



**NORTHERN
CIRCUIT**

RACE WORKING GROUP REPORT

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A. EXECUTIVE SUMMARY

1. The Northern Circuit Race and Diversity Group was formed at the invitation of the Leader and Executive Committee of the Northern Circuit to address, particularly in the light of the Black Lives Matter Movement, the present position and the steps that are required to promote a diverse inclusive and representative membership of Circuit affording equality of opportunity to persons from Black and ethnic minority backgrounds.
2. The Northern Circuit's history dates back to the 12th century. Until 1876 it comprised the whole of the North of England. Since that date the North Eastern Circuit has been separately established with its own proud history. The Northern Circuit as we now know it, comprising of the geographical area to the west of the Pennines stretching from the Scottish Borders to the Midlands and now incorporating Chester¹, is one of the largest circuits, with over 1,500 practicing barristers. It covers towns and cities with diverse communities, however, in terms of locations of barristers' chambers, Manchester and Liverpool, both cities with strong histories of ethnic diversity, host the majority of chambers and the principal court centres.
3. The Circuit has a proud and loyal membership and a strong sense of autonomy, distinct regional character and a reputation for advancing the opportunity to practice for women at the Bar including promotion to the highest judicial offices.
4. In relation to issues relating to race and diversity, the Committee's finding is that the picture is more mixed. The inclusion of Black and ethnic minority members of the Northern Circuit dates back to at least 1905 when Ernest Theophilus Nelson became a member of Circuit². There are notable examples of successful progression of practitioners from Black and other ethnic background into Silk and judicial office. However, the evidence collected gave rise to findings of concern. These include the following:
 - At an executive level, there is little evidence to suggest that there has been a strong focus by the Circuit on issues relating to diversity and in particular race.
 - With notable examples amongst individual chambers on Circuit, the overall picture is one where there is limited evidence to show that the majority of chambers on Circuit have prioritised or pursued a consistent approach to these issues.
 - The experience of practitioners on Circuit from Black and Asian backgrounds in 2020/2021, is that they are experiencing discriminatory attitudes based on race in terms of access to opportunities for work, the attitudes of their fellow professionals, and their experiences in court and at formal and informal social events. In addition, there is a lack of effective procedures that such grievances can be expressed and resolved.

¹ A map of the Northern Circuit can be found at **Appendix B**.

² Further details of Ernest Nelson's interesting life can be found elsewhere. His entry in HHJ David Lynch's Book 'The Northern Circuit Directory' is worth reading.

- The overall experience of those from whom we received information and feedback was that the Circuit has not demonstrated any significant or sustained advancement in terms of its collective approach to race and diversity over many years. Further that given the rich diversity found in the region, particularly in the major cities of Manchester and Liverpool, the Circuit did not have a diverse membership and that, in particular areas of practice such as commercial, chancery and private client work, it had achieved very little progress towards diversity over several decades. The Committee was particularly struck by observations made in discussions with commercial solicitors during focus group meetings that the lack of diversity on Circuit prevented them from meeting the requirements of their Institutional clients to demonstrate quality and diversity in instruction leading to a loss of work and inhibiting potential expansion in this field of work on Circuit.
 - There is a perception reported from a range of consultees, including solicitors, the academic institutions and students expressing an interest in entering the legal profession, that the Northern Circuit as a body does not have any outward facing profile or recognition. The Circuit is seen by those who are aware of its existence, and not all are, as an essentially inward looking organisation without strong links or outreach activities within the communities that it serves.
 - There is an almost universal view amongst solicitors' firms, the universities, colleges and the students consulted that having links with a Circuit entity, with which they could engage in terms of joint initiatives, collaboration and support, would promote diversity and inclusion and would be enthusiastically welcomed.
 - There is recognition amongst such consultees of work carried out by individual chambers and individuals within those chambers, to promote and support diversity and equality issues. However, it is felt that these efforts whilst welcomed, tended to reinforce a perception that the profession of Barrister is an individualist endeavour without collective or corporate support. This was seen by many younger members of the solicitors' profession and students as a disincentive to pursue a career at the Bar.
 - For aspiring barristers, the public visibility of role models and evidence of inclusivity would be important factors to advance diversity on Circuit. Sadly, it was clear some were unaware of the existence of the Circuit as an entity in itself; whilst many pointed to the absence of a visible public profile for the Circuit. Consultees recognised Manchester and Liverpool as attractive places to practice for aspiring students over places including London. But the lack of visible progress to promote diversity would deter applicants.
5. The Committee suspect that their findings relating to the Northern Circuit may well be common to other Circuits. There is no reason to assume that the diversity concerns identified in this report are greater on this Circuit than any other. However, that of itself provides no comfort for a Circuit that is, in numerical and geographical terms, one of the largest, and in respect of which values of friendliness, inclusiveness and progression based on merit are believed to be cherished.

6. The Committee found a strong desire on the part of individual members of the Circuit to become involved. , The Committee also found willing partners from well-established local network groups, such as Black Solicitors Network (BSN North), and the universities who had established funded programmes with thus far limited involvement from the Bar.
7. It is clear to the Committee, individuals and chambers can play a crucial part by embracing and prioritising actions to promote equality and inclusion.
8. The importance of initiatives being seen to be supported at Circuit level arises from a number of our findings and from available research.
 - It is clear practitioners look to the Circuit for direction, and perceive the Bar Council as London focussed and less relevant. The power of the Circuit as a vehicle for driving change, communicating important Bar Council initiatives and where necessary promoting them should be harnessed.
 - Our partners and other constituents, both in the geographical and social sense, are keen to see a more centralised direction through which their own initiatives can be connected to the Bar on Circuit. There is a strong feeling that such collective initiatives would have a higher profile and wider reach than initiatives with individual barristers or chambers.
 - The Circuit has a critical role to play in initiating and promoting opportunities for chambers and members of the Circuit to access programmes addressing equality and diversity where, on an individual level, some chambers may find it financially and/or administratively challenging to do so.
9. The Circuit is, or should be, able to equip itself with the human resources to lead initiatives relating to equality and diversity. Our belief is that financial support for appropriate initiatives is likely to be forthcoming both from amongst the membership of the Circuit and from external organisations wanting to participate in joint ventures that can make a difference to diversity and equality of opportunity.
10. It is for the Circuit to consider the findings and determine which, if any, of the recommendations should be taken forward. However, maintenance of the status quo is not an option if the Circuit is to deliver on the Leader's ambition for an environment that is progressive, inclusive and supportive of diversity and equal opportunity.
11. In the above circumstances the Committee sees this report as the beginning of an important conversation for members of the Northern Circuit, and is strongly of the view that all practitioners have a part to play in effecting change. This must include not only individual members of the Circuit, but also the chambers on this Circuit, in particular the Heads and those responsible for equality and diversity. The Committee also sees important roles for those who are members and leaders of the various specialist practice groups formed to advance the careers of practitioners. Above all, and as explained in the report, the Committee has concluded that the Northern Circuit Executive body will have a pivotal role in



providing leadership and support if the sentiments expressed in the Leader's letter of September 2020 is to become a reality.

B. INTRODUCTION AND TERMS OF REFERENCE

12. In September 2020, the Leader of the Circuit announced her intention to establish a Working Group or Commission to examine and report on issues relating to race and the support for Black and other minority ethnic groups on the Northern Circuit. The announcement was set out in a letter to members of Circuit which said:

“the Circuit are examining the setting up of a “commission”, drawn from members of the Circuit who apply to participate, which will examine and report on issues of race and support for black and BAME members. This report will shape the response of the Circuit in promoting diversity and championing this cause. We not only want to support our current members and pupils, we want to make sure that membership of this Circuit is an achievable goal for everyone. As was said on Friday, Circuit is committed to reflecting the society from which we are drawn.”

13. The invitation was, in part a response to the issues arising from the death of George Floyd and the debate that was generated as to the societal attitude towards and treatment of those from minority groups, but with particular reference to those from Black and Asian backgrounds.
14. The Committee was formed, of members of the Bar on Circuit with practitioners from Manchester, Liverpool and Chester. Membership was drawn from those had indicated a willingness to participate, and were able to devote a significant amount of time to investigating the issues and producing this report.
15. Terms of reference were drafted and agreed with the Leader and the Executive of the Circuit. The continuing debate around the importance of language and, in particular, the use of acronyms such as BME and BAME, caused the Committee to amend some of these descriptions as originally used in the Terms of Reference without, it is believed, changing the nature of our remit or approach to the issues as set out in the Terms of Reference.
16. A full copy of the final Terms of Reference is annexed at **Appendix A**.
17. The Committee has been at work over the last 8 months. With the help of external advice a survey was designed and sent to all practicing members of the Circuit, the response to which has been the subject of professional statistical analysis to ensure that there is a reliable evidence basis for any conclusions. The report at **Section C** explains in more detail the methodology adopted.
18. The Committee carried out a number of in-depth focus group discussions involving individuals with relevant experience of challenges faced by those from ethnically under-represented groups from whom important information might usefully be gathered. This exercise provided valuable additional information, obtained in a less formal discursive environment allowing a stronger evidence based approach to the issues under consideration.

19. The Committee's findings are addressed by reference to the various issues identified in our Terms of Reference. The Committee received from responders and consultees suggestions as to changes that were needed and measures which could effect change. These initiatives and ideas are set out at **Section K**. Finally, the Committee's recommendations to the Circuit and its Leader are to be found at **Section L**.
20. A specific issue, raised in our discussions and fact-finding, was the extent to which the report should include the experiences of those from a Jewish background. It is acknowledged that Jewish barristers and candidates for the Bar have and continue to report discriminatory attitudes and behaviour within the legal profession, however it was considered that an investigation into anti-Semitism on the Northern Circuit fell outside the scope of our terms of reference. It is also likely that in order to be valid or helpful to the Circuit, any specific research into anti-Semitism would have required a different and more targeted approach.
21. It should be noted that our Working Group included Jewish representation. In addition we received and considered survey responses from Jewish members of the Circuit, and there was also Jewish representation among the focus group participants. Our investigation has, therefore, been able to generate data about the experiences of Jewish barristers and aspiring barristers, which, although it falls outside the scope of our terms of reference, will be provided to the Northern Circuit for further consideration (in a similar way to the data we have obtained about various other forms of discrimination, including for example sexism, discrimination against LGBT+ people, or discrimination on grounds of disability).
22. A specific point which the Circuit may wish to address, and which became apparent from the survey responses, is the difficulty which Jewish survey respondents had in self-identifying as such. Our questions about ethnic group used a list of options similar to those used by the Bar Council and in national census data, for ease of comparison. These do not include any specific option for those self-identifying as Jewish. Several respondents used the write-in option to describe their ethnic group as being Jewish; our survey did not include a question on religious belief or practice. We recognise that Jewish identity is more complex than membership of an ethnic group, and, depending on the individual, may also include elements relating to cultural background, or religious belief and practice. This is therefore a challenging issue, which when designing a survey will require further thought.
23. The Committee sought to engage individual chambers through their Heads and/or their Equality and Diversity representatives, and received support in the provision of data assistance with the approach to thematic analysis from the Bar Council, particularly its Race Working Group, and the JAC. The Committee has consulted Race Working Groups and/or representatives from other Circuits, the Chairman of the Bar and interest groups in London and elsewhere. All of these sources were able to make valuable contributions to the issues under consideration and are thanked for their participation.
24. The Committee's findings are set out in within the Report at **Sections D to I**.
25. The survey responses revealed a number of concerns in relation to what has been described in the Report as racially discriminatory behaviour experienced by practicing barristers on the

Northern Circuit. Although not all of the matters identified related to experiences on this Circuit, the Committee concluded that these experiences and the lessons that might be learnt in driving change merited reporting and close consideration. These matters are addressed at **Section J** of the report.

26. The Committee's investigation generated suggestions and recommendations from participants as to the changes that they felt were necessary or could make a difference. Some suggestions identified that significant societal changes were required, some addressed issues affecting all barristers' wherever they practice, and others related to changes that were specific to the Northern Circuit and its membership. The Committee felt it important to record the substance of these recommendations. These can be found at **Section K** of the report.
27. The Committee's own recommendations primarily directed to the Circuit, its Leader and the Circuit Executive are set out at **Section L**.
28. The Committee would wish to stress that the contents and conclusions of this report are, presented to the Leader and the Circuit Executive to consider and to determine what, if any, action should follow. However, the Committee would wish to draw specific attention to the Leader's observation that the outcome of the report "*was likely to shape the response of the Circuit in promoting diversity and championing this cause*". The Committee share the Leader's desire to ensure that the Northern Circuit should not only be seen to "*support our current members and pupils*" but also to "*ensure that membership of this Circuit is an achievable goal for everyone*" who has the desire and the ability to practice on this Circuit.

C. METHODOLOGY

C.1 The Northern Circuit Barristers Survey

29. The Committee decided to undertake a survey of the views and experiences of the members of Circuit to provide an evidence base for the Committee's work. Such a survey had never previously been undertaken on this Circuit nor were we aware of a similar exercise being conducted elsewhere. In light of the above a sub-committee was formed to focus on (i) the design of a survey (ii) the process of data collection, and (iii) preferred method of data analysis.
30. The Committee's terms of reference were divided into 6 parts with survey questions structured around each part. A list of quantitative data that the survey would seek to obtain about the respondents and qualitative information about the matters to be surveyed was drawn up. The sub-committee liaised with the Bar Council and sought advice on the formulation of the survey questions and the data that it may need to collect. The first part of the survey addressed who the respondents were and some information about their practices. The subsequent 4 parts were designed, in chronological order, to identify any possible barriers experienced by the respondent in their journey to becoming a barrister: their education, accessing pupillage and tenancy, developing/progressing a practise on Circuit, and applying for appointments. These questions contained free narrative text boxes to allow the respondents to describe the issues in more detail. The final part of the survey sought information as to the respondents' experience whether directly or indirectly of racially discriminatory behaviours from the judiciary or other professionals. A copy of the survey can be found at **Appendix C**.
31. The sub-committee tested the draft survey across the whole working group before launching it. The survey was launched on 21 October 2020 with an email to the Circuit by the Chair encouraging wide participation. The survey ran for just over 4 weeks (closing on the 22 November 2020) and each week an email was sent to the Circuit to ensure that the members had easy access to the link and to remind the Circuit as to the closing date.
32. We received 622 respondents to the survey. It is believed that the Circuit has over 1,500 practitioners albeit that some variation with smaller number might be reached depending on the criteria applied to define practitioners on/membership of Circuit. The Committee are nonetheless satisfied the survey response can be seen as representative and statistically significant. We understand from previous consultations carried out on Circuit and from the Bar Council that the response rate is exceptionally good.
33. The sub-committee engaged Professor Martin Chalkley a data analyst with experience on issues affecting the Bar. Professor Chalkley has worked with the Bar Council and a number of the specialist Bar Associations with data analysis. Professor Chalkley identified Alice Chalkley to undertake the initial analysis³. The subcommittee, together with the Chair met with both

³ Funding was authorised by the Circuit Executive for this work to be done.

Professor Martin Chalkley and Alice Chalkley to refine the issues and focus in on the data that we needed to extract from the survey responses. They produced analysis documents (pivot tables and data review) and responded to specific data analysis requests. The Committee remain grateful to Alice Chalkley who did the substantive work on this survey, was patient with us, and was helpful and responsive to our enquiries.

34. The sub-committee members were each assigned a section of the survey and undertook a thematic analysis of the narrative responses (qualitative data). After these documents were exchanged the subcommittee spent time discussing and debating the findings of each, identified parallels responses and reduced duplication of points made by the same respondent. The sub-committee then drew up a list of executive themes across all sections of the survey for further discussion and analysis by the Committee as a whole.
35. The sub-committee liaised with the Bar Council's Policy Team particularly Sam Mercer (Head of Diversity, Inclusion and CSR) and Rose Holmes (Research Manager). They were incredibly helpful in providing comparative data relating to Black, Asian and ethnic minority barristers nationally and across different Circuits.
36. The Committee raised questions and sent lists of quantitative data that it needed from the Bar Council, the JAC and the QCA. The Committee received helpful responses from the Bar Council and the QCA. Disappointingly the response from the JAC was not as helpful and no specific data was provided. The Committee sought to ensure that it could match data as closely to the regional geography of the Northern Circuit as possible. This was to obtain a benchmark against which to measure Circuit survey response data.
37. Notwithstanding the above, the Committee is conscious that the survey data has its limitations. It captures only a proportion of the barristers practising on Circuit. The proportion of respondents was high which reduces the potential for bias. Nevertheless, the survey like all voluntary surveys represents the responses of those who elect to participate, a self-selecting group of respondents who felt strongly enough about the issues to engage with the survey. It was for this reason that we undertook a thematic analysis to ensure that we concentrated on the dominant themes across all responses. That analysis showed a high degree of consensus across the identified themes and we are confident that it has allowed us to draw robust conclusions.

C.2 Barristers Focus Group

38. The survey was anonymous, save where a barrister elected to add their contact details at the end of the online process, to permit themselves to be contacted or involved further in the Race Working Group's investigation. The sub-committee read the full surveys of all of the barristers who offered to assist further. We selected a sample group of 12 who had reported experiencing or witnessing racially abusive experiences and invited them to participate in a focus group by Zoom on the 7 December 2020. The focus group was primarily, but not exclusively, made up of barristers from ethnic minorities. Further and in addition, the subcommittee identified some younger members of the Bar from ethnic minorities and invited their participation. This was to ensure that we had a spread of call

represented at the discussion and in the knowledge that whilst they were likely to be able to contribute especially in relation to recent experiences, they were somewhat reluctant to volunteer themselves without an invitation. Members of the Race Working Group including its Chair attended the meeting. The Committee obtained consent from each participant to record the meeting and create a transcript. The Committee used those to develop a thematic analysis of the issues raised in the meeting.

39. The outcome of the Focus Group discussions reflected many of the themes found in the survey. The opportunity for more detailed and nuanced discussions allowed the Committee to try to understand whether the adverse experiences reported identified specific trends based on call, gender, and areas of practice. We were also able to consider whether perceptions of the changes that were required were influenced by those factors.

C.3 Student and Teacher Focus Groups

40. In order to address the problem of barriers at earlier stages in the process we organised focus group meetings for existing BPTC students, undergraduates, and lecturers and career advisors within further education. The Committee was greatly assisted in this aspect of our work by a number of individuals including June Meadowcroft, a former member of the Northern Circuit from a Black ethnic background, with a non-traditional route to the Bar and who is now a Senior Lecturer and Programme Leader at the Manchester Metropolitan University.
41. On 4th December 2020 the Committee conducted a Focus Group Zoom meeting with students across the UK taking postgraduate courses aimed at the Bar e.g. The Bar Course (formerly BPTC, BPC and GDL). The participants were primarily from ethnic groups that are underrepresented at the Bar. These included full-time students, and those working part-time as lecturers or paralegals. The invitation identified an interest on the part of the participant in practicing as a barrister on the Northern Circuit as a requirement for participation. In advance of the meeting, the students were provided with a list of questions, asking them to consider their reasons for being interested in a career at the Bar, any perceived barriers to success they had faced thus far (and the nature of those barriers, including racial discrimination), together with any suggestions for how those barriers could be removed.
42. On 16th December 2020 the Committee conducted a Focus Group Zoom meeting with tutors from a major comprehensive school in the North West. On 14th January 2021 the Committee conducted a Focus Group Zoom meeting with undergraduate students (including international students), again from groups that are ethnically underrepresented at the Bar, from a major university within the geographical area of the Northern Circuit. A similar list of questions was provided in advance to those posed of the postgraduate students.
43. All of the meetings were recorded and the Committee was able to review the contents of discussions at a later date.

C.4 Focus Group discussion with Solicitors and the Black Solicitors' Network (BSN North)

44. On 5th December 2020 the Committee conducted a Focus Group Zoom meeting with solicitors practicing in the region including the Chair and some senior members of the Black Solicitors' Network (North). The participants included solicitors at all levels of practice from those who were less than three years qualified to Senior Partner level in a multi-national commercial firm. We received contributions from practitioners in Local Government legal departments and in-house solicitors within large corporate organisations.

C.5 Literature Review

45. The Committee has considered a wide range of literature and papers on the subject of race and diversity issues affecting in particular the Bar. References for the material considered can be found at **Appendix D** of the report. The literature has informed our thinking. The Committee are aware of many organisations and interest groups who are also looking at the issue of race and access to the Bar.

D. BLACK, ASIAN AND ETHNIC MINORITY PRESENCE ON THE NORTHERN CIRCUIT

D.1 Background to statistical analysis

46. Under its Terms of Reference the Committee was asked to consider whether the Black, Asian and ethnic minority presence on the Northern Circuit was reflective of the Bar in general and the communities that it serves. The Committee were also asked to identify recommendations that could be made to encourage and support candidates from underrepresented groups to seek and to secure practice at the Bar on the Northern Circuit.
47. As part of the quantitative data gathering the following relevant questions were asked in the survey:
- (i) What is your ethnic group (with options including for self-description);
 - (ii) Do you consider the Northern Circuit proportionality reflects the BAME demographic of the general population who live on the Northern Circuit?
48. For the purpose of our consideration of the presence of Black, Asian and minority ethnic barristers on the Northern Circuit we adopted the Bar Council's equality and diversity monitoring form within the survey⁴.
49. 622 of barristers on Circuit responded which, equates to approximately 40.5% of the Northern Circuit, if the total numbers of barristers on the Northern Circuit is 1,535.
50. Following initial discussions, in September 2020 we received a statistical benchmarking document for protected characteristics and equality (specifically race, ethnicity and gender) from the Bar Council. This document is included at **Appendix E**. We simplified the statistics by removing some of the data at **Appendix F**.
51. The data requests to the Bar Council, the QCA and the JAC, inter alia, included:
- (i) Confirmation of the total number practicing barristers on the Northern Circuit.
 - (ii) Race / ethnicity breakdown of the barrister population on the Northern Circuit.
 - (iii) The gender % split of all barristers on the Northern Circuit.
 - (iv) The ethnic minority % of the total number of Queen's Counsel on the Northern Circuit.

⁴ <https://www.barcouncil.org.uk/resource/ipldg-eandd-monitoring-form.html>

D.2 Survey Responses

52. There were **622** respondents to the survey, of these:

- **542 (87.14%)** identified as White/White British.
- **30 (4.82%)** of the respondents identified as Asian/Asian British,
- **28 (4.50%)** as Mixed/Multiple Ethnicities,
- **11 (1.77%)** as Black British/African/Caribbean, and
- **7 (1.13%)** as Other Ethnicities.

The percentage split of respondents' ethnicity/race broadly correlates with the total representation of barristers on the Northern Circuit, according to the data provided by the Bar Council in **Appendix E**. Thus the data suggest that the survey has captured a good cross-section of those practising on the Circuit.

53. Of the 622 respondents, **262 (42.12%)** identified as female, and **353 (56.75%)** identified as male.

54. The Committee highlights the following from the survey data:

- (i) Proportionally, the data set captured by the survey was generally in line with the Bar at a national level.
- (ii) The survey captures a slightly higher percentage of White participants as opposed to Asian, Black, Mixed and other ethnicities.
- (iii) The survey captures a fairly robust sample of women. This allows for a better assessment of the interplay between gender and ethnicity in the experiences of barristers.
- (iv) Taking the Northwest (Bar Council region) as the closest geographical representation of the Circuit (bar chart below). In our respondents the Committee has captured a fairly robust sample of the Black barristers on Circuit at circa 52%, 87.2% of the mixed/multiple ethnicity barristers on Circuit, 40% of the Asian barristers on Circuit and 70% of other ethnicities.
- (v) We are conscious that numbers of black barristers on the Circuit is small circa 21, and have factored that into the conclusions that we have drawn.

D.3 Comparative Analysis of Statistical Data

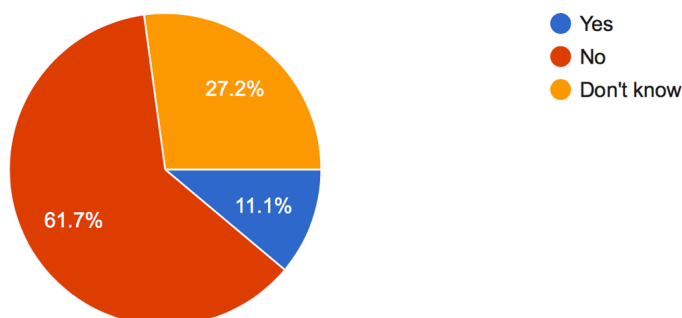
55. The committee highlights the following matters which appear from the statistics provided to us by the Bar Council⁵:
- (i) The presence of White / White British barristers on the Northern Circuit is elevated at **6.1%** above the national presence.
 - (ii) Asian / Asian British barristers are underrepresented on the Northern Circuit at **4.4%** compared to **6.8%** nationally. This indicates that representation of this group on the Northern Circuit is approximately a 1/3 less than is the case nationally.
 - (iii) At **4.4%** the Asian / Asian British barristers are underrepresented both according to general demographic figures for the North West from the 2011 Census at **6.2%** (all ages) by about 1/3 and nationally for working age population at **7.5%** by about 2/5.
 - (iv) Black / Black British barristers are underrepresented on the Northern Circuit at **1.2%** compared to **2.9%** nationally. This is less than half the proportion of Black / Black British barristers present on a national level.
 - (v) Although the Census 2011 figures place the presence of Black / Black British people living in the North West at **1.4%** this is not limited to the working age population (i.e. the age cohort for practising barristers). The national census places the Black / Black British working population presence at **3.3%** which would make the Black / Black British barrister presence on the Northern Circuit at **1.2%** which is under representative by approximately 2/3.

D.4 Perception on the Northern Circuit

56. **61.7%** of survey respondents did not consider that the Northern Circuit reflected the Black and Asian minority demographic of the general population. Only **11.1%** felt that it did. The perception is broadly accurate when set against the reality.

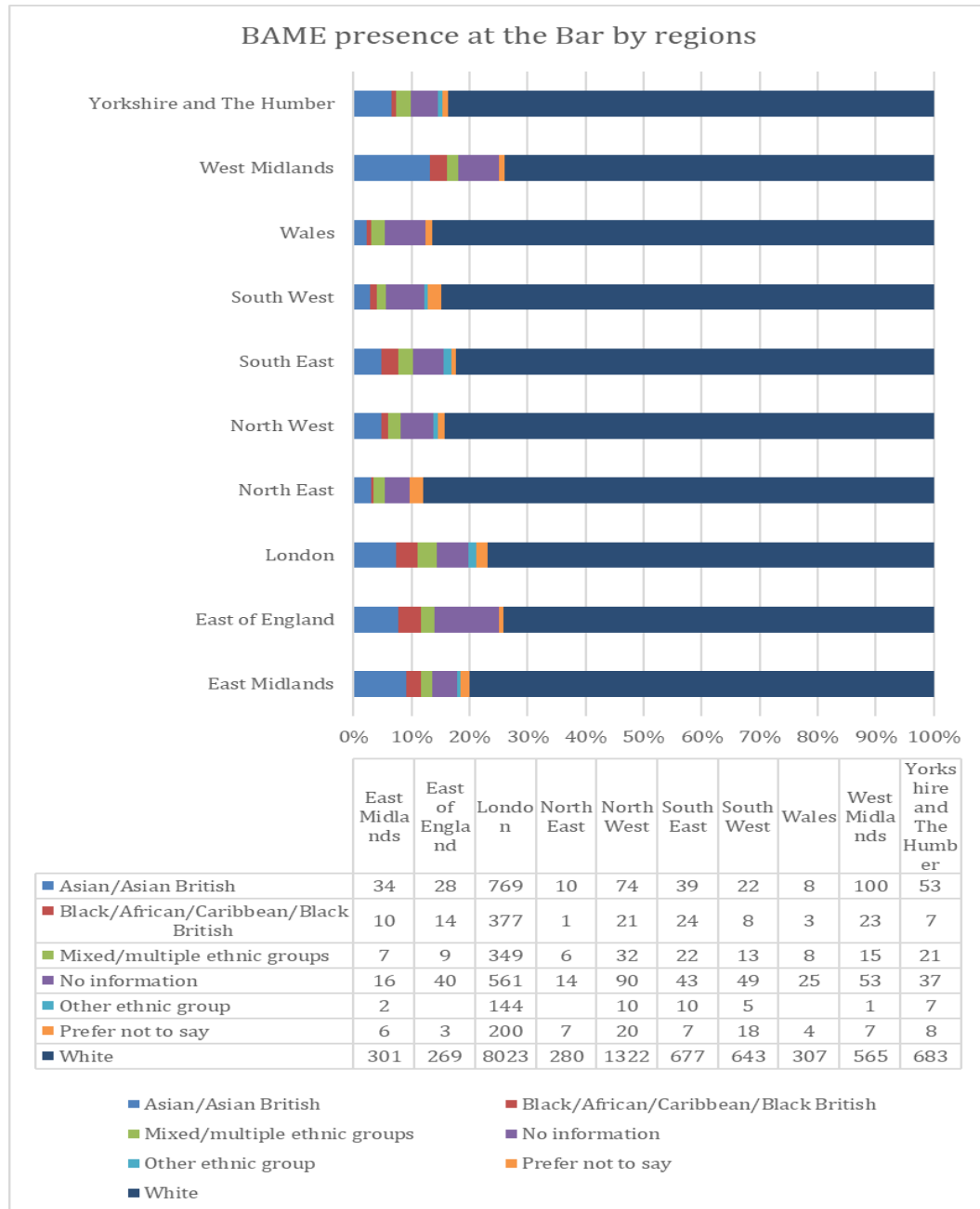
Do you consider the Northern Circuit proportionality reflects the BAME demographic of the general population who live on the Northern Circuit?

622 responses



D.5 Comparative Analysis to other Circuits / Regions

The Bar Council provided us with the race / ethnicity data for all the regions across England and Wales. See **Appendix G** and the bar chart below.



57. On the bar chart, the region titled the Northwest broadly covers the Circuit. The other circuits are not necessarily represented by one region for example the North Eastern Circuit includes Yorkshire and Humberside.

D.6 Conclusions

58. The Committee concluded that the Black and Asian minority presence on the Circuit was lower than would be anticipated based on ordinary demographics and the national

demographics of the Bar. The anecdotal evidence from our survey confirmed the position as reported by consultees who practice on this Circuit; namely that, at least in terms of visibility, the presence of Black and Asian barristers was lower than they would expect. The statistical data also reflected the perceptions as reported by students and others who were looking to pursue a practice at the Bar. As identified later in this report the public visibility of individuals from a similar ethnic background and the recognition of relevant role models are seen as important factors by potential applicants when choosing where to apply to practice. The lack of a strong visible presence of Black, Asian and ethnic minority barristers on the Circuit is causing able applicants from underrepresented Black, Asian and ethnic minority groups to look to the London Bar, which is reasonably seen by them as more racially and ethnically diverse. The evidence further indicated that others potential applicants chose to pursue practice other than the Bar, for example as solicitors again because of the belief that the Bar on Circuit was likely to be a less welcoming environment. The data supports the conclusion that Northern Circuit at the present time compares unfavourably with the London Bar and also with some of the other Circuits. This is despite it being one of the larger Circuits.

E. COMPLIANCE WITH AND ENFORCEMENT OF EQUALITY AND DIVERSITY OBLIGATIONS

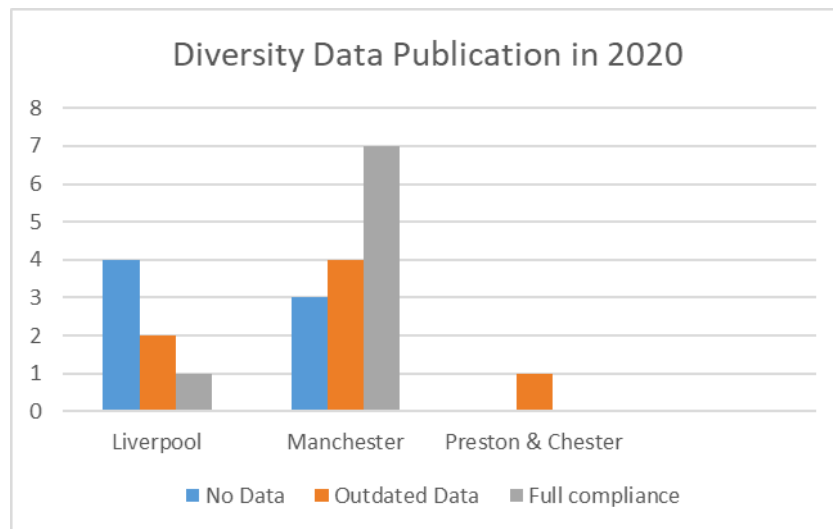
E.1 Introduction

59. The Committee's terms of reference invited consideration as to whether there was evidence that the Circuit, its members and chambers on the Circuit were compliant with existing guidance and policies, such as the BSB Equality Rules. It was further tasked to consider if necessary, ways in which the Circuit, as a body, might assist in supporting chambers and practitioners in better engaging with such initiatives.
60. In the Committee's view compliance with the existing requirements of the BSB Handbook should represent the bare minimum requirements for chambers on Circuit. We considered it likely that chambers that fail to comply with these relatively basic regulatory requirements were unlikely to be engaged and proactive in addressing underrepresentation more generally.
61. We have conducted an audit of chambers on Circuit to examine compliance with the BSB Handbook Equality Rules. A review was also undertaken of chambers websites to ascertain what if any information was available regarding initiatives and schemes, which were aimed at increasing diversity. We sought data that was held with the BSB. Finally, we wrote individually to all Heads of chambers on Circuit to invite them, either directly or through their Equality and Diversity representative, to highlight any initiatives which aimed to increase access to the profession⁶

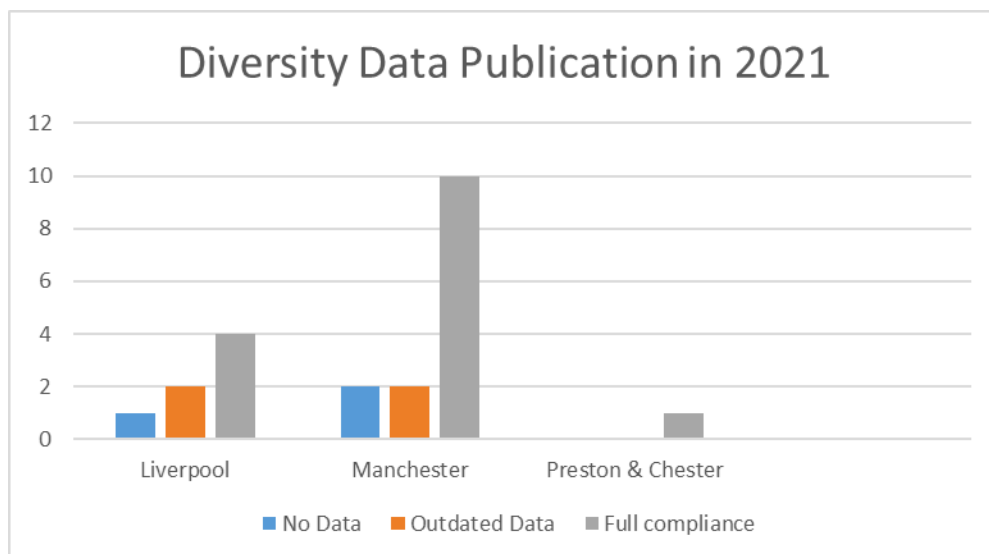
E.2 Compliance with BSB Equality Rules

62. We focused on Rule C110(r) of the BSB Handbook, which requires all chambers to publish their Diversity Data every 3 years. Rule C110(r) came into force in September 2012 and required chambers to publish their first summary of anonymised data by 31st December 2012.
63. Compliance is easily assessed given the requirement that the diversity data is published on chambers websites. We considered compliance was likely to be indicative of engagement with the BSB Equality Rules more generally.
64. An initial audit was undertaken in November 2020 which demonstrated poor compliance with the requirement to publish diversity data online. Overall, only 35% of the sets on Circuit were fully compliant. Liverpool had particularly poor compliance with only 1 set publishing potentially in-date diversity data⁶ and only 2 others publishing out of date data. Despite higher compliance in Manchester, 50% of chambers were in complete default or had published out of date diversity data.

⁶ The data are undated and so it was impossible to determine whether they were more than 3 years old and therefore fully compliant.



65. A further audit conducted in April 2021 demonstrated increased compliance with 40% of the sets which were previously in default publishing or updating diversity data to achieve full compliance. Overall, the number of chambers which were fully compliant increased to 65%. However, 13% of chambers still had no data published at all.



66. Despite the recent improvement there is a stubbornly high level of non-compliance given that Rule C110 is a regulatory requirement. It was also noted that where data were supplied they were seldom given any prominence and were often difficult to locate. Only one set took the additional step of publishing the diversity data for their pupillage applications.
67. The poor results suggest indifference to compliance with the BSB Equality and diversity rules and a lack of importance attached to the need to address underrepresentation on Circuit. A lack of visible diversity is a repeated theme which the Committee encountered throughout its work. The Committee considered that chambers on Circuit will be unlikely to identify any disparity between their members and the communities they serve, or take steps to address disparity, in the absence of compliance with the BSB Equality Rules. Indeed, the lack of engagement with the requirement to publish diversity data on Circuit is consistent with data

from the BSB demonstrating that only 36% of the chambers operating on Circuit had complied with the requirement under Rule C110(3)(o) to inform the BSB of the name and contact details of their Diversity Data Officer. It is noted by the Committee that the BSB consider that the existing regulatory structures presently in place are not sufficient and require strengthening with the prospect of regulatory requirement for training to be carried out and reporting obligations imposed on Equality and Diversity officers/ Heads of chambers.⁷

68. The presence of a designated Equality and Diversity Officer within each chambers has been a regulatory requirement for many years. Data obtained from the Bar Council confirmed that 22 of the 23 sets on Circuit had an EDO who had joined the Bar Council's EDO Network. The EDO network was set up by the Bar Council in order to facilitate collaboration and shared learning. There is no requirement for Chambers EDO's to sign up but the high numbers who have indicate a willingness to engage in equality and diversity issues. There has been little or no activity from the Bar Council EDO Network in the last year. The high Circuit EDO Network membership is encouraging; however, the otherwise poor regulatory compliance demonstrates the need for further support of chambers who appear willing at least to engage in tackling inequality, but appear uncertain as to what the same entails and what good practices might look like.
69. On 9th November 2020 the Committee wrote to all heads of chambers on Circuit to enquire into any schemes and initiatives to promote equality and diversity and to enable chambers to highlight the work of individual barristers within their membership. Unfortunately, we received responses from less than 30% of chambers on Circuit. However, those responding were able to identify well thought out policies and initiatives in relation to tackling issues relating to Equality and Diversity with systems for encouraging access to chambers from aspiring barristers from underrepresented groups, outreach activities, collaboration with external organisations, such as the Sutton Trust and Social Mobility Foundation. A number of these initiatives were in their infancy and perhaps too early to reach any concluded view as to their effectiveness. These chambers, albeit in the minority were at least recognising that Equality and Diversity challenges within chambers were not to be treated as an item on the Agenda for annual meetings to which no one attached importance but instead impacted on all aspects of the proper running of a set of chambers.
70. Members of the Committee also held a meeting with the Equality and Diversity Officers from one set on Circuit that in the Committee's view demonstrated a serious and committed attitude to issues relating to Equality and Diversity. Although in terms of numbers of tenants in chambers the practice could not be described as large, it nonetheless had an Equality and Diversity subcommittee consisting of several members all of whom not only met regularly but each sub-committee within chambers had an Equality and Diversity presence thus allowing the issue to be an active part of decision making at all levels. Equality and Diversity surveys were conducted involving both tenants and staff and recruitment of prospective

⁷ BSB Equality and Diversity Strategy 2020-2022

pupils was carried out following advice on and input from the Equality and Diversity sub-committee. Work distribution and career progression were issues that were monitored by reference to the possible impact of gender, race and diversity. In the Committee's opinion such close attention to issues relating to Equality and Diversity represent best practice and provide a strong lead for others to follow.

71. A review of the websites of chambers on Circuit demonstrates that there was a lack of consistency to content related to increasing diversity. The vast majority of chambers' websites did not include any content which demonstrated an active commitment to increasing diversity. Many merely had a stock statement indicating compliance with the Equality Act 2010. Only 34% of chambers publicised engagements in schemes or programmes which demonstrated a genuine commitment to increasing equality and diversity at the Bar. It was noted that all these sets were located in Manchester. Very few sets on Circuit reported the existence of schemes or initiatives which are specifically targeted at addressing the specific disadvantages experienced by Black, Asian and minority ethnic entrants to the profession.
72. The conclusion drawn by the Committee is that chambers on Circuit, when viewed as a whole, are not hostile to the development of practices that tackle issues of inequality and lack of diversity, but that there is a lack of information and guidance as to what might be seen as to best practice and limited publicity of role models. In the Committee's view it is no coincidence that the chambers which responded to the letter from the Chair were those which had something positive to say. The silence from the majority indicates a need of support and assistance rather than disinterest.
73. There is a clear lack of content addressing equality and diversity on chambers pupillage and recruitment web pages. The evidence gathered from our focus groups demonstrates that the combination of pinned pictures and profiles, failed to illustrate diversity, and the absence of content visibly demonstrating a commitment to increasing diversity, operated as a significant barrier to Black, Asian and minority ethnic applicants seeking to join the profession on the Northern Circuit.

"I feel alienated to the system - I don't see myself reflected in the barrister's chambers".

"The information I received was discouraging. There is a very small percentage of BAME barristers. I can't even really envisage starting - because so many people don't look like you...What's the point of really trying?"

"Actions speak louder than words and a commitment to improving diversity should be demonstrated".

74. A number of schemes and initiatives aimed at increasing diversity without affecting quality are in place. These include:
- Bridging the Bar mini-pupillage scheme
 - Partnerships with Urban Synergy
 - Mentoring

- Financial assistance for mini-pupillages and/or work experience
- Partnership with the social mobility fund
- Inner Temple Pegasus Access and Support Scheme (PASS)
- Open days
- Essay writing competitions
- Sixth form work experience
- Contextual recruitment

75. Whilst it is known that a number of chambers on Circuit participated in such schemes, very few chambers seek to promote the work they do in relation to these schemes or highlight the work undertaken by individual members to tackle inequality within the profession. Very few chambers published their anti-harassment policy online. Even fewer had adopted an anti-racist statement or published their procedure for dealing with complaints of harassment.

E.3 Conclusions

76. There are mixed messages. The number of sets which have EDO's who have registered to join the Bar Council's EDO Network and the level of engagement with the Committee's survey suggests there is enthusiasm and a willingness to address inequality on circuit. Nonetheless, the poor compliance with even the most basic regulatory equality and diversity rules suggests that many chambers are falling short of the required regulatory requirements, which are in truth minimum standards. It is evident that sets on Circuit would benefit from more support than is currently available. There is an opportunity for the Circuit to provide support, a guidance and information to chambers to actively improve diversity amongst its members. A collaborative approach between chambers and the Northern Circuit is likely to drive up standards and make the Northern Circuit a more attractive proposition for applicants to the profession from all backgrounds including Black, Asian and minority Ethnic groups.

77. There is no doubt that achieving a Circuit that might be said to be representative of the communities it serves will take time. The active promotion and publication of schemes, policies and initiatives to increase diversity are not only essential for achieving diversity, but they also act as an important demonstration of a willingness to change.

F. BARRIERS IN EDUCATION

F.1 Introduction

78. The Committee's strong view was that a full understanding of possible barriers to a more diverse Northern Circuit required some understanding of actual or perceived barriers at the earlier stages in the education of those later aspire to become barristers. One point of focus of the discussions in the student Focus Group meetings was seeking to explore the experiences of those who had shown a serious interest in a legal career and to understand what if any barriers, particularly those related to race or ethnicity, they perceived in pursuing a career at the Bar, in particular on the Northern Circuit. The Committee were also concerned to identify what mechanisms could be put in place to remove or mitigate against those barriers.
79. The Survey conducted by the Northern Circuit included several questions designed to elicit answers about barriers experienced during education by those who had either themselves experienced those difficulties but managed to overcome the same and from those who had observed those difficulties even if not directly impacted by them.
80. The survey showed that respondents self-identifying as White were proportionally less likely to have experienced barriers to their legal education than Asian/Asian British, Black British/African/Caribbean and Mixed/Multiple Ethnicities respondents. 35% of White or White British respondents reported barriers to their Legal Education, as compared to 47% of Asian/Asian British respondents, 45% of Black/Black British respondents and 50% of respondents with Mixed/Multiple ethnicities.
81. Of the survey respondents identifying that they had experienced barriers to accessing legal education, 10% identified race as a specific barrier. Many understandably identified the financial impediments as significant barriers. However, as is addressed elsewhere⁸ the Committee's view is that barriers created by issues of race and social mobility are closely intertwined. This intersectionality adds to the complexity when seeking to identify the true impact of race and in making recommendations to address the same.

F.2 Common Barriers identified

Barristers are less visible at educational levels, and less encouraging than solicitors.

82. A common theme, which emerged from the Focus Groups and the Survey, was the perception that the Bar is less visible than the solicitors' profession at all educational levels. Whether this lack of visibility was a general one or whether it had greater impact in relation to Black, Asian and other ethnic groups was not fully explored in the discussions. The participants in the Focus Groups were primarily speaking from the perspective of ethnicity when expressing the view that the Bar was seen as less supportive in encouraging access by its lack of presence and profile in the education setting. They noted that the lack of

⁸ See in particular section F6

engagement by the Bar at university level, meant that it missed the opportunity inform students about the profession as a career choice. This was seen to be particularly demonstrated by extraordinarily limited involvement of chambers at student law fairs or Law Society events. There was a general and perhaps understandable expectation among respondents that these events would be attended by both solicitors and barristers, but a repeated reference to the absence of barristers at such events. The lack of visibility is seen to begin at 6th form college level, where students from less advantaged backgrounds and without the opportunity to access mini pupillages or taster days have little idea about the difference between a barrister and solicitor.

83. Students perceived a greater degree of social mobility and diversity in solicitors' law firms, and more opportunity for career progression for those from Black and Asian backgrounds. They see law firms as attending university events and offering funding for the GDL and LPC; the funding is perceived by some respondents, as more accessible than Inns of Court scholarships, and more flexible in terms of the stages at which it is offered. There was a recurrent theme from the participants that barristers needed to make similar efforts in their visibility in universities and to offer merit-based funding for Black and ethnic minority students from less privileged backgrounds, to attend Bar Vocational Professional Training Courses. They reported that the Bar's lack of visibility makes it seem aloof, or disconnected from the diverse educational environments from which potential future applicants come. They identify that whilst this disengagement is not due to discriminatory bias, it is likely to impact more significantly on those from underrepresented groups, simply because such groups require more encouragement and opportunities. Solicitors are seen to have organisations like RARE and Aspiring Solicitors to assist Black and ethnic minority applicants.
84. When barristers do advertise, it appears that this may be inadvertently done in a way which reinforces exclusionary stereotypes. One university lecturer with a diverse group of undergraduates gave an example of asking a commercially-focused specialist Bar organisation to send a flyer to be used as part of a promotional drive to encourage female applicants to the Bar. The photos on the flyer only contained images of White female barristers. This gave the perception that the Commercial Bar is less open to Black and ethnic minority applications.
85. Students also had a general perception that barristers from ethnically underrepresented groups were likely to be more isolated than their non-black and ethnic minority peers in their work environment. They felt that in contrast, in solicitors' firms, there was likely to be greater support, that the professional appeared more homogenous, and as more of a collective. They identified that the presence, as they saw it, of so few Black and ethnic minority barristers, meant that it was likely that aspiring Black and ethnic minority students could identify role models, someone that looked like them in the profession. These beliefs created a perception in one student's mind that *"my race is always going to be a barrier"*. As such many who were committed to a career in the law saw the Bar as a more hostile career path and one with many additional risks unconnected with ability and/or willingness to work hard.

86. Some students had experienced barristers putting off Black and ethnic minority students from pursuing a career at the Bar, on the grounds that it is a very difficult career route to access and succeed in. They were encouraged to take the solicitor route, and to see it as more accessible. There was certainly a perception that solicitors' firms are generally more accessible than barristers' chambers. In discussions with qualified solicitors from practices on Circuit we were told by one that *"I never even dreamed of a career at the bar. I had never even seen a black barrister prior to starting work as a solicitor"*. Of interest were comments made by a number of students that on an one to one basis and when access could be gained to barristers they were found to be more approachable, helpful and informative than individual solicitors in answering questions and providing guidance, irrespective of racial background.
87. The tutors at the 6th form college indicated that their view, having taught for many decades, was that the students needed to be able to see themselves in a particular role in order to "gain traction" with applications to the Bar.
88. Awareness of the Northern Circuit as a body did not appear to be high.
89. These reported experiences suggest that achieving greater visibility of barrister to students prior to their embarking on a professional training course, and creating better opportunities for interaction, could be highly impactful measure to promote diversity.

"I only knew about the legal profession because my dad is a solicitor. But this was not highlighted in education [prior to university]. At university, a lot of opportunities are for those for those who want to be a solicitor. Mooting and debating was only pushed when it came towards applying for the Bar. I only realised my CV was missing things. There is a gap in awareness of the things you need to do, e.g. mini-pupillages, if you want to come to the Bar if you want to be on the same playing field as other individuals."

"The Bar is really bad at advertising themselves."

"In one of my first law lectures, they asked, raise your hand if you want to be a barrister. So many people raised their hands. They said, maybe 3 or 4 of you will become barristers out of this whole room. That type of discouragement from the start is awful. I can't imagine it happening in Oxbridge. From the off, you are told being a solicitor is more achievable. Coming from a working-class background, you come from families that are from that background - my mum is a solicitor. I haven't got a mass of funds to back me up if I do end up pursuing [a career at the Bar] and nothing results from it."

[Barristers and judges should make greater efforts to come into law schools.] *"They are not taking this up. They need also to go to 6th form colleges."*

Networking events not taking into account cultural differences.

90. All of our Focus Group attendees identified the importance of accessibility to practitioners and their preference for events where these opportunities could be maximised. However, comments were made that suggested that there was a lack of accessible information around how these events were arranged. Networking events organised by the Bar did not sufficiently account for cultural differences amongst the students. Examples included the focus placed on alcohol being available, the use of licenced premises for such event and the social "meet and greet" contact following formal presentations occurred around the

consumption of alcohol. These perceived insensitivities operated in a negative manner and put off some Black and ethnic minority students from attending.

91. A major theme that emerged was that students were much more likely to be exposed to networking opportunities from the solicitors' profession than the Bar. Law firms were seen to advertise vacation work experience schemes, but there was a perception of there being no access to information from the Bar about mini-pupillages, the importance of attending them, or how to apply for them.
92. Some participants expressed a view that existing networking opportunities give a poor impression of the commitment to inclusivity, even where this is the specific focus of the event. At a diversity and inclusion event at university, a female student from an underrepresented group spoke to a white professional, but felt that his response was dismissive of the genuine need to improve diversity access. The event gave her the impression that it was superficial, and that there was no genuine commitment from the Bar to address the barriers to accessing more inclusive representation. She questioned: *"Is there a genuine commitment from the Bar to address diversity?"*
93. A further issue relating to networking events organised by the Bar was that they are often London centric, which poses a barrier to ethnically underrepresented students outside of London with restricted financial means. This highlighted a repeated observation, namely that the Northern Circuit and its chambers had a low profile in terms of these events.

Inappropriate comments from professionals

94. In survey responses relating specifically to education, mentions of inappropriate behaviour from current members of the Bar are infrequent (by contrast to other areas covered by the survey). This is unsurprising, because the focus in this part of the survey was on the time period before starting a career at the Bar, and perhaps also because the survey targeted those who had progressed to a career at the Bar. However, concerns about such behaviour were raised to a greater degree in the Focus Group meetings, which included students and prospective barristers, and who therefore would not have had the opportunity to take the survey.
95. One student had heard inappropriate comments from a member of the Bar about black and ethnic minority accents or dialects. He was perceived to have the advantage of a "standard" accent; this gave him the impression that having an accent, which was perceived as being associated with a minority group, would be a disadvantage.
96. In the current pandemic lockdowns, where much communication is done virtually, one student experienced prejudice over her accent. She was told by the person with whom she was communicating virtually, that the person could not understand her accent and they put the phone down on her. As she expressed, *"How can you progress if people stop listening? The prejudices that do exist no longer become hurdles and become barriers in terms of accessing the legal profession."*

97. Another student expressed surprise when a judge in a mooted competition negatively and insensitively commented upon the dress and attire of some Black and ethnic minority students. The low profile of the profession, as noted above, may mean that students from underrepresented groups are less likely to be aware of the expectations/conventions around dress in a mooted competition. Indeed their financial circumstance may even prevent them from owning a suit.
98. One student did some work in Court and felt that the Tribunal was particularly difficult with her because of her race. It was very discouraging for her to perceive such racial hurdles.

Discouragement of pursuing a career at the Bar by Education Providers

99. There were descriptions from students of their lecturers encouraging them to pursue a career as a solicitor rather than at the Bar, because the solicitor route was seen to be more accessible (with more training contracts available), or more affordable (with law firms paying for LPC fees). Thus, students from underrepresented or less privileged backgrounds, without the financial backup to sustain pursuing a career at the Bar, could be more likely to give that goal up in favour of trying to become a solicitor.
100. Careers and advice at university was seen to be less encouraging about pursuing a career at the Bar. Black and ethnic minority students are questioned - are you sure you want to go to the Bar? The Legal Practice Course is promoted more as it is seen as more accessible with a larger job pool. There were more events/talks with solicitors' firms and very few with barristers' chambers. A common theme that students recounted was being told by careers advisors that the Bar is not for them because it will be too difficult [financial burden] and the chance of getting a pupillage extremely limited. It was better to consider a career as a solicitor. They were told by secondary school teachers/career advisors to be "realistic about options". Thus, the seeds of doubt about pursuing a career at the Bar were sowed at a young age.
101. 34.2% of survey respondents cited their educational establishment as a barrier to accessing their legal education.

A student was told by a University careers advisor, "are you sure you want to pursue a career at the Bar?" They were very encouraging of the LPC: more accessible, job pool bigger. It feels you are directed in that way. Many solicitors gave talks but those with barristers was limited and when they did attend it was with the solicitors, so the relevant information was difficult to separate and access. The student said that only 2 out of 40 in her class pursued the BPC.

One student had attended an all-girls religious 6th form college, and she was continually asked by careers advisors and "basically everyone" whether because of her racial background it would be better for her to pursue a career in nursing or become a house-wife.

A student reported that external organisations' insight was limited to being asked "How do you feel about extremism in your community?" There was nothing encouraging about pursuing a career in law/medicine. Almost uniform 'advice' from everybody that they were not able to progress into a career that they could chose for themselves. This improved at university. "Focus groups like this are part of the resolution of the issues we face."

102. A substantial number of survey respondents felt that there are inequalities in accessing educational establishments, and that this has a continuing knock-on effect on their careers. Having been to a less prestigious schools, hampered their ability to progress to Oxbridge or other well regarded universities, and this in turn is seen to result in discrimination, or to act as a barrier to the BPTC and pupillage. Strongly linked to that are responses indicating that schools and universities often fail to encourage students to pursue careers at the Bar, or put barriers in their way.

"I was told by everyone I was far too stupid to think of becoming a barrister and was thus wasting my time and everyone else's. My professor at university questioned me in my first term at university whether I would be "happier" changing to a different course than law."

"I had to fight for my teachers to give me predicted grades that were appropriate to the level I was performing. The teachers assumed that I would not perform as well, despite evidence to the contrary."

"It was not considered appropriate at secondary school level for a person of my heritage and background to pursue a career in law; I was always told that I should pursue a career in nursing when I was at secondary school. When I decided that I wanted to pursue a career at the Bar I was told that I should pursue a career in the prison service or social work". [Survey respondent has indicated that she is female and Black/Black British – Caribbean.]

"Dining in [my Inn of Court] was also strained and more of a painful experience."

"I never had the support from the beginning. My secondary school careers teachers said to keep my options realistic."

103. The Committee heard from some of those in the barrister focus group who identified that educators has tried to put them off the bar as a profession. We were aware from the focus group with the BSN that this was successful at diverting talented lawyers away from the bar as a profession *"From the age of 7 I wanted to be a barrister but my tutor at college told me that as a young black male you may struggle in that profession unless you have money behind you."*, one solicitor stated.

F.3 Barriers specific to International students

104. Responses relating to international students suggested that they face barriers which are not faced by students from the UK, and who are more familiar with the British education system. International students report a lack of guidance or mentor figures. The language barrier was cited as a factor, including the formal requirement to pass English tests, but also the risk of being less able to access information about social mobility initiatives, and the correct process to apply to the Bar. International students may be less likely to be taken on as pupils in chambers, particularly so if the chambers express that they are not able/willing to sponsor the applicant's work permit.

An international student expressed the view that international students come here with the intention of practising in the UK. She felt discouraged because she had been told by a barrister that it is too much work for a Chambers to take on an international student [i.e. sponsorship for a Visa] whereas there already many UK students applying for pupillage and they have had to spend a lot of money in studying to applied to access the Bar.

One international student expressed that when she had spoken to barristers at events they had discouraged her from applying to the Bar. This has happened several times with one encouraging her to become a solicitor because there are more opportunities, the Bar is hard to get into, especially if you are from a black and ethnic minority background. *“The Bar might not be for someone like you.”*

F.4 Impression of lack of diversity at the Bar

105. The responses in this area were mixed, with clear problems being raised, but some encouraging signs that those problems are being tackled to some degree and by some sections of the Bar, albeit not consistently.
106. There was a recurrent theme of alienation for Black and ethnic minority students seeing chambers’ website profiles of their members, which are seen to be disproportionately white and disproportionately male. There were a number of comments that very few within the chambers profile looked like the students. This was expressed by one young talented black and ethnic minority student as a feeling of disenchantment, wondering, *“how would they [older white males] be able to see the world in similar terms to a brown woman like me?”*
107. This was further compounded by the lack of physical interaction with black and ethnic minority barristers. The students perceived that there were a very small percentage of black and ethnic minority barristers and felt discouraged at pursuing a career.

“The information I received was discouraging. There is a very small percentage of black and ethnic minority barristers. I can’t even really envisage starting - because so many people don’t look like you. On top of that there are the issues of gender equality. Issues as a women and issue of race are compounded. What’s the point of really trying?”

A female black and ethnic minority student expressed that she did not see herself reflected in the legal professional structures of the Bar (*“same old white males”*) which was demotivating and put her off pursuing a career.

[There are]”... so many people that don’t look like you.

“I feel alienated to the system – I don’t see myself reflected in the barristers’ chambers.”

“For female black and ethnic minority students there is a perception that racial and gender barriers continue through professional life as demonstrated by the lack of female QCs. A lot of my lecturers gave up a career at the Bar because they could not progress.”

“I’ve never met a female black and ethnic minority barrister that specialised in commercial law. I felt alienated from the beginning. I won’t fit in. I don’t see myself reflected in the chambers. That is a barrier.”

108. Focus Group students also commented on a lack of transparency within chambers’ websites. There was no visible Equality and Diversity officer, no Equality and Diversity statement i.e. *“we encourage applications from people from black and ethnic minority backgrounds”*. However all students noted that it would be disingenuous to have such a statement if it was inconsistent with the actual profile of the barristers within [predominantly white members]. Students perceive a need for the chambers to demonstrate their commitment at improving diversity representation.

109. On a positive note, some chambers are seen to be visibly addressing the perception of lack of diversity. Students noted that a set of chambers on the Northern Circuit had organised a specific event for black and ethnic minority applicants, encouraging them to apply to chambers, and that other events have at least one black and ethnic minority speaker. As expressed by one student, *“Just to see someone who looks like me, makes it more encouraging to apply to that Chambers. It looks like they have taken an interest in people like me.”*

F.5 Relevance of class in relation to barriers related to race and ethnicity

110. Social class and class discrimination were themes that emerged from the Focus Groups, and which often intersected with the experience of students and prospective barristers from ethnically underrepresented backgrounds. Black and ethnic minority students from state schools noted that their predominantly white peers from private schools were able to develop debating skills and other transferable skills, and had wider awareness about government and society, including the legal sector. This gave them a clear advantage in confidence and knowledge over their state school counterparts, and there was a noticeable difference in their level of conversation. They also tended to have a better awareness of the importance of mooting and debating, when amassing the experience to be used on their CVs and application forms, creating an unequal playing field.
111. At a Focus Group meeting, one student expressed the belief that socio-economic barriers were greater barriers than race. She was closer to her secondary school friends than to university friends because of that shared class background from her formative years; that experience was different to that of black and ethnic minority student friends at university who had been privately educated.
112. One student expressed the perception that pupillage applications at first instance are “a paper sift” and you are more likely to get to the interview stage if you/your parents know someone in chambers and that has helped you get a mini-pupillage which is what is required when applying. In contrast the black and ethnic minority applicant ‘never had a chance’ because they never had the opportunity to do a mini-pupillage to get the experience to put on the applications. Student wished that they had known about mini-pupillage at a younger age i.e. at 6th form college and schools, and realise that they are behind their peers in building their CV’s.

“If you come from a low social-economic and black and ethnic minority background you will face more barriers whereas if you come from a wealthy background and went to private school, even if you are from a black and ethnic minority, you will have had more opportunities and face less challenges than black and ethnic minorities from working class background/state school education.”

“The Bar represents the society that we live in and the people around us. There is a disconnect between having a profession at the Bar and being working class ... Coming from a working-class area you are told becoming a solicitor is more realistic.”

“Race barriers do often intersect with class and gender barriers... I will not allow my aspirational targets to be lowered by what other people are telling me should be my “realistic goals” You may not make space for me, but I will make space for myself where I can.”

"25 years ago a girl from a working class background – me – was told black people were told, black people don't come to the Bar". [The Focus Group participant was able to obtain a 1st class degree, a scholarship to Lincoln's Inn, and a pupillage. She was told it was partly because she had a human touch, and could relate to people. This was seen as an advantage over those students from Oxbridge who did not have that attribute to the same degree.]

"In one interview, I spoke about the social inequalities that exist for people from a socially disadvantaged background [secondary school that was in deprivation] but still pursued a career that they were told not to do. The interview panel members did not understand the barriers that exist within the educational system. I was trying to explain this ideal which to me was apparent all my life, but they [all white panel] were not aware of it. That was a big shock to me."

113. Although the survey did not ask about "class" when identifying barriers to accessing education, the question allowed survey respondents to write in answers. Eleven write-in answers (just under 2%) identified class or socio-economic background as a barrier, or gave some other write-in answer that could reasonably be interpreted as a reference to class or socio-economic background. It is worth noting that the tick-box answer "Access to funding" received a very substantial response, being identified as a barrier by 65.8% of survey respondents as a barrier to accessing education. It is plausible that some survey respondents have treated financial barriers as including class based or socioeconomic disadvantage, rather than writing it in as a specific answer. This is supported by the responses to the question which asked respondents to provide their comments on barriers to accessing education. Class and background appeared repeatedly as a major respondent theme across a wide variety of survey questions, suggesting that this is perceived widely as a barrier.
114. A number of survey respondents described the Bar as being, or being seen as, an "old boys' club" or similar, in terms which suggested an element of sex discrimination or misogyny. This overlaps heavily with the "background and class" theme; many of the responses referring to the Bar as an old boys' club or similar were referring to exclusion based not just on sexism, but also coupled with a broader exclusion on a range of levels, linking sex, class, culture or background, and educational establishment attended.

"I was told at my state school being a barrister wasn't for me."

"It was a long time ago now, but some overt snobbery due to my class background and being the first/only member of my family to work in the law."

"I experienced mini pupillages in London, the North West and Birmingham. I was overwhelmed by the experience in London of only apparently coming across middle class white men who spoke differently to me and asked which rugby team I supported and where I ski. Thankfully I found my experience in the North West and Birmingham to be much more reflective of "normal" people."

F.6 Financial barriers

115. Amongst both Focus Group participants and survey responses, financial barriers emerged as a prominent theme. Whilst financial barriers can obviously affect prospective barrister of all backgrounds, they are perceived as having a disproportionate impact on students from ethnically underrepresented groups.

116. Amongst survey respondents, fully 65.8% selected the tick-box answer of “Access to funding” when asked to identify barriers they had experienced. In the comment-based answers, the cost of the BPTC was singled out – there was limited mention of the cost of a law degree itself, and surprisingly survey respondents did not seem to discuss the GDL (for non-law graduates). Many respondents drew a link between finance and other characteristics, with a widespread (but not universal) perception that those from ethnically underrepresented backgrounds and from working class backgrounds were more likely to be put off by high costs.
117. The survey also asked respondents to identify the total level of debt they had incurred by the time they started pupillage. The survey data allows an approximation of the amount of debt that barristers from different ethnicities have at the point of pupillage. Taking the median of each debt band, and averaging this out amongst the respondents, shows that Asian/Asian British barristers start pupillage with approximately £18,500, Black British/African/Caribbean approximately £20,455, White/White British £15,913, and Mixed/Multiple Ethnicities £19,107. We are cautious about drawing too many conclusions given the comparatively low numbers of ethnically underrepresented barristers than White barristers, however it is clear to the committee that those who are ethnically underrepresented appear to have started their pupillage with a higher level of debt than their White contemporaries.
118. The reaction to Inns of Court scholarships was generally positive, with a number of survey respondents commenting that they were the main or only way for them to access a legal education. There were also negative comments, for example the scholarships being insufficiently widespread, insufficiently well communicated, or harder to access for those from already disadvantaged backgrounds. There were mixed responses as to whether private sector BPTC loans are easy to obtain or not, with a handful of respondents recording that they had difficulty being accepted for loans and noting a small number of providers, but with others describing the loans as being easy to apply for and access. Only a relatively small number of survey respondents discussed BPTC loans in any detail.
119. Similar themes emerged from the Focus Group discussions. Participants noted a lack of provision of information about scholarships and bursaries. There was also a perception that social mobility and bursary initiatives are not black and ethnic minority specific, so that students from ethnically underrepresented backgrounds are seen as competing with others, with a need for initiatives focused on the specific racial barriers faced by black and ethnic minority students, rather than treating it as part of a general social mobility issue. There was a perception that solicitors’ firms were doing better in this regard than Barristers’ chambers.
120. The Focus Group for tutors raised points that went beyond the survey responses. Tutors were of the clear view that the actual cost of university tuition itself was an impediment to many of the students at the college from underrepresented ethnic groups (an issue not raised heavily in survey responses). Tutors perceived this to be disproportionately affecting those in the underrepresented groups. Tutors were also concerned about the impact of

accommodation and living costs; some of them had experienced students whose university choices were limited to local providers, so that they could save money by living at home

121. The tutors also noted that students from underrepresented ethnic groups were more likely to have to work part time while they were at college, thus reducing their available time for studying. In some cases this was in order to provide income that was needed for use in the family home, which was a further impediment to academic progression. Part-time work also had an impact upon whether those students had available time to engage in relevant work experience such as mini-pupillages. Some students would not be able to apply for unfunded mini-pupillages, as it would mean they would miss out on wages from their part time employment.
122. There was a perception that junior barristers would earn less than junior solicitors, which was cited as off-putting.
123. The evidence that lack of finance hinders the prospects of progression for potential law students in underrepresented ethnic groups is highlighted by some statistics provided by the tutors. We were advised that there was evidence that a greater proportion of law students in underrepresented ethnic groups tended to go to non-Russell Group universities, compared to their white peers. The figures from their school showed that two thirds of the law students in underrepresented ethnic groups went to non-Russell group universities, which was significantly higher than students from other backgrounds. We acknowledge that the statistics are limited to the experience of tutors at one school; we also acknowledge that this is a complicated area to examine, given that non-Russell Group universities will also provide excellent tuition in law; nevertheless, the marked racially linked discrepancy in Russell-Group university admissions within a single school is at least a cause for concern, and warrants further research.

The financial cost is huge which prevents or discourages less well-off students (who are disproportionately working class or from ethnic minorities). Those students are more likely to have to work to fund their studies, having less time to study and perhaps doing worse as a result.

Lack of earning potential in publicly funded work adversely disadvantages those who are not white men. Crime, for instance, is becoming a 'hobby' practice area because it does not remunerate work done properly and discourages those from other ethnic backgrounds.

[There is a] public perception that significant wealth is required in order to make a career at the bar viable because earnings in the first few years can be low.

"I was struggling to even go to the London School of Economics to do my law degree because of my finances. If I did not have a scholarship to go to the LSE I would not have gone. The Bar needs to target funding so that it's not just based on merit but also the needs of the applicant."

"Studying the bar course was a huge investment and was going to use up all my savings. I lost out to people who had more experience than I had."

'BAME' terminology is limiting

124. Focus Group students considered that the term BAME ("Black, Asian and minority ethnic) is problematic, as it can be used as an umbrella term for a number of different groups with very different experiences, and which face different barriers. The term may mask a lack of diversity whilst purportedly seeming to address it. For example, a chambers or an initiative may claim that it has Black, Asian or other ethnic minority representation, whilst still failing to include students or prospective barristers from black backgrounds.
125. There was a perception among the Focus Group students that black barristers remain relatively underrepresented at the Bar in comparison with Asian barristers, notwithstanding that both communities are underrepresented at the Bar in general. The students referred to anecdotal stories in the media giving the perception that black barristers are treated differently from barristers of other ethnic backgrounds in court (at about the time of the Focus Group meetings, there had been a high-profile report in the media about a black female barrister being mistaken for a defendant by court staff).

Perception of bias towards those having a connection to chambers

126. Focus Group students had a perception that knowing someone who is a barrister makes it easier to find out how to apply for and obtain a mini-pupillage, and to move beyond the 'paper sift' in the pupillage applications, towards interview.
127. The Focus Group for tutors at the 6th form college raised that for many students in underrepresented ethnic groups there was an absence of having contacts through which to obtain work experience. This was named as an issue in terms of barriers to progression in that career path. This was specifically referred to as a barrier by the tutors, and at a talk delivered at the college relating to "Black Lives Matter" which also touched on routes into a career in law that took place in summer 2020. This specific question was asked by one of the 6th form students.
128. Respondents to the survey had a similar view. A number of survey responses pointed out that a lack of contacts and information prevented them from accessing funding or scholarships. The responses emphasised a link between lack of contacts and other issues such as background and class, or race, with survey respondents from financially disadvantaged backgrounds or ethnically underrepresented backgrounds frequently reporting a lack of insider access to the Bar, or a lack of role models similar to them when they were considering their careers. It does however appear as a theme in its own right, with survey respondents highlighting a lack of insider contacts as a barrier to accessing mini-pupilages, work experience, and other CV-building opportunities.

"My secondary school in particular was a comprehensive in one of the worst performing local education authorities in the country. We had no contact with lawyers at all. I would have welcomed contact with lawyers who had a similar background. I could easily have been put off from pursuing a career in the law as a result of this lack of contact."

"I did not know how to obtain work-experience. This was a lengthy process of discovery which I undertook independently."

"If you don't have [family] connections, you are going to have to make more effort to get the necessary experience, which will often mean you incur more expense e.g. I had to go to London to do a mini that I applied for and was accepted for, as I hadn't been accepted on northern ones and had no connections to rely on."

F.7 A view from Black and ethnic minority solicitors about diversity at the Bar

129. The Focus Group solicitor participants, including those from the Black Solicitors Network (BSN North) were of the clear view that the Northern Circuit was not in any way as diverse as it needed to be. The view was that by comparison to London, the Northern bar seemed far more "stale, pale and male". This was particularly so in the commercial and chancery fields. "There is a dearth of BAME representation in the North". It was reported that as a result of the lack of diversity and in order to satisfy their own requirements to maintain diversity in the instructions that they sent to barristers, large solicitors' firms were having to turn to the London Bar in order to satisfy their clients' requirements. "*Clients (such as large banks) are very much interested in their representatives being diverse*". "*We are only aware of one black barrister in chancery on the Northern Circuit*". "*No black or Asian Female Silk*". In the Family law field, it was said that there were similar deficiencies.
130. It was made clear that while a race diversity issue also affected solicitors very badly, the BSN felt that the solicitors coming into the profession were far more diverse than their barrister counterparts. One of the possible reasons for this was the structure of the Bar, with no corporate framework perhaps resulting the slower progress in relation to increasing the numbers of those from groups underrepresented at the Bar when compared to within the solicitors' profession. "*Barristers tend to work alone (rather than as part of a team)*".
131. A number of other comments were made by the BSN in relation to the lack of visibility:

"The absence of diversity [at a dinner at one of the Inns of Court] was shocking. I felt I would have a much better chance of progression as a solicitor"

"The lack of contacts for many mean that they cannot see themselves in that role. It would be like applying to be the prime minister."

F.8 Conclusion

132. As part of the focus group discussions the Committee met numerous talented and intelligent young Black and Asian students who had each considered a career at the Bar, any would have been a credit to our profession. It may be that the participants reflect a self-selected group who felt sufficiently strongly about their experience and had a story to tell. However, what was clear from the individuals to whom the Committee spoke was that they were of high calibre and predominantly from the ethnically underrepresented groups. Such entrants would both improve diversity without in anyway lowering the threshold for admission in terms of ability and all other criteria that are necessary for a successful career at the Bar. The

vast majority had been entirely put off by their experiences, some, but a smaller group still held out some hope to go to the Bar. It was the clear impression that most are unlikely to pursue this route despite a real passion to do so.

133. The general impression given was that Black and Asian students do not feel that they will be welcomed. Many could not see a reflection of themselves in the members pages of our websites. They cannot afford to invest every penny that they have saved to pursue what they perceive to be a remote prospect of success, and some have had their confidence knocked by their experiences to date. A career at the Bar seems unattainable to them. If we are to succeed in encouraging more of these students to pursue a career at the Bar it will be necessary to address the concerns that they have raised and the barriers that they identify.
134. However, and as discussed below, it will be necessary also to address a number of issues that arise in respect of those who do manage to secure a pupillage or tenancy. The steps taken to attract such talented students from under-represented groups will only be of value if, having come to the Bar, they find a place where they are welcomed and where the difficulties that they perceived in relation to life at the Bar for practitioners from Black and Asian backgrounds do not become the reality that they feared. It is worth noting that the Committee were left with a strong feeling that the despondency shown by many of the students should not be allowed to become prevalent. If this is allowed then the prospect of improving diversity would in reality be bleak.

G. BARRIERS IN OBTAINING PUPILLAGE AND/OR TENANCY

G.1 Introduction

135. The Bar Standards Board's BPTC Key Statistics report⁹ for 2020 found that:

"When controlling for degree class and BPTC grade, UK/EU BPTC graduates from BAME backgrounds who enrolled from 2014-2018 were less likely to have commenced pupillage than those from white backgrounds. For example, of UK/EU domiciled BPTC graduates with an upper-second class degree and Very Competent overall BPTC grade, 45 per cent of them from white backgrounds had commenced pupillage, compared to around 25 per cent of the BAME cohort with the same degree class/BPTC grade."

136. The above statistics reflect the anecdotal evidence as to the experience of Black, Asian and other minority applicants as to number of applications made, rejections at the application stage and rejection even where shortlisted, when compared to White counterparts. Within survey we dedicated a specific section to identifying any barriers on Circuit when applying for and securing pupillage and tenancy. Given that the survey was specifically directed to those who were practising members of the Circuit it was appreciated that that it was inevitable that the responses would not capture those for whom any barrier had been insurmountable. It was therefore necessary to capture this data set in a different way. Our Focus Group consisting of BPTC and postgraduate students gave the Committee some indicators as to the likely experience of those who had tried but failed to secure pupillages.

G.2 Statistics specific to applying for/securing pupillage

137. The Northern Circuit survey provided the following information:

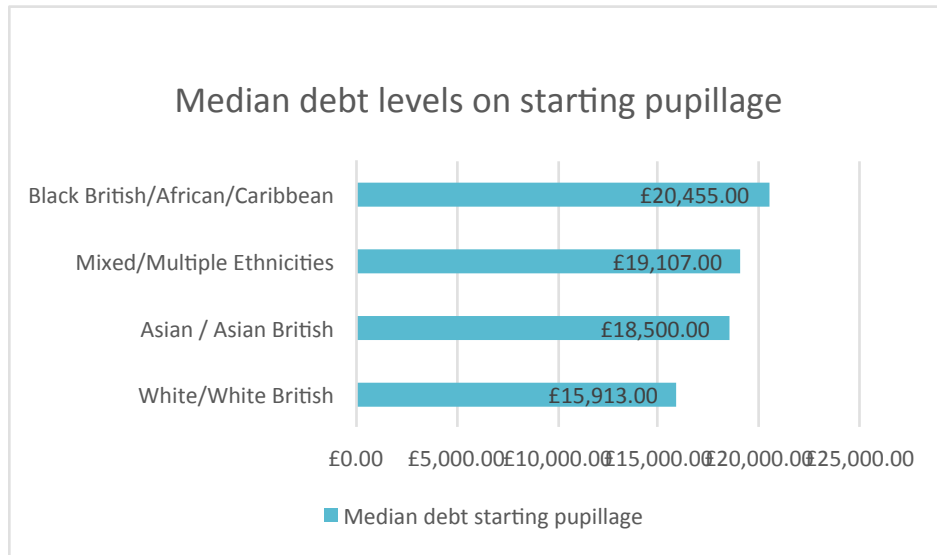
- (a) Respondents from Asian/Asian British, Black British/African/Caribbean and Mixed/Multiple Ethnicities reported higher levels of debt upon starting their pupillage.¹⁰
- (b) A statistical approximation was undertaken of the amount of debt that barristers from different ethnicities have at the point of pupillage. Based on the median of each debt band and averaging this out amongst the respondents, we found that¹¹:
 - Asian/Asian British barristers start pupillage with approximately £18,500,

⁹ <https://www.barstandardsboard.org.uk/uploads/assets/3f953812-cb0e-4139-b9dcc76f085de4e2/BPTC-Key-Statistics-Report-2020-All-parts.pdf>

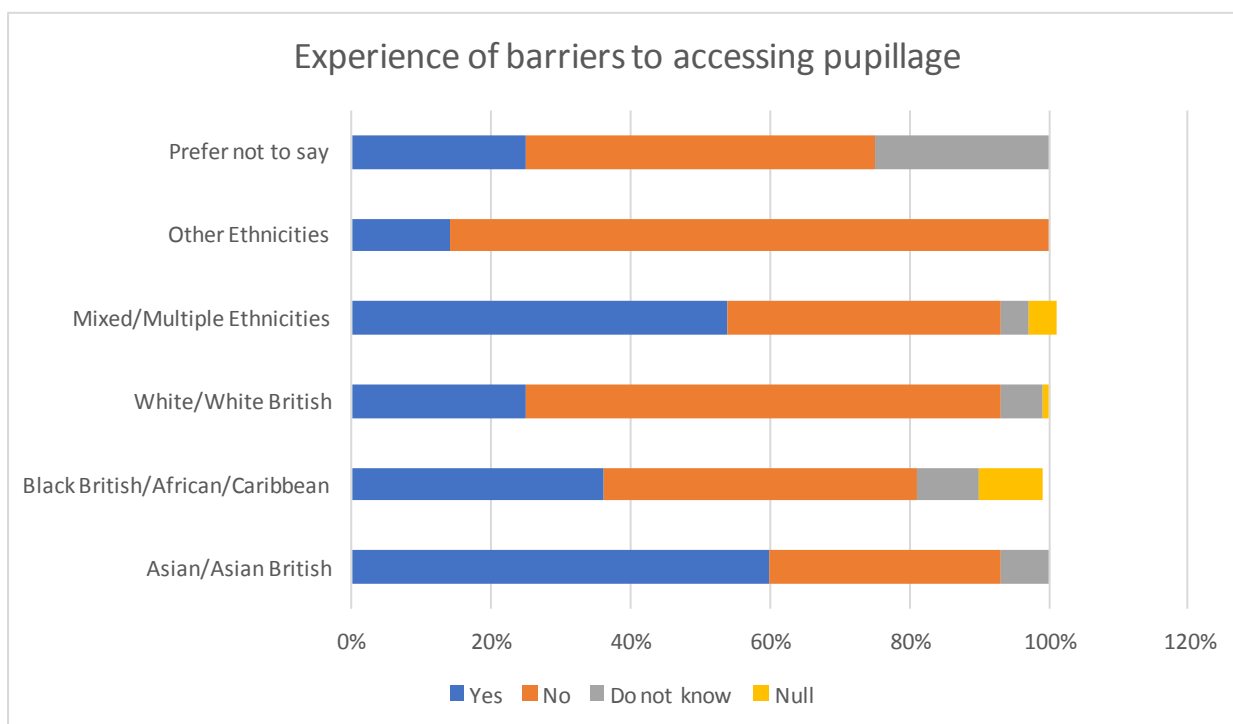
¹⁰ 43% of Asian/Asian British, 27% of Black British/African/Caribbean respondents, and 36% of Mixed/Multiple ethnicities respondents reported debts of over £21,000. 24% of White/White British respondents reported debts of over £21,000.

¹¹ We are cautious to draw on this too heavily given the disparity in numbers of black, Asian and minority ethnic backgrounds, particularly those from the Black British/African/Caribbean ethnicity when compared to the White barristers who responded to the survey.

- Black British/African/Caribbean approximately £20,455,
- White/White British £15,913, and
- Mixed/Multiple Ethnicities £19,107.



- (c) **60%** of Asian/Asian British respondents reported experiencing barriers to accessing their pupillage. There was a general increased prevalence of experience of barriers to accessing pupillage reported by barristers from Black, Asian and ethnic minority (and mixed) backgrounds as opposed to White / White British barristers.

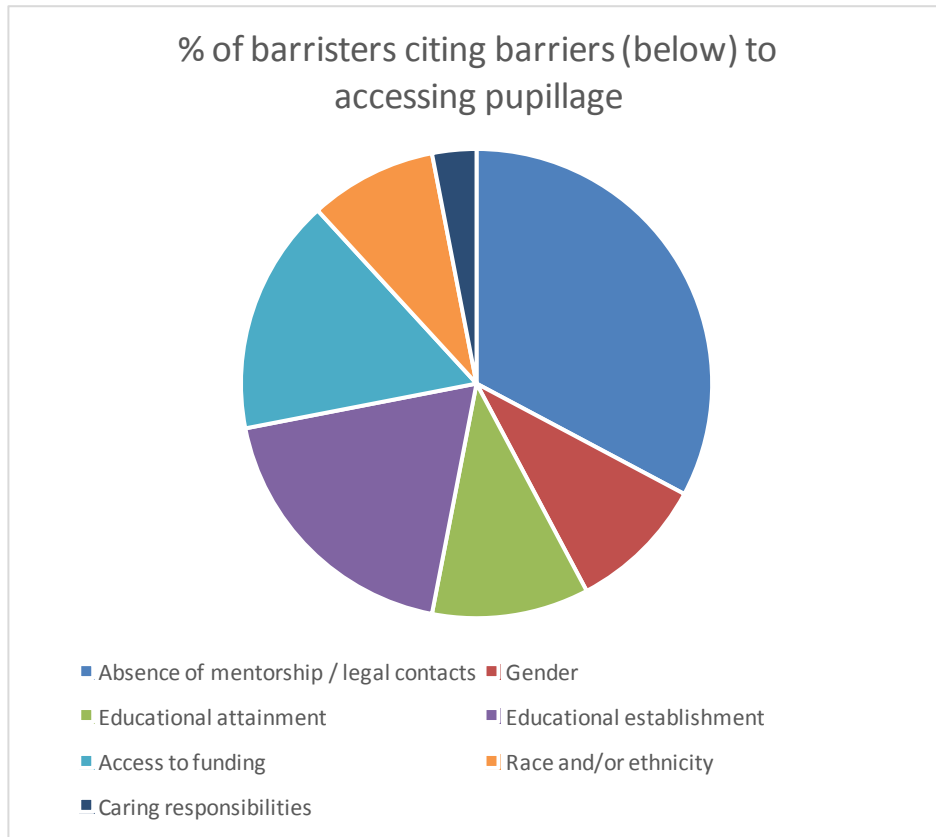


- (d) Fewer respondents reported experiencing barriers to securing tenancy than Legal Education and Pupillage.
- (e) This data also serves to illustrate that a ‘one heading fits all’ approach does not work when considering ethnicity. Asian/Asian British respondents, for example, stand out much more for having experienced barriers to accessing pupillage than Black British/African/Caribbean respondents. However, we note that a very small sample size of Black barristers makes it difficult to conclude that they are not experiencing the same issues at the same level.

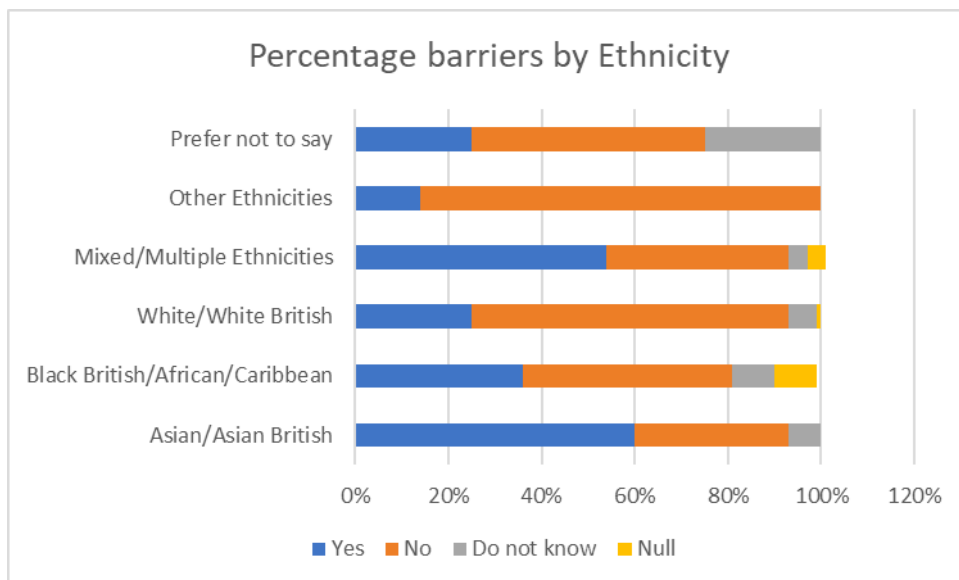
G.3 Barriers specific to applying for and/or securing pupillage

138. The top 7 statistically reported barriers to accessing pupillage were identified as:

- (a) Absence of mentorship / legal contacts (52.7%);
- (b) Gender (15.2%);
- (c) Educational attainment (17.4%);
- (d) Educational establishment (30.4%)
- (e) Access to funding (26.1%);
- (f) Race and/or ethnicity (14.7%);
- (g) Caring responsibilities (4.9%)



139. 60% of Asian barristers, 36% of black barristers and 54% of mixed/multiple ethnicities experienced barriers to obtaining pupillage, this compares less favourably to 25% of White barristers who responded to this question.



140. Some 21 barristers who identified race as a barrier to obtaining pupillage identified at least one other barrier with it. Most of those barristers cited more than 4 of the barriers to

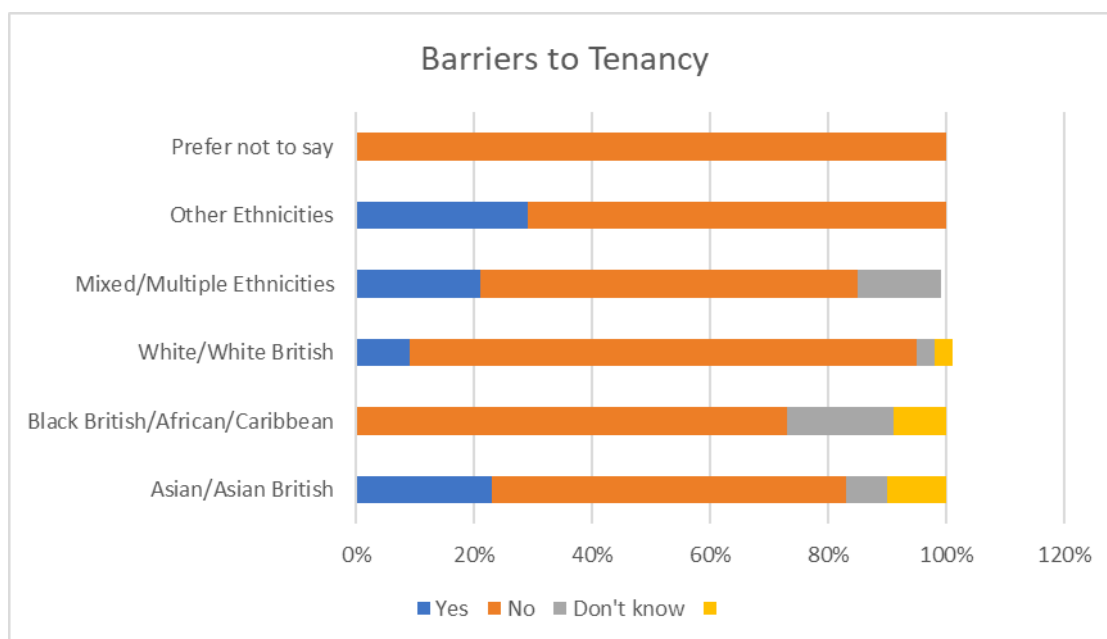
securing pupillage. Gender was by far the most common barrier accompanying race in the survey responses (61%).

141. A set of chambers on the Northern Circuit anonymously shared its 2019 ethnicity data concerning pupillage applicants from Black, Asian and/or minority ethnic backgrounds. It was noted that 39% of applicants in this year were of Black, Asian and/or minority ethnic background. In that year none of this demographic secured an offer of pupillage although multiple pupillages were offered. It is difficult to draw specific conclusions from this across the Northern Circuit. We recognise the potential for this set to be an anomaly in attracting applications ethnic minority candidates due to the ethnic diversity in the set and other initiatives designed at increasing applications from this group. We have not had data from other sets on Circuit nor did we seek this. The information allows the Committee to conclude that if certain conditions are right the Northern Circuit is, as one might expect, an attractive prospect to ethnic minority students. This set's experience suggests a possible difficulty in translating the percentage volume of applications made by prospective pupils from a Black, Asian and/or minority ethnic background into actual pupillages offered, or even achieving a better correlation between the two in a given year's competition.
142. The Committee found that many of the barriers to education, in particular in relation to a feeling of belonging, continued to affect Black and Asian candidates at the pupillage stage. In discussion with an ethnically underrepresented barrister 1-4 years it was said that *"a lack of mentorship/legal contacts contributed to underdeveloped skills for completing pupillage applications and attending interviews"*. The applicant felt that this had been pervasive throughout her education and had placed her behind peers in terms of legal experience. Whilst this barrister did not identify separate barriers to obtaining tenancy, the same issues was said to have pervaded her practising life creating barriers to establishing a practice: *"I have felt disadvantaged simply because of my 'non-traditional' background. This is an internal inhibitor which can manifest as low levels of confidence and feelings of inadequacy."*
143. On the basis of the evidence seen the Committee was able to conclude that barriers including those relating to race, but also to social mobility and gender are hindering applicants from securing pupillage. Further, many of these barriers are those that were pre-determined at the earlier education stage of the individual's pathway to the profession.

G.4 Statistics specific to applying for and/or securing tenancy

144. The Committee looked at the survey findings in connection with applying for and securing tenancy. Of the 604 responses to the question whether members had experienced barriers to securing tenancy: 85.6% had not, 10.8% had and 3.6% did not know. Taken at face value this suggests a comparatively small overall proportion of barristers experiencing barriers to tenancy. However, this represents a statistically significant number of approximately 65 barristers. In addition, the Committee noted that many pupillages on Circuit are offered with an expectation of tenancy. As such, securing a tenancy for those who had gained pupillage is

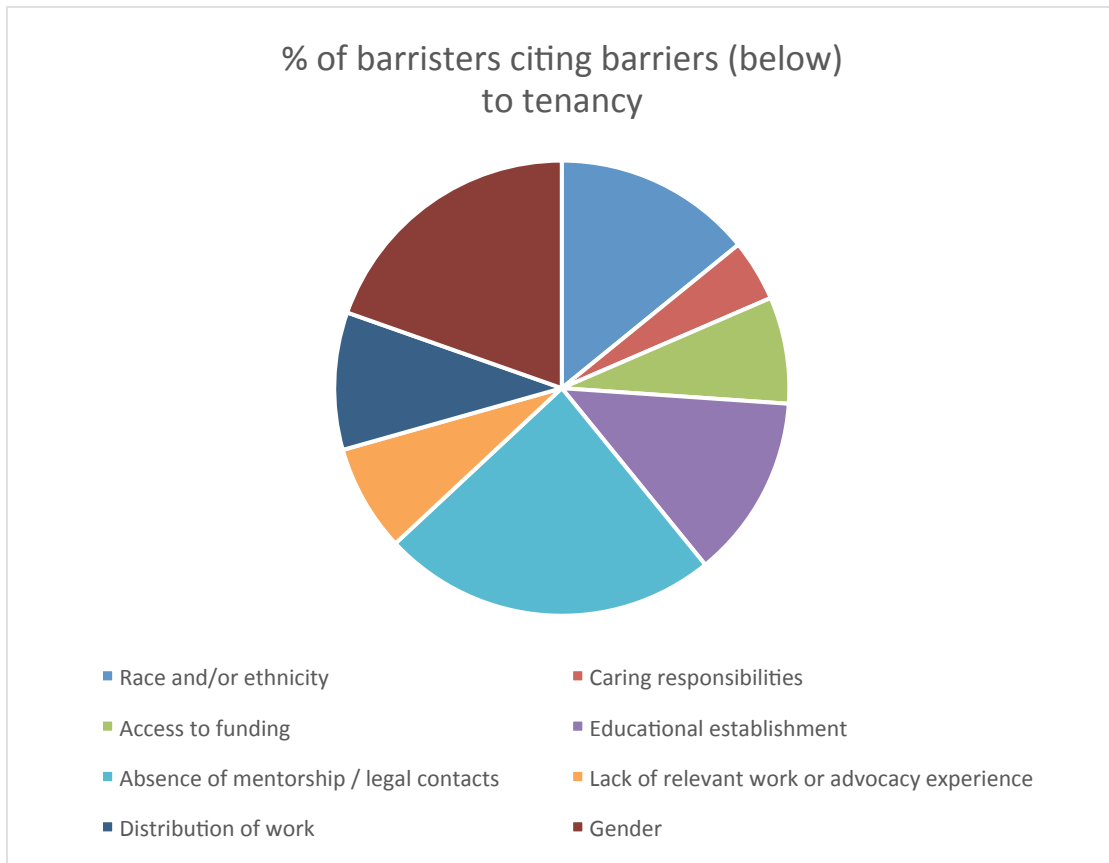
perhaps perceived as not as high a hurdle as obtaining the pupillage in the first place and will have an effect on how barristers have responded to this question in the survey.



G.5 Barriers specific to applying for and/or securing tenancy

145. The top 8 reported barriers to securing tenancy were identified by the members as:

- (a) Absence of mentorship / legal contacts (32.8%);
- (b) Gender (26.9%);
- (c) Race and Ethnicity (19.4%);
- (d) Educational establishment (17.9%);
- (e) Distribution of work (13.4%);
- (f) Access to funding (10.4%);
- (g) Lack of relevant work or advocacy experience (10.4%);
- (h) Caring responsibilities (6%);



146. 23% of Asian, 21% of mixed/multiple ethnicity and 29% of other ethnicity barristers answered the question on barriers to securing tenancy. Only 9% of those identifying the presence of barriers were White. 20% of the barristers who cited barriers identified race as a barrier [13]. Most of those identified multiple barriers alongside race (69%).
147. The Committee noted that a number of respondees felt that the apparent lack of diversity in a chambers profile was a barrier to obtaining tenancy, for example a barrister under ten years call noted “[t]he chambers was a mainly white chambers and they had not previously had a BAME pupil before” at the time that the barrister obtained tenancy. The barrister had therefore seen the absence of other ethnic barristers in that chambers as a barrier to securing a tenancy notwithstanding that s/he had secured a pupillage. In the Committee’s view a shift in perspective generally such that applicants from ethnically underrepresented groups might begin to see an apparent lack of diversity in a particular Chamber’s profile as an opportunity as opposed to a barrier, might be helpful.

Barristers’ focus group experience

148. The Committee explored the issue of barriers to tenancy with this focus group. The observations made on this particular topic included the following:
- (a) It was felt that there was a lack of representation on pupillage and tenancy committees of black, Asian and minority ethnic barristers.

- (b) A sense that it was too difficult (too many excuses) to effect change even when a black barrister purposefully became a member of the pupillage and tenancy committee. This barrister said:

"I tried to get on the pupillage committee to see if things would change and I was given a million excuses."

- (c) The simple lack of numbers of barristers from Black, Asian and minority ethnic background led to sense of tokenism about their presence in chambers.

BPTC students' focus group

149. The meeting with the BPTC students was of some importance as explained elsewhere. On the issue of barriers to tenancy, it was recognised that none of the participants had yet secured pupillage, although a number had made applications and received rejections. There was therefore no direct experience of rejection at interview, or direct experience of barriers. However, many had had some form of mini-pupillage or other experience of barristers' chambers and the group were clear in their views as to what they perceived as the likely barriers. The BPTC students identified the following issues as barriers which have a bearing on both pupillage and tenancy:

- (a) The Bar is perceived as a less visible and less welcoming place for those from ethnic backgrounds wanting to practice law. It was also seen as a less welcoming profession than becoming a solicitor.
- (b) The lack of visible presence of Black, Asian and minority ethnic barristers on the Northern Circuit was a disincentive to applicants. A specific mention was made by the focus group to the lack of senior Black female barristers such as QC's on the Circuit. The Committee recognised that the participants had noted the presence of Black female QC's in London and questioned why the position was different on the Circuit.
- (c) The problem with different accent and/or dialect was identified as a barrier. There was a feeling that having an accent that identified the individual as non-white was a barrier even where the same did not inhibit understanding or communication. The Committee noted that the students felt that all accents were not treated in the same way. There was a feeling amongst the students that an accent based on ethnicity emphasised the difference and that the same was treated as a negative. This is a theme which also appeared in the survey responses.

G.6 Conclusions

150. The tradition on the Northern Circuit of offering pupillage with a view to tenancy logically affects the barriers that ethnically underrepresented barristers may meet at the tenancy application stage. In the Barrister Focus Group discussion no one identified difficulties obtaining tenancy on the Circuit, having already overcome the hurdles at the pupillage stage. The Committee has given some thought to whether the above practice whilst assisting

those, from whatever ethnic background, who are fortunate enough to secure pupillages, may in turn have a negative effect on those who at the stage of applying for pupillage were a little behind in their development of the 'looked for' attributes of a young barrister. Whilst it is recognised that chambers carrying out selection for prospective pupils will seek to recruit the best candidates, the evidence presented to the Committee suggested very strongly that those from ethnically underrepresented groups were more likely to have struggled when seeking to secure relevant and looked for know-how that come from work experience, mini-pupillages and the expected behaviours of prospective pupils. They were therefore less likely to present at that stage of the selection process as the 'finished article' candidate and hence less likely to offered pupillage, unless some value was place on not only the route by which they had got to the application stage but also their starting point. This raised a question in the mind of the Committee whether these factors were sufficiently taken into account or could be better adjusted for. These concerns were also strongly voiced in the discussions with the focus groups.

151. The written survey was of course limited to members of the Northern Circuit, by definition this only includes qualified barristers who were either able to secure pupillage or tenancy. It does not include those who did not manage to secure pupillage or tenancy and therefore cannot reflect on their experiences. The Committee do not seek to speculate on the experiences of this group but it appears unlikely that inclusion of this information would have suggested that there were fewer barriers than identified by the survey.

H. BARRIERS FOR ETHNIC MINORITY BARRISTERS IN DEVELOPING OR PROGRESSING THEIR PRACTICE ON THE NORTHERN CIRCUIT

H.1 Introduction

152. This chapter looks specifically at the barriers for Black and Asian barristers on the Northern Circuit in developing or progressing their practice.
153. The evidence base for the Committee’s findings includes responses to the survey undertaken of members and from the focus group discussions with barristers and black solicitors.
154. Of the 622 responses to the survey which were received, 153 of the respondents felt that they had experienced barriers in progressing their practice; 28 of those attributing the same to race, 81 attributing this to gender; 68 respondents considering this to be due to distribution of work; 47 attributing this to caring responsibilities; 56 to absence of mentorship / contacts; 31 to quality of training / pupillage; 22 attributed the barriers to income needs. Of those identifying that they had experienced barriers to progressing their practice 18% considered race to be a barrier.
155. Clear themes emerged from the survey which showed that when it comes to developing a practice there are issues within chambers such as racial profiling, racial discrimination, absence of mentors / contacts and quality of training all directly relating to the fairness in distribution of work. There were also issues within chambers in respect of gender inequality.

H.2 Areas of practice

156. When breaking the statistics down, we noted that, of the barristers who practice in Crime, and considered there to be barriers within their practice, 32.14% attributed this to race, 21.43% of those who practice in Family law (children) and 7.14% who practice in Family law (other) identified the same barrier, 7.14% who practice in personal injury, and 3.57% who practice in Chancery.
157. It is noted that of the respondents of Black, Asian and mixed ethnic backgrounds: 8% practiced in Crime (equating to 15 people); 15 % practiced in “family law – children” (20 people); 25% who practice in “family law – other” (4 people); 11% practice in personal injury (equating to 18 people); 6 % practice in Chancery (equating to 2 people); and 10% practice in Commercial law (equating to 2 persons).
158. The statistics suggests that there is a higher percentage of Black, Asian and mixed ethnic barristers who practice in family and crime compared to the percentage of Black, Asian and mixed ethnic barristers who practice in planning, chancery and commercial law. The numbers practicing in chancery and commercial field were very low. It has not been possible from the information gathered to identify any one overarching reason for the low percentages in these practice areas. However, it would seem reasonable to postulate that many of the factors that deter applications and/or result in rejections are likely to, at least in

part, provide an explanation. The Committee felt that specific targeting to improve access in these fields is likely to be required.

159. During the focus group discussions with the Black Solicitors Network [BSN] and Black Solicitors it was represented that compared to the London Commercial and Chancery Bar the Northern Circuit seemed “stale, pale and male”; they reported that this has led to the large firms instructing counsel in London in order to satisfy their client’s requirements for legal representatives to be drawn from a more diverse pool. The focus group identified similar deficiencies in the family law field. Our survey data supports these diversity observations.
160. Further 99% of the survey respondents engaged in some legal aid work but for 50% of those it was less than 25% of their practice. 39% of the respondents who did legal aid work did so for more than 50% of their practice. The highest proportion of barristers engaged in more than 50% of legal aid work in their practice were Asian/Asian British. We pause to note the number of black barristers on the Circuit who responded to the survey was too small for us to draw a conclusion as to the spread of work for that ethnic group.

H.3 Distribution of work

161. 15.79 % of all Black, Asian and mixed ethnic minority respondents thought that race and distribution of work were both barriers to their progressing in their practice and we can see examples of the same:

“My clerk did not 'promote' me well enough; my chambers took on a tenant (white, middle-class, male) who was the same 'call' as myself and who had been practicing for the same length of time as myself; the distribution of work was more favourable towards him. I had to complain to a junior clerk about how I was treated and that I felt my treatment was different because of my gender and race. After this complaint I was given more work that reflected my competence and my seniority.”

“Pushed towards doing legally aide[d] work and family cases and criminal cases by reason of gender and representing BAME clients because I am BAME”

162. Of the all of the survey respondents, Asian / Asian British respondents had the highest proportion of barristers engaged in more than 50% legal aid practice; interestingly, the majority of Asian / Asian British respondents reported experiencing barriers to developing their practice.
163. From the responses we are aware that this issue can also link into racial discrimination which was described as taking place within the clerks’ room, for example:

“I am aware of clerks mistaking the only two Asian members of chambers for each other, even though they look completely different and have different practice areas”

164. This and other examples were difficult to date; the conclusions that can be drawn as to experiences of racial discrimination are set out in **Section J**.

165. The evidence collated causes us to conclude that issues pertaining to race are not limited to experiences from the education stage to securing pupillage/tenancy; nor are they limited to experiences within the court arena but also extend to issues within chambers and relate to the fair distribution of work.

H.4 Gender

166. Of the 622 respondents, 262 (42.12%) identified as Female, and 353 (56.75%) identified as Male; amongst Female respondents, 217 (83%) identified as White/White British, 21 (8%) identified as Asian/Asian British, 16 (6%) identified as Mixed/Multiple ethnicities, 7 (3%) identified as Black British/African/Caribbean and 1 (<1%) identified as Other ethnicities.
167. Amongst Male respondents, 323 (92%) identified as White/White British, 10 (3%) identified as Mixed/Multiple Ethnicities, 8 (2%) identified as Asian/Asian British, 6 (2%) identified as Other Ethnicities, and 4 (1%) identified as Black British/African/Caribbean.
168. 35.55% of women of Black, Asian and mixed ethnic backgrounds thought that race is a barrier in progressing their practice, which is clearly significant when put in the context of the number of Black, Asian and mixed ethnic background female respondents.

"Aside from the well-known financial difficulties at the criminal bar, as a female barrister who has been told frequently that I appear younger than I am (and often confused for a solicitor / defendant family member) I experienced great difficulty in being instructed by male solicitors. I have been told by my senior clerk that "female barristers just won't have the progression in their career the same as male barristers".

169. Of those Black, Asian/Asian British and mixed ethnic barristers who identified race as a barrier 86% [24] also identified their gender a barrier.
170. The Bar Standard Board Research Report into *Income at the bar by Gender and Ethnicity* (November 2020) which found that¹²:
- Income differences are stark when considering gender and ethnicity together, female BAME barristers are the lowest earning group and White male barristers are the highest earning group;
 - Black and Black British barristers earn less than Asian and Asian British barristers. *"Black African and Asian Bangladeshi are particularly low earning groups, with both of these groups having a median income band of two, a full 2 bands below the median value of four for White barristers.*

¹² Executive summary <https://www.barstandardsboard.org.uk/uploads/assets/1ee64764-cd34-4817-80174ca6304f1ac0/Income-at-the-Bar-by-Gender-and-Ethnicity-Final.pdf>

- *Even when barristers are grouped by their main area of practise and seniority by year of call, female and BAME barristers still earn less on average than equivalent male and White barristers who were working in the same areas of practise and have the same seniority.*
- *This suggests that (whilst there are notable differences in the proportions of those practising in particular areas of law by both ethnicity and gender) even when one compares barristers of similar experience and working in the same areas there remain differences in income by both gender and ethnicity, with female and BAME barristers earning less than their male and White counterparts.”*

171. Progression of a practise is heavily contingent on being able to earn well enough to meet overheads including caring responsibilities i.e. nursery fees etc. The BSB survey was a national one. The patterns identified there are likely to be experienced by ethnically underrepresented women on Circuit and women on Circuit generally.

172. Gender inequality was a significant theme that was drawn out from the collated data and it goes without saying that this issue is not limited to any specific race. Over 51.9% (81) of the barristers who identified barriers to progression identified gender as one of, or the only barrier. The survey responses highlighted issues arising from the clerks considering that barristers identifying as male are better suited to certain cases than barristers who identify as female. We found examples of those who identify as female being treated differently in the courtroom and not receiving instructions from male solicitors. We will separately collate the data from the survey which identifies equality issues beyond those of race and make that available in a short report to the Circuit EDO officer.

H.5 Absence of mentors and absence of contacts

173. 9% of all respondents thought that absence of mentorship / legal contacts was a barrier in progressing their practice, however 15.79% of Black, Asian or mixed ethnic respondents thought that absence of mentorship was a barrier to progressing their practice. Given the low response rate in respect of this particular barrier it is difficult to correlate this barrier directly with difficulties in progressing a practice however the data collated demonstrates that from securing pupillage stage, issues in respect of absence of mentors / contacts affected 27.83% of Black and ethnic minority barristers.

H.6 Quality of training

174. 19.9% of the respondents who felt that there was a barrier in progressing a practice attributed this to issues in the quality of their training in pupillage. 17.9% of barristers who identified race as barrier to developing and progressing a practice also identified the quality or their training in pupillage, and thereafter, as a barrier.

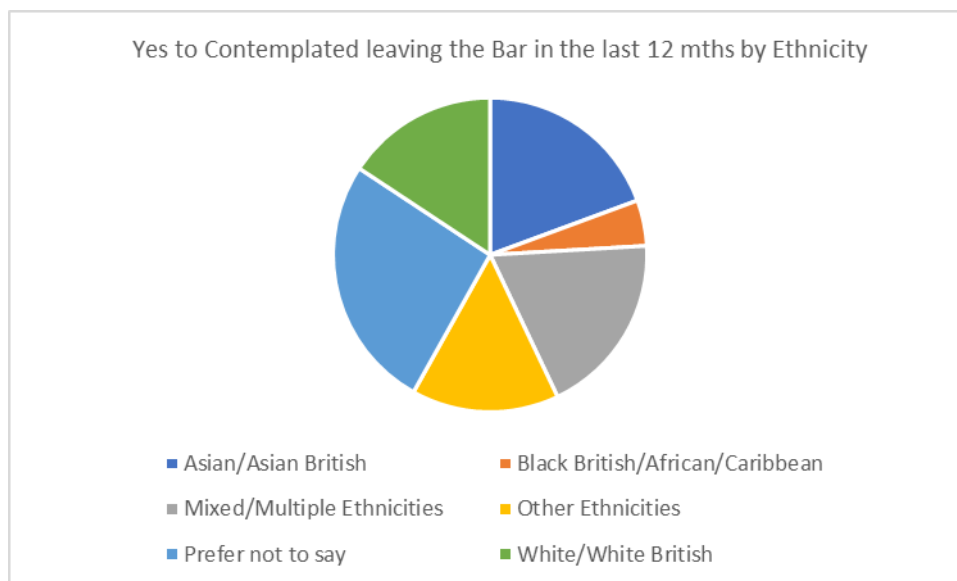
175. This was a theme that emerged from the data and we can see that issues such as ‘imposter syndrome’, lack of pupillage structure and an absence of contacts following pupillage are issues that it is felt are not properly supported by pupil supervisors or chambers.

“My supervisor seemed disinterested in my training. I came to the profession from a very working class background and felt very isolated. Despite being taken on as a tenant after pupillage, over time I realised that work that came into chambers in my name was being given to others whilst I was sat at home doing nothing. I was not supported in chambers. I found myself stagnating. I left those chambers. I am unable to say with certainty whether my race or ethnicity was a factor in the way I was treated but other pupils and new tenants were not treated in the same way.”

“I didn’t feel properly trained during pupillage because there was no training structure in place, save for the pupillage checklist. I know pupil supervisors have training but I did not feel that my AETO had a pedagogical strategy in place to ensure that I had all the tools to succeed in practice, including the necessary confidence in my own ability.”

H.7 Barristers who have considered leaving the bar in the last 12 months

176. 30.71% of respondents considered leaving the Bar in the past 12 months. Pro rata, there were just over twice as many barristers from Black, Asian and minority ethnic backgrounds compared to White barristers who fell into this category.
177. 75% of the ethnically underrepresented barristers who were thinking of leaving the profession cited race as the principal factor. Two thirds of the ethnically underrepresented barristers who were thinking of leaving the profession were women. Half of those were Asian/Asian British women.
178. Of those contemplating leaving the Bar in the next 12 months the largest ethnic group of barristers were Asian/Asian British at 37%. Of the proportion of barristers who contemplated leaving 43% were Black, Asian and mixed ethnic.
179. 58.33% of barristers from ethnic minority backgrounds cite financial considerations as a factor.



180. It may be postulated from the statistics that issues with respect to distribution of work, which disproportionately affects Black and Asian barristers, may contribute to the high percentage of ethnic minority barristers who have considered leaving the Bar in the past 12 months for financial reasons.
181. It is noted that there were 24 Black, Asian and other ethnic minority background barristers in total who expressed that they have considered leaving the Bar in the last 12 months which correlates to about 1/3 of the Black, Asian and minority ethnic cohort of respondents..

" I often think about this (leaving the bar) as I am tired of how clients are treated because of their race or colour and I am tired of the ingrained racial bias at the bar and in the judicial system"

H.8 Conclusions

182. Those who identified race as a barrier to progression in their practice mostly identified more than three other barriers. 8 Black, Asian or mixed ethnic barristers identified at least 4 barriers including their race, 5 identify 3 barriers including race and 9 identified race alone as the barrier to progression. Race is a gateway barrier which brings with it others, gender being the most commonly identified companion. Others identified were social mobility, education, an absence of mentorships and contacts, and work distribution.
183. The majority of Asian barristers completing the survey found race to be a barrier to the development or progression of their practices. There is a strong perception amongst the Black, Asian and mixed ethnic background barristers that race is an impeding factor in their development and progression as a barrister.
184. The Black Barrister's Self-employed Survey in November 2020 found that 53% of their respondents felt that *"...the allocation of work in chambers had been negatively affected by*

race or were uncertain as to whether it had been”, and “[a] majority (54%) of respondents did not think the fees quoted for their work were negatively affected by race. However, of the female respondents and those practising for over 7 years, more than half felt their fees were negatively affected by race or were uncertain” and “61% of respondents either felt that relationships with solicitors were negatively affected by race or were uncertain as to whether they had been”. The perceptions recorded in the BBN survey appear to be largely shared across the ethnically underrepresented population of the Northern Circuit who responded to our survey or joined the focus groups.

185. In the barrister focus group there was a strongly held view that ethnically underrepresented barristers are not encouraged to apply for appointment which had a knock on effect in the rates of progression in their practice being affected. Of the Black, Asian and mixed ethnic barristers who joined the focus group we heard some examples of a sense of isolation and lack of peer support in their practices which served to reinforce their difficulties in developing and progressing as a barrister’s. Further, the barristers identified that the importance of role models cannot be understated when considering career development. This was seen as available to White barristers on Circuit and not there for those who are ethnically underrepresented.
186. The lack of visibility of Black Asian and Mixed Ethnic Barristers and promotion of Black and Asian speakers at events reduces the opportunities for ethnically underrepresented barristers to form links with others who may be able to provide peer support. Those who are from ethnically underrepresented groups on Circuit may be able to contribute to the encouragement of others to put themselves forward for initiatives that would enrich their practises or career progression opportunities. One contributor to the barrister focus group identified this as *“[t]here is underrepresentation at senior levels at the Bar and at the bench at every level and it is only if those of us from those backgrounds stand up and are seen, that others can think ‘I can do that, there is an example of someone who has come from an ethnic minority background and succeeded’.”*
187. The evidence has identified that race is a marked barrier to the development of a practice and progression within the career for ethnically underrepresented barristers. The Committee has no reason to consider that the issues experienced on the Circuit are unique to the Northern Circuit. We note that the findings of the national BBN survey largely parallel our own findings. That said, having identified the problems, we cannot look to the ethnically underrepresented barristers for the solutions, that responsibility lies with the Circuit Executive.

I. APPLICATION TO SILK AND JUDICIAL APPOINTMENT

I.1 Introduction

188. The Bar has always been seen as a profession where seniority is respected and success is measured by progression often in terms of appointments, whether into Silk or a judicial post. Surveys¹³ across the Bar demonstrate that whilst the percentage of Black and Asian barristers in practice generally has shown some upward trends, the percentages, particularly of Black barristers as QC's and judges remain disproportionately low. Members of Circuit responding to the survey were asked to address a series of question relating to their experience in respect of application for silk or judicial appointment. Of the total number of members that responded to this survey 81.4% were/would shortly be "eligible" to apply for appointment on the basis of eligibility being 5 years call or above (current criteria for DDJ).
189. 111 (18%) of the respondents identified that they were of a national cultural or ethnic background other than White English/Welsh Scottish/Northern Irish/British, or preferred not to identify their nationality/ethnicity.
190. There were 614 responses to this section. 50% of responders indicated that they had not made any relevant application. Of those who had been unsuccessful in applications for an appointment, 30% indicated that they would not reapply.
191. Of these barristers from ethnic minority backgrounds, 55 had not made any application (50%). Of those in this "minority" group who had made applications for judicial appointment and provided further information, 32 were unsuccessful and 16 successful (a success rate of 33%) in their application for appointment(s), and for silk 2 were unsuccessful and 9 successful¹⁴ (a success rate of 81%). Amongst those who replied from minority backgrounds and had either not applied or had been unsuccessful: 55 indicated that they would, or might, apply in future; 16 indicated that they would not apply; and 18 gave no clear indication.
192. However, when this data was compared to that provided by the QCA a very different picture appeared. In the last 5 years there have been only 4 silks appointed who were barristers from ethnic minority backgrounds¹⁵ and only in 2016 and 2020 was the success rate better or comparable with those not from an ethnic minority background. Whilst within this cohort the success rate was in some years quite high, again when compared to the success rate within the cohort of White English/Welsh Scottish/Northern Irish/British applicants from the Northern Circuit for the same years, for most years it was significantly higher within the latter group.

¹³ BBN Survey on the Experience of Black Barristers in Private Practice 2020, the BSB Report on Diversity at the Bar 2020, BSB Report Income at the Bar – by Gender and Ethnicity.

¹⁴ N.B. Naturally some respondents had applied for both judicial and silk applications.

¹⁵ 1 in 2016; 0 in 2017; 1 in 2018; 0 in 2019; 2 in 2020.

I.2 Identified Reasons for lack of success

193. All those responding to the survey that had either never applied, or had been unsuccessful, were asked if they identified any particular barriers to successful application.
194. 13.5% of all respondents identified race/ethnicity as a factor precluding successful applications. However, the position was starker when considering the responses of those responders who had stated that they fell within the Black and Asian categories and were barristers from ethnic minority backgrounds. **65%** of those responders listing barriers to their attaining silk or appointment to the judiciary, identified race/ethnicity as a factor in precluding their successful applications.
195. In respect of the balance of the factors identified:-
- (a) 22% of respondents identified a gender discriminatory factor, whilst 34% of responders identified childcare responsibilities as inhibiting applications (responses cited a lack of flexibility in roles and demands of time/travel as incompatible with childcare commitments). 13% of respondents raised financial factors as inhibiting applications, such as the costs of application (including professional coaching/support) and inadequacy of remuneration (to meet additional childcare costs or as entailing reduction in absolute income).
 - (b) Personal/Professional/Educational factors were also highlighted:
 - (c) 36% of responses raised a lack of contacts or exclusion from advantageous social cliques or professional memberships (e.g. chambers/Circuit positions).
 - (d) 18% of responses identified a lack of opportunity to undertake quality work or to appear before relevant levels of judiciary

"It's chicken 'n' egg stuff. Without opportunities to shine, candidates lack opportunities to recount in evidence based situations. The whole system saps confidence and this psychological element is soul destroying"

- (e) 11% of respondents indicated a perception that school/university backgrounds were a disadvantage; 9% of responders felt inadequacies in pupillage and training hindered progression.

I.3 Culture and process

196. Respondents raised the following issues with the perceived culture/process of selection namely:
- A lack of confidence, including absence of sufficient role models to show applicants that such appointments were for them ("imposter syndrome");
 - A lack of transparency in the selection process, including concerns as to whether the standards/criteria required to meet/pass were genuinely objective, allied to a belief that

it's about "who not what you know" (specifically that having the "right" referees conferred advantage on practitioners from established sets/backgrounds);

- Inadequacy of effective useable feedback where unsuccessful (one comment was: "*you passed it was just others were better*" is not helpful), possibly adding to a sense of lack of transparency or meaningful desire to assist an applicant to progress;
- Lack of support for those barristers from ethnic minority backgrounds to apply, with respondents reflecting a concern or perception that more help, advice and easier access to influential referees exists for those from "*advantaged*" backgrounds.
- A common theme also reflected in responses to survey questions relating to earlier stages of practice identified a simple numbers problem, namely that if too few people of diverse backgrounds are entering the profession then inevitably there are relatively fewer progressing to the point where successful appointments will impact the diversity profile of appointments to silk/bench.

I.4 Barriers to appointment

197. Respondents were asked to identify any perceived barriers to successful judicial/silk advancement on Circuit. Identified issues included:

- That success was too dependent upon cliques, "either you were on the inside or were out";
- Appointment to Circuit roles, thereby increasing an individual's profile and conferring access to influential contacts, was regarded as grossly unrepresentative and non-transparent – a particular example given was the selection of Circuit Junior, highlighted as non-transparent (as a gift handed on within a clique); responses argued that there is a need for a positive or pro-active approach to achieve more diverse appointment through encouragement, invitation, or a "Rooney rule"¹⁶ approach to appointment of Circuit roles.

"This circuit has ignored that fact that Black people are underrepresented and it has done nothing over the past 22 yearsAn example of this is the Junior of the Northern Circuit - when was the last Black person to hold this position? over 22 years. Positions of responsibility outside of court would assist any prospective silk/full/part time judge to develop and show skills that may relate to the position that is applied for."

"Lack of mentors and role models. Better support for BAME pupils and tenants to encourage their sense of belonging and being valued. Better representation of diversity socially and professionally e.g. in recruitment panels, seminar and conference speakers, circuit mess top table etc."

¹⁶ A policy in which a minimum number of candidates from minority backgrounds are shortlisted for a given position.

- Lack of any significant Black and/or Asian representation on the bench perpetuating a perceived judicial archetype/sub-conscious bias - widely perceived as impacting selection or willingness to apply (imposter syndrome).

“Unless you have seen a black/Asian silk or judge in your chambers appointed how do you know that it is accessible to you?”

198. Respondents were invited to identify practical changes or measures which could improve the prospects for successful applications from a diversity of backgrounds. The responses can be summarised as follows:

- Change the numbers equation by increasing the numbers of practitioners from a diverse range of ethnic backgrounds entering and establishing practice on Circuit.
- Increasing participation/profile, in Circuit committees and offices, of practitioners from a diverse range of ethnic backgrounds. Suggestions included: reviewing appointment processes and transparency of selection for any role (e.g. Circuit Junior); adopting positive or inclusive selection processes (e.g. Rooney rule approach).
- Chambers-lead initiatives such as: provision of advice, guidance, and resources targeted at under-represented ethnic groups to facilitate successful applications; requiring chambers’ equality officers to have a background that reflects the “community” that there were to serve and be from a diverse range of ethnic backgrounds; prominently publishing chambers diversity statistics in comparable format (against Circuit, Bar as a whole, national population) for example on the front page of chambers’ websites. Further that chambers could provide active and structured support and encouragement in a transparent process but with confidential access.
- Circuit-led promotion: identifying potential talent and offering support (e.g. coaching), career mentoring, facilitating contacts with potential referees to individual promising or aspiring Black, Asian and minority ethnic candidates for appointment; providing/requiring coaching/training for all practitioners in diversity issues and unconscious discrimination; providing regular training on JAC/Silk selection methods and approach (myth-busting). Events with strong representation and attendance of members of the judiciary and silks from a diverse range of ethnic backgrounds to provide access and role models to practitioners considering such applications. Relationships built between younger barristers and the judiciary at an early stage to enable the Judiciary to be and feel more inclusive to members from ethnic minority backgrounds.

“.... those who are BAME and have been appointed need to speak about it openly and encourage others; perhaps circuit arrange a lecture on a wider issue of practice progression and add to the billing BAME appointees to speak about their experience tips and tricks. A lecture on appointments makes people anxious to attend as it reveals their career ambitions and they are often not ready to do that.”

- Effective anonymising of application processes.

- Refining the selection process for appointments away from reliance upon self-identified referees and major cases (which may favour those in established sets) to refocus on actual courtroom skills.
- Allowing more flexibility in roles to be applied for to increase the attraction and overcome reluctance to step outside familiar fields of expertise (for example narrowing the nature of DDJ/Recorder appointment to specialist fields of practice).

I.5 Conclusions

199. Based on the responses received from questions asked of the JAC, the rate of applications for appointment between White British and minority background practitioners appeared to be the same. However, the usefulness of the data was limited and this did not reflect the data collated for this Circuit by the QCA in respect of applications for silk. This may be in part because their data specifically covers 2016-2020, allowing analysis on a yearly basis, rather than the “snapshot” that this survey provides covering an unspecified period and taking into account the wide range of call of those responding. Further the success rate of those candidates from Black, Asian and minority ethnic backgrounds, does not reflect those of their non Black, Asian and minority ethnic counterparts.
200. However, the proportion of those intending or considering future application was far higher amongst respondents from minority backgrounds with only 18% ruling this out (compared to 30% amongst the full range of respondents).
201. Much work needs to be done to address the experience that has led the 65% of those respondents listing barriers to their attaining silk or appointment to the judiciary to identify race/ethnicity as a factor in precluding their successful applications. Further those responses highlighting disadvantages in social background, or socio-economic factors may well impact disproportionately those from minority backgrounds. More than a third of those polled identified both these issues as relevant factors.
202. A clear perception of an establishment divide is suggested, with 36% of relevant responses from all backgrounds identifying exclusion from influential social groups or professional positions as disadvantaging potential applicants, or undermining their success.
203. In terms of potential actions to address the recognised imbalance in representation in silk and on the bench: consistent themes are identified at both chambers and Circuit level aimed at: promoting the confidence of potential applicants; dispelling myths/misconceptions about selection; increasing the profile and inclusion of those of from minority backgrounds in chambers and Circuit life; extending understanding of the issue of unconscious bias across the profession; facilitating greater contact and potentially widening access to effective referees/mentors both at the bar and on the bench.

J. RACIAL DISCRIMINATORY BEHAVIOUR

J.1 Introduction

204. In our survey we asked members of the Circuit two separate questions, namely, whether they had experienced racially discriminatory behaviour and/or witnessed it. 603 and 609 members of the Bar respectively answered each question. Each respondent who answered in the affirmative was able to indicate if the behaviour was from a judicial and/or professional source and then a free narrative text box to add any detail if they so wished.

Figure 1: Experiences of racially discriminatory behaviour

Have you experienced racially discriminatory behaviour yourself at the Bar by the judiciary or other professionals?

603 responses

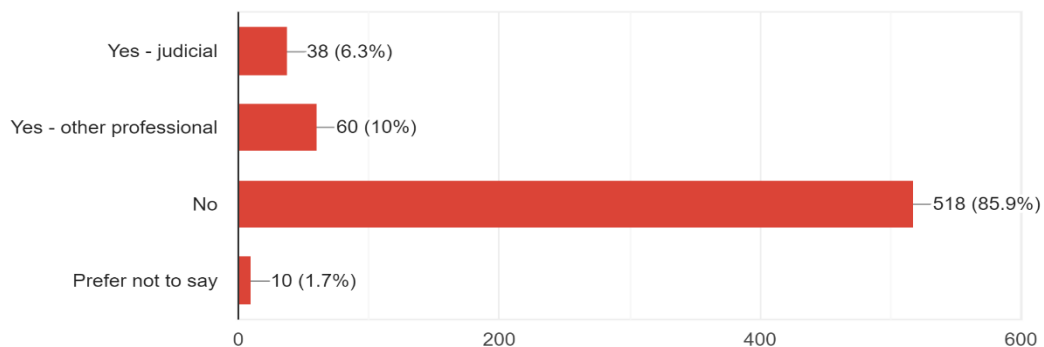
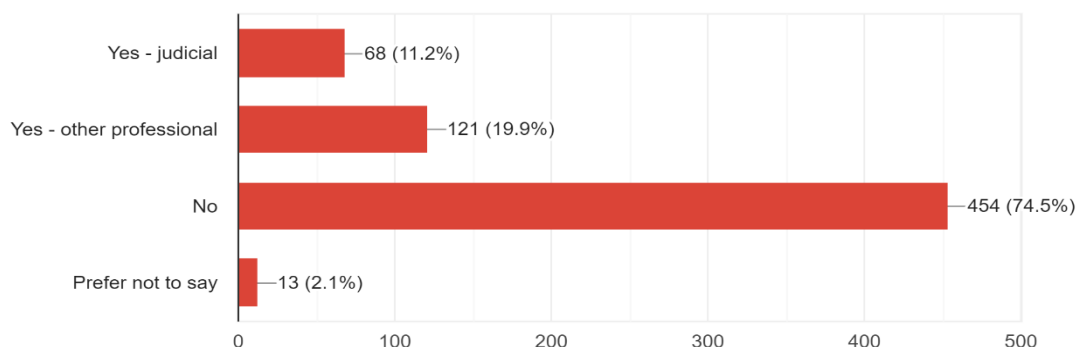


Figure 2: Observations of racially discriminatory behaviour

Have you observed racially discriminatory behaviour to colleagues at the Bar by the judiciary or other professionals?

609 responses

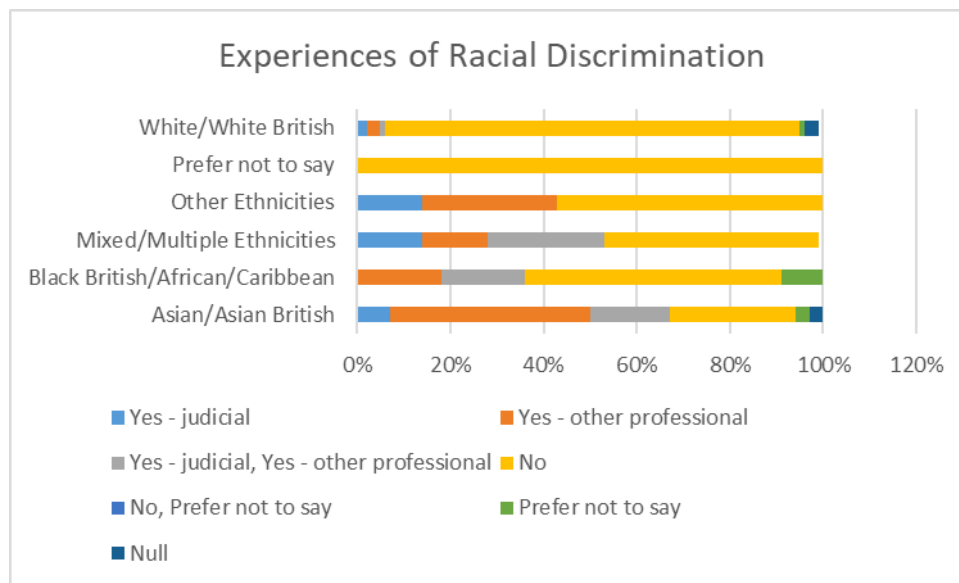


205. Overall, 55% of the barristers who were ethnically underrepresented responded to the survey reported experiencing racial discrimination at the Bar. Whereas only 12% of all respondents stated that they had experienced some form of racially discriminatory

behaviour at the Bar. This racial discrimination was more likely to come from other professionals other than the judiciary; although there was a marked level of behaviour attributed to the judiciary.

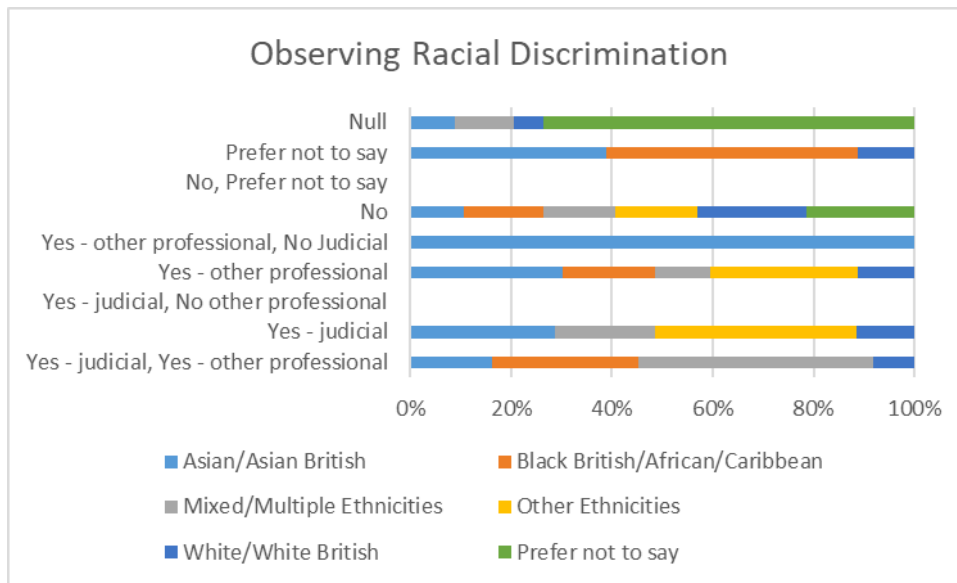
206. Asian/Asian British respondents reported the highest levels of racial discrimination, with 67% of Asian/Asian British respondents stating that they had experienced racial discrimination. From the survey responses proportionally, barristers of Asian ethnicity are experiencing racially discriminatory behaviour at a higher rate than barristers from all the other ethnic groups. We note that we had a larger response from the Asian/Asian British barristers on Circuit than Black African/British/Caribbean barristers therefore we do not conclude that that the Black barristers' experience of racism is less prevalent than their Asian colleagues. Black Barristers were one of lowest response rates to the survey (11). That said, 36% of those Black British/African/Caribbean barristers had experienced racial discrimination. Those respondents who are White are experiencing the lowest rates of racial discrimination. Amongst those who have experienced racial discrimination, it is more prevalent amongst other professionals than from the judiciary.

Figure 3: Experiences of Racial Discrimination by the Ethnicities of the Respondents



207. 23% of respondents to the survey stated that they had observed racially discriminatory behaviour whilst at the Bar. That represented 82 barristers; with 12 barristers stating that they prefer not to say. The observations were not confined to the treatment of other barristers. A small number included the treatment of witnesses or defendants. Those who have stated that they have witnessed racial discrimination witnessed it from 'other professionals' in a greater proportion than from the judiciary. The rates of people not witnessing racial discrimination are relatively high amongst White barristers. Where more than 50% of ethnically underrepresented barristers have direct experience of racial discrimination in their work, 75% of White barristers have not seen it.

Figure 4: Observing Racial Discrimination by the Ethnicities of the Respondents



208. From the evidence we became aware that ethnically underrepresented barristers were reluctant to tell anyone if they had experienced racially discriminatory behaviour; some explained that where they may be willing to admit the fact of it having occurred in our survey they would not describe it. The explanation we received is that it can sometimes be difficult to describe sometimes subtle behaviours which the subject knows to be racially motivated, as the subject fears not being believed or regarded by their peers as paranoid. Asian/Asian British had the highest proportion of people who had observed racial discrimination (53%). Amongst White respondents, only 16% reported observing racially discriminatory behaviour at the Bar. Whilst we have had at least 2 survey answers which suggested that a barrister had experienced racially discriminatory behaviour from a judge and a witness, it is possible that both were describing the same event; for the most part it appears that White barristers are not picking up on racially discriminatory behaviour that they witness or if they have observed it are not identifying its significance when being asked if they have witnessed that type of behaviour.

209. The evidence underpinning this chapter is not drawn from the survey alone but also from the focus groups with barristers, students, and their teachers.

J.2 What is Racially Discriminatory Behaviour?

210. We did not define ‘racially discriminatory behaviours’ in the survey, or in the focus groups, leaving the participants to identify relevant behaviours for themselves. Our analysis identified the following main types of behaviours that were seen by the participants as meeting their own definition

Racial Stereotyping

211. By far the most common experience reported was an erroneous assumption that the ethnically underrepresented barrister was not a barrister at all. This assumption was made by judges, other barristers, solicitors and court staff, including contractors such as security.

Black and Asian Barristers on Circuit experienced racial profiling in our court buildings; they find themselves, in the minds of court staff and professionals in the system (barristers and judges), excluded as a barrister by appearance alone. The misidentifications were wide ranging and included interpreters, social workers, defendants and clients. Several White barristers responded to the survey citing that they have witnessed examples of racial stereotyping. We heard from barristers who were racially profiled and treated differently by virtue of their names, and an example where a barrister experienced such treatment not because he was in fact from an ethnically underrepresented group, but because a mispronunciation of his name suggested that he might be from such a group.

"I arrive at court and am trying to find my colleagues in court or the court Clerk that I cannot go into court without booking in first and when I give my name and I am told that I am not on the list and when I reply that I am not on the list because I have not booked in; I am often asked by the clerk or usher who is representing me."

"other professionals have at times assumed that I was not a barrister but a court clerk or client due to my physical appearance . Some solicitors have made assumptions about my race and assumed that I may have shared experiences like some of our vulnerable clients."

"There are too many to list. Just in the past month I have had a court staff member misidentify me as a court interpreter.... [a]nd frequent exclusionary behaviour in social settings."

"In court being challenged by other advocate asking why I was in the robing room. Judge addressing me as a lay party despite being suited and booted and sitting with other members of the bar. Assumptions that I am the social worker, family member, client. Anything other than the barrister."

"I am still finding (in common with others to judge from recent publicity) that court staff do not assume/accept that I am a barrister when I attend court..."

"It was innocent and intended to be helpful, but I was asked coming into court by security whether I was an interpreter"

212. We have heard from barristers who have sought to anticipate when a professional is about to make an erroneous assumption about them based on their race and intervened pre-emptively to identify themselves as a barrister or who dress their court suit with accessories, bags, coats, shoes or purchase expensive suits, as a means of visually marking themselves out as a barrister. All to avoid themselves experiencing these misidentifications. These efforts are less capable of protecting the barrister from the experience of being misidentified during remote hearings.
213. Experiences of racial stereotyping on Circuit are described across all levels of call, in a wide range of court settings and most practice areas, criminal, construction, family, personal injury, immigration etc. We had responses reporting this by some of our pupil barristers and those of 0-4 years call, we also had timed incidences in the weeks before the respondents filled out the survey. This is not a historic issue it is occurring presently.

J.3 Barrister's behaviours

214. The evidence made available to the Committee indicated that members have experienced and witnessed racially abusive language used by members of the Bar, some of which are passed off as 'jokes'. Other members of the profession who used racially abusive language were observed to appear to relish being 'controversial'. The Committee concluded that sadly, ethnically underrepresented barristers on the Northern Circuit continue to experience racial slurs and are the 'butt' of racist 'jokes' or 'microaggression', which is, at the time, couched in terms suggesting that 'no offence' should be taken. Whilst some examples of racial abuse could not be dated, particularly so when the respondent is senior and gave no indication of time, there were enough examples of respondents who specifically date the event ("a month ago") or through their level of call to suggest to us that it is within the last 0-4 years. The Committee found in the survey that very junior members, including pupils, have observed racially discriminatory "[b]anter" in robing rooms on Circuit. It requires to be said that some of the experiences related are of direct racist abuse with barristers called the P-word and N-word. Commonly the barrister experiencing the slur did not make complaints for example "I chose not to make a complaint as I did not want to cause problems for that person's career, and they were doing it as a "joke""; this was not an uncommon response.

"...disparaging remarks regarding the name of a BAME barrister and how the name is pronounced, poked fun at the name..."

"Heard derogatory comments made about another pupil's name, making fun of how it sounds."

"I was condescended to and made the butt of racist comments by a senior barrister."

(witnessed) "casual demeaning vocabulary frequently and, occasionally, outright racial abuse"

215. The Committee read the occasional account of recent events where racist comments were "...immediately and appropriately challenged. It is, of course, unacceptable that the comments were made at all, but I was proud of the swift and incisive response of my colleagues". That said these accounts were small in number and were confined to the last 0-4 years.

216. Racist behaviours were not confined to White barristers. The Committee were provided with a small number of examples of racially discriminatory behaviour, including direct racial slurs, from ethnically underrepresented barristers towards other ethnically underrepresented barristers.

217. The Committee concluded that there are barristers on the Northern Circuit whose negative attitudes about race are not disguised and there is a risk that such views might be given a veil of respectability if they are (i) not challenged by other members of Circuit who bear witness or (ii) met with a dismissal of the attitude as 'outdated' or other attempts to excuse the behaviour. The racially discriminatory behaviours, comments or experiences can be subtle and hard to define in words one respondent explained that "[t]o a BAME person, it's obvious although subtle, hence cannot complain about it".

218. Amongst ethnically underrepresented respondents, who had experienced or witnessed racially discriminatory behaviour, there is a belief that in a small but significant number of barristers on Circuit, negative attitudes based on race do not lie far from the surface. The evidence that we have gathered supports this conclusion. One respondent summarised this as “[r]acist / sexist attitudes are still apparent in quiet corners of the robing room.” This extends to erroneous religious and sex based assumptions. Several respondents to the survey identified that there is a lack of respect and knowledge across the Circuit about the dates of religious holidays and practises of particular faiths.
219. The presence of these attitudes reinforces the feeling that was expressed by many of the students to whom we spoke that the Bar is not open to the aspiring barristers from ethnically underrepresented groups. We heard from a very junior member of Circuit whose experience during a mini pupillage was of racially discriminatory behaviour by a member of our Circuit: “...questions of me were wholly irrelevant, inappropriate and riddled with incorrect assumptions, for example, [the barrister] asked me if I would be having an arranged marriage in the future”.
220. Whilst all of the examples are not capable of being dated, we have had responses from young barristers who have complained of these types of behaviours, including some at 0-4 years call. Given the consistency of the information coming through survey and the focus groups we conclude that racially discriminatory behaviour is a currently present on this Circuit.
221. We received examples of race based assumption by barristers on Circuit in the manner in which they conduct or plead a case, two examples of this are (1) “...a disproportionate number of claims involving allegations of fundamental dishonesty are against Claimants who are either non-British or have a non-British heritage. It makes me very uncomfortable, and I can only imagine that such a hostile environment can make BAME barristers feel even more uncomfortable” and (2) from barristers and judges at court an “[a]ssumption in a case that young black people were reaching for guns as opposed to mobile phones when the evidence suggested that they were reaching for their phones.” These were not prevalent and were a limited number of observations across civil and criminal cases seeking recognition that race based assumptions about behaviour ought not inform our approach to any case.
222. A senior member of the Bar who was “...abused in pupillage by my pupil master because of my race and by other members when I was a junior again because of my race” has described to us the lasting impact that those experiences, which did not take place on the Northern Circuit, have had and the distress that it still causes. Moreover, until this survey started the conversation on Circuit about race, in common with other respondents, the barrister had never spoken to any other barrister about the experiences. The pain, suffering and embarrassment that flows from being subjected to racial abuse or racially discriminatory behaviours and the lasting impact on the victims should not be underestimated.

223. Ethnically underrepresented students interested in joining the Bar negatively experienced events designed to show them what life at the Bar would be like as networking events did not take into account the cultural differences of the students e.g. the emphasis of alcohol at a networking events or a networking event held at venues, such as a bar or at certain times that was likely to disqualify attendees from certain social and religious groups. This put off several ethnically underrepresented students from attending because their cultural identity prohibits alcohol consumption. Some other students were not prepared to attend as the events excluded their friends and fellow students.
224. Some of the ethnically underrepresented undergraduates held the perception that having an accent as Black or Asian barrister would be a disadvantage, they had this impression from things said by a barrister to a student. Further the correlations of race and economic disadvantage meant that some ethnically underrepresented students struggled to afford suits for, or did not have mentors or life experiences to make them aware of the expectations of formal attire at, networking or bar training events.

J.4 Judicial Behaviours

225. Respondents to the survey described some Judges addressing ethnically underrepresented barristers abruptly, treating them disrespectfully, or less professionally when they addressed the court and overlooking hearing from an ethnically underrepresented barrister. The behaviours described included abrupt, dismissive tones and comments by members of the judiciary sitting in court which were directed at barristers from ethnically underrepresented groups. In the focus group there was a sense that this was more of a historic issue than a current one; however, we had several examples in the survey that could be dated in the past 5 years.

"I've on one occasion been in court, alongside a BAME barrister...and the judge spoke to the BAME barrister significantly more abruptly and less professionally than to me. There was no obvious reason for the difference in behaviour, other than race, although the judge didn't say anything explicitly racist."

226. One respondent complained of being expressly passed over by the judge when it was the barrister's turn to speak which he concluded was racially biased. We received a response of a remarkably similar behaviour witnessed by a member of the Bar who had concluded that it was racially motivated. This is an illustration of how hard it is for a Black or Asian barrister to demonstrate that the experience was racially motivated the act is question was being overlooked by a judge, only those present were able to identify the motivation for the behaviour. Asian, Black, and White barristers have described the experiences as demeaning for the members of the bar who were the victim of the treatment.
227. Erroneous assumptions based purely on race included judges asking ethnically underrepresented barristers to interpret for the defendant or assuming the barrister was a social worker. We had examples of these behaviours from very junior members of the profession which suggest to us that this continues to be an issue. A theme of responses emerged which suggests that there is a specific issue of disparity in treatment of ethnically

underrepresented barristers by judges sitting in the Tribunal service, in particular the Immigration Tribunal.

228. Judicial intolerance of English, not as a first language, and racial/ religious intolerance/assumptions made about the person, and religious intolerance from the judiciary towards clients or witnesses has been reported to the Committee. Nothing in the responses allowed us to date these incidents or to establish if they are recent and so we cannot conclude that these behaviours are current. Notably we had these incidences were raised by both White and ethnically underrepresented barristers who were offended to observe them.
229. We had some very dated examples of Judges using racially abusive or discriminatory language in discussions extra judicially in front of members of the Bar. These appear to be dated now and there were no examples that could be dated in recent years, i.e. by the call of the complainant or the event or the language used. We cannot conclude that this is an ongoing issue from the evidence before us.

J.5 Issues within chambers

230. Several of the cited examples of racially discriminatory behaviours took place in court rooms and robing rooms, but also in chambers. We received several examples of discriminatory practises in the work allocation/distribution to, and fee setting for, ethnically underrepresented barristers. Barristers receiving lesser quality work than their peers or setting lower fees, allocating the ethnically underrepresented barrister more legal aid work and less privately paid work and/or being allocated briefs which are fee favours by clerks to solicitors. We also received examples of barristers being matched to clients by ethnicity by solicitors and also, at times by their clerks, not only from ethnically underrepresented barristers but from White barristers. These types of conduct were reported in the focus group and we have concluded that discriminatory practises in the work allocation to, and fee setting for, ethnically underrepresented barristers remain an issue on Circuit.
231. There were 3 or 4 clear examples of witnessed racially discriminatory behaviour and language by barrister's clerks although it was difficult for us to date these. We cannot draw a reliable conclusion from this.

J.6 Circuit Mess

232. The traditions of Circuit Mess are viewed by many, particularly the more senior members of the Circuit, as an important institution reflective of tradition and part of Circuit life. Our survey provided a somewhat different perspective on what is rightly recognised as an opportunity for members of Circuit to meet in a less formal, convivial environment and to celebrate success in terms of appointments, visits by notable guests to the Circuit and retirements. Unfortunately, Mess is cited by multiple respondents as a place where they have experienced intolerance based on race, religion, sex and sexuality. There was a strong theme of barristers deprecating the practise that has developed of mocking of the names of ethnically underrepresented barristers, one respondent stated that *"I do not know if this*

practice continues but it was in evidence on the only occasion I attended mess and was the reason I have never returned to another Circuit function.” It was of significance that the strongest feelings in relation to the practices at Mess came from the junior bar with a number of respondents indicating that it put them off going to Mess, and some saying they never will. There was a strong consistency in the reports on these issues all reaching the same conclusion. We did not receive any positive comments about Mess, although we recognise that we were asking questions addressing barriers to progression or practice, towards appointment and experiences and observations of racially discriminatory behaviour. Nonetheless, and given that Mess was traditionally seen as an opportunity to meet other members of Circuit including our resident and visiting judges, it is of concern that in respect of the above issues there was the level of negativity found.

233. Respondents identified that the system for choosing tables at mess, based on self-selecting a chambers table, leads to the exclusion of some ethnically underrepresented barristers even by their own sets. Some ‘jokes’ in speeches are racist and offensive; this was reported as having occurred as recently as the Christmas mess in 2019. The heavy reliance on alcohol at Mess excludes Muslim barristers from attending. The timing of Mess was identified as preventing those with caring responsibilities from attending.

“However I was concerned at an Election Mess in 2019 that when new circuiteers were being nominated/seconded etc that when a person with a "non-typically white British name" had their name pronounced correctly by a proposer that there appeared to be cheers round the room. This was particularly with BAME persons.”

“At bar mess over many years I have witnessed black or Asian barristers excluded from sitting of their chambers table in the fight for a seat; not just once but repeatedly. I have seen multiple instances of barristers mocking the surnames of pupils at their elections when the name may not be easy to pronounce. the last was this last Christmas messes in both Liverpool and Manchester.”

“Ensure that training events and social functions are likely to appeal to a wide range of people. Try to avoid relying on the quantity of booze consumed as a measure of success.”

234. Evidence from the Barrister focus group only reinforced these reports. Mess is often experienced as a hostile environment for many ethnically underrepresented Barristers on Circuit.

J.7 Circuit Office and the Executive Committee

235. The process of election to the office of Circuit Junior is said to be founded on long and established traditions. The basis of the same is not known to most. There was a clear view from the survey responses that the process by which the Circuit Junior is selected gave rise to significant risk of exclusion of ethnically diverse barristers. Respondents were either not aware of any non-White Juniors, or remarked that the last black junior of the Circuit was over 25 years ago. All were unaware of any non-white Leader of the Circuit. The ‘tradition’ followed for the appointing of the Junior was seen by many as lacking transparency, with the decision being made by a small group of barristers, who were themselves former Juniors, choosing the next candidate based on their own perception of what makes a good Circuit Junior. The Committee consider it to be significant that many of the strongest criticisms

again came from younger members of the Bar, whose experiences in schools, universities and in social settings might allow for a more enlightened approach to what are viewed by them as outmoded practices and with less reverence being given to 'tradition'. The ill-defined criteria for selection of the Junior is suggested to be hard to justify against the Circuit's equality duties.

236. The fact that almost all Circuit officers have been White barristers, until Lena Amartey's recent appointment as the EDSM Officer is of some concern. Respondents to the survey noted that invariably speeches given at mess are delivered by White barristers. There was a feeling of a lack of representation of ethnically underrepresented barristers on the Executive Committee and in Circuit roles. A lack of visibility of Black and Asian barristers is a recurring theme throughout the evidence. The barriers to ethnically diverse candidates being appointed to the role of Junior, Leader or to the Executive Committee was reported as having the potential of being indirectly discriminatory. Whilst it is recognised that in percentage terms it is inevitable that the majority of such offices are likely to be filled by barristers who are White, based on the survey finding, the concern of the Committee is that there appears to be limited if any focus given to addressing this lack of representation.

J.8 Conclusions

237. Racially discriminatory attitudes and intolerance are present within the barrister population; this was something that some barristers became aware of during their legal education as mini pupils. Some members of the judiciary demonstrate intolerance and racially discriminatory attitudes to barristers which extended to parties and witnesses. There is racial discrimination on this Circuit which cannot simply be described as historic. The evidence from the survey suggests that it is presently occurring in robing rooms, court buildings and chambers across the Circuit, and across the practice areas and disciplines.
238. Asian/Asian British respondents stand out in the rates that they both experience and witness racially discriminatory behaviours in their workplace. We do not consider that Black barristers are necessarily experiencing or witnessing less of such behaviour, but there is some evidence to suggest to us that they are more reluctant to report it even anonymously. It must also be born in mind that there are only a few Black barristers on Circuit and by relating their experiences they may be at greater risk identifying themselves. It appears to us that most White barristers have not identified the racial discriminatory behaviour that the majority of their ethnically underrepresented colleagues face.
239. There is a theme throughout the evidence presented of a culture on Circuit of members legitimising racism through silence and inaction. Ethnically underrepresented barristers experience on the Circuit is one of limited challenge to racist behaviour when it occurs. In the Committee's view such a culture where it exists will serve to discourage those who experience it to complain/speak up; rather a preference for not 'rocking the boat' is tacitly encouraged. The silence of others contributes to this culture. The Committee found no evidence of any overt discouragement of the barrister who has experienced or witnessed racially discriminatory behaviour to complain. However, the survey responses suggests that

there is passive tolerance of such behaviours on Circuit. The Committee consider that there is a need to reset the balance with encouragement and support provided to all barristers to speak up when they see or experience racist behaviour/prejudice.

240. In the Committee's view in the absence of a strong culture of challenging such behaviours serves to create a sense of isolation and lack of support in the professional environment. This passive tolerance of discrimination if left unaddressed does and will continue to have an inhibiting effect upon open conversations about race and around supporting barristers from ethnically underrepresented groups raising their experiences of racial discrimination. Ethnically underrepresented barristers have reported that they feel inhibited about reporting racially inappropriate behaviours or talking about racial issues with colleagues, clerks, and to Heads of chambers.
241. The survey findings lead to a conclusion on the part of the Committee that certain features of Bar Mess has given rise to a culture that reinforces non-inclusivity for ethnically underrepresented barristers, alongside racist and misogynistic behaviours that have no place in Circuit life, and is inimical to the wider Circuit membership.
242. The Committee has not seen evidence to suggest that the Circuit presently has in place sufficient policies to create an inclusive environment for ethnically underrepresented barristers to fully participate in all aspects of Circuit life. The lack of visible inclusivity will have the effect of reinforcing the barriers that exist and will discourage entrants to the Bar and on Circuit from able potential applicants from ethnically diverse and underrepresented backgrounds.
243. It is recognised that a differently formulated survey relating to Circuit life, perhaps one that focussed on the needs and preferences of a largely male, White majority might have produced different very responses, however the aim of the survey was to look at race and barriers, if any, that existed for those from Black and Asian backgrounds. The Committee observes that information from the survey would suggest that further analysis of satisfaction levels from a gender and equality perspective would reveal a range of issues that also demand attention. In this respect the Committee conclude that whilst experiences of racially discriminatory behaviours are not pervasive across all dealings on the Circuit, they are sufficiently significant to warrant concern and, where they arise, such behaviours have to date gone largely unaddressed.
244. It would be an error to assume that just because the Northern Circuit has investigated our members' experience of race issues and reported on them, that the issues identified are peculiar to the Northern Circuit or that the Northern Circuit has a problem which is more significant than that on other Circuits. Having regard to our research and other material that has been considered this is clearly not so¹⁷. It is clear from the survey responses that this Circuit shares these problems with other Circuits, indeed a number of examples of racially discriminatory behaviours given by barristers practicing on the Northern Circuit took place

¹⁷ BBN Survey on the Experience of Black Barristers in Private Practice 2020

on other Circuits. There is a strong sense from our responses to the survey of greater visibility of ethnically underrepresented barristers in London, but that was the only distinction drawn on experiences of racial discrimination across the Bar nationally. We acknowledge that we did not ask a question of the respondents about other Circuits or the national picture.

245. The Committee's view is that, as a profession which professes to act without fear or favour in advancing the cause of our clients, it is important now to do so for each other. Promoting a zero-tolerance approach to racist behaviours or language throughout Circuit, chambers, Court buildings, and in all of our dealings is a minimum requirement.
246. The engagement by the Bar on Circuit in our survey was unprecedented. Race is an issue that our members feel strongly about and have something to say about. This has provided an opportunity to ensure that race becomes part of the daily discourse on Circuit and may itself serve to reduce some of the issues identified in this Chapter; that said, an evidence based analysis of our Circuit's approach to race is only useful if it leads to concerted efforts to effect change.

K. INITIATIVES AND SUGGESTIONS FROM SURVEY AND FOCUS GROUPS MEETINGS

K.1 Introduction

247. Participants in the survey and focus groups were invited to put forward ideas and initiatives which they believed could promote greater diversity at the Bar on the Northern Circuit, and/or improve the experience of those in practice from Black, Asian and other minority Ethnic backgrounds.
248. There was no shortage of suggestions. In the survey there were some 3029 suggested initiatives set out in relation to each barrier and over 590 mechanisms suggested by which the Circuit could improve racial diversity. Whilst there was some duplication from the individual respondents when answering a question in relation to each barrier, there was a great deal of common ground across the responses.
249. A similar exercise was conducted at the conclusion of the focus group meetings held with the various interest groups. At each focus group we asked participants what their recommendations would be. These observations are reported here as articulated to the Committee. As set out later in this report the Committee's recommendations recognises that initiatives should be capable of being readily identifiable, targeted, deliverable and measurable in terms of their objectives. We also acknowledge that where those recommendations are aimed at a specific body, such as the Circuit and its Executive, they should fall within its financial and regulatory framework and be capable of delivery within a realistic but ambitious timeframe. These constraints were not imposed on our invitation to survey participants when putting forward their ideas.

K.2 Overview

250. A recurring theme was the absence of any visible structures or initiatives by the Circuit to promote racial diversity. It was noted by some respondents that the Northern Circuit as a body, appears to have has no policy specific to racism, which it should be rejecting in all its forms, and/or a zero tolerance approach or setting out values and priorities for equality and inclusivity. There was support for a statement that acknowledges that racial discrimination in all of its forms will not be tolerated on Circuit and an express recognition that those who are part of the Northern Circuit agree to uphold such values. Its absence raises anxiety in ethnic minority barristers that the reason may be because it is tolerated, or that it was not seen as a significant issue. There was an overwhelming theme that any initiatives must raise the visibility of race as an issue on Circuit and that to be 'effective' it would require "monitoring; excellent role models; clear statements of Northern Circuit values", as helpfully summarised by one respondent.
251. We set out under the following headings the main initiatives/recommendations identified from the respondents and participants.

252. Northern Circuit/chambers should not give the responsibility of solving the lack of diversity at the Bar to external organisations [e.g. Bridging the Bar, Pathways to law, urban lawyers, Sutton Trust]. Across chambers there should be concerted efforts to make changes. It was suggested that the Northern Circuit website could become a focal point for raising awareness about the Bar for students to access [information about mini-pupillage and how to apply for them etc]. In short the Bar on Circuit cannot divest itself of responsibility for making changes. The barriers identified in the evidence will not be overcome without changes in each barrister, each set and the Northern Circuit as a body.
253. The tutors at the 6th form college felt that a local approach with locally based barristers was a more appropriate and effective way of finding solutions rather than a national approach. The evidence suggests that there is more confidence across the bar that the Circuit is better placed to tackle the issues than the implementation of national strategies.
254. Equality based on gender has improved in the last 25 years - changes have been made which has increased gender diversity on the Circuit, much is left to do, specifically as to retention of those with caring responsibilities. Now a similar effort is required with regards to ethnicity. Improvements to diversity at the point of access i.e. pupillage is only part of the work required. The Circuit and chambers need to ensure that they are an environment in which Black and Asian barristers feel welcome. Feeling uncomfortable or experiences of prejudice are factors which affect retention. We learned from students that some of their lecturers on law courses have told students that they were not made to feel comfortable or welcome in chambers, which was part of the reason they left to join the teaching profession. The environment and culture in the workplace must be inclusive and welcoming of diversity.
255. Consistently we received advice, from barristers and students alike, that individual chambers ought to have a race/class/equality committee; there is a strong view that a single EDO officer is not sufficient to ensure that equality initiatives are embedded throughout chambers.

K.3 More support/outreach/information for Black, Asian and minority ethnic students at school and university level

256. Outreach in schools through talks, and mentorship was a primary theme from the survey responses. In particular, speaking to school children, including quite young children (primary) so that the profession is raised in the consciousness of young children from ethnically underrepresented communities and remains with them throughout their education. We found that students at all stages raised that they began to feel limitations in their aspirations from years 5 and 6 and it was seemingly common ground amongst the students in the focus groups that we should include in any outreach young children of primary school age. The need to "...adopt an "if you can see it, you can be it" was advocated by respondents to the survey to show students that the Bar can be a profession for them, whatever their race, ethnicity or background. The focus of this initiative seems to be education for children and young people about what we do, how they might become a barrister and what help is available to them make it affordable.

“The key to me is to encourage belief that the circuit is a place for all. Meaningful outreach programmes targeting appropriately with ready points of contact available for teachers/lecturers/careers officers who are likely to identify those who might be interested or suitable for a career at the bar.”

“Targeting school aged children (Year 6/7) to engage in soft skills (?- communication and negotiation) to encourage them to consider a career in the Bar in schools where there are unlikely to be natural links to existing barristers and where such a career is not being suggested by career officers (state schools).”

“Outreach into the community particularly in schools from Years 5 and 6, we need to get the message to younger people that the bar is something that should be considered as a career irrespective of race or gender.”

257. Outreach at this level would need to be advocacy focused (i.e. to focus on the job and what it entails) but be aimed at Black, Asian and minority ethnic pupils to prick their interest.
258. At the 6th form level the needs are different. We were told that we need to be proactive in the provision of information about the bar as a career choice. Students appear not fully to understand the difference between a solicitor and a barrister; the sooner they do so the better, they will be enabled to make the right educational and work experience choices e.g. accessing mini-pupillage opportunities.
259. There was a perception by the students that it was difficult at university to get information and support about how to pursue a career at the Bar or how to obtain mini-pupillage/work experience. Universities appear to prioritise career advice about the solicitor profession. Students explained that it was difficult to know what a barrister does day/day. We were told that it was particularly important to target information about the Bar to students who wouldn't normally have access to role models or information from members of their community i.e., those from disadvantaged socio-economic and/or ethnically underrepresented backgrounds.
260. Outreach through mentoring was raised by the tutors at the 6th form college as something that was already working in relation to, for instance, the “Target Oxbridge Programme” which is specifically aimed at students with a “Black African background”. This appears to have been adopted by many universities of late with a view to assisting students at key stages (the writing of the personal statement, developing skills relating to interviews etc). Webinars and school visits involving NC barristers from underrepresented ethnic groups with appropriate safeguarding, were warmly welcomed by the tutors. As was the idea put forward of invitations for the students to come into chambers. This idea was also put forward as a solution by the BSN.
261. University students are particularly interested in attending events that will help them learn/develop skills such as negotiation, articulation & argument, opinion writing. Students are told that to become a barrister they need to acquire certain court room skills but there is nothing available from which to learn about such skills whilst at University. Contrast this with solicitors' firms who put on a commercial awareness/negotiation events for students at university. Such firms make their solicitors available and approachable to the students as well as the provision of information about litigation skills/craft. Students recommend that

the Northern Circuit/chambers introduce similar skills events at the universities on Circuit, but with particular targeting of ethnically underrepresented students to attend such events.

262. Prior to the first lockdown, the BSN held a talk as the “Black Lawyers Matter” panel at University of Manchester. Circa 150-200 young black boys, aged 13-15 years old, from Manchester attended; this was a discussion format that enabled groups of students to spend a short period of time with a practitioner and ask questions. This was a successful method of raising visibility and providing career inspiration to young groups of students from ethnically underrepresented groups. Harry Matovu QC at Brick Court Chambers has been very prominent in outreach work; he championed the “City Charter” to bring through “Senior Black Executives”. Raising the visibility of Black silks to students would be a good starting point for encouraging black students to consider the profession. All ideas were welcomed.
263. The survey respondents’ primary initiative was a series of outreach programmes. At the same time, a small number of survey respondents have pointed out that any strategy which is too dependent on outreach programmes could place an extra and unfair burden on barristers from ethnically underrepresented barristers and other underrepresented backgrounds, when they may well be already dealing with other professional pressures.
264. We received a clear message that an outreach programme must be coordinated or centralised to the Northern Circuit and bespoke to the different needs at different ages and educational levels.

K.4 Provision of a Northern Circuit ‘Access Award’/Bursary/Scholarship ‘Circuit Scholar’

265. There was overwhelming support for the Circuit devising an award which encompasses, mentoring, funding and work experience for young people from ethnic minorities and socially disadvantaged backgrounds. This included the Circuit funding a pupillage for candidate from an ethnic minority, each year. This emerged from every group from whom we gathered evidence.
266. Without social mobility or bursary initiatives, it is difficult for black and ethnic minority students from under-privileged backgrounds to access professional courses required to apply to the Bar. However, the existing social mobility and bursary initiatives are not black and ethnic minority specific and do not adequately address the cultural/racial barriers faced by black and ethnic minority students from less financially privileged backgrounds. Black and ethnic minority students are competing with White students from underprivileged backgrounds despite having the additional race barriers. A Bar funded bursary/scholarship specific to Black, Asian and minority ethnic applicants from less privileged socio-economic backgrounds would begin to address this issue.
267. Scholarships could be offered on a joint basis (Black Solicitor Network & Northern Circuit). The BSN informed the Committee that Addleshaws already “*sponsor, on a social mobility basis, an up-and-coming student every year- the Sonia McMahon award*”. Such firms may be willing to partner with the Northern Circuit to provide a similar award for a black student. We had a productive discussion with BSN about joint initiatives to improve Black, Asian and

minority ethnic representation at the Northern Bar. The Northern Circuit were invited to send representatives to BSN networking events to raise our exposure and awareness and to invite BSN members to Northern Circuit panel events for students. The BSN asked that the NC collaborate on an advocacy event.

268. There was discussion between the Committee as to whether a bursary/access award/scholarship could be seen as undermining merit based access to pupillages, however as repeated surveys have shown Black and Asian candidates who match their White counterparts in terms of academic achievement both at university and BPC qualifications are still significantly less likely to secure pupillages. Whilst not specified, there was a strong theme that positive action should be taken to ensure that Black and Asian students are given a leg up into pupillage on this Circuit. The suggestions for the award were not confined to the Circuit, but that chambers on Circuit should buy into the initiative and support the recipient. There was considerable support for the recipient to gain experience across different sets on Circuit to offer different types of work experience.

K.5 Campaign – publicity, articles, billboards with a message that the Northern Circuit wants you and barristers from your community

269. The objective is to raise the profile of race equality on Circuit through a publicity campaign, which sends a clear welcoming message to Black, Asian and ethnic minority people and/or communities that the Northern Circuit would like them to apply to be at the bar here. One readily achievable advance would be to overhaul the Circuit website “by ensuring the website (the public face of the Circuit) reflects the Circuit's values”. A good online presence might include videos of barristers on Circuit providing educational information about the bar, dispelling myths about life at the Bar and to promote the Northern Circuit as a viable alternative to the traditional perception of the bar being London based.

K.6 Mentorship

270. In the survey there was recurring advice to address barriers to progression and the development of a practice: assistance from mentors who are not in the barrister's chambers. Mentorship from outside of chambers appears to be appealing as it allows for alternative perspectives, and for those who are not well supported in chambers to borrow from the experience of others who are. Also where sets have few or no silks in a given practise area this will allow mentees to gain a valuable perspective on developing their practise from those used to appearing in the appellate and higher courts.
271. Black and ethnic minority students are significantly reassured by meeting or hearing about barristers who look like them and ideally someone from a similar background. Students perceived a need for more visibility of Black and ethnic minority barristers. They feel that such barristers would be more relatable to the younger Black and ethnic minority students. This lack of visible representation “*can really get to you*”, we heard.
272. The student focus groups identified that early 1-1 mentoring from someone who understands the barriers that a Black and ethnic minority applicant may face and who could

advise on things that the school/university student should be doing at an earlier educational stage i.e. accessing mini-pilgrimages, mootings competitions etc, would make the journey to the Bar more accessible. They considered that it might prevent students feeling put off and that the bar is an unwelcoming environment if you are not White.

K.7 Pupillage panels awareness of barriers faced by black and ethnic minority applicants

273. As set out elsewhere there was a strong feeling that barristers should have more cultural awareness of the problems faced in different cultures and racial backgrounds and how people perceive other races. An applicant's suitability for pupillage should take into account what difficulties they have experienced and how they have overcome them.
274. It is important to address unconscious bias with the provision of such training to pupillage panels. Students spoke powerfully of the impact upon them of seeing all White pupillage panel; some identified a fear that the panel will favour someone who looks similar to them. Students advised that it would be preferable not to have all White interview panel.
275. The students considered that having a formal interview followed by a period of assessment [e.g. 2-3 days] for all applicants might allow black and ethnic minority applicants, from less privileged backgrounds, an opportunity to meet other barristers and for the set to get to know the applicant better. These candidates may not have been as confident in the formal interview. An opportunity to get to know the personality of the applicant may assist in drawing out confidence. Students consider that it requires more than an interview to ensure that the set sees beyond the colour and cultural background of the applicant. The primary disadvantage here is funding and use of holidays from work as some students cannot afford to spend 2-3 days being assessed and/or miss their full time work for that period.
276. Our survey respondents felt strongly that pupillage applications that take account of background, and are less reliant on degree results or the university attended is now necessary. Further, ideas from the survey were in line with the "Fair Recruitment guidance" relating to the anonymisation of application forms.
277. Application, for example, of weighted criteria by the pupillage committee to take account of the barriers faced by some black and ethnic minority students from less privileged socio-economic backgrounds (i.e. less likely to go to Russell Group universities, less likely to have interview training during school and college/university, financial constraints), could reduce the potential for disadvantage due to background.
278. The Bar on Circuit overwhelmingly favoured increasing minimum funding for pupils, to alleviate financial hardship. Further, it was suggested by the students that by bringing the pupillage competition forward to recruit 2 years ahead those who are financially struggling or using their savings to fund the bar course would have some certainty as to whether the investment was worth it, if they could attempt to secure pupillage before applying. This has its drawbacks as many ethnically underrepresented students also struggled to identify any options for law related work experience or advocacy opportunities until late at university (if law degree) or bar school. Many did not know they were necessary or how to access them.

An early pupillage competition which does not adequately account for that fact may be a disservice to them.

K.8 Structured mini-pupillage targeting Black and ethnic minority applicants

279. Chambers ought to offer mini-pupillage specifically for Black and ethnic minority applicants; this may serve to encourage more black and ethnic minority applications to the Bar. This will assist with making ethnically underrepresented students feel welcome on the Circuit and at the particular set.
280. The survey respondents also recommended better-targeted and more widely available mini-pupillages; increasing the number of non-selective mini-pupillages; and providing mini-pupillages that are paid or expenses paid.

K.9 Encouraging reporting of Race Discrimination and challenging a Culture of Silence

281. There were essentially 4 themes in the evidence here.
- a. The development of a reporting procedure e.g. race hotline or open transparent inquiry into incidents with published findings (anonymised) and recommendations.
 - b. The development of a training and awareness programme so that barristers are encouraged not to remain passive or silent whether witnessing or experiencing racially discriminatory behaviour or comments.
 - c. The Circuit as an Executive body taking the lead and visibility promoting initiatives to end race discrimination on Circuit or racial barriers to the Bar. The Northern Circuit Executive Committee should act as a conduit for initiatives that may have their origins elsewhere, such as at Bar Council level, and be willing to lead a change of culture.
 - d. Ensure that there is an ongoing open conversation about race and ongoing education for the bar long term.

K.10 Compulsory Race Awareness Training for Barristers and Clerks

282. There was a strong view across respondents that race training should become compulsory across the Circuit. Importantly there was a widespread opinion that race training should not be confined to barristers; it ought to extend to the clerks and where possible the judiciary. The objective being to ensure that we all hear the same messages at the same time. The focus of the training should be to increase awareness of the impact of racially discriminatory behaviours on the subject and on the impressions created in the ethnically underrepresented student population.
283. In short, ongoing racially discriminatory behaviour is putting people off joining this profession. Typically training as to race discrimination is embedded in wider diversity training which was considered to not be sufficient to raise the profile of race as an issue.

There was a general feeling from respondents that the optional nature of equality training allows too many Barristers and the Judiciary shy away from it.

284. We had suggestions as to training for clerks on racial basis and covert racism, this was not confined to clerks and extended to the bar and the bench. That said there was a strong feeling that some barriers to progressions of a practise could be mitigated by this training of barrister's clerks.

K.11 Publishing Diversity Data on websites and social media

285. The Circuit position as to publication of diversity data by individual chambers has been covered in **Section E**. The absence of compliance had been noted by the respondents to the survey as was the practice of burying this in later pages of the website and not on the front page. Respondents considered prominence was important not only for visibility of the issue but to make chambers want to audit their own performance and become an equality aware set. A few barristers suggested widening the scope of published data to "include percentage compared to the percentage on the circuit, the bar as a whole and the population as a whole".
286. Chambers should include their updated diversity statistics on their website, not just the minimum information required by the BSB. There was a strong view that each set should have prominently on their website an Equality and Diversity statement. A commitment to improving diversity should be demonstrated, rather than mere virtue signalling: students identified that they are conscious that it is easy to put up information on a website but that does not necessarily show the set's values. We received some examples of ideas to demonstrate a set's welcoming environment to ethnically underrepresented students: evidence of partnering with external organisations such as Bridging the Bar; promoting specific mini-pupillages targeting Black and ethnic minority students; highlighting Black/ethnic minority barristers in chambers and who address their career trajectory at the Bar.
287. There was a view that the Bar Council or Northern Circuit could provide incentives for chambers to review their systems and practices, to tackle systemic racism. It was difficult to identify specific initiatives to do so from the respondents who suggested this.

K.12 Reform/Overhaul Bar Mess

288. Bar mess holds a central place on Circuit. It is the most prominent/visible manifestation of our Circuit. It is clear from the expressed views that in its present form there was a strong sense that it had been left behind, and its relevance in the society within which we live was questioned. It appears to be no longer relevant to the majority of the junior bar, and features of Mess were felt to be unacceptable to many practising on Circuit. Experiences of what were viewed as racially discriminatory behaviours unified many respondents and provoked strong language, feelings and a call for change. The suggested reforms for Bar Mess are wide ranging but each suggestion had inclusivity at the heart of it. Reform of Bar Mess has support of a lot of barristers who responded to the survey. The type/nature of the function should not exclude barristers who want to come and network with other

practitioners and the judiciary. The timing and nature of events should not effectively exclude those with childcaring responsibilities, and the inability in financial terms to make other arrangements. Lunches, held at a weekend where family were encouraged to attend, as opposed to exclusive dinners should be considered as additional or alternative events. Stripping away and enforcing a zero tolerance of racist, sexist, anti-Semitic, anti-Islamic, homophobic language and practises was seen as a non-negotiable starting point.

K.13 Promoting the diversity and inclusivity profile through Black and Asian speakers

289. There was a strong view that Circuit could assist with visibility issues and make ethnically underrepresented barristers feel welcome. Holding events aimed at promoting racial diversity at the bar, the bench and in silk, was suggested by many respondents and in our focus group of Barristers. Also, there were suggestions that the Circuit hold events on Circuit with distinguished Black and Asian speakers, demonstrating the Circuit's commitment to racial equality.
290. By way of illustration we learned at the BSN focus group that Addleshaws had held talks featuring the likes of John Amaechi and David Olusoga, which had been immensely popular.
291. The objective is to let barristers from ethnic minorities see themselves as leaders. Leadership lectures, which need not be legal, but may serve to increase confidence in a barrister. It would be an exercise in trying to encourage ethnically unrepresented barristers to put themselves forward for appointment and other roles of responsibility.

L. THE COMMITTEE'S RECOMMENDATIONS

292. The following recommendations are made, having regard to the Terms of Reference and the Committee findings as set out in this report.
293. Term of Reference 1 required us to identify the Black and Asian presence in the profession on Circuit, and to consider whether it was representative of the Bar as a whole and the communities served by the Northern Circuit.
294. As set out in our findings at **Section D** the presence of barristers from Black and Asian backgrounds on the Northern Circuit is not proportionately representative of the Bar generally. Moreover, the Northern Circuit, especially with the majority of practitioners based in the cities of Manchester and Liverpool does not at present reflect, in terms of ethnic representation, the population it serves. Increasing the number of practitioners from these underrepresented groups will involve initiatives that address the problems identified at the early education level, the access to information, applications and retention.
295. Whilst therefore the Committee makes no specific recommendations solely restricted to Term of Reference 1, it is the strong view of the Committee that all of the recommendations set out below will assist with improving the numbers of applicants from ethnically diverse backgrounds, will improve the prospects of successful applications and the retention of those who become barristers.
296. Term of Reference 2 invited, if appropriate, recommendations to be made for the Northern Circuit to support initiatives to encourage applicants to have greater awareness of the opportunities to practice on the Northern Circuit. Our findings conclude that there remain significant barriers to applicants considering chambers on the Northern Circuit as a place for them to apply for pupillage and to secure success in any application that might be made. In order to seek to address this problem the following recommendations are made by the Committee:

Recommendation 1

The Circuit should establish a sub-committee with specific remit to develop and promote policies and initiatives with the aim of improving the knowledge base of applicants from minority ethnic groups, in particular Black and Asian backgrounds. It will be for this sub-committee to develop and implement the initiatives seen as best able to meet the needs as identified in this report. However, the Committee would identify the following as being of high importance:

The Circuit should ensure that the sub-committee will need to be sufficiently supported with personnel and some resources to enable it to be effective.

Recommendation 2

The Circuit sub-committee's remit should include actively promoting the Circuit as a willing partner in education and awareness initiatives to those who are seeking a career at the Bar and in particular to practice on this Circuit;

Recommendation 3

The Circuit should seek to develop active collaborative working relationships with Universities and further education colleges and encourage outreach programmes into schools (secondary, junior and primary) and colleges to provide opportunities for the students from disadvantaged and ethnically underrepresented backgrounds to gain access to the barristers and chambers on this Circuit and insights into what practising as a barrister involves.

Recommendation 4

The Circuit should support the creation and use of a strong web-based resource able to provide access to material for interested applicants seeking information as to chambers on Circuit, provision of mini-pupillages and other access focussed programmes, with a specific emphasis on those from disadvantaged backgrounds;

Recommendation 5

The Circuit should support and facilitate the provision of an information based resource for chambers and practitioners looking to offer services to support the above initiatives and for external partners looking for members of Circuit or chambers to act as participants. Although a 'one stop shop' in terms of information and contacts will not meet everyone needs, the view of the Committee is that it will go some way to addressing the current fragmentation of knowledge and provision

Recommendation 6

The Circuit should bring forward plans to establish a formal programme for support to be given to those who are from under representative groups allowing greater access to mini-pupillages on Circuit.

Recommendation 7

The Circuit should encourage and support the setting up a pupillage fund for those looking to practice on the Northern Circuit with the aim of providing, where appropriate, financial support that may be received through chambers or other third parties wishing to support initiatives aimed specifically at promoting access to the Bar on the Northern Circuit from those who are from ethnically underrepresented groups.

297. Our Term of Reference 3 considered whether for those who had made the decision to apply to the Circuit, and even those who had successfully gained pupillage / tenancy, there remained barriers to securing and maintaining a successful practice. The Committee view is

that significant steps are required in order to reduce the risk that those with real ability and those that are likely to succeed at the Bar are not lost solely as a consequence of ingrained prejudices relating to recruitment / progression.

298. The outcome of our research indicates that such problems remain for those from Black and Asian backgrounds. It is also recognised that many of the issues that such individuals face are societal and the circumstances in which these barriers are presented involve issues that are not solved solely by reference to a stronger, more visible Circuit structure. However, we feel that many in our survey felt frustration at a lack of awareness of these issues and by the absence of any avenue by which issues could be raised.
299. In order to address the above the Committee would make the following additional recommendations:

Recommendation 8

The Circuit should resolve to provide a far more visible programme relating to education and learning on issues relating to diversity and race, including greater emphasis on its role as the Circuit's focal point for promoting and implementing applicable Bar Council and Bar Standards Board learning initiatives;

Recommendation 9

The Circuit should ensure that awareness of what is required by chambers in order to secure regulatory compliance is well publicised through Circuit emails and promotional material. Further, whilst it is recognised that actual compliance is a regulatory matter imposed on chambers and Heads of chambers, enforceable by the Bar Council and BSB, the Circuit should recognise for itself a role in encouraging and supporting compliance through Circuit initiatives.

Recommendation 10

The Circuit should promote the need for appropriate training and where possible provide encouragement for individual chambers and barristers to secure training in relation to compliance with Equality and Diversity requirements.

Recommendation 11

The Circuit should put in place facilities and structures that allow access to pastoral and other support to those who have grievances relating to incidents of discrimination where the same is not considered to be an internal matter for chambers, i.e. issues relating to incidents involving the judiciary;

Recommendation 12

The Circuit should actively promote initiatives with others, i.e. the Judicial Race Awareness Group allowing for collaborative working between the Bar and the Judiciary on issues relating to Race and Diversity.

300. Term of Reference 4 invites the Committee to identify what structures were currently in place to improve diversity awareness. The Committee findings conclude that, those who were often the victim of race related discriminatory behaviours felt that there was a lack of awareness and that improved knowledge and focussed training were important matters that needed addressing. The Committee would wish to see significant improvement in relation to these matters involving not only individual barristers but chambers as a collective and the judiciary. The importance of such issues as training and awareness is in the Committee's view undervalued.
301. Terms of Reference 5 invited consideration as to whether the Circuit and practitioners were compliant with regulatory requirements. The conclusions of the Committee was that there was relatively poor compliance and that in the main the same reflected a combination of ignorance and low priority being attached to these issues. As at the date of the establishing of the Committee, there was the recent appointment of an Equality and Diversity Officer. The Committee notes that whilst the need had been longstanding, the role was very new and the appointment was of a very capable but relatively junior member of the Circuit Executive. It is the strong view of the Committee that the need of the Circuit in relation to Equality and Diversity must be matched by the resources devoted to the same and it cannot be met by one person. As such the following further recommendations are made:

Recommendation 13

Equality and diversity be given the importance it deserves and assigned to a sub-committee that is adequately staffed in recognition of the importance of the task;

Recommendation 14

The Equality and Diversity sub-committee be invited to carry out a review of its role and the needs of the Circuit in terms of resources and personnel.

Recommendation 15

The Equality and Diversity sub-committee urgently to consider and report as to whether issues relating to race can be adequately addressed by the Equality and Diversity sub-committee or whether more focussed attention is required with a Race Awareness Group.

302. The Committee was made aware of initiatives taking place elsewhere within the Bar where financial support was made available to those of high ability but with limited or no financial ability to maintain practice at the Bar. Whilst the financial impediment is not restricted to those from black or other ethnically underrepresented groups, it is the view of the Committee that the evidence demonstrates clearly that such groups are disproportionately affected. The Committee is also aware that chambers on Circuit are willing to support practitioners from disadvantaged backgrounds where the availability of pupillage is denied for financial reasons. The Committee would invite the Circuit to consider how it might seek to facilitate the availability of funding to meet this need. Whilst the Committee accepts that

such funding is likely to come primarily from external sources, the following recommendation is made.

Recommendation 16

The Circuit should investigate the setting up a fund that provides bursarial or similar support to fund pupillages that might not be available due to the inability of the chambers to fund the cost of the same and/or the inability of the applicant to support themselves in professional training and during pupillage. Chambers and/or members of Circuit should be encouraged to provide support for the same and applicants for such funding should be those who meet criteria to be set but focussed on improving diversity and social mobility.

303. The survey carried out by the Committee identified that for those who had established a practice on Circuit their promotion and progression in practice continued to be affected by behaviours that discriminated on the grounds of race. The Committee identified concerns expressed by a large number of practitioners of all seniority with what were regarded as somewhat outdated practices relating to Circuit Mess, the appointment of the Junior and other Circuit elections. The Committee recognises that the issues relating to Bar Mess and the election of the Junior involve considerations that extend beyond our Terms of Reference. However, and given the responses within the survey and the Bar Focus Group discussions, it is the Committee's view that the following recommendations should be made

Recommendation 17

The Circuit should resolve to set up a sub-committee to review the format of Circuit mess in order to ensure that the institution remains relevant to the needs of the Circuit as a whole, and that its own practices in relation to election to office are compliant and non-discriminatory.

APPENDIX A

NORTHERN CIRCUIT WORKING GROUP TERMS OF REFERENCE

Introduction

Recent events have re-ignited the public debate on racial disparity and inequality that pervades our society, including within the legal profession. The Leader of the Northern Circuit issued a circuit letter in which she said

“...the Circuit are examining the setting up of a “commission”, drawn from members of the Circuit who apply to participate, which will examine and report on issues of race and support for black and BAME members. This report will shape the response of the Circuit in promoting diversity and championing this cause. We not only want to support our current members and pupils, we want to make sure that membership of this Circuit is an achievable goal for everyone. As was said on Friday, Circuit is committed to reflecting the society from which we are drawn.”

A Commission has been established as the Northern Circuit Race Working Group under the chairmanship of Winston Hunter QC together with a committee made up of practicing members of circuit. The committee have agreed Terms of Reference as set out below. In accordance with its Terms of Reference the Working Group will investigate the issues identified with the aim of present a report of its findings and any recommendations to the Leader of the Circuit. Implementation and monitoring will be a matter for the Circuit Executive committee.

In furtherance of the objective identified by the Leader in her letter the Working Group will:

- "1. Identify the Black, Asian and ethnic minority presence in the profession on the Northern Circuit and consider its implications in terms of whether it is representative of the Bar in general and the communities on this Circuit;
2. Consider, and where appropriate, make recommendations for the Northern Circuit to actively support initiatives, to encourage applicants from Black, Asian and ethnic minority to become more aware of the Bar as a career, to apply to and secure practice on the Northern Circuit;
3. Identify barriers for Black, Asian and ethnic minority groups becoming barristers on the Northern Circuit, in particular when:
 - a. contemplating practice on the Northern Circuit;
 - b. applying for and/or seeking to secure pupillage and tenancy;
 - c. progressing a practice; and
 - d. considering applications for silk or judicial appointments.
4. Identify what, if any, structures are currently in place to support and promote ethnic diversity on the Northern Circuit, and where necessary make recommendations;
5. Examine compliance and engagement on the Northern Circuit with existing equality initiatives including BSB Handbook Equality Rules and where necessary to make recommendations on how the Northern Circuit can assist Chambers and practitioners in engaging with these initiatives and achieving full compliance with Equality Rules."

APPENDIX B
North West Region

Legend

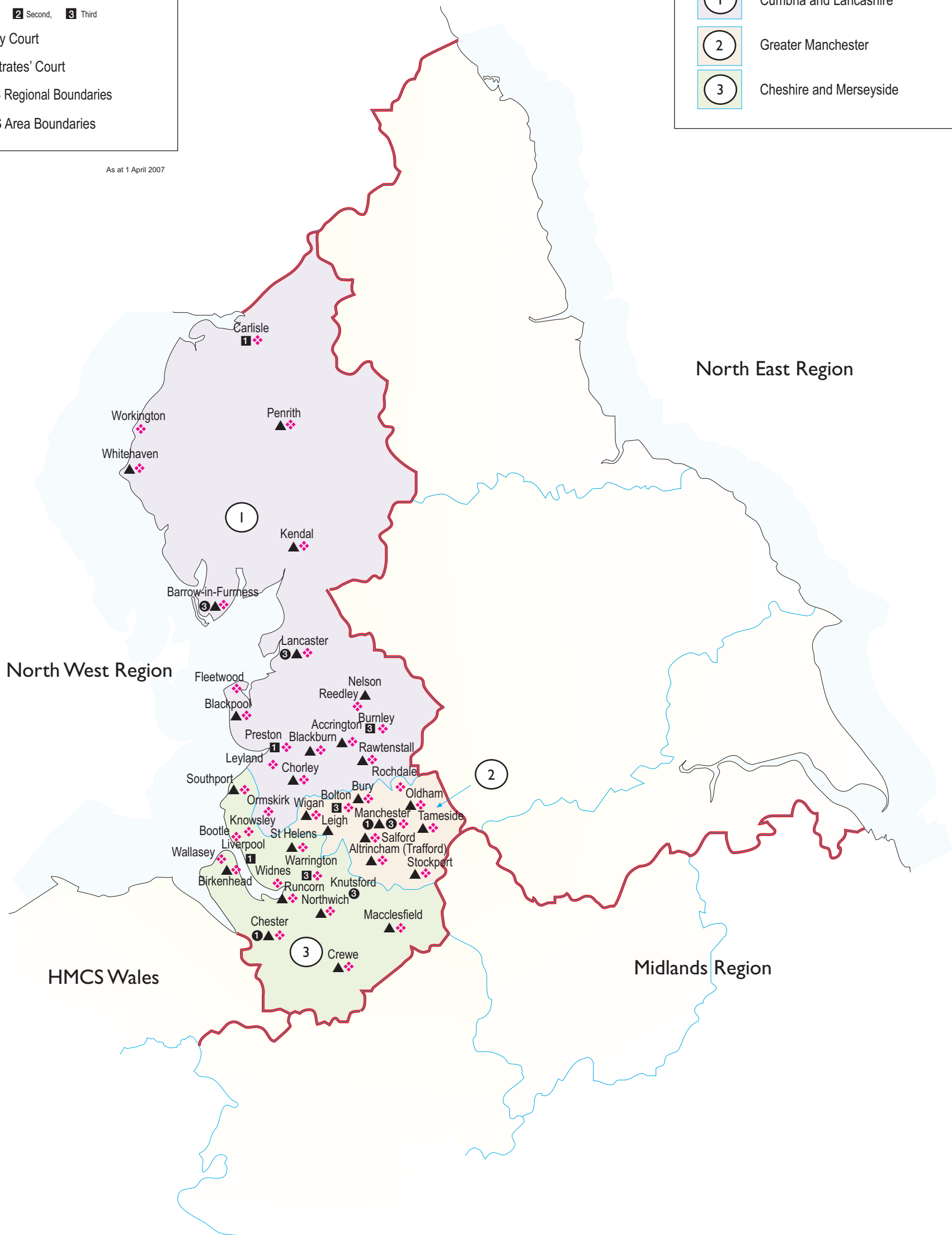
- Crown Court
- ① First, ② Second, ③ Third
- Combined Court Centre
- ① First, ② Second, ③ Third
- ▲ County Court
- ◆ Magistrates' Court
- HMCS Regional Boundaries
- HMCS Area Boundaries

Area Legend

North West Region

- ① Cumbria and Lancashire
- ② Greater Manchester
- ③ Cheshire and Merseyside

As at 1 April 2007



Northern Circuit Race Survey

Please read: This survey is to assist the Northern Circuit Race Working Group's investigation issues of race and support for BAME members in line with its terms of reference.

The Working Group is particularly interested in understanding what barriers exist and how they might be removed. Barriers mean any inhibiting factors discouraging, deterring or disadvantaging a person.

Please feel free to move on to another question if you feel that you cannot assist in open text responses.

All answers are anonymous and confidential, unless you choose to add your details at the end whereupon it will be confidential to the NC Race WG.

Thank you for taking the time to complete this survey.

ABOUT YOU

1. How many years have you been practising since pupillage?

Mark only one oval.

- Pupil
- 1-4 years
- 5-10 years
- 11-15 years
- 16-20 years
- 21-25 years
- 26 years +

2. What is your main area of Practice?

Mark only one oval.

- Admiralty
- Commercial (including financial services)
- Criminal
- Professional Discipline
- Defamation
- Employment
- European
- Family: Children
- Family: Other
- Immigration
- Insolvency
- International Law
- Landlord and Tenant: Non residential
- Landlord and Tenant: Residential
- Licensing
- Construction
- Public Law
- Intellectual Property
- Planning
- Competition
- Chancery: Contentious
- Chancery: Non Contentious
- Personal Injury
- Professional Negligence
- Other Common Law
- Arbitrator, umpire, mediator
- Other

3. Approximately what percentage of your income is comprised of legal aid (including CPS fees)? (either criminal or civil/family or a combination)

Mark only one oval.

- Less than 25%
- 26% - 50%
- More than 51%

4. What is your gender?

Mark only one oval.

- Female
- Male
- Prefer not to say
- Other: _____

5. Is your gender identity the same gender as you were assigned at birth?

Mark only one oval.

- Yes
- No
- Prefer not to say

ETHNIC GROUP

6. What is your ethnic group? [Please tick one box only. If you would prefer to write your own description of ethnicity please do not tick any of the boxes below but complete the write in option on the next question.]

Mark only one oval.

- Arab
- Asian/Asian British- Bangladeshi
- Asian/Asian British- Chinese
- Asian/Asian British- Indian
- Asian/Asian British Pakistani
- Use another term to describe my Asian ethnic background (please insert in the question below)
- Black/Black British- African
- Black/Black British- Caribbean
- Use another term to describe my Black ethnic background (please insert in the question below)
- White English / Welsh / Scottish / Northern Irish / British
- White Gypsy or Irish Traveller
- White Irish
- White- Roma
- Use another term to describe my White ethnic background (please insert in the question below)
- Mixed/Multiple: White and Asian
- Use another term to describe my Mixed/Multiple ethnic background (please insert in the question below)
- Prefer not to say
- Use a different term to describe my ethnicity than Asian, Black, "Mixed/Multiple Ethnic Background" or "White" (please insert in the question below)

7. If you would prefer to describe your ethnicity in your own terms please do so below.

8. Do you consider the Northern Circuit proportionality reflects the BAME demographic of the general population who live on the Northern Circuit?

Mark only one oval.

- Yes
 No
 Don't know

ACCESS TO LEGAL EDUCATION (PRE-PUPILLAGE)

*In this section barriers means any inhibiting factors discouraging, deterring or disadvantaging you.

9. Did you experience any barriers* to access your legal education?

Mark only one oval.

- Yes (if yes answer next question)
 No
 Do not know

10. If yes, do you consider that those barriers* were based on any of the following? [please tick all applicable boxes]

Check all that apply.

- Race and/or Ethnicity
 Gender
 Caring responsibilities
 Access to funding
 Educational attainment
 Educational Establishment
 Absence of mentorship/legal contacts

Other: _____

11. When you started pupillage please identify your total level of debt owing? [completion is optional]

Mark only one oval.

- Less than £10,000
- £11,000 - £20,000
- £21,000 - £30,000
- More than £30,000

12. Please describe or comment on any barriers to legal education that you consider there to be?

13. In respect of any barriers* to legal education identified in answer to the last question please set out any initiatives or ideas or suggestions that you may have to remove them?

14. During your legal education, why did you choose to practise on the Northern Circuit?

APPLYING FOR PUPILLAGE AND TENANCY

*In this section barriers means any inhibiting factors discouraging, deterring or disadvantaging you.

15. How many years post call were you when you started pupillage?

Mark only one oval.

- over 5 years
- 4 years
- 3 years
- 2 years
- 1 year
- In my year of call

16. Did you experience any barriers* to access your pupillage?

Mark only one oval.

- Yes (if yes answer next question)
- No
- Do not know

17. If yes, do you consider that those barriers* were based on any of the following? [Please tick all applicable boxes]

Check all that apply.

- Race and/or Ethnicity
- Gender
- Caring responsibilities
- Access to funding
- Educational attainment
- Educational Establishment
- Absence of mentorship/legal contacts
- Lack of relevant work or advocacy experience

Other: _____

18. Please set out any barriers* to securing pupillage?

19. In respect of any barriers* to securing pupillage please set out any initiatives or ideas or suggestions that you may have to remove them?

20. Did you experience any barriers* to securing tenancy?

Mark only one oval.

Yes (if yes answer next question)

No

Don't know

21. If yes, do you consider that those barriers* were based on any of the following? [Please tick all applicable boxes]

Check all that apply.

- Race and/or Ethnicity
- Gender
- Caring responsibilities
- Access to funding
- Educational attainment
- Educational Establishment
- Absence of mentorship/contacts
- Lack of relevant work or advocacy experience
- Distribution of work

Other: _____

22. Please set out any barriers* to securing tenancy?

23. If you identified any barriers* to securing a tenancy how might they be removed?

24. If you don't feel you have dealt with this elsewhere how might we remove barriers* to applying for pupillage and securing tenancy on Circuit for BAME barristers?

PROGRESSING A
PRACTICE

*In this section barriers means any inhibiting factors discouraging, deterring or disadvantaging you.

25. Did you experience any barriers* to developing or progressing a practice?

Mark only one oval.

- Yes (if yes answer next question)
- No
- Do not know

26. Do you consider that the barriers* that you have identified were based on any of the following? [Please tick all applicable boxes]

Check all that apply.

- Race and/or Ethnicity
- Gender
- Caring responsibilities
- Income needs
- Quality of your training in pupillage and/or thereafter
- Absence of mentorship / contacts
- Distribution of work

Other: _____

27. If yes, what were the barriers* that you identified?

28. How might we remove these barriers*? Please set out any initiatives, suggestions or ideas to assist the progression on circuit for BAME barristers.

29. In the last 12 months have you seriously contemplated leaving the Bar?

Mark only one oval.

Yes

No

30. If in the last 12 months you have seriously contemplated leaving the Bar please tick any of the reasons below which caused or were relevant to this.

Check all that apply.

Financial Considerations

Race and/or Ethnicity

Gender

Caring Responsibilities

Absence of mentorship/contacts

Practice Considerations

Other: _____

APPLICATIONS FOR SILK OR JUDICIAL APPOINTMENT

*In this section barriers means any inhibiting factors discouraging, deterring or disadvantaging you.

31. Have you ever applied for silk or judicial appointment? [You may tick more than one box]

Check all that apply.

- No, have never applied.
- Yes, have applied.
- Silk - successful.
- Silk - unsuccessful.
- Judicial appointment, successful.
- Judicial appointment, unsuccessful.
- Both successful.
- Both unsuccessful.

32. If no, or unsuccessful do you think that you may apply for appointment in the future?

Mark only one oval.

- Yes
- No
- Maybe

33. If you have not applied for silk or judicial appointment and/or have applied unsuccessfully do you consider any of the following have been barriers*? [Please tick all applicable boxes:

Check all that apply.

- Race and/or Ethnicity
- Gender
- Caring Responsibilities
- Income Needs
- Quality of your training in pupillage and/or thereafter
- Educational attainment
- Educational Establishment
- Lack of membership / contacts
- Distribution of work

Other: _____

34. If you have identified any barriers* to being appointed what are they and how might they removed?

35. Are there specific barriers* to appointment for BAME barristers on circuit, if so what are they?

36. How might barriers* to appointment for BAME barristers be removed? Please set out any initiatives, suggestions or ideas to increase appointment amongst BAME barristers on circuit.

YOUR EXPERIENCES AND RECOMMENDATIONS

37. Have you experienced racially discriminatory behaviour yourself at the Bar by the judiciary or other professionals?

Check all that apply.

- Yes - judicial
 Yes - other professional
 No
 Prefer not to say

38. Have you observed racially discriminatory behaviour to colleagues at the Bar by the judiciary or other professionals?

Check all that apply.

- Yes - judicial
 Yes - other professional
 No
 Prefer not to say

39. If your answer to the above question was 'Yes' please feel free, if you wish, to detail your experience below.

40. How might the Northern Circuit support and promote ethnic diversity? Please add anything that you do not believe that you have covered elsewhere.

41. All of the information you have provided above in the survey is held anonymously and confidentially. If you would like to be involved in any follow up focus groups considering issues arising from the collective data received through the survey please leave your email below.

This content is neither created nor endorsed by Google.

Google Forms

APPENDIX D

Bar Council, Fair Recruitment Guide, 22nd June 2021

CIPD, Developing an Anti-Racism Strategy, 24th May 2021

Bar Council, Monitoring Work Distribution Toolkit, Part 1: Sex, 18th December 2020

Bar Council, Race Terminology Guide, 13th December 2020

Bar Council Race Working Group 10,000 Black Interns Project Proposal, 9th December 2020

BSB, Anti-Racist Statement, November 2020

BSB, Income at the Bar by Gender and Ethnicity Research Report, November 2020

The Bar Council & BSB, Revised Equality Monitoring Questions for Use by the Profession, October 2020

The Home Office, The Response to the Windrush Lessons Learned Review: A comprehensive Improvement Plan, September 2020

Northern Circuit, Equality and Diversity Strategy, August 2020

Bar Council, Equality & Diversity Guides Framework for Taking Action On Race Equality, August 2020

Bar Council, Equality & Diversity Guides Positive Action Guide For Chambers, July 2020

Ministry of Justice, Tackling racial disparity in the criminal justice system, 11th February 2020

BSB, Report on Diversity at the Bar, 2020

Bar Council, E&D Activity/Current Priorities, 2020

Middle Temple, Race, Equality, Inclusion and Anti-Racism Working Group Draft Report and Summary of Survey Results, 2020

Judicial Office, Judicial Diversity and Inclusion Strategy 2020 - 2025

Bar Council, The Next 100 Years, Accelerator Project, November 2019

Western Circuit, Best Practise: Back to the Bar Best Practise Guide, October 2019

Timpson Review of School Exclusions, May 2019

Bar Council, Equality and Diversity Guides Discrimination, Harassment, Bullying and Inappropriate Behaviours: Information for Barristers, 19th August 2018

BSB, Heads Above the Parapet: How can we improve Race Equality at the Bar? March 2018

Solicitors Regulation Authority, Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales, October 2017

The Lammy Review, An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, 8th September 2017

The McGregor-Smith Review, Race in the Workplace, 28th February 2017

Rt. Hon. Dame Elisg Angiolini DBE QC, Report of the Independent Review of Deaths and Serious Incidents in Police Custody, January 2017

Bar Council, Equality and Diversity Guides: Subconscious Bias, 1st January 2016

BSB Equality Rules Handbook

APPENDIX E



Protected Characteristics and Equality – Benchmarking for the Northern Circuit

September 2020

1. Gender

Characteristic	Northern Circuit (2613 barristers) ¹⁸	Whole Bar (England and Wales) (16, 717 barristers)	England and Wales working age population (according to 2011 census)
Female	1023 (39.2%)	6, 295 (37.7%)	(51%)
Male	1570 (60.1%)	10, 271 (61.4%)	(49%)
Prefer not to say	18 (0.7%)	127 (0.8%)	NA
No information	5 (0.2%)	24 (0.1%)	NA

¹⁸ We record barristers by region, not by Circuit. So the Northern Circuit is approximated by the primary practising address of a barrister in the regions North East; North West; Yorkshire and the Humber.

2. Ethnicity

Characteristic	The Bar					England and Wales Benchmarking			
	Northern Circuit (2613 barristers) ¹⁹	Barristers in North East of England (302 barristers)	Barristers in North West of England (1535 barristers)	Barristers in Yorkshire and the Humber (779 barristers)	Whole Bar (England and Wales) (16,717 barristers)	North East of England ²⁰	North West of England ²¹	Yorkshire and the Humber ²²	England and Wales working age population (according to 2011 census)
White	2212 (84.6%)	263 (87.1%)	1300 (84.7%)	649 (83.3%)	13,142 (78.6%)	95.3%	90.2%	88.8%	86.0%
Mixed/multiple ethnic groups	58 (2.2%)	6 (1.9%)	31 (2%)	21 (2.7%)	499 (3%)	0.9%	1.6%	1.6%	2.2%
Asian/Asian British	129 (4.9%)	10 (3.3%)	68 (4.4%)	51 (6.5%)	1,142 (6.8%)	2.9%	6.2%	7.3%	7.5%
Black/African/Caribbean/Black British	26 (1%)	1 (0.3%)	18 (1.2%)	7 (0.9%)	493 (2.9%)	0.5%	1.4%	1.5%	3.3%
Other ethnic group	17 (0.66%)	0 (0%)	10 (0.6%)	7 (0.9%)	185 (1.1%)	0.4%	0.6%	0.8%	1.0%

¹⁹ We record barristers by region, not by Circuit. So the Northern Circuit is approximated by the primary practising address of a barrister in the regions North East; North West; Yorkshire and the Humber.

²⁰ ONS (August 2020) "Regional ethnic diversity" <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest>

²¹ ONS (August 2020) "Regional ethnic diversity" <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest>

²² ONS (August 2020) "Regional ethnic diversity" <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest>

Prefer not to say	35 (1.3%)	7 (2.3%)	20 (1.3%)	8 (1.0%)	284 (1.7%)	N/A	N/A	N/A	N/A
No information	139 (5.3%)	15 (4.9%)	88 (5.7%)	36 (4.6%)	972 (5.8%)	N/A	N/A	N/A	N/A

APPENDIX F

Characteristic	The Bar				England and Wales Benchmarking				
			Barristers in North West of England (1535 barristers)		Whole Bar (England and Wales) (16, 717 barristers)		North West of England ²³		England and Wales working age population (according to 2011 census)
White			1300 (84.7%)		13, 142 (78.6%)		90.2%		86.0%
Mixed/multiple ethnic groups			31 (2%)		499 (3%)		1.6%		2.2%
Asian/Asian British			68 (4.4%)		1, 142 (6.8%)		6.2%		7.5%
Black/African/Caribbean/Black British			18 (1.2%)		493 (2.9%)		1.4%		3.3%
Other ethnic group			10 (0.6%)		185 (1.1%)		0.6%		1.0%
Prefer not to say			20 (1.3%)		284 (1.7%)		N/A		N/A
No information			88 (5.7%)		972 (5.8%)		N/A		N/A

²³ ONS (August 2020) "Regional ethnic diversity" <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest>

APPENDIX G

Protected Characteristics and Equality – for the Northern Circuit
February 2021

Table 1. Barristers in England and Wales by ethnic background/region. 1 February 2021.

Region	Asian/Asian British	Black/African/Caribbean/Black British	Mixed/multiple ethnic groups	No information	Other ethnic group	Prefer not to say	White	Total
East Midlands	34	10	7	16	2	6	301	376
East of England	28	14	9	40		3	269	363
London	769	377	349	561	144	200	8023	10423
North East	10	1	6	14		7	280	318
North West	74	21	32	90	10	20	1322	1569
South East	39	24	22	43	10	7	677	822
South West	22	8	13	49	5	18	643	758
Wales	8	3	8	25		4	307	355
West Midlands	100	23	15	53	1	7	565	764
Yorkshire and The Humber	53	7	21	37	7	8	683	816
Total	1137	488	482	928	179	280	13070	16564