

Note: the timings quoted are indicative only and the meeting may extend beyond the anticipated finish.



REGULATING BARRISTERS

**Meeting of the Bar Standards Board
Thursday 30 January 2020, 4.45 pm
(please note earlier start time)**

**Rooms 1.4 - 1.7, First Floor, Bar Standards Board Offices,
289-293 High Holborn, London, WC1V 7HZ**

Agenda - Part 1 – Public

				Page
1.	Welcome / announcements (4.45 pm)		Chair	
2.	Apologies		Chair	
3.	Members' interests and hospitality		Chair	
4.	Approval of Part 1 (public) minutes			
	• 31 October 2019	Annex A	Chair	3-5
5.	a) (i) Matters arising and action points	Annex B	Chair	7
	(ii) Formal ratification of paper circulated out of cycle: Barristers supervising immigration advisers	BSB 045 (19)	Ewen Macleod	9-14
	b) Forward agenda	Annex C	Chair	15
6.	Annual Diversity Data Report (4.55 pm)	BSB 001 (20)	Amit Popat	17-45
7.	Annual Enforcement Report 2018-19 (5.05 pm)	BSB 002 (20)	Sara Jagger	47-51
8.	Mandating the timetable for pupillage recruitment (5.10 pm)	BSB 003 (20)	Julia Witting	53-57
9.	Chair's Report on Visits and External Meetings from November 2019 – January 2020 (*)	BSB 004 (20)	Chair	59
10.	Any other business (5.20 pm)			
11.	Date of next meeting			
	• Thursday 19 March 2020, BSB offices			
12.	Private Session			

John Picken
Governance Officer
23 January 2020

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](#) before the meeting.*

BAR STANDARDS BOARD

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting**

Thursday 31 October 2019, Wolfson Room

Royal College of Radiologists, 63 Lincoln's Inn Fields, Holborn WC2A 3JW

Present: Baroness Tessa Blackstone (Chair)
Lara Fielden
Zoe McLeod
Andrew Mitchell QC
Elizabeth Prochaska
Nicola Sawford
Adam Solomon QC
Stephen Thornton CBE

By invitation: Amanda Pinto QC (Vice Chair, Bar Council)

BSB Executive in attendance: Vanessa Davies (Director General)
Rebecca Forbes (Head of Governance & Corporate Services)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Alex Skirvin (Public Engagement and Media Relations Officer)
Wilf White (Director of Communications and Public Engagement)
Christopher Young (Policy Manager)

Press: Jemma Slingo (Law Society Gazette)

Item 1 – Welcome

1. The Chair welcomed Members and guests to the meeting.

Item 2 – Apologies

- Alison Allden OBE
- Naomi Ellenbogen QC (Vice Chair)
- Steve Haines
- Irena Sabic
- Leslie Thomas QC
- Richard Atkins QC (Chair, Bar Council)
- Malcolm Cree CBE (Chief Executive, Bar Council)
- Grant Warnsby (Treasurer, Bar Council)
- James Wakefield (Director, COIC)
- Oliver Hanmer (Director of Regulatory Assurance)
- Sara Jagger (Director of Professional Conduct)

Note: Kathryn Stone OBE was not present for Part 1 of the meeting but did attend for Part 2.

Item 3 – Members' interests and hospitality

3. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

4. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 26 September 2019.

Item 5a – Matters arising and action points (Annex B)

5. The Board **noted** the updates to the action list.

Item 5b – Forward Agenda (Annex C)

6. Members **noted** the forward agenda list.

Item 6 – Proposed Amendments to the BSB Constitution

7. BSB 038 (19)

Vanessa Davies confirmed that the proposed amendments to the BSB Constitution were considered by the Bar Council's General Management Committee on 14 October 2019. Only one question was raised which was satisfactorily clarified. It will come into effect from 2 November 2019 subject to:

- the Board's formal approval of its content at this meeting;
- agreement to constitutional changes by the Bar Council at its meeting on 2 November, after which the BSB will have full control over its own Constitution.

8. **AGREED**

to approve the amendments to the BSB Constitution as set out in Annex A of the paper and that these come into effect from 2 November 2019 providing that the Bar Council agrees to cede authority to the BSB to make its own constitution.

**RF to
note**

Item 7 – GRA Annual Report 2019

9. BSB 039 (19)

Nicola Sawford referred to the Annual Report and summarised its content, in particular the Committee's work regarding:

- risk management (the Risk Outlook, Risk Index, the regulatory and corporate risk registers);
- assurance (internal audits, GDPR).

10. Amanda Pinto QC referred to the Bar Council's own seminars on "Complaints Handling at the Bar", which have been heavily subscribed and encouraged greater collaboration with the BSB in the future on risk related issues.

11. **AGREED**

to note the report.

Item 8 – PRP Mid-Year Report

12. BSB 040 (19)

Andrew Mitchell QC summarised the content of the PRP Committee mid-year report. He also advised that we are waiting feedback from the Inns of Court regarding our pupillage reform proposals. This explains why it is rated "amber" on the performance dashboard.

13. In response to questions raised, the following comments were made:

- the Committee will hold the Executive to account, so it meets the revised milestone on our regulatory approach on bullying and harassment;
- work is underway on the resubmission of the rule change application regarding professional indemnity insurance. The Committee has expressed its desire that this be prioritised. The BMIF has indicated that it will continue to insure single person entities for the interim;
- the impending rise in staff turnover rates for Q3 reflects the restructuring changes brought about by the Regulatory Operations programme. Currently turnover figures also include those finishing fixed term contracts. This has an inflationary effect on the involuntary leaver statistics so will be separately reported in future.

Part 1 - Public

14. Regarding bullying and harassment, Amanda Pinto QC referred to the Bar Council's recently launched online reporting tool (Spot). This will generate high-level data which it is willing to share with the BSB so it can monitor the effect of its policies to reduce occurrence. Andrew Mitchell QC thanked her for this offer.

15. **AGREED**

to note the report.

Item 9 – Approval of Inns Conduct Committee Practice and Procedure Rules
BSB 041 (19)

16. The Board considered new practice and procedure rules of the Inns Conduct Committee (ICC): The following points were made:

- the executive to clarify with the ICC what appears to be an inconsistency regarding procedures to review decisions by the ICC. The reference in paragraph 59 cites “applicants / students” but Part VII on appeals only cites “students”;
- the default position is to now conduct hearings in private. The BSB did raise a question over transparency but was advised that the proposals simply formalise what has been current practice (insofar as hearings are not advertised in advance and so do not attract a public audience).

17. Regarding delegation to the Director General, Vanessa Davies confirmed that this would only apply at an operational level and for a discrete period of time.

18. **AGREED**

- a) to approve the new rules for the Inns Conduct Committee (ICC) to use when determining whether a person is fit and proper to be a barrister subject to clarification of procedures to review decisions (cf min 17 above).
- b) to delegate to the Director General any subsequent minor amendments to these rules which implement policy decisions previously agreed by the Board.

CY

**VLD to
note**

Item 10 - Chair's report on visits and external meetings from October 2019
BSB 042 (19)

19. The Board **noted** the report.

Item 11– Any Other Business

20. None.

Item 12 – Date of next meetings

21.
 - Thursday 28 November 2019, etc venues, Hatton Garden (Joint Board to Board meeting with LSB and Board Away Day);
(Post meeting note: the Board to Board meeting will now take place at the LSB offices, 3rd Floor, The Rookery, 2 Dyott Street, London WC1A 1DE).
 - Thursday 30 January 2020, BSB Offices.

Item 13 – Private Session

22. The following motion, proposed by the Chair and duly seconded, was agreed. That the BSB will go into private session to consider the next items of business:

- (1) Approval of Part 2 (private) minutes – 26 September 2019;
- (2) Matters arising and action points – Part 2;
 - Letter from Matthew Hill, Chief Executive of LSB re: Legal Choices (9 October 2019);
- (3) Public Legal Education (PLE): meeting our CMA commitment;
- (4) Board Away Day (28 November 2019);
- (5) Any other private business.

23. The meeting finished at 5.20 pm.

BSB – List of Part 1 Actions
30 January 2020
(This includes a summary of all actions from the previous meetings)

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
18a (31/10/19) – rules for the Inns Conduct Committee	clarify the proposed new rules for the Inns Conduct Committee (ICC) with reference to points raised at the October 2019 meeting and then confirm the Board’s approval of these with the Inns of Court	Christopher Young	immediate	16/12/19	Completed Amendments were made to the ICC rules which clarified the points raised at the October Board discussion. The amendments were subsequently approved by ICC Chair and Director of COIC before the BSB Director General approved the final draft for publication.

Meeting:	Bar Standards Board	Date:	30 January 2020
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Title:	Ratification of decision taken outside of Board meeting: Barristers supervising immigration advisers		
Author:	Ewen Macleod		
Post:	Director of Strategy and Policy		

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation

1.	The Board is asked to formally note in public session a decision taken since its last meeting. The relevant paper is attached.
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Executive Summary

2.	<p>Standing Order 41 states:</p> <p><i>A decision taken outside a meeting of the Board or a Committee is valid if:</i></p> <p><i>reasonable notice of the matter to be decided has been given to all members of the Board or the Committee;</i></p> <p><i>it is subject to normal quorum rules and all members eligible to vote are given the opportunity to vote;</i></p> <p><i>the decision is recorded in a single written document signed by at least two thirds of members or approved by email by at least two thirds of members; and</i></p> <p><i>the decision is formally ratified at the next meeting and appears in the minutes of that meeting.</i></p>
3.	The attached paper was circulated by email on 20 November 2019. The following Board members indicated their approval by email: Alison Alden; Tessa Blackstone; Lara Fielden; Andrew Mitchell QC; Elizabeth Prochaska; Irena Sabic; Nicola Sawford; Adam Solomon QC; Kathryn Stone; Leslie Thomas QC.
4.	The rule change has since been approved by the LSB and will be formally incorporated into the Handbook on 3 February 2020.

Risk

5.	See attached paper.
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Resources (Finance, IT, HR)

6.	See attached paper.
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Equality & Diversity

7.	See attached paper.
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Meeting:	Bar Standards Board	Date:	20 November 2019
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Title:	Barristers supervising immigration advisers
Author:	Chelsee Howells
Post:	Senior Policy Officer

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation

1. It is recommended that the Board **approves** a rule change to prevent barristers from supervising immigration advisers who are otherwise not entitled to practise due to a sanction by another regulatory body.

Executive Summary

2. Our current regulatory regime fails to prevent a legislative loophole in the Immigration and Asylum Act 1999 from being exploited, whereby immigration advisers who have been subject to sanctions in the public interest by regulators may continue to provide legal services if they are supervised by a barrister. This is creating risks for vulnerable immigration consumers. As we only have guidance on these arrangements, and cannot enforce against this, we propose to introduce a rule which would prevent barristers supervising immigration advisers who have been subject to serious sanctions with legal regulators. This will ensure our regime can properly protect and promote the interests of consumers and maintain the trust and confidence which the public places in the profession.
3. This has been overwhelmingly supported by our stakeholders who responded to the targeted rule change consultation, including but not limited to the profession, the Office of the Immigration Services Commissioner (OISC), and the SRA.

Risk

4. Introducing this rule will better protect consumers against advisers who have committed serious misconduct and align our regime with the OISC. It avoids the risks that:
 - barristers enter into arrangements which undermine regimes intended to protect the public;
 - consumers are exposed to advisers who have committed serious misconduct; and
 - the trust and confidence in our regulatory regime is damaged.
5. We do not anticipate this having a significant detrimental impact on access to justice as we are only aware of two arrangements which would contravene the proposed rule (one of which has now ceased).

Resources (Finance, IT, HR)

6. Existing resources will be utilised to implement this rule. Functionality is being built into MyBar to ask barristers during the Authorisation to Practise process whether they currently, or are intending to, supervise in accordance with the Immigration and Asylum Act 1999. If the barrister is supervising, they will need to notify the Supervision Team

who will then follow up with the barrister if any clarification is required or concerns raised. There is sufficient resource within the Team to be able to do this.

7. No other resource implications have been identified.

Equality & Diversity

8. An equality impact assessment has been undertaken and no significant adverse impacts were identified. The rule change should result in a positive impact on vulnerable immigration consumers.

Background

1. Legislation requires that a person must be a ‘qualified person’ before they are able to provide immigration services¹. This includes those advisers who are regulated by the Office of the Immigration Services Commissioners (the OISC) or an approved regulator under the Legal services Act 2007. The legislation also permits unregulated people to undertake immigration work if they are under the supervision of an authorised person². We have previously permitted such arrangements under the supervision of a barrister, subject to guidance emphasising that the arrangement creates a direct link between the lay client and the barrister, and therefore the barrister has the same duties to that lay client as they would if they were undertaking the work themselves.
2. Concerns have been raised by the OISC and judges in the Immigration Tribunal that unregulated advisers, who are subject to serious sanctions (such as being struck off or suspended) with the OISC or another organisation recognised under the Immigration and Asylum Act 1999 (‘the Act’)³, can continue to provide immigration services under the supervision of a barrister, essentially circumventing the regime of these organisations which are intended to protect the public. This presents a significant risk to consumers and we do not consider it appropriate for barristers to supervise advisers who are subject to these sanctions.

Comment

3. Our current guidance reminds barristers to exercise due diligence and check whether an adviser they propose to supervise has been prohibited from practice or is currently suspended by the OISC. However, it does not explicitly prohibit a barrister from supervising an adviser who has been subject to sanctions by the OISC or another regulator. Evidence provided by the OISC, our Supervision Team and the Home Office suggests that guidance alone is insufficient to safeguard consumers as we are unable to take action when the risks are too high, as we cannot enforce against guidance alone. We have an ongoing case where a barrister (who is subject to an ongoing investigation for a failure to disclose regulatory sanctions) is supervising an adviser who has been disbarred for very serious criminal convictions relating to vulnerable individuals. We are unable to take enforcement action under our current rules and we are therefore proposing the following rule should be included within the BSB Handbook:

rC85A *You must not act as a supervisor of an immigration adviser for the purposes of section 84(2) of the Immigration and Asylum Act 1999 (as amended) (IAA 1999) where the Office of the Immigration Services Commissioner has refused or cancelled the adviser’s registration, or where the adviser is:*

1. *disqualified in accordance with paragraph 4 of Schedule 6 to the IAA 1999; or*
2. *prohibited or suspended by the First-tier Tribunal (Immigration Services); or*
3. *permanently prohibited from practising by an approved regulator, or a designated professional body under the Immigration and Asylum Act 1999, pursuant to its powers as such, and removed from the relevant register; or*

¹ Section 84(1) of the Immigration and Asylum Act 1999

² Section 84(2)(e) of the Immigration and Asylum Act 1999

³ This also includes a professional body designated under section 86 of the Act

4. *currently suspended from practising by an approved regulator, or a designated professional body under the Immigration and Asylum Act 1999, pursuant to its powers as such.*
4. The rule will provide clarity and protect vulnerable consumers from advisers who have committed serious misconduct. It will also ensure consistency between different regimes intended to protect consumers⁴.
5. As part of the Authorisation to Practise (AtP) process, barristers will be required to declare whether they are currently supervising, or intend within the next 12 months to supervise, an immigration adviser in accordance with the Act.

Consultation, Communications and Stakeholder Engagement

6. We conducted a targeted rule change consultation for four weeks. The responses demonstrate a significant level of support for our rule change. A small number of respondents raised some questions; one barrister felt it could be appropriate for barristers to supervise sanctioned advisers towards the end of the sanction and can support the adviser to be re-trained. Another barrister supported the supervision of sanctioned advisers as the barrister is overseeing the work. This respondent also raised concerns that the issue is not widespread and therefore questioned whether it is justified to introduce this proposed rule.
7. Given that our current regulation is failing to prevent high risk arrangements, we believe this rule change is critical to protect very vulnerable consumers from harm and maintain the trust and confidence in the profession and the BSB as a regulator.

Impacts on other teams / departments or projects

8. By introducing the proposed rules and our updated, clearer guidance, it is possible that there may be an initial increase in the number of notifications, as barristers have a better understanding of their obligations, although we do not anticipate this to be significant.

Regulatory objectives

9. The proposed rule will help to meet the regulatory objectives of protecting and promoting the interests of consumers, particularly those who are vulnerable, by ensuring that we close the legislative loophole and prevent barristers from supervising advisers who have been subject to serious sanctions. We do not anticipate a significant adverse impact on competition or access to justice as we are only aware of two barristers who will be affected by this rule change.

Lead responsibility:

Chelsee Howells
Senior Policy Officer

⁴ The OISC, approved regulators and designated professional bodies

Forward Agendas**Thursday 19 Mar 20**

- Business Plan 2020/21
- Handbook Review proposals
- Strategic update from the Director General
- Consolidated Risk Report
- Proposed changes to Standing Orders for Joint Committees and BSB Standing Orders
- IGRs – waiver applications
- Waiver assessment framework – changes to scheme of delegations

Thursday 21 May 20

- PRP Year end performance report
- IGRs – certificate of compliance
- Corporate Risk Report (summary)

Tuesday 7 July (Joint meeting with the OLC 11.30 am – 1.00 pm)

Thursday 16 July 20 (BOARD AWAY DAY)

Thursday 24 September 20 (*inc. Joint Meeting with the LSB 3.30 pm – 4.45 pm, pending confirmation with LSB*)

- IDB Annual Report
- Budget 2021/22
- Consolidated Risk Report

Thursday 26 November 20

- PRP mid-year performance report
- GRA Annual Report
- Corporate Risk Report (summary)

Thursday 28 January 21

Thursday 25 March 21

- Consolidated Risk Report

Meeting:	Bar Standards Board	Date:	30 January 2020
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Title:	Annual Diversity Data Report
Author:	Amit Popat
Post:	Head of Equality and Access to Justice

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation

1. The Board is asked to note the attached report.

Executive Summary

2. The annual report on diversity data is an important component of the BSB's statutory and regulatory responsibilities. Reliable data is essential to inform our work to promote an independent, strong, diverse and effective legal profession and meet our legal obligations (LSA2007; EA 2010).
3. Disclosure rates continue to improve, which correspondingly improves the robustness of our evidence base. However, there remain areas where the level of disclosure to the BSB is below what we would like. We continue to seek to improve this, particularly for: disability, gender identity, religion and belief, and sexual orientation.
4. We know from our data that: <ul style="list-style-type: none"> • Compared with the general population, women, BAME people, and people who did not attend fee-paying schools remain under-represented since we commenced reporting in 2015; • There appears to be an under-representation of disabled practitioners; • The number of female and/or BAME pupils continues to be generally representative of the numbers of women and BAME working age population in the UK, however this is not the case for the Bar as a whole, particularly at QC level.

Risk

5. The BSB Risk Outlook identifies the core risk theme 'working cultures and professional environment inhibit an independent, strong, diverse and effective profession' and our Strategic Plan accordingly prioritises encouraging an independent, strong, diverse and effective legal profession. Robust evidence is key to achieving that objective.
6. There are two key compliance issues relevant to the publication of the Diversity Data Report: <ul style="list-style-type: none"> • the Equality Act 2010 Specific Duties Regulations; and • LSB statutory guidance about publication of aggregated diversity data.

Resources (Finance, IT, HR)

7. None arising directly from this publication, but it will inform our forthcoming Equality Strategy and Business Plan.

Equality & Diversity

8. The data in the report will inform our impact assessment of all plans and policies.

Annual Diversity at the Bar Report

Background

1. The BSB has statutory and regulatory duties to publish annual reports on the diversity of the profession. In addition to our duties under the Equality Act 2010, one of the outcomes set by the Legal Services Board (LSB) for the frontline regulators is that the regulator continues to build a clear and thorough understanding of the diversity profile of its regulated community (beginning at entry), how this changes over time and where greater diversity in the workforce needs to be encouraged. Our annual reports on the diversity of the profession form an important part of our evidence base for encouraging an independent, strong, diverse and effective legal profession. It is therefore important that the Board notes progress and trends.
2. The completion rates for BSB's diversity monitoring have historically been low in some areas. This has improved year-on-year, albeit slowly. The LSB continues to monitor improvements made by regulators to the collection and reporting of diversity data.
3. For this year's report, the BSB Research Team extracted anonymised diversity data from the CRM database on 1st December 2019. The Diversity Data Report is attached at Annex 1 for information but a brief summary is presented here.

Diversity Data Report 2019

Summary of data

4. Completion rates across all monitoring categories have increased by an average of around 3.6 percentage points since 2018, with year on year increases of over four percentage points for 'gender identity'; 'disability'; 'religion or belief'; 'sexual orientation'; 'type of school attended'; 'first generation to attend university'; 'caring responsibilities for children'; 'caring responsibilities for others'.
5. In those areas with low response rates, the conclusions that can be drawn are less reliable. Gender identity, which has been collected since 2018, has the lowest level of disclosure (35.2%) followed by sexual orientation (47.4%), religion and belief (48.5%), social economic background¹ and caring responsibilities² (approx.49-52%) and disability (53.7%).
6. The reliability of the data depends upon whether those that have responded are a representative sample of the entire practising Bar. There is no set figure for the point at which the disclosure rates of diversity monitoring data become reliable, but with a population size of approximately 16,000 a response rate of around 50% would be considered useful as an evidence base for starting to develop policy. Despite the low response rates for some questions, the data can still be used to help inform actions in those areas where we know - through other research and evidences bases - that social inequality exists.
7. The key findings are:
 - a. Notwithstanding some encouraging trends, particularly at the point of entry to the profession, there continues to be an under-representation (compared with the working age population) at the Bar of women, BAME people, and people who did not attend fee-paying schools.

¹ Includes type of school attended and whether the first generation of a family to attend university

² Includes caring for children or others

- b. It is highly likely that there is an under-representation of disabled people at the Bar, given that the response rate to this question is now over 50 per cent. This is important for the BSB to note because the duty to make reasonable adjustments for disabled people is anticipatory for public bodies, i.e. we have a positive duty to consider in advance what disabled people might reasonably need.
- c. The number of pupils that are female and/or BAME is generally representative of the numbers of women and BAME working age population in the UK, however this is not the case for the Bar as a whole (in the case of female barristers), and particularly at QC level (for both female barristers and BAME barristers). This will be influenced by the demographics of those that entered the profession in previous years but also suggests that the barriers experienced by women and BAME practitioners may relate more to retention than recruitment.
- d. There is an over-representation among practitioners of people who primarily attended fee-paying schools. Although only 52.0% of practitioners responded to this question, this would be the case even if all of the barristers who did not respond to this question had attended state schools.

Next steps and action to improve data quality

- 8. The findings of this Diversity Data Report provide an evidence base which will be used to inform a range of BSB workstreams, in particular the setting and monitoring of organisational equality objectives, the BSB Equality Strategy and the Risk Outlook. The report is also used to monitor the impact of BSB policies through Equality Impact Assessments.
- 9. The BSB's Equality and Diversity Strategy includes our priority objectives and an action plan to demonstrate compliance with the public sector equality duties. It has previously been published in January, but this year we have chosen to align this with our normal business planning timescales. This means the new strategy will be presented to the Board in March – an interim statement has been placed on the website to ensure we continue to be compliant with our public duty obligations. The new strategy will include an objective to review the data that we collect and the terminology we use within our monitoring form, in order to understand (amongst other things) how we might promote better data collection. In the meantime, we continue to explore how the MyBar portal can continue to encourage disclosure of these data.

Publication and promotion of diversity data

- 10. The report will be published on our website and publicised through the usual channels.

Regulatory objectives

- 11. The collection and publication of diversity data for the Bar relates directly to the BSB's regulatory objective of "encouraging an independent, strong, diverse and effective legal profession".

Annexes

Annex 1: Report on Diversity at the Bar, December 2019



REGULATING BARRISTERS

Diversity at the Bar 2019

A summary of the latest available diversity data for the Bar

Published January 2020

Contents

1.	Executive Summary.....	3
2.	Introduction.....	5
3.	Methodology	6
3.1.	Response Rates.....	6
4.	Protected Characteristics	7
4.1.	Gender	7
4.2.	Ethnicity.....	10
4.3.	Disability	14
4.4.	Age.....	15
4.5.	Religion and Belief	16
4.6.	Sexual Orientation.....	17
5.	Socio-Economic Background.....	18
5.1.	Type of School Attended	18
5.2.	First Generation to Attend University.....	20
6.	Caring Responsibilities	21
6.1.	Caring Responsibilities for Children	21
6.2.	Caring Responsibilities for Others	22
7.	Conclusions	24

1. Executive Summary

This report presents a summary of the latest available diversity data for the Bar. The report assists the Bar Standards Board (BSB) in meeting its statutory duties under the Equality Act 2010 and sets out an evidence base from which relevant and targeted policy can be developed.

Response Rates

- Response rates continue to increase across all categories except for gender (see Table 2 for a comparison to 2018), with an increase in response rate of around 4-5 percentage points (pp) for all of the 11 characteristics reported on except for gender, ethnicity and age, which already have a high response rate.¹ The response rate is highest for gender at 99.9 per cent and lowest for gender identity at 35.2 per cent.

Gender

- The proportion of women at the Bar (covering pupils, practising Queen’s Counsel - QC - and practising non-QC barristers) has increased 0.6 percentage points (pp) since the snapshot taken in December 2018. As of December 2019, women constituted 38.0 per cent of the Bar compared to an estimate of 50.2 per cent of the UK working age population.
- The proportion of female QCs has increased, from 15.8 per cent in December 2018 to 16.2 per cent in December 2019. There is still a disparity between the proportion of the Bar who are female and the proportion of QCs who are female (38.0% vs 16.2%, and the difference between the two has widened slightly in 2019 compared to 2018).
- As observed in 2016, 2017 and 2018, there is a greater proportion of female pupils in comparison to male pupils (54.8% vs 45.2%).

Ethnicity

- The percentage of Black, Asian and Minority Ethnic (BAME)² barristers at the Bar has increased 0.6pp since December 2018 to 13.6 per cent, the biggest year on year increase seen since the Diversity at the Bar Report began in 2015. The proportion of BAME barristers at the Bar, compares to an estimate of 14.4 per cent of the working age population in England and Wales as of July-September 2019.
- The percentage of those from BAME backgrounds increased by 0.6pp for non-QCs (to 14.1%); 0.3pp for QCs (to 8.1%); and by 2.7 pp for pupils year on year (to 19.0%).

¹ It is against the law to discriminate against someone because of a protected characteristic as defined by the 2010 Equality Act: at the time of publishing the protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

² “BAME” stands for Black, Asian and Minority Ethnic. The term is widely used by government departments, public bodies, the media and others. However, we appreciate that the term, and similar terms, are debated and that no single term is universally accepted.

- There is still a disparity between the overall percentage of BAME barristers across the profession (13.6%), and the percentage of BAME QCs (8.1%). This may reflect the lower percentage of BAME barristers entering the profession in past years but may also suggest there may be an issue in the progression of BAME practitioners at the Bar.
- Within the overall category of BAME there are some notable differences. There is a slightly greater proportion of Asian/Asian British practitioners at the Bar compared to the proportion of Asian/Asian British individuals in the UK working age population (7.2% vs 6.2%), and the same can be said for those from Mixed/Multiple ethnic backgrounds (3.2% vs 1.3%). The opposite pattern is found for those from Black/Black British backgrounds (3.2% vs 3.7%), and for those from Other ethnic groups (1.2% vs 3.2%).
- There is also a greater disparity in the proportion of all non-QCs from Black/Black British backgrounds compared to the proportion of all QCs from the same background, with the disparity being particularly high for those of Black/Black British – African ethnic backgrounds.

Disability

- There still appears to be an underrepresentation of disabled practitioners at the Bar. Although there is a relatively low response rate of 53.7 per cent, of those that have provided information on disability status to us, 6 per cent of the Bar disclosed a disability. This is substantially lower than the percentage of disabled people in the employed working age UK population estimated at 13.4 per cent.

Other

- Despite a relatively low response rate (52.0%) to this question, the data suggest that a disproportionate number of barristers attended a UK independent school between the ages of 11-18. Even if all of the barristers who chose not to respond to this question had gone to state schools, the proportion of barristers who went to independent schools is higher than in the wider population; with 17 per cent (including non-respondents) having attended an independent school between 11-18, compared to approximately 7 per cent of school children in England at any age, and 10.1 per cent of UK domiciled young full-time first degree entrants in the UK in 2017/18. Of those that provided information on school attended, just over one in three attended an independent school in the UK.
- The available data would suggest that a lower proportion of those at the Bar are the primary carer for a child in comparison to the wider UK working age population. When excluding non-responses, 26.5 per cent of the overall Bar; 7.5 per cent of pupils; 27.4 per cent of non-QCs; and 22.5 per cent of QCs have primary caring responsibilities for one or more children. This compares to around 36 per cent of economically active males, and 39 per cent of economically active females for the working age population of the UK. The proportion of those in the UK with primary care of a child is likely to be far higher for those aged 35-54, which constitutes the majority of the Bar.

2. Introduction

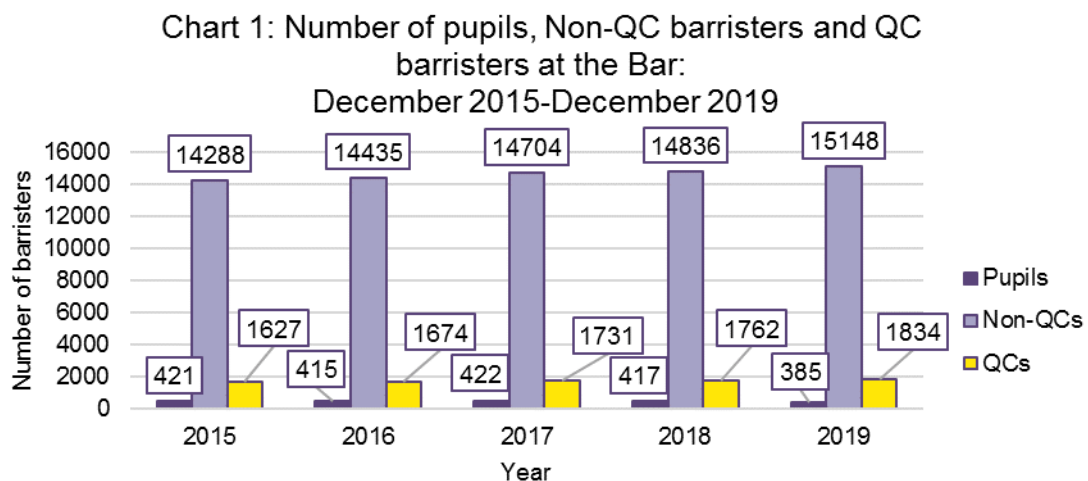
The BSB is committed to providing clear and transparent statistical diversity data at every stage of a barrister’s career. This diversity data report is published annually, in line with the Specific Duties Regulations of the Equality Act 2010 and the statutory guidance of the Legal Services Board. It is a summary of the diversity data on practising barristers available to the BSB, as at 1 December 2019.

This report provides an overview of diversity at the Bar,³ and establishes evidence for both policy development and assessing the effectiveness of current BSB initiatives aimed at increasing equality and diversity at the Bar. All data are presented anonymously.

Unless stated otherwise, all analysis in this report is broken down by seniority. Table 1 (below) shows the simple breakdown of practising members of the profession.

Table 1: Total number of people at the Bar (numbers)

Seniority	Numbers
Pupil	385
Non-Queen’s Counsel (Non-QC) ⁴	15,148
Queen’s Counsel (QC)	1,834
Total	17,367



There are three sections to the diversity analysis of the profession: protected characteristics⁵, socio-economic background, and responsibilities regarding caring for children and others.

³ Usage of the term ‘the Bar’ in this report refers only to practising barristers and pupils (including non-practising first six pupils) as of 1 December 2019.

⁴ Usage of the term “non-QC” in this report refers to practising junior barristers; a barrister who has not taken silk

⁵ It is against the law to discriminate against someone because of a protected characteristic as defined by the 2010 Equality Act: at the time of publishing the protected characteristics are: age; disability; gender

3. Methodology

The data for practitioners⁶ in this report are from the BSB's records.

BSB Records

The Bar Council Records Department receives data on the profession via the online "Authorisation to Practise" system, MyBar, which was introduced in 2018 and superseded the previous system, Barrister Connect. MyBar enables barristers to renew their practising certificates online and input or update their diversity monitoring data at any time.

The rate of completion varies for individual monitoring strands, as each question is voluntary and all can be left blank if desired.

Diversity data on pupils are collected through the Pupillage Registration Form (PRF), which must be completed before an individual commences their pupillage. The data from this form are stored in the BSB's data warehouse.

The diversity monitoring information used in this report was extracted from our database on 1 December 2019 and represents a snapshot of the profession on this date.

In general, all percentages have been rounded to one decimal place, so in some cases the values may not total 100 per cent.

3.1. Response Rates

The response rate once again increased across all collected data in 2019, except for a very small decrease for gender. The year on year increases from 2018 were around 4-5 percentage points for the majority of the monitoring categories. This is less than that seen from 2017 to 2018, although increases in 2018 coincided with the introduction of MyBar, which may have led to a bigger jump in response due to the ease of filling in this section on the platform compared to the previous system.

A response rate of 50 per cent or more was seen for the first time for questions on disability; type of school attended between 11-18; caring responsibilities for children; and caring responsibilities for others. There is currently only one category where response rates are less than 40 per cent of the Bar, which is gender identity.

However, while the trend in response rates is positive, less than 50 per cent of the Bar have responded to four of the 11 questions monitored in this report, so there is still some improvement to be made: These four monitoring questions are:

reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

⁶ Usage of the term "practitioners" in this report refers to pupils, junior barristers, and QCs practising at the Bar as of 1 December 2019.

- Gender identity – collected since 2018
- Religion or belief
- Sexual orientation
- First generation to attend university

Each question on both MyBar and the PRF contains a ‘prefer not to say’ option, allowing individuals the option of giving a response without disclosing any information. ‘Prefer not to say’ is counted as a response in the rates listed below.

Table 2: Response Rates in 2018 and 2019 (as a percentage of total barristers)

Category	2018 (%)	2019 (%)	Percentage point (pp.) difference	Avg. yearly pp. change in response rate since 2015
Gender	99.94	99.90	-0.03	-0.02
Gender Identity	30.1	35.2	5.1	5.1
Ethnicity	93.4	94.0	0.5	0.6
Disability	49.0	53.7	4.6	5.7
Age	84.7	86.3	1.5	-0.03
Religion or Belief	43.7	48.5	4.8	5.2
Sexual orientation	43.1	47.4	4.3	5.0
Type of school attended from 11-18	47.0	52.0	5.0	6.3
First generation to attend university	45.0	49.2	4.1	5.6
Caring responsibilities for Children	46.9	51.8	4.8	5.8
Caring responsibilities for others	45.4	50.0	4.6	5.4

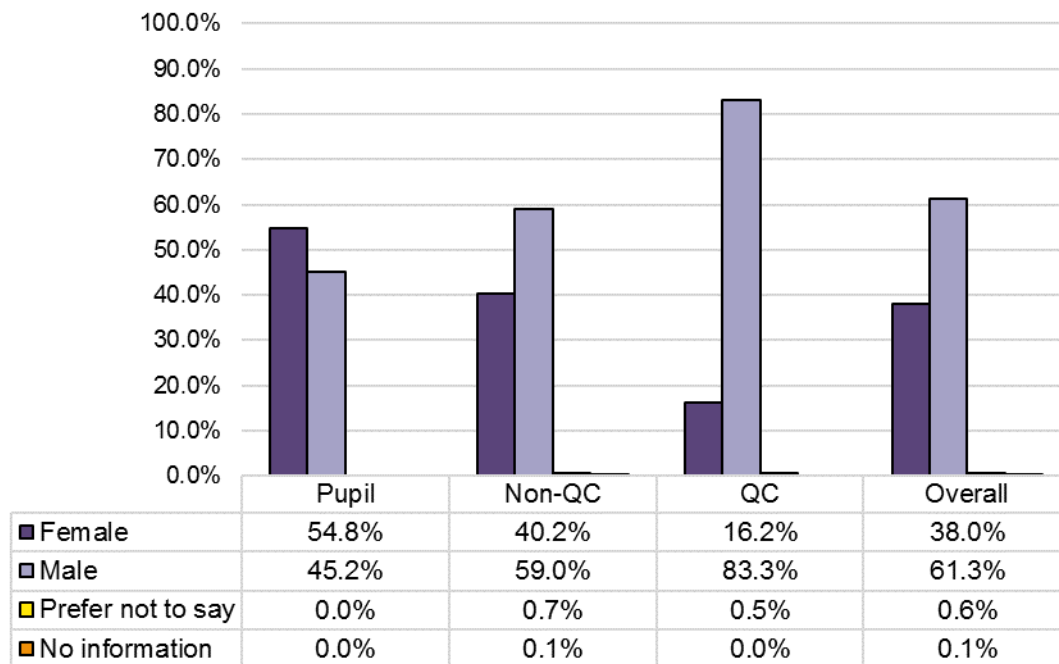
4. Protected Characteristics

4.1. Gender and Gender Identity

Gender

Chart 2 shows the percentage of practitioners at the Bar by gender and level of seniority.

Chart 2: Gender at the Bar (%)



- The percentage of women at the Bar overall increased by 0.6pp from December 2018 to December 2019 to 38 per cent: This compares to an estimate of 50.2 per cent of the UK working age (16-64) population being female as of Q3 2019.⁷ The increase in the proportion of women at the Bar is 0.2pp higher than the increase seen from December 2017 to December 2018.
- The greatest percentage point increase for female representation at the Bar across the groups has been amongst pupils. As of December 2019 54.8 per cent of pupils were female, compared to 50.4 per cent in December 2018, representing a 4.4 percentage point increase, albeit with a reduction in the number of pupils overall year on year. This is the highest proportion female pupils seen since the first Diversity at the Bar Report in 2015. In line with 2016, 2017 and 2018, the percentage of female pupils is greater than that of male pupils
- The proportion of QCs who are female increased from 15.8 per cent in 2018 to 16.2 per cent in 2019, a 0.4pp increase. This is a smaller percentage point increase than that seen from 2017 to 2018 (14.8% to 15.8%; a difference of 1.0pp). The raw numbers in Table 3 show that the number of female QCs increased by 20 from 2018 to 2019 compared to an increase of 21 from 2017 to 2018, and so the lower percentage point increase seen from 2018 to 2019 was largely due to relatively more males gaining QC status year on year. Since December 2015 there has been a net addition of 112 male QCs compared to 86 female QCs.
- It is still noteworthy that the overall proportion of female QCs is low (16.2%) in comparison to the percentage of female barristers at the Bar overall (38.0%), and

⁷ Calculated from the 'Labour Force Survey: Population aged 16-64: Female: Thousands: SA', and 'Labour Force Survey: Population aged 16-64: UK: Male: Thousands: SA' datasets published by the Office for National Statistics on ons.gov.uk

the difference between the two has slightly widened by 0.2pp in comparison to the difference in 2018.

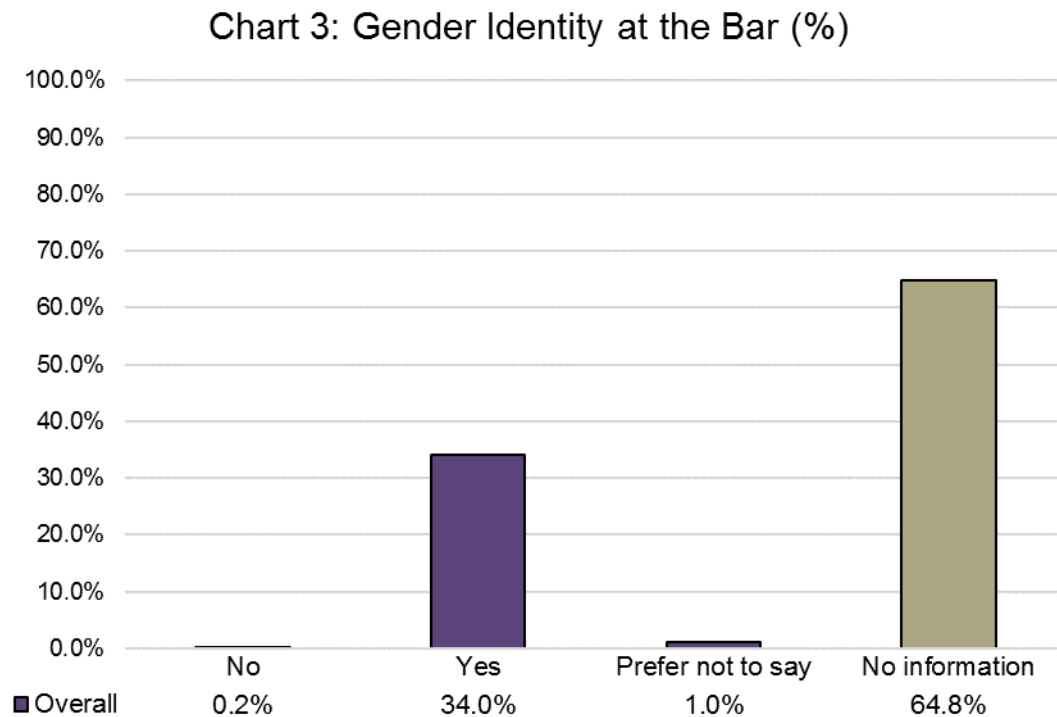
- For female non-QC barristers, the year on year increase is 0.6pp (39.6% to 40.2%).
- The proportion of women at the Bar has increased by 2.1 percentage points overall over the past five years (since the 2015 Diversity at the Bar Report). When only looking at practitioners (ie not including pupils), the increase overall has been 2pp for female non-QC barristers, and 3.2pp for female QC barristers.

Table 3: Gender at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Female	211	6091	298	6600
Male	174	8938	1527	10639
Prefer not to say	-	102	9	111
No information	-	17	-	17
Total	385	15148	1834	17367

Gender Identity

Chart 3 shows the percentage of practitioners at the Bar by response to the following question on MyBar: “Is your gender identity the same as that which you were assigned at birth?”.



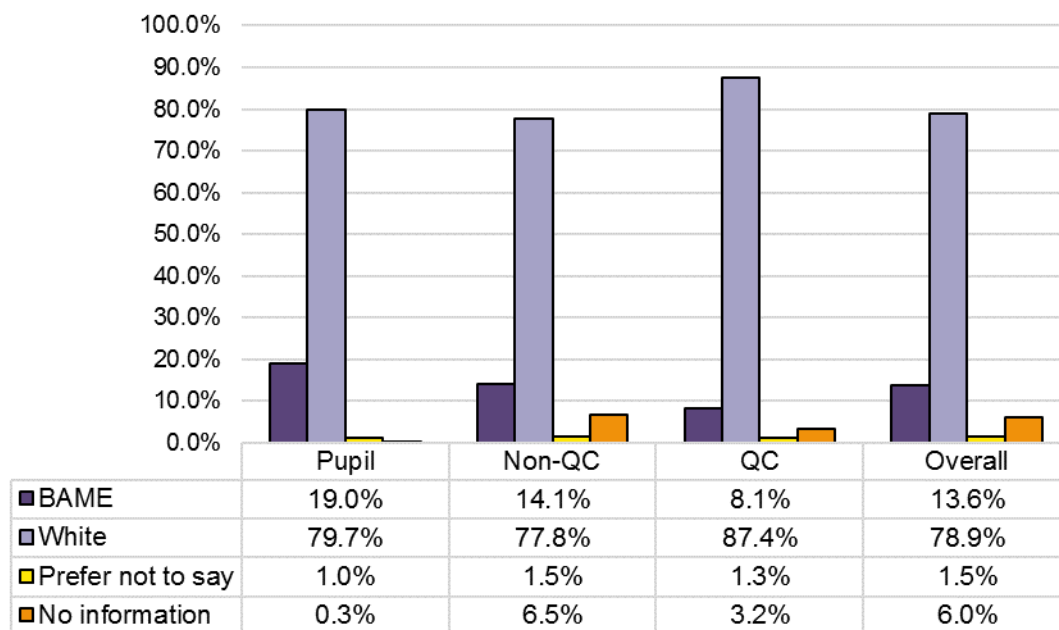
- 64.8 per cent of practitioners had not provided a response on gender identity on MyBar. When including non-respondents, around 0.2 per cent of practitioners had a different gender identity to the one they were assigned at birth.

Table 4: Gender identity at the Bar (numbers)

Gender Identity same as that assigned at birth	Pupils	Non-QC	QC	Overall
No	-	26	6	32
Yes	10	5242	647	5899
Prefer not to say	-	159	17	176
No information	375	9721	1164	11260
Total	385	15148	1834	17367

4.2. Ethnicity

Chart 4 shows the percentage of practitioners at the Bar by ethnic background and level of seniority.

Chart 4: Ethnicity at the Bar (%)

- The overall percentage of BAME barristers at the Bar has increased by 0.6pp compared to December 2018, and 0.9pp compared to December 2017, to 13.6 per cent. This represents the biggest overall yearly percentage point increase in the proportion of BAME barristers at the Bar since the first Diversity at the Bar Report in 2015.
- The percentage of BAME QCs has increased by 0.3pp from December 2018 to 8.1 per cent (which equates to an increase of 0.9pp compared to December 2017, and 1.9pp compared to December 2015). There is still a far lower proportion of QCs who are from BAME backgrounds, than the proportion of practitioners who are from BAME backgrounds overall, although the ratio between the two has narrowed slightly since 2015. When excluding non-responses, in 2015 the

proportion of BAME practitioners at the Bar was two times higher than the proportion of BAME QCs; in 2019 the proportion of BAME practitioners at the Bar was 1.72 times higher than the proportion of BAME QCs.⁸

- The percentage of BAME barristers has increased by 0.6pp for non-QC barristers (to 14.1%).
- The proportion of BAME pupils showed an increase of 2.7pp compared to December 2018, giving 19.0 per cent of pupils from BAME backgrounds. This is the highest proportion of pupils from BAME backgrounds, and largest year on year increase in this statistic seen since the first Diversity at the Bar Report in 2015.
- When excluding those that have not provided information or have preferred not to disclose information, around 14.7 per cent of the Bar overall are from a BAME background. This compares to around 14.4 per cent of the 16-64 working age population in England and Wales as of Q3 2019.⁹
- When looking at more disaggregated data on those from a minority ethnic group at the Bar, some notable statistics emerge. When excluding those that have not provided information of ethnicity:
 - **Asian/Asian British:**
 - Around 7.2 per cent of the Bar, 9.0 per cent of pupils, 7.5 per cent of non-QCs and 4.1 per cent of QCs are from an Asian/Asian British ethnic group. This compares to around 6.2 per cent of the UK working age population.
 - The proportion of Asian/Asian British barristers at the Bar has increased by around 0.7pp since 2015.
 - 7.50% of non-QCs compared to 4.05% of QCs are from Asian/Asian British backgrounds; 0.64% of non-QCs compared to 0.23% of QCs are from an Asian/Asian British - Bangladeshi background; 0.50% of non-QCs compared to 0.29% of QCs are from an Asian/Asian British - Chinese background; 3.25% of non-QCs compared to 2.17% of QCs are from an Asian/Asian British - Indian background; 1.98% of non-QCs compared to 0.97% of QCs are from an Asian/Asian British - Pakistani background; and 1.13% of non-QCs compared to 0.40% of QCs are from Other Asian backgrounds.
 - **Black/Black British:**
 - Around 3.2 per cent of the Bar, 3.4 per cent of pupils, 3.4 per cent of non-QCs and 1.1 per cent of QCs are from a Black/Black British ethnic group. This compares to around 3.7 per cent of the UK working age population.
 - The proportion of Black/Black British barristers at the Bar has increased by around 0.2pp since 2015.

⁸ A ratio of greater than 1 means there are relatively more non-QCs as a proportion of all non-QCs than there are QCs as a proportion of all QCs for a given ethnic group. The higher the number, the greater the relative difference between the two is.

⁹ Calculated from adding together figures on economically active and inactive 16-64 population by ethnicity from the Labour Force Survey: A09: Labour Market Status by ethnic group.

- 3.44% of non-QCs compared to 1.14% of QCs are from a Black/Black British backgrounds; 0.64% of non-QCs compared to 0.23% of QCs are from a Black/Black British - African background; 1.37% of all non-QCs compared to 0.63% of all QCs are from a Black/Black British - Caribbean background; and 0.29% of all non-QCs compared to 0.17% of all QCs are from any other Black background;
- **Mixed/Multiple ethnic groups:**
 - Around 3.2 per cent of the Bar, 5.3 per cent of pupils, 3.3 per cent of non-QCs and 1.8 per cent of QCs are from a Mixed/Multiple ethnic group background. This compares to around 1.3 per cent of the UK working age population.
 - The proportion of Mixed/Multiple ethnic group barristers at the Bar has increased by around 0.7pp since 2015.
 - 3.25% of non-QCs compared to 1.83% of QCs are from Mixed/Multiple ethnic group backgrounds; 0.87% of non-QCs compared to 0.86% of QCs are from White and Asian mixed backgrounds; 0.41% of non-QCs compared to 0.17% of QCs are from White and Black/Black British - Caribbean mixed backgrounds; 0.22% of non-QCs compared to 0.17% of QCs are from White and Chinese mixed backgrounds; and 1.41% of non-QCs compared to 0.63% of QCs are from any Other Mixed/Multiple Ethnic Group background.
- **Other ethnic group:**
 - Around 1.2 per cent of the Bar, 1.6 per cent of pupils, 1.2 per cent of non-QCs and 1.5 per cent of QCs are from an ethnic group classed as 'Other'. This compares to around 3.2 per cent of the UK working age population.
 - The proportion of barristers from an ethnic group classed as 'Other' at the Bar has not shown any change since 2015.
 - 1.18% of non-QCs compared to 1.48% of QCs are from Other ethnic groups overall.
- **White**
 - Around 85.3 per cent of the Bar, 80.8 per cent of pupils, 84.6 per cent of non-QCs and 91.5 per cent of QCs are from a White ethnic group. This compares to around 85.6 per cent of the UK working age population.
 - The proportion of barristers from a White ethnic group at the Bar has decreased by around 1.6pp since 2015.
 - 84.63% of non-QCs compared to 91.50% of QCs are from White ethnic groups overall; 77.10% of non-QCs compared to 86.19% of QCs are from White British backgrounds; 2.64% of non-QCs compared to 1.83% of QCs are from White Irish backgrounds; and 4.87% of non-QCs compared to 3.48% of QCs are from any Other White background.

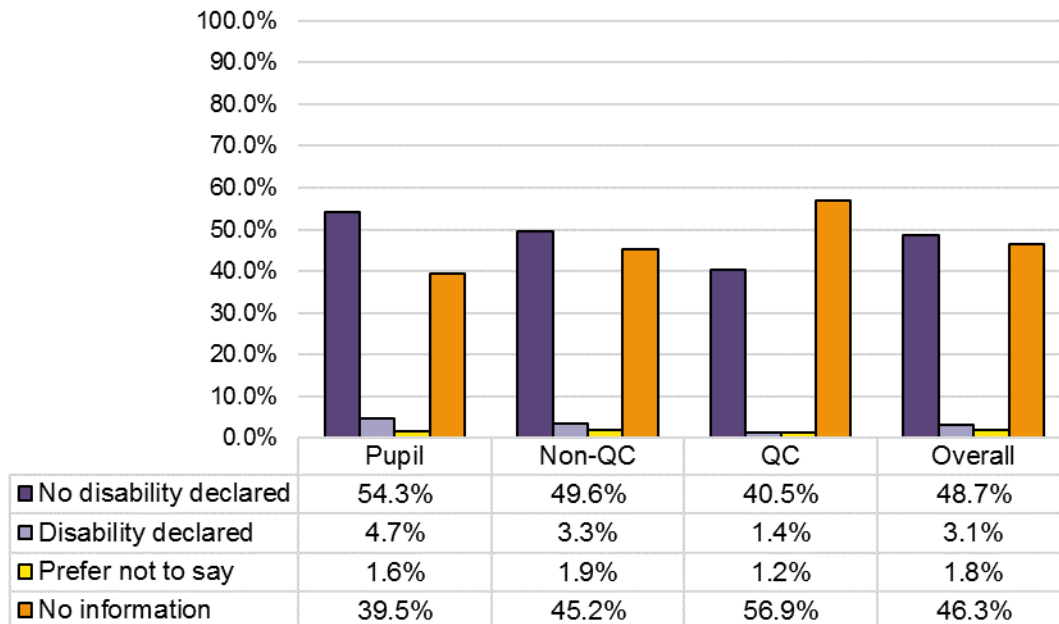
Table 5: Ethnicity at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Asian/Asian British	34	1044	71	1149
Asian/Asian British - Bangladeshi	4	89	4	97
Asian/Asian British - Chinese	6	70	5	81
Asian/Asian British - Indian	9	452	38	499
Asian/Asian British - Pakistani	8	275	17	300
Any other Asian background	7	158	7	172
Black/Black British	13	479	20	512
Black/Black British - African	8	248	6	262
Black/Black British - Caribbean	3	191	11	205
Any other Black background	2	40	3	45
Mixed/Multiple ethnic groups	20	453	32	505
White and Asian	9	121	15	145
White and Black African	4	49	-	53
White and Black Caribbean	1	57	3	61
White and Chinese	1	30	3	34
Any other mixed/multiple background	5	196	11	212
White	307	11784	1603	13694
White - English/Welsh/Scottish/Northern Irish/British	270	10736	1510	12516
White - Gypsy or Irish Traveller	-	3	-	3
White - Irish	4	367	32	403
Any other White background	33	678	61	772
Other ethnic group	6	164	26	196
Arab	2	15	-	17
Any other ethnic group	4	149	26	179
Prefer not to say	4	234	23	261
No information	1	990	59	1050
Total	385	15148	1834	17367

4.3. Disability

Chart 5 shows the percentage of practitioners at the Bar by declared disability status and level of seniority.

Chart 5: Disability declared at the Bar (%)



- Including those that have not provided information on disability, 3.1 per cent of the Bar; 4.7 per cent of pupils; 3.3 per cent of non-QC barristers; and 1.4 per cent of QCs had declared a disability as of December 2019. The overall year on year percentage point increase for those declaring a disability is 0.3pp (2.8% to 3.1%). Much of the increase is possibly due to an increase in response rates: Notably, the response rate for pupils is around 20pp higher than that seen in December 2018, although is still lower than that seen from 2015-2017.
- When excluding those that had not provided information, 6 per cent of the overall Bar; 6.2 per cent of non-QC barristers; 7.9 per cent of pupils; and 3.4 per cent of QCs had declared a disability as of December 2019. These figures all show a slight year on year increase (of between 0.1-0.4 percentage points). However, in comparison, it is estimated that around 13.4 per cent of the employed working age population (those aged 16-64) has a declared disability as of July-September 2019¹⁰, and so the proportion seen for the Bar appears to be substantially lower.
- The figures also suggest that the percentage of those with a declared disability may decrease by level of seniority. However, the overall disclosure rate is low at 53.7 per cent, meaning these statistics may not be reliable.

¹⁰ Calculated for Jul-Sep 2019 from Office for National Statistics datasets: A08: Labour market status of disabled people using GSS Standard Levels (People).

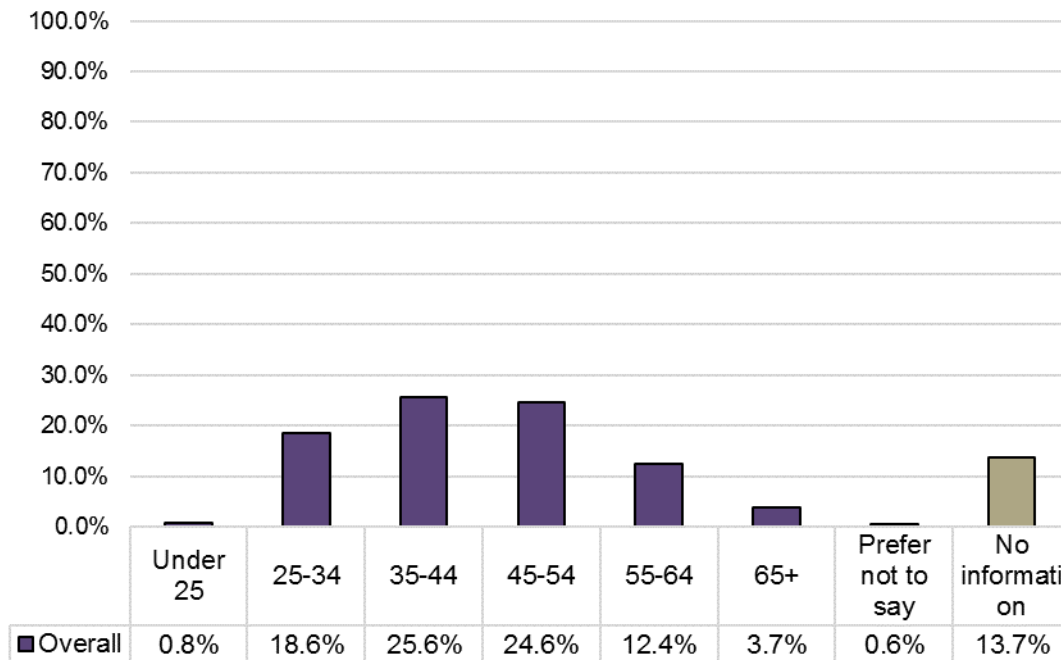
Table 6: Disability at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No disability declared	209	7514	742	8465
Disability declared	18	500	26	544
Prefer not to say	6	283	22	311
No information	152	6851	1044	8047
Total	385	15148	1834	17367

4.4. Age

Chart 6 shows the percentage of practitioners at the Bar by age band.

Chart 6: Age of the Bar (% of total for the Bar)



Of those that have provided information on age:

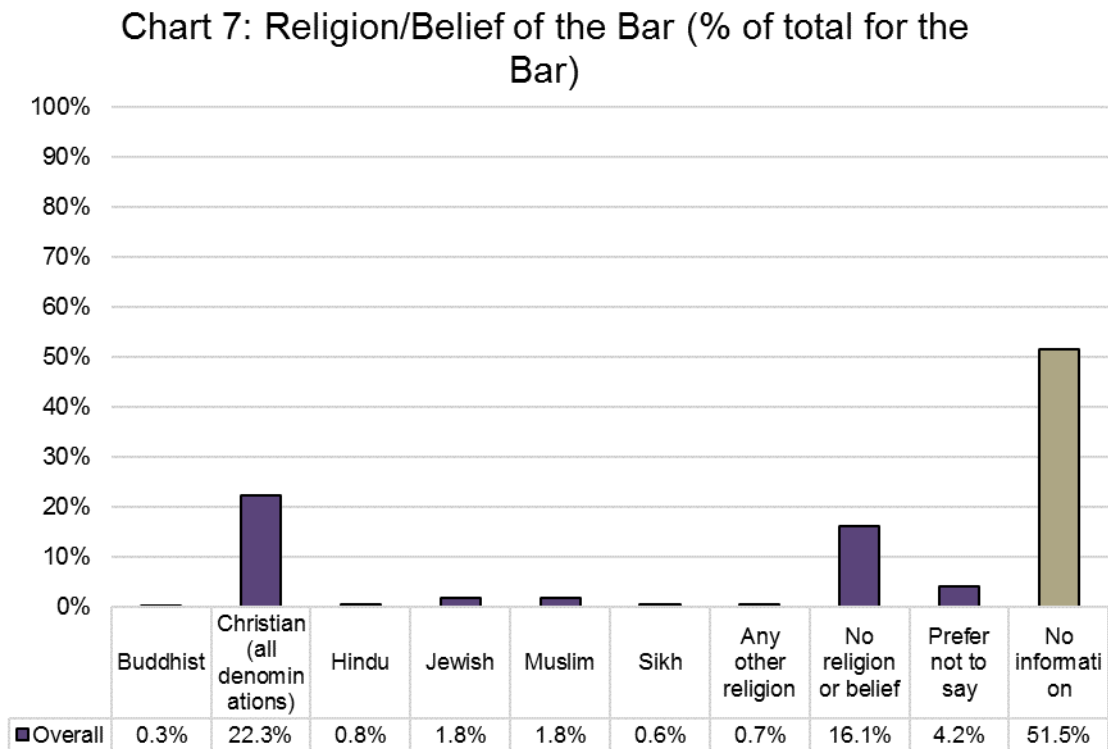
- Those aged between 25 and 54 make up around 80 per cent of the Bar. This is a decrease compared to December 2018 of around 2 percentage points (80.3% vs 82.1%), with relatively more of the Bar in the 55-64 and 65+ age range in 2019.
- 18.8 per cent of the Bar that have provided information on age are aged 55+. This carries on a general trend in the age profile of the Bar, and compares to figures of 16.9 per cent in 2018 and 14.8 per cent in 2015.
- The two largest cohorts are those aged from 35-44 and those aged from 44-54. Around 30 per cent of barristers are in the 35-44 age range, and around 29 per cent are in the 45-54 age range.
- There is no real change in the proportion of those at the Bar aged under 25: Around 1 per cent are in this cohort.

Table 7: Age at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Under 25	84	49	-	133
25-34	258	2972	-	3230
35-44	33	4326	92	4451
45-54	4	3610	655	4269
55-64	3	1774	370	2147
65+	-	498	147	645
Prefer not to say	-	97	12	109
No information	3	1822	558	2383
Total	385	15148	1834	17367

4.5. Religion and Belief

Chart 7 shows the religion or belief of practitioners at the Bar.



- Around 51.5 per cent of the Bar have not yet provided information on religion or belief through MyBar. The response rate for this question is up by almost 5 percentage points year on year.
- Including those that have not provided information, the largest group at the Bar overall by religion or belief is Christian (22.3%) followed by those with no religion or belief (15.9%), although for pupils this trend is reversed.

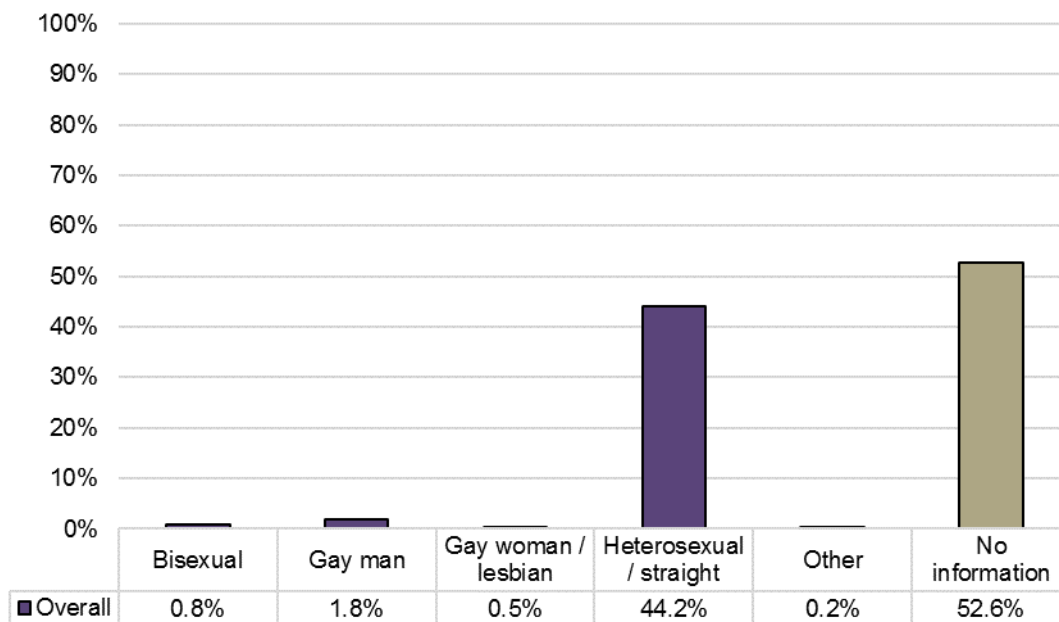
Table 8: Religion and Belief at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Buddhist	1	46	3	50
Christian (all denominations)	75	3440	351	3866
Hindu	2	122	7	131
Jewish	3	244	67	314
Muslim	8	304	9	321
Sikh	-	89	8	97
Any other religion	-	110	6	116
No religion or belief	97	2491	216	2804
Prefer not to say	16	647	65	728
No information	183	7655	1102	8940
Total	385	15148	1834	17367

4.6. Sexual Orientation

Chart 8 shows the sexual orientation of practitioners at the Bar.

Chart 8: Sexual orientation of the Bar (% of total for the Bar)



- The response rate for sexual orientation has increased by around 4 per cent in comparison to December 2018. It is the monitoring category with the second lowest response rate, with 47.4 per cent providing some information.
- Excluding those that have not provided information, 7.6 per cent of pupils, 7.0 per cent of non-QCs, and 4.8 per cent of QCs provided their sexual orientation as one of Bisexual; Gay man; Gay woman/Lesbian; or Other.

Table 9: Sexual Orientation of the Bar (numbers)

	Pupils	Non-QC	QC	Total
Bisexual	7	124	6	137
Gay man	6	289	17	312
Gay woman / lesbian	2	72	7	81
Heterosexual / straight	182	6819	668	7669
Other	-	26	4	30
No information	188	7818	1132	9138
Total	385	15148	1834	17367

5. Socio-Economic Background

Socio-economic background is not a protected characteristic under the Equality Act 2010. However, it is included as a possible indicator of meritocracy in the profession.

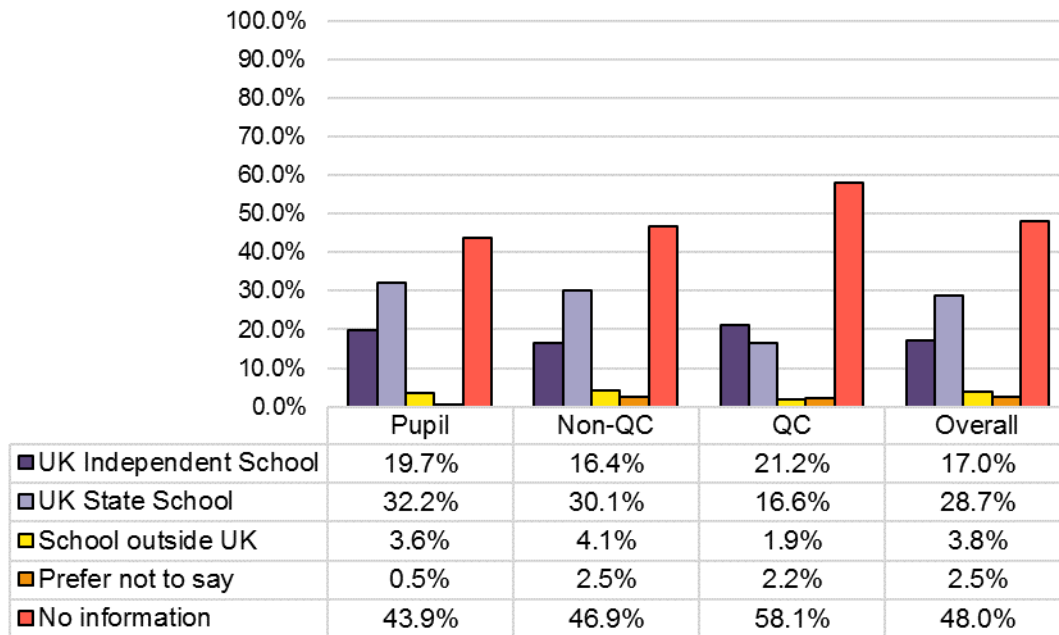
Unfortunately, accurately measuring socio-economic background can be challenging, and there is no universal proxy for gathering such data. The BSB uses the socio-economic questions recommended by the Legal Services Board, which are included on the MyBar monitoring questionnaire and on the PRF. These questions use educational background of the barrister, and of their parents, as a proxy for determining a barrister's social class. There is a strong correlation between a person's social background and a parent's level of educational attainment – particularly when choosing the type of school to attend, type of university, and career choice.¹¹

5.1. Type of School Attended

Chart 9 shows a summary of the type of school mainly attended between the ages of 11-18 for practitioners at the Bar.

¹¹ Bukodi, E. and Goldthorpe, J.H., 2012. Decomposing 'social origins': The effects of parents' class, status, and education on the educational attainment of their children. *European Sociological Review*, 29(5), pp.1024-1039.

Chart 9: Type of school attended (%)



- Although there is still a high percentage of non-responses (48%), the data suggest that a disproportionate amount of the Bar attended a UK independent school. The figures show that even if all of the barristers who chose not to respond had gone to state schools, the proportion of barristers who went to independent schools would be higher than in the wider population: 17 per cent of the Bar (including non-respondents) attended an independent school between 11-18, compared to approximately 7 per cent of school children in England at any age,¹² and 10.1 per cent of UK domiciled young full-time first degree entrants in the UK in 2017/18 attending a non-state school prior to university.¹³
- Of those that provided information on school attended, 34.3 per cent attended an independent school in the UK. This represents a 0.5pp decrease compared to December 2018. This is in line with those that enrolled on the Bar Professional Training Course (BPTC) from 2013-2018: Across the 2013/14-2018/19 academic years, there was an average of 32 per cent of UK domiciled students on the BPTC having attended an independent school.¹⁴ This suggests that the high percentage of those at the Bar who attended an independent school in the UK is generally due to the influence of factors prior to vocational study to become a barrister.

¹² Independent Schools Council: Research. <https://www.isc.co.uk/research/> (accessed 10 January 2018). We acknowledge that this comparison is not a direct one; we are lacking data on type of school mainly attended between the ages of 11-18 for England and Wales only.

¹³ Higher Education Statistics Authority: Widening participation summary: UK Performance Indicators 2015/16. <https://www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation-summary> (accessed 12 January 2018)

¹⁴ Data calculated from monitoring question for the Bar Course Aptitude Test on school attendance between 11-18 and data provided to the BSB by BPTC providers.

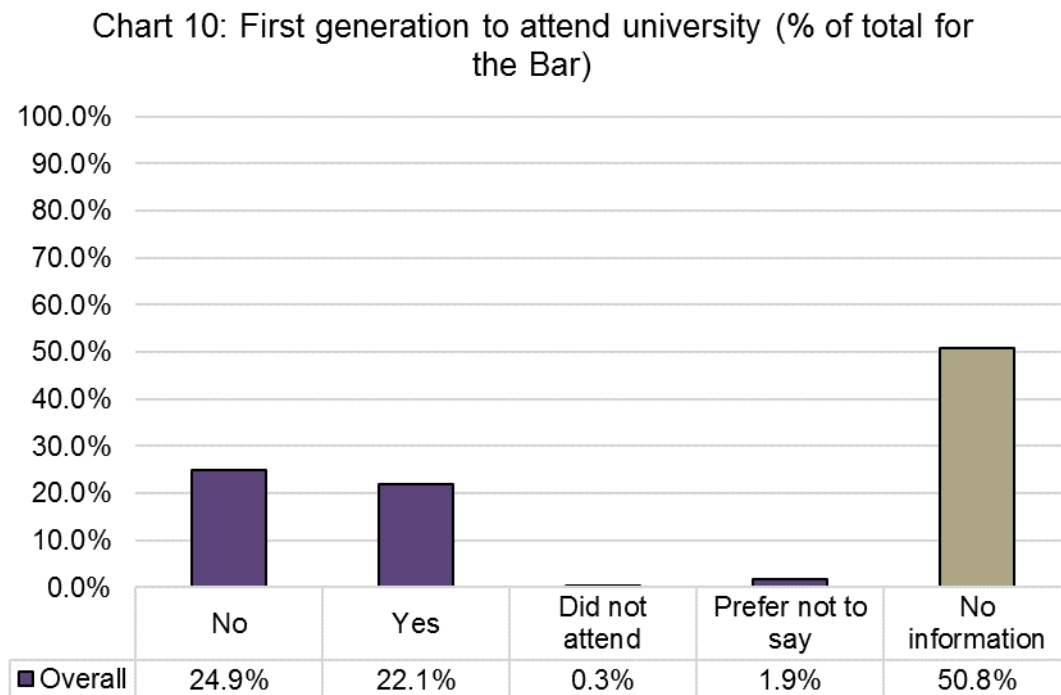
- It is worth noting that of those that provided information on school attended, the proportion of UK-schooled barristers who attended an independent school has been gradually trending downwards since 2015 from 39.6 per cent in December 2015 to 37.2 per cent in December 2019.
- The overall response rate for this information has increased 5pp year on year (to 52.0%).

Table 10: Type of School Attended from 11-18 by the Bar (numbers)

	Pupils	Non-QC	QC	Total
UK Independent School	76	2491	388	2955
UK State School	124	4556	304	4984
School outside UK	14	616	35	665
Prefer not to say	2	386	41	429
No information	169	7099	1066	8334
Total	385	15148	1834	17367

5.2. First Generation to Attend University

Chart 10 shows whether members of the profession were the first generation to attend university or not. On the MyBar monitoring questionnaire, the question asked is: “If you went to university (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?”



- There has been an increase in the response rate to this question of around 4pp this year (to 49.2%).
- When excluding non-responses and prefer not to says, 0.7 per cent of the Bar had not attended university as of December 2019, 52.5 per cent were not of the first generation to attend university, and 46.8 per cent were of the first generation to attend university.

Table 11: First Generation to Attend University at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No	36	3908	376	4320
Yes	18	3463	352	3833
Did not attend	1	46	10	57
Prefer not to say	1	296	30	327
No information	329	7435	1066	8830
Total	385	15148	1834	17367

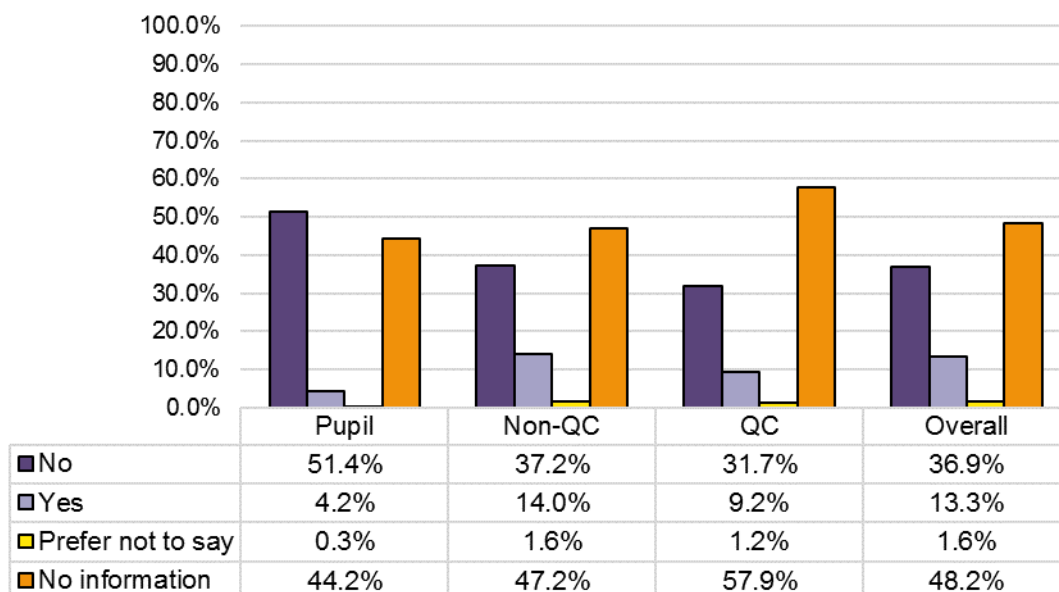
6. Caring Responsibilities

The caring responsibilities categories used in this report are those provided to the BSB by the Legal Services Board. These questions are aimed at ascertaining whether an individual has child or adult dependants.

6.1. Caring Responsibilities for Children

Chart 11 shows a summary of childcare responsibilities at the Bar. On the MyBar monitoring questionnaire, the question asked is: “Are you a primary carer for a child or children under 18?”

Chart 11: Primary caring responsibilities for children (%)



- The percentage of those providing a response to this question has increased 4.8pp year on year.
- When excluding non-responses, 26.5 per cent (just over one in four) of the overall Bar; 7.5 per cent of pupils; 27.4 per cent of non-QCs; and 22.5 per cent of QCs have primary caring responsibilities for one or more children. Of the working age population in the UK as a whole, figures produced by the UK Office of National Statistics suggest that around 36 per cent of economically active males, and 39 per cent of economically active females are a primary carer for one or more children.¹⁵ This includes all ages from 16-64 grouped together, and the proportion of those in the UK with primary care of a child is likely to be far higher for those aged 35-54, which constitutes the majority of the Bar. These statistics would suggest that a far lower proportion of those at the Bar are the primary carer for a child in comparison to the wider UK working age population, but as response rates are relatively low for this category, such inferences may not be reliable.

Table 12: Caring Responsibilities for Children for those at the Bar (numbers)

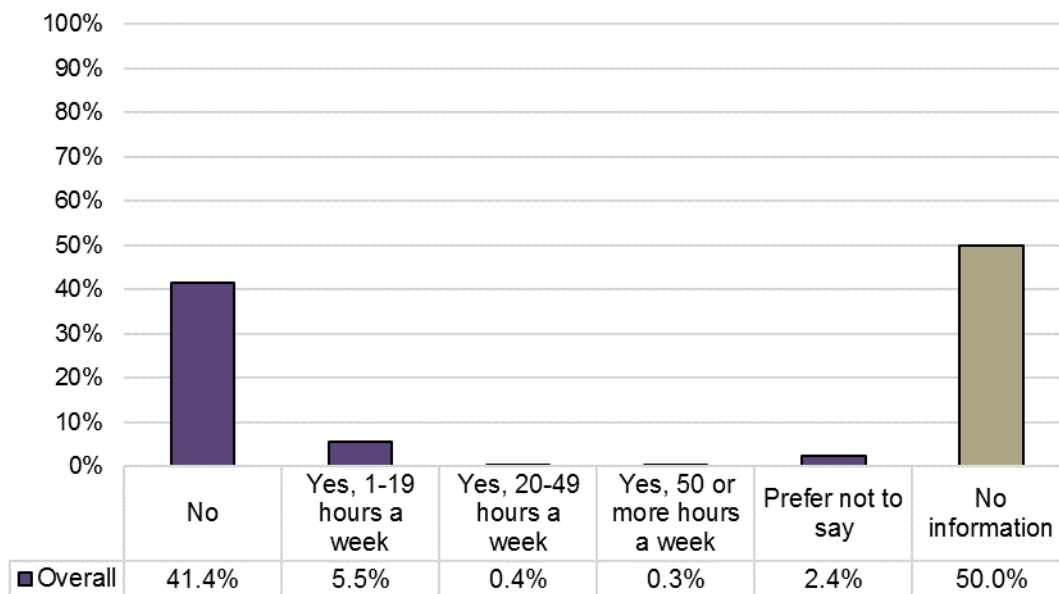
	Pupils	Non-QC	QC	Total
No	198	5633	582	6413
Yes	16	2124	169	2309
Prefer not to say	1	248	22	271
No information	170	7143	1061	8374
Total	385	15148	1834	17367

6.2. Caring Responsibilities for Others

Chart 12 below shows practitioners at the Bar who have caring responsibilities for people other than children, as a percentage of the whole profession. On the MyBar monitoring questionnaire, the question asked is “Do you look after, or give any help or support to family members, friends, neighbours or others because of either long-term physical or mental ill-health/disability or problems related to old age (not as part of your paid employment)?”

¹⁵ Calculated from Table 3 in Families and the labour market, UK: main dataset using the Labour Force Survey and Annual Population Survey: main reference tables, 2019

Chart 12: Caring responsibilities for others (% of total for the Bar)



- Including those that have not provided information for this question, 6.1 per cent of the Bar provide care for others for one hour a week or more.
- Of those that provided a Yes/No response around 13 per cent of respondents at the Bar provided care for another person for 1 or more hours per week as of December 2019. This is in line with the proportion of those in work in the UK who are carers according to figures published by the Carers Trust, which state that around one in eight (12.5% of) UK workers provide care for another, not including primary care of children.¹⁶
- Of those that do provide care for others, around nine in ten provide care for between 1-19 hours a week.
- Of those that have provided a response, the proportion that provide care for another increases with level of seniority, going from around four per cent of pupils to around 13 per cent of non-QCs, and around 17 per cent of QCs.

Table 13: Caring Responsibilities for Others for those at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No	199	6415	583	7197
Yes, 1-19 hours a week	8	836	111	955
Yes, 20-49 hours a week	-	55	7	62
Yes, 50 or more hours a week	1	43	3	47
Prefer not to say	5	385	33	423
No information	172	7414	1097	8683
Total	385	15148	1834	17367

¹⁶ See Key facts about carers and the people they care for. <https://carers.org/key-facts-about-carers-and-people-they-care>

7. Conclusions

Compared with 2018, there has been no substantial change in the reported profile of the Bar this year. This is to be expected when monitoring demographic changes in a profession on an annual basis.

Response rates continue to improve, with increases of more than 4pp seen in eight of the 11 categories monitored in this report, which is a very positive development. As the disclosure rate increases, so does the quality of the BSB's evidence base. We will continue to encourage those at the Bar to provide us with information, particularly around characteristics that are under-reported.

Overall, both gender and BAME representation at the Bar continue to move towards better reflecting the demographics of the UK population, with a continued increase in the proportion of female and BAME barristers at QC level and overall across the Bar, and the greatest proportion of BAME pupils seen since we commenced reporting in 2015.

Within the overall category of BAME there are some notable differences. There is a slightly greater proportion of Asian/Asian British practitioners at the Bar compared to the proportion of Asian/Asian British individuals in the UK working age population (7.2% vs 6.2%), and the same can be said for those from Mixed/Multiple ethnic backgrounds (3.2% vs 1.3%). The opposite pattern is found for those from Black/Black British backgrounds (3.2% vs 3.7%), and for those from Other ethnic groups (1.2% vs 3.2%).

There is still a disparity between the overall percentage of BAME barristers across the profession (13.6%), and the percentage of BAME QCs (8.1%). In particular, there is a greater disparity in the proportion of non-QCs from Black/Black British backgrounds compared to the proportion of QCs from the same background, with the disparity being particularly high for those of Black/Black British – African ethnic backgrounds. These figures may reflect the lower percentage of BAME barristers entering the profession in past years but may also suggest there may be an issue in the progression of BAME practitioners at the Bar.

There may be a lower proportion of disabled practitioners at the Bar in comparison to the UK working age population, and the proportion of those with a declared disability appears to differ by level of seniority, although the response rate (at 53.7%) is too low to draw reliable conclusions.

The response rates for questions on socio-economic background are too low to provide a reliable barometer of the profession in this area. However, available data indicate a disproportionately high percentage of the Bar primarily attended an independent secondary school, although the proportion does appear to be gradually trending downwards over time.

The percentage of those at the Bar who provide primary care for one or more children appears to be lower than that seen for the UK working age economically active population; and the percentage of those at the Bar who provide care for another appears to be around that seen for workers across the UK.

Meeting:	Bar Standards Board	Date:	Thursday 30 January 2020
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Title:	Annual Enforcement Report 2018-19
Author:	Sara Jagger
Post:	Director Legal and Enforcement

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation(s)

1.	The Board is asked to note the summary of the Annual Enforcement Report 2018/19 as set out at Annex A.
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Executive Summary

2.	The Annual Enforcement Report summarises the complaints and enforcement work the Professional Conduct Department (PCD) and the Professional Conduct Committee (PCC) carried out over the reporting year 2018/19. With the disestablishment of the PCD and the PCC in October 2019 and the introduction of the Regulatory Operations Programme changes, the report for 2018/19 is the last full year report covering enforcement work that will be produced in this format. It is intended that future performance reporting will encompass all types of regulatory decision making and the format will be agreed with the PRP Committee.
3.	Reporting on the 2018/19 year was delayed due to the intensive resources that needed to be devoted to the implementation of the Regulatory Operations changes.
4.	The Enforcement Report for 2018/19 reports on: trends in caseloads and outcomes of cases; performance against agreed indicators; lessons to learn from key cases; and the wider work of the PCD.
5.	In September 2018, the Board agreed that the full annual enforcement report would be considered by the PRP Committee and that the Board would receive a summary version only. The PRP Committee has considered the 2018/19 Annual Enforcement Report, which has been made publicly available. The key aspects of the full report are summarised at Annex A. The full report is available on the BSB website [found here] or on request.
6.	In 2018/19, the number of new complaints opened increased slightly. The sources and subject matters of complaints we received or opened remained similar to the profiles seen in previous years.
7.	In 2017/18 we reported that the overall picture was of increasing efficiency and, in many respects, this remained the case in 2018/19. However, the picture was more mixed, with improvements in some areas and reductions in performance in others.

Risk

8. The Enforcement system is a primary regulatory risk control and the Board needs to be satisfied its operation is adequately mitigating regulatory risk. The Enforcement Report, as reported in full to the PRP, assists with this.

Resources (Finance, IT, HR)

9. There are no new resource implications arising from the report.

Equality & Diversity

10. The BSB periodically analyses data from the enforcement process against the protected characteristics to identify where there may be disproportionate impacts. This was last done in 2016 (in relation to gender and ethnicity). See https://www.barstandardsboard.org.uk/media/1736344/complaints_at_the_bar_-_an_analysis_of_ethnicity_and_gender_2012-2014.pdf
11. The next analysis will be conducted during the 2019-22 Strategic Plan.

Summary of Annual Enforcement Report 2018/19

Status: For noting.

1. This annex summarises the findings of the Annual Enforcement Report 2018/19.

Recommendations

2. The Board is asked to:
 - a) **Note** the Summary of Annual Enforcement Report 2018/19 contained in this annex.

Summary

3. The number of new complaints opened increased slightly: up by 1% as compared to 2017/18 (479 compared to 475). Although this was only a small increase on the previous year, it was the highest number of new complaints opened in one year since 2013/14.
4. The number of complaints received from the public (known as “external complaints”) continued to increase for a second year running. We received 359 external complaints as compared to 304 in 2017/18 (up by 18%). In contrast, there was a significant reduction in the number of complaints we opened of our own motion (known as internal complaints) – down by 30% from 171 in 2017/18, to 120 in 2018/19. The reduction was due, in part, to a spike in internal complaints in 2017/18 of failures to renew or obtain practising certificates.
5. The number of formal complaint cases we worked on during the year went up slightly by 10 cases (689 as compared to 679 in 2017/18). There was also a small increase in the number of complaint cases we closed (up by 14 cases at 489 in 2018/19 as compared to 475 in 2017/18).
6. There was also an upwards trend in relation to the “pre-complaints” we logged e.g. enquiries and reports made by barristers under their reporting obligations. A total of 1,087 pre-complaints were logged as compared to 1,026 in 2017/18.
7. Overall, the number of reports of serious misconduct by barristers under their reporting obligations went down. In relation to reports of serious misconduct by others there was a substantial decrease, down to 46 as compared to 76 in 2017/18. Self-reports of serious misconduct also decreased, but only by 5% (54 as compared to 57 in 2017/18).
8. Complaints from litigants in person still formed a substantial proportion, nearly a quarter, of the external complaints we received and again increased in number in 2018/19. We received 95 complaints from litigants in person as compared to 77 in 2017/18: an increase of 23%. Most of these complaints were closed at the preliminary assessment stage (91%), mainly because they did not reveal any breaches of the Handbook and stemmed from the complainants not fully understanding how the court system operates or the role of barristers.
9. Complaints about misleading the court, and rudeness and misbehaviour, increased. The former went up from 159 to 170 and the latter from 53 to 67. Again, most of these complaints were dismissed at the initial assessment stage with the common theme being the lack of public understanding of the role of the barrister in adversarial proceedings.

Part 1 – Public

10. There was an increase in 2018/19 in the number of complaints referred to disciplinary action, with 50 cases being referred as compared to 37 in 2017/18. But of the number of cases closed in that year, the number which involved disciplinary action fell from 47 to 36, a fall in percentage terms from 10% to 7%.
11. The trend in falling numbers of Disciplinary Tribunal cases being heard continued in 2018/19. There were 27 hearings in the year, as compared to 39 in 2017/18. However, there was a substantial increase in the number of cases awaiting hearings, with 43 cases at the tribunal stage at the end of the year as compared to 27 at the end of 2017/18. This indicates that the number of hearings in 2019/20 will increase.
12. In line with the decreased number of hearings, the number of barristers disbarred reduced from six last year to four in 2018/19. The number suspended also decreased, from eight to four.
13. We monitor the timeliness of progression of cases via a corporate Key Performance Indicator (KPI), which sets a target of 80% of cases completed within the service standards. We exceeded this target for the third year running with a year-end outturn of 81.6%. However, this achievement was solely due to a strong performance in relation to the service standard (Operational Performance Indicator – OPI) for completing the initial assessment of external complaints. 90% of initial assessments were completed with the eight-week target. The service standards (OPIs) for completing investigations were not achieved. Only 49% of investigations of external complaints were concluded within the eight-month target and the five-month target for completing the investigation of internal complaints was met in 72% of cases.
14. End-to-end times (which include periods when cases are put on hold/adjourned) for progressing cases varied quite significantly, with some reducing and others going up.
15. The average time to conclude cases of all types was 1.8 months, the same as in 2017/18. This overall figure includes cases that we were able to deal with quickly at the initial assessment stage. However, the percentage of cases closed within three months decreased to 50.4%, down from 70.1% in 2017/18.
16. The average time taken to conclude investigations of external complaints has continued to increase (now 10.5 months as compared to 8.5 in 2017/18 and 7.8 in 2016/17). This reflects the increasing complexity of investigations as well as issues with staffing during 2018/19. Similarly, internal complaint investigations took on average three months to conclude, an increase from the 2017/18 figure of one month. This again reflected the increasing complexity of internal complaints which include investigations of reports of serious misconduct.
17. The time taken to conclude Disciplinary Tribunal cases went up, but only slightly: from 17.9 months in 2017/18 to 18 months in 2018/19. This increase was partly due to more lengthy adjournments and also to the increase in time taken to complete investigations.
18. The proportion of cases where one or more findings of professional misconduct were made by a Disciplinary Tribunal remained static at 84% of the cases heard by the Tribunal.
19. The 2018/19 report is the last Enforcement Report. Future reporting will cover all regulatory decision making. The enforcement statistics will be considered by way of comparison between the statistics under the system from 1 April to 14 October 2019, and the statistics under the new system from 15 October 2019 to 31 March 2020.

Conclusions

20. Overall, 2018/19 was yet another busy and challenging year for both the PCD and the PCC. A considerable amount of time was devoted by the PCD to assisting with the development and implementation of the changes arising from our programme to modernise our regulatory decision-making processes. This was against a background of staff vacancies and understaffing.
21. In 2018/19, there was a substantial rise in receipt of external complaints, continuing the rising trend from 2017/18. However, we also saw a significant reduction in internal complaints.
22. Complaints from litigants in person again increased, which is a reflection of the increasing numbers of such litigants in the court system. As commented on in previous reports, such complaints usually arise from a lack of understanding of the adversarial nature of litigation and thereby the role played by barristers on the opposing side in presenting their client's case.
23. The hope is that the launch of the new BSB website back in October 2019, which now contains more detailed information about the role of barristers, will promote greater public understanding of what to expect in contentious litigation.
24. Previous reports included action points for the next reporting year. However, such action points were not appropriate to include in this final report of the work of the PCD and PCC given that both the department and the committee have been disbanded under the new arrangements introduced on 15 October 2019. The main emphasis for 2019/20 across the regulatory decision-making functions will be to ensure the new arrangements have bedded in and the enforcement system is operating effectively in line with those arrangements and the revised regulations.

Lead responsibility:

Sara Jagger, Director, Legal and Enforcement.

Meeting:	Bar Standards Board	Date:	30 January 2020
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Title:	Mandating the timetable for pupillage recruitment
Author:	Julia Witting
Post:	Head of Supervision

Paper for:	Decision: <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Noting <input type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation

1. The Board is asked to **approve** the proposal to mandate a common timetable for recruiting pupils.

Executive Summary

2. Currently the BSB requires, as a condition of authorisation, that all pupillages must be advertised on the Pupillage Gateway. However, there is no rule requiring Authorised Education and Training Organisations (AETOs) to adhere to the common Gateway timetable. The BSB is proposing to introduce a requirement, by way of a condition of AETO authorisation, to mandate all pupillage recruitment in line with the Pupillage Gateway timetable.
3. Our proposal follows a period of engagement with stakeholders.

Risk

4. The proposal seeks to address the risk to the regulatory objective of encouraging an independent, strong, diverse and effective legal profession, by reducing barriers to pupillage.
5. Mandating a set timetable will make the recruitment process less flexible and could result in a large number of waiver applications. However, this is outweighed by the benefits discussed in the paper. We would publish criteria for granting waivers in exceptional circumstances and we will commit to a review of these changes two years after the implementation date, consistent with our wider plans for evaluation of the Future Bar Training programme.

Resources (Finance, IT, HR)

6. There is already a requirement to advertise all pupillages on the Gateway, which is administered by the Bar Council. This proposal has been discussed with the Bar Council and the proposals are supported.

Equality & Diversity

7. The requirement is being proposed in order to support the principle (in the Authorisation Framework for AETOs) of accessibility to Bar training. Access to pupillage was identified as one of the biggest potential barriers to increasing diversity at the Bar. The proposal seeks to address barriers to diversity arising from lack of a mandated timetable. These are set out in the paper.
8. An EIA has been completed and no adverse impacts were found for any protected characteristics.

Mandating the timetable for recruiting pupils

Background

1. The BSB already requires, as a condition of authorisation, that all pupillages must be advertised on the Pupillage Gateway. This supports the principle of accessibility in the Authorisation Framework: all potential applicants, regardless of background, have equality of opportunity to access pupillage. AETOs must apply to the BSB for a waiver for any exception.
2. The Gateway website is operated by the Bar Council. The Gateway does not have to be used to process applications. We are not proposing any change to this.
3. Currently, there is no requirement to adhere to a common recruitment timetable. The proposal to mandate a common timetable is one of the recommendations arising from the Recruitment and Advertising project (part of the Future Bar Training programme of work). The proposal seeks to address barriers to diversity, arising from lack of a mandated timetable, particularly:
 - The current position may disadvantage certain applicants who are less likely to be aware that opportunities exist outside the Gateway timetable. Those from lower socio-economic backgrounds were particularly identified as likely to be disproportionately disadvantaged.
 - It can prevent pupils from making informed decisions. Some AETOs make early offers and set a very short deadline for acceptance, before the offers made by those on the Gateway timetable (so-called “exploding offers”). Applicants may feel pressure to accept the first offer in haste. Applicants from lower socio-economic backgrounds may be less likely to have confidence in their ability to secure multiple offers and less likely to take a risk to wait for other offers.
 - In addition, AETOs that use the Gateway timetable may face a competitive disadvantage to access the full range of candidates when compared to those who recruit earlier.
4. In order to address the issue of “exploding offers”, we proposed to add a final stage to the mandatory timetable whereby once offers are released, all applicants have a 14-day deadline to communicate acceptance of an offer.
5. We highlighted to stakeholders, as part of the engagement process, possible disadvantages in making these changes:
 - Mandating a set timetable may make the recruitment process less flexible. For example, an AETO may have a growth period but then have to wait a year to recruit. If they could have recruited sooner, then potential pupillages may be lost.
 - Mandating the timetable may disadvantage both AETOs and applicants if all interviews must be held in the same limited time frame. This could reduce candidate and AETO choice where interview dates conflict. It may also be difficult for applicants who have other responsibilities (eg. as carers or if they are in work).

Response to the engagement process

6. There was good engagement. 39 responses to a detailed paper were received from key stakeholders including the Bar Council, Specialist Bar Associations and AETOs. 312 responses were received to a survey aimed at students, pupils and recent pupils. In responding to us, the Bar Council conducted its own engagement exercise with AETOs and held some focus groups.
7. The majority of respondents, including the Bar Council, the Inns, AETOs and students, agreed that our proposal to mandate the timetable would improve the current position by both ensuring consistency in pupillage recruitment and equal opportunities for all applicants, and avoiding the situation where candidates feel pressured to accept an earlier offer before the Gateway application offers are made.

8. Those who disagreed mainly expressed concerns relating to the possible disadvantages that we had highlighted (as set out above). We have listened to feedback and carefully considered the concerns that were raised. One suggestion (raised in the consultation responses) to balance both fairness and flexibility was to have two fixed timetables every year.
9. We discussed this idea further with the Bar Council. The Bar Council and its Education and Training Committee were of the view that we should only mandate one fixed timetable each year. They expressed concerns that two recruitment rounds would negatively impact both students and AETOs, for the reasons below:
10. For AETOs:
 - If two recruitment rounds were available, it would not solve the problems that we are seeking to address, which arise through offers being made at inconsistent times. AETOs may begin to recruit earlier and earlier in order to gain a competitive advantage and the constantly shifting landscape would lead to the recruitment process as a whole becoming a lot less predictable.
 - Most AETOs are unlikely to be able to resource two recruitment rounds annually which, once again, would create a shifting landscape as a result of ongoing internal reviews relating to which round best suits current needs/requirements.
 - Key dates in the second recruitment round would fall over the summer, which would not be practical for AETOs.
11. For students:
 - Students would be subject to continuous application cycles, which the Bar Council was concerned would impact students' well-being in an already stressful period of time.
 - If AETOs from the same practice area(s) recruit in different cycles, students will still be subject to "exploding offers", albeit with a longer timescale.
 - The recruitment process could be made more confusing and complex by having more than one timetable.
12. Additionally, the Bar Council felt that it would not be a sensible use of significant additional resources to run two recruitment rounds.
13. On balance, therefore, we were persuaded that we should mandate one recruitment timetable annually. We will publish criteria for granting waivers (in exceptional circumstances) and any waivers granted will be listed on our website for transparency. We will monitor the type and number of waiver applications that are made to assess the impact of this decision.
14. Based on feedback, we made the following change to our proposals. The majority agreed with our proposal to add another step to the timetable, namely a deadline for applicants to respond to offers, but there was strong preference for this to be limited to 7 days, rather than 14, which they felt would be sufficient and reflect normal business practice.
15. A number of respondents questioned whether there would be scope to amend the timetable to avoid clashes with centralised examinations, among other things. This is covered below.

Details of the proposal

16. The current (non-mandatory) Gateway timetable runs from late November to early May, annually. We propose to make this a requirement from November 2020. The broad timing, based on the current Gateway timetable is likely to be:
 - Late November: publication of advertisements on the Gateway.
 - Early January: applications open.
 - Early February: applications close.
 - February to May: shortlisting and interviews.

- Early May: all offers must be made on the same day.
 - Mid-May: deadline for accepting offers. Applicants have a 7-day deadline to communicate acceptance of an offer. If the 7-day deadline passes without the applicant accepting the offer, AETOs should send out second round offers within a reasonable time period.
17. The timetable is set by the Bar Council, as it has operational responsibility for the Gateway. As compliance with the Gateway timetable will become a regulatory requirement, we will need to be assured that the timetable supports the principle of accessibility and does not disadvantage candidates or particular groups of candidates. We therefore propose that the Bar Council will present its suggested timetable to us annually for approval, together with an equality impact assessment and a written statement of the factors it has taken into account when setting the timetable. As we have discussed with the Bar Council, this governance arrangement would need to be formally agreed.
18. We will commit to a review of these changes two years after the implementation date, consistent with our wider plans for evaluation of the Future Bar Training programme.
19. Further details are available:
- The stakeholder engagement programme paper:
<https://www.barstandardsboard.org.uk/resources/bsb-seeking-views-on-pupillage-recruitment-and-advertising-timetable.html>
 - The BSB's response to the engagement programme – available on request. (It will be published following the Board meeting).
20. Note that the engagement programme also addressed the question of whether written agreements for pupillage should be mandated. There was strong support for this (81%) and an operational decision to introduce written agreements was taken by the executive. It will be announced at the same time as the Board decision on the recruitment timetable and will take effect from May 2020.

Lead responsibility

Julia Witting, Head of Supervision

Chair’s Report on Visits and External Meetings from November 2019 to January 2020

Status:

1. **For noting**

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair’s visits and meetings since the last Board meeting.

List of Visits and Meetings:

6 November 2019	Attended the Inner Temple Grand Day
28 November 2019	Attended Board to Board meeting with LSB and Board Away-day
2 December 2019	Attended the Inaugural address of the new Chair of The Bar Council
4 December 2019	Attended the ISAG meeting
22 January 2020	Attended the Treasurers Dinner, Gray’s Inn
27 January 2020	Attended the Regulator Chairs’ meeting hosted by LSB
29 January 2020	Attended the Board briefing meeting