

Terms of reference: Religion and Belief Taskforce

Role and Purpose

1. The Religion and Belief Taskforce (the Taskforce) exists to provide advice to the Bar Standards Board (BSB) in support of the development of strategy, policy and activity relating to religion and belief at the Bar. The Taskforce is an advisory body, established under paragraph 14(3) of the Constitution of the BSB.
2. The definition of ‘religion and belief’ for the purposes of the Taskforce accords with the Equality Act 2010, in that ‘religion’ also includes those who do not have a religion. Belief is defined as “any religious or philosophical belief” within the Act, and courts have developed a definition of ‘belief’ through cases they have decided¹. For a philosophical belief to be protected under the Act it must:
 - be genuinely held;
 - be a belief and not just an opinion or viewpoint based on the present state of information available;
 - be about a weighty and substantial aspect of human life and behaviour
 - attain a certain level of cogency, seriousness, cohesion and importance; and
 - be worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with fundamental rights of others.

Philosophical beliefs – for example, humanism and veganism – therefore fall within the scope of the Taskforce.

3. The Taskforce will advise the BSB on:
 - a. How regulatory tools can advance equality of opportunity, respect, diversity, and inclusivity at the Bar with regards to religion and belief;
 - b. What activities the BSB may consider taking forward, recommending or facilitating to increase awareness of and improve equality of opportunity, respect, diversity and inclusivity at the Bar with regards to religion and belief;
 - c. How equality of opportunity, respect, diversity and inclusivity at the Bar are affected by its working cultures and professional environment²; and

¹ <https://www.equalityhumanrights.com/sites/default/files/religion-or-belief-guide-to-the-law.pdf>

² https://www.barstandardsboard.org.uk/media/1961129/consultation_on_bsb_strategic_aims_2019-22.pdf

- d. How equality of opportunity, respect, diversity and inclusivity on the basis of religion and belief at the Bar interact with issues of intersectionality.

4. The BSB will:

- a. Consider any recommendations from the Taskforce;
- b. 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;
- c. Work with stakeholders to progress agreed recommendations which do not fall within its remit as the regulator of the Bar, as appropriate; and
- d. 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:

- a. The BSB E&AJ Team and the BSB E&AJ Programme Board;
- b. Wider BSB teams, as appropriate; and
- c. 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

7. The Taskforce consists of:

- a. A Chair, who may be a barrister member or a BSB staff member;
- b. Barrister members, who are currently practising or have practised as members of the Bar of England and Wales; and
- c. As relevant, BSB staff members, including the BSB Director General and members of the BSB Equality and Access to Justice Team.

8. The term of appointment of a member should be three years.

9. 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 varying

levels of seniority. The committee can in exceptional circumstances include barristers who are not currently practising and are looking to practise. Membership should be drawn from different religions, with at least one member from each of the established communities of religion and belief across the Bar (including those without a religion).

Name	Position	Religion represented
Sultana Tafadar	Chair, Barrister	Islam
Christopher Grout	Vice-Chair, Barrister	Christianity
Julian Blake	Barrister	Judaism
Jaskeerat Gulshan	Unregistered Barrister	Sikhism
Narinder Jhittay	Barrister	Sikhism
Annabel Timan	Barrister	Judaism
Tinessa Kaur	Unregistered Barrister	Sikhism
Sanjay Patel	Barrister	Christianity
Ravi Aswani	Barrister	Hinduism
Ramya Nagesh	Barrister	Hinduism
Sam Robinson	Barrister	Atheism
Daniel Grutters	Barrister	Islam
Mark Neale	BSB Director General	
Shadae Cazeau	BSB Head of Equality & Access to Justice	N/A
Meera Roy-Chowdhury	BSB Policy Manager, Equality & Access to Justice	N/A

10. 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. At least two thirds of the taskforce must be present for any major decisions to be made. Meetings may be attended by members of the E&AJ Programme Board, BSB teams, APEX Members and external organisations as appropriate.

11. 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 on religion and belief at the Bar.

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

12. The BSB's evidence on basis on religion and belief is limited. The Diversity at the Bar report, published annually by the BSB, contains statistics relating to the diversity of pupils and practising barristers, including data relating to religion/belief. The 2020 report showed that most half of the Bar (48.0%) did not disclose their religion. 0.3% identified as Buddhist, 23.4% as Christian (all denominations), 0.8% as Hindu, 1.8% as Jewish, 2.1% as Muslim, 0.6% as Sikh, 0.7 as having another religion, and 17.8% as having no religion. 4.5% preferred not to say.
13. Qualitative research from October 2020 on bullying, discrimination and harassment at the Bar found that there were cultural barriers to inclusivity and professional advancement at the Bar that related to religion and belief⁴. The report found that many barristers talked about the male-dominated culture at the Bar, with a significant number of male barristers congregating together in the pub in the evening, in a way that many female barristers, and barristers from different religions and cultures may not feel as inclined to do. This creates two problems – it means that such barristers are excluded from some networking opportunities, and it reinforces the idea that they do not 'fit in' with the culture at the Bar.
14. The same report also identified discrimination on the basis of religion/belief. One male Christian barrister said that "during his pupillage, he faced a negative power dynamic between him and his supervisor. She would bully him and subject him to emotional outbursts and insults. He also felt discriminated against by his peers because of his religion".
15. A 2016 evaluative study of the Bar Course Aptitude Test (BCAT) found that there were differences in scores by religion. Analysis showed there were significant differences in the BCAT scores obtained by individuals from different religions. Statistical analysis indicated where the significant differences lay. Candidates who reported their religion as No religion or belief scored significantly higher than those who reported their religion as Buddhist, Christian, Hindu, Muslim and Sikh. Candidates who reported their religion as Agnostic scored significantly higher than those who reported their religion as Buddhist, Hindu, Muslim and Sikh.

³ *Draft Strategic Programme for 2019-22* (BSB, 2018); *Risk Outlook* (BSB, 2016).

⁴ *Bullying, Discrimination and Harassment at the Bar* (BSB, 2020)

Candidates who reported their religion as Christian scored significantly higher than those who reported their religion as Muslim⁵.

⁵ *BCAT Impact and Performance Evaluation* (BSB, 2016)