



The Bar: Diversity Profile 2014

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1. Executive Summary

Data published in this report has been sourced from the Bar Council's Core Database, the Bar Council's 'Barristers' Working Lives' 2013 ('Biennial Survey') and the Pupillage Gateway Survey 2011/12 and 2012/13.

These data sources have their limitations. Diversity monitoring via Barrister Connect feeds the Bar Council's Core Database and is voluntary. Completion rates have fallen since paper based monitoring stopped. Given that the new strands (sexual orientation and religion & belief) have only been monitored since the process moved online, data is available on just 13% of the profession on these characteristics. The number of barristers who disclose a disability also remains low, particularly those in the self-employed Bar. This means there are gaps in Bar Council's knowledge on the profile of the profession on these strands. For the purpose of this report, where details are missing on the Core Database, statistics have been sourced from the Biennial Survey. The number of pupils completing the supplementary survey which monitors personal characteristics has fallen dramatically in the last year (from approximately 95% to just 20%) which makes any findings from this survey much less reliable.

Plans are now in place to improve monitoring across the profession and include making monitoring forms far more prominent on Barrister Connect and improving communications on the value and importance of monitoring. This will be supported by the BSB (as regulator) requiring monitoring at a Chambers level (please see 'Recommendations and Limitations', page 17, for more information). The Bar Council is committed to providing clear and transparent statistical diversity data and in future we hope to report more fully across all the protected characteristics as data collection is enhanced.

Summary of findings:

In August 2013, there were 15,267¹ practising barristers (including QCs) and 427² pupils registered on the Bar Council's Core Database across the employed and self-employed Bar in England and Wales³.

- **Gender:** Approximately two thirds were male (65%) and one third female (35%)⁴.
- **Ethnicity:** 11% were from a Black, Asian and Minority Ethnic (BAME) background⁵.

¹ Core Database 2013 (23 Aug 2013)

² Core Database 2013 (23 Aug 2013)

³ This figure does not include pupils

⁴ Core Database 2013 (23 Aug 2013)

⁵ Core Database 2013 (23 Aug 2013)

- **Disability:** 4%⁶ of barristers indicated that they had a disability.
- **Age:** The largest age group of practising barristers was 35-44 (30%)⁷.
- **Religion & Belief:** Just over half of the Bar identified as Christian (50.4%); 38.9% had no religion; 4.4% of the Bar was Jewish, 1.4% Muslim, 0.9% Hindu; 0.7% Buddhist and 0.7% Sikh. 2.2% declared their religion as in the 'Other' category⁸
- **Sexual Orientation:** 93.2% of the Bar identified as Heterosexual/Straight⁹.
- **Socioeconomic Background:** 56% of the practising Bar had attended a state school; 44% had attended fee paying schools¹⁰.

⁶ Biennial Survey 2013

⁷ Core Database 2013 (23 Aug 2013)

⁸ Biennial Survey 2013

⁹ Biennial Survey 2013

¹⁰ Biennial Survey 2013

2. Introduction

Bar Council/BSB publishes data on the profession annually to meet the requirements of equality legislation¹¹. This gives an overview of diversity at the bar and establishes a robust evidence base for policy development. In addition to monitoring age, disability, ethnicity, gender, sexual orientation and religion & belief, information is also gathered on caring responsibilities and socioeconomic background.

This report is based on data currently available on pupils and practising barristers. The data on practising barristers includes QCs, but specific data on the profile of QCs has also been extracted. Data is drawn from Bar Council's membership records (the 'Core Database'), the 'Barristers' Working Lives Survey' 2013 ('Biennial Survey') and the Pupillage Supplementary Survey (2011/12) and (2012/13). No one dataset provides all the monitoring data on the Bar and this report presents an analysis based on all four data sets. The source of all data is clearly referenced throughout the report.

1.2 Methodology

Figures on protected characteristics from the Bar Council's Core Database were extracted on the 23 August 2013. Figures and percentages are calculated in aggregate form using Excel 2013. Barristers register their details online via 'Barrister Connect' as part of the authorisation to practice process. While diversity monitoring forms part of this process it remains voluntary, this means information on some of the protected characteristics remains unknown.

The Biennial Survey of the Bar was commissioned by Bar Council/BSB and was undertaken by the Institute for Employment Studies (IES). IES provided a working dataset and the results were correlated using IBM Statistics SPSS 21¹². The survey was open from early May 2013 and closed in mid-July 2013. The survey received 7,406 responses which represents a response rate of 44%.

The Pupillage Supplementary Survey¹³ is an annual online survey which includes monitoring the protected characteristics¹⁴ of pupils. This report incorporates 2011/12 and 2012/13 pupillage data. A link to the survey is available to pupils along with their registration forms when taking up their pupillage. While this survey is not compulsory, pupils are encouraged to participate. The survey is open for a year and runs from August 2011 to August 2012 since individuals take up pupillage at different stages throughout the year (with the majority registering each September and January). Pupils also have the option of sending a paper survey by post to the BSB. Survey responses were collated and IBM Statistics SPSS 21 was used for the analysis.

¹¹ Public Sector Equality Duty, Equality Act (2010)

¹² SPSS Statistics is a software package used for statistical analysis.

¹³ Data referenced in this report represents just 20% of the pupil population.

¹⁴ Equality Act (2010)

3. Protected characteristics

The following section shows the profile of the Bar by protected characteristic.

3.1 Gender

In 2013, 65% of the practising Bar were men and 35% women¹⁵. 13% of QCs were women and 87% were men. 31% of pupils were women and 30% were men; the gender of 38% of pupils was unknown.

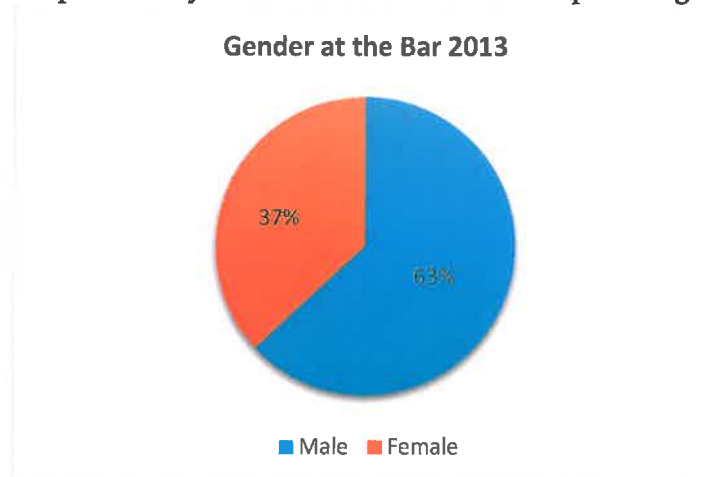
Table 1: Gender at the Bar (in numbers and percentages)

	Female	Male	Unknown	Total
Practising Bar¹⁶	5,300 (34.7%)	9,915 (64.9%)	52 (0.34%)	15,267
QCs	197 (13%)	1,371 (87%)	4 (0.25%)	1,572
Pupils	134 (31%)	130 (30%)	163 (38%)	427

Source: Core database (August 2013)

The Core Database data is comparable with the 2013 biennial survey of the bar which found 63% of the Bar were men and 37% were women.

Graph 1 Survey of the Bar: Gender at the Bar (percentages)



Source: Biennial Survey of the Bar 2013

¹⁵ Core Database 2013

¹⁶ Includes QCs

3.2 Ethnicity

We have ethnicity data on 90% of the practising Bar, with 79% identifying as White and 11% as Black Asian Minority Ethnic (BAME). On the Core Database the ethnicity of 10.5% is not known.

Table 2: Core database: Ethnicity at the Bar (numbers and percentages)

	White ¹⁷	BAME ¹⁸	Unknown	Total
Practising Bar¹⁸	11,998 (78.57%)	1,666 (10.9%)	1,606 (10.51%)	15,270
QCs	1,429 (90.9%)	83 (5.27%)	60 (3.81%)	1,572
Pupils	328 (76.6%)	58 (13.55%)	42 (9.81%)	428

Source: Core Database (August 2013)

Data shows English/Welsh/Scottish/Northern Irish/British is the largest ethnic group which identifies as 'White' at the Bar, and that this group made up 94% of the 'White' group. This shows no/little difference to 2012 figures.

Table 3 shows a more detailed breakdown of the Bar's BAME groups.

¹⁷ Includes English/Welsh/Scottish/Northern Irish/British; White Irish, Any other White Background, Gypsy or Irish Traveller

¹⁸ Includes QCs

Table 3 Detailed breakdown of ethnicity of the Bar (numbers and percentages for larger groups)

		Practising ¹⁹	QC	Pupils
Mixed	White/Black Caribbean	38	1	3
	White/Black African	27	0	3
	White/Asian	94	7	6
	Any other Mixed/Multiple Background	118 (7%)	5	0
Black	Caribbean	169 (10%)	7	4
	African	178 (11%)	5	10 (17%)
	Any other Black Background	48	4	1
Asian	Indian	383 (23%)	22 (26.5%)	11 (19%)
	Pakistani	200 (12%)	10 (12%)	7
	Bangladeshi	68	1	3
	Chinese	53	2	2
	Any other Asian Background	127 (8%)	3	4
	Arab	1	0	0
	Any other Background	162 (10%)	16 (19%)	4
		1666	83	58

Source: Core Database 2013

Those who identify as Indian form the largest BAME group at the Bar in each category (practising barristers, QCs and pupils).

Graph 2 shows in percentages White and BAME practitioners from the Biennial Survey of the Bar. This shows 89.8% of the Bar identifies as White and 10.2% identify as BAME.

¹⁹ Includes QCs

Graph 2: Survey of the Bar: Ethnicity at the Bar (Percentages)

Ethnicity at the Bar



Source: The Biennial Survey of the Bar 2013

Ethnicity data needs to be considered in context. According to the UK Census (2011) 87% of the population is white and 13% identifies as BAME. In London, 59% of the population is White and 41% identifies as BAME.

3.3 Disability

Only 15% of Barristers completed the disability monitoring question on Barrister Connect, with 85% leaving the question blank (shown below as unknown). Of those who answered the question 93.2% reported having no disability.

Table 4 shows the number of barristers who reported having a disability at the Bar. It also shows the number and percentage of barristers on whom we have no disability data on the Core Database.

Table 4: Core database: Disabled practitioners at the Bar (in numbers and percentages)

	No	Yes	Unknown	Total
Practising Bar²⁰	2,184 (14.30%)	159 (1.04%)	12,924 (84.65%)	15,267
QCs	136 (8.65%)	9 (0.57%)	1,427 (90.7%)	1,572
Pupils	35 (7%)	1 (0.23%)	391 (91.5%)	427

Source: Core database (August 2013)

²⁰ Includes QCs

On the Core Database there is no disability information on 91% of QCs. Of the 9% that did provide information on disability, 93% declared they had no disability, 7% declared a disability.

On the Core Database there is no disability data on 92% of pupils. Of the 8% that did provide information, 97% declared they did not have a disability, while 2.7% declared a disability.

Disclosure is higher in the Biennial Survey where 4% of practising barristers declared that their day to day activities were affected by a disability.

Graph 3: Survey of the Bar: disability at the Bar (percentages)



Source: A Biennial Survey of the Bar 2013

According to the pupillage survey, 97.2% of pupils in 2011/12 did not declare a disability. This is comparable with 96.1% in 2012/13. In 2011/2012, 2.8% of pupils declared a disability, also comparable with 3.9% in 2012/13. However the low completion rates of this survey means these figures are not statistically meaningful.

More than 10 million people (almost 18% of the population in England and Wales²¹) consider their daily activities are limited due to a disability. This suggests an under-representation of disabled practitioners. There are however a number of issues associated with disability at the Bar, primarily the perception that a disability may be perceived as career limiting for self-employed practitioners. This may in part account for the low completion rates on Barrister Connect.

²¹ UK Census of England and Wales (2011)

3.4 Age

Table 5 shows the age profile of practising barristers, QCs, and pupils (in numbers and percentages). This data also includes an 'Unknown' category data where barristers chose not to declare their age on the monitoring form via Barrister Connect.

Table 5: Core database: age of practitioners at the Bar (numbers)

	Under 25	25-34	35-44	45-54	55-64	65+	Unknown	Total
Practising Bar²²	65 (0.42%)	3,321 (21.7%)	4,576 (30%)	2,852 (18.7%)	971 (6.3%)	260 (1.7%)	3,222 (21%)	15,267
QCs	0	0	161 (10.2%)	357 (22.7%)	119 (7.6%)	55 (3.5%)	880 (56%)	1,572
Pupils	41 (9.6%)	175 (41%)	17 (4%)	5	2	0	187 (43.7%)	427

Source: Core database (August 2013)

Age is fairly evenly distributed across the Bar. It is worth noting only 1.7% of practising barristers are aged over 65 and less than 0.5% are aged below 25. The largest age group is 35-44 (30%). The age of 21% of practising barristers is unknown.

Amongst QCs, the largest group (23%) were aged between 45-54 years (a 2% increase from last years' figures). The age of 56% of QCs is not recorded on the Core Database.

10% of Pupils are under 25 years old. The age of 44% of pupils is not recorded on the Core Database.

3.5 Religion & Belief

Only 13% of Barristers completed the Religion & Belief question on the monitoring form via Barrister Connect, with 87% leaving the question blank (shown below as unknown). Of those who answered the question, 54% identified as Christian. The next largest group had no religion (23.5%), with 9.4% agnostic. 3.8% identified as Jewish and 3.7% as Muslim.

Table 6 shows the numbers of QCs, practising barristers and pupils who reported their religion or belief on the monitoring form via Barrister Connect.

²² Includes QCs

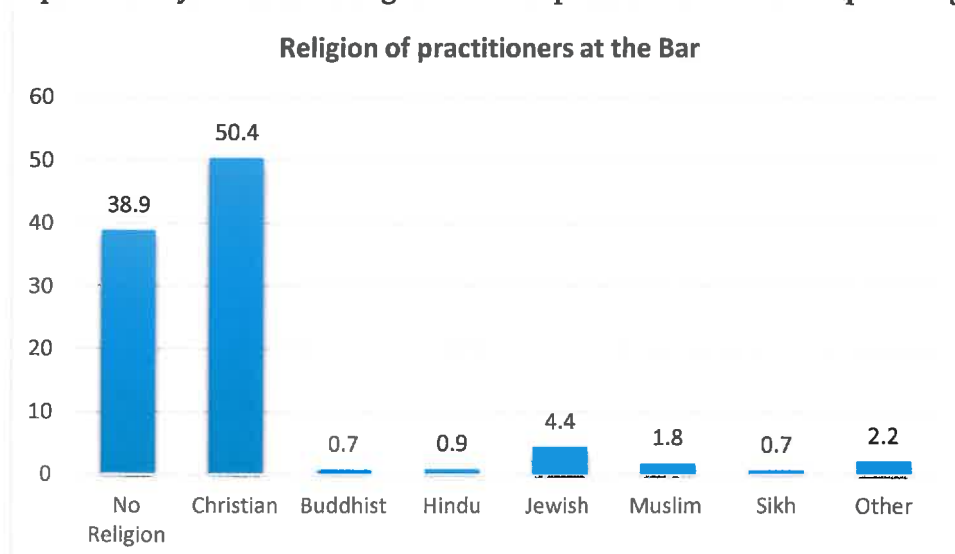
Table 6: Core database: religion/belief of practitioners at the Bar (numbers)

	Practising Bar ²³	QCs	Pupils
Agnostic	184 (1.2%)	9	0
Buddhist	12	0	0
Christian	1055 (7%)	71 (4.5%)	7
Hindu	40	1	1
Jewish	75 (0.49%)	12	0
Muslim	72 (0.47%)	1	0
No religion	458 (3.02%)	22	3
Other	33	1	0
Sikh	20	1	0
Unknown	13,203 (87.1%)	1,446 (92%)	415 (97.1%)
Total	15,152	1,572	427

Source: Core Database (August 2013)

According to the Biennial Survey of the Bar just over half of the Bar identified as Christian (50.4%); 38.9% had no religion; 4.4% of the Bar was Jewish, 1.4% Muslim, 0.9% Hindu; 0.7% Buddhist and 0.7% Sikh. 2.2% declared their religion as in the 'Other' category.

Graph 4: Survey of the Bar: Religion/belief of practitioners at the Bar (percentage)



Source: A Biennial Survey of the Bar 2013

²³ Includes QCs

Data from the Pupillage Supplementary Survey from both 2011/12 and 2012/13 show 39.1% in 2011/12 and 53.3% in 2012/13 of pupils declared no religion; And that in 2011/12 and 2012/13 respectively 49.4%/35.3% were Christian; 3.7%/4% were Jewish; 2.6%/5.3% were Muslim, 1.1%/1.3% were Hindu, 1.5%/0.7% were Sikh, 0.4%/0% were Buddhist. The highest percentage of pupils reported having no religion. However due to the limited number of participants in this survey the decrease in Christian and increase in Muslim pupils is not particularly significant.

To provide some context according to the UK Census (2011) 59.3% of the population were Christian. The second largest religious group were Muslim (4.8%). Approximately a quarter of the population in England and Wales, reported that they had no religion.

3.6 Sexual Orientation

Only 13% of Barristers completed the Sexual Orientation question on the monitoring form via Barrister Connect, with 87% leaving the question blank (shown below as unknown). Of those who answered the question 88.5% identified as Heterosexual/Straight.

Table 7: Core database: Sexual orientation at the Bar (numbers and percentages)

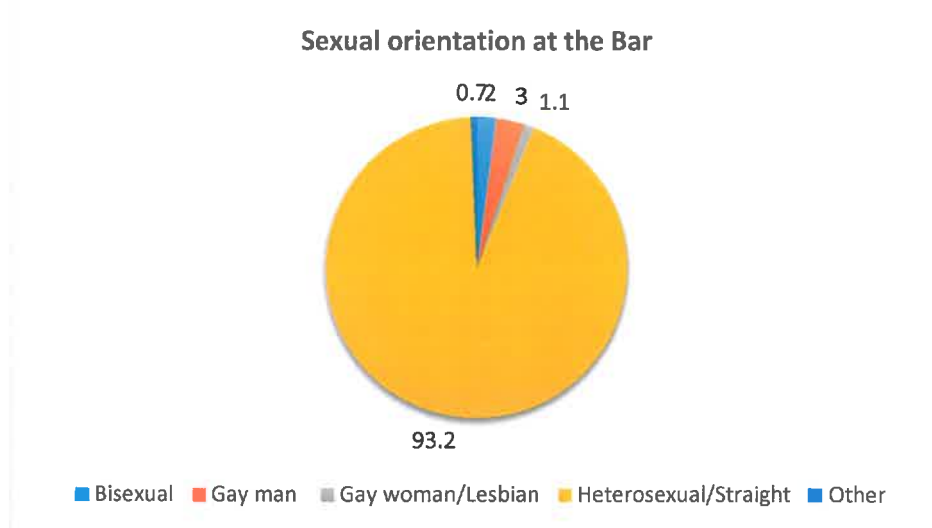
	Practising Bar ²⁴	QCs	Pupils
Bisexual	28	1	0
Gay Man	73 (0.47%)	5	1
Gay Woman / Lesbian	21	0	0
Heterosexual / Straight	1,811 (11.9%)	113 (7.2%)	8
Other	8	0	1
Unknown	13,221 (86.6%)	1,453 (92.4%)	417 (97.6%)
Total	15,267	1,572	427

Source: Core Database (August 2013)

Analysis of the Biennial Survey on Barristers' Working Lives (2013) shows 93.2% of the Bar identifies as Heterosexual/Straight (See graph 14).

²⁴ Includes QCs

Graph 5: Survey of the Bar 2013 Sexual Orientation of the Bar (percentages)



Source: Biennial Survey of the Bar 2013

4. Supplementary Monitoring

4.1 Socioeconomic Background

Educational background is seen as one of the main ways of determining a barrister's social class. Questions suggested by the Legal Services Board (LSB) are used to measure the socioeconomic background of barristers. These include the type of school attended (state or fee-paying) and whether the individual is part of the first generation in their family to attend university.

Only 11% of Barristers completed the question on their school on the monitoring form via Barrister Connect, with 89% leaving the question blank (shown below as unknown). Of those who answered the question, 57% had attended state schools and 37% had attended fee-paying schools (see Table 8). Only 6.5% of QCs completed the schools question, of those 63.7% had attended a fee-paying school.

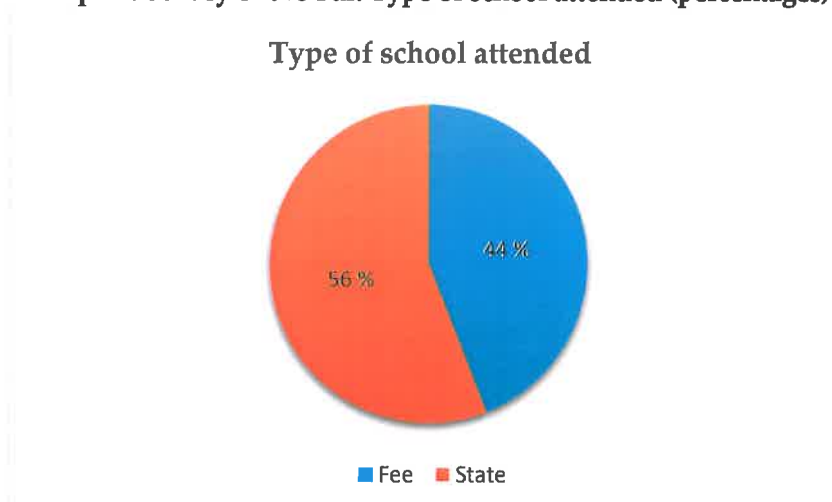
Table 8 Core database: School attended (numbers and percentages)

	Attended School outside the UK	Fee paying	State	Unknown	Total
Practising Bar	91 (0.59%)	618 (4.04%)	946 (6.19%)	13,612 (89%)	15,267
QCs	1 (0.06%)	65 (4.13%)	36 (2.29%)	1,470 (93.51%)	1,572
Pupils	0	3 (0.7%)	8 (1.87%)	416 (97.4%)	427

Source: Core Database (2013)

Because data on school background is missing for 89% of the practising Bar, we rely on statistics from the biennial survey. In 2013, 56% of the Barristers surveyed had attended state schools while 44% had attended fee paying schools.

Graph 6: Survey of the Bar: Type of school attended (percentages)



Source: Biennial Survey of the Bar 'Barristers' Working Lives' (2013)

This shows very little variation from previous years. In the 2011 Biennial Survey, 57% of the practising Bar had attended a state school and 42% had attended a fee paying school. Again, these statistics need to be put into context, 93% of the UK population go to state schools and 7% attend fee paying schools²⁵.

The Pupillage Supplementary Survey found that 61.1% of those who responded to the survey in 2011/12 and 61.3% of those who responded to the survey in 2012/2013 had attended a state

²⁵ Independent Schools

school; 38.9% of 2011/12 respondents and 38.7% of 2012/13 respondents had attended a fee paying school.

4.2 Caring responsibilities

This section focuses on the numbers of barristers with primary caring responsibilities for children and other (elder care or those with a disability).

Only 12% of Barristers completed the question on whether they were the primary carer for children on the monitoring form via Barrister Connect, with 88% leaving the question blank (shown below as unknown). Of those that answered the question, 25% indicated they had primary responsibility for children, versus 75% who stated they did not.

Table 9 Core database: Responsibility for the care of children (numbers and percentages)

	Not responsible for children	Responsible for children	Unknown	Total
Practising Bar	1,383 (9.05%)	474 (2.98%)	13,419 (87.89%)	15,267
QCs	94 (5.97%)	18	1,460 (92.8%)	1,572
Pupil	11	0	416 (97.4%)	427

Source: Core database (August 2013)

Those with caring responsibilities for the elderly or those with disabilities are also recorded on the Core Database. There is no data on 90% of the practising Bar on the Core Database. Of the 12% who answered the question, 74.8% had no caring responsibility and 25.6% indicated they had between 1-19 hours of caring responsibility per week.

Table 10: Core database Responsibility for the care of others (numbers)

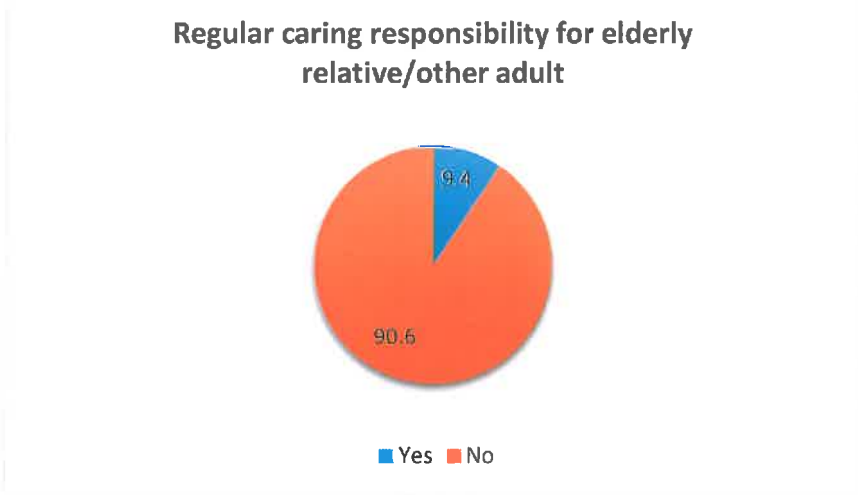
	No	Yes, 1-19 hours a week	Yes, 20-49 hours a week	Yes, 50 +hours a week	Unknown	Total
Practising Bar²⁶	1,307 (8.6%)	260 (1.7%)	9	10	13,681 (90%)	15,267
QCs	78 (5%)	22 (1.3%)	1	2	1,469 (93.4%)	1,572
Pupil	8	2	0	0	417 (98%)	427

Source: Core database (August 2013)

²⁶ Includes QCs

In the biennial survey, in response to a question over caring responsibilities, 9.4% of respondents indicated they had some form of caring responsibility for either the elderly or those with a disability.

Graph 7 Survey of the Bar: Responsibility for the care of others (percentages)



Source: A Biennial Survey of the Bar 2013

6. Conclusion

There are no significant changes to 2012 data.

With respect to the protected characteristics:

- 1 in 3 barristers are women.
- 1 in 10 are from BAME backgrounds.

Overall:

- The majority of the Bar do not currently disclose...
 - any disability
 - their sexual orientation
 - their religion & belief
 - their educational background; or
 - caring responsibilities.
-on the Core Database
- The profession currently appears more willing or finds it easier to disclose diversity information via the biennial survey

7. Recommendations and Limitations

The lack of comparable data and low response rates make it increasingly difficult to prepare coherent monitoring reports. It is essential that the Bar Council and the BSB have access to accurate information about the diversity profile of the profession, so securing more reliable data is of high priority.

Traditionally diversity data collection has been driven at the individual/local level to address specific issues or queries, rather than at a more organisational/strategic level. As a result, data from different sources is often not comparable. In addition, over the last few years, data collection has increasingly moved from a paper-based exercise to an online approach and currently (under the online system) fewer barristers have to personally enter their details. Some diversity data extracted from the core database is therefore unreliable due to very low completion rates. The Pupillage Supplementary Survey response rate also appears to be in decline, suggesting a new approach needs to be considered to secure key data on the profile of pupils.

To address this Bar Council and BSB is are currently developing a new integrated strategy for data collection. This includes:

- Encouraging practitioners to provide their diversity data via the online Barrister Connect system by (i) giving the monitoring forms on Barrister Connect much greater prominence to encourage completion and (ii) the regulator (BSB) requiring (from April

2014) every individual barrister engage directly with the authorisation to practice process (and therefore Barrister Connect) - no longer allowing delegation to clerks.

- New rules introduced by the regulator on data collection at a chambers level.

Other options currently being explored include:

- Bringing pupillage registration online; and
- Encouraging BPTC providers to provide summary anonymised data.

The steps prescribed above will support not only compliance with the Public Sector Equality Duty, but also help build a more accurate picture of the profession at large.

Appendix 1: Data sources

Core Database 2013

The diversity monitoring information from the core database was extracted in August 2013. The Core Database collects data on the profession online via the 'Barrister Connect' portal and is part of the Authorisation to Practice process. When renewing their practising certificate, the online system includes a section, which allows barristers to input their personal characteristics which is automatically entered into the core database. This is a relatively new system and the rate of completion of equality and diversity monitoring data in the first year was very low (though this varies dependent on the protected characteristic. For example completion rates on disability, sexual orientation are particularly low and participants have a 'prefer not to say' option.

Data on gender, ethnicity, age and disability that had previously been collected by the Bar Council Records Department and was available in the old database was transferred to the core database to supplement the new monitoring data. This data includes gaps referred to as 'unknown data' where respondents' left fields unanswered.

For those protected characteristics for which monitoring data has not been previously collected, data from the Survey of the Bar (2013) and the Pupillage Supplementary Survey (2011/12) and (2012/13) has been used to supplement the data collected from the Core Database in 2013.

To try to boost completion rates within the new system, after the practising certificate renewal period is over, an additional email is now sent to barristers inviting them to log back onto the online system and complete their diversity monitoring data. Barristers can also access Barrister Connect/the 'authorisation to practise' process at any time and update their diversity monitoring details.

Second Biennial Working Lives Survey of the Bar 2013

The Survey of the Bar was first undertaken in 2011; approximately half of practising barristers (8,000) were drawn at random from the main membership record. There were 2,965 responses to this survey, 37% of those surveyed responded (statistically valid). The sample was analysed against certain characteristics such as employment status, gender, QC status, age and year of Call.

Pupillage Supplementary Survey 2011/12

The Pupillage Supplementary Survey is conducted annually and is administered continuously throughout the year. The survey is distributed to pupils with their pupillage registration forms. The 'pupillage year' typically follows the format of the academic year, which is why the survey runs through 2011 and 2012.

The survey was distributed to 438 pupils (1st six) and 475 (2nd six)²⁷ in 2011/12 of whom 276 pupils responded. The response rate was considerably lower for the academic year 2012/13, the survey was distributed to 444 (1st six) and 465 (2nd six) of whom 155 pupils responded.

²⁷ A pupillage is the final stage of training to be a barrister and usually lasts one year; the period is made up of two six-month periods (known as "sixes"). The first of these is the non-practising six, during which pupils shadow their pupil supervisor, and the second is a practising six, when pupils can undertake to supply legal services and exercise rights of audience.