



The Bar Council

# Government legal panels: an analysis of membership by ethnicity and sex

September 2022

# Foreword

The Bar Council is committed to improving diversity across the profession. Over 3,000 barristers (24 per cent of the self-employed Bar) sit on one of the government panels featured in this report. Panel membership provides for a source of high-quality work for the Bar, so it is important we monitor who gets onto different panels, and who gets the best work on those panels.

When we understood that there was limited data available, we undertook our own analysis of panel composition. We have found barristers from ethnic minority groups are significantly under-represented on key panels.<sup>1</sup> There is therefore clearly an opportunity for the Government to better support diversity in the profession through panel appointments. Our experience with the CPS<sup>2</sup> over the last couple of years, looking at both panel composition and work allocation, demonstrates that by working together we can bring about change. On the basis of this report, we are contacting various departments seeking to collaborate to improve diversity in panel make-up and work opportunities.

We are also asking the Government to commit to improving outcomes for barristers from under-represented groups in panel selection and work allocation. And to help achieve this, we are asking the Government to immediately commit to:

- a. Monitoring the pool of applicants and the appointment process for panel selection by protected characteristic and publish the results within the next 12 months.
- b. Monitoring work allocation and income within panels by protected characteristic and publish the results within the next 12 months.

**Mark Fenhalls KC**  
Chair of the Bar

## References

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1. See Key findings, pages 4-5
2. See Annex I



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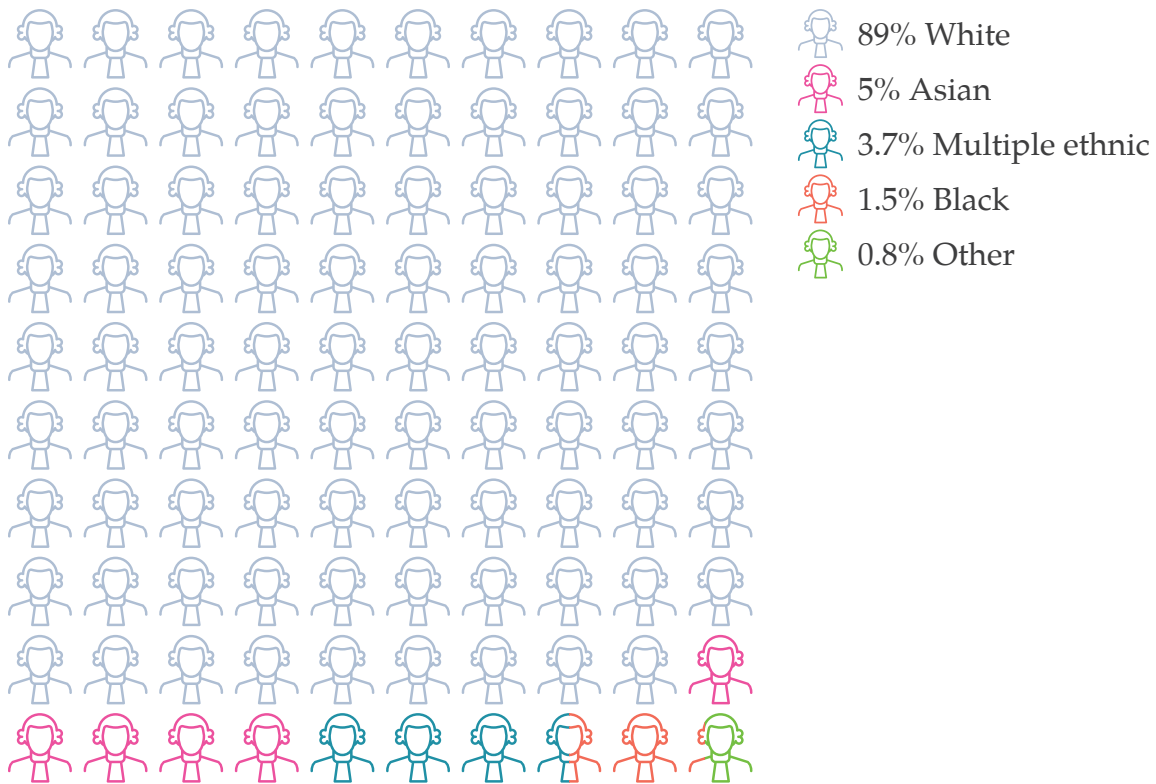
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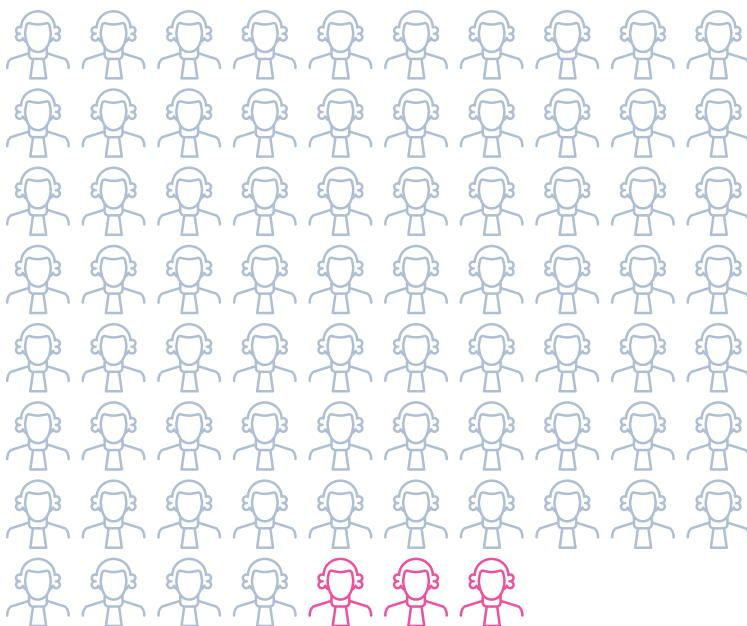
# Key findings

- The Bar provides a pool of barristers that is largely representative of the ethnic composition of the population in England and Wales. However, this does not translate to representation at panel level. **Overall, the panels are 89.1 per cent White** (compared with 84.3 per cent of the total Bar population and 85.6 per cent of the working age population of England and Wales).
- At junior level, we consistently see little to no ethnic diversity on certain panels.
- Black barristers are particularly under-represented, and especially Black men. Many of the panels in this report have no Black barristers. There are only 47 Black barristers on the panels examined in this report, out of 3,082 barristers in total. **This means 1.5 per cent of panel composition is Black. In contrast, 3.4 per cent of the working age population in England and Wales is Black.**
- Asian/Asian British male and female barristers tend to be equal to each other in their appointment to panels at the junior level, however they are consistently under-represented compared with their numbers at the Bar, and Asian men are particularly under-represented at the junior level. **5.0 per cent of panel composition is Asian, compared with 8.1 per cent of the working age population in England and Wales.**
- **Barristers from Mixed/Multiple ethnic groups are represented on panels in greater numbers than their representation at the Bar** and in the general working age population at 3.7 per cent of panel composition compared with 3.5 per cent of the Bar and 1.8 per cent of the working age population in England and Wales.
- Seniority is inversely correlated with ethnic diversity on panels. At junior levels, we see some diversity / representation of all ethnic groups. This progressively declines as the panels require more experience. At KC level, there are no Black barristers, or Asian women barristers, and only very few Asian men on any of the panels featured in this report. **Of 77 KCs on the panels analysed here, three are Asian men, and there is no other ethnic diversity.** It is important to note here that this is, to some extent, reflective of lower ethnic diversity at the Bar at KC level than at junior level.
- The general trends for representation by sex are that White women tend to be represented in roughly equal proportion to their representation at the Bar at junior level and are in fact over-represented at KC level. **A total of 24.7 per cent of KCs on panels are women, whereas only 15.8 per cent of all KCs are women.** We know that representation on panels isn't enough and that women on panels do not always get equal access to the best quality work available. Asian men and Black men tend to be less represented than Asian and Black women proportionate to their numbers at the Bar on the majority of panels.

## Overall panel composition is disproportionately White



## Seniority: Only 3 out of 77 Panel Silks are from ethnic minority backgrounds



## Seniority: Women make up 24.7% of Panel Silks



# Introduction

The Bar Council represents ~17,000 practising barristers in England and Wales and promotes the values they share. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights, often acting on behalf of the most vulnerable members of society.

The Bar makes a vital contribution to the efficient and effective operation of criminal and civil courts. It provides a pool of talent, from increasingly diverse backgrounds, from which a significant proportion of the judiciary is drawn and on whose independence the rule of law and our democratic way of life depends.

The Bar Council is the Approved Regulator for the Bar of England and Wales: it discharges its regulatory functions through the operationally independent Bar Standards Board (BSB).

In November 2021, the Race Working Group of the Bar Council published its milestone report on Race at the Bar.<sup>3</sup> In the report, we concluded: “Data in the report categorically and definitively evidences, in quantitative and qualitative terms, that barristers from all ethnic minority backgrounds, and especially Black and Asian women, face systemic obstacles to building and progressing a sustainable and rewarding career at the Bar”. As a direct result of the report, we committed to a 23-point Action Plan, in order to further a variety of changes

across the profession and investigate certain evidential gaps that the report had identified.<sup>4</sup>

A commitment we made was to look in more depth at the distribution of the work opportunities available to barristers through panel selection. We noted: “The Bar Council would like to encourage collection, collation and publication of panel monitoring data.” Appointment to a government panel is a key career progression opportunity for self-employed barristers. It offers a stable and prestigious income stream for a period of several years and is a marker of professional standing that can lead to further opportunities elsewhere.

We regard panel selection as one of the rungs of the ladder that can allow an individual barrister to progress to the highest levels of their career. There are relatively few markers that we can reliably use to indicate career progression at the self-employed Bar. Primary among these are income and KC appointment. However, there are indicators of access to the types of work that contribute to meaningful career progression. In a previous report as part of the independent review of criminal legal aid, we noted: “[These] Factors include client briefing practices and panel selection, the distribution of work within sets, and distribution of better-remunerated work.”<sup>5</sup>

Each government panel has its own specific requirements regarding the competition they open for panel appointments. A barrister seeking an appointment to a panel will apply for



the panel that is most relevant to his or her experience level through an advertised open application process. More details of each panel structure can be found under the subheadings of the panels below.

All government departments and agencies of government departments must use panel counsel. The subheadings of panels that have been analysed in this report are:

- i) Attorney General's Civil Panels:  
London and Regional
- ii) Treasury Counsel
- iii) Serious Fraud Office (SFO) Counsel  
Panels
- iv) Crown Prosecution Service (CPS)  
Advocate Panels

This is not an exhaustive list of all self-employed barristers who work for the government (it excludes, for example, those who are briefed by the NHS, local authorities, and the police), however it is reflective of a substantial volume of regular work for self-employed barristers and includes 3,267 individual barristers or approximately a quarter (24 per cent) of the self-employed Bar.<sup>6</sup>

As the Government does not monitor the ethnicity and sex breakdown of its

panel members, the Bar Council has undertaken this exercise through data matching the publicly available lists of panel members with our own CRM (membership database) records data.

We note that we have found it extremely difficult to engage government panel stakeholders with an exercise around panel monitoring data, with the notable exception of the CPS. Challenges have included: engaging key decision makers; siloed working in government departments; and the lack of joined-up data systems making reporting challenging. This publication is thus our own follow-up in-depth report, using a new dataset we have compiled from Bar Council member data and public lists of panel members on the composition of key government panels by sex and race in 2021 and 2022 depending on the panel. All government panel data was compiled on 10 March 2022 and the most up-to-date panel data was analysed.

The data presented in this report simply analyses government panel composition in 2021 and 2022 against the Bar benchmark. It does not consider the pool of applicants to panels (as this data is not at present collected by the Government) so we cannot

comment on any barriers that may or may not exist to panel recruitment. It also does not consider access to work and remuneration of panel members (as this data is not at present collated by the Government). We also have no way of knowing if appointment to a panel then results in equal access to the highest-quality work among members of that panel – data we have collected from other sources clearly suggests that while women might be present on panels, they do not always get access to the same work volumes (or type) as men, and this results in far lower earnings.<sup>7</sup>

What this report does categorically demonstrate is that there is a clear pattern of barristers from ethnic minority backgrounds being under-represented on government panels, particularly at more senior levels. We note that there are some instances in this report where, even when representation appears healthy, the numbers involved are so small that one or two individuals leaving a panel would result in there being no diversity. This lack of representation on government panels has serious implications for the ability of Black, Asian and mixed or other ethnicity self-employed barristers to access one potential route to developing sustainable practices. It also fundamentally follows the pattern noted in the Race at the Bar report where we see inconsistent and disproportionate trends of work allocation between groups.

We also note that, even when the data presented in this report seem to indicate healthy representation of certain groups, this does not automatically mean that equal access

to work is available to individuals. We have data from other sources indicating that even when women are represented, they do not always get equal access to the best-paying work. We have separately analysed earnings by sex over the last 20 years and have seen the gap between the earnings of male and female barristers increase over that period, including in some publicly funded areas of law.<sup>8</sup> The analysis we carried out with the CPS (see Annex I) to analyse earnings showed representation on panels did not result in those women getting an equal proportion of the work. In fact, in 2019 the CPS's internal data showed women made up only 19 per cent of the top 500 earners. Differences in work allocation was having an impact on women's earnings and opportunity to progress.

#### References

3. Bar Council's Race at the Bar: A Snapshot report (November 2021) <https://www.barcouncil.org.uk/uploads/assets/d821c952-ec38-41b2-a41ebee362b28e5/Race-at-the-Bar-Report-2021.pdf>
4. Bar Council (November 2021) "Action Plan in response to Race at the Bar Report 2021" <https://www.barcouncil.org.uk/uploads/assets/36a640af-3bec-4853-9822222fcd1d9c31/Bar-Councils-Race-Action-Plan.pdf>
5. 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>
6. For baseline information on the Bar, please see our Demographics Dashboard <https://www.barcouncil.org.uk/policy-representation/policy-issues/research/demographics-dashboard.html>
7. The Bar Council (September 2021) "Barrister earnings data by sex and practice area 20-year trends report" <https://www.barcouncil.org.uk/resource/earnings-data-by-sex-2021.html>
8. Bar Council (September 2021) "Barrister earnings data by sex and practice area: 20 year trends report" <https://www.barcouncil.org.uk/uploads/assets/814f8208-6eab-4564-b6da9f85d49a1ce9/c39f111a-0a40-4781-a3bea6a8ac961241/earnings-data-report-2021-appendix.pdf>



# Methodology

The data for the underlying report has been collated from government departmental websites.<sup>9</sup> The barristers' full names in each panel were extracted, loaded into our data warehouse, and matched with the barrister data from the Bar Council's CRM (membership database).

This is group data from the Bar Council's CRM, which contains basic monitoring information on all practising barristers in England and Wales and is refreshed annually when barristers renew their practising certificates. All the data here is correct as of 1 March 2022.

There are a total of 3,398 barristers on the four government panels we analysed. When considering the total number of barristers on all government panels, there are barristers who sit on more than one panel. To avoid duplication in our calculations in Table 1 and 2, if a barrister sits on more than one panel, they are only considered once.

There are a total of 3,267 barristers (having removed any duplicates) and of the 3,267, ethnicity data is known for 3,082 (94.3 per cent) and ethnicity and sex data for 3,007 barristers (92.0 per cent) out of 3,267. The ethnicity and sex information which has been extracted for analysis in the tables below is based on the known ethnicity and sex data of the total number of barristers on all panels. The government panel data has been benchmarked against the total number of known barristers' ethnicity and sex data. There are a total

of 17,339 barristers as of 1 March 2022 of which we know the ethnicity data of 16,113 barristers (92.9 per cent) and the ethnicity and sex data of 16,058 barristers (92.6 per cent).

It should be noted that, where possible, ethnicity and sex has been broken down into a more granular detail. This has not been possible for every table as the data for certain ethnic groups is too small meaning that individuals could be potentially identified based on the information. For this reason, the ethnicity data has been grouped. Where the numbers are less than five, they have either been combined or numbered as < 5 to ensure that no individual can be identified.

## Reference

### 9. Panel websites:

- Attorney General's Civil Panel Counsel: <https://www.gov.uk/guidance/attorney-generals-panel-counsel-appointments-membership-lists-and-off-panel-counsel> – accessed 10 March 2022
- Treasury Counsel: <https://www.cps.gov.uk/cps/treasury-counsel> – accessed 10 March 2022
- Serious Fraud Office Prosecution King's Counsel and Junior Counsel: <https://www.sfo.gov.uk/downloads/sfo-counsel-lists/> – accessed 10 March 2022
- CPS Advocate Panel List: <https://www.cps.gov.uk/advocate-Panels> – accessed 10 March 2022

# Overall panel composition

Below is the key to the colour coding system used in the tables to compare the total number of barristers on panels to the total Bar population as of 1 March 2022:

Panel is more diverse
  Panel is the same
  Panel is less diverse

**Table 1: Bar & panel ethnicity, working age population in England & Wales**

Ethnicity	Total number of barristers on ALL panels		Total Bar population as of 1 March 2022		Working age population in England and Wales <sup>10</sup>
	N	%	N	%	%
Asian/Asian British	153	5.0%	1238	7.7%	8.1%
Black/African/Caribbean/Black British	47	1.5%	532	3.3%	3.4%
Mixed/Multiple Ethnic Groups	114	3.7%	559	3.5%	1.8%
Other ethnic group	21	0.7%	201	1.2%	1.1%
White	2747	89.1%	13583	84.3%	85.6%
Total	3082	100%	16113	100%	100%

**Table 2: Panel composition and Bar, by ethnicity and sex**

Ethnicity	Total number of barristers on ALL panels		Total Bar population as of 1 March 2022	
	N	%	N	%
Asian/Asian British F	74	2.5%	541	3.4%
Asian/Asian British M	76	2.5%	695	4.3%
Black African/Caribbean/Black British F	30	1.0%	287	1.8%
Black African/Caribbean/Black British M	15	0.5%	241	1.5%
Mixed/Multiple ethnic groups F	63	2.1%	293	1.8%
Mixed/Multiple ethnic groups M	48	1.6%	260	1.6%
Other ethnic group F	3	0.1%	67	0.4%
Other ethnic group M	14	0.5%	124	0.8%
White F	1003	33.4%	5107	31.8%
White M	1681	55.9%	8436	52.6%
Total	3007	100%	16051	100%

**Table 3: Panel composition of KCs, total KC population, and total Bar population, by ethnicity and sex**

Ethnicity	Total number of KCs on ALL panels		Total KC population as of 1 March 2022		Total Bar population as of 1 March 2022
	N	%	N	%	%
Asian/Asian British F	0	0%	23	1.3%	3.4%
Asian/Asian British M	3	3.9%	67	3.7%	4.3%
Black African/Caribbean/Black British F	0	0%	6	0.3%	1.8%
Black African/Caribbean/Black British M	0	0%	19	1.0%	1.5%
Mixed/Multiple ethnic groups F	1	1.3%	12	0.7%	1.8%
Mixed/Multiple ethnic groups M	0	0%	28	1.5%	1.6%
Other ethnic group F	0	0%	2	0.1%	0.4%
Other ethnic group M	1	1.3%	28	1.5%	0.8%
White F	19	24.7%	287	15.8%	31.8%
White M	53	68.8%	1346	74.0%	52.6%
Total	77	100%	1818	100%	100%

The data presented in the body of the report below is divided into four sections to correspond with the four panels considered in the report.

#### Reference

10.ONS, "Working Age Population" Census 2011 data <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/working-age-population/latest#working-age-population-by-ethnicity>

## Attorney General's Civil Panels: London and Regional

The Attorney General's Panel is made up of London Panels, Regional Panels and Public International Law Panels. It undertakes civil and EU work for all government departments. The Panel appointments are for a period of five years.

- **Panel A** deals with the most complex government cases.
- **Panel B** deals with substantial cases but not in general as complex as those handled in Panel A. Panel B members tend to have between five and ten years of advocacy experience.
- **Panel C** members generally have two to five years' advocacy experience.

Regional Panels are broken down into: North East, North, Wales, Midlands, and

South West. In this report, all regional panels have been combined into one table.

The data below shows that on the Attorney General’s Civil Panel in London, there are more White male barristers in Panels A and B as compared with their representation in the total Bar population of 52.6 per cent. In Panels B and C, White female barristers are more represented as compared with their representation in the total Bar population of 31.8 per cent.

All other ethnicities, except for female barristers who are of Mixed/Multiple ethnic groups in London Panel B, are under-represented compared with the Bar’s composition benchmark.

**Table 4: AG London Panel A as of 20 December 2021**

Ethnicity	AG London Panel A	
	N	%
Asian/Asian British F	< 5	10.7%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	0	
White F	23	
White M	52	61.9%
Total	84	100%

**Table 5: AG London Panel B as of 7 January 2022**

Ethnicity	AG London Panel B	
	N	%
Asian/Asian British F	8	10.7%
Asian/Asian British M		
Black African/Caribbean/Black British F	< 5	4.5%
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	6	
Other ethnic group F	< 5	
Other ethnic group M	< 5	4.5%
White F	46	
White M	68	61.9%
Total	134	100%

**Table 6: AG London Panel C as of 31 December 2021**

Ethnicity	AG London Panel C	
	N	%
Asian/Asian British F	6	10.7%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	< 5	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	6	
Other ethnic group F	0	
Other ethnic group M	0	
White F	72	
White M	78	46.4%
Total	168	100%

The picture in the Attorney General’s Regional Civil Panel is almost identical to the London Panel with the following key findings:

- White male barristers across Panels A to C fare better as compared with the Bar’s composition benchmark of 52.6 per cent.
- White female barristers are more represented as compared with the Bar’s population of 31.8 per cent.
- No other ethnicity for either male or female is more diverse than the Bar benchmark in all the Panels.

**Table 7: AG Regional Panel A as of 28 February 2022**

Ethnicity	AG Regional Panel A	
	N	%
Asian/Asian British F	0	6%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	10	
White M	37	74.0%
Total	50	100%

**Table 8: AG Regional Panel B as of 6 January 2022**

Ethnicity	AG Regional Panel B	
	N	%
Asian/Asian British F	< 5	9.3%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	< 5	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	15	34.9%
White M	24	55.8%
Total	43	100%

**Table 9: AG Regional Panel C as of 24 August 2021**

Ethnicity	AG Regional Panel C	
	N	%
Asian/Asian British F	< 5	4.2%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	17	36.2%
White M	28	59.6%
Total	47	100%

# Treasury Counsel

Treasury Counsel are a team of specialist advocates who prosecute the most serious and complex cases in the country. They also advise and appear on behalf of the Law Officers and other government departments.

The team is made up of senior and junior advocates. There are currently 18 Treasury Counsel members.

Treasury Counsel are appointed by the Attorney General in consultation with the Director of Public Prosecutions. Junior Treasury Counsel are appointed following a two-year monitoring period and once they have been appointed, they serve an initial period of three years which can be renewed for a further three years. At the end of their second period of three years Junior Treasury are eligible to enter a competition to be considered to become Senior Treasury Counsel.

Senior Treasury Counsel are appointed for three years which can then be extended for a further three years. A competition is usually held every three years to appoint new Senior Treasury Counsel.

Tables 10 and 11 show the breakdown of Senior and Junior Treasury Counsel. Out of the 18 Treasury Counsel members, there is only one barrister who is not White, who is on the Junior Treasury Counsel. The remaining 17 barristers are either White female or male.

**Table 10: Senior Treasury Counsel as of 14 January 2022**

Ethnicity	Senior Treasury Counsel	
	N	%
Asian/Asian British F	0	0%
Asian/Asian British M	0	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	7	
White M		
Total	7	100%

**Table 11: Junior Treasury Counsel as of 14 January 2022**

Ethnicity	Junior Treasury Counsel	
	N	%
Asian/Asian British F	1	9.1%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	5	45.5%
White M	5	45.5%
Total	11	100%

## Serious Fraud Office Counsel Panels

The Serious Fraud Office (SFO) investigates and prosecutes the most serious of economic crime and focuses on top-tier fraud, bribery, and corruption.

There are two main SFO lists of barristers: the Prosecution counsel list and the Proceeds of Crime counsel list. Within each of the two lists is a King’s Counsel Panel and three panels of junior counsel (A, B and C) categorised according to experience.

The data below on the Serious Fraud Office Counsel Panels are up to date as of February 2022.

Table 12 shows the ethnicity and sex breakdown of the SFO KC Panel which is composed of only White female and male barristers. There are 13 female White KC barristers making up 27.1 per cent of the Panel as compared with 15.8 per cent of the total KC population. White male KCs make up 72.9 per cent of the SFO Prosecution KC Panel which is 1.1 per cent lower than the total KC population of 74.0 per cent.



**Table 12: SFO Prosecution list, KC Panel**

Ethnicity	KC Panel	
	N	%
Asian/Asian British F	0	0%
Asian/Asian British M	0	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	13	27.1%
White M	35	72.9%
Total	48	100%

Panels A, B and C of the SFO counsel panels have more White male barristers as compared with the total Bar population of 52.6 per cent. Panel A (37.5 per cent) and C (34.9 per cent) have more White female barristers as compared with the Bar's composition of 31.8 per cent. All other ethnicities are less diverse compared with the Bar's total population.

In Panels A, B and C of the Serious Fraud Office counsel panels, there are no Black African/Caribbean/Black British males and no female or male barristers who belong to the 'other' ethnic group.

**Table 13: SFO Prosecution list, Panel A**

Ethnicity	Panel A	
	N	%
Asian/Asian British F	0	7.5%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	0	
White F	15	37.5%
White M	22	55.0%
Total	40	100%

**Table 14: SFO Prosecution list, Panel B**

Ethnicity	Panel B	
	N	%
Asian/Asian British F	< 5	14.9%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	< 5	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	0	
White F	9	
White M	31	66.0%
Total	47	100%

**Table 15: SFO Prosecution list, Panel C**

Ethnicity	Panel C	
	N	%
Asian/Asian British F	< 5	14%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	< 5	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	0	
White F	15	
White M	22	52.6%
Total	43	100%

The SFO Proceeds of Crime KC counsel list (18.8 per cent) has a 3.0 per cent higher percentage of White female barrister KCs as compared with the total KC population of 15.8 per cent. As was the case with the SFO Prosecution list, there are fewer White male KC barristers at 68.8 per cent as compared with the total KC population (74.0 per cent). There are more ethnic minority barrister KCs (12.5 per cent) made up of Asian/Asian British and Other Ethnic Group male barristers as compared with the total KC population of 5.2 per cent.

**Table 16: SFO Proceeds of Crime counsel list, KC Panel**

Ethnicity	KC Panel	
	N	%
Asian/Asian British F	0	12.5%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	0	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	0	
Mixed/Multiple ethnic groups M	0	
Other ethnic group F	0	
Other ethnic group M	< 5	
White F	< 5	
White M	11	68.8%
Total	17	100%

The SFO Proceeds of Crime Counsel List Panels A and B have no barristers of any other sex or ethnicity except White female and male. There is a variation in Panel C where there is more diversity by sex and ethnicity except for White male barristers. However, caution should be adopted here as this is a small panel of only 16 barristers.

**Table 17: SFO Proceeds of Crime counsel list, Panel A**

Ethnicity	Panel A	
	N	%
Asian/Asian British F	0%	0%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F		
White M		
Total	11	100%

**Table 18: SFO Proceeds of Crime counsel list, Panel B**

Ethnicity	Panel B	
	N	%
Asian/Asian British F	0%	0%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	5	31.3%
White M	11	68.8%
Total	16	100%

**Table 19: SFO Proceeds of Crime counsel list, Panel C**

Ethnicity	Panel C	
	N	%
Asian/Asian British F	< 5	18.8%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	7	43.8%
White M	6	37.5%
Total	16	100%

# CPS Advocate Panels

The CPS Advocate Panel undertakes criminal prosecution advocacy for the CPS in the Crown Court and the Higher Courts.

Advocate Panel appointments at level 1 for General Crime can be made at any time, while for levels 2 to 4 or to upgrade a level, an application can be made during the annual application window each September. There are no limits on the number of places at levels 1-4.

The CPS Advocate Panel covers General Crime and Rape and Sexual Abuse (RASSO). In addition to this, the CPS has separate arrangements relating to Specialist Panels which run from 2018 to 2022 and relate to:

- Counter Terrorism Panel
- Extradition Panel
- Fraud Panel (including fiscal fraud)
- Serious Crime Group Panel
- Proceeds of Crime Panel

The data below on CPS Advocate Panels are up to date as of 14 January 2022.

Table 20 below shows the ethnicity and sex breakdown of all barristers who are part of the CPS Advocate Panels. There are more White male and female barristers compared with the total Bar composition. There are also slightly more Mixed/Multiple ethnic group female barristers (2.3 per cent compared with the Bar population of 1.8 per cent).

The CPS is more representative of the Bar and general England and Wales population than the Attorney's General Civil Panel in its appointments of diverse barristers. Barristers of all ethnicities except White make up 11.1 per cent of the total number of barristers on the CPS Advocate Panel as compared with the Civil Panel, with the highest in London Panels A and C of 10.7 per cent.

**Table 20: CPS Advocate Panel**

Ethnicity	CPS Advocate Panel	
	N	%
Asian/Asian British F	62	2.7%
Asian/Asian British M	57	2.4%
Black African/Caribbean/Black British F	27	1.2%
Black African/Caribbean/Black British M	13	0.6%
Mixed/Multiple ethnic groups F	53	2.3%
Mixed/Multiple ethnic groups M	31	1.3%
Other ethnic group F	14	0.6%
Other ethnic group M		
White F	783	33.5%
White M	1299	55.5%
Total	2339	100%

Table 21 below shows that the higher the level of the panel in terms of seniority/prestige, the less diverse the barristers in terms of ethnicity and sex. Every group (by ethnicity and sex) other than White and Asian/Asian British male decrease the higher the level. However, it should be noted that even though Asian/Asian British male barristers see an increase from 2.0 per cent at level 3 to 2.2 per cent at level 4, they are still under-represented as compared with the Bar population of 4.3 per cent. The only group to increase the higher the level is White male barristers.

Level 1 has fewer White male barristers (43.4 per cent) as compared with the total Bar population (52.6 per cent). This is also true in level 2. However, there are 45.6 per cent White male barristers which makes a 2.2 per cent increase from level 1. In level 3 there is a further 16.6 per cent increase from the previous level, while in level 4, the proportion of White male barristers is at its highest percentage of 68.3 per cent, which is 15.7 per cent higher than the White male Bar population.

Mixed/Multiple ethnic female barristers on the General Crime CPS Advocate Panel tend to do better compared with the Bar population (1.8 per cent) until level 4.

Level 1 of the CPS Advocate Panel is more diverse than the total Bar population. In levels 1 and 2 there are more Asian/Asian British females (4.0 per cent and 3.5 per cent) and White females (38.1 per cent and 41.4 per cent) as compared with the total Bar population of 3.4 per cent and 31.8 per cent respectively.

**Table 21: CPS Advocate Panel General Crime Level 1-4**

Ethnicity	CPS Advocate Panel – General Crime	
	N	%
<b>Level 1</b>		
Asian/Asian British F	15	4.0%
Asian/Asian British M	16	4.3%
Black African/Caribbean/Black British F	11	2.9%
Black African/Caribbean/Black British M	6	1.6%
Mixed/Multiple ethnic groups F	15	4.0%
Mixed/Multiple ethnic groups M	< 5	1.6%
Other ethnic group F	< 5	
Other ethnic group M	< 5	
White F	142	38.1%
White M	162	43.4%
Total	373	100%
<b>Level 2</b>		
Asian/Asian British F	19	3.5%
Asian/Asian British M	13	2.4%
Black African/Caribbean/Black British F	11	2%
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F	18	3.3%
Mixed/Multiple ethnic groups M	7	1.3%
Other ethnic group F	< 5	0.6%
Other ethnic group M		
White F	226	41.4%
White M	249	45.6%
Total	546	100%
<b>Level 3</b>		
Asian/Asian British F	19	2.7%
Asian/Asian British M	14	2.0%
Black African/Caribbean/Black British F	8	1.1%
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F	15	2.1%
Mixed/Multiple ethnic groups M	12	1.7%
Other ethnic group F	0	0.0%
Other ethnic group M	5	0.7%

White F	226	31.7%
White M	413	58.0%
Total	712	100%
Level 4		
Asian/Asian British F	8	1.2%
Asian/Asian British M	14	2.2%
Black African/Caribbean/Black British F	< 5	0.7%
Black African/Caribbean/Black British M	< 5	0.7%
Mixed/Multiple ethnic groups F	5	0.8%
Mixed/Multiple ethnic groups M	9	1.4%
Other ethnic group F	< 5	0.3%
Other ethnic group M	< 5	0.3%
White F	161	25.1%
White M	438	68.3%
Total	641	100%

Table 22 below shows that on the CPS RASSO Panel, there are more White male barristers (62.8 per cent) as compared with the Bar population of 52.6 per cent. Black African/Caribbean/Black British female and male barristers are incredibly under-represented at just 0.3 per cent compared with the 3.3 per cent of the total Bar population. This is particularly stark given that this is such a large panel of 645 barristers.

**Table 22: CPS Advocate Panel, RASSO**

Ethnicity	CPS Advocate Panel - RASSO	
	N	%
Asian/Asian British F	11	1.7%
Asian/Asian British M	13	2.0%
Black African/Caribbean/Black British F	< 5	0.3%
Black African/Caribbean/Black British M	< 5	0.3%
Mixed/Multiple ethnic groups F	7	1.1%
Mixed/Multiple ethnic groups M	11	1.7%
Other ethnic group F	0	0.0%
Other ethnic group M	5	0.8%
White F	191	29.6%
White M	405	62.8%
Total	645	100%



Table 23 breaks down the CPS Serious Crime Panel, which shows that for all ethnicities except White, the percentage is lower than the Bar's composition. White female barristers are well represented in level 2 (37.9 per cent) and level 3 (34.7 per cent) as compared with the Bar's composition (31.8 per cent) before falling to 20.1 per cent in level 4. At the highest level (level 4) White male barristers make up nearly three quarters (74.8 per cent) of the total number of barristers compared with the 52.6 per cent of the White male Bar population.

**Table 23: CPS Advocate Panel, Serious Crime**

Ethnicity	CPS Advocate Panel – Serious Crime	
	N	%
<b>Level 2</b>		
Asian/Asian British F	< 5	10.6%
Asian/Asian British M	0	
Black African/Caribbean/Black British F	< 5	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	< 5	
White F	25	37.9%
White M	34	51.5%
Total	66	100%
<b>Level 3</b>		
Asian/Asian British F	< 5	8.4%
Asian/Asian British M	< 5	
Black African/Caribbean/Black British F	< 5	
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	0	
White F	33	34.7%
White M	54	56.8%
Total	95	100%

Level 4		
Asian/Asian British F	5	3.1%
Asian/Asian British M		
Black African/Caribbean/Black British F	0	1.9%
Black African/Caribbean/Black British M	0	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	0	
White F	32	20.1%
White M	119	74.8%
Total	159	100%

As we can see in Table 24 White male barristers make up two thirds of level 3 (66.7 per cent) and 4 (66.7 per cent) of the CPS Counter Terrorism Panel as compared with the Bar population of 52.6 per cent. There are only three barristers (8.3 per cent) with an ethnic minority background at level 3 and one barrister (3.0 per cent) with an ethnic minority background at level 4. The total combined percentage of barristers with an ethnic minority background at the Bar is 15.6 per cent.

Table 25 mirrors the Counter Terrorism Panel in that most of the Proceeds of Crime Panel is made up of White male barristers with the higher levels having a higher proportion (level 2 - 59.6 per cent, level 3 – 67.7 per cent and level 4 – 78.9 per cent).

**Table 24: CPS Advocate Panel, Counter Terrorism**

Ethnicity	CPS Advocate Panel – Counter Terrorism	
	N	%
Level 3		
Asian/Asian British F	3	8.3%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F		
White M	24	66.7%
Total	36	100%

Level 4		
Asian/Asian British F	1	3%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M	10	30.3%
White F		
White M	22	66.7%
Total	33	100%

**Table 25: CPS Advocate Panel, Proceeds of Crime**

Ethnicity	CPS Advocate Panel – Proceeds of Crime	
	N	%
Level 2		
Asian/Asian British F	5	14.9%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M	12	25.5%
White F		
White M	28	59.6%
Total	47	100%

Level 3		
Asian/Asian British F	< 5	3.2%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	9	29.0%
White M	21	67.7%
Total	31	100%
Level 4		
Asian/Asian British F	< 5	5.3%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	6	15.8%
White M	30	78.9%
Total	38	100%

Table 26 shows that the CPS Fraud Panel is diverse in its representation at the lowest level, level 2. White female barristers are well represented in levels 2 and 3 compared with the total Bar population. However, as we have seen in the Proceeds of Crime Panels, the higher the level, the higher the percentage of White male barristers (level 2 – 38.6 per cent, level 3 – 64.2 per cent and level 4 – 78.2 per cent) as compared with the Bar population of 52.6 per cent.

**Table 26: CPS Advocate Panel, Fraud**

Ethnicity	CPS Advocate Panel – Fraud	
	N	%
<b>Level 2</b>		
Asian/Asian British F	7	8%
Asian/Asian British M		
Black African/Caribbean/Black British F	< 5	9.1%
Black African/Caribbean/Black British M	< 5	
Mixed/Multiple ethnic groups F	< 5	
Mixed/Multiple ethnic groups M	< 5	
Other ethnic group F	0	
Other ethnic group M	< 5	
White F	39	44.3%
White M	34	38.6%
Total	88	100%
<b>Level 3</b>		
Asian/Asian British F	< 5	3.8%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	34	32.1%
White M	68	64.2%
Total	106	100%

Level 4		
Asian/Asian British F	5	4.5%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	19	17.3%
White M	86	78.2%
Total	118	100%

Table 27 on the CPS Extradition Panel highlights a slight variation in the data when compared with the previous tables in the report. This is the only panel where White female barristers have been consistently higher than White male barristers at every level (the usual trend is a decrease in representation at the senior levels). All other ethnicities except White, regardless of sex, are under-represented as compared with the Bar population.

**Table 27: CPS Advocate Panel, Extradition**

Ethnicity	CPS Advocate Panel – Extradition	
	N	%
Level 1		
Asian/Asian British F	< 5	13%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	12	52.2%
White M	8	34.8%
Total	23	100%

Level 2		
Asian/Asian British F	< 5	12.9%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	17	54.8%
White M	10	32.3%
Total	34	100%

Level 3		
Asian/Asian British F	< 5	5.9%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	9	52.9%
White M	7	41.2%
Total	17	100%

Level 4		
Asian/Asian British F	0	0%
Asian/Asian British M		
Black African/Caribbean/Black British F		
Black African/Caribbean/Black British M		
Mixed/Multiple ethnic groups F		
Mixed/Multiple ethnic groups M		
Other ethnic group F		
Other ethnic group M		
White F	5	50.0%
White M	5	50.0%
Total	10	100%

# Conclusion and recommendations

The data in this report provides unambiguous evidence that barristers from Black, Asian, and other ethnic minority backgrounds of both sexes are systemically under-represented on four major government panels: the Attorney General's Civil Panels; Treasury Counsel; SFO Counsel Panels; and CPS Advocate Panels. Even when barristers from these ethnic minority backgrounds are on panels at a more junior level, ethnic diversity diminishes as the panels become more senior, and all but disappears at the highest levels (KC Panels).

We do not have access to information on the pool of candidates for panel selection or the recruitment processes for selection, so we are not able to comment with any degree of evidential confidence on the possible reasons for this under-representation. This warrants further investigation.

Whilst we found little evidence that women barristers are under-represented on the four panels we analysed, separate research on income has established a key challenge for women on some panels is work allocation (leading to income differences). This issue was not investigated in this report, but we recommend information on work allocation and/or income levels across all panels warrants further investigation based on experience elsewhere.

This report provides a categorical baseline around a key marker of career progression for self-employed barristers. Being appointed to a panel is a reasonably assured source of reliable work for a period of several years. It is also a visible indicator of a barrister's standing in their profession and can support them in other career development opportunities. It is clear that barristers from some ethnic minority communities and backgrounds are, for reasons that need further investigation, currently not accessing this valuable source of work.

The issue of panel composition clearly warrants further investigation and a commitment to meaningful action. We feel that at the very least the Government should commit to improving outcomes for barristers from under-represented groups in panel selection and work allocation. And to help achieve this Government should immediately commit to:

- a. Monitoring the pool of applicants and the appointment process for panel selection by protected characteristic and publish the results within the next 12 months.
- b. Monitoring work allocation and income within panels by protected characteristic and publishing the results within the next 12 months.

The Bar Council would welcome the opportunity to work closely with the Government on these issues. We commit to repeating this reporting as part of our ongoing monitoring.



# Annex I: CPS project

The Bar Council and Crown Prosecution Service (CPS) entered into a data sharing agreement in 2019 to analyse diversity on the CPS panels and earnings by sex.

We looked at the profile of the panels, the application process, career progression and retention. We also looked at fee payment data to better understand the types of case prosecuted by male and female advocates and the extent to which the allocation of cases was proportionate.

As shown in this report, there were some positive findings. Female panel membership reflected the gender mix at the wider criminal Bar and the success rates for male and female panel applicants – both new joiners and upgrades – were consistent with each other. However, the data showed a disparity between men and women at senior levels, with female barristers also less likely to receive higher fee-paying work.

A working group, including senior colleagues from the CPS alongside the Bar Council and Women in Criminal Law, considered a number of interventions to tackle these disparities including:

- **Improving diversity data** – the data held on the panels was limited and not analysed in a systemic way. Addressing this means useful data is collected and analysed and informs decisions about where to target actions.
- **Refreshing the recruitment process** – targeting under-represented groups to increase diversity on panels resulted in a wider pool for recruitment.
- **Laser focus on work allocation** – it was clear that diverse panels isn't enough; the work has to go to diverse barristers. This meant working with the CPS to amend its advocacy strategy to include new briefing principles. The overriding objective of instructing the right advocate for the right case remained, but they were also to consider their wider duty to build the skills, experience, and diversity of the panel by providing greater equality of opportunity when instructing barristers for cases. The CPS also introduced a new Equality and Diversity Statement for the Bar and chambers whose members prosecute on behalf of the CPS. This new statement clarifies what is expected from chambers around equal access to, and fair allocation of, CPS work.
- **Real-time data on briefing** – a new system to track who is being briefed by the CPS across the country was introduced to identify whether work is being distributed to the full diversity of counsel on the panels. This information enables timely intervention to address disparities and ensures work is being allocated in line with the advocacy strategy.

Working together and sharing the data has led to significantly more targeted and effective interventions to tackle disparities. The work has been expanded to consider all under-represented groups and the working group continues to meet to discuss the progress being made and other interventions which should be explored.

# Annex II: The Bar Council Modernising the Bar policy programme

The Bar Council is committed to equality, diversity, and inclusion (EDI) and creating a Bar ‘of, and for, all.’ A huge amount of work goes into data collection and analysis, policy, and programme development, and working with our stakeholders across the Bar to address inequality and promote inclusion.

The Modernising the Bar policy programme is aimed at improving working conditions for everyone at the Bar, but its main beneficiaries are likely to be women, barristers from ethnic minority backgrounds, and other under-represented groups.

As the representative body, we cannot compel barristers or chambers to change their policies or practices, but we have gained significant support for this programme of work.

## The evidence base

We ensure that our policy interventions are based on robust evidence. Since 2019, we have established comprehensively that there are different professional outcomes for barristers by sex and by race, and as sex and race intersect, even when controlling for other variables.

At present, due to low reporting rates in some areas, we do not have sufficient data to examine other variables that may impact on professional experience, such as social class, educational background, disability, or caring responsibilities. Reporting rates are steadily increasing, and we expect to be able to expand this work to include other protected characteristics in the relatively near future.

We have found that access to work is a central issue in determining who is able to progress at the Bar, and that access to the best-paying and best-quality work differs greatly between groups. When looking at markers of progression through work opportunities at the self-employed Bar, we use median income and KC status as our two key identifiers.

### Bar Mutual data

In 2020 and 2021, the Bar Council published analyses of Bar Mutual data showing comparative representation and income share by sex and practice area. The 2021 data showed longitudinal data from 2000-2020. Both reports demonstrated that women earned less than men in all except one area of practice [that area being ‘family – children’, the only area where there are more women than men]. The 2021 report also found that “there has been an increase in average gross fee income for both women and men at the Bar, and that the gap between men and

women’s average income has increased over the last 20 years.”

Further, in detailed examination undertaken as part of the Independent Review of Criminal Legal Aid, we looked at the fee incomes of self-employed publicly funded criminal barristers. We found that women earned on average at least 27 per cent less than their male colleagues, even when all else was equal [we controlled for seniority, region, year of call]. This held true for KCs as well as for juniors. Women barristers do tend to work fewer cases on average than men each year. However, the difference in work volume only accounts for 10.5 per cent of the difference in income. Ethnicity compounded the effect of sex, and we found that Black and Asian women earned the least of all.

We noted as part of this report: “Criminal barristers all work under the same fee schemes, so these stark variations in fee income and profit support an observation that there are systemic issues with equitable briefing practices and access to work in the legal sector. Factors include client briefing practices and panel selection, the distribution of work within sets, and distribution of better-remunerated work.”

### **Race at the Bar**

In our Race at the Bar report, published in November 2021, we established categorically through a mixture of data sources that barristers from all minority ethnic backgrounds, and especially Black and Asian women, were at a structural disadvantage when it came to establishing careers at the independent Bar. We noted the small number of KCs from Black and Asian backgrounds, writing: “There are 5 Black/Black British female KCs and 17 Black/Black British male KCs in England and Wales. There are 17 female KCs who are Asian/Asian British and 60 male Asian/Asian British KCs. There are 9 women KCs of mixed/multiple ethnicity and 16 male KCs of mixed/multiple ethnicity.”

We have successfully worked with some publicly funded clients of the Bar, in particular the CPS, to identify patterns and disparities in briefing practices and interventions to improve outcomes. It is clear that much more work can be done by other publicly funded clients of the Bar to gather the data and better understand their role in creating better outcomes for women and other groups.

The Bar Standards Board shares our policy interest in income monitoring and has published two detailed pieces of analysis on income by sex, which similarly found: “Female barristers and barristers from an ethnic minority background are likely to earn less than male and White barristers, respectively.” This holds true even when looking at employed barristers, self-employed barristers, KCs, barristers based both inside and outside London, and barristers with similar seniority by year of Call. These findings have corroborated and informed our own work.

## **Policy interventions**

To date, the Bar Council has put in place the following interventions to tackle income disparities:

- Practical support for chambers to enable them to conduct their own internal income monitoring – we have created practical guides to support them in doing so

- Training for chambers and their staff on ensuring fair distribution of work and monitoring income
- Support for barristers who have experienced bullying, harassment, or discrimination – including helplines and anonymous reporting platforms
- Working directly with clients of the Bar to tackle unequal briefing practices – including, for example, the CPS and Magic Circle law firms
- Information for new barristers on navigating life at the Bar and building a thriving practice

Later this year (2022) we will publish new guidance and support for barristers on:

- Sustaining practice after maternity and parental leave
- Models of flexible working suitable for the self-employed Bar
- Securing effective practice management

After an initial period of intensive research to identify barriers to career progression, nine key projects were launched to develop solutions (see box).

## Key projects

1. First Seven Years – to better support the young Bar, particularly in practice development
2. Practice Management Guidelines and Standards – to improve practice management including allocation of work, fees, and marketing
3. Legal Directories – to ensure the directories accurately reflect the breadth of talent across the Bar
4. Client Briefing Practices – to tackle discrimination in the way barristers are briefed
5. Mentoring – to update and deliver mentoring guidance and training and explore options to support stakeholder-based mentoring
6. Flexible Working – to model flexible working across the Bar
7. Women in Law Pledge – to promote target setting
8. Tackling Sexual Harassment & Bullying – to continue to promote the use of resources like Talk to Spot and challenge inappropriate behaviours at the Bar
9. Culture Change – to support the creation of a more inclusive environment where everyone can flourish

It should be noted that no single intervention will address the challenges faced by members of the profession. The Bar Council is therefore committed to sustained long-term activity across all areas identified.

**The policy programme is an area of work we are extremely proud of and committed to. We are convinced that this programme of work has the capacity to bring about real change and improvements for women, barristers from ethnic minority backgrounds, and all other under-represented groups at the Bar.**



The Bar Council

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