The Bar Council

Race at the Bar: Three years on

December 2024

Foreword

In our 2021 Race at the Bar report, we published data which demonstrated clearly in both quantitative and qualitative terms, that barristers from all minority ethnic backgrounds, and especially Black barristers, faced systemic obstacles to building and progressing a rewarding career at the Bar. We proposed a comprehensive list of actions, and we encouraged everyone across the Bar to read our report and act on race inequality.

This report assesses our progress, particularly looking at the experience of Black barristers at the Bar given the first report's findings. We look at what has been done, by whom, and what results have been achieved.

Since the last report, the leadership at the Bar both nationally and on circuit has become more diverse and this is helping to improve the landscape.

Overall, the Bar is more ethnically diverse (16.9% of barristers have a minority ethnic background, increasing by about 0.5pp per annum). We also see some progress with respect to culture – barristers in our focus groups told us that the Bar is starting to feel more inclusive.

Despite this step in the right direction, the progress for Black barristers in the last three years has been limited. We have not made significant advances with respect to the success rates of applicants in pupillage, nor in silk and judicial appointments. Disproportionate experience of bullying and harassment remains for Black and minority ethnic barristers. And, whilst pupil to tenancy conversion rates are similar for different ethnic groups, the transition appears to be easier for White pupils who are more likely to be offered tenancy immediately and where they train, than their Black peers. Whilst we have seen some positive improvements on this recently – as well as with respect to earnings – differences remain, and this does warrant further investigation.

We have been heartened by the large response to our call for evidence of activity from chambers, the Inns of Court, the circuits and specialist Bar associations. The most positive message from those participating in our focus groups was that there is now a more general acceptance that racism is an issue at the Bar, increased engagement with race awareness training, projects and initiatives around race, and widespread recognition that action is required and should be supported in terms of time and financial resource. Change takes significant effort and time, with acceptance of the need for change being only the first step along the road.

A message from chambers participating in the survey and focus groups was that they found our 2021 action plan, listing options for activity, overwhelming and wanted more information on how to implement different anti-racist actions. We are therefore publishing an anti-racism toolkit to support action alongside this report.

Progress has been made, but we must not be complacent. There is still racism at the Bar. Individuals from minority ethnic backgrounds are still experiencing, on average, a less lucrative career and a less positive working environment than their White colleagues, with the intersection of sex and race being particularly notable. Chambers and organisations sincere about embedding anti-racism as part of their operations must take a deeper look at cultures of racism and structural inequalities that persist.

Our response to this report's findings must be to double down, to ensure we make better progress, more quickly, in future. In 2021 we stated we were in this for the long haul. We are, so we will revisit the data – and the approach – again in 2027.

In the meantime, we urge you to work with us and collaborate with each other. Use the toolkit, get help, maintain and refine your focus so that together we can make the Bar more inclusive and accessible for every aspiring and practising barrister, irrespective of their background.

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Bar Council Chair

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December 2024

Acknowledgements

This research would not have been possible without the continued support of many barristers and chambers' employees. We are particularly grateful to all those who sit on the Bar Council Race Panel, those who completed the survey, and to those who led discussions or participated in our focus groups, including members of the Equality and Diversity Officers' Network.

Terminology

Throughout the report, we use the terms racism, race inequality and structural inequality. Each of these concepts is central to understanding the patterns and experiences discussed in the report, and we define them as follows:

Racism

A form of prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalised. It manifests when prejudice is combined with power (through authority, social structure or convention) to act on the prejudice.

Race inequality

The disparities in outcomes and lived experiences across different ethnic groups. These disparities reflect the unequal distribution of opportunities and obstacles that individuals face based on their ethnic backgrounds, frequently, shaped by both historical and current forms of discrimination and exclusion.

Structural inequality

The systemic and long-standing differences embedded within social institutions, policies and cultural norms that result in unequal opportunities and outcomes across different ethnic groups. Unlike individual instances of discrimination, structural inequality operates at a societal level, sustained by laws, regulations and social patterns that perpetuate disadvantages for some groups while benefitting others. Structural inequality often maintains race inequality and other forms of social disparity.

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Executive summary and key findings

Barristers tell us that since 2021, when the Bar Council published the landmark Race at the Bar report, attitudes at the Bar have shifted to the extent there is now widespread acceptance that there are serious structural and cultural challenges around race.

This is welcome. But we also need to consider whether real and lasting change is happening across the four areas we identified: access, retention, progression and culture. To measure change we surveyed chambers and Bar-based organisations, analysed data on key indicators, and undertook focus group discussions.

Our findings are presented in this report. Action has been initiated across the Bar with chambers and organisations (including circuits and specialist Bar associations [SBAs]) taking considered and meaningful action:

- 92 % of chambers/organisations who responded to our survey had taken action in at least one of the following areas: access, retention, progression and culture

Tangible progress on measurable metrics of access, retention and progression is happening, but has – however – been limited over the three years since our first report:

- Overall representation of minority ethnic barristers at the Bar is improving at a reasonable rate, by about 0.5 percentage points a year, to 16.9% of the Bar
- Pupillage-to-tenancy conversion rates are comparable between different ethnic groups (93-94%). But Black/Black British barristers are less likely to get immediate tenancy, the most likely to go onto a probationary tenancy (previously known as a 'third six' pupillage) and the most likely to initially become a 'squatter'[1] (though recent data suggests this is improving)
- The total number of silks from minority ethnic backgrounds has increased since 2021. The total number of Asian silks (102) has increased by almost a third and those of mixed/multiple ethnicities[2] (53) has more than doubled.

[1] A squatter is effectively a 'third six' pupil remaining in the same chambers but understood to be without the prospect of tenancy. Dr Anton van Dellen and Thoman Crockett (March 2016), 'The third six pupillage phenomenon', Counsel magazine: https://www.counselmagazine.co.uk/articles/the-third-six-pupillage-phenomenon

[2] Includes: White and Asian, White and Black African, White and Black Caribbean, White and Chinese and any other mixed or multiple ethnic background.

There are, however, still only 8 Black women silks[3] (the same number reported in our 2022 progress report) and the total number of Black KCs remains low at 26

Despite improvements when compared to 2021, the data highlights continued under-representation of Black barristers, and differences in access, earnings and progression between Black, other minority ethnic barristers, and White barristers:

- In all areas of practice, and at all stages of career from young Bar to silk, Black and Asian barristers are earning less than White colleagues
- Two thirds (65%) of White barristers said that work was distributed fairly at their employer/chambers, compared with only around 4 in 10 (43%) of those from minority ethnic backgrounds
- In 2023/24 there were 5,298 courts and tribunals judges in post in England and Wales. 4,714 declared information on ethnicity, of whom 529 (11%) were from a minority ethnic background and 4,185 (89%) were White

Some positive comments from our focus groups reflecting on the impact of the 2021 report include:

> "[I]t is what gave us the boot in the right direction to give this some real action."
>
> "[I]t added to the growing juggernaut of people looking closely at themselves and other people."
>
> "[I]t had the most impact for those in our chambers who were already fairly engaged, [but the] biggest impact overall was that it forced the hand of those less engaged."

But comments from our focus groups also reflected frustration at the pace and scale of change:

> "[T]hings are moving in the right direction, but it is slow."
>
> "[W]hilst the will was there, we do not see any change."
>
> "[R]eally slow progress and very frustrating."

There is progress in terms of representation but also a continued need for sustained and localised action within chambers, circuits, Inns and all Bar-based organisations.

[3] As we note in the section on retention, the total number of Black women silks does not include those who identify as Black but who would use the category of 'any other mixed or multiple ethnic background' when providing their personal data.

The biggest barrier to making progress that chambers, circuits and SBAs report is finding the time and the human resources to introduce changes to policy and practice. And that any change that is implemented takes considerable time to make a difference. (We are conscious we are measuring progress in a relatively short period of three years).

Recommendations from the 2021 report remain relevant:

- To collect and review data (by different ethnic groups) at every stage of a member barrister's career[4]
- That targets and goal setting should drive activity
- That evaluation should be built in at the design stage of a new initiative to establish if an intervention is working

Barristers have told us that, since the 2021 report, the spotlight on race has prompted chambers and organisations to look at their policies and culture and take active steps to address inequalities and promote inclusivity. Access to data helps, as objective Bar-wide information helps create consensus about the need for action.

Chambers, in particular, told us that they have been overwhelmed by the task, some thinking they had to action all 23 activities identified in the report's action plan. Chambers and organisations sometimes felt they either took on too much or didn't know where to start.

We hope this report clarifies that the most useful action is often in the most difficult areas – in ensuring everyone's experience of Bar is positive, irrespective of background. We would like to see a profession where the chance of being taken on is not linked to race. Where the amount earned is not linked to ethnic origin. And where we all recognise tackling racial inequality requires sustained commitment.

Recommendations

Chambers and organisations employing barristers

1. Introduce mandatory equality, diversity and inclusion (EDI) training and specialist race training for all members and employees
2. Provide enhanced pupillage supervisor training with a focus on inclusive practices and supporting diverse pupils. Then review pupillage sign-off and tenancy decision-making to ensure the process is fair and transparent
3. Monitor work distribution and income by ethnicity and formalise practice reviews to ensure proactive career support

[4] Pupillage, tenancy, earnings, satisfaction with chambers' support, silk and judicial appointments.

4. If resources permit, commission an external review/audit of policy and practice/culture. An objective expert perspective can be helpful, including in prioritising. If not, then determine activity based on data collected (where unequal outcomes are identified) and use the race equality toolkit to get started. You can use the Race at the Bar report 2021 action plan for ideas for positive action activities. Ask the Bar Council for help if you need it. Don't use lack of experience as an excuse
5. Take active steps to build an inclusive culture – through supporting the equality and diversity officer (EDO) in a chambers and ensuring that change is deeply ingrained in chambers' and organisations' culture, rather than reliant on selected members
6. Recognise that requests made of self-employed Black and minority ethnic members to take on leadership and other voluntary roles may be of greater benefit to your chambers/organisation (eg by demonstrating your diversity and attracting clients and talent) than to them (eg resulting in increased workload and reduced earnings capacity). The benefits to each party cannot necessarily be objectively measured, so discretion and open communication must be used when asking people to carry out additional voluntary work

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7. Continue to promote race equality at the Bar by providing regular race-related communications, as well as support for chambers and others seeking advice. Share good practice on implementing a race equality intervention or programme
8. Expand the work programme on earnings/work distribution by sex to include race. Undertake more detailed earnings analysis by race
9. Support chambers to monitor earnings and implement formal practice review
10. Ensure the bullying and harassment review (2024/5) considers harassment, bullying and discrimination data cut by race and on the grounds of race
11. Start to track and report pupillage-to-tenancy conversion alongside other race data. Undertake more detailed analysis of applicant data to better understand applicant experience by ethnicity
12. Provide training for chambers on pupillage supervision and good practice in recruiting tenants
13. Promote the publication of applicant and appointment data by different ethnic groups for all key appointments. And encourage the Judicial Appointments Commission (JAC) to publish data for judicial appointments cut by race and professional background
14. Promote role models from Black and minority ethnic backgrounds through a range of communications channels

15. Proactively support the creation and maintenance of networks of Black and minority ethnic barristers, pupils and students
16. Provide information to Bar students and aspiring barristers about work underway to tackle race inequality at the Bar

Advice for individuals

- Recognise there is race inequality at the Bar and actively support chambers and others' work in this area
- Understand racism impacts on you/your colleagues' experiences of the Bar: if you are White British don't deny the experiences of others (known as 'gaslighting'); call out unacceptable (discriminatory/non-inclusive) behaviours and practices when you observe them
- Disclose information about your own ethnicity and other protected characteristics when asked by your chambers/organisation or Bar Council monitoring (during authorisation to practise). This data plays a key role in effecting and supporting change

Key recommendations from this report that are applicable to SBAs, circuits and Inns of Court

Recommendation 4: If resources permit, commission an external review/audit of policy and practice/culture. An objective, expert perspective can be helpful, including in prioritising. If not, then determine activity based on data collected (where unequal outcomes are identified) and use the race equality toolkit to get started. You can use the Race at the Bar report 2021 action plan for ideas for positive action activities. Ask the Bar Council for help if you need it. Don't use lack of experience as an excuse

Recommendation 5: Take active steps to build an inclusive culture – through supporting the equality and diversity officer (EDO) in a chambers and ensuring that change is deeply ingrained in chambers' and organisations' culture, rather than reliant on selected members

Recommendation 6: Recognise that requests made of self-employed Black and minority ethnic members to take on leadership and other voluntary roles may be of greater benefit to your chambers/organisation (eg by demonstrating your diversity and attracting clients and talent) than to them (eg resulting in increased workload and reduced earnings capacity). The benefits to each party cannot necessarily be objectively measured, so discretion and open

communication must be used when asking people to carry out additional voluntary work

Recommendation 7: Continue to promote race equality at the Bar by providing regular race-related communications… and share good practice on implementing a race equality intervention or programme

Recommendation 14: Promote role models from Black and minority ethnic backgrounds through a range of communications channels

Recommendation 15: Proactively support the creation and maintenance of networks of Black and minority ethnic barristers, pupils and students

Recommendation 16: Provide information to Bar students and aspiring barristers about work underway to tackle race inequality at the Bar

Introduction

About the Bar Council

The Bar Council is the voice of the barrister profession in England and Wales. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that is strong, inclusive, independent and influential.

We lead, represent and support the Bar in the public interest, championing the rule of law and access to justice by:

- Providing advice, guidance, services, training and events for our members
- Inspiring and supporting the next generation of barristers
- Drawing on our members' expertise to influence policy and legislation that relates to the justice system and the rule of law
- Promoting the Bar of England and Wales to develop career and business opportunities for barristers at home and abroad

As the General Council of the Bar, we're the approved regulator for all practising barristers in England and Wales. We delegate our statutory regulatory functions to the operationally independent Bar Standards Board (BSB).

Background to the report

In 2020 we committed to a programme of work (i) to analyse the different experience of working as a barrister in England and Wales according to race and (ii) to encourage policy interventions to support barristers from under-represented minority ethnic backgrounds.

Our data categorically shows us that, in terms of both measurable outcomes and day-to-day experience, barristers from some minority ethnic backgrounds – and particularly Black barristers – do not have access to a level playing field when it comes to building a rewarding and sustainable career at the Bar.

Barristers, of course, operate within a broader workforce, culture and society, and it is neither reasonable nor realistic to expect the Bar to perform in such a way as to negate wider societal inequalities.

However, it is both reasonable and realistic to expect chambers, employers and Bar stakeholders to put practical measures in place to monitor internal practices and take steps to actively challenge inequalities when they are identified. In addition, it is reasonable for all individuals who work at the Bar (including barristers, clerks,

chambers staff, pupil barristers and others) to expect to be treated in a fair and courteous way, regardless of race or any other protected characteristics.

After establishing a Race Working Group (now known as the Race Panel) in June 2020, we published Race at the Bar: A Snapshot Report in November 2021. This landmark report provided a data summary of the ethnic profile of the profession with respect to access (who is getting in), retention (who is staying in) and progression (who is getting on).

It also provided a snapshot on Bar culture – centred around reports of bullying, discrimination and harassment, and wellbeing cut by the ethnic background of respondents. It found that "barristers from minority ethnic backgrounds, and especially Black and Asian women, face systemic obstacles to building and progressing a sustainable and rewarding career at the Bar."[5]

The report made three overarching recommendations, asking Bar-based organisations to:

1. Set targets and evaluate progress
2. Collect and report data by different ethnic backgrounds
3. Develop an action plan to address inequality[6]

The report then made 23 specific detailed recommended actions covering four key areas:

i) Access
ii) Retention
iii) Progression
iv) Bar culture

Alongside the report we published a race action plan, which provides clear and measurable objectives for action.

The 2021 Race at the Bar report, once and for all, established definitively that there were varying career outcomes for individuals at the Bar according to race, allowing for policy activity by chambers, employers, Inns, circuits, the Bar Council and other Bar stakeholders, to proceed on that basis.

Bar Council action since the 2021 report

- Launched an Introduction to race training course in chambers delivered by a panel of trainers selected for their expertise in anti-racism work and

[5] Bar Council (November 2021) Race at the Bar Report 2021
[6] Bar Council (November 2021) Race at the Bar report 2021 (pages 9-10)

knowledge of the Bar. To date, 89 courses have been delivered to 47 chambers and over 1,189 barristers and their employees have participated

- Made public statements and taken action to assist barristers who have reported racism to us
- Promoted Bar-based initiatives on race through new resources and blogs
- Promoted comprehensive and short positive action guides and a Framework for taking action on race, as well as guidance on programme planning and evaluation
- Adopted a revised approach to terminology, referencing different ethnic communities in line with current good practice
- Supported the Black Talent Charter
- Helped deliver the Bar internship scheme as part of the 10,000 Black Interns initiative
- Supported networking and collaboration, for example, donations to networks such as the Black Barristers' Network and BME Legal to help them get established, as well as promoting their events through our communication channels
- Produced an analysis of access to work on government panels by sex and ethnicity in September 2022
- Published an interim report on progress since the 2021 report in November 2022
- Introduced the Rare contextual recruitment system into the Pupillage Gateway system – beginning with a pilot in 2024/25 – to support fair recruitment

Purpose and scope of this report

As the representative body for barristers, the Bar Council has an ongoing responsibility to document, recognise and respond to the lived experiences of members of our profession and those aspiring to join it.

This report gives us the opportunity to:

i) Document the activity to promote race equality that has taken place across the Bar since 2021

ii) Revisit the data to compare baseline statistics

iii) Speak with barristers to gauge the degree of cultural change

Our main purpose in revisiting the 2021 report is to track any measurable or cultural change, with respect to career access and outcomes by race, that has taken place over the past three years, and to consider this alongside lessons learned from any actions that have been taken by Bar stakeholders.

For the purposes of this report, we look primarily at race, with a focus on Black barristers in particular. In places, we look at race where it intersects with sex, rather than at any other intersections or protected characteristics. This is not to suggest that other groups do not face structural disadvantages; simply that those are not the subjects under consideration here and, additionally, that limitations as to the data available prevent us from fully exploring all aspects of inequality.

The recommendations from this report should nonetheless be beneficial to everyone at the Bar, in that measures introduced to support monitoring and equality should support the interests of all groups.

Data on different ethnic groups is reported here according to the race categories set out by the Legal Services Board and Bar Standards Board based on the current standard census categories. We recognise that this means data is not provided on those, for example, with a Jewish background as this is monitored across the profession under the category of religion/belief.

If you have a specific interest in using data that has not been included in this report to support your equality initiatives at the Bar, contact us at equality@barcouncil.org.uk

Where possible, we try to report data on race in as granular a way as possible, separating ethnic groups into 5 groups:

- Asian/Asian British
- Black/Black British
- Mixed/multiple ethnicity
- Other ethnic group
- White

In a limited number of places, the numbers we report are so small that in order to adhere to GDPR UK standards of data reporting, we need to use different groupings or omit certain pieces of data.

The census for England and Wales uses the following ethnic groups:

Asian or Asian British

- Bangladeshi
- Chinese
- Indian
- Pakistani
- Any other Asian background

Black, Black British, Caribbean or African

- Caribbean
- African
- Any other Black, Black British, or Caribbean background

Mixed or multiple ethnic groups

- White and Asian
- White and Black African
- White and Black Caribbean
- White and Chinese
- Any other mixed or multiple ethnic background

White

- English, Welsh, Scottish, Northern Irish or British
- Irish
- Gypsy or Irish Traveller
- Roma*
- Any other White background

Other ethnic group

- Arab
- Any other ethnic group

* Additional category added to Census 2021

Source: BSB Supporting information for chambers

Data in this report is organised under 4 headings: access, retention, progression, and culture, in a similar way to the 2021 report. There is inevitably some overlap between the categories. In the focus group discussions, the rich and broad-ranging conversations and observations meant that some of the points made touched on all four areas.

Methodology

We used three methods – a survey, a data gathering exercise, and focus groups – to collect and collate information on the facts around race at the Bar, and the lived reality.

1. Survey

A short online survey was sent to all heads of chambers and equality and diversity officers (EDOs) on the Bar Council's database on 9 May 2024. It was sent to 673 individuals in total, representing 404 chambers. On 13 May 2024 a direct email was sent to circuit leaders, SBA chairs and Inns representing 34 organisations (4 Inns, 6 circuits, 24 SBAs). A reminder email was sent to heads of chambers and EDOs on 20 May. A reminder was also placed in the chambers professionals newsletter which went to 1,246 heads of chambers and chambers professionals on 5 June.

The survey closed on 10 June 2024.

The survey asked recipients to respond on behalf of their chambers or organisation and asked for one response from each chambers or organisation. Duplicate responses and those completed on behalf of an individual were removed in the analysis.

Respondents were asked to indicate whether their chambers/organisation had undertaken, or was looking to undertake, actions to address race inequality in any of the four key areas identified in our 2021 report: access, retention, progression, and culture.

We also asked for an indication of whether, in the view of the respondent, their chambers'/organisation's activity had been successful. A free text box section of the survey asked chambers to describe their work and/or experiences and the outcomes in detail.

The survey yielded 109 responses from a total of 404 chambers and 34 organisations representing a 25% response rate, which is excellent for a survey of this type and means the results are representative.

The survey was intended as a follow up to our 2022 survey, in which we had assessed initial progress against the 2021 report recommendations.[7]

[7] Bar Council (30 November 2022) Race at the Bar progress report: Much to celebrate, much more to do

We have not named chambers or organisations directly in connection with their comments or activity. We gave respondents the option to declare their position anonymously to ensure that responses were as honest as possible.

2. Data-gathering exercise

A data-gathering exercise, carried out in June 2024, compiled a summary of the latest data on race at the Bar from the Bar Standards Board and the Bar Council monitoring, survey data and external sources. The main source of internal data is the membership database that is shared between the BSB (the regulator) and the Bar Council (the representative body). Each practising barrister updates their membership data annually in spring when they renew their practising certificate through the authorisation to practise (AtP) process.

Reporting rates for sex and race at AtP are consistently over 90%, which means we can speak with some degree of certainty about those demographic variables.

Reporting rates for other protected characteristics and for social mobility are much lower,[8] which limits our ability to say as much as we would like about the way in which race intersects with, for example, disability, sexual orientation, caring responsibility, or socio-economic background, and the way in which these intersecting variables impact on an individual's career development. Any barrister with an interest in supporting monitoring equality at the Bar should ensure they complete monitoring information at AtP and encourage others to do so.

In addition to our internal membership data, we compiled data from external sources where available and appropriate. Our biennial Barristers' Working Lives survey allows us to source qualitative data about the day-to-day practical reality of working as a barrister, with particularly useful question sets on bullying, harassment and discrimination, and wellbeing. We also regularly collect data on aspiring pupil barristers through the Pupillage Gateway,[9] and on each year's pupil barristers in our Pupil Survey.[10]

Additional reports from the Bar Standards Board, King's Counsel Appointments (KCA), and the Ministry of Justice (MoJ) have supplemented our own data.

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[8] We ask questions relating to social mobility at authorisation to practise, but response rates tend to be 50-60%, rather than over 90% for sex and race, meaning it is not always possible to draw reliable conclusions from the data.

[9] Bar Council (22 February 2024) Pupillage Gateway Report 2023

[10] Bar Council (12 March 2024) Pupil Survey 2024

3. Focus groups

We hosted 5 focus groups and held a dedicated EDO Network[11] session on 15 May 2024, to discuss issues around race at the Bar and whether it is felt there has been any change since 2021.

There were two in person and two online focus groups, held on 17 May and 21 May 2024, each group with up to 15 attendees. Members of the Race Panel, as well as those who contributed to the original focus groups convened for the 2021 report, were specifically invited to attend. The invitation was also circulated more broadly through Bar networks and included in our BarTalk newsletter which goes to all barristers. Each group was facilitated by a senior member of the Race Panel.

Two groups (one in person and one online) were held under the themes of 'access and culture' and two under the themes of 'retention and progression'.

There was an additional focus group covering all 4 themes on 19 June 2024 where the invitation was exclusive to barristers from a minority ethnic background. The group was hybrid.

Focus group facilitators were provided with a discussion guide including suggested questions to raise. The sessions were not recorded but a notetaker from the Bar Council was in attendance. The discussions were held under the Chatham House rule and any quotes or comments we have included here may have been edited to ensure they are not attributable.

[11] The EDO Network's membership includes chambers equality and diversity officers, members of chambers' equality and diversity committees, and representatives of chambers' management (employees and members).

Findings

The BSB and Bar Council regularly report on the demographic characteristics of practising barristers and those who wish to join the Bar.

Table 1: Ethnic diversity at the Bar, 2020 and 2023, by experience level[12]

	Experience level					
Ethnicity	**Pupil 2020**	**Pupil 2023**	**Barrister 2020**	**Barrister 2023**	**KC 2020**	**KC 2023**
Asian/Asian British	10.7%	10.5%	7.2%	7.9%	4.2%	4.7%
Black/Black British	4.8%	5.2%	3.2%	3.5%	1.2%	1.4%
Mixed/multiple ethnic groups	6.5%	5.1%	3.2%	3.5%	1.9%	2.5%
Other	0.8%	1.6%	1.1%	1.4%	1.5%	1.6%
White	67.2%	67.7%	77.7%	76.6%	86.5%	84.5%
No information/prefer not to say	9.9%	10.0%	7.7%	7.1%	4.7%	5.3%

Source: BSB Diversity at the Bar. Correct as of 1 December 2020 and 1 December 2023

The overall percentage of barristers from minority ethnic backgrounds at the Bar as of 1 December 2023 was 15.7%. This compares to an overall percentage of barristers from minority ethnic backgrounds at the Bar as of 1 December 2020 of 14.1%. When excluding those that have not provided information or have preferred not to disclose information, around 16.9% of the Bar is from a minority ethnic background. This compares with around 16.7% of the 16-64 working age population in England and Wales as of Q2 2023.[13]

Table 1, and the above cited statistics, show that, in the past three years, there has been reasonable movement in terms of increased representation of barristers from minority ethnic backgrounds. The proportion of barristers at pupillage from minority ethnic groups has stabilised at 22.4% (compared to 22.8% in 2020) including a modest increase in the proportion of Black/Black British pupils, and the proportion of each minority ethnic group has increased at non-KC barrister (junior barrister) and KC levels. Pupillage remains the most ethnically diverse stage of practice, with the Bar becoming progressively whiter as it gets more senior. This is to be expected, as the Bar has become more diverse over time.

[12] BSB Diversity at the Bar. Correct as of 1 December 2020 and 1 December 2023 – available via https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/bsb-research-reports.html

[13] Bar Standards Board (January 2024) Diversity at the Bar 2023 p15

Access

Pupillage

Looking at the intake of pupils from 2023 and comparing with 2020 (the data published in our 2021 Race at the Bar report) in Table 2 gives a direct sense of whether change is happening.

Table 2: Ethnicity of Pupils 2020, 2021, 2022 and 2023

Ethnicity	2020	2021	2022	2023
Asian/Asian British	10.7%	8.6%	9.2%	10.5%
Black/Black British	4.8%	2.9%	4.3%	5.2%
Mixed/multiple ethnicity	6.5%	7.2%	6.4%	5.1%
Other ethnic group	0.8%	1.0%	1.0%	1.6%
Minority ethnic: total	**22.9%**	**19.8%**	**20.9%**	**22.4%**
White	67.2%	75.5%	71.1%	67.7%
No info/prefer not to say	9.9%	4.7%	8.0%	10.0%

Source: BSB Diversity at the Bar reports(s) 2020, 2021, 2022 and 2023

Percentages fluctuate year by year going both up and down. Overall, the number of pupils from each ethnic grouping has shifted only a small amount in three years.

Between 2020 and 2023 the proportion of Black/Black British pupils has slightly risen by 0.4 percentage points (pp). The 2023 figure (5.2%) represents a significant improvement on the 4-year low of 2.9% in 2021. Over the 2020 to 2023 period, the proportion of Asian/Asian British pupils has slightly fallen (0.2pp), as has the proportion of those from mixed/multiple ethnic groups. Overall, the proportion of White pupils has risen by 0.5pp.

In one sense, these pupillage figures are stable and reasonable given they are in line – or ahead of – the ethnic mix of the general population in England and Wales.

Another test is the extent to which the pupillage figures are reflective of the applicant pool. The BSB monitors outcomes by Bar Training Course (BTC) provider, so has oversight of the entire pool of suitably academically qualified people who are likely to wish to become barristers.

The BSB has repeatedly pointed to the fact that BTC graduates from minority ethnic backgrounds do not attain pupillage at the same rates as their White counterparts:

> "UK domiciled course graduates from minority ethnic backgrounds do not appear to gain pupillage in the same proportions as UK domiciled students from White ethnic backgrounds. This appears to be the case when degree class and first-degree institution are controlled for and appears to affect Asian/Asian

British and Black/Black British students to a slightly greater extent than those from mixed/multiple ethnic backgrounds."[14]

We can track how aspiring pupils from minority ethnic backgrounds proceed through the pupillage application process with reasonable accuracy. The Bar Council hosts the Pupillage Gateway platform, which is used by over half of authorised education and training organisations (AETOs) to recruit pupils each year and by the majority of aspiring pupils to make at least one application.

We can see from the Pupillage Gateway data which candidates make an application and then who makes it through each stage to secure an offer of pupillage. While this is not a complete picture of the pupillage application process, we are confident that the applicant data reflects the overall candidate profile.

In 2023/24 (the most recent application round for which data is available) there were 3,408 applicants who made one or more applications for advertised vacancies using the Pupillage Gateway.[15]

Table 3 below breaks down the proportions of the most recent round of pupillage applicants by race and compares it with data from the previous three years. It is notable that in the last 4 years, the applicant pool has become more ethnically diverse, with a notable steady increase in the proportion of Asian/Asian British applicants.

Table 3: Percentage of pupillage applicants by ethnicity via Pupillage Gateway, 2020/21 to 2023/24

Ethnicity	Percentage of applicants 2020/21	Percentage of applicants 2021/22	Percentage of applicants 2022/23	Percentage of applicants 2023/24
Asian/Asian British	18.7%	20.6%	23.2%	24.5%
Black/African/Caribbean/Black British	8.6%	8.0%	8.8%	9.9%
Mixed ethnicity	10.9%	6.7%	7.7%	7.3%
Other	1.9%	3.3%	3.4%	2.2%
White	56.6%	53.5%	51.4%	50.2%
Prefer not to say	6.5%	7.9%	5.5%	5.2%

[14] Bar Standards Board (February 2023) Bar Training 2023

[15] Bar Council Pupillage Gateway Report 2024 (28 November 2024)

However, the increase in the proportion of applicants from minority ethnic backgrounds has not resulted in any significant increase in the proportion of minority ethnic pupils – compare Tables 3 and 2.

This is of real concern as, on a simple analysis, a White applicant has a much better prospect of obtaining pupillage than an Asian/Asian British or Black/Black British applicant which could point to increasing racial discrimination in the application process.

There may be other reasons or a mix of reasons and this requires further enquiry. This data does not factor in applicant grades or experience and other factors that influence the chance of securing pupillage. Further research will enable us to better understand the make-up of the applicant pool and may help explain the disproportionate (i) increase in the applicant pool compared to BPC student data and (ii) success rates in securing pupillage between different ethnic groups.

Experience of pupillage

The Bar Council surveys pupil barristers each year to monitor how they are experiencing pupillage.[16] In the 2024 survey there were 173 responses (representing a 32% response rate). 28% of respondents were from minority ethnic backgrounds and 86% of all respondents said that their overall experience of pupillage had been positive.

Our 2024 pupil survey also indicated that, of those pupils who had experienced or observed bullying, harassment or discrimination in their workplace, 30% said it was linked to race – the second most linked protected characteristic after gender (39%).[17]

Tenancy

Once a barrister has completed pupillage, if they wish to become self-employed, they need to secure tenancy at a chambers.

In terms of overall success in achieving tenancy, all ethnic groups at the Bar appear to do well. As shown in Table 4 below, around 93-94% of pupils obtain tenancy, and this is consistent across all ethnic groups. This is reflected in steady increases in the proportion of non-KC or junior barristers from the 4 minority ethnic groups over the last three years (shown in Table 1).

To date there has been little scrutiny of the numbers of pupils offered tenancy at the sets where they qualified at the first opportunity. For this report we looked at the likelihood of a pupil being offered an immediate tenancy to establish if there was

[16] Bar Council (12 March 2024) Pupil Survey 2024
[17] Bar Council Pupil Survey 2024

any difference in experience by race. Our focus groups had identified that this might be a phenomenon.

To analyse this, we needed to group data together and look at an extended time period, so the numbers were sufficiently large to be able to draw statistically meaningful conclusions.

Table 4 looks at pupillage outcomes between 2015/16 and 2019/20 and then between 2020/21 and 2023/24, as well as combined. It shows that if pupils take up self-employed practice, Black/Black British pupils are the least likely to get immediate tenancy, the most likely to go onto a probationary tenancy (previously known as a 'third six' pupillage)[18] and the most likely to initially become a 'squatter'.[19]

Table 4 then splits the period in question into two, to look at whether there has been change over time. Comparing the earlier period 2015/16-2019/20 and the later period 2020/21-2023/24 the discrepancy between Black pupils and their peers has reduced in more recent years.

In the earlier period, 52% of Black pupils got tenancy straight from pupillage, compared with 76% of White pupils (a 24pp difference). In the later period, 67% of Black pupils got tenancy, compared with 82% of White pupils (a 15pp difference)

This is a matter of concern that may well be ameliorating but is something that needs to be kept under review.

[18] A probationary tenancy is a fixed term of practice (typically six months) undertaken by a pupil who has not been offered tenancy from the set of chambers where they have completed their pupillage.
[19] A squatter is effectively a 'third six' pupil remaining in the same chambers but understood to be without the prospect of tenancy.

Table 4: Outcomes by ethnicity for all pupillages 2015/16 to 2023/24

All pupillages 2015/16 to 2023/24	4312

			Chambers pupillages only												
Ethnicity	Number of pupillages	Number in chambers	Number that started practising		Average time to start practising	Number taking up self-employed practice after pupillage		...with tenancy		...with third six		...as a squatter		...some other status	
Asian/Asian British	397	324	214	97%	31 days	303	94%	218	72%	53	17%	25	8%	7	2%
Black/African/Caribbean/Black British	158	121	119	98%	30 days	113	93%	67	59%	31	27%	14	12%	1	1%
Miced/multiple ethnic groups	228	202	198	98%	34 days	190	94%	140	74%	37	19%	13	7%	0	0%
White	3322	2977	2949	99%	21 days	2806	94%	2207	79%	433	15%	144	5%	22	1%
Other ethnic group	62	52	52	100%	20 days	47	90%	35	74%	10	21%	1	2%	1	2%
Prefer not to say	92	79	78	99%	19 days	73	92%	61	84%	5	7%	6	8%	1	1%
No information	53	46	44	96%	21 days	44	96%	35	80%	6	14%	3	7%	0	0%

Pupillages 2015/16 to 2019/20	2369

			Chambers pupillages only												
Ethnicity	Number of pupillages	Number in chambers	Number that started practising		Average time to start practising	Number taking up self-employed practice after pupillage		...with tenancy		...with third six		...as a squatter		...some other status	
Asian/Asian British	194	153	146	95%	50 days	142	93%	98	69%	30	21%	14	10%	0	0%
Black/African/Caribbean/Black British	87	65	64	98%	39 days	61	94%	32	52%	22	36%	7	11%	0	0%
Miced/multiple ethnic groups	108	93	90	97%	54 days	83	89%	57	69%	19	23%	7	8%	0	0%
White	1878	1684	1666	99%	26 days	1572	93%	1189	76%	278	18%	95	6%	10	1%
Other ethnic group	34	27	27	100%	24 days	24	89%	18	75%	5	21%	1	4%	0	0%
Prefer not to say	45	37	37	100%	19 days	36	97%	31	86%	1	3%	3	8%	1	3%
No information	23	20	19	95%	29 days	19	95%	12	63%	5	26%	2	11%	0	0%

Pupillages 2020/21 to 2023/24	1943

			Chambers pupillages only												
Ethnicity	Number of pupillages	Number in chambers	Number that started practising		Average time to start practising	Number taking up self-employed practice after pupillage		...with tenancy		...with third six		...as a squatter		...some other status	
Asian/Asian British	203	171	168	98%	15 days	161	94%	120	75%	23	14%	11	7%	7	4%
Black/African/Caribbean/Black British	71	56	55	98%	18 days	52	93%	35	67%	9	17%	7	13%	1	2%
Miced/multiple ethnic groups	120	109	108	99%	17 days	107	98%	83	78%	18	17%	6	6%	0	0%
White	1444	1293	1283	99%	14 days	1234	95%	1018	82%	155	13%	49	4%	12	1%
Other ethnic group	28	25	25	100%	17 days	23	92%	17	74%	5	22%	0	0%	1	4%
Prefer not to say	47	42	41	98%	19 days	37	88%	30	81%	4	11%	3	8%	0	0%
No information	30	26	25	96%	15 days	25	96%	23	92%	1	4%	1	4%	0	0%

What chambers/others are doing to improve access

In response to our survey:

- 86% of respondents have acted to improve access to the Bar
- 81% plan to act/continue to act on improving access to the Bar in the next two years

This is roughly consistent with the response to our progress survey published in November 2022.[20]

Action taken includes:

- Collecting data on applications and success rates
- Reconsidering outreach with schools and universities, either by streamlining their approach or working with different partner organisations

Examples of action by chambers

One set has worked independently with selected schools to offer an outreach programme.

Another set offers full mini pupillages targeted at aspiring barristers from a minority ethnic background. The mini involves:

- working with members of chambers
- an organised mock trial in chambers adjudicated by a real judge and in front of a jury comprised of members of chambers
- discrete advocacy training
- a course of advocacy training over several weeks

They monitor feedback which confirms students find these experiences rewarding and useful.

Many respondents referenced work with 10,000 Black Interns (10KBI).[21]

A significant number of sets have also signed up to specialist projects including Bridging the Bar, COMBAR social mobility mentoring scheme, Pathways to Law (The Sutton Trust), Aspiring Professionals (Social Mobility Foundation) and the Bar Council's own Bar Placement Scheme, as well as programmes such as Urban Lawyers. Others have worked with Rare recruitment on contextual recruitment.

[20] Race at the Bar: A progress report (November 2022), Appendix 1, page 29
[21] 10KBI

Examples of some of the programmes in place

10KBI (Bar scheme)

The Bar Council coordinates the Bar's 10KBI scheme. This scheme provides Black students and graduates with a 6-week paid internship across various practice areas at the self-employed and employed Bar.

In its pilot year (2022), 72 sets and organisations had signed up. In 2024, 88 sets and organisations took part, with various SBAs supporting the programme. At least two former interns are known to have secured pupillage so far.[22]

Bridging the Bar

Bridging the Bar[23] is a charity founded by Mass Ndow-Njie, barrister at 7BR Chambers, aimed at increasing diversity within the legal profession by supporting people from under-represented groups. Their flagship initiative, 'The Academy', supports aspiring barristers by providing mentorship, workshops and placements, preparing them for pupillage and a successful career at the Bar.

COMBAR student mentoring scheme

The COMBAR student mentoring scheme[24] supports aspiring barristers from under-represented groups, aiming to increase diversity at the commercial Bar. It pairs students with experienced barristers who provide guidance on legal careers, applications and interview preparation.

Planning, property and public law mentoring scheme

This is a mentoring scheme set up by planning, property and public law chambers[25] for people from under-represented groups at the Bar. Supported by the Planning and Environment Bar Association, the scheme includes one to one meetings with a mentor and a workshop on pupillage applications.

The Sutton Trust (Pathways to Law)

The Sutton Trust is a charity focused on increasing social mobility through educational opportunities for young people from less advantaged backgrounds. The Sutton Trust offers a range of programmes which are all free to attend, such as Pathways to Law.[26] The Pathways to Law programme provides sixth form and

[22] Based on feedback from participants
[23] Bridging the Bar
[24] COMBAR student mentoring scheme
[25] Planning, property and public law mentoring scheme
[26] The Sutton Trust Pathways to Law

college students with access to relevant legal work experience alongside attending networking events, mentoring opportunities, skill workshops and information sessions.

Social Mobility Foundation (aspiring professionals programme)

The aspiring professionals programme supports students from Year 12, lower sixth or S5 through to their first graduate job. It includes mentoring, skills sessions and career workshops, university application support and internships with top employers.

Bar Placement Scheme

The Bar Council delivers the Bar Placement Scheme.[27] The scheme is directed at state school educated students in sixth form, college or first year of undergraduate studies. Successful candidates are offered up to 4 days shadowing a barrister (mini pupillage) and advocacy training from the Inns of Court College of Advocacy.

Urban Lawyers

Urban Lawyers[28] is a charity focused on making legal education and careers more accessible for under-represented groups in society. The charity is founded by Dr Tunde Okewale OBE, barrister at Doughty Street Chambers, and offers mentoring, career advice and workshops. Initiatives include programmes such as 'Law Schooled' which connects music and law, and a prison outreach project at HMP Pentonville.

Rare contextual recruitment

Rare's contextual recruitment system[29] is a tool that helps recruiters assess candidates in the context of their socio-economic background. It uses data on factors such as school performance and family background to give insight into a candidate's achievements relative to their circumstances. This assists in a fair evaluation of talent from people from under-represented backgrounds and in improving diversity and social mobility.

[27] Bar Placement Scheme
[28] Urban Lawyer
[29] Rare contextual recruitment

The BSB's recent report on pupillage recruitment notes that "much effort is expended by pupillage providers to recruit for more diverse outcomes."[30]

Views from the Bar

Those responsible for pupillage/tenancy in our focus groups said they had put considerable effort into reviewing pupillage processes to try to ensure fairness. They acknowledged they were not always sure as much effort had been put into making tenancy decisions. They also observed it was also more difficult to spot patterns – and potential discrimination – when the intake each year is so small. Many noted that less attention and ongoing support was given to the experience pupils had once they had been recruited and started pupillage.

Representatives of chambers in the focus groups observed that some students from minority ethnic backgrounds had indicated that they did not want to apply to sets where existing members were all White. This means well-meaning sets who want to increase diversity are grappling with how to do so.

Some chambers on circuit, particularly in more rural areas of England and Wales where there is less ethnic diversity, stated they had struggled to attract any minority ethnic applicants for pupillage or tenancy. To address this issue, some barristers highlighted that chambers demonstrating a genuine commitment to race equality and taking part in various initiatives may alleviate any unwelcoming perceptions students may have.

In our focus groups, barristers also reflected on the challenges around selecting pupils for tenancy. They noted that it was much harder to be objective (and apply objective criteria) when you have known someone for 12 months, than when making a pupillage recruitment decision.

It was acknowledged that the decision making in respect to tenancy can be "thrown off" in those chambers that still hold tenancy meetings where everyone has a say, even those who do not know pupils. These meetings can be strongly influenced by the opinions of a small number of dominant members, and it can be easier as a consensus to choose someone who they believe already "fits" with pre-existing chambers' culture.

Feedback from young barristers and pupils in the focus groups suggests the pupil survey results (referenced above) do not necessarily fully cover the challenging experience of pupillage for some Black and minority ethnic pupils. Some of the feedback from pupils, students and newly qualified barristers makes for

[30] Bar Standards Board (May 2024) Pupillage recruitment research

uncomfortable reading. Consideration of their experience is, however, very important.

Coming into a set as the only barristers (or one of very few barristers) of colour can be challenging.

> "There are those [in my set] who act like they have rarely interacted with those who look and sound like me."

> "They couldn't work out what to make of me, but they had low expectations of me."

An EDO reflected:

> "We recruit diverse pupils, and then try and turn them into mini-replicas of ourselves – that just doesn't work."

The feeling of difference is compounded where some pupils perceive they receive worse treatment than their White peers. Being treated differently can be (although is by no means always) subtle but nevertheless extremely difficult for young barristers to navigate knowing they are isolated within chambers – and effectively on probation.

> "The support received from my pupil supervisor is not the same as the other pupils."

> "I was called another Black person's name."

Focus group participants suggested that who you get as a pupil supervisor is a lottery and it was not at all uncommon for individuals to cite examples of behaviours – such as having their work micro-scrutinised, being given additional work compared to others, or being told they were underperforming – but being given no grounds on which to improve.

It was apparent to them and to their co-pupils when the supervisor was just a difficult person to work with for everyone, and when they were being treated differently on the grounds of race. At least one individual stated that they had never experienced such treatment in their life as they had during pupillage at the Bar.

> "I felt like I was under a microscope and jumping through hoops and no matter what I was doing [it] was not enough."

Some Black pupils and barristers observed that pupillage can feel extremely lonely and difficult. They described not having anywhere to turn if things went wrong and that it is incredibly difficult for pupils to complain about their supervision.

> "[It's] systemically difficult, with student vulnerability and the peril of a supervisor's control at times, and being self-employed there is no one supervising these experiences to alleviate these pressures."

> "How can we raise this without seeming confrontational?"

The negative impact on a pupil of discriminatory treatment by a supervisor, clerks and senior members as they are just starting out in the career, particularly where they have defied considerable odds to get to the Bar, can be devastating. People spoke of a massive loss in confidence and a potential set back to their career.

> "[It was] soul crushing, putting it lightly."

More senior Black and minority ethnic barristers find it alarming when they speak to pupils and junior colleagues that so little has clearly changed.

> "All of this is so very sad to hear and reminds me of what I and others went through 30 years ago and before that. It feels like nothing has changed."

It was noted that training for pupil supervisors does not focus on race, and it was suggested this would be beneficial.

Bar Council commentary on access

Applicants from a minority ethnic background are disproportionately less likely to secure pupillage, and disproportionately less likely to secure tenancy as soon as they complete their pupillage. We also hear that their experience of pupillage can be particularly challenging.

Whilst they do ultimately secure tenancy at the same rate as their White peers, and trend data suggests the situation is improving, their experience is a concern.

Once someone has secured pupillage there are no reasonable grounds to consider that Black pupils would, as a group, be performing so differently as to explain any gap in securing tenancy as soon as they qualify in the set where they have qualified. This finding suggests that it may be beneficial for some chambers to consider reviewing tenancy decision-making processes to ensure fairness and accountability.

The efforts chambers are making around pupillage tend to focus on increasing numbers of pupils from minority ethnic backgrounds rather than also trying to equalise and improve experiences of pupillage – in other words, focusing on diversity over inclusion. Both are important and must go hand in hand.

The data on tenancy shows that Black pupils are clearly not experiencing pupillage on a level footing, and this finding is supplemented by feedback from barristers. We recommend that chambers consider ways in which their pupillage offering can be

made more inclusive to ensure that pupils are adequately supported regardless of background.

Retention

The initial years of a barrister's career are crucial in establishing a practice that is sufficiently resilient to weather challenges that may come at later stages, and sufficiently rewarding that a barrister wishes to continue to practise.

We have no effective exit data which would enable us to establish the reasons a barrister leaves the Bar or ceases to practise.

We note that the proportion of the Bar from minority ethnic backgrounds has been increasing at a reasonably steady rate.

In the 2021 Race at the Bar report, we suggested that income (sufficient financial reward) and parenthood (practice conducive to caring), are the two main factors that determine whether an individual chooses to stay at the self-employed Bar or chooses to work at the employed Bar, or elsewhere.

Since the 2021 report, there has been an increased focus on analysing and comparing earnings within chambers (including by protected characteristics) as part of good practice management. The guiding principle is to look at work distribution: who gets the work and who gets the 'good' work, where lucrative and career defining 'unicorn' cases will influence retention, progression and the Bar's culture.

Analysing earnings provides a regular, comparable, and replicable source of data for all those within the profession seeking to reduce disparities between groups.

In this section we therefore look at earnings, early career development and access to work on panels to examine factors that may impact retention and career development.

Earnings

We can publish data on barrister median earnings[31] by ethnicity for the first time here – such data was not available when we published the 2021 report.

[31] We use the median average when discussing earnings. This is the point at which half earn more and half earn less. The median is more accurate at establishing a 'typical' salary than the mean because it avoids the outliers at the high and low ends of the range.

For some years the Bar Council has been reporting on earnings differentiated by sex.[32] The data presented here on ethnicity is from the same data source – barrister declarations at authorisation to practise (AtP).

All the earnings figures presented here for self-employed barristers relate to self-declared gross fee income, which means the earnings stated are not equivalent to the salary (or 'income') of an employed individual.

We use the terms 'gross fee income' and 'earnings' interchangeably. Gross fee income is total fee income (excluding VAT) before barristers pay the costs of their chambers (including clerking) and other business expenses (such as travel). These costs typically take a (mean) average of 27% of gross fee income – slightly higher for more junior barristers and for those in London. Gross fee income is also before the deduction of other costs more typically associated with self-employment such as tax, professional insurances, provision for periods of leave, and pension provision.

The earnings for employed barristers relate to their gross salaries for the previous tax year.[33]

The data is presented for the financial year covered by a barrister's practising certificate for earnings during the previous calendar year:

- Self-employed barristers renewing their practising certificate during the annual AtP process for the financial year 2024/25 are declaring their earnings for the calendar year 2023
- Employed barristers reviewing their practising certificate during the AtP process for the financial year 2024/25 are declaring their earnings for the tax year ending in early April 2023
- Barristers not renewing their practising certificate are not required to declare their earnings, so will be missing from the data

Table 5 shows that barristers from minority ethnic backgrounds earn, on average, less than White barristers.

[32] See reports: New practitioner earnings differentials at the self-employed Bar April 2024, Gross earnings by sex and practice area at the self-employed Bar 2023, Barrister earnings by sex and practice area - 2022 update, and Barrister earnings data by sex and practice area report 2021
[33] BSB: Authorisation to practise key information

Table 5: Median earnings by ethnicity for self-employed and employed barristers, declared at AtP 2024/25

Ethnicity	Self-employed	Employed
Asian/Asian British	£112,866	£68,000
Black/Black British	£90,000	£70,000
Mixed/multiple ethnicity	£132,972	£72,693
White	£155,666	£75,000
Other ethnic group	£149,475	£82,174
Prefer not to say	£144,226	£73,500
No information	£141,000	£71,375

Among self-employed barristers, White barristers earn significantly more than Black and Asian barristers. A White barrister's median earnings are 32% higher than those of an Asian barrister and 54% higher than those of a Black barrister.

The gap for employed barristers is relatively small compared to that for self-employed barristers. A Black employed barrister would typically earn £5,000 (7%) less than a White barrister annually, and an Asian employed barrister £7,000 (10%) less.

Table 6: Median earnings by ethnicity for self-employed and employed barristers, declared at AtP 2021/22

Ethnicity	Self-employed	Employed
Asian/Asian British	£79,721	£63,000
Black/Black British	£62,149	£60,000
Mixed/multiple ethnicity	£96,000	£64,708
White	£117,005	£67,000
Other ethnic group	£104,501	£69,000
Prefer not to say	£99,740	£65,400
No information	£110,128	£66,855

Table 6 is the earliest comparable earnings data we have – declared at AtP 2021/22 relating to earnings during the calendar year 2020. As this was the pandemic year, the earnings this year and the subsequent year do not necessarily conform to the usual amounts. However, it's still worth considering the percentage difference between the earnings of different groups.

In the 2021/22 AtP declaration a White barrister's earnings were typically 38% higher than an Asian barrister's earnings and 61% higher than a Black barrister's earnings. This indicates that there may have been some reduction in earnings disparities by race in recent years.

Table 7 for self-employed barristers below shows that the impact of sex (being a woman) compounds the impact of ethnicity (being Black or Asian) on median earnings at the self-employed Bar.

Women of all ethnicities earn less than men of their ethnicity, but Black and Asian women and those of mixed/multiple ethnicity also earn less than White women. White men earn the most of all and Black women earn the least of all.

Table 8 for employed barristers shows a very similar pattern but with a lower level of disparity between the groupings. Women of all ethnicities are paid less than men of their ethnicity. White women earn more than Black and Asian women and those of mixed/multiple ethnicity. Asian/Asian British women earn least of all.

This data does not prorate the data on earnings against hours of employment, as we do not have detailed information on who is working full or part time. However, we know from Barristers' Working Lives[34] that women are more likely to report working part-time hours than men so some of the disparity in earnings by sex may be due to working patterns.

Table 7: Median earnings by ethnicity and sex, self-employed barristers declared at AtP 2024/25

	Self-employed barristers, 2024/25		
Ethnicity	**All**	**Male**	**Female**
Asian/Asian British	£112,866	£130,000	£100,000
Black/African/Caribbean/Black British	£90,000	£99,772	£84,764
Mixed/multiple ethnic groups	£132,972	£157,532	£119,949
White	£155,666	£181,501	£127,441
Other ethnic group	£149,475	£168,000	£102,537
Prefer not to say	£144,226	£145,546	£77,696
No information	£141,000	£165,031	£122,896

[34] In 2023 14% of female and 8% of male self-employed barristers described themselves as working 'part-time'. 11% of women and 18% of men described their working patterns as 'full-time with no extended hours'. An equal number of men and women worked extended hours, including over weekends. Source: Bar Council/IES Barristers' Working Lives 2023

Table 8: Median earnings by ethnicity and sex, employed barristers declared at AtP 2024/25

	Employed barristers, 2024/25		
Ethnicity	**All**	**Male**	**Female**
Asian/Asian British	£68,000	£77,456	£62,500
Black/African/Caribbean/Black British	£70,000	£77,688	£64,365
Mixed/multiple ethnic groups	£72,693	£78,947	£65,145
White	£75,000	£82,000	£68,806
Other ethnic group	£82,174	£91,425	£73,524
Prefer not to say	£73,500	£73,508	£72,000
No information	£71,375	£80,000	£64,000

Someone seeking to explain the disparity in median earnings may suggest that ethnicity at the Bar is correlated with practice experience – that the junior end of the Bar tends to be more diverse than the senior end – and that the difference in median income may be partly explained by seniority.

However, as Table 9 demonstrates, the pattern of Black and Asian barristers earning less than White colleagues persists within each practice experience band (PQE – post-qualification experience).

Table 9: Median earnings by ethnicity and practice experience band (PQE), self-employed barristers, declared at AtP 2024/25

	Self-employed barristers, 2024/25						
Ethnicity	**All**	**0-3 years**	**4-10 years**	**11-15 years**	**16-20 years**	**21-25 years**	**Silk**
Asian/Asian British	£112,866	£74,152	£112,814	£129,860	£130,052	£110,500	£377,369
Black/African/Caribbean/Black British	£90,000	£72,295	£106,210	£116,574	£65,141	£87,952	£253,001
Mixed/multiple ethnic groups	£132,972	£82,192	£145,207	£182,672	£127,053	£139,157	£444,955
White	£155,666	£90,773	£149,925	£182,814	£162,777	£150,430	£453,864
Other ethnic group	£149,475	£94,001	£159,050	£135,000	£172,451	£123,000	£459,699
Prefer not to say	£144,226	£73,515	£155,819	£185,000	£157,988	£106,090	£437,266
No information	£141,000	£49,023	£134,336	£138,141	£145,318	£161,986	£601,594

Table 10: Median earnings by ethnicity and practice experience band (PQE), employed barristers, declared at AtP 2024/25[35]

	Employed barristers, 2024/25					
Ethnicity	**All**	**0-3 years**	**4-10 years**	**11-15 years**	**16-20 years**	**21-25 years**
Asian/Asian British	£68,000	£52,692	£64,000	£60,980	£69,975	£79,280
Black/African/Caribbean/Black British	£70,000	£53,660	£64,012	£70,000	£91,100	£82,736
Mixed/multiple ethnic groups	£72,693	£51,743	£74,919	£82,000	£72,547	£80,201
White	£75,000	£55,832	£72,500	£77,017	£76,903	£82,000
Other ethnic group	£82,174	£98,925	£56,100	£71,365	£152,082	£77,000
Prefer not to say	£73,500	£79,500	£68,500	£92,330	£65,000	£85,050
No information	£71,375	£51,000	£150,000	£74,440	£73,930	£77,310

[35] The missing data in Table 10 (silks column) is due to numbers being insufficient to report the data.

We can see in Table 9 that the income gap is present to the value of £16,000-£18,000, right at the start of a self-employed barrister's career. The gap grows, peaking at 11-15 years PQE before shrinking again among senior juniors. Among silks, the median income gap for self-employed barristers is notable, particularly given the elite professional status of all those who attain the KC title. Black self-employed silks are typically earning £200,000 less than White and mixed/multiple ethnicity background silks.

Some of the disparity in earnings may be linked to practice area, but this certainly does not account for the full gap in earnings. Table 11 shows median income for self-employed barristers by main practice area. The pattern of Asian and Black barristers typically earning less than White colleagues persists within all practice areas, with the smallest gap being in family law and the widest gap in commercial and Chancery, where Black barristers are typically earning over £100,000 less than White colleagues.

Table 11: Median earnings by ethnicity and practice area, self-employed barristers declared at AtP 2024/25

	Self-employed barristers, 2024/25								
Ethnicity	All	Crime	Family	Commercial and Chancery	Personal injury	Immigration	Other civil specialism	Mixed practice	General civil
Asian/Asian British	£112,866	£104,837	£113,474	£334,011	£207,036	£61,190	£163,915	£80,000	£160,403
Black/African/Caribbean/Black British	£90,000	£90,000	£103,915	£278,389	£97,613	£38,690	£84,528	£82,082	£94,200
Mixed/multiple ethnic groups	£132,972	£115,000	£120,000	£393,716	£199,030	£80,835	£176,953	£96,611	£172,105
White	£155,666	£131,564	£134,342	£397,549	£212,732	£70,924	£211,079	£125,571	£200,116
Other ethnic group	£149,475	£134,658	£148,786	£452,551	£221,489	£46,000	£224,083	£72,752	£195,229
Prefer not to say	£144,226	£109,067	£127,980	£414,439	£288,062	£15,556	£164,722	£86,313	£211,815
No information	£141,000	£134,334	£118,048	£483,627	£208,077	£54,411	£156,506	£100,453	£179,751

Table 12: Median earnings by ethnicity and practice area, employed barristers declared at AtP 2024/25[36]

	Employed barristers, 2024/25						
Ethnicity	All	Crime	Family	Commercial and Chancery	Other civil specialism	Mixed practice	General civil
Asian/Asian British	£68,000	£57,075	£68,964	£117,000	£65,653	£59,643	£90,768
Black/African/Caribbean/Black British	£70,000	£63,716	£39,022	£106,798	£68,774	£80,000	£73,666
Mixed/multiple ethnic groups	£72,693	£67,667	£52,427	£164,893	£70,455	£85,700	£76,625
White	£75,000	£63,092	£68,136	£140,500	£75,618	£78,911	£86,977
Other ethnic group	£82,174	£38,969	£37,040	£322,500	£78,078	£83,000	£271,507
Prefer not to say	£73,500	£68,550	£67,068	£110,000	£73,500	£63,500	£92,330
No information	£71,375	£63,838	£57,000	£130,000	£72,500	£92,000	£87,665

[36] The missing data in Table 12 is due to numbers being insufficient to report the data.

Fair allocation of work

In the 2023 Barristers' Working Lives survey, we asked for the first time about barrister perceptions of work allocation. Barristers were asked specifically whether they thought work was distributed fairly in their chambers/organisation.

Across all barristers, 6 in 10 (62%) thought that work was distributed fairly within their chambers/employer, 14% did not think it was and one in 4 (25%) did not know. There was significant variation among most demographic and employment-related variables, including by ethnicity, gender and pay band.

Two thirds (65%) of White barristers said that work was distributed fairly at their chambers/employer, compared with around 4 in 10 (43%) of those from minority ethnic backgrounds. And respondents from minority ethnic backgrounds were twice as likely as White barristers to think that work was not distributed fairly (24% compared with 11%).

Chart 1: Perceptions of equality in work allocation by sex and ethnicity, 2021 and 2023. Response to the question 'Is work distributed fairly at your chambers/ organisation?'[37]

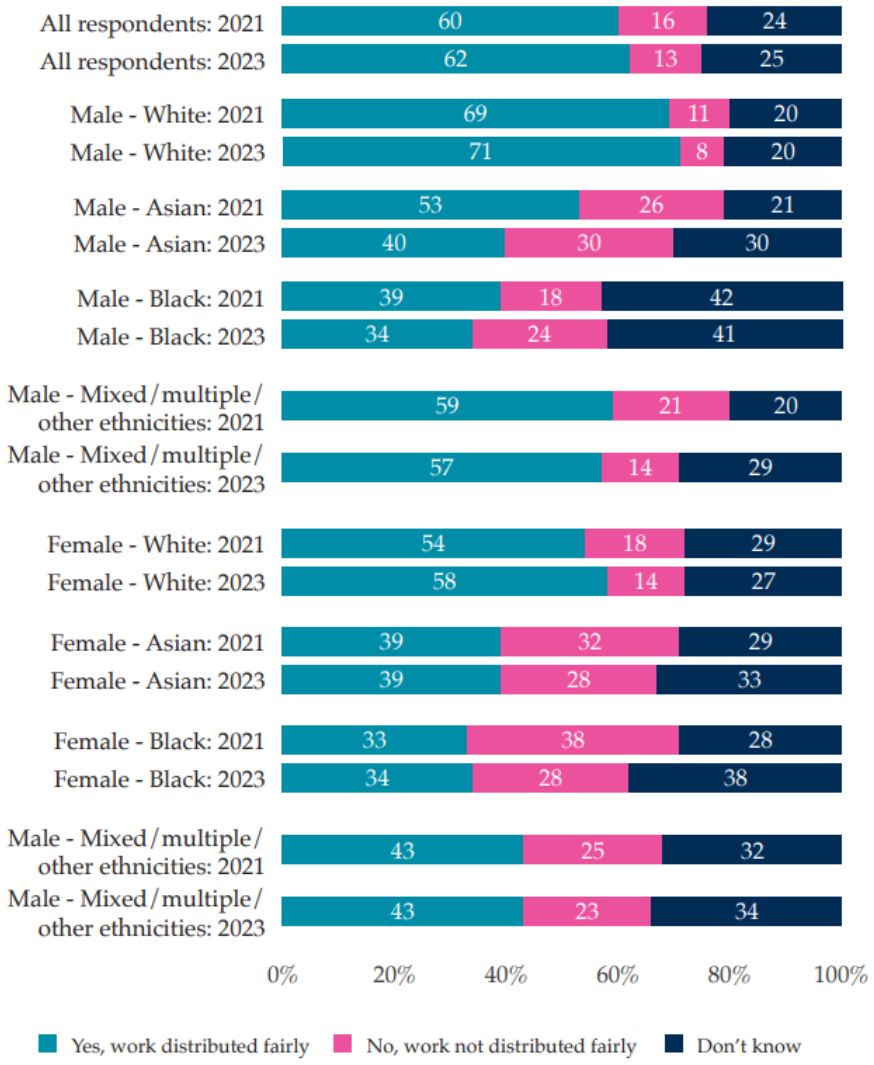

Chart 1 shows that barristers from minority ethnic backgrounds were significantly less likely to consider that work was being allocated fairly than White barristers, particularly White men.

In 2023, 40% of Asian men and 34% of Black men considered work was being allocated fairly, compared with 71% of White men. 39% of Asian women and 34% of Black women thought work was being allocated fairly compared with 58% of White women.

[37] Bar Council/IES (2024) Barristers' Working Lives 2023. Note that some of the lines do not add up to 100 exactly due to rounding.

Among barristers from minority ethnic backgrounds there was no difference between men and women, while among White barristers the difference was significant at 71% of men compared with 58% of women reporting that work was distributed fairly.

The pattern that, within all ethnic groups, men were more likely than women to consider work was being allocated fairly has persisted from the previous survey on work allocation in 2021.[38] Overall, there wasn't a great deal of difference between the two surveys. We saw a marginal improvement in response among White respondents – both male and female – but a reduction in satisfaction among barristers of colour, particularly men.

Barristers were asked to comment on the reasons for unfair allocation of work. A third of all responses mentioned the need to improve equality, fair access to work and to reduce favouritism, cliques and discrimination/bias. There was a feeling expressed by many respondents that even if there is not necessarily/always overt discrimination, there is unconscious bias and preferences that are based on traditional prejudices.

Government panels

A major source of work for some self-employed barristers is appointment to government panels. A governmental panel is a group of legal professionals appointed to provide legal services to government departments, including litigation and advisory work. 3,000 barristers (around a quarter of the self-employed Bar) sit on a government panel.

As part of the 2021 Race at the Bar report, the Bar Council committed to producing a detailed analysis of the composition of these panels, which we did, publishing in September 2022.[39] We looked at the Attorney General's Civil Panels: London and Regional, Treasury Counsel, Serious Fraud Office (SFO) Counsel Panels, and Crown Prosecution Service (CPS) Advocate Panels.

To prepare the report we downloaded the publicly available lists of panel appointees and carried out a data-matching exercise, where we matched the names with the demographic characteristics we hold in our membership database. We found significant under-representation of Black and Asian barristers on government panels.

The panels were, overall, 89.1% White. There were only 47 Black barristers on the panels examined, out of 3,082 barristers in total (1.5% of panel composition). And seniority is inversely correlated with ethnic diversity on panels – there were no Black

[38] Bar Council/IES (2021) Barristers' Working Lives 2021
[39] Bar Council (2022) Government legal panels: an analysis of membership by ethnicity and sex

or Asian women silks on any of the panels, and only three Asian men of 77 silks in total.

The Government Legal Department, recognising the lack of diversity on Attorney General (AG) panels, has committed to a workstream looking at panel diversity. The CPS also monitors diversity closely.

What chambers/others are doing to improve retention

In response to our survey:

- 63% have acted in relation to retention of barristers from minority ethnic backgrounds
- 62% plan to act/continue to act in relation to retention of barristers from minority ethnic backgrounds in the next two years

Sets participating in the survey had refined and/or expanded their income data monitoring in response to the 2021 report and combined this with practice review meetings if they had not previously done so.

> "We use a number of approaches to monitor earnings to check for any bias. This includes monitoring quarterly how unassigned work is allocated and annual reporting on earnings by barristers by cohort that looks at whether income of female or minority ethnic barristers are in line with chambers earnings."

> "The practice managers monitor and record the income and occupation levels of all barristers on a monthly basis and the senior clerk reviews the record. This enables them to see easily any reductions in income or employment of any barrister and to find out why and discuss actions to take with the barrister."

Some of the smaller sets who responded to the survey highlighted challenges associated with comparing minority ethnic barrister data with White barrister data when there were very small numbers of minority ethnic barristers in a set. However, other small and medium sets had been able to develop methodologies to make comparisons and share income and work allocation data with individuals.[40]

Views from the Bar

Participants in the focus groups suggested that findings based on research into sex inequality in earnings could be mapped across to race. They emphasised that income

[40] See Bar Council Race equality toolkit

monitoring and regular practice review meetings where income is discussed can make a significant impact in supporting Black and minority ethnic members.

Practice reviews were the only initiative cited to tackle inequalities and were seen more generally as being the cornerstone of good practice around supporting barristers to develop their careers. As one head of chambers noted:

> "We are a chambers who have been doing detailed practice review meetings for a number of years and we provide detailed analysis of practice and comparisons to peers and regularly review data on income and work distribution. Members of chambers are given an opportunity in those meetings to discuss anything that might be concerning, any adaptations they want to make to their practice. Because we have such detailed information, we can look at disparities, what are the reasons, can they be explained and have those frank and open explanations… Is it working? We have 100% retention."

Bar Council commentary on retention

The main regular source of work for most self-employed barristers is their own chambers. Monitoring access to quality work for self-employed barristers within chambers is done in-house within chambers, and there is no central or overarching data collection.

It has been comprehensively established that there are inequalities in earnings that start from the very beginning of a self-employed barrister's career.[41] This is linked mostly to research done around the specific experience of women at the Bar, but also relates to race.[42]

The seminal 'Voices of Women at the Chancery Bar' report in 2019 stated, in reference specifically to the experience of women but which applies across the board:

> "[We are] concerned by the clear evidence that assumptions, stereotyping and both unconscious and conscious bias and indeed (perhaps most obviously) affinity bias, too often tainted the way in which work was allocated within chambers – irrespective of chambers' formal policies."[43]

The data presented in this section shows race and intersectionality (sex and race) also impact on earnings. Black and Asian barristers, particularly women, are not

[41] Bar Council (April 2024) New practitioner earnings differentials at the self-employed Bar
[42] For example, BSB (2016) Women at the Bar and the Chancery Bar Association (2019) Voices of Women at the Chancery Bar
[43] Chancery Bar Association (2019) Voices of Women at the Chancery Bar

earning at the same rate as their White colleagues. At least some of the reason for this is inequality in work distribution at a chambers level.

The data we have presented in this report shows that there has been a narrowing of the gap in earnings of self-employed barristers according to race since 2020, and we hope this is indicative of change happening at a local level.

Earnings gaps between men and women are systemic, and hold in all areas of practice, career stages and whether or not an individual does legal aid work or has any caring responsibilities. The evidence gathered as part of separate work on sex-based disparities in earnings suggests that positive and evidence-based conversations between a barrister and their chambers or employer need to happen right from the start of a barrister's career to support the development of a thriving practice.

Although chambers have a duty to monitor and review the allocation of unassigned work[44] it is not always carried out to a sufficient and/or transparent standard. In our view the focus on unassigned work is inadequate. We believe chambers need to look at every aspect of work distribution, including monitoring led work,[45] marketing and support of individual barristers. Wherever possible, chambers should communicate their findings with their members.

Progression

There are several tangible markers of progression at the Bar. In this section we look at King's Counsel (KC, also known as 'silk'), judicial appointments and the profile of Bar leaders.

King's Counsel (KC)

Becoming a KC – or 'taking silk' – is seen, for many, as being the highest accolade of a career at the Bar. Aspiring silks must be leading senior juniors in their field and complete a rigorous application process, demonstrating experience of advocacy at the highest levels. Around 12% of barristers are KCs, concentrated in the self-employed part of the Bar.[46]

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[44] BSB Handbook rule rC110 (f)

[45] Led work is work that is given to junior members of chambers by a silk or senior member.

[46] Employed barristers are less likely to take silk, partly due to exposure to different kinds of work than those typically considered to be those that lend themselves to a KC application (ie court-based advocacy) and partly because of the existence of alternative routes for professional progression in an employed model.

Black and Asian barristers are under-represented at KC level, particularly Black and Asian women, but there has been some real change. Table 13 shows the number of silks from minority ethnic backgrounds has increased by over 45% since 2021 (from 124 to 180 silks).

Numbers of Asian and mixed/multiple ethnicity silks have increased quite substantially, with the total number of Asian silks increasing by almost a third (32%) and those of mixed/multiple ethnicities[47] more than doubling (112%).

The number of Black KCs remains low. There are still only 8 Black female silks in England and Wales[48] though we acknowledge some barristers of Black mixed heritage will be included in the mixed/multiple ethnicity category.

Table 13: Number of KCs by ethnicity and sex, 2021 and 2024[49]

	2021		2024	
Ethnicity	**Female**	**Male**	**Female**	**Male**
Asian/Asian British	17	60	30	72
Black/Black British	5	17	8	18
Mixed/multiple Ethnicity	9	16	20	33
White	286	1, 303	357	1,388
Other ethnic group/No information/prefer not to say	37	180	18	112
Total number	354	1, 576	432	1, 623

King's Counsel Appointments (KCA) publishes statistics on candidate outcomes by ethnicity.[50] It tracks successful and unsuccessful candidates from Black, Asian and other ethnic groups from 2017. The general trend over the past six years has been for increasing numbers of applicants from minority ethnic backgrounds, with the candidate success rate being variable. It would be helpful if the application journey for all candidates, cut by ethnicity, could be published for purposes of comparison.

[47] Includes: White and Asian, White and Black African, White and Black Caribbean, White and Chinese and any other mixed or multiple ethnic background.
[48] Based on the standard census categories.
[49] Data correct as of 1 June of each year. Date sourced from General Council of the Bar database.
[50] King's Counsel Appointments

Judicial appointments

For some barristers, a next step in a maturing career is judicial appointment, often combined with practice. Data on the diversity of the judiciary are published annually as official government statistics.

The Judicial Appointments Commission (JAC) – which compiles the data cited in this section – assesses the eligible pool of barristers as all those silks who have 15 years' post qualification experience (PQE). The Bar Council, in recognition of the fact that silk is an advocacy award that is not a prerequisite for judicial appointment and that silk is not equally attainable in all practice areas, assesses the eligible pool for judicial appointment as all those barristers over 15 years PQE.

In 2023/24 there were 5,298 courts and tribunals judges in post in England and Wales. 4,714 declared information on ethnicity, of whom 529 (11%) were from a minority ethnic background and 4,185 (89%) were White.[51]

Among new appointees, the latest (2024) data publication states:

> "There is no evidence of disparity for ethnic minority candidates overall compared to White candidates in legal judicial selection exercises from eligible pool to recommendation. At a more granular level of ethnicity, this also applies to Asian and Black candidates. Across all legal exercises in 2023-24, ethnic minority candidates accounted for 15% of the eligible pool and 16% of recommendations. For Asian candidates the proportions were both 9%, and for Black candidates the proportions were both 2%."[52]

But focusing on a lack of disparity between the pool and the successful candidates omits a salient point about the actual – rather than theoretical – applicants. It is important to note that this relates to all applicants, not just barrister applicants (on the data published by the JAC it is not possible to disaggregate minority ethnic barrister applicants from minority ethnic other legal professionals applicants):

> "In 2023/24 ethnic minority individuals accounted for 31% (1,995) of applications, and for 16% (111) of those recommended for appointment."[53]

The publication correctly identifies that, although diversity is increasing at the Bar, rates of representation of minority ethnic groups are lower at senior (15 years'

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[51] Information on ethnic background was available for 89% of the pool. See Diversity of the Judiciary Statistics: Data Tables Table 3_1_JOAppt Diversity of the judiciary: 2024 statistics

[52] Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2024 statistics

[53] Ministry of Justice (July 2024) Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2024 statistics

Call/KC level). The JAC argues that the overall pool of eligible applicants for judicial appointment is therefore smaller than the size of the whole population would indicate.

Table 14: Ethnicity of applicants, recommendations and barrister postholders for judicial appointments, 2021 and 2024

Ethnicity	2021[54]		2024[55]	
	Percentage of applications	Percentage of recommendations	Percentage of applications	Percentage of recommendations
Asian/Asian British	15%	7%	17%	8%
Black/Black British	4%	1%	5%	1%
Mixed ethnicity	4%	3%	4%	4%
White	78%	86%	73%	86%
Judges in post from barrister backgrounds – all minority ethnic backgrounds	6%		6%	

Source: Diversity of the Judiciary Statistics, 2021 and 2024[56]

Table 14 shows that in the last three years there has been no progress in terms of the rates of candidates from minority ethnic backgrounds seeking to become judges progressing through the judicial selection process to recommendation. There has also been no progress in the proportion of minority ethnic courts and tribunals judicial postholders from barrister backgrounds.

In the decade since 2014, representation of minority ethnic individuals (from all professional backgrounds, including barristers) in the judiciary has increased by around 4 percentage points. However, when considered in a more granular way, this increase was due to a three percentage point increase in the representation of Asian individuals and a one percentage point increase in the representation of those from

[54] Across all legal exercises that closed between 1 April 2018 and 31 March 2021.
[55] Between 1 April 2023 and 31 March 2024.
[56] Diversity of the judiciary: 2021 statistics and Diversity of the judiciary: 2024 statistics

mixed/multiple ethnicities. There has been no increase in Black representation in the last decade.[57]

Across the three years from 2020-23, the likelihood of success from applicant pool to recommendation in judicial selection exercises was 20% lower for Asian candidates than it was for White candidates, 58% lower for Black candidates than it was for White candidates, and 80% higher for candidates from a mixed/multiple ethnicity background than it was for White candidates.[58]

This, while still demonstrating a lower selection rate for candidates from minority ethnic backgrounds, nonetheless represents some progress from 2021, when the then-most recent three years of data showed that Asian candidates had a 36% lower success rate and Black candidates a 73% lower success rate.[59]

Some increase in representation is happening for Asian barristers seeking to become judges, and candidates from minority ethnic backgrounds are not necessarily disadvantaged in the selection process. Factors including, but not limited to, less representation at senior levels of the profession nonetheless contribute to a continued under-representation of barristers from minority ethnic backgrounds in the judiciary, and a stark lack of increase in representation of Black judges.

Supporting individuals in work allocation and judicial applications would seem to be a sensible first step for chambers seeking to encourage any members who wish to seek judicial appointment. But equally, JAC needs to ensure that the recruitment process is fair and transparent, and that the judiciary is an inclusive environment where legal professionals from minority ethnic backgrounds want to work.

Leadership roles

Across the Bar – and across society – having diversity at leadership level is seen as being important primarily because of the greater depth of experience that can be shared on a leadership team made up of individuals from different backgrounds. Diverse leadership also demonstrates a commitment to representing the clients served and attracts those from diverse backgrounds to consider a career at the Bar.

In 2023, the first Black barrister (and first barrister of colour) was elected as Vice Chair of the Bar for 2024 and has been elected unopposed as Chair of the Bar for

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[57] Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2024 statistics

[58] Ministry of Justice (July 2023) Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2023 statistics

[59] Ministry of Justice (September 2021) Diversity of the judiciary: Legal professions, new appointments and current post-holders

2025. In 2024, two of the 6 circuit leaders are barristers from minority ethnic backgrounds, as is the Chair of the Young Barristers' Committee. Such visible representation in the most senior positions at the Bar is important.

Table 15 looks at the ethnic background of heads of larger sets (those with more than 10 practising barristers) and of members of Bar Council and the General Management Committee (GMC) of the Bar Council.[60] We compare the leadership in 2021 with that in 2024.

The profile of the heads of chambers and GMC is similar in 2024 to 2021, while Bar Council is now more diverse than it was three years ago. It is worth noting that, in terms of representativeness of the profession, the leadership of Bar Council and GMC is more diverse than leadership within chambers.

Table 15: Ethnic diversity in chambers and Bar Council leadership positions, 2021 and 2024

	Heads of chambers with >10 practising barristers		Bar Council members[61]		Bar Council's General Management Committee[62]	
Ethnicity	2021	2024	2021	2024	2021	2024
Asian/Asian British	3%	3%	8%	13%	2%	7%
Black/Black British	1%	3%	4%	7%	7%	7%
Mixed/multiple ethnicity	3%	2%	5%	5%	5%	2%
White	86%	85%	75%	68%	75%	74%
Other ethnic group/No information/prefer not to say	7%	7%	4%	7%	9%	10%
Total number	286	274	121	111	43	42

[60] The Bar Council membership includes 54 members elected for three-year terms, 43 members appointed by the Inns, circuits and specialist Bar associations (SBAs), and 18 ex-officio members including the officers, law officers and circuit leaders. For more information see: https://www.barcouncil.org.uk/about/bar-council-governance/constitution-and-structure.html The General Management Committee overlaps to some extent with the Bar Council membership, including officers, circuit leaders and SBA chairs, plus chairs of Bar Council committees. See: https://www.barcouncil.org.uk/about/bar-council-governance/committees/general-management-committee.html

[61] Current members as of 1 October 2021 and 1 July 2024, excluding staff support and observers.

[62] Current members as of 1 October 2021 and 1 July 2024, excluding staff support and observers.

What chambers/others are doing to improve progression

In response to our survey:

- 57% have taken action to support the progression of barristers from minority ethnic backgrounds
- 70% plan to take action/continue to take action to support progression of barristers from minority ethnic backgrounds in the next two years

Views from the Bar

Where chambers who responded to our survey had taken action on progression, it tended to be based around a combination of mentoring and coaching programmes. The coaching programmes were often specifically targeted towards supporting those who wished to apply for silk.

> "We have implemented mentoring internally and constituted an internal and external coaching programme for silk applications."

Several respondents to the survey said that their existing internal support package for all members, including work monitoring, practice reviews and mentoring, would support barristers from minority ethnic backgrounds along with all members.

One respondent reflected on the challenges for most sets around the possibility of setting targets for silk/judicial progression.

> "Due to the relatively small size of chambers, it is difficult to set progression targets without them being overly personal. Progression targets for certain stages of practice may end up only covering a single member of chambers. This would, in effect, function as a career plan imposed upon that person."

To assist in tackling the barriers to progression at the Bar, the Bar Council delivers the pre-application judicial education (PAJE) programme to support lawyers from under-represented backgrounds intending to apply for judicial appointment. The Bar Council also supports barristers interested in applying for silk and judicial appointments through a mentoring scheme and provides mentoring guidance for all mentors at the Bar.

Bar Council commentary on progression

Barristers from minority ethnic backgrounds remain under-represented at silk and judicial level, but there has been some palpable success in terms of an increase in the number of silks from diverse backgrounds, most obviously Asian women, and in representation in leadership positions at the Bar.

The numbers around judicial recruitment mirror the trends we see around ethnicity and legal recruitment at pupillage level. There is a higher than representative number of applicants from minority ethnic backgrounds, but the final cut looks like the overall population. Decision makers are then reassured that the recruited cohort is "representative" of the general UK population, rather than of the pool of applicants.

We would like to see equal opportunity for all candidates for silk and judicial recruitment. We agree with the JAC that further work is needed as to the discrepancy in terms of ethnic diversity between the applicants and those recommended for appointment. We also would like to see further exploration and positive action in relation to Black silk appointments.

Culture

Culture is intangible and hard to measure. For this report, as in 2021, we are looking at quantitative data on bullying and harassment, as well as wellbeing. In addition, this time we are using data on perceptions of the workplace from our Barristers' Working Lives survey, a review of activity undertaken across the Bar on equality and diversity, and conversations from our focus groups to support and substantiate the data findings.

Perceptions of the workplace

Table 16 shows responses by ethnicity to three statements about barrister perceptions of their professional environment, cut by ethnicity. It shows that Black and Asian barristers tend to feel less positive about their workplace than White barristers.

For example, 81%[63] of White barristers feel that there is a sense of cooperation and collaboration in their workplace, compared with 71% of Asian barristers and 74% of Black barristers.

There is significantly less job satisfaction, as a whole, among barristers from minority ethnic backgrounds. 29% of Asian barristers and 30% of mixed/multiple ethnicity and Black barristers report dissatisfaction with their jobs overall, compared with 19% of White barristers.

[63] Percentages reported in this section are based on analysis of Barristers' Working Lives survey data, 2021 and 2023, in which scores of 1 to 5 are replaced with a scale of strongly disagree to strongly agree.

Table 16: Working life issues by broad ethnic group: mean scores, 2023 and (2021 in brackets). Higher score is more positive

	White	Mixed	Asian	Black	Other	All
Within the environment in which I work, there is generally a sense of cooperation and collaboration	3.7 (3.7)	3.5 (3.5)	3.4 (3.3)	3.5 (3.2)	3.3 (3.1)	3.7 (3.6)
Base n= 2023 (2021)	*2574 (2703)*	*137 (136)*	*145 (123)*	*83 (66)*	*65 (68)*	*3004 (3096)*
My relationships with other colleagues are as good as I would want them to be	4.0 (3.9)	3.8 (3.7)	3.4 (3.4)	3.8 (3.5)	3.7 (3.6)	3.9 (3.9)
Base n= 2023 (2021)	*2573 (2691)*	*139 (135)*	*146 (121)*	*84 (66)*	*65 (68)*	*3007 (3081)*
Overall, taking everything into consideration, I am satisfied with my job as a whole	3.5 (3.5)	3.4 (3.4)	3.2 (3.5)	3.2 (3.4)	3.6 (3.5)	3.5 (3.4)
Base n= 2023 (2021)	*2574 (2710)*	*140 (136)*	*146 (123)*	*83 (66)*	*65 (68)*	*3008 (3103)*

All three of these attitudinal statements are significantly correlated with ethnic group in 2023, whereas in 2021 only the first two statements were significantly correlated (not the third statement on overall job satisfaction). This demonstrates a clear divergence in the way professional life and culture is experienced at the Bar, which is correlated with race.

The position with respect to Black barristers in 2023 has improved slightly on 2021 figures (see Table 16), particularly regarding relationships with colleagues. It is noticeable that Asian/Asian British respondents reported a more negative experience than the other ethnic groups, in particular when thinking about relationships with colleagues.

Bullying, harassment and discrimination

Bullying, harassment, and discrimination (BHD) is a growing problem at the Bar. We reported in 2023: [64]

> "In our regular surveys of the profession, barristers have been increasingly telling us that they have experienced or witnessed bullying, harassment and discrimination. In our most recent survey, 44% of respondents said they had experienced or observed this behaviour while working either in person or online. This is an increase from 38% in 2021 and 31% in 2017."

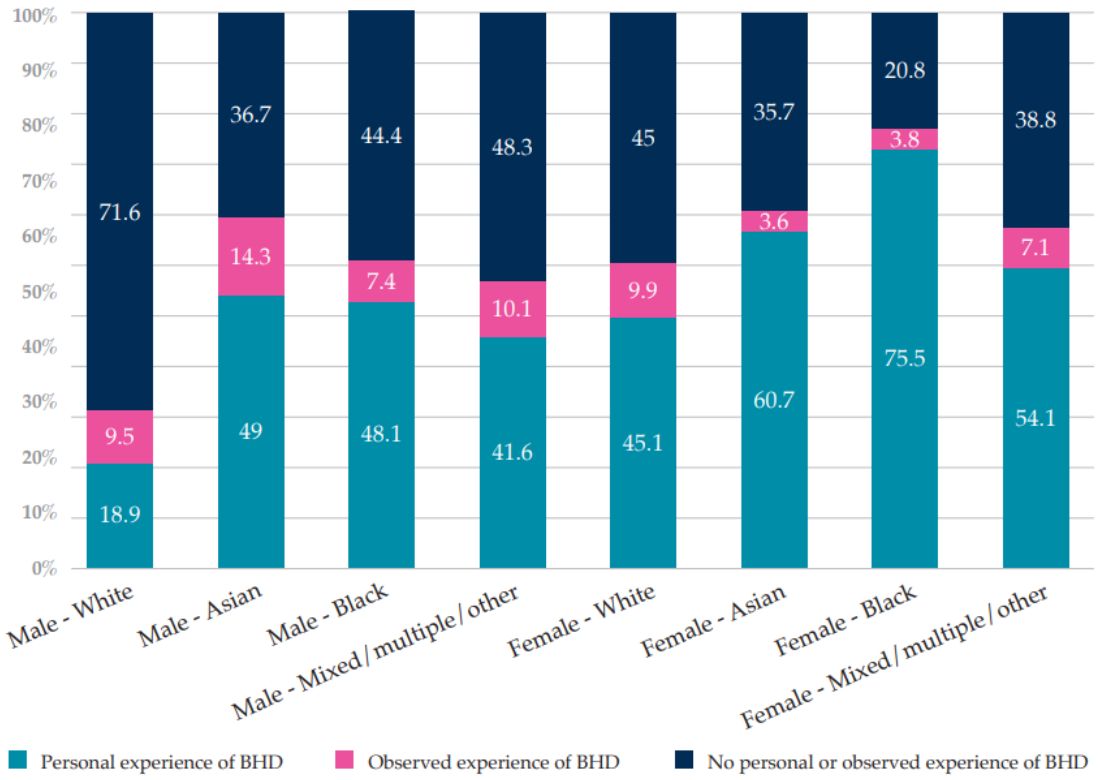
Barristers of colour are affected more by these behaviours than their White colleagues, and women barristers of colour are particularly affected.

- 43% of barristers from minority ethnic backgrounds reported bullying or harassment compared with 27% of White barristers

[64] Bar Council (December 2023) Bullying, harassment and discrimination at the Bar 2023

- 39% of barristers from minority ethnic backgrounds said they had experienced discrimination compared with 14% of White barristers
- More than half (52%) of female barristers from minority ethnic backgrounds reported experiencing bullying or harassment, compared with 39% of White female barristers, 31% of male barristers from minority ethnic backgrounds, and 17% of White male barristers
- The group most affected by personally experiencing BHD were Black women, with 76% of Black women affected, 4 times the proportion of White men (19%)
- 43% of female barristers from minority ethnic backgrounds said they had experienced discrimination, compared with 32% of male barristers from minority ethnic backgrounds, 22% of White female barristers, and 7% of White male barristers

Chart 2: Personal experience and observation of bullying, harassment and discrimination (BHD) by gender and ethnicity (percentages), 2023[65]



[65] Note that some of the bars do not add up to 100 exactly due to rounding.

Barristers with a disability, those with LGBTQ+ status, those who attended at a state school, and those with caring responsibilities also reported an increased incidence of experiencing bullying, harassment or discrimination at work.

We know that barrister reports of BHD have been getting worse for barristers from most groups (including White barristers).[66]

- In 2021, 52% of Asian women, 63% of Black women and 64% of women of mixed/multiple backgrounds had personally experienced BHD at work in the last two years
- In 2023 (see Chart 2), these proportions had increased to 60.7% for Asian women, 75.5% for Black women and decreased to 54.1% for women from mixed/multiple backgrounds
- In 2021, 41% of Asian men, 30% of Black men and 23% of men of mixed/multiple backgrounds had personally experienced BHD at work in the last two years
- In 2023 (see Chart 2), these proportions had increased to 49% of Asian men, 48.1% of Black men and 41.6% of men from mixed/multiple backgrounds

An independent review led by the Rt Hon Baroness Harman KC is currently underway to identify the reasons for these behaviours (including the increase) and identify potential solutions.[67]

Barristers are clear that at least some of the bullying behaviour seen at the Bar is explicitly racist in nature. Race was one of the three main characteristics linked to BHD by those who had experienced it. Four in 10 respondents said what they saw or experienced was linked to gender (39%), nearly one in 5 (18%) said it was linked to race and more or less the same proportion said it was linked to age (19%).[68]

Of course, it is not always possible for people to confidently define the nature of the unacceptable behaviours they witness or experience.

Bullying and harassment behaviours are linked to power. Women, those of colour and younger barristers are more likely to experience bullying, harassment, and discrimination at work. Those complained about are usually in positions of power – judges, senior barristers, senior clerks, and practice managers.

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[66] Bar Council/IES, Barristers Working Lives 2021
[67] Independent review of bullying and harassment at the Bar
[68] Bar Council/IES, Barristers' Working Lives 2023

Wellbeing

Every two years the Bar Council and the University of Portsmouth carry out an analysis of barrister wellbeing. In the most recent analysis in 2023, it was reported that:

> "White respondents reported significantly higher overall wellbeing than BAME respondents (the same trend as was observed in 2021). However, a more detailed breakdown showed that only the Asian or Asian British sub-category of respondents reported significantly lower wellbeing than White respondents. Please note, it might be best to treat this finding with a little caution as the sample sizes are very unequal between the samples (86% of all barristers responding were White)."[69]

The result in 2023 (both the pattern and the reported levels of wellbeing) was exactly the same as the result seen in 2021. Namely, that while overall barristers from minority ethnic backgrounds experienced lower wellbeing than White barristers, this difference was mostly due to barristers from Asian backgrounds reporting significantly lower wellbeing.

This is inconclusive, but indicative that Asian/Asian British barristers in particular may be experiencing lower wellbeing at work than other groups. It should be noted that sex (being a woman) and age (being younger) were the demographic variables most associated with a dip in wellbeing compared to the baseline.

What chambers/others are doing to improve culture

In response to our survey:

- 78% have taken action to create a more inclusive culture
- 78% plan to act/continue to act to improve their culture in the next two years

Views from the Bar

Many barristers are consistently positive and enthusiastic about the intellectual stimulation, the collegiality, the tradition, and the range of professional opportunities available to them through their work. However, working at the Bar can present difficulties, as can many workplaces.

It can be particularly challenging when so many people have such a rich and rewarding professional life at the Bar to recognise that the same experience is not necessarily being had in the same way by all.

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[69] Bar Council/University of Portsmouth (February 2024) Wellbeing at the Bar report 2024

In fact, the very richness of the texture and fabric of the tradition, the history, and the expectation of the Bar can it itself present a challenge for some people to whom the rituals, language and behaviour (the 'codes') feel strange.

Recognising that some behaviours can seem – and some simply are – exclusionary and discriminatory, can help to support a gradual shift towards a culture which feels more modern and inclusive while retaining the very best of tradition.

There remains a feeling that it is not always possible for individuals to maintain and celebrate their own cultural identify within the dominant cultural identity of the Bar. Barristers from minority ethnic backgrounds highlighted that it felt as though there was a distinct 'type' – White, privileged – who was the dominant creator and 'gatekeeper' of Bar culture.

Barristers in our focus groups agreed that, since 2021, the 'feeling' at the Bar was in some ways different. One barrister noted: "[talking about equality and diversity] is no longer an add on, it's an ongoing conversation." There was a feeling that there was a widespread acknowledgement that change needed to be happen, and to be spoken about. Specifically:

- General awareness has been raised
- Some issues that previously may have been widely debated (for example, the need to have a diverse pupillage appointment panel) are now more likely to be accepted
- More people have engaged with equality and diversity training, which was felt to be most successful when members and staff all trained together
- There are more people engaged with equality and diversity issues more widely
- New juniors have more groups to engage with and places to go
- A willingness to call incidents out has increased

Across the Bar, there has been an increase in the range of events addressing racial inequality and celebrating diversity within the profession, for example:

- Inner Temple: South Asian Heritage Month 'Free to be me - life at the Bar'
- The Inns of Court Alliance for Women (ICAW): Black women barristers - the challenges faced and a fairer future[70]

[70] ICAW, Black Women Barristers The Challenges Faced & A Fairer Future

- Gray's Inn: 'Windrush: where you were, where we are and where we are going. A legal perspective.' There was a live streamed event on the Western and Northern Circuits[71]
- Northern Circuit alcohol-free mess
- North Eastern Circuit: Black History Month seminar – Dr Nick Evans
- Midland Circuit sponsoring Birmingham Black Lawyers' Black History Month celebration
- Middle Temple: Black History Month celebration[72]
- Lincoln's Inn: Diversity dinner – Black History Month with the Rt Hon the Lord Boateng[73]

Issues that were identified as still challenging included:

- Race tends to have been merged in with wider equality and diversity issues rather than treated distinctly
- In some sets, the EDO and a core group of interested members were responsible for driving through any change – it was not seen as a collective responsibility, and it was felt that EDOs should be better supported in their roles
- There is a core of resistance to engaging with the need for cultural change
- Any change seems to have been very slow
- Decision-making processes in chambers are not always transparent, and decisions can be made by the same few people
- Some barristers of colour felt that an emphasis on specific support for Black barristers overlooked the different challenges and needs of barristers from various minority ethnic backgrounds
- The gendered differences of experience between men and women barristers from minority ethnic backgrounds should be noted – with potentially different support or guidance regarding each

There was a feeling that those in leadership and powerful positions within chambers needed to be on board for real and lasting change to happen. As one silk said:

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[71] Gray's Inn, Windrush: where you were, where we are and where we are going. A legal perspective
[72] Middle Temple, Black History Month celebration
[73] Lincoln's Inn, Diversity dinner

> "Change has to come from [the] top and be called for loudly and often…not just once a year during Black History Month."

Some in chambers found the process of speaking about race, engaging with training, and being part of change, very difficult and uncomfortable. Barristers told us that supporting colleagues who found it difficult to move past the discomfort yielded benefits, and others in the focus groups mentioned that making certain events and/or training compulsory helped engage individuals and signal that this is a vital part of chambers' culture.

Barristers in our focus groups mentioned that it did feel difficult for barristers from minority ethnic backgrounds to be the only person of colour in chambers, and that this might deter individuals from applying to exclusively 'White sets'.

> "When you are conscious you are the only one, there is another level of pressure."

The experiences of those at the employed Bar may, in certain circumstances, be different given that many of these organisations will have diversity and inclusion policies and practices in place that are more evolved than those at the self-employed Bar. Equally, there will be situations where employed barristers have suffered – and will continue to suffer – discrimination because they are still a visible minority in their organisations, and they are still working in a legal environment that does not necessarily objectively or subjectively value difference or diversity.

Bar Council commentary on culture

The reported incidents of bullying behaviour at work, and what barristers describe about this aspect of the workplace culture, indicates a seam of behaviour where, within a competitive and hierarchical workplace, those perceived as being less powerful or influential are bullied by those who perceive themselves as being more powerful or influential.

We also note that, in more subtle and insidious ways, barristers from minority ethnic backgrounds report feeling less comfortable in the workplace, less satisfied with their jobs, and less likely to enjoy positive working relationships with colleagues.

Barristers do not always feel it is safe to speak about difficulties they are having at work as it comes with professional risk. Particularly in the self-employed sections of the Bar, where there is usually no formal human resources function, it can feel as though challenging inappropriate behaviour or admitting to struggling with workplace culture can lead to a decrease in professional standing and opportunity.

Recognising that feeling to some degree alienated at work is a pattern experienced by some groups more than others takes us some way towards de-individualising professional dissatisfaction. However, a community problem requires a community solution, and it is the responsibility of everyone within a workplace to actively create and support a positive working environment.

There has been notable progress in the number of events across the Bar addressing race in the last three years. These events have facilitated enlightening conversations, promoted self-reflection and demonstrated a genuine effort in reshaping the culture at the Bar. However, as noted from the views from the Bar, these celebrations should not be confined to one month as these may hinder sustained progress and may be perceived as tokenistic.

Summary of survey findings

The survey assessed work undertaken by chambers and Bar-based organisations between 2021 and 2024. Findings were compared with a similar survey undertaken in 2022[74] to establish how many chambers had acted within 12 months of the publication of the first race report.

Where chambers' activity fit neatly into our access, retention, progression and culture categories findings have been added to those sections above. Work that didn't fit neatly into these categories, or effectively influenced all of these categories is listed below, alongside findings relating to challenges faced by chambers in implementing a race equality programme.

Activity across all 4 areas has increased or stayed constant since 2022.

Table 17: Comparison of activity by chambers and bar-based organisations

Area of action	2022	2024
Access	83%	86%
Retention	49%	63%
Progression	46%	57%
Culture	78%	78%
All areas	33%	44%
No action	9%	8%

Source: Bar Council race research survey 2024

[74] In 2022, 69 survey responses were received. In 2024, 109 survey responses were received.

In the 2024 survey, respondents were asked to rate how successful they thought their chambers/organisation's efforts to date had been on a scale of 1-5, with 1 being the least successful and 5 being the most successful. The overall verdict of those who answered the question was 'middling to positive'.

- Responses were heavily clustered at 3 (49%) and 4 (28%), with three quarters (76%) of respondents selecting one of those two grades
- Only one respondent selected 1. Two respondents selected 5. Eleven (or 10%) selected 2

The key challenges respondents identified in taking activity forward were having the time (63%) and the human resource (61%) to commit to programmes. Additionally, 31% of respondents identified financial resources, 14% a lack of understanding or information, and 17% a lack of enthusiasm.

Examples of activity described in the survey responses

Race audits

Many of those surveyed had recently carried out, or were in the process of carrying out, EDI/race surveys, reviews or audits. Some had hired external consultants to carry out full race/equality audits in addition to any internal auditing they had been doing.

This is not necessarily within the financial reach of all at the Bar. Those that had commissioned audits found the external expert could provide a fresh perspective on all aspects of policy and culture – and they found this helpful.

Race statements

All chambers are required by regulation to have a form of equality and diversity policy. Some respondents had committed to reviewing this annually and had, in addition, written their own form of a Race/Equality Charter or statement.

Improving data monitoring

For recruitment and earnings.

Training

Including advanced equality and diversity training, anti-bullying and harassment training, and specific race training.

Targeted outreach

Including working with 10KBI, Bridging the Bar, and the Sutton Trust.

Contextual recruitment

Using contextual recruitment tools eg Rare recruitment.

Mentoring

Several sets had established or joined mentoring schemes, sometimes targeted at aspiring barristers and sometimes to support internal career progression. Schemes were in their infancy, so it was too soon for them to be able to demonstrate tangible results.

Targeted financial support

Some had introduced targeted financial support for scholarships, mini pupillages and pupils, and hardship funds and/or rent exemptions for members at key moments, such as return from parental leave, or secondment opportunities.

Ensuring marketing platforms are inclusive

Many organisations had reviewed and revised their websites, events and communications to be actively inclusive.

Mission statements

One set had considered their mission and place within the justice system:

> "Representation, across all diverse intersections of society matters. As a chambers, we all collectively take the view that confidence in the justice system can only be achieved if the people who operate within it are reflective of the society it serves."

Marking significant dates

Many had organised events as a set or as part of a community, and ensured they mark key dates such as Black History Month.

Race training

Chambers took different approaches to the type of training offered and who in chambers was required to attend.

Some sets noted that when training was optional there had been low uptake, especially among senior members, with members citing the pressure of work as the

reason for not attending. Some respondents had found that the quality of some external training available was not optimal.

Where quality training had been either mandated or taken up by a majority, or all, members and staff, the results were often reported to be significant.

> "[A]ll decision-makers had completed the advanced E&D, and the harassment/bullying course. What has been apparent is that there is now a greater awareness of proper communication in chambers. Although there have been no incidents relating to race/equality, it has been productive and edifying to see greater consideration and discussion as to how we interact with each other. This can properly be attributed to greater education at the management level in chambers."

> "All barristers and members of staff in management roles – and that are involved in recruitment – have undergone the Bar Council's race awareness training, equality and diversity training, and fair recruitment. All members of staff are required to undertake E&D training on a regular basis and at least every three years."

> "We have introduced a mandatory introductory talk with all our new pupils and junior tenants on equity, diversity and inclusion which covers chambers' commitment to these areas; their own responsibility to these principles; how to raise a complaint if they feel they are subject to racial or other discrimination, bullying or harassment either in chambers, at court, or in their professional lives. This has had a positive effect with positive feedback from the new tenants who have reported that they have felt empowered by the talk, and by understanding chambers' commitment to EDI."

> "Uptake generally was good, but none of chambers' silks attended which was perceived by some to undermine the initiative."

Barriers to action

In addition to the main barriers of time and the people available (human resources) to implement activity, survey respondents also cited:

- Protecting minority ethnic members
- Their lack of diversity acting as a barrier to attracting diverse pupils, members and employees
- Feeling overwhelmed by the long list of recommendations (in the 2021 report) and not knowing where to start and how to implement them

Chambers recognised that asking a few barristers from minority ethnic backgrounds to take on the responsibility for representing all of chambers with respect to outreach, recruitment, management roles, responsibility for EDI etc. meant a huge amount of additional non-fee-paying work. Particularly where this benefits others, rather than the individual sacrificing their time.

> "Chambers would like there to be representation of different ethnic backgrounds at speaking opportunities, chambers events and, most importantly, on recruitment panels. However, [we struggle] with the balance of getting this representation without putting even more voluntary work on the shoulders of the people in chambers of different ethnic backgrounds."

The current lack of ethnic diversity in some chambers on circuit, particularly in more rural areas of England and Wales, was cited as a significant barrier to securing applications from prospective pupils and established practitioners and was preventing sets from making progress.

Bar Council commentary on the survey findings

Our survey findings are statistically representative, however, we would have liked to see more chambers and organisations engaging with the survey to provide a fuller picture of activity across the Bar.

It is clear from reviewing survey results that many respondents have taken considerable time to work out what they need to do, and we acknowledge that chambers'/other Bar-based organisations' structures make decision-making and taking/maintaining action difficult.

There are clearly some stand out sets who have committed significant barrister and staff resource.

Equally, it is apparent a few organisations have managed to achieve relatively little, and what has been achieved has been on the back of a small minority – sometimes an individual member or employee. Some activity can also be argued to be tokenistic.

Who benefits most from the recruitment of a Black or Brown pupil/member is a legitimate question to ask.

We acknowledge that tackling race inequality is difficult. But we caution those chambers who are currently devoting enormous energy exclusively into seeking to recruit Black and other minority ethnic pupils, members and employees. If they haven't done work to tackle structural inequality and the racism present in the profession by considering the experiences, earnings, career progression and culture for minority ethnic colleagues, this effort will fail.

Conclusion

The Race at the Bar report 2021 was written in response to a crisis. Across the Bar, people took the data and recommendations presented in the report seriously and acted under the broad but inter-related headings presented in the report of access, retention, progression and culture.

We are now at a place where, while the data does not demonstrate transformative progress in the last three years, culturally the Bar is starting to feel like a different place, in some ways, to many who work there.

The work, however, to shift the cultural dial, is only just beginning. A silk and judge in one of our focus groups reflected on what remained to be done:

> "An awful lot needs to be done. When I look out from the bench… I see a depressing sight. There is a lack of Black counsel in particular and a distinct lack of recorders and judges."

The individual went on to link the lack of diversity at the Bar to the institutional racism within the police and the criminal justice system as identified in the MacPherson report[75] and, subsequently, the Lammy Review.[76]

While recruitment of a diverse workforce is important, to focus primarily on increasing numbers of barristers or judges from minority ethnic backgrounds is not the solution, as a 2023 report from the Criminal Justice Alliance pointed out.[77] We cannot rely just on demographic change of aspiring barristers to percolate through to somehow fix the dominant culture.

Similarly, barristers from minority ethnic backgrounds should not have the primary responsibility to do the work of fixing culture at the Bar. At a chambers level, on a day-to-day basis, many individuals are working hard to effect change. This is often niche, discreet work building relationships, speaking up in meetings, drafting policies, or supporting others. It is undertaken on a voluntary basis in addition to the demands of practice. As barristers in our focus groups pointed out, the burden of the "heavy lifting" of this localised cultural change should not fall predominantly on barristers of colour.

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[75] The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny (1999)
[76] The Lammy Review (2017): The Lammy Review (publishing.service.gov.uk)
[77] Criminal Justice Alliance (June 2023): 'Beyond a numbers game: Diversity and inclusion of Black, Asian and minoritised staff in the criminal justice workforce'

Progress has been made, but we must not be complacent. There is still racism at the Bar. We see a pattern of inequality of outcome at all stages of recruitment and progression. Individuals from minority ethnic backgrounds are still experiencing, on average, a less lucrative career and a less positive working environment than their White colleagues, with the intersection of sex and race being particularly notable. Chambers and organisations sincere about embedding anti-racism as part of their operations must take a deeper look at cultures of racism and structural inequality that persist.

Appendix 1: Survey questions and list of responding organisations

1. Please indicate if your chambers or organisation has acted in any of the following areas in the last three years (see pages 56-59 of the Race at the Bar report for example actions). Tick all that apply:

- Access
- Progression
- Retention
- Culture

2. Please indicate if your chambers or organisation has planned or committed to act in the next two years in any of the following areas. Tick all that apply:

- Access
- Progression
- Retention
- Culture

3. How successful do you think your activity been so far on a scale of 1 to 5?

4. Are you facing any of the following challenges in tackling race inequality? Please tick all that apply:

- Time
- Human resource
- Financial resource
- Lack of understanding of information
- Lack of enthusiasm within chambers/organisation

5. Please describe in as much detail as possible the activity your chambers or organisation has taken (or plans to take) in relation to race equality. Please include any successes or challenges you have faced; including examples and lessons learned will help us to disseminate advice to others at the Bar. [If your chambers/organisation is not taking any action, please write none.]

6. Please specify details of any talent or leadership programmes you have in place (or plan to put in place) for Black barristers or others from under-represented minority ethnic groups. If none, please write none.

List of responding organisations

Chambers

1GC | Family Law

11 King's Bench Walk

12 King's Bench Walk

12CP Chambers, Southampton

15 Winckley Square, Preston

18 St John Street Chambers

2 King's Bench Walk

23 Essex Street Chambers

25 Bedford Row

33 Chancery Lane

39 Essex Chambers (Services) Limited

3 Verulam Buildings

4 Pump Court

4 Stone Buildings

42BR Barristers

4PB

5 St Andrew's Hill

5RB

6KBW College Hill

7 Bedford Row

8 New Square

9 St John Street

9 Stone Buildings

Apex Chambers

Atkin Chambers

Atlantic Chambers

Blackstone Chambers

Brick Court Chambers

Byrom Street Chambers

Charterhouse Chambers

Civitas Law

Cloisters

Crown Chambers

Deka Chambers

Dere Street Barristers

Doughty Street Chambers

East Anglian Chambers

Erskine Chambers

Exchange Chambers

Farringdon Chambers

Five Paper

Forum Chambers

Garden Court Chambers

Gatehouse Chambers

Gough Square Chambers

Justitia Chambers

KBG Chambers

KBW Chambers, Leeds

Keating Chambers

Kenworthy's chambers

Kings Chambers

Lincoln House Chambers

Magdalen Chambers

Matrix Chambers

Monckton Chambers

Mountford Chambers

New Court Chambers

No.5 Chambers Birmingham

Normanton Chambers

Old Square Chambers

One Essex Court

One Pump Court

Park Square Barristers

Parklane Plowden Chambers

Pump Court Tax Chambers

QEB Hollis Whiteman

Radcliffe Chambers

Selborne Chambers

Serjeants' Inn Chambers

Six Pump Court Chambers (Chambers of Stephen Hockman KC and Mark Watson KC)

South Square Chambers

Spire Barristers

St Ives Chambers

St John's Buildings

St John's Chambers, Bristol

St Pauls Chambers

St Philips Chambers

Tanfield Chambers

Temple Tax Chambers

The 36 Group

Three Stone Chambers

Twenty Essex

Unit Chambers

Walnut House

Wilberforce Chambers

Wilberforce Chambers Hull

XXIV Old Buildings

Circuits

Midland Circuit

Northern Circuit

Wales and Chester Circuit

Specialist Bar associations

Chancery Bar Association

Commercial Bar Association

Employment Law Bar Association

Family Law Bar Association

London Common law and Commercial Bar Association

Midlands Chancery and Commercial Bar Association

Northern Business and Property Bar Association

Personal Injury Bar Association

Planning and Environment Bar Association

Revenue Bar Association

Inns of Court

The Honourable Society of Lincoln's Inn

The Honourable Society of the Gray's Inn

The Honourable Society of the Inner Temple

The Honourable Society of the Middle Temple

Organisations

Government Legal Department

Appendix 2: Focus group prompts

Access

1. Can you tell us about any recent improvements you have implemented or experienced as an applicant in recruitment to the Bar. Please outline.
2. What more needs to be done? And why? By whom
3. Do you think the 2021 report had an impact? If so, what? If not, why not?
4. Is your set/organisation setting targets? If so, do you consider these to be working? If not, would you support their introduction?
5. Do you consider there has been any change in financial support available to prospective barristers? And has the Cost-of-Living crisis had any impact that you have observed?
6. Has your set/organisation recruited any more black barristers than it was doing previously? If so, to what do you attribute this? If not, have they been trying? And what could have been done differently?

Culture

1. Has anything changed? Does the Bar feel more inclusive?
2. Can you tell us of any initiatives you have seen or heard about to make the Bar feel more inclusive?
3. What more needs to be done? And why? By whom?
4. Have you noticed any difference specifically with regard to behaviour around bullying, harassment and discrimination?
5. Have you observed any difference with regard to opportunities available to you/peers/colleagues?

Retention

1. Can you tell us about any recent improvements you have implemented or experienced as a member of the profession. Please outline.
2. What more needs to be done? And why? By whom?
3. Do you think the 2021 report had an impact? If so, what? If not, why not?
4. Have you noticed any differences around the monitoring of work distribution and/or income? If so, has this made a difference?
5. Do you feel your chambers/organisation has improved the way it offers practice management/practice reviews in the last three years? If so, do you find this has helped you personally?

Progression

1. What more needs to be done? And why? By whom?
2. Can you tell us about any recent improvements you have implemented or experienced as a member of the profession. Please outline.
3. Have you noticed colleagues and peers progressing in a different way to previously? If so, to what do you attribute this?
4. Do you feel differently about career development opportunities that may be available to you in the future?