

The Bar Council's Fair Recruitment Guide

Section 1a

Contextual recruitment



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This section is designed to assist members of recruitment and pupillage committees responsible for designing the recruitment process.

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What is contextual recruitment?

Across the Bar, we are trying to improve the diversity of the pupillage intake. To do this many AETOs are implementing both blind and contextual recruitment techniques.

Contextual recruitment enables you to evaluate your applicants based on a better understanding of their circumstances and potential. It should help you to identify high achievers who may have faced challenges which they have overcome.

By identifying candidates who are from a disadvantaged background, or are academic outperformers, you can better assess a candidate's achievements in the context of their academic and socio-economic background, and their personal circumstances.¹

Important note

If a student has studied overseas contextual information is not currently available via the Pupillage Gateway. We therefore urge chambers to be aware of this. Please take extra care in your own processes to consider these individuals' backgrounds in terms of the extent to which they might have been disadvantaged to avoid any potential discrimination. In such circumstances, some candidates may have used the 'extenuating circumstances' section of the Gateway application form to provide contextual information.

You can then consider adjustments to your recruitment process (as part of a positive action programme).

Organisations **normally use contextual recruitment when shortlisting** applicants.

References

1. **Using blind and contextual processes for the recruitment of trainee solicitors: Encouraging social mobility**

i How is contextual recruitment different to 'blind' recruitment?

Blind recruitment refers to the practice of removing information from applications which may suggest the personal characteristics of the applicant.²

Blind recruitment attempts to make the recruitment process more objective and reduce the impact of bias.

The main strength of blind recruitment is at application stage – when personal information is supplied on a separate page, which is separated from the rest of the application form when shortlisting.

References

2. *ibid*

How should you use contextual information in any recruitment process?

We recommend use of this data primarily in the **first sift** (shortlisting) and suggest chambers **consider contextual information only for those applicants which meet the minimum qualifying criteria but fall into a ‘maybe or borderline’ group.**

Additional contextual data for this group should help you identify those candidates who may warrant going into the next round, given their achievements or how they have potentially overcome a disadvantaged background.

We suggest:

- you shortlist as usual (downloading your applications – blind ie without information that suggests the personal characteristics on a candidate).
- allocate applicants into groups as per your established process (eg three groups – yes, no and maybe/borderline).
- check any contextual data available for candidates in the ‘maybe or borderline’ group. This will enable you to see who has relevant contextual data and in which areas.

Tip: We do not recommend you look at the whole applicant cohort as contextual data will not transform a poorly qualified applicant into a realistic pupillage contender.

i Explaining the flag and performance indicator system³

Flag system: flags will be allocated by Rare for the following:

- **Academic** background (attending a school in the bottom 40% by key stage 4 and 5 results get one flag; two flags are allocated for attending a school in the bottom 10% nationally) **up to two flags can be awarded**
- **Personal** circumstances (registered carer, time in care, parent before 21 years old, refugee) **up to two flags can be awarded**
- **Socio-economic** background (home post code at age 16 is in a bottom 40% postcode using the IMD⁴ categorisation scale; parental occupation in a category marked as disadvantaged by the social mobility commission; paid work of more than 16 hours for at least three consecutive terms at school or university); first generation in immediate household to attend university). Note: a flag requires a combination of socio-economic factors unless the criteria is 'free school meals' which secures a flag. **Up to one flag can be awarded.**
- A single flag is a significant measure of disadvantage. More than one flag in any area indicates a higher level of disadvantage (Rare allocate up to a maximum of 5 flags per candidate overall).
- The Performance Index (PI), grade comparison data and School Percentile (SP) adds some further context to any academic flag awarded.
- **Performance Index (PI)** measures of academic outperformance are also provided at different key stages (key stage 4 and 5). A PI of 30% would mean your candidate outperformed their peer average by 30%. **Anything over 30% is significant.**
- **Top KS5 grades vs school KS5 average.** Compares the applicant's grades (top KS5 grades) with their school's KS5 grade average. This means you can assess whether they under or overperformed in relation to average grades for students at their school.
- **School Percentile (SP)** assesses the quality of the school the candidate attended for key stage 4 and 5. A school in the bottom 40% would be classed as a below average school and a school in the bottom 10% would be classed as a significantly below average.

References

3. We are partnering with **Rare** to deliver contextual data for the Pupillage Gateway. The Rare system is explained in this guide. There are other contextual recruitment providers who may use other markers or systems.
4. Index of multiple deprivation.

Example

Decide how to use this data and adjust your recruitment process. **Please consider your preferred approach before you start any recruitment process.**

For example:

- you could automatically interview any 'maybe or borderline' candidate with a flag or a specified number of flags and a PI higher than 30%

Other uses for the contextual data may include:

- checking flags or PI scores for **all** shortlisted candidates (ie including those in the 'yes' pile) and then deciding if those on the interview panel should have information on whether someone has a flag or high PI score.
- checking outcomes of all those with flags or high PI scores at each stage of your recruitment process to better understand the performance of disadvantaged candidates at each stage of your recruitment process.

Contextual recruitment on the Pupillage Gateway

Over the last few years some AETOs have contracted separately with contextual recruitment providers (including Rare) to ensure they have more robust contextual data to help them make fairer recruitment decisions.

Because it can be expensive to work on an individual AETO basis with a contextual recruitment provider, we're working with Rare to provide additional contextual data for AETOs via the Pupillage Gateway. **This is available as part of the standard fee to use the gateway for recruitment purposes.**

How it works

- We ask candidates to complete an additional set of contextual questions as part of their application via the gateway.

What data will applicants be asked to provide?

Candidates will be asked to provide information about:

- their educational background and the school they attended
 - their personal background, for example if they have care experience, caring responsibilities or have sought asylum
 - their socio-economic background, including if they qualified for free school meals, their parent or carer's occupation, if they are the first generation to attend university and if they had to work to support their studies
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- This data will be processed by Rare using an algorithm to generate flags which indicate a relative level of disadvantage or an indication of where an individual has outperformed their peers based on the performance of the school they attended (as described above).
 - Your AETO gateway administrator will be able to copy 'flag' data from the gateway.

Important note

- The contextual questions are optional, and not all candidates will choose to complete them. Where a candidate doesn't complete the questions contextual data cannot be provided
- Only applicants who have studied in the UK are able to complete the questionnaire. No contextual data will be available for applicants who have studied overseas
- Not all candidates that are eligible or might benefit from completing the contextual questions will do so. They may be reluctant to disclose. You can encourage them to complete the contextual questions on gateway by putting a positive message about how you use the data in your recruitment literature or on your website.

Q&A

Using contextual data

Are applicants at a disadvantage if their application doesn't trigger any social mobility indicators?

All AETOs recruit candidates based on objective criteria and are looking for those who have the potential to be excellent barristers. The contextual recruitment information provides an extra data point to support the identification of those with the potential to succeed at the Bar, and supports rather than replaces the qualification criteria chambers are interested in.

This means that applicants whose background doesn't trigger a flag aren't at a disadvantage – if they meet the criteria and are in the top tranche they will go on the shortlist - but it does help those who may have experienced disadvantages earlier in life to show their full potential.

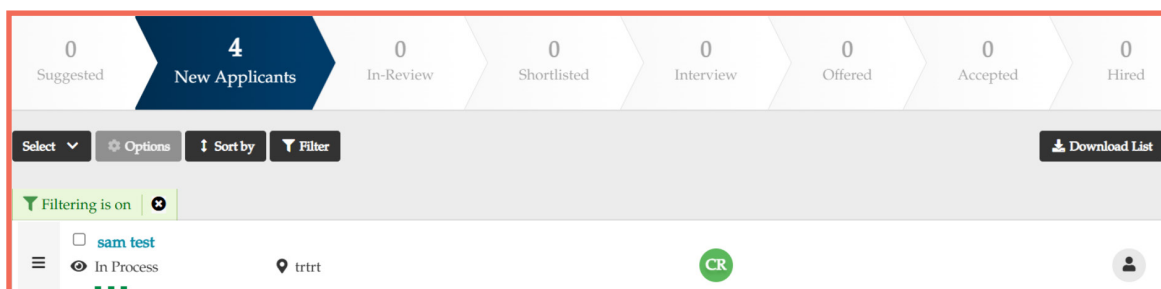
What should an AETO expect or not expect when using contextual recruitment?

- Contextual data is not going to revolutionise your candidate, shortlisted candidate or final round profile
- **But** it may increase the diversity of some of the candidates you choose to interview
- **And** it will ensure you are making decisions based on objective and accurate data points with respect to socio-economic disadvantage – reducing subjectivity and increasing fairness.

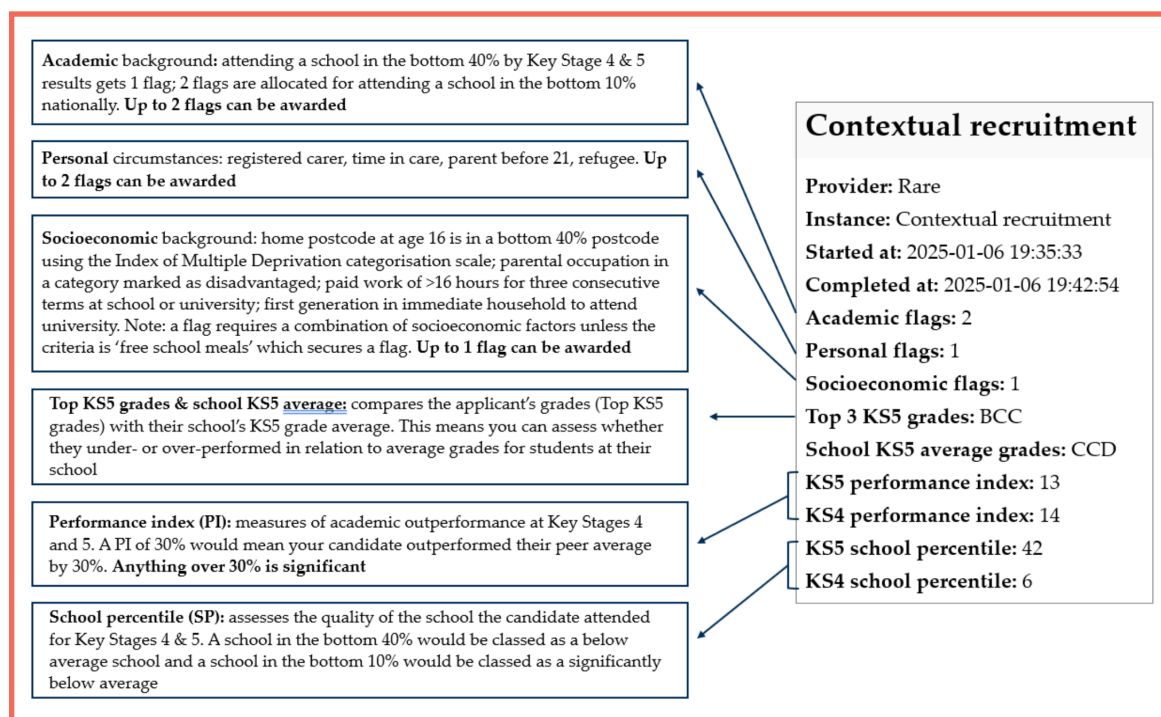
Accessing Rare contextual data on the gateway

How will AETOs access the Rare contextual data on the gateway?

Data is currently only available on a candidate-by-candidate basis. To access an individual candidate's data, an AETO will need to select the green icon 'CR' which will be shown - if contextual data is available - on the candidate's application on the gateway.



If you hover over this green 'CR button', you will see a summary of the candidate's Rare status. This will include any flags and performance index data (explained above and below).



Example: Sample Rare Gateway report

This candidate has **two academic flags**. Up to two flags can be awarded in this category, so this shows significant academic disadvantage. These flags mean they attended a school in the bottom 10% in terms of performance nationally. Further data is provided on their school and academic performance.

There is data showing the average **key stage 5 (KS5) grades** in the school were DDD, so this candidate has overperformed as their **top 3 KS5 grades** are BCC. Note: the '44' data point can be ignored. Also included is the candidate's performance (PI) against their peer average at KS5. Here **KS5 PI** is over 73% where anything over 30% is significant. But their **KS4 PI** is less significant at 26% (i.e. less than 30%, where 30% is the demarcation point). The **KS5 school percentile (SP)** is 7% (anything below 10% shows the school as significantly below average) and this candidate attended a better school for key stage 4 – here the **KS4 SP** is 50% and is therefore not deemed below average (ie where less than 40% is the demarcation point).

The candidate also shows **one flag for their socioeconomic background**. This could be based on their post code, having to work more than 16 hours per week for at least three terms at school or university, or being the first generation in their immediate household to attend university. Here a flag requires a combination of factors unless the criteria is free school meals which secures an automatic flag.

There is **no personal circumstances** category on this candidate's report. This means they did not merit a flag (ie they were neither a registered carer, had spent time in care, were a parent before 21 years old, nor a refugee).

Provider: Rare
Instance: Rare
Started at: 2024-12-12 11:52:43
Completed at: 2024-12-12 11:52:43
Academic flags: 2
Socioeconomic flags: 1
Top 3 KS5 grades: BCC, 44
School KS5 average grades: DDD
KS5 performance index: 73
KS4 performance index: 26
KS5 school percentile: 7
KS4 school percentile: 50

What do error messages on the Rare gateway report mean?

Error messages (eg e-5001 or w4090 etc) mean that the applicant either failed to complete the question or provided incomplete information, or data is not held by Rare. Any error message should be disregarded – there is no contextual data available in this area for this candidate.

Can Rare contextualise any qualifications apart from GCSE or A Levels?

No. Rare cannot currently contextualise other qualifications.

Can I download Rare gateway reports?

You cannot currently download the Rare gateway reports. A work around is to simply take a screen shot as you hover over the report and attach to the applicant's application for processing.

Is there more information available about accessing Rare gateway reports?

Yes, please look at the quick technical guide. If you are an AETO using the gateway please contact our services team on pupillagegateway@barcouncil.org.uk and we will be happy to assist.

Is there more information about using Rare contextual data in recruitment?

You can request a recording of the Rare webinar, where they explain how it can be used as part of your recruitment process, by contacting us at pupillagegateway@barcouncil.org.uk

Is contextual data available for applicants who have studied outside the UK?

No. We don't have data on schools etc. outside of the UK. This means contextual recruitment is not available for international students.

More information

For more technical support about how to use the Pupillage Gateway, including contextual recruitment, please read our [AETO user guide](#).

