



Income at the Bar - by Gender and Ethnicity Research report

November 2020

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REGULATING BARRISTERS

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Executive Summary

- This report examines the gross income of barristers and is based entirely on figures from before the impact of the current pandemic. Around one fifth of barristers are employed and for them by “income” we refer to their gross income before tax and national insurance etc. For the four fifths of barristers who are self-employed their “income” is their total fee income (excluding VAT) before they pay the costs of their chambers, which is estimated to typically take between 20 and 40 per cent of their income.
- Our report reveals a number of important findings – that incomes at the Bar vary very widely and that the analysis of data on income band held by the BSB shows that female barristers and BAME barristers are likely to earn less than male and White barristers respectively.
- This holds true even when looking at employed barristers, self-employed barristers, QCs, barristers based both inside and outside London, and barristers with similar seniority by year of Call.
- Income differences are particularly stark when looking at gender and ethnicity together, with female BAME barristers the lowest earning group, and White male barristers are the highest earning group.
- There are also differences in the income of BAME barristers once ethnicity is looked at in more detail, with Black and Black British barristers earning less than Asian and Asian British barristers overall. Black African and Asian Bangladeshi are particularly low earning groups, with both of these groups having a median income band of two, a full two income bands below the median value of four for White barristers.
- Even when barristers are grouped by their main area of practice and seniority by year of Call, female and BAME barristers still earn less on average than equivalent male and White barristers who are working in the same areas of practice and have the same seniority.
- This suggests that (while there are notable differences in the proportions of those practising in particular areas of law by both ethnicity and gender) even when one compares barristers of similar experience and working in the same areas, there remain differences in income by both gender and ethnicity, with female and BAME barristers earning less than their male and White counterparts.

1 Introduction

- 1.1. The Bar Standards Board (BSB) collects data on the income of the practising Bar as part of the Authorisation To Practise process (ATP). This is an annual process in which members of the profession renew their Practising Certificate and provide information covering demographic and background characteristics, as well as information on their practice (such as whether they are in Employed or Self-employed practice, or the proportion of their income from particular areas of legal practice). As part of this process, barristers must provide information on their gross income over the previous year (for self-employed barristers, this is calculated by calendar year, and for employed barristers by tax year). This declared figure is used both to set the level of fees they must pay for their Practising Certificate, as well as provide information valuable to the BSB as part of their monitoring and research activities.

- 1.2. This report looks at the impact of gender and ethnicity on the income levels of barristers. The focus on gender and ethnicity is dictated by the quality of data held by the BSB – for most demographic characteristics (beyond gender, ethnicity and age) the data held by the BSB have relatively low response rates (around 50% in most cases). As a result, any analysis that looked at income by (for example) sexual orientation, or religion, would be less reliable due to the lower response rates. We have also not looked at income by age, as in most cases this will effectively be a proxy for years of experience, and thus there would be an expected relationship between age and income as older barristers are likely to be more experienced (although this will also be impacted by other factors such as area of law).

2 Methodology

- 2.1. Income data are collected by the BSB as one of eight income bands rather than a specific numerical value. These income bands are illustrated in the table below.

Table 1

Band	Gross Income
1	£0 - £30,000
2	£30,001 - £60,000
3	£60,001- £90,000
4	£90,001 - £150,000
5	£150,001 - £240,000
6	£240,001 - £500,000
7	£500,001 - £1,000,000
8	£1,000,000 and above

- 2.2. It is important that the use of the word “income” in this report is not misunderstood. For Employed barristers, when renewing their practising certificate, the income band they declare is their gross salary. For Self-employed barristers the income band they declare is the total turnover of their small business (excluding VAT). From that figure, the barrister has to fund their office (chambers) and staffing (clerks) costs. We do not have a definitive evidence as to the proportion of barrister’s income taken up by chambers rent, fees and other expenses, but it is estimated that they range from 20¹ to 40² per cent of fee income. Of the fees that remain, there is no provision for sick pay, annual leave, or employer pension. It is clear therefore that there is a difference between fees received, which in this report we refer to as “income” and “earnings” and actual net income for the self-employed Bar. It should also be noted that those barristers in the higher bands tend to be those whose fees are privately funded; barristers who undertake legal aid work are more likely to appear in the lower bands.
- 2.3. This report has used two approaches to analysing income data. The first is looking at the eight income bands as described in the table above. This gives the most nuanced picture of how barrister income varies across gender and ethnicity, as it shows precisely how differences manifest (e.g. proportions of each group within each of the eight income bands).

1. www.chambersstudent.co.uk/where-to-start/newsletter/how-much-do-barristers-earn
 2. <https://lawyerwatch.blog/2017/02/10/gross-earnings-at-the-bar/>

- 2.4. However, for the purposes of simplicity, this report has also used average income band as a measure – while providing a more simplistic approach (and potentially masking differences in distribution among the income bands) it is sufficient to give a broad picture of whether (on average) barristers in a certain group are likely to have a lower income than those in another group. Where this measure has been used, this paper uses both mean and median values for income band. While there are no issues with the use of median values as a central measure for ordinal data³, the use of mean values is more problematical. This is because the values ascribed to ordinal data are often arbitrary and do not have equal distances between values. As a result, the value of a mean for ordinal data can be misleading. However, mean values for ordinal variables are often used in applied research to provide an indication of the differences between certain groups, as they are used here.
- 2.5. As a result, where average income band is used, the key measure is the differences between values for different groups rather than the value itself (in particular, as the different income bands do not have a consistent range – there is a distance of 30K between bands for income bands 1-3, but between £60k and £500k between other bands). A lower average value for income band indicates that barristers from one group are more likely to declare a lower income than those of another group, and the size of the difference effectively indicates how likely they are to have a lower income (i.e. the larger the difference in average income, the larger the income disparity between groups).
- 2.6. As there are a number of factors that are likely to influence a barrister's income (such as the nature of their practice, their years of call/years of experience, the areas of law they practise in, and so forth) this report has also included a number of other variables in the analysis of income, to investigate whether any differences in income by gender or ethnicity can be explained by the nature of their practice, seniority, or other factors.

Research limitations

- 2.7. The income declarations used for this research are based on barrister's declarations for the 2018 calendar/financial year (calendar year for self-employed barristers, financial year for employed barristers) as income data for 2019 was not yet available when the analysis was undertaken. As such, the income data are several years out of date due to the lag associated with how barristers submit their income levels to the BSB, and do not represent barrister's current income. In particular, given the impact the coronavirus update has had on barrister's work and income⁴, the figures given are likely to give a misleading picture of barrister's current levels of income. This should be borne in mind when reading this report. The BSB intends to repeat this analysis once we have income data for 2020, both

3. Ordinal data is data that has ordered values, but the distance between consecutive values is not (or may not) be equal. Barristers income band is therefore ordinal data, as the distances between bands vary from 30K at the lower end of the scale to 500k at the higher end.

4. www.barcouncil.org.uk/uploads/assets/6b0bf457-c7a9-4ccb-b9bfe49ac011437d/Bar-Survey-Summary-Findings-April-2020.pdf; www.barcouncil.org.uk/uploads/assets/0e406828-62d3-4b06-b04451266d3213fa/HoC-Survey-Summary-Findings-June-2020.pdf

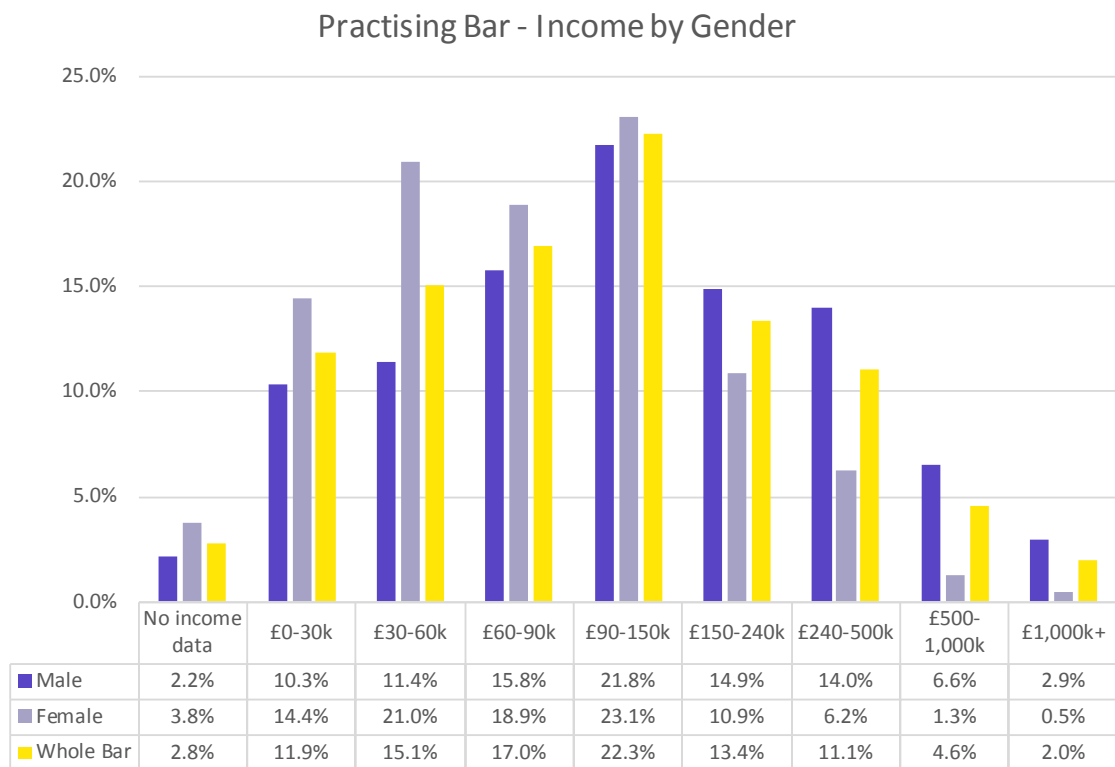
to review the impact coronavirus has had upon the income of the Bar, as well as the impact it may have had on income disparities by gender and ethnicity.

- 2.8. It is also important to note (as described in paragraph 2.2) that the income figures provided to the BSB represent gross income, and for self-employed barristers do not take into account deductions for chambers fees and contributions. Estimates as to the proportion of barrister's income taken up by chambers fees and other expenses range from 20 to 40 per cent, and this can vary significantly due to chambers constitutions, areas of law, and barrister's income levels. As such, the gross figures given will be (often significantly) higher than barrister's net income.
- 2.9. Finally, as discussed in the 'methodology' section above, in several places this analysis uses mean values for income band to investigate differences in income. As previously discussed, these values should merely be treated as an indication of differences between groups, rather than actually representing an 'average' value (as the different income bands do not have a consistent range).

3 Research Findings

3.1. As shown in figure 1, a notably higher proportion of female barristers are in the lowest two income bands than male barristers, and a lower proportion are in the highest four income bands. For the highest income bands the difference is particularly stark – less than half the proportion in the 240-500k income band, and less than a quarter the proportion in the £500-£1 million and £1m+ income bands. Of particular note is the higher proportions of female barristers who are in the two lowest income bands – more than one in three (35.4%) of the female Bar had an income of £60k or less, compared to slightly over one in five (21.7%) of male barristers.

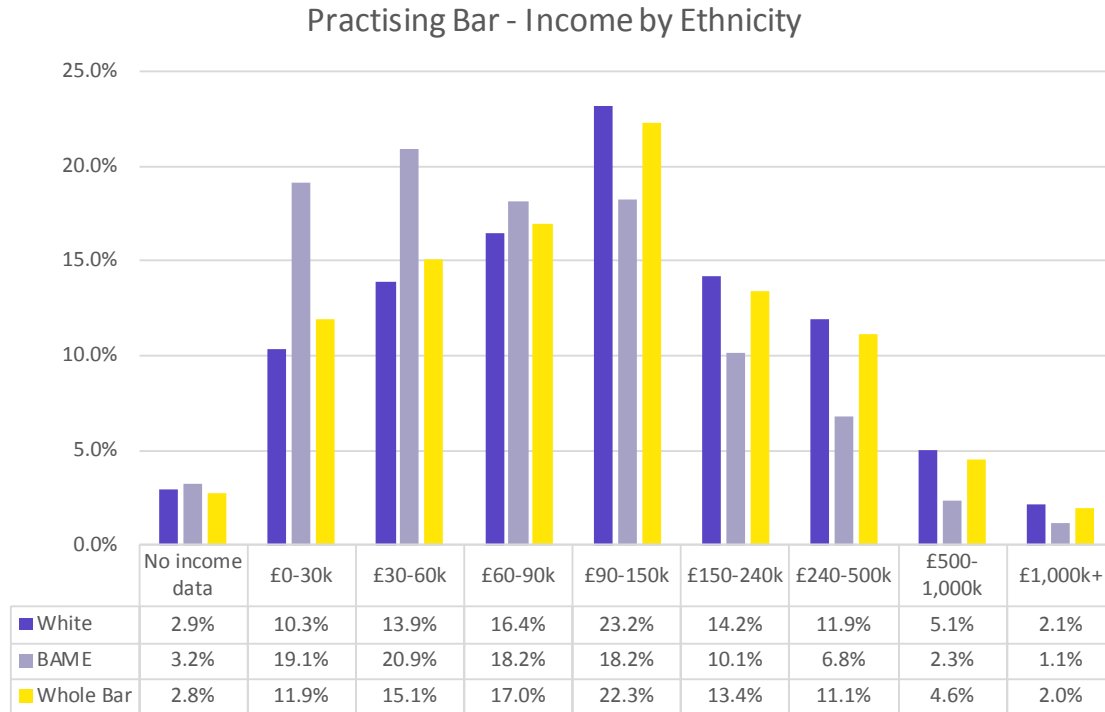
Figure 1



- 3.2. A more simple illustration of the differences in income by gender is given by looking at the difference in average income band between male and female barristers. For female barristers, the mean value for income band was 3.22, whereas the equivalent value for male barristers was 4.05. The median income band was 3 for female barristers, and 4 for male barristers
- 3.3. However, simply reporting on differences between male and female income at the Bar is an over-simplistic approach to investigating the extent to which income is impacted by gender – years of experience, QC status, or practice area, for example, are also significant factors in determining barrister income. Women are, for example, less likely to be QCs than men, and are under-represented at the

more senior end of the profession, whether measured by years of call or by years of experience. This will be investigated later in this report.

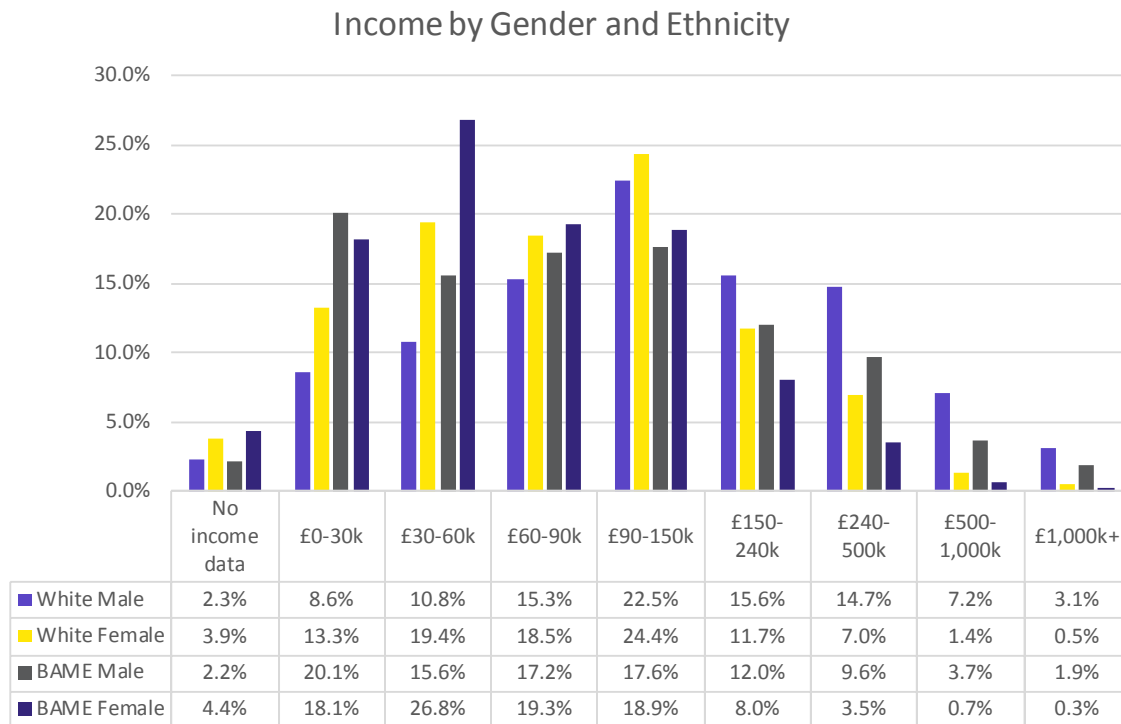
Figure 2



- 3.4. In a similar pattern to those noted above in relation to gender, a notably higher proportion of barristers from minority ethnic groups are in the lowest two income bands compared to White barristers, and a lower proportion are in the highest five income bands. For the highest income bands the difference is less notable than that for gender, although still reflects a notable difference – slightly over half the proportion of BAME barristers are in the 240-500k income band (6.8% compared to 11.9%), and around half the proportion are in the £500-£1 million and £1m+ income bands. As with gender, of particular note is the minority ethnic barristers who are in the two lowest income bands – two in five (40%) of the BAME Bar had an income of £60k or less, compared to around one in four (24.2%) of White barristers.
- 3.5. As with gender, looking at the difference in average income band between White and minority ethnic barristers provides a simple illustration of the differences in income. For BAME barristers, the mean value for income band was 3.15, whereas the equivalent value for White barristers was 3.86 – this represented a smaller difference than was observed for gender. The median value for BAME barristers was 3, and for White barristers was 4.
- 3.6. The differences between groups are starker if gender and ethnicity are examined together. Figure 3 shows that for female barristers from minority ethnic groups, 44.9% are in the lowest two income bands – this is more than double the proportion of White male barristers (19.4%). Conversely, less than one in twenty female barristers from minority ethnic groups (4.5%) earn £240k and over, compared to one in four (25%) of White male barristers, 15.2% of BAME male

barristers, and 8.9% of White female barristers.

Figure 3



- 3.7. Table 2 below looks at mean and median income band values. This shows that White male barristers have the highest value, followed by BAME male barristers. Female BAME barristers have the lowest value. Looking at median values, all groups other than White male barristers have a median value of 3, compared to 4 for White male barristers. This table, in conjunction with chart 3, also illustrates how looking at mean values alone can obscure more complex patterns in the data as a whole – male BAME barristers have a higher mean income band than White female barristers, and yet a significantly higher proportion of male BAME barristers are in the lowest income band than White female barristers (20.1% compared to 13.3%). However, their greater proportions in the higher income bands means that the mean value for income band is higher.

Table 2

	Mean income band	Median Income Band
White Male	4.16	4
BAME Male	3.40	3
White Female	3.32	3
BAME Female	2.86	3
Whole Bar	3.74	4

- 3.8. Table three looks at mean income band by ethnicity, breaking down into more detail rather than simply White/BAME. As per paragraph 3.7, the highest mean value is for White barristers. However, breaking down the BAME category in more detail displays notable differences by ethnic group. Barristers from mixed and other

ethnic groups have higher mean values than Asian and Asian British barristers, while the lowest mean value is for Black/African/Caribbean/Black British barristers. Most ethnic groups have a median income band of 3, other than White and Other ethnic group barristers, who have a median income band of 4. Even this table, aggregating between Asian/Black/Mixed and Other⁵ ethnic groups, masks notable differences between mean value between different groups of barristers. The table below, for example, gives the ethnic groups with the lowest values for mean income band.

Table 3

Ethnic Group	Mean income band	Median income band
White	3.86	4
Other ethnic group	3.74	4
Mixed/multiple ethnic groups	3.42	3
Asian/Asian British	3.13	3
Black/African/Caribbean/Black British	2.72	3
Whole Bar	3.74	4

3.9. Table four shows that Black African barristers have a lower mean income band than other Black/Black British ethnic groups, while Asian Pakistani and Asian Bangladeshi barristers have a notably lower mean income band than Asian barristers as a whole (2.9 and 2.7 compared to 3.1). The lowest mean income band is for Gypsy and Irish Traveller barristers, which is a subset of 'White' – however, it is important to caveat that this group makes up less than 0.1% of the practising Bar. It is also noteworthy that the two lowest earning ethnic groups have a median income band of 2, two full bands below the median for the Bar as a whole.

Table 4⁶

Ethnic Group	Mean income band	Median income band
Asian/Asian British - Pakistani	2.91	3
Black/Black British - Caribbean	2.87	3
Asian/Asian British - Bangladeshi	2.67	2
Black/Black British - African	2.50	2
White - Gypsy or Irish Traveller	2.50	
Whole Bar	3.74	4

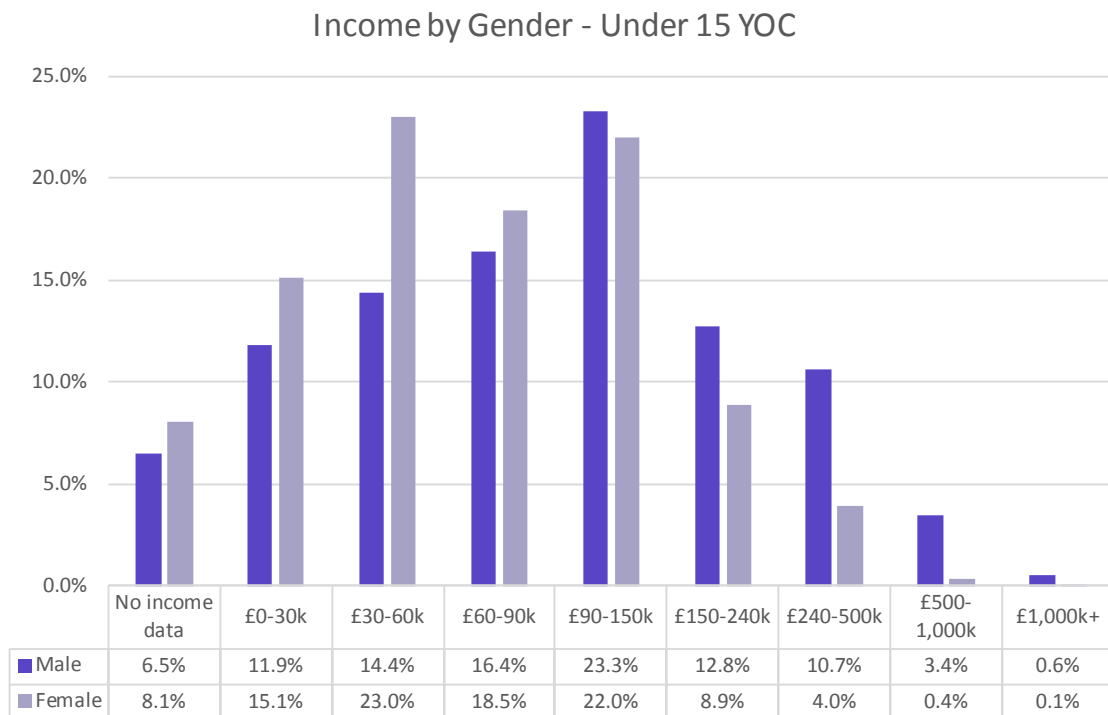
5. "Other" refers to people who selected "Other ethnic group" on our diversity monitoring forms

6. There are only two barristers who gave their ethnicity as White – Gypsy or Irish Traveller, so it is impossible to calculate a median value for this group

Seniority

3.10. The previous sections of this report have looked at income by gender and ethnicity over the Bar as a whole. However, this may give a misleading picture of income disparities at the Bar, as the makeup of the Bar by gender and ethnicity differs substantially by seniority, area of practice, and practising status. For example, women make up 37.6% of the practising Bar, but make up 32.7% of barristers of 15 or more years of call, and 45.7% of barristers under 15 years of call. Differences also exist for ethnicity, although these are not as notable as those for gender - BAME barristers make up 13.5% of the Bar as a whole, with 12.9% of barristers of 15 or more years of call and 14.3% of barristers under 15 years of call being BAME. QC status also differs by gender and ethnicity – 4.7% of female barristers have QC status, and 6.5% of BAME barristers, compared to 14.6% of male barristers and 12% of White barristers. In order to determine if income disparities still exist once seniority is taken into account, it is important to compare like with like – so looking at groups of barristers with similar levels of seniority and determining whether income still shows disparities by gender and ethnicity.

Figure 4

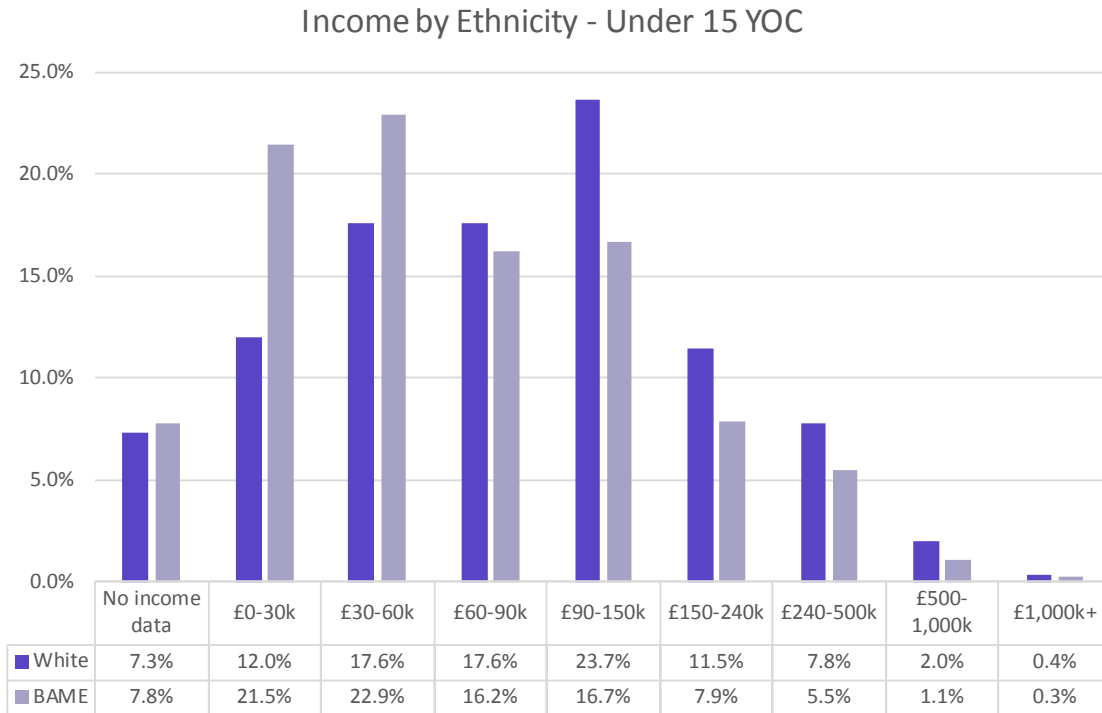


3.11. As can be seen from figure 4, a similar pattern in relation to gender is observed when restricting the analysis to barristers under 15 years of call. Higher proportions of women have incomes in the lowest two bands (38.1% compared to 26.3% of male barristers), and substantially lower proportions have incomes in the top 4 income bands (13.4% compared to 27.5% of male barristers).

3.12. Looking at the difference in average income band between male and female barristers also illustrates the differences in income by gender. For female barristers under 15 years of call, the mean value for income band was 3.00, whereas the

equivalent value for male barristers was 3.63. Similarly, the mean income band for barristers of 15 or more years of call was also lower for female barristers, with female barristers having a mean band of 3.39, compared to 4.24 for male barristers.

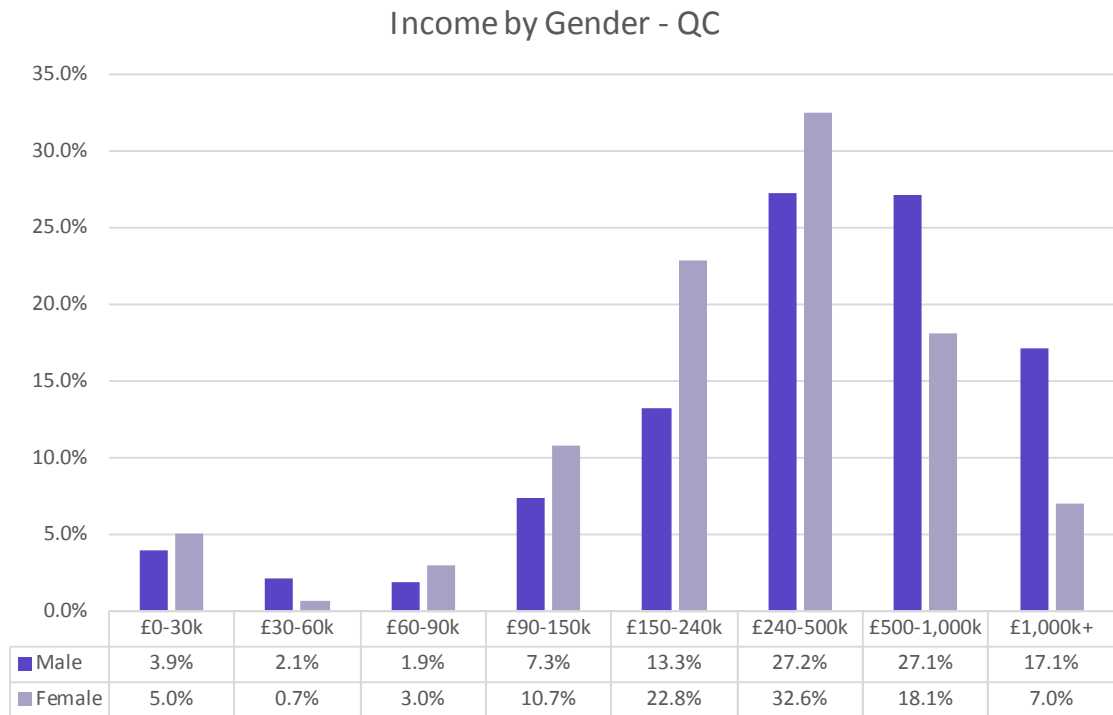
Figure 5



3.13. As with gender, restricting the analysis to barristers of less than 15 years of call also revealed notable income differences by ethnicity. Higher proportions of BAME barristers were in the lower income bands, and lower proportions in the higher income bands. For BAME barristers, 44.4% earned £60k or less, compared to 29.6% of White barristers, whereas 14.8% earned £150k or more, compared to 21.7% of White barristers.

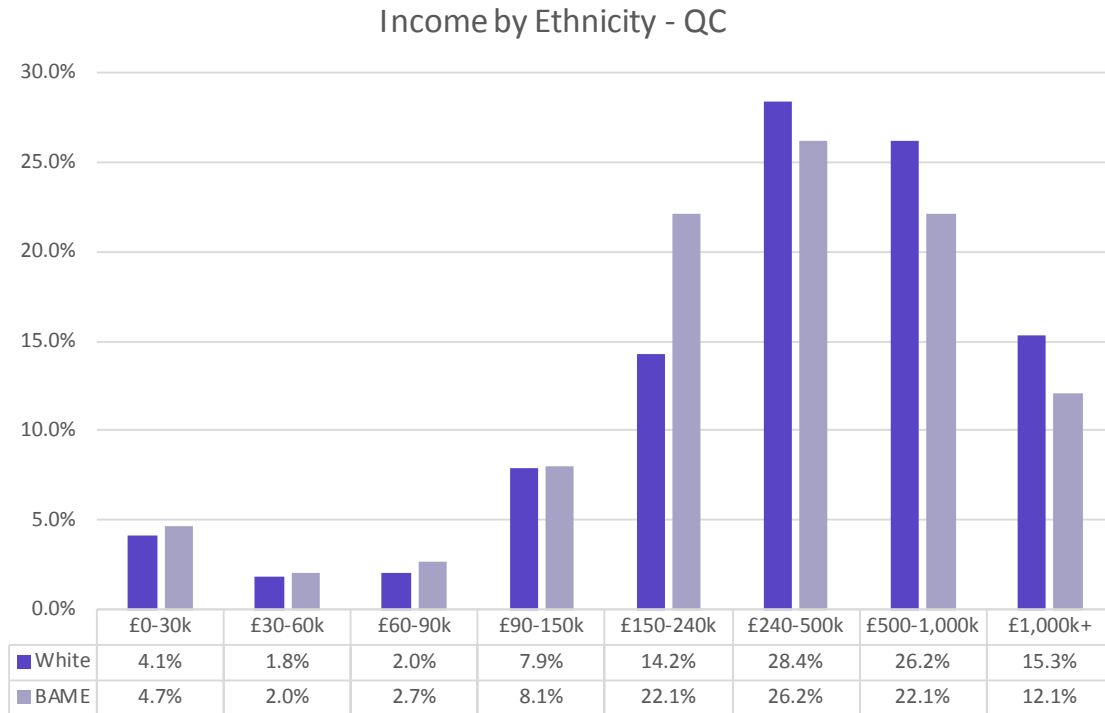
3.14. Looking at mean income band, the value for BAME barristers under 15 years of call was 2.88, compared to 3.41 – smaller than the difference observed for gender for this group. However, at 15 or more years of call, the difference by ethnicity was similar to the difference by gender – a mean income band of 3.32 for BAME barristers, compared to 4.12 for White barristers.

3.15. Queen’s Counsel (QC) status represents another measure of seniority at the Bar – QCs are appointed by the independent Queen’s Counsel Appointments, and are considered as experts in their field, generally with a minimum of 15 years’ practice. QCs are appointed from advocates who have rights of audience in the higher courts of England and Wales, and have demonstrated ‘a standard of excellence’ in their practice.

Figure 6

3.16. When looking at QC income by gender, there is little observable pattern for the lowest three income bands. For women, 8.7% earn £90k or less, whereas for men, the equivalent figure is 7.9%. However, for higher income bands (£90k and above) there are notable differences between male and female QCs – nearly two thirds (66.1%) of female QCs earn between £90k and £500k, whereas less than half (47.8%) of male QCs have earnings in this range. In contrast, over a third of male QCs have earnings of £500k and above (34.2%) compared to a quarter (25.1%) of female QCs.

3.17. Once again, mean income band provides a simpler representation of differences in income band, with female QCs having mean income band of 5.51 compared to 6 for male QCs. There was no difference in median income band for male and female QCs, however, with a median value of 6 for both groups.

Figure 7

3.18. As with QC income breakdowns by gender, breakdowns by ethnicity reveal few notable differences for lower income bands, although in this case this remains the case up to the £90-150k income band. For White barristers, 15.8% have incomes of £150k or below, with the equivalent figure for BAME barristers only slightly higher at 17.5%. However, BAME QCs are more likely to earn between £150 and £240k (22.1 compared to 14.2% of White QCs). Over two thirds of White QCs earn £240k and above (69.9%) compared to three in five BAME QCs (60.4%).

3.19. Looking at mean income bands, the difference between BAME and White QCs is lower than that between male and female QCs, with an average income band for BAME QCs of 5.68, compared to 5.93 for White barristers – notably lower than the difference observed for gender. As with male and female QCs, the median income band was 6 for both BAME and White QCs.

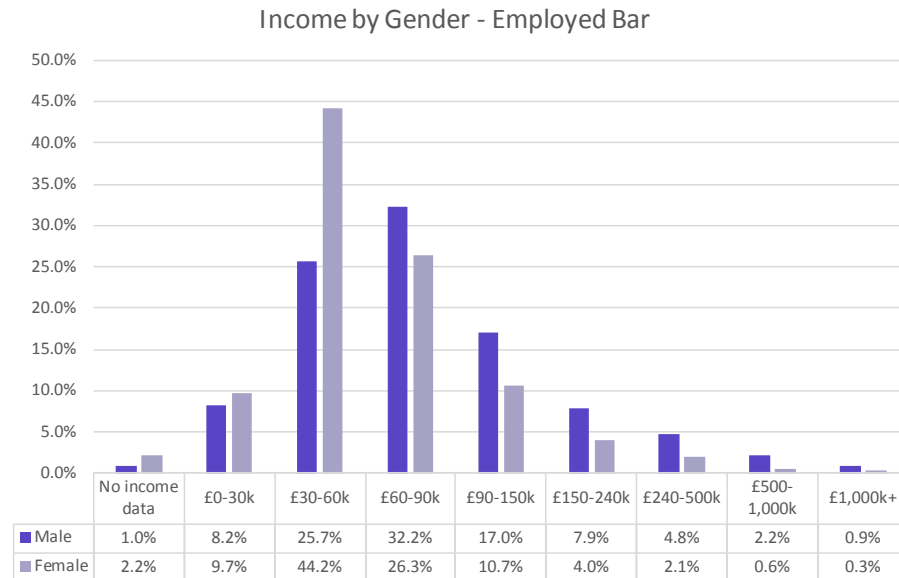
Employed and Self-employed Bar

3.20. It is also valuable to investigate whether differences in income also exist when employed and self-employed barristers are looked at separately. Both female and BAME barristers are over-represented at the employed bar compared to the profession as a whole, so this may be a factor that contributes to differences in income.

3.21. As can be seen by figure 8 below, employed female barristers have a slightly higher proportion in the lowest income band, and a significantly higher proportion in the second income band than male barristers. In contrast, male barristers have higher proportions with earnings in all income bands above £60k, with more than double the proportions of male barristers with income in bands 6, 7 and 8. Mean

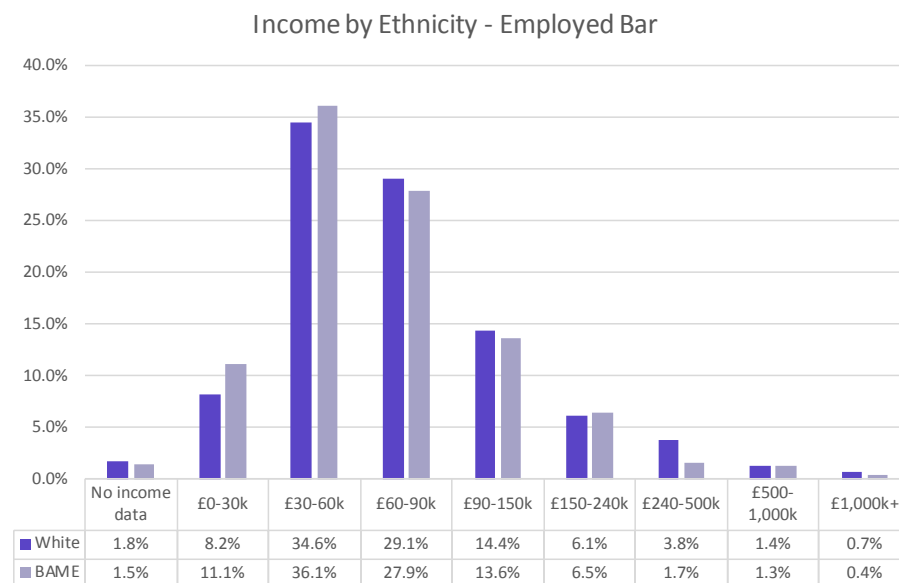
and median values also revealed differences between male and female employed barristers, with a mean value of 2.64 for female barristers (compared to 3.18 for males) and a median value of 2 (compared to 3 for male barristers).

Figure 8



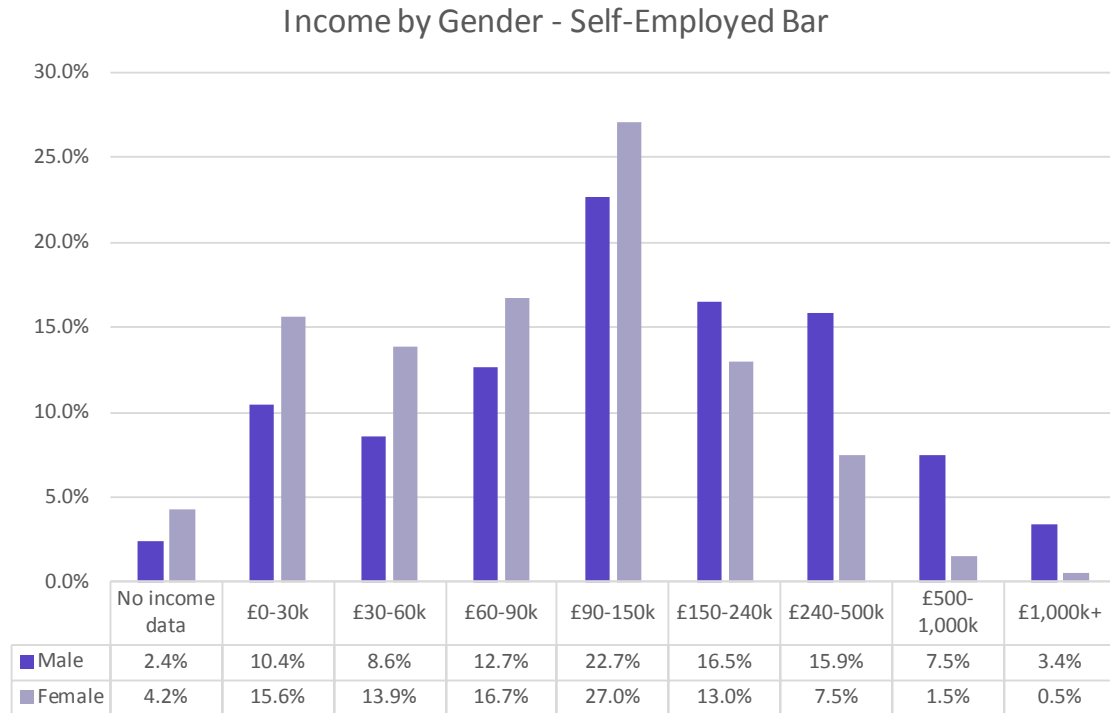
3.22. In contrast to gender, the differences in income by ethnicity are less pronounced (see figure 9). BAME barristers, like female barristers, have higher proportions in the lowest two income bands (47.2% compared to 42.8% of White barristers), and higher proportions of White barristers have earnings in income bands above £60k (55.5% compared to 51.4% of BAME barristers).

Figure 9



3.23. As with gender, mean values also revealed differences between White and BAME employed barristers, with a mean value of 2.82 for BAME barristers (compared to 2.96 for White barristers) – however, both groups had a median value of 3. However, the income disparities by ethnicity observed for the employed Bar are much less pronounced than they are for gender. This suggests that when it comes to ethnicity, income disparities are much less pronounced at the Employed Bar than in the profession as a whole.

Figure 10

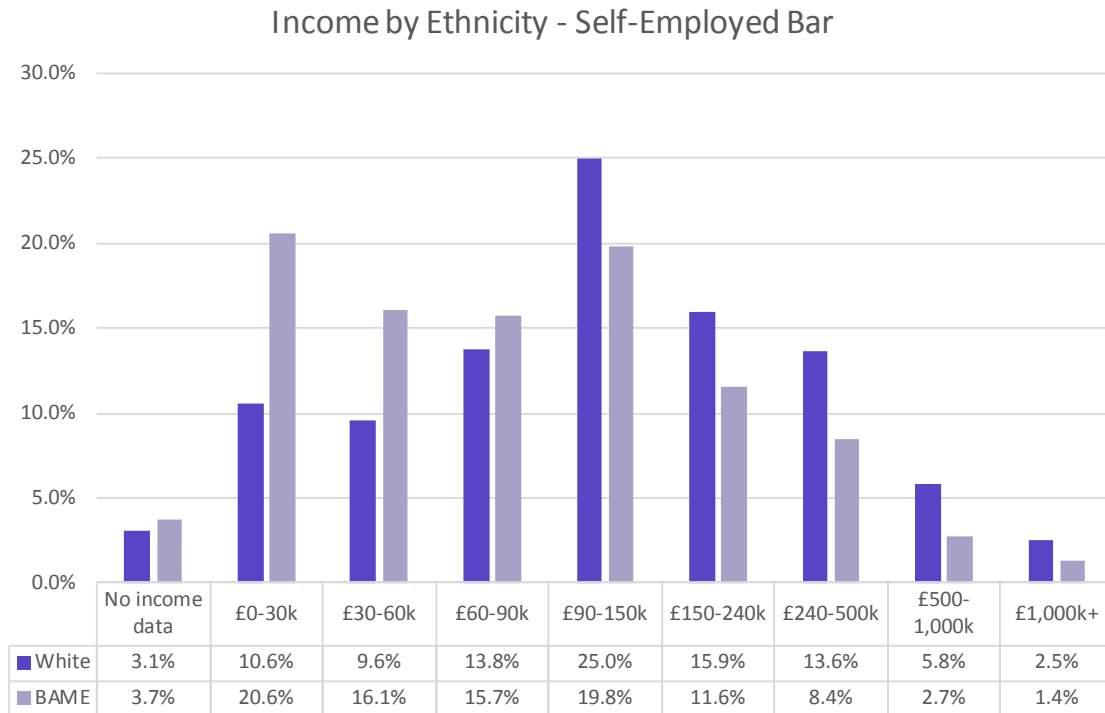


3.24. When looking at self-employed barristers, higher proportions of female barristers are in the lowest four income bands than male barristers, and lower proportions are in the highest four income bands. For the highest income bands the difference is particularly stark – 9.5% of self-employed female barristers earn £240k or over, compared to over one in four male barristers (26.8%). Slightly under one in three (29.5%) of the self-employed female Bar had an income of £60k or less, compared to slightly under one in five (19%) of male barristers. Mean values also revealed differences between male and female self-employed barristers, with a mean value of 3.41 for female barristers compared to 4.24 for males, although both groups had a median value of 4.

3.25. When looking at self-employed barristers, a notably higher proportion of BAME barristers are in the lowest two income bands compared to White barristers, and a lower proportion are in the highest five income bands. For the highest income bands the difference is less than that for gender, although still reflects a notable difference – around one in eight BAME self-employed barristers earn £240k and over (12.5%), compared to more than one in five White self-employed barristers (21.9%). A notably higher proportion of BAME barristers are in the two lowest income bands – over a third (36.7%) of the self-employed BAME Bar had an

income of £60k or less, compared to around one in five White barristers (20.2%).

Figure 11

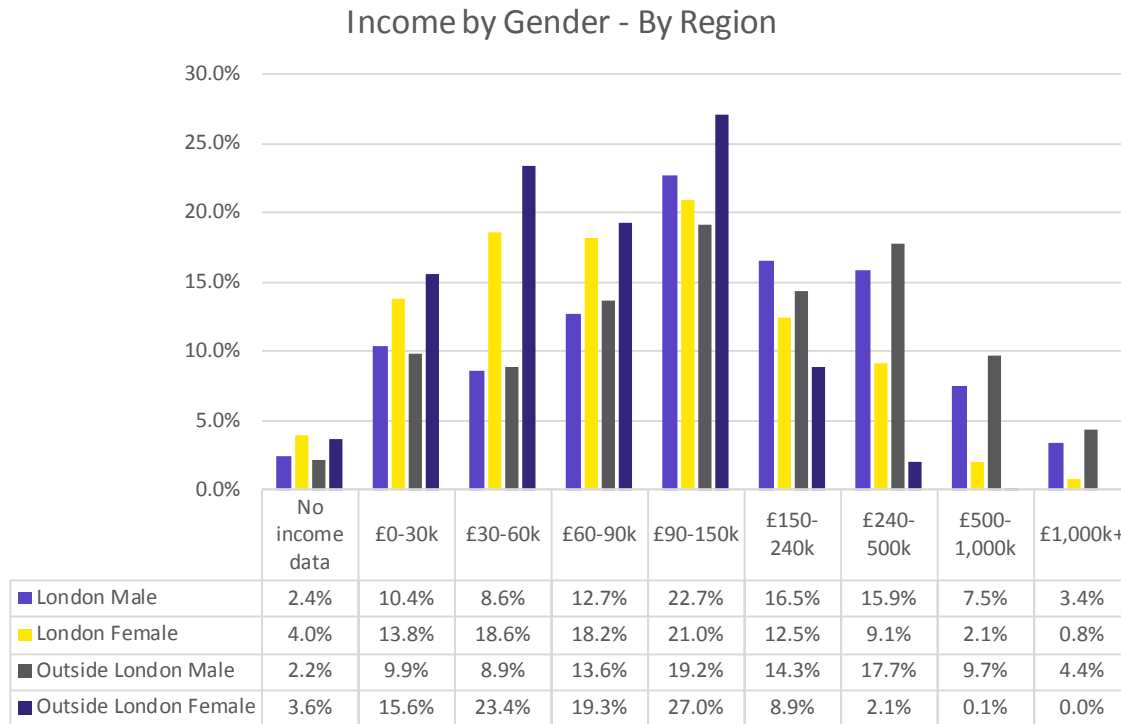


3.26. As with gender, mean and median values also revealed differences between White and BAME self-employed barristers, with a mean value of 3.3 for BAME barristers (compared to 4.06 for White barristers) and a median value of 3 (compared to 4 for White barristers).

Region of Practice

3.27. There are also variations in barrister income by region – barristers whose primary practice address is in London are more likely to declare higher incomes than those based outside of London. However, when breaking down income for barristers based both within and outside London, there remain notable differences in income observed between male and female barristers (see figure 12).

3.28. Looking at region of practice, both inside and outside London there are higher proportions of female barristers in each of the lowest three income bands. Over half of female barristers in London earn under £90k (50.6%) with an even higher proportion outside of London (58.3%). For male barristers the equivalent proportions are 31.7% within London and 32.4% outside London. The similar proportions of male barristers in each of the first three income bands, regardless of whether their practice is based inside or outside London, suggests the location of their practice has significantly less impact on male barrister incomes at the lower earning end of the Bar than it does on equivalent female barrister incomes (although barristers based outside London are far less likely to have higher band earnings than London barristers).

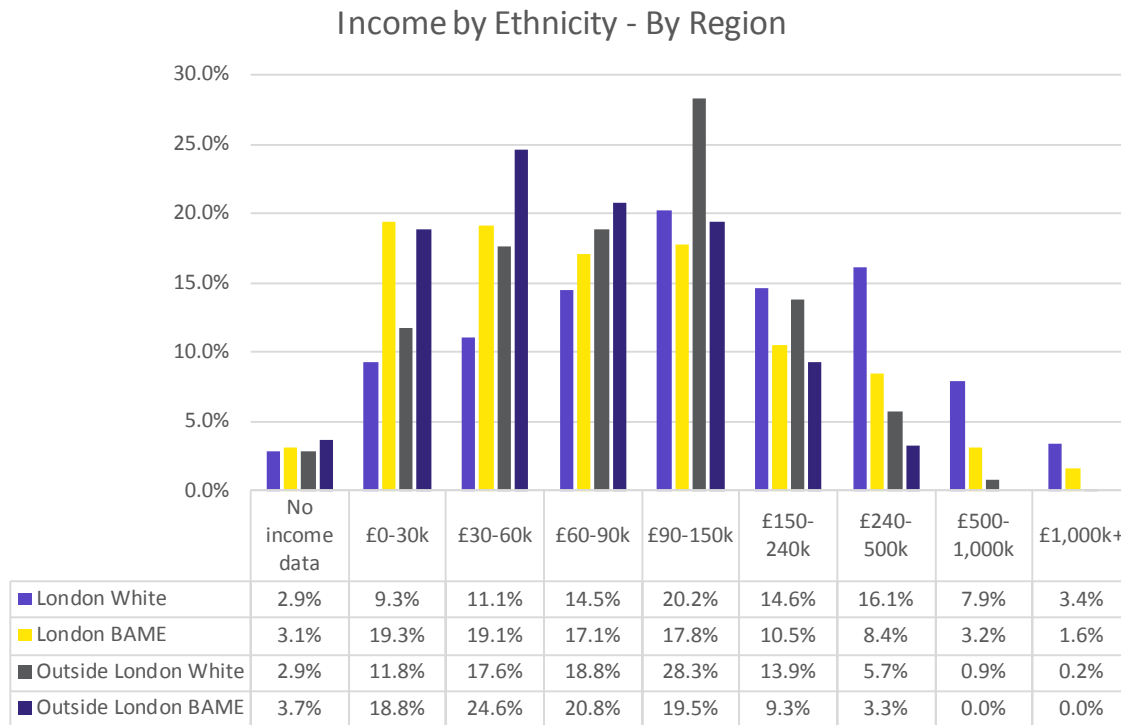
Figure 12

3.29. Looking at mean and median income values, male barristers based in London have the highest mean income band at 4.36, followed by male barristers outside London (3.53) then female barristers based in London (3.41) with female barristers outside London having the lowest mean income band at 2.97. Median values for male barristers both inside and outside London were 4, compared to 3 for female barristers (regardless of where they were based).

3.30. When looking at barrister incomes by ethnicity (see figure 13) BAME barristers are more likely to be in lower income bands than White barristers, regardless of where they are based. Over a third of BAME barristers based in London are in the lowest two income bands (38.4%) with an even higher proportion outside London (43.4%). The equivalent proportions for White barristers are 20.1% of London-based barristers and 29.4% of White barristers outside London. In contrast to looking at regional income by gender, location seems to impact on both White and BAME incomes at the lower earning end of the Bar, with both BAME and White barristers more likely to be in the lowest income bands if they are based outside the capital.

3.31. Looking at mean and median income values, White barristers based in London have the highest mean income band at 4.2, followed by White barristers outside London (3.37) then BAME barristers based in London (3.27) with BAME barristers outside London having the lowest mean income band at 2.85. Median values for White barristers both inside and outside London were 4, compared to 3 for BAME barristers (for both those with a London and outside London practice address).

Figure 13



Practice Area

3.32. Another key area where barrister status is likely to impact on earnings is the area of law that they generally practice in. Areas of law which are largely publicly funded (largely restricted to criminal law since the cuts to legal aid) will typically attract lower fees, as will areas of law such as family (which also can qualify for legal aid in certain situations). In contrast, areas such as commercial law will generally attract larger fees. As with seniority and QC status, barristers' main area of practice varies considerably by gender and ethnicity. For example, 26.6% of female barristers' main area of practice is family law, compared to 9.9% of male barristers, whereas 12.6% of male barristers primarily practise in commercial and financial services compared to 6.7% of female barristers. Differences also exist for ethnicity: 9.9% of BAME barristers primarily practise in immigration, for example, compared to 1.8% of White barristers, while 5.4% of BAME barristers primarily practised in personal injury compared to 9.7% of White barristers.

3.33. As a result of these differences in main area of practice, it is important to analyse the extent to which income disparities by gender and ethnicity are still apparent for barristers who are working in the same areas of law.

3.34. Table 5 looks at mean income band for the four most common primary areas of practice. Given that years of call also impacts on mean income band, barristers have also been grouped by year of call, for under and over 15 years. The table shows that for every area of practice, and for each of the two year of call bands, female barristers have a lower mean income band than male barristers and BAME barristers have a lower mean income band than White barristers.

Table 5

Mean Income Band		
	<15 YOC	15+ YOC
Crime		
Male	2.83	3.62
Female	2.43	2.89
White	2.69	3.49
BAME	2.29	3.12
Family		
Male	3.71	4.21
Female	3.22	3.64
White	3.49	4
BAME	3.08	3.35
Commercial and Financial		
Male	4.76	5.37
Female	3.86	4.2
White	4.55	5.32
BAME	4.06	4.51
Personal Injury		
Male	3.77	4.95
Female	3.13	4.09
White	3.55	4.81
BAME	2.9	4.51

3.35. This suggests that even for barristers working in the same area of la and with the similar seniority by year of Call, BAME barristers and female barristers earn less than equivalent White and male barristers, with notable differences in mean income band observed for all of the groups analysed above.

4 Summary and Conclusions

- 4.1. The analysis of data on income band held by the BSB shows that female barristers and BAME barristers are likely to earn less than White and male barristers respectively. This holds true even when looking at employed barristers, self-employed barristers, QCs, barristers based both inside and outside London, and barristers with similar seniority by year of Call.
- 4.2. Female BAME barristers are the lowest earning group, whereas White male barristers are the highest earning group. There are also differences in the income of BAME barristers once ethnicity is looked at in more detail, with Black and Black British barristers earning less than Asian and Asian British barristers overall. Black African and Asian Bangladeshi are particularly low earning groups, with both of these groups having a median income band of two, a full two income bands below the median value of four for White barristers.
- 4.3. Even when barristers are grouped by their main area of practice and seniority by year of Call, female and BAME barristers still earn less on average than equivalent male and White barristers who are working in the same areas of practice and have the same seniority. This suggests that (while there are notable differences in the proportions of those practising in particular areas of law by both ethnicity and gender) even when you look at barristers of similar experience and working in the same areas, there remain differences in income by both gender and ethnicity.
- 4.4. The reasons for these disparities may be many. However, some possible explanations have been highlighted in past research undertaken by the BSB. Our Women at the Bar research in 2016⁷ found that some respondents felt there was favouritism around work allocation, with male barristers more likely to be promoted to potential clients and given work by the clerks. In addition, some respondents flagged a drop off in work allocated to them if they attempted to work flexibly to care for children, or when they returned from maternity leave. Finally, some respondents raised the issue that they felt female barristers were more likely to be expected (both within and outside chambers) to specialise in lower earning, often publicly funded, areas of law than male barristers and that this impacted on the type of work they were offered or allocated. All of these factors may well contribute to female barristers being more likely to have lower earnings than male barristers.
- 4.5. Other research has highlighted that female barristers are more likely to work part time than male barristers, with the result that although there is little variation at the

7. www.barstandardsboard.org.uk/uploads/assets/14d46f77-a7cb-4880-8230f7a763649d2c/womenatthebar-fullreport-final120716.pdf

Bar in working hours between men and women who work full time, or between men and women who work part time, the higher proportion of women working part-time results in their mean hours worked (47 per week) being slightly lower than the equivalent figure for men (50 per week).⁸ This research did not reveal any difference in hours worked between BAME and White barristers.

- 4.6. A report looking at racial disadvantage in the profession⁹ highlighted the fact that BAME barristers are more likely to be working at the Employed Bar or as sole practitioners, which may well impact on their earnings. This report also mentioned perceived bias in the way work was allocated, which led to BAME barristers having less opportunity to progress their career – this is likely to impact on the earnings of BAME barristers both in the short and long term.
- 4.7. This research will prove part of our evidence base to contribute to our policy work, including looking at issues around retention, discrimination, and work allocation at the Bar. This will include research work looking at experiences of discrimination and harassment at the Bar, and the impact this has had on the careers of those affected, which may provide further evidence around reasons why female and BAME barristers are likely to have lower incomes. The BSB needs to ensure it has a good evidence base that offers explanations as to the reasons for income disparities at the Bar, as well as what policy responses or support initiatives could be taken in response to address these issues.

8. www.barstandardsboard.org.uk/uploads/assets/3eda875f-c7bb-4f95-aa70c7ebbf1fc516/biennialsurveyreport2013.pdf

9. www.barstandardsboard.org.uk/uploads/assets/2714ec90-0ae1-42b1-b106794c24456c1e/raceequalityseminarreport.pdf