



The Bar Council

Race at the Bar: A progress report

November 2022



Race at the Bar: A progress report

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Foreword

When we published our [Race at the Bar report](#) in November 2021, we said there was clear evidence of systemic race inequality at the Bar. We issued a challenge – that it was time for the Bar to act.

We made overarching recommendations on: (i) target setting (based on improving baseline data – not just activity); (ii) data transparency and monitoring; and (iii) the need (for all Bar-based organisations) to develop a race equality action plan. We provided an [action plan template](#) (with up to 23 recommended actions) to help chambers identify priorities.

This short report is not intended as an in-depth review of data (as per our 2021 report), although we have included a brief update on pupillage and silk appointment statistics for 2022. We agreed we would revisit the data in full in 2024, to allow us enough time to make progress.

Instead, this interim report, which focuses on activity at the self-employed Bar¹, provides a summary of race-based activity in the past year. We asked chambers, specialist bar associations, the circuits and others to tell us what they have been doing, and we are grateful to all those who have shared their activity and experiences, and for the efforts they are making.

There are some chambers that we know are tackling race inequality that did not respond to our survey. Others are yet to demonstrate any engagement, which is a concern.

On a positive note, there are notable highlights – the impressive collaboration for the pilot of the [10KBI](#) initiative at the Bar, the mentee-to-pupillage conversion rate at [Bridging the Bar](#), and initiatives to watch like the [Black Talent Charter](#) initiative.

We also value the work being done to tackle race inequality in the Judiciary, noting the University of Manchester report on [Racial Bias and the Bench](#), and the recent announcement² that the Judiciary will introduce training on inappropriate behaviours.

But while there is much to celebrate, there is a lot more to do.

¹ We will report on activity and learning from the Employed Bar in Spring 2023

² Law Society Gazette (9 November 2022): '[Judges to be trained on appropriate behaviour, LCI reveals](#)'

We realise any intervention will take time to bed in and create the change we want to see – and it is critical we maintain focus. We hope this report will help those of you with a race equality programme already underway to maintain momentum and will inspire those who have yet to take the first steps.

If you need help getting started, or are encountering challenges in making progress, please get in touch via equality@barcouncil.org.uk.

This is a joint endeavour, and we all need to help each other if we want to deliver race equality in every practice area across the Bar.

Barbara Mills KC and Simon Regis
Co-Chairs of the Bar Council Race Working Group

Acknowledgments

We are grateful to all those who took the time to complete our survey or who have otherwise contributed to the information in this report by sharing their progress with us.

We also acknowledge that many sets and organisations have been under pressure in recent months, particularly those at the criminal and publicly funded Bar, and have struggled to come back to us within the timeframe requested for this report.

Introduction

This short report includes an update on pupillage and silk appointments by ethnicity for 2022 and a summary of race-based activity across the Bar in the past year.

Key findings

Of the 69³ chambers/Bar-based organisations and circuits (across all circuits) who responded to our survey:

- 90% have adopted one or more of the Race at the Bar report 2021 recommendations
- 83% have taken action aimed at improving **access** to the Bar
- 46% have taken action in relation to **retention** of barristers with an ethnic minority background
- 49% have taken action to support the **progression** of barristers with an ethnic minority background
- 78% have taken action in relation to creating a more inclusive **culture**
- A third, 33% have taken action across all four areas (access, retention, progression and culture)
- 6 out of 69 (8.7%) respondents had not yet taken action in any of the areas
- A third (33%) reported successful outcomes based on their activity to date, and
- The key challenges respondents reported in taking forward activity were having the people (62%) and time (61%) to take things forward.

³ Respondents had a collective membership of 4,306 registered self-employed barristers (out of 13,866 registered self-employed barristers at the Bar). This report therefore represents activity by chambers representing 31.1% of the self-employed Bar.

Methodology

Data gathering

A short online survey was sent to all Heads of Chambers on the Bar Council's database (322 chambers) in September 2022. Sixty-seven chambers responded – a 20.8% response rate.

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

We also asked for an indication of whether, in the view of the respondent, their chambers'/organisation's activity had been successful.

A free text box section of the survey asked chambers to describe their work and/or experiences and the outcomes in detail. These contributions are considered in the section on race equality work across the Bar.

Inns, Specialist Bar Associations, Bar-based networks, and circuits were also invited to contribute to this report by sharing the work they have undertaken.

We have not named chambers or organisations directly in connection with their comments or activity, except where they have given us express permission to do so.

We gave respondents the option to declare their position anonymously to ensure that responses were as honest as possible.

In addition, a data-gathering exercise compiled a summary of the latest data on race for 2022 pupillage (from the Pupillage Gateway⁴) and King's Counsel appointments⁵.

Approach to analysis

We have not sought to evaluate the success or failure of activities and initiatives within the scope of this report. We were simply looking to establish what action has been taken on race to date. This is for two reasons: (i) the nature of the report's recommendations (aimed at embedding long-term change) are such that we would be unlikely to measure success within a one-year period; and (ii) we wanted to be able to

⁴ Bar Council Pupillage Gateway Report (October 2022):

<https://www.barcouncil.org.uk/resource/pupillage-gateway-report-2022.html>

⁵ This is aggregated data derived from the data collected by the Bar Council and Bar Standards Board CRM membership database which contains basic monitoring information on all practising barristers in England and Wales.

identify stakeholders willing and able act on issues of race inequality, with a view to sharing this knowledge and understanding across the profession.

We also wanted to identify any obstacles to implementing the Race at the Bar report recommendations at an early stage and to seek to address them as soon as possible before we undertake a full evaluative analysis of the impact of the 2021 report in 2024.

Limitations

Participation in the survey was voluntary and it may be that chambers who have acted on race inequality were more likely to have completed the survey, although we cannot say for certain.

While the response rate for an online survey of this nature makes this report statistically robust, we note that some significant sets were unable to respond in the timeframe provided.

Pupillage and KC statistics 2022

Pupillage statistics

This data covers applications and offers made via the Bar Council’s Pupillage Gateway only; other pupillages are offered, but we do not have data on non-Gateway pupillage offers.

The Pupillage Gateway is a recruitment portal owned by the Bar Council and used by Authorised Education and Training Organisations (AETOs) to advertise vacancies and recruit aspiring barristers for pupillage (paid training opportunities) at the Bar⁶.

The Pupillage Gateway is currently used to recruit – rather than advertise only – by approximately half of all AETOs at the Bar. Those AETOs who do not use the Gateway tend to manage their own recruitment process directly. We estimate that 60-70% of all applicants for pupillage use the Pupillage Gateway to make at least one application.⁷

Ethnicity	Applicants		Offer made	
	2021	2022	2021	2022
Asian or Asian British	18.7%	20.6%	12.9%	10.8%
Black/African/Caribbean/Black - African	8.5%	10.7%	2.8%	3.0%
Mixed - Any other Mixed/multiple ethnic background	8.0%	4.0%	6.9%	3.4%
Other ethnic group	1.8%	3.3%	1.4%	3.7%
White	56.6%	53.4%	70.0%	72.0%
Prefer not to say	6.4%	8.0%	6.0%	7.1%

Table 1: Pupillage applicants and offers by ethnicity 2021 and 2022

KC statistics

The data for 2021⁸ was as of 1 June 2021, the data for the 2022 data is as of 1 November 2022. The numbers below are where we know the sex of the barristers. Only known ethnicity and sex data are analysed.

The number of Black/African/Caribbean/Black African male and female KCs has increased; however, it should be noted that as a percentage of their cohort, the number has dropped for men and increased by 0.8 per cent for women.

⁶ See the [Bar Qualification Manual](#) (Section 4C, paragraph 10).

⁷ This is based on the number of pupils who received offers off-Gateway prior to the implementation of the now-mandatory recruitment timetable. The Pupillage Gateway is used by most aspiring barristers, but we do not have exact figures.

⁸ Bar Council Race at the Bar report (2021): <https://www.barcouncil.org.uk/resource/race-at-the-bar-report-2021.html>

The situation for Asian/Asian British female and male KC barristers is the opposite. Here there are now fewer Asian/Asian British male KCs as a proportion of their cohort (dropping by 0.4 per cent) compared to Asian/Asian British women which has increased by 0.5 per cent.

There has been a slight increase in both white female and white male KCs by 0.1 per cent as a percentage of their cohort.

	No of KCs as of 1 June 2021	% of cohort who are KCs	No of KCs as of 1 Nov 2022	% of cohort who are KCs
Asian/Asian British Male	60	10.3%	69	9.9%
Asian/Asian British Female	17	3.9%	24	4.4%
Black/African/Caribbean/Black - African Male	17	7.9%	19	7.6%
Black/African/Caribbean/Black - African Female	5	2.0%	8	2.8%
Mixed - Any other Mixed/multiple ethnic background Male	16	42.1%	58	15.1%
Mixed - Any other Mixed/multiple ethnic background Female	9	19.6%	18	4.8%
White Male	1303	16.5%	1376	16.6%
White Female	284	6.2%	318	6.3%
Total	1711	100%	1890	100%

Table 2: Total number and percentage of KCs within cohort by ethnicity 2021 and 2022⁹

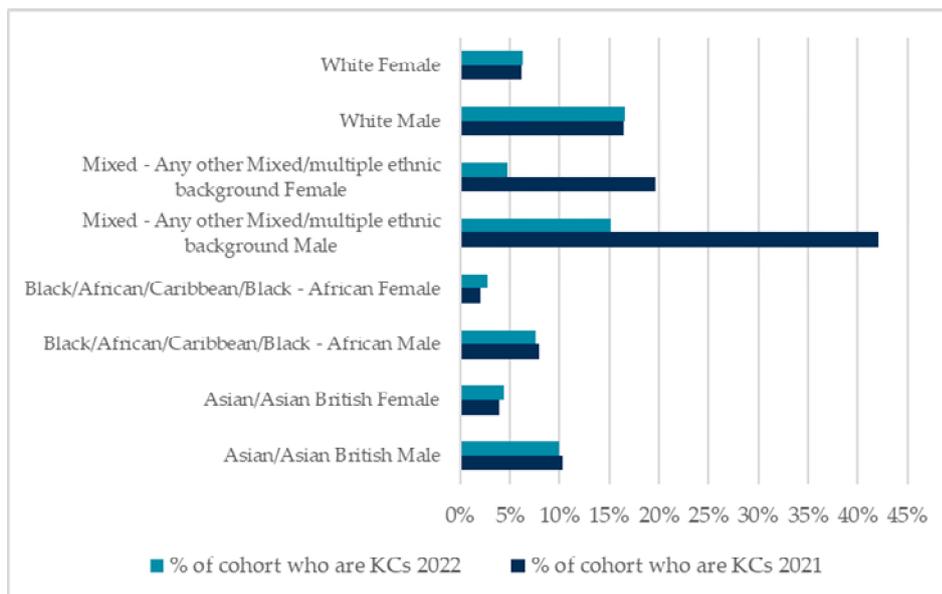


Figure 1: Percentage of KCs within cohort by ethnicity and sex 2021 and 2022

⁹ In the table, red indicates where the percentage of KCs within the cohort has gone down between 2021 and 2022. Green indicates where the percentage has gone up.

Bar Council race-based activity

Following the recommendations of the 2021 Race at the Bar report, the Bar Council published its own [race action plan](#) outlining the activity that we would undertake to support the profession in delivering race equality. Our race equality work undertaken to date can be grouped into three areas:

- Advice and guidance for the Bar
- Stakeholder engagement
- Programme delivery

Advice and guidance for the Bar

The 2021 report identified gaps in the level of advice and guidance available to chambers who needed to address issues of race inequality but were unclear on how to go about this.

To support recommendations in the 2021 report, the Bar Council has now produced:

- [A target-setting guide](#)
- [A guide to programme planning and evaluation](#)
- [A guide to setting up a Bar-based network](#)
- [A toolkit for monitoring distribution of work by race](#)
- [A mentoring guide](#)

These materials are for use by chambers and other Bar-based stakeholders.

EDO Network: The Bar Council provides online support meetings for chambers' Equality and Diversity Officers (EDOs) to discuss key topics related to equality, diversity and inclusion (EDI), share experiences with each other, and seek input from other EDI advisors.

In 2022, we have run sessions on:

- Race action planning
- Monitoring distribution of work
- Target setting

Chambers seeking to access the above resources or further support can find details under 'Key resources and further reading' below.

E&D Helplines: The Bar Council provides a [helpline/advisory service](#) and an online reporting tool ([Talk to Spot](#)) for individuals experiencing bullying, discrimination and harassment. The Bar Council also supports chambers seeking to make progress on any aspect of equality, diversity and inclusion, including race inequality.

Stakeholder engagement

The Bar Council and its Race Working Group undertook to work collaboratively with others across the profession to ensure progress on race equality was accelerated. We have been, and are continuing to, work with the Bar Standards Board (BSB), the circuits, Specialist Bar Associations, Inns of Court, and government bodies in relation to the findings of the 2021 report.

BSB: The Race Working Group Co-Chairs delivered a briefing to BSB leadership and staff members/volunteers in January 2022. Following this, the BSB put out a statement endorsing the 2021 Race at the Bar report's recommendations and advising that chambers should follow these in order to meet the BSB's expectations set out in its own 2020 ['Race expectations statement'](#).

Government panels: In July 2022, the Bar Council conducted an [analysis of diversity on government panels](#) by sex and ethnicity. We have since liaised with relevant government bodies (GLD, SFO and CPS) to improve monitoring of panel membership and work allocation by race and sex.

Programme delivery

Training: During 2022 the Bar Council rolled out an ['Introduction to race'](#) training course, delivered by a panel of trainers selected for their expertise in anti-racism work and knowledge of the Bar. Since the development of this training, we have trained over 34 sets of chambers (delivering over 55 courses to 685 barristers in total).

The course continues to be in high demand from chambers. We are now looking at ways to make the course as accessible as possible to more barristers by holding some open/mixed set courses.

10,000 Black Interns: This new [Bar internship programme for Black students and graduates](#) is an initiative coordinated by the 10KBI Bar Steering Group, made up of volunteer barristers, chambers staff, and representatives from the Bar Council. We undertook a pilot programme in 2022. Over 70 organisations at the Bar came together to deliver a unique paid six-week internship for 24 interns who spent time between different sets of chambers and at the employed Bar. Feedback from participants was positive and we are currently organising a new round of internships for summer 2023.

Careers outreach: As part of our commitment under the 'access' recommendation the Bar Council committed to creating a [one-stop shop for students](#) to access information on how to come to the Bar and the support available to them.

Support for networks: The Bar Council provides support for independent Bar-led networks and initiatives providing effective programmes to support under-represented groups.

Using the funds raised from donations at the Race Summit 2021, the Bar Council sponsored the following programmes:

- [North Eastern Circuit's Diversity Feature Film](#)
- [Black Barristers' Network](#): a directory of Black barristers (currently in development)
- A new website for [BME Legal](#) (currently in development)
- An event at No. 5 Chambers in collaboration with Birmingham Black Lawyers celebrating [Black History in the Law](#) and providing networking opportunities for barristers and students.

Survey findings: Race equality work across the Bar

Circuit, SBA, Inns and Bar networks activity

All circuits, SBAs and Inns have a representative on the Bar Council's Race Working Group and have been supporting Bar Council activity as well as informing us of their own separate activity.

Circuits

The Wales and Chester and Northern circuits reported back on their activity by responding to our survey on behalf of their circuit. Extracts from their responses are included here. Other circuits have contributed by updating us directly.

It is also worth noting that whilst 53 of the 67 chambers who responded to the survey were based on the South-Eastern circuit (which includes London), circuit-wide collaborative activity is much more prevalent outside of London.

Wales and Chester Circuit

The EDI committee of the Wales and Chester Circuit (W&C) requested specific EDI data for the Wales & Chester Circuit following publication of the Race at the Bar report data. This covered several different metrics and was collated into digestible reports with an introduction written by the committee, emphasising that each chambers should engage with the data collated.

W&C has also started formally co-ordinating a circuit-wide database of access to the Bar initiatives. The circuit, at the EDI level, is now much more engaged with these initiatives, whereas before they were more left to the efforts of individuals.

The Western Circuit

Chambers on the Western Circuit held a circuit-wide meeting where they were briefed on the report contents (by Bar Council staff and Race Working Group members) and discussed ways to implement these on circuit in March 2022.

The circuit-wide initiative [Bar None](#) has been providing targeted work experience and mentoring opportunities to students from under-represented groups.

The Northern Circuit

The Northern Circuit (NC) published its own [Race Report](#) shortly before the Bar Council's report and has been implementing the recommendations made within its own report as a priority. NC has vastly expanded its educational programme to ensure pupil supervisor training, pupil introduction meetings and practice

management training all include segments on the circuit's equality and diversity work.

An EDSM¹⁰ subcommittee has designed a NC mini-pupillage and marshalling scheme. Additionally, NC has designed and gained approval from the Education Committee for a vast new programme of educational programmes to support access, progression and retention of Black and Asian barristers on circuit.

NC has developed a policy to offer pastoral support to those members who experience discrimination (pending agreement from the BSB).

Having reviewed its resources, the EDSM committee identified the need for additional support to implement its plans and designs. The committee is made up of volunteers, all of whom are practising barristers and many with childcare and other family commitments. Accordingly, we have recently commenced the recruitment process for a temporary EDSM Project Manager to ensure the schemes are implemented as soon as possible.

*Note: This circuit is highly active therefore more initiatives are underway in the NC than can be included here. For more information contact equality@barcouncil.org.uk

The North Eastern Circuit

The North Eastern Circuit (NEC) has a diversity outreach committee which meets once a month to progress circuit-wide initiatives. It is highly active and the network of barristers on this circuit are regularly in communication sharing initiatives and opportunities that could benefit under-represented aspirants to the Bar or under-represented groups in the profession.

In October 2022, Jason Pitter KC was elected leader of the North Eastern Circuit, the first Black barrister to be elected circuit leader.

In addition, the North Eastern Circuit has produced a feature film profiling diverse barristers which has been actively marketing to schools across the country to promote access to the profession.

The film and more information about NEC initiatives can be found on the [NEC website](#).

The NEC also set up a scholarship fund to assist those from lower socio-economic backgrounds with access to a career at the Bar. Barristers on the NEC pay an additional sum on top of circuit subscriptions that goes into the scholarship fund, which is distributed to students who meet the diversity criteria.

¹⁰ Equality, Diversity and Social Mobility – a Northern Circuit committee.

Midlands Circuit

The Midlands Circuit (MC) has set up an EDSM committee, which has now had its first meeting. Members are charged with advocating on behalf of under-represented groups and the aim of the committee is to support all those with a protected characteristic, including race.

Going forward the committee will work with major stakeholders in the Midlands such as Birmingham Black Lawyers, BME at the Bar, the Midlands Asian Lawyers Association, and the Law Society to co-ordinate events and targeted outreach.

MC is aware that sets on circuit have read the Race at the Bar report and are in the process of taking steps to put in place and/or are implementing initiatives and acting on the recommendations within the report. MC will support them to do this.

Specialist Bar Associations

The Bar Council has been working with SBAs, including COMBAR, ChBA, PIBA, ELBA, the FLBA and the CBA on the Race Working Group.

The Specialist Commercial Bar

In April 2022, Chancery Bar Association (ChBA), the Technology and Construction Bar Association (Techar) and the Commercial Bar Association (Combar) (collectively, the Specialist Commercial Bar) published a joint report ([The Specialist Commercial Bar & Black Inclusion – First Steps](#)). This report reflects many of the issues identified in the Bar Council's report, but also highlights that some of these issues, in particular representation, are even more acute at the commercial Bar.

The Chancery Bar Association Equality & Diversity Committee is developing its own race equality action plan on outreach, recruitment, retention, progression and culture in response to the recommendations in the Black Inclusion Group (BIG) report. Promotion included an article to be published in Counsel magazine and an official in-person launch event held jointly by ChBA, Combar and Techar on Monday 5 December 2022.

An initiative already in place is the establishment of two annual scholarships on the post-graduate Bachelor of Civil Laws (BCL) for Black or Mixed Ethnicity graduates by Combar, in conjunction with the University of Oxford. The scholarships are open to Black or Mixed Ethnicity graduates who would benefit from the course having shown exceptional academic merit or potential, who intend to practise in a specialist commercial Bar practice area, and who might

not otherwise be able to financially afford to take up a place on the BCL. The scholarships were in operation from the start of this current academic year.

Inns of Court

The four Inns of court are represented on the Bar Council's Race Working Group by barrister members and Inns staff.

The Inns play a leading role in shaping and influencing culture at the Bar.

This year, all four Inns have undertaken race equality related activity. Examples include:

- Middle Temple appointing a new [Diversity and Inclusion Co-ordinator](#) in February 2022
- Middle Temple and MTYBA's joint Black History Month Event in October 2022 (which focused on journeys of successful Black practitioners at the Bar and celebrating progress)
- Gray's Inn's programme of educational/awareness-raising events for Black History Month, including profiling the work of Black authors
- Inner Temple's support for, and hosting of, the inaugural 10,000 Black Interns scheme opening and advocacy day in June 2022
- Lincoln's Inn conducting a survey of all members on experiences of bullying, harassment and discrimination
- Lincoln's Inn hosting a discussion forum on how to improve social mobility in the profession.

Bar Council comment:

More information on Inns-based initiatives can be found on each of the websites of the four Inns of Court. We encourage barristers/members of Inns who wish to become more involved in race equality activity to explore and feed into the work being done by their Inn as a route to involvement.

Networks

Bridging the Bar (BtB)

Bridging the Bar is a charitable organisation dedicated to diversifying the Bar through equalising access to opportunity for under-represented groups. Run by

a team of aspiring and practising barristers, BtB has successfully partnered with 70 chambers and 300 barristers and has secured 26 sponsorships. This network has allowed BtB to impact 4,709 candidates through workshops, seminars, and work experience opportunities, as well as the launch of a new programme: 'The BtB Academy'. Participants are provided with professional development, mini-pupillages, internships, and networking opportunities aimed at bolstering pupillage applications (eight of the nine chosen candidates in 2021/22 went on to secure pupillage, with one candidate securing nine separate pupillage offers despite receiving no offers in the previous application cycle).

61% of the current programme candidates are from an ethnic minority background.

The Black Barristers' Network (BBN)

BBN continues to thrive, working to provide support to Black barristers, increase the visibility of Black barristers and work on community outreach.

BBN has run a range of successful events this year including:

- Making and receiving complaints at the Bar
- Advice on how to deal with bullying, harassment and racism
- Windrush Day: Where are we now?
- BBN Summer Social: canapés and cocktails
- Black History Month: The meaning of action

Further activities are planned and include a Christmas party sponsored by Black-owned business Belvedere Wealth Management.

The Chair of BBN, Natasha Shotunde, has spoken at a number of key events, highlighting the difficulties Black barristers face and demanding change within the profession. These engagements include:

- BYP Leadership Conference
- LSB Conference
- Black History Month event for Radcliffe Chambers
- UK Black Business Week
- Middle Temple Young Barristers' Association Black History Month event
- Anglia Ruskin University's Black History Month event 'Time for Change: Actions Not Words, a view from the legal profession'

In addition, BBN committee members sit on various Bar committees to provide views on what needs to be changed at the Bar for racial equality. Some of these committees include Bar Council (Equality, Diversity and Social Mobility Committee, Race Working Group), EDI Committee of Lincoln's Inn, EDI Committee of Inner Temple, FLBA and the London Common Law and Commercial Bar Association.

BBN has also engaged with the BSB, BTAS and the Anti-Racist Family Justice Network.

Other initiatives include:

- School Springboard Project
- Mentoring
- Engagement with Black barristers
- Website (including the development of the first directory of Black barristers)

Sponsorship: This year, BBN received sponsorship from [The Advocacy Podcast](#) to cover basic running costs alongside Bar Council sponsorship of the Directory.

Chambers activity

Of the chambers who responded to the survey, 90% reported adopting one or more of the Race at the Bar report's recommendations. Our survey asked which of the four areas identified in the Race at Bar report (if any) chambers had acted on and which areas they planned to act on in the next two years.

We have broken down reported activity under the headings:

- Access
- Retention
- Progression
- Culture

This enables us to highlight common themes, provide examples of work done, and identify strengths and challenges.

Please note:

- The examples below have been selected as they help to provide a concise overview of a range of actions across the recommendations. There were many other excellent examples which equally could have featured here. Whilst many chambers kindly agreed to be named in this report, we have only named chambers in connection with their activity (or challenges) where it would be useful for readers to know the chambers involved, e.g., for the purposes of following up/getting in touch.
- This section focuses on practical examples. For a full breakdown of data on survey answers and success ratings see Appendix I below. All examples included are those of current action (rather than future planned actions).

Access

Access to the Bar was by far the most common focus for action by chambers, with 83% reporting action in this area.

Analysis of the free text answers revealed that the most common activities undertaken to improve equality of access to the profession were:

1. Targeted work experience/mini-pupillage opportunities
2. Policy revision (particularly recruitment policies)
3. Mentoring
4. Training
5. Outreach (in schools and universities), and
6. Increasing diversity on recruitment panels.

Of those involved in providing targeted work experience to under-represented groups, 17 chambers specifically referred to participating in the [10,000 Black Interns](#) initiative, and 12 chambers referred to working with [Bridging the Bar](#). Smaller chambers highlighted that it became possible and much more effective to participate in this work when partnering with others on these initiatives, as opposed to attempting to arrange placements independently.

Other partner schemes mentioned were the Inner Temple's Pegasus Scheme, Middle Temple's Access to the Bar Programme, and the Bar Council's Bar Placement Scheme.

Access examples

There were many examples of chambers who had taken other creative and/or collaborative routes to increasing access to the profession based on the recommendations. A few are provided below:

Landmark Chambers: Mentoring

Along with five other sets specialising in planning, property and public law, Landmark have set up a mentoring scheme for under-represented groups at the Bar. The scheme is supported by the Planning and Environmental Bar Association (PEBA) and is intended to encourage undergraduates and postgraduates from groups which are not well represented at the Bar to consider becoming barristers. The scheme aims to provide advice and guidance to suitable candidates on the process of becoming a barrister.

Devon Chambers: Financial support

Devon Chambers offered financially supported mini-pupillages to help those from under-represented groups travel to chambers/local courts.

Mountford Chambers: Recruitment policy

Mountford Chambers has, with their pupillage committee, reformed pupillage marking criteria in an effort to reduce barriers to entry. They have reduced the degree classification and A-level weighting, adding 'bonus' discretionary marks for overcoming adversity.

39 Essex Chambers (Services) Limited: Access to the clerks' room

For staff, 39 Essex has introduced application forms and they do not use agencies for clerking roles. They have also introduced anonymisation of applications at the shortlisting stage. This has resulted in much higher proportion of ethnic minority applicants making successful applications.

Bar Council comment:

Overall, the data suggests that chambers have found it easier to take action around 'access.' This reflects the position before publication of the Race at the Bar report, where there was already a level of activity supporting access to the profession for those from under-represented backgrounds.

Whilst this is positive, it is equally important to ensure individuals from diverse backgrounds are properly supported once they join the profession (see sections on retention, progression and culture).

Retention

Responses to our survey suggested that retention of barristers from an ethnic minority background was an area of focus for 46% of respondents. This is the least commonly chosen area of focus across the four themes. Our 2021 report showed that retention of barristers according to ethnicity is a particularly complex area, not least because retention issues are highly impacted by intersections with sex equality issues and income disparities¹¹.

The 2021 report provided chambers with a template for actions to improve retention, and uptake of these was reflected in survey responses. Within retention, the most common interventions were:

1. Conducting a race equality audit

¹¹ Bar Council (2022), [Barrister earnings by sex and practice area - 2022 update](#)

2. Mentoring
3. Monitoring distribution/allocation of work
4. Wellbeing support, and
5. Practice reviews

Retention examples

Anonymous: Work allocation monitoring and practice reviews

Regular work allocation monitoring, which has been in place for a number of years, enables this chambers to identify any patterns of disparity based on all forms of protected characteristics, including race and ethnicity. Barristers are invited to discuss their work allocation and income in the regular practice meetings that they are offered so that a regular dialogue on this is a matter of course and not something they feel they have to ask their practice managers to discuss. Currently, there is full transparency of earnings among members, so they are able to make their own comparisons.

39 Essex Chambers (Services) Limited: Exit surveys

All staff undertake an exit survey and have an exit interview if they resign from chambers. This includes questions on bullying, harassment and discrimination.

Doughty Street Chambers: Hardship fund

DSC have a hardship fund available to any member, at any time, who may be experiencing financial difficulty. Each application is judged on a case-by-case basis.

Bar Council comment:

The Bar Council promotes effective monitoring of income and work distribution as key to addressing income inequalities and retaining (and progressing) people from under-represented groups. We are working closely with a number of chambers to support work distribution and income monitoring. Our [toolkit](#) (referred to above) for monitoring work distribution by race can be used to support this, alongside direct support via equality@barcouncil.org.uk.

Progression

49% of respondents reported taking action in relation to improving the progression of ethnic minority barristers at the Bar.

As noted in the Race at the Bar report, the recommendations targeted at improving retention of barristers from ethnic minority backgrounds very much overlapped with improving progression opportunities. This is reflected in the way chambers have chosen to act in relation to progression in 2022. The most common activities undertaken were:

1. Income and work distribution monitoring
2. Mentoring, and
3. Increasing diversity in leadership roles/committee composition

Progression examples

4 Pump Court: Income monitoring and mentoring

4 Pump Court have a very well-developed system for monitoring members of chambers' income (as a % of overall work done in chambers as a whole) and opportunities, on a quarterly basis. This is monitored by ethnicity and gender. Several members of the E&D Committee who undertake this quarterly monitoring have attended the Bar Council's advanced monitoring training and other relevant events. The Committee includes the senior clerk and feedback is provided to enable practice management support and feedback to clerks to be provided as appropriate. The EDO also monitors hourly rates on an annual basis and raise any issues with the senior clerks. They are also active in several mentoring schemes, including in particular the Combar Mentoring Scheme for under-represented groups. Improving ethnic and gender diversity has been made a priority for recruitment in the clerks' room.

Doughty Street Chambers: Silk application support panel

Doughty Street Chambers has an in-house silk application 'support panel' whose aim is to support and encourage women and those from non-traditional backgrounds. Members of the panel are available to advise/answer questions to all potential applicants.

Bar Council comment:

Our 2021 report deliberately highlighted sponsorship of barristers from ethnic minority groups as a recommendation under 'progression'. In this context, sponsorship means mentoring that has developed to the point where a mentor becomes an advocate for their mentee; introducing them to the right people and the right opportunities to support their progression.

We are keen that this should be considered in order to accelerate equality in progression. Whilst we have not seen sponsorship explicitly referred to in the survey responses, there were several references to mentoring and to identifying progression pathways for under-represented groups.

Culture

78% of respondents reported taking action to create a more inclusive culture. Culture change is difficult to measure and there is no set metric for progress.

However, the themes that emerged highlighted a commitment to critical reflection and greater awareness of ways to tackle issues such as bullying and harassment which were highlighted as disproportionately affecting barristers from ethnic minority backgrounds in the 2021 report¹².

The most common activities taken are:

1. Training (race awareness/anti-racism¹³)
2. Policy creation/reviews (in particular, bullying and harassment policies)
3. Listening and/or survey exercises with members
4. Cultural activity (events)
5. Awareness raising (information sharing), and
6. Wellbeing support

Culture examples

Radcliffe Chambers: Training and education

Part of Radcliffe's internal targets is to raise race awareness and understanding of equality and inclusion. They have provided members and staff with unconscious bias training and race awareness training.

Anonymous: Diversity survey

The EDOs commissioned and helped design an anonymous diversity and inclusion survey of all barristers, pupils and staff, run by People Insight, to help evaluate general satisfaction levels within chambers. The chambers had a good level of response and minimal negative feedback on the process itself. It produced clear and discrete areas where further work can be done to improve everybody's experience. In particular, it highlighted the need for more work to be done on inclusion and race awareness but also helpfully

¹² Based on data from the Bar Council's Barrister's Working Lives Survey 2021

¹³ training was the most common activity by far

identified aspects of inclusion and working environment/culture where action could be, and has been, taken.

Matrix Chambers: Black History Month

Matrix has marked Black History Month for the last few years by inviting Black professionals/academics to speak about their work. This year, Matrix focused on Black history/culture other than the experience of trauma/racism, including visiting an exhibition featuring a Black author, sharing books by Black writers, holding a lunch with foods from African and Caribbean cultures, and holding a talk with an activist and journalist and an academic and writer.

Common challenges

Overall, the most common obstacles that chambers faced in tackling race inequality were:

1. Lack of human resource
2. Lack of time

“A significant problem which we are encountering is that all these necessary initiatives take time to action - and this means self-employed barristers are taking a financial hit to make this important progress. That is fine (and affordable) in well paid areas of the Bar, but in criminal sets (like mine) people are making a major sacrifice. It is to the credit of members of my chambers that they are doing so without complaint.”

Other common threads in the responses were gaps in knowledge/experience in relation to EDI work amongst members, and difficulties in collecting data (due to low participation in data collection exercises):

“We struggled to identify external consultants. We don't have the skills or experience in-house to carry out a race equality audit or anti-racism training.”

Some also noted a lack of diversity of applicants as a barrier to improving access to their sets and (less commonly) difficulties in obtaining quality applications across a diverse range of candidates.

Bar Council comment:

In relation to the first two issues, we recognise there is a limit to what members can do alongside their full-time work as self-employed barristers and the many other tasks they are expected to undertake.

We found that chambers who had more success with initiatives were those who spread the workload between members and, where possible, employed staff or engaged the assistance of external consultants to take forward some of the work, such as race equality audits, training, or policy reviews.

We know that many sets will not have the resources to sustain the latter approach. Therefore, it is vital that those leading on EDI/race equality initiatives are supported by as many other members as possible.

We also note that collaborating with other sets, the circuits and SBAs (as well as other organisations) can reduce the workload for any individual set or barrister e.g., working with Bridging the Bar or the 10KBI initiative.

With regard to gaps in knowledge and experience, we recommend that those facing this challenge seek further support and advice from the Bar Council, as well as from circuits, networks, and other colleagues across the Bar. We would very much welcome follow-up contact from respondents who require support.

While broader societal issues may play a part, this has not prevented many barristers and chambers from taking effective action – this should encourage others.

Conclusion and next steps

We are encouraged by the responses and contributions from all who fed into this report. Whether at an earlier or more advanced stage in their activity, the vast majority of participants revealed a strong commitment to action. This is positive.

It was evident from respondents that many chambers and barristers are struggling with time due to the extent of the actions they have committed to undertake within a short period. We recognise this and when it has been raised with us, we have advised chambers with limited resources to take on just one or two race report recommendations and do those well. We have also suggested wherever possible that individual chambers partner with Inns, circuits, SBAs, or Bar-based networks. In particular, by providing resources (funding and staff), to support and grow their activity.

We have also encouraged target setting to ensure chambers maintain focus on making tangible change at the Bar and to support sustained activity. Of all those who responded to the survey, only 13 chambers (19%) explicitly referenced setting targets in their free text answers. This is clearly an area for more work.

We note the focus on access programmes and would encourage chambers planning activity to also consider what more could be done in areas of retention, progression and culture. Specifically in tackling income inequality/distribution of work and bullying and harassment, where research demonstrates women from an ethnic minority background are earning the least and are most likely to be subjected to bullying, discrimination and harassment.

The findings from this report will inform how we support those chambers who responded (and how we engage those that did not respond) over the next 12-24 months. In particular we will consider: (i) what additional support we could have given those chambers who are taking action but were not able to respond to this survey and (ii) how we engage and support those who are not yet taking action.

Finally, a reminder that support is available in planning activity – please contact equality@barcouncil.org.uk

Key resources and further reading

Thank you to the chambers and organisations who have contributed the resources listed below alongside the Bar Council's resources to support further action.

Contact us: If you would like to contact us about anything in this report, please email equality@barcouncil.org.uk

Further reading and resources

- [Barrister earnings by sex and practice area: 2022 update](#) (Bar Council)
- [Target setting guide for chambers and Bar-based stakeholders](#) (Bar Council)
- [Monitoring distribution of work toolkit: Race](#) (Bar Council)
- [Training and events calendar: Equality and diversity](#) (Bar Council)
- [Introduction to race training: Booking form](#) (Bar Council)
- [North Eastern Circuit Diversity at the Bar Film](#) (North Eastern Circuit)
- [Black Inclusion Group Report \(ChBA, TechBar and Combar\)](#)
- [Bridging the Bar](#)
- [Black Barristers' Network](#)
- [10,000 Black Interns Bar Programme](#) (10KBI Bar Steering Group/Bar Council)
- [Racial Bias and the Bench 2022](#) (The University of Manchester)
- [Bar Standards Board Race Expectations Statement 2020](#) (BSB)
- [Government legal panels: an analysis of membership by ethnicity and sex 2022](#) (Bar Council)
- [Becoming a barrister: Collated resources for aspiring barristers](#) (Bar Council)

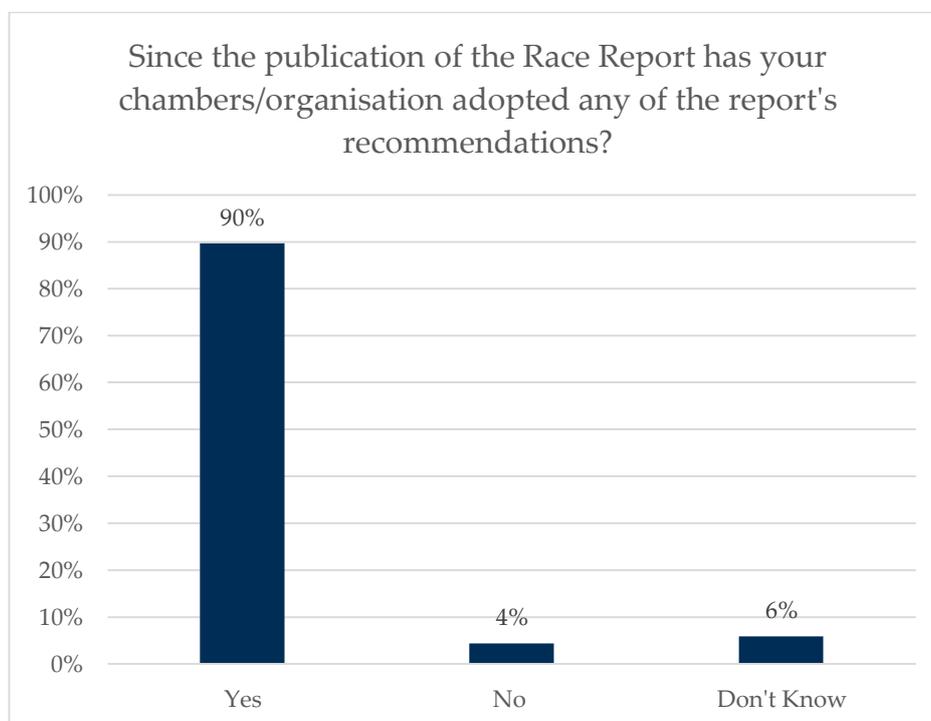
APPENDIX I: SUMMARY OF FINDINGS

In total, we had 69 responses:

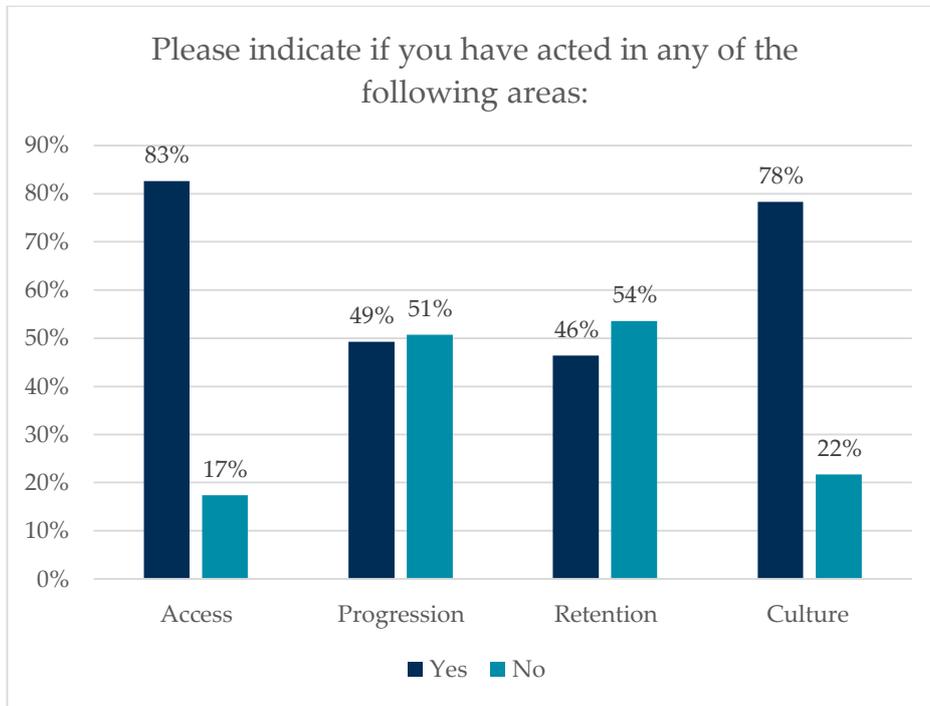
- 2 were the Northern Circuit and the Wales & Chester Circuit
- 53 chambers from the South Eastern Circuit
- 4 chambers from the Northern Circuit
- 3 chambers from the North Eastern Circuit
- 3 chambers from the Midland Circuit
- 1 chambers from the Wales & Chester Circuit
- 3 from the Western Circuit

Summary of responses

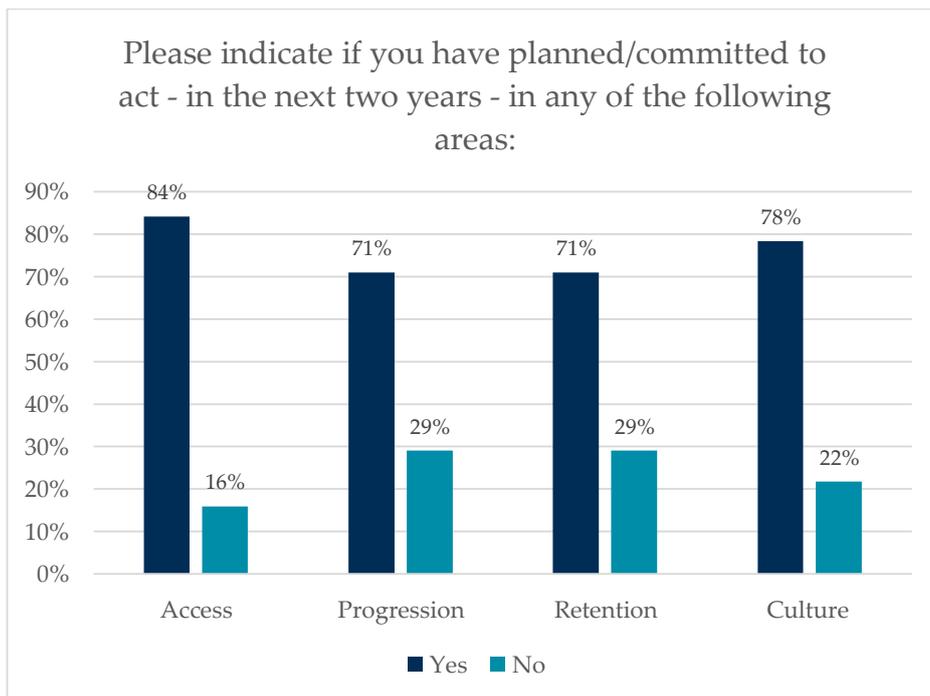
1. Since the publication of the Race at the Bar report has your chambers/organisation adopted any of the report's recommendations?



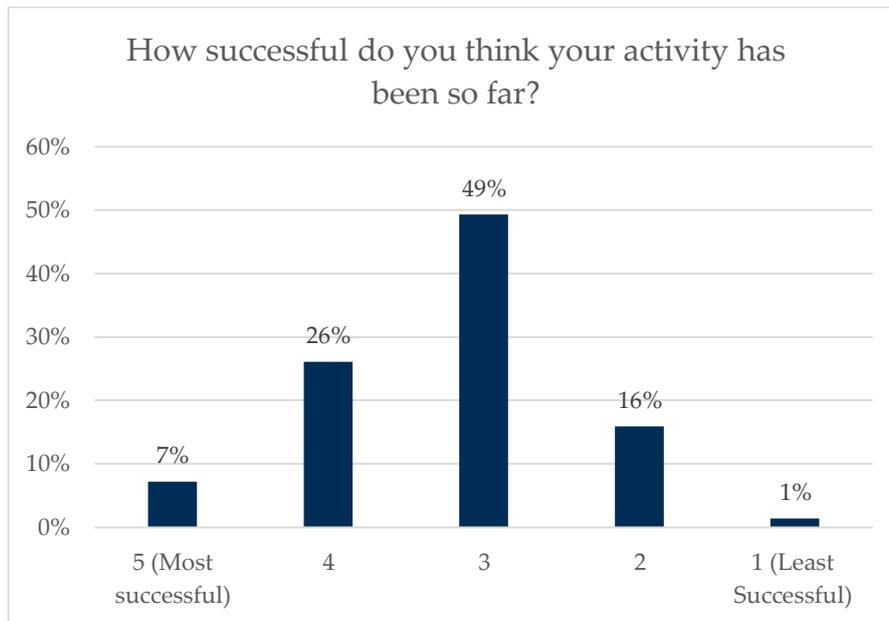
2. Please indicate if you have acted in any of the following areas:



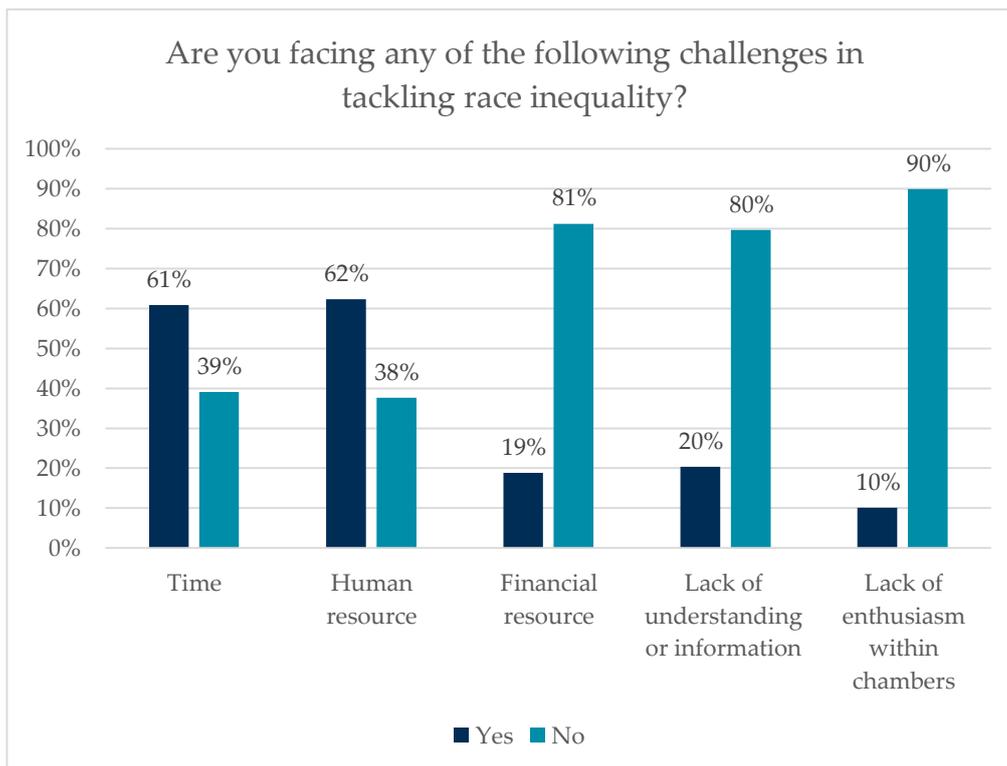
3. Please indicate if you have planned/committed to act - in the next two years - in any of the following areas:



4. How successful do you think your activity been so far on a scale of 1-5? (Likert Scale where 1 is least successful and 5 is most successful)



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



APPENDIX II: PARTICIPATING ORGANISATIONS

Chambers

1 Hare Court
12 King's Bench Walk
12CP Chambers, Southampton
25 Bedford Row
3 Dr Johnson's Buildings
33 Chancery Lane
39 Essex Chambers (Services) Limited
4 Pump Court
4 Stone Buildings
4PB
5 Essex Court
5 Pump Court
5 St Andrews Hill
6KBW College Hill (The Chambers of Simon Denison KC)
7BR
9 Park Place
Blackstone Chambers
Broadway House Chambers
Byrom Street Chambers
8 New Square (Chambers of Daniel Alexander KC)
Chartlands Chambers
Cloth Fair Chambers
Deans Court Chambers
Deka Chambers
Design Chambers
Devon Chambers
Doughty Street Chambers
East Anglian Chambers
Farringdon Chambers
Five Paper Buildings
Forum Chambers
Francis Taylor Building
Garden Court Chambers
Gatehouse Chambers
Gough Square Chambers
Justitia Chambers
Kings Chambers
Landmark Chambers
Lincoln House Chambers
Maryon Wynter Chambers
Matrix Chambers
Monckton Chambers
Mountford Chambers
New Court Chambers
No 18 Chambers
No.5 Chambers Birmingham
No.5 Chambers London
One Essex Court, Chambers of Lord Grabiner KC
Pallant Chambers
Parklane Plowden
Pump Court Tax Chambers
QEB
QEB Hollis Whiteman
Queensgate chambers
Radcliffe Chambers
Serle Court Chambers
Six Pump Court Chambers (Chambers of Stephen Hockman KC)
St Mary's Chambers
St Pauls Chambers (Leeds)
Tanfield Chambers
Temple Tax Chambers
Ten Old Square Chambers
Three Raymond Buildings Ltd
Three Stone Buildings
Wilberforce Chambers
XXIV Old Buildings

Circuits

The Northern Circuit
Wales and Chester Circuit