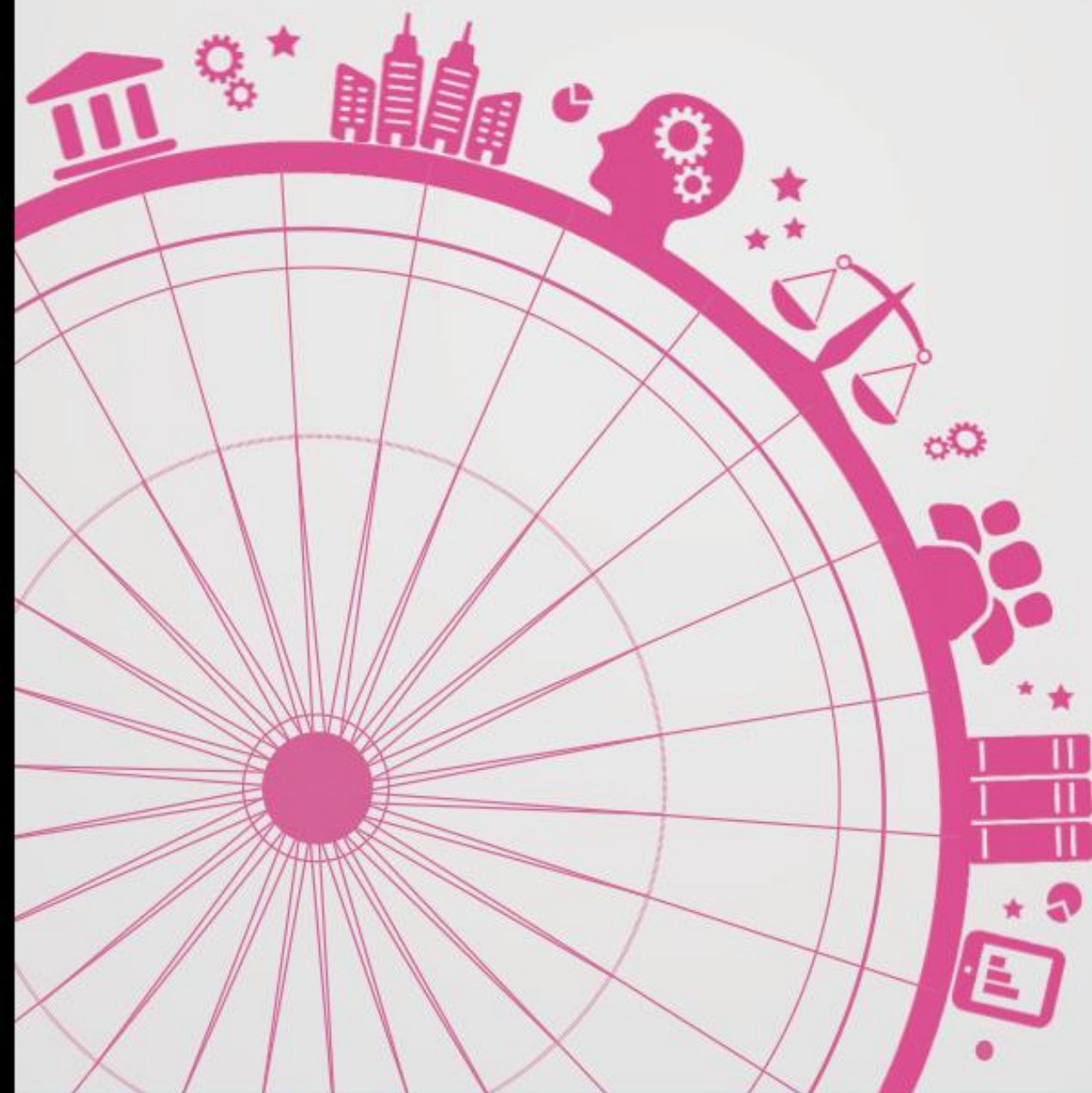


Snapshot Report: The Experience of Employed Barristers at the Bar



The Bar Council
Integrity. Excellence. Justice.

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Acknowledgments

The Bar Council would like to thank the Employed Barristers' Committee and all those employed barristers who gave their time to complete the questionnaire or told us their stories directly or via email.

Thank you to everyone who shared their personal experiences with such trust and honesty.

Foreword from the Chairman of the Bar



The Bar Council represents the whole Bar. You might say that this is our USP. This 2016 Snapshot survey and report of the experience of employed barristers at the Bar forms an important part of the work we do to ensure that we understand the needs of the different strands that make up the One Bar. Our aim at the Bar Council is to ensure that we engage with all members of the profession and, equally importantly, that we are able to benefit from the engagement of the cross-section of the Bar with us.

An important element is the employed Bar. There are currently 2,871 employed barristers in England and Wales, representing 18% of the practising Bar. The focus of this particular survey was to provide a snapshot of employed barristers' experiences at the Bar in 2016 by collecting first-hand evidence of the experiences and challenges of being an employed barrister today. The report contains a mixture of qualitative and quantitative data and I encourage all members to read it.

The valuable data in this new report provides an important insight into life at the employed Bar and will assist the profession as a whole, and the Bar Council. Importantly the findings suggest that employed barristers today value their work and their role within the Bar, but unfortunately many at the employed Bar still do not feel supported, or that their work is recognised by the self-employed Bar and the Bar Council. At the Bar Council we are, together with the Bar Council's Employed Barristers' Committee, digesting the data and considering how we can take forward the recommendations made in the report.

As this report demonstrates there are many benefits to being an employed barrister, in that employed barristers regularly undertake exceptionally interesting work and benefit from relative financial security. We need to get better at highlighting these benefits, and better at identifying the real role models who exist at the employed Bar. I hope that this report also encourages more employed barristers to engage actively with the work of the Bar Council, the Circuits, Specialist Bar Associations and the Inns, all of whom form part of the community that makes up the One Bar. I endorse fully the Chair of the Employed Barristers' Committee words *"The more visible we are, the greater will be the knowledge of who and what we are and inevitably, such exposure will increase mutual respect and confidence."* One of the best aspects of being Chairman of the Bar is the wide and diverse range of barristers you meet, many of whom I would not otherwise have encountered. From the employed Bar I met too many to mention but they include barristers from the City, from the Navy Legal Services, from the Government Legal Service, from the CPS and from industry. Learning from them about what they love about the Bar and the work they do, as well as the real challenges they face in their jobs and their thoughts about what we as a Bar Council could do better, have been invaluable to me as Chairman. It is only by talking with and understanding each other that we will be able to build a strong profession for the future.

I should like to thank all those employed barristers who took the time to participate in this research, as well as the Employed Barristers' Committee and the Bar Council staff who have worked so hard to encourage this initiative, to collate the survey results and produce this report.

Finally if, as I hope, you are interested in getting more involved, please contact Dominique Smith at DSmith@BarCouncil.org.uk, the Employed Barristers' Committee Policy Executive.

Chantal-Aimee Doerries QC

Chairman of the Bar of England and Wales

Message from the Chair of the Employed Barristers' Committee



I am delighted to be able to share with you the results of the 2016 Snapshot survey and report on the experience of employed barristers at the Bar. I hope you find the results and comments both interesting and helpful.

The Employed Barristers' Committee (EBC) now represents a community which is just under 20% of the Bar as a whole and the results of this survey will help frame our work over the coming year. By identifying the concerns and interests of employed barristers, both the EBC and the wider Bar Council are better placed to assist that community.

This report will provide plenty of food for thought, not only for the EBC, but also the Bar Council as a whole. You will note from the results and comments that there is much to commend the work and role of the employed barrister. As we saw with last year's Bar Council Wellbeing survey, the employed Bar has some of the highest levels of engagement and satisfaction with the work they do.

The sky is not entirely cloud free. It is troubling that members of the employed Bar still encounter, or at the very least perceive, the view that somehow their work is of lower value or less respected than that of the self-employed Bar.

Good work has been undertaken in this field and the Bar Council has done much to encourage not only inclusiveness, but also recognition of the valuable work of the employed Bar. As the employed Bar continues to grow in size, and cross over between the two branches of the Bar family increase, it is to be hoped that this perception will reduce.

The accusatory finger is often pointed at the self-employed Bar, which is blamed for maintaining historic misconceptions about the employed Bar. There may be some truth in that, but the employed Bar is equally culpable.

As employed barristers, we need to engage more actively and effectively with the work of the Bar, the Circuits and the Inns. We need to demonstrate that we are active and key players within the community of the Bar. I would encourage all employed barristers to get involved. The more visible we are, the greater will be the knowledge of who and what we are and inevitably, such exposure will increase mutual respect and confidence.

The survey reveals also that employed barristers feel they are held back when applying for QC appointments and Judicial posts. The EBC is very conscious of these concerns and over the past year has met with the Law Officers, the Chairman of the Bar, the Judicial Appointments Commission and others to work out how best to increase opportunity for the employed Bar. This is very much a work in progress, but progress there has been. In the not too distant future, I would hope that a follow up to this survey will see more positive comments on those topics.

Finally, I would like to take this opportunity to thank all the Bar Council staff who have worked so hard to collate the survey results and produce this report. In particular, especial praise is due to the EBC Policy Executive, Dominique Smith, who has driven this initiative forward and been a key component in making it a success.

If you are interested in getting more involved, please contact Dominique Smith at DSmith@BarCouncil.org.uk.

Michael Jennings
Chair of the Employed Barristers' Committee

Summary of Findings

This research set out to provide a snapshot of employed barristers' experiences at the Bar in 2016. The research aimed to gather first-hand evidence of the experiences and challenges of being an employed barrister today.

The survey was carried out across the employed Bar, obtaining a mixture of qualitative and quantitative data, to gather employed barristers' views and experiences.

It is hoped that this new data may assist the profession as a whole, and the Bar Council, to better support and recognise employed barristers.

Overview

Findings suggest that there does not appear to be an issue in attracting individuals to the employed Bar. However, publicity and awareness of the work of the employed Bar, as well as the opportunities available, do not seem to be as good as they could be (see below).

Reports of dissatisfaction at the employed Bar were rare. The most significant issues appeared to be challenging an outdated perception of the status of the employed Bar, the abilities of barristers at the employed Bar, as well as ensuring that opportunities for career progression were comparable to those available to the self-employed Bar.

In terms of support offered by the Bar Council, the majority of respondents had attended training and events run by the Bar Council. Several requested that further training and events be run across the country to better cater to their employed

practice. **The majority of respondents did not pay the Bar Representation Fee (BRF).**

The main reason given was that their employer had declined to pay the BRF on their behalf, and, as employed barristers, they did not feel there were sufficient benefits from the Bar Council to justify paying the BRF from their personal income.

Training

An overwhelming number of respondents believed that opportunities at the employed Bar were not sufficiently publicised to students entering the profession. This was considered to be a failure on the part of employers, BPTC providers and a general lack of a publicity about the opportunities at the employed Bar at Pupillage Fairs and by the Inns of Court.

Junior Practice

Most respondents were satisfied with the opportunities for career progression within their organisation.

Silk and Judicial Appointments

Whilst most respondents did not feel that applying for Silk or for a position in the Judiciary would go against the culture of their organisation, they had not considered applying for Silk. This was largely due to a lack of awareness that employed barristers could apply for Silk, coupled with many respondents not requiring a QC appointment to further their career in their organisation.

Of those that had applied for Silk, all had found the application form unnecessarily lengthy and complicated. Some felt that the process was unduly tailored towards those at the self-employed Bar. Others

considered the process to have been entirely fair.

The majority of respondents had considered applying for a judicial appointment. However, many had felt prohibited from doing so, due to an ongoing ban on Crown Prosecution Service (CPS), Government Legal Service (GLS) and Serious Fraud Office (SFO) barristers sitting in matters involving their own department. Others felt they simply could not apply, as the process was tailored towards those at the self-employed Bar. Comments concerning the length of the form, as seen with regards to Silk applications, were echoed.

Overall, respondents wished for mentoring and guidance from those at the employed Bar who had attained Silk or were a member of the Judiciary, and greater role models to show them that both appointments were achievable.

Recommendations, Initiatives and Actions

Recommendations and initiatives are based upon what employed barristers participating in the research have suggested, as well as ideas that the Bar Council believe may help to address the issues raised.

Recommendations

1. Give greater visibility to employed barrister role models.
2. Give greater recognition to the achievements of employed barristers.
3. Establish a network of employed barristers for mutual support and information sharing.
4. Target communications to employed barristers.

The Bar Council has already taken some action in these areas and will explore further ways to put these recommendations into practice.

Initiatives and Actions

1. In August 2016, the Bar Council's Silk and Judicial Mentoring Service was opened up to the employed Bar. The Service has already received a positive response and several employed barristers have been partnered to mentors. This scheme will enable employed barristers to be better equipped to attain these appointments. Further steps which could be taken by the Bar Council include publishing guidance documents on obtaining such appointments.
2. In response to concerns raised regarding the inability of CPS, GLS and SFO barristers acting as Recorders in matters involving their own Department, representatives of the Employed Barristers' Committee met with David Lammy MP and subsequently made a submission to his Review of BAME representation in the Criminal Justice System, in respect of judicial diversity, given the greater BAME representation of the employed Bar. Last year, the Committee met with the Judicial Appointments Commission (JAC) in December 2015 and the Law Officers to again discuss this issue.
3. One idea that the Bar Council will consider is to run a scheme to facilitate both employed and self-employed barristers to undertake a secondment

in a Chambers or in an organisation. This could operate in a similar way to the 'Mini-Pupillage Hub' on the Bar Council website, whereby advertisements would be placed on the website for the types of candidate the Chambers or organisation are looking for, furthering the One Bar philosophy. We will consult the Leaders of each Circuit, as well as various employers, whose goodwill and encouragement is likely to be invaluable.

4. In August 2016, the Bar Council Employed Barristers' Committee created a LinkedIn network for all employed barristers (<https://www.linkedin.com/groups/7066001>). This network allows members of the employed Bar to interact with each other and the Committee, encouraging greater communication between the employed Bar and the Bar Council.
5. The Committee have relaunched the bimonthly 'Employed Barristers' Committee Newsletter'. There are currently over 2,000 subscribers to this newsletter. The newsletter has been positively received. The Committee continue to receive subscription requests for the newsletter, as well as employed barristers offering their contact details to become more involved with the work of the Committee.

1. Methodology

1.1 Data Collection

The research consisted of an online survey comprised of both multiple choice and open text responses. A copy of the survey questions is included in Annex A. The survey was hosted online on the *SurveyMonkey* website and was launched on the 27 July 2016 and left open for responses until the 9 September 2016. The link to the survey was emailed by the Bar Council to all employed barristers with an active practising certificate, with a reminder email being sent 10 days before the survey closed.

Major employers were also individually emailed to invite them to encourage responses from their employed Bar members.

There are currently 2,871 employed barristers in England and Wales,

constituting 18% of the practising Bar. 298 employed barristers responded, representing just over 10% of the employed Bar.

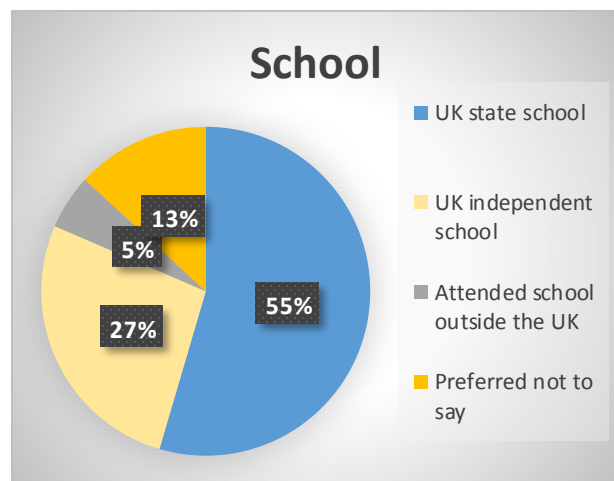
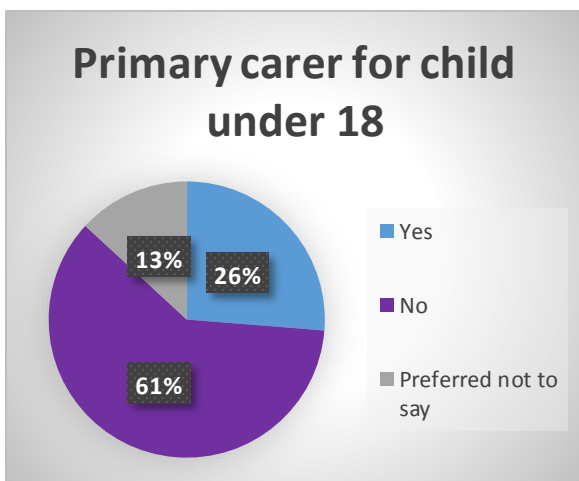
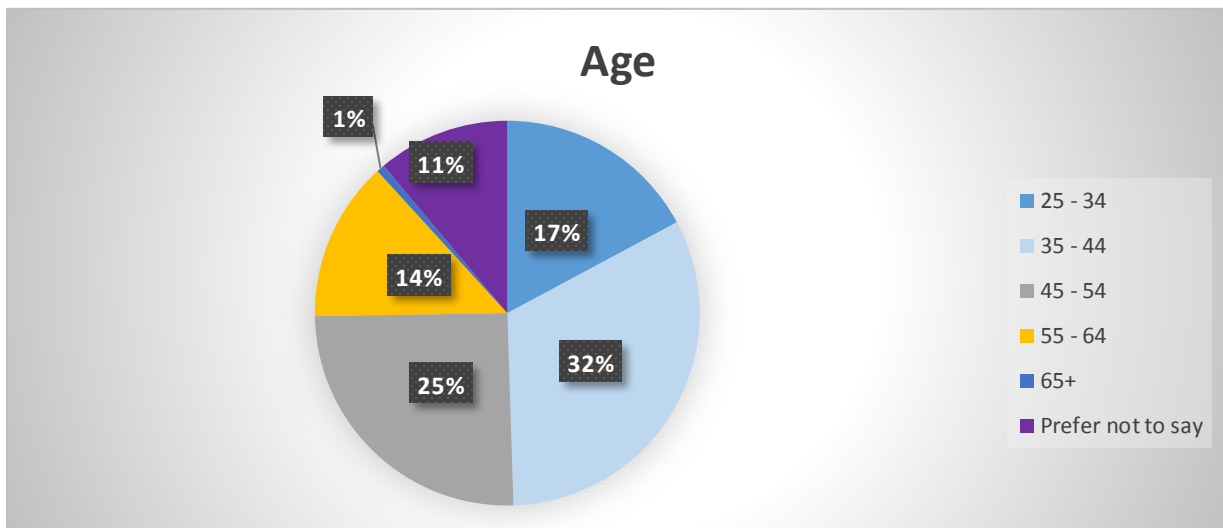
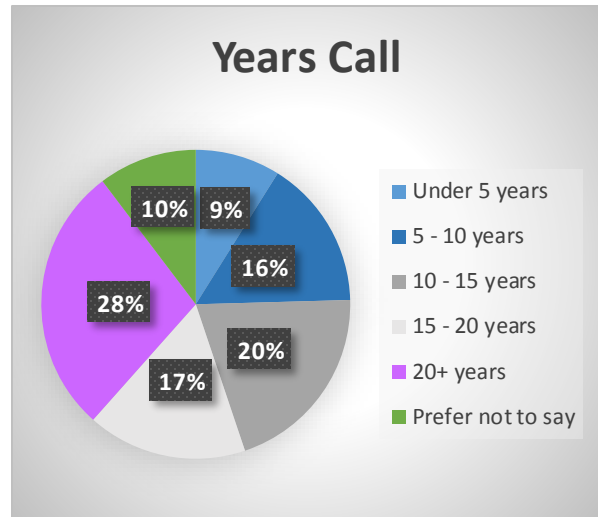
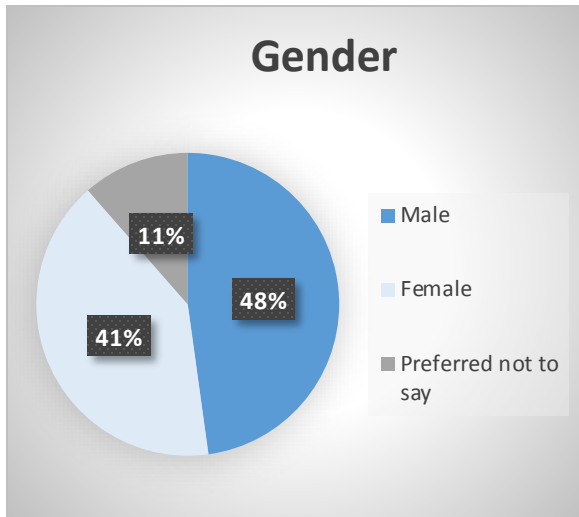
The sample was self-selecting rather than random due to the nature of the online survey methodology. As a result, it is impossible to rule out non-response bias, and the profile and experiences of the survey respondents may not be precisely representative of the whole population of employed barristers. They should be treated as indicative of the experience of the employed Bar, rather than as a statistically representative sample.

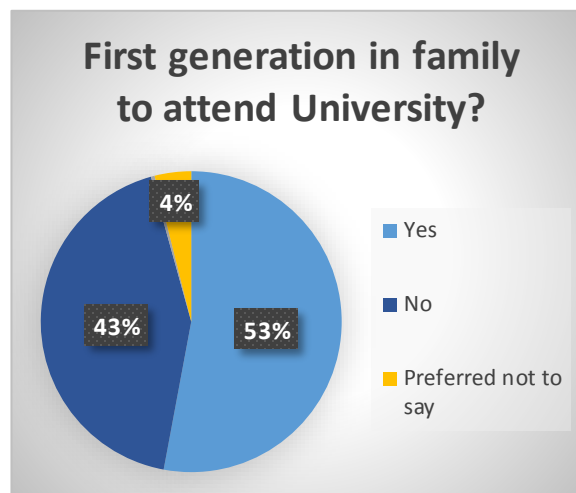
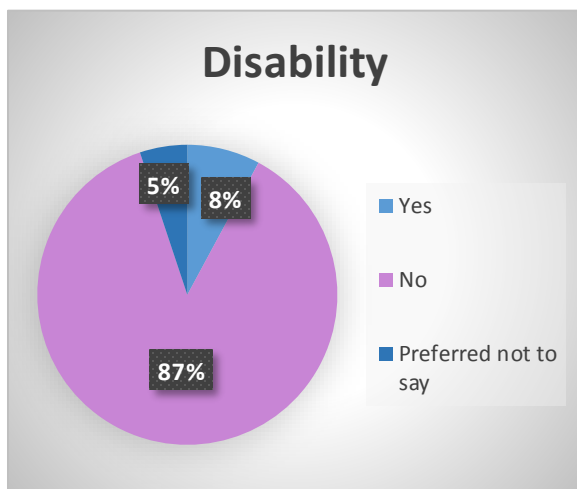
The survey directed respondents through questions relevant to their own situation, and as a result, not all respondents answered all questions. If only one or two respondents listed a particular organisation as their employer, this was categorised as 'other organisations'.

The respondents' employer:	19.1% GLS
	16.4% In-house (company)
	14.1% CPS
	13.8% In-house (solicitor's firm)
	10.1% Preferred not to say
	5% Navy
	3% Local Government
	3% Other Organisations
	3% Serious Fraud Office
	2% Army
	2% Financial Conduct Authority
	2.3% Regulator
	1.3% International Organisation
	1.3% Public Defender Service
	1% Charity
	1% Public Body
	0.7% Civil Service
	0.7% Local Authority

1.2 Profile of Respondents

Respondents were required to complete an equality and diversity questionnaire following completion of the questions relating to their practice.





Religion or Belief	46% identified as Christian
	28% identified no religion or belief, or identified as atheist
	19% preferred not to say
	7% declared other faiths or beliefs
Ethnic group	71% identified as White, 11% identified as BAME
	18% preferred not to say
Sexual Orientation	75% identified as heterosexual
	3% identified as homosexual, 1% identified as bisexual
	21% preferred not to say
Classification	93% were employed
	1% were Dual Capacity
	3% preferred not to say
	3% classified themselves as 'Other'
Caring responsibilities	69% did not have caring responsibilities
	16% spent 1-19 hours a week caring for others
	1% spent 20-49 hours a week caring for others
	14% preferred not to say

It was necessary to compare the profile of respondents to data from the Bar Barometer (2014), to identify whether there were any statistics which were unrepresentative of the make-up of the employed Bar.¹

The 2014 Barometer confirmed that there were more men at the employed Bar than women² and that the majority of employed barristers were aged 35-44.³ This correlates with the profile of respondents in the survey.

The number of BAME employed barristers was slightly lower in the Barometer at 10.5%, however the 2016 BAME statistics are currently unknown.⁴

1.3 Method of Data Analysis

Useful quotes were linked to emerging themes to support a final analysis.

Dominique Smith (Policy Analyst: Remuneration and Employed Bar) was the lead analyst and author in producing this Report.

1.4 Ethical Issues

It was recognised that personal opinions and experiences shared by participants might risk their professional position if attributable. Accordingly, participants (who all voluntarily completed the survey) were provided with anonymity.

1.5 Limitations

Completing the survey was voluntary. As previously stated, this meant that a representative sample could not be guaranteed. It is also possible that those with strong views or particular unhappiness would be more likely to complete the survey than those who were entirely happy and had nothing to say.

As this report was drafted with the responses of only 10% of the employed Bar, it is impossible to determine whether the views expressed are reflective, or indeed representative, of the employed Bar as a whole. It is acknowledged that this could impact the validity and reliability of the data produced in this Report, as well as any findings.

1.6 Quality Issues

This study was designed to provide insight into the profession.

¹ The General Council of the Bar of England and Wales, *Bar Barometer: Trends in the profile of the Bar* (2014).

² *ibid* page 36, Figure 36.

³ The General Council of the Bar of England and Wales, *Bar Barometer: Trends in the profile of the Bar* (2014), page 26.

⁴ *ibid* page 27.

2. Findings

2.1 Entry into the Profession and Training

We first wanted to explore whether Bar Professional Training Course (BPTC) students were sufficiently informed about career opportunities at the employed Bar.

2.1.1 Engagement with BPTC students

Eighty five percent of respondents considered that the information provided to BPTC students about the employed Bar was insufficient, and consequently students were not well informed of the opportunities at the employed Bar. Many respondents said that the BPTC was not usually delivered by any employed practitioners, therefore teaching staff did not discuss the opportunities at the employed Bar in class. In addition, a majority of respondents said that there were few lectures discussing the employed Bar, or speakers from the employed Bar that were asked to attend by BPTC providers.

'Whilst I was sponsored through the BPTC and pupillage by my employer (Royal Navy), there was a noticeable absence during the BPTC of exposure to employed Bar opportunities. Everything was focused towards independent practice.'

'Very little mention was made of life at the employed Bar (or even the employed Bar itself!), during my BVC (UWE). The entire course was focused on work within the Independent Bar, with no members of the teaching staff either belonging to, or coming from, the employed Bar.'

'I found that positions at the employed Bar were looked down upon as being contrary to the cultural history of life at the Bar.'

'I think that more could have been done during the BVC, in the way of guest lecturers from the employed Bar. In my case, my BVC provider (BPP) did nothing to inform me of this career choice. It was a close friend (and mentor) who encouraged me to train for the employed Bar.'

'I happened to see an advert for an employed pupillage in The Times. If I hadn't had family members with some experience of the employed Bar, I wouldn't have thought to pursue it.'

'There are not enough events (such as pupillage fairs) drawing attention to the opportunities. The Inns also tend to focus on those in self-employed practice when enlisting the help of practitioners with students.'

'There was very little knowledge about what the employed Bar do, so attempts at discussions about options were met with just polite interest but no support or information.'

'The employed Bar should be emphasised as a viable alternative to private practice. The only advice I was given about the employed Bar was, "look in The Times jobs section".'

However, a minority of participants commented that their BPTC provider gave sufficient information about opportunities at the employed Bar to students:

'I didn't start at the self-employed Bar due to lack of information about the employed Bar. That was the route I intended to follow. As far as I recall, there was a huge amount of information at my law school (Nottingham Law School) about the employed Bar.'

Respondents were asked what more could be done to inform students of life at the employed Bar. This question was asked to

see if the Bar Council could put forward any initiatives to greater publicise the work of the employed Bar. Many respondents thought that the Bar Council, Inns of Court and BPTC providers should be more proactive in promoting opportunities at the employed Bar, as well as employers themselves:

'Students must be given access to information.'

'Organisations which employ barristers need to be as proactive as Chambers in selling themselves. At the moment, apart from the Government Legal Service, opportunities are a mystery.'

'Further engagement through the BPTC and Inns to make people aware of the large number of organisations which employ barristers.'

'I think the Bar Council, the Inns and the BPTC providers should be much more proactive and should be asking members of the employed Bar to attend student events or on campus expressly to talk about being an employed barrister.'

Another commented that senior members of both the employed and self-employed Bar must do more to inform students that employed pupillages are available, and that the standard of these pupillages are no different to those at the self-employed Bar:

'It should be made clear to students that pupillages are available at the employed Bar and that they follow the same format, and carry the same weight, as a traditional pupillage at the self-employed Bar. There is a feeling amongst some students that an employed pupillage (at least in crime) is in some way inferior to a traditional pupillage. This is not helped when pupils are introduced to senior members of the Bar who make comments like, "It's always nice to meet people who have not been able to secure a pupillage in Chambers".'

2.1.2 Attraction to entering employed practice

Financial security was a key reason why respondents entered employed practice.

Other common reasons included:

- Security of employment,
- Regular salary,
- Pension,
- Work/Life balance,
- Flexible and regular hours,
- A less stressful environment,
- A collegiate atmosphere,
- Diverse and interesting work,
- Annual leave,
- Private health insurance,
- Maternity pay,
- Concerns about future practice at the self-employed Bar, and
- The ability to work as part of a team.

Seventy eight percent of respondents undertook their pupillage at the self-employed Bar. They moved to the employed Bar at a later stage in their careers.

A majority reported that a factor that attracted them to working at the employed Bar was that they would be able to undertake highly interesting work. Several reported that the work given to them in employed practice was often work that they would not expect to receive at their level of seniority at the self-employed Bar:

'I had already been at the Bar for some years before taking a fixed term contract with the CPS Fraud Division for three years with the intention of returning to the Bar. Only when with the CPS, did I realise the interest of the work.'

'I was attracted to the opportunity to practise in public law, afforded by a GLS pupillage. The work is more interesting and varied than

anything at the self-employed Bar, plus there are other concomitant advantages – regular income, pension, good work-life balance, supportive colleagues...'

'[There was] insufficient interesting work at the Junior Bar at the time I qualified with my Chambers. At the employed Bar, there was the prospect to make a direct impact on local government policy.'

Others made the decision to leave self-employed practice and enter employed practice, due to financial constraints. This appeared to be a common problem, particularly for those previously at the Criminal Bar:

'I couldn't afford to stay at the criminal self-employed Bar.'

'Not having to endure feast and famine at the Criminal Bar in the early years of practice. [There was] security of employment at the employed Bar.'

'The key attractions of the employed Bar were a regular income and interesting, strategic legal work. I also felt unable to continue at the self-employed Bar. In particular, I could not survive financially as a newly qualified barrister on the very low legal aid fees for criminal defence work, exacerbated by non-payment by solicitors. In addition to the unsustainable financial situation, the long and unpredictable hours at the self-employed Bar placed a severe strain on my personal relationships and wellbeing.'

Other factors that attracted respondents to the employed Bar included:

'The ability to achieve a fantastic balance in my work and personal life.'

'The lack of daily stress.'

'The security of a permanent job and the opportunity to draft legislation.'

'A supportive environment in which to grow and develop as a lawyer. Exposure to professional opportunities which would be unlikely at the self-employed Bar.'

'As in-house counsel, I am an integral part of a large national organisation with a global reputation and history, and my advice contributes to its business outputs and decision-making processes.'

'Excellent work, literally making the law.'

One commented that the work environment at the employed Bar was particularly rewarding:

'I particularly valued the range and importance of work that I was able to undertake from an early stage. Within a short period of time following qualification, I was required to brief senior members of my organisation on complex legal issues: an experience which I feel my contemporaries at the independent Bar would have to wait a considerable amount of time to replicate. In addition, the genuine collegiate nature of work within the employed Bar makes for a more rewarding work environment.'

Another said that the ability to work in a team made a positive influence on their daily work:

'Working as part of a team with other colleagues; we share each other's successes, help each other and work together on difficult issues.'

One respondent said that his wellbeing had improved by moving over to the employed Bar from self-employed practice. This was as a result of spending less time in court and more time with his family:

'My nerves could no longer cope with the stress of being the key person in court [...] Plus, I greatly value having time for being with my wonderful five-year-old daughter.'

Another commented that she similarly moved from self-employed practice to spend more time with her family, and that she valued that the employed Bar was compatible with family life:

'[I value] the compatibility with family life. The nature of my workload and working conditions at the independent Bar would not have been compatible with caring for young children.'

One participant said he valued that his work at the employed Bar made a positive impact on people's lives:

'[I value] the opportunity to make a difference in the communities where I work and seeing the impact of what I do happening on the ground.'

2.2 Income Analysis

We asked respondents to select the income band within which their current gross annual salary fell, to analyse the earning potential of those at the employed Bar.

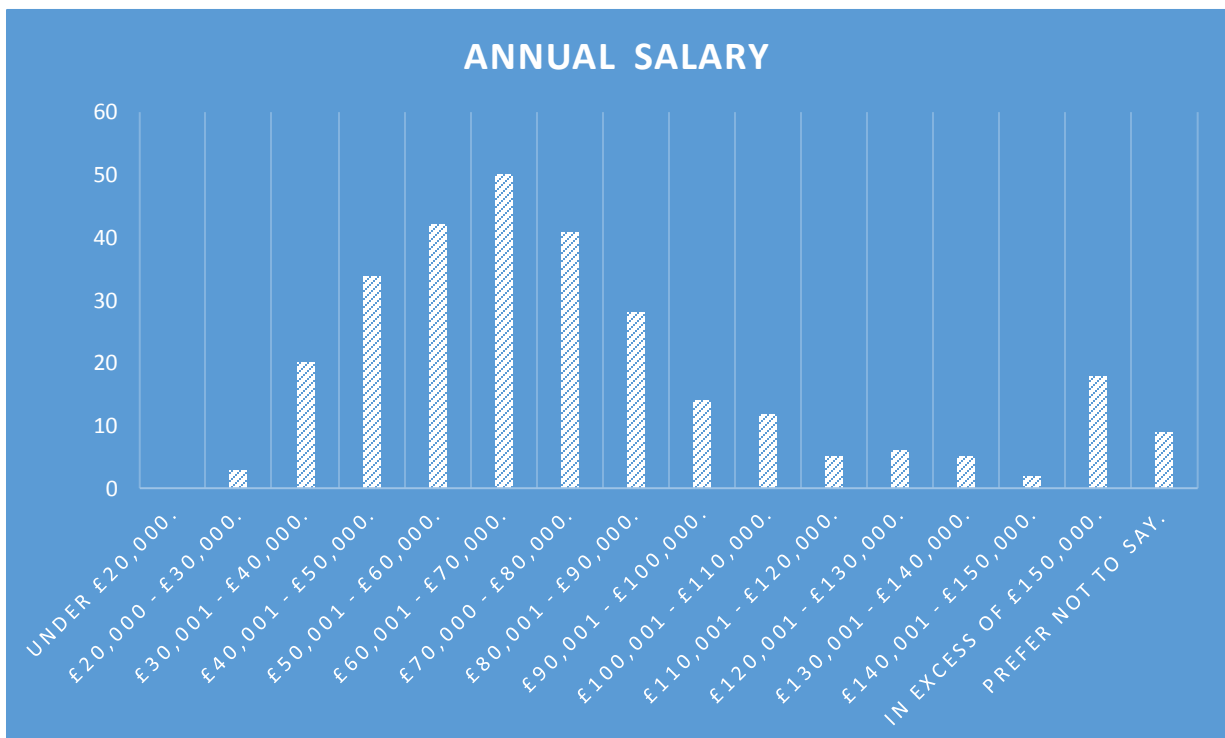
Precise figures are not possible, because respondents were only asked to indicate which band they fell within, not what their precise salary was. We took the mid-point of the band by way of an estimate, and in addition, the responses that fell within the 'in excess of £150,000' and 'prefer not to say' brackets were eliminated, as a midpoint salary in those categories could not be identified. This gave an average estimated gross salary of £69,466.

Sixteen percent of respondents were paid a gross salary in excess of £100,000 a year. Six percent of respondents received a gross salary in excess of £150,000. Of those on a gross salary over £150,000, fifty percent worked in-house at a company.

No respondent stated that they earn less than £20,000 a year. However, as some preferred not to state their salary, it is impossible to be certain that no respondent participating in the survey earns less than £20,000 a year.

The average estimated gross salary (using the method described above) of respondents at the biggest organisations was as follows:

- In-house company: £90,897.
- In-house solicitor's firm: £82,000.
- GLS: £65,534.
- CPS: £57,381.



2.3 'One Bar' Philosophy

We asked a series of questions to determine whether employed barristers felt supported in their practice by the Bar Council.

2.3.1 Perceived differences between Self-Employed Barristers and Employed Barristers

We wanted to assess whether respondents felt that they were treated differently to self-employed barristers. If respondents felt they were treated differently, we asked them to explain their reasons. This information would assist the Bar Council to consider further work on making its 'One Bar' policy a reality.

Many respondents felt that they were perceived as less capable than their self-employed counterparts. One said:

'There's a view that members of the employed Bar are less able or have chosen a 'safe' or 'easy' option by joining the employed Bar.'

Another commented that this perception did not match reality, stating:

'There is a definite perception that the employed Bar attracts only mediocre lawyers or those who are seeking more favourable working conditions. This does not reflect the reality of life at the employed Bar where practitioners can have similar caseloads to those at the Independent Bar and are often required to gain a knowledge of, and advise on, complex and specialist areas of law.'

Several participants observed that their role as an employed barrister is often confused with that of a solicitor, and that the title creates an assumption that the

barrister is no longer practising, or is less qualified to undertake particular work:

'I think they [employed barristers] are seen as effectively the same as solicitors. There is a slight sense that you are not at the top of your game if you are employed.'

'It has been said to me that I've "thrown my career away" by moving to the employed Bar.'

'I think we're considered by many to be failed proper barristers, not-up-to-it, not really barristers, not advocates, actually a solicitor...'

'I am still asked why I stopped being a barrister by people I meet and others who assume you must have given up the Bar to work in-house.'

'Sometimes people do not think of me as a barrister anymore.'

'There is still a view in many areas that you are only a proper barrister if you are self-employed in Chambers.'

'I am still asked by senior self-employed practitioners why I "left" the Bar, despite having practised continuously for 21 years.'

'Often I feel that there is a risk that we are viewed as interchangeable with solicitors and not valued for our additional and specialist training.'

'My experience is that people think you are less qualified if you are employed. I regularly have to say I have kept my qualification going. Just because I am not in court everyday does not make me less qualified.'

One respondent expressed that they had experienced a negative reaction when explaining to others that they were an employed barrister:

'When they [individuals] ask where your Chambers are, they always look amazed when told you are employed. They look sort of pitying.'

One barrister said he felt disconnected from the Bar as an employed barrister, therefore did not have much engagement with the Bar Council:

'I feel very much disconnected from the Bar as a whole. I rarely read emails or other Bar Council publications and struggle to see the relevance of the profession to my day-to-day life and work.'

Another commented that their different treatment to their self-employed counterparts was evident at the Inns of Court:

'Employed barristers are looked down upon by self-employed barristers – individuals and institutions. Having applied for an award from the Inn as an employed barrister, I was told by a member of the panel that perhaps I would like to apply again once I was "actually at the Bar".'

Many respondents felt that a lack of awareness by the general public of barristers being able to gain employment proved problematic:

'There is less understanding of the role of employed barristers in general.'

Others felt that the Judiciary were less accepting of their employed status, and as such, they were treated differently:

'Most people do not think we are barristers. That includes far too many Crown Court judges.'

'Benchers assume anyone who leaves the self-employed Bar is someone who can't cut it.'

'There are judges who still treat in-house advocates differently, however competent.'

However, other participants did not feel that there was any difference in treatment between themselves and the self-employed Bar. One participant expressed that the One Bar concept was flourishing:

'The Naval Bar enjoys close links with several leading sets of Chambers at the private Criminal Bar and there is mutual respect, based on the different functions we deliver.'

When asked if respondents felt employed barristers were viewed differently to those at the self-employed Bar, another participant responded:

'Not that I've experienced.'

Others felt that there was a greater acceptance of the employed Bar in more recent years, compared to the position historically, and that there was no longer an issue:

'I think things have changed and there appears to be more acceptance, especially as there are more events done jointly; with the changes in Legal Aid, this has also made the employed Bar appear more attractive.'

'[Employed barristers] are considered by some not to be 'proper' barristers, but this is changing and has come a long way in the last 5 years.'

'There certainly was a marked difference, but it has been improved over the last decade as many practitioners have moved from self-employed to employed practice. It was seen as second class – those not good enough to gain a place in Chambers.'

2.3.2 Actions the Bar Council could take

We felt it was important to ask what actions the employed Bar wanted the Bar Council to take to promote One Bar. This would then allow the Bar Council to work closely with the employed Bar, to address any issues.

'More opportunities to network between the self-employed Bar and the employed Bar.'

'Assist the CPS to lobby for change so that CPS barristers can apply for Recorder posts in the Crown Court, and for Deputy District Judge posts in the Magistrates' Court.'

'Encourage the diversity of options at the employed Bar, possibly case studies of those who have been successful in this route.'

'I think that it would be good to see more events with employed and self-employed barristers together on panels. Many employed barristers first spent time at the self-employed Bar. I think there has already been progress in this respect, but more can always be done.'

'Raise the prominence of the Employed Barristers' Committee. Encourage the Inns to work with benchers who are employed barristers, to raise their profile.'

'More events that include both sides of the profession or that highlight the availabilities at the employed Bar.'

One suggested alternative work experience opportunities, to increase awareness of the opportunities at the employed Bar at an early stage in students' careers:

'Broader promotion of employed Bar opportunities and work experience opportunities should be made during the

BPTC. Perhaps, creating links with employers to offer the equivalent of mini-pupillages during holiday periods?'

Others commented that communications should be more inclusive of the employed Bar, stating:

'Literature and communications should be aimed at all areas of practice and forms of employment to ensure that One Bar is promoted.'

Several participants commented that the Bar Council could do more to publicise the work of the employed Bar:

'[The Bar Council should] give greater exposure to the immense variety of work within the employed Bar.'

Others felt the Bar Council did not need to take any action:

'I actually find I am treated as part of One Bar. It's hard work, but no different to any other minority.'

It was noted by several respondents that the Inns of Court needed to work closely with the profession to help carry forward the 'One Bar' concept. One respondent stated that the Bar Council should:

'Persuade all of the Inns to embrace their employed members and treat them as full members of the family. Most ignore us (Gray's Inn is the exception). Charity begins at home.'

2.4 Career Progression

We wanted to understand the opportunities for career progression at the employed Bar, both in the workplace and at the Bar more widely.

2.4.1 Opportunities for Progression in the Workplace

Sixty-eight percent of respondents were satisfied with the opportunities for progression in their place of work.

Breaking this down by organisational body, the statistics showed that respondents from the following organisations were the most dissatisfied with the opportunities for career progression:

- 54% of CPS barristers;
- 50% of Public Defender Service barristers;
- 50% of Financial Conduct Authority barristers;
- 50% of barristers employed by a regulator.

2.4.2 Silk Appointments

We felt it was important to determine whether employed barristers were actively applying for Silk, or if they were deterred in doing so, as well as whether those who did apply had been successful in their applications.

2.4.2.1 Applications for Silk

We asked respondents whether they had considered applying for Silk, and if so, whether they had actually applied for Silk.

Seventeen percent of respondents had considered applying for Silk. Of those who had considered applying, only eighteen

percent had actually applied. The majority of respondents had decided not to apply on their own accord.

2.4.2.2 Encouragement and Discouragement

Four percent of respondents said they had been actively encouraged to apply for Silk.

'I have had encouragement from some Judges and from colleagues.'

One respondent said they were encouraged to apply by a variety of individuals that they had encountered in their career:

'...encouraged by others, including Silks and Judges who had seen me in cases involving Silks, who suggested I should apply.'

Another commented that their firm was supportive and encouraging, however they did not feel it was the right time in their career to apply:

'I have been encouraged by my firm and partners to apply, but I think I need a couple more years' experience.'

Those respondents that had been discouraged from applying were in the minority. However, one participant said that it was not discouragement that stopped them from applying, but the lack of any active encouragement from their employer:

'A lack of encouragement, rather than positive discouragement in fact. In the Army, I have never heard of any military barristers discuss or consider the question of Silk, and I'm not sure that it might not be frowned upon as something that could undermine the rank structure. More perception than anything else,

but the fact that it is not mentioned speaks volumes.'

2.4.2.3 Reasons for not applying

Eighty-seven percent of respondents made the decision not to apply for Silk on their own.

We asked respondents to give their reasons for not applying.

Common answers included:

- Respondents were too junior to apply.
- The process was too expensive.
- The process was directed towards those at the self-employed Bar.
- Respondents were not aware employed barristers could apply.
- It would make no difference in their employment.
- Respondents received a lack of support from their employers.

Several respondents said they felt that they could not apply, due to barriers they perceived to exist as a result of being employed:

'The QC process relies too much on courtroom advocacy. Most of the employed Bar do not do this, so our skills are not recognised.'

'I was told I had dealt with good credible cases and could apply for Silk, but I saw no reason to do so as there is no real benefit. In fact, in some cases, it causes a problem as you are viewed as too expensive.'

'Within the Naval Legal Service, I am unlikely to gain sufficient exposure to relevant issues to qualify for Silk.'

'Much of it seems to be about who you know and the cases you have had exposure to, so if you

are not in Chambers, it is more difficult to secure that level playing field.'

'It does not appear that the work I do lends itself to the evidence that is required, as the focus appears to be on advocacy and court appearances – my practice is not that way inclined.'

'The chance of applying for Silk in the employed Bar is very limited according to my information.'

Others held different views, namely that they would apply once they had gained further experience:

'I have not considered applying for Silk as I am not experienced enough to meet the threshold for applying. Once I reach this stage, it is something I may consider.'

'[I am] just too premature. I always envisaged I would consider this at about 15 years PQE.'

'I had considered applying for Silk whilst I was at the self-employed Bar but I had not reached the stage in my practice where this was appropriate. I had not thought about applying for Silk whilst part of the employed Bar. I would now consider that in the future if I thought my practice warranted it.'

'I want to feel that my application would be likely to be successful before making it. I need to build more experience first.'

One respondent commented that a lack of employed barristers who were Silks meant that there were:

'...very few role models to show it is possible.'

A large proportion of respondents were not aware that Silk was relevant to barristers at the employed Bar:

'It never occurred to me that applying for Silk was relevant to barristers at the employed Bar.'

'It never even crossed my mind.'

The comments received have reinforced the need for the Bar Council to communicate to the whole of the profession that such opportunities for career progression are equally available to those at the employed Bar.

2.4.2.4 Application Process

We wanted to know if the Silk application process was straightforward and whether it could be improved.

One individual commented that they were satisfied with the process, but obtaining references remained a challenge:

'The application form was lengthy, but justified. I had some difficulties in identifying suitable referees due to the specialist nature of my practice.'

Another commented that the process was not sufficiently adapted to suit members of the employed Bar applying for Silk:

'The process is orientated towards orthodox, self-employed barristers. The constraints of the application form make it difficult to explain the particular nature of an employed practice and the Panel appears to have little experience of employed Barristers.'

Of those respondents that applied for Silk, sixty-three percent were ultimately successful. The majority of those applicants had attained Silk at the self-employed Bar.

QC Appointments confirmed that twenty-four members of the employed Bar had applied for Silk in the last five years. Two individuals were successful.

2.4.3 Judicial Appointments

2.4.3.1 Applications to become a member of the Judiciary

We asked respondents whether they had considered applying for a judicial appointment, and if so, whether they had actually applied.

Fifty-seven percent of respondents had considered applying for a judicial appointment. Of those who had considered applying, only thirty-six percent of them went on to make an application. Seventeen percent of applicants were ultimately successful.

2.4.3.2 Encouragement and Discouragement

Eight percent of respondents were actively encouraged to apply for a judicial appointment. This was compared to two percent who were discouraged from applying. The remaining respondents made the decision to apply, or indeed not to apply, on their own.

'Others felt I had many of the qualities necessary to be a successful criminal Recorder.'

'[I was] encouraged by colleagues in light of my experience and knowledge. They also recognised the need for the diversity within the Judiciary, which they believed I would bring.'

'I was encouraged on the basis of ability, but also to demonstrate the untapped resource within the employed Bar.'

'[I was] encouraged by others who thought I had the qualities and capabilities in an area where I had extremely solid experience both in and out of court.'

One received:

'...Friendly words by Judges I shadowed. Encouragement by colleagues who appear to think I would be a competent Judge.'

Another was actively discouraged because they were employed. This, however, was only a minority view of respondents:

'I was told I was ineligible due to the nature of my employment.'

'I will apply, and am actively looking, but again I have been told repeatedly it will go nowhere.'

2.4.3.3 Reasons for not applying

Many respondents did not apply as they were unable to do so. This predominantly concerned CPS and GLS respondents, who cannot take up part-time Recorderships in matters involving their own Department. CPS respondents felt that this was particularly detrimental, as their significant experience in crime was of little value, because they were only permitted to apply for a civil Recordership:

'As a CPS advocate, my speciality is crime. I cannot apply to be a Recorder in my current role, or a deputy district judge, and feel therefore that my access to those roles is non-existent.'

'Prosecutors cannot apply.'

'CPS employees are not allowed to be district judges, so I cannot get a foot on the ladder.'

'The particular prohibition on CPS employees taking up DDJ (Magistrates' Courts) and Recorder posts while remaining employed is a significant disincentive and removes their core work as an area of using the skills to the benefit of the justice system.'

2.4.3.4 Application Process

We asked respondents for their views on the application process.

Some respondents had no issue with the JAC application process:

'No issue with the JAC process. Fair.'

'Demanding, but fair.'

Another said that they felt they were not disadvantaged when applying because of their employed status:

'I found the application form to be relatively painless. It took me approximately 6 hours to fill in the form. I found the interview process to be fair and appropriately challenging. I did not feel disadvantaged as an employed barrister.'

Another found the process wholly fair to employed barrister applicants:

'JAC process – fantastically fair overall.'

Many thought the process was not straightforward. This was for numerous reasons, including lengthy application forms, forms that catered more towards the self-employed Bar, and difficulty in obtaining judicial references:

'It was a very complicated process, requiring more form filling than other (full-time) positions for which I have applied.'

'[The] application form is totally focused and biased towards the self-employed Bar. It is not based on meritocracy, but on narrow criteria. The application was difficult and the feedback took a long time, and was ultimately of little help.'

'The application form was very lengthy and the process very much favoured people who had sitting experience already, or are in court every day.'

'The expectation of what references would be available may be harder for employed barristers than self-employed barristers.'

Several respondents felt that their work as an employed barrister went against them in the process, ultimately leading to them being unsuccessful:

'They only accepted my self-employed years of work and refused to accept my years of work as an employed barrister to count towards years needed.'

'I felt that the qualifying tests were too weighted towards those who act day-in, day-out in court, and they missed good candidates who had management experience to offer.'

'The whole form is designed for the self-employed Bar. There were entire sections that simply weren't relevant to me and which had no meaning to an employed barrister, which my supporters felt they could not complete. I didn't make it to the interview stage.'

Another said that, despite being successful in the application process, they were unable to take up the post offered to them, as a result of difficulties presented by their employer:

'Although successful, a change in my line manager meant I was not allowed to take up the fee-paid appointment other than resigning my main career, which was not possible, as I cannot support my family without a salary.'

Others said the application window proved problematic for applicants who had young families:

'It was very difficult to apply. The test had to be sat in the summer holidays, which I felt was disadvantageous to working mothers with young children.'

Of those respondents that applied to become a member of the Judiciary, seventeen percent were ultimately successful.

2.4.4 Bar Council Support

We asked what more the Bar Council could do to support both Silk and judicial appointment applicants.

Respondents indicated how support might be most effectively delivered:

'Provide detailed information about the process, and, judging from friends who have applied, explain the sort of questions that will be asked in interview.'

'It would be useful to have more guidance on how the employed profession can take steps to strengthen applications, given the lack of court advocacy opportunities.'

'Mentoring schemes are always a good start. Encouraging employers to allow time for training and to sit part-time.'

'Seminars specifically for employed barristers wishing to go down these routes would seem like a good idea.'

'Put in place a better network to support applications.'

'There should be wider publicity across the employed Bar as to application processes and deadlines.'

'Workshops at the Inns; networking events for those who wish to apply.'

One respondent felt that the opportunities to take Silk, or become a member of the Judiciary, were not widely publicised to the employed Bar:

'Make employed barristers aware they are eligible. I wouldn't have really thought an employed barrister could apply for Silk.'

Another felt a Bar Council communication campaign could better inform the employed Bar of the opportunities available to them to progress their career:

'An internal communications campaign from the Bar Council to members of the employed Bar, informing them how their experience may make them viable candidates for Silk and Judicial Appointments, alongside their colleagues from the private Bar.'

Others felt that the process itself needed to be changed to allow employed barristers to show off their skill set, therefore allowing employed barristers to have a greater opportunity of success in the application process:

'The Bar Council needs to influence the Judicial Appointments Commission to examine ability [of applicants] more generally, rather than test people in particular jurisdictions. Also, giving people interviews earlier in the process would be of more assistance to employed barristers, so that they can show off what they can do and what they know, rather than a multiple choice test which does not allow employed barristers to give off their best.'

Many respondents felt that the Bar Council needed to address the ban which currently prevents CPS, GLS and SFO barristers sitting in matters involving their own department:

'As the situation currently stands, CPS employed barristers cannot apply for criminal Recorderships. This means the first rung of the judicial ladder is not open to the employed Bar. The Bar Council should lobby to allow CPS employed barristers to apply for Recorderships.'

'Lobby to change the appointment criteria so that Government lawyers are not unfairly excluded from various posts.'

Others were satisfied with the support the Bar Council currently offers:

'[The Bar Council] does a good job in offering information about the process. This should continue.'

2.4.5 Employer Views of Silk and Judicial Appointments applications

We asked whether applying for a judicial appointment, or indeed for Silk, would go against the culture of the organisation respondents worked for. This would allow us to identify whether the low proportion of applications for both positions by employed barristers was due to employer constraints.

The majority of respondents (70%) did not feel that it would go against the culture of their organisation to apply for Silk or for a judicial appointment.

2.5 Interaction with the Bar Council

We wanted to know what interaction the employed Bar currently have with the Bar Council and what more the Bar Council could do to improve engagement.

2.5.1 Training and Events

We asked whether respondents had attended Bar Council training and events, to see if both the training and events on offer were attractive to the employed Bar.

Sixty-two percent of respondents had attended Bar Council training and events, which was encouraging.

2.5.2 Secondments

Thirty-seven percent of employed barristers would be interested in undertaking a secondment in a Chambers.

When breaking this down by employer, the majority of respondents from the following organisations expressed that they wished to undertake a secondment:

- 67% of Army and Military barristers;
- 67% of barristers employed by a charity;
- 67% of barristers employed by a public body;
- 57% of Navy barristers.

2.5.3 Additional training

We asked what additional training the Bar Council could offer to the employed Bar, which it does not offer already.

Several respondents felt that they did not require any further training from the Bar

Council, as they received sufficient training from their employer:

'The Naval Legal Services have my training opportunities well organised, so there is little need at this time.'

'My employer already provides bespoke and comprehensive training.'

'My employer (GLD) provides such comprehensive training on all topics – legal and professional – that I don't feel in need of any additional training.'

Another participant commented that it was not necessarily additional training that they required, however training in a more suitable location:

'I would like to see more training/events offered to those outside of London. The vast majority of the events I have seen advertised by the Bar Council recently have been exclusively London-based.'

Others suggested what specifically they would like to receive training in:

'Case preparation from a private practice perspective.'

'Bespoke training that addresses the challenges of practice at the employed Bar and how to handle those, e.g. dealing with the Board, preparing Board papers and legal reports...'

'Drafting and oral advocacy.'

'Specific ethical advice.'

Advocacy training was a common suggestion by many participants:

'I think it would be helpful to have an opportunity to retain and improve advocacy experience, for there to be more events that are

focused on employed barristers – particularly learning about the work that other employed barristers undertake, as you can often feel isolated.'

'Regular advocacy training for employed barristers to make up for the relative lack of court time.'

Many participants wished for the Bar Council to run specific training to enable employed barristers to gain judicial appointments and to help them understand more about the process:

'I think the Bar Council could provide 'access courses' for those considering judicial applications or appointments, and consider facilitating shadowing opportunities and mentoring for those in employed practice, but also for those at the self-employed Bar.'

'Getting through judicial applications.'

'Training courses on judicial applications on a lower level for employed barristers would be helpful.'

'I would love to marshal judges to see how they think and work, to help assist my advocacy.'

'I can access exceptional training from my employer, internal and external. I would like the opportunity to shadow a judge to get a better feel for the work, before applying for any judicial appointment.'

'Training to prepare for a judicial appointment, talks from judges on how they would like lawyers to present their case and what they find helpful.'

'Judicial shadowing, workshops to give an idea of what a judicial appointment would involve to assess suitability.'

2.5.4 Bar Representation Fee

We asked whether respondents paid the Bar Representation Fee (BRF) and requested reasons for doing so, or not doing so. The results showed that fifty-five percent of respondents did not pay the BRF.

Common reasons for paying the BRF included:

- The subscription was paid for by their employer.
- Respondents wanted to support the work of the Bar Council.
- Respondents felt it was important to pay the BRF.

Comments included:

'I am conscious of the good use the fee is put to.'

'I believe it is important to support the Bar.'

'I feel that I have a duty to contribute for the good of the profession.'

Common reasons for not paying the BRF included:

- The individual's employer would not pay.
- The BRF was considered too expensive.
- Respondents did not feel that the Bar Council supported them as an employed barrister.

Other respondents said that they received greater support from their employer, therefore they did not feel the need to pay:

'My employer – the Bank of England – provides what the Bar Council does.'

'No need to in the Army.'

'Not necessary for my employment.'

A common issue that arose from the responses in the survey was that some organisations discouraged employed barristers from paying the BRF, which was concerning:

'It is an internal policy not to pay for BRF.'

'Not allowed to – Government policy.'

'My employer militates against the payment of political fees. They do not discourage or preclude it, but I personally view it as incompatible.'

2.5.5 Bar Council Communications

We asked respondents how they receive Bar Council communications, to see which methods were the most popular. This information would allow the Bar Council to see if the employed Bar were adequately receiving updates from the Bar Council, and would also enable us to see what more we could include in our communications to engage with the employed Bar.

The majority of respondents received communications directly by email. Respondents predominantly engaged with the Bar Council's BarTalk email, and also with Counsel Magazine, to receive communications from the Bar Council.

A minority of respondents said that they did not respond to any Bar Council communications. This was predominately because they felt that the work of the employed Bar was not recognised sufficiently in Bar Council and external publications.

2.5.6 Dual Capacity Practising Certificates

Three percent of employed Barristers participating in the survey held a dual capacity practising certificate.

Of those with a dual practising certificate, we asked how much time they spent on both employed and self-employed work. Sixty-three percent of those participants, despite having a dual capacity practising certificates, said they spent all of their time on employed work. The remaining participants varied between spending fifty to eighty percent of their time on employed work.

2.6 Issues for the Employed Bar

2.6.1 Key issues

Respondents were asked what they believed the key issues for the employed Bar were.

Many felt that the predominant issues requiring resolution were promoting the work of the employed Bar, retaining an identity as a barrister and greater awareness of opportunities available. Respondents also commented that the Bar needed to become more unified:

'It would be good to create a community of employed barristers across all sectors and areas of expertise. I think we all feel quite isolated from the profession.'

'A unified identity and voice.'

'Retaining an identity as barristers.'

'Exclusion from the Inns.'

'Raise the profile of the employed Bar. Try to get leading practitioners of all Calls involved in high profile events.'

'General exposure to the options available. There are many commercial opportunities available in-house which I do not believe are promoted widely.'

'Increasing the profile amongst leadership for the Bar.'

Many participants wished for the employed Bar to be recognised for their skill set by others:

'Greater recognition of the value of the expert services we provide. Recognition of our position

by more senior appointments being made from the group of employed barristers.'

'Greater understanding and respect for our skills.'

'I would say that, on a personal level, the key issues are... what success looks like for individuals at the employed Bar.'

'Formal recognition for senior practitioners on a par with that which exists for self-employed barristers.'

'Recognition of the skill set possessed by a member of the employed Bar and the importance of the employed Bar as a significant constituency of the Bar.'

Several respondents said that it should be easier for barristers to move between the employed and self-employed Bar:

'[There should be] greater opportunities to move more easily between the employed and self-employed Bar.'

Others felt that the ban on CPS barristers obtaining criminal Recordships was the most important issue requiring resolution, which, if resolved, could be a solution to helping improve the diversity of the Judiciary:

'Progression to judicial appointment from the CPS.'

'CPS employees being allowed to be Recorders. The CPS has a much wider female and racial mix than the [Self-Employed] Bar.'

'For my part, as a CPS advocate, access to relevant judicial posts.'

2.6.2 How the Bar Council could engage with those issues

We asked respondents to identify what further engagement the Bar Council could have with the employed Bar to resolve those issues.

'I think there should be more focussed social events; the Employed Bar Dinner is a great event, but people may not be able to attend due to travel, work or cost. Something simpler, and possibly more regular, as an additional event could be worthwhile.'

'Better publicised support group.'

A number of participants felt that the Bar Council could do more to recognise the achievements of the employed Bar:

'Help to publicise the achievements of employed barristers. These may be harder to measure as they can be more 'behind the scene', benefitting the organisation they work for, rather than them as an individual.'

'The Bar Council should be much more proactive about promoting the work employed barristers do and trumpet our successes. There should be more employed QC's and communications with the Bar as a whole.'

Many participants felt that the Bar Council should promote more joint activities for both the employed Bar and self-employed Bar, to enable both parts of the profession to learn from each other's specialist skills:

'Provide opportunities to work with external counsel in Chambers through placements and secondments. The employed Bar can share skills in business and commercial considerations.'

'Encourage cross-secondments between the self-employed and employed Bar.'

'Perhaps have lunches or other events that specifically invite employed and self-employed barristers to mix more often.'

'Greater number of mixed events, including social events.'

Others felt that the Bar Council needed to promote and support the opportunities for employed barristers to become Silks and members of the Judiciary:

'I think the Bar Council can play its part in changing the culture and support the employed Bar to sit in judicial posts.'

'Encourage applications for Silk from the employed Bar.'

'It would be good to see employed barristers in positions of authority.'

'I think career progression and judicial appointments are probably the most important [issues].'

Some participants felt that the Bar Council did not need to further engage with the employed Bar to resolve any issues:

'I'm content with the current situation.'

Others felt the Bar Council needed to provide focused support for its employed members:

'I would be interested in seeing support groups or forums set up for the employed Bar, particularly for women.'

3. Conclusion

The survey responses provide a valuable insight into life at the employed Bar. Findings suggest that employed barristers today value their work and their role within the Bar. However, it is evident that the majority at the employed Bar do not feel supported or that their work is recognised, both by the self-employed Bar and the Bar Council. Despite the majority of respondents beginning their careers at the self-employed Bar, many have felt that they are now viewed as less capable, or indeed less qualified, as a result of transferring to the employed Bar.

The findings show that more work can be done by the Bar Council, BPTC providers and the Inns of Court to inform not only BPTC students and undergraduates of the opportunities at the employed Bar, but also self-employed barristers who may wish to transfer to employment following several years at the Bar. There are many benefits to being an employed barrister, as the results demonstrate, in that employed barristers regularly undertake exceptionally interesting work and benefit from financial security. The reported gross salary bands indicate that a career at the employed Bar is well rewarded financially.

The lack of awareness of employed barristers knowing that the opportunity to take Silk is available to them, as well as the prohibition on some members of the employed Bar obtaining part-time judicial appointments, is concerning. Whilst it appears that many members of the employed Bar do not wish to apply for Silk, of those who do, the process could be improved to remove barriers that employed barristers face. Many members

of the employed Bar wish to become a member of the Judiciary, yet are not applying because they believe they are disadvantaged as a result of their employed status. References remain difficult to obtain and employed barristers struggle to adequately complete the application forms, as questions are easier to answer for those in self-employed practice. A lack of role models from the employed Bar who had attained Silk or become a member of the Judiciary, has further deterred employed barristers from pursuing either of these routes. Addressing misconceptions that employed barristers are ineligible to apply for these posts, and providing training and guidance, may help to address these problems.

The majority of employed barristers did engage with the Bar Council, for example by attending training and events, but did not pay the BRF. Many indicated that they would be willing to pay if the Bar Council provided the training and support requested.

4. Recommendations made and actions being taken

The recommendations in this report are based upon solutions identified by participants themselves.

1. Establish more senior and more visible employed barrister role models.

The Bar Council is already taking action in this area. In August 2016, it extended the Bar Council Silk and Judicial Mentoring Service to the employed Bar.

Additionally, the Employed Barristers' Committee agree that the ban imposed upon CPS, GLS and SFO lawyers from obtaining part-time Recordships in matters involving their own Department is unnecessarily restrictive. The Committee have met with David Lammy MP to address the issue, consequently forwarding a submission to Mr Lammy to advocate removing the ban, as well as the JAC and Law Officers.

Moreover, the Bar Council intends to address the issue of the lack of employed barristers in the Judiciary by publishing guidance to assist applicants in the process, alongside training events.

2. Generate greater publicity of the successes of members of the employed Bar and ways for their achievements to be recognised.

The employed Bar wish for greater recognition of their skills and successes. Given the Bar Council's "One Bar" philosophy, it is a legitimate aim that all

members of the Bar have an equal opportunity to be recognised for their achievements. The Bar Council will look at ways to improve the recognition of the work of the employed Bar.

3. Establish a network of employed barristers.

Many respondents wished for a network of employed barristers to be created, to generate a community of employed barristers and contacts to turn to for support. In August 2016, the Bar Council created the 'Bar Council Employed Barristers' Network' on LinkedIn in response to these concerns, to update members on the work of the Employed Barristers' Committee and to allow employed barristers to contact the Committee directly (<https://www.linkedin.com/groups/7066001>).

4. Target communications to employed barristers.

The majority of respondents said that they do not feel that publications such as Counsel Magazine, or Bar Council communications such as BarTalk, adequately target the employed Bar. In the last year, the Bar Council has increased the publicity of information in Bar Council communications that we felt was applicable to the employed Bar and of interest. The Employed Barristers' Committee have been releasing a bi-monthly newsletter to the employed Bar, to provide updates of the work they are undertaking.

5. Appendices

Appendix 1: Survey Questions

Pupillage

1. Do you think BPTC students are well informed of opportunities at the employed Bar?
2. What more do you think could be done to inform students of life at the employed Bar?
 - You may want to consider the following questions as part of your answer: What informed your choice to practise at the employed Bar? Did your BVC/BPTC provider give sufficient information to you about the employed Bar?
3. Did you initially begin pupillage at the employed Bar or self-employed Bar?
4. What attracted you to the employed Bar?
5. What do you value most about being an employed barrister?

Practice and Income

6. What is your current gross annual salary?
7. How many lawyers work within your organisation?
8. Do you think employed barristers are viewed differently to self-employed barristers, and if so, in what way?
9. What actions could the Bar Council take to help promote One Bar?
10. Are you satisfied for the opportunities for career progression within your workplace?

Engagement

11. How do you access communications from the Bar Council, if at all?

12. If you do not access Bar Council communications, why not?

Applying for Silk

13. Have you ever considered applying for Silk?
14. Have you ever applied for Silk?
15. Was that decision a decision you made on your own, or were you encouraged (or even discouraged) by others, such as solicitors or colleagues?
16. If you were encouraged or discouraged from applying for Silk, what was the nature of the encouragement or discouragement?
17. Were you successful in applying for Silk?
18. If you were successful, how many attempts did you make?
19. How did you find the application process?
 - You may want to consider the following questions as part of your answer: Were there aspects of the application form you feel could be improved or changed? How easy did you find it to fill out the application form, and approximately how long did it take you? Were there aspects of the interview process you feel could be improved or changed? Was there any part of the application process you felt may have been particularly challenging as an employed barrister?
20. If you have not applied, or have not considered applying for Silk, why not?
 - You may want to consider the following questions as part of

your answer: What deterred you from applying? Do you think the process is fair? Do you think the application process is straightforward?

Judicial Appointments

21. Have you ever considered applying for a judicial appointment?
22. Have you ever applied for a judicial appointment?
23. Was that decision a decision you made on your own, or were you encouraged (or even discouraged) by others, such as solicitors or colleagues?
24. If you were encouraged or discouraged to apply for a judicial appointment, what was the nature of the encouragement or discouragement?
25. Were you successful in applying?
26. If you were successful, how many attempts did you make?
27. How did you find the application process?
 - You may want to consider the following questions as part of your answer: Were there aspects of the application form you feel could be improved or changed? Was there any part of the application process that you felt may have been particularly challenging as an employed barrister?

Support

28. Do you have any suggestions for how the Bar Council could support Silk and judicial appointment applicants?
29. Would it go against the culture of your organisation to apply for Silk or judicial appointment?

Advocacy and Training

30. Have you attended any training or events run by the Bar Council?
31. Would you be interested in undertaking a secondment in a Chambers, to gain advocacy experience?
32. What other training would you like to receive, that is not offered already, that you feel would assist you in your employed practice?
33. Do you pay the Bar Representation Fee (BRF)?

Dual Capacity

34. Have you got a dual capacity practising certificate?
35. How much time do you spend on both employed practice and self-employed practice? Please give an estimate in percentage format.

Anything else

36. What do you consider to be the key issues for the employed Bar?
37. Of those issues, what engagement should the Bar Council have with the employed Bar that it does not have already?

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