

Black  
Barristers'  
Network

**A REPORT ON THE EXPERIENCE  
OF BLACK SELF-EMPLOYED  
BARRISTERS**

November 2020

© Black Barristers' Network 2020

# CONTENTS

<b>1. EXECUTIVE SUMMARY .....</b>	<b>3</b>
1.1. RESPONSE RATES .....	3
1.2. ETHNICITY .....	3
1.3. SENIORITY .....	3
1.4. SOCIO-ECONOMIC BACKGROUND .....	3
1.5. PRACTICE AREAS .....	4
1.6. RELATIONSHIPS WITHIN CHAMBERS .....	4
1.7. RELATIONSHIPS WITH OTHERS .....	6
<b>2. INTRODUCTION .....</b>	<b>8</b>
2.1 Data presentation .....	8
2.2 Data protection and confidentiality .....	10
<b>3. RESPONSE RATES .....</b>	<b>10</b>
<b>4. GENDER .....</b>	<b>10</b>
<b>5. ETHNICITY .....</b>	<b>12</b>
<b>6. AGE .....</b>	<b>13</b>
<b>7. SENIORITY .....</b>	<b>13</b>
<b>8. SOCIO-ECONOMIC BACKGROUND .....</b>	<b>14</b>
<b>9. PRACTICE AREAS .....</b>	<b>16</b>
<b>10. RELATIONSHIPS WITHIN CHAMBERS .....</b>	<b>17</b>
10.1. Relationships with other members .....	17
10.2. Inappropriate treatment .....	19
10.3. Relationships with clerks .....	20
10.4. Practice areas .....	22
10.5. Allocation of work .....	23
10.6. Instructions and fees .....	25
9.7 Encouragement to participate .....	29
9.8 Being led .....	35
9.9 Chambers committees .....	37
9.10 Chambers experience .....	41
9.11 Written answers .....	41
<b>10 RELATIONSHIPS WITH OTHERS .....</b>	<b>43</b>
10.1 The Bench .....	43
10.2 Relationships with solicitors .....	46
10.3 Opponents .....	51
10.4 Treatment by court staff .....	55
10.5 Written responses .....	60
<b>11 CONCLUSIONS .....</b>	<b>60</b>
<b>LIST OF CHARTS .....</b>	<b>62</b>
<b>LIST OF SURVEY QUESTIONS .....</b>	<b>64</b>

# **1. EXECUTIVE SUMMARY**

- Below we set out a summary of the key findings within the report.

## **1.1. RESPONSE RATES**

- There was a strong response to this survey with 100 barristers participating.
- Considerably more respondents who identified as “female” took the survey (66%) than those who identified as “male” (31%).
- There was a notable difference between male and female responses to many of the questions. We are mindful that there is a possibility that responses from Black male barristers may not be fully reflective of the Black male experience, given the lower number of Black male respondents. However, it remains clear that there was a notable difference between male and female responses to many of the questions.

## **1.2. ETHNICITY**

- There were a roughly equal number of respondents who identified as being of African or Caribbean origin (including those of mixed heritage).
- This factor made very little difference to the responses, however in the few instances where a material difference was seen, this is highlighted within the report below.

## **1.3. SENIORITY**

- 64% of respondents had been in practice for over 7 years, with 36% having practised for under 7 years.
- For several questions there was a notable difference in response between the most junior practitioners and the more senior practitioners.

## **1.4. SOCIO-ECONOMIC BACKGROUND**

- Most respondents (66%) mainly attended a state secondary school.
- There was a relatively even balance between those who were in the first generation to go to university (52%) and those who were not (48%).

## 1.5. PRACTICE AREAS

- Most respondents practise primarily in publicly funded areas of law, with well over half practising in either crime (33%) or family (34%).
- It was far more common for the most junior respondents to practise outside these areas.

## 1.6. RELATIONSHIPS WITHIN CHAMBERS

### Relationships with other members

- 35% of respondents felt that relationships with members of chambers had been negatively affected by their race. It was more likely for female and more senior respondents to hold this view.
- 24% of respondents were uncertain as to whether their relationships with members of chambers had been affected by their race.

### Inappropriate treatment

- A considerable number of respondents had experienced inappropriate treatment within chambers that they thought may be related to their race.
- The most common experiences were micro-aggressions (46 respondents) and being patronised (40 respondents).
- There were noticeable differences in the experiences of male and female respondents. For example, male responses indicated that they were more likely than females to experience aggression, whereas female responses indicated that they were more likely to experience being patronised than males.

### Relationships with clerks

- Overall a small majority (52%) did not feel that their relationships with clerks were negatively affected by race. However female respondents were more likely to consider these relationships were negatively affected by race.

### Practice areas

- Overall, the majority of respondents (62%) did not feel that they had been pushed to practice in a particular area.
- It was more than twice as likely for more senior respondents (those practising for over 7 years) to feel pushed to practice in a particular area when compared with the most junior practitioners (those practising for under 7 years).

### Allocation of work

- 53% of respondents thought the allocation of work in chambers had been negatively affected by race or were uncertain as to whether it had been.
- 47% of respondents felt that the allocation of work in chambers was not negatively affected by race.
- Female respondents and those practising for over 7 years were far more likely to consider the allocation of work was negatively affected by race.

### Instructions and fees

- 45 respondents were confident that their clerks would challenge a solicitor who had been discriminatory in his instructions as compared with 43 who were not.
- A slim majority of respondents (52%) were happy with the fees quoted for their work, but over a quarter were clearly dissatisfied. Female respondents were more likely to be dissatisfied.
- A majority (54%) of respondents did not think the fees quoted for their work were negatively affected by race. However, of the female respondents and those practising for over 7 years, more than half felt their fees were negatively affected by race or were uncertain.

### Encouragement to participate

- Most respondents felt high levels of encouragement from chambers to promote themselves to solicitors (63%). Almost all respondents who indicated low levels of encouragement were female respondents.
- A similar number of respondents felt that the level of encouragement from chambers to promote themselves had not been affected by race (64%). Almost all respondents who felt the level of encouragement was affected by race were female.
- Half of the respondents felt that they were provided with high levels of support from chambers for career progression and the same proportion felt this level of support was not affected by race.
- However, over 40% felt they had received low levels of support from chambers in terms of career progression.
- 50% felt that the level of support received in career progression was not negatively affected by race. 50% thought the support they received in career progression was negatively affected by race or were uncertain as to whether it had been.
- Female respondents were more likely to report low levels of support or that the levels of support received were or may have been negatively affected by race.

### Being led

- 58% of respondents believed that opportunities to be led had been negatively affected by race or were uncertain as to whether this was the case.

- Female respondents and those practising over 7 years were considerably more likely than others to think that these opportunities were, or might have been, negatively affected by race.

#### Chambers committees

- A majority of respondents (68%) did not consider that their race had a negative impact on their experience of trying to join a chambers committee and most had positive experiences when sitting on those committees.
- 81% of respondents who had negative experiences sitting on chambers committees were female; female respondents were also more likely to believe that negative experiences on committees were due to race.

#### Chambers experience

- The majority of respondents felt that their experiences in chambers could be improved by more Black Barristers or more senior Black Barristers.

## 1.7. RELATIONSHIPS WITH OTHERS

#### The Bench

- Most respondents (56%) felt that their experiences before judges/magistrates/panel members **(the Bench)** were negatively affected by their race; this increases to 86% when taking into account those that thought these experiences may have been negatively affected by race.
- Male respondents and those practising for under 7 years were more likely to report negative experiences or inappropriate treatment affected by their race.
- The most common inappropriate treatment experienced by respondents because of their race were microaggressions and being patronised, with over half of respondents having experienced this treatment.

#### Relationships with solicitors

- 61% of respondents either felt that relationships with solicitors were negatively affected by race or were uncertain as to whether they had been.
- Most respondents felt respected in their fields by solicitors, however the level of respect varied depending on the question. For example, whilst high levels of respect were reported

in relation to the work received (74% felt respected), only a slim majority (51%) felt respected in the fees solicitors were willing to pay.

## Opponents

- Most respondents (54%) felt that they had been treated inappropriately by opponents because of their race at some point. However, those practising for over 7 years (including silks) were considerably more likely than the most junior practitioners to hold this view.
- The most common forms of inappropriate treatment that respondents thought may have been related to their race were being patronised and belittled, with over half of all respondents reporting either form of inappropriate treatment.
- Certain forms of inappropriate treatment were more common amongst male respondents (e.g. aggression) or female respondents (e.g. being patronised or belittled).

## Treatment by court staff

- Just over half of the respondents felt that treatment by court staff had been negatively affected by race at some point; this was more common amongst female respondents, those indicating African heritage and those practising for under 7 years.
- A considerable proportion of all respondents had, at some point in their careers, been mistaken for a person other than counsel by court staff. The most common examples were: being mistaken for a party in the case (49 respondents) and a defendant in a criminal case (33 respondents).

## 2. INTRODUCTION

- This report presents a summary of the results of a survey of Black Barristers at the self-employed Bar<sup>1</sup> and was conducted by the Black Barristers' Network (**BBN**) between July and August 2020. Our expectation is that future surveys will be conducted which focus on employed Black Barristers, pupillage, tenancy decisions and on QC and Judicial appointments.
- Black Barristers represent only around 3.2% of the Bar<sup>2</sup> and are considerably underrepresented in a large number of practice areas, particularly outside publicly funded areas.
- The aim of the survey was to gain a research-based understanding of the experiences of Black Barristers and to use this research to increase awareness of challenges faced by Black Barristers and develop practical solutions, so that the Bar can become a more inclusive, open and fair profession.
- BBN encouraged its mailing list of around 200 Black Barristers to complete the survey and promoted the survey on various social media platforms, including LinkedIn and Twitter.

### 2.1 Data presentation

- The data in this report is presented in charts followed by a written summary. Most of the data is displayed as a percentage. However, where it is helpful to do so, the total number of responses for particular options are relied on.
- Where a respondent indicated that the question did not apply to them (i.e. answered N/A), those answers were stripped from the data and the percentages adjusted to ensure the report only includes and is only in respect of those to whom the relevant question applied.
- Most multiple-choice questions gave respondents the following options: Yes, No, Maybe or Not sure.
- The answers “Maybe” or “Not Sure” indicate varying degrees of uncertainty and were included as alternate options in recognition of the reality that most experiences of racism are not overt. Therefore, it can be difficult to determine the reason(s) for any unfavourable or less favourable treatment. Although those affected may not be able to say with certainty that their race has had a negative impact, it may be suspected or considered as a possibility, with varying degrees of confidence. This is particularly so with structural racism, which

---

<sup>1</sup> The survey was also open to employed barristers who have previously been self-employed. Two respondents appear to have been in solely employed practice. However, the responses have been included. On balance where these practitioners were able to comment, their responses were no less relevant than the self-employed respondents.

<sup>2</sup> BSB's Research Report: Diversity at the Bar 2019, p.14



many of the questions addressed. In a number of the summaries below, these responses (“Maybe” and “Not Sure”) are grouped together to reflect the proportion of respondents who were uncertain in respect of any particular question. When added to the “Yes” responses, they illustrate the total number of respondents who felt that their **race had an impact** on a particular experience or **were uncertain** as to whether it had. In addition, in some of the summaries below, only the responses “Yes” and “Maybe” are grouped together to illustrate the total number of respondents who felt that their **race had or may have had an impact** on a particular experience.

- The intersectionality between race and some other characteristics is considered within this report. In particular, the analysis considers the difference in response between male and female respondents; respondents identifying as African as compared with those identifying as Caribbean; respondents of differing seniority; and those of differing socio-economic background.
- The “male” and “female” analysis includes all respondents who provided a gender or sex and those descriptions ought to be read as representative of the male/female gender or sex, unless otherwise indicated. For example, the responses of a person who has stated that they have “no gender” but that their “sex” is “Female” will have been included within the “Female” data.
- For the purposes of comparing those of ‘African’ or ‘Caribbean’ origin, where those terms are used within the body of the report they should be read as being inclusive of those persons who indicated either African or Caribbean heritage, including Black British African and Black British Caribbean, and those with mixed heritage, unless otherwise indicated<sup>3</sup>. For example, a person who is ‘Black British – Caribbean’ will be included within the data for those of ‘Caribbean’ origin. A person who is ‘White and Black African’ will be included within the data for those of ‘African’ origin.
- For comparing socio-economic background, we have compared those who are in the first generation of their families to attend university with those who are not.
- For the comparative analysis based on seniority, all those who have practised at the Bar for over 7 years have been compared with those that have practised for under 7 years<sup>4</sup>. In some instances, the responses of QCs have been considered separately.

---

<sup>3</sup> The few respondents who did not indicate ‘African’ or ‘Caribbean’ origin or who were of both African and Caribbean origin were not included in this comparative analysis.

<sup>4</sup> This category includes pupil barristers.

## 2.2 Data protection and confidentiality

- We take our data protection and confidentiality responsibilities seriously. We ensured that the survey was completed anonymously without any identifying information being sought from the respondents. Where long form answers have been summarised within this report, we have made every effort to ensure that no individual respondent can be identified.

## 3. RESPONSE RATES

- As at the time of the BSB's report on Diversity at the Bar, which represents a snapshot of their data as at 1 December 2019<sup>5</sup> (**the BSB Diversity report**), there were 512 Black/Black British Barristers (including pupils) in the United Kingdom, with a further 114 mixed-race barristers with Black/Black British heritage<sup>6</sup>.
- Assuming no material or significant changes since the BSB Diversity report was published, this report includes responses from approximately 16% of Black Barristers.

## 4. GENDER

- There was a considerable difference in response rates between male and female respondents as set out in Chart 1 below. 64% of respondents responded that their gender was female. This compares with 30% of respondents whose gender was male. A small number of respondents informed us that many consider question of gender to be based on a social construct and objected to the question on that basis and/or emphasised their identified sex. We adapted our analysis to compare the results of those who identified as "female" or "male", adding those who objected to the concept of gender but who otherwise indicated a "female" or "male" identity to the relevant analytical category. Once this is taken into account, 66% of the respondents identified as "female", compared to 31% who identified as "male".
- From data obtained from the BSB, as at 1 December 2019, 55% of all Black Barristers are female; 45% are male. Higher female response rates are therefore unsurprising, but the extent of the difference is still considerable even allowing for the higher number of female Black Barristers within the profession.
- As a result of the difference in response rates, the views of female respondents will have a greater influence in the overall results, on a comparative basis. The report does highlight notable differences in response from female and male respondents. Given the relatively

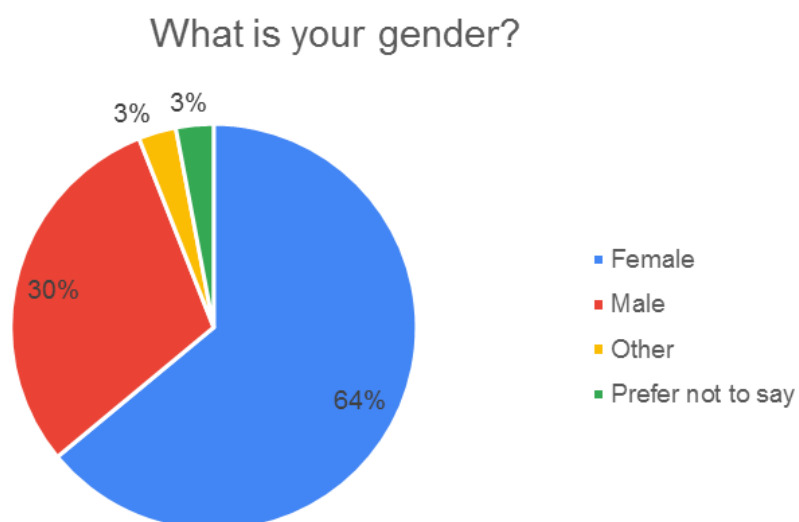
---

<sup>5</sup> BSB's Research Report: Diversity at the Bar 2019, p.8.

<sup>6</sup> BSB's Research Report: Diversity at the Bar 2019, Table 5.

small sample size of Black male respondents, there is a possibility that those responses may not be fully representative of the views held by Black male barristers.

*Chart 1<sup>7</sup>*



---

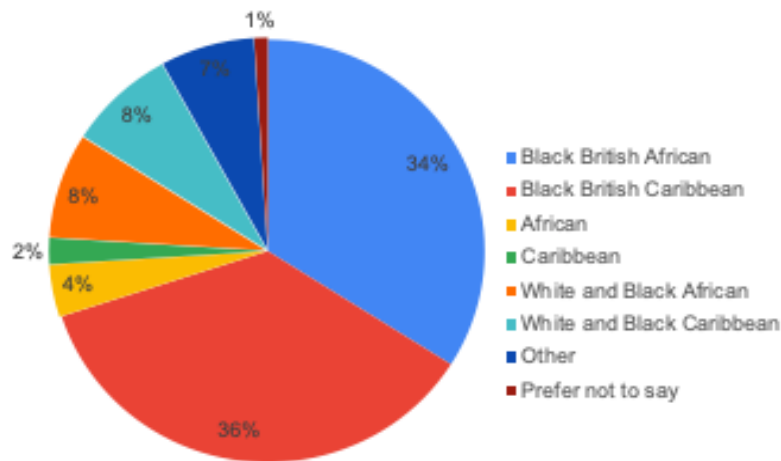
<sup>7</sup> Note the points stated on p.10 of this report regarding those who objected to the concept of gender as a social construct. This chart reflects the responses given to the question prior to any analysis mentioned on p.10.

## 5. ETHNICITY

*Chart 2*

- Barristers of Black African/Caribbean descent, including those of mixed heritage, were invited to complete the survey. The ethnic breakdown of respondents is set out in Chart 2 below.
- Three of the 100 respondents identified as being from an ethnic group other than Black British African/Black British Caribbean/African/Caribbean/White and Black African/White and Black Caribbean.<sup>8</sup>

What is your ethnic group?



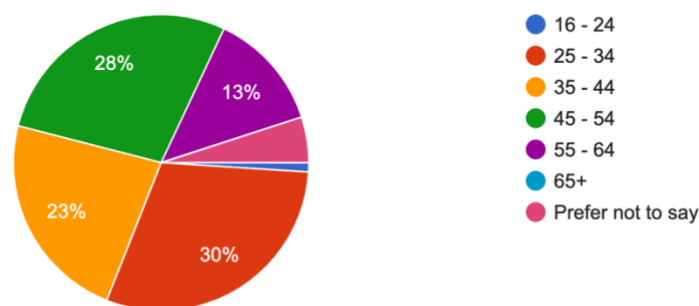
<sup>8</sup> Their answers represent a very small proportion of overall responses that their impact on the ultimate findings of the report (assuming they are not in fact of African or Caribbean origin) would be *de minimis*.

## 6. AGE

*Chart 3*

- As can be seen in Chart 3 below, a broad range of age groups is represented in this report, with similar numbers completing the survey in the age groups 25 – 34 (30%), 35 – 44 (23%) and 45 – 54 (28%).

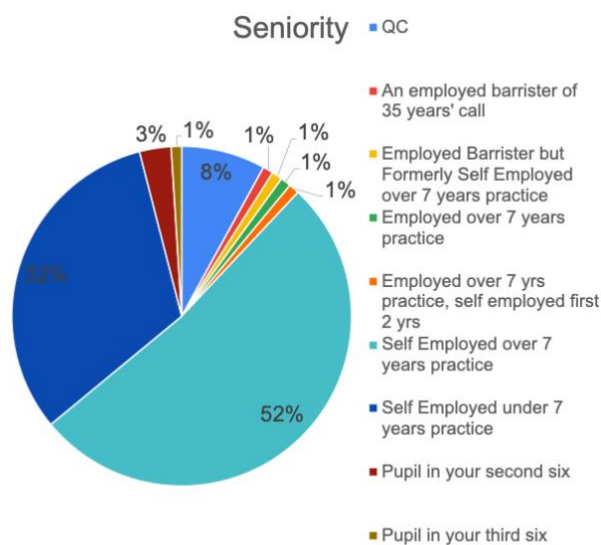
From the list of age bands below, please indicate the category that includes your current age in years:



## 7. SENIORITY

*Chart 4*

- Chart 4 below shows the seniority of respondents within the profession.



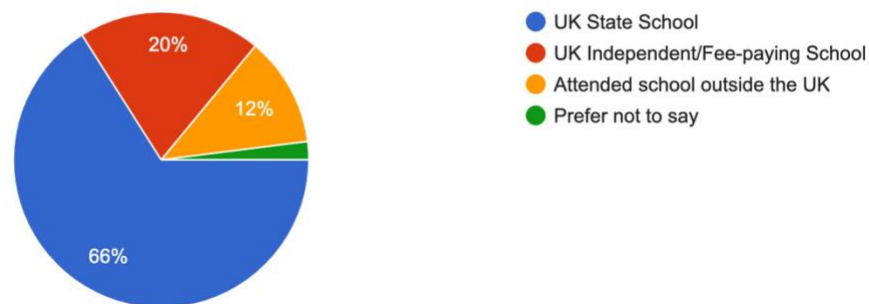
- 52% of respondents were in self-employed practice for over 7 years, with a further 2% of respondents having had a mix of employed and self-employed work, but with over 7 years practice in total.
- 32% of respondents were in self-employed practice for under 7 years with a further 4% of respondents being pupils.
- 8% of respondents were QCs.
- The final 2% were solely employed practitioners practising for over 7 years.
- Just over 1% of QC's (23) are from a Black/Black British background.<sup>9</sup> As there were 1834 QCs as at the data of the BSB's Diversity Report, the QC response to this survey is relatively high based on the number of Black/Black British QCs at the Bar.

## 8. SOCIO-ECONOMIC BACKGROUND

### *Chart 5*

- Chart 5 below sets out the educational background of respondents.

(b) Did you mainly attend a state or fee-paying school between the ages 11 – 18?



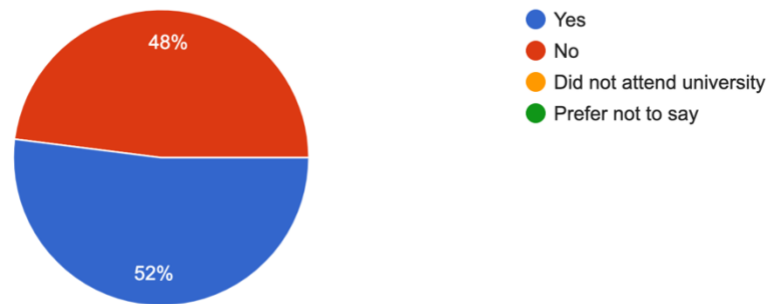
- 66% of respondents mainly attended a UK state school, with 20% having attended an independent or fee-paying school in the UK.

<sup>9</sup> BSB Diversity report, Section 4.2, p. 14;

**Chart 6**

- Chart 6 shows the proportion of respondents that were the first generation in their family to go to University.

(a) If you went to University (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?



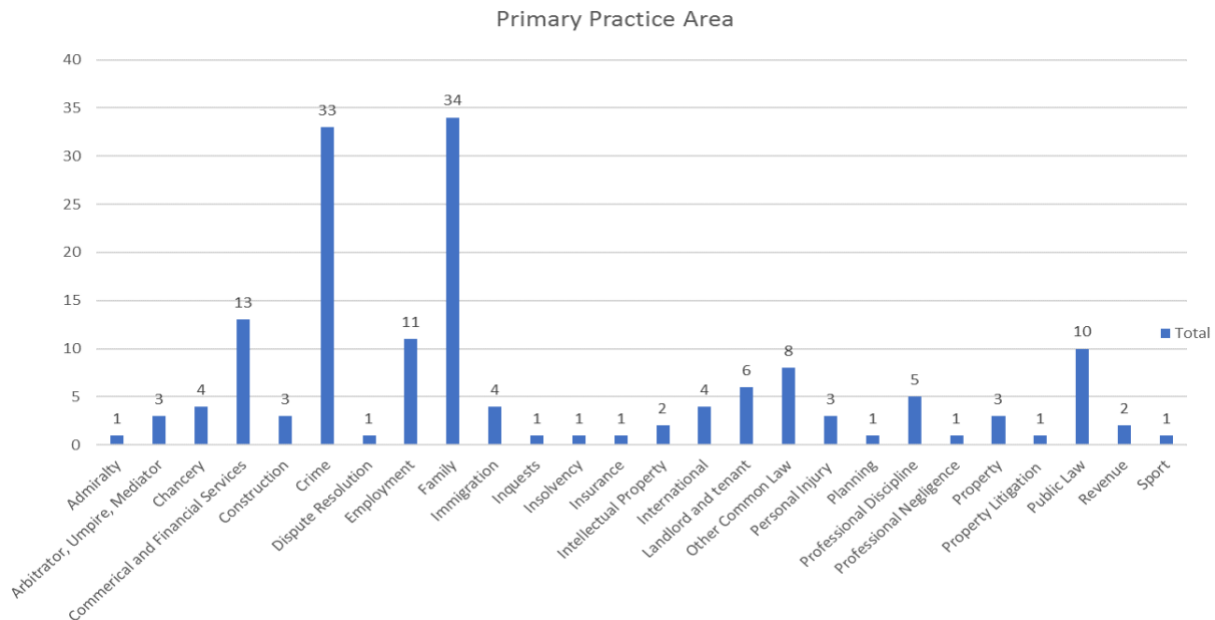
- There is a relatively even balance of those who were in the first generation to go to university and those that were not, with 52% being in the first generation and 48% not being in the first generation. The best available evidence regarding the Bar as a whole indicates that 52.5% of all barristers were not in the first generation to attend university, whilst 46.8% were.<sup>10</sup> Based on this evidence, Black Barristers were more likely than the general population of barristers to have been in the first generation of their family to attend university.

<sup>10</sup> See BSB's Research Report: Diversity at the Bar 2019 at section 5.2 (p. 25); this data is incomplete however and does not take into account the 52% of those at the Bar who had not provided information on this question or who preferred not to say.

## 9. PRACTICE AREAS

*Chart 7*

- Chart 7 shows the primary practice areas of respondents.



- 67% of respondents practise primarily in either crime or family: 33% crime; 34% family. There are also noticeable numbers practising primarily in the areas of commercial and financial services (13%) employment (11%), public law (10%) and 'other common law' (8%).
- There are comparatively few respondents practising in any other area. It is notable that within a number of specialist areas such as competition, defamation, European and licensing, there were no respondents reporting these areas as a primary practice.
- It was far more common for more senior respondents to be primarily practising in crime, with 38% of the respondents in practise for over 7 years practising primarily in that area as compared with 25% of those in practice for under 7 years. Seniority did not make any significant difference for those practising in family law, with 33% of respondents in practice for over 7 years practising primarily in family as compared with 36% of those in practise for under 7 years.
- It was more common for those practising in the following areas to be the most junior barristers: commercial/financial services (28% under 7 years, with 5% over 7 years), employment (14% under 7 years, with 9% over 7 years), public law (14% under 7 years,



with 8% over 7 years) and other common law areas (14% under 7 years, with 5% over 7 years).

- There was a narrower range of practice areas for those who were part of the first generation of their family to go to university and they were also more likely to practice in publicly funded areas of law as compared with those who were not. For example, whilst both groups were more likely to practice in crime or family than any other areas, 42% of those in the first generation to go to university practised in family law, as compared with 21% of those who were not. Only 10% of those in the first generation to go to university practised in commercial and financial services or chancery as compared with 23% (more than double) of those who were not in the first generation.

## 10. RELATIONSHIPS WITHIN CHAMBERS

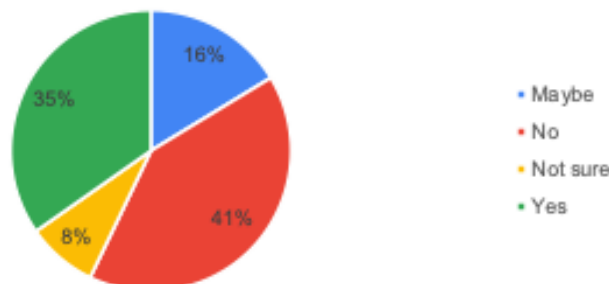
- This section of the report addresses relationships with members of chambers, chambers management and staff.

### 10.1. Relationships with other members

#### *Chart 8*

- Chart 8 shows the respondents answers to a question about whether they felt that their relationships with individual members of chambers had been negatively affected by their race.
- This question applied to 98 respondents.

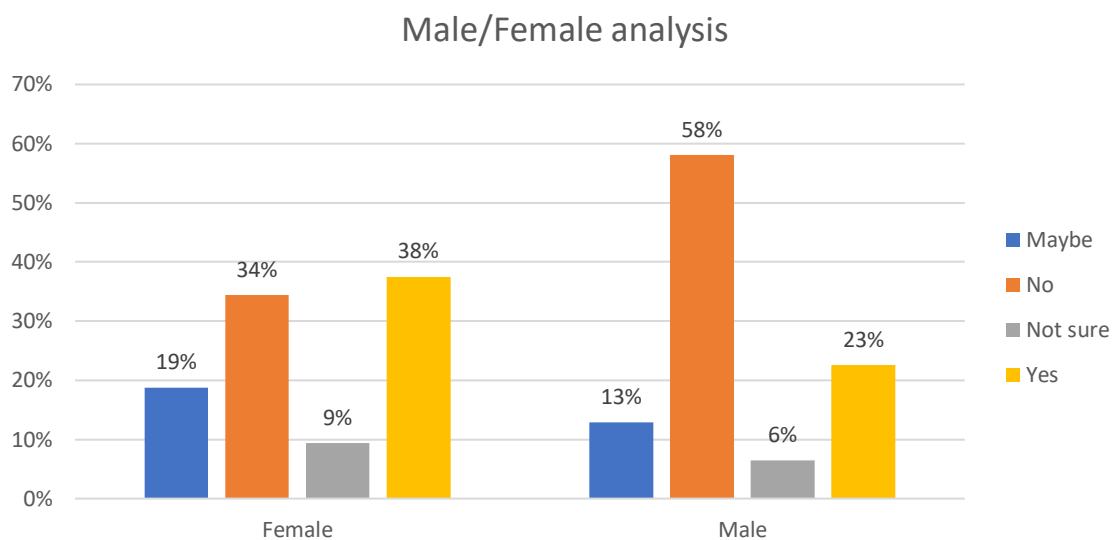
Do you feel that your relationships with individual members of chambers have been negatively affected by your race?



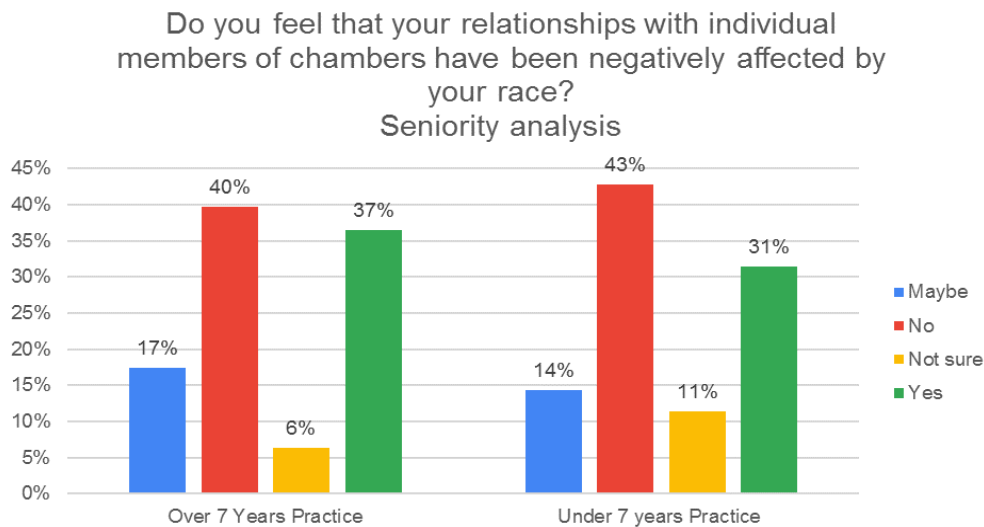
- Whilst 41% of respondents considered that their relationships with individual members of chambers had not been negatively affected by their race, 35% felt that those relationships had been. Ultimately more than half of the respondents thought that those relationships either had been so negatively affected or were uncertain as to whether they had been.
- There was a notable difference between male and female responses, with 38% of female respondents answering “Yes”, that their relationships with individual members of chambers had been negatively affected by their race; this compared with 23% of male respondents (see Chart 8.1).

**Chart 8.1**

Do you feel that your relationship with individual members of chambers have been negatively affected by your race?



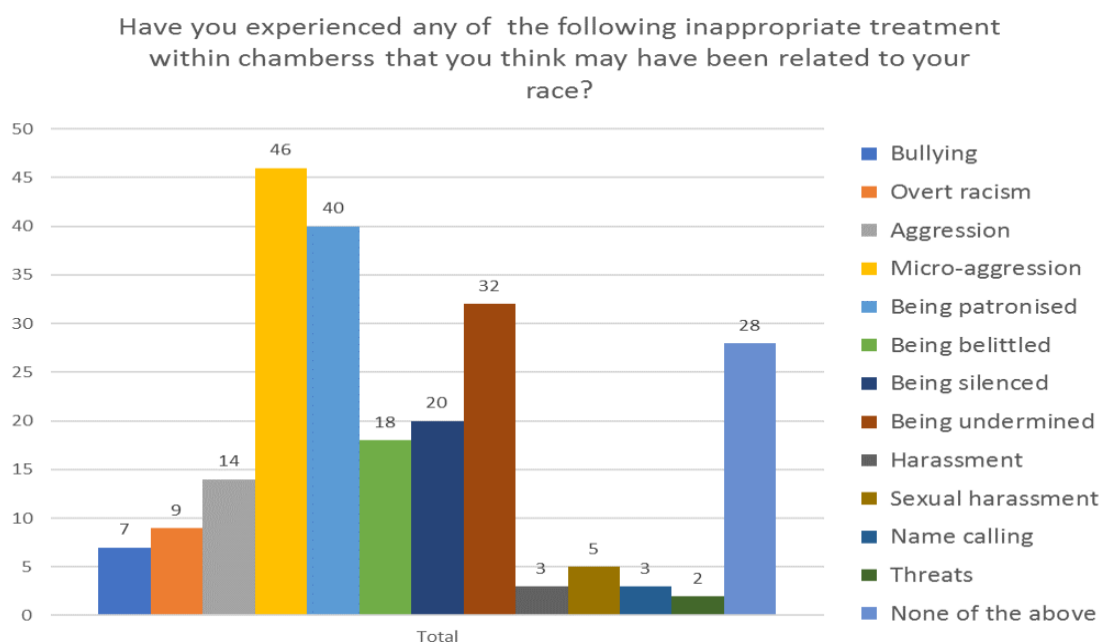
- When taking seniority into account, 37% of those respondents practising for over 7 years answered “Yes”, which compares to 31% for those practising for under 7 years (see Chart 8.2).

**Chart 8.2**

## 10.2. Inappropriate treatment

**Chart 9**

- Chart 9 shows the respondents answers to a question about whether they have experienced any inappropriate treatment within chambers which they thought may have been related to their race. The question gave a number of options for respondents to select which included several examples of inappropriate treatment. Respondents could tick as many boxes as applied.
- This question applied to 96 respondents.



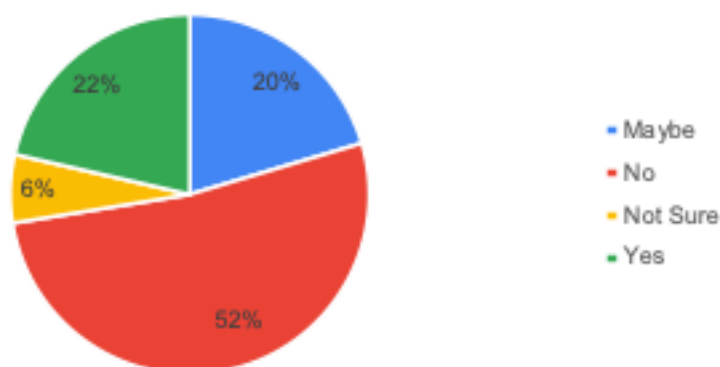
- Almost half of the respondents had experienced micro-aggressions (46 respondents) and a similar number had experienced being patronised (40 respondents) which they believed might have been related to their race.
- A considerable number had felt undermined (32 respondents), silenced (20 respondents) or suffered aggression (14 respondents). Overt racism was less common, but nonetheless concerning with 9 respondents reporting this from colleagues in chambers.
- Female respondents were more likely than male respondents to report experiencing being undermined (36% compared with 27% of male respondents); being silenced (23% compared with 13% of male respondents); being patronised (45% compared with 33% of male respondents).
- On the other hand, male respondents were more likely than female respondents to report experiencing aggression (20% compared with 13% of female respondents) and overt racism (10% compared with 8% of female respondents).

### 10.3. Relationships with clerks

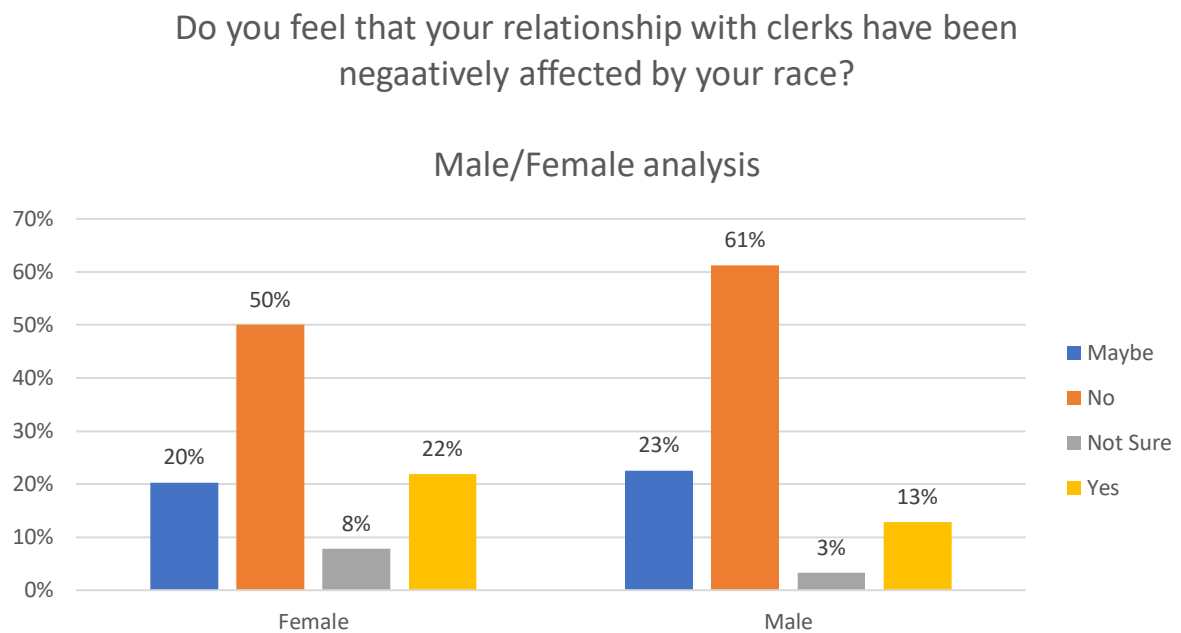
*Chart 10*

- Chart 10 shows the respondents answers to a question about whether their relationships with clerks had been negatively affected by their race.
- 98 respondents felt this question applied to them.

**Do you feel that your relationships with clerks  
have been negatively affected by your race?**



- A slim majority (52%) believed that their relationships with clerks had not been negatively affected by their race, with approximately a fifth of respondents feeling that these relationships had been negatively affected (21%). Approximately one quarter of respondents were uncertain either way (6% 'not sure' and 20% 'maybe').
- There was no significant difference in responses based on seniority or between those identifying as African as compared with those identifying as Caribbean.
- There were however noticeable differences when comparing male and female responses. 50% of female respondents answered "No", that they did not feel that their relationships with the clerks had been negatively affected by race, as compared to 61% of male respondents. 22% of female respondents answered "Yes" compared to 13% of male respondents (see Chart 10.1).

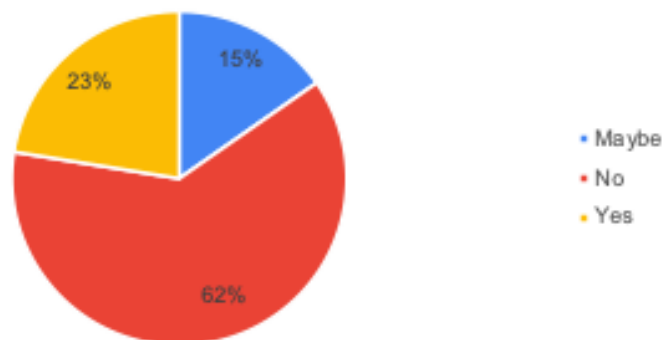
**Chart 10.1**

## 10.4. Practice areas

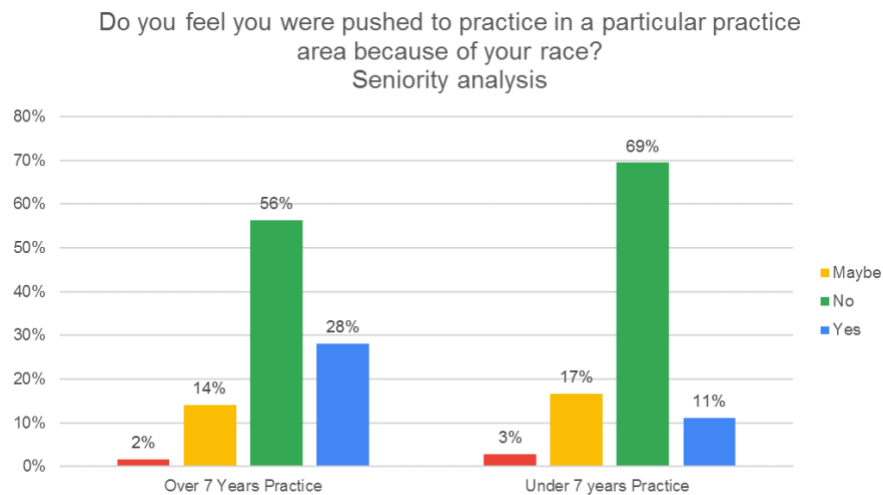
### *Chart 11*

- Chart 11 shows the respondents' answers to a question about whether they felt pushed to practise in any particular areas because of their race.
- 98 respondents felt that this question applied to them.

Do you feel you were pushed to practise in a particular area because of your race?

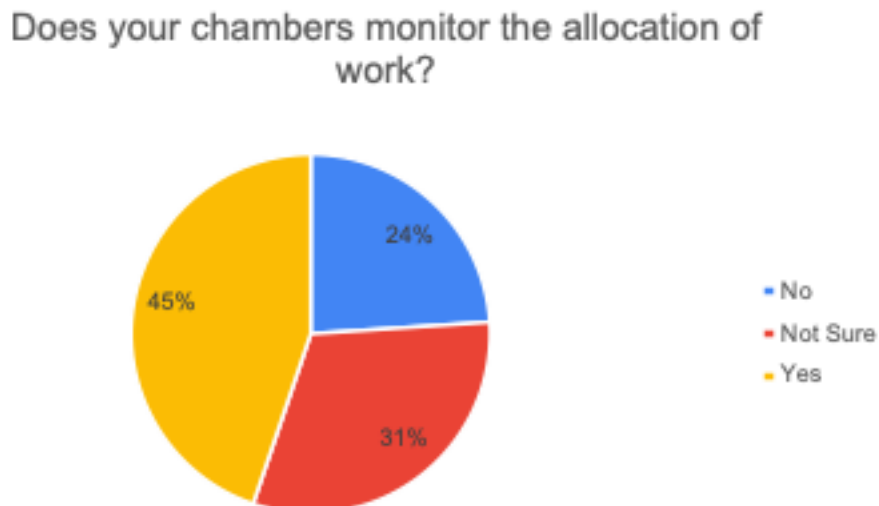


- Most respondents felt that they had not been pushed to practise in a particular area because of their race (62%), but over a fifth felt that they had been (22%) and 15% thought that they might have been.
- It was considerably more likely for more senior practitioners to feel pushed into a particular area because of their race, with 28% of those practising for over 7 years answering “Yes” as compared with only 11% of those practising for under 7 years (Chart 11.1).

**Chart 11.1**

## 10.5. Allocation of work

- Charts 12 and 13 consider the allocation of work in the chambers of the respondents.
- These charts show the results of the 96 respondents to whom these questions applied.

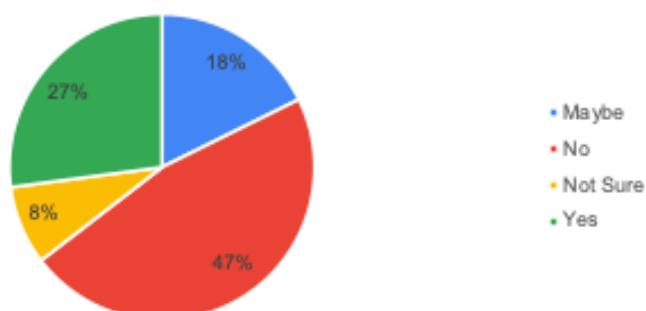
**Chart 12**

- Chart 12 indicates that for 45% of respondents their chambers monitored the allocation of work as compared with 24% of respondents who were from chambers who did not monitor the allocation of work.

- However, a considerable number of respondents (31%) did not know whether their chambers monitored the allocation of work.

**Chart 13**

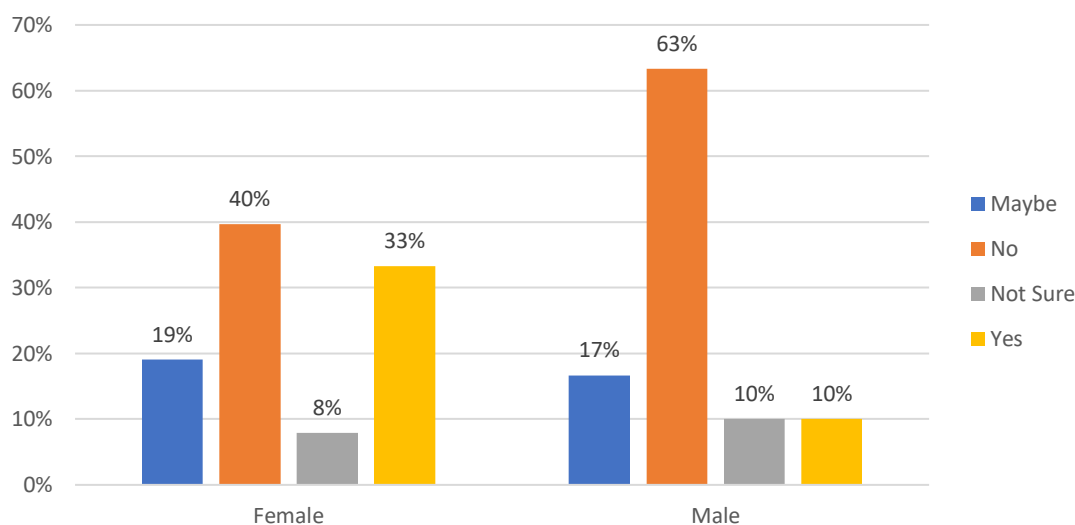
Do you feel that the allocation of work is negatively affected by your race?



- As to chart 13, whilst the largest group of respondents felt that their allocation of work was not negatively affected by their race (47%), a considerable number felt that it had been (27%) or were uncertain (26%).
- There are considerable differences between the responses given by male and female respondents and between more junior and senior practitioners, with 33% of female respondents answering “Yes”, that they did feel the allocation of work was negatively affected by their race as compared with 10% of male respondents (see Chart 13.1).

**Chart 13.1**

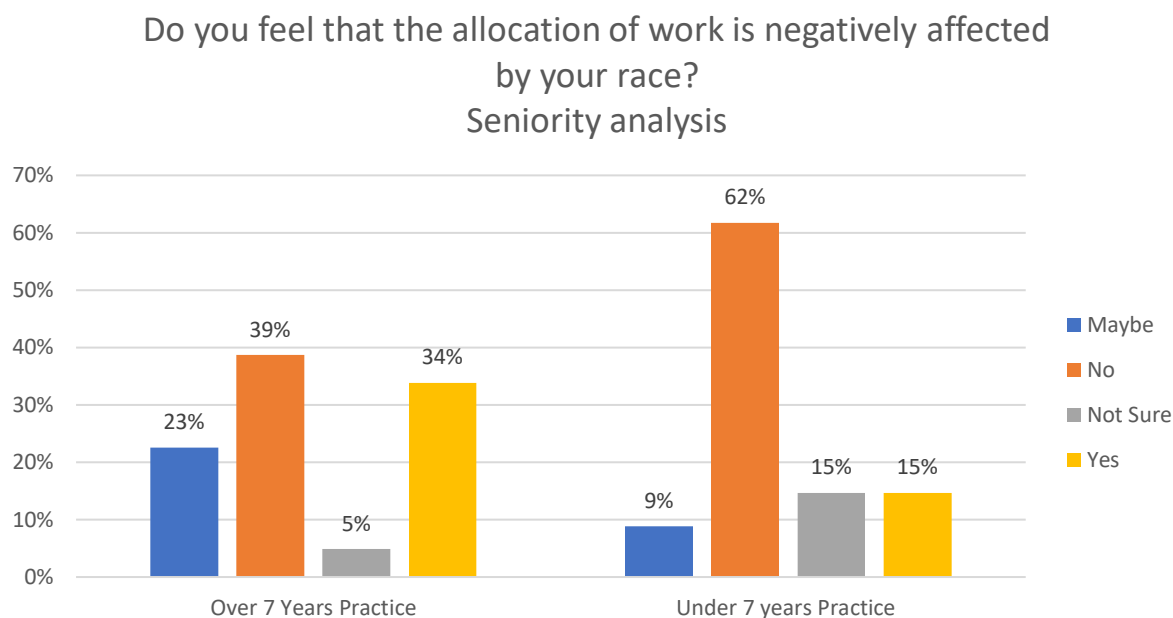
Do you feel that the allocation of work is negatively affected by your race? Male/Female analysis





- As regards seniority 34% of respondents practising for over 7 years answered “Yes” as compared to 15% of respondents practising under 7 years (see Chart 13.2).

**Chart 13.2**

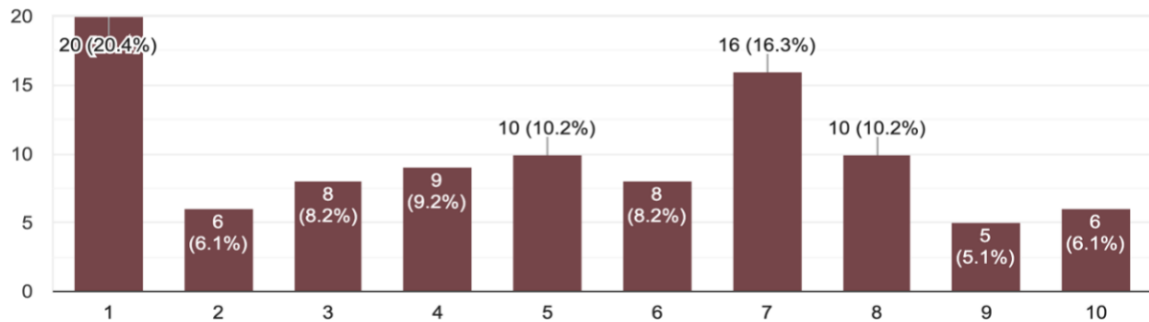


## 10.6. Instructions and fees

**Chart 14**

- Chart 14 considers the level of support respondents felt they could expect from their clerking teams in the event a solicitor or client had been discriminatory in their instructions. On a scale of 1 – 10 (with 1 being ‘not confident at all’ and 10 being ‘very confident’) respondents were asked how confident they felt that their clerks would challenge a solicitor or client who had been discriminatory in their instructions.
- 98 respondents answered this question.

On a scale of 1 to 10, how confident do you feel that your clerks would challenge a solicitor or a client who has been discriminatory in their instructions to counsel (e.g. asking for a white barrister or a male barrister)?

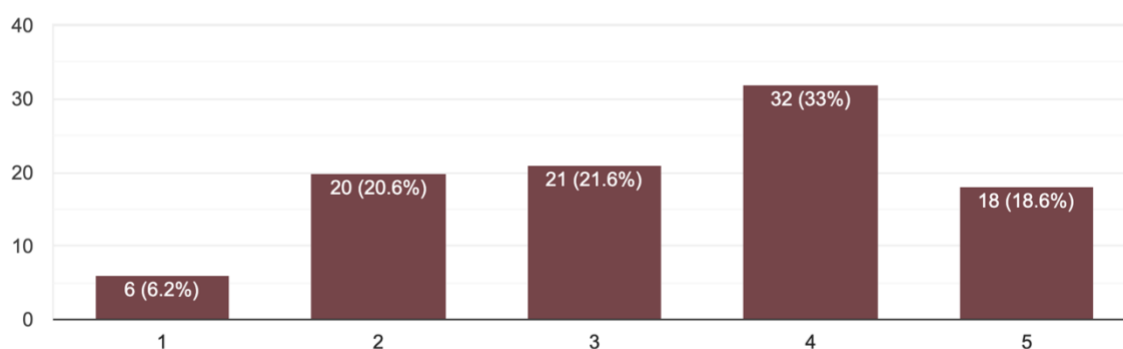


- The most common response was “1”, with just over 20% of respondents not feeling confident at all that their clerks would challenge a solicitor in these circumstances.
- Analysing the results as a whole, there were similar numbers of respondents feeling that their clerks were unlikely to challenge the solicitor/client in this situation as there were respondents who felt their clerks would challenge a solicitor; 43 respondents gave answers between 1 – 4 (low to relatively low confidence in a challenge) and 45 respondents gave answers between 6 – 10 (confidence to high confidence in a challenge).
- Charts 15 and 16 consider responses to questions regarding fees quoted for work.

### ***Chart 15***

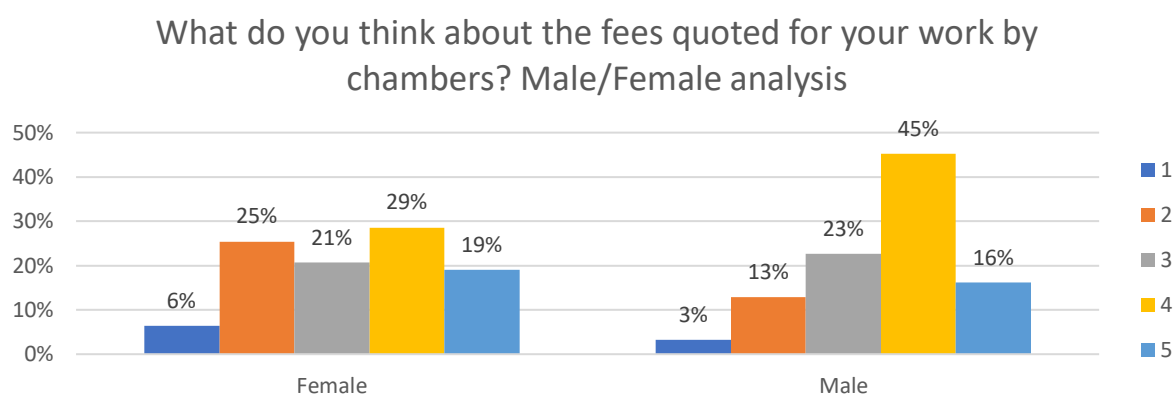
- Chart 15 displays responses to a question asking what respondents thought of the fees quoted for their work in chambers with answers from a scale of 1 – 5 (with 1 being “too low” and 5 being “just right”).
- 97 respondents answered this question.

What do you think about the fees quoted for your work by chambers?



- Most respondents gave answers at the higher end of the scale, with a slim majority (52%) responding with either 4 or 5. However, over a quarter (27%) gave answers between 1 and 2, indicating clear dissatisfaction with the fees quoted.
- There were considerable differences between the general satisfaction of male and female respondents, with 31% of female respondents giving answers between 1 and 2 as compared with 16% of male respondents giving the same answers. 61% of male respondents gave answers between 4 and 5 as compared with 48% (less than half) of female respondents (see Chart 15.1).

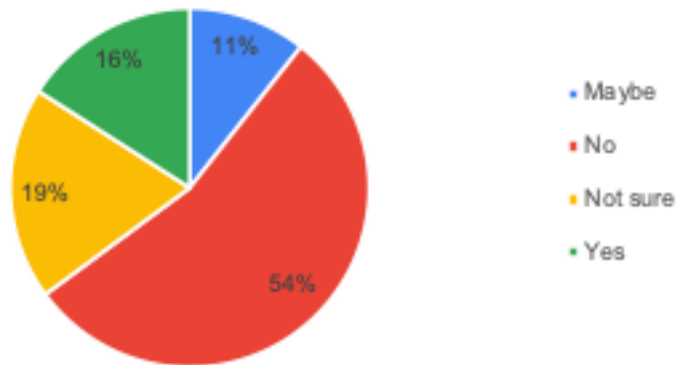
**Chart 15.1**



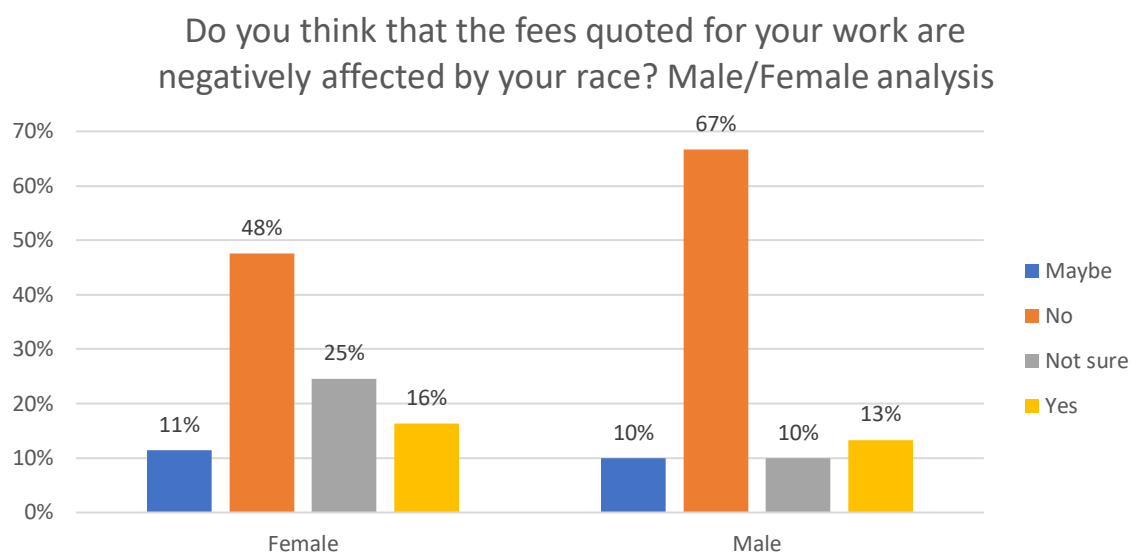
**Chart 16**

- Chart 16 displays responses to a question asking whether respondents felt the fees quoted for their work were negatively affected by their race.
- This question applied to 94 respondents.

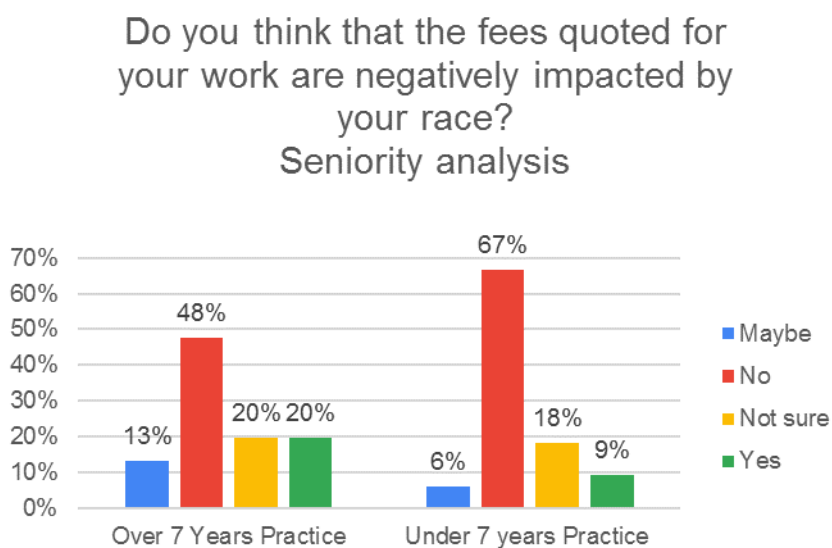
Do you think that the fees quoted for your work are negatively affected by your race?



- The majority of respondents felt that their fees quoted were not negatively affected by their race (54% of respondents). A considerably smaller number felt their fees were negatively affected by their race (16%), however when including those that were uncertain as to whether the fees quoted for their work were negatively affected by race, this increases to 46%.
- When comparing male and female responses, 33% of male respondents felt that their fees were negatively affected by race or were uncertain; this compares with 52% of female respondents giving the same answer (see Chart 16.1).

**Chart 16.1**

- When taking seniority into account, 53% of those respondents practising for over 7 years felt that their fees were negatively affected by race or were uncertain as compared with 33% of those practising for under 7 years (see Chart 16.2).

**Chart 16.2**

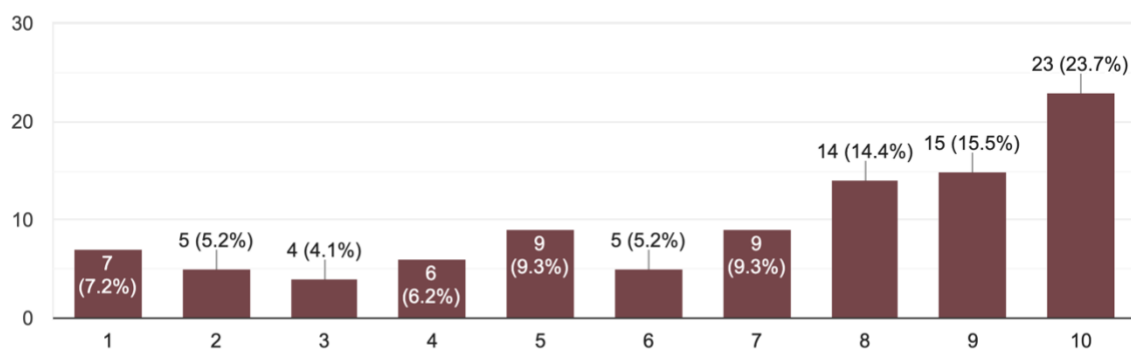
## 9.7 Encouragement to participate

- Charts 17 to 20 relate to the amount of encouragement or support respondents have received from chambers.

**Chart 17**

- Chart 17 shows the responses to the question of how much encouragement respondents had received from chambers to promote themselves to solicitors with answers from a scale of 1 – 10 (with 1 being ‘none at all’ and 10 being ‘a lot of encouragement’).
- 97 respondents answered this question.

How much encouragement have you received from chambers to promote yourself to solicitors?  
(e.g. talking in seminars, participating in events, taking solicitors out, writing articles, etc?)

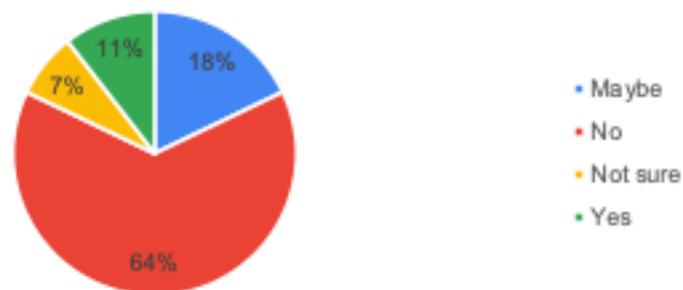


- Most respondents reported receiving high levels of encouragement to promote themselves, with around 63% of respondents giving answers between 7 and 10; this compares with 23% of respondents indicating low levels of support (answers between 1 – 4).
- However, no male respondents gave any answers between 1 and 3, with only two giving “4” as an answer. All other answers between 1 – 4 were from female respondents or those who did not disclose whether they were male or female.

**Chart 18**

- Chart 18 shows the responses to the question of whether respondents felt that the level of encouragement provided by chambers to promote themselves to solicitors had been negatively affected by their race.
- 95 respondents felt that this question applied to them.

Do you feel that the level of encouragement provided by chambers to promote yourself to solicitors has been negatively affected by your race?

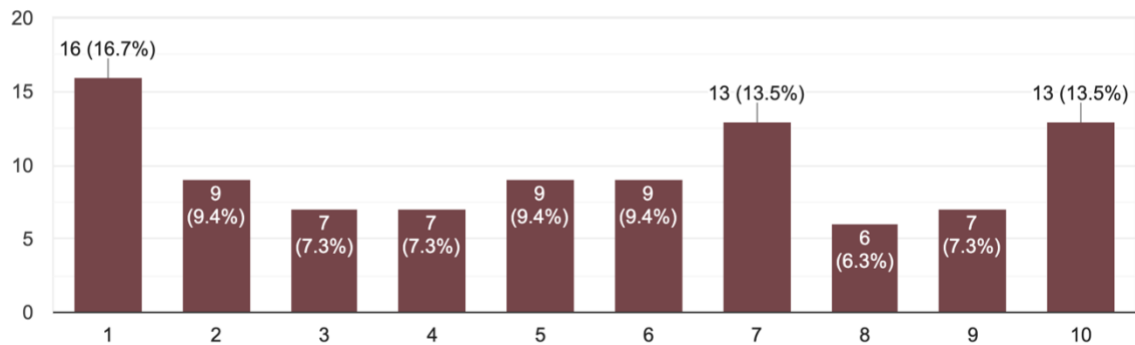


- Most respondents felt that the level of encouragement was not so affected, with 64% of respondents answering “No” to this question as compared to 11% of respondents answering “Yes”. 25% of respondents were uncertain on this question.
- However, only 1 male respondent answered “Yes” to this question, as compared to 7 female respondents.

**Chart 19**

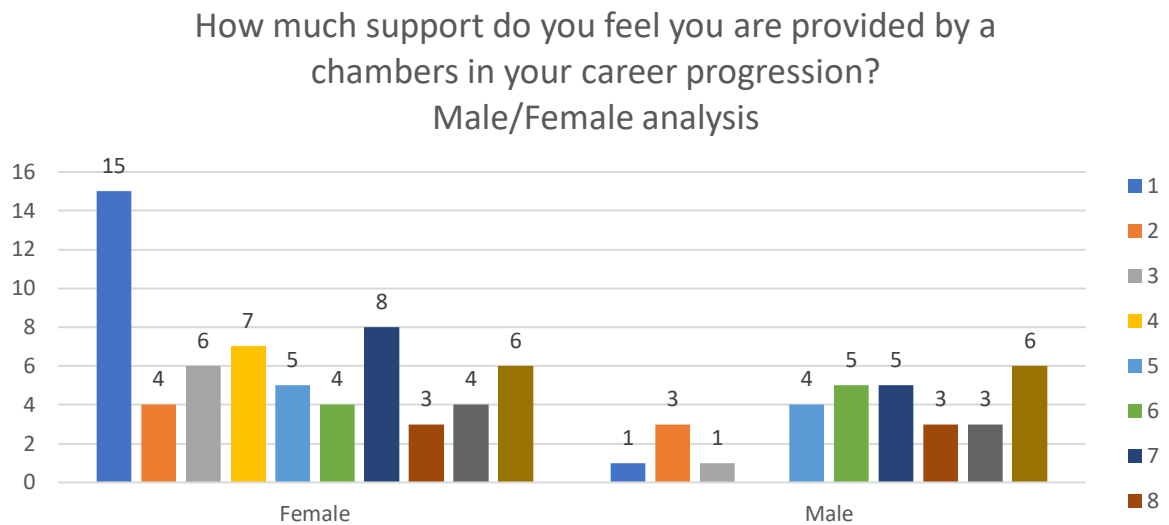
- Chart 19 shows the responses to the question of how much support respondents felt they were provided by chambers in their career progression with answers from a scale of 1 – 10 (with 1 being ‘no support’ and 10 being ‘a lot of support’).
- 96 respondents answered this question.

How much support do you feel you are provided by chambers in your career progression (e.g. applying for rankings in the legal directories, applying to become a QC, being put forward for profile raising opportunities etc)?



- The most common response was “1” (no support), with 16.7% of respondents giving this answer. However, the second and third most common responses were “7” (13.5%) and “10” (13.5%).
- Looking at the results as a whole, 40.7% of respondents gave answers between 1 and 4 (indicating low levels of support) as compared to 50% giving answers between 6 and 10 (indicating higher levels of support).
- 32 of the 37 respondents answering 1 – 4 were female respondents, with the remaining 5 being male respondents.
- Whilst, 22 of the respondents giving answers between 6 and 10 were male respondents, as compared to 25 female respondents, the majority of male respondents gave answers between 6 and 10 (22 of the 31 males responding). Conversely, the majority of female respondents (32 of the 62 responding) gave answers between 1 and 4 (see Chart 19.1).

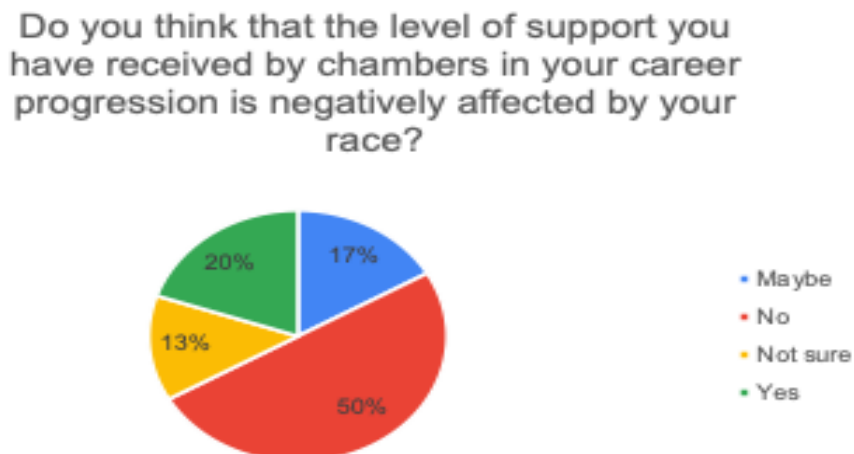


**Chart 19.1**

- We received a number of written responses addressing this question. Several respondents expressed a view that there are members within their chambers who are actively promoted for career progression – that are groomed for appointments and/or silk applications. Among some respondents there is a perception that these individuals are typically white or white and male barristers and that Black Barristers, even when supported or supported well, are not supported to the same extent.

**Chart 20**

- Chart 20 shows the responses to the question of whether respondents felt the level of support received by chambers in their career progression was negatively affected by their race.
- 96 respondents considered that this question applied to them.

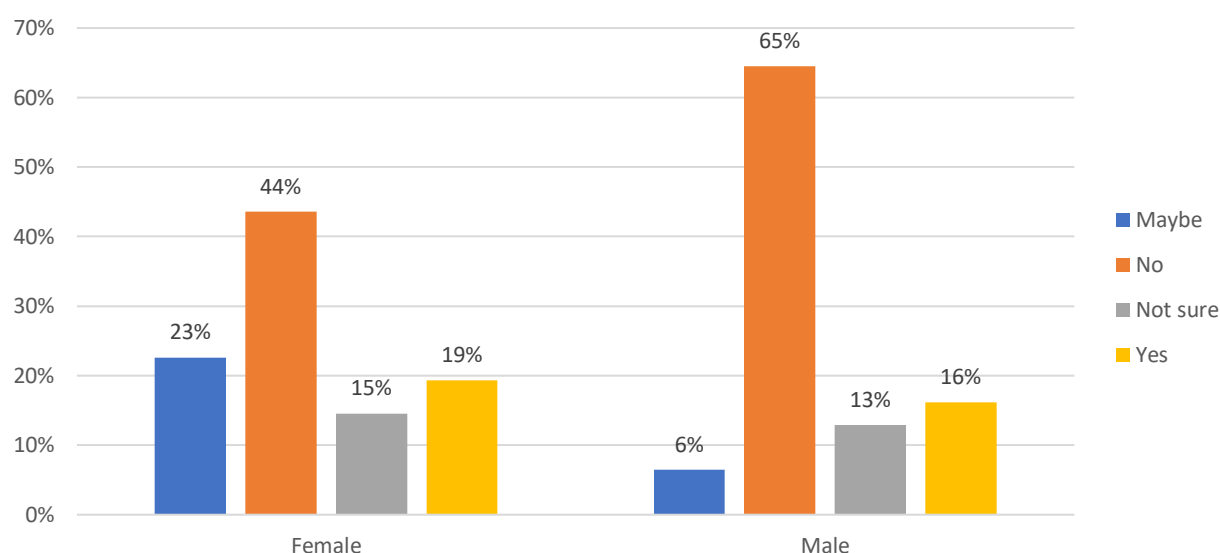


- “No” was the most common response, with half of the respondents (50%) giving this answer. However, 20% of respondents answered “Yes”. 30% of respondents indicated some uncertainty (17% answering “maybe” and 13% “not sure”).
- Considerably more female respondents felt that the level of support they received in respect of career progression was or might have been negatively affected by race. Of the 62 female respondents that the question applied to, 26 (42%) answered “Yes” or “Maybe”. This compares to 7 of the 31 male respondents (22%) (see Chart 20.1).

**Chart 20.1**

Do you think that the level of support received by chambers in  
your career progression is negatively affected by your race?

Male/Female analysis

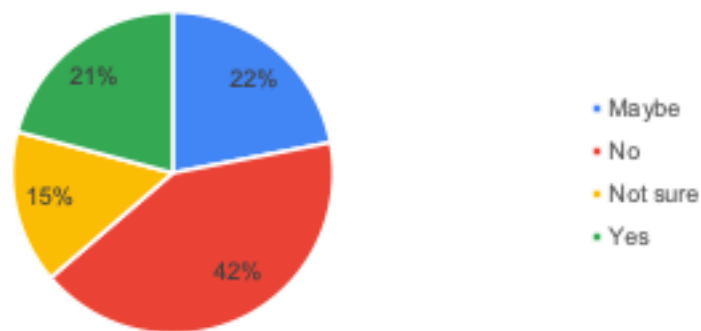


## 9.8 Being led

*Chart 21*

- Chart 21 shows the responses to the question of whether respondents thought that opportunities to be led had been negatively affected by race.
- The question applied to 94 respondents.

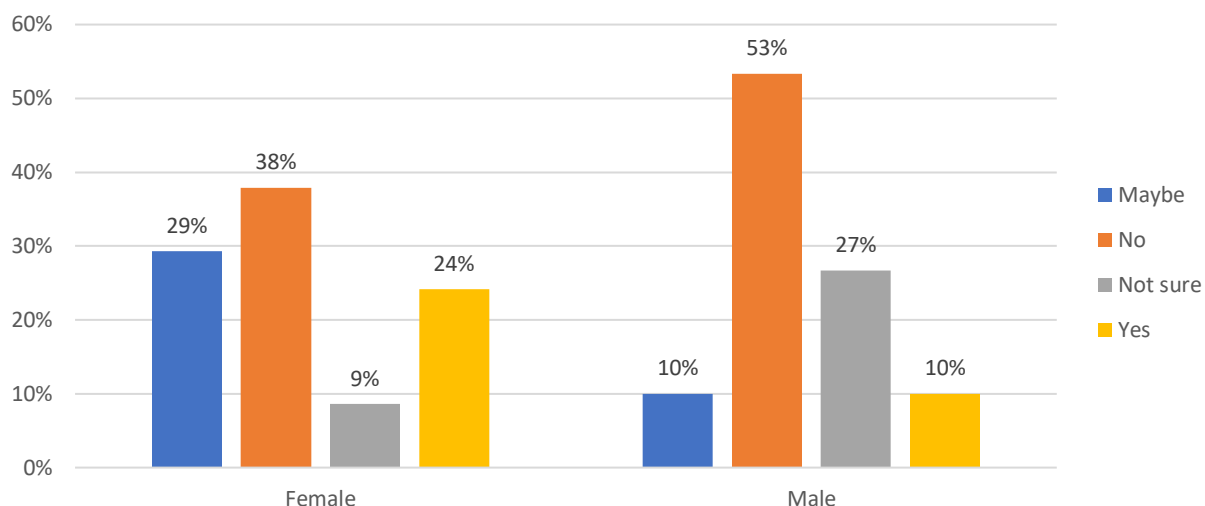
Do you think that the opportunities for you to be led by a senior barrister have been negatively affected by your race?



- As compared with other questions, noticeably fewer respondents answered “No” to this question. Only 42% of respondents thought that these opportunities had not been negatively affected by race. It is also noticeable that this question has one of the highest proportion of respondents answering “Maybe” at 22%, with 21% answering “Yes”. In total, 58% of respondents believed that opportunities to be led had been negatively affected by race or were uncertain as to whether or not this was the case.
- When comparing male and female responses, there is again a considerable difference. 31 of the 58 female respondents (53%) thought that their opportunities to be led had or may have been negatively affected by their race. This compares with 6 out of the 30 male respondents to whom this question applied (20%) providing the same responses (see Chart 21.1).

**Chart 21.1**

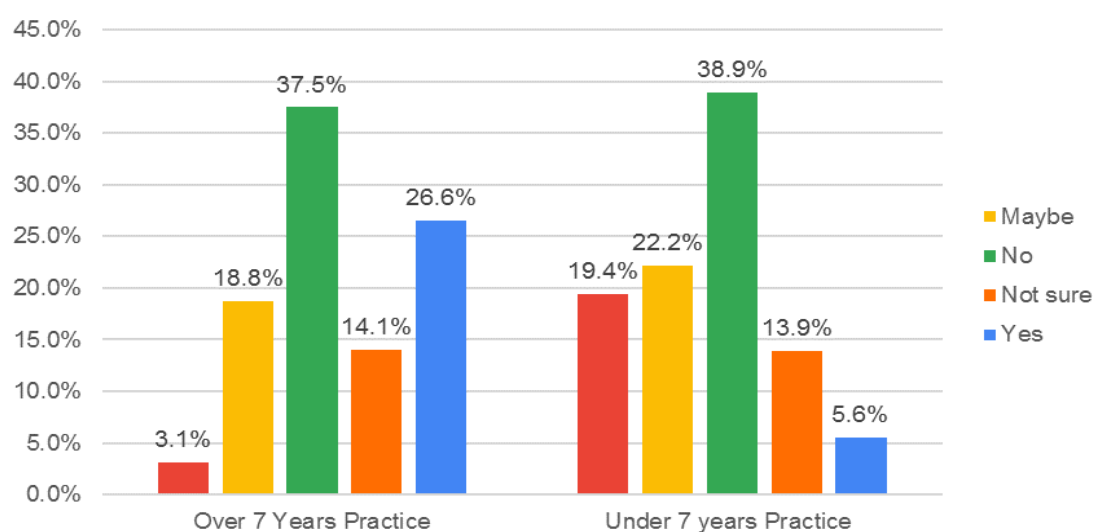
Do you think that the opportunities for you to be led by a senior barrister have been negatively affected by your race?  
Male/Female analysis



- Seniority also seems to be a relevant factor, with 29 of the 64 respondents practising for over 7 years (45%) answering “Yes” or “Maybe” to this question, as compared with 10 of the 36 respondents practising for under 7 years (28%) giving the same answers (see Chart 21.2).

**Chart 21.2**

Do you think that the opportunities for you to be led by a senior barrister have been negatively affected by your race?  
Seniority analysis



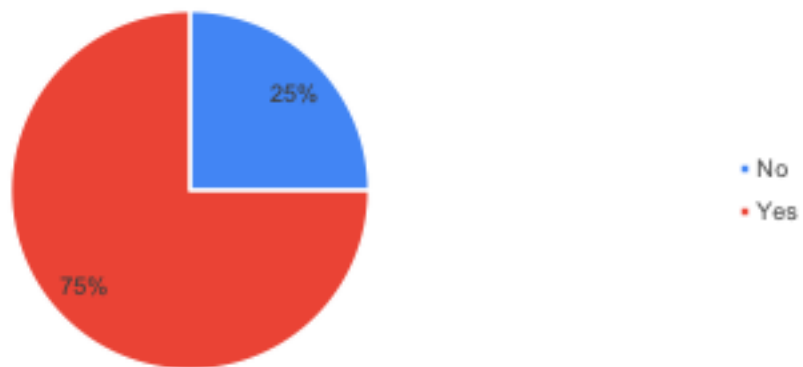
## 9.9 Chambers committees

- Charts 22 to 25 show the responses to questions regarding chambers committees.

### *Chart 22*

- Chart 22 shows the responses to a question asking whether respondents had tried to join any chambers committee.
- This question applied to 92 respondents.

Have you tried to join any chambers committees  
(management, tenancy, pupillage, E&D, other)?



- Chart 22 indicates that the majority of respondents (75%) have tried to join a chambers committee.

### *Chart 23*

- Chart 23 shows the responses to the question of whether the respondents considered their race had had a negative impact on their experience of seeking to join a committee.
- There were 74 respondents who considered that this question applied to them.

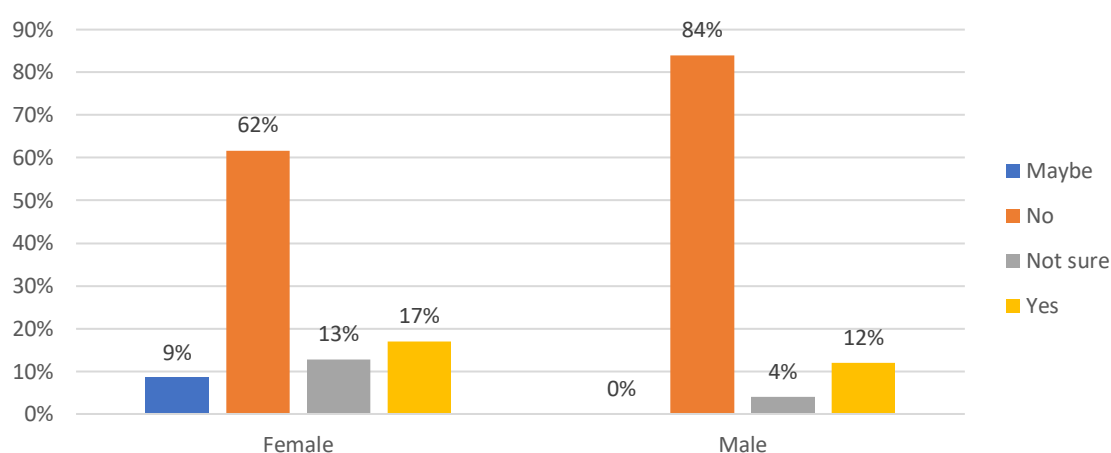
If so, do you think your race had a negative impact on your experience of seeking to join a committee (e.g. putting yourself forward, any application or election process you undertook, your success in obtaining a place on the committee or otherwise)?



- The vast majority of respondents (68%) did not consider that their race had had a negative impact on their experience of seeking to join a committee, with 21% considering that their race had or may have had a negative impact on their experience of seeking to join.
- However, of the female respondents who have sought to join a committee, 26% of them thought their race had or may have had a negative impact on their experience of seeking to join. This compares with 12% of male respondents (see Chart 23.1).

**Chart 23.1**

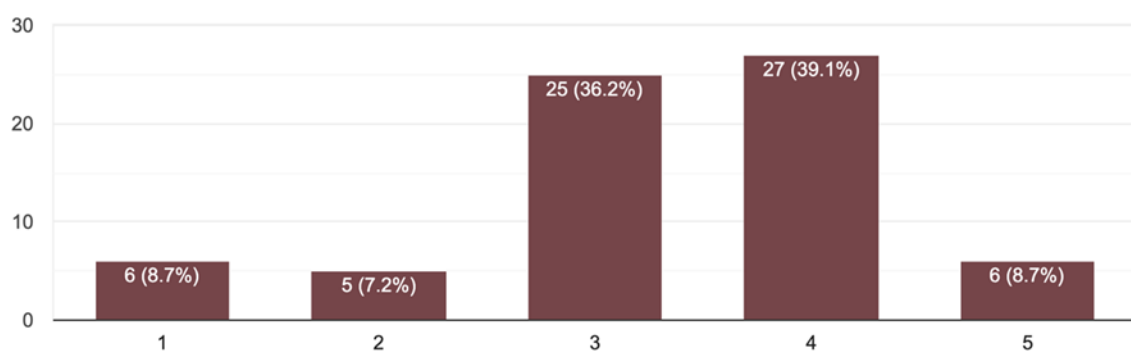
Do you think your race had a negative impact on your experience of seeking to join a committee?  
Male/Female analysis



**Chart 24**

- Chart 24 shows the responses from those that have sat on chambers committees about their experiences, with answers from a scale of 1 – 5 (with 1 being 'bad' and 5 being 'excellent').
- 69 respondents answered this question.

If you have been/are on a chambers committee(s), how would you describe your experience on the committee(s)?

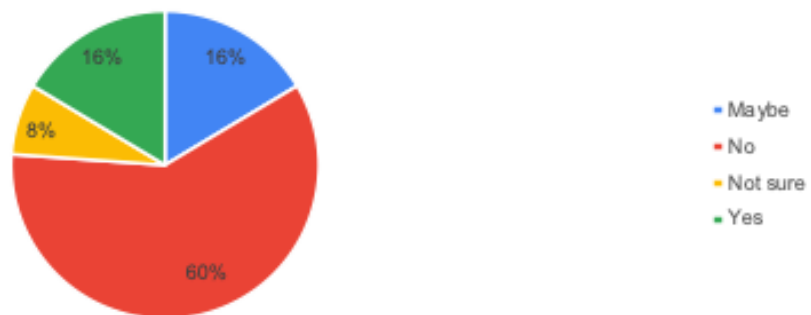


- The vast majority of respondents had a positive experience on those committees, with 48% of respondents giving an answer between 4 and 5 and 84% giving an answer between 3 and 5.
- However, of those that had clearly negative experiences (with answers between 1 and 2) sitting on chambers committees 81% were female respondents.

**Chart 25**

- Chart 25 shows the responses to the question of whether those who have sat on a chambers committee believe that their race has or has had a negative impact on their experience.
- This question applied to 67 respondents.

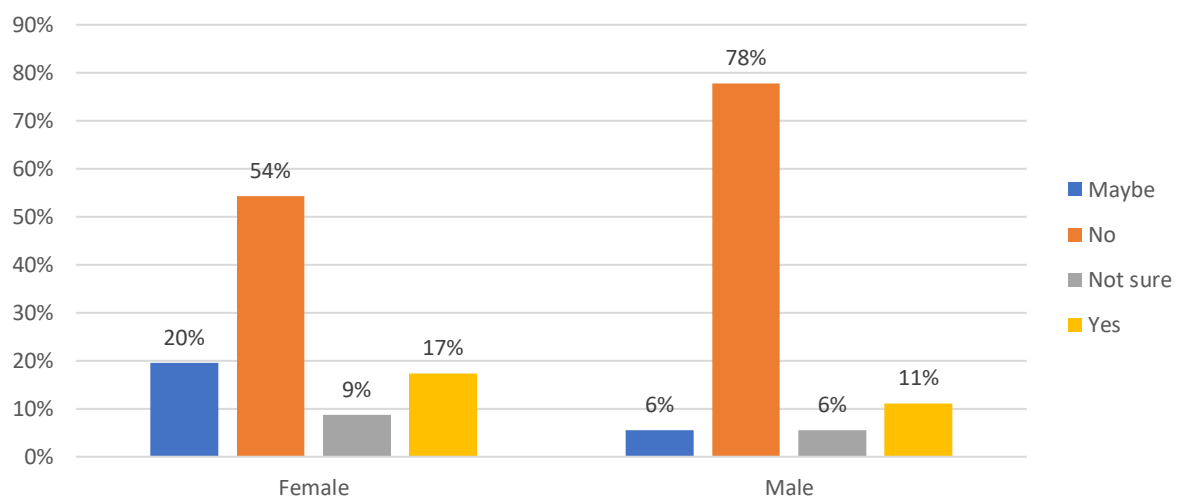
Do you believe that your race has/has had a negative impact on your experience on the committee(s)?



- The majority of respondents (60%) considered that their race had not had a negative impact on their experience on a committee. This compares to 16% who believed their race did have a negative impact and 24% who were uncertain.
- However, of the female respondents answering this question, 37% (17 respondents) believed that their race had or may have had a negative impact on their experience. This is in contrast to the 17% (3 respondents) of male respondents who gave the same response (see Chart 25.1).

**Chart 25.1**

Do you believe that your race has/has had a negative impact on your experience on the committee(s)?

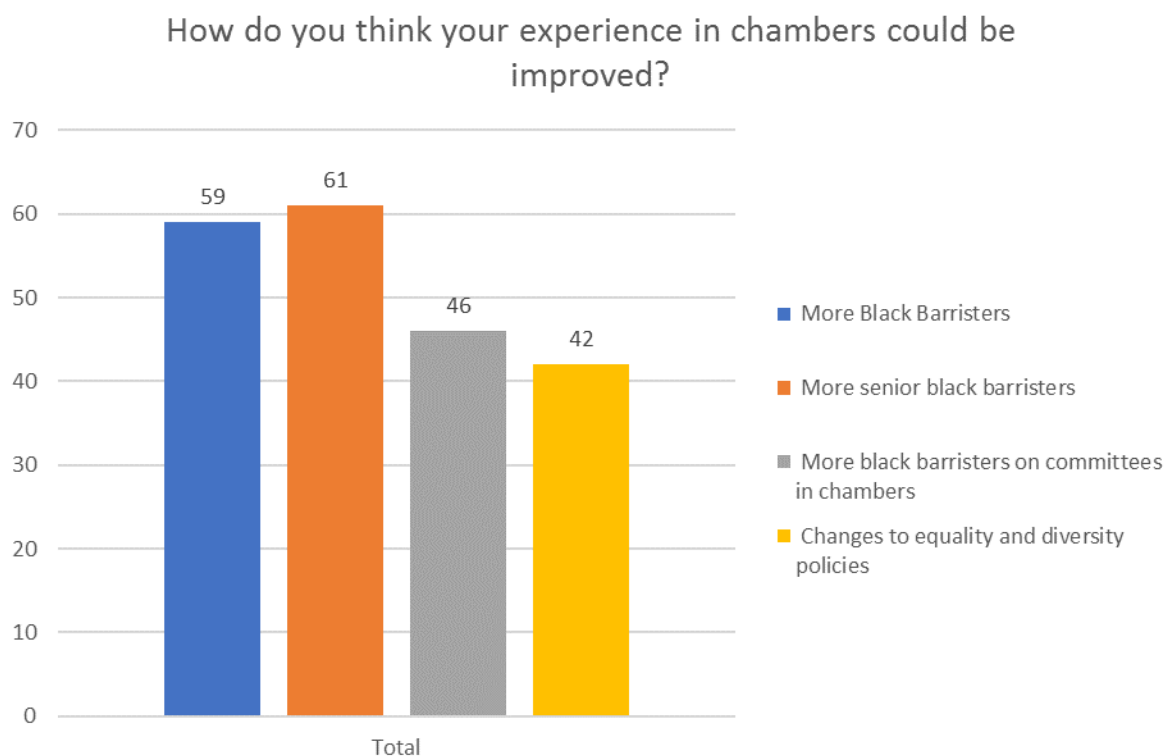




## 9.10 Chambers experience

*Chart 26*

- Chart 26 shows the responses to the question of how respondents' experiences in chambers could be improved.
- 90 respondents answered this question.



- The most popular responses were that the experience could be improved by more Black barristers generally (66% of respondents) and more senior Black barristers (68% of respondents).

## 9.11 Written answers

- Respondents were invited to provide written responses to tell more about their experiences in chambers, either generally or to explain or amplify their answers to any of the questions in the 'relationships within chambers' section. Respondents were also invited to provide any suggestions for improving their experience in chambers.

### 9.11.1 *Multiple protected characteristics*

- Several female respondents indicated that it was difficult to determine whether or not certain negative experiences they had had in chambers were due to their race, due to being female or a combination of both factors.

### 9.11.2 *Perceived aggression*

- A number of respondents had also commented that some negative experiences in chambers were due to their actions being misperceived as aggressive. This was commonly based on their experiences on chambers committees. This appeared to be a concern felt particularly by Black females.

### 9.11.3 *Suggestions*

- Within the written responses there were some helpful suggestions on improving relationships within chambers.
- Several respondents supported the idea of mentor allocation (particularly from external mentors) to support Black members.
  - BBN has recently launched its own mentoring scheme for Black Barristers to support career development and would encourage more barristers to sign up to be mentors and mentees.
- Another common suggestion was for chambers to ensure that those in leadership or decision-making roles, including those on management committees and the clerking team, should undergo compulsory equality and diversity and unconscious bias training and that this might help improve relationships within chambers and ensure that Black members were treated fairly as compared to their colleagues.
- There were several comments about the lack of other Black Barristers, particularly in areas such as commercial law. Some chambers talked a lot about diversity and appeared to be very supportive of the idea. However, there was concern that this support had not manifested itself in positive outcomes for recruitment of Black pupils in underrepresented practice areas.
- There was encouragement for efforts to reach children and young people at the point of decision making to encourage promising Black students to not only aspire to a career at the Bar, but particularly some of those areas where Black Barristers were considerably underrepresented.
  - It should be noted that the Black Barristers' Network has launched various initiatives aimed at engaging young students. This includes a project called the

Schools Springboard Project which brings promising young students into one of the Inns for a day to help raise awareness about the Bar amongst Black communities. A further project called the Schools Speaking Project has also been launched through which Black Barristers go into schools to talk to students.

## 10 RELATIONSHIPS WITH OTHERS

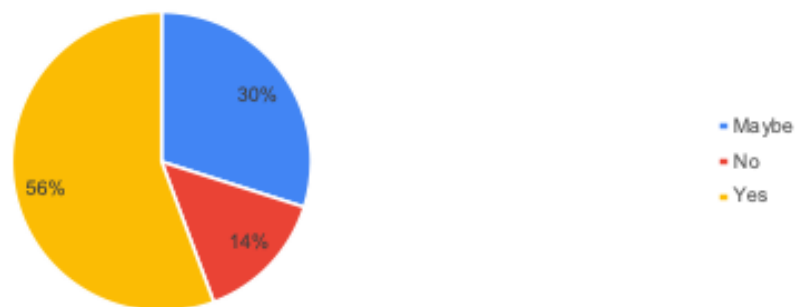
- The next section of the report addresses relationships with others, including opponents, court staff, clients, judges and solicitors.

### 10.1 The Bench

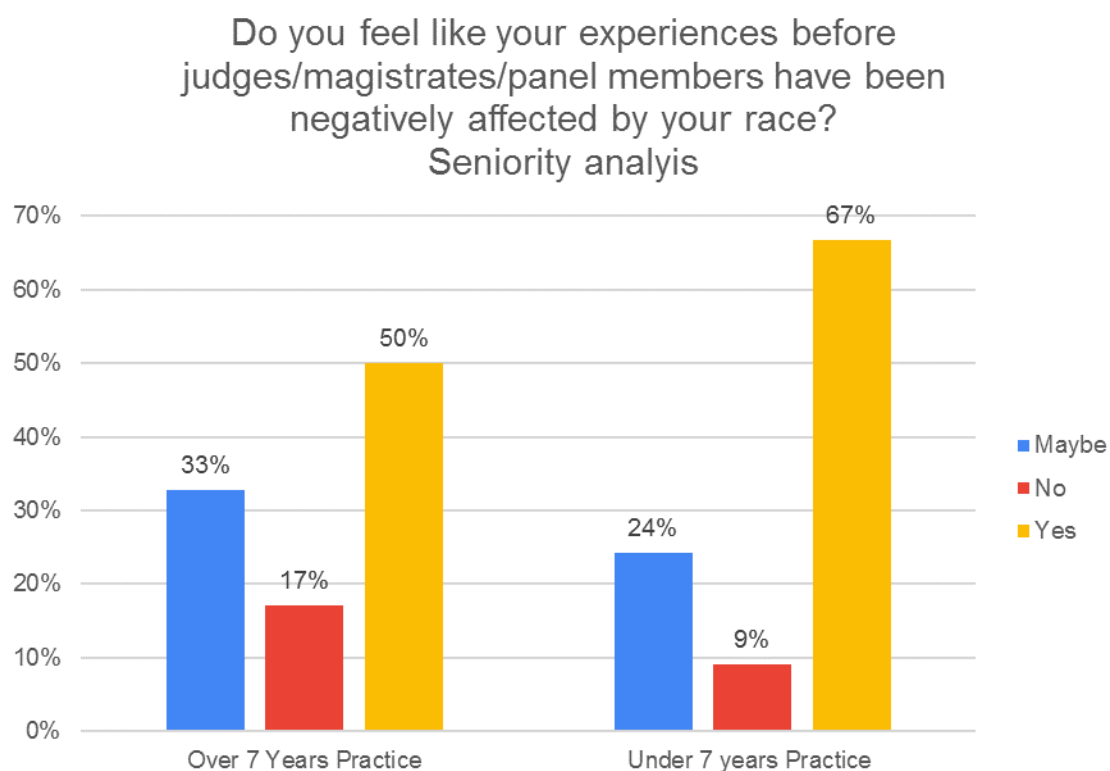
#### *Chart 27*

- Chart 27 shows the responses to the question of whether respondents felt their experiences before the Bench had been negatively affected by their race.
- There were 97 respondents to whom this question applied.

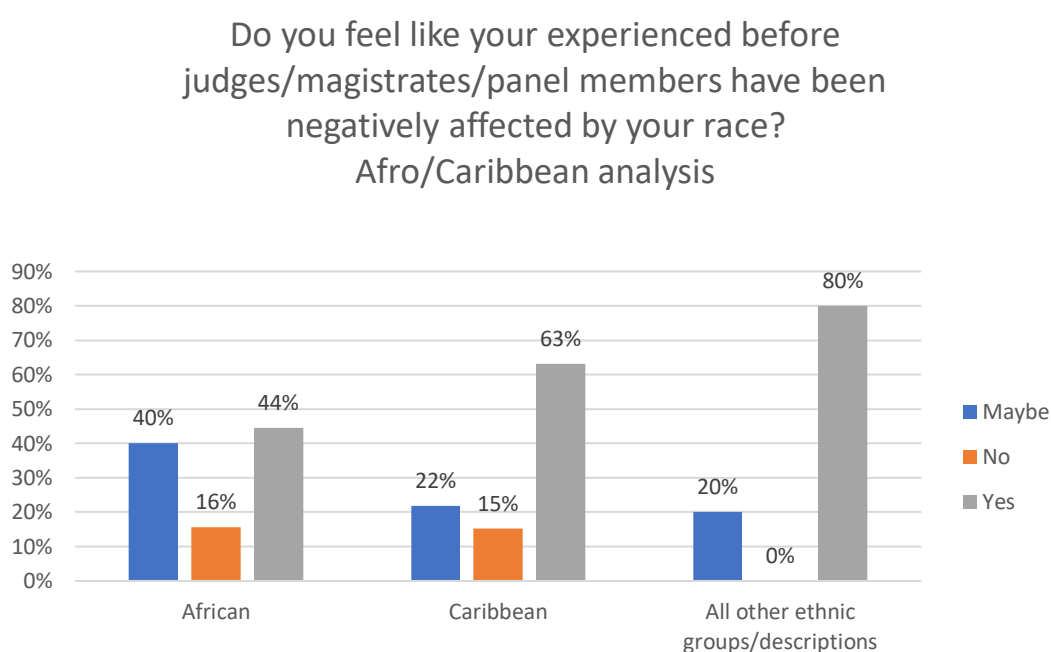
Do you feel like your experiences before judges/magistrates/panel members have been negatively affected by your race?



- The vast majority of respondents considered that their experiences before the Bench were or might have been negatively affected by their race (86%), with 56% answering a clear “Yes” to this question.
- Junior respondents practising for under 7 years (91%) were more likely to feel that their experiences before the Bench were or may have been negatively affected by their race, as compared with those practising for over 7 years (83%) (see Chart 27.1).

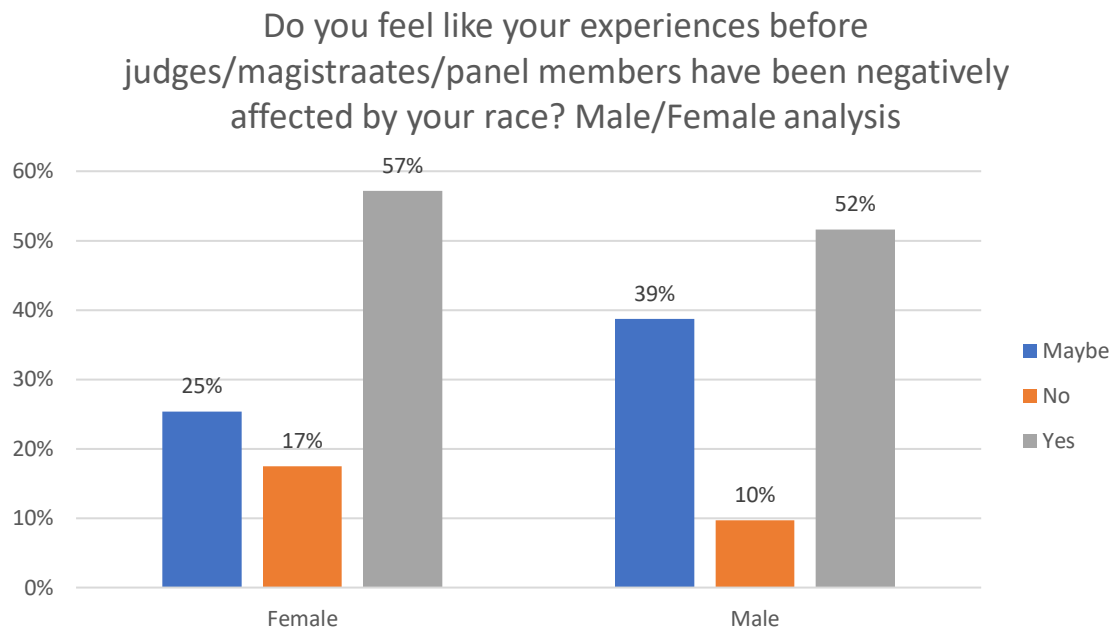
**Chart 27.1**

- Those respondents identifying as Caribbean were more likely to answer “Yes” to this question than those identifying as African. For example, 63% of respondents identifying as Caribbean answered “Yes” as compared with 44% of those identifying as African (Chart 27.2).

**Chart 27.2**

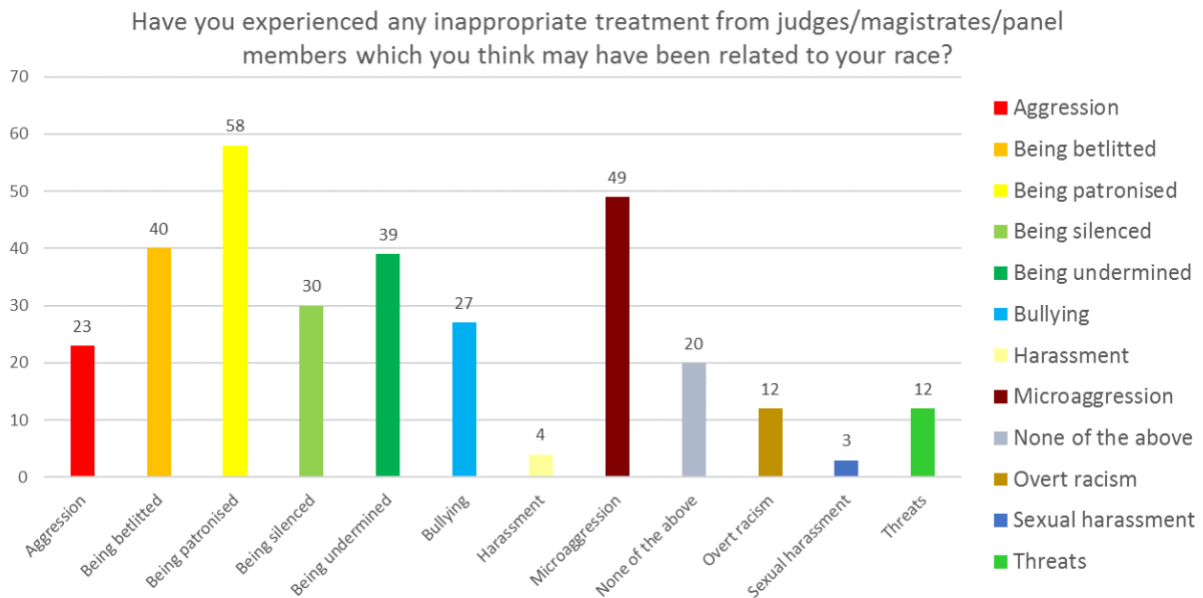
- There is a noticeable difference between the male and female respondents, with 91% of male Respondents believing that they had or may have had negative experiences before the Bench due to their race as compared with 82% of female respondents (see Chart 27.3).

**Chart 27.3**



**Chart 28**

- Chart 28 shows the responses to the question of whether the respondents had experienced inappropriate treatment from the Bench. Respondents were given specific options to choose from which were examples of inappropriate treatment. The question gave a number of options for respondents to select, which included several examples of inappropriate treatment. Respondents could tick as many boxes as applied.
- 96 respondents considered that this question applied to them.



- A considerable number of respondents experienced inappropriate treatment from the Bench which they thought might have been related to their race.
- More than half of the respondents to whom this question applied felt that they had been patronised (58 respondents) or experienced microaggressions (49 respondents) which they believed may have been related to their race. However, other common answers to the question were experiences of being belittled (40 respondents), undermined (39 respondents), silenced (30 respondents), bullying (27 respondents) and aggression (23 respondents).
- Overt racism was less common, but it is nonetheless concerning that 12 respondents had experienced this.
- In respect of these categories of inappropriate treatment, male respondents were more likely to report inappropriate treatment. This was particularly notable in respect of microaggressions (with 67% of male respondents experiencing this as compared with 46% of female respondents), being patronised (70% of male respondents as compared with 57% of female respondents) and overt racism (20% of male respondents as compared with 10% of female respondents).

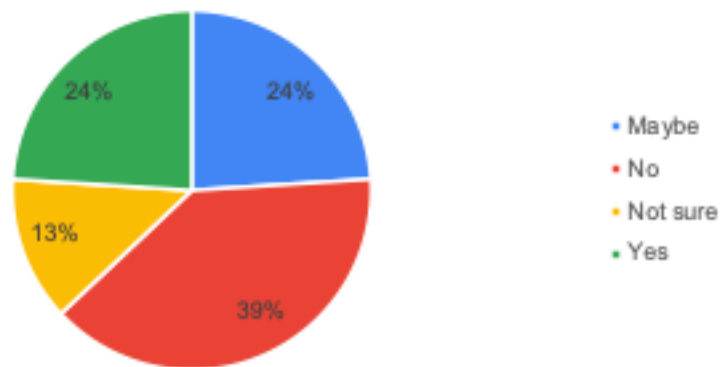
## 10.2 Relationships with solicitors

### Chart 29

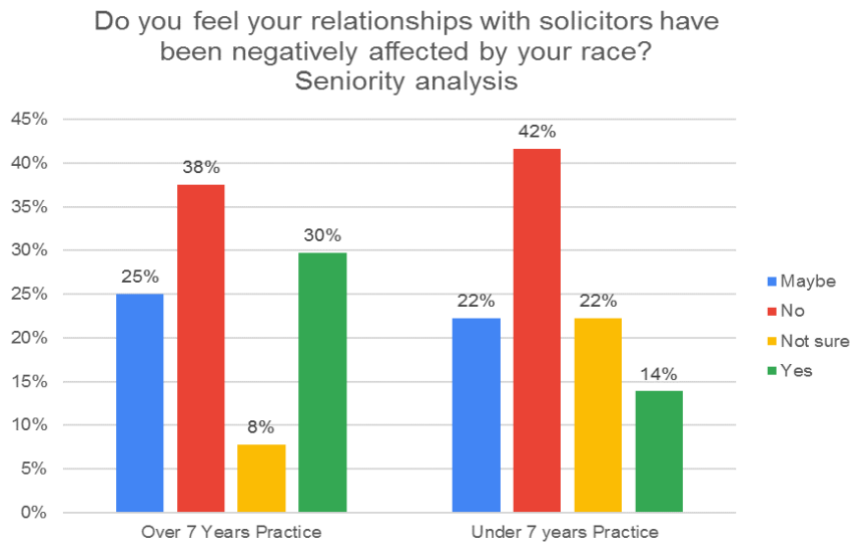
- Chart 29 shows the responses to the question of whether respondents felt their relationships with solicitors had been negatively affected by their race.

- All respondents answered this question.

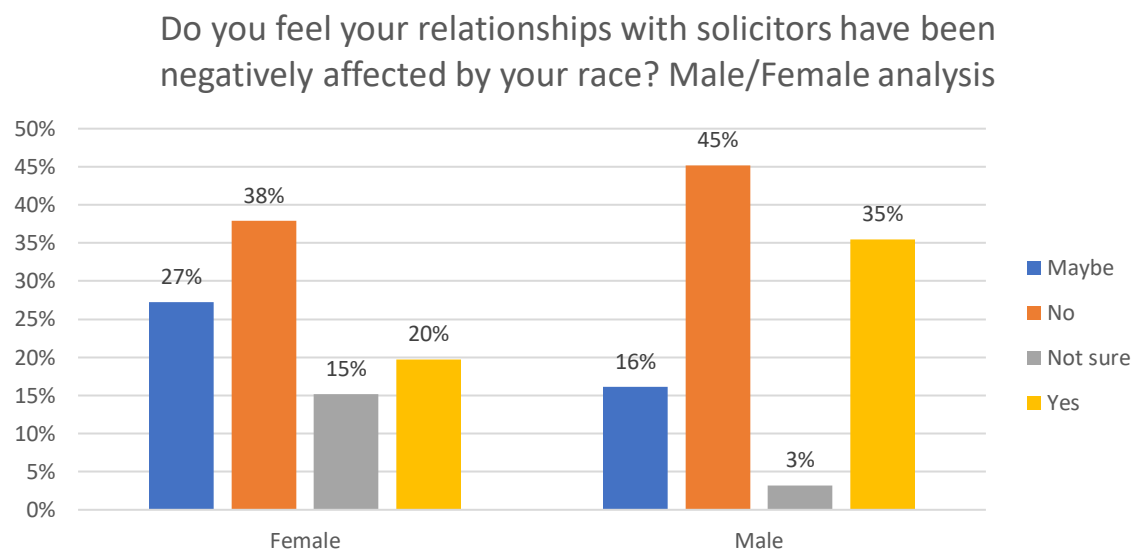
Do you feel your relationships with solicitors have been negatively affected by your race?



- 39% could say clearly that they did not feel their relationships with solicitors had been negatively affected by their race. Almost a quarter felt that these relationships had been negatively affected by their race.
- However, it is worth noting that a total of 61% either felt that these relationships had been negatively affected by their race or were uncertain as to whether they had been.
- There was a small difference in responses when taking seniority into account, with 63% of those practising for over 7 years answering “Yes” or showing some uncertainty as to whether relationships with solicitors were so affected as compared with 58% of those practising under 7 years (see Chart 29.1).

**Chart 29.1**

- Female respondents were more likely to feel that these relationships were negatively affected by their race or were uncertain whether they had been (62% of female respondents, as compared to 54% of male respondents). However, male respondents were more likely to express a feeling that their relationships had been affected negatively due to their race, with 35% of male respondents answering “Yes” as compared to 20% of female respondents (see Chart 29.2).

**Chart 29.2**



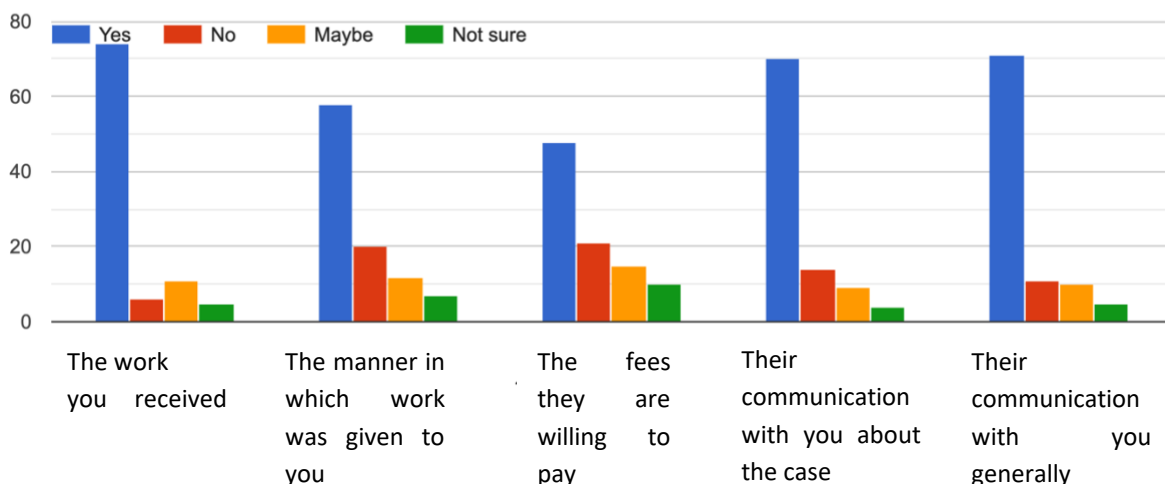
**Chart 30**

- Chart 30 shows the responses to the question of whether respondents felt respected by solicitors in their field in respect of the following matters:

- (1) The work they received
- (2) The manner in which work was given to them (e.g. the quality of instructions, the quality of the brief, the timing of delivery of papers etc)
- (3) The fees they are willing to pay
- (4) Their communication with you about the case
- (5) Their communication with you generally.

- 97 respondents answered this question.

Do you feel you are respected by solicitors in your field in terms of:



- In respect of the above matters, the majority of respondents felt respected in their field. However, there are noticeable differences between the results of the specific questions. In respect of the communication from solicitors and the actual work received, the respondents reported feeling respected in high numbers (between 72 – 77%).
- However, this dropped considerably when looking at the responses to the questions regarding the manner in which work is given to them or the fees the solicitors were willing to pay, with 60% feeling respected as regards the manner in which work was given to them and a very slim majority (51%) feeling respected in terms of the fees solicitors were willing to pay. In respect of all answers there were relatively low numbers of respondents answering “No”, but for the questions on the manner in which work was given and the

fees solicitors were willing to pay<sup>11</sup> around 20% of respondents did not feel respected; this is considerably higher than for the other answers.

- Focusing on these two questions (the manner in which the work was given and the fees), there were some differences between the responses provided by male and female respondents, with female respondents feeling less respected than their male counterparts, albeit the results were still comparable. 59% of female respondents felt respected by solicitors in respect of the manner in which work was given to them, this dropped to 50% in respect of fees. The comparative percentages for male respondents were 65% and 55% respectively.

---

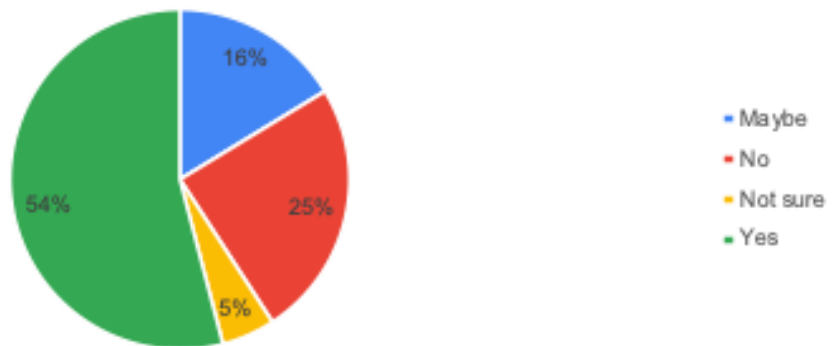
<sup>11</sup> It is worth noting that in the BSB's November 2020 report "Income at the Bar – by Gender and Ethnicity", Black Barristers were recorded amongst the lowest earning groups.

### 10.3 Opponents

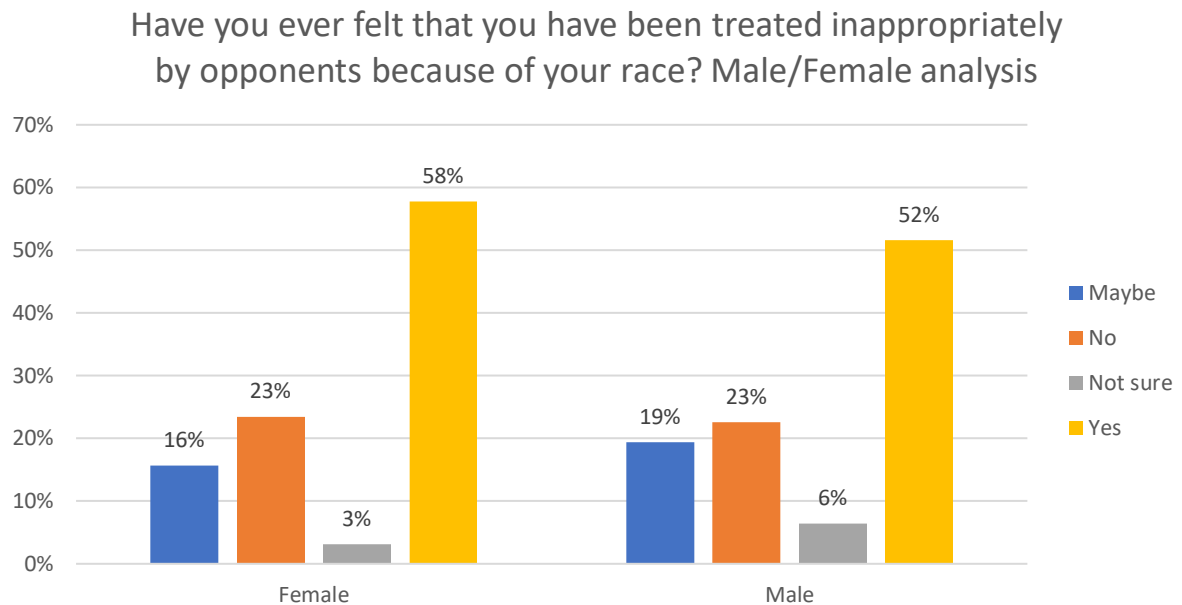
#### *Chart 31*

- Chart 31 shows the responses to the question of whether respondents felt they had been treated inappropriately by opponents because of their race.
- 98 respondents felt this question applied to them.

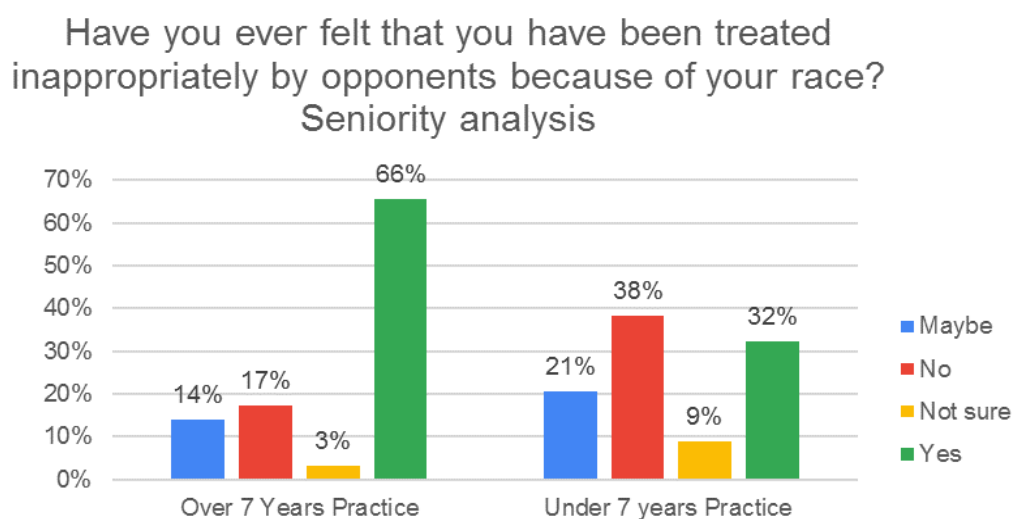
Have you ever felt that you have been treated inappropriately by opponents because of your race?



- More than half (54%) of respondents to whom this question applied felt that they had been treated inappropriately by opponents because of their race.
- The answers here were similar as between male and female respondents, with 58% of female respondents and 52% of male respondents feeling that they had been treated inappropriately because of their race (see Chart 31.1).

**Chart 31.1**

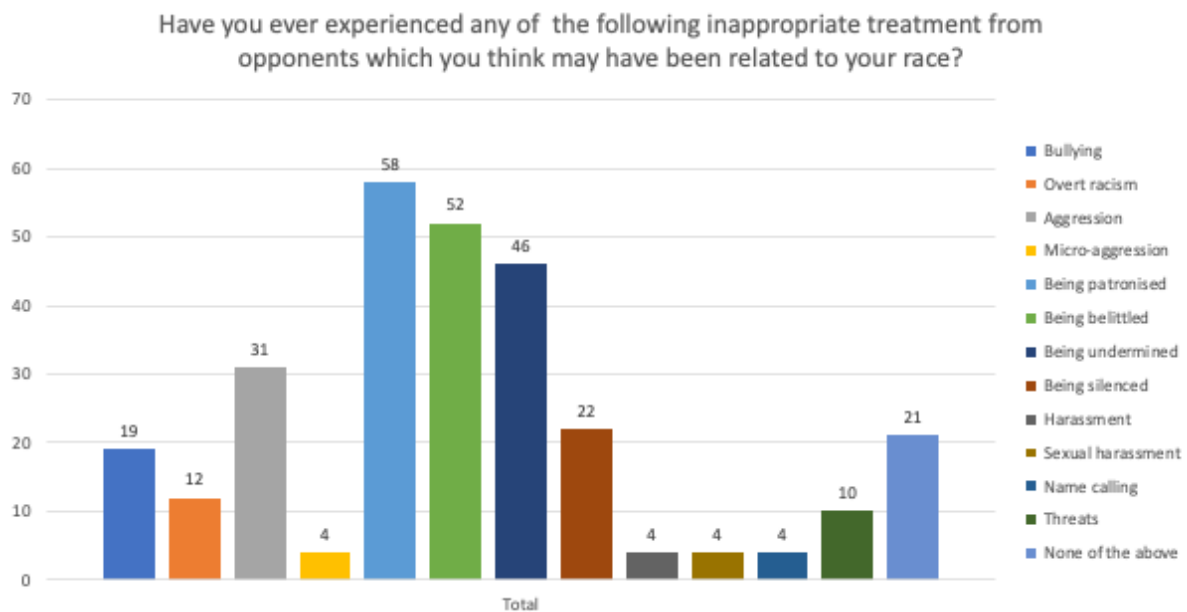
- However, there were stark differences when taking seniority into account, with 66% of respondents practising for over 7 years answering “Yes” as compared with 32% of those practising for under 7 years (see Chart 31.2). It is also notable that all silks responding to this question answered either “Yes” or “Maybe”.

**Chart 31.2**

- Overall, 75% of respondents either felt they had been treated inappropriately by opponents because of their race or were uncertain as to whether inappropriate treatment was because of their race.

**Chart 32**

- Chart 32 shows the responses to the question of whether respondents had ever experienced specified forms of inappropriate treatment from opponents. The question gave a number of options for respondents to select, which included several examples of inappropriate treatment. Respondents could tick as many boxes as applied.
- 94 respondents considered that this question applied to them.



- The responses to this question can be compared with the answers to the almost identical questions asked in respect of colleagues in chambers (Chart 9) and the Bench (see Chart 28 above). Being patronised was a significant issue across the board. The same number of respondents felt that they had been patronised by opponents and the Bench, which they thought may have been related to their race (58 respondents); a smaller number experienced this within chambers (40 respondents). There also appears to be a particular issue of Black Barristers experiencing microaggressions from the Bench (49 respondents) and within chambers (46 respondents). By contrast, only 4 respondents said they had experienced microaggressions from opponents.
- Other common responses to this question were:
  - Being belittled, with over half of respondents giving this answer (52); this compared with 40 respondents who gave this answer in respect of the Bench, but a far smaller number (18) gave this answer for colleagues in chambers;
  - Being undermined, with 46 respondents giving this answer; this compared to 39 respondents who gave this answer in respect of the Bench and 32 respondents who gave this answer in respect of colleagues in chambers;

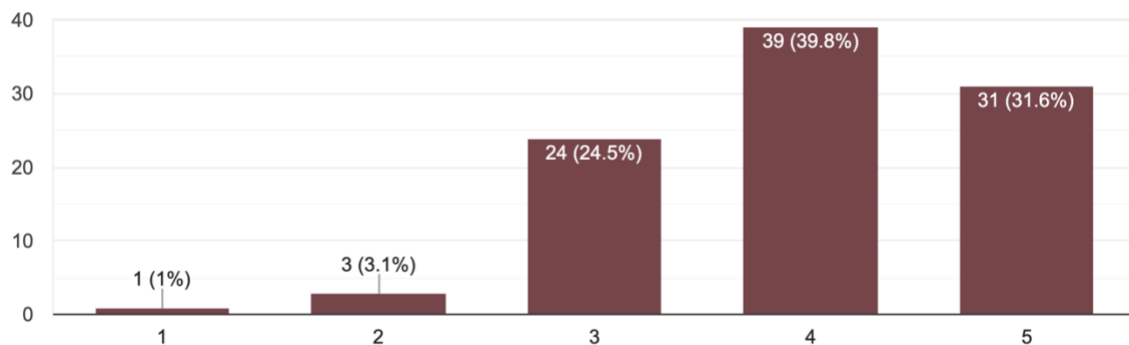
- (c) Aggression, with 31 respondents giving this answer; this compared with 23 respondents who gave this answer in respect of the Bench and 14 respondents who gave this answer in respect of colleagues in chambers;
  - (d) Being silenced, with 19 respondents giving this answer; a similar number (20 respondents) gave this answer in respect of colleagues in chambers); it was a more common response in respect of the Bench (where 31 respondents gave this answer).
  - (e) Bullying, with 19 respondents giving this answer; this was again a more common response in respect of the Bench (where 27 respondents had given this answer), but was less common in respect of colleagues in chambers (where only 7 respondents gave this answer).
- Overt racism, while less common than other forms of inappropriate treatment, was still at a noticeable level, with 12 respondents giving this answer; the same number gave that answer in respect of their experiences with the Bench and 9 respondents gave that answer in respect of colleagues in chambers.
  - In respect of most forms of inappropriate treatment, female respondents were more likely to report experiencing the above forms of inappropriate treatment from opponents when compared with male respondents, but not by a significant margin. For example, for being patronised, 66% of female respondents gave this answer which compares with 57% of male respondents. 56% of female respondents felt belittled by opponents when compared with 54% of male respondents.
  - However, there was a significant difference in experiences of aggression, with 43% of male respondents reporting this treatment, as compared with 30% of female respondents.

## 10.4 Treatment by court staff

### *Chart 33*

- Chart 33 shows the responses to a question about how respondents felt they were treated by court staff overall (e.g. security guards, court ushers, court clerks etc). Respondents were invited to provide answers between 1 and 5, with 1 being “not well” and 5 being “well”.
- 98 respondents answered this question.

How do you feel you are treated by court staff overall (e.g. security guards, court ushers, court clerks etc)?

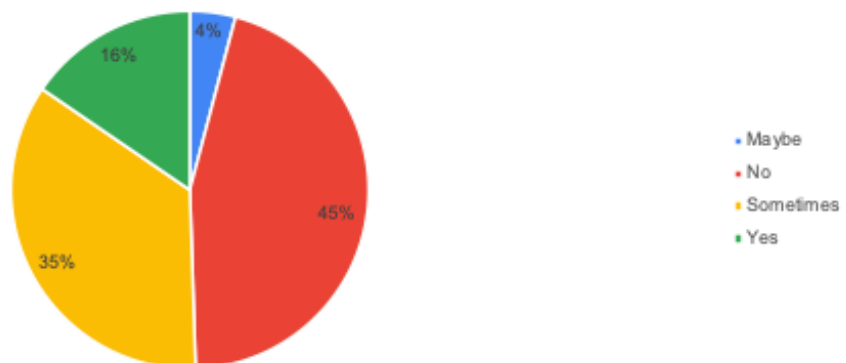


- Almost no respondents gave answers indicating overall poor treatment by court staff, with only 4% of respondents selecting 1 or 2 on the scale and 70% of respondents giving answers between 4 and 5.

#### *Chart 34*

- However, Chart 34 provides responses to the question of whether respondents believed their treatment by court staff had been negatively affected by their race (i.e. at any point).
- This question applied to 97 respondents.

Do you think your treatment by court staff has been negatively affected by your race?



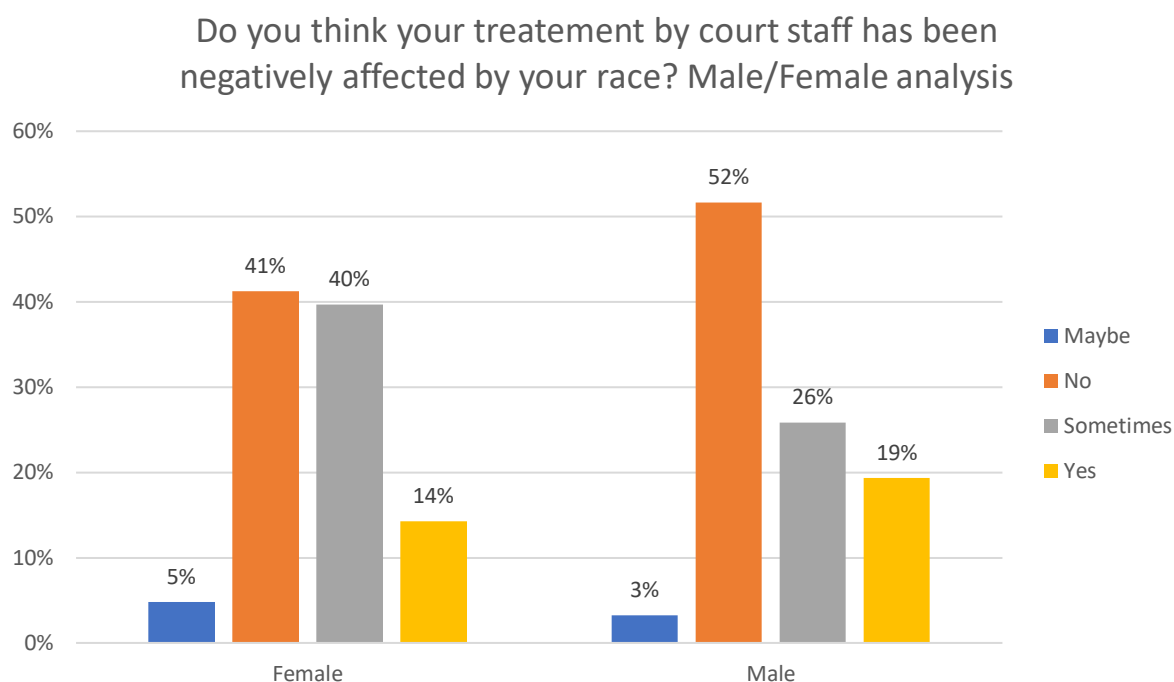
- Just over 50% of the respondents felt that their treatment by court staff had been negatively affected by their race at some point.<sup>12</sup>

<sup>12</sup> This includes respondents answering “Yes” and “Sometimes”.

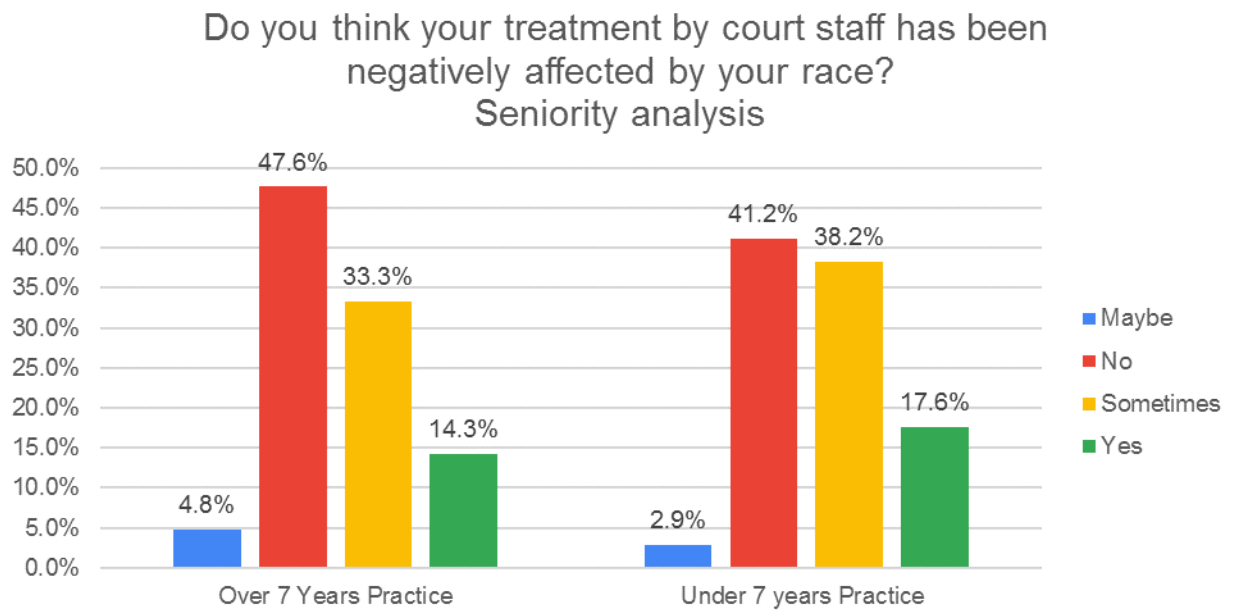


- However, there was a difference between male and female respondents, with 54% of female respondents reporting that their treatment by court staff had been negatively affected by their race at some point (i.e. answering “Yes” or “Sometimes”) as compared with 45% of male respondents (see Chart 34.1).

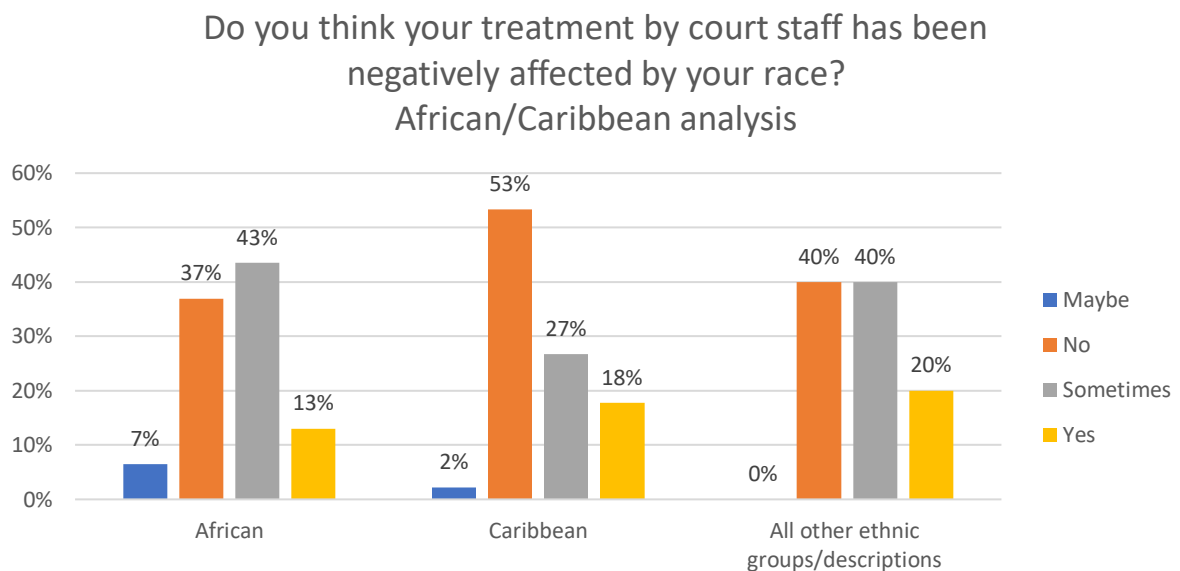
**Chart 34.1**



- There was also a difference when taking seniority into account, with 56% of respondents practising under 7 years answering “Yes” or “Sometimes” to this question as compared with 48% of those practising for over 7 years (see Chart 34.2).

**Chart 34.2**

- There was a noticeable difference in responses between African and Caribbean respondents. For example, 56% of respondents identifying as African answered “Yes” or “Sometimes” as compared with 45% of Caribbean respondents (Chart 34.3).

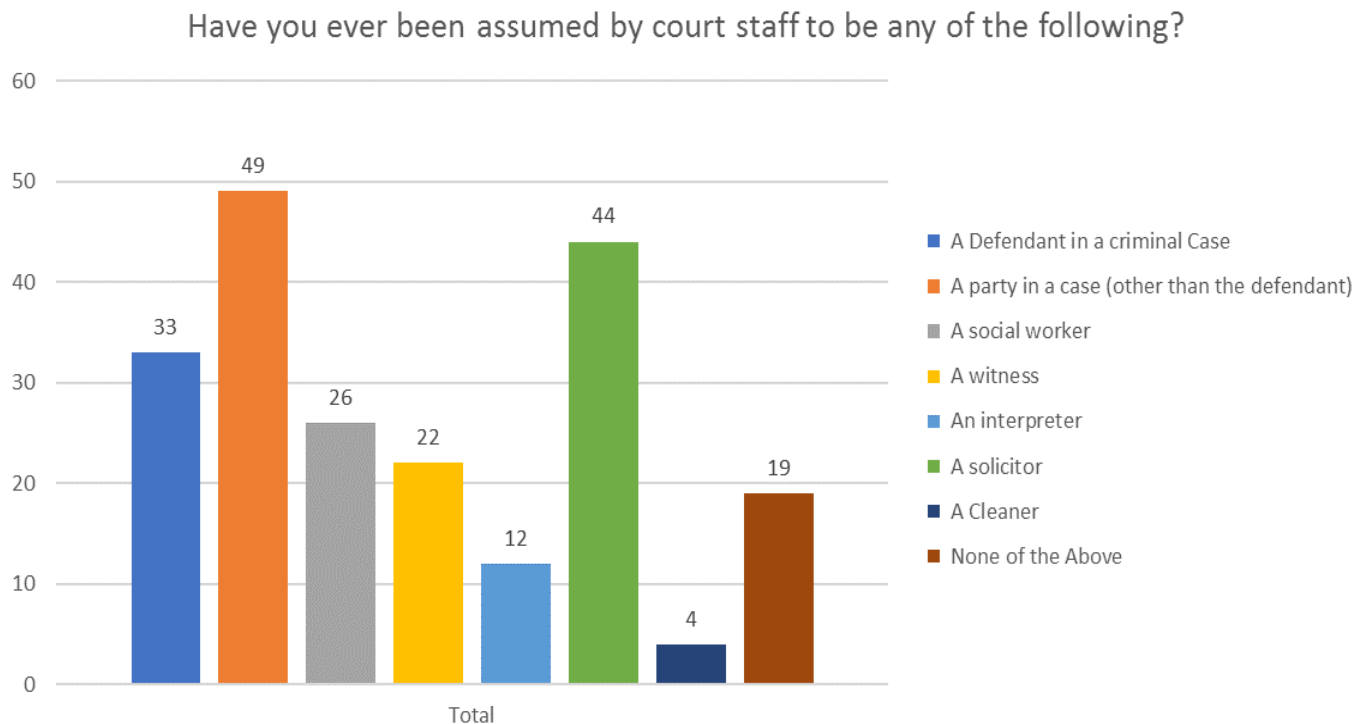
**Chart 34.3**

- In written answers, several respondents highlighted the difference in treatment they had received from court staff as compared with white counterparts. Several respondents reported a greater or more aggressive form of security enforcement used against them as compared with white counterparts. For example, one respondent reported a white barrister having set off a metal detector but not being searched; the respondent followed

immediately afterwards, set off the detector in the same manner, but was searched. Another respondent reported a discrepancy in bag search practices, having experienced an occasion where a white barrister with a bag was simply let through without any search, whilst the Black Barrister's bag was scrutinised thoroughly.

### Chart 35

- Chart 35 shows the responses to the question of whether respondents have ever been assumed by court staff to be anything other than the barrister on a case. The question gave a number of options for respondents to select. Respondents could tick as many boxes as applied.
- 96 respondents considered that this question applied to them.



- The answers to this question indicated that it was common for respondents to be assumed by court staff (at some point during their careers) to be performing a role other than the barrister in the case. 49 respondents had been mistaken for a party in the case (other than the defendant in a criminal case).
- It was also common for respondents to be mistaken for a solicitor (44 respondents), a defendant in a criminal case (33 respondents) with other common answers being social worker (26 respondents) or a witness (22 respondents).

## 10.5 Written responses

- The respondents were invited to provide written responses in respect of the ‘relationships with others’ section. There were some common themes.
- Several respondents had noted that they had experienced uncomfortable moments with court staff, opponents and judges failing to pronounce or spell their names properly or doing so in a manner that was not respectful. For example, shortening the persons surname, not attempting to pronounce an “African” sounding part of a name, or joking about the difficulty of pronouncing a name.
- In this section of the survey there were also responses indicating uncertainty as to whether certain incidents were impacted by gender as opposed to race; an issue that had been raised in response to the earlier ‘written response’ question.

## 11 CONCLUSIONS

- Based on the responses in this report, the majority of Black Barristers practice in the areas of crime and family; there were comparatively few practising in other areas. However, the most junior respondents, those practising for under 7 years, and those who were not in the first generation in their families to go to university, were far more likely to practice in a broader range of areas.
- Whilst this was not always the case, the data suggests that the female respondents were typically more likely to feel that negative experiences at the Bar were impacted by their race. Several responses to written answers suggest that for a number of female respondents it had been difficult to determine whether their negative experiences were due to their race, due to the fact that they were female or both. This highlights the intersectionality of both protected characteristics and how they impact the experiences of female Black Barristers.<sup>13</sup>
- The data also suggests that more senior respondents were also more likely than the most junior respondents to feel that negative experiences at the Bar were impacted by their race. However, given that those in the most junior category had been in practice for no longer than 7 years, the group of more senior practitioners (which includes all respondents who had been in practice for more than 7 years) encompasses a much wider range of experience.

---

<sup>13</sup> This intersectionality has been recognised by the BSB in its November 2020 report; that report highlighted how income differences were particularly stark when looking at gender and ethnicity together, with female BAME barristers being the lowest earning group.

- For many questions, a considerable number of barristers (often making up a significant minority) were confident that their experiences had been negatively impacted due to their race.
- The results were most stark when considering whether respondents felt that inappropriate treatment from opponents or the Bench was due to their race; more than half of respondents felt that it had been.
- There were a few areas where a majority or clear majority took a view that their experiences were not negatively affected by their race. For example, clear majorities took the view that the level of encouragement provided by chambers to promote themselves to solicitors was not negatively affected by their race and a clear majority did not feel pushed into any particular practice area due to their race. However, the vast majority of other responses indicated a view that the negative experiences at the Bar had been affected by their race or were uncertain.
- A considerable number of respondents had experienced inappropriate treatment within chambers or from the Bench which they believed may have been due to their race. Micro-aggressions, being patronised, undermined or belittled were common feelings amongst respondents. Overt racism was typically a less common form of inappropriate treatment, but it was still experienced by a noticeable number of respondents.
- A number of respondents were uncertain about the extent to which negative experiences were because of their race. However, as highlighted in the introduction to this report, most experiences of racism (as with other forms of discrimination) are not “overt”. They are hidden in proxies, implications and practices which appear, on their face, to be neutral. That makes identifying or challenging racism notoriously difficult for individuals. Therefore, a degree of uncertainty is unsurprising and should not be read as undermining any aspect of the report. On the contrary, the fact that practitioners could not always rule out race as a factor in negative experiences at the Bar remains a matter of serious concern.

**Black Barristers' Network  
Management Committee  
November 2020**

# LIST OF CHARTS

- Chart 1: [Gender](#)
- Chart 2: [Ethnic Groups](#)
- Chart 3: [Current Age](#)
- Chart 4: [Seniority](#)
- Chart 5: [Socio-economic background: state or fee-paying school](#)
- Chart 6: [Socio-economic background: first generation to go to university](#)
- Chart 7: [Primary practice area](#)
- Chart 8: [Relationships with individual member of chambers negatively affected by race](#)
  - Chart 8.1: [Male/female analysis](#)
  - Chart 8.2: [Seniority analysis](#)
- Chart 9: [Inappropriate treatment within chambers related to race](#)
- Chart 10: [Relationships with clerks negatively affected by race](#)
  - Chart 10.1: [Male/female analysis](#)
- Chart 11: [Pushed to practise in a particular area because of race](#)
  - Chart 11.1: [Seniority analysis](#)
- Chart 12: [Chambers monitoring the allocation of work](#)
- Chart 13: [Allocation of work negatively affected by race](#)
  - Chart 13.1: [Male/female analysis](#)
  - Chart 13.2: [Seniority analysis](#)
- Chart 14: [Confidence in clerks challenging a solicitor/client who has been discriminatory](#)
- Chart 15: [Fees quoted for work](#)
  - Chart 15.1: [Male/Female analysis](#)
- Chart 16: [Fees quoted for work negatively affected by race](#)
  - Chart 16.1: [Male/female analysis](#)
  - Chart 16.2: [Seniority analysis](#)
- Chart 17: [Encouragement from chambers to promote to solicitors](#)
- Chart 18: [Level of encouragement to promote to solicitors negatively affected by race](#)
- Chart 19: [Support from chambers in career progression](#)
  - Chart 19.1: [Male/female analysis](#)
- Chart 20: [Level of support from chambers in career progression negatively affected by race](#)
  - Chart 20.1: [Male/female analysis](#)
- Chart 21: [Opportunities to be led negatively affected by race](#)
  - Chart 21.1: [Male/female analysis](#)
  - Chart 21.2: [Seniority analysis](#)
- Chart 22: [Joining a chambers committee](#)
- Chart 23: [Seeking to join a chambers committee negatively affected by race](#)
  - Chart 23.1: [Male/female analysis](#)
- Chart 24: [Experiences on a chambers committee](#)
- Chart 25: [Experiences on a chambers committee negatively affected by race](#)
  - Chart 25.1: [Male/female analysis](#)
- Chart 26: [Improving the chambers experience](#)

Chart 27: [Experiences before judges/magistrates/panel negatively affected by race](#)

Chart 27.1: [Seniority analysis](#)

Chart 27.2: [African/Caribbean analysis](#)

Chart 27.3: [Male/female analysis](#)

Chart 28: [Inappropriate treatment from judges/magistrates/panel related to race](#)

Chart 29: [Relationships with solicitors negatively affected by race](#)

Chart 29.1: [Seniority analysis](#)

Chart 29.2: [Male/female analysis](#)

Chart 30: [Respect from solicitors](#)

Chart 31: [Inappropriate treatment from opponents because of race](#)

Chart 31.1: [Male/female analysis](#)

Chart 31.2: [Seniority analysis](#)

Chart 32: [Inappropriate treatment from opponents related to race](#)

Chart 33: [Treatment from court staff](#)

Chart 34: [Treatment from court staff negatively affected by race](#)

Chart 34.1: [Male/female analysis](#)

Chart 34.2: [Seniority analysis](#)

Chart 34.3: [African/Caribbean analysis](#)

Chart 35: [Assumptions by court staff](#)

# LIST OF SURVEY QUESTIONS

## Black Barristers' Network: 2020 Self Employed Survey

This survey aims to collect information from self-employed Black Barristers of African and Afro-Caribbean descent on their lives within the profession, with a particular focus on race. Please answer the survey with your thoughts and experiences of life at the Bar generally, not just your experience during the Covid-19 pandemic.

### DISCLAIMER:

We are gathering this information in order to understand the experiences of Black Barristers, with a particular focus on race. We will use this information for analytical purposes only. All data will be handled in the strictest confidence and findings will be reported in an anonymised way, where no individuals will be identifiable. The questionnaires and individual data will only be seen by the BBN Committee and all data will be handled in strictest confidence.

By completing this survey, you are consenting to us processing and analysing your data.

\* Required

### Details

Please provide us with some details about your practice.

1. Are you one of the following: \*

*Mark only one oval.*

- ☐ QC
- ☐ Self Employed over 7 years practise
- ☐ Self Employed under 7 years practice
- ☐ Pupil in your second six
- ☐ Pupil in your third six
- ☐ Other: \_\_\_\_\_



## 2. What is your primary practice area? \*

*Check all that apply.*

- ☐ Admiralty
- ☐ Arbitrator or umpire or mediator Chancery
- ☐ Commercial and Financial Services
- ☐ Competition
- ☐ Construction
- ☐ Crime
- ☐ Defamation
- ☐ Employment
- ☐ European
- ☐ Family
- ☐ Immigration
- ☐ Insolvency
- ☐ Intellectual property
- ☐ International
- ☐ Landlord and tenant
- ☐ Licensing
- ☐ Other common law
- ☐ Personal injury
- ☐ Planning
- ☐ Professional discipline
- ☐ Professional negligence
- ☐ Public Law
- ☐ Revenue

Other: ☐ \_\_\_\_\_Relationships  
within  
chambers

This section covers relationships with members of chambers, chambers management and staff. There is a text box at the end of this section where you can share your experiences or explain/amplify your answers to the questions. Those who are currently employed but were previously self-employed should answer these questions on their experience at the self-employed Bar.

## 3. Do you feel that your relationships with individual members of chambers have been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Not sure
- ☐ N/A

4. Have you experienced any of the following inappropriate treatment within chambers that you think may have been related to your race? \*

*Check all that apply.*

- ☐ Bullying  
☐ Overt racism  
☐ Aggression  
☐ Micro-aggression  
☐ Being patronised  
☐ Being belittled  
☐ Being undermined  
☐ Being silenced  
☐ Harassment  
☐ Sexual harassment  
☐ Name calling  
☐ Threats  
☐ None of the above  
☐ N/A

Other: ☐ \_\_\_\_\_

5. Do you feel that your relationships with clerks have been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not Sure  
☐ N/A

6. Do you feel you were pushed to practise in a particular practice area because of your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ N/A

7. Does your chambers monitor the allocation of work? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Not Sure  
☐ N/A

8. Do you feel that the allocation of work is negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not Sure  
☐ N/A

9. On a scale of 1 to 10, how confident do you feel that your clerks would challenge a solicitor or a client who has been discriminatory in their instructions? (e.g. seeking a white barrister or a male barrister for a case)?

*Mark only one oval.*

	1	2	3	4	5	6	7	8	9	10	
Not confident at all	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Very confident

10. What do you think about the fees quoted for your work by chambers?

*Mark only one oval.*

	1	2	3	4	5	
Too Low	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Just Right

11. Do you think that the fees quoted for your work are negatively affected by your race?

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not sure  
☐ N/A

12. How much encouragement have you received from chambers to promote yourself to solicitors? (e.g. talking in seminars, participating in events, taking solicitors out, writing articles, etc?)

*Mark only one oval.*

	1	2	3	4	5	6	7	8	9	10	
None at all	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	A lot of encouragement

13. Do you feel that the level of encouragement provided by chambers to promote yourself to solicitors has been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not sure  
☐ N/A

14. How much support do you feel you are provided by chambers in your career progression (e.g. applying for rankings in the legal directories, applying to become a QC, being put forward for profile raising opportunities etc)?

*Mark only one oval.*

	1	2	3	4	5	6	7	8	9	10	
No support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	A lot of support

15. Do you think that the level of support you have received by chambers in your career progression is negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not sure  
☐ N/A

16. Do you think that the opportunities for you to be led by a senior barrister have been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Maybe  
☐ Not sure  
☐ N/A

17. Have you tried to join any chambers committees (management, tenancy, pupillage, E&D, other)? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ NA

18. If so, do you think your race had a negative impact on your experience of seeking to join a committee (e.g. putting yourself forward, any application or election process you undertook, your success in obtaining a place on the committee or otherwise)?

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Not sure
- ☐ N/A

19. If you have been/are on a chambers committee(s), how would you describe your experience on the committee(s)?

*Mark only one oval.*

	1	2	3	4	5	
Bad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Excellent

20. Do you believe that your race has/had a negative impact on your experience on the committee(s)?

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Not sure
- ☐ N/A

21. How do you think your experience in chambers could be improved?

*Check all that apply.*

- ☐ More black barristers
- ☐ More senior black barristers
- ☐ More black barristers on committees in chambers
- ☐ Changes to Equality and Diversity Policies

22. Please use this text box to tell us more about your experience in chambers, either generally or to explain/amplify your answers to any of the questions in this section. Please also put any suggestion on improving your experience in chambers here.

---



---



---



---



---

#### Relationships with others

This section deals with relationships with others including opponents, court staff, clients, judges and solicitors.

23. Do you feel like your experiences before judges/magistrates/panel members have been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ N/A

24. Have you experienced any inappropriate treatment from judges/magistrates/panel members which you think may have been related to your race? \*

*Check all that apply.*

- ☐ Bullying
- ☐ Overt racism
- ☐ Aggression
- ☐ Microaggressions
- ☐ Being patronised
- ☐ Being belittled
- ☐ Being undermined
- ☐ Being silenced
- ☐ Harassment
- ☐ Sexual harassment
- ☐ Threats
- ☐ None of the above
- ☐ N/A

Other: ☐ \_\_\_\_\_

25. Do you feel your relationships with solicitors have been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Not sure
- ☐ N/A

26. Do you feel you are respected by solicitors in your field in terms of:

*Mark only one oval per row.*

	Yes	No	Maybe	Not sure
The work you receive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The manner in which work is given to you (eg. the quality of your instructions, the quality of the brief, the timing of the delivery of papers etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The fees they are willing to pay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Their communication with you about a case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Their communication with you generally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27. Have you ever felt that you have been treated inappropriately by opponents because of your race? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Not sure
- ☐ N/A



28. Have you ever experienced any of the following inappropriate treatment from opponents which you think may have been related to your race? \*

*Check all that apply.*

- ☐ Bullying  
☐ Overt racism  
☐ Being patronised  
☐ Being belittled  
☐ Being undermined  
☐ Aggression  
☐ Harassment Sexual  
☐ harassment  
☐ Physical aggression  
☐ Being silenced  
☐ Name calling  
☐ Threats  
☐ None of the above  
☐ N/A

Other: ☐ \_\_\_\_\_

29. How do you feel you are treated by court staff overall (e.g. security guards, court ushers, court clerks etc)?

*Mark only one oval.*

	1	2	3	4	5	
Not well	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Well

30. Do you think your treatment by court staff has been negatively affected by your race? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Sometimes  
☐ Maybe  
☐ N/A

31. Have you ever been assumed by court staff to be any of the following: \*

*Check all that apply.*

- ☐ A defendant in a criminal case
- ☐ A party in a case (other than the defendant in a criminal case) A
- ☐ social worker
- ☐ A witness
- ☐ An interpreter A
- ☐ solicitor
- ☐ A cleaner
- ☐ None of the above
- ☐ N/A

Other: ☐ \_\_\_\_\_

32. Please use this text box to tell us more about your experience with others (opponents, judges, solicitors, court staff), either generally or to explain/amplify your answers to any of the questions in this section. Please also put any suggestion on improving your experience with others here:

---

---

---

---

---

### Equality and Diversity Monitoring Form

33. From the list of age bands below, please indicate the category that includes your current age in years: \*

*Mark only one oval.*

- ☐ 16 - 24
- ☐ 25 - 34
- ☐ 35 - 44
- ☐ 45 - 54
- ☐ 55 - 64
- ☐ 65+
- ☐ Prefer not to say

34. What is your gender? \*

*Mark only one oval.*

- ☐ Female
- ☐ Male
- ☐ Prefer not to say
- ☐ Other: \_\_\_\_\_

35. Is your gender identity the same as the sex that you were assigned at birth? \*

This following question is designed to gather trans data i.e. whether your gender identity and/or gender expression differs from your birth sex. A trans person may or may not seek to undergo gender reassignment hormonal treatment/surgery.

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

36. (a) Do you consider yourself to have a disability according to the definition in the Equality Act? \*

The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

37. (b) Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? \*

*Mark only one oval.*

- ☐ Yes, limited a lot
- ☐ Yes, limited a little
- ☐ No
- ☐ Prefer not to say

38. What is your ethnic group? \*

*Mark only one oval.*

- ☐ Black British - African
- ☐ Black British - Caribbean
- ☐ African
- ☐ Caribbean
- ☐ White and Black African
- ☐ White and Black Caribbean
- ☐ Prefer not to say
- ☐ Other: \_\_\_\_\_

39. What is your religion or belief? \*

*Mark only one oval.*

- ☐ No religion or belief
- ☐ Buddhist
- ☐ Christian (all denominations)
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ Prefer not to say
- ☐ Other: \_\_\_\_\_

40. What is your sexual orientation? \*

*Mark only one oval.*

- ☐ Bisexual
- ☐ Gay man
- ☐ Gay woman/lesbian
- ☐ Heterosexual/straight
- ☐ Prefer not to say
- ☐ Other: \_\_\_\_\_
- ☐

41. (a) If you went to University (to study a BA, BSc course or higher), were you part of the first generation of your family to do so? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Did not attend university  
☐ Prefer not to say

42. (b) Did you mainly attend a state or fee-paying school between the ages 11 – 18? \*

*Mark only one oval.*

- ☐ UK State School  
☐ UK Independent/Fee-paying School  
☐ Attended school outside the UK  
☐ Prefer not to say

43. (a) Are you a primary carer for a child or children under 18? \*

*Mark only one oval.*

- ☐ Yes  
☐ No  
☐ Prefer not to say

44. (b) Do you look after, or give any help or support to family members, friends, neighbours or others because of either:- Long-term physical or mental ill-health / disability- Problems related to old age? \*

*Mark only one oval.*

- ☐ No  
☐ Yes, 1 - 19 hours a week  
☐ Yes, 20 - 49 hours a week  
☐ Yes, 50 or more hours a week  
☐ Prefer not to say  
☐

# Black Barristers' Network

© Black Barristers' Network 2020

<https://www.blackbarristersnetwork.org.uk/>