

## Annex 4: Trends at the Bar in Gender and Ethnicity

### Trends at the Bar in Gender and Ethnicity

Note that percentages are reported as percentages of each group for whom data on gender, ethnicity and disability status is available to the BSB, excluding those for whom information is not available, in order to ensure a more accurate indicator of trends in representation (rather than trends in disclosure levels). More information on how disclosure levels for E&D data have changed is available in the BSB's annual 'Diversity at the Bar' reports.

The data sources used for these statistics are:

- the data spreadsheet 2010-2017 downloaded through the statistics section of the BSB website <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/> for data on gender and ethnicity at the Bar;
- the data used for the BPTC Key Statistics Report for BPTC data;
- the Biennial Survey of the Bar 2013, the Bar Barometer Reports for 2011-2013, and Diversity at the Bar Reports 2015-2017 for the section on disability at the Bar.

## Gender

### BPTC

The below is for BPTC students by year of enrolment for those who were domiciled in the UK/EU prior to commencement of the BPTC only. The data are calculated from the data used for the BPTC Key Statistics Reports.

Gender	2011	2012	2013	2014	2015	2016
Female	53.85%	52.89%	51.82%	52.04%	55.14%	57.11%
Male	46.15%	47.11%	48.18%	47.96%	44.86%	42.89%

## Pupillage

Gender	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Female	51.16%	43.21%	49.88%	49.32%	44.92%	50.69%	48.34%	54.14%
Male	48.84%	56.79%	50.12%	50.68%	55.08%	49.31%	51.66%	45.86%

The percentage of pupils for each gender is generally around 50%, although it does vary by year. For 2016/17, the percentage of female pupils was greater than that for males. The same can be said for 2015/15, and 2009/10. There does not appear to have been much of a trend developing over the past 8 years.

## Tenancy

Gender	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Female	49.61%	42.93%	47.09%	50.88%	45.05%	51.85%	51.19%	50.90%
Male	50.39%	57.07%	52.91%	49.12%	54.95%	48.15%	48.81%	49.10%

Tenancies also appear to be awarded to each gender relatively equally as a percentage of all tenancies. From 2009/10 to 2016/17, around 48.7% of entrants to the Bar, and into

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tenancy were female, and from 2013/14 to 2016/17 the proportion was around 49.8%. Over this past three years a greater proportion of tenancies have gone to females than males.

### Practising bar

Gender	2010	2011	2012	2013	2014	2015	2016	2017
Female	34.72%	34.85%	34.99%	35.10%	35.35%	35.60%	36.10%	36.72%
Male	65.28%	65.15%	65.01%	64.90%	64.65%	64.40%	63.90%	63.28%

This is where the picture changes, with there being a greater proportion of males at the practising Bar overall in comparison to females. However, the proportion of females is trending up over time, which may reflect recent trends in awarding pupillages and tenancies to females in greater proportions.

Over the last 8 years, the proportion of women at the practising Bar has increased by two percentage points relative to men, reaching around 36.7% in 2017 (from 34.7% in 2010). So, change does appear to be occurring in this area, albeit fairly slowly. However, the pace of change appears to be accelerating; this can be seen if you look into the year on year differences in proportion of females at the Bar.

### *Practising bar at less than 5 years of call*

Gender	2010	2011	2012	2013	2014	2015	2016	2017
Female	46.21%	45.88%	45.74%	44.46%	42.57%	43.61%	44.27%	44.70%
Male	53.79%	54.12%	54.26%	55.54%	57.43%	56.39%	55.73%	55.30%

The percentage of female barristers at the Bar with less than 5 years of call does not fully reflect the relative proportions getting pupillage and tenancies within the previous five years. For example, for 2017 the proportion of male barristers at less than five years of call was 55.3%: In only two years since 2009/10 has the proportion of male pupils been that high, and the same can be said for male tenants.

Overall it is hard to define much of a trend in the data, although the proportion of females at the practising Bar with less than five years of call did decline between 2010-2014, and has been going back up since then. It will be interesting to see whether this continues.

### *Practising Bar at 15+ years of call: Gender*

Gender	2010	2011	2012	2013	2014	2015	2016	2017
Female	24.88%	25.56%	25.94%	26.46%	27.42%	29.58%	30.56%	31.60%
Male	75.12%	74.44%	74.06%	73.54%	72.58%	70.42%	69.44%	68.40%

The proportion of female barristers at 15+ years of call has trended up quite substantially since 2010; from around 25% of the Bar to around 31.6% in 2017. There has not been a year since 2010 where there has not a year on year increase in this measure. This could reflect greater recruitment of females into the Bar, or greater retention of females at the Bar, or both.

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### QCs

Gender	2009	2010	2011	2012	2013	2014	2015	2016	2017
Female	13.61%	13.57%	13.64%	13.44%	13.40%	13.28%	13.15%	14.11%	15.27%
Male	86.39%	86.43%	86.36%	86.56%	86.60%	86.72%	86.85%	85.89%	84.73%

There are far fewer female QCs than there are male QCs, From 2016 to 2017 there was the greatest year on year increase seen over any of the other previous years.

The percentage of female QCs is relatively low in comparison to the percentage of female QCs at more than 15 years of call.

### Ethnicity

#### BPTC

The below is for BPTC students who were domiciled in the UK/EU prior to commencement of the BPTC only. The data are calculated from the data used for the BPTC Key Statistics Reports.

Row Labels	2011	2012	2013	2014	2015	2016
BME	24.78%	30.60%	30.54%	30.83%	35.99%	34.03%
White	75.22%	69.40%	69.46%	69.17%	64.01%	65.97%

#### Pupillage

Ethnicity	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
BME	14.56%	15.85%	14.68%	14.17%	15.68%	17.91%	16.99%	19.35%
White	85.44%	84.15%	85.32%	85.83%	84.32%	82.09%	83.01%	80.65%

The proportion of pupils from BME backgrounds has increased by around 5 percentage points from the 2009/10 legal year to the 2016/17 legal year. It fluctuated between 2009/10 and 2012/13, but since then has generally shown an upwards trend, reaching 19.35% of pupils in 2016/17 compared to 14.6% in 2009/10.

#### Tenancy

Ethnicity	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
BME	11.29%	12.37%	14.52%	16.41%	11.04%	14.12%	15.75%	15.27%
White	88.71%	87.63%	85.48%	83.59%	88.96%	85.88%	84.25%	84.73%

The proportion of tenants from BME backgrounds has also increased from 2009/10 to 2016/17, although there has been greater fluctuation year on year and less of a trend overall. The proportion of BME tenants is slightly less than that for BME pupils.

#### Practising bar

Ethnicity	2010	2011	2012	2013	2014	2015	2016	2017
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BME	12.12%	12.15%	12.30%	12.54%	12.71%	13.05%	13.32%	13.70%
White	87.88%	87.85%	87.70%	87.46%	87.29%	86.95%	86.68%	86.30%

The proportion of BME barristers at the practising Bar has been trending upwards quite slowly over the past 8 years, although from 2014-2017 the rate of year on year increase was greater compared to 2010-2013. In 2017, BME barristers constituted 13.7% of the practising Bar, compared to 12.1% in 2010.

### *Practising bar at less than 5 years of call*

<i>Ethnicity</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<i>BME</i>	13.78%	13.43%	14.04%	13.41%	13.63%	13.83%	13.18%	13.40%
<i>White</i>	86.22%	86.57%	85.96%	86.59%	86.37%	86.17%	86.82%	86.60%

The proportion of BME barristers at the practising Bar with less than 5 years of call has stayed relatively stable over the past eight years, going from 13.8% in 2010 to 13.4% in 2017, with highs of 14% and lows of 13.2% in the intervening period. The trend of increases in the percentage of pupillages going to BME barristers is not reflected in the above table, but the percentages in the above table do show a much closer relationship to tenancies awarded each year.

### *Practising Bar at 15+ years of call*

<i>Ethnicity</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<i>BME</i>	10.03%	10.36%	10.86%	11.13%	11.48%	12.22%	12.77%	13.25%
<i>White</i>	89.97%	89.64%	89.14%	88.87%	88.52%	87.78%	87.23%	86.75%

Interestingly, the percentage of BME barristers at the practising Bar at 15+ years since call has trended upwards quite substantially over the past 8 years, going from 10% in 2010 to 13.25% in 2017, which is a similar proportion to BME barristers at less than five years since call. This *may* suggest that much of the increase in the relative proportions of BME barristers at the Bar occurred greater than 15 years ago, and that the proportions of BME barristers practising at the Bar has hit a plateau.

### **QCs**

<b>Ethnicity</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
BME	6.03%	6.07%	6.13%	6.21%	6.30%	6.50%	6.57%	6.78%	7.35%
White	93.97%	93.93%	93.87%	93.79%	93.70%	93.50%	93.43%	93.22%	92.65%

The proportion of QCs from BME backgrounds has shown an upwards trend over the past 8 years, but, similarly to the proportion of female QCs, is still only around half of the proportion of BME barristers at 15+ years of call at the practising Bar. The year on year increase in percentage of BME QCs over the past 3 years (2015-2017) appears to be accelerating.

## **Disability**

The disclosure rate by practising barristers on disability is still relatively low, although it has increased from around 0.5% of practising barristers to around 40% of practising barristers by the time of the last Diversity at the Bar Report in December 2017.

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The below is taken from the Biennial Survey of the Bar, the Bar Barometer Reports, the BPTC Key Statistics Report (which has high disclosure rates), and the three most recent Diversity at the Bar Reports. Disclosure for the 2015 Diversity at the Bar Report was around 30%, for 2016 was around 35% and for 2017 was as already stated, around 40% of the Bar.

Providing figures that include the whole bar, including those that do not disclose disability information may severely underestimate the percentage of the Bar with a disability, so the below figures leave out those that have not disclosed information. Please keep in mind that due to the relatively low disclosure rates, figures on the Practising Bar are less reliable than those for Gender and Ethnicity, although disclosure rates for pupils are quite high, and thus, data for pupils are more reliable.

### BPTC

BPTC students	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
With a declared disability	9.10%	8.07%	8.72%	11.54%	7.82%	10.60%
Without a declared disability	90.90%	91.93%	91.28%	88.46%	92.18%	89.40%

The percentage of BPTC students with a declared disability has range between around 8% to 11.5% for those enrolled on the course from 2011/12-2016/17. These percentages are far higher than those seen at the practising Bar. It should be noted that this includes non UK/EU domiciled students, the majority of which will not go on to practise in England and Wales, upon further analysis, the percentage of UK/EU domiciled students with a declared disability is even higher. The below shows the percentage of disabled UK/EU domiciled students on the BPTC only for 2014/15-2016/17. A percentage of 14% for 2016/17 is almost three times higher than that seen at the practising Bar.

BPTC students	2014/15	2015/16	2016/17
With a declared disability	13.58%	10.66%	14.00%
Without a declared disability	86.42%	89.34%	86.00%

### Pupillage

Pupils	2009/10*	2010/11*	2011/12*	2014/15**	2015/16**	2016/17**
With a declared disability	2%*	1.40%	2.60%	1.87%	2.64%	8.44%
Without a declared disability				98.13%	97.36%	91.56%

\*From Bar Barometer Reports – It is believed the data on pupillage was from the Annual Supplementary Pupillage Survey, which should be quite comprehensive.

\*\* From Diversity at the Bar Reports

The percentage of pupils with a declared disability is far lower than the percentage of those with a declared disability on the BPTC. Overall, until 2016/17, there does not appear to be much of a trend in the data, with those with a declared disability fluctuating around 2% of all pupils.

However, 2016/17 did show a huge increase from 2.64% to 8.44%. It is not clear why this would be upon first look at the data.

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### Tenancy

Data on disability status and tenancy is difficult to find in published reports on our website. In the Bar Barometer Report 2014, with a disclosure rate of 30%, none of the tenants taken on in 2012 had a declared disability.

### Practising bar

	2015	2016	2017
With a declared disability	4.84%	4.86%	5.25%
Without a declared disability	95.16%	95.14%	94.75%

Around 5% of the practising Bar has declared a disability.

The two Biennial Surveys of the Bar given in 2011 and 2013 found that around 4% of respondents at the practising Bar had a disability, so it is possible that the proportion of those at the Bar with a disability has increased slightly, or that barristers are increasingly likely to state disabilities they may have.

### QCs

	2015	2016	2017
With a declared disability	0.48%	2.25%	2.91%
Without a declared disability	99.52%	97.75%	97.09%

The percentage of QCs disclosing whether or not they have a disability is far lower than that seen for the rest of the Bar. For those that do disclose disability status, there is a far lower percentage of QCs with a declared disability than that seen for the practising Bar overall (eg for 2017: 2.91% for QCs vs 5.25% for the practising Bar overall). This could be for a number of reasons but may suggest that QCs are less likely to state that they have a disability, or that those with a disability are less likely to become QCs.