

Diversity at the Bar 2018

A summary of the latest available diversity data for the Bar

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BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Executive Summary	3
Response Rates	3
Gender	3
Ethnicity	3
Disability	4
Other	4
Introduction	5
Methodology.....	6
BSB Records	6
Response Rates	6
Protected Characteristics	8
Gender	8
Ethnicity	11
Disability	12
Age	13
Religion and Belief	13
Sexual Orientation	14
Socio-Economic Background	18
Type of School Attended	18
Caring Responsibilities.....	22
Conclusions.....	25
List of figures and tables	26
Figures	26
Tables	26

1. Executive Summary

This report presents a summary of the latest available diversity data 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.

Response Rates

- Response rates continue to increase across all categories except for gender (see Table 2 for a comparison to 2017), with an increase in response rate of more than eight percentage points (pp) for seven of the 11 characteristics reported on. The response rate is highest for gender at 99.94 per cent and lowest for gender identity at 30.1 per cent.

Gender

- The proportion of women at the Bar (covering pupils, practising Queen’s Counsel - QC - and practising non-QC barristers) has increased 0.4 percentage points (pp) since the snapshot taken in December 2017. As of December 2018, women constituted 37.4 per cent of the Bar compared to an estimate of 50.3 per cent of the UK working age population in England and Wales.
- The proportion of female QCs has increased, from 14.8 per cent in December 2017 to 15.8 per cent in December 2018.
- As observed in 2016 and 2017, there is a greater proportion of female pupils in comparison to male pupils (51.7% vs 48.3%).
- This is the first time we have reported on gender identity in the Diversity at the Bar Report. Response rates are lower than for any of the other characteristics reported on.

Ethnicity

- The percentage of Black, Asian and Minority Ethnic (BAME) barristers at the Bar has increased 0.3pp since December 2017 to 13 per cent, compared to an estimate of 15.5 per cent of the working age population in England and Wales. The percentage of QCs from BAME backgrounds has increased 0.6pp year on year (to 7.8%) and the proportion of pupils from BAME backgrounds has increased slightly (by 0.2pp).
- There is still a disparity between the overall percentage of BAME barristers across the profession (13%), and the percentage of BAME QCs (7.8%). This may reflect the lower percentage of BAME barristers entering the profession in past years but

may also suggest there may be an issue in the progression of BAME practitioners at the Bar, although the gap has narrowed by 0.3pp in comparison to December 2017 (the same trend was seen in December 2017 compared to December 2016).

Disability

- There still appears to be an underrepresentation of disabled practitioners at the Bar. Although there is a relatively low response rate of 49.0 per cent, of those that have provided information on disability status to us, 5.9 per cent of the Bar disclosed a disability. This is substantially lower than the percentage of disabled people in the employed working age UK population estimated at 12.4 per cent.

Other

- Despite a relatively low response rate (47.0%) to this question, the data suggest that a disproportionate number of barristers attended a UK independent secondary school between the ages of 11-18. Even if all of the barristers who chose not to respond to this question had gone to state schools, the proportion of barristers who went to independent schools is higher than in the wider population; with 15.5 per cent (including non-respondents) having primarily attended an independent school between 11-18, compared to approximately 7 per cent of school children in England at any age, and 10.0 per cent of UK domiciled young full-time first degree entrants in the UK in 2016/17. Of those that provided information on school attended, around 33 per cent attended an independent school in the UK.
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2. Introduction

The BSB is committed to providing clear and transparent statistical diversity data at 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 on practising barristers available to the BSB, as at 1 December 2018.

This report provides an overview of diversity at the Bar¹, and establishes evidence for both policy development and assessing the effectiveness of current BSB initiatives aimed at increasing equality and diversity at the Bar. All data are presented anonymously.

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

Table 1: Total number of people at the Bar (numbers)²

Seniority	Numbers
Pupil	417
Non-Queen's Counsel (Non-QC)	14,836
Queen's Counsel (QC)	1,762
Total	17,015

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

1. Usage of the term 'the Bar' in this report refers only to practising barristers and pupils (including non-practising first six pupils) as of 1 December 2018.

2. Usage of the term "non-QC" in this report refers to practising junior barristers; a barrister who has not taken silk

3. Methodology

The data for practitioners³ in this report are from the BSB's records.

BSB Records

Diversity data on pupils are 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, simultaneously with the data collection for the rest of the profession to ensure consistency.

The Bar Council Records Department receives data on the profession via the online "Authorisation to Practise" system, MyBar, which was introduced in 2018 and superseded the previous system, Barrister Connect. MyBar enables barristers to renew their practising certificates online and includes a section which allows barristers to input their diversity monitoring data.

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 MyBar portal at any time and update their diversity monitoring information. The diversity monitoring information used in this report was extracted from our database on 1 December 2018 and represents a snapshot of the profession on this date.

In general, all percentages have been rounded to one decimal place, so in some cases the values may not total 100 per cent.

3.1. Response Rates

The response rate once again increased across all collected data in 2018, except for a very small decrease for gender. The year on year increases from 2017 were the largest seen since publication of this report began in 2015 for disability; religion or belief; sexual orientation; type of school attended; first generation to attend university; caring responsibilities for children; and caring responsibilities for others.

There is currently only one category where response rates are less than 40 per cent of the Bar, which is gender identity. However, while the trend in response rates is positive, less than 50 per cent of the Bar have responded to seven of the 11 questions monitored in this report, so there is still some way to go. The following diversity information was not provided in any way (including prefer not to say) by over 50 per cent of barristers:

3. Usage of the term "practitioners" in this report refers to pupils, junior barristers, and QCs practising at the Bar as of 1 December 2018.

- Disability
- Religion or belief
- Sexual orientation
- Type of school attended
- First generation to attend university
- Caring responsibilities for children
- Caring responsibilities for others
- Gender identity

This report is the first in which we have reported on gender identity, in line with recent Legal Services Board requirements of legal regulators.

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 counted as a response in the rates listed below.

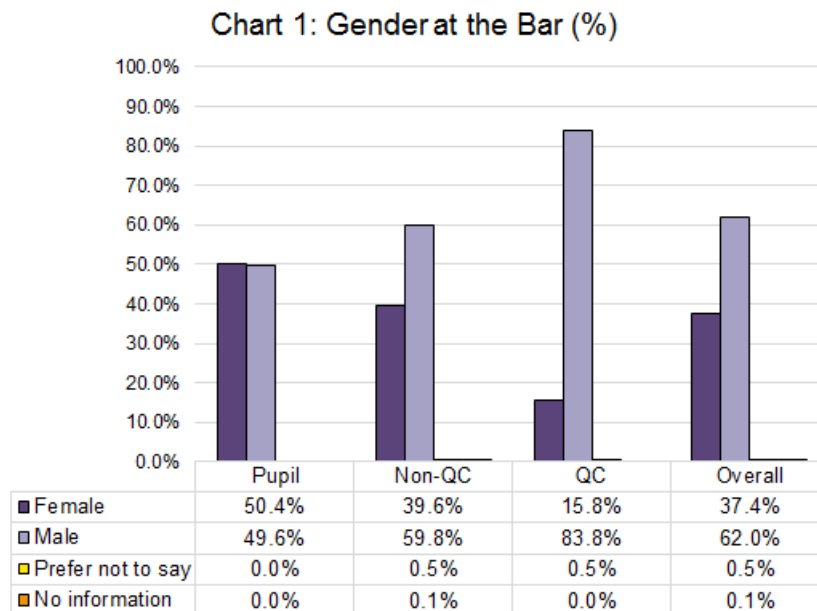
Table 2: Response Rates in 2017 and 2018 (as a percentage of total barristers)

Category	2017	2018	Percentage point difference
Gender	99.97%	99.94%	-0.03
Gender identity	-	30.1%	-
Ethnicity	92.5%	93.4%	0.9
Disability	40.2%	49.0%	8.8
Age	82.5%	84.7%	2.2
Religion or belief	34.1%	43.7%	9.6
Sexual orientation	34.8%	43.1%	8.3
Type of school attended	36.7%	47.0%	10.3
First generation to attend university	34.9%	45.0%	10.1
Caring responsibilities for children	37.2%	46.9%	9.7
Caring responsibilities for others	36.1%	45.4%	9.3

4. Protected Characteristics

4.1. Gender

Chart 1 shows the percentage of practitioners at the Bar by gender and level of seniority.



- The percentage of women at the Bar overall increased by 0.4pp from December 2017 to December 2018, the same percentage point increase seen from December 2016 to December 2017.
- The greatest percentage point increase for female representation at the Bar across the groups has been for QCs (14.8% to 15.8%; a difference of 1.0pp), however, it is noteworthy that the overall proportion of female QCs is low (15.8%) in comparison to the percentage of female barristers at the Bar overall (37.4%). This compares to an estimate of 50.3 per cent of the UK working age (16-64) population being female as of Q3 2018⁴.

4. Calculated from the 'LFS: Population aged 16-64: Female: Thousands: SA', and 'LFS: Population aged 16-64: UK: Male:

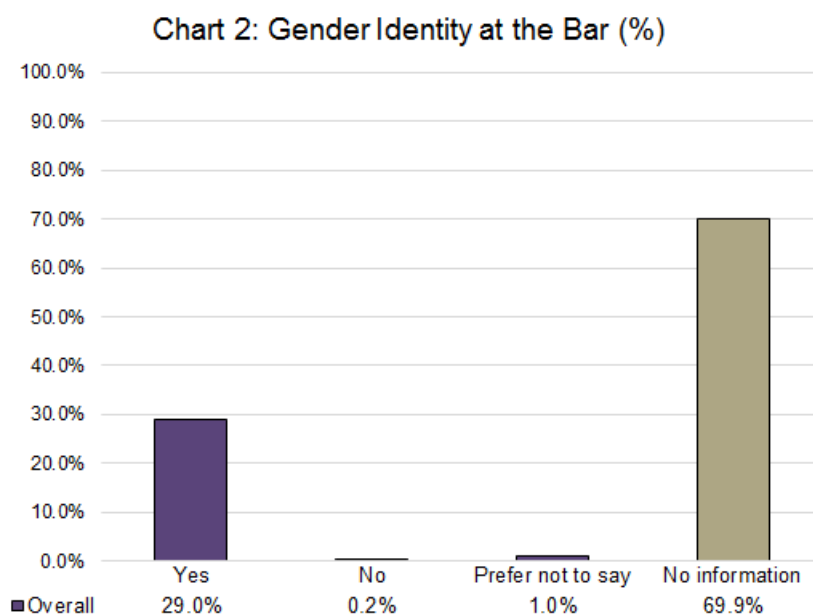
- For female non-QC barristers, the year on year increase is 0.4pp (39.2% to 39.6%).
- The percentage of female pupils has decreased by 1.3pp but is still greater than 50 per cent of pupils overall, meaning that, in line with 2016 and 2017, the percentage of female pupils is greater than that of male pupils (50.4% vs 49.6%)⁵.

Table 3: Gender at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Female	210	5,880	278	6,368
Male	207	8,872	1,476	10,555
Prefer not to say	-	71	8	81
No information	-	11	-	11
Total	417	14,836	1,762	17,015

Gender Identity

Chart 2 shows the percentage of practitioners at the Bar by response to the following question on MyBar: “Is your gender identity the same as that which you were assigned at birth?”



Thousands: SA' datasets published by the Office for National Statistics on ons.gov.uk

5. More information on the demographics of pupils that have entered onto pupillage following the BPTC can be found in Part 4 of the BPTC Key Statistics Report: <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/regular-research-publications/>

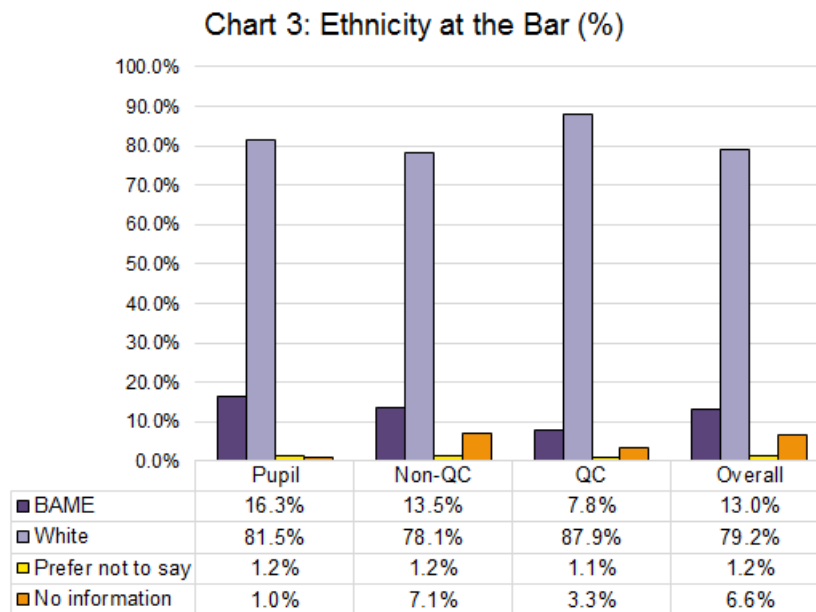
- 69.9 per cent of practitioners had not provided a response on gender identity on MyBar. When including non-respondents, around 0.2 per cent of practitioners had a different gender identity to the one they were assigned at birth.

Table 4 Gender Identity at the Bar (numbers)

Gender Identity	Pupils	Non-QC	QC	Overall
Yes	7	4,413	507	4,927
No	-	24	4	28
Prefer not to say	-	148	15	163
No information	410	10,251	1,236	11,897
Grand Total	417	14,836	1,762	17,015

4.2. Ethnicity

Chart 3 shows the percentage of practitioners at the Bar by ethnic background and level of seniority.



- The overall percentage of BAME barristers at the Bar has increased by 0.3pp compared to December 2017, and 0.8pp compared to December 2016, to 13 per cent.
- The percentage of BAME QCs has increased by 0.6pp from December 2017

(which equates to an increase of 1.4pp compared to December 2016).

- The percentage of BAME barristers has increased by 0.3pp for non-QC barristers.
- The proportion of BAME pupils showed an increase of 0.2pp compared to December 2017, giving 16.3 per cent of pupils from BAME backgrounds, the same percentage as that seen in December 2016.
- When excluding those that have not provided information, around 13.9 per cent of the Bar overall are from a BAME background. This compares to around 15.5 per cent of the 16-64 working age population in England and Wales as of 2011⁶.

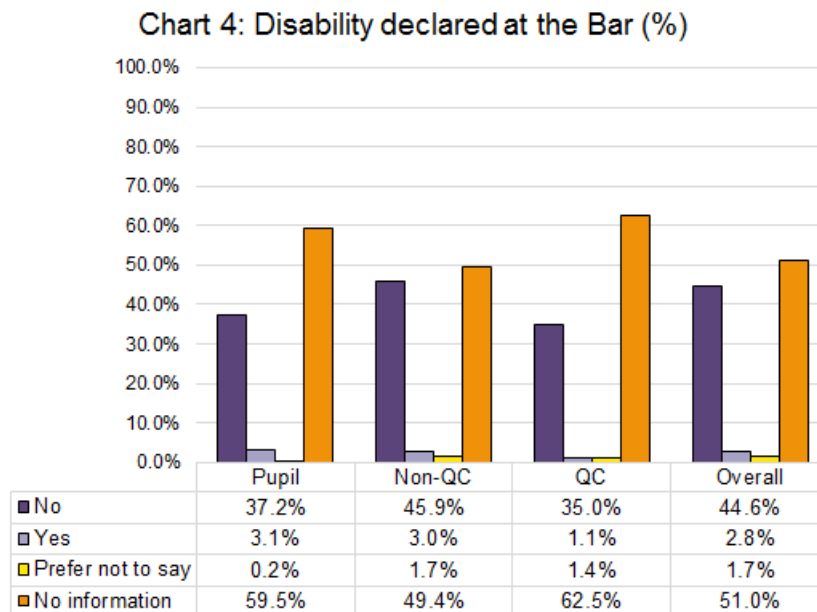
6. Calculated from figures published by the Department for Work and Pensions at <https://www.ethnicity-facts-figures.service.gov.uk/british-population/demographics/working-age-population/latest>

Table 5: Ethnicity at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Asian/Asian British	30	985	63	1,078
Asian/Asian British - Bangladeshi	3	82	2	87
Asian/Asian British - Chinese	3	67	5	75
Asian/Asian British - Indian	14	436	34	484
Asian/Asian British - Pakistani	7	252	16	275
Any other Asian background	3	148	6	157
Black/Black British	13	458	18	489
Black/Black British - African	8	232	6	246
Black/Black British - Caribbean	4	185	9	198
Any other Black background	1	41	3	45
Mixed/Multiple Ethnic Groups	18	416	29	463
White and Asian	7	94	13	114
White and Black African		49		49
White and Black Caribbean	3	52	2	57
White and Chinese	1	42	4	47
Any other mixed/multiple background	7	179	10	196
Other ethnic group	7	150	27	184
Arab	2	12	-	14
Any other ethnic group	5	138	27	170
White	340	11,582	1,548	13,470
White - English/Welsh/Scottish/Northern Irish/British	304	10,612	1,462	12,378
White - Gypsy or Irish Traveller	-	2	-	2
White - Irish	10	348	30	388
Any other White background	26	620	56	702
Prefer not to say	5	185	19	209
No information	4	1,060	58	1,122
Total	417	14,836	1,762	17,015

4.3. Disability

Chart 4 shows the percentage of practitioners at the Bar by declared disability and level of seniority.



- 2.8 per cent of the Bar had declared a disability as of December 2018, with 3.1 per cent of pupils, three per cent of non-QC barristers and 1.1 per cent of QCs declaring a disability. The overall year on year percentage point increase for those declaring a disability is 0.6 per cent (2.2% to 2.8%). Much of the increase is possibly due to a sharp increase in response rates, although notably, the response rate for pupils is more than 30pp lower compared to December 2017.
- When excluding those that had not provided information, 5.9 per cent of non-QC barristers, 7.7 per cent of pupils, 2.9 per cent of QCs, and 5.7 per cent of the overall Bar had a declared disability: in comparison, it is estimated that around 12.4 per cent of the employed working age population (those aged 16-64) has a declared disability as of July-September 2018⁷.
- This suggests that the percentage of those with a declared disability may decrease by level of seniority. Overall, when excluding non-responses the proportion of those with a declared disability at the Bar has increased year on year by 0.6pp, although it has decreased for pupils by 0.7pp and stayed the same for QCs. However, the overall disclosure rate is low at 49.0 per cent, meaning these statistics may not be reliable.

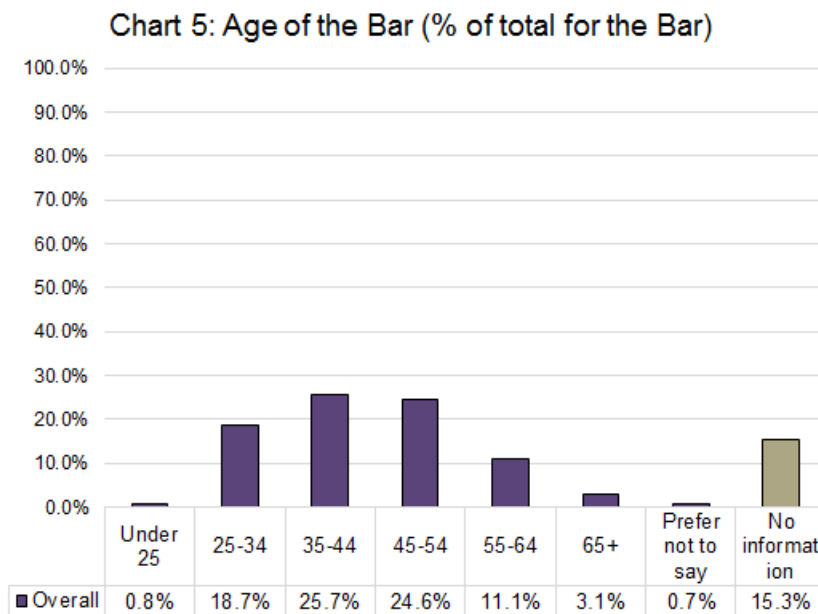
7. Calculated for Jul-Sep 2018 from Office for National Statistics datasets: A08: Labour market status of disabled people using GSS Standard Levels (People).

Table 6 Disability at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No disability declared	155	6,812	617	7,584
Disability declared	13	442	19	474
Prefer not to say	1	257	24	282
No information	248	7,325	1,102	8,675
Total	417	14,836	1,762	17,015

4.4. Age

Chart 5 shows the percentage of practitioners at the Bar by age band.



Of those that have provided information on age:

- Those between the ages of 25 and 54 make up around 82 per cent of the Bar.
- Just over 30 per cent of barristers are in the 35-44 age range, and just under 30 per cent are in the 45-54 age range.
- In terms of percentage point difference between December 2018 and December

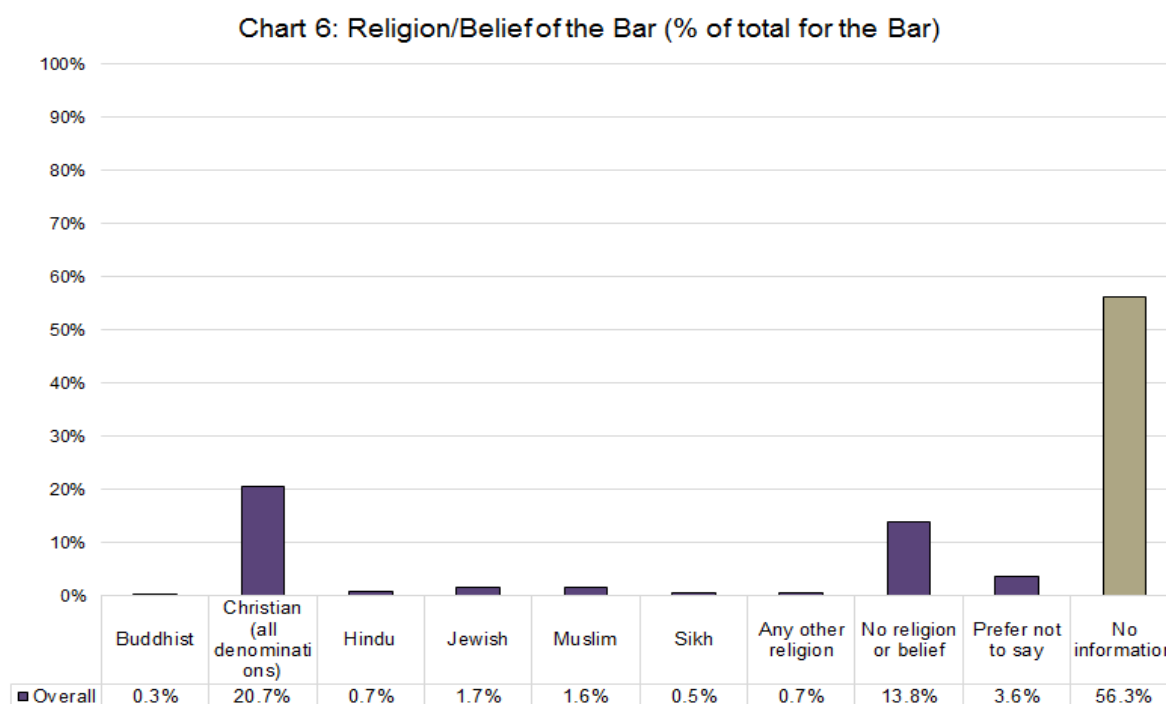
2017, there is a greater proportion of barristers in the 55-64 and 65+ age ranges in 2018 in comparison to 2017 (0.9pp and 2.1pp increases), and a smaller proportion of barristers in the 25-34, 35-44 and 45-54 age ranges in comparison to December 2017 (-0.3pp, -1.4pp, -1.3pp decreases). There is no real change in the proportion of those at the Bar under 25.

Table 7: Age at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Under 25	103	38	-	141
25-34	269	2,917	1	3,187
35-44	26	4,263	86	4,375
45-54	11	3,552	623	4,186
55-64	4	1,575	303	1,882
65+	-	418	117	535
Prefer not to say	1	101	12	114
No information	3	1,972	620	2,595
Total	417	14,836	1,762	17,015

4.5. Religion and Belief

Chart 6 shows the religion or belief of practitioners at the Bar.



- Over half of the Bar have not yet provided information on religion or belief through MyBar, although the response rate is up by almost 10 percentage points year on

year.

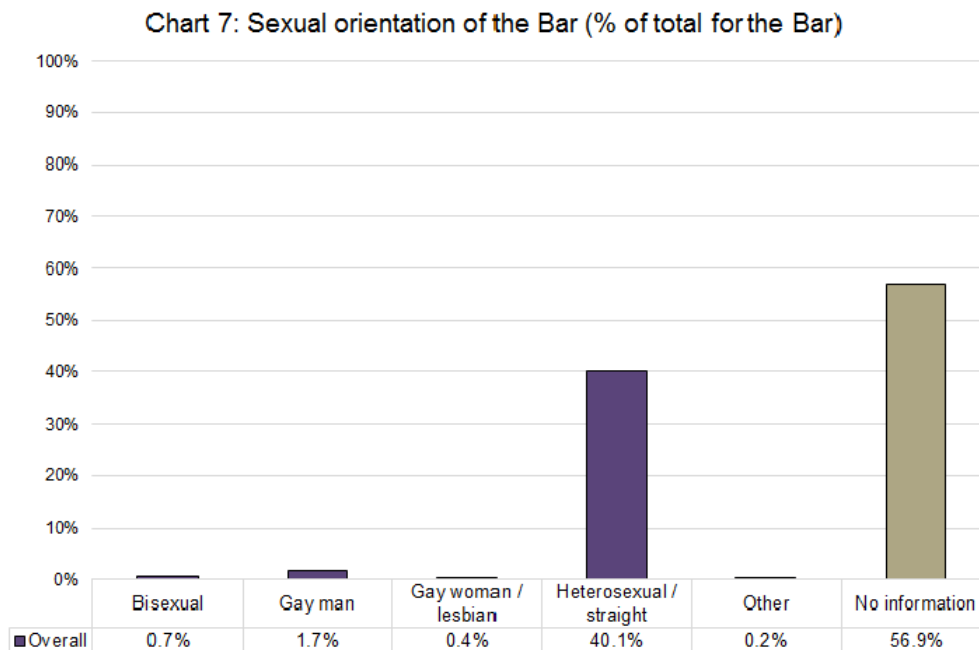
- Including those that have not provided information, the largest group at the Bar overall by religion or belief are Christians (20.7%) followed by those with no religion or belief (13.8%), although for pupils this trend is reversed.

Table 8: Religion and Belief at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Buddhist	1	43	2	46
Christian (all denominations)	50	3,170	299	3,519
Hindu	2	113	5	120
Jewish	2	232	60	294
Muslim	9	260	8	277
Sikh	2	83	6	91
Other religion/belief	3	104	5	112
No religion/belief	72	2,121	159	2,352
Prefer not to say	5	559	57	621
No information	271	8,151	1,161	9,583
Grand Total	417	14,836	1,762	17,015

4.6. Sexual Orientation

Chart 7 shows the sexual orientation of practitioners at the Bar.



- The response rate for sexual orientation has increased by over 8 per cent in comparison to December 2017, although it is the monitoring category with the second lowest response compared to the ten others, with 43.1 per cent providing some information.
- Excluding those that have not provided information, 7.9 per cent of pupils, 6.6 per cent of non-QCs, and 4.3 per cent of QCs provided their sexual orientation as one of Bisexual; Gay man; or Gay woman/Lesbian.

Table 9: Sexual Orientation of the Bar (numbers)

	Pupils	Non-QC	QC	Total
Bisexual	2	104	6	112
Gay man	3	275	14	292
Gay woman/ Lesbian	6	56	5	67
Heterosexual	129	6,141	557	6,827
Other	-	26	3	29
Prefer not to say	-	-	-	-
No information	277	8,234	1,177	9,688
Total	417	14,836	1,762	17,015

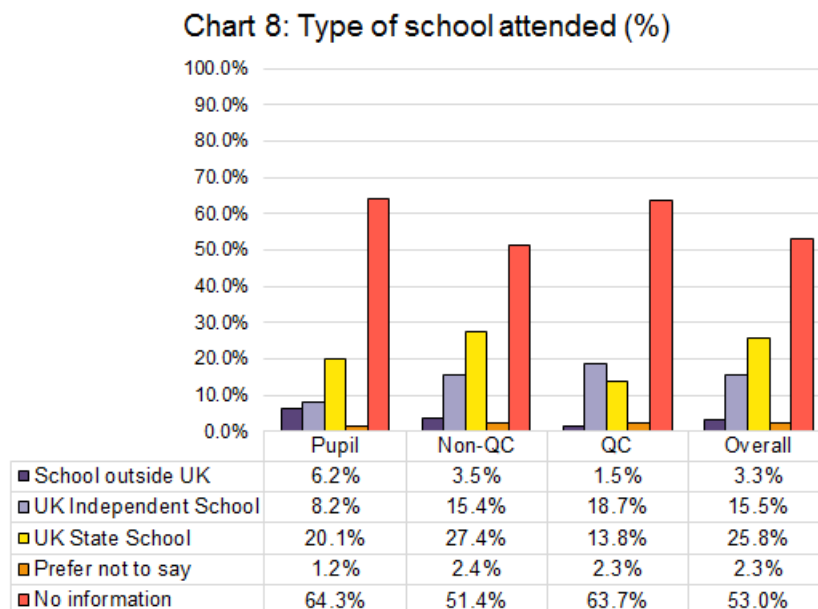
5. Socio-Economic Background

Socio-economic background is not a protected characteristic under the Equality Act 2010. However, where members have a balanced socio-economic profile 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 recommended by the Legal Services Board, which are included on the MyBar 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 choice⁸.

5.1. Type of School Attended

Chart 8 shows a summary of the type of school mainly attended between the ages of 11-18 for practitioners at the Bar.



8. Bukodi, E. and Goldthorpe, J.H., 2012. Decomposing 'social origins': The effects of parents' class, status, and education on the educational attainment of their children. *European Sociological Review*, 29(5), pp.1024-1039.

- Although there is still a high percentage of non-responses (53%), the data suggest that a disproportionate number of the Bar attended a UK independent school. 15.5% of the Bar (including non-responses) primarily attended a independent school between 11-18. We have no direct comparator (for children in England and Wales aged 11-18) but the closest proxies are:
 - 7% of school children in England attended a independent school⁹; and
 - 10.0% of UK domiciled young full-time first degree entrants in the UK in 2016-17 attended a privately funded institution prior to university¹⁰.

This suggests that even if every barrister who did not respond had gone to a state school, the proportion of barristers who went to a independent school would be higher than the wider population.

- Of those that provided information on school attended, around 33 per cent attended an independent school in the UK, the same as seen in 2017. It is worth noting that this is in line with that seen for those that enrolled on the Bar Professional Training Course (BPTC) from 2013-2016: Across the 2013/14-2016/17 academic years, there was an average of 32 per cent of UK domiciled students on the BPTC having attended an independent school¹¹. This suggests that the high percentage of those at the Bar who attended an independent school in the UK is generally due to the influence of factors prior to vocational study to become a barrister.
- The overall response rate for this information has increased 10.3pp year on year (to 47.0%).

Table 10: Type of School Attended by the Bar (numbers)

	Pupils	Non-QC	QC	Total
Attended school outside the UK	26	516	27	569
UK independent school	34	2,282	329	2,645
UK state school	84	4,059	244	4,387
Prefer not to say	5	349	40	394
No information	268	7,630	1,122	9,020
Total	417	14,836	1,762	17,015

5.2. First Generation to Attend University

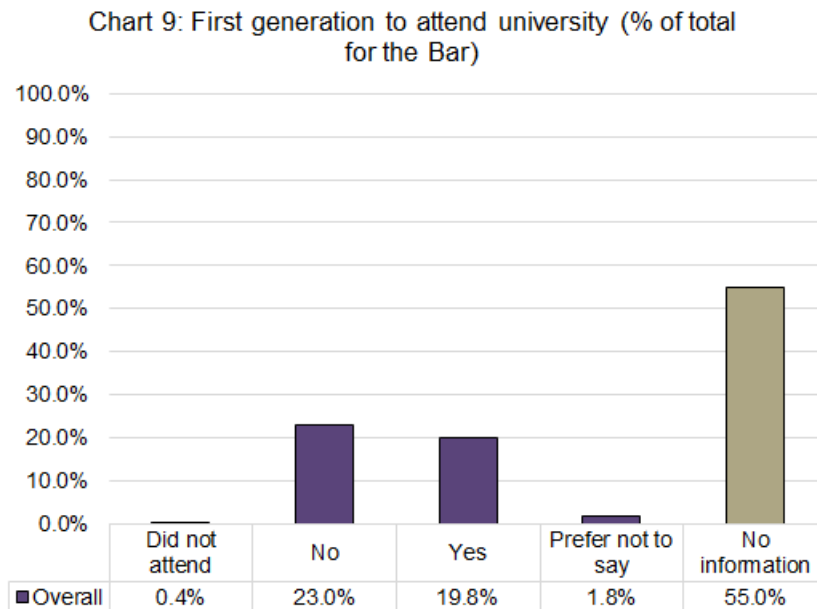
Chart 9 shows whether members of the profession were the first generation to attend

9. Independent Schools Council: Research. <https://www.isc.co.uk/research/> (accessed 10 January 2018). We acknowledge that this comparison is not a direct one; we are lacking data on type of school mainly attended between the ages of 11-18 for England and Wales only.

10. Higher Education Statistics Authority: Widening participation summary: UK Performance Indicators 2015/16. <https://www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation-summary> (accessed 12 January 2018)

11. Data calculated from monitoring question for the Bar Course Aptitude Test on school attendance between 11-18 and data provided to the BSB by BPTC providers.

university or not. On the MyBar 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?”



- There has been an increase in the response rate to this question of over 10pp this year (to 45.0%).
- The increase in response rate (from 34.9% to 45.0%) has been evenly shared between those answering “Yes” and those answering “No”. When excluding non-responses, the statistics are very similar to 2016, with around 0.8 per cent of the Bar having not attended university (compared to one per cent in 2017), 51.2% not being the of first generation to attend university (compared to 51.0% in 2017), 44.0% being of the first generation to attend university (compared to 44.2% in 2017), and four per cent preferring not to say.

Table 11: First Generation to Attend University at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Did not attend university	-	49	11	60
No	39	3,571	311	3,921
Yes	25	3,067	282	3,374
Prefer not to say	4	273	30	307
No Information	349	7,876	1,128	9,353
Total	417	14,836	1,762	17,015

6. Caring Responsibilities

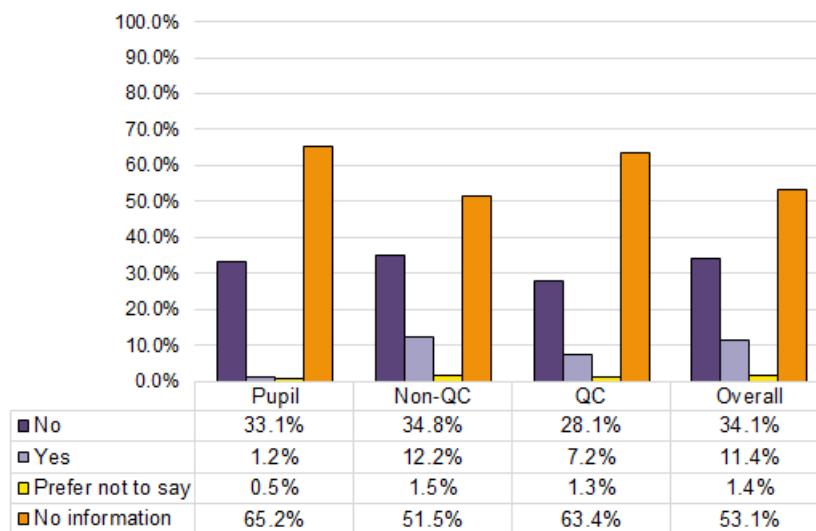
The caring responsibilities categories used in this report are those provided to the BSB by the Legal Services Board. These questions are aimed at ascertaining whether an individual has child or adult dependants.

Information on caring responsibilities of children is difficult to benchmark against the UK working age population.

6.1. Caring Responsibilities for Children

Chart 10 shows a summary of childcare responsibilities at the Bar. On the MyBar monitoring questionnaire, the question asked is: “Are you a primary carer for a child or children under 18?”

Chart 10: Primary caring responsibilities for children (%)



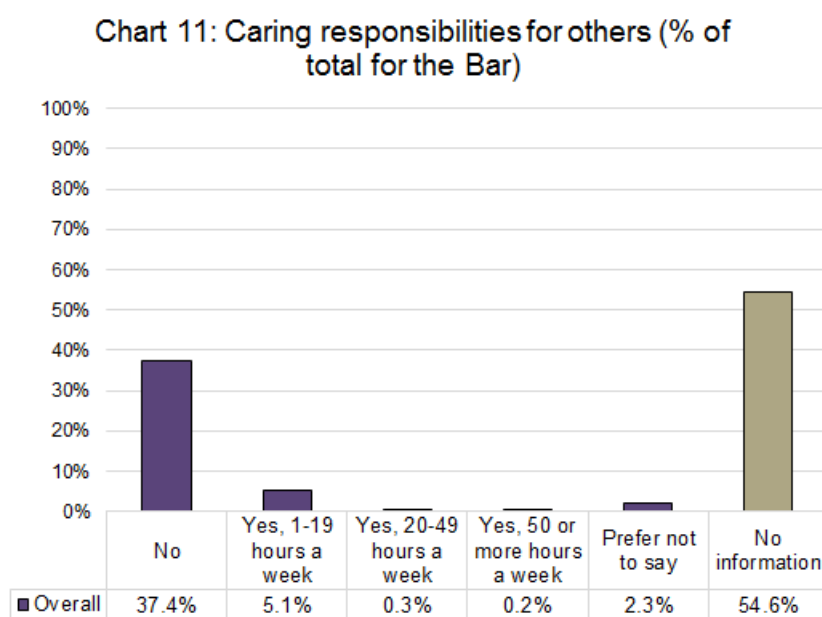
- The percentage of those providing a response to this question has increased 9.7pp year on year.
- When excluding non-responses, around one in four at the Bar have primary caring responsibilities for one or more children.

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

	Pupils	Non-QC	QC	Total
No	138	5,162	495	5,795
Yes	5	1,814	127	1,946
Prefer not to say	2	221	23	246
No information	272	7,639	1,117	9,028
Total	417	14,836	1,762	17,015

6.2. Caring Responsibilities for Others

Chart 11 below shows practitioners at the Bar who have caring responsibilities for people other than children, as a percentage of the whole profession. On the MyBar 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)?”



- Including those that have not provided information for this question, 4.4 per cent of the Bar provide care for others for one hour a week or more.
- Of those that provided a Yes/No response, as of December 2018 the majority of

the Bar do not provide care for others, and around 14 per cent of respondents at the Bar provided care for another person for 1 or more hours per week. This is in line with the proportion of those in work in the UK who are carers according to figures published by the Carers Trust, which state that around one in eight (12.5% of) UK workers provide care for another, not including primary care of children¹².

- Of those that do provide care for others, just under nine in ten provide care for between 1-19 hours a week.
- Of those that have provided a response, the proportion that provide care for another increases with level of seniority, going from around two per cent of pupils to around 11 per cent of non-QCs, and around 15 per cent of QCs.

Table 13: Caring Responsibilities for Others for those at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No	130	5,754	486	6,370
Yes, 1-19 hours a week	3	770	90	863
Yes, 20-49 hours a week	2	50	6	58
Yes, 50 or more hours a week	1	35	4	40
Prefer not to say	5	348	33	386
No information	276	7,879	1,143	9,298
Total	417	14,836	1,762	17,015

12. See Key facts about carers and the people they care for. <https://carers.org/key-facts-about-carers-and-people-they-care>

7. Conclusions

Compared with 2017, there has been no substantial change in the reported profile of the Bar this year. This is to be expected when monitoring demographic changes in a profession on an annual basis.

Response rates continue to improve, with large increases in seven of the 11 categories monitored in this report, which is a very positive development. Apart from gender (which already has an almost 100 per cent response rate) and gender identity, which is being reported on for the first time in this report, the average response rate across questions increased by almost 8 percentage points year on year. The introduction of the new portal, MyBar, appears to have helped boost disclosure of several monitoring questions. As the disclosure rate increases, so does the quality of the BSB's evidence base. However, it should be noted that response rates for pupils are lower than for non-QCs in particular, in seven of the 11 monitoring categories (the exceptions being gender; ethnicity and age), which is a marked difference from previous versions of this report.

Overall, both gender and BAME representation at the Bar continue to move towards better reflecting the demographics of the UK population, with a continued increase in the proportion of female and BAME barristers at QC level and overall across the Bar.

There may be a lower proportion of disabled practitioners at the Bar in comparison to the UK working age population, although the response rate (at 51.0%) is too low to draw reliable conclusions.

The response rates for questions on socio-economic background are too low to provide a reliable barometer of the profession in this area. However, available data indicate a disproportionately high percentage of the Bar primarily attended an independent secondary school.

The percentage of those at the Bar who provide care for another appears to be around that seen for workers across the UK.

List of charts and tables

Figures

- Chart 1: Gender at the Bar (%)
- Chart 2: Gender Identity at the Bar (%)
- Chart 3: Ethnicity at the Bar (%)
- Chart 4: Disability declared at the Bar (%)
- Chart 5: Age of the Bar (% of total for the Bar)
- Chart 6: Religion/belief of the Bar (% of total for the Bar)
- Chart 7: Sexual orientation of the Bar (% of total for the Bar)
- Chart 8: Type of school attended (%)
- Chart 9: First generation to attend university (%)
- Chart 10: Primary caring responsibilities for children (%)
- Chart 11: Caring responsibilities for others (% of total for the Bar)

Tables

- Table 1: Total number of people at the Bar (numbers)
 - Table 2: Response Rates in 2017 and 2018 (as a percentage of total barristers)
 - Table 3: Gender at the Bar (numbers)
 - Table 4: Gender Identity at the Bar (numbers)
 - Table 5: Ethnicity at the Bar (numbers)
 - Table 6: Disability at the Bar (numbers)
 - Table 7: Age at the Bar (numbers)
 - Table 8: Religion and Belief at the Bar (numbers)
 - Table 9: Sexual Orientation of the Bar (numbers)
 - Table 10: Type of School Attended by the Bar (numbers)
 - Table 11: First Generation to Attend University at the Bar (numbers)
 - Table 12: Caring Responsibilities for Children for those at the Bar (numbers)
 - Table 13: Caring Responsibilities for Others for those at the Bar (numbers)
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