

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



REGULATING BARRISTERS

## Meeting of the Bar Standards Board

Thursday 26 January 2023, 5.00 pm (Hybrid meeting - in person and online)

Rooms 1.4 – 1.7, First Floor, BSB Offices / MS Teams

### Agenda - Part 1 – Public

**This meeting will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved at the next meeting**

*Note: this meeting will be preceded by a seminar for Board Members commencing at 3.45 pm (same venue). It will be an update on our strategic theme of Access: current work and possible next steps*

				Page
1.	<b>Welcome / announcements</b> (5.00 pm)		Chair	
2.	<b>Apologies</b>		Chair	
3.	<b>Members' interests and hospitality</b>		Chair	
4.	<b>Approval of minutes from the last meeting</b> <b>(1 December 2022)</b>	Annex A	Chair	<b>3-8</b>
5.	a) <b>Matters arising &amp; Action List</b> b) <b>Forward agenda</b>	Annex B Annex C	Chair Chair	<b>9</b> <b>11-12</b>
6.	<b>Director General's Report – Strategic Update</b> (5.05 pm)	BSB 001 (23)	Mark Neale	<b>13-14</b>
7.	<b>Annual Diversity Data Report</b> (5.15 pm)	BSB 002 (23)	Ewen Macleod	<b>15-21</b>
8.	<b>Chair's Report on Visits &amp; External Meetings</b> (5.30 pm)	BSB 003 (23)	Chair	<b>23</b>
9.	<b>Any other business</b>		Chair	
10.	<b>Date of next meeting</b> <ul style="list-style-type: none"><li>Thursday 30 March 2023</li></ul>			
11.	<b>Private Session</b> (5.30 pm)			

**John Picken**  
**Governance Officer**  
19 January 2023



<p>BAR STANDARDS BOARD</p>
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REGULATING BARRISTERS

**Part 1 - Public****Minutes of the Bar Standards Board meeting****Thursday 1 December 2022 (4.30 pm)****Hybrid Meeting (etc Venues, 50-52 Chancery Lane, London WC2A 1HL & MS Teams)**

- Present:** Kathryn Stone OBE (Chair)  
Gisela Abbam  
Alison Alden OBE  
Emir Feisal JP (items 9 – 16)  
Steve Haines  
Andrew Mitchell KC  
Irena Sabic  
Adam Solomon KC  
Professor Leslie Thomas KC (items 1 - 9)  
Stephen Thornton CBE
- By invitation:** Iain Christie (Chair, BSB Independent Decision Making Body) (item 8)  
Mark Fenhalls KC (Chair, Bar Council) (items 1-9)  
Lorinda Long (Treasurer, Bar Council)  
Professor Mike Molan (Chair, Centralised Examining Board) (item 9)  
Nick Vineall KC (Vice Chair, Bar Council)  
James Wakefield (Director, COIC)
- BSB Executive in attendance:** Julie Carruth (Supervision Manager) (items 7- 9)  
Christopher Fitzsimons (Communications Manager)  
Rebecca Forbes (Head of Governance & Corporate Services) – via Teams (item 10-16)  
Oliver Hanmer (Director of Regulatory Operations)  
Teresa Haskins (Director of People, BSB)  
Charlie Higgs (Examinations Manager) (item 9)  
Oliver Jackling (Research and Evaluation Manager) (items 1-9)  
Sara Jagger (Director of Legal and Enforcement) – via Teams (items 7 – 16)  
Ewen Macleod (Director of Strategy & Policy)  
Mark Neale (Director General)  
John Picken (Governance Officer)  
Dr Victoria Stec (Head of Authorisation) – items 1-9  
Julia Witting (Head of Supervision) – items 1-9  
Wilf White (Director of Communications & Public Engagement)

**Item 1 – Welcome / Announcements**

- Kathryn Stone welcomed those present to the meeting and made the following announcements:
  - the Board offers its sincere condolences to the family of Al Tucay who passed away suddenly on 9 November 2022. Al was the BSB's Head of Conduct Assessment and a very much respected and admired colleague who will be greatly missed;
  - the Board welcomes Gisela Abbam, a newly appointed lay Member, to her first formal meeting;
  - Adam Solomon KC stands down from the Board on 31 December 2022 after eight years of service. The Board sincerely thanks Adam for his tremendous support and contribution over this period which has been greatly appreciated;
  - Mark Fenhalls KC stands down as Chair of the Bar Council at the end of the year. The Board has been grateful for his contribution to BSB meetings and the kind and generous support he gave to the incoming Chair when she first took on this role.

## Part 1 - Public

2. She also informed those present that Part 1 meetings are now recorded to assist with minute taking. This is in accordance with a decision taken by the Board at its last meeting and will continue for the future.
3. **Item 2 – Apologies**
  - Malcolm Cree (Chief Executive, Bar Council)
4. **Item 3 – Members’ interests and hospitality**

None.
5. **Item 4 – Approval of Part 1 (public) minutes (Annex A)**

The Board approved the Part 1 (public) minutes of the meeting held on 22 September 2022.
6. **Item 5a – Matters arising & Action List**

There were no matters arising. The Board **noted** progress on the action list.
7. **Item 5b – Forward agenda**

The Board **noted** the forward agenda.
8. **Item 6a – Director General’s Report: Performance Update**

BSB 058 (22)

Mark Neale updated the Board about changes in case handling processes following some recent high-profile cases which received press coverage. He stated that:

  - in cases where a review decision implicitly or explicitly criticises a barrister, we will ensure that this individual is consulted, even when the decision upholds our view that no action is warranted;
  - we are revising our communications and customer care procedures to make them more systematic so that those making reports, and those reported on, both receive more timely updates.
9. In respect of the report, he highlighted the following:
  - good progress has been made in reducing the backlog of reports and authorisation applications caused by a loss of service following the cyber attack. We expect to fully catch up in the early part of the New Year;
  - the quality of our decision making remains very high;
  - our plan to accelerate investigations is continuing and we expect to double the number of completions in the third quarter of the year.
10. In response to questions raised, he stated that:
  - notwithstanding the progress made, we shall not close as many investigations as we had hoped to do in quarter 3. This adds to pressure for quarter 4, but we shall marshal our resources accordingly;
  - the business plan summary identifies many “high priority” items, which reflects our prioritisation of performance. A number of project-oriented tasks have an amber status because frontline regulatory staff are currently focused on core work.
  - the report references service quality (paragraph 10) in the context of cases with operational urgency or reputational risk. Criteria for these will be drafted and shared with the Board.
11. The Chair confirmed the Board’s commitment in keeping performance as a priority issue. She also thanked the Executive for the ongoing efforts to reduce backlogs and invited comments.

## Part 1 - Public

12. Mark Fenhalls KC reiterated the points he made at the Bar Council Conference about BSB performance and perceived LSB overreach. In noting that, Adam Solomon KC confirmed the Board is aware of the need to improve performance and the BSB has already made good strides in that direction. He therefore called for the Bar Council to acknowledge and support the BSB when progress is made rather than just highlighting its concerns.
13. **AGREED**
- a) to note the report.
  - b) to circulate the criteria for the process of identifying urgent / high risk cases (cf. min 10).

MN

**Item 6b – Director General’s Report: Strategic Update**

BSB 059 (22)

14. The Board **noted** the report.

**Item 7 – Regulatory Decisions Annual Report 2021/22**

BSB 060 (22)

15. Oliver Hanmer confirmed that the report covers the period April 2021 – March 2022. It would have been presented earlier, were it not for the impact of the cyber attack. The Chair welcomed the report noting that it includes many important “good news” accounts.
16. Alison Alden suggested the timeline be made explicit in a preface to the report. She also considered there was scope to include hyperlinks to other sources of information on our website eg the roles of particular teams and further advice for members of the public.
17. Stephen Thornton noted that this is a public facing document which we intend to publish. He therefore highlighted several areas where it may help to provide further clarity eg:
- a definition of the term “holding out as a barrister”;
  - a definition of an unregistered barrister and why this restricts the regulatory action the BSB can take;
  - the distinction between a “dismissed” case and one “not proceeded with” (paragraph 61 of the report refers).
18. **AGREED**
- to receive the report and proceed with publication subject to further editing taking into account about the points raised above (cf. mins 16-17).

OH/  
SJ**Item 8 – IDB Annual Report 2021/22**

BSB 061 (22)

19. The Board welcomed Iain Christie, Chair of the Independent Decision Making Body, to the meeting. He highlighted the following:
- the report covers the period March 2021-April 2022 during which time the ruling on the *Eve* case was handed down. A “lessons learned” report on this case was prepared by both himself, as IDB Chair, and the BSB and all the subsequent recommendations have been implemented.
  - the table on outcomes of authorisation meetings shows that fewer Executive decisions were affirmed by the IDB compared to the previous year (7 out of 18 compared to 24 out of 29). This might imply a greater sense of empowerment within the IDB;
  - there are currently no ongoing reviews of IDB decisions made during 2021-22 as evidenced by the table in paragraph 4.18;
  - the period covered by the report precedes the project to accelerate investigations. Since then, the scale of IDB activity has increased significantly. In the first two months of the current quarter, it made 30 decisions (about half the number it made in the whole of the year covered by the report).
20. The Board welcomed the report and the action taken in the light of the lessons learned. Irena Sabic referred to figures on outcomes of authorisation meetings and asked about any feedback loops to initial decision makers within the Executive.

21. Oliver Hanmer confirmed that a review of authorisation decision making is ongoing covering both the rules and a cultural shift in how the Executive engages with those seeking to make applications. The effect of this will filter through over the next few months and may impact the appeal figures.
22. **AGREED**
- a) to note the report and authorise its publication.
  - b) to thank members of the IDB for their continuing support, especially as part of the project to accelerate investigations.

SJ

### Item 9 – Annual Report to the Board on Bar Training

BSB 062 (22)

*Note: the Board held a seminar on this issue immediately prior to the meeting.*

23. The Board welcomed Mike Molan, the Chair of the Centralised Examinations Board. Members commented as follows:
- the criminal and civil litigation assessment pass rates for Dec 202- Aug 2022 show marked differences between AETOs (high of 93% - low of 36%). This might raise concerns for students who intend to study at centres where results are lower. It would be helpful to know what, if any, action can be taken;
  - we are now seeing a number of successful candidates from non-Russell Group universities and this is encouraging;
  - what is also notable is the gap between the most successful AETO (93%) and the second most (67%).
  - in terms of student enrolment, few have chosen to study using the integrated academic and vocational pathway and numbers for this route have fallen by half over a two year period (now only 18 students). This is puzzling and begs the question as to whether the BSB can influence take-up rates.
24. In response, Mike Molan and others commented as follows:
- the Centralised Examinations Board (CEB) is focused on standards, not pass rates. Simply extending access does not guarantee similar result profiles between providers. We can expect to see variations in pass rates between cohorts and centres, given the variety of candidates each year (some may be taking the examination for the first time but others may be re-sits);
  - in the light of these results, we shall check that AETOs are meeting authorisation framework requirements that govern student admissions processes and programme delivery. However, if they are, the variation is likely to reflect a complex interaction of multiple factors;
  - candidates have five years in which to complete Bar Training and courses have only been running two years so far. We can expect result profiles to change over time;
  - the lack of interest in the integrated pathway is an issue to raise with the quarterly Bar Training Forum. However, it is not the BSB's role to regulate the market or promote individual pathways;
  - a number of entrants to Bar Training either come from overseas for that specific purpose or via the Graduate Diploma in Law. In contrast entrants to the integrated pathway would need to be located in the UK at the point of enrolment and commit to studying law as a first degree. Most who apply for Bar Training do so later in life – deciding to make that choice as an eighteen year-old is rarer.
25. At the Chair's invitation, Nick Vineall KC stated that the Bar Council is keen to see an appropriate balance struck for enrolment purposes and, with this in mind, would be interested to understand whether the superseded aptitude test was a useful independent predictor of success at Bar training and pupillage.

## Part 1 - Public

26. The Chair referred to attainment gap (paragraph 7c of the report) and noted that BSB staff are taking part in the SRA's project on this issue. She therefore looked forward to hearing the outcome of this in the New Year.
27. The following additional comments were made;
- one of our planned reviews by Supervision focuses on the support structures that AETOs have in place to maximise the chances of success for students. The outcome of this may help inform some of the points raised at the meeting;
  - we will soon publish a cohort analysis of those who have successfully completed Bar Training. This still shows dispersion in achievement, but the range is narrower compared to just the examination results.  
*Note: a comment was made that it would be more helpful to publish such reports prior to Board meetings so that full consideration can be given to the issue in hand. Mark Neale accepted this point.*
28. **AGREED**
- a) to receive the Annual Report on Bar Training.
  - b) where possible, to publish research reports relevant to Board agenda items in advance of Board meetings.

MN to  
note**Item 10 – BSB review of governance documents – Governance Manual**

BSB 063 (22)

*Note: though observing the meeting online, Rebecca Forbes was unable to present the report due to illness.*

29. Mark Neale introduced the paper and highlighted the following proposals:
- to reconstitute the Strategic Planning and Resources (SPR) Committee as the Performance and Strategic Planning (PSP) Committee and revise its Terms of Reference to include scrutiny of performance;
  - that the membership of PSP be the same as the SPR Committee with the addition of Emir Feisal;
  - to amalgamate several existing governance documents into a single Governance Manual and that this also defines those powers which are reserved to the Board and so cannot be delegated;
  - that the Board determines overall policy on fees but that setting fee levels be delegated to the Executive;
  - that in place of a *right* to speak at Part 1 meetings, the Bar Council and COIC representatives be invited to comment at the invitation of the BSB Chair similar to all other observers;
  - that, when eventually available through SharePoint, Committee minutes be accessible to Members through a shared online "reading room".
30. Members commented that:
- paragraph 30 IX (f) needs greater clarity. It is meant to confirm that the schedule of matters reserved for the Board can, itself, only be amended by the Board;
  - the Statement on the Role of the Board is superfluous and can be deleted;
  - barrister members on the IDB should all be practising.
31. **AGREED**
- a) to approve the Governance Manual and its appendices subject to further amendments taking into account the above comments (cf. min 30).
  - b) in the light of the above approval, to rescind its previous Standing Orders (edition approved 27 May 2021).
  - c) to establish the Performance and Strategic Planning (PSP) Committee in place of the Strategic Planning and Resources (SPR) Committee.
  - d) that membership of the PSP Committee be the same as the SPR Committee with the addition of one lay member (Emir Feisal).
  - e) to include approved minutes of Committees in the Board reading room (cf. min 29).

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**Item 11 – Governance, Risk & Audit Committee (GRA) Annual Report**

BSB 064 (22)

32. Stephen Thornton referred to the independent reviews and “lessons learned” exercises referenced in the report. These proved very useful, and the Committee has ensured that all recommendations have been implemented.
33. **AGREED**  
to note report.

**Item 12 – Chair’s Report on Visits and External Meetings**

BSB 065 (22)

34. Kathryn Stone highlighted the following:
- the Bristol roundtable meeting was postponed and will be rescheduled;
  - the London and Manchester roundtables generated a good deal of useful discussion and engagement;
  - some candid but very productive meetings have taken place with the Bar Council.
35. **AGREED**  
to note the report.

**Item 13 – Schedule of Board Meetings Jan 2023 – Mar 2024**

BSB 066 (22)

36. The Board **approved** the schedule of meetings for the period January 2023 – March 2024 as set out in the report. The meeting in March 2023 will now be preceded by a Board to Board meeting with the Office for Legal Complaints (OLC).

**Item 14 – Any Other Business**

37. a) Bar Council induction programme for new lay Board Members  
Nick Vineall KC referred to “familiarisation visits” for lay Board Members which the Bar Council intends to organise. This will cover courts, chambers and the Bar Council. He will be in contact again once dates have been confirmed. The Board welcomed this initiative and thanked Nick for his work on it.
- b) Board Papers  
Kathryn Stone asked the Executive to be mindful of the size of Board papers in future.

**Item 15 – Date of next meeting**

38. Thursday 26 January 2023.

**Item 16 – Private Session**

39. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 22 September 2022.
  - (2) Ratification of a decision made from papers circulated out of cycle: Risk Index and Risk Appetite Update.
  - (3) Matters arising and action points – Part 2.
  - (4) Performance: update on action plan for accelerating investigations.
  - (5) Board Away Day: action plan.
  - (6) The BSB’s Communication and Public Engagement Strategy.
  - (7) Corporate Risk Register.
  - (8) Appointment and reappointment of Board members.
  - (9) Director General’s Strategic Update – Private Session.
  - (10) Any other private business.
40. The meeting finished at 5.50 pm.



**BSB – List of Part 1 Actions**  
**26 January 2023**  
*(This includes a summary of all actions from the previous meetings)*

Min ref	Action required	Person(s) responsible	Date of action required	Progress report	
				Date	Summary of update
13b (01/12/22) – DG’s Report - Performance	circulate the criteria for the process of identifying urgent / high risk cases	Mark Neale	before 26 January 2023	17/01/23	<b>Completed</b> – included as an annex to BSB Paper 001 (23)
18 (01/12/22) – Regulatory Decisions Annual Report	amend the Regulatory Decisions Annual Report 2021/22 in line with comments made at the meeting and publish on the BSB website	Sara Jagger / Oliver Hanmer	immediate	02/01/22	<b>Completed</b> – published on website
22a (01/12/22) – IDB Annual Report	publish the 2021/22 IDB Annual Report	Sara Jagger	immediate	02/01/22	<b>Completed</b> – published on website
31a (01/12/22) – Governance Manual	amend the Governance Manual in line with comments made at the meeting and publish on the BSB website	Rebecca Forbes	immediate	09/12/22	<b>Completed</b> – published on website



## Forward Agenda

### Thursday 30 March 2023

- Review of Scheme of delegations
- Governance: policies on declaration of interests and gifts and hospitality
- BSB approach to supervision
- Feedback from roundtable meetings
- Code of Conduct review
- Public legal education strategy
- BSB Business Plan 2023/24
- Director General's Report (performance report and strategic update)
- Consolidated Risk Report
- Conduct in Non-Professional Life
- Board dynamics and cohesion
- Review of the Independent Reviewer process
- Handbook amendments

### Thursday 25 May 2023

- Scoping paper: Part 5 Review of Handbook
- Corporate risk report - summary
- Director General's Report (strategic update)
- Year-end report of the Performance & Strategic Planning Committee (PSP) 2022/23

### Thursday 6 July 2023 (Board Away Day)

### Thursday 27 July 2023

- Annual Report 2022-23 and Cost Transparency Metrics
- LSB Regulatory Performance Assessment – new approach – information request and BSB's self-assessment on performance against LSB Regulatory Performance Framework
- Director General's Report (performance report and strategic update)

### Thursday 5 October 2023

- Consolidated Risk Report
- Budget proposal – 2024 / 25 financial year
- Director General's Report (strategic update)

### Thursday 30 November 2023

- IDB Annual Report
- The Bar Standards Board Equality and Diversity Strategy 2022 to 2025: update on progress
- Regulatory Decisions Annual Report 2022/23
- Mid-year report from the PSP Committee
- GRA Annual Report
- Annual report – Bar Training
- Corporate Risk Report (summary)
- LSB Regulatory Performance Assessment, and BSB's self-assessment on performance against LSB Regulatory Performance Framework
- Director General's Report (performance report and strategic update)

### Thursday 25 January 2024

- Annual Diversity Data Report
- Corporate Risk Report - summary
- Director General's Report (strategic update)

**Thursday 21 March 2024**

- BSB Business Plan 2024/25
- Consolidated Risk Report
- Director General's Report (performance report and strategic update)

**Bar Standards Board – Director General’s Strategic Update – 26 January 2023****For publication****Performance**

1. I shall be presenting at the Board on 30 March a full quarterly performance report to the end of the third quarter of 2022/23. This provides an interim update.
2. We have made progress with our action plan to accelerate investigations. Further analysis is contained in the paper for the private session of the Board. The main headlines are that:
  - we achieved the first service level (KPI) in the third quarter on 2022/23: this means that prompt decisions (within 10 days) are now being taken about whether cases referred by the Contact and Assessment Team should be taken forward for investigation;
  - the number of investigations completed in the third quarter of 2022/23 was 61: this is double the productivity achieved in the first and second quarters;
  - we still expect to hit the second KPI - that 80% of investigations be concluded within 125 days - in the second quarter of 2023/24;
  - we are steadily achieving a younger profile of investigations (ie moving the profile to the left): by the end of the third quarter 43 investigations had run for longer than the target of 125 days compared with 57 cases in September 2022.
3. As a result of the death in November of Al Tucay, the head of the Contact & Assessment Team, a backlog of around 200 reports on barristers has built up awaiting assessment (although urgent cases have been progressed). A new and very experienced acting head of the Team joined us on 5 January. Her priority is to clear the backlog and to identify immediate operational efficiencies and improvements to customer service. In doing so, the Team will have the support of independent expert in operational delivery.

**Ethical standards: seminar with Professor Richard Moorhead, 7 December 2022**

4. As a contribution to our thinking on the revision of the BSB rules and Handbook, we held a very interesting and productive internal seminar on 7 December with Professor Richard Moorhead of the University of Exeter. Professor Moorhead challenged us on opportunities to make the *Code of Conduct* clearer and simpler, particularly as it bears on barristers’ duties to balance the public interest and the interests of clients. We shall be giving careful consideration to the issues raised by Professor Moorhead in the year ahead and, in particular, considering whether, a workable distinction can be drawn between barristers’ duties to the public interest in the rule of law when representing a client in court and when providing advice.

**BSB Forum and People Survey 2022**

5. We took two important steps in December to enhance the engagement and involvement of BSB’s people with our work. First, we have established a BSB Forum which met for the first time on 15 December. The Forum which includes representation from across BSB at all levels will be a valuable means of consulting our people on strategic issues. We also launched the annual People Survey for 2022 which will span the New Year. We expect to be able to brief the Board on the results at its next meeting on 30 March.

**Launch of Disability Taskforce, 8 December 2022**

6. Together with my co-Chair, Diane Lightfoot, I took part in the formal launch of the BSB's Disability Taskforce at an event kindly hosted for us by 7 Bedford Row chambers which has itself taken several actions to improve access, including through the installation of sesame steps. The event itself involved moving testimony from a panel of disabled Bar students, pupils and barristers who provided first hand accounts of the challenges they had faced in gaining or maintaining access to the profession and how they had surmounted those challenges. Among those challenges are securing reasonable adjustments to the historic, listed buildings which many chambers occupy and we followed up the seminar by inviting the Inns to a discussion about how regulation and the *Equality Rules* can support their own efforts in this respect. A full account of the launch, including a film commissioned by the Task Force to mark the occasion can be found here: <https://www.barstandardsboard.org.uk/resources/press-releases/bsb-seeks-to-promote-a-more-inclusive-bar-for-people-with-disabilities.html>

**Mark Neale**  
Director General

<b>Meeting:</b>	Bar Standards Board	<b>Date:</b>	26 January 2023
<b>Title:</b>	Annual report on diversity at the Bar		
<b>Author:</b>	Ewen Macleod		
<b>Post:</b>	Director of Strategy and Policy		

<b>Paper for:</b>	<b>Decision:</b> <input type="checkbox"/>	<b>Discussion:</b> <input type="checkbox"/>	<b>Noting:</b> <input checked="" type="checkbox"/>	<b>Other:</b> <input type="checkbox"/> (enter text)
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<b>Paper relates to the Regulatory Objective (s) highlighted in bold below</b>	
(a)	<b>protecting and promoting the public interest</b>
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	<b>encouraging an independent, strong, diverse and effective legal profession</b>
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
<input type="checkbox"/>	Paper does not principally relate to Regulatory Objectives

### Purpose of Report

- To provide Members with an update on the diversity of the Bar.

### Executive summary

- This paper provides a summary of the annual Diversity at the Bar report. The Executive Summary of this year's publication is attached at Annex A. The full report is available in the Board reading area.

### Recommendations

- The Board is invited to note the report summary.

### Discussion

- Response rates continue to increase across all categories except for gender, with a yearly increase in response rate of around 1-2 percentage points for the majority of the characteristics reported on (all except for gender, ethnicity and age, which already have a high response rate). Sexual orientation, type of school attended and caring responsibilities (children) have now passed the threshold of 60% response rate. Religion and belief, gender identity, whether the first generation to attend university and caring responsibilities (other) are still lower than 60%.
- Overall, this year has seen the continuation of several longer term trends, including an increase in the proportion of practising barristers who are female; who are from a minority ethnic background; who have primary care of a child; and who are aged 55 or more.
- From next year, we will seek to report in more detail on social mobility. In order to be consistent with other organisations, we will add a new question: What was the occupation of your main household earner when you were about aged 14? We will make some further minor amendments to the existing questions.

7. We continue to encourage barristers to update their diversity data during Authorisation to Practice. We will continue to discuss how we might do this more effectively with our diversity taskforces.

### **Equality and Diversity**

8. The data in the report continue to inform our work to promote diversity and inclusion in the profession and to assess the impact of our policies in this area and others by providing evidence for our equality impact assessment of all plans and policies.

### **Risk implications**

9. That the Profession fails to reflect the diversity of society is one of the core risks identified in our Risk Index. This is fundamental to addressing our regulatory objective to encouraging an independent, strong, diverse and effective legal profession. The report contributes valuable evidence in meeting these duties and demonstrates that further work continues to be needed to address this risk.
10. There are two key compliance issues relevant to the publication of the Diversity Data Report:
  - a. the Equality Act 2010 Specific Duties Regulations; and
  - b. LSB statutory guidance about publication of aggregated diversity data.

### **Communications and Stakeholder Engagement**

11. The Report will be published on our website and publicized in the usual way. We are currently discussing with chambers and other key stakeholders how best to collaborate to promote diversity and inclusion at the Bar. This report, along with those discussions, will feed into our next steps on the review of the equality rules.

### **Annexes**

12. The full report is available in the Board reading area.

Annex A – Executive Summary



## Executive Summary

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This report presents a summary of the latest available diversity data for the Bar (covering pupils, practising King's Counsel - KC - and practising non-KC barristers). The report assists the Bar Standards Board (BSB) in meeting its statutory duties under the Equality Act 2010 and sets out an evidence base from which relevant and targeted policy can be developed.

Overall, this year has seen the continuation of several longer term trends, including an increase in the proportion of practising barristers who are female; who are from a minority ethnic background; who have primary care of a child; and who are aged 55 or more.

### The practising Bar

- The overall number of practitioners (including all pupils) at the Bar as of 1 December 2022 stood at 18,026: Of this number 488 were pupils, 2,016 were KCs, and 15,522 were non-KC barristers.
- This year has seen a small decrease in individuals currently undertaking pupillage. The number in the practising or non-practising stage of pupillage as of December 2022 was 488, which is 23 lower than that seen in December 2021, and around the average number of pupils each December from 2015-2019, which was 472 (the figure was much lower in 2020 due to COVID-19).
- The number of non-KC and KC barristers has increased year on year (an increase of 187 non-KCs and 88 KCs.) The increase in the number of non-KCs at the Bar is broadly in line with that seen in several previous years since 2015, whereas the increase seen for KCs is slightly larger.

### Response Rates

- Response rates continue to increase across all categories except for gender, with a yearly increase in response rate of around 1-2 percentage points (pp) for the majority of the characteristics reported on (all except for gender, ethnicity and age, which already have a high response rate).<sup>1</sup> As per previous years, the response rate is highest for gender at 98.1 per cent and lowest for gender identity at 48.4 per cent.

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

**DIVERSITY AT THE BAR REPORT 2022: DRAFT  
VERSION**

<b>Monitoring Category</b>	<b>2022 response rate (%)</b>
<b>Gender<sup>2</sup></b>	98.1
<b>Gender Identity<sup>3</sup></b>	48.4
<b>Sex<sup>4 5</sup></b>	27.9
<b>Ethnicity</b>	95.1
<b>Disability</b>	62.7
<b>Age</b>	88.9
<b>Religion or Belief</b>	58.3
<b>Sexual orientation</b>	60.4
<b>Type of school attended from 11-18</b>	61.1
<b>First generation to attend university</b>	57.4
<b>Free school meals<sup>6</sup></b>	23.7
<b>Caring responsibilities for children</b>	60.9
<b>Caring responsibilities for others</b>	59.0

## Gender

- When excluding non-responses, the proportion of women at the Bar has increased 0.4pp since December 2021. As of December 2022, women constituted 39.7 per cent of the Bar compared to an estimate of 50.2 per cent of the UK working age population.

<sup>2</sup> The monitoring question for this is: What best describes your gender?

<sup>3</sup> The monitoring question for this is: Is your gender identity the same as the sex with which you were assigned at birth?

<sup>4</sup> The monitoring question for this is: What is your sex?

<sup>5</sup> We collect information on sex and gender to ensure that we hold data on the protected characteristic of sex, whilst still collecting data about gender identity. We started collecting information on Sex more recently than that of Gender and the response rate is far lower as a result. The low response rate means that we do not report on Sex any further in this report.

<sup>6</sup> The low response rate for Free School Meals means we do not report on this category any further in this report.

**DIVERSITY AT THE BAR REPORT 2022: DRAFT  
VERSION**

- The proportion of female KCs has increased year on year, from 18.1 per cent to 19.2 per cent (when excluding non-responses). There is still a large disparity between the proportion of the Bar who are female and the proportion of KCs who are female (39.7% vs 19.2%). The difference between the two has narrowed slightly in 2022.
- As of December 2022, 59.9 per cent of pupils were female and 40.1 per cent were male (excluding those that have not provided information on gender). The proportion of pupils who were female is 3.3pp higher than in 2021. The proportion of female pupils is likely to be the highest proportion ever seen at the Bar in England and Wales.

### **Ethnicity**

- The percentage of barristers from minority ethnic backgrounds<sup>7</sup> at the Bar has increased 0.5pp since December 2021 to 16.3 per cent when excluding non-responses. That compares to an estimate of 16.4 per cent of the working age population in England and Wales as of July-September 2022.
- The percentage of barristers from minority ethnic backgrounds increased year on year (when excluding non-responses) by 0.6pp for non-KCs (from 16.3% to 16.9%); 0.4pp for KCs (from 10.1% to 10.5%); and by 2.2pp for pupils (from 20.5% to 22.7%).
- There is still a disparity between the overall percentage of barristers from minority ethnic backgrounds across the profession (16.3%), and the percentage of KCs (10.5%) from minority ethnic backgrounds (although the disparity is lessening over time). This may reflect some previous trends, such as there having been a lower percentage of such barristers entering the profession in the past, but may also suggest barriers to progression to KC status for practitioners from minority ethnic backgrounds.
- There are some differences when further disaggregating by ethnic group. There was a year-on-year increase in the overall proportion of Asian/Asian British barristers of 0.1pp; Black/Black British barristers of 0.1pp; of Mixed/Multiple ethnic group barristers of 0.2pp; and a decrease year on year in the overall proportion of White barristers of 0.5pp.
- When excluding those that have not provided information, there is a greater proportion of Asian/Asian British practitioners at the Bar compared to the proportion of Asian/Asian British individuals in the UK working age population (7.9% vs 7.0%), and the same can be said for those from Mixed/Multiple ethnic

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<sup>7</sup> "Minority ethnic backgrounds" includes those from Asian/Asian British; Black/Black/British; Mixed/Multiple ethnic; and those of Other minority ethnic backgrounds. Previous 'Diversity at the Bar' reports used the acronym 'BAME'.

**DIVERSITY AT THE BAR REPORT 2022: DRAFT  
VERSION**

backgrounds (3.8% vs 1.9%). By contrast, there is a slightly smaller proportion of those from Black/Black British backgrounds (3.4% vs 3.8%), and a greater relative underrepresentation for those from other ethnic groups (1.2% vs 3.6%).

- There is also a greater disparity in the proportion of all non-KCs from Black/Black British backgrounds compared to the proportion of all KCs from the same background, with there being fewer Black/Black British KCs than would be expected, given the number of Black/Black British barristers at the Bar overall-The disparity is particularly high for those of Black/Black British – African ethnic backgrounds.

### **Disability**

- As of December 2022, there was a 3.8pp increase in the proportion of pupils with a declared disability compared to December 2021 (from 8.7% to 12.5%).
- There still appears to be an underrepresentation of disabled practitioners at the Bar. Although there is a relatively low response rate of 62.7 per cent, 7.3 per cent of those who provided information on disability status disclosed a disability, representing a 0.5pp increase on 2021. Despite the increase, this is substantially lower than an estimate of 15.8 per cent for the percentage of the employed working age UK population with a declared disability as defined by the Equality Act 2010.

### **Age**

- Those aged between 25 and 54 make up around 75.4 per cent of the Bar. This is a decrease compared to December 2021 of around 1.4 percentage points (76.8% vs 75.4%), with relatively more of the Bar in the 55-64 and 65+ age range in 2022 (23.4% of the Bar is aged 55+). This continues a general trend seen in the age profile of the Bar and compares to a figure for the proportion of the Bar aged 55+ of 14.8 per cent in the first Diversity at the Bar Report in 2015.

### **Religion and Belief**

- Including those that have not provided information, the largest group at the Bar is Christians (25.2%) followed by those with no religion (21.2%), although for pupils this is reversed.

### **Sexual Orientation**

- Excluding those that have not provided information, 10.9 per cent of pupils, 6.9 per cent of non-KC barristers, and 5.4 per cent of KCs provided their sexual orientation as one of Bisexual, Gay or Lesbian; or another sexual orientation (not including heterosexual).

**DIVERSITY AT THE BAR REPORT 2022: DRAFT  
VERSION****Socio-economic background**

- The data suggest that a disproportionately high percentage of barristers attended a UK independent school between the ages of 11-18. Including non-respondents 19.5 per cent of the Bar had attended an independent school, compared to approximately 6 per cent of school children in England at any age, and 9.8 per cent of UK domiciled young full-time first degree entrants in the UK in 2020/21. Of those providing information on school attended, around one in three attended an independent school in the UK.
- When excluding non-responses, as of December 2022: 0.5 per cent of the Bar had not attended university; 57.2 per cent were not of the first generation to attend university; and 42.3 per cent were of the first generation to attend university.

**Caring responsibilities**

- When excluding non-responses, 29.5 per cent of the Bar have primary caring responsibilities for one or more children. Overall, the proportion of the Bar with primary caring responsibilities for one or more children has increased by around 7.6pp since 2015, 8.6pp since 2017 and 1.1pp since 2021. The increase in the proportion of barristers who provide primary care for a child is seen for both male and female barristers, although there is a large disparity in the proportions involved: overall, excluding non-responses, around 40.2 per cent of female barristers, and 20.7 per cent of male barristers provided primary care for a child.
- Figures produced by the UK Office of National Statistics suggest that around 36 per cent of employed males, and 40 per cent of employed females are a primary carer for one or more children. This would suggest that the proportion of male barristers with primary care of a child is substantially lower than that seen in the broader working age population, and the proportion seen for female barristers is more similar. It is worth noting that as response rates are relatively low for this question, such inferences may not be reliable.
- Regarding providing care for another, not including dependent children, of those that provided a Yes/No response, around 14.3 per cent of respondents provided care for another person for 1 or more hours per week. This is in line with the estimated proportion of those in work in the UK who are carers.



**Chair’s Report on Visits and External Meetings from December 2022 to January 2023****Status:**

1. For noting

**Executive Summary:**

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

**List of Visits and Meetings:****Introductory meetings**

28 November	Met with Bar Mutual Indemnity Fund (BMIF) with Mark Neale
12 December	Met with Office for Professional Body Anti-Money Laundering Supervision (OPBAS) with Julia Witting
16 January 23	Met with Rohan Sivanandan, Vice-Chair IDB

**1-2-1 Meetings**

16 January 23	Met with Simon Lewis, Stephen Thornton, Jeff Chapman KC, Alison Alden
18 January 23	Met with - Leslie Thomas KC
20 January 23	Met with - Steven Haines, Gisela Abbam
23 January 23	Met with – Emir Feisal
26 January 23	Met with – Andrew Mitchell KC

**Meetings**

14 December	Met with SMT to discuss Board Agendas and Board Forward Agendas
19 January 23	Interview with Jonathan Ames
24 January 23	Attended the Board briefing meeting
26 January 23	Attended the Board meeting

**Events**

10 January 23	Attended the new BC Chair’s inaugural address
18 January 23	Attended Evensong followed by Reception at Middle Temple Hall