

As in 2011, to simplify the analysis and presentation of results a number of variables have been reduced into broad groups. For example, respondents were asked to give their 'Year of Call'. This has been grouped into five broad categories:

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

It is important to note though that the length of time since Call is not necessarily commensurate with length of time in practice, as some respondents may well have taken career breaks. The age of barristers has also been conflated into five broad groups, under 30s, 30-39, 40-49, 50-59 and 60+. The main equality and diversity variables (*i.e.* ethnicity, sexuality, religious affiliation and civil/marital status) have also been collapsed into broad groups, as the numbers of barristers in the minority groups are not sufficient to enable further analysis.

By and large, across all the demographic variables, there has been little or no change in the profile of the Bar. This would be expected when monitoring demographic changes in a profession over a two year timeframe and the consistency reinforces the validity of the data.

Figure 2.1: **Time since Call** (% , whole Bar: 2011 and 2013 surveys)

Source: IES/ERL, 2011 and 2013

2.1.1 Gender, age and time since Call

There has been no change since 2011 in the gender make-up of the Bar with nearly two thirds of all barristers being male (63%). This year respondents were also asked to indicate if their gender was the same as when they were born. Less than one per cent indicated that their gender was different to when they were born. Neither has there been any significant change in the age distribution of the Bar with 11 per cent aged under 30 and the same proportion aged over 60, 28 per cent aged 30-39, 30 per cent 40-49 and 21 per cent 50-59, almost identical figures to those reported in 2011.² There has also been little change in the experience profile of the Bar as can be seen in Figure 2.1.

There has also been no change in the gender profile by time since Call since 2011. It remains the case that there is a significant reduction in numbers of women practising in the Bar between the Middle and Senior Junior bands (*i.e.* from 50% to 40% in 2013, more or less the same as reported in 2011, Figure 2.2).

Furthermore, there is a similarly steep reduction between the Senior Junior and Senior bands (from 40% to 23% in 2013, again more or less the same as reported in 2011). This gender profile results from a combination of increasing numbers of women entering the profession over the last 20 or more years, and high numbers of women who are leaving, perhaps to take career breaks³, with few returning to the Bar once their career break is finished.

² All the demographic and employment related data for 2011 and 2013 by section of the Bar (Employed/Self-employed) are presented in Appendix A.

³ The steep reduction in numbers of women practising after about 13 years working in the profession compares with the finding from the 2010 survey of veterinary surgeons for the Royal College of Veterinary Surgeons, that the average age of respondents on a career break was 37.5 years, *i.e.* approximately 12-13 years after qualifying, and over 90 per cent of those on a career break were women.

There has been little or no change in the proportion of the Bar who were called to the Bar aged 30 plus (17% in 2013 and 18% in 2011). This also holds true among the Young Bar (one-three years since Call) where the mean age when called is 28 years, unchanged from 2011.

2.1.2 Ethnicity

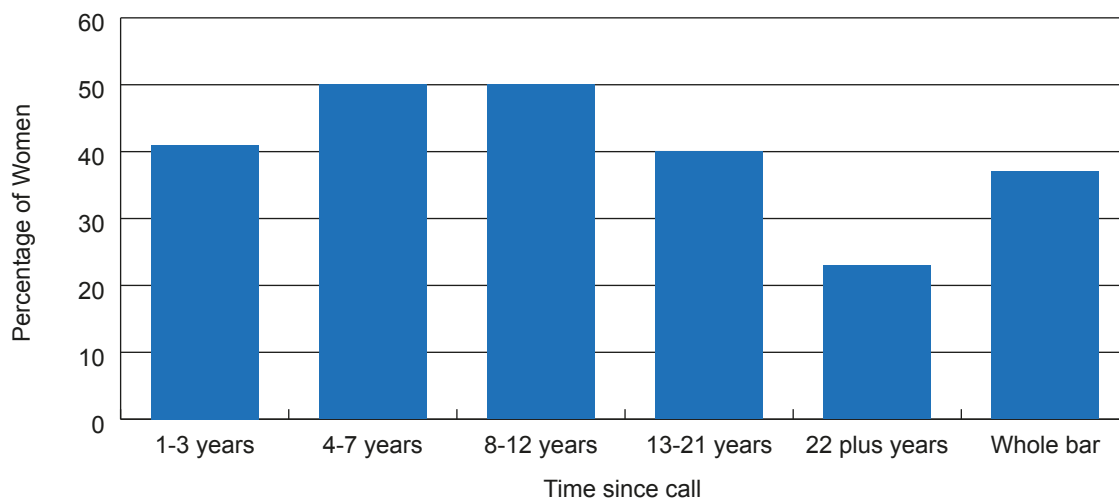
In 2011, it was reported that one in ten (10%) of the Bar were from BME backgrounds. This figure remains unchanged in 2013 with 83 per cent from white British backgrounds and six per cent from other white backgrounds and two per cent from a white Irish background. Asian Indian is the largest minority ethnic origin (2%).

There is some indication of a rise in the proportion of BME barristers as just seven per cent of those who were called more than 21 years ago are from BME backgrounds compared with 13 per cent of those called in the last seven years. However, it does not appear that there has been much increase in the proportion of BME barristers in the last 20 years. By age there are similar differences with just four per cent barristers aged 60 plus being from BME backgrounds compared with 12 per cent of those aged under 40. There is also some evidence, corroborating the findings from 2011 that a higher proportion of female barristers are from BME origins than men (13% compared with 9%).

2.1.3 Religious affiliation

There would seem to have been a slight reduction in the numbers of barristers describing themselves as 'Christian' since 2011 (from 54% to 50% in 2013) with a small increase in those indicating that they have no religious belief (two percentage points) and other religious beliefs. The largest other religious group is Jewish (4%, the same as recorded in 2011). Again, similar to 2011, there is some

Figure 2.2: Percentage of women in the Bar by time since Call (whole Bar: 2013 survey)



Source: IES/ERL, 2013

correlation with age with fewer of those aged under 40 (45%) being Christian compared with 56 per cent of those aged over 50.

2.1.4 Sexuality

Nine out of ten (93%) barristers indicated that they are heterosexual/straight, three per cent said they were a gay man, two per cent bisexual, one per cent a gay woman/lesbian and one per cent other.⁴ Similar to 2011, more men than women indicated that they were gay/bisexual (8% compared with 5%). There is little correlation with other variables; although more barristers aged under 30 (ten %) indicated they were bisexual/gay than is the case among the other age groups. In 2011, this difference was not so marked with eight per cent of the under 30 age group indicating they were bisexual/gay.

2.1.5 Disability

Just four per cent of the Bar indicated that their day-to-day activities are limited because of a disability that has lasted, or is expected to last, for a year or more. This figure is also the same as reported in 2011.

2.1.6 Marital status and caring responsibilities

There has been no change in the marital status of the Bar. Two thirds are married (63%) or in a civil partnership (2%), a further eight per cent are divorced, separated or widowed and 27 per cent are single. As in 2011, there is a strong relationship between age group and gender in the likelihood of barristers being single/married or divorced, separated or widowed. First, across the whole Bar, women are almost twice as likely as men to be single (38% compared with 21% of men). As one might expect, age is also a key

variable. Eight in ten (80%) barristers in their 20s are single compared with 38 per cent of those in their 30s; 17 per cent in their 40s; 12 per cent in their 50s; and eight per cent of those in their 60s. All these figures are very similar to those reported in 2011 apart from a higher number of barristers in their 60s being single (3% in 2011).

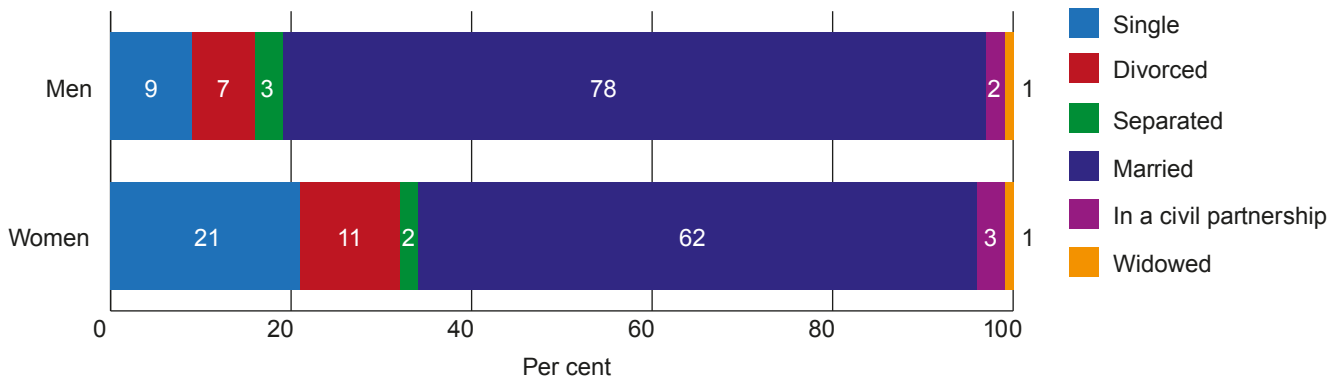
Again, although the differences are not quite as marked as reported in 2011, it bears repeating that there are significant differences in the marital status of women and men at different ages. Female barristers aged 45 plus are more likely to be single or divorced than men. Figure 2.3 shows that 21 per cent of female barristers aged 45 plus are single compared with nine per cent of men (in 2011 the equivalent figures were 23% and 8% respectively). 11 per cent are divorced compared with seven per cent of men (12% and 6% respectively in 2011).

There is little difference between men and women in their 20s, but among those in their 30s 40 per cent of women are single compared with 36 per cent of men; 24 per cent in their 40s compared with 13 per cent of men; 18 per cent in their 50s compared with ten per cent of men; and ten per cent in the 60s compared with seven per cent of men. Although, the difference in marital status between men and women is marked it is not possible to determine the degree to which there is a causal relationship between working at the Bar and likelihood of being single for women compared with men.

Just under a half of all barristers have dependent children (46%). Again, corroborating the data presented in 2011, and developing the above theme whereby female barristers are more likely to be single, fewer women working in Bar have dependent children than men (42% compared with 48% of men, Figure 2.4).

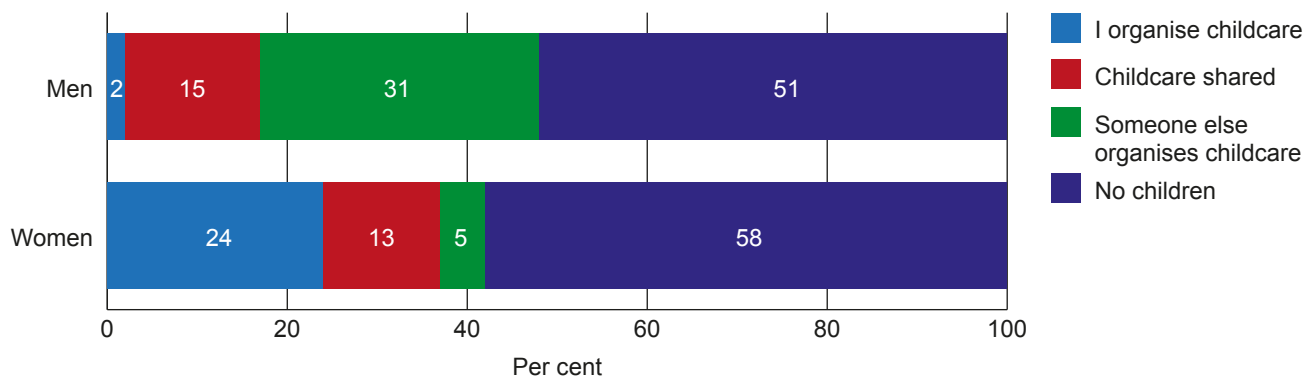
⁴ In 2011 respondents were offered the option 'prefer not to say' so results are not directly comparable with the 2013 data.

Figure 2.3: **Marital status by gender** (% , barristers aged 45 plus: 2013 survey)



Source: IES/ERL, 2013

Figure 2.4: **Childcare responsibilities by gender** (% , whole Bar: 2013 survey)



Source: IES/ERL, 2013

This difference is more marked among younger barristers where 38 per cent of women under the age of 45 have children compared with 45 per cent of men. These variables are also correlated with ethnic origin but this is partly a function of the younger age profile of BME barristers, hence more are single and more have dependent children living at home than is the case among white barristers.

Women who have children are much more likely to take the main responsibility for childcare (57% compared with just 4% of men who have children) although 31 per cent of both men and women said it is equally shared between them and their partner. In 2011 66 per cent of women said they did most of the childcare and 23 per cent said it was equally shared, suggesting that there has been a shift among female barristers for childcare to be equally shared in the last two years.

Nine per cent of barristers have adult caring responsibilities, the same figure as reported in 2011. Age is the key variable, with barristers in their 50s most likely to report having adult caring responsibilities (16%).

2.2 Educational profile

As in 2011, several questions were devised to gather information about the educational background of barristers. First, respondents were asked to indicate the type of secondary school they attended (state or fee paying) and then two questions sought information on their higher education; the university attended and the class of degree attained. These variables proved to be illuminating in differentiating between barristers in their choice of practice areas, success in achieving Silk and a variety of other employment-related issues.

2.2.1 Secondary education

Across all barristers 56 per cent went to state schools and 44 per cent to fee-paying schools, the same as reported in 2011. Female barristers are significantly more likely to have attended state schools than male (65% compared with 51% of men) and this is the key variable correlated with type of secondary schooling. It is also noticeable that more of the under 30 age group attended state schools and fewer of the 60 plus age group; however, this is partly linked to

the relative number of women in each age group. It is also noticeable that more BME barristers went to state schools (67%), more of those who are gay/bisexual (67%) and more of those with adult caring responsibilities (66%). These differences were all noticeable in 2011 as well, reinforcing the reliability of the data.

One final issue that was also mentioned in 2011 and bears repeating is that those barristers who started a career at the Bar later in life *i.e.* they were Called to the Bar aged 30 plus are more likely to have attended state schools (66%).

2.2.2 Higher education

The second set of educational background questions concerned the university attended by respondents to the survey. Barristers were asked to write in the name of the university they attended and, using the same coding system devised in 2011, these were then coded into six broad groups that relate to current concepts of university hierarchy, and can be used to monitor changes in the profession in future years. However, this might be viewed as a somewhat crude measure and it may be that when older barristers qualified, different universities were considered of a higher status, depending on the subjects they studied. Notwithstanding these considerations the groups used are:

- Oxbridge (Oxford and Cambridge)
- Russell Group universities (*e.g.* Bristol, Edinburgh, Imperial, LSE, KCL but excluding Oxford and Cambridge)
- 1994 Group universities (*e.g.* Bath, Durham, Exeter, York)
- Other pre-1992 universities (*e.g.* Keele, Aston, Brunel, Salford)

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

Across all barristers, three in ten (32%, 30% in 2011) went to Oxbridge, 39 per cent went to Russell Group universities and seven per cent went to 1994 Group universities. Just 13 per cent went to the old polytechnic sector of higher education.

In recent years more new entrants to the Bar were educated at Oxford or Cambridge with 45 per cent of the Young Bar (new entrants 1-3 years) having attended Oxbridge, compared with 31 per cent across the remainder of the Bar. Among those who started their career at the Bar later in life *i.e.* aged 30 plus, fewer attended Oxbridge or Russell group universities (16% and 33% respectively compared with 35% and 40% among more traditional entrants to the Bar; Table 2.1).

Whether or not barristers qualified later in life as mature entrants or were younger traditional entrants to the profession is strongly correlated with the university attended. For example, just under half (49%) of non-traditional entrants to the profession attended Oxbridge/Russell Group compared with 75 per cent of traditional entrants. This variable accounts for most of the variation in university attended. Conversely many more non-traditional entrants to the profession studied at '1992 universities' *i.e.* the old Polytechnic sector (20% compared with 10% of those who were called to the Bar aged under 30).

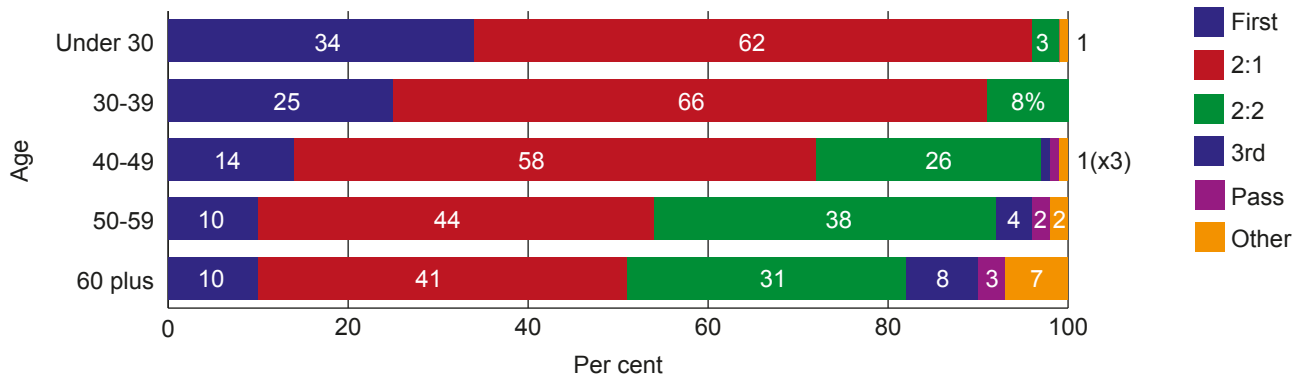
In addition to this, more BME barristers came from 1992 universities (21% compared with 10% of white barristers) and fewer went to Oxbridge (16% compared with 33% of white barristers).

Table 2.1: University attended by type of entrant to the profession (% , whole Bar: 2013)

	Called aged under 30 %	Called aged 30 plus %	All Barristers %
Oxbridge	35	16	32
Russell Group	40	33	39
1994 Group	6	10	7
Other pre-1992 universities	5	7	5
1992 Universities	10	20	11
Second wave universities	1	2	2
Others (inc. overseas)	2	10	4
None	1	2	1
Base N=100%	2,378	497	2,875

Source: IES/ERL, 2013

Figure 2.5: Degree class by age band (% , whole Bar: 2013 survey)



Source: IES/ERL, 2013

It is also worth noting that there is a strong correlation with type of secondary school attended and university with 43 per cent of those who went to a fee paying school also going to Oxbridge, compared with 23 per cent of those who went to a state school having studied at Oxbridge. This suggests that there is a compounding educational effect and so in the 2011 survey we developed a composite educational background variable, which proved a useful way of differentiating between barristers. We merged the type of school and university attended. This compound variable was created with six categories:

1. State school and Oxbridge (13% of all barristers)
2. State school and Russell/1994 Group universities (27%)
3. State school and other universities (16%)
4. Fee paying school and Oxbridge (19%)
5. Fee paying school and Russell Group/1994 Group universities (19%)
6. Fee paying school and other universities (7%).

The distribution of the Bar between these categories is almost identical in 2013 to the figures from the 2011 survey.

In 2011, it was reported that there seemed to have been a growth in numbers of entrants to the Bar with a state school/Russell Group university background with 41 per cent of the under 30 age group having been to a state school/Russell Group university, compared with 27 per cent among other age groups. This year it would seem there are more with state school/Oxbridge background in the under 30 age group (24% compared with 12% among other age groups). There is little difference by age band in numbers attending state schools/Russell group universities this year. Whether this is any kind of a trend is difficult to determine at this stage but will be interesting to follow up in future years.

The key difference between barristers, however, is by gender. Far fewer women attended fee paying schools/Oxbridge than men (13% compared with 22% of men) and this is a wider difference than in 2011. However, more attended state schools/Russell Group universities (31% compared with 25% of men).

There has been a small increase in the percentage of barristers obtaining first class honours degrees since 2011, from 15 per cent in 2011 to 18 per cent this year. Although this is not a huge increase in itself, it would appear to be part of a longer term trend with a strong correlation between age band and degree class. Figure 2.5 highlights this relationship between degree class and age band.

Among barristers aged under 30 more than a third (34%) obtained first class honours compared with 25 per cent of those aged 30-39, 14 per cent of those aged 40-49 and just ten per cent of those aged 50 plus. There has also been a similar reduction in the number of barristers called with 2:2s/3rds.⁵ This trend is equally visible by year of Call where 41 per cent of the Young Bar (new entrants 1-3 years since Call) have first class degrees, compared with eight per cent of the Senior Practitioner Bar and 15 per cent of the Junior Bar and even just 30 per cent among Young Bar (four-seven years since Call). It seems clear that there is an increasing use of degree class in the recruitment process to the Bar.

It was reported in 2011, and is corroborated this year, that barristers who attended Oxbridge are more likely to have obtained first class degrees (29% than those who attended other universities 13% among Russell Group entrants and 11% among 1994 Group university graduates). Three in ten barristers who studied at other universities, including overseas and the Open University, obtained first class degrees.

⁵ This finding was not identified in 2011.

Table 2.2 Age and gender by section of the Bar (% , whole Bar: 2013)

	% Employed	% Self-employed barrister (Chambers)	% Self-employed barrister (Sole Practitioner)	% Both (self-employed barrister and employed barrister)	% All barristers
Male	51	65	64	74	63
Female	49	35	36	26	37
Base N=100%	544	2,532	126	62	3,264
Under 30	6	12	2	8	11
30-39	30	28	13	21	27
40-49	33	29	27	28	30
50-59	25	20	34	30	21
60 plus	6	11	24	13	11
Base N=100%	516	2,311	110	47	2,984

Source: IES/ERL, 2013

2.3 Employed and self-employed Bar: biographical differences

This section provides a demographic and educational background overview of the differences between the employed Bar and self-employed Bar, also looking at any differences between sole practitioners and self-employed barristers based in chambers and those barristers who indicated that they work in both the self-employed and employed Bar. Appendix A presents tables looking at all the biographical variables for the employed and self-employed Bar, also showing differences between the 2011 survey and 2013 for each section of the Bar.

Three quarters (78%) of all barristers responding to the survey practise in chambers at the self-employed Bar, four per cent are at the self-employed Bar but work in a sole practitioner capacity, 16 per cent work at the employed Bar and two per cent work in a dual capacity, in roles at both the self-employed and employed Bars.⁶

There are several key biographical differences between the self-employed and employed Bar, and between sole practitioners and self-employed barristers working in chambers. First, there are age and gender differences, highlighted in Table 2.2. Many more women work at the employed Bar: 49 per cent of the employed Bar are women compared with 35 per cent of those working in self-employed practice and just 26 per cent of those working a dual capacity. Those working in dual capacity or as sole practitioners in self-employed practice are more likely to be over the age of 50.

It was noted above that there is a steep reduction in the number of women barristers by time since Call, especially after 12 years. This is especially the case in self-employed

practice while there is little change in the number of women working in employed practice by time since Call. Figure 2.6 shows that among barristers working in self-employed practice with up to 12 years since Call, 48 per cent are women but only 36 per cent of those with 12-21 years' Call and 21 per cent of those with 22 years or more since Call.

It is worth noting that a significantly higher proportion of sole practitioners qualified to work at the Bar later in life (*i.e.* aged 30 plus when Called). Four in ten (40%) sole practitioners were Called aged 30 plus compared with just 15 per cent of self-employed barristers working in chambers and 20 per cent of those in employed practice. It is not clear why there is this difference.

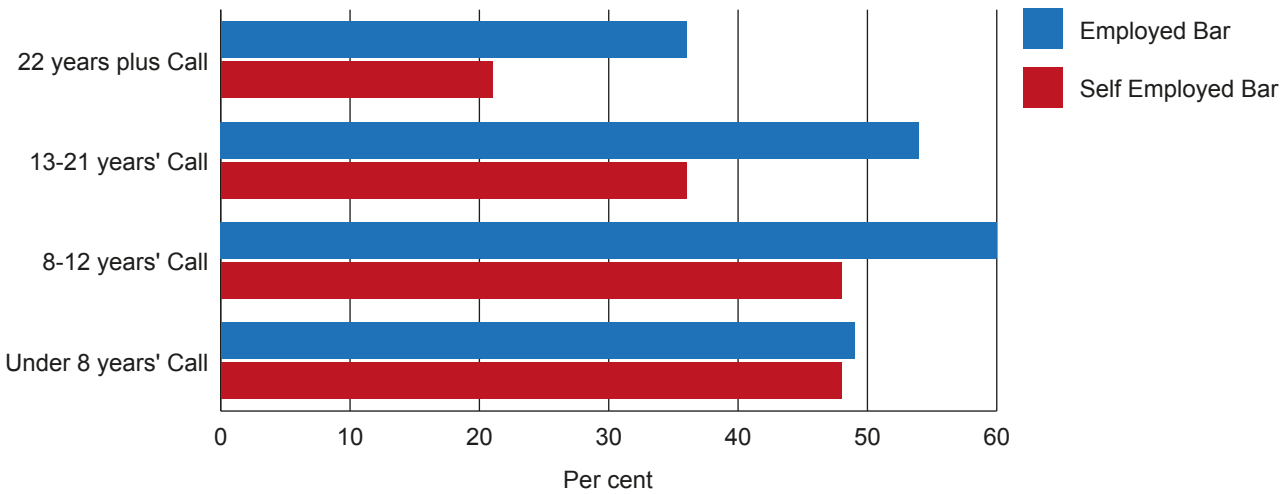
Education is also a key difference between employed and self-employed practice. Self-employed barristers working in chambers are much more likely to be Oxbridge qualified (36% compared with 16% of those in employed practice, 19% of sole practitioners and 16% of those in dual roles), shown in Table 2.3. Of those working at the employed Bar (20%) and in dual roles (27%), more did their first degree in '1992 universities' (the old Polytechnic sector). The final point worth noting in terms of the educational background is that barristers working in employed practice are much more likely to have been educated in state secondary schools (66% compared with 54% of those working self-employed practice; both chambers and as sole practitioners).

2.4 Area of practice: biographical differences

The demographic data for each area of practice by section of the Bar is summarised in Appendix A. Criminal law is the main area of practice covering a third (31%) of all barristers (in 2011 the equivalent figure was 34% but the questions about area of practice were framed slightly differently). At

⁶ The membership record suggests 78 per cent are at the self-employed Bar (chambers), 15 per cent are at the employed Bar, two per cent are sole practitioners. Four per cent are classified as other, in which are included less than one per cent working in a dual capacity.

Figure 2.6: Time since Call by section of the Bar (women only) (% , 2013 survey)



Source: IES/ERL, 2013

the employed Bar, 43 per cent of all barristers are working at the criminal Bar.

For the remainder of this report, some of the practice areas have been grouped together to ensure there are sufficient numbers of respondents in each category, so that (separately for the employed and self-employed Bar) reliable analysis can be carried out on the data and comparisons made with the 2011 data. These groups are formed as below and will be used where further analysis of main practice area is required:

- Criminal
- Civil, including Patent or IP, Planning and Environment, Revenue, Admiralty or Shipping, Construction, Landlord and Tenant, Employment, Public Law and Immigration
- Professional Negligence and Personal Injury (PN/PI),
- Commercial and Chancery (C&C)
- Family
- Other (inc. International and EU).

Table 2.4 presents the key demographic variables for the grouped areas of practice. In summary, those barristers working at the criminal Bar are less likely to have been educated at Oxbridge (17%) or at fee paying schools (39%) or have obtained first class degrees (7%). More obtained 2:2s or lower. Higher than average numbers of those working in family practice are women (61%) and fewer were educated at Oxbridge (21%) or obtained first class degrees (10%) and almost all work in chambers (93%).

Commercial and chancery practice areas contain the highest numbers of barristers educated at Oxbridge (56%), with first class degrees (36%), in fee paying schools (52%) and fewest women (25%). Almost all barristers working in professional negligence/personal injury practice are in chambers (92%).

Other notable differences between areas of practice are that barristers working in other areas including international/EU work are more likely to be operating as sole practitioners (7%). Barristers working on immigration work (contained within the civil practice broad group) are more likely to be from BME backgrounds (36%). Barristers working in employment law (again contained within civil practice) are more likely to be aged under 45 (66%). More barristers working in other areas of practice and family law were called to the Bar aged 30 plus (25% and 21% respectively, compared with 13% of those working in chancery and commercial practice).

2.5 Key points

By and large the demographic profile of the Bar has changed little since 2011. This would be expected and lends credibility to the continuity of the data set and reliability of the findings when making comparisons between the two surveys. However, in the intervening two years there appear to have been several significant changes in the profile of the Bar:

1. There are more barristers in 2013 indicating that childcare in their household is equally shared (up from 25% in 2011 to 31% in 2013) and a reduction in the numbers saying they do it themselves or someone else does childcare.

Table 2.3: University attended by section of the Bar (% , whole Bar: 2013)

	% Employed	% SEB (Chambers)	% SEB (Sole Practitioner)	% Both (SEB & EB)	% All barristers
Oxbridge	16	36	19	16	32
Russell Group	41	38	51	47	39
1994 Group	8	6	3	4	7
Other pre-1992 universities	8	5	5	2	5
1992 Universities	20	9	11	27	11
Second wave universities	3	1	4	2	2
Others (inc. overseas)	4	4	6	2	4
None	1	1	3	0	1
<i>Base N=100%</i>	502	2,267	108	45	2,922

Source: IES/ERL, 2013

Table 2.4: Area of practice by section of Bar and selected demographic variables (% , whole Bar: 2013)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	All barristers
EP	23	19	5	15	3	40	17
SEP (Chambers)	71	72	92	82	93	52	78
SEP (Sole Pract)	3	6	2	3	3	7	4
Both (SEP and EP)	3	2	1	1	2	1	2
<i>Base N=100%</i>	1,015	879	281	477	503	83	3,238
Male	64	66	69	75	39	65	63
Female	36	34	31	25	61	35	37
<i>Base N=100%</i>	1,013	878	279	475	503	82	3,230
First	7	22	23	36	10	24	18
2:1	56	57	60	48	58	49	56
2:2 or lower	36	17	14	13	28	19	22
<i>Base N=100%</i>	894	831	256	440	457	75	2,953
Oxbridge	17	39	38	56	21	41	32
Other universities	83	61	62	44	79	59	68
<i>Base N=100%</i>	908	826	256	434	461	71	2,956

Source: IES/ERL, 2013

- A growing number of barristers have been educated at Oxbridge. Among those up to three years since Call, 45 per cent were educated at Oxbridge compared with 31 per cent among the remainder of the Bar.
- There has also been an increase in the number of barristers entering the Bar who obtained a first class degree (up from 15% in 2011 to 18% in 2013). This difference is especially marked among those aged under 30 (up from 27% in 2011 to 34% in 2013), suggesting (as reported above) that there has been a gradual increase in numbers entering the Bar over the last 5-10 years with the highest educational qualifications.
- The size of the criminal Bar has reduced from 34 per cent of all barristers in 2011 to 31 per cent this year.
- Just under four in ten barristers are women but the percentage of women varies from around a half of all barristers up to 12 years since Call to 23 per cent of barristers more than 22 years since Call.

3 Current role

In this chapter, we look at the current work of barristers responding to the survey and where possible draw out differences between different groups by area of practice, employed and self-employed, and in different biographical groups of barristers. We also consider any changes where relevant since the 2011 survey.

3.1 Important influences on choice of practice area

This year a new question was asked of barristers to seek their reasons for working in their chosen areas of practice. They were provided with a list of eight possible factors that might have influenced their choice of practice area and asked to indicate two that were the most important reasons for them. Table 3.1 shows the responses by broad practice area. Overall, interest and enjoyment was the most frequently cited reason (70% of all barristers), followed by the availability of opportunities/work (37%). Three in ten (28%) suggested that 'making a difference to society' was important to them and one in four (24%) said the 'challenge' presented by the area of practice was most important to them. Just 14 per cent said that 'earning potential' was one of the two key reasons for them in choosing their area of practice.

Very few barristers mentioned working hours (2%) or the availability of part time/flexible working (3%) as important reasons for choosing their main practice area.

Those who gave other reasons usually referred to their own skills, experience and expertise as reasons for choosing their area of practice, some had chosen it for family reasons and a few mentioned gender-related reasons as to why they chose their area of practice.

Barristers' main area of practice is the main factor correlated with the most important reasons given for working in each area of practice. So, those working in criminal practice are much more likely to indicate that interest/enjoyment (79%) and making a difference to society (47%) were two important reasons for them while barristers working in family practice (47%) and professional

Table 3.1: **Reasons for working, chosen field by area of practice** (% , whole Bar: 2013[†])

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	All barristers
Interest/enjoyment	79	67	65	67	64	72	70
Challenge	25	22	13	43	13	35	24
Availability of opportunities/work	23	43	58	30	47	31	37
Earning potential	3	18	22	31	8	12	14
Making a difference	47	19	11	2	39	18	28
Working hours	2	3	2	2	2	8	2
Flexible/available part-time work	2	3	5	3	2	7	3
Other	2	3	3	2	4	5	3
Base N=	1,012	877	281	475	503	83	3,231

[†] Respondents were asked to indicate the two most important reasons to them as to why they chose their area of practice.

Source: IES/ERL, 2013

negligence/personal injury (58%) were most likely to say that 'availability or opportunities/work' was one the two most important reasons to them. Earning potential was most frequently cited by those working commercial and chancery practices (31%).

The only reason given that was linked to the section of the Bar was 'interest/enjoyment' with more barristers working in self-employed practice indicating this to be an important feature of their jobs (72%) compared with 62 per cent of barristers working in employed practice.

Most of the variation in response to these questions can be explained in relation to area of practice. However, there are some gender differences in motivations too. Firstly, women, across all areas of practice, are more likely to say that flexible working/availability of part-time working was an important reason to them (6% compared with 1% of men). Within the main areas of practice there were further gender differences. For example, men working at the criminal Bar are more likely to indicate that the work offered a 'challenge' (29% compared with 19% of female barristers). On the other hand, women working at the criminal Bar were more inclined to indicate that 'making a difference to society' was one of the most important reasons to them in choosing their area of practice (53% compared with 43% of men). There was a similar difference, in this regard, between men and women working in civil practice.

In family practice, men were more likely to indicate that the 'availability of opportunities/work' was an important reason for them choosing their area of practice (58% compared with 41% of women).

Among barristers working in commercial and chancery practice, men are more likely to mention the earning potential of the work (35% compared with 20% of women). Barristers who had studied at Oxbridge were more likely to indicate the 'challenge' of the work as a reason for

opting for this area of practice (49% compared with 36% of barristers who went to other universities).

Within civil practice more BME barristers mention 'making a difference to society' as an important reason for their choice (32% compared with 18% of white barristers). Otherwise there were no significant differences by ethnic origin, within each area of practice.

3.2 Pupil supervision

This year it was decided to include a question to explore who currently supervises pupils. Nine per cent of all barristers are currently supervising pupils. A further eight per cent are a registered pupil supervisor and have supervised between one and three years ago. A fifth of all barristers have supervised but it is more than three years ago since they last supervised a pupil.

Fewer barristers working at the employed Bar are registered as supervisors (15% compared with 42% of all those working at the self-employed Bar and 30% of those working in a dual capacity in both sections of the bar).

Not surprisingly, stage of career is the key determinant of whether or not a barrister is a pupil supervisor and how long it is since they last supervised. Figure 3.1 summarises this showing that none of the Young Bar (one-three years since Call) are supervisors and only a very small number of Young Bar (4-7 years).⁷ One in ten Barristers with 8-12 years since Call are supervising or have done so recently while 41 per cent of the Senior Junior Bar (13-21 years since Call) and nearly three quarters (72%) of the Senior Bar (22 plus years since Call) are supervising or have done so at some point during their careers.

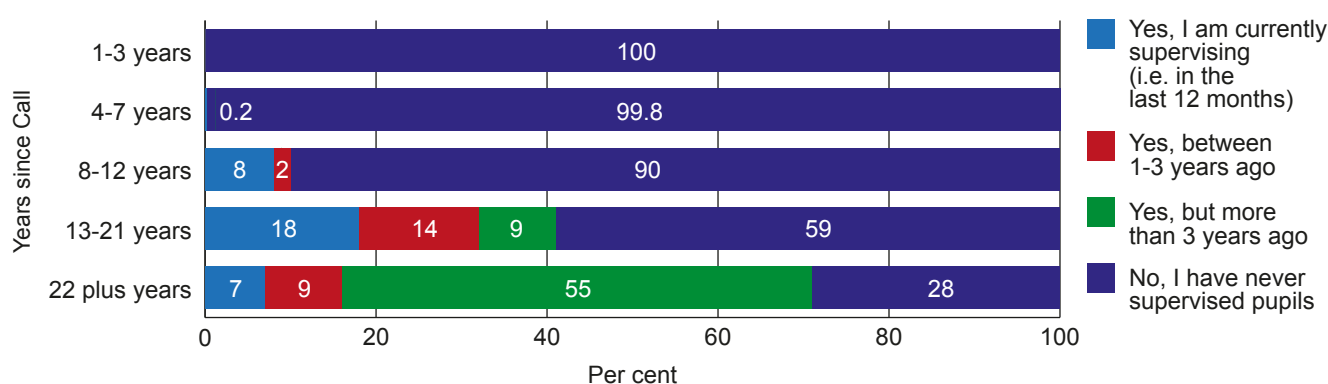
⁷ Barristers have to have a minimum six years' experience to register as a supervisor.

Table 3.2: Current employer by area of practice (% , employed Bar only: 2013 with 2011 in brackets)

	Criminal	Civil	Commercial and Chancery	Other	All employed Bar
Solicitors' firms	25 (11)	16 (15)	23 (14)	15 (14)	22 (14)
Other private sector orgs.	2 (0)	13 (14)	53 (73)	18 (26)	13 (16)
GLS	9 (11)	39 (48)	7 (4)	15 (30)	19 (23)
CPS	51 (62)	1 (1)	0 (0)	1 (0)	23 (28)
Other public sector	9 (15)	20 (15)	9 (3)	24 (23)	14 (15)
Other (charity, professional body etc	3 (0)	12 (6)	8 (6)	27 (7)	9 (4)
Base N=	259 (274)	189 (186)	75 (74)	33 (43)	592 (603)

Source: IES/ERL, 2011 and 2013

Figure 3.1: Supervisors by years since Call (% , whole Bar: 2013)



Source: IES/ERL, 2013

3.3 The employed Bar

A series of questions sought some information about the current work and jobs of those working at the employed Bar. These questions included broad details about their current employer, whether or not their employer pays for their practising certificate and their rights of audience. All three of these questions were asked in 2011 so comparisons between the two surveys are possible.

3.3.1 Current employer

First, looking at the employed Bar by current employer Figure 3.2 summarises the data highlighting the growth in numbers of barristers employed in solicitors' firms since 2011 and reduction in numbers employed in the public sector.

In 2011, two thirds (66%) of all barristers working in employed practice were employed by either the Government Legal Service (GLS) (23%), the Crown Prosecution Service (CPS) (28%) or elsewhere in the public sector (15%). However, in 2013 just 56 per cent were employed in the public sector (19% in the Government Legal Service, 23% in the CPS and 14% elsewhere). This represents a significant reduction and perhaps helps to explain too some of the reduction in numbers of barristers shown to be working in employed practice in total (see Chapter 2 above).

Conversely, there has been an increase in the proportion of barristers working at the employed Bar for solicitors' firms up from 13 per cent in 2011 to 22 per cent this year (Table 3.2). Again, this is a large and statistically significant increase, and it would seem some of barristers previously employed in the public sector have moved to solicitors' firms. However, this increase does not account for all the reduction in numbers working in the public sector.

All except two barristers employed in the CPS work in criminal practice, and half of those working in criminal practice (51%) work for the CPS. One in four of the employed criminal Bar work for solicitors' firms (see Table 3.2). Other major groupings include:

- Four in ten (39%) of the employed Bar working in civil practice are employed at the GLS.
- Over half (53%) of employed barristers practising in commercial and chancery work for other private sector organisations.
- Four in ten employed barristers working in family practice work for other public sector organisations and one in four work (23%) in solicitors' firms.

As reported in 2011, a higher proportion of younger barristers at the employed Bar work in solicitors' firms;

71 per cent of those working in solicitors' firms are aged under 45 compared with 51 per cent of the rest of the employed Bar. Similarly, more are at the Junior and Middle Junior Bar.

One other point to note is that barristers working in the GLS are more likely to have first class degrees (22% compared with 11% of all at the employed Bar) or 2:1s (61% compared with 55% of all employed Bar) than barristers employed elsewhere.

Finally, comparing figures for the criminal Bar in 2011, 90 per cent of all barristers working at the employed Bar in criminal practice worked for the public sector and ten per cent for solicitors' firms. In 2013, the equivalent figure is 73 per cent working for the public sector and 25 per cent working for solicitors' firms. Similarly, there has been a large decrease in the proportion of barristers working in other areas of practice (which includes immigration and EU) employed by the GLS (from 32% in 2011 to 15% in 2013). It is also noticeable that criminal and other areas of practice are the only two areas of the employed Bar where numbers of respondents between 2011 and 2013 have reduced. In all other areas of the Bar there was an increase in numbers of respondents.

3.3.2 Practising certificate

In 2011, 87 per cent of all barristers working at the employed Bar had their practising certificate paid for them in full, by their employer. Two years later this figure has reduced to 81 per cent. A further three per cent had it paid in part; the same as in 2011. It is noticeable though that much of this change has occurred at the criminal Bar with a reduction from 93 per cent in 2011 having it paid for them in full to 82 per cent in 2013.

There has also been a similar, albeit smaller, reduction in the numbers of employers paying the practising certificate in full among barristers employed in civil practice. Otherwise, as can be seen in Table 3.3, figures are more or less unchanged.

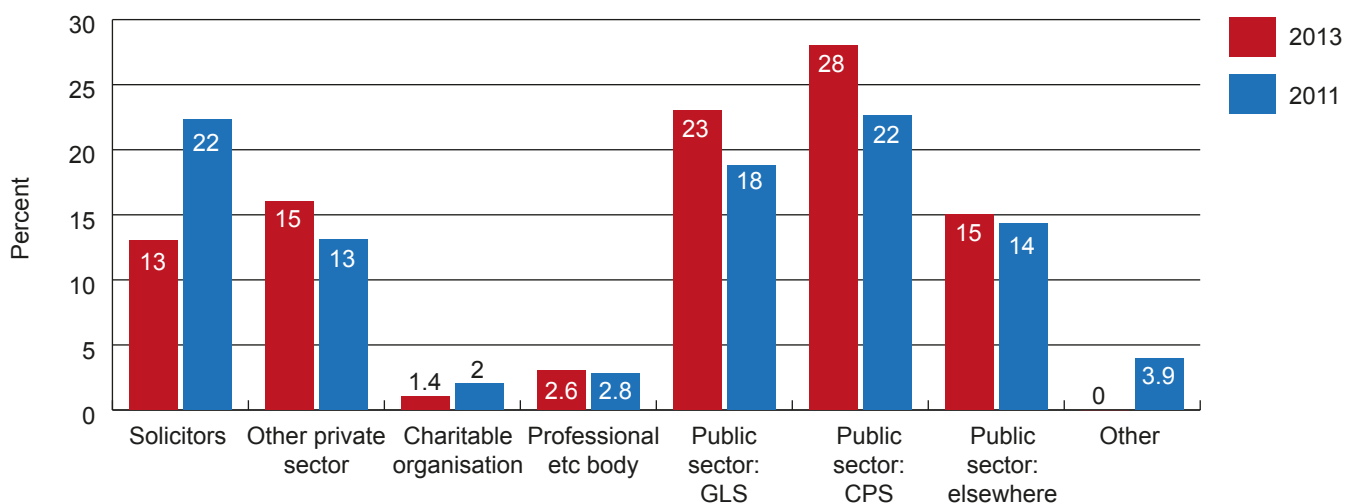
Looking at the type of employer and propensity to pay for the practising certificate sheds some light on the above changes. Solicitors' firms are least likely to pay the practising certificate. In 2011, 82 per cent did in full, a further four per cent paid it in part and 15 per cent did not pay any of it. In 2013, 78 per cent said it was paid in full and 22 per cent reported that none of the certificate was paid for by their employer. This, coupled with growth in the number of barristers at the employed Bar working for solicitors' firms both proportionally and, it would seem, in absolute terms, has driven most of this change.

3.3.3 Rights of audience

Nearly three quarters (71%) of all barristers at the employed Bar are currently entitled to exercise full rights of audience. This represents a significant increase from 2011 when 62 per cent were entitled to exercise full rights of audience. A further 12 per cent are entitled to exercise rights of audience in the lower courts only and nine per cent have no current entitlement. Eight per cent do not know whether or not they have any entitlement to exercise rights of audience.

This increase in entitlement is partly down to increases in the proportion of those working in the public sector and other private sector organisations indicating that they have full rights of audience entitlement, and partly due to the increase in the number of barristers employed in solicitors' firms, of whom 90 per cent or more have full rights of audience (Table 3.4).

Figure 3.2: **Current employer**[†] (% , employed Bar only: 2011 and 2013 surveys)



[†] This question changed slightly from 2011 when there was an other option provided. This was removed in 2013. However, the differences in the results highlighted in the chart and text are sufficiently large to be independent of any change in wording.

Table 3.3: Practising certificate paid for by employer (% , employed Bar only: 2013 with 2011 in brackets)

	Criminal	Civil	Commercial and Chancery	Other	All employed Bar
Yes, in full	82 (93)	79 (84)	87 (88)	79 (79)	81 (87)
Yes, in part	2 (2)	4 (4)	4 (4)	0 (2)	3 (3)
No	16 (5)	16 (12)	9 (8)	21 (19)	16 (9)
Base N=100%	259 (273)	189 (185)	75 (74)	34 (43)	593 (601)

Source: IES/ERL, 2011 and 2013

Table 3.4: Rights of audience by employer (% , employed Bar only: 2013 and 2011 in brackets)

	Solicitors' firms	GLS	CPS	Other private sector org.	Other public sector org.	All employed Bar
Full rights of audience	95 (94)	60 (56)	74 (70)	42 (30)	62 (57)	71 (62)
Rights of audience in lower courts only	1 (3)	10 (15)	24 (28)	16 (10)	14 (12)	12 (15)
No current entitlement to exercise rights of audience	2 (2)	9 (10)	1 (2)	27 (28)	18 (20)	9 (11)
Don't know	2 (1)	2 (19)	1 (1)	15 (31)	6 (11)	8 (12)
Base N=100%	134 (80)	112 (137)	135 (165)	79 (96)	85 (91)	597 (594)

Source: IES/ERL, 2011 and 2013

3.4 Silk

One in nine (11%) of the Bar is a QC, the same figure as reported in 2011, and only 16 per cent have ever made a Silk application, making an average of two applications (in 2011 15%⁸ had made an application for Silk). Nearly three quarters (73%) of barristers who make an application for Silk achieve it.

It was also shown in 2011 that experience, as measured by time since Call, is the most strongly correlated demographic variable with whether or not barristers have achieved QC status. More than one in four (28%, 26% in 2011) 'Senior Practitioner' barristers (*i.e.* those with 22 years' experience since they were called) are QCs compared with just three per cent of those with fewer than 22 years' experience. Among those barristers aged 60 plus and still practising, a third (34%) have achieved QC status. Also in 2011, leaving aside age and experience, the key variables found to be correlated with achieving QC status were gender, and whether or not barristers studied at Oxbridge.

However, further analysis has found an alternative explanation. More women work at the employed Bar which

does not have the same Silk-led career path that exists at the self-employed Bar, as highlighted in Table 3.5, and no distinction was made between employed and self-employed practice in the 2011 report in terms of application for Silk. Just two per cent of the 'Senior Practitioner'⁹ employed Bar are QCs compared with 35 per cent of the 'Senior Practitioner' self-employed Bar, while 36 per cent of the employed Bar are women compared with just 21 per cent of the 'Senior Practitioner' self-employed Bar. These differences have a significant effect on the analysis and the degree to which gender is correlated with QC status.

So, to explore this issue a little further the data set has been further refined to only include 'Senior Practitioner' (22 years since Call) self-employed barristers, based in chambers (a total of 840 respondents). Across the whole of this group more than a third (35%) are QCs, a further

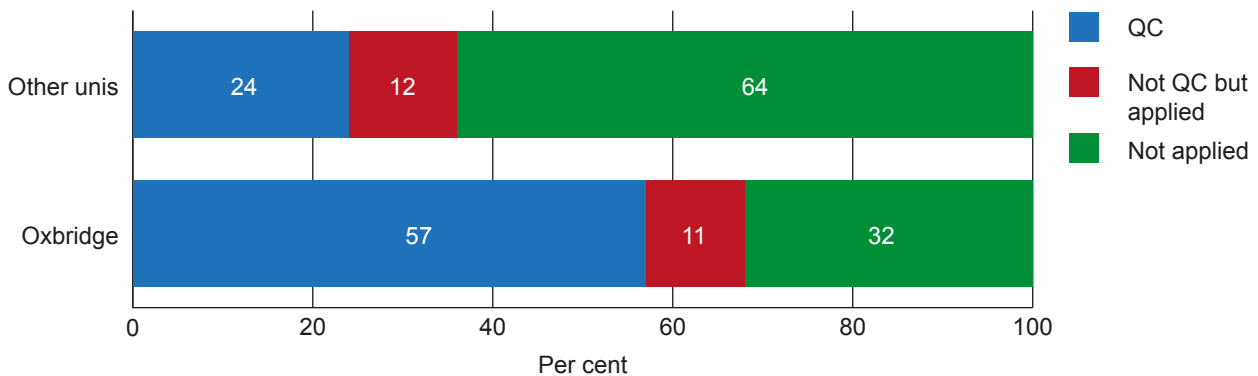
12 per cent have applied but not (yet) achieved Silk and a half (53%) have not applied at all.

Nevertheless, there remains a gender correlation with Silk status for this group but other variables are more strongly associated with QC status. Four in ten (38%) men from this group are QCs, compared with 22 per cent of women,

⁸ In 2011 this figure was reported incorrectly as 25 per cent but has been checked and should have been 15%.

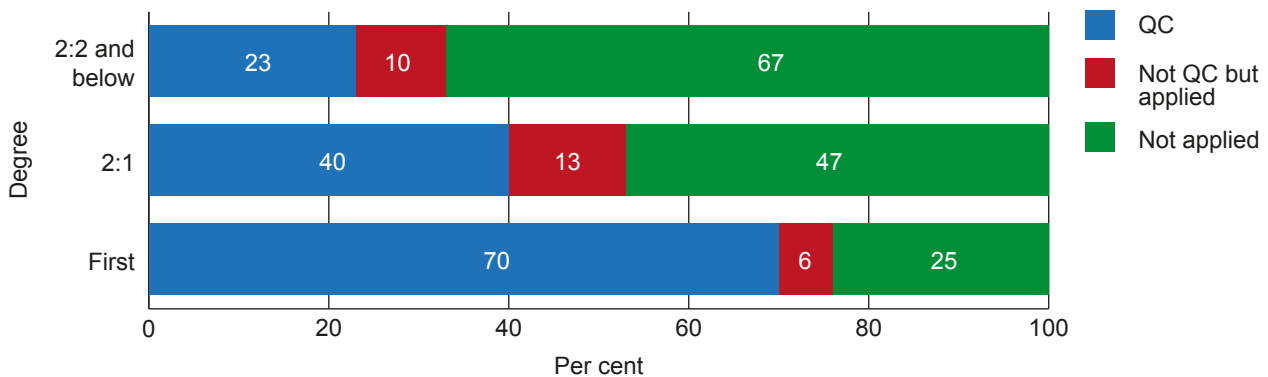
⁹ Defined as barristers Called to the 22 years ago or more.

Figure 3.3: **Applying for Silk by university attended** (% , Senior Practitioner barristers in chambers only)



Source: IES/ERL, 2013

Figure 3.4: **Applying for Silk by degree class** (% , Senior Practitioners in chambers only)



Source: IES/ERL, 2013

while 69 per cent of women have not applied for QC status compared with 49 per cent of men.

Using multiple regression statistical analysis, the following are the key variables linked to Silk status. First, whether or not this group of barristers studied at Oxbridge. Figure 3.3 highlights this, showing that 57 per cent of barristers who attended Oxbridge are QCs and a third (32%) have not applied compared with equivalent figures for other universities of 24 per cent and 64 per cent respectively.

In addition to university, degree class is also a key factor correlated with both propensity to apply for Silk and success when applying. This is highlighted in Figure 3.4. More than two thirds (70%) of senior practitioners based in chambers holding a first class degree are QCs and only a fifth (22%) have not applied for Silk. This compares to 40 per cent of the 2:1 group being QCs and 23 per cent of those with 2:2s and below. These differences apply for all areas of practice at the 'senior' self-employed Bar.

Type of secondary schooling is also correlated with QC status. Four in ten (43%) of those who went to fee paying secondary schools are QCs and 44 per cent did not apply

compared with 28 per cent of state school alumni being QCs and 63 per cent having not applied.

Looking at the compounding effects of these variables, three quarters (78%) of 'senior practitioners' in chambers, who went to fee paying secondary schools, Oxbridge and achieved first class degrees, are QCs (n=32).

The apparent career success, as measured by achieving QC status, also reinforces the findings from Chapter 2 demonstrating the correlation between obtaining an Oxbridge higher education and achieving a first class degree with career progression at the Bar.

3.5 Self-employed Bar

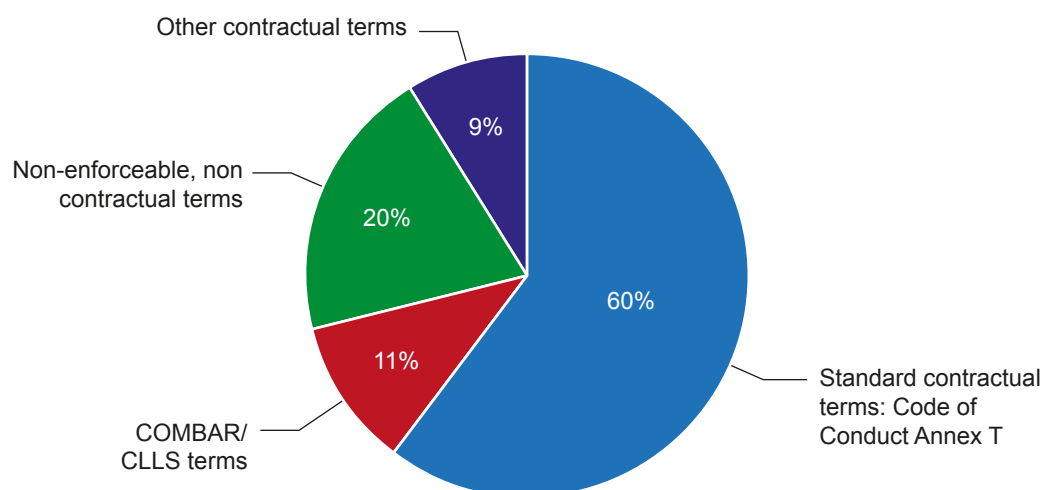
A few questions in the survey were aimed solely at the self-employed Bar, as they were not relevant to the employed Bar. These included the terms on which respondents most frequently accept instructions, quality marks and their perceived value and whether or not those working in self-employed practice use an accountant.

Table 3.5: Silk status by section of the Bar and gender (% , Senior Practitioners only: 2013)

	Employed	Self-employed (Chambers)	Self-employed (Sole)	Both SEB/EB	Whole 'Senior Practitioner' Bar
Applied & QC	2	35	12	14	28
Applied & not QC	0	12	18	0	10
Not applied	98	53	71	86	62
Base N=100%	161	840	51	21	1073
Male	64	79	77	95	77
Female	36	21	23	5	23
Base N=100%	163	844	52	21	1,080

Source: IES/ERL, 2013

Figure 3.5: Accepting instructions (% , self-employed Bar only)



Source: IES/ERL, 2013

3.5.1 Accepting instructions

Across all self-employed barristers, terms are most often accepted using Standard Contractual Terms: Code of Conduct Annex T (60% of all respondents). One in nine (11%) use COMBAR/CLLS (Commercial Bar Association/ City of London Law Society) terms, one in five (20%) use non-enforceable, non-contractual terms and nine per cent use other contractual terms (Figure 3.5). Barristers working as sole practitioners and those with dual roles were more likely to indicate other contractual terms (22% compared with 8% of chambers based barristers). Fewer sole practitioners used COMBAR and standard contractual terms.

There are significant differences by main area of practice in the most frequent way in which instructions are accepted. Table 3.6 summarises this, showing that barristers working in criminal and family practice are most

likely to use Standard Contractual Terms: Code of Conduct Annex T (76% and 79% respectively).

Barristers working in commercial and chancery practice are most likely to use COMBAR/CLLS terms (33%) or non-enforceable/non-contractual terms (27%). More barristers mainly working in other practice areas, including immigration/EU use other contractual terms (19%).

3.5.2 Quality standards

A third of all respondents indicated that their chambers do not hold any official quality mark standards¹⁰ although this is not to say that they do not have their own internal quality

¹⁰ There was an additional approximately seven per cent who left the question blank but answered the neighbouring questions. It is likely that these respondents either do not have quality standards or do not know. The way the questionnaire is framed these are recorded as not having any of the listed quality marks/standards.

Table 3.6: Terms on which instructions are accepted by main area of practice[†] (% , self-employed Bar: 2013)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	All barristers
Standard Contractual Terms	76	52	54	30	79	43	60
COMBAR/CLLS Terms	2	14	12	33	1	13	11
Non enforceable/non-contractual terms	17	22	21	27	14	24	20
Other contractual terms	5	12	13	10	5	19	9
Base N=100%	710	682	258	392	456	46	2,544

[†] A full set of data for each area of practice is provided in Appendix A.

Source: IES/ERL, 2013

monitoring and evaluation tools. Over half (51%) indicated that their chambers holds BarMark, one in four (27%) said they hold Quality Mark for the Bar, nine per cent Investors in People (IiP) and two per cent Lexcel (Figure 3.6). Three per cent mentioned other quality standards. A third of respondents (35%) indicated that their chambers hold more than one quality standard.

There are significant differences between barristers depending upon their main areas of practice as to whether or not their chambers has quality standards and which ones. Commercial and chancery chambers would appear to be least likely to have any of the listed quality marks/standards (67% compared with just 24% of respondents representing criminal and family chambers; Table 3.7).

Six in ten respondents from both criminal and family chambers reported that their chambers hold the BarMark standard, a third (36% in each case) hold the Quality Mark for the Bar.

There is a mixed view among chambers based self-employed barristers as to the value of kite and quality marks. On balance slightly more, 58 per cent, see them as 'not very valuable' (36%) or 'not at all valuable' (22%). Again, views vary by main area of practice with more barristers in commercial and chancery not seeing them as having much value (77% indicating that they are not very or not at all valuable).

Barristers practising in family law were most likely to indicate that they are valuable, 43 per cent indicating that they are fairly valuable and 18 per cent saying they are very valuable. Otherwise there was little difference between areas of practice.

3.5.3 Using accountants

Almost all the self-employed Bar use an accountant (91%). Those who work in both the self-employed and employed Bar are less likely (74%) while 81 per cent of sole practitioners use an accountant. There is little difference by area of practice but some correlation with time since Call. New entrants to the Bar are less likely to use an accountant (13% of those less than 13 years since Call do not use an accountant compared with 6% of those 13 years plus since Call, with little variation within each group).

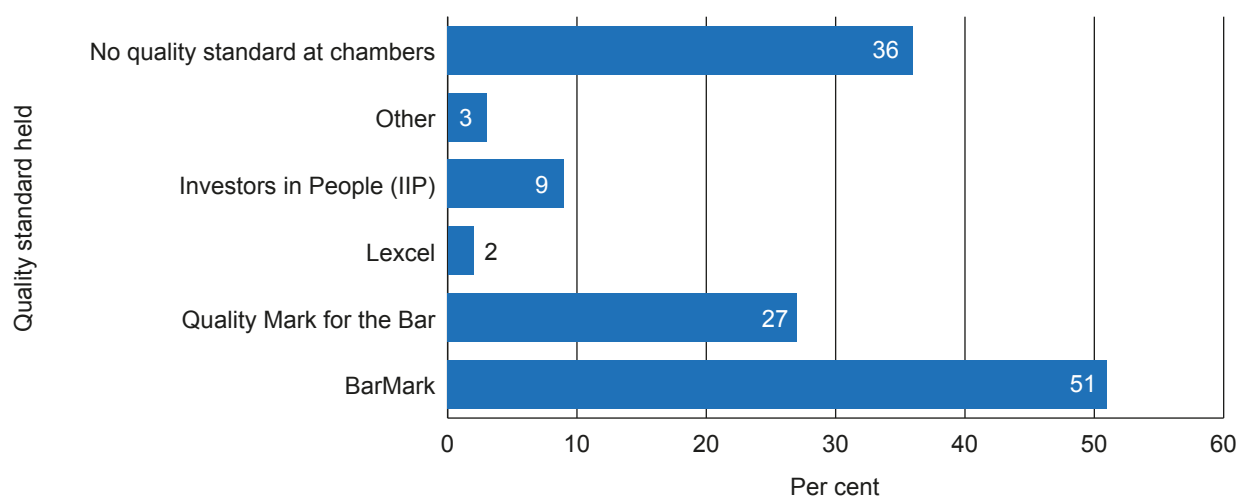
3.6 Key points

Although the overall size of the employed Bar has reduced since 2011, there has been a significant change in the make-up of the employed Bar, exemplified by an increase in the proportion of barristers working for solicitors' firms; up from 13 per cent in 2011 to 22 per cent this year. This year just 56 per cent of barristers working at the employed Bar are working in the public sector. In 2011 the equivalent figure was 66 per cent. At the employed Bar there has been a reduction, particularly among barristers working at the criminal Bar in numbers reporting that they have their practising certificate paid for by their employer.

More of the employed Bar are entitled to exercise full rights of audience than was the case in 2011 (71% compared with 62% in 2011).

Barristers who went to Oxbridge and achieved a first class degree are much more likely to achieve Silk than those who did not.

Figure 3.6: Quality standards held by chambers (% self-employed Bar only: 2013)



Source: IES/ERL, 2013

Table 3.7: Quality marks/standards by main area of practice[†] (% self-employed Bar (chambers only): 2013)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	All SEB (Chambers)
No quality mark/standard at chambers	24	39	34	67	24	76	36
BarMark	62	48	55	23	60	19	51
Quality Mark for the Bar	36	21	31	9	36	8	27
Lexcel	3	3	2	1	3	0	2
Investors in People (IIP)	11	9	8	5	7	5	9
Other	4	6	2	2	2	3	3
<i>Base N=100%</i>	666	581	239	333	427	37	2,283
Value of kite/quality marks							
Very valuable	11	11	9	3	18	3	11
Fairly valuable	33	29	33	20	43	35	32
Not very valuable	34	38	38	44	27	33	36
Not at all valuable	22	22	20	33	12	30	22
<i>Base N=100%</i>	680	607	248	367	443	40	2,385

[†]A full set of data for each area of practice is provided in Appendix A

Source: IES/ERL, 2013

4 Working hours and workload

In this chapter we look at a number of issues around barristers' working lives, including working hours, recent changes to workload, and experience of bullying, harassment or discrimination.

4.1 Full- and part-time working

Respondents were asked to describe their typical working hours as full-time or part-time, based on the following distinction:

- Full-time – you are available to work all day on each working day, or
- Part-time – there are working days where you do not or try not to work as a barrister.

Overall, 13 per cent of respondents report that they work part-time, with part-time working more common at the employed Bar (17%) than at the self-employed Bar (12%). Part-time working appears to have increased since the previous survey, when the proportion of part-time barristers at the employed Bar was 15 per cent (self-employed barristers were not asked about mode of working in 2011).

There is significant variation in part-time working by work area. One in six barristers (16%) in the civil, family, and international/EU/other practice areas work part-time, compared with ten per cent of those in criminal practice and nine per cent of those in commercial and chancery.

Table 4.1: Full- and part-time working by main practice area, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other	All
Full-time (you are available to work all day on each working day)	90	84	88	91	84	84	90
Part-time (there are working days where you do not or try not to work as a barrister)	10	16	12	9	16	16	10
N=	1,006	871	277	473	494	83	3,237

Source: IES/ERL 2013

Table 4.2: Full- and part-time working, 2013 (row per cent)

		Full time	Part time	N=
Section of the Bar	Employed Bar	83	17	542
	Self-employed Bar	88	12	2,630
Gender	Male	92	8	2,028
	Female	79	21	1,200
Childcare responsibility	Children – Main	54	46	299
	Children – Shared	83	17	428
	Children – Other	96	4	647
	No children	91	9	1,621
Adult care responsibility	Yes	83	17	1,381
	No	91	9	1,624
Age	Under 30	98	2	324
	30-39	88	12	812
	40-49	87	13	875
	50-59	87	13	629
	60 plus	74	26	320
Total		87	13	3,237

Source: IES/ERL 2013

Gender, caring responsibilities and age are significant influences on the likelihood of barristers working part-time, both overall and within most practice areas. Table 4.2 shows that around one in five women (21%) work part-time, compared with eight per cent of men, and gender is a significant influence on part-time working in all practice areas excluding international/EU/other. Around one in five (21%) barristers with adult care responsibilities work part-time, compared with 12 per cent of those without such responsibilities, with these differences being significant in the criminal, civil and professional negligence/personal injury practice areas.

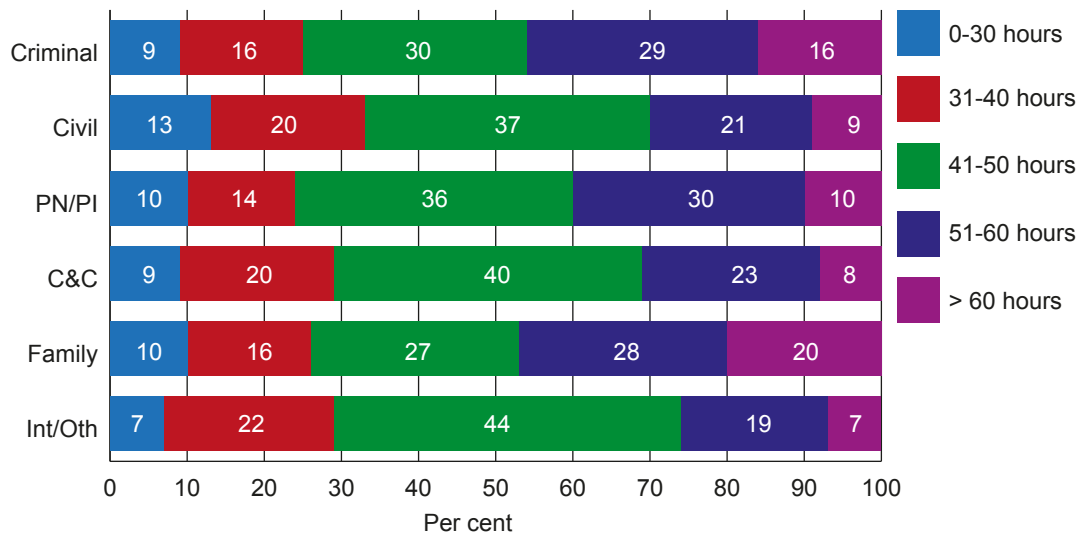
Among barristers who have main responsibility for childcare, 46 per cent work part-time, and among those who share childcare responsibilities, 17 per cent work part-time. However, only four per cent of barristers who do not have responsibility for their children's care work part-time,

below the proportion of those with no children (9%). As with gender, differences in part-time working by childcare responsibilities are significant in all practice areas except international/EU/other.

The interaction between gender and care reinforces the impact on part-time working. Nearly half (49%) of women with main responsibility for childcare work part-time, compared with 23 per cent of men with main responsibility for childcare, and 32 per cent of women with adult care responsibilities work part-time, compared with 14 per cent of men in similar situations.

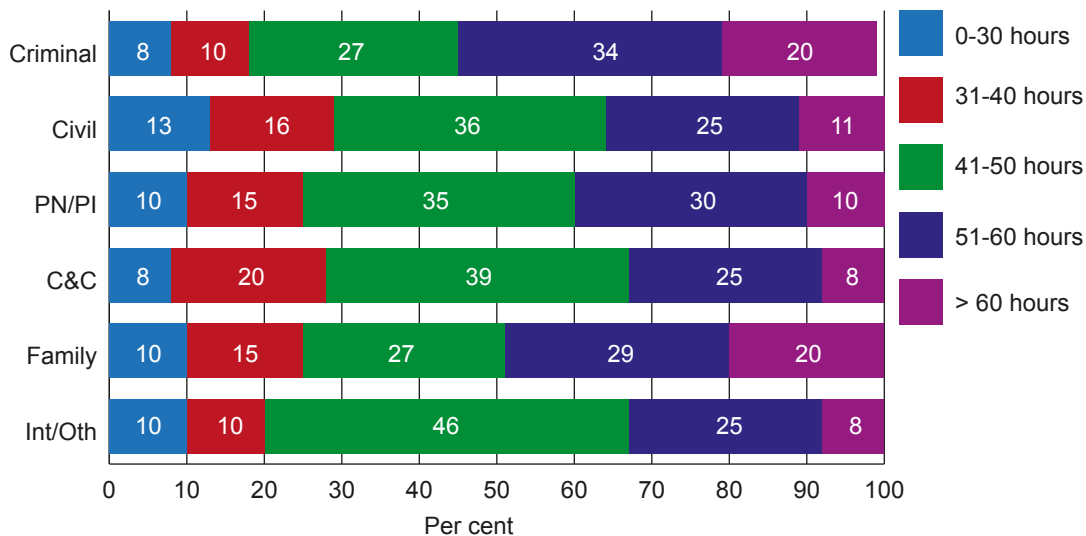
Age is also a significant influence on part-time working. Part-time working increases with age, from only two per cent of those aged under 30, to 26 per cent of those aged 60 and over, and differences by age are significant in the criminal, civil, commercial and chancery, and family practice areas.

Figure 4.1: Distribution of usual working hours by main practice area, whole Bar, 2013 (%)



Source: IES/ERL, 2013

Figure 4.2: Distribution of usual working hours by main practice area, self-employed Bar, 2013 (%)



Source: IES/ERL, 2013

At the employed bar, part-time working is higher in the public sector than in the private sector: 23 per cent of those working for the GLS, 18 per cent of those in the CPS, and 21 per cent of those working elsewhere in the public sector work part-time, compared with 14 per cent of those working for solicitors' firms and eight per cent of those working elsewhere in the private sector.

4.2 Working hours

The average (mean) usual number of hours worked across all barristers is 49 hours per week, while the median is slightly higher at 50 hours. One in ten barristers work 30

hours or fewer, 18 per cent work 31-40 hours, 34 per cent work 41-50 hours, 26 per cent work 51-60 hours, and 13 per cent work more than 60 hours per week.

Figure 4.1 shows the distribution of usual working hours by main practice area, and shows that respondents in criminal and family practice are most likely to work more than 60 hours per week, while those in civil practice are most likely to work 30 hours or fewer per week. Figure 4.2 shows the distribution for self-employed barristers only, and shows similar patterns of long working hours being most common in criminal and family practice, and shorter working hours most common in civil practice.

The mean hours figure for barristers working part-time is 32 per week (median 30) while the mean hours figure for full-time barristers is 52 (median 50). However, there are instances of full-time barristers working relatively short hours (4% of full-time barristers report that their usual weekly hours are 30 or less), and of part-time barristers working relatively long hours (5% of part-time barristers report usual hours of more than 50 per week). This is likely to be a result of the definition of the distinction between full- and part-time working used in the questionnaire, where part-time working is based on not working or trying to work as a barrister every day of week, so working a few hours every day could be considered full-time, and very long hours for four days could be considered part-time.

Self-employed barristers work longer hours than their employed counterparts, with mean weekly hours of 51 at the self-employed Bar compared with 43 at the employed bar, and median figures of 50 and 42 respectively (Table 4.3). The longer hours of self-employed barristers are not just a result of employed barristers being more likely to work part-time, as within the full-time and part-time categories self-employed barristers have longer average working hours than employed barristers; among full-timers, self-employed barristers work 53 hours per week compared with 45 hours for employed barristers, and among part-time workers self-employed barristers work 33 hours per week compared with 29 hours for employed barristers.

Average weekly working hours are longest in family practice (52) followed by criminal (51) and professional negligence/personal injury (50), and lowest in civil practice (47). Figure 4.3 shows the variation in working hours by section of the Bar within the different practice areas, for full-time barristers. In all practice areas self-employed barristers have longer working hours than employed barristers, and the differences are greatest in family practice, where self-employed barristers work 55 hours per week on average compared with 41 hours for employed barristers, and criminal practice, where self-employed barristers also work an average of 55 hours per week while employed barristers work 46 hours on average. The difference in working hours between employed and self-employed barristers is lowest in professional negligence and personal injury practice, followed by commercial and chancery.

There is little variation in working hours between men and women within the full-time and part-time categories, although the higher proportion of women working part-time results in their mean hours of 47 per week being lower than the figure for men of 50 hours per week.

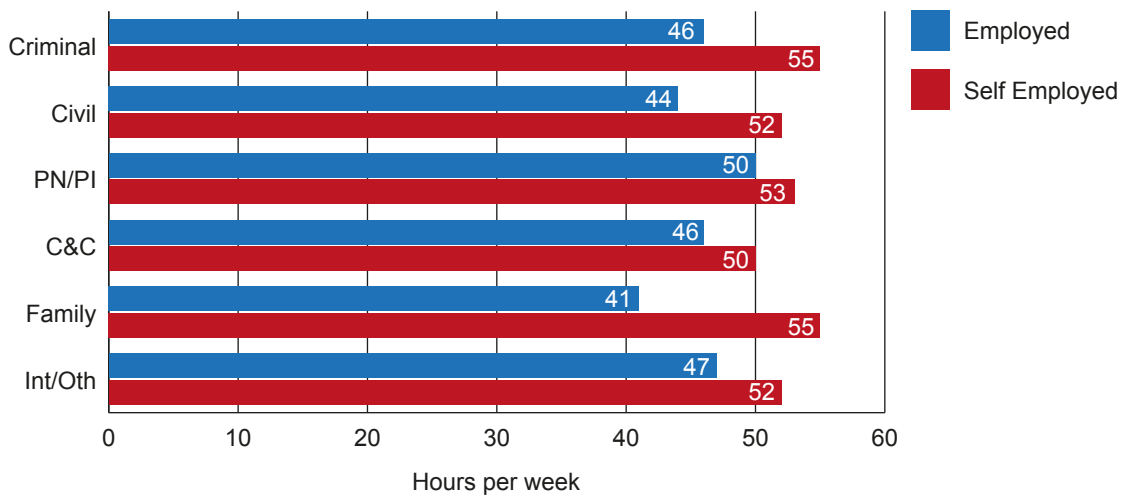
Childcare responsibilities have an impact on average working hours. Barristers who have main responsibility for childcare have the lowest usual working hours, 42 per week, while those with children who do not have responsibility for their care have the highest, 53 per week.

Table 4.3: Mean usual weekly working hours, 2013

		Full-time	Part-time	All
Section of the Bar	Employed Bar	45	29	43
	Self-employed Bar	53	33	51
Area	Criminal	53	31	51
	Civil	50	30	47
	Personal negligence/personal injury	53	33	50
	Commercial and Chancery	49	30	48
	Family	54	37	52
	International/other	50	29	47
Gender	Male	52	32	50
	Female	51	32	47
Childcare responsibility	Children – Main	51	31	42
	Children – Shared	51	36	49
	Children – Other	54	35	53
	No children	51	30	49
Adult care responsibility	Yes	53	34	49
	No	52	32	49
Total		52	32	49

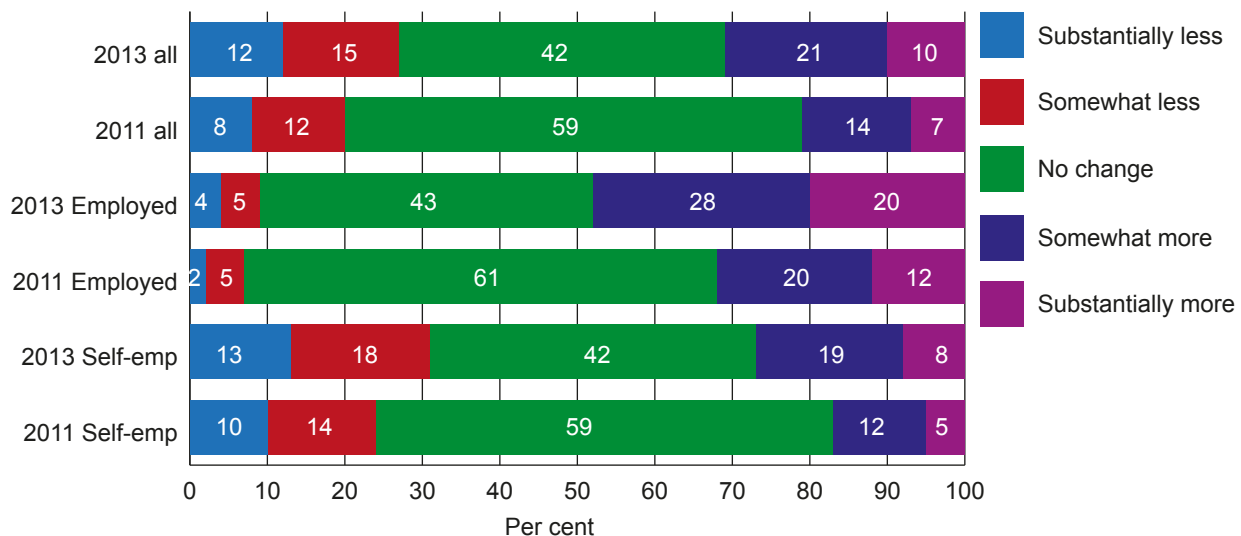
Source: IES/ERL 2013

Figure 4.3: Mean usual hours by main practice area and section of the Bar, full-time barristers, 2013 (%)



Source: IES/ERL, 2013

Figure 4.4: Change in workload over the past two years, by section of the Bar, 2011 and 2013 (%)



Source: IES/ERL, 2013

4.3 Workload changes

Two questions in the survey explored changes in workload. First, respondents were asked whether or not their workload had changed over the past two years, and if they responded positively a supplementary question asked whether their workload had increased or decreased. The time period has changed slightly since the previous survey, when respondents were asked if their workload had changed much over the last year.

Overall, 58 per cent of barristers said that their workload had changed over past two years. There is virtually no variation between the two sections of the Bar as 57 per cent of employed barristers and 58 per cent of self-employed barristers said their workload had changed.

These proportions are substantially higher than those from the 2011 survey, when 41 per cent of barristers reported that their workload had changed, although there was also little difference between the two sections of the Bar in the previous survey.

In terms of how workloads had changed, there are marginally more barristers reporting an increase than reporting a decrease. As a proportion of all barristers, 12 per cent say their workload was substantially less than previously, 15 per cent say it was somewhat less, 21 per cent say it was somewhat more, and ten per cent say it was substantially more than previously (Figure 4.4). In 2011, roughly equal proportions of barristers reported increases (20%) and decreases (21%) in workload.

Employed barristers are much more likely to report increasing workloads than are self-employed barristers. Nearly half (48%) of all employed barristers report that their workload is more than previously, and nine per cent say their workload is less, while just over a quarter (27%) of self-employed barristers say their workload is more than before, and 31 per cent say it is less.

There is substantial variation in both the proportions seeing changing workload, and the direction of change, by work area, as shown in Figure 4.5. Seven out of ten barristers in criminal practice say that their workload has changed (38% increase, 32% decrease), and 62% of barristers in family practice report a changing workload (29% increase, 32% decrease). Fewer barristers working in international/other practice areas, 50 per cent, report a change in workload, but the vast majority of these report that workloads have increased.

The workload patterns by section of the Bar, of employed barristers being more likely to have experienced increased workloads than self-employed barristers, are evident within each of the main practice areas, as shown in Table 4.4, although in the professional negligence/personal injury and family practice areas there are few employed barristers

and so the results for these work areas need to be treated with a degree of caution. In criminal practice, 57 per cent of employed barristers report that their workload has increased, compared with 32 per cent of self-employed barristers, while in commercial and chancery 41 per cent of employed barristers report increased workloads, compared with 21 per cent of self-employed barristers, and in civil practice 40 per cent of employed barristers report increased workloads compared with 24 per cent of self-employed barristers.

At the employed Bar, increasing workloads are most commonly reported by CPS barristers (66%), and least commonly reported by those working in solicitors' practices (37%), and those in solicitors' practices are most likely to report decreasing workloads (19%).

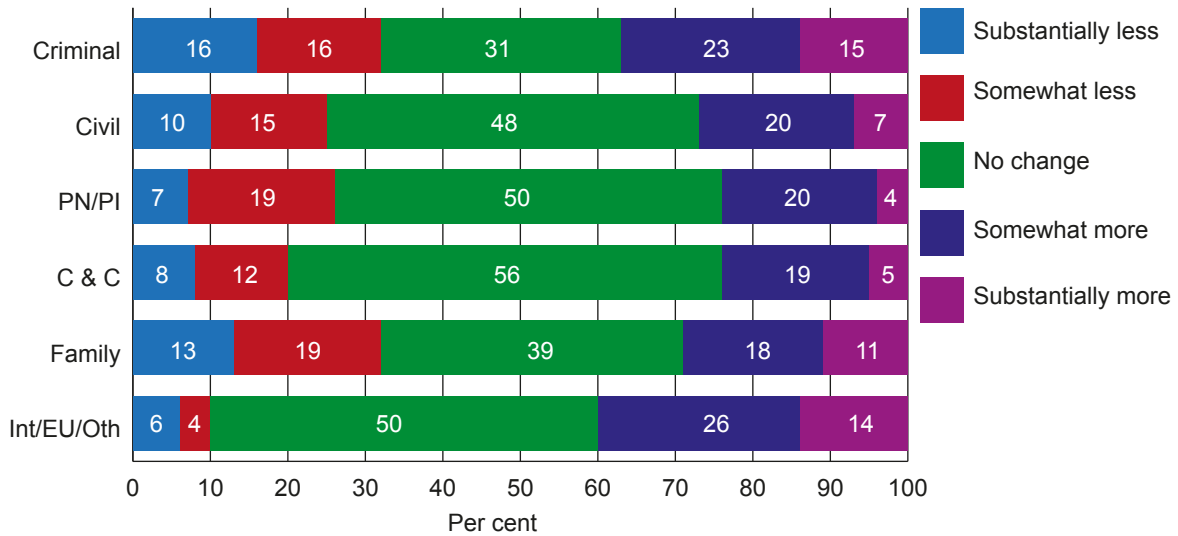
There is a correlation between workload change and time since Call, with the proportion of respondents reporting decreased workload increasing with time since Call (Figure 4.6). However there are stark differences between the two sections of the Bar, with workloads increasing on average with time since Call at the employed Bar (Figure 4.7), and decreasing strongly with time since Call at the self-employed Bar (Figure 4.8).

Table 4.4: Change in workload over the past two years, by work area and section of the Bar, 2013 (row per cent)

		Substantially less	Somewhat less	No change	Somewhat more	Substantially more	N=
Criminal	Employed	4	7	33	30	27	223
	Self-emp.	20	18	30	21	11	678
Civil	Employed	4	4	52	27	13	161
	Self-emp.	11	17	47	19	5	632
Personal negligence/ personal injury	Employed	0	0	50	30	20	10
	Self-emp.	7	20	49	20	4	243
Commercial and Chancery	Employed	4	3	51	24	17	70
	Self-emp.	9	14	57	18	3	361
Family	Employed	0	0	39	31	31	13
	Self-emp.	13	20	39	17	10	441
International/other	Employed	3	3	47	30	17	30
	Self-emp.	9	4	51	23	13	47

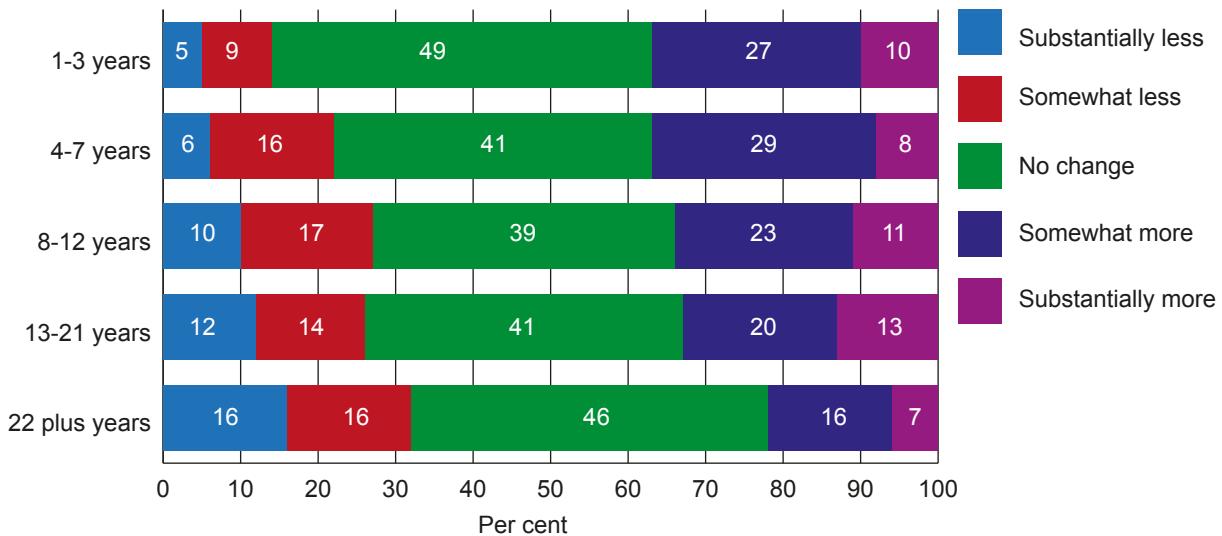
Source: IES/ERL 2013

Figure 4.5: Change in workload over the past two years, by work area, 2013 (%)



Source: IES/ERL, 2013

Figure 4.6: Change in workload over the past two years, by time since Call, whole Bar, 2013 (%)



Source: IES/ERL, 2013

4.4 Bullying, harassment and discrimination

This section explores the prevalence and nature of reports of bullying, harassment and discrimination in the workplace, and who was responsible for such behaviour.

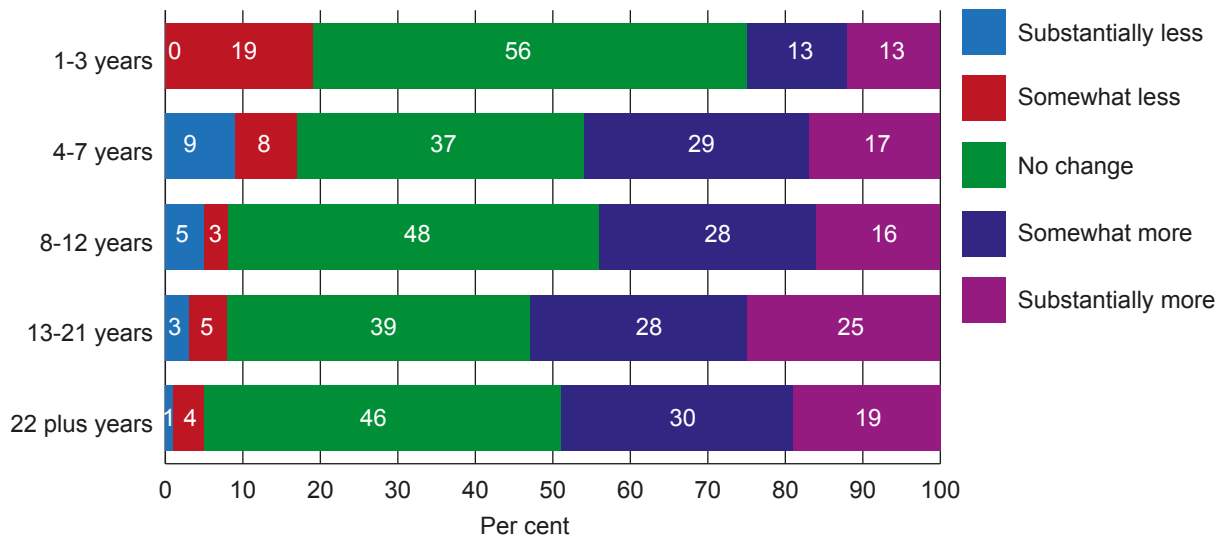
Respondents were not given a definition of what behaviour would constitute bullying or harassment, or discrimination, and therefore the results are based on respondents' perceptions of bullying, harassment and discrimination rather than behaviour which conform to an agreed definition. It should be borne in mind that different groups of respondents might have different

perceptions of behaviour, and what might be viewed as bullying, harassment or discrimination by one respondent might not necessarily be viewed in the same way by other respondents.

4.4.1 Prevalence of bullying, harassment or discrimination

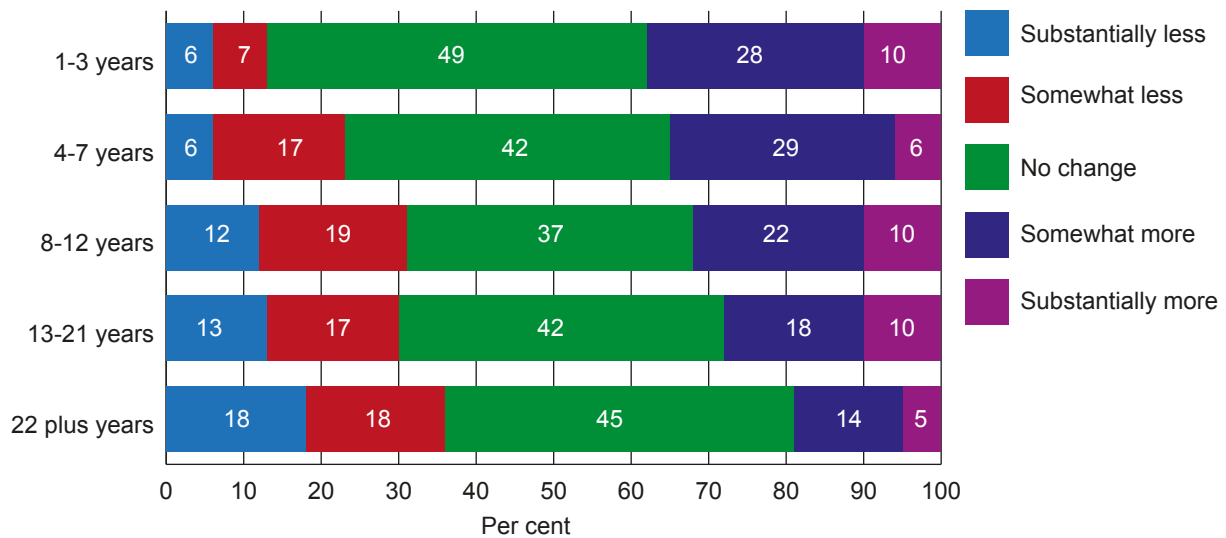
Overall, nine per cent of barristers report that they had personally experienced bullying or harassment at work in the two years prior to the survey, and the same proportion say that they had experienced discrimination. A slightly higher proportion report that they had observed bullying or harassment (11%) and nine per cent say that they had observed discrimination in their workplace.

Figure 4.7: Change in workload over the past two years, by time since Call, employed Bar, 2013 (%)



Source: IES/ERL, 2013

Figure 4.8: Change in workload over the past two years, by time since Call, self-employed Bar, 2013 (%)



Source: IES/ERL, 2013

Barristers' reports of personal experiences of bullying, harassment or discrimination appear to have increased since the 2011 survey, when 13 per cent of employed barristers and six per cent of self-employed barristers reported that they had experienced bullying or harassment, and 11 per cent of employed barristers and six per cent of self-employed barristers reported that they had experienced discrimination (Table 4.5). However, the proportions saying that they had observed bullying, harassment or discrimination are similar between the two surveys.

As was the case in 2011, reports of bullying, harassment and discrimination are more prevalent at the employed Bar than at the self-employed Bar. Table 4.5 shows that

more than twice as many employed barristers report that they had either experienced or observed bullying or harassment, compared with self-employed barristers, and reports of experience and observations of discrimination are also more common at the employed Bar (12% reporting experience of discrimination and 15% reporting observations of discrimination, whereas the corresponding figures for self-employed barristers are both 8%).

There is significant variation between practice areas in reports of bullying, harassment and discrimination, as shown in Table 4.6. Reports of personal experience of bullying or harassment at work were most common in the international/EU/other practice area (12%), followed by criminal practice (11%) and family practice (11%), and were least common in

Table 4.5: Reports of bullying, harassment and discrimination in the workplace by section of the Bar, 2013 & 2011 (%)

	Employed Bar		Self-employed Bar	
	2013	2011	2013	2011
Personally experienced bullying/harassment	18	13	7	6
Observed bullying/harassment	21	22	9	9
Personally experienced discrimination	12	11	8	6
Observed discrimination	15	14	8	7

Source: IES/ERL 2013 and 2011

Table 4.6: Reports of bullying, harassment and discrimination in the workplace by main practice area, 2013 (%)

	Personally experienced bullying/harassment	Observed bullying/harassment	Personally experience discrimination	Observed discrimination
Criminal	11	12	11	10
Civil	9	13	10	11
Personal negligence/ personal injury	3	6	4	5
Commercial and Chancery	5	8	4	7
Family	11	11	8	7
International/other	12	13	9	6

Source: IES/ERL 2013

the professional negligence/ personal injury practice area (3%). Reports of personal experience of discrimination were also least common in professional negligence/personal injury (4%) and also commercial and chancery (4%), and were most common in the criminal (11%), civil (10%) and international/EU/other practice areas.

To aid the analysis and presentation of the results, a combined variable was created with three categories of:

1. Personal experience of bullying/harassment and/or discrimination (regardless of whether the respondent had also observed such behaviour or not).
2. Observed bullying/harassment and/or discrimination (without any personal experience).
3. Neither personal experience nor observations of bullying/harassment and/or discrimination.

Overall, 13 per cent of barristers report that they had personally experienced bullying/harassment and/or discrimination at work, and a further seven per cent report that they had observed it, while four out of five barristers (80%) have neither seen nor experienced bullying, harassment or discrimination. The differences between the sections of the Bar are equally stark using the combined variable: 22 per cent of employed barristers report that they had personal experience, compared with 12 per cent

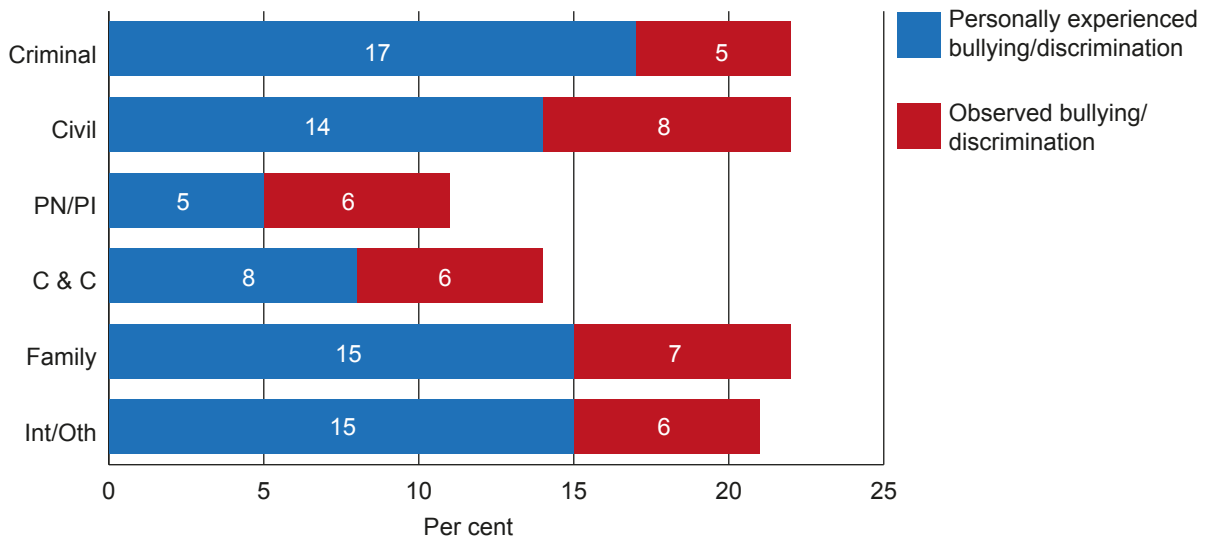
of self-employed barristers, and 11 per cent of employed barristers report that they had observed it compared with six per cent of self-employed barristers.

Personal experience of bullying, harassment or discrimination is most commonly reported by barristers in criminal practice (17%), and is least commonly reported in professional negligence/ personal injury (5%). See Figure 4.9).

The differences in reports of bullying, harassment and discrimination by section of the Bar are significant within the three practice areas for which there are substantial numbers of employed respondents, as shown in Figure 4.10. Employed barristers in criminal practice are more likely than any other group to report personal experience of bullying/harassment or discrimination (29%), followed by employees in civil practice (19%). Among self-employed barristers, reports of personal experience are most common in family practice (15%), followed by criminal practice (13%).

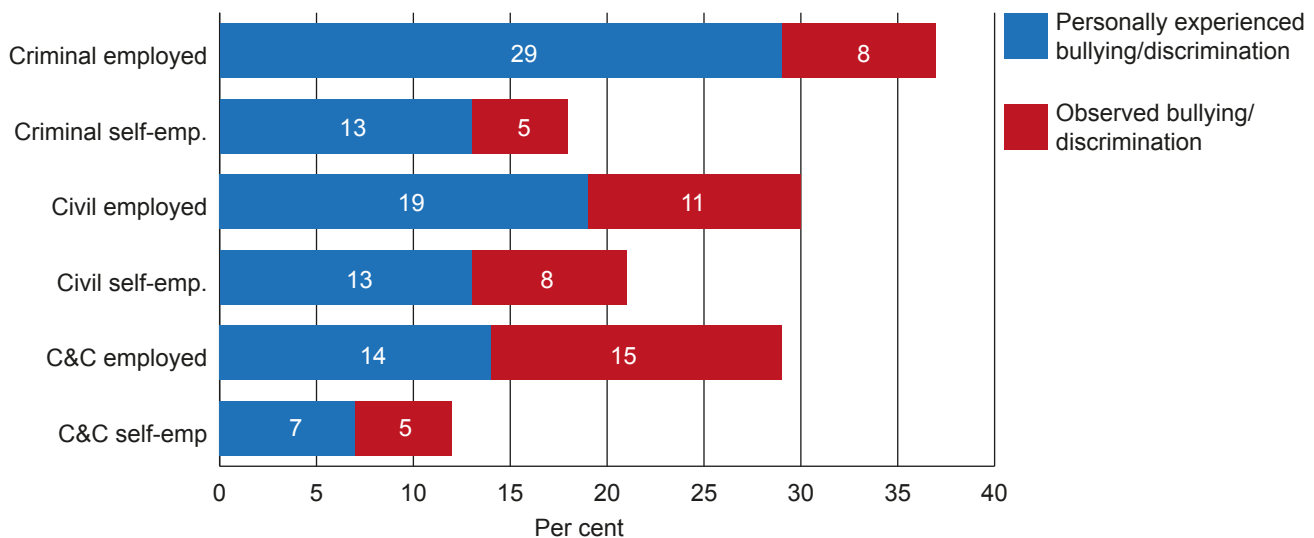
There are statistically significant differences in reports of personal experience of bullying, harassment or discrimination by gender, ethnicity, disability and childcare responsibility across the whole sample and within most areas of practice. There are also significant differences in the sample as a whole by adult caring responsibility and sexual orientation, and significant differences at the self-employed Bar by religion and educational background.

Figure 4.9: Experience of bullying, harassment or discrimination by practice area, 2013 (%)



Source: IES/ERL, 2013

Figure 4.10: Experience of bullying, harassment or discrimination, by practice area and section of the Bar, 2013 (%)



Source: IES/ERL, 2013

These analyses indicate associations between these characteristics and reports of bullying and harassment that are unlikely to be due to chance alone, but do not indicate causality.

Female barristers are significantly more likely than their male colleagues to report having experienced bullying, harassment or discrimination, both overall and within each practice area. Across all respondents, 22 per cent of women report personal experiences compared with nine per cent for men, although there was rather less variation in reports of observations of bullying, harassment or discrimination (8% for women and 6% for men; Figure 4.11). Around a quarter of female barristers in the

criminal, civil and international/EU/other practice areas report personal experiences of bullying, harassment or discrimination. Gender differences are much stronger at the self-employed Bar, where 21 per cent of women report personal experiences compared with seven per cent of men; at the employed Bar the corresponding figures are 24 per cent and 21 per cent respectively.

One in four BME barristers (25%) report personal experiences of bullying, harassment or discrimination, compared with 12 per cent of white barristers (Figure 4.11), and differences by ethnicity are statistically significant within the criminal, civil, professional negligence/personal injury and family practice areas. As with gender,

differences are more marked at the self-employed bar, where 23 per cent of BME barristers report personal experiences compared with ten per cent of white barristers, but the difference at the employed Bar is still stark (31% of BME barristers report personal experiences compared with 21% of white barristers).

Barristers with a disability are more than twice as likely to report personal experiences of bullying, harassment or discrimination as are non-disabled barristers (28% compared with 13%, Figure 4.11). Differences by disability are statistically significant in the criminal and civil practice areas, where more than one in three disabled respondents report personal experiences, and also in the commercial and chancery practice area where more than one in four report personal experiences. Over half (55%) of disabled barristers at the employed Bar report that they had personally experienced bullying, harassment or discrimination, compared with 21 per cent of non-disabled barristers (at the self-employed Bar the figures are 23% and 11% respectively).

There is substantial and significant variation in reports of bullying, harassment or discrimination by childcare responsibility, with 26 per cent of those with main responsibility for children having personal experience, compared with 14 per cent of those with no children, 11 per cent of those with shared responsibility, and eight per cent of those who do not have responsibility for childcare. Differences by childcare responsibility are statistically significant in the criminal, civil, commercial and chancery, and family practice areas.

Barristers with caring responsibility for an adult dependant are significantly more likely than those without to report

personal experience (22% compared with 13%) and this difference is even more marked at the self-employed Bar (21% compared with 11%). The differences by adult caring responsibility are statistically significant in criminal and family practice, where a quarter of barristers report some personal experience of bullying, harassment or discrimination.

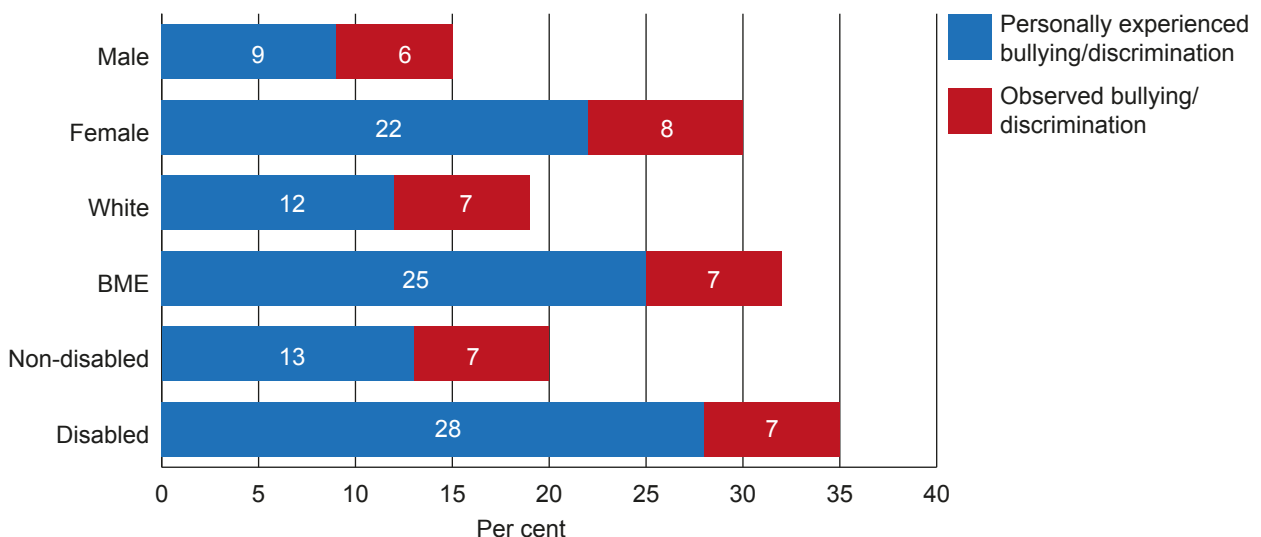
Sexual orientation is significantly associated with reports of experience of bullying, harassment or discrimination. Nearly one in five (18%) gay, lesbian or bisexual barristers report that they had personal experience of bullying or discrimination at work, compared with 13 per cent of straight barristers. The difference is also significant within the criminal practice work area.

In terms of variation by religion, non-Christian self-employed barristers are significantly more likely to report personal experience than are Christians or those with no religion/belief (17% compared with 11% for both Christians and non-religious barristers), although this may be a reflection of differences by ethnicity as 38 per cent of BME barristers state they have non-Christian religions or beliefs.

Barristers aged 60 and over, and those with 22 or more years since Call, are less likely to report personal experiences of bullying, harassment or disability than are younger or more junior barristers, although there are no clear patterns among those aged under 60, or those in their first 21 years since Call.

Educational background is significantly associated with reports of personal experience of bullying, harassment or discrimination at the self-employed Bar: nine per cent of self-employed barristers who went to a fee-paying school report personal experience, compared with 14 per cent

Figure 4.11: Experience of bullying, harassment or discrimination by gender, ethnicity and disability, 2013 (%)



Source: IES/ERL, 2013

of state-educated self-employed barristers; and seven per cent of Oxbridge-educated barristers report personal experience compared with 13 per cent of those who went to a 1994/Russell group university, and 16 per cent of those who went to other universities. The differences by university are statistically significant within civil practice at the self-employed Bar.

There were major differences by employer at the employed Bar, with more than a third (35%) of barristers in the CPS reporting personal experience, compared with 21 per cent of those in solicitors' offices, 19 per cent of those in other private sector employers, 17 per cent of those in other public sector employers, and 13 per cent of those in the GLS.

At the self-employed Bar, QC status is significantly associated with reports of personal experience of bullying, harassment or discrimination, with four per cent of QCs reporting personal experiences compared with 12 per cent of unsuccessful applicants and 13 per cent of those who have never applied. Differences by QC status are statistically significant within the criminal and civil practice areas.

A number of multi-variate analyses were run using the combined bullying/ harassment/ discrimination variable, and the individual bullying/harassment and discrimination variables, on the whole Bar, and separately for the employed and self-employed sections. The results show that, when controlling for other demographic and employment characteristics, gender, ethnicity, disability and sexual orientation are all significantly correlated with reports experiences of bullying, harassment and discrimination, as are childcare responsibilities (those with main responsibility more likely to have personal experience, and those without childcare responsibilities less likely), university (Oxbridge barristers less likely than

other to have personal experience), section of the Bar (higher likelihood at the employed Bar) and main work area (those in civil and professional negligence/personal injury are less likely to report personal experience than those in criminal).

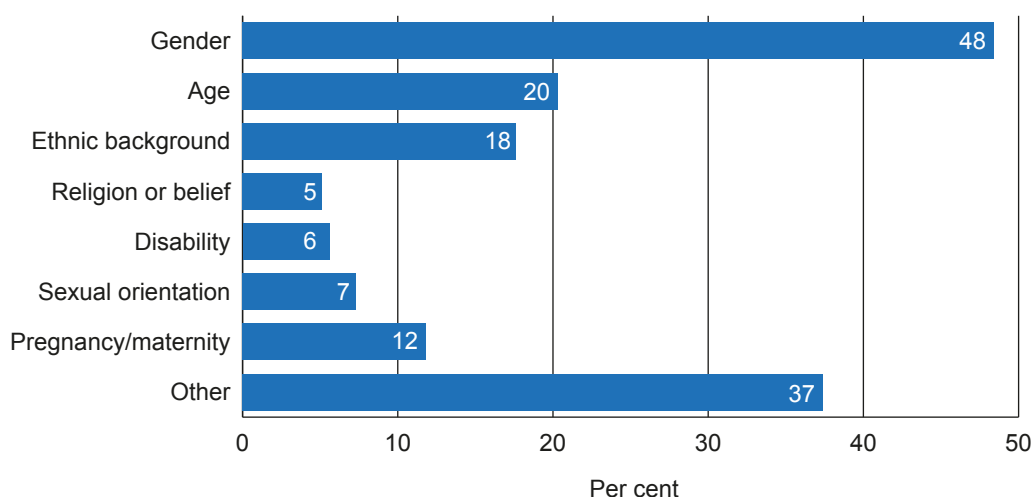
Looking at the employed Bar only, disability is the variable most correlated with personal experiences of bullying, harassment or discrimination, while ethnicity is significantly correlated with experiences of discrimination, and university (Oxbridge versus others) is significantly correlated with experiences of bullying and harassment. At the self-employed Bar, gender and childcare responsibilities are the most significant variables, controlling for all other factors.

4.4.2 Type of bullying, harassment or discrimination

Respondents who reported that they had experienced or observed bullying, harassment or discrimination were asked about its nature, in terms of whether it was linked to areas covered by equality and diversity legislation – gender, age, ethnic background, religion or belief, disability, sexual orientation, and pregnancy/maternity – or was some other form of discrimination or bullying/harassment.

Figure 4.12 shows that in nearly half (48%) of all cases, respondents reported that they were treated less favourably because of their gender, while in 20 per cent of cases it was linked to age, in 18 per cent of cases it was linked to ethnic background, in 12 per cent of cases it was linked to pregnancy/maternity, and in 37 per cent of cases it was another form of bullying/ harassment or discrimination outside those covered by equality and diversity legislation (eg working patterns, social class, favouritism, or general bullying, intimidation or discrimination).

Figure 4.12: Type of bullying, harassment or discrimination, 2013 (%)



Reports of discrimination tend to be around gender, ethnicity, age and pregnancy/maternity, while reports of bullying and harassment tend to be around the areas outside equality and diversity legislation, such as working patterns, social class and favouritism, although gender and age were also commonly mentioned.

As might be expected, respondents in the different protected groups commonly report that the type of bullying, harassment or discrimination reported is linked to that protected characteristic. Thus nearly two thirds (62%) of women report that bullying, harassment or discrimination was related to gender, compared with 31 per cent of men. Furthermore, 18 per cent of women report that bullying/harassment/discrimination was related to pregnancy/maternity, compared with four per cent of men. Similarly over half (51%) of BME barristers report that bullying, harassment or discrimination was related to ethnic background, compared with ten per cent of white barristers. With regard to the other protected characteristics: nearly half (44%) of disabled barristers report that bullying, harassment or discrimination was related to disability, compared with three per cent of non-disabled barristers; around one third (32%) of barristers aged 60 and over report that bullying, harassment or discrimination was related to age; and more than one third (38%) of gay, lesbian or bisexual barristers report that bullying, harassment or discrimination was related to sexual orientation, compared with four per cent of straight barristers.

Among employed barristers, some other type of bullying or discrimination outside of equality and diversity legislation was the most commonly reported type of behaviour experienced (45%), closely followed by gender (42%), while among the self-employed bar gender was most commonly reported (52%, with 34% reporting some other type of bullying or discrimination outside of equality and diversity legislation). The proportions reporting the other types of bullying, harassment or discrimination – age, ethnicity, religion, disability, sexual orientation and pregnancy/maternity – showed little variation between employed and self-employed barristers.

4.4.3 Person responsible for bullying, harassment or discrimination

Respondents who reported that they had experienced or observed bullying, harassment or discrimination were asked who was responsible for the discrimination or bullying/harassment, and were presented with the following options:

1. Another barrister in chambers/colleague
2. A clerk or practice manager
3. Professional client/lay client
4. Head of Chambers/Management Committee/Manager
5. Other (please specify)

The most common response was that a colleague or another barrister in chambers was responsible, mentioned by 45 per cent of barristers who report experiencing or observing bullying, harassment or discrimination, followed by Manager/Head of Chambers (29%), clerk/practice manager (26%) and professional or lay client (12%); 17 per cent of respondents report that someone else outside these roles was responsible, most commonly judges.

Barristers who report that they had experienced discrimination are more likely than those who report experiences of bullying or harassment to report that a clerk or practice manager, or a professional or lay client was responsible (Figure 4.13).

There are differences in responses between the two sections of the Bar, reflecting their organisational structures, as shown in Figure 4.14. Well over half (57%) of employed barristers report that a manager/management committee/head of chambers was responsible for bullying, harassment or discrimination, compared with 18 per cent of self-employed barristers, while 52 per cent of self-employed barristers mention another barrister in chambers, and 35 per cent of self-employed barristers mention a clerk or practice manager (among employed barristers these were mentioned by 29% and 4% respectively).

There is little variation by gender in who was responsible, although BME barristers are more likely than white barristers to mention clerks/practice managers, or Heads of Chambers/Managers.

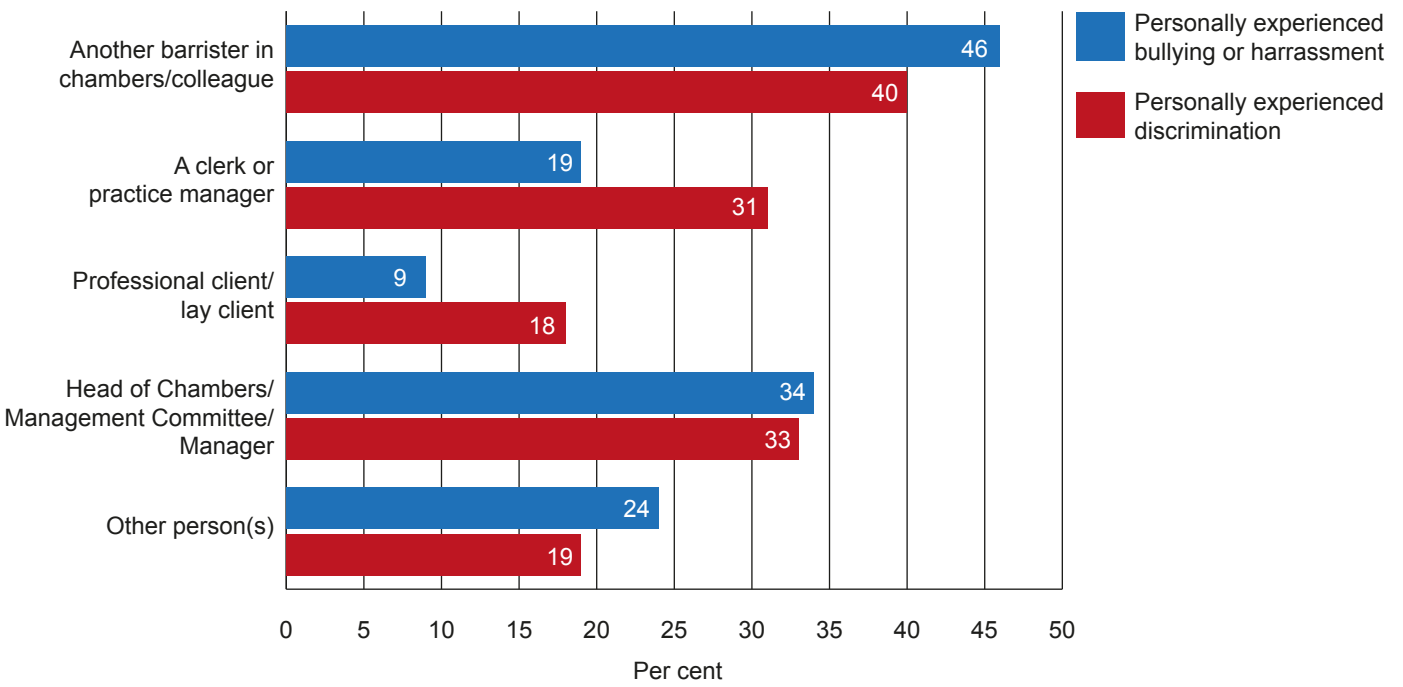
The proportion of barristers mentioning ‘another barrister in chambers/colleague’ decreases with age, from 65 per cent of those under 30, to 33 per cent of those aged 60 and over, while the proportion reporting Head of Chambers/Manager increases with age up until 60, from 20 per cent of those aged under 30, to 36 per cent of those aged 50 to 59, before falling back to 20 per cent among barristers aged 60 and over.

4.5 Key Points

The majority of barristers work full-time, and long hours, with half of all barristers working 50 or more hours per week. Self-employed barristers generally work longer hours than their employed counterparts, and the proportions of barristers working long hours are highest in criminal and family practice.

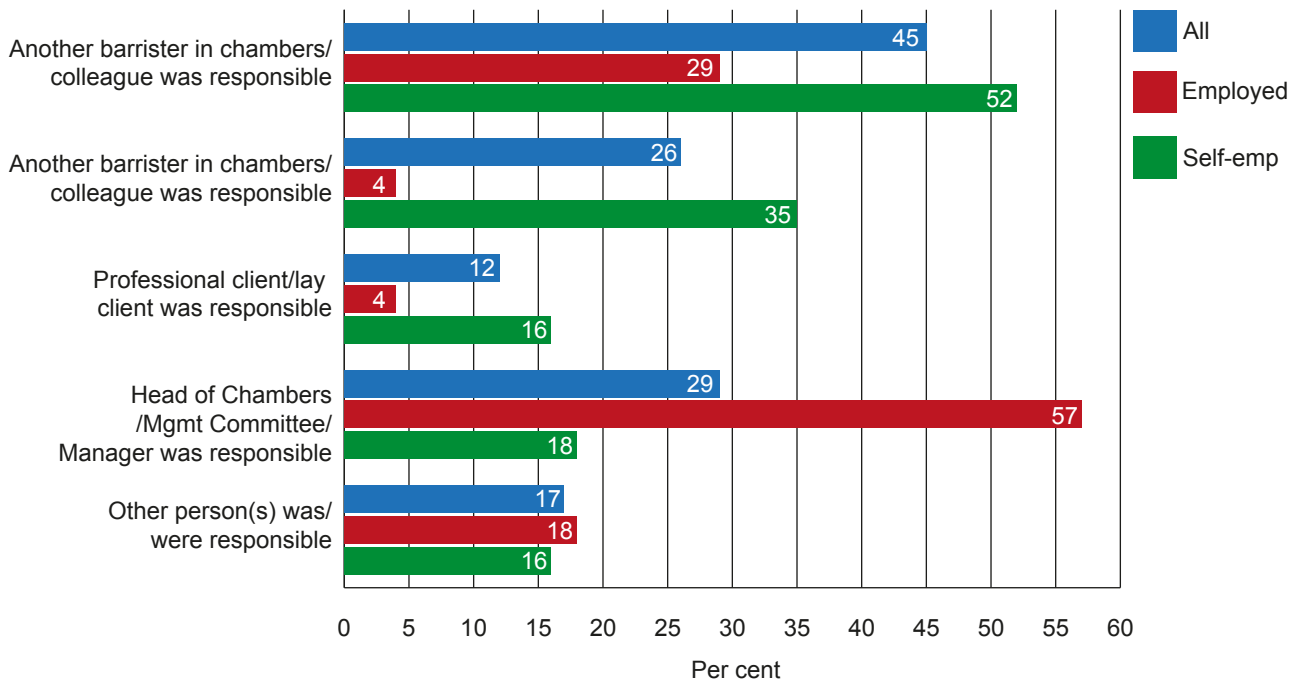
Just under one third (31%) of barristers report that their workload had increased over the past two years, while 42 per cent experienced no change in workload, and 27 per cent report that it had decreased. This is different to the picture in 2011 when six out of ten barristers reported no change in workload, and the proportions reporting increases and decreases were similar, at around 20 per cent.

Figure 4.13: Person responsible for bullying, harassment or discrimination, by type of negative behaviour, 2013 (%)



Source: IES/ERL, 2013

Figure 4.14: Person responsible for bullying, harassment or discrimination, by section of the Bar, 2013 (%)



Source: IES/ERL, 2013

Only one in ten employed barristers report decreased workloads, and nearly half report increased workloads, whereas among self-employed barristers nearly one third (31%) report decreased workloads and just over a quarter (27%) report increased workloads. Decreased workloads are most commonly reported among criminal and family barristers, while increased workloads are most commonly reported among barristers in the international/EU/other, and criminal practice areas.

Reports of bullying, harassment and discrimination are more prevalent than they were in the 2011 survey. Among employed barristers, 18 per cent report personal experience of bullying or harassment (13% in 2011), and 12 per cent report personal experience of discrimination (11% in 2011). Self-employed barristers are less likely to report such behaviour, but the proportions have increased since 2011, with seven per cent reporting experience of bullying or harassment (up from 6% in 2011), and eight per cent reporting discrimination (again up from 6% in 2011).

Barristers in criminal practice are most likely report experiences of bullying, harassment or discrimination (17%), while those in professional negligence/personal injury are least likely (5%), and within criminal practice 29 per cent of employed barristers report personal experiences compared with 13 per cent of self-employed barristers.

Women (22%), BME barristers (25%), and those with a disability (28%) are significantly more likely than others to report personal experiences of bullying, harassment or discrimination. There are also significant differences by caring responsibility, sexual orientation, religion, educational background, and at the employed Bar, by type of employer, with those in the CPS most likely to report personal experiences.

Nearly half (48%) of all barristers who report a personal experience of bullying, harassment or discrimination report that they were treated less favourably because of their gender. At the employed bar, 57 per cent of barristers report that their Head of Chamber/Management Committee/Manager was responsible for bullying, harassment or discrimination, while at the self-employed bar, 52 per cent report that another barrister in chambers or a colleague was responsible.

5 Earnings

In this chapter, we look at recent changes in earnings over the past two years, as well as sources of fees for the self-employed Bar, and *Pro bono* and charity work undertaken in the last year.

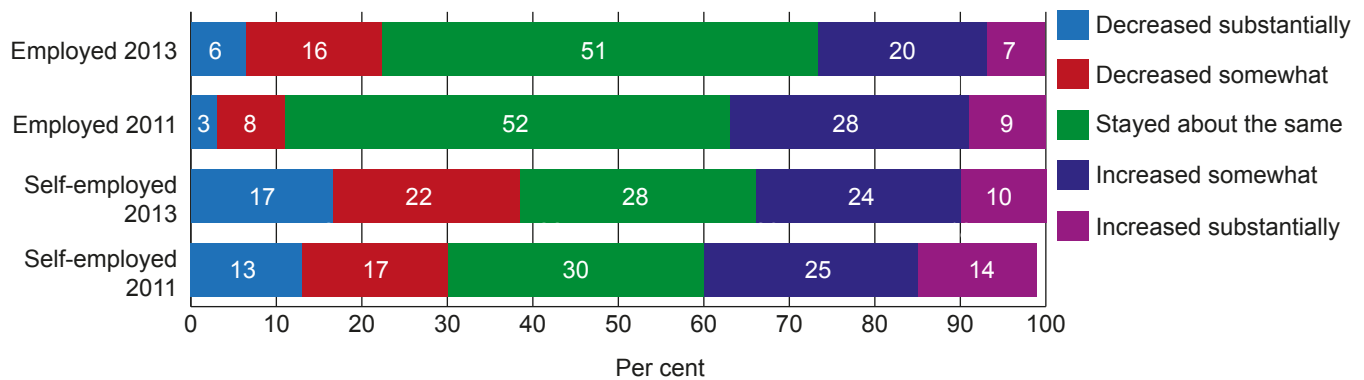
5.1 Earnings change in last two years

Respondents were asked about any changes in income or earnings in the last two years. Just under one third (32%) report that their income/earnings has stayed the same, 23 per cent say that it has increased somewhat, and ten per cent say that it has increased a lot, while 21 per cent report that it has decreased somewhat, and 15 per cent say that it has decreased a lot.

The income picture has deteriorated somewhat since the 2011 survey (Figure 5.1). At the employed Bar, 27 per cent of barristers say their income has increased in the last two years, whereas in 2011, 37 per cent said their income had increased, and 22 per cent say their income has decreased compared with 11 per cent reporting decreased income in 2011. There is a similar picture at the self-employed Bar, where 34 per cent (39% in 2011) say their income has increased, and 39 per cent (30% in 2011) say their income has decreased.

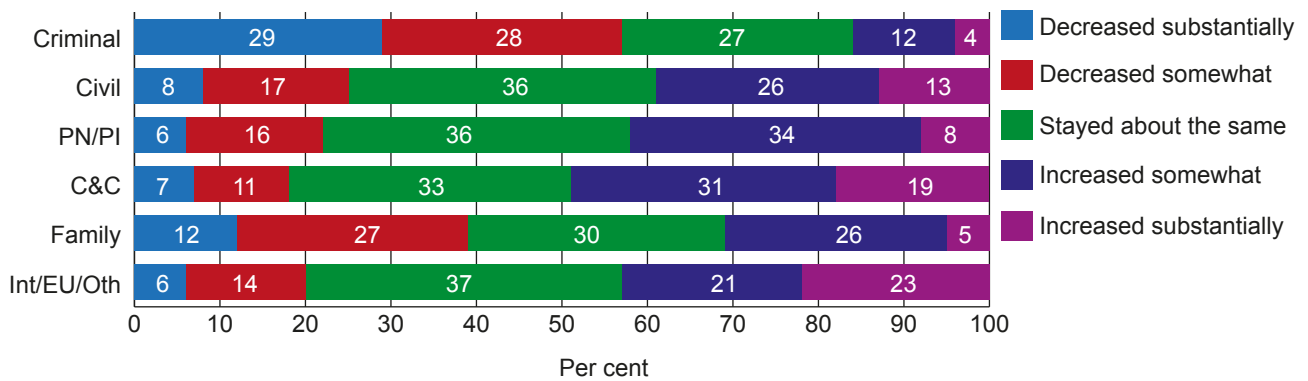
There is more variation in recent changes in earnings among self-employed barristers than among employed barristers. Half (51%) of employed barristers report that their income has stayed the same, compared with 28 per cent of self-employed barristers. The proportion of employed barristers reporting increased earnings is greater than the proportion reporting decreased earnings (27% and 22% respectively), whereas at the self-employed Bar the opposite is the case, with 34 per cent reporting increased earnings and 39 per cent reporting decreased earnings.

Figure 5.1: Change in gross fees/earnings in the past two years, by section of the Bar, 2011 and 2013 (%)



Source: IES/ERL 2013

Figure 5.2: Change in gross fees/earnings in the past two years, by work area, 2013 (%)



Source: IES/ERL 2013

Recent earnings performance is significantly associated with work area (Figure 5.2). Within the criminal and family practice areas, there are more barristers reporting decreased earnings than increased earnings (57% of criminal barristers report a decrease and 16% report an increase, and 39% of family barristers report a decrease and 31% report an increase), whereas among the other four work areas more barristers report increased earnings than decreased earnings, and this is particularly the case in commercial and chancery practice, and in the international/EU/other practice area.

Within the different practice areas there are also significant variations in recent earnings performance by personal, education and employment characteristics.

In criminal practice, self-employed barristers are significantly more likely than employed barristers to report decreased earnings (67% compared with 27%, and both of these proportions have increased since the 2011 figures of 49% and 12% respectively). Male barristers are more likely than female barristers to report decreased earnings (63% and 45% respectively), and having dependent children (regardless of who looked after them), or having

caring responsibility for an adult dependent, are associated with decreased earnings. Among employed barristers in criminal practice, working in the private sector is associated with increased earnings, while among self-employed barristers, receiving 90 per cent or more of fees from publicly funded work is associated with decreased earnings.

In the civil practice area, employed barristers are significantly more likely than self-employed barristers to experience stable earnings (51%, compared with 32%), and higher proportions of self-employed barristers than employed barristers report both increases and decreases in earnings. A higher proportion of BME barristers than white barristers report decreases in earnings (36% of BME barristers, compared with 24% of white barristers), and 28 per cent of BME barristers, compared with 41 per cent of white barristers, report an increase in earnings. Disability is also significantly associated with recent earnings change among civil barristers, with more than twice as many disabled barristers compared with non-disabled barristers reporting decreased earnings (55% and 24% respectively). Among respondents with caring responsibility for a dependent child or an adult dependent,

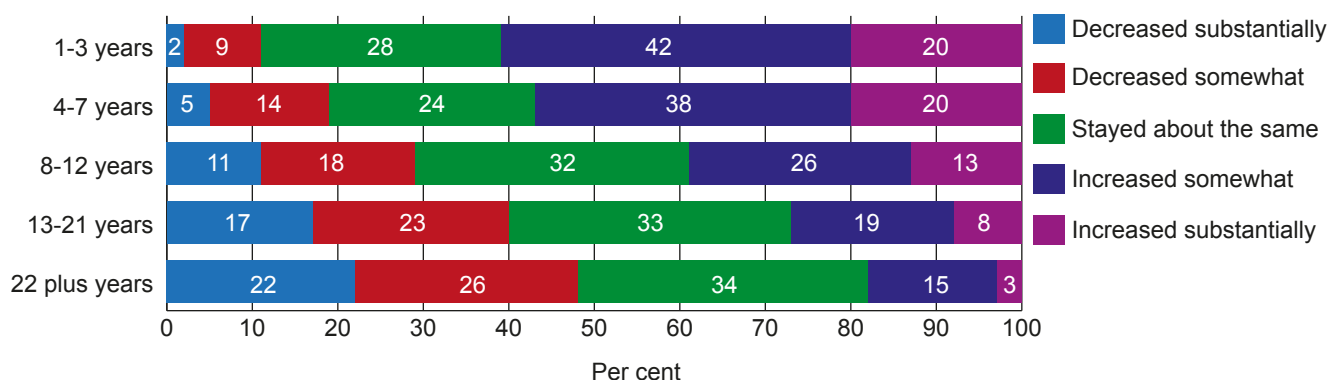
a higher proportion report decreased earnings than report increased earnings, whereas among those without caring responsibilities a higher proportion report increased earnings than decreased earnings. Nearly half (48%) of Oxbridge graduates working in civil practice report increased earnings, compared with 37 per cent of those who attended other universities, and over half (53%) of civil barristers employed in the private sector report increased earnings compared with 20 per cent of those employed in public sector.

Within commercial and chancery practice, self-employed barristers are more likely to report increased earnings than are employed barristers (51% and 37% respectively), and barristers without children are more likely to report increased earnings (53%) than are those with children, particularly those with main responsibility for childcare (29%, compared with 43% of those with shared responsibility, and 47% of those who do not have responsibility for childcare).

Caring responsibility and disability are significantly associated with the recent earnings change among barristers in family practice, with disabled barristers (60%) and those with caring responsibility for children (43% of those with main responsibility and 47% of those with shared responsibility) or adult dependants (49%) being much more likely than other barristers to report decreased earnings. Among self-employed family barristers, those who received 90 per cent or more of their fees from publicly funded work (60%) are more likely than others to report decreased earnings.

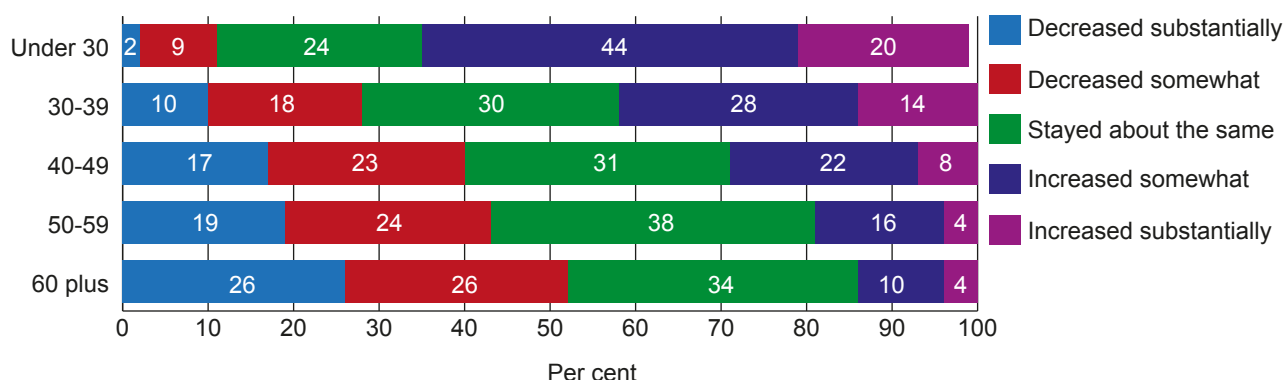
Across all work areas there are significant relationships between time since Call and earnings change, and between age and earnings change, as shown in Figures 5.3 and 5.4.

Figure 5.3: Change in gross fees/earnings in the past two years, by time since Call, 2013 (%)



Source: IES/ERL 2013

Figure 5.4: Change in gross fees/earnings in the past two years, by age, 2013 (%)



Source: IES/ERL 2013

5.1.1 Relationship between change in workload and change in earnings

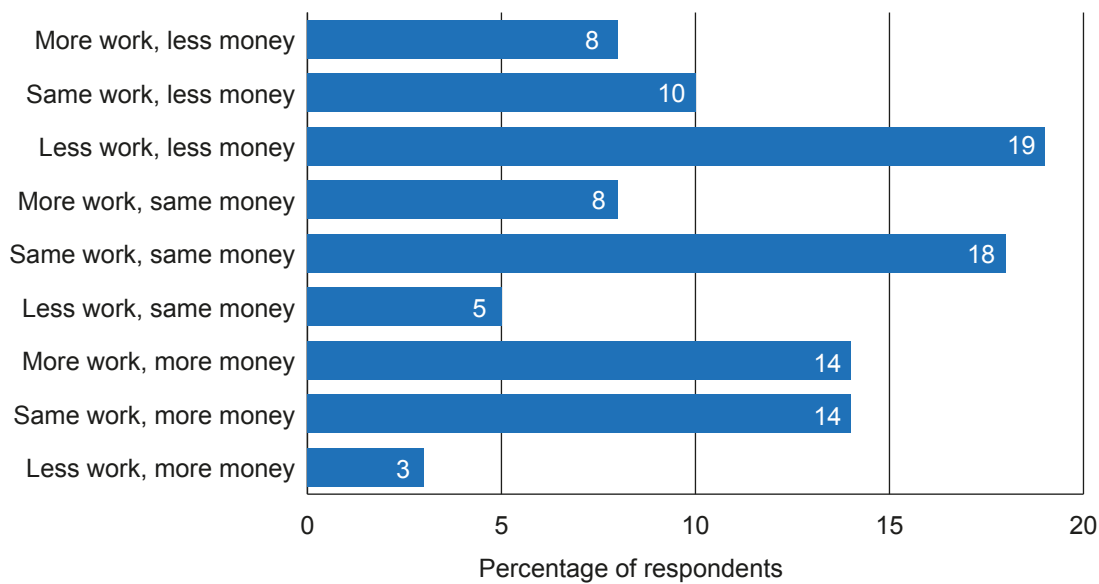
To gain a better understanding of the drivers of recent change in earnings, we related it to respondents' recent change in workload. Figure 5.5 shows the relationship between the two changes, and shows that the most common patterns are working less for less money (19% of respondents), followed by doing the same work for the same money (18%), doing more work for more money (14%) and doing the same work for more money (14%).

The relationship between workload and earnings varies significantly between the main work areas (Table 5.1). In criminal practice, one in three barristers (32%) are doing at least the same amount of work for less money, and a quarter (26%) are doing less work for less money, while just under a quarter (23%) of barristers in family practice are doing less work for less money. In contrast, 29 per cent

of barristers in commercial and chancery are receiving more money than two years ago while doing no more work, as are 22 per cent of civil barristers and 23 per cent of those in professional negligence or personal injury practice.

There is also significant variation by section of the Bar, both overall and within practice areas, as shown in Table 5.2 (note that only the practice areas with sizeable numbers of employed respondents are included in the table). Among self-employed barristers, considerable proportions are doing less work for less money (22% of all self-employed barristers), and this is particularly stark in criminal practice where one in three (34%) are receiving less money for less work. Among employed barristers it is common for workload to have increased relative to earnings, either through doing at least as much work as before but for less money (20% of all employed barristers) or through doing more work for the same money (22%

Figure 5.5: Respondents by combined workload and earnings change in last two years, 2013 (%)



Source: IES/ERL 2013

Table 5.1: Combined workload and earnings change in last two years by work area, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
More or same work, less money	32	11	9	8	17	15
Less work, less money	26	14	14	12	23	5
More work, same money	11	7	5	5	8	11
Same work, same money	11	23	25	22	17	26
Less work, same money	4	6	7	6	6	3
More work, more money	9	17	18	19	14	23
Same or less work, more money	7	22	23	29	14	18
N=	842	759	232	402	430	66

Source: IES/ERL 2013

Table 5.2: Combined workload and earnings change in last two years by selected work area and section of the Bar, 2013 (%)

	Criminal		Civil		Commercial and Chancery		All areas	
	Emp.	Self-emp.	Emp.	Self-emp.	Emp.	Self-emp.	Emp.	Self-emp.
More or same work, less money	24	35	17	9	13	7	20	17
Less work, less money	3	34	1	17	0	14	2	22
More work, same money	27	6	18	4	17	2	22	5
Same work, same money	21	7	32	21	26	21	26	17
Less work, same money	5	4	3	7	6	6	4	6
More work, more money	13	7	14	18	15	20	13	15
Same or less work, more money	7	7	16	24	23	31	13	18
N=	215	608	158	584	69	330	501	2,210

Note: Results are presented only for the practice areas with sizeable numbers of employed respondents

Source: IES/ERL 2013

of all employed barristers), and just over half (51%) of employed criminal barristers are in this position.

The combined workload and earnings patterns vary significantly with time since Call, and with age, with 37 per cent of barristers in their first three years since Call, and 38 per cent of those aged under 30, receiving more money for doing the same amount or less work than two years ago, while 25 per cent of barristers with 22 years or more since Call, and 35 per cent of those aged 60 and over, are doing less work for less money.

5.2 Sources of income for self-employed barristers

Self-employed barristers were asked to state approximately what percentage of their gross fees for the past year came from:

1. Publicly funded work
2. International instructions
3. Public access work

For some respondents, the sum of the percentages for these three sources of fees exceeded 100, in which case the individual percentages were scaled down so that their sum equalled 100.

Just under two thirds (65%) of self-employed barristers had undertaken some publicly funded work in the past year, while 24 per cent had taken international instructions, and 23 per cent had received fees from public access work.

5.2.1 Publicly funded work

Overall, 35 per cent of respondents reported that they received no fees from publicly funded work in the last year, while 20 per cent received up to half of their gross fees from publicly funded work, 18 per cent received 50-90 per cent of their gross fees, and for 26 per cent publicly funded work made up over 90 per cent of their total gross fees.

There is significant variation by main area of practice, with 98 per cent of criminal barristers receiving some fees from publicly funded work, compared with only 23 per cent of barristers in commercial and chancery practice. Publicly funded work accounted for 86 per cent of all fees earned by criminal respondents, but only one per cent of fees earned by respondents in commercial and chancery practice.

Within some main practice areas there are statistically significant differences in the proportions undertaking publicly funded work by key characteristics. In the civil, commercial and chancery, and family practice areas, greater proportions of women than men have received fees from publicly funded work, and in civil practice 64 per cent of barristers from BME background have undertaken publicly funded work compared with 44 per cent of white barristers. State-school education is associated with an increased likelihood of doing publicly funded work in the professional negligence/personal injury practice area (where 53% of state-school educated barristers have received fees from publicly funded work compared with 33% of those who attended fee-paying schools), and commercial and chancery practice areas (where 32% of state-educated barristers and 16% of those educated at fee-paying schools received fees from publicly funded work). Within criminal and family practice, QCs are less likely than other barristers to have undertaken publicly

Table 5.3: Amount of publicly funded work in last year by practice area, self-employed Bar, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Zero	2	54	58	80	13	74
0.1 to 49.9%	5	31	36	20	19	21
50 to 89.9%	22	9	6	1	46	3
90%+	71	6	1	0	23	3
N=	542	507	200	288	359	34
Mean %, all respondents	86.0	16.3	8.4	1.3	57.4	8.0
Mean %, those respondents who do some publicly funded work	87.4	35.3	20.0	6.6	65.6	30.1

Source: IES/ERL 2013

Table 5.4: Amount of fees from international instructions in last year, self-employed Bar, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Zero	93	72	91	38	85	41
0.1-14.9%	4	18	9	23	12	22
15%+	3	11	0	39	3	38
N=	520	510	200	284	357	32
Mean %, all respondents	1.2	5.5	0.5	20.2	1.3	24.3
Mean %, those who received fees from international instructions	17.6	19.3	5.5	32.3	8.9	41.0

Source: IES/ERL 2013

funded work, while in civil, and commercial and chancery practice, QCs and unsuccessful applicants are less likely than those who have not applied to have undertaken publicly funded work.

5.2.2 International instructions

During the past year, 76 per cent of self-employed barristers did not take international instructions, while 13 per cent received up to 15 per cent of their gross fees from international instructions, and 11 per cent received 15 per cent or more of their gross fees from international work.

More than half of respondents in the commercial and chancery (62%), and international/EU/other (59%) work areas received fees from international instructions, compared with less than one in ten criminal (7%) and professional negligence/personal injury barristers (9%, Table 5.4).

Within some main practice areas there are statistically significant differences in the likelihood of receiving fees from international instructions. In the civil, commercial and chancery, and family practice areas, men are more likely than women to have received fees from international instructions (34% of male civil barristers undertook

international work compared with 15% of women, 67% of male commercial and chancery barristers undertook international work compared with 43% of women, and 21% of male family barristers undertook international work compared with 9% of women); and in civil and professional negligence/personal injury practices, barristers aged 50 and over are more likely than younger barristers to have undertaken international work.

A fee-paying school education is associated with an increased likelihood of receiving fees from international instructions in the civil (36% of barristers who attended fee-paying schools undertook international work compared with 21% of state-school educated barristers), and commercial and chancery practice areas (68% of barristers who attended fee-paying schools undertook international work compared with 55% of state-school educated barristers). In criminal and civil practice Oxbridge graduates are more likely than other barristers to undertake international work (in criminal practice 13% of Oxbridge graduates undertook international work compared with 6% of those who attended other universities, and in civil practice 41% of Oxbridge graduates undertook international work compared with 20% of those who attended other universities). In addition, degree class is a significant influence in commercial and chancery practice, where 72 per cent of barristers with a

first undertook international work compared with 57 per cent of those with a 2:1 and 51 per cent of those with a 2:2 or below.

QC status is an influence across all practice areas: in criminal, commercial and chancery, and family practice, QCs are more likely than other barristers to receive fees from international instructions (25% of criminal QCs, 87% of commercial and chancery QCs and 57% of family QCs undertook international work, while among other barristers the proportions are 5%, 55% and 12% respectively); in civil, professional negligence/personal injury, and international/other practice, QCs and unsuccessful applicants are more likely than those who have not applied to have received fees from international instructions (51% of QCs and unsuccessful applicants in civil practice, 29% of those in professional negligence/personal injury, and 86% of those in international/EU/other practice undertook international work, while among those who had never applied the proportions are 21%, 4%, and 50% respectively).

5.2.3 Public access work

More than three quarters (77%) of barristers did not undertake public access work, while nine per cent received less than five per cent of their gross fees from this type of work, and 14 per cent received five per cent or more of their fees from this work.

Barristers in civil and family practice were most likely to undertake some public access work (32% and 29% respectively, Table 5.5).

Across most practice areas, barristers age 30 and over are more likely than younger barristers to have undertaken public access work, as are those with eight or more years since Call. In criminal practice, men (22%) are more likely than women (11%) to have received fees from public access work, and in family practice, barristers who share childcare (41%), or who have children but are not responsible for their care (51%), are more likely

to undertake public access work than are those without children (23%), or who have main responsibility for childcare (28%). In civil, and commercial and chancery practice, barristers who did not attend Oxbridge (39% in civil practice and 30% in commercial and chancery) are more likely than Oxbridge graduates (24% in civil practice and 13% in commercial and chancery) to undertake public access work. Degree class is a significant influence in commercial and chancery, and family practice, with barristers with a 2:2 or below (52% in commercial and chancery and 45% in family practice) being more likely to undertake public access work than those with higher class degrees (15% in commercial and chancery and 26% in family practice).

QC status is associated with public access working in some practice areas: in civil practice, 15 per cent of QCs undertook public access working compared with 37 per cent of non-QCs; in professional negligence/personal injury practice, four per cent of QCs and unsuccessful applicants undertook public access work compared with 22 per cent of those who had not applied; and in commercial and chancery practice, 11 per cent of QCs undertook public access work compared with 21 per cent of non-QCs.

5.3 *Pro bono* work and other charitable work

All respondents were asked to indicate how many hours in the last year they had spent on *Pro bono* legal work, and on any other charitable legal work (eg school governor, charity volunteer/ trustee).

5.3.1 *Pro bono* work

Overall, 39 per cent of barristers had undertaken some *Pro bono* legal work in the last year. By practice area the proportion ranged from 33 per cent in criminal practice, up to 47 per cent in civil practice (Table 5.7). There is a stark difference between the two sections of the Bar, both overall

Table 5.5: Amount of public access work in last year, self-employed Bar, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Zero	83	68	85	83	71	82
0.1-4.9%	9	8	10	5	12	6
5%+	8	24	5	12	17	12
N=	519	512	200	290	362	34
Mean % – all respondents	0.9	4.8	0.6	2.6	1.7	3.0
Mean % – those respondents who do some public access work	5.7	15.2	3.9	15.3	5.8	17.0

Source: IES/ERL 2013

and within practice areas. Overall, 44 per cent of self-employed barristers undertook *Pro bono* work in the last year compared with 15 per cent of employed barristers; while 56 per cent of self-employed civil barristers and 67 per cent of self-employed barristers in the international/EU/other practice area did some *Pro bono* work in the last year.

Those undertaking *Pro bono* work are more likely to be:

- Those from Black and Minority Ethnic groups (46%, compared with 38% of white barristers).
- Barristers with a disability at the self-employed Bar (63% compared with 43% of self-employed barristers without a disability).
- Those without dependent children (43%, compared with 35% of those with children).
- Those aged under 30 (53%, but these tend to have done fewer than 50 hours).
- Those in the Young Bar with less than eight years since Call, particularly 1-3 years (59%, and 47% of those with four to seven years since Call).
- Self-employed barristers who qualified aged 30 plus (50%, compared with 43% of self-employed barristers who qualified under 30).
- QCs (45%), and particularly those with unsuccessful applications (54%).

5.3.2 Other charitable legal work

Overall, 36 per cent of barristers had undertaken some other charitable legal work, such as school governor, or charity volunteer or trustee, in the last year. Barristers in criminal and family practice are least likely to have undertaken other charitable legal work (32% in both practice areas), while those in commercial and chancery are most likely (43%, Table 5.7).

There was little variation between the sections of the Bar in the proportions spending time on other charitable work, either overall or within practice areas. Across all respondents 35 per cent of employed barristers had undertaken some other charitable legal work, compared with 37 per cent of self-employed barristers.

Those doing charity work are more likely to be:

- Self-employed barristers with dependent children (40%, compared with 34% of self-employed barristers without children).
- Those with caring responsibilities for an adult dependant (45%, compared with 35% of those without adult caring responsibilities).
- Self-employed barristers with a disability (48%, compared with 36% of self-employed barristers without a disability).
- Those who attended Oxbridge (40%, compared with 36% of those who attended 1994/Russell Group universities, and 31% of those who attended other universities).

Table 5.6: Number of hours of other charitable legal work (excluding *Pro bono*) in last year, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Zero	68	60	61	58	69	67
< 50 hours	20	25	25	28	17	24
50 hours or more	12	15	14	15	15	10
N=	756	698	215	352	385	63

Source: IES/ERL 2013

Table 5.7: Number of hours of *Pro bono* work in last year by practice area, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Zero	67	53	59	66	63	57
< 50 hours	19	31	34	29	30	30
50 hours or more	14	16	7	5	7	13
N=	764	700	215	352	387	61

Source: IES/ERL 2013

- Those aged 50 plus at the self-employed Bar (45%, compared with 33% of those aged under 50), and those aged 60 plus at the employed Bar (48%, compared with 34% of those aged under 60).
- Employed barristers from BME backgrounds (49%, compared with 33% of employed white barristers).
- Self-employed Senior Practitioners with 22 years plus since Call (44%, compared with 33% of those in their first 21 years since Call).
- QCs (53%, compared with 40% of unsuccessful applicants and 33% of those who had not applied).

5.4 Key points

There has been an increase since 2011 in the proportion of barristers who report that their fees received (self-employed) or gross earnings (employed) have decreased in the last two years. Currently 22 per cent of employed barristers, and 39 per cent of self-employed barristers, report that their fees received/gross earnings have decreased, either somewhat or substantially, in the past two years, whereas in the 2011 survey these proportions were 11 per cent and 30 per cent respectively.

There are substantial differences in recent fees received/gross earnings by practice area, with 57 per cent of barristers in criminal practice, and 39 per cent of family barristers, reporting that their fees received/gross earnings have decreased, compared with 18 per cent of barristers in commercial and chancery practice.

The relationship between change in workload and change in fees received/gross earnings varies significantly between the different practice areas. At one end of the scale, 32 per cent of criminal barristers are receiving less money for doing the same amount or more work than two years ago, while at the other end, 29 per cent of commercial and chancery barristers are receiving more money for doing the same amount or less work than two years ago.

Taking international instructions is clearly related to the type of work undertaken, with chancery and commercial or international/EU/other the most likely areas to receive international instructions. Other areas are much lower but across all areas QCs are most likely to receive international instructions.

Most barristers (77%) do not undertake public access work. The people who do are mostly in civil or family practice. In contrast to the taking of international instructions, it is non-QCs who are more likely to undertake public access work.

A sizeable proportion of barristers give their time for *Pro bono* work, or for other charitable legal work. Overall, 39 per cent of barristers had undertaken some *Pro bono* work, and 36 per cent had undertaken some other charitable legal work (such as school governor, or charity volunteer or trustee) in the last year.

6 Career intentions and new ways of working

This chapter explores barristers' views on their current work situation, and on their career intentions over the next two years, before exploring a number of issues around career development and new ways of working.

6.1 Views on current work situation

Respondents were asked to indicate which of the following statements best describes their current work situation:

1. It is ideal, all or nearly all my needs are met.
2. It is not ideal, but most of my needs are met.
3. I am more or less satisfied with my work situation.
4. I am not satisfied and am considering my options.
5. I am not at all satisfied and plan to change as soon as possible.

Overall, 19 per cent of respondents feel that their current situation is ideal, with all or nearly all their needs met, 30 per cent feel it is not ideal but most of their needs are met, and 22 per cent say that they are more or less satisfied with their work situation. However, a quarter (25%) of barristers say they are not satisfied and are considering their options, and five per cent say they are not at all satisfied and plan to change as soon as possible.

Views on barristers' current work situation are less positive than they were in 2011, in terms of fewer respondents viewing it as ideal and more respondents being not satisfied. Currently 49 per cent of barristers have most or all of their needs met, compared with 55 per cent in 2011, and 30 per cent are not satisfied, compared with 21 per cent in 2011 (Figure 6.1).

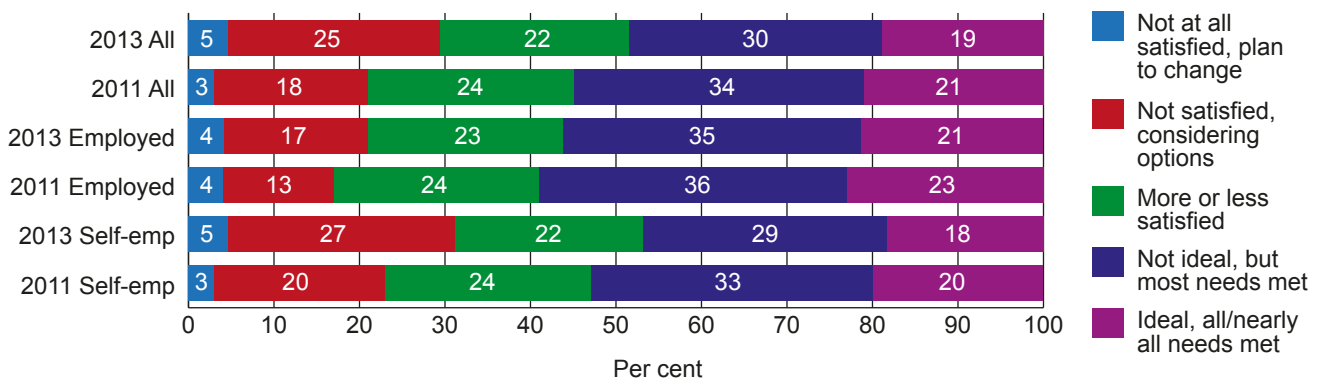
Barristers at the employed Bar have more positive views about their current work situation than do those at the self-employed Bar, as was the case in 2011: 56 per cent of employed barristers have most or all of their needs met, compared with 47 per cent of self-employed barristers; while only 21 per cent of employed barristers are dissatisfied compared with 32 per cent of self-employed barristers.

As with many of the key issues in the survey, work area is a significant influence on views on current work situation (Figure 6.2). Half (50%) of barristers in criminal practice and one third (32%) of those in family practice are not satisfied

with their current situation and are either considering their options or plan to change as soon as possible. Views are most positive among barristers in the commercial and chancery, and international/EU/other areas of practice, with two thirds of barristers in these practice areas stating that most or all of their needs are met in their current work situation.

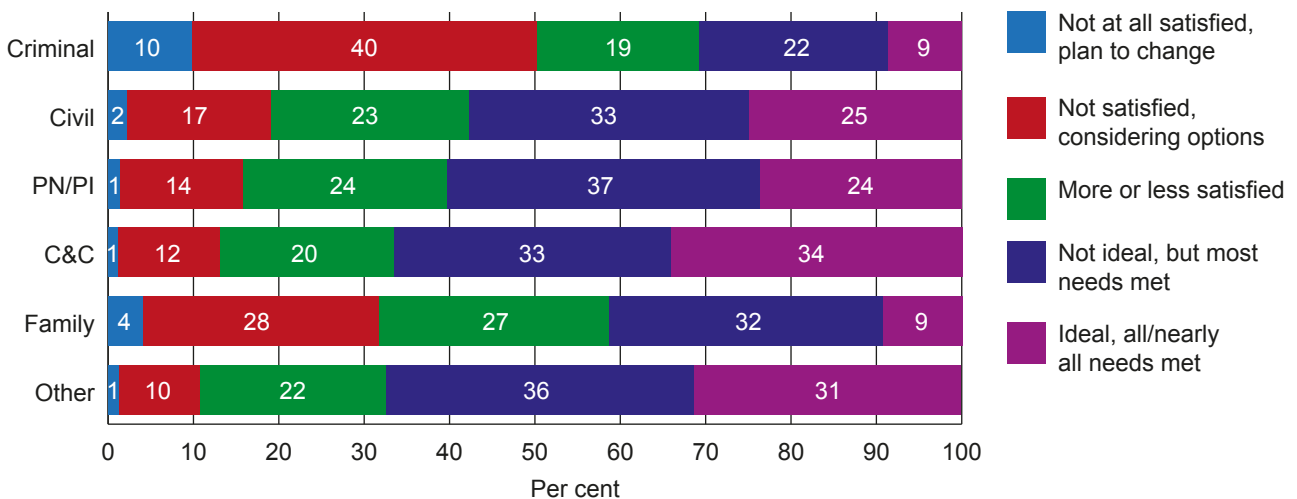
Within the criminal and civil practice areas, views of self-employed barristers are less positive than those of employed barristers: 58 per cent of self-employed criminal barristers are not satisfied, compared with 27 per cent of employed criminal barristers; and 20 per cent of self-employed civil barristers are not satisfied, compared with 15 per cent of employed civil barristers. However, in commercial and chancery practice the views of self-employed barristers are more positive than those of employed barristers, with 68 per cent of self-employed barristers having most or all of their needs met, compared with 56 per cent of employed barristers.

Figure 6.1: Views on current work situation by section of the Bar, 2011 and 2013 (%)



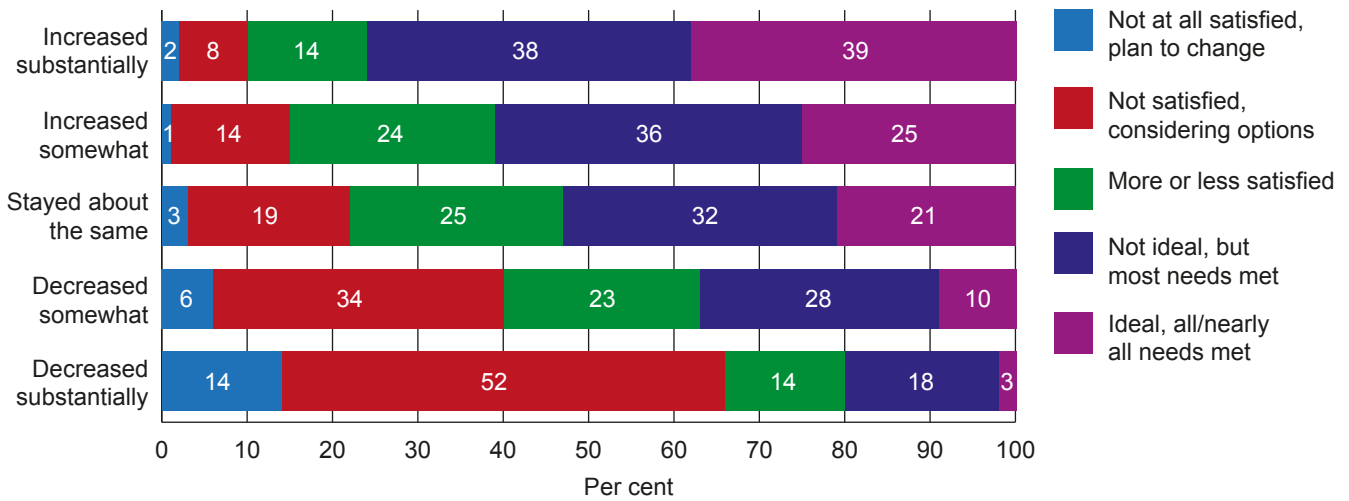
Source: IES/ERL 2013

Figure 6.2: Views on current work situation by work area, 2013 (%)



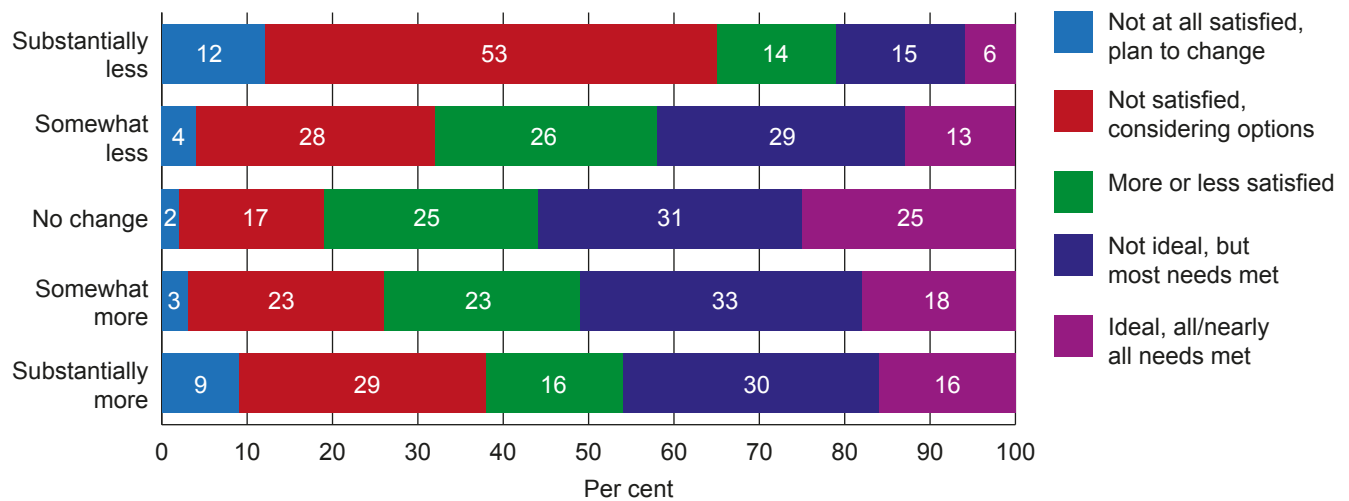
Source: IES/ERL 2013

Figure 6.3: Views on current work situation by recent change in earnings, 2013 (%)



Source: IES/ERL 2013

Figure 6.4: Views on current work situation by recent change in workload, 2013 (%)



Source: IES/ERL 2013

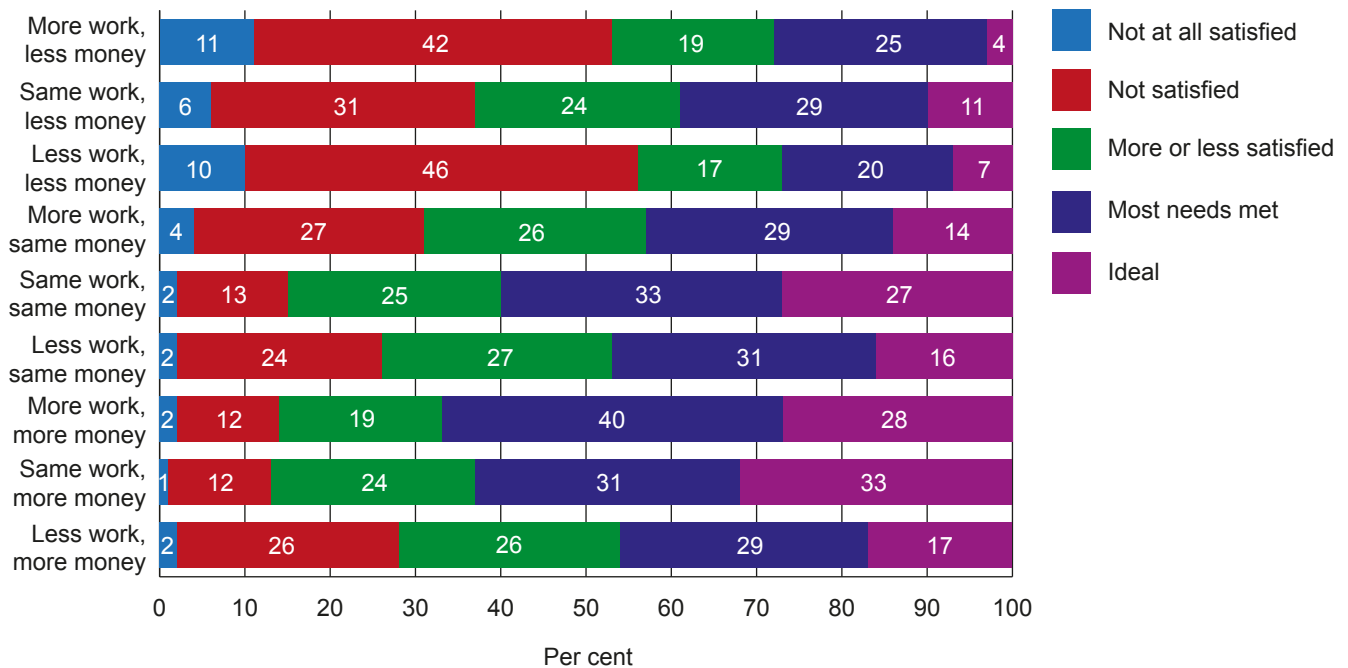
Recent change in earnings is a key driver of views on current work situation (Figure 6.3). Three quarters (77%) of barristers whose fees/earnings had increased substantially in the last two years said that most or all of their needs at work were met, whereas two thirds (66%) of barristers whose fees/earning had decreased substantially said they were not satisfied and were considering their options or planning to change their situation.

Views on current situation are also influenced by recent change in workload¹¹, with satisfaction highest among those who had seen no change in their workload, and

lowest among those whose workload was substantially less or substantially more than two years ago (Figure 6.4). There are differences between the two sections of the Bar in terms of the influence of changes in workload on views on current work situation: at the employed Bar, barristers whose workload had decreased somewhat had the second highest levels of satisfaction, behind those whose workload had not changed, and views were similar between those whose workload was substantially less or substantially more; at the self-employed Bar, barristers whose workload had increased somewhat had the second highest levels of satisfaction, and barristers whose workload was substantially less were much more dissatisfied than were those whose workload was substantially more than two years ago.

11 This analysis is looking at change in workload in isolation from change in earnings. The combined influence of change in workload and earnings is discussed later.

Figure 6.5: Views on current work situation by combined workload and earnings change, 2013 (%)



Source: IES/ERL 2013

To unpick the separate influences of earnings change and workload change, Figure 6.5 presents views on current work situation by the combined change in earnings and workload variable. The most positive group are those who are doing more work for more money (68% have most or all of their needs met), followed by those doing the same work for more money (64% have most or all needs met), and those doing the same work for the same money (60% have most or all needs met). The views of barristers doing less work for more money are very similar to those of barristers doing less work for the same money, and these groups are slightly more positive than those doing more work for the same money, who in turn are slightly more positive than those doing the same work for less money. Those barristers who have experienced a decrease in earnings and a change in workload, either an increase or a decrease, have the least positive views about their current work situation.

These results suggest that maintaining workload levels is more of an influence on views of current situation than is changes in earnings, as those doing:

1. Less work for more money are less positive than those doing the same work for more money and those doing more work for more money.
2. Less work for the same money are less positive than those doing the same work for the same money.
3. Less work for less money are less positive than those doing the same work less money and those doing more work for less money.

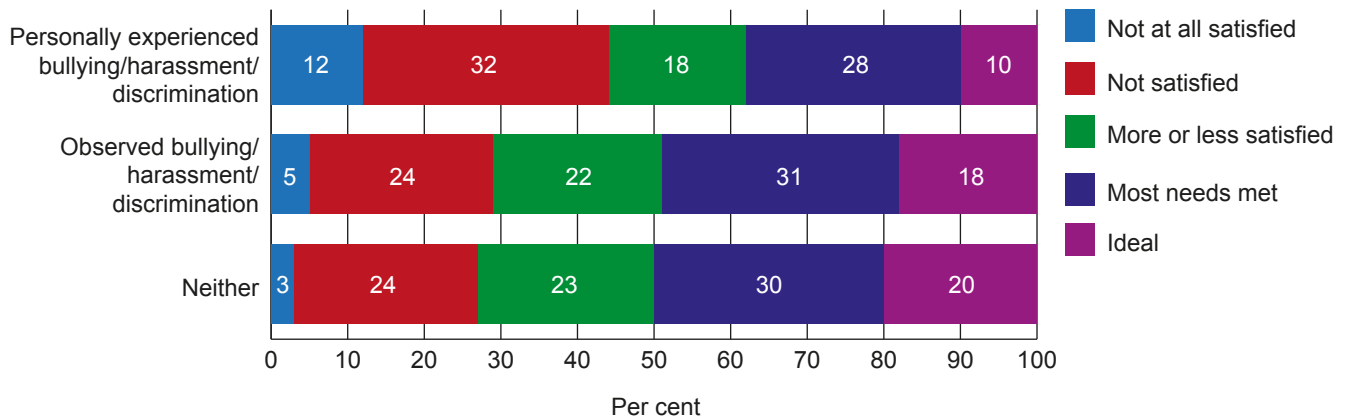
Respondents who report personal experiences of bullying, harassment or discrimination have more negative views than those who do not report any personal experiences (Figure 6.6). Among those who report personal experiences, 44 per cent are not satisfied, and 38 per cent have most or all of their needs met, whereas among those who do not report personal experiences, around half have most or all of their needs met, and around three in ten are not satisfied.

There are a number of other significant variations in views on current work situation by demographic and employment characteristics.

White barristers are significantly more positive about their current work situation than those from BME backgrounds, with 50 per cent of white barristers compared with 40 per cent of BME barristers reporting that most or all of their needs are met, and this is true in both sections of the Bar, and within criminal and civil practice. Barristers with a disability or health problem have much less positive views about their current work situation than barristers without a disability or health problem. Around one third (34%) of disabled barristers have most or all of their needs met, compared with half (50%) of barristers without a disability, and this difference is significant in both sections of the Bar, and in the civil, and commercial and chancery practice areas.

Satisfaction with work situation varies by age at the self-employed Bar, but not at the employed Bar. Satisfaction is highest among self-employed barristers aged under 30 (56% report most or all of their needs are met) or 60 and over (49% report most or all of their needs are met), and

Figure 6.6: Views on current work situation by reported experience of bullying, harassment or discrimination, 2013 (%)



Source: IES/ERL 2013

is lowest among those aged 40 to 49 (43% report most or all of their needs are met). Also within the self-employed Bar, new entrants to the Bar (up to three years) are most positive about their current work situation (62% report most or all of their needs are met), while Middle Juniors and Senior Juniors (between eight and 21 years since Call) are least positive (43% report most or all of their needs are met).

Educational background is associated with differences in views on current work situation, in certain parts of the Bar. Self-employed barristers in criminal and civil practice from fee-paying schools are more positive than those from state schools: among self-employed criminal barristers, 28 per cent of those from fee-paying schools, compared with 22 per cent of those from state schools, report that most or all of their needs are met; and among self-employed civil barristers, 63 per cent of those from fee-paying schools, compared with 52 per cent of those from state schools, report that most or all of their needs are met. Similarly self-employed barristers in criminal and civil practice who attended Oxbridge are much more positive than those who went to other universities: among self-employed criminal barristers, 31 per cent of Oxbridge graduates, compared with 24 per cent of those from other universities, report that most or all of their needs are met; and among self-employed civil barristers, 64 per cent of Oxbridge graduates, compared with 54 per cent of those from other universities, report that most or all of their needs are met. These differences are unlikely to be due to chance alone but the analysis cannot confirm causality, although these differences may be one possible reason for the differences in leaving intentions between those from different educational backgrounds in self-employed civil practice, which may in turn reduce the diversity of the workforce in this part of the Bar.

As might be expected, QCs (63% report most or all of their needs are met) are more positive than unsuccessful

applicants (50% report most or all of their needs are met), who are in turn more positive than barristers who have not applied to be a QC (46% report most or all of their needs are met).

6.2 Career intentions

Barristers were asked about their career intentions over the next two years. Table 6.1 shows that, across all respondents, just under two thirds (63%) intend to remain in their current position, and 37 per cent intend to change in some way, most commonly changing within their current area of practice (10%) or leaving the profession and working elsewhere (8%). The proportion of barristers who intend to change their situation is higher than that in 2011, of 30 per cent.

Despite employed barristers being more positive about their current work situation than self-employed barristers, leaving intentions are greater at the employed Bar (45%) than at the self-employed Bar (35%), a similar situation to that found in the 2011 survey. However, employed barristers are less likely to intend to leave the profession (6%, compared with 9% of self-employed barristers) and are more likely to change within, or between, practice areas.

As one might expect, leaving intentions are heavily influenced by views on respondents' current work situation, as shown in Table 6.2. Virtually all (98%) respondents who are "not at all satisfied with their current work situation and plan to change as soon as possible", intend to change from their current position over the next two years, compared with 77 per cent of those who are not satisfied and considering their options, 26 per cent of those who are more or less satisfied, 21 per cent of those who feel most of their needs are met, and 11 per cent of those who feel their current work situation is ideal. An alternative way of

Table 6.1: Career intentions over the next two years by section of the Bar, 2013 and 2011 (%)

	All		Employed		Self-employed	
	2013	2011	2013	2011	2013	2011
Remain where you are	63	70	55	62	65	73
Change between practices	3	2	5	6	2	1
Change within practice	10	9	18	15	8	7
Change to a dual capacity role	3	2	4	2	3	1
Retire from the profession	3	3	4	4	3	3
Leave the profession temporarily, e.g. to take a career break	2	3	2	2	2	3
Leave the profession and work elsewhere	8	5	6	5	9	6
Take a full time judicial appointment*	3	–	2	–	3	–
Other	5	6	4	5	5	6
N=	3,243	2,723	541	584	2,644	2,139

Note: * this option was not provided in 2011

Source: IES/ERL 2013 and 2011

Table 6.2: Career intentions by views on current work situation, 2013 (%)

	It is ideal, all or nearly all my needs are met %	It is not ideal, but most of my needs are met %	I am more or less satisfied with my work situation %	I am not satisfied and am considering my options %	I am not at all satisfied and plan to change as soon as possible %
Remain where you are	91	80	74	22	1
Change between practices	1	1	2	6	10
Change within practice	2	6	9	19	20
Change to a dual capacity role	1	2	2	7	7
Retire from the profession	3	2	3	5	8
Leave the profession temporarily, e.g. to take a career break	1	1	2	3	2
Leave the profession and work elsewhere	1	2	2	21	41
Take a full time judicial appointment	1	4	2	5	5
Other	1	3	3	11	5
N=	614	957	716	802	150

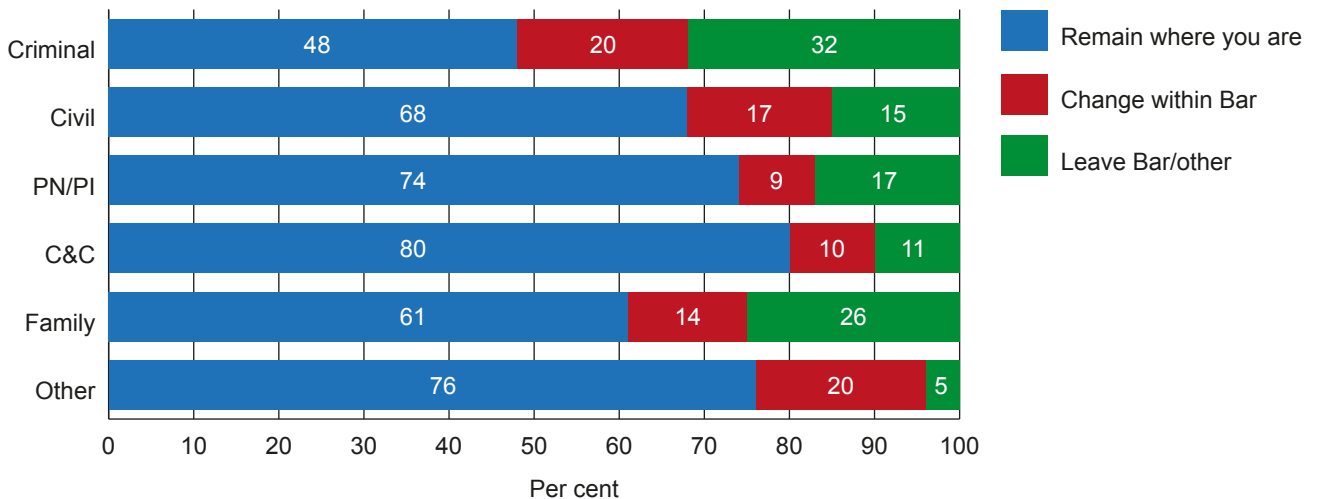
Source: IES/ERL 2013

looking at the responses is that of those barristers who intend to change over the next two years, 64 per cent are not satisfied, or not at all satisfied, with their current work situation, 15 per cent are more or less satisfied, 16 per cent feel most of their needs are met, and five per cent feel that work is ideal and all of their needs are met.

Work area is also highly correlated with career intentions, as Figure 6.7 and Table 6.3 show. Intentions to change

are greatest in criminal practice, where 52 per cent of respondents intend to change from their current position in the next two years, followed by family practice (40%) and civil practice (32%), while only one in five barristers (21%) in commercial and chancery plan to change their work situation. One in six barristers (16%) in criminal practice, and one in ten (ten %) of those in family practice, intend to leave the profession and work elsewhere over the next two years.

Figure 6.7: Career intentions by work area, 2013 (%)



Source: IES/ERL 2013

Table 6.3: Career intentions over the next two years by work area, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
Remain where you are	48	68	74	80	61	76
Change between practices	5	2	3	1	2	4
Change within practice	12	11	4	7	8	13
Change to a dual capacity role	4	4	3	2	4	2
Retire from the profession	5	2	3	2	3	1
Leave the profession temporarily, e.g. to take a career break	2	2	2	1	3	0
Leave the profession and work elsewhere	16	4	5	2	10	1
Take a full time judicial appointment*	4	3	5	2	5	1
Other	7	4	3	3	6	1
N=	1,002	879	278	476	496	82

Source: IES/ERL 2013

The variations in career intentions by work area are largely driven by the variation in views on current work situation, although barristers in commercial and chancery are significantly less likely than those in criminal practice to plan to change, holding views on work situation constant.

Table 6.4 shows the variation in career intentions by section of the Bar within the criminal, civil and commercial and chancery practice areas. Intentions to change within criminal practice are greater among self-employed barristers, whereas in the other two practice areas the opposite is the case. Indeed a higher proportion of employed barristers in civil and commercial chancery practice plan to change than do those in criminal practice. Nearly one in five (18%) self-employed barristers in criminal practice intend to leave the profession and work elsewhere, as do one in ten (ten %) employed criminal barristers.

Barristers who report personal experiences of bullying, harassment or discrimination are more likely to intend to change their situation than are those who report that they have observed such behaviour but not experienced it, who are in turn more likely to intend to change than those who have neither experienced nor observed bullying, harassment or discrimination (Table 6.5).

Figure 6.8 shows the variation in intentions to change by recent changes in workload and earnings. Barristers whose earnings have decreased are more likely to intend to change than those whose earnings have stayed the same, who are in turn more likely to intend to change than those whose earnings have increased. However, within each of these groups, intentions to change are greater among barristers whose workload has changed, either increasing or decreasing, than among those whose workload has stayed

Table 6.4: Career intentions over the next two years, by work area and section of the Bar, 2013 (%)

	Criminal		Civil		Commercial and Chancery	
	Employed	Self-emp.	Employed	Self-emp.	Employed	Self-emp.
Remain where you are	57	45	52	72	51	85
Change between practices	6	4	4	2	3	1
Change within practice	12	12	23	8	28	3
Change to a dual capacity role	4	4	5	4	3	2
Retire from the profession	3	5	5	2	4	2
Leave the profession temporarily, e.g. to take a career break	3	2	2	2	0	2
Leave the profession and work elsewhere	10	18	3	5	3	2
Take a full time judicial appointment*	3	4	2	2	0	3
Other	4	7	5	4	8	2
N=	232	742	171	688	72	401

Source: IES/ERL 2013

Table 6.5: Career intentions over the next two years by reported experience of bullying, harassment or discrimination, 2013 (%)

	Personally experienced bullying/harassment/discrimination	Observed bullying/harassment/discrimination	Neither
Remain where you are	43	59	67
Change between practices	6	4	2
Change within practice	14	15	9
Change to a dual capacity role	5	4	3
Retire from the profession	2	2	3
Leave the profession temporarily, e.g. to take a career break	3	4	2
Leave the profession and work elsewhere	15	6	7
Take a full time judicial appointment*	4	3	3
Other	9	4	4
N=	435	212	2,593

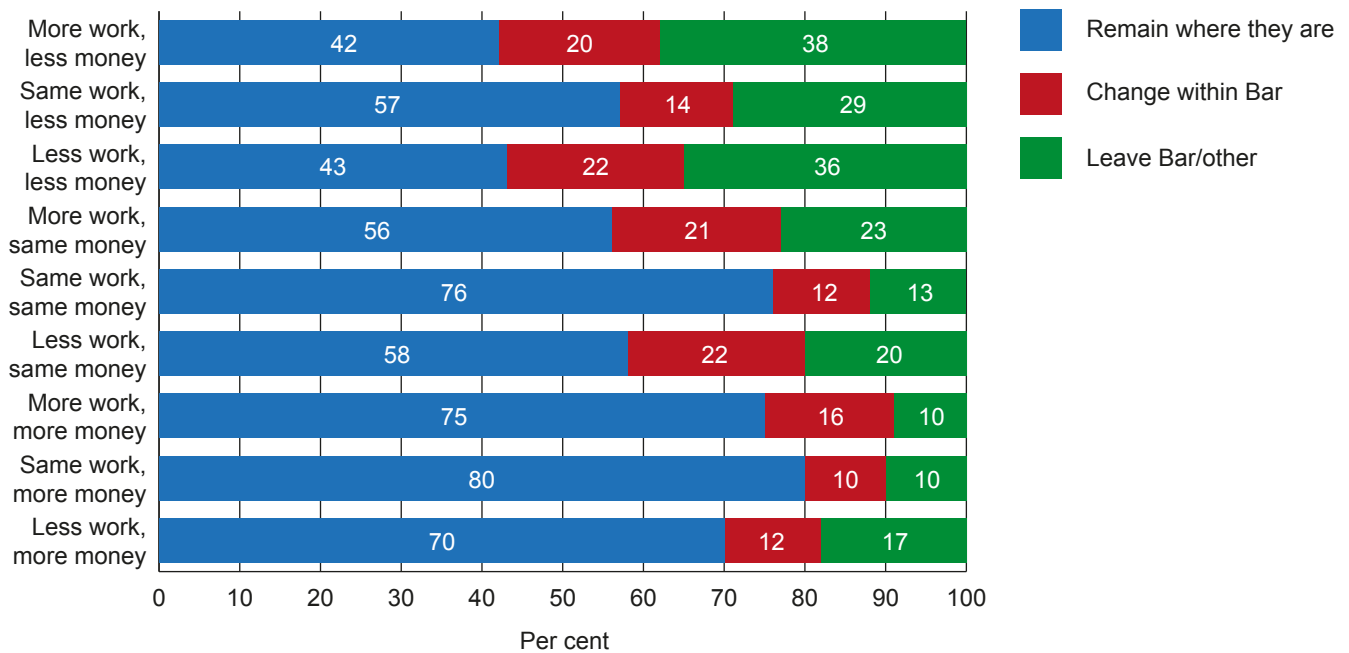
Source: IES/ERL 2013

the same. Thus barristers who are doing more work for less money, or less work for less money, are most likely to intend to change, and those who are doing the same amount of work for more money are most likely to remain as they are.

Intentions to change work situation are also more marked among:

- Female barristers (41%, compared with 35% for men), with the difference particularly marked among self-employed civil barristers and those employed in commercial and chancery practice.
- BME barristers (46%, compared with 36% for white barristers), with the difference particularly marked among employed barristers in criminal practice and self-employed barristers in civil and family practices.
- State school educated barristers (41%, compared with 32% of barristers who went to a fee-paying school), with the difference particularly marked among self-employed barristers in civil practice.
- Those who went to a 1994/Russell group university (41%) or another university (43%) rather than Oxbridge

Figure 6.8: Career intentions by combined workload and earnings change, 2013 (%)



Source: IES/ERL 2013

(25%), with the difference particularly marked among self-employed barristers in the civil, and commercial and chancery practice areas.

6.2.1 Reasons for considering a change in employment status

Those barristers intending to change employment status were asked to give the reasons why they were considering this change. Reasons differ somewhat between the employed Bar and the self-employed Bar: at the self-employed Bar the two main reasons given are legal aid cuts (65%) and improving earnings/fees (47%); at the employed Bar, new challenge/interest (50%) and career prospects/promotion (48%) are the most common reasons for considering a change (Table 6.6).

More than three quarters of barristers in criminal and family practice who are considering a change are doing so because of legal aid cuts (Table 6.7). Workload and stress is also an important factor for family barristers, and half of criminal barristers say they want to move to improve earnings or fees. A new challenge or interest is the most commonly cited reason among civil, and commercial and chancery barristers, while those in the professional negligence/personal injury practice area are most likely to change to improve earnings or fees, or for job security reasons.

Reasons vary by intended destination. Those intending to change within the profession are most likely to cite improving fees/earnings and legal aid cuts as key reasons, while job security is important for those moving from self-employed to employed practice, and new challenge/interest is important for those moving into dual practice.

Over three quarters (78%) of those intending to leave the profession cite legal aid cuts as a reason, and nearly half (48%) cite workload/stress, and these reasons were also commonly mentioned by those considering a career break.

There is little variation in reasons given by respondent characteristics, although for BME barristers, improving earnings/fees was the most common reason, and workload/stress was also relatively important.

Table 6.6: Reasons for considering a change in employment status, 2013 (%)

	Whole Bar	Employed	Self-employed
New challenge/interests	32	50	27
Legal aid cuts	54	13	65
Career prospects/promotion	30	48	25
Improve earnings/fees	45	36	47
Job security	28	12	32
Dissatisfaction with employer/chambers	19	31	16
Workload/stress	35	28	38
Dislike the profession/work	11	10	11
Retirement	7	8	7
Ill health	1	1	2
Relocation	4	8	3
Other	9	9	10
N=	1,154	240	887

Note: percentages may sum to more than 100 as respondents could tick all boxes that applied

Source: IES/ERL 2013

Table 6.7: Reasons for considering a change in employment status by work area, 2013 (%)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	International/ other
New challenge/interests	24	44	38	42	26	50
Legal aid cuts	78	23	19	0	77	5
Career prospects/promotion	31	32	30	31	23	30
Improve earnings/fees	50	41	42	34	42	50
Job security	34	17	41	17	30	10
Dissatisfaction with employer/ chambers	17	24	15	19	16	35
Workload/stress	37	28	30	30	48	20
Dislike the profession/work	10	11	19	11	12	0
Retirement	5	8	10	12	7	5
Ill health	0	2	3	4	2	0
Relocation	3	7	3	6	4	10
Other	6	12	26	13	6	10
N=	508	270	69	90	188	20

Source: IES/ERL 2013

6.3 Continuing professional development

Questions concerning continuing professional development (CPD) have changed somewhat since the 2011 survey. Respondents were asked how easy they found it to access CPD that is relevant to the needs of their practice, and to rate how useful to their practice was the CPD they had undertaken in the past year.

Looking first at access to CPD, half (51%) of barristers feel that it is very easy to access CPD that is relevant to their needs, and a further 40 per cent feel that it is fairly easy; only nine per cent of barristers feel it is fairly or very difficult to access relevant CPD (Table 6.8).

Self-employed barristers are much more likely than employed barristers to find it easy to access relevant CPD, with 54 per cent of self-employed barristers reporting it to be very easy, compared with 38 per cent of employed barristers, while 16 per cent of employed barristers report it fairly or very difficult to access relevant CPD compared with seven per cent of self-employed barristers.

Barristers in the international/EU/other work area are more likely than other barristers to find it difficult to access relevant CPD, with 18 per cent reporting it fairly difficult, and five per cent reporting it very difficult.

Turning now to the usefulness of CPD undertaken in the past year, 23 per cent of barristers report that it is very useful, 52 per cent report it is fairly useful, 19 per cent report it is not very useful, and seven per cent report that it is not at all useful (Table 6.9).

Employed barristers have more positive views that self-employed barristers about the usefulness of CPD activities, with 30 per cent of employed barristers reporting they have been very useful (21% for self-employed), and only 18 per cent reporting they have not been very useful or at all useful (27% for self-employed).

Only 19 per cent of criminal barristers report that CPD activities have been very useful, and 32 per cent report that they have been not very, or not at all useful.

Table 6.8: **Ease of accessing CPD that is relevant to the needs of respondents' practice, 2013** (row per cent)

	Very easy	Fairly easy	Fairly difficult	Very difficult	N=
Whole Bar	51	40	7	2	3,247
Employed	38	46	14	2	542
Self-employed	54	39	6	1	2,640
Criminal	47	45	7	2	1,007
Civil	53	36	9	2	871
Personal negligence/personal injury	55	35	8	1	277
Commercial and Chancery	53	39	7	1	475
Family	55	39	5	1	501
International/other	38	39	18	5	82

Source: IES/ERL 2013

Table 6.9: **Usefulness of CPD to respondents' practice, 2013** (row per cent)

	Very useful	Quite useful	Not very useful	Not at all useful	N=
Whole Bar	23	52	19	7	3,245
Employed	30	53	15	3	540
Self-employed	21	52	20	7	2,641
Criminal	19	49	23	9	1,005
Civil	25	52	18	5	872
Personal negligence/personal injury	24	53	17	6	279
Commercial and Chancery	21	57	17	6	474
Family	24	57	14	5	499
International/other	32	46	17	5	82

Source: IES/ERL 2013

6.4 New ways of working

Respondents were asked a number of questions about new ways of working, including intentions regarding BSB regulated entities.

6.4.1 BSB-regulated entities

Few barristers have definite plans to set up or join a BSB-regulated entity during the next two years, although between one in ten and one in five feel that they may set up or join one. Firm intentions are strongest for entities with ONLY barrister owners and managers, and weakest for entities with barristers, other lawyers and lay people as owners/managers (Table 6.10).

Self-employed barristers are more likely than employed ones to have plans to join or set up a BSB-regulated entity, or to consider such a move. Among employed barristers intentions were stronger for entities with barristers and other lawyers as owner/managers than for the other two types of entities. Intentions were strongest among barristers working in family and criminal practice, and weakest among those in commercial and chancery, and international/EU/other practice.

Intentions regarding BSB regulated entities were greater among criminal and family barristers than among those in other practice areas. One in three family barristers (34%), and one in four criminal barristers (26%) had definite or possible intentions to become involved in an entity with ONLY barristers owners and managers; 26 per cent of criminal barristers and 23 per cent of family barristers had definite or potential plans regarding entities with barristers and other lawyers as owners and managers; and 18 per cent of criminal barristers and 17 per cent of family barristers had definite or potential plans regarding entities with barristers, other lawyers and lay people as owners and managers.

6.4.2 Public Access training/litigation authorisation

One in five (20%) barristers plan to undertake Public Access training over the next two years, and a further 21 per cent feel they may undertake such training (Table 6.11). A lower proportion (14%) plan to apply for authorisation to conduct litigation (if the BSB permits it) while 26 per cent say that they may apply. A greater proportion of self-employed barristers than employed barristers plan to take either of these steps, and in terms of variation by work area, intentions are strongest among barristers practising criminal or family work, and weakest among those practising commercial and chancery work.

6.4.3 Actions in preparation for new ways of working

In terms of preparing for new ways of working, one in three barristers (33%) plan to increase their understanding of different ownership models, while 30 per cent plan to reflect on different roles, 29 per cent plan to take Public Access refresher courses, 26 per cent plan to do business management training, a further 26 per cent plan to do litigation and case management training, and 18 per cent plan to do client management training (Table 6.12). Just over two thirds (69%) of barristers plan to undertake at least one of these activities, and four per cent plan to undertake all six.

Around half (51%) of employed barristers plan to do something in preparation for new ways of working, compared with nearly three quarters (73%) of self-employed barristers. Employed barristers are most likely to consider reflecting on different roles (26%), whereas self-employed barristers are most likely to consider increasing their understanding of different ownership models (37%). Barristers in family practice (79%) and professional indemnity and personal injury practice (74%) are most likely to do something to prepare for new ways of working, particularly Public Access refresher course for family barristers and increase understanding of different ownership models for barristers in professional negligence/personal injury. Those in commercial and chancery (56%) and the international/EU/other practice area (61%) are least likely to do something in preparation for new ways of working.

Table 6.10: Intentions regarding BSB-regulated entities in next two years, 2013 (%)

	Yes, as owner/ manager	Yes, as an employee	Maybe	No	N=
Entity with only barrister owners and managers	3	<1	21	76	3,234
Entity with barristers and other lawyers as owners/ managers	2	<1	18	80	3,232
Entity with barristers, other lawyers and lay people as owners/ managers	1	<1	13	86	3,232

Source: IES/ERL 2013

Table 6.11: Intentions regarding Public Access/litigation, by section of the Bar, 2013 (%)

	Undertake Public Access training			Apply for authorisation to conduct litigation if the BSB permits this		
	Whole Bar	Employed	Self-employed	Whole Bar	Employed	Self-employed
Yes	20	3	24	14	10	14
Maybe	21	14	22	26	17	28
No	59	83	54	60	73	58
N=	3,233	543	2,627	3,231	543	2,625

Source: IES/ERL 2013

Table 6.12: Actions respondents might do to prepare for new ways of working, 2013 (%)

	Whole Bar	Employed	Self-employed
Business management training	26	19	28
Client management training	18	9	20
Increase understanding of different ownership models	33	17	37
Reflect on different roles	30	26	31
Litigation and case management training	26	18	28
Public Access refresher courses	29	8	34
N=	3,228	539	2,629

Note: percentages may sum to more than 100 as respondents could tick all boxes that applied

Source: IES/ERL 2013

6.5 Working issues specific to the self-employed Bar

A number of specific questions about ways of working were asked of self-employed barristers.

6.5.1 BARCO – the Bar Council provided escrow service

Self-employed respondents were asked about BARCO, the Bar Council provided escrow service. Two per cent of respondents indicated that they intend to use BARCO in the next six months, while 21 per cent said they might use BARCO, and three per cent said they would use another escrow service. Nearly half (44%) of respondents said they would not use BARCO or any other escrow service, and 30 per cent said they do not know what BARCO is.

6.5.2 Taking international instructions

Self-employed barristers were also asked about taking international instructions. Only three out of ten barristers (29%) report that they take international instructions, although there is considerable variation by work area, with more than two thirds of barristers in commercial and

chancery (69%), and international/ EU/other (69%) practice areas reporting that they take international instructions, compared with 17 per cent of those in family, 14 per cent of those in professional negligence and personal injury, and 12 per cent of those in criminal practice. Two thirds (68%) of QCs report that they take international instructions, compared with 44 per cent of unsuccessful applicants, and 22 per cent of those who have never applied to be a QC.

Among self-employed barristers who do take international instructions, three quarters (75%) take them from solicitors, 61 per cent take them from foreign law firms, 32 per cent take them from in-house counsel, and 20 per cent take them from lay clients. Just over half (53%) take international instructions from more than one source and eight per cent take them from all four sources. Among barristers in the international/EU/other practice area, 82 per cent take international instructions from more than one source, with 82 per cent taking instructions from foreign law firms, 79 per cent from solicitors, 64 per cent from in-house counsel, and 45 per cent from lay clients.

Just under half (46%) of barristers taking international instructions received them from Europe (EU, Eastern Europe and Turkey), while 27 per cent received them from USA/Canada, 25 per cent received them from Central and

South America, and 23 per cent received them from the Far East (Japan, China, including Hong Kong, Singapore, Malaysia, Korea).

6.5.3 Influence of structural/administrative arrangement in chambers

Finally, self-employed barristers were asked what influence the structural/administrative arrangements in their chambers, including clerking and allocation of work issues, have on the development of their practice, their income, and their choice to stay in chambers. Options available were a positive influence, neither a positive nor negative influence, or a negative influence.

Respondents generally felt the arrangements have a positive influence on all three aspects, with 50 per cent saying they have a positive influence on income, 53 per cent saying a positive influence on the development of their practice, and 57 per cent saying a positive influence on their choice to stay in chambers.

Criminal barristers are least likely to report that the arrangements had a positive influence on them, with 49 per cent reporting a positive influence on practice development, 40 per cent reporting a positive influence on their income, and 52 per cent reporting a positive influence on their choice to stay in chambers. Barristers in the commercial and chancery, and professional negligence/personal injury work areas are most likely to report that the structural/administrative arrangement in their chambers had positive influences on these three factors.

6.6 Key points

Barristers are less positive about their current work situation than they were in 2011. Currently 49 per cent of barristers report that their work situation is ideal and all or nearly all of their needs are met, or that their work situation is not ideal but most of their needs met, compared with 55 per cent in 2011. By contrast, 30 per cent are not satisfied and are considering their options or are not at all satisfied and plan to change as soon as possible, compared with 21 per cent in 2011.

As usual, there are many differences within the Bar as a whole. Self-employed barristers are less positive than employed barristers (47% report that most or all of their needs are met, compared with 56% of employed barristers), and there are high levels of dissatisfaction among criminal and family barristers while those in the commercial and chancery, and international/EU/other practice areas are most satisfied.

Recent change in earnings has a significant bearing on views on current work situation, with those barristers experiencing increases in earnings being more positive than those experiencing decreases in earnings. Recent change in workload also has a bearing, although the

pattern is not intuitive in that those whose workload has increased are less positive than those experiencing no change in workload, although they are more positive than those doing substantially less work. The combined influence of changing workload and earnings was explored, and while those doing more work for more money are highly positive, those doing more work for less money have very negative views.

The proportion of barristers considering leaving their current position has increased since 2011, although it is still a minority of all barristers (37% compared with 30% in 2011). However, half of all criminal barristers, and four out of ten family barristers plan to leave their current position over the next two years, and three quarters of these cite legal aid cuts as the reason for considering a change.

Looking to the future, one in four barristers feel that they may set up or join a 'barrister only' BSB-regulated entity in the next two years, or have definite plans to do so, while smaller proportions have intentions regarding entities with other lawyers and/or lay people as owners/managers. One in five barristers plan to undertake Public Access training in the next two years, with self-employed barristers, and those in criminal and family practice, most likely to plan to undertake this training.

Barristers were asked their intentions regarding a number of actions they might take to prepare for new ways of working, and just over two thirds (69%) plan to do something in preparation, most commonly increasing their understanding of different ownership models.

7 Views of working life

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

7.1 Overview

Table 7.1 presents the summary results, comparing results for the 2011 and 2013 surveys. To assist in interpreting the results and comparing responses, all the items have been worded 'positively'. The percentages given in the table show the proportion of barristers who indicated 'agreement' or 'strong agreement' with each item. In addition, those items where there is a statistically significant difference ($p \leq 0.01$) between 2011 and 2013 have been highlighted.

By and large, as in 2011, barristers are positive about most areas of their working life. However, there has been a significant change in the views of barristers on certain aspects of their working lives, in most of these cases views have become more negative. The statements with the most negative change are:

- *I have good opportunities to progress my career:* in 2011, 47 per cent agreed with this statement but this has reduced to 40 per cent in 2013.
- *I am satisfied with the choice I have over the work I do:* in 2011, 58 per cent agreed and now reduced to 52 per cent.
- *Overall, I am satisfied with my current position:* down from 60 per cent to 53 per cent.
- *I would not leave the Bar if I could:* down from 64 per cent to 57 per cent.

Table 7.1: **Views of working life** (whole Bar, per cent *agree*: 2013 and 2011)

		2011		2013	
		Mean	% agree	Mean	% agree
1	I feel able to balance my home and work lives	3.2	50	3.1	47
2	I have good opportunities to progress my career**	3.2	47	3.0	40
3	I am satisfied with the choice I have over the work I do**	3.5	58	3.3	52
4	I am able to cope with the level of stress in my job	3.7	69	3.6	64
5	I am paid fairly considering my expertise	3.0	44	2.9	42
6	Bullying and harassment are not a problem where I work	4.2	84	4.2	82
7	Working as a barrister is <i>not</i> stressful for me	2.9	32	2.8	29
8	I am paid fairly in comparison with my colleagues†	3.3	52	3.2	46
9	Most days I am enthusiastic about my work	3.7	69	3.6	65
10	My workplace is supportive to newcomers	4.0	80	4.1	83
11	My work is varied	3.9	77	3.8	76
12	I am happy with my working hours	3.2	49	3.1	46
13	I am satisfied with the amount I earn	2.9	38	2.8	35
14*	<i>I do not</i> feel emotionally drained by my work	3.2	45	3.1	41
15	My workplace is supportive to people returning to work**	3.6	57	3.7	64
16*	My workload is <i>not</i> too unpredictable	3.0	39	2.9	33
17	I get enough notice of my new assignments	3.1	39	3.1	41
18	My work is interesting	4.2	88	4.1	88
19*	<i>I do not</i> have to do too much travelling	3.4	53	3.3	51
20	Work is allocated fairly where I work	3.5	57	3.5	59
21*	<i>I do not</i> often feel I am under too much work pressure	3.0	34	2.9	33
22*	I would not leave the Bar if I could**	3.7	64	3.5	57
23	Overall, I am satisfied with my current position**	3.5	60	3.3	53
24	I am proud to be a barrister	4.3	88	4.3	87
25	The CPD courses are generally of good quality	-	-	3.7	68
26*	<i>I do not</i> feel under pressure to take work I would rather not	-	-	3.7	64
27*	There are <i>no</i> skills I need that at present I do not have	-	-	3.5	58
28	My workplace has a good attitude to E&D principles	-	-	4.1	81
29	I would recommend the Bar as a career	3.2	45	3.0	40
30	If I could start my career again I would still opt for the Bar	-	70††	3.3	51

† Item changed slightly to include ... colleagues/*other barristers*

†† 2011 the question was phrased as a yes/no answer to the question *If you could start your career again, would you still opt for the Bar?*

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

** Items marked ** indicate statistical significant difference ($p \leq 0.01$)

Source: IES/ERL, 2011 and 2013

There were also small increases in the percentage of barristers agreeing with *my workplace¹² is supportive to people returning to work*, up from 57 per cent in 2011 agreeing with the statement to 64 per cent this year; *my workplace is supportive to newcomers*; up from 80 per cent to 83 per cent agreeing; *work is allocated fairly where I work*; up from 57 per cent to 59 per cent; and *I*

get enough notice of my new assignments; up from 39 per cent to 41 per cent in 2013. Otherwise the general trend is that barristers have become slightly more negative about most areas of their working environment. Although in each case this might not be statistically significant, taken together they suggest a general downward trend in satisfaction with working life.

¹² Where workplace/employer has been used this has been broadened to be workplace/chambers. It is possible that this change in wording accounts for some of the change in response to these two statements.

More generally, looking at the whole Bar, the items where most barristers were in agreement were the following:

- My work is interesting (88% agree, same as in 2011).
- I am proud to be a barrister (87% agree, 88% in 2011).
- My workplace is supportive to newcomers (83% agree, 80% in 2011).
- Bullying and harassment are not a problem where I work (82% agree, 84% in 2011).
- My work is varied (76% agree, 77% in 2011).

While on the downside the aspects of working life that draw the most negative responses are:

- I am satisfied with the amount I earn (35% agree, 38% in 2011).
- My workload is not too unpredictable (33% agree, 39% in 2011).
- I do not often feel I am under too much work pressure (33% agree, 34% in 2011).
- Working as a barrister is not stressful for me (29% agree, 32% in 2011).

The three items with the lowest scores are all workload/pressure/stress items concerned with working as a barrister and responses to these items have all become more negative on average over the last two years. For example, just 29 per cent disagreed with the statement *working as a barrister is stressful for me*, and 33 per cent disagreed with each of the two statements *my workload is too unpredictable* and *I often feel I am under too much work pressure*.

There are mixed views from respondents with regard to their careers at the Bar. Four in ten (40%) agreed that they would recommend a career at the Bar, while 35 per cent disagreed. Just over half (53%) said that, overall, they are satisfied with their current position, but 26 per cent disagreed, effectively saying they are not satisfied. Half (51%) of all barristers reported that if they could start their career again they would still opt for a career at the Bar; 30 per cent disagreed with this statement.

7.2 Problems at the criminal Bar

The main variable that differentiates barristers on a range of key items expressing views about working life is whether or not they mainly work in criminal practice. Across the whole range of items there were only five where the views of barristers working in criminal practice were not more negative than the views of barristers working in other areas of practice, and on all items the views of those working in criminal practice are more negative this year than they were in 2011.

Table 7.2 summarises the headline figures for those items where the differences are largest, highlighting also changes in views since 2011. Earnings and income were the areas where differences in views are widest in 2013. For example, almost three times as many barristers working at the criminal Bar as those in other areas do not agree with the statement *I am paid fairly considering my expertise* (75% compared with 28% of those working mainly in other practice areas).

Comparing 2011 with 2013 the views of those working in criminal practice have become significantly more negative on all the items listed in Table 7.1, and especially so when

Table 7.2: Views of working life: criminal Bar compared with all others (whole Bar, per cent *disagreeing*: 2013 and 2011)

	2011		2013	
	Criminal Bar	Other practice	Criminal Bar	Other practice
2 I have good opportunities to progress my career (<i>disagree</i>)	41	20	54	24
3 I am satisfied with the choice I have over the work I do (<i>disagree</i>)	28	16	39	18
5 I am paid fairly considering my expertise (<i>disagree</i>)	62	28	75	28
8 I am paid fairly in comparison with my colleagues (<i>disagree</i>)	29	15	40	18
13 I am satisfied with the amount I earn (<i>disagree</i>)	59	34	75	34
23 I would leave the Bar if I could (<i>agree</i>)	24	16	35	18
23 Overall, I am satisfied with my current position (<i>disagree</i>)	29	16	45	17
29 I would recommend the Bar as a career (<i>disagree</i>)	48	22	56	26
30 If I could start my career again I would opt for the Bar (<i>disagree</i>)	–	–	44	22

Source: IES/ERL, 2011 and 2013

considering their overall position, *overall I am satisfied with my current position*. In 2011, 29 per cent disagreed with this statement but this year 45 per cent disagreed, a large and significant deterioration in the morale of this group of barristers, while the overall views of those working in other practice areas have remained more or less unchanged on this item between the two surveys.

Four in ten (44%) barristers at the criminal Bar would not chose the Bar if they could start their career again, compared with 22 per cent of those working in other areas of practice.

It is worth highlighting the differences between the different areas of practice in these variables (Table 7.3). This shows that barristers working in family practice are more likely to disagree with these statements than those in all other areas of the Bar, except criminal practice, while those working in commercial and chancery are least likely to disagree, showing higher levels of satisfaction.

7.3 Views of pay in publicly funded work

Looking at the pay statements, there is a strong correlation between barrister views of their pay and career progression and the degree to which they are reliant on public funding in their work. Figure 7.1 highlights this showing that, for example, when considering the statement '*I am paid fairly considering my expertise*' three quarters (76%) of barristers who are not reliant at all on public funding 'agree' compared with just 25 per cent of those where 50 to 90 per cent of their income is publicly funded and just nine per cent of those who are 90 per cent reliant on public funding agree. A similar pattern of response is apparent for all of the pay and related items.

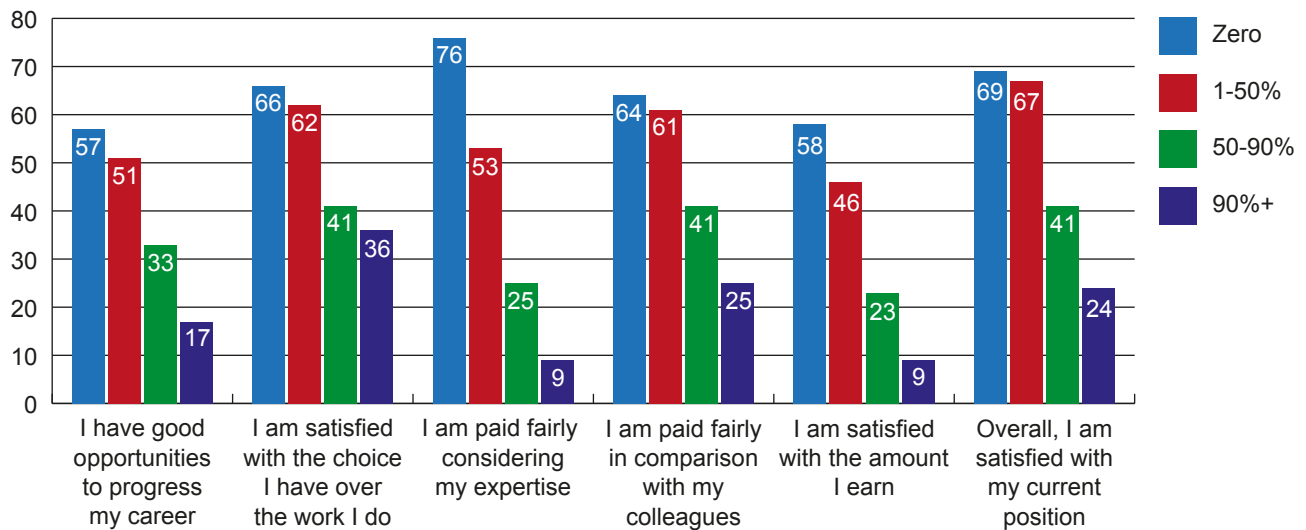
With more female barristers working in the publicly funded Bar (just 26% of women are not reliant at all on public funding compared with 42% of men) female barristers are being affected slightly more by the reduction in public funding than men. The same is true of BME barristers, but to a lesser degree, with 29 per cent of BME barristers not reliant on public funding at all compared with 37 per cent of white barristers.

Table 7.3: Views of pay and career items by main areas of practice (% disagreeing whole Bar: 2013)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	All barristers
I have good opportunities to progress my career (<i>disagree</i>)	54	23	21	16	38	16	33
I am satisfied with the choice I have over the work I do (<i>disagree</i>)	39	16	14	14	27	9	24
I am paid fairly considering my expertise (<i>disagree</i>)	75	28	19	14	49	19	43
I am paid fairly in comparison with my colleagues (<i>disagree</i>)	75	34	29	24	48	26	47
I am satisfied with the amount I earn (<i>disagree</i>)	45	17	17	12	24	12	26
I would leave the Bar if I could (<i>agree</i>)	56	23	27	15	43	17	35
Overall, I am satisfied with my current position (<i>disagree</i>)	44	18	24	15	36	19	29
I would recommend the Bar as a career (<i>disagree</i>)	54	23	21	16	38	16	33
If I could start my career again I would opt for the Bar (<i>disagree</i>)	39	16	14	14	27	9	24
Base N=100% (max)	943	839	264	453	471	77	3,047

Source: IES/ERL, 2013

Figure 7.1: Agreement with pay and career progression statements by percentage publicly funded (Self-employed Bar: 2013)



Source: IES/ERL 2013

7.4 Work life themes

In 2011, using factor analysis, four work life themes were generated that combined the responses for items addressing similar work related issues, thus providing one aggregate score for each theme. Re-running this analysis on the 2013 data produces similar results but five additional items were included in this year's questionnaire and this, as well as slightly different response patterns, alters the output to some extent.

The factors that are generated this year are as follows:

Factor 1: Workload, stress and work life balance

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

As in 2013, working hours and workload items came out grouped together, although this year there was a minor modification with item 16 *My workload is NOT too unpredictable*, not included in this, or any other, factor, whereas in 2011 it was included. This factor reinforces the link between working hours, workload and work pressure at the Bar.

Factor 2: Pay and career progression

2. I have good opportunities to progress my career
3. I am satisfied with the choice I have over the work I do
5. I am paid fairly considering my expertise
8. I am paid fairly in comparison with my colleagues
13. I am satisfied with the amount I earn
23. Overall, I am satisfied with my current position

Pay and career progression items emerged as linked again this year, although there were minor changes; item 3 *I am satisfied with the choice I have over the work I do* is included in the factor while *I would recommend a career at the Bar* is included in a new 'career satisfaction' factor this year. This factor reinforces the link between pay and current job satisfaction.

Factor 3: Workplace support and equality

6. Bullying and harassment are not a problem where I work
10. My workplace is supportive to newcomers
15. My workplace is supportive to people returning to work after being away for a long period
20. Work is allocated fairly where I work
28. My workplace has a good attitude to equality and diversity principles

Factor 3 is similar to factor 4 in 2011 and addresses equality and diversity issues and discrimination in the workplace. It includes the same items as in 2011 with the addition of item 28 *My workplace has a good attitude to equality and diversity principles*, a new item included in the survey this year. In pulling together these items this factor demonstrates the statistical link between views on bullying and harassment and workplace support, and attitude to equality and diversity issues.

Factor 4: Overall career satisfaction and pride

- 22. I would NOT leave the Bar if I could
- 24. I am proud to be a barrister
- 29. I would recommend the Bar as a career
- 30. If I could start my career again I would still opt for the Bar

Factor 4, which did not emerge from the analysis as a factor in 2011, can be summarised as representing issues connected with pride in the profession and overall satisfaction with careers at the Bar.

Factor 5: Current job satisfaction

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

Factor 5 covers the same items as in Factor 3 in 2011 and can be grouped under the heading, current job satisfaction e.g. enjoyment, interest and enthusiasm in the work and can be distinguished from factor 4 in that it concerns views of barristers' current work and jobs as opposed to their whole careers.

Factor 6: Appropriately skilled for the job

- 26. I DO NOT feel under pressure from my chambers/ employer to take work I would rather not
- 27. There are NO skills I need in my job which at present I do not have

This factor is new in 2013 and includes two new items which can be broadly associated with the extent to which barristers feel unable to do aspects of their jobs, or feel inappropriately skilled to do their jobs. However, its reliability is weaker than the other factors so may not be as relevant as a group (pair) of items.

This year only three items were not included in any factor, these are:

- 16. My workload is too unpredictable,
- 17. I get enough notice of new assignments and
- 19. I have to do too much travelling.

However, despite not emerging from the analysis as a coherent group, intuitively they might be seen as linked as views of the unpredictable nature of work as a barrister. However, as they are not statistically linked, they are excluded from the subsequent analyses.

Table 7.5 summarises the mean scores for each factor by main area of practice. Area of practice accounts for much of the variation between groups of respondents and is a key aspect throughout the analysis, although the distinction is more often than not between the criminal Bar and other areas of practice, or by the degree to which respondents are reliant on public funding, which also includes higher than average numbers of barristers working in family practice.

It is noticeable that in relation to workload pressure and stress, career and professional pride, and job satisfaction, barristers working in family practice are, on average, equally negative in their responses as those working in criminal practice. However, it is in response to the items relating to pay and progression where the differences between the criminal Bar and elsewhere are at their widest.

7.4.1 Workload, stress and work-life balance

Whether or not respondents practise at the criminal or family Bar, or are publicly funded (the two are strongly correlated), are the main issues that determine the degree to which barristers respond positively to this factor. For example, the mean score on this factor among barristers working at the criminal Bar who are more than 50 per cent publicly funded is 2.8 compared with 3.2 among barristers who are less than 50 per cent publicly funded working in other areas of the Bar.

The component with the strongest correlation with this factor is the item *I often feel I am under too much work pressure*. Looking at this item in a little more detail it is noticeable that 27 per cent of barristers working at the criminal Bar respond positively compared with 35 per cent of barristers working in other areas of practice, while 39 per cent of those whose income is not publicly funded at all agree, compared with 25 per cent of barristers who are 90 per cent or more publicly funded.

Across all respondents age is also correlated with barristers in their sixties responding significantly more positively than those under 60 (mean score of 3.5 compared with 3.0 among barristers under 60 years of age).

There are few further differences between groups of respondents in relation to the extent to which they feel workload pressure. However, within civil practice men respond more positively than women (mean scores 3.3 compared with 3.1).

Table 7.4: Summary statistics for the key work life factors, 2013

Scale/Factor:	Pressure	Pay	Support	Career	Job	Skills
	Workload, stress and work-life balance	Pay and progression	Workplace support and equality	Career and professional pride and satisfaction	Job satisfaction	Appropriate skills
No. of items	6	6	5	4	3	2
Alpha reliability	0.85	0.88	0.79	0.78	0.73	0.44
Valid cases N=	3,009	2,984	2,971	3,004	3,035	3,026
Mean Score†	3.1	3.1	3.9	3.5	3.9	3.6

† The higher the mean score the more positive the response.

Source: IES/ERL, 2013

Table 7.5: Mean scores for each factor by main area of practice (Mean scores whole Bar: 2013)

	Criminal	Civil	Personal negligence/ personal injury	Commercial and Chancery	Family	Other	Whole Bar
Workload, stress & work-life balance	2.9	3.2	3.2	3.4	2.8	3.4	3.1
Pay & progression	2.5	3.4	3.5	3.6	3.0	3.5	3.1
Workplace support & equality	3.8	3.9	4.1	4.0	4.0	3.9	3.9
Career & professional pride	3.2	3.8	3.7	3.9	3.3	3.8	3.5
Job satisfaction	3.8	4.0	3.8	4.0	3.7	4.1	3.9
Appropriate skills	3.6	3.6	3.6	3.7	3.5	3.6	3.6
Base N=	1,015	880	281	477	503	83	3,239

Source: IES/ERL, 2013

7.4.2 Pay and career progression

There is strong correlation again between this factor and area of practice and the degree to which respondents are publicly funded. The score among those working at the criminal Bar is just 2.5 compared with 3.4 among those working in other areas of practice. Similarly, looking at respondents by the extent of public funding shows a strong correlation, with much more positive responses among those who rely less on public funding (Figure 7.2).

These differences are discussed in a little more detail above, in the section concerning the criminal Bar.

In addition to this, across all barristers those who have achieved QC status respond more positively than those who have either applied and not achieved Silk or not applied (score 3.5 compared with 3.1 and 3.0 respectively).

The item that is most strongly correlated with this factor is *I am satisfied with the amount I earn*. Just five per cent of the criminal Bar who are more than 90 per cent publicly funded agree that they are satisfied with the amount they earn, compared with 59 per cent of those working in other areas of practice and who do not rely on public funding.

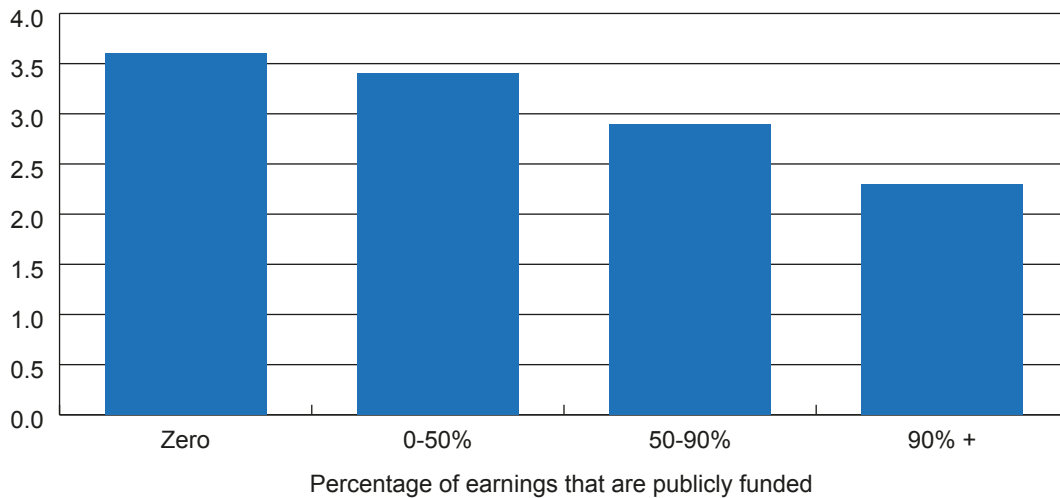
Further differences within each area of practice are that in civil and commercial/chancery practice, those who have achieved Silk status respond significantly more positively (3.8 compared with 3.3 among those who have not achieved Silk).

7.4.3 Workplace support and equality issues

Overall, the views on the five items within this factor are the most positive (3.9 mean score) suggesting that most workplaces are supportive and relatively free of discrimination and bullying. Views are fairly homogenous across the profession although barristers who have achieved Silk respond more positively than those who have not (mean score 4.2 compared with 3.9 among those who have not achieved Silk).

The item that correlates most strongly with the factor is *my chambers/workplace has a good attitude to equality and diversity principles*. Eight out of ten (81%) barristers agree with this statement and this rises to 90 per cent among barristers who have achieved QC status. There are also some differences between men and women, although not as great as was the case in 2011, with 76 per cent of women agreeing that their employer has a good attitude to

Figure 7.2: **Mean score on pay and career progression factor by percentage publicly funded** (Mean score, whole Bar: 2013)



Source: IES/ERL 2013

equality and diversity principles compared with 83 per cent of men, with a similar difference between the employed and self-employed Bar. However, there is no difference in the views of men and women at the employed Bar.

Within criminal practice barristers who have achieved Silk status are more positive than those who have not (4.2 compared with 3.8 respectively).

7.4.4 Career satisfaction and professional pride

This factor is new to the 2013 survey and contains the items *I am proud to be a barrister*, *I would leave the Bar if I could*, *I would recommend the Bar as a career* and *If I could start my career again I would still opt for a career at the Bar*. For most barristers responses are positive, however again there is a strong relationship with levels of public funding. For example, the mean score among those who do not rely on any public funding is 3.8 compared with 3.1 among those where 90 per cent or more of earnings is from public funding. This is especially the case within criminal practice.

If I could start my career again I would still opt for a career at the Bar is the most strongly linked item to this factor, perhaps capturing the essence of professional and career satisfaction and pride. Of those working outside of the criminal Bar and who do not rely on any public funding, 62 per cent agreed they would still opt for the Bar if they could start their career again, compared with just 32 per cent of those working at the criminal Bar and whose earnings are 90 per cent or more funded publicly. It should also be noted that just 44 per cent of respondents working in family practice agree with this statement.

Looking within each area of practice, as one might expect, barristers working in civil and commercial/chancery who have obtained Silk score more positively than other barristers on the career satisfaction factor.

7.4.5 Current job satisfaction

There are high levels of current job satisfaction (mean score 3.9) as measured through this factor with little to differentiate between respondents. *My work is interesting* is the key item in the factor with nearly nine in ten (88%) of barristers agreeing with the statement, the same figure as reported in 2011.

Those who rely less on public funding respond slightly more positively as do those who have achieved Silk status but otherwise there is little difference between respondents.

7.4.6 Pressure to take work

There are just two items within this factor and it does not have a high reliability score. It is possible that the two items *I feel under pressure from my chambers/workplace to take work I would rather not* and *there are skills I need in my job which at present I do not have* are not measuring the same dimension. Certainly there are several interpretations of underlying factors as to why barristers might feel under pressure to take work they would rather not which may not relate to how appropriate their skills for the task are.

Looking at the degree to which respondents perceive they lack skills for their job, just 18 per cent feel they lack certain skills needed for the job and there are no obvious correlations with demographic or employment related variables.

Table 7.6: Views of the profession (whole Bar, per cent agree: 2013 and 2011 (in brackets))

		Employed		Self-employed	
		Mean	% agree	Mean	% agree
1	The Bar is a 'family friendly' profession in which to work	2.4 (2.3)	12 (9)	2.5 (2.5)	20 (21)
2	The Bar is a respected profession	4.0 (4.0)	83 (84)	3.8 (4.0)	78 (82)
3	Aptitude tests will improve recruitment to the Bar	2.8	25	2.6	31
4	It is difficult to be a barrister and work part time	3.6 (3.7)	56 (60)	3.7 (3.8)	63 (70)
5	The Bar is attracting the best quality people, regardless of background	2.6 (2.4)	16 (12)	2.9 (2.9)	32 (32)
6	Demand for services in my area of practice is increasing	3.1	36	2.6	22
7	The cab rank rule is an important principle to maintain	3.6 (3.7)	60 (64)	3.8 (3.8)	69 (69)
8	The rewards of a career in my area of practice more than compensate for the initial financial outlay	2.7 (2.6)	24 (15)	3.0 (3.0)	43 (41)
9	Proposals to merge the training of solicitors and barristers are a good idea	2.8	30	2.0	10
10	It would be beneficial if clerks/practice managers were more formally affiliated with the Bar Council's representative and BSB's regulatory structures	3.2	28	3.0	29
11	I have a good understanding of the BSB's role	3.1	34	3.1	38
12	The BSB is an effective regulator of the barrister profession	3.0	24	2.7	18
13	The Bar Council Brussels Office effectively represents the Bar's interests in Europe	2.9	5	2.9	5
14	I understand what the Member Services Fee funds	3.1	38	3.0	41

Source: IES/ERL, 2011 and 2013

7.5 Views of the profession and representative and regulatory bodies

Table 7.6 summarises responses to the items covering views about the profession and the representative and regulatory bodies.

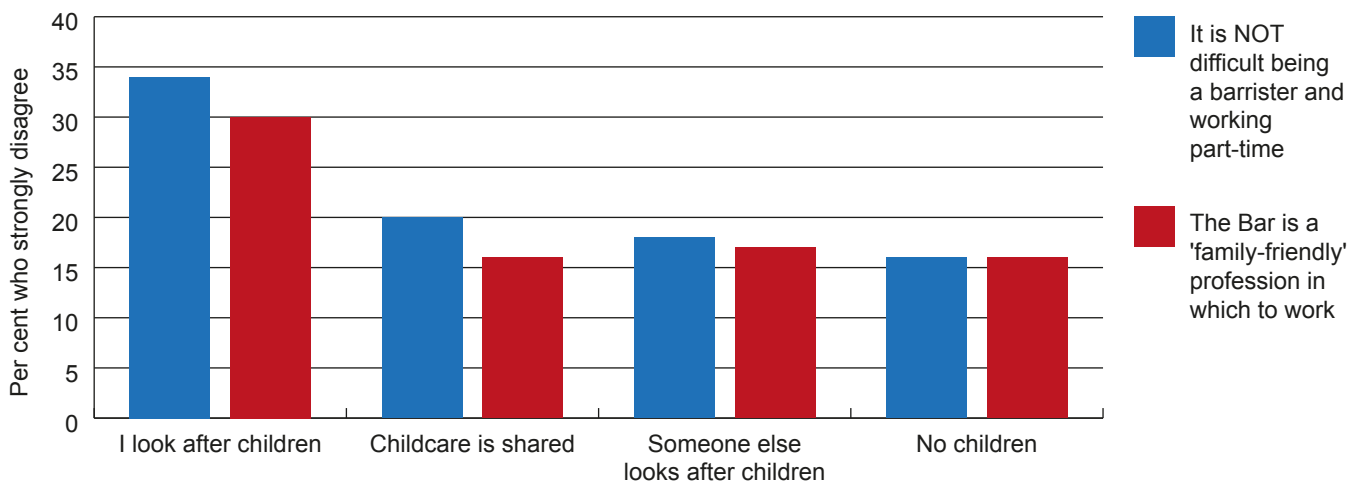
Looking at those items that are the same as used in 2011 there has been only minimal change in views. The biggest difference between 2011 and 2013 would appear to be in the numbers of the self-employed Bar who say it is difficult to be a barrister and work part-time, up from 63 per cent in 2011 to 70 per cent agreeing with this statement in 2013. There has also been a small increase in the numbers of the employed Bar agreeing with this statement. Also, at the employed Bar, more respondents agree that the rewards of a career in their area of practice more than compensate for the initial financial outlay.¹³

The differences between employed and self-employed barristers are widest when considering *proposals to merge the training of solicitors and barristers are a good idea* (just 10% of the self-employed Bar agree compared with 30% of the employed Bar). Similarly, more of the employed Bar (36%) think that *demand for services in their area of practice is increasing* (just 22% of the self-employed Bar agree with this statement). More of the self-employed Bar think the Bar is a family friendly profession in which to work (20% compared with 12% of the employed Bar), albeit there are low numbers agreeing with the statement in both sections of the Bar. Finally, more of the self-employed Bar think that the profession is attracting the best quality people regardless of background (32% compared with just 16% of the employed Bar).

It is worth noting that the apparently low percentage of barristers indicating agreement to the statement *The Bar Council Brussels Office effectively represents the Bar's interests in Europe* is largely a function of high numbers responding neutrally (82%) or, more probably, not knowing.

¹³ The wording of this item changed slightly between the surveys from rewards of a career at the Bar to rewards in my area of practice so the results are not directly comparable.

Figure 7.3: Flexible working and the Bar, by childcare responsibilities (% strongly disagree whole Bar: 2013)



Source: IES/ERL 2013

To explore these views in a little more detail, factor analysis was again used and four groups of items were derived. These are covered in the next three sub sections.

7.5.1 Flexible working

Two statements cover this issue: *The Bar is a 'family friendly' profession in which to work* and *It is difficult to be a barrister and work part time*.

The only variables that show some significant correlation are gender and caring responsibilities, especially childcare. When considering whether or not the Bar is a family-friendly profession in which to work women are more likely to 'strongly disagree' with the statement than men (25% compared with 14% of men). A similar difference is also apparent when considering whether it is 'not' difficult working part-time as a barrister.

Figure 7.3 shows the percentage strongly disagreeing with each item by whether or not respondents have children and who has responsibility for the childcare. In summary, more barristers who are responsible for childcare consider the Bar is not a family-friendly profession in which to work and feel it is difficult to be a barrister and work part-time. For all other situations, i.e. when someone else is doing the childcare, or it is shared, or there are no children living at home, there is little difference in views.

7.5.2 The 'health' of the profession

Four items emerged from the factor analysis that can broadly be summarised as reflecting views of the 'health' of the profession. These include:

- 'The Bar is a respected profession'.
- 'The Bar is attracting the best quality people, regardless of background'.

- 'Demand for services in my area of practice is increasing'.

- 'The rewards of a career in my area of practice more than compensate for the initial financial outlay'.

As might be expected given much of the preceding analysis this factor is correlated very strongly with the level of public funding respondents are reliant on and whether or not respondents work at the criminal Bar. For example, the overall mean score for this factor is 3.1 but this ranges from 3.5 among barristers who are not reliant at all on public funding down to 2.5 among those where 90 per cent or more of earnings is publicly funded.

The item that is most strongly correlated with the factor is *the rewards of a career in my area of practice more than compensate for the initial financial outlay*. So, for example, among barristers working at the criminal Bar where 90 per cent or more of their earnings are publicly funded, 78 per cent disagree with the statement, compared with just 12 per cent of barristers working in other areas of practice and who are not reliant on any public funding.

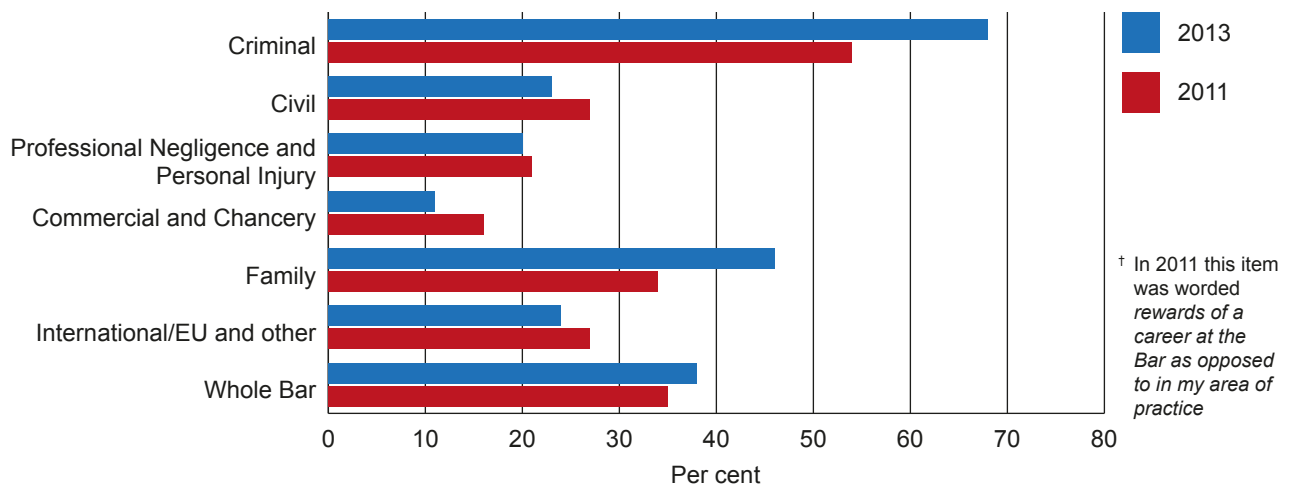
It is interesting when comparing results in 2013 with 2011 for this item how views have changed. For barristers working in family practice and the criminal Bar the proportion disagreeing has increased from 34 per cent to 46 per cent in family practice, and from 54 per cent to 68 per cent at the criminal Bar. There has been little change in views in the other broad practice areas.

7.5.3 Developments in the profession

This section considers three items that emerged together in the analysis that broadly can be seen as covering views on strategies and policies:

- 'The cab rank rule is an important principle to maintain'.

Figure 7.4: The rewards of a career in my area of practice[†] more than compensate for the initial financial outlay (% disagreeing, whole Bar: 2011 and 2013)



Source: IES/ERL 2013

- 'Proposals to merge the training of solicitors and barristers are a good idea'.
- 'It would be beneficial if clerks/practice managers were more formally affiliated with the Bar Council's representative and BSB's regulatory structures'.

The average mean score on these items is 3.0 and there is very little to differentiate between groups of barristers, be it by section of the Bar, area of practice, the extent of public funding or any of the demographic variables. Women were more likely than men to agree, scoring slightly higher on the factor (3.1 compared with 2.9 among men) and this was largely as a result of differences in response to the item *'It would be beneficial if clerks/practice managers were more formally affiliated with the Bar Council's representative and BSB's regulatory structures'*. A third of women (34%) agree with this statement, compared with one in four (26%) men.

7.5.4 The role of the representative and regulatory bodies

The final factor that was derived from the analysis concerns views of the professional and regulatory bodies and their roles. These statements were:

- 'I have a good understanding of the BSB's role'.
- 'The BSB is an effective regulator of the barrister profession'.
- 'The Bar Council Brussels Office effectively represents the Bar's interests in Europe'.
- 'I understand what the Member Services Fee funds'.

The average score for this factor is 2.9 with the main differentiating feature between barristers being whether or not they work at the criminal Bar. In particular, when

considering the statement *the BSB is an effective regulator of the barrister profession*, half of all barristers at the criminal Bar (50%, with 28% strongly) disagree with this statement compared with just 26 per cent (ten % strongly) of all those working in other areas of practice.

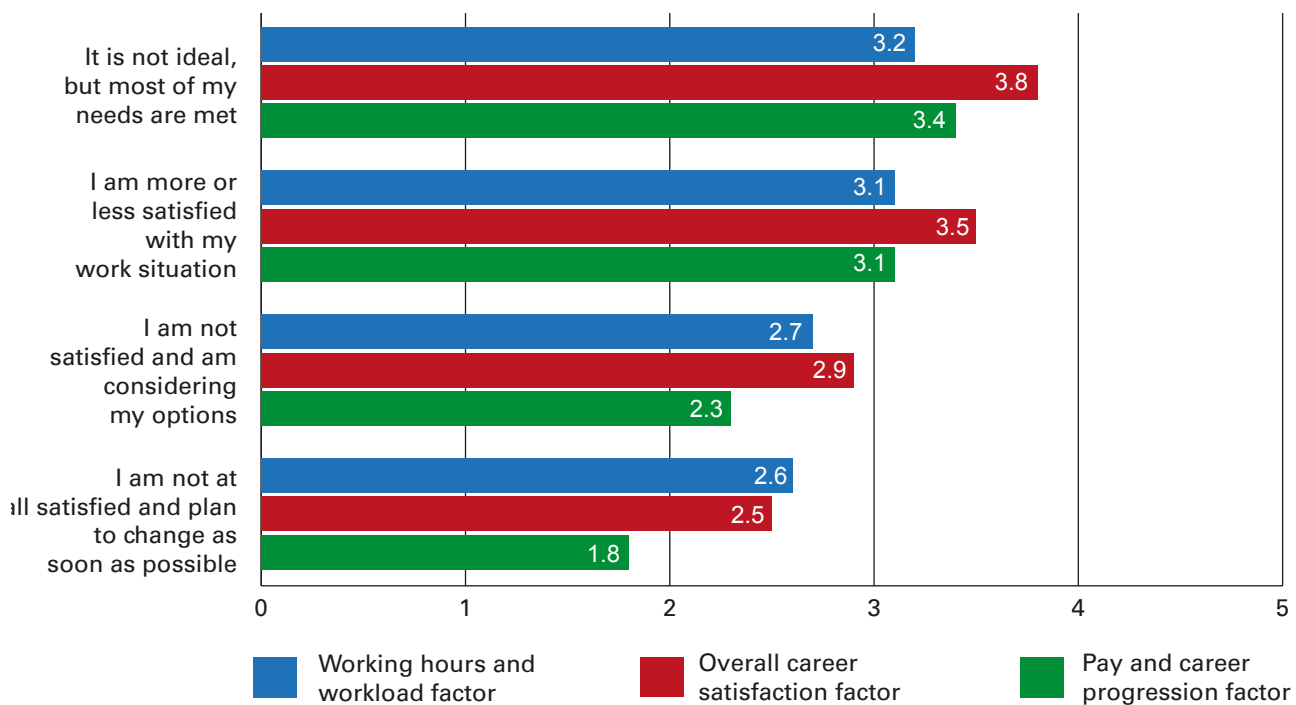
7.6 Current work situation and views of working life

In Chapter 6 barristers' views of their current work situation were explored. This analysis shows that barristers working at the criminal Bar and, to a lesser extent, family practice are less satisfied with their current work situation than those working in the other sections of the Bar. For example, 42 per cent of those working in criminal and 32 per cent of those working in family practice are not satisfied with their current work situation and are considering their options or wanting to change as soon as possible. This compares to 13 per cent of those working in commercial/chancery practice and 11 per cent of those working in international/other practice areas.

Looking now at how respondents see their current work situation and analysing responses in the context of their working life views, not surprisingly where barristers are negative about different aspects of their working lives they are more likely to respond negatively about their current work situation. However, it is informative to determine which aspects of their current working lives are most strongly correlated with how barristers describe their current work situation. Figure 7.5 shows the scores on the three factors that show the strongest correlation. As might be expected given the analysis above in this chapter, pay and career progression issues are most strongly correlated with how respondents describe their current work situation.

Not surprisingly given the similarity in the wording of the two questions, the strongest correlation with views of

Figure 7.5: Mean scores on the three key working life factors by views of current work situation (whole Bar: 2013)



Source: IES/ERL 2013

current work situation is *overall, I am satisfied with my current position*. Aside from this correlation, which is not very informative as both questions cover a similar issue, the item with the next strongest correlation with views of current work situation is *I am satisfied with the choice I have over the work I do*. For example, 69 per cent of those who disagree with this statement say they are not satisfied and are considering their options or planning to change as soon as possible. Conversely, 69 per cent of barristers who agree, saying they are satisfied with the choice they have over the work they do, also say their work situation is more or less ideal with all, or most, of their needs being met.

This might suggest that the current problems being experienced in criminal practice and, to a lesser extent, family practice are at least as much about the availability of appropriate work as any other issue.

7.7 Change in workload and views of working life

In Chapter 4 barristers' recent change in workload was explored, and in Chapter 6 recent change in workload was correlated with views about current work situation, with barristers who had experienced a substantial increase or decrease in the workload being less satisfied with their current work situation than those whose workload had stayed (broadly) the same.

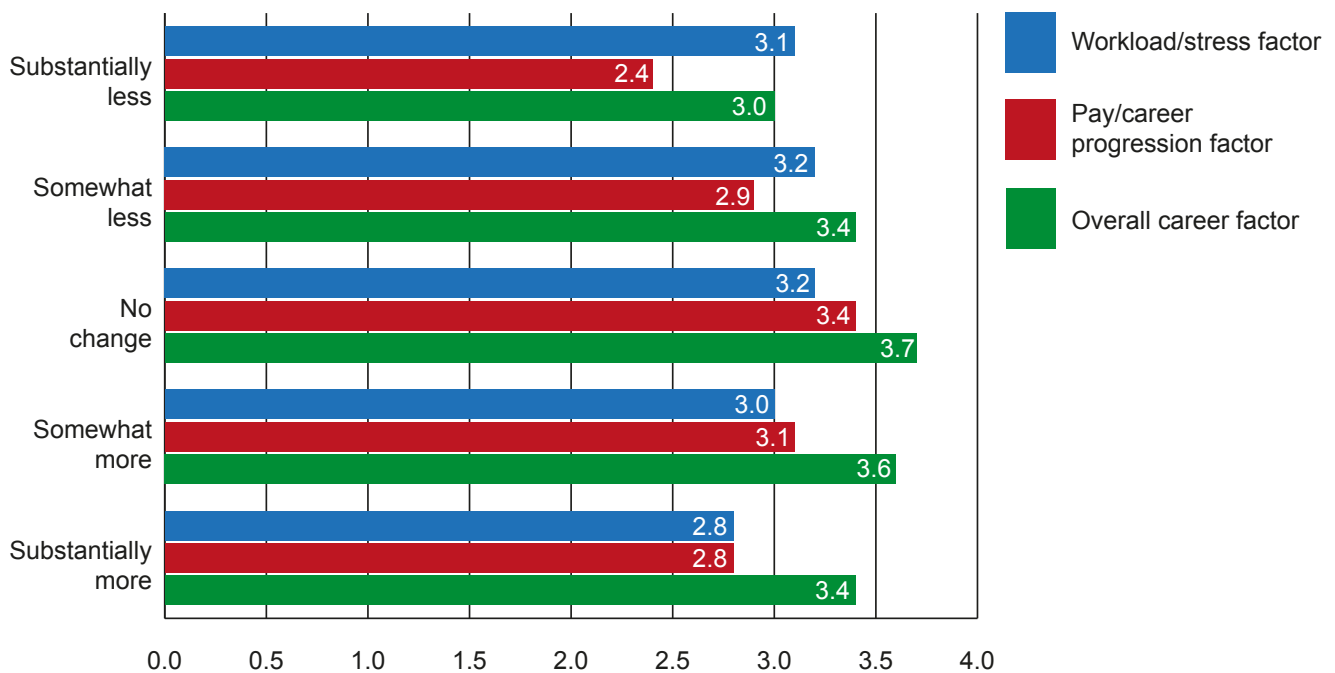
To investigate this further and to explore which aspects of working lives are affected by changes in workload,

the factor scores were examined by recent change in workload, and Figure 7.6 shows the scores on the three factors that are most affected by workload changes. Recent change in workload has the largest impact on views about pay and career progression, where barristers who have seen substantial changes in workload are more negative, and particularly those whose workload has decreased substantially. The workload, stress and work-life balance factor is also influenced by recent changes in workload, unsurprisingly, with negative views on this factor expressed by those whose workload has substantially increased. The overall career satisfaction factor is also affected, with those whose workload has decreased substantially having neutral views, rather than the positive views expressed by other barristers. Barristers who have experienced no change in workload over the last two years have the most positive views for these three factors, although those whose workload is somewhat less also have positive views about workload, stress and working life.

7.8 Earnings and views of working life

In Chapter 5 barristers' recent change in earnings/fees was explored, and in Chapter 6 recent change in earnings was correlated with views about current work situation, with barristers who had experienced decreases in earnings having much more negative views than those who had experienced increases in earnings.

Figure 7.6: Mean scores on the three key working life factors by recent change in workload (whole Bar: 2013)



Source: IES/ERL 2013

To investigate this further to explore which aspects of working lives are affected by changes in earnings, the factor scores were examined by recent change in earnings, and Figure 7.7 shows the scores on the three factors that are most affected. Unsurprisingly the largest impact is on the pay and career progression factor, although it is worth noting that barristers whose earnings/fees have decreased substantially have, on average, a higher score for the pay and career progression factor than those barristers who are not at all satisfied with their current work situation and plan to leave as soon as possible (Figure 7.5 above), although there will be a large degree of overlap between the two groups. Recent change in earnings also has a substantial impact on overall career satisfaction, although again the impact of change in earnings is less than that of current work situation.

7.9 Combined impact of workload and earnings changes on views of working life

The previous two sections have looked at the impact on the views of working life of changes in workload, and changes in earnings, separately. In this section the combined impact of these two changes on views of working life is explored.

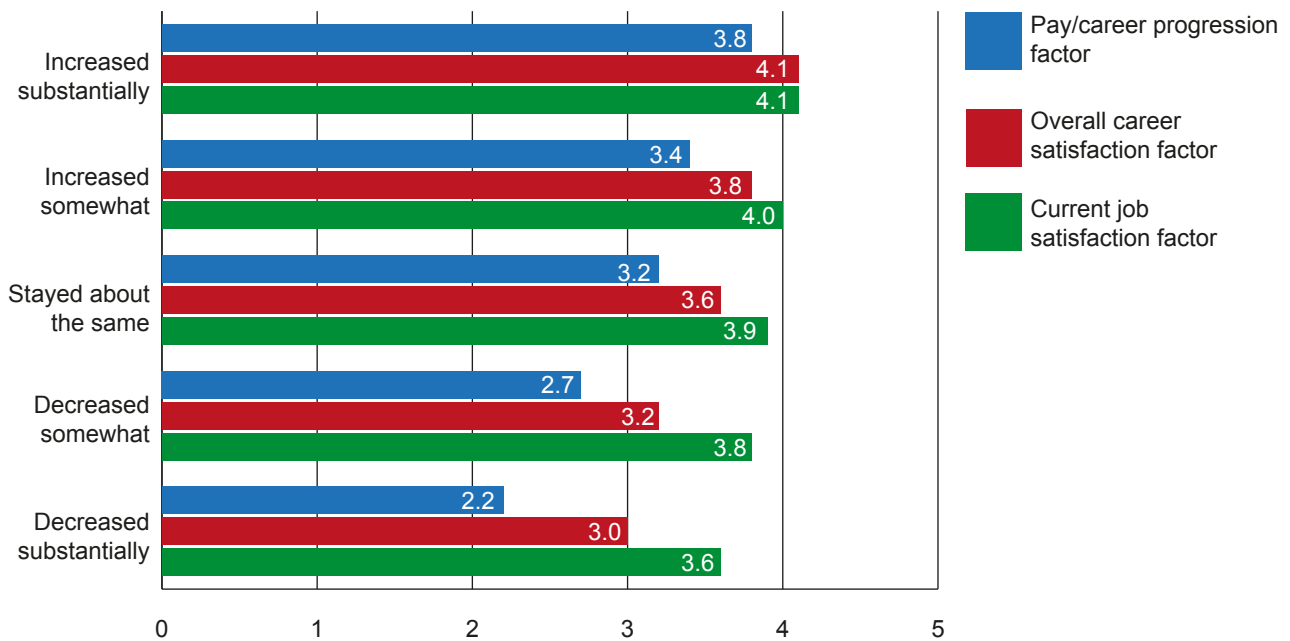
Figure 7.8 shows the variation in views regarding workload and stress, and pay and career progression, by the combined workload and earnings change variable. Looking first at the variation in the workload, stress and work-life

balance factor, the views of those who are doing more work are more negative than those doing the same amount or less work, as would be expected, but the difference narrows as earning change improves. Thus the mean score of those doing more work for less money (2.6) is considerable below that of those doing less work for less money (3.1), but the mean score of those doing more work for more money (3.1) is only slightly below that of those doing less work for more money (3.2). Interestingly the mean scores for this factor are higher among those doing the same or less work for the same money (3.3), than they are among those doing the same or less work for more money (3.2).

Turning to the variation in the pay and career progression factor, while satisfaction rises as the recent earnings change improves, within each earnings change category views are more positive among those whose workload has stayed the same than they are among those whose workload has either increased or decreased. Among those respondents who are earning more money, views are least positive among those doing less work for more money (3.1, compared with 3.5 for those doing more work for more money, and 3.7 for those doing the same work for more money), which suggests that workload is the key driver of views here, and that a reduced workload may affect views on the opportunities for career progression.

Figure 7.9 shows the variation in views regarding overall career satisfaction, and current job satisfaction, by the combined workload and earnings change variable. Looking at overall career satisfaction, mean score of those doing more work for more money (3.9) is the same as that of

Figure 7.7: Mean scores on the three key working life factors by recent change in earnings/fees (whole Bar: 2013)



Source: IES/ERL 2013

those doing the same work for more money (3.9), whereas among barristers who are not earning more money the views of those doing more work are less positive than the views of those doing the same amount of work. Also, the mean score for those doing less work for more money (3.6) is lower than that of those doing the same or more work for more money (3.9). Turning to current job satisfaction, those doing more work for more money have the highest mean score (4.1), above that of those doing the same work for more money (4.0), whereas among those barristers not earning more money, job satisfaction is higher among those doing the same work than among those doing either more work or less work. These findings suggest that a reduced workload can more than outweigh the positive impact of increased earnings on job and career satisfaction.

7.10 Key points

Most barristers are positive about most areas of their working life. However, there has been a significant change since 2011, for the worse, in the views of barristers on many aspects of their working lives. In particular, views concerning the progress of their careers, satisfaction with choice of work and current position and their desire to stay in the profession have all become significantly more negative. In addition the three statements that draw the most negative response from barristers are the three workload/work pressure items. Only 33 per cent think that their workload is not too unpredictable and this figure has reduced from 39 per cent in 2011.

These changes in response patterns are clearly linked to the publicly funded and criminal Bar where views have

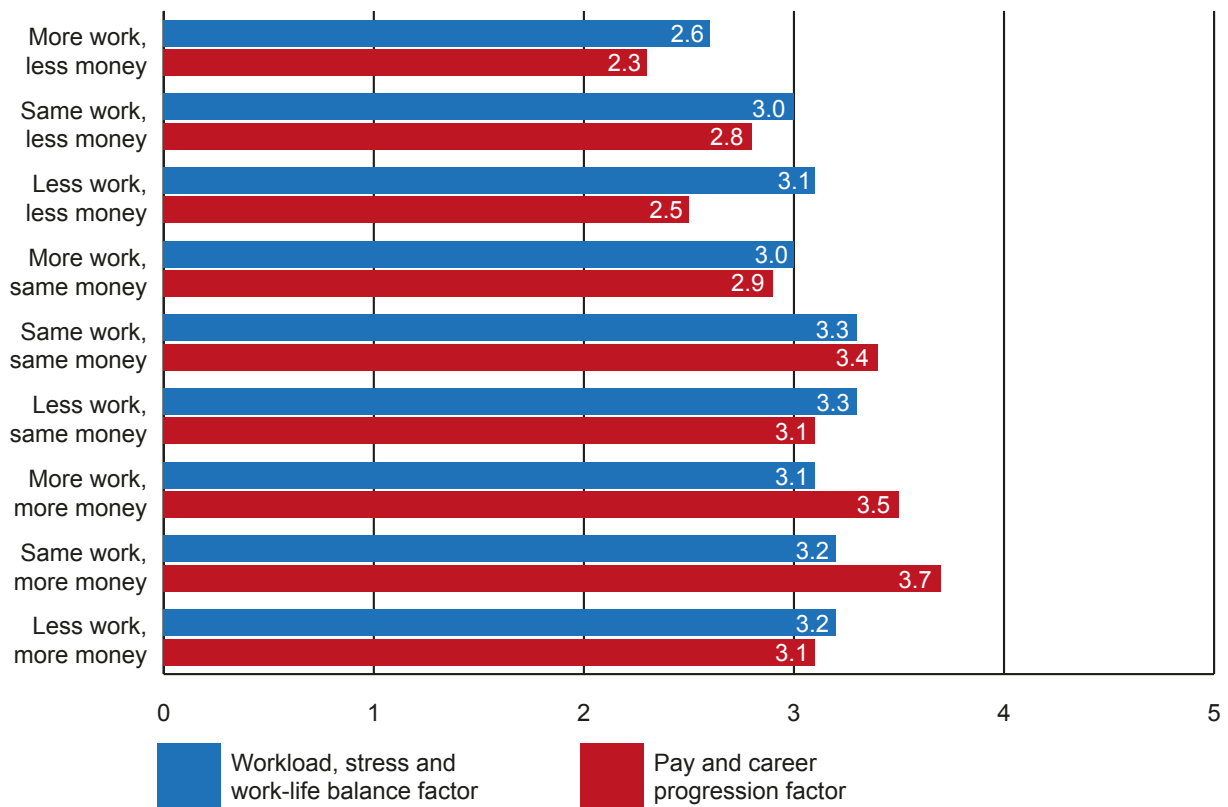
become appreciably more negative and pessimistic in the last two years, and the gap in views between the publicly funded and criminal Bar and other areas of practice has widened. Among barristers not reliant on public funding or working at the criminal Bar views have remained broadly unchanged since 2011.

The most striking statistic is that among barristers working in criminal practice in 2011, 45 per cent were satisfied with their current position but today, in 2013, 29 per cent report being satisfied. In addition when considering the statement *I am paid fairly considering my expertise* 75 per cent of those working in criminal practice disagreed compared with 28 per cent of barristers working in other areas of practice.

With more female barristers working at the publicly funded Bar (just 26% of women are not reliant at all on public funding compared with 42% of men) more female barristers are being affected by the reduction in public funding than men. The same is true of BME barristers but to a lesser degree with 29 per cent of BME barristers not reliant on public funding at all compared with 37 per cent of white barristers.

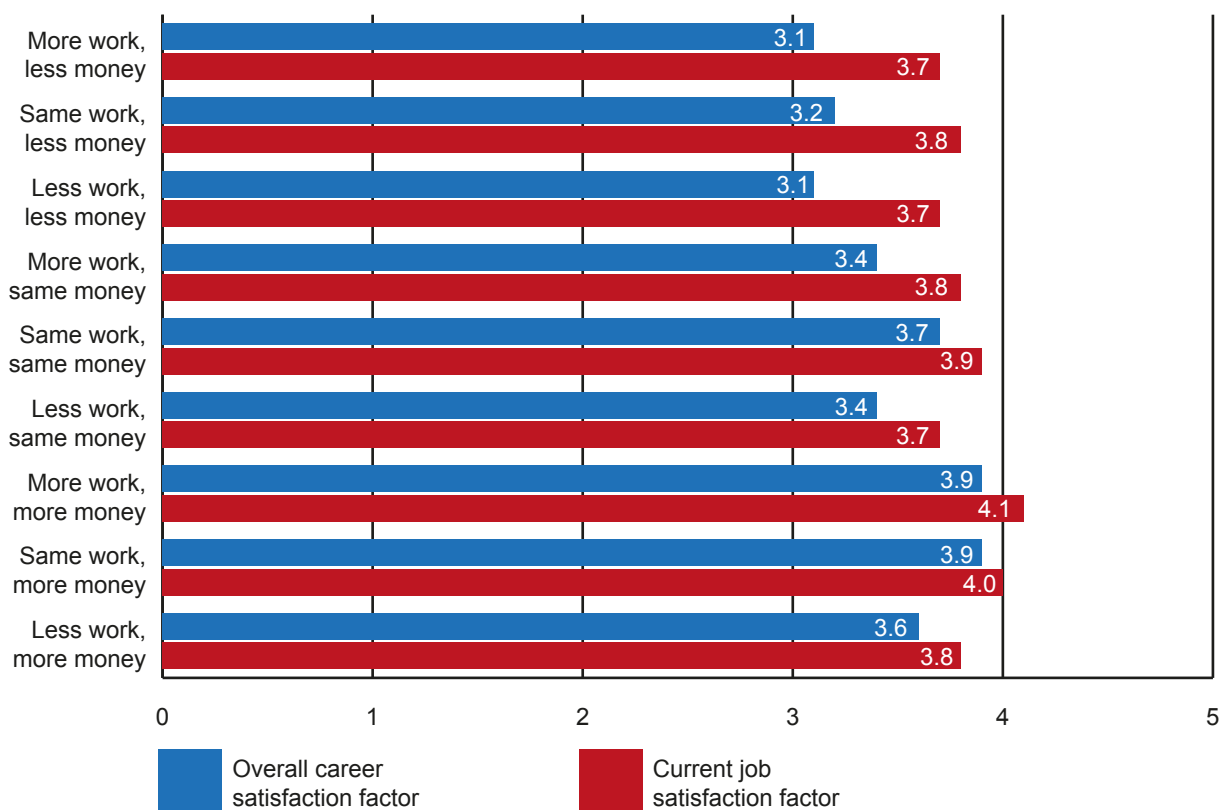
Factor analysis produced six distinct work-life themes. These are: working hours; workload and pressure; pay and progression; workplace support and equality; career and professional pride; job satisfaction and appropriate skills. Although barristers working in criminal practice and those that are most reliant on public funding hold more negative views than all other barristers on most of the items, it is in relation to the pay and progression theme where differences are at their widest.

Figure 7.8: Mean scores on the workload and pay factors by combined recent change in workload and earnings (whole Bar: 2013)



Source: IES/ERL 2013

Figure 7.9: Mean scores on the career and job satisfaction factors by combined recent change in workload and earnings (whole Bar: 2013)



Source: IES/ERL 2013

More barristers in 2013 say it is difficult to work part-time (70%) than did so in 2011 (63%). Women (25%) are less likely than men to agree that the Bar is a family-friendly profession in which to work.

More than three quarters of barristers working in criminal practice, who are 90 per cent or more reliant on public funding, disagree with the statement *the rewards of a career in my area of practice more than compensate for the initial financial outlay* compared with just 12 per cent of barristers working in other areas of practice. In both family and criminal practice the number of negative responses to this item have increased significantly between 2011 and 2013.

There is a significant impact on barristers' views depending on how their earnings and workload have changed in the intervening two years. Both changes in earnings and workload have an effect on the views of barristers but the analysis shows that a reduced workload can more than outweigh the positive impact of increased earnings on job and career satisfaction.

8 Views of Bar Council services

This chapter explores barristers' awareness and use of a range of Bar Council services, and views on the usefulness of the services.

For 21 services offered by the Bar Council, respondents were asked to indicate if they were aware of the service, and if so to indicate whether or not they had used the service, and to give a rating on the usefulness of the service if they had used it.

8.1 Awareness of Bar Council services

The majority of Barristers are aware of each of the 21 services (Table 8.1). There is near universal awareness of the Bar Conference (98% of barristers are aware of this service), the Public Access Training Course (96%), and Member Services Bar Council run CPD courses, conferences and events (95%). At the other end of the scale, around three quarters of respondents are aware of Credit Management Courses (72%), Promoting international values (73%) and LawCare (assistance for lawyers with stress, depression or addictive illnesses) (77%).

For all services, awareness is higher among self-employed barristers than among employed barristers. The differences are greatest, at ten percentage points or more, for Equality and Diversity events and training, the Bar Nursery, the Equality and Diversity helpline, the Ethical Enquiries line, LawCare, and the Pupillage Gateway System. By contrast, there are only minor differences (two percentage points or less) in awareness of the Bar Conference, Member Services Bar Council run CPD courses, conferences and events, and the Barristers Complaints Advisory Service (BCAS).

Awareness varies significantly by main work area for a number of services. Barristers working in family have much higher awareness of Family Mediation Courses than those in other areas, while those in civil work have the highest

Table 8.1: **Awareness of Bar Council services, whole Bar sample, 2013** (row per cent)

	Aware %	Not aware %	N=
6 Bar Conference	98	2	3,028
7 Public Access Training Course	96	4	3,036
14 Member Services Bar Council run CPD courses, conferences and events	95	5	3,028
1 Ethical Enquiries Line	91	9	3,046
3 Equality and Diversity events and training	89	11	3,037
17 Pupillage Gateway System	89	11	3,032
13 Member Services' Service Partners (Financial Advisors/Accountants)	87	13	3,016
5 Careers information for prospective barristers	85	15	3,038
8 Fees Collection Service	84	16	3,034
9 Barristers Complaints Advisory Service (BCAS)	84	16	3,033
10 Arbitration and Mediation Service	84	16	3,032
4 Bar Nursery	83	18	3,037
15 Lobbying	83	17	3,032
16 Communications	83	17	3,018
12 Member Services online benefits portal (a.k.a. Xexec)	81	19	3,034
18 Family Mediation Courses	80	20	3,027
20 Recruitment and Selection Training	80	20	3,024
2 Equality and Diversity Helpline	79	21	3,035
11 LawCare (assistance for lawyers with stress, depression or addictive illnesses)	77	23	3,033
21 Promoting international values	73	27	3,016
19 Credit Management Courses	72	28	3,027

Source: IES/ERL 2013

awareness of the Bar Nursery, and those in commercial and chancery are most aware of Lobbying. Barristers in professional negligence and personal injury have the highest levels of awareness of Member Services online benefits portal, Member Services' Service Partners, and Communications.

There are some significant variations in awareness by gender, ethnicity and time since Call. Men have significantly higher awareness levels of the Fees Collection Service, Lobbying, Communications, LawCare and Promoting international values, while BME barristers have significantly higher awareness of Equality and Diversity events and training than do white barristers.

Table 8.2 shows variation in awareness by time since Call of those services for which the differences are statistically significant. New entrants (less than eight years since Call) have the highest levels of awareness of Careers information and the Pupillage Gateway System, while barristers with 22 plus years since Call have the highest levels of awareness of the Fees Collection Service, BCAS, the Arbitration and Mediation Service and Family Mediation Courses, although they have the lowest level of awareness of the Ethical Enquiries Line. Awareness of Credit Management Courses and Promoting international

values is lowest among those with between four and 21 years since Call.

QCs have higher awareness of all the Bar Council services and activities than do those who have not applied for Silk, while unsuccessful applicants also have higher awareness than non-applicants for most services. The differences are particularly marked for LawCare, and the Equality and Diversity Helpline, and there are also major differences for the Bar Nursery, Credit Management Courses, the Member Services online benefits portal, and Recruitment and Selection Training.

8.2 Use of Bar Council services

Table 8.3 shows the proportion of barristers aware of each service that have used each service. More than half (56%) of barristers have used the Ethical Enquiries Line, and this was the only service used by a majority of those who were aware of it. Other commonly used services are the Public Access Training Course (35%), the Member Services Bar Council run CPD courses, conferences and events (33%), the Pupillage Gateway System (29%), the Bar Conference, (27%), and Equality and Diversity events and training (27%). Fewer than one in twenty barristers have used

Table 8.2: Awareness of Bar Council services by time since Call for selected services, 2013 (% aware of each service)

	1-3 years	4-7 years	8-12 years	13-21 years	22+ years
Ethical Enquiries Line	94	95	95	90	87
Pupillage Gateway System	96	95	89	85	87
Careers information for prospective barristers	90	88	83	83	84
Fees Collection Service	80	78	80	85	87
Barristers Complaints Advisory Service (BCAS)	83	79	81	85	87
Arbitration and Mediation Service	85	77	83	84	88
Lobbying	83	82	80	81	86
Family Mediation Courses	80	78	79	79	83
Promoting international values	76	71	71	72	76
Credit Management Courses	77	68	69	72	75

Source: IES/ERL 2013

Table 8.3: Use of Bar Council services by those who are aware of each service, 2013 (row per cent)

	Used %	Not used %	N=
1 Ethical Enquiries Line	56	44	2,764
7 Public Access Training Course	35	65	2,928
14 Member Services Bar Council run CPD courses, conferences and events	33	67	2,874
17 Pupillage Gateway System	29	71	2,686
3 Equality and Diversity events and training	27	73	2,704
6 Bar Conference	27	73	2,969
12 Member Services online benefits portal (a.k.a. Xexec)	22	78	2,461
16 Communications	21	79	2,513
15 Lobbying	19	81	2,512
8 Fees Collection Service	15	85	2,538
5 Careers information for prospective barristers	14	86	2,572
13 Member Services' Service Partners (Financial Advisors/Accountants)	11	89	2,628
20 Recruitment and Selection Training	10	90	2,417
21 Promoting international values	9	91	2,209
2 Equality and Diversity Helpline	7	93	2,393
9 Barristers Complaints Advisory Service (BCAS)	6	94	2,550
10 Arbitration and Mediation Service	4	96	2,559
11 LawCare (assistance for lawyers with stress, depression or addictive illnesses)	4	96	2,326
18 Family Mediation Courses	4	96	2,430
4 Bar Nursery	3	97	2,505
19 Credit Management Courses	3	97	2,182

Source: IES/ERL 2013

the Arbitration and Mediation Service, LawCare, the Bar Nursery, Family Mediation Courses, the Bar Nursery, or Credit Management Courses.

The patterns of use of Bar Council services have changed somewhat since the 2011 survey, although the questionnaire has changed since 2011 and the number of services listed has increased. In 2011, the most commonly used service was Bar CPD Courses and Events, used by 48 per cent of all barristers, followed by the Ethical Enquiries Line (28%), the Public Access Training Course (22%) and the Bar Conference (15%).

The use of most services is higher at the self-employed Bar than at the employed Bar. This is particularly the case for Public Access Courses (41% compared with 8% at the employed Bar), the Ethical Enquiry Line (60% at the self-employed Bar, 34% at the employed Bar) and Equality and Diversity events and training (30% at the self-employed Bar, 10% at the employed Bar). Use of LawCare is higher at the employed Bar than the self-employed Bar, although numbers using this service are small.

As with awareness, use of services varies significantly by main area of work. Key points to note include:

- Use of the Ethical Enquiries line is highest in family practice (68%) and lowest in international/EU/Other practice (42%).
- Use of Public Access Training Courses is highest in family practice (43%) and lowest in commercial and chancery (23%).
- Barristers in the international/EU/other work area have the highest use of Member Services online benefits portal (30%), Service Partners (21%) and Bar Council run CPD courses, conferences and events (49%), and also the highest use of services relating to the promotion of international values (23%).
- Barristers in commercial and chancery have the highest use of Equality and Diversity events and training (33%) and the Fees Collection Service (20%).

Female barristers are significantly more likely than male barristers to use the Pupillage Gateway System, Careers information for prospective barristers, Member Services Bar Council run CPD courses and events, the Ethical Enquiries Line, Equality and Diversity events and training, LawCare, the Equality and Diversity Helpline, and the Bar Nursery. By contrast male barristers are more likely than female barristers to use the Public Access Training Course, and the Fees Collection Service. BME barristers are significantly more likely than white barristers to attend the Bar Conference, and to use Member Services Bar Council run CPD courses and events, and the Equality and Diversity Helpline.

There are a number of significant differences in the usage of Bar Council services by time since Call, and Table 8.4 shows the variation for those services where the differences are statistically significant.

Use of the Pupillage Gateway System (63%) and Careers information for prospective barristers (30%) is highest among New Entrants in their first three years since Call, and declines steadily with time since Call. In addition, use of the Member Services online benefits portal is highest among those with less than eight years since Call, at around 30 per cent, and again declines as time since Call increases.

By contrast, use of most other services is much lower among New Entrants than more Senior Practitioners, and increases with time since Call. Awareness of Public Access Training Courses is particularly low among New Entrants in comparison with longer serving Barristers (5%, compared with more than a quarter of those with more than three years since Call), as is awareness of the Fees Collection Service (4%, compared with 19% of those with 22 years or more since Call) and Recruitment and Selection Training (3%, compared with 12% of those with 22 years or more since Call). Use of the Ethical Enquiries helpline rises from 40 per cent of New Entrants up to nearly two thirds of those with between eight and 21 years since Call, although usage then falls to 48 per cent of those with 22 years or more since Call.

QCs and unsuccessful applicants are more likely than those who have not applied to make use of the Bar Conference and Recruitment and Selection Training, while unsuccessful applicants are more likely than QCs and the 'not applied' to have used the Public Access Training Course.

8.3 Views of usefulness of Bar Council services

Respondents who have made use of any of the Bar Council's services or activities were asked to rate the usefulness of it in terms of it being very useful, fairly useful, or not useful. Table 8.5 shows the responses for each of the services, including a mean 'usefulness' score calculated on the basis of 'very useful' responses scoring 2, 'fairly useful' responses scoring 1, and 'not useful' responses scoring 0.

Only six services have mean 'usefulness' ratings above 1, indicating that they are at least fairly useful. The services with the highest ratings for usefulness are the two most commonly used services, namely the Ethical Enquiries Line and the Public Access Training Course, with mean ratings of 1.24 and 1.16 respectively (Table 8.5). Other services that are rated above an average 'fairly useful' are the Bar Nursery (1.10), Careers information for prospective barristers (1.06), LawCare (1.05) and Member Services Bar Council run CPD courses, conferences and event

Table 8.4: Use of Bar Council services by those who are aware of each service by time since Call, selected services, 2013 (% used each service)

	1-3 years	4-7 years	8-12 years	13-21 years	22+ years
Ethical Enquiries Line	40	57	63	64	48
Public Access Training Course	5	27	41	43	37
Pupillage Gateway System	63	49	31	19	18
Equality and Diversity events and training	13	18	28	31	29
Bar Conference	15	22	28	26	32
Member Services online benefits portal (a.k.a. Xexec)	30	31	24	22	17
Communications	16	22	26	21	19
Fees Collection Service	4	9	13	15	19
Careers information for prospective barristers	30	26	15	10	7
Recruitment and Selection Training	3	8	11	12	12
Equality and Diversity Helpline	2	4	8	9	7
Barristers Complaints Advisory Service (BCAS)	3	2	5	8	8
Arbitration and Mediation Service	1	2	3	4	6
Family Mediation Courses	2	1	3	4	5

Source: IES/ERL 2013

(1.04). The services with the lowest ratings are Credit Management Courses (0.44), the Fees Collection Service (0.55) and Family Mediation Courses (0.66).

Employed barristers give a significantly higher rating than self-employed barristers to the Equality and Diversity Helpline, Equality and Diversity events and training, and the Bar Conference. They also give much higher ratings to the Bar Nursery and LawCare, although the numbers using these services are small and so these differences are just outside the traditional bounds of statistical significance.

There are a few significant differences in usefulness ratings by work area:

- Barristers in civil practice and international/EU/other give the highest rating (1.32) to the Ethical Enquiries Line while those in criminal practice give the lowest rating (1.14).
- Barristers in family practice (1.36) rate the Public Access Training Course far more highly than do those in other work areas, particularly criminal (1.00) and international/EU/other (0.90).
- Barristers in commercial and chancery, family and international/EU/other give higher ratings to Lobbying and Communication than barristers in the other three work areas.

Female barristers give significantly higher usefulness ratings than men to the Barristers Complaints Advisory Service (1.11, compared with 0.82 for men), and to the Bar Conference (0.94, compared with 0.74 for men). Women also give higher usefulness ratings to Member Services Bar Council run CPD courses and events, and the online benefits portal, and to Equality and Diversity events and training, and Communications. BME barristers give higher usefulness ratings than do white barristers to the Equality and Diversity Helpline, Equality and Diversity events and training, and the Public Access Training Course.

Ratings of the usefulness of the Bar Conference and the Member Services online benefits portal are highest among New Entrants in their first three years since Call (1.16 and 0.96 respectively), and tend to decrease with seniority. Senior Practitioners with 22 plus years since Call give the highest rating to the Pupillage Gateway System (1.00, compared with 0.87 or less among shorter serving barristers).

QCs give much higher ratings of usefulness to the Member Services online benefits portal and Members Services' Service Partners than do other barristers, while QCs and unsuccessful applicants give higher ratings than those who have not applied to the Pupillage Gateway System, and to Lobbying.

Table 8.5: Views of usefulness of Bar Council Services

		Not useful %	Fairly useful %	Very useful %	Mean*	N=
1	Ethical Enquiries Line	13	50	37	1.24	1,546
7	Public Access Training Course	12	61	28	1.16	1,037
4	Bar Nursery	33	23	44	1.10	69
5	Careers information for prospective barristers	16	63	22	1.06	355
11	LawCare (assistance for lawyers with stress, depression or addictive illnesses)	33	30	38	1.05	98
14	Member Services Bar Council run CPD courses, conferences and events	12	72	16	1.04	937
3	Equality and Diversity events and training	20	60	20	0.99	724
2	Equality and Diversity Helpline	31	43	27	0.96	164
20	Recruitment and Selection Training	25	55	20	0.96	249
9	Barristers Complaints Advisory Service (BCAS)	31	44	25	0.94	162
21	Promoting international values	30	47	23	0.93	194
10	Arbitration and Mediation Service	33	45	22	0.89	103
16	Communications	28	60	12	0.85	528
17	Pupillage Gateway System	28	60	13	0.85	772
6	Bar Conference	30	58	12	0.81	797
12	Member Services online benefits portal (a.k.a. Xexec)	32	57	12	0.80	550
15	Lobbying	40	47	13	0.74	478
13	Member Services' Service Partners (Financial Advisors/Accountants)	36	55	9	0.73	288
18	Family Mediation Courses	49	35	16	0.66	89
8	Fees Collection Service	55	34	10	0.55	370
19	Credit Management Courses	67	23	11	0.44	57

Note: Mean score calculated on basis of Very useful=2, Fairly useful=1, Not useful=0

Source: IES/ERL 2013

8.4 Key points

More than nine out of ten barristers are aware of the Bar Conference, the Public Access training course, Member Services Bar Council run CPD courses and events, and the Ethical Enquiries Line, while fewer than three quarters are aware of Credit Management Courses, and Promoting international values.

In terms of the usage of different services, more than half (56%) of barristers had used the Ethical Enquiries Line, and around one third had used the Public Access training course (35%), and Member Services Bar Council run CPD courses, conferences and events (33%). Only three per cent had used the Bar Nursery, or Credit Management Courses.

Despite low usage of the Bar Nursery, 44 per cent of barristers felt that it was very useful, and there are also very positive views about the usefulness of the Ethical Enquiries Line, the Public Access training course, Careers information for prospective barristers, LawCare, and Member Services Bar Council run CPD courses, conferences and events.

Appendix A: additional data

Demographic data (Self-employed/employedⁱ and whole Bar (%) 2013 and (2011)

Gender ⁱⁱ	Employed Bar %	Self-employed Bar %	All barristers %
Male	51% (51%)	65% (66%)	63% (63%)
Female	49% (49%)	35% (34%)	37% (37%)
<i>Base N=100%</i>	<i>544 (614)</i>	<i>2658 (2331)</i>	<i>3264 (2945)</i>

Gender same as at birthⁱⁱⁱ

No	0.2%	0.4%	0.3%
Yes	99.8%	99.6%	99.7%
<i>Base N=100%</i>	<i>513</i>	<i>2396</i>	<i>2955</i>

Age Band

Under 30	6% (6%)	12% (10%)	11% (9%)
30-39	30% (29%)	27% (30%)	28% (30%)
40-49	33% (33%)	29% (31%)	30% (31%)
50-59	25% (27%)	21% (19%)	21% (21%)
60 plus	6% (4%)	12% (10%)	11% (9%)
<i>Base N=100%</i>	<i>516 (604)</i>	<i>2421 (2245)</i>	<i>2984 (2849)</i>

Time since call

Young Bar (1-3 years since Call)	4% (3%)	7% (8%)	7% (7%)
Young Bar (4-7 years)	12% (12%)	13% (16%)	13% (15%)
Middle Juniors (8-12 years)	20% (18%)	19% (16%)	19% (16%)
Senior Juniors (13-21 years)	32% (36%)	28% (27%)	29% (29%)
Seniors (more than 21 years)	32% (30%)	33% (33%)	33% (33%)
<i>Base N=100%</i>	<i>614 (506)</i>	<i>2332 (2556)</i>	<i>2946 (3274)</i>

Dependent children

Yes	50% (51%)	45% (47%)	46% (48%)
No	50% (49%)	55% (53%)	54% (52%)
<i>Base N=100%</i>	<i>527 (577)</i>	<i>2453 (2111)</i>	<i>3029 (2688)</i>

Organising childcare^{iv}

Me	32% (34%)	19% (22%)	22% (25%)
Someone else	35% (36%)	50% (55%)	47% (50%)
Equally shared	33% (31%)	31% (23%)	31% (25%)
<i>Base N=100%</i>	<i>263 (291)</i>	<i>1104 (987)</i>	<i>1388 (1278)</i>

Demographic data (Self-employed/employedⁱ and whole Bar (%) 2013 and (2011))

Marital status	Employed Bar %	Self Employed Bar %	All barristers %
Single	25% (28%)	28% (25%)	27% (26%)
Married	64% (62%)	63% (66%)	63% (65%)
In a Civil partnership	2% (1%)	2% (2%)	2% (2%)
Divorced	6% (5%)	5% (4%)	5% (5%)
Separated	2% (2%)	1% (2%)	2% (2%)
Widowed	1% (2%)	1% (1%)	1% (1%)
<i>Base N=100%</i>	<i>516 (568)</i>	<i>2411 (2051)</i>	<i>2975 (2619)</i>

Sexual orientation

Bisexual	2% (1%)	2% (2%)	2% (2%)
Gay Man	4% (4%)	4% (3%)	3% (4%)
Gay Woman/Lesbian	1% (1%)	1% (1%)	1% (1%)
Heterosexual/Straight	92% (90%)	93% (90%)	93% (90%)
Other	2% (<1%)	1% (<1%)	1% (<1%)
Prefer not to say ^v	- (3%)	- (4%)	- (4%)
<i>Base N=100%</i>	<i>502 (559)</i>	<i>2369 (2053)</i>	<i>2916 (2612)</i>

Ethnicity

White British	80% (80%)	83% (84%)	83% (83%)
White Irish	2% (3%)	2% (3%)	2% (3%)
White Gypsy/Irish traveller	0% (0%)	0% (<1%)	0% (<1%)
Other white background	6% (4%)	6% (4%)	6% (4%)
Mixed: White/Black Caribbean	1% (1%)	<1% (<1%)	<1% (<1%)
Mixed: White/Black African	<1% (<1%)	<1% (<1%)	<1% (<1%)
Mixed: White/Asian	1% (1%)	1% (1%)	1% (1%)
Mixed: other	2% (1%)	1% (1%)	1% (1%)
Asian: Indian	3% (3%)	2% (2%)	2% (2%)
Asian: Pakistani	1% (1%)	1% (1%)	1% (1%)
Asian: Bangladeshi	<1% (1%)	<1% (<1%)	<1% (<1%)
Asian: Chinese	0% (1%)	<1% (<1%)	<1% (<1%)
Asian: other	1% (1%)	1% (1%)	1% (1%)
Black: African	1% (2%)	1% (1%)	1% (1%)
Black: Caribbean	2% (1%)	1% (1%)	1% (1%)
Black: other	<1% (<1%)	0% (<1%)	<1% (<1%)
Other: Arab	0% (0%)	<1% (0%)	<1% (0%)
Other: other ethnic group	1% (1%)	1% (1%)	1% (1%)
<i>Base N=100%</i>	<i>529 (569)</i>	<i>2439 (2083)</i>	<i>3015 (2652)</i>

Demographic data (Self-employed/employedⁱ and whole Bar (%) 2013 and (2011)

Disability (long term health problem of disability that affects day-to-day activities)	Employed Bar %	Self Employed Bar %	All barristers %
Yes	4% (5%)	4% (4%)	4% (4%)
No	96% (95%)	96% (96%)	96% (96%)
<i>Base N=100%</i>	<i>532 (578)</i>	<i>2447 (2107)</i>	<i>3028 (2685)</i>
Adult care responsibility			
Yes	9% (10%)	9% (8%)	9% (9%)
No	91% (90%)	91% (92%)	91% (91%)
<i>Base N=100%</i>	<i>528 (572)</i>	<i>2417 (2059)</i>	<i>2993 (2631)</i>
Religious affiliation			
No religion	35% (32%)	40% (38%)	39% (37%)
Christian ^{vi}	55% (59%)	50% (53%)	50% (54%)
Buddhist	1% (1%)	1% (<1%)	1% (<1%)
Hindu	1% (1%)	1% (1%)	1% (1%)
Jewish	3% (3%)	5% (4%)	4% (4%)
Muslim	3% (1%)	2% (2%)	2% (2%)
Sikh	1% (1%)	1% (1%)	1% (1%)
Other	2% (1%)	2% (1%)	2% (1%)
<i>Base N=100%</i>	<i>524 (564)</i>	<i>2406 (2063)</i>	<i>2976 (2627)</i>
Type of school attended			
State	66% (70%)	54% (53%)	56% (57%)
Fee paying	34% (30%)	46% (47%)	44% (43%)
<i>Base N=100%</i>	<i>520 (574)</i>	<i>2423 (2074)</i>	<i>2991 (2648)</i>
University attended			
Oxbridge	16% (16%)	35% (34%)	32% (30%)
Russell Group ^{vii}	41% (36%)	39% (34%)	39% (34%)
1994 Group	8% (13%)	6% (13%)	7% (13%)
Other Pre-1992 universities	8% (8%)	5% (6%)	5% (6%)
1992 universities	20% (22%)	9% (10%)	11% (13%)
Second wave new universities	3% (2%)	1% (1%)	2% (1%)
Other (inc. overseas)	4% (2%)	4% (2%)	4% (2%)
Did not attend university	1% (<1%)	1% (<1%)	1% (<1%)
<i>Base N=100%</i>	<i>502 (556)</i>	<i>(2056)</i>	<i>2922 (2612)</i>
Degree class^{viii}			
First	11% (7%)	20% (18%)	18% (15%)
2:1	55% (58%)	56% (59%)	56% (59%)
2:2	30% (32%)	20% (21%)	22% (23%)
Third	2% (2%)	2% (3%)	2% (2%)
Pass	1% (1%)	1% (<1%)	1% (1%)
Other	1% (-%)	2% (-%)	2% (-%)
<i>Base N=100%</i>	<i>527 (559)</i>	<i>2408 (2011)</i>	<i>2981 (2560)</i>

Area of practice (where spend most time) by section of the Bar (% , whole Bar: 2013)

	% Employed	% SEB (Chambers)	% SEB (Sole Practitioner)	% Both (SEB and EB)	% All barristers
Admiralty or Shipping	1	1	0	0	1
Chancery	1	7	4	0	6
Civil	4	7	11	2	6
Commercial	12	8	6	5	9
Construction	1	1	2	2	1
Criminal	43	28	26	46	31
Employment	3	4	3	3	4
Family	3	18	10	13	15
Immigration	1	2	6	3	2
International or EU	3	1	2	0	1
Landlord and Tenant	1	3	3	2	2
Patent or IP	1	1	3	5	1
Personal Injury	2	9	5	3	7
Planning and Environment	2	2	3	2	2
Professional Negligence	1	1	1	0	1
Public Law	16	3	7	11	6
Revenue	2	1	3	2	1
Other area	3	1	2	2	1
Various	1	1	1	2	1
<i>Base N=100%</i>	<i>502</i>	<i>2267</i>	<i>108</i>	<i>45</i>	<i>2922</i>

Demographic profiles of each area of practice (main practice, %, whole Bar, 2011 in brackets)

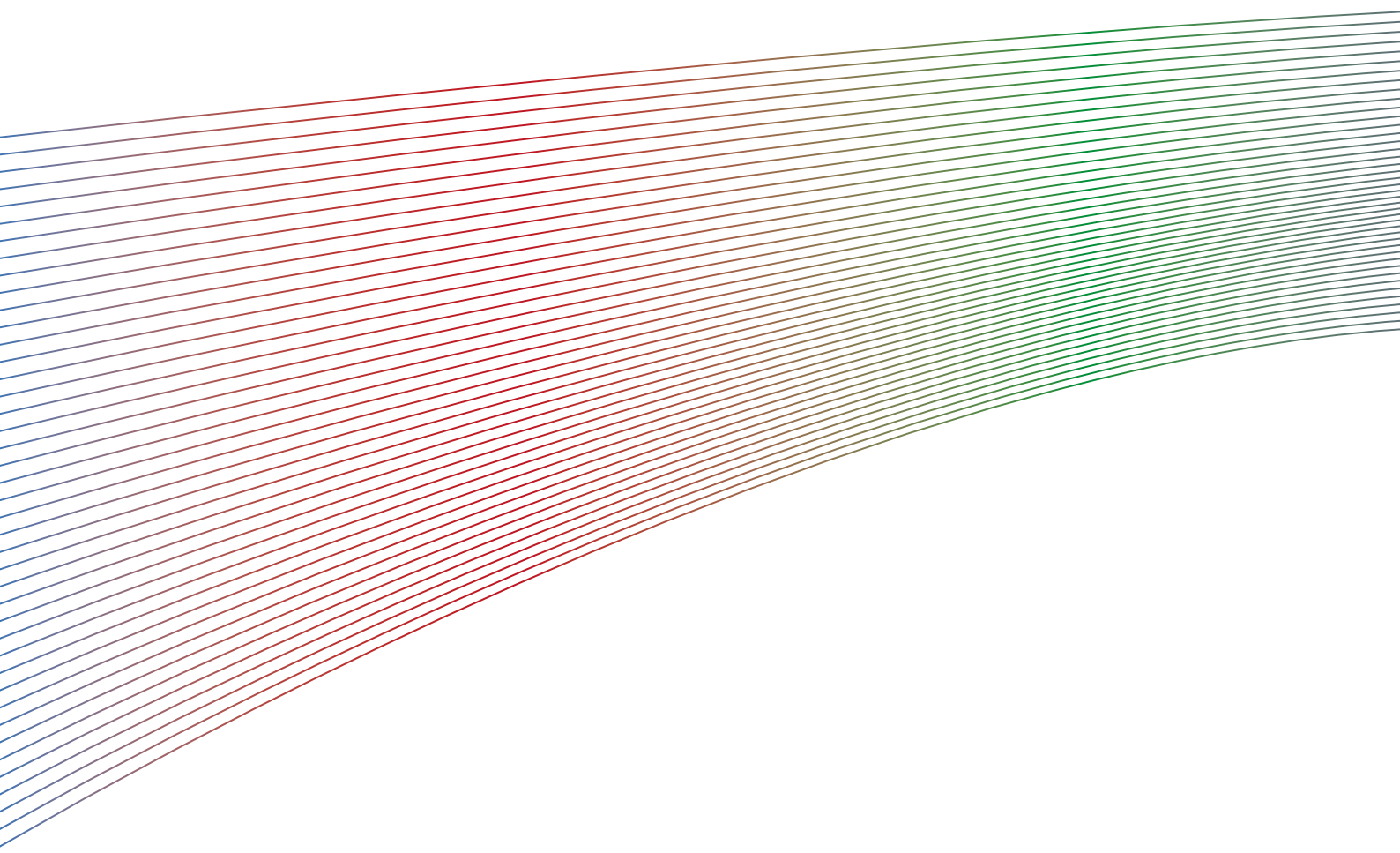
	Female %	BME%	Childcare %	1 st %	Oxbridge %	Fee paying school %	Under 45 %	Base N=100%
Admiralty or Shipping	12 (41)	5 (14)	50 (41)	55 (64)	62 (67)	71 (71)	59 (64)	25 (22)
Chancery	28 (20)	3 (3)	35 (52)	33 (29)	61 (60)	46 (61)	53 (51)	194 (155)
Civil	28 (27)	12 (12)	33 (42)	16 (19)	31 (38)	45 (46)	55 (55)	210 (173)
Commercial	24 (24)	9 (11)	52 (56)	38 (32)	52 (53)	57 (59)	54 (58)	281 (206)
Construction	29 (41)	8 (13)	46 (42)	29 (20)	68 (44)	49 (48)	49 (42)	41 (32)
Criminal	36 (37)	10 (9)	45 (45)	7 (6)	13 (15)	39 (35)	52 (53)	1013 (953)
Employment	42 (40)	15 (18)	48 (44)	23 (17)	31 (35)	44 (41)	66 (69)	132 (128)
Family	61 (64)	11 (10)	47 (45)	10 (8)	21 (22)	40 (40)	51 (55)	503 (394)
Immigration	37 (47)	36 (32)	49 (48)	13 (11)	20 (24)	36 (26)	59 (65)	56 (45)
International or EU	35 (36)	13 (13)	47 (40)	29 (42)	50 (47)	56 (48)	44 (59)	43 (50)
Landlord and Tenant	28 (38)	14 (15)	58 (45)	15 (14)	40 (31)	43 (43)	61 (61)	78 (68)
Patent or IP	23 (29)	7 (3)	56 (53)	41 (32)	61 (50)	66 (68)	51 (60)	44 (31)
Personal Injury	31 (21)	5 (5)	52 (58)	21 (10)	35 (36)	48 (50)	58 (56)	239 (227)
Planning and Environment	16 (19)	5 (2)	47 (40)	16 (26)	51 (43)	53 (37)	38 (39)	64 (47)
Professional Negligence	28 (35)	9 (3)	46 (60)	32 (21)	57 (63)	61 (51)	53 (44)	40 (37)
Public Law	44 (43)	13 (12)	48 (53)	26 (31)	33 (41)	36 (38)	53 (69)	190 (133)
Revenue	34 (38)	12 (16)	50 (54)	29 (30)	56 (41)	46 (47)	54 (53)	38 (45)
Other	36 (30)	3 (7)	42 (55)	18 (11)	29 (42)	38 (41)	36 (27)	39 (54)
All barristers	37 (37)	10 (10)	46 (48)	18 (15)	32 (31)	44 (43)	54 (55)	3259 (2800)

Terms on which instructions accepted by area of practice (where spend most time) (% , self-employed Bar: 2013)

	Standard Contractual Terms: Code of Conduct Annex T %	COMBAR/CLLS terms %	Non-enforceable, non contractual terms %	Other contractual terms %	Base N=100
Admiralty or Shipping	23	18	55	5	22
Chancery	44	28	21	7	183
Civil	60	9	21	10	177
Commercial	18	37	32	13	210
Construction	14	49	23	14	35
Criminal	76	2	17	5	716
Employment	48	21	24	7	113
Family	79	1	14	5	456
Immigration	68	0	15	17	53
International or EU	29	17	29	25	24
Landlord and Tenant	54	7	24	15	74
Patent or IP	35	11	38	16	37
Personal Injury	62	5	21	12	221
Planning and Environment	73	12	4	10	49
Professional Negligence	8	49	24	19	37
Public Law	54	8	27	11	98
Revenue	27	38	4	31	26
Other area	59	9	18	14	22
Various	71	0	19	10	21
All self employed Bar	60	11	20	9	2574

Endnotes

- i This year the employed/self-employed split is based on the survey responses and does not include those who indicated they have dual roles. Last year these data were based on the database responses which only used a self-employed/employed split. The membership record now includes dual roles and 'others'. For the record there are 127 sole practitioners included at the self-employed Bar group.
- ii Note: this year more respondents did not give their gender in the questionnaire: 21% missing compared to 8% for the ethnicity question which follows and 10% for the gender question last year. This is partly because we have included more partial responses in the data set this year and the gender values have been inserted from the membership record, but not entirely as even excluding partial responses fewer respondents gave their gender in the survey.
- iii This question was new in 2013 so there is no comparable data with 2011.
- iv This variable shows the most significant change between 2011 and 2013.
- v The 'prefer not to say' option was removed for the 2013 survey so the two sets of data are not directly comparable.
- vi Fewer respondents in 2013 indicated 'Christian' than in 2011.
- vii There has been a significant increase in the number of respondents indicating that they went to a Russell Group university – it is possible that some of this is coding variation but not entirely (e.g. people who merely put Manchester, London, Newcastle are all coded as Russell group but these were coded this way in 2011 too).
- viii There has been some increase in the proportion of respondents who indicate that they got a First Class honours degree between the two surveys.



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