



The Bar Council

## BAR COUNCIL EQUALITY & DIVERSITY GUIDES FRAMEWORK FOR TAKING ACTION ON RACE EQUALITY

Recent events have re-ignited the debate over racial disparities and inequalities that still pervade our society and the legal profession, placing particular focus on the Black community.

Many Chambers, Specialist Bar Associations, the Inns of Court and Circuits are now looking at what steps they can take to make more progress on equality and diversity, steps that go beyond simply complying with the Bar Standards Board's [Equality & Diversity rules](#). There is a particular interest in taking action with respect to Race.

The Bar Council has created this guide to support your thinking by suggesting a Framework based on combining and adapting other established frameworks (used outside the profession). We hope this will help you determine what practical steps you want to take to in order to promote equality and diversity.

### INTRODUCTION

Some of the key challenges we face in promoting race equality at the Bar include:

1. **Pupillage.** White barristers are twice as likely to obtain pupillage than barristers from ethnic minority groups – even when educational attainment is accounted for<sup>1</sup> - grouping all applicants from different ethnic minority groups together also masks significant differences based on a combination of individual ethnic group and gender.
2. **Lack of Role Models.** Lawyers from ethnic minority backgrounds are under-represented in the senior judiciary<sup>2</sup> and amongst Silks<sup>3</sup>. Black lawyers are particularly under-represented at senior and leadership levels. There are also significant differences in the number of Black and Asian lawyers and lawyers from

---

<sup>1</sup> [BSB Report](#) (BPTC Key Statistics 2020 An analysis of students over three academic years)

<sup>2</sup> <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-statistics/>

<sup>3</sup> <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/queens-counsel-statistics.html>

other ethnic minority groups, across different areas of practice, on circuit and between the employed and self-employed Bar.

3. **Culture** Students and barristers from ethnic minority backgrounds regularly report being made to feel uncomfortable and refer to micro-aggressions in both the workplace and at Bar based social events (e.g. questions like ‘where are you from?’; lack of any visible role models/acknowledgement of the history of ethnic minority barristers)
4. **Bullying** Calls to the Bar Council’s helplines about judicial (and other) bullying are disproportionately made by Black women<sup>4</sup>. Examples include shouting, not listening, avoiding eye contact, talking only to opponents.

## TAKING ACTION

Many across the Bar are now reviewing what they can do to tackle the disadvantage faced by lawyers who are Black, Asian or from other ethnic minority groups.

To assist you in identifying where to focus activity, we’ve looked at Race Frameworks suggested by Business in the Community (BITC) and the Chartered Institute of Personnel Development (CIPD). Both can be adapted to the Self-Employed Bar, and more generally to the wider Equality & Diversity (and Inclusion) agenda.

- a) The BITC model was based on [Race in the Workplace](#) (2017) report, led by Baroness McGregor-Smith. BITC subsequently created a five-point scorecard for evaluating performance against the 26 recommendations. More detail is available [here](#).
- b) CIPD propose race action planning with six principles to inform strategy [here](#)

Taking appropriate elements of these two frameworks, Bar Council recommend that Chambers, Specialist Bar Associations, Circuits and the Inns of Court may wish to consider activity against each of the following:

1. **Ensure senior level commitment to zero tolerance of discrimination, harassment and bullying** (Head of Chambers; the Management Committees the CEO, Head Clerk etc.)
  - Clarify and promote your values
  - Embed consideration of equalities into all of your major decision-making processes (ensure one person on each committee has an equality remit)

---

<sup>4</sup> No formal research has been undertaken here – this is based on anecdotal experience

- Set clear expectations of what your organisation/Chambers stands for and maintain zero-tolerance to e.g. racism
  - Ensure training is prioritised and mandatory for everyone
2. **Commit to sustained action through visible leadership and a willingness to change**
    - Create a long-term action plan with clear leadership from the top
  3. **Data capture** - collect and review data. Take action to investigate and address anomalies in:
    - Your workforce profile
    - Your recruitment (staff and members)
    - Fee income and allocation of work
    - Marketing opportunities
    - Membership of key decision-making committees
  4. **Sponsor under-represented groups.** Consider who is being supported and sponsored
    - Make a leadership commitment to action
    - Consider targets for representation
  5. **Scrutinise all operational processes, ways of working and people management policies**
    - For staff including clerks consider including performance objectives to promote equality, e.g. in marketing opportunities, in supporting applications for Silk etc.
    - Make sure that your members and staff understand how to make complaints about racist and inappropriate behaviours (and that your processes are robust)
  6. **Take action that supports the recruitment and career progression of lawyers and staff from different ethnic minority groups.**
    - Consider dedicated career outreach work including mini-pupillages, open days, mentoring programmes etc.
    - Ensure everyone involved in recruitment has been trained in fair recruitment and equality and diversity
    - Inform candidates who is on your pupillage interviewing panel – make your process as transparent as possible
    - Aim to have diverse panels for recruitment where possible.
    - Consider how contextual recruitment could help under-represented groups apply.
  7. **Communicate your messages consistently and ensure the conversation is two-way**

- Leave your members, staff and wider stakeholders in no doubt about your key messages. Ensure they are reflected in people's behaviour, in your operations, and in your interactions with stakeholders
- Create safe spaces, systems and times to talk, share experiences and learn from each other

Note: These suggestions are likely to improve representation across many under-represented groups. They are not intended to be prescriptive, just to help shape your thinking. They should be adapted to suit your organisation.

**REMEMBER:**

Listen to – and act on – the experiences of people in chambers, even if this means having uncomfortable conversations about what is or isn't working. Recognise you may need to take difficult decisions to remedy matters.

**REMEMBER:**

Realise that even if you/your chambers think you are doing well and have good policies - even if you think your chambers is diverse - the experience of colleagues from other ethnic backgrounds may not reflect this.

**TIP:**

Where appropriate, refer to the Bar Council's Positive Action Guide to ensure you are acting lawfully.

**The Bar Council**  
**September 2020**