**Terms of reference: Race Equality Taskforce**

**Role and Purpose**

1. As part of its commitment to using regulatory tools and working with key stakeholders, to improve diversity at the Bar and bring about meaningful change, the BSB delivered the ‘Heads Above the Parapet’ event in 2018.[[1]](#footnote-1) A range of initiatives to improve race equality at the Bar, including the creation of task forces, were discussed by over 50 participants. The BSB has since met with diversity stakeholders and agreed to establish a Race Equality Taskforce according to the following Terms of Reference.
2. The Race Equality Taskforce (the Taskforce) exists to provide advice to the BSB in support of the development of strategy, policy and activity relating to race equality at the Bar (Appendix 1). The Taskforce is an advisory body, established under paragraph 14(3) of the Constitution of the BSB.
3. The Taskforce will advise the BSB on:
	1. How regulatory tools can influence improved race equality outcomes at the Bar;
	2. What activities the BSB may consider taking forward, recommending or facilitating to increase awareness of and improve issues of race equality at the Bar;
	3. How race equality at the Bar is impacted by its working cultures and professional environment[[2]](#footnote-2); and
	4. How race equality at the Bar is impacted by issues of intersectionality.
4. The BSB will:
	1. Consider any recommendations from the Taskforce;
	2. Include recommendations which are agreed between the Taskforce and the BSB, and which fall within the regulatory remit of the BSB, in its plans and projects;
	3. Work with stakeholders to progress agreed recommendations which do not fall within its remit as the regulator of the Bar, as appropriate; and
	4. Update members of the Taskforce on the progress of agreed recommendations, as appropriate;
5. It is envisaged that the advice of the Taskforce will be sought from:
	1. The BSB E&AJ Team and the BSB E&AJ Programme Board;
	2. Wider BSB teams, as appropriate; and
	3. The BSB Board, as appropriate.
6. It is envisaged that the activity of the Taskforce will be reinforced by external advice and expertise, as appropriate.

**Membership**

1. The Taskforce consists of:
	1. A Chair, who may be a barrister member or a BSB staff member;
	2. Barrister members, who are currently practising or have practised as members of the Bar of England and Wales; and
	3. BSB staff members, including the BSB Director General and members of the BSB Equality and Access to Justice Team.
2. The minimum number of members is three, consisting of two barrister members and one BSB staff member. Barrister membership should be representative of the practice areas and regions of the Bar of England and Wales, and of racial diversity in society.

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| Mark Neale  | Director General, BSB | Chair; BSB staff member. |
| Sara Ibrahim | Barrister (2006), 3 Hare Court. | Barrister member |
| Marcia Shekerdemian QC | Barrister (1987; QC 2015), Wilberforce. | Barrister member |
| Paul Stanley QC | Barrister (1993; QC 2010), Essex Court. | Barrister member |
| Leslie Thomas QC | Barrister (1988, QC 2014), Garden Court. | Barrister member |
| Amit Popat | Head of E&AJ, BSB. | BSB staff member |
| Benjamin Burns | Policy Manager, E&AJ, BSB. | BSB staff member |

1. The Taskforce will meet bi-monthly for the first three meetings and quarterly thereafter. As an advisory body, the Taskforce has no quorum, but meetings should be scheduled when full attendance is possible and rescheduled if there is a likelihood of low attendance. Meetings may be attended by members of the E&AJ Programme Board, BSB teams, APEX Members and external organisations as appropriate.
2. These Terms of Reference, membership of the Taskforce and the continuing need for the Taskforce will be reviewed at least annually, by the BSB E&AJ Team in consultation with the Taskforce members and E&AJ Programme Board.

**Appendix 1**

**Background and race equality issues affecting the Bar.**

1. The Legal Services Act 2007 requires the BSB to encourage an independent, strong, diverse and effective legal profession; and to protect and promote the public interest. Lack of diversity, and discriminatory working culture and practices are key risks to the delivery of these objectives.[[3]](#footnote-3) Though diversity of barristers is improving, there is some way to go before the Bar represents the public it serves. We need to ensure that there are no barriers to access or progress and that Black, Asian and Minority Ethnic (BAME) barristers have equal access to all parts of the Bar.
2. The latest available diversity data for the Bar[[4]](#footnote-4) shows that the percentage of BAME barristers has increased by 0.3pp to 13 per cent. This compares to an estimate of 15.5 per cent of the working age population in England and Wales. The proportion of pupils from BAME backgrounds is 16.3 per cent (an increase of 0.2pp). The proportion of BAME barristers declines at higher levels of seniority, suggesting an issue with progression: 7.8 per cent of QCs are from BAME backgrounds (an increase of 0.6pp). BAME barristers are more likely to be employed and to be sole practitioners; they are less likely to be tenants in chambers.
3. Research from 2018[[5]](#footnote-5) suggests that BAME BPTC graduates are roughly half as likely to obtain pupillage as white graduates with similar prior educational attainment. Qualitative research suggests that BAME students are less likely to have access to accurate information about the BPTC and to social connections within the legal profession. Socio-economic status also has a significant predictive effect on whether BPTC graduates obtain pupillage, suggesting that more needs to be done on the intersection of race and socio-economic status.
4. In a 2018 survey[[6]](#footnote-6), 34 percent of BAME barristers said they had personally experienced bullying, discrimination or harassment in the last two years, in contrast to 19 percent of white barristers. This marks an increase of 9pp for BAME barristers and 7pp for white barristers, since 2013.[[7]](#footnote-7) The same survey points to long working hours, considerable pressure and difficulty balancing work and home lives at the Bar. This may further encourage inappropriate workplace behaviours and inequality of opportunity.
1. *Heads Above the Parapet: How can we improve Race Equality at the Bar?* (BSB, 2018). [↑](#footnote-ref-1)
2. <https://www.barstandardsboard.org.uk/media/1961129/consultation_on_bsb_strategic_aims_2019-22.pdf> [↑](#footnote-ref-2)
3. *Draft Strategic Programme for 2019-22* (BSB, 2018); *Risk Outlook* (BSB, 2016). [↑](#footnote-ref-3)
4. *Diversity at the Bar 2018* (BSB, 2018). [↑](#footnote-ref-4)
5. *Exploring differential attainment at BPTC and Pupillage* (BSB, 2018). [↑](#footnote-ref-5)
6. *Barristers’ Working Lives 2017* (Bar Council, 2018). [↑](#footnote-ref-6)
7. *Barristers’ Working Lives 2013* (Bar Council, 2014). [↑](#footnote-ref-7)