

BAR STANDARDS BOARD

REGULATING BARRISTERS

Terms of reference: Race Equality Taskforce Pilot Reverse Mentoring Scheme

Purpose

1. Give insight to people's experiences of racism at the Bar.
2. Create and foster anti-racist* competences amongst members of the Bar and within chambers.
3. Build inclusive relationships between Black, Asian and Minority Ethnic Bar training students, pupil barristers or junior barristers (less than seven years' call) and White senior members of the Bar.
4. Provide a safe working platform between Black, Asian and Minority Ethnic mentors and White mentees, to promote positive relationships across diverse groups.
5. Establishing a reverse-mentorship between two parties who have a genuine desire to learn and share, both grow through the process.
6. Illustrate the importance of the influence of Black, Asian and Minority Ethnic mentors on the promotion of equality and diversity at the Bar.
7. Enable and encourage anti-racist best practice within chambers with a view to improving Black, Asian and Minority Ethnic representation, retention and progression at the Bar.

Key Benefits to the Mentee

8. Being able to design and deliver anti-racist strategies to increase impact within their chambers, other organisations or networks at the Bar and the wider profession.
9. Spreading learnings amongst peers.
10. Establishing important networks and contacts.
11. Gain a better understanding of what it's like to be a Black, Asian or Minority Ethnic Bar training student, pupil barrister or junior barrister, to uncover subtle forms of discrimination

Benefit to the Mentor

12. Allowing the mentor to become an agent of change for, and have a bigger influence on, better race equality outcomes at the Bar.

13. Access to strategic thinking of senior members of the Bar.
14. Encouraging the mentee to share new knowledge within their chambers, other organisations or networks at the Bar, and in the wider profession.
15. Learning about different areas of practice at the Bar and elements of its working cultures.
16. Increasing the profile of the mentor and strengthening their leadership skills.
17. Providing important network and contact opportunities.

Monitoring and Review

18. As appropriate and agreed with the Race Equality Task Force, the mentors and mentees will meet with the Task Force to reflect on experiences and impact.
19. Mentors and mentees should attend all meetings, in person or via, phone or video-link.
20. Progress meetings should be exclusive to either mentor or mentee.
21. The BSB Equality and Access to Justice team will review and evaluate the reverse mentoring experience through interviews and surveys.

Guidelines

22. Both parties must be fully committed.
23. Have regular 1:1 meetings as mutually agreed.
24. Mentor and mentee should not be in the same Chambers, unless otherwise agreed with the Task Force and BSB E&AJ Team.
25. Lead with mutual respect and understanding.
26. Acknowledgement and consideration of the emotional impact mentoring around the subject race can be for the mentor.
27. Establish trust with honest discussions.
28. Stay open-minded through the process.
29. Work to overcome differences in communication.
30. Be willing to commit to a long-term mentorship—results are not necessarily immediate.
31. Understand that this is an evolving relationship.
32. Make note of what works and what doesn't—what is useful for some mentors and mentees may not be for others.
33. Meetings with the BSB E&AJ team can be provided to support mentors and mentees through the process

Suggested discussion topics

34. Race at the Bar, barriers you have experienced/noticed, implicit (i.e. subtle or covert behaviours) or explicit instances of discrimination, ways this has or has not manifested.
35. The first-time mentor and mentee noticed a lack of inclusion at the Bar
36. Views on cultural differences and culture at the Bar.
37. The impact of an inclusive culture on Black, Asian and Minority Ethnic experiences at the Bar.
38. Career progression aspirations.
39. Workplace discourse – especially related to race.
40. What it's like in chambers.
41. Stories of diverse teams.
42. How to build trust.
43. What's new in race equality approaches.
44. What's new in implementing E&D in chambers.
45. What making an impact feels like to the mentor.
46. Why mentor would stay – or leave chambers.
47. What influences a mentor to choose/not choose an Inn of court to be a member of.
48. What the Bar looks like in 5,10,20 years.
49. More inclusive cultures in chambers, particularly the mentee's.
50. Mindset shift (a-ha! moment, did the mentee learn something surprising?).
51. Broader day-to-day perspective for mentee and mentor.
52. Things a mentor has to consider before attending court vs things mentees have consider.
53. Action Planning / Next steps.

Appendix 1*

Background and race equality issues affecting the Bar.

54. The Legal Services Act 2007 requires the BSB to encourage an independent, strong, diverse and effective legal profession; and to protect and promote the public interest. Lack of diversity, and discriminatory working culture and practices are key risks to the delivery of these objectives.¹ Though diversity of barristers is improving, there is some way to go before the Bar represents the public it serves. We need to ensure that there are no barriers to access or progress and that Black, Asian and Minority Ethnic (BAME) barristers have equal access to all parts of the Bar.
55. The latest available diversity data for the Bar² shows that the percentage of BAME barristers has increased by 0.3pp to 13 per cent. This compares to an estimate of 15.5 per cent of the working age population in England and Wales. The proportion of pupils from BAME backgrounds is 16.3 per cent (an increase of 0.2pp). The proportion of BAME barristers declines at higher levels of seniority, suggesting an issue with progression: 7.8 per cent of QCs are from BAME backgrounds (an increase of 0.6pp). BAME barristers are more likely to be employed and to be sole practitioners; they are less likely to be tenants in chambers.
56. Research from 2018³ suggests that BAME BPTC graduates are roughly half as likely to obtain pupillage as white graduates with similar prior educational attainment. Qualitative research suggests that BAME students are more likely to have access to accurate information about the BPTC and to social connections within the legal profession. Socio-economic status also has a significant predictive effect on whether BPTC graduates obtain pupillage, suggesting that more needs to be done on the intersection of race and socio-economic status.
57. In a 2018 survey⁴, 34% of BAME barristers said they had personally experienced bullying, discrimination or harassment in the last two years, in contrast to 19% of white barristers. This marks an increase of 9% for BAME barristers and 7% for white barristers, since 2013.⁵ The same survey points to long working hours, considerable pressure and difficulty balancing work and home lives at the Bar. This may further encourage inappropriate workplace behaviours and inequality of opportunity.
58. These topics and others were discussed at the Heads Above the Parapet event in 2018⁶. A range of initiatives to tackle inequality were mooted, including diversity task forces. The BSB has since met with diversity stakeholders and agreed to establish a Race Equality Task Force (the Taskforce) according to the following Terms of Reference.

¹ *Draft Strategic Programme for 2019-22* (BSB, 2018); *Risk Outlook* (BSB, 2016).

² *Diversity at the Bar 2018* (BSB, 2018).

³ *Exploring differential attainment at BPTC and Pupillage* (BSB, 2018).

⁴ *Barristers' Working Lives 2017* (Bar Council, 2018).

⁵ *Barristers' Working Lives 2013* (Bar Council, 2014).

⁶ *Heads Above the Parapet: How can we improve Race Equality at the Bar?* (BSB, 2018).