

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Report on Diversity at the Bar
December 2016

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1. Executive Summary

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

The database used to compile the findings in this report is the BSB's Core Database.

Key points from the report are outlined below:

- Response rates continue to increase across all categories (see Table 2 below for a comparison to 2015). The response rate is highest for Gender at 99.99% and lowest for Caring Responsibilities for Others at 30.8%.
- There has been a significant increase in response rates since 2012 when the BSB began collecting diversity data from individual barristers through the online *Barrister Connect* portal. In 2012 there were very low levels of data in a number of areas such as disability (5% response rate), sexual orientation (4.7% response rate) and Caring Responsibilities for Children (3% response rate).
- Gender representation in the profession still remains an issue as women account for 36.5% (an increase of 0.6 percentage points (pp) since 2015) of the practising Bar while men account for 63.4%. In addition, women account for just 13.7% of QCs while men account for 86.3%.
- There may be an underrepresentation of disabled practitioners at the Bar, although completion rates (at 35%) are too low to draw reliable conclusions. Only 1.7% of the Bar disclosed a disability, significantly lower than the percentage of disabled people in the UK population (approximately 19%¹).
- There continues to be a disparity between the total percentage of Black and Minority Ethnic (BME) barristers across the profession (12.2%), and the percentage of BME QCs (6.4%). This indicates an issue in relation to the progression of BME practitioners at the Bar.
- Despite a response rate of only 31.3%, it can already be stated that fee-paying schools are overrepresented in the profession. Even with over two thirds of barristers failing to respond to the question, the percentage of barristers who went to fee-paying schools (10.7%) is higher than for the population as a whole (approximately 7%²).

2. Introduction

The BSB is committed to providing clear and transparent statistical diversity data across every stage of a barrister's career. This Diversity Data Report is published annually, in line with the Specific Duties Regulations of the Equality Act 2010 and the statutory guidance of the Legal Services Board. It is a summary of the diversity data of the barrister profession available to the BSB, as at December 2016.

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

¹ *People with Disabilities in the Labour Market 2011*, Office for National Statistics, www.ons.gov.uk

² <https://www.isc.co.uk/research/>

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

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

Seniority	Numbers
Pupil	415
Practising Bar	14,435
Queen's Counsel (QC)	1,674
Total	16,524

There are three sections to the diversity analysis of the profession: protected characteristics, socio-economic background, and caring responsibilities.

3. Methodology

The data for practising barristers in this report are from the BSB's database (The Core Database). Diversity data on pupils is collected through the Pupillage Registration Form (PRF), which must be completed before an individual commences their pupillage. The data from this form are collected annually, at the same time as the data for the rest of the profession are collected, to enable diversity monitoring of pupils to coincide with that of the rest of the profession.

The Core Database

The Core Database receives data on the profession via the online "Authorisation to Practise" system, *Barrister Connect*, which was introduced in 2012. When renewing their practising certificate, the online portal includes a section which allows barristers to input their diversity monitoring data which automatically populates the Core Database. The rate of completion varies for individual monitoring strands, as each question is voluntary and some can be left blank if desired. Barristers can access the *Barrister Connect* portal at any time and update their diversity monitoring information. The diversity monitoring information used in this report was extracted from the Core Database on 1st December 2016, and represents a snapshot of the profession on this date.

Data on gender, ethnicity, age, and disability that had been collected by the Bar Council Records Department prior to 2012 was transferred to the Core Database to supplement the new monitoring data.

All numbers have been rounded, so in some cases the figures may not total 100%.

Response Rates

The response rate once again increased across all collected data in 2016. While progress is positive, the majority of questions asked are still only responded to by approximately 1/3 of barristers. The following diversity information was not provided in any way by 65% of barristers or more:

- **Disability**

- **Religion or belief**
- **Sexual orientation**
- **Socio-economic background**
- **Caring responsibilities**

Each question on both *Barrister Connect* and the PRF contains a 'prefer not to say' option, allowing individuals the option of giving a response without disclosing any information. 'Prefer not to say' is included as a response in the rates listed below.

Table 2: Response Rates in 2015 and 2016 (as a percentage of total barristers)

Category	2015	2016	% difference
Gender	99.5%	99.99%	+ 0.49pp
Ethnicity	91.4%	91.8%	+0.4pp
Age	86.4%	87.6%	+1.2pp
Disability	31%	35%	+4pp
Religion or belief	27.8%	32.1%	+4.3pp
Sexual orientation	27.6%	31.8%	+4.2pp
Type of school attended	26.9%	31.3%	+4.4pp
First generation to attend university	26.7%	31.2%	+4.5pp
Care of children	27.5%	31.9%	+4.4pp
Care for others	26.3%	30.8%	+4.5pp

4. Protected Characteristics

Gender

Chart 1 below shows gender at the Bar. There has been an increase in the percentage of women at the Bar overall (36.5% up from 35.9% in 2015), and at every level of seniority. Notably female pupils currently outnumber male pupils. While male QCs still considerably outnumber female QCs, the percentage of female QCs has increased by 0.7 percentage points (pp), with the percentage of male QCs decreasing by the same figure.

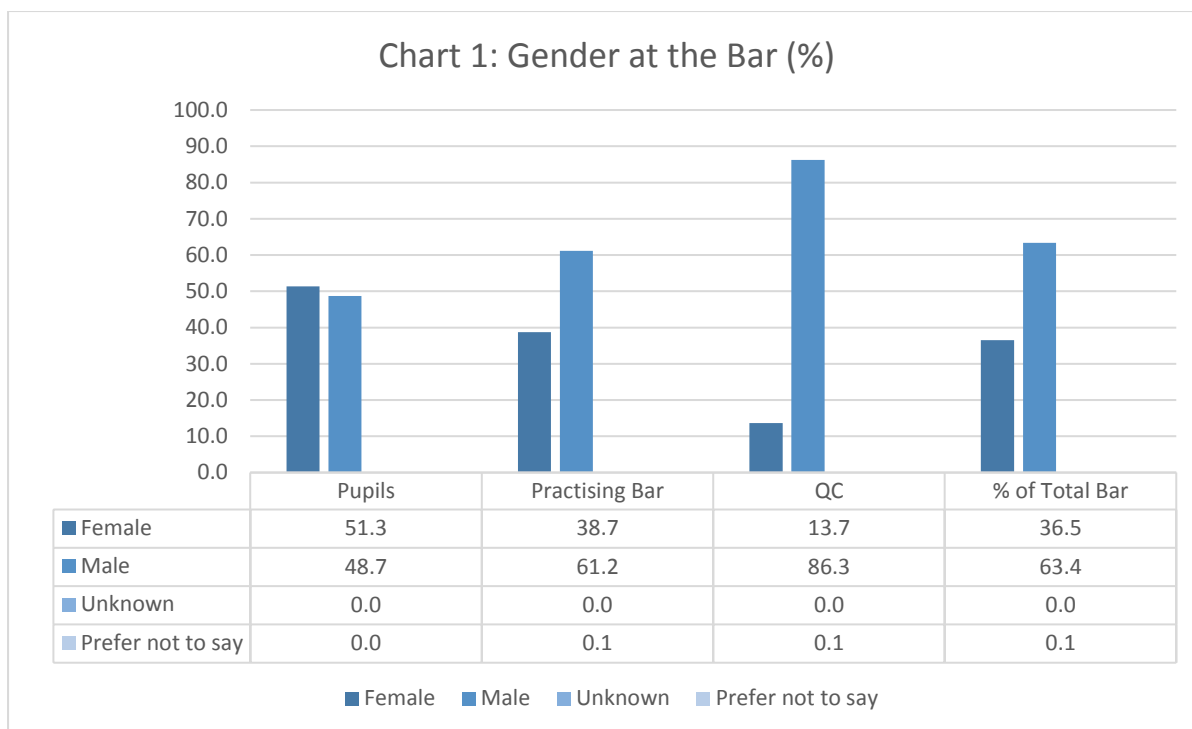


Table 3: Gender at the Bar (numbers)

	Female	Male	Prefer not to say	Unknown	Total
Practising Bar	5,588	8,830	15	2	14,435
QC	229	1,444	1	0	1,674
Pupils	213	202	0	0	415
Totals	6,030	10,476	16	2	16,524

Ethnicity

Chart 2 below shows a summary of ethnicity at the Bar. The total percentage of BME practitioners has increased by 0.2pp since 2015. The percentage of BME QCs has increased by 0.1pp since 2015, but still remains under half of the proportion in the wider population. BME pupils now make up 16.3% of total pupils, an increase of 0.9pp since 2015 and a figure approximately in line with the ethnic make-up of England and Wales as a whole³.

³

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11>

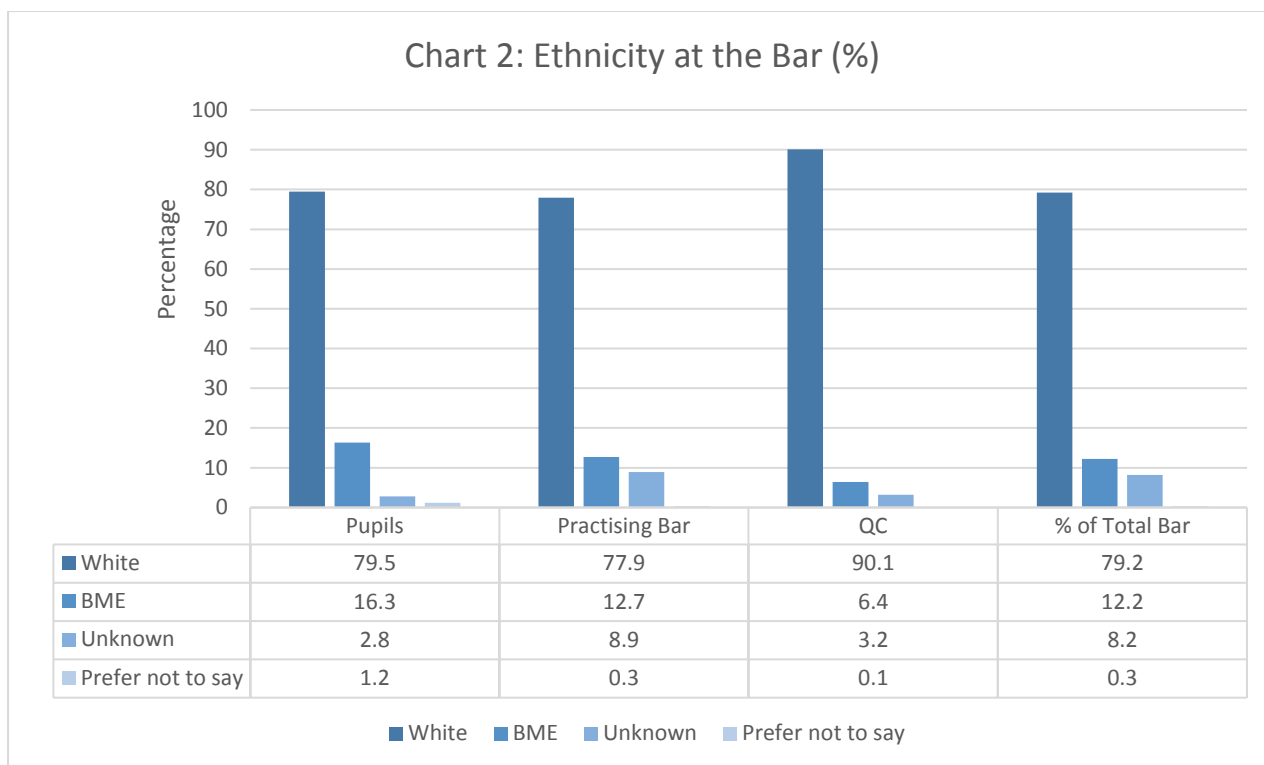


Table 4: Ethnicity at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals
White - English/Welsh/Scottish/Northern Irish/British	10,379	1,448	299	12,126
White - Irish	334	23	7	364
Any other White background	537	38	24	599
White - Gypsy or Irish Traveller	1	0	0	1
White and Black Caribbean	47	1	4	52
White and Black African	37	0	3	40
White and Chinese	99	8	0	107
Any other mixed/multiple background	152	5	7	164
White and Asian	21	2	4	27
Black/Black British - Caribbean	175	8	8	191
Black/Black British - African	214	5	10	229

Any other Black background	41	4	1	46
Asian/Asian British - Indian	412	26	11	449
Asian/Asian British - Pakistani	222	16	6	244
Asian/Asian British - Bangladeshi	77	3	3	83
Any other Asian background	137	4	5	146
Asian/Asian British - Chinese	62	2	2	66
Any other ethnic group	137	24	3	164
Arab	6	0	1	7
No Information	1,294	54	12	1,360
Prefer not to say	51	3	5	59
Total	14,435	1,674	415	16,524

Disability

Chart 3 below shows disability at the Bar. A disclosure rate of only 35% means that the figures for this protected characteristic may not be reliable. As with much of the data collected, the disclosure rate is best amongst pupils. The percentage of the Bar as a whole who have disclosed a disability is up by 0.2pp compared with 2015. Both the disclosure rate, and the percentage disclosing a disability, is lowest amongst QCs.

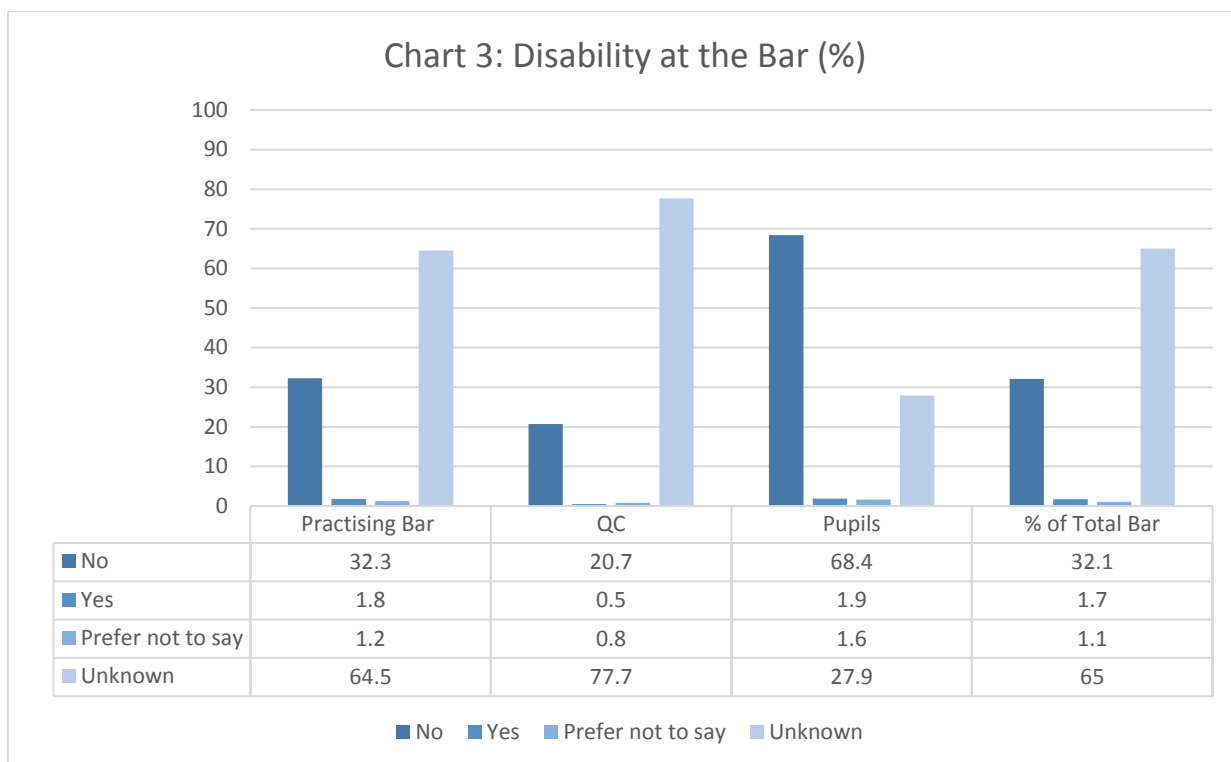


Table 5: Disability at the Bar (numbers)

	No	Yes	Prefer not to say	Unknown	Totals
Practising Bar	4,675	263	174	9,323	14,435
QC	348	9	15	1,302	1,674
Pupils	284	8	7	116	415
Totals	5,307	280	196	10,741	16,524

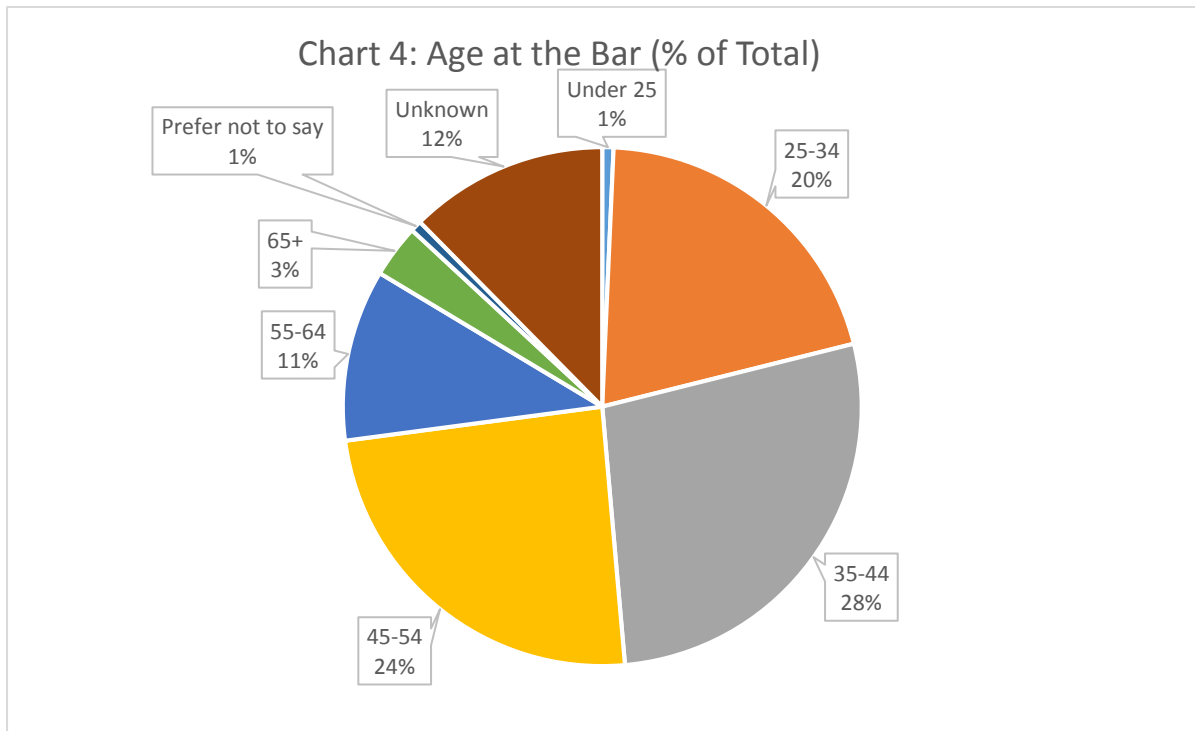
Age

As Table 6 and Chart 4 show, age is fairly evenly distributed across the Bar as a whole. Those between the ages of 25 and 54 make up almost 75% of the profession. The only noteworthy change since 2015 is a 2pp increase in disclosure rate.

Table 6: Age at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of the total Bar
Under 25	34	0	86	120	0.7%

25-34	3,093	0	285	3,378	20.4%
35-44	4,419	91	27	4,537	27.5%
45-54	3,449	556	14	4,019	24.3%
55-64	1,509	258	0	1,767	10.7%
65+	408	136	1	545	3.3%
Prefer not to say	97	10	1	108	0.7%
Unknown	1,426	623	1	2,050	12.4%



Religion and Belief

Chart 5 below shows the religion or belief of practitioners at the Bar, as a total of the whole profession. The breakdown amongst respondents is largely similar to the 2015 figures. The increased response rate is almost entirely accounted for by the increase in barristers disclosing they are Christian (up by 1.9 pp compared to 2015) or they have no religion/belief (up by 1.4 pp compared to 2015).

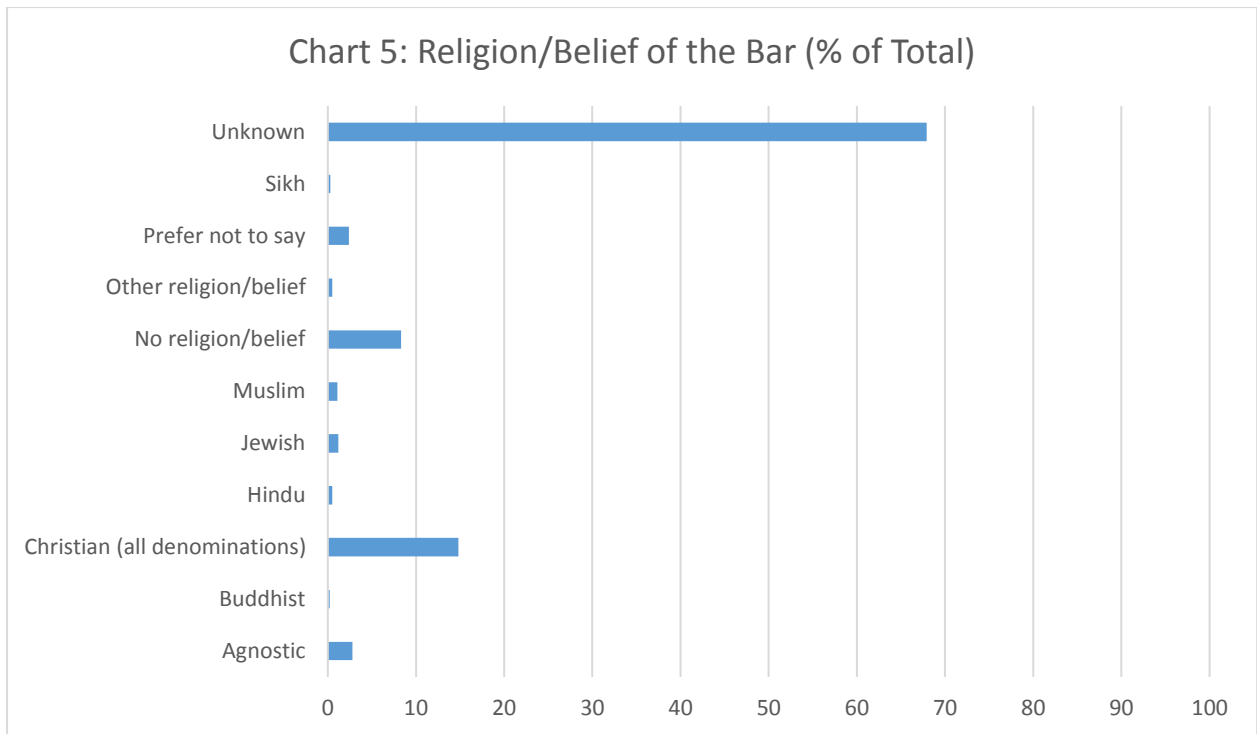


Table 7: Religion and Belief at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of total Bar
Agnostic	427	27	4	458	2.8%
Buddhist	27	1	1	29	0.2%
Christian (all denominations)	2,162	167	118	2,447	14.8%
Hindu	71	2	5	78	0.5%
Jewish	159	35	10	204	1.2%
Muslim	162	5	13	180	1.1%
No religion/belief	1,171	70	123	1,364	8.3%
Other religion/belief	79	3	3	85	0.5%
Prefer not to say	352	33	19	404	2.4%
Sikh	52	3	2	57	0.3%
Unknown	9,773	1,328	117	11,218	67.9%

Sexual Orientation

Chart 6 below shows the sexual orientation of practitioners at the Bar, as a total of the whole profession. The statistics remain largely similar to 2015, with the increase in disclosure being shared proportionately across the various options. The relatively low response rate means that it is difficult to draw meaningful conclusions from the data.

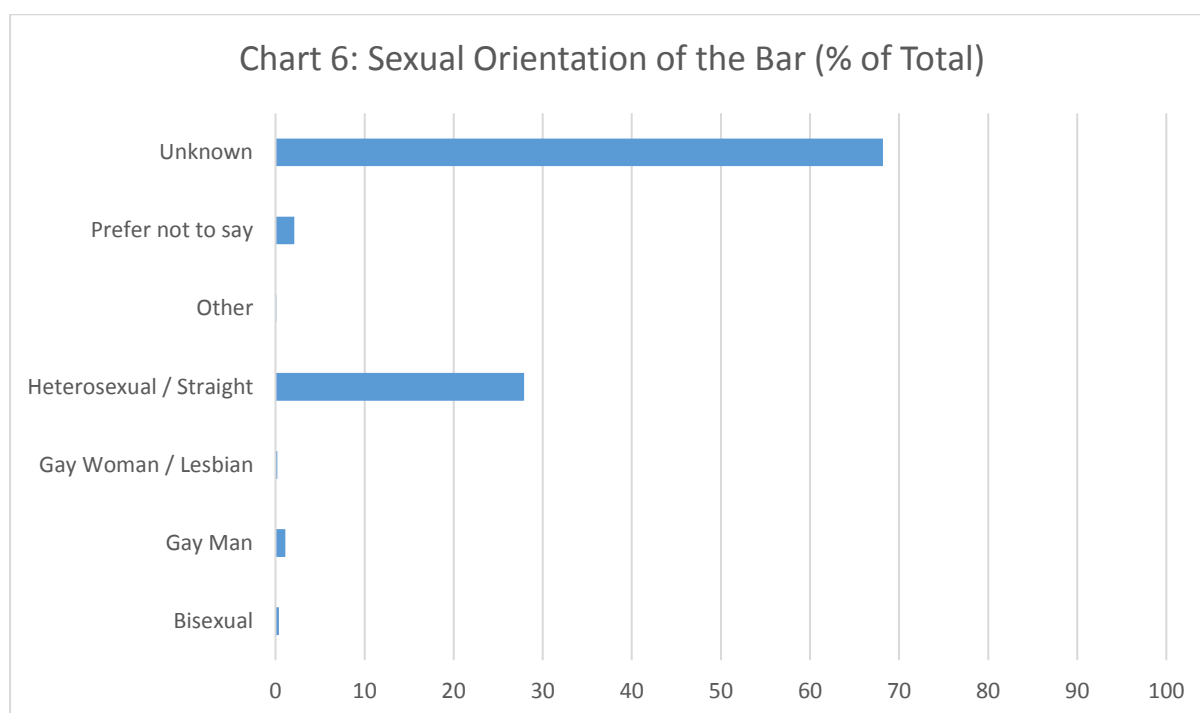


Table 8: Sexual Orientation of the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of Total Bar
Bisexual	62	2	9	73	0.4%
Gay Man	167	7	9	183	1.1%
Gay Woman / Lesbian	36	0	2	38	0.2%
Heterosexual / Straight	4,041	303	262	4,606	27.9%
Other	17	2	1	20	0.1%
Prefer not to say	304	23	13	340	2.1%
Unknown	9,808	1,337	119	11,264	68.2%

5. Socio-Economic Background

Socio-economic background is not a protected characteristic under the Equality Act 2010. However where members have a balanced socio-economic background, it can be a good indicator of a meritocratic profession.

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

Type of School Attended

Chart 7 below shows a summary of the type of school attended by practitioners at the Bar, as a total of the whole profession. On the *Barrister Connect* monitoring questionnaire, the question asked is: "Did you mainly attend a state or fee-paying school between the ages 11-18?"

These statistics remains largely unchanged from 2015. The figures show that even if all of the barristers who chose not to respond had gone to state schools, a disproportionately high number of barristers went to fee-paying schools when compared with the wider population (10.7% of barristers compared to 7% of the population).

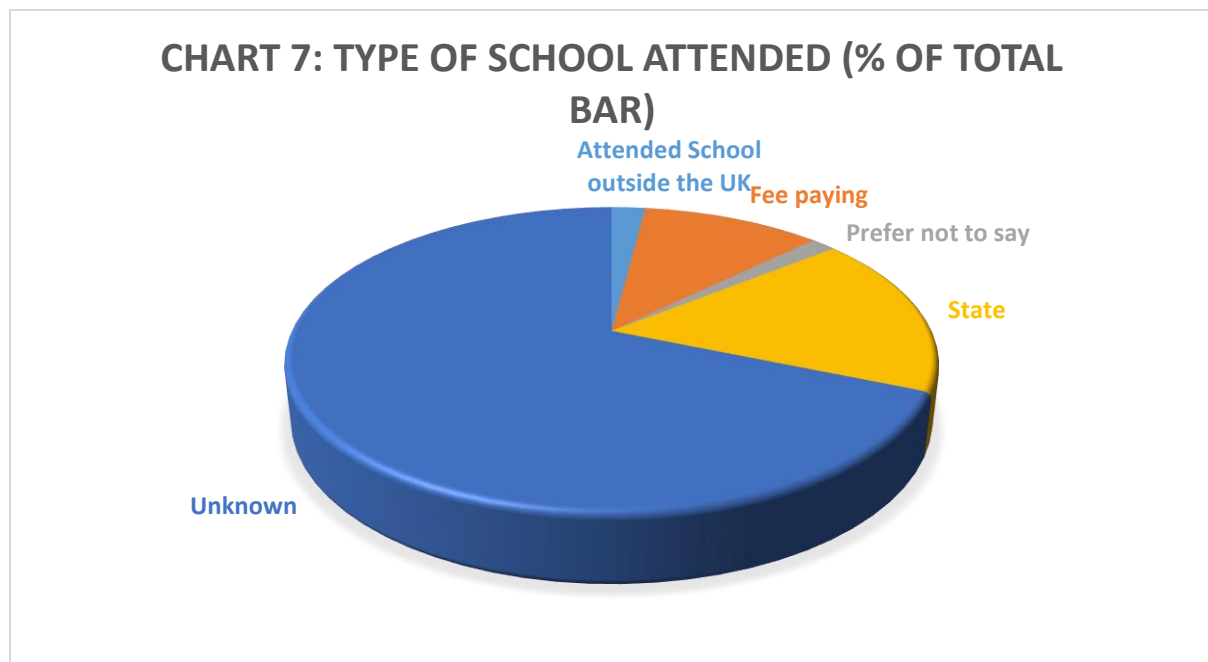


Table 9: Type of School Attended by the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of Total Bar
Attended School outside the UK	294	10	31	335	2%
Fee paying	1,492	187	87	1,766	10.7%
Prefer not to say	224	20	9	253	1.5%
State	2,538	115	171	2,824	17.1%
Unknown	9,887	1,342	117	11,346	68.7%

First Generation to Attend University

Chart 8 below shows whether practitioners at the Bar were the first generation of their family to attend university, as a percentage of the whole profession. On the *Barrister Connect* monitoring questionnaire, the question asked is: "If you went to university (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?"

The statistics are very similar to in 2015. The increase in response rate has been evenly shared between those answering "yes" and those answering "no".

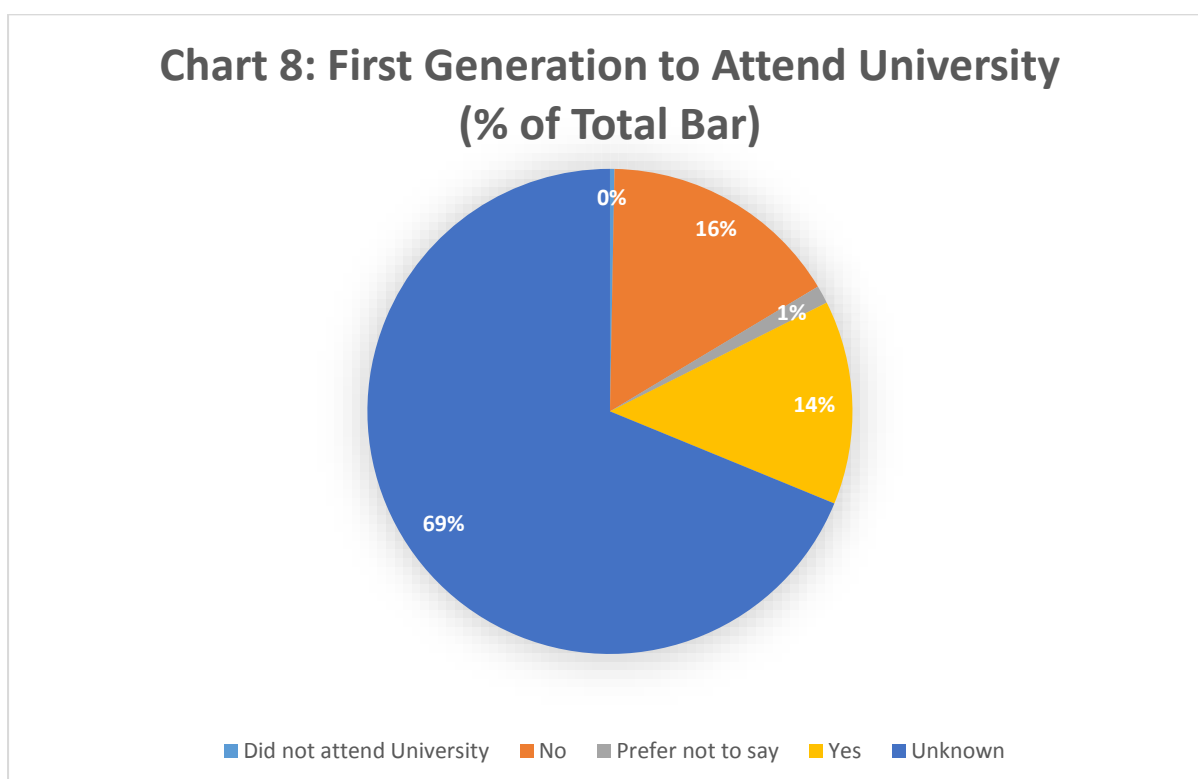


Table 10: First Generation to Attend University at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of Total Bar
Did not attend University	34	13	3	50	0.3%
No	2,324	142	187	2,653	16.1%
Prefer not to say	177	17	6	200	1.2%
Yes	1,996	152	102	2,250	13.6%
Unknown	9,904	1,350	117	11,371	68.8%

6. Caring Responsibilities

The caring responsibilities categories used in this report are those provided to the BSB by the Legal Services Board. These questions are aimed at ascertaining whether or not an individual has child or adult dependants for whom they care.

Caring Responsibilities for Children

Chart 9 below shows a summary of childcare responsibility at the Bar. On the *Barrister Connect* monitoring questionnaire, the question asked is: "Are you a primary carer for a child or children under 18?"

The disclosure rate increased across the board, with the exception of pupils, whose disclosure rate fell by 17.3pp. The overall statistics remain largely the same as in 2015, with the changes broadly attributable to the change in disclosure rate.

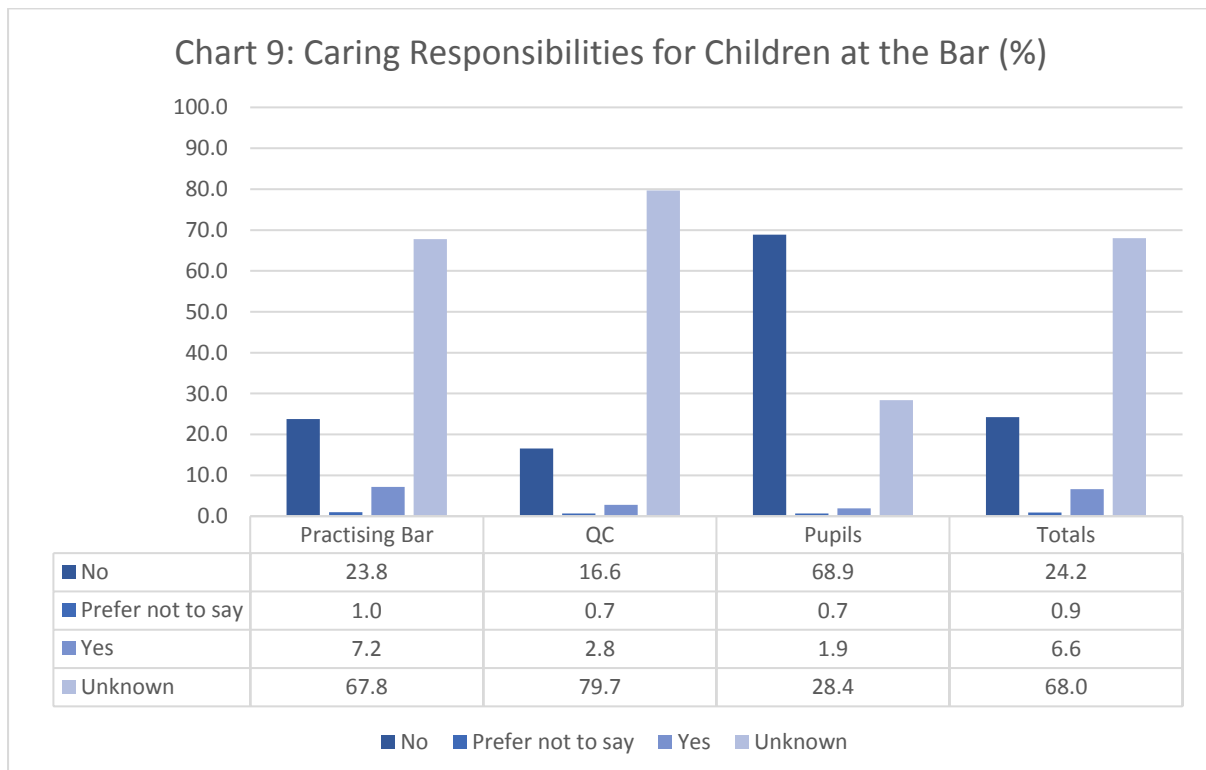


Table 11: Caring Responsibilities for Children at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals
No	3,442	278	286	4,006
Prefer not to say	145	13	3	161
Yes	1,051	48	8	1,107
Unknown	9,797	1,335	118	11,250

Caring Responsibilities for Others

Chart 10 below shows practitioners at the Bar who have caring responsibilities for people other than children, as a percentage of the whole profession. On the *Barrister Connect* monitoring questionnaire, the question asked is “Do you look after, or give any help or support to family members, friends, neighbours or others because of either long-term physical or mental ill-health/disability or problems related to old age (not as part of your paid employment)?”

The spread of statistics has remained largely the same since 2015. Very few respondents provide this type of care for more than 19 hours per week, with the majority who answer saying “no” to this question.

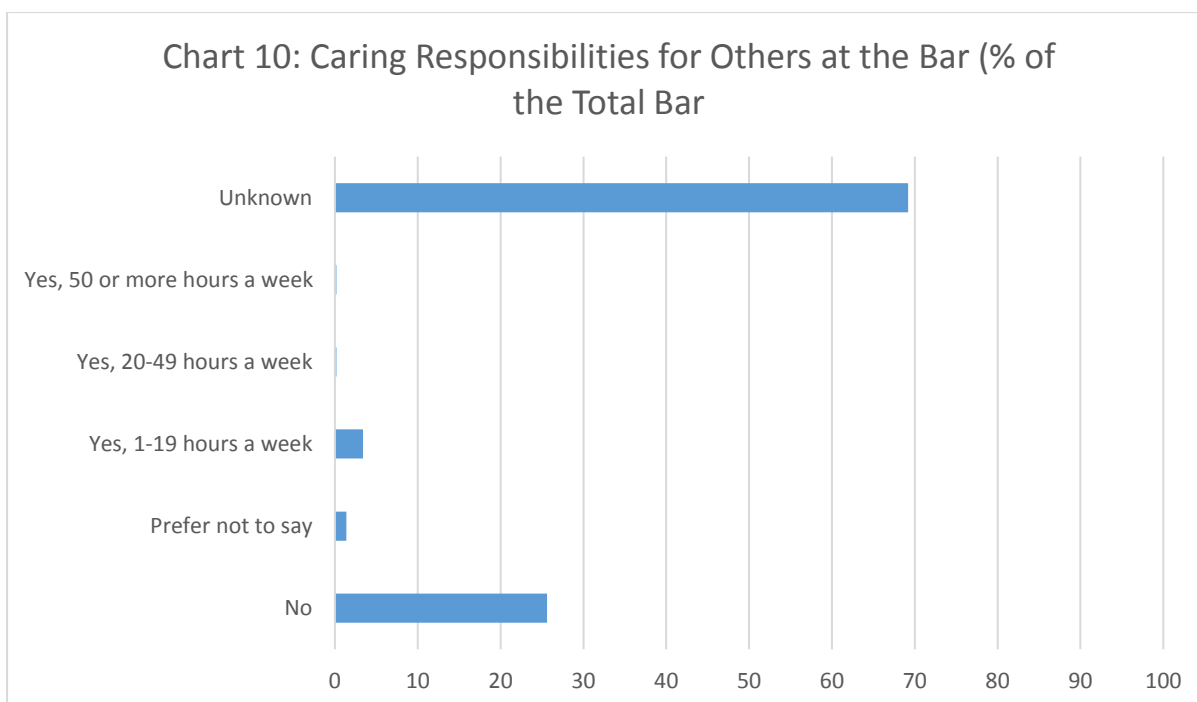


Table 12: Caring Responsibilities for Others at the Bar (numbers)

	Practising Bar	QC	Pupils	Totals	% of total Bar
No	3,697	263	277	4,237	25.6%
Prefer not to say	214	14	6	234	1.4%
Yes, 1-19 hours a week	500	49	14	563	3.4%
Yes, 20-49 hours a week	29	1	0	30	0.2%
Yes, 50 or more hours a week	23	2	0	25	0.2%
Unknown	9,972	1,345	118	11,435	69.2%

7. Conclusions

There have only been very minor changes in the reported profile of the Bar since 2015. However, this is to be expected when monitoring demographic changes in a profession on an annual basis.

Disclosure continues to improve steadily, with all questions now responded to by over 30% of the profession. As the disclosure rate increases, so does the quality of the BSB's evidence base. Additionally, both gender and BME representation at the Bar continues to move towards more accurately representing the population as a whole. The gender and ethnic diversity of pupils is roughly in line with the population of England and Wales.

The current rate of change towards a Bar that matches the diversity of the general population remains slow, especially at QC level. At the current rates of change it would take over 50 years for women to make up 50% of QCs, and nearly twice as long for BME barristers to make up the 16% QCs that would draw them in line with the wider population of England and Wales. This implies that the barriers faced by women and BME barristers primarily relate to retention and progression within the profession.

The response rate for questions on socio-economic background is too low to be representative of the profession. However of those asked if they primarily attended fee-paying secondary schools, 10.7% answered "yes". Therefore even if all the 68.7% who failed to respond went to state-provided secondary education, there would still be 1.5 times more privately educated barristers than would be representative of society⁴.

There may be an underrepresentation of disabled practitioners at the Bar, although completion rates (at 35%) are too low to draw reliable conclusions. Only 1.7% of the Bar disclosed a disability, significantly lower than the percentage of disabled people in the UK population (approximately 19%⁵).

⁴ <https://www.isc.co.uk/research/>

⁵ *People with Disabilities in the Labour Market 2011*, Office for National Statistics, www.ons.gov.uk