

## Research Summary

# Income at the Bar - by Gender and Ethnicity



### Research Background

The Bar Standards Board (BSB) has a statutory duty to encourage an independent, strong, diverse, and effective legal profession. In 2020, the BSB published research into differences in income by gender and ethnicity, which showed that female barristers are likely to earn less than male barristers and that those from minority ethnic backgrounds are likely to earn less than White barristers. The BSB has now undertaken a further piece of research, which builds on the 2020 research, as well as subsequent research into barrister incomes undertaken by the [Bar Council in September 2021](#) last year, by comparing pre and post pandemic income levels, and by considering a wider range of factors linked to income (such as seniority and location) than were addressed in the Bar Council's research.

The scope of the research was to assess:

- The extent to which the previously identified disparities in income by gender and ethnicity were still present, and
- The extent to which the Coronavirus pandemic impacted on incomes at the Bar, both overall and by gender and ethnicity.

### Key Findings

The Bar Standards Board (BSB) collects data on the income of the practising Bar as part of our Authorisation to Practise process (ATP). This is an annual process in which members of the profession renew their Practising Certificate and provide information covering demographic and background characteristics, and information on their practice (such as whether they are in Employed or Self-employed practice, or the proportion of their income from particular areas of legal practice). Around one fifth of barristers are employed. We have analysed their gross income before tax and national insurance etc. For the four fifths of barristers who are self-employed, we have analysed their total fee income (excluding VAT) before they pay the costs of their chambers, which is estimated typically to be between 20 and 40 per cent of their income, and other costs such as pension provision.

This research looks at the impact of gender and ethnicity on the income levels of barristers. The report uses quantitative analysis of the income data from barristers ATP declarations, and looks at data for both the 2019/20 and 2020/21 financial years, in order to investigate the impact of the Coronavirus pandemic on incomes at the Bar.

**Income Differences** - Female barristers and barristers from minority ethnic backgrounds are likely to earn less than White and male barristers. This holds true whether the comparison is limited to employed barristers, self-employed barristers, QCs, and barristers based both inside and outside London. When barristers are grouped by their main area of practice and seniority by year of Call, female barristers and barristers from minority ethnic backgrounds earn less on average than equivalent male and white barristers. This suggests that even among barristers of similar experience, working in similar areas of law, there remain differences in income by both gender and ethnicity (although the research was not able to assess the impact of working patterns, such as hours worked).

**Income Differences** - Female barristers from minority ethnic backgrounds are the lowest earning group, whereas White male barristers are the highest earning group - female barristers from minority ethnic backgrounds have average incomes of 41% of those of White male barristers when considering the profession as a whole. There are also differences in the income of barristers from different minority ethnic backgrounds, with Black and Black British barristers earning less than Asian and Asian British barristers overall.

**Income Differences** - Differences in average income are larger when comparing male with female barristers than when comparing White barristers with those from minority ethnic backgrounds. Overall, average incomes for women are 52% of those of men, whereas average incomes for barristers from minority ethnic backgrounds are 68% of those of White barristers.

**Changes in Income** - Comparing incomes in 2020 with 2019, it seems clear that the pandemic had an impact on incomes at the Bar, with most groups facing falls in income. The largest falls in income were for male barristers from minority ethnic backgrounds, and barristers based outside London. Female barristers experienced smaller falls in income overall than male barristers, and barristers from minority ethnic backgrounds experienced larger falls than White barristers. The Employed Bar seems to have experienced the smallest fall in incomes.

**Changes in Income** - Falls in income have been larger for certain areas of practice than others. When analysing the four most common areas of practice at the Bar, criminal law saw the largest fall in incomes, while family and personal injury law saw smaller decreases. In commercial and financial law, incomes actually increased. Barristers in lower income bands seem to have experienced more significant drops in income. The proportion of barristers in the lowest two income bands has increased, often markedly, for most groups of barristers. However, for many groups there has been almost no change in the proportion in the highest income bands.

### How will the BSB use these findings?

- The research findings will be used to inform the BSB's three-year strategy, and shape recommendations about our approach to Equality and Diversity at the Bar.
- The research findings will also contribute to the review of the BSB's Equality Rules. Since May 2019, we have already engaged over 80 stakeholders to review the impact of the Rules. We will develop and consult on options to reform the Rules. This consultation will also engage the BSB's Race Equality Taskforce to consider the discrepancies highlighted regarding barristers from minority ethnic backgrounds.
- As a risk and evidence-based regulator, the research will inform the BSB's wider work to identify and address risks at the Bar in relation to Equality and Diversity. It will also be used as a benchmark to assess the impact of the BSB's work to ensure fair work allocation within chambers.

### What do the findings mean for key stakeholders?

- In the light of these findings, the BSB will work with the profession to consider what can be done to reduce the income disparities identified. Chambers are already expected to monitor work allocation, and may wish to consider the Bar Council's [guidance on good practice](#) in this area.
- If monitoring identifies disparities in the allocation of work, chambers should develop plans to address the issue and help ensure equality in work allocation. Similarly, chambers and employers may consider analysing and publishing their income pay gap data by ethnicity and gender.

The main report can be found at <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/>