

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 27 January 2022, 4.30 pm

via MS Teams

Agenda - Part 1 – Public

			Page
1.	Welcome / announcements (4.30 pm)	Chair	
2.	Apologies	Chair	
3.	Members' interests and hospitality	Chair	
4.	Approval of Part 1 (public) minutes and to ratify decisions taken at that meeting		
	• 23 September 2021	Annex A Chair	3-6
5.	a) Matters arising & action list	Annex B Chair	7
	b) Forward agenda	Annex C Chair	9
6.	Regulatory Decisions Annual Report 2020/21 – for discussion <i>Note: this paper has already been circulated to Members and can be accessed via the BSB website here</i> (4.35 pm)	<i>BSB 002 (22)</i> Oliver Hanmer / Sara Jagger	<i>(previously circulated)</i>
7.	Regulatory Return (4.45 pm)	<i>BSB 003 (22)</i> Julia Witting	11-23
8.	Annual Diversity Data Report (5.00 pm)	<i>BSB 004 (22)</i> Shadae Cazeau	25-59
9.	IDB Annual Report 2020-21 <i>Note: this paper has already been circulated to Members and can be accessed via the BSB website here</i> (5.10 pm)	<i>BSB 005 (22)</i> Iain Christie	<i>(previously circulated)</i>
10.	GRA Annual Report 2020-21 (5.20 pm)	<i>BSB 006 (22)</i> Stephen Thornton	61-66
11.	Director General's Strategic Update- Public Session (5.25 pm)	<i>BSB 007 (22)</i> Mark Neale	67-68
12.	Chair's Report on Visits & External Meetings (*)	<i>BSB 008 (22)</i> Chair	69

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](#) before the meeting.*

BSB 270122

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13. **Any other business** Chair
(5.30 pm)
14. **Dates of next meetings**
- Thursday 22 February 2022
(Board to Board meeting
with LSB 11.00 am – 1.00 pm)
 - Thursday 31 March 2022
(ordinary Board meeting 5 pm)

15. **Private Session**

John Picken
Governance Officer
20 January 2022

**Note – Starred items will not normally be discussed unless a Member gives prior notice that this should occur. If you wish to raise any points on these items, please contact [John Picken](#) before the meeting.*

BSB 270122

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting****Thursday 23 September 2021 (5.00 pm)****Hybrid Meeting (Rooms 1.4-1.7 & MS Teams)**

- Present:** Baroness Tessa Blackstone (Chair)
Alison Alden OBE – *via Teams*
Andrew Mitchell QC
Elizabeth Prochaska
Irena Sabic
Adam Solomon QC
Kathryn Stone OBE
Leslie Thomas QC
Stephen Thornton CBE
- By invitation:** Malcolm Cree CBE (Chief Executive, Bar Council) – *via Teams*
James Wakefield (Director, COIC)
- BSB & RG Executive in attendance:** David Adams (Corporate Services Manager) – *via Teams*
Peter Astrella (Regulatory Risk Manager)
Rebecca Forbes (Head of Governance & Corporate Services)
Oliver Hanmer (Director of Regulatory Operations)
Teresa Haskins (Head of People, BSB) – *via Teams*
Ewen Macleod (Director of Strategy & Policy) – *via Teams*
Mark Neale (Director General)
John Picken (Governance Officer)
Wilf White (Director of Communications & Public Engagement)
- Resource Group:** Richard Cullen (Director of Finance) – *via Teams*
Aman Oberai (Finance Business Partner) – *via Teams*
- Press:** Neil Rose, Legal Futures

Item 1 – Welcome / Announcements

1. The Chair welcomed those present to the meeting. She also referred to the very sad news of Lara Fielden's death in early August. She paid tribute to her conscientiousness, her sense of public duty and her tremendous knowledge and expertise in regulation. The Board will miss her greatly and extends its sincere condolences to Lara's family.
2. One consequence of this very unfortunate circumstance, and Steve Haines absence from the meeting, was that the Board no longer had the lay majority required under the Internal Governance Rules. This means that any regulatory decisions made at the meeting will be subject to later ratification by the Board once that majority is restored.
3. **Item 2 – Apologies**
 - Steve Haines
 - Derek Sweeting QC (Chair, Bar Council)
 - Mark Fenhalls QC (Vice Chair, Bar Council)
 - Lorinda Long (Treasurer, Bar Council)
 - Sara Jagger (Director of Legal & Enforcement)

Item 3 – Members’ interests and hospitality

4. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

5. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 27 May 2021.

Item 5a – Matters arising & action list

6. The Board **noted** the action list.

Item 5b – Forward agenda

7. The Board **noted** the forward agenda list.

Item 6 – Consulting the public and the profession about the BSB’s strategy for the next three years

BSB 033 (21)

8. The Board considered the draft consultation document and welcomed the brevity of its design. The following comments were made:
- we should follow up our initial circulation of the document with personal calls and, where necessary, face-to-face meetings in order to generate feedback.
Note: Mark Neale commented that the Covid crisis prevented his planned liaison meetings with the Circuits and Special Bar Associations. He is now seeking to do that anyway and will also use the opportunity to consult on the strategy;
 - we might ask a general question of consultees as to whether they perceive any risks to our strategy;
 - it is not clear whether the examples of high-level outcomes quoted in the cover paper are illustrative examples for the Board or for the consultation document. It would be helpful to clarify this offline;
 - the text preceding question one might be usefully subdivided with headings;
 - it might be helpful for the Board to address the consultation questions itself at one of its informal policy seminars;
 - we should also involve stakeholders outside the profession – some charities and voluntary organisations may have useful perspectives to share.
9. **AGREED**
- a) that, subject to the above comments, to approve the consultation document annexed to the paper and to await a further report on the feedback received.
 - b) that the strategy consultation document is a focal point for discussion at one of the Board’s informal policy sessions (cf. min 8 above).

Item 7 – Director General’s Strategic Update – Public Session

BSB 034 (21)

10. Mark Neale highlighted the salient points from the performance report ie
- though the quality of decision making remains high, the speed with which decisions are reached is still below KPI targets;
 - the statistics do, though, mask the gains in productivity which have seen marked reductions in backlogs. Given current progress, we expect to meet KPI levels of service by the end of the year;
 - the volume of reports received by the Assessment Team this quarter was four times higher than for the same quarter last year. The proportion of cases taken to investigation stage remains largely static, however.

11. In response to questions raised, the Executive commented that:
- there may be several reasons to explain the rise in the volume ie:
 - ❖ we have seen an increase in multiple reports ie where the same incident has been the subject of a report from several people, albeit often from different perspectives;
 - ❖ we have simplified the reporting process on our website making it easier for these to be completed;
 - ❖ many barristers now have more visible profiles on social media which can increase the likelihood of reports being received.
 - the planned regulatory operations review will critically examine the means by which reports are triaged so that only those of merit are progressed and those without are more rapidly resolved.
12. The Executive also referred to discussion at an earlier Board to Board meeting with the OLC. Both regulators have experienced higher numbers of reports and both agreed on the need to improve explanations to the public about where these should be directed in the first instance.
13. The Board noted that an increased numbers of reports could be interpreted as a measure of success given it might represent increased awareness on the part of the public about regulatory bodies. However, it also appreciated the associated risk that, if these are mostly unmeritorious and therefore not progressed, then this could quickly lead to disillusion. We therefore need to manage expectations very carefully.
14. Wilf White confirmed the Executive is considering incorporating a video on the website making clear what makes a well-founded report that falls within our jurisdiction and what does not. There may be scope for jointly producing this with the Legal Ombudsman.
15. In response to other questions raised, the Executive commented as follows:
- we already signpost reports to other regulatory bodies in cases where the subject matter of the report is not within our remit;
 - we also have recourse to our own Independent Reviewer for challenges made against our own regulatory decisions;
 - the Regulatory Decisions Annual Report, due for presentation to the Board in November, will provide a statistical analysis on reports received and the proportions resolved at assessment and investigation stages;
 - any decision letters we produce in response to reports, or subsequent investigations, do include a full set of detailed, evidence-based reasons to explain their outcome. This is a time intensive exercise, but nevertheless necessary.
16. **AGREED**
to note the report.
- Item 8 – Chair’s report on visits and external meetings**
BSB 035 (21)
17. The Board **noted** the report.
- Item 9 – Any Other Business**
BSB Staffing
18. Mark Neale confirmed that Shadae Cazeau, the BSB’s newly appointed Head of Equality and Access to Justice, is now in post.

Item 10 – Date of next meeting

19. • Thursday 25 November 2021.

Post meeting note: *the meeting planned for November 2021 was cancelled though some business was conducted by email. These were all public papers and were subsequently posted to the BSB's website.*

Item 11 – Private Session

20. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 27 May 2021 & 9 June 2021.
 - (2) Matters arising and action points – Part 2.
 - (3) Budget proposal – 2022/23 financial year.
 - (4) BSB Consolidated Risk Update for the Board.
 - (5) BSB governance action plan: updating the action plan to reflect the *Independent Audit* report and Board off-site discussion.
 - (6) LSB Regulatory Assessment Framework: Bar Standards Board half yearly self-assessment.
 - (7) Public Legal Education Review.
 - (8) Recruitment for a lay Board member.
 - (9) Director General's Strategic Update – Private Session.
 - (10) Any other private business.
21. The meeting finished at 5.35 pm.

**BSB – List of Part 1 Actions
27 January 2022**

(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
33b (26/11/20) – BSB Anti-Racist Statement	investigate proposed additional actions in respect of the Race Statement ie <ul style="list-style-type: none"> potential for a kitemark staff survey response to SPR Board Members to access barrister training on E&D Committee 	Shadae Cazeau / Meera Roy-Chowdhury	before 11 March 2021 before end Nov 2021	18/11/21	Completed In the context of the original minute, this action is now complete insofar as the potential for a kitemark is under consideration by the Race Equality TF; further progress on the outcome of the staff survey response will be reported to the SPR Committee through the HR report and a range of options are available for Board Member training on E&D either in-house or via the Bar Council.
				13/09/21	Part completed – Next steps for the Reverse Mentoring Scheme are currently being considered by the E&AJ Programme Board. An external party has been confirmed to facilitate internal BSB focus groups for minority ethnic employees, in response to the staff survey – these and a summary report are due to be completed by early November.
				24/06/21	Part Completed – Training for Board members has been delivered by the Head of E&AJ. The regulatory return has begun to capture information of implementation of the race equality statement. Further work in relation to the development of a potential kitemark will continue with the BC. As the Head of E&AJ has left the BSB, Mark Neale has taken over as Chair of the Race TF.
				10/03/21	Ongoing - Anti-Discrimination training for Board members is planned for April 2021. Plans to deliver an anti-racist seminar for the Board in June/July are being considered. Discussions about kite-marks continue with the BSB's Race Equality Task Force.

Forward Agenda

Thursday 31 March 2022

- BSB Business Plan & Budget 2022/23
- Strategic Plan 2023-2025 & Risk Outlook 2022
- Consolidated Risk Report
- Director General's Strategic Update (incl Q3 performance report)
- Review of the consumer engagement strategy
- Update on action plan re: LSB's "well-led" report
- Review of EU Law as a foundation subject in the academic component of training
- Policies on Interests, and Gifts and Hospitality
- Changes to Standing Orders
- Policy on complaints against BSB Board Members
- High Court judgment *Eve vs BSB*
- Review of BCAT

Wednesday 25 May 2022

- Director General's Strategic Update- (including Q4 / end of year performance report & BSB six monthly self-assessment against LSB's regulatory performance framework)
- Year-end report of the Strategic Planning & Resource Committee (SPR)
- Corporate Risk Report – summary

Thursday 14 July 2022 (Board Away Day)

Thursday 22 September 2022

- Director General's Strategic Update- (including Q1 performance report)
- Budget proposal – 2022 / 23 financial year
- Consolidated Risk Report
- Pay and reward policy

Thursday 1 December 2022

- IDB Annual Report
- Regulatory Decisions Annual Report 2021/22
- Mid-year financial report (2022-23)
- GRA Annual Report
- Director General's Strategic Update- (including Q2 performance report & BSB six monthly self-assessment against LSB's regulatory performance framework)
- Corporate Risk Report (summary)

Thursday 26 January 2023

- Annual Diversity Data Report
- The Bar Standards Board Equality and Diversity Strategy 2023 to 2025
- Director General's Strategic Update
- Corporate Risk Report – summary

Thursday 30 March 2023

- BSB Business Plan 2023/24
- Director General's Strategic Update- (including Q3 performance report)
- Consolidated Risk Report

Meeting:	Bar Standards Board	Date:	Thursday 27 January 2022
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Title:	Regulatory Returns
Author:	Julia Witting
Post:	Head of Supervision

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

Recommendation

1. The Board is invited to discuss and note the report.

Executive Summary

2. Our last report to the Board on the Regulatory Returns, in March 2021, focussed on the impact of the pandemic on the profession, following our review of the first phase of submissions. This report follows submission and assessment of the full Returns. It provides an update on the results of our assessment, the themes that arise, how we are using the information gathered and our ongoing work to engage constructively with profession.
3. In most cases, the only reason those we regulate come into direct contact with us is if we have received information that suggests that something is wrong. The assessment process for the Returns provides an opportunity for us to engage with the profession in a more constructive and proactive way, as part of a mature regulatory relationship. This is in line with the strategy that we have consulted on, ie to:
 - strengthen our ability to reach out and to engage with chambers and the profession so that we can identify and promote good practice in the way the profession operates in areas like equality, diversity and inclusion and professional standards; and
 - improve and deepen the intelligence we have and our research evidence bearing on professional competence, standards of service and the operation of the market for barristers' services.

4. In addition to providing individual feedback to all those who completed the Return, over the coming weeks and months, we intend to publish a series of thematic reports providing information on the risks identified and examples of good practice. We believe that this approach provides information in a more digestible and accessible way. We have already used the information from the Returns in a number of reports, as set out on our [website](#). The report attached as an annex provides information on the risk assessments that we conducted.
5. The thematic reports are likely to cover the following and will be published at least quarterly:
 - Regulatory risks and requirements for small chambers. A particular theme that has recurred in the course of discussions with chambers is a desire for more clarity about our expectations of what standards smaller chambers should be aiming for, ensuring that we are acting proportionately as a regulator, and also more guidance about what they can realistically and practically contribute to objectives such as improved diversity and inclusion.
 - Complaints handling. People are very familiar with the rules and have relevant processes in place. This is an area that has not given rise to a large number of follow-up actions. We have done extensive compliance checking of the implementation of the transparency rules, which address complaints handling; that has helped to improve the quality of information on chambers' websites. It will be interesting to see if the transparency rules have an impact on the number of "premature" complaints (ie complaints to the Legal Ombudsman that should have been made to the chambers first). Smaller chambers and sole practitioners were less clear and less proactive in the area of gathering feedback from clients.
 - Data protection and information risk management. We have seen an increasing number of chambers targeted by cyber attacks over the last year and this is an area where we hope that sharing of good practice will be helpful.
 - Equality, diversity and inclusion. We asked a range of questions about how chambers and entities are creating an inclusive working environment. Our bullying and harassment project team used the responses to gain a better understanding of how chambers can guard against allegations of bullying and harassment, and how they can effectively deal with reports of harassment when they occur. The responses showed that most chambers have an anti-harassment policy in place as required, but additional measures such as regular training in this area, or support put in place for those making reports is variable.
 - The role played by chambers and entities in ensuring barrister competence. Responses were varied. In their feedback, one chambers felt that questions about competence went beyond the remit of what a regulator should be concerned with, but this area is a strategic priority for the Legal Service Board.
 - The changing use of technology and innovation in the profession. We intend to publish our analysis of this area shortly.

Feedback from participants

6. Most respondents put a great deal of thought into their responses and have provided a wealth of information. We recognise the significant investment of time that has been made to do so, at a hugely difficult time when the profession was coping with the impact of the pandemic, and this is reflected in some of the feedback we received. We hope that through the individual feedback they have received, as well as the thematic reports that we have published so far and that will follow, the profession will gain value from this process.
7. All participants have been provided with a feedback survey. To date we have received 23 responses and we are encouraging more to give us their feedback. Some examples of positive feedback received so far include the following:

“I should point out that we have noted a small number of areas in which these Chambers could be said to be deficient, based on the Guidance annexed to some of the questions. Action is being taken in respect of this and we have found the return to be very helpful in terms of focus for our standards and compliance.”

“Reg returns has encouraged chambers to formalise a process for assuring competence. In answering this question, we have reviewed what we do in this regard, and in doing so noted that Chambers in fact has a number of control measures in place. As part of the process of responding to this question Chambers has formalised those measures and recorded them in a policy.”

“I would like to thank the BSB for this process which assists to ensure policies and procedures are kept up to date and are used for the benefit of members, staff and clients.”

“I am very pleased with the outcome of the BSB assessment of our return. It is very gratifying, as one of many who gives their time voluntarily to assist in the management of a Chambers, to know that our regulator considers that we are doing so in a competent and efficient manner.”

“Both our phone conversation and your detailed letter have been of considerable help in enabling Chambers to address issues where our compliance could be improved. In smaller sets of chambers, which do not have anything like the staff resources and depth of expertise in certain regards that larger sets do, it is particularly useful to be guided by the BSB both in meeting its actual obligations and also towards other aspects of best practice which we might reasonably seek to achieve.”

“I think the process is important, necessary and helpful. I do not think it is too onerous and is an important requirement as Chambers benefits from a thorough regulatory review. Completing this once every five years is not overly demanding and plenty of time was allocated for it to be completed. The most difficult aspect (for me) was ascertaining what depth of information was required for each question. For some questions it was clear, but for others it would have been helpful to have more specific direction.... Overall, I think this process is good, makes a Chambers think about what it is doing, useful to have external eyes on regulatory compliance, and I found the supervision during the process to be exceptionally good. There has been much complaining from some chambers and LPMA representatives at the scale of work required and relevance. I do

not agree with these complaints. If a chambers is running well, the information is readily available and simply needs to be adapted for the responses. A once every five years requirement is not excessive and those complaining need to understand that firstly as an industry we are required to be regulated and secondly, this is a very good way of ensuring all chambers are of the necessary standard. It is a positive and supportive process, which is good for a chambers as it gives confidence to clients that we are properly and effectively regulated and appropriately scrutinised.”

Risk

8. The Return enables us to proactively identify risks and take appropriate action, and to encourage more effective risk management by those we regulate. The Return enables the BSB to target its resources at those chambers, entities, individuals or areas that would benefit from supervisory attention. Those managing risk effectively can expect a lower level of supervision. Some of the questions were also designed to enable the BSB to be forward-looking and to capture emerging trends or themes so that it focusses on the right priorities for the future.
9. The Return provided an opportunity for those selected to explain how effectively potential risks are being managed, how they ensure compliance with the BSB Handbook, and how high standards of practice are maintained. We carried out a risk assessment based on the responses provided and sought further information or clarification where it was needed.
10. An analysis of the risk ratings given is provided in the annex. The majority of chambers, BSB entities and sole practitioners were assessed as low or medium risk.
11. Where we identified anything specific which gave cause for concern, we agreed actions, aiming to work collaboratively with the organisation or individual to make sure that controls are strengthened. These actions will form the basis of on-going engagement with them.
12. When we conducted this exercise in 2015-16, we often had to explain what we meant by risk and risk management. There was a notable improvement in this area, with many more chambers understanding the concept of risk management and able to articulate how they manage risk. The pandemic has certainly focussed minds on effective financial risk management, as well as on managing wellbeing of staff and barristers. People spoke of embedding good practice developed in response to the challenges of this period.

Plans for publication – sharing themes about risk and good practice

13. In addition to providing individual feedback to all those who completed the Return, we have already used a great deal of information in the Returns. You can read more about this on our [website](#). This includes informing our three-year strategy development, evaluating the impact of our transparency rules, supervision of money laundering risks, understanding the impact of the pandemic on the profession and informing our policy projects.
14. We intend to publish a series of thematic reports providing more granular information on the headline areas highlighted in the annexed report – both risks identified and examples of good practice. We believe that this approach provides information in a more digestible and accessible way.
15. An area of current focus relates to the question we asked about the extent to which barristers get their work from other sources outside chambers, such as digital marketing platforms managed by third parties that we do not regulate. The collapse of Absolute Barrister in December highlighted the risks to consumers. The responses to this question are helping us to identify the extent to which barristers work with such intermediaries and any policy implications.

Resources (Finance, IT, HR)

16. The resource required to review the Regulatory Returns is accounted for in our business plan.
17. We have sought to engage individually with respondents wherever possible. This has required significant resource from the entire Supervision Team, who have been working on this project alongside their involvement in other strategic projects and their core regulatory work. This is ongoing as the team reviews implementation of the actions set. We think that this engagement is important because it enables us to improve the profile of the BSB and Supervision Team amongst the profession and develop productive relationships with the regulated community. This has been received positively and the majority of participants have been keen to engage with us.

Equality & Diversity

18. Chambers and BSB entities were asked a series of questions about how they are creating an inclusive working environment. In addition to providing individual feedback, and setting actions where relevant, we will publish thematic reports to share examples of good practice.



BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Regulatory Returns – assessment of risk

1. In September 2020, we issued a Regulatory Return to a selection of around 350 chambers, BSB entities and sole practitioners. The Regulatory Return is a way for us to assess risk across the Bar and levels of compliance with our rules, and to gather evidence about the impact of our regulation or to support current or future policy projects.
2. Unlike some regulators, we do not issue annual returns. The last time we conducted a similar exercise was in 2015-16. We needed to refresh the information that we have about the profession and make sure that our current assessment of risk is accurate. The Return enables us to proactively identify risks and take appropriate action, and to encourage more effective risk management by those we regulate. The Return enables the BSB to target its resources at those chambers, entities, individuals or areas that would benefit from supervisory attention. Those managing risk effectively can expect a lower level of supervision. Some of the questions were also designed to enable the BSB to be forward-looking and to capture emerging trends or themes so that it focusses on the right priorities for the future.
3. We were also mindful that the pandemic will have impacted chambers, entities and sole practitioners in different ways and we were interested to understand more about that and some of the questions were directed at this. For example, whether new risks or opportunities have arisen from COVID-19, whether people have modified their governance or working practices or whether it has led to changes in how organisations and barristers use technology in their work.
4. In the Return, we asked a range of questions including views on the risks that the profession faces, information about the processes and controls in key areas of practice, and some questions on specific topics that are currently a priority in our strategic plan, such as dealing with allegations of harassment and assuring competence.
5. The selection was based on an impact assessment. We assessed and ranked the impact of every chambers, BSB entity and sole practitioner (at the time of selection there were approximately 1270 in total). Impact is defined as the extent of the negative consequences if any significant risks materialised. We evaluated the impact of each chambers/entity/sole practitioner in the following areas and assigned a score using the following criteria:

Criteria	Rationale
The percentage that declared areas of practice comprising aggregate of crime, immigration or family law	Areas of practice that involve the most vulnerable consumers are ranked highest impact. Crime and family work generate the highest proportion of complaints to the Legal Ombudsman. Our work in immigration services indicates that consumers are reluctant to complain.
Number of practising barristers	Larger practices will have inherently higher impact
Number of barristers declaring they do work in the Youth Courts	Area of practice that involves the most vulnerable consumers are ranked highest impact. Research shows that this is an area of poor standards of advocacy.
Number of public access registered barristers	Lay clients do not have the additional protection of a solicitor or other legal professional.
Average proportion of income from public access work	The larger the proportion of public access work that a chambers/entity conducts, the more likely that their controls will be robust and specialised for this purpose.
Number of barristers that declared they do work under the Money Laundering Regulations	The impact of non-compliance is high, given Government focus on this area as a consequence of the National Risk Assessment. Additional controls are required for work under the MLRs. We have committed to gathering evidence as part of the Regulatory Return.

6. When deciding which to include, we also considered supervisory, enforcement and authorisation history.
7. The Regulatory Returns were sent to the top 356 chambers/entities/sole practitioners who were assessed as the highest impact and risk, comprising:
 - 272 multi-tenant chambers
 - 67 sole practitioners
 - 17 BSB entities.
8. A total of 320 Returns were completed and two further chambers merged during the process. The rest were removed from the process because the chambers or entities had subsequently closed or merged with others, BSB entities had not traded since authorisation, sole practitioners had moved into employment or into other chambers, sole practitioners were incorrectly recorded as such in their Bar records, or sole practitioners had not been working for personal reasons.

Engagement with the profession

9. Most respondents put a great deal of thought into their responses and have provided a wealth of information. We recognise the significant investment of time that has been made to do so, at a hugely difficult time when the profession was coping with the impact of the pandemic, and this is reflected in some of the feedback we received. We are very grateful for this because it has given us a very good indication of the risks that the profession is facing and how they are being managed, and good insight into expectations for the future. The information that has been provided has given us an up-to-date view of risk in the chambers, entities and sole practices that have the highest impact on the public, particularly on vulnerable consumers. This enables us to be effective as a risk-based regulator. It has also provided valuable information that is being used by project teams that are working on strategically important priority areas.
10. We have sought to engage individually with respondents wherever possible. In most cases, the only reason those we regulate come into direct contact with us is if we have received information that suggests that something is wrong. The assessment process for the Returns provides an opportunity for us to engage with the profession in a more constructive and proactive way, as part of a mature regulatory relationship. This is in line with the proposed strategy that we have consulted on, ie to:
- strengthen our ability to reach out and to engage with chambers and the profession so that we can identify and promote good practice in the way the profession operates to provide effective services, to sustain high professional standards, to develop barristers and to ensure diversity; and
 - improve and deepen the intelligence we have and our research evidence bearing on professional competence, standards of service and the operation of the market for barristers' services.
11. All participants have been provided with a feedback survey. To date we have received 23 responses and we are encouraging more to give us their feedback. Some examples of feedback received so far include the following:

“I would like to thank the BSB for this process which assists to ensure policies and procedures are kept up to date and are used for the benefit of members, staff and clients.”

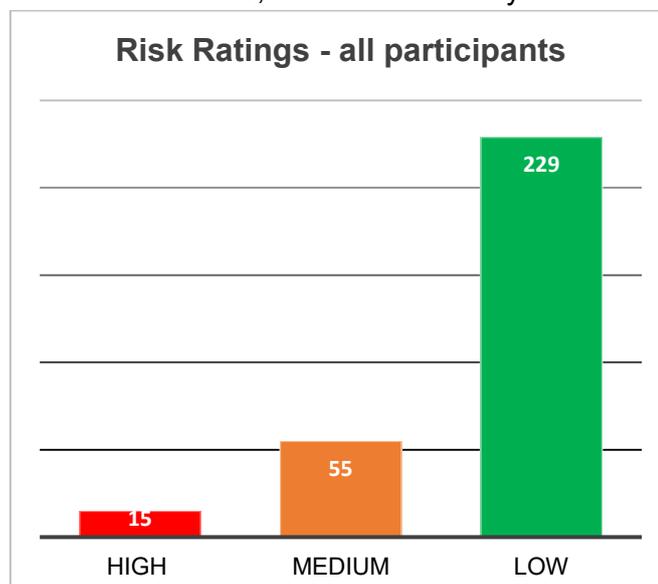
“I am very pleased with the outcome of the BSB assessment of our return. It is very gratifying, as one of many who gives their time voluntarily to assist in the management of a Chambers, to know that our regulator considers that we are doing so in a competent and efficient manner.”

“Both our phone conversation and your detailed letter have been of considerable help in enabling Chambers to address issues where our compliance could be improved. In smaller sets of chambers, which do not have anything like the staff resources and depth of expertise in certain regards that larger sets do, it is particularly useful to be guided by the BSB both in meeting its actual obligations and also towards other aspects of best practice which we might reasonably seek to achieve.”

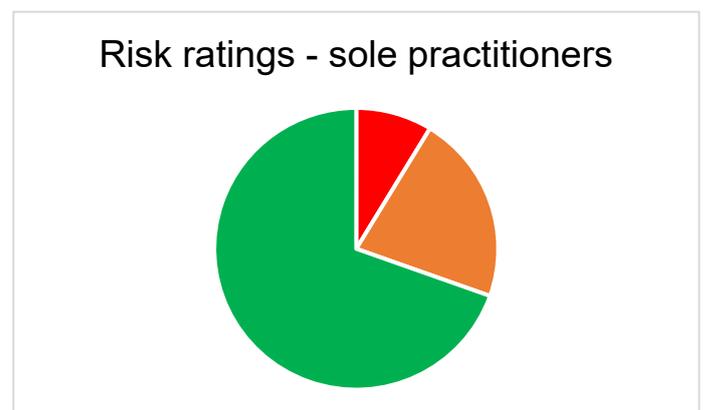
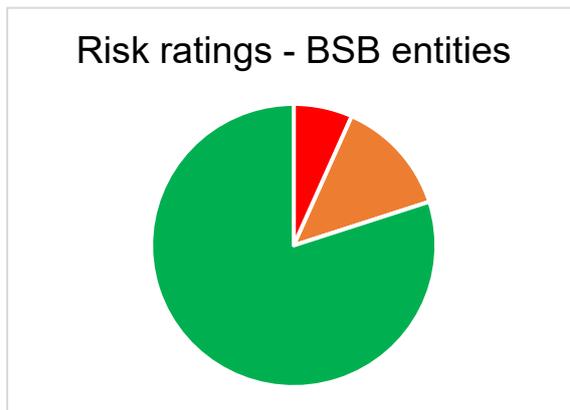
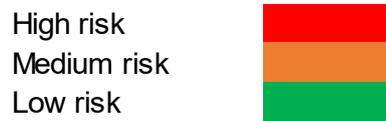
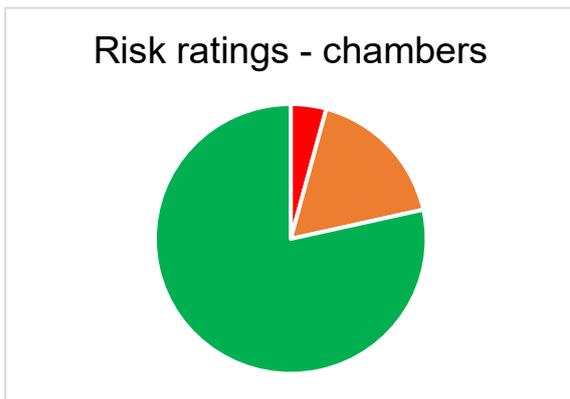
“I think the process is important, necessary and helpful. I do not think it is too onerous and is an important requirement as Chambers benefits from a thorough regulatory review. Completing this once every five years is not overly demanding and plenty of time was allocated for it to be completed. The most difficult aspect (for me) was ascertaining what depth of information was required for each question. For some questions it was clear, but for others it would have been helpful to have more specific direction.... Overall, I think this process is good, makes a Chambers think about what it is doing, useful to have external eyes on regulatory compliance, and I found the supervision during the process to be exceptionally good. There has been much complaining from some chambers and LPMA representatives at the scale of work required and relevance. I do not agree with these complaints. If a chambers is running well, the information is readily available and simply needs to be adapted for the responses. A once every five years requirement is not excessive and those complaining need to understand that firstly as an industry we are required to be regulated and secondly, this is a very good way of ensuring all chambers are of the necessary standard. It is a positive and supportive process, which is good for a chambers as it gives confidence to clients that we are properly and effectively regulated and appropriately scrutinised.”

Results from the risk assessment of Returns

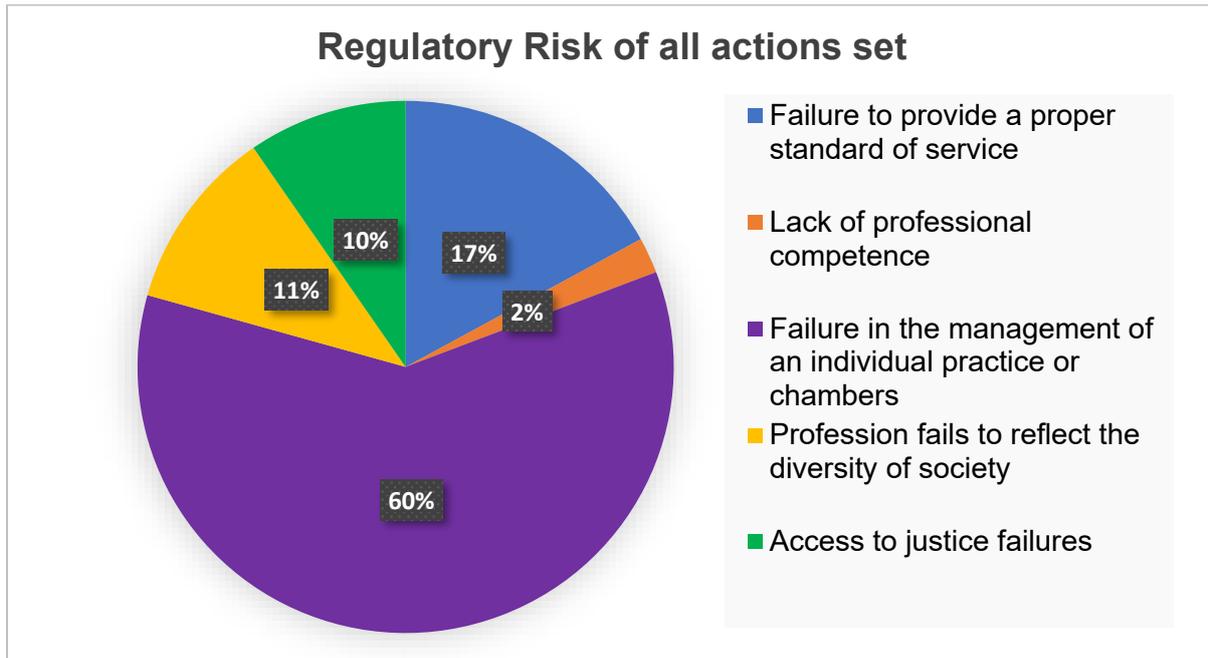
12. The Return provided an opportunity for those selected to explain how effectively potential risks are being managed within their organisations or entities, how they ensure compliance with the BSB Handbook, and how high standards of practice are maintained. Guidance was provided for each question, explaining why the question was being asked and explaining the type of information that we wanted respondents to address. We carried out a risk assessment based on the responses provided and contacted the relevant chambers, entity or sole practitioner, either to provide the outcome of the assessment or, where relevant, to seek clarification in certain areas or to obtain further information where a response to one or more questions was not sufficiently detailed.
13. As we anticipated, the vast majority have been assessed as low or medium risk. The graph below shows the results of all but 20, which are currently still under review.



14. Most BSB entities are single person entities or very small (with no more than a handful of people). We were interested to determine whether small entities and sole practitioners were likely to be assessed as higher risk, given the more limited resources to support practice administration and the fact that barristers practising alone do not benefit from the advantages stemming from the collegiality of multi-tenant chambers. This does not appear to be the case with only a slightly higher proportion of BSB entities and sole practitioners assessed as high or medium risk.



15. Where we identified anything specific which gave cause for concern, we agreed actions, aiming to work collaboratively with the organisation or individual to make sure that controls are strengthened.
16. We record these actions and categorise them based on the risks in our [Risk Index](#). Given the focus of the questions, we would expect the majority of actions to fall in the category “management of an individual practice or chambers”, which has been the case. To date we have recorded 519 actions as follows:



17. We monitor the implementation of the actions. A large number have already reported to us that the required actions have been addressed and we are currently reviewing the actions taken. Once the actions have been implemented satisfactorily, the risk rating is usually adjusted, but any that remain as higher risk will remain under focus. The rating and any specific actions outstanding will also be taken into consideration when assessing any future reports of concerns that are made to the BSB.
18. When we conducted this exercise in 2015-16, we ask similar questions about how people manage risk, what key risks they have identified and how they are managing them. At that time, we often had to explain what we meant by risk and risk management. There was a notable improvement in this area, with many more chambers understanding the concept of risk management and able to articulate how they manage risk. The pandemic has certainly focussed minds on effective financial risk management, as well as on managing wellbeing of staff and barristers. People spoke of embedding good practice developed in response to the challenges of this period.

Plans for publication – sharing themes about risk and good practice

19. In addition to providing individual feedback to all those who completed the Return, we have already used a great deal of information in the Returns. You can read more about this on our [website](#).
20. We will be publishing a series of thematic reports providing more granular information on the headline areas highlighted above – both risks identified and examples of good practice. These will cover areas such as risk management; complaints handling; data protection and information risk management; equality, diversity and inclusion; the role played by chambers and entities in ensuring barrister competence; and the changing use of technology and innovation in the profession. We believe that this approach provides information in a more

digestible and accessible way. A particular theme that has recurred in the course of discussions with chambers, that we aim to address, is a desire for more clarity about our expectations of what standards smaller chambers should be aiming for, ensuring that we are acting proportionately as a regulator, and also more guidance about what they can realistically and practically contribute to objectives such as improved diversity and inclusion.

19 January 2022

Meeting:	Bar Standards Board	Date:	27 January 2022
Title:	Diversity at the Bar report		
Author:	Shadae Cazeau		
Post:	Head of Equality and Access to Justice		

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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<p>Paper relates to the Regulatory Objective (s) highlighted in bold below</p> <p>(a) protecting and promoting the public interest (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) encouraging an independent, strong, diverse and effective legal profession (g) increasing public understanding of citizens' legal rights and duties (h) promoting and maintaining adherence to the professional principles</p> <p><input type="checkbox"/> Paper does not principally relate to Regulatory Objectives</p>

Purpose of Report

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

Executive summary

- The annual report on diversity data supports the BSB in identifying its priorities to meet its regulatory objective of '*encouraging an independent, strong, diverse and effective legal profession*'. The findings of this report will also inform the wider organisational strategy and more specifically, the equality strategy.
- Most notably, the data shows a large increase in the number of those currently undertaking pupillage (511), which is encouraging following the decrease in pupillage uptake in December 2020 (354). In fact, the number of those undertaking pupillage in 2021 was slightly higher than the average number of pupils between December 2015-2019 indicating that last year's below average rates were most likely a result of the Covid-19 pandemic.
- Disclosure rates increased across all categories other than Gender which, as in previous years, has the highest disclosure rate at 99.7%. This year over 60% of respondents provided data on disability however, monitoring questions related to caring responsibilities, socio-economic status, gender identity, religion/belief and sexual orientation were answered by less than 60% of the Bar. Despite this, with disclosure rates increasing by 3% each year it is likely that disclosure will hit 60% across several of the categories listed above by next year.
- With low disclosure rates across some categories, it remains difficult to infer meaningful conclusions from some of the data. We will continue to try to improve this and will be consulting with other regulators to understand more about how they are promoting the disclosure of the protected characteristics of the professionals they regulate. We continue to review how we communicate the benefits of disclosure to the profession.

6. The data show that the current percentage of black barristers does not reflect the UK working age population of black people, with yearly increases of only 0.5% on average. In fact, the overall proportion of minority ethnic barristers (N.B. these data are not broken down by ethnic group) commencing pupillage has decreased. This demonstrates that despite efforts to improve the diversity of the profession, including the publication of the BSB's Anti-Racist statement in November 2020, increasing levels of diversity at the Bar for ethnic minority groups remains an issue.
7. The recent Bar Council Race at the Bar report identifies several actions both stakeholders and Chambers should take to address the barriers to race equality at the Bar. We will be considering how we might implement the recommendations in the report and other ways we may want to hold the profession to account in the equality strategy for 2022 – 2025. We are currently analysing the Regulatory Return to understand how the profession has responded to the Anti-racist statement. This will help us to identify risks to the diversity of the profession and any specific risks to individual ethnic groups. We will continue to analyse the effectiveness of the Anti-racist statement and its long-term impacts on racial diversity at the Bar.
8. The number of disabled barristers continues to increase, however only 6.8% of the Bar had declared a disability in comparison with around 16.4% of the employed working age population. The report also highlights that the percentage of those with a declared disability decreases as levels of seniority increase. We may need to consider further work to understand retention rates and any barriers to seniority for disabled barristers.
9. Although not a definitive conclusion, the report highlights a disproportionately high number of barristers who attended a UK independent school. This may indirectly impact on the diversity of the profession; due to the historic significance given to education in pupillage recruitment. We should continue to monitor whether diversity at the Bar improves as numbers of those educated at a UK independent school slowly decrease. We will also be reviewing the questions we ask on social mobility to align with other organisations monitoring of social mobility.

Recommendations

10. The Board is invited to note the report and provide any observations on the data or suggested follow up work.

Resource implications / Impacts on other teams / departments or projects

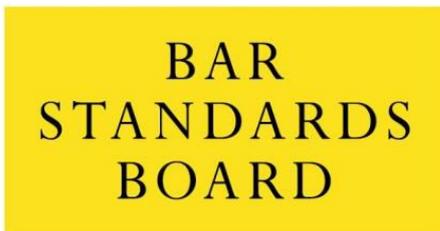
11. None arising directly from this publication.

Equality and Diversity

12. The data in the report will inform the new strategy and any targeted work to address equality, diversity and inclusion across the profession. The report will provide evidence for our equality impact assessments of all plans and policies.

Risk implications

13. The BSB risk register identifies 'the risk arising from failure to adequately reflect diversity of the public within the regulated community' and our strategy regulatory objectives include encouraging an independent, strong, diverse and effective legal profession. The data evidences the need to undertake further work to reduce this risk.
14. There are two key compliance issues relevant to the publication of the Diversity Data Report:
 - the Equality Act 2010 Specific Duties Regulations; and
 - LSB statutory guidance about publication of aggregated diversity data.



REGULATING BARRISTERS

Diversity at the Bar 2021

**A summary of the latest available diversity data
for the Bar**

Published January 2022

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Executive Summary

This report presents a summary of the latest available diversity data for the Bar (covering pupils, practising Queen’s Counsel - QC - and practising non-QC 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.

The practising Bar

- The overall number of practitioners (including all pupils) at the Bar as of 1 December 2021 stood at 17,774: Of this number 511 were pupils, 1,928 were QCs, and 15,335 were non-QC barristers.
- This year has seen a large increase in individuals currently undertaking pupillage. The number in the practising or non-practising stage of pupillage as of December 2021 was 511, which is 157 more than that seen in December 2020, and slightly higher than the average number of pupils each December from 2015-2019, which was 472.
- The number of non-QC and QC barristers has increased by a small amount year on year (an increase of 127 non-QCs and 58 QCs.) The increase in the number of non-QCs at the Bar is broadly in line with that seen in several previous years since 2015, as is that seen for QCs.

Response Rates

- Response rates continue to increase across all categories except for gender, with a yearly increase in response rate of three or more 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).¹ As per previous years, the response rate is highest for gender at 99.7 per cent and lowest for gender identity at 44.8 per cent.

Gender

- The proportion of women at the Bar has increased 0.6pp since December 2020. As of December 2021, women constituted 38.8 per cent of the Bar compared to an estimate of 50.2 per cent of the UK working age population.
- The proportion of female QCs has increased year on year, from 16.8 per cent to 17.9 per cent. There is still a large disparity between the proportion of the Bar who are female and the proportion of QCs who are female (38.8% vs 17.9%). The difference between the two has narrowed slightly in 2021.

¹ 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

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- As of December 2021, 56.6 per cent of pupils were female and 43.4 were male (when excluding those that have not provided information on gender). The proportion of female pupils is broadly in line with that seen in 2019, and is almost 7 percentage points higher than in 2020.

Ethnicity

- The percentage of barristers from minority ethnic backgrounds² at the Bar has increased 0.5pp since December 2020 to 14.7 per cent. That compares to an estimate of 14.7 per cent of the working age population in England and Wales as of July-September 2021.
- The percentage of barristers from minority ethnic backgrounds increased year on year by 0.5pp for non-QCs (to 15.1%); 0.8pp for QCs (to 9.6%); and decreased by 3.2pp for pupils (to 19.6%). Despite the drop for pupils, the 2021 figure is higher than that seen for 2015-2019.
- There is still a disparity between the overall percentage of barristers from minority ethnic backgrounds across the profession (14.7%), and the percentage of QCs (9.6%) from minority ethnic backgrounds (although the disparity is lessening over time). This may reflect some previous trends, there having been a lower percentage of such barristers entering the profession in the past, but may also suggest barriers to progression for practitioners from minority ethnic backgrounds.
- There are some notable differences when further disaggregating by ethnic group. There was a year-on-year increase in the overall proportion of Asian/Asian British barristers of 0.2pp; Black/Black British barristers of 0.04pp; 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 slightly 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 (7.8% vs 6.4%), and the same can be said for those from Mixed/Multiple ethnic backgrounds (3.6% vs 1.7%). By contrast, there is a slightly smaller proportion of those from Black/Black British backgrounds (3.3% vs 3.6%), and a greater relative underrepresentation for those from other ethnic groups (1.2% vs 3.2%).
- There is also a greater disparity in the proportion of all non-QCs from Black/Black British backgrounds compared to the proportion of all QCs from the same background, with the disparity being particularly high for those of Black/Black British – African ethnic backgrounds.

² “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’.

Disability

- As of December 2021, there was a 3.4pp increase in the proportion of pupils with a declared disability compared to December 2020, putting this figure more in line with that seen in December 2019.
- There still appears to be an underrepresentation of disabled practitioners at the Bar. Although there is a relatively low response rate of 60.2 per cent, 6.8 per cent of those who provided information on disability status disclosed a disability, representing a 0.5pp increase on 2020. Despite the increase, this is substantially lower than an estimate of 16.4 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 76.8 per cent of the Bar. This is a decrease compared to December 2020 of around 1.8 percentage points (78.6% vs 76.8%), with relatively more of the Bar in the 55-64 and 65+ age range in 2021 (22.4% of the Bar are 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 (24.7%) followed by those with no religion (20.0%), although for pupils this is reversed.

Sexual Orientation

- There has been a large increase in the response rate for this monitoring question this year, of over 8pp.
- Excluding those that have not provided information, 11.5 per cent of pupils, 7.3 per cent of non-QC barristers, and 5.7 per cent of QCs provided their sexual orientation as one of Bisexual, Gay or Lesbian; or another sexual orientation (not including heterosexual).

Socio-economic background

- The data suggest that a disproportionately high number of barristers attended a UK independent school between the ages of 11-18. Including non-respondents 19.3 per cent of the Bar had attended an independent school, compared to approximately 7 per cent of school children in England at any age, and 9.9 per cent of UK domiciled young full-time first degree entrants in the UK in 2019/20. Of those providing information on school attended, just over one in three attended an independent school in the UK.

- When excluding non-responses and those who prefer not to say, as of December 2021: 0.5 per cent of the Bar had not attended university; 53.1 per cent were not of the first generation to attend university; and 46.3 per cent were of the first generation to attend university.

Caring responsibilities

- When excluding non-responses, 28.4 per cent (just over one in four) 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 6.3pp since 2015, 7.3pp since 2017 and 1.4pp since 2020. 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 per cent of female barristers, and 20 per cent of male barristers provided primary care for a child.
- Figures produced by the UK Office of National Statistics suggest that around 37 per cent of economically active males, and 40 per cent of economically active 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 far 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 13.7 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.

1. Introduction

The BSB is committed to providing clear and transparent statistical diversity data for 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 2021.³

This report provides an overview of diversity at the Bar,⁴ 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)

Seniority	Numbers	Year on year difference (compared to December 2020)
Pupil	511	+157
Non-Queen’s Counsel (Non-QC) ⁵	15,335	+127
Queen’s Counsel (QC)	1,928	+58
Total	17,774	+342

There has been a year-on-year increase of 342 in the number at the Bar as of 1 December 2021. This is in line with the increase seen in 2019 compared to 2018, and contrasts with 2020, where the size of the Bar decreased slightly compared to 2019 as a result of a decrease in numbers of pupils, most likely due to the effects of the COVID-19 pandemic. The increase in the number of non-QCs at the Bar is broadly in line with that seen in several previous years, as is that seen for QCs. The number of pupils is far higher in 2021 than in 2020.

³ The BSB published a report detailing longer term trends from 1990-2020 for several monitoring categories this year. The report, ‘Trends in retention and demographics at the Bar – 1990-2020’, can be found on the Research Reports section of our website: <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/bsb-research-reports.html>

⁴ 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 2021.

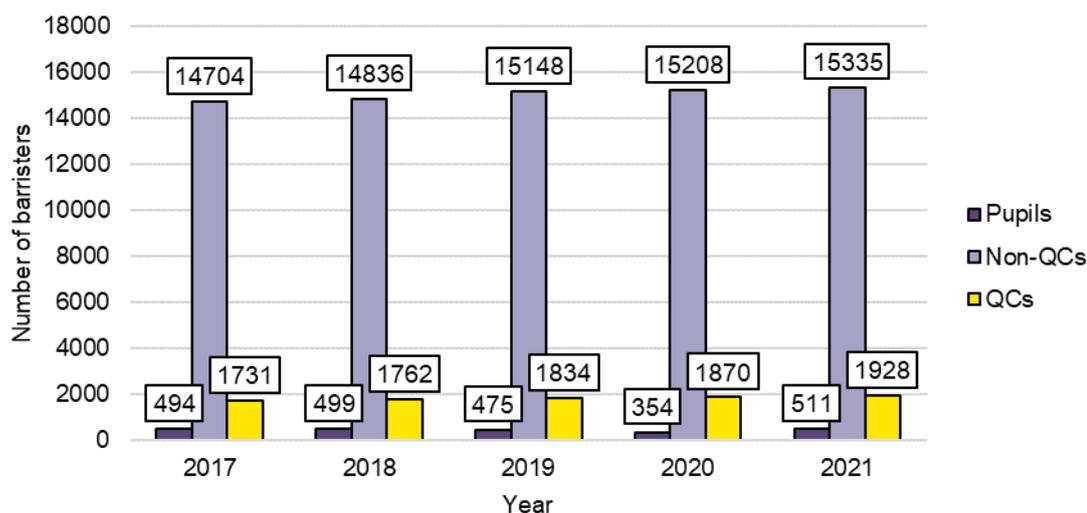
⁵ Usage of the term “non-QC” in this report refers to practising junior barristers; a barrister who has not taken silk

Table 2: Year on year change in the number of people at the Bar

Seniority	2016-2015	2017-2016	2018-2017	2019-2018	2020-2019	2021-2020
Pupils	+47	+23	+5	-24	-121	+157
Non-QCs	+147	+269	+132	+312	+60	+127
QCs	+47	+57	+31	+72	+36	+58
Overall	+241	+349	+168	+360	-25	+342

There were far fewer pupils undertaking extended pupillages this year compared to the same point in 2020. As of 1 December 2021, there were five pupils undertaking pupillages that commenced more than one year ago. This is in line with 2015-2019 and considerably lower than the 39 such pupils seen for 1 December 2020. Pupils undertaking extended pupillages are not included in this report in order to avoid double counting pupils from one Diversity at the Bar Report to the next.

Chart 1: Number of pupils, Non-QC barristers and QC barristers at the Bar:
December 2017-December 2021



There are three sections to this report: protected characteristics⁶, socio-economic background, and caring responsibilities for dependent children and others.

⁶ 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

2. Methodology

The data for practitioners⁷ in this report are from the BSB's records.

BSB Records

The Bar Council Records Department receives data on the profession via MyBar, the online "Authorisation to Practise" system. MyBar enables barristers to renew their practising certificates online and input or update their diversity monitoring data at any time.

The rate of completion varies for individual monitoring strands, as each question is voluntary and all can be left blank if desired.

Diversity data on pupils are collected through the Pupillage Registration Form, which must be completed before an individual commences pupillage. The data from this form are stored in the BSB's data warehouse.

The diversity monitoring information used in this report represents a snapshot of the profession as at 1 December 2021.⁸

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

2.1. Response Rates

The response rate once again increased across all collected data in 2021. The year on year increases from 2020 were around 3-4 percentage points for the majority of the monitoring categories, and considerably higher for gender identity and sexual orientation. It is encouraging that response rates have increased year on year consistently for the majority of categories for every Diversity at the Bar report published.

Although the trend in response rates is positive, less than 60 per cent of the Bar has responded to seven of the 11 questions monitored in this report.

These monitoring questions relate to:

- Caring responsibilities for Children
- Caring responsibilities for others
- First generation to attend university
- Gender identity

⁷ Usage of the term "practitioners" in this report refers to pupils, junior barristers, and QCs practising at the Bar as of 1 December 2021.

⁸ Pupillage numbers for 2015-2019 are different to what was initially published in the relevant Diversity at the Bar Reports. This is because we refined the approach we take to calculating pupillage data to give a more accurate picture of the number of pupils at a given point in time. This also means that pupillage figures and comparisons to previous years' pupillage data have been recalculated as a result of using updated numbers.

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- Religion or belief
- Sexual orientation
- Type of school attended from 11-18

This is also the first year in which we have collected data on sex and whether a barrister qualified for free school meals. The response rates for these questions were quite low, and so these categories are not included in this report.

Each question on both MyBar and the Pupillage Registration Form 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 in Table 3.

Table 3: Response Rates in 2020 and 2021 (as a percentage of total barristers) and change in response rates over time

Category	2020 (%)	2021 (%)	2021-2020 pp. diff.	2021-2015 pp. diff.
Gender	99.69	99.72	0.03	-0.24
Gender Identity	39.1	44.7	5.7	44.8
Sex	-	18.5	18.5	-
Ethnicity	94.2	94.8	0.6	3.4
Disability	56.9	60.4	3.5	29.5
Age	87.2	88.1	1.0	1.7
Religion or Belief	52.0	56.1	4.1	28.3
Sexual orientation	50.3	58.3	8.0	30.8
Type of school attended from 11-18	55.6	59.5	3.9	32.6
First generation to attend university	52.2	55.7	3.5	28.9
Free school meals	-	15.4	15.4	-
Caring responsibilities for Children	55.3	59.2	3.9	31.7
Caring responsibilities for others	53.4	57.2	3.9	30.9

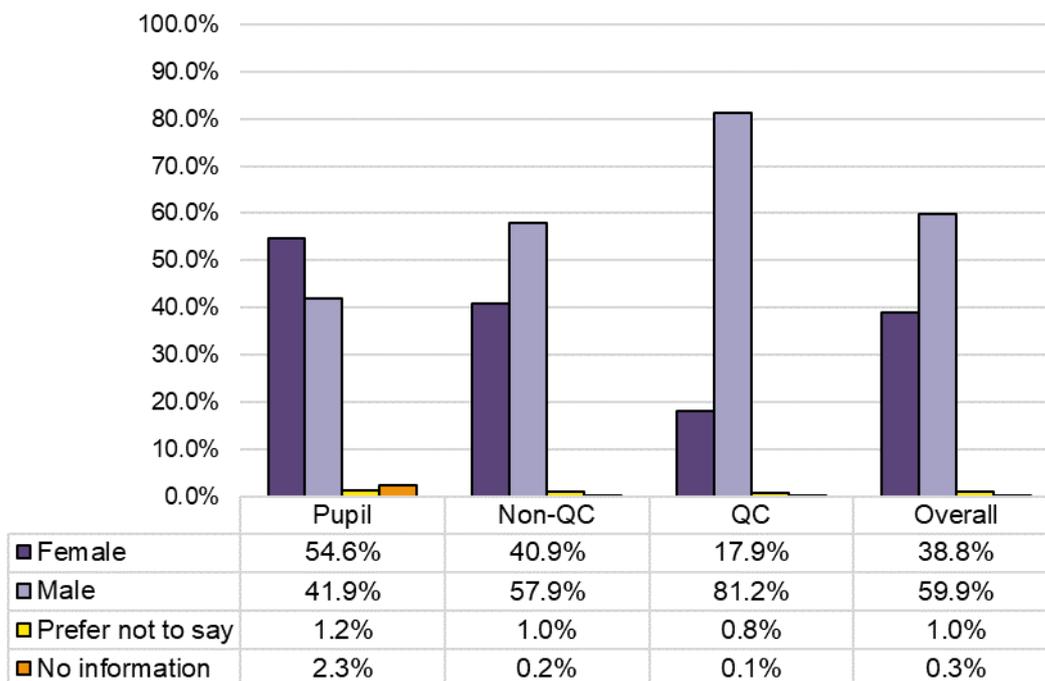
3. Protected Characteristics

3.1. Gender and Gender Identity

Gender

Chart 2 shows the percentage of practitioners at the Bar by gender and level of seniority.

Chart 2: Gender at the Bar (%)



- The overall percentage of women at the Bar increased by 0.6pp from December 2020 to December 2021 to 38.8 per cent: This compares to an estimate of 50.2 per cent of the UK working age (16-64) population being female as of Q3 2021.⁹ The increase in the proportion of women at the Bar is 0.4pp higher than the increase seen from December 2019 to December 2020.
- The overall proportion of women at the Bar has increased every year since the first publication of the Diversity at the Bar Report in 2015. In absolute terms, the number of female barristers at the Bar has increased by 1,026 since 2015. The number of male barristers has increased by 194 over the same period. The discrepancy is likely to be due largely to greater numbers of male barristers

⁹ Calculated from the 'Labour Force Survey: Population aged 16-64: Female: Thousands: SA', and 'Labour Force Survey: Population aged 16-64: UK: Male: Thousands: SA' datasets published by the Office for National Statistics on ons.gov.uk

retiring: As of December 2021 just over 75 per cent of those aged 55+ at the Bar were male.¹⁰

- When excluding non-responses, the proportion of female pupils increased by almost 7 percentage points. When not including non-responses, the proportion of female and pupils as of December 2021 was 56.6 per cent; considerably higher than the proportion of pupils who were male, which stood at 43.4 per cent. Except for 2020 (where the proportions involved were even), the proportion of pupils who were female has been higher than that seen for males in every year since the first Diversity at the Bar Report in 2015: The difference in the proportion of pupils by gender in 2021 is the biggest seen during the period, however.
- The proportion of non-QCs who are female has increased slightly year on year. As of December 2021, 40.9 per cent of non-QCs were female, compared to 40.7 per cent in December 2020, representing a 0.2 percentage point increase. The number of female non-QC barristers increased by 94 compared to December 2021, whereas the number of male non-QC barristers fell by 8.
- The proportion of QCs who are female increased from 16.8 per cent in 2020 to 17.9 per cent in 2021, a 1.1pp increase. This is the largest percentage point increase for this measure since 2016 to 2017 (which was a 1.2pp increase). The number of female QCs increased by 31 from 2020 to 2021 compared to an increase of 17 from 2019 to 2020. The number of male QCs increased by 19 in both 2021 and 2020 compared to the previous year.
- It is still noteworthy that the overall proportion of female QCs is low (17.9%) in comparison to the percentage of female barristers at the Bar (38.8%). However, the difference between the two has slightly narrowed by 0.5pp in comparison to the difference seen in 2020. Since December 2015 there has been a net addition of 150 male QCs compared to 134 female QCs. Of those for whom we have data, 47 per cent of the net addition of QCs since 2015 have been female, compared to 53 per cent who have been male. If this trend continues, the proportion of female QCs will continue to grow closer to the proportion of female non-QCs.
- The proportion of women at the Bar has increased by 2.9 percentage points overall since the 2015 Diversity at the Bar Report. The increase overall has been 2.8pp for female non-QC barristers, and 4.9pp for female QC barristers.

Table 4: Gender at the Bar (numbers)

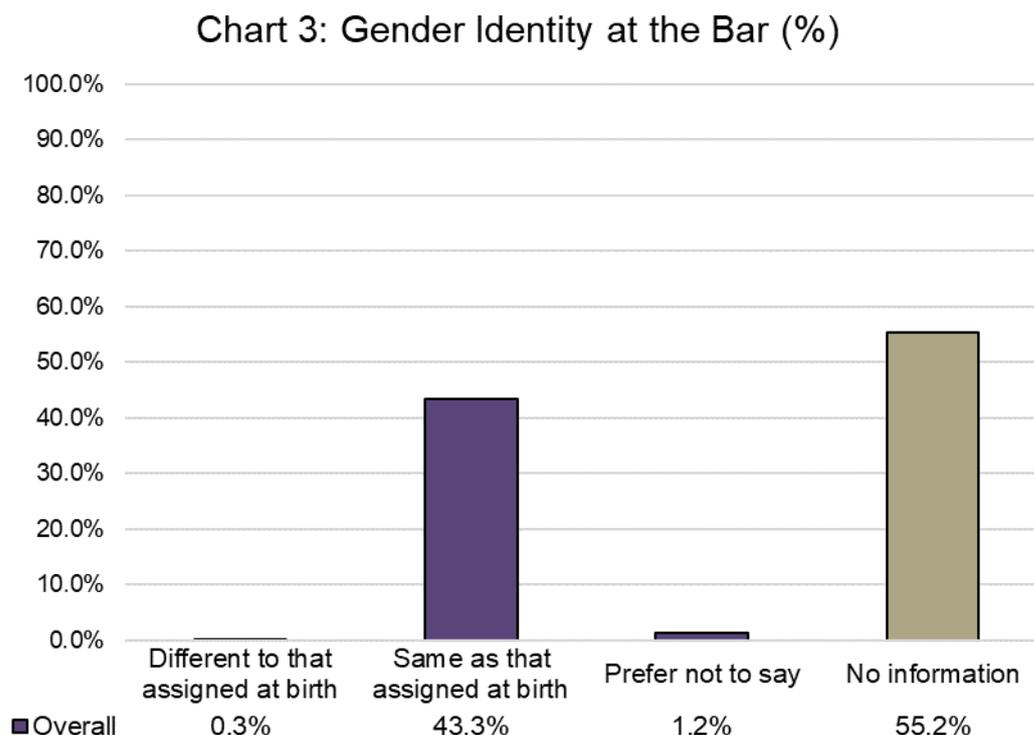
	Pupils	Non-QC	QC	Total
Female	279	6,278	346	6,903
Male	214	8,872	1,565	10,651
Prefer not to say	6	150	15	171

¹⁰ Of those who have provided information on age.

No information	12	35	2	49
Total	511	15,335	1,928	17,774

Gender Identity

Chart 3 shows the percentage of practitioners at the Bar by response to the following question on MyBar: “Is your gender the same as the sex that you were registered at birth?”.



- Around 55 per cent of practitioners had not provided a response on gender identity on MyBar.
- When including non-respondents, around 0.3 per cent of practitioners had a different gender identity to the one they were assigned at birth.

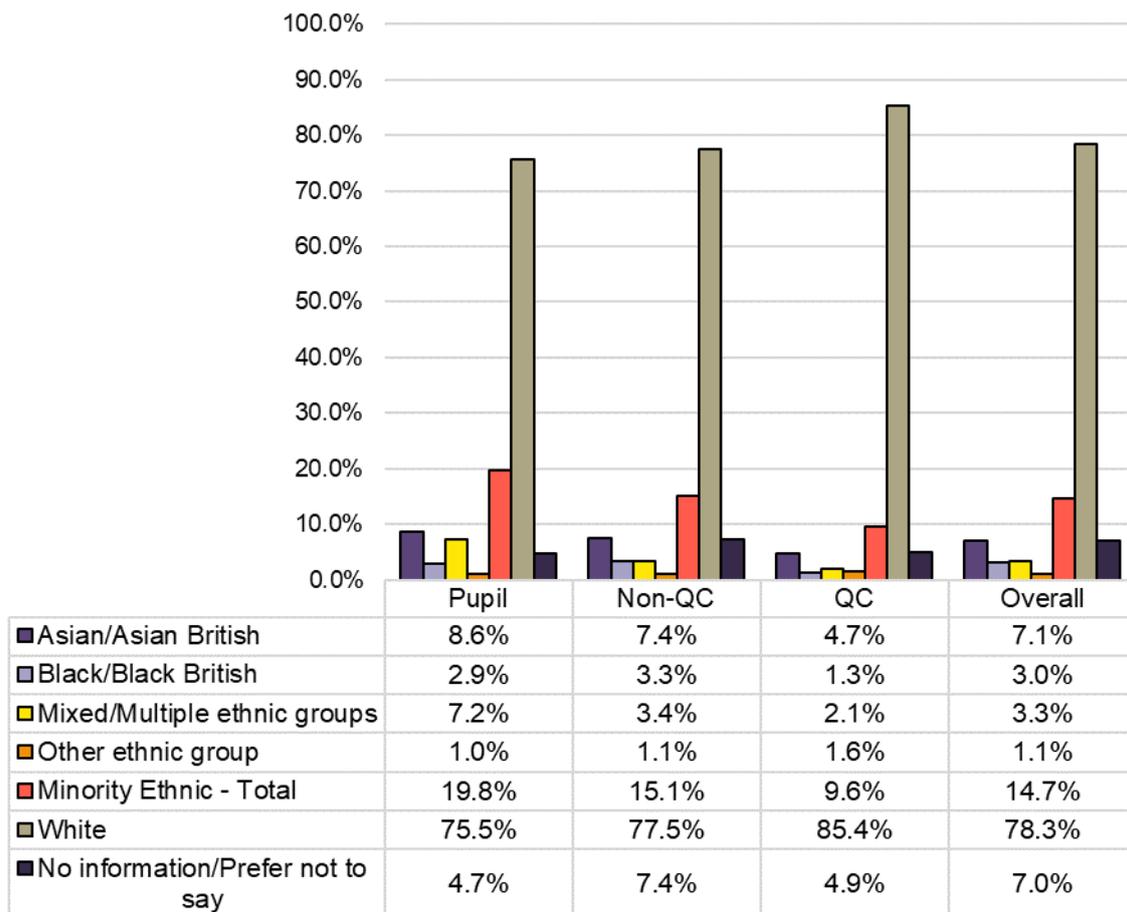
Table 5: Gender identity at the Bar (numbers)

Gender Identity same as that assigned at birth	Pupils	Non-QC	QC	Overall
No	-	39	6	45
Yes	50	6,743	900	7,693
Prefer not to say	-	203	13	216
No information	461	8,350	1,009	9,820
Total	511	15,335	1,928	17,774

3.2. Ethnicity

Chart 4 shows the percentage of practitioners at the Bar by ethnic background and level of seniority.

Chart 4: Ethnicity at the Bar (%)



- Including non-responses, the overall percentage of barristers from minority ethnic backgrounds at the Bar as of 1 December 2021 was 14.7 per cent. This figure has increased by 0.5pp compared to December 2020, and around 1.0pp compared to December 2019. This is in line with the average yearly percentage point increase of 0.5pp since the first Diversity at the Bar Report in 2015.
- When excluding those that have not provided information or have preferred not to disclose information, around 15.8 per cent of the Bar is from a minority ethnic background. This compares to around 14.7 per cent of the 16-64 working age population in England and Wales as of Q3 2021.¹¹

¹¹ Calculated from adding together figures on the economically active and inactive 16-64 population by ethnicity from the Labour Force Survey: A09: Labour Market Status by ethnic group.

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- The percentage of QCs from minority ethnic backgrounds has increased by 0.8pp from December 2019 to 9.6 per cent, which also equates to an increase of 1.5pp compared to December 2018, and 3.4pp compared to the first Diversity at the Bar Report in December 2015.
- Since December 2015 there has been a net addition of 84 QCs from minority ethnic backgrounds compared to a net addition of 176 QCs from White ethnic backgrounds. Of those for whom we have data, around 32 per cent of the net addition of QCs since 2015 has been from a minority ethnic background: This is higher than the proportion of practitioners from minority ethnic backgrounds and may partly be explained by greater numbers of White QCs having retired since 2015, as the proportion of QCs who are White shows a general increase alongside age. Excluding non-responses, as of December 2021; around 91.8 per cent of QCs aged 55+, and 87.6 per cent of QCs aged 45-54 were White, compared to 87.3 per cent, and 83.6 per cent of non-QCs in the same age range respectively (a difference of 4.5pp and 4.0pp between the groups in each age range). In comparison there is less of a difference between the proportion of White QCs and non-QCs aged 35-44 (83.5% compared to 83.3% respectively), although there are relatively few QCs in this age range.
- There is still a lower proportion of QCs from minority ethnic backgrounds than the proportion of non-QCs who are from such backgrounds, although the ratio between the two has narrowed over time. When excluding non-responses, in December 2015 the proportion of non-QC practitioners from a minority ethnic background was 2.1 times higher than the equivalent proportion of QCs; in December 2021 the ratio between the two was 1.6 (it was 1.7 in December 2020).
- The percentage of non-QC barristers from a minority ethnic background has increased by 0.5pp (to 15.1%).
- The proportion of pupils from a minority ethnic background showed a decrease of 3.2pp compared to December 2020 (to 19.6 per cent) when including non-responses. Despite the drop, 2021 figure is higher than that seen for 2015-2019.

When looking at more disaggregated data by ethnic group, and when excluding those that have not provided information on ethnicity, some notable statistics emerge:

Asian/Asian British:

- Around 7.8 per cent of the Bar, 9.0 per cent of pupils, 8.0 per cent of non-QCs, and 4.9 per cent of QCs are from an Asian/Asian British background. This compares to around 6.4 per cent of the UK working age population.
- The proportion of Asian/Asian British barristers at the Bar has increased by around 1.2pp since 2015 and by 0.2pp compared to December 2020.
- Of the 8.0% of non-QCs and 4.9% of QCs from Asian/Asian British backgrounds;
 - 0.72% of non-QCs and 0.22% of QCs are from an Asian/Asian British - Bangladeshi background;

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- 0.56% of non-QCs and 0.27% of QCs are from an Asian/Asian British - Chinese background;
- 3.44% of non-QCs and 2.56% of QCs are from an Asian/Asian British - Indian background;
- 2.10% of non-QCs and 1.15% of QCs are from an Asian/Asian British - Pakistani background; and
- 1.18% of non-QCs and 0.71% of QCs are from Other Asian backgrounds.

Black/Black British:

- Around 3.3 per cent of the Bar, 3.1 per cent of pupils, 3.5 per cent of non-QCs, and 1.4 per cent of QCs are from a Black/Black British background. This compares to around 3.6 per cent of the UK working age population.
- The proportion of Black/Black British barristers at the Bar has increased by around 0.3pp since 2015 and by 0.04pp compared to December 2020.
- Of the 3.5% of non-QCs and 1.4% of QCs from a Black/Black British background;
 - 1.89% of non-QCs and 0.44% of QCs are from Black/Black British - African backgrounds;
 - 1.37% of non-QCs and 0.82% of QCs are from a Black/Black British - Caribbean background; and
 - 0.25% of non-QCs and 0.16% of QCs are from any other Black background.

Mixed/Multiple ethnic groups:

- Around 3.6 per cent of the Bar, 7.6 per cent of pupils, 3.6 per cent of non-QCs, and 2.2 per cent of QCs are from a Mixed/Multiple ethnic background. This compares to around 1.7 per cent of the UK working age population.
- The proportion of Mixed/Multiple ethnic group barristers at the Bar has increased by around 1.1pp since 2015 and by 0.2pp compared to December 2020.
- Of the 3.6% of non-QCs and 2.2% of QCs from Mixed/Multiple ethnic group backgrounds;
 - 1.11% of non-QCs and 0.82% of QCs are from White and Asian mixed backgrounds;
 - 0.38% of non-QCs and 0.05% of QCs are from White and Black/Black British - African mixed backgrounds;
 - 0.44% of non-QCs and 0.27% of QCs are from White and Black/Black British - Caribbean mixed backgrounds;
 - 0.17% of non-QCs and 0.22% of QCs are from White and Chinese mixed backgrounds; and
 - 1.53% of non-QCs and 0.82% of QCs are from any Other Mixed/Multiple Ethnic Group background.

Other ethnic backgrounds:

- Around 1.2 per cent of the Bar, 1.0 per cent of pupils, 1.2 per cent of non-QCs, and 1.6 per cent of QCs indicated that they were from another ethnic background. This compares to around 3.2 per cent of the UK working age population.
- The proportion of barristers in this group has not changed since 2015.
- 1.19% of non-QCs compared to 1.64% of QCs are in this group.

White:

- Around 84.2 per cent of the Bar, 79.3 per cent of pupils, 83.7 per cent of non-QCs, and 89.9 per cent of QCs are from a White background. This compares to around 85.1 per cent of the UK working age population.
- The proportion of barristers from a White background has decreased by around 2.7pp since 2015 and by 0.5pp compared to December 2020.
- Of the 84.19% of non-QCs and 90.74% of QCs are from White ethnic groups overall;
 - 75.83% of non-QCs and 83.80% of QCs are from White British backgrounds;
 - 2.64% of non-QCs and 2.13% of QCs are from White Irish backgrounds; and
 - 5.19% of non-QCs and 3.93% of QCs are from any other White background.

Table 6: Ethnicity at the Bar (numbers)

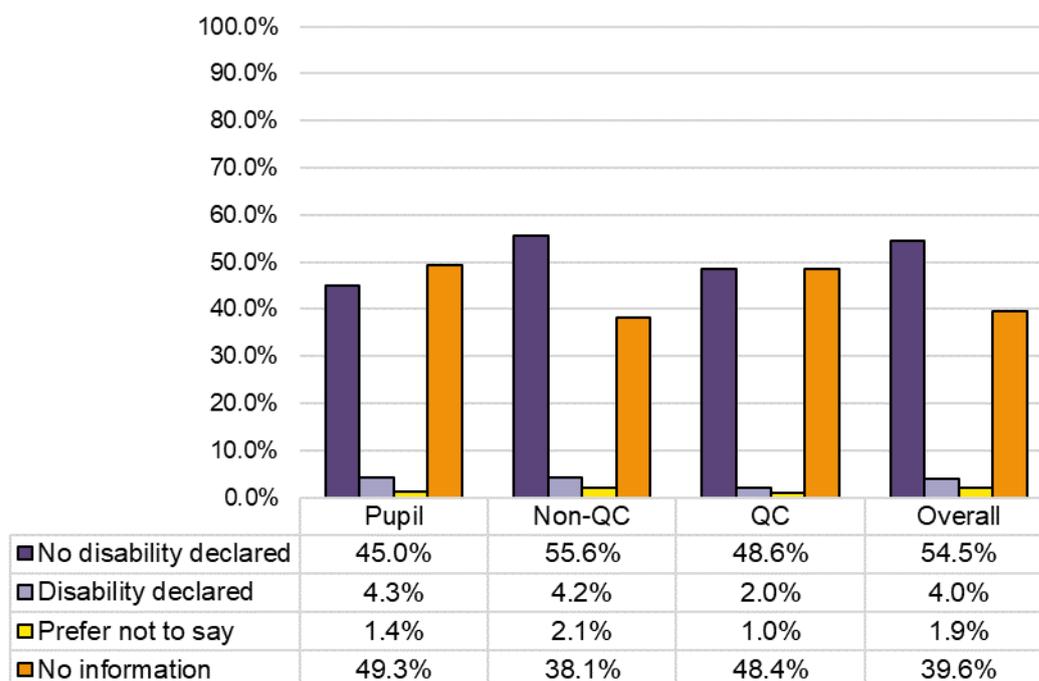
	Pupils	Non-QC	QC	Total
Asian/Asian British	44	1,136	90	1,270
Asian/Asian British - Bangladeshi	4	102	4	110
Asian/Asian British - Chinese	2	79	5	86
Asian/Asian British - Indian	23	489	47	559
Asian/Asian British - Pakistani	10	299	21	330
Another Asian background	5	167	13	185
Black/Black British	15	499	26	540
Black/Black British - African	8	269	8	285
Black/Black British - Caribbean	6	195	15	216
Another Black background	1	35	3	39
Mixed/Multiple ethnic groups	37	516	40	593
White and Asian	19	157	15	191
White and Black African	1	54	1	56
White and Black Caribbean	10	63	5	78
White and Chinese		24	4	28

	Pupils	Non-QC	QC	Total
Another mixed/multiple background	7	218	15	240
White	386	11,887	1,647	13,920
White - English/Welsh/Scottish/Northern Irish/British	345	10,773	1,536	12,654
White - Gypsy or Irish Traveller		2	-	2
White - Irish	12	375	39	426
Another White background	29	737	72	838
Other ethnic group	5	169	30	204
Arab	2	18	1	21
Any other ethnic group	3	151	29	183
Prefer not to say	12	277	32	321
No information	12	851	63	926
Total	511	15,335	1,928	17,774

3.3. Disability

Chart 5 shows the percentage of practitioners at the Bar by declared disability status and level of seniority.

Chart 5: Disability declared at the Bar (%)



- Including those that have not provided information on disability, 4.0 per cent of the Bar; 4.3 per cent of pupils; 4.2 per cent of non-QC barristers; and 2.0 per cent of QCs had declared a disability as of December 2021. The overall year on year percentage point increase for those declaring a disability is 0.5pp (3.5% to 4.0%). The increase may be linked to an increase in response rates.
- When excluding those that had not provided information, 6.8 per cent of the Bar; 7.0 per cent of non-QC barristers; 8.7 per cent of pupils; and 3.9 per cent of QCs had declared a disability as of December 2021. The proportion of pupils declaring a disability was 3.4pp higher than in December 2020; while the respective figure for non-QCs showed a year on year increase of 0.4pp, and there was a smaller increase of 0.2pp seen for QCs. In comparison to these figures, it is estimated that around 16.4 per cent of the employed working age population (those aged 16-64) has a declared disability as defined under the Equality Act 2010 as of July-September 2021¹², and so the proportion seen for the Bar overall appears to be substantially lower.
- The figures also suggest that the percentage of those with a declared disability may decrease as level of seniority increases. The response rate for this question is now around 60 per cent, and this is a trend that has remained present alongside an increase in response rates.

Table 7: Disability at the Bar (numbers)

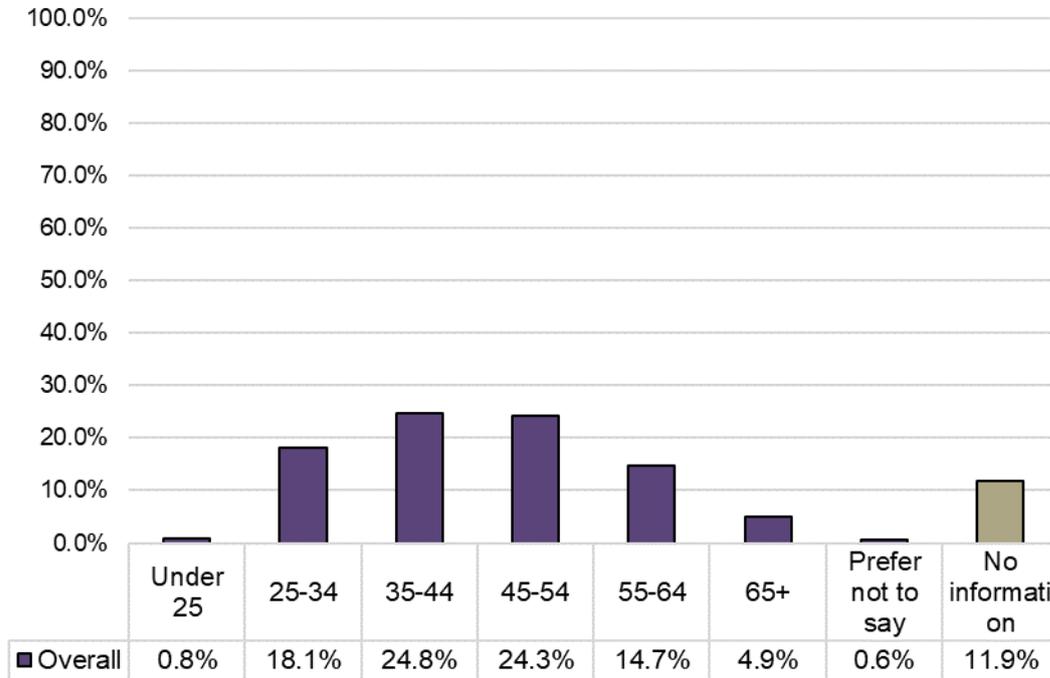
	Pupils	Non-QC	QC	Total
No disability declared	230	8,523	937	9,690
Disability declared	22	646	38	706
Prefer not to say	7	320	19	346
No information	252	5,846	934	7,032
Total	511	15,335	1,928	17,774

¹² Calculated for Jul-Sep 2021 from Office for National Statistics datasets: A08: Labour market status of disabled people using Equality Act Levels (People).

3.4. Age

Chart 6 shows the percentage of practitioners at the Bar by age band.

Chart 6: Age of the Bar (% of total for the Bar)



Of those that have provided information on age:

- Those aged between 25 and 54 make up around 76.8 per cent of the Bar. This is a decrease compared to December 2020 of around 1.8 percentage points (78.6% vs 76.8), with relatively more of the Bar in the 55-64 and 65+ age range in 2021.
- 22.4 per cent of those who have provided information on age are aged 55+. This carries on a general trend in the age profile of the Bar and compares to figures of 18.7 per cent in 2019; and 14.8 per cent in the first Diversity at the Bar Report in 2015. 3,482 of those that had declared their age were in this group in December 2021, compared to 2,073 in December 2015 (the proportion of those not providing information on age has remained relatively stable over the same period).
- The two largest cohorts are those aged from 35-44 and those aged from 44-54. Around 28 per cent of barristers are in each of these age ranges.
- There is a slight increase in the proportion of those at the Bar aged under 25: This is largely due to the increase in the number of pupils. Around 0.9 per cent are in this cohort in 2021, compared to 0.8 per cent in 2020.

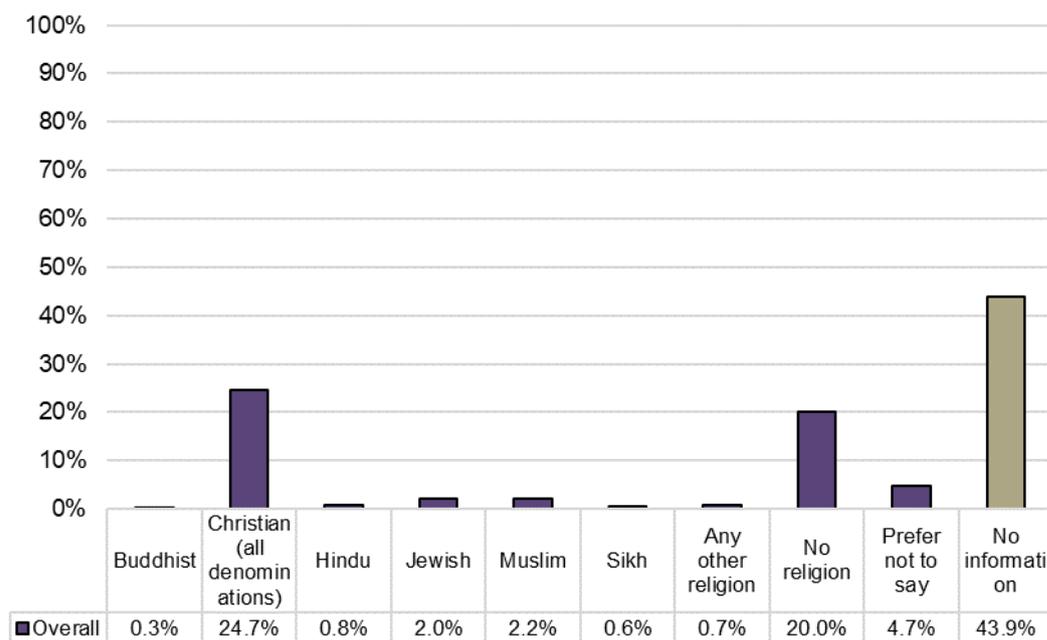
Table 8: Age at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Under 25	93	42	-	135
25-34	350	2,874	-	3,224
35-44	40	4,283	81	4,404
45-54	7	3,603	706	4,316
55-64	3	2,154	456	2,613
65+	1	664	204	869
Prefer not to say	2	86	13	101
No information	15	1,629	468	2,112
Total	511	15,335	1,928	17,774

3.5. Religion and Belief

Chart 7 shows the religion of practitioners at the Bar.

Chart 7: Religion/Belief of the Bar (% of total for the Bar)



- Around 44 per cent of the Bar have not provided information on religion or belief through MyBar. The response rate for this question is up by around 4.1 percentage points year on year.
- Including those that have not provided information, the largest group at the Bar is Christians (24.7%) followed by those with no religion (20.0%), although for pupils this is reversed.

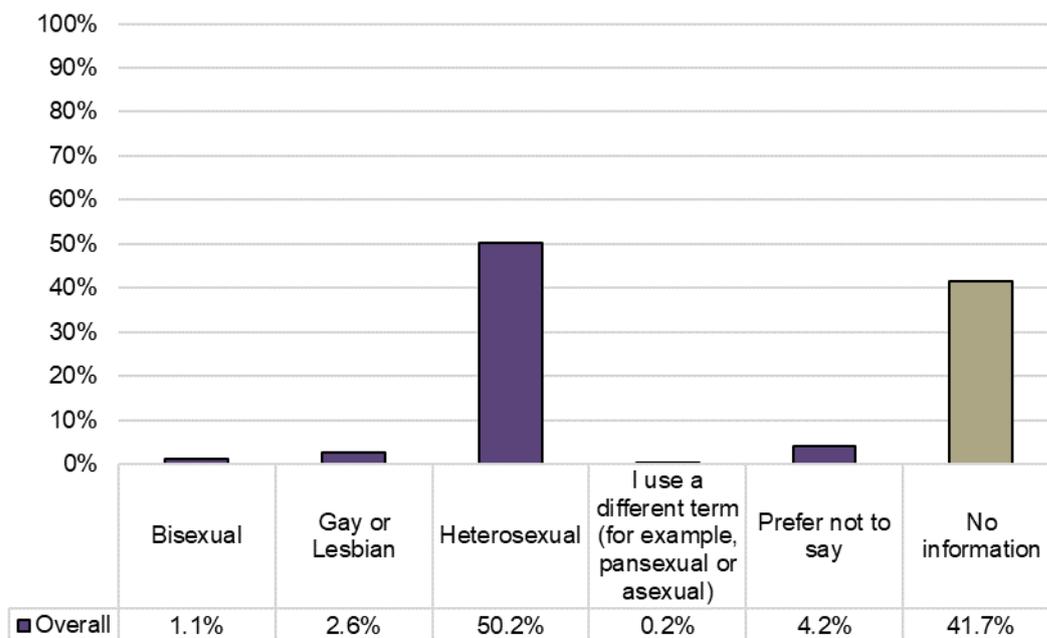
Table 9: Religion and Belief at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Buddhist	2	53	1	56
Christian (all denominations)	64	3,893	431	4,388
Hindu	1	139	11	151
Jewish	8	271	80	359
Muslim	13	359	16	388
Sikh	3	98	11	112
Another religion	3	118	7	128
No religion	116	3,135	304	3,555
Prefer not to say	18	735	81	834
No information	283	6,534	986	7,803
Total	511	15,335	1,928	17,774

3.6. Sexual Orientation

Chart 8 shows the sexual orientation of practitioners at the Bar.

Chart 8: Sexual orientation of the Bar (% of total for the Bar)



- The response rate for sexual orientation has increased by around 8 percentage points in comparison to December 2020.

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- Excluding those that have not provided information, 11.5 per cent of pupils, 7.3 per cent of non-QCs, and 5.7 per cent of QCs provided their sexual orientation as one of Bisexual; Gay; Lesbian; or used another term for their sexual orientation (not including heterosexual). This compares to an estimate of 3.5 per cent of the UK population aged 16 and over identifying as one of Bisexual, Gay or Lesbian or another sexual orientation as of 2019 when excluding non-responses.¹³

Table 10: Sexual Orientation of the Bar (numbers)

	Pupils	Non-QC	QC	Total
Bisexual	16	176	9	201
Gay or Lesbian	7	409	39	455
Heterosexual	184	7,879	866	8,929
I use a different term (for example, pansexual or asexual)	1	33	4	38
Prefer not to say	24	664	59	747
No information	279	6,174	951	7,404
Total	511	15,335	1,928	17,774

¹³ Calculated from Table 1 in UK Office for National Statistics Bulletin: Sexual orientation, UK: 2019. The calculation involved excluding non-responses from the table and recalculating the percentages.

4. Socio-Economic Background

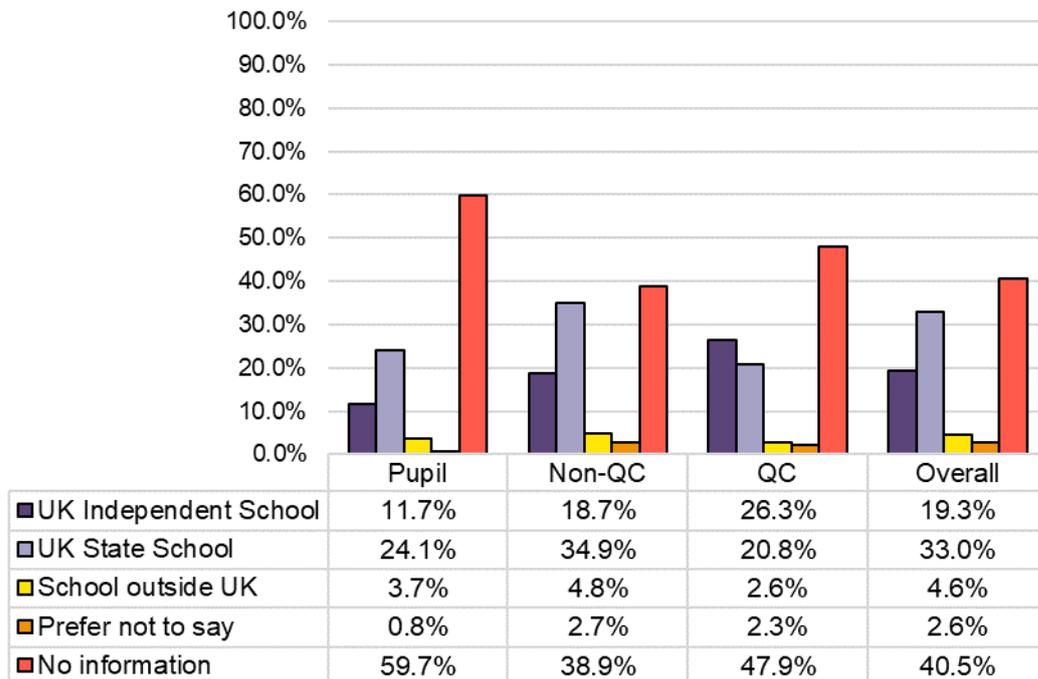
Socio-economic background is not a protected characteristic under the Equality Act 2010. However, a representative socio-economic profile may be one indicator of a more meritocratic profession.

Unfortunately, accurately measuring socio-economic background can be challenging, and there is no universal proxy for gathering such data. The BSB uses two socio-economic questions which are included on the MyBar monitoring questionnaire and on the Pupillage Registration Form. 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.¹⁴

4.1. Type of School Attended

Chart 9 shows a summary of the type of school mainly attended between the ages of 11-18 for practitioners at the Bar.

Chart 9: Type of school attended (%)



¹⁴ 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 a high percentage of non-responses (40.5%), the data suggest that a disproportionately high number of barristers attended a UK independent school. The figures show that even if all of the barristers who chose not to respond had gone to state schools, the proportion of barristers who went to independent schools would be higher than in the wider population: as of December 2021, 19.3 per cent of the Bar (including non-respondents) attended an independent school between 11-18, compared to approximately 7 per cent of school children in England at any age,¹⁵ and 9.9 per cent of UK domiciled young full-time first degree entrants in the UK in 2019/20 attending a non-state school prior to university.¹⁶
- Of those that provided information on school attended, 33.9 per cent attended an independent school in the UK (this represents a small decrease of 0.2pp compared to December 2020). This is in line with those that enrolled on the Bar Professional Training Course (BPTC) from 2014-2019: Across the 2014/15-2019/20 academic years, there was an average of 33 per cent of UK domiciled students on the BPTC having attended an independent school.¹⁷ This suggests that the high percentage of those at the Bar who attended an independent school in the UK is influenced by factors prior to vocational study to become a barrister.
- It is worth noting that of those that provided information on school attended, the proportion of UK-schooled barristers who attended an independent school has been gradually trending downwards since 2015 from 39.6 per cent in December 2015 to 36.9 per cent in December 2021.
- The overall response rate for this information has increased 3.9pp year on year.

Table 11: Type of School Attended from 11-18 by the Bar (numbers)

	Pupils	Non-QC	QC	Total
UK Independent School	60	2,861	508	3,429
UK State School	123	5,345	401	5,869
School outside UK	19	741	51	811
Prefer not to say	4	420	44	468
No information	305	5,968	924	7,197
Total	511	15,335	1,928	17,774

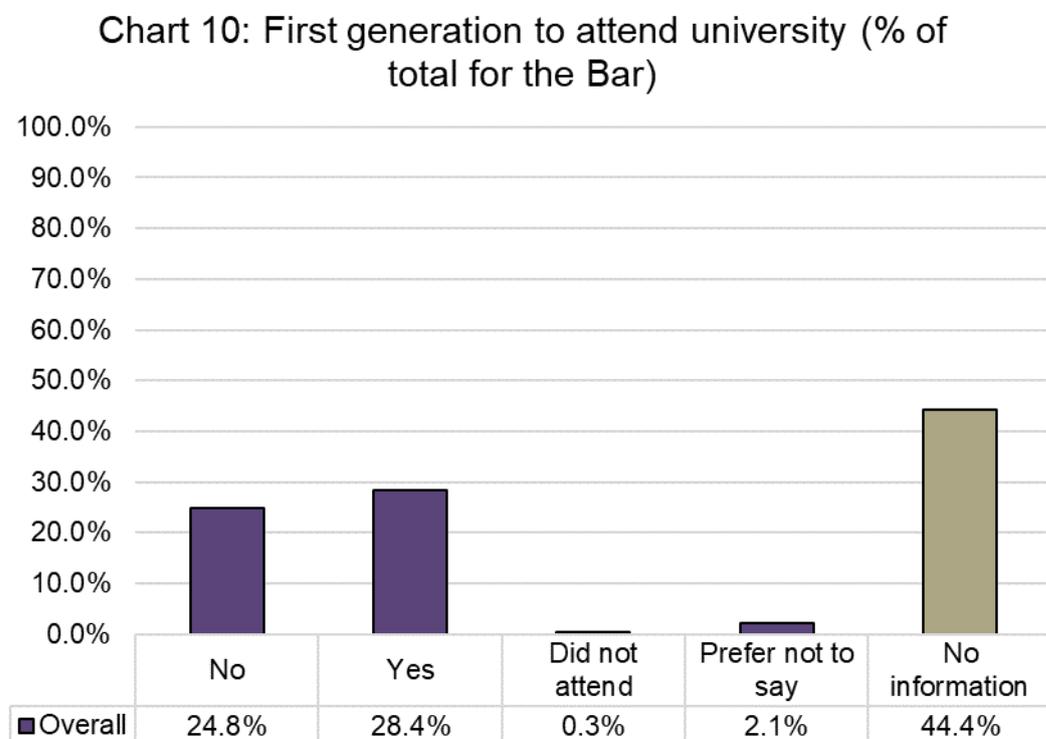
¹⁵ Independent Schools Council: Research. <https://www.isc.co.uk/research/> (accessed 10 December 2021). We acknowledge that this comparison is not a direct one; we are lacking data on type of school mainly attended between the ages of 11-18 for England and Wales only.

¹⁶ Higher Education Statistics Authority: Widening participation summary: UK Performance Indicators. <https://www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation-summary> (accessed 8 December 2021)

¹⁷ 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.

4.2. First Generation to Attend University

Chart 10 shows whether members of the profession were the first generation to attend university or not. On the MyBar monitoring questionnaire, the question asked is: “If you went to university (to study a BA, BSc or higher), had either (or both) of your parents or carers attended university by the time you were 18?”



- There has been an increase in the response rate to this question of around 3.5pp this year (to 55.7%).
- When excluding non-responses and those who prefer not to say, as of December 2021: 0.5 per cent of the Bar had not attended university; 53.1 per cent were not of the first generation to attend university; and 46.3 per cent were of the first generation to attend university.

Table 12: First Generation to Attend University at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No	42	3,939	427	4,408
Yes	28	4,491	536	5,055
Did not attend	-	41	11	52
Prefer not to say	4	341	27	372
No information	437	6,523	927	7,887
Total	511	15,335	1,928	17,774

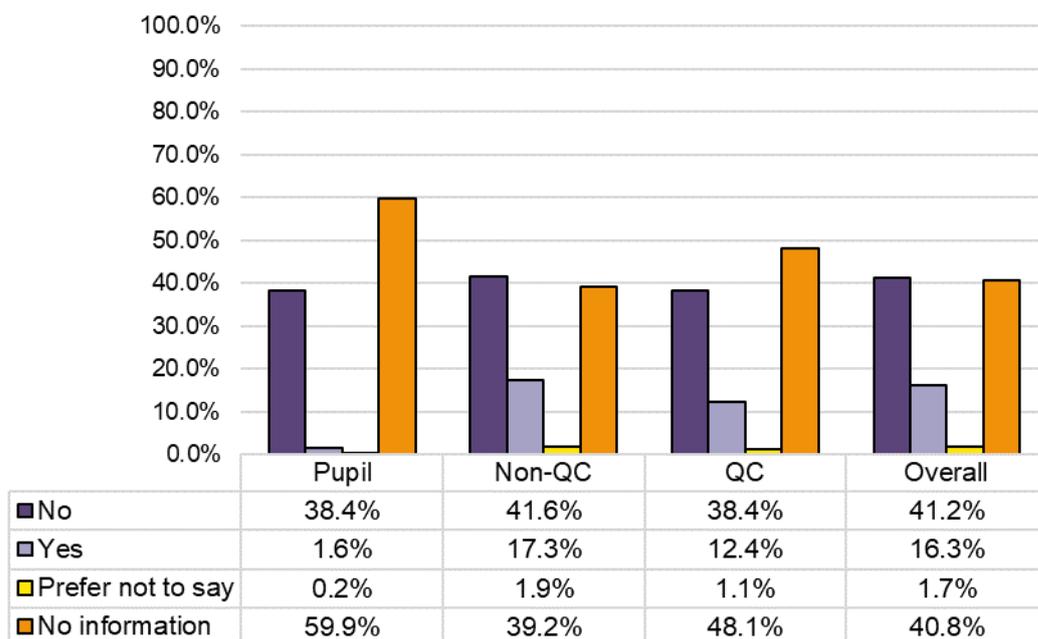
5. Caring Responsibilities

The caring responsibilities categories used in this report are aimed at ascertaining whether an individual has child or adult dependants.

5.1. Caring Responsibilities for Children

Chart 11 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 11: Primary caring responsibilities for children (%)



- The percentage of those providing a response to this question has increased 3.9pp year on year to 59.2 per cent.
- When excluding non-responses, 28.4 per cent (just over one in four) of the Bar; 3.9 per cent of pupils; 29.4 per cent of non-QCs; and 24.4 per cent of QCs 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 6.3pp since 2015, 7.3pp since 2017 and 1.4pp since 2020.
- When further breaking these figures down by gender, it appears that the increase in the proportion of barristers with primary caring responsibilities for one or more children may be being driven by both an increase in female representation at the Bar as well as other factors. The table below shows the proportion of barristers with primary caring responsibilities by gender and practising status, when excluding non-responses. For each figure, the percentage point difference compared to five years ago in December 2017 is shown.

Table 13: Percentage of gender/practising group with primary caring responsibilities for Children, and percentage point change compared to five years ago - excluding non-responses

	Percentage of group with primary caring responsibly for one or more children, as of December 2021	Percentage point change compared to December 2017
Pupils	3.5%	-0.1%
Female	5.1%	+1.0%
Male	1.2%	-1.8%
Non-QCs	29.3%	+6.8%
Female	39.8%	+7.1%
Male	20.5%	+6.0%
QCs	24.5%	+9.3%
Female	56.7%	+9.4%
Male	14.9%	+5.2%
Overall	28.4 %	+7.2%
Female	39.76%	+8.3%
Male	19.47%	+5.9%

- Overall, a far greater proportion of female barristers are primary carers for children (around 40 per cent of female barristers compared to around 20 per cent of male barristers), but the relative proportions involved appear to have increased for female and male barristers over time for both QCs and non-QCs. This suggests either that a greater proportion of those with children provided this information in 2021 compared to 2017, or that there has been a substantial increase in the proportion of the Bar who had primary care of a child even when controlling for gender.
- A comparison with the working age UK population may suggest that a far lower proportion of male barristers are the primary carer for a child. Figures produced by the UK Office of National Statistics suggest that around 37 per cent of economically active males, and 40 per cent of economically active females are a primary carer for one or more children: This compares to around 40 per cent of female barristers and 20 per cent of male barristers having primary care of one or more children.¹⁸ The figure for the UK as a whole includes all ages from 16-64

¹⁸ Calculated from Table 1a in Families and the labour market, UK: main dataset using the Labour Force Survey and Annual Population Survey: main reference tables, 2020

grouped together, and so the proportion of those in the UK with primary care of a child is likely to be far higher for those aged 35-54, which constitutes the majority of the Bar, which means that the proportion seen for female barristers may also be lower than that seen in the UK population as a whole when controlling for age. It is worth noting that as response rates are relatively low for this question, such inferences may not be reliable.

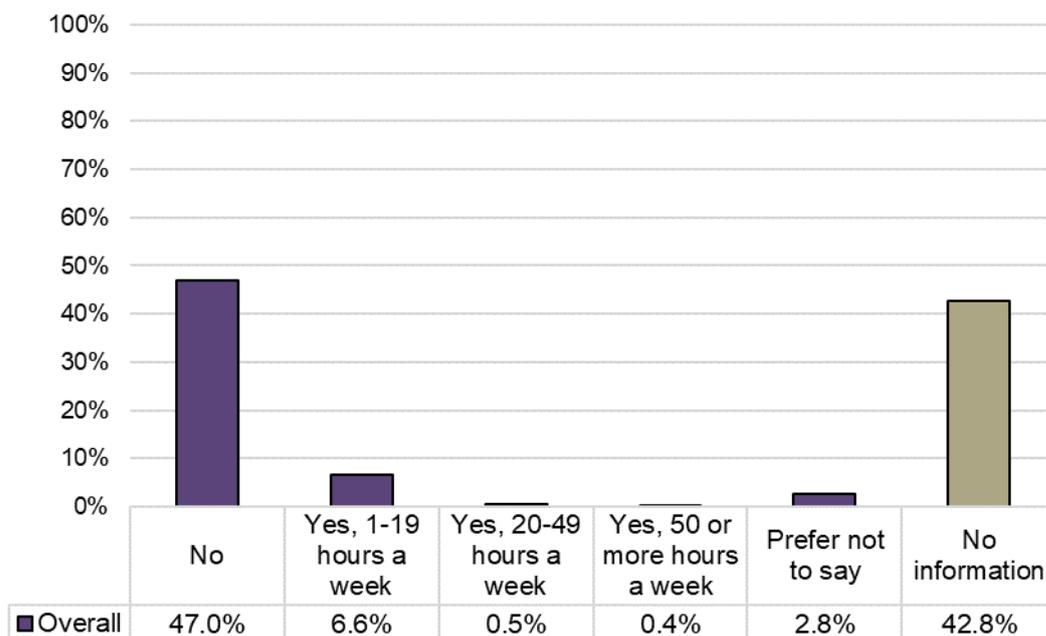
Table 14: Caring Responsibilities for Children for those at the Bar (numbers)

	Pupils	Non-QC	QC	Total
Not a primary carer for one or more children	196	6,380	740	7,316
Is a primary carer for one or more children	8	2,654	239	2,901
Prefer not to say	1	284	22	307
No information	306	6,017	927	7,250
Total	511	15,335	1,928	17,774

5.2. Caring Responsibilities for Others

Chart 12 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)?”

Chart 12: Caring responsibilities for others (% of total for the Bar)



- The percentage of those providing a response to this question has increased 3.9pp year on year to 57.2 per cent.
- Including those that have not provided information for this question, 7.4 per cent of the Bar provides care for others for one hour a week or more.
- Of those that provided a Yes/No response, around 13.7 per cent of respondents provided care for another person for 1 or more hours per week as of December 2021. This is in line with the proportion of those in work in the UK who are carers according to figures published by Carers UK, which states that around one in seven (14.3% of) UK workers provide care for another, not including primary care of children.¹⁹
- Of those at the Bar that do provide care for others, around 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 7.7 per cent of pupils, to 13.3 per cent of non-QCs, and 18.4 per cent of QCs.

Table 15: Caring Responsibilities for Others for those at the Bar (numbers)

	Pupils	Non-QC	QC	Total
No	181	7,423	752	8,356

¹⁹ See Carers UK (2019) Juggling work and care

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Yes, 1-19 hours a week	13	1,001	157	1,171
Yes, 20-49 hours a week	2	78	9	89
Yes, 50 or more hours a week		60	4	64
Prefer not to say	8	451	34	493
No information	307	6,322	972	7,601
Total	511	15,335	1,928	17,774

6. Conclusions

Compared with 2020, there has been a relatively large change in the overall number of pupils; the proportion of female pupils; the proportion of pupils from minority ethnic backgrounds; and the proportion of pupils with a declared disability. The numbers and proportions involved are more similar to that seen in 2019, and suggest that 2020 was a relatively anomalous year for pupillages due to the pandemic.

There has been an increase in the number of QC and non-QC barristers year on year. The increases are in line with those seen in several years since the Diversity at the Bar Report was started in 2015. Overall, for non-QC and QC barristers, there has been no substantial change in the reported profile of the Bar, which is to be expected when monitoring demographic changes in a profession annually.

The most notable changes in percentage point terms are increases in the proportion of QCs who are female; the proportion of QCs from minority ethnic backgrounds; and the proportion of the Bar with primary care of one or more children, and a decrease in the proportion of practitioners aged 25-54 (and corresponding increase in the proportion of the Bar aged 55+). All of the above represent a continuation of trends seen since the first Diversity at the Bar Report, as well as trends seen over a longer period of time as detailed in BSB research on retention at the Bar.²⁰

Response rates continue to improve, with increases of around 3pp or more seen in eight of the 11 categories monitored in this report, which is a very positive development. As the disclosure rate increases, so does the quality of the BSB's evidence base. We will continue to encourage those at the Bar to provide us with information, particularly around characteristics that are under-reported. It is also the first year in which we have collected information on two further categories, qualification for free school meals, and sex. As the response rates for these categories continues to improve, we should be able to provide information on these in future reports.

Overall, gender continues to move towards better reflecting the demographics of the UK population, with a continued increase in the proportion of practitioners who are female. In addition, the proportion of those from a minority ethnic background continues to increase. This year also shows the second greatest proportion of pupils from a minority ethnic background since we commenced reporting in 2015 (although the proportion has decreased since 2020).

When excluding those that have not provided information, amongst those from a minority ethnic background there are some notable differences. There is a slightly greater proportion of Asian/Asian British practitioners at the Bar compared to the UK working age population (7.8% vs 6.4%), and the same can be said for those from

²⁰ Bar Standards Board (2021). Trends in retention and demographics at the Bar: 1990-2020. Accessed online here: <https://www.barstandardsboard.org.uk/uploads/assets/12aaca1f-4d21-4f5a-b213641c63dae406/Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Full-version.pdf>

Diversity At the Bar Report – Draft Version

Mixed/Multiple ethnic backgrounds (3.6% vs 1.7%). By contrast, there is a slightly smaller proportion of those at the Bar from Black/Black British backgrounds compared to the UK working age population, (3.3% vs 3.6%), and a greater relative underrepresentation for those from Other ethnic groups (1.2% vs 3.2%).

There is also a greater disparity in the proportion of non-QCs from Black/Black British backgrounds compared to the proportion of QCs from the same background, with the disparity being particularly high for those of Black/Black British – African ethnic backgrounds.

There may be a lower proportion of disabled practitioners at the Bar in comparison to the UK working age population, and the proportion of those with a declared disability appears to differ by level of seniority. The response rate for this question is now around 60 per cent, and although drawing inferences based on this level of response may be unreliable, this is a trend that has remained present alongside an increase in response rates.

The response rates for questions on religion and belief, sexual orientation, socio-economic background and caring responsibilities are also too low to be able to draw reliable conclusions.

Based on the data we have, the proportion of the Bar who identify as one of Bisexual; Gay or Lesbian; or use another term for their sexual orientation (not including heterosexual) appears to be higher than that seen in the UK population aged 16 and over.

For religion, the largest group at the Bar is Christians followed by those with no religion, although for pupils this is reversed.

Regarding type of school attended, it appears that a disproportionately high percentage of the Bar primarily attended an independent secondary school, although the proportion does appear to be gradually trending downwards over time.

The percentage of those at the Bar who provide care for another (not including primary care of a child under the age of 18) appears to be around that seen for workers across the UK. The same could be said for the proportion of female barristers who provide care for a child, as this is broadly in line with that seen for the economically active UK population. In contrast, the percentage of male barristers who provide primary care for a child under the age of 18 appears to be substantially lower than that seen in the economically active UK population.

The proportions of both male and female barristers who provide primary care for a child appears to be increasing over time, and to have done so quite substantially over the last five years, although drawing inferences based on the level of response seen for this may be unreliable.

Meeting:	Bar Standards Board	Date:	27 January 2022
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Title:	Annual report of the Governance, Risk and Audit Committee (GRA)		
Author:	Nicola Sawford / David Adams		
Post:	Former Chair of GRA Committee / Corporate Services Manager		

Paper for:	Decision: <input type="checkbox"/>	Discussion: <input type="checkbox"/>	Noting: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/> (enter text)
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Recommendation

1. The Board is asked to **note** the contents of the annual update report.

Executive Summary

2. This report summarises the key aspects of the Committee's work over the past year. The report also provides the Board and public with assurance that the risk, governance and control processes within the organisation are robust and appropriate.
3. GRA publishes an annual report on its activities over the last year. GRA has continued to focus on processes to identify, evaluate and mitigate corporate and regulatory risks and the iterative development of an integrated approach to reporting of corporate and regulatory risks. It has challenged the executive on its evaluation of those risks which pose the greatest threat to the regulatory objectives or to delivery of the BSB's programme of regulatory reform.
4. Our internal auditors, Crowe LLP, commenced a new two-year contract from April 2021. This term of appointment was to continue alignment with the business and reporting year. Crowe continue to be invaluable in providing independent assurance of core BSB processes and in identifying areas for development and improvement.

Governance Risk & Audit Committee Annual Report 2021

Introduction

1. The Governance, Risk and Audit Committee (GRA) is a standing committee of the Board with oversight of: governance; risk management; risk strategies; key organisational controls; internal business processes; the Assurance Framework; and the work of the Internal Auditors.
2. The Committee meets regularly throughout the year and has met five times since the last report.
3. The Committee currently has a membership of five, made up of three Board members: Stephen Thornton (Chair), Andrew Mitchell QC and Elizabeth Prochaska; and two independent members: Stephen Hickey and Liz Butler. During the reporting year, the chair transitioned from Nicola Sawford, whose term on the committee and as Chair concluded in August 2021. The Committee is grateful to all members for their contributions, and in particular Nicola for her excellent stewardship of the committee throughout her time as Chair.

Executive Summary

4. This report summarises the key aspects of the Committee's work over the past year. The report also provides the Board and public with assurance that the risk, governance and control processes within the organisation are robust and appropriate.
5. GRA publishes an annual report on its activities over the last year. GRA has continued to focus on processes to identify, evaluate and mitigate corporate and regulatory risks and the iterative development of an integrated approach to reporting of corporate and regulatory risks. It has challenged the executive on its evaluation of those risks which pose the greatest threat to the regulatory objectives or to delivery of the BSB's programme of regulatory reform.
6. Our internal auditors, Crowe LLP, commenced a new two-year contract from April 2021. This term of appointment was to continue alignment with the business and reporting year. Crowe continue to be invaluable in providing independent assurance of core BSB processes and in identifying areas for development and improvement. Please see paragraphs 13-16 for further details.

Risk Management

7. Risk is a fundamental element of the BSB's approach to regulation. At a strategic level, understanding regulatory risks enables the Board to identify emerging risks within the legal services market and helps the BSB to support the profession to respond positively to mitigate those risks and to ensure that the public interest is protected, and the needs of consumers are met. At an operational level, the Committee uses risk to determine the best allocation of resources and to identify challenges to the delivery of projects and programmes.
8. A core function of GRA is to provide the Board with assurance on the oversight of risk. This includes the identification, management and control of both regulatory and corporate risks. It does this through holding the executive to account for its risk management strategies and in challenging the evidence and rationale for regulatory risks that are identified. Over the last year, the Committee has focussed in particular on:
 - i. Ongoing and persisting risks arising from the Covid-19 pandemic, including to the BSB's finances, staff and capacity to continue to deliver its core regulatory functions;
 - ii. Risks attached to the BSB being unable to meet its regulatory Key Performance Indicators and associated service standards over an extended period; and
 - iii. Risks related to the Legal Standards Board's assessment of the BSB against its regulatory performance framework.

9. The Committee scrutinised and approved comprehensive updates to the corporate risk register with new, revised and restructured risks. The need for the organisation to prioritise the well-being of its people was a recurrent focus, given workload challenges due to the BSB's lean resourcing model and consequent lack of resilience, rising volumes and complexity of core regulatory work, and the challenges arising from the health emergency.
10. The Committee has also had oversight of a significant number of changes to its assessment of regulatory risks resulting from deep dives.
11. The Committee oversaw a programme of regulatory deep dives that was agreed in the prior year (2020). This included topics such as whether the barrister profession fails to reflect the diversity of society, access to justice, and unethical conduct of barristers. The Committee will also receive deep dives into corporate risks as it identifies risks which require closer scrutiny.
12. The Committee were given a summary of how risks are managed in programme implementation, which is an integrated process that involves monitoring by individual Programme Boards and SMT. Members welcomed the summary, and commented on its value given that programme and project risks might present significant public confidence risks to the BSB.

Assurance and Internal Audit

13. The BSB continues to follow the four lines of defence model of assurance¹ which ensures a holistic approach to risk management with controls at various levels of a process.
14. Due to the impact of the Covid-19 pandemic on ongoing operations at the BSB, Crowe LLP were requested by the Executive to postpone audits of Human Resources, the implementation of the MyBar project and the Regulatory Return process. All of these audits were however included in the 2021-22 audit plan, with the full list of audits as follows:
 - (a) Core Regulatory Work
 - (b) MyBar
 - (c) Regulatory Return
 - (d) Examinations
 - (e) Human Resources
15. The Committee noted whilst the lack of audit activity is due to exceptional circumstances, the usual schedule of audits should resume in future years and impressed upon the Executive that all audits in 2021-22 should be completed. At the time of writing, the plan is on track to be delivered albeit with most field work and reporting to be completed in the second half of the business year.
16. The Committee monitors the progress and impact of agreed management actions arising from audits at every meeting. Furthermore, there is an agreed schedule of independent reviews by the Internal Auditors to ensure that management actions have been completed.

¹ ICAEW - <https://www.icaew.com/technical/audit-and-assurance/assurance/what-is-assurance/assurance-glossary/four-lines-of-defence>

Independent Review of the Bar Standards Board's management of the August 2020 Centralised Examinations

17. The Committee received the review provided by Professor Rebecca Huxley-Binns, initiated by the Executive following the challenges experienced by candidates during the August 2020 Centralised Examinations. Professor Huxley-Binns stated that its commissioning and publication demonstrates the BSB's commitment to its public sector equality duty.
18. The key findings were scrutinised by the Committee, including the prioritised recommendations of better project management and contingency planning, inclusive assessment of students with special adjustment requirements in advance, and better communications to students experiencing challenges.
19. As a follow up to the report, the Committee resolved that updates be provided to it on the action plan resulting from the findings through to their conclusion. At the time of writing, the work on the action points is ongoing with the next update to be provided at the November 2021 GRA meeting.

Policies

20. The Committee reviewed and agreed two policies during this year; namely the Critical Incident Policy and Whistleblowing and Raising Concerns Policy.
21. On the Critical Incident Policy, the Committee recommended that the Board and the Committee should be apprised of progress during the incident, rather than afterwards, which was agreed by the Executive. The need for a clear communication plan running in parallel with incident management was also endorsed by all Members.
22. For the Whistleblowing and Raising Concerns Policy, the Committee recommended that adding 'raising concerns' to its title would have a positive and welcoming effect on those accessing it. In addition, following the Committee's observation the Executive added a flow chart to the document to allow users to map what they should do if and when reporting an issue.

Other Business

23. The Committee undertook a survey of its own effectiveness, through the issuing of a questionnaire to members and standing attendees from the Executive. The survey incorporated a modified set of questions based upon Deloitte's Audit Committee Performance Evaluation questionnaire. Responses were overwhelmingly positive, particularly on how the Committee had performed strongly as a collective over the previous year as well as numerous complimentary comments regarding the outgoing Chair's stewardship of the Committee.
24. The Committee oversees the BSB's compliance with its obligations under the Money Laundering Regulations. It was once again provided with an annual report which provides the Committee with the required assurance.
25. The Committee reviewed the annual report on complaints about service provided by the BSB itself (as distinct from complaints about the regulated profession). The Committee noted the rise in complaints was attributable to the challenges experienced by candidates during the August 2020 Centralised Examinations, as well as backlogs in delivery of other core regulatory processes resulting from staff availability due to the Covid-19 pandemic.
26. The Committee received the second annual report on the BSB's compliance with its statutory obligations. The Committee welcomed the assurance given by the report.

27. The Committee received its annual report from the Independent Reviewer, who was appointed to provide assurance of the BSB's assessment of incoming information, enforcement and supervision systems and processes; carry out requests for review of individual decisions; and periodic system audits of random samples of cases to give assurance that processes and procedures are being properly followed. The Independent Reviewer concluded that BSB regulatory work continues to be completed to a high standard with staff taking the right decisions and where there were delays (particularly on Authorisations) this was predominantly because of the Covid-19 pandemic's impact on the BSB's capacity.

Forward View

28. As well as the routine business defined by its terms of reference, over the coming year the Committee will continue work refining processes for its oversight of risk and mechanisms for considering the interdependencies between risks to the regulatory objectives and those to the organisation. A cycle of deep dives is planned once again, enabling GRA to fulfil its function as part of the fourth line of defence in our Assurance Framework, and to give assurance to the Board.
29. The next GRA Annual Report will be presented to the Board in November 2022.

Bar Standards Board – Director General’s Strategic Update – 27 January 2022**For publication****Performance**

1. At time of writing, we have not yet received the performance data bearing on the third quarter of the year (ending in December). The latest performance report is, accordingly, the second quarter report sent to the Board in November and published on our website¹. I shall be happy to answer questions about that report at the meeting on 27 January and to provide an oral update on performance since then. The usual third quarter performance report will come to the Board in March.

Absolute Barrister

2. Board members may have seen in the legal press that an intermediary company called *Absolute Barrister* has gone into administration. *Absolute Barrister* was not a BSB authorised body, but was run by two members of the Bar. The company acted as an intermediary for members of the public to instruct barristers on a direct access basis. A small number of members of the public have suffered financial loss and were left without legal representation following the collapse of *Absolute Barrister*.
3. The Supervision Team has engaged with *Absolute Barrister* during the winding up of the company and sought to help members of the public who have been affected, including sign posting them to Advocate (which provides free legal advice and representation).
4. The demise of *Absolute Barrister* has also caused us to look at the broader regulatory policy issues associated with intermediary companies and whether they should come within our regulatory control, as well as to consider the ethical issues for barristers instructed by intermediary companies. The regulatory return has provided useful evidence to support that review. We will update the Board once we have completed our analysis.

BCAT

5. Our consultation on the future of the Bar Course Aptitude Test (BCAT) closed on 31 October. Our intention was to bring a paper to this meeting for the Board’s approval on the way forward. However, the responses to the consultation did not indicate a clear consensus for either withdrawing or amending the BCAT. We have, therefore, decided to postpone the Board’s discussion of this item to March so that further analysis and engagement with stakeholders can take place.

Race at the Bar

6. As foreshadowed in my last *Update*, we were joined on 13 January by the authors of the *Race at the Bar report*, Barbara Mills QC and Simon Regis, for what proved to be the best-attended knowledge-sharing session so far. Also there were colleagues from the Bar Council, including Mark Fenhalls QC, and members of our own Race Equality Task Force. The focus of the discussion was the role that BSB, as the regulator, should play in partnership with the profession, to advance the recommendations of the report.

¹ <https://www.barstandardsboard.org.uk/uploads/assets/02e64e7e-5327-4960-8162cd82f763249d/BSB-Part-1-agenda-corres-only-211125.pdf>

7. Barbara Mills QC and Simon Regis made it clear that, as far as they were concerned, the regulator has an important part to play and could add most value by being clear about our expectations of chambers, employers and individual barristers and by acting robustly to enforce our expectations.
8. We agree. Sharpening expectations of chambers and employers is central to our strategy proposals. We are also proposing to strengthen the Supervision Team precisely to ensure that we can engage effectively with the profession on this and other key issues. We are also interested in looking at the scope for the use of a kitemark to recognise chambers and employers that meet our expectations on diversity, though there was much less unanimity about the desirability or workability of this as an approach.

Professional Indemnity Insurance

9. Over the last few years, cyber-related attacks have been increasing both in number and in scale. Cyber-related attacks affect both individuals and businesses, including providers of legal services. The Prudential Regulation Authority (PRA) has been concerned that some insurance policies, including professional indemnity, are not sufficiently clear about whether they cover cyber-related losses, and therefore providers may not be pricing these risks properly. Consequently, there is a concern about whether professional indemnity insurance is clear on the protection offered to clients and consumers of legal services in case of a cyber related incident.
10. We are now considering how the BSB's Minimum Terms of Cover (for both self-employed barristers and BSB entities) may be amended to ensure there is clarity as to the level of cover in the event of a cyber-related incident. Discussions with the Bar Mutual Indemnity Fund (BMIF) have suggested that such amendments would not constitute a change to its policy, but rather a clarification of existing cover (BMIF proposes to provide such clarification in its policy from 1 April 2022.) We plan to consult stakeholders on the clarificatory changes to our minimum terms before asking the Board to agree new minimum terms.

Mark Neale
Director General
Bar Standards Board

Chair’s Report on Visits and External Meetings from September - January 2022

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:

- | | | |
|-----------------|---|--|
| 29 September | - | attended the Middle Temple Garden Party |
| 30 September | - | Met with Gatenby Sanderson regarding the recruitment of the Lay Board member |
| 11 October | - | Attended the Treasurers’ Dinner hosted by COIC |
| 18 October | - | Attended the Chairs’ Committee meeting |
| 21 October | - | Middle Temple Grand Day Black Tie Dinner |
| 11 November | - | Member of the panel for longlisting for recruitment of Lay Board member |
| 12 November | - | Attended the SLS Annual Presidents’ Reception |
| 23 November | - | Attended the Board briefing meeting |
| 9 December | - | Member of the panel for shortlisting for recruitment of Lay Board member |
| 20 December | - | Member of the panel for interviewing new Lay Board member |
| 25 January 2022 | - | Attended Board briefing meeting |