



## BAR COUNCIL EQUALITY & DIVERSITY GUIDES RACE TERMINOLOGY

This guide is intended to help chambers to use appropriate terminology when carrying out race equality work; specifically, in relation to referring to individuals and groups in terms of ethnicity.

It is not intended to be prescriptive, but to offer some practical assistance.

Language and terms evolve, so we will keep this guide under review.

### Introduction

1. There is no easy answer to the question of what terminology to use when describing people with reference to race, and it can be challenging to find the right words to use. This is because racial categories are charged terms that stem from complex global histories.

### Use of Categories: How should we refer to people?

2. The acronym terms BME (Black and Minority Ethnic) and BAME (Black, Asian and Minority Ethnic) have been widely used<sup>1</sup> when referring to minority ethnic communities. People that fall outside this acronym are usually referred to as White - although BAME is meant to be inclusive of certain white minority ethnic groups such as Gypsy, Roma and Traveller of Irish Heritage communities.

3. Conversations both at the Bar and in other sectors have identified that the term BAME is disliked and many feel othered by the use of the term.<sup>2</sup> The use of BAME is unpopular because the term groups people with a wide range of different backgrounds into a single category; failing to recognise the differing experiences between communities.

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<sup>1</sup> By government departments, public bodies, the media and others (including the BSB and Bar Council)

<sup>2</sup> Based on anecdotal evidence from the Bar and research from other sectors. No formal research on this has been carried out at the Bar.

4. Alternatives to BME or BAME include 'People of colour' and 'Black, Asian and ethnically diverse'. These are widely used and are politically correct. However, seeking to replace BAME with another single term is not likely to be an effective solution as doing so would also involve imposing categories onto people who may not relate to or identify with them.

5. In light of this, Bar Council encourages chambers to accept that the many differences between groups should be recognised and identified where possible (even if this is more difficult/lengthy). When it is known, we recommend identifying people in the same way that they choose to identify themselves (e.g. if someone identifies as a Black British barrister within chambers). If unknown, people should be referred to as specifically as possible. For example: 'Students of Black African and Caribbean descent, Latinx students, Students of South Asian heritage, Students of Middle Eastern or Arab heritage.'

6. In situations where this can't be done<sup>3</sup>, we suggest using a phrase in full such as '*people from minority ethnic communities*' or '*barristers from minority ethnic backgrounds*.' This is an improvement on BAME in the sense that it does not pull out certain groups and minimise the existence of others.

#### TIP

Be specific: Do not refer to someone as BAME when you know that person is Sri Lankan and prefers to identify in this way.

### **When to use 'race' and when to use 'ethnicity'**

7. We recommend using the term 'race' when referring to specific work on racial inequalities or discrimination; as this term is more pertinent to the issue of racism; for example, in a training workshop about microaggressions; or to name a chambers working group that is formed to address racial inequalities.

8. We recommend using the term 'ethnicity' in the context of collection and breakdown of data; as this can then be compared with government or census data which refers to ethnicity rather than race.

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<sup>3</sup> When a data sample is small, chambers should be mindful of being too specific if it will result in people being identifiable from a data sample. To ensure anonymity, it is advisable to group people more generally in this context.

### TIP

Use 'Ethnicity' when collecting data- this can then be compared to census data which asks people their 'ethnicity' rather than 'race.'

### Use of negatives

9. Avoid using terms that define people around a negative e.g. 'non-white;' as this can be known as 'othering' i.e. suggesting to people that they do not belong. Similarly, the phrase 'non-traditional background;' whilst widely accepted at the Bar, is less positive as it also defines people by what they are not.

### TIP

Avoid othering terms such as 'non-white.'

### What language should we use for diversity initiatives at the Bar?

10. Chambers may be required to group people more generally for the purpose of ensuring equal access to the Bar/chambers. In relation to improving diversity, you will often be looking at different factors beyond race; e.g.; referring to social mobility related inequalities, or intersectional inequalities around race and sex.

11. For these purposes, we recommend using the language used in case law to the Equality Act, and guidance from the EHRC, which refers to 'Under-represented groups.' This will then be clear why people are being grouped; i.e. they are under-represented (at the Bar /in QC appointment/ at the Bench) and therefore qualify for a support programme or targeted initiative that your chambers is running.

12. When grouping people at the Bar more generally, it will often be possible and appropriate to refer to '*people under-represented at the Bar in terms of race and ethnicity*.'

### TIP

For committees working groups or roles dedicated to addressing racial inequalities using a neutral term such as 'Race equity committee/working group/officer' can help to emphasise the responsibilities of all in this work and avoid singling out people from minority ethnic backgrounds

### Conclusion

13. The above recommendations are not a catch-all solution. Most important is that your chambers/ organisation is addressing any gaps in terms of racial equality in the profession, whilst being alive to the complexities of terminology and considering each

issue according to context. Do not be hesitant to start an initiative on the basis of this issue alone. If and when comments are made or an approach is corrected, this will contribute to the important wider discussion on these matters and should be embraced.

### SUMMARY/GENERAL TIPS

- ✓ Be as specific as possible whenever possible;
- ✓ Identify people in the way they choose to identify themselves (when known);
- ✓ Use the term people/barristers/students from minority ethnic **communities/backgrounds** when it is not possible/appropriate to take a specific naming approach;
- ✓ Use the term **people under-represented at the Bar** when grouping people according to this factor; this incorporates underrepresentation in terms of race and other factors such as socio-economic background or sex.
- ✓ Use the term **race** when referring to racial inequalities or discrimination and taking action on these issues.
- ✓ Use the term **ethnicity** in the context of data collection;
- ✓ Accept the need to be flexible as required

### Further Resources

- For more information on key concepts to understand when talking about race see our [Race Awareness Discussion Guide](#).
- For more information on how your chambers can act on race equality see [Framework For Taking Action On Race Equality](#), and [Positive Action](#) guidance.
- To find out how to attend or deliver Race Awareness Training email [equality@barcouncil.org.uk](mailto:equality@barcouncil.org.uk)
- Contact [equality@BarCouncil.org.uk](mailto:equality@BarCouncil.org.uk) if you have any questions

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