

Annex A to Approval of Change to Practising Fee Allocation
Methodology

PCF Allocation Survey 2013

1. Introduction

1.1 This paper outlines why and how the Practising Certificate Fee (PCF) Allocation 2013 Survey was administered, how respondents to the survey compared with the profile of the Bar, the main results of the survey and a conclusion.

1.2 This survey was commissioned by the Director of Central Services and the Bar Council Treasurer. The aim of the survey was to explore if the Bar supported a proposition to change the allocation of the PCF from being based on year of Call to being based on earnings.

1.3 An email inviting barristers to complete the survey was sent out to all barristers with individual email addresses in the Bar Council membership database. In total there were 4,061 responses to the survey. In order to facilitate practitioner access to the survey, notably by those who shared an IP address, it was possible for individuals to make multiple responses. We are aware of two instances when this happened inadvertently. However, the risk of multiple entries was assessed as being extremely low and not statistically significant. Some respondents did not complete all the individual questions and missing data has been excluded from the analysis.

1.4 The 4,061 responses to the survey represents approximately 26% of the circa 15,333 members of the practising Bar. For all surveys, a level of confidence can be derived from the number of respondents relative to the size of the population to which the results infer. Therefore a response rate of 26% gives a high level of confidence or confidence intervals ranging from 0.6% to 1.3%.

1.5 In order to analysis the results of this survey, the results were extracted from the survey software (survey monkey) which was used and imported into a statistical software package called SPSS. The analysis consisted of descriptive statistics (percentages) and some bivariate analysis which is looking at the answer of one question in conjunction with the answer of another question e.g. interest by practice area in the proposed change to an income based PCF.

2. Profile of respondents

2.1 This section compares the profile of respondents to this survey with that of the Bar. The comparison is made for practising status, silk, ethnicity and gender from the Bar Barometer 2012¹. However, it should be borne in mind that this data refers to the practising Bar in 2011. This was compiled from monitoring data, collected when barristers obtained authorisation to practise, and stored in the Bar Council Core Database, it represents the whole Bar.

2.2 This comparison is done in order to see whether respondents to this survey are representative of the Bar. As shown on Table 1 below, the profile of respondents is not exactly representative of the Bar; there is some bias in the responding sample. However, the responding sample is similar to those respondents who typically complete Bar Council surveys.

2.3 Sole practitioners and QCs are over represented among respondents to this survey. Respondents matched the profile of the Bar in regards to ethnicity and are quite similar within regard to gender.

Table 1 Profile of respondents; practising status, silk, ethnicity and gender

	PCF Survey	Bar Barometer 2012
Practising Status		
Sole Practitioner	13.3%	2.7%
Self employed	72.1%	78.6%
Employed	13.6%	18.7%
Dual Practice	1.1%	
QC		
	14%	9.5%
Ethnicity		
BME	8.5%	10.2%
White	91.5%	77.3%
No data		12.5%
Gender		
Female	31.8%	35.1%
Male	68.2%	64.9%

¹ https://www.barstandardsboard.org.uk/media/1436638/bar_barometer_nov_2012_web_upload_higher_res.pdf

2.4 Table 2 compares the practice area and length of time since Call of the respondents with that of the 'Barristers' Working Lives, a biennial survey of the Bar 2011'².

2.5 The practice area of respondents to the practising certificate fee survey differed from the general profession in that barristers who cited civil as their main practice area are over represented. Barristers who cited commercial and chancery work as their main practice area are slightly over represented among respondents while criminal and family practitioners are slightly underrepresented. This survey included a response option of 'mixed' practice which was not included in 'Barristers' Working Lives, a biennial survey of the Bar 2011', these responses were collated with 'other' due to a low proportion of respondents selecting 'mixed' and 'other' practice.

2.6 Respondents to the PCF survey also differed to the Bar in regards to Call, barristers over 20 years Call were over represented and those in the middle of their careers, or eight to 12 years Call were under represented.

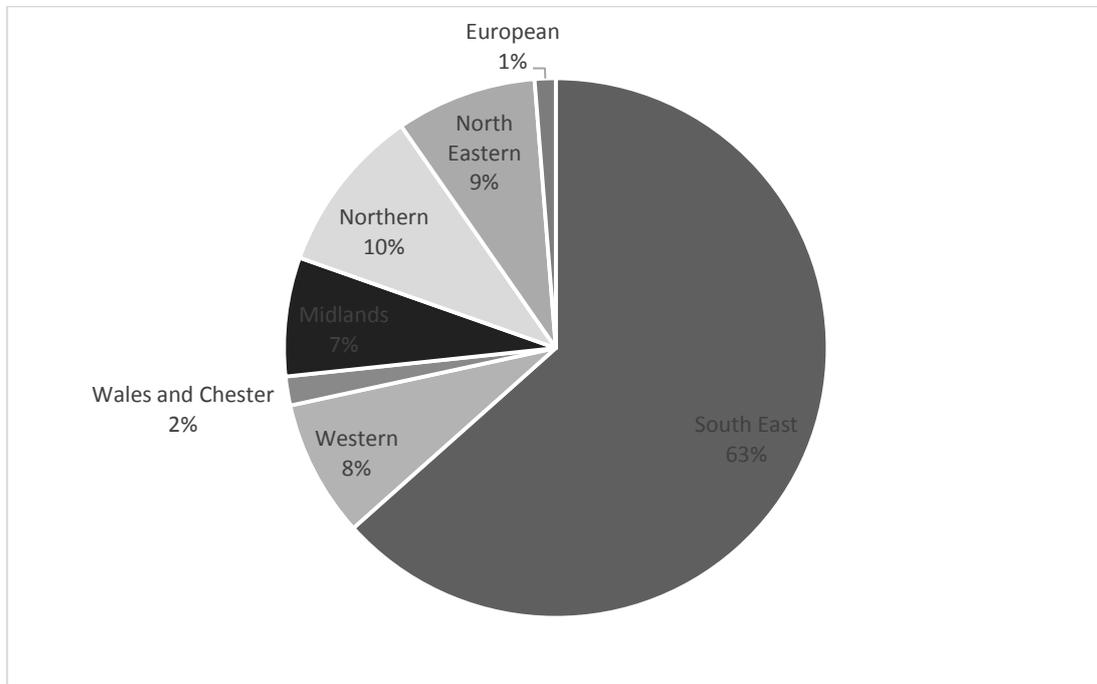
Table 2 Profile of respondents; practice area and Call

	PCF Survey	Barristers' Working Lives 2011
Practice Area		
Criminal	26.8%	34.0%
Civil	55.4%	38%
Mixed /other	6.5%	2%
Family	11.4%	14%
Commercial / chancery	17.6%	13%
Length of time since Call		
1 to 7 years	16.7%	19.5%
8-12 years	15.6%	18.9%
13-20 years	27.7%	28.6%
20+ years	40%	32.9%

² https://www.barstandardsboard.org.uk/media/1385164/barristers_working_lives_30.01.12_web.pdf

2.7 Figure 1 below shows the circuits to which respondents belong. The majority were from the South Eastern circuit. The profile of respondents is broadly similar to that of the Bar in regards to circuit membership.

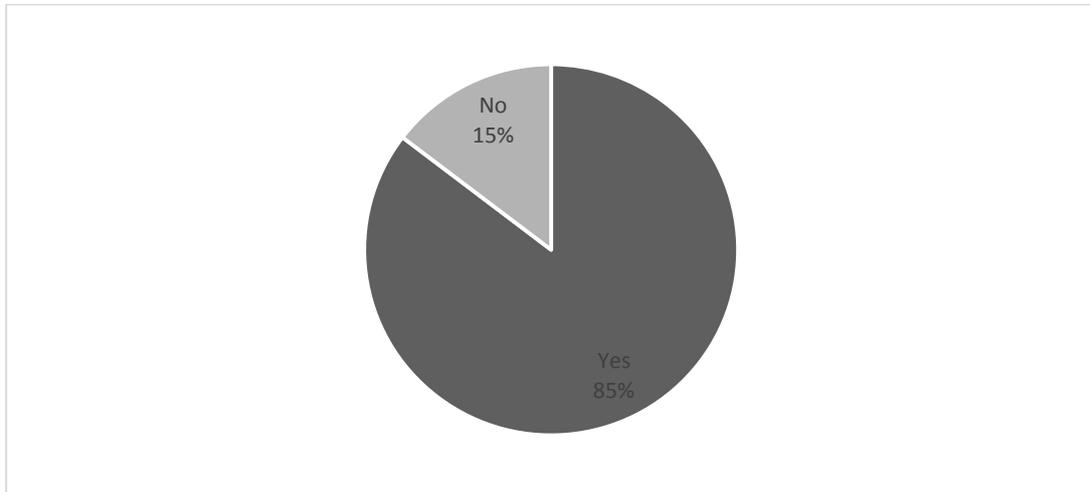
Figure 1 Profile of respondents; circuit



3. Main results

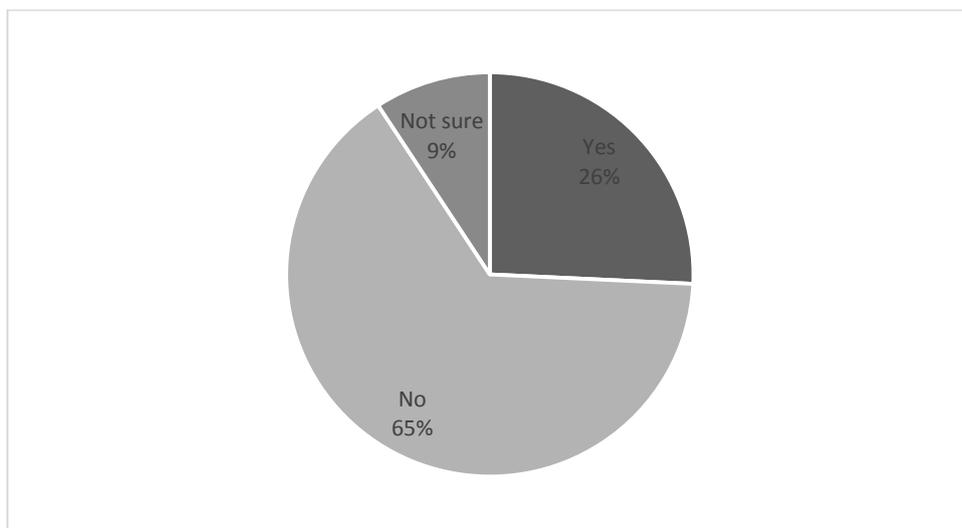
3.1 As illustrated at Figure 2 below, 85% of respondents read the supporting documentation on the PCF.

Figure 2 Have you read the accompanying paper on the background to this survey?



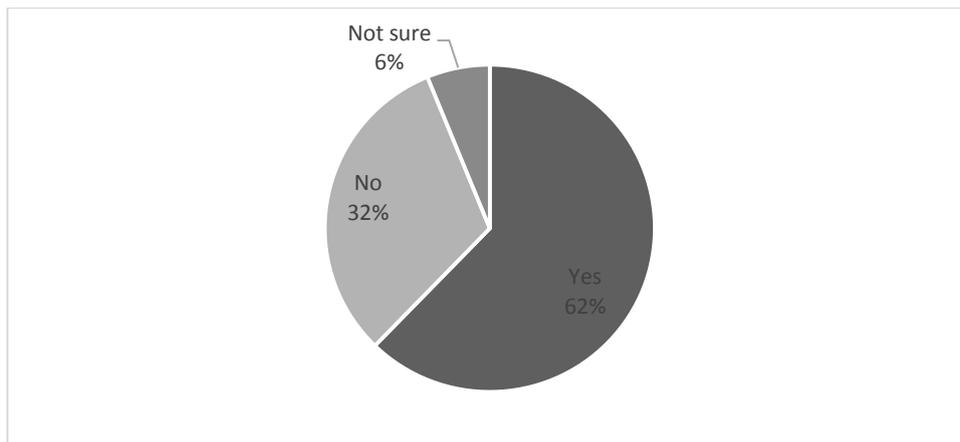
3.2 As shown at Figure 3 below, 26% of respondents supported the continuation of allocating PCF by year of Call, 9% who were unsure and 65% were opposed...

Figure 3 Do you wish to maintain the present arrangements for allocating the PCF as based solely upon year of Call?



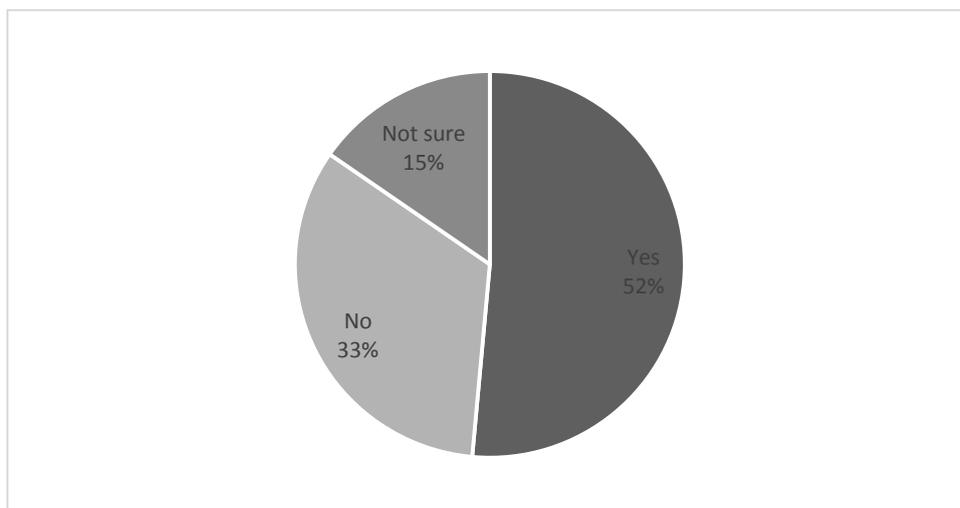
3.3 When asked if they supported the introduction of using income as the basis of PCF allocation in the future (as was described in the supporting documentation), 62% of respondents were in agreement, 6% were unsure and 32% were opposed. This is shown on Figure 4 below.

Figure 4 Do you support the introduction of an income based model, as outlined in the email attachment, as the means of future allocation of the PCF?



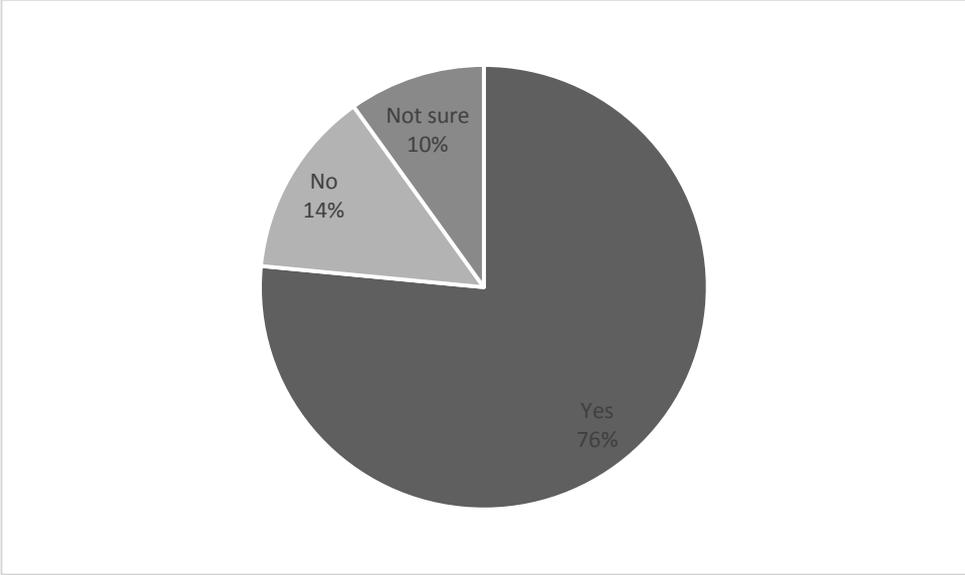
3.4 Figure 5 below shows that 52% of respondents support a change from bandings by year of Call to bandings by numbers of years practised. 15% of respondents were unsure while one third were opposed.

Figure 5 Do you support a change from bandings by years of Call to banding by numbers of years practised?



3.5 Figure 6 below shows that 76% of respondents support a minimum PCF of £100; 10% are unsure and 14% opposed.

Figure 6 Do you support a minimum PCF of £100?

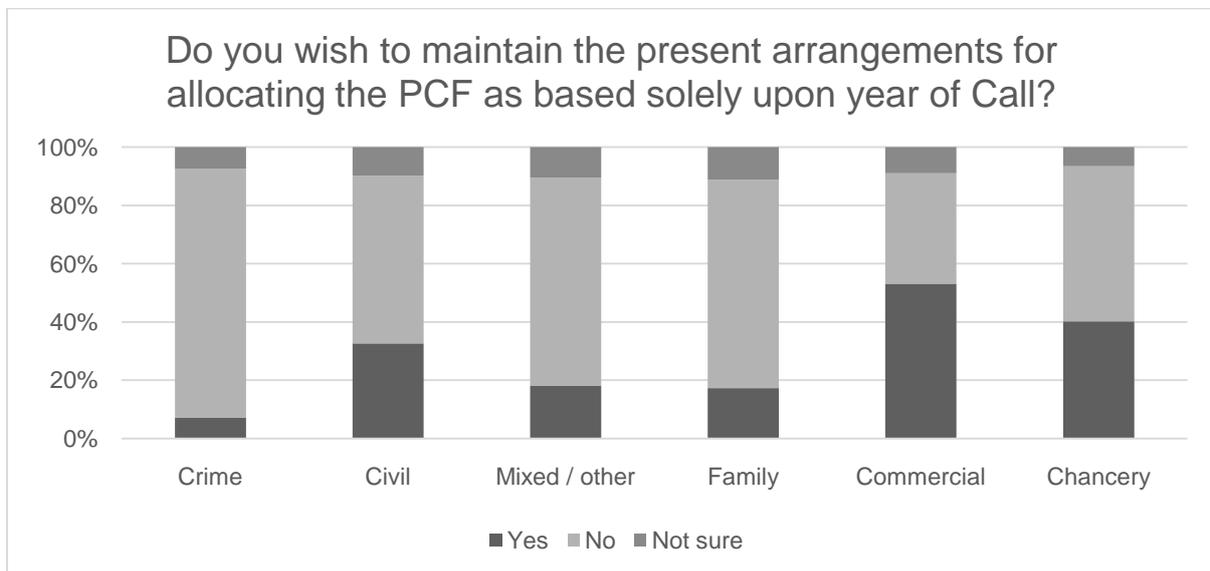


4. Further analysis of main results

4.1 Support by practice area for allocating PCF on the basis of Call.

Figure 7 below shows the answers, by practice area, as to whether respondents support allocating the PCF on the basis of Call. The greatest difference is between criminal practitioners and commercial / chancery practitioners. 85.4% of criminal practitioners opposed the maintenance of the present arrangement for allocating the PCF on the basis of year of Call. Similarly 71.3% of mixed / other practitioners and 71.5% of family practitioners also said 'no'. Comparatively, 57.6% of civil practitioners and 37.9% of commercial and 53.3% of chancery practitioners opposed the allocation of the PCF on the basis of Call.

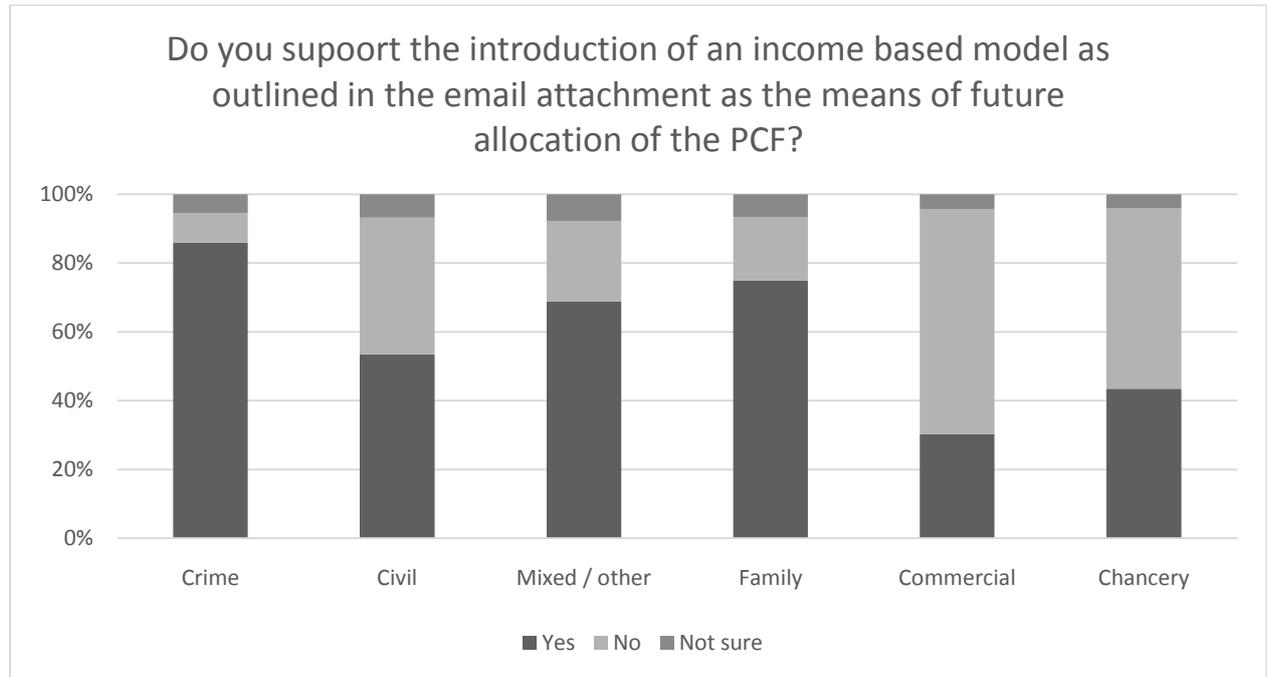
Figure 7 Support by practice area for allocating PCF on the basis of Call.



4.2 Support by practice area for allocating the PCF on the basis of income.

The largest support, 86%, for allocating PCF on the basis of income came from the criminal Bar. With the family Bar showing 74.9% support. The commercial and chancery Bars were the least supportive at only 30.3% and 43.4% supporting the proposition respectively. This is shown on Figure 8 below.

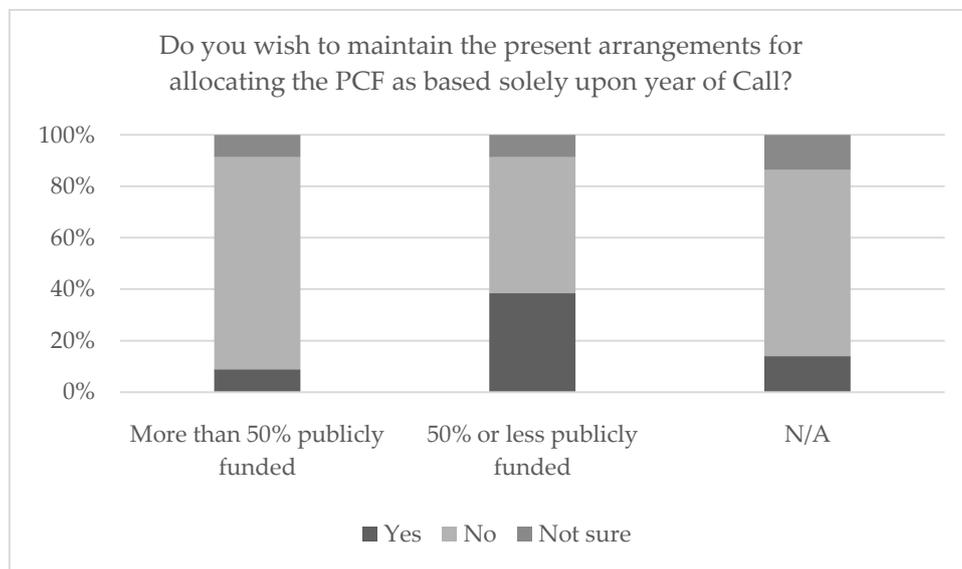
Figure 8 Support by practice area for allocating the PCF on the basis of income.



4.3 Support according to publicly funded practice, for allocating the PCF on the basis of Call.

As indicated above, the majority of respondents opposed maintaining the present arrangements for allocating the PCF by year of Call. However, as illustrated in Figure 9 below, particular opposition, at 82.4%, came from those respondents whose practice is more than 50% publicly funded. This compares with 52.9% of those whose practices were less than 50% publicly funded. Of those practitioners who do not undertake publicly funded work, 72.4% were opposed to maintaining the existing arrangements. This is shown on Figure 9 below.

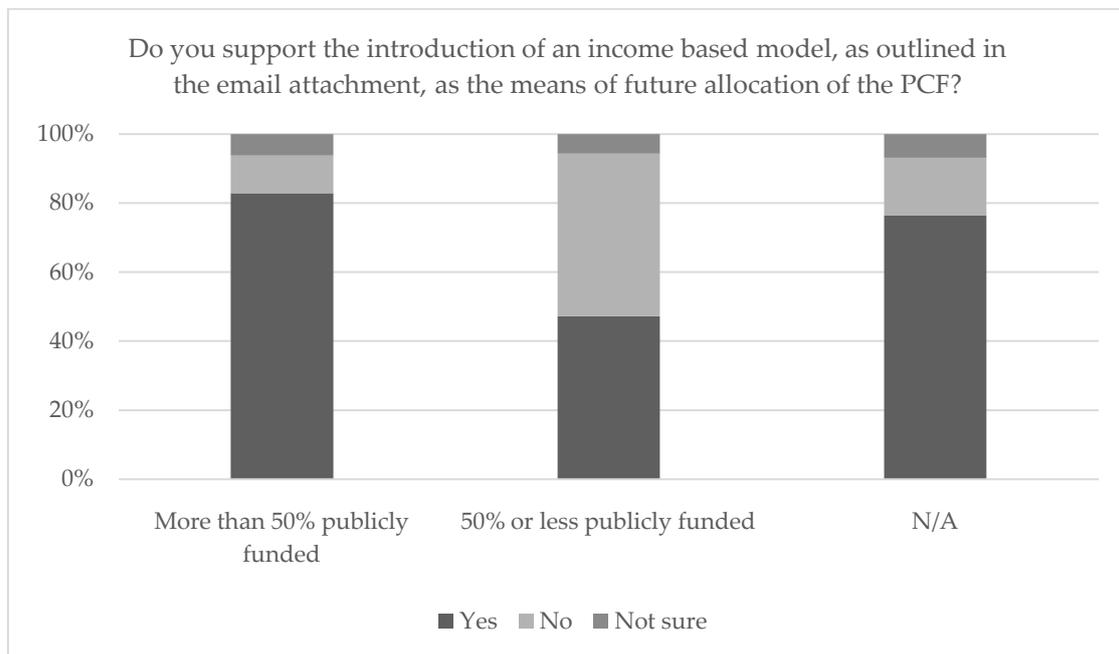
Figure 9 Support according to publicly funded practice, for allocating the PCF on the basis of Call.



4.4 Support, according to publicly funded practise for allocating the PCF on the basis of income.

Figure 10 below shows responses, according to dependency on public funding, as to whether respondents support allocating the PCF on the basis of income. 82.9% of barristers whose practice is more than 50% publicly funded support the initiative. In comparison, 47.3% of barristers whose practice was 50% or less publicly funded supported the introduction of using income to allocate the PCF. 76.5% of those who selected 'n/a' (i.e. do not undertake publicly funded work) supported the introduction of an income based PCF.

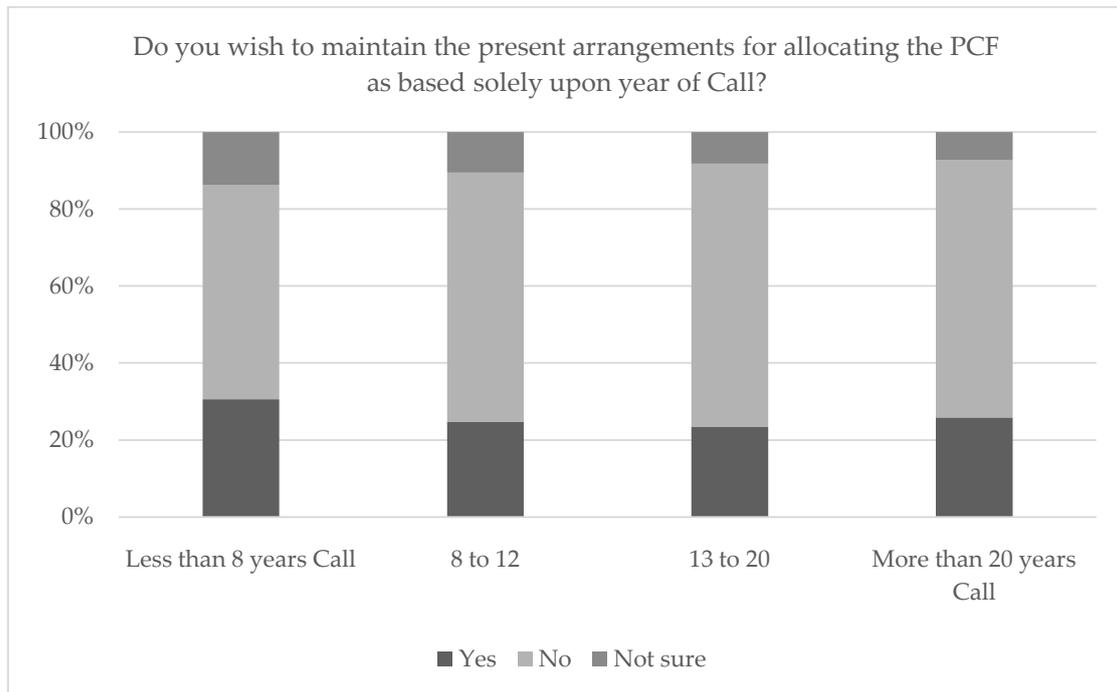
Figure 10 Support according to publicly funded practice for allocating the PCF on the basis of income.



4.5 Support by year of Call for allocating the PCF on the basis of year of Call

Figure 11 below shows, by year of Call respondents' answers as to whether they wish to continue allocating the PCF on the basis of year of Call. 55.8% of those with less than eight years Call who were opposed to the continuation of the allocating the PCF by year of Call, as compared to 64.7% of those with eight to 12 years Call, 68.4% of those with 13 to 20 years Call and 66.9% of those with more than 20 years Call. These differences are regarded as minimal in comparison to the differences in responses on the basis of practice area and whether practice was publicly funded.

Figure 11 Support by year of Call for allocating the PCF on the basis of year of Call



6. Conclusion

- 26% of the Bar support the continuation of allocating PCF by year of Call.
- 65% of the Bar do not support the continuation of allocating PCF by year of Call.
- 9% of the Bar are unsure about whether they support continuing allocating the PCF by year of Call

- 62% of the Bar support using income as the basis of PCF allocation in the future.
- 32% of the Bar do not support using income as the basis of PCF allocation in the future.
- 6% of the Bar are unsure about whether they support using income as the basis of PCF allocation in the future.

- 52% of the Bar support a change from bandings by year of Call to bandings by number of years practised.
- 33% of the Bar do not support a change from bandings by year of Call to bandings by number of years practised.
- 15% of the Bar are unsure about whether they support a change from bandings by year of Call to bandings by number of years practised.

- 76% of the Bar support a minimum PCF of £100.
- 14% of the Bar do not support a minimum PCF of £100.
- 10% of the Bar are unsure about whether they support a minimum PCF of £100.

- The move to an income based allocation of the PCF received greatest support from the by the criminal (86%) and family (74.9%) Bars.
- The move to an income based allocation of the PCF received least support from the civil (53.5%), commercial (30.3%) and chancery (43.4%) Bars.