

Minority ethnic women are lowest-earning barristers, report shows

Owen Bowcott Legal affairs correspondent 5 Nov 2020 The Guardian

Female barristers from minority ethnic backgrounds are the lowest paid while white male counsel receive the highest incomes, figures published by the Bar Standards Board show.

That disparity in earnings holds true across the profession when looking at those with similar levels of seniority or working in the same parts of England and Wales or practising in similar areas of the law. "Income differences are particularly stark when looking at gender and ethnicity together," the report says, "with female BAME [Black, Asian and minority ethnic] barristers the lowest earning group, and white male barristers the highest earning group."

In terms of gender alone, at the self-employed Bar more women than men received fees of up to £150,000 a year, but over that income, the numbers switch. About 9.5% of self-employed female barristers earn £240,000 or more, compared with 26.8% of male barristers.

The study also found wide differences by ethnicity alone. Among BAME barristers, there was a far higher proportion (56%) declaring incomes of less than £90,000 a year than among their white colleagues (37%).

A few female and minority ethnic barristers did record gross fee incomes of more than £1m.

About a fifth of barristers are employed. For the overwhelming majority, however, their fees income is not comparable with normal salaries. Self-employed barristers are like small businesses; they have to pay for their chambers, or offices, and the staffing costs of their clerks.

Between 20% and 40% of income is spent on rent and other expenses. There is no provision for sick pay, annual leave, or employer pension. Incomes were from data recorded in 2018.

The board report notes: "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."

It says some respondents to the survey complained about "favouritism around work allocation, with male barristers more likely to be promoted to potential clients and given work by the clerks".

Others said they experienced a drop-off in work allocated to them if they tried to work flexibly to care for children, or when they returned from maternity leave. A number also said they felt female barristers were more likely to be expected to specialise in lower paying, often publicly funded, areas of law than male barristers.

Mark Neale, the director general of the board, said: "This report ... predates the current pandemic, which has had a significant effect on many barristers' incomes. It is not the levels of incomes that are our focus here, however, but the disparities between different groups.

"These disparities are marked and cannot be explained away by seniority, geography or area of law. The disparities underline why the Bar Standards Board will continue to prioritise its work on diversity and challenge the bar to do more and better in combating discrimination affecting the progression of women and of barristers from black, Asian and ethnic minority backgrounds."

The barrister Alexandra Wilson, who founded Black Women in Law and raised concerns after she was stopped and mistaken for a defendant three times in a day at court, tweeted: "Ethnic minority female barristers are being paid the least ... "

She also commented on the BSB report: "Chambers MUST monitor work allocation. In my opinion it should be a compulsory to do so. Make sure the women, particularly the ethnic minority women, are getting a fair share of the unallocated junior briefs that are coming into chambers, or the reallocated ones. Marketing MUST be fair. Make sure that you're not just organising 'boys club' events involving a group of (mostly) men entertaining solicitors at sporting events/drinking events ... which are much harder for people to attend when they have families/caring responsibilities."