The Bar Council's

Monitoring Work Distribution Toolkit

Part 2: Race

Contents

Introduction

Equality and diversity remain pressing issues at the Bar, and tackling racism and inequalities is a priority. To be truly effective the Bar must reflect the population it serves. To attract and retain top talent and secure instructions from leading professional and lay clients, organisations at the Bar must be visibly diverse and inclusive.

The statistics published by the Bar Standards Board reveal that only 15.3% of practising barristers, and only 9.3% of QCs, are from a minority ethnic background[1]. In England and Wales there are just 5 Black/Black British female QCs, and 17 male Black/Black British QCs. There are 16 male and 9 female Silks of mixed ethnicity, 17 Asian/Asian British female QCs and 60 male Asian/Asian British QCs. This compares to 1,303 White male and 286 White female QCs.

Evidence from the Bar Council's own database and working lives survey research demonstrates that barristers from ethnic minority backgrounds face additional barriers in sustaining a career at the bar (retention) and to progression at the Bar[2].

The Queen's Counsel Selection Panel for England and Wales reports that in the 2020 selection exercise 30 applicants out of 281 in total declared an ethnic origin other than White. This is around 11% of all applicants[3].

New research from the BSB and Bar Council on retention patterns at the Bar, 1990-2020, allows us to approach the subject of retention from a longitudinal perspective, so we can monitor trends over the course of a barrister's whole career[4].

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[1] https://www.barstandardsboard.org.uk/uploads/assets/12aaca1f-4d21-4f5a-b213641c63dae406/Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Full-version.pdf

[2] https://www.barcouncil.org.uk/uploads/assets/9a8ceb20-ba5e-44f8-9b3f765be564ea15/e3cd5fe0-6fe2-405e-8f5a9996ebbd7c01/Barristers-Working-Lives-report-2021.pdf

[3] Report by the Queen's Counsel Selection Panel to the Lord Chancellor (October 2020) https://qcappointments.org/wp-content/uploads/2020/12/Final-Submission-to-the-Lord-Chancellor-2020.pdf

[4] Bar Standards Board (July 2021) "Trends in retention and demographics at the Bar: 1990-2020" https://www.barstandardsboard.org.uk/uploads/assets/12aaca1f-4d21-4f5a-b213641c63dae406/Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Full-version.pdf

> "Barristers from ethnic minorities were found to be more likely to spend periods out of practice during the earlier stages of their career than White barristers.[5]"

Whilst it is a challenge for everyone at the Bar to develop a sustainable practice, the data shows that some groups face greater challenges because of inequitable work distribution. Research done to inform the 2021 Criminal Legal Aid Review has demonstrated that there are systemic issues with access to work at the criminal Bar by ethnicity and sex[6]. Data taken from the Bar Council's CRM database indicates that, at all band levels, White male barristers earn the highest fee income.[7] This is especially stark from Band 5 to Band 8 (the highest income brackets). Asian/Asian British males fare the best after White males and female barristers, and Black women earn the least of all groups:
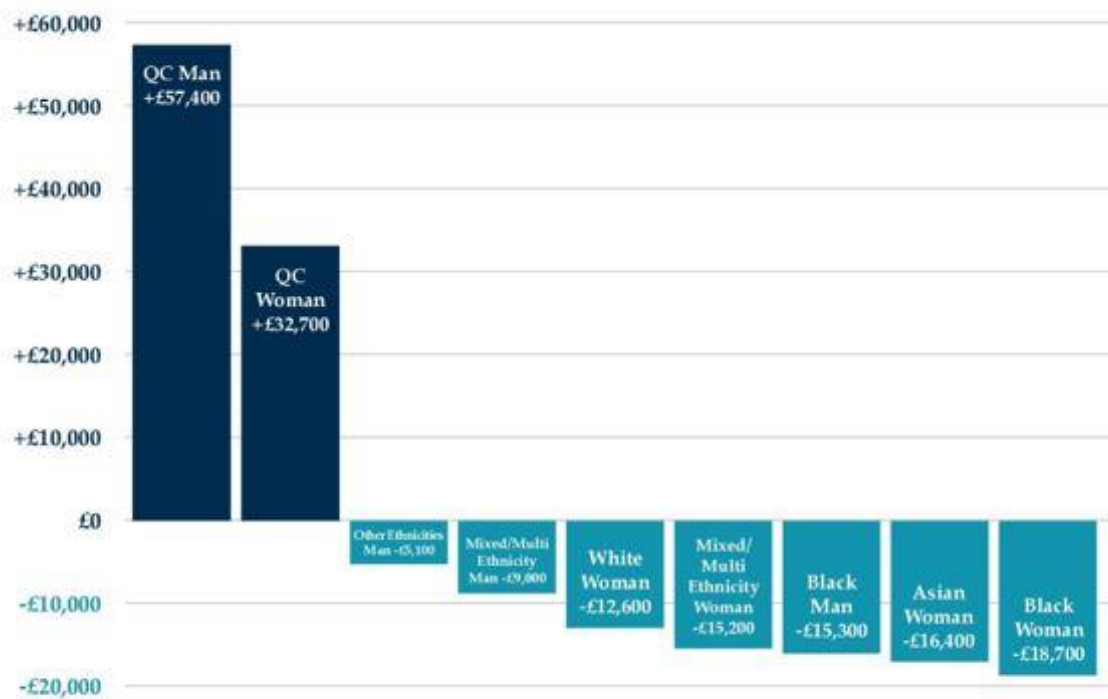
A multiple regression analysis of pre-tax profits against sex, ethnicity, practise experience, age, region and seniority (QC status). The figures cover self-employed full practice criminal barristers in 2019/20.

[5] Bar Standards Board (July 2021) "Trends in retention and demographics at the Bar: 1990-2020" https://www.barstandardsboard.org.uk/uploads/assets/12aaca1f-4d21-4f5a-b213641c63dae406/Trends-in-demographics-and-retention-at-the-Bar-1990-2020-Full-version.pdf
[6] Bar Council (May 2021) "Bar Council Response to the Criminal Legal Aid Review Call for Evidence" https://www.barcouncil.org.uk/uploads/assets/7bb32f9d-ffce-4ce0-aa50239091e2713f/CLAR-Bar-Council-submission-final.pdf
[7] This is derived from the Bar Council's CRM - data that is obtained at the Authorisation to Practice process on an annual basis when barristers have to register for their practising certificates with the BSB. This is based on data for 15713 practising barristers out of a total of 16983; the remaining 1270 barristers either provided no information or preferred not to say.

Research with Black practicing barristers published by the Black Barristers Network in 2020 found that 27% of respondents felt that allocation of work was negatively affected by their race. Another 26% were uncertain whether it was or not[8]. In November 2020 the BSB published a report on income at the Bar by gender and ethnicity which found that incomes at the Bar vary widely, and that female barristers and Black and ethnic minority barristers are likely to earn less than male and White barristers respectively. It also found that Black African barristers and Asian Bangladeshi barristers are particularly low earning groups compared to White barristers[9].

Central to any intervention aimed at increasing diversity at the Bar has to be a focus on *how work is distributed* since which barristers receive work and receive the best paid work has a significant impact on who can develop and sustain a thriving practice.

The clearest way to monitor how work is distributed is to analyse the distribution of income (otherwise referred to as receipts) to barristers with reference to characteristics such as race. This way chambers will be able to see, at a glance, who is thriving and who may be experiencing disadvantage. As knowledge increases so too will chambers' understanding of whether a barrister is 'on track' or if they need more support. Equally importantly, chambers will be able to understand whether there are any barriers to equitable access to the best briefs and then work towards mitigating the impact of those barriers.

This toolkit is the second in a series of new guides which provide chambers with guidance as to the ways in which monitoring income/receipts can be done and used to assess the distribution of income and the equitable distribution of work. The focus on this toolkit is race and it provides practical guidance on how to monitor income data and what steps to take if problems are identified. We're planning to publish a guide to disability and other protected characteristics over the coming months.

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[8] https://static1.squarespace.com/static/5e4a84a6445a6a5feb10e912/t/5fb46fdcb9f79d34b0787d59/1605660645604/Black+Barristers+Network+-+A+Report+on+the+Experiences+of+Black+Self-Employed+Barristers+-+November+2020.pdf

[9] https://www.barstandardsboard.org.uk/uploads/assets/1ee64764-cd34-4817-80174ca6304f1ac0/Income-at-the-Bar-by-Gender-and-Ethnicity-Final.pdf

Regulatory obligations

Monitoring the distribution of work, through an analysis of income, is consistent with barristers' regulatory obligations.

Rule C12 of the BSB Handbook forbids all regulated persons from discriminating unlawfully against any other person because of a wide range of characteristics, including but not limited to race, colour, ethnic or national origin, nationality or citizenship.

Further, Rule C110 contains detailed provisions which dictate that all persons regulated by the BSB must take reasonable steps to comply with the equality and diversity rules contained in the BSB Handbook. These rules place obligations on barristers to ensure that chambers have:

- a written equality and diversity policy;
- a written plan for enforcing the policy;
- at least one Equality and Diversity Officer (EDO);
- regular reviews of the number and percentages of its workforce from different groups;
- regular reviews of the allocation of unassigned work by collecting and analysing data broken down by race;
- processes for investigating the reasons for any disparities in data; and
- means of taking appropriate remedial action.

Self-employed barristers must also ensure that the affairs of their chambers are conducted in a manner which is fair and equitable for all members of chambers, pupils and/or employees (as appropriate), which includes, but is not limited to, the fair distribution of work opportunities among pupils and members of chambers.

The BSB guidance to Rule C110 is clear that chambers are expected to use the means available to them under their constitution to take reasonable steps to ensure that equality and diversity policies are enforced.

It follows that there is an expectation from the BSB that income will be monitored so as to understand the distribution of work by reference to race.

Moreover, chambers which take proactive steps now to ensure that income is being monitored and that any appropriate remedial steps are taken will find themselves in a far better position to address any complaints, concerns or grievances which might be raised in the future.

Income monitoring can create a positive culture within chambers

There are many variables which determine a barrister's income: their chosen practice area, the type of cases they take on, the hours they work, their engagement in marketing activities and promotion, the pro bono work they do, where they work, the quality of their work…the list goes on. Barristers at the self-employed Bar have these choices. Indeed, many people choose the Bar because they want the freedom to make these choices.

However, there are other factors which are beyond individual barristers' control which have an impact on income: whether their clerks put them forward for work, the attitudes and briefing practices of clients/solicitors, their ability to access marketing opportunities, the opportunities to be led in high-profile or lucrative cases, whether they have support/sponsorship by senior members…this list also goes on.

Monitoring income can only help chambers by giving a rough indication as to how well a barrister is doing compared to others at a similar stage/practice area. Chambers can then use this information to consider if any differences are appropriate and based on decisions a barrister has made about their practice and the context in which they're working, or because of an unfair reason which chambers needs to address

There are a number of different ways chambers can monitor work distribution and analyse if there are differences in relation to race.

In November 2019, the Bar Council circulated a survey to chambers seeking feedback on existing income monitoring practices. Disappointingly, very few responses were received which may indicate that income monitoring is rarely undertaken. The small number of responses to the survey did however reveal a huge variety in approaches to monitoring income taken by chambers.

One set reported a completely transparent approach to pay monitoring. At this chambers, all members' monthly receipts are placed in a securely distributed

spreadsheet and circulated amongst all members of chambers. Each member's monthly receipts are shown against their name thus allowing for complete income transparency. This model is said to result in a climate of trust and facilitates meaningful debate around income issues. It soon started to be understood that monthly receipts are variable and do not reflect how much work a member has done in that month or indeed preceding months, but it does allow for a snapshot as to how members are faring in terms of their income. This allows for supportive measures to be put into place, if needed or requested. It is sacrosanct that this shared and non-anonymised income information is not sent to anybody outside of chambers.

Another large set analyses members' receipts annually, looking at the top quartile to celebrate success at a general meeting, and at the bottom quartile to discuss where more support or intervention is needed. Again, this allows the chambers to keep track of barristers who may be falling behind their peers.

This guide outlines three approaches which could be effective in fostering trust, accountability and the opportunity for targeted support measures.

Income monitoring by race in chambers where there may be low numbers of certain ethnic groups

It is recognised that the low numbers of certain ethnic groups poses a challenge when it comes to income monitoring. There is a very real risk that analysing, and in particular publishing, income data could result in identification of individuals which may lead to embarrassment, and maybe even the stigmatisation of lower paid barristers. Equally, there is a risk that statistical analysis of income by race will be less meaningful than monitoring in relation to sex, where there are few barristers that belong with certain ethnic groups.

In order to address these challenges, this toolkit proposes three possible models. Model 1 proposes benchmarking individual barristers against their peers as defined by seniority and maybe also practice group. This should allow chambers and individual barristers to understand in a detailed and meaningful way whether they are "out of sync" with their peers. Analysis generated by Model 1 should be shared with individual barristers where their income appears low in comparison to their peers. Models 2 and 3 take more of a "birds eye view" of income across chambers rather than on an individualised basis. If you are dealing with only small numbers,

analysis generated under Models 2 and 3 should also be shared with the management and E&D committees only, rather than chambers more generally, as described later in this toolkit. This will ensure that problem areas are identified but the risk of identifying and possibly embarrassing individuals is reduced.

Structure of this guide

Section A sets out various models which chambers could use to analyse the distribution of income in chambers in order to understand whether there are any disparities in income in relation to race.

Section B outlines a proposal as to how race could be defined within chambers for the purpose of the monitoring process.

Section C outlines practical steps which can be undertaken within chambers to remedy any difficulties identified during the monitoring process.

Annex A contains a flowchart outlining the practical steps which chambers should take as part of an income monitoring process.

Section A: Models

There are three models which could be adopted to monitor the distribution of income within chambers and its relationship to race.

Model 1: Benchmarking

Each barrister in chambers is placed in a group alongside their peers and their income data compared to their peers. Where a barrister's income is out of sync with their peers, the ethnicity of the barrister and their peers should be identified to understand if there is a pattern in relation to race. This analysis is then shared with the barrister and positive steps are taken to identify any barriers at play and an action plan put in place, including additional income monitoring.

Example

Using Model 1, a chambers benchmark each barrister alongside a group of their peers. Based on the size of the chambers and call range, it was decided that Barrister A should be placed in a peer group with three other colleagues who were the same call as him and in the same practice group.
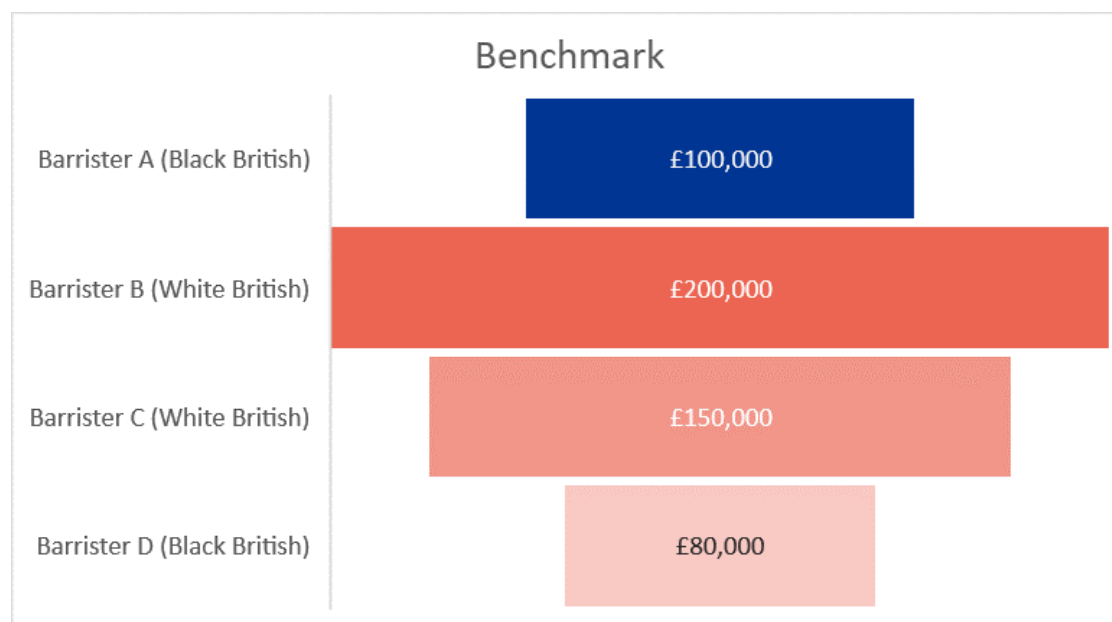
This analysis revealed that Barrister A, who is Black British, was earning significantly less than two White British peers but more than another Black British barrister. This information is shared with Barrister A and it triggers a deep dive into his instructions in comparison to the instructions of his peers. It is concluded that Barrister A is not

being led to the same degree as his White British contemporaries who are regularly chosen for lucrative work by a well-known Silk in chambers. In consultation with Barrister A, a plan of action is put to place to ensure that he has equal opportunities to access this and equivalent work.

Model 2: High/Low receipts vs seniority

The race of barristers with highest and lowest annual receipts is collated by reference to call. This allows chambers to identify if one ethnic group is consistently earning the most or the least in different call bands.

Example

Using Model 2, a chambers decided to simply gather the race of the barrister with the highest and lowest annual receipts disclosed by reference to call.

Years call	Race of barrister with highest receipts	Race of barrister with lowest receipts
0-3	White British	Black British
4-10	White Irish	White British
11-15	White British	British Indian
16-20	British Indian	White British
21-25	White British	Black British
Silk	White British	White British (All silks in chambers are White British)

This provided a broad sense that barristers from White British backgrounds were in receipt of the highest incomes. This information is collated by the EDO and DDO and shared with the Management and E&D Committees. After consultation with barristers who were earning least to better understand the underlying issues, an action plan is put in place to ensure that they have equal opportunity to access the best paid work in chambers and to be marketed to the highest paying law firms. A commitment is made to repeat the process again in a year to assess progress.

Model 3: Mean and median income within call bands, with gaps expressed as a percentage

Mean and median annual receipts within call bands are calculated for each ethnic group and any gaps are expressed as a percentage. This would allow chambers to

identify which ethnic groups are benefitting from the greater portion of income in chambers. This model also represents the overall number of barristers within each call band as a means of creating a meaningful comparison between the absolute numbers in any band and the way in which income is then distributed to them.

Example

Using Model 3, a chambers added up all of the receipts of barristers within a particular call band and calculated the mean annual income for each ethnic group in that call band.
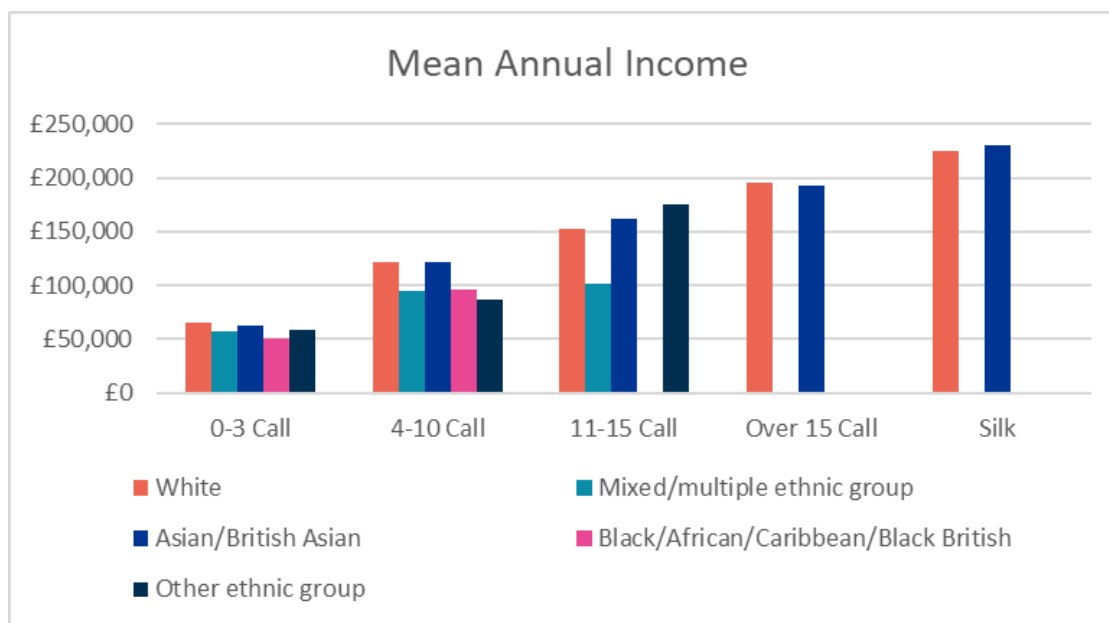
Chambers then calculated the ethnicity pay gap for each practice area (this compares the average earnings of white people with the average for all other ethnic groups). In this example, chambers established the following ethnicity pay gaps:

Call Band	Ethnicity Pay Gap
0-3 years call	12%
4-10 years call	17%
11-15 years call	4%
Over 15 years call	1%
Silk	-2%

This analysis reveals that within each call band except Silk, ethnic minorities are taking the lowest share of available income. This information is collated by the EDO and DDO and shared with the Management and E&D Committees. After consultation

with barristers, an action plan is put in place to ensure that they have equal opportunity to access the best paid work in chambers and to be marketed to the highest paying law firms.

There are a number of challenges with this approach. The mean or average can hide a huge variation in earnings, especially where one group is significantly larger than all the other groups. For many of the ethnic groups, there may only be one or 2 barristers in that call band, while there may be many more white barristers. This chambers only has one Asian/British Asian Silk, who is by no means the highest earning Silk, but the mean distorts that, leading to the conclusion that he earns more than his white colleagues.

The extent of any disparity in earnings needs to be considered. Exact parity in earnings is most unlikely, especially in a small chambers. Of the example given, a 1% gap in the overall 15 years' call is statistically irrelevant. By comparison, gaps of 12% and 17% are very concerning.

Possible variations to the models

There are numerous variations within each model which could be used to tailor the process according to the structure of chambers, such as:

- **Collecting data over shorter or longer time periods e.g. quarterly reviews**
  This might be more appropriate where there is limited annual variation in receipts so that meaningful monitoring can occur more often, which in turn will ensure that any equality issues are detected sooner rather than later.

- **Using billings data rather than receipts**
  If there is a wide discrepancy between billings and receipts because there is a high default rate or other reason why billings are not received, such as areas of work where conditional fee agreements are prevalent, focusing solely on receipts might provide a misleading picture of the work which a barrister is receiving. Equally, if there is a long delay between billings and receipts, receipts might not provide an accurate picture of barristers' workload at the time of analysis.

- **Grouping data according to practice group or specialism**
  Many chambers will accommodate a wide variety of practice areas between which income varies a great deal. In those circumstances, it may be more sensible to analyse income data within each practice group or specialism.

Personnel involved in modelling

Before modelling is undertaken, chambers should decide:
  (i)   which model(s) to use;
  (ii)   whether any modifications are required;
  (iii)   who should undertake the modelling and with what information; and
  (iv)   which committees, members of chambers and other individuals will be entitled to see the outcome of the modelling.

Ideally, the Data Diversity Officer (**DDO**) should be responsible for collating the necessary information and carrying out the analysis required under the chosen method of presentation. A guide to the role of the DDO, whom all chambers should have appointed, has been published by the Bar Standards Board.[10]

The DDO, together with the EDO, should already be gathering and analysing the data diversity information that chambers are obliged to publicise on their websites under the Code of Conduct[11].

Using the DDO for this exercise is the best option if they are an employee. However, if they are also a member of chambers, there may be concerns about them having visibility of information that details other members' earnings. In this case, the role of collating and analysing the information should fall to another trusted employee of chambers, ideally someone with understanding and insight into financial data such as a senior fees clerk.

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[10] See 'Supporting Information – BSB Handbook - Equality Rules', pages 19-24, which is available at https://www.barstandardsboard.org.uk/uploads/assets/bea4dc04-7acd-49a8-98a23a4d345f644d/8b833ea5-5d8f-4d67-a1156687cbdcce27/Supporting-Info-Chambers.pdf.

[11] See 'Supporting Information – BSB Handbook - Equality Rules', page 19, which is available at https://www.barstandardsboard.org.uk/uploads/assets/bea4dc04-7acd-49a8-98a23a4d345f644d/8b833ea5-5d8f-4d67-a1156687cbdcce27/Supporting-Info-Chambers.pdf.

The person collating the data should liaise with the EDO and members of any income committee to work out which model of presenting the data would work best for their chambers, in accordance with the guidance set out above.

The person collecting the data should ensure they have the systems/software at their disposal. Most chambers management software packages allow you to collate the data and generate reports. Get in touch with the provider for more information.

Once the methodology has been chosen, the DDO or staff member should collate the relevant data and prepare the analysis, before presenting both to the EDO (unless they are the same person which does occur in some chambers). The EDO will then decide how the analysis should be presented to chambers' management committee. Consideration should be given as to whether any data should be anonymised. It is possible that the information should be presented on an anonymised basis.

It is important that no one is able to influence the DDO or EDO so as to conceal pay inequalities before discussed at a management committee level.

Special cases

Clearly, quantitative evidence derived from the data collation and modelling may not provide the whole picture of some individuals' access to work and income in any period. For example: a barrister may have been undertaking a period of parental leave/sabbatical leave/compassionate leave, or a barrister may have a disability which restricts their practice or there may be personal matters which have limited their ability to work.

Nevertheless, the presence of such individuals within the data set should not be used as an excuse either to exclude them from the data collation exercise entirely or simply to discount them from the final analysis. Instead, the Bar Council encourages chambers to include *all* members in the data collation in the first instance and only then consider carefully whether factors have affected individual data.

In some circumstances it may be appropriate to safely discount their data (for example, an unexpected period of absence due to an accident) but chambers should

be careful not to exclude data which may be relevant when determining whether race has a role in earnings.

Where there is outlier data, it would be safest in general for chambers to annotate or otherwise record the reasons for unusual or exceptional data rather than remove it altogether. Alternatively, if the inclusion of outlier data truly leads to misrepresentation of the overall picture, then, rather than deleting the outlier data, modelling should be undertaken both with and without the data so that there is full transparency. This will ensure that inconvenient data is properly analysed and understood rather than simply discounted.

Finally, undertaking the data collation and modelling on an annual basis should enable chambers to track whether outliers are overcoming any income disparities or whether they are continuing. This will be valuable information when it comes to taking proactive steps to remedy any problems faced by individual members of chambers or certain groups.

Confidentiality

Chambers will need to consider the right approach towards confidentiality so as to ensure that sensitive commercial information is not shared externally. Constitutions and relevant policies should be reviewed carefully.

Further, where personal information concerning income data and race is being analysed the GDPR is likely to be engaged. Potentially, special category data might also be processed depending on the methodology and approach adopted by chambers. Ordinary personal data and special category data can be lawfully processed provided one of the conditions in Articles 6 and 9 are met. Chambers should carefully consider which provisions of Articles 6 and 9 (if applicable) will apply to their income monitoring activities. Chambers should also ensure that the income monitoring process complies with the data protection principles embodied in the GDPR.

Communicating the income monitoring process

It is crucial that chambers explain to members why income analysis is being undertaken and its important role in monitoring how work is distributed which in turn demonstrates a commitment to equality and diversity within chambers.

It should be stressed that monitoring income data by reference to race is not a threat to high earners in chambers. Committing to sharing outcomes and repeating the process annually should alleviate concerns in the long term.

A commitment to equality and diversity will attract the best candidates in the future, lead to retention of talent and reinforce the notion that chambers are part of the modern world where income monitoring is now the norm. For individuals, particularly those who may be earning less than their peers, knowing this, understanding the reasons for their lower earnings, and being supported to address the disparity is essential. On one level, this is about an individual's practice and the information they need to manage and grow it. On another level this is about how different groups of barristers are being supported to thrive or prevented from doing so. Therefore, the data, and in particular the lessons learnt from internal modelling, must be shared appropriately and not withheld.

Section B: Defining Race

The BSB and Bar Council use the ethnicity categories used in the 2021 Census to ensure data can be compared with national and regional populations. It is useful for chambers to use the same model questions in order to compare data with each other and the Bar as a whole.

Ethnic group – asked in equality monitoring	Net category – larger groups	Net: 2 groups
White:	Net: White	Net: White
English/Welsh/Scottish/Northern Irish/British		
Irish		
Gypsy or Irish Traveller Roma		
Any other White background, write in		
Mixed/multiple ethnic groups:	Net: mixed/multiple ethnic groups	Net: Black and Minority Ethnic
White & Black Caribbean		
White & Black African		
White & Asian		
White & Chinese		
Any other Mixed/multiple ethnic background, write in		
Asian/Asian British:	Net: Asian/Asian British	
Asian Indian		
Asian Pakistani		
Asian Bangladeshi		
Chinese		
Any other Asian background, write in		
Black/African/Caribbean/Black British:	Net: Black/African/Caribbean/Black British	
Black African		
Black Caribbean		
Any other Black background, write in		
Other ethnic group:	Net: other ethnic group	
Arab		
Any other ethnic group, write in		

There are 19 ethnicity categories used in the questionnaires, which can then be amalgamated into 5 larger net categories, which if needed can be further amalgamated into 2 groups.

The size of chambers, and the ethnic diversity within the organisation, will to some extent dictate which categories are most appropriate for the analysis being undertaken. An overall ethnicity 'pay gap' figure requires the combining of disparate ethnicity groups in order to compare the earnings of white people with those of all combined Black and minority ethnic groups. This is often unlikely to be a useful or informative exercise as grouping ethnic minorities together fails to take into account that there may be disparities within and between different ethnic groups in terms of income. Using the larger net categories (shown in the middle column of the above table) can usually reveal more granular detail.

Section C: Practical Steps

If monitoring of income reveals disparities linked to race, these are some of the practical steps that chambers can take:

Chambers leadership/committees:

- Create an internal taskforce to lead on identifying ways in which chambers can support barristers from under-represented groups to reach their full potential.

- Organise mandatory training (or refresher training) for barristers and their staff on race awareness, the equality and diversity rules and fair allocation of work. The Bar Council offers these courses, which can be a useful space within which to explore and challenge bias, stereotypes and assumptions.

- Use the Bar Council's Introduction to Race guide to start a conversation about race within chambers.

- Ensure policies on equality, fair access to work, discrimination and harassment, flexible working, parental leave and reasonable adjustments meet recommended best practice as well as comply with the minimum BSB Handbook standards and guidance.

- Use or adapt existing software packages to monitor unassigned work and allocation between those with protected characteristics, and the extent to which juniors are led by seniors in chambers, and regularly to review patterns and potential remedial measures.

- Consider moving to greater or complete transparency in chambers about the monthly income levels of identified individuals so as to encourage the fair allocation of work.

- Encourage constant communication and regular meetings with clerks/practice directors with a view to positive engagement on how a barrister is progressing, if they are happy with their workload and support and to review home/work

balance, career planning, wellbeing and finances. It may be appropriate to agree a firm plan of action with regular review meetings.

Senior clerks/practice managers:

- Put in place regular and effective practice management meetings which include:
    - Discussion about whether the barrister is happy with their practice, the sort of work they are getting and income levels;
    - Analysis of their practice and earnings compared to others in a similar practice area/call band;
    - Feedback from clients, solicitors, colleagues;
    - Review of directory entries – are they featured, is their practice being appropriately described?
    - Review of flexible working – do they feel supported and able to achieve the balance they want?
    - Analysis of the marketing they've engaged in and support to be more active in marketing if appropriate;
    - Long term plans – what are their ambitions and what support do they need to get there; and
    - An action plan which can be reviewed at each meeting.

- Review the ways in which briefs are distributed:
    - How is assigned and unallocated work distributed?
    - How do clerks discuss and "sell" barristers to solicitors?
    - How are led opportunities allocated?

- Review marketing opportunities:
    - Who's engaging in marketing?
    - Are some barristers missing out because the time/location/activity doesn't work for them?
    - Are some practice areas better supported by marketing than others?
    - Is sufficient notice of marketing events provided so that childcare can be arranged?

- Review directory entries
    - Are Black and ethnic minority barristers represented in directories to the same extent as their White colleagues?

- Are there people missing from directory entries who should be in there?
- Are practice managers taking steps to ensure references and support are submitted for all barristers?

- Are there any unconscious prejudices about Black and ethnic minority barristers and the types of work that they do e.g. high value, commercial, corporate clients being better suited to white barristers?

- Are Black and ethnic minority barristers given sufficient opportunities to showcase their expertise, for example, delivering workshops, papers or lectures?

Members of chambers:

- Do senior barristers lead juniors in an equitable way? If not, do you need a system to ensure everyone has access to these important opportunities?

- Do you engage in practice management meetings and support a culture of ongoing feedback and active practice management? If this approach becomes the norm, those who are being left behind will be better supported.

- Do all barristers get invited to networking events and are those events inclusive?

- Do some colleagues have greater "one to one" time with clerks or sponsors, for example, lunches or afterwork drinking?

For further information on equality and diversity initiatives, the Bar Council has issued numerous guides, tools and advice packs to assist barristers and their staff which are available [here](#).

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Annex A: The whole process

Establish a team to undertake the data gathering and analysis. This should include your Data Diversity Officer, Equality and Diversity Officer and a member of staff who has expertise in the system/data generation.

Agree on the model to use and whether any modifications are required. Liaise with chambers management software supplier for support in generating reports.

Agree the plan for reporting including which committees, members of chambers and other individuals will be entitled to see the outcome of the modelling.

Collect and analyse data and identify disparities.

Report to management committee/working group to discuss any disparities and agree actions.

Report to members with details of any action being taken to address disparities.