



Match funding criminal pupillages

Policy briefing

This briefing summarises why the government should match funding for criminal pupillages at the self-employed Bar, provides costings, and explains how the pupillages could be administered.¹

Background

We are experiencing a record-high backlog in the Crown Courts of 89,937 cases (adjusted for complexity) that may still increase and are already well over twice the pre-pandemic baseline.² The backlog will take a decade to clear, according to the forecasts of a leading think tank.³ Waiting times in the Crown Court are long and, in some types of cases, increasing with 28 per cent of cases waiting to be heard for a year or more.⁴

While overall crime rates have been falling in England and Wales, the rates of some types of crime, including complex crimes like rape and sexual offences, have increased.⁵

The input of cases into the criminal justice system is at record levels. There are not, however, enough criminal barristers to meet this demand.⁶ Nor are there the facilities to incarcerate the convicted – prisons are full.⁷

Against the backdrop of rising demand, we have seen an exodus of publicly funded criminal barristers. Poor remuneration and working conditions have led to practitioners moving away from criminal work.⁸ The number of barristers declaring their practice full-time as publicly funded criminal work decreased more than 10 per cent in 2020-21 compared with 2019-20 (from 2670 to 2400).⁹ This trend is continuing. The last government implemented a

¹ For further information on pupillages and how they are secured, please see the Bar Council's [guidance pages](#).

² Institute for Government Performance Tracker (October 2023) [Performance Tracker 2023: Criminal courts | Institute for Government](#)

³ Institute for Public Policy Research (December 2023) Great Government: Public Service Reform in the 2020s [Great government \(svdcdn.com\)](#)

⁴ Ministry of Justice (28 March 2024) "Criminal court statistics quarterly, England and Wales, October to December 2023" [Criminal court statistics quarterly: October to December 2023 - GOV.UK \(www.gov.uk\)](#)

⁵ Office for National Statistics (July 2024) "Crime in England and Wales: Year ending March 2024" [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

⁶ [UK efforts to ease courts backlog hit by barrister exodus \(ft.com\)](#)

⁷ [Prisons data - Justice Data](#)

⁸ [Independent Review of Criminal Legal Aid - GOV.UK \(www.gov.uk\)](#)

⁹ [Bar-Council-data-analysis-criminal-Bar-April-2022.pdf \(barcouncil.org.uk\)](#)

15% uplift to criminal legal aid fees for barristers in September 2022.¹⁰ Along with parts of the publicly funded criminal Bar leaving for better-paid, more predictable work, the workforce is ageing.¹¹ 18.2 per cent of practising barristers are 55 to 64 years old and 6.6 per cent are aged over 65.¹²

Match-funded pupillages

Bar Council Chair, Sam Townend KC, has proposed a solution that would ensure a long-term pipeline of criminal barristers to take cases, therefore keeping the system moving and helping clear the backlog.

In his inaugural speech, Sam said: “The profession presently, through generous support of the Inns of Court, supports 33 match-funded additional pupillages. The Government could help with this. May I take the opportunity to suggest...match-funding 100 additional criminal pupillages... at a cost of no more than about £1.5 million per year.”¹³

This proposal has the active support of the Bar Council, Circuit leaders, the Criminal Bar Association, and the four Inns of Court.

The recent National Audit Office report on legal aid identifies the need for the Ministry of Justice to work with providers and representative bodies to establish a workforce strategy that considers the pipeline of future legal aid lawyers and their training to ensure that future supply is sufficient to meet its objectives for access to justice.¹⁴

Practical application

- As a starting point, we are asking for a 5-year commitment to match-fund up to 100 additional pupillages per year.
- The support for pupillages will be targeted at chambers that are predominantly doing legally aided/publicly funded work.
- The scheme will be administered by the Council of the Inns of Court (COIC), which will run this alongside its existing successful scheme.¹⁵
- The scheme will be targeted primarily at criminal pupillages but will also accept chambers which propose pupillages in other priority legal aid/publicly funded areas (such as family, immigration, and housing).
- A prerequisite of the scheme will be that chambers understand that matched funded pupillages are in addition to those they would have offered in any event.

¹⁰ [Crime news: fee uplifts of 15% take effect from 30 September - GOV.UK \(www.gov.uk\)](https://www.gov.uk/news/30-september-2022/crime-news-fee-uplifts-of-15-per-cent-take-effect-from-30-september)

¹¹ [Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Main-Body.pdf \(barstandardsboard.org.uk\)](https://www.barstandardsboard.org.uk/wp-content/uploads/2020/05/Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Main-Body.pdf)

¹² General Council of the Bar internal records. Correct of those barristers who gave their age band (c. 90 per cent) Correct as of 01 February 2024.

¹³ [Sam Townend KC inaugural speech 9 January 2024](https://www.barstandardsboard.org.uk/wp-content/uploads/2024/01/Sam-Townend-KC-inaugural-speech-9-January-2024.pdf)

¹⁴ [Government's management of legal aid - NAO report](https://www.nao.org.uk/wp-content/uploads/2022/06/Government-s-management-of-legal-aid-NAO-report.pdf)

¹⁵ [Pupillage Matched Funding - Council of the Inns of Court \(COIC\)](https://www.councilofinns.org.uk/pupillage-matched-funding)

- COIC seeks to provide funding for approximately half the Bar Standards Board's prescribed minimum pupillage award.
- For pupillages commencing in 2026-27, COIC is currently offering £12, 000 for London pupillages and £11,000 for those out-of-London, funding the first six months of a second pupillage.
- Chambers are responsible for ensuring that the total pupillage award meets the BSB's minimum award for the year in question. Rates for the minimum pupillage award are £23,078 for 12-month pupillages in London and £21,060 for pupillages outside London.¹⁶
- The government scheme would match the per-head funding offered by the COIC scheme over the five years.
- This expanded scheme would cost in the region of £1.5m per year if there were to be full take up.

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¹⁶ [Bar Standards Board announces minimum pupillage award from 1 January 2024](#)